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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Wednesday, April 1, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

In this quiet moment, O Lord, lift us above self and duty into the light of Thy presence. Open our eyes to the simple beauty all around us and to the loveliness men hide from us. May Thy spirit of peace and illumination so enlighten our minds that all life may glow with new meaning and new purpose. Keep before us a vision of a world made new and make us Thy servants in bringing it about. May Thy light and truth guide us in our times so that this Nation may be strong in truth and righteousness, to the glory of Thy holy name. Amen.

THE JOURNAL

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Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 31, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

FEDERAL HOUSING ADMINISTRATION AND VETERANS' ADMINISTRATION EXEMPTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 746, S. 3313.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 3313, to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 3, after the word "on", strike out "July 1, 1970," and insert "March 31, 1971,"; so as to make the bill read:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 28 of the District of Columbia Code is amended by adding thereto the following new section:

"§ 28-3307. Federal Housing Administration and Veterans' Administration exemption

"Any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, the interest rate of which is subject to regulation by an officer or agency of the Federal Government, is exempt from the provisions of this chapter."

SEC. 2. Effective on March 31, 1971, section 28-3307 of the District of Columbia Code, as added by section 1 of this Act, is repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-750), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 3313 is a temporary measure intended to permit mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. This temporary exemption would expire on March 31, 1971.

NEED FOR THE LEGISLATION

High interest rates on home mortgages reported by the Federal Home Loan Bank Board to be at an effective rate of 8.43 percent nationally in February 1970, have eliminated their availability in the District of Columbia where an 8 percent usury ceiling exists on such mortgages.

S. 3313 would permit a rate of interest to be charged on FHA and VA mortgages prescribed for those loans by the Secretary of the Department of Housing and Urban Development. That rate is currently 8½ percent. Maryland and Virginia have both enacted comparable legislation within recent months.

COMMITTEE AMENDMENT

As submitted by the District of Columbia government last fall, S. 3313 provided for a suspension of the 8-percent interest ceiling on FHA and VA mortgages until July 1, 1970. In view of the probability that interest rates on these mortgages will continue to exceed 8 percent beyond the July 1, 1970 date, your committee has amended the bill by striking the "July 1, 1970," date and inserting in place thereof the date "March 31, 1971." Thus the temporary exemption of FHA and VA mortgages from the 8-percent interest rate ceiling will expire on March 31, 1971, under the bill as reported.

HISTORY OF LEGISLATION

Senator Tydings introduced S. 3313 on January 20, 1970, at the request of the District of Columbia government. During public hearings held February 12, 1970, by the full committee, the bill was endorsed by the Deputy Mayor-Commissioner of the District, the Vice Chairman of the District of Columbia City Council, the Mayor's special assistant for housing; the Washington Board of Realtors; the Mortgage Bankers Association of the District of Columbia; the Washington Real Estate Brokers Association; and the District of Columbia Chamber of Commerce.

The bill was reported by the committee March 18, 1970.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 15 minutes.

BRING THE BOYS HOME FROM WEST GERMANY

Mr. YOUNG of Ohio. Mr. President, it is a fact that the current financial difficulties involving the American people here in the United States can be directly attributed in large part to the maintenance of huge military forces with their dependents in Western Europe.

Now we learn that the West German Government is proposing to cut back its 326,000 manned ground forces—all of them committed to NATO—from 12 divisions to eight. In other words, the West German total force committed to NATO will then be 220,000. This startling proposal has not caused the least bit of response or expression of outrage from any official of the Nixon administration.

We should withdraw all of our Armed Forces from West Germany this year and then give top consideration to our own needs here in the United States with money that has been saved thereby.

We have supported the German people and the West German Government economically and militarily for more than a quarter of a century since the end of World War II.

It is most unfortunate and absolutely uncalled for that the United States continues to maintain 320,000 men of our

Armed Forces with nearly 290,000 dependents in Western Europe. It seems that our top military brass and the leaders of the military-industrial complex, against which President Eisenhower warned in his farewell speech to the American people, do not choose to realize that World War II has ended. Obviously, if there were any danger of aggression against Western Europe at this time, it would be an insane policy to permit dependents of our soldiers to be with them.

Hundreds of thousands of men of our Armed Forces are living like "squawmen" with their wives and children. The fact is that noncommissioned officers and all of our officers from captain through field grade up to general grade assigned to Western Europe are living high on the hog with their families and servants, and enjoying trips to European resorts in their Mercedes and other European automobiles, which some sell at handsome profits when returning to the United States. They and their families never had it so good.

It is astonishing to relate, or mirabile dictu as Julius Caesar would write it, the facts are that in West Germany 72 generals and admirals are enjoying the abundant life with their families. That is a lot of generals for 220,000 American soldiers stationed in West Germany. It is noteworthy that 14 are living in Heidelberg; 17 in Stuttgart; nine in Weisbaden; and others in cities such as Frankfurt, Augsburg, Bad Godesburg, and Wurzburg, which could hardly be considered hardship posts.

Obviously our presence in Europe with a professional army of career soldiers, three-fifths of the total number being volunteers who have renewed time after time their period of service, is proof that this is a form of foreign aid to the superrich West German Government. If there were any fear of invasion from the Soviet Union, surely we would not permit their dependents in West Europe.

We Americans have supported the Government of West Germany economically and militarily since the cold war era and since the death of Stalin. There is no reason whatever for us to continue this sort of foreign aid to prosperous West Germany.

West Germany is the third wealthiest nation in the entire world. However, considering the prorata wealth per person in West Germany, it can be truly said that the West German Republic is the most prosperous nation in the world. Germans as a rule do not buy on credit. We do. The West German Government has no staggering national debt. We have that. The West German Republic has provided for its people's security from the cradle to the grave. We hope for that in this country, but do not have it. Nor are there terrible slums in West German cities such as we have in many of our cities, including the Capital of our country.

Their unemployment rate is nonexistent. Ours approaches 5 percent. In fact, the West German Government imports laboring men from Spain, Italy, Yugoslavia and Turkey by the hundreds of thousands to serve the booming industry. Surplus German money is being invested in other countries, particularly by West Germans investing in real estate in Italy and Spain.

Those who live in the West German Republic have become prosperous capitalists. They become more prosperous day after day due in large part to our presence and the spending of American dollars which has made the German mark the most stable currency in the world along with the currency of Switzerland.

Why should the West German Government even think of rebuilding their armed forces? We Americans provide the bulk of their national defense free of charge. They do not draft their young men into the armed forces as we do for 2 years' service. Furthermore, the so-called selective service in the West German Republic for 18 months is very selective indeed. Regarding our other NATO allies, the United Kingdom has no conscription whatever and other European countries have some selective conscription, but ranging in periods from 11 months to 18 months, whereas we compel our youth to serve for at least 2 years.

Americans should know that the West German Government inflicts a landing fee of $20—sometimes more—for every American plane landing men of our Armed Forces or landing supplies for our Armed Forces at any German airport. In other words, they extort tribute from us and swindle us for protecting them.

Following World War II, there was a bitter cold war raging with the Soviet Union and there was, for a period of years, a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. The threat of military aggression by the Communists in Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. The Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation as it was following World War II for a number of years. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people and producing hundreds of thousands of automobiles and building apartment houses throughout their vast area.

Mr. President, at the very best our troops in Germany and in the NATO countries must be considered as a token force rather than an effective striking force. We can improve our military and financial situation greatly by bringing most of our Armed Forces and their dependents home. By our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States and have men ready in the field in a matter of hours. Furthermore, it is the nuclear umbrella of the United States that provides the real protection for Europe, not these large numbers of ground troops in West Germany and elsewhere in Europe.

Were our forces reduced, the current NATO pleas of poverty and shortage of manpower would no longer be heard, and Germany, in particular, would apply some of her burgeoning profits and prosperous manpower to her own military defense, as she should.

It is unfortunate that Americans are psychologically unable to deal properly with Europeans, and particularly with Germans. Americans are inherently too understanding, too generous, and too decent to negotiate with them on equal terms. In European eyes, the words describing those qualities are translated as "guillible," "naive," "stupid," and "weak." There probably is some truth to the saying that, "The best way to deal with a German Government official is to stand on his toes until he apologizes." Winston Churchill said it better, "The German is always at your throat or at your feet."

Now, Chancellor Brandt states he is about to visit our President, with a view to holding American forces in Europe without the desired financial support from Germany. I suggest that an effective way for our President to deal with Mr. Brandt when he comes to Washington might be along the following lines:

Let him make his opening demands.

Suggest that Germany bear a major part of the cost.

Listen to his horrified refusal and plea of poverty.

Then, direct the Secretary of Defense to move 100,000 troops to a post in the United States immediately, and that the remaining divisions would be returned by the end of this year.

Then, it appears to me, our President should state that we propose to leave in West Germany only a group of headquarters officers and a battalion or so of ground forces "to show the flag," as they say.

Then finally to explain to the German Chancellor that we understand his plea of being unable to bear the cost of German defense, since we too are unable to pay the cost of that defense. The object of the withdrawal of our troops is to reduce our forces to the point where the Germans can afford to pay for them. By that, we mean the full cost of their maintenance in Europe, to include pay, clothing, subsistence, housing, transportation, facilities, and native labor. And the cost must, due to our reduced circircumstances, be paid in deutsche marks—not by buying U.S. bonds or material. From that standpoint, we could probably then negotiate a fair settlement.

Mr. President, the reduction in U.S. Armed Forces in Western Europe might very well induce the leaders of the Soviet Union to make similar reduction in their military forces in Eastern and Central Europe. Such action on our part would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe. It could well be one of the most important steps toward world peace made in this decade.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call without prejudicing the rights of the able Senator from Indiana (Mr. HARTKE) under the previous order.

The VICE PRESIDENT. Without ob-

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jection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized without prejudicing the rights of the able Senator from Indiana (Mr. HARTKE) under the previous order.

The VICE PRESIDENT. Without objection, it is so ordered.

REGARDING CARSWELL

Mr. YOUNG of Ohio. Mr. President, we have heard in the Senate comments by some who advocate the confirmation of Judge Carswell to the Supreme Court, that mediocrity is a desirable trait. Mediocrity, these proponents claim, would help provide balance on a Supreme Court too heavily weighted with judicial brilliance.

James C. Paradise, a highly respected lawyer in Cincinnati, in my home State of Ohio, addressed himself to the subject of mediocrity in a very amusing poem. Mr. Paradise has expressed a serious concern. We all might do well to consider this message conveyed in a humorous way by my constituent James C. Paradise.

The poem reads:

When I went to the Bar as a very young man,
Said I to myself, said I,
I'll be just as dull as I possibly can,
Said I to myself, said I,
I'll climb to the heights of success at the bar,
By leaving no doubt that I'm just below par,
And avoiding the stigma of being a star,
Said I to myself, said I.

When I got to the Bench as a Federal judge,
Said I to myself, said I,
I'll not be a student of law—that's a drudge,
Said I to myself, said I,
I'll write my opinions without style or wit,
When they are reversed it won't faze me a bit,
For that is the way I will prove that I'm fit,
Said I to myself, said I.

I'll establish a record for Nixon to see,
Said I to myself, said I,
Of utterly clear mediocrity,
Said I to myself, said I,
With Mitchell and Thurmond I'll play on the team,
You'll not hear me saying "I have a dream,"
And that's how I'll get on the court that's supreme,
Said I to myself, said I.

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ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 10 minutes pending the arrival of the distinguished Senator from Indiana (Mr. HARTKE).

The VICE PRESIDENT. Without objection, it is so ordered.

AN INTERVIEW WITH THE PHYSICIAN TO MEMBERS OF CONGRESS

Mr. MANSFIELD. Mr. President, it was my good fortune to read in the current issue of U.S. News & World Report, an article entitled "Interview With Physician to Congress."

I have an extremely high regard for the individual interviewed in that article—Dr. R. J. Pearson, the Physician to the Congress. I think Dr. Pearson is an outstanding individual. He has attained the rank of admiral in the U.S. Navy. He is a man of great integrity, steadfast dedication, and deep devotion. He is a man who has excelled immensely in his present position.

I think that the Congress is extremely fortunate to have a man of such outstanding caliber heading up the health corps which looks after the needs of this body. In saying that, I am confident that I speak—at least—for every Member on this side of the Capitol and certainly for all Congressmen who have had need of the services of Dr. Pearson.

Mr. President, I commend the remarks of Dr. Pearson to all of my colleagues and ask unanimous consent to have the text of the interview printed in the RECORD.

There being no objection the interview was ordered to be printed in the RECORD, as follows:

INTERVIEW WITH PHYSICIAN TO CONGRESS: HOW TO STAY HEALTHY

For members of Congress, life in Washington is often a test of strength and stamina. How do they keep fit? Can private citizens profit from the advice Congressmen get from their attending physician? Dr. R. J. Pearson, a rear admiral in the Navy Medical Corps, discusses the subject in an interview held in the conference room of "U.S. News & World Report."

Q. Dr. Pearson, in general, are members of Congress healthy people?

A. I think you would be surprised to find a group in their age bracket as healthy and vigorous as members of Congress really are. They've got many minor ailments, and some that would seem to be major. Yet they go on in spite of this and perform rather miraculously, actually.

Q. What is the average age in Congress?

A. Average age of members of the 91st Congress is 53.

Q. Is this average going up or down?

A. I think it is going up over the years. And the older members are staying in office longer, according to the younger members. Average age of the 90th Congress was 52.1.

Q. Have you found any occupational disease for Congressmen?

A. I think the one occupational disease is overeating—and its resultant obesity.

Q. Is that dangerous?

A. Yes. I don't think you can equate it on an exact ratio, but certainly the increased weight represents one of the factors that make members more susceptible to heart attacks.

Q. Do many Senators and Representatives have heart attacks?

A. I can't give you figures on this. But there are a number. Almost none of them have kept it quiet, incidentally. I would remind you that two recent Presidents—Eisenhower and Johnson—also had heart attacks.

Q. Do many Congressmen try to keep their weight down with diets?

A. Well, they've got a lot of my diet booklets. I wouldn't say how many follow them. A popular thing now is a quick-weight-loss, all-protein diet. They can lose weight on this in a hurry.

Q. What other health problems do members of Congress have?

A. In short-term problems, we have two that are very high on our list. I've never seen as much respiratory disease as we've had this year.

Q. Flu?

A. We have not identified it. At least, so far as I know, we haven't had any member direly ill. But it's been a respiratory ailment that's lasted a couple or three weeks. It's been pretty rough on a lot of people on Capitol Hill.

Bone and joint problems also are very common among members. They get sprains. Many of them have been physically active—athletes—before coming to Congress. They turn up with swollen joints here, there and yonder.

And we're discovering that among the older population of the United States, including members of Congress, gout is a very common disease. Contrary to common belief, gout is not, so far as I know, related to alcoholic intake and not greatly related to overeating. It's a common disease due to an inherent defect in the patient's ability to metabolize protein.

Q. Did you say many members of Congress have gout?

A. Yes. That's a pretty common disability on Capitol Hill. I hesitate to say this because of the public's image of what a gouty patient is. But that's a mistaken image.

Q. Is there anything to the idea that gout is a disease of geniuses?

A. There are studies to indicate that people with elevated uric acids and gout have an increased cerebral capacity.

Q. Dr. Pearson, as the physician of Congress, do you think Congressmen ought to retire at a certain age?

A. I used to think that. But you know, if you were to take all those people who have passed 75 and say they'd have to retire, you'd lose a great many good brains and good service to the nation.

There ought to be some means whereby those who are no longer their active mental selves could be asked to retire. I've had the question asked of me several times. Just the other day, one of the senior members asked me how he was physically—was he all right to run again? And I said: "Well, I answered that for you two years ago when you asked me that question."

"Yes," this member replied, "but I just want to make sure that, if something makes me appear not to be my usual competent self, there will be an outside agency that will remind me of it—because once we are really incompetent, then we lose our desire to retire."

I think the idea of a mandatory retirement age, such as many big corporations have, is worthwhile. But I would still maintain that it won't work well in Congress. Some people are senile at 60, and some are not at 85. Determining one from the other in advance is pretty difficult.

Q. Is the age structure of Congress such that, one of these days, you're going to have quite a few members dying in office or retiring suddenly?

A. I don't think you could deny that is a possibility. The leadership is pretty advanced in age. Yet, I have no solution. Those members of advanced age have such vast experience and wisdom—they truly do—that to try to find some way of legislating them out and somebody else in who had equal abilities would be very difficult.

Q. Should physical fitness be a qualification for a seat in Congress?

A. I don't think it's practical. Many members come to mind who would not meet the usual standards. One is Representative Charles E. Bennett of Florida. He has had several fractures of his lower extremities. At the time of his last fracture, he called me from North Carolina and asked if I could make arrangements to get him into Walter Reed General Hospital immediately and meet him at the plane. He didn't want to miss a roll call in the House. And he didn't. He made the roll call the very next day—hasn't missed one.

There are many other members who are handicapped physically but have overcome these handicaps. We've got a lot of injured war veterans in Congress. So, I don't think workable physical qualifications can be set up. As for mental standards, I don't know any way that might work.

There is no question that senility and similar problems need to be handled—in any walk of life. When one employer is involved with the hire-and-fire capacity, it's pretty easy—he makes the decision as to a certain individual. But in Congress it's a question of what a member's constituency thinks about it. If a member continues to be effective in the eyes of his constituency, there is no way to remove him.

Q. Do many members come to you for a checkup before deciding to run for reelection?

A. It's the exception when they ask my advice on whether to run or not. But there are a few. We try to encourage all the members to come by for an annual, executive-type physical examination. More and more of them are coming. We average 20 to 25 physicals a week in our office.

Q. Would it be a good idea to require such physical checkups as a prerequisite for office in Congress?

A. It's certainly worth some consideration. My own reaction is that members of Congress are a little difficult to regiment, and it would probably not be a very workable thing.

I'm sure you've read some recent articles that made the point that you really don't get a great return, in practical medical information, out of annual physical checkups. There's a certain amount of truth in that. But our advantage in the Capitol's medical office is that, once we got a baseline of records on a member, we have an opportunity to see him every day or two. If we happen to overlook something today, we've got a chance to pick it up the next day or the day after that.

Q. Do Congressmen push themselves too hard?

A. I've hesitated to feel that this had much to do with heart attacks. Some of the older members of Congress who really push themselves quite hard—working 16, 18 hours a day—get up to their 80th birthday and they're still pretty fit. I know the claim has been made that nervous tension increases the risk of heart attacks. It's hard to be certain.

SOME RULES FOR KEEPING FIT

Q. What advice do you give a Congressman to keep in top physical condition?

A. I suggest they work shorter hours, more regular hours, arrange to go back home and make speeches and attend to their constituency on a more regular schedule—and not quite so frequently—and that they take more week-ends off for relaxation.

They should make hard and fast rules restricting their social obligations at night—reducing the number of cocktail parties and banquets—so they'd spend a few nights at home resting. They should get more exercise and take a regular vacation every year.

Q. What sort of exercise?

A. Walking, swimming, tennis—if they've kept in shape. To go out and take up a vigorous sport all of a sudden is not wise. There are men in the field of cardiology who are exercising all their patients who've had heart attacks. Actually, I think many people are healthier after they've had their heart attack than they were before, because they're taking better care of themselves. A lot of them have quit smoking, begun to exercise and watch their diet. People who have had the so-called "young man's coronary," if they survive it, often live to a perfectly normal—and even exceed normal—life expectancy.

Q. Is drinking a problem among Congressmen?

A. It's difficult to see how they could drink to excess and carry on the duties they have to. I can answer it frankly: No, drinking isn't a problem. I'm sure a fair amount of alcohol is consumed by the members, but I seriously doubt that they drink as much, as a body, as any similar group of 535 other people.

Q. How about smoking?

A. That's one of the biggest problems that we've been unable to conquer, because people who do react favorably to stress have to have some outlet. I think smoking represents this outlet for a great many people.

Q. In medical terms, do members of Congress look any different to you than a similar cross section of other Americans?

A. It is hard to separate their purely physical characteristics from their personalities. But they are different from the general run of people.

In the first place, they're driven to work harder, by something within them that makes them put in more hours than most people.

They tolerate inconvenience better than most people. Think of all the traveling they do on week-ends. Many of them in the House of Representatives will, on Thursday afternoon, fly back home, make speeches Thursday night, Friday, Saturday, Sunday, then get on the airplane Monday morning and come back to Washington—having slept only four or five hours a night. It's a difficult job. They earn their pay.

WHEN A CONGRESSMAN IS SICK

Q. Are Congressmen aggressive personalities?

A. I think so. It takes something unusual in a man's constitution to tolerate their working schedules. And I think, as a matter of fact, they tolerate illness better.

We've had one or two Congressmen who had heart attacks—and knew it—but, because it was a busy period in their campaign, they just couldn't allow themselves to be sick. So they sat around the house a few days and then went back to campaigning.

Q. Do you recommend that?

A. No, I don't. Yet, the mere fact that they could do it shows that their tolerance to disease is probably better than most of us.

Q. You had a tuberculosis scare at the Capitol recently—

A. We became aware of several cases of tuberculosis on Capitol Hill. It turned out that a couple of those affected were in food handling, so this led to testing the food handlers. And they came up with quite a high incidence of positive skin tests. Then the decision was made that everybody on the Hill should be checked.

The Public Health Service performed skin tests and chest X rays on approximately 13,600 persons, including well over half the membership of the House and Senate. Among all those tested, 23.5 per cent were discovered to have positive skin reactions. All the legislators were given a clean bill of health. Only four people were discovered who might possibly have tuberculosis. They were referred to their own physicians. This was a surprisingly low incidence of active tuberculosis.

Q. Were you fearful of an outbreak of tuberculosis among members of Congress?

A. No, I wasn't. But we wanted to make sure. Most all of the members of Congress have had a chest X ray within the last one or two years, and this picks up virtually all tuberculosis.

There is a drug called Isoniazid which is used for treatment and prevention of tuberculosis. So, if you've got a positive skin reaction, you can take this one pill daily for a year's time and avoid getting tuberculosis. Our exhaustive series of tests convinced us that there was no serious exposure to tuberculosis on Capitol Hill.

Q. In a year's time, how many patients do you see?

A. We have in the neighborhood of 40,000 to 45,000 visits a year, counting all the people who come into our first-aid rooms. In my central office, my associates and I see between 1,200 and 1,300 patients a month.

Q. How many people do you consider as patients, for whom you are responsible?

A. The 535 members of Congress and all the pages. Since the pages are away from home and have no doctor here, we think we can look after them on an outpatient basis. Then there are the officials of the House and Senate. So I suppose you might say altogether there are around 700 individuals who are our primary patients.

Q. Do you have emergency equipment near the legislative chambers, in case anyone is stricken on the floor?

A. Yes. One of the things we did was to get some resuscitative equipment that could monitor the heartbeat and be used for electrical shock to defibrillate ineffective heart rhythms.

Fibrillation is a fine tremorlike movement in muscles of the heart which is not compatible with effective contraction.

Atrial—upper chamber—fibrillation is not normally very serious and can be controlled. Ventricular—lower, large chamber—fibrillation causes death within minutes if not reversed, since no effective pumping action can occur while fibrillation is present.

Because many of the patients who have so-called "cardiac arrests" can be given electrical shock and revived, along with mouth-to-mouth resuscitation, we installed this equipment near the House and near the Senate floors—one machine each, as well as one in my office.

We have instituted a training program for all the Capitol Hill policemen and doorkeepers in the House and Senate. So if a Congressman or Senator—or anybody, for that matter—is stricken, there will be somebody nearby to help. Our team can get there in less than two minutes with all the necessary equipment, including a doctor.

Q. Have you saved any lives?

A. Yes, we have. Not any among the members of Congress, but we have saved some of the Capitol Hill people.

PLANNING FOR EMERGENCIES

Q. Are you prepared to cope with disasters—such as that when Puerto Ricans shot up the House in 1954, and wounded five Representatives?

A. Yes, we have some plans. These plans are reviewed each time there is a joint session of Congress, when everyone meets in the House chamber and the President comes over.

At the last inaugural, we had standby emergency vehicles equipped with cardiac-resuscitation gear. There was a surgical operating team in a standby capacity at one of my rooms at the Capitol, and exit routes for people to be taken to hospitals if necessary.

Q. Do you get uneasy when you see all these VIP's gathered together?

A. I do. The inaugural probably represents a time when everybody of importance in the incoming and outgoing Government is all gathered in one spot. When you feel the responsibility of these people—if they get sick or hurt—it is rather frightening.

Q. Do you have any feeling that members of Congress are being provided with a lot of medical frills?

A. I really don't. I think what we are furnishing them are necessities.

Perhaps we overtreat them a little. For example, if one of them gets a cold—a little laryngitis—we push a lot harder for them

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than we would for ourselves or somebody in our family, because they need to talk and they've got to get back to carrying on their vocal activities.

I'm sure I'm guilty of dispensing antibiotics more than the average doctor does, just for this reason. If it's a reasonably safe thing to do, then I'll give it a little sooner than I would on another type of patient.

Q. How do Congressmen feel about your medical service?

A. I just spoke to someone today—it was a congressional wife—who said she felt Congressmen were much too sensitive about having things done for their own benefit and their own health. And I think she's right.

I always like to point out the fact that it looks as though Congressmen are getting a lot of extra care, but the fact that each of them does have a constituency of close to half a million people makes their time, as well as their health, of extreme importance to the public.

CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials dealing with the situation as it is developing in Cambodia especially. The first editorial entitled "Widening War," was published this morning in the Baltimore Sun, and the second editorial entitled "It's Cambodia's Problem," was published this morning in the Washington Post.

There being no objection the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Sun, April 1, 1970]

WIDENING WAR

Events in Southeast Asia, as might have been expected, are not following the plan most Americans had hoped they would follow. That is, the United States through President Nixon had laid out an orderly scheme, labeled Vietnamization, in which the level of the war in South Vietnam would drop, South Vietnamese troops would take over an increasing share of the combat duties and American forces would gradually be withdrawn. While this was in progress it was hoped that events in Laos and Cambodia would continue in the unsettled but indecisive manner of recent years.

This general plan, which seemed to offer to the United States a way to withdraw from a costly, inconclusive war with a minimum loss in prestige, has been successful here at home to the extent that it has quieted the intense debate over the war which was so disruptive domestically during 1968 and 1969. But the plan has been upset by North Vietnam, which pursues its own objectives in Vietnam and also in Laos and Cambodia.

There is little doubt that the North Vietnamese-Viet Cong have been badly hurt militarily in South Vietnam by the American forces and the South Vietnamese army. The level of the war in South Vietnam has declined. But North Vietnam was able to widen the war in Laos and now, in the immediate aftermath of the ouster of Prince Sihanouk, it is making some sort of threats against the new conservative government in Cambodia.

The United States thus must consider what help, if any, to give to the Cambodian government—if it asks for help—and what it may or should do in Laos. The big question, of course, is whether American troops should be sent in to either country to support our position in South Vietnam. Hence the uncertainties in Laos and Cambodia inevitably raise questions as to the next withdrawal of American troops from South Vietnam. General Abrams, the American commander in South Vietnam, wants to delay the next round of withdrawals for the time being; Secretary Laird is reported to be intent on proceeding with the administration's withdrawal schedule.

Our experience in South Vietnam during the past five years suggests the folly of risking a repeat performance in Laos or Cambodia. There is nothing in sight as to possible gains that might offset the direct costs in lives and money, not to mention the new strains an expanded war would impose on the American public. We can blame North Vietnam for our renewed troubles, but the question of what the United States should do is our problem. It may suit the interest of North Vietnam, and other governments, to see the United States further involved, but it is difficult to see how this could be in our national interest. The drift toward a widening was in ominous. Surely we have learned, at the least, to recognize the danger signals.

[From the Washington Post, Apr. 1, 1970]

IT'S CAMBODIA'S PROBLEM

In two weeks the new rulers in Phnom Penh have moved Cambodia appreciably closer to a double disaster that Prince Sihanouk successfully avoided for the best part of two decades. Even when a generous allowance is made for characteristic Cambodian shadowplay, the impression is that the Lon Nol government is drawing the country toward civil war and involvement in the larger Vietnam struggle. Sihanouk's policy of devious maneuver seems to have been abandoned for a forced confrontation with the Vietnamese Communists, who long have used Cambodian soil to support their own war. The trouble is that Cambodia's own modest army is no match for the intruders. Precisely there lies the danger of a wider war.

Already South Vietnamese forces have stepped up their collaboration with Cambodian army elements. That was perhaps to be expected. But the American role is something else again. Over the weekend, an American adviser to a South Vietnamese unit was photographed in Cambodia, having crossed to arrange military support. At the same time the White House acknowledged publicly, apparently for the first time, that American military commanders can permit troops under hostile fire to cross the Cambodian (or Laotian) border for reasons of "self-defense." The new Prime Minister, Lon Nol, followed by declaring that Cambodia might seek military aid from "friendly countries," including the United States, if the situation continued to deteriorate. He did not note that it is his own regime's decision to force a confrontation with the Vietnamese Communists that has brought about the deterioration he laments.

It is a fragile moment. If the leaders in Phnom Penh choose to pursue policies which pull Cambodia into the Vietnam whirlpool, that is their privilege. But their choice establishes no requirement on the United States to render its support. Actually, the only formal obligation on the United States is to consult with its fellow members of the Southeast Asia Treaty Organization to see whether collective action is warranted. Barring such consultation *and* agreement—and they are at best highly unlikely—Washington has no obligation to Phnom Penh. In view of the sorry results of past unilateral intervention in Southeast Asia, a strong case can be made to stay clear of Cambodia entirely.

To lengthen the leash which has limited American military action is virtually to guarantee that pressures and demands will mount to lengthen that leash yet more. Any forthcoming requests from Phnom Penh for military assistance must be received with a beady eye on the likelihood of future requests for more aid, and then possibly for direct support. It should hardly be necessary to point out that the United States has been down that road. If the Nixon Doctrine of a lower profile means anything at all, the country will not, in Cambodia, go down that road again.

THE SECOND SESSION OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, a little over 2 months ago—on January 19 to be exact—the second session of the 91st Congress began. It might be timely at this point to review briefly whether the Senate has tended this year and to reflect on where it will have to go in the days ahead in order to make possible congressional adjournment by Labor Day.

Thus far this year, the Senate has met for a total of 48 days; it has had 100 rollcall votes; it has approved over 7,200 nominations; it has passed 115 measures and it has acted on a sizable number of other legislative items of significance.

To go on, the Senate reached its 300th hour in session last Tuesday. This was the same day it had its 100th rollcall vote—a feat not achieved until October 9, 1969, during the first session. By comparison, the Senate is more than 3½ months ahead of last year's schedule, when 300 hours were not logged until July 14.

Some of the major measures we have passed include the following:

ARMED FORCES

Measures designed to provide improvements in various programs of the armed services and for their personnel.

CRIME

The Senate, overwhelmingly, registered its approval of a comprehensive, integrated program to deal with the menace of organized crime in the United States. At the request of the President, it also approved a bill to provide additional protection for the White House and foreign embassy personnel. Congress, as a whole, is in a position now to endorse a strong package of legislative proposals to curb crime in the Nation's Capital as a result of recent action taken by the House of Representatives in approving an omnibus District of Columbia crime bill. This bill, of course, encompasses proposals similar in nature to a number of crime bills the Senate passed last year, and the Senate has already asked for a conference with the House to iron out the differences in approach. The Senate also voted, 82 to 0, in favor of the Controlled Dangerous Substances Act which authorizes Federal regulation and control of the traffic in drugs. This bill provides tools to help manage the drug abuse problem and criminal traffic in drugs on the national, State, and international levels.

ECONOMY

The Senate approved independent agency status for the Bureau of Federal Credit Unions and has moved to authorize the minting of silver dollars to commemorate the late President of the United States, Dwight David Eisenhower.

EDUCATION

During this session, the Congress has expressed its clear concern with the quality of education, not only through the careful consideration it gave this year to appropriations for education

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but by approving an Elementary and Secondary Education amendments bill which is now in the form of a conference report authorizing some $25 billion for 3 years for various educational programs. This item should be acted upon by the Senate this week.

ENVIRONMENT

Serious attention has been paid to the Nation's national resources and environment through Senate approval of the Missouri River Basin authorization, acquisition of additional lands for the Point Reyes National Seashore, the Saline Water Conversion Program authorization, and the conference report on Federal Water Pollution Control Amendments.

FEDERAL EMPLOYEES

The Senate has improved the Foreign Service Retirement and Disability System and passed a Job Evaluation Policy Act, both measures of which have been signed into public law.

FOREIGN RELATIONS

A concurrent resolution adopted by the Senate placed Congress on record in support of humane treatment for U.S. prisoners of war and called world attention to the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. In addition, the Senate has given its advice and consent to the ratification of four treaties—the Intellectual and Industrial Property Conventions, a Northwest Atlantic Fisheries Convention Protocol, and the Privileges and Immunities Convention of the United Nations.

GENERAL GOVERNMENT

The Senate has expressed its awareness of the problems of population growth by approving the establishment of a Commission on Population Growth and the American Future. It has also approved measures to improve the operations of the postal service, and approve a bill designed to place the railroad retirement supplemental annuity program on a permanent and financially sound basis.

HUNGER AND HEALTH

The Senate acted upon, with dispatch, an emergency assistance measure to provide nutritious meals to needy children. Also passed was an improved and expanded school lunch and child nutrition program. Other significant measures related to health which received final Senate approval this year are community mental health centers amendments, an extension of medical library assistance, public health training, a migrant health services bill, and the Public Health Cigarette Smoking Act.

JUDICIAL

A Newspaper Preservation Act and amendments to the Immigration and Nationality Act also met with the Senate's approval this year.

The Senate has shown a clear awareness that appointments to the Supreme Court are of the utmost importance to the Nation's welfare and, in this connection, the nomination of George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States has been the subject of debate by the Senate beginning on March 13 of this year. A final decision on the nomination should be reached—hopefully—next week.

TRANSPORTATION AND COMMERCE

A major Airport and Airways Development Act has met with the Senate's approval and is now in conference. Early in the session the Senate provided for a Federal commitment of $10 billion in funds over a period of 12 years for urban mass transportation programs. And, in an emergency situation, Congress promptly acted to avert a nationwide railroad strike. Last Thursday, it might be added, the Senate passed the Federal Low-Emission Vehicle Procurement Act, as well as amendments to the International Travel Act.

VETERANS

A greatly improved veterans education bill received final congressional approval just a short time ago. This bill provides much-needed increased allowances for veterans under the GI bill.

VOTING RIGHTS

This session the Senate has agreed to a 5-year extension of the Voting Rights Act of 1965, a ban on literacy tests and similar exclusionary voting devices, limited residence requirements for voting, and acted favorably on a proposal that at age 18, a citizen be permitted to vote in Federal, State, and local elections. Granting 18-year-old citizens the right to vote, may I say, will, in my view, correct a long overdue injustice. If the House concurs in the Senate action, this unimpeachable right of young Americans will be converted into a reality.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the conclusion of my remarks a brief summary and description of major and general legislation passed by the Senate through March 26 of this year.

The **VICE PRESIDENT**. Without objection, it is so ordered.

(See exhibit 1.)

THE SCHEDULE IMMEDIATELY AHEAD

Mr. **MANSFIELD**. Mr. President, in addition to completing action in the near future on the elementary and secondary education conference report and the Carswell nomination, the Senate has pending a number of measures to act upon, such as the stockpile disposal bills, the Hill-Burton hospital construction bill, rural telephone financing, and unemployment compensation. There is work to be done already on the calendar. I might add that the Senate committees are also at work developing additional legislation which will be advanced to the Senate calendar in the near future. The Appropriations Committees of both Houses are exerting every effort to avoid an appropriations logjam as occurred last year. It is expected that the first appropriations bill will be scheduled for House floor consideration the week of April 13 and the last one the week of June 15.

Mr. President, I believe the Senate has produced a most creditable record of legislative accomplishment thus far this year. Without the unfailing cooperation of the Senators on both sides of the aisle, for which the Democratic leadership is deeply appreciative, certainly we could not have had such a productive 2 months. I know that the Senate wishes to make the 91st Congress one responsive to the people's needs. What it has done to date this year underscores that intent. With the continued assistance of the committee chairmen and the entire membership, I have every confidence that the Nation's legislative business will be dispatched in the Senate in a timely and responsible way.

EXHIBIT 1

SENATE LEGISLATIVE ACTIVITY

(91st Congress, 2d session, by Senate Democratic Policy Committee)

Days in session	48
Hours in session	318:58
Total measures passed	115
Public laws	24
Treaties	4
Confirmations	7,245

Symbols: P/H—Passed House; P/S—Passed Senate

Following is a brief summary of major Senate activity:

AGRICULTURE

Dairy products donation

Amends the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. S. 2595. P/S 2/10/70.

Egg Products Inspection Act

Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children

Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91–207.

International animal quarantine station

Authorizes the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; however, in this connection,

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adequate measures must be taken to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests. S. 2306. P/S 1/30/70. P/H amended 3/4/70.

School lunch and child nutrition amendments

Improves and revises the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966, with the objectives of providing better child feeding operations and reaching all children, particularly those from poor economic areas whose need is greatest. Among the provisions of the bill are those to require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent); authorize the Secretary of Agriculture to permit funds appropriated for any program under the acts to be used by the States for any other such programs; authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements and the use of up to 1 percent of the funds available for apportionment to States for special developmental projects; authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide a formula for apportionment of such funds to States and payment of program operating costs, require each State to submit an annual school lunch plan by the start of the 1972–73 school year; authorize direct distribution of foods to schools and service institutions participating in food service programs; limit to 20 cents the cost of reduced price meals in public schools and prescribe the eligibility of public school children for free meals; provide for a National Advisory Council on Child Nutrition; and authorize $25 million, $50 million, and $75 million for fiscal years 1971, 1972 and 1973, respectively, for school breakfast programs and a formula for apportionment of such funds to States and payment of program operating costs. H.R. 515. P/H 3/20/69. P/S amended 2/24/70.

Tomato promotion through paid advertising

Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

APPROPRIATIONS—1970

Continuing resolution

Continued appropriations through February 28, 1970. Public Law 91–193.

Foreign Aid

Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91–194.

Labor-HEW

Appropriated a total of $19,747,153,200 for the Department of Labor and Health, Education, and Welfare, and related agencies. HR 13111. President vetoed 1/26/70.

Labor-HEW

Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education, and Welfare, and related agencies. HR 15931. Public Law 91–204.

CONGRESS

Library of Congress—James Madison Memorial Building

Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purpose. Public Law 91–214.

CRIME

Controlled Dangerous Substances Act

Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the International, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretary of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restrictions importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing, possession with intent to manufacture, distribute, or dispense, importation, exportation, and simple possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock'" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Executive protective service

Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91–217.

Organized Crime Control Act

Embodies a comprehensive, integrated program designed to deal with the menace of organized crime in the United States. Establishes, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unifies and expands existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; deals with recalcitrant witnesses; creates a new false declaration provision applicable in grand jury and court proceedings; authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases; provides a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contains special findings dealing with the effect of such gambling on interstate commerce, makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provides penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; establishes, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes unlawful certain "racketeering activity" and provides penalties for violations, and provides for increased sentencing (up to 30 years) for defined dangerous adult special offenders. S. 30. P/S 1/23/70.

DEFENSE

Marine Corps Band

Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Naval flight officers' command

Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Savings deposit program for certain uniformed services members

Removed the $10,000 limit on deposits which may be made to the Uniform Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards

Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports

Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

DISTRICT OF COLUMBIA

Anatomical gift act

Provides in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. S. 2999. P/S 3/26/70.

ECONOMY AND FINANCE

Credit unions—Independent agency status

Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be ap-

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pointed by the President by and with the advice and consent of the Senate. Public Law 91-206.

Eisenhower dollar

Authorizes the minting of not to exceed 150 million silver dollars, of 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Federal National Mortgage Association

Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

EDUCATION

Elementary and secondary education amendments

Authorizes approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amends the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extends and amends impacted areas programs legislation; amends the Adult Education Act; enacts a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extends and revises provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; creates, as an independent act, the "Education of the Handicapped Act"; amends and extends vocational education programs; and makes miscellaneous amendments to various education laws. HR 514. Conference report is pending business in the Senate.

FEDERAL EMPLOYEES

Foreign service retirement adjustments

Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91-93). Public Law 91-201.

Job Evaluation Policy Act

Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91-216.

GENERAL GOVERNMENT

Commission on Population Growth and the American Future

Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91-213.

Mountain Standard Time Zone

Authorizes the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. H.R. 14289. Public Law 91- .

Postal service

Makes technical changes in the references to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Use of personal checks to pay postal services

Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

Voting Rights Act extension

Extends the Voting Rights Act of 1965 for 5 years; extends the suspension of literacy tests and of other tests and devices to all states; limits residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowers the voting age to 18 in Federal, State and local elections. H.R. 4249. P/H 12/11/69; P/S amended 3/13/70.

HEALTH

Air pollution interstate compact between Ohio and West Virginia

Gives Congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Community mental health centers amendments

Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972 and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Medical Library Assistance Extension Act

Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects, and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91-212.

Migrant health services

Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91-209.

Public Health Cigarette Smoking Act

Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning; The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. H.R. 6543. Public Law 91- .

Public health training

Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91-208.

INTERNATIONAL

American prisoners of war in Southeast Asia

Placed the Congress on record in support of humane treatment for United States prisoners of war and focuses world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war. H. Con. Res. 454. P/H 12/15/69. P/S 2/18/70.

Arbitral awards

Implements the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. S. 3274. P/S 2/17/70.

TREATIES

Convention on the Privileges and Immunities of the United Nations

Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations, and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through the International Organizations Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Intellectual and Industrial Property Conventions

Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organiza-

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tions and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A(91st, 1st). Resolution of ratification agreed to 2/28/70.

Protoool to the Northwest Atlantic Fisheries Convention

Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I(91st, 1st). Resolution of ratification agreed to 3/19/70.

Water Pollution Research—Fifth International Conference

Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, Calif., from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

JUDICIAL

Immigration and Nationality Act Amendments

Facilitated the entry into the United States of certain classes of nonimmigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign residence requirement for aliens in the United States as exchange visitors. S. 2593. Public Law 91- .

Newspaper Preservation Act

Exempts from the antitrust laws price fixing, profit pooling, and market division by competing newspapers if one newspaper "is in probable danger of failure" or "appears unlikely to remain or become a financially sound publication." S. 1520. P/S 1/30/70.

LABOR

Railway dispute

Prevented a nation-wide strike on all the railroads in the United States scheduled to occur at midnight, March 3, 1970, and provided for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute are prohibited. Public Law 97–203.

Railroad retirement

Provided for a tax on railroad employers to cover the costs of the supplemental program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

MEMORIALS AND TRIBUTES

Commendation of heroism of airline pilots

Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Federal Office Buildings

Provides for naming several Federal office buildings in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. S. 3253. P/S 2/4/70.

Tribute to Gen. Omar N. Bradley and Allied World War II Victory in Europe

Expressed the sense of Congress that, on the occasion of the 25th anniversary of V–E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. P/H 5/19/69. P/S 2/10/70.

PROCLAMATIONS

Clean Waters for America Week

Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

International Clergy Week

Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition

Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Mineral Industry Week

Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

RESOURCE BUILDUP

Federal Water Pollution Control Act Amendments

Amended the Federal Water Polution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser for a vessel and $8 million for an on-shore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The bill also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. H.R. 4148. Public Law 91- .

Missouri River Basin

Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,828,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91-218.

Point Reyes National Seashore, Calif.

Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. H.R. 3786. Public Law 91- .

Saline Water Conversion Program

Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. H.R. 15700. Public Law 91- .

Yuma Mesa Irrigation District, Ariz.

Amends Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. S. 2882. P/S 3/18/70.

TAXATION

Discriminatory State taxation of interstate carriers

Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

TRANSPORTATION AND COMMERCE

Accessibility for public facilities to physically handicapped

Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91–205.

Airport and Airways Development Act

Provides for the expansion and improvement of the Nation's airport and airway systems; repeals the Federal Airport Act; re-enacts and expands the Federal-aid Airport system plan covering 10 years of development; establishes a Presidential Aviation Advisory Commission to be chaired by the Secretary of Transportation. Authorizes expenditures of $150 million for planning grants, at $15 million each year; $270 million for air carrier and reliever airport development for each of 10 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and, beginning in fiscal year 1971, contract authority up to $300 million each year and $250 million for air navigation facilities for each of 10 fiscal years; imposes new or increased user taxes as follows: 6 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 7.5 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air freight waybills; $3 tax per person using

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international travel facilities; 2 cents a pound tax on civil aircraft capable of carrying more than 4 adults, and 3½ cents a pound if the aircraft is turbine engine powered. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. H.R. 14465. P/H 11/6/69. P/S amended 2/26/70. In conference.

Federal Low-Emission Vehicle Procurement Act

Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorities annual appropriations of $50 million to carry out the provisions of this Act. S. 3072. P/S 3/26/70.

International Travel Act amendment

Amends the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provides Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and sets the Federal share of the cost of any relevant program at 75 percent of its cost; establishes in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); creates a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies; and authorizes appropriations of $15 million for each of fiscal years 1971, 1972 and 1973. S. 1289. P/S 3/26/70.

Shipper's recovery of a reasonable attorney's fee

Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban Mass Transportation Assistance Act

Provides a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals before July 1, 1972 through 1982. Changes use of the discretionary fund from $12.5 million to 1.5 percent of the aggregate amount of funds authorized to be obligated, except that an additional 6 percent may be used if it shall not prejudice or delay pending projects of other States, but in such case no State shall receive more than 25 percent of the grant funds made available by the exception, and authorizes a new program of 1-year loans to States and local public bodies, and agencies thereof, for the acquisition of real property reasonably expected to be needed and used for urban mass transportation purposes within a reasonable period. S. 3154. P/S 2/3/70.

VETERANS

Veterans Education and Training Amendments Act

Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veteran Administration's counseling services to advise veterans of their entitlements and assist them in gaining employment. H.R. 11959. Public Law 91–219.

ORDER OF BUSINESS

The **VICE PRESIDENT**. Under the previous order, the Chair recognizes the Senator from Indiana for not to exceed 30 minutes.

SENATE RESOLUTION 382—RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT IMPLEMENT MAJORITY REPORT OF CABINET TASK FORCE ON OIL IMPORT CONTROL

Mr. **HARTKE**. Mr. President, my distinguished colleagues in the Senate, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Rhode Island (Mr. PELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. MONDALE), and the Senator from Michigan (Mr. HART), join me in submitting a resolution designed to express the sense of the Senate that the President implement the majority report of the Cabinet Task Force on Oil Import Control.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

The **VICE PRESIDENT**. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 382), which reads as follows, was referred to the Committee on Finance:

S. RES. 382

Resolved, That it is the sense of the Senate that the President should implement the recommendations set forth in the majority report of the Cabinet Task Force on Oil Import Control, submitted to the President on February 2, 1970.

Mr. **HARTKE**. Mr. President, my colleagues and I submit today a resolution urging President Nixon to end the present inefficient, costly, and unnecessary oil import quota system and substitute in its place a tariff system fully responsive to the requirements of national security and of the domestic oil industry. The proposed tariff system would so adequately protect the interest of the oil industry that if present U.S. Government policies had not anesthesized the oil industry from the rigors of competition, it would be considered unduly solicitous of the interest of one industry.

The Cabinet task force report offers the first real opportunity for the American consumer to escape the fleecing to which he has so long been subjected. It is the first comprehensive and in-depth study of Government policy that has existed in 10 years. Its recommendation to replace the present quota system with a tariff system is based on extensive and lengthy testimony from industry spokesmen, economists, and governmental officials. The task force majority recommendations are both cautious and conservative. They propose a most gradual lowering of oil tariff from $1.45 to $1 per barrel over a 5-year period. During this period there would be constant review and supervision. I therefore strongly urge that the majority opinion of the Cabinet Task Force be implemented as soon as possible.

The cost of present governmental policies favoring the oil industry are in unjustifiable burden on other industries and on the American public. The cost of the import quota system to the country is $5 billion a year, a per capita cost of $24 a person. For some States, the per capita cost is even greater.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a table showing the cost of the current import quota program.

The **VICE PRESIDENT**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HARTKE**. Mr. President, these figures reveal that the average American family of four pays over $100 a year to guard the domestic oil industry from the slightest suspicion of competition.

The U.S. Treasury loses some $600 million in revenue through the import system by giving the difference between the domestic and world price of oil, about $1.25 per barrel to refineries in the form of import tickets instead of to the Federal Treasury in the form of tariff revenues.

NATIONAL SECURITY—REALITY OR RATIONALE?

Those who favor the quota system do so in terms of national security, a phrase they are quick to use but reluctant to define. Indeed, national security is the only legal excuse for this program. But anyone who wishes to learn will quickly appreciate that, while national security was the rationalization for this program when President Eisenhower implemented it on March 10, 1959, it was not the real motivation for his action. Presidential Assistant Sherman Adams makes this explicity clear in his memoir, "Firsthand Report":

> The imposing of import quotas on oil was primarily an economic decision brought on by an economic emergency, but the action of the President was based upon security considerations, in accordance with the law.

Thus 11 years ago we embarked on a disastrously costly program that mixes defense considerations with protectionism. Should anyone doubt that this is the case, he should examine some of the provisions of our present program. He will find an incomprehensible array of provisions rationalized in the name of na-

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tional security, but he will never find a definition of that elusive phrase. It is time that we realistically and objectively appraise our national security needs in regard to oil. National security does not mean that we should rely exclusively on domestic sources for our oil supply. This is clearly impossible. Right now we import yearly 19 percent of the oil we use. By 1980, even with the domestic price of oil maintained at its present level, $1.25 above the world price, we shall have to import 27 percent of our petroleum requirements. Thus it is abundantly clear that the question is not, Are we to rely on imported oil to some extent, but, rather, from what sources and how much imported oil should we use?

The task force majority report offers the first intelligent answers to these questions. It demonstrates that we need not pay so high a price for security as we now do so blindly. Implementation of a $1.45 tariff on oil from the Middle East, with the provision that such Middle East imports not exceed 10 percent of domestic demand, plus a $1.25 tariff on Latin American oil, would be the first phase of a tariff system which, over the course of the next 5 years, would allow the lowering of the tariff to about $1. Under this system, the domestic price of oil would decline and the United States would be protected against serious problems from the interruption of oil supplies. The report shows this to be true even if we make the most rigid and unlikely assumptions.

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For example, assuming that the domestic oil industry should be protected to the extent that it is able to charge a wellhead price of $2.50 per barrel, and assuming that in 1980 the United States could be deprived of oil from the Eastern Hemisphere and from Latin America for a period of 1 year, we would still be able, with the cooperation of Canada, to satisfy 92 percent of the combined needs of both countries without rationing. Should rationing be used, we would be able to satisfy more than 100 percent of the requirements of both Canada and ourselves. This is so even assuming the improbable circumstance that all Latin American oil would be unavailable to the United States.

In the light of the evidence, can anyone argue that we are not in a position to liberalize our import controls, channel the difference in the price of domestic and world oil to the Treasury rather than to refineries, and lighten the burden of oil protectionism on the American consumer?

OIL FROM THAT HOSTILE COUNTRY TO THE NORTH

Mr. President, if our legitimate concern is insuring that most of our oil comes from safe sources, there can be no possible justification for the bizarre manner in which this country restricts the entry of oil from Canada. Canadian oil enters the United States from a safe overland route; there is a pipeline between this country and our neighbor to the north that brings oil into the Midwest. Yet until a few weeks ago the United States was engaged in the highly questionable practice of negotiating secret agreements with Ottawa to restrict the flow of oil from Canada to this country. The reason for this action was not security purposes, but rather to prevent the very accessible Canadian oil from disturbing the all too "cozy" U.S. market.

Now these secret agreements have stopped, but the situation is only more irrational. In the name of national security, President Nixon on March 10, the 11th anniversary of the mandatory oil import program, ordered a cutback of some 150,000 barrels a day in Canadian oil imports. This was the President's first concrete change in the mandatory oil import program since his Cabinet Task Force recommended the liberalization of import controls. Apparently President Nixon does not see the absurdity of limiting oil imports from Canada on the basis of national security.

Even when President Eisenhower instituted this program in 1959, he judged that import restrictions should not apply to our good friend and neighbor to the north. On what conceivable grounds could President Nixon reach the exact opposite conclusion? Does he believe, as one witness to the Senate Subcommittee on Antitrust and Monopoly did, that we cannot have confidence in our relations with Canada? Does he seriously agree with the argument presented by this man:

> I know that while our international relations are very friendly with Canada today, tomorrow perhaps we may not be. We have different ideas. They recognize *Red China*, they recognize *Cuba*. They might for political reasons decide that we should not have this oil.

I find this argument curiously unimpressive.

What can be the President's reason for maintaining the high cost of oil to the American consumer?

Surely it is not for any security reasons, for, as I stated, Canadian oil comes by pipeline into the Midwest. By contrast, of the total east coast supply of petroleum products, 68 percent is moved by tanker and only 32 percent by pipeline. If the President were truly concerned with national security needs, he would be more worried about the oil that moves in tankers vulnerable to submarine attack than about oil coming by safe pipeline from the friendly nation of Canada.

This leaves us with only one unfortunate conclusion about the real reason for the President's action. While he may have justified it on national security grounds, as in fact he legally must, the true motivation for his action was to protect the domestic oil industry from the fresh breeze of competition. In so doing, he is perpetrating the high cost of oil for which the consumers and industries that use oil must pay.

THE MEXICAN LAUGH-IN

If the U.S. Government's reasoning for its oil policy with Canada is tortured, our oil policy with Mexico is comical. Since there is no pipeline between Mexico and the United States, we allow the Mexican Government-owned oil company, Petroleos Mexicanos, to ship 30,000 barrels of crude oil a day by tanker into Brownsville, Tex., where oil is unloaded into tank trucks which then proceed to drive over the Gateway Bridge into Mexico. Once there, they make a U-turn and drive back into the United States. By this laughable charade, this oil qualifies as a quota-exempt overland import. By such elaborate means we try to escape from the rigid absurdity of our oil policy with our two friendly neighbors, Canada and Mexico.

The irony of our present system is that it fails to help during an emergency. Although we pay dearly for the program in the form of inflated oil prices and foregone Treasury revenue, it was of little help during the Arab-Israel crisis of 1967.

According to Admiral Latter, the former Director of the Office of Oil and Gas, when U.S. production increased in an attempt to compensate for the shortage of Mideast oil, "the unexpectedly large production overload existing facilities—to gather, treat, store, and move the oil." In addition, as Edward H. Schaffer writes in his book "The Oil Import Program of the United States":

> Refining was strained to capacity. Serious bottlenecks occurred because these complementary facilities failed to expand in line with crude capacity.
>
> *At least part of the blame for this failure can be attributed to the import program.* Because this program reinforced the domestic control system, it helped block entry into refining. Surplus capacity in refining, hence, was kept at a minimum and so was capacity in the other facilities necessary to bring the crude from the well to the refinery. *In this area, the program may have actually reduced the ability of the nation to deal with an emergency.*
>
> It is also interesting to note that the huge oil reserves of Western Canada were not utilized in the emergency because of what Admiral Latter termed "limited . . . transportation facilities." But it was U.S. policy which was primarily responsible for these limited transportation facilities. The U.S. opposed the Alberta-Montreal pipeline, which would have given Europe and the U.S. East Coast an alternative source of oil. It also, through its informal country quota system, limited pipeline facilities connecting the Alberta fields to Billings, Montana, and to permit the Interprovincial line to double its capacity and to go directly into the Chicago area. (Emphasis added.)

This is the highest insult to rationality in the realm of political economy. We have a program costing consumers and industries billions of dollars each year, depriving the Treasury of potential tariff revenue, and sheltering an inefficient domestic oil industry characterized by overinvestment, overcapacity, and its attendant resource misallocation; when the Arab-Israel war of 1967 occurs and provides an excellent test of the quota system, we learn much to our shame and embarrassment that the quota control system was of little help in meeting the emergency. As Edward H. Shaffer concludes:

> It thus seems that factors other than the import program were mainly responsible for the relative ease in overcoming the oil crisis. The program's contribution appears to have been minimal.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HARTKE. I am happy to yield.

Mr. HANSEN. If I understood the distinguished Senator from Indiana correctly, I believe he quoted Admiral Latter as saying that the import quota program was of little assistance in meeting the emergency that was brought about by the 6-day war. Did I understand my distinguished friend correctly?

Mr. HARTKE. That is right. At that time, we seemed to go about our business as usual.

Mr. HANSEN. When the Senator says we went about our business as usual, does he mean to imply that there was no serious disruption in the supplies of oil that were available to the United States?

Mr. HARTKE. From the Middle East there was some disruption, yes.

Mr. HANSEN. But insofar as our domestic requirements were concerned, there was no serious disruption?

Mr. HARTKE. There was no shortage of oil. There was no problem in the United States at that time.

Mr. HANSEN. Is this equally true of the NATO countries, our Western European friends, who had depended upon other outside sources for their energy requirements?

Mr. HARTKE. My primary concern is the effect of the present quota system on American industries and the American consumer and not its effect upon European countries.

Mr. HANSEN. I repeat my question, and make it more specific than before: Was there any serious disruption at that time, insofar as the countries of England, France, and Western Germany were concerned?

Mr. HARTKE. There is no question that many of the western European countries do depend on the Middle East for their oil, especially England. There is no question that this has always been true. But that has nothing whatsoever to do with our quota system.

Mr. HANSEN. I was not asking the Senator to relate it to the quota system. I just wanted his opinion as to the ability of those countries to survive that crisis. My question is, Did they survive the crisis?

Mr. HARTKE. That very point is made later in my statement: When the Middle East crisis occurred, some of the western European countries did suffer oil shortage but we were able to provide less than 10 percent of their needs.

Mr. HANSEN. My question—and I will ask it one more time of my valued friend—is this: Did the western European countries survive the 6-day war crisis insofar as energy requirements were concerned?

Mr. HARTKE. They survived it. Does the Senator mean to ask whether or not their energy needs were met? The answer is no, they were not. But the point is that we are not able to provide, under our system, more than 10 percent of their interim needs. I am not sure what point the Senator is trying to make. Is he trying to say that the quota system did, in effect, provide substantial relief for western European countries during the 6-day war?

Mr. HANSEN. I was trying to ask my distinguished friend if, during the 6-day war, the United States was able to satisfy its energy demands for oil and natural gas—period—without going beyond that.

Mr. HARTKE. In the United States?

Mr. HANSEN. My first question was, Did we survive the 6-day war without any appreciable ill effect because of the absence of supplies from the Middle East? Does the Senator know the answer to that question?

Mr. HARTKE. In the United States we survived very well.

Mr. HANSEN. And where did the sources of supply come from during that period of time? Does the Senator know the answer to that question?

Mr. HARTKE. I shall go into that later in my statement. We came through that war very well. I do not believe a justifiable argument can be made that we really utilized any unusual sources of supply, or that we really needed to depend upon the Middle East for our oil needs during that war.

Mr. HANSEN. I quite agree with my good friend. I would ask him further: Does he know where the major source of our supply was during that period of cutoff of Middle Eastern oil or where it came from? Does he know where the United States got its oil while the Arab and Israel nations were involved in the 6-day war? Does the Senator know where the oil that fueled our industry, our military, and our transportation came from during that time?

Mr. HARTKE. We went to our usual sources here in the Western Hemisphere and in the United States. But that was a very short period of time. We suffered no severe difficulties in the United States during that period.

Mr. HANSEN. I completely agree that we did not, and I would suggest to my good friend that the reason we did not was the very fact that the mandatory oil import program had given encouragement to a domestic oil industry that was able to rise to the demands of that occasion and to come forward with supplies; and I would further point out that, in my opinion, that situation could not today be duplicated, because there has been a deterioration, for a number of reasons, in our domestic capacity to produce the extra amount of oil and gas necessary in case of an emergency.

My point is, for precisely, I suspect, opposite reasons from those to which my good friend from Indiana alludes, that I think while the mandatory oil import program provided significant reserve capacity only 3 years ago, at the time of the 6-day war, there is a real question now whether we could repeat that performance, our oil production per well having dropped from around 15 or 14 barrels a day to 12 barrels a day.

Mr. HARTKE. If the Senator is discussing something other than the quota system, and to discuss this point in my speech the point remains that our oil supply from the Middle East, according to information from official Government sources, was so small that it did not affect our needs.

As the Senator has indicated, we had no serious problem during the crisis. The Cabinet Task Force report does not contend that we really needed the quota system during that period to help us. The Interior Department specifically reports—and I might read this to the Senator—that during this oil shortage—I am reading from the Interior Department report entitled "Middle East Petroleum Emergency of 1967":

> Because the United States imports only comparatively small quantities of oil from Arab sources (2.3 percent of total domestic supply in 1968), the denial of Arab oil had virtually no impact on domestic supply levels.

Mr. HANSEN. I could not agree more with my distinguished friend, and he makes the very point that I want to make, and that I hope will be understood by all who propose to junk the program that has served the Nation so well, for precisely the reasons that the Senator points out: The fact that we did not have any appreciable oil imports from the Middle East not only enabled the United States to meet all of our domestic requirements from domestic U.S. resources during that 6-day period, but it may interest the Senator to know that we exported from our reserve capacity in this country enough oil to fill the gap that was created by the shutoff of the supply from the Arab nations to Western European countries.

My point is that we did survive that 6-day war, and I hope we shall be able to survive whatever other emergency could come about; and we shall be able to as long as we give sufficient encouragement to our domestic producers in this country to encourage them to provide the oil and gas that we need. If we were to implement the recommendations proposed by a majority of the task force, and thereby increase our dependency upon Arab nations, so that we would not be talking about 3 or 4 percent of what we use in this country, but might be talking about 15 percent or even more than that, maybe 30 percent, then I say we would be in for serious trouble, because we would have built up a dependency upon sources of supply coming from nations which oftentimes are unstable, which oftentimes may be involved in wars, a supply which could be shut off at any time. It would take only one Arab terrorist to blow up a major oil pipeline over there. It would not need to be the policy of any particular Arab government at all. Just one terrorist could blow up an oil-supply pipeline and shut off the supply that would virtually bring our Nation to a complete standstill, a complete halt. No city—for example, Washington, D.C., or New York—could survive 72 hours, could not survive 48 hours, if every train, every truck, every ship that brought supplies to that city were to be halted. That is how critical is our oil supply and how critical is our dependency upon energy in this country.

It is far too grave, in my judgment, to risk the chance that we are going to look to an Arab nation or to any other nation on earth to supply us with something that is so critically essential to our needs here.

Mr. HARTKE. Let me say to the Senator from Wyoming, in the first place, that the task force makes no such assumption that we are going to depend upon Mideast oil to the extent of 20 or 30 percent.

Mr. HANSEN. Does the Senator know from where the task force says this oil will come?

Mr. HARTKE. The task force recommends that there be a 10-percent limitation on oil from the Middle East.

Mr. HANSEN. What would 10 percent be? How critical would that be?

Mr. HARTKE. So far as the task force is concerned, the fact remains that they propose to have a liberalization of imports which would not injure, first, the domestic industry, and at the same time would provide for our national security.

I do not think we ought to get carried away into a conflict as to who represents our national interest and who represents the interest of the Western Europe countries. In the first place, the Western Europe countries are now benefiting as a result of their having lower prices for their oil than we have. They are benefiting from that as a result of the fact that they do not have such a quota system.

The Senator from Wyoming wants us to say that while they are taking the benefits, the U.S. Government, the U.S. taxpayer, the U.S. consumer should take the position to make sure that, in his opinion, we would try to alleviate any dangers which might occur as a result of a sudden shutoff of mideast oil for western Europe, when they will not take a stand to protect themselves.

Also, it was demonstrated during the 6-day war that definitely we do not have the capacity to provide substantially for the interim requirements of the Western European countries in the event of such a catastrophe.

XUM

I do think it is high time that we give some attention to the people in the United States who are paying the increase in prices, which is estimated to be in the neighborhood of $5 billion a year, a cost of $27 for each person in the United States. This is a pretty high price to pay for some nebulous security of Western Europe countries which, in the first place, have our military protection and our nuclear umbrella shield but refuse to take economic steps to protect themselves.

Also, the task force takes the position of not completely eliminating all the protection for the oil industry. To the contrary, as I said in my opening remarks, the task force itself takes the position for a tariff which, in the absence of the quota system, would seem to be very generous and, in fact, overly generous and protectionist in its attitude.

What I am arguing is that this position, which is not an extreme one, which is very well reasoned, which is backed up by good testimony, which comes from the administration itself—all I am asking is that they implement their own recommendation. It may seem peculiar that I would recommend the President's policy, but I think it is right. I think the President's Cabinet's policy, the task force policy, is right and good. I am saying to the Senate, "Let us go about the business of taking this good report and putting it into effect for America and the consumer and the users of these products."

Mr. HANSEN. I say to my distinguished friend that, first of all, I will attempt to say what I think and believe. I do appreciate the Senator's helpfulness in this regard, but I would hope that I may be able to articulate what I think will best serve the national interest. In this respect, I have no misgivings at all about the cheapness of national security if, indeed, we can buy it for $27 per person. I should think that would be the finest investment we could possibly make.

The **VICE PRESIDENT.** The time of the Senator from Indiana has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent, because I have taken so much of the Senator's time, that he be permitted to continue for 15 minutes.

The **VICE PRESIDENT.** Without objection, the Senator from Indiana is recognized for an additional 15 minutes.

Mr. HANSEN. If I may trespass one more moment upon the Senator's time, I would like to say this: If we try to equate national security in terms of a $27 investment—and I will take the Senator's figure; I do not know whether it is correct, but I am willing to take it—if we can buy national security for $27 a person in this country, and if we compare that with a national budget that for defense purposes now approximates $80 billion, I say this is the greatest bargain we have ever bought.

I hope we will have sense enough to recognize that with 2 trillion barrels of oil in place, in this country, out to the 200-meter isobath off the coast where we now lease to American companies the right to drill for oil, if we can develop these resources, which are estimated to be not less than 2 trillion barrels of oil and in the same territory, gas reserves estimated to be not less than 1,227 trillion cubic feet of gas, I say that by the time we have started to use them up we will have oil shale. More barrels of oil are to be found in the oil shales of Colorado, Wyoming, and Utah than there is oil in place throughout all the planet earth, according to geologists. Furthermore, we have uranium reserves, we have coal reserves, and we have tar sands.

If we can start to give the sort of encouragement to American industry that will assure the technology, the manufacturing equipment, the distribution of supplies, and, most important, the people—people who cannot be put in mothballs or in cold storage, people who can make this industry work and produce the gas and oil we need—if we can do that, I say we will have bought the biggest bargain this country has ever been offered.

I apologize for taking the Senator's time. I appreciate his patience in hearing some of my questions.

Mr. HARTKE. I am delighted to hear from the Senator from Wyoming.

The problem of the security of the United States was thoroughly and adequately considered by the President's Cabinet task force. I am sure that the majority of the task force took into consideration, as indicated in its report, the security of the United States. The President's Cabinet is not interested in doing anything to undermine the security of the Nation and certainly would not make any recommendation which would in the slightest iota seriously jeopardize the security of the United States.

But arguments that are made simply on the basis that everything can be justified in the terms of national security, no matter what the price, are seriously open to question—not alone in the administration, but also seriously open to question on the floor of the Senate. The President has indicated that he is going to evaluate the national security in terms of what it really means, whether or not we do use our national resources, whether we use our national tax money in the development of national security, whether on balance it is the best use of it.

If those assumptions are true—and the Senator from Wyoming has indicated that he has no serious disagreement with them—when we talk about $27 a person, we are talking about every man, woman, and child in the United States, and that is a tremendous price to pay for 200 million people. The population is over 200 million now, I understand. The price of this program would really amount to $27 per person.

Mr. HANSEN. If it were $30, it would be approximately $6 billion.

Mr. HARTKE. Roughly, it is in the neighborhood of $5 billion a year.

Mr. HANSEN. This would not give any credit for the contribution that the domestic industry makes in the way of taxes, in the way of employment, in the way of jobs. Am I correct about that?

Mr. HARTKE. A saving could be effectuated as a result of transferring from the present quota system to a tariff system, and this transfer would not be a fast-moving, direct cutoff. As I have indicated, the task force makes the point that it intends to provide for an orderly transition from a quota system to a protectionist tariff system. There are probably individuals who would find fault with a task force which advocated a tariff system. All I am saying today is that the recommendation made by the President's Cabinet task force provides for an orderly, efficient, saving for the U.S. Government and for the consumers, and it also protects U.S. national security. So I see no reason why it should not be put into effect.

Mr. HANSEN. The policy of gradualism in this country is like cutting off the dog's tail an inch at a time, but that does not lessen the pain. I do not see how we can agrue that it will not be a serious matter just because there will be gradualism. The ultimate objective will be to kill the domestic oil industry. That is precisely what is projected.

I say that the American people would do well to look at the end objective and not be deluded into thinking that it will not hurt too bad because it will come about gradually, that we will be doing it today, then tomorrow, and then on a third day. Let us look now at the facts that we will be faced with ultimately. If this task force majority report is implemented, I think it will result in a far greater dependency upon foreign sources of supply than is now the case. I do not want to depend upon Mexico, even though Mexico is a good neighbor of ours. I am old enough to remember that not too many decades ago, Mexico expropriated our oil properties there. I know what happened in Peru, and I know what is happening today in Libya. We all know that the Arab States are getting together to organize so that the price of oil can be put up, as they say, where it should be.

If we think for a moment that our

friends in the Arab states will let us buy cheap oil from them and sell it in this country, and take off an extra tax bite to add to it, we are fooling ourselves, because everything that is happening indicates to me that that is precisely what they will not let happen.

Mr. HARTKE. I might say to the distinguished Senator from Wyoming that the oil industry will not be put out of business as a result of implementing the recommendations of the President's Cabinet Task Force on Oil Imports. It will provide for changes in procedure. It will save the consumers of the United States billions in dollars. It will provide additional tax revenues for the United States and it will provide for a system of protectionism which, under normal circumstances, and for any other industry, might seem overly generous, overly protectionist, or might seem to be against the American doctrine of free trade; it would provide a system in which the domestic oil industry could continue to support itself and could continue as a viable, existing industry in the United States.

I did not speak about exploration, but the point is that if exploration is needed, we have all kinds of policies for exploration. If the Senator from Wyoming wanted to provide for a new system of exploration of shale, there is no question that if he could provide a workable, feasible, and good plan, a direct appropriation to that effect, or direct assistance, would be another matter entirely. That is not within the scope of the President's task force.

Mr. HANSEN. We do not have to explore for it; we know where it is and how thick it is. We know what the potential is. Does the Senator know what will bring it into use? It is simply a matter of economics.

Mr. HARTKE. That is, raising the price of oil.

Mr. HANSEN. The governing control is whether the 367,000 stripper wells in this country, which today provide 15 percent of domestic requirements, will stay in business. These marginal wells will be put out of business and go out of production. They will take with them a five-and-a-half-billion-barrel reserve, if the price of crude in this country is reduced by only 30 cents a barrel. We will shut off and phase out—not phase out but blank out—the production from 367,000 stripper wells. That means 15 percent of the supply of crude that comes from the domestic industry in this country. Does the Senator think that that is serious?

Mr. HARTKE. What the Senator is alluding to is different from what I shall say, that not alone should we have the quota system but that we should also raise the price of oil.

Mr. HANSEN. That is the cheapest bargain we have today with everything else going up in the price of living. The price has stayed low.

Mr. HARTKE. The price of oil could be reduced as much as 5 or 6 cents a gallon if the President's task force report were to be put into effect. The Senator from Wyoming is really not arguing with me; he is arguing with the President's task force report.

Mr. HANSEN. The Senator is quite right. I could not disagree with them more. The Senator has never spoken a truer word. I think they are wrong.

Mr. HARTKE. All I am saying is that here is a study done on the highest level, done with the best interests of the United States at heart, and, considering all the domestic problems which we face today, it tries to stop the overcharge which is at present occurring as a result of the quota system, and to replace it with a system of tariffs which, as I said before and now repeat, would be considered adequate protection from foreign imports by almost any other industry in the United States.

Mr. HANSEN. The Senator speaks about an overcharge. Is he able to identify one industrialized country that has cheaper gasoline and fuel oil costs than we have in the United States?

Mr. HARTKE. The price of oil is considerably below——

Mr. HANSEN. Can the Senator identify one country?

Mr. HARTKE. The price of what, now?

Mr. HANSEN. Can the Senator name one industrialized country in which gasoline and oil are cheaper than in the United States?

Mr. HARTKE. I think we can provide that information for the Senator.

Mr. HANSEN. Name one country. I would be happy to have the name of one.

Mr. HARTKE. We can provide more than that for the Senator. The point is, if the Senator wants to exclude local taxes, State taxes, and Federal taxes on the gasoline we have today, the price will be much higher in other countries than here. But that has nothing whatsoever to do with the price of gasoline. In effect, all I am saying is that we can still have gasoline 5 or 6 cents a gallon cheaper. Some people think we do not need so many automobiles here. I do not know whether that is true, but the point is—it is spoken of in connection with pollution—the fact remains, the automobiles are here, and we are using them.

I am talking about the high cost of living as it is today. What a blessing it would be, what an aid it would be, if we could take the President's own Cabinet task force report and implement the President's own program, the program which he is advocating at the highest level in this country, and save 5 to 6 cents on a gallon of gasoline, reduce the price of oil for people who heat their homes with oil, and at the same time provide additional revenue for the Treasury, which is so hard pressed. These are arguments made by the task force, and I think we should put them into effect.

Mr. HANSEN. By the same argument the Senator makes, I would suggest that one of the things we should do, in order to reduce the high cost of living, is to buy nothing but foreign-made automobiles. They are cheaper than those made in the State of the distinguished Senator from Indiana. But I hope we will not do that, because I am delighted that the good, hardworking citizens of Indiana, of Michigan, and other States, are able to pay the prices they have to pay because of the income they receive. I also sincerely hope that we will not jeopardize the jobs of 1,200,000 oil workers whose jobs are dependent upon the vitality of our domestic oil industry.

If we do that, then all I can say is that we will soon find that the great American market, which has supported the highest standard of living in the world, will have fallen apart. It will become suddenly nonexistent if we repeatedly destroy American jobs.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I thank my good friend, the Senator from Indiana. He has been very kind.

Mr. HARTKE. Mr. President, during the oil shortage, excess oil production was used for European needs, for the loss of Mideast oil was not as serious a problem for the United States. As the Interior Department's report "Middle East Petroleum Emergency of 1967" states:

> Because the United States imports only comparatively small quantities of oil from Arab sources (2.3 percent of total domestic supply in 1968), the denial of Arab oil had *virtually no impact on domestic supply levels.* (Emphasis added.)

The oil that we did provide Europe amounted to less than 10 percent of her supply requirements. In terms of the aggregate cost of our quota system for a 10-year period, each barrel of oil we supplied Europe cost over $300. That is to say American consumers paid the oil industry over $300 in inflated oil prices over the 10-year period of 1959 to 1969 for each barrel of oil that we supplied Europe. This levy on the American taxpayer and consumer resulted in meeting less than 10 percent of Europe's minimal requirements. Yet, the fatuous policy of import quotas continues.

The consumer of America has a right to ask why he is being charged $5 billion annually for a system that is of no help to the United States and provides for an inadequate supply of oil to Europe during an emergency. The consumers of America also have the right to ask why they must pay bloated oil prices to provide marginal aid to Europe in time of crisis. Should not Europe herself provide for her oil needs in anticipation of an interruption in her supply of oil? Not only would this be more equitable, but it would be much more economical. Dr. M. A. Adelman, professor of economics at the Massachusetts Institute of Technology, estimates that Europe could store 2.2 billion barrels, a 6-month supply that would have met her needs during the 1967 Arab-Israeli war, for $770 million; $770 million is less than one-sixth of the annual cost to the American consumer of the quota system, or about the same amount as the residents of New York and California alone pay per year for our oil protectionism. The conclusion is evident: The American consumer must not continue to provide excess capacity for Europe's sake while Europe could provide much more adequate protection at less than one-sixth the cost to the United States.

XUM

GOVERNMENT PAYOUT

One aspect of the present quota system is a particular outrage to the American taxpayer. I refer to the import ticket program run by the Interior Department. Under this system, domestic refineries are given import "tickets" or rights to import oil at the world price of $2 a barrel. Such a certificate to import is in reality a "gift" from the Government to these refineries that is worth the difference between the world and domestic price of oil—about $1.25 a barrel. By not using a tariff system to restrict imports, the U.S. Treasury loses some $600 million a year in potential revenue. A ticket system is not needed to protect against unrestricted imports, for a tariff structure would do the exact same thing. But we seem to delight in adding insult to injury. Not content to force consumers to pay billions for oil protectionism, we go on to have them make up the $600 million tax loss to the Treasury that the ticket system causes. If the Treasury does not get revenue from tariffs, it is forced to take it out of the taxpayer's pocket. Under the ticket system, this is exactly what happens.

There is no reason why this should be the case. Even if we kept the domestic market as insulated from competition as it currently is, we need not lose $600 million doing it. Under the present ticket allocation system, all refineries, even those which historically never treated foreign oil, are given government created largess in the form of the import tickets. Many refineries never do treat foreign oil in fact, but they rather sell the tickets to another refinery to cash in on this Federal beneficence.

The task force studied this ticket system, and the majority reports recognized the foolishness of depriving the Federal Government of the value of being able to bring oil into the high price domestic oil market. By liberalizing imports and instituting tariff systems as has been described, we enable the Treasury to collect some half a billion dollars in revenue at the same time as we give the consumer some long overdue relief from the burden of high oil prices in this inflationary period.

The Antitrust Division of the Justice Department also recognizes the need for an end to the expensive quota scheme. As it reported to the task force:

> These costs would not appear to be necessary to the attainment of any reasonable security goal . . . The benefits achieved . . . do not seem to warrant the costs involved. The Import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodgepodge of Federal and state regulation seems ill-adapted for achievement of a coherent program design to provide this country with sufficient emergency oil reserves . . . (The import program) is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from the pressures of the world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets.

The Antitrust Department rightfully concludes that "improvement in competitive conditions by change in the present system of controls—would—be of significant benefit to the Nation's interest in low-cost energy supplies, efficiently produced and distributed both in normal and in emergency periods."

There is no reason not to implement the recommendations of the majority report. It should be clearly understood that implementation of the task force recommendation would not leave the petroleum industry unprotected. The domestic market would be shielded by a tariff structure that would fall to the still very considerable figure of $1 per barrel by 1975. In addition, imports from the petroleum-rich Mideast would be limited to 10 percent of domestic demand. This constriction placed on the domestic industry's largest foreign competition, combined with a dollar per barrel tariff plus the natural protective barrier against foreign oil afforded by transportation costs to the United States, provides more insulation against foreign competition than any industry in a truly "free enterprise" economy would dare request.

In discussing U.S. Government relationships with the oil industry, it should not be forgotten that the oil import system is not the only example of the Government providing special favors and unique service to this industry. A depletion allowance which even after the tax reform bill of 1969, far exceeds actual depreciation, intangible drilling writeoff which far exceeds actual cost, foreign tax credit, which allows a substantial reduction in U.S. taxes, all working synergetically results in substantial tax saving for the domestic oil industry.

Surely in light of all this protection, some modification of the quota system can be fully justified.

ALASKA OIL

I think that no statement would be complete without a discussion of Alaskan oil. There is yet another cogent reason why now, more than ever before, we should liberalize import restrictions. The recent discovery of oil in Alaska's North Slope is estimated to contain some 30 to 40 billion barrels of recoverable reserves of oil. This is the largest single find in America since the east Texas strike 40 years ago. The huge quantities of Alaskan oil were not known to have existed in 1959 when the current mandatory oil import program began. It radically undercuts the 1959 reasoning for such a policy. Huge domestic reserves of petroleum in Alaska completely change U.S. national security requirements. We must implement the majority recommendation if we are to develop and use Alaskan oil economically. We also need to investigate the Jones Act and make sure that the domestic freight rate disadvantage it imposes does not mean that sizable volumes of Alaskan oil will move in cheaper foreign bottoms to Japanese or European markets, instead of the 48 continental States.

Mr. President, a man buys insurance to prevent undue harm from foreseeable emergencies. He pays no more than necessary for the protection he has judged advisable. When the United States buys insurance in the form of protectionism for the domestic oil industry to guard against interruptions in our supply of oil for reasons of national security, we should do so for emergencies that are reasonable to anticipate, and pay no more than necessary for this insurance.

Clearly, we are forcing consumers, other industries, and the U.S. Treasury to pay far more than necessary for insurance against the loss of oil supplies. The task force majority report makes this painfully evident, as do the glaring inconsistencies and special deals in our current oil policies.

No other commodity except oil has been restricted from entry into the United States on the grounds of national security. The present regulation of imports restricts this entry in a thoroughly unjustifiable fashion. It should never have been implemented in this form in 1959. It should never have been allowed to survive these past 11 years. It must not be permitted to continue. We must change it now. The Senate resolution I now offer seeks to end this injustice to the American public.

EXHIBIT 1

TABLE. —ESTIMATES OF THE TOTAL AND PER CAPITA CONSUMER COSTS IN 1969 OF THE IMPORT PROGRAM

State	Total State cost (millions)	Per capita cost
District I:		
Connecticut	$88	$29
Delaware	19	35
District of Columbia	17	21
Florida	153	25
Georgia	113	25
Maine	40	41
Maryland	96	25
Massachusetts	190	35
New Hampshire	27	39
New Jersey	230	32
New York	429	24
North Carolina	134	26
Pennsylvania	295	25
Rhode Island	29	32
South Carolina	63	24
Vermont	19	45
Virginia	119	26
West Virginia	36	20
District II:		
Illinois	245	22
Indiana	139	27
Iowa	83	30
Kansas	58	25
Kentucky	65	20
Michigan	209	24
Minnesota	105	29
Missouri	117	25
Nebraska	43	29
North Dakota	25	39
Ohio	227	21
Oklahoma	58	23
South Dakota	22	33
Tennessee	83	21
Wisconsin	114	27
District III:		
Alabama	67	19
Arkansas	43	22
Louisiana	72	19
Mississippi	47	20
New Mexico	27	27
Texas	256	23
District IV:		
Colorado	47	23
Idaho	27	38
Montana	22	32
Utah	27	26
Wyoming	18	57
District V:		
Alaska	9	33
Arizona	32	19
California	328	17
Hawaii	9	11
Nevada	13	27
Oregon	50	25
Washington	72	22
Total United States	4,848	24

Source: From the Cabinet Task Force on Oil Import Control

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

XUM

The VICE PRESIDENT. The clerk will call the roll.

The assistant clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Senate now in the period for the transaction of routine morning business with statements limited to 3 minutes?

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPREME COURT DECISION ON COURTROOM DECORUM

Mr. BYRD of West Virginia. Mr. President, as Members of this body are aware, I have criticized the Supreme Court on several occasions in recent years for decisions it has made which, in my opinion, have unduly tipped the scales of justice in favor of those who break the law. It is with a sense of satisfaction and gratitude, therefore, that I commend the Court today for its unanimous decision on yesterday upholding the power of trial judges to deal uncompromisingly with defendants in their courtrooms who would destroy the judicial process upon which our society depends. I hope we may have turned a corner in dealing with hoodlums and criminals, as well as revolutionaries who seek to wreck our constitutional system.

Yesterday's ruling was particularly heartening in that it was a unanimous decision. Its immediate effect will be to strengthen the hand of the law throughout our country. It should be an unmistakable warning to all who think they can defy the fundamental authority upon which our Nation rests and get away with it.

There has been a definite pattern in the wave of recent hooliganism and defiance which we have witnessed in our courts in parts of the country. Unchallenged and uncorrected such defiance could have led to a breakdown in court procedures throughout the land.

Nothing less than the integrity of our judicial system was at stake. The sickening circus that took place at the trial of the "Chicago 7," for example, so mocked our system of justice that one wondered if the system could rise to the challenge that was presented.

I believe that yesterday's Supreme Court decision proves our system can meet the challenge it faces. Criminal defendants as well as judges know now that the phrase "contempt of court" means exactly what it says, and that vicious and unruly persons on trial can be gagged and shackled or banished to a prison cell to cool off as long as is necessary, but their trial can go forward.

Among the many decisions that have been termed "landmark"—and we have had more than enough in the other direction in the last few years—this decision of Tuesday, too, is a landmark ruling that can bolster the authority of courts in the urgent task they face of restoring an orderly and lawful society in America. It is elemental to say it, but it must be said again and again: respect for the law and for the courts is fundamental to the continuance of the American system of constitutional government.

Those who have attempted to defy the courts—and I include attorneys in this category as well as criminal defendants—have deliberately set out to undermine the basic authority of government. Demeaning a court, vilifying a judge has no other object than the destruction of authority. The end product, if such tactics were to succeed, would inevitably be anarchy.

Tuesday's ruling, then, should serve notice on the revolutionaries and the militants whose hope it is to bring about anarchy and chaos in America. It is notable, I think, Mr. President, that the Supreme Court rejected the argument that the sixth amendment's guarantee of a defendant's right to face his accusers gives him any right to disrupt a court of law. Many of our basic rights—the right of free speech, the right of peaceful assembly—have been stretched much too far to provide havens for hoodlums, sanctuaries for criminals, and protection to those who would destroy our constitutional system and our Republic. The Bill of Rights was not written to provide constitutional cover for those who would destroy constitutional processes. The Bill of Rights is not a mechanism for American self-destruction.

It is not an edifying sight to see a defendant bound and gagged in a courtroom. It repels us, instead, for such a thing does not seem to square with our concepts of fairplay and justice. But neither does an accused person screaming obscenities at a judge square with orderly and civilized procedures. The achievement of justice, not the obstruction of justice, is the principle that must guide us. No defendant in an American court who comports himself in a decent and civilized manner need have any fear that his rights will be infringed, just as no person who abides by the law need have any fear of police brutality.

This decision of the Supreme Court, Mr. President—for which all Americans can be thankful—should go a long way toward helping to restore the proper functioning of our courts.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 12 o'clock noon today.

There being no objection, at 11:30 a.m., the Senate recessed subject to the call of the Chair.

At 11:54 a.m. the Senate was called to order by the Presiding Officer (Mr. GOLDWATER).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IT COULDN'T BE DONE

Mr. JAVITS. Mr. President, I commend to the attention of my colleagues the presentation on April 2, 7:30 to 8:30 p.m., on NBC–TV, a television program saluting the American spirit and know-how that made possible the building of projects considered hitherto impossible called "It Couldn't Be Done." The long lines division of the Bell System has underwritten the costs of this video project, 4 years in the planning, 8 months in production, and involving 60,000 miles of travel all over the United States.

The program salutes the men and women who made possible the building of the Golden Gate Bridge, Hoover Dam, Holland Tunnel, Mt. Rushmore Memorial, Stone Mountain Memorial, Alaska Highway, Erie Canal, World Trade Center, Brooklyn Bridge, Empire State Building, George Washington Bridge, and others.

In the light of the current national self-criticism and self-doubt, a televisual reminder of American know-how—still the greatest in the world, as witness the two moon landings—can perhaps through its dramatic impact be helpful, too.

I ask unanimous consent to have printed in the RECORD a letter on this topic from Mrs. Walter Vanney Magee, president of the General Federation of Women's Clubs, a feature from the New York Sunday News written by the dean of radio and television critics, Ben Gross, plus another article by Mr. Gross dealing with the making available gratis of 16-millimeter prints to educational, patriotic, civic, and religious groups desiring to see this program.

There being no objection the material was ordered to be printed in the RECORD, as follows:

GENERAL FEDERATION OF
WOMEN'S CLUBS,
Washington, D.C., October 28, 1969.

Mr. H. I. ROMNES,
Chairman of the Board, Americal Telephone & Telegraph Co., Inc., New York, N.Y.

DEAR MR. ROMNES: I want to tell you how pleased I was to learn—at this time of such national self-criticism and self-doubt—that your Long Lines Department plans to present in the spring a one-hour color television program saluting the American working man who took seriously the values that have made America great.

This exciting, televisual accolade to the tireless architects and engineers and dedicated workers who translated the challenging blueprints into such awesome realities as the Panama Canal, Golden Gate Bridge, Alcan Highway, Holland Tunnel, Mount Rushmore Memorial and many others deserves the widest possible audience.

Your two, well-received programs dedicated to the "Discover America" theme successfully demonstrated how much there is to see in this country of ours. The program you plan for the spring as it has been described to me should go far to remind our citizens—surfeited with violence, rioting and tiresome put-downs of the American way of life—that the same American know-how that built "impassible projects" can also help fashion bridges between men's minds and men's hearts everywhere.

With all good wishes.

Sincerely,

Mrs. WALTER VARNEY MAGEE,
President.

[From the New York Sunday News, TV Week, Nov. 9–15, 1969]

AMERICANS SAY IT CAN BE DONE

(By Ben Gross)

"American TV viewers are fed up with scenes of violence, rioting, college rebellions and racial turmoil. They are becoming resentful of the many put-downs of our way of life, which are seen on television almost every day. I can tell you that there is a great hunger for programs that stress affirmative values . . . programs that remind us of what made this country great."

Dan E. Hutchins, director of advertising of the Long Distance Division of the Bell System, said this to me as we dined in that posh eatery, the Forum of the 12 Caesars. He was there to explain why his organization will sponsor an NBC-TV special, "It Couldn't Be Done," April 2, from 7:30 to 8:30 p.m.

"One doesn't ordinarily discuss a television feature so far in advance of its showing," he explained. "No, not even if it means another plug for the show. But in this instance, I feel it is proper to do so, because its theme is such a timely one. It fits right in with the mood of today.

"And when I say this, I'm not using the words idly. Several recent public opinion surveys prove that the average American is sick and tired of those misguided persons who find virtue in every country but their own.

UNAPPROACHED RECORD

"No; don't misunderstand me. I don't deny that, just as every other people, we have defects. We certainly have—many of them. But we should also remember that in most fields, no other country can approach our record of achievement.

"Americans have a genius for triumphing over seemingly impossible odds. Our history is filled with deeds that many persons once believed were impossible to achieve. Foremost among these, of course, is our placement of astronauts on the moon.

"Our special deals with this very topic. This is why it is titled 'It Couldn't Be Done.' It highlights such notable achievements as the construction of the Panama Canal and—yes—the winning of the World Series by the Mets. The building of Boulder Dam, with the Colorado River seeping through the overhead cracks, and the erection of the Golden Gate Bridge, against the impossible odds of rain, storm and tides, will be among the other feats recalled."

Also such daring ventures will be celebrated, as the carving of those Mount Rushmore sculptures, the construction of the Holland Tunnel and the Empire State Building and the redesigning of Niagara Falls. The concluding section of the program will deal with the challenges facing us during the next 50 years.

Lee Marvin of movie fame has been signed as the narrator of the special, which is being brought to the home screens by Lee Mendelson, the Emmy Award-winning producer. Among the individual segments of the hour will be the songs of workingmen at the sites of their great achievements.

Too, a vocal combination will be flown in a helicopter over Boulder Dam and the Golden Gate Bridge singing, "If I Had a Hammer."

Hutchins (or "Hutch," as he is known to his associates) is a dynamic executive who for years has traveled in every section of the United States. It is through first-hand observation that he has become a fervent believer in the viewpoint expressed by this forthcoming special.

As proof that imaginative daring, despite the assorted cynics and nay-sayers, is still alive in this country, Hutchins cites two more instances.

ALASKA TO RUSSIA

"At the University of California, there is a professor, one T. Y. Lin. He has started a movement to build a bridge from Point Barrow, Alaska, to Russian territory as a physical and philosophical symbol of friendship," he told me. "His idea is to have each American and each Russian contribute a dollar to pay for this.

"Also, there is an imaginative sculptor, Korczak Zialkowski. Assisted by his five boys, he is creating, with almost fanatical devotion, the magnificent Crazy Horse Indian Memorial near Custer, South Dakota. Our producer, Lee Mendelson, called him one day to discuss this special and his great monument, which will be more gigantic than Mount Rushmore.

"Well, the sculptor's wife answered the phone. But much to Lee's surprise, although this program, which will feature Zialkowski's work, is being sponsored by the telephone company, she told him: 'I'm sorry, but my husband never talks on the phone!' "

Hutchins during our conversation proved to be a storehouse of human interest items concerning Alexander Graham Bell's invention.

"Did you know," he asked me, "that we have a man in New York and in Hollywood whose job it is to advise TV and movie producers on the proper use of telephones? Yes, that's right. One of the mistakes they look out for is that some actors dial only four or five times instead of seven. That's the correct number of digits.

MOON'S AREA CODE

"And if anyone should ask you—but I doubt that anyone will—what is the longest party line call on record, you'll be right if you say it was President Nixon's call to the astronauts on the moon. . . . This reminds me that at the next international meeting of the organization that deals with communication codes, one of the problems to be discussed is whether an area code should be assigned to the moon."

"Has the telephone had any effect on TV?" I asked.

"Not only on TV but on the movies and the theater," Hutchins said. "Think of all the thousands of playwrights who have used the telephone to develop their plots. Such television series as Name of the Game, Ironside and Perry Mason, to name only three, have often resorted to this.

ESTABLISHES STATUS

"Also, don't forget that in TV drama, as sometimes in real life, the phone is used to establish a person's status. There is an instrument known as 'the call director' that has 12 buttons. Place it on a man's desk . . . and you know immediately that he's a big shot executive."

"What's the most unusual request received by your Long Distance division?" I wanted to know.

"Well, out in the Midwest there was a character who wanted to establish an endurance record for being buried alive underground. So he asked that a phone be installed in his coffin. He said he wanted 'to keep in touch' with the world above."

"Sounds wacky to me," I remarked.

"Oh, I don't know." He laughed. "Remember our slogan: 'It's the next best thing to being there,' " said Don E. Hutchins.

TV SHOW WILL DISTRIBUTE 16-MILLIMETER FILMS TO SCHOOLS

(By Ben Gross)

There's more to educational TV than the programs one sees on Channel 13. Some of the items on the commercial networks and the stations are also learning-oriented and devote themselves to bringing useful information to millions of viewers. Consider, for example, the Lee Marvin special, "It Couldn't Be Done," set for April 2 on NBC–TV.

This is the program, three years in the plannning and eight months in production, that will show how great Americans, convinced that "it could be done," completed such "impossible" projects as the Golden Gate Bridge, the Mt. Rushmore Memorial and the Holland Tunnel.

Because of the upbeat nature of the show—a contrast to so much that is depressing and discouraging these days—schools, civic, patriotic and religious groups who have faith in this country's future are expressing unusual interest in the telecast.

RECOMMENDED

In response to this, Dan E. (Hutch) Hutchins, advertising director of the sponsor, the Long Lines Division of the Bell System, makes this announcement: "We are making 16-mm color prints of the special available to schools and other institutions or organizations throughout the country. All they have to do is to contact the local Bell System company and request a showing."

In tribute to the educational and inspirational qualities of the program, the National Education Association has recommended it to its two million teacher-members and the General Federation of Women's Clubs has accorded it a similar accolade.

Hutchins also informs this column that because the special seeks to cover some 46 states in one hour, the usual commercials will be eliminated. Instead, the program, which will feature the famed Fifth Dimension, has added three additional "impossible" projects—the building of the Washington Monument, the Mt. Washington cog railway and the Wright Brothers Museum in Kitty Hawk, N.C.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 31, 1970, the President had approved and signed the act (S. 858) to amend the Agricultural Adjustment Act of 1938 with respect to wheat.

REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency:

To the Congress of the United States:

I submit herewith the Second Annual Report on National Housing Goals, as required by Section 1603 of the Housing and Urban Development Act of 1968.

In the past year, this Administration has undertaken an extensive analysis of our housing goals and the prospects for meeting them. This analysis suggests that the construction and rehabilitation of 26 million housing units in a decade—including 6 million for families with low and moderate income—should meet the Nation's needs, and is consistent with other urgent claims on our productive resources. This volume of housing can be produced if we follow appropriate policies.

In line with the statutory requirement, the attached report presents a revised production plan to achieve the housing goals. Such planning is helpful in providing a guideline by which to measure our progress toward meeting the Nation's increasingly urgent housing needs. It should be emphasized, however, that projects eight years into the future must be considered flexible, regardless of the apparent precision of the planning schedule.

The record of the past year makes clear that continuing efforts on many fronts are required to provide a decent home and suitable living environment for every American family. The Administration, the Congress, private industry and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objective within the framework of sustainable economic growth.

RICHARD NIXON.

THE WHITE HOUSE, *April 1, 1970.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, April 1, 1970, he had signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 13448. An Act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana, for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana, may be located; and

H.R. 14289. An Act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON ADJUSTMENTS OF CONTRACTS BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the adjustments of certain contracts by that Administration, during the calendar year 1969; to the Committee on Aeronautical and Space Sciences.

REPORT ON AGRICULTURAL CONSERVATION PROGRAM

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the Agricultural Conservation Program for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF DEPARTMENT OF COMMERCE UNDER FAIR PACKAGING AND LABELING ACT

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of that Department, for the fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

REPORT ON MUTUAL DEFENSE ASSISTANCE CONTROL ACT OF 1951

A letter from the Assistant Secretary for Economic Affairs, Department of State, transmitting, pursuant to law, a report on the Mutual Defense Assistance Control Act of 1951, for the year 1969 (with an accompanying report); to the Committee on Foreign Relations.

RESEARCH PROPOSAL FROM THE STATE UNIVERSITY OF NEW YORK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a research proposal from the State University of New York entitled "Evaluation of Natural River Environments" (with an accompanying proposal); to the Committee on Interior and Insular Affairs.

REPORT ON PROPOSED AMENDMENTS TO THE RULES OF CIVIL PROCEDURE FOR THE U.S. DISTRICT COURTS ADOPTED BY THE SUPREME COURT

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Rules of Civil Procedure for the U.S. District Courts, adopted by the Supreme Court, and a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT ON PROPOSED AMENDMENTS TO THE FEDERAL RULES OF APPELLATE PROCEDURE ADOPTED BY THE SUPREME COURT

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Federal Rules of Appellate Procedure, adopted by the Supreme Court, and a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

H.R. 16612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970 (Rept. No. 91-753).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of nominations was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Stanley J. Anderson, of the District of Columbia, Henry S. Robinson, Jr., of the District of Columbia, and Carlton W. Veazey, of the District of Columbia, to be members of the District of Columbia Council.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

S. 3659. A bill to provide an income tax credit for certain political contributions; to provide for public financing of presidential and senatorial election campaigns; and to revise the Federal election laws; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLINGS (by request):

S. 3660. A bill to provide for a uniform system for the apportionment of estate taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PACKWOOD:

S. 3661. A bill for the relief of Miss Marvin Louise Danlag Obregon; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3662. A bill for the relief of Rosalind B. Marimont; and

S. 3663. A bill for the relief of Helen M. Costello; to the Committee on the Judiciary.

S. 3664. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on Banking and Currency.

(The remarks of Mr. TYDINGS when he introduced the last bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3665. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S.J. Res. 188. Joint resolution to authorize the President to proclaim the period from October 25, 1970, through October 31, 1970, as "International Toastmistress Clubs Week"; to the Committee on the Judiciary.

(The remarks of Mr. MURPHY when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3659—INTRODUCTION OF ELECTION FINANCING AND REFORM ACT OF 1970

Mr. GORE. Mr. President, an election ought to be a time of serious discussion, a time when ideas are brought forth and debated—not for the sound they make but for their meaning, not for their marketability but their merit, not for their packaging but their content. Because the most vital single action of a self-governing society is the election of public officials.

Unless the will of the people can be determined and maintained in elections there can be no government of, by, and for the people. Unless the elective process is surrounded by effective safeguards,

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there can be no real assurance that the will of the electorate will emerge.

The right of a free franchise is one of our highest privileges, a mark of a free man. It is a duty, too, one that must be exercised personally, and that without coercion whether by a system of fines against those who fail to exercise their privilege or by an undue influence from any direction.

But we have a long way to go yet to make our voting system as free and unhampered and as equitable as all of us would wish it to be and to free it from the undue influence of money which is now throttling it. The country has not thrown proper safeguards around financial influence in Federal elections and until a way to do this is evolved the other ills must be considered secondary. Money is the root of much political evil in our country and the Senate has on many occasions considered ways to lessen that influence. Through the years we have been moving nearer to a solution, slowly but surely. Yet the threat of corruption by money in politics is greater than ever before. This makes imperative a solution.

The cost of campaigns has mushroomed, the practices of vested interests have become a threat to popular government, the influence of TV and other expanding communications media—and the advertising industry—has skyrocketed and there is now widespread and justifiable public concern over the threat to popular government arising from the improper influence of money in elections. A book entitled "The Selling of the President" is now a popular handbook for the image sellers.

The concentration of dollars poured out at election times serves to thwart the will of the American people both directly and subtly. Not many people would sell their votes directly, but the influence exerted by merchandising and image-making does not come directly, and in this new form no one is immune to it—either in the purchase of soapflakes or in the choice of candidates for high office.

The need for remedial legislation in the field of Federal elections is imperative. There is something profoundly wrong about a system by which the election of a Senator, in many States, costs a million dollars—the conservative estimate of what is needed to unseat an incumbent in a middle size industrial State. Is this government by, for, and of the people or by the size of the purse?

Public confidence in government—and in the integrity of the people's representatives who make up that government—is the bedrock upon which the foundation of our system rests. Government is no more secure than public confidence in its institution. Moreover, representative government cannot be truly representative unless the electorate has an opportunity to choose among candidates on the basis of their qualifications without improper, or undue, influences which impede a free choice.

> Elections are public business. Indeed there is no aspect of public business which more directly affects the quality of government and the public welfare. Yet, our present system for financing election compaigns makes a mockery of free democratic processes. Money in elections, both as to source and as to amount threatens to undermine public confidence in those who are elected, and thus in the institution of government itself.
>
> It is impossible to finance a modern mass media statewide campaign with $10 contributions from public spirited citizens, to say nothing of the enormous financial requirements of a national campaign for the presidency. Dependence must be placed on large contributions and all too often these come from wealthy individuals or from organized groups who hope that their generosity will be remembered by the candidate after he is elected. Large contributions may well come without strings. It is, I believe, the only kind most candidates for high office would accept.
>
> But it is asking a lot of human nature to assume that the big contributor stands entirely on the same footing with other constituents when matters in which he is interested come up for decision by elected officials. Even the absence of impure motives on the part of the giver, the receiver, or both, cannot entirely erase the influence of large campaign contributions.

The candidate who elects not to seek or accept this kind of money is at a disadvantage, to put it mildly. Modern campaigning with the tremendous cost of indispensible exposure on television has vastly increased the advantage of the candidate with an adequately financed campaign. Simply stated, money can and does buy, in an effective sense, many elections without in any way violating our archaic election laws and without buying a single vote. What is acquired by mass, and frequently misleading, propaganda is a favorable voter inclination based upon false or artificial premises.

Since election to public office is public business of the highest order, election to Federal office, at least, ought to be publicly financed. In no other way can the stench of money in politics be completely eliminated from the elective process.

This is not a new idea. As early as 1907, President Theodore Roosevelt called for a Government subsidy to finance Federal elections. His suggestion has been echoed by political scientists and Presidents as well. President Kennedy established a Presidential Commission to go into the matter of election financing and subsequently submitted recommendations to the Congress to tighten up existing laws, to provide for more effective public disclosure of what was spent and where it came from, and to encourage a wider base for contributions of moderate size.

Senators will recall that in 1966 a limited public financing law was passed but it was not satisfactory and early in 1967, before it could be put into effect, its provisions were made inoperative. Later that year, the Senate Finance Committee approved another measure which I thought was much better, and I strongly supported that bill. But no action was taken by the Senate during the 90th Congress.

It is substantially that same bill which I am introducing today. It is well explained in Senate Report No. 714, 90th Congress.

There is one major change, and this relates to the effective date. The tax and public financing provisions of the bill I have introduced today do not become effective until 1975. All incumbent Senators, then, would be subject to reelection under existing law. Thereafter, the new law would apply to all.

Frankly, I view this bill as only a first step. Eventually I hope that all stages of the Federal elective process, primaries and conventions as well as the general election, will be publicly financed under regulations which will limit spending to the amounts reasonably necessary to inform the electorate and with rigid controls over the expenditure of the money. Offering the candidate a choice between public and private financing is intended only for a transition period, perhaps of 10 years. I believe that the overwhelming majority of candidates for the Senate would choose public financing if they had a choice. But I have sought to provide an option to lessen the fears of those who think that public financing might not work. My ultimate goal is to free completely from private money influence—either from the candidate's own fortune or from contributors—election to Federal office—President, Vice President, Senator, or Congressman.

With campaign costs continuing to skyrocket, with campaigns turning into advertising circuses, with no effective control whatever over how much is spent, where it comes from, or what it is spent for, our system of government is placed in great peril. We are rapidly approaching, if we have not already arrived at, a condition in which only the rich or the subsidized can successfully compete for the honor and opportunity of high Federal elective office.

Fortunately for me, personally, a record of public service operates as stored up good will to withstand an anticipated financial storm, but I am thinking of the foreclosure of equal opportunity for other men without means to achieve public favor.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred.

The bill (S. 3659) to provide an income tax credit for certain political contributions; to provide for public financing of presidential and senatorial election campaigns; and to revise the Federal election laws, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

S. 3664—INTRODUCTION OF DISTINGUISHED LAW ENFORCEMENT SERVICE ACT

Mr. TYDINGS. Mr. President, in these times of burgeoning crime rates and increasing social turbulence, the work of our police has become evermore complicated, delicate, and important. We expect our police to be sensitive to the problems of the poor, the young, and the members of our racial and ethnic minorities. We ask them to respond with stoic restraint when confronted with an avalanche of verbal and physical provocations designed to produce the very opposite reaction. We call upon them to be experts on the law, students of behavioral and social sciences, guardians of civil liberties, street-corner diplomats, marriage counselors, as well as energetic and efficient crime fighters. And in fulfilling these multiple tasks we expect them to display the Promethean qualities of wisdom, patience, and strength.

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We find no task too difficult, too dangerous, or too discomforting for a policeman. They are on call 24 hours, every day of the year, no matter how inclement the weather. In maintaining order, they are continuously exposed to the seamy side of life. We ask them to care for inebriates, resolve family altercations, detect and control immoral behavior, rescue lost babies, direct and control traffic and in general lend a helping hand whatever the problem.

Primarily we ask our police to serve as our front line of defense against crime—to defend from criminal intrusion our persons and our property, our safety on our sidewalks, and the security of our homes. In performing this crucial law enforcement function, the police are required to patrol the beat, assemble the clues and tirelessly investigate, energetically chase and skillfully apprehend those who commit crime. Indeed, so long as the root causes of crime continue to exist, we increasingly shall call upon our police to stem the torrent of crime that sometimes seems to engulf us.

Mr. President, never before has the task of the police been so fraught with peril. The target of derision and physical assault, our police are increasingly catching the brunt of the politics of confrontation and violence. Moreover, in our ghettos, they are often looked upon and treated as an occupying force. And as the incidence of crime increases, so do the chances that a policeman will be injured in his attempt to capture an assailant.

We must not forget that more than 500 policemen were murdered by criminals during the 1960's. Hundreds more have lost their lives while on the line of duty. Moreover, today the chances are about 1 to 8 that a policeman will be assaulted while on duty.

Mr. President, although society charges its police with an aggregate of responsibilities of the most sensitive, complex, and dangerous nature, society declines to give them the necessary backing to do their jobs. Everyone knows that our police are notoriously underpaid, considerably undertrained, poorly equipped, and little appreciated. Indeed, we have made police work so unattractive that no large police force in the Nation can fill its ranks. Time and again our national advisory commissions on crime have told us that if we intend to put safety back on our streets, this must change.

To make our police forces equal to the tremendous tasks that society assigns them—in brief to make them true professionals—I suggest that we must achieve at least six goals. First, we must provide much better police training and education. Second, we should elevate the rate of compensation, especially for policemen who have attained additional levels of education or who work in areas of high crime incidence. Third, we should improve retirement, injury, and death benefits and add law enforcement to the selective service list of essential occupations. Fourth, we must provide policemen with law enforcement tools and weaponry that are as technologically advanced as anything imagined by Ian Fleming. Fifth, police should be relieved from time-consuming, essentially nonlaw-enforcement functions, such as caring for alcoholics. Finally, society must show a greater appreciation for the risks and discomforts that policemen take for the safety of their communities.

The Federal Government has already taken an important step toward reaching these goals. In 1968, it passed the Omnibus Crime Control and Safe Streets Act. This important legislation establishes, among other things, an Institute to develop new law enforcement methods and a program under with Federal money is provided to help policemen improve their education and training. I am proud of the role that I played in the writing and passage of this legislation.

At the beginning of this Congress, I introduced a package of 11 separate pieces of legislation, S. 962 to S. 973, that are designed to additionally improve our police in the manner which I have outlined above. I call upon my Senate colleagues to move forward in their consideration of these important law enforcement measures.

Mr. President, I now introduce for appropriate referral a bill to establish national awards for outstanding service by State and local law enforcement officials. The awards, which would be given by the President, would represent a token of national respect and appreciation for police officers who heroically put their lives on the line to protect the communities in which they serve, or who otherwise serve in an outstanding manner. I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3664) to establish the President's Award for Distinguished Law Enforcement Service, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Distinguished Law Enforcement Service Act."

SEC. 2. There is hereby established an honorary award for the recognition of outstanding service by police officers of State, county or local governments. The Award shall be known as the President's Award for Distinguished Law Enforcement Service and shall consist of a gold medal suspended on a ribbon of appropriate material and color, and accompanying appurtenances. Each medal shall be suitably inscribed and an appropriate citation shall accompany each award.

SEC. 3. The President's Award for Distinguished Law Enforcement Service shall be presented by the President, in the name of the President and the Congress of the United States, to law enforcement officers:

(a) for extraordinary valor in the line of law enforcement duty;

(b) for outstanding character and service in the line of law enforcement duty; or

(c) for exceptional contribution in the field of law enforcement or correctional research or administration.

SEC. 4. The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall review recommendations submitted to him by State, county, or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

SEC. 5. There shall not be awarded in any one calendar year in excess of twelve such medals: four for extraordinary valor, four for outstanding character and service, and four for exceptional contribution.

SEC. 6. The Department of Justice shall list in its annual budget request a sum of money equal to that necessary to carry out the provisions of this Act.

S. 3665—INTRODUCTION OF THE PACKAGING POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, it is time to begin to make the concerted nationwide effort necessary to find a better solution to the solid waste problems resulting from discarded packaging materials. It is time to cut down the quantity of packaging which becomes solid wastes. It is time to make provisions that packaging will be amenable to solid waste disposal and be degradable. It is time to relieve the financial burden on local governments for this overburdened solid waste programs.

With these thoughts in mind, I am today introducing the Packaging Pollution Control Act of 1970. This bill contains three basic provisions to relieve the stress which packaging wastes place upon the consumer and the quality of his environment. First of all, this bill would direct the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to establish and put into effect not later than June 30, 1971, a schedule of national packaging charges. These charges would be scaled to reflect the level of adverse environment effects which each type of packaging represents, and would encourage the packaging industry to use materials and construction which would be reused, returned, or recycled, or would be degradable if discarded into the environment.

Second, the funds that are generated by these national packaging charges would be returned to local governments in the form of grants for the construction of solid waste facilities. Seventy-five percent of the funds collected in any fiscal year would be returned to local governments according to population. The remaining 25 percent of the funds would be returned to local governments where the Secretary of Health, Education, and Welfare finds the greatest need, innovative solid waste programs, regional or intermunicipal systems, or programs which help to recycle wastes back into the economy.

Finally, the bill directs the Secretary of Health, Education, and Welfare to develop and publish national packaging standards that will insure that all packaging is either returned, reused, or recycled into the economy, or else be of such composition and construction as to be degradable.

On January 19, 1970, I brought to the attention of the Senate an environmental agenda for the 1970's. The basis for this agenda was the realization that the restoration of our environment and the establishment of quality of life on a par with quantity of life as a goal for our Nation will require much more than rhetorical gestures and cries of alarm. As we are only just now beginning to understand, the environment of man is a vastly interrelated and sophisticated system. The stresses that man places upon one aspect of the environment may effectuate changes which are not readily apparent. These changes may surface at some later time in another component of the environmental system to threaten man's health and welfare.

The lessons that we have had to endure in order to get a small glimmer of the complexity of ecological and environmental interchange have been costly. We carry the mark of uncontrolled use of persistent pesticides in our bodies today. Algal blooms document the fertilization of our rivers, lakes, and ponds through the use of phosphate-based detergents. Our air, our landscape, and our waters bear the scars of environmental infections caused by the seemingly unrelated actions of another day and of another place.

Therefore, we must develop a program which will take us from alarm and rhetoric to positive action. At the same time, we must maintain a concept of the whole environment as we focus on the individual parts of immediate specific interest. This view of the environment in its totality is what I have described as an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

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The environmental agenda for the 1970's, which I outlined early in the session, is a recognition of the whole environment and an ecological ethic as a framework within which we must begin to take specific action to control environmental degradation. Since the beginning of this year, I have introduced 13 legislative proposals focusing on individual items within the structure of the environmental agenda for the 1970's.

Today I am responding to another item on the Environmental Agenda for the 1970's and introducing proposed legislation to meet the challenge that discarded packaging is presently making upon this country's solid waste management systems. This bill is entitled "The Packaging Pollution Control Act of 1970" and establishes economic incentives for the return, reuse, and recycling of packaging into the economy before it is discarded. A second provision of this legislation provides for the development of national packaging standards. These standards will become effective throughout the country not later than June 30, 1974. In addition, the Packaging Pollution Control Act will give financial assistance to local governments for solid waste management programs.

In the last decade there has been a vast change in this country in the production and consumption of packaging. These changes, which have already resulted in greatly increased economic costs to the American public and which have contributed to the Nation's burden of solid wastes, are expected to continue to soar in the coming years.

In 1958, every person in the United States produced 404 pounds a year of discarded packaging. Eight years later this amount had risen over 25 percent to 525 pounds of packaging that each person discarded in a year, and by 1976 it is estimated that this figure will be 661 pounds per year of packaging—paper, glass, metals, wood, plastics, and textiles—for every man, woman, and child in this country.

The total amount of packaging consumption in the United States rose from 70,800,000,000 pounds in 1958 to 103,400,000,000 in 1966 and will be 147,000,000,000 pounds by 1976. These astronomical amounts of solid waste due to packaging become particularly significant when it is realized that only 10 percent of the total amount is presently being recycled back into the economy. Thus, in 1966, 90 percent of those 103,400,000,000 pounds of packaging wastes wound up in the Nation's trashcan, or on her highways, or in her streams and waterways, or on her beaches, or blowing in the wind. A total of 93,600,000,000 pounds of packaging trash was dumped upon the beleaguered solid waste management systems of local government.

The problem of the rising amounts of solid waste due to packaging which is discarded and never recovered or reused is more than an esthetic problem of litter, although scattered trash can be an expensive public proposition, contribute to sanitary and health problems, and be a festering public sign of environmental decay. Rather, these discarded packaging wastes are an intolerable drain upon the natural and economic resources of this country and as a critical component of solid wastes are a major factor in our present state of environmental deterioration.

In 1966 almost 3½ percent of this Nation's entire gross national product was spent on all aspects of packaging. That is $25 billion of our country's productive wealth for packaging. Of this amount, $16.2 billion represented packaging raw materials. With 90 percent of the packaging produced in the United States being discarded and not recycled, that means that in 1966 we tossed approximately $14.6 billion out the window and away. But with our discarded packaging and other solid wastes there is no longer any "away" where we can merely toss our packages after we have removed the contents. And so public moneys must be expended to collect the valuable resources which have been tossed aside and attempts made to find a means of disposal so that we do not choke on this mountain of packaging trash.

Thus in 1966, in addition to the loss of $14.5 billion in discarded packaging materials, the American public had to pay another $419 million for local governments to collect and dispose of the material. It would be expected that with the expenditure of $15 billion for the production, use, discard, collection, and disposal of packaging, the American public could expect some monumental and striking results. The only monuments we see, however, are the mountains of materials of such permanence that they may still be standing hundreds of years from now.

We must view with bitter irony the possibility that the pyramid for our affluent and productive age may prove to be a massive pile of indestructable bottles, cans, and plastic containers paid for by the collective sweat of the public brow. It may be that the signature of our culture will be the immortal aluminum can.

Future estimated costs indicate that the price tag which the public will have to pay for packaging wastes will escalate greatly in the next several years. The $15 billion that was paid in 1966, the last year for which figures are available, is expected to jump to $21,327,000,000 by 1976—$20.7 billion in unreturned, unrecycled packaging materials, and $600 million in the costs of collection and disposal.

Not only are the economic costs borne by the public for packaging solid wastes going to continue to rise dramatically, but the adverse effects upon environmental quality as a result of these wastes are also going to increase. In other words, the costs increase at the same time the environmental quality decreases.

The problems of mounting economic costs and increased difficulty of disposing of discarded packaging and other solid wastes is not merely a matter of concern for our major urban centers. It is presently an issue in all our communities, particularly as they look to the future. The lead editorial of the Stevens Point Daily Journal on Friday, February 27, 1970, indicates the concerned thought which this newspaper in a Wisconsin community of around 25,000 has given to the problem of solid waste management. The editorial points out:

> It is becoming increasingly obvious that we cannot find places to throw it (solid waste) away, to pile it up and leave it, or to bury it. But we keep trying.

The editorial goes on to point out that on a recent survey of a one-mile stretch of a two-lane highway in Kansas the following debris was collected:

Two bed springs, 770 paper cups, 730 cigarette packages, 590 beer cans, 130 soda bottles, 110 whisky bottles, 90 oil cans, 90 beer cartons, 50 livestock feed bags, 30 cartons, 26 magazines, 20 highway maps, 10 coffee cans, 10 shirts, 10 tires, 10 burlap bags, four bumpers, four shoes, and 274 miscellaneous items.

This laundry list of litter is a graphic reminder of environmental decay which can be observed in all sections of the country. However, litter is just the most vivid public tip of the packaging solid waste iceberg. We must continue to focus our attention upon the major portion of packaging solid wastes—the packaging which does find its way into the trash can and is subject to collection and disposal.

After pointing out the tremendous economic and administrative burdens which the collection and disposal of all solid wastes presently place upon this Nation's communities, the Stevens Point Daily Journal looked at the prospects for the future:

> Solid trash discarded now averages 5.3 pounds for every citizen in the country every

> day of the year. It is expected to reach an average of eight pounds per day by the end of the decade at the present rate of growth. And the cost of disposal nationally is rising geometrically as land available for disposal continues to shrink and accelerates in value.
>
> Do we believe it costs too much to undertake a concerted effort to find a better solution than to dump discarded wastes back onto or into the land? It may cost much more not to.

I am certain that inaction will be too expensive. I believe that past experience, as well as present trends within the packaging industry, assure that future costs and degradation of environmental quality will vastly increase and demand a concerted effort to find a better solution now.

As an example of the packaging solid waste problems that we face, the use of glass containers has been growing steadily from 20,200,000,000 units in 1958 to 29,400,000,000 units in 1966. And now even with the introduction of competition from plastic and metal containers, this growth is expected to continue. Of particular importance is the estimate that glass containers used for beverages will more than double in the period from 1966 to 1976. This will be due primarily to the increase in nonreturnable beverage containers. Whereas returnable bottles represented over 60 percent of the fillings of the beverage industry in 1957, in the next 6 years they will only represent 20 percent of the fillings.

On the other hand, those one-way, no-deposit, no-return containers will capture 80 percent of the market, increasing 127 percent during the same period. This means that instead of the 25,600,000,000 nonreturnable bottles and metal cans that we had to try and dispose of in 1958 we will be inundated by the disposal problem of 58,100,000,000 nonreturnable glass beverage bottles and cans in 1976. And it is glass and metal packaging wastes that are the most resistant to disposal. Thus we increase the packaging units that cause us the most solid waste and environmental problems.

A returnable glass container will make about 19 trips to the market during its useful life, and most likely will be removed at the bottling plant and recycled and made into a new bottle without ever having to be collected and disposed of by local government's solid waste systems. On the other hand, the nonreturnable can or bottle is purposely and expressly designed to be used one time and then discarded in the name of convenience.

Who derives the benefits of nonreturnable containers? The bottle manufacturer and the can manufacturer who can make and sell about 19 units to replace one unit of a returnable container. Who bears the cost? The consumer who must pay, and pay, and pay, and pay. The consumer must pay an additional price for a nonreturnable can or bottle. The consumer will pay again when he throws that expensive bottle or can away. Then he must pay again to have the container collected and fed into his local government's disposal mechanism. And when that persistent container does not degrade but lives on to foul environmental quality, the consumer must pay again. The four-time loser of packaging is the American consumer. In my view, I do not believe that to be a public convenience.

In addition to the increase of nonreturnable glass and metal beverage containers, the future is going to see increased use of plastics, which hold a special horror for the waste disposal plant operator because they can foul his equipment and operations and may cause special problems of toxicity when they are incinerated. There will be many untested new materials introduced and a greater proliferation of packaging constructed of differing materials. This, of course, adds to the difficulties of separation and salvage of these valuable resources. And it will continue to be the American consumer who pays the added cost for this new and increased use of packaging. He will pay more at the store, in his local tax bill, and in a lower quality of environment.

In a recent meeting of the international section of the New York Board of Trade, the chairman of the board and president of the American Can Co., Mr. William F. May, indicated the difficult problem that industry faces in any efforts to voluntarily control polluting activities in a profit-oriented economy.

In his speech, Mr. May recognized the tremendous losses in unrecycled natural resources that are a present component of this country's industrial manufacturing:

> We are profligate in our use of limited resources. We use once and throw away minerals and metals that are not inexhaustible in their source and supply. The answer, based on our current research and science, is that these minerals and metals must be re-cycled and re-used, if we are to conserve them for future generations.

According to Mr. May, the major factor which keeps industry from voluntarily spending the money and taking the actions necessary to end this waste and halt environmental deterioration which results from manufacturing is the high level of business competition and the quest for profit. He said:

> There isn't a chief executive alive who is going to spend the stockholders' money for this purpose without some reward, some return on investment, or at least some assurance of equity with his competition.

As a result, May concluded:

> I now believe that we must think in terms of a federal approach to our environment, a centralized authority. Much as we all avoid and abhor increases in central authority or government, the pressures of population and the pressures of this problem bring us to where we must accept centralized authority and guidance in this area.

Present production and practices of the packaging industry emphasize the need for control of packaging wastes at the national level. The facts and figures point up Mr. May's contention that industry cannot or will not voluntarily exercise environmental control.

As I stated earlier, the time for concerted nationwide action is now. We must cut down the quantity and improve the quality of packaging which becomes solid wastes. We must relieve the financial burdens on municipal solid waste programs. The Packaging Pollution Control Act of 1970 is an effective coordinated plan to achieve these ends.

A section-by-section analysis of the Packaging Pollution Control Act of 1970 follows:

Section 1 is the short title of the act—the Packaging Pollution Control Act of 1970.

Section 2 amends the Solid Waste Disposal Act to add a new clause (2) to subsection (b) of section 202, thereby adding an additional declaration of purpose to the act.

Section 3 amends section 203 of the Solid Waste Disposal Act to add definitions which are essential for the purposes of this act.

Section 4 amends the Solid Waste Disposal Act to redesignate sections 204, 205, 206, and 207 as sections 206, 207, 208, and 209, respectively, and adds two new sections as follow:

A new section 204 which directs the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to prescribe regulations as are necessary to establish and put into effect not later than June 30, 1971, a schedule of national packaging disposal charges for all packaging manufactured or imported into the United States that may result in solid waste or lowered environmental quality. In determining the schedule of charges, the Secretary will consider whether the packaging is made from virgin or secondary materials, the quantity of solid wastes which result from a particular type of packaging, the ultimate costs of disposal of this packaging, the possible toxic or health problems which may result from this packaging, and the likelihood that the packaging under consideration will be returned, reused, or recycled into the economy. Thus the less a particular package lowers environmental quality, the less the charge that is applied.

The remainder of this section establishes a fund in the Treasury for the deposit of revenues collected by the Secretary of the Treasury, which funds will be available without further appropriation to the Secretary of Health, Education, and Welfare for use under the new section 205, and establishes an action for enforcement of regulations established under this section and the new section 210 and provides for a civil penalty of between $1,000 and $5,000 for each day of violation.

A new section 205 which directs the Secretary of Health, Education, and Welfare to distribute the amounts collected in the packaging pollution trust fund each year in the form of grants to State, municipal, interstate, and intermunicipal agencies for the construction, completion, or improvement of solid waste disposal and resource recovery facilities. The grants under this section must be consistent with other sections of the Solid Waste Disposal Act, particularly with regard to interstate and interlocal cooperation and coordinated planning.

Section 205 also apportions allocation of these grants to local agencies so that 75 percent of the funds collected in any fiscal year are apportioned among the States in the proportion which the population of a State bears to the total population of all the States. The remaining 25 percent of the funds will be allocated to the local agencies on a priority basis where the Secretary of Health, Education, and Welfare finds the greatest need, innovative and improved methods of solid waste management, regional or intermunicipal systems, or programs which recover resources or recycle useful materials back into the economy. Nothing in section 205 limits the authority to make grants under any other section of the Solid Waste Disposal Act.

Section 5 removes the provision in subsection (d) of the redesignated section 206 which limits any construction grant made under the Solid Waste Disposal Act to two-thirds of costs.

Section 6 redesignates the last three sections of the Solid Waste Disposal Act as sections 211, 212, and 213, respectively, and adds the following new section:

A new section 210 which directs the Secretary of Health, Education, and Welfare to establish, by regulation, national packaging standards which reflect disposability, and the effects upon solid waste management, public health, welfare, and environmental quality of all types and classes of packaging. These standards will be designated to insure that all packaging will be returned, reused, or recycled into the economy, or will be made of such composition and construction as to be degradable.

The standards, and such rules and regulations as are necessary to carry out the policy of this section, will be published by June 30, 1973, and will be made effective by June 30, 1974. After June 30, 1974, the standards, rules and regulations of this section will become a factor in the consideration of the packaging disposal charges under section 204 and, in addition, violations of these standards, rules, and regulations will be subject to the same action and penalties outlined in section 204 for violations of that section.

In carrying out the purposes of section 210, the Secretary of Health, Education, and Welfare is authorized to make grants and contracts.

Mr. President, I ask unanimous consent that the Packaging Pollution Control Act be printed in the Record at the end of these remarks.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3665) to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Packaging Pollution Control Act of 1970".

Sec. 2. Subsection (b) of section 202 of the Solid Waste Disposal Act is amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) to provide economic incentives and regulatory mechanisms to bring changes in packaging production and practices which will reduce the quantity and improve the disposability of solid wastes from this source; and

"(3) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs."

Sec. 3. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'packaging' means any material, wrapping, or container which covers, surrounds, holds, protects, or contains any item or substance for commercial sale which is not an integral constituent of the item or substance for sale, and any other similar items or materials determined by the Secretary, consistent with the policy and purposes of this Act.

"(8) The term 'disposability' means the handling of packaging after a user has discarded it.

"(9) The term 'municipality' means a city, town, borough, county, parish, district or other public governing body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes."

Sec. 4. The Solid Waste Disposal Act is amended by redesignating sections 204, 205, 206, and 207 as sections 206, 207, 208, and 209, respectively, and by inserting after section 203 the following new sections:

"PACKAGING DISPOSAL CHARGES

"Sec. 204. (a) In furtherance of the purpose of this Act, the Secretary and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect not later than June 30, 1971, a schedule of national packaging disposal charges for all packaging manufactured or imported into the United States, which results, or may result, in solid waste or adverse environmental effects. In determining such charges the Secretary shall consider whether the packaging is made from virgin or secondary materials, the quantity of solid wastes which result from such packaging, the ultimate costs of disposal of such packaging, the toxicity and health effects of such packaging, the degradability of such packaging, and the likelihood that such packaging will be returned, reused, or recycled into the economy.

"(b) The purpose of such packaging disposal charges shall be to create economic incentives for the development of degradable packaging and the return, reuse, and recycling of packaging into the economy, to reduce the public costs of packaging and other solid waste disposal, to reduce the quantity of solid wastes, and to minimize the adverse effects upon the public health, welfare and environmental quality caused by the disposal of packaging.

"(c) Revenues collected by the Secretary of the Treasury pursuant to such packaging disposal charges shall be deposited in a Packaging Pollution Trust Fund (hereinafter referred to as the 'Fund') in the Treasury to be available without further appropriation to the Secretary for use as prescribed in section 205.

"(d) Any person who violates any regulation established pursuant to this section or section 210 shall be subject to a civil penalty of not less than $1,000 not more than $5,000 for each violation. Each day of such violation shall constitute a separate offense. Such penalties may be compromised by the Secretary, when deemed in the public interest.

"(e) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this section or section 210.

"USE OF FUND

"Sec. 205. (a) In accordance with such terms and conditions as he may prescribe the Secretary shall distribute amounts received in the Fund in each fiscal year in the form of grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including completion and improvement of existing facilities, which grants are consistent with and reflect other sections of this Act, in particular, section 207 and subsection (c) of section 208.

"(b) Of the funds made available each fiscal year for making grants under this section—

"(1) seventy five per centum shall be apportioned among the States in the proportion which the population of each State bears to the total population of the States; and

"(2) twenty-five per centum shall be allocated on a priority basis determined by the Secretary in accordance with the purpose of this Act and in such a manner as to reflect consideration of—

(a) the greatest need;

(b) innovative and improved methods of solid waste management;

(c) regional or intermunicipal systems; or

(d) the recovery of resources or recycling of useful materials.

"(c) Nothing in this section shall be construed as superseding or limiting any other section or provision in this Act."

Sec. 5. Section 206 of the Solid Waste Disposal Act, as redesignated by this Act, is amended by striking out subsection (d).

Sec. 6. The Solid Waste Disposal Act is further amended by redesignating the last three sections in such Act as sections 211 through 213, respectively, and by inserting after section 209, as redesignated by this Act, the following new section:

"NATIONAL PACKAGING STANDARDS

"Sec. 210. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility, establish standards of disposability, and of effects upon solid waste management and the public health, welfare, and environmental quality which must be met by all packaging, according to procedures prescribed herein.

"(b) The standards shall be designed to insure that all packaging will be returned, reused, or recycled into the economy, or will be of such composition and construction as to be degradable when discarded and/or subject to handling by public solid waste disposal systems.

"(c) The Secretary shall, on or before June 30, 1973, publish such standards and rules and regulations as are necessary to carry out the policy of this section, which standards, rules, and regulations shall be made effective not later than June 30, 1974.

"(d) Standards, rules, and regulations prescribed pursuant to subsection (c) of this section shall, after June 30, 1974, become another consideration in the determination of charges under section 204 of this Act.

"(e) Nothing in this section shall be construed as superseding or limiting any other section or provision in this Act.

"(f) In carrying out the purposes of this section, the Secretary is authorized to make grants and contracts.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section and section 204."

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ADDITIONAL COSPONSORS OF BILLS

S. 3410

Mr. BAKER. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE) and myself, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Delaware (Mr. BOGGS), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOPER), the Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. HUGHES), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Virginia (Mr. SPONG), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3410, to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of the bill (S. 3541) to amend the Omnibus Crime Control and Safe Streets Act of 1968. The bill would authorize the appropriation of funds for fiscal year 1971 and beyond for the grant-in-aid program administered by the Law Enforcement Assistance Administration under title I of the act. It would also make a number of significant changes in the grant procedure.

I did not join as a cosponsor when the bill was introduced on March 3 by the Senator from Nebraska (Mr. HRUSKA), the Senator from Mississippi (Mr. EASTLAND), and 22 other Senators, because I had some reservations about several provisions of the bill and did not want to delay introduction while I reviewed the matter in further detail. I have since had an opportunity to do this and also to discuss the matter at some length with officials of the Justice Department and the Law Enforcement Assistance Administration.

As a new and expanding program it will obviously encounter some problems, and experience may well indicate the desirability of making some changes in the original 1968 act. One of the provisions of the bill would eliminate some of the matching fund requirements of the basic act. I seriously question the wisdom of this feature of the bill and am not at all convinced that we should alter this concept of the original act.

I also have some questions about language in the bill to grant an "open-end" authority for appropriations, and to empower the Law Enforcement Assistance Administration to waive the requirements that designated percentages of planning and action funds granted to a State be passed on to local units therein. Although such waiver authority may be desirable in some cases, I do not believe that the standards now in the bill to limit the exercise of that authority are sufficient.

Despite some of my reservations about the pending bill, however, I do want to express my continued support of the work of the Law Enforcement Assistance Administration by cosponsoring S. 3541. I am confident that the deficiencies I mentioned, as well as any others, can be remedied in the course of the processing of the bill by the Subcommittee on Criminal Law and Procedures.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

S. 3643

Mr. BAKER. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3643, to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 188—INTRODUCTION OF A JOINT RESOLUTION PROCLAIMING OCTOBER 25, 1970, THROUGH OCTOBER 31, 1970, AS INTERNATIONAL TOASTMISTRESS CLUBS WEEK

Mr. MURPHY. Mr. President, I am sending to the desk a joint resolution that would authorize the President to designate the last week of October 1970, as International Toastmistress Clubs Week.

There are some 20,000 members of International Toastmistress Clubs here in the United States and 20 foreign countries. The main objective of the clubs is to assist fellow members in developing proficiency in communication and leadership skills so that they may take an active part as leaders in their own communities and thus build a better world.

At a time when better communications and leadership are needed both in the United States and in the world, the International Toastmistress Clubs are to be commended for providing the opportunity for American women to grow and develop in these important areas. At this important juncture in the history of this Nation and the history of the world, we need leadership, we need, in the words of the President in a letter he wrote to the International Toastmistress Clubs last year, "doers." I ask unanimous consent that the full text of the President's letter to this fine organization be printed at this point in the RECORD.

I share the President's great admiration and respect for this fine group. I join the President in his salute to "the public spirit" of the International Toastmistress Clubs. It is most appropriate that Congress recognize the work of the International Toastmistress Clubs by enacting the resolution which I am introducing today.

The PRESIDING OFFICER (Mr. SCHWEIKER). The joint resolution will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The joint resolution (S.J. Res. 188) to authorize the President to proclaim the period from October 25, 1970, through October 31, 1970, as "International Toastmistress Clubs Week," introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter submitted by Mr. MURPHY is as follows:

THE WHITE HOUSE,
Washington, D.C., June 14, 1969.

At a time in our nation's history when it is more important than ever to use the fullest talents of all our citizens, International Toastmistress Clubs perform a most valuable public service.

I am well aware of the American woman's potential to achieve since I have been blessed with three dynamic doers in my own family. It is therefore most encouraging to observe the increasing success of your commitment to develop the woman's ability and confidence to direct her creative spirit toward the good of society.

Your particular emphasis on communication, leadership training, and skill in organizational techniques is most gratifying. For never has the woman's role in business and professional life brought greater promise to her community and her country than today. And never has your "can-do" attitude earned such grateful admiration for you in this nation and throughout the world.

I wholeheartedly salute the public spirit of your membership, and I welcome your continued cooperation and support, as together we seek to "Build a Better World."

RICHARD NIXON.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 176

Mr. MURPHY. Mr. President, on February 26, I introduced Senate Joint Resolution 176, which authorizes the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week." I would now like to ask unanimous consent that, at the next printing, the following names of my colleagues be added as cosponsors: Mr. ALLEN, Mr. ALLOTT, Mr. BENNETT, Mr. CANNON, Mr. COOPER, Mr. CURTIS, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. HOLLAND, Mr. HRUSKA, Mr. MILLER, Mr. MUNDT, Mr. PACKWOOD, Mr. PROUTY, Mr. RANDOLPH, Mr. SCHWEIKER, Mrs. SMITH of Maine, Mr. STEVENS, Mr. THURMOND, Mr. YOUNG of Ohio, and Mr. YOUNG of North Dakota.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection it is so ordered.

SENATE RESOLUTION 382—RESOLUTION SUBMITTED EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT IMPLEMENT THE MAJORITY REPORT OF THE CABINET TASK FORCE ON OIL IMPORT CONTROL

Mr. HARTKE (for himself, Mr. PROXMIRE, Mr. PELL, Mr. MCINTYRE, Mr. WIL-

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LIAMS of New Jersey, Mr. MONDALE, and Mr. HART) submitted a resolution (S. Res. 382) expressing the sense of the Senate that the President implement the majority report of the Cabinet Task Force on Oil Import Control, which was referred to the Committee on Finance.

(The remarks of Mr. HARTKE when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENT

AMENDMENT NO. 575

Mr. WILLIAMS of Delaware (for himself and Mr. SCOTT) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATION OF ANDREW W. BOGUE

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 8, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Andrew W. Bogue, of South Dakota, to be U.S. district judge for the district of South Dakota, vice Axel J. Beck, retired.

At the indicated place and time persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK); the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

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NOTICE OF HEARING ON NOMINATION OF JAMES L. OAKES

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 8, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

James L. Oakes, of Vermont, to be U.S. district judge, district of Vermont, vice Ernest W. Gibson, deceased.

At the indicated place and time persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William B. Henderson, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years, vice Harry M. Miller, retired.

D. Dwayne Keyes, of California, to be U.S. attorney for the eastern district of California for the term of 4 years, vice John P. Hyland.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, April 8, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON THE GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, as chairman of a special subcommittee of the Committee on Foreign Relations to consider the Genocide Convention, I wish to announce that the subcommittee will hold hearings on April 24 and 27, 1970.

The subcommittee will entertain requests to be heard which are submitted on or before April 6. Inasmuch as the convention was the subject of lengthy and detailed hearings in 1950, the subcommittee intends to limit its inquiry into the legal and constitutional implications of the convention.

The members of the subcommittee, in addition to the chairman, are Senators SYMINGTON, PELL, COOPER, and JAVITS.

Persons interested in offering testimony are requested to write to Mr. Arthur M. Kuhl, chief clerk, Committee on Foreign Relations.

ADDITIONAL STATEMENTS OF SENATORS

ARIZONA AND HAWAII STUDENT EXCHANGE

Mr. GOLDWATER. Mr. President, the States of Hawaii and Arizona are embarking on a most unusual and interesting program which I am sure will be very productive. Through private efforts, Operation Opportunity raised over $8,000 to make this program possible. What it involves is 20 fifth-grade students from Hawaii spending 2 weeks on the Navajo Indian Reservation. A little later, 20 Navajo and Hopi fifth-grade students will arrive in Hawaii to spend 2 weeks in that delightful place.

The Fifth Legislature of the State of Hawaii has passed a senate resolution relative to this program, and two accompanying newspaper stories more fully explain it. I ask unanimous consent that the resolution and the newspaper articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SENATE, THE FIFTH LEGISLATURE OF THE STATE OF HAWAII,
Honolulu, Hawaii, March 20, 1970.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR BARRY: I wanted to write this letter to you to be sure that you were aware of the landmark program which involves our two States of Hawaii and Arizona. It is the first student exchange program between children from Hawaii and children of American Indian ancestry from Arizona. This program came about through private efforts and was named, "Operation Opportunity." More than $8,000 was raised from the community to make this exchange possible.

On March 18th, 20 fifth grade students from Maile, Waianae and Nanakuli left Hawaii to spend two weeks as exchange students in Steamboat Rock, Arizona, which is located within a Navajo Reservation. On April 23rd, 20 Navajo and Hopi Indian fifth grade students will arrive in Hawaii to spend two weeks as exchange students in Waianae, Hawaii.

We have great hopes that these exchange visits will result in a valuable cultural educational experience for the students directly involved as well as for their teachers, their friends, their parents and the members of their respective communities.

I am enclosing a copy of the Hawaii Senate Resolution on the Exchange Program as well as newspaper clippings. I know that the students and those who have devoted so much time and effort to this program would be extremely pleased and very thrilled if an entry about this could be made in the Congressional Record.

Sincerely,

Senator EUREKA FORBES.

SENATE RESOLUTION

A Resolution congratulating the Leeward Cultural Exchange and KHVH-TV for their roles in establishing a student exchange program for Waianae

Whereas, on March 18, 1970, twenty fifth grade students from Waianae, Mali and Nanakuli will leave Hawaii to spend two weeks as exchange students in Steamboat Rock, Arizona, which is located within a Navajo Indiana reservation; and

Whereas, on April 23, 1970, twenty Navajo and Hopi Indian fifth grade students will arrive in Hawaii to spend two weeks as exchange students in Waianae; and

Whereas, this exchange is the first exchange ever made between children from Hawaii and children of American Indian ancestry; and

Whereas, these visits will result in valuable cultural and educational experiences not only for the children involved, but also for the parents of the children involved and other adults in the community; and

Whereas, the Leeward Cultural Exchange was formed for the purpose of promoting and developing this student exchange, and KHVH–TV led the fund drive for this exchange program under the name of "Operation Opportunity"; and

Whereas, more than $8,000 was raised from the community in order to make this exchange economically possible; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Leeward Cultural Exchange and KHVH-TV be and they hereby are congratulated for their roles in establishing a student exchange program in Waianae; and

Be it further resolved that certified copies of this Resolution be transmitted to Edward J. McGrath, President of the Leeward Cultural Exchange, and Lawrence S. Berger, President of KHVH-TV.

NAVAJO LAND BECKONS LEEWARD YOUNGSTERS

Twenty Leeward Oahu fifth graders will leave next week to spend two weeks living and going to school in a little Navajo Indian settlement named Steamboat Rock, Arizona.

The trip, which will be countered in April by a visit of 20 Navajo youngsters to Leeward, was dreamed up by two federal Teacher Corps volunteers and was made possible by enthusiastic community support.

The idea started last year when Edward J. McGrath and Craig Thompson joined the Teacher Corps together.

Teacher Corps is a federally funded program that sends non-education college graduates to various areas to help local teachers innovate new out-of-the-classroom programs.

McGrath was sent to Leeward and Thompson was sent to the Arizona Navajo Reservation, the two threw around the idea of a cultural exchange and decided to sound out their respective communities on the idea.

"Everyone was really enthusiastic about the idea," McGrath said. "Both the Leeward and Navajo people have very definite and unique cultural features and both are very proud of them."

So the Leeward Cultural Exchange was formed and an appeal for funds locally brought an immediate community response that resulted in the donation of the $3,401 necessary for the Leeward youngsters to make the trip.

KHVH–TV led the fund drive under the name "Operation Opportunity."

The group will leave a week from Wednesday at 11:30 a.m. on Continental Airlines flight 766. The public is invited to see them off.

Steamboat Rock is in Northeastern Arizona, about 160 miles northeast of Flagstaff. It is in the center of the Navajo Reservation and sits on the outskirts of the Hopi Reservation, which is surrounded by Navajo land.

The Leeward students will stay at Toyei Boarding School, which is just outside Steamboat Rock. The boarding school houses both Navajo and Hopi children, who live there during the school week and go home on weekends.

Activities include visits to the hogans (mud dwellings) of Navajo families, visits to such scenic and cultural attractions as the Grand Canyon, and a visit to Disneyland on the way home.

Waianae Kids Ready for a Swap With the Indians

(By Bob Krauss)

Mrs. Roy Yamada out in palm-shaded Waianae is knitting a pair of woolen mittens for her fifth-grade son, Derek.

Mrs. Elizabeth Saragosa at Maili (where the temperature averages 75 degrees) bought a pair of flannel pajamas last week for her 10-year-old son, Jeffrey.

Mrs. Herbert Amina in tropical Nanakuli, mother of 10-year-old Brian Amina, is shopping for a warm jacket.

These cold weather activities popped up on the sun-splashed Waianae Coast yesterday where 20 mothers are preparing their kids for a trip to Arizona. There they will spend two weeks on the Navajo Reservation.

Last night the temperature in Navajoland was below freezing.

That's not the only problem facing Waianae mothers.

"I have twins," said Mrs. Raymond Rodrigues. "My daughter, Ramy, was chosen to make the trip but her sister, Raelene, isn't going. They've never been separated before. I don't know how they'll take it."

A fifth-grader from Makaha, who has never been away from Hawaii, is concerned about visiting the reservation because of snakes.

"Don't worry," her teacher told her. "You wouldn't stop swimming in the ocean just because of the sharks out there, would you?"

The trip to Arizona begins a week from tomorrow and marks the beginning of the first cultural exchange ever attempted between kids from Hawaii and American Indians.

For more than a month the Waianae Coast community has been raising funds to meet the budget of $8,401.65.

"We now have $8,000 cash in hand with pledges for the rest," said Edward McGrath, president of the Leeward Cultural Exchange, sponsoring organization. "We are still taking donations.

"Any money we get beyond our own budget will be used to help the Indian kids come to Hawaii."

McGrath said the Leeward children are hoping to accept an invitation to visit a session of the State Legislature this week. Meanwhile, they are practicing Hawaiian songs and dances after school every Monday and Wednesday.

"We had a picnic in Makaha on Sunday," McGrath said. "The kids performed for their parents."

Robert Moore, principal of Waianae Elementary School, said the significance of the cultural exchange is that it will be a carefully planned and supervised educational experience.

"This isn't like sending another baseball team to Disneyland," said Moore. "The object of this trip is education. Our kids have been having two classes a week since Jan. 28 in Hawaiian language, dance, music, arts and crafts, history.

"They've heard Navajo speakers, seen movies about the Navajo Reservation so they'll have some idea of what to expect. I'm hoping this will turn out to be a pilot program for other exchanges in the future."

The kids put on a car wash in Waianae two weeks ago to help raise money for the trip. They made $100. Donations have come in from all over the State.

Movie actor Richard Boone collected over $800 by passing a calabash in Waikiki night clubs.

On the reservation, McGrath said, the kids will visit Navajo hogans (mud houses), attend class with Navajo fifth-graders, perform hulas, tour the Grand Canyon, go on a hayride, see Indian dances and ride horses. They will spend a day at Disneyland on the way home.

A group of Navajo fifth-graders will arrive in Hawaii April 23 for the second half of the exchange.

McGrath said Leeward parents are now signing up to house the children during the two-week stay. They will go swimming and fishing, attend a luau, tour the Island and attend school with the Leeward youngsters, McGrath said.

Donations can be mailed to Leeward Cultural Exchange, P.O. Box 1017, Waianae, Hawaii 96792.

THE ENVIRONMENTAL CRISIS

Mr. GRIFFIN. Mr. President, on April 22, several hundred colleges and universities across the country will be conducting so-called teach-ins on the environmental crisis.

Last month the University of Michigan held a similar event, under the auspices of ENACT, which stands for Environmental Action for Survival. Many regarded it as a prototype or kickoff toward the national day of teach-ins scheduled for April 22. Most observers have pronounced it a success.

Recently, the Detroit News asked a young journalism student at the university, 21-year-old Christina Golembiewski, to write of her impressions of the event. Her article was published Thursday, March 19, 1970.

I ask unanimous consent that it be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Are You Gonna Let Christina See Her Grandchildren?

(By Christina Golembiewski)

When I was younger, I noticed that more and more slimy green seaweeds were tangling around my legs in Lake St. Clair off Metropolitan Beach. No one wanted to go there. Not anymore.

It got harder to find a clean place to swim.

We wound up with Dad driving out to Kensington Park, but that meant 45 minutes or an hour bumper-to-bumper in 85-degree heat. This is relaxation?

So we went swimming a lot less often.

And we lived in Michigan—the Water Wonderland.

You couldn't just hop in the car and go for a drive or a picnic on a nice Sunday afternoon anymore, because everybody else had the same idea. The roads were jammed and when you got to the park, so was the lot.

Then the argument would start:

"See, I told you we shouldn't have come. Everybody and his brother is here."

And we lived in Detroit—the Motor City.

The way we're going, pretty soon we're going to produce so many cars that there will be one big coast-to-coast traffic jam. And people may go back to walking again.

Healthier, certainly. Quicker? Maybe.

On my first trip out East, I was excited about seeing New York City until I got there. Never was I so disillusioned. The smells and constant noise slammed my senses the second I crossed the bridge into Manhattan and gave me a headache. I couldn't wait to get out.

The first time I drove past the Pittsburgh steel mills at night, I was impressed—the glowing red furnaces seemed a romantic sight.

Last month, I drove past the steel mills in Gary, Ind. I wasn't impressed this time. I was disgusted.

I've learned a little more now. Those huge furnaces mean air pollution.

The kids in Gary grow up thinking the sky comes in two colors. Black at night and yellow-gray in the daytime.

I've just been to Chicago, too. You couldn't tell by looking how tall the new Hancock Building is. The top half never came out of the gray haze.

I thought I'd get a good view of Chicago from the top of a hotel. The "Clouds Room" they call it, and the name is appropriate. A solid gray cloud was all I saw. There may have been a city beneath it, I couldn't tell.

Last week, I stood on a mall at the University of Michigan with hundreds of other young people listening to a scientist speak.

He told us not to be surprised if some morning sixty thousand people dropped dead in Los Angeles from air pollution.

And did you know that almost every animal in the Chicago Zoo has lung cancer?

I'm a U–M student now. I went to our Teach-In on the Environment that ended last Saturday.

I stood on the campus diag listening to that scientist and squinting in the sunshine.

I caught myself wondering how long it will be before one of those ominous predictions came true and even the sun in Ann Arbor is blotted out by pollution.

Happy to still have something to be squinting in, I also noticed I was shoulder to shoulder in a sea of people. I realized I'm lucky to be living at a time when standing shoulder to shoulder is still voluntary, not compulsory.

But as the saying goes, "The population bomb is everybody's baby." And I wonder about just how crowded conditions will be by the time my kids are going to college.

"We have met the enemy and he is us," says Pogo in the comic strip. He could have been talking about you and me and our environmental problems.

It's not just air pollution I'm concerned about. It's suddenly clear to all of us that there are all kinds of pollution—air, water and land. Each one of us contributes to all.

Our car exhaust fumes, our throw-away beer and soft drink cans. Garbage and empty paper cartons. The list is endless.

XUM

These are things we've become so used to and find so convenient to use and throw away.

We're a consumer economy. Buy, throw away.

But where do the throw-aways go?

After Michigan's teach-in, I can see that "band-aid" partial solutions aren't enough.

It's taken years for us to link together all the little hints in our daily lives about what may be coming.

I took a course in ecology last semester. I began to see the interdependence of everything in the world. But the balance of nature is being upset by man and his new technology.

Technology and nature are near collision. One morning, I sat bolt upright in class and realized it's only a matter of time.

I decided, phooey, I'm not going to sit here and watch it happen. My kids will be in trouble if we all ignore the obvious warnings.

I hope to see that the world doesn't end that soon. I'd like to see some grandchildren.

I heard of a new group being formed on campus. They call it "Environmental Action for Survival (ENACT)." As a journalism student, I decided I ought to help.

I'm sick of hearing about campus activists only in negative terms. Here were students dedicated to a cause, working long hours unflinchingly.

They got no pay except the satisfaction of contributing to the worthiest cause in the world—saving the earth.

The massive teach-in was organized by students themselves in less than six months' time. Sixty thousand dollars was raised only from contributions and the selling of student-designed buttons, posters, and bumper stickers.

It attracted national interest. I'm glad to see that our work paid off big.

The teach-in involved state and national figures from all walks of life. Everyone from Arthur Godfrey to Ralph Nader.

Best of all was the kind of audience the teach-in attracted. Not only were students and faculty present, but local townspeople as well.

I was happy to see old people at teach-in events. Young families with kids. Hippies and "straights." Moderates and militants.

This is the one issue everyone has a stake in.

Sure, there were disagreements. Everyone has an opinion on what kind of tactics are to be used to improve our environment.

The more revolutionary say teach-ins are too much talk, not enough action.

Representatives of industry and government who spoke at the teach-in were often booed and hissed. I felt he same way about them—sometimes.

It seemed hypocritical that people like the president of Dow Chemical Corp., or Walter Reuther of the UAW, or the board chairman of Consolidated Edison Co. should be up on stage talking about saving the earth when they were among the biggest polluters.

But the very fact that they saw this event as important enough to come and voice interest in helping to change things is encouraging to me.

When Ralph Nader spoke to us, he said: "If an individual cannot relieve himself in a Detroit river I don't see why corporations should be allowed to." He got resounding applause.

But after people applaud, are they going to do something? Or are they going to just forget about it?

Television and newspapers, the mass media are very important.

We need their coverage and interest. But we need more informed writers to educate people about the basic facts on the environments.

Sensational-headline — campus-prank-on-the-front-page-approach must go.

Teach-ins are much more than sledgehammering a car to death or dumping pop cans on the cola company's front lawn.

Sen. Edmund Muskie, of Maine, also spoke. He asked that Americans try to remove the poisons of hate and fear from their minds, as well as pollution from their environment.

This is going to take much more time and millions more people.

A thousand kids at U-M, no matter how dedicated, aren't going to make it.

What we need now is the teach-out.

A do-it-yourself project multiplied by millions.

Action on everybody's part. You could organize a group interested in neighborhood problems, or join a national organization of conservationists.

It'll mean convincing all my friends and neighbors that they must act, too.

It'll mean talking these supermarkets into stocking returnable bottles again.

It'll mean stopping the buying of beer in cans and detergents that contain phosphates.

It'll mean writing letters to senators and congressmen to tell them we want help.

It'll mean learning as must as I can about the real facts of the issues.

As an ENACT spokesman said:

"We are at the point now where we talk about 'the environment' at cocktail parties. But are we willing to change our life style?"

The population bomb is still ticking.

I don't want to wait for someone else to decide that our environment is in a state of national emergency.

By the time a glass of milk tastes sour, it's too late to save it.

I want to make sure my children have clean air and water and pure food. I want them to be free from lung cancer, emphysema, and new disseases we don't even know the names of.

Great-grandchildren would be nice, too.

All I am asking—like it says on the ENACT button—is to give earth a chance.

THE ENVIRONMENT

Mr. CRANSTON. Mr. President, this month's edition of Progressive magazine was devoted entirely to the topic "The Crisis of Survival." Included were articles by a number of the leading spokesmen of the current, crucial struggle to awaken national concern for our degenerating environment.

It is quite fitting in a magazine which was founded by a great Senator from Wisconsin, Robert M. LaFollette, Sr., that a major and eloquent plea for an awakening to the environmental crisis is made by another great statesman from Wisconsin, the distinguished junior Senator (Mr. Nelson).

Senator Nelson has been in the forefront of the environmental movement and as the father of the environmental teach-in will serve as a springboard for greater national awareness. Over 1,000 universities and colleges along with 2,500 high schools will take overt action on April 22 throughout our country.

I ask unanimous consent that Senator Nelson's article be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

The "New Citizenship" for Survival

(An interview with Senator Gaylord A. Nelson)

(Editor's Note.—Senator Gaylord A. Nelson, Wisconsin Democrat, was a leading spokesman for conservation and environmental protection long before the cause became fashionable. Now in his second Senate term, he has sponsored dozens of bills designed to combat pollution and to protect and expand the nation's natural resources. He is cosponsor with Representative Paul N. McCloskey, Jr., California Republican, of the National Teach-In on the Crisis of the Environment to be held on April 22. The following interview with Senator Nelson was conducted by The Progressive's Washington editor, Erwin Knoll.)

You have referred to the 1960s as a time of "a great awakening" to the environmental crisis. Why has this awakening come now, after years of indifference and neglect?

Before the 1960s it was still possible for people to delude themselves that the environment was not a problem—that space was virtually limitless, at least in the United States; that the rivers and lakes were abundant and the resources more than plentiful. There were those who warned that reckless disregard for the environment would spell disaster, but they were ignored.

By the 1960s, however, with prosperity and the population boom reaching an unparalleled peak, it became rapidly apparent that the landscape was in trouble. Expansion and construction were in full swing, industry was enjoying massive growth and success, and life was more comfortable for most Americans. Bulldozers were rumbling and tearing away at the landscape to make space for the suburban developments sprawling concentrically out from the core cities. Tentacles of concrete stretched and criss-crossed in all directions to make room for the ever-growing number of automobiles.

We began to see graphically in the 1960s that the rivers, streams, and lakes—even the oceans—would not exist much longer if society continued to look upon them as bottomless receptacles for sewage and wastes. We also began to see the gathering of clouds of poisonous gases formed by the fumes of millions of automobiles and from countless smokestacks spread across the countryside, until it was almost impossible to find fresh, clean air anywhere.

The 1960s were a time when the environmental crisis facing mankind was no longer something that could be considered the problem of future generations. It was the survival problem of this generation, here and now.

We live in a time when causes seem to capture the public interest, only to be eclipsed by new causes. Do you suppose the new concern about the environment might just be a passing fad?

I think it will last because it is a matter of survival. The seriousness of the situation is understood, especially among the youth of the nation, who see a very questionable future for themselves and a frightening legacy for their children. In Washington, the Legislative Reference Service, the research arm of Congress, is handling an average of 150 constituent requests a day on environmental questions. In communities all across the nation, citizen-environmental groups are forming to advise local governments on environmental problems. Some 571 communities in seven northeastern states have formed such groups. Many of the citizen and conservation groups are taking action. Often they are initiating environmental court suits and winning the cases.

The President, in his State of the Union address and in subsequent messages to Congress, has placed the prestige of his office squarely behind the movement for a livable environment. He said in the State of the Union address, "The great question of the Seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

I believe we will be required to make our peace with nature and repair the damages. The youth of the nation, who inherit the mess a progress-driven society has made, are going to see to it that changes are made. When I first suggested last September the idea for a national teach-in on the environment, I was amazed at the response and the interest that came from universities all over the nation, from high schools and grade schools, from conservation organizations and community and civic groups of all kinds, liberal and conservative, radical and reactionary. The teach-in will mark the first high point of focusing attention on the problem. From there the movement will be a political action one. Within the next two years no political candidate will be able to run for office without first articulating his position on environmental matters.

You can also be certain that, if the established institutions of the society—political, economic, and social—do not meet the challenge, the youth of the nation, and very likely of the world, will reject the system for one that understands that survival and the quality of life are more important than progress or quantity.

How much do you think it will cost to do the things that have to be done?

It will take vast Federal expenditures just to begin an environmental clean-up program. At least $20 billion to $25 billion a year over present expenditures is essential. Even if you estimate the investment to be $275 billion by the year 2000, there is no reason to consider that a staggering sum when you remember it is equivalent to this country's defense expenditures for the next four years, not to mention the billions spent on space adventure. Until this nation makes the same kind of commitment to environmental preservation that it made in building the most massive defense machine in history or in sending men to the moon, the battle cannot be won.

What will that kind of Federal spending buy us?

It will buy us a beginning. Before the environmental crisis is even close to being resolved, everyone will be involved in paying part of the cost. Since the automobile internal combustion engine is the major contributor to air pollution—an estimated sixty per cent nationwide—a pollution-free engine will have to be developed. This wil be an expensive research and retooling dilemma for the automobile industry, and in the end it is likely that future cars will be more expensive and have less power.

The nation's insatiable demand for electricity is another example. The power companies are arguing that they will not be able to keep up with the demands for increased power within the next ten years, unless they can build nuclear power plants. Each multi-million dollar nuclear power plant needs millions of gallons of water daily to cool the machinery. But when that water is ejected into a lake or river at increased temperatures, it upsets the ecology system, speeds up the growth of oxygen-stealing algae, and kills fish. Construction of the necessary cooling equipment to expel the used water at the proper temperatures will make each plant much more expensive and will probably increase electric bills for users. In the long run, many Americans may have to get used to living without many of the electronic frills to which we all have become so accustomed.

What about the sums that will have to be spent by state and local governments and the private sector? Do you have even a rough estimate of the amount at stake here?

No. I don't think anyone has made a study. If we do what we want to do—establish air and water quality standards for industry, for example, that become progressively more stringent as we develop more sophisticated waste and air pollution treatment equipment and insist that everyone comply—I don't think anyone has attempted to estimate what it would really cost to do this. It would, of course, be a cost that would continue to increase indefinitely until we have developed perfect equipment. But that cost must be measured against the cost we will pay if we don't do something. The best estimate we can get of the economic damage done by air pollution now is $10 billion to $12 billion a year. Well, obviously it isn't going to cost $10 billion to $12 billion indefinitely to stop air pollution.

The governmental expenditures you have talked about—whether Federal, state, or local—will, of course, ultimately be borne by the taxpayers. And the costs to the private sector will surely be passed on to the consumer. Doesn't industry, which has been the major contributor to environmental pollution, have a responsibility to absorb costs without passing them on to the public?

I assume that some costs will be absorbed, but the fact of the matter is that whatever adds to the cost of production adds to the cost of the product. If you are looking at it as a consumer, you have to decide how much you are going to pay if you don't accept some higher product costs. You are going to pay a tremendous amount of money, and it is going to be much more if you allow the environment to deteriorate than if you stop it.

Take water, for example. In the big metropolitan areas, we will have to use the same water then, fifteen, or twenty times because we will be using the total national supply by the year 1980 and twice the total national supply by the year 2000. So let's assume that we don't do anything about stopping water pollution. The cost will be there in any event, because we will have to clean up all the water before we use it, and if you return it to the source dirty, then the next user will have to pull it out dirty and launder it. The point is, it doesn't matter what it costs to stop pollution, it will cost us several times as much not to stop. There is no way to avoid the cost. It is cheaper to pay the cost to stop pollution than to allow pollution to continue.

Is money all it will take to restore the environment?

It will take much more than money. Restoring our environment and establishing quality on a par with quantity as a goal of American life will require a reshaping of our values, sweeping changes in the performance and goals of our institutions, national standards of quality for the goods we produce, a humanizing and redirection of our technology, and greatly increased attention to the problem of our expanding population.

Perhaps, most of all it will require on the part of the people a new assertion of environmental rights and the evolution of an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

The ecological ethic must be debated and evolved by individuals and institutions on the terms of man's interdependence with nature. American acceptance of the ecological ethic will involve nothing less than achieving a transition from the consumer society to a society of "new citizenship"—a society that concerns itself as much with the well-being of present and future generations as it does with bigness and abundance. It is an ethic whose yardstick for progress should be: Is it good for people? There is a great need and growing support for the introduction of new values in our society—where bigger is not necessarily better—where slower can be faster—where less can be more.

What are the most urgent steps we must take now if we are to preserve our environment?

The immediate step must be a move against municipal and industrial pollution of the air and water. Coupled with that we must move to rid America in the 1970s of the massive pollution from five of the most heavily used products of the affluent age in which we live. With firm Federal action, these five problems can be solved, and their solution can have an important impact on the crisis. The areas are: the internal combustion automobile engine, hard pesticides, detergent pollution, aircraft pollution, and non-returnable containers.

First, how do you propose to stop municipalities and industries from polluting the nation's air and water?

It can be done only by establishing a national air and water quality policy and commitment that will make use of the best techniques we have for restoring the rivers and preserving the air, and that will require municipalties and industries to comply. Any national air and water quality policy must also dramatically expand our present program of research and development of ways to neutralize, dispose of, and recycle all wastes and then require all governmental units and all industries and municipalities to comply with the highest state of the art in treating their wastes. We must also require that as new, more efficient pollution control equipment is develcped, it be installed as a matter of course.

How would you cope with the problem of the internal combustion engine, in view of the power of the automobile industry and the major role that industry plays in our economy?

I have already introduced legislation—the Low Emission Vehicle Act—to phase out the internal combustion automobile engine by January 1, 1978, unless the motor can meet national emission standards by that time. This is a vital step toward cleaning up the environment, because automobile engine exhaust is such a significant part of the nation's air pollution problem. In many metropolitan areas, exhaust fumes from internal combustion engines are causing up to ninety per cent of air pollution. Medical scientists are becoming concerned about the quality of life and health in the larger cities of America.

The automobile industry is powerful and plays a significant role in the American economy and way of life. The Federal Government has a responsibility, however, to make money available to assist industry in finding a clean engine and in making the retooling changes that will be necessary to put it into production. It is a problem that will require sacrifices from everyone, but the crisis is so real and so serious that we can do no less.

You propose that we eliminate "hard pesticides." Is this feasbile, in view of the urgent need for pest control?

I have introduced a package of eight bills in the Senate to prohibit the interstate sale and shipment of eight pesticides in the chlorinated hydrocarbon family—aldrin, chlordane, DDT/TDE, dieldrin, endrin, heptachlor, lindane, and toxaphene. The bills call for a total ban on these pesticides by June 30, 1972.

Because of the grave, worldwide environmental dangers from these long-lasting, poisonous compounds, this step was proposed as a national goal seven years ago by the President's Science Advisory Committee. There is growing agreement that the persistent pesticides are expendable because of less persistent substitutes and the development of other means of pest control.

The long-term toxicity of chlorinated hydrocarbon pesticides presents a deadly threat to fish, wildlife, and the entire complex web of life. Evidence of environmental damage caused by hard pesticides has been found in nearly every part of the globe. Yet no significant action has been taken to stop pesticide pollution.

Hasn't the present Administration taken action against DDT? There was an announcement that the Department of Agriculture would eliminate all nonessential uses of DDT by the end of this year.

The Agriculture Department's plan to cancel certain uses of DDT never even got off the ground before the pesticide industry initiated a complex series of appeals that could delay final action for years. Under the Agriculture Department's regulations, manufacturers who appeal a cancellation order can continue to produce and sell pesticides until the appeal is resolved.

It looks as if Agriculture has again played right into the hands of the pesticide industry by failing to use its statutory authority to suspend certain uses of DDT before starting the cancellation proceedings. If the Department is serious about protecting the quality of our environment from pesticide poisoning, it should move without further delay and immediately suspend all nonessential uses of DDT.

The pesticides industry's continued unwillingness to initiate or accept reform, coupled with the Agriculture Department's historic hesitancy to improve pesticide regulations, makes it mandatory that Congress set a deadline on banning the persistent pesticides.

What do you plan to do about detergent pollution?

We need to set strict antipollution standards on detergents, including a ban on their phosphorous "builders" that have contributed so much to the pollution of our lakes all across the nation.

Detergents are one of the major pollution problems in the country today. Six years ago I sponsored legislation which prompted an industry changeover to a new ingredient which cut the massive mountains of foam detergents were causing on our waters. Now, another important step is needed: elimination of the detergents' polyphosphate "builders" that pass through sewage treatment systems into our lakes and rivers, stimulating the growth of oxygen-robbing algae.

At recent House committee hearings, scientists testified that nonpolluting substitutes for these detergents are now within reach. Industry, however, continues to resist such a move. Congress must act to require the substitution and, in addition, set national standards on the water eutrophication (aging) ability, biodegradability, toxicity, and health effects of detergents.

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In our "throw-away' society, elimination of non-returnable containers may well be the most dfficult of the problems you have mentioned. What would you do about bottles, jars, cans?

It has only been in recent years that the no-deposit, no-return craze has become so popular. A few years ago, young boys made money by collecting discarded beer and soda bottles and receiving a refund for their efforts. Then non-returnable cans came into extensive use, and the virtually non-destructible aluminum can was developed. Now, the beverage industry has gone almost exclusively to the aluminum can, adding to the acute problem of solid waste disposal. It has been estimated that each year Americans discard forty-eight billion cans and twenty-eight billion bottles. Most of them clutter the roads and highways and sink to the bottoms of rivers, lakes, and streams where it is feared they may last forever.

In the comprehensive solid waste management legislation that has already been introduced in Congress, provisions should be made for standards which will require reusable or degradable consumer product containers as soon as this proves technically feasible. In addition, our solid waste control program should be financed in part by effluent charges paid by industry for packaging that will not degrade or cannot be reused. In the long run, the answer to the nation's solid waste problem must be a massive effort to turn our wastes into valuable new products that can be recycled into the economy.

You have often referred to the population explosion as an aspect of the overall problem that requires immediate action. There are many well-meaning generalizations on how to go about this. What direction do you propose?

It is unmistakably clear that unless something is done about the population explosion, we will be faced with an unprecedented catastrophe of over-crowding, famines, pestilence, and war. If we are to help significantly in the worldwide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale.

The statistics are staggering. It took until 1850 for the world population to reach one billion. By 1930, eighty years later, that figure had doubled, and by the year 2000, the world population is expected to reach six to eight billion. Some ecologists see that population level as the "crash point," beyond which the natural environment will not be able to cleanse and restore itself from the massive pressure of exploitation and pollution.

At last year's Boston meeting of the American Association for the Advancement of Science, there was general agreement that the world's optimum population limit has already been passed. Measured in terms of our past performance in protecting our environment, the United States is already overpopulated. If we cannot manage the wastes produced by 200 million people, it will be a catastrophe when we reach 300 million, as predicted, within the next thirty years.

You have proposed a Constitutional amendment that states: "Every person has the inalienable right to a decent environment. The United States and every state shall guarantee this right." Apart from its value as a statement of national purpose, how would this help to advance the cause of conservation and environmental reform?

The Constitutional amendment was proposed because I believe the environment crisis is the greatest single threat to our pursuit of the inalienable rights of life, liberty, and the pursuit of happiness. The tragedy is that the citizen has few clear legal or constitutional avenues to protect the sensitivities and the well-being of himself, his family, or his community from environmental assault.

For too frequently, the citizen finds himself left with no remedy in the fact of the pollution of a lake which belongs to the public or the poisoning of air which he must breathe or the shattering din which is imposed upon him. Our Anglo-Saxon common law tradition has focused protection on economic or personal injury. We are learning now, however, that environmental damages can be just as severe. If this amendment passes the Congress and is ratified by the states, it will lay the groundwork for further definition in the statutes at the Federal and state levels and by the courts, making environmental reform the right and goal of all Americans.

You said, earlier in this interview, that President Nixon "has placed the prestige of his office squarely behind the movement for a livable environment." Some of us fear that the Administration's "commitment" may amount to much motion but little movement. How do you assess the President's program and performance to this point?

The President's environmental message was wide-ranging. It said many of the important things that need to be said and overlooked others. I think the great significance of the speech was that it gave visibility—Presidential recognition—to the fact that this is one of the greatest problems confronting mankind. The President said it was the most serious problem next to peace. I think it is more important than that; I think it is the most important problem facing the world, because it is a question of survival. All the other issues we are concerned about—war, poverty—all of these becomes irrelevant unless this particular issue is satisfactorily resolved. The consequence of the President's statement is simply to escalate the campaign.

Nobody—neither the President nor the political and industrial leadership in this country—has stated clearly what it would be necessary to do in terms of allocation of resources to solve the environmental crisis. They are beginning to recognize the problem. They endorse a clean environment, but they are not addressing themselves to the questions of how much it will cost and what changes in attitudes toward our present institutions will be necessary.

It is my own view that we must be prepared to make the same financial and emotional commitments to a resolution of this problem that we have been willing to make toward the expiration of space and the development of weapons systems. In other words, we will have to allocate from the private sector, from the states and the Federal Government, thirty, forty, fifty billions of dollars per year to meet this problem. That would mean in my judgment, that we will have to aim toward a substantial reduction of the arms race and start using for the environmental resources that are now going into unproductive and really unnecessary military weapons systems. Until we are prepared to make that kind of commitment—as a people and as a goverment—we cannot solve this problem.

What signs do you see, either in Congress or in the Administration, of an effective willingness to make this kind of a commitment?

Well, the first step in meeting any kind of problem is to gain recognition that the problem exists. Once you gain the recognition—the understanding and the education which permits people to see the nature and dimension of the problem—then you are able to say, "All right, the solution is this. And here's what it will cost." So the first step is the educational process, and we're in that first step now. The real test will come when we begin to understand what the cost will be and what we will have to give up and what changes we will have to make in our social, political, and economic instiutions.

When that time arrives, we will see whether the people are really prepared to make the kind of allocation of resources to this problem that is necessary. We haven't reached that test phase yet, and I don't think most people realize the dimensions of the problem. They just know that the environment is deteriorating, that they don't like it, and that we've got to do something about it. But they haven't really gotten down to thinking about what it is going to cost and what we will have to do.

At this point, everyone seems to be getting into the ecological act. How should the movement be organized politically to keep individuals and organizations from running all over each other in the pursuit of common goals?

I think it is a good thing to have them running all over each other and competing for recognition and doing something about the issue. This will encourage the two political parties to compete at the local, state, and national levels to prove to the country that they are concerned about the issue and willing to do something about it. But that's really not enough. What we need—and I think we will achieve it—are nonpartisan environmental political action organizations at the local, state, and national levels all over this country—organizations in which the only concern is where do the candidates for city council, legislature, Congress, and the Presidency stand on the environment questions.

These will be the kinds of organizations that have no political, philosophical, or ideological positions except on the environmental question. Such organizations can house under one umbrella conservatives and liberals and people of all political stripes dedicated to just this one issue. Once you get political organizations of this kind built into the system, we will be able to maintain and sustain the constant public pressure that is necessary to move political institutions to do something about the problem.

It seems to me you are suggesting that this environmental issue can serve as the vehicle for creating a genuine new politics in America.

I thing it will, and I think it is doing that right now. There is no issue on any campus in America that is drawing the crowds of students and townspeople that the environmental issue is drawing at this time. The issue is there, and the activity will continue to increase all across the nation concerning this issue.

Is it fair to conclude, then, that you are optimistic about our chances of reversing present trends toward ecological disaster?

Well, I am tremendously encouraged by the dramatically escalating concern of the people of this country over environmental deterioration—a concern that has just begun to find its expression in the past two years, and especially in the past year. If it can maintain its momentum, I see some reason for optimism. But the difficult and expensive decisions are still to be faced, and I think it's too early to say how we will face them.

RURAL AMERICA ASKS RELIEF FOR FREIGHT CAR SHORTAGE

Mr. HRUSKA. Mr. President, on March 24, a special subcommittee of the Committee on Commerce dealing with freight car shortages began hearings on S. 3223, a bill to amend the Interstate Commerce Act. The bill would require the Interstate Commerce Commission to implement an effective per diem formula for determining boxcar use charges between railroads.

The bill was cosponsored by the Senator from Washington (Mr. MAGNUSON), myself, and 20 other Senators, and was introduced to provide legislative relief for the annual freight car shortage which is plaguing the West and the Midwest. It was felt that the ICC was not going to provide effective relief, especially in light of the new time-mileage rate system it proposes to enforce.

This new rate system was challenged by 20 railroads and 21 States, but the Supreme Court of the United States has now given the ICC the green light to prescribe this new rate system. In all likelihood, this system will make even less likely the prompt return of freight cars to the midwestern and western railroads which own them.

This rate system, in my opinion, would be a travesty with a twofold effect. The lower time rate will be an inducement to the offending railroads to hold cars while using them for additional loads. The mileage factor makes it almost uneconomical for an offending railroad to move an empty car to the owning railroad; this will induce them to hold cars until loads can be found going in that direction.

Mr. President, the chronic and growing shortage of freight cars in the Midwest to ship the annual grain harvest from the farm to the marketplace must be ended. We can no longer tolerate the economic losses that it entails to our farmers and our grain industries in rural America. We demand an equal opportunity for our agricultural community to compete with the rest of the Nation for growth and prosperity.

When I hear of the vast numbers of freight cars that remain idle for up to 6 months while serving as storage space for eastern industries, I am outraged at the inequities of railroad service in our Nation.

It is time for Congress to act, and S. 3223 is one solution.

Because of the great interest expressed by the people of Nebraska who are vitally affected by the inadequacy of railroad service, and the widespread concern over the effect of a continuing freight car shortage in the Midwest and the West, I ask unanimous consent that the text of my testimony on the bill be printed in the RECORD.

Also, Mr. President, on March 25, Secretary of Agriculture Clifford Hardin testified before the subcommittee. I have great respect for and confidence in Secretary Hardin's judgment. He shares with many of us in Congress a deep concern for the future of rural America and a great desire to solve the problems that are inhibiting economic growth and prosperity in the rural sector.

Secretary Hardin and I have been in close consultation about the grain shipment and storage crisis that faces rural America during every fall harvest. The Secretary has assured me that the Department is acting to the best of its ability to relieve the situation. I discussed the Department's efforts in my testimony. Similarly, Secretary Hardin discusses the various causes of the annual grain crisis, and describes the efforts of the Department to help overcome some of these causes.

Knowing that Senators would be interested in Secretary Hardin's views, I ask unanimous consent that the text of his testimony be included in the RECORD also.

There being no objection, the testimony of Senator HRUSKA and of Secretary Hardin was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA BEFORE THE SPECIAL SUBCOMMITTEE ON FREIGHT CAR SHORTAGES OF THE SENATE COMMERCE COMMITTEE ON S. 3223

Mr. Chairman, it is a privilege for me to appear before your Subcommittee today to discuss S. 3223, which I co-sponsored, and its relationship to one of the most serious problems faced by Midwest agriculture. That problem is the chronic shortage of freight cars to ship the annual grain harvest from the farm to the marketplace.

During the harvest of 1969, the mounting piles of grain in the streets of Nebraska towns awaiting freight cars for shipment was the dramatic result of this shortage.

Reports reaching my office, discussions with other Senators from Midwest states and consultation with the concerned government agencies convinced me that the crisis in 1969 was the worst in our history. At the peak of the crisis, an estimated 30 to 50 million bushels of grain were piled up in midwestern producing areas. Streets, school yards, and recreation areas all became temporary grain storage locations.

In the Nebraska community of Swanton, three enormous piles containing more than 300,000 bushels of milo were to be seen. One was a block from the center of town, another was near a school playground, and another was at the elevator, where trucks were waiting in line to unload more.

In Firth, Nebraska, more than 220,000 bushels of grain were placed on the ground.

At Columbus, 100,000 bushels of corn were piled in front of the grandstand at Agricultural Park. The Rising City Farmers Cooperative had 200,000 bushels of corn and more than a half-million bushels of milo in outside storage. The grain pile was a block and a half long and a block wide.

This annual grain crisis results in loss of income for everyone involved. I was informed by the Nebraska grain industry and farm groups that millions of dollars would be lost before the crisis ended. Spoilage, additional storage costs, interest on money borrowed, and broken purchase contracts were some of the causes of the expected losses. Estimates of spoilage caused by storing grain on the ground ran as high as five to ten percent.

Millers and bakers felt the pinch because they ran short of flour, and the railroads lost needed seasonal revenue.

When we talk about losses of income to our farmers and our related grain industries in the Midwest, it is more than just a temporary setback. Rural America is in the midst of its greatest struggle for survival. Its people are migrating to the cities. Its economic growth rate is nominal. Its public facilities are inadequate. Its economic opportunities are limited. We must reverse this trend, Mr. Chairman. And the only way to do it is to strengthen its economy and give it equal opportunity to compete. We can no longer tolerate the perennial economic crisis caused by boxcar shortage.

Mr. Chairman, there are many causes of this grain-on-the ground crisis. The harvests of all crops, milo, corn and wheat, are reaching new highs. The Commodity Credit Corporation has considerable quantities of resealed grain in storage in the Midwest, which has affected the availability of storage space. Also, corn is being harvested sooner and requires considerably more drying than it required in earlier years. This places a greater burden on the elevators which have insufficient storage space or drying equipment for this new demand.

I have been in close and continuous contact with the Secretary of Agriculture on these aspects of the problem. Secretary Hardin has assured me that the Department is acting to relieve the situation to the best of its ability. It has ordered the clearing of a portion of its stored resealed grain from the government storage bins to make more space available for next year's harvest. It has restored, at my urging, its farm storage facility loan program to a level that will more adequately meet the on-the-farm storage and drying needs of the producers. It has brought the problem before the Rural Affairs Council to be studied and to have solutions developed. These efforts are laudable.

However, Mr. Chairman, little effective or lasting effort has been made by the appropriate government agencies to remedy the most significant cause of this recurring grain crisis—the shortage of freight cars during the harvest season. It is my opinion that only the Congress can now offer the needed relief. S. 3223 is one possible solution.

What are the facts about freight car availability?

Mr. Chairman, during the peak of the grain crisis, from late October through early December, the freight cars available in Nebraska were running from one-third to one-half the number available in 1968.

As of last month, the car shortage was still being felt in Nebraska. Early in February, it was reported that the Burlington Railroad was still over 2,800 cars short in Nebraska with more than 4 million bushels of grain on the ground waiting for cars. At the same time, the Union Pacific was reported to be short about 900 cars, with slightly more than a million bushels of grain on the ground awaiting shipment.

The crux of the problem is revealed in a study done by the Union Pacific Railroad. It showed that on October 1, 1969, the Union

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Pacific had about 2,900 less cars on its lines than it owned, while the Burlington had about 4,500 cars less than it owned. At the same time, the Penn Central had on its lines over 34,000 more cars than it owned. This is dramatic evidence, Mr. Chairman, of where all the freight cars have gone.

According to reports, western and midwestern railroads usually are running with only 70 to 85 percent of the narrow-door cars owned by them on their lines, while eastern and southern railroads have a possession rate that far exceeds 100 percent.

At a meeting in Kansas City under the aegis of the Kansas City Board of Trade, midwestern railroad officials agreed that with 100 percent possession of the cars owned by them, they would be far more capable of handling the Midwest grain needing shipment.

Efforts to remedy the boxcar shortage during the grain harvest are, of course, made each year by the Interstate Commerce Commission and the Association of American Railroads. Both issue car distribution orders. Those of the ICC are mandatory and those of the AAR are voluntary.

The ICC orders call for weekly delivery of stated quantities of plain, serviceable boxcars to the Midwest carriers. According to the ICC, the total aid to Nebraska railroads by use of such directives during the 1969 harvest period, from all sources, was about 16,000 empty boxcars. Of these, the ICC claims that about 12,000 were furnished empty as a direct result of Commission orders.

I have no reason to dispute this fact, Mr. Chairman, and I want to express my appreciation to the ICC for the issuance of the orders and its efforts to obtain compliance. Regrettably however, according to Nebraska grain representatives, there was widespread noncompliance by the offending railroads and the number of cars that were received by western railroads was inadequate.

Early in December, a representative of the grain industry informed me that the Penn Central was returning fewer than 50 percent of the required number of cars under its various ICC directors. Apparently, Mr. Chairman, the eastern railroads do not believe that the penalties for violation of the directives will be imposed, or else feel that the penalties are less expensive than the profits to be obtained by continued use of the boxcars.

Moreover, Mr. Chairman, these directives, whether from the AAR or the ICC, pose a situation of too little and too late. The first distribution order of the ICC was issued on October 15, but relief, according to Nebraska sources, was not even noticeable until late in December. Thousands of boxcars may have been directed to the railroads serving Nebraska and Kansas, but how many actually ended up there and how many were actually used for grain shipment, remains a matter of speculation. The grain industry, the farmers and elevators demanding shipment of their grain would, I am confident, be very skeptical about the effectiveness of car distribution orders to solve this annual crisis.

Another significant fact, Mr. Chairman, is that the plain boxcar supply has been rapidly shrinking over the past ten years. That supply has decreased from about 508,000 boxcars in 1965 to about 386,000 in 1969. This is an astonishing decline of about 26 percent. Moreover, as of October 1969, only about 47 percent of the available supply, or about 185,000 cars, was suitable for grain loading.

Besides a decline in new cars, boxcar availability is reduced by the lack of repairs on existing equipment. When the cars are no longer operative they are taken out of service, or are modified to make them usable for other types of cargo. This results in fewer and fewer plain boxcars suitable for grain loading and forces shippers to rely more and more on covered hopper cars.

Covered hopper cars are more economical to operate because they carry from 65 to 100 percent more grain than a plain boxcar. Carrier ownership of these cars is limited, however, amounting to about 120,000 cars. Also, a sufficient number of new covered hoppers is not being constructed to meet the growing need.

Moreover, serious problems are faced in some parts of the Midwest with covered hoppers. They are found to be too large for some of the branch line tracks, and require special loading equipment that many of the small country elevators do not have. Therefore, a continuing adequate supply of plain boxcars is essential as well as more covered hoppers.

Another factor to be considered, Mr. Chairman, is the increasingly poor rate of freight car utilization. In an age when every other form of transportation is improving in efficiency and shipment time, the railroads are not. In 1966, the average number of days per freight car load was about 19 days. In 1968, the average increased to over 21 days. In 1969, it was about 22 days.

Faced, on the one hand, with a diminishing supply of freight cars and a lessening rate of utilization, and, on the other hand, with greatly increased demands for grain loadings during the harvest periods in the Midwest, it can be readily seen that the crisis is deepening.

Can the reasons for the inadequacy of freight car supply be pinpointed? I think a number can be, Mr. Chairman.

First, I am informed that the car service rules to compel the return of freight cars to their owners have not been vigorously enforced. This nonenforcement has been attributed to the inaction of both the AAR and the ICC. However, laying the blame is not as important as recognizing that noncompliance exists.

Second, the ICC had failed until just recently—after S. 3223 was introduced—to propose incentive per diem rates to encourage the return of boxcars from the east and south to their owners or to encourage the maintenance of an adequate boxcar fleet. This failure contributed heavily to the crisis we face today.

Finally, the ICC has promulgated a new basic per diem formula involving mileage as well as time charges, which will in all likelihood make even less likely the return of freight cars to the midwest and western railroads which own them.

In fact, Penn Central Chairman Stuart Saunders has been quoted as saying that the new ruling will save the Penn Central $16 million a year. This means that the incentive for the Penn Central to return freight cars will be even less than it is now.

This new rate system of the ICC was challenged by 20 railroads and 21 states, on the grounds that it does not encourage movement of freight cars to the West to carry western grain and timber to market. Now the United States Supreme Court has given the ICC the green light to make this new rate system effective.

In my opinion, this time-mileage system is a travesty and ignores the present inadequacy of national freight car supply, the need to encourage the construction of new cars and the importance of improving the utilization of the present supply.

Briefly, the effect of this time-mileage system is two-fold. The lower time rate is an inducement to the offending railroads to hold cars while using them for additional loads. The mileage factor makes it almost uneconomical for an offending railroad to move an empty car to the owning railroad; this will induce them to hold cars until loads can be found going that direction.

It is time for the Congress to act, Mr. Chairman. The Congress must clearly establish a basic policy for the Interstate Commerce Commission of setting per diem rates in a manner which would be equitable to all railroads, would encourage the needed investment in freight cars, and would induce an improved utilization of cars between railroads.

S. 3223 is a technical bill, based upon four and one-half years of study by a task force of the Association of American Railroads. It may need some revision, and I am sure the committee and the full Senate will give it the closest kind of review. But, the important thing to remember, Mr. Chairman, is that some immediate and effective action is required if the annual boxcar crisis is to be avoided.

The problems I have described of the grain loading crisis in the Midwest are real, and must be faced realistically. All this time, legislation, even if extraordinary in remedy, is needed to meet the compounded problems faced by the railroads, by the shippers, and by the producers. The public interest demands such a remedy.

Statement of the Honorable Clifford M. Hardin, Secretary of Agriculture, Before the Subcommittee of the Senate Committee on Commerce, U.S. Senate, March 25, 1970

Mr. Chairman and Members of the Committee: The continuously growing shortage of railroad boxcars presents a serious threat to the economy of this Nation. It's especially bad for the agricultural sector. That's why I appreciate the opportunity to discuss this matter with your Committee today.

Many distinguished members of both houses of the Congress are deeply concerned about the critical situation regarding railroad movement of agricultural commodities.

The problem is simple. It involves a severe shortage of ordinary boxcars suitable for bulk movement of farm commodities from country points, especially during the harvest period.

The answer to the problem is complex: It involves money for equipment, changing railcar usage patterns, rising costs, and distribution of available equipment into agricultural areas at times of peak harvest demand.

The number of plain boxcars in use has declined annually for the past 11 years or more.

Between Jan. 1, 1959 and Jan. 1, 1970, this decline was a sharp 42.7 percent.

On Jan. 1, 1959, American railroads had 674,792 such boxcars; by Jan. 1 this year, this total had dropped to 386,499. Of these boxcars, the total of narrow-door boxcars suitable for grain hauling had declined to 180,574 as of the first of this year. Meanwhile, it is true, the number of covered-hopper cars—the kind suitable for unit trains and bulk hauls between major terminals—increased from 58,383 on Jan. 1, 1959, to 125,867 on Jan. 1, 1970. However, these hopper cars are used for many purposes other than the transportation of grain and similarly-handled agricultural products. They have by no means met the current needs of the grain industry.

In addition to the shortage of ordinary boxcars, there is also a critical shortage of mechanical refrigerated cars for the movement of perishable agricultural products.

While the boxcar shortage has grown increasingly acute since 1959, the population of the United States has increased by more than 27 million persons. The need for adequate movement of the basic agricultural raw materials into the food production areas of our Nation increases daily.

Complicating matters even more are two strictly agricultural problems. One is the matter of greatly increased crop volumes which must be moved and the particularly sharp increase in fall-harvested crops.

Wheat production during the 1959–70 period has expanded from around 1 billion bushels annually to about 1½ billion; corn production has grown from around 3.6 bil-

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lion bushels to around 4.5 billion; grain sorghum from 555 million bushels to more than 700 million; and soybean production has nearly doubled—to the point where it now exceeds 1 billion bushels annually. Furthermore, the percentage of the corn and grain sorghum crops moved off the farm has increased substantially.

For these four crops alone, the jump in annual output in 11 years has been nearly 2 billion bushels. An ordinary boxcar hauls around 2,000 bushels of grain. So the problem is clearly magnified. Instead of 288,293 fewer boxcars, we need many, many more. Of course, all of us know that we don't need a million more boxcars to move the extra 2 billion bushels increase in productivity. Much of the extra production is fed to livestock on farms, and much is moved by truck and barge lines. But the great bulk moves by rail. And need for suitable boxcars is the crux of the entire problem.

Complicating factors are present in this transportation problem.

Corn production patterns have changed in the last few years. In prior years, ear corn from the fields was stored for long periods in on-farm cribs. With the advent of picker-shellers, corn is now harvested in a relatively short time. There has been a marked increase in marketing of corn off the farm. The picker-sheller corn harvest requires immediate drying before moving into commercial markets. This has placed an additional heavy burden on the carriers.

Soaring production from our fields has also led to increased pressures to move agricultural products into export. These exports are essential to the health of our Nation's economy. They provide us with a major share of our favorable balance of payments in international trade.

Yet, today we are losing export markets. We are losing them because grain cannot be delivered to port when it is needed. For instance, we could have sold much more grain sorghum for export this year had it been possible to achieve timely deliveries.

Then there is the very personal matter of individual farmers losing grain because they have to pile it on the ground at harvest time. Merchants refuse to buy grain at country points because they cannot move it to markets, and because they cannot afford to pay current interest rates on money to carry grain inventories.

The Department has long been mindful of the steadily worsening railcar shortage, and we have done everything within our authority to help alleviate the problem.

Commodity Credit Corporation each year has carefully planned and accomplished the reconcentration of CCC-owned grain as far in advance of harvest season as possible in order that its grain would not compete with farmers' grain for the use of boxcars at peak periods. Last year, for example, the CCC movement was substantially complete by Oct. 1, thus avoiding the critical car shortage of the last quarter. Similarly, shipments have been moved this year as rapidly as cars could be obtained, and we hope to again see CCC grain out of the way before harvest.

USDA took the lead in the development of origin-sampling techniques utilizing automatic samplers at country origins. We hope to encourage the acceptance of origin grades throughout the industry. When this practice is adopted and accepted by the industry, the need for intermediate inspection of grain should be sharply reduced. This will reduce the traditional delay of cars at inspection points.

The Department recently reviewed its farm storage and drying equipment loan program and made changes which should encourage the expansion of on-farm storage and drying systems. This should help substantially to relieve the transportation burden at peak harvest periods. In some 20 years of operation, more than a billion bushels of farm storage facilities have been constructed under this program.

Finally, in considering the total U.S. agricultural picture—the sharply expanding need for transportation facilities and the failure of railroad carriers to provide suitable equipment—you can come to only one conclusion.

There is a disasterous breakdown in the agricultural rail transportation system.

What can be done about this crisis?

Many efforts are being made to change the rules, regulations, and procedures in order to achieve better car utilization and distribution. These efforts are helpful and should be encouraged, but generally they strive towards greater use of a totally inadequate fleet of cars.

We favor ICC Order 252 which provides incentive per diem in emergencies and earmarks funds for the purchase of plain boxcars.

We favor the mandatory return of boxcars to western railroads.

We believe the problem can be solved on a long-term basis only when some method is developed to promote the construction of more boxcars.

COUNCIL OF SOCIAL ADVISERS

Mr. MONDALE. Mr. President, I am pleased to see that a great deal of interest has been expressed this year in my bill to establish a Council of Social Advisers. The Special Subcommittee on Evaluation and Planning of Social Programs has completed hearings on the Full Opportunity Act, S. 5. On March 22, 1970, the Washington Sunday Star published a penetrating analysis by Carl T. Rowan on the problems at which the bill is aimed.

As Mr. Rowan said:

> We know "how many people were raped, stabbed or murdered" but not "how many Americans go to bed hungry at night . . ." And "we have proved that we can put men on the moon" but the President "tells us that we haven't the faintest notion of the most efficient way to teach the Nation's disadvantaged children." . . .

Mr. President, I ask unanimous consent that this excellent article be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Sunday Star, March 22, 1970]

We Need a Way To Determine Priorities

(By Carl T. Rowan)

The FBI purports to tell us precisely how many people were raped, robbed or murdered in the U.S. last year. But no one has the faintest idea how many Americans are so angry and alienated that they would participate in or support the bombings and guerrilla activities that are on the rise in this society.

The Agriculture Department can tell us exactly how many pounds of beef, bushels of corn or gallons of milk were produced in America last year. But no one knows precisely how many Americans go to bed hungry at night, or how many of our school children suffer from malnutrition.

We have become remarkably skillful at transplanting hearts or kidneys or performing other medical miracles. But no one seems to have the remotest idea how to provide adequate, reasonably priced medical care for all Americans, or to rectify a situation where 13 countzies have lower infant mortality rates than ours, the richest society in the world.

We have proved that we can put men on the moon, and we claim the ability to hurl one missile thousands of miles bearing deadly warheads aimed at three or four separate targets. But President Nixon tells us that we haven't the faintest notion of the most efficient way to teach the nation's disadvantaged children—and might want to stop spending more money until we find out.

We are highly sophisticated at bugging telephones and electronic eavesdropping, but we are woeful failures at rehabilitating the criminals who are caught that way.

These are some of the grim contradictions of a society that is beset by some frightening human problems because it is so technically advanced and socially backward.

Now, when so many people are talking about what our national priorities ought to be once the Vietnam war is over, is the time for us to take an honest look at the makings of that dilemma.

This is not to say that we are certain to get a huge monetary windfall from Vietnam. The Defense establishment and other traditional money-grabbers have already staked out claims to most of the funds now being poured into that war.

But what worries some congressmen and other Americans is that, even if we got a windfall of billions of dollars we would lack an adequate system for allocating it wisely to social needs.

Joseph A. Califano Jr., a Washington attorney who used to be President Johnson's special assistant dealing largely with social problems, put it bluntly:

"The basis of recommendations by an American cabinet officer on whether to begin, eliminate or expand vast social programs more clearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate, sophisticated data with which the Secretary of Defense supports a major new weapons system."

An illustration of this occurred when Johnson asked Califano how many able-bodied Americans were living off the welfare dole. It took the Department of Health, Education and Welfare days to provide an answer although it had been battered for years with allegations that the welfare rolls were a haven for millions of lazy no-goodniks.

HEW produced a surprising report that fewer than 500,000 of the almost 10 million people on welfare could be classed as "able-bodied."

It is this kind of data that is vital as Congress decides whether to approve a guaranteed annual wage and other vast reforms in the welfare system.

Senator Walter F. Mondale, D., Minn., has been arguing for three years that this country cannot afford to make social, economic and educational policies on the basis of old myths and shibboleths, or the prejudices and predilections of whatever White House aide manages to get the most memos to the President.

Mondale is sponsoring a bill that would create a Council of Social Advisors to the President. It would be generally akin to the Council of Economic Advisors or the National Security Council, except that its realm would be social priorities. It would prepare an annual report on the social state of the nation, ensuring that the essential statistics, studies, social indicators are available for the establishment of sane national priorities.

Some witnesses maintain that these social indicators would be the catalysts that prompt and provoke the programs needed to deal with problems like divorce, racial tension, population growth, drug abuse.

The cynics and defeatists may say that it is not really possible to develop reliable, effective social indicators. But wisdom seems to lie with the Senate subcommittee witness who said: "How stupid it would be not to make the effort."

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RESOLUTION IN SUPPORT OF U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Mr. CASE. Mr. President, I am happy to ask unanimous consent to have printed in the RECORD a resolution adopted by the trustees of the Essex County Bar Association in support of the U.S. attorney for the District of New Jersey.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

ESSEX COUNTY BAR ASSOCIATION,
Newark, N.J., March 23, 1970.

Hon. CLIFFORD P. CASE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The Trustees of the Essex County Bar Association have asked me to forward to you a copy of the following Resolution adopted at their meeting of March 10, 1970:

Whereas certain statements have been made in the Congress of the United States reflecting on the integrity and ability of the United States Attorney for the District of New Jersey to fulfill the requirements of his office; and

Whereas the basis for said statement has been reviewed by the Trustees of the Essex County Bar Association:

Now, therefore, be it resolved that the Trustees of the Essex County Bar Association reject any attack on the integrity and loyalty of the United States Attorney for the District of New Jersey and affirm their belief in his ability to carry out properly the functions of his office.

It is further resolved that a copy of this resolution be sent to a Congressman and a United States Senator for the purpose that it be spread upon the records of the House of Congress and the Senate.

Sincerely,

BILL KIRCHNER,
Secretary.

VIETNAM AND DOMESTIC NEEDS

Mr. MONDALE. Mr. President, an early end to the war in Vietnam is and will remain a top priority national goal.

If and when it is attained, we hope that the resources that are freed can be turned to the urgent domestic needs which have accumulated to crisis proportions while the fighting has gone on. In addition, we are exploring other areas in which military spending can be reduced, at least to avoid preemption of the "peace dividend" by the Defense Department, and possibly to find more funds for pressing nonmilitary needs.

Surely a reordering of priorities along these lines is in the national interest. We must, however, also recognize the problems of transition it will entail, particularly for those States and communities which have a heavy economic dependence on defense and aerospace business. In the interest of overcoming those problems, and also to facilitate the most rapid possible transfer of resources, we should be moving now on a national program of planning for economic conversion.

The junior Senator from South Dakota (Mr. McGOVERN) has long been a leading advocate of action in this field. He is the author of S. 1285, the Economic Conversion Act, which aims to develop practical alternatives for communities, resources, and manpower affected by Defense cutbacks.

Last Sunday, the Washington Post, along with a number of other newspapers, published an article written by Senator McGOVERN in which he describes the depth and breadth of the conversion issue and outlines the steps needed to deal with it. I ask unanimous consent that the article, entitled "After Vietnam, Economic Pains of Peace," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 15, 1970]

AFTER VIETNAM, ECONOMIC PAINS OF PEACE

(By Senator GEORGE McGOVERN)

For all of our deep national longing, the end of the Vietnam war will not be an unmixed blessing.

For many Americans it can mean economic disaster. For all of us it may be at best the termination of a national tragedy, coupled with the waste of an opportunity to find new, more hopeful national directions.

The dominant expectation about the war's end is probably twofold. The killing and mutilation of American youth will be stopped, and some $20 to $30 billion annually will be freed to meet accumulated needs at home. At last we will have the wherewithal to improve our schools, to tackle such enormously complex problems as transportation and housing and such costly ones as hunger and poverty, to cope with the crime and violence which have become characteristic of life in America, and to end the despoilation—and perhaps begin the reclamation—of our environment.

But there is another side.

An early consequence of peace will be a reduction of some 800,000, and possibly more, in military manpower, bringing the total down at least to prewar levels. These persons, along with thousands of civilians working for defense agencies on assignments related to Vietnam, will have to be absorbed by the rest of the economy. The elimination of jobs is expected to occur on a scale approaching two million, including shrinkage in the private job market as a result of reductions in Vietnam orders.

CONCENTRATED CUTS

The least skilled and the most recently hired, probably many among racial minorities, will be the first to go and the last to find new jobs. The gloomiest outlook is suggested by a poverty program official in Connecticut who says that "if the layoff is not properly handled by federal and state agencies—and right now nothing is being done, at any level—then you are going to see blood flowing in the streets."

But there will be trauma among highly skilled technicians and scientists as well. The cancellation of the $3 billion Manned Orbiting Laboratory last June found top-flight technicians leaving McDonnell-Douglas' plant in Huntington Beach, Calif., with no place to go and with little prospect for comparable work in their areas of specialty. Vietnam employs thousands like them.

Because defense firms tend to be concentrated in a few states and localities, the economic impact will be concentrated as well. Some 37.4 per cent of California's manufacturing workers are employed in defense-related industries. That state can expect to lose about 130,000 jobs when the war is over, and it can expect about 80,000 returning servicemen to be added to its job market at the same time.

Moreover, there is unevenness of military work by occupation. More than half of the nation's research-and-development engineers are working on behalf of the Pentagon, directly or indirectly. Some of the largest universities—including the Massachusetts Institute of Technology, Johns Hopkins University, Stanford University, the California Institute of Technology and the University of Michigan—are concentration points of Pentagon work in the universities. Indeed, two of these, M.I.T. and Johns Hopkins, are listed among the 100 largest military-industrial contractors by the Department of Defense.

RIPPLE EFFECT

The Arms Control and Disarmament Agency has documented the ripple effects these cutbacks are likely to have. Its study of a layoff of 6,800 Martin Co. workers in Denver in 1963 disclosed that the economic expansion of the entire state was slowed and the expansion in Denver virtually came to a halt. The recovery took two full years.

We can be quite sure, then, that there will be a painful adjustment for many Americans. Its breadth and depth depend upon a variable which continues to elude a consensus among forecasters—the state of the total economy and the dynamism of nonmilitary sectors. In a level economy, the drop in military demands could easily stimulate a recession. If it were to coincide with a general slowdown, which many economists are predicting for 1970, the results could be serious indeed.

Apart from these less welcome concomitants of peace, we must recognize that the manpower, the technology and even the money involved in the war effort will not be turned quickly to peaceful priorities. The unemployed strategists from the Pentagon will certainly require some redirection before they can make meaningful contributions in other capacities. Unless some serious effort is made to locate appropriate uses, facilities which have been built up as needed by the war may be idled when they could be made useful in important domestic tasks. The Congress could doubtless find ways to dispose of $30 billion, but without careful preparation and assessment of alternative uses, much of it would doubtless be wasted or used less effectively than it should. Hence, peace can mean lost opportunities as well as economic difficulty.

In the face of these prospects, defense contractors appear to be little concerned. Their assumption seems to be that an end to the war will bring a successful rush by the Pentagon to claim the great bulk of the "peace dividend" to flesh out military wish lists developed during the Vietnam years. Their prognosis is that new cold war orders will come quickly to replace declining hot war demands.

REASONS TO RESIST

The events of 1969 may have given them pause, depending upon their judgments as to the probable longevity of Congressional demands for more careful scrutiny of military spending and for more persuasive justifications for new weapons systems. Certainly they must take into account the fact that after reducing military money requests an average of only 0.4 per cent a year in the previous 10 years, Congress squeezed 7.5 per cent, or $5.6 billion, out of the Pentagon budget for fiscal 1970, much of it through the effort of traditional allies of the armed services.

But the contractors have other reasons to resist conversion. Those whose sole or major customer is the Pentagon would, in terms of their sales capabilities, be most attuned to seeking new government business in the civilian sector rather than in private markets. But they know, particularly after recent closings of privately run Job Corps camps, that contracts in the social area carry greater risk and that budgets are more closely scrutinized. Firms specializing in problem-solving know that civilian problems tend to be infinitely more complex than such questions as whether it will take four or five bombs to achieve a desired target kill probability.

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At this point the public is faced with a choice. If the reliance of the armament industry on expanded defense orders is well placed, the war is unlikely to free vast sums for domestic problems after all. We will simply shift from one kind of defense spending to another. If the industry's reliance is misplaced, the damage done by an end to the Vietnam war will be compounded by slackened overall defense outlays.

It is against this background that 35 of us in the Senate and some 50 members of the House have offered the Economic Conversion Act. In the conviction that no government agency can or should accumulate enough knowledge about each of the thousands of military contractors to formulate specific conversion plans, we have proposed that the contractors themselves develop alternative uses for the facilities and manpower. The bill would require conversion planning as a condition of contract fulfillment.

In addition, it would establish a National Economic Conversion Commission, made up of agency heads and of public members, to define further federal contributions to the conversion effort and to make specific recommendations to the President and the Congress. The commission should work extensively with arms manufacturers and defense personnel to help determine, under its estimates of future public spending patterns, the nonmilitary areas to which specific resources might be most readily transferable.

Our proposal aims to ease the transition from war to peace. I readily confess to another motive. I think we should go as far as we can toward freeing the vast constituency of the Pentagon from its economic dependence upon arms spending, because in the process we can diminish pork barrel pressures and elevate rational assessments of need in the debate over defense spending.

The importance of the plan extends, therefore, to both practical operation and national priorities. It can minimize the harm and maximize the advantages of military cutbacks. At the same time, it can help make possible the cuts that should be made, and it can serve as convincing evidence that wise business planners are those who exert their enterprise toward making our society a better place to live.

THE CARSWELL NOMINATION

Mr. GURNEY. Mr. President, about 2 months ago, the Georgetown University Law School invited me to state for the record my views on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court. My article appeared in the February 18, 1970, edition of the Georgetown Law Weekly. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDWARD J. GURNEY

In commenting on his judicial record the New York Times had this to say about Judge G. Harrold Carswell:

"These opinions reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by invoking some settled precedent, and who rarely finds the need for reference to the social conflict outside the courtroom that brought his cases before him."

The Times writer no doubt thought of this characterization as a rebuke of Harrold Carswell and as a damning criticism of his judicial attitudes. I think the criticism is not only fair and accurate, but I also think it is a highly laudatory statement!

For too many years, our Supreme Court justices, almost to a man, have acted without the judicial restraint which in years past was the universally accepted hallmark of a great jurist. Similarly, our high court has too often sought to interpret the law, not with reference to the constitution, congressional intent or precedent, but by measuring the enactment against the individual justices' own private notions of wisdom or virtue. In support of this proposition, and as a clear statement of the dangers inherent in such a course, I refer to Mr. Justice Frankfurter (AFL v. American Sash Co. 335 U.S. at 555):

"But there is reason for judicial restraint in matters of policy deeper than the value of experiment: it is founded on a recognition of the gulf of difference between sustaining and nullifying legislation. This difference is theoretical in that the function of legislating is for legislatures who have also taken oaths to support the Constitution, while the function of courts, when legislation is challenged, is merely to make sure that the legislature has exercised an allowable judgment, and not to exercise their own judgment, whether a policy is within or without 'the vague contours' of due process. Theory is reinforced by the notorious fact that lawyers predominate in American legislatures. In practice also the difference is wide. In the day-to-day working of our democracy it is vital that the power of the non-democratic organ of our Government be exercised with rigorous self-restraint. Because the powers exercised by this Court are inherently oligarchic, Jefferson all of his life thought of the Court as 'an irresponsible body' and 'independent of the nation itself.'"

CRITICISM OF THE COURT—BY THE COURT

One of the popular myths of the American liberal is that all criticism of the Warren Court necessarily originates with rustic bumpkins, racists or fascists. If one raises his voice against the Warren Court, so the myth goes, the speaker is automatically suspect of lacking compassion, intelligence or decency. The most effective means I know of dispelling this myth is to turn to United States reports and listen to the language of dissent.

Mr. Justice Whittaker in Mapp v. Ohio, 367 U.S. 643 (1961):

". . . The Court, in my opinion has forgotten the sense of judicial restraint which, with due regard for stare decisions, is one element that should enter into deciding whether a past decision of this Court should be overruled. . . . The action of the Court finds no support in the rule that decision of constitutional issues should be avoided wherever possible. . . . The unwisdom of overruling Wolf without full-dress argument is aggravated by the circumstance that that decision is a comparatively recent one (1949) to which three members of the present majority have at one time or another expressly subscribed, one to be sure with explicit misgivings. I would think that our obligation to the States on whom we impose this new rule as well as the obligation of orderly adherence to our own processes would demand that we seek that aid which adequate briefing and argument lends to the determination of an important issue. It certainly has never been a postulate of judicial power that merely altered disposition, or subsequent membership on the Court, is sufficient warrant for overturning a deliberately decided rule of constitutional law."

Mr. Justice Steward in Escobedo v. Illinois, 378v. 478 (1964):

"The Court says that what happened during this investigation 'affected' the trial. I had always supposed that the whole purpose of a police investigation of a murder was to 'affect' the trial of the murderer, and that it would be an incompetent, unsuccessful, or corrupt investigation which would not do so. . . . Supported by no stronger authority than its own rhetoric, the Court today converts a routine police investigation of an unsolved murder into a distorted analogue of a judicial trial. It imports into this investigation constitutional concepts historically applicable only after the onset of formal prosecutorial proceedings. By doing so, I think the Court perverts those precious constitutional guarantees, and frustrates the vital interests of society in preserving the legitimate and proper function of honest and purposeful police investigation."

Mr. Justice Black in Hamm v. Rock Hill 379 U.S. 306, (1964):

"Nothing in the language or history of the 1964 Act makes the Court's reading into it of a purpose to interfere with state laws 'inevitable' or even supportable, nor in any way justifies the Court's off-hand assertion that it is carrying out the 'legislative purpose.' For I do not find one paragraph, one sentence, one clause, or one word in the 1964 Act on which the most strained efforts of the most fertile imagination could support such a conclusion. And in what is perhaps the most extensive and careful legislative history ever compiled, dealing with one of the most thoroughly discussed and debated bills ever passed by Congress, a history including millions and millions of words written in tens of thousands of pages contained in volumes weighing well over half a hundred pounds, in which every conceivable aspect and application of the 1964 Act were discussed ad infinitum, not even once did a single sponsor, proponent or opponent of the Act intimate a hope or express fear that the Act was intended to have the effect which the Court gives it today."

Mr. Justice Harlan in Baker v. Carr. 369 U.S. 186 (1962):

"The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only five years ago. . . Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. . . In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislatures of the fifty States. If state courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the federal courts or on this Court. . . There is nothing judicially more unseemly, no more self-defeating than for this Court to make in terrorem pronouncements, to indulge in merely empty rhetoric, sounding a word of promise to the ear, sure to be disappointing to the hope. . . To find such a political conception legally enforceable in the broad and unspecific guarantee of equal protection is to rewrite the Constitution. . ."

These are strong words and all the stronger because of their source. I could go on with this recitation but I think the point is made: there is a body of valid and very telling criticism of the Warren Court from very eminent and responsible commentators, including the present membership of the Supreme Court. The best summation of the criticism that I know is contained in the address of Professor Alexander M. Bichel, Chancellor Kent Professor of Law and Legal History at the Yale Law School who was last year's Holmes lecturer at my alma mater, the Harvard Law School. Professor Bichel gave the following analysis:

"The Warren Court has come under professional criticism for erratic subjectivity of judgment, for analytical laxness, for what amounts to intellectual incoherence in many opinions and for imagining too much history . . . The charges against the Warren Court can be made out, irrefutably and amply."

Professor Bichel has expanded his Holmes lectures into a book entitled "The Warren Court and the Idea of Progress" which will be

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published shortly by Harpers and Row. I commend it to all thoughtful students of the law.

CIVIL RIGHTS AND CARSWELL

There has been a great deal of criticism of Judge Carswell by my colleagues in the Senate. Most of it has been, in my judgment, petty and unfair. The one serious accusation raised against him has been the 1948 speech he made while standing for the Georgia legislature. Carswell met this criticism full on and dealt with it honestly and effectively. He repudiated the racist statements he expressed in 1948, fully and completely. Frankly, I think he deserves to be praised for the forthright disavowal of those absurd and reprehensible statements of yesteryear. Carswell has grown up with the nation and he has matured on this score in much the same fashion that the nation has matured. Dr. Thomas W. Matthews, the well known physician and philanthropist, and the founder of a very successful black self help organization, wrote to the NAACP asking that organization to reassess its opposition to Carswell. Here is what Matthews said:

"To deny Judge Carswell the chance to repudiate a past position that we all abhor is to deny the black underprivileged as a group the hope that is implied in the principle of redemption. The cry from the street that all America must hear is the cry for a second chance."

NOT WELL KNOWN, ERGO MEDIOCRE?

I resent the notion that seems to be prevalent in certain quarters, and which has found wide acceptance in newspapers and the media, that because Judge Carswell is not well known outside of judicial circles, he therefore must be "mediocre." Judge Carswell is not a mediocre talent by any objective standard; he has a first-rate legal mind and enjoys an outstanding reputation with his colleagues of the bench and bar.

Anonymity is a role which jurists cultivate in our system, and properly so. Judges by temperament and inclination, carefully seek to avoid headlines, it seems to me. As a matter of fact, more often than not, we are suspicious of a judge or jurist, particularly in the lower courts, who garners a great deal of attention from the press. A judge's function is not one which lends itself to publicity. If he discharges his duties properly, he is not a celebrity or a personality. "Sobriety" is the virtue we associate with judges, not "publicity." With this in mnid, I think it is cruel and unfair to suggest that lack of notoriety equates with mediocrity.

Some of the giants of American jurisprudence were unknown to the public as jurists when they came to the bench: John Marshall comes immediately to mind. Marshall served his country as a diplomat, as a state legislator, member of Congress, and he served briefly as Secretary of State. But as a jurist, none ever heard of him until President Adams appointed him to the court in 1801. I think the same can be said of Oliver Wendell Holmes: he had a famous father of course, and he was the author of The Common Law in 1881, but I don't really believe his name was a household word (no pun intended) prior to his selection by President Theodore Roosevelt in 1902. Harlan Fiske Stone was a great jurist, widely known to judicial circles prior to his elevation to Chief Justice, but again the public at large knew little concerning him before his appointment.

Other of our recent Chief Justices were well known politicians—Taft, Hughes, Vincent, Warren—and had a built-in familiarity to the American public, but they were well known for their political activities and not for their judicial experience when they came to the bench.

FISHING EXPEDITION

I think that every senator has a right to carefully scrutinize all candidates for the Supreme Court; as a matter of fact, it is a senator's duty to acquaint himself with a prospective justice's background and credentials in order that he may discharge his duty to advise and consent to such a nomination. If there are legitimate questions, they should be raised and resolved. But, I cannot sit by and quietly listen to attacks on Judge Carswell when no substantial basis for those attacks has been offered. I resent fishing expeditions and challenges to character and integrity based on unsubstantiated feelings or assumptions. Most especially, I resent the idea that Judge Carswell is somehow unqualified because he is not well known to the public at large. It is most unfair, it demeans the Senate and adds nothing of value to the legitimate discussion of Judge Carswell's merits and credentials.

When I recommended Judge Carswell to President Nixon, I felt confident that he could and would serve his country with distinction on the nation's highest court. My confidence remains unshaken.

CONCLUSION

President Nixon has set about to reshape the Supreme Court with his appointive power. He has the right to do that under the Constitution and he has a duty to do it because of the promises he made to the American people during his successful election campaign in 1968. He has so far sent to the Senate jurists with wide experience on the bench, men whose views on the judicial process are known and certain. In this way, he hopes to restore to the High Court the dignity and objectivity that once marked its deliberations and by doing so restore it to the esteem it once enjoyed with the American people. As I see it, the Court went astray in recent years, at least partly because too many of the justices appointed to it had little or no experience in the judiciary, state or local, prior to their appointment. Warren, Fortas, White, Douglas and Black fall into that category. (Justice Black served briefly as a Justice of the Peace in Alabama, as I recall, in his youth). The Burger appointment and now the Carswell appointment offers very real and substantial encouragement to many of us, in public and private life, who have been worried about the direction of the Court in recent years. The Warren Court has made its record and is now part of history; frankly, I find that record is a poor one and I think the country is very much the worse for it. It is now our turn at bat and our record is yet to be made. I think it will be a commendable record and I look for Harrold Carswell to play an influential role in its making.

Mr. GURNEY. Mr. President, I would like the record to show some of the letters and telegrams in support of G. Harrold Carswell which have come across my desk in the last 24 hours. I ask unanimous consent to include the following items in today's RECORD:

First. A wire to President Nixon endorsing Judge Carswell signed by 11 of his colleagues and brother-judges on the Fifth Circuit Court of Appeals;

Second. A telegram from six judges of the U.S. district court in and for the southern district of Florida enthusiastically urging the confirmation of Judge Carswell;

Third. A petition signed by 79 Tallahassee attorneys who have practiced before Judge Carswell and who endorse his candidacy;

Fourth. A wire from Arthur L. Hart, past president of the Indiana Bar Association, urging the confirmation of Judge Carswell;

Fifth. A telegram from Mr. Benton E. Gates, also past president of the Indiana bar and past chairman of its house of delegates, urging his nomination;

Sixth. Finally, a very revealing letter addressed to Judge Carswell, with a copy to me, by Charles Friend, director of the Rehabilitation and Liquidation Department of the State of Florida, commenting on his experience as a practicing attorney in Judge Carswell's court.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON: As colleagues of Judge Harrold Carswell on the United States Court of Appeals for the Fifth Circuit, we hereby express our complete confidence in him as a nominee for associate justice of the Supreme Court from the standpoint of integrity, fairness and ability.

Warren L. Jones, Walter P. Gewin, Griffin B. Bell, Homer Thornberry, James P. Coleman, Robert A. Ainsworth, Jr., David W. Dyer, Bryan Simpson, Lewis R. Morgan, Charles Clark, Joe M. Ingraham.

MARCH 27, 1970.

Senator EDWARD J. GURNEY,
Senate Office Bldg.,
Washington D.C.:

The judges of the United States District Court in and for the Southern District of Florida consisting of Judges Charles B. Fulton, Emett C. Choate, W. O. Mehrtens, C. Clyde Atkins, Ted Cabot, and Joe Eaton have complete confidence in the integrity and professional ability of Judge Carswell. In our opinion he is well qualified to sit upon the Supreme Court of the United States. We enthusiastically urge his confirmation.

PETITION OF TALLAHASSEE ATTORNEYS

To the Senators of the Fifty States:

The lawyer who practices before a judge for any period of time sees that judge in every conceivable legal light. From the case calling for the utmost logical acumen to the case calling for human understanding and compassion. A lawyer gets to know the judge as perhaps no other human being can. He is, in this sense, in the best and fairest position to judge the bench.

As Tallahassee lawyers who have practiced before Judge G. Harrold Carswell, we know him to be eminently qualified, eminently fair, and a truly great credit to the federal bench and to American jurisprudence. We recommend him wholeheartedly to the body of the Senate trusting that in its experience and mature judgment, it will confirm him to its highest court.

(From 79 Tallahassee Attorneys).

This document contains only the names of those lawyers who could be reached in their offices when it was circulated. Numerous others wanted to sign, but because of the press of time to send this document to all the Senators, it could not be recirculated.

VINCENNES, IND., *March 24, 1970.*

Senator ED GURNEY,
Senate Office Bldg.,
Washington, D.C.:

I recommend the confirmation of Judge Carswell as justice of the supreme court of the United States. In my opinion he is qualified. For information only, I am the immediate past president of the Indiana State bar association and deeply interested in the administration of justice.

ARTHUR L. HART.

COLUMBIA CITY, IND., *March 24, 1970.*

Senator EDWARD J. GURNEY,
Senate Office Bldg.,
Washington, D.C.:

I support and urge the confirmation of George Harrold Carswell as Justice of the

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Supreme Court of the United States. Believe he is as well or better qualified for this position than some of the judges now serving on the Supreme Court. I do not believe the Indiana Senators opposing this nomination speak for the majority of the people of Indiana in this matter. After practicing law for more than forty years, being a past president of Indiana State bar and past chairman of its house of delegates, I feel I am qualified to pass on a Justice's qualifications.

I feel Justice Carswell should be confirmed.

BENTON E. GATES.

STATE OF FLORIDA REHABILITATION AND LIQUIDATION DEPARTMENT,
Tallahassee, Fla., March 30, 1970.

Hon. G. HARROLD CARSWELL,
Judge, Fifth Circuit Court of Appeals,
Tallahassee, Fla.

DEAR JUDGE CARSWELL: I saw in the March 29 (Easter Sunday) Tallahassee Democrat an article to the effect that 79 Tallahassee lawyers who have practiced before you had earlier sent a letter recommending to the members of the Senate your confirmation. I have not seen the letter and did not know of its existence until March 29. Probably contacting me for my signature to the letter was inadvertently but understandably overlooked, because for almost a year I have been out of the private practice of law and have been employed by the state.

The article quotes the letter. I wish to add my signature to it, if only by reference, as expressing my wholehearted personal views.

The article states the letter was sought to be limited to those who have actually appeared before you at least once. I practiced before you regularly for ten years in Tallahassee, from 1959 to 1969. There may be a few, but not too many, lawyers, aside from U.S. Attorneys and their staffs, who have tried, or actively participated in the trial of more cases than I have before you. These few I estimate to be a very small minority. Approximately the same breakdown would be true of the many hearings on various issues that are necessary beforehand in each case, regardless of whether that case eventually goes to trial. For every case that I tried there were probably two others that, for one reason or another, did not come to trial.

It is sometimes said that persons prejudiced against one minority group are frequently prejudiced against others. In this area of very few Catholics or Jews, it may be worth noting that as perhaps the only Roman Catholic trial lawyer (and with a surname often considered Jewish) in private practice for a part of that ten years, and as one of only two or three Roman Catholics for much of the balance of the ten years, I can make the statement without reservation that such considerations had no place in your treatment of me, on or off the bench.

Sincerely,

CHARLES FRIEND.

Mr. GURNEY. Mr. President, I would like to request unanimous consent to include in today's RECORD several items concerning the Carswell nomination.

First. Two editorials from the Jacksonville Florida Times-Union from March 26 and March 28, 1970; the first is entitled "Neo-McCarthyism and Carswell" and the second "Keelhauling an Honorable Career";

Second. An article which appeared in the Miami Herald for March 26, 1970, over the signature of Malcolm Johnson, editor of the Tallahassee Democrat entitled "Somebody Forgot To Mention Judge Carswell's Supporters";

Third. An article from the Birmingham News entitled "Goldberg and Carswell," which appeared March 26, 1970.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union, Mar. 28 1970]

KEELHAULING AN HONORABLE CAREER

The "definitive" word has now come in on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

It came from no less than the senior senator from Maryland, Joseph Tydings. He released the news to the press that an associate municipal judge of Opa Locka opposed the nomination.

This was coupled with the devastating news that one of the judges of the municipal court in Miami was also opposed. The clincher to this announcement seemed to lie in the portentous bit of background that both were former assistant U.S. attorneys.

No doubt, Senator Tydings and his staff are overworked in their round-the-clock vigil to see that justice is done—and presumably if justice is to be done, Judge Carswell is entitled to some miniscule portion of it—so perhaps they won't feel hurt if a gentle reminder is given of some of the support the judge has received.

"We are concerned," said Senators Tydings, Birch Bayh, Philip Hart and Edward Kennedy, "that Judge Carswell's record indicates that he is insensitive to human rights and that he has allowed his insensitivity to invade the judicial process."

Lest anybody conclude that the aforementioned gentlemen are insensitive to Judge Carswell's right to a fair hearing and are allowing this insensitivity to invade the senatorial process, we would be so bold as to suggest that there is some testimony that tends to offset that of the distinguished associate municipal Judge of Opa Locka and perhaps Tydings et al. would wish to point this out.

The Fifth Circuit Court of Appeals is on the second tier of the federal judiciary, the level just below that of the U.S. Supreme Court.

Sen. Tydings himself mentioned some of its members as "eminent constitutional lawyers . . . who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing." Two of those he mentioned are Judge Byran Simpson and Judge Robert A. Ainsworth.

Both of these judges sent the Senate Judiciary Committee strong letters of support on behalf of Carswell's nomination as did their colleagues. Warren Jones, Homer Thornberry, David Dyer and Griffin Bell. And there are hosts of other judges who have sent in letters of support.

And if Judge Carswell is so "insensitive to human rights" (the liberal code phrase for "not far enough to the left to suit us") why has the Senate unanimously confirmed him three times—as U.S. attorney, district judge and appellate court judge?

Further, it seems passing strange that a judge so insensitive would have been assigned so often while a district court judge to sit as a visiting judge on the Fifth Circuit Court.

And, it seems most insensitive of Senator Tydings not to acknowledge this fact since our own source is the record of the testimony before the Senate Subcommittee on Improvements in Judicial Machinery on May 28 and 29, 1968. The chairman of that subcommittee is Senator Tydings of Maryland.

The statistics in the record show that from fiscal 1960–61 through fiscal 1966–67, during all of which time the Chief Judge of the Fifth Judicial Circuit was Elbert Tuttle, a man of impeccable liberal and civil rights credentials, who assigned Judge Carswell to sit as visiting judge longer than any other district judge in the Fifth Circuit.

He sat on three-judge panels—composed of two Fifth Circuit judges and himself—for 8½ weeks during those years. Two other judges sat for eight weeks during that period. None of the other 34 district judges assigned to that duty even approached this length of assignment on the appellate court.

Is it a practice to single out "mediocre" or "insensitive" judges to help decide cases on a higher bench—and to do so consistently?

The answer to that question is "no" and Senator Tydings well knows that this is the answer.

The effect of the distorted and one-sided picture of Carswell being presented is to defame and vilify the man before the entire world and to do so unjustly.

Perhaps we can draw a parallel which will bring it closer to home to some senators—especially Senator Tydings.

Back in 1950, a composite photo was used in the campaign against Sen. Millard Tydings—father of the present senator—purporting to show the elder Tydings in friendly conversation with Communist Earl Browder. It was part of a back-alley campaign that helped to defeat the elder Tydings.

The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious.

A composite word picture is being drawn of him, attempting to plant in the public mind the idea that he is a mediocre judge on the one hand and a racist on the other.

There is plenty of evidence that he is neither but we hear little about it from the opposition.

It is one thing to defeat Carswell's nomination. It is another thing to impugn an honorable career.

Let the record show that there are many persons—some of them uniquely qualified to judge in this instance—who believe G. Harrold Carswell to be a decent, sensitive human being of outstanding integrity, a man who has devoted his entire life to public service, and a highly qualified judge.

[From the Florida Times-Union, Mar. 26, 1970]

NEO-McCARTHYISM AND CARSWELL

One of the most salient factors bearing upon the career of Judge G. Harrold Carswell, nominee to the Supreme Court of the United States, has been overlooked completely.

The smear and innuendo continue. The condescending deprecation continues with descriptions of his career as "pedestrian" and "mediocre."

But what did his fellow judges think of him even when there was no thought of his being nominated for the Supreme Court? That is a real criterion upon which to judge the worth and ability of the man.

They thought enough of him to elect him as their representative to the Judicial Conference of the United States from the Fifth Circuit on April 18, 1968.

The conference is composed basically of the chief judges of each of the 11 judicial circuits plus one representative elected by the circuit and district judges in each circuit and is presided over by the Chief Justice of the Supreme Court.

The conference itself might be called the "Cabinet" of the judiciary—one of the three distinct branches of the federal government. It is the governing body of the United States courts.

Carswell was one of two judges nominated for the post and his opponent was also a respected judge. The vote was 33 to 24 in favor of Carswell.

This is hardly the type of position to which the judges would want to send somebody who was "mediocre" or "pedestrian."

And it certainly stands as a far more persuasive testament to his competence than the statements of Ivy League law school deans or even the nine members of the Florida State University Law school faculty—five of whom have taught at FSU less than a year, one just short of two years and two more for four years. There is only one full

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professor in that group, five associate professors, two assistant professors and the librarian. Not a single one of them is even a member of the Florida Bar, according to Sen. Edward Gurney.

On the other hand, Carswell has been strongly endorsed by FSU Law School Dean Joshua Morse and former dean, Mason Ladd who is now in a teaching position.

Last July the Senate approved without dissent the elevation of Carswell to the Fifth Circuit Court of Appeals bench but now some of the senators purport to have discovered that he is racially biased and/or incompetent.

What disturbs us most about some of the opposition is its utter lack of rudimentary fairness or perspective. The most trivial things are blown out of all proportion and innuendo is often stated as fact.

For instance, if we were to say that Senator Frank Church inserted into the record a letter from Moscow urging him to oppose Carswell, we would be factually correct. But, standing by itself, the statement would be utterly unfair because the fact that the letter came from Moscow, Idaho certainly clarifies the picture. We liken some of the tactics used to discredit Carswell to such an incomplete and misleading statement.

Creeping into this entire picture is a new McCarthyism being practiced by some of those who most decried the tactics of the now-deceased senator Joseph R. McCarthy. The term—coined by Washington Post cartoonist Herblock—was defined in an unfriendly biography of McCarthy by Richard Rovere as "a synonym for the hatefulness of baseless defamation of mudslinging."

The charge of "racist" is hurled freely about by some of those who 15 years ago decried any imputation of sympathy with the Communists to anybody—even if it was based on evidence much less tenuous than that which attempts to paint Carswell as a racist.

Some of the ultraliberals who painted membership in subversive organizations during the Twenties and Thirties as harmless youthful flirtations with Communism in keeping with an intellectual fad of the times, now see dark racist conspiracies in almost every move of Carswell's.

Their pious pleas for fairness toward the political Left in those days, go unheeded today when they face the political Right.

There is a double standard applied and it is applied by some on both sides in the Senate—depending upon the political philosophy of the nominee.

In this case, let Sen. Jacob Javits of New York hearken back to the transcript of his defense of the nomination of Constance Baker Motley to the U.S. District Court against unsubstantiated allegations and then let him contrast his own words then and his readiness now to draw sweeping conclusions without giving weight to the pro-Carswell testimony.

Some found Carswell to be evasive before the Judiciary Committee or refused to believe his contention that his part in the private club purchase of the former Tallahassee Municipal Golf course was not based on racism.

Yet, some of these same senators warmly praised the performance of Abe Fortas before the judiciary committee in 1965. They said nothing about evasiveness.

Here is a passage from the Fortas hearing transcript as printed in the Congressional Record:

Chairman: "Did you have any connection with the Southern Conference of Human Welfare?"

Fortas: "Mr. Chairman, I probably did in the early New Deal days. I am a little vague as to whether I was—I am a little vague as to whether I was a member of the Southern Conference, but I remember in the early New Deal days I, like a number of other southerners, thought it was a fine organization, dedicated to bringing the South out of the depths of the depression."

Chairman: "When did you quit the Southern Conference of Human Welfare?"

Fortas: "As I say, Senator, I am not sure I was ever a member of it. I am just giving you an attitude that I had along with many other southerners in those days."

Chairman: "You do not know whether you were a member or not?"

Fortas: "That is correct."

Now the question arises as to what kind of pillory would be applied to Carswell if he had answered any question in that manner?

We do not ask those senators who truthfully and honestly do not believe Carswell should sit upon the Court to go against their own consciences to vote for him. We rather ask that all of the senators put each bit of testimony pro and con into a proper perspective and refrain from political buzzardry in their consideration of the nomination.

Weigh the statements of those attorneys and others who said they received or observed fair and impartial treatment by Carswell as against those who said they did not.

Consider whether Carswell as a District Judge did what a judge in this position is charged to do—conscientiously and consistently follow the law rather than make it. We believe he did. That may not be the "brilliant" course but it is the correct course for a district judge.

Take the reversals of Carswell's opinions and examine them. See how many were due to changes in higher court rulings after Carswell made his own decisions.

Consider the case load of the court and the amount of territory served by Carswell—alone for most of the time he was a district judge.

Take it all into consideration—the bitter and the sweet—and make a determination based on the entire record.

There are indications that the smear campaign has been more effective than even those who did the smearing dared to hope. If so, this plea—even though it would hardly be heeded anyway—comes too late.

If so, with the nomination dies a little more of the integrity of those senators who bowed to pressure rather than to conviction. We believe there are more than a few of those.

Let those who decided to sacrifice Carswell on the altar of political expediency—and this does not include all of his opponents but certainly does include some—live with the knowledge.

To those who held to the courage of their real convictions in the face of the liberal avalanche, whether they opposed Carswell and thus rode the crest or stood by him and were crushed, our admiration and respect. Would that the Senate contained more like them.

[From the Miami (Fla.) Herald, Mar. 26, 1970]

SOMEBODY FORGOT TO MENTION JUDGE CARSWELL'S SUPPORTERS

(By Malcolm Johnson)

TALLAHASSEE.—Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 567-page printed record on the Senate Judiciary Committee hearings on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him, either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . A man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge."

Judge Bryan Simpson, who was held up by civil rights lawyers as the kind of southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an open-minded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy:

"Judge Carswell will take a standard of excellence to the Supreme Court . . .

Judge David W. Dyer: ". . . Great judicial talent and vigor."

Judge Robert Ainsworth: ". . . A person of the highest integrity, a capable and experienced judge, an excellent writer and scholar . . ."

Judge Warren Jones: ". . . Eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of antiracial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little

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crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the senate that is supporting him.

The press agent offers fresh news, while the Record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative, than something complimentary. But it isn't a very good explanation, at that.

[From the Birmingham News, Mar. 26, 1970]

GOLDBERG AND CARSWELL

We hadn't intended commenting again so soon on the Carswell nomination. He will or won't be confirmed by the Senate for reasons having little to do with his qualifications, and there is not much anyone can say which is going to have much influence with the so-called "liberals"—who are anything but—who have decided that the President of the United States has no right to appoint a conservative, strict constructionist judge to the court.

We hadn't, as we said, intended to comment again—but it is impossible to let pass without note the judgment by former Supreme Court Justice Arthur Goldberg that Carswell is "not fit" to serve on the high court.

This is Arthur Goldberg, whose nomination to the Supreme Court by President John Kennedy was confirmed by the U.S. Senate—including many of the same men who now oppose Carswell—without a dissenting vote, despite the fact that Goldberg had not had one day of judicial experience and despite the fact that his whole career had been devoted to serving as lawyer for a special interest—organized labor, specifically the United Steel Workers and the AFL–CIO. (These are the same senators who accused Judge J. Clement Haynsworth of "conflict of interest.")

Many of these same senators, it might be added, were in the Senate when the other of President Kennedy's Supreme Court nominees, Byron "Whizzer" White, was confirmed—again, without a dissenting vote. Like Goldberg, White, then an assistant to Attorney General Robert Kennedy in the Justice Department, had not a single day of judicial experience.

Even more of the senators who opposed Haynsworth and now oppose Carswell had come to the Senate by the time President Lyndon Johnson made his first appointment to the Supreme Court—Abe Fortas. Like Goldberg and White, Fortas had a reputation as a lawyer, but had no judicial experience whatsoever. He was better known as a political associate of the President. Like the other two, Fortas was confirmed by voice vote, with no dissenting vote recorded.

President Johnson's second appointee, Thurgood Marshall was serving on the federal bench at the time of his appointment, so it cannot be said that he had no judicial experience. But before his appointment to the bench (and previously to the post of U.S. solicitor general), he, like Goldberg, had made his reputation primarily in the representation of one special interest—civil rights groups. The only opposition to his confirmation was dismissed as motivated by Southern racism and was trampled down.

Without any comment at all on their performance on the Supreme Court, the point is that each was the appointee of a "liberal" president, and that while each had factors presumably weighing against nomination for service on the highest court in the land (lack of judicial experience or close identification with special interests), all were routinely approved.

And now here comes Goldberg to say that Judge Carswell is "not fit."

We wondered what our reaction had been to Goldberg's own nomination, and checked the files.

"The obvious thing to say of President Kennedy's appointment of Arthur J. Goldberg to the Supreme Court is that here is another case of political reward," The Birmingham News said editorially on August 30, 1962. "Mr. Goldberg has no previous judicial experience. He is known exclusively as an attorney dealing with labor union matters.

"Yet if this yardstick is to be the major criterion in measuring capacities of promise of judges, one could conclude only that the American judicial system is rife with incompetency. The opposite is the case . . .

"Presidents, of either party, *do* name on basis of politics. But they also have shown a considerable feeling for what lies within a man. There are exceptions, but agree or disagree with judicial histories or opinions, the overwhelming majority of Supreme Court justices have been men who served well, thoughtfully, and contributed to creation of a spirit of justice."

It seems to us that President Richard Nixon is entitled to the same presumption of good faith and careful consideration of qualifications of Supreme Court nominees that President John F. Kennedy was entitled to (and got). It seems to us that G. Harrold Carswell (and Clement Haynsworth before him) is entitled to the same benefit of the doubt that Whizzer White, Abe Fortas, Thurgood Marshall and—yes—Arthur Goldberg got.

The anti-Carswell (really, anti-Nixon or anti-strict contructionist) forces' desperate effort to block him not only smears a man who, if confirmed, inevitably will carry with him to the high court some of the stain of doubt, not only cheapens and further erodes public confidence in one of the basic foundation stones of our system of government—it is directly opposite to the treatment which "liberal" nominees of at least equally questionable qualification received.

Has Goldberg forgotten? Have the senators who voted to confirm him forgotten? Or has their sense of fair play been blunted by pettiness and "liberal" dogmatism?

INFLATION

Mr. MONDALE. Mr. President, I have become increasingly alarmed by the boasts of the current administration that the battle against inflation has been won and that the possibilities of a recession are nonexistent. Surely the facts indicate that such optimism is not warranted. Last month the cost of living index took another leap—consumer prices are rising at an annual rate of 6.3 percent.

This disturbing disparity between hopeful claims and stark reality lends greater urgency to the need to fundamentally reevaluate present economic policy. It is time we realized that a satisfactory answer to the problem of inflation does not, and cannot, require more jobless men on the streets or the sacrifice of homes and small business through exhorbitant and inequitable rates of interest.

Mr. President, the doubts which I have expressed in the administration's assessment of, and responses to, our grave economic crisis are not shared by me alone. An editorial published recently in the New York Times squarely addresses itself to these issues. I ask unanimous consent that it be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

FAILURES OF ECONOMIC POLICY

The cost of living index took another big jump last month. Nationally, consumer prices were rising at an annual rate of 6.3 per cent; in New York City the climb was at a 9.6 per cent rate.

Assertions by spokesmen for the Nixon Administration that inflation is slowing still sound more like political propaganda than fact. A few days ago House Republican Leader Gerald R. Ford emerged from a White House meeting with the cheery declaration that inflation had been "defeated" and that the chances of a recession were "nil." The only real enlightenment provide by the Ford statement is that the Nixon Administration has decided that the political dangers of recession are greater than those of inflation. President Nixon made that even clearer in his recent news conference.

In this election year, the Republicans have decided to attack a potential recession before there is any evidence that inflation has been checked. Less than two months after the President vetoed the Health, Education and Welfare bill on grounds that it would increase outlays by $1.5 billion, the Nixon Administration has released an extra $1.5 billion in construction funds. More importantly, the President and his key aides have been stepping up their insistence that the Federal Reserve increase the money supply, and Chairman Arthur F. Burns has indicated that the Fed is already doing that.

It begins to appear that those skeptics, especially in the business world, who refused to believe that the Administration would carry its anti-inflation campaign to the point causing a significant downturn, were right. If that were all there is to economic policy, much could be said for such an approach; unemployment may well be more costly than inflation, economically as well as politically. But the problem of policy cannot validly be put in such simplistic terms.

The Nixon Administration does indeed seem to regard inflation and recession as two ends of a seesaw, and it strives vainly to find the right balance. But the essential job which the Administration refuses to face up to is the necessity of improving the trade-off between inflation and recession—that is, improving the underlying structure of the American economy.

The President backs off from taking even those first steps to improve the economic structure urged by his own top economic advisers. A prime case is Mr. Nixon's rejection of the report of his own task force on oil import quotas, which showed that oil quotas are costing consumers $5 billion a year. Not only was this report thrust aside, but the White House has now moved to restrict by law the flow of crude oil from Canada, a move that flagrantly disregards the national security basis for any import quotas, which is their only legal justification.

Other recent examples of the Nixon Administration's tendency to aggravate rather than attack structural problems can be found in its expanded program of subsidies and tax breaks for the merchant marine and its support for protectionism against competition on textile imports. At the same time that it yields to powerful pressure groups, the Administration declines to make any effort to develop an effective incomes policy to restrain prices and wages.

If the Administration continues to accommodate its every economic move to the specific political presures that reach it, the nation's hope of simultaneously achieving economic growth, high employment and price stability will be doomed.

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DR. ROBERT J. ANDERSON, DISTINGUISHED PUBLIC SERVANT

Mr. **HRUSKA.** Mr. President, as a member of the Agriculture Appropriations Subcommittee for over 12 years, I have had an opportunity to become acquainted with quite a number of dedicated men at the Department of Agriculture who have devoted their careers to the advancement of American agriculture. They represent an impressive array of education, experience, and expertise, and have pursued their distinguished careers as public servants through administrations of both political parties. One of these outstanding men is Dr. Robert J. Anderson, who is presently the Associate Administrator of the Agricultural Research Service.

Dr. Anderson and I have become acquainted over the years as a result of his efforts and leadership in the area of livestock disease control. Recently, we have worked together to establish a U.S. international livestock quarantine station. We have been pursuing this goal together since 1968 when it became apparent that to import new livestock breeds into the country without exposing American livestock to new foreign diseases such a station was essential. During the past session of the Senate, I introduced a bill, S. 2306, to authorize the Secretary of Agriculture to establish a quarantine station. That bill has now been passed by both Houses of the Congress and is awaiting only agreement of the Senate on one technical amendment made by the House.

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Let the record show that Dr. Anderson deserves the highest praise for his foresight and imagination, as well as his intimate knowledge of American livestock, in developing this idea, and fullest credit for his perseverance and statesmanship in bringing the idea to fruition.

Regrettably, Dr. Anderson is retiring today, April 1, 1970.

He is completing 35 years of dedicated service in the Federal Government, during which he has demonstrated unusual skill in administering programs devised to increase the efficiency of agriculture by controlling or eradicating agricultural pests and diseases. At the same time, he has vigorously stressed the importance of using pest control methods that create the least possible hazard to man and his environment.

Through his efforts to promote the productiveness and safety of American agriculture, Dr. Anderson has contributed significantly to the well-being of millions of farmers and consumers in this Nation and in many other countries throughout the world.

Dr. Anderson's greatest contribution through the Department of Agriculture has been the steadiness of his leadership in meeting the complex requirements of changing times. He has displayed sound judgment in times of stress. He has established and maintained understanding and cooperation among the farflung organization of field personnel operating regulatory programs, as well as representatives of agriculture, industry, and the general public.

His outstanding accomplishments and leadership qualities are recognized as characteristic of his public service career. The impact of his unusual ability is illustrated by the comments made by others.

Dr. M. R. Clarkson, executive vice president, American Veterinary Medical Association, has pointed out that Dr. Anderson is recognized throughout North America and in other parts of the world as an outstanding administrator, with enviable personal traits.

Dr. George C. Poppensiek, dean of the New York State Veterinary College, Cornell University, stated that during the years he served as Chairman of the National Academy of Sciences Advisory Committee on Foot-and-Mouth Disease he appreciated the incisive way Dr. Anderson explained policies of USDA. He said that few people possess the mature judgment and diplomatic awareness that Dr. Anderson displayed so excellently. In his work with the Academy's Committee on Animal Health, Dr. Poppensiek commented that he had found it refreshing to work with a person who has Dr. Anderson's "enviable ability to cut through the superfluous and reach the nub of the problem so incisively."

During the past few years of his career, Dr. Anderson has taken a leading part in coordinating Federal efforts to assure the safe and effective use of pesticides. He has also served as Chairman of the USDA Food Safety Work Group, responsible for evaluating problems relating to food contamination from such sources as: microorganisms, including bacteria, viruses, and mycotoxins; drugs, chemicals and antibiotics; and other environmental contamination from agricultural sources.

Highlights of his accomplishments in eradicating pests and diseases are as follows:

Under Dr. Anderson's direction, for the first time man-reared insects, sterilized by atomic radiation, were released to eradicate insect populations by the resulting failure of natural reproduction. In cooperation with the States involved, Dr. Anderson administered the program that eradicated screw-worms from the Southwest and suppressed screw-worm populations in the Southwest. Prior to this program, screw-worms had been costing American livestock producers an estimated 100 million a year.

Dr. Anderson has provided leadership for the cooperative Federal-State hog cholera eradication program instigated in 1962. Incidence of the disease has been greatly reduced, and the goal for eradication is set for 1972. Dr. Anderson has been Chairman of the Secretary's National Hog Cholera Eradication Advisory Committee since its formation in 1962. In this position he has been one of the principal directors of the eradication program.

Dr. Anderson directed the successful campaign against vesicular exanthema, a serious disease of swine. The disease reached epidemic proportions in 1952 with a million hogs infected or exposed in 43 States. The disease was eradicated and no case has been reported since August 1959.

Dr. Anderson played a major role in the administration of the foot-and-mouth disease eradication campaign in Mexico, serving throughout the program from 1947 to 1952. If foot-and-mouth disease had not been eradicated in Mexico and had spread to the United States, our Nation's supply of livestock products could have been reduced by one-fourth. The people who worked with him in Mexico give Dr. Anderson much of the credit for the success of the campaign.

The ability and tact Dr. Anderson demonstrated in working with representative members of the Mexican Government and livestock industry during the campaign created a lasting respect that is largely responsible for the unusually good relationship that exists today between the Department and Mexican officials. The good will is important in continuing cooperative efforts of the two countries in plant and livestock pest and disease control programs.

He has continued to work in the best interests of the livestock industry in helping to find ways to import breeding stock safely into the United States to improve breeds of animals without endangering the country through the introduction of foreign diseases.

Dr. Anderson received his doctorate in veterinary medicine from Texas A. & M. University, College Station, Tex., in 1935. He was employed by USDA that same year and continued his work in the Department, with the exception of military service from 1941 to 1946, until his retirement today. He is returning now to his native State to make his home in Marshall, Tex.

Mr. President, there is no question but that Dr. Anderson has earned and well deserves the rest and recreation that he desires. We hope, however, that because of his great interest in agriculture and livestock that his sound judgment and great knowledge will be available to advise those interested in American livestock. Nevertheless, he will unquestionably be missed in Washington by those of us who have known him and his work.

FARM PROGRAM PROPOSALS

Mr. **HARRIS.** Mr. President, on Monday of last week the Secretary of Agriculture, Mr. Hardin, testified before the Senate Agriculture Committee on new farm program proposals. At that time he presented to the committee the administration's so-called set-aside proposal, and openly rejected for the first time the "coalition farm bill" which has the support of 32 major farm groups.

Mr. Tony Dechant, president of the National Farmers Union had the following comments on the Secretary's testimony:

> The Nixon Administration's proposals to lower price support loan rates and weaken supply management under a so-called "set-aside" plan, add up to only one thing, and that is lower farm income. We object. Farmers desperately need higher income. This is no time to cut farm income.

I agree with Mr. Dechant. This is no time to be considering farm programs which would have the effect of lowering already depressed farm prices. Farmers are caught in a worsening cost-price squeeze, and without the adoption of the coalition farm bill, which will raise farm income by $1.3 to $1.4 billion per year, this cost-price squeeze could bring about economic disaster in the agriculture industry.

Mr. President, I ask that the full text of Mr. Dechant's remarks entitled "Nixon Administration Would Fleece the Farmer" be made a part of the RECORD at this point.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Farmers Union Says the Nixon Administration Would Fleece the Farmer

WASHINGTON, D.C., March 25.—"When the endless debating about the farm program is finished, the farmer is going to find that while he was listening, his pocket has been picked," the national president of the Farmers Union Tony Dechant, said here today.

"The Nixon Administration's proposals to lower price support loan rates and weaken supply management under a so-called 'set-aside' plan, add up to only one thing," said Dechant. "That is lower farm income. We object. Farmers desperately need higher income. This is no time to cut farm income."

Dechant was critical of the proposal of Secretary of Agriculture Clifford Hardin made to the Senate Agriculture Committee on Monday. "We are extremely disappointed that the Secretary rejects the Coalition Farm Bill," said Dechant. "It has the support of 32 grassroots general farm, commodity and cooperative organizations. Not a single farm organization supports the Administration's proposal. It is shocking that the Nixon Administration—while talking about the need to improve farm income—is actually planning to fleece the farmer."

Hardin proposed to the Senate committee that loan rates for wheat and feed grains be lowered. "These are two segments of the farm economy most urgently in need of price improvement," said Dechant. He said that Hardin's "set aside" plan for retirement of farm acreage from production will virtually throw out the window supply management on a commodity-by-commodity basis. He said, "It could bring chaos in the market place. We have learned through experience that supply management must be approached on a commodity-by-commodity basis. It would be reckless to adopt a wholly untried plan to replace something we know works."

"The Farmers Union convention delegates," Dechant continued, "called this month on the Congress to approve the farm bill supported by the Coalition of Farm Organizations. They did so because the simple fact is that when support levels go down, as has been proposed by the Administration, prices to farmers go down. The set-aside plan is very similar to the 'sliding scale' and massive 'soil bank' recommendations made 15 years ago by Secretary of Agriculture Ezra Taft Benson. The Congress wisely rejected it."

Dechant disputed Hardin's statement that the Coalition Farm Bill would cost an additional $1½ billion. "The true figure is between $600 and $700 million," he said. "And it would increase farm income by twice that amount."

CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, the President's recent proclamation putting a quota on Canadian oil imports, ostensibly in the interest of national security, has been met with a great many objections. Last week, a bipartisan group of 25 Senators from Northern States wrote to the President and asked that he defer the quota and seek a freer exchange of petroleum with Canada.

The Minneapolis Tribune commented on this latest blow to consumers in an editorial of March 13. The Tribune pointed out that the curb on Canadian imports and the failure to liberalize oil imports, as proposed by a Presidential task force, meant that "the Nixon administration is more concerned for the welfare of the Nation's oil producers than it is for consumers."

The Austin, Minn., Daily Herald, on March 16, 1970, observed:

> It will be hard for Minnesota to live with the President's latest mistake . . . For Minnesota the President's move is an ill wind that blows none of us any good.

The President's proclamation was issued on March 10 and was retroactive to March 1. Unfortunately, there was no notice or hearing afforded on the substance of the proclamation and the quota level it established. The proposed regulations to influence the proclamation were published on March 11 and comments were required by March 20.

As reported in Platt's Oilgram on March 24, 1970:

> Nearly all of 25 refiners that commented . . . registered protests.

These included a charge that the proclamation is "little more than a continuation of the tired, discredited policy of special privilege," and a challenge of the "legal validity" of the order. Other comments were that the new controls were "arbitrary, unfair and unreasonable," "discriminatory," "inequitable," and that they "will result in supply and transportation problems."

These comments underscore the view that a grave error was made in restricting oil imports from our good friends and strong allies across the border .

Mr. President, I ask unanimous consent that the editorials and article be printed in the RECORD.

There being no objection the editorials and article were ordered to be printed in the RECORD, as follows:

[From the Austin (Minn.) Daily Herald, Mar. 16, 1970]

Canadian Crude Limited

Crude oil imports have for some time been limited, and perhaps rightly so. This is because oil firms are careful not to bring in enough of it so they undermine the domestic market. The imported oil is, of course, purchased by much less than domestic can be sold for at a profit. So the prices coincide, and nobody is too disadvantaged.

President Nixon's decision to reduce Canadian crude oil imports drastically alters the situation. He probably wasn't aware that this act was a serious blow to Minnesota.

We feel it incumbent to support Sen. Walter Mondale's vigorous protest and that of Gerald M. Everett, executive director of the Northwest Petroleum Assn.

As Sen. Mondale and Everett point out, it will be hard for Minnesota to live with the President's latest mistake. All three Minnesota refineries—Continental Oil at Wrenshall, Great Northern Refining Co. at Pine Bend and Northwestern Refining Co. at St. Paul Park rely heavily on Canadian crude oil.

"There is no other place to go, and domestic crude oil is not available in sufficient quantity to wad a shotgun," Everett says.

For Minnesota, the President's move is an ill wind that blows none of us any good.

[From the Minneapolis (Minn.) Tribune, Mar. 13, 1970]

Oil and National Security

The curb on oil imports from Canada and the foot-dragging over a task force recommendation that a system of tariffs be substituted for the present import quotas point in only one direction: The Nixon administration is more concerned for the welfare of the nation's oil producers than it is for consumers.

Current laws permit presidential restrictions on oil imports only for protection of national security. The idea is to limit dependence on foreign sources of oil that might be cut off in event of war. The task force majority, however, found that imports could be increased substantially, with a new tariff system, without endangering U.S. military and economic strength. The current quota system—a bonanza to domestic producers—costs consumers an estimated $5 billion a year in higher prices than they would pay if the quotas were removed.

The report was released without President Nixon's endorsement. With an eye obviously on Senate races in several oil-producing states this year, he said only that the matter needs further study. The task force has studied it for a year.

The decision to curb imports of Canadian oil also was made "in the interest of Canadian and U.S. security," according to a State Department official. There is no indication, however, that the Canadian government agrees with this assessment. Nor did the task force report agree; it suggested Canada was a relatively secure source of oil. We suggest, too, that we let the Canadians determine whether their exports to this country put a strain on their oil reserves.

Canadian exports provide a major source of oil for Minnesota's refineries. Limiting such exports would have a serious effect on the state's economy, and bring a sharp rise in cost of oil products to consumers. We hope Gov. LeVander will join Minnesota's Sen. Mondale in protesting the President's action.

[From Platt's Oilgram, Mar. 24, 1970]

Canadian "Quota" Rules Draw Mostly Protests

WASHINGTON, March 23.—Nearly all of 25 refiners that commented on Oil Import Administration's proposed new rules for Canadian crude and unfinished oil import "quotas" for Dists. 1–4 registered protests on Presidential proclamation clamping quantitative controls and/or proposed method of making allocations.

Comments received by March 20 deadline ranged from "illegal" to "discriminatory" and "unreasonable" (see 3/23 Platt's Oilgram News).

Union Oil of California said proposed quota rules were "unfair, illogical and confusing" and "should be rejected out of hand," Union said:

"It is with dismay that we find, after the massive national effort of 1969 to understand and improve the country's oil imports policies, that the very first major proposal to emerge in 1970 is little more than a continuation of the tired, discredited policy of special privilege."

Ashland Oil & Refining questioned "the legal validity" of both Presidential proclamation limiting imports to 395,000 b/d and OIA's rules for setting quotas among historic importers and newcomers (see 3/11 Oilgram).

It said quota limitations "are so arbitrary, unfair and unreasonable as to present grave issues as to compliance with constitutional due-process standards." It reserved "all legal rights and remedies" with respect to proclamation, which, it said, should be "rescinded" and regulations, which should be "recalled."

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Failing such abrogation, Ashland urged "most strongly" that:

Effective quota date be postponed to May 1 (instead of March 30) and deadline for comments to April 10 (instead of March 20).

Retroactive features of both proclamation and regulations be eliminated.

Due to "shortages of inland waterway barges and domestic pipe line capacity," permissible level of Canadian crude and unfinished oil imports be increased to 560,000 b/d, from 395,000 b/d.

Controls be extended to product imports.

Dists. 1 and 5 be specifically excluded from scope of proposed restrictions.

Following are other comments:

Mobil said lack of advance notice on proposed "interim" regulation and its retroactive feature "will result in supply and transportation problems for the industry."

Also, proposed base period (12 months ending Sept. 30, 1969) discriminates against Mobil, which was "one of only two companies" whose Canadian crude imports declined in this base period, compared to immediately preceding year "as a result of our voluntary compliance with government requests." Mobil's imports dropped to 9.1% of industry total in base period from 11.7% in immediately preceding 12 months.

Besides, proposed rules are "inequitable" to historic importers which are at same time new importers in Chicago area. In addition to its East Chicago refinery, Mobil has under construction "a major grassroots refining project" at Joliet, Ill., "undertaken after many discussions with government authorities and in full expectations that Canadian crude would provide a substantial input."

Clark Oil & Refining objected that rules discriminate in favor of historical importers and proposed that new rules "ration the crude on the basis of refinery inputs." It said:

"During the base period (for calculating allocations), when we were ready, willing and able to import Canadian crude, we were prevented from so doing by governmental action. Now, ironically, because of this prior obstruction, we are precluded from qualifying as a historical importer."

Gulf regretted issuance of quota limitations and suggested that restrictions not be extended beyond "temporary period." If Gulf is restricted to 17,000 b/d, it'll have to reduce runs in its Toledo, Ohio, refinery.

Murphy Oil said it is "unalterably opposed" to any restrictions, even if imposed on temporary basis.

Phillips supported quota proposal, but objected to method of allocation favoring historical importers. It suggested instead allocations based on refinery inputs, with provision for exchange of unused quotas, which it said, can be implemented without changing March 10 Presidential proclamation.

Cities Service "reluctantly" accepted restrictions, if these "are a temporary expedient for the purpose of permitting a viable long-term resolution of a North American oil import policy being negotiated with Canada."

However, it objected to making permissible imports available mostly to historical importers and especially to making remainder of permissible quantity available to newcomers on basis of "equal shares."

It proposed that quotas be redistributed on basis of "capability and desire" of refiners to process Canadian crude. It estimated that under new rule, Cities will receive 5,700 b/d to 6,700 b/d quota, whereas it had made arrangements to receive 23,300 b/d Canadian crude.

Shell agreed that quotas are necessary but feared that method of allocation "will be unpredictable and inequitable." It proposed that historical importers get their quotas as proposed, but that remainder of maximum allowable be given to all eligible applicants, including historicals, and not to newcomers alone.

Indiana Standard was "disturbed by the inequitable plan that is now being proposed and by the manner in which it apparently will be imposed upon the industry without benefit of a public hearing." It said "fundamental inequity" of historical quotas for overseas imports is now being applied to Canadian crude.

Sun said it "has been hurt twice"—once, by voluntarily cooperating with the Canadian and U.S. governments' wishes, "when other companies did not, and now, a second time, by the historical level of imports being used as the basis for determining future allocations.

"Should we conclude that to disregard the desires of the U.S. government is the route to special privileges over competitors?" Sun asked.

Texaco said it had "strictly observed" informal (1967) agreement between U.S. and Canada. However, it will file applications under new rules to import Canadian crude for its three refineries near the Canadian border.

"This course of action is chosen because we are marketers in the areas served by refiners which will use Canadian crude oil and our failure to do likewise would place the company at a competitive marketing disadvantage."

TIROS DAY IN NEW JERSEY

Mr. CASE. Mr. President, by proclamation of the Governor, today is TIROS Day in New Jersey.

We in New Jersey are proud of the contributions made in our State to this and other aspects of the space program.

I ask unanimous consent that the text of the Governor's proclamation and a summary of the achievements of the TIROS, ESSA, and ITOS satellites, prepared by RCA, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, April 1, 1970, is the tenth anniversary of the launch of TIROS I, the world's first weather satellite, and

Whereas, TIROS I introduced a new and revolutionary dimension to the observation of the earth's weather, and

Whereas, TIROS I led to the Environmental Survey Satellites and ITOS Improved TIROS Operational Satellites which routinely observe the weather from space orbits, and

Whereas, these satellites now chart the weather globally every 12 hours, providing information to help prevent the loss of lives and destruction of property due to adverse weather, and

Whereas, all 20 TIROS, ESSA, and ITOS satellites launched by NASA achieved orbit and met or surpassed their mission goals, making the series the world's most successful space program, and

Whereas, these satellites have returned over 1,300,000 TV views of the earth's weather and have accumulated a useful life of space of over 35 years, and

Whereas, all 20 TIROC, ESSA, and ITOS satellites were designed and developed in Mercer County, New Jersey, by the RCA Astro-Electronics Division,

Now, therefore, be it resolved that I, William T. Cahill, as Governor of the State of New Jersey, do hereby declare April 1, 1970 as TIROS Day in New Jersey and urge the citizens of New Jersey, and the nation, to join me in paying tribute to this beneficial space program, its sponsors, the NASA Goddard Space Flight Center and the Environmental Science Services Administration of the U.S. Department of Commerce and its builder in New Jersey, the RCA Astro-Electronics Division.

TIROS-ESSA-ITOS SUMMARY

The TIROS meteorological satellites will complete a decade of space operations on April 1, 1970. As of March, 1970, 20 consecutive successful launchings and orbital operations have been achieved by the 10 TIROS R&D satellites and 9 ESSA satellites (which are now part of the national operational system) and one ITOS space bus.

During this decade, this program has performed an outstanding service in providing vital meteorological observations of this planet's weather for use both in research and for routine operational daily weather forecasts on a global basis.

Prior to the innovation of this system in April, 1960, there was only a limited view of this planet's weather. With the TIROS, ESSA and ITOS satellites in orbit, observations of the earth's weather system are performed on a global basis daily; prior to this, only 20% of this planet's weather was observed daily by conventional earth-based means.

Another important aspect of TIROS, ESSA and ITOS satellites is the demonstration and application of unmanned satellites for peaceful purposes. TIROS, ESSA and ITOS satellites have routinely provided weather data for use, not only to the USA, but to countries throughout the world. This program has been cited by many dignitaries of the USA as well as members of the International community as to the contribution of the TIROS, ESSA and ITOS program of the benefit of mankind.

A special camera, called Automatic Picture Transmission System, was developed to provide satellite weather data directly to simple one-man-operated ground stations located anywhere in the world. This particular system has been operational with the ESSA satellite since 1966 and the ITOS launched on January 23, 1970. Over 400 stations, located in 60 countries throughout the planet, are receiving their own satellite weather data for their local use. This service has been provided by the USA as part of its international commitment to the UN's WMO. This is a splendid example of the international peaceful use of outer space for all mankind.

There are many other aspects of the program which are worth noting.

1. All hurricanes and typhoons are now observed and tracked by satellites.
2. Advanced warning of major storms is provided to the international community by the USA; hence, providing added time for protection of lives and property.
3. Underdeveloped countries can now share in the use of satellites.
4. Major international flights from New York and San Francisco utilize satellite weather data.
5. A number of U.S. Navy ships receive satellite weather data at sea.
6. Satellites have been utilized for sea ice reconnaissance to aid shipping in the Gulf of St. Lawrence.
7. All U.S. manned satellite-Mercury, Gemini, Apollo—have used TIROS weather data for the launch and recovery operations.
8. USA's most successful unmanned satellite:

a. 20 out of 20 launch and orbital successes.

b. Over 1,250,000 television pictures from space.

RURAL DEVELOPMENT TO BACK BURNER

Mr. MONDALE. Mr. President, the subject of rural development is of ma-

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jor importance to those of us who are dismayed with the continuing rural to urban population shift.

True, the migration has lessened in recent years, and we must credit much of this slowdown to the active efforts of Secretary Orville Freeman and his Agriculture Department's emphasis on rural development.

Now we find a reversal of emphasis by the current administration. As I said to the Senate on February 10, when I inserted a letter to President Nixon which 16 Senators signed and which expressed increasing concern about his administration's record on rural development, the President is responding to the problem with rhetoric.

Since that date—and I must add that the President has not responded to our letter—his Task Force on Rural Development has issued its report, entitled "A New Life for the Country."

I shall have more to say about this report at a later date, but I do wish to call the Senate's attention to an article on its release, written by Roy Parker, Jr., writing for the Raleigh, N.C., News and Observer.

Mr. Parker's column again clearly and vividly portrays the situation here regarding any program of rural development. It is on the back burner.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the News and Observer,
March 15, 1970]

RURAL DEVELOPMENT GETS BACK-BURNER TREATMENT

(By Roy Parker Jr.)

WASHINGTON.—Vice President Agnew was taking aim at God-knows-who in his gallery of shadow targets, saying: "Today we have a dangerous delusion—words masquerading as decisions, activity masquerading as progress, and non-productive dissent masquerading as constructive debate."

That phrase about nonproductive dissent might be applied to some of the vice president's own diatribes. But the first two certainly describe the administration's record on rural development.

The total absence of any real movement toward meeting goals, promises, and platforms pledged as far back as the summer of 1968 was emphasized again this week.

The White House press office hastily assembled the regular press corps and got Secretary of Agriculture Clifford Hardin to come over to release the 49-page report of a "task force on rural development," set up in September.

The report, said Hardin, had as its major recommendation: "Explore the feasibility of using investment tax credits for attracting industry to nonmetropolitan growth areas."

It also called for creation of a "rural development credit bank," and urged industries to "launch a campaign to establish jobs and new plant locations in countryside America."

Under questioning, Secretary Hardin had to admit that this was the fourth task force report delivered to the White House on the same subject since 1966, that it had been discussed only once in the cabinet-level Rural Affairs Council, and that the report "merely points the direction and it is left to Congress, the administration, and others, to determine what the timetable will be."

Press Secretary Ronald Ziegler was asked if the President had seen the report.

"Yes . . . and of course, will review it with great interest." The President "would compliment the task force," but as to any opinion on its recommendations, "no."

Was there any plan to send a special presidential message on rural development to Congress this year? There is no plan at this time for such a message."

That was that, and that is apparently going to be that for at least the next nine months.

In sum, the administration has pushed rural revitalization to the back burner, despite a constant rhetorical drumfire that goes back to the GOP platform of 1968.

Secretary Hardin told a Midwest audience only last week: "Public policies in the seventies will also be directed toward a rebirth of opportunity and economic growth in rural America. The administration has resolved to . . . reallocate growth so that a major share of population increase takes place in rural areas."

A week earlier, the secretary had discussed rural revitalization at breakfast with North Carolina Gov. Robert Scott. "They didn't seem to have any real idea where they were going," Scott commented afterwards.

The sideshow at the White House on Tuesday illuminated Scott's remark as nothing else could.

Any real push to begin revitalizing rural areas is no farther along than it was in 1966, when the White House conference "To Secure These Rights" adjourned with a long list of recommendations about what needed to be done.

Many of the proposals have been embodied in legislative proposals. A bill granting the rural areas tax incentives which the task force said should be explored was introduced 13 months ago by Sens. Fred Harris, D-Okla., and James Pearson, R-Kan. So far, Secretary Hardin's department has not been allowed to even comment on it.

A long range study of the need for balanced population growth, another recommendation in the Nixon task force report, was proposed in a bipartisan resolution passed in 1967 and against last year in the Senate.

The whole range of revitalization thrusts which would be necessary to make the countryside an acceptable alternative to the cities was exhaustively outlined in September, 1967, in the report "The People Left Behind," issued by the President's National Advisory Committee on Rural Poverty. Ironically, University of North Carolina Vice President Ed Bishop, who headed that task force's study, was on the Nixon task force and made the same recommendations.

So the words continue to masquerade as decisions, and flurries of activity—hasty White House news conferences in order to forestall leaks of 60-day-old reports—masquerade as progress.

MILITARY EQUIPMENT FOR FOREIGN GOVERNMENTS

Mr. HARRIS. Mr. President, last week I spoke against what I considered to be an ill-advised proposal to loan three submarines to Taiwan. Since that time, more information has come to light on Defense Department practices in providing military equipment to foreign governments, indicating to me that the Congress must direct much closer scrutiny to this matter.

A particular problem exists with respect to materiel that has been declared surplus by the Pentagon. Unlike military assistance grants or military credit sales, this materiel can be disposed of abroad by sale or gift without congressional authorization or limitation. The only current requirement is that such transactions be reported when the Defense Department comes to the Congress for its annual appropriation. This after-the-fact informational requirement is hardly a control, and even within the executive branch the Department of State has had a great deal of difficulty in establishing interagency mechanisms which would insure that such surplus transactions are in the national interest and that they are compatible with our overall foreign policy. Since it has been estimated that $3.4 billion dollars worth of surplus equipment has been given away in the past 19 years, this is no small scale operation. It must be brought under close control, just as the Congress did with military credit sales in 1968.

Mr. John W. Finney of the New York Times recently wrote a very important article outlining many of the problems in this area, giving particular attention to the $157 million worth of material given to Nationalist China alone last year. Since the details of these transactions were discovered only after the fact by the perceptive questioning of Representative CONTE of Massachusetts, emphasis is given to the need for better control mechanisms. In the Senate, the subcommittee headed by the distinguished senior Senator from Missouri (Mr. SYMINGTON) has been probing the details of such transactions, but the State Department has not yet seen fit to declassify information provided in its hearings last fall. I strongly support the efforts of this subcommittee, and hope that its work will result in the Congress being able to exert more effective control over the nature and limits of U.S. commitments and military support activities abroad.

I ask unanimous consent that this article by Mr. Finney be printed in the RECORD so that it may be more widely available.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 29, 1970]

TAIWAN GIVEN MANY ARMS IN SECRET BY UNITED STATES IN 1969

(By John W. Finney)

WASHINGTON.—The United States secretly presented Nationalist China last year with fighter planes, cargo planes, destroyers, antiaircraft missiles, tanks and rifles reportedly worth $157-million.

Except for approximately $1-million paid for four destroyers, the Government of President Chiang Kai-shek in Taiwan received the weapons free out of stocks that had been declared surplus by the Defense Department.

Such large-scale use of "surplus" weapons as an indirect form of military assistance is a relatively new development and is raising unresolved policy questions within the State Department and Congress.

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggests that the total may come to $10-billion, although State Department officials believe this estimate is too high.

The Defense Department never announced, either publicly or to Congress, the transfer

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of the weapons to Taiwan, and the gift would probably have gone unnoticed if some questions had not been raised in a recent meeting of a House appropriations subcommittee by Representative Silvio O. Conte, Republican of Massachusetts.

At a closed-door hearing, Representative Otto E. Passman, Democrat of Louisiana, the subcommittee chairman, was once again raising the possibility of providing $54-million so the Government in Taiwan could buy a squadron of F–4 Phantom jet planes. A similar proposed grant in the military-assistance program was approved last year by the House, but blocked by the Senate.

As the debate in the foreign aid subcommittee warmed up, Lieut. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales, broke in and was said to have observed: "I want you to know we have given them quite a bit." Then, under questioning by Mr. Conte, the details of the military goods supplied to the Chinese Nationalists were disclosed by General Warren.

During floor debate last week, when the House approved legislation lending three submarines to Taiwan, Mr. Conte listed some of the "military goodies" that were included in what he described as the "beautiful Christmas present" for the Chiang Government. In an interview, he listed additional items that had been included in the package.

ITEMS ARE LISTED

These included four 20-year-old destroyers that had been decommissioned by the Navy; equipment for a Nike Hercules missile battery that had been installed in Hawaii; more than 35 F–100 Super Saber jets, which are relatively old supersonic interceptors; more than 20 F–104 Starfighters, which are supersonic fighter planes still in use by the United States Air Force and the North Atlantic allies; more than 30 C–119 flying boxcars, which are 15-year-old troop and cargo transports; some 50 medium tanks, and about 120 Howitzers and thousands of M–14 rifles.

On the basis of the Warren testimony, Mr. Conte placed the total cost of the package at $157 million.

In response to inquiries, the Defense Department declined to confirm or deny the details of the package described by Mr. Conte. The explanation offered by a department spokesman was that the Pentagon normally does not discuss the transfer of arms to foreign allies and furthermore that the information gets to "the order of battle" of the Chinese Nationalist armed forces.

State Department officials, who were not so reluctant to discussion of the transaction, said the transfer had been worked out in negotiations last summer and fall. Confirming the general outlines of the package, these officials said the weapons were needed to modernize Taiwan's air defense and to replace obsolete ships in the navy.

SEOUL ALSO GOT ARMS

State Department officials described the transaction as part of a general program of using surplus arms to bolster the defenses of such "forward defense" countries as South Korea, Turkey and Taiwan. In recent months, for example, the Defense Department has transferred 790,000 used rifles, carbines and submachine guns to South Korea for use by its home defense reserve forces.

Within the last year or so, the Pentagon has embarked on a major program to use surplus weapons to supplement its military assistance program, which has been sharply reduced in recent years.

This was a principal justification offered by State Department officials for the major shipment of surplus arms to Nationalist China.

Since the end of World War II, Nationalist China, known formally as the Republic of China, has received $2.7 billion in military assistance from the United States, primarily in arms provided as grants. But in recent years, this direct military assistance has been drastically curtailed, falling from $117 million in fiscal 1968 to about $25 million in the current fiscal year, which ends June 30.

"One reason we provided the Republic of China with so much in such a short time," a State Department official explained, "is that grant assistance was dropping drastically but at the same time China, as an exposed forward-defense country, had unfulfilled military requirements."

The policy question now being raised by the Senate Foreign Relations Committee is what controls, either by the executive branch or by Congress, are being exercised over the Pentagon's use of its growing stockpile of surplus weapons as a form of foreign military assistance.

In other areas of military assistance, Congress and the executive branch have established tight controls over the Pentagon.

Direct military grant assistance, for example, is subject to annual authorizations and appropriations by Congress, which thus sets a limit on how much aid can be provided country by country.

In the area of military sales—an area in which the Pentagon used to have complete latitude with its own "revolving fund" to finance credit sales of arms—Congress in the last three years has imposed tight controls. Under legislation first enacted in 1968 and now up for renewal, the Pentagon must obtain Congressional authorization for credit sales and Congress in turn imposes an annual ceiling on the amount of the sales.

As a result of an investigation by the Senate Foreign Relations Committee three years ago, the executive branch also ordered tighter interdepartmental coordination over Pentagon sales of arms. Such sales are now subject to formal approval by the State Department.

But in the disposal of surplus arms abroad—through sale or gift—the Pentagon needs no Congressional authorization and faces no Congressional limitation. The only requirement is that the Defense Department report the surplus arms transactions annually when it appears before Congress for its military-assistance appropriations, but as one Foreign Relations Committee staff member observed: "The reporting usually comes considerably after the fact."

Within the executive branch, the Pentagon in principle has to obtain State Department clearance for the disposal abroad of any major item of surplus equipment. But State Department officials acknowledge that the controls over surplus equipment are not as tight as those that have been worked out for sales of military equipment.

SYMINGTON HELD HEARINGS

One of the current efforts within the State Department's Bureau of Politico-Military Affairs, therefore, is to establish tighter interagency controls over the disposal of surplus weapons. A corresponding effort to establish stricter Congressional controls is certain to be made by the Senate Foreign Relations Committee as it considers extension of the military sales legislation, already approved by the House.

A foreign relations subcommittee, headed by Senator Stuart Symington, Democrat of Missouri, got its first insight into the Pentagon's growing use of surplus weapons as a form of military assistance when it held still-secret hearings last fall into United States military arrangements with Nationalist China.

One of the operations discovered by the subcommittee was that Maj. Gen. Richard G. Ciccolella, chief of the United States Military Assistance Advisory Group in Taiwan, had sent a special team to South Vietnam with the mission of finding used or damaged equipment that could be turned over to the Nationalist Government.

The subcommittee also determined, according to Congressional sources, that General Ciccolella had arranged for establishment of a military equipment repair facility in Taiwan.

The repair facility, according to these Congressional sources, was proving profitable to the Nationalist Government in two respects. First, it was receiving money to repair equipment under contracts with the Defense Department. Second, it was receiving free equipment by taking over weapons that had been declared irreparable by the United States.

General Ciccolella had been scheduled to testify before the Symington subcommittee last fall, but his appearance was postponed when he was hospitalized with a back ailment. The general has now been reassigned to Fort Meade in Maryland, and the subcommittee plans to have him testify before closing the Taiwan phase of its investigation.

THE POPULATION CRISIS—I

Mr. TYDINGS. Mr. President, I am gratified to report that over the past 6 months there has been a sudden surge of interest in the Senate in the critical population problem confronting the Nation and the world. The legislation I introduced last year with 26 cosponsors to lay the foundation for a voluntary national family planning policy and to provide the resources for much-needed contraceptive research has an excellent chance of being enacted this year. In addition, a very healthy dialog is underway regarding what steps we as a nation must consider beyond family planning if we are to deal successfully with our overall population growth problem.

In response to the many requests my office receives on both the domestic and international dimensions of the population explosion, I shall attempt periodically to place in the Record magazine articles, monographs, and newspaper clippings that provide information and insight into this pressing problem. An emphasis will be placed on readibility and brevity, with occasional academic pieces sandwiched in for those who wish to approach the population problem in greater depth.

I would like to begin this series of background inserts with an explanation by Prof. Charles F. Westoff of Princeton University of an extremely interesting study he and several colleagues conducted to measure the incidence of unwanted births in the United States. Of perhaps greatest significance, this study indicated that a national family planning program, such as the one invisioned in S. 2108, would have had a dramatic impact on the amount of U.S. natural population increase—the difference between births and deaths which is the major determinant of U.S. population growth. Dr. Westoff reports:

> For the nine years from 1960 through 1968, we estimate that between 35 and 45 percent of the natural increase that occurred in the U.S. could be attributed to unwanted fertility.

In other words, a national family planning program with the capacity to pre-

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vent all unwanted births would have gone far to substantially slow our population growth and reduce the financial burdens on communities forced to provide for increased services such as highways, school construction, and welfare.

Mr. President, I ask unanimous consent that Professor Westoff's discussion of his findings be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

PLANNED PARENTHOOD—THE EXTENT OF UNWANTED FERTILITY IN THE UNITED STATES

(Remarks by Charles F. Westoff, Ph. D. Office of Population Research, Princeton University, at annual meeting of Planned Parenthood-World Population, October 28, 1969)

The Planned Parenthood organization has set as one of its major objectives participation in the emerging national discussion on population policy for the United States. A national organization such as yours has a unique opportunity, indeed a responsibility, to carry on educational activities which will bring to the American public a clearer, more balanced picture of the nature of the problem and the effects of alternative population policies on this and future generations. Many of the issues involved are quite complex and there are quite a few potential dangers in uniformed action. This only reinforces the necessity for careful study and thoughtful discussion by citizens' groups such as yours, as well as by government officials and population scholars. Presumably this is the sort of thing which the Commission on Population Growth and the American Future, recommended by the President, will encourage.

It is my task to place this subject in the context of our knowledge of American fertility patterns. As a result of studies particularly in the last fifteen years, we know a good deal about the fertility patterns of American couples in all classes—their aspirations, the ways in which they seek to control their fertility, and the extent to which they succeed or fail. I do not mean that there are no significant questions about American fertility which remain unanswered, nor do I mean that our knowledge permits us to make definitive predictions about the future course of demographic events in the U.S. I do mean, however, that deliberations on appropriate population policy should be based on as accurate an assessment of the American fertility picture as our knowledge permits.

In the emerging discussion, as in other policy discussions, it becomes extremely important to define the nature and components of the problem accurately. For example, if we as a nation decide that our recent rates of population growth have been too high—or too low—in terms of accepted social or cultural objectives, then we must assess, as best we know how, what have been the elements making up the rate which we find socially objectionable. To oversimplify for clarity, if all of our growth were due to migration, then one set of remedial policies would ensue; if all of our growth were due to wanted babies born to couples who already practice modern contraception, then another set of policies would be indicated; while if all of our growth were accounted for by unwanted pregnancies among couples who practice no contraception or inadequate contraception, then a third, and quite different set of policies would be suggested. U.S. population growth in recent years has not been due to only one of these factors but to a mixture of all of them. In determining the directions for societal action, it is critically important to determine, as best we can, the proportions of U.S. population growth due to each of these factors.

At the behest of Planned Parenthood, Dr. Larry Bumpass and I have reanalyzed the data from the 1965 National Fertility Study in order to estimate one of the components of U.S. population growth—the extent of unwanted fertility in the United States. As you know, the 1965 study was based on a comprehensive survey of a representative national sample of married women in their childbearing years. The findings which I am about to present are based on our first report which deals with births which the respondents to the 1965 study stated were unwanted at any time either by the father, the mother or both. In our study, these births are classified as "excess fertility" and provide a basis for estimating the number of births that would not have occurred if the couples had had access to perfect contraception. In the next several months, Dr. Bumpass and I will extend the analysis to estimate the demographic effects of "timing failures"—births which the parents stated were wanted but which occurred before the parents desired them.

The findings of the first part of our analysis may be summarized as follows:

1. A substantial proportion of recent births to married couples was unwanted. Twenty-two percent of all births were unwanted by at least one spouse. As would be expected, the percent unwanted increased rapidly by birth order: 5 percent of first births, 35 percent of fourth births and more than half of sixth or higher order births were reported unwanted by at least one parent.

2. As would be expected, the incidence of unwanted births varies inversely with education and income. In terms of the government's standards defining poverty, near-poverty and non-poverty, the incidence of unwanted births is very much higher among the poor and near-poor: 17 percent of births to the non-poor were unwanted, compared to 26 percent among the near-poor and 42 percent among the poor. Two-thirds of all sixth or higher order births among the poor were unwanted.

3. For the six years from 1960 to 1965, these proportions in addition to an estimated fraction of illegitimate births yield an estimate of between 4.7 million and 5.9 million unwanted births in all socioeconomic groups or roughly between ¾ of a million and one million births a year. The lower estimate is based on the percentages unwanted by both parents, while the higher figure is based on the percentages unwanted by at least one parent.

4. In the same six years, the poor and near-poor had between 2.2 and 2.7 million unwanted births, while the non-poor had between 2.5 and 3.2 million wanted births. Of course, the number of women classified as non-poor was about four times greater than those classified as poor and near-poor; the fact that the absolute number of unwanted births in the former group is almost as high as among the non-poor simply reflects the much higher incidence of unwanted births among the poor and near-poor. The average annual number of unwanted births during those six years was between 370,000 and 445,000 among the poor and near-poor, and between 410,000 and 540,000 among the non-poor.

5. It seems clear that the prevention of unwanted fertility would have been a substantial impact on the U.S. birth rate over this six-year period. According to medium estimates, between one-fifth and one-quarter of all births would not have occurred, and between one-third and two-fifths of births to the poor and near-poor would have been prevented.

6. It seems clear also that even the achievement of Planned Parenthood's objective of a national program to provide effective contraception for the poor and near-poor would have had a far from insignificant demographic effect.

7. The impact of complete fertility control would have been even more dramatic on the amount of U.S. natural increase—the difference between births and deaths which is the major determinant of U.S. population growth. For the nine years from 1960 through 1968, we estimate that between 35 and 45 percent of the natural increase that occurred in the U.S. could be attributed to unwanted ferility.

8. We believe these estimates should be regarded as minimum estimates because the very nature of the questions involved in the survey required parents to characterize children already born as unwanted. It seems evident that many parents find this difficult and retroactively rationalize as "wanted" births that they originally would have preferred to avoid.

9. The conclusion is inescapable that the elimination of unwanted fertility would have had a marked impact not only on our birth rate and our rate of population growth, but also on the life situation of millions of American families in or near poverty.

Dr. Bumpass and I are continuing our research both in order to estimate how much additional demographic effect could be expected from reduction or elimination of timing failures, that is births occuring before they were wanted and to estimate the long-run demographic implications of eliminating unwanted fertility. Our preliminary estimates suggest that the prevention of unwanted fertility alone would take us a long way toward a zero rate of growth.

The work to date clearly demonstrates that the elimination of unwanted fertility would be a major element in any serious program to reduce U.S. population growth. Far from being insignificant, unwanted births appear to account for between one-third and one-half of U.S. population growth in recent years; the implication for the long-run growth rate is even greater. The policy implications of this finding are clear. A serious program to reduce U.S. population growth would begin with major social measures to reduce the incidence of unwanted fertility. The kind of measures might include:

(1) A massive expansion of research to develop more effective means of fertility control.

(2) Development of more efficient systems of distribution of contraceptive methods among all Americans, including those low-income couples who have not had access thus far to effective contraceptive instruction and care.

(3) The legalization of abortion on request as a back-up measure in cases of failed contraception, and appropriate policies to make abortion available to all who need it, regardless of socioeconomic status.

If the fertility patterns of the last decade continue, these three measures by themselves could reduce U.S. population growth considerably. They would not require any change in the number of children couples appear to want now thus not requiring governmental policies designed to change family-size norms which in theory might be much more difficult anyway. Since no one knows of any alternative measures which can hold out the promise of this much of a reduction in U.S. population growth, it seems apparent that a major program along these lines should become the first order of business among those interested in reducing the U.S. rate of population growth.

WORLD COURT OBJECTIONS TO THE GENOCIDE CONVENTION HAVE NO BASIS

Mr. PROXMIRE. Mr. President, in their rush to judgment, opponents of the

Genocide Convention have often oversimplified and misinterpreted this United Nations treaty.

In many instances those opposed to Senate ratifications have stated that this country's interests would be sacrificed if we were to sign the Convention. The Genocide Convention has been described as a sellout to the Communists, a potential danger to the security of the United States, and an encroachment upon the power of the Congress to determine domestic legislation.

An article in the Christian Crusade Weekly of March 22, 1970, entitled "The Genocide Convention" is a case in point. This article distorts many facts concerning the treaty. I would like to address myself today to two of the arguments of this article.

The article implies that Senate ratification of the Genocide Convention would mean "compulsory jurisdiction of the World Court" in genocide cases. This is an erroneous interpretation of the provisions of the treaty. The article quotes article VI of the Convention, which deals with the place of trial in genocide cases, and comments that "we cannot ignore the fact that such disputes are to be submitted to the World Court." Article VI makes no mention of the International Court of Justice, commonly referred to as the World Court.

Article VI does specifically state, however, that "Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Nothing could be clearer. Genocide trials must take place at the present time in the "territory of which the act was committed" (subject to extradition treaties) simply because the international penal tribunal does not exist. The World Court is not empowered to decide guilt or innocence in genocide cases; its power is strictly limited to questions of interpretation only. Any implication to the contrary is obviously a distortion of the actual provisions of the Genocide Convention.

The paper also objects to Senate ratification of the treaty on the grounds that article V would give an "outside force the right to dictate legislation to the U.S. Congress." A careful reading of article V immediately shows that this contention is absolutely false.

Article V states that the contracting parties shall "undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention." This enabling legislation would have to be passed by the Congress of the United States and signed by the President before the treaty could take effect with respect to our country.

Article V makes it perfectly clear that the enacting legislation will not be "dictated" to the Congress by foreign powers. The paper's objections are without a trace of credence.

Mr. President, Senate ratification of the Genocide Convention is imperative if the United States is to take the moral leadership in the protection of human rights on an international basis. Let us recognize that objection such as those raised in this article are not valid. And let us further dedicate ourselves to secure the signature of this country on this vitally important United Nations treaty.

SCHOLARSHIPS IN LAW FOR AMERICAN INDIANS

Mr. HARRIS. Mr. President, one of the most exciting and most useful programs having to do with American Indians that I have come in contact with is the special scholarship program in law for American Indians, sponsored by the University of New Mexico School of Law.

This program, now in its fourth year, encourages American Indians to attend law school and assists them during their law school careers. Students taking part in this program are presently enrolled in 24 different universities.

Perhaps no training or field of education is of greater importance to American Indians who want to assist in the cause of the American Indian, Eskimo, and Aleut, than is preparation for a legal career. I am convinced that this program, therefore, will have great and far-reaching effect toward helping make real for native Americans the full promise of America.

In addition to its principal function of assisting more American Indians toward legal careers, this New Mexico program also regularly publishes a newsletter concerning congressional, governmental, legal, and other developments of importance to American Indians. I have found this newsletter to be highly worthwhile, informative, and useful.

So that other Senators may know of this impressive program and in order that the availability of this program to American Indians may become more widely known, I ask unanimous consent that the 1970 bulletin concerning it may be printed in full at this point in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW ANNOUNCES A SPECIAL SCHOLARSHIP PROGRAM IN LAW FOR AMERICAN INDIANS: 1970

DESCRIPTION OF THE PROGRAM

For the fourth year, the University of New Mexico School of Law will offer a Special Scholarship Program in Law for American Indians. The purpose of the program is to encourage American Indians to attend law school and to assist them during their law school career. Students selected will receive grants sufficient to defray expenses (including living expenses for themselves and their families) during the summer portion of the program and the first year of law school. It is anticipated that the scholarships will be renewed during a student's second and third year of law school.

Approximately 35 applicants will be selected to participate in the summer portion of the program which consists of a special eight-week session during which the students will receive an introduction to legal studies. Regular law school courses will be offered along with special courses designed to develop skills necessary for superior law school performance. Legal writing will be emphasized and a course on the current legal problems of particular interest to the Indian community will be given. Individual attention will be given each participant to assure that he is obtaining the maximum benefit from the program.

The summer session will commence on the 15th of June, 1970 and run through August 7, 1970. Participants will be expected to participate in regular classes and to attend regularly scheduled meetings with faculty and upperclassmen advisors. A special extracurricular program will be arranged to enrich the normal educational curriculum and to provide additional opportunities for each student's individual development.

During the academic year, those selected to continue may enroll as regular law students at the University of New Mexico School of Law or any other accredited law school to which the participant has been accepted. During subsequent summers, the students will be invited to work with agencies or law firms having an interest in Indian affairs.

Forty-one of the students who attended the summer program in one of the past three years are presently in law school as regular students. They are enrolled in 24 different universities: University of New Mexico, Arizona State University, UCLA, University of North Dakota, University of Tulsa, University of Washington, University of Iowa, University of California at Davis, Harvard, Yale, North Carolina Central University, Loyola of Los Angeles, University of Utah, McGeorge College of Law, Stanford, University of Chicago, University of Oklahoma, Notre Dame, University of Colorado, University of Denver, University of Montana, University of Tennessee, and the University of Arizona.

AMOUNTS OF GRANTS

For the summer session, single students receive a stipend of $500 for living expenses. Married students will receive $800 with additional allowances for married students with children. There will be no charge for books or tuition and a travel allowance will also be available.

For the academic year, the living expense stipend will be based upon need but will not exceed $2400 for a single student. Allowance for each dependent will not exceed $500. Thus, a married student with 3 children would be eligible for up to $4400 for living expenses during the academic year.

THE NEED FOR INDIAN LAWYERS

During hearings before the House of Representatives Subcommittee on Indian Affairs on the Indian Resources Development Act of 1967, the following colloquy occurred. Mr. Saylor was a Representative from Pennsylvania. Mr. Edmondson represented Oklahoma.

Mr. SAYLOR. You said the acceptance of this bill would depend upon the tribes and councils and ther leadership, and then you mentioned another group—who were they—who were going to advise these councils? I think you said the lawyers, is that not correct, that these lawyers were interested? How many Indian lawyers are there? I do not mean lawyers for Indians. I mean Indian lawyers.

Secretary UDALL. You mean Indian lawyers.

Mr. SAYLOR. Yes, how many Indian lawyers are there that the Department of the Interior has approved to contract to represent tribes?

Secretary UDALL. I wish we had more Indian lawyers.

Mr. SAYLOR. I know, but are there any?

Secretary UDALL. Young people from law school. There are several, I am sure, in Oklahoma. There are not enough. But there are some very able people and some very high-minded people representing the Indian tribes as Indian lawyers, in my judgment.

Mr. Saylor. The reason I ask that question, in the 19 years Chairman Aspinall and I have been on this committee, I do not think we have ever had the privilege of having any Indian appear who was a lawyer representing a tribe.

Mr. Edmondson. I think there have been several from Oklahoma appearing very ably before this committee. The most recent appearance by an Indian lawyer was when Earl Boyd Pierce appeared for the Cherokee Indians in behalf of legislation before this committee, which was passed by this subcommittee at this session.

Mr. Saylor. I am delighted to know we have one from Oklahoma.

Mr. Edmondson. If the gentleman would give me the time, I think I could cite some additional examples.

Mr. Saylor. You will have some time here. You can dig them up. I would like to spread those Indian lawyers out and have them go out and see these other tribes and try to get some of these young men in the Indian tribes to go to law school and represent their own people.

The following excerpts are from an article by Joel L. Fleishman, Associate Provost, Yale University, published in Idea Exchange, a monthly publication of Educational Associates, Inc. It describes the Special Scholarship Program in Law for American Indians as it operated during the summer of 1967—its first year. Basically the same program will be offered this summer on a somewhat extended basis.

Many Anglo and Spanish-speaking lawyers now attempt in good faith to represent American Indians in tribal and personal matters. The vast difference between cultures, however, makes meaningful representation often difficult and in many cases impossible. It is hardly surprising then, that there is a desperate need for Indian lawyers, for those individuals who not only have a critical skill but who also have the special understanding needed to deal effectively with the affairs of a people who have for too long been described as "forgotten Americans."

There is no mystery as to why so few Indians are lawyers. A culture of relative poverty and social and political disenfranchisement always works against educational and professional advancement. Today, for example, more than 350,000 Indians live in Arizona and New Mexico, but not a single Indian practices law in these states nor has an Indian in the memory of school officials ever graduated from the law schools of the respective state universities.

The Summer Pre-Law Session for American Indians, held at the University of New Mexico for eight weeks last summer, is a special attempt to break existing educational cycles and introduce more Indians into the legal profession.

The students were among the most interesting to gather at a law school in some time. In age they ranged from 19 to 38 with a median age of 29. Thirteen were married and 11 had children. Among them were teachers, school, community, and tribal officials and even a member of the Alaska State Legislature. Their tribal affiliations suggest a rich galaxy of places and traditions: Navajo, Sioux, Jicarilla Apache, Cochiti Pueblo, San Juan Pueblo, Comanche, Pawnee, Eskimo, Ponca, Isleta Pueblo, Laguna Pueblo, Santa Domingo Pueblo, Taos Pueblo, Hopi and Zuni.

If the students came from a wide variety of backgrounds they all shared at least three characteristics which were the major criteria for selection: a proven financial need, an ability to complete law school, and above all, an interest in Indian affairs usually manifested by prior participation in them.

I was pleased to find in my talks with the chosen participants that most of them saw the Pre-Law Session as the crucial means whereby they might finally pursue their goal. Given their family and income responsibilities, the leap directly into law school would have been too risky.

In a brief article it is difficult to convey the enthusiasm of the students and teachers who have been a part of the New Mexico program. But it exists to a remarkable degree.

The students have been hard-working and committed, and the faculty is thrilled with the way in which their charges have been able to pick up and work with legal concepts.

REQUIREMENTS AND SELECTION

Any American Indian who has completed at least three years of college may apply. There is no prescribed undergraduate program and students may apply no matter what their college major has been. Individuals who have graduated from college within the past 10 years are encouraged to apply. Since most law schools require a college degree for admission, only those who have completed college will be eligible to enter law school in the fall of 1970.

If at all possible, the applicant should arrange to take Law School Admission Test. Information about the Law School Admission Test can be obtained at most college placement offices, by contacting this law school, or any other law school, by writing to Law School Admission Test, Educational Testing Service, Box 944, Princeton, N.J. 08540. While all applicants are urged to take the Law School Admission Test prior to the summer program, the fact that they did not will not prejudice their application. For those not able to take the test prior to the beginning of the summer program the test will be given in July and arrangements will be made for the persons in the program to take that test.

Selection for the summer session will be based upon the applicant's college record, his apparent aptitude for law and his interest in the program. Recommendations from those who know the applicant and who are familiar with his work will be given considerable weight.

PROCEDURE FOR APPLYING

Those wishing to apply for the Summer Program should write for an application form. Fill in the form and mail it immediately to Assistant Dean Geer at the address below. Transcripts of all college work should also be sent immediately to the address below. If an applicant has taken the Law School Admission Test, he should arrange to have a copy of his score sent to Assistant Dean Geer as well.

Although there is no deadline for applications, it is to the applicant's advantage to file early, as decisions will be made as soon as possible and enrollment is limited.

SENATOR TYDINGS AWARDED 1970 BROTHERHOOD CITATION OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

Mr. McGOVERN. Mr. President, I would like to bring to the attention of the Senate the annual citation of the National Conference of Christians and Jews presented to our colleague Senator Joseph D. Tydings on March 5. This leading human rights organization, dedicated to intergroup understanding and cooperation, presents its brotherhood citation each year. Prior recipients of this citation include President Harry S. Truman, President Dwight D. Eisenhower, President John F. Kennedy, President Lyndon B. Johnson, Cardinal Patrick O'Boyle, and District of Columbia Mayor Walter Washington.

The award of this citation to Senator Tydings recognizes his national leadership in the cause of equal rights and human dignity.

I think the text of the citation speaks for itself, and I ask unanimous consent that it be presented in full in the Record.

There being no objection the citation was ordered to be printed in the Record, as follows:

The National Conference of Christians and Jews Dedicated to the Promotion of Intergroup Understanding and Cooperation, Justice and Equality of Opportunity for All Cites the Honorable Joseph D. Tydings, United States Senator from Maryland

For the depth and strength of his conviction that the principle of equal justice under law must be extended to all persons,

For his effective leadership in helping to secure the enactment of significant civil rights legislation, particularly the Voting Rights Act of 1965, and the Civil Rights Act of 1968,

For his ceaseless efforts to restructure and reform our Administration of Justice system,

For his leadership in securing congressional support for District of Columbia government programs designed to overcome problems occasioned by race and poverty,

For his foresight, courage, personal example and leadership, the National Conference of Christians and Jews presents The National Brotherhood Citation to the Honorable Joseph D. Tydings

Robert D. Murphy,
Oscar S. Straus II,
William F. May,
National Co-Chairmen,
Sterling W. Brown,
President.

JUSTICE WITH DIGNITY AND ORDER

Mr. DOLE. Mr. President, the U.S. Supreme Court's decision yesterday concerning a trial judge's powers to maintain decorum and order in court is a significant and much-needed reaffirmation of a fundamental principle of government.

These turbulent times have seen an unprecedented upheaval within almost every institution of society. Recently there has been an effort to create tumult within the judicial system by those whose tactics of disruption and confrontation had brought them before the courts. Whether such disruption springs from political, social, or personal beliefs, its effect on the courts is the same. Mr. Justice Black stated the case most perceptively in his opinion:

> It would degrade our country and our judicial system to permit our courts to be bullied, insulted, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes.

Ours is a government of laws, not of men, and any interference with the orderly processes by which justice is administrated cannot but jeopardize the security of each citizen's rights.

The Supreme Court has been criticized recently for its attitude toward defendants in criminal proceedings. Many of its decisions have seemed to show a greater concern for those who are accused of crimes than for those who are victims of crimes, but the Court has served unmistakable notice that it will tolerate no erosion of the judge's authority to conduct a decorous and fair trial of all cases before him. Those who would convert

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the halls of justice into circus arenas can be assured that their causes will be impartially considered, but they must know also that conduct unbefiting the courtroom will be met sternly with the full weight of judicial authority and power.

PROPOSED BASIC INCOME AND INCENTIVE ACT

Mr. HARRIS. Mr. President, some weeks ago I introduced S. 3433, the National Basic Income and Incentive Act, which would federalize the outdated welfare system in America, making it more humane, and providing important incentives for work and training. The bill would relieve the States of this heavy financial burden, leaving them more of their own funds to take care of other needs.

I have received favorable comments on this bill from a great many knowledgeable organizations and individuals. Recently, I received favorable letters and statements concerning the National Basic Income and Incentive Act from three of the Nation's most outstanding Governors, Gov. Kenneth M. Curtis, of Maine, Gov. John Dempsey, of Connecticut, and Gov. Warren E. Hearnes, of Missouri. I ask unanimous consent that copies of their letters and statements may be printed at this point in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

State of Connecticut,
Executive Chambers,
Hartford, March 4, 1970.

Hon. Fred R. Harris,
United States Senate,
Washington, D.C.

Dear Fred: Thank you for your note of February 19 and the copy of your remarks relative to the National Basic Income and Incentive Act you have proposed in the Congress.

As I have observed many times, the time is clearly here when Federal assumption of human welfare program cost must be undertaken.

I know your proposal will receive most serious consideration as the best method for accomplishing this is explored.

Sincerely,

John Dempsey,
Governor.

Executive Office,
Jefferson City, Mo., March 11, 1970.

Hon. Fred R. Harris,
U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Harris: This is in response to your letter of February 19 in which you ask for my comments concerning the National Basic Income and Incentive Act (S. 3433) which you introduced in the Senate on February 10.

After reviewing the summary of the provisions of this bill and your remarks on the floor of the Senate when the bill was introduced, I strongly support the objective of this legislation. It is my belief, which I have expressed on many occasions, that the states would benefit more from a complete Federal takeover of the public welfare system rather than a plan for Federal revenue sharing.

If Missouri is relieved of the cost of the welfare system by July 1, 1973, as your bill proposes, the substantial savings in state funds would go a long way toward more adequate funding of other essential state programs.

Although your bill may provide for Federal assumption of the cost of the Title XIX medical assistance program, I fail to find this in the summary of the provisions of the bill. Neither do I find any reference to day care provisions for working mothers or the funding of this program. Any plan for full federal financing of the welfare system should certainly include these two programs.

I recognize that your bill would increase Federal expenditures substantially over the Administration's proposal now before the Congress, but it is much more desirable so far as Missouri is concerned, because it would relieve us of a heavy financial burden which we find increasingly difficult to assume.

Sincerely yours,

Warren E. Hearnes.

State of Maine,
Office of the Governor,
Augusta, Maine, March 24, 1970.

Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Fred: Thank you for sending me a copy of your statement on the National Basic Income and Incentive Act. I found your statement, as well as the summary of the Act, most interesting and informative.

I was particularly pleased to see your strong criticism of two aspects of President Nixon's welfare reform proposal which I have found objectionable—the unfortunately low income maintenance figure and the mandatory work requirement. I believe that your bill is far more realistic and effective on both these points.

I also welcome your emphasis, reflected in the Basic Income and Incentive Act, on the need for a total federal assumption of the costs of welfare programs. Although I have supported the revenue sharing proposal embodied in the Intergovernmental Revenue Act sponsored by Senators Muskie and Goodell, I have made it clear that the federal government could provide the states with even more meaningful relief by totally assuming welfare responsibility. There is little doubt in my mind that money channeled to the states through revenue sharing would probably be consumed, at least in substantial part, by welfare costs. Under these circumstances, it seems much more sensible for the federal government to assume this responsibility directly.

I have enclosed for your information copies of statements I prepared on President Nixon's welfare and revenue sharing proposals, and on the revenue sharing bill sponsored by Senators Muskie and Goodell. I believe that the first statement, in part, includes several of the concerns and criticisms which you express in your Senate speech.

Thank you again for sending me a copy of your speech. I would very much like to see your proposal adopted by Congress.

Sincerely,

Kenneth M. Curtis,
Governor.

A Response to President Nixon's Welfare and Revenue Sharing Proposals by Kenneth M. Curtis, Governor of the State of Maine, August 27, 1969

President Nixon recently sent to Congress a series of special messages outlining proposals for changes in the federal government's programs to combat poverty and aid the states generally. Because these proposals have such important implications for all Maine citizens, I feel that it is my responsibility, as Governor of the State of Maine, to evaluate the major items in the President's program, especially as they might affect persons in my own state.

I realize, of course, that the President's proposals, once they are put into legislative form and submitted to Congress, will be carefully studied and probably revised by the Congress. Until such legislation is submitted, and until Congress begins its work on the details of the bill, it is impossible to know the precise import of the President's suggestions. I can therefore comment only on the general purpose and impact of the President's proposals.

The need for major reform in our welfare programs at the federal and state levels is beyond question. To pursue these reforms at the state level I appointed, in December of 1967, a Task Force on Intergovernmental Welfare Programs which recommended major changes in our state welfare system. I presented these proposals to the 104th Legislature. Unfortunately, most of them were rejected, in part because the Legislature felt the state could not afford to adopt the reforms, in part because of hostility from some quarters toward increased benefits, particularly in the Aid to Families with Dependent Children program, and in part because of criticism of increased state participation in the Medicaid program to help the medically needy meet constantly rising medical costs. As a result of these decisions by the Legislature, the State of Maine will receive about eight million dollars less in federal assistance than would have been generated by the welfare programs I recommended in my budget to the Maine State Legislature.

This experience dramatizes the need for federal initiatives for welfare reform, particularly in the AFDC programs. As President Nixon correctly pointed out, AFDC, in its present form, is poorly designed to preserve family stability and restore recipients to productive lives. It encourages a jobless father, or one who is barely earning a living, to leave the home because his presence, under most circumstances, is a bar to government assistance, and state participation in the Aid to Dependent Children of Unemployed Fathers program has been poor. There are inadequate provisions for the care of children while a mother works. To the extent that President Nixon's proposals will remedy these defects in the AFDC programs, they deserve support.

For example, I approve of the request to provide child care for welfare recipients who are involved in training programs. I agree that the states should have greater control over the administration of job training programs to enhance the efficiency of these programs and their responsiveness to local occupational needs. I support the President's emphasis on the need to develop assistance and training programs that give people a strong incentive to work. Only a welfare system that promotes the self-sufficiency of those involved is operating effectively.

In any such system the element of financial stability is central. People cannot concentrate on job training if they are hungry or about to lose their homes. In his proposal to build a federal floor under family incomes, including those of the working poor, the President recognizes this fact. I have long supported such a proposal, as indicated by our Department of Health and Welfare proposal for an experimental minimum income maintenance program submitted to HEW about a year and a half ago. Such an income maintenance program, if its benefits are adequate, can offer a tremendous boost to people living in chronically depressed areas and to the entire economy of such an area. It can have a significant impact on the gross annual product of the state.

I also think the President has offered several worthy proposals to streamline cumbersome bookkeeping procedures and cut down administrative costs. Certification of income as a basis for federal payments, with spot checks to eliminate possible abuse, is a much better technique for determining eligibility

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than costly investigations by welfare workers, though it is still too early to determine how the President's proposals would affect the number of caseworkers needed to implement welfare programs. Similarly, I support the proposal to give the states the option of allowing the federal government, through the technical skills of the Social Security Administration, to handle the payment of the state supplemental benefits on a reimbursable basis. The issuance of a single check by the federal government could, as the President indicated, spare the state heavy administrative burdens.

I also feel that the proposal for a national computerized job bank to match job seekers with job vacancies has great merit. In Maine we have already been experimenting with this plan in a very preliminary way, and our Employment Security Commission now has the computer capability to undertake a more comprehensive program. Even if the President's program is not accepted, we will continue the development of our program in Maine.

There are other elements of the President's program which raise, in my judgment, some very serious questions. Although I strongly support the implementation of effective work incentive programs, I doubt the practicality of the mandatory work requirement. Such a requirement would be extremely difficult to administer, particularly in areas of chronic unemployment. We should realize that there are some communities where jobs are just not available, particularly during periods of seasonal unemployment or in the aftermath of losing a key industry. The work requirement would also demand extreme sensitivity to an endless variety of special family circumstances which might make the requirement detrimental to family well-being. Only a system of free choice, related to an intelligent system of work incentives, can provide this sensitivity. I continue to believe that the vast majority of welfare recipients want to work and will work if our welfare system provides programs that make such work possible. That is why I strongly support funds for day care centers and more training programs, and that is why I believe retention of a certain percentage of earnings should be used as a strong incentive for movement into the labor market.

I do not believe that the level of federal income maintenance proposed by the President is nearly adequate, and I feel it is unfortunate that general assistance, now paid by the municipalities, remains uncovered. For example, there is still no program for married couples without children. I am also troubled by the President's failure to discuss the need for adequate medical care programs to supplement the income maintenance program, whether through Title XIX or a vigorous plan for providing private medical insurance at some favorable rate. I also believe that the amount of money proposed for training programs seriously underestimates the expense of these programs. Indeed, in view of the closing of the Job Corps Centers in Maine and throughout the country, I must seriously question the Administration's commitment to the training programs it emphasizes so heavily in the President's proposals.

I must make a similar observation about proposals for the reorganization of the Office of Economic Opportunity. Using OEO for the development of innovative poverty programs makes good sense. But we must be sure that this reorganization does not become a pretext for reducing the Administration's substantive commitment to direct federal aid for the war on poverty. The Nixon Administration's failure to fund our supplemental request for a statewide innovative Rural Youth Corps raises this possibility very sharply for Maine citizens.

I must express serious reservations about the President's revenue sharing proposals, though the need for such a program is undeniable. The amount of money made available to the states is simply not enough. President Nixon says the proposal would begin with $500 million the first year. Maine's share would be $5.1 million. Yet, as I mentioned earlier, the Maine Legislature recently rejected proposals that would have generated eight million dollars of federal money for welfare programs. In this single area alone the documented need for federal assistance is already far greater than the funds available to Maine under President Nixon's plan.

A much more adequate revenue-sharing plan is found in the Inter-Governmental Revenue Act which Senators Muskie and Goodell have recently introduced in Congress. Under this plan approximately $2.8 billion would be available for distribution to the states in fiscal 1970. Maine's share would be approximately $14,910,000. Moreover, the Muskie-Goodell plan appears to contain a much greater incentive for states to use the personal income tax as their principal source of revenue. The annual appropriation for the federal revenue-sharing trust fund would be determined by adding one percent of federal individual taxable income with 25 percent of state personal income tax collections, and dividing the sum by two. Under President Nixon's plan state tax effort does not figure in the determination of the total amount of federal money to be distributed. Also, under the Muskie-Goodell plan, the Internal Revenue Code would be amended to permit individuals to elect, in lieu of deductions, to take as full credit against their federal income tax liability an amount equal to 40 percent of their state and local income tax payments. This credit should also encourage greater use of the personal income revenue source.

Finally, I wish to emphasize the importance of developing formulas for the distribution of federal funds which contain an adequate state equalization factor—that is, a factor which makes the formula responsive to the comparative per capita personal income of the states and redresses some of the imbalances in wealth. Regardless of which revenue sharing plan the Congress finally adopts, the plan should reflect the special plight of poorer states such as Maine and their efforts to develop themselves economically.

Unfortunately, in his proposals for fiscal relief through welfare reform, President Nixon does not provide for such equalization. I have attached charts which related the ranking of the states by per capita income to the percent of per capita income they will receive through revenue sharing and fiscal relief under welfare reforms. They show, for example, that California, which ranks fifth in per capita personal income, ranks second in the percent of per capita income received through welfare reform. Maine, by contrast, ranks thirty-seventh in per capita personal income and thirty-sixth in the percent of per capita income received through welfare reform. These figures, and others like them, raise serious questions about the fairness of the welfare relief distribution formula.

In conclusion, I do wish to make it clear, despite the questions posed, that I regard President Nixon's welfare proposals as constructive and provocative. They deserve careful study and they will absorb much of our attention in the coming months. As our Commissioner of Health and Welfare put it, "the proposals, if implemented largely in their present forms, would require a complete rebuilding, reorientation, and redefinition of departments such as ours, and this would be a very dramatic and exciting prospect."

I am confident that, whatever the outcome of Congressional deliberations on the President's proposals, we will witness important changes in our country's welfare system. I have submitted these views in the hope that they might be of some value to the Congress as it faces this difficult task.

REPRESENTATIVE STATES SHOWN BY RANK IN TERMS OF THE PROPOSALS OF PRESIDENT NIXON ON REVENUE SHARING WELFARE RELIEF AND THE COMBINED TOTAL

REVENUE SHARING PER CAPITA

Revenue sharing rank	State	Amount	Personal income rank
1	Wyoming	$6.67	26
2	New York	6.46	3
3	Hawaii	6.17	15
4	Arizona	6.05	33
5	South Dakota	5.94	35
22	Maine	5.21	37
	Average	5.19	
	Median	4.99	
46	Texas	4.35	32
47	Alaska	4.33	4
48	Connecticut	4.33	2
49	Illinois	4.05	6
50	Ohio	3.89	16

PERCENTAGE OF PERSONAL INCOME

1	Mississippi	0.2615	51
2	Wyoming	.2124	28
3	New Mexico	.2084	42
4	Louisiana	.2080	43
5	Idaho	.2079	41
17	Maine	.1823	37
	Average	.16	
	Median	.1623	
46	Illinois	.1015	6
47	Connecticut	.1022	2
48	Alaska	.1050	4
49	Ohio	.1115	16
50	New Jersey	.1125	8

WELFARE RELIEF PER CAPITA

Welfare relief rank	State	Amount	Personal income rank
1	California	$9.34	5
2	Oklahoma	7.66	36
3	Colorado	6.35	21
4	Rhode Island	5.70	14
5	Massachusetts	5.54	10
37	Maine	2.04	37
	Average	3.08	
	Median	2.86	
46	Virginia	1.02	30
47	Indiana	.99	17
48	South Carolina	.82	48
49	North Dakota	.64	39
50	Mississippi	.38	51

PERCENTAGE OF PERSONAL INCOME

Welfare relief rank	State	Amount	Personal income rank
1	Oklahoma	0.2680	36
2	California	.2327	5
3	Louisiana	.1937	43
4	Colorado	.1883	21
5	Rhode Island	.1610	14
36	Maine	.0715	37
	Average	.09	
	Median	.0866	
46	South Carolina	.0349	48
47	Virginia	.0335	30
48	North Dakota	.0288	39
49	Indiana	.0288	17
50	Mississippi	.0187	51

TOTAL PER CAPITA

Total rank	State	Amount	Personal income rank
1	California	$15.19	5
2	Oklahoma	12.67	36
3	Colorado	12.01	21
4	Massachusetts	10.98	10
5	Louisiana	10.50	43
37	Maine	7.25	37
	Average	8.18	
	Median	7.95	
46	Indiana	5.76	48
47	Virginia	5.76	30
48	New Hampshire	5.69	25
49	Virginia	5.46	30
50	South Carolina	5.31	48

PERCENTAGE OF PERSONAL INCOME

1	Oklahoma	0.4430	36
2	Louisiana	.4017	43
3	California	.3785	5
4	Colorado	.3563	21
5	New Jersey	.3536	8
29	Maine	.2538	37
	Average	.26	
	Median	.26	
46	Delaware	.1927	9
47	Virginia	.1799	30
48	New Hampshire	.1743	25
49	Connecticut	.1725	2
50	Indiana	.1684	17

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COMPARATIVE ANALYSIS OF PRESIDENT NIXON'S WELFARE REFORM AND REVENUE SHARING PROPOSALS ON STATE AND LOCAL GOVERNMENTS FOR THE FIRST FULL YEAR IN TERMS OF PER CAPITA IMPACT AND PERCENT OF PER CAPITA INCOME RECEIVED BY EACH STATE

Personal income rank [1]	State	Revenue sharing (millions)	Per capita revenue share [2]	Percent of per capita income of per capita share [3]	Fiscal relief under welfare reform (millions)	Per capita welfare relief	Percent of per capita income, per capita of welfare relief	Total (millions)	Per capita share of total	Percent of per capita income share of total
49	Alabama	$16.1	$4.51	0.1938	$11.9	$3.34	0.1432	$28.0	$7.85	0.3371
4	Alaska	1.2	4.33	.1050	1.0	3.66	.0888	2.2	8.00	.1938
33	Arizona	10.1	6.05	.2027	3.4	2.04	.0682	13.5	8.08	.2709
50	Arkansas	9.5	4.72	.2049	6.2	3.08	.1337	15.7	7.81	.3387
5	California	112.5	5.85	.1458	179.5	9.34	.2327	292.0	15.19	.3785
21	Colorado	11.6	5.66	.1680	13.0	6.35	.1883	24.6	12.01	.3563
2	Connecticut	12.8	4.33	.1022	8.8	2.97	.0702	21.6	7.30	.1725
9	Delaware	2.4	4.50	.1157	1.6	2.99	.0770	4.0	7.50	.1927
1	District of Columbia	3.4			4.1			7.5		
29	Florida	30.8	5.00	.1623	8.5	1.38	.0448	39.3	6.38	.2070
40	Georgia	20.8	4.53	.1652	12.5	2.72	.0993	33.3	7.26	.2646
15	Hawaii	4.8	6.17	.1756	3.3	4.24	.1207	8.1	10.41	.2962
41	Idaho	4.0	5.67	.2079	1.0	1.42	.0519	5.0	7.09	.2598
6	Illinois	44.5	4.05	.1015	49.6	4.52	.1131	94.1	8.57	.2146
17	Indiana	24.2	4.78	.1396	5.0	.99	.0288	29.2	5.76	.1684
20	Iowa	14.6	5.31	.1566	7.0	2.55	.0751	21.6	7.86	.2317
22	Kansas	12.1	5.25	.1576	6.6	2.87	.0860	18.7	8.12	.2436
45	Kentucky	14.8	4.88	.1893	10.6	3.28	.1273	25.4	8.27	.3166
43	Louisiana	20.3	5.44	.2080	18.9	5.06	.1937	39.2	10.50	.4017
37	Maine	5.1	5.21	.1823	2.0	2.04	.0715	7.1	7.25	.2538
11	Maryland	18.1	4.82	.1298	14.4	3.83	.1032	32.5	8.65	.3330
10	Massachusetts	29.6	5.44	.1434	30.1	5.54	.1458	59.7	10.98	.2892
13	Michigan	40.8	4.67	.1270	35.5	4.06	.1105	76.3	8.73	.2375
24	Minnesota	21.5	5.90	.1777	9.3	2.55	.0769	37.8	8.45	.2546
51	Mississippi	12.6	5.38	.2615	.9	.38	.0187	13.5	5.76	.2802
26	Missouri	20.4	4.41	.1369	18.3	3.95	.1227	38.7	8.36	.2596
34	Montana	3.9	5.63	.1929	1.4	2.02	.0692	5.3	7.65	.2621
27	Nebraska	6.6	4.59	.1426	3.4	2.37	.0735	10.0	6.96	.2161
7	Nevada	2.5	5.52	.1382	.9	1.98	.5098	3.4	7.51	.1980
25	New Hampshire	3.1	4.42	.1351	.9	1.28	.0392	4.0	5.69	.1743
8	New Jersey	31.1	4.39	.1125	25.2	3.56	.0911	56.3	7.95	.3536
42	New Mexico	5.7	5.62	.2084	3.2	3.15	.1170	8.9	8.77	.3254
3	New York	117.1	6.46	.1564	43.9	2.42	.0586	161.0	8.89	.2150
44	North Carolina	24.2	4.71	.1808	10.4	2.03	.0777	34.6	6.74	.2585
39	North Dakota	3.5	5.60	.1994	.4	.64	.0228	3.9	6.24	.2222
16	Ohio	41.2	3.89	.1115	32.0	3.02	.0866	73.2	6.91	.1981
36	Oklahoma	12.6	5.00	.1750	19.3	7.66	.2680	31.9	12.67	.4430
23	Oregon	10.4	5.18	.1558	6.1	3.04	.0914	16.5	8.22	.2472
18	Pennsylvania	53.3	4.55	.1335	43.2	3.69	.1082	96.5	8.24	.2417
14	Rhode Island	4.3	4.71	.1332	5.2	5.70	.1610	9.5	10.41	.2942
48	South Carolina	12.1	4.49	.1922	2.2	.82	.0349	14.3	5.31	.2271
35	South Dakota	3.9	5.94	.2036	1.2	1.83	.0626	5.1	7.76	.2662
46	Tennessee	18.1	4.55	.1783	8.6	2.16	.0847	26.7	6.72	.2630
32	Texas	47.7	4.35	.1441	25.1	2.29	.0858	72.8	6.63	.2299
38	Utah	5.7	5.51	.1962	2.9	2.80	.0998	8.6	8.82	.2960
31	Vermont	2.4	5.69	.1885	1.2	2.84	.0943	3.6	8.53	.2828
30	Virginia	20.4	4.44	.1455	4.7	1.02	.0335	25.1	5.46	.1790
12	Washington	16.2	4.95	.1345	13.6	4.15	.1129	29.8	9.09	.2474
47	West Virginia	9.0	4.99	.2001	4.5	2.49	.1000	13.5	7.48	.3001
19	Wisconsin	24.2	5.74	.1686	12.4	2.94	.0864	36.6	8.69	.2550
28	Wyoming	2.1	6.67	.2124	.9	2.86	.0910	3.0	9.52	.3034
	Average	19.6	5.19	.16	14.4	3.08	.09	35.2	8.18	.26
	Median	12.6	4.99	.16	6.6	2.86	.09	24.6	7.95	.26

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[1] The States rank in the United States in its amount of per capita personal income.

[2] The per capita amount that each State will receive of the amount of shared revenue, welfare relief, and total.

[3] The percentage of the per capita amount that the shared income, welfare relief, and total are of the per capita personal income.

TESTIMONY OF GOV. KENNETH M. CURTIS OF MAINE CONCERNING THE INTERGOVERNMENTAL REVENUE ACT, SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, WASHINGTON, D.C., SEPTEMBER 25, 1969

It is a pleasure for me to be here today to testify in favor of the Intergovernmental Revenue Act or, as it is popularly known, the Muskie-Goodell Bill. I am sure it is no surprise that I, as the Governor of a state, should support a revenue sharing proposal that promises the states a significant increase in federal assistance. One level of government is usually quick to welcome financial aid from another. But I must emphasize that my support for the Intergovernmental Revenue Act does not in any way imply a reluctance on the part of Maine government to face up to its full responsibilities.

Our state legislature, as the result of bipartisan effort, recently enacted a personal and corporate income tax. This was a highly responsible action that reflected our determination in Maine to develop a revenue-system that would respond productively to a growing economy. With our state-local government revenue system relying principally on sales and property taxes that simply do not keep pace with economic growth, serious revenue gaps were forecast for state and local government in Maine unless the state turned to a major new tax. The income tax, personal and corporate, was the only viable alternative. It responds productively to economic growth. It permits the state to assume a larger share of the financing of important municipal services. It permits the state to confront gradually the problems of equalizing services between poorer and richer areas of the state.

But even Maine's adoption of an income tax will leave our state with serious financial problems if the federal government does not substantially increase its level of assistance. This is also sure to be the experience of other states which, like Maine, can foresee no end to the mounting pressures of education, welfare, health and public safety costs.

Indeed, these are the very pressures which highlight the need for and the fairness of federal revenue sharing. Many of the burdens on state and local government are the product of national prosperity which increases the demands for state and local services, such as education. The federal income tax effectively taps this increased prosperity for the federal treasury, while the states and cities are responsible for financing the demands and problems that emerge from this prosperity. Moreover, simply in terms of population trends, the school-age population and the elderly population have increased much more rapidly in recent years than the rest of the population. These are the age groups which, quite understandably, require the costliest state and local government services while contributing least to the tax base.

I do not wish to suggest that the federal government has been unaware of these facts or that it has ignored its obligation to aid the states. We are all aware of the rapid growth in federal grant-in-aid programs in an enormous variety of fields. Through these programs the federal government has been returning funds to the states at an accelerated rate—for example, an increase of more than 1200 percent from 1946 to 1966, or from 0.5 percent of the gross national product to a full 2 percent. But these grant-in-aid programs, for all their importance in specific areas, have had serious negative results. Fiscal freedom has been restricted because of the strong attraction of these programs for financially pressed states. Nonaided areas of state government have suffered, and state priorities have partially been determined by the scope of federal programs. These kinds of constraints have, I feel sure, a deadening effect on the vitality and creativity of state and local government. Such an impact is impossible to quantify, but I am sure it is real.

Moreover, the grant-in-aid programs have done very little to meet the problem of unequal wealth among the states. A poor state must undertake a greater degree of tax effort to produce matching funds. Even with this effort the poorer state, because of the basic limitation on resources, does not get the extra help it should. In other areas of federal expenditure, such as research grants for education, the awarding of contracts, and the siting of federal installations, we see the same pattern of the rich getting richer and the poor getting poorer. Revenue sharing, with the proper distribution formula, can break this pattern and begin to equalize imbalances in state wealth. I should add, however, that I am assuming that the funds for revenue sharing will not be obtained at the expense of the existing grant-in-aid programs. These programs, despite the deficiencies I have mentioned, are extremely important, and some of these deficiencies would be corrected by a supplemental revenue-sharing program.

Turning now to the Intergovernmental Revenue Act itself, I would like to first indicate my approval of the formula for determining the amount of federal money to be distributed each year. By adding one percent of federal individual taxable income with 25 percent of state personal income tax collections, and dividing the sum by two, the formula results in a distribution fund that is large enough to be significant. This formula also gives greater incentive to the states to use the personal income tax as their principal source of revenue.

Both points are crucial and related. The needs of our states and cities will not be met by revenue sharing proposals that are symbolic gestures or a "step in the right direction." We need the actual, concrete resource of money and the abilities and materials that money will buy. To the extent that our states are encouraged to use the productive and equitable income tax, to that extent will they be able to supplement the federal assistance with the more effective use of their own resources. The provision for a tax credit against federal income tax liability equal to 40 percent of state and local income tax payments also serves as a powerful incentive for increased state use of the income tax. This proposal is particularly effective because, as several commentators have pointed out, the actual amount of the credit grows as state tax rates rise. In effect, 40 percent of the state tax is automatically paid by the federal government through a tax offset.

With respect to the formula for distribution of federal money to the states, I think the per capita formula of the Intergovernmental Revenue Act is basically sound. Population is a fairly good standard for judging a state's need for public services. Distribution on a per capita basis also has a built-in equalization factor, redistributing resources from high to low income states. This is so because residents of high income states pay more federal taxes per capita than do residents of low-income states.

The distribution formula's inclusion of two factors for tax effort is also important in this regard. Many studies have shown that poorer states, on the average, make a greater tax effort in terms of tax-to-income ratios than richer states. The formula of this bill is sensitive to the special tax efforts of these poorer states, and thus it again serves the important goal of equalization. Additionally, of course, the inclusion of tax effort factors in the formula rewards those states that are building sound revenue systems and protects against reductions in tax effort.

I must confess, however, that I am not entirely satisfied with the resolution of the equalization problem in this bill, though I realize that simplicity in the distribution formula is important for the enactment and administration of any revenue-sharing proposal. For example, Senator Javits, in the past, has sponsored a revenue sharing bill that sets aside 20 percent of the trust fund for an additional distribution to low income states, again on a population basis. I think this kind of proposal, with its emphasis on flexibility beyond the basic formula, merits serious consideration, particularly if the supplemental distribution is sensitive to the special plight of poorer rural states like Maine which serve a relatively small population over a large area. Such states must provide costly services for small groups of people living in remote areas. Education, highway, welfare, travel costs and many others are greatly increased by this special relationship between small population and large area. Although I have not thought this problem through in detail, I should think that a factor such as population per square mile might be built into a formula for this supplemental distribution. Such flexibility would, I believe, enhance the effectiveness and fairness of the revenue sharing proposal.

In the area of revenue distribution to local units of government, I think the application of the pass-through requirement only to cities and counties of more than 50,000 population is basically sound. The problems of our urban areas have played a large role in the drive for revenue sharing. The 50,000 requirement recognizes the special plight of these cities and assures them of a fair share of the state entitlement. The states remain free to supplement this required distribution and to aid their smaller units of government.

I feel confident that the states will do so. In the past, perhaps, Governors were not as sensitive to the needs of cities and local government as they should have been, but I think this attitude is changing. In Maine we are constantly increasing our level of assistance to local government, and this policy would certainly apply to the use of state funds under revenue-sharing. Indeed, in Maine, such a policy would be particularly important. Because of Maine's population distribution and the terms of the pass-through requirement to local government, state government in Maine would get 92.88 percent of the state's distribution, city and county government a mandatory 5.92 percent, and school districts a mandatory 1.19 percent. In no other state does state government receive such a large percentage of the state entitlement. Yet, even without the mandatory pass-through of larger sums to cities and counties in Maine, there is no question that our local units of government would derive substantial benefits from the money received by state government.

I also note a provision of the bill that empowers the state to prohibit cities and counties from spending the revenue sharing money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources. We are in the process of developing a comprehensive plan for our state which will serve as a guide for development in these important areas. Coordination with local government will be important for successful implementation of this plan, and this provision will further that goal.

So far, in discussing the Intergovernmental Revenue Act, I have spoken mostly of money and financial needs. These subjects, important as they are, do not exhaust the significance of revenue sharing. We are also considering today a proposal which could deeply affect the way in which people relate to government in this country. If effective government power is remote from the people, if decisions and priorities flow principally from a federal government that is inevitably complex and impersonal, participation in the issues and responsibilities of government will suffer. But if power and initiative lodge in state and local government, individuals will respond positively to displays of effectiveness by institutions they can observe, influence and understand. Federalism, at least in part, implies this concern for the preservation of effective units of state and local government. Revenue sharing, viewed in its full significance, is an important technique of federalism.

But revenue sharing, I must quickly add, will not in itself preserve the vitality of state and local government. These units must respond to the availability of new funds by shaping state and local governments that can deliver services more efficiently. They must develop systems of analysis that establish priorities. They must develop plans to guide their growth. In Maine we are doing all these things. A special session of the Legislature will soon consider proposals for sweeping reforms of state government. Our state planning office is actively working on a state comprehensive plan. Program budgeting is gradually becoming a reality. Maine will be ready for the new money when it comes.

This fact is important, not simply because it reflects well on Maine, but because it reflects the continuing efforts of state and local governments throughout the country to improve themselves. There will be those in the Congress who argue that turning federal money over to the states and local government without strings is simply inviting these traditionally inept institutions to do their worst. This is nonsense. The so-called tradition, if it ever existed, is now ancient history. Since World War II, state and local governments have been making almost heroic efforts to meet the demands made upon them. Reapportionment has facilitated the process. The pace of reform has been accelerating. It is about time we lay to rest the outworn cliche that state and local governments have been unwilling to exert themselves to solve their own problems.

Finally, I must anticipate another argument that is sure to be heard in the Congress against the Intergovernmental Revenue Act. The argument will be simple. The proposal is too expensive. The federal government, even with the annual automatic growth in federal revenues, cannot afford it. Here, in this argument, is the real threat to meaningful revenue sharing. It can only be met if the Congress exhibits the same capacity for self-analysis it would demand of the states. Federal commitments must be re-examined; federal priorities must be reassessed. Without this analysis, and without the courage to pursue the new paths such an analysis will reveal, the Congress will not resist the lure of the status quo and the Intergovernmental Revenue Act will just be another good idea.

I am hopeful for more. I hope my statement has helped this important effort.

DEDICATION OF ADDITIONS TO HADASSAH-HEBREW UNIVERSITY MEDICAL CENTER, JERUSALEM

Mr. PELL. Mr. President, several weeks ago, a ceremony was held in Jerusalem marking the dedication of three new wings added to the Hadassah-Hebrew University Medical Center.

The dedication of these new wings, to house a department of public health and social medicine, a physicians residence for overseas doctors, and additional space for the Hadassah-Henrietta School of Nursing, should be a source of pride to the members of Hadassah, the Women's Zionist Organization of America, which sponsored the project.

The dedication should also be an occasion for pride on the part of all Americans, for these desperately needed medical facilities were financed by the American people through a grant of $1 million under the Foreign Assistance Act of 1967.

I personally am deeply gratified at the completion of this project, because I had the great pleasure of sponsoring the amendment to the 1967 act that provided the construction funds for these additions.

In these times of extreme tension among peoples in the Middle East, the Hadassah-Hebrew University Medical

Center is symbolic of the great good that can be accomplished when peoples rise above divisive national disputes in the interests of serving mankind. The Medical Center, the largest center of healing, teaching, and medical research in the Middle East, serves Jews and Arabs alike, as well as patients who come from countries in Africa, Asia, and Europe. The gift of these new facilities by the American people is thus not only an expression of friendship to the people of Israel, but in a larger sense an expression of our desire to relieve suffering wherever it occurs.

I am delighted to have played a part in bringing to fulfillment the Hadassah organizations goal of expanded facilities for this center.

Mr. President, I congratulate Hadassah, its officers, and its 318,000 members on their dedicated efforts on behalf of constructive lifesaving efforts in the Middle East. Hadassah is continuing those efforts, and I was deeply gratified that the Congress approved my amendment to the most recent Foreign Assistance Act providing $5 million for additional medical facilities at the Hadassah Center.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of brief remarks delivered at the recent dedication ceremonies by Mrs. Faye Schenk, national president of Hadassah; Mrs. Charlotte Jacobson, national chairman of the Hadassah Medical Organization Committee; the Honorable Walworth Barbour, U.S. Ambassador to Israel; the Honorable Pinhas Sapir, Israel's Minister of Finance; Mrs. Vera Tsur, chairman of the Hadassah Council in Israel; and Prof. Sidney L. Kark, head of the Department of Public Health and Social Medicine; and Prof. Kalman J. Mann, director-general of the Hadassah Medical Organization.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

Mrs. Faye Schenk, National President of Hadassah, the Women's Zionist Organization of America

The clasped hands—the meaningful symbol of United States aid and concern for smaller underdeveloped and developing nations of the world—is a perfect characterization! Please note the symbol—see what it is—also see what it is not! You do not see a disparity in the size of the hands—one larger, stronger than the other—as it might well be if it were depicting the donor as the dispenser of largesse to the other, the weak and cowering recipient. Not at all! The hands are of equal size denoting mutual exchange, the proffering of aid, of encouragement leading to self-help, to self-sufficiency, and, in turn, to the help of others.

I am reminded of the words spoken by Prime Minister Golda Meir to President Nixon at the White House dinner tendered to her during her recent visit to the United States—and I quote very freely: "I have come," she said, "The leader of a tiny country to the largest, most affluent country in the world, and as I talked with the President of this rich and powerful nation, I felt all the while that I was talking to a friend who listened and who cared."

Indeed the Government and the people of the United States have cared and continue to care and these areas which we dedicate today are only a small but to Hadassah a very important and significant part of the tangible, visible evidence of that great sense of caring, a caring which helped build this sturdy little land of Israel—a caring which has helped make the United States the great nation it is. A worthy inheritor of the legacy of its founding fathers dedicated to the support of the democratic rights of men and nations and to the betterment of the human condition wherever man has his being.

Mr. Barbour, to you, as the much beloved Ambassador of the United States to Israel, I, as President of Hadassah, the Women's Zionist Organization of America, say to you: I am more than proud and privileged, I am humbly grateful that these two nations—the United States of America and Israel, so beloved by the 318,000 members of Hadassah—stand in mutual accord and not only figuratively, but literally clasp hands and join hearts on these premises today as we dedicate these gifts of the American Government to Hadassah and to the weal of mankind.

This business in which we are engaged together we believe to be the most effective means to peace and today when peace is the most complicated and most essential business on earth, may we say that we would like to engage in more of this kind of good business together.

Mrs. Charlotte Jacobson, National Chairman of the Hadassah Medical Organization Committee, Who Presided

There is no event which can bring more satisfaction to the members of Hadassah than one dedicating new buildings to serve the people of Israel. It represents the physical evidence of plans fulfilled, years of hard labor and perseverance rewarded, and faith triumphant.

In this case, our gratification is intensified because the funds for these buildings were given to Hadassah by the United States Government thru the agency for International Development program. This is not the first grant that Hadassah has been privileged to receive from the U.S. Government, and certainly our expectations are great that it will not be the last. While we have always been proud of the high regard for our medical activities as expressed by many American statesmen, it is nevertheless a great tribute to our work that in 1966 the United States Congress voted the equivalent in Israel currency of one million dollars to help us carry out essential areas of development.

A Medical Center exists to study, understand and cure the common enemy of man everywhere—disease—and to enhance the common good for all men everywhere—good health. Indeed, in one of his messages to a Hadassah National Convention, John F. Kennedy wrote: "Not only Israel but the entire free world benefits from projects such as the Hadassah-Hebrew University Medical Center." Only last year, when Mr. Robert H. Finch, U.S. Secretary of Health, Education and Welfare, was in Israel, he wrote us that "The Medical Center near Jerusalem, for which Hadassah can take so much credit, was a particular highlight of my trip. Its physical plant alone represents a breakthrough of major proportions, and its approach to the delivery of a total package of health, training and services will figure diectly in our future planning here at HEW. We can learn much from our friends in Israel, and I intend to see that the opportunity is not wasted."

His Excellency, Mr. Walworth Barbour, the U.S. Ambassador to Israel

I have participated in a number of dedications here in the Hadassah-Hebrew University Medical Center in Jerusalem. It has invariably been a pleasure to do so, as they have been historic occasions commemorative of the so-well expressed clasped hands symbol, which signifies the solidity and activities of the aid program, and of Israel's willingness and ability to cooperate and aid itself with a minimum of our help. On this occasion, particularly, the American Government has participated directly through the Congress in making possible these additions to this magnificent plant. The use of these monies and the fact that the Congress appropriated them is an indication of several things, not the least of which is the general recognition of the important role Hadassah has played in world medicine, not only in Israel, but throughout the world, scientifically and otherwise. I congratulate Hadassah. I sincerely support the action of Congress in making these monies available.

The Israel Minister of Finance, Mr. Pinhas Sapir

I am really indebted to you, my dear ladies and friends of Hadassah, for the chance you give me—in a world so troubled with anxiety and worry—to get together with all of you representing both sides of the ocean, on this happy occasion. I must congratulate you most heartily upon the successful carrying-out of new projects at this Hadassah-Hebrew University Medical Center in Jerusalem through the international cooperation of the United States and Israel.

Fifty years of pioneering in the health field in this land are an asset and credit to the great Hadassah movement in the United States. I wish to say to the dedicated members of Hadassah in America and to the devoted physicians, nurses and general staff of Hadassah Medical Organization in Israel: the work you have carried out has justly won acclaim in the United States as well as many other far-flung continents. It is thus no surprise that the American Government and people have sought to associate themselves in so generous a way with the further development of your humanitarian work on behalf of patients of all races and creeds.

By their infinite devotion to these holy tasks, the leaders and members of Hadassah have created the closest personal links between the Jewish communities of the United States and of Israel and also between the leading medical institutions of both countries. Thus, you have attracted valuable support from U.S. public funds for the expansion of medical service, training and research activities at Hadassah in Jerusalem.

As a movement, you have always remained loyal to Jerusalem, and shared the fortunes of its residents in times of peace and emergency alike. You are now on the threshold of great expansion at the Ein Karem Center and of reconstruction at your impressive Medical Center on magnificent Mount Scopus—the purpose of which is to bring the blessing of health to tens of thousands of Arabs and Jews from East and West Jerusalem and, indeed, from all over the country, and even—as was the case throughout the history of Hadassah—from neighboring countries.

It is a real privilege for me to bring to you on this occasion the warm greetings of the Government of Israel and to express the hope that you may reach the fulfillment of your dreams and projects within a lasting peace—both for Jerusalem, the city of peace, and for the Middle East as a whole.

Mrs. Vera Tsur, Chairman of the Hadassah Council in Israel

It is no coincidence that Hadassah pioneered in the setting up of a country-wide network of maternity, child health and school hygiene services. The concern for the welfare of the family is deeply rooted in Jewish tradition and was always a pivotal factor in the structure of Jewish community life. An abiding concern for the physical and

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spiritual well-being of the family has preserved the unity and the survival of our people throughout the centuries and has guarded it against the trials and tribulations to which it has been exposed. Inspired by this tradition, Hadassah, from its inception, placed the emphasis not only on treating and curing the sick but emphasized the prevention of disease by entering into the problems of the family—its living conditions and environment—through its public health program and later focused in its Family and Community Health Center and Department of Social Medicine.

As an Israeli mother whose family has benefited from Hadassah's blessed facilities, may I, on behalf of the motherhood of this country, express deep gratitude to Hadassah and to the American Government for the generations to come.

PROF. SIDNEY L. KARK, HEAD OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL MEDICINE

I am very honoured to speak on behalf of those who have received accommodation as a result of this very fine gift of the U.S. Government to Hadassah.

What is social medicine? The social medicine developed at this school has included three important related elements:

Firstly—Epidemiology which is its basic science;

Secondly—Studies of the health care system; and

Thirdly—The practice of community medicine, which itself includes several elements, namely family practice, family nursing, care of the chronic sick at home and maternal and child health care in a community.

I would like to refer to something that has happened since we moved to the Medical Center to our new wing. In the last academic year we have had twelve United States medical students, mostly in their senior year of studies, undertaking a clerkship in community medicine in our department for periods ranging between six weeks and three months. This clerkship in community medicine was recognized by their various faculties in the U.S. and it has apparently stimulated so much interest that we have had a number of enquiries from students in the United States who wish to come and spend a period of three and sometimes more months in a community medicine clerkship.

What will the transfer of our department to the Medical Center mean for social medicine and its various fields, like the practice of medicine in the community—a transfer which has been made possible by the U.S. Government funding and the imagination of Hadassah itself, for which we are very grateful? It is my hope that this will lead to a gradual coming together of the community health activities of Hadassah and its hospital and basic sciences of the Medical School. It is true that the social medicine aspect is at present but a tiny part of the totality that exists here in Ein Karem, but this is a reflection of the state of medicine at the present time where all emphasis is on the hospital and the basic sciences integrating the clinical sciences in the hospital.

The advent of social medicine into the University Medical itself adds a third dimension. While only a small beginning, I am sure that it will in time develop the same relationship with the basic sciences as has been developed by the clinical departments of the hospital and any association with these clinical departments will broaden the scope of the University Medical Center to include more advanced teaching and research in a much needed field of community medicine. Through this research and through the practice which is growing in the community, the medical center will be enabled to provide a scientific foundation on which policy decisions by government and other agencies can be made.

We cannot in Israel afford petrifaction in our health center system and must seek new ways. As in other fields of medicine, these new ways can be helped by suitably supported research.

PROF. KALMAN J. MANN, DIRECTOR-GENERAL OF THE HADASSAH MEDICAL ORGANIZATION

Our work in the field of Public Health and Social Medicine is the end result of a long road of growth and development that has its beginning in this country over 3,000 years ago, when there were enunciated here the earliest laws for the promotion of health by the initiation of a weekly day of rest; for the prevention of physical disease by the introduction of laws governing personal hygiene and the isolation of infectious cases; for the elimination of Social Pathology by the formulation of inter-human patterns of behavior.

This road continued its westward course throughout the 19th century with the development of Medical Sciences and a deeper understanding of infectious diseases. It broadened in the twentieth century to include the psychological and social causes of community ill-health in addition to those of physical origin, and in 1918, with the help of Hadassah, it made the return journey from the United States to its starting point—to Israel—where it changed the image of health of Man and Environment.

Yet, Hadassah's contribution to health extends far and beyond the field of Public Health. As you stroll around the Medical Center, you will perceive that the area for Public Health which we are now dedicating is less than one percent of the area housing the totality of our medical work; that the subjects of our care are not only social groups and environment, but also 400,000 individuals who are being taken care of annually in the Outpatient departments, Dental Clinics, Student Health Services, Emergency Room, Traumatic Unit and Hospital wards.

You will note that the subjects of our care reflect the demographic structure of Israel's population, including Christians, Moslems, and Jews; children and adults, friends and enemies, whether stricken by God or human hand.

And interwoven within this mass of suffering humanity you will find our 2,000 undergraduate subjects training in the Schools of Medicine, Dentistry, Nursing, Occupational Therapy, Public Health and others, so that they are able, once qualified, to undertake the responsibility for Israel's health.

While wandering through the hive of activity, you will meet its 2,400 workers, adding the third dimension of Research to that of Service and Teaching; extending the fruits of their labour to medical institutions in Jerusalem, in Israel and beyond to African and Asian countries; enriching Man's health and the pool of his scientific knowledge.

Today we are dedicating the physical facilities for Public Health, which were given to us by the American people. Is not the totality of this center a tribute to the greatness of the American people and to the Jewish community within them which made that greatness available to us?

Today we pay homage to the United States for being the source from which we draw our knowledge and know-how in the field of Public Health.

Should we not recognize the enormous benefits that have accrued to Mankind through this partnership of the American people, the American Jewish Community and Israel?

Let us deepen and strengthen this partnership so that, together, we can bring health to Man and his environment and Peace to a war-torn region and its people.

CHET HUNTLEY'S "PERSPECTIVE"

Mr. GRIFFIN. Mr. President, on two successive programs this week the distinguished broadcaster, Chet Huntley of NBC News, focused attention on major labor-management upheavals in and out of Government which place the public safety in jeopardy.

Mr. President, the thoughtful and thought-provoking essays by Mr. Huntley are worthy of the Senate's close attention. I ask unanimous consent that the text of the two broadcasts be printed in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

CHET HUNTLEY'S PERSPECTIVE ON THE NEWS

(NBC radio, March 30, 1970)

Here's how it goes with us New Yorkers at the moment. We are just now extricating ourselves from the postal strike, trying to cope and get caught up with the flood of mail which poured into offices last week. We are in the midst of a crippling walk out by air controllers who direct traffic into and out of the three major airports which serve the metropolitan area. Another newspaper strike is pending. A tug boat strike has been going on for about ten weeks. The deadline for the present contract between the Teamsters Union and the trucking companies expires tomorrow night, and we are braced for a shutdown of truck traffic. A shutdown of all rail service is a distant possibility within the next few days. New York may be slightly extraordinary but the same thing goes on, in one degree or another, in most of the major population centers of the country.

Government is currently involved in no less than three of these threatened or actual work stoppages, all of them involving vital public services: the air controllers walk out, the postal strike and the imminent railroad strike. It cannot be said that the government's record is far superior to that of private indusry in the handling of labor complaints. One is compelled to wince at the rhetoric which invariably accompanies one of these national or regional emergencies involving the closing down of critical services. Public officials, politicians and hosts of observers begin dusting off the old frayed platitudes concerning the forgotten man in these giant work stoppages . . . the fellow identified as John Q. Public. It is discovered over and over again that no one is representing the public in these industrial qualls or that no one is representing him very well.

The public's apparent willingness to accept inconvenience and worse because of work stoppages continues to be a source of amazement. Year after year, any suggestion that the public welfare and the public interest be protected by new labor legislation is shot down before it can get started. During the strike there is an output of handwringing in the daily editorials, a demand for change, and then the whole business is forgotten when the emergency finally ends and the public has been sufficiently brutalized once again.

The non-union, non-management middle class of this country is obviously the great majority. In spite of all the assertions to the contrary it is still the great silent and mute majority. It may be true that it is in no hurry to go anywhere on an airplane, it is looking for nothing important through the mails, expects nothing to be delivered by truck, and could care nothing about the newspaper or tug boat. That's the way it looks.

CHET HUNTLEY'S PERSPECTIVE ON THE NEWS

(NBC radio, Tuesday, March 31, 1970)

This is not the ideal time to be reading the spate of excellent books appearing in recent months and which dwell on the incredible collapse of British and French diplomacy in government in the period just prior to the war.

There are such titles as "The History of the Cold War", "On Borrowed Time" and

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William Shirer's ponderous but significant volume on "The Fall of France."

The collapse of France in 1940, because of the accumulated sickness and divisions up to the previous ten years or so has now been applied—documented in spite of the French habit of closing its archives to scholars.

But all of these and other recent books pose the gnawing question whether we Americans are pursuing the same disastrous path.

For years and for some 170 odd governments, between 1918 and 1940, the institutions of French government failed increasingly to function. Taxes were not assessed or collected when they should have been. Appropriations were not passed, decisions were not made. The French republic was despised by the remnants of the French monarchy, by the new fascists and by the Communists. The poor despised the rich, labor despised management and vice versa. Paris was characterized by strikes and riots. We have no evidence that the United States military is going or has gone to seed as did the once glorious French army. That is a difference. But we have an uncomfortable number of the other dislocations which caused the French nation to crumble before the German attack in less than 30 days.

And the Vietnam war continues to alienate a large section of the American people. It is all too obvious that the black population in this country feels itself isolated and the same applies to the Indians and to the Spanish Americans. There is a large number of white poor which is outside the mainstream of the society.

And finally American labor is employing its raw and unrestrained economic power to achieve gains which do not appear to be tempered with any thought whatsoever of the longer range economic consequences.

It might be said that never, even in the period of the "robber barons", the industrial monopolies and prior to antitrust laws and the Wagner Act, did American business and industry employ naked power the way labor uses it today. For in most instances business did have some competition here and there and it was sometimes restrained by the fear of pricing itself out of the market.

How much of 1939 France is there in this country?

ADDRESS BY SENATOR SPARKMAN ON SERIOUS CONDITION OF CONSTRUCTION INDUSTRY

Mr. MONDALE. Mr. President, there is no more tragic example of the disastrous effects wrought by inflation or the inequities of present responses to this problem than the situation in the construction industry today. Certainly the state of the economy calls for restraint, but the burden must be spread evenly and embraced by all. The housing market, already depressed, has been required to tighten its belt while others remain loose. Current data suggests that housing starts in February and March will be lower than the alarming 1.2 million figure of January. It appears that discriminatory control is producing discriminatory collapse.

The distinguished senior Senator from Alabama recently delivered a comprehensive speech on these crucial issues before the National Housing Conference. In his comments, Senator SPARKMAN presented a searching analysis of the serious condition of the construction industry and the causes of that condition. He examined the threat posed by the housing crisis to nationwide social and economic goals, and has raised many important questions concerning the long-range impact of current policies. At a time when national priorities are widely being discussed, I recommend that Senator SPARKMAN's thoughtful remarks be given careful consideration and ask unanimous consent that they be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

Address by Hon. John Sparkman Before the 39th Annual Convention of the National Housing Conference, Washington, D.C.

I am pleased to be with you to help the National Housing Conference celebrate its thirty-ninth birthday.

It seems that, every year about this time when your Convention is being held, we have a new crisis. This year I think that the home-building crisis is one of the worst we have witnessed in a long time.

Housing starts for January dropped to a low of 1.2 million and, according to building permit data, housing starts for February and March will be even lower.

This is occurring at a time when vacancy rates are at one of the lowest in our history and when the demand for housing from new family formations and from families seeking better quarters is on a rising scale.

The big problem holding back construction is, as you probably know, the shortage of mortgage credit. And, behind this, is the giant-killer "inflation."

Until we conquer inflation, there is very little chance of getting long-term mortgage credit for housing purposes.

In fact, when one considers the extent to which inflation eats away into the value of the dollar, you wonder why anyone would make a long-term loan unless some adjustment is made for the depreciation of the investment over the life of a mortgage.

Behind inflation is the continuing high level of spending of the American people, including their government.

Inflation started when people began buying goods at a pace in excess of the supply and, in fact, bidding up the price of the limited supply.

The Federal Reserve Board tried to contain this by exercising strict monetary controls, but it did not work. The Fed reduced the supply of money in our economy and interest rates started their insidious rise. The result was that the strong industry borrower got the limited supply of capital and the weak borrower—home buyers, farmers and small businessmen—were squeezed out.

The Congress gave the President effective tools last year to help fight inflation but, so far, he has not used them. These were both voluntary and mandatory credit controls, which can be triggered by the President with a stroke of his pen.

The President and his Economic Advisers say they do not need these controls and keep telling us to be patient and everything will come out all right.

I hope the President is right, but I do not know how long we should wait. In fact, I am fearful now that, unless something is done soon, the housing industry will collapse completely for lack of credit.

Furthermore, if the tight money policy is continued much longer, we are being told that we may see both a recession and inflation at the same time.

I want to add quickly that I do not foresee a serious recession—our economy is too strong for that. We have a tremendous backlog of public works projects and both private and government resources which could be thrown into the breach if one develops to carry us through any threatening serious recession.

This slow-down in construction has serious economic consequences, but it has an even more serious impact in our efforts to raise the living standards of our people. It is occurring at a time when we can ill afford a further deterioration of our social standards and a breakdown in the stability of the home and the family, which is the backbone of our society.

Rather than weakening our social structure, we should be doing everything possible to strengthen it and give more weight to matters and programs which support our homes and communities.

These have been allowed to slip in recent years and we are already paying the price in social disorders, delinquencies, and a breakdown of family life.

To have housing in such a prostrate condition at a time when all other segments of our economy are booming, when capital goods and new plant and equipment are being turned out at ever-increasing levels, and when we see luxury living and widespread affluence all around us, it is obvious that our priorities are out of order and our economy is on a lopsided course.

Like a ship that has shifted its cargo, it will not long remain afloat unless it gets back on an even keel.

I am sure you are well aware of these points. You know what is happening in your own community. Vast shifts in population from rural areas to the cities and from inner cities to the suburbs have brought about overcrowding, dislocations and changing community goals that have created a community crisis which goes hand in hand with the housing crisis.

We cannot solve this broader community crisis until we have solved the housing crisis and, as we all know, our progress in solving either has been practically nil in the last year.

As you well know, the 1968 Housing Act not only restated the 1949 rhetoric of a decent home and suitable living environment, but added a statistical dimension to it—26 million housing units in 10 years.

This called for a yearly schedule which I believe for 1969 was 1.7 million units, and 2.0 million for 1970.

We missed the first year's goal by a rather substantial number which I attribute solely to the shortage of mortgage credit.

Early in the year when the outlook was good with a January annual rate of nearly 1.9 million, we ran into a snag on the supply of lumber. Prices rocketed to sky-high levels and, until we could identify the problem and do something about it, housing production was severely curtailed.

However, no sooner was this issue resolved until the mortgage credit shortage began to show its ugly head. In fact, there are many who say that the lumber shortage was never solved—it just disappeared when the shortage of mortgage credit caused a real cutback.

Nevertheless, we conducted a thorough study of the subject and held hearings.

After our hearings, I introduced a bill entitled "The National Timber Supply Act," which has as its purpose the plowing back of proceeds from the sale of lumber by the U.S. Forest Service for intensive management of our forests to increase their growth.

This can be done without disturbing in any way the use of our forests for conservation and recreation. In fact, with good management, we will not only increase the timber yield well above our needs, but will improve the forests as our greatest natural resource for recreational purposes.

I am convinced that if we do not carry out the purposes of this legislation, that once we have solved the mortgage credit crisis, housing will again be frustrated by a lumber shortage and skyrocketing lumber prices.

I was terribly disappointed by the actions taken in the House which refused to give a rule to take up the lumber bill.

I could not understand the opposition to

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it by some of the urban-oriented people who are pressing so hard for more housing. I hope that these people come forward now and work out some new language to get the bill through when it is next brought up.

Speaking of housing starts, I suppose you have read that the Administration's goal for 1970 is 1.4 million units. Part of the justification for such a low number is a recognition of about 450,00 mobile homes to be delivered to sites during the year.

Secretary Romney was asked during our hearings last week how he justified this, but I do not think he gave a very good answer.

Part of the reason for our committee's approving F.H.A. insurance of mobile home financing last year was the expectation that such a program would result in improving the quality of the units and the mobile home sites. However, because of the low interest ceiling on the F.H.A. Title I loans, so far there has been no F.H.A. mobile home financing.

I believe we need to exert further influence over this great phenomenon to support good quality units and to improve their environment. Until that is done, I question whether we should include the count of these units in the 1968 goals objectives of 26 million units in 10 years.

One very serious concern in connection with meeting our commitment to housing is the utterly shocking, constantly rising mortgage interest rates.

The latest F.H.A. ceiling increase to 8½ percent was authorized by Secretary Romney apparently to attract more mortgage credit and to reduce discount points. I am not sure it did either.

You may recall soon after the ceiling increase, the FNMA auction price fell to a low of 94 which was very little different than the price for an F.H.A. loan a few weeks earlier at 7½%.

These prices have significance in several respects. In the first place, I believe such high interest rates force out of the market most of the moderate income families whom we are committed to help through the FHA and VA. It also places a further burden on the interest subsidy programs. During our hearings one witness reported that since the passage of the 1968 Housing Act, the number of families benefiting from these programs would be reduced by 40 percent, due to the rise in interest rates.

In addition to the rising interest rates, I believe the results of the auction raise serious question about the entire procedure involving discounts. Many of you know of my deep abhorrence of the discount practice. Because of this, I voted with the majority of the members of the Interest Rate Commission to recommend the abolition of discount points in connection with FHA and VA mortgages, along with a package deal involving the removal of the ceiling as an alternative to the present procedure.

I believe that recent developments further justify my original feeling that, no matter how high the interest rate ceilings, some lenders will insist on excessive discount points.

Another observation I would make involves the FNMA auction process. We will never know, but I wonder whether the drop in price of the FHA 8½ percent mortgage would have been nearly so sharp under a different system. I am also curious as to what extent the domination of the FHA secondary mortgage market by the new FNMA pushes down the price and, in fact, may have been a strong consideration in Secretary Romney's decision to raise the FHA ceiling a full percent.

You may know that I introduced a bill last year, S. 2958, which would authorize FNMA to buy and sell conventional mortgages. Concurrent with this has been strong pressure to broaden the authority of the Federal Home Loan Banks to buy and sell mortgages.

We just finished hearings on this subject last week and should move soon to mark up a bill.

At the end of the hearings we received from the Administration amendments to the two bills which would establish new secondary market facilities—one within the Federal National Mortgage Association, and the other under the Federal Home Loan Bank Board.

I also received a proposal which I introduced which would authorize appropriations up to $250 million to the Federal Home Loan Bank Board for the purpose of adjusting the effective rate of interest the Banks charge to the savings and loan associations for long and short term loans.

We have several important decisions to make, but I hope that we can move right ahead with these bills.

With housing in crisis condition, anything we do should be done promptly. I am assuming that the Administration will fully support the early passage of the bill and its immediate funding.

Speaking of priorities and the budget, the big cry today is that we must reorder our national priorities to provide more Federal assistance for socially-oriented programs. The trouble is, of course, that everyone has his own order of priorities and, to get a consensus on a rearrangement, is no simple matter.

The common targets for reductions are the Defense budget, highway construction and the ever poorer and beaten down foreign aid program.

There is less unanimity on the beneficiaries of the shift in priorities, but you will note that health, education and manpower are presently the big winners. The budget proposed for these programs for fiscal year 1971 is $23.1 billion. This is $4.6 billion above the fiscal year 1969 budget of $18.5 billion.

The Housing Department budget proposed for fiscal year 1971 is $3.0 billion, compared with $2.3 billion for fiscal year 1969.

The Defense budget grew to its maximum in fiscal year 1969 to a total of $81.2 billion. The Budget estimate for fiscal year 1971 is $73.4 billion, which is a reduction of $7.7 billion from the peak of the 1969 figure.

In other words, housing has inched forward by $700 million in two years, sharing some of the reduction in the Defense budget of $7.7 billion.

The Foreign Aid program is the easiest one to attack because it has very few voting constituents.

It is the most misunderstood program we have. Some claim that the reason for this is the failure of the State Department to level fully with the American people on how the foreign aid is being spent—what part of it is real aid, what part is to help finance American trade, and what part is to provide military assistance to stabilize the political status quo.

I have been convinced that the World is becoming closer and closer to the "One World" that Wendell Willkie spoke about 25 years ago, and that all of us on this planet have a common stake in a peaceful, orderly and economically sound world-wide society.

Despite its unpopularity, many of us feel that the foreign aid program has done great work, such as helping Korea and Taiwan become self-sufficient with growth rates of 10 and 12 percent per year, or helping to develop the green revolution which, by means of improved seed and better fertilizers, have made many previously so-called starving peoples self-sufficient in food production. India, Pakistan, Tunisia are three examples.

I mention this because Members of Congress establish priorities when appropriation bills are passed. Every subject-matter Committee is deluged with requests for more Federal money. We in the Congress do the best we can to allocate our resources in the fairest and most equitable manner.

The proposed Housing budget for fiscal year 1971 is not at the level we wanted, and I will endeavor to increase some of the estimates but, knowing the great fear of an unbalanced budget and further inflation, I recognize that it will be an up-hill battle.

The newest program being studied in Washington is the development of an urban growth policy and the financing of new communities.

As many of you know, we already have legislation on the books to help finance new town development—Title X of the National Housing Act and Title IV of the 1968 Housing Act. These programs need expansion and strengthening to make them work.

The most important missing provision under existing law, for example, is the authority to assemble land for new town purposes. We need to examine proposals for this purpose and to consider whether the Federal government should provide financial support to the States for the assembling of land.

Many other features need to be considered. The National Committee on Urban Growth Policy suggested that the Federal government should help support the development of 100 cities of 100,000 population, and 10 larger cities in the next 30 years.

I believe that any new town legislation should include a provision to expand and strengthen existing renewal law for cities with emphasis on new towns in town. Also, such a bill should include new planning and development subsidies to encourage the orderly development of metropolitan areas and special aids for the expansion of small towns and rural areas, identified as accelerated growth areas, as well as authority to develop entire new communities.

We also need to develop a national policy on urban growth to assure more national patterns of future urban development in the United States.

I am hopeful that we can develop the necessary legislation on the subject in the next few months and, if possible, obtain Congressional approval of such a bill.

There are many other items about which I would like to talk with you, but I know you have other speakers.

I hope you have a good Convention, and I am sure that, when your meetings are over, Winnie Winlack and Nat Keith will bring your recommendations to me for legislative action in the year ahead.

THE PANAMA CANAL

Mr. MURPHY. Mr. President, for some time now, I have been interested in the issue surrounding the Panama Canal. In the January 2 issue of the Los Angeles Herald Examiner I read an interesting, informative, and intelligent article by Mr. Henry J. Tayor. Because of the importance of this issue to the Nation, I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

CANAL HOTSPOT

(By Henry J. Tayor)

The on-off overnight ouster of Panama's ruling Brig. Gen. Omar Torrijos should warn us to stop allowing ourselves to be talked out of the secure U.S. zone protecting the Pamana Canal.

Our taxpayers have invested $5 billion in the Canal Zone. And as a spokesman for changing the zone's status to Panamanian, Sen. William J. Fullbright is, again, and as usual, muddledheaded in a situation involving the Reds.

Such worried men as Chief of Naval Operations Adm. Thomas H. Moorer could tell you about the canal's global strategic importance with their eyes shut. And as for Latin America, 80 per cent of Peru's and Chile's imports

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and exports pass through it. The dependency is equivalent along the entire Pacific side of the continent.

The Republic of Panama is threatened by Communist guerrillas internally and on either side of its two frontiers. How can anyone ignore the fact that Panama (population 1.4 million) borders on chaotic Costa Rica and Colombia? Is it news that imported Red guerrillas are staging a horrible shooting war in nearby El Salvador? Are we blind to the Red-instigated eruptions in neighboring Guatemala and Honduras?

I dined with Nicaraguan President Anastasio Somoza Jr., who spelled out for me the Red attacks closing in on Panama. Except Nicaragua, our 10-mile-wide Canal Zone is the only zone of stability in the entire region.

Demagogues abound in Panama's faction-ridden political jungle. Their most popular sport is to give Uncle Sam a kick in the pants. Their tirades about "Yankee imperialism," "The Yankee dollar," etc., pressure-cook Panamanian emotions and serve as a distraction from many things that should be done.

Panama is blessed with an amazing amount of rich, arable land, but less than half of it is under cultivation. Panama's true need is for better agriculture, animal husbandry and light industry. Yet it's easy for nearly any politician to roar against the United States—and bite Panama's only feeding hand.

A sultan of Zanzibar once said that ruling there depended on the length of the ruler's sword. Does Sen. Fulbright or anyone else see any difference in Panama? It was enough for Brig. Gen. Torrijos merely to go to Mexico City to take in a horse race for two of his rivals to seize the government and declare Torrijos kaput. Then Torrijos flew back clandestinely the next day and his rivals were kaput. Torrijos himself overthrew President Arnulfo Arias as recently as October, 1968. Political stability in Panama is as tricky as walking on a banana peel.

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Lord Bryce called the Panama Canal "the greatest liberty man ever took with nature." And Latin-American Communists see their takeover opportunity with the forebearance of a hungry shark.

Worried Adm. Moorer finds that Fidel Castro's guerrilla fleet is moving fighters and their arms into Panama. Their embarkation point is La Colma, Cuba—Soviet occupied.

The CIA, in turn, finds that air deliveries are from the Soviet air base at heavily-guarded San Julian, 90 miles southeast of Havana. The CIA also finds all deliveries growing steadily and that they are paid for by Soviet gold. The propaganda support comes—and at a new high pitch—from Castro's powerful Russian-built radio station on Cuba's Key Brenton peninsula.

Havana-based Costa Rican Julio Sunol is one of Latin America's most famous Communists. Bloody-fisted Sunol often presides in Moscow at the annual "Conference of the Peoples," the party's assembly of guerrilla revolutionary cadres. Castro has now reinstalled Sunol in Costa Rica, on Panama's border, as the operation's director.

The real question we face is not the surrender of U.S. control of the Canal versus Panamanian control. The real question is U.S. control versus Communist control. It should be debated in the Senate on that basis.

CLOSURE OF U.S. CONSULATE IN SALISBURY, RHODESIA

Mr. PELL. Mr. President, it has been my belief for many years that the United States should strive to maintain the most direct channels of communication possible with the governments of all nations. It has further been my belief that these direct channels of communication are all the more important when the government in question is one of which we do not approve.

It was in accordance with this belief that I strongly supported sending an envoy to Greece, and because of this same belief I now question the wisdom of closing down the U.S. consulate in Salisbury, Rhodesia.

In September of last year, the Senate adopted Senate Resolution 205, sponsored by the distinguished junior Senator from California (Mr. CRANSTON). That resolution stated the sense of the Senate that when the United States recognizes a government or exchanges diplomatic representatives with it, that action does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

Speaking in support of that resolution at that time, I noted that during the past 50 years there had been a growing inclination to utilize recognition or nonrecognition as a symbol of official approval or disapproval of a government. I urged that the United States return to the original concept of recognition: that when a government is in de facto control of a country, it should be accorded de jure recognition.

Mr. President, I think there is no question that the Government of Rhodesia is in control of that country. Accordingly, I believe it is in the best interests of this country to maintain direct communications with that government. The closing of our consulate in Salisbury deprives this country of that measure of communication without, I am sure, affecting the policies of that government one bit.

What is sauce for the goose, Mr. President, is sauce for the gander. Whether a rightwing government is involved, or a leftwing government is involved, the United States should follow a consistent policy in regard to diplomatic representation and recognition in pursuit of maintaining the most direct and open channels of communication possible.

THE NATURE CONSERVANCY

Mr. MATHIAS. Mr. President, the environment and protection of our natural resources has become one of the most frequent topics of discussion by politicians, government officials, and members of the private sector. While these discussions have been going on, a unique conservation group, the Nature Conservancy, has been fighting to preserve choice national sites. I commend to Senators who are interested in protection of our environment an excellent story published in the Wall Street Journal detailing the conservancy's efforts to save our Nation's forests, marshes, and islands.

I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

LAND FOR POSTERITY: A CONSERVATION GROUP PRESERVES CHOICE SITES BY AGGRESSIVE TACTICS—NATURE CONSERVANCY USES LOAN PROGRAMS TO SAVE FORESTS, ISLANDS, MARSHES—BARGAINING FOR A LUSH VALLEY

(By Dennis Farney)

MASON NECK, VA.—The Potomac River ice creaks and groans beneath the January sky. Cardinals flit across the beige and white of the snowy cattail marsh and crows caw from nearby woods of beech and oak. A great blue heron lifts away on three-foot wings.

Mason Neck on a clear, cold morning is placid, unhurried now. But only five years ago this 10,000-acre peninsula was threatened by the relentless spread of suburban Washington. Real estate speculators controlled the land; there were plans for asphalt streets through the woods, subdivisions near the restored mansion of a Colonial planter.

It didn't happen. And the main reason was the quiet work of an increasingly effective conservationist, the Nature Conservancy.

Three years ago, the Conservancy moved in and began buying up more than 3,000 acres here for about $5.6 million, checkerboarding its holdings to block development of most of the peninsula. It was another successful application of one technique that helps make the Conservancy unique among national conservation groups—unique in what it does as well as what it doesn't do.

MOUNTAINS, PRAIRIES AND MARSHES

The Conservancy isn't the best-known national conservation organization. It rarely makes headlines with dramatic protests or last-ditch lawsuits. It doesn't sponsor wilderness outings and it doesn't publish beautiful books.

It just preserves land, the kind of land that can't be replaced: Virgin woods in New Jersey, islands off the Atlantic Coast, ancient California redwoods, prairies, marshes and mountains. The Conservancy is the only national conservation group that puts its total resources into land preservation. So far, it has preserved about 150,000 acres in 41 states and the Virgin Islands—most of this since it really got rolling in the early 1960s.

The Conservancy traces its lineage to a 1917 committee formed to acquire natural areas for scientific research. Today, however, the Conservancy is interested in outstanding examples of the American environment for other purposes as well. It buys such land itself or lends money to private groups that wish to do so; tax-exempt and nonprofit, it accepts bequests and donations of land or cash. It has helped preserve everything from a 10,500-acre island off Georgia (now a Federal wildlife refuge) to Ezell's Cave, the subterranean home of *Typhlomolge Rathbuni*, the Texas blind salamander.

BEATING THE BULLDOZERS

Both public and private efforts to preserve natural areas threatened by development often founder for the same reason: A lack of ready cash. By the time a government agency can secure its appropriation or a citizens group can launch a fund-raising drive, the bulldozers have come and gone. The Conservancy is trying to fill the gap with three programs:

From a revolving fund of more than $1.1 million, it makes quick loans to private groups, including its own chapters, organized for the purpose of acquiring specific areas. The groups may take up to three years to repay; the loans are interest-free for three months, then bear interest at an annual rate of 6½%.

A separate endowment fund of about $800,000 guarantees bank loans to such groups when the revolving fund is being used to capacity.

Under its newest program, which utilizes a $6 million line of credit guaranteed by the Ford Foundation, the Conservancy moves in fast to acquire tracts being sought (for parks or wildlife refuges, for example) by Federal, state or local government agencies. It resells the land to the agencies when their appropriations come through.

Requests for help are keeping all three funds busy. A loan to a citizens group, for example, recently helped preserve Clausland Mountain, a wooded rampart on the Hudson River near New York City. The $237,500 loan clinched offers of more than $1.1 million in additional money from other sources. Area artists have raised some of the money for repayment with an "Art for the Mountain" benefit.

BROAD SUPPORT

The program using the Ford-guaranteed credit line has acquired more than 11,000 acres since early 1969, sometimes nailing down tracts that slower-moving government agencies might have lost. A good example is the 3,215 acres of Michigan forest recently acquired for the U.S. Forest Service. The Federal agency turned to the Conservancy because the tract was being marketed by a concern that needed to sell quickly, and it might have taken the Forest Service as long as 18 months to secure the necessary appropriation.

Such successes are winning the Conservancy support from figures as diverse as Laurance Rockefeller, Charles A. Lindbergh, Arthur Godfrey ("Boy, they do a job") and Marshall Field. Says a top Federal conservationist: "They haven't tried to branch out and get involved in all aspects of the environment. They've stuck to land preservation—and they're doing it damned well."

Conservancy officials praise the efforts of such better-known organizations as the Sierra Club, which attempts to rouse public opinion and sometimes hauls developers and polluters into court. But the Conservancy generally avoids such fights. "The measure of our success is not how well we propagandize for or against a given issue," says Thomas W. Richards, president. "It's in those acres, and in the quality of those acres."

So it's no accident that Conservancy headquarters in downtown Washington rather resembles a high-powered real estate agency. It's the kind of place where Mr. Richards may interrupt an enthusiastic descripition of a contemplated project (enclosing both banks of a portion of the Potomac in a "green sheath", for example), to answer the telephone and bargain for an island, a marsh or a forest. The atmosphere seems a little like that cartoon above the desk of Edward R. Kingman, vice president and treasurer. The cartoon depicts an exasperated executive who bellows: "Whattya mean we don't have any capital. . . . The acquisition's already been approved."

The cartoon notwithstanding, the Conservancy is at home in the world of finance. Mr. Kingman has been a bank vice president, a financial consultant and a real estate broker; Mr. Richards has nine years of experience as an IBM department manager. Other staff members include ex-real estate agents, a NASA administrative assistant and an industrial engineer—all recruited for their management skills.

"Conservation problems today are no longer solved by a guy hiking around in the woods," says Alexander B. Adams, an ex-FBI agent who helped lead the Conservancy through most of the 1960s. "They're solved by guys sitting behinds desks, thinking." Agrees Mr. Richards: "To win a land conservation battle today, you've got to use the same skills private industry uses."

Last year, its biggest yet, the Conservancy helped preserve nearly 40,000 acres through 101 projects and donations. The year also marked ceremonial completion of a major phase of the Conservancy's most spectacular project to date: The addition of about 10,000 acres to Hawaii's Haleakala National Park.

Before the project, Haleakala Park occupied about 14,000 acres atop a long-extinct volcano. Soon the park will contain about 24,000 acres and extend from the mountaintop to the sea, an enlargement that one conservationist calls a "dream come true." It all began with a 1967 challenge from Laurance Rockefeller. He would donate a $585,000 piece of shorefront to the park—if the Conservancy could acquire the eight-mile-long Kipahulu Valley between the shore and the mountaintop.

Often veiled in fog or drenched in torrential rainfall, the valley is a lush remnant of Hawaii as it used to be. More than 100 waterfalls roar in a rain forest abundant with wildlife, including a bird species presumed extinct for 80 years. The upper valley is a wilderness scarcely penetrated by modern man. Not surprisingly, the Conservancy took the challenge and went to work.

HARD BARGAINING

As negotiator, the Conservancy dispatched Huey Johnson, its western regional director. In two weeks of hectic bargaining, Mr. Johnson reached agreements with the valley's three private landowners, then persuaded the state of Hawaii to donate about 3,000 additional acres it held.

The private owners eventually sold nearly 7,000 acres for $620,000, donating additional acreage valued at $300,000 as a tax-deductible contribution. A mail solicitation, three cocktail parties and a luncheon raised the $620,000, with about $375,000 coming from a gathering in New York's Pan Am building. Mr. Lindbergh addressed that gathering, and Mr. Godfrey did a persuasive job, too. He describes catching a departing donor in the elevator and emerging at the end of the ride with a pledge of $100,000.

In January 1969, the Conservancy donated more than 7,000 acres to the National Park Service under an agreement that will preserve the upper valley at wilderness for scientific research and open the remainder of the valley to the public. (The state is in the process of conveying its 3,000 acres to the Park Service.) Then the Conservancy launched the project's second phase: A campaign to raise about $750,000 to purchase several hundred additional shorefront acres highly vulnerable to development. If this phase succeeds, Gov John Burns has indicated, he'll work for the donation of additional state land. Says Mr. Richards: "We want to do this thing once and for all, and do it right."

The scope and expertise of the Kipahulu project was a far cry from the Conservancy of 1960. That year the organization preserved only about 4,000 acres, had an operating deficit and only about $100,000 in its revolving loan fund, and was mired in an ill-planned project that threatened to bankrupt it. Adds Mr. Adams, then president: "We were like practically every other conservation group—trying to do everything at once, and not doing anything as well as we might."

Spurred by Mr. Adams, the Conservancy reorganized. It beefed up its staff with the help of Ford Foundation grants, formed the endowment fund and secured the Ford-guaranteed line of credit. And after what Mr. Adams calls "a long battle within the organization," it phased out activities unrelated to land acquisition.

A CRITIC'S VIEW

This meant leaving public protests to other conservation groups, a decision that still has its critics. One, for example, asserts that "too much concern about what major contributors might think" sometimes inhibits Conservancy activities and was a major factor in the policy change.

This critic is particularly disturbed because in the early 1960s the Conservancy dropped an active role in opposing a controversial pumped storage hydroelectric plant proposed by Consolidated Edison for New York's Storm King Mountain. He maintains: "Many Conservancy backers are stockholders of Con Ed or are interested in other forms of economic development along the Hudson and might have been offended."

Mr. Adams disagrees. "I know of no instance where our policy has been affected by a donor, and I can say that absolutely flatly," he declares. He calls the protest against the Storm King plant "the kind of project that could be much better handled by other groups" and notes that another group did take over after the Conservancy dropped out. The intent, he says, was to "disengage from things other organizations were already doing and concentrate on buying land."

There's no doubt that Conservancy fortunes soared after the reorganization. In 1969, it either bought or received as gifts land valued at nearly $20 million, up from about $750,000 in 1960; by 1975, it expects this amount to rise to $59 million. During 1969 it transferred ownership of $7.2 million worth of land to various Federal, state and local institutions, including universities.

Increasingly, the Conservancy is going into large-scale projects that will protect complex life chains in broad areas. A top priority for the 1970s will be the acquisition of coastal marshes and wetlands to protect spawning grounds for marine life and refuges for migratory birds. Separate projects, already well under way, aim to establish "coastal reserves" of islands off Georgia, Virginia, Maine and Florida. Other priorities: The acquisition of virgin prairie, water-filled "potholes" (needed by migrating ducks and geese) in the upper Midwest, and desert springs and streams.

This year the Conservancy will spend $7.5 to $10 million for land acquisition—a record but about $31 million short of what it would like to spend, says Mr. Richards. He estimates he would need at least $15 million more, for example, to buy up "some of the most critical inholdings" (private land) within national parks and other public areas; $10 million more to fully execute a new project to protect threatened wetlands around San Francisco Bay; $3 million more for Gulf Coast Florida islands and wetlands; and $3.5 million for Atlantic barrier islands and salt marshes.

Meanwhile, additional requests keep coming in. Illinois is asking help in buying a $7.8 million piece of open space in Chicago, for example. And Sen. Ralph Yarborough (D., Tex.) has asked for help in preserving something of East Texas' Big Thicket, a beautiful forest of pines and hardwoods.

Private donations and fund-raising drives by Conservancy chapters and project committees brought in nearly $5.5 million in cash and securities last year. Donors also contributed about $12.5 million worth of land, including a 74-acre ridge in Connecticut and 361 acres of forest (valued at $1 million) in Florida.

"We're willing to go to almost any lengths for a donor," says John F. Jaeger, the staff attorney who processes most of the gifts and bequests of land. Some donors retain the right to live on the donated property for their lifetimes, for example. Others donate only a portion of the value of their land and sell the remainder to the Conservancy, or assign ownership to the Conservancy over a 20-year period.

The Conservancy is looking for help from another area: Business. Last year, in what Mr. Richards called a "breakthrough for conservation," the Conservancy accepted a gift of two groves of California redwoods (worth about $6 million) from Georgia Pacific Corp., a concern that drew bitter attacks from some other conservation groups during the fight to establish the new Redwoods National Park. The gift, now a California state park, convinces Mr. Richards that business and the Conservancy can work together with mutual benefits.

LOOKING TO BUSINESS

"I'm anxious to work with other businesses, particularly the extractive industries," he says. "It's conceivable, for example, that a lumber company could assess its massive holdings and find some areas that aren't beneficial to it but which would be great from our standpoint. We could take management problems off their hands and enhance their public image in the process."

It's an irony of Mr. Richards' work that he seldom escapes his office to visit the landscapes he's helped preserve. (His most satis-

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fying acquisition to date is a Georgia island he has yet to visit.) But he's an enthusiastic outdoorsman, as a winter hike here on Mason Neck well indicates.

A jaunty beret on his head and field glasses swinging from his neck, Mr. Richards strolls across the iced-over marsh and into the woods, checking tracks in the snow and training the glasses on birds that wing by. "Boy, isn't that great!" he exclaims, focusing in on a flying woodpecker—red and white and black against the sky. Still watching, he quips: "Look at that body!"

He studies a distant treeline, the last known nesting area of the bald eagle on this stretch of the Potomac. (The marsh and nesting area, part of the acreage acquired by the Conservancy, will soon be a Federal wildlife sanctuary; other tracts on the peninsula will become state and regional parks.) Then it's on to Gunston Hall, the restored mansion of George Mason, a close friend of Thomas Jefferson. Residential subdivisions had been planned near Gunston Hall before the Conservancy intervened.

Later, in the formal garden behind the re-brick mansion, Mr. Richards stops to savor the view: The 200-year-old hedge of English boxwood, the giant oaks, the uncluttered woods beyond.

"This will give you an idea why the Conservancy is here at Mason Neck," he says. "We're not just saving a bald eagle sanctuary. By God, this is part of this country's heritage, and it shouldn't be messed up."

PROPOSED TRANSFER OF BIOLOGICAL WARFARE FACILITY FROM DEPARTMENT OF DEFENSE

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Mr. FULBRIGHT. Mr. President, suggestions and recommendations have been made for the transfer of the former biological warfare facility at Pine Bluff Arsenal in Arkansas from the Department of Defense to another Government agency.

It would be a great achievement if we could use the facilities formerly utilized for production of and research on biological weapons for peaceful and constructive purposes. I have joined other members of the Arkansas congressional delegation in urging that the installation be converted to use by the Department of Health, Education, and Welfare for research on disease prevention and cure or by the Department of Agriculture for research into biological pesticides. A further possibility, and one that could be of great value, would be research into the problems of pollution control.

Recently a task force of distinguished Arkansans appointed by Gov. Winthrop Rockefeller has made a report on this subject. One of the recommendations is that the arsenal could be turned into a national center to attack environmental problems. The task force's report states:

> After discussions with operating officials at the Pine Bluff Arsenal, it is apparent that both staff and equipment, if properly utilized, can make a monumental contribution to solutions of ecological problems of our time.

In a recent column in the Washington Post, Joshua Lederberg made a very important point:

> The United States could do a great deal to restore its historic reputation as a defender of human liberties and health if it reassigned our erstwhile biological warfare laboratories, as at Fort Detrick, to make them an international research center for virological peacefare.

Mr. President, I am hopeful that action will be taken to constructively utilize the personnel and facilities at Pine Bluff. This is a rare opportunity to make use of an already-existing installation and I do not believe the Government can afford to pass it up.

I ask unanimous consent that articles from the Arkansas Democrat and Arkansas Gazette pertaining to this matter be inserted in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, Jan. 24, 1970]

Fulbright Urges Plan for Arsenal

Washington.—Senator J. William Fulbright (Dem., Ark.) suggested Friday that the government find some use for the facilities and personnel of the Pine Bluff, Ark., Arsenal, which has been a major producer of biological weapons. President Nixon has said he plans to discontinue production of such weapons.

The facility, Fulbright said, probably could be converted for use by the Health, Education and Welfare Department for research on the prevention and cure of disease. Or, he said, it might be utilized by the Agriculture Department for research into biological pesticides.

"It might find a very important role in research into problems of pollution control," Fulbright said.

Fulbright, declaring he strongly supports Mr. Nixon's plans in reference to biological weapons, said it now would be a greater achievement "if we could apply some of the funds and facilities which were formerly utilized for production of and research on biological weapons toward peaceful and constructive purposes."

"It would seem that many of those who have been employed at facilities where biological weaponry work has been carried out could transfer their labor and skills to nonmilitary projects."

Governor Rockefeller, Senator John L. McClellan (Dem., Ark.) and Representative David H. Pryor (Dem., Ark.) have been working on the situation and it was announced this week that the governor had appointed a 15-man task force to seek alternative activities for the Arsenal.

[From the Arkansas Democrat, Mar. 22, 1970]

AIDC Directors Arsenal Conversion To Help U.S. Image

(By Robert Shaw)

The head of the Arkansas Industrial Development Commission believes that conversion of the Pine Bluff Arsenal to peaceful uses would have international implications.

"This can prove to the world that we are not only stopping the development of the potential to kill biologically, but allowing a switch to the postures of helping save people through biology," says Adrian Williamson Jr., executive director of the AIDC.

The state is trying to pursuade the federal government to transfer the chemical-biological warfare facility to either the federal Agriculture, Interior or Health, Education and Welfare Department.

NATIONAL CENTER

Williamson believes the arsenal could be turned into a national center to attack environmental problems.

A blue-ribbon task force appointed by Governor Rockefeller made a study of the possible peaceful uses of the arsenal after President Nixon's decision last year to halt germ-warfare production.

"After discussions with operating officials at the Pine Bluff Arsenal, it is apparent that both staff and equipment, if properly utilized, can make a monumental contribution to solutions of ecological problems of our time," the task force report said.

The task force recommended that the President remove the biological laboratory from the Defense Department and transfer it to Interior, Agriculture or HEW. Under the recommendation, one of the three could be a "prime contractor to state and local governments, educational institutions and other groups on a fee or a contract basis for environmental research."

The task force also recommended that funds be made available immediately to keep the arsenal staff on the job until another federal agency takes full control.

53 PROFESSIONALS

The arsenal has 53 professionals with degrees in science.

Williamson said the state was now awaiting clarification of what the Defense Department planned to do with the arsenal, a facility he said as worth well in excess of $100 million.

The department has the alternatives of mothballing the facility or turning it over to another agency, he said.

"I hope they will go through a phasing-out program," he said. "You don't just flip a light switch and pull out overnight."

Williamson said he had been in contact with Dr. Lee Dubridge, Nixon's adviser who is coordinating interagency discussions on the arsenal.

The task force report devoted much attention to the arsenal's potential for use in agriculture.

The report said the laboratory could be used for research in the development of micro-organisms and parasites to control insects or to destroy pesticides.

TEST ANTIBIOTICS

The report also said the laboratory could carry out biological testing of antibiotics, food supplements and insecticides.

It said one example of the laboratory's possibilities was the development through a biological approach of high-protein food from fish.

SUPREME COURT COMMENDED FOR "DISRUPTION" RULING

Mr. GRIFFIN. Mr. President, since the Supreme Court has been so widely criticized for some of its decisions, it is a pleasure to take note of one that is being widely praised.

I refer to the Court's ruling yesterday which makes it clear that decorum, dignity, and order in the court rooms of the Nation can and should be maintained.

Mr. President, I ask unanimous consent that an editorial published in today's Washington News and an editorial and a column written by David Lawrence, published in today's Washington Star, be printed in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

[From the Washington Daily News, Apr. 1, 1970]

Respect for the Law

Americans who hope to preserve our system of justice will applaud the U.S. Supreme Court's ruling that no defendant or group of defendants has a constitutional right to disrupt a court of law.

The ruling is especially apt at a time when a growing number of defendants and their lawyers seem determined to make a mockery of the judicial process.

The trial of seven men accused of inciting a riot in Chicago during the 1968 Democratic Convention, the trial of the "D.C. Nine" here and now the trial of 13 Black Panthers accused of plotting to bomb public buildings in New York all have been marred by disruptive behavior that has no place in a courtroom.

In the New York trial, which resumes next week, defendants have used what one judge calls "vile, demeaning, vicious, base and threatening language . . . unparalleled in court history."

Yet there has been a presumption that a defendant had an absolute constitutional right under the Sixth Amendment "to be confronted with the witnesses against him" and therefore to be present at all times at his own trial.

In its decision this week, the Supreme Court acted on the case of an abusive armed robbery defendant in Illinois. But the principle surely would apply in these other cases.

"We explicitly hold today," said the high court, "that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive and disrespectful of the court that his trial cannot be carried on with him in the courtroom."

In concurring with the majority opinion written by Justice Hugo L. Black, Justice William J. Brennan appropriately added:

"Due process does not require the presence of the defendant if his presence means there will be no orderly process at all."

Disruptive behavior in court is not a new tactic, of course, despite the recent developments. And most judges have dealt with it, either by barring the defendant, using contempt citations or even gagging the offenders—all of which was approved by the Supreme Court.

We hope this decision of the court will serve to permanently rescue our judicial process from the travesty with which it has been threatened.

[From the Washington Evening Star, Apr. 1, 1970]

FAIR TRIALS

In a historic decision, the Supreme Court without dissent ruled yesterday that "disruptive, contumacious, stubbornly defiant defendants" have no constitutional right to be present at their trials. The court specifically held that such defendants may be bound and gagged, cited for contempt or removed from the courtroom until they promise to conduct themselves "properly."

Although the court was handing down an opinion on a 14-year-old criminal case, it is clear that its ruling will have a crucial effect on the appeal of the trial of the "Chicago Seven," on the proceedings to be resumed Tuesday against 13 Black Panthers in Manhattan and on similar cases which appear likely to become a feature of litigation in a decade of political confrontation.

The court held that the accused cannot "be permitted by his disruptive conduct indefinitely to avoid being tried." The justices took the view that "it would degrade our country and our judicial system to permit our courts to be bullied, insulted and humiliated, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes." This strikes us as both sound law and good common sense.

And yet the right of a defendant to be present during his trial is too deeply enshrined in our constitution to permit rejoicing in its abridgement. It appears in the Sixth Amendment, which guarantees the accused the right "to be confronted with the witnesses against him." It is reinforced in the Fourteenth Amendment, which guarantees "due process" and "equal protection" of the law.

The challenge and the dilemma faced by our courts, then, is this: Not only to hand down justice, but to appear to do so—not only to a majority more concerned with order than with freedom but to a minority convinced that justice is not to be had at the hands of institutions which are the creatures of a society they believe to be based on inequity and corruption.

The eight justices have given the lower courts the legal tools to enforce order at the bar of justice. But if the need for such tools is apparent, so, too, is the requirement that they be employed sparingly, intelligently and in moderation.

[From the Washington Evening Star, Apr. 1, 1970]

A MAJOR STEP TO ORDER IN COURTS

(By David Lawrence)

The Supreme Court has taken a major step to obtain "order in the courtroom" throughout America. No defendant hereafter can disrupt a trial without running the risk of being bound and gagged or even put out of the room altogether while the court hears testimony and decides his case.

This may appear to be an extreme punishment, but the high court says a defendant will not lose his right to a fair trial—he will merely be absent until he behaves himself.

The court was virtually unanimous in its opinion. While the case under consideration was not a recent one, the ruling does have a bearing on those spectacular episodes in Chicago and New York within the last few months where radicals have attempted to upset court procedures and may have been advised that they had a right to do so.

The Supreme Court says there are "at least three constitutionally permissible ways for a trial judge to handle an obstreperous defendant"—to bind and gag him, to cite him for contempt, or to take him out of the courtroom until he promises to conduct himself properly.

The theory behind the Supreme Court's decision is that a defendant has every right to be present at his trial and "to be "confronted with the witnesses against him," but no right to insult the judge or the jurors and otherwise disrupt the proceedings of the court.

Many citizens have for months felt the same way and wondered how long it would be before there would be a high court decision explicitly forbidding such forms of disorder. Now that it has come, unquestionably some of the defendants in pending cases will be dealt with sternly and will have to behave if they want to be present in court while arguments in their behalf are presented by their attorneys.

There have heretofore been doubts whether the Constitution permitted the barring of a defendant from the courtroom, and no such limitations as have just been imposed were ever put into effect and sustained by the Supreme Court. But Justice Black, who wrote the opinion, said:

"Although mindful that courts must indulge every reasonable presumption against the loss of constitutional rights, we explicitly hold today that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.

"Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings."

There have been disturbances in the courtroom before, but few defendants have gone as far as those "demonstrators" who in recent months have treated the judge on the bench with the same discourtesy as other public officials.

The question may well be asked whether individuals have the right to enter into any offices where public business is being conducted, and interrupt proceedings. Again and again, there have been threats made to halt the operations of government departments, though most of the "demonstrators" have stopped at the doors of the buildings. Occasionally they have entered, but have not gone to the extremes of seriously upsetting governmental processes. The new decision of the Supreme Court, however, indicates the possibility that interference with the day-by-day activities of the government of the United States in its various offices can hereafter be designated by law as a crime, with severe penalties.

The radicals who are behind the "demonstrations" and the disturbances in the courts and elsewhere have felt that their causes are advanced by the amount of violence they exhibit. The fact is that the people of America have become fed up with the extremists. They are anxious that police power be promptly used and judicial processes sternly applied, so that punishment will be meted out to those who damage private or public property and interfere with the exercise of the normal pursuits of American life today.

LAW AND ORDER ON THE CAMPUS

Mr. **MURPHY**. Mr. President, former San Francisco Chief of Police Thomas J. Cahill in the March 1970, issue of the FBI Law Enforcement Bulletin, authored a timely article entitled "Law and Order on the Campus."

All of us have endured the well-publicized revolutionary rhetoric of campus troublemakers. These radical elements on our campuses in no way represent the vast majority of our college students. They would like us to believe they do, and as a result of the obsession of the media over them, many citizens of the country receive the impression that they do represent the youth of the country.

Society has problems, but as many students of history know, the Nation has been able to correct problems in the past and I am confident that we will do so in the future. In remedying the ills of our society, we want no part of the radical's solutions which would destroy our institutions, our way of living, so that can usher in their better way. This is nonsense and we have put up with it all too long.

Mr. President, law enforcement officers are not perfect. They are human beings and they make mistakes. But for the most part the abuse of law enforcement officers is insignificant and provoked by a handful of revolutionaries loose on some of our campuses. Former Chief Cahill said what I have said many times:

> The college campus is not sacrosanct; the laws of the State of California must be enforced in the same manner on or off the campus.

In his concluding paragraph, he says:

> We must work together to help solve the social problems facing our affluent society, the problems that are reflected on the campus. Let us expose the militant or revolutionary for what he is—a criminal—not a

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martyr. I know that we can, in a lawful and professional manner, preclude this threat from growing by the impartial and lawful enforcement of existing laws. I honestly feel that we will prevail.

Mr. President, I ask unanimous consent that this outstanding address which places the issue of campus violence in perspective and fills in the half of the picture we do not often see, be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

LAW AND ORDER ON THE CAMPUS

(By Thomas J. Cahill, former Chief of Police, San Francisco, Calif.)

The theme of your conference, "Revolution and Response," is quite appropriate and timely today. In the April 1969, issue of the FBI Law Enforcement Bulletin, J. Edgar Hoover stated:

"The Nation is experiencing daily the progressive revolutionary steps of anarchy—coercion, intimidation, violence, and unlawful takeover—defiance of authority is becoming the norm. We must establish a united resistance against the criminal forces destroying the structure of our society, or we face chaos."

During the past year, we have seen almost every major college campus in the United States faced with some type of student revolt. We have seen the armed takeover of a college building, and we have seen a whole college occupied by militants desiring a confrontation with the establishment represented by the police. We have seen a wave of terror on our college campuses—a wave punctuated by bombs and beatings. We have seen teachers and students vilifying and fighting the police who were called to the campus by the administration in an attempt to keep the college open. We have seen campus turmoil used for political purposes. We have even seen alleged community leaders using this turmoil to their own benefit, and we have seen students attempting to gain an education, deprived of that education by small groups of militants and revolutionaries.

You will recall that during the 5-month period from November 1968, through March 1969, the officers of my department spent many days on the campus of San Francisco State College; these were not idyllic days of normal educational atcivity on a college campus, but at times were days of violent confrontation—confrontation not of our choosing.

In 1967, I was asked by the Assembly Committee on High Education why I did not order my men onto the campus of San Francisco State College during a talkeover of the administration building.

In 1968, I was castigated by members of the Legislature, alleged community leaders, and certain members of the news media for sending my police onto the campus.

Just what is the role of law enforcement and what is our involvement on the college campus today?

Why has the seat of intellect and learning become the place of violent confrontation?

Why is it sometimes necessary for hundreds of police officers to be on a college campus so students can go to school?

These questions are not easily answered, but I feel that when an organization such as yours devotes your conference to these most pressing problems, then the solutions will be shortly forthcoming.

Law enforcement's involvement on the campus is quite simple. It is our sworn duty to enforce the law; it is the role of the police to ensure that everyone can exercise his guaranteed constitutional rights. Violations of the law and violations of rights cannot be tolerated. Proper police action must be taken immediately if violations occur. Intimidation of teachers and of students who wish to continue their educations cannot be condoned.

NOT SACROSANCT

If any law is violated on the college campus, it must be investigated as would any other crime. The college campus is not sacrosanct; the laws of the State of California must be enforced in the same manner on or off the campus.

You can certainly appreciate the fact that if an assault occurs on a college campus, its location does not alter the fact that it is a violation of the law. And, ladies and gentlemen, let me assure you, if there is a violation of the law, there will be an arrest whenever possible.

The role of law enforcement is no different on the campus from what it would be in any other part of the community. We have a responsibility to all of the community, and today we must of necessity be apprised of the conditions on the campus that might lead to more confrontations. Police must be sensitive to campus conditions and the feelings of the whole academic community. We must be in constant liaison with the administration, faculty, and students; we must develop intelligence on what the militants and revolutionaries are planning for the campus. This must be done without usurping the autonomy of the campuses. We do not intend to interfere with the academic processes.

I feel that we have done this well at San Francisco State College. A chronological resume of incidents at the campus might be edifying to you.

On November 6, 1967, members of the Black Students Union broke into the offices of the student newspaper and assaulted members of the staff. Fortunately, a young reporter had the presence of mind to take photos of the males, and we were able to make nine felony arrests.

On December 6, 1967, four hundred to five hundred persons, some students and some nonstudents, broke into the administration building and occupied it for almost 2 hours. The mob was led by a teacher who was subsequently fired. Entry into the administration building was gained by smashing the glass in the locked front door.

While this activity was occurring in the administration building, another move on the campus attacked newspaper and television photographers who were attempting to photograph the looting of the campus bookstore. This incident resulted in 12 arrests.

On May 21, 1968, a sit-in was staged in the administration building which resulted in 21 arrests.

And on May 24, 1968, another sit-in was staged in the administration building which resulted in another 33 arrests.

In early November 1968, an English instructor at San Francisco State College, who was also the Minister of Education of the Black Panther Party, addressed an assemblage at the school. He urged students to bring guns onto the campus. The turmoil that ensued lasted 5 months, and resulted in 681 arrests, running the gamut from refusing to disperse and blocking the sidewalk to assault with a deadly weapon and possession of a bomb.

The total number of persons involved in these arrests was 613, only 320 of whom were actually students of San Francisco State College. This means that 48 percent of those persons arrested had no business on the campus—unless confrontation has become a business. Out of the 613 arrested, 190 had some prior criminal record.

The recapitulation of the arrests by race, sex, and age is as follows:

		Percent:	Male	Female
Caucasian	496	81.5	321	175
Negro	83	13.5	72	11
Oriental	34	5.0	26	8

The ages of those arrested run from 14 to 48 with approximately 70 percent of the total in the 18 to 24 age group.

But the statistic that is most frightening is the fact that we had a total of 10 bombing incidents during the 5 months of turmoil. We were fortunate enough to find four of these devices before they exploded, but, unfortunately, six of these were detonated before they could be found. Miraculously there was no loss of life, but one of the perpetrators was maimed when the bomb exploded as he was placing it in a hallway filled with lockers. The bomb was set to explode at 8 a.m. which is the busiest time of the school day in that particular area. There is no doubt that if the bomb had not exploded prematurely, many students would have been seriously injured if not killed.

I am sure that everyone here is quite familiar with the militant and revolutionary organizations that are the catalytic agents in some of our campus unrest—organizations such as the Students for a Democratic Society, the Black Students Union, the Black Panther Party, the Progressive Labor Party, the Third World Liberation Front, the Radical Students Union, ad infinitum.

But, who and what is a militant?

He is a sometimes self-described revolutionary or possibly a socially conscious individual working for a better society. But in actuality, what is this militant—the militant who is a firebomb thrower, the militant who plants a bomb in the administration building or the school cafeteria, or who sends a bomb through the mail to a college president which, when opened, maims a young secretary for life.

Should this person be dignified by calling him a militant? I don't think so. I personally feel that he should be identified for what he really is, *a criminal*. He is a criminal because his acts are criminal acts. Invariably, when he is caught committing these acts, he is disclaimed by the militant group he represents as an "agent provocateur," or as a victim of the racist, oppressive society that is perpetuated at the college by the school president or the Governor of the State.

But the fact remains that the individual was caught committing a criminal act and must answer for his actions in a criminal court as would any other criminal.

I do not mean to imply that the freshman student who is arrested for sitting-in at the administration building is truly a criminal. He may be violating the law, but I believe that many of the young people arrested honestly feel that they are helping to bring about change by their actions. I feel that each of these individuals should be judged accordingly; and if this act is a first offense, I would be inclined to recommend leniency. I do not want to give a false impression that I think that any of the persons who are perpetrators of violence should be given any consideration, but rather I would be inclined to deal with these persons in the strictest manner possible under the law.

The literature of the militant and the underground newspapers abound in articles calling for revolution and the violent overthrow of the government; they expound on guerrilla warfare and how to make bombs. This literature, if you can call it that, attacks obscenely every facet of American life. Yet, the courts have ruled that this is freedom of speech and of the press.

Pamphlets are distributed on campuses telling in minute detail how to injure and maim police officers. The home addresses of police officers are published in an attempt to intimidate them and subject their families to harassment. The militants have launched a semantic attack against the police by call-

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ing them animal names and obscene hyphenated terms.

But in spite of all of these attacks on law enforcement, your police officers are dealing with the problems in a lawful and professional manner. We have approached the problem as we would any other police problem. The rights of the militant are not violated under any circumstances; if a demonstration or rally is held in a lawful and peaceful manner, then there is no necessity for any police action. If there is a violation of the law, then the police must take action and make arrests.

No police department in the United States has a better record than the San Francisco Police Department for the handling of demonstrations or campus disorders. Our approach to all of these problems is fair and patient. But if the law is violated by one person or 500 persons, we will make arrests in a lawful and professional manner with an eye toward court prosecution. We do not intend to make an arrest that will be dismissed for lack of evidence at a later date. At the present time, we are nearing the end of all the trials that arose out of the turmoil and disorder at San Francisco State College, and I am proud to state that our conviction rate is approximately 80 percent.

I think that we must admit that militancy and revolution on the campuses are a very real threat to the academic processes. I personally feel that student unrest will be with us for a long time to come, but I am not pessimistic. I believe that we in professional police service and you in the academic profession working together can help restore to the campus an environment of intellect, learning, and good will.

We must work together to help solve the social problems facing our affluent society, the problems that are reflected on the campus. Let us expose the militant or revolutionary for what he is—a criminal—not a martyr. I know that we can, in a lawful and professional manner, preclude this threat from growing by the impartial and lawful enforcement of existing laws. I honestly feel that we will prevail.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VENDOR ROBBED INSIDE SHRINE

Two bandits robbed a man Monday afternoon as he was servicing vending machines inside the National Shrine of the Immaculate Conception, police said.

John A. Sica, of Hyattsville, told police two youths about 14, one displaying a dark object, approached him as he was emptying the machines in the Shrine, 4th Street and Michigan Avenue NE, about 3:20 p.m.

"Give me all the money" demanded the armed youth, according to the report. Sica said he handed the pair a bag containing approximately $100 in quarters, and the youths fled east on Michigan Avenue.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Hot Shoppe, restaurant, on Georgia Avenue NW, was held up about 10:15 p.m. Monday by two men who passed the clerk a note saying, "This is a holdup. Give me all the money or I'll shoot." The clerk gave the pair a handful of bills, which they grabbed as they fled from the restaurant to their car.

Eulogio Morocho, of Washington, was robbed and beaten about 11:45 p.m. Monday by four men who attacked him at 19th and N Streets NW. One of them struck him over the head with an unidentified object, knocked him to the ground, and beat him in the head and body. Following the assault, the men took the bills from his pocket and headed east in the 1800 block of N Street.

George A. Skiados, of Washington, was held up at 12:20 a.m. yesterday near his home in the 2500 block of L Street NW, by two men, one brandishing a revolver. While the gunman held Skiados at bay, the other man removed the cash from his pockets. The pair fled into the 2500 block of Pennsylvania Avenue.

Elvan Irene Manning, of 3510 Brothers Pl. SE, was held up about 4:50 p.m. Monday at the rear of her home by two youths. Pointing a small gun at her, one of them demanded, "Give me your purse," and the pair escaped with the bag containing money and personal papers.

Nathaniel Williams, of Washington, was held up about 2:20 a.m. Saturday in the parking lot at 1357 Savannah St., SE, by a man who said, "Hold it." A second man approached, displaying a sawed-off shotgun, and ordered, "Give me what you got and keep your hands up." Searching Williams, the pair removed his wallet and keys, then fled from the scene.

J. T. Valentine, of Washington, an employee of the Federal Aviation Administration, was held up about 6:40 p.m. Monday near his home in the 3600 block of Carpenter Street SE. Three young men approached him from behind and one of them wielding a handgun, said, "This is a stickup." The gunman reached into Valentine's pocket and removed his wallet containing a large amount of money, credit and identification cards.

Michigan Park Cleaners, 1911 Michigan Ave. NE, was held up by two young men who entered the shop about 3:40 p.m. Monday and asked the manager if they could get two items cleaned in an hour. The manager replied, "No, it will take longer than that," and the pair left. In about five minutes, they re-entered the shop and one of them pointed a gun at the manager demanding, "Give me the money, all of it." After obtaining the cash, the pair fled on foot.

Haywood Arthur Jones, of Washington, was held up while he was delivering his papers at 11th and Savannah Streets SE by three 15-year-olds. One of them held a knife on Jones while the others took about $4.50 in change from him, then ran down the street.

Curtis Matthews, of Washington was held up about 1:30 p.m. Monday while he was making a delivery in the 2700 block of Sherman Avenue NW, by a youth displaying a gun who forced him to turn over his money, then fled on foot.

Clifton Bush, of Washington, was held up about 6:45 p.m. Monday by two youths who followed him as he returned from a store in the rear of the 400 block of P Street NW. One of them drew a handgun and forced Bush into an alley in the 1600 block of 7th Street where the youths demanded his money.

Brian J. McKierwan, of Alexandria, was held up at about 2 a.m. yesterday by a man who approached him in the parking lot at 1404 I St. NW. The man told McKierwan he wanted to get his car out of the lot but, since the lot had closed, he asked McKierwan to accompany him down the street to pick up his car keys. In the 1100 block of K Street, the man pulled out a knife and warned, "You do one thing and I'll cut your throat, buddy." Taking McKierwan's wallet containing his money, Pentagon pass, credit cards and also his watch, the armed man fled on foot.

Miles Long sandwich shop, 3010 Georgia Ave. NW, was held up about 12:05 a.m. yesterday by a youth who tossed a paper bag on the counter and ordered the clerk to "fill it up." She placed the money from the cash register into the sack which the youth grabbed.

Denise M. Couturier, of Washington, a student at Marquette University, was held up about 9:30 p.m. Monday while she was walking north in the 5600 block of Chevy Chase Parkway NW. by two young men. One of them pointed a knife at her and threatened, "Hold on now. Hand over your purse. If you scream, I will kill you." Taking her pocketbook containing her money, school identification and papers, the pair escaped.

Howard Johnson, of Washington, was held up by a man armed with a revolver who approached him while he was delivering juice in the 200 block of 5th Street NW. After asking for some juice, the gunman said, "This is a holdup. Give me all your money." Taking the bills and change from Johnson's pocket, the man ran east in the 300 block of U Street.

James Brisbine, of Takoma Park, a driver for the Good Humor Corp, was held up by two youths who approached him while he was vending at the rear of the 1200 block of G Street SE. One of them drew a pistol from his pocket, forced Brisbine to hand over the cash and ordered him to "drive off and not look back."

Hoazmani F. Palomino, of Washington, was robbed and beaten about 3:30 a.m. Monday by four men who attacked him in the 1600 block of Columbia Road NW., beat him in the face and took the bills from his sock.

Benjamin Carson, of Washington, a mail clerk at the Department of Agriculture, was held up about 3:10 p.m., Monday at 12th and C Streets SW. by two young men. One of them displayed a handgun and said, "Give me your wallet," then the pair fled with the money, running south on 12th Street.

John Lee Harper, of 526 59th St. N.E., and Ross Lewis Tyler, of Washington, were bound and robbed at Harper's apartment about 6:45 p.m. Monday. Harper answered a knock on his door and four youths forced their way inside. Holding a sawed-off shotgun on Harper, one youth ordered him to lie on the floor and empty his pockets. The four then tied up Harper and Tyler and ransacked the entire apartment. From Harper, the youths took a wallet, tape recorder, records and a blue car. Tyler was robbed of his money and car keys.

Mary L. Callaway, of 935 9th St. NE, was held up about 1:30 p.m. Monday at the rear of her home by three youths and a teen-aged girl. One of them pointed a pistol at Callaway and said, "Give us the purse." Taking the bag containing money and papers, the teen-agers fled on foot.

Dennis D. Hasting, of Washington, a student at Congress Heights Elementary School, was robbed about 1:20 p.m. Monday by a man who threatened. "I am going to beat you up if you don't give me the bag." Forcing the boy to give him the groceries, the man fled into the alley at the rear of the 500 block of Melton Street SE.

Rufus Cartledge, of Washington, a driver for the Palm Grove Cab Co., was held up by a passenger who hailed his taxi at New York Avenue and 12th Street NW and asked the driver to take him to 50th and Grant Streets NE. As the cab headed east in the 4600 block of Deane Avenue NE, the passenger said, "This is a stickup, I have a gun," and forced Cartledge to give him his money. The man then jumped from the cab and fled south on 50th Street.

Ray's Jewelry store, 815 King St., Alexandria, was held up about 4:45 p.m. Monday by a man wielding a revolver who forced the proprietor into a rear room and escaped with a tray of diamond rings and some cash.

Weber's Market, 1235 W St. NW, was held up about 2:25 p.m. Monday by two youths armed with revolvers who told the owner to hand over the money while a third youth remained at the door as a lookout. Taking the money from the cash register, the trio ran from the store, heading north in the 2200 block of 13th Street NW.

Jack M. Cooper, of 2853 Ontario Rd. NW, was beaten and robbed by two men who attacked him after he parked his car behind his apartment building about 6:50 p.m. Friday. The men beat him in the face and body and escaped with a paper bag containing a large amount of money.

Rebecca E. Sawyer, 67, of Silver Spring, was robbed about 1:30 p.m. Monday while she was waiting for a bus in the 1600 block of Military Road NW. A man approached her and asked if she was waiting for the bus. When she replied yes, he asked how long the bus would be. She then turned and started to walk away, but the man struck her arm, forcing her to drop her pocketbook. "I want your purse," the man told her, then retrieved the bag and escaped in a car driven by another man.

Edward L. Kimes, of Arlington, was held up as he was getting out of his car at 18th Street and Jefferson Place NW about 1:50 p.m. yesterday. A man approached him, placed a hard object in his back and warned. "Don't turn around." The man took a watch and money, then fled into a nearby alley.

John P. Wholihan, of Arlington, an employee of Davis Memorial Goodwill, Inc., was robbed about 11:40 a.m. yesterday in the 1200 block of N Street NW. A young man approached Wholihan and warned, "I have a gun on you." He then asked how many envelopes he had. "Four" replied Wholihan and the man threatened, "If you turn around I'll kill you." He then took four white envelopes containing $464.83 in cash and $383.89 in checks.

Wonder Bread thrift store, 5119 Addison Rd., Beaver Heights, was robbed at 3:10 p.m. by two young men, one of whom was armed.

ASSAULTED

Barbara Mackall, of 4514 14th St. NW. was treated at Washington Hospital Center for injuries she suffered when she was beaten over the head with a lamp during a fight about 7:40 p.m. Monday with a man in her apartment.

Hazzie C. Singleton, a blind Washington resident, was treated at Washington Hospital Center for injuries he suffered when two persons attacked him. They yoked him from the rear about 9:15 a.m. Saturday as he was walking in the unit block of T Street NW and struggled with him briefly.

Felton E. Davis, of Washington was treated at Freedmen's Hospital for a gunshot wound in the leg he suffered when someone fired a shot at him while he was walking near his home in the unit block of V Street NE.

STOLEN

Two movie projectors and two typewriters were stolen between 5 p.m. Monday and 8 a.m. yesterday from Gonzaga High School, 19 I St. NW.

A television set, a $1,110 ring, a charm bracelet, a coin bracelet, two leather boxes, assorted charms, a set of cufflinks, and $12 in 50 cent pieces, with a total value of $2,084, were stolen from the apartment of P. S. Berla, 920 North Carolina Ave. SE, sometime between 11 a.m. Sunday and noon Monday.

A mink and lamb jacket, two dresses, a diamond ring, a ruby and diamond ring, a pair of shoes, a purse, a make-up case, a pair of gold earrings, a set of pearl earrings and miscellaneous women's clothing, with a total value of $1,885, were stolen from Anna Christ, of Johnstown, Pa., sometime between noon and 12:30 p.m. Friday when her car was broken into.

A typewriter was stolen sometime after 9:30 p.m. Monday from a room at Woodson Junior High School, 4101 Minnesota Ave. NE.

A 45-year-old clerk was raped, robbed, and beaten by a man who awakened her in her Northeast Washington apartment Monday night. The intruder entered the first-floor room through a window, beat the woman and then raped her. He took money from her pocketbook and fled. She was treated at D.C. General Hospital.

ARRESTED

John Robert Johnson, 28, of 1112 South Carolina Ave. SE, was arrested Monday at a pool hall in the 600 block of T Street NW and charged with violating the Uniform Narcotics Act and concealing a dangerous weapon, a gun. Police said they saw Johnson drop an object as they entered the pool hall. Retrieving the object, police identified it as a cigarette package containing an envelope full of a white powder, suspected narcotics. As Johnson scuffled with the arresting officer, a gun fell from his clothing, police said.

Jacob Louis Kramer, 61, of 1313 13th St. NW, was arrested yesterday morning on a charge of indecent publications.

STABBED

Joseph Earl Risper, of 127 E St. NW, was admitted to Rogers Memorial Hospital in serious condition with a stab wound in the chest. Risper was injured during a fight with a woman brandishing a knife in his apartment about 5:30 a.m. Saturday.

FIRE

A fire was started about 1:55 a.m. yesterday when gasoline was thrown on the pool tables at the pool and billiard hall, 15th and East Capitol Streets NE.

LEAGUE OF WOMEN VOTERS TO AID VOTELESS DISTRICT OF COLUMBIA RESIDENTS

Mr. NELSON. Mr. President, a 1966 series of articles in the New Republic magazine, began as follows:

> The District of Columbia is a lost colony, still surviving—barely—on the American continent. Its subjects (they are hardly citizens) can vote for none of their local leaders.

The above information is still sadly true in 1970, with the exception that District residents are now permitted to elect their local School Board. Citizens in Washington may vote for President and Vice President of the United States as well—for the first time in 1964, when 90 percent of the registered voters participated in the election.

The Mayor and City Council of Washington, D.C., are appointed by the President of the United States. The City Council now has five Republican, one independent, and three Democratic members, reflecting the appointments of a Republican President. Yet 81.8 percent of the District voters in the 1968 presidential election voted for the Democratic candidate.

Ultimately, Congress must approve all statutes and expenditures of funds for the District. In their book, "O Say Can You See," Leni and Philip Stern point out that Members of Congress "regularly set aside their deliberations on such matters—as questions of defense, foreign aid, and so forth—to decide for Washingtonians such questions as the size of rockfish that may be sold in the District of Columbia; whether Washingtonians should be required to leash their dogs in warm weather; whether kites may be flown or Good Humor ice cream sold in Washington."

These local measures must go through the long legislative route of the U.S. Congress, through the committees and onto the floors of both Houses, fitting into the calendar with major bills to appropriate funds for the Department of Defense and proposals to combat pollution.

The same local measures are then voted upon by 435 Congressmen and 100 Senators who are elected by, and responsible at election time to, people who live very far away. For the District of Columbia has also been denied voting representation in the Congress, and even a proposal for a nonvoting Delegate in the House is still under review. Eleven States with a total of 22 Senators and 18 Congressmen have smaller populations than the District of Columbia: Alaska, Delaware, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

An article published recently in the Evening Star on the District of Columbia crime bill began as follows:

> Although its residents rarely boast about it, Washington has the largest and most powerful city council in the world, the 535 members of Congress. But it is a rare session when as many as 25 members of the House show up to conduct the District's business. Thursday was different. More than 50 members were sitting on the floor when the House session opened, waiting to take up the District's 439 page Omnibus Crime Bill.

The Sunday, March 22, article ends:

> The House voted 101 to 47 to sever Lorton from the District. Suddenly the aisles filled with representatives as the entire bill came up for a final vote. As if by magic, 294 members materialized to support the bill. Forty-seven voted against it. . . . The long session of the real city council of the District had ended.

Critical legislation concerning the District has passed both Houses of Congress with few Members on the floor and little or no debate. Members of Congress are concerned primarily with the interests of their constituents, with key legislative issues in which they have some expertise, with their committee assignments and with vital national legislation.

So, who represents the District of Columbia? Technically the 535 Members of Congress. In reality, a small handful of concerned Representatives and Senators who must painfully fit the concerns of the District into their already overburdened calendars.

Many of these men try to truly represent the views of the majority of the residents of the District. Yet, some who are most influential on some of the key committees dealing with Washington, D.C., take positions in direct conflict with the views of the residents of this city.

None of them can really be said to represent the citizens of the District because they are not elected by the residents and cannot be turned out of office

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if they do not reflect local views. The majority of the Members of Congress simply have not the time to become well versed on the problems and needs of a city of 808,000 and are unable to responsibly legislate for the District.

As the Sterns point out in "O Say Can You See":

> Children's Hospital is one of the finest in the country. It might not be open the next time you visit Washington. Because it treats all charity patients who come before it for help, it has been on the brink of financial collapse.
>
> Congress was asked to come to the rescue with $110,000. Congress said no. On the other hand, (to give Congress its due), it did vote $10 *million* to give Washington . . . an aquarium.
>
> So the next time you visit Washington, its children may not have a hospital, but its fish will have a home.

"O Say Can You See" documents other evidences of the lack or responsiveness to the needs of this city. Published in 1968, the book states that Headstart funds had been provided for just 1,200 of the 30,000 children in the District of Columbia who are eligible. Only $1 per child for elementary school library books was appropriated; the national median is $3 per child. In 1964, the Ludlow School had only one washbasin for 260 children. In 1968, there were four washbasins.

These facts should deeply concern American citizens. More than 800,000 fellow Americans live on the only territory of the United States which is not permitted to elect local officials—as are citizens of the territories of Guam, Puerto Rico, and the Virgin Islands. The District has taxation without representation—in fiscal 1969, revenues raised by local taxes totalled $317.7 million. The Capital City of the center of democracy is denied the democratic process.

The last five Presidents of the United States have supported home rule for the District of Columbia. Ninety-five percent of the District's voting citizens supported self-government in a referendum. The Senate has passed home rule bills six times. But the District is still "a lost colony."

The fact is that citizens of the District will secure the rights of other Americans only when other Americans become active in support of measures to correct this injustice. They will remain second-class citizens until first-class citizens demand of their Congressmen and Senators that this travesty be righted.

Recognizing this, the National League of Women Voters has determined to bring this situation to the attention of the American public through a petition drive to begin on April 15 throughout the Nation. They will ask citizens in other States to petition the Congress to provide voting representation in Congress for residents of the District of Columbia.

I fully support this effort and commend the league for taking on this important task. The league was instrumental in securing for District residents the right to vote for President and Vice President of the United States. I hope that this current effort elicits the support of all Americans and has a similar success.

The District has a population larger than that of 11 States and is entitled to voting representation in both Houses of Congress, based on the population formula used in determining fair representation for other citizens in other areas of the country.

It is also imperative that we move forward to correct the wrong inflicted upon District of Columbia residents by denying them the right to elect their local government. Self-government has always been the major concern of District residents and I hope that national attention will be given by the league to the current efforts in Congress to provide the District of Columbia with home rule or steps leading to home rule.

In other areas of the country, citizens may vote for local, State and national officials based on simple requirements of age and residency. Residents of the District of Columbia, meeting these constitutional requirements, should be entitled to vote for their local government.

Home rule is not new to the District of Columbia. After the city was granted a charter in 1802, Washington's citizens practiced local self-government for three quarters of a century. In 1871, Congress abolished the three separate jurisdictions within the District—the city of Washington, the city of Georgetown, and the county of Washington. The new government, consisting of an appointed Governor and a legislative assembly composed of one appointed and one elected body was charged with providing the city with much needed improvements in sanitation and public works projects.

During this time following the Civil War, Washington was in the midst of the havoc caused by the war and an influx of citizens to the city and in the middle of its development into a major metropolis. The new government, with poor fiscal guidance and haste to deal with the needs of the city, brought about near bankruptcy.

In 1874, Congress withdrew the local franchise and established, as a temporary measure, a commission form of government. Essentially that same form of government existed in the District until President Johnson, through an Executive order, replaced the Commissioners with an appointed Mayor and City Council.

I hope that the League's drive will cause Congress to think again about this injustice, which we ignore daily. It is time that we corrected this situation and it is time that American citizens across the Nation asked us to do this.

1970 HOUSING AND URBAN DEVELOPMENT ACT

Mr. TOWER. Mr. President, today I join in support of the administration's 1970 Housing and Urban Development Act.

This measure is significant in many respects, but of major importance is its aim to consolidate and streamline the many programs now administered by HUD.

President Nixon very early recognized the strong need for a comprehensive reevaluation of the Nation's housing programs.[1] He urged the reorientation of those programs burdened with their shortcomings, and the elimination of duplication. This bill will provide a sharp and long-needed focus on this subject, and hopefully it will enable us to bring the diverse subject scope of HUD into more manageable proportions than in the past.

Many other important subjects are contained within the bill, some of which will undoubtedly require more study than others—both in committee and on the floor of the Senate. As the chairman of the committee, Senator SPARKMAN, has noted, there are some provisions which some of us on the committee will undoubtedly take exception to in their present form. There is much work ahead of us, but, of overall importance is that we direct prompt legislative attention to today's problem of adequately housing our people.

There exists currently an atmosphere of concern among those who must be looked to to build the housing we need and must have, a large part of which is caused by the innumerable delays and frustrations encountered in their attempts to convert legislative intent into progress and production. I hope that the final form of this legislation will make it more possible than ever before to expedite the implementation of our housing programs.

I look forward to again working closely with my good friend and colleague, the chairman of the Committee on Banking and Currency and its Subcommittee on Housing and Urban Affairs (Mr. SPARKMAN), on the subject of our mutual concern and interest. I would note that we are in the latter stages of reporting from committee an emergency mortgage credit bill urged by the administration, and we expect it to be ready soon. Some of the subjects in the mortgage credit bill are likewise covered in this measure, but it was deemed appropriate, as I have indicated, that we act with as much dispatch as possible to initiate some relief for the dire mortgage credit situation.

THE PILL

Mr. McGOVERN. Mr. President, there was no small measure of public vexation produced by Senator GAYLORD NELSON's recent investigation of whether users of oral contraceptives are being adequately warned of possible risks as well as benefits.

It is my view that we have been well served by the Wisconsin Senator's insistence that those who choose this method of contraception should be able to base their decision on "informed consent."

His hearings demonstrated that some two-thirds of the users of the pill were not advised of the known risks, even though medical witnesses were nearly unanimous in the view that the user should have such information as a matter of right.

When Senator NELSON announced the hearings last November he argued that an information sheet on the pill should be included with each package, and he called for substantial additional research on oral contraceptives. Every witness testifying at the hearings agreed that the need for more research is crucial.

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[1] President Nixon's response to National Association of Homebuilders' question published October 1968.

Where the question of warning is concerned, it is interesting to note that, on the last day of the hearings, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, confirmed Senator NELSON's view on informed consent. He said:

> I have come to the conclusion that the information being supplied to the patient in the case of the oral contraceptive is insufficient and that a re-evaluation of our present policies is in order. . . . The action we must take now, immediately in my opinion, is to help inform the 8½ million American women now taking oral contraceptives of the risks involved.

And Dr. Edwards then announced that an informational sheet would henceforth be included with each pill package.

The Washington Evening Star's distinguished medical writer, Judith Randal, recognized the importance of the issue involved in the pill hearings in a Washington Close-up column on March 13 entitled "Pill Raises Issue of Right To Know." It is significant that she saw a connection on this score between the pill and the pesticide DDT, particularly since it was also Senator NELSON who 5 years ago began introducing legislation to ban the use of the slow degrading pesticide because of its effects on the environment.

Mr. President, I ask unanimous consent that the column to which I have referred be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

"PILL" RAISES ISSUE OF RIGHT TO KNOW

(By Judith Randal)

Two weeks ago today, Sen. Gaylord Nelson, D-Wis., then conducting hearings on oral contraceptives, raised one of the most crucial issue confronting society in the 1970s.

By that time, Nelson had been charged with inciting the press to sensationalism, fostering scare headlines, and—by bringing to public attention what the scientific community already knew about possible risks from "the pill"—threatening efforts to contain the population explosion. But what no one else had said in so many words was that the real issue raised was the public's right to know.

Nelson saw the opportunity to bring this issue to the fore when Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population, came to the witness table. After pointing out that other contraceptive measures, as well as pregnancy, also carry risks, Guttmacher indicated that the dangers of the pill would better have been aired behind closed doors.

"I have little faith in detailing the hazards of a drug . . . to a patient," he said, explaining that scientific data is too complicated for laymen to understand.

Nelson saw this as a "right-to-know" issue and decided to attack it head-on. Said he:

"We debated on the floor of the Senate at great length the anti-ballistic missile, which is an incredibly complicated mechanical device which probably nobody in the Congress could explain from a technical standpoint. Should that be discussed because it is complicated and the public really cannot understand it, or should it not?

". . . Do we have a right . . . to withhold knowledge developed by the Federal government itself through research and studies and conferences like (those held by) the National Institutes of Health, or should these matters be made a matter of public knowledge, counting, as it seems we always have to do, upon the ultimate good judgment of the public to come to a reasonable conclusion?"

Nelson, who is on record in favor of family planning and who is an advocate of zero population growth in this country and abroad, has touched a sensitive nerve. We are increasingly finding in our society that too little public advance consideration of possible results from scientific or technological progress may cause a dangerous, even catastrophic, overraction. The process goes about like this:

A scientific advance is made, and its manifest promise causes it to be oversold to the public. At the same time. research on what now seems a solved problem slows or grinds to a halt. The public adopts the new advance and uses it enthusiastically without really understanding its pluses and minuses.

In time, drawbacks begin to come to public attention. General revulsion sets in and, lacking possible benefits of continuing research, the public tunes out. At this point, the very real possibility exists that efforts to solve the problem will be abandoned for good.

What is even more serious, perhaps, is that changing attitudes in advanced countries like ours bring themselves to bear in other parts of the world that rely on us for technological inputs. The pill is one example, and DDT is another.

There is no question that DDT has been overused in the United States, where it is threatening the environment. Developed countries may well get along nicely without it, but if they decide to abandon it for more expensive forms of pest control, underdeveloped countries that cannot afford such options are likely to follow suit.

If this happens, countless deaths from malaria may occur in Southeast Asia and tropical Africa because of decisions made in the United States and Sweden.

This, of course, is written with 20-20 hindsight. Nevertheless, where both the pill and DDT are concerned, something very like what has happened could easily have been predicted—in the case of the pill because its hormonal components exert an influence on many body systems, in the case of DDT because its poisonous properties persist in the environment long after their initial purpose is served.

Which brings us back to the public's right to know. Had society at large been informed of the hazards of DDT that were known or suspected 10 years ago, perhaps laws regarding its use would be different from those on the books.

Similarly, if women had been told about the hazards in the pill of which the medical profession long has had inklings, two things might have happened. First, many women might have opted for other measures of birth control, which would have been further developed than they now are; and, second, research into safer and equally effective "pills" might have had top-priority attention, which to date it has not.

SENATOR MURPHY'S PROGRAMS USHERING IN "AN AGE OF ACCOUNTABILITY"

Mr. MURPHY. Mr. President, Monday's Washington Post contained an article entitled "An Age of Accountability Is Sought for U.S. Education."

I am pleased to be the author of a program, the dropout prevention program, which is helping to bring into education this "age of accountability."

The Nation is following with the greatest of interest the Texarkana project, under which private industry has subcontracted with the local school system to raise reading and math scores. The contract says they must perform in order to get paid. I have placed in the RECORD previously preliminary results which indicate the private contractor is performing.

Also, in connection with the Urban and Rural Education Act, which has been incorporated as a new part C to title I, the conference report on which the Senate is voting today, I have written requirements that will bring about "accountability." Those districts qualifying for the new part C program, which provides a 30 percent add-on to certain identified urban and rural school districts, will have to spell out specific objectives and will be held accountable for meeting those objectives.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

AN "AGE OF ACCOUNTABILITY" IS SOUGHT FOR U.S. EDUCATION

(By Eric Wentworth)

If the Nixon administration has its way, the 1970s will become the "Age of Accountability in American education.

It will be an era in which:

Private "learning companies" will be a stronger force in bringing about more effective schooling.

School systems all over the country will set new, more meaningful goals for students.

Schools will be rated on whether their students attain these goals—rather than just on the classrooms, equipment, textbooks and teachers they provide.

School programs will also be judged on relative cost-effectiveness.

A new professional, the "independent accomplishment auditor," will play a key role in these ratings.

Should all this come to pass, enthusiasts believe, U.S. Education Commissioner James E. Allen Jr.'s "right to read" goal will come within reach, disadvantaged youngsters will enjoy something closer to equal educational opportunities, and students generally will emerge from school better equipped for higher education, jobs and the business of living.

TABLES TURNED

Students have long been accountable, through tests and recitations, for what they have or haven't learned. The new approach turns the tables, and holds the schools and teachers accountable for the students' performance.

"We have, as a nation," President Nixon asserted in his March 3 message on education reform, "too long avoided thinking of the productivity of schools."

This new, businesslike approach has surfaced amid disenchantment among taxpayers, parents and students with the job that the public schools have been doing in ghetto and suburb alike.

"The people have a right," Allen said in a speech last week, "to be assured that the increasingly large investments in public education that will be called for will produce results. They can no longer be expected to be satisfied with definitions of school quality that focus primarily on such factors as per-pupil expenditures, pupil-teacher ratios and teacher salary levels."

The education community's reaction to

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this new stress on accountability is predictably mixed.

"I've argued for this for a long time," says J. Lloyd Trump, associate secretary of the National Association of Secondary School Principals. "A lot of voices have been crying in the wilderness. Then, when something becomes political, it suddenly gets a lot of attention. I welcome it."

But Trump, among others, points out that teachers today must spend large amounts of time on nonteaching duties—clerical work and "baby-sitting." Called to account for how their students perform, they might feel all the more frustrated.

David Darland, associate executive secretary of the National Education Association's Commission on Teacher Education and Professional Standards, contends teachers have far too little say-so in school affairs. "It's a pure myth at the moment," he says, "to assume teachers can be accountable under current conditions."

Darland also fears that accountability will stress measurable skills such as reading at the expense of education's less tangible functions—helping youngsters find careers, teaching them how to "cope," and fostering creativity and enlightened relations with their fellow man.

"Hitler," he remarks, "was a good reader."

Leon Lessinger, prime mover in the accountability trend, concedes that the approach has limits. "But," he says, "the fact that many results of education are subjective and not subject to audit should not deter us from dealing precisely with those aspects of education that lend themselves to precise definition and assessment. Rather, it demands that we do make maximum use of these individual parts that tell us what the change in the whole has been."

Other promoters of the new trend believe students' behavior as well as their skills may prove measurable. Some, for example, see prospects for rating motivation.

In any event, Lessinger and others support Mr. Nixon's statement that with accountability, "Success should be measured not by some fixed national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils."

SPECIFIC OBJECTIVES

As Lessinger sees it, school authorities, parents, other community members and the students themselves should have a voice in determining the goals to be set.

The Georgia State University professor, who served til January as associate U.S. education commissioner, favors specific, practical objectives rather than just scores on nationally-used tests.

He cites this example: "Given three days and the resources of the library, the student completing this program will be able to write a 300-to-500 word set of specifications for constructing a model airplane that another student could follow and build."

Lessinger developed the idea of "independent accomplishment auditors" during his U.S. Office of Education tenure, initially as a means of checking whether federal grants for bilingual education and dropout prevention programs were producing results.

Ten teams of auditors were trained by University of Utah educators in three-day regional conferences last year. Lessinger reports that 12 universities are eager to launch training programs.

As he conceives it, the independent auditor is a "third party" assessing school programs "without sentimental defensive, protectionist or financial influence."

The auditor discusses the school program's goals with those concerned, and agrees with them on the evidence for measuring success and the specific methods he will use to gather the evidence. He then sets about his work and, when the time comes, files a public report on what he has found.

Accountability has gained the most attention so far in the field of "performance contracts" whereby a private company signs up with a school system to run a learning program. The company guarantees the students will reach certain goals in a specified time period, and is paid fees scaled to how well they actually perform.

MOVE IN VIRGINIA

Just last week, Virginia officials disclosed their intent to hop aboard the "performance contracting" bandwagon if the State Board of Education approves. They hope to start several demonstration projects next fall to raise the reading and math skills of disadvantaged youngsters, particularly in schools that are desegregating.

Detroit has planned a performance-contracting program to improve reading and math for 3,700 ghetto youths in grades 9 through 12. Dallas has a proposal covering reading and math, vocational training and "achievement motivation." Both cities' programs are aimed at slashing school dropout rates.

Charles Blaschke, who formed a firm called Education Turnkey Systems, Inc., here last November, has worked on the Detroit and Dallas proposals as well as Virginia's preliminary planning. He reports plans are also in the works in other cities.

Under the "turnkey" approach Blaschke is promoting, successful programs run by private contractors would be taken over later by the school systems themselves. The contractor would still guarantee its program's effectiveness, if the school adopted specified managerial and teaching practices. The school, in turn, would also become accountable to its patrons for the program's continued success.

Blaschke, who studied uses of educational technology for the Defense Department in 1966–68, developed the only performance-contracting project to get underway so far—a dropout prevention effort in Texarkana, Ark.

He reports that the Texarkana students are scoring reading and math gains surpassing the guarantee of the contractor. Dorsett Educational Systems of Norman, Okla.

The San Diego School Board, meanwhile, approved this winter a $1.4-million contract with Educational Developmental Laboratories, a division of McGraw-Hill, which would guarantee to improve reading skills of an estimated 9,600 minority-group youngsters.

At least at the outset, the performance-contract bandwagon will have to depend on federal funds. But President Nixon's strong endorsement of accountability in his March 3 message left little doubt which way the Washington policy winds arc blowing.

JOHN FRANK STEVENS: A TRULY GREAT AMERICAN

Mr. MONDALE. Mr. President, because of its strategic location near the headwaters of the Mississippi, Lake Superior, natural avenues to Canada, and the Mesabi Range, my great State of Minnesota was destined by nature to play a dramatic and important role in the development of the Pacific Northwest. Much of this was accomplished by the construction of the Great Northern Railway across the Rockies and Cascades to the Pacific, as well as the building of other railroads.

A key figure in the location and construction of the Great Northern Railway was John Frank Stevens, who, on December 11, 1889, in bitter cold weather, found Marias Pass in Montana on reconnaissance for the railroad.

Other significant and valuable services which Mr. Stevens rendered my State included the development of the transportation system for open mining of iron ore in the Mesabi Range. It was this experience that qualified him to accept leadership in the design of the Panama Canal and the launching of that vital project on the road to success. It was his designing and construction of this vital waterway that was largely responsible for his lasting fame.

Mr. Stevens' important part in the building of United States and Canadian railroads; his heading of a special mission for the rehabilitation of Russian, Siberian, and Manchurian railroads; his work on the Panama Canal, and other outstanding achievements probably make him the greatest construction engineer our country has ever produced.

In the fall of 1969, about 100 prominent men and women throughout the United States—National and State Government officials, Army and Navy officers, educators, historians, engineers, physicians, authors, and business executives—organized a national committee to sponsor the election in 1970 of John F. Stevens to the Hall of Fame for Great Americans at New York University.

In view of this worthy effort on the part of such distinguished Americans, the winter, 1969, issue of Minnesota History, published quarterly by the Minnesota Historical Society, features a timely and scholarly article entitled "John Frank Stevens—Great Northern Engineer" by Ralph W. and Muriel E. Hidy. The cover of this magazine reproduces a photograph of Mr. Stevens looking at a heroic statute of himself at Marias Pass as he was dressed when he found the pass more than 80 years ago. Standing beside Mr. Stevens is his grandson, John F. Stevens III, in the uniform of a military cadet.

As I believe this article by Dr. and Mrs. Hidy will be of great interest to many people throughout the country, particularly in those areas where Mr. Stevens lived, worked, and contributed so greatly, I ask unanimous consent that it be printed in the Record:

There being no objection the article was ordered to be printed in the Record, as follows:

JOHN FRANK STEVENS: GREAT NORTHERN ENGINEER

(By Ralph W. Hidy and Muriel E. Hidy)

Eighty years ago—in December 1889—an event took place in northwestern Montana that was to be important not only for the explorer-engineer involved but also for the history of the Minnesota corporation for which he was working. John Frank Stevens, on engineering reconnaissance for the Great Northern Railway Company, established the feasibility of Marias Pass for a railroad. Though significant, this journey was only one of Stevens' many contributions to the development of the Great Northern.

At the time of Stevens' exploration, the company's directors were preparing to build an extension from the railroad's line in Montana to the Pacific Coast. The major antecedent corporation, the St. Paul, Minneapolis and Manitoba Railway Company, had first stressed the south-north nature of its business. By 1883, however, it had edged west to Devils Lake in Dakota Territory and four years later, after reaching Minot, had made the long leap to Great Falls, Montana. An affiliate, the Montana Central Railway Company, built from that point to Helena and

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Butte, Montana. In 1890, when the Great Northern leased to St. Paul, Minneapolis and Manitoba, the system included over three thousand miles of track, about half of which were in Minnesota.[1]

James J. Hill, president of the Great Northern, indicated the importance of careful location of a route through northern Montana toward the coast by selecting Elbridge H. Beckler as chief engineer of the Pacific Extension in 1889. Educated in Maine, Beckler had gained experience on several railroads. After employment in Minnesota with Hill's St. Paul, Minneapolis and Manitoba, he had worked in the Rocky Mountains for both the Canadian Pacific and Northern Pacific railways. He was then appointed chief engineer of the Montana Central. To this responsibility was now added the larger task of directing a group of engineers who were to explore, run preliminary lines, and make detailed surveys. When the contractors started their labors, Beckler and his engineers had the job of classifying work for the subcontractors and checking on the results.[2]

Searching for a location through the Rockies that would best meet the needs of his employer, Beckler sent skilled engineers to examine several routes. Of the two possibilities given the most attention, the northern route—that later chosen and used—was the one to which Stevens was assigned. Following his study of the Kootenai country in 1889, Beckler sent engineer Charles Frederick Beals Haskell to travel east from Flathead Lake and directed John Frank Stevens to go from Fort Assiniboine, a military reservation not far from the present Havre, Montana, west toward the summit of the Rockies.[3]

When chosen for the important role in the Pacific Extension survey, Stevens was known to Beckler as an experienced engineer. Born in West Gardiner, Maine, on April 25, 1853, Stevens was to have a varied and brilliant career during his ninety years. His achievements, including those connected with American railroads, earned him the John Fritz Medal, established in 1902 by the American Society of Civil Engineers and awarded annually by the United Engineers Trustees, Inc. to members of the engineering profession for "notable scientific or industrial achievement."[4] Stevens made himself a civil engineer by diligent study and hard work. He attended public schools and completed his formal education at a state normal school in Farmington, Maine. While employed as ax wielder and rod-and-instrument man in surveys for the city of Minneapolis in 1874–75, Stevens began to study surveying and other aspects of the field.[5]

During the following fourteen years he gradually won a reputation in the West as a location and construction engineer for railroads. While locating and/or supervising construction of substantial portions of the Canadian Pacific Railway (1882–86) from Winnipeg west to Shuswap Lake in British Columbia, Stevens, usually serving as division engineer, became well acquainted with railroad building in mountainous territory. From 1887 to 1889, he acted as principal assistant engineer of the Duluth, South Shore and Atlantic Railway Company, now part of the Soo Line, and "located and had entire charge of that line" from Sault Ste. Marie to Duluth.[6] His brief stint as assistant engineer of Daniel Chase Corbin's relatively small Spokane Falls and Northern Railway Company during part of its construction in 1889 gave Stevens additional experience with railroading in the Pacific Northwest. It probably also brought him again to the attention of Beckler.

By early December, 1889, not long after Stevens started work in Montana, Beckler forwarded to Hill a terse but encouraging report from the young engineer. At Fort Assiniboine, Stevens had been provided with a buckboard, driver, horse, and supplies. The message from the Piegan post office at the Blackfoot Agency read: "Line from Assinniboine to this point will not exceed 15,000 c.y. [cubic yards] per mile: distance 130 miles: nothing steeper than 1% grade."[7] Later that month Stevens completed his examination to the summit of the Rockies and reported to Beckler in Helena. He had set out from the agency with a mule team, snowshoes and a reluctant Flathead Indian. First he left the animals behind and then settled the exhausted Indian by a fire. Stevens walked alone on the deep snow, searching. He made a reconnaissance through Marias Pass on December 11, 1889, going far enough to observe that the course of water was west. On the summit he tramped all night to survive the 40-degree-below temperature.[8]

Stevens, while not a modest man, was an accurate one; he claimed no more than he had reason to claim. Some writers point out that Indians and other white men had known Marias Pass. Stevens would not disagree. He was the first, however, to explore the pass as a location engineer, to judge its practicability for a railroad, and to make the findings public.[9]

Marias Pass was selected as the route for the Great Northern. The story of the building of the Pacific Extension is to be recounted elsewhere. After visiting the area himself in 1890, Beckler wrote Hill that he was satisfied with this elevation of only "5,214 ft. which is lower than any pass I have heard of in the range crossed by a Railroad." On the basis of Stevens' successful reconnaissance, the running of preliminary survey lines, and comparison of this route with the alternatives considered, Hill made the decision. Careful attention had been given to his requirement of a route that promised short mileage, low grades, and other characteristics which would facilitate economical railroad operation and thus attract bulky freight. In the first annual report to Great Northern stockholders in the summer of 1890, Hill announced that "An extremely favorable pass over the main range of the Rocky Mountains has been found for this line, permitting a maximum grade, on the eastern approach, of 52.8 feet per mile, no tunnel being necessary."[10]

After his work in the Rockies, Stevens was sent to Waterville, Washington, to take charge of surveys in that state east of the Cascades. In June, 1890, Beckler forwarded to Hill a copy of Stevens' well-expressed report on the area between Grand Coulee, Washington, and the Columbia River. As Beckler explained, he sent it "both to show the character of work and also *the man*. The work is in good hands & I know of no one more competent than Mr. Stevens."[11]

Stevens next devoted himself largely to an exploration of the Cascades. The dense forest and lack of trails made this mountain work onerous. Equipped with surveys, including those of engineers working from the Pacific Coast, Stevens tramped miles, examining passes that did not satisfy him. Finally, he followed a creek (later named Nason) that emptied into the south end of Lake Wenatchee but proved to come from the west. Noting its relationship with a low crest in the mountains, he felt certain that he had found a feasible rail route over the Cascades. He sent Haskell to make the survey. The latter carved "Stevens Pass" on a cedar tree in the heavy forest, and thus the engineer's name was to be perpetuated in the Cascades.[12]

While engineering surveys were being made in the West, construction had been started from the existing line at Pacific Junction, four miles west of Havre, the supply center for the Great Northern's construction to the Pacific. Rails extended to Kalispell, Montana, by the end of 1891 and to Spokane, Washington, by the next summer. With the exception of a small portion of the line east of Albeni Falls, Idaho, on the Pend Oreille River, all the track to Spokane was laid from the east.

To hasten construction, work was then started from the Pacific Coast up the west side of the Cascade. In late 1891 Shepard, Henry and Company of St. Paul, a combination of contracting firms that included Shepard, Siems and Company (responsible for the eastern end of the road), signed the contract to build the western part from near Everett, Washington, at the mouth of the Snohomish River. The line ran on the left bank to the Skykomish River and up its south fork to Stevens Pass.[13]

It was on this part of the work that Stevens attracted Hill's attention. He used his imaginative skills to locate at the summit of the Cascades a part of the switchback system that was to serve as a temporary means of crossing the mountains until a tunnel could be built. Stevens' report through Beckler of a plan for the west side, with one curve of 13 degrees, shocked Hill. He went west at once. Impressed with Stevens' solution as a temporary expedient, Hill even raised the engineer's salary. This, however, was not without Stevens' initiative; in July, 1890, he had asked for a raise from $200 per month to $300. Hill's action—taken at a time when, at least in the opinion of some junior engineers, the Great Northern's president did not respect their profession—was remarkable. Conflict had arisen over the division of authority between engineers and contractors, and several of Beckler's assistants had resigned.[14]

By early January, 1893, tracks were joined at Scenic, Washington, near the summit of the Cascades, and Stevens had proved he could work with contractors under the most difficult circumstances. Late in 1892 hard rains had washed out some lines and bridges. Then early and heavy snow in the mountains made progress difficult, and subcontractors faced multiple problems. Beckler assured Hill that Stevens was pressing the work around the clock. This was not uncommon in building the Pacific Extension, but using a total of sixty men on night-and-day shifts at both ends of a troublesome cut indicated the size of forces demanded by those in charge.[15]

When Beckler left the railway on the completion of the Pacific Extension in 1893, he asked Hill to retain some of the young engineers. Stevens was appointed to the regular staff of the Great Northern as assistant chief engineer. Beckler himself must have been gratified by his election as the first honorary member of the Montana Society of Civil Engineers for supervising the location and construction of 826 miles of railroad in so short a time over such a favorable route. Stevens, with headquarters in Spokane, now set about making some needed improvements in the new line.[16]

When economic conditions demanded, Hill retrenched on several occasions by cutting out positions. The year 1894, with the problems of developing traffic in a new territory and the depression of the mid-nineties, was a particularly bad one in the railroad's history. The job of assistant chief engineer was dropped and with it the current holder.[17]

Stevens' short absence, however, was followed by long years of employment with the Great Northern. He returned as chief engineer in 1895 and, except for an absence of some months in 1898–99, served the railroad until mid-1903, having the additional duties of general manager in his last year. This was more consecutive time than the vigorous, creative, and restless Stevens worked for any other company in his long and productive career.[18]

The period of Stevens' service to the Great Northern was an opportune one for a forceful, often aggressive man. The depression was showing signs of lifting by 1895, and under Hill's leadership a strong board of

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directors was willing to support ambitious plans for expansion and improvement of the line.

There were few men above the rank of department heads on the railway's roster in those years. Until 1896 the able, legal-minded William P. Clough was the only vice-president. Then a succession of traffic men held the post of second vice-president. In 1899 a third vice-presidency was added, and J. J.'s eldest son, James N. Hill, was appointed. Three years later he became the ranking vice-president.[19]

The significance of the chief engineer's position is emphasized by the small number of officers managing the Great Northern's four thousand miles at the turn of the century. Responsibility for several departments, including traffic, operations, and that of the chief engineer, was held by the general manager of the railroad. In 1896 President Hill dropped the rank and the incumbent. This rank was reinstated in 1902, when Stevens was appointed to it.[20]

As chief engineer, Stevens organized a strong department to push forward a dramatically extensive program of construction, improvements, betterments, and sound maintenance. Strongly backed by top management with its expansive plans, Stevens was able to attract competent men and delegate responsibility to them, at the same time keeping tight control. He planned to upgrade such structures as stations, freight houses, and bridges and thus appointed an engineer of buildings and another of bridges. The brilliant Max Toltz filled the latter position. Resident engineers were located in St. Paul, Spokane, and Great Falls, and their number later increased. A. H. Hogeland became principal assistant engineer, a step towards his subsequent selection as chief engineer.[21]

The first important construction accomplished by Stevens as chief engineer was in the northern part of Minnesota, the state in which he built his longest total mileage. James J. Hill's two older sons, James N. and Louis W., consecutively vice-presidents of the Great Northern's affiliate, the Eastern Railway Company of Minnesota, encouraged their father to acquire railroad and iron ore-bearing land in the Mesabi Range in northeastern Minnesota for the Great Northern's stockholders. In 1897 Hill purchased an iron ore dock and a short railroad—the Duluth, Superior, and Western—which ran from Deer River, Minnesota, to Lake Superior. The next year he acquired a short logging railroad—the Duluth, Mississippi River and Northern—running from Swan River to Hibbing, Minnesota. Included in the agreements were thousands of acres in St. Louis and Itasca counties on which mining operations had already begun. Stevens' task was to bring these two rough rail lines up to Great Northern standards and to extend them.[22]

Even with the existing mileage, building some two hundred miles across northern Minnesota from Fosston, the terminus of the Great Northern lines from Crookston Junction, to Lake Superior was not easy. Drainage, grades, and rails were unsatisfactory on the existing lines. Dealing with black muck and hauling suitable foundation added to construction problems.

With his characteristic ability to push things through to prompt completion, while demanding high standards of engineering and construction, Stevens was successful in his assignment. Hill, anticipating heavy hauls of both wheat from the Red River to Lake Superior and ore shipments from the Mesabi Range to lakeside docks, demanded low grades. The chief engineer insisted that this requirement be met, especially on the main line. In fact, he considered that in his career with the Great Northern "One of the best pieces of work was getting 4/10 compensated line [*4/10 of 1 per cent grade*] from Superior to Carlton." Part of the existing line from Deer River east was rebuilt and utilized, and twenty-eight new miles were constructed from Cloquet to a junction with the existing Great Northern system at Nemadji River south of West Superior, Wisconsin. This cutoff lengthened the line but eliminated a 2 per cent grade. The Great Northern had secured a better approach to the lake and a lower maximum grade than any other railroad serving the Mesabi Range. In 1898 construction of about a hundred miles of track from Deer River to Fosston joined the road to Crookston.[23]

As chief engineer in the formative years of the railway's ore business, Stevens helped to set its standards of building on the Mesabi Range. His approach, although not unique, was effectively carried out, with emphasis on improved track to reduce cost of operations. The construction was of three types; short lines to serve a widening mining area, tracks for one-way traffic of ore cars, and spur tracks to new mines and enlarged open pits.

By 1901 rail construction had facilitated an effective pattern of ore movements. The Swan River-to-Hibbing line had been extended through Ellis to newly-opened mines at Virginia. Construction of another line from Ellis to Brookston on the main road and of double track from there to the enlarged dock capacity at Allouez Bay at Superior made possible the routing of the heavily loaded ore cars on this line while the empties traveled to Swan River and then north on the older route.[24]

During the years under review, engineering for several other new Minnesota lines shared Stevens' attention. The longest stretches were those from Halstad to Crookston Junction; Park Rapids to Cass Lake on the Fosston line, to complete a road inching north from Sauk Centre; and Fridley Junction (now Coon Creek) to Hinckley through Cambridge, to shorten the route from the Twin Cities to Lake Superior.[25]

While the first large-scale task of modernizing the Great Northern at the turn of the century was undertaken in Minnesota, the work was system-wide. The types of improvement were many: draining and ditching, raising track, widening embankments, improving alignments, reducing curves and grades, replacing trestles with earth fills and installing stone or brick culverts, placing of additional new ties, ballasting with gravel and broken stone, and replacing 60-pound-per-yard steel rails with 75-pound and heavier rails. Special attention was given to rebuilding wooden bridges and replacing others with steel structures. In some places there were substantial changes in line.[26]

Although less dramatic than large new construction successes or explorations, property improvements, betterments, and maintenance are nonetheless important. While some such activities were little more than good housekeeping, others had a marked impact on the railroad's functioning. They increased the longevity of plant, decreased the cost of operations, and enhanced comfort and safety.

Some of the line changes were more significant than others. The *Engineering News* was interested in the techniques used in sidehill construction near Fort Benton, Montana. Work started in this period was to lead to a major relocation of the line from Columbia Falls to Rexford and Jennings, all in Montana, and later to the removal of many miles explored by Haskell, together with the Haskell Pass Tunnel that carried his name. Some of the contracts signed indicate the size of the undertakings. In 1898 an agreement with A. Guthrie and Company, which on Shepard's retirement had become the Great Northern's chief contractor, covered 610 miles from Larimore, North Dakota, to Havre, Montana. The next year's contract completed the rebuilding from Havre to the mountains. Millions of cubic yards were moved.[27]

Construction of new lines in North Dakota and Montana also kept Stevens' engineers busy. In the first state some two hundred miles were added. Three new branches were started and five others extended. In Montana the system was increased an even greater number of miles, reaching mining, farming, and logging communities, shortening the distance between Great Falls and the line west, and stretching toward the boundary and Canadian coal. Stevens was again responsible for planning and also checking contractors for these lines.[28]

The Great Northern's acquisition of the Spokane Falls and Northern Railway in 1898 increased engineering responsibility for over two hundred existing miles and new construction in the Canadian boundary region. Earlier experience with the Spokane Falls and Northern had familiarized Stevens with part of its line stretching from Spokane north to two mining centers in British Columbia—Nelson and Rossland. He directed changes to improve the road and to integrate it into the Great Northern system. Decisions to build the railway to the booming mining camps and smelters led to some east-west building. Passes and grades rather than the United States-Canada boundary determined the location.[29]

In Washington and British Columbia the approximately 175 new miles added to the Great Northern by mid-1903 did not fully represent Stevens' contributions to the company there. Building in Spokane was welcomed. Short changes in line along the coast to improve plant were also significant. The line between New Westminster and Vancouver, British Columbia, and the new freight facilities and tunnel to improve service and the approach to Seattle were begun under Stevens' charge. The planning of the latter was a source of special pride to him.[30]

The first Cascade Tunnel, completed in 1900, was one of Stevens' major projects in improving the Pacific Extension. Temporarily, a switchback arrangement with three legs on the east of the Cascades and five on the west, with a grade of 4 per cent, served the light traffic. Operations over this ten miles of line were expensive. Trains had to be broken and two engines put on each part, the outlay in time and man and locomotive power was high, and heavy snow in winter complicated train movements. As early as 1896 Stevens reviewed the surveys of four years earlier and, after making a new one, planned the work that started in 1897.[31]

Tunnel building is fraught with effort, and this one was no exception. Yet, the completion of its two and one-half miles was accomplished in a little over three years. The work was marked by some innovations and a tremendous vigor in execution. First, Stevens employed no contractors. His own staff was responsible, with H. W. Edwards, the resident engineer, in charge. The difficulties to be surmounted were various. The crumbling nature of some of the material created dust and slides. In that land of snow and rain there was a great deal of water with which to contend. The explosives manufactured in the West challenged those who thawed them in winter. Prevailing winds, with blasting fumes and dust, added to ventilation problems. Six to eight hundred men were needed over these years. In spite of good boardinghouses at each end of the bore, labor turnover was high in this isolated location. Careful engineering, tight organization, and a flow of innovations from management and dedicated workers brought the work to successful conclusion. There was a great use of electric power, skilled ways of handling waste, and ingenuity in applying the thick cement lining.[32]

Important as Stevens had been as a reconnaissance and locating engineer, the demanding task of directing engineering work in a

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period of new construction and reconstruction should not be weighed lightly in assessing his contributions to the Great Northern. There were times when he was simultaneously checking and pushing almost two dozen significant projects. He directed construction of about a thousand miles of new railway. To admit that he attracted able assistants and worked under vigorous top management does not detract from Stevens' indisputably outstanding service to the railroad. The tasks called for a driver with technical skills and imagination; the railroad benefited by having such a man. It is not surprising that Stevens was to look back on "my connection with the Great Northern Ry. and Mr. Hill . . . as the most satisfactory of my long and diversified career as an engineer."[33]

A superior engineer and administrator was bound to have other offers. In 1903 Stevens left the Great Northern to become chief engineer, then a vice-president of the Chicago, Rock Island and Pacific Railway Company. From 1905 to 1907, he served as chief engineer of the Panama Canal and, briefly, as chairman of the Isthmian Canal Commission. He later became a vice-president of the New York, New Haven and Hartford Railroad Company.[34]

In 1909 Stevens came into consideration by Hill, by that time chairman of the board of the Great Northern. He needed an able, aggressive engineer and executive for a special task, the first move toward a connection with San Francisco, California. Many proposals had been made for a line to that important nodal point. Louis W. Hill, then president of the Great Northern, had concluded that his company should invest money in developing relatively untapped territory on the "west end," where it could have the long haul on such commodities as grain, livestock, and, most important, lumber.[35]

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The younger Hill believed that the first requirement of the proposed extension to California was to move from the Columbia River up the valley of the Deschutes River to the high plateau of central Oregon. On the north bank of the Columbia the line of the Spokane, Portland and Seattle Railway Company, owned jointly by the Great Northern and Northern Pacific, was in operation and would provide the springboard for the jump southward. The Edward H. Harriman lines (Union Pacific and Southern Pacific), which enjoyed a virtual monopoly of traffic south of the Columbia, had a road along the south bank of that river and were already surveying a line along the Deschutes River. They could be expected to fight the invasion of the northern lines. To lead the campaign, chairman Hill needed a man who could promise completion of the southerly projection against strong opposition.[36]

At a conference in New York with Stevens, who was then willing to resign his vice-presidency of the New York, New Haven and Hartford, James J. Hill expressed his "firm determination" to extend a line south through central Oregon. He asked Stevens if it could be done and if he would undertake the task. Stevens replied that it could be done and that he would do it. Assured adequate financial support and accorded the post of president of the Spokane, Portland and Seattle as a base of operations, Stevens plunged into the job.[37]

Having satisfied himself by a sub rosa automobile trip that the Deschutes Valley offered the best route to the Oregon upland area, Stevens organized his plans. On September 6, 1909, he purchased the Nevada charter of the Oregon Trunk Line, whose prior surveys had already been validated in court. Next, he fortified the "paper railroad" in Washington by getting a charter for the Oregon Trunk Railway Company (empowered to build south to Klamath Falls, Oregon), had himself elected president, and transferred the rights of the old to the new firm. For chief engineer of the new company, Stevens chose his erstwhile lieutenant in Panama, Ralph Budd, who later became president of the Great Northern and the Burlington lines. For expertise in bridge building, he engaged Great Northern's Ralph Modjeski. Three different contractors took on the job of grading, pouring concrete, and laying some of the track from Celilo on the Columbia to Bend, Oregon. In order to pose a threat to the Union Pacific-Southern Pacific group that the Spokane, Portland and Seattle contemplated building a line to California from near the mouth of the Columbia, Stevens began a successful campaign to acquire several small companies with properties in and south of Portland.[38]

Initial surveying operations set the stage for conflict in the courts and on the Deschutes River, G. W. Boschke, chief engineer of the Oregon River and Navigation Company and builder of the seawall at Galveston, Texas, had charge of construction for Harriman's Deschutes Railway Company. His forces challenged the validity of some earlier surveys made by the original promoters of the Oregon Trunk Line. On August 24, 1909, a United States district court judge in Portland issued an order restraining the representatives of the Deschutes Railway from traversing that part of the first survey in controversy and left the way upon for a victory by Stevens and contractors.[39]

Harassment rather than overt conflict characterized the campaign of the Stevens and Boschke forces throughout most of the construction. One group purchased a farm across its rival's desired right of way; the other pre-empted a much-needed spring. Disappearance of supplies and losses by fire, as well as tampering with locomotive boxes and bearings on steam shovels, were attributed to the "enemy." On occasion, when the two forces were laboring in a narrow part of the canyon, blasting operations by one showered rocks on opponents. At only one place was there a threat of physical battle. For about eleven miles, in the narrowest part of the canyon, there was space for only one railroad. Here the Oregon Trunk had prior survey rights. Armed men of the two camps prepared to march on each other.[40]

Before a fight occurred, Judge Robert S. Lovett, new president of the Harriman lines, met James J. Hill in New York and the two reached a compromise. It was agreed that the Oregon Trunk would lay the track through the canyon, with perpetual trackage rights for the Deschutes Railway and joint operation of the contested segment. The Oregon Trunk also granted the Harriman company trackage rights over its rails from Metolius, Oregon, to Bend.[41]

In constructing the 156-mile Oregon Trunk to Bend, Stevens and his battalions not only carried out numerous routine railroad building tasks but performed several engineering feats of distinction. Contractors scratched out sixty miles of temporary roads to reach remote sections of projected line, did all the grading and much of the track-laying. Company employees ballasted the entire route with gravel and burnt reddish clay and laid most of the ninety-pound rail. Maximum curvature never exceeded 6 degrees, nor grades 1.3 per cent. Tracks traversed a total of one mile of wooden trestles, many iron culverts, one tunnel, and ten steel bridges, nine of which were built between Celilo and Bend. The one at Crooked River was the highest single-span bridge in America at the time. Until a giant bridge was thrown across the Columbia at a point between Celilo and Fallbridge, Washington, on the Spokane, Portland and Seattle, the steamer "Norma" ferried freight cars of supplies and materials across the river.[42]

Effective May 1, 1911, Stevens resigned as chief executive officer of the Spokane, Portland and Seattle, Oregon Trunk, and other affiliates. He had organized the campaign and fought the battle nearly to victory. To mark completion of the Celilo-to-Bend line, James J. Hill drove the golden spike on October 5, 1911. The first regular train moved over the new Columbia River bridge on January 4, 1912. Not until eleven years later did the Oregon Trunk agree with the Deschutes Railway to the joint use of the latter company's trackage between South Junction, Oregon, and Metolius. Only that shore mileage out of all that the Dechutes Company constructed remained in active use.[43]

After leaving the employment of the Spokane, Portland and Seattle and affiliated lines, Stevens continued an eventful and distinguished career.[44] For these accomplishments and his earlier work he received several honors. One mark of respect accorded few American citizens, especially during their lifetime, was the unveiling on July 21, 1925, of a statue in Stevens' honor at Summit, Montana, where the Great Northern crosses the continental divide of the Rockies through Marias Pass. Dedication of the Stevens statue was a special event of the Upper Missouri Historical Expedition, which was sponsored by the governors and historical societies of Minnesota, North Dakota, South Dakota, and Montana in cooperation with the Great Northern. At that time one of the railway's ablest chief engineers, Ralph Budd, was president.[45]

The president of the American Society of Civil Engineers, Robert Ridgway, spoke at the dedication of the Stevens statue, and the famed engineer himself participated in the event. The sculptured figure shows Stevens dressed in heavy winter clothes, and the site approximates the place where he walked that bitter night in December, 1889, to avoid freezing. The statue marks only one of the sites of Stevens' contributions to the Great Northern and to railroad engineering.[46]

FOOTNOTES

[1] St. Paul, Minnesota and Manitoba Railway Company, *Annual Report*, 7 (St. Paul, 1890). Mileage of the Great Northern system in 1890: Minnesota, 1,424.6; North Dakota, 997.9; Montana, 433.1; South Dakota, 193.4. See Great Northern Railway Company, *Annual Report*, 10 (St. Paul, 1890).

[2] J. H. Ellison, "Elbridge Harlow Beckler," in *Engineering News*, 60:305 (September 17, 1908). The authors read Beckler's correspondence with Hill from 1889 to 1893, in the records of the Great Northern Railway Company (hereafter cited as GN records).

[3] Daniel C. Haskell, ed., *On Reconnaissance for the Great Northern: Letters of C. F. B. Haskell, 1889–1891*, 3 (New York, 1948).

[4] American Society of Civil Engineers, *Proceedings*, society affairs vol. 48, p. 552 (September, 1922); Ralph Budd, "John Frank Stevens," speech in *Presentation of the John Fritz Gold Medal to John Frank Stevens*, 19–25 (New York, March 23, 1925); "A.S.M.E. Honors and Awards," in *Mechanical Engineering*, 60:758 (October, 1938); *Who Was Who in America*, 4:903 (Chicago, 1968).

[5] After making several surveys as chief engineer for the Sabine Pass and Northwestern Railway in Texas (1876–79), Stevens worked as assistant engineer for location and construction of the New Mexican and Durango extensions of the Denver and Rio Grande Railroad Company (1879–80). As assistant engineer of the Chicago, Milwaukee and St. Paul Railway Company (1880–81), he laid out the main line from central Iowa to Council Bluffs and from Sioux City to Manila, Iowa, plus the line northward from Yankton, South Dakota.

Stevens also helped build the Canadian Pacific Railroad. He served first as a contractor's engineer (1882) for the construction of 961 miles of line west of Winnipeg, Manitoba, and then as division engineer (1883–84) for the location of much of the main line in the Rocky Mountains and Gold Range in British Columbia. In 1885–86 he served as engineer of construction for much of the mountain line he had located. Stevens then returned to the Milwaukee Line, supervising construction of road from Ottumwa, Iowa, to Excelsior Springs, Missouri, and from Sioux City to Manila, which he had earlier located. See *Who Was Who*, 4:903; Stevens, *Recollections*, 16; John Fahey, *Inland Empire: D. C. Corbin and Spokane*, 93, 238 (Seattle, 1965).

[6] J. F. Stevens memorandum, 1925, p. 2, GN records.

[7] Beckler to Hill, July 3, 1890, GN records.

[8] Stevens, *Recollections*, 24.

[9] Compare Stevens, *Recollections*, 25; George F. Brimlow, ed., "Marias Pass Explorer John F. Stevens," in *Montana Magazine of History*, 3:39–44 (Summer, 1953); W. C. Whipps, *Seventeenth Annual Report of the Water Department in Kalispell, Montana*, 58 (1930); and Ralph Budd, "Railway Routes Across the Rocky Mountains," in *Civil Engineering*, 10:222 (April, 1940).

[10] Beckler to Hill, July 3, 1890, GN records; E. H. Beckler, "Location of the Pacific Extension of the Great Northern," in *Railroad Gazette*, 25:744 (October 13, 1893); Great Northern, *Annual Report*, 1890, p. 13.

[11] Beckler to Hill, June 8, 1890, GN records.

[12] Haskell, ed., *On Reconnaissance*, 28; Stevens, *Recollections*, 29.

[13] "Railroad Construction," in *Railroad Gazette*, 23:868 (December 4, 1891), 24:11 (February 5, 1892).

[14] Stevens, *Recollections*, 32; Beckler to Hill, October 13, 1892, and Stevens to Hill, July 8, 1890, both in GN records; "The Great Northern Railway Tunnel Through the Cascade Mts.," in *Engineering News*, 29:456 (May 18, 1893).

[15] Beckler to Hill, October 28, 1892, GN records.

[16] "Society Proceedings," in *Engineering News*, 30:272 (October 5, 1893).

[17] Stevens, *Recollections*, 32.

[18] Stevens, *Recollections*, 32, 35; *Official Lists of Officers, Agents, and Stations of the Great Northern*, 1895–1903, GN records.

[19] Lists of directors and officers, in Great Northern, *Annual Reports*, 1895–1903.

[20] *Official Lists of Officers . . . of the Great Northern*, 1895–1903.

[21] *Official Lists of Officers . . . of the Great Northern*, 1895–1903.

[22] Joseph W. Thompson, "The Genesis of the Great Northern's Mesabi Ore Traffic," in *Journal of Economic History*, 16:551–557 (December, 1956); *James J. Hill's Statement Befor the Committee on Investigation of United States Steel Corporation*, 3152–3247 (62 Congress, 2 session, House Hearings, no. 49, 1912); Interstate Commerce Commission, *Reports*, vol. 133, valuation docket no. 327, p. 263, 273 (Washington, 1928); Franklin A. King, "Logging Railroads of Northern Minnesota," in Railway and Locomotive Historical Society *Bulletin*, no. 93, p. 94–115, especially p. 101 (October, 1955).

[23] Stevens memorandum, 1925, p. 2; Great Northern, *Annual Reports*, 1898, p. 9–10, 15, 1900, p. 13. Track construction in northern Minnesota included: Crookston Junction to Fosston, 44.7 miles in 1888; Cloquet to Boylston, 27.5 miles in 1898; Fosston to Deer River, 98.6 miles in 1898; plus the purchased 85 miles from Deer River to Cloquet. See *Tracklaying Record of the Great Northern*, 1862–1969, GN records.

[24] Interviews by the authors with C. O. Hooker, the Great Northern's general manager of lines east, and E. F. Oviatt, superintendent of the Mesabi division, August, 1957. Construction on the Mesabi, 1899–1903, included: Hibbing to Virginia, 18.8 miles in 1899; Ellis to Brookston, 46.5 miles in 1901; Kelly Lake to Kinney-Hawkins mine, 10.4 miles in 1902; Kelly Lake to Flanders, 9.7 miles in 1903. See *Tracklaying Record of the Great Northern*, 1862–1969.

[25] Great Northern, *Annual Reports*, 1896, p. 7, 1898, p. 10, 1899, p. 10, 1900, p. 13; Interstate Commerce Commission, *Reports*, vol. 133, valuation docket no. 327, p. 259, 262, 299. Additional construction in Minnesota included: Halstad to Crookston Junction, 32.2 miles in 1896; Park Rapids to Cass Lake, 49 miles in 1897–98; Coon Creek (Fridley Junction) to Hinckley, 64.7 miles in 1899; Spring Park to St. Bonifacius, 8.2 miles in 1900. See *Tracklaying Record of the Great Northern*, 1862–1969.

[26] For examples, see Great Northern, *Annual Reports*, 1896, p. 7, 1897, p. 8, 1899, p. 15–18, 1900, p. 18–25, 1901, p. 4, 7–22, 902, p. 13–20.

[27] Geo[rge] H. Herrold, "The Construction of the Benton Cut on the Great Northern Railway, Montana," in *Engineering News*, 46:173 (September 12, 1901); "Railroad Construction," in *Railroad Gazette*, 30:300 (April 22, 1898), 31:619 (September 1, 1899).

[28] "Railroad Construction," in *Railroad Gazette*, 35:37 (January 9, 1903), 35.74 (January 23, 1903), 35:220 (March 20, 1903).

[29] Fahey, *Inland Empire*, 189–191; miscellaneous survey papers, GN records.

[30] "Railroad Construction," in *Railroad Gazette*, 31:33 (January 13, 1899), 31:869 (December 15, 1899); Stevens, *Recollections*, 34; Great Northern, *Annual Report*, 1904, p. 16.

[31] "The Great Northern Railway Tunnel Through the Cascade Mts.," in *Engineering News*, 29:456.

[32] John F. Stevens, "The Cascade Tunnel: Great Northern Ry.," in *Engineering News*, 45:23–26 (January 10, 1901); Willard Beahan, "Notes of Experience in Driving the Cascade Tunnel," in *Engineering News*, 45:154 (February 28, 1901).

[33] Stevens, *Recollections*, 26. For examples of projects, see "Railroad Construction," in *Railroad Gazette*, 31:619 (September 1, 1899).

[34] American Society of Civil Engineers, *Proceedings*, 48:552 (August, 1922).

[35] Louis W. Hill to G. B. Harris, president of the Chicago, Burlington and Quincy, August 11, 1909, and Louis W. Hill memorandum, April 11, 1909, both in GN records; "Competitive Railway Building in Central Oregon," in *Railroad Age Gazette*, 47:905 (November 12, 1909).

[36] "Competitive Railway Building . . .," in *Railroad Age Gazette*, 47:905.

[37] Stevens, *Recollections*, 60.

[38] "Corporate History of Oregon Trunk Railway Company," unpublished manuscript in GN records; Stevens, *Recollections*, 60; "Competitive Railway Building . . .," "Competitive Railway Building in the Des Chutes River Canyon," and "The Construction of the Oregon Trunk and the Des Chutes Railways in Central Oregon," all in *Railroad Age Gazette*, 47:905, 48:770 (March 18, 1910), 52:684 (March 22, 1912); L. W. Hill, to J. J. Hill, March 3, 1906, GN records.

[39] "Competitive Railway Building . . .," in *Railroad Age Gazette*, 47:905.

[40] Frank Donovan, Jr., "Canyon War," in *Railroad Magazine*, 67:24 (October, 1956).

[41] "Corporate History of the Oregon Trunk Railway Company"; Donovan, in *Railroad Magazine*, 67:25.

[42] "The Construction of the Oregon Trunk . . ." and "Bridge Construction on the Oregon Trunk Railway," in *Railroad Age Gazette*, 52:680–685, 52:756–759 (March 29, 1912).

[43] C. R. Gray to W. F. Turner, August 9, 1923, and contract between the Deschutes and Oregon Trunk railways, July 10, 1923, both in GN records.

[44] In 1917 Stevens headed the American Railway Mission to Russia. He became chairman of the Corps of Railway Experts in Manchuria and president of the Inter-Allied Technical Board, which supervised the operation of the Siberian and Chinese Railway. In later years he acted as a consulting engineer and published a number of articles on his railroading experiences, including his organizational work on the Panama Canal. See American Society of Civil Engineers, *Proceedings*, 48:552, 51:67 (March, 1925); "John F. Stevens, 1853–1943," in *Civil Engineering*, 13:341 (July, 1943); and *Who Was Who*, 4:903.

[45] Stevens, a member of the American Society of Civil Engineers since 1888, was elected an honorary member in 1922 and become its president five years later. He earned honorary memberships in the North Carolina Society of Engineers, the engineers clubs of New York and Baltimore, and the Association of Chinese-American Engineers. Stevens received the LL.D. from Bates College in Lewiston, Maine, and the D.E. from the Universities of North Carolina and Michigan and the Polytechnic Institute in Brooklyn. The awarding of the John Fritz Gold Medal, the Gold Medal of the Franklin Institute in Philadelphia, and the Hoover Medal of the American Society of Civil Engineers placed him on the list of outstanding engineers in American history. See Stevens, *Recollections* ix; *Presentation of the John Fritz Gold Medal to John Frank Stevens*, 9; and Agnes C. Laut, *The Blazed Trail of the Old Frontier*, 223 (New York, 1926).

[46] *Editorial Comment on the Upper Missouri Historical Expedition of 1925* (St. Paul, 1925); American Society of Civil Engineers, *Transactions*, 51:309 (September, 1925).

RECOMMITTAL OF NOMINATION OF JUDGE CARSWELL

Mr. BROOKE. Mr. President, additional support for the recommittal of the nomination of Judge G. Harrold Carswell has recently come from the editor of the Christian Science Monitor. In a lead editorial last Thursday, entitled "Thinking Again on Judge Carswell," Mr. Erwin Canham reviewed a number of the questions which have come to light since the hearings were concluded, and urged that the nomination "should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be." In another column entitled "Respect for the Court," Mr. Canham stressed the need for placing a sensitive man of higher caliber on the Court.

I concur in Mr. Canham's views, and ask unanimous consent that the text of these excellent remarks be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Thinking Again on Judge Carswell

President Nixon has a number of strong and logical arguments to support his desire to have a "strict constructionist," a "conservative" and a "Southerner" appointed to the present vacancy on the Supreme Court. He has very few such arguments, however, to support the elevation of Judge G. Harrold Carswell to that high post. We therefore suggest that the President himself reconsider the Carswell nomination, and that the Senate recommit the nomination to its Judiciary Committee for further hearings on Judge Carswell's legal and personal fitness for so exalted an honor.

We agree that there is reason to believe that, in some ways, the present Supreme Court is overbalanced towards liberalism. Although during the past two decades the high court has rendered a number of admirable milestone decisions, nonetheless, there is evidence that court thinking has, at some points, gone too far and eroded national standards, notably in the areas of crime and pornography. A thoughtful conservative could be influential in restoring greater kilter to the balance.

But such a conservative must be in a position to make an insightful and persuasive contribution to the nation's on-going legal thinking. We see nothing in Judge Carswell's record to lead us to believe that he is this kind of deemster. His judicial record is middling. His racial attitudes, while he has a perfect right to hold them, are not such as to inspire confidence that he will be of much help in extricating America from its deep racial dilemmas.

To this has now come the case of Judge Elbert Tuttle. A onetime chief judge of the Fifth Circuit Court of Appeals, and thus Judge Carswell's immediate superior, Judge Tuttle stated that he would testify on Judge Carswell's behalf. This offer was later withdrawn, but it appears that Judge Carswell did not inform the committee of this fact, leaving the latter to believe that Judge Tuttle's support remained behind him. As one national columnist rightly says, this involves "good faith, perhaps even deliberate deception."

Under such circumstances we do not see how either the President or the Senate can conceivably go ahead with the Carswell nomination. It should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be.

Respect for the Court

(By Erwin D. Canham)

Surely President Nixon will have got the message by now: The country wants a person of judicial eminence to be appointed to the Supreme Court.

It is most extraordinary that, as now appears possible, the nomination of G. Harrold Carswell will follow that of Clement F. Haynsworth Jr. into the discard. Such a sequence does not seem to have happened before in American history.

No one should conclude that anti-Southern prejudice will have prevented the confirmation of these two jurists. There are Southern judges or legal scholars of equally conservative views who could readily be confirmed. Perhaps one of them will in the end.

The country simply cannot buy mediocrity. It has too much respect for the Supreme Court for that. Sen. Roman L. Hruska's ridiculous defense of mediocrity put the cap of absurdity on the position.

DAMAGING DETAILS

It is quite obvious that Attorney General John N. Mitchell's staff did a very poor job of research on the two nominees, but especially in the Carswell case. Damaging details keep coming to light, some of them so grave as to indicate serious disqualification. The political opposition has been hard hitting, but the major mistakes came from the candidates and their supporters.

Life magazine has consulted legal authorities and come up with nine jurists who would make better nominees. Their list could be greatly extended. Several of them are in the South, several are strict constructionists of the Constitution and political conservatives. But they are persons of legal stature. Probably any one of them could be confirmed in a breeze.

Life's list includes several men—and one woman—of great judicial distinction who are probably too liberal for the President, or a little over his reported age limit of 60. Most notable among them, probably the leading constitutional authority in the nation, is Prof. Paul Freund of Harvard. But he is 62, and a Democrat.

LEGAL CRAFTSMEN

Two men in Life's list are from the South: Frank Johnson Jr., who is U.S. district judge for southeastern Alabama, and Charles Alan Wright, professor of law at the University of Texas. Judge Johnson is 51 and a Republican. Professor Wright is 42 and a Republican. Both are widely admired legal craftsmen. Judge Johnson has presided over landmark cases which have brought constitutional enforcement to the South. Professor Johnson is a respected legal scholar, a member of the governing council of the American Law Institute.

Erwin Griswold, former dean of the Harvard Law School, whom President Nixon has kept on as Solicitor-General of the United States, is a relatively strict constructionist and a Republican. He may be regarded as a little too old. Over the limit, too, are such often-mentioned federal jurists as Judge Henry Friendly of New York or Judge William Hastie of Pennsylvania. They are very wise men, men of highest professional standing.

STRONG PILLAR

If the Supreme Court is unbalanced, and it has been so more than once in its history, it cannot be rectified by being downgraded. It must always remain a strong pillar in the tripartite edifice of government. Its justices should be selected with the utmost of care.

Mere legal brilliance or erudition is not the test. The criterion should be character welded to strong legal capacity and deep human compassion. The court is no place for weaklings. It has had its share of incompetents in the last three decades: men who could scarcely write a respectable opinion. But in general, the justices have been able men, and the court on which they sat made modern American history.

It was not senatorial jockeying—though there was plenty of that—but a kind of instinctive public awareness of the need for strength and character, which has dictated the apparent outcome in the current cases.

The nation respects the court. In an unspoken sort of way, it demands that the President and the Senate respect the court too. The message is salutary.

THE INCREASING SOVIET MISSILE THREAT

Mr. TOWER. Mr. President, on February 28, 1970, the St. Louis Globe-Democrat published an excellent editorial on the increasing Soviet missile threat. I found the following statement in the editorial to be particularly interesting:

> The rate at which Moscow has been forging ahead with nuclear missile piling suggests only one realistic conclusion: The Russian regime is determined to overshadow United States nuclear weaponry by a margin as massive as possible.

Mr. President, this is precisely what is occurring. The Soviets are on their way to becoming superior to the United States in strategic nuclear weaponry.

Last year, during the Safeguard debate, critics of the program scoffed at Secretary Laird's warning that the Soviet Union was rapidly moving to a position of nuclear superiority over the United States. We were told that the Soviet Union was only acting to achieve parity; and that, when parity was obtained, they would cease to deploy weapons and begin talking about disarmament.

No one scoffs at Secretary Laird's warning today, Mr. President, and I hope that no one will attempt to tell us that the Soviets desire only parity. Much as we would like to believe that the rulers of the Soviet Union are "just plain folks" who only want to keep up with the Joneses in nuclear missile power, the facts are otherwise.

So that every Senator can have the opportunity to examine the editorial, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Yawning Strategic Gap

Defense Secretary Melvin Laird warned the Senate Armed Services and Appropriations Committees Friday that the driving pace at which the Soviet Union is expanding missile forces can reduce the United States to a second-rate strategic position by the mid-1970s.

He was forecasting a missile gap, which this time is far from a phony. It may already exist. Before the year ends it is almost a certainty, as the President has predicted, that Russia will have 236 more intercontinental ballistic missiles than America.

Quite obviously Laird was making his report to Congress in support and amplification of Mr. Nixon's program for expansion of the anti-ballistic missile defense, which is justified in the teeth of the USSR nuclear buildup—openly designed to achieve Red nuclear superiority.

The secretary also thinks the ABM extension, now asked of Congress, may help toward success of the SALT sessions to halt the arms race, the missile race in particular. Maybe. That prospect seems a shaky hope veneer.

The rate at which Moscow has been forging ahead with nuclear missile piling suggests only one realistic conclusion: The Russian regime is determined to overshadow the United States nuclear weaponry by a margin as massive as possible.

The Soviets have been overly bent on this goal for six years, possibly a decade. There is a certain naivete in considering it likely the Kremlin will cut back this aim, seek only nuclear parity or enter any ironclad agreement to ceiling missile output.

Moscow has not reduced its military budget a lot, while the United States has. In some categories Russia is probably ahead of us now in nuclear arms.

Laird is trotting out no scarecrow threat in forecasting that in a few years we are headed for a runner-up status in our strategic posture. No. 2 place in nuclear power—armament we have never used nor intend to use for other than ultimate defense—is critically dangerous and insupportable for the United States. This strategic leadership, perhaps alone, is all that has prevented nuclear war since the 1940s.

The Defense Department backs the Administration, as would be expected, in seeking more protection through the ABM. But, we submit, this is but part of the need.

Not only should we have more ABM installations to protect our retailiatory missile sites, the Administration should also develop a larger arsenal of IBMs and mobile missile platforms, such as the nuclear submarines.

One without the other is one-armed strategy.

Not only would USSR dominance in nuclear and arsenal delivery open the free world to the possibility of nuclear attack. But even if Russia wants no nuclear war, its possession of nuclear superiority would suggest missile blackmail that could isolate America and open the way to political extortion.

Russia is driving full-tilt toward a missile gap, in which it would have a signal aggressive advantage. Simultaneously it is spreading a network of its own ABMs throughout the Soviet Union.

Secretary Laird said the American intelligence had underestimated growth of Russian nuclear power—by more than 100 missiles a year. USSR land-based and sub missile strength has been revised upward by the Pentagon.

How Moscow purpose and nuclear achievement could have escaped Washington intelligence is hard to understand. In July of 1967, almost three years ago, an American

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Security Council's study for the House Armed Services Committee, predicted that by 1971 a "massive megatonnage gap" would have developed meaning Moscow would have a heavy superiority in nuclear fire-power.

Both the ABM program and a new plan for stocking adequate strategic weapons should be adopted to keep the United States abreast or in advance of Russian atomic arsenals.

America dare not sink into a "second-rate strategic position," or we imperil the nation's defense, our peace and the peace of the world.

FAMILY FARM VERSUS CORPORATE AGRICULTURE

Mr. MONDALE. Mr. President, the Department of Agriculture recently released an Economic Research Service report on the Nation's 31,000 largest farms. This report, while based on 1964 census figures did conclude that the number of farms with sales of $100,000 or more probably reached 40,000 in 1969, and their gross sales accounted for at least one-third of total sales by all farms.

That farms are getting bigger is no surprise. What is of concern, however, is the threat of the large corporate farm on our small, rural community.

Recently the Senate Select Committee on Small Business issued a most interesting report on the impact of corporation farming on small business. This report reached a number of interesting conclusions and made a number of meaningful recommendations.

I was so impressed with this report that I made copies available to a number of concerned individuals in Minnesota and across the country. I called their attention to certain aspects of the report, especially the conclusion:

> The family farm community had more and better schools, churches, recreational facilities, civic organizations and public services.

Mr. President, as a result of my mailing, I have received several interesting articles, including two recent editorials on this subject. I ask unanimous consent that these editorials, from the Rochester, Minn., Post-Bulletin, and the Minnesota edition of the Farmer magazine be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Rochester Post-Bulletin, Mar. 10, 1970]

CORPORATION FARM IS REAL THREAT TO THE FAMILY FARMER

Posing a strictly theoretical question, what would be the consequences if one giant corporation controlled all the agricultural wealth of Dodge County?

The conclusion of most people who fear the growth of corporation farming is that it would sound the real death knell for the small towns in Dodge County or anywhere else if the trend toward large corporations getting into farm ownership and operation is allowed to continue.

Expanding on the Dodge County example, it is likely that the insurance man, implement dealer, fuel oil salesman, feed mill operator and others who deal directly with individual farmers would not stay in business long if there was only one farm source to sell their wares to.

Large company farms, as a general practice, buy equipemnt and production supplies discounted and direct from either wholesalers or the factory, bypassing retail and dealer establishments in nearby towns and cities. Also obtained direct are credit, insurance, legal assistance and other business services usually furnished locally to independent farmers.

The adverse effects that corporation farming would have on small towns is only one of numerous criticisms leveled at this new and growing type of "big-time farming" in a recent Senate unit report on the "Impact of Corporation Farming on Small Business."

It was pointed out that companies would "mine" both land and water to obtain rapid profits, then move on to new areas.

Testimony offered to the Senate unit also indicates that corporation farming has considerable impact on land prices and availability, making it more difficult for the independent farmer to acquire land. It was revealed that 27 real estate dealers know of standing offers by outside companies or investors to buy large tracts of Minnesota farm land.

The report states: "The standing offers are likely to result in purchases because they include a sizable premium over going market prices. Eleven real estate dealers reported a $25 per acre premium offered for land in large tracts. Three reported a premium of $50 an acre; five said the standing offer was $100 or more an acre over the going market price.

Fears are expressed also of how absentee farm owners would vote on a local school bond issue, or support good roads down every section line, or support the church building fund drive. One witness testified as follows on the social and moral implications:

"I see corporations appearing in agriculture that are not large enough to be socially responsible but are large enough to ignore the wishes of their communities. And I am afraid that we may emerge from this period of change having gotten the worst of both possible worlds, having traded effective and efficient small units of production which were not growing rapidly enough to keep pace with technological change, for larger corporate units of production which were not large enough and well financed enough to be socially responsible and financially flexible."

The biggest, and most correctable objection to corporation farming in our opinion, however, is that federal tax incentives encourage "tax loss farming." This aspect was deservedly hit hard at the recent Southeastern Minnesota Agri-Business Day program held in Rochester which focused on corporation farming. It was called a "tax haven for Wall Street capital."

Present federal tax laws enable the large corporation farm owner to write off farm losses against other income. The independent operator, earning a living entirely from farming, can make some use of capital gains and depreciation provisions, but normally has little or no taxable nonfarm income against which to offset farming losses. The tax loss advantage, therefore, accrues almost entirely to outside investors.

There are two courses generally open to stem the growth of corporate farming. One is strengthening the farmer, through such things as bargaining power and credit and better prices, so competition from nonfarm interest can be overcome. The other involves removing tax and other incentives encouraging nonfarm investors and adopting land use restrictions and other roadblocks to corporate entry into agriculture.

Minnesota Sen. Walter Mondale has long championed legislation to close tax loopholes that presently allow off-farm conglomerate corporations to compete unfairly with families who must make their living from the farm. We support him in his efforts.

Fortunately, corporation farming in Minnesota is still in its infancy, with only about 1 per cent of state farms classified as corporation-owned. Some of these are family-owned corporations, such as the Penz Farm Co. of Rochester, which is an entirely different situation than that of a large corporation entering the agriculture field primarily to gain a tax haven.

But the trend elsewhere around the nation, especially in such states as Florida and California, is toward "big business" getting into farming. Unless the federal tax incentives for corporation farming are removed, not only will the family farmer go under, but so will the small town merchants and the towns themselves. And that's not a pleasant prospect when the nation is concerned about stemming the flow of people to urban areas.

[From the Farmer (Minnesota), Mar. 21, 1970]

BONUS FOR BIGNESS

There's a bonus for bigness in farming today; one that allows nonfarm capital to move into agriculture; one that can have serious repercussions for all society if corporation farming growth is permitted to continue its present advantages.

The dangers are several. Among them are concentrations of food production in fewer and fewer hands until supply could be controlled and prices increased for all consumers. More family farmers, matched against conglomerates with multi-business revenues, could soon find competition tougher, give up and leave, throwing a heavier burden on urban areas at the very time government thrust is toward a better rural-urban balance. As they leave, schools, communities, businesses and rural life generally would deteriorate, particularly if corporation farms were absentee owned and their profits reinvested elsewhere.

A U.S. Senate Select Committee on Small Business, in a report distributed recently by Senator Walter Mondale, D-Minn., points up that last danger. "One of the social consequences of a shift to corporation farming is accelerated farm-to-city migration," it states. But such need not be, if corporate carrots are removed. In the same report, a comparison of two California communities, alike except for size and ownership of farming operations, shows the family farm community to have more and better schools, churches, recreational facilities, civic organizations and public services than does the community surrounded by large, factory-type agriculture.

Advantages which have enticed this influx of nonfarm money into agriculture were spelled out by Phil Raup, U of Minnesota ag economist, at the second annual Southeastern Minnesota Agribusiness Day last month. One is in capital gains. "A farming corporation investor or landowner with nonfarm income will usually find it rewarding to convert as much farm income as possible into asset values, which can ultimately be taxed at the capital gains rate," he said. "This is especially attractive to individuals in high income tax brackets." Another enticement is in writing off soil and water conservation improvements as current expenses—up to 25% of gross income per year, carried forward annually until exhausted. Similar, but not so lenient opportunities exist for land clearing. Still another is in tax accounting. "Permission to use a cash instead of accrual basis is convenient for the small or medium-sized farm, but of very little value in terms of reduced taxes. But it is of definite monetary value to large farmers, especially very large non-operating owners."

To reduce these bonuses for bigness. Dr. Raup suggests several adjustments, among them reform of tax laws and practices, modernization and revitalization of agricultural cooperatives, strengthening of research and extension service programs to make sure current technology and management know-how get to medium-sized farm operators. Also, environmental controls should be made mandatory for agricultural pollutors, to assure that large-scale, concen-

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trated livestock operations build in adequate waste disposal.

"How we change our tax laws, whether or not we can revitalize our cooperatives, what we do with our resources of agricultural research and extension, the imagination with which we innovate in the field of agricultural credit, and the speed with which we extend environmental protection and labor legislation to cover all of agriculture—these will be the determinants of policy toward corporations in farming."

BILINGUAL EDUCATION

Mr. MURPHY. Mr. President, as Senators know, I have been greatly interested in the bilingual education program, which I regard as one of the most promising educational programs in the country. Recently I wrote the conferees on the Labor-HEW appropriations bill urging that they retain the $25 million for the bilingual program as well as increase the funding of the dropout prevention program. Naturally, I am pleased that the compromise Labor-HEW appropriations bill which was signed into law follows my recommendations for the increased funding of the bilingual program.

I have been trying to follow the progress of the bilingual programs in my State as closely as possible. I notice in the Sunday, February 1, 1970, Sacramento Bee an article written by Ron Blubaugh with respect to Sacramento's first bilingual school. I ask unanimous consent that this article be printed in the RECORD.

Also, I have just received notification from the Department of Health, Education, and Welfare that 18 new school districts have been chosen to submit a plan for the implementation of bilingual education programs for the 1970–1971 school year. This, of course, is in addition to the communities now operating projects. I was coauthor of the bilingual education program, and I believe I was instrumental in helping to see that the Senate provided $25 million for this vital program. I ask unanimous consent that the letter I have received from HEW and the list of communities in California be printed in the RECORD.

There being no objection the article and letter were ordered to be printed in the RECORD, as follows:

SACRAMENTO'S FIRST BILINGUAL SCHOOL FINALLY MAKES ASSET OF "HANDICAP"

(By Ron Blubaugh)

With all the authority of an Army drill sergeant, a little kindergarten lad stood before his classmates at the Ethel Phillips School and barked:

"Simon dice toce la cabeza."

The 20 youngsters before him raised their hands and touched their heads. Then, continuing in Spanish, the little Negro "Simon" ordered his classmates to touch their mouths, feet, arms, shoulders, noses and legs. And the students did it, most of them without hesitation.

That, of course, is how the game "Simon Says" is played. Students play it regularly at Ethel Phillips in either English or Spanish. The children enjoy the game in both languages.

Other things also are done in two languages at Phillips—things like learning how to count, studying about the calendar, doing simple arithmetic problems. Over the next few years, students will be studying more complicated subjects—reading, history, science—in both Spanish and English.

Ethel Phillips is Sacramento's first bilingual school. Beginning this year with 210 youngsters in preschool, kindergarten and first-grade classes, all subjects are being taught in both Spanish and English. A grade will be added each year to the bilingual program until the current first graders are in the sixth grade. Then, all the students in the school will be in the two-language program.

BECOME SUBMERGED

In a bilingual program, students do a lot more than just study a second language. They become submerged in it. Teachers and students use two languages at will. Some of the instruction is in one language and some of it is in the other. Everything is taught in the two languages. When the student completes the program, he should have two "native" languages.

"Up until the present time, in California schools bilingual children were felt to be at a handicap," says Joseph Lynn, director of compensatory education for the Sacramento City Unified School District. "We feel these children have an advantage. We believe that bilingualism should be an asset to every person and not just to the Mexican-American."

As Lynn points out, California schools typically have approached the education of a youngster of Mexican descent as if he were handicapped. Educators commonly speak about the "language problem" of such a child. The problem is that the children do not know English and so the schools engage in a crash program of teaching English. Spanish is ignored.

The bilingual program operates on a different premise. It assumes that the child is not strong in either English or Spanish. But for the Spanish-speaking youngster, the school does not discard all he knows. It builds upon his Spanish background and uses it to help him learn.

For the Negro or Caucasian youngster, who comes to school knowing only English, the program works in a similar manner. English is not discarded. It is used. The difference is that the child get a new dimension.

IDEAL MIX

City school officials chose Ethel Phillips for the district's first bilingual program because it seemed to have an almost ideal racial mix. Located at 2930 21st Ave., the school is in a community that is about one-third Negro, one-third of Mexican background and one-third Anglo-Saxon Caucasian.

Dave Martinez, principal of Phillips, believes the bilingual instruction is important for the nation.

"I think all the political scientists realize our world is diminishing in size," he says. "Contacts with foreign countries are increasing. Adults in the future will need the ability to speak two languages. The nation needs people with that ability."

Richard P. Holland, director of the program, is convinced the children in the classes will meet the need.

"The children will eventually become bilingual and bicultural," he says.

After five months teachers at Phillips are salesman for the bilingual program.

"It is terrific, stupendous, amazing, challenging," reports first-grade teacher Mrs. Arleen Lotta.

Marcie Lewin, a Spanish-speaking teacher, agrees with Mrs. Lotta.

"I really like the program," she says. "It is exciting to hear the children speak both languages. We teach them the culture, also. They get to learn so much more."

Persons from outside the district are as enthusiastic as those within. John Espinosa, a student in Sacracento State College's Mexican-American Education Project, spend from six to nine hours a week at Phillips.

"I think it is doing a great deal," he says. "It works not only with Spanish but also with English. That truly makes it a bilingual program. In some cases elsewhere, I have seen the term 'bilingual' misused. It is not misused at Ethel Phillips.

"My only grievance about the program is that I am not able to spend more time there."

Bilingual instruction became possible in California only two years ago. The 1967 Legislature passed a law allowing the public schools to offer instruction in languages other than English. Prior to that time, students could study a foreign language but all other subjects—such as reading or history or mathematics—had to be taught in English.

The legislature made bilingual instruction legal, but it was the U.S. Congress which made it possible. In 1967, the Congress amended the Elementary and Secondary Education Act by adding a special section to provide money to school systems offering bilingual education programs.

LARGEST EFFORT

The Sacramento City Unified School District submitted a request for the funds in 1968 and got $95,000 to start the program last fall. Ethel Phillips has the district's largest effort. A smaller program—financed by the federal government and supervised by the City School District—is under way at Sacramento's Holy Angels Catholic School.

Throughout the state there are 26 school districts with bilingual education programs. Besides Sacramento, Northern California districts with such programs are located in Stockton, Marysville, St. Helena, Ukiah, Fresno and San Francisco. Most of these programs are Spanish-English, the exception being San Francisco which has a Chinese-English program.

Elsewhere, a few districts have smaller programs financed out of local funds. Elk Grove Unified is one of these. There even are several districts with individual teachers who voluntarily conduct bilingual programs. North Sacramento Elementary has such a teacher.

TOO FEW, TOO SMALL

Generally, however, bilingual programs continue to be few and those in existence are not nearly large enough to accommodate all the students who could use such instruction. In the city school system, for example, only 210 children currently are in the program. The district has 3,500 elementary grade students with Spanish surnames. Most of these students could benefit from the program, not to mention the thousands of Negro and Caucasian youngsters who also could benefit.

There is just not enough money. For the entire nation the federal government has only $7 million for the program.

Because of the general shortage of money for the effort, Sacramento school officials do not have any plans for seeking sufficient funds to help all the district's Spanish surname students. They do plan, however, to seek money to open a bilingual program at one other school, probably either Caroline Wenzel or Pony Express.

Spanish surname students in this proposed new program would be drawn from the Washington neighborhood. Caucasian and Negro students from throughout the district would be eligible to apply for admission to it.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., March 24, 1970.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We are pleased to inform you that one or more communities in your State are among 57 chosen to submit

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a plan for the implementation of a bilingual education program for the 1970–71 school year. Announcement of the approved plans will be made in June, 1970.

A list of the communities currently under consideration is enclosed. These communities are in addition to the 76 communities now operating projects funded under the Bilingual Education Program.

The Bilingual Education Program, authorized under the Elementary and Secondary Education Act of 1965, as amended, is designed to stimulate the development of new and imaginative programs, services, and activities which meet the special educational needs of children 3 to 18 years of age who have limited English-speaking ability and who come from environments where the dominant language is other than English. To be eligible, a school also must have a sufficiently high concentration of these children who are from low-income families.

All of the candidates were selected following review of their preliminary proposals, with recommendations of State educational agencies and outside experts in the field of bilingual education. Representatives from the local school systems will be invited to attend national workshops where application procedures and program requirements will be explained. Local school officials then will develop program plans with the help of Office of Education program officers, special consultants, and State educational agencies. A press release on the candidates for Bilingual Education grants will be issued within the next few days.

Sincerely yours,

B. ALDEN LILLYWHITE,
Acting Associate Commissioner for Elementary and Secondary Education.

CALIFORNIA

Auburn.—Area III County Superintendents Review and Control Board, OE 7–00380.

Language: Spanish.

Further information: Kenneth L. Lonergan, Chairman, County Superintendent Policy-Making and Control Board, 1230 High Street, Auburn, California, 95603.

Cucamonga.—Cucamonga School District, OE 7–00449.

Language: Spanish.

Further information: George O. Scott, District Superintendent, 8806 Archibald Avenue, Cucamonga, California, 91730.

El Monte.—Mountain View School District, OE 7–00419.

Language: Spanish.

Further information: Charles Kranz, District Superintendent, 2850 No. Mountain View Road, El Monte, California, 91732.

Escondido.—Escondido Union School District, OE 7–00383.

Language: Spanish.

Further information: James Slezak, Superintendent of Schools, 5th and Maple Streets, Escondido, California, 92025.

Fountain Valley.—Fountain Valley School District, OE 7–00431.

Language: Spanish.

Further information: Robert A. Sanchis, Assistant Superintendent of Schools, Fountain Valley School District, Number One Lighthouse Lane, Fountain Valley, California, 92708.

Gilroy.—Gilroy Unified School District, OE 7–00451.

Language: Spanish.

Further information: Robert Infelise, District Superintendent, 7663 Church Street, Gilroy, California 95020.

King City.—King City Joint Union High School, OE 7–00455.

Language: Spanish.

Further information: E. O. Fischer, Superintendent of Schools, 720 Broadway, King City, California 93930.

Los Angeles.—Los Angeles Unified School District, OE 7–00222.

Language: Spanish.

Further information: Robert E. Kelly, Superintendent, Los Angeles Unified School District, 450 North Grand Avenue, Los Angeles, California 90012.

Montebello.—Montebello Unified School District, OE 7–00441.

Language: Spanish.

Further information: A. Roland Walker, Superintendent of Schools, 123 South Montebello Boulevard, Montebello, California 90640.

Orange.—Orange Unified School District, OE 7–00504.

Language: Spanish.

Further information: Harold V. Kibby, Superintendent of Schools, 370 North Glassell Street, Orange, California 92666.

Pico Rivera.—El Rancho Unified School District, OE 7–00347.

Language: Spanish.

Further information: John P. Jones, Superintendent of Schools, 9333 Loch Lomond Drive, Pico Rivera, California 90660.

Riverside.—Office of the Riverside County Superintendent of Schools, OE 7–00358.

Language: Spanish.

Further information: Leonard Grindstaff, Superintendent of Schools, 4015 Lemon Street, Riverside, California 92502.

Riverside.—Office of the Riverside County Superintendent of Schools, OE 7–00359.

Language: Spanish.

Further information: Leonard Grindstaff, Superintendent of Schools, 4015 Lemon Street, Riverside, California 92502.

Rowland Heights.—Rowland School District, OE 7–00429.

Language: Spanish.

Further information: Forrest F. Dunbar, Coordinator of Government Projects, 1830 Nogales Street, Rowland Heights, California 91745.

San Bernardino.—San Bernardino County Superintendent of Schools Office, OE 7–00448.

Language: Spanish.

Further information: Roy C. Hill, County Superintendent of Schools, 172 West Third Street, San Bernardino, California 92403.

San Francisco.—San Francisco Unified School District, OE 7–00386.

Language: Spanish.

Further information: Robert E. Jenkins, Superintendent of Schools, 135 Van Ness Avenue, San Francisco, California 94102.

San Jose: Alum Rock Union Elementary School District, OE 7–00466.

Language: Spanish.

Further information: William J. Jefferds, Superintendent of Schools, 2930 Gay Avenue, San Jose, California 95127.

Visalia: Allensworth School District, OE 7–00452.

Language: Spanish.

Further information: Max Cochrane, Tulare County Superintendent of Schools, 202 County Civic Center, Visalia, California 93277.

NIXON VIETNAMIZATION POLICY JEOPARDIZES AMERICAN TROOPS

Mr. McGOVERN. Mr. President, in addition to previously mentioned deficiencies, there is, I fear, another danger in Mr. Nixon's Vietnamization policy—that is the very real danger it poses to American troops. We needlessly jeopardize our troops when we give them the political mission of propping up the Thieu-Ky regime and pacifying the Vietnamese countryside while they are also asked to hold widely dispersed military positions across Vietnam. At the same time, the President is withdrawing American maneuver battalions which are the real muscle of our forces in Vietnam.

I regard the administration's effort to continue extensive military operations while cutting combat troops as exceedingly risky. Do we not by such a policy make our troops vulnerable to concentrated attacks by the enemy? I fear it, and I see no reason to subject American forces to this needless danger.

The press carries news reports that General Westmoreland, the Army Chief of Staff, and other Army leaders fear that we cannot continue both the pacification and the present troop withdrawal schedule. They call for a 6-month delay in further troop reductions. They may be right. In any event, I am one longtime critic of our Vietnam involvement who does not want to jeopardize American troops needlessly. It is my concern over the senseless slaughter of young Americans, as well as young Vietnamese, that has motivated much of my opposition to our Vietnam policy from the beginning. There is a better alternative to both the Nixon plan and the Army effort to delay the Nixon plan. Let me plead again for the kind of disengagement I have recommended previously.

Let us stop our far-flung military operations in South Vietnam and consolidate our forces temporarily, in preparation for disengagement, in well-defended areas near the sea. Let us cease our tight embrace of General Thieu and urge the various political groupings in South Vietnam to begin talks leading to a broader, provisional government and a settlement of the war to be followed by elections. We and other friendly countries can offer asylum to any Vietnamese who might feel threatened by such a settlement. Let us call for an exchange of prisoners and then begin the rapid withdrawal of all American forces from their consolidated positions along the coast.

Such a policy of disengagement is spelled out in the resolution I introduced a year ago. It is the essential proposal I have made for years. It is, I believe, a policy which reduces the military danger to our forces while confronting the political realities of Southeast Asia.

I strongly urge the President to consider it as an alternative to the risky and costly policy he is now pursuing. A concomitant action might be to reconvene the Geneva Conference or reopen the negotiations in Paris. As I suggested on March 18, 1970, the Pathet Lao five-point settlement plan combined with the earlier settlement offers of the NLF and Hanoi can provide the beginning basis for discussions leading to a Geneva-type settlement of the entire Southeast Asian conflict.

I have previously warned President Nixon's Vietnamization policy is not a proper formula for ending the war since it commits us to support the continuance of the Thieu-Ky regime in Saigon—a regime so little supported by its own citizens that it requires American arms in order to stand. Our original intervention into the affairs of the people of Southeast Asia was such an obvious blunder that we ought to end it quickly rather than by a long, drawn-out extrication designed to postpone the day of reckoning and reality. Yet, the Nixon policy gives both Saigon and Hanoi a veto on American foreign policy by telling Saigon that our rate of withdrawal depends on their ability to take over, and by telling

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Hanoi we will determine our military strategy depending on what they do.

The continuing costs of the war in the form of blood, inflation, and wasted resources are beyond any counterinterest in Vietnam. Far from ending these costs, the Nixon Vietnamization policy invites military pressure on Laos and Cambodia. It does so because so long as we are supplying our ally in South Vietnam by our control of the air and sea routes, Hanoi will continue to supply its ally in South Vietnam by the land routes and staging areas in Laos and Cambodia. As we seek to close off those routes and Hanoi struggles to keep them open, we set up the unstable military and political conditions which explain the recent troubles in Laos and the tumbling of President Sihanouk in Cambodia.

As columnist Joseph Kraft puts it:

> Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

In an earlier column, Mr. Joseph Alsop reported from Vietnam the incompatibility involved in pressing both the present withdrawal timetable and the present pacification effort.

I frequently disagree with Mr. Alsop's interpretations of the Vietnam issue—just as I have sometimes disagreed with Mr. Kraft—but the analysis in his column sounds a reasonable warning.

I ask unanimous consent that these two columns by Mr. Alsop and Mr. Kraft be printed at this point in the Record, along with a news article in yesterday's Washington Post reporting the Army's concern over proposed troop reductions, and an editorial in today's New York Times entitled "Cutting Into the Bone". I also ask unanimous consent that the text of my Vietnam disengagement resolution be printed in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 30, 1969]

Nixon Would Be Wise To Heed Abrams' Call for Pullout Pause

(By Joseph Alsop)

Bien Hoa, South Vietnam.—"A pause" in American troop withdrawals has been strongly recommended to President Nixon by Gen. Creighton Abrams and his staff. If the President is wise enough to take Gen. Abrams' advice, the opposition will no doubt claim that this implies a failure of the Vietnamization program.

But, as in most cases in this war, the opposition will be wrong. As one of the ablest U.S. commanders in Vietnam has remarked, "The problem is being rapidly cut down to Vietnam size.

"That started long ago, and that's why the troop withdrawals to date have caused no loss of momentum. But right now, a bit more time is needed, and that's why the President will be asking for bad trouble if he does not allow a pause."

Here in Bien Hoa, the headquarters of the Huge III Corps region around Saigon, you can see exactly what is meant by the foregoing analysis. Three main factors have been at work in III Corps. First a steadily improving South Vietnamese military effort, directed by Lt. Gen. Do Cao Tri; second, an economical but brilliant U.S. military effort, led by Lt. Gen. Julian Ewell; and, third, the vast new pacification effort managed in this corps area, on the American side, by a remarkable foreign service officer, Charles Whitehouse.

Because of the ever-mounting effect of these factors on the enemy's situation, large troop withdrawals from III Corps have already been made without any real loss of momentum. Because all three factors are still operating, further U.S. troop withdrawals from III Corps can already be envisioned.

But even in III Corps, President Nixon will be pushing his luck too far if he is overhasty. And it is very clear indeed that the President will be taking an appalling risk if he makes substantial troop withdrawals from the coastal provinces of Upper II Corps and Lower I Corps.

The process of "cutting the problem down to size" has got to go a lot further in that difficult area.

Cutting the problem down to size means two different things, which will be examined in more detail in two subsequent reports. In summary, it means, first of all, progressively eradicating the native Vietcong structure, which is Hanoi's asset in every province of South Vietnam.

This eradication has advanced enormously in III Corps in the last six months. The other tasks, meanwhile, is just the beginning here. The immense expansion of the territorial forces—the regional force companies and popular force platoons—has already crowded and eroded the Vietcong in a way that frightens their leaders greatly. This is fully documented.

Yet the territorial forces have still to be sharpened to the point where they can take over most of the burden of province defense, without continuing support from larger U.S. or ARVN units. This sharpening of the territorials is the second task on which Gen. Abrams has told his commanders that "success in 1970" will depend.

Meanwhile, President Nixon will be asking for trouble by refusing to heed Gen. Abrams, primarily because eradication of the native Vietcong structure is not nearly far enough advanced in the difficult Upper II Corps-Lower I Corps area. Vietnamization, in fact, has now reached three different stages in the three most important regions of South Vietnam.

It is moving forward steadily but it is only half-way down the road in the difficult area above-mentioned. It is two-thirds of the way down the road here in III Corps. And in IV Corps, all American ground forces have been pulled out, but nothing material has been achieved by Hanoi's hasty insertion of North Vietnamese big units. In IV Corps, therefore, the road's end is in sight.

In practical domestic-political terms, President Nixon must therefore choose between two risks. The first is the risk of a pause, or at least a marked deceleration of his troop withdrawals. The second is the risk of a local disaster, particularly in the difficult area already described.

The second risk is far greater because of the great numbers of people who will surely portray any local disaster as final proof of Vietnamization's failure. These people will be harder to answer than the critics of a mere pause. And this is why the President will be wise to heed Gen. Abrams.

[From the Washington Post, Mar. 31, 1970]

General Diplomatic Accord Needed To Prevent Asia War

(By Joseph Kraft)

You can't beat something with nothing even in Southeast Asia. So the myriad local forces working to widen the war there will win the day again unless there is developed an alternate course of events.

The obvious alternative is to move in the Geneva conference for a general diplomatic settlement covering Vietnam, Laos and Cambodia. And fortunately that approach is now being pushed in Washington.

Of the forces working to widen the war, the most important are the North Vietnamese. Their central political purpose is to create in South Vietnam a friendly regime, free of support by outside troops and disposed toward eventual unification. Hanoi is not making any progress in that direction at the Paris peace talks. Opinion in this country has ceased to generate irresistible pressure for peace. And Gen. Creighton Abrams' spoiler tactics impose on Communist military action in South Vietnam a cost Hanoi is not prepared to pay.

Instead the North Vietnamese have found cheaper ways to maintain military momentum and keep pressure on the United States. They moved thousands of troops into Laos and mounted a major attack there. More recently another cheap shot became available when a right-wing coup overthrew Prince Norodom Sihanouk in Cambodia. So the North Vietnamese, who had long used Cambodia as a base, went on the attack there too.

Hanoi's instinct for widening the war is shared with a vengeance by the regime of President Nguyen Van Thieu in Saigon. President Thieu's first interest is to try to deal the Communists a crushing military blow. His second is to keep American troops on the scene as long as possible. His third is to maintain the state of tension that justifies the repression he uses to keep the regime in power.

All three of these interests are served by military engagement with the North Vietnamese. And the best place for fighting the North Vietnamese is to hit them at their bases in Cambodia. Indeed the most prestigious military man in South Vietnam, Gen. Cao Van Vien, has long claimed he could win the war if he was allowed to take a bit of Cambodian territory.

So it was no surprise that the South Vietnamese stepped up their Cambodian border operations immediately after the coup in Pnom Penh ousted Prince Sihanouk. Indeed, suspicious persons pleased to believe that coup was arranged from the outside would do far better to direct their inquiries to the Saigon government than to the Central Intelligence Agency.

Not that all Americans are so opposed to a little widening of the war. Ambassador Ellsworth Bunker and some American military commanders on the spot conceive that their mission is to put in place a pro-American, anti-Communist regime. As part of that mission, they have long itched to cross over into Cambodia and hit the Communist bases there. They are not even particularly bothered by the prospect of slowing down the rate of American troop withdrawal from Vietnam, if that is necessary to help the Saigon government.

So it is natural, not surprising, that American forces aided South Vietnamese troops in some of their recent forays into Cambodia. And it is equally natural, not surprising that American officials in Saigon should be talking, in the light of recent events, about stretching out the schedule for winding down American force levels.

With all these forces promoting a wider and deeper war it takes some doing to contain the conflict. After all what led to the deep American involvement in the first place was these very same local conditions. American leaders did not, as sometimes alleged, want to get into the war. They were backed in by the thrust of events. They didn't have the wit and political courage to take the decisive steps necessary for staying out.

That is roughly the position of the Nixon administration at this time. Unless the President takes decisive steps to contain the war, the force of events will push him into a wider conflict.

Exactly what steps to take are not in

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doubt. The central fact is that there is now serious military action in Vietnam, in Laos and in Cambodia. The Geneva conference, set up in 1954 and reconvened in 1962, offers a forum that covers all three countries. It should plainly be called again to seek a general regional settlement. The more so as it offers a way to move beyond the Paris peace talks that are now deadlocked, and subject to revival only if this country abandons its past position by sending a new, high-level negotiator.

Suggestions that this country follow the Geneva route have been pushed inside the State Department and the Defense Department at the assistant secretary level. They have apparently been blocked by a political consideration—namely that to go to Geneva is to deviate from the Vietnamization line to which the administration has wedded itself.

But Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

[From the Washington Post, Mar. 31, 1970]

Army Favors Pullout Delay of 6 Months

(By Peter Braestrup)

Gen. William C. Westmoreland, Army Chief of Staff, and other Army leaders here favor a six-month delay in U.S. troop withdrawals from Vietnam.

Informed Pentagon sources said the slowdown is seen as necessary to enable U.S. troops now in Vietnam to help wind up pacification in key populated areas, notably four "tough" provinces south of Danang in the northern half of the country.

No White House decision on future troop withdrawals beyond April 15 has been made. Defense Secretary Melvin R. Laird has said that an announcement by President Nixon could be expected in April.

As of April 15 under a two-stage withdrawal already announced, authorized U.S. manpower in Vietnam will have declined 115,000 to reach 434,000—about the Vietnam troop level reached in early 1967.

Most important, from a military point of view, will be the April 15 drop-off in U.S. Army and Marine combat "maneuver battalions"—the armor and infantry—from 112 to 78 in 10 months.

CRUCIAL AREAS INVOLVED

Continuing this rate of withdrawal, Army sources said, will begin to cut into U.S. combat strength in crucial areas—south of the Demilitarized Zone, north of Saigon, and especially in the old Vietcong coastal strongholds south of Danang.

Qualified sources said Westmoreland had ordered a full staff study of the military risks involved in various withdrawal timetables. As yet, it was said, he has not had a "formal" request for a delay in troop pullouts from Gen. Creighton W. Abrams, U.S. commander in Vietnam. But Abrams' concern over continuing the present withdrawal rate this summer is no secret to Westmoreland, who is known to share his concern.

DIPLOMATIC TIMING

Pentagon sources emphasized that Army sentiment in favor of a delay in the pullout was not influenced by new North Vietnamese threats in Cambodia and Laos. However, several high-ranking Nixon administration officials are known to feel that a White House announcement of a big troop withdrawal now would be ill-timed diplomatically, serving only to encourage Hanoi to push harder.

With a six-month delay—until Oct. 15—in troop pullouts, Army leaders feel, the pacification of the Vietcong strongholds below Danang can be accomplished without shifting and thus dangerously "thinning out" U.S. forces south of the DMZ and north of Saigon. The April 15 withdrawals, in effect, turn over border area defenses to the South Vietnamese everywhere else.

The 120-mile coastal stretch south of Danang that preoccupies U.S. commanders includes portions of Quangngam, Quangtin, Quangngai, and Binhdinh provinces.

Deployed there to back up slow allied pacification efforts are elements of the U.S. 1st Marine Division, the Americal Division, and the 173d Airborne Brigade. The South Vietnamese have only the 14,000-man 2d ARVN Division plus militia units.

Two regular North Vietnamese Army divisions, the 2d and 3d, reportedly are in the neighboring mountains—the only such major enemy units still based so close to the populated coast.

While some Democrats in Congress have called for speedier withdrawals, Laird and other administration officials are known to believe that casualty rates, not withdrawal rates, evoke the greatest public concern.

So far in 1970, Pentagon officials noted, the number of Americans killed in action in Vietnam has averaged less than 100 per week—well below the 180 weekly average last year. But in the last two weeks death tolls have been higher—101 and 110 respectively—and recent flurries of action are expected to keep the weekly toll above 100.

[From the New York Times, Apr. 1, 1970]

"Cutting Into the Bone"

President Nixon's Vietnamization program is approaching a critical test of credibility this month as the third phase of announced American troop withdrawals from Southeast Asia nears completion.

The White House has denied a report that the Pentagon is budgeting for substantial new withdrawals that would reduce American forces in Vietnam to 225,000 men by mid-1971. The remaining forces would consist largely of air, artillery and supply units, with only enough combat troops to provide protection for their bases.

Such a reduction would be consistent with repeated hints from Washington and Saigon over many months that the United States would bring home all of its ground combat forces from Vietnam by that time or earlier. When former Defense Secretary Clark Clifford last June called for withdrawal of all ground forces by the end of 1970, President Nixon said he hoped to beat that target. A new withdrawal announcement, promised for this month, should provide a clue to the prospects for fulfillment of such hopes.

The President announced the first cutback of 25,000 men last June. A further withdrawal of 35,000 men was announced in September, and in December Mr. Nixon said he would bring home an additional 50,000 men by April 15, lowering the ceiling to 434,000. The actual reduction to date has been 84,500 men, from a force level of 538,500 when the first cutback was announced to a current total of 454,000.

While the staged reductions so far have succeeded in dampening criticism of the war at home, they have not really significantly affected the miliary balance in Vietnam. The current level of American forces in the battle area is close to that which prevailed at the time of the enemy's Tet offensive in early 1968. Since that time, South Vietnamese forces have been substantially expanded—and improved, if official sources are to be believed.

So far, President Nixon has merely been cutting fat from what many believed was a bloated American military establishment in South Vietnam. The next withdrawal, a Pentagon source observed recently, "will start cutting into the bone."

Administration spokesmen have insisted privately that the process of Vietnamization is "irreversible." President Nixon told the American people last November that he had adopted a plan "for the complete withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

But the President appeared to contradict himself when he also declared that the rate of American withdrawal would depend on the progress of peace talks in Paris, the ability of South Vietnamese troops to take over the burden of the fighting and the degree of restraint shown by enemy troops. At the moment there are grounds for doubt on all of all of these counts, especially in view of stepped-up enemy activity in neighboring Cambodia and Laos.

The question in the minds of many Americans as another decision on withdrawal approaches is whether this Administration will continue to fulfill its promise of "orderly scheduled" disengagement, even at the risk of "cutting into the bone." Or will the pace of withdrawal be allowed to lag—as Army leaders are reported to be urging—strengthening the belief of some critics that "Vietnamization" may be another way of saying that the war will go on in a continued—but futile—search for military victory?

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Whereas the war in Vietnam has resulted in the loss of more than 40,000 American lives, in some 250,000 American casualties, in the depletion of American resources to the extent of over $100 billion, and in inestimable destruction of Vietnamese life and property, and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human and spiritual resources upon urgent domestic needs, and

Whereas spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal, and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support, and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it, and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate, and House of Representatives concurring, that it is the sense of the Congress of the United States, That all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangements for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

THE CHALLENGE AND CRISIS IN HOUSING

Mr. TOWER. Mr. President, the administration has outlined a series of measures to aid the depressed housing market. We are all concerned about the quality of life in America. A healthy, clean environment is certainly an important factor in the quality of our life.

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Decent housing is equally important. Chairman Preston Martin, of the Federal Home Loan Bank Board, has just made a speech at the Westside Forum of Town Hall in Beverly Hills, Calif., which brings to focus the challenge this Nation faces in solving the housing crisis.

I ask unanimous consent that Chairman Martin's speech describing the problems ahead of us be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CHALLENGE AND CRISIS IN HOUSING

(By Preston Martin)

It certainly is a pleasure to share some thoughts with you today in this particularly Californian "Town Hall," out in Suburbia! It's a particularly fine part of Suburbia, of course: my meaning is that perhaps only in Los Angeles would Town Hall the discussion forum be so far removed from Town Hall, the civic building. It's another sign of the Los Angeles lifestyle, a way of living which just goes on decade after decade, growing from the "votes" cast by the migrants who vote a very fundamental way in moving here and spending their years in this community. When West Berlin was a bit more in the news it used to be said that Germans "voted with ther feet" in leaving East Germany and joining the Berliners. The California plurality by that measure is a landslide.

Californians are as much or more concerned with the topical discussion of their "ecology," than most other Americans. Those who left their native States sought a different "ecology," the total environment of living and working. Many aspects of the ecological problem receive our attention: the pollution and wasting of the air, the ocean, the open space. With your kind attention I want to review another side of our national objective to improve our ecology, and that is the man-made part—housing and its role in all this.

Ecology has been defined as the study of population, its spatial distribution and physical environment. However, the word itself comes from the Greek *oikos*, or "home."

My point is that what we do about housing in this Nation in this decade will determine the quality of life in America as much or more than what we do about pollution and the waste of natural resources—it's all our environment. We will of course continue to crowd into our major urban areas, where attitudes toward upkeep and neighborhood cleanliness and a multitude of social attitudes will be formed in our youngsters. The extent to which we marshal our financial, physical and managerial resources to meet our housing goals is therefore most important in improving our ecology. President Nixon issued a policy statement on January 21, 1970 which dealt with "the crisis situation we are facing," which the President characterized as "a serious housing shortage which is of grave concern to our national well-being." The Presidential priority was stated as follows: "I pledge that this Administration will take every possible step to solve this most serious housing problem consistent with the overriding need to contain inflation. "The housing of our people is and must be a top national priority."

It was only a few years ago that the New Economists were perceiving this Nation as almost absolutely affluent. I refer to the hypothesis that GNP growth would be so great that our national goals could be met, with billions to spare. What would we do with our output once poverty was eradicated and goals were reached? What ever happened to the discussion in the 1960's of the "fiscal dividend" which was supposed to flow into the Federal treasuries with constant tax rates and give us the problem of what to do with it all? I guess that the undue optimism which some of that discussion engendered is in the same mothballs as the idea that we could escalate our Vietnam commitment while greatly increasing domestic Federal spending. In the place of this "happy talk" there is a new realism; the perception that the age-old economic problem is forever with us—the allocation of scarce resources among unlimited wants. We shall devote much of our giant production in the 1970's to our ecology.[1] The cost of improvement in 16 goal areas was put at $355 billion in a National Planning Association study leaving a deficit of $146 billion. Obviously, some goals would have to give way during the planning period 1962 to 1975. The 16 areas were: consumer expenditures, savings; private plant, equipment; urban development; welfare; health; education; transport; defense; housing: research, development; natural resources; international aid; space; agriculture; manpower retraining; area redevelopment. Attainment of our housing goals of 26 million or more in new and converted units will require us to build and convert more housing in each year than we have built in any one year. This will mean 2.0 to 3.0 million units in many years compared to 1.4 million in 1969, plus perhaps 250,000 mobile homes used for year-round occupancy, and minus a small number out of the 1.4 million conventional units used as second homes.

Secretary Romney recently indicated that the Nation has already fallen 2.5 million units behind target in this tight money period. I believe most of us now realize that there are limits even to the "almost absolutely affluent society." Were we to conduct national referendums on national goals it might be possible to reach some sort of majority opinion as to measurable goals in education, welfare, housing, health services, defense, space exploration, and the other principal national goals. I firmly believe that when dollar signs were attached to these goals we would find that even this most productive and affluent society could not fund these without the most far-reaching constraints on consumer spending and upon some areas of business investment, not to mention the cutbacks in politically sensitive governmental programs. Thus we cannot escape the necessity of setting priorities—and housing will be one of the highest. In part this is because of housing's significance in social stability and productivity of the work force, but most importantly it is also because you cannot clean up our ecology while housing is inadequate for many of our families, especially in inner city. You cannot expect socially responsible behavior from the untended youngsters in the aging brownstone. If you clean up the rivers flowing by decaying, cold-water, walkup tenements, they will be polluted again.

The trouble with making housing a high priority national goal—simply stated—is not being able to crusade *against* it, as we are *against* smog, war, dirty rivers and lakes, and crime on the streets. You don't see many pickets in front of the White House demonstrating *for* something. You can't even demonstrate *for* motherhood anymore because of the "population explosion." Few would argue that no matter whatever we do to try to improve our cities, we will fail to build a decent urban society unless we develop a greater respect for our natural environment.

If we relegate the urgent need for adequate housing to a lesser priority within the environmental quest for clean air and water, education and health, we will not truly meet the present threat to our total ecology.

A great portion of the pollution in our environment today results directly or indirectly from inadequate and substandard housing. So it is vital to recognize the entire scope and complexity of what we call our "environment." It is, in the truest sense, composed of a set of interrelated and interacting factors which greatly influence each other and the entire system.

Of these, housing is the most pervasive and fundamental. How we plan, place and build it will have a vital impact on our total environment, from our air and water to vegetation and animal life to man himself. It is impossible to conceive of good housing beside rivers or ponds that would infect anyone who swam in them, or located in neighborhoods so poorly served by local governments that trash and filth, open sewers or seepage from septic tanks spread disease, or even downwind from a factory spewing ashes and noxious gases.

The place a man lives is more than just another commodity, service, or possession; it is a symbol of his status, an extension of his personality, a part of his identity, a determinant of many of the benefits—and disadvantages—of society that will come to him and his family: schooling, police protection, municipal services, neighborhood environment, access (or lack of access) to a hundred possibilities of life and culture.

Those of us charged with specific responsibilities for mortgage financing, housing and urban problems must mount an all-out war to enhance this environment. It is our responsibility not only to ourselves but to the 100 million children who will be born during the remainder of this century. In his report to Congress on population growth, President Nixon underscored the challenge of finding adequate housing for these 100 million Americans. If they are to be housed in new communities, as has been proposed by The National Commission on Urban Growth, the President points out that this would mean constructing a city the size of Tulsa, Dayton or Jersey City every month for the next 30 years.

Secretary Romney of the Department of Housing and Urban Development has weighed this awesome charge, indicating that at the very least there are today 11 million substandard and overcrowded housing units in our country. This is 16 percent of our total housing inventory. A decade ago our last census found 53 million occupied housing units in the United States, of which 13 million lacked toilets or plumbing facilities. What will the 1970 census tell us? We don't have the time to wait and see.

I know that any front page articles these days which put housing up in the front ranks of the priority parade are welcome news to me, if only because they call attention to this crisis. This priority parade is a little like Washington's political climate. If you don't like the Senator currently in the headlines just wait a few minutes and another will be up there.

So, in short, this Administration welcomes the challenge. The media have "discovered" smog, water pollution and all the rest of the ecological crises in the past few months. Why not housing?

The role of the Federal Home Loan Bank Board is essential since savings and loan associations finance, under normal conditions, about 45 percent of all home mortgage credit. They accounted for 53 percent of the increase in home mortgages during the first three quarters of 1969.

In recent weeks I have had the opportunity to testify before the House Banking and Currency Committee and the Senate Housing Subcommittee and present several key Administration proposals within our 1970 Housing Program. I will summarize them briefly.

The Administration has asked Congress for $250 million to stimulate the flow of funds into the depressed housing market. These subsidy funds would be designed to

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[1] Goals, Priorities and Dollars, by Leonard A. Lecht. National Planning Association, Washington, D.C. 314 pages.

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curb the steadily rising rates charged to member savings and loans for advances and I believe that every dollar spent in this way would generate as much as a $15 to $20 increase in mortgage lending—perhaps a total of $4.5 to $6 billion starting with the availability of funds and extending over the next few years.

We have also sought authorization for the Federal Home Loan Bank System to conduct a secondary market in conventional, FHA and VA mortgages held by institutions insured by the Federal Savings and Loan Insurance Corporation (FSLIC) and the Federal Deposit Insurance Corporation (FDIC). Mortgages have almost no secondary market today, having lost their place in investor portfolios to corporate bonds, governments, agency securities and common stocks. Some means must be developed to enable the mortgage lender to sell his mortgage originations when credit worthy demand exceeds the lender's capacity to finance. A "secondary," or resale market would be an important alternative to saver funds and borrowing. Likewise, mortgage lenders need to have a source for the purchase of mortgages when their flows of funds exceed the safe lending opportunities available to them. The Federal National Mortgage Association, FNMA, has a long record of providing added marketability to FHA and VA mortgages. Our Federal Home Loan Bank System proposes to do the same job for "conventional," uninsured mortgages, as well as providing a limited market for insured institutions in FHA and VA mortgages.

Again, as part of the Administration's total Housing Program, we will form a $200 million pool of FHA–VA mortgages and sell mortgage-backed bonds guaranteed by the Government National Mortgage Association, GNMA, against this pool.

Such action, I believe, will produce a maximum of housing credit with a minimum of budgetary expenditure. Our System has been using every means at its disposal to provide credit to the housing markets. Our advances to members were increased at a record rate of $4 billion last year, but it is unlikely that this contribution can be repeated this year. So, new "tools" are essential.

Our Board will use subsidy funds, when authorized to commit mortgage funds through lenders to mortgage borrowers at rates below our own cost of money. Although we borrow huge sums in the open market, even our interest rates have ranged above 8 percent in recent fundings. Our Bank System is now absorbing some of the costs involved in our raising of $1.0 billion or more in funds per month in recent months. Our System is absorbing these costs to keep rates on mortgages from rising even more rapidly than they have in 1969. However, the pressure of demand for funds in the real estate area continues to press upon a very inadequate supply, and so the pressure is very largely up, but little downward. If Congress authorizes funds, we will exert an important downward pressure on rates, beyond that which we have been financially able to do, lending even further below our money market costs to prevent tens of thousands of American families from being priced out of the new and converted housing market, for homes and apartments, because mortgage rates rise even further and faster.

Many of you are aware that the Government National Mortgage Association, "Ginny Mae," is developing a mortgage-backed security. The Federal Home Loan Bank Board will serve both as a packager for these securities and as a secondary mortgage market facility for conventional mortgages. Of course, these packages of mortgages and the marketing of mortgage-backed securities have to be available at yields which appeal to pension fund managers who are now inclined to be interested in stock market and real estate equities. However, long-term yields on mortgages and mortgage-backed securities can now be secured at or about 8 percent, which compares favorably to long-term yields on stock and real estate.

I have been asked to speak for 28 minutes, a challenge in timing equal to that of a pacesetter in a world record attempt at the mile.

So, in summary, let me say that our Board recognizes that nowhere in the United States is this housing crisis I have discussed so critical as it is here in California.

By the year 2000 estimates are that California will almost double its population to about 40 million people. Housing must expand at the same rate and my friend Charles Lemenager of the State's Department of Housing and Community Development has predicted that "a second California" will have to be built within the next 30 years.

Merely to keep up with California's population expansion would require a minimum of 225,000 new housing units a year, or 75,000 more than are now being built. This excludes meeting the existing backlog of say, 500,000 new homes and several hundred thousand needing rehabilitation.

Short- and long-term proposals, some of which I have discussed today, must become reality if we are to meet this crisis.

I note that Secretary Romney will speak to you on April 17 and I am sure that he will pose the challenge of housing the Nation and the complex of programs with impact upon this challenge through the leadership of the Department of Housing and Urban Development.

So, in conclusion, increased public attention reveals that our housing crisis "SOS" signals are getting increased reception, increased concern. With this reception and concern must come an unmatched response to the challenge from us all, local, State, and Federal Governments, facilitating private initiative.

Congress has set high goals for housing and I have described some of the new tools at hand. These goals are interdependent with antipollution objectives. A continued massive increase in our housing stock is essential in improving the quality of urban ecology in this country. Now, then, is the time for absorption and integration of these programs. Now is the time for application of a peculiarly American resource: contemporary managerial systems-oriented skills and "rationalizing" the administrative decisionmaking procedures to narrow the gap between promise and fulfillment.

The first Nation on the globe to reach a sustained high level of affluence widely distributed among its population will surely be the first Nation to have real impact in improving its ecology, manmade and natural. Only in this way can we really improve the quality of life in America and thereby cement the commitment of our people to the other goals and objectives of our society.

ENVIRONMENTAL ISSUES IN RURAL AREAS

Mr. McGOVERN. Mr. President, there can be no denying the intimate relationship between our current concern over the environment and the policies we have pursued in rural areas.

Economic attrition in agricultural sections has forced millions of Americans to seek opportunities in congested cities, where they have accelerated the pace of environmental deterioration there. Meanwhile the decline of the family farm system is aggravating environmental issues in rural areas as well. The unparalleled food abundance we have available to us today is due in no small measure to the family farmer's kinship with the soil; to his view of the land as a permanent entity to be respected rather than as passing asset worthy only of exploitation.

This attitude was expressed collectively a short time ago by an important nationwide farm organization, the National Farmers Union. At their convention in Denver last month, Farmers Union delegates hailed the growing crusade to save the environment, and said that:

> Family farmers, the historic custodians of Mother Earth, must take part in this crusade to save the human species from extinction.

Mr. President, I ask unanimous consent that the text of the statement be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

NATIONAL FARMERS UNION CONVENTION DEALS WITH FAMILY FARMERS AND THE ECOLOGY

DENVER.—The annual convention of the National Farmers Union meeting in Denver, March 11–14 declared that preserving the family farm system in America is the best way to control the pollution of our land and water. In a resolution designed to bridge the gap between urban and rural America the convention declared:

Food producers face the greatest crisis in the history of American agriculture. Speculators and concerns in search of tax write-offs are scrambling for land. Multi-million dollar campaigns have been launched to eliminate family farmers. Inflation in an economy dominated by the industrial-military complex aggravate the situation. The problem is compounded by the nation's cheap food policy at the expense of the farmer. The cost of farms and ranches have been boosted to levels where young farmers cannot pay for them from operations. Our youth migrate to the cities to complicate problems there.

The nation's food supply is menaced and the problem is out of the hands of the family farmers. It has become the nation's problem. Corporate and conglomerate agriculture cannot insure our food supply and is destructive of democracy itself.

We hail the crusade led by science and the ecologists to save mankind from its own folly. Food and land is as necessary to mankind as air, water, and population control.

Family farmers, the historic custodians of Mother Earth, must take part in this crusade to save the human species from extinction. We call upon the ecologists and scientists, ministers and their followers, teachers and their students, and all people of good will, to join with rural America in preserving family agriculture. Agriculture is the foundation of American democracy. The nation's food supply must be conserved, preserved and guaranteed for all mankind.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 514.

Mr. JAVITS. Mr. President, before the Senator does that, the manager of the conference report with me, the Senator from Rhode Island (Mr. Pell), is not in the Chamber; and, with the consent of the Senator from West Virginia, I should like to have a brief quorum call so that the Senator from Rhode Island may come to the Chamber before the conference report is laid before the Senate.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the conference report on H.R. 514.

The PRESIDING OFFICER. The clerk will state the conference report.

The Bill Clerk. Report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Without objection, the Senate resumed consideration of the conference report.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time limitation of 4 hours will now take effect on the conference report, with the time to be equally divided between the Senator from Mississippi (Mr. Stennis) and the Senator from Rhode Island (Mr. Pell).

Mr. STENNIS. Mr. President, in putting together the unanimous-consent agreement for a time certain to vote today—I think it was last Wednesday—reference was made to a motion to be made by the Senator from Mississippi. I had in mind all the time that the motion would be made by the Senator from Connecticut (Mr. Ribicoff). I failed to note, though, what the agreement said, so I now ask unanimous consent that the Senator from Connecticut (Mr. Ribicoff) be permitted to make the motion rather than the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I move that the Senate recommit the conference report on H.R. 514 for the purpose of reconsidering amendment No. 463, as originally passed by the Senate dealing with uniform application of the laws relating to school segregation, and the language added thereto in section 2, subsections (a), (b), (c), and (d) of H.R. 514.

Mr. JAVITS. Mr. President, will the Senator from Connecticut yield for a parliamentary inquiry?

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Hollings). The Senator from New York will state it.

Mr. JAVITS. If this matter is recommitted as moved, does that confine the conferees solely to the reconsideration of the particular amendment which the Senator has moved with respect thereto?

The PRESIDING OFFICER (Mr. Hollings). The Chair would rule that it does not so confine. It would be a recommittal, and the conferees could consider de novo the conference report.

Mr. JAVITS. Will the Senator from Connecticut yield for another parliamentary inquiry?

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER (Mr. Hollings). The Senator from New York will state it.

Mr. JAVITS. Does it constitute instructions to the conferees to negotiate on no other matter except No. 463?

The PRESIDING OFFICER. It does not. The conferees could even ignore the instructions.

Mr. JAVITS. Even if they were instructions?

The PRESIDING OFFICER. Yes. That is the parliamentary ruling.

Mr. JAVITS. Therefore, is a motion of this character in accordance with the rules of the Senate?

The PRESIDING OFFICER. It certainly is permissible; yes.

Mr. JAVITS. For whatever it means?

The PRESIDING OFFICER. Yes, sir.

Mr. JAVITS. As defined, I gather, what it means. I thank the Chair and I thank the Senator from Connecticut.

Mr. STENNIS. I want to assure the Senator that none of us had any purpose to try to let it mean anything except what it says, insofar as our interest is concerned and our debate is concerned on amendment No. 463. We understood that the rest of the matters would be open to the conferees, as they certainly should be.

Mr. JAVITS. The only reason I made this clear to the Senator is that I am sure—I am positive of it—that he would want the Senate to understand just what we are doing. The issue will be joined.

I know that the Senator is dissatisfied with the disposition of the amendment. I know that the Senator from Mississippi is dissatisfied. Probably other Members are, but I do not think the Senate should labor under any impression that all we will do is go back to conference and wrestle around about the Stennis amendment and then bring something back. We had a terrific fight about many parts of the bill, which we will develop in debate here. It seems to me very important that the issue should be before the Senate.

If we send this back, no matter what the Senator says in the motion, everything is open, including money and time and conditions and everything else. And I can assure the Senate that it will be availed of. And if we do not send it back, that will be the end of it.

I did not wish to be put in this position. It is very important that we make our point to the Senate that this motion is meaningless. We would be just sending it back. No matter what we write in here, it does not restrict the House conferees from opening every question in the report.

Mr. RIBICOFF. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, later in the debate I will ask for a considerably longer period of time from the Senator from Mississippi. I appreciate the hard work put into this matter by the conferees. I do not question their bona fides. They tried to hold the Stennis amendment. Yet, what came out of the conference was much worse than what went in. In many ways, what was achieved was a tragic failure, because we are now placed in the position of assuring a segregated society not only in the South, but also in the North.

Since the time of the passage of the Stennis amendment and the work of the conferees, there was a long, full statement from the President of the United States as to how he viewed the entire problem of segregation in education, both de jure and de facto.

The President made recommendations as to the utilization of substantial sums of money—$500 million one year, to be supplemented the following year by $1 billion—to help segregated schools.

The conferees, it would seem to me, in view of the President's statement, would want to consider not only the Stennis amendment, but also the possibility of desegregation at a much faster pace with the scheduled expenditure of $1.5 billion for schools that are now segregated. To me, those are important steps not to be taken in a pro forma manner.

I thank the conferees for their hard work. But it is important for the Senate to understand the changes that the conferees have made and their encouragement of segregated education and a segregated society.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield me 1 minute?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

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Mr. JAVITS. Mr. President, are these instructions amendable?

The PRESIDING OFFICER. The instructions are amendable.

Mr. JAVITS. That is, such parts as deal with amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

Mr. STENNIS. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 20 minutes.

Mr. STENNIS. Mr. President, I wish to reiterate what has been said here and previously in the debate—that this motion and this debate is by no means an attack upon the conferees. They have had a very difficult bill, and they have worked on it at great length. And they have worked hard in the conference.

So, we have no criticism of them. We fully appreciate their efforts. Nevertheless, Mr. President, the fact remains that the bill left here with amendment No. 463 in it, which very clearly provided for a policy to be applied throughout the Nation with reference to the integration of schools insofar as the use of HEW money was concerned. And that one policy would be applied North, South, East, and West and would be applied regardless of the origin or cause of segregation.

The amendment used the words "de jure" and "de facto." It also had a clause that it would apply uniformly regardless of the cause or origin of the segregation. And, by the way, that last clause was expressly put before the Senate on a motion to strike. But it was retained in the amendment by a rather striking vote in favor of retaining the language. Also, there was directly submitted to the Senate the question of the terms "de jure" and "de facto" being used in the amendment. That amendment to the amendment was agreed to by a very large majority.

The amendment as a whole then passed the Senate by a vote of 56 to 36. And it stated, as I have said, that single policy.

When the amendment came back to the Senate Chambers, even though it retained the language as subsection (a) of the original Senate amendment, it now has section (b) and section (c) in it. I refer particularly to section (b) which is almost a total reversal of the language passed by the Senate. And that is what we are called upon to agree to.

Those of us who have worked on this matter all these months, and really much longer than many months, are greatly concerned for several reasons that I will enumerate more at length. We are concerned that there has been a diminution of section (a) as passed by the Senate.

More than that, we are concerned that there has been extraordinary confusion injected into a matter that was already confusing.

If this language does remain in the bill, if it is the wisdom of the Senate to retain this language and it becomes law, even though it is just policy, it will compound the confusion that is already rampant on this troublesome subject.

Mr. President, I quote none other than the Chief Justice of the United States when I refer to this confusion. He said just a few days ago in a special statement on one of the decisions that was handed down that this confusion was rampant and that he personally favored making clear-cut decisions and having the cases decided by the Court as they came in and settle several areas of confusion in this field.

Although it is commendable, it is an extraordinary thing for a Chief Justice of the United States to come out and comment upon the confusion. And he was talking about the court decisions and putting himself on record as saying the matter ought to be cleared up.

Mr. JAVITS. Mr. President, will the Senator yield there?

Mr. STENNIS. I yield.

Mr. JAVITS. Mr. President, what is puzzling me is that when Chief Justice Burger said it was confusing, he had not seen this conference report. All he had before him was the Stennis amendment and the cases.

If we were supremely successful—and we cannot be, I can assure the Senate—and if the Senate were to recommit, the most we could come back with would be the Stennis amendment. If it was confusing then, it would be confusing now.

What are we accomplishing? The Senator from Mississippi would try, I am sure, to contribute anything that he could. But even if we were to bring back the Stennis amendment—which I know we cannot do and which the Senator from Mississippi knows we cannot do—we would still have the same situation that Chief Justice Burger complained about.

We say we will do the best we can and let the Supreme Court begin to lay down guidelines. That is fine with us and, as I have said many times, no matter how it affects my State or that region, we will plead for it. We are not trying to get out of this in any way.

Mr. STENNIS. New elements have been brought into this matter that I will refer to later and I will ask the Senator if he will consider those elements at that time.

Mr. President, the purpose of the original amendment is to require that there be one national policy on desegregation applying equally throughout the Nation.

The proposition now before you in the conference report is different from what the Senate passed. It is true that the proposal in the conference report proposes that there shall be a single policy, but it is further set out in paragraph (b) that there shall be two policies. Paragraph (b) provides one policy for what is described, or classified, as de jure segregation, and another for what is described, or classified, as de facto segregation.

In the original amendment adopted by the Senate on February 18, the Senate spoke clearly, firmly, and plainly. The Senate said there should be one policy, uniformly enforced throughout the Nation and that policy should be that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race whether de jure or de facto should be the same in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. That language is clear. The intent of that language is clear. Simply stated, it says the national policy is to deal with segregation under the same rules wherever and whenever it occurs.

After the Senate adopted the original amendment, and after the Senate and House conferees modified that amendment, the President made a lengthy policy statement on school desegregation in which he also to some extent declared that the national policy should be divided into two parts—one policy dealing with de jure segregation and another policy dealing with de facto segregation.

The Nation now has three major school desegregation policy statements before it—none of which wholly agrees with the other.

The Senate has laid down one policy, the Senate-House conferees another, and the President still another.

The result is a high state of confusion which leaves every public official from Cabinet rank down to the public school superintendent in doubt about what the law provides as to school desegregation.

There is even wide disagreement among Senators as to what the conference committee language provides. For example, the chairman of the Senate subcommittee, the Senator from Rhode Island (Mr. PELL) stated at page 8892 in the RECORD of March 24:

> What this means is, that in desegregation activities they will now recognize areas in the South where there is de facto segregation, where it does not come from the past history of events. They will also search in the North more vigilantly and look for areas where there has been collusion among the electorate, the school boards, or the governmental bodies to try gerrymandering the school districts. I think that will be the effect of paragraph (b).

On the other hand the Senator from New York (Mr. JAVITS), who was also one of the conferees, said at page 8900 of the RECORD of that same day:

> The courts can no longer assume, as I see the meaning of this policy statement, that because there was at one time a dual school system, then it follows as a matter of law—we lawyers use the words "ipso facto"—that the segregated system is the result of that dual school system.

In other words, the Senator from New York was recognizing just what he said and that because it had been in an area where there was a dual system that it would not follow as a matter of law, or ipso facto, that the segregated system is the result of that dual system, whereas the Senator from Rhode Island—and I am not critical of him—put in an addendum to his thoughts and said, "Where it does not come from the past history of events."

That points out a very significant point. I think the Senator from New York has a far more reasonable and logical explanation than under this idea where it does not come from the past history of events. In the South, we have been condemned wholesale, presumed guilty without proof, and there has been an assumption that just because a school

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was in a State that had laws on segregation, that that was it and it must be dealt with and the way to do it is to take it apart and tear it down to the extent of closing the schools.

The Senator from New York put a more favorable reading on this language, as I understand him, when according to his quotation, he said:

> The courts can no longer assume, as I see the meaning of this policy statement, that because there was at one time a dual school system, then it follows as a matter of law—we lawyers use the words "ipso facto"—that the segregated system is the result of the dual school system.

I am using this example to show there is a conflict in the thoughts of the conferees about this important point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JAVITS. We will yield ourselves time so as not to intrude on the Senator.

Mr. PELL. I yield to the Senator from New York.

Mr. JAVITS. I do not think it is really true, that there is any conflict between the Senator from Rhode Island and myself or among the conferees, because the Senator from Rhode Island was very careful when the Senator questioned him, to point out that he is not a lawyer. I did not interrupt because I thought the Senator from Mississippi, who is a very able lawyer and judge, had a right to have a free shot at the chairman of the Senate conferees and that the distinguished chairman should explain his intent in, let us say, layman's language.

But I do not believe, in all fairness to the Senator from Rhode Island, because this was so hotly debated in conference, that there was any substantial difference as to what this meant. The courts could disregard it because it is a policy statement. I am too much of a lawyer to assume that any act was vain and to assume that when the Senate acted on the Stennis amendment, and if the Senate votes affirmatively on this conference report, something will not be accomplished. I have made the concession required of me by the facts.

As I see what the Senate has done, if the courts pay any attention to it in a policy statement, this is what we have done. Frankly, it is beyond me how the intent of the section of the bill referred to, as indicated in the debate in February, has in any way been changed by our compromise. I thought our compromise was essentially a semantic compromise with the other body, rather than a legal compromise. I think we accomplished everything that could be accomplished as the law stands now or as the law may develop.

Will the Senator yield to me for 1 additional minute so that I will not intrude on the time of the Senator from Mississippi?

Mr. PELL. I yield.

Mr. JAVITS. We do have a slightly different theory about this and it is an intellectual difference but a very important one. I do not believe the Senate can make a statement of policy except within the law, if it is on legislation. I do not see what else we can do. That is why I think our compromise lies irretrievably before the Senate. So I made the concession which was required.

I suspect that the proponents of the Stennis amendment, because it is a policy statement, think somehow we can make law. I do not think so. I think the most we can do is follow the law as it is on legislation because of Justice Burger's promise—and I think it is a great thing—to extend the parameters of our situation. When they are extended that would be the policy of HEW and the United States but I do not see how in a policy statement like this we can make law. That is really the essence of the difference of view which obtains between us.

Mr. STENNIS. The Senator from Mississippi's purpose in the policy statement was to try to influence the law, influence the courts, perhaps, and influence the executive branch in carrying it out.

Mr. JAVITS. That, I think, the Senator has done.

Mr. STENNIS. I appreciate the Senator's remarks.

Perhaps both Senators are saying the same thing in a different way, but as I read their statements, one (Senator PELL) is saying de facto in the South will not be recognized as lawful if it arose from de jure conditions, while the Senator from New York says the courts are estopped from assuming de facto segregation is caused from a dual school system imposed by law.

The point is that when the amendment is modified by the conference committee and statements in the RECORD concerning the modification language are considered together, it is extremely difficult and I think, as a matter of fact, impossible to clearly determine what the language was intended to provide.

It is impossible for me to determine from the RECORD and from the amendment language, for instance: First, if de facto segregation per se is considered to be legal in the South; second, if so, is de facto segregation caused from de jure conditions recognized as not unlawful; and, third, if so, at what point does illegal de jure segregation cease to be de jure and become de facto?

There is also conflict between the Senate conference proposal and the current practice of the Justice Department and the President's message.

I do not say that critically of the President. Of course, he is trying to perform his duties as best he can. Of course, the Attorney General is trying to perform his duties as best he can. But I tell Members of the Senate that the school boards do not have a chance to deal with the President of the United States and the Attorney General of the United States. They have to deal with people from HEW, and other Federal agencies who go out through the districts and exercise this surveillance and make these personal demands and make all kinds of arguments day after day after day. Some of it—not all of it, but some of it—amounts to harassment. I know what I am talking about in those fields. They have little regard for the distinctions we make here, and frequently they have virtually no regard for what they have been told by the head of their department, the Cabinet officer.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. A problem enters my mind, and perhaps the Senator from Mississippi can shed some light on it. We have before us an education bill. We do not have before us a civil rights bill which we are seeking to enforce and through which we are seeking to impose penalties. Were we considering a civil rights bill, it occurs to the junior Senator from Nebraska that cause would be important; that intent would be important; that the intent of people in obeying a law would be important. Therefore, in considering the whole matter of distinction between de jure segregation and de facto segregation, were this a bill dealing with the enforcement of civil rights, this, no doubt, would be a proper place to discuss it.

However, this is an education bill. I assume the objective of it is to extend benefits and aids to education and to improve education. I would also assume that the beneficiaries are the students.

From the standpoint of extending aid to schools, improving schools, and the education of students, I have a hard time drawing a distinction between de facto and de jure segregation. Regardless of what the cause happens to be, regardless of whether the cause grew up in the last 10 years or in the last 100 years, it is a fact and a situation that affects the operation of schools.

I would like to ask the Senator whether I have stated a problem that merits consideration.

Mr. STENNIS. I certainly think the Senator has, and he has stated it right down at the level of life where it is, where it is found. It is not theory and it is not academic. The purpose of the bill is to aid in the education of children.

Mr. CURTIS. When children are waiting for a school bus or entering a school, it seems to me how a situation arose is entirely irrelevant so far as improving education and the Federal Government's extending aids or benefits to education are concerned.

When we have before us a law on civil rights or a subject in which we are trying to enforce something or to correct a situation that has been brought about by what the courts have held as being unlawful, that is one thing; but today we have before us, not a bill seeking to enforce any law per se, but, rather, to improve education; and certainly we should not use schoolchildren in that situation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 15 more minutes.

The Senator has stated the case in a very practical way. We are dealing here with just a statement of policy, hoping it will have influence on HEW in applying these guidelines. We want them to wipe out the distinctions that have been made. I think the Senator has stated it so well and practically that I could not

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add to what he has said or improve upon it.

Mr. CURTIS. I thank the Senator.

Mr. STENNIS. The subcommittee chairman in explaining the conference proposal said at page 8892 of the March 24 RECORD:

> Let me give the Senator an example of what I am talking about. If a suburb had been built up outside of Atlanta and it was a recent suburb, starting in the mid-fifties, there would be no grounds for HEW to move into that area, because the dual school system would have ended long before that suburb had even been built; and the segregation that occurred there, regrettable as it would be, would be the result of living patterns.

The facts are the Justice Department at this moment is prosecuting a case against the entire State of Georgia which certainly includes the city of Atlanta in which the Justice Department seeks a desegregation order against the entire State.

Unless the Justice Department has evidence that there is discrimination in every school in Georgia, then that Department is acting contrary to the provisions of this amendment as explained by the chairman of the subcommittee who said:

> De facto situations are not illegal in the South.

The Justice Department is also acting contrary to the explanation by the Senator from New York who said:

> There is no presumption of discrimination simply because there was once de jure segregation.

If this amendment is adopted as proposed by the conference committee will the Justice Department then be prevented from proceeding against the entire State of Georgia or any other State?

It appears to me, as I understand the explanation of the Senator from New York, that the Justice Department would be required to cease prosecution of this case against the entire State and would be required, if the case is to be continued, to proceed against individual school districts in which it has evidence of actual discrimination.

This goes back again to the proposition, Who has the burden of proof? The way they have been going so far, they have said that in the South the place where the segregation was found was proof enough.

It is still not clear to me, however, in view of the statement by the Chairman of the Senate subcommittee whether any de facto segregation in the State of Georgia would be recognized as not unlawful.

This confusion is compounded by the fact that the President in his policy statement of March 24 said:

> De facto segregation which exists in many areas both North and South is undesirable, but is not generally held to violate the Constitution.

There is the question again, now. Who has the burden of proof? Is there a presumption against us? If so, how much proof does it take to rebut that presumption?

Does the Senator wish me to yield?

Mr. PELL. If the Senator will yield.

Mr. STENNIS. I am glad to yield to the Senator from Rhode Island.

Mr. PELL. As I read the amendment, which we believe is an improvement on the original language, it would mean, to my mind, that, regrettable as it might be, the current proceedings against the whole State of Georgia could not continue, it would have to be handled on a school district basis. But, again, I am not a lawyer, and I would think this is a matter that the Attorney General or the Secretary of Health, Education, and Welfare would have to decide, and of course it would have to be thrashed out in the courts.

Mr. STENNIS. I thank the Senator for his fine sentiments, and continue, now, with the key point that I wanted to raise.

I appreciate the Senator's concern and desire to be fair but he leaves unanswered the vital question, "At what point and under what circumstances will segregated conditions in the South that meet the test of de facto segregation in the North be recognized as de facto segregation even though that segregation arose in a jurisdiction that required segregation by law?"

That ends my question. We use these terms and we argue about them, and different ideas are held by different Senators, but what we want to know is, at what point, now, will these segregation conditions in the South that meet the test of de facto segregation in the North be recognized as being legal in the South?

It is not at all clear to me when, if ever, that would occur under the provisions of the conference proposal.

It seems to me the Senate is as guilty of inadequate explanation and incomplete action as the Supreme Court was when it ruled all school districts should operate under a unitary school system but refused to define unitary.

I appreciate the fact that advocates of the conference language wish to give the South equal treatment but the central question is: Does the modified language do that?

On the basis of the amendment language and the apparently conflicting statements as to what the amendment means, I am unable to say that it does.

If by straining some explanations to the extreme and disregarding others, it might be possible to conclude the intent is to give fair treatment to the South at some point in time and under some conditions. Even so, it is impossible to determine from the record made here when and under what conditions that fair treatment would be available to the South.

It is argued that fair treatment will be given when the dual school system has been disestablished but the committee proposal gives no indication of the time when, nor the circumstances under which, the dual system can be determined to have been disestablished.

I have talked with the officials in HEW—this was not Mr. Finch, but men who were under him—about the situation and what it would be as time goes on, assuming all these court orders are taken care of and obeyed—and we are obeying them in the South. We have, by the way, a much higher percentage of integration in our schools than is found in many of the States of the North and the East.

I asked them what would be the situation, and they said, "We will continue to keep you under surveillance.

Under surveillance. In other words, it is going to be a police matter—for years and years, even after the court has dismissed these cases—whereas in other parts of the country they are not even touching the schools, not trying to do anything about it, in spite of the evidence that is bulging in their own files of massive segregation, in school after school after school, in State after State after State. But in the South, there is altogether a different policy, altogether a different rule, and altogether a different practice.

I believe that under this amended amendment, there will tend to continue to be just about the same pattern that we have found heretofore, in spite of the sweeping vote here in the Senate in favor of the original amendment.

Mr. President, I know it is no child's play to oppose a conference report such as this. I know it is an uphill battle, and I know that there is great weight in favor of the conference report. It is true that the termination of consideration of a bill has to come sometime, if we are going to have a law on the subject.

I have no desire whatsoever to delay this matter. In fact, whatever good can be found in this original amendment, or the part of it that is left, or anything that the conferees could bring out on second thought, I want to get the benefit of. If we do agree to the motion, asking the conferees to look further into these matters—and I shall emphasize in a moment the points I think they should consider—there will be no disposition by any of us who are sponsoring this amendment to try to delay a final vote on the conference report when it comes back, assuming that it is not extraordinarily out of line with the present one. I would certainly take the lead in asking that we have a consent agreement here to vote on it, with a very reasonable time for both sides to make points that they might wish, but with a very limited debate, because I know things have to come to an end.

There is clear conflict here between what the President says is the national policy and what the Federal Government is now doing in the South.

I see nothing in the conference committee proposal that resolves this conflict. On the contrary the confusion is compounded.

For 16 years the national policy on school desegregation has been confused and uncertain.

The President said 2 days before he issued the March 24 policy statement: "The law at all levels is confused."

Mr. President, that is the No. 1 citizen of the United States, the No. 1 man in our system of government.

The Secretary of Health, Education, and Welfare, Mr. Robert Finch, said on March 2, as reported by the Washington

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Post: "The Nixon administration is confused by what the courts have said."

I did not say that. That is what Mr. Finch has said, and he has dealt with this problem a long time. He has worked hard on it. He said on March 2—and I repeat it for emphasis—as reported by the Washington Post: "The Nixon administration is confused by what the courts have said."

But that is not all. Chief Justice Burger said in the opinion in Northcross et al. against Board of Education of the Memphis, Tennessee, City Schools, handed down March 19, 1970:

> The time has come to clear up what seems to be a confusion—genuine or simulated—concerning this court's prior mandates.

He was not talking about some other court. He was talking about the Supreme Court of the United States. So here we have the Chief Justice of the United States pointing his finger at his own courts. We have the Secretary of Health, Education, and Welfare pointing his finger at his own administration, which he says has been confused by what the courts have said. We have the President of the United States, just before he made the other statement—and he said that he wrote part of that statement, the statement of March 24, 2 days before he said what I have quoted—saying: "The law at all levels is confused."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 3 additional minutes.

Mr. President, the Senate is about to pass on a national school desegregation policy.

The policy laid down should not only be sound, but also, it must be set out without conflict, contradiction, or confusion.

It would be a great disservice for the Senate to leave the record in the state of uncertainty that now prevails about what Congress did and did not provide and/or intend in the policy about to be adopted.

The three national policies that appear to be near agreement, but which have sharp differences, must be resolved so that they are in agreement and accord. I believe this can be done.

It can be done by rejecting the conference committee report without prejudice, and with the simple request that the conferees reconsider the proposal submitted in the light of the President's message.

I believe the matter can be resolved without lengthy debate either in conference or on the floor. However, unless these three policies are made compatible and set forth in clear and easy to understand language, the strife and discord that have marked desegregation of public schools for 16 years will continue and the issue will linger in Congress for months and years to come.

The Senate now has the opportunity to act decisively. It has a clear duty to do so.

Unless it does, the unbridled confusion will continue unchecked. The debate will continue over what is the national policy and public officials at every level will have to search through volumes of speeches, records, and other official documents seeking some guidance in the conduct of their daily work.

There is no need for such a situation to exist. The problem can be quickly solved by a clear, concise conference committee report and appropriate language in this bill that recognizes the differences and resolves the misunderstandings between the three policies now before the Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time not to be applied to both sides?

Mr. PELL. The time to be applied equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, will the Senator from Mississippi yield me 10 minutes?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. HOLLINGS. Mr. President, following the remarks of the distinguished Senator from Mississippi, and the colloquy with the Senator from New York, there is a great deal of talk about confusion. In trying to bring this issue into perspective, there was obviously no confusion when the Senate spoke with the Stennis amendment asking for uniformity of application of the law. It so happens that we started with the separate-but-equal doctrine. We were asked to come back and find out if segregation, in and of itself, was unequal. Then came the distinguished Senator from Georgia discussing the application of the law toward schools in the South when they started applying all the guidelines and all the pressures in such a fashion as to discriminate against the public school systems of the South and allow continued discrimination in the North in their school systems. The Senator from Georgia proposed in the appropriations measures that the guidelines and the assignment of HEW agents be assigned equally over the entire Nation.

Then we finally wrote it into the Elementary and Secondary Education Act. To interrupt my thought here, I would ask the distinguished Senator from New York if he refers to the New York school system as a de jure or a de facto school system?

Mr. JAVITS. I consider it a de jure school system, but I do not think that is what the Senator means. I think what he means is, where there is a heavy concentration of black students in an individual school, what do I consider to be the origin of that condition; Is that right?

Mr. HOLLINGS. Yes. The Senator from New York goes into the origin. In other words, he comes back to the situation as it existed in 1954 at the time the Brown decision was made.

Mr. JAVITS. No, I do not.

Mr. HOLLINGS. The Senator does not? He comes up here with a New York law, last year, which created a freedom of choice plan——

Mr. JAVITS. No——

Mr. HOLLINGS. And, in fact, I think both the New York Times and the CBS news media said that segregation had increased under the law in New York; Is that not correct?

Mr. JAVITS. The Senator is asking me, have I stopped beating my wife. I cannot answer that question. I will answer it in my own time. The Senator says we have freedom of choice in New York, and so forth. None of that is true. I will answer that in my own time.

Mr. HOLLINGS. The Senator does not believe New York has a freedom of choice plan?

Mr. JAVITS. I do not.

Mr. HOLLINGS. Did we not discuss right here on the floor that freedom of choice plan? Did not all the States like Mississippi, South Carolina, Louisiana, and all the rest, adopt that New York law? I believe the distinguished Senator from New York said that he disapproved of the New York freedom of choice law. Is that not right?

Mr. JAVITS. New York's is not a freedom of choice law. As I say, if the Senator wishes me to go into this whole thing—I happened to be on my way elsewhere, but I will do it—I will come back and do it.

Mr. HOLLINGS. I would appreciate it. When we abolished all the laws in South Carolina after the Brown decision, we operated de facto without any compulsion of law for a 16-year period. Does the Senator consider that still to be a de jure school system? Especially when New York comes under the law and then passes a law with respect to freedom of choice in the assignment of pupils, and when the New York Times and the CBS news media both report an increase in segregation under that law? Or does the Senator consider that to be de facto and permissive segregation, where South Carolina has had no law for 16 years? Does the Senator consider that still de jure under the edicts of the HEW guidelines? That is what I am trying to get at.

Mr. JAVITS. I know what the Senator is trying to get at. He happens to be completely wrong.

Mr. HOLLINGS. The Senator disagrees?

Mr. JAVITS. I certainly do.

Mr. HOLLINGS. The Senator disagrees? He considers New York de facto?

Mr. JAVITS. Does the Senator want me to answer his question or not?

Mr. HOLLINGS. Yes.

Mr. JAVITS. Then let the Senator stop long enough for me to answer.

Mr. HOLLINGS. I would be delighted.

Mr. JAVITS. I will do it on my own time. Which does the Senator prefer?

Mr. HOLLINGS. To answer the question: Is New York de facto or de jure, in the Senator's opinion?

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Mr. JAVITS. In other words, am I still beating my wife?

Mr. HOLLINGS. The Senator said one is de facto and one is de jure. I want to know which one New York is.

Mr. JAVITS. Just answer yes or no, right?

Mr. HOLLINGS. Answer de jure or de facto.

Mr. JAVITS. I am sorry. Do I answer the way I think best, or do I answer yes or no? Which does the Senator prefer?

Mr. HOLLINGS. How does the Senator wish to do it? I should like to have an answer.

Mr. JAVITS. If the Senator will just give me the opportunity, I will reply.

New York has a de jure school system. It does not have a freedom of choice or pupil placement plan. Wherever there is a concentration of black students, it is the result of residential patterns which is called alternatively by the people who argue as the Senator from South Carolina does, de facto segregation or racial imbalance, depending upon what law he is writing. In my judgment, the only law passed by New York that has any effect upon this matter is the law with relation to busing, the busing of students for whatever reason. The legislature of the State of New York has held that busing may be ordered to correct racial imbalance only by an elected school board and not by an appointed school board. I have said that I consider that to be a very unwise distinction. I believe that that law is wrong, that school districts should be permitted to order busing for educational reasons, however that may have been constituted by election or appointment. That is the whole situation, as I understand it, for New York.

Mr. HOLLINGS. If the Senator disagrees with the New York law in that distinction, having been afforded the opportunity now to get equality of policy on uniformity of application, I cannot understand why the Senator does not jump at that opportunity rather than becloud it with section 2(b) of the conference report. The Senate wrote in the Stennis amendment, at the suggestion of the Senator from New York, whether de jure or de facto, but then we came around and created separate classes of school children, whether de facto school children or whether de jure school children. I do not see why the Senator from New York says that is so confusing. I would think that would not be objectionable and that the Senator from New York would support us in that.

Mr. JAVITS. The Senator from New York did not put in de facto or de jure. The Senator from Connecticut did. I opposed it and I voted against it. I do not believe the conference report is a bit confusing. I believe it straightened out the confusion which existed in the Stennis amendment. I thoroughly favor the compromise which was developed by the report and I will, in my own time—I hope the Senator will understand and forgive me, but I am on my way elsewhere—but I will explain precisely why.

Mr. HOLLINGS. Does not the Senator agree that section 2(b) does create two classes——

Mr. JAVITS. Not at all.

Mr. HOLLINGS. Two classes: a de jure class and a de facto class?

Mr. JAVITS. He does not.

Mr. HOLLINGS. He does not think so. Well, I do not know how he reads the English language.

The RECORD will show that the Senator from New York has left the Chamber.

What disturbs me is that in the name of eliminating discrimination, they discriminate. That is really what it gets down to. Where the U.S. Senate has an opportunity to establish a policy, they do it in this conscience-ridden section with the Senator from Connecticut leading the way and saying that, whether de jure or de facto, we should have uniformity of application of the laws as a guideline.

When we afforded them this opportunity, they opposed it and imposed further discrimination by creating two classes in section 2(b) and the President of the United States who said that he is going to bring us together also comes up with two classes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 additional minutes.

Mr. HOLLINGS. The section—and I would refer the Senator from Rhode Island to that section of the President's message—says that "there is a fundamental distinction between so-called 'de jure' and 'de facto' segregation."

When he says a "fundamental distinction," he means that there is a separation. And when he says there is a separation, he is saying separate but equal.

I can see former Chief Justice Vinson looking down over that bench in December 1952, after we had argued the same case of Briggs against Elliott, cited by the President of the United States, for a full 3-year period—separate but equal.

I happen to be a graduate of the separate but equal school. And at the time I graduated, they burned the school down.

This conference committee now resurrects the separate but equal doctrine, all in the name of separate but equal under the law.

Any time we ask them a question, they say they are confused. Any time we ask them what kind of a system they have, they say it is like "a beating-your-wife" type of question and all those kinds of things.

Is it not a fact that he has created the separate but equal question? But more specifically, where in the Supreme Court of the United States does it say de jure segregation should be treated differently from de facto?

Can the Senator from Rhode Island, the leader of the conference report and the bill, give me the names of the decisions? I have not been able to find them. Wherein is the decision? I am trying to get de aequitate. I am trying to integrate de jure and de facto and get at the equity principles and get to the one school they talk about under the equitable principles.

Where in the decisions does it say anything about the de jure school system? Everyone accepts it. It is a political decision.

Mr. PELL. Mr. President, my understanding is—and I think it was in the Brown case—that the Supreme Court had ruled segregation wrong. And discriminatory segregations means it is the result of conscious intent, which is de jure segregation.

The Supreme Court has not ruled that de facto is legal or illegal, however, lower courts have held that a fact pattern of de facto segregation was not a basis for an affirmative ruling under the Brown case.

Mr. HOLLINGS. The President's message says, "I am advised that these provisions cannot constitutionally be applied to de jure segregation."

I wonder where he got that advice. Why could they not be applied?

Mr. PELL. Mr. President, I am not certain where he got the advice. Perhaps the Senator from South Carolina is plugged in closer to the administration than I am.

Mr. HOLLINGS. I do not think that either one of us is plugged in.

The Senator had an opportunity to speak on the Stennis amendment. It is a very important subject.

This was the argument in the old days about second-class citizenship. It started out with the man sitting in the back of the bus, the poor black soldier who returned from fighting for the flag and came back and was put in the back of the bus.

We have been told that segregation in and of itself was discrimination and that it was bad and that it was unconstitutional. And we go right to the fundamentals of the 14th amendment, that no one shall be denied.

Now it comes to the Stennis amendment to bring about uniformity of application, and they get into all the confusion and all the legalistic arguments and 19 legal size pages of the President's message saying, "Segregation in the North is de facto because it was prior to the 1954 Brown case. But in the South it is de jure because prior to 1954 they had the separate-but-equal schools. So we will apply the laws one way to the South, carte blanche, and another way in the North, even though it is undesirable." And the fellow bringing us together is the fellow who is making the distinction.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PELL. Mr. President, when the Senator says that it is wrong in the South and right in the North, I do not think that is what anyone is saying, including the President. He is saying that wherever discriminatory segregation occurs, that has been ruled illegal. But as I understand it, segregation, which is not discriminatory has not been ruled illegal.

I realize that we are treading on rather sensitive ground here, but we at-

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tempt to simplify it in layman's terms, so that we and the public could fully understand it.

Mr. HOLLINGS. They understand it all too clearly. I think they all see it. There are many salutary statements in the President's message. For example:

> If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; . . .

Further on the President stated that demands that racial balance "be established as a matter of right, misinterpret the law and misstate the priorities." But not as to the South.

They say, "Southland, you are de jure and have one type of segregation and those laws will apply to you. But in the North, there is de facto segregation, and the laws will not apply to them."

I do not see why we all of a sudden take on the responsibility of the President. Why do we take on the responsibility of the lawyers and the court? Why not take on our own responsibilities? This is the way I understand the Senator from Connecticut and the Senator from Mississippi wanted to go. They said categorically, "Let us make it clear when we pass the law and apply guidelines that we do it uniformly."

No sooner had we spoken than the President of the United States came in and took off in every direction. We had not been able to get a statement from him on schools. But he then made a 19-page statement and ruined the entire effect of the Stennis amendment by creating two classes of people in the name of discrimination by discriminating in the entire message.

I do not think the Senator from Rhode Island and the distinguished members of the committee would really take away the thrust of the meaning of what the Senate had in mind by the legalistic arguments and confusion over the court decisions and what the President has said.

We spoke pretty clearly. We said, "Whether de jure or de facto, let us have uniform application of the law." What is wrong with that?

The House has passed the Whitten proposal. It should not be too difficult to hold the line.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, I yield the floor.

Mr. PELL. Mr. President, as we recommence our discussion of the report of the conferees on H.R. 514, I think it incumbent upon me to relate, once again, the action of the members of the conference with regard to that portion of the bill termed the Stennis amendment.

I regret that we must spend such a great deal of time on this one portion of an excellent and far-reaching bill. For we have before us a major education measure, one that will have an impact on the children of our Nation for many years to come. One cannot pick up a newspaper without finding at least one article about the state of our schools and the educational programs offered. The bill enacted by the Senate in February sought to treat many of those ills. Innovative programs were adopted, new directions charted, yet all of this has been lost in a detailed discussion which many believe has been made moot by that very act of discussion. Now we are asked to recommit this conference report in order to insure that one portion of the bill is brought back completely unchanged, at the same time opening up the whole bill to more amendments and change. The old adage, throw out the baby with the bath water is perhaps overused, but to my mind is most applicable in this instance.

The Senate passed bill contained many provisions not found in the House counterpart. In truth, and I do not mean to crow about this, the bill you have before you is in fact the Senate bill with some modifications. The managers on the part of the House listened to our explanation of the Senate bill, saw the value of the many new sections, and adopted them. When discussion came to the contents of the Stennis amendment, the conference was in danger of falling apart. On at least three different occasions we became bogged down and had to turn to other points of difference, for the positions of the two Houses were diametrically opposed. The Senate conferees were insistent upon the Stennis amendment intact. The House conferees were completely against adoption of that amendment in any form. I shall not bore you with the various combinations of language which were put forward; however, the Senate should be aware that as late as the vote before final adoption of the compromise now before you, the House conferees turned down the language of the original Stennis amendment in lieu of subsection (a) of the conference report. I truly believe that the reported language is the best which could have been brought back to the Senate.

Much has been said about the recent Presidential message on school desegregation. Both sides to this discussion claim support for their approach can be found in that message. I should, therefore, like to quote two paragraphs:

> To summarize: There is a Constitutional mandate that dual school system and other forms of de jure segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of segregation which best suit the needs of their own localities.
>
> De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials may if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

Now let us consider subsection (b) of the revised Stennis amendment, wherein it states that—

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

I cannot see how any other construction can be placed on those two sections of language except they are nearly identical.

It would almost seem that we had been prescient in predicting the gist of the President's message. To now ask that we return to conference in light of the President's message is meaningless, for that message reinforced the value and the strength of the compromise that we brought back from conference.

We have before us a strange problem. We are asked in an education bill, through the adoption of a "statement of policy," to amend by indirection, the Civil Rights Act of 1964. Let there be no mistake as to the present state of the law both by statute and by court decision. So-called de facto segregation has not yet been found to be discriminatory, therefore, the only type of segregation to which the criteria and guidelines can run is de jure segregation. It is this fact which subsection (b) tries to make clear. Personally, I regret that there is presently such a distinction, and would support legislation to do away with it. However, I do not believe that enactment of even the original Stennis language would accomplish that end.

We have attempted to bring to the Senate a workable compromise, one which recognizes the intent of the Senate as manifested by its original adoption of the Stennis amendment, one which recognizes the law as it now stands, and one which could be agreed upon by the conferees from both the Senate and the House. It is my hope that the Senate will accept our good faith offer, and defeat the motion which would send this bill back to conference.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. ALLEN. Mr. President, the issue before the Senate is a simple one. The motion of the distinguished Senator from Connecticut (Mr. RIBICOFF) asks that the Senate conferees be requested respectfully to go back into conference and to explore the possibilities of coming up with an agreement with the other body more in line with the provisions of the Stennis amendment which the Senate, in an all too rare display of statesmanship, passed in February by an overwhelming vote of 56 to 36.

No one questions the good faith, or the sincere efforts, or hard work of the Senate conferees, but since the conference report which they have brought back to the Senate is 180 degrees removed from the direction in which the Stennis amendment sought to proceed, it would seem they could come back with a report more in line with the provisions of the original Stennis amendment.

The Stennis amendment provides for uniform application and enforcement of Federal guidelines and criteria with respect to segregation, and desegregation of the public schools of this country; whereas the conference report sets up two separate and distinct policies, two separate and distinct rules, one rule

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with regard to de jure segregation and another rule with regard to de facto segregation, de jure segregation being the type segregation that is supposed to have been provided by law or by official policy, and de facto segregation is said to be segregation that has come about by fortuitous patterns of residence. The effect of the conference report is to freeze into law the present policy of HEW which does, in effect, have one policy for de facto segregation and another for de jure segregation. So the conference report is much worse than no provision at all because it would provide by statute what at the present time is only the policy of HEW. So that the conference report, by providing two separate policies, makes a recommendation that is just exactly the opposite of what the Senate voted.

It is the function of the conference committee to seek to reach an agreement with the other body, with respect to the bill before them, that is in line with the provisions of the Stennis amendment.

If the Stennis amendment called for one uniform policy, that means one policy, by its very name, coming from the Latin word "unus" for one. It is a uniform policy—one policy. However, the conference committee seeks to provide two separate policies.

I wonder how members of the conference committee, by their efforts and by their report, can reconcile their standing for desegregation of the public schools of the South and maintaining segregation in areas outside of the South. That is exactly what is done by the conference report. They freeze into law the segregation that exists outside the South by protecting de facto segregation.

The Supreme Court has had 16 years to rule that de facto segregation is unconstitutional. They have said that segregation that comes about as a result of official policy, which is de jure segregation, is unconstitutional. They have never yet said that de facto segregation is unconstitutional.

So the conference report, which the motion to recommit would send back for further study, freezes the existing segregation that exists in schools outside the South.

Mr. President, let us assume this set of facts: The conference report protects, fosters, encourages segregation in the North. It exists in many areas of the North, in the big cities of the North, in much greater degree than it does in the South. But the desegregation that exists in the North is being fostered and protected by the provisions of the conference report. The southern schools are trying, and making a great effort, in good faith, to desegregate their school systems as required by the Supreme Court mandate. The President pointed out that in the last year alone black students attending schools that have been properly desegregated increased from 600,000 to 1.2 million. That desegregation took place in the South, not the North.

I have a report here from the board of regents of the State of New York, saying that segregation is in a dramatic rise in the State of New York. Desegregation is the order of the day in the South, whereas segregation, amazingly, is the order of the day in areas outside of the South. So the conference report freezes that segregation into law—not just policy.

Suppose the so-called segregated schools of the South completely desegregated so that there was not a single school in the South that did not come up to the standards of a desegregated school as set by the court. Assume that thereafter those schools went through the process of resegregation so that they would come under the provisions of the de facto policy which is protected by the conference report and which is protected by the President's statement. He said he is not seeking to do, and the executive branch will not seek to do, anything to disturb de facto segregation. Let us assume that on resegregation, then—segregation resulting not from law but from the resegregation of schools—they come under the protection of de facto segregation so that we will then have segregation protected in the North and in the South. Will there then be any desegregation or any integration at all?

I do not believe the distinguished Senators who support the conference report would want to see that. They say segregation is bad and we ought to eliminate it. Yes, eliminate it in the South, says the conference report; keep it in the North. Well, if desegregation is good for the South, it ought to be good for the North.

I am wondering how the distinguished Senators who made the conference report on behalf of the Senate will be able to tell their constituents that they want to see desegregation in the South, but they want to see segregation in the North. How does that stack up with their stand on segregation generally and their statement that segregation is bad and that it is unequal?

After the conference report was drafted and submitted to the Senate, the President came out with his 19-page statement of executive policy. It would occur to the junior Senator from Alabama that the conference committee should take this bill back and study it in light of the President's statement. There is much good in the President's report. Since he is stating what the policy of the executive department is, in many respects the report could be worked into the provisions of the conference report. The President says he is for neighborhood schools. That is good. The President says it is the policy of the executive department to oppose transportation from normal geographic school zones over to others. The President says in his statement that desegregation does not require any set or special ratio between the races in the schools in order to accomplish integration as contemplated by the Supreme Court mandate. All these things are good.

The President suggests appropriating or spending half a billion dollars this year and a billion dollars next fiscal year for improving racially impacted schools, improving their quality, and improving schools that are being desegregated.

As to building up the racially impacted schools, that would seem to the junior Senator from Alabama to be an extension of the separate but equal doctrine, so that in effect, the North, under the provisions of the President's message and under the provisions of the conference report, would be returning, so far as the North itself is concerned, to the separate but equal doctrine.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. Mr. President, on behalf of the Senator from Mississippi, I yield myself an additional 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. ALLEN. So, Mr. President, it seems only fair to the junior Senator from Alabama that the motion to recommit be agreed to and that the bill be sent back to the conference, in order that an effort may be made to come nearer to the Senate provision for one uniform policy, instead of the two policies that are provided by the conference report. I hope that the motion to recommit will be agreed to.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, on behalf of the Senator from Mississippi, I yield myself 15 minutes.

Mr. President, several weeks ago, when the Senate adopted the so-called Stennis amendment, the Senate, for the first time in several years, faced the facts of life in public education. The Senate acknowledged the fact that for far too long, one region of the country had been bludgeoned by the Federal bureaucracy and the Federal courts.

The Senate acknowledged the fact that for too long monumental hyprocrisy had been demonstrated by the Congress in dealing with public education.

The Senate acknowledged the fact that for far too long, the Congress has not been acting in the best interest of the children of this country. Indeed, the Senate faced these facts and many others. We did so by adopting the so-called Stennis amendment.

The Stennis amendment says that it is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964, and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of public school segregation by race, whether de jure or de facto.

Under it, the Department of Health, Education, and Welfare now has the right to set guidelines and rules which will apply uniformly throughout the country.

But now comes this so-called compromise measure. It is a compromise only if you agree that it enhances the interests of those in this body who have had instant solutions to the very difficult problems experienced by the South. It is a compromise only if you agree that it promotes the interests of those Members of this body who have reveled at the sight of a veritable army of Federal agents operating in the South under the direc-

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tion of HEW and the Office of Education.

It is a compromise only if you concur with the interests of those Members of this body who find it easy to legislate when another Senator's State is involved, and unpalatable when his own State would be affected. It is a compromise in the sense that it furthers the interests of those Members of this body who do not want the educational chaos of the South spread to the North.

Mr. President, this so-called compromise amendment is an affront to the Senate as a legislative body. On February 18 of this year, the Senate clearly and unequivocally adopted the Stennis amendment. By this action, the Senate declared legislatively that no longer would the Senate allow unequal application of school guidelines and court decisions.

Now comes the proposed compromise amendment. In short, Mr. President, this proposal is a smoke screen, a maneuver. Its advocates are using this devious tool to avoid taking their own medicine.

Both the Stennis amendment and section 2(a) of the conference substitute declare that HEW guidelines, promulgated to deal with conditions of racial segregation in public schools, whether de jure or de facto, shall be applied uniformly in all regions of the United States. This is fair, just, and equitable. It recognizes that racial segregation is not confined to a single State, that racial segregation is not confined to a single region, but that in reality, racial segregation spans the length and breadth of the entire country. It recognizes that de jure and de facto are matters of semantics, and that semantics have no place in this delicate issue. It declares that racial segregation is racial segregation regardless of the adjectives used to describe it.

But then the conference committee, in section 2(b), reverses both itself and the legislative declaration of the Senate. Section 2(b) provides for one policy to deal with de jure segregation and some other policy, yet to be spelled out, to deal with de facto segregation.

What is this talk of "de jure" and "de facto"? Mr. President, this is nothing more than a perpetuation of the artificial distinctions which some Members of the Congress would draw between the situation which exists in their States and the situation which exists in the South. This is nothing more than a perpetuation of the hypocrisy of some Members of the Congress.

If allowed to stand, what will be the effect of this language? Who determines what constitutes "de jure" segregation and what constitutes "de facto" segregation? What States and regions of the country will be affected by this so-called national policy?

One needs neither the wisdom of Solomon nor the logic of Socrates to predict the end result. The handwriting is on the wall.

There is no de jure segregation; there has been no de jure segregation since the 1954 U.S. Supreme Court decision of Brown against Board of Education which said that de jure segregation was unlawful. However, bureaucrats in the Department of Health, Education, and Welfare, and I dare say some of our more zealous judges on the Federal bench, will disregard this decision as they have done in the past. By HEW edict and bureaucratic maneuvering, de jure segregation will be found to exist in the South. There will be no basis in fact, in law or in logic, but you may be assured that this will not have any bearing on the matter.

I would point out, Mr. President, at this point, that the same decision that outlawed segregation in the Southern States outlawed segregation in the District of Columbia. At that time, the ratio of population in the District of Columbia was about 50 percent black and about 50 percent white. What is it today? It is 95 percent black and 5 percent white. So if you want to draw an analogy of elleged de jure segregation in the South, we have de jure segregation in the District of Columbia, because its segregation was ended and outlawed at the same time it was in every Southern State.

I repeat, the fact that there will be no basis for the finding will not have any bearing on the matter. It has not in the past, and it will not in the future. Curiously enough, Mr. President, de facto segregation will be found to exist in the North. Of course, this will be "looked into" and declared reprehensible, but little, if anything, will be done. This is in keeping with the long-standing tradition of "socking it to the South" while winking at the North.

Students in my State of Georgia will continue to be herded about like cattle. They will continue to be bused many miles to schools which they do not want to attend and which their parents do not choose for them to attend. Teachers will continue to be transplanted against their will in schools many miles from their homes. This will be done despite the fact that in most instances neighborhood schools are open and easily within walking distance.

In my judgment, this is unthinkable. Indeed, Mr. President, it is unconscionable in light of the fact that desegregation equally invidious and equal in proportion exists in the North. Again, Mr. President, I ask why this talk and language of "de jure" and "de facto"? Very few, if any, of my colleagues in this body can declare in good conscience that segregation does not exist in their home States. Very few, if any, of my colleagues in this body can declare in good conscience that the segregation which exists in many portions of their home States is lesser in degree than the segregation which exists in the southern States. In fact, my colleagues from outside of the South, nobly acknowledge that segregation spans the length and breadth of our country. However, their segregation is a unique and curious animal. It is, in their terms, de facto segregation—an innocent and benign breed which is unlike that which exists in Georgia. They maintain that since this is the case, their de facto segregation cannot be shackled with the same guidelines and policies which have been thrust upon their neighbors to the South.

Make no mistake about it, Mr. President, while this logic is somewhat amusing, this is no laughing matter. Many of my colleagues from outside the South decry the progress of desegregation in the Southern States. Yet, according to the Department of Health, Education, and Welfare, desegregation in the Southern States has virtually doubled, rising from 20 percent in the past school year to almost 40 percent at the present time.

On the other hand, last year's enrollment figures for Chicago show 8.9 percent desegregation; for Gary, Ind., 10.5 percent; for St. Louis, Mo., 6.3 percent; for New York City, 20.8 percent; and for the Nation's Capital, 0.9 percent. Mr. President, I dare say that if such blatant instances of segregation existed in the South, a great cry would go up from Congress, and the Federal Government would use every resource at its disposal, short of calling out Federal troops, to beat the offending school district into submission.

Many Members of this body from outside the South react with righteous indignation at the mere suggestion that their States are by no means perfect and that racial discrimination in public education flourishes in places other than the South. Great alarm is expressed and the label "de facto" is hung on their school situation. I submit that it is an exercise in futility to compare Atlanta or Macon, Ga., with Chicago, Ill.; New York City; Gary, Ind., or practically any other city, and arrive at the conclusion that public school segregation is caused by housing patterns in northern cities and by other factors in southern cities. I reiterate that segregation is segregation regardless of the labels or adjectives one uses.

Scorn and ridicule have been heaped on school officials and residents of Georgia. On the other hand, when confronted with the same problems in other regions of the country, the Federal Government has observed a policy of benign neglect. Now comes the conference committee's substitute for the Stennis amendment. It embraces the vague and as yet undefined terms, "de jure" and "de facto." This measure proposes to resurrect and revive the now-extinct concept of de jure segregation. By contrast, this measure erects a sacred cow—de facto segregation. In all honesty, I do not believe that any Member of this body entertains any illusion as to the rationale behind or the ultimate effects of such legislative gymnastics. If this measure is adopted, the people of Georgia should brace themselves for another volley of school guidelines and another human wave attack by HEW bureaucrats and another round of disruptive court decisions. On the other hand, school officials, parents and students outside the South can breathe easier, for they can seek refuge behind the protective barrier erected for them by this so-called compromise measure.

I oppose the conference substitute for the Stennis amendment because I am concerned with public education in my State. Many of my colleagues from outside the South will support this substitute measure because they, too, are concerned with public education in their States. I oppose it because I do not want to continue the chaos and turmoil in

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Georgia's public schools. They will support it because they do not want this chaos to invade their States' public schools. My point is, if we are going to have a law and have it interpreted by the Government and the courts as meaning a certain thing, then that law and that meaning ought to be carried into every single State of this Nation, and not just to a selected few.

Sixteen years ago, the Supreme Court unequivocally declared that so-called "dual" school systems were inherently unequal, that one school system could not be established for one group while a separate school system was established for another group.

Today, the Senate confronts the conference committee substitute for the Stennis amendment. This substitute or compromise measure would perpetuate the long-standing practice of establishing one body of laws for one region of the country and establishing another body of laws for other regions of the country. It would go further. It would compound the evils of dual laws with dual systems of enforcement. I ask the Senate, is not the remedy as mischievous as the ill which it purportedly seeks to cure? In the field of public school guidelines, is not the doctrine of "separate but equal" inherently unequal? Is not the Senate talking out of both sides of its mouth?

Mr. President, a month ago, the Senate renounced just such hypocrisy in a show of courage and in a sense of fundamental fairness. Today, the courage and sense of fair play of the Senate is again put to the challenge. I hope that the Senate will stand by its vote on the Stennis amendment and, in the words of the President, "be true to our national conscience."

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. Who yields time?

Mr. **JAVITS**. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent—as it will be brief—that the time be charged to both sides.

The **PRESIDING OFFICER**. Is there objection?

Mr. **STENNIS**. Mr. President, reserving the right to object, I will cooperate for a few minutes, but we are about to run out of time. I do not object, Mr. President.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **JAVITS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. EAGLETON). Without objection, it is so ordered.

Mr. **JAVITS**. Mr. President, I again suggest the absence of a quorum, the time for the quorum call now to be charged to the side of the proponents.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **PELL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. CRANSTON). Without objection, it is so ordered.

Mr. **PELL**. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

Mr. **JAVITS**. Mr. President, we have heard a great deal of argument about the conference report on the so-called Stennis amendment. What we have failed to hear is argument which is directed to the compromise made by the conferees. From listening to Senators who argue against what we have done, one would think that we were back in the argument on the amendment when it was voted by the Senate in the first place. But we are well over that particular bridge.

We now have the Senate version of the Stennis amendment. The conferees were sent to do their utmost to retain it. I respectfully submit that we have retained it in large part and in substance, and that we have brought back a very creditable version of the Senate's purpose. Yet to hear the proponents of the Stennis amendment, one would think that what we should have accomplished was to adopt the Stennis amendment all over again. That is all they argue for.

But we cannot argue against it. We were the conferees, and that is water over the dam.

We must then debate two questions: First, does the amendment essentially accomplish what was the will of the Senate, as close as it can be brought back here? Second, can we do any better? Third, if we did take the whole issue back to conference, what would we lose in the process?

The last is the extremely important point. I should like to point out to Senators who are deeply concerned with the fact that this is an education bill of great importance to the States and communities that we compromised the duration of the bill from 4 years to 3. The House insisted on 2 years, so the duration could easily be cut back again to 2 years.

We will not get anything on the Stennis amendment unless we give in another direction, and that might make Senators far more unhappy.

Also, the cost was cut from $35 billion to $24 billion by other changes made. There is lots of latitude to cut the amount far below that, if the House conferees were to have their way.

A very important issue which is involved is the issue of comparability of services by schools which get the benefit of funds to buttress the education of children from poor families. This definition ended up satisfactory to the Senate's intention, which was that comparability should be brought about as soon as possible in order to raise the level of schools heavily impacted with children of poor families. There, too, the House was stubborn. I cannot assure the Senate that if we take it back, we will do nearly as well.

Also, with respect to the consolidation idea, that is the idea of consolidating various titles of aid in the elementary and secondary education field, with grants to the States to be made in a lump sum, the House insisted on a massive consolidation which, in our judgment, completely blotted it out.

As to the essential purpose of aid to children of poor families, we were able, by hard bargaining—we took a case in respect of this compromise on the conference report—to work out a modest consolidation and we consolidated only four titles into two titles in the bill. One of these we considered important and the other we did not consider of vital importance. Counseling, which is title VI of the National Defense Education Act, was consolidated into title III of the Elementary and Secondary Education Act, which is supplementary education centers. The Senate bill had previously consolidated section 12 of the Arts and Humanities Act and title III of the National Defense Education Act, both provisions dealing with equipment. If we take the matter back, we will have a new struggle on the question of consolidation.

Also the question of loans forgiveness on loans to college students would be again under consideration. This is a grave problem for us.

That is the way to cover the field in the biggest way. Depending on Government appropriations, we limited the number of students who can enjoy the benefits markedly. In order to do that, we had to insist that a good deal of the loans on forgiveness had to be surrendered.

The House took the opposite position. There were smaller numbers who would be benefited by student loans but broader forgiveness was in there because it depended on Government appropriations. We did well on that in sustaining the Senate's position. We will materially limit the opportunity for student loans, if we go back to that particular arrangement, yet that is exactly what is likely to be done.

So, there are powerful reasons why four members of the conference committee, who had voted for the Stennis amendment, signed the conference report because they realized in an education bill that the questions which relate to education should preponderate. And they did. I cannot assure the Senate, as the senior conferee on the Republican side, that we can bring back a conference report this way.

The Chair has already ruled in respect of the motion to recommit by the Senator from Connecticut (Mr. RIBICOFF) that the instructions therein contained—namely, to negotiate to retain more of the Stennis amendment—is something which we cannot be instructed on. The whole conference report would be open and every question would be newly at issue.

The Senate is taking its chances on what we can bring back, whether we can bring back anything which will be different or allegedly better than the Stennis amendment.

As to the Stennis amendment itself, I really think that the proponents of that amendment are going to the well once too often. I think we have kept our pledge.

I remind the Senate that I was probably the most single ardent opponent of the Stennis amendment. Nevertheless, as the ranking minority member of the conference, I made a pledge that I would fight for the amendment as if it were my own. And I did. And I believe we have kept the pledge.

There is not only no confusion in what has come out of the conference, but what has come out of the conference is much better than what went to conference. It is much more meaningful. It gives more support to the position sought to be put forward by the Senator from Mississippi and his colleagues.

It is a fact that we are makers of law, and policy must necessarily be connected with law—either law now or in the future. And in seeking the uniform application of the law—as we are not passing a law, but are dealing only with a policy declaration—the most we can do is to see that the present law is uniformly applied and that as a law it will be uniformly applied.

All of these things are done. And I, as a lawyer, have stated so.

The Senator from Mississippi read my statement. And I stand by it. The fundamental objective of the situation sought to be accomplished by the Stennis amendment is that all would be treated the same. That has now been accomplished. And that has not been challenged.

I respectfully submit that the statement of the Senator from Rhode Island (Mr. PELL) must be read with my own. He said when he began that he was not trying to interpret this as a lawyer. He is a layman and nothing he said is inconsistent with the interpretation put on the policy declaration—namely, that both de jure and de facto segregation, as we call racial imbalance here—that whatever the law may be, it should be applied uniformly.

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I cannot see how more can be done. In addition, we retain the amendment which calls for higher appropriations to the enforcement agencies, the HEW and the Department of Justice, in order to enable them to redeem that pledge.

We cannot make law when law does not exist. And we cannot make of the Stennis amendment a provision of the law because it was a policy declaration that passed the Senate.

We cannot write in it beyond what it says.

We can leave it out or bring it back as it was. I do not know what they expect of the conferees. We can bring it back as it is and the House will not agree to it if it takes all summer and next winter.

We could strike it out, and I think the House would agree to that. We could agree with the House in short order then. But I doubt that that would be very satisfactory to the proponents.

One thing is of critical importance. And that is the President's statement of policy on school segregation. I did not read it at the time of the conference, and I had not been briefed on it. And I am sure that the Senator from Rhode Island had not read it. And I do not know of any member of the conference that did. But as we rewrote this provision, we might as well have read it, because we followed it almost to the letter. It is almost prescient that we said in almost the very same words what the President's detailed, careful, and balanced analysis of the situation said and the policy statement which resulted.

I beg the Senate to listen to these particular provisions appearing on page 14 of the President's statement on elementary and secondary education.

He said:

> *De facto* racial separation, resulting genuinely from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

That is precisely what we said in this provision which is now included in the conference report:

And to make that crystal clear, I would like to read to the Senate, immediately following that statement by the President, what the Senate conferees had to say on the subject, and let the Senate decide:

> SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Mr. President, that is precisely what the President said, almost word for word. We anticipated it without being briefed in advance when we wrote the conference report.

The third provision of this particular section says:

> (c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

All that says is do not let down on the enforcement of this law. The Senator from Mississippi argued precisely that in so many words when he argued for the Stennis amendment. What we did was to put it in words and not leave it open to question.

The last part that relates to beefing up the Justice and the Department of Health, Education, and Welfare appropriations was not changed at all. It is the Senate provision as the Senator from Massachusetts (Mr. BROOKE) proposed it.

I respectfully submit that if we had had the President's statement in hand, we could not have written the provision any better.

The provision is now precise; it deals in every way with uniform application of the present law and it deals with the application of what the law may be. It fits in exactly, for example, with the statement of the Senator from Mississippi (Mr. STENNIS) about the present state of the law in the courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield 2 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. The Senator said the courts are confused. The President said in his statement that there are many conflicting lower court decisions and that he is going to wait for the Supreme Court. Nothing that we say affects that or changes it. We say that whatever the law is now will be applied uniformly; that whatever the law will be so far as the education bill remains the law will be applied uniformly. I do not see anything more we could do with the Stennis amendment.

It seems to me we brought back an excellent version of that amendment, more precise and exactly in accordance with our powers and specific on the question of uniformity.

Finally, I submit that a very marked amount of success has been attained by the proponents of the amendment, an amendment which I depreciate and deplore and which I do not think is good for the country. However, I had my duty as a conferee, which was to bring the entire matter back as it passed the Senate. I cannot conceive the other body considering it. What else could the conferees do except run the risk that these balances, with all the time, money, and conditions in the bill dealing with education, a bill of vital interest to every community in the United States, might go down the drain because we have upset the balance.

We are seeking the impossible in respect to the Stennis amendment. I hope very much the majority of the Senate will be so advised and that the motion to recommit will be rejected and the conference report approved.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, the position stated by the able senior Senator from New York (Mr. JAVITS) is substantially a sound one. Whereas he voted against the Stennis amendment in the Senate, I voted for the Stennis amendment in the Senate. I served as did the Senator from New York and other Members of this body, as a conferee on the Senate panel with the House conferees. There were only three Senators; the Senator from Texas (Mr. YARBOROUGH), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. RANDOLPH), who now speaks, who continued throughout the conference to support the Stennis proposal as embraced in our Senate passed bill. We continued during the conference not only to uphold the position taken by the Stennis amendment as passed, but we continued to so vote. But our viewpoint did not prevail. We, however, signed the conference report in an effort to report a realistic and fair measure that embodied the principles of the Senate version.

It is important for me, as an original active supporter of the amendment of the Senator from Mississippi (Mr. STENNIS), to state to my colleagues that I carefully reviewed my support of the amendment in the Senate and which continued in the conference as we approach the decision today. I think it would be a futile gesture for me to vote to recommit this matter to conference. I have conferred informally with House and Senate conferees in whom I have confidence and I see no advantage to a continuance of the effort in conference for the purpose of the Stennis amendment, which I have earnestly endorsed. It will do no good to carry the matter back to conference, for either acceptance in conference or further action in the House. Additionally, the broad provisions of this legislation are as important to the strengthening of our educational system that they must not be delayed.

So it is with some reluctance, but I think it is a correct interpretation of the situation, that I shall vote against recommittal.

Mr. PELL. Mr. President, I would like to confirm what the Senator from West Virginia has said. I do not recall the exact number of Senators who signed the report. I believe it might have been more than three. However, that is a matter of record and can be ascertained. Nevertheless, I felt exactly the same way. We did our best. If we were to return to conference now, I do not think we would do any better. It is for this reason that I very much hope the conference report will be accepted.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. PELL. I yield.

Mr. STENNIS. The Senator understands there has never been any attack on the conferees; but, instead, there has been an expression of appreciation.

Mr. PELL. Yes; and I am most appreciative.

Mr. STENNIS. The Senator was very considerate of me. But at the same time did not the Senator think until right at the last there would be a different addition to the amendment than occurred?

Mr. PELL. The Senator is correct.

Mr. STENNIS. And a milder one.

Mr. PELL. Exactly. I tried out some language on the Senator from Mississippi which I thought pretty well cut the difference, and I asked him if it was acceptable. The Senator said it was not. But in my capacity as manager of the bill, I took it upon myself to get that language through and it was like barking up a tree to get that language accepted. I am not sure, but I do not think we got a single House vote.

Mr. STENNIS. I do not question the Senator. But this is so different than the measure voted on in the Senate, the Senator knew, did he not, that the Senate could take a firm stand in conference to let the House conferees take it back to the House to pass upon?

Mr. PELL. Perhaps, we could have left it at a point of difference, but I felt as manager, after discussion with colleagues on the conference, that we should do what we could, as the Senator from Mississippi knows much better than I, as Members of this body to come out with something. We did have an entire bill to consider.

As I pointed out to the Senator the other day, as in the situation when he was the manager of the Defense bill, and did a sterling job trying to get our amendments accepted, we realized that if we could come back with one-half a loaf or a quarter of a loaf loss it was encumbent upon us to come back with a complete action, just as the Senator came back in connection with the Defense bill.

Mr. JAVITS. Mr. President, will the Senator yield to me for a correction?

Mr. PELL. I yield.

Mr. JAVITS. I am informed by the Parliamentarian—I checked my recollection—that we could not bring this amendment back in disagreement. The rules would not permit us to bring it back. It was of such a nature we had to come back with an affirmative and positive resolution of it or we had no conference report.

Mr. PELL. I thank the Senator from New York. I was not aware of that. I guess neither he nor I were aware of this parliamentary situation.

Mr. President, I suggest the absence of a quorum, the time to be equally charged to both sides.

Mr. STENNIS. If the Senator will permit me, I would substitute that we ask unanimous consent that we have a quorum call without it being charged to either side, so that we may have a conference.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask that the time be charged to my side.

The PRESIDING OFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

Mr. EASTLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 952.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, which was to strike out all after the enacting clause, and insert:

That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under section 133 as amended by this Act.

(c) The existing district judgeship for the district of Kansas, the existing district judgeship for the eastern district of Pennsylvania and the existing district judgeship for the eastern district of Wisconsin created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes," approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States Code, as amended by this Act. The Act of September 23, 1967 (81 Stat. 228), and section 5 of the Act of March 18, 1966 (80 Stat. 78), are hereby repealed.

(d) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this Act in the number of permanent district judgeships for said district and combinations of districts, such table is amended to read as follows with respect to these districts:

District	*Judges*
Alabama:	
Northern	4
Middle	2
Southern	2
Arizona	5
* * * * *	
California:	
Northern	11
* * * * *	
Central	16
Southern	5
Colorado	4
* * * * *	
Florida:	
* * * * *	

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District	*Judges*
Southern	7
Georgia:	
Northern	6
* * * * *	
Southern	3
* * * * *	
Illinois:	
Northern	13
* * * * *	
Kansas	4
Kentucky:	
Eastern	2
Western	3
* * * * *	
Louisiana:	
Eastern	10
Western	4
* * * * *	
Maryland	6
* * * * *	
Michigan:	
Eastern	10
* * * * *	
Missouri:	
Eastern	3
* * * * *	
New Jersey	9
New Mexico	3
* * * * *	
New York:	
Southern	27
Eastern	9
* * * * *	
Ohio:	
Northern	8
Southern	5
* * * * *	
Pennsylvania:	
Eastern	19
* * * * *	
Western	10
Puerto Rico	3
* * * * *	
South Carolina	5
* * * * *	
Tennessee:	
Western	3
* * * * *	
Texas:	
Northern	6
Southern	8
Eastern	3
Western	5
* * * * *	
Virginia:	
Eastern	6
* * * * *	
Wisconsin:	
Eastern	3

Sec. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in said district shall not be filled.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in said district shall not be filled.

Sec. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

(b) In order to reflect and implement the changes made by subsection (a) of this section, section 24 of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"Sec. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

"(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

"(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply."

Sec. 4. (a) Section 128(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

"Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland."

(b) Section 128(b) of title 28, United States Code, is hereby amended to read as follows:

"WESTERN DISTRICT

"(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

"Court for the Western District shall be held at Bellingham, Seattle, and Tacoma."

Sec. 5. Section 92 of title 28, United States Code, is hereby amended to read as follows:

"§ 92. Idaho

"Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

"Court shall be held at Boise, Coeur d' Alene, Moscow, and Pocatello."

Sec. 6. Section 118(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

"Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia."

Sec. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

"Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland."

Sec. 8. Section 93(a) of title 28, United States Code, is amended by striking out "Court for the Western Division shall be held at Freeport." and inserting in lieu thereof "Court for the Western Division shall be held at Freeport and Rockford.".

Sec. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

"Court for the Indianapolis Division shall be held at Indianapolis and Richmond.".

Sec. 10. The second paragraph of subsection (c) of section 89 of title 28, United States Code, is amended by inserting "Fort Lauderdale," immediately after "shall be held at".

Sec. 11. Section 102(b)(1) of title 28, United States Code, is hereby amended by striking out at the end thereof "and Lansing" and inserting in lieu thereof "Lansing and Traverse City".

Sec. 12. (a) Paragraph 1 of section 123(c) of title 28, United States Code, is amended by inserting "Haywood," immediately after "Hardin,".

(b) Paragraph (2) of such section is amended by striking out "Haywood,".

Sec. 13. (a) Paragraph (5) of section 124 (c) of title 28, United States Code, is amended to read as follows:

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, Panola, Shelby, and Upshur.

"Court for the Marshall Division shall be held at Marshall."

(b) Paragraph (1) of such section is amended by striking out "Panola," and "Shelby,".

Sec. 15. Section 41 of the Act of March 2. 1917 (ch. 145, 39 Stat. 965), as amended (48 U.S.C. 863), be and hereby is repealed.

Sec. 15. Section 753 of title 28, United States Code, is hereby amended as follows:

(a) The first sentence of subsection (e) is amended by striking and eliminating the words "at not less than $3,000 nor more than $7,630 per annum".

(b) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section in insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court will best serve the needs of such district court."

Sec. 16. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. Reporting of court proceedings

"The Court of Claims is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"796. Reporting of court proceedings."

Mr. EASTLAND. Mr. President, I move that the Senate disagree to the amendment of the House and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. TYDINGS, Mr. HRUSKA, and Mr. SCOTT conferees on the part of the Senate.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask the Senator from Rhode Island if he would yield me 10 minutes.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I rise in support of the elementary and secondary education conference report. At the outset I would like to read a telegram from the Leadership Conference on Civil Rights signed by Clarence Mitchell, as follows:

> A crucial civil rights vote comes this Wednesday on the elementary secondary education conference report (H.R. 514). Urge you to be present to vote for the conference report and against any attempt to restore the Stennis amendment.

This is the position of the Leadership Conference on Civil Rights which has worked so significantly not only in this issue but all issues affecting human rights that have come before the Congress in the recent years.

Mr. President, some of the remarks I shall make will be in reference to a speech shortly to be delivered by the distinguished Senator from Connecticut (Mr. RIBICOFF). Although that speech is yet to be delivered the Senator was kind enough to give me a copy which I have read. I shall make some comments on it and on some of the other issues that bear upon the vote that will take place shortly.

The motion which is now pending to recommit the conference report—which will be accompanied by suggestions to the conference about changes that should be made—raises almost precisely the same issues that were debated when the original Stennis amendment was proposed. This proposal would declare a national policy to eliminate racial isolation—a policy which I strongly favor—but no remedy. Indeed, existing provisions in law prohibit several of the remedies available. Thus, this proposal imperils the elimination of official discrimination wherever found, while doing nothing to strike at racial isolation. It imposes a new responsibility upon the HEW Office for Civil Rights to treat all forms of segregation the same, whether they arise from official discrimination or not. Since many forms of segregation, however undesirable, are not now illegal, and since present law prohibits the Office of Civil Rights from requiring busing to overcome racial imbalance, the Office for Civil Rights would be required to pursue a policy which has never been defined and for which remedies have not been developed.

This new proposal, like the original Stennis amendment, would do nothing to eliminate racial isolation. It would only arm those who wish further to paralyze the Office for Civil Rights with the powerful argument to slow down their activities to eliminate official discrimination wherever it is found. It would, as the New York Times observed, "convert Northern guilt into segregationist glee." Coupled with the firing of Mr. Panetta—because he enforced the law—and the President's timid policy statement on desegregation the other day, the adoption of this proposal might destroy any further functioning of any kind by HEW.

Mr. President, I think it is terribly important that we understand the vital nature of the Office for Civil Rights in the enforcement of the law of the land prohibiting official discrimination. This office has been the principal force behind progress toward the elimination of official discrimination where it has been found.

Contrary to some reports, the HEW school desegregation program is not irrelevant. It is true that the Justice Department is assuming a greater burden than in the past in relation to desegregation efforts. However, HEW is now involved in 65 percent of the 436 southern and border school districts not in compliance, while the Justice Department is involved in only 35 percent. And HEW is involved in activities in the North as well as the South. To eliminate and imperil the functions of this effort strikes a fundamental, vital, and irreparable blow against those forces which wish to eliminate official discrimination in the country.

One of the key arguments for those who wish to take this step, as the Senator from Connecticut will say, is that official discrimination—de jure discrimination—is virtually at an end."

In fact, there is still a profound, pervasive, national problem of official discrimination in this country. Despite all of the efforts that have taken place thus far, and despite the impressive progress under title VI of the Civil Rights Act of 1964 and court decisions, the latest figures available show that 1.2 million out of 3 million black students in the 17 Southern and border States still attend totally segregated schools.

Moreover, de jure segregation is not found solely in the South. It is a national problem. There have been lawsuits brought by the Department of Justice, HEW enforcement proceedings brought by the Office of Civil Rights, and State proceedings in State courts and in school districts relating to de jure segregation throughout this land.

For example, Pasadena, Calif.; Waterbury, Conn.; Indianapolis, Ind.; South Holland, Ill.; Madison, Ill.; Tulsa, Okla., and East St. Louis, Ill., are cities in which the Justice Department has filed desegregation suits.

HEW is active in desegregation efforts involving 48 localities in the following 16 States: Arizona, California, Colorado, Connecticut, Illinois, Kansas, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Utah, and Wisconsin.

Twenty of these 48 cases have proceeded to the stage of review by the General Counsel's office in HEW, where a determination is made about the probable existence of discrimination, present or future, including six cases which have been settled or in which enforcement proceedings have begun.

Ferndale, Mich., and Wichita, Kans., are examples of northern and western cases where enforcement proceedings have begun.

In addition, HEW has chosen 500 target districts in northern and western States for further review and action. These are districts which include at least one school with a minority group enrollment of 50 percent or higher.

Yet, we continue to hear, throughout this debate, that all we are talking about is punishing the South, that our definition of segregation is such that it is simply a regional policy which we wish to pursue.

In fact, we are opposed to official discrimination wherever it is found. Law suits and enforcement proceedings have been brought throughout this country, and I think we are going to find more and not less of this in the future.

It is not a regional problem. It is not a regional policy. The policy of eliminating official discrimination, if effectively pursued, as it must be, is a national policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield to the Senator 5 additional minutes.

Mr. MONDALE. As I said earlier, official discrimination remains a national problem. It is not virtually ended. A great deal remains to be done. The Office for Civil Rights and title VI enforcement are fundamental and indispensable parts of any solution, and it is terribly important that they remain important, functioning

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parts of this Nation's efforts to eliminate discrimination.

Let me say one other thing, because this seems to get lost: We are not talking about social theories here. We are not talking about what we would rather do or rather not do. We are talking about pursuing the decisions of the U.S. Supreme Court—issued over the past 16 years—which define and which prohibit official discrimination wherever found. This is the de jure-de facto distinction, and it is not just a figment of some northern strategist's imagination. It is the settled law of the land. When we pursue a policy that eliminates the effectiveness of the executive arm, which has been charged with the responsibility of enforcing the law of the land, we are saying that that particular law is one which does not appeal to us.

If we believe in justice, if we believe in a nation which pursues and supports the law of the land, then we must pursue an enforcement policy that supports the laws as determined by the U.S. Supreme Court and as found in our Constitution. That is precisely why the proposal to restore the Stennis amendment through recommital of the conference report holds such great peril for this Nation's future commitment and policy toward the elimination of discrimination.

Mr. President, we do have a profound responsibility, in my opinion, to deal with the problem of racial isolation found throughout this land. It is, as the Senator from Connecticut rightly points out, a national scandal. It is a problem which, for the children who must suffer from it, may be indistinguishable from the problem arising through official policies of discrimination. That is why I fought so hard for—and that is why I am so pleased that the Senate established—the Select Committee on Equal Educational Opportunity.

I have spent the last month intensively studying the literature dealing with the problem of racial isolation. I have talked with many of the experts in this country and others who have dealt with the problems of racial isolation. If one wants to face a problem that causes him to be humble, he should spend some time seeking to focus on that issue. It is one of the most difficult, profound, and heartbreaking problems in America today. It is a national problem. But more than that, it is a problem we are going to have to eliminate if we want to reform a system which literally mangles and destroys millions of American children before they have ever had a chance.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. I yield 3 additional minutes to the Senator.

Mr. MONDALE. That is the task which this committee and the Senate and a decent Nation have before them. It is as complicated as anything can be. But if we are against racial isolation, if we are against unfairness in the schools, we must have a real policy based upon knowledge of what works and what does not work, a policy which incorporates the best thinking on this problem, and a policy which puts us on a strong, sound course which will attract the support of the people of this Nation.

I think it would be wrong at this time, when we seek to pursue that policy, to say, "Yes, we have a problem with racial isolation; but until we can solve that, let us go slow or go backward on the elimination of official discrimination."

In a sense, the policy which others would have us declare is at war with the remedy that has been proposed.

Finally, Mr. President, permit me to comment on the timeliness of this proposal. We had months of hearings before the Senate Education Subcommittee. The committee held months of executive sessions on this bill. We had nearly 2 weeks of debate on the floor of the Senate. We had nearly 2 weeks of conference. At any time we could have been presented with the proposal which is now suggested that the conferees adopt. At no time were we presented with the proposal now suggested. It seems to me that there is a problem of timeliness.

If the Senate is ever going to conclude its business, there should be a time when, in reason and in terms of the practicability of the operation of the Senate and of Congress, an issue must be closed. The Senate conferees tried very hard—and I think that has been acknowledged by those who support the Stennis amendment—to sustain the position of the Senate in conference.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield 1 additional minute to the Senator from Minnesota.

Mr. MONDALE. It is no secret that I, personally, strongly opposed the Stennis amendment during the Senate debate. But I tried to be true to the principles we must comply with in the conference. For 2 weeks we tried to sustain the Stennis amendment. We were unable to do it. The House simply would not accept a principle which would involve the dismantling or the diminution of the effectiveness of the title VI school desegregation program.

Therefore, and for these reasons, I respectfully request my colleagues to join with me in supporting the conference report.

Mr. ALLEN. Mr. President, will the Senator yield, and will the Senator from Rhode Island yield me 3 minutes?

Mr. PELL. I promised to yield 15 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. PELL. I yield.

Mr. ALLEN. I wanted to ask the Senator from Rhode Island if he would yield 3 minutes of his time.

Mr. PELL. I had already promised to yield 15 minutes to the Senator from Mississippi, and I imagine the Senator from Alabama will be speaking on his time.

Mr. STENNIS. I had promised to yield to the Senator from Kentucky, and I yield to him at this time.

Mr. COOPER. Mr. President, I appreciate very much the courtesy of the Senator from Alabama, Senator ALLEN. I have been in a meeting to which I must return. I know every Senator has the same problem, and I should not ask for special privilege, so I am particularly grateful to the Senator.

Mr. President, I voted for the amendment of the distinguished Senator from Mississippi, Senator STENNIS, when it was before the Senate during the consideration of H.R. 514, and I shall vote today for the motion of the Senator from Connecticut to recommit. Briefly, I should like to explain my reasons for so doing.

I voted for the amendment of the Senator from Mississippi because I believed it had opened an inquiry in Congress and in the country which might lead toward a solution of some of the difficult problems concerning school desegregation.

The amendment of the Senator from Mississippi, as amended by the Senate—section 2 of H.R. 514—and section 2 of the conference report are only statement of the policy of Congress. Nevertheless, each reflects and expresses a viewpoint of importance, and the intention of the Congress which would provide to the Department of Health, Education, and Welfare guidelines for reliance in the exercise of its duty. Each would also submit to the courts, for such importance as they might deem fit, the viewpoints of Congress upon questions which have not yet been determined by the Supreme Court.

I think it will be agreed that the holdings of the courts thus far that the courts have jurisdiction and, therefore, HEW has responsibility, in all cases of de jure segregation; that it also will be agreed that the courts' holdings are that the court has no jurisdiction and therefore HEW no responsibility, in situations of de facto segregation.

I think it is correct that in those States whose governments had formerly provided by law for a dual school system—a segregated system—the courts will take jurisdiction in situations—situations which would be termed de facto in States where dual school systems had not been ordered by law. Further, the Federal courts have not yet ultimately decided upon the requirements for busing.

The debate on section 2 of H.R. 514, as passed by the Senate, recognized that Congress could not restrict the Supreme Court in whatever decisions it might render with respect to school desegregation, when the decision was rendered under the 14th amendment.

But the Stennis amendment—broad in its purpose—proposed that Congress should establish a policy, a goal of equal treatment throughout the Nation. I believe we are called upon to make a study of these problems and provide to the Department of Health, Education, and Welfare rational guidelines, and to the Supreme Court its judgment of ways that educational quality may be achieved in this country, and without derogation of the mandate of the Brown case and the cases that followed in its wake. It is my position that the mandate of the Brown case should not be diminished and could not be by our act.

The Senate, as a result of the debate, and its appeal to fairness, adopted the Stennis amendment. It adopted also the Mondale-Javits resolution, Senate Resolution 359, establishing a Select Com-

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mittee on Equal Educational Opportunity to study and report to the Senate on or before August 1, 1970, and finally not later than January 31, 1971, on the very issues we are discussing. Funds for the committee were provided in Senate Resolution 366.

Section 2, as reported by the conference, is well drawn and I consider it very clear in its meaning. The difficulty I find with it is that it accepts and writes into H.R. 415—even though as an expression of a policy—the very conditions—the status quo—as thus far developed and expressed by the Department of Health, Education, and Welfare—conditions which the Senate agreed should be made rational and improved.

I do not object to its statement of law, which is a correct one at present, but if the work of the select committee is required, and is to be of value, and if it is the purpose of the Senate to help develop a more uniform application of law throughout the Nation, without derogating the constitutional requirement of the equal protection of the laws in school desegregation, I do not believe that the Senate should adopt the language reported by the conference, which in essence describes and frees the existing situation, and contradicts the expressed position of the Mondale-Javits amendment to seek the best and most rational means of effecting both a clearer statement of law by the courts as to issues connected with the desegregation of schools and guidelines for HEW, fair to the entire Nation.

Mr. PELL. Mr. President (Mr. Schweiker), I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. ALLEN. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from Alabama.

Mr. ALLEN. I wish to inquire of the distinguished Senator from Minnesota (Mr. Mondale), since de facto segregation has not been ruled to be unconstitutional, and since the conference report in section 2(b) protects de facto segregation from the provisions of the Stennis amendment, if all de jure segregated schools in the country did become desegregated so that they complied with the mandate of the Supreme Court, and after such compliance through no official action but through fortuitous patterns of residence, the desegregated schools became segregated again and claimed the benefits of de facto segregation, is it not possible that in this country we would have all segregated schools and no integrated schools? Is that what the distinguished Senator from Minnesota is seeking to accomplish?

Mr. MONDALE. As I mentioned in my remarks earlier, I would favor that part of the Ribicoff proposal which declares a national policy to overcome racial isolation. I think that racial isolation is a curse. I think that to separate people on the basis of color or religion is a disastrous policy for this country to follow. But what I do not agree to is pursuing a policy which does nothing about racial isolation but which will only have the effect of diminishing the effectiveness of title 6 as it seeks to enforce the law of the land prohibiting racial discrimination wherever it is found. I feel strongly about the issue of racial isolation, as I think the Senator from Alabama knows, which is why I fought so hard for the creation of an Equal Education Committee to deal with not illegal phenomena but undesirable phenomena in American life; namely, a racially isolated and unequal education system in the country. That is what I seek to deal with.

Mr. ALLEN. The Senator still has not answered, though, as to how we would obtain segregation if the segregated schools first moved into a position of being desegregated, then returned to the position of being segregated, and then to eliminate segregation we are not willing to apply uniform rules at this time.

Mr. MONDALE. The first point is, I personally do not think we have a choice in upholding the law of the land as it applies to racial discrimination. That is point No. 1. We have to eliminate it wherever it is found. It is found in the North and in the South. We must devise a policy, which is why I called for the creation of this committee to deal with racial isolation and to seek its elimination.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I thank the distinguished Senator. Perhaps at a later date he will see fit to answer the question of the Senator from Alabama.

Mr. MONDALE. I tried very hard to——

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. MONDALE. I have tried very hard, time and again, to reply fully and adequately to the profound questions of my Senator friend from Alabama. It seems that I am still not capable of doing so, so let me try again.

Mr. ALLEN. I thank the distinguished Senator from Minnesota.

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont (Mr. Prouty), the ranking member of the Subcommittee on Education.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, I wish to reiterate the position of the Senate conferees as summarized in the memorandum prepared for the Senator from Pennsylvania (Mr. Scott). To the best of our ability, we sought to uphold the will of the Senate as expressed by the Stennis amendment. Time and again we tried to make it clear how strongly the Senate felt on this question. We asked the House conferees to seek some form of compromise that would not destroy its intent and of several proposals suggested, and this was the only one that came close to the language or intent of the Senate.

While we all knew that this language might not be acceptable, we did feel it was the best that could be devised and that literally no other room for compromise was left to us. To the best of my knowledge, each Senator present when the vote to compromise was taken recognized that the House would rather jeopardize the whole bill than accept any other language. In the belief that the highest priority must be attached to passage of the education bill, I believe we made the correct decision.

Nevertheless, I recognize that we have done substantially what the Senator from Mississippi (Mr. Stennis) did not want in creating two policies that pertain to school desegregation. We have, however, made it clear with regard to both policies that they will be uniformly enforced in all areas of the country. This at least recognizes the wishes of Senator Stennis that in the future equal enforcement and effort must be made to end segregation.

Since the conference voted to accept this compromise, there has been some clarification from the President himself that makes a part of this discussion somewhat academic. The President has noted that there are two forms of segregation and, further, that they cannot be treated alike. But he, too, has stated that for each type, we must treat all parts of the country alike and this is certainly in accord with one of the major tenets of the Stennis amendment.

I understand that the purpose of the motion to recommit the bill to conference is to establish a clearer policy with regard to the confusion between the two types of segregation. This I believe is unnecessary in view of the lengthy debate already devoted to the subject that has exposed a wide variety of the ramifications of present and future policy.

It would be difficult, if not impossible, for the Senate and House conferees to go beyond the debate that has already taken place. As those of us who were in the conference know, the House conferees are not at this time willing to go beyond support of policies of equal effort and enforcement across the Nation.

But it is time for the courts and the administration to examine specific situations and make recommendations for solution of remaining problems. Only through examination of particular problems and circumstances can reasonable and equitable progress be made. The intent of the Senate and the President are now known. It is time for the courts and the administration to work out the specific means of implementing the policies that exist or are evolved. The proposal to return to conference for reconsideration of section 2

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would most likely produce no more than a reaffirmation of the President's message and could jeopardize once again the education bill itself.

For this reason, I shall vote against a motion to recommit, and I urge Senators to do the same.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time of the quorum call to be divided equally between both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 28 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 28 minutes.

Mr. RIBICOFF. Mr. President, the Senate-House conferees on the Elementary and Secondary Education Act have missed a great opportunity to adopt a policy opposing segregation no matter what its origin and no matter where it is found.

This is a tragic failure, for it marks another step toward the division of our society into two camps, one white and one black.

This is a national problem that demands a national solution. Unfortunately, the conferees have not met this challenge.

I appreciate the long hours and the good faith efforts by the Senate conferees supporting our earlier call for a national policy of desegregation. Opposition by the House conferees, however, has led to a provision that puts us in a worse position than ever before.

The House conferees agreed to retain the full text of our amendment designed to deal with the critical problem of race and segregation facing this country. Once again, however, the House has clung to the fiction that segregation in the South is evil while that in the North is benign.

Language has been added stating that there will be one policy for de jure segregation and another policy "as may be provided pursuant to law" for de facto segregation.

No policy is provided now. Thus, we can continue to salve our consciences by pointing a long finger at the South while ducking the problem in the North.

Our unwillingness to deal with this problem now, will haunt the cause of civil rights for years to come.

We have all worked hard to see segregation end in the South. But, by refusing to move now with equal vigor against the tremendous segregation in the North, we may win the battle and lose the war. We have talked so long about the difficulties of dealing with de facto segregation that we may have convinced blacks as well as whites not to bother.

Moreover, we may also find that, rather than ending segregation in the South, our insistence on handling de facto segregation separately may simply encourage segregation everywhere.

Obviously, we must end immediately all State inspired and State supported segregation, no matter what name we give it and no matter where it occurs.

But to continue to confine our enforcement policies to de jure situations alone is to confine our commitment to an integrated society to an increasingly small and irrelevant role in American life.

Truly de jure segregation as we have defined it is virtually at an end. Over 90 percent of all school districts in the South, for instance, have adopted approved plans for desegregation. And yet, segregation continues to exist and is increasing throughout this country.

This is not a new phenomenon. For years we have witnessed the development of two residentially segregated societies in cities throughout the North. In the last few years these same residential patterns have begun to appear in the major cities of the South. We call this de facto segregation, but it is segregation nonetheless.

In many southern cities we are presently dealing with de facto segregation by labeling it de jure. We presume in the South that dual schools inevitably reflect State imposed segregation. In the North, we rest comfortably with the presumption that segregation occurred by happenstance without our personal involvement.

We cannot continue this charade. Soon we will have to recognize that the segregation we find in major cities in the South is no different from that in the North. Those willing to ignore de facto segregation are in effect supporting segregation on a national basis, South as well as North.

The Supreme Court has not yet chosen to deal with the question of de facto segregation in our society.

The President told us last week that his administration will not act. De facto segregation will be allowed to exist in the South as well as in the North.

This is a popular decision politically. It assures northern whites in their secluded suburbs that nothing will disturb them. The problem of race is someone else's problem.

The Congress must make its choice. Shall we join in this posture of official acquiescence or has the time come to demonstrate a commitment to end racial isolation nationally?

Shall we tell the South that if they will just segregate their society as well as their schools, the way we do in the North, we can all segregate together? Or, will we call upon all Americans as a country to move against segregation everywhere?

Discussion of integration in the North always evokes nods of understanding, words of encouragement, and the promise of further study.

In the meantime, discrimination continues and our educational system collapses.

"The problem is too complex in the North. We must move slowly and carefully," we are told.

These same arguments were unacceptable when presented by the South. The South's motives are evil, the North's pure.

We cannot move fast enough to integrate the South. But the process slows to a halt once we look toward the North.

We have had enough discussion of integration as a goal for someone else. No one has yet explained to me why a child in a segregated school in the South is irreparably harmed while a child in the North is not.

A child in the third grade who goes to an all-black or all-white school—whether in Mississippi or New York City—has not the slightest idea that there is a difference between de jure and de facto segregation.

If segregation is bad in Alabama, it is bad in Connecticut.

It is time to see integrated, quality education as a national goal—not simply as a penalty imposed on the South for losing the Civil War.

Arguments are offered why we cannot make our policy clear at this time. None of them is compelling.

Some maintain that, while they oppose de facto segregation, nothing can be accomplished until the Supreme Court has spoken.

We have come full circle. The Supreme Court once was expected to tackle political questions only when it was clear that the political process was unable or completely unwilling to act. The argument now seems to be that Congress will not act until the Supreme Court has taken a position.

Nothing in this area requires us to wait for the Supreme Court to act. We can declare de facto segregation unlawful, at least for the purpose of receiving Federal funds. We do not need someone else to supply us with our courage.

Some have justified their unwillingness to adopt a policy statement opposing de facto segregation by arguing that we don't know how to attack this problem. Yet no one hesitates to support the attempts to end school segregation in southern cities that for all purposes look exactly like Chicago, Ill., and Rochester, N.Y. If we can end segregation in Atlanta, Ga., we can end it in Philadelphia, Pa.

Moreover, we have established a select committee specifically designed to tell us how to implement a policy of equal opportunity in education everywhere. What is needed now is a policy statement by the Congress that all forms of segregation are to end wherever they exist.

Others have argued that applying a policy opposing segregation in the North and the South will inevitably lead only to a slowdown in the South. Why is the reverse result not equally possible? Why would an evenhanded policy not increase integration in the North?

The South is presently proceeding under integration orders isued by the Supreme Court pursuant to the 14th amendment. Congress is powerless to change these decisions.

In addition, the language of the conferees has specifically noted that nothing in the amendment is to be construed to "diminish the obligation of responsible officials to enforce and comply with

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guidelines and criteria in order to eliminate discrimination."

Some opposition to a national policy of integration at this time is based on legislative obstacles that exist prohibiting attempts at overcoming "racial imbalance." Again, the operating assumption seems to be that we are impotent to repeal prohibitions we ourselves enacted.

I disagree. If language in the Civil Rights Act of 1964, the Elementary and Secondary Education Act, or appropriations bills must be modified to allow us effectively to move against all forms of segregation, we should be prepared to introduce such legislation and work for its passage. But this does not prevent us now from making our policy clear.

Some have argued that a slowdown in the South will result because we will stretch our already thin resources across the Nation. However, the Senate passed a resolution overwhelmingly agreeing that additional manpower and financial resources would be provided.

The language of the conference report supports this view. The report instructs the Departments of Justice and Health, Education, and Welfare to "request such additional funds as may be necessary to apply the policies set forth in this section throughout the United States."

Unfortunately, since the language of the conferees does not require any substantially increased activities in the North, this reference to additional money is now basically gratuitous.

I urge, therefore, that the conferees be given another chance to set forth a national policy for ending segregation. The wording should not be difficult.

A number of possibilities exist. The conferees could simply delete subsection (b) of section 2. De facto segregation would not then be singled out for separate treatment. Subsection (c) would still make it clear that the thrust of the amendment is not to slow down integration in the South, but to speed up in the North.

If the actual wording of subsection (a), the Stennis amendment, is to be changed, subsection (a) could read:

> It is the policy of the United States that racial isolation in schools be ended throughout the nation, regardless of whether or not that racial isolation is caused by laws or other actions which, presently or in the past, required or promoted the racial separation of children in school.

Subsection (b) could then be worked as a specific call for new guidelines as follows:

> The guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendment of 1966 shall be modified to apply to conditions of segregation by race, whether *de jure* or *de facto*, in the schools of the local educational agencies of any state and shall be applied uniformly in all regions of the United States, whatever the origin or cause of such segregation.

Another possibility would be to add new language stating simply that no Federal assistance would be provided to any school system until that system had established that all feasible efforts were being made to end segregation promptly, no matter what its form or what its origin.

In any case, subsection (c) and (d) should remain.

There may be other possibilities but I cannot believe that we do not know how to draft language clearly stating that both de jure and de facto segregation in this country are intolerable and should be brought to an end.

We must be realistic as we look at the problems we confront. In some situations, perhaps in the South as well as the North, true de facto situations will exist that are not amenable to immediate measures of redress. We have been too willing to assume, in the North, however, that supposedly de facto situations are totally independent of State action.

In city after city, school lines have been drawn to encourage the separation of the races, to encourage the development of residentially segregated housing patterns, and to encourage the improvement of some schools at the expense of others. In cities like Los Angeles and Chicago, schools are built and lines are drawn to maximize the separation of the races.

You can call this de jure segregation or label it de facto segregation. In either event it represents the same insidious attempt at racial segregation.

We are also too willing to suppose that de facto segregation in the North inevitably cannot be overcome without massive busing. In numerous cities, district lines could easily be redrawn, suburbs encouraged to participate in programs with the central cities, and schools built in locations designed to distribute the population evenly throughout the city.

In some cases, no doubt, we will not be able to end segregation in the immediate future. Nonetheless, we cannot abandon children in these areas to the miserable schools they presently attend. We cannot continue to ignore schools such as those in Washington, D.C., simply because they are not integrated and the possibilities for substantial integration in the next year or two are limited.

Our objective must be to provide the best education we can for all children, black or white, North or South.

The President has recognized this in his message and wisely recommended that an additional $500 million be spent in the next year on schools in racially impacted areas. I supported such additional funding earlier and I continue to feel that it is of critical importance now.

We must also insure that States and cities are not allowed to discriminate in their own allocation of funds. Each school must receive its fair share, and receive it immediately. The conferees, unfortunately, only require that "average" expenditures for schools generally be equal. And even this is put off until 1973. I hope both these decisions will be reversed when the conferees consider this bill again.

I also agree that financial assistance should be provided to all schools for the additional expenses involved in desegregation. As the courts have held, cost is no longer a valid reason for continued denial of human rights.

But money for central city schools is not sufficient. We cannot simply consign black people forever to our rotting central cities, throw a few more dollars into their educational process, and wash our hands of their problems.

We must renew our commitment to long-range programs designed to truly integrate our society.

The problem of desegregating our society is a national one. It involves more than just our schools. In fact, segregation in our schools only reflects the segregation in our society. As a people we have no national policy at the present time to attack this problem, and we will not have one until we involve whites and white communities in the North.

The President's message briefly mentioned the need for "a free and open society."

I support this general goal and the President's discussion of the need for equal opportunity for jobs and housing. But the President has provided no program or money to meet this goal.

Guaranteeing the freedom and mobility the President mentioned is not easy. But simply talking about it is not enough.

It is clear that we cannot solve the problems of our central cities without involving the suburbs. It is there that new jobs are being created and new land made available for housing. But we continue to foreclose the "new" America developing in the suburbs to Americans simply on the basis of the color of their skin. We will continue to harbor the cancer of racism throughout this society until we change our policies.

We must begin to pursue a policy of true integration in the North as well as the South. I supported Senator STENNIS' amendment because it offers us the challenge to proceed together to solve this problem. I continue to support this amendment because it focusses our attention as a Nation on the need to develop a truly open society. But I will also happily support other language I have discussed designed to end segregation across this country.

As a result of our recent debates here in this Chamber, we have begun to consider throughout this country the entire problem of education, race, and society. The work of the Senate-House conferees, however, has blunted the thrust of this discussion.

If we remain unwilling to view the problem of integration as a national problem, we may find we have encouraged a national acceptance of segregation. I urge the Senate, therefore, to recommit this conference report to allow the conferees to make it clear that we support integration as a national goal.

It is time for discussion to end and action to begin. For the blacks in the North as well as the South have no more patience with the good game we talk, since they are the victims of the game we actually play.

Mr. President, I am certainly sorry to see the Senate conferees yield the way they have to the House conferees, and yield in such a way as to destroy every good that came from the debate and the Stennis amendment. May I say it would have been much better for this Nation, as well as the Congress, if the conferees

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had completely deleted the Stennis amendment, instead of enacting subsection (b).

The conferees should have another opportunity to go back and correct the mischief that they achieved in this conference report. The conference report will be here to haunt this Congress and haunt this Nation for many years to come, because the conferees have definitely taken a long step toward a dual, separate society. Those who believe in the cause of civil rights, believing they have acted for civil rights, have done exactly the opposite. They have made segregation now and in the future a national policy for the United States.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. STENNIS. Mr. President, I think the Senator from Connecticut has made another speech that will live and will be a landmark as well as a guideline for future developments in this troublesome field. I commend him again.

If the Senator will allow me to ask him a question, it has been argued that the motion to refer it back to the conference committee opens up and jeopardizes all else in the bill. Technically, everything will be open, but the way the Senator's motion is worded makes it unmistakably clear, does it not, what we are voting on here, and that is the only motion that has been made?

I wish the Senator would explain that for Senators who have just come in.

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Mr. RIBICOFF. That is essentially correct. While it is true that there is no way, once the conference report is recommitted, to prevent the conferees from going into other matters in the conference report, that certainly is not the intention of this recommittal motion. All I have in mind is to take another look at section 2 and to alter section 2 to comport with the objectives of the Senate. The debate was a thorough one; it lasted 1 day, and then went over a recess and we took another full day debating it. The Senate acted unmistakably by a vote of 56 to 36.

As we have seen during this debate, while the motives of those of us who voted for this measure might have differed, there was no question that what we were trying to do was establish a uniform policy. It was a great opportunity, it seemed to me, to take away some of the deep-seated differences between the North and the South. For 100 years now, we have had this feeling of separation between the North and the South. May I say to the Senator from Mississippi that I have been amazed recently. I have been visited by many people and have had voluminous correspondence. People conclude their letters and conversations with me by saying that what I sought to accomplish is correct, but it must be wrong because I supported an amendment offered by the Senator from Mississippi. It was tragic to see them immediately dismiss the value of the amendment simply because it was offered by a Senator from Mississippi.

Mr. President, all 100 of us who serve in this body from North, South, East, and West have come to deeply respect the integrity of the Senator from Mississippi and his commitment to our Nation and its laws, its objectives, and its purposes. Even though we might not vote the same way on every issue, I do not think that any Member of this body would question his sincerity.

One can only imagine the depth of the division in this Nation when criticism is leveled at an amendment because it happens to be offered by a southerner. If I were from a Southern State, I would never apologize for being from the South, just as I do not apologize for being from the State of Connecticut. But it is a tragic turn of events when those who live in the North seek to establish their good faith by questioning the good faith of the distinguished Senator from Mississippi.

I have been proud to be associated with the Senator from Mississippi in this fight, because I believe that what the Senator from Mississippi has tried to achieve is basically sound, and good for the unity of the United States of America.

Mr. STENNIS. Mr. President, I certainly do thank the Senator from Connecticut, and I say again that his contribution here will be of lasting importance. It has been extraordinary, and very wholesome, and his influence has been felt throughout the Nation.

I believe the Senator's time has almost expired. I ask unanimous consent to have printed in the RECORD certain figures. The Senator from Minnesota cited certain comparative figures, as I understood, between the North and the South, with the impression that there is very little integration in the South. There is not time to answer him by stating these figures; but the first time I got into figures on this subject was occasioned by a statement made in the annual report of the Civil Rights Commission. That is certainly not a segregationist booklet, but it led me to the comparison about how much segregation there was in the North as compared with the South. So I ask unanimous consent that these figures be printed in the RECORD at this point.

There being no objection the statistics were ordered to be printed in the RECORD, as follows:

STATISTICS FURNISHED BY MR. STENNIS

In the 17 southern and border States, according to HEW 1968 school survey figures, 86% of the Negro students are in districts covered by Court Order or HEW voluntary 441–B monitored plans (3,078,561 out of 3,579,107) and 67.3% of all students (white, Negro, and other minority groups) are under Court Order or voluntary 441–B monitored plans (9,446,481 out of 14,773,802). In the southern and border States, there are 405 Court Order districts and 1,056 voluntary plan HEW 441–B districts.

By comparison, in the 32 northern and western States relatively nothing has been done. There are no HEW 441–B monitored plan districts; the Department of Justice has been involved in, or initiated, only 7 school desegregation cases; and the HEW has initiated only 2 administrative proceedings, the last one within the last 60 days. In the 32 northern and western States, the 2 HEW cases and the 7 Department of Justice suits involved districts where there are only 86,725 Negro students or 3.2% of the total Negro student enrollment of 2,703,056.

Only 1% of the total student enrollment in these 32 States (302,861 out of 28,579,766) will be affected by the action taken by HEW and the Department of Justice.

This in the face of the fact that conditions of racial segregation in the North and West today are much worse than in the southern and border States and on the basis of the relatively few school surveys that have been made, (48) the HEW field staff reportedly is finding more than 50% of these districts in substantial violation of the Civil Rights Act of 1964.

In Mississippi as of now, federal funds have been cut off to 30 school districts containing 30,500 Negro students. The remaining 118 districts contained 223,784 Negro students. Of these 223,784 students, 50.4% attend either majority white schools in HEW monitored "voluntary plan" districts or school districts which have been integrated under Court Order, based upon HEW-approved plans.

This compares with an average of 27.6% for the 32 Northern and Western States. The percentage of Illinois is 13.6%—22.5% in California, 32.3% in New York, 20.6% in Michigan, 27.3% in Nebraska, 27.7% in Ohio, 27.5% in Pennsylvania and 30% in Indiana.

The **PRESIDING OFFICER.** All time yielded to the Senator from Connecticut has expired.

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, as usual, I commend the Senator from Connecticut for espousing a proposition with which I wholeheartedly agree—the elimination of racial discrimination wherever found in this country. Unfortunately, I believe that the remedy endorsed in the Senator's speech would do just the opposite. It would impede the elimination of official discrimination by impairing the potential effectiveness of the title VI office.

I favor a policy to eliminate racial isolation and assure equality of educational opportunity throughout this Nation, and that is why I have supported the creation of a permanent Committee on Equal Educational Opportunity.

But what it is proposed be done here has nothing to do with racial isolation. It is designed to further dismantle and impair the effectiveness of an already seriously crippled title VI office.

This action is proposed to be taken on several grounds. One I must challenge immediately and fully, and that is the statement that de jure segregation is virtually at an end. I must respectfully and totally disagree. Despite what we have heard, and despite the impressive progress under title VI and court decisions, the latest figures available show that 1.2 million of the 3 million black students in the 17 Southern and border States still attend totally segregated schools.

The second part is that all we seek to do by this conference report is continue apologetically to point a finger at the South, ignoring the fact that increasingly actions by the Justice Department, private actions, and actions by HEW are being brought in school districts throughout this country. I earlier referred to seven lawsuits being brought in the North and the West by the Department of Justice. I cited a list of 16 States in which HEW activities are now being undertaken, and I have indicated, through several specific references, the fact that this is a national problem; it is not found just in the South.

Finally, I wish to point out that this is not just a matter of official policy. It is not just a question of whether we would prefer or not prefer to take a certain step. When we talk about eliminating de jure segregation, and when we talk about the functioning of the title VI office to eliminate such discrimination, we are talking about nothing less than enforcing the law of the land as declared for the past 16 years.

To say that the title VI office should be dismantled, to say that it should be weakened in this way, is simply to say that this is one law, this is one objective—namely, the elimination of official discrimination—that does not rate very high in the priorities of the Senate.

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. MONDALE. Mr. President, I hope the Senate will resoundingly reject the motion to recommit the conference report.

Mr. PELL. Mr. President, I yield an additional minute to the Senator from Minnesota.

Mr. MONDALE. No; I have finished.

Mr. PELL. I yield whatever time he wishes to the Senator from New York.

Mr. JAVITS. Mr. President, I, too, have listened with very great interest to the presentation of the Senator from Connecticut. I think it is fair to say that the speech of the Senator from Connecticut touched off the vote which resulted in the adoption of the Stennis amendment; therefore what he says in developing his theme is very important.

Mr. President, I think we now begin to see what he is after. I did not see it when we argued on the Stennis amendment myself, though others apparently did; but I think I begin to see it now.

The idea, Mr. President, as I see it, is to set a goal for the country—to wit, to eliminate all racial imbalance, because that is all de facto segregation is—which is unattainable, at the same time that we seek to eliminate the vestiges of de jure segregation, but to slow up anything that cannot be done consistent with that national pattern, until that national pattern is attained.

Mr. President, this is impossible, and the Senator admits it is impossible. But we see the true purpose.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. Does the Senator, then, believe that this is a goal that we should not seek, as a nation, to attain?

Mr. JAVITS. Not at all. I think it is a goal which we should as a nation seek to attain. But I do not believe that it should be set as a goal in such a way as to cripple the effort to do something we can do something about; and I say that is the result of the effort to try to put it all on the same basis. I do not believe it deserves to be on the same basis, and I shall explain why. I do not think it can be on the same basis or should be.

The fact is that under the Constitution now, de jure segregation—to wit, segregation which is the heritage of a dual school system enforced by State law—is unlawful. We have not yet eliminated it. We have a right to try to eliminate that, at the same time that we move to raise our national sights to deal with other problems—to wit, segregation attributable to racial patterns, and so forth—knowing full well that it will take a long time to change the latter; and insofar as the latter is being used as an excuse for unlawful segregation under the Constitution, it is reachable under the Constitution today.

When Senator Ribicoff says—I think this is the gravamen of his complaint—that, in city after city, lines have been drawn to encourage the separation of the races, to encourage the development of residentially segregated housing patterns, and to encourage the improvement of some schools at the expense of others, he states, in my judgment, the nondemurrable cause of action under the laws that exist today. The amendment we have brought in, this policy, will require the Department of Justice to go after those practices just as hard in the North as they do in the South, and I am all for it.

In short, Mr. President, there is no use, in my judgment, in trying to pass an education bill which will make the criterion of seeking desegregation to be an unobtainable one and therefore put the pace of any efforts at the pace of all efforts.

Another thing which is a matter of good faith: The Senate has written into this—and it has gone in the conference, and nobody challenges this—the statement—and I read now from the bill passed by the Senate, page 153, lines 22 to 25—that money under this bill cannot be used to require "the assignment or transportation of students or teachers in order to overcome racial imbalance or alter racial composition."

That is another way of saying "to correct de facto segregation."

So here is one policy, and now what is contended for is that the Stennis amendment seeks to put into effect another policy—to wit, the policy of everything going together, and the money in this bill to be used for the purpose of making that happen.

I respectfully submit to every Senator's conscience what would happen to us if we had come in with these appropriations and tried to strike out that section. We would have been beaten here not 56 to 36, or whatever the vote was on the Stennis amendment. We would have been beaten here probably 82 to 10.

So let us be honest with ourselves. If we are not going to be guilty of hypocrisy, let us understand ourselves, that we are trying to fix a goal we can attain. That is the way we view it in the Stennis amendment, and that is the way the President sees it. Indeed, we might have been prescient in having written this provision as we did, in the light of exactly what the President said, almost in the same words, in terms of meeting this problem.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. Is the Senator from New York saying that while we should have a national policy to deal with racial isolation, the remedy that is proposed in the Stennis amendment does nothing about seeking that policy, that indeed many of the provisions embedded in the education act prohibit any method?

Mr. JAVITS. Exactly.

Mr. MONDALE. But, on the other hand, would provide a powerful argument to further limit the effectiveness of the title VI office.

May I further ask the Senator whether it is not the case with respect to the title VI office that enforcement of policy is still the key weapon in enforcing the law of the land in eliminating official discrimination.

Mr. JAVITS. That is exactly what it is, and that is what we have brought in in this conference report.

Mr. MONDALE. So that in a sense the objective declared, dealing with racial isolation, is at war with the remedy that is being supported?

Mr. JAVITS. That is exactly right, in this provision, which, as I say, we would have been shellacked if we had ever tried to strike it from this bill.

(At this point Mr. Griffin assumed the chair.)

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator from Rhode Island for yielding to me.

Mr. President, I was one of those who served as a member of the conference committee, and I should like to say to the Senator from Mississippi and the Senator from Connecticut that the Senator from Rhode Island and the Senator from New York, the ranking leadership, fought extremely hard to keep the Senate position in conference.

I have had the privilege of serving on four conferences in the last several months, and I do not think any conferees fought harder to maintain the Senate's position than did the Senators from New York and Rhode Island.

Unfortunately, we could not move the House to accept the Senate amendment, so this was a compromise.

I think it is only fair to point out that there are certain elements that the Senator from Mississippi and the Senator from Connecticut won even in the compromise.

First, they got the uniformity principle established across the board. Whether you are talking de facto segregation or de jure, it is a uniform policy in the North and in the South. I think this needed doing. I think the compromise version says it.

Second, I think it is the first time in legislative record that we actually pinpoint de facto segregation. I do not recall any similar debate in which we actually have pinpointed it in this way and have enunciated it as something to be concerned about. So they have gained a second point—de facto segregation is a matter of record.

Third, I think it also points out a problem that no doubt has been occurring in some Southern States, as the Senator

XUM

from Mississippi has well pointed out—that is, that some of the judges have interpreted de facto to be de jure, and vice versa; and they have issued some rulings on the basis that de facto and de jure are the same. To the extent that this is not being followed in the North, it is an unfair policy.

I think that one thing their suggestion and the compromise produces is that from now on if the courts are going to look at a case in the North or in the South, they are going to have to distinguish between de facto and de jure, so that each is treated equally, instead of one way in the South and another way in the North.

I think that these are three things that are in the conference version that were not there before the amendment of the Senator from Mississippi and the Senator from Connecticut prevailed.

The other point I should like to make is that, by an odd coincidence, because our conference worked actually prior to President Nixon's message——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield a half minute to the Senator from Pennsylvania.

Mr. SCHWEIKER. I want to close with the thought that although our conference worked independently of President Nixon's message, the formula we actually came to was the very thing that the President proposed as his way of solving the de facto-de jure problem. I think that is important to remember.

Also, if we would have to go back to conference, I honestly am at a loss to know where we would go, because the House wanted to kick all the amendment out. We fought that. There is little room to negotiate between the two positions. I think they have achieved something, and this is the best we could do.

Mr. PELL. I thank the Senator from Pennsylvania. I can assure the Senate, as he just did, that we did our very best to retain the Stennis language.

It would almost seem as if we had a vision, because we in a sense brought forth the gist of the President's message before it was sent up by our recognition of the fact that there are different types of school segregation and that they must be treated equally throughout the Nation. Until the law is changed this will be the case.

The compromise language did, we felt, express the will of the Senate in light of applicable law. It in truth embodies the most that could have been brought back from conference, and I urge the Senate to sustain our action by defeating the motion to recommit.

PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN IN THE CONSOLIDATED PROGRAM OF SUPPLEMENTARY CENTERS AND SERVICES AND GUIDANCE AND COUNSELING

A question has been raised with respect to the phrase, "if authorized by law, in other elementary and secondary schools", which appears in clause (i) of subparagraph (B) in section 305(b)(1).

The question raised was: How would this phrase affect the participation of nonpublic school children in guidance and counseling programs? This phrase must be read with two other provisions of the consolidation language. Section 304 (b)(2)(B) provides that all applications for assistance under the consolidated programs must, to the extent consistent with the number of children enrolled in nonpublic schools in the area to be served whose educational needs are of the type provided by the programs and projects, make provision for the participation of such children.

Moreover, section 305(b)(9) provides that funds under the consolidated program may not be commingled with State funds. Therefore, the phrase "if authorized by law" does not indicate that participation of nonpublic school children must be permitted by State law. That phrase simply means that the law must be taken into consideration in making services available to children in schools other than public schools. It was the intent of the conferees that nonpublic school children participate in guidance and counseling programs to the same extent that they participate in title III programs under present law.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PELL. I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWEIKER). All time is yielded back.

The suggestion has been made of the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from New York will state it.

Mr. JAVITS. As I understand the purport of the motion, if the motion carries, the conferees remain on the job and are directed to go back into conference without instructions; is that correct?

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair would state that the report would be recommitted to the same conferees but there are some instructions to the conferees in this motion.

Mr. JAVITS. Mr. President, would the Chair state what those instructions are?

The PRESIDING OFFICER. The clerk will read the instructions.

The LEGISLATIVE CLERK. The Senator from Mississippi moves that the Senate recommit the conference report on H.R. 514 for the purpose of reconsidering amendment No. 463 as originally passed upon by the Senate dealing with the uniform application of laws relating to school segregation and language added thereto now appearing as section 2 of subsections (a), (b), (c) and (d) of H.R. 514.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. RIBICOFF. Mr. President, may I interject there, first, that the clerk misstated. The mover of the motion to recommit was the Senator from Connecticut not the Senator from Mississippi.

The PRESIDING OFFICER. It was moved by the Senator from Connecticut and the RECORD will so show.

Mr. JAVITS. Mr. President, my parliamentary inquiry is, Are the conferees bound to negotiate only upon that matter, or are they bound at all?

The PRESIDING OFFICER. The Chair will state that under this motion the whole conference report would actually be open for reconsideration.

Mr. JAVITS. Any action?

The PRESIDING OFFICER. Any action.

Mr. JAVITS. I thank the Chair.

Mr. MURPHY. Mr. President, was the answer to the Senator from New York that the conferees are not bound? Is that what the question was?

The PRESIDING OFFICER. The Chair will state that the conferees are not bound by the instructions.

Mr. MURPHY. I thank the Senator.

The PRESIDING OFFICER. The yeas and nays have been ordered——

Mr. STENNIS. Mr. President, a point of order. The time for voting has arrived.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut to recommit with instructions the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON (when his name was called). On this vote I have a pair with the junior Senator from Louisiana (Mr. LONG). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Georgia (Mr. RUSSELL). If he were present, he would vote "yea." I have already voted in the affirmative. I withdraw my vote and state that if I were at liberty to vote in this instance, I would vote "nay."

Mr. FULBRIGHT (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Massachusetts (Mr. KENNEDY). I have already voted in the affirmative. I withdraw my vote and state that if I were at liberty to vote, I would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. YARBOROUGH (after having voted in the affirmative). On this vote I have a pair with the junior Senator from New Mexico (Mr. MONTOYA). If he were present, he would vote "nay." I withdraw my vote and state that if I were at liberty to vote, I would vote "yea."

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the

Senator from Washington, Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Dodd), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), and the Senator from Alabama (Mr. Sparkman) are absent on official business.

On this vote, the Senator from Alabama (Mr. Sparkman) is paired with the Senator from Indiana (Mr. Bayh). If present and voting, the Senator from Alabama would vote "yea" and the Senator from Indiana would vote "nay".

On this vote, the Senator from North Carolina (Mr. Jordan) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Illinois would vote "nay".

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) and the Senator from Alaska (Mr. Gravel) would each vote "nay".

On this vote, the Senator from Utah (Mr. Moss) is paired with the Senator from Hawaii (Mr. Fong). If present and voting, the Senator from Utah would vote "nay" and the Senator from Hawaii would vote "yea".

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Scott) and the Senator from South Carolina (Mr. Thurmond) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay".

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from North Carolina (Mr. Jordan). If present and voting, the Senator from Illinois would vote "nay" and the Senator from North Carolina would vote "yea".

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from South Carolina would vote "yea".

On this vote, the Senator from Hawaii (Mr. Fong) is paired with the Senator from Utah (Mr. Moss). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Utah would vote "nay".

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Arizona would vote "yea" and the Senator from South Dakota would vote "nay".

The result was announced—yeas 32, nays 43, as follows:

[No. 110 Leg.]

YEAS—32

Aiken
Allen
Baker
Bellmon
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gore
Gurney
Hansen
Holland
Hollings
Hruska
McClellan
Murphy
Ribicoff
Spong
Stennis
Talmadge
Tower
Williams, Del.
Young, N. Dak.

NAYS—43

Allott
Boggs
Brooke
Burdick
Case
Church
Cook
Cranston
Dominick
Eagleton
Goodell
Griffin
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Stevens
Symington
Tydings
Williams, N.J.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Fulbright, for.
Mansfield, against.
Nelson, against.
Yarborough, for.

NOT VOTING—21

Anderson
Bayh
Dodd
Fong
Goldwater
Gravel
Hatfield
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McCarthy
Montoya
Moss
Mundt
Percy
Russell
Scott
Sparkman
Thurmond

So Mr. Ribicoff's motion to recommit with instructions was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield very briefly?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader if he can inform us of the program for the rest of today and the rest of the week, if possible.

Mr. MANSFIELD. Mr. President, it is anticipated that when the Senate disposes of the pending business, there very likely will be no business to conduct for the remainder of the day unless Senators wish to speak.

The PRESIDING OFFICER. Will the Senator suspend, so that there may be order in the Senate?

The Senator may proceed.

Mr. MANSFIELD. Mr. President, it is intended to come in at 11 o'clock tomorrow morning.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, it is the intention of the joint leadership, with the concurrence of the Senate, to take up some stockpile bills on which there will be some debate and some voting.

Following the disposal of the stockpile bills—of which there are some 16 or 17 in number—it is anticipated that we will turn to the Hill-Burton Medical Construction Act, if possible.

Very likely that will be followed by the Rural Electrification Act, as amended, dealing with establishing a telephone bank.

Whether we can finish all that business this week remains to be seen.

We will have a vote on the motion to recommit the Carswell nomination on Monday. I do not know whether the nomination will be recommitted. The outcome of that vote is still in great doubt.

On Tuesday, we will proceed to the consideration of the resolution offered by Senators Brooke and Cooper.

If, however, there is a final vote on the Carswell nomination on Wednesday, all of the legislation mentioned which has not been completed at that time would be considered after the nomination is disposed of.

Mr. GRIFFIN. I thank the majority leader.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Under the unanimous consent agreement, 1 hour of debate remains on the adoption of the conference report now before the Senate.

Mr. YARBOROUGH. Mr. President, with this $25 billion measure, Congress will assure continuing Federal support to the elementary and secondary education of the Nation's children.

I am proud to be a cosponsor of this bill.

Although there were over 100 substantive differences between the House and Senate versions, and over 1,000 minor ones, the conferees on both sides handled with dispatch the task of adjusting them. We have brought back to our respective houses a good bill, one that will serve well to meet education needs.

MAJOR COMPROMISES—FORWARD FUNDING

A major modification in the Senate measure was made when we adjusted the duration of the extension. What emerged is a 3-year authorization, with an additional year available if the Congress does not act in time to permit advance funding the final year.

It is important to stress that with

this version, we intend major education programs to be appropriated for a year in advance. Many educational programs have suffered from insufficient lead time. Educators and administrators who do not know what to expect from Congress in terms of budget support cannot afford to spend a lot of time organizing and planning a course or program whose chances of being funded are slight, or unknown.

Forward funding in education has heretofore been carried out only under title I of the Elementary and Secondary Act. Now, it is provided for under all titles, and I urge the Appropriations Committee to follow through on the intent of the bill.

The authorization levels of the Senate measure were accepted by the House. They apply to the first 3 years of our bill, with the third year sums also applying to the contingency year.

INCREASE IN LOW-INCOME FACTOR

The House accepted the Senate change in title I allotments, raising to $4000 the family income counted in determining numbers of children for title I grants. This change is effective in fiscal year 1973, and brings the income factor into line with changes in poverty-level income.

CONSOLIDATION

A third area of difference was in the consolidation of programs sought by the administration and carried in the House bill.

The Senate rejected consolidation, because we know that categorical programs are established in order to give identity and separate funding to the activities we are trying to stimulate. Lumping educational activities into one authorization often means that one loses out to others, in proportions Congress did not intend.

The conference agreement consolidates only a part of those titles sought for consolidation by the administration. Title III of the Elementary and Secondary Education Act is grouped with title V–A of the National Defense Education Act, and that is all. This means the supplementary education centers and guidance and counselling programs will be merged.

The agreement is wise to leave out of the consolidation title II of ESEA, the school library section. School libraries are so central to high quality elementary and secondary education that they deserve the emphasis of continued separate funding.

EXPANSION OF ADULT BASIC EDUCATION

A fourth disagreement that deserves mention is the Senate amendment enlarging adult basic education to permit courses at the high school level. I am delighted that the House accepted the Senate amendment to this effect. It will enable adult basic education courses to go beyond the elementary subjects, and enable many thousands of adults to gain the equivalent of a high school education.

BILINGUAL EDUCATION

It is also a pleasure to point out that the House accepted the authorization level in the Senate bill for bilingual education. This means $80 million for fiscal year 1971, $100 million for 1972, and $135 million for 1973. These sums are a meaningful estimate of what should be invested in education in the home language of the 1.7 million Spanish-speaking children in the southwest alone.

LEARNING DISABILITIES

I am also pleased that the House conferees accepted my bill to add a categorical program for children with learning disabilities. This authorization is also separate, to give educators an opportunity to establish the identity of this specialty within the school system.

The amendment corresponds to my bill, S. 1190.

This is an outstanding piece of legislation, for which the Senator from Rhode Island (Mr. Pell) and others on the Education Subcommittee, deserve our thanks. But passing this conference report is not enough. The Senate, and Congress must see that it is adequately financed. We must not pursue a course of false promises to the children, parents, teachers, and school administrators of America.

They are counting on Congress to support education in the manner this legislation outlines. That will be our next task in meeting the national interest in quality education.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I yield back my time.

The **PRESIDING OFFICER.** All time having been yielded back, the question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Russell), are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Dodd), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), and the Senator from Alabama (Mr. Sparkman), are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Louisiana (Mr. Long), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Scott) and the Senator from South Carolina (Mr. Thurmond) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Illinois (Mr. Percy) would each vote "yea".

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 74, nays 4, as follows:

[No. 111 Leg.]

YEAS—74

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hruska
Inouye
Jackson
Javits
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Spong
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—4

Eastland
Holland
Hollings
Stennis

NOT VOTING—22

Anderson
Bayh
Dodd
Fong
Goldwater
Gravel
Hatfield
Hughes
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McCarthy
Montoya
Moss
Mundt
Percy
Russell
Scott
Sparkman
Thurmond

So the report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISPOSAL OF CORUNDUM

Mr. MANSFIELD. Mr. President, there will be no further voting tonight.

I ask unanimous consent that the Senate turn to the consideration of Calendar No. 715, S. 3083. I do this so that the bill will be the pending business tomorrow.

The **PRESIDING OFFICER.** The bill will be stated by title.

The Legislative Clerk. A bill (S. 3083)

to authorize the disposal of corundum from national stockpile.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of Senators, the leadership intends to call up the stockpile bills in sequence. There will be yea-and-nay votes on some of those bills tomorrow.

CIVIL DISORDER

Mr. ALLOTT. Mr. President, Messrs. Rowland Evans and Robert Novak, in a column in Monday's Washington Post, have pointed to some interesting aspects of violence in America.

The columnists contend that, with alarming steadiness and insufficient notice, some new forms of violence are appearing. Some of the violence is organized. Some is spontaneous. All of it is an intolerable threat to community life in all regions of the country.

For example, violence directed against the Government is growing rapidly. In the 12 months ending June 1969, there were 46 bomb threats directed against Federal buildings and 14 actual arson or bombing incidents. But in just 9 months since June 1969, there have been 164 threats to bomb Federal buildings and 13 actual bombing and arson attacks.

Further, Evans and Novak reported that there have been 30 arson attempts on campuses since January of this year, and enough of these have been successful to cause half a million dollars in damage. The Evans and Novak column is disturbing and deserves our reflective consideration.

One of the worst things about the newest form of violence—the random, cowardly, terroristic attacks involving high explosives—is the feeling of helpless frustration and rage it engenders in the general public.

Thus, I welcome the administration's request for broadened powers useful for attacking the bombers. The President has spoken out forcefully about the bombing incidents. He has said:

> The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence.

To effect the necessary crackdown, the President is asking for stiffer penalties for the illegal transport or use of explosives. I hope the President's proposals will receive the prompt attention of the Senate.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADMINISTRATION AIDES DELUDE SELVES ABOUT HAVING CURBED CIVIC DISORDER

(By Rowland Evans and Robert Novak)

Events within one 24-hour span last week, largely unnoticed in the national press, reflect a rising tide of organized and spontaneous violence that law enforcement officials can no longer contain.

In Fort Wayne, Ind., more than 100 Negroes in a roller-skating rink began throwing rocks at passing cars. They were calmed by police only after injuring four motorists. In Plaquemines, La., some 100 black demonstrators attacked police and were controlled only with tear gas. In Tampa, Fla., a few Negroes unsuccessfully attempted to ambush a police car in an orange grove.

That rate of violence for a single day, not unusual, fairly demonstrates the rising crescendo of disorder. The rumble at the Fort Wayne skating rink showed no evidence of planning but rather fell into the category of increasingly frequent racial mini-riots (20 recorded in 17 states so far this year).

But the Plaquemines and Tampa disturbances were anything but spontaneous. They were part of the carefully planned, small-scale guerrilla activity that has become a nightmarish reality. Although they often do not make front page headlines (as they did not in those two instances), these guerrilla capers are becoming a daily fare nationwide.

Thus, the high Nixon administration officials who publicly congratulate themselves on having curbed civic disorders in America are deluding themselves. It has merely gone underground. The combination of the bombing campaign by the Weathermen faction of SDS and black guerrilla operations in the ghetto, so far unconnected, adds up to a much more difficult law enforcement problem than the full-scale ghetto riot last experienced at Easter, 1968.

The truth is that leftwing terrorists, particularly the Weathermen, have managed to go underground with remarkable ease. Their size, whereabouts, and immediate intentions are shielded. With Stokely Carmichael back home urging black militants to go underground, their activities too may soon be more difficult to trace than the relatively open terrorist tactics of the Black Panthers.

There is reason to believe that this growing terrorism has an increasingly serious hard core of intention. Thus, several young radicals who joined the recent expedition to Cuba to help harvest Fidel Castro's sugar crop were interested in more than agricultural pursuits. They were secretly given guerrilla training by veterans of the Cuban revolution.

Nor can some of these youthful radicals be dismissed as fanatics with wild dreams of revolution. The bombs that exploded on March 6 in New York and killed their Weatherman makers were intended for a specific target—troubled Columbia University.

The death of black militant Ralph Featherstone in his car at Bel Air, Md., points up the developing nature of guerrilla operations. Although black militants and others—including some white liberals who steadfastly refuse to accept contrary evidence—still claim that Featherstone probably was assassinated by white racists, the physical evidence shows that Featherstone was carrying the bomb and that it was almost certainly intended to disrupt the scheduled trial in Bel Air of H. Rap Brown.

The apparent plan was to plant the bomb in an empty Bel Air building and blame it on white racists. This was no brainstorm of Featherstone's. White radicals with access to the Establishment were fully aware of the scheme.

The backdrop to the rise in bombings is the depressingly steady rise in violence on high school and college campuses, much of it still spontaneous but more and more carefully planned. Since September, 1969, there have been 400 reported disorders in the nation's high schools (compared with only 300 in the entire 1968–69 school year). Since Jan. 1 alone, more than 30 cases of arson or attempted arson have been found on college campuses with total damage exceeding $500,000.

Thus it seems a fair conclusion that the Far Left is not much exaggerating when it boasts that a revolution of sorts has already started. Nor can this conclusion be obscured by the refusal of administration officials to admit that conditions are worsening or by well-meaning attempts by some liberals to excuse these manifestations of guerrilla activity as a natural result of bitter and understandable frustration.

THE SUPREME COURT RULING ON OBSTREPEROUS DEFENDANTS

Mr. ALLOTT. Mr. President, yesterday the Supreme Court handed down a dedecision that is timely, moderate, and unquestionably wise.

Speaking without dissenting opinion, the Court ruled that an obstreperous defendant can be bound, gagged, jailed for contempt of court, or expelled from the courtroom if he acts in a manner that prevents the orderly conduct of his trial.

This decision grew out of a 1956 trial of an accused bank robber who had announced his intention to not allow his trial to make progress. But the relevance of this decision to current events is too obvious to be missed.

Yesterday's decision is very bad news indeed for those who expected their obstreperousness to win them immunity from trial and punishment.

It has become clear that some radicals are as allergic to trials as they are enamored with criminal violence. Further, it has become clear that these radicals have come to believe in their immunity from punishment for even the most flagrant and dangerous violations of the law.

This dangerous belief in immunity stemmed from several sources. One was their experience on certain college campuses where administrative poltroonery has made campus violence one of the most risk-free occupations in America.

A second source of the radicals' belief in immunity from punishment is their assumption that none of America's institutions have the will or the ability to defend themselves from determined attempts at disruption.

These radicals apparently believed that they could escape trial and punishment simply by refusing to come to trial, or by making a noisy shambles of the trial once it began.

The unanimous opinion of the Court, delivered by the senior Justice, Hugo L. Black, has shattered that hope for immunity. Clearly, the Supreme Court has no intention of honoring spurious attempts to find constitutional sanction from courtroom disruptions.

The Court's words deserve citing:

> It is essential to the proper administration of criminal justice that dignity, order and decorum be the hallmarks of all court proceedings in our country. The flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated.
>
> We believe trial judges confronted with disruptive, contumacious, stubbornly defiant defendants must be given sufficient discretion to meet the circumstances of each case. No one formula for maintaining the appropriate courtroom atmosphere will be best in all situations. We think there are at least three constitutionally permissible ways for a

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trial judge to handle an obstreperous defendant like Allen:

1. Bind and gag him, thereby keeping him present.
2. Cite him for contempt.
3. Take him out of the court room until he promises to conduct himself properly.

Mr. President, as the Court said yesterday, no one relishes the use of these techniques. But we must recognize that the oldest radical technique is to force civilized men to compromise their commitment to gentle and reasonable behavior.

It is unfortunate when radicals succeed in forcing us to adopt severe measures. But it would be more unfortunate were our society incapable of the sort of stern measures which must be used when violent radicalism is abroad in the land.

THE URGENT NEED FOR CONSTRUCTIVE WASTE DISPOSAL

Mr. ALLOTT. Mr. President, Governor Reagan of California was recently presented with a barrel of waste materials. This would not have been noteworthy, and certainly not pleasant, were it not for the fact that it was presented in the form of a small cube of material useful for roadbuilding. The barrel of waste had been reduced to the cube that was gloriously small, and useful in the bargain.

What Governor Reagan held in his hand was evidence of a creative response to a growing problem. This is the problem of solid waste disposal, a problem which must be solved if we are to improve our environment.

It is easy to understand why the Governor of California was pleased by the evidence that solid waste can be reduced in volume and even made useful.

Every year the average Californian generates 1,800 pounds of rubbish, and every year it costs California more than half a billion dollars to dispose of it.

If the solid waste discarded in California in 1 year were gathered it could form a solid ribbon 100 feet wide, 30 feet tall, and long enough to extend the length of California from Mexico to the Oregon border.

Of course, the problem of solid wastes is not unique to California. It is an enormous problem for our entire consumer economy. There may come a time when the problem of solid waste is no longer looked upon as the "third pollution." It may be considered as dangerous as air and water pollution. A few facts will demonstrate why.

Five years ago Congress reported:

> Inefficient and improper methods of disposal of solid wastes result in scenic blights, create serious hazards to the public health, including pollution of air and water resources, accident hazards, and increases in the rodent and insect vectors of disease, have an adverse effect on land values, create public nuisances, otherwise interfere with community life and development; . . . that the failure or inability to salvage and reuse such materials economically results in the unnecessary waste and depletion of our natural resources.

That was said in 1965, and the solid waste problem has been getting steadily worse.

According to one estimate, between now and the end of the century America will discard 19 billion tons of solid refuse—enough to cover Rhode Island with a pile many feet deep.

On average every man, woman, and child in America generates 5.3 pounds of solid waste a day and the solid waste growth rate is faster than the population growth rate. By 1980 the average American will generate 8 pounds of solid waste a day, or approximately a ton and a half a year.

In 1969 Americans threw away 7½ million television sets, 7 million cars and trucks, 50 billion cans, 30 billion glass containers and 4 million tons of plastics. In all we discarded 3.6 billion tons of solid waste.

This discarding costs money. The Federal Bureau of Solid Waste Management estimates that local governments spend $1.5 billion annually on waste collection and disposal, and industry spends the same for that purpose. This $3 billion yearly will rise to over $5 billion by 1980.

What happens to our solid waste? Eighty-five percent is disposed of by open dumping. The dumping of garbage involved 7,000 square miles of America—more square miles than the combined areas of Connecticut and Rhode Island.

Between 8 and 10 percent of our solid waste is burned in incinerators. But a recent study by the Public Health Service indicates that 75 percent of these incinerators are producing unsatisfactory levels of air pollution.

There are 12,000 apartment incinerators in New York City. These pollute the air. As one person puts it, New Yorkers "literally inhale a portion of their own garbage." But if the garbage were not being burned, the solid waste disposal problem would just be that much worse.

Although there is slight comfort in the fact, it is true that many of our solid waste problems stem from improvements and conveniences. Let me give an example.

The 7 million cars we junk each year would not be such a problem if the steel industry were not using new and better furnaces. These oxygen-enriched open hearth furnaces make better steel, but they use less scrap steel for flux. Thus the value of the junked automobile is so low that many persons just abandon them on the streets. Last year 50,000 cars were abandoned in the streets of New York City alone. Well over half a million were abandoned nationwide. This has led the President to ask his Council on Environmental Quality to recommend some system to promote the prompt scrapping of all junk automobiles.

Bounty payments might be the basis of such a system. Another possibility would be a system whereby the original purchaser of a car purchases a voucher which accompanies the car through all changes of ownership and is redeemable for the original fee when the car is turned in for junking.

However, there is more to solving the junk automobile problem than just adding to the owner's incentive to turn in a wornout car. According to a recent report prepared for the Office of Science and Technology:

> In 1966 it was estimated that about 6 million scrap cars were processed and sold to the steel and other metal working industries for reuse, nearly equalling the number of cars being junked. This was the first time that the utilization of automobile hulks equalled the scrapping rate. Large, high capital cost auto shredding plants constructed in the large urban centers have only in recent years processed more automobile hulks from the accumulated backlog of cars in the urban centers than were currently being junked in those areas. At the same time, however, more scrapped automobiles were being added to the accumulation of junked cars, estimated at 10 to 20 million scattered in wrecking yards throughout the United States, particularly in areas where operation of the high-cost shredding plants is economically impractical. This pattern of scrap automobile accumulation threatens to continue.

In the agricultural field improved methods have created a waste disposal problem. Cattlemen have discovered that livestock grows much faster if it is confined in feedlots where the animals do not burn up energy wandering. But confined herds present a problem of concentrated waste. New regulations affecting disposal of such waste might also affect—unfavorably—the price of pot roast. And those who demand Government action against pollution will blame the Government for any rise in the price of beef.

If we are to cure our solid waste problems without aggravating other problems, we must make progress in three areas.

First. We need better disposal systems.

Second. We need ways to reduce the volume of waste we dispose, or at least to slow the growth in that volume.

Third. We need to give special attention to reducing disposal problems by increasing our ability to recycle materials.

Concerning better disposal systems, much imaginative work is being done concerning the use of solid waste in land-fill programs. One of the most interesting schemes concerns the use of the solid waste that results from cleaning waste water.

Sludge is the solid matter removed from domestic and industrial waste water. The cleaner we make our water, the more sludge we are going to have. Chicago alone must dispose of 1,000 tons a day. It buries half of it in deep holes at a cost of $60 a ton. The rest it sells to citrus growers and fertilizer companies for $12 a ton. This is not a profitmaking operation.

Vincent W. Bacon, general superintendent of the Chicago Sanitary District, would like to try piping liquid sludge to strip mines and marginal farmland 60 miles southwest of Chicago.

First the sludge would be treated to remove odor and health hazards. Then it would be pumped to the land that the sludge will enrich. Mr. Bacon estimates that the cost of the pipe and pumping equipment and everything else would only make the disposal cost to the city $20 a ton—or one-third of what it now costs to bury the sludge without any social benefit.

The great advantage of land-fill programs for waste other than sludge is that these programs do not involve burning.

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Refuse disposal through burning contributes only 3 percent of our air pollutant emissions, but that amounts to 5 million tons of pollutants.

In disposing of solid waste, we should burn as little as possible and we should burn it as well as possible.

We need better incinerators and tougher regulations concerning all forms of burning.

We should investigate the so-called fusion torch method of coping with waste.

Bernard J. Eastlund and William C. Gough, two scientists for the Atomic Energy Commission, think the fusion torch process may be a way of coping with solid waste problems while also warding off some mineral shortages. It would involve turning fiercely hot plasma—a thin gas derived from controlled thermonuclear reactions—on waste products. The effect would be to "vaporize" the products, reducing them to electrified particles of their constituent elements. Then, it is hoped, these elements could be collected and separated and reused.

A recent article in The New York Times of March 15 gave this example of a possible use of the fusion torch:

> An automobile subjected to a fusion torch, for example, could be made to disappear as an entity and instead there would become available the iron, zinc, lead, tin and other elements from which it was originally made. Since all substances ordinarily used by man are ultimately derived from the 92 basic elements found naturally on earth, there would at most be no more than 92 different substances that would have to be separated from even the most complex mixture of trash, garbage, sewage, etc.
>
> While essentially simple in concept, the fusion torch poses many intricate technical problems for the engineers who may ultimately be asked to implement it. And it presupposes, of course, that the still knotty problem of generating fusion power will be solved.
>
> Nevertheless it is a fascinating example of the possibilities sophisticated and advanced scientific concepts may have for solving the increasingly urgent problems of man's environment. As such it is particularly appealing to the growing number of socially-minded scientists and science students who see in this—as one Columbia professor put it—a "case of science doing something that doesn't hurt you, but actually solves some of our problems."

There are other things we can work toward before the development of anything as exotic as a fusion torch.

Household grinding machines might enable us to shunt all waste—except bottles and cans—into the sewer system.

Home "compactors" might enable solid wastes to be reduced in size before collection.

Certainly new technology will enable us to dispose of solid wastes in less damaging ways. But the most urgent task is to slow the growth in the volume of solid wastes. The best way to do this is by perfecting methods of recycling materials so that instead of becoming wastes, they are returned to the production process as materials.

As the President said in his environment message to Congress:

> A great deal of our space research has been directed toward creating self-sustaining environments, in which people can live for long periods of time by re-processing, recycling and re-using the same materials. We need to apply this kind of thinking more consciously and more broadly to our patterns of use and disposal of materials here on earth.

Accordingly the President has ordered "a redirection of research under the Solid Waste Disposal Act to place greater emphasis on techniques for recycling materials, and on development and use of packaging and other materials which will degrade after use—that is, which will become temporary rather than permanent wastes."

Of course many industries are already moving in this direction. Consider the problem facing the Rubber Manufacturers Association.

There are an estimated 3 million tons of waste rubber discarded in the United States every year. Most of this rubber—2 million tons—is in the 200 million vehicular tires we discard annually. That is approximately one used tire for every American man, woman, and child.

The problem is that progress is destroying the market for old tires while the sale of new tires continues to increase.

Not very long ago substantial numbers of old tires were used to make recapped tires.

Today about 41 million tires are recapped or otherwise recycled. But this total is not growing and the number of discarded tires is constantly growing. This means that upward of 160 million tires are disposal problems.

There are many reasons for lag in the recapping business. The price of new tires, relative to recaps, is going down. And there is an increasing interest in automobile safety and in the new tire materials that make for safer travel.

Lower prices and improved technology are good things. But they are causing problems in the used tire market, with the result that in some places you literally cannot give away used tires. The dealers do not want to store them or cart them away.

So what is to be done with the 200 million old tires? Some are being burned in the open air. This produces a hideous amount—and kind—of air pollution. Some old tires are used in land-fill projects. But there is far more solid waste in America than there are land-fill projects to accommodate it. Some old tires are even dumped offshore to form spawning grounds for fish. This is a legitimate use for a few—but only a very few—old tires.

At the heart of the problem is that fact that normal rubber tires are nonbiodegradable: they will take a terribly long time to decompose and return to the natural environment. To make matters more complex, some of the new materials that go into our improved tires—such as polyesters—will never decompose.

In the face of this mounting disposal problem, American rubber producers are trying to accept the idea of "ultimate responsibility" for their products.

There was a time when industry believed that the problem of a wornout product was simply a problem for those who wore it out. But increasingly there are those in industry arguing that such an attitude is not good citizenship—and it may not be good business.

American rubber manufacturers are trying to find profitable ways to take the lead in disposing of old tires.

Research is now being done on the destructive distillation of tires by a carbonization process. In layman's language, this involves exposing old tires to extremely high temperatures—ranging from 500° to 900° C.—to get useful residues of gases, oils, and solid distillates. Such processes can vastly reduce the sheer bulk of nonusable tire wastes, and they might yield marketable substances.

It is not yet clear how such destructive distillation would be organized on a large scale. It might be done by a consortium of tire manufacturers, or by franchises. In any case, there would be costs. There would have to be a bounty paid for old tires. There would be substantial costs in transporting old tires to processing plants. There would be significant capital costs for distillation plants. And there would be costs involved in marketing the distillates.

Unfortunately, tests conducted thus far are not encouraging. It now seems doubtful that the market for distillate petrochemicals will be large. This might make it impossible for the industry to take up the burden of mass disposal through destructive distillation.

Meanwhile research continues into other uses for rubber wastes. It is possible to shred tires and put them into roadway materials, producing pavement with improved qualities of durability and adhesiveness. There are surely other imaginative ways of using wastes.

One thing is clear. In the tire industry, as elsewhere, recycling requires planning and new knowledge. The public has a stake in the success of these efforts, and perhaps there should be some Government incentives.

High priority should be given to research into both metallurgical and nonmetallurgical uses of autoscrap. For example, it is possible that shredded scrap can be used as core material in lightweight concrete building blocks.

Special attention must be given to the annual discard of 80 billion cans and glass bottles and the 4 million tons of plastics.

The time may come when we regret the appearance of the rustproof can. And the time may come when manufacturers will simply be forbidden to use bottles that spare us the inconvenience of returning them to the store. We must begin returning such containers for recycling or other reuse.

The producers are willing to try. The Reynolds Aluminum Co. estimates that scrapped aluminum cans are worth $200 a ton. In various parts of the country firms are paying bounties for returned bottles and cans.

Mr. President, I am pleased to note that the Adolph Coors Co., a large and distinguished brewing firm with headquarters in Golden, Colo., has a pioneering aluminum recycling program.

Just 6 weeks ago the Coors Co. announced a cash-for-cans program to encourage persons to collect and return to the company used aluminum beer cans.

The response—from individuals and civic groups—has been astonishing and

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gratifying. In just 6 weeks over two and a half million cans have been turned in, and these 112,000 pounds of cans have been started back into the recycling program.

The Coors people are paying a dime a pound for aluminum cans—including those that did not originally contain their own fine product. They expect that by the end of the year this program, which combines good business with good citizenship, will result in the collection of more than 50 million cans involving two and a half million pounds of aluminum.

If the collection drive lives up to predictions—and they hope it will—the Coors people will cheerfully spend a quarter of a million dollars on this antilitter campaign this year.

There are numerous possible methods of encouraging citizen participation in such antilitter campaigns.

Someone had suggested a bounty system that would take advantage of public enthusiasm for lotteries. It would pay perhaps $10 for every five-hundredth bottle or can turned in at a central collection depot.

The recycling industries could pay the lions' share of such bounty payments. But there is a social stake in a general cleanup and perhaps governments would want to supplement the payments to raise them above the level justified by the market worth of the recycled materials.

This should be just one part of a general reexamination of packaging policies. Our aim should be a reduction in the use of materials that are neither reusable nor degradable. Every citizen can do his part by being a public spirited purchaser. And the Federal Government can play a special role.

Federal purchases account for 6 percent of the Nation's packaging sales. Thus, if the Government is a conscientious customer, it can exert a strong and beneficial influence on industry.

Mr. President, the worst thing about our current disposal of solid waste products is that the whole business is itself so very wasteful. As a wise man with an agile tongue once said:

> Willful waste brings woeful want.

It is never too soon to put an end to waste, and it is increasingly important for us to adopt policies that will dispose of waste products in an orderly manner that enhances rather than threatens our environment.

THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. HARRIS. Mr. President, the distinguished Senior Senator from Texas (Mr. Yarborough) is to be congratulated for the legislation which he has been offering to meet the health crisis facing this Nation. I think the Health Training Improvement Act of 1970—S. 3586—which he recently introduced, is a most worthy proposal, and I ask unanimous consent that at the next printing of that bill I may be added as a cosponsor of it.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HARRIS. If we are to meet the manpower shortages of the health professions, new training programs must be developed and old programs improved. Statistics showing a shortage of 50,000 doctors and 150,000 allied health professionals attest to this fact.

Title I of the act would be helpful in meeting the health manpower shortage. It amends title VII of the Public Health Service Act by establishing eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, podiatry for institutional grants under section 771 thereof.

Title II of the act provides for programs to recruit and to train allied health personnel. Grants for construction of teaching facilities, for improvement of present facilities, and grants for full utilization of educational talent for the allied health professions would be estabished under title II. Loans for students, as well as other worthwhile programs, would also be established under title II if this legislation is enacted.

Particularly interesting is the provision in section 202 of title II for special project grants to establish programs to reach groups such as the economically deprived and veterans with training and experience in the health fields. The distinguished Junior Senator from California (Mr. Cranston), chairman of the Subcommittee on Veterans of the Committee on Labor and Public Welfare, stated with regard to this provision:

> Many veterans leaving the service are unaware of the existence of training programs in the health field, and are equally unaware of the very substantial potential for career development in those fields. The outreach program provided for in this bill should have a considerable impact in channeling these well-trained, competent young specialists into the allied health professions.

By offering training for the economically deprived, we not only improve the health manpower shortage, but we also provide a means for those who are unemployed or underemployed to earn a decent wage.

Mr. President, because of the many desirable features of the Health Training Improvement Act of 1970, I am hopeful that the Senate will take prompt and favorable action on the bill.

JUSTICE AND ORDER IN COURTS OF LAW

Mr. RANDOLPH. Mr. President, yesterday, the Supreme Court of the United States, in a historic ruling held that the constitutional guarantees of the sixth amendment require defendants in criminal action to conduct themselves in a proper manner.

I applaud this unanimous Court decision for reasserting the concept that with rights come obligations and responsibilities. Persons accused of crimes must be fairly tried. And, in order to protect the rights of all defendants, judges must have the authority and the power to maintain order and decorum in the courtroom.

This decision will not restrict the ability of defendants to receive a fair and impartial trial. In fact, it strengthens their rights. The unanimity with which the Court acted underscores the importance of orderly courtroom procedures to the ability of our judicial system to administer justice fairly and impartially.

I ask unanimous consent to include in the Record editorials of today from the Evening Star and the Washington Daily News commending the Court for its decision. The titles themselves are indicative of the views which most people have of the decision. The Star editorial is entitled "Fair Trials," and the News editorial, "Respect for the Law."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Apr. 1, 1970]

Fair Trials

In a historic decision, the Supreme Court without dissent ruled yesterday that "disruptive, contumacious, stubbornly defiant defendants" have no constitutional right to be present at their trials. The court specifically held that such defendants may be bound and gagged, cited for contempt or removed from the courtroom until they promise to conduct themselves "properly."

Although the court was handing down an opinion on a 14-year-old criminal case, it is clear that its ruling will have a crucial effect on the appeal of the trial of the "Chicago Seven," on the proceedings to be resumed Tuesday against 13 Black Panthers in Manhattan and on similar cases which appear likely to become a feature of litigation in a decade of political confrontation.

The court held that the accused cannot "be permitted by his disruptive conduct indefinitely to avoid being tried." The justices took the view that "it would degrade our country and our judicial system to permit our courts to be bullied, insulted and humiliated, and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes." This strikes us as both sound law and good common sense.

And yet the right of a defendant to be present during his trial is too deeply enshrined in our constitution to permit rejoicing in its abridgement. It appears in the Sixth Amendment, which guarantees the accused the right "to be confronted with the witnesses against him." It is reinforced in the Fourteenth Amendment, which guarantees "due process" and "equal protection" of the law.

The challenge and the dilemma faced by our courts, then, is this: Not only to hand down justice, but to appear to do so—not only to a majority more concerned with order than with freedom but to a minority convinced that justice is not to be had at the hands of institutions which are the creatures of a society they believe to be based on inequity and corruption.

The eight justices have given the lower courts the legal tools to enforce order at the bar of justice. But if the need for such tools is apparent, so, too, is the requirement that they be employed sparingly, intelligently and in moderation.

[From the Washington (D.C.) Daily News, Apr. 1, 1970]

Respect for the Law

Americans who hope to preserve our system of justice will applaud the U.S. Supreme Court's ruling that no defendant or group of defendants has a constitutional right to disrupt a court of law.

The ruling is especially apt at a time when a growing number of defendants and their lawyers seem determined to make a mockery of the judicial process.

The trial of seven men accused of inciting

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a riot in Chicago during the 1968 Democratic Convention, the trial of the "D.C. Nine" here and now the trial of 13 Black Panthers accused of plotting to bomb public buildings in New York all have been marred by disruptive behavior that has no place in a courtroom.

In the New York trial, which resumes next week, defendants have used what one judge calls "vile, demeaning, vicious, base and threatening language . . . unparalleled in court history."

Yet there has been a presumption that a defendant had an absolute constitutional right under the Sixth Amendment "to be confronted with the witnesses against him" and therefore to be present at all times at his own trial.

In its decision this week, the Supreme Court acted on the case of an abusive armed robbery defendant in Illinois. But the principle surely would apply in these other cases.

"We explicitly hold today," said the high court, "that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive and disrespectful of the court that his trial cannot be carried on with him in the courtroom."

In concurring with the majority opinion written by Justice Hugo L. Black, Justice William J. Brennan appropriately added:

"Due process does not require the presence of the defendant if his presence means there will be no orderly process at all."

Disruptive behavior in court is not a new tactic, of course, despite the recent developments. And most judges have dealt with it, either by barring the defendant, using contempt citations or even gagging the offenders—all of which was approved by the Supreme Court.

We hope this decision of the court will serve to permanently rescue our judicial process from the travesty with which it has been threatened.

LOANS TO CERTAIN INDIAN TRIBES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 227.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the amendments of the House of Representatives to the bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes, which are on page 1, line 5, after "338(c)" insert ", and to make and insure loans as provided in sections 308 and 309,".

On page 1, line 7, after "1988(c)" insert ", 1928, 1929".

On page 2, line 1, after "Interior", insert ", or within a community in Alaska incorporated by the Secretary pursuant to the Indian Reorganization Act,".

On page 2, lines 1 and 2, strike out "or its members", and insert "or the corporation or the members of either".

On page 2, line 8, after "made", insert "or insured".

On page 2, line 12, after "made", insert "or insured".

On page 2, line 25, after "made", insert "or insured".

Mr. BURDICK. Mr. President, on September 12, the Senate passed S. 227, which provides needed authority for the Farmers Home Administration to make loans to tribes to enable them to purchase lands within their reservations necessary to promote the economic welfare of Indian groups.

The House amendments expand the bill so that, in addition to making direct loans from its direct loan account, the Farmers Home Administration may insure loans to tribes made by commercial lending institutions. This will serve the double purpose of conserving the Federal loan account and opening up a broader source of credit. The Department of Agriculture has endorsed this amendment.

A further amendment also specifies that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations.

Mr. President, as the author of S. 227, these amendments are perfectly satisfactory to me. Therefore, I move that the Senate concur in the amendments of the House to S. 227.

Mr. ALLOTT. Mr. President, S. 227 as passed by the Senate, is a bill which authorizes the mortgaging of Indian lands and authorizes the Farmers Home Administration to make loans from the direct loan account to Indian tribes or tribal corporations, for the purpose of acquiring lands within an Indian reservation. I favor the basic concept of the legislation and feel that it will be useful in helping the tribes to consolidate their land holdings within a reservation into more manageable units.

When the bill was considered by the House, two amendments were adopted. The first amendment expanded the bill so that in addition to direct loans, the Farmers Home Administration may also insure loans made by commercial lending institutions. This would make available to the tribes additional sources of funds, and in my opinion constitutes an improvement over the Senate version.

The second amendment expands the coverage of the bill to the eight Indian Reorganization Act corporations in Alaska. On the face of it, this is a logical extension of the purposes of the bill; however, as I read the language of the bill, and specifically section 2, the Secretary of the Interior could take in trust title to lands purchased by the eight Indian Reorganization Act corporations in Alaska, without regard to whether the lands so purchased were within a reservation. The question of taking title to Indian lands outside the boundaries of a reservation has been a troublesome matter over which the Senate Interior Committee has struggled for some time.

I have no objection to including the Alaska Indians under the terms of the bill, but in light of the underlying concepts being considered in the pending legislation to settle the Alaska native land claims relating to the absence of reservations, it would appear that we may be undoing some of the important things to be accomplished by the native land claim settlement legislation. The acceptance of title in trust to lands acquired under FHA loans, would, it seems to me, be contrary to the philosophy of the proposed legislative settlement recommended by the Department of Interior, and other legislation on this subject.

The language of section 2 is permissive and discretionary. Therefore, in consideration of the "no reservation" philosophy of the Alaska natives claims settlement legislation, we assume and understand that the Secretary will not accept title in trust for the Alaska Indian corporations covered under this bill, at least until the ultimate disposition of the settlement legislation is determined. In other words, if the settlement legislation should fail to become law, then the Secretary may wish to reassess the advisability of accepting title to such acquired lands in trust.

It is my understanding that the sponsor of the bill, the Senator from North Dakota (Mr. BURDICK) concurs in this; and with this understanding it will not be necessary to hold a joint House and Senate conference on the bill.

I would like to solicit now the remarks of the distinguished Senator from North Dakota, who has been handed a copy of the statement I have just made, and learn whether he concurs in these remarks.

Mr. BURDICK. Yes, I find myself in substantial agreement with what the Senator has said. We can reassess our position after we have handled the Indian claims measure now before the Senate.

Mr. ALLOTT. I thank the Senator. He says "in substantial agreement." I presume he means that he is in accord with the position I have announced.

Mr. President, while I am anxious to accommodate the general purpose of the bill which the Senator from North Dakota introduced, I am concerned about the implications that could arise, particularly under section 2, if the bill is not taken in the context in which this legislative history is being made. As a matter of fact, if we could not agree on this legislative history, I would think that we should not accept the bill, but that it should go back to conference.

With the assurance that the Senator from North Dakota has made—and he has been interested in Indian problems a long time, together with his senior colleague—I am perfectly satisfied with the situation, provided that it is well recognized that, without any dispute, this is the legislative history covering the bill.

Mr. BURDICK. It will be so recognized.

Mr. ALLOTT. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. S. 3083, a bill to authorize the disposal of corundum from the national stockpile.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, is the Senate in legislative session or is it in executive session?

The PRESIDING OFFICER. In legislative session.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to

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come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 2, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1970:

Department of the Interior

Fred J. Russell, of California, to the Under Secretary of the Interior, vice Russell E. Train.

U.S. Air Force

The following officers for appointment in the Air Force Reserve to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. Homer I. Lewis, 458-16-5137FV, Air Force Reserve.

Brig. Gen. James L Murray, 548-50-6223FV, Air Force Reserve

Brig. Gen. Wendell B. Sell, 551-14-1168FV, Air Force Reserve.

Brig. Gen. Frank H. Spink, Jr., 496-07-7108FV, Air Force Reserve

To be brigadier general

Col. Stuart G. Haynsworth, 277-16-4169FV, Air Force Reserve.

Col. Robert H. Hutchinson, 360-10-2640FV, Air Force Reserve.

Col. Ralph M. Lain, 444-12-3218FV, Air Force Reserve.

Col. Vorley M. Rexroad, 236-14-9004FV, Air Force Reserve.

Col. Benton C. Tolley, Jr., 224-18-8217FV, Air Force Reserve.

Col. David Waxman, 134-09-4998FV, Air Force Reserve.

Col. Alfred J. Wood, Jr., 187-18-3525FV, Air Force Reserve.

U.S. Marine Corps

Lt. Col. Albert F. Schoepper, U.S. Marine Corps, for appointment to the grade of colonel.

Capt. Dale L. Harpham, U.S. Marine Corps, for appointment to the grade of major.

EXTENSIONS OF REMARKS

THE SUZUKI FAMILY OF HAWAII—CONTRIBUTORS TO THE AMERICAN HERITAGE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MATSUNAGA. Mr. Speaker, the 100th anniversary of the arrival of the first group of Japanese immigrants in Hawaii was recently observed in the Island State. During the centennial celebration many tributes were paid to the struggles and achievements of those early pioneers and to their descendants who have so enriched the history of Hawaii and the Nation.

The Suzuki family of Kahuku, to which I wish to pay tribute today, is one such family that from its humble immigrant beginnings over a half century ago has contributed fully and significantly to the development of the 50th State.

Honolulu Advertiser staff writer, Mary Cooke related the Suzuki family saga in a recent feature article for the Honolulu Sunday Star-Bulletin & Advertiser. In her excellent article she traced the odyssey of Tokujiro and Kimino Suzuki from the small farming village of Niigata in northern Japan to a remote camp at Kahuku on the north coast of the Island of Oahu.

In their new homeland, Tokujiro and Kimino were blessed with five stalwart sons, who, with their immigrant father, worked on the Kahuku Plantation.

It was recently announced that the Kahuku Plantation, established in 1890, will be closed down by the end of 1971. The closing of the plantation will end a lifelong career for each of the Suzuki brothers—King, Maxie, Masao, and Buster—who have worked there since they were teenaged boys.

Masao, and the fifth Suzuki brother, Hiroshi, were both members of the famed 442d Regimental Combat Team and served with distinction in combat during World War II. Hiroshi lost his life during the war as a result of tuberculosis contracted at Anzio.

It is evident from the newspaper article that the Suzuki family roots at Kahuku are deep, and that the family is deeply devoted to the community which they have helped to build.

It is also evident in the successes which they have achieved that members of the third generation of Suzukis have inherited the sterling qualities of their Issei and Nisei forbears.

Of the 19 grandchildren of Tokujiro and Kimino Suzuki, 11 are college-educated or are attending college; two are teachers; three hold management or supervisory jobs. Others include a civil engineer, a draftsman, a medical secretary, a real estate agent, a shipfitter, a movie electrician, and a secretary.

The story of the Suzuki family is indeed an inspiring one for all Americans, and one which I would like to share with my colleagues in Congress and others. I therefore take pleasure in submitting for inclusion in the CONGRESSIONAL RECORD the article, "Family Odyssey: Siberia to North Oahu—The Suzukis of Kahuku," from the Honolulu Sunday Star-Bulletin & Advertiser of March 22, 1970, at this point:

Family Odyssey: Siberia to North Oahu—The Suzukis of Kahuku

(By Mary Cooke)

FROM 1904 TO 1905

During the Russian-Japanese war, troops from Japan invaded Siberia. Among them was Tokujiro Suzuki, a young farmer.

The Japanese were so small and they fought so fiercely that a Russian soldier shouted to his comrades: "They're children! What will we do when they send the fathers?"

After the war, Tokujiro Suzuki returned to Niigata in northern Japan where his wife, Kimino, had given birth to their first son.

IN 1910

In a remote camp on the north coast of Oahu, a second son, Kenkichi, was born to the Suzukis. He has lived all his life at Kahuku where everyone knows him as "King."

"After the Russian war my parents came to Hawaii," said King who is now 60 years old. "They left their first son in Niigata because they planned to go back to Japan after my father had made 'quick money' in the Islands.

IN 1925

Tokujiro and Kimino Suzuki, still at Kahuku, got letters from relatives in Japan. They urged the couple to return and work on the family farm in Niigata.

"Next time!" said Tokujiro.

He was working as a rigger and maintenance man at the Kahuku RCA transmitting station. His job was to keep the antenna poles in condition.

Daily, as he clung to the tall steel masts, painting or chipping rust from them, he looked down on his wooden shack and three and a half acres of sandy soil on which he had planted rows of tomatoes, squash, cucumbers, mustard greens and sweet potatoes.

His farm lay about 200 yards from the old Oahu Railroad tracks, and by now he had five sons, two of whom were old enough to pick vegetables and carry them up to the train stop.

"My mother made wooden frames to fit our backs," said King. "They were like pack saddles, with straps that fitted under our arms.

"On the days my father sent vegetables to Honolulu, we all got up early in the morning to pick them. Every trip we made up to the railway tracks, my brother Buster and I each carried about 50 or 75 pounds of produce."

The Suzukis raised chickens, caught fish and occasionally they bought beef from a peddler. To cook, and to boil water in her wash tub, Kimino burned bundles of guava wood which her sons carried down from the hills behind Kahuku.

At night, the family slept on mats covered with futons. The children had pillows stuffed with rice straw; the parents held to the Japanese custom of resting their heads on wooden blocks. Their house was almost without furniture, but King remembers that his mother had a treadle sewing machine.

"Until we were grown, she made overalls and shirts of heavy cotton material for all of us," he said.

Once a month, a big truck arrived at Kahuku. The driver and his helpers pitched a tent and set up a "magic lantern" machine. The Suzukis trooped over, each clutching a dime in his hand.

That night they saw a shoot-em-up cowboy movie, a Mary Pickford romance or a Charlie Chaplin comedy. Until the movie man arrived again, they had no recreation except fishing on the lonely north shore of Oahu.

IN 1927

King and his brother Masao, 8th grade graduates of the (then) only school at Kahuku, were sent to the Lahainaluna, Maui, vocational high school to learn carpentry. Each boy took $5 for his entrance fee. They earned their room and board.

"Every morning before school we picked 'haloe koa' to feed the school dairy herd," King said. "Afternoons, all the boys in carpentry class made desks and benches to supply the public schools on Maui and Molokai. If Lahainaluna School got other orders for furniture, we worked on those, too."

IN 1929

Tokujiro Suzuki left the RCA station and became a pump tender at Kahuku Plantation. King came home from Lahainaluna and started work in the cane fields, and two years later Masao also got a plantation job.

IN 1970

"As long as I can remember, all of us have worked at Kahuku," said Masao. He might have added: ". . . at almost every job on the plantation."

King, 60, who served for years as Kahuku Plantation carpenter shop supervisor, now works as transportation foreman.

Buster (Masaji), 58, was the KP electrical shop foreman before he succeeded King as carpenter supervisor.

Masao, 56, who became a plantation carpenter, now works as fireroom tender.

Maxie (Masanori), 51, started as a tractor mechanic, became a "plant field" foreman and now serves as alternate field supervisor.

As a team, they've come a long way with Kahuku Plantation. And vice versa.

King Suzuki built or worked on most of the houses in the plantation village. For years, he also maintained sugar flumes, shop and office buildings, the hospital, the store, ". . . anything that was made of wood," he said.

He drew his building plans on brown wrapping paper, then scribbled a "cut-off" list in one corner.

"Cut-off," he explained, "means how big. How big every piece of lumber had to be to fit the house we were building. I figured the lengths and cut the boards. Then we loaded 'em in a truck and took 'em to the job place."

While King built up the plantation village, Buster saw that it had light. As electrical shop foreman, he was responsible for maintaining power, transmission lines and transformers to run the pumps, the mill, the office, dwellings, hospital and store.

Meanwhile, Tokujiro, Masao and Maxie took turns at planting or harvesting, or they worked on mechanical equipment in the mill or the fields. Wherever you went on Kahuku Plantation, it appeared that at least one Suzuki was on every job.

Their plantation work record was interrupted only once before Tokujiro and Kimino died. In 1943, Masao and his youngest brother, Hiroshi, joined the 442nd Regiment and served in World War II European combat. After the battle at Anzio, Hiroshi contracted tuberculosis and was sent home. He died at Leahi Hospital.

Hiroshi's flag-draped casket was brought to the Honganji Church at Kahuku. A service was performed with military honors, after which a 21-gun salute reverberated through the little plantation village.

The Suzuki relatives in Japan still wrote letters asking Tokujiro when he would return to Niigata. Repeatedly, he put them off.

"Next time!" he always said. "Next time!"

Finally, his time ran out, and the sons who had been born at Kahuku informed their kinsmen that they were not coming to Japan. They decided to give their share of the family farm in Niigata to their eldest brother who had remained there.

"Our roots here are too deep to move now," said King. His hope, and the hope of all his brothers and their wives is to remain in Kahuku; but the fact they face this year and next is this: They have outlived the plantation which they helped to build.

THIRD GENERATION SCORES

Lance Suzuki, son of Mr. and Mrs. Masao Suzuki, graduated from Kahuku High School last year as the outstanding senior in his class. He was a member of the National Honors Society (for scholastic achievement) and a member of the Interscholastic Association All-Star basketball team.

He won the Francis Brown golf scholarship of $500 and the Tony Lema Scholarship Award worth $8,000. For the latter award, he was chosen by a 20-member panel of nationally prominent sports writers and golfers, including Arnold Palmer.

Lance attended the awards banquet at the Waldorf-Astoria Hotel in New York, after which he began college studies at Brigham Young University in Provo, Utah.

He is one of 19 grandchildren of Kimino and Tokujiro Suzuki, immigrants from Japan who started a vegetable farm in Kahuku 60 years ago.

Of their other grandchildren, 10 are college-educated or are attending college; two are teachers; three hold management or supervisory jobs. Others include a civil engineer, a draftsman, a medical secretary, a real estate agent, a ship fitter, a movie electrician and a secretary.

A WORLD ECOLOGICAL SYSTEM

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 1, 1970

Mr. CRANSTON. Mr. President, the more we learn about the problems of the environment, the more we understand that these problems are international in scope. In this morning's Washington Post, Richard N. Gardner, a professor of law and international organization at Columbia University, reported on the United Nations and the international crisis of the environment.

Professor Gardner, who was Deputy Assistant Secretary of State for International Organization Affairs from 1961 to 1965, observed that—

> The most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

International ecology is a matter of great concern to us all.

I ask unanimous consent that Professor Gardner's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 1, 1970]

Toward a World Ecological System

(By Richard N. Gardner)

Our new concern with the environment has focused so far on domestic problems. We have largely neglected the international dimension. But we are finally beginning a systematic look at our global environment in a new U.N. committee preparing for a world conference in Stockholm in 1972.

A U.N. response to the environmental challenge is long overdue. While some measures to deal with the environment can be taken by individual nations alone, there are resources that do not belong entirely to any nation—the sea, certain lakes and rivers, migratory animals—whose effective management requires international cooperation. Even management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, we are finally beginning to recognize that how a nation deals with its national environment is no longer its own and nobody else's business. We are beginning to comprehend the unity of the world's ecological system, which means that all nations may be affected by how any one of them treats its air, water and land.

We are gradually awakening to the realization that all mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. And business firms around the world are beginning to argue that they cannot accept the additional costs of antipollution unless their overseas competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

President Kennedy asked the General Assembly in 1963 for a U.N. effort to deal with environmental problems—but nobody was listening. Although President Nixon mentioned the environment in his address to the Assembly last fall, his only proposals for international action have been made in NATO. As an organization of limited membership whose principal function is military defense, NATO is not well suited to be the centerpiece of our effort in this field.

The global environment concerns all nations, regardless of national, ideological, or racial differences. Some work on the environment can be usefully undertaken in regional agencies like OECD, but a universal problem needs a universal system of organizations to deal with it. The U.N. system, including its regional commissions and specialized agencies, is the nearest thing to a universal system we have. The Stockholm Conference provides an additional reason to make it more universal by admitting mainland China and divided states. At the very least, the U.N. should invite the Peking regime, the two Germanies, the two Vietnams and the two Koreas to participate in the Stockholm meeting.

What exactly can the U.N. do about environmental problems? To begin with, it could undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; could sponsor joint research efforts and studies; and could finance the training of specialists to handle different environmental problems.

It could organize a world-wide observation network, using observation satellites and other new technology, to monitor the world's environment on a continuing basis, and it could operate a service for the evaluation and dissemination of this information for all nations.

It could encourage the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations and industries accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

It could ensure that multilateral aid programs are carried forward with due regard for their environmental implications, and could encourage the application of environmental safeguards in bilateral aid. (Downstream erosion from the Aswan Dam, we now discover, may wash away as much productive farm land as is opened by the new irrigation systems around Lake Nasser.)

Finally it could establish a U.N. Program for the World Heritage, including scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind. Obviously, each national would be free to decide whether or not to nominate a property within its territory for inclusion in such a U.N. program. At the same time, the community of nations would be free to decide whether or not to accept it.

Countries whose resources were included in the program would gain the advantage of international advice and financial aid in their development with consequent benefits to there economies as a whole. And the world community would be in a position to protect unique and irreplaceable properties—Venice, Angkor, Vat, some of the great wildlife reserves of Africa—in whose survival all mankind has a common interest.

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COURTS MUST REACT TO NIXON SPEECH

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS. Mr. Speaker, I include the following:

[From the Evening Star, March 25, 1970]

COURTS MUST REACT TO NIXON SPEECH

(By John Mathews)

Last July 1 when a group of Southern Negroes and whites staged a sit-in at his office to demand that the Nixon administration spell out its desegregation policy, Atty. Gen. John M. Mitchell told them: "Watch what we do instead of listening to what we say."

Today, supporters of school integration maintained that what President Nixon said yesterday in his 8,000-word message on school desegregation represents a major retreat from establishment of an integrated society.

Southern school officials, lawyers and politicians appeared to be less than jubilant about what Nixon said. But for the most part, they seemed to feel that Nixon had confirmed the administration's shutoff of federal pressure for large scale school integration.

ALL SIDES WATCHING

All sides on the complex issue were preparing to watch closely what the Justice Department and the Department of Health, Education and Welfare will now do to implement the administration's newly defined policy.

Of particular importance to the South, where many school districts and most major cities are under federal court orders, will be the extent to which the President's pronouncement influences decisions on implementation of desegregation.

"Many federal district courts and courts of appeals will be intimidated by the President's statement and many judges will be looking for an out and this is it," said Mrs. Ruby Martin, a lawyer for the Washington Research Project and head of the Civil Rights Office of HEW under the Johnson administration.

PENDING CASES

Both sides will also be watching closely the role of the Justice Department in entering important pending cases like that in Charlotte, N.C., where a federal judge has ordered large-scale busing, which Nixon said he opposes.

In both the North and South, the actions of the Justice Department and the courts in implementing the President's clearly stated policy that "segregation of teachers must be eliminated" will also get close attention.

The Supreme Court, Nixon contended, has not ruled on the question of whether school segregation resulting from housing patterns is unconstitutional. But, the court has said that all school systems must move toward a goal under which "in each school the ratio of white to Negro faculty members is substantially the same as it is throughout the system."

The court has also required that school districts—both North and South—must make sure that in individual schools they "do not discriminate with respect to the quality of facilities or the quality of education delivered to children within the district," the President said.

At a White House briefing yesterday, an administration official said the Justice Department would consider filing court suits to equalize expenditures and facilities where individual schools are discriminated against in the North.

D.C. CASE AN ILLUSTRATION

Such a court action is an extremely laborious and lengthy process, illustrated particularly by the June 1967 decision here by Judge J. Skelly Wright. Julius Hobson, the main plaintiff, has charged that nearly three years after the decision the judge's decrees to equalize resources have not been fully implemented.

While actions of the courts will have significant effect on school desegregation—and Nixon acknowledged that Supreme Court decisions will be the ultimate arbiter—administrative decisions also will have an immediate impact.

Nixon's comments on the role of HEW in obtaining local school district compliances with desegregation guidelines under Title VI of the Civil Rights Act won cautious approval from some Southern leaders.

Nixon said federal officials sometimes have imposed their judgments on local school districts and that now "primary weight" should be given to the judgment of local school boards "provided they act in good faith, and within Constitutional limits."

While saying he still planned to wage a fight for a national "freedom of choice" law, Sen. Strom Thurmond, R-S.C., said he considered "significant" the President's decision to let local school districts have the major voice in developing desegregation plans.

To Leon E. Panetta, who resigned under pressure recently after heading the civil rights office of HEW, the significance of Nixon's comments on the HEW role means that desegregation gains in the South "could be rolled back."

Panetta said yesterday many school districts whose plans are under negotiation or whose plans are phased in over a year's time could be significantly "watered down."

Several Nixon points, Panetta said, have served to "confirm ambiguities" regarding desegregation policy and have also introduced "new unrefined concepts."

"What does the President mean when he says transportation of pupils beyond normal geographic school zones will not be required?" Panetta asked. "What is a 'normal geographic zone'? Each school district will have its own definition."

Nixon's assertion that even de jure school systems—those that had unconstitutional segregation by law—can have elements of de facto segregation—segregation resulting from housing patterns—charts new ground, Panetta said.

No court case has drawn a precise line at which a school system is no longer de jure and becomes de facto, he said. In fact, Panetta said, in some cases the courts have ruled that the fact a school system was segregated by law infects all its subsequent actions.

DICKEY-LINCOLN SCHOOL PROJECT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 1, 1970

Mr. METCALF. Mr. President, the "Report for Action on the Dickey-Lincoln School Project" is an interesting and revealing document which tells of the methods by which investor-owned securities—IOU's—are engaged in defeating legislation. This along with other documents that I have previously placed in the CONGRESSIONAL RECORD demonstrates how the consuming public pays for the activities of the IOU's in lobbying, sometimes in political activities, and frequently in participation in illegal combinations.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A REPORT FOR ACTION ON THE DICKEY-LINCOLN SCHOOL PROJECT

(By Thomas P. Folan, John J. Molloy, and Herbert R. Waite)

(NOTE.—"A Report for Action on the Dickey-Lincoln School Project" was obtained by subpoena in the Vermont Yankee, Maine Yankee proceeding at the Securities and Exchange Commission by intervening municipal electric systems in Massachusetts. (Dockets No. 70-4419, 70-4435) Offered as evidence by the municipals on 10/29/69, but not accepted by the examiner.

(The McGraw Hill electric utility directory for 1968 indicates that J. J. Molloy works for Cambridge Electric Light Co. as assistant general manager. It is understood that Folan worked for Boston Edison, and Waite for New England Electric Systems at the time the report was written.

(The report is titled "Exhibit J" of the municipal systems in Massachusetts in the SEC proceeding.)

Edmund Burke—"All that is necessary for the forces of evil to triumph in this world is for good men to do nothing."

The recent actions of the First Session of the 89th Congress in authorizing and appropriating funds for preliminary engineering of the Dickey-Lincoln School Federal power project make mandatory a prompt, effective and full response from the investor-owned electric utility industry in New England. To do less would be to resign the industry to the inevitability of a Federal power network in our region.

On the following pages there is an outline of an *action* program that can transfer the initiative from the public power forces to the investor-owned electric industry. To be effective, however, it must be *promptly* and *fully* implemented. The time for extended discussion has passed.

SUMMARY OF RECOMMENDATIONS

1. Preparation of a new, condensed press kit—fact sheet.
2. Preparation of conservation issue material.
3. Preparation of rate reduction news releases jointly.
4. Development of feature stories, editorials, commentaries.
5. Development of articles for trade and employee publications.
6. Maintenance and extension of Congressional contacts.
7. Establishment of contacts with Budget Bureau and Engineers.
8. Arrangement of Congressional reception in Washington.
9. Appointment of Congressional liaison team.
10. Preparation of a coordinated advertising program.
11. Extension of contacts with unions and suppliers.
12. Utilization of industry and trade associations.
13. Contact with New England civic and political organizations.
14. Preparation and distribution of a basic speech.
15. Effective use of all company speakers bureaus.
16. Information program for employees and shareholders.

SECTION 1

Publicity, newspaper and magazine relations

The first step in an organized program of developing an effective publicity program entails the preparation of a new, condensed fact sheet—press kit for distribution to all media. This press kit should be prepared within the

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industry itself and preferably by public relations people who have been dealing with these issues at the Washington level. While the press kit—fact sheet is being prepared executive decision should be made concerning the spokesman for the industry. One spokesman should be named as used as the focal point for all announcements of a public nature to present a united, industry-wide position to the public. Distribution of the condensed press kit should be made to all media *by personal delivery*, each company being responsible for newspaper, radio and television stations in its service area.

Additional publicity steps to be taken include:

(1) Preparation of material based on the conservation issues involved preferably based on the recent paper presented to ECNE by Thomas J. Rouner, retired vice president of New England Electric with the facts to be confirmed locally by Norman Temple of Central Maine Power.

(2) Preparation of a series of news releases coordinated among all New England companies concerning all rate reductions filed with the past two years or anticipated or filed within the next two years, including totals of monies and savings to consumers on an industry basis. These releases would be timed to be released in coordination with a parallel advertising campaign emphasizing the low cost of electric service (see section three). These releases would contain persistent reference to the publically stated goal of a 40 per cent reduction in electric rates by the year 1980.

(3) Preparation and distribution of a series of releases telling the interconnection—New England grid story—based factually on the recent ECNE presentation by NEGEA Vice President Charles T. Abbott and consultation with New England Electric's Robert Brandt as chairman of the ECNE Planning Committee.

(4) Development of a number of feature stories, editorials, and commentaries through personal visits to New England newspapers, magazines, radio and television stations. The general approach to establish the newsworthiness of the issue would be to emphasize the record established in the recently concluded session of the Congress of the project as "an extremely controversial issue" that will remain so through the next session.

(5) Development of articles in trade publications and employee publications throughout the area.

(6) Increase production and accelerate associated company distribution of stories concerning Yankee Atomic Company at Rowe and Connecticut Yankee at Haddam Neck and later, if practicable, the millstone plant and Boston Edison, as they are determined to best tell the continuing story of atomic electric development in the New England area.

Personnel: Use of the ECNE Public Relations Committee under the direction of John J. Molloy with authority to sub-divide the assignments to members of that committee.

Cost: Entirely internal.

SECTION 2

Congressional relations

In the past four months, for the first time, a continuing and personal contact has been maintained with the New England Congressional delegation. There seems to be little question that this regular liaison with the Congressmen was largely responsible for the number of questions raised about the Dickey project. Irrespective of the ultimate outcome of the Dickey project it will, without question, be followed by other Federal legislative proposals that will be detrimental to the electric industry in our region and nationally. On this basis, maintenance of continuing and personal contact with the Congress is absolutely essential to survival of the industry.

Within the context of these facts Congressional relations should be organized for both the long and short haul. The immediate goals are:

(1) Continuation of personal contact with the Washington staff of the Congressmen *now* while the Congress is adjourned.

(a) Suggest meetings at home with Congressional leaders such as O'Neill-Boland, with Cadwell, Ahern, Galligan Committee to map strategy and approach to Appropriations committee

(2) Establishment *now* with the staff of the Congressmen and Senators on the House and Senate Appropriations committees including distribution of informational material as it is prepared.

(3) Establish as soon as possible direct and personal relations with the Army Corps of Engineers in both Washington and the New England District—Thomas Folan and Charles Fogarty.

(4) Establishment of direct contact at both the middle and top management level with the Bureau of the Budget (including a direct request to William Webster to make contact with the Bureau through his acquaintances).

Over the longer haul of the next six months and beyond, the following steps should be taken:

(1) In February or March the Massachusetts, Rhode Island, New Hampshire and Vermont companies should arrange a Congressional delegation reception and dinner in Washington. Probably the best arrangement would be for the Massachusetts and Rhode Island delegations to be handled at one dinner (following the long-established format of the annual meeting of the Connecticut companies) and the New Hampshire and Vermont group at another. Invited guests would include the Congressman, members of his staff selected by him and the top two or three officers of each company and the Congressional liaison team. The dinner should be informal and include only a brief presentation of our legislative interests by the chief spokesman for the industry.

(2) We would recommend that to avoid confusion and to provide better coordination and record-keeping that NAEC assign *one* man to the Dickey project and make him responsible for contacts to be made. Since this would place some burden on NAEC we recommend further the assignment of Norman Temple to the task of preparing and maintaining a visual tote board contact assignment sheet at NAEC. It is our feeling that some effectiveness was lost during recent months due to contacts *not made* simply through confusion of assignment among liaison team members. We would recommend the appointment of Robert Litchert at NAEC.

(3) To accomplish the goals of top-notch Congressional relations we recommend the appointment of a Congressional relations team who would be authorized to operate on a quasi-independent basis with their own delegation, each man determining, in some cases through consultations with conferees on a group basis, the time required to do the job. The Congressional liaison team should include: Albert A. Cree as chairman; Joseph McCormick (Connecticut); Thomas P. Folan, John J. Molloy and Herbert R. Waite (Massachusetts and Rhode Island); Donald Sinville (New Hampshire and Vermont); and Norman Temple as secretary and coordinator.

(4) Additional assistance in Congressional relations will be required from other parts of the country. In addition, in return for considerable assistance already rendered by NAEC member company representatives who have come to Washington, there should be a top-management awareness that one good turn deserves another. In this spirit we should make our Congressional relations teams available to other companies *when they need help*. Assistance in the months ahead should include Trent Root (Texas); Leslie Gray and Harry Blanton (Kentucky Utilities and Louisville G & E); Joseph Mooney (Louisiana); Everett Palmer (Pennsylvania); Morgan Murphy (Illinois) and Jack Riley (Carolina Power & Light). Their specific assignment in the immediate months ahead would be the establishment of direct liaison with Congressional members of the Appropriations committee with whom they are already acquainted.

(5) Looking at the national scene it seems to us that there are visible weaknesses in relations with three major state delegations to the Congress: New York, California and New Jersey. These are large delegations and will require special attention in the months ahead.

Personnel: Congressional relations team as recommended.

Cost: Establishment by each company of a budget for travel and expenses for members of the team plus a maximum of $1000 for Congressional receptions.

SECTION 3

Advertising

It is essential that an effective and coordinated advertising campaign be conducted to gain increased public support for the general position of the industry and thus give added support to the Congressmen who have adopted our cause. It is our opinion that such a campaign should basically be nonpartisan in nature, more visual and audio than print and to avoid high-cost, non-taxable features as well as outright-lobbying aspects that it not mention the Dickey project directly but only obliquely or indirectly.

We recommend that we go to the Compton Advertising Agency in New York and ask them to take on this job as a special assignment with the costs to be allocated among all of the New England companies. This seems to us to be a natural extension of presently existing arrangement between Boston Edison, New England Electric, Public Service of New Hampshire and Brocton Edison. It will avoid the pitfalls of selection of some mutually agreeable advertising agency.

We would recommend that the writers sit down with the Compton people and request the following:

(1) Development of three or more storyboards for television telling essentially a low cost-of-service message and emphasizing the New England grid system, recent and prospective rate reductions, what they mean to the average customer, the constantly dropping price of electric service.

(2) Development of a matching newspaper and radio campaign designed to tell the same story.

(3) Preparation of region-wide coordinated rate reduction ads for newspapers so that as rate reductions are announced or previous ones recalled to the public mind they will all have the same appearance, even though they pertain to different electric companies.

This package program should be in preliminary story-board and audio form by December 1 for review by Mr. Cadwell, Galligan and Ahern and members of the Congressional relations team. We recommend implementation by January 1, 1966.

In addition to the coordinated advertising program we should investigate, at the top-management level, the possibility of coop advertising funds from large suppliers of the industry such as General Electric and Westinghouse.

In addition to the paid advertising approach each company should use its bill stuffers, annual reports to shareholders and dividend enclosures to bring the low cost message along with more direct reference to the Dickey project.

Personnel: Compton Advertising.

Cost: To be determined by Compton as part of a package recommendation. Costs then to be allocated among all companies

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less any coop advertising money that can be obtained from large suppliers by chief executives.

SECTION 4

Unions, suppliers and industry allies

During the recent Congressional session the industry received considerable assistance from labor unions who have an interest in our business. Assistance was obtained from the UWA, IBEW, United Mine Workers particularly. In a predominately Democratic Congress this assistance was extremely valuable. Continued personal relations with unions on the national and local level remain an essential ingredient of effective political action in the months ahead. National contact should be continued by the Congressional liaison team and local contact should be firmly established concerning the Dickey project by each company's labor relations director.

Immediate steps to be taken in this area include a request *now* to local union leaders to write to the Congressmen who have supported the industry and thank them for their continued support. This job should be assigned to labor relations directors. Additionally members of the various company's speakers bureaus as well as members of the Congressional relations team should be made available for appearances before any and all union meetings. Direct requests should be made to union leaders for platform time at meetings of local and/or national delegates to union meetings. We should re-aquaint our many unions and allied unions to the forthcoming appropriations battle and ask them to use locals in other parts of the country to make contact with members of the Senate and House appropriations committees. A particular effort should be made to approach locals of such unions as IBEW, UWA, UE and UMW in New Jersey, New York and California for their assistance. Further steps should be made to enlist the aid of the building trades unions in New England to point out to them that construction of the Dickey project will mean loss of employment in southern New England.

It is our firm conviction that while organized labor made itself available in the recent battle the management side of supplier companies record was less than outstanding. Part of the problem was that we did not ask the assistance of large supplier companies but their assistance was not volunteered either. To correct this situation we recommend that:

(1) We request large utility supplier companies to assist our cost of service advertising campaign with co-op advertising money (see Section Three) and further that when and where they run regional ads in the New England area that such ads feature low cost of service.

(2) That direct personal contact be made with the Washington representatives of major supplier firms (Westinghouse's Washington representative was most helpful when asked).

(3) That direct, personal contact be made at a very high executive level with such companies as General Electric, Westinghouse, Allis Chalmers, Babcock & Wilcox, Dravo Corp., U.S. Steel, Bethlehem (their Washington representative was also most helpful) and other steel companies. Additionally personal contact specifically should be continued with IBEW, UWA, UE, UMW and established with the railroad unions and IUE and the Steel Workers.

(4) A specific request should be directed to the utility section of the New England Purchasing Agents for platform time. This appearance should be by the chief spokesman of the industry and include direct and specific authorization from the chief executives of all the companies to direct their purchasing agents to enlist the aid of all utility suppliers. There are millions of dollars expended in this area from which we are gaining no support for our position although it is logical that such supliers, in the interest of continuing business, should join the fray. Additionally chief executives of the utilities should *phone* similar requests to their counterparts in supplier companies.

Personnel: Labor Relations Directors, Congressional Relations team, chief executives.

Cost: All internal.

SECTION 5

Industry and trade associations

Efforts should be made in the broad area of industry, trade and other New England and national associations to obtain support for our industry position. We have already made reference to establishment of a tote board and assignment of specific NAEC personnel to this project. Additionally NAEC should begin *now* to set up contact with members and staff of the Senate and House Appropriations Committees.

We should survey all EEI published material and determine if any of it may be useful as part of the press kit or other material to be distributed to interested parties.

We should contact the National Industrial Conference Board to determine what assistance, if any, they might lend.

Condensed press kits and back-up material should be given to Bozell & Jacobs to develop *"non-partisan"* articles in national magazines. These articles, however, should be very carefully cultivated and we recommend strongly that initially members of the Congressional liaison team meet personally with Don Underwood of B&J to set the right course at the outset for such articles. We presume such services on the part of Bozell & Jacobs would be part of their regular service.

Reddy Kilowatt, Inc. (which rendered valuable personal contacts) during the recent session should be re-briefed for whatever assistance they can give in the months ahead. We have no specific assignments in mind for them at this time.

We do not, at this time, recommend the participation of either the National Association of Manufacturers or the National Chamber of Commerce. It is our judgment that they would not be useful at this time. We do recommend, however, that Tony Wallace continue and increase his contacts with the Association of State Chambers in Washington.

We recommend that we seek platform time before a number of other associations in the New England area. These would include such groups as the New England Gas Association, Wiring Inspectors Association, Selectmen's Association, Municipal League, Town Clerks Association, and Electric Contractors. ECNE should provide us with a list of such associations and letters should be sent to them offering a speaker. Speakers would come from the respective company speakers bureaus.

Additionally, to gain support on the broader national level we should request platform time at regional utility meetings throughout the country such as PUAA, Southeastern Power Exchange, etc. A list of these scheduled meetings will be obtained from Reddy Kilowatt, Inc. Appearances before these meetings should be assigned to members of the Congressional liaison team or specifically selected members of the speakers bureau.

Personnel: Members of the company speakers bureaus and members of the Congressional liaison team.

Cost: Internal plus transportation to meetings outside of New England.

SECTION 6

Speakers bureaus

An organized program of appearances before New England groups should be instituted by the individual directors of company speakers bureaus. A basic speech should be first prepared by the Congressional liaison team and widely distributed to all members of all speakers bureaus. Following the traditional format of operation of such bureau members should be encouraged to innovate or improve the speech for their own personal style of delivery.

It is essential, however, that all speakers sent out to the hustings be specifically directed to *avoid any partisan implications in their remarks*. An examination of the series of roll calls in the recent session of the Congress clearly indicates that while we received fairly consistent support from Republican Members the leadership of the fight was, for the most part, handled by Democratic members from New England and Pennsylvania. Additionally, considerable support was received from Southern Democrats. Keeping these factors in mind is essential to ultimate success with this project.

It is our general feeling that over years past there has been a tendency on the part of utility people, top management included, to equate good with Republicanism and evil with the Democratic party. . . .

NEW YORK STATE VA HOSPITALS UNDERSTAFFED, UNDERFUNDED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DULSKI. Mr. Speaker, Veterans' Administration hospitals in New York State are not receiving sufficient financial support to provide the kind of medical care that veterans deserve.

A survey conducted by the House Committee on Veterans' Affairs, of which I am a member, shows clearly that the hospitals are both understaffed and underfunded.

Reports from around the country, including New York State, show that many VA hospitals are being caught in an impossible squeeze between rising workloads and the mounting costs for medical services and drugs.

SUPPORTS CHAIRMAN TEAGUE'S RATIO

I fully support the recommendation of my chairman, the Honorable OLIN E. TEAGUE of Texas, that VA general medical hospitals should have a minimum staffing proportion of two employees for each patient. In psychiatric hospitals, the ratio should be one to one.

Information to our committee shows that general medical community hospitals and State and local government hospitals have an average staff ratio of 2.72 employees for each patient. The ratio for hospitals connected with medical schools runs even higher, in excess of three to one.

In stark contrast, the VA nationally has only an average of 1.5 staff members per patient.

Among VA hospitals in western New York, reports to the committee show that only the Canadaiqua facility has reported no deficiency in its staff or budget for the current fiscal year.

BUFFALO HOSPITAL UNDERSTAFFED

The Buffalo VA hospital, which I visited on Tuesday, has reported that it is operating with an appropriation which

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is $1.4 million short of the amount needed for fiscal 1970 operations. The staff at Buffalo averages only 1.3 per patient—well below the recommended minimum.

Eugene E. Speer, Jr., director of the 951 bed Buffalo hospital, has informed the Veterans' Affairs Committee that the fund shortage breaks down this way: About $293,000 is needed for hospital salaries; $653,252 for maintenance and repair of the hospital facility; $242,500 for replacement of equipment; and $211,950 for dental care funds mostly for Vietnam veterans.

Recently, the hospital director advised the committee that the Buffalo facility had been allocated $111,500 in additional funds for fiscal 1970 operations. Of this total, $17,500 was allocated to the dental backlog for Vietnam veterans of about $211,950 and the balance of $94,000 for equipment replacement.

UNABLE TO FILL VACANCIES

The director said that he could not fill any of the positions reported as being deficient because sufficient funds had not been made available on an annualized basis to support the requested staffing in future years.

Mr. Speer further indicated that under the present funding policy it would be necessary for him to operate the Buffalo hospital with about 15 fewer full-time equivalent positions in fiscal 1971 as compared to fiscal 1969.

In order to achieve the recommended ratio at Buffalo, approximately 552 additional full-time permanent positions would be needed at an annualized cost of about $5.3 million.

SOME COSTS ABSORBED

The hospital director has told the committee that about 525 of these positions are recruitable at present salary scales paid by the Veterans' Administration.

Mr. Speer further indicated that the hospital was having to absorb some of the increased costs in salaries, particularly the special salary rates for registered nurses, psychologists, and the increases in grades for nursing assistants and practical nurses.

He indicated that for the most part funds were not made available to compensate for these increases and that these "actions shrink our salary dollar."

BATAVIA HOSPITAL SHY

At the Batavia hospital, Dr. Eugene F. Melaville, director, has reported he is over $308,000 short of fiscal 1970 funds to operate the hospital.

Over $208,000 was reported as being deficient to pay salaries for hospital personnel, and approximately $18,618 in additional funds was needed to take care of increased costs of drugs, medical supplies and blood and blood products.

The director reported that he needed $81,000 in additional funds for equipment and maintenance and repair projects, as well as 10 additional medical personnel to properly staff the intensive coronary care unit and the speech therapy unit at the hospital.

Dr. Melaville advised the House committee that the hospital needed about $5,000 for grounding the equipment in the coronary care unit. Funds have been requested from the VA Central Office but thus far they have not been received.

The Batavia hospital has a ratio of 1.6 staff members to each patient. In order to achieve the recommended ratio of two employees for each patient, 53 additional full-time permanent positions would be needed at Batavia at an annual cost of $446,842.

BATH HOSPITAL ALSO SHORT

At the Bath hospital, director M. Michael, Jr. has advised the committee that he is almost $65,000 short of personnel funds during fiscal 1970.

The hospital director also reported deficiencies of almost $625,000 for conversion and replacement of the hospital boilers, and replacement of the elevators in the hospital.

More recently, Director Michael advised the committee that he had received $25,000 to apply against a $65,000 funding deficiency in personnel and that $30,795 would be diverted from his equipment and maintenance and repair projects to cover the remaining personnel deficiency during 1970.

Mr. Michael indicated that replacement of two old inefficient boilers was essential from an efficiency standpoint and to offset continuing staff costs.

He pointed out that the continued use of the old boilers contaminated the air at the station and the surrounding area and that the station had been cited by the New York Department of Health for violation of the code pertaining to pollution.

The elevators at the Bath hospital are over 30 years old and were described by the director as "inefficient and require an abnormal amount of repair."

The present ratio at Bath is 1.3 employees per patient. In order to achieve the recommended goal, approximately 140 additional positions would be needed at the Bath hospital at an annual cost of about $1.3 million.

Director Michael has indicated that he could recruit over 100 of these positions if the funds were made available to him from the VA Central Office.

CANANDAIGUA NO PROBLEM

As for the Canandaigua VA hospital, it was alone among the western New York facilities reporting no funding or staffing problems, according to the director, Dr. J. S. Weltman.

Our Veterans' Affairs Committee has been making an exhaustive study of VA installations across the country in preparation for extensive public hearings to be held in the near future.

The committee is concerned as to whether the VA hospitals are sufficiently staffed and funded to provide America's exservicemen and women with "second to none" medical care.

There are many veterans of the war in Vietnam who are now receiving treatment in VA hospitals and it is essential that the facilities be adequate to provide the attention that these veterans deserve.

UNDERFUNDED BY $10 MILLION

As for the various VA hospitals in New York State, they have been underfunded by $10 million in fiscal 1970. Involved are nearly 11,000 hospital beds serving approximately 2½ million New York veterans.

Veterans' Administration hospitals are located at Albany, Batavia, Bath, Bronx, Brooklyn, Buffalo, Canandaigua, Castle Point, Montrose, New York City, Northport, and Syracuse. An independent outpatient clinic is also operated in Brooklyn.

The committee investigation has revealed that the VA hospitals in the State are approximately 3,300 positions short of needed staff compared with recommended ratio of employees to patients. Filling all these positions would cost about $30 million annually.

Some of these positions would be quite difficult to fill at the current VA salary scales, but hospital directors have said they believe that about 2,500 jobs could be filled if the funds were available.

Several weeks ago, the VA hospitals in New York received additional funding totaling about $1.1 million but this still leaves a deficiency of $8.9 million.

BROOKLYN SHORT $3.1 MILLION

In Brooklyn, Dr. P. R. Casesa, director of the 1,000-bed VA hospital, has reported a 1970 funding deficiency of $3.1 million. He said about $1,378,000 was needed to fund approximately 160 positions on the hospital staff.

Over $143,000 was needed in additional funding for general hospital operating costs such as food, drugs, medical, and chemical supplies, dental supplies, blood, and blood products, operating supplies and materials.

Dr. Casesa said the hospital was over $1.6 million short of funds in maintenance and equipment categories to operate this large VA hospital.

He also indicated that he was almost $100,000 short of funds for the community nursing home care program which provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and who now need less expensive care in private nursing homes.

The Brooklyn director said he needed 23 additional positions to properly operate the cardiology unit, the emphysema unit, the pulmonary function unit, radiology, and clinical laboratory at an annualized cost of about $235,000.

Recently, Dr. Casesa advised the committee that he had received $130,760 in additional funds for fiscal year 1970 to operate the Brooklyn VA hospital.

ADDED FUNDS HELP SOME

About $15,760 will be used for the community nursing home care program to reduce the $100,000 deficit reported to the committee in December 1969, and about $115,000 will be used to apply against the fund deficiency of $1.3 million to maintain and fill positions on the hospital staff.

Some of the shortage for staff salaries will be made up by diverting equipment and maintenance funds to partially support salaries for hospital personnel.

The remaining reported personnel deficiency will be overcome by leaving positions vacant even though the hospital director feels these positions are needed.

Continuing diversion of maintenance

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and repair and equipment funds to pay hospital salaries is delaying many modernization projects and equipment purchases which are vitally needed to provide modern medical care for veterans served by the Brooklyn VA hospital.

The hospital director reported a need for a medical intensive care unit, a surgical intensive care unit, a coronary care unit, a chronic hemodialysis unit, and cardiac surgical facilities.

He also indicated that the elevators in the 19-story building needed modernizing explaining that "three additional high speed elevators to efficiently cope with the traffic in this 19-story building would provide service and productive man hours which would be nothing short of a transformation."

NEEDS ARE OUTLINED

Dr. Casesa reported a need for centralized oxygen, medical air and suction equipment, and a nursing call system which have not been authorized because of inadequate funding. The director also reported need for replacing windows throughout the hospital because they leak during rainy weather.

Dr. Casesa reported to the Veterans' Affairs Committee that the staffing ratio at the Brooklyn hospital was 1.4 staff to each patient. To achieve the recommended ratio, Dr. Casesa said that approximately 666 additional full-time positions would be needed at the Brooklyn hospital which would cost about $5.7 million annually. The hospital director advised the committee that about one-half of these positions would be recruitable at present salary scales.

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MANHATTAN HOSPITAL NEEDS

At the Manhattan VA hospital, John V. Sheehan, the hospital director, reported that his hospital had a 1970 funding deficiency of $784,000.

About $520,000 of this deficiency was for 50 full-time permanent positions which the hospital had been authorized but could not fill because they had not been funded for them in fiscal year 1970.

The hospital director reported that he was approximately $264,000 short of funds for maintenance and repair projects at the hospital and equipment funds which are needed to replace old outmoded equipment and to purchase new equipment needed for modern medical care.

About $100,000 in 1970 equipment funds will be diverted in order to pay salaries for onduty personnel.

Mr. Sheehan advised the committee recently that he had received $261,250 in additional funds from VA Central Office to apply against the earlier reported deficiency of $784,000.

The remaining deficiency of about $520,000 will be made up by not filling needed positions and deferring substantial quantities of equipment and maintenance and repair projects.

Other portions of the deficiency will be overcome by selective reductions in hospital operating supplies and expenses.

BRONX HOSPITAL PICTURE

Dr. A. M. Kleinman, director of the Bronx VA hospital, reported that he was approximately $639,000 short of fiscal year 1970 funds to operate that VA facility. Over $483,000 was needed to pay salaries of about 60 employees. About $150,000 was needed to purchase equipment and for maintenance and repair projects at the 1,178-bed hospital.

Recently the hospital director advised the committee that VA Central Office had allocated $200,000 in additional funds to apply against the $639,000 deficiency reported in December 1969.

Dr. Kleinman indicated that it would still be necessary for him to divert $363,000 from unobligated maintenance and repair projects and equipment purchases to pay salaries during fiscal year 1970 for onduty personnel.

The balance of the deficiency will be made up by not filling positions which the hospital director feels are needed.

STAFF NEEDS URGENT

Dr. Kleinman indicated that the Bronx hospital needed almost $460,000 in additional annual staffing money to propertly staff the spinal cord injury service, the open heart surgery unit, cardiac catheterization unit, radiation and inhalation therapy units, and the renal dialysis unit.

Dr. Kleinman advised the committee that the staffing ratio at the Bronx hospital was 1.72 staff to each patient. To achieve the recommended ratio at the Bronx hospital over 300 additional positions would be needed at an annual cost of about $2.9 million annually.

Dr. Kleinman reported that about 240 of these positions were recruitable at present VA salary scales.

SOME $2.4 MILLION SHY AT ALBANY

John Cox, director of the 975-bed Albany hospital, reported to the committee that the hospital was short of fiscal 1970 funds totaling about $2.4 million.

About $1.1 million of the total funding deficiency was in personnel funds to staff the hospital; over $196,000 in additional funds were needed for hospital operating supplies and services and for consultant and attending physicians to help augment the hospital staff for cases needing specialized treatment.

The hospital director also said that he was $404,000 deficient in equipment replacement funds; $471,500 short of funds to purchase new equipment; $244,615 short of maintenance and repair funds and $40,000 short of funds for dental care mostly for recently discharged Vietnam veterans.

Recently, Director Cox advised the committee that he had received $129,532 to apply against the current year's $2.4 million deficit.

DIVERTING FUNDS FOR REPAIRS

About $110,000 will be used for salaries which will still necessitate the diversion of over $95,000 from equipment and maintenance and repair funds to pay hospital salaries.

Some already vacant positions will not be filled and vacancies which occur during fiscal year 1970 will not be filled in order to meet the shortage of personnel funds. Listed among the positions which will not be filled are cardiologists, neurologists, and hemodialysis technicians.

Director Cox also indicated that $16,000 of the additional funding would be applied to the community nursing home deficit of $49,000 reported as being deficient in December 1969.

This program provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and who now need less expensive care in nursing homes.

About $3,500 was also received in the additional fund allocation earmarked for the dental care deficiency of about $40,000 reported to the Committee in December 1969.

Director Cox has reported that the Albany hospital has a staffing ratio of 1.5 staff to each patient. In order to achieve the recommended ratio at Albany, the hospital director reported that 338 additional positions costing over $3 million would be needed. He said only 200 of these positions are recruitable at current VA salary scales.

HOSPITAL AT MONTROSE

Dr. Leon Rackow, director of the 1,700-bed psychiatric hospital at Montrose, has reported that he was $209,806 short of funds for salaries in fiscal year 1970. This hospital did not receive any additional funds recently when many other hospitals throughout the VA system received some help.

In order to partially compensate for the salary deficiency, about $58,000 will be diverted from equipment and maintenance and repair funds to help pay salaries, and about $83,000 will be saved by not filling other positions.

The remaining deficiency will be realized through additional personnel attrition during the fiscal year and savings in other areas.

The recommended staffing ratio for VA psychiatric hospitals is at least one employee for each patient, but the staffing ratio at the Montrose hospital is only about 0.76. In order to achieve the recommended ratio, approximately 340 new positions would be needed at an additional annual cost of about $1.5 million.

SYRACUSE FUNDS SHORT

At the Syracuse hospital Alan W. Chadwick, the hospital director, reported that he was approximately $493,000 short of fiscal 1970 funds.

Over $233,000 was reported in salary deficiencies; $68,500 in hospital operating costs for drugs, supplies, blood and blood products, etc. About $191,000 was needed for the purchase of equipment and maintenance and repairs at the hospital facility.

The Syracuse hospital later received an additional $188,000 for fiscal 1970.

About $63,000 is being applied against the $233,000 salary deficit with the balance of the deficit being made up by diverting equipment and maintenance and repair funds to salaries and by not filling vacant positions.

About $12,250 is being applied against a deficiency of $25,000 reported in December in the dental care program mostly for recently discharged Vietnam veterans.

The Syracuse hospital staffing ratio is 1.65 employees for each patient. Over 170 new positions costing $1.6 million annually would be needed at Syracuse to achieve the recommended ratio.

NORTHPORT TRANSTIONAL

Dr. S. P. LaCerva, director of the 1,300-bed Northport VA psychiatric hospital, reported to the committee that since 1968 and for the next few years the Northport hospital has been and will be in a highly transitional situation because of long-planned bed reductions in the psychiatric hospital.

He indicated that in the past there had been severe inpatient overcrowding and that the rapid expansion of outpatient services was now permitting the hospital to correct overcrowded conditions.

The director also pointed out that the new 480-bed medical and surgical situation demands progressive realinement of services and manpower to meet the changing treatment requirements. While many deficiencies exist, action to correct these will be delayed during the transitional period and funds will be allocated as needed.

NEEDS AT CASTLE POINT

Archie E. Millis, director of the 258-bed Castle Point hospital, indicated that he needed about $150,000 in additional funds to operate the 30-bed pulmonary emphysema unit and the eight-bed intensive care unit at that hospital.

Among some modernization programs which the director says are needed is the installation of a sprinkler system in specified fire hazard areas of the hospital, conversion of the coal-fired boilers to gas, and emergency generators for two of the nursing home care buildings.

At Castle Point the present staffing ratio is 1.7 employees for each patient. In order to achieve the recommended ratio, about 60 additional positions would be needed at a cost of $407,000. The hospital director indicated that all except one of these positions would be recruitable at present VA salary scales.

The Veterans' Administration hospital system has long been considered among the best of Government-operated medical facilities.

VA HAS FINE SERVICE RECORD

VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas.

The fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate into a second rate system.

Some curtailment of VA funding and staffing has been blamed on the war and inflation. But it is my view that the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

This Nation has prided itself in its service to those who have borne the burden of battle. A bipartisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen.

AIDING VETERANS NONPARTISAN

We in Congress on both sides of the aisle have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service-connected disabilities.

I cannot sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans.

I support fully Chairman TEAGUE's leadership in directing this committee survey so we can make a determination if we are doing all that needs to be done to properly and promptly serve America's ex-servicemen.

JETS FOR ISRAEL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1970

Mr. LUKENS. Mr. Speaker, the U.S. State Department has done it again, and this time the victim is Israel. We are now training Arab military personnel and giving foreign aid to Arab countries. As yet, no Israeli has received American military training here, nor is Israel receiving any economic aid from America.

While Russia proceeds to give missiles to the Arab countries, this administration, with the usual ineffective State Department guidance, hesitates to make a simple sale of aircraft to Israel. The Russian missiles given to the Arabs is a far greater threat to Mideast peace than anything we have ever done. They clearly have no compunction about their escalation of the hot war in the Middle East. Nor do many of our well intentioned peacenicks friends here in the United States—they only have the time and inclination to criticize American involvement, not Russian or North Vietnamese.

Israel is presently at a military advantage vis-a-vis the Arab countries, but this temporary advantage stems from their 1967 hard-earned victory. Their security is temporary and can be lost at any time.

The Nixon administration decision not to sell 25 Phantom and 100 Skyhawk jets to Israel only jeopardizes Israel's basic right to exist. I am afraid this decision will encourage aggression by some Arabs as Russian military supplies continue to stream into their countries. We must make it clear to the Russians that we will supply Israel with the basic tools with which to safeguard her security.

I urge this administration to immediately reconsider this decision not to complete the sales transaction. It is time for America to stand tall and support by deed, not words, our endorsement of Israel's right to exist. This country should stand by her friends in need.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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HOUSE OF REPRESENTATIVES—*Thursday, April 2, 1970*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Bless the Lord, O my soul, and forget not all His benefits.—Psalm 103: 2.

O God, open our eyes to all the benefits around us. Help us not to be blinded as a nation to our blessings by those who see only our faults, nor to be blinded to our faults by those who see only our blessings. As we are called upon to perform hard tasks and duties, remind us that we do not walk alone. Grant us the humility to confess our ignorance, our weakness, and our need of the benefit of Thy presence. Fill us with strength and courage for the living of our days and the completion of our tasks. Now may the strength of God pilot us, the power of God preserve us, and the hand of God protect us. Through Jesus Christ. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, March 31, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 227. An Act to provide for loans to Indian tribes and tribal corporations, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) entitled "An act to extend programs of assistance for elementary and secondary education, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 952) entitled

"An act to provide for the appointment of additional district judges, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. MCCLELLAN, Mr. TYDINGS, Mr. HRUSKA, and Mr. SCOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3313. An act to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes.

IN GREECE, THE BELLS AND PEOPLE MUST WAIT

(Mr. YATES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, my good friend, Christopher Janus, an American of Greek descent who is intensely devoted to fostering the noble democratic ideals of Greece, has written an article for Chicago Today which is timely and penetrating. Mr. Janus' article, entitled "In Greece, the Bells and People Must Wait," tells of the difficulties encountered by Greek citizens as they endeavor to remain true to their democratic tradition under the oppressive regime of a military junta which took over in 1967.

Special emphasis is given to Mr. George Seferis, a Nobel Prize winning poet who has vowed not to publish until the present military dictatorship is gone. Mr. Seferis has come to symbolize "a spirit that the junta cannot crush."

Mr. Speaker, the United States continues to supply military support to the regime that has already done so much to oppress that Greek spirit which Mr. Seferis embodies. Our own democracy has its roots in Greece and our support of the present Greek Government does not sustain the ideals and principles upon which our Government was founded. Mr. Janus suggests that the realism" which lies at the roots of our present policy of supporting the military government because it is a member in good standing of NATO could have serious consequences when the government is overthrown. He quotes an observer in Greece as saying:

> The Americans go on as tho nothing has changed here and many Greeks resent that bitterly. They (the Americans) allow their pictures to be taken with the colonels in very friendly poses. These are quickly printed up into large posters which are struck up all over the countryside. Whatever the Americans say is their policy regarding the evils of dictatorship, those posters are all most people see.
>
> It is quite possible that once the junta is overthrown, the Americans will be booted out with them and the bases will be lost forever.

That is a warning we would do well to consider seriously.

The article follows:

IN GREECE, THE BELLS AND PEOPLE MUST WAIT

(By Christopher Janus)

ATHENS.—Gazing today at the stately Greek ruins one no longer sees merely a venerated link with the past. One is struck by the awful contrast shown in the statuary given to the world as a symbol of democracy and the flat whine of military jeeps in Constitution square. At no time has Greece been more mocked by her history.

In April, 1967, a military junta headed by Col. George Papadopoulos took control of the Greek government. In declaring martial law, the army relieved the parliament of all its duties and warned the Greek press of the ". . . dangers of reviving political passions."

Somehow, in the name of combating a greatly overstated threat of anarchy which would lead to communism, the rule of force overtook a place devoted historically to the rule of law.

This was a victory for the narrowest point of view: that chaos could be averted only with repressive military dictatorship. Wholesale political arrests and torture have become commonplace. Banners loudly proclaim that communism in Greece has been conquered, but the differences between the cure and the disease seem academic.

For poet George Seferis, who lives here, the change has been grim. Five years ago Seferis won the Nobel prize in literature. He should have been at the crest of an already distinguished career yet now Seferis will not publish.

In the Greek intellectual community and indeed thruout the world. Seferis symbolizes a spirit that the junta cannot crush. His artistic success is seen here as much more than a personal or national pride. Seferis seems to represent that link with the classical Greek tradition which gave the world, along with timeless grace in art and architecture, a workable system of laws. When the junta took power, many looked to Seferis for the point of view he represents.

Two years ago Seferis wrote an open letter to the military junta. He reminded them of promises to return Greece to parliamentary law and free elections and of a communist menace which had somehow retreated into the clouds. He vowed not to publish until the dictatorship was gone.

To understand what George Seferis did 2 years ago and the risks he took in doing so is to see the other point of view in Greece today.

At one time in Greece reports of torture were dismissed by the ruling colonels with reminders "not to believe everything you hear."

When a prisoner is fortunate enough to be released he often writes anonymously to one of the resistance headquarters. Here are quotes from one such letter:

"I was taken after the secret police broke into my house, searched it thoroughly and treated me in a barbaric way. I was beaten and threatened many times before we left.

"The next day I heard the screams of a prisoner in the adjoining room. His voice cracked pitifully as he begged, 'Don't torture my wife, she doesn't know anything! I will tell you everything, no, no, for God's sake!'

"The screams were so pitiful that anyone would have felt for that poor husband. The same day at noon I heard beating by fists and clubs and loud moans of tortured prisoners. At the same time I heard laughs and teasings of soldiers who were inviting their comrades to take part in the tortures. After that I was taken to another prison where I was detained without even being accused of anything."

Tho the tortures are the most dramatic of current Greek tragedies, there are other effects.

In Greek universities today no more than five students may assemble to discuss any subject unless permission has been received in advance. Every school has an army representative and an elaborate system of informers should the rule ever be broken.

Studies of modern logic and mathematics have been banished from the curriculum and history texts have been burned and replaced with editions describing the saving of the Greek state from communism by the junta.

For many months after the take-over all newspaper copy had to be taken to the ministry of information for approval before publication. When pressure to stop this practice became troublesome enough for the colonels last October, a suspension of the rule was ordered. A few pointed political cartoons and editorials brought back most of the censorship along with rules making it impossible to distribute most Greek newspapers to outlying villages.

With no parliament, the constitution was amended making the army "sole protector of the existing social structure." This phrase alone gave to the junta all the mandate ever needed by any dictator in history.

It was within this framework that George Seferis took action openly. His world eminence and public position make him a difficult target for harassment and he has so far been left alone. Whether or not the gap between Seferis and other intellectuals and the junta can be used to overthrow the present rule depends upon many other political realities.

The most significant political reality is the enigmatic role of the United States and its tacit support of the Papadoupolus regime. To the average Greek citizen, the presence of the United States generals and admirals coming and going about normal business is the strongest sign of the origin of the junta's power.

According to American officials, the colonels' power exists despite the United States. Our state department comments only that while the Greek dictatorship is certainly not to be condoned we must continue to support the Greek military as members in good standing of NATO.

With a Russian fleet in the Mediterranean, so the theory goes, we must make our own force felt, as well, in order to prevent an imbalance in several spheres, including the middle east. This means maintaining our Greek naval bases at the cost of supporting the Greek military.

European observers in Greece report that the American tendency to be unaware of grassroots political thought at their foreign diplomatic outposts is particularly painful in the current Greek turmoil. One observer told me recently:

"The Americans go on as tho nothing has changed here and many Greeks resent that bitterly. They allow their pictures to be taken with the colonels in very friendly poses. They are quickly printed up into large posters which are stuck up all over the countryside. Whatever the Americans say is their policy regarding the evils of dictatorship, those posters are all most people see.

"It is quite possible that once the junta is overthrown, the Americans will be booted out with them and the bases will be lost forever."

One of the Greek counter-movements operates out of London. A young attorney in the movement, visiting here, told me:

"There are probably too many areas of mutual interest for the Americans to be thrown out of the Greek naval bases. Still, what the Americans fail to see is that they can keep the bases and continue to stand for world democracy. All the state department needs to do is stand up to the junta and demand reforms. The junta must maintain the appearance of American support to survive. They seem to know this while your country does not."

For men like George Seferis the answer is to wait. Seferis says time is on his side. Cloistered in his house on Argus street in Athens, Seferis continues to write.

For others the daily routine can be fit into the need to survive. Not long ago I sat in an Athens restaurant with a Greek businessman who seemed amazed that I dared speak so freely about the junta in a public place. I asked him how he could afford to be seen

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with me, if this were the case. He replied easily.

"Oh, me," he said, "I am a spy. That is how I can still see all of my old friends."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 1, 1970.

The Honorable, the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 12:30 p.m., on Wednesday, April 1, 1970, and said to contain the Second Annual Report on National Housing Goals.

With kind regards, I am,
Sincerely yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

SECOND ANNUAL REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-292)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

I submit herewith the Second Annual Report on National Housing Goals, as required by Section 1603 of the Housing and Urban Development Act of 1968.

In the past year, this Administration has undertaken an extensive analysis of our housing goals and the prospects for meeting them. This analysis suggests that the construction and rehabilitation of 26 million housing units in a decade—including 6 million for families with low and moderate income—should meet the nation's needs, and is consistent with other urgent claims on our productive resources. This volume of housing can be produced if we follow appropriate policies.

In line with the statutory requirement, the attached Report presents a revised production plan to achieve the housing goals. Such planning is helpful in providing a guideline by which to measure our progress toward meeting the nation's increasingly urgent housing needs. It should be emphasized, however, that projections eight years into the future must be considered flexible, regardless of the apparent precision of the planning schedule.

The record of the past year makes clear that continuing efforts on many fronts are required to provide a decent home and suitable living environment for every American family. The Administration, the Congress, private industry and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objective within the framework of sustainable economic growth.

RICHARD NIXON.
THE WHITE HOUSE, *April 1, 1970.*

EXPLOITATION BEYOND THE GRAVE

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, we are witnessing another classic example of the brainwashing technique through the media, in the current desperate attempt to make a saint out of a plain garden variety subversive tool.

This Saturday will mark the second anniversary of the death of Martin Luther King, called by J. Edgar Hoover the country's biggest liar. The slavemasters of conspiracy who created and used him during his life are still trying to get profit from their investment. They will not let their creation rest in peace, and they are now exploiting his family for their own purposes.

We should note for the record that this man during his lifetime served his masters faithfully. When it served their purpose for him to break the law, he broke the law cheerfully. When it served their purpose to produce a riot, he piously produced a "nonviolent" riot. Witness Cicero or Memphis. When it served their purpose for him to lie, he lied with gusto. Witness the Highlander Folk School incident, where he denied being at the Communist training school even after his photograph there was published. Or his denial of Hunter Pitts Odell when that Communist was on his payroll.

The untimely death of this Communist puppet occurred at the very time he had ceased to be valuable alive. Now, watching the tremendous effort to canonize him, it makes one wonder whether the attempt to manufacture this saint would have been possible if he had met his demise at the hands of the knife-wielding Harlem woman—or if he had gotten drunk and drowned in his private heated swimming pool as did his brother. One must conclude that he even died on cue.

Do not the responsible Government officials who have in their possession the full and documented story, with all of the evidence, have an obligation to tell the American people the truth about this man?

The analysis of April 1968, by Dr. Medford Evans is worth considering in this context, and I include it in my remarks:

THE USURPERS

(By Medford Evans)

Theodore H. White, "The Making of the President, 1964": ". . . it was not comfortable to be considered a usurper."

Robert Burns, "Scots Wha Hae": "Lay the proud usurpers low."

The first week in April 1968 saw a quantum jump in the power level of Robert Francis Kennedy. His position was at once elevated and consolidated. Sunday morning, March 31, *The New York Times Magazine* appeared with a lead article about "The Kennedy Machine," which allowed as how Kennedy "will need all the help he can get . . . Bobby has a long way to go." Yet it gave him a chance and took it for granted that he would absorb Eugene McCarthy, with or without New Hampshire and Wisconsin. The difficulty was to be simply one of bucking the entrenched power of an incumbent President. That very night this difficulty was removed.

Another formidable obstacle to Kennedy's election, however, if not to his nomination, remained. Without being specified as such, this obstacle, too, got feature-article treatment in the quasi-president *The New York Times Magazine*. The widely advertised March on Washington of the "Poor People's Campaign," slated to begin in late April, might well drag out, it appeared, much longer than had been generally anticipated. Andrew Young, executive director of the Southern Christian Leadership Conference had told somebody on the telephone—and writer José Yglesias had heard him say it: "Listen, we don't have a cutoff date but I figure that by the end of June we will have gotten some response or all of us will be in jail."

As Bobby contemplated his election campaign—prior to King's death—he had to consider what the effect of such a mobilization would be on his own image. It would be twofold: (1) the delicious anguish of the emotionally disinherited on whom the Kennedy attraction totally depends would relate itself instead to the dusky leader of the march, the guardian of the bivouac of the poor, (2) resentment against such a siege and against the resulting spoliation of the nation's capital would be in part directed against the very rich and very white young man—as a representative of the white Establishment—despite all he has done to arouse and incite the Negro poor of the nation. In other words, Martin Luther King was at once a rival of, and an embarrassment to, Bobby Kennedy.

Had King lived to run on a "Peace" ticket, the Nobel Prize winner could have siphoned from the Democrats crucial votes of "black and white together"; at the same time the apostle of "non-violence" and sympathizer of "Black Power" put himself above the law. If "Poor People's Campaign" marchers should stay in Washington two months disrupting the processes of government, there could be an unprecedented "backlash" that would hurt every politician ever associated with King. No one had been more crucially associated with him than Robert Kennedy, whose long-distance call to a judge in Atlanta in late October 1960 got King out of jail and delivered to Jack Kennedy the tremendous vote needed to eke out the scant margin of victory over Richard Nixon. In 1968 Robert Kennedy could not afford to go too far with Martin Luther King, but he could not afford—whatever the provocation—to *break* with him.

This dilemma was resolved April 4, 1968 by the murder of Dr. Martin Luther King in Memphis, Tennessee, just four days after Johnson's abdication. Absurd as it would be to suppose that Bobby had anything to do with the timely removal of his charismatic compeer, it is only natural to presume that in the sorrow with which he must have heard the news there was some suppressed admixture of relief.

The foregoing was written prior to reading a column by Robert S. Allen which in turn was written and released prior to King's death, but not published until afterward. I quote it, in part, from the Jackson *Daily News* of April 6, 1968:

WASHINGTON, D.C.—Lieutenants of Senator Robert Kennedy are in touch with Dr. Martin Luther King on his highly explosive plan for a 'poor people's campaign' of mass demonstrating and lobbying in the capital. . . .

One purpose of such a conference [between Kennedy and King] according to insiders, is to discuss the possibility of Kennedy's undertaking to arrange a meeting between President Johnson and King . . .

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> Kennedy has strong reasons for trying to arrange such a meeting, among them:
>
> As a leading advocate of civil rights and farreaching economic measures for Negroes, it would be very much in the interest of his furious presidential campaign to avert tumult and disorder in Washington as a result of King's grandiose scheme for a massive 'poor people's' invasion of the capital. An outbreak of serious disturbances could put Kennedy very much on the spot both with Negroes and with whites throughout the country.
>
> Cordial personal and political ties have long existed between the mop-haired White House aspirant and the bombastic head of the Southern Christian Leadership Conference. . . .

COMPREHENSIVE PROGRAM OF EDUCATION AGAINST DRUG ABUSE

Mr. GERALD R. FORD. Mr. Speaker, recently officers of the National Association of Retail Druggists met with President Nixon at the White House to tell him of the association's comprehensive program of education against drug abuse. The President thereupon heartily endorsed the NARD program.

Following a report on the program from Willard B. Simmons, NARD executive secretary, the President said the NARD and its members could do no more important work than to expand and intensify their program against drug abuse, which is now directed to teenagers. Mr. Nixon said that it is highly encouraging to see a professional and business organization undertake such a vital national program entirely in the public interest.

Present at the meeting, besides myself, were Chris Haleston, of Portland, Oreg., president of the NARD; Richard Wilson, Birmingham, Mich., chairman of the NARD drug abuse educational committee; John A. Johnson, Bellevue, Nebr., cochairman of the drug abuse educational committee; and F. J. Koelzer, Grand Rapids, Mich., who also has been very active in the program of education against drug abuse.

The President told the group he believes it is most appropriate that the corner drugstore be the place where young people can go for information and dependable advice concerning proper use as well as misuse of drugs.

Mr. Nixon also said he was especially pleased that the second phase of the NARD's 3-year program of education against drug abuse is aimed specifically at students in the Nation's high schools. He commended the NARD for the national contest it is conducting among high school students for research papers and posters pertaining to the abuse of drugs, and said he would look forward to seeing the student winners from each State who will be honored at a dinner in Washington.

The representatives of the NARD also presented the President with a plaque, which reads:

> Members of The National Association of Retail Druggists commend Richard M. Nixon, President, United States of America, for his determination to rid America of the blight of drug abuse, and pledge themselves to expand their campaign against drug misuse. Working with Government Officials, Civic Leaders, Youth and Educational Groups, they will use every effort to eliminate the menace of drug abuse from the American scene.

The NARD program of education against drug misuse began more than 3 years ago with a meeting of officials of the U.S. Bureau of Narcotics and Dangerous Drugs, and the NARD. Bureau officials had sought the NARD's cooperation in an educational program because of their conviction that pharmacists had basic knowledge about drugs and a high degree of the public's confidence and respect.

Thousands of pharmacists, representing every State, have participated in the program through talks and other types of presentations before all types of groups on proper use of drugs and the dangers of misuse. A kit, developed around the theme, "Never Abuse—Respect Drugs"—NARD—was distributed to more than 50,000 pharmacists and other community leaders. The kit included basic speech and visual material, lists of sources for additional visuals, publicity stories for distribution, and instructions for putting the kit to work.

The second phase of the NARD's educational program against any drug abuse was launched last year. A second kit, titled "Drug Abuse Education Goes to School," was prepared and mailed to 50,000 pharmacists and other civic leaders. It included materials which enabled the pharmacist to work with local high schools in conducting meaningful educational sessions against drug abuse before high school students.

The NARD has been encouraging schools and civic organizations to conduct drug abuse research projects and poster contests for high school students. The NARD will honor all entrants with a handsome certificate.

LEGISLATIVE PROGRAM

(Mr. HOGAN asked and was given permission to address the House for 1 minute.)

Mr. HOGAN. Mr. Speaker, I have asked for this time to request the distinguished majority leader to advise us of the legislative program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman from Maryland yield?

Mr. HOGAN. I am happy to yield to the majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentleman from Maryland, we will ask to adjourn over until Monday upon the announcement of the program for next week.

There will be no legislative business on Monday, unless something of an emergency nature should develop, but the House will meet on Monday.

Tuesday there will be the call of the Consent Calendar and also of the Private Calendar. The Consent Calendar call and suspensions have been provided for under a unanimous consent order heretofore entered.

There are two suspensions, as follows:

H.R. 12588, to amend the Agricultural Act of 1949 with regard to the use of dairy products.

S. 980, to provide U.S. courts with jurisdiction over contract claims against nonappropriated fund activities.

I desire to advise the Members also that the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, has advised he will call up the conference report on H.R. 514, Elementary and Secondary Education Amendments, on Tuesday.

Also on Tuesday there is scheduled for consideration H.R. 15733, to amend the Railroad Retirement Act to provide an increase in annuities, under an open rule with 1 hour of debate.

The program for Wednesday and the balance of the week is as follows:

H.R. 16311, the Family Assistance Act of 1970, subject to a rule being granted.

H.R. 14385, to provide authority for subsidized transportation for Public Health Service employees to Rockville, Md., under an open rule with 1 hour of debate.

This announcement is made subject to the usual reservation that further conference reports may be brought up at any time and that any additional program may be announced later.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT OVER TO MONDAY, APRIL 6, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE ENVIRONMENTAL CRISIS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 1 hour.

Mr. HOGAN. Mr. Speaker, there is an increasing awareness that jurisdictional boundaries and the lines on maps which man has established are not barriers to problems—but to solutions.

What is the environmental crisis we hear and see so much about recently? For a thumbnail description; the environmental crisis is the decline and fall of practically everything.

Each of us can quickly name several problems which are part of the environmental crisis—dirty air; foul water; insufficient recreational areas; congested traffic; and deplorable housing. These are each serious threats to the quality of life. Any one of them could occupy a major portion of our time, energy, and

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dollars. That, in fact, is the way we have approached these problems for a long, long while.

The traditional conservation movement in America deserves a wealth of apppreciation from us all, for continued, dedicated efforts to protect the heritage of abundant resources and outstanding beauty which is ours. Those conservation organizations have, however, been successful by concentrating on a single resource and guarding that resource zealously. These citizen sentries will continue to play a vital role in maintaining our natural treasures. Their greatest gift to us may prove to be a legacy of concern. Concern that leads to commitment, and to action.

Pollution, however, makes such broad inroads upon the quality of the natural world that the old approach of concentrating on a single source is no longer adequate. We must face the environmental challenge with a knowledge of the complex interrelationships among all the manifestations of environmental decline.

There are some ominous warnings on the fate of man and civilization that I think are worth recalling. Perhaps they will provide a little added incentive to the fight for a cleaner America.

Jenkin Lloyd Jones told the American newspaper editors a few years ago:

> The pathway of history is littered with the bones of dead states and fallen empires. Most of them rotted out before they were overwhelmed. And they were not, in most cases, promptly replaced by something better.

Another Englishman managed to be even more depressing. H. G. Wells wrote in 1946:

> The writer sees the world as a jaded world devoid of recuperative power. In the past he has liked to think that Man could pull out of his entanglements and start a new creative phase of human living. In the face of our universal inadequacy, that optimism has given place to a stoical cynicism. The old men behave for the most part meanly and disgustingly, and the young are spasmodic, foolish and all too easily misled. Man must go steeply up or down and the odds seem to be all in favour of his going down and out. If he goes up, then so great is the adaptation demanded of him that he must cease to be a man. Ordinary man is at the end of his tether. Only a small, highly adaptable minority of the species can possibly survive. The rest will not trouble about it, finding such opiates and consolations as they have a mind for.

While it is true that we have lasted nearly a quarter of a century since that dire prophecy, there are too many flashes from the contemporary scene mirrored in that passage for us to feel complacent.

Dr. Raymond F. Dasmann is still willing to view the situation with a remaining shred of optimism. He wrote:

> Is it likely that man will exterminate himself? This is the kind of question to which the ecologist would like to give a direct answer, but unfortunately cannot. Certain trends are evident in our technological civilization that would, if they were to continue, make the earth uninhabitable. But whether they will continue is debatable. Certainly there is reason to hope that the human race will exercise rational control over its behavior.

Other scientists are providing us with estimates of from 35 to 100 years as the time remaining for life on earth. I prefer to share with Dr. Dasmann, his hope that man is capable of rational behavior.

Listen to some of the things in store for us:

Barry Commoner points out that we are adding artificial nitrates to our farmlands to stimulate production. This reduces the ability of the soil to produce natural nitrates. These fertilizers wash off the soil and when they enter the rivers, stimulate the growth of algae. The algae consumes the available oxygen and the water, and the fish cannot survive. Commoner concludes that in 50 years we will have to cut back on the use of artificial fertilizers, and thus agricultural productivity or else we will have to use so much of the nutrients that the degree of water pollution will be uncontrollable.

Paul Ehrlich predicts that by the year 2000, world competition for food and raw materials will become savage. Our industrial plans, he points out, call for use of nearly all the non-Communist world mineral reserves by that time.

We are building "new towns" which, instead of providing a haven from the problems of pollution, serve only as new locales in which these problems breed. Dr. H. E. Landsberg, of the University of Maryland, recently reported that Columbia, Md., one of the nationally hailed developments, has experienced a 10° rise in average temperature, and a 10-percent increase in air pollutants over the surrounding area.

If nuclear powerplants are built at the currently projected rate, they will require for cooling purposes water equal to the entire flow of all the Nation's rivers well before the year 2000.

These are only some of the environmental threats which face us now. We are close to becoming the first nation in the history of the world to commit suicide by progress.

Public officials bear the responsibility of preventing that suicide, because it is the decisions we make that lead, step by step, toward or away from the precipice.

The loud, clear mesage coming from the American people about those fatal steps is "We won't go." This is one instance in which I can agree with that sentiment.

The question remaining then, is what we can do to make certain that there is no need for anyone to go.

There are a number of steps we should take now.

First. We need to establish a monitoring system to determine the "baseline" condition of the environment, and to measure departures from that baseline.

As a study group of the National Academy of Sciences recently wrote:

> We cannot effectively manage the environment without knowing what it is and how it behaves. We cannot detect changes, natural or man-made, desirable or undesirable, without repeated observations and established baselines. We neither know in a systematic way what the environment is like nor how and at what rate it is changing.

A drawback to the limited monitoring activities which are taking place is the fragmentation of effort. Various agencies are making measurements, but the information is not being gathered in a uniform manner. Only the collecting agency can use the data. Unless we bring to this jumble of good intentions "planned, totally integrated programs of widespread and repeated observations."

As to just what we should include in our monitoring program, the study group suggested the following representative list:

First, physical and chemical properties of land, air, and water;

Second, distribution of plants and animals in land, air, and water;

Third, land use, including diversity of purpose;

Fourth, construction;

Fifth, noise;

Sixth, epidemiology of man, animals, and plants;

Seventh, evidence of environmental stress such as tranquilizer consumption or a social behavior; and

Eighth, esthetic qualities.

From the information these activities develop we can establish quality indices for environmental components such as air and water purity, open space available, and noise level.

Once available, these indices should become major determinants in guiding regional and national development.

Regional governmental bodies can play an important part in the establishment and operation of a national environmental monitoring program. Equipment and skilled personnel which an individual community could not afford can be made available through the aegis of a council of governments. This is already being done in some areas.

The national service would appear to be an ideal medium through which to achieve the essential standardization of operations and coordination with the Federal Government.

A second monumental task is educating the people of America to live with their environment. I do not mean only the education of our young people. It is perhaps the adult population which stands in greatest need of environmental education, for this is the group now making the vitally important decisions on what we do to the environment.

The Environmental Study Group of the National Academy of Sciences has pointed out:

> No matter how rational, well informed, and sober is the advice given to government by science, and no matter how alarming the consequences of inaction, there is little likelihood of effective action unless pressure for reform is supported by public opinion. And the public will be unmoved unless people generally come to know the price of continued deterioration of the environment and the results of inaction.

The adult population may be reached through a combination of formal and informal educational channels.

Adult education classes as they now exist throughout the country can assist through adding environmentally oriented classes.

On an informal basis, various service, study and civic organizations can arrange discussions of environmental

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problems which exist in the community. In our newly generated fervor for cleaning up the environment, we must remember that all the problems express themselves at the local level.

It is irresponsible to suggest that passage of legislation at the Federal level is the total answer to environmental pollution. Pollution problems originate at the local level, and it is at the origin that they can best be solved. The first step in that solution is concern. Only then will the Federal effort become meaningful.

The news media are playing a key role in the informal environmental education of the American people.

If it is now safe for a Maryland Republican serving in elective office to make a suggestion to the media on the handling of program content, then I have a suggestion.

A better balance in coverage would be provided if the networks spent a bit more time in showing some of the success stories in the environmental crusade.

I am not saying networks should reduce their coverage of the damage which is being done to the earth. That is a message which is still far from the end of its telling.

There are, however, many "small, splendid efforts" across the country wherein the people are coping successfully with environmental deterioration, even reversing the tide of destruction.

I think those efforts should be recognized and publicized. They could serve as examples.

That suggestion, by the way, carries with it no threat of censorship, repression, or harassment of the television networks or the journalists involved.

I have noted another informal channel of environmental education recently. The comic strip character Buz Sawyer is involved in stopping construction of a brewery which would downgrade the local environment. Small as this individual item may be, it adds to the growing number of instances in which the citizen is being exposed to the crisis in our environment.

Within the educational system there is also increasing environmental awareness. This will perhaps prove to have an impact unparalleled since the great infusion of interest in science education which followed the launching of sputnik.

That burst of interest spilled over into other areas of the curriculum, as you all know. As a result, we took our first real look at our educational system. A great deal of improvement in both educational content and technique is still necessary but some progress has been made.

The improvements which have resulted in our schools should be utilized in environmental education.

The 50 million children now in our elementary and secondary schools deserve to be taught to the fundamentals of living with the earth, and not merely from the earth.

In many cases environmental education may be achieved through incorporation in the science programs which developed after Sputnik. This is especially true at the secondary level.

At the elementary school level, there are several pilot programs which are being federally assisted. One of these, the Science Curriculum Improvement Study—SCIS—seems most appropriate to expanding environmental education, because of its strong biological emphasis.

The importance of a successful educational program was indicated by the study group:

> Successful efforts to conserve our natural resources and manage the environment more effectively will depend in large measure on our ability to train people to understand and to cope with the related complex technical and social problems, as well as to develop and implement programs for the distribution of information on a broad scale. We will need to generate an "environment consciousness" through broad educational programs in the schools and more generally for the public. Unless this consciousness is developed it will be difficult to change living habits and industrial practices, the effects of which are often damaging to the environment.

A third area of action is in the restructuring of government to deal effectively with the problems of a declining environment.

In Washington, there is a rather anomalous situation on this matter. The Congress is calling for a reorganization of the executive agencies dealing with environmental matters. Congress has provided the White House with a bill requiring the establishment of an environmental quality council to help the President, even though the President had already established a similar group drawn from the ranks of the cabinet.

Yet in the Congress there are at least a dozen committees which handle environmental legislation. An inevitable immediate result of such fragmentation is a welter of duplication, omission, and contradictory actions. The ultimate result is the environment as we see it today.

Congress would be well advised to put its own House—and the other body as well—in order before it presses for additional major changes in the executive branch.

I have cosponsored with several of our colleagues a bill to reorganize the House committee structure.

House Resolution 403 would create a standing committee on the environment to which would be referred all legislation relating to the quality of the environment. Among the topics to be covered by the committee on the environment are water quality, air quality, weather modification, waste disposal, pesticides and herbicides, and acoustic problems.

Whatever the fate of congressional reorganization to deal with the environment, there are a number of indicators in Washington which show that the executive branch will be restructured.

President Nixon will probably suggest a combination of pollution control agencies in a special message to Congress in June. The results of coordination of all pollution control programs would be increased efficiency in cleaning the environment, and the availability of funds formerly used for redundant administrative functions.

It is not only the Federal Government which requires reordering, however. The Committee for Economic Development in February stated:

> Like traffic congestion, environmental pollution has been a fact of American metropolitan life for years, but only recently, as it has grown worse, has the public begun to appreciate the dangers it holds in store for civilization's very existence. Traditionally, American urban dwellers have either ignored the pollution problem or attempted to solve it by forcing major institutional sources of pollution, mainly heavy industry, to move to the edge of their areas of settlement. Today, however, neither attitude is remotely reasonable.
>
> Small-scale local governments are ill equipped either to prevent or to eliminate environmental pollution. In many metropolitan areas, the development of regionwide sewage disposal and pollution control authorities reflects popular realization of this fact. Too often, however, these authorities are given little in the way of preventive powers. They are mainly assigned the task of cleaning up existing problems.
>
> Related to pollution are such matters as building codes, zoning restrictions, and transportation planning. Thus, it should be evident that the existing system of fragmented local government is a major impediment to the speedy elimination of environmental pollution.

To me, these words bring home quite forcefully the tremendous responsibility which public officials bear in providing a quality environment.

The decisions which local officials make affecting land use, development, and spending pollution control dollars have more to do with creating a fit place for the citizen to live and work than does any piece of legislation the Congress has passed.

The Federal Government can provide encouragement, guidelines, technical assistance and dollars, but local officials make or break every environmental program.

It is easy to sign a proclamation for town cleanup week; but can local officials pass air quality standards that would force a factory out of business?

It is easy to commend a Boy Scout troop for planting trees along a highway; but can they say "no" to a planned new highway through a park?

It is easy for local officials to say they want only clean, inoffensive new research industries in their county or city, but should they insist on building an airport near a residential community to attract that industry?

These are the gut questions, Mr. Speaker. Protecting the environment is no longer a matter of rhetoric. Now it means making the tough decisions—decisions which require courage.

We cannot look upon the environmental ills which surround us and say, as Macbeth did:

> Stand not upon the order of your going,
> But go at once.

These ills will disappear, not from our words, but from our actions.

THE 1899 REFUSE ACT PROVIDES CITIZEN'S HANDY KIT FOR FIGHTING INDUSTRIAL WATER POLLUTERS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the 1899 Ref-

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use Act—33 U.S.C. 407—prohibits the dumping of refuse—which the courts have ruled include all industrial pollutants—into waterways, except under permit issued by the Corps of Engineers.

The report of the House Government Operations Committee issued on March 21, 1970, sets forth the little-known provisions of this act. Any citizen who has evidence of an industry's polluting water without a corps permit may inform the U.S. attorney, whose duty under the statute is to "vigorously prosecute" the offender. The law provides that one-half of the maximum fine of $2,500 for each incident or day of violation must be paid to the citizen who gives information which leads to a conviction. Under a well-established principle of law, known as a qui tam action, where a statute provides a reward to the informer and the Government fails within a reasonable time to prosecute a violator, the informer may himself sue the violator in the name of the United States to collect his reward.

I recently filed with the U.S. attorneys for the eastern and western districts of Wisconsin a list of 149 industries which have been pouring harmful refuse into Wisconsin's lakes and streams, without permits from the U.S. Army Corps of Engineers. The refuse which has been dumped into these waters include chemical and biological refuse from papermills, canning companies, dairies, slaughterhouses, glue factories, and other industries.

It is my intention to direct that the one-half of any fines payable to me as the person giving information which shall lead to conviction, shall be paid over to the appropriate agency of the Federal Government concerned with water pollution.

I urge environmentalists of all ages to use this "handy kit" of antipollution procedures to help end industrial pollution of our waters. Other State and Federal laws on industrial water pollution are full of holes and hopelessly inadequate. The 1899 Refuse Act, with an alert citizenry, can help the country move from talk to action in the fight on polluted waters—including the citizen himself bring the suit if need be.

The sums paid by industrial polluters under the 1899 act procedure are essentially to recompense the public for having its waters ruined by nonpermit violators.

I hope that public-spirited citizens will cover every river and lake in the country and take notes on who is polluting them. By turning the fines over to Federal water pollution authorities, we can be helping to pay for needed municipal waste treatment plants with the proceeds of action against the industrial violators. Between the two, this could be the first big victory of the Environmental Decade.

Mr. Speaker, the names and addresses of the 149 industries, the nature of the refuse deposit, the water into which the refuse has been deposited, and the navigable waterway to which water of deposit is tributary follows:

EASTERN WISCONSIN

1. Alto Cooperative Creamery, Waupun: Creamery refuse, Rock River/Mississippi River.

2. Aunt Nellie's, Clyman: Industrial refuse, Rock River/Mississippi River.

3. Baker Canning Company, Theresa: Industrial refuse, Rock River/Mississippi River.

4. Brownsville Canning Company, Brownsville: Industrial refuse, Rock River/Mississippi River.

5. Foremost Foods, Waupun: Industrial refuse, Rock River/Mississippi River.

6. Green Giant, Fox Lake: Industrial refuse, Rock River/Mississippi River.

7. Gurtner Cheese Factory, Hartford: Cheese factory refuse, Rock River/Mississippi River.

8. Hulisburg Cheese Factory, Rubicon: Cheese factory refuse, Rock River/Mississippi River.

9. Leader Cheese Factory, Reeseville: Cheese factory refuse, Rock River/Mississippi River.

10. Milbrew, Inc., Juneau: Industrial refuse, Rock River/Mississippi River.

11. National Rivet, Waupun: Industrial refuse, Rock River/Mississippi River.

12.Oconomowoc Electroplating, Ashippun: Industrial refuse, Rock River/Mississippi River.

13. Poplar Grove Cheese Factory, Rubicon: Cheese factory refuse, Rock River/Mississippi River.

14. Purity Products, Mayville: Industrial refuse, Rock River/Mississippi River.

15. Riverside Cheese Factory, Theresa: Cheese factory refuse, Rock River/Mississippi River.

16. Rubicon Cheese Factory, Rubicon: Cheese Factory refuse, Rock River/Mississippi River.

17. St. Killian Cheese Factory, Campbellsport: Cheese factory refuse, Rock River/Mississippi River.

18. Star Malt, Lomira: Industrial refuse, Rock River/Mississippi River.

19. Stokely-Van Camp, S. Beaver Dam: Industrial refuse, Rock River/Mississippi River.

20. Winneconne Corporation, Reeseville: Industrial refuse, Rock River/Mississippi.

21. Halquist Lannon Stone Company, Sussex: Industrial refuse, Fox River/Mississippi River.

22. Pure Milk Association, Kansasville: Creamery refuse, Fox River/Mississippi River.

23. Trent Tube Company, East Troy: Industrial refuse, Fox River/Mississippi River.

24. Ansul Chemical Company, Marinette: Industrial refuse, Menominee River/Lake Michigan.

25. Kimberly-Clark Corporation, Niagara: Industrial refuse, Menominee River/Lake Michigan.

26. Scott Paper Company, Marinette: Paper mill refuse, Menominee River/Lake Michigan.

27. Pilgrims Farms, Town of Somers: Agricultural refuse, Pike-Des Plaines River/Lake Michigan.

28. American Motors, Inc., Kenosha: Industrial refuse, Pike-Des Plaines River/Lake Michigan.

29. Anaconda American Brass Co., Kenosha: Industrial refuse, Pike-Des Plaines River/Lake Michigan.

30. Boldt, Inc., Muskego: Industrial refuse, Root River/Lake Michigan.

31. J. I. Case, Racine: Industrial refuse, Root River/Lake Michigan.

32. Pure Oil Co. Service Station, Franklin: Industrial refuse, Root River/Lake Michigan.

33. Wisconsin Electric Power Comany, Oak Creek: Industrial refuse, Lake Michigan/Lake Michigan.

34. York Duck Factory, Franksville: Animal refuse, Root River/Lake Michigan.

35. Kiekhaefer Mercury Corp., Cedarburg: Industrial refuse, Cedar Creek, Milwaukee River/Lake Michigan.

36. Federal Foods, Thiensville, Agricultural refuse, Pigeon Creek, Milwaukee River/Lake Michigan.

37. Line Materials Industries, West Bend: Industrial refuse, Milwaukee River/Lake Michigan.

38. Foremost Foods, Inc., Adell: Agricultural refuse, North Branch, Milwaukee River/Lake Michigan.

39. River Road Cheese Factory, Fredonia: Cheese factory refuse, Milwaukee River/Lake Michigan.

40. Moss American, Milwaukee: Industrial refuse, Little Menominee River, Milwaukee River/Lake Michigan.

41. Peter Cooper Corporation, Oak Creek: Industrial refuse, Lake Michigan/Lake Michigan.

42. Port Country Club, Port Washington, Consumer refuse, Sheboygan River/Lake Michigan.

43. Pine River Dairy Company, Manitowoc: Creamery refuse, Sheboygan River/Lake Michigan.

44. Krier Preserving Company, Belgium: Industrial refuse, Sheboygan River/Lake Michigan.

45. Branch Cheese Factory, Branch: Cheese factory refuse, Manitowoc River/Lake Michigan.

46. Branch River Country Club, Branch: Consumer refuse, Manitowoc River/Lake Michigan.

47. Brillion Iron Works, Brillion: Industrial refuse, Manitowoc River/Lake Michigan.

48. Carnation Company, Chilton: Industrial refuse, Manitowoc River/Lake Michigan.

49. Cold Spring Cheese Factory, Hilbert: Cheese factory refuse, Manitowoc River/Lake Michigan.

50. Killsnake Valley Cheese Factory, Hilbert: Cheese factory refuse, Manitowoc River/Lake Michigan.

51. Maplecrest Sanitarium, Whitelaw: Consumer refuse, Manitowoc River/Lake Michigan.

52. Reisterer and Schnell Implement Company, Chilton: Industrial refuse, Manitowoc River/Lake Michigan.

53. Northern Laboratories, Manitowoc: Industrial refuse, Manitowoc River/Lake Michigan.

54. Schwartz's Tavern, Chilton: Consumer refuse, Manitowoc River/Lake Michigan.

55. Tecumseh Products Company, New Holstein: Industrial refuse, Manitowoc River/Lake Michigan.

56. Kornely Dairy, Two Rivers: Creamery refuse, Twin and Kewaunee Rivers/Lake Michigan.

57. Bailey's Harbor Laundry, Bailey's Harbor: Industrial refuse, Door County/Lake Michigan.

58. Rosiere Cooperative Cheese Factory, Casco: Cheese factory refuse, Door County/Lake Michigan.

59. Suamico Fish Company, Suamico: Industrial refuse, Duck Creek/Lake Michigan.

60. Larry Moore Ranch, Inc., Suamico: Consumer refuse, Duck Creek/Lake Michigan.

61. Valentine Fisheries, Inc., Suamico: Industrial refuse, Duck Creek/Lake Michigan.

62. Our Best Canning Company, Pulaski: Industrial refuse, Duck Creek/Lake Michigan.

63. Oneida Golf and Riding Club, Green Bay: Consumer refuse, Duck Creek/Lake Michigan.

64. Cowan Farms, Oshkosh: Agricultural refuse, Fox River (Upper)/Lake Michigan.

65. Coenen Packing Company, Appleton: Packing company refuse, Lower Fox River/Lake Michigan.

66. Hietpas Dairy Farms, Appleton: Creamery refuse, Lower Fox River/Lake Michigan.

67. Holiday Inn, Appleton: Consumer refuse, Lower Fox River/Lake Michigan.

68. Rockland Riverview Cheese Factory

(Eilers Cheese Factory), Depere: Cheese factory refuse, Lower Fox River/Lake Michigan.

69. Bordon Foods, Inc., New London: Industrial refuse, Wolf River/Lake Michigan.

70. Bonduel Pickling Company, Bonduel: Industrial refuse, Wolf River/Lake Michigan.

71. F. R. Buss and Company, Caroline: Industrial refuse, Wolf River/Lake Michigan.

72. Wild Rose Hospital, Wild Rose: Consumer refuse, Wolf River/Lake Michigan.

73. Chicago Pickle Company, Redgranite: Industrial refuse, Wolf River/Lake Michigan.

74. E. C. Swaer and Son, Route 2, Oconto: Industrial refuse, Pensaukee River/Lake Michigan.

75. Krakow Cheese Factory, Krakow: Cheese factory, Pensaukee River/Lake Michigan.

76. Scott Paper Company, Oconto Falls: Paper mill refuse, Octonto River/Lake Michigan.

77. Badger Paper Mills, Inc., Peshtigo: Paper mill refuse, Peshtigo River/Lake Michigan.

78. Country Gardens, Inc., Coleman: Industrial refuse, Peshtigo River/Lake Michigan.

WESTERN WISCONSIN

1. Hartwig Poultry Farm, Johnson Creek: Poultry company refuse, Rock River/Mississippi River.

2. Kress Packing Company, Waterloo: Packing company refuse, Rock River/Mississippi River.

3. J. C. Van Holten Company, Waterloo: Industrial refuse, Rock River/Mississippi River.

4. Amphenol-Borg, Jefferson: Industrial refuse, Rock River/Mississippi River.

5. Blue Ribbon Cheese Factory, Watertown: Cheese factory refuse, Rock River/Mississippi River.

6. Brokopp Market, Columbus: Industrial refuse, Rock River/Mississippi River.

7. Farmer's Home Cheese Factory, Ixonia: Cheese factory refuse, Rock River/Mississippi River.

8. Ladish Malt, Jefferson Junction: Industrial refuse, Rock River/Mississippi River.

9. Waterloo Cheese Factory, Waterloo: Cheese factory refuse, Rock River/Mississippi River.

10. Wisconsin Academy, Columbus: Consumer refuse, Rock River/Mississippi River.

11. W. W. Evans, Fall River: Industrial refuse, Rock River/Mississippi River.

12. Ward Paper Company, Merrill: Paper company refuse, Wisconsin River/Mississippi River.

13. Wausau Paper Mills Company, Brokaw: Paper company refuse, Wisconsin River/Mississippi River.

14. Wisconsin River Division, Consolidated Papers, Inc., Stevens Point: Paper company refuse, Wisconsin River/Mississippi River.

15. Merrill Cheese Factory, Merrill: Cheese factory refuse, Wisconsin River/Mississippi River.

16. Arpin Dairy, Arpin: Creamery refuse, Wisconsin River/Mississippi River.

17. Sanna Dairies, Inc., Vesper: Creamery refuse, Wisconsin River/Mississippi River.

18. Wisconsin Dairies Cooperative, Union Center: Creamery refuse, Wisconsin River/Mississippi River.

19. Bock Brothers Sand and Gravel, Muscoda: Industrial refuse, Wisconsin River/Mississippi River.

20. Columbia County Hospital and Home, Wyocena: Consumer refuse, Wisconsin River/Mississippi River.

21. Irish Valley Cheese Factory, Plain: Cheese factory refuse, Wisconsin River/Mississippi River.

22. Readstown Creamery, Readstown: Creamery refuse, Wisconsin River/Mississippi River.

23. Viola Dairy Products, Viola: Creamery refuse, Wisconsin River/Mississippi River.

24. Warner Creek Cheese Factory, Hillsboro: Cheese factory refuse, Wisconsin River/Mississippi River.

25. Yuba Cheese Factory, Yuba: Cheese factory refuse, Wisconsin River/Mississippi River.

26. Spring Brook Cheese Factory, Wauzeka: Cheese factory refuse, Wisconsin River/Mississippi River.

27. Carnes Corporation, Verona: Industrial refuse, Sugar River/Mississippi River.

28. Goldenrod Creamery Company (now Universal Foods), Brodhead: Creamery refuse, Sugar River/Mississippi River.

29. Argyle Dairy Products, Argyle: Creamery refuse, Pecatonica River/Mississippi River.

30. Iowa County Hospital and Home, Dodgeville: Consumer refuse, Pecatonica River/Mississippi River.

31. Mayer Cheese Factory, Browntown: Cheese factory refuse, Pecatonica River/Mississippi River.

32. Stuart Cheese Factory, Argyle: Cheese factory refuse, Pecatonica River/Mississippi River.

33. Wood-Andrews Cheese Company, South Wayne: Cheese factory refuse, Pecatonica River/Mississippi River.

34. Bidlingmaier-Isely Cheese Company, Monroe: Cheese factory refuse, Pecatonica River/Mississippi River.

35. Genoa Cooperative Creamery Company, Genoa: Creamery refuse, Bad Axe River/Mississippi River.

36. 3M Company, Prairie du Chien: Industrial refuse, Bad Axe River/Mississippi River.

37. Chaseburg Cooperative Creamery Company, Chaseburg: Creamery refuse, Bad Axe River/Mississippi River.

38. Cooper Cheese Company, Longwood: Cheese Factory, Black River/Mississippi River.

39. Foremost Foods Company, Curtiss: Industrial refuse, Black River/Mississippi River.

40. Foremost Foods Comany, Owen: Industrial refuse, Black River/Mississippi River.

41. Gale Packing Company, Galesville: Packing Company refuse, Black River/Mississippi River.

42. Grassland Dairy Products, Greenwood: Creamery refuse, Black River/Mississippi River.

43 to 48. Gunlar Dairy, Hedigers and Son Dairy, Western Wisconsin Dairies, Thomas Brothers Dairy, Pleasant View Dairy, and York Dairy, Black River Basin: Taylor, Clark, Jackson, Monroe, La Crosse, and Trempealeau Counties: Creamery refuse, Black River/Mississippi River.

49. Lynn Dairy, Route 1, Granton: Creamery refuse, Black River/Mississippi River.

50. A–G Cooperative Broiler Plant, Arcadia: Industrial refuse, Trempealeau River/Mississippi River.

51. A–G Cooperative Creamery, Arcadia: Creamery refuse, Trempealeau River/Mississippi River.

52. Gilmanton Cooperative Creamery, Gilmanton: Creamery refuse, Buffalo River/Mississippi River.

53. Cornell Paper Products Company, Cornell: Paper mill refuse, Chippewa River/Mississippi River.

54. Falls Dairy, Jim Falls: Creamery refuse, Chippewa River/Mississippi River.

55. Lombard Cheese Factory, Route 1, Thorp: Cheese factory refuse, Chippewa River/Mississippi River.

56. Wild Cherry Cheese Factory, Rural Route, Thorp: Cheese factory refuse, Chippewa River/Mississippi River.

57. Cloverleaf Cheese Factory, Route 3, Stanley: Cheese factory, Chippewa River/Mississippi River.

58. Ludington Cooperative Creamery Association, Route 2, Fall Creek: Creamery refuse, Chippewa River/Mississippi River.

59. Falls Dairy Company, Sand Creek: Creamery refuse, Chippewa River/Mississippi River.

60. Badger Turkey Industries, Inc., Barron: Poultry factory refuse, Chippewa River/Missisipi River.

61. Teegarden Cooperative Cheese Factory, Route 6, Menomonie: Cheese factory refuse, Chippewa River/Mississippi River.

62. Tramway Cooperative Cheese Factory, Route 6, Menomonie: Cheese factory refuse, Chippewa River/Mississippi River.

63. Emerald Foods, Incorporated, Emerald: Industrial refuse, St. Croix/Mississippi River.

64. Andersonville Cooperative Dairy Association, Ashland: Creamery refuse, Lake Superior/Lake Superior.

65. Bodin Fisheries, Bayfield: Industrial refuse, Lake Superior/Lake Superior.

66. E. E. Dupont de Nemours Company, Barksdale: Industrial refuse, Lake Superior/Lake Superior.

67. Great Northern Railway, Allouez: Industrial refuse, Lake Superior/Lake Superior.

68. Pure Air Sanitarium, Bayfield: Consumer refuse, Lake Superior/Lake Superior.

69. Superior Fiber Products, Inc., Superior: Industrial refuse, Lake Superior/Lake Superior.

70. Twin Ports Cooperative Dairy Association, Benoit: Creamery refuse, Lake Superior/Lake Superior.

71. Murphy Oil Company, Superior Refinery: Industrial refuse, Lake Superior/Lake Superior.

RHODESIA—THE TRUTH KNOWS NO SANCTION

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, again I rise to discuss for the benefit of our colleagues the impossible position into which the United States has been maneuvered on the Rhodesian question.

The sanctions imposed by the puppets of the United Nations Organization's Security Council, in patent violation of its charter, were intended to injure free and civilized men, friends to the West. Fortunately the injuries have not been fatal—they have strengthened our Rhodesian friends as hardships and adversity have strengthened free men elsewhere. And so they have failed in their ostensible primary purpose.

But these sanctions have apparently done some good in another area. Good, that is, from the viewpoint of those who seek to destroy the United States as a bastion of freedom in a troubled world. They have been instrumental in making us dependent on our professed enemy, the Soviet, for our supply of strategic chrome. Yesterday's New York Times, with attached "specials" from London and the UNO headquarters in New York, tells of an American company indicted for its violations of sanctions—its crime that it imported into the United States vitally needed strategic chrome without the permission of and the profit to the Soviet enemy.

Mr. Speaker, such an unthinkable criminal charge may be the proper vehicle to test the constitutionality of the abdication of our sovereignty by gutless so-called statesmen to the UNO highly touted anarchy. Since private enterprise and not bureaucracy is representing the interests of the American people in this case, the people may not be sold out so readily.

It has been suggested that the real significance of the silly sanctions is to kill the truth about Rhodesia. If this be the case, this truth like all truth is hard to kill. Americans who have traveled to Rhodesia, and are doing so in increasing numbers, are seeing for themselves that this land is civilized and orderly, that the natives are happier and better treated than in any or all of the much propagandized emerging nations where the tools of civilization have been placed in the hands of the savages.

I include in my remarks pertinent clippings from newspapers and from the Rhodesian Commentary, as well as the transcription of an enlightening conference between the Prime Minister of Rhodesia and a group of visiting American journalists led by Mr. Nathan Bolton of Louisiana.

[From the New York Times, Apr. 1, 1970]

METALS CONCERN INDICTED HERE FOR VIOLATION OF TRADE SANCTIONS AGAINST WHITE REBEL REGIME IN RHODESIA

A New York import-export concern was indicted by a Federal grand jury here yesterday on charges of conspiring to violate regulations imposing economic sanctions on Rhodesia.

Named in the indictment was William H. Muller & Co., Inc., of 122 East 42d Street. A spokesman said the company would make its position known when it pleads to the indictment tomorrow.

The criminal action was the first in this country since the United Nations Security Council imposed the sanctions on white minority Government in a resolution of Dec. 16, 1966. The resolution was implemented by President Lyndon B. Johnson in an executive order of Jan. 5, 1967.

If convicted, the Muller concern, importers and exporters of minerals and metals, faces a fine of up to $10,000 under a one-count indictment charging it with illegally importing $367,782 worth of chrome concentrate and ore.

FORMERLY BRITISH COLONY

Rhodesia, formerly the self-governing colony of Southern Rhodesia, declared its independence in a defiance of the British Crown on Nov. 11, 1965. It has a population of about 230,000 whites and 4.25 million blacks.

Britain has insisted that any settlement of Rhodesian independence must provide for eventual majority rule. On March 3, the rebel government of Prime Minister Ian D. Smith declared a republic under a constitution that perpetuates white minority rule. The United States then closed its consulate in Rhodesia.

The United States regulations, United States Attorney Whitney North Seymour Jr. said, prohibit import of various materials, including chrome ore and chrome concentrates, that left Rhodesia after the date of the United Nations resolution.

The minerals, the Government said, were sent here in two illegal shipments, one on Feb. 17, 1967, and the other nine months later.

The indictment alleged that the Rhodesian Mining Enterprises, Ltd., and Great Dyke Chrome Mines, both of Salisbury, exported the chrome.

Named as co-conspirators, but not defendants, were two representatives of the Rhodesian concern Christian d.L. Souchon and Charles A. Bott.

Assistant United States Attorney Richard A. Givens said there was no provision in law to seize the chrome when it arrived here.

However, he explained, United States Customs began an investigation to determine where it had been shipped from and on what date this information led to the indictment, he said.

MOVE HAILED IN BRITAIN

LONDON.—The indictment of the Muller company was welcomed here as further evidence of American determination to support diplomatic efforts against the Rhodesian rebels.

From the British point of view, the prosecution has significance beyond the particular case. It could, some think, encourage other governments to stop winking at violations of the United Nations sanctions.

The white minority has for over four years succeeded in surviving economically by evasions of the world bars on trading.

The major loopholes are in South Africa and the Portuguese territories bordering Rhodesia. They export their own goods to Rhodesia, transship oil and other critical materials from abroad and handle Rhodesian exports with false bills of lading.

Prosecutions of companies and individuals for trading with Rhodesia are no novelty here. The Government has brought six successful cases against businesses and three against individuals.

Last October, for example, a Lancashire company was fined the equivalent of $240,000 for having sent textile machinery to Rhodesia in 1967. The machinery was said to have been shipped through South Africa.

Sanctions have not had the intended effect of bringing down the white minority Government in Salisbury, but impartial experts feel that have kept economic pressure on the rebels.

Estimates are that Rhodesian exports have been cut by about a third under sanctions. The big loss has been in tobacco, the traditional leading cash crop in Rhodesia, most of which is now stored awaiting the day sanctions end.

MOST OBSERVE SANCTIONS

UNITED NATIONS, N.Y.—Although South Africa and Portugal have refused to obey the sanctions orders and have continued brisk trade with Rhodesia, according to the report of the sanctions committee last June, most other countries are observing the rules.

The report called for stricter enforcement. A further report is expected this spring.

[From the Rhodesian Commentary, February 1970]

OPINION FORMERS AID OUR CASE

"Facts about Rhodesia continue to be distorted by those who would see her brought to her knees and handed over to chaotic rule by African demagogues. The United Nations, Britain and, with a few exceptions, the press have continued their attacks upon the country.

"There has been no let up—nor will there be as long as we maintain civilized standards."

So starts the report of the Secretary of Information, Immigration and Tourism for 1969.

However, despite all that has been said and done by our enemies the close of 1969 saw a better understanding of Rhodesia's case by opinion formers throughout the world. Many had come to see for themselves the progress and peacefulness of the country, and parliamentarians, tourists, politicians and others had left to return to their countries and enlighten their fellow countrymen.

"Throughout the Western World we have received tremendous help and encouragement from the Friends of Rhodesia Associations and many other fraternities and societies. While the Ministry claims credit for having carried out its mandate in presenting Rhodesia's image, it could not have achieved so much in so short a time were it not for the help of our supporters."

Besides presenting the country's case abroad the Department of Information kept Rhodesians of all races informed of Government policy and developments taking place within the country.

The Publications Section produced and distributed hundred of thousands of brochures and pamphlets during the year, most planned for overseas distribution and accordingly produced in several foreign languages as well as English.

BOAT TRIP UP ZAMBESI RIVER

SALISBURY, RHODESIA.—We arrived in this capital city of Rhodesia on the very day that the nation became a Republic, severing all connection with the British Empire, Commonwealth and Queen. The new government act severing relations, takes effect at midnight tonight.

We are staying at the Jameson Hotel and the management seems eager to please us. Our arrival was about 7:15 tonight at the airport and we were met by reporters and public relations men and they hauled me off for a couple of interviews at the airport and again when I reached the hotel. In all the going on, I lost my camera, but they found it at the airport for me. Mrs. Bene also lost her wrist watch in the hotel and it was found in the elevator and returned to her. Must be some honest folks around these parts.

This morning at Victoria Falls, we had a launch trip up the Zambesi River, above the falls. We traveled about five miles up and still could see the huge spray of the falls spouting into the sky. The Zambesi is the third largest river in Africa. It is some 1,751 miles long. As we got on the launch we noted the water lilies and they told us that they are a menace in these parts, just as they are in Louisiana. They were imported to Africa too, because someone thought "they were pretty."

We thought the launch would stop at one of the islands or on the mainland. But unfortunately it did not do so. The old boat is able to stop and allow the passengers to get off and see the vegetation, trees and wild animals. Our boat was new and too large for tieing up at the regular place where the old launch used to stop. From the distance we could see monkeys in the trees, however. We saw some trees which the guide said have nuts which have "vegetable ivory" in the inside.

I mentioned that yesterday at the gorge where the waters rush out from the falls, the Zambesi is only about 100 yards wide. That is near the bridge connecting Zambia and Rhodesia. Well, up above the falls the river spreads way out, being about a mile and a quarter wide. They tell me that some 7 million gallons of water go over the falls at this time of year and this is not the highest time. Our boat started two miles above the falls and went in the opposite direction.

We saw some Cream of Tartar trees and many others that were new to us. The Cream of Tartar has a six inch white flower and of course the fruit is used for cooking. You cooks know about Cream of Tartar for making breads rise, etc.

We were supposed to be able to see Hippos on our way to Kandahar island but never saw any, not did we see any crocodiles which are sometimes witnessed. Our ship went to the Island which marks the boundary of navigable water above Victoria Falls. It is at Kandahar that the vervet monkeys live and are happy to take food offered by the tourists.

In order to better see the huge Victoria Falls some of us decided to see it from the air. We took a half hour ride in a plane which flew over the falls an we got a much better and more awe-inspiring view. Our plane also traveled up the Zambesi River as far as our ship had gone.

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On our return to the hotel from the boat trip we stopped to see a huge Boabac tree which is 150 feet high and 67 feet around and may be as much as 2,000 years old. During October and November it has beautiful large white flowers about six inches across, resembling a single rose. Each flower only lasts a day. The fruit is in oval pod containing acid-tasting cream-of-tartar. This big tree was the place of "outspan" for early pioneers on their way to Livingstone across the river in what is now Zambia. Local legend has it that one day the devil, in a fury, uprooted all the Boabah trees. He then regretted what he had done and replanted them with the roots upwards—hence the grotesque appearance.

Due to our short stay in Rhodesia we are missing a number of interesting places, and maybe we can go back some day to do it in a better way. One of the things we missed is Victoria Falls National park which covers 230 square miles.

We also should see Kariba Dam, one of the great engineering achievements of the century, the construction of the 400 high Kariba Dam, which has tamed the strength of the great Zambesi and created one of the world's largest man-made lakes. On the shores of the 2,000 square mile lake, picturesque resorts play host to visitors who come to sail, water-ski, sunbathe or fish for the fighting Tiger fish for which the Kariba has become famous.

Also near Fort Victoria in the southern part of the country is the greatest historical riddle in Central Africa—the Zimbabwe Ruins. Many have been the speculations about the origin of this great complex of walls and passages constructed without the aid of mortar. Solomon's Mines, the Arabs, the Phoenicians—all have been mentioned—and the truth may yet prove to be stranger than fiction. Zimbabwe is not the only puzzle Rhodesia boasts, for in the hills of Inyanga are the pits and walls, forts and terraces of a long-dead people. Many other strange ruins are scattered over Rhodesia—Khami, DhloDhlo, Nalatale, Nyahokwe—old names that echo a mysterious past. Before the first Bantu swept down from the north there lived and hunted through the vast and silent woodlands of the southern part of the continent a Stone Age people who have perished but for a pocket or two in the remotest places. They left behind them, on the walls of caves and shelters, their paintings—spiky, graceful figures, hunting scenes and sensitive animal portraits.

Also there is Bulawayo which is Rhodesia's second city and a major industrial area. We will miss that too. At Matapos National Park Cecil Rhodes' grave stands on the summit of a granite hill called "View of the World." There are huge formations of granite boulders in the area.

Rhodesia is about the size of Texas—three times the size of England, with an area of 150,820 square miles. The population density is 31 per square mile. About half the country is 1,000 feet above sea level which makes it pretty comfortable, though it is warm right now, but not as hot as where we have been. Four-fifths of the nation is above 2,000 feet and Salisbury, the capital is 4,831 feet high.

Salisbury advertises itself as "the city of flowers" and the capital is modern with some 20 story buildings and to one who might drop down here now knowing where he was, it appears to be a modern American city of 300,000. The streets are wide and it has a clean, new appearance. There are few slums, as the government has put up houses for the Bantus who while they mix everywhere on the streets, in some hotels and restaurants they have their own area of town and their own schools, though they can and are attending the state university here. Salisbury has 87,000 Europeans (whites) and 313,600 blacks, plus 6,600 from other races.

The Kariba project cost 78 million pounds sterling and the Rhodesian pound is worth $2.80 of our money. The south-bank power station has a 705 megawatt capacity but it is designed to operate a similar power station of 900 megawatts on the north.

As I may have mentioned earlier, Rhodesia is quite unlike South Africa. It has a miltiracial system, and not apartheid. There are some 35 tribes in Rhodesia so it would be impossible to give the Negroes a "one man-one vote" deal and make it work. Each tribe has a chief, who with his council vote as a unit in local and national affairs. Perhaps the representation of the tribes is not as much as Britain, the U.S. and the U.N. would like but the system is much more practical than a one man-one vote deal. Anything other than the present set up would be impossible. These natives don't vote as individuals among themselves. You've got to think of these natives, both in South Africa and in Rhodesia like we think of the Indians in America and how we handled them. We gave them certain territories or reservations and they did not vote as individuals either. They had their own chiefs. Rhodesia has a Tribal Trust Land act. And among the tribes a woman is a mere chattel. She is bought, generally for five cows and the more wives, the richer a man is. Now how could you possibly think in terms of these women given each one vote? A woman is a perpetual minor and she has nothing to say about whom she marries. She cannot sue nor can she be sued. She cannot inherit property. She has no say in tribal politics. A man wants many children, for they represent wealth, especially girls, who can work and who are worth five head of cattle or more to a father selling them to a prospective bridegroom.

A tribesman does not regard himself as an individual, as a European does, but rather as part of a greater whole, such as his family group or tribe. He believes that everlasting life can be achieved through the procreation of children, for on his death the oldest son replaces him, taking his name and sometimes his wives (except his own mother) and even having children by them. The son becomes responsible for the father's debts. A man must have children, for without them there can be no continuation of the life stream.

The marriage contract is between the families, not between the man and wife as individuals.

The chief's role is not only administrative but is judicial and spiritual as well. But each tribe has different customs and different ways, as well as different languages, dress, etc.

Now try to imagine the above in seeking to mold these black peoples into a "one man-one vote" system as Britain and the U.S.A. feel is the right way. These primitive peoples are hundreds of years away from a democratic system of one man-one vote.

At the hotel tonight, what do you think was on the menu! Sliced Elephant Trunk! Also fried fillet of Hake (fish) and Roast fillet of Rhodesian beef. It was the elephant trunk that made a hit. Some of the group thought it was a joke. So the hotel management brought out a big hunk of the elephant trunk and it was clear that they were telling the truth. You could even see the two holes for the nostrils. Yours truly, naturally took the sliced elephant trunk. It tasted rather like beef tongue. The trunk is supposed to be the most tender part of the elephant.

P.S.—Before we get too far away from the subject of South Africa let me tell you that South Africa has taken a leading role on the African continent just as the United States is taking in the world today. South Africa is so far ahead of "black Africa" that there is just no comparison. In area it is very small—twice the size of Texas—as compared with vast Africa but it produces more than three times the amount of steel produced by the whole of the continent put together. It also produces 54 per cent of the continent's electrical power and more than 80 per cent of its coal. South Africa carries 60 per cent of the continent's rail traffic and owns 50 per cent of its telephones and 40 per cent of Africa's motor vehicles.

It is predicated that by the end of the century the national income will have risen to five times what it is today. Factory production would be seven times greater and the average annual income of the population would be $2,100 a person as against the little more than $700 today, according to Dr. Sieg Kuschke, managing director of the Industrial Development Corporation. The population is expected to increase from 19 million today to 40 million at the end of the century and the private sector of industry would employ 300 more people—about 2,700,000 more, Dr. Kuschke said. In other words South Africa is moving ahead, while in the so-called "emerging nations" of Africa they are slipping backward now that the white man have been run off and their properties mostly confiscated.

WE MEET WITH IAN SMITH

SALISBURY, RHODESIA.—This was "The big day" in Rhodesia and we couldn't have picked a more opportune time to be here. It is what you might call "Independence Day" as it is the day that this Texas-sized nation becomes a Republic, cutting all ties from Britain, the Commonwealth and the Queen. To be sure, Rhodesia has been separated from the Motherland since 1965 but it still recognized the Queen and considered itself a part of the Commonwealth. But the British have made little attempt at reconciliation, have put on sanctions against them and gotten the U.S. and most of the world to place sanctions (boycott) against them. So that was the last straw and Ian Smith and his government see no hope of ever getting straight with England.

We started out this morning first thing to go to the office of the Ministry of Information to meet Mr. Ian Smith, the Prime Minister, as I had been promised such several months ago. I had feared that in view of this important Republic day that the interview might be canceled, but the P.M. kept his word. All 41 of us were ushered up to the front seats of the building, right in front of the stage and when the Prime Minister came in we all stood up in respect and after the interview, which lasted between 45 minutes and an hour, we all stood up again and gave him a big handclapping. I don't believe there was a member of our group who did not feel most kindly toward Ian Smith and Rhodesia's problems. We regretted our nation's attitude and some of us told Mr. Smith so. The Prime Minister is a tall, fine looking man in his early fifties. He appeared relaxed and had a good sense of humor. I introduced my group to him as a whole and I might add that the Newspaper Adventurers had the "center stage" and did all the talking and questioning except for one or maybe two questions. The Los Angeles Times and the Chicago Tribune reporters were there too but they sat in the back as did the Rhodesian press. However, the TV was on during the whole time. It was "our day" reserved for us on memorable Republic day.

What was said at this meeting made front page news in the newspapers in Johannesburg, Rome, London and the United States. And that night, responding to a request, Oliver Emmerich and I appeared on Rhodesia's national television. Later on I was interviewed for Rhodesian radio and Oliver and I again were interviewed later, when we were at the American consulate by the American Broadcasting chain, N.B.C. We were quoted and interviewed by the Rhodesian press, our pictures taken and in all got the "royal treatment."

Ian Smith explained some of the Rhodesian plan as did other representatives for coping with the racial problem.

There are 236 native tribal chieftains in Rhodesia with as many tribes of people. These 236 chiefs elect 26 to what is called the "Council of Chiefs." This council elects nine individual black people to Parliament. The members of the tribes also elect nine black people to Parliament. This gives the black people 18 members as compared to 50 members of Parliament elected by the white people. With a total of five million black people and 282,000 whites this, on the surface, appears unfair. But the realities of life are such that the white people are responsible for the growing economy of Rhodesia—and the Council of Chiefs, we were told, recognizes this fact.

The number of blacks and whites in Parliament is determined by the ratio of income taxes paid. It is reasoned that the payment of income taxes is the best possible way to measure the responsibility for the economy enjoyed. As either group will pay more or less income taxes the representation in Parliament will change.

Sixty years ago all of the tribal people of Rhodesia lived in mud huts with thatched roofs. Today about 80 per cent still live this way. But each year sees more of the native people employed in the cities and on the farms.

All people of all races at one time came from the caves and wilderness of primitive life. This was the story of whites hundreds of years ago—and of yellow people thousands of years ago. Black people of the U.S. have been subjected to white culture 300 years or more. So the problem in Rhodesia differs from that of the U.S.

Prime Minister Smith told us, "We can't understand why Western nations are opposed to us. We ask that people not condemn us without giving us a trial." He said the problems in the nation of South Africa were different from the problems in Rhodesia, that South Africa seeks separate governments for the blacks and whites; that Rhodesia is seeking to find the way for whites and blacks to live together. In South Africa the goal is separate communities but in Rhodesia the goal is a republic with one Parliament with all people represented.

One fact about Rhodesian government is this: If the courts overrule Parliament then Parliament can seek a new approach and overrule the courts. This is not so in the U.S. Prime Minister Smith said Rhodesia was growing despite the U.S. and U.N. sanctions. And the well-stocked stores indicated this to be true. Japan, France and West Germany are shipping to Rhodesia.

Prime Minister Smith said Rhodesia did not want to follow the danegrous programs of the black nations "to the north of us" in Africa. He emphasized that "all of the chiefs of the tribal system are satisfied with our program." He also said, "The reality of life is that 60 years ago these black people were uncivilized—and we are helping them to work up into the 20th Century."

Our group's friendship for the prime minister was accepted as a barb to some of his political enemies. The Rhodesia Herald carried a story under the four-column caption, "Visiting U.S. Journalists Applaud Ian Smith." In the final paragraph the following was said: "The visit was condemned yesterday by African Trade Union Congress president, Mr. Phenias Sithole, who said, 'Racial prejudice and racial oppression in America is mainly caused by the American press, and ATUC takes special exception to their presence here.'"

I asked Mr. Ian Smith if this day of the birthday of the Republic would become Rhodesia's "Fourth of July". Mr. Smith smiled and said he understood what I meant. But he explained that Rhodesia likes to tie its holidays in with its school vacations—they have three terms a year—so the big day they will celebrate will be the second last Monday in October. The P.M. said there was no doubt but that Rhodesia wanted separation as 80 per cent of the vote was in favor of it and the new constitution.

Ian Smith, you may recall, was refused a permit to enter the United States and tell his side of the story. But Kenyatta and other blacks from East Africa, who led murderous raids against the whites, killing women and children, was allowed to come in. Mr. Smith, when asked if he might like to try again to come to America, said he did not think so.

One of the statements of the P.M. that brought the most cheering was to the effect that he felt that there is no right, he said for demonstrators to demonstrate and riot in the streets. This is not permitted in Rhodesia. He said there must be a decision between law abiding citizens and trouble-makers. Citizens must be protected from those who would take up the streets in the middle of town, interfere with normal business and social routines. He said that if they want to demonstrate let them demonstrate in a building of their own where they won't interfere with law-abiding citizens. They can continue demonstrations there for ten years if they wish, without interference by the law.

Mr. Smith mentioned the income tax as a yardstick for both financial and political responsibility. I mentioned to him that we had a similar yardstick in Louisiana which provides that property owners may vote their property in bond and tax elections.

Mr. Smith is a fighter against Communism and he said he would never tire of fighting it. The minister joked quite a bit, one time showing us a tie which had initials on it "Old Boys' in a school in the Commonwealth" sent him by a friend in England. He said he would not reveal the man's name for fear the friend might be jailed.

Among the things that Mr. Ian Smith said at the interview I was more impressed than anything else by his statement that the Rhodesian Supreme Court cannot negate the laws of that land. Pointing out how the U.S. Supreme Court has changed laws in our country through new interpretations by ultra-liberal justices, Mr. Smith said they had put safeguards in their constitution against such things. The Prime Minister stated that the court rules on a law right away and it can throw out a law or a portion of a law passed by Parliament. However, then the Parliament can go right back and change the law to correspond with the Supreme Court's ruling. Later on, the court cannot throw out the law through new interpretations.

Ian Smith compared Rhodesia's racial problems with those in the United States and said that Rhodesia was far ahead on that score. And that seemed to be true. There were no demonstrators, no trouble-makers so far as I could tell and the black peoples on the streets seemed to be perfectly "at home" and not discontented. Also we saw no hippies at all in Rhodesia—and hardly any in South Africa either. It was a tremendous relief not to have to see them. The boys looked neat and the girls too, though some had the mini-shirts and were smart-dressers.

We got a little pamphlet about the biography of Ian Smith. He is the first Rhodesian Prime Minister to be born in Rhodesia. His father was a Scotchman who emigrated here in 1898. Ian was heavily engaged in sports in his younger days. He attended Rhodesia University, but interrupted his education to join the Royal Air Force in 1941 and suffered two crashes before being discharged in 1947. Smith was badly injured and had to have a lot of plastic surgery. Returning to Rhodes University he graduated and returned to Rhodesia to farm at Seluke, his birthplace. He was elected to the Southern Rhodesia legislative assembly in 1948 and to the Federal Parliament in 1953. But in 1961 Ian Smith really shot into the public eye when he got up and condemned the constitution proposals for Southern Rhodesia which had been accepted as party policy. He became Prime Minister in April 14, 1964 and on Nov. 11, 1965 he declared Rhodesia independent.

We took a city tour of Salisbury after the meeting with the Prime Minister and noted how beautiful is the capital city of about 300,000 inhabitants. It is so clean, wide streets, many modern buildings, some as high as 20 stories. Beautiful flowers and we went through a residential area with beautiful homes. We found scarcely any slum areas, unlike in our country. The blacks have their part of town but most of their houses have been built for them through the government or private contractors and they appear to be nice and clean if not luxurious.

We were told that Rhodesia is doing better than the black-ruled nations of Africa in taking care of the Negro population, that they have a higher standard of living.

We were told that in some ways the "sanctions" by the United States and many U.N. nations helped Rhodesia to the extent that it made Rhodesia establish industries it would not have done otherwise. Certainly the sanctions did not seem to be harming Rhodesia to any real extent. There were plenty of items in the stores to buy, and while ration tickets are given for oil and gas purchases we were told that one can get all the coupons he wants. It is probable that the tremendous growth, economically, of this nation has been held back somewhat by the boycotts, for Rhodesia was one of the world's fastest-growing economies before the other nations turned "thumbs down" on her. Import items certainly are not held up to any great extent, though the sale of Rhodesian tobacco has been hurt abroad, and of course the American owned chrome mines cannot export chrome so much needed by us, in America. Instead we are buying much poorer chrome from Soviet Russia, a Communist country and paying 50 per cent more. It is really silly with Uncle Sam doing this—cutting off his nose to spite his face. We are hurting our national economy, making the taxpayers pay out more money and hurting American company stockholders who invested in Foote Mineral Corporation and Union Carbide.

Rhodesia is the world's largest source of high grade metallurgical ore. If Russia stopped selling chrome to the U.S. for one year the U.S. would have no strategic reserves of the mineral and would be seriously prejudiced in any emergency. Also Rhodesia holds a virtual world monopoly of petalite—up to 60,000 tons a year—98 per cent of the world's production. The American stockpile of petalite is almost exhausted. The giant Corning Glass Works has made it clear to the U.S. government that unless imports of petalite are permitted very soon 4,000 of its 18,000 employes will have to be laid off. And what burns you up is thinking that we once needed help from an older country when we declared our independence from Britain, not a kick in the stomach. France and other nations helped us with recognition, but the U.S. says Rhodesia has no right to freedom from Britain. On the other hand it wasn't too long ago that we put pressure on the Netherlands to give Indonesia her freedom, and intervened in many other instances to help create new nations which rebelled.

But back to our tour, we noted so many beautiful flambouyant trees or African Flame trees in bloom. We saw the beautiful Roman Catholic and Anglican cathedrals from the outside. We saw a modernistic looking parking garage, several stories high, like we

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have in the cities of our country. We saw the beautiful residence of the Prime Minister and the new President. The latter is Mr. Clifford Dupont acting President, who is expected to be elected President in the April elections. Mr. Dupont today signed the proclamation dissolving parliament and calling for a general election, in the presence of the Prime Minister who countersigned the two documents.

We stopped at a restaurant for tea this morning and the place had many huge and oddly stacked rocks on the grounds. It looked like the Colorado Springs Garden of the Gods. But the Rhodesians have many of these odd rock formations so took no special observance of these rocks.

After lunch we drove out to Lake McIlwaine, which is a man-made lake some 15 miles long and about three quarters of a mile wide, damming up the Hunyani River. The lake is the largest earth dam in all of Africa and is 35 years old. It is used for boating, swimming, source of water for drinking by the City of Salisbury, etc. Where the river overflows the dam I saw a huge throng of blacks fishing. Reminded me of the old days in Louisiana when you used to see so many Negroes fishing along the ditches or small streams. They tell me the Bilharzia, a parasite, is prevalent here and many persons are infected by it from the waters. I heard about it in Egypt, where the Nile infects people. The host is a snail and you don't get the parasite by drinking the water but by swimming or walking in it. The parasite must enter under the toenails or fingernails. The liver and other organs are attacked, but there are shots for it as it seems to be about as common here as malaria used to be in the South in the old days.

Tonight at our hotel we had another treat—Impala fillet mignon.

A Trip to U.S. Consulate

Salisbury, Rhodesia.—This is our last day in the newly-formed Republic of Rhodesia, and we were supposed to have a "free day" for shopping, resting, packing, etc. However, most of us did not do any resting.

First I got an appointment with the American consulate, in fact they called me. Naturally we wanted to talk with our U.S. officials here to get the State Department's side of the Rhodesian story. We do not have an Embassy in Rhodesia, as we do not recognize the "rebel" regime of Ian Smith and its breakaway government. However, there are three officials and they have a downtown office and a residence in the suburbs. We were invited to the residence, which is a beautiful place. Mr. Chase, the chief officer, was out of town, but we met Irl W. Smith, political officer and J. Fred Doyle, economic officer. They were pleasant men and knowing our sympathy with Rhodesia, I assume, they spoke carefully and perhaps guardedly. Still I got the impression these two were rather sympathetic towards Rhodesia, at least in some things, but I heard that the chief officer, Mr. Chase, is not quite so kind hearted in that respect. It is my understanding that the consulate must walk "on eggs" and must not show its face much around Rhodesia, at least not openly for fear of "offending" the "emerging nations" of black Africa and Britain.

The men we spoke with told of the origins of Rhodesia, mentioning the time when there was Southern Rhodesia (now the Republic of Rhodesia, Northern Rhodesia and Nyasaland). The latter two have been combined into a Negro nation which is called Zambia and which was granted its freedom from England, no questions asked—unlike what happened to Southern Rhodesia. Rhodesia dates from 1890 and did not start to move until the turn of the century. The British never did police the country. It was run by the British Rhodesian company at first and this system continued until 1922. The greater Rhodesian country was split in 1961 and a movement started for independence about that time. Then on Nov. 11, 1965 Southern Rhodesia broke with Britain. Ian Smith, the Prime Minister met with Prime Minister Wilson of Britain a couple of times in an attempt to come to some sort of compromise but the two prime ministers never could get together. Wilson was hardheaded and refused to concede much of anything, I understand. One of the serious things Wilson would not give in on was that ultimately the Privy Council of Britain would have the final say so—guaranteed in the Rhodesian Constitution—in any matters that could not be resolved in Rhodesia. And it was one man, a British representative who led a group who would not give in on this Privy Council veto and which probably broke down the negotiations. It was that close: Ian Smith felt strongly of course that a group of men in London did not know the situation in Africa, yet it could negate and overrule Rhodesia in something quite vital to their existence.

There was always the threat of course that the Privy Council would agree to have more blacks in Parliament than whites, too and that might mean black rule eventually—and before the natives were ready for the ballot and for governing. So in July, 1968 England put mandatory sanctions on as did the United States and many other nations. In fact not even South Africa or Portgual have embassies in Rhodesia at this time, fearing I guess, world opinion. However, the neighbors to the south certainly do all they can to help the Rhodesians as brothers and they do have consulates.

The American consulate members did not see any change in our attitude of boycotting the Rhodesian economy and no change in the Rhodesian attitude either. The consulate members told us of the American investments in carbide, chrome, bauxite, copper, chemicals and tobacco, but our government won't let us purchase anything from Rhodesia, not even vital materials.

Our American officials corroborated our information that hotels, churches, restaurants, etc. are "de-segregated". Yet press associations like the Associated Press are calling Rhodesia an "apartheid" country, like South Africa. Nothing could be farther from the truth. There is so much mis-information put out on Rhodesia that it is pitiful.

There is a lands act in which Bantus lands are set up for Bantus and white people cannot purchase them—similar to what we in the U.S. did for the American Indians. This is to protect them from the whites who might come in and finagle their lands away from the blacks. Originally however, Rhodesia had only about 300,000 blacks. That was at the time the first whites arrived, I was told. But the black tribes have gradually moved in and multiplied and some thousands came because it was the "land of opportunity".

The sanctions are a failure, according to such authorities as Foley of England. But the booming economy has been slowed down to some extent. The first to be hurt by the sanctions are the Africans, for the employed blacks are generally first to lose their jobs when things get rough—and they have to go back to their tribal reservations where there are no good jobs. The sanctions apply to just about everything except medical supplies, but the sanctions are hurting the arrival of them, we heard. Here again the black Africans suffer for much of the medicine is for them. Rhodesia, I was told at the consulate, has very modern medical facilities and hospitals, like South Africa. For instance they have an artificial kidney machine. Salisbury has two hospitals with about 450 hospital beds. The Rhodesians graduate only about 22 a year from their medical schools and the boycott has stopped much of the in-flow of doctors from other countries and the training of Rhodesians in universities outside the country. Again, who suffers most? The blacks who do not get the medical attention they should have at times. We must remember that it is a terrible burden too on some 300,000 whites trying to educate and bring up the economy and living conditions of some four million black Bantus.

I neglected to mention that we visited a Bantu village yesterday near Salisbury, seeing how they lived in their beehive round huts. They put on a big dance for us and some of the group partook of their gruel which was mostly made from maize (corn).

This afternoon, before our plane flies out tonight, Mrs. Nota Bene and I decided we should make a shopping tour, though we bought only a very few little souvenirs. You know we aren't supposed to bring a thing back from Rhodesia because of the "sanctions" by the U.S. The stores were modern as any in America. Mrs. Bene saw some gold earrings, set with emeralds which are one of Rhodesia's best stones. However, the price was too high, but she found some very reasonably priced ones set in Mtorolite, which is said to be the world's newest gem stone found in 1967 at Mtoroshange, in Rhodesia, from whence the name is derived. This is the only known source in the world today. It is a chalcedony, which like the emerald, has been naturally stained by the presence of chromium and which gives them their unique shade of green.

We haven't visited inside any churches on this trip, as a tour group, I mean. Sometimes there are almost too many churches to see but Rhodesia and South Africa do not have any outstanding cathedrals like in South America and Europe, nor temples like in Burma, India and Japan. However, walking along the wide streets and looking at the beautiful modern buildings I came upon the Anglican Cathedral in Salisbury. It was one of the most outstanding pieces of modern church architecture I have seen. It is the Cathedral Church of the Diocese of Maskonaland and is called the Church of the Blessed Virgin Mary and all the Saints of God. I read a little history of this church which is in Cecil Square. There is a steel flagstaff marking the site where the Union Flag was raised on Sept. 12, 1890 when Rhodesia was occupied in the Queen's name. The first pole and mud church was succeeded by a brick building in 1892, which served until the present Cathedral was begun in 1913. The chancel and its chapels were opened for worship in 1914. Twenty years later the Transept and the first bay of the Nave were added. The Cloisters were built after World War Two and the Bell Tower in 1962. Finally in 1964 the Nave was completed, 50 years after the Cathedral was begun.

There is a beautiful High Altar, beautiful stations of the Cross and most unusual was a baptismal font and below the font was a pool of running water. So I assume that those who wished to be baptized by dunking, rather than sprinkling could do so. There was a most interesting icon presented by the Greek community. The lithostrotos is a replica of one of the flagstones of the pavement in Jerusalem on which Christ stood before Pilate. I noted a special closed place called the Confessionals, where confessions are heard and Absolution given (unusual for an Anglican church but not for Roman Catholic). There was an outdoors courtyard which was most beautiful. On one side was the nave, on the other the cloister and garth, on the third side was a porch and what appeared to be Sunday School rooms and maybe offices and on the fourth side more offices.

The Cathedral has a carillon of ten bells cast by a London bell foundry, each engraved with an English rose and a Rhodesian Flame Lily (the Rhodesian national flower). They played beautiful music from time to time.

Miscellaneous notes about Rhodesia: Much of the maize (corn) in South Africa looked rather "runty", but here in Rhodesia most of it looked like the Iowa variety—tall and beautiful, and with lots of ears. In many places the corn was irrigated. Rhodesia receives enough rain in places for crop-growing, but certain times of the year additional mositure is needed. Hence much land is irrigated.

Rhodesia has a paper mill or two. They grow a lot of nice oranges and other citrus fruits. Also cotton, wheat, oats, potatoes, sugar cane, coffee, tea, splendid beef and dairy industries flourish.

Rhodesian money is being changed over to the decimal system from the pound but you still find Rhodesian pounds and they are worth the old rate of $2.80 to the dollar. And the Rhodesian rand is of the same value as the South African rand and worth $1.40 of our money.

We did not have to have a visa to enter Rhodesia and nothing was stamped on our passport to even show we had been there. Probably a good idea since the U.S. government frown. on visitors going there and spending money.

We visited another snake park yesterday. The park is dominated by cobras. I might say that two snake parks on a trip is more than enough, though they were interesting, especially to some of the group.

Rhodesia has a state lottery as does South Africa. If you are lucky you can win as much as $55,000. Salisbury is only 80 years old, born Sept. 11, 1890. The first white settlement was made in Rhodesia in 1859, but there was not much interest in the area until 1867 when gold was discovered at Mashonaland. Cecil Rhodes, after whom the country was named, then sent an assistant commissioner to negotiate a treaty with a native chief and in 1889 the British South Africa Company was organized. So you see Rhodesia is a new country.

MEET WITH MISSIONARIES

LUANDA, ANGOLA—We have stopped over here in this Portugese colony for refueling, on our way home, via Lisbon, Portugal. We left Salisbury, Rhodesia tonight on a 9,000 mile flight to New York. You may wonder why we did not fly straight up through central Africa and the Sahara, like we did coming down. Well, the reason is the boycott against Rhodesia. Any plane which lands in Rhodesia or flies there cannot go over any of the black nations, or if they do they run the risk of being shot down. So we fly to Angola (the Portuguese and the South Africans are the only friends of the Rhodesians on the continent), then out to sea and we follow the edge of the continent all the way into Portugal. It is farther and takes about nine hours, but that is the best we can do. The boycott prevents all the airlines, except the Portuguese and the South African from flying into Rhodesia, also. We are taking the Portuguese airline as far as Lisbon and after about four hours there, we will take the Alitalia Airline home to New York.

We didn't get to see much of Luanda, the capital, as it was dark and we stayed in the airport, but we could see that it is a pretty good sized city, judging from the lights. The airport itself was not too nice and it was not too clean.

We were honored again yesterday in a ceremony which was conducted in the Jameson hotel, wtih members of the Department of Information present, and some other Rhodesian officials. Mr. Hostace Nicolle, secretary for Internal Affairs presented me with an album containing photographs personally signed by African Chiefs, together with a map, which they asked me to present to Leonard Aronowitz of Atlantic City, New Jersey. Leonard is a sufferer from birth of cerebral palsy and the 15 year old boy had written Rhodesian officials dreaming that he might have this particular souvenir. The album showed the pictures of all 35 chiefs of tribes in Rhodesia and was personally autographed by each one. Chief Chitanga, President of the Council of Chiefs, originally was scheduled to make the presentation to me but was unable to attend.

I asked Mrs. Joseph Brock of Flushing, New York if she would see that Leonard got the album and map and she promised me she would do so, probably taking them to the boy in New Jersey, since Mrs. Brock, a member of our newspaper group does not live too far from there and should be in the vicinity soon.

It must have consumed a lot of work to get all those 35 Chiefs of the Rhodesian tribes to sign this and have their photos taken. I know it will be a valued memento for Leonard.

Giving the album to us showed us too that Rhodesia is not a one-man-one-vote-one people nation. As I mentioned previously there are 236 tribal chiefs all have representation in a general Council of 35 Chiefs. This council elects nine individual black people to Parliament. Also the members of the tribes also elect nine blacks to Parliament, making a total of 18 members in the ruling body of the country. It was quite a dramatic thing showing us the tribes and "nations" of black Rhodesia.

When I arrived at Victoria Falls the other day I received a letter from Mrs. Ray (Billie) Bell, missionaries to Rhodesia. Mrs. Bell had received a letter from her parents—Mr. and Mrs. Dalton Davis of Bastrop—stating that this scribe and Mrs. Bene and the G.G. Grant's of Bastrop would be in Rhodesia with the newspaper group. The Bell's wanted to meet us, and I had tried for a couple of days to get in touch with them. Tonight they came to our hotel about an hour before we took off for home.

The Bells are missionaries with the South Baptist Convention. Ray Bell is Station Manager for the mission, which is 58 miles west of Gatooma, Rhodesia—the Sanvati Baptist Mission. They have a hospital, secondary school and primary school. Mrs. Bell works in the hospital, doing bookkeeping, I believe, and perhaps some teaching. They also do Sunday School work at various posts in Rhodesia.

Naturally in the time we had it would have been impossible for me to have visited the mission, which is in the hinterland—at least a four hours drive from Salisbury.

Mr. Bell is a native of Crossett, Ark., but his mother now lives in Alabama, but he has a couple of sisters at Beekman, Mrs. Hazel Shriver and Mrs. Robby Brooks. So the couple consider themselves "Bastropians", and they plan to come home sometime in August for a visit as they have been down in Rhodesia for something over three years. Mr. Grant told me that he knew the Dalton Davis family from "way back" when they lived at Dubach before the family moved to Bastrop. So they had a nice visit—the Grants and the Bells.

Mr. Bell told me he was plenty worried that the United States might withdraw its Consulate from Rhodesia. He said there are about 1,200 Americans in Rhodesia and most of them are missionaries. There is a danger that all will have to leave and close the missions, schools, hospitals, etc., if the U.S. pulls out its consulate. This would be a disaster not only for the missionary work but for the blacks who are getting the schooling, medical and hospital aid.

You see the U.S. Consulate has to approve any shipments which come into Rhodesia from the United States. That means approval must be stamped for medical supplies, for materials for the hospitals and schools, food, even money that might be sent here. If the American people knew how much damage closing the Consulate would do to our missionaries they would protest highly to President Nixon and their Congressmen about doing so. Even the "sanctions" which we now have on Rhodesia are doing quite a bit of harm. While medical supplies can be brought in, the supply has been slowed up and there is red tape and all, so that even with the Consulate here the sanctions hurt. Another harm that has been done by the boycott is to greatly slow down the coming in of medics, nurses, and doctors from abroad. And this in turn does more harm to the Negroes than to the whites. Rhodesia has a good University or two and a Polytechnic school, etc., but it is able to turn out only around 20 doctors a year. This is not enough for the blacks. Formerly, when there were no sanctions more of these outside medics came here. And more Rhodesians went abroad to study for medicine.

Bell said that years of effort and accomplishment could be thrown out the window.

A TOUR OF LISBON

NEW YORK CITY, N.Y.—We are back in this country, after a flight of 9,000 miles which started night before last, with an hour stop in Angola and about four hours in Lisbon, Portugal. We are dead-tired and plan to rest up here until tomorrow when we fly home. A goodly portion of the 41 folks went on home from New York the same day as arrival, but we cannot make connections at Atlanta so we are staying over at the International Hotel here. Eleven of us will be flying home tomorrow to Monroe and Jackson, Miss.

I was pleasantly surprised here at Kennedy International Airport that our plane was not held up over the airport very long before landing—unlike some previous flights. And there was not the terrible mob that we had at the customs like this summer. Matter of fact, the going through customs was awfully easy this time. Most of us just did not even have to go through and have our luggage inspected. I understand that nowadays only a portion of the luggage is actually checked, depending on what color card they give you when you start through. We were allowed to by-pass the inspection. It was raining and mighty cool, unlike Africa but the coolness was not unwelcome after having gone through a three-weeks "summer" abroad.

Our flight to Portugal via Portuguese airlines was fine, though a little longer than going down to Africa, because we had to skirt the African continent to avoid the "black-emerging" nations. It was cool and sunny in Lisbon. We were here two years ago when we toured Portugal, Spain and Morocco but we love Portugal, it is so quaint. Nick Ernsting and Alitalia Airlines arranged a half day tour for us in Lisbon so we would not have to stay around and just sit for several hours until the Alitalia Airlines plane took off for New York. Two or three did not go but most of us went on the tour and while we had made the tour two years ago we found it most pleasant and I enjoyed every minute of it except the stop at the museum of Royal Coaches. I had seen it twice before so did not spend too much time there. We saw the beautiful Church of St. Jerome, built in 1502 with its high arches, altar, stained glass windows and the big cloister. I especially noted the Tomb of Vasco da Gama, the famed Portuguese explorer who went around the Cape of Good Hope.

Then there was the Discoverers' Monument built in 1960. It is a monument to the Portuguese navigators and is shaped like the prow of a ship.

Our girl guide was real fine and knowledgeable. She mentioned that Lisbon once was built on seven hills like Rome, but it is now spread out to where it is on 11 hills. We saw two or three old-time Portuguese windmills which are still in use, grinding grain. She said there are still about 2,000 of them in Portugal. We think of Holland being the land of the windmills—but so is Portugal. We saw the huge football stadium—Rugby as we call it. This is the leading sport in Portugal. Bull fighting is pretty popular too, of course. The Portugese do not kill the bull in the fight but the guide says that the

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bull gets killed anyway—afterward, and is sent to the butcher shop. A bull is never used more than once. He gets too "smart" if put in the ring more than once. I noted a lot of "umbrella" pine trees. We saw some of them in Africa too. The tops are spread out like an umbrella.

Portugal has had a long history under other rulers. It was 400 years under the Arabs or Moslems until the 12th century. And before that it was under the Romans from the first to the fifth centuries. It was a part of Spain for many years.

We passed Golden street where gold jewelry is mostly sold and Silver street where Silver is mostly sold. We were told that the 1755 earthquake killed 50,000 people and destroyed Lisbon so most all the architecture dates from then. The Tiger river has been bridged with a new bridge which has opened up new areas for homes and stores "across the river." It is the largest suspension bridge in the world. It is called Salazar bridge, constructed in 1966.

We saw fishmonger women traveling down the streets with fish on their heads, quite an interesting sight. We of course noted the beautiful sidewalks done in mosaic designs. You see them only in Portugal and in Rio de Janiero, Brazil, a former Portuguese colony. They are most attractive. The streets are wide and many have a middle ground, which is sort of a park with flowers. It is a little early for the gorgeous bloom right now.

We passed by the outdoor elevator, which is so unique. I have ridden it a couple times on previous trips. The elevator takes you from one street up to another, on the hill.

I must not forget to mention that we were besiged by women selling their wares, both in front of the cathedral and elsewhere—and some of our women still have a little money left. There were some beautiful shawls, scarfs, aprons, table cloths, etc., and so reasonable that it was hard to resist buying something. We wound up the tour by going into a shop where there was more to attract the buyers.

Lisbon, I was told, means "Good-Port" and it is a good one, and a beautiful quaint, scenic one. One day I would love to come to Lisbon and then drive a car all over Portugal at a leisurely pace.

Oliver Emmerich is my official "mileage computer" and he informed me we have traveled about 23,289 miles. By the time we get home we can say we went about 24,000 miles in three weeks.

In retrospect this was a most wonderful tour, and most everyone on it was most happy I believe. We missed no planes, no one got seriously ill, everything went smoothly, and we are most grateful to the good Lord. On a long trip like this, clear to the southern end of the world there is even more danger of something happening than on a shorter to Europe or South America. So we were indeed fortunate. We were treated nicely by all we met, we had a real congenial group of people along and that means so much.

A few comments that I forgot to make: Victoria Falls is one and a fourth miles wide and 355 feet high. It is really four big falls. Niagara on the other hand is just a quarter of a mile wide and 160 feet high.

The U.S. attitude towards Rhodesia disturbs most of us and I believe 100 per cent felt that the United States ought to reconsider its stand. One newsman mentioned that while we are trying to please Britain by going along with her to put "sanctions" on Rhodesia, England has not refrained from shipping goods to Fidel Castro in Cuba and there is a British consulate in Hanoi.

In South Africa I saw Francolin birds, like the ones the Louisiana Wildlife department imported into Morehouse parish on an experimental basis. Probably our birds came from there. They appear to be like big quail.

I wind up my column by quoting from an article I read in the London Daily Times regarding the U.S. and its sanctions against Rhodesia:

Apart from a growing belief that sanctions, as a means of bringing Rhodesia to terms, have flopped, the United States has been forced, through sanctions, into an unhealthy dependence on Russia for the bulk of its needs of high-grade chrome ore.

America has also been denied imports of the rare lithium-bearing mineral, petalite, which is used widely in its glass and ceramics industry and is the most reliable raw material for spacecraft antenna windows.

Figures I have had access to show that Rhodesia holds a virtual world monopoly in petalite.

Nearly 98 per cent of the world production in petalite—up to 60,000 tons a year—comes from Rhodesia.

The American stockpile of petalite is almost exhausted.

And if Russia stopped selling chrome to the United States for one year, the United States would have no strategic reserves of the mineral and would be seriously prejudiced in any emergency.

These are the remarkable and hitherto unpublicised twists to the four-year sanctions war against Rhodesia that are causing increasing concern to American security experts.

Since the imposition of hard sanctions the American-owned chrome mines in Rhodesia—the free world's largest source of high grade metallurgical ore—have been prevented from sending ore back to the United States.

The mines, owned by the Foote Mineral Corporation and Union Carbide, through their Rhodesian affiliates, have been mandated by the Rhodesian Government, whose own sanctions-busting organization, Univex, is now selling ore.

None of the chrome is going to America and the United States has thus been forced to rely on Russia as its major supplier—but on "blackmail" conditions and prices.

President Nixon's National Security Council, whose staff works from the White House, is keeping the chrome supply position under constant review.

The United States Office of Emergency Preparedness, which has to determine items for inclusion in the stockpile of material critical to national security has, I understand, reported to the council that there is a stockpile deficit of 708,000 tons of chrome.

Each year's consumption is more than the total amount of chrome ore imported into the United States. The import rate is well below consumption rate and the deficit has to be made good from the stockpile.

The Office of Emergency Preparedness, I am told, believes there are no prospects of a significant increase in output of high grade metallurgical chrome ore from Turkey, South Africa or any other country now exporting to the United States.

If Russia stopped exports to the United States for a year, the entire uncommitted stockpile excess would be used up in that year.

The informer's role played by the convicted Rhodesian sanctions spies, Roger Nicholson and Trevor Gallagher, will have been shown later, it is believed, to have been substantial in its influence on American thinking.

This gives point to Nicholson's own words at his trial when he said: "I believed it would be useful overall if a sound appreciation of the situation was received by the government in question as a corrective to the views held in other quarters."

I understand that the views held in "other quarters" were those of Mr. Wilson's government.

Britain has all along been pushing the view that, while sanctions might not be achieving economic collapse in Rhodesia, at least they are preventing the Rhodesian economy from becoming buoyant.

Nicholson, from his vantage point as a respected economics commentator and confidant of highly-placed officials, could simply have told the Americans that this was wishful thinking.

But the Americans wanted actual evidence that they were not being taken for a ride by Britain. They were also naturally anxious to know what was happening to the chrome ore mined from their own mines in Rhodesia.

No details were disclosed at Nicholson's trial and Nicholson, since his release and deportation, has been keeping to the undertaking he gave—that he would not talk.

AMERICAN JOURNALISTS CONFERENCE WITH PRIME MINISTER

Mr. Prime Minister I'm Nathan Bolton organiser of the group from Louisiana, so you know we've a little bit in sympathy with you down our way, but I do want to tell you how much we appreciate this being able to meet with you and especially on your Independence Day and would you care to make some remarks before we ask you any questions.

Prime Minister: Well I don't think there's a great deal in general I would like to say to you. I'm very happy to be here, simply to come along and pay my respects to you people from America, because I have heard that you are influential people from that part of the world that, in the main, you are sympathetic, or at any rate you have an open mind that you have come here to try to understand our problems and really this is all we ask of the world. It is amazing to us how the mass communications media seem to be opposed to us and I am sorry to say seem to be aligned with the enemies of the West. And if they are opposed to the West they are opposed to us because we are on the side of the West and for this reason we have never been able to understand why countries such as America and Britain wish to destroy us. We have always been on their side and we have stood by them and fought with them in wars gone by, so what we really ask is that people should not condemn us in ignorance or through hearsay. We just ask that you come and see for yourself. Then if you don't like what we're doing, that's fair enough, we will have to agree to differ, but give us fair trial and this of course is one of the basic tenants of Western democracy, is it not? So I am very pleased to see you and welcome you here and we hope you will give us a fair trial. Thank you.

Question: May I ask you one question. Will this be your 4th of July in future?

Prime Minister: No, Oh I know what the 4th of July is, don't worry. We Rhodesians are well aware of that. This is not the actual day, I can explain this to you, I think with a certain amount of logic. You see today isn't such a tremendous day for Rhodesians. We made our decision to become a Republic quite a long time ago and this is simply the process which is necessary to implement it and to formalise it. The big decision we made was our Independence, our Independence Day is our Great Day, when we unilaterally broke away from Britain. Of course, the same thing that you people in America did and this was an emotional thing, breaking away from people with whom we have been so close to for so long. We didn't want to do it, it was forced upon us. And so we did it. And we realise that, immediately after that, when we asked the Queen, who had been our Queen, if she would continue to be our Queen, and when the British politicians made the decision for her, of course, and told her that the answer was "No" what else were we then other than a Republic. I believe that since that time we have been a de facto Republic. What we have done today is to turn this de facto Republic into a de jure Republic. But, of course, there were even more significant steps which followed and the main decision by the Rhodesian people was made last year when we had a nation wide referendum asking them whether they wished to become a Republic or not. We received overwhelming support—over 80%, I think it was 81, something or other percentage "Yes" vote for a Republic. Well for a free democratic society this is a tremendous majority, I think you will agree with me. So that is when the decision was made by the public.

Then we passed the new Constitution through our Parliament at the beginning—no, at the end of last year—was it, or the beginning of this year, so as you can see, early last year, or about the first half of last year we had a referendum, then in the second half we passed the legislation through Parliament. Well, we have chosen a day in between the two, which we thought was a practical thing to do and one other practical reason why we did this, we're very strong supporters of the family and family life, the home, children keeping parents and their children together, we think this is very important particularly in this world today, where there is such a stress on the permissive society where evil forces are trying to undermine the family and loyalty in the family unit because I think they know quite rightly that this will play into their hand. So we chose this day for another reason.

We have three school terms, academic terms in our school calendar and in the middle of each term we have what is known as a long week-end or an "exeat" weekend and there is always a holiday tagged on to that or two like "Rhodes and Founders" which is in the middle of the year, so that makes the week-end worth while for parents and families to get together, in many cases they have to travel 50, 100 miles or more to collect their children because many of our children are in boarding school, you see, with the vast rural population. So to make it worth while, it's desirable to have a holiday on.

Well the last term of the year was the only term in which there was no Public Holiday associated with the mid-term week-end. Well, we still gave the school children a holiday, to make it worth while, the extra day so that parents would make the effort to come and collect them, but it meant for that particular term, and it was the only one, although the schools and the children had a holiday, the parents did not, and so the parents couldn't enjoy the week-end vacation to the full, because they went to work, so we have put the holiday in that week-end, so now in each of the three academic terms of our calendar we have a long week-end. So the whole thing was worked out and it fitted in very well. You see we could have had Republic Day when we had the Referendum, we could have had it when we passed the new Constitution through Parliament, or we could have had it today. There were a number of options open—I think we took a practical solution.

Question. I'm still not sure what day it is.

Prime Minister: Well it actually is not a set day in the calendar because it is the second last Monday in the month of October, so that the Monday goes on, so that they have the Friday afternoon off, they have the Saturday and Sunday and the Monday but, of course, the actual date will change from year to year. If we had a specific date, well it wouldn't always be a day which would fit in with this long week-end. While I'm on my foot, perhaps I could point out one other thing to you. I don't know if you have noticed the tie which was sent to me by a friend of mine from Britain, incidentally, last year, its rather a nice one you see, its my old school colours, blue, green and gold. But it isn't my old school tie, it has the initials C.O.B.C. on it which stands for Commonwealth Old Boys Club. Today is the day!

Question. Mr. Prime Minister, I happen to be from the state of Mississippi, and I would say that it would be a good guess that perhaps 98% of our people have sympathy with what you're doing. Of course, when we read about Rhodesia and South Africa, the proposition of race is always prominent in the news just as it is when they have news of . . . (inaudible) . . . in the state of Mississippi. The question most of us have been seeking here, is to find the difference between the racial situation, say in the deep South, and the racial situation in Rhodesia and the racial situation in South Africa. Now in South Africa the question I'm trying to get you is this, South Africa, it seems to be separation, but here you regard yourselves as a non-racial nation. Could you tell us what's the difference, just to simplify it for us, between the policy and race, as applied to Rhodesia and applied to South Africa.

Prime Minister: (If you'll excuse me sitting down, I'm told I mess these things up if I stand up, so if you'll excuse me Ladies and Gentlemen please.)

The main difference I think is this, in a nutshell of course, it's a pretty complicated business, but in a nutshell, South African policy is one where they divide the country completely between the blacks and the whites to such an extent that, as far as the black areas are concerned, they will in time be completely independent, autonomous countries, with their own governments. Now as far as we are concerned, we don't believe that this is a practical proposition in Rhodesia, even if politically we thought it was right. Our country is such that we have a Land Apportionment Act which we have always had.

The country is divided up equally between the two main races, but with the number of pockets all over the country, in fact if you look at a map which is coloured according to the racial set-up, it looks very much like a patchwork quilt, and so from a practical point of view, even if we wished to follow in the footsteps of South Africa I don't think we could do it, because we would have 40 or 50 or even more of these little pockets all throughout the country. So ours is a different policy. We say that we are far apart in our stage of civilisation, in our way of life, we are satisfied that not only the whites, but the blacks as well, wish to live together in their own communities according to their respective ways of life, which are vastly different, and in fact this is something which we have always had, even in the days when Britain was responsible for most of what went on in Rhodesia, so it is nothing new. We are continuing this.

We call it community development, encouraging the communities to live together and to develop in their own areas, and we will have a provincial type of Government the same as you have in America, this is nothing new, for in Australia and many other countries, where most of the every day matters of life will be dealt with by the communities in their areas. But over and above that, we have one national Parliament and this is where we differ to South Africa, where the representatives from both areas sit, and this is where we come together on the national problems and also to try to assist one another at the provincial level at the community and the all important international problems and the national problems which we cannot diversify are controlled by the Central Parliament. Is that reasonably clear?

Question. It's about what we used to have in the South.

Prime Minister: Yes.

Question. Mr. Prime Minister, do I understand that the members of Parliament who represent the Africans then are actually Africans themselves?

Prime Minister: Yes, and they are elected by the Africans.

Question. Continuing, Mr. Prime Minister, on this question . . . inaudible . . . as you know we have in our country, pitfalls that we have individuals that can create a disturbance and upset our whole plan, do you have some safeguards built into your programme to possibly stop that, I mean can you learn a little bit from our. . . .

Prime Minister: Yes, that's a very good question, and I'm happy to say that this is what we are doing. But, of course, we are attacked by members of the permissive society and so on, who believe that we are interfering with the rights of people, but I don't accept that. I don't believe that people have a right to demonstrate to an extent where through their demonstration they are interfering with the legitimate rights of the law abiding citizens, and this is where I don't agree with what is happening in Britain today . . . (Applause) . . . the sort of thing that is happening in Britain and your own country, we believe this is wrong and particularly in this world. If we were back living in the days before the last world war, you could get away with this sort of thing. But I think that in life that you have to adapt yourself to new situations as they arise and dangers, and if you don't then I believe you go down.

I think one of the most basic laws of human nature is that any animal unable to adapt himself to the environment in which he finds himself, perishes. This has been proved and we believe strongly that times are changing and so we must give ourselves powers to deal with the times and I say and say again, if I have to choose between defending the rights of the decent law abiding citizens, men and especially women and children, or looking after the rights of mischief makers, then I don't hesitate as to who I'm looking after—it's the decent law abiding citizen. And so we say this for example, I'll be absolutely honest with you, that if people want to demonstrate, if they want to gather in their hundreds and thousands and demonstrate and hold a procession, they have to obtain permission from the local authority, the local District Commissioner, or the Magistrate or some such person and in most cases this is granted, but if the party concerned or the society concerned has a reputation of stirring up trouble and causing chaos and pandemonium, well, of course, he has the right to say "no" I'm not going to allow you to do this, because you interfered with the rights of the normal people who are setting about their business and their work and we don't think this is correct.

He will say to them, "if you want to hold a demonstration you can do so, but not in the middle of the town, or the city, this is where other people are getting about their business. If you want to, you can go and hire a football field or you can go to a farm outside town here and you can demonstrate for the next ten years if you want to and do what you like but you mustn't interfere with the legitimate rights of the decent law abiding people who are getting on with their every day work." These are powers which we have taken onto ourselves and we think we would be stupid not to do this, realising the world in which we live.

Question. Mr. Prime Minister, notably, at one time several years ago, England had blocked off large balances of Rhodesian currency. Has anything been done about that to release that currency?

Prime Minister: No, the position is exactly the same.

Question. In your forthcoming April 10th election, who will vote at the election? Will the whites vote for the whites and the black vote for their candidates?

Prime Minister: That is correct.

Question. The blacks will not be voting for any white men at this?

Prime Minister: No. And in this new Constitution this is the first time this has happened. Previously, we had only a handful of blacks who were on the voters role and there was no racial division. This is a new

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step which we have taken and again we believe we are facing up to the realities of life and the times in which we are living. We have seen so much of this "one man one vote" in countries which have prematurely been given the vote, after all the vote in a democratic society is one of the most responsible things in this world. I believe, and to give it to people who are uneducated in democracy and unable to use it, is of course, a very dangerous thing, and we live in Africa and we have seen how decent people have had their rights and privileges taken away from them, by mobs of people.

This "one man one vote" we found from experience in countries to the north of us is "one man one vote", but once only. They never ever, thereafter, have a free vote, as you have seen. They bring in "One Party" States and you have just got to do as you are told—they are virtual dictatorships. And so we thought we had to face up to this. This is being honest, we like to be honest and straightforward, and we said to allow this to continue the same as in other countries and simply to allow our civilization to be outvoted through a counting of heads, was wrong.

We got together with the tribal people, the leaders and the chiefs—they agreed with us. They said, "We don't want you to go, we don't want Rhodesia to descend into the chaos, which we know exists in countries to the north of us, and many of them, of course, have been there and have seen what has happened. So we have done this with their concurrence, we think it is fair. Even the British accepted originally that half of Rhodesia belonged to us and half to the African. This was written into our Constitution and Land Apportionment Act and so this is what we are trying to preserve.

Question. Mr. Prime Minister, how did you arrive at the basis of representation in Parliament. I believe you have 50 whites and . . . inaudible . . .

Prime Minister: Yes, this is a very interesting point which you have raised and again we have introduced a novel idea into our new Constitution one which we think has a lot of merit. One of the most difficult things in the world is to try to gauge this point, to try to determine what are the criteria for assessing a civilised man. In it, education is part of it and so on, you can think of a number of different things. I believe that moral principles probably are more important than almost anything else in assessing a man's civilisation. His ability to play the game, to act decently to other people, to safeguard the rights of minorities. This is something which is completely absent from so many countries in the world, especially the newly independent countries. So it's very difficult to assess this.

We used to have a system which was "financial earning plus education," your salary plus education, but what we have done now, we have chosen Income Tax contributions to the state as the criteria to determine the representation of the two main racial groups. Now within those groups there is another qualification which is salary and education within the two groups, but the two main groups are separated on the basis of their Income Tax contributions to the state. Now while this isn't perfect, I haven't heard of a better yardstick and I've said to people, tell me a better yardstick.

When people start contributing through income tax to the State, this is a pretty good indication that they are responsible members of the community and that they've got their roots fairly deep down and not birds of passage. That's the first point in its favour to assess a person's responsibility, and secondly, of course, it is easy to measure. If we had brought in all the other forms of taxation, your other forms of indirect taxation and so on, it would be impossible to measure this. Who buys a packet of cigarettes, a black man or a white man, or a bottle of beer—you can't do that, but we have even before this came in measured the contribution from the main racial groups and so that is the measurement. Well now in the new Constitution the European has 50 seats the white man and the black—16. We have given them this to start, because if he had, according to his contribution to income tax, then I don't think he would have one seat in the Parliament.

This shows you how little they contribute, which is not surprising when you realise that 60 years or so ago these people were uncivilised, I don't want to be unkind, savages and walking around in skins. They have made tremendous progress but they have a long way to go, so because we thought that they might not even earn one through their contribution, we have given them sixteen as a start, so they have sixteen, and as they earn more so they can come up to 50, the same as the Europeans.

Question. Mr. Prime Minister, you perhaps know as well as I do, but I thought that perhaps someone may not know that in Louisiana we vote according to—for any tax or bond issue we have to carry it by property as well as popular vote. Of course . . . inaudible . . . but that's . . . then they sent all these federal gestapo in, as we call them, to register all the illiterates, we used to have an Illiteracy Law, but it's only done in the South. New York don't have illiteracy laws, but we can. I thought you might, I don't know if you know that.

Prime Minister: Well it sounds to me as though unfortunately some people are trying to get you to lower your standards and I believe you do this at your peril in this world today. This is one thing that we have set ourselves against—lowering standards just in order to appease, to compromise.

One other thing that we have done, we were told that the Americans in particular had found their Constitution a little embarrassing from the point of view of the Supreme Court decisions, which seem to be able to override the highest Court of the land which is the Parliament and while we don't in any way want to interfere with the impartiality with our Courts and our judges, we feel very strongly about this and we have no intention of doing this, our courts are completely impartial, I think history proves this. But we have made it clear in this Constitution.

This is nothing new because it's the same as the British Constitution, and so people shouldn't accuse us of doing things which are undemocratic. If one of our acts goes to the Parliament sorry to the Courts, if it is challenged, if anybody can challenge it and if the Supreme Court throws it out, then we have a right to bring it back to Parliament and amend it so that it will fit in with what the Government wants to do. Now this surely is true democracy, this is the voice of the people speaking, so we have not accepted a Constitution which means that the Supreme Court can override for all time the Parliament, the voice of the people. They can give an interpretation which will go against that piece of legislation, but then Parliament can amend that legislation to make it comply with their wishes.

Question. In other words, Sir, you are saying that you have built safeguards into your Constitution to prevent the usurpation of the judiciary and the executive by the judiciary.

Prime Minister: You've put it better than I put it.

Question. May I ask a question regarding what you think about Rhodesia-recognition of your Government by our country and other countries throughout the world, do you think that will be a gradual process or do you have any ideas?

Prime Minister: I'm afraid that I haven't any ideas, I would have hoped that you would have been able to help me on this one.

Question. Is this a written constitution that you have?

Prime Minister: Yes.

Question. And what means are provided for amending your new Constitution?

Prime Minister: Well, we have different classes of clauses in the Constitution. An ordinary constitution amendment requires two-thirds majority of the Parliament, but we have what we call special entrenched clauses—there are very few of them, there are five or six of them which deal with the sanctity of the courts which deal with our official language, for example—I think there are five or six of them. It's so long ago since we produced this, I'm getting a bit rusty myself, I'm afraid. However, you get the point I'm making, and as far as those are concerned, they are called entrenched clauses, and we have to go through an even more involved procedure. We have to pass them first of all by two-thirds of our own Parliament, then we have to repeat that at a joint sitting of both the Parliament and the Senate, the lower house. So what it means, is that for these special entrenched clauses which we really don't believe people in the future will wish to change, they are, you might say, our golden rules, for that it is a more difficult and involved process.

Question. Does your Constitution provide for free speech, free press?

Prime Minister: Yes, oh yes!

Question. Mr. Prime Minister, am I correct in drawing this conclusion, that because of our Constitution that this whole procedure is illegal with us, where it's legal with you because of your Constitution. Is that right?

Prime Minister: I'll take your word for it.

Question. On March 16th there will be a nomination of candidates, will that be a caucus type of a nomination or will there be competition on your April election.

Prime Minister: Oh yes. This is not a caucus nomination, this is a nomination which goes right back to the grass roots of the constituencies all through the country, and each constituency nominates its own candidate. Admittedly they then have to submit that nomination to what we call our Central Executive, of the executive of the party in Salisbury here for final ratification, but I can't recall when a nomination has been turned down, but this is a safeguard, in case by some reason or other they might pick a complete outsider, a bad one, and maybe we would know about it and they wouldn't know about it, and in the final event we can turn down their nomination. But as I say I can't recall his happening. So the 50 constituencies which are spread right through, they themselves nominate their candidates and then it comes to us just for final ratification before the election.

Question. Now will you have candidates in more than one party in the election?

Prime Minister: Oh yes.

Question. How many parties do you have?

Prime Minister: As many as you like, there's no limit. In fact parties come up and go down like mushrooms in Rhodesia today, new names, new parties, we got a lot of them.

Question. On the whole, are the blacks satisfied with the present situation? We're given such a distorted picture in the United States? And I wonder to what extent . . . inaudible . . . infiltration of terrorists and agitators . . . inaudible . . .

Prime Minister: There are some who are not in agreement with what we are doing, but we are absolutely satisfied that in many of these cases that these are paid tools of Communists. We have records of these people, they have been overseas, they have been to Moscow, they have been to Peking, they've been to Cuba, the same as the terrorists who are sitting north of the Zambezi today and these are the countries in which they have been trained. Most of these people are political opportunists, they don't like what we're doing now because they all want to be Prime Minister tomorrow, and they realise that under this system they haven't got much hope, you see, so they want a revolution but as far as the mass of the Africans are concerned, all of the Chiefs and the Tribal Structure and this is something which we have always had, we inherited, is still in existence, they represent 80 to 90 per cent of the people, they are completely satisfied, they have said so themselves in open session.

You can't force these people to say things they don't want to, they are men of strong character, who will only go with us if they believe what we are doing is in the interests of the mass of their own tribesmen. And ask anybody you see, any of the black faces you see walking around here, I should imagine most of them won't know what you're talking about, I want to be absolutely fair, but this is not surprising, as I pointed out to you earlier when one considers their state of development, we have given them better facilities for education than any other country in Africa to the north of us. This was very obvious to us, when we went into Federation, the break-up of Federation, because the two northern territories, Northern Rhodesia and Nyasaland, that they were then, were under Britain, under the Colonial Office, and when we took the whole thing over, then we had a very good means of comparing the Rhodesian system with that in the north, and ours was far far superior in spite of all the sanctimonious poppycock that the British chuck out.

This is the truth. Better education, better hospitals, a higher economic standard of living. All of these our particular Africans have, but in spite of that, I repeat, probably the majority of them wouldn't know what you are talking about if you talked to them the way you are talking to me now. But of course there are some who would, and we are very happy for you to talk to anybody, I make that clear. We won't keep anybody away from you.

Question. What do you think will be the eventual outcome when these other black rulers . . . inaudible . . . other countries of Africa?

Prime Minister: Well you can just let your imagination stretch on that one. I hate to think of it sometimes.

Question. Don't such things as that, what we might call, the Zambian landgrab, won't that have a reaction in your favour in public opinion elsewhere?

Prime Minister: It hasn't up to the present, I must be honest and say this to you. There have been far worse things than that. When they can kill people by the thousands there, because of their religious beliefs as they did with the Lumpa Sect, in Zambia and Tanzania. In Persia, where was it, not Persia, Iraq, the other day, didn't they one day hang 41 people, shoot them or execute them. I remember when we hung three people here, who were convicted of murders, the most heinous crimes that you can imagine, convicted by our High Courts and this was the penalty in our country, so he hung them, you should have heard the screams that went out to the world, resolutions at the United Nations and so on, I never heard a squeal about 41 being hung up in about 41 minutes the other day in Iraq. No, this is accepted. Over a thousand of this religious sect the Lumpas, were simply massacred, they mowed them down by machine gun because they wouldn't take out party cards, political cards, so what's a grab of a bit of land by comparison? This is a gentleman's game by comparison. I'm not very optimistic that this will worry anyone. You see we live in a world of double standards, if you are black you can do these things, but if you are a civilized European, a member of Rhodesian Western community, then, of course, you can't. You can't do anything resembling that, not that we want to shoot people, but we just want to maintain law and order in our country, and occasionally when we do this sort of thing, we are condemned for our "barbarous behaviour". It is a world of double standards.

Question. In Mississippi you know and Louisiana . . . inaudible . . .

Prime Minister: Yes, you're interfering with the rights of the demonstrators, never mind the rights of the other decent people you see, this is the double standards in the world today, and we have made up our minds, we are not going along with that.

Any more questions Ladies and Gentlemen?

Group Leader: Oh we don't want to take the whole floor.

Prime Minister: Nobody's holding them down.

Question. Would you like to comment on the economic progress of Rhodesia after the sanctions, are they . . . inaudible . . . into assets?

Prime Minister: Well I think you have summed it up very well. We didn't know what we were heading for, of course, but it has turned out far better than we thought, and in actual fact I think economically we have benefitted because of sanctions. There has been a tremendous diversification of our industry. We are producing things today which I don't think we would have been producing in ten years, had it not been for sanctions. I am absolutely amazed to see what Rhodesia can produce today. I wish there was one of our industrial trade fairs on at the moment, I think even you would be surprised if you could see how sophisticated some of the products are. We are producing things which we weren't producing, today, not only are we producing for local consumption they are so good we are exporting them, we're competing in export markets and winning orders and contracts there. So this is what has happened, we have come out of this far, far stronger than we went into it, politically, morally and economically.

Question. Have the sanctions hurt you quite a bit though as far as you know, we're not even supposed to take anything out and all that sort of thing?

Prime Minister: Well, we certainly do have to control the economy. I don't want to give you the opinion that things are easy, we've got to watch it all the time. Whenever you've got a problem you know, we say, you've got to be on the ball the whole time, for example with Communism. I think where Communism has come in it has been through complacency on the part of the people concerned, so you've got to be awake, and we have too, we've got to watch this, because we've got tremendous economic problems. When virtually the whole world was against us with big countries like Britain, threatening that they were going to bring us to our knees.

You can imagine we've had quite a battle, so I don't want to give anybody the opinion that this is easy and we can sit back now. But there has been tremendous benefits and I think we have succeeded mainly because we were a sophisticated society when it started, we had a high standard of civilisation, you see, not a low standard, we had a broad base to our economy. We had very high standards. This is one of the themes that we continue to preach and I think it is because of that, that we survived and prospered.

Question. Do you see any more sanctions coming or do you think that they'll gradually be relaxed, or what is your opinion?

Prime Minister: Well I don't really know this one. This a bit of a guess. It depends on what America is going to do.

Question. Mr. Prime Minister, do you have any fear against speaking out strongly against Communism, do you have . . .

Prime Minister: No, I love speaking against Communism I love every moment of it.

Question. Inaudible.

Prime Minister: Well, I wouldn't go as far as that, but say to you that this is one of the most pleasant messages we've heard for a long time from America and we hope it leads to better things. Not only the pleasant, one of the most realistic, I think its being realistic to face up to the facts of life. To tell people, look get your house in order, your economics, get yourself organised and stop worrying about stirring up bitterness and hatred and race politics. Those things can wait, those are the . . . inaudible . . . things of life, get yourselves organised so that you can stand on your own feet. It was a realistic message.

We don't want to steal your time. We'd like to talk to you all day, but I know you have other business. If we might have one more question and then we'd better let him go.

Has anybody got a quick question they would like?

Question. Have you had any real effects that have hurt you from us because of sanctions by the United States?

Prime Minister: Well that's a difficult one to answer, because the United States by herself has not imposed sanctions, this has been part of an overworld embargo, you see, with the United Nations. So I find it difficult to single out the United States. You know I've got a feeling that the United States has probably done herself more harm with sanctions than she's done to us because of her chrome here, which I know they need. This wonderful chrome deposit, it's the finest chrome in the world, it's in my little home town where I was born, and where I lived and of course it's owned by one of your big American concerns, you see. So you deny yourself the right to use that now. You buy an inferior product from Russia and you pay them double the price that you were paying us, so maybe it's hurting you more than it's hurting us.

I would just like to say to you, thank you very much for coming here, you look as though you're as warm as I am in here, too sitting under this terrible sun, it will be nice to get out in the fresh air. But I've enjoyed this very much. You look to me to be a crowd of very decent intelligent people, I've enjoyed listening to you and hearing your questions, I just say "Welcome to Rhodesia." I wish we could have more people like you and I wish you'd come back again soon. Thank you very much.

Group Leader: Would you mind, there's something I want to tell people when I get back to New Orleans, that I saw you, that I have great respect for you so much so that I think we could take some lessons from you if we could get you to come over to our country. Would you try . . . inaudible . . . applause . . . I'd appreciate it Sir.

Prime Minister: Where do you want this . . .

Group Leader: Just anywhere on them, these are just cards with your picture that we got with that in mind.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hogan, for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Rarick) and to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 30 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Rarick, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BURKE of Massachusetts and to include extraneous matter.

Mr. GERALD R. FORD (at the request of Mr. HOGAN) to extend his remarks in the RECORD today.

(The following Members (at the request of Mr. HOGAN) and to include extraneous matter:)

Mr. RIEGLE.

Mr. BOW.

Mr. HOGAN in two instances.

Mr. SCHWENGEL.

Mr. DELLENBACK.

Mr. CRAMER.

(The following Members (at the request of Mr. RARICK) and to include extraneous matter:)

Mr. FRASER in two instances.

Mr. HAWKINS in four instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. CORMAN in five instances.

Mrs. GREEN of Oregon in six instances.

Mr. PODELL.

Mr. OTTINGER in six instances.

Mr. MONAGAN in three instances.

Mr. FRIEDEL.

Mr. FLYNT.

Mr. GRIFFIN in two instances.

Mr. RARICK in three instances.

Mr. ROSENTHAL in five instances.

Mr. MATSUNAGA.

Mr. PEPPER in three instances.

Mr. BINGHAM in two instances.

Mr. RYAN in three instances.

XUM

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3313. An act to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 227. An act to provide for loans to Indian tribes and tribal corporations, and for other purposes.

ADJOURNMENT

Mr. RARICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, April 6, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1850. A letter from the Deputy Assistant Secretary, Military Assistance and Sales, Department of Defense, transmitting the first semiannual report of sales to less developed countries, pursuant to the provisions of section 35(b) of the Foreign Military Sales Act of 1968; to the Committee on Foreign Affairs.

1851. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the Veterans' Administration for the fiscal year 1970 (H. Doc. No. 91–293); to the Committee on Appropriations and ordered to be printed.

1852. A communication from the President of the United States, transmitting an amendment to the request for an appropriation to the Veterans' Administration for the fiscal year 1971 (H. Doc. No. 91–294); to the Committee on Appropriations and ordered to be printed.

1853. A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, transmitting the 1970 annual report of the Board (30th report), pursuant to the provisions of section 201(c) of the Social Security Act, as amended (H. Doc. 91–295); to the Committee on Ways and Means and ordered to be printed.

1854. A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting the 1970 annual report of the Board (fifth report), pursuant to the provisions of the Social Security Act as, amended (H. Doc. No. 91–296); to the Committee on Ways and Means and ordered to be printed.

1855. A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting the 1970 annual report of the Board (fifth report), pursuant to the provisions of section 201(c) of the Social Security Act, as amended (H. Doc. No. 91–297); to the Committee on Ways and Means and ordered to be printed.

1856. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the 22d annual report on the National Industrial Reserve, pursuant to section 12 of Public Law 883, 80th Congress; to the Committee on Armed Services.

1857. A letter from the Comptroller General of the United States, transmitting a report on reductions achieved in the cost of transporting military mail from Okinawa to points in Southeast Asia, Department of Defense; to the Committee on Government Operations.

1858. A letter from the Comptroller General of the United States, transmitting report on overpayments to Army personnel resulting from weaknesses in payroll procedures, Department of the Army; to the Committee on Government Operations.

1859. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

1860. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 19, 1964 (78 Stat. 986), as amended (43 U.S.C. 1411–18) and the act of September 19, 1964 (78 Stat. 988), as amended (43 U.S.C. 1421–27); to the Committee on Interior and Insular Affairs.

1861. A letter from the Assistant Secretary of the Interior, transmitting a proposal for a research project by the State University of New York, pursuant to the provisions of section 200(a) of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

1862. A letter from the Secretary of Commerce, transmitting the annual report on activities under the Fair Packaging and Labeling Act, pursuant to section 8 of the act; to the Committee on Interstate and Foreign Commerce.

1863. A letter from the Secretary of Commerce, transmitting the annual report of the Office of Technical Services for the fiscal year 1969, pursuant to the provisions of section 14(b) of Public Law 89–182; to the Committee on Interstate and Foreign Commerce.

1864. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to extend for 1 year the programs of assistance for training in the allied health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1865. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Typical Electric Bills, 1969"; to the Committee on Interstate and Foreign Commerce.

1866. A letter from the Chairman, Federal Power Commission, transmitting a copy of a publication entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1968"; to the Committee on Interstate and Foreign Commerce.

1867. A letter from the Acting Director, Administrative Office of the U.S. Courts; transmitting a draft of proposed legislation to amend title 28, United States Code, to transfer Charlotte and Lee Counties from the Middle to the Southern District of Florida and Highlands County from the Southern to the Middle District of Florida; to the Committee on the Judiciary.

1868. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1869. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to the provisions of section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1870. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

1871. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1872. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Chung So, A9 799 248, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1873. A letter from the Secretary of Commerce, transmitting a copy of the annual report of the Maritime Administration for the fiscal year 1969; to the Committee on Merchant Marine and Fisheries.

1874. A letter from the Assistant Secretary of the Interior, transmitting a proposal relating to the visitor parking facilities study authorized by section 112 of Public Law 90–483; to the Committee on Public Works.

1875. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14685. A bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; with amendments (Rept. No. 91–976). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14714. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; with an amendment (Rept. No. 91–977). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. DONOHUE:**

H.R. 16734. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16735. A bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16736. A bill to amend the Mental Retardation Facilities Construction Act to extend and improve the provisions thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By **Mr. PODELL:**

H.R. 16737. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By **Mr. RARICK:**

H.R. 16738. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By **Mr. TEAGUE of Texas** (for himself and Mr. Ayers (by request)):

H.R. 16739. A bill to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YOUNG introduced a bill (H.R. 16740) for the relief of Lt. Bruce B. Oliver, U.S. Naval Reserve, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

346. By the **SPEAKER:** A memorial of the Legislature of the State of Idaho, relative to appropriating funds for financing cooperative fire control; to the Committee on Appropriations.

347. Also, a memorial of the Senate of the General Assembly of the State of Colorado, relative to the accuracy of the enumeration of students in the 1970 Federal census; to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII,

428. The **SPEAKER** presented a petition of the Federation of Citizens Associations of the District of Columbia, relative to penalties for persons involved in criminal bombings; to the Committee on the Judiciary.

SENATE—*Thursday, April 2, 1970*

The Senate met at 11 o'clock a.m. and was called to order by Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, help us and all the people of this land to affirm by our lives that we are "a nation whose God is the Lord." Accept our surrender to the Lordship of Him who came to set us free and make us good.

Be Thou Lord of our homes, Lord of our churches and schools, Lord of our business and labor, Lord of our ballot boxes and peace tables, and Lord of this Senate.

Measure our thoughts and deeds and words not by the faulty features of our comrades but by the faultless glory of the Son of Man. Lift all consultations of this place into the light and wisdom of Thy higher kingdom—for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 2, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 1, 1970, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations for the District of Columbia Council under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The **ACTING PRESIDENT** pro tempore. The nominations on the Executive Calendar under New Reports will be stated.

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk proceeded to read sundry nominations under District of Columbia Council.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I move that the President be notified immediately of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I should like to be recognized in my own right as a Senator from Montana.

The **ACTING PRESIDENT** pro tempore. The Senator from Montana is recognized.

EVENTS IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I was pleased by the action taken by the French Cabinet on yesterday in relation to its desire to seek a negotiated solution to the war in Indochina.

The French, of course, have a deep interest, culturally, economically, and otherwise, in both Laos and Cambodia. They have ambassadors in North Vietnam and mainland China. They have been maintaining a discreet silence during the course of negotiations in Paris.

I think the action taken yesterday is an indication of a revived interest on the part of the French which could well turn out to be helpful. It certainly offers hope through negotiations of, perhaps, a reconvening of the Geneva Conference of possibly creating "a zone of neutrality and peace" which would encompass all of the former associated states of Indochina.

I read from an article published in today's New York Times, entitled "France Proposes Indochina Parley":

> "The French Government is convinced," the Cabinet said, "that the extension of a war that tends to become indivisible can be avoided only by negotiation between all interested parties with a view to seeking and guaranteeing the bases of a peace, itself indivisible."

The French Government seems to be indicating the possibility of a resumption of the Geneva Conference of 1954, to which we were not a party, except through an observer, Under Secretary of State Bedell Smith was waiting outside the door at Geneva. We were not a signatory. But that is not significant at this point.

It is possible that the French proposal could replace the talks that have taken place during the past year or so in Paris among the American, South Vietnamese, North Vietnamese, and Vietcong delegates. Those discussions have come to naught. They have never gotten off dead center. Nevertheless, they have to be maintained, because to stop them would be to negate any possibility, no matter how slim, of achieving some agreement thereby.

I do not know whether the French contacted the U.S. Government on this matter, but it would be my guess—and I can speak only for myself—that the U.S. Government is not averse to the sort of undertaking being initiated by the French Government.

May I say also that I am very much pleased with the attitude of our Government in the Cambodian situation. We have assumed the lowest kind of low profile. We have not indicated any other than ordinary interest in what is going on there. We hope that there will be no intervention. There is no prospect of that, at the present time, or of an aid program.

Thus, I want to say a good word for the administration for its conduct in this potentially difficult and dangerous situation with which it finds itself confronted at this time.

I am sure that the President will be aware of the developments and that he will do the best he can to keep our intervention in Vietnam from spreading further, to maintain the neutrality status of Cambodia, and to do what can be done, indirectly, to bring about a settlement.

SENATOR MILLER DELIVERS MAJOR ADDRESS ON ENVIRONMENTAL CONTROL

Mr. PEARSON. Mr. President, on March 7, the senior Senator from Iowa (Mr. MILLER) addressed a Grinnell College audience on the subject of environmental control.

He declared that—

> Environmental control must be a cooperative venture, involving all citizens and calling on the resources of the federal, state, and local governments as well as private industry.

However, my colleague warned against overreacting to the problems of pollution.

He said:

> We must take care that federal responsibility . . . does not turn into federal usurpation.

He remarked:

> We must guard against blind haste in buying solutions to the many and very complex aspects of the environmental problem.

He stressed:

> We must guard against the possibility of becoming so preoccupied with the environmental problem that other pressing human problems are put aside.

His remarks are well worth noting and I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL CONTROL

(By U.S. Senator JACK MILLER, Iowa)

It seems to me that in these days one must be either an optimist or a pessimist—there is no middle ground.

Whether we like it or not, reform definitely is the order of the day for our nation and its citizens.

Those who fear reform, those who are content to have it forced upon them, must be pessimistic about the coming decade.

Those who welcome constructive change, those who are trying to initiate and manage change for the better rather than just change for the sake of change, which is what "reform" really is, should regard the 1970s as a decade of opportunity.

It is on this basis that I salute you as fellow optimists.

And I also commend you for being so concerned that you are acting, through this "Action Now Day," to initiate reform at the local level in solving environmental control problems.

These "Action Now" programs, spearheaded by Elly Peterson, are an excellent grass roots approach to tackling and resolving these problems.

Environmental control must be a cooperative venture, involving all citizens and calling on the resources of the federal, state, and local governments as well as private industry.

As Elly has said, we must "work *together* to bring about solutions to the problems."

But I should sound a few words of caution.

We must take care that federal responsibility—and it does have a share of the responsibility in cleaning up our environment—does not turn into federal usurpation. Right now we can see how the power of the federal government to prescribe time tables for water pollution control action by municipalities, regardless of the time table for federal money to assist those municipalities, the bond limitations of those municipalities, the economic conditions of those municipalities—we can see how this power could be abused.

Americans in the past have too often been slow in recognizing major national problems. But when they do, they respond with the fervor of a volunteer fire department. Unfortunately, when they are aroused to action, they sometimes tend to rush off in all directions—not necessarily in the right directions.

Such may be the case with the present environmental crisis, considered by many to be the major challenge of the 70s.

To those who are joining this crusade to preserve our environment, I would offer these words of caution:

Guard against blind haste in buying solutions to the many and very complex aspects of the environmental problem. When we become alarmed over a national problem, there is a tendency to spend huge sums of money in a hurry on hastily-devised programs, the results of which are too often wasteful and, indeed, counter-productive.

Guard against the possibility of becoming so preoccupied with the environmental problem that other pressing human problems are put aside.

Do not let the objective of a healthful environment absorb all your capacity for work and imagination. We can make progress in the battle against air pollution, for example, but we must also make progress in teaching poor children to read. We can progress in building sewage treatment plants, but we must make progress in building public housing. It may be easier to get people behind efforts to save our lakes and rivers, but it is terribly important to sharply reduce the crime rate. Smog removal from our cities will

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not be meaningful unless we do a job on urban blight.

If we approach the environmental problem in a calm and sensible manner, we will solve it and our other problems too.

For the first time, a President of the United States has recognized the high priority of maintaining and improving the quality of our environment. Since the Water Pollution Control Act of 1963, bipartisan efforts have prompted Congress to make a good beginning on a problem that is not really new. Historians, for example, will tell us that the Mediterranean area was once covered by evergreens, oaks and pines. However, by the Golden Age of Greece, much of this land had been stripped bare. Plato wrote of deforestation and grazing as causing the drying up of springs and the destruction of most fertile soil. This devastation of the land, in turn, caused water to "run from the naked earth into the sea," so the lands "resembled the bones of a diseased body." Because the earth was then young and sparsely populated, the effects of this destruction were not of catastrophic proportions. All a person needed to do was move on to another area.

(Over twenty years ago I observed what centuries of failure to practice conservation had done to once productive lands and forests in China.)

In the last few years, catastrophe has been regularly predicted for this planet because of some of the same misuses of the land as in Plato's time.

Some of our country's noted scientists have made rather frightening predictions. Dr. Dillon Ripley, secretary of the Smithsonian Institution, has said: "In 25 years somewhere between 75 percent and 80 percent of all the species of living animals will be extinct." A noted ecologist, Dr. Barry Commoner of the Center for the Biology of Natural Systems at St. Louis' Washington University has warned "that we are unlikely to avoid environmental catastrophe by the 1980s unless we are able by that time to correct the fundamental incompatibilities of major technologies with the demands of the ecosystem."

Noting that the United States provides one-third to one-half of the industrial pollution of the oceans, California ecologist Dr. Paul Ehrlich has predicted the end of the oceans as a productive resource within the next 50 years unless pollution is stopped. While time predictions which are impossible to prove precisely may be looked upon as "sensationalism," this does not deny the danger and the need for action.

Perhaps the best perspective was given by former astronaut Wally Schirra: "The moon is not hospitable. Venus is not hospitable. Mars is not hospitable. We'd better do what we can to clean up Earth because this is what we've got."

Industrialization, urbanization, and population growth have made the situation such that we can no longer move away from the pollution and conservation problems we create. And these problems affect every American—everyone in the world itself.

It was most appropriate that on the first day of the new decade, President Nixon signed into law the National Environmental Policy Act, which authorizes studies and research, establishes a national environmental policy and sets up the Board of Environmental Quality Advisors to counsel the President.

As passed by the Congress, the legislation contained this "Declaration of National Environmental Policy" in Section 101:

"(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

In signing the bill, the President noted that "unless we move on it now, believe me, we will not have an opportunity to do it later."

Again, in his State of the Union Message, the President expressed his concern by declaring that "we can no longer afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead we should begin now to treat them as scarce resources which we are no more free to contaminate than we are free to throw garbage into our neighbor's yard."

Further evidence of the President's concern comes from one newspaper's report that "there are more people in the White House now working on environment than on any single issue, and that includes Vietnam."

Congressional concern about the environment moved ahead in the 91st Congress. The National Environmental Policy Act was passed as a noncontroversial bill in both Houses. The amount of environmental material inserted in the Congressional Record by Senators and Congressmen in the first session of the 91st was exceeded only by material on the issue of Vietnam.

While substantial support has long existed for conservation activities, it has been difficult to get across to the public the importance of pollution control, because pollution is so delayed in its effects. Increased public concern is largely a result of three factors: (1) pollution has become more evident because it has grown worse; and it can be seen, smelled and heard; (2) dramatic events and pronouncements have taken place. Statements such as Thor Heyerdahl's recent observation that the ocean looked like a "sewer" have had startling effects. And (3) journalists themselves have begun to press the issue, and the press has finally given wide play to the dramatic prophesies of ecologists and others.

As a result, there is today a broad based public concern. The Gallup Poll shows that three out of four people think pollution is one of our major domestic problems. The National Wildlife Federation reports that in its poll 85 percent of the American people are concerned about the state of the environment.

This public concern has been reflected in concrete actions such as a recent referendum in Trenton, Maine, in which the community solidly rejected an aluminum reduction factory and a nuclear power plant because of the likelihood of pollution, although they offered needed jobs and money.

A vocal segment of our population interested in pollution has been our students. A recent Council on Education survey shows that 90 percent of this year's college freshmen feel that the federal government should do more to control pollution. Another example will be an April 22 "teach-in" on campuses across the country, with some 300 to 400 campuses participating. For some reason, the militant, radical students have been, for the most part, slow to become involved in the environmental issue, leaving it to the more moderate activist students.

I believe this student involvement is moving along constructive lines, but it will be up to people like you to make sure this is the way it will continue—and that it will be kept in perspective with respect to other national problems.

Another facet of the environmental problem is population. The United States with only 5 percent of the world's population uses 50 percent of the world's resources. Thus, we have been able to well afford our population.

Dr. Robert Rienow of the State University of New York has observed: "Every 7½ seconds a new American is born. He is a disarming little thing but he begins to scream loudly in a voice that can be heard for seventy years. He is screaming for 26 million tons of water, 21,000 tons of gasoline, 10,150 pounds of meat, 28,000 pound of wheat, and great storehouses of all other foods, drinks and tobacco. These are his lifetime demands on his country and its economy. He is requisitioning $5,000 to $8,000 for school building materials, $6,000 worth of clothing, $7,000 worth of furniture—and 210 pounds of peanuts. He is heralded as a prodigious consumer in a nation that has one-fifteenth of the world's people but consumes half of its produce. In one year we use up enough big trees to build a 10-foot boardwalk 30 times around the world at the equator."

Considered in this light, it should not be assumed that we cannot have a population problem ourselves. The stark social tragedies in overpopulated countries—overpopulated in the sense of more people than resouces to meet their needs—are very real.

A fundamental key to the pollution problem has been man's self-image. Down through the ages, man has imagined himself to be living on a virtually unlimited planet. There has always been a frontier beyond the known limit of human habitation. When things got too difficult, he solved his problems by moving towards an unknown. He has also thought himself to be the ecological dominant (even before he understood that such a word as ecology existed), a creature capable of changing his environment at his will, yet independent of it. In fact, man has been so impressed with his ability to change the living landscape to his immediate interest that he has come to believe that he is exempt, in some respects, from the biological laws governing his life as well as plants and animals. This attitude is a fundamental part of Judaeo-Christian

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tradition. The Book of Genesis teaches man was created in the image of God who gave him "dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth and over every creeping thing that creepeth upon the earth."

Americans have for too long accepted pollution as the price to be paid for progress. Anyway, air and water resources seemed to be unlimited.

Then we came to realize that these resources were finite and that pollution had to be controlled. This seemed a good idea but there were drawbacks: it cost money and it seemed to benefit people downstream the most.

Also there was pollution from industry. Industry means jobs and production. People didn't want to lose jobs or pay higher costs.

Then, with the increase in leisure time and money, recreation became more important. Clean water, preservation of our wilderness areas and wild rivers became important.

Attitudes have been changing. Considerable action has already taken place. Much more is needed.

And this can happen if programs are developed that spur the involvement of all members of our society. The programs must be such that they will stir the imagination and support of the majority, those who will have to pay the bill . . . the very ones who oftentimes feel they receive none of the benefits for their tax dollars.

If we—and that means you—are to muster the resources needed to tackle pollution and other problems, the majority must be rallied behind the specific programs—not just behind the objectives. And this can be accomplished if it is impressed upon them that the problem is a problem for everyone.

For too long, we have been concerned with "crash" programs, programs that merely substitute new problems for the old ones, programs that are attacked in a half-way fashion, instead of considering the long-range effects.

If we are to correct the imbalance in our national life, that is, get to the root cause of problems by practicing prevention, we must replace impatience for immediate solutions with well thought-through and coordinated programs of lasting benefit. Solutions which result in more problems than they solve must be avoided.

We must persuade those who pay the bill that a better future for them will be the result of their acting in unison to cope with the problems, and that the programs they are paying for will bring about solutions that endure.

People like you can help in this persuasion.

This also means that the governments—city, county, state and federal—must account in detail to the taxpaying public where their money is being spent, why it is necessary to spend it, and what returns they can expect for their dollar.

If we in government—and you as activists in this area—can present a good case, public support can be enlisted on the side of the programs needed to achieve our national policy on the environment.

The President well stated the challenging question:

"In the next 10 years we shall increase our wealth by 50 percent. The profound question is—does this mean that we will be 50 percent richer in a real sense, 50 percent better off, 50 percent happier?"

It was the right question, and to find the right answers, we must first ask the right questions. As Daniel P. Moynihan, the President's counselor on domestic affairs, has said, not all forms of growth are good. He believes, as I believe, that a Nation is mistaken if it believes it is progressing simply because it is growing economically and growing in population.

The President, to assure that this nation will benefit from our future growth, has proposed:

—a four-year, $10 billion program, partly financed by the Federal Government, to build waste treatment plants to control water pollution.

—a variety of additional actions—including research, incentives, and new regulations—to resist and reverse contamination of the environment.

"The great question of the seventies," the President remarked, "is: Shall we surrender to our surroundings or shall we make peace with nature and begin to make reparations for the damages we have done to our air, to our land, and to our water?

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all the people of America. It is a cause of particular concern to young Americans because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later."

This really is the task before you as you bend your efforts to initiate and manage constructive change in the area of environmental control.

The President spoke of the debt to nature which we owe because of "our years of past carelessness." That debt is much larger than is generally recognized.

As an editorialist for one of our larger Iowa television stations recently commented, in discussing what must be done to clean up our environment:

"Will we be willing to spend the money to do this? The answer is that we eventually will have to. It is just a matter of time . . . and not very much time at that."

It is clear that you have taken up that challenge, through your "Action Now" program, and I thank you for your efforts.

REPEAL OF ABORTION LAWS IN MARYLAND

Mr. PACKWOOD. Mr. President, several weeks ago, I introduced a bill which would eliminate principally all the restrictions against abortion in the District of Columbia. I have recommended that other States do likewise insofar as regulations and laws on abortion in their States are concerned.

This week, the Maryland State Legislature has eliminated practically all restrictions on abortion in the State of Maryland, although the Governor has not, as yet, indicated whether he will veto or approve that law.

There is substantial public, broad-based support for the elimination in this country of most of the present restrictions against abortion.

I ask unanimous consent to have printed in the Record three resolutions from very well respected and broad-based groups indicating support for the elimination of restrictions against abortion. The first is a resolution adopted by the American Baptist Convention at its annual assembly in Boston, June 1968; the second is from the American Medical Women's Association, which is the principal female medical association group in the United States; and the third is from the American Protestant Hospital Association.

There being no objection, the three resolutions were ordered to be printed in the Record, as follow:

Resolutions Adopted by the American Baptist Convention: Boston, Mass., May 29–June 2, 1968

NATIONAL AFFAIRS

I. Abortion

Because Christ calls us to affirm the freedom of persons and the sancity of life, we recognize that abortion should be a matter of responsible personal decision. To this end we as American Baptists urge that legislation be enacted to provide:

1. That the termination of a pregnancy prior to the end of the 12th week (first trimester) be at the request of the individual(s) concerned and regarded as an elective medical procedure governed by the laws regulating medical practice and licensure.

2. After that period the termination of a pregnancy shall be performed only by a duly licensed physician at the request of the individual(s) concerned, in a regularly licensed hospital, for one of the following reasons as suggested by the Model Penal Code of the American Law Institute:

(a) When documented evidence exists that this is a danger to the physical and mental health of the woman;

(b) When there is documented evidence that the conceptus has a physical or mental defect;

(c) When there is documented evidence that the pregnancy was the result of rape, incest or other felonious acts.

Further we encourage our churches to provide sympathetic and realistic counseling on family planning and abortion.

We commend study, research and development of understanding on the part of the populace led by the people of our churches toward an enlightened view of this provocative problem.

Liberalization of Abortion and Voluntary Sterilization Laws

Whereas, repressive laws encourage criminal abortion, and these in turn continue to be one of the important causes of maternal morbidity and mortality;

Whereas, there has been an increasing demand for abortion and voluntary sterilization; be it

Resolved, That the AMWA approve removing restrictions on abortion and voluntary sterilization for those who, for family planning or health reasons, wish it, and that this be done with the approval of their physicians.

Resolved, That the AMWA encourage counseling with regards to abortion both in group and individual medical practice.

Policy Statement on Pregnancy Interruption

The following shall be the policy position of the American Protestant Hospital Association:

Believing that the integrity of the family unit and the institution of marriage is jeopardized, if not destroyed, by unwanted children, and believing that the condition of pregnancy and the bearing of children may cause physical suffering and mental anguish, and believing that social maladjustment may be related to or result from unwanted children, and those conceived out of wedlock and until such time as totally effective and acceptable contraceptive material and techniques have been developed, pregnancy may be interrupted at the request of and with the informed consent of a woman, her legal guardian or nearest relative if she is under the age of consent. No woman should be compelled to undergo, or a physician to perform a procedure that would interrupt pregnancy if either has ethical, religious, or any other objection to such a procedure. All reasonable efforts should be made to remove APHA Policy Statement on the Interruption of Pregnancy economical barriers that would

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prohibit the exercise of the option provided by this statement.

It is also the position of this Association that all procedures performed in conformity with this policy should be by licensed practitioners of medicine and in a facility which in all respects conforms to the then current acceptable standards of organized medicine and hospitals.

Approved by the Council on Governmental Relations 1–1970.

Approved by the Board of Trustees 1–27–70.

Approved by the House of Delegates 3–2–70.

Mr. PACKWOOD. Mr. President, I say again they are all well-known and well-respected, responsible associations. And they have all indicated that the restrictions against abortion in this country should be eliminated.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SENATE RESOLUTION 383—RESOLUTION TO EXPRESS THE SENSE OF SENATE FOR AN INDOCHINA CONFERENCE

Mr. HARRIS. Mr. President, as Shakespeare said in "Julius Caesar":

> There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

I believe affairs in Indochina have reached such a state. The United States has a chance to take these affairs at the flood and give the world—and that section of it—a new hope for peace.

For some time, there has been much speculation that the Vietnam war might spill over into the rest of Indochina. That speculation has now been overtaken by events. But the spillover actually occurred long ago, even though the full public realization of that fact has only recently come. It is now manifestly clear, if it was not before, that what happens in Laos and Cambodia cannot be disentangled from what happens in Vietnam.

The use of the so-called Ho Chi Minh and Sihanouk Trails and the Port of Sihanoukville in Cambodia to supply troops and materiel to North Vietnamese forces in South Vietnam has been at least indirectly connected with both the Pathet Lao offensive and the Lon Nol-Chen Heng coup in Cambodia.

In Laos, intensive bombing by the United States of the Ho Chi Minh Trail, with the tacit consent of the Laotian Government, and the U.S.-aided penetration of government forces into the Plain des Jarres last fall changed the status quo, and the recent offensive by the Pathet Lao with North Vietnamese assistance thereafter followed, its goal being the recapture of the plain, which the Pathet Lao had held almost continuously in recent years, and to exert pressure on the Laotian Government to secure a halt in American bombing in Laos.

While Royal Laotian forces in recent days have, for now at least, stemmed the advance of the Pathet Lao, a condition of peace and neutrality for Laos seems unattainable so long as the Vietnam war continues, with use of Laotian trails by the North Vietnamese on the one hand and American bombing to interdict such use on the other.

In Cambodia, the precarious balancing of interests by Prince Sihanouk and his efforts to prevent direct Cambodian involvement in the war, finally ended with the recent coup. Most Americans were slow to understand that as long as the Vietnam war continued, some accommodation with the North Vietnamese presented the only way for the Cambodians to retain a fragment of independence, even though this policy at times appeared to stretch the concept of neutrality beyond recognizable limits. When the demands of that accommodation became too heavy, Prince Sihanouk was deposed.

The new government, greeted at first with considerable enthusiasm in this country, in fact presents us with a decidedly mixed blessing. It has made clear a firm intention to force the North Vietnamese out of the country. If this cannot be done diplomatically with the aid of China and the Soviet Union, which, in view of initial refusals, seems now to be a remote possibility, it is the apparent intention of the Cambodian Government to try to accomplish this goal by force of arms. Since there are as many as 60,000 North Vietnamese and Vietcong troops presently in Cambodia, and thousands more are crossing into the country, the chances of success without major outside assistance to the Cambodian Government are highly questionable. Already South Vietnamese troops have been invited to help and have been employed in this military effort, and the pressure will undoubtedly mount for the use of American forces as well.

Peace and neutrality cannot be achieved for Cambodia so long as the Vietnamese war continues. Since the North Vietnamese seem determined not to remove their troops from their Cambodian sanctuaries while that war continues, the United States must—given our current policy—either assist attempts to dislodge them militarily or acquiesce in their freedom from retaliation and attack. The former possibility is unacceptable to a majority of Americans, I believe, because it would commit our forces to another major Asian war effort, with marginal possibilities of success, and to the postponement of our military disengagement from the Indochina area. The other alternative is unattractive because it would tend to increase the military risk to our own forces while they remain in Vietnam.

This dilemma and a consideration of the mounting, connected troubles in all of Indochina indicate that U.S. policy has erred in two respects. First, it has treated Vietnam as if it were separable from Laos and Cambodia. Second, it has continued to rely on military victory as the ultimate goal in Vietnam, public pronouncements to the contrary notwithstanding.

The clear choice in Indochina is between area political settlement and area military conflict. An independent settlement for one part of the area alone will ultimately disintegrate, just as has begun to occur with the fragile Laotian neutrality established in 1962.

Area political settlement must be negotiated, rather than sought by military means. The use of sanctuaries and secure supply routes in Laos and Cambodia by the North Vietnamese and the Vietcong has been one obvious reason why attempts at military victory in Vietnam have been so fruitless and so tragically costly. Widening the war to eliminate these sanctuaries might push them a greater distance away from the Vietnam borders, but would not otherwise appreciably change the situation unless both Cambodia and Laos could be completely cleared of the other side's forces. But there is little reason to believe that such a victory could be gained on the thus-widened battlefield except at great cost and against increased aid to the other side by China and perhaps Russia.

In his November 3 television address on Vietnam, President Nixon laid down three conditions for further and continued withdrawal of American troops from South Vietnam: Progress in the Paris peace talks; forbearance by Hanoi from escalating the war in South Vietnam; and the increased ability of the Saigon Government to take over the war.

There has been no progress in the Paris peace talks. We, ourselves, have failed, for more than 3 months, to appoint to head our delegation there a man of the stature of former Ambassador Henry Cabot Lodge. In the eyes of the other side, therefore, we have downgraded the talks and have signaled a slackened interest in them. I believe that this has been a serious mistake on our part, the rectification of which is urgently required and long overdue. I believe that it is time for a new effort toward peaceful negotiations, and that this effort could take on a needed freshness and new promise if it was directed toward settlement of the South Vietnam war as a part of a wider, area political settlement.

The other two conditions President Nixon laid down for continued U.S. troop withdrawals from Vietnam indicate the basic difficulty I and others have always had in accepting the policy or in believing that it would work—U.S. disengagement has depended upon what others, Hanoi and Saigon, might decide, rather than upon our own decisions. Now, with the widened hostilities throughout Indochina, and also involved Thailand, this flaw in the Vietnamization policy becomes increasingly obvious. Hanoi, by heightening the military pressure in Laos and Cambodia, has called into greater question our ability to withdraw our troops from South Vietnam under the terms of our announced policy. And Saigon, by sending troops outside its own borders to take part in a widened war, has to that degree become less able to fully take over the conduct of the war in its own country.

Further, the administration seems still to be committed to military victory in South Vietnam. By tying the rate of withdrawal of American troops to the ability of the South Vietnamese Army to replace them, the administration seems only to have been saying that the military victory will be achieved, it hopes, by South Vietnamese rather than by Americans. Lastly, a good part of the difficulty in beginning meaningful negotiation—and a barrier to future stability—comes from our continued support of a government in South Vietnam which believes that it has more to gain from the current situation than from any possible negotiations.

The pressure has already begun to postpone the next withdrawal of American forces from South Vietnam because of the expanded threat in Laos and Cambodia. Reports are circulating that American military leaders believe that promised April U.S. troop withdrawals should now be delayed. The President apparently is now hearing renewed advocacy of military victory in South Vietnam, under the argument that without sanctuaries in Laos and Cambodia the North Vietnamese and Vietcong will be easier to defeat. This argument would only increase the turmoils of war for the unfortunate people of Indochina, and, indeed, put the United States "neck deep in the Big Muddy." Instead, as noted columnist Joseph Kraft has recently written, the President should look for another course of action, before it becomes obvious to everyone that Vietnamization is not working.

The time has come to attempt negotiations with the parties in Indochina and the major interested powers, toward the end of effectively neutralizing the whole area. A comprehensive conference along the lines of the earlier Geneva conference would provide the only real possibility for a complete solution. For that reason it has been suggested by a large number of people in recent days. Since the administration has not yet indicated its position on this alternative way of restoring peace, the proposal needs to be aired again. New support has come for it today from the French; I think the United States should respond positively and at once.

Such area negotiations would no doubt be long and difficult, but I believe they would offer considerable promise if the United States were to indicate that it sincerely wanted a full and negotiated area settlement.

The United States has held itself open for negotiations only in Vietnam, where it is apparently believed that military power can be brought directly to bear to achieve a favorable settlement. Even there, we have not pressed toward a broadened popular base for the South Vietnamese Government which might be acceptable to the other side. On Laos, the United States has asked the Russians to arrange consultations under the 1962 Geneva accords which dealt with that country, but we have stated that our purpose in making such a request was limited only to trying to get the North Vietnamese to cease their military activities in Laos. Given the relationship of the events in Laos to the Vietnamese war itself, there has been little incentive for the Russians to try to get Hanoi to agree to such consultations, particularly since the Russians are competing for influence in North Vietnam with the more hard-line Chinese. In short, we have appeared to want concessions rather than negotiations.

Reversal of this policy, as indicated by an announcement of intention to work for a Geneva conference, which would have the objective of taking up all related issues and achieving true neutrality for all of Indochina, might bring some short-range benefits, even before such a conference. It might help persuade the Russians to cooperate with the British in reactivating the International Control Commission in Laos, and it might make it possible for the U.N. inquiry requested by the Cambodian Government to be effective in determining the facts in Cambodia. It is at least worth making the attempt.

The Indochinese Gordian knot can be cut only by a full and new initiative to confront all of the interrelated problems of the area. The time for such negotiations is now. For, as was recently stated in an editorial in the New York Times, while both sides have achieved some temporary advantages in recent weeks, both have reason to fear that allowing the Indochina conflict to spread further may have unfortunate future consequences for all. In prior times, all of the major parties have shown an interest in preserving Laos and Cambodia as neutral buffer states. In spite of the current spillover, this is probably still true. It will not be possible, however, to restore the status quo ante without at the same time taking up the source of the current problems, the war in Vietnam.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HARRIS. I ask unanimous consent that I may have 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, the United States, by facing up forthrightly to the existence of past mistakes, can turn this dangerous period into an opportunity to bring the hostilities in all Indochina to an end and can help establish a viable peace. But time is short, and positive action is needed at once. It should be clear by now that our overriding national interest in Southeast Asia has become immediate peace. A failure to strongly support a new conference on Indochina can only lead to a deeper involvement in the area, with the consequent tragic loss of many additional lives, continued and rising internal opposition to national policy, and continued and injurious failure to meet our own domestic problems which so urgently cry out for attention.

Accordingly, Mr. President, for myself and the distinguished senior Senator from Kansas (Mr. PEARSON), I send to the desk a resolution and ask that it be printed at this point in the RECORD and that it be received and appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The resolution (S. Res. 383), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 383

Whereas a grave danger exists of a substantial widening of hostilities in Indochina: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should take affirmative steps to prevent such an expansion of conflict; and be it further

Resolved, That it is further the sense of the Senate that the most promising approach to limiting and ending these hostilities is to convene a multinational conference of all interested parties to consider at one time a comprehensive settlement for all of Indochina, directed toward a true neutralization of Vietnam, Laos, and Cambodia.

Mr. HARRIS. Mr. President, I call the attention of Senators to an editorial which appeared in the New York Times of March 26, 1970, entitled "Time for 'A Whole Solution,'" which stated, in part:

> But if the developments in Laos and Cambodia pose an imminent danger of wider war, they also offer a unique opportunity for fresh diplomatic initiatives to achieve a wider peace.

I refer Senators next to an editorial which appeared in the Washington Post for Sunday, March 29, 1970, entitled "Another Geneva Conference," which begins:

> The recent unravelling in Laos and Cambodia has reminded everyone that the struggle for the succession to French colonial rule in Indochina—which is what the continuing violence is all about—must be seen as a whole, not country by country.

I also refer Senators to a letter to the editor which appeared in the New York Times dated Sunday, March 29, 1970, from Lord Avon—Anthony Eden—in which he stated:

> Admittedly the difficulties are formidable, but the alternative of a widening conflict is a warning signal which every influential capital should heed before it is too late.

Those were words which Lord Avon expressed in support of the New York Times editorial urging a conference on Southeast Asia.

Lastly, I call attention to a column by Joseph Kraft entitled "General Diplomatic Accord Needed To Prevent Asia War," which concludes by saying:

> But Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

I ask unanimous consent that the editorials, letter, and column be printed in the RECORD at this point in my remarks.

There being no objection the material was ordered to be printed in the RECORD, as follows:

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[From the New York Times, Mar. 26, 1970]

Time for "A Whole Solution"

Rapidly moving developments in Cambodia and Laos threaten to engulf the whole of Indochina in a war from which the United States would find it difficult, if not impossible, to extricate itself. These developments necessitate prompt and vigorous efforts to find a new peace settlement for the entire region.

The overthrow of Prince Sihanouk in Cambodia and the renewed Communist drive in Laos are inescapably linked to the continuing war in Vietnam. The Vietnam conflict has persistently threatened to undermine the precarious neutrality of those bordering states as established in the Geneva Accords of 1954 and 1962. That neutrality—often more fiction than fact—is now perilously close to utter collapse.

Although the new government in Pnompenh has proclaimed adherence to Prince Sihanouk's policy of neutrality, the new leadership appears determined to increase pressure on North Vietnamese and Vietcong troops in their Cambodian sanctuaries. Such a course may hold short-run advantages for American and allied forces in Vietnam, but in the long run it could pose a terrible dilemma.

Since the Cambodia army probably cannot begin to cope with the estimated 40,000 to 60,000 Communist troops now in Cambodian territory, the United States may be called upon to save the new regime or to face another turnabout in Pnompenh—possibly the return of Prince Sihanouk with Communist backing—which would give the Communist forces even greater freedom of action than they now enjoy. In either case, President Nixon's plans for withdrawal from Southeast Asia would be seriously set back.

The renewed Communist drive in Laos greatly increases the threat to the neutralist government of Prince Souvanna Phouma. It could lead to a request from the Prince, or a successor, for the cessation of American bombing of the Ho Chi Minh trail, a request that might seriously embarrass Washington.

The Communist advance in Laos close to its borders also threatens the Thais who have demonstrated their concern by the reported dispatch of two battalions to aid in the defense of an American-Meo base. Deeper Thai involvement in the Laotian struggle has grave implications for the United States, already committed to Thailand's defense.

But if the developments in Laos and Cambodia pose an imminent danger of wider war, they also offer a unique opportunity for fresh diplomatic initiatives to achieve a wider peace. Both sides have gained some temporary advantages in the recent flare-ups. Both have reason to fear the consequences of allowing the conflict to spread further.

In the past all parties, including the big powers, have shown an interest in the neutrality of the buffer states of Laos and Cambodia. Even Peking has a stake in preserving the integrity of these countries as a bar to the expansion of Vietnam, which has traditionally stood up to the Chinese.

It is futile, however, to seek piecemeal restoration of neutralization in Cambodia and Laos under the Geneva accords, as Secretary of State Rogers has suggested, without dealing at the same time with the source of the current troubles, which is in Vietnam. The time has come to consider a broader, high-level Geneva-style meeting to seek a comprehensive settlement, as at the 1954 conference. South Vietnamese President Thieu made a point of sorts the other day when he observed, "It's better that it all explodes at once because we can find a whole solution."

[From the Washington Post, Mar. 29, 1970]

Another Geneva Conference

The recent unravelling in Laos and Cambodia has reminded everyone that the struggle for the succession to French colonial rule in Indochina—which is what the continuing violence is all about—must be seen as a whole, not country by country. This has always been plain to the North Vietnamese, who from the beginning asserted their claim to succeed the French everywhere in Indochina, not just in Vietnam. It was clear, also, to the international community in 1954, the year the French fell apart: a conference to deal with the whole of Indochina was quickly called in Geneva. In more recent years the focus on Vietnam and the relative quiet in Laos and Cambodia may have obscured the regional nature of the struggle. But events of the past month or two have restored an appropriate perspective.

One consequence of this turn is the renewed flurry of interest in another Geneva conference in which the major powers, the parties of the area and assorted others would work out a compromise political settlement and—in the process—end the war. The essential argument for a conference is that this is a good moment—before the United States gets sucked deeper into Laos or Cambodia—for it to trade in its military momentum in Vietnam for a comprehensive regional deal. Such a settlement, since it would have to go down with Moscow and Peking as well as Washington, would require some formula for "neutralizing" Indochina.

The Nixon administration has shown no interest in the Geneva idea and, unfortunately, has chosen not to explain the basis of its disinterest. Its position seems to be, however, that "neutralization" of Indochina would leave anti-Communist elements worse off than will its hoped-for success in Vietnamizing the Vietnam war. The administration has shied from the broader concept. It holds itself open for negotiations only in the one part of Indochina, Vietnam, where its military power can be brought directly to bear. On Laos it has appealed to the Russians for consultations under the 1962 Geneva Accords dealing with that country alone, but its stated purpose is limited to getting the North Vietnamese to halt their military activity there. There has been no acknowledgement of any possible requirement to reshuffle the political cards.

If the 16 years since the first Geneva conference (and the eight years since the second) have proved one thing, it is that the settlement laid out then was faulty. That first conference ratified the French defeat and departure while providing the appearance—and only the appearance—of a durable political structure. The foreign powers conceived of "neutralization" essentially as a rationale for their own disengagement. The local parties, including Ho in Hanoi and Diem in Saigon, conceived of it as an assurance that the outside powers would not impede what were their very different plans for the future of Vietnam. Neither set of expectations, of course, was rewarded.

What another Geneva conference would involve is something that needs a lot of discussion. "Neutralization" is an attractive phrase; it would hold out the promise to Americans of both the end of most of their own cares in Vietnam and a certain guarantee that "the other side" will not reap a major advantage there. But is it achievable? Is the best way to achieve it by means of a big conference? Could a President on record as rejecting an "elegant bugout" swallow it, and sell it? Does it offer a better prospect to the United States than Mr. Nixon's current policy of gradually cranking the American presence in Vietnam down to a level that can be indefinitely sustained? It would be useful to hear the administration's considered views.

[From the New York Times, Mar. 29, 1970]

Eden Urges Conference on Southeast Asia

To the Editor:

I write to express agreement with the suggestion in your March 26 editorial that the time has come for "a broader, high-level Geneva-style meeting to seek a comprehensive settlement, as at the 1954 conference."

Laos and Cambodia are sincere in their search for neutrality. And it is to the long-term advantage of the great powers concerned in the future of Indochina, United States, China and the Soviet Russia, that this neutrality should be respected and upheld.

They should therefore meet now with the other members of the 1954 conference to reestablish the neutrality of the two countries before these are finally eroded by the fighting in Vietnam. This last should, of course, also form part of the conference agenda and a supreme effort be made to secure a comprehensive and guaranteed solution of the Indochina war.

Admittedly the difficulties are formidable, but the alternative of a widening conflict is a warning signal which every influential capital should heed before it is too late.

Avon.

Boston, *March 26, 1970.*

(Note.—Lord Avon (Anthony Eden), former Prime Minister of Great Britain, was co-chairman of the 1954 Geneva Conference on Far Eastern Affairs.)

General Diplomatic Accord Needed To Prevent Asia War

(By Joseph Kraft)

You can't beat something with nothing even in Southeast Asia. So the myriad local forces working to widen the war there will win the day again unless there is developed an alternate course of events.

The obvious alternative is to move in the Geneva conference for a general diplomatic settlement covering Vietnam, Laos and Cambodia. And fortunately that approach is now being pushed in Washington.

Of the forces working to widen the war, the most important are the North Vietnamese. Their central political purpose is to create in South Vietnam a friendly regime, free of support by outside troops and disposed toward eventual unification. Hanoi is not making any progress in that direction at the Paris peace talks. Opinion in this country has ceased to generate irresistible pressure for peace. And Gen. Creighton Abrams' spoiler tactics impose on Communist military action in South Vietnam a cost Hanoi is not prepared to pay.

Instead the North Vietnamese have found cheaper ways to maintain military momentum and keep pressure on the United States. They moved thousands of troops into Laos and mounted a major attack there. More recently another cheap shot became available when a right-wing coup overthrew Prince Norodom Sihanouk in Cambodia. So the North Vietnamese, who had long used Cambodia as a base, went on the attack there too.

Hanoi's instinct for widening the war is shared with a vengeance by the regime of President Nguyen Van Thieu in Saigon. President Thieu's first interest is to try to deal the Communists a crushing military blow. His second is to keep American troops on the scene as long as possible. His third is to maintain the state of tension that justifies the repression he uses to keep the regime in power.

All three of these interests are served by military engagement with the North Vietnamese. And the best place for fighting the North Vietnamese is to hit them at their bases in Cambodia. Indeed the most prestigious military man in South Vietnam, Gen. Cao Van Vien, has long claimed he could win the war if he was allowed to take a bit of Cambodian territory.

So it was no surprise that the South Vietnamese stepped up their Cambodian border operations immediately after the coup in Pnom Penh ousted Prince Sihanouk. Indeed,

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suspicious persons pleased to believe that coup was arranged from the outside would do far better to direct their inquiries to the Saigon government than to the Central Intelligence Agency.

Not that all Americans are so opposed to a little widening of the war. Ambassador Ellsworth Bunker and some American military commanders on the spot conceive that their mission is to put in place a pro-American, anti-Communist regime. As part of that mission, they have long itched to cross over into Cambodia and hit the Communist bases there. They are not even particularly bothered by the prospect of slowing down the rate of American troop withdrawal from Vietnam, if that is necessary to help the Saigon government.

So it is natural, not surprising, that American forces aided South Vietnamese troops in some of their recent forays into Cambodia. And it is equally natural, not surprising that American officials in Saigon should be talking, in the light of recent events, about stretching out the schedule for winding down American force levels.

With all these forces promoting a wider and deeper war it takes some doing to contain the conflict. After all what led to the deep American involvement in the first place was these very same local conditions. American leaders did not, as sometimes alleged, want to get into the war. They were backed in by the thrust of events. They didn't have the wit and political courage to take the decisive steps necessary for staying out.

That is roughly the position of the Nixon administration at this time. Unless the President takes decisive steps to contain the war, the force of events will push him into a wider conflict.

Exactly what steps to take are not in doubt. The central fact is that there is now serious military action in Vietnam, in Laos and in Cambodia. The Geneva conference, set up in 1954 and reconvened in 1962, offers a forum that covers all three countries. It should plainly be called again to seek a general regional settlement. The more so as it offers a way to move beyond the Paris peace talks that are now deadlocked, and subject to revival only if this country abandons its past position by sending a new, high-level negotiator.

Suggestions that this country follow the Geneva route have been pushed inside the State Department and the Defense Department at the assistant secretary level. They have apparently been blocked by a political consideration—namely that to go to Geneva is to deviate from the Vietnamization line to which the administrtaion has wedded itself.

But Vietnamization only creates conditions that work to widen the war. Wisdom lies not in holding tight to that policy, but in shifting to another before everybody comes to understand the Vietnamization line won't work.

Mr. PEARSON. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma may be allowed an additional 5 minutes, so he may yield to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I am pleased to yield to the distinguished senior Senator from Kansas (Mr. PEARSON), cosponsor of the resolution calling for an Indochina-wide peace conference.

Mr. PEARSON. Mr. President, I join in this resolution, because it is my persuasion that efforts involving the interests of all of Indochina are necessary for a peaceful solution of the conflict there. Efforts made by Congress in this regard should be on a bipartisan basis. The conflict, which has cost so much of our treasure and our blood, the conflict, which has been such a burden upon the consciences of so many of our people, the conflict, which at times has confused the American role in world affairs and American purposes, is not only a war in Vietnam, but a conflict in all of Southeast Asia.

In offering this resolution, without any partisan motives, I do want to applaud the role of this administration. Since this administration has taken office, there has been a complete reversal in South Vietnam; 110,000 troops have been withdrawn. Approximately 12,000 are being withdrawn every month.

The anxiety was so great, the bitterness so deep, that when the President first took office there was a demand upon him to first renounce a military victory, and, second, to set forth a plan for withdrawal; to make that plan public and to implement it immediately.

The President did renounce a military victory. The President did have a plan for withdrawal. The withdrawal did proceed. But because of the necessity for flexibility and maneuverability not only in the military field but in the diplomatic corridors, that plan had to be conditioned on the stability of the Saigon government and its capacity to provide for their own defense and also the level of violence by North Vietnam.

In Laos, it seems to me, the administration has acted responsibly, in a condition where that nation is threatened and the neutrality of that nation hangs most precariously.

I think, as the majority leader said earlier, the low profile of the administration in Cambodia is one which merits our support.

So, indeed, as the distinguished Senator from Oklahoma pointed out, the past policy is one of frustration. It is in the interest of so many people, it is in the interest of so many nations, it is in the interest of the world, that we move to new and higher levels of efforts to achieve peace. I think the proposals made, not only by the French Government, but by the resolution under the leadership of the distinguished Senator from Oklahoma, would represent a forward step and indeed a new hope for peace.

Given the experience of Vietnam, the United States and other interested nations of the world will be judged by history as grossly delinquent and lacking in vision if we do not, at this time, take new initiatives to restore and then maintain the balance of peace in Laos and Cambodia.

Mr. HARRIS. Mr. President, I thank the distinguished Senator from Kansas for his statement and for his cosponsorship of the resolution.

Mr. MURPHY. Mr. President, I am particularly pleased to be in the Chamber at this time and to congratulate the Senator from Oklahoma and the Senator from Kansas for their cosponsorship of a resolution hopefully designed to find a solution to our problems in the Far East.

I spoke in this Chamber the other day about this subject. I spoke on the subject of the new war in Laos, and I pointed out that a reading of history will show that this is not a new war, but it is the same war, and always has been.

There is no great mystery to it. There is not secret about it. The information is there in the press for all to read. In Indochina it is the same war.

I hope as much as anybody that we could find a solution to it, but I am disturbed as we make the same approaches that were made time and time and time again: We will have another conference, we will sit down and talk, and, unfortunately, some people seem to point the finger of blame not at the troublemakers, not at those responsible for the war, but at those who are the victims of it. The people of Cambodia and Thailand and Laos and Vietnam did not want the war. It was forced upon them.

Then again, America is declared to be an imperialistic nation. We know this is Communist propaganda, but who answers it? Who permits the troublemakers in Moscow and Peking to continue? They are the ones responsible for the war.

The day they say, "We want peace," peace can be accomplished—an equitable peace. As I recited the other day, starting back with the great President John F. Kennedy, he and President Johnson carried on the commitments which we have made. We cannot walk away from those commitments. We have promised to protect those small nations from having the atheistic communism imposed upon them. We are properly there.

I have listened for a couple of years to discussions by some of my colleagues who maintain that we have no right to be in Vietnam. This is nonsense. We have every right to be in Vietnam. Our complete and total national honor is at stake, and we cannot walk away from that obligation, any more than we can walk away from the other treaties we have made. There is a point of national honor involved.

I have heard repeatedly the suggestion of a broad based government for South Vietnam. Mr. President, I was in South Vietnam when the present government was elected.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. MURPHY. I ask unanimous consent to proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURPHY. I went there at the request of President Johnson. I was permitted to go wherever I wanted, and look at the election. I can assure the Senate that more than 80 percent of the people who properly could vote in that election, in spite of the fact that the week before the election there were more than 1,000 atrocities committed to frighten the people away from the polls. I have told the story in this Chamber of the bomb that was set for another observer and myself in the town of Tuy Hoa, where 37 people were injured and three were killed. Of the 37 injured, 29 went to the hospital, had their injuries dressed, came back, and voted.

Let us press for further negotiations, but let us negotiate from the standpoint of fact and reality. Let us give up the

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ridiculous theory that the people who caused the trouble are just going to go away spontaneously. Let us point the finger of accusation at those who started the trouble and those who can stop it any time they decide to.

I believe firmly, Mr. President, that the day that those in Moscow and Peiping understand that we are serious, that we are in dead earnest on this matter, will be the day when meaningful negotiations will be started.

I sincerely hope that those who propose this resolution—and I shall support it—do not intend to talk again about a so-called coalition government. That is not a new one. That has been a Communist tactic for 30 years—a coalition government, a troika: "you get two and we get one. Pretty soon we will have two and you have one, and then a little later we will have the entire government."

Mr. President, these people are determined to have a democracy, and they are entitled to it. I would suggest that we have meetings, and have further conferences, but let us not do what we did at Paris, and permit the ridiculous performance of an 8-week discussion, or longer, as to the shape of the table. Let us let the adversaries and those responsible know we are going to negotiate seriously, that we intend to come to the point, that we are going to talk about the issues and do it immediately, that there will be no more providing of a springboard or a forum for world propaganda to be used against us and against the people of Laos, South Vietnam, and the rest.

It is all part of the same war, Mr. President, and the Ho Chi Minh Trail is an integral part of it. I say again, as I have stated before: On November 1, 1968, we had almost interdicted that entire supply line. Then the bombing was stopped—I opposed it—and now the supply line is filled to brimming with supplies and materiel going down that road to kill American troops.

So, Mr. President, I am sorry to hear it said by a distinguished commentator in the New York Times that Vietnamization is not working. That is not in keeping with the facts that we on the Committee on Armed Services have been given by those who have the responsibility for the security of this Nation. They told us less than a week ago that it is working, and working well.

Mr. President, I am grateful for the opportunity to respond, and will support the resolution, but I intend to talk further about it, in the hope that we may finally approach this matter in the proper way.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Byrd of Virginia) laid before the Senate the following letters, which were referred as indicated:

Report of the Office of State Technical Services

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the activities of the Office of State Technical Services, for the fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

Report of the Maritime Administration

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

Typical Electric Bills, 1969

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Typical Electric Bills, 1969" (with an accompanying document); to the Committee on Commerce.

Steam-Electric Plant Construction Cost and Annual Production Expenses, 1968

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1969" (with an accompanying document); to the Committee on Commerce.

Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the 1970 report of the fund (with an accompanying report); to the Committee on Finance.

Report of Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund

A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, a report of the funds for 1970 (with an accompanying report); to the Committee on Finance.

Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, a report of the fund for 1970 (with an accompanying report); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on reductions achieved in the cost of transporting military mail from Okinawa to points in Southeast Asia, Department of Defense, dated March 31, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpayments to Army personnel resulting from weaknesses in payroll procedures, Department of the Army, dated April 1, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Ex Gratia Contributions for the Welfare of the Inhabitants of Micronesia

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Public Lands Legislation

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of September 19, 1964 (78 Stat. 986), as amended (43 U.S.C. sec. 1411–18), and the Act of September 19, 1964 (78 Stat. 988), as amended (43 U.S.C. 1421–27) (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Transfer Charlotte and Lee Counties From the Middle to the Southern District of Florida and Highlands County From the Southern to the Middle District of Florida

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to transfer Charlotte and Lee Counties from the middle to the southern district of Florida and Highlands County from the southern to the middle district of Florida (with an accompanying paper); to the Committee on the Judiciary.

Proposed Legislation To Amend the Community Mental Health Centers Act

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Community Mental Health Centers Act to repeal the requirement of grant approval by the National Advisory Mental Health Council (with an accompanying paper); to the Committee on Labor and Public Welfare.

Proposed Health Professions Training Amendments of 1970

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to extend for 1 year the programs of assistance for training in the allied health professions, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

Feasibility Study, Visitor Parking Facilities and Pedestrian Bridge, Washington Channel Area

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a feasibility study for visitor parking facilities and pedestrian bridge in the Washington Channel area, dated March, 1970, (with an accompanying document); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Byrd of Virginia):

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

"House Concurrent Resolution No. 24 Requesting Action To Provide Assistance to the United States Department of Agriculture Fruit Fly Laboratory in Hawaii for the Eradication of Fruit Flies in Hawaii

"Whereas, fruit flies, including melon flies, cause considerable damage to crops in Hawaii, necessitating substantial costs to farmers for their control; and

"Whereas, the several types of fruit flies have been inadvertently introduced into California on more than one occasion, causing a threat to the agricultural industry of that state and other states; and

"Whereas, the problem is of concern to more than one state; and

"Whereas, the eradication of the fruit fly and other pests would result in benefits to producers in Hawaii and other states, to Hawaii-Mainland travelers, to agricultural inspection services, and to consumers; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that the President of the United States, the Vice-President of the United

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States, the Speaker of the United States House of Representatives, United States Senator Hiram L. Fong, United States Senator Daniel K. Inouye, United States Representative Spark M. Matsunaga, United States Representative Patsy T. Mink, and Mr. Clifford M. Hardin, Secretary of Agricultural, be, and hereby are, requested to promulgate any necessary administrative policies or enact any necessary legislation in order to increase the amount of federal assistance to the United States Department of Agriculture Fruit Fly Laboratory in Hawaii for the purposes of eradicating the several species of fruit flies in Hawaii; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to Richard M. Nixon, President of the United States; to Spiro T. Agnew, Vice-President of the United States; to John W. McCormack, Speaker of the United States House of Representatives, to each member of Hawaii's delegation to the United States Congress; to Mr. Clifford M. Hardin, Secretary of the United States Department of Agriculture; and to Dr. Derrel L. Chambers, Investigation Leader of the United States Department of Agriculture Hawaii Fruit Fly Laboratory at the University of Hawaii."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION ESTABLISHING A REGIONAL OCEAN INDUSTRY DEVELOPMENT COUNCIL

"*Whereas,* There exists an immediate need to coordinate all New England state authorities for the formation of development programs relative to commercial and sport fisheries and marine-related manufacturing, commerce, research, sport and education; and

"*Whereas,* The establishment of a Regional Ocean Industry Development Council, consisting of the New England Regional Council, the six New England States and area ocean industry organizations is essential for the long-range preservation and survival of the fishing industry; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts hereby urges the Congress of the United States to enact legislation establishing a Regional Ocean Industry Development Council; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 9, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*

"House of Representatives, adopted in concurrence, March 11, 1970.

"WALLACE C. MILLS,
"*Clerk.*"

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FOR THE PROTECTION OF AND ASSISTANCE TO THE FISHING INDUSTRY OF THE COMMONWEALTH

"*Whereas,* The fishing industry of the commonwealth is rapidly deteriorating because of the ever increasing competition of fishing fleets from foreign nations; and

"*Whereas,* These foreign fleets are indiscriminately disregarding the preservation and normal existence of the fishing grounds which have heretofore been the natural source of supply for the fishing fleets of the commonwealth; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to assist and protect the fishing industry of the commonwealth and to eliminate unfair and destructive fishing operations and practices of foreign fishing fleets; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 5, 1970.

"WALLACE C. MILLS,
"*Clerk.*

"Senate, adopted in concurrence, March 10, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*"

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE FINANCING OF MASS TRANSIT COSTS BY USING THE FEDERAL HIGHWAY FUND

"*Whereas,* In view of rising mass transit costs, the determination of a source best suited to meet such costs throughout the United States has become essential; now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the financing of mass transit costs by using the federal highway fund; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 5, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*

"House of Representatives, adopted in concurrence, March 10, 1970.

"WALLACE C. MILLS,
"*Clerk.*"

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Government Operations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A DEPARTMENT OF CONSUMERS AFFAIRS ADMINISTERED BY A SECRETARY WHO SHALL BE A MEMBER OF THE PRESIDENT'S CABINET

"*Resolved,* That the General Court of Massachusetts respectfully urges the President of the United States and the Congress to take such legislative action as may be necessary to establish a new department which shall be known as the Department of Consumers Affairs, to be administered by a Secretary of Consumers Affairs who shall be a member of the President's Cabinet; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, March 10, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*

"House of Representatives, adopted in concurrence, March 12, 1970.

"WALLACE C. MILLS,
"*Clerk.*"

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE THE PROPOSED CONSTITUTIONAL AMENDMENT ABOLISHING THE ELECTORAL COLLEGE AND PROVIDING FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT BY POPULAR VOTE

"*Whereas,* The United States House of Representatives has, on September 18, 1969, approved overwhelmingly the proposed constitutional amendment abolishing the Electoral College and making the total popular vote decisive in the election of the President and Vice President; and

"*Whereas,* This proposed amendment must be ratified by the state legislatures of three quarters of the states to become effective, which requires the immediate attention and affirmative action of the states in order to affect the 1972 Presidential election; and

"*Whereas,* It is urged that the members of the Senate join their colleagues in the House of Representatives in approving this much needed electoral reform program in order that each Presidential election more closely reflects the popular outcome; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States to approve the proposed constitutional amendment abolishing the Electoral College and providing for the election of the President and Vice President by popular vote; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"Senate, adopted, March 18, 1970.

"NORMAN L. PIDGEON,
"*Clerk.*"

A resolution adopted by the Baltimore City Council, Baltimore, Md., praying for the enactment of legislation relating to stemming the flow into this country of men's clothing manufactured in countries under extremely substandard wage conditions; to the Committee on Finance.

PETITIONS

Mr. PASTORE. Mr. President, I ask unanimous consent that certain resolutions adopted by the Senate of the State of Rhode Island, be printed in the RECORD and referred to the appropriate committees.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

The resolutions presented by Mr. PASTORE were referred, as follows:

To the Committee on Armed Services:

REQUESTING THE RETENTION OF THE SEABEES AT DAVISVILLE, NORTH KINGSTOWN, R.I.

Whereas, The State of Rhode Island has, since their inception during World War II, been the home of the Atlantic Seabees and since the people of Rhode Island have great admiration and respect for the families and men that comprise the Seabee forces, the government and the people of Rhode Island would be most unhappy should the Navy Department decide to move existing Seabee forces out of this State and sharply reduce operations at the Davisville Seabee center, now therefore be it

Resolved, That the State of Rhode Island does strongly object to any move on the part of the United States Navy to shift any Seabee operations from the Seabee center at Davisville to Gulfport, Mississippi, or to any other Seabee center presently constituted, and be it further

Resolved, That the United States Navy completely utilize the outstanding facilities already existing at the Davisville Seabee center and not expend millions of sorely needed defense dollars in rebuilding a hurricane demolished facility at the Gulfport center in Mississippi, and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit to the senators and representatives from Rhode Island in the Congress of the United States and the Secretary of the Navy duly certified copies of this resolution.

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To the Committee on Commerce:

MEMORIALIZING CONGRESS TO MAKE EVERY EFFORT TO PREVENT THE OCCURRENCE OF ATTACKS ON PILOTS OF AIRLINES WHILE IN FLIGHT

Whereas, Captain Robert Wilbur and Copilot James E. Hartley were attacked by an armed passenger while making a landing of an Eastern Airlines flight with seventy-three passengers aboard on Tuesday evening, March 17, 1970, at Logan International Airport and such attack resulted in the wounding of the captain and the death of the copilot,

Resolved, That Congress be respectfully requested to take appropriate steps to recognize the brave and gallant action taken by these pilots in performance of their duty in making a safe landing while under such attack, and

Resolved, Further, that Congress be respectfully requested to enact appropriate legislation or take other action to seek to prevent the occurrence of attacks on pilots of airlines while in flight, and,

Resolved, That the Secretary of State be and he hereby is authorized to transmit duly certified copies of this resolution to the Rhode Island delegation in Congress.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2484. A bill to amend the Agriculture Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of Hawaiian papayas (Rept. No. 91–755).

By Mr. AIKEN, from the Committee on Agriculture and Forestry, with amendments:

S. 3598. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes (Rept. No. 91–754).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

S. 3666. A bill to modify the project for Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power generating facilities; to the Committee on Public Works.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. MURPHY):

S. 3667. A bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 3668. A bill to amend the Interstate Commerce Act in order to prohibit for a 1-year period any discontinuance or change in the operation or service of trains providing passenger service; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S. 3669. A bill for the relief of Robert Jean Yves LeBars; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 3670. A bill for the relief of Man Fong Chan Cheung; to the Committee on the Judiciary.

S. 3666—INTRODUCTION OF A BILL TO MODIFY THE PROJECT FOR THE KAW RESERVOIR, ARKANSAS RIVER, OKLA.

Mr. HARRIS. Mr. President, I introduce for appropriate reference, a bill to modify the project for the Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power generating facilities.

This legislation was introduced in 1968 and referred to the Committee on Public Works. It is recommended by the Department of the Army, and is intended to modify the Kaw Reservoir project which is currently under construction on the Arkansas River. The Kaw Reservoir was authorized by Public Law 87–074 substantially in accordance with the recommendations of the Chief of Engineers as set forth in Senate Document No. 143, 87th Congress. Initial construction funds were appropriated in fiscal year 1966.

The installation of generation facilities in the Kaw Project is not authorized at this time. The project document (S. Doc. No. 143, 87th Cong.), however, indicated that further study of the power aspects would be concurrently with preconstruction planning of the project. In addition, the authorizing act provides:

> That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

Studies made by the Corps of Engineers under the authority indicated above show that inclusion of power generating facilities during the initial construction of the project is fully justified. Power revenues from the project will be sufficient to cover all costs of marketing and production and will amortize the investment allocated to power within 50 years. If the inclusion of generation facilities is authorized at this time the costs will amount to $7,300,000. If not, if no authority is given to the Corps of Engineers to include generation facilities during the initial construction phase of the project, the cost to add generation facilities at some future time will be in the neighborhood of $8,200,000. Thus, the enactment of the bill I introduce today will bring about an initial savings of some $900,000.

The Corps of Engineers has recommended that a 25,000-kilowatt power installation be included in the initial construction of this project. The authority granted under the bill I introduce today would enable the Corps of Engineers to proceed with the construction of this generation facility. As I said earlier, authorization is urged by the Department of the Army. I, therefore, urge the enactment of this legislation.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia). The bill will be received and appropriately referred.

The bill (S. 3666) to modify the project for Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power generating facilities, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3667—INTRODUCTION OF A BILL TO ESTABLISH THE EUGENE O'NEILL NATIONAL HISTORIC SITE

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to establish the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park. I am pleased to have my distinguished colleague, the senior Senator from California (Mr. MURPHY) join me as a cosponsor.

Tao House in Danville, Calif., was the residence of Eugene O'Neill from 1937 to early 1944. It was at Tao House that O'Neill wrote all of his last and probably best plays including "The Iceman Cometh," 1939; "Long Day's Journey Into Night," 1940; "Hughie," 1941; and his final play, "Moon for the Misbegotten," 1943. While at Tao House, he also wrote scenarios for a number of plays and revised "A Touch of Poet."

O'Neill lived at Tao House for more than 6 years—longer than he lived anywhere else. He called Tao House his "final home and harbor." With his wife, Carlotta Monterey, O'Neill designed the house. It was built with the cash award of $40,000 which O'Neill received when he won the Nobel Prize for Literature in 1936. The house contains 22 rooms and the estate covers 158 acres. The O'Neills called the residence "Tao House" after the Chinese philosophy, Taoism, which stresses the natural life of harmony, simplicity, and peace. Not only in its name does the Tao House invoke a kind of oriental magic. The architecture also revears a strong Chinese influence.

In addition, the house emphasized the Taoist sense of inwardness, which O'Neill felt himself. Although the house faced east across the valley toward Mount Diablo, its hall was so designed that the mountain could only be seen reflected in darkened mirrors. In this setting, O'Neill turned inward to interpret the tragedies of his own early life and create his own tragic drama, "Long Day's Journey Into Night."

There is always some danger in proclaiming an artist's greatness too soon after his death. The ages have a way of discovering the genius overlooked by his peers and, conversely, of deflating the overblown excesses of a period's adulation for its passing heroes.

But regardless of where time eventually ranks Eugene O'Neill in the hierarchy of American literary giants, there is no question that he is a solid literary figure of great creativity and that his works will remain an important study in the field of American letters.

Mr. President, an excellent article, "The California Years of Eugene O'Neill," appeared in the December 1966 issue of California Monthly. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

The California Years of Eugene O'Neill

(By James Schevill)

The California years of Eugene O'Neill are little known, partly because of the playwright's passion for privacy, and partly because all of the books about O'Neill to date have been written by easterners who have not visited the house that O'Neill and his wife built near Danville. In this house he wrote all of his last and best plays, including his greatest work, *Long Day's Journey Into Night*.

O'Neill and his wife, Carlotta, left their home in Georgia toward the end of 1936 and traveled to Seattle. The damp climate in the north-west did not suit O'Neill's precarious health. In 1937 they moved to the San Francisco Bay Area. After living in the East Bay in Lafayette, they planned and built a house near Danville, facing Mount Diablo. They called it Tao House, after the Chinese *Tao* meaning *the right way of life,* which the O'Neills had inscribed on the gate to their new home. Disillusioned with Western civilization, O'Neill had become more and more interested in Oriental culture. The beautiful house that he and his wife built embodied the sympathy that they felt for the traditions of the Far East.

Several years ago I visited Tao House with Travis Bogard, one of the most perceptive critics of O'Neill's work and the current chairman of the Drama Department at the Berkeley campus. Tao House was then called Corduroy Hills Ranch. The owners, Mr. and Mrs. Hugh G. Miller, had bought it from the O'Neills. In homage to O'Neill, they kept in the name of their ranch some of the playwright's feeling for the landscape. O'Neill had spoken to them of the "corduroy quality of these hills."

The Millers had refurnished the house mostly in Nineteenth Century French style, but traces of the original Chinese conception remained. Although the exterior was designed in the familiar California-Spanish style, the roof tiles were shaped to resemble oriental tiles. Behind the house O'Neill had constructed a twisting, curved walk in the spirit of the Chinese proverb that evil travels only in a straight line. The interior revealed the strongest Chinese influence. During the O'Neills' occupancy, the house was decorated mostly with Chinese furnishings from Gumps in San Francisco. In his bedroom O'Neill slept in a high Chinese opium bed. Downstairs the walls were painted white to contrast with brilliant blue ceilings. Stone tiles in the front hall led to wooden floors painted black in imitation of teakwood. Two old Chinese dragons carved in teakwood guarded the foot of the staircases leading to the second floor.

Since the O'Neills had traveled widely, the house of course reflected other interests when they lived there. Along with the Chinese furnishings, they had several pieces of French furniture, a Mexican tin chandelier in the hall, and some Mexican tin masks on the wall. In a small downstairs room, which O'Neill called "Rosie's Room," was an old nickelodeon piano (given to him by his wife) with a bowl of nickels beside it. Almost every room had at least two sets of bookshelves crammed with an immense variety of books that revealed the playwright's wide interests. Due to their fame, their desire for privacy, and their introspective interests, the O'Neills kept the house singularly enclosed for a California house. On the wall of the living room, which the Millers opened into a window facing the extraordinary view of Mount Diablo across the valley, the O'Neills hung a large, Navy-blue mirror. They placed many mirrors throughout the house and put up venetian blinds to add to their sense of enclosed privacy. Some of the inevitably curious townspeople spied on O'Neill; there was even a report of an eager hairdresser focusing a spyglass on the house. Mrs. O'Neill's eyes bothered her at time and this added to their desire for seclusion. In his comfortable, panelled study on the second floor, O'Neill began to write his final series of plays in a swivel chair at a high desk, facing a window through which he could see the towering shape of Mount Diablo. The irony of the end of his career was that all of his last plays were written in a house decorated with images of the Chinese search for tranquility, but staring at a mountain haunted by Spanish-American legends of his early Catholic faith, a mountain called Diablo. It is no wonder that these plays reflect an unresolved conflict of opposites so representative of the melting pot of American experiences.

The Chinese influence in O'Neill's last plays has been almost ignored by the critics. Many writers have pointed out the central theme in the late plays, the contrast between reality and fantasy, the idea that man through his "pipedreams" of fantasy creates an imaginary world that enables him to endure the tragedies of existence. Tom F. Driver, in a sensitive article in the December, 1958, issue of The Tulane Drama Review says: "O'Neill's question, which in the late plays became sharper and more accurately perceived, was simply how man, bereft of faith and divine assistance, might confront the inevitability of death . . . The mood of the late O'Neill combines Romanticism and Stoicism." Driver's view, as with many O'Neill critics, is that although the late plays are O'Neill's best work, they represent a philosophical nihilism that rejects the Christian sources of Western civilization. Many critics add their belief that the slow failure of O'Neill's health was the major cause of the nihilism in these final plays. The truth is more complex.

In 1932 and 1933 at his home on Sea Island, Georgia, O'Neill wrote *Days Without End*. It was produced by the Theatre Guild in New York in January, 1934, and was a critical and financial failure. However, some critics were pleased because they felt the play revealed a return to O'Neill's boyhood Catholicism. The final scene shows Jo Loving standing in a church "with his arms stretched up to the Cross, an expression of mystic exultation on his face." He has become whole and the corpse of his other dead self lies "at the foot of the Cross, like a cured cripple's testimonial offering in a shrine." Later, according to Barrett H. Clark, O'Neill changed his mind and said to George Jean Nathan that the "Hero's final gesture called for alteration." O'Neill's search for a faith still rooted in Christianity had been unsuccessful. In his new California home, Tao House, his work began to reflect another influence.

Alan W. Watts says in the opening chapter of his book, *The Way of Zen*:

"Taoism is generally a pursuit of older men, especially of men who are retiring from active life in the community. Their retirement from society is a kind of outward symbol of an inward liberation from the bounds of conventional patterns of thought and conduct. For Taoism concerns itself with unconventional knowledge, with the understanding of life directly, instead of in the abstract, linear terms of representational thinking."

As an older man at Tao House, O'Neill had retired from the Broadway "show shop," as he called it with contempt. He had begun the most ambitious project of his life, an immense cycle of plays called *A Tale of Possessors Self-Possessed*. At first he thought of five plays, then eight, nine, and, at last in 1941, eleven.

The cycle was to trace the progress of an American family, and through its various descendants the rise and collapse of the dream of democracy. In 1946 at a press conference, speaking of the cycle, O'Neill said:

"I'm going on the theory that the United States, instead of being the most successful country in the world, is the greatest failure . . . because it was given everything, more than any other country. Though moving as rapidly as it has, it hasn't acquired any real roots. Its main idea is that everlasting game of trying to possess your own soul by the possession of something outside of it, too. America is the prime example of this because it happened so quickly and with such immense resources. This was really said in the Bible much better. We are the greatest example of 'For what shall it profit a man, if he shall gain the whole world, and lose his own soul?' "

Although the interviewers seized on the Biblical quotation, shortly after this statement O'Neill told his friend, Barrett H. Clark, that the same philosophy could also be found in the teachings of Buddha, Lao Tzu, and Mohammed, as if to emphasize his turning away from purely western concepts. In his enormous cycle, *A Tale of Possessors Self-Possessed*, O'Neill, as the title indicates, was handling a theme of the opposites. This theme represented to him not only the tragic conflict of western thought, but also the lure of eastern Taoism in which the opposites are presented as complementary, not irreconcilable. In the *Tao-te ching*, which O'Neill valued so highly, Lao Tzu wrote:

"When the people of the world all know
beauty as beauty,
There arises the recognition of ugliness.
When they all know the good as good,
There arises the recognition of evil.
"Therefore:
Being and non-being produce each other;
Difficult and easy complete each other;
Long and short contrast each other;
High and low distinguish each other;
Sound and voice harmonize each other;
Front and behind accompany each
other . . . ."

(Translated by Wing-tsit Chan.)

In Tao House, O'Neill hoped that he had created a sanctuary where his new blending of eastern and western thought would enable him to create his most important work. The tension was too great. The advent of World War II and his increasingly poor health shattered in his struggle to unify his sympathy towards Taoism with the conflicts of American society. Yet in this impossible struggle for a synthesis of eastern and western thought, O'Neill achieved a new dimension in his plays. This new dimension is the sense of learning to balance good and evil, to endure the raging polarities of existence, to reconcile pipe dream and reality. If the surface theme in these plays always seems to be the gap between pipe dream and reality, the deeper theme is always the necessity of reconciling them. Erie Smith, the small-time gambler in O'Neill's last, brilliant one-act play, *Hughie*, written in Tao House in 1941, describes the peace that he found with the dead night clerk:

"Yeah, Hughie lapped up my stories like they was duck soup, or a beakful of heroin. I sure took him around with me in tales and showed him one hell of a time. And, d'you know, it done me good, too, in a way. Sure, I'd get to seein' myself like he seen me. Some nights I'd come back here without a buck, feeling lower than a snake's belly, and first thing you know I'd be lousy with jack, bettin' a grand a race. Oh, I was wise I was kiddin' myself. I ain't a sap. But what the hell, Hughie loved it, and it didn't cost nobody nothin', and if every guy along Broadway who kids himself was to drop dead there wouldn't be nobody left. Ain't it the truth, Charlie?"

Edwin A. Engel, in his sumulating book, *The Haunted Heroes of Eugene O'Neill*, writes that "The abiding theme of his plays

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was the struggle between life and death." This is much truer of the earlier plays than the later ones. In the last plays there is far more acceptance of the energy of the world, in the Tao sense, as being impersonal and eternal.

Behind the uneasy, western conscience of the characters who still cry for individual salvation, lies a world where the conflict between reality and fantasy can be resolved only if selfishness and worldly power are suppressed in favor of a simpler, more objective, Taoist way of life. It is no accident that most of the characters in the late plays live in a relatively timeless world of desire and imagination. They are cut off from the world of time by their inability or their unwillingness to fit into the practical materialistic nature of American society. One of the stages of Taoism is to find the source of power which reconciles a man with the Tao, the universal energy which unites the opposites and permits one to escape the earthly limitations of time and environment.

Consequently, the major characters in the late plays turn away from the practical demands of time, but they are unable to fit into the timeless world of spiritual values because they are still part of a dissolving western society rooted in the search for material possessions and a self-centered salvation.

I do not mean to imply that the Chinese Taoist influence is dominant in the last plays, merely that it is strongly there. It is mixed particularly with the sense of "fate," which O'Neill derived from Greek tragedy, and with the sense of "pity," which came from his Catholic background. The striking interest of O'Neill's final plays is their widening out beyond national barriers into an area where various religions and philosophies flow together.

As opposed to existentialist drama, God is still present as a shaping force, but a strangely different complex God composed of many different international influences.

The true condition of O'Neill's health while he wrote these late plays in Tao House has never been told, but it needs to be known to appreciate the remarkable courage and dedication of purpose with which these plays were written. Too often the pessimism and nihilism of the late plays have been stressed; a viewpoint that ignores the extraordinary courage and determined work schedule that he could not have maintained without his new philosophical perspective.

His father, James O'Neill, was a famous actor, constantly on the road. O'Neill complained of an abnormal diet during childhood. He claimed that he even had rickets at one time. The endless traveling from one city to another became intolerable. At one school in New England, where his parents placed him for several terms, he hated the passing of each day because it brought him closer to the end of the term and the loss of a secure school routine. As a result of his childhood, he developed poor eating habits and suffered from attacks of gastritis. Coming from a family of hearty drinkers, he began to drink heavily. This resulted finally in continuous liver attacks symptomized by a toxic feeling, yellow eyes and depression. By 1943 these attacks were coming every two or three weeks. He also suffered at times from bladder irritation. His weight in 1943 was down to 138 pounds—this for a man who was five feet eleven inches tall. The tremor in his hands, which he had suffered for many years, had grown increasingly severe. This affliction bothered him most of all because it interfered with his writing. For many years it was called a "Parkinsonian tremor," or "a sign of Parkinson's Disease," although his doctors decided finally that it was not Parkinson's but a rare, similar disease.

In 1943 O'Neill's doctor was the highly regarded Oakland physician, Dr. Fletcher Taylor. Dr. Taylor, who became a friend of O'Neill's and admired him greatly, did everything possible to ease the play-wright's suffering so that he could work. At night O'Neill had to take sedatives constantly. He still had trouble sleeping. Often he would wake early in the morning, depressed. His wife would make coffee for him. Mrs. O'Neill has been criticized for keeping O'Neill in extreme seclusion during these years. The fact remains that she served as a devoted nurse, performing many unpleasant tasks for a sick man who required isolation if he was to manage any work. In 1943, the last real year of O'Neill's career, he was still writing determinedly three to three and a half hours every morning. His handwriting had grown smaller and smaller in a vain attempt to control the tremor, but his great courage kept him at his desk.

Already by 1939 he was afraid of a complete collapse and wrote to his friend, Clayton Hamilton: "I felt a sudden necessity to write plays I'd wanted to write for a long time and that I knew could be finished." These plays were *The Iceman Cometh* (1939); *Long Day's Journey Into Night* (1941); *Hughie* (1941), the only one-act play he finished from a contemplated group of one-act plays to be called *By Way of Obit;* and *A Moon for the Misbegotten* (1943). What has not been noticed sufficiently is that these final plays have their own cyclical unity. Discarding the impossible task of creating an American epic by tracing the tangled history of one family. O'Neill took his own family and wrote the stories of their misfortunes. The result is a far more moving and valid representation of American destiny than he could ever have accomplished in his projected cycle. Some day it would be revealing for an American theater to produce five of the last plays in the following sequence: *A Touch of the Poet, More Stately Mansions, The Iceman Cometh, Long Day's Journey Into Night,* and *A Moon for the Misbegotten. A Touch of the Poet* and *More Stately Mansions,* written in 1936 and 1938–39, are the only two plays left from the projected long cycle, *A Tale of Possessors Self-Possessed*. The other three plays follow naturally because of the family theme. Such a sequence progresses from a more objective, historical view of the nature of the American family to a subjective, contemporary view of family ties and illusions. In *A Touch of the Poet* and *More Stately Mansions,* the European tradition of class differences creates an agonizing conflict in early Nineteenth Century America between the public dream of democratic equality and the private desire of materialistic wealth and power. The other three plays reveal the contemporary collapse of the family, its retreat into the pipe dreams of security that make the members of a family cling together despite their increasing separation from any essential connections with society. Together all of these plays are a powerful indictment of American family life presented with mature insight and a rare compassion.

Driving today to Danville, one travels on the new freeway past Walnut Creek. In the short time since the O'Neills left Tao House in 1943, because of O'Neill's poor health and their inability during the war to hire adequate help, everything has changed. Many of the old ranches and orchards have been leveled. The six-lane, divided freeway stretches like a giant, moving chain-belt through new, hastily built communities. Everywhere real estate is the dominant force, selling and shaping the land to the illusion of materialistic security against which O'Neill warned. Where are the roosts in these tract homes, the traditions that make a real family life possible? In this rapidly changing area everything seems restless, temporary, exposed to the family pipe dreams which O'Neill examined so thoroughly in his last plays written here. From the rooftops countless television antennae proclaim a new kind of "show-shop." Visiting the lost sanctuary that O'Neill hoped he and his wife had created in Tao House, a sanctuary that vanished under the pressure of ill-health and war. I felt a new understanding of O'Neill's attempts to come to terms with the American past and the family pipe dreams of our society. In an ideal home, at the peak of his career, he hoped that he had found the peace of maturity that would enable him to write the impossible American epic, to reconcile the . . . contradicting stands of American experience. This proved to be impossible, but what he did accomplish was to find the extraordinary compassion of his last plays which enabled him to write about the disasters of his own family with such forgiveness, a forgiveness for his own guilt as much as for the guilt of his family. These Christian ideals, forgiveness and pity, combined, as I have tired to point out, with an eastern acceptance of the Taoist balance of good and evil to create his last and greatest plays.

As I left O'Neill's lost home, I thought that every American playwright today must still measure himself against the depth and ambition of O'Neill. All of the recent, familiar critical warnings about O'Neill's limitations are of little consequence. Ponderous, sentimental at times, an awkward prose writer who tended to bathos rather than the incisive metaphorical insight that marks the great writer—these faults cannot disguise the achievement. Driving away from Tao House, I thought it is relatively easy to be clever and entertaining on the television screen or stage, to decorate surface feelings, but who is willing to make the sacrifices that O'Neill made to bring a sense of grandeur to the American theater? What playwright, or artist in any field, has the will to ignore commercial pressures and carry out a continuous series of experiments come what may over a period of many years? To be sure O'Neill was fortunate in winning financial success early in his career so that he had time to work freely and ignore commercial projects. Nevertheless he was able to survive financial success and to continue with his experiments, good and bad. His work remains with all of its flaws and merits to remind every young, ambitious American artist of the essential ideals and perils of ambition.

As O'Neill said: "It is the Furies within that seek to destroy us."

What redeems us, as he reveals in his last plays, is the rare quality of compassion and the attempt to understand and live with the mingled nature of good and evil. If we admire in O'Neill his unique, final explorations of family pipe dreams, we honor in him also his contempt for the cynical, degraded standards of the "show-shop," his respect for the art of theater that can transform and exalt man.

Mr. CRANSTON. Mr. President, Tao House is a significant element in the American literary heritage of the 20th century. I believe we have a responsibility to preserve it for future generations. Therefore, I am proposing that there be established a Eugene O'Neill National Historic Site.

There is another aspect of the O'Neill estate which argues that we should legislate its preservation. The house sits high on the eastern slope of Las Trampas Ridge. Behind the house and over the ridge into the watershed of Bollinger Canyon, there lies a primitive area of several thousand acres which, I believe, should be maintained as open space both for conservation and for recreational purposes. Here within 15 miles of the urban core of Oakland and Alameda can be found open hills of oak and mountain laurel.

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Unless this area is set aside for the benefits of the general public, its attractiveness as a site for California's ubiquitous subdivisions will soon lead to its residential development. Therefore, I propose that the Secretary of the Interior be instructed to establish a Las Trampas Ridge National Park, which will include the Eugene O'Neill National Historic Site.

It seems to me that this proposal is particularly appropriate in light of President Nixon's program to develop national parks and other recreation areas in close proximity to large urban populations.

The PRESIDING OFFICER (Mr. Allen). The bill will be received and appropriately referred.

The bill (S. 3667) to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park, introduced by Mr. Cranston (for himself and Mr. Murphy), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3668—INTRODUCTION OF A BILL RELATING TO CHANGE IN THE OPERATION OR SERVICE OF CERTAIN TRAINS

Mr. HART. Mr. President, the Senate Commerce Committee on March 12 ordered favorably reported a bill which would authorize the establishment of a national rail passenger system and would provide Federal subsidies to help maintain the passenger trains required adequately to provide such a service. Today that bill has been reported to the Senate.

It seems to me not only desirable but imperative that pending congressional action on this remedial legislation, we place a moratorium on further discontinuance of passenger train service.

Accordingly, I am today introducing a bill to bar passenger train discontinuance for 1 year. This would give the Congress an opportunity to act on the rail passenger service legislation.

The bill I am introducing today would cover applications now pending at the Interstate Commerce Commission or proposed during the next year.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point, and it be appropriately referred.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred, and, without objection, the bill will be printed in the Record.

The bill (S. 3668) to amend the Interstate Commerce Act in order to prohibit for a 1-year period any discontinuance or change in the operation or service of trains providing passenger service, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(a) of the Interstate Commerce Act is amended by inserting at the end thereof the following:

"(3) No carrier subject to this part shall discontinue or change the operation or service of any train providing passenger service during the one year period beginning on the effective date of this paragraph. The elapse of any period of time for the purpose of paragraph (1) and (2) of this section shall be suspended during such year but shall continue thereafter."

ADDITIONAL COSPONSORS OF BILLS

S. 1631

Mr. HANSEN. Mr. President, on behalf of the Senator from California (Mr. Murphy), I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Jordan) be added as a cosponsor of S. 1631, to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands.

The PRESIDING OFFICER (Mr. Tydings). Without objection, it is so ordered.

S. 3418

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. Yarborough) I ask unanimous consent that, at the next printing, the name of the junior Senator from Maine (Mr. Muskie) be added as a cosponsor of S. 3418, to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

S. 3522

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. Tydings) be added as a cosponsor of S. 3522, the Motor Vehicle Disposal Act.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

S. 3616

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. Tydings), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of the bill (S. 3616), a bill to amend title I of the Omnibus Crime Control and Safe Streets Act to provide direct financial assistance to units of local government upon which the presence of the Federal Government has produced additional law enforcement burdens.

The PRESIDING OFFICER (Mr. Tydings). Without objection, it is so ordered.

SENATE RESOLUTION 383—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE FOR AN INDOCHINA CONFERENCE

Mr. HARRIS (for himself and Mr. Pearson) submitted a resolution (S. Res. 383) to express the sense of the Senate for an Indochina Conference, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Harris when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSOR OF RESOLUTION

S. RES. 376

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. Yarborough) I ask unanimous consent that, at the next printing, the Senator from Maryland (Mr. Tydings) be added as a cosponsor of Senate Resolution 376, authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. CON. RES. 58

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Missouri (Mr. Eagleton) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of Senate Concurrent Resolution 58, expressing the sense of Congress that the administration should reverse its high interest rate policy, and that the Federal Reserve Board should take steps to gradually roll back the prime interest rate to 6 percent.

The PRESIDING OFFICER (Mr. Tydings). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 2, 1970, he presented to the President of the United States the enrolled bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO MODERNIZATION OF CERTAIN HOSPITALS AND OTHER MEDICAL FACILITIES—AMENDMENT

AMENDMENT NO. 576

Mr. COTTON. Mr. President, I send to the desk, to be laid on the table, to be printed, an amendment to H.R. 11102, to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and ask that it be printed.

The ACTING PRESIDENT pro tempore (Mr. Byrd of Virginia). Without objection, the amendment will be received and printed and will be on the table.

EXTENSION AND IMPROVEMENT OF CERTAIN AGRICULTURAL COMMODITY PROGRAMS—AMENDMENT

Amendment No. 577

Mr. BURDICK submitted an amendment, intended to be proposed by him, to the bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

NOTICE OF HEARINGS ON JUDICIAL REFORM ACT BILLS

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 1506, 1509, 1510, 1511, 1512, 1513, 1514, 1515 and 1516. These bills would provide for improvements in the administration of the courts of the United States, and for other purposes.

The hearings will be held on April 9, 1970, at 10 a.m., and on April 13, 1970, at 3 p.m., in the District of Columbia Committee hearing room, 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARINGS ON NOMINATION OF FRED J. RUSSELL

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that a statement by Mr. Jackson, together with a biographical sketch of Mr. Fred J. Russell, be printed at this point in the Record. Mr. Jackson's remarks have to do with the Russell nomination hearings set for Monday, April 6.

There being no objection the material was ordered to be printed in the Record, as follows:

Statement of Senator Jackson

As Chairman of the Committee on Interior and Insular Affairs, I would like to announce that the Committee will conduct an open public hearing Monday, April 6, on the nomination of Fred J. Russell to be Under Secretary of the Department of the Interior.

As you know, the President has nominated Mr. Russell, a California businessman, to succeed Russel E. Train. Mr. Train has been appointed Chairman of the recently established Council on Environmental Quality.

The hearing will start at 10 a.m. in our Committee hearing room, 3110 of the New Senate Office Building.

Biography of Fred J. Russell, Under Secretary-Designate, Department of the Interior

Residence: 143 North Arnaz Drive (Apartment 4), Beverly Hills, California 90211.

Born: June 9, 1916 at Edmonton, Alberta, Canada of U.S. citizen parents.

Marital status: Single.

Education: Graduated from Monrovia-Arcadia-Duarte High School, Monrovia, California. College credits from University of California Extension Division in Economics, General and Advanced Accountnig, Cost Accounting, Auditing, Commercial Law.

Military service: Private in U.S. Marine Corps Reserve, 13th Battalion, Fleet Marine Corps Reserve, from November 4, 1935 to expiration of enlistment and honorable discharge on October 22, 1939.

Employment: 1935. Apprentice—South Pacific Company (railroad), Los Angeles, California.

1936–43. Many jobs—Douglas Aircraft Co., Inc. (aircraft), Santa Monica, California.

1943–45. Assistant Works manager, Plant Manager—Timm Aircraft Corp. (aircraft), Van Nuys, California.

1946–68. President and General Manager—Weiser Co. and several subsidiaries (door locks, builders' hardware), Southgate, California; Burnaby, British Columbia, Canada; Mexico City, Mexico.

1949–58. Builder—various companies (individual houses, apartments, and 571-unit Wherry Act military housing project), Southern California.

1956–58. President—Gabriel Steel Co. (steel joists, basement construction products, industrial racks and tote boxes), Detroit, Michigan.

1949–present. Developer, Operator—Southland Water Co., Mira Loma Water Co., Mira Loma Farms (public utility water production and distribution; irrigation water production and distribution), Norwalk and Mira Loma, California.

1949-present. Own, expand, operate for rent—various companies or individual entities (industrial properties, apartments, individual houses, shopping centers), Southern California; Fresno, California; Wichita, Kansas.

1969-present. Deputy Director, Office of Emergency Preparedness, Executive Office of the President, Washington, D.C. (Presidential Appointee).

ADDITIONAL STATEMENTS OF SENATORS

THE CARDINAL'S MESSAGE

Mr. BROOKE. Mr. President, on Easter Sunday this year Richard Cardinal Cushing, an outstanding theologian and spiritual leader not only of New England but of the world, delivered a particularly moving and beautiful Easter message.

Cardinal Cushing has a rare gift for taking a Christian message and making it meaningful for all mankind. This year, the Cardinal spoke of reconciliation and rebirth. Far from being cast down in spirit by the divisions which plague our land, Cardinal Cushing sees these times as offering a rare opportunity to show mercy and to forgive. He speaks of reaching out to those in need, of expanding the horizons of human experience, and giving more fully of ourselves.

This is an Easter sermon which should be read by all Americans. I ask unanimous consent that it be printed in the Record.

There being no objection the message was ordered to be printed in the Record, as follows:

The Cardinal's Message

Following is the text of the Eastern sermon by Richard Cardinal Cushing prepared for delivery at Holy Cross Cathedral at the 10 a.m. Mass today:

We are accustomed to speak of Easter as the Third Day. It is an ancient phrase but one full of meaning. Without Friday, the day of death, and Saturday, the day of darkness, Sunday, the day of the resurrection would be without meaning. It is out of death and darkness that the risen Lord comes to us, having defeated death and dispersed the darkness. As we stand in the midst of the splendor of Easter morning we celebrate the end of three days during which our redemption was won through the cross, the tomb and the resurrected Jesus.

We cannot fail to think of this day in terms of new life, for Jesus Christ truly died, and on the third day was raised up. It is in this spirit that we celebrate at this season the sacrament of baptism, for in this sacred rite we are, in the Lord's own words, "born again of water and the Spirit." In baptism, we enter, as it were, the tomb and emerge from it reborn. This theme of "new life" has implications for all of us, for Easter is not an event of man's distant past but a recurring mystery that must continue to challenge every Christian.

There is, first of all, the fact of the resurrection itself. We do not often recall how the disciples themselves scoffed at the women's stories that they had seen the Lord. St. Luke tells us, quite simply, "they could not believe them." Peter himself who hastened to the tomb and saw the empty shroud could only register dismay. We all know that Thomas doubted the direct testimony of his fellow apostles after Jesus appeared to them. It was not easy even then to accept the awesome fact that life had conquered death, that the Lord's promises concerning himself had been fulfilled. From the beginning it required men of faith who could see here at work God redeeming the creatures of his own hand. No less today is it true that the empty tomb does no more than confound us, unless we look upon it with eyes of faith and come to believe the holy women when they say, "We have seen the Lord!"

But even belief is not enough if a new life does not transform us and make us new men. Just as the cross may be said to have been the end of a road, so the resurrection is the beginning of a new one. "Putting on Christ," in St. Paul's phrase, is a good deal more than wearing the livery of the Master, much more than assuming the uniform of the church militant. There must be an inner transformation that must actually make us Christ-like, make us live as Christ did. The resurrection by which man's redemption was sealed calls for a new life in all of us, not just a new way of life, but a real rebirth in Christ.

Perhaps this year we should dramatize this notion of beginning, of newness, by doing something unprecedented in our life as a nation. These are troubled times, we know, times that in another age would have been called "out of joint." I think especially this morning of the problems of the young: they are bewildered, confused, protesters against a world they are reluctant to inherit. They want peace but they are caught up in violence; they seek beauty but find it only in rags and drugs; they search for love and all they can discover is sex. So very badly they need the "new life" of which we have been speaking, so desperately driven they should have the chance to make a new beginning.

Would it be too much to suggest this Easter that we empty out our jails of all the protesters—the guilty and the innocent—without judging them; call back from over the border and around the world the young men who are called "deserters," drop

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the cases that are still awaiting judgment on our college youth? Could we not do all of this in the name of life, and with life hope, both of which we celebrate at Easter? Wherever our young people, even for reasons we do not know, stand in need of mercy let us reach out to them. The fruit of Easter is reconciliation and so much of our world remains unreconciled; the hope of Easter is our salvation and so many are waiting to be saved.

I call upon all those who hear these words to seek and find new life for their weary souls, and to offer new life to others in the spirit of this great feast. When we believe and hope in Christ we cannot any longer stand still; we heard the good news and must follow Jesus. How good for us to know that He goes before us into Galilee!

EXPLANATION FOR PROBABLE ABSENCE FROM SENATE ON CARSWELL VOTE

Mr. BENNETT. Mr. President, every-once in a while a very efficient staff moves too fast for the Senator it serves.

Senator Pell, of Rhode Island and I have been appointed by the Vice President to represent the Senate as advisers to the U.S. Delegation to the Third Annual Meeting of the Board of Governors of the Asian Development Bank.

In order to fill this assignment, we have been invited to leave with the Secretary of the Treasury on Saturday, April 4. The vote or votes on the Carswell nomination will come after that date. Since Senator Pell and I, if we remained in Washington, would cancel each other's vote and thus not affect the final outcome, we have planned to go, if possible. We had planned to make a joint statement to the Senate, either today or tomorrow and I prepared my statement for that joint appearance. My staff decided that, since the statement was ready for today, it should be released to the press, which has been done.

In the meantime Senator Pell expressed to me his feeling that we should wait until at least 3 p.m. tomorrow—Friday—to guard against any unforseen contingency which would require one of us to cancel the trip, which would automatically keep the other home also.

I regret that this natural mistake occurred, but it did. Under the circumstances, it seems necessary for me to validate the release by getting it into the Record today but with the clear understanding that our final joint decision will still be held up until tomorrow afternoon at which time it will be jointly announced, as planned.

I ask unanimous consent to have the text of the statement printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Explanation of Absence

Mr. President, the Secretary of Treasury and the Vice President of the United States have designated me as official Congressional Adviser to the United States Delegation to the Third Annual Meeting of the Board of Governors of the Asian Development Bank.

As the ranking Republican member of the Senate Banking and Currency Committee and also as a member of the Senate Finance Committee, I have accepted this gracious request to represent the United States Government at this important meeting which will be held in Seoul, Korea, next week.

In order to get to the meetings on time and in order to make some necessary stops to meet with members of the Japanese Government, the official party—including some six or eight members of the other body—must necessarily leave Washington, D.C., on Saturday, April 4.

This, of course, will necessitate my being absent from the Senate on Monday when the first votes are held on the nomination of G. Harrold Carswell. My position in favor of Mr. Carswell is perfectly clear and on the record. Had I been able to be here Monday, I would cast my vote against the recommittal attempt by Mr. Carswell's opponents; and if this fails, then had I been able to be here on Wednesday when the final vote would be taken, I would have voted for confirmation.

Knowing, of course, how close this vote might be, I would like to make it clear to the Senate that I am not leaving myself uncovered, so to speak, on this vote. The Senator from Rhode Island, Senator Pell, has also been invited to attend these important meetings in the Far East, and he will be on the same aircraft with us.

I have discussed this matter with Senator Pell, and we have an agreement that if present he would vote for the recommittal motion and against the Carswell nomination. I, as I have said, am on the other side of this issue. Consequently, we have agreed on a "pair" since our votes will cancel each other out.

I should also point out to the Senate that if, for some unforeseen reason, either Senator Pell or I find it impossible to join the Secretary of Treasury on Saturday and if either of us cannot go then the other Senator, most certainly, will remain behind as well.

I have discussed this arrangement with the White House, with the proponents of Mr. Carswell, with the opponents and with the Senate leadership, and all of us have agreed that this arrangement is satisfactory with all concerned.

I wanted to make this matter clear for the record and to explain my necessary absence on Monday and Wednesday of next week.

YARBOROUGH CALLS FOR ADDITIONAL FUNDS FOR VETERANS HOSPITAL AND MEDICAL CARE

Mr. YARBOROUGH. Mr. President, I commend the President for his request of an increase of $50 million in the 1971 Veterans' Administration budget for veterans medical care. I was also gratified by his decision to seek an additional $15 million for veterans medical care during this fiscal year. Never have such increases been more needed. Every week more than 500 men are wounded in Vietnam. About 12½ percent of these wounded veterans are permanently and totally disabled. Many more require long periods of hospitalization and intensive medical treatment. To meet this increasing demand for first-class medical and hospital care, it is imperative that we provide sufficient funds to increase the number of hospital beds in our Veterans' Administration hospitals and to hire the medical staff necessary to treat the wounds of these veterans.

Although an increase of $50 million is certainly a step in the right direction, I believe that the hearings that have been conducted by the Subcommittee on Veterans' Affairs of the Labor and Public Welfare Committee clearly show the need for larger appropriations to meet the current need of wounded Vietnam veterans.

I also urge the President to reinstate the 5,000 hospital beds that were recently closed by the Veterans' Administration and also to go forward with the construction of new Veterans' Administration hospitals, such as the 760-bed Veterans Hospital in San Antonio, Tex., for which construction funds were appropriated in the 1970 budget but which have been frozen by the administration. That hospital is badly needed; its delay is tragic for the veterans.

VETERANS' MEDICAL CARE

Mr. HANSEN. Mr. President, a matter of deep concern for all of us is that our sick and disabled war veterans should receive adequate medical care.

As many of us know, the Veterans' Administration hospital system has been confronted with many difficulties in carrying out that commitment, and its ability to meet future needs has been seriously impaired.

So I am sure we all will welcome President Nixon's announcement today that he has approved an increase of $50 million in the VA's medical budget for the 1971 fiscal year and authorized the VA to seek an additional $15 million in funds for the remainder of this fiscal year.

In a statement announcing this, the President said:

> To those who have been injured in the service of the United States we owe a special obligation. I am determined that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires.

I applaud that statement of a full commitment for the care of our veterans and I am sure that Congress will respond in a similar fashion.

Mr. President, I ask unanimous consent that the President's statement appear at this point in the Record.

There being no objection, the President's statement was ordered to be printed in the Record, as follows:

Statement by the President on Veterans Medical Care

For a number of years, the Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired.

Action must now be taken now to insure that eligible veterans will receive the medical care they require.

When I appointed Donald E. Johnson to be Administrator of Veterans Affairs last June, I directed him to make a thorough review of the veterans medical care program; to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care program appropriate for future needs. He has completed that review, and today he reported his findings.

I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention. *Therefore, I have approved an increase of $50 million in the VA's medical care budget request for fiscal year 1971—which makes it $210 million more than the approved appropriations for fiscal year 1970—and have authorized the VA to seek from Congress an additional appropiration of $15 million for the remainder of this fiscal year.* These requests will enable the VA to improve medical care for all eligible veterans, particularly for those suffering from battle injuries.

This Administration is committed to providing quality medical care for every eligible veteran.

BACKGROUND OF THE PROBLEM

A 1968 law required the Veterans Administration to reduce its staff to the mid-1966 level. This deprived the VA's medical care program of several thousand workers in all categories of the health services professions at a time when the VA requirements for such personnel were growing steadily.

Last September, to meet this problem, I raised VA's personnel ceiling by 1,500, even though employment authorizations for other Federal agencies were then being reduced by 51,000. I also approved the VA's fiscal 1971 appropriations request for an additional 2,100 medical care employees.

Even more health services personnel will be required in the immediate future to meet the special problems presented by an increasing number of Vietnam Era dischargees and the increasing scope and complexity of health care delivery systems.

THE VIETNAM ERA VETERAN

Men and women with service in the Armed Forces since the onset of the Vietnam conflict are being discharged in steadily increasing numbers. The annual rate of separations grew gradually from 531,000 in calendar 1965 to 958,000 in 1969. In 1970 and 1971, the annual rate will climb well above one million.

Many of those now leaving the Service suffer from wounds received in combat and are discharged directly into VA hospitals. Currently 7% of the patients in VA hospitals and 9% of VA out-patient treatment cases are Vietnam Era veterans. These percentages are expected to rise during the next few years. Also, all Vietnam Era veterans are entitled to VA dental care in the year following separation from service. Due to the increasing discharge rate, the demands for such treatment have led to an abnormally high backlog. Additional funds are required to correct this situation.

Better battlefield care and faster evacuation of the war wounded have resulted in a high incidence of patients with multiple amputations and spinal cord injuries in VA hospitals. Special hospital centers, with more staff than usual, are required for the care and rehabilitation of these patients.

These new developments combine to impose greater than normal demands upon the professional staffs of VA hospitals and clinics and require both more personnel and and an increased range of specialized skills.

SPECIALIZED MEDICAL PROGRAMS

As medical knowledge expands, the techniques for saving lives becomes more complex, more specialized, and more expensive. For several years, the VA has identified for separate funding and control a group of 23 "Specialized Medical Programs," including Coronary/Intensive Care Units, Hemodialysis Centers, Organ Replacement Centers, and Pulmonary Emphysema Units. These innovations in VA hospitals and clinics pioneer the latest advances in diagnosis and treatment.

The VA's efforts to make these programs available throughout its hospital system have been constrained by lack of funds. For example, there is presently an insufficient number of Coronary/Intensive Care Units in the VA hospital system. Such units reduce mortality in heart attack cases by 15 to 30 percent; every eligible veteran should have access to these life-saving facilities.

Administrator Johnson also has found that the VA has not had the funds to open and operate a sufficient number of Prosthetics Treatment Centers and Spinal Cord Injury Centers for severely wounded veterans from Vietnam.

These Specialized Medical Programs are not only important to the veterans who benefit directly from them, they are also important to America because the veterans medical care program consistently has been a leader in the development of innovations of great importance to our total health delivery system.

Concern for the nation's older veterans is an integral part of the VA's specialized medical care mission. These patients will require greater number of chronic care and nursing care beds as the veteran population continues to age.

OTHER PROBLEMS

Administrator Johnson has identified a number of other problems affecting the veterans medical care program. Most of these have been brought on by a combination of inflationary pressures and budgetary restrictions. These include a reduction in supporting services available in VA hospitals as compared to many non-governmental hospitals; deferrals in the purchase of replacement equipment; stretch outs of maintenance and rehabilitation projects; and curtailment of the construction program to modernize or replace outdated VA hospitals.

The VA's potential as a clinical training resource has been neglected. Fuller reliance on the VA's system of 166 hospitals for medical education purposes would not only improve the VA's position—as a consumer of health services personnel—but would also help the entire nation meet its requirements in the health manpower area.

THE STEPS WE ARE TAKING

Solution of many problems related to the veterans medical care program will take time—even if we had all the necessary funds immediately.

We must, however, find early solutions to the more pressing problems which directly involve patient care. These include—

The need for increased staffs to serve existing Specialized Medical Programs, especially those concerned with care of wounded Vietnam veterans;

The need to open and adequately staff and equip more centers under these programs;

The need to bring the backlog of Vietnam veteran dental care cases within normal operating levels;

The need to provide additional nursing care beds for older veterans.

The $15 million supplemental appropriation which I have authorized would be expended in April, May and June to clear up the excessive backlog in Vietnam veterans dental claims; improve the staffing of existing Specialized Medical Programs, especially the Spinal Cord Injury Centers and the Coronary/Intensive Care Units; carry out plans for taking hemodialysis units into the homes of veterans suffering from serious kidney ailments; and help meet increased costs of needed drugs and medicines.

The VA's budget request already submitted to Congress for the fiscal year to commence in July would provide extra staff to activate 121 additional bed units for Specialized Medical Programs and to open an additional 1,155 nursing care beds, a 28% increase in this program.

The new request for $50 million would be used to increase the staffs of VA hospitals and clinics; to improve further the staffing of the Spinal Cord Injury Centers and other important Specialized Medical Programs; to purchase seriously needed operating equipment; and to absorb rising drug and medical costs.

OTHER STEPS TO IMPROVE MEDICAL CARE

Beyond these requirements for additional funds, a number of steps have been taken to improve the veterans medical care programs.

New Management Team—An entirely new top management team for the VA's Department of Medicine and Surgery, headed by Dr. Marc J. Musser has been appointed. This group has the talent, the initiative, and the outlook to develop and carry out needed improvements in veterans medical care.

Improved Management Controls—Streamlined management controls over the widespread operations of the VA, including its system of 166 hospitals have been established. By merging the fiscal audit, internal audit and investigation services, more frequent audits and faster investigations into complaints will be possible.

Improved Management of Hospitals.—The management at each VA hospital is being evaluated and, a number of replacments in hospital directors, assistant directors, and chiefs of staff have already been made. Other personnel changes will be made as the need is demonstrated. A new program to upgrade the managerial skills of those in charge of the hospitals will make possible greater decentralization of appropriate authority to hospital directors. An executive recruitment and development program to provide for future hospital leaders will be undertaken and a program for simplification of paperwork procedures and other hospital administrative practices is underway.

Study of Future Needs.—A comprehensive study of the future needs of the veterans medical care is continuing to insure that developing problems will be identified early and analyzed as to their significance to the program.

Closing Health Manpower Gap.—The VA, in coordination with other interested agencies, will explore new approaches to the problem of closing the gap in the nation's critical health manpower situation. This will include studies to improve techniques of training health services personnel, improvements in health delivery systems, increased sharing of expensive and short-supply medical equipment by hospitals in the same community, and the potential for the establishment of new medical schools in conjunction with VA hospitals.

COMMITMENTS TO FULFILL

To those who have been injured in the service of the United States, we owe a special obligation. I am determined that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires. This commitment will require more than dollars to redeem; it will require sound management of existing VA facilities, wise use of existing personnel and equipment, and—most importantly—a sensitivity to the needs of our veterans, personal as well as medical. Administrator Johnson and his staff have a keen appreciation of these requirements. We, as a people, have commitments to our veterans, and we shall fulfill them.

ERVIN CITES NEED FOR ACTION ON CRIMINAL JUSTICE ACT AMENDMENTS

Mr. ERVIN. Mr. President, in 1964 Congress exhibited commendable foresight and good judgment by enacting the Criminal Justice Act to make meaningful and effective assistance of counsel a reality for the poor. The preamble to that law states the act's laudable purpose in these words:

> To promote the cause of criminal justice by providing for the representation of defendants who are financially unable to ob-

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tain an adequate defense in criminal cases in the courts of the United States.

Unquestionably, substantial progress has been made toward that goal since the act became effective on August 20, 1965. However, unless we act promptly on pending legislation, we shall soon find ourselves in the embarrassing position of undermining that worthy objective by our own inertia.

Notwithstanding the success of the 1964 act, it has become increasingly apparent that refinements and changes are required. S. 1461, a bill which the Senator from Nebraska (Mr. HRUSKA) introduced for himself and for the Senator from Arizona (Mr. GOLDWATER), the Senator from Massachusetts (Mr. KENNEDY), and myself, would alter the act to meet today's demands and the requirements of the foreseeable future in the field of criminal justice. It would change the Criminal Justice Act by expanding its coverage, by permitting use of defender organizations in areas with a heavy caseload and by increasing compensation for appointed counsel.

While all three of those changes are essential, the second and third are of particular concern to the National Legal Aid and Defender Association at the present time. That organization has worked at the forefront for many years in the struggle to achieve the same objective we are striving to attain through the Criminal Justice Act and S. 1461. The association's national defender project has funded a number of pilot criminal defender organizations which have not only rendered meaningful and effective legal representation to poor criminal suspects in busy judicial districts but which have also been vitally important allies in our study of the Criminal Justice Act of 1964 and the need to amend it. Moreover, the national defender project and the organizations it has sponsored have provided a solid foundation on which similar organizations can build.

National defender project funds have now been almost completely exhausted, and these highly successful pilot programs must soon close their doors to the financially disadvantaged unless Congress acts on S. 1461. Directors of several of these organizations provided informed and essential testimony at our hearings in June of last year as did the president of the National Legal Aid and Defender Association, Maynard J. Toll. It is quite plain that the vital work of these organizations can continue if S. 1461 is passed.

There are many persuasive reasons why we should consider and adopt S. 1461. However, I feel that the predicament of our pioneer defender organizations should be brought to the attention of the Senate immediately in light of a recent letter from President Toll to the Senator from Mississippi (Mr. EASTLAND), chairman of the Senate Judiciary Committee, who has in turn showed the letter to me. That letter enclosed a National Legal Aid and Defender Association Executive Committee resolution citing the urgent need for passage of S. 1461. I ask unanimous consent to have printed in the RECORD both the letter and the resolution. S. 1461 is now pending before the full Judiciary Committee, and I am hopeful that committee action is imminent so that the Senate can consider this important legislation without delay.

There being no objection the letter and resolution were ordered to be printed in the RECORD, as follows:

NATIONAL LEGAL AID AND DEFENDER ASSOCIATION,
Chicago, Ill., February 6, 1970.

Re S. 1461—Amendments to the Criminal Justice Act of 1964.

Hon. JAMES O. EASTLAND,
Chairman, U.S. Senate Judiciary Committee, Washington, D.C.

DEAR SENATOR EASTLAND: On January 26, 1970, the Executive Committee of the National Legal Aid and Defender Association adopted a Resolution urging prompt Congressional action on the above-reference bill co-sponsored by Senators Ervin and Hruska. A copy is enclosed for your information.

In adopting this Resolution, the NLADA responded to reports of serious financial crises facing several criminal defender programs initially founded by the National Defender Project of NLADA which expired in December 1969.

As you may know, the NLADA and the American Bar Association have strongly endorsed the purposes of this important legislation and it was my privilege to appear with a representative of the ABA to present testimony at hearings of the Subcommittee on Constitutional Rights on S. 1461 in June 1969. No opposition to the bill has come to my attention and the arguments for its enactment as developed in the Subcommitee hearings are most compelling.

On behalf of the National Legal Aid and Defender Association and its member organizations throughout the country, I respectfully request your support in securing prompt and favorable action on this legislation by the Judiciary Committee and the United States Senate.

Sincerely,

MAYNARD J. TOLL,
President.

RESOLUTION ADOPTED BY NLADA EXECUTIVE COMMITTEE JANUARY 26, 1970

Whereas, the National Legal Aid and Defender Association has heretofore endorsed Senate Bill 1461 and House Bill 9856; and

Whereas, the beneficial objectives of these bills are being frustrated by the failure to adopt same; and

Whereas, a number of existing criminal defender programs initially funded by the National Defender Project (including three of the most outstanding ones) are in serious jeopardy because of such failure;

Now, Therefore, Be It Resolved by the Executive Committee of the National Legal Aid and Defender Association that this Association respectfully calls this grave situation to the attention of the Congress and urges that the pending legislation be adopted as speedily as possible.

SOCIAL SECURITY BENEFITS TENNESSEE

Mr. GORE. Mr. President, tomorrow will mark a significant day for thousands of Tennesseans as they receive their first social security check reflecting the 15-percent increase that Congress voted last December. I was pleased to be a cosponsor of that measure to assist our retired citizens in combating ever-rising prices on food, clothing, and housing.

The 15-percent increase in social security benefits was, of course, retroactive to January 1, 1970, and later this month, social security recipients will be mailed a separate check to reflect the extra payments due for January and February.

This 15-percent increase in these benefits is of great significance to the State of Tennessee. It means millions of dollars per year in badly needed funds to the over 500,000 Tennesseans who are social security beneficiaries. In 1970, Tennesseans will receive almost $500 million in social security benefits, $65 million of which represents the new 15-percent increase. In 1971, Tennesseans will receive $74 million more than they would have received had the Congress not acted to increase social security benefits. Mr. President, this is an increase of over $6 million per month that will go into the hands of Tennesseans and will buttress the economy in the State of Tennessee. In a time when we may be witnessing a recession in the midst of inflation these social security funds provide a needed and welcome stabilizing economic force in my State.

But as important as the increase in social security benefits is from an economic standpoint, the true importance of this increase is even better understood in the lives of individual people. In Tennessee each person receiving social security benefits will get an average increase of $130 per year as a result of the 15-percent boost. This means that each social security beneficiary will have $10.83 per month more with which he can provide the necessities of life. In 1971, the 15-percent increase will mean an increase of $148 per year on the average, or $12.33 per month.

These figures represent funds badly needed by over 500,000 Tennesseans who are struggling to live on a fixed budget in times of rising costs. More important, these funds will enable elderly Tennesseans and widows raising children to live in the dignity they have all earned.

As pleased as I am that April 3 will mark a day of happiness for so many thousands of Tennesseans, I must also urge that Congress not rest in its effort to provide social justice. I will be working in the weeks ahead to increase the minimum social security benefits to $100 per month as provided in my bill S. 3658. And I will be calling on the Senate to take a permanent step to provide cost of living adjustments in social security benefits as provided in my bill S. 1739.

But these are steps for the future, and today, I am pleased to note the advances that we have made. As my fellow Tennesseans rejoice in the increased benefits to which they are entitled, I pledge my continued efforts to make the social security system in this country a model for all the world.

THE NOMINATION OF G. HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. SMITH of Illinois. Mr. President, I rise to inform my colleagues of my position on the nomination of G. Harrold Carswell to be Associate Justice of the Supreme Court of the United States.

Before I do that, however, I would like to reflect briefly upon the whole course of Senate consideration of this nomination. That course engenders some seri-

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ous doubts about our handling of the confirmation process at least in the mind of this Senator. I fear that the conduct of proceedings in the Carswell matter, just after similar conduct in the Haynsworth matter, may leave our President, and our Nation, hard pressed to find any man of stature willing to have his name submitted for appointment to the Court. The detractions, vilifications, and untruths scattered across the public record about these two men give their opposition, in and out of the Senate, little to be proud of and leave their supporters, in and out of the Senate, little to gain in a victory.

Do not mistake what I say. Every man who aspires to an office at the pinnacle of responsibility and public confidence ought to be able to stand inspection in the white light that informed public opinion and careful Senate investigation generate. But the objective should be a positive one: building a Supreme Court of high-quality jurists worthy of the trust and confidence of the entire American people. In recent months, that objective has been blurred. It may have been erased completely. Such terms as "stopping Carswell" and "beating the President at his own game" have become common. Accusations of bad faith have bounced around the Senate Chamber and across the headlines of the Nation's press. To what end? The basic facts about Judge Carswell were developed in the Judiciary Committee's hearings. Little of value has been added to the public's or the Senate's knowledge about the nominee since.

Whatever the outcome of the votes we take next week, I hope we can look back over the rubble of these past months and resolve that we shall not again see such bloodletting on a matter as fundamental as a Supreme Court nomination.

Now let me turn to the question of the Carswell nomination itself. I have no brief for Judge Carswell, except my vote, which I shall cast in favor of confirming him. I shall vote against the motion to recommit the question to the Judiciary Committee.

I have never met Judge Carswell. I have read only so much of his published opinions and writings as was necessary to conscientiously prepare for the exercise of my responsibility to vote on the question.

He is not my selection. But he is the selection of the President of the United States, who has the constitutional duty to make the selection. The President was recently elected by the American people, elected after a campaign in which he promised to restore stability and dignity in the law of our land. His constitutional power to appoint is broad and clear. Ours to advise and consent is less so. If our duties were as broad as some of our colleagues have suggested, we might never advise and consent to a nomination. On the question of our duty, I join with those Senators who believe that it is rather narrow. We should vote to advise and consent to the President's nominee unless some good and sufficient reason arises to move us otherwise. No such reason has arisen in this case, in my judgment, despite the petty and unfair efforts of some to conjure it up.

Mr. President, it is one thing to say that you have not heard of a man, or that you do not agree with him. It is quite another to argue from your failure to have met a person, or to have seen him published in scholarly journals, or to have read of him as a champion of one cause or the other, that he lacks distinction. This is especially true of a Federal judge, whose time and principal attention should belong to the work of his court, not to socializing, or writing for the journals, or leading public crusades. It is one thing to say that you do not agree with a man or that some others you deeply respect do not, but it is quite another to conclude that he is insensitive to an issue, simply because you disagree with him philosophically.

Two principal charges have been leveled against Judge Carswell: First, he is not distinguished and, second, he is a racist.

The question of distinction is an interesting one, going to the very heart of one's views of a judge's role. In my mind, Judge Carswell is certainly not a part of the establishment of the bench and bar. Members of that establishment, I think, tend to measure distinction in jurists by the number of lectures they give or roundtables they attend, by their writings on a variety of issues in scholarly journals, by a certain style of judicial opinion that renders it quoteworthy, by an interest in public affairs that prompts one to extrajudicial associations with public officers or national figures. Each of these activities is in itself good, and many distinguished judges participate in one or more of them. Judge Carswell is not a distinguished jurist in this narrow, limited sense.

I believe, and the great majority of his colleagues on the courts that he has served believe, the Committee on the Federal Judiciary of the American Bar Association believes, attorneys across the Nation believe, and the President of the United States believes, that Judge Carswell is qualified for appointment as an Associate Justice of the Supreme Court of the United States. That in itself is no mean distinction.

Only one other important question has been raised about Judge Carswell's fitness for the Supreme Court; whether he is or is not a racist or one insensitive to racial justice. As a youthful candidate for office, some 22 years ago, Harrold Carswell uttered clearly racist statements. They were sentiments that ill-befitted a man seeking public office at that time or at any time. I do not condone them. He has repudiated them.

Between that time and this he is alleged to have linked his name to an organization formed for the purpose of circumventing the desegregation of a public facility. Yet Judge Carswell has testified that his purpose in joining the founders of the golf club was innocent and not motivated by personal desire to exclude black men from the club. When hearsay and speculation and no direct evidence are weighed in the balance against the word of a public officer who has candidly submitted to cross-examination on a question, he must indeed be given full credibility. The opposition has clearly failed to sustain its burden on this issue.

Finally, it appears to me, as the newest Member of this body, that new and different issues have recently been added to the advise and consent process. In the Haynsworth matter, the alleged issue was conflicts of interest. In the Carswell matter the alleged issue was ability and capacity for growth. Many of my constituents have asked me whether all public officials should be as carefully screened on these qualifications. And I wonder about that.

I intend to support the nomination of Judge Carswell.

PAY RAISE FOR POSTAL EMPLOYEES MUST NOT BE TIED TO POSTAL REORGANIZATION BILLS

Mr. YARBOROUGH. Mr. President, it should now be apparent to everyone, even the highest officials in the Post Office Department, that the only way to solve the dispute with the postal employees is to separate the matters of pay raise and the attempts to impose on this country a postal corporation, or a Post Office Department reorganization.

The present crisis came about simply because the administration tried to blackjack the postal employees into giving up their status as Federal employees and help the administration set up a corporate post office instead of a Government post office as the price of an earned pay raise.

Last fall, the House of Representatives voted a postal pay increase. Last December, the Senate voted a pay increase for postal workers. Our dedicated postal workers are grossly under paid. A pay raise is long overdue. I believe that recent events have dramatized to the American people just how unfair the pay scales for postal employees are.

The American postal workers handle more pieces of mail per day and handle it more efficiently than any other postal employees in the world. America sends and receives more than 84 billion pieces of mail a year—more mail than all the rest of the world combined sends and receives in 1 year. With this fabulous record of quantity and quality of service, why were the postal employees not granted a pay raise last year?

These people did not get their pay raise because the administration had the mistaken idea it would bludgeon its postal corporation into law by tying it to the very badly needed postal pay raise.

The postal employees have earned their pay raise. It is long overdue. In all honor and honesty, the administration ought to stop its efforts to blackmail the postal employees into supporting administration's corporation scheme or a substitute reorganization scheme as a condition for receiving the pay raise the employees have earned by their hard work.

Except for the unjustifiable demands by the administration, the postal employees would have had their pay increase long ago. Both Houses of the Congress voted it. This administration blocked the pay raise and brought on the walkouts. It caused the suffering to

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the postal employees and inconvenience to the American people.

Mr. President, I believe the matter of a postal pay raise should be settled quickly and fairly. It should be settled separately from any other issue.

After the pay raise question is settled, Congress can then examine—and examine thoroughly and not in a crisis or panic situation—the matter of any changes in the postal system.

There is need for improvement of our postal system. No one denies it. But let us look at this matter carefully. Let us not be tricked by the public relations gimmick of substituting the term "postal reform" for "postal corporation." Anyone who believes this corporation proposal will bring about any of the needed reforms in our postal system has been sold a bill of goods. If this corporation idea was a solid reform measure as its proponents claim, they would not have tried the tactic of holding up pay raises as ransom for support by the postal employees of the corporation. Postal improvements includes automation and new equipment and buildings and the failure to have them is due to no fault of the postal workers.

Mr. President, on March 25, 1970, in an editorial, the Houston Post clearly spelled out the need for separating the issue of the postal corporation from the issue of the needed pay raise.

The Houston Post quite correctly said:

> There is not, never has been and should not be any direct connection between the two matters. They should be dealt with separately. It is generally conceded that the workers are entitled to a substantial pay increase, and their need is urgent. There is no urgency about the reform proposals. They can be weighed, debated and considered on their merits for as long as Congress, the Administration and the people wish. Yet, Mr. Nixon, as a political maneuver, tied the two matters together.

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The Houston Post editorial concluded:

> Although Mr. Nixon may have ended up in a situation where he had no choice but to order out the troops, it was a situation of his own making, not that of the postal workers.

The Houston Post generally supports the administration. It is a paper which is very, very friendly to the administration. Here is a clarion call, by one of the best friends of the administration in the newspaper publishing field, to give the postal workers their deserved pay raise, and quit trying to beat them into supporting, on a crash basis, a long time permanent basic change in governmental reorganization, as a price for a wage increase they have already earned by their dedicated hard work. I commend the Houston Post on its well reasoned editorial.

Mr. President, I believe the Houston Post editorial of March 25, 1970, to be one of the best statements on the recent events involving the Post Office Department. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN UNFORTUNATE ACTION

> President Nixon undoubtedly has the good will and the good wishes of most Americans in his efforts to restore normal postal service to the nation, unsatisfactory as that service may be in the eyes of some people. Quick settlement of the spreading mail strike was absolutely essential to prevent national chaos.
>
> But his decision to use troops to handle mail in New York City, with a threat to use them elsewhere, was most regrettable, and there are a good many who will say that his handling of the whole postal matter was unfortunate, not to say ill-advised.
>
> Coercion, threats and, above all, the guns of the military are not the way to win the co-operation, loyalty and good will of employees.
>
> Although the wildcat work stoppages in New York City and elsewhere in the country technically were illegal, in that there was a law on the books saying that governmental employees should not do things like this, the fact remains that Mr. Nixon will be recorded in the history books as the President who used the Army in an effort to force civilians to work for the government against their will.
>
> After all, the President did have another course of action open to him. That was to ask Congress to enact quickly for his signature a reasonable and equitable pay increase for all postal employees, giving them whatever they might be entitled to as a matter of justice and right, taking into account increases in the cost of living and the continuing price inflation for which the Nixon administration must accept at least some responsibility.
>
> But the President had foreclosed this option by saying that he would not "negotiate" with the workers until they returned to work. Setting of that condition may or may not have been wise, but he still was free to negotiate with members of Congress. It is true that the work stoppage was illegal in that it violated a statute, but there are grave doubts about the power of government to force people to work against their will. In any case, Mr. Nixon was confronted with a practical situation and not a legalistic one.
>
> It can be said that if he had given in to the strikers other federal employees would be able to extort similar pay increases, but this gets back to the question of whether or not it was wise for the President to set a condition for negotiation with the postal employees in the first place.
>
> Basically, the President's dilemma sprang from his insistance upon linking a pay increase with his proposals for reform of the postal system. That plan calls for turning operation over to a private or semi-public agency. Under that plan, the postal employees would lose their civil service status and would be, presumably, free to strike against their new employer.
>
> There is not, never has been and should not be any direct connection between the two matters. They should be dealt with separately. It is generally conceded that the workers are entitled to a substantial pay increase, and their need is urgent. There is no urgency about the reform proposals. They can be weighed, debated and considered on their merits for as long as Congress, the administration and the people wish. Yet Mr. Nixon, as a political maneuver, tied the two matters together.
>
> He told the postal unions, which opposed his reform scheme, that they would get no pay raises for their people unless they ceased their opposition. He let it be known that he would veto any separate pay increase voted by the Democrats in Congress.
>
> This may be a legitimate form of political pressure, but what the postal workers wanted was assurance of a pay increase regardless of what happened to the reform scheme, and they need it at once.
>
> Although Mr. Nixon may have ended up in a situation where he had no choice but to order out the troops, it was a situation of his own making, not that of the postal workers.

THE CARSWELL NOMINATION

Mr. WILLIAMS of New Jersey. Mr. President, it is my intention to vote against the appointment of Judge G. Harrold Carswell to the Supreme Court of the United States.

My opposition is based on a review of all the evidence available to me—the testimony which was presented to the Judiciary Committee, the record of Judge Carswell's decisions, and all of the arguments which have been advanced over the past 2 months by both his supporters and his opponents.

In my judgment, the evidence fails to suggest any positive contributions which would single out this particular man for appointment to one of nine seats on the highest court of the land. However, it does raise serious questions as to his judicial temperament, the quality of his performance on the bench, and his commitment to the civil rights guaranteed by the Constitution and affirmed by the Court.

I defend the right of the President to seek balance on the Court—balance in terms of judicial philosophy, and even, perhaps, in terms of geography. But I cannot agree that we need settle for mediocrity to achieve that balance, nor that we need include apparent philosophies which strike at the very basis of our constitutional system.

Confirmation of Judge Carswell by the Senate would be an affront to every black American, and to every citizen of any color who believes in equal justice under law. It would be an affront to every southern and conservative judge whom Judge Carswell has been cast—improperly—to represent. And it would be an affront to the Court itself.

A decision to vote against a Presidential nominee is a serious one, to be made only when overwhelming arguments can be presented to demonstrate that such an appointment would have an adverse effect on the Court and our entire legal system. For that reason, I have taken this time to explain in some detail the reasons for my opposition.

Judge Carswell's 1948 campaign speech proclaiming principles of white supremacy and segregation of the races as "proper and the only correct way of life in our State," raises justifiable concern. That concern might have been sufficiently alleviated by a record of positive efforts toward equal rights over the ensuing 22 years.

But this has not been the case. Neither the public nor the private actions of Harrold Carswell, from that speech in 1948 until his nomination to the Supreme Court in 1970, have indicated any repudiation of these beliefs. On the contrary, they have confirmed them.

The speech itself is explained away by his supporters as "expeditious" in the context of a political campaign. His only effort to repudiate the speech—22 years later, when it might jeopardize his appointment to a higher office—might be explained similarly as "expeditious" in the context of the Senate consideration of his nomination.

In 1965, Harrold Carswell was no longer a 28-year-old campaigner for public office. He was a U.S. district attorney, charged with the responsibility for eliminating the very prejudices and principles which he had earlier espoused. Yet, in that year he participated in the incorporation of a private golf club, and the leasing of a public golf course to that private club, for the purpose of evading the Constitution and excluding blacks from the facility.

This was a common practice in the South at that time, understood by all, to circumvent the Supreme Court's declaration that it was unconstitutional for a city or State to segregate any of its public recreational facilities. By April of 1956 when Judge Carswell signed his name to a certificate of incorporation as a director of the Capitol City Country Club, cases were already in the courts, seeking to invalidate such subterfuges in other southern cities.

There was a little doubt as to the purpose of the corporation among the citizens of Tallahassee. On February 15, 1956, the Tallahassee Democrat had reported the city commission's decision to lease the municipal golf course, raising questions about the possible racial motivations of such action. The wife of a Tallahassee banker has filed an affidavit with the Senate Judiciary Committee stating that she and her husband refused to join the new club "because of the obvious racial subterfuge which was evident to the general public."

According to Hansel Tookes, the golf coach at predominantly black Florida A. & M., when the course was turned over to the Tallahassee private club, the varsity golf team was totally excluded from it, even though they had had the most limited use of the course when it was controlled by the city—from 6 a.m. until 8 a.m., if they agreed to leave when the first white golfers reached the course.

It is difficult to believe that any knowledgeable resident of Tallahassee could have been ignorant of the reasons behind the formation of the Capitol City Country Club and the transfer of the municipal golf course. I find it nearly impossible to understand how a U.S. attorney in a State where five suits against segregation of municipal golf courses had already been filed—an attorney sworn to uphold the Constitution of the United States—could have been blind to what was happening, especially when he himself was involved in the incorporation of the club.

Judge Carswell's own explanation to the committee is confusing at best. Even if, as he suggests, he was not aware of any racial motivations and did act in good faith, the indictment against his involvement stands. For only the most insensitive and callous individual could have participated in such subterfuge at that point in time, without realizing its full import.

Granting all of the benefit of the doubt, and recognizing the situation in the South at the time, there are other examples of Judge Carswell's actions outside the courtroom which demonstrate the same insensitivity and suggest his continued commitment to the fundamental beliefs he advanced in 1948.

In 1953, 5 months after he became a U.S. attorney, he chartered an all-white booster club for Florida State University. According to the charter of the Seminole Boosters, Inc., the qualifications of members "shall be any white person interested in the purposes and objectives for which this corporation is created."

As late as 1966, he and his wife sold land using a deed which specified that "ownership, occupancy, and use shall be restricted to members of the Caucasian race"—even though such racial covenants had been outlawed by the Supreme Court as early in 1948. Such actions by any American are reprehensible; by a Federal judge, they are inexcusable.

But if his private activities raise doubts about his personal commitment to constitutional principles, his action on the bench leaves little room for question.

That record is marked by delay, resistance, and frequent and unanimous reversals. In its testimony before the Senate Judiciary Committee, the Leadership Conference on Civil Rights described 15 civil rights and individual rights cases on which Judge Carswell was unanimously reversed. The efforts of Judge Carswell's supporters to negate that testimony only serve to demonstrate that there were 17 such cases rather than 15.

That five of these decisions occurred as late as 1968 suggests that there has been no shift in his opinions in later years.

The details of those cases have been presented to the Senate and need not be repeated in full here. I would only cite several as examples, in response to the President's statement at a press conference on January 30, that Judge Carswell's was "a record which is impeccable and without any taint of racism."

In the case of *Augustus* v. *Board of Public Instruction of Escambia County, Florida,* volume 185 of the Federal Supplement, page 450, on June 24, 1960, Judge Carswell dismissed the portions of a school desegregation case seeking desegregation of teachers and principals, without even holding a hearing to examine the effects of faculty segregation on the rights of black students to an integrated education. His supporters uphold his decision on the grounds that it involved a point of law allegedly not settled by the Supreme Court until 1965—*Bradley* v. *School Board of the City of Richmond, Virginia,* volume 382 of the United States Reports, 103. They further defend his position by citing his school desegregation decree 18 months later, at a further stage in his litigation.

However, both of his decisions in this case were reversed by the fifth circuit, and no efforts to rationalize his handling of the case can overlook the facts that—

He clearly violated normal procedures in dismissing a serious constitutional claim without a hearing; or

That his later desegregation order clearly violated controlling precedents—allowing the school board to continue using the pupil assignment law to preserve segregation, in clear violation of standards set by the fifth circuit and agreed upon by other circuits, including Judge Haynsworth's circuit.

Further, by protracted delays in his handling of the case, Judge Carswell effectively barred implementation of the desegregation requirement for 2 full school years.

In spite of the fact that the fifth circuit had unanimously reversed his 1961 order in Augustus, Judge Carswell subsequently approved similar plans which were clearly unconstitutional and violated controlling precedents at the time the orders were given—*Steele* v. *Board of Public Instruction of Leon County, Florida,* 8 Race Relations Law Reporter at page 934; *Youngblood* v. *Board of Public Instruction of Bay County, Florida,* 9 Race Relations Law Reporter at page 1206, 1208–09.

In all three school desegregation cases, Judge Carswell disobeyed controlling precedents by ordering desegregation at the rate of one grade a year—in spite of third circuit, fourth circuit, fifth circuit, and eighth circuit, and Supreme Court decisions holding that a grade-a-year plan was impermissible. Had his orders not been reversed, desegregation would not have been completed in Escambia County until the 1973–74 school year; in Leon County, until 1974–75; and in Bay County, until 1975–76.

On the basis of these decisions, the National Education Association urged that Carswell's nomination be withdrawn.

Judge Carswell's supporters cite *Brooks* v. *City of Tallahassee,* volume 202 of the Federal Supplement at page 56, October 17, 1961, as a pro-civil-rights decision, because he found that the city and the operator of a segregated restaurant in the city airport had violated the plaintiff's civil rights, and issued an injunction against the city.

Such an interpretation is wholly misleading. Judge Carswell had no choice but to find that racial discrimination was taking place. The evidence was so clear—city erected signs separating black and white waiting rooms, lunch counters, and rest rooms—that any other finding would have been impossible.

Under the circumstances, an injunction against the city government was the minimum action he could take and still comply with controlling precedents. However, in the last paragraph of his opinion, he went out of his way to suggest that the city could legally avoid integration of the airport restaurant—by closing it down.

In 1963, in the case of Due against Tallahassee Theatres, Inc., Judge Carswell summarily dismissed a case against theater owners, city officials, and a county sheriff, alleging a conspiracy to enforce a policy of segregated operation of theaters. In doing so, he violated clear standards of law and procedure, and in 1964 he was unanimously reversed by the fifth circuit.

Speaking for the panel, Chief Judge Tuttle stated that Carswell's orders were "clearly in error" and that the case appeared to be "a classical allegation of a civil rights cause of action." It is rare that an appellate judge so openly rebukes a district judge.

In *Singleton* v. *Board of Commissioners of State Institutions,* 11 Race Relations Law Reporter at page 903, August 7, 1964, a class action to desegregate Florida State reform schools, Judge Carswell dismissed the suit because the plaintiffs had been released on conditional probation while the suit was pending.

Mr. President, if Judge Carswell's standards had applied, it would have been virtually impossible for a black citizen to sue to desegregate an interstate busline, unless he was on the bus when the suit was brought and stayed on it while the case was pending.

As a footnote to the Singleton case, it should be noted that the plaintiffs were committed to the reform school for trespass, for sitting in at a segregated lunch counter, and that their parole was conditioned on an agreement to avoid any future demonstrating. Judge Carswell's decision was overruled.

The nominee's bias against civil rights is otherwise demonstrated by his affirmative efforts to frustrate the rights of plaintiffs who sought relief in his court.

For example, when nine clergymen freedom riders were arrested in the Tallahassee airport restaurant, Judge Carswell refused to grant them a hearing, and denied their petition for habeas corpus. The ministers appealed and the fifth circuit ordered an immediate hearing. At that point, Judge Carswell advised the city attorney that, if the sentences were reduced to the time already served, the case would be moot, and the court could avoid any decision which might limit this kind of activity by local officials in the future. Furthermore, the clergymen left with no opportunity to show that their arrests were illegal, and they are unfairly left with criminal records.

There is perhaps no better evidence of Judge Carswell's efforts to nullify the rights he was sworn to uphold than the case of *Wechsler* v. *County of Gadsden*, volume 351 of the Federal Reporter, second series, at page 311, 1965, as documented by testimony before the Judiciary Committee and by the Leadership Conference on Civil Rights. In that case, an illegal filing fee was first demanded before the petition for habeas corpus by a group of voting registration volunteers would be accepted. The proceeding was then delayed by requiring that the petition be resubmitted on a special form designed for a totally different class of cases. It was delayed further to secure the signatures of the prisoners, although the attorney's signature was all that could be required under rule 11 of the Federal Rules of Civil Procedure.

Judge Carswell told the attorneys representing the civil rights workers that he would try, if at all possible, to deny the petition; and when he finally did grant it, as the law explicity required, he violated Federal law by refusing to have his marshal serve the writ.

Then, with no request from the State, and without affording the civil rights workers any hearing, he remanded the case to the State court and made possible their immediate rearrest. Then he refused to postpone the remand order until the issues could be settled.

The fifth circuit reversed that decision and subsequently reversed him on the merits.

This record of decisions demonstrates beyond question a total disregard for civil rights. That image is reinforced by the testimony of a number of witnesses before the Judiciary Committee, that Judge Carswell completely lacked a sense of judicial temperament, as reflected in his hostility toward civil rights attorneys appearing in his court.

Norman Knopf, an attorney in the Civil Division of the Justice Department who had worked in Florida as a volunteer in 1964, told of Judge Carswell's "extreme hostility" toward northern volunteer attorneys, whom he denounced as coming south to "rouse" the local people.

Prof. Leroy Clark of New York University, who supervised the NAACP legal defense fund litigation in Florida between 1962 and 1968, described Judge Carswell as "insulting" and "probably the most hostile judge I've ever appeared before; he would rarely let me finish a sentence."

Prof. John Lowenthal of Rutgers University testified that when he appeared before Judge Carswell to seek habeas corpus for civil rights workers, the judge expressed dislike at northern lawyers because they were not members of the Florida bar. Members of the Florida bar were, of course, unwilling to represent civil rights workers, and Judge Carswell never offered to appoint local counsel. Indeed, in several habeas corpus cases involving constitutional rights, he was asked to do so and refused.

If any further evidence is needed to confirm Judge Carswell's attitude toward valid civil rights claims, we can look to the plan which he adopted in 1968 to select persons for jury service in the northern district of Florida, a plan which resulted in gross racial discrimination in every one of the four divisions in his district. His failure to take action to correct that discrimination was in clear violation of the Jury Selection and Service Act which this Senate passed in 1968, several months before his plan was adopted.

Carswell's plan uses only registered voter lists, even though the law stipulates that when use of such lists alone results in disproportionate exclusion of minorities, other sources of names must be included to achieve a reasonable cross section.

Available statistics show disproportionately fewer registered blacks in each of the four divisions of the northern district. Futhermore, a tabulation of the responses to official questionnaires sent by the clerk of Judge Carswell's court to the persons on the jury lists in late 1968 demonstrated that the plan was grossly discriminatory.

On January 7, 1970, the U.S. Commission on Civil Rights had recommended loose, temporary standards for measuring the fairness of jury lists until 1970 census data becomes available. Even under those loose standards, the jury lists were discriminatory in three of the four divisions of Judge Carswell's district.

Judge Carswell's positions on civil rights directly confront the positions which the Senate took earlier this month at the conclusion of extensive debate on voting rights and school desegregation. His record in this area should be sufficient to convince this body to reject his nomination—as a contradiction of the fundamental principles we have just upheld.

Setting aside his record on civil rights for the moment, I would still have the most serious reservations about appointing a man who can be distinguished best perhaps by his singular lack of unique achievement or accomplishment.

The most persuasive testimony to this point was presented by Prof. William van Alstyne of the Duke University Law School, who had been a strong supporter of the earlier nomination of Judge Haynsworth. Opposing Judge Carswell, Professor van Alstyne told the committee that his decisions reflected "a lack of reasoning, care, or judicial sensitivity overall. There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction in the Supreme Court of the United States."

The position was reinforced by Dean Louis Pollak of Yale University Law School, who concluded that "the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century"; and by Dean Derek Bok of Harvard University Law School who described him as a man with "a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the Court."

Perhaps the most damaging signal has been the failure of his colleagues on the fifth circuit court to come forward with a solid, unanimous endorsement of his nomination—as they had done in the case of Judge Thornberry's nomination 18 months ago, as the fourth circuit had done in Judge Haynsworth's behalf, and the District of Columbia circuit for Judge Burger.

We have learned that two of the fifth circuit judges—Judge Elbert Tuttle and Judge John Minor Wisdom—have taken the almost unprecedented step of publicly announcing that they are strongly opposed to the nomination.

These are not northern "knee-jerk" liberals, as Judge Carswell's opponents have sometimes been described by his friends, but respected southern judges, who are, perhaps, more qualified than any other men in the country to judge the ability and the record of G. Harrold Carswell.

According to his own testimony, Judge Carswell has never made a contribution to the hundreds of law journals in this country; his decisions have been rated as "pedestrian" by highly regarded legal scholars; and a comparison of his record with a random sampling of district judges finds him clearly lacking.

The New York Law Association documented his competence in relation to 150 other judges, and found that 24 percent of all cases he heard were reversed, as compared with an average of 6 percent; 59 percent of his opinions that were appealed were reversed; and the average was 17 percent. He used an average of 1.8 citations and secondary source material per opinion; the average for the entire sample was 3.5. The length of his opinions averages 1.9 pages; as opposed to 4.2 pages for all judges considered.

Finally, in addition to his record on civil rights and his obvious mediocrity, I

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am persuaded to vote against Judge Carswell by his own lack of candor before the Senate Judiciary Committee. I have already mentioned his confusion and misstatements with regard to the Capitol City Country Club in Tallahassee.

I am equally disturbed by his failure to respond adequately to the committee's requests for explanations of his decision which permitted civil rights workers to be rejailed, of his avoidance of a decision on the petition for habeas corpus by the nine freedom riders, or of other charges brought against him in the committee by civil rights lawyers.

The evidence revealed 2 weeks ago the continued use of Judge Tuttle's initial supporting letter, in spite of Judge Tuttle's later withdrawal of that support, this only contributes to the impression which was created by these earlier evasions.

Judge Carswell's opponents represent a broad segment of our society—including the most respected members of the legal profession, some of whom I have already mentioned, and some of his own, most distinguished colleagues on the Fifth Circuit Court. It encompasses the Republican Ripon Society, and the Americans for Democratic Action; former Attorney General Ramsey Clark, and New York Mayor John Lindsay; the National Education Association and the AFL–CIO; the Leadership Conference on Civil Rights which represents 122 national organizations.

No Member of this body can ignore the persuasive letter which each of us received from a most distinguished group of more than 450 practicing lawyers, and law professors, including the dean of at least 23 law schools. That letter argued that—

> The testimony indicates quite clearly that the nominee possesses a mental attitude which would deny to the black citizens of the United States—and to their lawyers, black or white—the privileges and immunities which the Constitution guarantees. It has shown, also, that quite apart from any ideas of white supremacy and ugly racism, he does not have the legal or mental qualifications essential for service on the Supreme Court or on any high court in the land, including the one where he now sits.

In conclusion, they have emphasized to us that—

> The future decisions of the Supreme Court will affect the lives, welfare and happiness of every man, woman and child in the United States, the effectiveness of every institution of education or health or research, the prosperity of every trade, profession and industry. Those decisions will continue to be a decisive factor in determining whether or not ours will, in the days to come, truly be "a more perfect union," where we can "establish justice, insure domestic transquility . . . promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

There are more than 300,000 attorneys, 439 Federal judges, and thousands of State court judges in this country. Surely, there are other more highly qualified jurists who can meet any legitimate requirements for balance which the President might hold, and who can bring to the court unique talents and abilities, without creating the suspicion, division and justifiable opposition which this nomination has brought.

If there was ever a period in our history when we might have settled for less than the best that our judicial system could bring to the Supreme Court, it is long past. At no time would an appointment such as this be more dangerous or more detrimental.

Every institution in our society is being challenged today—not just by extremists who would destroy them; not only by minorities who have not been fully served by them; not simply by the young who seek to change them; but also by that so-called "silent majority" who increasingly question their credibility of our institutions.

If we approve this nomination, we will have cast new shadows, new doubts, on the most fundamental institutions of our democracy—the President, who appointed him; the Congress, who confirmed him; and the Court, who must receive him.

Just yesterday the President sent a letter to the Senator from Ohio (Mr. SAXBE) in which he complained that Senate opposition to the President's Supreme Court nominees was threatening the appointive powers of the Presidency. He stated that "those who wish to substitute their own philosophy or their own subjective judgment" for his choice are jeopardizing the Constitution's division of powers between the legislative and executive branches of government.

I beg to disagree.

The fact he has won election does not entitle the President to put anyone he wants on the Supreme Court. The President is only empowered to nominate. He shares the power to appoint with the Senate which is constitutionally mandated to advise and consent to the President's nomination. I think that the editorial in today's Washington Post best sums up my position on this point. I shall not abdicate my responsibilities as a Member of the Senate and I would hope that other Senators will not abdicate theirs.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGE CARSWELL: THE PRESIDENT'S "RIGHT OF CHOICE"

("As the President has a right to nominate without giving his reasons, so has the Senate a right to dissent without giving theirs."—George Washington, Aug. 8, 1789.)

President Nixon's claim that the Senate must vote to confirm Judge Carswell or place in jeopardy the constitutional balance between the Executive and the Legislature is an arrogant assertion of power that attacks the constitutional responsibilities of the Senate and is based on a false reading of history. It is, indeed, a presidential endorsement of the argument made recently in the Senate that since Mr. Nixon won the election he is entitled to put anyone he wants on the Supreme Court.

The President, of course, qualifies this claim by saying that "if the charges against Judge Carswell were supportable, the issue would be wholly different." But what he really means is that since *he* finds those charges—of mediocrity, of racial bias, and of a lack of candor—unsupportable, the Senate must accept his judgment and confirm his choice. He leaves a senator, who is given the constitutional responsibility of consenting to nominations, no latitude in making his own independent judgment of the fitness of the man for the office.

The President makes no attempt to square this hold assertion of the right to fill offices with this nation's constitutional or political history except to claim that his predecessors have been freely given the "right of choice in naming Supreme Court justices." He seems to overlook the fact that one out of every five presidential nominations of men to sit on the Supreme Court has not been confirmed by the Senate. He does not mention that the Senate failed to consent to nominations to that court made by Washington, Madison, John Q Adams, Tyler, Polk, Fillmore, Buchanan, Johnson, Grant, Hayes, Cleveland, Hoover and Johnson.

It might be well, since the President has brought it up, to recall why the Senate was given the power to approve or reject presidential nominations to high office. It came about as a compromise in the Constitutional Convention between those who wanted the President to have absolute power to fill those offices and those who wanted to give that power to Congress. Alexander Hamilton explained the compromise in The Federalist:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connections, from personal attachment, or from a view of popularity."

That this was intended to be a substantial check on the President's power was made clear in the first Congress. Arguing in favor of a secret ballot in the Senate on questions of confirmation, William Maclay said, "I would not say, in European language, that there would be court favor and court resentment, but there would be about the President a kind of sunshine that people in general would be well pleased to enjoy the warmth of. Openly voting against the nominations of the President would be the sure mode of losing this sunshine." And arguing in favor of an open vote, Robert Morris said it would be beneath the dignity of the Senate to vote in secret since a Senator, in passing on a nomination, ought to be "open, bold and unawed by any consideration whatever."

It is against that background—an attempt by the men who wrote the Constitution to keep the President from filling offices with anyone he might choose and a history in which the Senate has approved 108 nominations to the Supreme Court while failing to approve 26—that Mr. Nixon pleads the case for Judge Carswell. A vote against confirmation, he says, is to vote to strip the President of the power to appoint. No opponent of confirmation that we know of has suggested that the Senate, not the President, nominate prospective justices. No opponent has suggested that Mr. Nixon not make a third choice to fill the existing vacancy if his second choice fails. No opponent has suggested—as did some Republicans at the time Chief Justice Warren offered his resignation—that the President not choose at all. Some, for that matter, have even jested that the Senate ought to confirm this nomination since the next one might be worse.

What Mr. Nixon is attempting to do is to turn an attack on his judgment into an attack on the prerogatives of the office he holds. Those who oppose confirmation are, indeed, questioning the judgment of the President. But the impact of a rejection by the Senate would not be on the powers of the presidency but on the personal power of this President.

The irony of all this is clear. The current vacancy on the court exists solely because the Senate did not act on the principle stated by Mr. Nixon yesterday when it received the nominations of Justice Fortas and Judge Thornberry. It refused to be a rubber stamp then and it refused again when it rejected Mr. Nixon's nomination of Judge Haynsworth. Surely this should have put the President on notice that the Senate was not to be trifled with. Yet he came back after that defeat with a nomination that is an insult to both the Senate and the Supreme Court, a nomination of a man who is substantially inferior to Judge Haynsworth. Although this put many senators who wish to support the leader of their party in extremely embarrassing positions, the argument has now been turned on its head. Some of them are now saying that they cannot reject Judge Carswell without insulting the President. It is important to be clear in our minds about who is insulting whom in this matter. The answer is in yesterday's presidential letter to Senator Saxbe, for what the President is saying is nothing less than that he alone is entrusted "with the power of appointment." He is not so entrusted; he has only the power to nominate. The power to appoint is one he shares with the Senate. The Senate's best response to this attack—this insult, if you will—on its constitutionally given prerogatives in the appointments process would be outright rejection of the nomination of Judge Carswell.

REPORT ON AMERICAN POW'S

Mr. GRIFFIN. Mr. President, the February, 1970, issue of Army magazine contains an excellent article devoted to the plight of American servicemen held captive by the enemy in the Vietnam war.

The article, written by Associate Editor Eric Ludvigsen, lays bare the enemy's unconscionable disregard of basic standards of human decency.

The same issue includes an article by Mr. Ludvigsen on Maj. James Rowe, who escaped from Viet Cong hands after being held their prisoner for 5 years.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Army Magazine, February 1970]

MISSING, DEAD, OR CAPTURED?: A REPORT ON THE PLIGHT OF AMERICAN PRISONERS OF THE WAR IN VIETNAM

(By Eric C. Ludvigsen)

The welfare of untold hundreds of American soldiers, sailors, airmen and marines suffering in Hanoi prisons and Viet Cong base camps is of no concern to a regime which systematically flouts provisions of the Geneva Convention, in search of even the slightest propaganda advantage. It is cynical, deplorable, barbarous—and straight out of the textbooks of "revolutionary people's war." With normal channels closed by the enemy's intransigence, there is a growing belief that forceful, united protest is needed to make North Vietnam's shameful treatment of U.S. prisoners a political liability in the eyes of world opinion.

The end of American innocence concerning international standards for the treatment of battlefield captives arrived sometime during the Korean War. To be sure, American prisoners had suffered horribly in earlier wars, through local instances of wanton murder—Malmédy and, through gross mismanagement and casual brutality, Bataan.

But it was that first large-scale conflict with a communist power that witnessed the cynical, systematic use of men no longer able to defend themselves as instruments of propaganda value in political warfare.

It seemed to work out all right, however. After 15 months of hasseling at Panmunjom over the POW issue, there was an armistice and a prisoner exchange. Our men, so most people think, came home.

Not quite. At the close of hostilities, 944 U.S. servicemen whom we had reason to think had been alive in enemy hands remained unaccounted for. Despite repeated inquiries by the U.S. government and international bodies, not one word has ever been officially received about the fate of these men. Graves registration work in Korea has reduced the number, but well over a third of the 944 have never been heard from—17 years later!

So that is the kind of record we have to contemplate in trying to arrange the ultimate return of U.S. fighting men held by the enemy in Southeast Asia, and to ensure even the minimally decent treatment to which they are entitled under international law while they are captives. At this writing, their immediate prospects are bleak.

In the first place, we—above all the anguished families of these men—have little fully reliable information on how many prisoners there actually are, who they are, where they are being held and by whom. This void is the result of the steadfast refusal of the government of North Vietnam to identify the men it holds, despite five years of appeals by the United States, its citizens and neutral authorities.

As of the first of the year, a theoretical number of 1,354 members of the four services could be in enemy hands. With varying degrees of certainty, 422 are known to be captured or interned in other countries. The rest—932—are listed as missing in action. Some of the missing have probably survived into captivity but no one knows how many. Of the total in both categories, well over half are pilots and air crew downed in the air war over North Vietnam during 1965–68. Air Force prisoners and missing number 750, Navy and Coast Guard 251.

Less understood is the plight of what one Department of State official calls "the forgotten of the forgotten," soldiers and marines missing and taken prisoner in infantry combat and forced by the circumstances of their Viet Cong captors to live a subhuman, itinerant existence in the jungle base camps of the South. Army prisoners and missing total 245 as of 1 January, with 108 marines in those two categories. The low proportion of known captured for these two services—54 and 21, respectively—reflect the relative obscurity of their condition.

As of last November, 70 prisoners were known to be held in the South, two in Laos and 341 in North Vietnam.

Hanoi's refusal to render a true accounting of the prisoners it holds is only one aspect of North Vietnam's total disregard of the letter or the spirit of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, which it signed on 28 June 1957. The North Vietnamese have not even revealed the location of the prison camps, let alone permitted neutral inspection, and representatives of the International Committee of the Red Cross (ICRC) haven't been allowed to set foot in the country.

The convention's provision for regular mail communication between prisoners and their families has been perverted into a propaganda instrument, producing only a trickle of heavily censored mail from selected prisoners at times of Hanoi's own choosing. Barely more than a hundred prisoners have been allowed to write, and few families have ever received more than a couple of letters or cards.

Hanoi has made not even the smallest gesture toward regular repatriation of sick and wounded prisoners, despite several unilateral releases of North Vietnamese prisoners by South Vietnam. All told, nine American prisoners—in three groups of three—have been released from captivity in North Vietnam. A few others have been released by the National Liberation Front (NLF) in the South, usually through a neutral "airlock" such as Cambodia, but one time, last January, in a battlefield meeting near Tay Ninh.

The evidence they have brought back with them gives the lie to Hanoi's principal claim that prisoners are treated "humanely" under a "lenient" policy, despite their status as "major criminals" and "air pirates."

One of the last men to be released from the North, Navy Lt. Robert F. Frishman, publicly exploded these claims shortly after his return last August.

"My intentions are not to scare the wives and families," he told a press conference, "but Hanoi has given false impressions that all is wine and roses and it isn't so.

"I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing the exchange of mail to prisoners of war are humane.

"Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth."

And that in a permanent camp in Hanoi where the facilities for medical care, adequate housing and sanitation and decent food at least exist, even if the inclination to grant them does not. The testimony of Army Maj. James N. Rowe and other escapers from Viet Cong camps in the South shows the lot of a prisoner there to be semi-starvation, disease, beatings, mental coercion, utter loneliness and—frequently—death.

It isn't known precisely how many U.S. fighting men have died as a result of this barbarous treatment. Officially, 11 soldiers, three marines and an airman are carried on the rolls as having died in captivity. These are only those deaths painstakingly confirmed, largely by ex-prisoners whose knowledge of the fate of their countrymen was limited by isolation. But the experience of one man—Maj. Rowe—was so grim that we can only hope it is not typical. Of the seven Americans who accompanied him into captivity in the fall of 1963, three were released, three starved to death and one was executed. He himself escaped, after "five years, two months, two days and about six hours."

The execution was one of two of American prisoners announced by the NLF on 26 September 1965 as reprisals for the execution of Viet Cong terrorists by the South Vietnamese authorities. Another soldier was executed in June of that year, and in 1967 an Army sergeant and a Marine lieutenant were found to have been tortured and killed shortly after their capture when the enemy positions were overrun a few hours later.

There have been other such murders, though the circumstances are not always as clear. Last July, for example, U.S. and South Vietnamese troops attempted a heliborne prisoner recovery operation at a VC hospital in Quang Tin province.

Sp. 4 Larry D. Aikens, captured two months before, was found "lying just outside the door of a hut . . . bleeding profusely from a fresh wound on the left, top forefront of the skull," according to a Department of Defense summary of the incident.

Sp. 4 Aiken died two weeks later. In the opinion of the attending neurosurgeon, the wound was comparable to that "rendered by a blunt instrument . . . [and] it is un-

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likely the wound resulted from a missile or shell fragment."

These murders, whether committed in the heat of battle or as deliberate reprisals, speak volumes about the enemy's "lenient" policy. One could not imagine a graver breach of the convention's prisoner of war articles which represent nothing more, really, than minimum standards of decency toward unarmed men who are no longer a military threat.

But if U.S. prisoners no longer threaten the enemy, they represent to him a political asset of great value, and that is what lies at the heart of the uncompromising attitude of the Hanoi government and the NLF on the prisoner issue.

For it is through the prisoners and the anguish of their families that the enemy can hope to reinforce anti-war opinion in this country.

William H. Sullivan, deputy assistant secretary of state for East Asian and Pacific Affairs, told a House Foreign Affairs subcommittee last November that "one of the motivations the North Vietnamese have is political, an effort to use the understandable sympathy and concern and worry in this country about these men in a way that will bring pressure to bear on the administration with respect to actual conduct of military and diplomatic negotiations. . . ."

From the enemy's point of view, there is also the chance that the carefully orchestrated program of coercion and indoctrination in the camps will produce men who can be released to do his propaganda bidding in this country. The effort has so far failed, even with those who have signed "confessions" before release, mostly because of the enemy's inability to understand, as Maj. Rowe puts it, "that the U.S. POW is the most insincere person in the world when it comes to signing their ridiculous statements."

In any case, the entire system depends on the isolation of the individual prisoner and on attempts to make him and his family believe that the government that put him in his predicament is now powerless to do anything for him.

Naturally, it is quite logical (or at least correct dialectics) to believe that the communist prisoner policy is "lenient" once you accept the premise that the captives are "political criminals" taken in an undeclared war, and therefore have no rights beyond those afforded them by Vietnamese law.

This argument is, of course, sheer nonsense and the U.S. and international Red Cross authorities have not ceased saying so at every opportunity since June 1965, when ICRC President Jacques Freymond reminded all parties to the conflict that the Geneva Convention clearly applied. The NLF has contended from time to time that it is not a signatory, but the ICRC has consistently argued that the Front is bound by the accession of both North and South Vietnam.

Raising the prisoner issue before the United Nations General Assembly last November, Mrs. Rita E. Hauser, of the U.S. delegation, noted that "North Vietnam, even by the terms of its own arguments, cannot escape its obligations."

"The United States understands that every country believes that it is right and its enemy wrong. North Vietnam has said that it is inconceivable that the captured military personnel of the 'wrong side should be given equal status to its own soldiers. But . . . the Geneva Convention was designed specifically to meet this problem.

"It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard."

As if there could be any doubt at this late stage, the 21st international conference of the Red Cross in Istanbul last September adopted without dissent a resolution calling upon the combatants once again to respect the convention. The resolution did not name any specific country, but it was sponsored by the United States and its allies and the context was such that it was clearly aimed at North Vietnam. There were a few abstentions in the show-of-hands vote, but both the governments and the national Red Cross societies of the Soviet Union, Czechoslovakia, Poland and Yugoslavia, among Hanoi's sympathizers, voted for it.

The Istanbul resolution is only one of the latest of many unavailing appeals over the past five years from many quarters—governments, the Vatican, Red Cross authorities, the secretary general of the United Nations. Hanoi continues on its course, unwilling to separate the prisoner issue from its political aims in the Paris talks; unwilling, in fact, to concede that the U.S. government even has a role in discussions on captive American fighting men.

If Hanoi waits long enough, the reasoning goes, the anxiety and frustration of the prisoners' families will turn into bitterness and resentment against their own government. As time goes on and the issue heats up, the enemy counts on gradual acceptance of the notion that Washington's obstinacy—and not Hanoi's—over the settlement of a war in which it had no business in the first place, is responsible for the plight of the prisoners.

This approach, we must now recognize, has worked many times in the past, but there are a couple of good reasons why it probably won't in this case.

It is doubtful, for instance, whether Hanoi's political strategists really comprehend the courage and understanding displayed by these American military families at a time when they could be forgiven for ceasing to care about anything but the return of their husbands, fathers, sons and brothers.

Take, for example, Mrs. Donald J. Rander, of Dundalk, Md., who has made two trips to Paris to meet with representatives of North Vietnam and the NLF in search of news of her husband, an Army sergeant captured during the 1968 Tet offensive.

She was one of three wives who met with North Vietnamese representatives on Christmas Day, speaking for a group of 58 who travelled to Paris on a whirlwind trip financed by Texas industrialist H. Ross Perot.

"We were told to go home and join the peace movement," she said with obvious disgust. "Where our government is concerned, they are completely noncommittal—they don't want to deal with it at all. They stated that to us definitely."

When she and other wives discussed their husbands' plight with President Nixon in November, Mrs. Rander recalled, the point that stuck in her mind was "that the issue of the POWs and the political negotiations would be separated in the Paris talks."

But what she learned from Hanoi's delegation on Christmas was "exactly the opposite of what the President had told us—it was weird."

The atmosphere of the meeting was "cordial," she said in an interview, but not as encouraging as the friendly face the communist diplomats had put on during her first trip to Paris last August.

"There was a much colder feeling in there this time. We sensed no interest in our problems or in why we were there—they just launched into their speeches about the history of Vietnam, the illegality of our position, et cetera.

"For 25 minutes we sat there and listened to that, trying to break in. When we did manage to get a question or two in, they brushed them aside and started on the speeches again—like a broken record."

Nor did the women have any idea of who, specifically, they were talking to. "They wouldn't identify themselves," Mrs. Rander said, "and I recognized only one familiar face from the first trip—the waiter for the tea-and-cigarettes portion of the meeting. We found out who some of the others were later, by reading the papers."

Yet Andrea Rander and the other wives of prisoners and missing men who have organized themselves are willing to endure this sort of frustration if their efforts help only the least bit to focus public attention on Hanoi's intransigence.

"It's a small step," she says, "but every step counts, and I think we are making some progress. It may not be visible to the naked eye, but I feel that we are."

St. Sgt. Donald J. Rander was reported missing in action with other members of his military intelligence team, near Hue in February 1968.

"That was the most tormenting time of all, those awful days," Mrs. Rander recalls. "It was during the Tet offensive, and there was so much of the fighting in Hue on television. I just sat there and watched, hoping that maybe I could catch a glimpse of his face."

That lasted for four weeks, until an escaped prisoner brought word that Sgt. Rander had been wounded and captured. In that respect alone, perhaps, Mrs. Rander is more fortunate than other families; some men have been missing in action for up to five years.

"When I got the letter reporting his capture," she said, "it was a great relief, but then I began to wonder about what it didn't tell." She has not heard a word from, or about her husband in the two years since then.

Between her efforts on behalf of the prisoners, her regular work as a staff member of the psychiatric "crisis" center at Baltimore City Hospital and her two daughters, Lisa, 1[illegible] and Donna Page, 4, Mr. Rander has few moments to be alone with her thoughts.

"The girls are such good company," she said, "I don't know what I'd do without them. Page really doesn't have that much memory of her father, but now she seems to be more aware of it—she talks about him all the time.

"In the beginning, especially, I was just wanting to give up the house and everything else and move back with my parents. But they told me, 'Look, Donald would want you to go on as before. Keep things as normal as possible and just wait.'

"Now the wait," she added, "has turned into years."

She has been putting her husband's pay and allotments aside, "because I know there's so much he wants to do, like getting a home of our own."

With a wry smile, she recalls now "how upset Donald was when he got his draft notice. He had a good job then and he sure didn't want to go. When he got in and got adjusted, he found he kind of liked military life—then he had to convince me."

In her work with such groups as the National League of Families of American Prisoners in Southeast Asia and the POW–MIA Action Committee, Mrs. Rander says she finds more interest now in efforts on behalf of prisoners held by the Viet Cong in South Vietnam.

"We've got to start opening doors to the South," she said, "and I heard much more of this on the last trip to Paris."

In the Christmas Day meeting, she said, the Hanoi delegation members "were sort of surprised that two of us had husbands who were prisoners in the South. I asked one member if prisoners taken in the South were detained there, or moved to North Vietnam. He said it was out of his competence, and that I would have to see the NLF."

Mrs. Rander tried that—fruitlessly—on both trips. The first attempt was particularly disconcerting.

She besieged the NLF mission in Paris with telegrams and phone calls in an attempt to arrange a personal meeting with Mme. Nguyen Thi Binh, head of the delegation.

Nothing seemed to work, Mrs. Rander said, "but finally I got hold of a secretary who spoke some English, only to be told that 'Madame Binh is not receiving visitors today.'

"But she did say we could leave packages and mail for our husbands with them, and I left a package of medical supplies there. When I returned to the hotel, there were the packages, sitting in the room, opened and rewrapped."

Mrs. Rander's personal efforts and those of hundreds of others are part of a new, more militant stance on the prisoner question that has been gathering momentum over the past three months. The government must maintain a "hands off" attitude toward the private diplomatic efforts which North Vietnam already believes are officially inspired anyway.

But the administration, including the secretaries of State and Defense and President Nixon himself, has been speaking out much more forcefully on the issue since the middle of last year. The Department of State has given low-key encouragement to publicity campaigns designed to heighten public concern and has testified in favor of congressional resolutions calling upon North Vietnam to meet its obligations under the Geneva Convention.

One such resolution which, along with other similar measures, had the sponsorship of well over 300 members of Congress, has passed the House and is now before the Senate Foreign Relations Committee.

The Johnson administration was no less concerned with the welfare of U.S. prisoners, but the issue was soft-pedaled somewhat, partly out of fear of reprisals against the men and partly because it was believed that intergovernmental efforts might still prove successful.

But as Mr. Sullivan told the House Foreign Affairs subcommittee, U.S. diplomatic efforts have produced "a bleak record."

"Although we have pressed North Vietnam by every available means and channel, diplomatic and private, their responses have been uncompromising and negative."

The Department of State now believes, he added, that "vocal public concern about our prisoners may be the most effective way to bring pressure on the communist authorities to treat our men humanely."

Privately, U.S. officials concede that there is a large element of risk in cranking the issue up to fever pitch, but they know of nothing else to try.

For stirring up public outrage in effect encourages North Vietnam's hopes that it may be able to use the prisoners to influence U.S. domestic politics. Outrage is easily misdirected and could turn on the administration itself, creating a major demand for release of the prisoners at all costs. Albeit on a much smaller scale, there was such a backlash among the families of the imprisoned crew of the USS *Pueblo*, serious enough to hamper negotiations with the North Koreans.

Nevertheless, the record of unanimity on this issue has been impressive. Congressional action, most critically, has received the support of the most outspoken critics of the war in both houses.

Anti-war groups have attacked the American Red Cross for promoting a "letters-to-Hanoi" campaign on the grounds that it supports government war policy.

"But the point is," said an ARC official, "that these prisoners can't be held as whipping boys—they're not guilty of a damned thing. If any crimes were committed, they were committed by the governments who are party to the war not the men they sent into battle."

There is one aspect of the prisoner situation that could be used to divide the nation on this question as with nearly all others having to do with the Vietnam war. That is the treatment of the 31,500 prisoners of war held by the government of South Vietnam, a total which includes 6,500 North Vietnamese regulars.

There have been documented cases of maltreatment in the six POW camps run by the South Vietnamese, but the principal point of contrast with the North is that the complaints have been lodged by the ICRC which is fully established in Saigon.

"Let me be clear that we are not claiming a perfect record on this subject," Mrs. Hauser told the UN last fall. "War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the Allied command has made every effort to ensure that the convention is applied."

One reason why there appears to be no diplomatic leverage of the sort that produced prisoner exchanges in other wars is that North Vietnam has shown little or no interest in the repatriation of its own prisoners.

On the several occasions when South Vietnam has unilaterally released Northerners, Hanoi has gone to extraordinary lengths to avoid any appearance of responsibility for men who it maintained until recently were never there in the first place.

"Consequently," said one U.S. official, "there is no symmetry of interest that could form the basis for prisoner exchange."

When it comes to political advantage, Hanoi apparently regards its own fighting men to be as expendable as ours.

RESOLUTION

The actions of the Hanoi government in its treatment of prisoners of war are both shocking and disgraceful. Up to 1,400 members of our country's armed forces who are missing in action may be held prisoners under circumstances and conditions that are in grave violation of not only the Geneva Convention, but of the principles of human decency itself.

The government of North Vietnam and the Viet Cong have subjected these honorable fighting men to barbaric and cruel treatment. There is evidence that captives have been miserably fed, provided with inadequate or no medical care, ridiculed and reviled in public, subjected to such outrages as beatings and solitary confinement, and exploited for propaganda purposes.

Hanoi has repeatedly ignored entreaties by our government for the names of men held prisoner. This calculated and cruel omission has had the effect of extending the suffering of the prisoners to their anguished relatives, many of whom do not even know if men now listed as missing in action are alive.

Despite the fact that the government of North Vietnam is a party to the Geneva Convention on the Protection of Prisoners, its leaders have made a mockery of its provisions. They have not only mistreated prisoners but flagrantly violated such primary tenets as allowing neutral inspection of prisoners and permitting such basic amenities as the exchange with relatives at home of letters and packages.

Spokesmen for North Vietnam and the Viet Cong have sought to justify their despicable conduct by characterizing our troops as "criminals" while callously refusing to even acknowledge pleas for information and humane care by government officials, congressmen, the American public and the wives of missing men. Nor, apparently, has the fact that our side has treated fairly the some 30,000 North Vietnamese and Viet Cong prisoners of war influenced these cruel jailers to even partially reciprocate.

We condemn this barbaric treatment of American fighting men and their families and strongly endorse the efforts of our government and other organizations and individuals to persuade the government of North Vietnam to live up to the solemn promise it made when it became party to the Geneva Convention and to convince the Viet Cong to do likewise.

THE COUNCIL OF TRUSTEES, ASSOCIATION OF THE U.S. ARMY,
ELVIS J. STAHR,
Chairman.

MAJ. JAMES N. ROWE: SURVIVAL OF AN AMERICAN PRISONER: AN EXTRAORDINARY EXERCISE OF WILL

Maj. James N. Rowe, U.S. Army, is the holder of a dubious record: he was a prisoner of war for what is quite likely the longest period of time in American military history.

From 29 October 1963 until 31 December 1968, Maj. Rowe lived and moved with the Viet Cong 309th Battalion over perhaps no more than a 75-kilometer stretch of the fabled U Minh forest, deep in South Vietnam's Delta region. Five years, two months, two days and—he knows as precisely as a man can tell by the sun—"about six hours."

He is also one of a handful of long-term POWs who have managed to escape from this limbo of captivity in the jungle base camps of the South where most U.S. Army prisoners are believed to be held. Through an extraordinary exercise of will and self-reliance, Maj. Rowe managed to survive on the edge of starvation and to maintain his sense of balance in the face of relentless mental pressure. His story thus provides the best record we yet have of what most Army POWs must endure in the half-light world of their guerrilla captors.

Then a first lieutenant and an advisor to a company of Nung irregulars, Maj. Rowe was captured along with seven other Americans when a three-company South Vietnamese force was ambushed and overrun by the better part of a VC regiment.

Of those seven, three were released through Cambodia in October 1967, three died of malnutrition in 1966–67 and one—Capt. Humbert R. Versace—was executed in September 1965.

Of the three who starved, Maj. Rowe said that, in a sense, their deaths were "self-inflicted—they stopped eating rice. You keep pushing that stuff down until you puke. They simply couldn't do it any more, and one of these boys was a Filipino who had eaten rice all his life.

"After you stop eating, it doesn't take long for disease to take hold and you can't ever get enough fluids back in your body. Then major organs stop functioning—the kidneys are usually first to go because of the lack of fluids."

Disease and semi-starvation were constant companions for Maj. Rowe and he suffered from dysentery throughout his captivity. He said:

"Obviously, by American standards, the conditions are low—you are an animal.

"But in all fairness, they do have adequate food by their standards. But prisoners get less of it, because they figure they have more activity, in combat, and that you therefore need less.

"What they don't realize is that an American needs a much higher input—a higher protein diet—just to stay alive. It took me about two years to become a rice-burner."

So the diet was rice—of which Maj. Rowe estimates he consumed a ton—with *nuoc mam*, the ubiquitous rotten fish sauce, the only regular source of protein.

"They were concerned with keeping Americans alive, and they had a requirement from higher headquarters to do so," he added, "because you are valuable as a propaganda commodity."

In the last year, when Maj. Rowe was the last American prisoner the unit still held, he was furnished with gill nets and fish lines, and there might be vegetables "every three or four months." Anything else was the gift of ingenuity, such as the fried cakes he

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learned to make from snake fat, snake eggs and rice flour.

"The one thing you think about most" he said, "is food. I often occupied myself mentally by planning menus—breakfast, lunch, dinner and even midnight snacks."

As for medical treatment, Maj. Rowe received none, other than a shot of vitamin B_1 and a bottle of weak merthiolate out of a session staged for a propaganda photographer shortly after the capture. The merthiolate was adequate for the light small arms wounds he suffered in the action, but he had to pick mortar fragments out of his arm himself.

Though American captives of the VC in other areas may move around more, Maj. Rowe spent the entire five years in only two different areas of the Ca Mau peninsula. From January 1965 on he was held in camps deep in the U Minh forest, which "up to that time," he said, "was pretty safe for the VC—the South Vietnamese were reluctant to go in there because of all the old legends about the place."

"Once they get an American, they want to move him around as little as possible," he said, because of the difficulty of guaranteeing prisoner security.

Typically, prisoners live in huts arranged in a semicircle around a central guard post 30 or 40 meters apart—just enough distance to make the prisoner aware of the presence of comrades, thus deepening an already profound sense of isolation. Attempts to communicate usually earn beatings from the guards.

Kept in leg irons at night, Maj. Rowe sat day after day, week after week and month after month in a cake about four feet wide, six feet long and four feet high.

"You don't go anywhere outside of that hooch," he said "except the 15 meters to the latrine in the company of a guard."

Air strikes were a constant threat. One of the camps was shot up by helicopter gunships two days before Christmas, 1964, and it was the confused aftermath of a B–52 strike that gave Maj. Rowe his opportunity to escape.

On the move after the raid, the unit was attacked by helipcopters, killing or scattering the guards. Maj. Rowe managed to isolate himself with a single, panicky guard and surreptitiously slipped the magazine out of his captor's submachine gun. After overpowering the guard, he moved to a nearby clearing and waved at a helicopter whose crew first took him to be a VC until the waist gunner noticed his beard. Twenty minutes later he was down on an Allied landing zone.

But physical survival was only one of the problems Maj. Rowe had to contend with, and in his own reflection perhaps not even the most trying one.

"I had had Special Forces training and I was used to living in the outdoors," he said, "and I at least had the trees, the sunlight, the birds. The pilot in North Vietnam might have a little better sanitation, a little better food, but if you put me in four walls, I think I'd crack right away."

In the last year, when he had a little more freedom of movement, he raised squirrels and two eagles, "which I got when they were fluffy little balls."

"But the only communication I had was with the animals. That's what you miss most—sincere human communication. The guards and the political cadre weren't communicating with you, they were just using you and that really tore me up."

Political indoctrination was constant, intense and sophisticated, with lessons, literature and lectures pitched at producing repentant "peace soldiers" for the domestic anti-war movement at home.

Immediately after his capture, Maj. Rowe was given a standard international Red Cross data card to fill out. Appended to it was a lengthy questionnaire, asking full details of personal and military history, military training, local tactical intelligence.

"I told them that, under the Code of Conduct, I couldn't give them any of this. But for the first six months, they aren't going to push too hard. They have all the time in the world and they convince you of this.

"I was told, 'Go back to your cage. Sit there for a week or two. Think about it, then we'll talk to you again. We'll tell you the truth of the situation in Vietnam. If you don't believe us today, we'll tell you again tomorrow, and the day after that.' "

Maj. Rowe found the political cadre, most of who were Hanoi-trained Southerners, to be "extremely sophisticated in everything they do."

"They keep you off balance, and there doesn't seem to be any pattern to their actions at first. I can begin to see the patterns now—every action has its reason or purpose."

The entire system, he said, depends on isolating the prisoner and convincing him that he is utterly alone and helpless, totally at the mercy of his captors and far beyond the protection of his own government.

"The prisoner is told that he is a political criminal taken in an undeclared war and that he is totally subject to the enemy's laws. He is told that, therefore, they can do anything they want with him, including killing him, and that anything that is done for him is the result of a "lenient policy."

Maj. Rowe and Capt. Versace "failed" an indoctrination lesson in March 1965 and were sent to a punishment camp where the diet was rice and salt—without water.

"He was chosen for execution," Maj. Rowe said, "and later we heard on Radio Hanoi that he and Sergeant [Kenneth M.] Roraback had been killed."

"I'm quite sure I was marked for execution too, because I knew by then that they would never release me."

Spurred on by that thought, Maj. Rowe and another prisoner took advantage of a rainy, mosquito-filled night and an especially dense guard to make an escape attempt.

"We wanted to follow the canals to a river and then float downstream," he recalls. "We got about six kilometers from camp and then left the canal system to go overland to another. That was our mistake—we completely lost direction, started going around in circles and wound up about 1½ kilometers from the camp."

This unsuccessful attempt earned Maj. Rowe seven days of "correction," of which he says only "I can't talk about it. They have a job to do and they do it."

In any case, he said, "it's very effective. It was a long time after that before I could even think of the word 'escape.' "

In 1967 and 1968, Maj. Rowe said, the political cadre threw all their old lesson plans away and started to quote from U.S. sources.

"You're in a news vacuum, of course, except for the stuff they choose to give you. I knew the extent of the anti-war movement and I knew it was larger than in '63, but it never really entered my mind that the senators and congressmen they were quoting against the war effort were actually saying these things.

"The thing that really got to me was when the cadre began to tell me, 'very soon, the people of the United States will decide this was all a mistake and you and all of your friends will have suffered and died in vain.' "

Last fall, Maj. Rowe created consternation in political Washington and was condemned on the Senate floor for publicly attacking some of the politicians and publications he had quoted to him in captivity.

About that he is entirely candid. "It's very difficult," he said simply, "not to be subjectively involved in something like this."

An artillery officer since graduating from the U.S. Military Academy in 1960, Maj. Rowe now hopes to be able to switch his branch to intelligence where he feels his hard-earned knowledge of the enemy could be particularly valuable. If successful, he would like to return to Vietnam in the early autumn "in time for the enemy's fall offensive." In the meantime, he is on extended leave writing a book about his experiences.

A native of McAllen, Texas, Maj. Rowe joined the Special Forces in 1961, serving first with Company D, 7th Group, at Fort Bragg, N.C. He studied Chinese at the Army Language School in 1961–62, returning to Fort Bragg and the 5th Special Forces Group before going to Vietnam in July 1963.

U.S. MEAT ANIMAL RESEARCH CENTER AT CLAY CENTER, NEBR.

Mr. HRUSKA. Mr. President, the Agricultural Research Service of the U.S. Department of Agriculture is presently developing a U.S. Meat Animal Research Center between Hastings and Clay Center, Nebr. This center is located on a tract of land formerly occupied by a naval ammunition depot.

What began as a farsighted idea for the improvement and advancement of meat animal research has become a 35,000-acre reality. The center, authorized by Congress on June 16, 1964, has been developed as a result of the active and enthusiastic cooperation between the Nebraska Agricultural Experiment Station and the Agricultural Research Service.

This center is becoming the working home for agricultural scientists seeking new discoveries in animal genetics, meat production, and marketing. It is the only center of its kind and is a matter of great pride to our research scientists, our livestock industry, and our farmers and ranchers who are served by its research.

Still not completed, the center has about 22,000 of its 35,000 acres seeded to grass and the current livestock inventory includes 3,000 sheep and 5,000 cattle. When it reaches its full research capability, the center will have a staff of 300, including some 80 leading agricultural scientists.

Mr. President, this site is excellently located. Nebraska is the heart of beef and sheep country and is an important contributor to both feed grain and meat production. Nebraska's location in the corn belt also makes the center suitable for swine research.

Phase I of the center is well along. Funds were appropriated by the Congress in 1966 for planning and in 1967 for construction. Construction is moving ahead on a major office-laboratory building, an animal metabolism building, a beef cattle operations headquarters building, animal barns, and other necessary work for site preparation, as well as on the center's feed preparation and processing plant.

This office-laboratory building and the adjacent animal metabolism building are designed to house 42 animal scientists working in the fields of nutrition, physiology, and genetics. The feed plant contract will be for a complete unit with equipment for grinding, mixing, and pelleting rations for all classes of animals.

Phase II of the center has been planned. It will include laboratory build-

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ings for basic research and animal sheds and equipment shops. Construction funds have not yet been appropriated for this phase.

A phase III will also be needed. This phase would provide facilities for a comprehensive and integrated forage production, harvesting, handling, storage, and utilization research program. Primary research interests involved in this program would be crops, agricultural engineering, and animal husbandry. Funding for planning and construction of these facilities has not yet been requested by the Department of Agriculture.

Mr. President, when this center is completed and in full operation it will be one of the finest and most effective meat animal research centers in the world. It represents a propitious beginning for increased awareness on the part of the scientific community, the public research agencies, and the public bodies that provide the funds, of the need for advancing the technology of meat animal research.

This research is no idle pursuit. The potential benefits of improved reproduction rates and improved feeding efficiency amount to about $8 billion.

Moreover, the consumers in the United States are demanding and will pay for increasing quantities of a variety of high quality animal products. They should have them, and research, such as that at Clay Center, will help the animal producers meet that demand.

From time to time, questions arise regarding the entire Clay Center operation, such as:

Will the marketing of cattle compete harmfully with the farmers and ranchers in the area?

Will the research of the Center overemphasize large-scale operations?

Will the feeding operations have harmful effects?

Recently such questions were asked by a constituent in a thoughtful, constructive way, and were deserving of a thoughtful and complete reply. Accordingly, I consulted with Dr. George Irving, Administrator of the Agricultural Research of USDA.

Dr. Irving is thoroughly familiar with the origin and history of Clay Center. Through the years, he and I, in company with many other interested persons, have engaged in continuous and cooperative efforts to bring about the realization of this research facility.

Dr. Irving was kind enough to outline the appropriate response to my constituent's inquiry. He does it in a very clear and factual way in a letter to me.

A careful reading will convince the reader that the U.S. Meat Animal Research Center will be of outstanding value and benefit to all livestock producers, both near and far. Furthermore, Dr. Irving concludes that the operation of the facility will not be harmful to the neighboring farmers and ranchers. Quite the contrary, he believes that it will be of great help.

Mr. President, I ask unanimous consent that suitable parts of the letter I received from Dr. Irving discussing the U.S. Meat Animal Research Center be included in the RECORD at this point.

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There being no objection, the selected portions of the letter were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
Washington, D.C., March 5, 1970.
Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: This is in reply to your letter of February 20, 1970.

On a long-range basis, USMARC livestock will be fed on the Center. Grain will be produced in amounts consistent with good land management. It is anticipated that grain needs will normally far exceed production. Thus, some grain will have to be purchased from local producers.

Projected livestock sales from USMARC have been studied carefully in relation to its competitive effect with sales by farmers and ranchers in the area and in the Nation.

The number of cattle marketed from the Center should have no noticeable impact on the overall price levels in either Nebraska or the Nation. When the Center is fully stocked, we estimate that approximately 4,500 head of cattle will go to market each year. These animals should average approximately 1,000 pounds live weight yielding a total production of 4.5 million pounds. This production will represent only about two-tenths of one percent of Nebraska's annual production of more than two and one-half billion pounds. It will be only slightly more than one-hundredth of one percent of the Nation's production of over 36 billion pounds.

The impact from the sale of carcass beef on local prices also would be negligible. As much as 10 percent of the total production of beef at the Center may be slaughtered in the Center's meat laboratory in order to obtain detailed carcass evaluations. The salable beef left from these evaluations will be sold at the Center using procedures designed to minimize impact on local market situations. We estimate that up to 22,500 pounds of carcass beef could be sold from the Center in this manner. Potential buyers would include commercial dealers in Clay County and in approximately nine nearby counties. These nine counties had a 1960 population of 128,840. If these people consume as much beef as the average person in the United States, the carcass beef sold directly from the Center would represent less than two-tenths of one percent of their needs.

The sale of bulls from the Center for breeding purposes will have an extremely small effect, if any, on the average bull prices in the area. Bulls produced at the Center will be sold to the extent that we consider them capable of making a real genetic contribution to the industry. Actual methods of selling have not been fully developed. However, the procedures used will be designed to have a minimum effect on sales in a given locality. These sales will always be made in limited numbers. If all those sold went to Nebraska breeders, we doubt that they would ever represent more than two and one-half percent of the 21,000 replacement bulls estimated as needed annually in that State. Furthermore, experience at Fort Robinson shows that experiment station bulls are bought by cattlemen in surrounding States as well as those in Nebraska. Nebraska and the immediately surrounding States have estimated bull replacement needs of over 107,000 annually. Thus, Center bulls would always represent less than one-half of one percent of these needs.

Without going into detail, the effect of selling swine and sheep and their products should be similarly slight.

Of course, the most important considerations are the benefits which the research information developed at the Center will have for the local livestock men. Because of their nearness to the Center and the local availability of the information, these producers should obtain even greater benefits from the research than other producers in the North Central region of the United States. The studies planned for the Center will be directed at those problems which presently are reducing the profitability of livestock production. The cost saving results of the research will offset many times any possible impact that the sale of Center animals or meat products might have on local markets.

Sincerely,

GEORGE W. IRVING, Jr.,
Administrator.

THE $85 MILLION POLLUTION FIGHT

Mr. SYMINGTON. Mr. President, ecology is the new work, and apprehension about the future of our environment has now become one of the top priorities in this land.

It is for that reason that we of Missouri are proud to note that the Monsanto Co., is spending $85 million for new pollution controls.

In that connection, I ask unanimous consent that an article entitled "The $85 Million Pollution Fight," published in the St. Louis Globe-Democrat of March 27, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Globe Democrat, Mar. 27, 1970]

THE $85 MILLION POLLUTION FIGHT

(By Ted Schafers)

Monsanto Co. has announced that in the next three years it will spend about $55 million on new pollution controls in the United States.

Also, as part of its commitment to cleaner air and water, the St. Louis-based firm disclosed it will spend "a large amount" beyond the nation's borders. In addition, Monsanto will spend about $30 million through 1972 in maintaining the corporation's own present pollution-control equipment.

Charles H. Sommer, board chairman, speaking to shareholders at the annual meeting here Thursday, said only companies operating in the public interest deserve to progress and Monsanto long has been such a company.

A third area receiving top Monsanto attention is scientific disposal of solid waste matter.

Monsanto's President Edward J. Bock laid down a five-point program to insure, he said, that any internal pollution problems (within the company) are under proper control.

These include "hard-line" anti-pollution policies; top management for company wide coordination; a committee to monitor abatement efforts at all 47 U.S. Monsanto plants; a directive to each divisional manager to inspect all plants for pollution problems.

Finally, "all requests to build new production units must take pollution into account and provide for their solution before capital funds will be made available by the corporation," said Bock.

NASA GIVES VALUABLE ASSISTANCE TO FIGHT AGAINST POLLUTION

Mr. YARBOROUGH. Mr. President, the Houston Chronicle of March 22, 1970, contained an account of an encouraging example of cooperation between State, local, and Federal authorities to combat the destruction of our environment. The National Aeronautics and Space Administration has agreed to furnish State and local governments with data from the NASA data bank in Houston. Information supplied will include remote sensor data derived from satellites and aircrafts over the coasts of Texas. I am convinced that this information will be of great assistance to those agencies which are charged with monitoring and controlling air and water pollution. This is a good example of the kind of cooperation between all levels of government which we must have if we are to clean up our environment.

Mr. President, I ask unanimous consent that the article, entitled "NASA Agrees To Aid State Pollution Fight," be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

NASA Agrees To Aid State Pollution Fight

Austin.—The National Aeronautics and Space Administration will assist the state in dealing with the problems of pollution and preservation of the natural resources and environment of Texas, Gov. Preston Smith has announced.

The governor asked NASA administrator Dr. Thomas O. Paine in February to—give the state access to "the vast wealth of scientific information stored in the Earth Resources Data Bank at NASA's Manned Spacecraft Center in Houston."

In response to the governor's request, Paine said Dr. Robert Gilruth, director of MSC, and members of his staff "stand ready to meet with your staff to provide the appropriate data." Paine said the data would include "remote sensor data derived from aircraft and satellites over Texas and its coastline."

The Earth resources survey program is a cooperative undertaking of NASA and the Departments of Interior, Commerce, Agriculture and the Navy.

During this decade, Paine said, NASA will launch a series of Earth resources technology satellites to acquire remote sensor data.

The governor's division of planning coordination will work with the Earth Observations Division of NASA and assist in communicating pertinent data to the appropriate state and local agencies.

MAX WAYS' FORTUNE ARTICLE ON THE ENVIRONMENT

Mr. HRUSKA. Mr. President, several weeks ago the President sent to Congress a message on environmental quality. The program outlined in that message is the most comprehensive approach we have ever considered in this area. It is my earnest hope that the Senate will schedule for immediate attention the specific legislative enactments necessary to implement programs for the control and reduction of environmental pollutants.

Action is long overdue. We have embraced every technological advance, but we have not inquired sufficiently as to where those advances would take us. Almost too late we find that many of the things we have thought to be beneficial for convenience or efficiency actually produce side products that are extremely dangerous.

Mr. President, the environmental problem is not confined to the largest industrial areas, or to the oil-soaked seashores. The air in my beloved Nebraska is deteriorating and many of our rivers run heavy with filth and contaminants. Awareness is also remarkably prevalent in my State. Communications from my constituents—rich and poor, young and old—show a clear understanding of the danger we face. They also show an impatience with any undue delay for aggressive action. Mr. President, the time for rhetoric has passed. We must expedite the consideration of the President's proposed legislation and enact in this session a meaningful and ambitious program.

There can no longer be much excuse for ignorance on the subject. The President has sketched the dangers in his state of the Union message and in his special message on the environment. Major periodicals have devoted much space to the subject, analyzing the problem, reviewing the results of research and speculating about the prospects for improvement. One of the most thoughtful statements on the subject appears in the February issue of Fortune magazine, from which my good friend and colleague, the Senator from Colorado (Mr. ALLOTT) quoted in his remarks in this Chamber on March 11.

I believe that this article, which describes the problem of pollution in the context of technological development, should be read in its entirety by all those who are concerned with the degradation of our environment. Mr. President, I ask unanimous consent that the article entitled "How To Think About the Environment," written by Max Ways, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How To Think About the Environment

(By Max Ways)

Slowly as a poisoned snail, public concern over the physical environment crept forward during the first half of this century. In the Fifties anxiety began to quicken. In the Sixties the environment became one of the major topics of American discussion. In the last few months it has been almost impossible to look at a newspaper or a TV set or to talk to a stranger on a plane without encountering some example of dismay over what we are doing to the world around us.

Yet snails, along with all the other species—notably including man—that live on or near this once fair land, continue to be poisoned or choked or pushed around or otherwise imperiled. If, as seems quite likely, public anxiety mounts to ten times its present level, we will not necessarily succeed in correcting our present lethal course. Alarm about the environment, fully justified by the facts and long overdue, is a required precondition of reform. But alarm, by itself, puts out no fires.

It is not hard to imagine how disgust with our mishandling of the environment could become, as in some quarters it already has, just one more taunt against "the sick society," one more whip in the orgy of self-flagellation that has seduced so many professional observers of this pseudo-penitential time. Unless guilt over what we have been doing is accompanied by a stronger sense of what to do instead, U.S. morale may sink to the point where we will be unable to cope properly with the environment—or anything else.

This fortieth anniversary issue of Fortune is devoted to the grave challenge that arises from American abuse of the natural resources of air, water, and land, from our failure to honor the terms of partnership in which men coexist with other forms of life, and from our neglect of order and design in our artifacts, especially our cities. Fortune's primary intent is not breast-beating or doom-saying. Our readers are already aware that progress has, somehow, been ambushed by its misbegotten children, the unintended by-blows of the modern lust to know and to do.

American business, since it organizes and channels a high proportion of the total action of this society, has been and still is deeply implicated in depredations against the environment. Any way out of the present mess will have to reply heavily upon business for resources, for innovation, and for leadership. The political and social ground rules within which business is conducted will have to be drastically amended. Important corrections will have to be made in the terms of economic calculations that now skew business decisions in destructive directions. In short, business, along with all other major functions of society, will have to change if Americans are to achieve a better environment.

Other articles in this issue of Fortune deal with specific aspects of environmental problems. But a successful reform of our patterns of action will require much more than piecemeal dosage of technical antidotes for one environmental poison after another. This article essays to view the challenge in the round, to probe for the root common cause of such disparate symptoms as traffic jams and vanishing lakes, to establish a perspective between material blight and material progress, to sketch the character of new moral, intellectual, political, legal, social, and economic patterns that must soon be evolved. And beyond this tall order lies the inescapable question of how an effective social program of cherishing the environment might fit with the future of the long march toward individual freedom, and whatever else we mean when we speak of "the quality of life."

THE HOUSES THAT SHAPE US

Winston Churchill in October, 1943, made in the House of Commons a gemlike speech on an unlikely topic for a time of total war: the relation between architectural design and human behavior. The old House had been blasted by a German bomb, and the question was how it should be reconstructed. A more spacious chamber, perhaps? One with a semicircular arrangement of comfortable chairs and useful desks, such as many of the world's parliaments enjoyed? Churchill thought not. What he wanted, essentially, was a replica of the old House with its rows of facing benches that symbolically expressed the party structure, emphasizing the contrasting roles of the Government and the Opposition. The new House, like the old, should have far fewer seats than there were members, so that in an ordinarily ill-attended session speakers would not be discouraged by addressing empty benches. On great occasions, members flocking in would be crowded standing in the aisles, thus encasing debate and decision with visible signs of gravity and urgency. No desks, for members might bang them as had the rowdy French whose parliamentary institutions, he did not need to recall, had proved less than stable. Churchill summed up these minutiae with a thought that is far from trivial, "We shape our buildings, and afterwards our buildings shape us."

Rare in our civilization are such instances where a public man (or, for that matter, a private man) evinces a thoughtful, constructive concern for the indirect human implications of material design. Yet how men deal with things—whether a room, a city, a river, or the great biosphere itself—both discloses and thereafter influences the way they see themselves and the way they deal with one another. Consciously or unconsciously, we make day-by-day decisions that affect the material world. These decisions have an immediate moral and aesthetic content that

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should be taken seriously, even if a deteriorating environment were not a long-range threat to prosperity, health, and the continuation of the race.

Survival is not the only—and perhaps not the most impelling—motive for environmental reform. People have a way of brushing off warnings that their farmlands, their lungs, and their life expectancies are being slowly eroded. The threatened penalties, though severe, seem to lie in the remote future. But inhabitants of drab and chaotic cities surrounded by a despoiled countryside are punishing themselves here and now not only by material disadvantages, but by the absence of a precious immaterial quality. Life is presently diminished, it loses point and relish and sense of direction when it is spent amidst a haphazard squalor that God never made, nature never evolved, and man never intended.

A youth smashes a window or sets fire to a house or mugs an old woman on a street. How much have we nurtured such disorders by the disorders of the American scene? It doesn't look as if anybody around here cared.

WHO KILLED THE ILLINOIS RIVERS?

Although environmental issues do have a grave moral content, there's little sense in the tendency to present the case in the dominant art form of a TV horse opera. This isn't, really, a confrontation between "the polluters" and the good guys in the white hats. "Greed" is to blame. "Man, the dirtiest animal," is to blame, especially because his numbers are increasing. "Technology" is to blame—and this charge, as we shall see, contains much truth, though far less than the whole truth. "Capitalism" is to blame. "The poor," who throw garbage in the streets, are to blame. "Democracy," which seems unable to find remedies, is to blame. And, of course, "the establishment," everyone's goat of atonement, is to blame.

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In general, the nomination of villains follows the familiar pattern of dumping the ashes of contrition on somebody else's head. A Columbia law-school senior this year was reported to have boasted that he told recruiters for law firms he "would not defend a client who was a polluter—and most of the clients who pollute are the big ones," a remark indicating that even law-school seniors may have something to learn.

For all men are polluters—and all living Americans are big polluters. The greedy and the ungreedy alike befoul the air with automobile exhaust fumes, the humble 1960 jalopy contributing somewhat more poison than the arrogant 1970 Cadillac. So long as our laws and habits of land use foster chaos, the homes of saints will aggress as rudely upon nature as the haunts of sinners. Who killed the rivers of Illinois by extinguishing perhaps forever their ability to cleanse and renew themselves? The effluents of big industries did a substantial part of the damage. Sewage from towns did part. But most of the damage to the rivers of Illinois came from farms onto which decent and well-meaning "little" men, in the pursuit of the legitimate aim of increasing crop yields, poured nitrogen fertilizers. The result bears the mellifluous name of "eutrophication": algae, slimy green gunk, rampantly feed upon the fertilizer drained into the rivers; the decay of dead algae consumes so much of the available oxygen as to destroy the bacterial action that once cleansed the rivers of organic wastes.

At the root of our environmental troubles we will not find a cause so simple as the greed of a few men. The wastes that besmirch our land are produced in the course of fulfilling widespread human wants that are in the main reasonable and defensible. Nor will we find capitalism at the root of the trouble. The Soviet Union, organized around central planning, has constructed some of the most terrifyingly hideous cityscapes on earth, while raping the countryside with strip mines, industrial pollutants, and all the other atrocities that in the U.S. are ascribed to selfish proprietary interests. Aware, as well they might be, of American environmental mistakes in handling the mass use of the automobile, Russians keep saying they will do it better; but today, as automobiles become more numerous in the U.S.S.R., it is hard to find in city or highway planning, in automobile design, or in any other tangible area signs that they are in fact better prepared for the automobile onslaught than the U.S. was in 1920.

The Japanese, though their basic culture lays great stress on harmony between man and nature, are not handling their environmental relations significantly better than the Americans or the Russians. Japan's economy combining private enterprise with government central planning, seems able to do anything—except cherish the material beauty and order that the people value so highly.

If we wish to think seriously about the environment, we have to give up indulgence in barefoot moralism and the devil theory of what's wrong. We have to identify a root cause that explains the environmental failures of systems as different as the American, the Russian, and the Japanese. Obviously, all three are high-powered industrialized, technologized societies, and our quest for a root cause can start by tentatively picking technology as the villain.

FOR EVERY MAN, 500 "SLAVES"

Despite billions of words on the subject, we still underestimate the magnitude of technological advance and its implications. Thirty years ago in Fortune's tenth anniversary issue, R. Buckminster Fuller found an apt way of expressing what had occurred. He calculated the total energy generated in the U.S. as equal to the muscular energy that would be generated if every American had 153 slaves working for him. Today a similar calculation would indicate about 500 "slaves" for every American man, woman, and child.

These slaves enable us to increase our own mobility hundreds of times and to toss around incredible masses of materials, altering not only their location and external shapes but their very molecules. Excluding construction, earth moving, and many other operations, the U.S. economy, according to one estimate, uses 2,500,000,000 tons of material a year. That's nearly thirteen tons per person.

These figures explain a lot of environmental woes that are otherwise mysterious. Although our cities are not more densely populated, they produce more maddening and wasteful congestion than any cities of the past. Our crowding is not basically a matter of too many human beings to the square mile but of the enormous retinue of energy and material that accompanies each of us. Like King Lear with his hundred riotous knights and squires, we strain the hospitality of our dwelling space, and from our situation, as from Lear's, much grief may follow.

Two hundred million of us are bustling about the U.S., every one sheathed in a mass-and-energy nimbus very much bigger, noisier, dirtier, smellier, clumsier, and deadlier than he is. The paper, plastics, scrap, ash, soot, dust, sludge, slag, fumes, and weird compounds thrown off by the mass-and-energy nimbus exceed by many magnitudes our own bodily wastes. If ten billion mere people, sans technological nimbus, inhabited the U.S., they could not create more congestion, blight, and confusion. The three million high-technology U.S. farmers put more adverse pressure on their land and rivers than the hundred and fifty million low-productivity peasant families of China put upon their land and rivers.

THE RATS WHO RULE THE ELEPHANTS

How should a city be designed and its circulatory system arranged to accommodate a people that employs energy and mass at present American levels? The past offers only wisps of inspiration, but no usable models. Consistently we have failed to face the sheer physical challenge of the contemporary city, assuming that old urban forms would be adequate if we amended them a little to meet one crisis after another.

Along with all kinds of congestion, our cities produce a paradoxical effect of isolation and desolation. Not rationally shaped for the needs of this society, the cities may be shaping us toward irrationality. Frequently mentioned in environmentalist circles these days is a research project carried out by John Calhoun at Bethesda, Maryland. He placed Norway rats in a closed area ample for the original population. As they multiplied, the crowded animals, though well fed, developed most distressing psychoses, which, out of a decent respect for the privacy of rats, will not be here detailed. Many who have heard of this project see a close parallel with our cities.

But the analogy is not quite true to the situation of contemporary urban man. It would be better to find a strain of rats each one of which had the services of a half-house-broken elephant to do its work, run its errands, and cater to its wants. In an ill-organized space these lordly rats, even if they did not multiply, might go crazier quicker than did their cousins in Bethesda.

People who center their anxiety on "the population explosion" see the challenge much too narrowly. In the U.S. and other advanced countries, population has been increasing less rapidly by far than the explosive acceleration of the total energy and total mass deployed. If the population declined and technology continued to breed, without any improvement in the arrangements for its prudent use, a small fraction of the present U.S. population could complete the destruction of the physical environment while jostling one another for room.

A RETREAT TO POVERTY?

We come, then, to the question of whether a headlong retreat from technology would be the right strategy. This option needs to be honestly appraised, not toyed with as it is every day by nostalgic romanticists wiggling their toes in secondhand memories of Thoreau's Walden Pond.

The casualties of a withdrawal from technology would be heavier than many suppose. Everybody, of course, has his own examples of unnecessary technologies, unnecessary products, unnecessary activities. But because we are, thank God, diverse in our wants, the lists do not agree. The man who has since childhood said to hell with spinach has a ready-made response to the news that a high incidence of "blue babies" recorded in Germany has been attributed to heavy use of nitrogen fertilizer on the spinach crop. But other consumers will have good reasons for wishing spinach yields to increase. We will not improve our environmental situation by recommending a technological retreat on the basis of what each of us considers the superfluous items in the households of his neighbors.

To be effective in protecting the environment a technological retreat would extend over a wide front and go back a long, long way. A century ago we had already slaughtered the bison, felled the eastern forests, and degraded the colonial cities. Retreat to the 1870 level of technology, while not giving long-range protection to the environment, would place the median American standard of living far below the 1970 poverty line. Among the consequences of such a retreat would be the closing of 75 percent of the present colleges and most of the high schools. We would give up not only automobiles and airplanes but also mass education and social services. Grandpa would return to living in the abandoned hencoop.

Since we are not going to choose such a retreat from technology as a deliberate social policy, sheer practicality forces us to seek another way out. In that quest we have to ask seriously why the U.S. and all the other advanced countries have failed so dismally in handling the unwanted effects of technology.

Modern technology did not spring out of the void. It did not well up simultaneously in all the world's peoples. It appears first in European culture, and, although it is now disseminated over the whole globe, its main generative fonts remain to this day Western.

The Western origin and leadership in technology, the main agent of environmental destruction, inevitably raises uncomfortable questions about Western culture itself. The Judeo-Christian religious formation is not essentially "anti-nature," as some angry men now aver. But in contrast to Oriental religions, it does sharply separate its idea of God from its idea of nature and does look upon man as having a special relationship with the Creator and a unique place within creation.

The Western tendency to objectify nature—to see it "from outside"—is undoubtedly responsible for much arrogant and insensitive handling of the material world. But it ought not be forgotten that this same attitudinal "separation" of man from nature forms the basis of man's ever increasing knowledge of nature. In recent centuries, especially, Western man has empirically confirmed his ancient notion of himself as unique among the creatures: no other species possesses a glimmer of his ability to learn about nature and to operate, for better or worse, upon it.

Surely it can be no accident that four centuries of science are attributable almost entirely to Western culture. Extending the pattern of Western religion and philosophy, which had drawn sharp distinctions between ideas of God, of man, and of nature, the scientific method began to separate one aspect of nature from another for purposes of study. This superlatively effective way of discovering solidly verifiable truths tends, precisely because it is sharply focused, to ignore whatever lies outside its periphery of attention.

Science, seeking only to know, is guiltless of direct aggression against the environment. But technology, devoted to action, feeds ravenously upon the discoveries of science. Although its categories are not the same as those of science, technology in its own way is also highly specialized, directed toward narrowly defined aims. As its power rises, technology's "side effects," the consequences lying outside its tunneled field of purpose, proliferate with disastrous consequences to the environment—among other unintended victims.

MILLIONS OF PHARAOHS COMPLICATE LIFE

Modern Western man has advanced the principal of separation or differentiation also in areas of life, such as psychology and politics, that are seemingly remote from science and technology. These trends, too, have contributed to our environmental diseases.

The undifferentiated human mass, say of ancient Egypt, has been replaced by modern men who regard themselves—and in fact are—highly individuated. The long trend to individualism, which has Greek as well as Judeo-Christian origins, has sharply accelerated during the modern centuries. One of its aspects, democracy, is based on the assumption that the diverse wants, skills, interests, and opinions of individuals should not be ignored or rudely aggregated from above, but must be somehow coordinated from below. The latter process is clearly the more difficult, especially when applied to such large questions as how to protect the physical environment from human misuse.

The pharaonic society employed its most potent technology, irrigation, on the premise that everybody shared a common desire to eat. The knowledge required to operate the system was closely held in a group of priestly intellectuals, and the decision-making power was concentrated in the will of Pharaoh. With its technology under unified control, with few conflicts or complications arising from a diversity of skills, interests, rights, and powers within the community, the pharaonic society could maintain for centuries a stable, harmonious relation with nature and could also achieve stylistic and functional coherence within its man-made environment—such as it was.

One can hear today in environmentalist circles half-serious remarks that every city needs a king and every country an all-powerful planner to unify decisions affecting the environment. Such suggestions underestimate the human cost of the reversal, as do proposals for a retreat from technology. We will not voluntarily abandon the view that society should be made up of highly individuated men pursuing their own aims by their own lights.

We have permitted the free combination of individuals on the basis of shared specific aims. By means of such groups, mainly corporations, we have organized and stimulated technological advance, matching techniques to particular group aims. Though this pattern all too often ignores the undesirable side effects of its single-minded thrusts, it fits so closely with the evolution toward human diversity and freedom that we would shrink from a return to the pharaonic kind of harmony and stability. We are not fellahin, and the road back to that condition might be more arduous and more disorderly than the road we have traveled.

WHAT THE GARBAGE SPECIALISTS OVERLOOK

Western culture has never denied that a society stressing the individuality of its members needs the restraint and to some degree the positive leadership of government. But the character of government has also been affected by the trend toward differentiation. The Lord's annointed, with unspecified and even "absolute" power, has been split up into sharply segregated bureaucratic functions.

These, too, generate undesirable side effects. A highway department's mission is defined by statute and by specific appropriations. As it goes about its assigned task of building the most road for the least measured cost, it rips up neighborhoods and landscapes, creating enormous social disutilities that never get into the department's benefit-cost calculations. A sanitation department, told to dispose of garbage, may tow it offshore and dump it. When the refuse washes back upon the beaches and into the estuaries, the problem belongs to some other department. Or the specialists in solid-waste disposal may burn trash and garbage in places and in ways that transfer the pollution to the air.

Fragmentation of modern government occurs even in "totalitarian" countries. Administration of the Soviet economy is divided among fifty-odd ministries for the sake of efficiency. If a paper mill is needed, the men told off for that responsibility look around, like any capitalist, for plentiful timber, plentiful water, and cheap electric power. One paper mill was placed on the shore of beautiful Lake Baikal because the protection of this unique body of water lay outside the field of assigned vision of the men in charge of paper production. They were not being "greedy" or even "stupid" in the ordinary meaning of those words. They were wearing the blinkers of concentration, using the great Western device of fixing attention on the job at hand, of dealing intelligently with one segment of reality at a time.

A PROBLEM OF BALANCE

Though the principle of segregated attention proves gloriously succesful—in research, in work, and in government—it can collide disastrously with the principle of unity. For each man is a unit though his skills and wants may be various. A society is a unit as well as a multitude. Nature, most marvelously connected throughout all its diversities, is a unit. Violation of these unities invites penalties and poses formidable tasks of reintegration.

Here we come to the root cause of our abuse of the environment: *in modern society the principle of fragmentation, outrunning the principle of unity, is producing a higher and higher degree of disorder and disutility.*

How can balance be restored? Since it is profoundly unrealistic to believe that we will or should retreat from such bastions of diversity as science, technology, and human individuality, then we have to seek improved methods of coordinating our fragmented thought and action.

During recent centuries, institutions of coordination, though lagging behind diversity, have not stood still. In economic affairs the market performs, albeit imperfectly, a stupendous job of mediating disparate wants, skills, resources. Government, amidst its bureaucratic fragments, has not completely lost the notion that it is supposed to serve such unitary purposes as "the general welfare." Specialized knowledge has a medium of transfer in the great modern webs of information, particularly the universities where all the sciences meet even if they do not fluently communicate.

How might such integrative agencies as market, government, and university be used, separately or in combination, so as to minimize the damage that fragmented action now does to the environment? This is the question on which the chance of actual reform, as distinguished from alarm and breast-beating, depends.

SUBSIDIZING DESTRUCTION

In two areas, air and water pollution, a moment's reflection should convince anybody that the market, as now set up, is rigged against the environment. A hundred and fifty years ago it was almost unimaginable that clean water, much less clean air, could become scarce in the U.S. economy. Rightly, these resources were then considered common property and used without charge. The price of everything else the economy uses—land, minerals, food, labor, time—becomes dearer. But clean air and water, though now precious, are still left out of the pricing system, still free of charge.

Because the market has failed to keep pace with changing economic reality, the pricing system, expressing relative demand and supply, works against the conservation of clean air and water. A manufacturer is under great pressure to offset rising labor and material costs by developing new techniques. He has been under no comparable pressure with respect to clean air and water. Not surprisingly, techniques for conserving these resources have developed very slowly. The effect of omitting free resources from the pricing system is to make the economy as a whole pay a huge subsidy to those activities that put above average pressure on free resources. In short, we are now providing a huge, unintentional market incentive to pollution.

The most direct and logical way of getting clean air and water into the market system is by a federal tax graduated in respect to the quantity and undesirably of the pollutants. Such a tax, escalating over the first five or ten years so as not to destroy industries whose cost structures are based on the present system, would stimulate the development of antipollution techniques.

Taxes on the abuse of water and air would not replace the present trend toward stricter antipollution measures enforced by police power. Radioactive wastes, for instance, can be dangerous in very small quantities because they concentrate as they move up the food chain. The strictest control of such wastes is required—and may prove expensive. Nuclear power will be better able to absorb such costs if its competitor, fossil fuel, is forced to pay for the clean air and water it displaces. By such combination of government police power and taxing power we can turn the market toward protection of the environment—or at least achieve its "neutrality."

Correcting the market is much more difficult in that growing class of cases where the bad environmental side effects do not occur until the product is in the hands of the consumer or even until after he has disposed of it. It is by no means clear that automobiles, for instance, now carry taxes equivalent to the true social costs incurred by their use and disposal. If we become serious about the preservation or restoration of public transport in American cities the first step would be to make sure that public policy is not subsidizing the automobile.

Still more difficult to deal with is the product that is innocent until it interferes with some technique of protecting the environment. Many plastics give trouble in this indirect way. The polyvinyl chloride bottle causes no problems unless it is burned in a trash incinerator that is equipped with a scrubber designed to catch soot and fly ash. The burning PVC causes hydrochloric acid to form in the scrubber, destroying its metal casing. Some companies that hoped to sell more scrubbers for smaller incinerators have given up because they cannot guarantee their devices against the increasing incidence of PVC in trash. A small tax based on the nuisance side effect of certain plastics would either drive them off the market or encourage a new technology that abated the nuisance. As technology advances into more and more esoteric compounds, each carefully designed for a particular use, protection of the environment will require public policies that force innovators to pay more attention to the side effects of their products.

FORD CHALLENGES A CONSENSUS

With gratifying frequency and emphasis, business spokesmen these days are expressing their determination to exercise greater care of the environment. If business greed lay at the root of our environmental troubles then this repentance would itself signal the great turnaround. In fact, a more sensitive and socially responsible business attitude will be of very limited help—unless it is accompanied by new ground rules. Under the present set of rules, if one corporation is environmentally a good citizen, incurring heavy costs to fight pollution, and if its competitor operates on an environment-be-damned basis, then the first corporation will be punished and the second rewarded. The market will practice selection against the environment.

Instead of getting on with the formidable job of rewriting the rules, public discussion wastes time and energy on irrelevant questions, such as how much of business profit should be diverted to environmental betterment. The problems have become so huge that we would not necessarily make a dent in them with *all* the profits of American business.

Henry Ford II in a speech late last year expressed this point cogently. He first noted that, "Hardly anyone disputes the proposition that service to society requires at least a short-run sacrifice of business profit." Then Ford disputed that consensual proposition. "This point of view," he said, "may have been tenable in the past. As long as public expectations with respect to the social responsibilities of business were relatively narrow and modest, business could pass muster by sacrificing only a little of its short-run earnings. Now that public expectations are exploding in all directions we can no longer regard profit and service to society as separate and competing goals, even in the short run. The company that sacrifices more and more short-run profit to keep up with constantly rising public expectations will soon find itself with no long run to worry about. On the other hand, the company that seeks to conserve its profit by minimizing its response to changing expectations will soon find itself in conflict with all the publics on which its profits depend."

Ford recommended not a middle course but an entirely different approach. Instead of regarding profits as competing with public expectations, such as environmental demands, he argued that business should look upon the rising public standards as opportunities for profit. "We have to ask ourselves what do people want that they didn't want before, and how can we get a competitive edge by giving them more of what they really want?" Ford showed he was fully aware that in many cases governmental action would be required to translate the public's heightened desire for a better environment into effective market demand. New antipollution standards set by law, he said, had stimulated efforts by the automobile companies to reduce noxious emissions from cars.

Ford's and all other realistic approaches to environmental problems imply future government action very different in kind and quality from the typical bureaucratic methods of the past. Some businessmen's continued opposition to government action in protecting the environment can be explained—if not defended—on the ground that their past experience with government controls does not inspire confidence. Businessmen rarely contact "government" in any general sense. They confront one bureaucrat after another. Because the bureaucracy is even more sharply fragmented than business, there is often a good reason for a businessman to conclude that the typical bureaucrat's view of the general public interest is narrower than his own.

EVOLUTION FROM BUREAUCRACY

The beginning of a shift from fragmented to integrative government action can be illustrated by a brief look at the history of a field where concern for the physical environment and concern for the social environment overlap. Generations of indignation about "the slums" came to a head in the Thirties. Crime, ignorance, disease, unemployment and, of course, poor housing were all among the reasons for anxiety. Governmental antislum action concentrated on one element, housing. Here was a material object that we surely knew how to produce in quantity. Without much study it was assumed that new public housing would somehow lever upward all the other adverse conditions of the slums.

So a large, competent, and militant bureaucracy was assembled on the narrow front of public housing. Over the years it went from triumph to triumph, if you measured by the size of the appropriation and the number of units built. People began to notice, however, that this program was not delivering, in human terms, what it had promised. The poor displaced by slum clearance were in many cases worse off than before. The new projects, more grim and sterile than the old slums, did not produce falling crime rates, better health, and improved school performance. Typically, the housing bureaucrats and their supporters brushed off these observations as inspired by reactionary politics and, inevitably, private greed.

A day came when the inadequacies of the narrow approach could no longer be ignored. More general terms, like "urban renewal," began to replace "slum clearance" and "public housing." In 1966 evolution of the governmental approach took a big step forward in the Model Cities program, which envisions a coordinated attack on such disparate fronts as medical care, educational enrichment, improved police work—and housing. Moreover, the Model Cities program calls for a decision-making structure in which people who live in the neighborhoods involved will have an important voice in determining what is done.

Because it runs against the familiar grain of fragmentation and bureaucratic control by the specialized experts, the Model Cities program breeds problems and conflicts. More accurately, it makes explicit and open those problems and conflicts that the old public-housing approach, eyes fixed straight ahead, would have ignored. "The community," now assumed to have its own values about its living arrangements, has been given an integrative role; it is forced to think in terms of priorities and of the relationship between, say, health and education. As a decision-maker, the community sometimes asks questions that would not have occurred to experts working within discrete programs. The broad approach puts pressure on the social and environmental sciences to coordinate their specialized knowledge and to undertake investigations of what needs, in a practical sense, to be discovered.

PLAN FOR THE VALLEYS

There will be many cases where a high measure of integrative action can be achieved with government playing only a secondary, though necessary, role. One of the most fascinating innovations in protection of the environment is on trial just northwest of Baltimore, in the area formed by the Green Spring and Worthington valleys.

These 45,000 acres are inhabited by well-to-do and rich landowners who breed horses and cattle in one of the loveliest landscapes to be found in the U.S. The appearance of the valleys had changed little in this century, but the handwriting was on the hillsides. New highways had made the area more accessible to Baltimore. New real-estate developments pressed in from three sides. There was a wide and deep consensus among the area's 5,000 families that they would like to keep it the way it was. Despite their wealth, they doubted that they would be able to do this. Some landowner would sell to a developer. Reading this as the beginning of the end, another and another would sell. They would do so not out of greed, but because the system as it actually functioned seemed to give them no other real choice. Soon the valley floor would be covered. People who had paid premium prices to live "in the beautiful Green Spring Valley" would discover that they were living in a replica of ten thousand other undistinguished suburbs.

The valley landowners, banding together, sought advice from Dr. David A. Wallace, who had planned Charles Center in midtown Baltimore. To make an ecological study he called in Ian L. McHarg, a landscape architect out of the University of Pennsylvania. Together they worked out a "Plan for the Valleys," described as a chapter in McHarg's book *Design with Nature*. The plan's most striking characteristic is its contrast to the purely negative approach of most conservationists. It accepted change for the area not only as inevitable but as socially desirable. Wallace and McHarg, estimating that unplanned development would generate $33,500,000 in profits, sought to devise a way of orderly development that would add as much.

The unique aesthetic asset of the area was the pastoral scene on the valley floors. There, housing subdivisions would be prohibited. Development could occur in rather dense clusters on some of the area's plateaus, now sparsely inhabited. Within thirty years, population of the area might rise from 17,000 to 110,000 or more. By 1980 more than $40 million would be added to total value.

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The big jump, of course, would be in the price of development land on the plateaus. The plan calls for some of this profit to be piped down to the valley-floor owners whose abstention from sales to developers would cause the price rise on the plateaus.

Whether this plan will work remains to be seen. But it is the kind of effort that should provoke study all over the U.S. The essential elements of the plan are (1) the wishes of the private owners; (2) their recognition that the housing needs of other people require great change in the area; (3) the combination of ecological and socio-economic planning principles; and (4) support of the plan by government.

"Plan for the Valleys" runs counter to many ingrained ideas of "absolute" private-property rights and untrammeled market action. The main purpose of institutions based on these ideas is to widen freedom of choice. As our technological power rises it becomes more and more obvious that the use and value of one man's land depend on what his neighbor does with his land. If this new reality is not reflected in our laws and other social institutions then actual freedom of choice diminishes. The wholesome "fragmentation" represented by private landownership will defeat itself in the absence of balancing institutions that can coordinate social action in respect, say, to the preservation of a beautiful environment, a unity that gives value to the ownership of its parts.

HOW TO LOCATE A POWER PLANT

Multiplication of laws setting forth what can't be done will be ineffective unless we invent legal, economic, and social devices through which we can decide what *should* be done. In the absence of such decision structures few people will ever develop Winston Churchill's sense of the connection between material design and human purpose.

Compare the constructive principles of the "Plan for the Valleys" with the negative and accusatory tone of much recent discussion. At a meeting in New York last month, various environmental ills, including the appalling mess of the Jersey Meadows, were excoriated. Said one of the guests, a businessman: "Jersey Standard's officers should have been shot for putting a refinery there in the first place." Another guest asked: "Where should they have put it—in the Rocky Mountains?" The businessman was appalled by this sacrilegious suggestion, but he refused to deal seriously with the question of a refinery's location.

So do most conservationists. Everybody wants ample electric power, for instance, but more and more communities are prepared to resist the presence of a power plant. Decisions on plant location are being made in a basically disorderly way with each fragmented community interest in turn poised against the fragmented interest of the power company. More and more of these cases are getting into courts. But the courts, operating in the narrow dualism of adversary proceedings, are hardly in a position to say where a power plant ought to go. In this decision system the most apathetic or careless community would get stuck with the power plant or refinery—and this might be exactly the worst place to put it from either a business or an environmental viewpoint.

Obviously, a high-technology society needs, and its government should provide, forums for the rational resolution of such questions. Carl E. Bagge, a member of the Federal Power Commission, argues that regional planning bodies should become the forums for deciding on such questions as the location of new power plants and power transmission facilities.

Better handling of the environment is going to require lots of legal innovation to shape the integrative forums and regulatory bodies where our new-found environmental concerns may be given concrete reality. These new legal devices will extend all the way from treaties forbidding oil pollution on the high seas down to the minute concerns of local government. But the present wave of conservationist interest among lawyers and law students does not seem to be headed along the constructive path. Rather, it appears intent on multiplying two-party conflicts between "polluters" and victims.

A NEW ARMY OF POLLUTION CHASERS?

When we read of some environmental atrocity—a sonic boom, a baby bitten in a rat-infested slum, a disease caused by polluted air—our sympathies instantly go out to the victims, just as our sympathies go out to those hurt in automobile accidents. This example should give us pause. The damage suit as a legal remedy in automobile accidents has clogged the courts and imposed on the public a $7-billion annual bill for liability insurance premiums. This huge cost contributes almost nothing to highway safety. For a fraction of the dollars and the legal brains drained off by damage suits we could have produced better highway codes and better regulations for car safety—and also provided compensation for the victims of a diminished number of accidents. If environmental law follows the dismal pattern of automobile tort cases, every business and perhaps every individual will be carrying insurance against pollution-damage suits. An army of pollution chasers, hot for those contingent fees, will join the present army of ambulance chasers. None of that is going to do the environment any good.

From the civilizational standpoint, the expansion of the law of torts was a magnificent advance over the blood-feud, the code duello, and the retaliatory horsewhip. But out of respect for this achievement of our ancestors we are not required to go on multiplying damage suits ad infinitum, while ignoring the need for new legal forms more relevant to the problems of our own time. This is not intended to suggest that environmental tort cases should have no place in future law. It is meant to express the hope that such suits will be exceptional and that the main line of legal development in respect to the environment will break (if conservationists can forgive the metaphor) new ground.

TO PUT THE WORLD TOGETHER AGAIN

The web of communication could do a much better job than it is doing in helping to coordinate society's fragmented actions. Journalism, enslaved to its own outworn traditions, is eager to report those environmental concerns that are reduced to simple and dramatic "confrontations," but journalism is insensitive to the complexities of city planning or of market reform to reduce pollution.

A key contribution to the environmental future can be made by the university, the most significant institution in the whole communication network. Indignation concerning the environment is now at a very high pitch among students and faculty. Not all of this emotion, however, is translated into efforts within the university to balance specialized fragmentation with integrated studies.

An interesting view of faculty attitudes toward the environment was elicited from Robert Wood, Undersecretary (and briefly Secretary) of Housing and Urban Development in the Johnson Administration and now director of the Joint Center for Urban Studies of M.I.T. and Harvard. On his return to academia, Wood found that, throughout the faculties, interest in environmental affairs had suddenly become emotionally intense. "They are a little like the atomic scientists after Hiroshima," he says. "They had assumed that science was automatically improving the world. Confronted with contrary evidence, they feel guilt. But they tend to become impatient when their condemnations of what is happening are not immediately followed by correction."

Many faculty members who are most indignant about the environment would be unwilling to direct their own research or teaching effort to environmental questions. Urban-affairs centers and institutes of ecology are proliferating on campuses but in many cases they are not allowed, because of the jealousy of the entrenched disciplines, to give credit courses or degrees. In the academic structure, such interdisciplinary institutes are looked down upon much as a mongrel would be regarded at a show sponsored by the American Kennel Club.

U.S. society is going to need tens of thousands of "integrators," men who can handle environmental material from several natural sciences in combination with material from several of the social sciences. These men will utilize very high technologies, such as computers and space satellites, to diagnose and cure the side effects of other technologies. Tomorrow's integrators, moreover, must be able to deal with broad questions of human value, purpose, and law that lie beyond (and between) the sciences. The universities that produced the specialists who taught us how to take the world apart will now have to train the men who will take the lead in putting it together again.

CAN WE AFFORD IT ALL?

Environmental damage is so widespread and is continuing so rapidly that there is a serious question as to whether we can afford reform—a question that is not necessarily answered by the glib truth that we cannot afford to go on as we are. An article beginning on page 120 deals directly with economic aspects of environmental problems. Here, however, it is appropriate to place efforts to improve the environment within the perspective of this society's economic future.

If certain twentieth-century trends such as population growth and, especially, the enlargement of the per capita mass-and-energy nimbus are simply extrapolated into the future, it's obvious that at some point we will destroy ourselves by consuming the earth. But these rates may not soar on forever. After ten years of falling U.S. birthrates, it has become possible to believe that the U.S. population may stabilize between the years 2000 and 2020 at not much above its present level, as a few demographers have predicted.

Limits of growth are also in sight for the more important rate of mass-and-energy used. The heavy environmental pressures come from agriculture and manufacturing (including mining). We are already producing more food than we consume and more than we would need to feed all the hungry in the U.S. The total value of manufactured goods will probably continue to rise for several decades, although substantial reductions in this demand could result from better environmental policies. Many things (e.g., the second family car, the second home) that we now buy are made "necessary" by wasteful environmental arrangements. The U.S. will probably reach saturation in manufactured goods in any event at some point in the next fifty years, if only because the time to use all the things we buy is becoming scarce.

Meanwhile, this economy will be very hard pressed to keep up with its increasing needs on the "services" front. A society that is both highly specialized and rapidly changing requires, as ours has already demonstrated, an elaborate "nerve system," employing millions, to maintain its cohesion and determine its direction. Among the elements of the "nerve system" are education, communications, law, finance, etc., which burn little fuel and consume small tonnages of materials.

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WE WON'T SNUGGLE BACK

The probability that gross pressure on the environment is due to stabilize does not of itself constitute a ground for optimism. It merely indicates that our prospect is not hopeless, and that by a huge and intelligent effort we might reverse the present devastation.

Whether that effort will be made depends primarily on how we think about the challenge. We did not get into this mess through such vices as gluttony, but rather through our virtues, our unbalanced and uncoordinated strengths. If we do not succeed in bringing under control our new-found powers, the failure will be attributable to the father of all vices, inattention to the consequences of our actions.

Modern man, Western or Westernized, is not going to snuggle back into the bosom of nature, perceiving all reality as a blurred continuum. That possibility of innocence we lost long ago in—of all places—a garden. We have understood differentiation, specialization, individuation; we have known the glories of action concentrated upon a specific purpose. Our path toward unity lies *through* diversity and specialization, not in recoil from them. A high-technology society without adequate institutions of coordination will produce either chaos or tyranny or both. Freedom will become meaningless because individual men will cease to believe that what they want has any relevance to what they get. But a high-technology society that can innovate adequate structures of decision will expand the freedom of individual choice far beyond any dream of the low-technology centuries.

The chief product of the future society is destined to be not food, not things, but the quality of the society itself. High on the list of what we mean by quality stands the question of how we deal with the material world, related as that is to how we deal with one another. That we have the wealth and the power to achieve a better environment is sure. That we will have the wisdom and charity to do so remains—and must always remain—uncertain.

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METRIC CONVERSION

Mr. PELL. Mr. President, the Conference of Federal Environmental Engineers recently adopted a resolution urging a systematic conversion to the metric system in the United States.

I am very glad to ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

The Conference of Federal Environmental Engineers hereby adopts the following resolution:

"The Congress of the United States is urged to follow an orderly, systematic program to implement immediately the adoption of the Metric System of Measures in the United States. A program should be implemented in well balanced stages to permit all American citizens to become gradually familiar with the new system. A ten year staging period should be developed during which a dual system should be used to enable everyone to become familiar with the Metric System in everyday life and industrial and commercial activities. The teaching of the Metric System to school children at all ages should be encouraged, beginning now. Each State should be encouraged and advised to enact legislation and procedures wherever necessary to conform to the National Policy.

"This program is considered by this organization to be essential to maintain the position of the United States in international trade and technical relationship. It is necessary for the continuing efficiency of the United States especially with regard to engineering and scientific affairs as related to commerce and industry with practically all foreign countries who have adopted or are in the process of adopting the Metric System."

Passed by unanimous vote, after discussion, at the annual meeting held 19 November 1969.

S. J. Ware,
President.
James H. La Vane,
Secretary.

NATIONAL COMMITTEE AGAINST PREVENTIVE DETENTION OPPOSES PREVENTIVE DETENTION IN DISTRICT OF COLUMBIA CRIME BILL

Mr. ERVIN. Mr. President, the Department of Justice attempted to move the District of Columbia crime bill swiftly and silently through the House of Representatives so that the press, the public, and Congress would be unaware of its infamous provisions and of its serious threat to our constitutional liberties.

Like the burglars it professes to oppose, thieves who operate by stealth in the dead of night, the Department has tried to steal our constitutional rights by shunning frank debate. Instead of stealing mere property goods, however, the Department, in their crime fighting zeal, would steal away our most precious guarantees against tyranny.

Mr. President, Congress has a duty to prevent the executive branch from attempting grand larceny of the first, fourth, fifth, sixth, and eighth amendments of the Bill of Rights.

Despite the speed and secrecy which surrounded the Department's actions in the House of Representatives, they were not totally successful in keeping the people in the dark. A few days ago, a national organization was created to help shed much-needed light on the dangers contained in this legislation. On March 18, the day before the District of Columbia crime bill passed the House, former Supreme Court Justice Arthur Goldberg announced the formation of the National Committee Against Preventive Detention. This committee already numbers among its membership some 70 leaders of the legal profession, including law professors, lawyers, police officials, deans of law schools, and former judges.

The national committee is opposed to preventive detention in whatever form it appears. In the words of Justice Goldberg:

> Proposals for preventive detention turn our system of justice upside down, risk the imprisonment of innocent men and invite abuse at the hands of the law during a period of social strain when law must prevail by its steady fairness and even-handed objectivity. It is alien to the American concept of law-enforcement and our tradition to punish persons for actions which *may* take place in the future.
>
> The Eighth Amendment to the Constitution and its implementation in court decisions and legislation clearly guarantee fair bail for all but capital crimes. Pre-trial preventive detention scorns these fundamental provisions of liberty, won after long struggle, by placing those innocent in pointless danger of punishment which should be reserved for those found guilty after fair trial.

Among the many distinguished members of the national committee, in addition to Justice Goldberg, are: Judges Bernard Botein and Charles Desmond, of New York; the district attorney of Queens County, N.Y., Thomas Mackell, and Franklin A. Thomas, deputy police commissioner of New York. Also members are the dean of Catholic University Law School, E. Clinton Bamburger; the dean of the University of Pennsylvania Law School, Bernard Wolfman; the dean of the University of Iowa Law School, David Vernon; and Charles Ares, dean of the University of Arizona Law School. Among the many professors of law are Harry Kalven, of the University of Chicago Law School; Ralph Brown, Clyde Summers, and Boris Bittker, of Yale Law School; Vern Countryman, of Harvard Law School; Walter Gellhorn, of Columbia Law School; and professor and former dean Thomas Cooley, of the University of Pittsburgh Law School. Among the distinguished members of the practicing bar are Edward N. Costikyan, William Van Den Heuvel, and Paul O'Dwyer, of New York; Charles Horsky, of Washington, D.C.; Albert Jenner, of Chicago; and John L. Saltonstall, of Boston.

Mr. President, I ask unanimous consent that a full list of the membership of the National Committee Against Preventive Detention be printed in the Record together with the statement of Justice Goldberg opposing the preventive detention portions of the District of Columbia crime bill.

There being no objection, the list of the membership of the National Committee Against Preventive Detention and Justice Goldberg's statement were ordered to be printed in the Record, as follows:

National Committee Against Preventive Detention

George Alexander, Professor of Law, Syracuse University Law School, Syracuse, New York.

Charles Ares, Dean, University of Arizona Law School, Tucson, Arizona.

James B. Atleson, Professor at Law, Law School, State University of New York at Buffalo, Buffalo, New York.

E. Clinton Bamburger, Dean, Catholic University Law School, Washington, D.C.

Bernard Berkman, Lawyer, Cleveland, Ohio.

Gerald Berlin, Lawyer, Boston, Massachusetts.

Edgar Bernhard, Lawyer, Chicago, Illinois.

Boris L. Bittker, Professor of Law, Yale University Law School, New Haven, Connecticut.

Judge Bernard Botein, New York, New York.

Ralph S. Brown, Jr., Professor of Law, Yale University Law School, New Haven, Connecticut.

Robert L. Carter, Lawyer, New York, New York.

LeRoy Clark, Professor of Law, New York University Law School, New York, New York.

Daniel G. Collins, Professor of Law, New York University Law School, New York, New York.

Thomas Cooley, Professor of Law, University of Pittsburgh Law School, Pittsburgh, Pennsylvania.

Edward N. Costikyan, Lawyer, New York, New York.

Thomas G. S. Christensen, Professor of Law, New York University School of Law, New York, New York.

Vern Countryman, Professor of Law, Harvard University Law School, Cambridge, Massachusetts.

Judge Charles S. Desmond, Lawyer, Buffalo, New York.

Norman Dorsen, Professor of Law, New York University Law School, New York, New York.

Edward J. Ennis, Lawyer, New York, New York.

Ted Finman, Professor of Law, Law School, University of Wisconsin, Madison, Wisconsin.

Adrian Fisher, Dean, Georgetown University Law School, Washington, D.C.

Walter Fisher, Lawyer, Chicago, Illinois.

Robert B. Fleming, Professor of Law, Law School, State University of New York at Buffalo, Buffalo, New York.

Henry H. Foster, Jr., Professor of Law, New York University School of Law, New York, New York.

Osmond Fraenkel, Lawyer, New York, New York.

Ralph Fuchs, Professor of Law, University of Indiana Law School, Bloomington, Indiana.

Walter Gellhorn, Professor of Law, Columbia University Law School, New York, New York.

Justice Arthur J. Goldberg, New York, New York.

Alvin Goldman, Professor of Law, University of Kentucky Law School, Lexington, Kentucky.

Murray Gordon, Lawyer, New York, New York.

Arthur J. Harvey, Lawyer, Albany, New York.

Lawrence Herman, Professor of Law, Ohio State University Law School, Columbus, Ohio.

Samuel M. Hesson, Union University Law School, Albany, New York.

Charles Horsky, Lawyer, Washington, D.C.

Willard Hurst, Professor of Law, Law School, University of Wisconsin, Madison, Wisconsin.

Albert E. Jenner, Lawyer, Chicago, Illinois.

John M. Junker, Professor of Law, University of Washington Law School.

Harry Kalven, Jr., Professor of Law, University of Chicago Law School.

Marvin Karpatkin, Lawyer, New York, New York.

Dorothy Kenyon, Lawyer, New York, New York.

Stanley Laughlin, Jr., Professor of Law. Ohio State University Law School, Columbus, Ohio.

Richard Lipsitz, Lawyer, Buffalo, New York.

District Attorney Thomas J. Mackell, Queens, New York.

Robert Mannheimer, Lawyer, Des Moines, Iowa.

Martin Miller, Lawyer, Denver, Colorado.

Merle Miller, Lawyer, Indianapolis, Indiana.

Charles G. Moerdler, Lawyer, New York, New York.

E. Kent Moore, Lawyer, Lafayette, Indiana.

Paul Oberst, Professor of Law, University of Kentucky Law School, Lexington, Kentucky.

Paul O'Dwyer, Lawyer, New York, New York.

Robert Pitofsky, Professor of Law, New York University Law School.

Edward Post, Lawyer, Louisville, Kentucky.

Henry J. Price, Lawyer, Indianapolis, Indiana.

Rollie Rogers, Lawyer, Denver, Colorado.

Albert J. Rosenthal, Professor of Law, Columbia University Law School, New York, New York.

Harold Rothwax, Professor of Law, Columbia University Law School, New York, New York.

John L. Saltonstall, Lawyer, Boston, Massachusetts.

Van Schoenthal, Lawyer, Des Moines, Iowa.

F. Thomas Schornhorst, Professor of Law, University of Indiana Law School Bloomington, Indiana.

Herman Schwartz, Professor of Law, University of Buffalo Law School, Buffalo, New York.

Robert Sedler, Professor of Law, University of Iowa Law School, Iowa City, Iowa.

Clyde W. Summers, Professor of Law, School New Haven, Connecticut.

Franklin A. Thomas, Deputy Police Commissioner, New York, New York.

William Van Den Heuvel, Lawyer, New York, New York.

David Vernon, Dean, University of Iowa Law School, Iowa City, Iowa.

Richard Ver Wiebe, Lawyer, Fort Wayne, Indiana.

Bernard Weisberg, Lawyer, Chicago, Illinois.

Bernard Wolfman, Dean-elect, University of Pennsylvania Law School, Philadelphia, Pennsylvania.

Edgar Zingman, Lawyer, Louisville, Kentucky.

NEWS RELEASE OF THE AMERICAN CIVIL LIBERTIES UNION

NEW YORK CITY, March 18, 1970.—Reaffirming its strong opposition to federal legislation authorizing pre-trial preventive detention, the American Civil Liberties Union announced today the formation of a nationwide committee of eminent attorneys and law school deans and professors to oppose the measures.

The National Committee Against Preventive Detention is headed by former Supreme Court Justice Arthur J. Goldberg, and includes such prominent persons as Judge Bernard Botein and Charles Desmond; Queens District Attorney Thomas Mackell; Adrian Fisher, Dean of the Georgetown University Law School in Washington, D.C.; and Albert E. Jenner of Chicago, former Chairman of the American Bar Association Committee on Judicial Selection and Tenure. An immediate target of the Committee is the preventive detention section of H.R. 16196, an anti-crime bill affecting the District of Columbia, which is scheduled for debate in the House of Representatives tomorrow (March 19).

The Committee's creation was announced at a press conference at the Overseas Press Club, held by Justice Goldberg and John de J. Pemberton, Jr., ACLU Executive Director. Justice Goldberg disclosed that the National Committee will bring its views that preventive detention is unconstitutional to members of the Congress and the White House, and also seek to stimulate wider public understanding of the dangers of such legislation.

The text of Justice Goldberg's statement is attached, along with a Fact Sheet on Preventive Detention, and a list of the members of the National Committee Against Preventive Detention.

STATEMENT OF JUSTICE ARTHUR J. GOLDBERG, ON BEHALF OF THE NATIONAL COMMITTEE AGAINST PREVENTIVE DETENTION, MARCH 18, 1970

Proposals for preventive detention turn our system of justice upside down, risk the imprisonment of innocent men and invite abuse at the hands of the law during a period of social strain when law must prevail by its steady fairness and even-handed objectivity. It is alien to the American concept of law-enforcement and our tradition to punish persons for actions which may take place in the future.

The Eighth Amendment to the Constitution and its implementation in court decisions and legislation clearly guarantee fair bail for all but capital crimes. Pre-trial preventive detention scorns these fundamental provisions of liberty, won after long struggle, by placing those still innocent in pointless danger of punishment which should be reserved for those found guilty after fair trial.

Preventive detention is a misguided response to the public concern for safe streets. It is claimed by the Administration that a solution to crime can be supplied by jailing suspects while they wait for trial. The solution misses the mark, obscures the real issues and threatens more damage to public safety than any protection it can possibly provide.

Several reports from the District of Columbia disclose that preventive detention is no cure-all for eliminating crime in the streets. In 1966, the *Report of the President's Commission on Crime in the District of Columbia* stated that of "2,776 persons released on bail pending trial for felony charges, 207 (7½%) were later held for felonies committed while out on bail pending trial, and of the total number, only 4½% were held for crimes involving violence, in Washington, D.C." On January 23, 1969, in hearings before the Senate Subcommittee on Constitutional Rights, the then Counsel of the Subcommittee, Paul L. Woodard, described the experience of two trial judges. One routinely detained all arrested suspects he considered as "bad risks." The second judge routinely released most suspects pending trial. During the period studied, the first judge detained about half the defendants who came before him (144 out of 285). The second judge detained only about one-fifth (46 out of 226). Of those released by the first judge, twelve were charged with offenses—either felonies or misdemeanors—while awaiting trial; while of those released by the other judge sixteen were accused of such offenses.

Such reports make it apparent that hard-line pre-trial detention does little to remedy crime. Quite the contrary, it can be predicted that unconscionable injury to the innocent is the much more likely outcome.

Certainly, it is crucial in this period of our history that the administration of justice and the laws which guide the courts obtain all possible respect from the people. This respect is not available on mere fiat. Neither are Americans inclined to accept a detention system which punishes the innocent and yields but a minimal gesture in the direction of genuine improvement in the administration of justice.

The proponents assure us that concessions to the right of speedy trial contained in proposed federal legislation will provide adequate off-setting advantages to those detained. But the right to a speedy trial belongs to everyone as a constitutional guarantee; it should not have to be purchased at the price of preventive detention. And the benefit to public safety gained by promptly bringing to trial those defendants who are deemed dangerous can likewise be provided for by Congress without conditioning it on the sacrifice of personal liberty and the compromise of one of America's noblest precepts.

Neither the people nor the Congress should permit a misleading, high-risk distortion of traditional freedoms to take place. Preventive detention should not be allowed to delay or obscure the acknowledged improvements in our system of justice which have universal endorsement and lack only priority funding in order to take place. Such improvements consist largely of measures which would shorten the time between arrest and trial and staff more fully and effectively the agencies which supervise defendants who are released pending trial.

From arrest to the conclusion of trial in most criminal jurisdictions now consumes almost two years time. In the best run systems, such as the District of Columbia, where federal moneys provide more judges and court

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personnel, the lag is still a year between arrest and trial.

These corrections can be made by (1) improvements in judicial administration, and (2) expenditure of enough money to make the system of justice work expeditiously.

We urge national resolve to achieve these improvements certain to enoble the law rather than the perilous proposals for preventive detention which will erode confidence and respect in the administration of justice. As a first step, we ask members of the Congress to reject pending legislation to permit preventive detention.

LOOSE TALK ABOUT SLANTED NEWS

Mr. McINTYRE. Mr. President, ever since the Vice President's public questioning of the objectivity of the communications media last fall we have heard a great deal of talk about "slanted" news presentations.

Recently one of the most respected weekly editors of my State, Mr. Edward DeCourcy of the Newport, N.H., Argus-Champion, addressed himself to this matter in a most eloquent and thoughtful column.

Because I believe Mr. DeCourcy's analysis deserves widespread consideration, I ask unanimous consent that his column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is News Universally Slanted?

(By Edward DeCourcy)

Loose talk about "slanted" news is becoming almost as commonplace as long hair.

Much of it is coming from persons who do not consider themselves "liberal," but claim that the news is being given a "liberal" slant.

I'm not sure just what that means. It probably means that some news is being published about events that show the critic in a poor light, particularly if he is a public official and does not want the public to know about his peccadillos.

If I understand today's idiom, a "liberal" is someone who sees an evil and tries to correct it, and an "unliberal" is someone who sees an evil and thinks it will go away if we leave it alone.

If that is so, nobody should be surprised if a great many newspapermen are "liberals." In their jobs they have to see too much evil in the raw, and no matter how tough they may pretend to be, it gnaws at their hearts. Moreover, newspapermen have to learn to think. Easy as it may appear, writing a news story demands thought. First there is the effort to gather accurate information, often an enormously difficult task. Then there is the even greater effort to put that in orderly words, accurate words, so that the reader will understand, all in the hope that what goes into the reader's mind will be truth.

So, the newspaperman who must witness so much stark evil and who must learn to think is likely to become a "liberal."

The assumption, however, that simply because a great many newspapermen are "liberal" they distort the truth, would be both difficult to prove and a nasty insult.

Some 40 years ago I watched a four-year old girl die on an automobile running board. I can still see those blond curls matted with blood and vomit as the broken little body convulsed to stillness. She had been run over by a drunken driver.

I still see those curls every time I cover the trial of a drunken driver. I always will. I have an abiding conviction that drunken driving is a serious crime, one that our society takes entirely too lightly.

But in the four decades since then, I have never knowingly twisted the news of a single drunken driving trial.

This is not to say that no newsman has ever twisted a story to fit his prejudice. Obviously some have, and probably no day goes by without somebody somewhere being guilty.

It is to say, however, that a newspaperman can be "liberal" or "unliberal" and still be both honest and competent.

I claim that most of those who charge that news is being universally slanted don't know what they are talking about. They can't. There are 1,752 daily newspapers, 8,000 weeklies, 7,249 radio stations and 662 television stations in the United States. Who could read, listen to or watch even one per cent of them?

Like nearly all newspapermen, I make a reasonable effort to keep abreast of the news. I read seven daily newspapers (less than one-half of one per cent), about 40 weeklies (less than one-half of one per cent), and spend about an hour a day watching news broadcasts. With such scant observation I surely can't prove whether newspapers, radio or television generally are slanting the news or not.

I just don't know. And neither do some of the loudest voices making the claim. If they don't read the papers, they don't know what the papers are saying.

The New York Sun was a great newspaper. It got a lot of mileage out of the story about a man who told his little boy, "Willy, if you see it in the Sun, it's so, even if it ain't so."

Mileage or not, the Sun died some 20 years ago.

The truth was then that just because something appeared in the Sun it was not necessarily true, and the truth is now that just because somebody, however exalted he may be, says something it is not necessarily true, either.

In fact, the more exalted he is, the greater is his temptation to slant his own statements.

THE CARSWELL NOMINATION

Mr. GOODELL. Mr. President, I invite the attention of Senators to an excellent statement by the Association of the Bar of the City of New York on the nomination of Judge Carswell.

The association numbers among its members many of the most distinguished lawyers in New York City and, indeed, in the Nation. The fact that this distinguished group is urging the Senate to reject the nomination of Judge Carswell is highly significant.

The statement cogently reminds us once again that Judge Carswell lacks the professional qualifications and the sensitivity to civil and human rights that is required for a Justice of the highest court in the land.

I ask unanimous consent that the text of this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record as follows:

March 31, 1970.

Senator Charles E. Goodell,
Washington, D.C.:

The executive committee of the Association of the Bar of the City of New York respectfully requests the Senate to reject the nomination of Judge G. Harrold Carswell for the United States Supreme Court or to recommit his nomination to the Committee on the Judiciary. Service on the United States Supreme Court requires that a Justice have exceptional qualifications of integrity, professional distinction, legal learning and proven sensitivity to human and civil rights. In our considered opinion, the public record demonstrates that Judge Carswell lacks these essential qualifications for a Justice of the highest court in the land. We join with other lawyers and bar associations and with law school teachers in urging the Senate to insist on excellence on the Supreme Court.

Francis T. P. Plimpton,
President.
D. Nelson Adams,
Chairman.

PECOS GROUP URGES 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, many years have passed and many trees have fallen in the Big Thicket since I first introduced a bill in 1966 to establish a Big Thicket National Park. My present bill on this important proposal is S. 4. The establishment of a 100,000-acre Big Thicket has received numerous endorsements from groups and individuals throughout the Nation.

Texas' only Indian reservation is located in the Big Thicket. The Alabama-Coushatta Indian Reservation is located on the U.S. Highway No. 190 about 17 miles west of Woodville in the range of the "upper thicket" forest type. The reservation is home for a modest but foresighted group of Indians who are determined to improve their economic situation through tourism. The establishment of the Big Thicket National Forest would benefit this hardy group of original Americans as well as all other Americans who love beauty and nature.

Mr. President, I ask unanimous consent to have printed in the Record the resolution of the Merry Wives Club of Pecos, Tex., endorsing a 100,000-acre Big Thicket National Park.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution on Big Thicket National Area

Whereas, the Big Thicket is a beautiful area, not yet viewed by thousands of Texans and other Americans; and

Whereas, new species of trees and shrubs are still being discovered in the Big Thicket, and are of value to the botanical knowledge of mankind; and

Whereas, the Alabama-Coushatta Indian Tribes have lived in this area for many generations and need a large undisturbed homeland; and they need to spread to tourists who visit them the knowledge of their tribal ways and skills; therefore,

Be it resolved that the Merry Wives Club of Pecos, Texas urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it resolved that the Interior and Insular Committees of the Senate of the United States be requested to set immediate hearings of S. 4 which would create a Big Thicket National Area.

Frances M. Mannel,
President.
Gladys Burkholder,
Secretary.
Marjory L. Blackwell,
Corresponding Secretary.

XUM

TRANSFER OF JURISDICTION IN UNFAIR LABOR PRACTICE CASES

Mr. HRUSKA. Mr. President, the distinguished Senator from Texas (Mr. TOWER) has introduced proposed legislation which would transfer the jurisdiction for deciding unfair labor practice cases from the National Labor Relations Board to the Federal district courts.

I intend to support this move as I believe it is the best way of correcting what has become an intolerable situation with respect to the absolute lack of credibility of the NLRB as an impartial body interpreting and administering our labor law.

Mr. President, I participated in the hearings mentioned by Senator TOWER which were held by the Subcommittee on Separation of Powers in 1968. Recently, the subcommittee released its report based on those hearings. The crux of the report is that—

> The NLRB has unreasonably emphasized the establishment and maintenance of collective bargaining and strong unions to the exclusion of other important statutory purposse which often involve the rights of individual employees.

The subcommittee found that the Board has been able to do this by "a freewheeling interpretation of the statute's more general provisions, by applying double standards and by ignoring plain legislative mandates."

I believe the transfer to the district courts of the Board's jurisdiction over unfair labor practice cases will be a giant step in eliminating the abuses and lack of evenhandedness which we have in the Board. I would like to briefly touch upon a few of the reasons the district court approach is the right one.

The NLRB has demonstrated a distressing lack of objectivity and impartiality required of a judicial body. The present structure and operation of the Board tends to lead to a narrow view of the goals of the act. Members appointed to the Board too often have not been impartial men but men who come to the office with definite viewpoints which are rarely changed during the time they serve. There is a built-in polarization which effectively eliminates any hope of having real discussion and persuasion.

The evidence adduced at the hearings substantiates the claim that the Board is politically responsive. The rule as to whether a union waives preelection employer unfair labor practices by proceeding to an election, the rules governing "captive audience" speeches, and the doctrine concerning the permissibility of craft severance, have changed each time there was a change of party in the White House. The division of the Board is either prounion or promanagement.

The built-in political bias of the Board is partly due to the fact that the political forces which operate on the Presidential appointing power are too narrow and tend to focus only on achieving prounion or promanagement bases. This bias has led to denominating the respective boards on the basis of appointing power, "the Eisenhower Board," "the Kennedy Board," and "the Johnson Board."

Mr. President, the end result of the political responsiveness of the Board is that the real goal of the act, which is the protection of the individual rights of employees, is subverted to the interests of organized labor or to management, depending on the makeup of the Board at the time a controversy is decided.

Mr. President, an argument used by those who do not wish to see the present system altered is that because of the many complexities of labor law and because of all of the supposed novel questions which arise, only a Board with "experts" is able to deal with the situation. However, this argument is not really very valid. It was pointed out in our subcommittee's hearings that we no longer have only the bare bones of a labor policy but that it has been substantially "fleshed out" over the years. It was further pointed out that a number of provisions have been left to the courts for enforcement which are far less specific than those over which jurisdiction has been given to the Board, Section 301, for instance, is far less specific than 8(b)(4), 8(e), 8(b)(7). Furthermore, a large number of Board decisions find their way to the courts and a great many are reversed and modified.

Mr. President, the subcommittee's report specifically states that a more desirable tribunal than the NLRB might be the U.S. district courts.

District court judges will have a broader view of their responsibilities and sensitivity to criticism of how they carry them out than is true of NLRB members.

Also, as the report observes, the pressures surrounding the appointment of district judges will not be as narrow and intense as those surrounding Board members because of the manifold responsibilities of district judges.

There are, of course, problems associated with the transfer of jurisdiction to the courts. These were recognized by the subcommittee, but by no means are they thought to be insurmountable.

There might, for example, be a lack of uniformity nationwide by leaving decisions with the many districts courts. But it should be noted that the present system of regional directors and trial examiners is not uniform. Also, there is some diversity because of important cases going to the court of appeals. Furthermore, in every area of law the problem of uniformity exists. There is no more nor no less reason to have uniformity in this area of law than in any other area.

There is also the problem of the caseload of the courts, and this would fall on some districts much more than on others. However, in this context it should be pointed out that assuming that the volume of cases in the courts would be the same as that before the Board, is not correct. Many of the Board's cases are self-generative of future cases. The instability, unpredictability, and the "flip-flopping" decisions of the Board are partly the reason for its large workload. Witnesses at the subcommittee's hearings indicated that specific Board decisions such as Fibreboard and Bernel Foam produce a tremendous amount of litigation.

Overall, the benefits of transferring the jurisdiction to the courts far outweighs the few problems which could be dealt with very easily. But much more important, justice, impartiality and objectivity, which are completely lacking in the Board, would exist in the courts.

Mr. President, in addition to transferring the jurisdiction over unfair labor practices charges to the district court, Senator TOWER's bill would make another significant change in the enforcement provisions under the National Labor Relations Act as amended.

The power to file unfair labor practice complaints which is presently vested in the General Counsel of the Board would be transfered to the U.S. attorneys and to the aggrieved party.

Before 1947, the General Counsel was subject to the authority and direction of the Board. Believing that such a structure combined the functions of judge and prosecutor in such a way as to prevent a fair hearing, Congress separated the prosecutory and adjudicatory functions by creating a General Counsel independent of the Board. The statute, however, is quite vague as to what standards are to guide the General Counsel's determination of whether to issue a complaint. Since the General Counsel's decision is unreviewable, the failure to issue a complaint has the effect of a negative adjudication of the merits of a case.

Senator TOWER's bill gives the power to file a charge to the U.S. attorney. If he decides not to file, the individual has the right to file the charge himself, thereby assuring an adjudication on the merits.

Mr. President, the Wagner Act was enacted in 1935 to guarantee and protect the rights of the American workingman. The Taft-Hartley Act was enacted in 1947 because Congress believed that the Board was not carrying out its original mandates. In 1959, Congress was again moved to declare its prerogative over labor policy by enacting the Landrum-Griffin Act.

Our hearings show that the Board continues to follow its own bias, rather than the clear mandate of Congress.

Mr. President, the National Labor Relations Board is a creature of Congress. It has no power but what is given it by Congress. Since it persists in flouting the will of Congress, I believe that it is time for Congress to assert its prerogative in the field of labor by vesting the jurisdiction over labor disputes in the district courts.

UNREST, THE CARSWELL NOMINATION, AND SOCIAL CHANGE

Mr. McGOVERN. Mr. President, I have recently read two articles which I think all Senators might profitably read and consider as they decide the position they will take on the Carswell nomination and many other issues of the day.

One of them is an article, from the Washington Post, entitled "A Black at the Gridiron Dinner," written by Roger Wilkins, a former Assistant Attorney General of the United States who is now a Ford Foundation executive, one of the two black men who were invited to the recent gridiron dinner to witness what

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Wilkins has described as "a Mr. Bones routine about the southern strategy" presented by the President and the Vice President of the United States. I had the privilege of being seated next to Mr. Wilkins at the dinner, but like others present I did not have the sensitivity to realize the anguish that he experienced.

The other article is by Dr. Leon Eisenberg, professor of psychiatry at Harvard Medical School and chief of psychiatry at Massachusetts General Hospital in Boston, on "Student Unrest: Sources and Consequences," which appears in the March issue of Science, the monthly magazine published by the American Association for the Advancement of Science.

I ask unanimous consent that the articles be printed in the Record, for I believe they offer insight which we need into the causes and consequences of both racial and student unrest. As we debate and act on Judge Carswell's nomination, these and other issues involving the adjustment of our Government and our society to changes—some of them hard to perceive, as occurrences at the gridiron dinner would indicate ought to be in our minds.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Black at the Gridiron Dinner

(By Roger Wilkins)

When it was all over, a number of men had tears in their eyes, even more had lifted hearts and spirits, but a few were so dispirited that they went upstairs to get drunk. We had just heard the President and Vice President of the United States in a unique piano duet—and to many old Gridiron Dinner veterans, it was a moving showstopper. To a few others, it was a depressing display of gross insensitivity and both conscious and unconscious racism—further proof that they and their hopes for their country are becoming more and more isolated from those places where America's heart and power seem to be moving.

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The annual dinner of the Gridiron Club is the time when men can put on white ties and tails and forget the anxiety and loneliness that are central to the human condition and look at other men in white ties and tails and know that they have arrived or are still there.

The guests are generally grateful and gracious. But the event's importance is beyond the structures of graciousness because it shows the most powerful elements of the nation's daily press and all elements of the nation's government locked in a symbiotic embrace. The rich and the powerful in jest tell many truths about themselves and about their country. I don't feel very gracious about what they told me.

Some weeks ago, to my surprise and delight, a friend—a sensitive man of honor—with a little half-apology about the required costume, invited me to attend the dinner.

The first impression was stunning: almost every passing face was a familiar one. Some had names that were household words. Some merely made up a montage of the familiar faces and bearings of our times. There were Richard Helms and Walter Mondale and Henry Kissinger and George McGovern and Joel Broyhill and Tom Wicker and William Westmoreland and John Mitchell and Tom Clark (ironically placed, by some pixie no doubt, next to each other on the dais) and Robert Finch and Ralph Nader, and of course, the President of the United States.

One thing quickly became clear about those faces. Apart from Walter Washington—who, I supposed, as Mayor had to be invited—mine was the only face in a crowd of some 500 that was not white. There were no Indians, there were no Asians, there were no Puerto Ricans, there were no Mexican-Americans. There were just the Mayor and me. Incredibly, I sensed that there were few in that room who thought that anything was missing.

There is something about an atmosphere like that that is hard to define, but excruciatingly easy for a black man to feel. It is the heavy, almost tangible, clearly visible, broad assumption that in places where it counts, America is a white country. I was an American citizen sitting in a banquet room in a hotel which I had visited many times. (My last occasion for a visit to that hotel was the farewell party for the white staff director and the black deputy staff director of the United States Commission on Civil Rights.) This night in that room, less than three miles from my home in the nation's capital, a 60 per cent black city, I felt out of place in America.

That is not to say that there were not kind men, good men, warm men in and around and about the party, nor is it to say that anyone was personally rude to me. There were some old friends and some new acquaintances whom I was genuinely glad to see. Ed Muskie who had given a very funny and exquisitely partisan speech (the Republicans have three problems: the war, inflation, and what to say on Lincoln's Birthday) was one of those. I was even warmly embraced by the Deputy Attorney General, Mr. Kleindienst, and had a long conversation with the associate director of the FBI, Mr. DeLoach.

But it was not the people so much who shaped the evening. It was the humor amidst that pervasive whiteness about what was going on in this country these days that gave the evening its form and substance. There were many jokes about the "Southern strategy." White people have funny senses of humor. Some of them found something to laugh about in the Southern strategy. Black people don't think it's funny at all. That strategy hits men where they live—in their hopes for themselves and their dreams for their children. We find it sinister and frightening. And let it not be said that the Gridiron Club and its guests are not discriminating about their humor. There was a real sensitivity about the inappropriateness of poking fun that night about an ailing former President, but none about laughing about policies which crush the aspirations of millions of citizens of this nation. An instructive distinction, I thought.

There was a joke about the amendments to the Constitution (so what if we rescind the First Amendment, there'll still be 25 left), and about repression (you stop bugging me, I'll stop bugging you), and there were warm, almost admiring jokes about the lady who despises "liberal Communists" and thinks something like the Russian Revolution occurred in Washington on November 15. There was applause—explosive and prolonged—for Judges Clement Haynsworth and Julius Hoffman (the largest hands of the evening by my reckoning.)

As I looked, listened and saw the faces of those judges and of the generals and of the admirals and of the old members of the oligarchies of the House and Senate, I thought of the soft, almost beatific smile of Cesar Chavez; the serious troubled face of Vine Deloria Jr., and the handsome, sensitive faces of Andy Young and Julian Bond of Georgia. All those men and more have fought with surely as much idealism as any general ever carried with him to Saigon, with as much courage as any senator ever took with him on a fact-finding trip to a Vietnam battlefield, or even as much hope, spirit and belief in the American dream as any Peace Corps kid ever took to the Andes in Peru. But the men I have named fought for American freedom on American soil. And they were not there. But Julius Hoffman was.

As the jokes about the "Southern strategy" continued, I thought about the one-room segregated schoolhouse where I began my education in Kansas City. That was my neighborhood school. When they closed it, I was bused—without an apparent second thought—as a 5-year-old kindergartner, across town to the black elementary school. It was called Crispus Attucks.

And I thought of the day I took my daughter when she was seven along the Freedom Trail, in Boston, and of telling her about the black man named Crispus Attucks who was the first American to die in our revolution. And I remember telling her that white America would try very hard in thousands of conscious and unconscious ways both to make her feel that her people had had no part in building America's greatness and to make her feel inferior. And I remember the profoundly moving and grateful look in her eyes and the wordless hug she gave me when I told her, "Don't you believe them because they are lies." And I felt white America in that room in the Statler Hilton telling me all those things that night, and I told myself. "Don't you believe them because they are lies."

And when it came to the end, the President and the Vice President of the United States, in an act which they had consciously worked up, put on a Mr. Bones routine about the Southern strategy with the biggest boffo coming as the Vice President affected a deep Southern accent. And then they played their duets—the President playing his songs, the Vice President playing "Dixie," the whole thing climaxed by "God Bless America" and "Auld Lang Syne." The crowd ate it up. They roared. As they roared I thought that after our black decade of imploring, suing, marching, lobbying, singing, rebelling, praying and dying we had come to this: a Vice Presidential Dixie with the President as his straight man. In the serious and frivolous places of power—at the end of that decade—America was still virtually lily white. And most of the people in that room were reveling in it. What I wondered, would it take for them to understand that men also come in colors other than white. Seeing and feeling their blindness, I shuddered at the answers that came most readily to mind.

As we stood voluntarily, some more slowly than others, when the two men began to play God Bless America, I couldn't help remembering Judy Collins (who could not sing in Chicago) singing "Where Have All the Flowers Gone?"

So later, I joined Nick Kotz, author of "Let Them Eat Promises" and we drank down our dreams.

I don't believe that I have been blanketed in and suffocated by such racism and insensitivity since I was a sophomore in college when I was the only black invited to a minstrel spoof put on at a white fraternity house.

But then, they were only fraternity brothers, weren't they?

Student Unrest: Sources and Consequences

(By Leon Eisenberg)

They will rediscover rules of behavior which their predecessors have let fall into disuse, including matters supposed to be of little importance: how the young should be silent in the presence of their elders, give up their seats to them, and take dutiful care of their parents; not to mention details of personal appearance, such as the way their hair is cut and the clothes and shoes they wear. It would be silly, I think, to make laws on these matters; such habits cannot be established or kept up by written legislation. It is probable, at any rate, that the bent given by education will determine the quality of later life, by that sort of attraction which like things always have for one another, till they finally mount up to one imposing result, whether for good or ill. For that reason I should not myself be inclined to push legislation to that length.—Socrates, *as quoted in Plato's* "Republic"

Does psychiatry have anything useful to say about student unrest? I am uncertain. My reluctance to give a positive answer stems from the role ascribed to the psychiatrist. When he speaks, he is heard as though his comments are based solely on his knowledge of the mentally ill; his remarks on this topic will be taken to imply that student unrest is a manifestation of illness—and that, as I shall try to point out, is just what I do *not* think it is. I do not deny that some students, indeed some student leaders, are ill; any social movement that involves large numbers of people must, on the basis of statistical probability, include some who are ill. But that fact is tangential to any attempt to understand the fundamental sources of contemporary student behavior. If psychiatrists have anything useful to add, it will be from our knowledge of the interrelation between social forces and psychological development—that is, of normal adolescent and young adult psychology as these arise from, and in turn affect, the social and cultural history of this epoch.[1]

Student unrest in countries on every continent stirs passions and polarizes opinions. Urgent decisions are forced upon administrators by the vehemence of student activists. Traditional academic reliance on committees of investigation and prolonged faculty debates is precisely what students will not tolerate; they insist that delay sanctions immorality. Their tactic of confrontation is designed to provoke a response; clearly, it succeeds in doing so. Without the grace of leisurely contemplation, official reaction rapidly becomes reflex, as unreasoned and as impulsive as that of which we accuse the students. The rapidity of events puts a premium on hastily contrived and simpleminded "explanations" of extraordinarily complex phenomena.

That there is little time does not relieve us of the need to take time to try to understand lest we destroy the virtues of the University in the name of "defending" it. The greatness of the academic tradition lies precisely in its responsiveness to human needs. Needs change, styles change, societies change; many of our students perceive the very university life which we found so meaningful for our own development as irrelevant to theirs; they regard it as counterproductive in solving the major social problems of this era. It is often the brightest, the most committed, the most creative, who so regard it.[2] It falls upon us to try to understand what it is about them, and what it is about the world they and we live in, that can account for this turning away from the Academy. Without such understanding, this nation may set forth upon a course of action that will destroy the University and its students—and us as well.

ACADEMIC TURBULENCE NOT NEW

First, a historical note.

The American student revolution that began in the 1960's is regarded by the general public as unprecedented; this is partly because of the unhealthy quietude that prevailed in the previous decade of witch-hunting congressional committees. In fact, Harvard, recently the scene of a building takeover and a police bust after years of relative tranquillity, was wracked by student revolutions in the 18th and 19th centuries. These revolts were not over high moral issues but over the more mundane matter of the quality of the food served in the commons. From this each took its name: the Bread and Butter Rebellion of 1805; the Cabbage Rebellion of 1807. The new commons built in 1814, called University Hall (the name of the building seized in 1969), was the scene of general turmoil which led to the dismissal of the entire sophomore class, one of whose members (John Washington Adams) was the son of the then President of the United States, John Quincy Adams.

Indeed, the European universities, on which the American were modeled, had been marked by serious and bloody fights between the academics and townspeople in France and in England.[3] Cambridge University itself was founded by migrating scholars from Oxford after that university was closed. Perhaps half the universities in Europe owe their origin to such migrations—and the constitutions of others were formalized only after riots had forced change.

If I mention the past, it is to remind us that the phenomena that beset us have not appeared *de novo*, but *not* to suggest that the causes are identical or to imply that we can simply await the passing of the tide. The university occupies a far more central position in contemporary society; students form so much larger a proportion of the young population as to have altered the social role and significance of student life qualitatively; although food or dormitory life can be a trigger for unrest, the public slogans behind which the students rally demand changes in society, not the privilege of the monastic pursuit of isolated scholarship.

My remarks are confined to the North American scene. The phenomenon itself, as each day's newspapers reveal, is worldwide. Some of the motivating factors are similar here and abroad (and thus this article may have at least limited relevance elsewhere). Others are ecologically specific; the antiquated and authoritarian structure of Italian and French universities, the role of military oligarchies in Latin America; the lack of professional opportunities in undercapitalized countries; the suppression of cultural freedom in eastern Europe—each shapes student response. But it is my contention that the United States, by virtue of its enormous productive capacity, its technological finesse, and its relative, but uneven, affluence, offers in its present a view of a future inevitable for the youth of other nations—unless they (and we) recognize the sociological revolution in the status of young people that is part of the "post-industrial" state.

PROLONGATION OF ADOLESCENCE

Let me now sketch in broadly some of the identifiable forces which shape the characteristics of contemporary youth. Of these, the most often mentioned, but by no means the most important, is biological.

There has been a marked secular trend toward a lowering of the mean age at which puberty occurs. Tanner[4] has estimated that "the age at menarche has been getting earlier by some four months per decade in Western Europe over the period of 1830–1960." By this projection, *biological* adolescence begins 4 years earlier than it did a century and a half ago, presumably because of improvements in nutrition and health. Obviously, this is not an infinite regression. There is a biological lower bound; nations, and classes within nations, undergoing the most rapid economic gains experience the most marked changes. The relevance to our topic is simply this: the attainment of the biological capacity for assuming adult roles now antecedes by a significantly longer period than in the past the time at which the young person is admitted to adult status, and would do so even if the age of adulthood had remained constant.

More significant, however, is a second set of factors. With the increasing technological development of modern society, the age at which the necessary training for adult roles can be mastered extends the interval between childhood and acknowledged adulthood still further, thus prolonging adolescence *socially*, just as it has been prolonged *biologically*. I need not spell out the psychological significance of possessing physical, intellectual, and social capacities the responsible exercise of which is denied by the rules and conventions of societies which have not accommodated to change.

Yet, on the other hand, by virtue of this very prolongation of the time available, not to a small elite, but to an ever larger number of our youth, it is also true that adolescent and young-adult psychological development is permitted a time for flowering unknown to earlier generations.

CHILDHOOD, ADOLESCENCE, AND YOUTH AS CONCEPTS

Philip Aries[5] has provided evidence that the *idea* of childhood is a relatively recent cultural invention. In the Middle Ages, only infancy was recognized as a separate stage. It lasted until the age of 7, when the child was assimilated into the adult world by apprenticeship, with little or no formal education for the vast majority of children. The concept of childhood as a separate stage of human development was first advanced in the educational writings of the French philosophers of the Enlightenment.

As infant mortality began to decrease, and as the amount of leisure time began to increase, the experience of childhood began to change. With the growth of industrialization and the need for a better-trained working class, education of the child and his segregation from adult society in the special institutions appropriate to the new concept of childhood began to be the norm for an even larger percentage of the world's children.

Kenneth Keniston[6] has carried this argument one step further: he suggests that the *concept* of adolescence is a 20th-century idea, resulting from the further evolution of society. Freud, writing at the turn of the century, spoke of puberty as a biological event and had relatively little to say about it in contrast to the profusion of publications on adolescence that appeared in the post-World War II period. In this country, mandatory schooling up to the age of 18 has become the rule; the period of being sheltered from work roles and being assigned formal educational tasks has been extended to an increasingly large percentage of the 12- to 18-year-old population, for whom the job market has in any event no openings.

With some 7 million young Americans in colleges and universities, Keniston argues that the ground has been set for a new stage of psychological development: the postadolescent stage of *youth*.

These are young people who have completed the psychological tasks of adolescence in Erikson's terms—emancipation from the family of origin, comfort with sexuality, attainment of a sense of identity and a capacity for intimacy.[7] But in their extended role as students, given a moratorium from the need to assume adult responsibilities, they continue to experiment with adult roles and to reasses their relation to society. Unlike so many of us a generation ago, they are not willing simply to be enrolled in the society made for them by their elders but, instead, question the very foundations of that society. They fluctuate between moods of euphoria, convinced that they can make real a world of beauty and idealism, and moods of alienation, wanting nothing to do with an ugly reality they despair of changing. It is true that they have not learned the necessity of translating idealistic ambition into effective tactics for progress. But have we?

Footnotes at end of article.

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I do not wish to be misunderstood. There have been children, adolescents, and youth in all recorded history. But the self-conscious awareness of these epochs as stages of developments and the creation of social institutions to provide the time and the means for their flowering are new phenomena, new at least in the sense that more than a handful of young people participate in this further personal development.

The very newness of the concept of adolescence and the explosive growth in the numbers of those sharing in it contribute to a social hiatus: the absence of traditional mores for behavior appropriate to this prolonged and massed stage of youth. Ruth Benedict, 30 years ago [8], pointed out that primitive societies provide rites of passage in puberty—feats of strength and courage and tribal ceremonies that formally acknowledge the beginning of manhood. Contemporary society has blurred as well as prolonged this transition. For many—the poor, the black, the Mexican, the Puerto Rican, the Indian—there is no assurance of an adult role with meaning and dignity. I have argued elsewhere [9] that the striking absence of adolescent unrest in Israeli collective farms is in part explicable in terms of the need for the labor of the young, upon whom the collective depends for its existence [9]. Perhaps I exaggerate the absence of norms for youth. In our time, riots and rowdyism were hardly uncommon; they occurred after football games and in panty raids. But these were the prerogatives of the college-bound elite; their elders smiled indulgently at these momentary excesses of young gentlemen en route to executive roles. Can it be that our ire is aroused by a difference in *causes*, by the *seriousness* of the challenge, by the *social character* of the crowd, no longer a privileged elite but an unwashed generation?

SOCIAL CHARACTERISTICS OF STUDENT LIFE

Let me shift now from the psychology of individual development to follow Coleman's sociological analysis [10]. To repeat, we confront a large segment of the population who experience an enforced delay of the time at which they enter socially productive work. Moreover, their families are becoming far less important units of social cohesion, as more and more of the roles once borne by the family are taken on by other institutions in society. Third, these young people are segregated into mass educational institutions, which have a special value system: the student is given the task of improving himself on an individualistic basis—indeed, a competitive one—in which the success of one student is at the expense of another; grading is likely to be on a distribution curve. The funnel narrows as the student moves from one level to the next.

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Moreover, the university itself has grown larger and consequently more bureaucratic and impersonal. Small group and tutorial sessions, once the hallmark of higher education, have been replaced by computer assignments, large lecture halls, and televised instruction. Funding mechanisms, which make each scientist an entrepreneur in securing money to support his own research establishment, have weakened faculty loyalties to the university and to its students. Faculty advancement has been based on numbers of papers published and grants obtained, rather than on capacity to inspire the young. Regimented in large cohorts, pressed toward egoistic goals, isolated from the governance of the campus, the students' experience is one of disconnectedness from society. Moreover, the growing legions of college students (estimated at 10 million by 1975!) include many who are "social draftees" rather than "volunteers." Most immediately, this results from the search for an alternative to military conscription. But even were the Vietnam war to end, social pressures from parents and peers, together with occupational demands for credentials in the form of diplomas certifying, not competence, but completion, conspire to assign the university the role of producer of a managerial class rather than that of a haven for personal development.

Contrast this with the traditional social function of the young worker who must collaborate with others in producing for society. Though each worker may be motivated by his paycheck, he can earn it only in a common effort by virtue of the very nature of mass production; he can increase it only by joining with others in a trade union. If even the adults in contemporary society feel atomized and alienated, how much more must this be true of the student who has no immediate usefulness to society and who has had little to say in controlling the density of the society of which he is, willy-nilly, a member? It may be this very characteristic that makes joining in common causes so exhilarating an experience for students. As one reads the accounts of those who have participated in the seizure of buildings, one is struck by the repetitive assertion of the sense of euphoria and communal love that characterizes the immediate experience, whatever depression and dismay may follow its failure, and however ineffective the tactic may have been in attaining its professed aims. Some of these revolutionaries of ours are existential revolutionaries; for many it is the experience that matters rather than the accomplishments. In this emphasis on *feeling* lies the threat to the political mechanisms that must be preserved if social change is to be attained.

Just as these young people differ from the youth of an earlier day by virtue of these psychological and social characteristics, the world in which they live differs from the world of our adolescence in equally important ways. Industrialization has been succeeded by automation. To the machines that permitted man to augment his muscles have been added machines that permit him to augment his brain. This awesome power has resulted in a society that changes at an exponential pace. In a sense, the machines do outthink us, for they promise immediate gains so glittering in their appeal that we introduce them before we have been able to calculate their consequences. We are only just becoming aware of the pollution of our environment by the very technology that brings us creature comforts but whose price is the corruption of the quality of life. Some economists predict a future in which there will be work for no more than a fraction of the population. If this comes to pass, the religious ethic of work, common to the Judeo-Christian tradition, may be as out of date as the horse and the gas light. If the young regard the traditions we wish to pass on to them as irrelevant, they may not be wrong. Those traditions, even those only a generation old, may no longer be functional in a world that is radically different from the one in which they may have made sense. The hippie movement is dying, but its insistence on a degree of hedonism that infuriates those conditioned to a lifetime of hard work may in fact be a harbinger of future trends.

REVOLUTION AS THEATER OF THE ABSURD

Of the technical innovations that have special impact upon the young, none is more insistent and relentless than television. Television serves not only to transmit selectively, and by selection to determine, what is "news" but often to affect the course of the news by virtue of the presence of cameras on the scene. Its ubiquity and intrusiveness lend every contemporary happening the quality of living theater. Events are made "events" by the camera, whose presence inspires dramatic performances by providing an audience. Styles of behavior, once slowly spread by personal travel, now command instant imitation—and produce instant boredom, thus forcing a search for ever greater flamboyance if an audience is to be captured. The pace is accelerated, and overstatement is demanded, for the watcher has quickly had enough and turns the knob in search of new and more prurient excitement. It has become standard operating procedure to alert the mobile television truck as to the time and place of the next demonstration; without coverage, its value as witness is diminished. I do not suggest that the similarity of student tactics the world over is solely determined by the visual transmission of style—social urgencies the world over have their own resemblances—but each new stratagem becomes at once available to the rebel discouraged by the bankruptcy of his former repertoire. In *La Dolce Vita*, Fellini employed hordes of news photographers to symbolize the avidity with which the public devours scandal and destroys privacy. How pale the photograph in contrast to the moving image which converts political assassination into a commodity for home viewing!

Pervasive social problems press upon the young from every side. They inhabit a world that hangs upon the edge of instant nuclear destruction. The ideology of some is bitterly evident in the current one-line joke, "When you sail on the S.S. *Titanic*, why not go first class!" American students face enforced service in a savage and unpopular war in Vietnam or the equally unpalatable alternatives of jail or emigration. Their brief flurry into conventional political activity in support of Eugene McCarthy ended in the debacle at Chicago. In their view, the universities they attend have become corrupted in the process of serving the needs of the military-industrial complex, against which President Eisenhower had warned the nation. The major iniquities of society—poverty and racism—continue unchecked in the midst of affluence and plenty.

Unlike the last generation, this one rejects ideologies, capitalist and communist alike. The young insist on unconditional morality, a goal no society has yet attained, and they demand it now. Their insistence on immediate change together with their disdain for tactics and practicality, their emphasis on resurrection through personal witness, and their substitution of rhetoric for the hard work of politics, understandable though these manifestations may be, jeopardize the realization of the very social aims behind which they rally.

Irresponsible calls for social revolution when the social conditions for change do not yet exist can endanger the very possibility of change.

But perhaps we have been addressing ourselves to the wrong question all along. Perhaps we should be asking, not why there is student unrest, but why there is no *adult* unrest, except in response to students. Why are we content to tolerate an immoral and futile war? Why do we as physicians permit health services to be cut back while $100 million each day is committed to the war in Vietnam? It is perhaps because we have been complacent that the young are frantic?

If I have referred to students as "they" and have written as though so multifarious a group shared a single ideology—even that of "rejecting ideologies"—this has been no more than a device of rhetoric. To have qualified each statement with appropriate reservations would have made each sentence a labored paragraph and this brief article an unreadable monograph. One need only cite the bitter schisms that have ripped apart the once pluralistic and decentralized Students for a Democratic Society as testimony to the diversity and contradictions within the student movement. There simply are no reliable data for identifying that fraction of the student population that is "activist" in the broad sense of the term; sections of the country differ, and this month's answers almost certainly will not obtain next month. Indeed, there *are* students who accept traditional academic paths—some in pursuit of scholarship, others en route to professional roles, still others as a means of achieving occupational mobility—and some who maintain a precarious equilibrium by *not* raising questions.

Whatever the fraction of the disaffected who are explicitly committed to the goal of radical social change, what is striking is the large reservoir of support from their peers, who rally in substantial numbers when sanctions are brought to bear against the initially small bands. It is conventional wisdom to dismiss this secondary response as irrelevant to the initial issues and to attribute it to the cleverness of radical tacticians (and the ineptness of university authorities) in "politicizing" the student body. This is no more than another expression of disbelief in the salience of the issues that arouse students. The post-bust slogans may broaden to include demands for amnesty, but the initial banners are still very much in evidence. They continue to provide, because they are viewed as legitimate, the moral justification in the minds of the many for the defense of the beleaguered few. This remains true whatever may have been the intent of self-proclaimed revolutionaries.

One further distinction must, however, be emphasized. The concerns, the tactics, and the special circumstances of black students, while having attributes in common with those of white students, require a special analysis that is beyond the scope of this article. White student radicals are still in search of a constituency beyond the bounds of the campus; as of this writing, at least, they have had no evident success in their call for an alliance with labor.

Black students command greater, if still limited, sympathy in their own off-campus communities and have begun to voice demands more immediately relevant to the needs of those communities; witness the current emphasis on jobs for construction workers rather than one on purely academic reforms. The experience of growing up black in white America so burns itself into the consciousness of black adolescents and youths as to become the central issue in their development.[11]

The attitudes manifested by the student vanguard, white and black, are more significant than can be ascertained merely through counting numbers. For they bring to awareness, by sharpening to the point of caricature, the very issues, so easily blinked at by those of us who have it made, that threaten the fabric of society. To the extent that they reflect views shared in some part by a substantial percentage of their fellow students, they speak for some millions of young people. And that is a sociological phenomenon without parallel in our—or any nation's history.

WHO SHALL GUARD THE GUARDIANS?

To diagnose students unrest as though it were symptomatic of individual psychopathology is to fall into the error of confusing history with biography. The label of sickness provides a rationalization for avoiding an examination of the critcism the "patient" makes of his "family" and "doctor." To lable unrest as "sick" is no more than a sophisticated version of the rage of adults at the effrontery of the child who pointed out that the Emperor had no clothes on. In part, adult fury stems from the very accuracy of the charge the young lodge against us. This is not to say that the correctness of the accusation warrants abject surrender by our generation; the young have no greater wisdom than we possess, and a good deal less practicality. But it is to say that resort to harsh punishment will perpetuate angry rebellion and block meaningful change.

The danger is dramatically clear. The anarchy of the young; the recklessness of some in threatening the university, the last remaining platform for rational dissent; their isolation from the mainstream of the community—all combine to offer the right wing a prime and long-sought opportunity to smash the university in the name of protecting it. Our difficult task is to defend the legitimacy of student criticism at the same time that we find a way to make students aware that more is needed than sloganeering.

What must be combatted among students is the romantic movement to substitute feeling for knowing. If cold logic without ethics is what enables the engineer or the scientist to hire himself out to be a hangman and produce weapons of mass destruction, it is also true that the romantic revolutionary gets himself and his disciples slaughtered in the mountains by the guns of mercenaries.

Yet students have been perhaps the most potent single force in mobilizing public opinion against the war. Consider only the remarkable support for the Vietnam moratorium generated primarily by student groups. Indeed, 79 university presidents, notably silent until now, have petitioned the government for troop withdrawal. If it is argued that the university has been politicized, let it likewise be recognized that compliant silence is also a political act, particularly when it is accompanied by war-related research at the expense of comparable efforts to solve the staggering domestic problems that confront our nation. The irrational and often self-destructive actions of the minority of self-proclaimed revolutionaries represent only a small part of the youth scene. Indeed, what must be combated is the stereotyping of all students in the image of the few whose unacceptable behavior provides a convenient excuse for ignoring the real issues at the core of present-day unrest.

The energy, idealism, and intelligence of youth are the prime resources of each nation; if those resources are to be wisely spent, our youth must be involved in the mainstream of national life. Youth is impatient—as it should be—with excuses for perpetuating evil. In the excess of its zeal, it sometimes abandons reason. But he who does not lose his mind over certain things has no mind to lose.

FOOTNOTES

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THE ORIGINS OF THE RAIL PASSENGER PROBLEMS

Mr. PELL. Mr. President, in view of the increasing public concern about the condition of rail passenger service and in view of the pending Senate bill to assist rail passenger service, I believe it would be helpful to the Senate if a very informative article on the origins of the present rail passenger crisis, published in the March issue of the Signalman's Journal, be printed in the RECORD. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAILROAD PASSENGER, THE FORGOTTEN MAN

Uncle Hotchkiss has a temperamental heart. The doctor says no flying.

Cousin Bonnie has infected sinuses. She should never go up when she has a head cold.

Aunt Emma gets airsick. And Grandpa is afraid of flying.

Well, no matter, you say—they can take a train to wherever they want to go. But that's the point: they can't. There is none out of Corpus Christi, Texas, or Muncie, Indiana.

And what about you, flying from New York to Washington on business—just an hour by plane, but three or four on the ground, getting to and from the airport, more circling the field until your plane can land, and still more waiting for your baggage?

You would have preferred to take a train if the service weren't so bad, the food so undercooked and over-priced, and the cars so old, dirty and uncomfortable.

Perhaps you ought to complain, so that the railroads will know they are losing your patronage because of poor service and short-sighted management. Well, don't bother. They know it very well: in fact, they are doing their best to get rid of you.

The railroads do not want your business. They have been downgrading service and eliminating passenger trains for three decades in a determined effort to switch you to another means of travel. Since 1929, they have managed to cut out 95.5 percent of their passenger trains—a tragedy to the Brotherhood of Sleeping Car Porters as well as the other railway unions, and an incalculable loss to you. They would exterminate all the rest, if they could.

Why this wanton destruction of an important public facility? The railroads answer that the passenger trains are losing money. "The freight traffic is subsidizing the passenger traffic," runs their familiar song.

All their problems would be solved, they insist, if only they could get rid of their passenger trade. And the shippers fancy that with passengers removed, freight rates would go down.

But the railroads have an obligation to Grandpa, and Aunt Emma, and Uncle Hotchkiss, and Cousin Bonnie and you. They were granted charters by the various states to build and to operate public highways. The railroads are public thoroughfares, like turnpikes and canals, created to serve the public need and convenience.

To this end, railroads were given vast grants of public lands and public funds. By 1880, the various states had poured at least $228,500,000 into railroad coffers (in good old-fashioned, 19th century, pre-inflation

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Footnotes at end of article.

dollars), counties and municipalities had contributed another $300 million. New York State and its counties and towns supported its railroads to the tune of $40 million in cash or investments, only a quarter of which was ever repaid. The federal government and the state forked over 184 million acres to the railroads, about one-tenth of the land area of the continental United States! Texas alone handed over some 32 million acres, which is more real estate than makes up many of our states, New York included. In theory, at least, the railroads are very obligated to the public.

Because of the conflict in interests and the constant struggle resulting from it, other nations of the world have, one by one, found it necessary to nationalize their railroads. In this bastion of free enterprise, however, the bogey of nationalization has been staunchly resisted. The private interest has thrived on schemes and counterschemes, swindles and superswindles, crosses and doublecrosses, mergers and submergers, rate wars and hate wars, purchases of senators and commissioners, stock manipulations, panics and depressions, graft and bribery, while the public interest was treated to arrogance and discourtesy.

THE ICC TO THE RESCUE

It became increasingly evident that more than promises was needed to protect the public against the respectable piracy of the railroad tycoons. In 1886, a public outcry led to the appointment of a Senate Committee on Interstate Commerce. The Committee proposed a bill which, among other things, would create a five-man federal commission with power to investigate and regulate the financial operations and management of the railroads. It was not the first such bill to be proposed, but it was the first to be passed. Despite the howls of the railroad lobbyists, it became law on February 4, 1887.

The new Interstate Commerce Commission had no means of enforcing its decisions, however. There was no limit to the ways in which the law could be flouted by cutthroat railroad operators. Without qualms, they betrayed not only the law, but each other. Price wars, illegal rebates, swindles and rigging of books were common practice. One of the railroad presidents told a conference called by J. Pierpont Morgan, "Gentlemen, I have the utmost respect for you individually, but as railroad presidents I wouldn't trust you with my watch out of my sight."

ARROGANCE AND CORRUPTION

Although the ICC became more and more impotent, the railroad magnates frothed at the mouth at the very mention of it, and agitated for its removal. In 1892, Richard S. Olney, counsel for one of the railroads and a director of two others (late Attorney General in Grover Cleveland's Cabinet), advised C. Perkins, president of the Burlington railroad: "The Commission, as its function have now been limited by the courts, . . . can be . . . of great use to the railroads. It satisfies the popular clamor for a government supervision of railroads, at the same time that supervision is almost entirely minimal. . . . The part of wisdom is not to destroy the Commission, but to utilize it.

By the turn of the century, the helpless public thoroughly hated the railroads for their refusal to adopt safety methods (10,000 people were killed in railroad accidents every year and another 80,000 injured); for their arrogance and corruption; for their tax evasions; and for their merciless exploitation of their trainmen (working them 18 hours a day on freight trains). The ICC was of little use to the public in these matters. "The railroads own many of our courts and other public bodies," Commissioner Charles A. Prouty wryly told a reporter in 1904. "Not because they have of necessity bought them with money; they have a different way of doing things. They see to it that the right men . . . are elected. If the Interstate Commerce Commission were worth buying, the railroads would try to buy it. The only reason they have not tried . . . is that this body is valueless in its ability to correct railroad abuses."

It was the crusading Senator Robert La Follette of Wisconsin who sent accountants to look into the books of the railroads in his state, uncovering illegal rebates of over $10 million (which defrauded the public of hundreds of thousands in taxes) and consistent lies and defrauding.

Inquiries were launched, and the U.S. Attorney General instructed United States attorneys to prosecute railroads that paid rebates. In June of 1906, Congress passed the Hepburn bill fixing railroad rates. Succeeding Congresses strengthened federal controls over the huge railroad empire.

FREIGHT IS KING

Early in this century, the railroads were of a mind to dump their passenger trade in favor of the more lucrative and less demanding freight. Freight requires no attention, except from its shippers, doesn't object to filth and obsolescence, doesn't require feeding, sleeping or sanitation, doesn't smoke, drink or litter, doesn't sniffle when it's cold or perspire when it's too hot, and best of all, never complains. Furthermore, there was no limit to the prices that could be extorted from the shippers (and passed on to the public), whereas there was a fixed rate of two cents per mile for passenger fares. But it was not until the advent of the automobile that the railroads had a place to dump the unwanted passenger trade.

In 1920, the railroads began to eliminate hundreds of passenger trains. A meeting of presidents of eastern railroads in 1928 discussed how they might get out of the passenger business. Their answer was to downgrade service, to arrange inconvenient schedules and long, dreary trips, to let equipment deteriorate, and to encourage car and bus travel. And all the while to complain about the deficits of passenger traffic.

In the South and West, a few companies continued to promote their passenger traffic, but in the East during the 1940's only Robert C. Young, of the Chesapeake & Ohio made such an effort. Scotching all the old stock ideas about the passenger trade, Young called the sleepers "rolling tenements." Since 1954, however, almost all the eastern lines have been busily wrecking their passenger traffic.

It has been the habit of the railroads, whenever their legalized piracy has been impeded, to turn howling to the federal government like a favorite child running squalling to papa. At these times they virtuously remind everyone that the railroads exist in the public interest. After conducting hearings, a Senate committee summed up the reasons for the railroads' plight: The picture was one of "obsolete equipment, nineteenth century economics, and antiquated thinking. . ." Congress changed some of the rules on ratemaking and instructed the ICC to give what aid it could to permit the carriers to capitalize on their natural advantages.

In the past decades, the railroads have begun to carry freight by "piggyback" and to cooperate with the truckers by moving their trailers part of the way. Special freight cars were designed, such as the double-deck and triple-deck autorack cars, the "Big John" hoppers that carry more than 100 tons of grain, tank cars holding up to 15,000 gallons, boxcars that can haul an 80-acre tobacco crop, and other specialized trains.

Then began a series of mergers "in the public interest." In 1962 the Chesapeake & Ohio merged with the Baltimore & Ohio; in 1963, the Norfolk and Western joined the Nickel Plate and the Wabash; in 1966 the Pennsylvania united with the New York Central.

Although the ICC had stipulated that the Penn Central merger was contingent upon inclusion of freight and passenger operations of the New York, New Haven and Hartford, no sooner was the merger approved than the two railroads declared they could not handle the New Haven's passenger traffic. Similarly, when the N&W absorbed the Erie Lackawanna and the Central of New Jersey, it disclaimed all responsibility for their passengers. Implicit in these rejections of responsibility for passenger service was a demand for more public funds—all in the public interest, of course—and an Olympian disdain for the interests of the many employes who would be left jobless.

The railroads have never made a secret of their intentions to liquidate their passenger traffic. In July, 1956, Donald J. Russell, president of the Southern Pacific, predicted the end of the Pullman car and the disappearance of long-distance rail travel. The Pennsylvania's president told a New York Times reporter, "I've just about given up hope as to the future of long-haul passenger travel." These were not expressions of regret: they were statements of policy. The systematic annihilation of passenger traffic had been going on since 1929, and the railroads intended to accelerate the process.

GOING, GOING—GONE

The number of passenger trains in the United States had shrunk from at least 20,000 in 1929 to 11,000 in 1946. By 1964 they numbered only 1,300 and by August of 1967, less than 900. At least two states and any number of good-sized cities have no rail passenger service at all. There is no through service between some of the largest cities (between Cleveland and Detroit or Pittsburgh, for instance, or between Dallas and San Antonio). Efforts have been made to end or reduce service between New York and Boston.

This again, it is blandly proclaimed, is in the public interest. Aunt Emma, Uncle Hotchkiss, Cousin Bonnie and Grandpa are not convinced.

The railroads are quick to point out all the villains in the piece: the automobile; the airlines; discriminatory taxes; the money the federal government is lavishing on roads and airports (forgetting that it did as much for the railroads); rising costs of equipment and that favorite whipping boy of all incompetent managements, the unions.

How real is this passenger deficit that the railroads are always parading, like a professional beggar exhibiting his sores?

A PHANTOM DEFICIT

In a report to the ICC in 1962, Commissioner William H. Tucker called the deficit figures of the Baltimore and Ohio "overstated . . . misleading . . . contradictory . . . dubious . . . false." He showed how books were rigged and figures juggled. To achieve its net deficit for 1961, the railroad had arbitrarily reduced the book value of certain securities, had written off a number of claims, and had introduced figures that had no relationship to the 1961 operations. Calculated another way, the B&O could have shown a healthy profit for 1961. The company had, as a matter of fact, predicted a 1962 profit before it had decided to appeal for merger with the Chesapeake and Ohio.

Only two other commissioners heeded Tucker, however, and the merger was approved.

The railroad industry managed to show a $5.5 billion deficit during the years 1950–57. It is obvious that no industry could have survived such staggering losses. "The passen-

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ger-service deficit, so-called, is . . . a statistical mirage," says Peter Lyon, in his book, To Hell in a Day Coach, "a fraud, a phony."

The statistical distortions were made possible by an antiquated formula for determining costs which were devised by the ICC in 1887. This formula, which was retired in 1894 and revived and elaborated 20 years later, allows railroads to charge the passenger traffic with overhead and maintenance costs which would exist if there were no passenger traffic whatsoever. Richard F. Mitchell, president of the ICC in 1954, admitted that he believed the 1953 deficit figure of $700 million to be overstated by $200 million, and later judged it another $100 million too high.

The Association of American Railroads complained in 1955 that it cost the railroads $3 million a year to report "unnecessary statistics" to the government, and that the "separation of common expenses between freight and passenger services" was "burdensome."

A STATISTICAL FANTASIA

In 1957, the National Association of Railroads and Utilities Commissioners held hearings on these "separation" rules and reported: "The term 'passenger deficit' . . . appears to the public and others not acquainted with the rules under which the expenses are assigned, a total loss from the passegner train service. Nothing could be so wrong because its true meaning is that of a statistical fantasia."

The supreme irony is that a few years later during hearings on the Northeast Corridor Project, when the railroads were angling for federal largesse, they did a turnabout on the passenger deficit. They suddenly discovered that the so-called deficit was not $421 million in 1965 but only $44 million (and even that figure is probably exaggerated).

But lies, very often, have multiple lives, and the myth of the passenger deficit survived the light of facts and reason. The ICC came to the conclusion that the passenger service had burdened the railroads with an annual deficit totaling over $500 million. Both railroads and shippers raised their voices in mournful chorus that it was all more than the freight could bear. Their yowls persuaded the Commissioner to investigate the rivers of red ink in which the passengers were drowning the railroads. After a year of testimony, the hearings examiner pontificated that passenger service was on the way out, sleeping cars by 1965 and coach service by 1970.

In August 1958, Congress approved an amendment to the Interstate Commerce Act that permitted the passenger service to be butchered. From then on, two and three hundred passenger trains have been lopped off every month—always "in the public interest."

DUMP THE PASSENGER!

At the same time, the railroads found it expedient to discourage passenger traffic any way they can. One means was by buying stock in the leading bus companies, so as to keep bus fares lower than rail fares.

Not unmindful of the power of advertising, railroads have used it to steer travelers to the buses and airplanes. They even display dazzling new models of automobiles in their depots, to suggest touring by car.

To get rid of their Pullman car traffic, the railroads introduced a higher fare for sleeper cars. In 1918, fares were raised to three cents a mile by the Federal Railroad Administration. Two years later, the ICC approved a price hike to 3.6 cents a mile for "first-class" fares, while coach fare remained at three. Today, the rates are a fat 7.63 cents a mile for first-class and 4.735 for coach.

Just last year, the railroads achieved their objective of killing Pullman service. "A sad new chapter in railroad history is being written," the railway union publication, Labor, reported on December 14, 1968. "After January 1, 1969, Pullman service will end on all U.S. railroads." Union leaders are meeting with the carriers to seek jobs for Pullman employes and to protect their severance pay and benefits.

The railroads must have known that the mass cancellations of passenger trains would disrupt their capacity to handle the mail. By 1959 there were fewer than 2,000 passenger trains running, usually on partial schedules, while the volume of mail had zoomed. Mail delivery by train was so slow and so uncertain that the Post Office canceled contracts with the railroads and awarded them to truckers and airlines. The mail cancellations, too, became an excuse to drop more passenger trains. At a 1955 ICC hearing, the Eastern Railroads Presidents' Conference stressed that they have been forced by the Post Office Department to discontinue passenger trains. "The diversion of the more profitable mail traffic away from the railroads will eventually weaken the railroads' ability to provide a national system of mail service and already has caused . . . the discontinuance of many passenger trains."

The statement ignores the fact that most of the passenger trains were dropped before the Post Office withdrew the mails from them. The railroads have always notified the Post Office when they intended to cancel a mail-carrying passenger train—not from the goodness of their hearts, but to avoid a stiff fine. It seems that the railroads can be fined $1,000 a day if they ignore the Railway Mail Service Pay Act, by which they must "perform mail services . . . when required by the Postmaster General to do so." The railroads have first requested the Post Office to withdraw mail from a passenger train, and canceled it after the Post Office has obliged. Of the 2,538 mail-carrying passenger trains dropped, in 1,730 cases the railroads had requested that the mail be removed.

Cutting the mail service seems to be a prelude to a piteous plea that a passenger train be dropped because it is losing money. Apparently, the railroad corporate heads had expected the freight cars to be able to handle the mail. The railroads, however, had so impaired their ability to deliver the mails that nine railroads were fined a total of $127,000 (the New York Central, $35,000 of it) for delaying the mails during the first quarter of 1967.

MAIL SERVICE SUFFERS

The railroads have deliberately permitted their passenger trains to become run-down. The cars have become dirtier, shabbier and more obsolete. According to the last consensus of railroad equipment published in 1962 by the American Railway Car Institute, 60 percent of the cars then in use were over 30 years old.

Defective tracks and equipment are the causes of an increasing number of train accidents. "From 1961 through 1967, the last fully tabulated year . . . derailments on American railroads increased more than 80 percent . . . from 981 to 1,522," Grayson De Camp wrote in the Cincinnati Post and Times Star, last November.

Research on passenger cars or equipment is virtually dead, the National Academy of Science reported in 1963: "Of two formerly powerful suppliers of passenger cars, one has within the past three years given up all research and development effort; the other has nothing new or imaginative in its distinctly low-key research program."

It should be noted that there are still a few railroads that provide good passenger service, often along scenic routes in the South and West, but even some of these are trying to cut back service. The big carriers which dominate the field have persistently downgraded passenger service.

TRAINS ARE NOT FOR PEOPLE

The airlines find it worthwhile to pay a commission to travel agents for tickets they sell, but not the railroads. Nor will the rail lines offer incentives to ticket agents, although an experiment in nine markets recently proved that sales for Pullman accommodations rose one-third when incentives of merchandise were offered. Instead, the railroads have launched a $2.5 million ad campaign "designed to convince the public that railroads are for carrying freight, not passengers," says the November 11 issue of Labor.

One technique for frustrating passengers is the purposeful mess in scheduling, which makes train connections impossible and leaves passengers stranded in railway stations for as long as 15 hours.

The obstructive tactics of the railroads were noted by the ICC when it turned down Southern Pacific's 1968 bid to axe the famous "Sunset" passenger trains between New Orleans and Los Angeles, once among the nation's finest. "The record is convincing," the decision pointed out, "that the SP has deliberately set out to discourage . . . patronage of the Sunsets." This was accomplished by "reducing what was once a convenient and comfortable service to a slow, unreliable, uncomfortable train without sleeping facilities, with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot be ascertained by telephone or printed schedules, because they are often unattainable, and a train for which adequate station waiting room is frequently lacking. . . Under such circumstance, we must find . . . that the carrier has unnecessarily depressed its passenger revenues and in so doing has forfeited the right to claim that the losses it helped to create are an undue burden."

What can replace the nation's lost railroads? Our clogged highways with their appalling death toll do not offer a safe, relaxing or efficient means of travel. Jammed airports and stacked airlanes make plane travel increasingly inconvenient if not unnerving. Buses are slow and for long trips exhausting. Railroads are potentially the safest, most dependable, convenient and efficient means of travel especially for short or medium trips. They should also be the cheapest. A train can move a bigger load at less cost than any other form of transportation; its powerful diesel engine averages 192 ton-miles to a gallon of fuel compared to 58 ton-miles by truck.

A RAY OF HOPE

Help to the betrayed passenger has come from an unexpected source. The junior Senator from Rhode Island, Claiborne Pell, happens to prefer rail to air travel. Elected in 1960, Pell became aware, in his trips to Washington, of the railroads' missed opportunities and their abuse of a public trust. In 1962, he drew up a plan for an eight-state public authority to own and operate a high-speed passenger service in the urban area from Boston to Washington. Now known as the Northeast Corridor Project, it was supported by Presidents Kennedy and Johnson. On September 30, 1965, the administration's Ground Transportation Act, authorizing $90 million for new equipment and research, was signed into law. The long-delayed research is now under way. Some of their new equipment recently acquired by the Long Island Railroad and the Penn Central Metroliner (the high-speed, luxury train running between New York City and Washington, D.C.) are among the latest fruits of this research. It has been a slow start (perhaps too slow, since the Metroliner, for example, is almost

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obsolete before it has begun twice-a-day service), but a start nevertheless.

Another hopeful note was sounded in early 1967 when a group of unhappy railroad passengers organized the National Association of Railroad Passengers. The fledgling organization has already spoken on behalf of the estimated ten million (or more) steady railroad passengers in this country. Opposing the Penn Central's bid to drop its last passenger train between Cleveland, Columbus and Cincinnati, the NARP executive director, Anthony Haswell, told the Public Utilities Commission of Ohio, "The people of Ohio were repeatedly assured that the Penn Central merger would result in better service." Now the railroad is telling them "to drive, to fly or ride the bus," he said.

THE UNIONS SPEAK OUT

One of the consistent forces for protecting passenger traffic has been the railroad unions, who have always fought for more passenger service, better safety standards and improved equipment. Whenever there has been an unwarranted curtailment of passenger traffic, it was the railway unions who raised the alarm and forced the ICC to halt further losses. In recent months, the rail unions were among those who vigorously opposed the applications of the Santa Fe and the Southern Pacific to give up some of their famous passenger trains.

Right now, the Railway Labor Executives' Association is fighting to save the bankrupt Tennessee Central from being scrapped, and is protesting a C & O effort to scuttle more passenger trains between Chicago and Grand Rapids, Michigan.

Organized labor believes that passenger traffic not only must be preserved, but upgraded, in line with other aspects of our amazing technological society. It has not, at this point, called for nationalization of the railroads. Yet if there is no other way out of this unconscionable mess, the impatience of a frustrated public may force acceptance of the solution adopted in Canada and throughout Europe.

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ALASKA: THE POLLUTERS' UNPROMISED LAND

Mr. GRAVEL. Mr. President, a recent speech by the chairman of the board and chief executive officer of North American Rockwell, Mr. Willard F. Rockwell, Jr., came to my attention. It was entitled Alaska: The Polluters' Unpromised Land and delivered in Chicago on March 20.

I wish to call it to the attention of the Senate because of the telling points it contains on the whole issue of the opportunities, yet dangerous, offered in the exploitation of Alaska resources. As elsewhere the task is to see to the utilization of its commodity resources—particularly oil—without unusual pollution and depletion of the ecological environment. Our chance in Alaska is to learn by the errors previously made in other parts of the country, and the remarks by Mr. Rockwell set out in some detail the hopes we have.

The discussion is instinctive for the larger issues of environmental preservation everywhere. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ALASKA: THE POLLUTERS' UNPROMISED LAND

(By Willard F. Rockwell, Jr.)

Three thousand miles north and west of this dining room there is unfolding one of the great ecological dramas of our time.

A relatively unspoiled wilderness has come face to face with monumental twentieth century pressures for exploitation of its resources.

The State of Alaska is face to face with a made-made problem: how to achieve maximum use of its natural resources without the familiar triple debacle of depletion, pollution and disaster.

It's not the first time Alaska has been under similar pressures.

But now, for the first time, the state has the opportunity to checkmate the twentieth century exploiters and polluters with twenty-first century scientific tools and management techniques. It has a unique opportunity to use a coordinated systems approach in planning, organizing, directing, and controlling its future growth.

In order to appreciate the full significance of that opportunity, let's pull back for a moment and survey our own situation here in the continental United States.

We're faced with environmental disaster. For more than a century we've done everything conceivable to ruin our land for future generations.

During this same period, conservationists were crying in the wilderness. Finally, the country started to pay attention, and we thought that we had salvaged something. But today, the specter of environmental pollution has again threatened our land. Until very recently we seemed to be losing the battle.

But something happened just recently to turn this whole sorry situation around.

Just 40 days ago, we the people were pushed solidly and decisively, and it was exactly what we needed.

I'm referring to President Richard Nixon's Message on Environment which he sent to the House and Senate on February 10, 1970.

"We can no longer wait," the President said, "to repair the damage already done, and to establish new criteria to guide us in the future. . . .

"Only lately," he continued, "have we recognized how precious and how vulnerable our resources of land, water and air really are."

He then proposed a 37-point program, embracing 23 major legislative proposals and 14 new measures in five major categories:

Water pollution control.
Air pollution control.
Solid waste management.
Parklands and public recreation.
Organizing for action.

The President addressed himself directly to the municipalities of America that are polluting our waters; he spoke to industries that are discharging their wastes into those waters; he spoke to the oil industry and to the automobile industry; to the electric utilities. He spoke to the manufacturers of beer bottles, and milk cartons, and hair shampoo. He spoke to big land developers. He spoke to you, and he spoke to me.

"The tasks that need doing," he said, "require money, resolve, and ingenuity and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air, and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals are all called on to do their share of the job and pay their share of the cost." End quote.

For years many Americans, and I believe I can number myself among them, have been speaking as often as we could about the vitally important problem of preventing the pollution of the planet Earth, about the need for a coordinated systems approach to overwhelming problems of environmental management.

For the past ten months, as a member of President Nixon's Citizens Advisory Committee on Environmental Quality, I've had an even deeper appreciation of those problems.

However, at times I felt as though we alone couldn't supply the necessary push.

It was John W. Gardner, chairman of the Urban Coalition Action Council, who pointed out the benefits of being pushed once in a while.

"Every nation or city or corporation or federal agency," Mr. Gardner said, "doesn't move until it's given a solid push. Not a mild push—but a solid jolt. If the push is not administered by vigorous or purposeful leaders, it will be administered eventually by an aroused citizenry or by a crisis."

In the past six months the crisis in environment came to a head. Our citizenry is at least partially aroused as evidenced by a Gallup poll indicating a willingness to shoulder the cost of clean-up. And we now have the national leadership we so desperately need.

We're not alone in coming to grips with these suffocating environmental problems. It's a global threat. England, France, Switzerland, Chile, Peru, Mexico, Japan—all have problems. The West German Government has allotted 1.5 billion dollars for just one project—to clean up the Rhine River.

We know that it's going to be expensive. President Nixon, in his mesage, quoted a figure of $10 billion alone over a five-year period just for the construction of municipal waste treatment plants and interceptor lines needed to meet our national water quality standards.

All of us are going to be sharing the cost—through higher taxes, higher rents, higher fuel costs, higher commodity prices. The only thing more costly would be to do nothing.

Alaskans are aware of the waste of natural resources and careless pollution here in the continental United States. They know the story of the gigantic cesspools that we call lakes and the horrors that we call rivers. They know about vanishing wildlife.

They've a few stories of their own to tell, The Virgin Land, when it comes to plundering of natural resources, isn't exactly virgin at all.

The plundering started on the discovery voyage Vitus Bering made 229 years ago from Kamchatka to the shores of Alaska.

The slaughter of the fur seals in the open sea was just one of the disasters that overtook the wildlife.

The whaling fleets that a century ago were thick in the waters off Point Barrow have disappeared.

In an eighty-year period, from 1880 to 1960, more than $1.5 billion in mineral wealth was taken from the Territory—half of it from the gold fields—and the only heritage that accrued to Alaska was the endless hills of naked rock and gravel.

What at one time were the world's greatest high-grade copper mines today are vast holes in the ground.

Once it was thought that the hordes of salmon fighting their way into the spawning streams of Alaska were inexhaustible. If you remember, that was said of our buffalo and the carrier pigeon. The commercial salmon catch has been dwindling.

Pollution, too, has been more than a word to Alaskans. According to a Department of Interior report published two years ago, water pollution in numerous areas is becoming serious. Raw sewage discharge in the greater Anchorage area has resulted in gross pollution of Cook Inlet.

Mining and construction have resulted in local silting of streams and concurrent damage to fishery resources. Water discharged from sea food canneries, pulp mills and oil producing poses a threat to both stream and coastal water quality in the Kenai Peninsula and in southeastern Alaska.

Despite the offenses already committed Alaska is still the promised land of fabulous resources.

Alaska's resources are its oil, its minerals, and the edible fish in the sea. Its resources are its 33 million acres of commercially productive forest land, its wildlife and game, and its arable land. Three million lakes and ten thousand rivers will provide water for all uses from agricultural to hydroelectric power generation.

Alaska's resources are its 21 million acres of national forests, its 26,000 miles of coast line, and its clean natural environment.

Alaska's resources are its basic logistics capabilities—road, rail, and air transportation to service an area of 586 thousand miles. It has wide access to the sea.

Alaska's resources are its growing gross economic product with solid foundations in industry, agriculture and service.

As guardians of this treasure, Alaskans are determined that the mistakes perpetrated in continental United States will not be continued up north.

Determination is one thing—the money to carry out that determination is another.

It reminds me of the Biblical quotation:

"A Feast is made for laughter,
And wine maketh merry;
But money answereth all things."

Until recent times, surplus money was as scarce in the treasury of the State of Alaska as it is in many of the older states.

In 1967, the total revenues for Alaska, which has a population of 280,000, were $290 million.

Slightly more than half of that sum came from the Federal Government. About one-fourth was collected in various taxes within the State.

Then—almost overnight—Alaska had the necessary funds to back up its determination to use its resources wisely and to control its environmental future.

I'm sure all of you are aware of the North Slope oil find.

Very briefly—the most exciting event in the history of oil in the United States occurred two years ago when oil was discovered on the barren North Slope facing the Arctic Ocean. It is conservatively estimated that 20 to 40 billion barrels of low-sulphur-content oil may be in the area, and it will start flowing south to the lower forty-eight states some time in 1972 at a million-and-a-half barrels a day.

Last fall, more than $900 million was paid by a score of oil companies to the State of Alaska for additional leases in the North Slope area alone.

If the State of Illinois had reaped the same windfall, in the same proportion to the taxes paid within the State, an incredible 32 billion, 221 million dollars would have been added suddenly to the State Treasury.

The discovery of the North Slope oil fields is just the beginning of similar opening of natural resources that will inevitably follow.

The State's mineral potential will dwarf the most fabulous stories of the past. Only a fraction of the territory has been thoroughly explored for minerals—probably less than one percent.

Therefore, I am convinced that we are about to see in Alaska an inevitable pattern toward urbanization and industrialization.

Alaska is already concerned about the effects on geography and wildlife of this new way of life.

The easily scarred tundra, the delicate vegetative layer of mosses, lichens, grasses and sedges, is already, without man-made interference, in a critical balance with nature. Any break in its surface could leave unhealed scars for years and become a focus for erosion. As a result, seed test farms have already been established near the drilling operations to find suitable cover to replace the gouged-out tundra.

There is concern about interference with the mating habits of the three hundred thousand caribou that wander in endless journeys over central and northern Alaska.

There is concern about disturbance to nesting grounds of the millions of migratory birds who return each spring to Alaska.

It is not certain if the removal of gravel from Arctic streams for the building of roads in the oil fields will change the spawning runs of fish.

Gentlemen, I've been an ardent conservationist most of my adult life. I've fought in some of the battles, and I've fought them hard, and I intend to continue the fight.

But let me make it clear: I'm not advocating we turn the State of Alaska into a fish and game preserve.

Alaskans are entitled to, and must have, all the benefits of a strong, well-developed economy.

They have every right to bring the oil to the surface, to mine the minerals, to harness the waters for electric power. They have every right to harvest the crops from both the land and the sea.

But Alaskans have a great opportunity to reassess, before they are locked into rigid positions, the relationship between technology and the environment. And I'm happy to tell you that they already appear to be reacting with great responsibility.

Less than three months after the oil lease money was deposited in the banks, the State of Alaska, in conjunction with the United States Department of Interior, called a meeting of experts.

In essence, the experts were asked by the State, "What's the best conservation practice we can follow here in Alaska? What's the most feasible development course we can chart? How should we manage our natural resources?"

Just think about this for a moment.

What if this country, a full century ago, had been able to make a master survey of *all* its natural resources?

Better yet, if the country could have *acted* upon that survey?

What if, a full century ago, systems analysts, resource and environmental specialists, and management specialists had been summoned by the Governors of Illinois, Ohio, Pennsylvania and New York and been told, "Here's how our population is going to grow over the next century. Here's a projected pattern of industrial growth. We want you experts," the Governors would say, "to conduct a complete and precise inventory of our natural wealth. We want you to tell us the what, where, and how much of everything.

"We'll develop the organization," the Governors would continue, "assemble the team, and prepare the requisite legislation and authoritative charters to carry out the plan."

And finally this most important directive which, had it been given and enforced, could have saved this nation the present blight of environmental degradation. "A word of caution," the Governors would have said to the experts one hundred years ago, "the beauty and purity of the land and its water and its atmosphere must be preserved."

What if engineers, scientists and political leaders had been given that mandate just fifty years ago by the State of New York alone?

What if the same experts had been called as late as 1940 to the Los Angeles Basin?

Governor Keith Miller of Alaska is fortunate that today he is in the position of the governors of Illinois, Ohio, Pennsylvania and New York a century ago—with this great addition: Alaska can profit not from our meager triumphs in resource management and environmental control, but from our awesome mistakes. As the Greeks put it, "It is disgraceful to stumble against the same stone twice."

But the state is most fortunate because there are now available for use in environmental and resource control new scientific tools and new management techniques. These are the direct outgrowth of twenty-five years of intensive research and development stemming from the Korean war, the cold war, and the flight of the Apollo to the Moon.

And the aerospace industry in addition has developed management systems for extremely complex endeavors.

The Apollo program was perhaps the most ambitious single undertaking ever attempted by man. The management structure created for Apollo directed the efforts of 400,000 people, dispersed in innumerable government agencies and more than 20,000 industrial concerns throughout the country. The program entailed the disbursement of almost $22 billion over the past nine years.

Yet in several respects the Apollo program was a simple management task compared to what lies ahead for Alaska. For Apollo, the goals and objectives were clear, unambiguous, easily communicable and understandable, easily expressed in clear quantitative terms. They did not change with time.

Not so for the State of Alaska.

The Apollo management structure was monolithic. All resources to accomplish the Apollo objective flowed from the top down through a management structure where authority, responsibility and sub-objectives could be held in balance at every level.

Not so for the State of Alaska. The interaction of socio-political forces with the products of a society and the natural resources of an area form a set of problems far more complex than any yet encountered. Very simply, when people enter an environmental problem, everything gets complicated.

It's a tough management job, but it can be done.

Most exciting are the new scientific tools that are now or shortly will be, available.

They will be prospectors in the sky, leading to the discovery of new mineral, water and food storehouses. They will allow men to inventory accurately the natural resources.

In forestry and agriculture resource management, it is now possible to classify and evaluate the extent and health of vegetation resources.

In water resource management, it is now possible to establish water tables, snow and ice pack, lake and river status, and location of fresh water in salt water regions.

In wildlife and game resource management, it is now possible to locate and track major herds, locate conditions favorable to support of animal life, and improve our ability to locate commercially valuable fisheries.

In power systems development, it is possible now to improve the probability of locating geothermal power sources. We can aid now in site selection for nuclear and non-nuclear power generation plants, and in the control of temperature contamination. We can aid in planning power distribution-and-control networks.

These are only some of the areas where we now have capabilities from space-sponsored technical advances to benefit Alaska's future.

A few weeks ago in an issue of the *Saturday Review*, I read the following summation:

"With all his gifts, man has been able to effect vast change, making his life different from that of those who lived before. His capacity for invention and his sense of creative splendor have constructed great civilizations.

"But he has never been in command of his works.

"He has never been in balance."

End quote.

Here in the lower forty-eight we have almost been defeated by that loss of command and lack of balance, and we're turning now to a task of restoration.

But Alaska is different. The state has been bruised, but not defeated, in this environmental struggle.

It has an unparalleled opportunity to be in command of its works.

It has an unparalleled opportunity to stay in balance.

It can do so if its people continue with their expressed determination to remain free and unfettered from senseless exploitation and pollution.

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It can do so if its people accept the acknowledged heavy cost.

It can do so if it reaches out for the scientific and management tools now available.

Alaska, for generations acclaimed as the land of opportunity, offers this entire nation a last chance to be convinced that men can control their environmental destiny, that men can inherit the Earth without despoiling it.

Thank you.

FORMER SURGEON GENERAL SUPPORTS FEDERAL AID FOR TRAINING IN VETERINARY MEDICINE

Mr. YARBOROUGH. Mr. President, veterinarians are vital to the health and well-being of the Nation. To suggest otherwise would only betray a lack of understanding of the contributions of veterinary medicine to mankind.

On March 18 and again on March 23 I had occasion to discuss the subject before the Senate. I am, of course, still quite concerned that the administration may attempt to withdraw Federal assistance to veterinary medicine as a result of a mistaken notion that veterinary practice is largely limited to pet care. Nothing could be further from the truth.

The basic role and scope of modern veterinary medicine is the protection and improvement of the health, food supply, and economic welfare of our entire population. Veterinarians protect the health and productivity of our livestock industry, care for the ills of an expanding population of companion animals, shield our human population from animal diseases which affect man and contribute to the conquest of human disease through cooperative research.

I am very much pleased to see that my views are shared by no less an authority than Dr. Luther L. Terry, Surgeon General of the United States, during the period 1961–65 and currently vice president for medical affairs at the University of Pennsylvania, as well as Chairman of the Committee on Veterinary Medical Research and Education of the National Academy of Sciences. In a letter dated March 17, Dr. Terry tells me of his distress on learning that "veterinary medicine may not be included in the 1971 budget for health manpower grant programs of the Department of Health, Education, and Welfare."

Mr. President, I ask unanimous consent that Dr. Terry's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., March 17, 1970.

Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: In my capacity at the University of Pennsylvania, as well as my position as Chairman of the National Academy of Sciences' Committee on Veterinary Medical Research and Education, I am distressed to learn that veterinary medicine may not be included in the 1971 Budget for Health Manpower Grant Programs of the Department of Health, Education and Welfare.

We are finally moving into the era when veterinary medicine is arriving at a stage of scientific maturity, and is in a position to make its greatest contribution to human health and welfare. Accordingly, it is time that veterinary medicine be accepted as one of the legitimate and contributing health professions. To deny support of these schools by the Federal Government is not only shortsighted, it is uninformed and unrealistic. I urge you to use your influence to recognize veterinary medicine for its present and future contribution to the nation's health, and that it be given its proper share of the Federal contributions toward using all proper channels of improving the health of our people.

I sincerely appreciate your consideration of this matter.

Sincerely,

LUTHER L. TERRY, M.D.

THE ARMENIAN GENOCIDE: "NEITHER TO LAUGH NOR TO WEEP"

Mr. PROXMIRE. Mr. President, genocide leaves a terrible blot on the conscience and memory of humanity. Past atrocities, when brought to the surface and recalled, are indeed painful memories.

One of the most horrible instances of a crime against an ethnic and religious group began in Turkey in November of 1895, and continued for 27 bloody years. Two million of the Armenian minority in Turkey were murdered, as an attempt to solve Turkey's "Armenian problem." Two million more Armenians were left homeless by these tragic events.

An Armenian pastor named Abraham Hartunian miraculously survived the terrors of the Armenian genocide. His book "Neither To Laugh nor To Weep: A Memoir of the Armenian Genocide" is compelling testimony to the fact that our vigil against genocide must never be weakened.

Mr. Hartunian writes of painful memories, and his book is not easy to read. Yet, in spite of all the terror described in these pages, the book is of vital importance. The lesson is too powerful, the message too urgent for anyone concerned with the protection of human rights is not to take immediate notice of this vital account of this monstrous crime.

"Neither To Laugh nor To Weep" shows clearly why Senate ratification of the United Nations Genocide Convention is of the greatest importance.

Mr. President, I ask unanimous consent that several excerpts from "Neither To Laugh nor To Weep" be printed in the RECORD.

There being no objection the excerpts were ordered to be printed in the RECORD, as follows:

On Sunday morning, November 3, 1895, the church bells (of the city of Severek) were silent. The churches and schools, desecrated and plundered, lay in ruins. Pastors, priests, choristers, teachers, leaders, all were no more. The Armenian houses, robbed and empty, were as caves. Fifteen hundred men had been slaughtered, and those left alive were wounded and paralyzed. Girls were in the shame of their rape, mothers in the tears of their widowhood, orphaned children in wild bewilderment. The enslaved remnant was subject to nakedness and hunger, deprived of religion, honor, the very right to live. . . .

The terrible year of massacre, deportation, robbery, pillage, Gethsemane, crucifixion—the year of the annihilation of the Armenian people—1915 began. . . . Soon the deportation began. From April 4 to April 11, fifteen leading families of Zeytoon were brought to Marash and taken to the deserts to perish. One day a group of devout Christians, who called themselves Brethren of Christ, were brought from Zeytoon and hanged on a public thoroughfare. . . . Terror prevailed everywhere. . . . There was no longer any safety for the Armenians (of the town) of Marash. The days and weeks passed in continuous terror. . . . The Zeytoonists were being deported caravan after caravan, group after group, brought to Marash and sent to distant slaughterhouses. . . . Continuing thus, during April, May, June and July, the deportation of Zeytoon was completed. Turkey's long dreamt dream had come true. But hardly had Zeytoon been emptied when the deportation of the Armenians of Gurin, Albustan, and Yarpouz began. . . . Even the village folk around Marash were being driven out. Our own destruction was approaching. . . .

It is necessary to bear in mind that the Armenian population of the city was day by day being reduced in numbers, and the hardships of the remnant were ever growing. The most terrible and unbearable thing was that this situation had no end, no beginning, no limit. Every individual, each family, from second to second, was in horrid expectation of deportation, imprisonment, or immediate death. Every few days new corpses could be seen dangling from scaffolds. This was the life we were living. As here, so in every part of Turkey, the condition of the Armenian was thus, and even more evil and unbearable.

CENTRAL STATES, SOUTHEAST, AND SOUTHWEST AREA TEAMSTER PENSION FUND

Mr. HRUSKA. Mr. President, on November 20, 1969, I placed in the CONGRESSIONAL RECORD, a series of Oakland Tribune newspaper articles. These articles, written by Jeff Morgan and Gene Ayres, concerned alleged misuse of the Central States, Southeast, and Southwest area Teamster pension fund.

When I placed this series of articles in the RECORD, I suggested that pension fund trustees "must be responsible and exercise their power judiciously so as to protect the rights of the pension recipients."

On March 13, 1970, President Nixon sent a bill to Congress, S. 3589, which is designed to protect wage earners' pension benefits. President Nixon said when explaining the reason for this act:

> While most of the plans are carefully managed by responsible people, we must make certain that the employee's money is fully protected. I am therefore proposing the "Employee Benefits Protection Act." This Act would protect employees with pension fund right against improper investments and conflict of interest on the part of the administrator of these funds.

Since my remarks to the Senate on November 20, I have been contacted by Frank E. Fitzsimmons, the general vice president of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America. Mr. Fitzsimmons complained to me about "numerous inaccuracies and misstatements" contained in the Tribune stories.

I make no judgment on the factual accuracy or inaccuracy of the stories. However, in fairness to all parties concerned, I ask unanimous consent that Mr. Fitzsimmons' letter to me be printed in the RECORD so that both sides of the question will be presented.

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There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA,
Detroit, Mich., March 5, 1970.
Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: Recently in your office I discussed with you the numerous inaccuracies and misstatements which appeared in the series of newspaper articles which you placed in the Congressional Record on November 20, 1969 (35075–35085). One of the most vicious ones was the statement that I, as General Vice President of the International Brotherhood of Teamsters, "split(s) [my] $100,000 annual salary as head of the Union with Hoffa's wife." This is a gross and malicious falsehood. In my position as Acting President of the International Union, I draw the full salary established by the Constitution of the Union. I do not split, divide or divert any part of such salary to Mrs. Hoffa or to any other person.

I also called to your attention that the Congressional Record for the day in question was subsequently reproduced in a most deceiving manner. In the reprinting, many of the statements were underlined and some were placed in blacklined boxes for emphasis. The reproduction was then placed in a cover which was an exact copy of the cover for the Congressional Record for that date, but to which had been added headlines in bold print, such as, "36.8 Million Lost in 1968," "The Billion Dollar Swindle," "Bankruptcy Predicted." A copy of that cover is attached hereto. It is apparent that the format is such as to create the impression that this is an authorized reproduction of the Congressional Record and that the underlining, boxes and other additions are part of such record and also have been authorized by the Congress. I believe this type of abuse of the records of the Congress should be investigated and appropriate action taken against those responsible.

The Congressional Record for that day has been forwarded to the Central States, Southeast and Southwest Areas Pension Fund for comment by the Trustees. I am sure that within a reasonable period of time you will hear further from the Fund.

I appreciate your courtesy in permitting me the opportunity to call these matters to your attention, and I hope that some corrective action will be taken.

Very truly,
FRANK E. FITZSIMMONS,
General Vice President.

NEW ENGLAND FOREST RESEARCH

Mr. McINTYRE. Mr. President, I am deeply concerned about the continued problem of forest research in the Northeast.

The Congress appropriated $75,000 in 1966 to plan a sorely needed forest research laboratory in the Northeast. That phase is now completed, and the construction contract can be let if the necessary funds are available.

The Senate Appropriations Committee has moved forward in providing funds for these labs throughout the Nation. Last year funds were provided for two new laboratories but the administration did not use this money. This has set back this total research program and further delayed action on the Northeast laboratory.

This new laboratory is sorely needed. I cannot overemphasize how closely the economic health of New Hampshire and its neighboring States is tied to forest resources. Nor could I overstate how heavily dependent forest resource based industries are upon a productive forestry research program.

New Hampshire is 87 percent forested. Among them, the six New England States have 31 million acres of forests. These forests are a major source of water, recreational opportunity, wildlife and esthetics, and they are a potent factor in the economy of the region. The total annual value of manufactured wood products is about $2 billion, and the wood-using industries of the area provide steady employment to 110,000 people.

To keep this part of our economy healthy, to assure the perpetuation and the expansion of forest resource based industries, we must have a strong research program.

The Forest Service has a research program underway at the University of New Hampshire in Durham, N.H., but the 14 scientists and an equal number of assistants working on this program are now in totally inadequate quarters. They are located in a renovated hardware store, overcrowded, poorly ventilated, and lacking in the laboratory facilities required for intensive research.

Yet handicapped as they are, they are working on five projects of crucial importance: First, watershed yield improvement and flood runoff reduction; second, genetic improvement of white pine and other associated species; third, production of high-valued hardwoods; fourth, control of diseases that degrade northern hardwoods; and fifth, improved management of private forest recreation enterprises.

Rising costs of wood production and growing competition from other materials compel constant search for new knowledge, better methods, and more efficient techniques of timber production and use.

At the same time, increasing needs for pure water and insistent public demands for more forest recreation and esthetics require new knowledge and its application in the intensive management of forest land to coordinate conflicting uses—expending the economic resource while simultaneously protecting and improving the environment.

The 14 scientists now engaged in this research at Durham include hydrologists, a meteorologist, foresters, an ecologist, pathologist, a soil scientist, a plant physiologist, and silvaculturists.

Their present, limited facilities will continue to handicap their work and frustrate solution of highly complex forestry problems.

With the proposed forestry sciences laboratory, on the other hand, the Forest Service can achieve the goals and objectives outlined above for the five projects at Durham and thus make a telling contribution to the economic well being of New Hampshire and New England.

The new laboratory building would contain 12 laboratories, nine laboratory facilitating rooms, and staff offices, and would be located on an 8-acre area on the campus leased free to the Forest Service by the university.

Its very location is an added benefit, for close cooperation and coordination of research can be maintained with university programs of instruction and research in forestry, botany, soils, and related fields, and would bring about a sharing of facilities and interchange of ideas among the scientists of the Forest Service and the university.

The region's economic dependence upon forest resource based industries, the compelling demand for research in forest resource production and use, and the ideal location of the proposed forestry sciences laboratory are, I believe, convincing reasons for the construction of this laboratory.

The importance of forest research has now been officially recognized by the New England Governors' Conference.

Mr. President, I ask unanimous consent that the resolution approved by the New England Governors' Conference and signed by all of the Governors of New England be printed in the RECORD. I also ask unanimous consent that the letter written by the director of the State of New Hampshire Department of Resources and Economic Development, Division of Resources Development which very ably states the case for this urgently needed laboratory in the State of New Hampshire be printed in the RECORD.

There being no objection, the resolution and letter ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the forests of New England have furnished livelihood, recreation and an environment to benefit the Region and the Nation and these 31 million acres of woods and wilderness cover three-fourths of the land in our six-state area whose other one-fourth of the land supports one of the highest population densities in the country; and

Whereas, New England's forests are now sustaining the impact of an expanding population which requires large quantities of outdoor recreation, water, lumber, paper, wildlife and scenery; and

Whereas, New England's forests are able to produce increased amounts of these goods and services, providing public housing, augmenting rural economies and healthful environments without pollution or degradation; and

Whereas, such intensive management of New England's forests requires development of new scientific knowledge which must be developed through intensified forestry research;

Now therefore be it resolved that the New England Governors' Conference requests a prompt and substantial augmentation of Forest Service, U.S. Department of Agriculture Research as a public investment in the development of New England's forests for the benefit of the people of New England and the Nation.

KENNETH M. CURTIS,
Governor of Maine.
DEANE C. DAVIS,
Governor of Vermont.
JOHN DEMPSEY,
Governor of Connecticut.
FRANK LITCH,
Governor of Rhode Island.
WALTER R. PETERSON,
Governor of New Hampshire.
FRANCIS W. SARGENT,
Governor of Massachusetts.

Department of Resources and Economic Development, Division of Resources Development,
Concord, N.H., March 27, 1970.
Hon. Thomas J. McIntyre,
U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator McIntyre: Your support and assistance in maintaining and increasing the level of Clarke-McNary—2 funds is urgently solicited. These funds, as you know, are made available to the states through the U.S. Forest Service for forest fire prevention and control. It is my understanding that the Fiscal Year 1971 recommended appropriation of CM-2 funds has been reduced from 16.4 million to 14.4 million. This represents a loss to New Hampshire of approximately $18,600 from $121,600 to $103,000. This makes a sizable hole in our forest fire program. The congressional limit on CM-2 appropriations is 20 million and we had great hopes that the 1971 appropriation would be upward to this limit instead of reduced.

The President and the administration have placed great emphasis on the need for improving the environment and have requested large sums to fill many natural resource needs. They have stressed action programs on water pollution, air pollution, noise abatement, outdoor recreation, fish and wildlife habitat, to mention a few, and rightfully so. I am surprised at their de-emphasis of the forest fire control program which is basic to the protection and management of our forests and total environment. This is especially true here in New Hampshire where 88% of the state is covered with forest growth.

The forest fire control record in New Hampshire has been very good in recent years due in great part to the fine cooperation of the state and towns in prevention and control programs and in great part to favorable weather conditions. We all know, however, that under the proper set of weather conditions we could suffer extensive forest damage. Values protected within the forest environment are growing all the time with the development of many recreation resorts. We only have to look at California and other states to see the consequences of uncontrolled wildfire. Soil and water management, erosion control, game and wildlife habitat, aesthetics, tourism and many other forest uses all depend on forest fire protection.

With rising costs for supplies, equipment, and manpower, and the great pressures on state appropriations, the need for increasing federal allotments is most important.

Your continuing support of our forest and other natural resources programs is most appreciated by all of us. CM-2 allotments to the state are most basic for a better environment.

I have been advised that the budget hearing of the Sub-Committee on Appropriations for the Department of Interior and Related Agencies is scheduled for April under Chairman Alan Bible. Your forwarding this letter to this Committee for inclusion in their record and any additional support which you might give would be most appreciated.

Sincerely yours,

Theodore Natti,
Director.

GREAT LAKES TEST PROGRAM A FAILURE

Mr. TYDINGS. Mr. President, last summer the Department of Defense conducted a test program of shipping military cargo through Great Lakes ports during the 1969 shipping season of the St. Lawrence Seaway. The test was undertaken at the behest of the Great Lakes maritime interests and encouraged by the Great Lakes Conference of Senators. They were complaining that military cargos were being shipped out of east coast ports and that the Lake facilities were thus unjustly ignored.

In July, after learning that the first ship had sailed only two-thirds, full, that cargo had to be generated as far away as Maryland and believing that the military might learn from the experiences of U.S.-flag lines that were unable to make a commercial success of scheduled service through the Seaway, I wrote Secretary Laird and termed the project "contrary to economic good sense." I was joined in this letter by Senators **Boggs**, **Brooke**, **Byrd** of Virginia, **Case**, **Dodd**, **Mathias**, **Pell**, **Ribicoff**, **Smith** of Maine, **Spong**, and **Williams** of New Jersey.

The test program is now completed. Cost and performance data were collected during the test and evaluated by both GAO and DOD. I wish to call this evaluation to the attention of the Senate.

I emphasize that the purpose of the test was to see whether money could be saved by using Lake ports rather than east coast facilities in the routing of military cargos. The Great Lakes Conference of Senators was confident that it could. In fact, in a July 11 letter to Secretary Laird they optimistically predicted that over $100,000 would be saved.

The GAO and DOD analysis, however, found that—

> Excess costs of $415,218 were incurred in shipping the test cargo through the Great Lakes compared with East or Gulf Coast ports.

This little experiment cost the taxpayers over $400,000. It was not only contrary to economic good sense, it was an outrageous waste of Federal expenditures. We all recognize the need to eliminate unnecessary governmental spending. I suggest we start here and drop what is obviously a political boondoggle.

Over the knowledgeable objections that such a project could not possibly save money, a test program was conducted. Now that the results of the test are available, the facts are in, let us make sure that the project is dropped and that another test not be conducted in the 1970 shipping season.

Equally noteworthy is the breakdown of average costs per measurement ton. The evaluation confirms what was to some common knowledge, that east and gulf coast ports costs were lower overall than Great Lakes port costs. The difference was $6.05 in the average of line haul, port handling, and ocean costs.

The statement of the Great Lakes Conference Senators that "it was apparent that the unitary all-water voyage should be—and would prove to be—more efficient and cheaper than the two-part rail-plus-ship method of routing cargo overland to the east coast before placing it on oceangoing vessels" has been shown to be incorrect. The St. Lawrence Seaway route cost more not less. The fact is that Baltimore and her sister ports provide better service.

Moreover, the GAO-DOD analysis shows that only 3,410 MT's of retrograde cargo was carried by the test vessels. This is roughly 5 percent of the cargo carried and well below the 10-percent average of retrograde that military shipments usually obtain.

Finally, the analysis points out that even under test conditions the project could not obtain sufficient cargo. The test was designed to ship between 80,000 and 90,000 tons of cargo. Yet not even 70,000 tons could be found. The analysis also mentions problems with time schedules and containerization facilities, thus highlighting the commercial advantages of east coast ports.

Mr. President, the evaluation of the test program clearly and emphatically states that—

> DOD, because of the mix of its cargo and its lack of retrograde traffic, cannot operate controlled vessels economically in Great Lakes ports.

The test thus conclusively shows that DOD should not operate such a shipping service.

I will write to the Secretary of Defense shortly requesting him to take the steps necessary to insure that, on the basis of the GAO-DOD analysis, the test program of shipping military cargo to Great Lakes ports be discontinued and that a wasteful project be terminated.

I ask unanimous consent that certain letters relating to this issue be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Office of the Assistant Secretary of Defense,
Washington, D.C., March 27, 1970.
Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: As you know, the Department of Defense conducted a test program of shipping military cargo through Great Lakes ports during the 1969 shipping season.

The data that was collected throughout the test period has been closely evaluated by the General Accounting Office as well as the Department of Defense. Because of your previously expressed interest in the program, we are forwarding a summary of its results with this letter.

We hope you find this information useful. However, if anything further is needed, please do not hesitate to contact us.

Sincerely,

V. F. Caputo,
Director for Transportation and Warehousing Policy.

GREAT LAKES SHIPPING TESTS

The Department of Defense (DoD) normally routes its military export cargo through ports where U.S. Flag shipping is available. Ports, such as Great Lakes ports, that are routinely served only by foreign flag shipping are generally not considered. As a result, only minimal volumes of our military export cargo has been routed through Great Lakes ports.

The almost exclusive use of tidewater ports for cargo originating in midwestern states in some cases results in additional transportation expenses being incurred because of the additional line haul cost necessary to move the cargo to those ports. Our concern with the propriety of incurring these additional expenses prompted us to ask the Comptroller General for his opinion. He concluded that the Cargo Preference Laws preclude us from routing cargo to ports where no U.S. Flag shipping is available, merely to reduce transportation costs. However, the Comptroller General suggested that consideration be

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given to the use of shipping controlled by the Military Sea Transportation Service (MSTS) at Great Lakes ports.

As a result, we conducted a test during the 1969 shipping season in which commercial ships chartered by MSTS were used in service between the Great Lakes and Europe. The two chartered vessels which served the ports of Milwaukee, Kenosha, Toledo and Port Huron with 11 sailings carried a total of 68,631 measurement tons of cargo. The test objectives were to determine whether the use of military controlled vessels in the Lakes would result in reduced shipping costs, U.S. Flag shipping operators could be induced to expand service to the Lakes, and greater competition could be stimulated among ports and inland carriers.

The cost and performance data that were collected during the test and evaluated jointly by the General Accounting Office (GAO) and the DoD indicate that excess costs of $415,218 were incurred in shipping the test cargo through the Great Lakes compared with East or Gulf Coast ports. The average costs per measurement ton were as follows:

[Average cost per measurement ton]

	Great Lakes	East/ Gulf Coast
Line haul	$5.13	$7.30
Port handling	7.08	4.77
Ocean costs	28.89	22.98
Total	41.10	35.05

The cost of shipping via the Great Lakes would have been less if:

1. *A more efficient mix of cargo generated.* 66% of the test cargo was vehicles, cargo that is difficult to stow efficiently on conventional vessels. If a greater proportion of the cargo had been the more efficiently stowable general cargo, ship utilization would have improved, thus permitting larger payloads and lower unit costs.

2. *More inbound cargo had been carried in the test.* Only 3410 MT's were carried in the test vessels. Hence, the outbound cargo had to bear most of the round trip costs.

There were two other factors that had an adverse impact on the test program. First, as can be seen from the figures on the previous page, port handling costs at Great Lakes ports were higher than such costs at tidewater ports.

Second, some limited amounts of cargo, principally household goods, certain types of Exchange Service merchandise, and items procured from contractors and vendors for direct shipment to ocean terminals, that originated or were destined for delivery in the test area, were not for a number of reasons transshipped through Great Lakes ports. For example, in the case of some household goods, the ship schedules and required delivery dates were not compatible; the need to containerize highly pilferable Exchange Service cargo meant that such items (which are designated as "container required" by the shipper services) had to be transported to tidewater ports for shipment onboard container ships; the delivery terms specified in procurement contracts, many of which were awarded prior to initiation of the test program, called for delivery on an FOB basis to a tidewater terminal; lastly, in a relatively few instances, inadvertent routings resulted in some shipments being directed to other than Great Lakes ports. However, the total volume of cargo in these categories was not sufficient to substantially change either the test results or our conclusions drawn therefrom.

Experience during the 1969 shipping season indicates that the DoD, because of the mix of its cargo and its lack of retrograde traffic, cannot operate controlled vessels economically in Great Lakes ports. On the other hand, we believe that the test indicates that a commercial U.S. Flag operator could improve substantially upon DoD experience by carrying additional commercial general cargo outbound and attracting inbound cargo. For example, the DoD's average outbound lift during the test was 5929 measurement tons (MT's). Assuming other things remained equal, an average inbound payload of about 2000 MT's would have resulted in a break-even operation. A further increase in outbound or inbound tonnage levels would result in lower costs than shipment via East and Gulf Coast ports.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., July 8, 1969.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At a time when non-essential defense expenditures must be kept at a minimum, it is disturbing to read that the Defense Department is operating a shipping service to the Great Lakes ports contrary to economic good sense.

Reports indicate that the Great Lakes area simply can not provide the Military Sea Transport Service vessels with sufficient cargo. The first ship sailed only two-thirds full and it is likely that the other vessels involved will do so also. We have been advised that in order to find sufficient cargo military traffic has been artificially routed through the St. Lawrence Seaway from points as far away as Georgia and Maryland. Moreover, these ships may well return empty because retrograde cargo returning to the U.S. is not moved inland.

Since the Seaway was first opened in 1958, efforts have been made to route military cargo through ports on the Great Lakes. These efforts have not been a commercial success. Three civilian lines attempted to provide U.S. flag service into the Lakes area and were unable to do so because the amount of cargo generated simply did not pay for the extremely high costs incurred by the ships being tied up for so long in the Seaway.

We believe that MSTS can benefit from the experience of these shipping lines. We believe further that our Atlantic coast ports can provide MSTS with excellent, economic all year service.

While the shipping service to the Great Lakes ports may be described as a test program, surely economic feasibility studies were available to indicate what the actual results would in fact be.

We urge you to review the situation personally and discontinue this MSTS operation.

Best wishes.

Sincerely,

JOSEPH D. TYDINGS, EDWARD W. BROOKE, CLIFFORD P. CASE, CHARLES MCC. MATHIAS, ABRAHAM RIBICOFF, WILLIAM B. SPONG, JR., J. CALEB BOGGS, HARRY F. BYRD, JR., THOMAS J. DODD, CLAIBORNE PELL, MARGARET CHASE SMITH, HARRISON A. WILLIAMS.

JULY 11, 1969.

Hon. MELVIN LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On July 8, 1969, a group of Senators representing East Coast states wrote to you requesting reappraisal of the Pentagon's test program of shipping military cargo via the Great Lakes and the St. Lawrence Seaway.

This program was initiated at the beginning of the 1969 shipping season in an effort to find a more economical way of shipping overseas military cargo which is maufactured in the Midwest.

It was apparent that the unitary all-water voyage should be—and would prove to be—more efficient and cheaper than the two-part rail-plus-ship method of routing cargo overland to the East Coast before placing it on ocean-going vessels.

The test program is designed to ship approximately 80,000 to 90,000 tons via the Great Lakes routing. This compares with an overall total of some 20,000,000 tons of cargo that the military shipped overseas last year, with more than 8,000,000 tons going through East Coast ports.

Clearly, the test program is a very modest one. However modest the program though, we cannot permit the assertions that are made in the July 8 letter to go uncorrected.

The letter opens with a statement that defense expenditures should be kept at a minimum. We wholeheartedly agree. Beyond this, we find that virtually every other statement that is made in the letter is either completely untrue, or a distortion of existing facts.

Taking these assertions in order:

1. The *letter* states that:

The Great Lakes cannot provide MSTS with sufficient cargo. It states that the first ship in the test program sailed only two-thirds full, and that others probably will do so also.

The *fact* is that:

The first ship in the program left the Great Lakes with 6,539 measurement tons, which was *full* capacity. The second ship had 6,722 MT, and the third ship had 7,767 MT, both figures representing full capacity. In fact, on each occasion, the Pentagon had to leave behind on the docks approximately 1,000 extra MT that could not be taken because the ship was fully loaded.

2. The *letter* states that:

In order to find sufficient cargo military traffic has been artificially routed through the St. Lawrence Seaway from points as far away as Georgia and Maryland.

The *fact* is that:

Although in the first week of the program last April one shipment of cargo from Maryland was routed to the Great Lakes to be shipped out the Seaway, over three-fourth of the cargo on the first shipload came from Great Lakes states, and that proportion has increased steadily. On the fourth shipload—the most recent to leave for abroad—every item of cargo on the ship came either from Great Lakes states or points westward, and this will continue to be the case for all future shiploads.

3. The *letter* states that:

Ships participating in the test program may well return empty because retrograde cargo returning to the U.S. is not moved inland.

The *fact* is that:

Although the first ship had no retrograde on its return trip, the second ship returned with 1929 MT of retrograde cargo, and the third ship returned with 730 MT of retrograde. Since the normal rate of retrograde for all overseas Pentagon shipments is only 10% (this includes the East Coast), the Midwest is *more than* holding its own, with 2659 MT of retrograde for 21,028 MT shipped overseas,—a rate of better than 12½%.

4. The *letter* states that:

Since the Seaway opened, efforts have been made to route military cargo through ports on the Great Lakes, and these efforts have not been a commercial success.

The *fact* is that:

This is the first sustained test to compare costs between Great Lakes Seaway shipping and line-haul-plus-ocean-shipping embarking at the East Coast. The only previous experience was two years ago, when DOD shipped 170,000 tons of prefabricated housing overseas which had been manufactured in the Midwest. The material was shipped via the Lakes-Seaway route precisely because it was cost favorable.

5. The *letter* states that:

While the shipping service to the Great Lakes ports may be described as a test program, surely economic feasibility studies were available to indicate what the actual results would in fact be.

The *fact* is that:

Such a study *was* made by the Pentagon in 1962, and concluded that significant cost savings could be achieved by shipping cargo out of Great Lakes ports and encouraging American flag shipping to go after it. The 1962 report also concluded that if private shipping did not seek out this cargo then the military should use its own ships for Great Lakes-Seaway carriage.

Moreover, in 1968 the Defense Department sought the advice of the U.S. Comptroller General on how the military could take advantage of the cost savings that would result from Seaway routings. The Comptroller General advised that in the absence of private shipping the Pentagon ought to use its own control ships to pick up military cargo at Great Lakes ports.

The present test program is designed precisely to test out—and take advantage of—these economic forecasts.

6. Finally, the *letter* states that:

The Defense Department is operating a shipping service to the Great Lakes ports contrary to economic good sense, and urges DOD to review the situation and discontinue this MSTS operation.

The *fact* is that:

Although some money was lost on the first shipment, due to the inevitable costs of initiating any new program, estimates show that $5000 in costs was saved on the 2nd shipload, and as the program hits its stride, about $10,000 should be saved on each shipload. Overall, in its first year, it is estimated that the test program will save the taxpayer more than $100,000 in shipping costs.

Sincerely,

WILLIAM PROXMIRE,
Chairman,
Great Lakes Conference of Senators.
PHILIP A. HART,
Vice Chairman,
Great Lakes Conference of Senators.

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PRESIDENT NIXON'S CARSWELL LETTER

Mr. McGOVERN. Mr. President, yesterday the President of the United States released an extraordinary communication in regard to his position on how the Senate should act on his nomination of Judge Carswell to the Supreme Court.

The President asserted that he and only he had the constitutional authority to appoint judges to the highest court in the land, that the Senate had no right to substitute its judgment on these matters for his, and that the issue in the Carswell case was no longer the qualifications of the judge himself but the constitutional authority of the President.

I find the President's interpretation of his prerogatives and those of the Senate to be a strange construction indeed.

One commentator said yesterday that the President was essentially right, that the Senate has not traditionally given Presidents such difficult times over their nominees and that, in this case, the Senate should follow political custom and approve the man the President says he wants.

I find this point of view totally unacceptable.

I agree with the President that there is something much greater at stake over the Carswell nomination than the judge himself. But that something is not the President's constitutional prerogatives.

The greater issue at stake here is the question of respect for the highest judicial body in the land at a time when respect for the law is at a seemingly low ebb in the land. The greater issue at stake is the question of maintaining the legitimacy of the Supreme Court in the eyes of millions of Americans of minority races who feel their rightful place in this Nation threatened.

The President's assertion that approval of his nominee is due him because he is President does not speak to that issue.

There are several further comments to be made on the President's not-so-strict construction of our various constitutional prerogatives in regard to nominees to the Supreme Court.

First, and most important, Judge Carswell is the President's choice, nobody else's. Nobody forced the President to seek out and finally decide on Judge Carswell as his nominee.

Nobody forced him to choose a nominee who at the mature age of 28 made a racist speech that even the nominee now says is "obnoxious" to him in retrospect.

Nobody forced him to choose a nominee who knowingly or unwittingly—either is equally damning—actively participated in subverting the law of the land by transferring a public golf course into a private and segregated hands for a financial pittance.

Nobody forced him to nominate a judge who was openly hostile to civil rights lawyers appearing before him to defend the rights of black Americans because it was his judgment that they were simply making trouble in his part of the country.

Nobody forced the President to nominate Judge G. Harrold Carswell.

And the Senate of the United States has no obligation to approve Judge Carswell in opposition to its own best judgment.

The Senate has only one obligation. To do its true constitutional duty, to advise and consent or not consent on this nomination, to represent all the people that make up this great nation.

I, for one, am sure the Senate will fulfill its obligation.

Mr. President, the editor of the Washington Post has treated this issue most thoughtfully in today's issue of the Post. I ask unanimous consent that this superb editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 2, 1970]

JUDGE CARSWELL: THE PRESIDENT'S "RIGHT OF CHOICE"

George Washington, August 8, 1789: ". . . as the President has a right to nominate without giving his reasons, so has the Senate a right to dissent without giving theirs."

President Nixon's claim that the Senate must vote to confirm Judge Carswell or place in jeopardy the constitutional balance between the Executive and the Legislature is an arrogant assertion of power that attacks the constitutional responsibilities of the Senate and is based on a false reading of history. It is, indeed, a presidential endorsement of the argument made recently in the Senate that since Mr. Nixon won the election he is entitled to put anyone he wants on the Supreme Court.

The President, of course, qualifies this claim by saying that "if the charges against Judge Carswell were supportable, the issue would be wholly different." But what he really means is that since *he* finds those charges—of mediocrity, of racial bias, and of a lack of candor—unsupportable, the Senate must accept his judgment and confirm his choice. He leaves a senator, who is given the constitutional responsibility of consenting to nominations, no latitude in making his own independent judgment on the fitness of the man for the office.

The President makes no attempt to square this bold assertion of the right to fill offices with this nation's constitutional or political history except to claim that his predecessors have been freely given the "right of choice in naming Supreme Court justices." He seems to overlook the fact that one out of every five presidential nominations of men to sit on the Supreme Court has not been confirmed by the Senate. He does not mention that the Senate failed to consent to nominations to that court made by Washington, Madison, John Q. Adams, Tyler, Polk, Fillmore, Buchannan, Johnson, Grant, Hayes, Cleveland, Hoover and Johnson.

It might be well, since the President has brought it up, to recall why the Senate was given the power to approve or reject presidential nominations to high office. It came about as a compromise in the Constitutional Convention between those who wanted the President to have absolute power to fill those offices and those who wanted to give that power to Congress. Alexander Hamilton explained the compromise in The Federalist:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connections, from personal attachment, or from a view of popularity."

That this was intended to be a substantial check on the President's power was made clear in the first Congress. Arguing in favor of a secret ballot in the Senate on questions of confirmation, William Maclay said, "I would not say, in European language, that there would be court favor and court resentment, but there would be about the President a kind of sunshine that people in general would be well pleased to enjoy the warmth of. Openly voting against the nominations of the President would be the sure mode of losing this sunshine." And arguing in favor of an open vote, Robert Morris said it would be beneath the dignity of the Senate to vote in secret since a Senator, in passing on a nomination, ought to be "open, bold and unawed by any consideration whatever."

It is against that background—an attempt by the men who wrote the Constitution to keep the President from filling offices with anyone he might choose and a history in which the Senate has approved 108 nominations to the Supreme Court while failing to approve 26—that Mr. Nixon pleads the case for Judge Carswell. A vote against confirmation, he says, is to vote to strip the President of the power to appoint. No opponent of confirmation that we know of has suggested that the Senate, not the President, nominate prospective justices. No opponent has suggested that Mr. Nixon not make a third choice to fill the existing vacancy if his second choice fails. No opponent has suggested—as did some Republicans at the time Chief Justice Warren offered his resignation—that the President not choose at all. Some, for that matter, have even jested that the Senate ought to confirm this nomination since the next one might be worse.

What Mr. Nixon is attempting to do is to turn an attack on his judgment into an attack on the prerogatives of the office he holds. Those who oppose confirmation are, indeed, questioning the judgment of the President. But the impact of a rejection by the Senate would not be on the powers of the presidency but on the personal power of this President.

The irony of all this is clear. The current vacancy on the court exists solely because the Senate did *not* act on the principle stated by Mr. Nixon yesterday when it received the nominations of Justice Fortas and Judge Thornberry. It refused to be a rubber stamp then and it refused again when it rejected Mr. Nixon's nomination of Judge Haynsworth. Surely this should have put the President on notice that the Senate was not to be trifled with. Yet he came back after that defeat with a nomination that is an insult to both the Senate and the Supreme Court, a nomination of a man who is substantially inferior to Judge Haynsworth. Although this put many senators who wish to support the leader of their party in extremely embarrassing positions, the argument has now been turned on its head. Some of them are now saying that *they* cannot reject Judge Carswell without insulting *the President*. It is important to be clear in our minds about who is insulting whom in this matter. The answer is in yesterday's presidential letter to Senator Saxbe, for what the President is saying is nothing less than that he alone is entrusted "with the power of appointment." He is not so entrusted; he has only the power to *nominate*. The power to *appoint* is one he shares with the Senate. The Senate's best response to this attack—this insult, if you will—on its constitutionally given prerogatives in the appointments process would be an outright rejection of the nomination of Judge Carswell.

THE PRESIDENT'S STATEMENT ON VETERANS' MEDICAL CARE

Mr. SCHWEIKER. Mr. President, I highly commend President Nixon for announcing today that he would seek $65 million in additional funds from Congress for the Veterans' Administration medical program—$15 million for the remainder of this fiscal year and $50 million added to the budget request for fiscal year 1971.

The President and his able Administrator of Veterans' Affairs, the Honorable Donald E. Johnson, are to be congratulated for their review of the problems facing the VA hospital system, and their action in response to what they learned from studying the system.

The Subcommittee on Veterans' Affairs, of the Committee on Labor and Public Welfare, has itself been reviewing this situation extensively and intensively since last November. As ranking minority member of that subcommittee, I have been taking a deep personal interest in this matter. The veterans returning today from Vietnam, who have made such great sacrifices in this war, must continue to have the finest in medical care and services. Yet, as the President notes in his statement today:

> As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired.

The President's fine statement outlines not only the need for additional funds from Congress for VA hospitals but also other steps which have been taken to improve medical care and management in these hospitals.

I look forward to joining with the President in supporting increased funds for VA hospitals. I ask unanimous consent that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the President on Veterans Medical Care

For a number of years, the Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired.

Action must be taken now to insure that eligible veterans will receive the medical care they require.

When I appointed Donald E. Johnson to be Administrator of Veterans Affairs last June, I directed him to make a thorough review of the veterans medical care program: to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care program appropriate for future needs. He has completed that review, and today he reported his findings.

I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention. *Therefore, I have approved an increase of $50 million in the VA's medical care budget request for fiscal year 1971—which makes it $210 million more than the approved appropriation for fiscal year 1970—and have authorized the VA to seek from Congress an additional appropriation of $15 million for the remainder of this fiscal year.* These requests will enable the VA to improve medical care for all eligible veterans, particularly for those suffering from battle injuries.

This Administration is committed to providing quality medical care for every eligible veteran.

BACKGROUND OF THE PROBLEM

A 1968 law required the Veterans Administration to reduce its staff to the mid-1966 level. This deprived the VA's medical care program of several thousand workers in all categories of the health services professions at a time when the VA requirements for such personnel were growing steadily.

Last September, to meet this problem, I raised VA's personnel ceiling by 1,500, even though employment authorizations for other Federal agencies were being reduced by 51,000. I also approved the VA's fiscal 1971 appropriations request for an additional 2,100 medical care employees.

Even more health services personnel will be required in the immediate future to meet the special problems presented by an increasing number of Vietnam Era dischargees and the increasing scope and complexity of health care delivery systems.

THE VIETNAM ERA VETERAN

Men and women with service in the Armed Forces since the onset of the Vietnam conflict are being discharged in steadily increasing numbers. The annual rate of separations grew gradually from 531,000 in calendar 1965 to 958,000 in 1969. In 1970 and 1971, the annual rate will climb well above one million.

Many of those now leaving the Service suffer from wounds received in combat and are discharged directly into VA hospitals. Currently 7% of the patients in VA hospitals and 9% of VA out-patient treatment cases are Vietnam Era veterans. These percentages are expectd to rise during the next few years. Also, all Vietnam Era veterans are entitled to VA dental care in the year following separation from service. Due to the increasing discharge rate, the demands for such treatment have led to an abnormally high backlog. Additional funds are required to correct this situation.

Better battlefield care and faster evacuation of the war wounded have resulted in a high incidence of patients with multiple amputations and spinal cord injuries in VA hosptals. Special hospital centers, with more staff than usual, are required for the care and rehabilitation of these patients.

These new developments combine to impose greater than normal demands upon the professional staffs of VA hospitals and clinics and require both more personnel and an increased range of specialized skills.

SPECIALIZED MEDICAL PROGRAMS

As medical knowledge expands, the techniques for saving lives becomes more complex, more specialized, and more expensive. For several years, the VA has identified for separate funding and control a group of 23 "Specialized Medical Programs," including Coronary/Intensive Care Units, Hemodialysis Centers, Organ Replacement Centers, and Pumonary Emphysema Units. These innovations in VA hospitals and clinics pioneer the latest advances in diagnosis and treatment.

The VA's efforts to make these programs available throughout its hospital system have been constrained by lack of funds. For example, there is presently an insufficient number of Coronary/Intensive Care Units in the VA hospital system. Such units reduce mortality in heart attack cases by 15 to 30 percent; every eligible veteran should have access to these life-saving facilities.

Administrator Johnson also has found that the VA has not had the funds to open and operate a sufficient number of Prosthetics Treatment Centers and Spinal Cord Injury Center for severely wounded veterans from Vietnam.

These Specialized Medical Programs are not only important to the veterans who benefit directly from them, they are also important to America because the veterans medical care program consistently has been a leader in the development of innovations of great importance to our total health delivery system.

Concern for the nation's older veterans is an integral part of the VA's specialized medical care mission. These patients will require greater number of chronic care and nursing care beds as the veterans population continues to age.

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OTHER PROBLEMS

Administrator Johnson has identified a number of other problems affecting the veterans medical care program. Most of these have been brought on by a combination of inflationary pressures and budgetary restrictions. These include a reduction in supporting services available in VA hospitals as compared to many non-governmental hospitals; deferrals in the purchase of replacement equipment; stretch outs of maintenance and rehabilitation projects; and curtailment of the construction program to modernize or replace outdated VA hospitals.

The VA's potential as a clinical training resource has been neglected. Full reliance on the VA's system of 166 hospitals for medical education purposes would not only improve the VA's position—as a consumer of health services personnel—but would also help the entire nation meet its requirements in the health manpower area.

THE STEPS WE ARE TAKING

Solution of many problems related to the veterans medical care program will take time—even if we had all the necessary funds immediately.

We must, however, find early solutions to the more pressing problems which directly involve patient care. These include

- —the need for increased staffs to serve existing Specialized Medical Programs, especially those concerned with care of wounded Vietnam veterans;
- —the need to open and adequately staff and equip more centers under these programs;
- —the need to bring the backlog of Vietnam veteran dental care cases within normal operating levels;
- —the need to provide additional nursing care beds for older veterans.

The $15 million supplemental appropriation which I have authorized would be expended in April, May and June to clear up the excessive backlog in Vietnam veterans dental claims; improve the staffing of existing Specialized Medical Programs, especially the Spinal Cord Injury Centers and the Coronary/Intensive Care Units; carry out plans for taking hemodialysis units into the homes of veterans suffering from serious kidney ailments; and help meet increased costs of needed drugs and medicines.

The VA's budget request already submitted to Congress for the fiscal year to commence in July would provide extra staff to activate 121 additional bed units for Specialized Medical Programs and to open an additional 1,155 nursing care beds, a 28% increase in this program.

The new request for $50 million would be used to increase the staffs of VA hospitals and clinics; to improve further the staffing of the Spinal Cord Injury Centers and other important Specialized Medical Programs; to purchase seriously needed operating equipment; and to absorb rising drug and medical costs.

OTHER STEPS TO IMPROVE MEDICAL CARE

Beyond these requirements for additional funds, a number of steps have been taken to improve the veterans medical care program.

New Management Team—An entirely new top management team for the VA's Department of Medicine and Surgery, headed by Dr. Marc J. Musser has been appointed. This group has the talent, the initiative, and the outlook to develop and carry out needed improvements in veterans medical care.

Improved Management Controls—Streamlined management controls over the widespread operations of the VA, including its system of 166 hospitals have been established. By merging the fiscal audit, internal audit and investigation services, more frequent audits and faster investigations into complaints will be possible.

Improved Management of Hospitals—The management at each VA hospital is being evaluated, and a number of replacements in hospital directors, assistant directors, and chiefs of staff have already been made. Other personnel changes will be made as the need is demonstrated. A new program to upgrade the managerial skills of those in charge of the hospitals will make possible greater decentralization of appropriate authority to hospital directors. An executive recruitment and development program to provide for future hospital leaders will be undertaken and a program for simplification of paperwork procedures and other hospital administrative practices is underway.

Study of Future Needs—A comprehensive study of the future needs of the veterans medical care is continuing to insure that developing problems will be identified early and analyzed as to their significance to the program.

Closing Health Manpower Gap—The VA, in coordination with other interested agencies, will explore new approaches to the problem of closing the gap in the nation's critical health manpower situation. This will include studies to improve techniques of training health services personnel, improvements in health delivery systems, increased sharing of expensive and short-supply medical equipment by hospitals in the same community, and the potential for the establishment of new medical schools in conjunction with VA hospitals.

COMMITMENTS TO FULFILL

To those who have been injured in the service of the United States, we owe a special obligation. I am determined that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires. This commitment will require more than dollars to redeem; it will require sound management of existing VA facilities, wise use of existing personnel and equipment, and—most importantly—a sensitivity to the needs of our veterans, personal as well as medical. Administrator Johnson and his staff have a keen appreciation of these requirements. We, as a people, have commitments to our veterans, and we shall fulfill them.

VA HOSPITAL CRISIS

Mr. CRANSTON. Mr. President, today the President released a statement announcing that he had approved adding $50 million to the VA medical care item in the President's fiscal year 1971 budget.

In the President's fiscal year 1971 budget the medical care item is presently $1,702,200,000. The President's action makes that figure $1,752,200,000.

I congratulate the President on his wisdom in recognizing the great needs of the Veterans' Administration hospital and medical care system in responding to the increasing demands being made upon it by disabled Vietnam veterans and an overall aging veteran population.

I do want to place in perspective the move made today.

First, what the President has done, today—and again I want to make clear that I am delighted with his action—is to restore to the VA fiscal year 1971 budget the amount which the Bureau of the Budget had lopped off in February. For the VA's budget request for fiscal year 1971 to the Bureau of the Budget was $1,751,398,000—just $602,000 less than what is now being restored. Moreover, the VA's own medical staff and top doctors calculated that the VA medical care item should be about $77 million more than this amount. These top physicians and administrators in the VA's Department of Medicine and Surgery actually believed a medical care budget of $1,828, 243,000 was needed to do the job, but were cut back by the Veterans' Administration prior to submission of the VA budget request to the Bureau of the Budget.

Now, this is not in any way to deprecate or minimize what $50 million more will buy in the way of hospital, medical, and dental care for our disabled veterans, especially those recently returned from Vietnam. It will undoubtedly help appreciably, but, as the above figures clearly show, it does not meet the needs that even the VA's doctors foresee. And it plainly fails to cope with most all the problems that the President described in his statement; namely, "reduction in supporting services available in VA hospitals as compared to many nongovernmental hospitals; deferrals in the purchase of replacement equipment; stretchouts of maintenance and rehabilitation projects, and curtailment of the construction program to modernize or replace outdated VA hospitals."

What the $50 million does do is stop up the dike enough to ameliorate the rapidly impending crisis situation which has been dramatically pointed out over the past 5 months by the Veterans' Affairs Subcommittee in the Senate—through 6 days of recently published oversight hearings on Medical Care for Vietnam Veterans; by the House Veterans' Affairs Committee's periodic release of surveys of each State's VA hospital directors regarding their enormous unmet needs—already 43 releases have been issued; and through the outstanding coverage of this issue afforded by network and local television, the press, and other news media.

For example, the chairman of the House Veterans' Affairs Committee, back in early October 1969, called attention to the $20 million worth of specialized medical facilities not being fully or even partially utilized at that time. In our subcommittee hearings on November 21 and again on November 25, I raised this question with VA administrators and doctors, and a chart provided by the VA last month and presented on page 54 of our hearing record shows that 65 of these facilities have not yet been activated and are not scheduled for full or partial activation until some time in fiscal year 1971.

Mr. President, I ask unanimous consent that this table be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—SPECIALIZED MEDICAL SERVICES

[Not planned for activation in fiscal year 1970]

Program		FTE	Amount
Region No. 1:			
Bronx	Day Hospital	3.5	$42,806
Castle Point, N.Y	Pulmon. Emphysema	2.5	30,119
East Orange, N.J	Alcohol Trt	12.5	141,084
Northampton, Mass	Alcohol Trt	12.5	141,084
Syracuse, N.Y	Stereo. Brain Surg	3.5	46,886
West Haven, Conn	ICU/CCU	16.4	138,110
	Epilepsy Center	2.0	23,307
	Day Hosp. Care	3.5	42,806
Wilmington, Del	Card Catheriz	2.5	28,843
	Pulmon. Emphysema	2.5	30,119
Total		60.3	642,088
Region No. 2:			
Atlanta	Open Heart Surgery	2.5	45,333
Columbia, S.C	Speech Path	1.5	22.824
Charleston, S.C	Pulmon Emphysema	2.5	30,119
	Pulmonary Function	1.0	11,309
	ICU/CCU	16.8	138,110
Louisville	ICU/CCU	12.0	98,650
Miami, Fla	ICU/CCU	7.2	59,190
Nashville, Tenn	Alcohol Treatment	12.5	141,084
	ICU/CUC	20.4	167,705
	Organ Replacement	10.5	154,472
Oteen, N.C	Speech Path	1.5	22,824
Richmond, Va	Pros. Trt. Center	1.0	17,271
	Electron Microscopy	1.0	11,509
San Juan, P.R	ICU/CCU	31.2	[1] 256,490
	Hemodialysis	10.5	[1] 144,033
	Pulmon Emphysema	2.5	[1] 30,119
	Pulmon Function	1.0	[1] 11,309
Washington, D.C	Electron Mirroscopy	1.0	11,509
Total		99.7	1,039,354
Region No. 3:			
Alexandria, La	Pulmon. Function	1.0	11,309
Dallas, Tex	Day Hosp	3.5	42,806
	ICU/CCU	18.0	147,975
Jefferson Barracks, Mo	Clin. Radio	1.0	26,070
Kansas City, Mo	Day Hosp	3.5	42,806
Little Rock, Ark	Hemodialysis	10.5	[2] $144,033
New Orleans, La	Electron Micro	1.0	11,509
St. Louis, Mo	Day Hosp	3.5	42,806
	Organ Repl	10.5	154,472
Shreveport, La	Speech Path	1.5	22,824
Wadsworth, Kans	Pulmon. Emphysema	2.5	30,119
Wichita, Kans	Pulmon. Function	1.0	11,309
Total		57.5	688,038
Region No. 4:			
Allen Park, Mich	Electron, Micro	1.0	11,509
	Pulmon, Emphysema	2.5	30,119
Chicago, Ill. (WS)	Day Hosp	3.5	42,806
Des Moines, Iowa	Pulmon, Emphysema	2.5	30,119
Hines, Ill	Ment. Hygiene	2.0	[3] 39,646
	Spec. Refer. Lab	2.5	27,692
	Speech Path	1.5	22,824
	ICU/CCU	10.8	[3] 88,785
Indianapolis, Ind	Alco. Trt	12.5	141,084
Madison	ICU/CCU	13.0	104,195
Minneapolis, Minn	Alco. Trt	12.5	141,084
	ICU/CCU	16.0	128,245
Sioux Falls, S. Dak	Pulmon, Function	1.0	11,309
Wood, Wis	ICU/CCU	2.4	19,730
Total		54.7	606,707
Region No. 5:			
Long Beach, Calif	Speech Path	1.5	22,824
	ICU/CCU	14.4	118,380
Martinez	Speech Pathology	1.5	22,824
Salt Lake City, Utah	Day Hospital	3.5	42,806
	Electron Microscopy	1.0	11,509
	ICU/CCU	9.6	78,920
San Francisco, Calif	Pros. Trt. Center	1.0	17,271
Seattle, Wash	ICU/CCU	9.6	78,920
	Day Hospital	3.5	42,806
	Pulmon, Emphysema	2.5	30,119
Tucson, Ariz	ICU/CCU	9.6	78,920
Total		41.8	404,095

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[1] New facility construction will delay activation until fiscal year 1971.

[2] Completion will be delayed until fiscal year 1971.

[3] Scheduled for completion in phase II construction, June 1973.

So the urgent needs outlined by the President in the VA's specialized medical programs are not new.

And the same can be said for all the other unmet needs mentioned by the President which were discussed throughout our hearings on November 21 and 25, December 15 and 16, and January 9 and 27; throughout the 43 press releases over the last 2 months by the House Veterans' Affairs Committee; and which I highlighted 2 months ago in my floor statement on the VA fiscal year 1971 budget just then released, 1 month ago in a speech to the American Legion—inserted in the RECORD on March 23 at 8696 by Senator SCHWEIKER, and again on the Senate floor just last week in a March 23 statement on the crisis in California VA hospitals.

In the latter statement, I said that the fiscal year 1971 VA budget was at best a standstill budget in light of inflation in the cost of providing medical care and salary increases.

Yes, the $50 million will help, and I commend President Nixon for seeking to make it available. But let there be no mistake. It will not meet renovation and construction needs. It will not permit the absolutely essential substantial increases in hospital staffing ratios. It will not provide for a vigorous health personnel training and education program. And it will not eliminate the dental care backlog.

It will not, in short, provide the means to make the full VA hospital and medical care system—which is a national resource of enormous potential—a truly first quality medical system.

To move in that direction, I have been working closely with Chairman TEAGUE, and we plan to announce very shortly the joint recommendations we will make in our respective bodies for specific increases in the fiscal year 1970 VA supplemental request as well as the fiscal year 1971 VA budget. It is clear now, however, that although desirable and welcome, the President's action—increasing by less than 3 percent the total VA medical care budget—is far too little, and I hope not too late.

IS THE NEW YORK TIMES FAIR?

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the New York Times dated March 31, 1970. The letter I think is self-explanatory. So far, the New York Times has not seen fit to print it. I hope that a sense of fair play will lead the Times to present a contrasting viewpoint on the Carswell nomination. My hope was obviously misplaced.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 31, 1970.

To the EDITOR, NEW YORK TIMES:

Sir: An excellent example of slanting the news by omitting one side of the story can be seen in the way the New York *Times* mishandled the Carswell story this weekend.

When Senator Fulbright stated he would vote for recommittal of the nomination to committee, this made the front page on Friday under a 3-column headline: "Carswell Foes Gain Senate Supporters."

But when Senator John Sherman Cooper, who had voted against Judge Haynsworth, issued a statement supporting Judge Carswell's nomination, and when eleven Federal judges on the Fifth Circuit Court of Appeals endorsed his nomination, how was the news covered?

In the Washington *Star* and the Washington *Post*, front page stories; in the Los Angeles *Times*, a front page wrap-up and two separate stories on page 4; in the Baltimore *Sun*, page 1.

However, in the New York *Times*, not one line appeared about this strong support of Judge Carswell in its Sunday edition distributed in Washington, despite the fact that it was carried by the wire services early Saturday afternoon for release at 6:30 p.m. In its last edition, the story did appear—buried on page 34.

The decision by the *Times* to play down such news that it does not approve of hardly comes as any surprise. It is in the tradition of their late-edition-only coverage of the House of Representatives' resolution supporting the President on Vietnam, which made front page headlines everywhere else but appeared as a paragraph in a different story in the back pages of a very, very late edition of the *Times*, again, not distributed in Washington.

Some editors may think their news judgment and fairness cannot be challenged if they "cover" a story in the back pages of a late edition's partial run. I do not agree.

The advertisements for your newspaper recall the words of your founder: "to print the news impartially, without fear or favor." Does this now mean without fear of being complete in your news coverage, and without giving the other side the favor of a fair hearing?

Perhaps you should consider changing the *Times* motto from "All the News That's Fit to Print" to "All the News That Suits the Tint".

Very truly yours,

EDWARD J. GURNEY,
U.S. Senator, Florida.

FLOYD IVERSON—A FINE PUBLIC SERVANT

Mr. BENNETT. Mr. President, Floyd Iverson, regional forester of the Forest Service intermountain region in Ogden, Utah, since March 1957, has announced his retirement, effective today, after nearly 40 years of duty with the Forest Service.

It has been my pleasure and privilege to work closely with Floyd during the past 13 years, and I have been delighted and sometimes amazed at the way he has smoothed out problems that have come along from time to time. I suppose this is the real key to what I know has been a most successful career.

During his years with the Forest Service, Floyd has served with distinction in many varied assignments from forest ranger to regional forester. His outstanding leadership in resource management and administration of the 19-forest intermountain region was recognized with a Superior Service Award in 1962 and with the coveted Bridger Award of Utah State University in 1964.

He will be succeeded by Vernon O. Hamre, a Forest Service employee of more than 25 years, serving since early 1969 as deputy regional forester of the Pacific Northwest region.

I take this opportunity to welcome Mr. Hamre to Utah and to extend to Floyd Iverson my sincere thanks and my best wishes as well as those of my staff for a pleasant and rewarding retirement.

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THE CARSWELL NOMINATION

Mr. GURNEY. Mr. President, on March 18, 1970, the distinguished Senator from California (Mr. Cranston) publicly accused Judge G. Harrold Carswell of "bias and hostility against civil rights attorneys who argued cases in his court, in violation of canons 5, 10, and 34 of the canons of judicial ethics."

The Senator based this most serious charge on the statement of Mr. Theodore Bowers, an attorney of Panama City, Fla.

I was very much disturbed by this most serious allegation, and I inquired into the matter further. On the basis of my inquiry, I must conclude that my distinguished colleague, through no fault of his own, has been seriously misled by Mr. Bowers.

I ask unanimous consent to have printed in today's Record a letter dated March 24, 1970, from Mr. Julian Bennett who has had some experience in dealing with Mr. Bowers and with Judge Carswell.

Mr. Bennett served as attorney for the Panama City School Board during the controversies Mr. Bowers referred to in his statement. I think his letter is self-explanatory.

Mr. Bennett has also furnished me with a photograph, which cannot of course be reproduced in the Record. It shows the cocaptains of this year's Bay High School football team after their election by their squad. One is white, Mr. President, and the other is black.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Logue, Bennett & Williams,
Panama City, Fla., March 24, 1970.

Hon. Edward J. Gurney,
U.S. Senate,
Washington, D.C.

Dear Senator Gurney: I apologize for the late letter concerning Judge Carswell, but I have been wading through the mass of orders and documents in the file in order to try to present a comprehensive report to you.

First of all, let me say that the matters you reported to me attributed to Attorney Bowers and quoted by Senator Cranston in the debate on Judge Carswell, are completely false. I am shocked that a brother member of the bar would, at this late date, make the *first* complaint about Judge Carswell's conduct. Particularly is this true since a glance at the record since the case commenced by the serving of the first desegregation complaint, November 16, 1963, reveals that Judge Carswell ruled with Attorney Bowers and the individual negro plaintiffs far more consistently than he ruled with the defendant School Board.

For example, in the early days of this litigation when "free transfer" was the permitted method of desegregation, Attorney Bowers, on September 8, 1966, sought an order transferring 115 negro children from an all-negro school to a predominantly white school; the Board took the position that these students had not made a timely application as called for in a previous desegregation order; Judge Carswell ruled promptly and swiftly that these children must be enrolled immediately and excused their lack of timely application altogether. This order appears in the record as the Order of Judge G. Harrold Carswell September 15, 1966. Of course, we accepted his order and enrolled the children accordingly. No appeal was made.

I am astounded that Attorney Bowers would attack a Judge that ruled so consistently with him throughout this six years of litigation.

As I mentioned to you in my telegram, in the six years the Judge probably averaged entering at least two orders a year on matters relating to this desegregation case. The first and only orders of Judge Carswell that were appealed by either side of this litigation from the date it commenced, November 16, 1963, was the most recent appeal of the order of April 3, 1969 as supplemented by the order of April 10, 1969, both by Judge Carswell.

Basically, the substance of the appeal was the simple, straight-forward statement by the Negro plaintiffs that there would be three schools (two elementary schools and one junior high school) out of the total of 26 schools in the County, that would have an all Negro student body. All faculty would be integrated with each school having Negro and white faculty on each staff equal to the ratio of Negro faculty members to white faculty members in the County as a whole. There has never been any complaint in any appeal at any level that the faculty was not desegregated properly.

There was no issue on appeal concerning any conduct by Judge Carswell at the trial court level creating any unfair or biased position with regard to any desegregation order. The simple point that if there is any all black schools in any County in the South, the school system is unconstitutional. As we now know, the famous decision in the Orange County, Florida case has indicated that strict neighborhood zoning, eliminating the dual school zones, can be a constitutionally permissible school system even with some all black student bodies, provided there is integration of all other activities, particularly faculty, athletics, extra-curricular activities, etc. With that in mind, I enclose a photograph and news article taken from Sunday, March 22, 1970, issue of the Panama City News-Herald showing that two co-captains for the Bay County High School football squad for the 1970 season. One is a young Negro athlete, Ricky Lockhart, and the other a white athlete, Mike Faile.

As I stated to you in my telegram, the high schools have been integrated since 1967. The County School Board voluntarily closed the only all-Negro high school at the urging of Judge Carswell and even without Judge Carswell entering an order to that effect. He made the Board see their duty and they did it and this is the result. The community has accepted integration in athletics and elsewhere, and it is unfair for Judge Carswell to be branded anticivil rights when, to a large degree, he played a major part in helping the Board turn away from segregation toward integration, as Judge Carswell knew and consistently ruled throughout the six years of litigation, that segregation was no longer constitutionally permissible.

Judge Carswell has accomplished far more with his chambers meetings between counsel on all sides than any argument Theodore Bowers has ever made on the law. The fact that he has only been appealed one time and reversed on that occasion because the Supreme Court of the United States had only subsequent to his decision, rendered the famous *Alexander v. Holmes County Board of Public Instruction* in Mississippi, which introduced the new requirement that all school systems must commence immediately to operate on a unitary basis and then litigate subsequent thereto.

I might add that it is not fair to Judge Carswell, or for that matter any other southern United States District Judge, to judge these good men on yesterday's record with today's law. Desegregation law is constantly shifting, though never deviating from the principle that "segregation is dead".

To illustrate, in desegregation litigation we have gone under various higher court pronouncements along the following successive legal routes:

1. Free transfer of any student to any school he desires to go to.
2. Mandatory free choice wherein all students must choose once a year which school he will attend.
3. Abolition of free choice and substitution of zoning, pairing, and the like.
4. Neighborhood school zones drawn with impartial zone lines ala Orange County, Florida decision.

Even the liberals in the United States Senate must understand, as has been echoed by no less an authority than President Nixon, that much is left to be desired in Supreme Court decisions on the subject of desegregation requirements. In some cases they have been explicit; in other cases they have been vague; in other cases they have said nothing; for example, whether the Constitution requires bussing or pairing to accomplish racial balance. No less an acknowledged authority than Frank Johnson, United States District Judge in Montgomery County, Alabama, issued an order filed February 25, 1970, in which Judge Johnson, who is the idol of many of the liberals in the North and among the news media, said:

"Plaintiff's objections and the few proposals made by the Office of Education, Department of Health, Education and Welfare, that differ from the plan as proposed by the Montgomery County Board of Education appeared to be based *upon a theory that racial balance and/or students ratios as opposed to the complete disestablishment of the dual school system is required by the law. Such is not this court's concept of what the law requires. Complete disestablishment of the dual school system to the extent that it is based upon race is required. While pairing of schools may sometimes be required to disestablish a dual system, the pairing of schools or the bussing of students to achieve a racial balance, or to achieve a certain ratio of black and white students in school, is not required by the law.*" Arlam Carr et al and National Association, Inc., plaintiffs v. Montgomery County Board of Education et al, defendants, USA amicus curiae, Civil Action No. 2072–N, U.S. District Court for the Middle District of Alabama, Northern Division, Opinion dated February 25, 1970.

Judge Carswell, to my knowledge, has ruled that the law requires no less and he is consistent with Judge Johnson in not requiring any more.

I, again, sincerely thank you for the opportunity of expressing my views. I am a former democratic officeholder in Bay County, Florida, and still a registered Democrat. Politics has nothing to do with this matter as far as I am concerned. Until Judge Carswell was nominated for the United States Supreme Court, I have never heard any attorney, black or white, that has practiced before him, either at the District Court level or on the Appellate level, that has complained of the type of conduct complained of by Attorney Theodore Bowers.

I hasten to add that the pressure to defeat this good man has caused a member of my profession to make what could be labelled, at best, unkind, untrue and unfair statements. For him I apologize, and to Judge Carswell I know that I speak for all the other lawyers who have served before him, black and white and wherever situated, in wishing him good luck.

Very truly yours,

JULIAN BENNETT.

"TRUTH IN POLITICS"—REMARKS BY SENATOR EDMUND S. MUSKIE AT THE JACKSON DAY BANQUET IN SPRINGFIELD, MO.

Mr. EAGLETON. Mr. President, Jackson Day in Springfield, Mo., is the occasion for one of the outstanding gatherings of Democrats in the Nation. Each year, Democrats from throughout the State congregate for a weekend of fellowship and discussion of the party's past achievements and future goals.

A national party leader addresses the Jackson Day Banquet each year. On March 21, over 1,700 Missouri Democrats heard a thoughtful and incisive address by the Senator from Maine (Mr. MUSKIE). I ask unanimous consent that his remarks be printed in the RECORD:

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TRUTH IN POLITICS

(Excerpts from the remarks of Senator EDMUND S. MUSKIE)

As a Senator from Down East, I am glad to be in Missouri, the gateway to the West. It was once said of Missouri that you raise "corn and cotton and cockleburs and Democrats." From the enthusiasm here tonight, I think you are on your way to a bumper crop of Democrats in 1970.

You have two distinguished Senators, my good friends and colleagues, Stuart Symington and Tom Eagleton, and a great Democratic Governor, Warren Hearnes. You are making a fine contribution to the House of Representatives with your vigorous and able Democratic Congressmen, Clay, Symington, Sullivan, Randall, Bolling, Hull, Ichord, Hungate and Burlison.

Here in Springfield, in the beauty of the Ozarks, spring is bursting upon us and we have the makings of a great Democratic revival meeting—a revival founded on the belief of Missourians in candor and action. Missouri gave the nation that courageous President from Independence, Harry S. Truman. He is one man who has always told it like it is, before the Republicans learned to use that phrase as a slogan.

Last year the Attorney General of the United States, John Mitchell, picked up Missouri's "show me" motto. He urged that the people watch what the Republican Administration did instead of listening to what it said. I have watched and listened, and the only thing worse than what I have heard is what I have seen.

The public relations men working in the White House reflect a belief that the package and the label are more important than the product. They are lucky the Truth in Packagaing Act doesn't apply to the Republican Party. Of course, no one has ever accused the Republican Administration of being consumer oriented.

The problem goes beyond misleading labels. The air is being fouled by attacks on our liberty and assaults on some of our most cherished institutions. The country is in danger of being smothered by a blanket of fear and confusion. Our economic environment is being undermined by a unique combination of continuing inflation and rising unemployment, which only republican economists seem to know how to achieve.

In America our greatest political tradition is not only that our elected officials are men of the people, but also that they will both lead the people and trust the people.

If the President would face up to the realities of America and the world we live in, he would know that the way to fight inflation is not by vetoing funds for health and education, but by ending the waste of war and of weapons that do not secure our future but jeopardize it. The spiraling costs which rob the pocketbook of every housewife are the direct product of our expenditures on war and weapons.

Millions of Americans are denied the opportunity to buy a home or to obtain even decent housing as rising interest rates and tight money strangle the housing industry. Marginal workers are pushed out of jobs, and new jobs are not available as one million Americans have been added to the rolls of the unemployed.

It may be the new Nixon in the White House, but it is the same old Republican economic policies.

The President's failure to control inflation and the threat of recession are paralyzing the Government in other areas where action is required. We are going through a period of great crises in the United States, crises of our schools and of our souls, crises affecting the streets we walk and the air we breathe.

If we do not reorder our priorities, redirect our efforts, and commit our resources today, we may not have the opportunity tomorrow.

Our children are a primary victim of our misordered priorities. The nation's educational systems are being torn apart, caught up in the adjustments of integration, trapped in traditional teaching methods, packed in overcrowded classrooms, and wracked by student dissent.

Our school systems desperately need help. Can they get that help when the Federal education budget is cut? Can another generation wait while the President appoints a study group?

If we are to avoid tragic incidents like that in Lamar, South Carolina, where little children were the victims of the fears and hates of adults, the President must seek to lead the American people away from their fears and hates.

Last week a distinguished Republican colleague of mine, Senator Brooke of Massachusetts, commented on the tragedy of the Nixon-Agnew leadership on civil rights. They were following, he said, "a cold, calculated political decision" and while the President had promised to "bring us together," to date "everything he has done so far appears to be designed to push us apart."

Thoughtful Americans are deeply troubled by the tendency of the Administration—through the Vice President and the Attorney General—to link together those who protest peacefully with those who protest violently. It appears to be a deliberate endeavor to incite suspicion and contempt for those who simply disagree with the White House, however lawful their point of view, however peaceful their actions. As they stifle difference and dissent today, they set the stage for upheaval tomorrow.

The President and Vice President are hiding their heads in the sand when they seek to isolate their Administration from the young, and the young from middle America. They may succeed momentarily in avoiding direct confrontation, but what is needed is direct dialogue leading to mutual respect. There is no room for either student violence or police violence, and the way to avoid violence is to establish communication.

The young are telling us some very important things. Our colleges and universities have become too impersonal and unrelated to their students and their communities. In our affluence, we as a nation have become too self-satisfied and self-righteous and unwilling to see our own failures and inadequacies. In the race to bigger and better homes in suburbia, we have lost sight of our poor and underprivileged. In our haste to improve our technology, we have been destroying our environment.

And our political policies and practices have become unresponsive and inflexible. We Democrats were due for a shake-up, and we got one! One of the areas where I believe we can perform the greatest service is to help our young people make their way into the political process. The politics of protest can never be as effective or enduring as the politics of free election.

For those young people involved in the issues of our times, we must offer participation in our party. As adults, however, we are entitled to do a little shaking too. There has been a tendency among the young to scorn the established political parties, to fail to differentiate between them, and to demand total conformity to a single point of view. Thus, as we open our party to young people and their ideas, we must help them to see that great national political parties require accommodation as well as idealism, that great goals can be achieved far more readily by constant political support than by sporadic protest.

While we know why we are Democrats, we must justify to the young our belief in the vast difference there is between the institutions that comprise the Democratic and the Republican Parties. They can see how bad the Republican Administration is, but we must show them just how constructive we can be. They have a right to the "show me" attitude. A beginning step in that direction is for us to recognize that the greatest danger to America is not from those young people who are concerned and involved and who participate, but from those young or old who are apathetic and unconcerned.

We have an opportunity this year to go to the people all over this land. When we go, we must cut through the political smog and arouse this nation. The Republican Administration in Washington is an Administration of apathy.

The Administration has succeeded in part in its endeavor to intimidate the television media and the press. I believe that there is even some popularity today in the Vice President's speaking loudly while the Attorney General carries a big stick and the President attends athletic events. But let us not as a party be intimidated, nor shirk our responsibilities.

The armaments race will not be ended until our people demand it. Our schools and cities cannot be saved unless the people are willing to pay for it. Pollution cannot be conquered unless all cooperate and share the cost. Hatreds cannot be overcome unless understanding is offered. We, the Democrats,

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must lead a new crusade to awaken and revitalize America. We Democrats have never been the silent Americans before, and it is not the time now.

TRANSFER OF LORTON PRISON

Mr. TYDINGS. Mr. President, this morning the Committee on the District of Columbia held a hearing at which we gave the Department of Justice an opportunity to testify regarding its position on the proposal in the House-passed District of Columbia crime bill to transfer the Lorton Prison from the District of Columbia government to the U.S. Bureau of Prisons.

Regrettably, nearly a year after the transfer proposal was first made, the Justice Department testified this morning that it still has not formulated a position on this matter crucial to the President's own anticrime efforts in the National Capital.

Ten days ago the committee conducted hearings on several controversial provisions in the District of Columbia crime bill which recently passed the House of Representatives, including the Lorton transfer.

At that hearing, several distinguished witnesses, including the Honorable James V. Bennett, for 27 years the Director of the Federal Bureau of Prisons, testified vehemently against the transfer. Among others who testified against the Lorton transfer were Mayor Washington, City Council Chairman Hahn, and U.S. Representatives DONALD FRASER and BROCK ADAMS.

Noticeably missing at that hearing, however, was the testimony we had requested from the Department of Justice, the Federal agency that must assume responsibility for operating Lorton if the transfer becomes law.

To accommodate the Department of Justice we postponed its appearance before our committee from last Monday to last Thursday. Last Wednesday, however, the Department informed the committee that it still had not established a position on the Lorton transfer. At that time, I suggested the Department take another week to consider the matter further, and we scheduled today's hearing.

It is inconceivable to me that the Department of Justice has been unable for so long to develop a position on the Lorton prison transfer.

The House committee added this provision to the President's crime bill on February 19. Representatives of the Department of Justice were in the committee room when it occurred. Now, nearly 2 months later, the Department still has no position on this immensely important anticrime measure even though it seems to have a position on every other section of this 500-page-long bill.

The Department's silence on this issue is particularly baffling since the rest of the President's anticrime program here will be rendered useless without an effective correctional system.

The criminal justice system is only as strong as its weakest link. No matter how many police we put on the streets, no matter how much we reform and strengthen the court system and criminal law, unless our correctional institutions rehabilitate criminals, we will make little progress in the war against crime.

Recently, both President Nixon and Chief Justice Burger called for an overhaul of our Federal and local correctional systems. In his November 13 message, the President noted:

> Nineteen out of every twenty persons who are sent to prison eventually return to society. What happens to them while they are in confinement is a tremendously important question for our country.

As Chief Justice Burger told the Association of the Bar of the city of New York, it is in the way we deal with offenders while they serve their sentences that "the success or failure of our society will make itself known."

Another most baffling aspect of the Justice Department's silence is the fact that the Lorton transfer comes in direct conflict with the recommendations of every major study of correctional institutions over the past several years. The President's Commission on Law Enforcement and the Administration of Justice, the Joint Commission on Correctional Manpower and Training, and the President's Commission on Crime in the District of Columbia all recommended that corrections in the future become more community oriented.

President Nixon has concurred with those recommendations. In his November 13 message on the prisons, the President said:

> Correctional experts believe that the local jail concept should be replaced with a comprehensive community-oriented facility which would bring together a variety of detention efforts adult and juvenile court diagnostic services treatment programs both for those who are incarcerated and for those on supervisory release and the half-way house concept. Pilot projects along these lines have already been designed for New York City and Chicago. They should be given the highest priority and available funds should wherever possible be used to encourage other centers of this sort.

The Lorton transfer seems to me to fly in the face of the President's own recommendation. While the Department has remained silent on Lorton proposal, I am pleased to note that other responsible voices in the community have spoken out on the matter.

Within the last 2 weeks, two major newspapers in Washington have editorialized against the transfer.

In a March 23 editorial entitled "Tough Crime Bill," the Washington Evening Star called the Lorton transfer proposal an "absurd and destructive effort." The Washington Post took a similar position in a March 28 editorial entitled "Who Should Run Lorton?"

I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

TOUGH CRIME BILL

Having received from the House its very tough District omnibus crime bill, Senator Tydings has sensibly moved to set in motion the conference machinery through which differences between the two houses must now be worked out.

Given some miracle of legislative reasonableness, an agreement might materialize during the next several days. We don't anticipate it. The conflicts between the Senate's several anticrime measures and the one big House bill are so large in number and substance that a very complex series of compromises will have to be pieced together. Especially where constitutional issues are involved, this seldom occurs overnight.

And yet, there is no cause for despair. For the emphasis thus far, quite properly on the vital differences between the House and Senate actions, has tended to overshadow significant areas of agreement. Both houses have, in fact, agreed upon a revolutionary restructuring of Washington's courts and upon the general pattern, at least, of other fundamental changes in the system of criminal justice here. Differences, minor and major, abound throughout. Yet, barring some unforeseeable snag, the prospects are that the President will receive the sort of anticrime bill he seeks—and that it will be a tough bill.

The principal issues, commanding most of the headlines, involve House-approved proposals not acted upon at all by the Senate. But even in these instances, there is a world of opportunity for compromise.

Thus, for example, we urge the Senate to buy the House demand for a concept of preventive detention—enabling judges, under carefully prescribed safeguards, to detain certain criminal suspects awaiting trial. No further amount of debate will settle the issue of such a provision's constitutionality—and that is a matter, eventually, for the Supreme Court to decide. The public safety, meanwhile, requires congressional authorization of such powers.

If the Senate should yield, as we believe, on that point, however, there are those points on which the House must give way—including, surely, the absurd and destructive effort to transfer Washington's Lorton prison complex to federal control. The argument that this might help criminal justice in the District is a cruel deception—to which the White House has contributed by remaining silent. Senator Tydings' special hearing on the subject today, seeking to clarify the issues, is a timely step.

In the days ahead we intend to comment on other specific conflicts. As to the details of court expansion, judicial tenure, juvenile procedures and mandatory sentencing, for instance, we lean more to the Senate than to the House views. But the thoroughness of the House District Committee effort, in the wake of much criticism, and the conclusive nature of the House action, for that matter, deserve to be recognized.

No doubt the "vigorous support" expressed in behalf of the House committee bill by the President and by most Republican members had a strong impact in swamping liberal moves to water down the bill. But there is no justification, in our opinion, for viewing the end result wholly in any such partisan terms.

The results seem to us rather a manifestation of the deep concern and frustration in the House as a whole over the intolerable incidence of crime in Washington—sentiments which surely are shared no less by the public.

WHO SHOULD RUN LORTON?

By moving to expand the present corrections department into a full-scale city department of correctional services, the Senate has come forward with an effective answer to the House's misguided proposal for transferring the Lorton prison complex to the Federal Bureau of Prisons.

The Senate would pull together under one municipal administration all the related correctional activities including the present correctional department, the parole board, the bail agency, and the institutions for juvenile delinquents. Thus, one agency would be in a position to keep track of all persons in the correctional system from initial arrest, through trial, confinement and rehabilitation to ultimate release on parole. By contrast, the House action would splinter the existing corrections department by placing the Lorton institutions under federal control, but still keeping the city jail and other related agencies within the city government, a clearly undesirable fragmentation.

Mayor Washington in his testimony before the Senate District Committee on the Lorton transfer found *irony* in the fact that the transfer would "seriously affect the District's efforts to reduce crime in the city and rehabilitate offenders through a balanced, coordinated program." He also made the point that the *integrity* of the local government was involved since the splintering away of Lorton would run counter to the effort to consolidate and streamline the operations of the city government and make it "more responsive to the needs of the District's citizens and more responsible in carrying out programs to meet those needs."

One of two other elements involved in the Lorton controversy is the effort of some of the prison's white guards to force the ouster of Kenneth Hardy, the superintendent of corrections. Mr. Hardy is a black administrator who has made rehabilitation the keystone of the prison system's program for the treatment of offenders, replacing the old "get tough" policies which concentrated on formal prison routine but failed to give sufficient emphasis to such matters as job training, education and rehabilitation. Mayor Washington has publicly affirmed his confidence in Mr. Hardy in the face of an uninformed and abusive attack on him by a House District subcommittee.

The other element is seldom spoken, but it undoubtedly is very real. The prison complex eventually must be removed from its present location in southern Fairfax County which is rapidly becoming heavily suburbanized. Should abandonment of Lorton take place under federal control, local prisoners would be sent to Petersburg and Lewisburg and Atlanta, remote from the prisoners' homes and the machinery for their rehabilitation and parole, including the city-centered halfway house program. The most desirable Lorton transfer, to a new system of modern penal institutions which should be built in the next few years within the city limits, will occur more rapidly by keeping its administration within the city government.

The national administration, which would acquire direct responsibility for Lorton if it is transferred, has been strangely silent. It looks as if the silence was a price paid to Congressmen Broyhill and Scott who represent Fairfax County and other conservative members of the House District committee for their down-the-line support of other controversial features of the administration's omnibus crime bill.

The unfortunate result of it all, unless the Senate is successful in holding out in conference against the transfer, would be precisely what the Mayor has warned of—a serious setback to the administration's anti-crime effort for Washington which is based on a strategy of strengthening all parts of the criminal justice system simultaneously.

TRIAL OF THE CHICAGO SEVEN

Mr. HANSEN. Mr. President, much of the national news media seems to have concluded that the trial of the so-called Chicago Seven was unfair, and that Judge Julius Hoffman is really the culprit.

Already, paperbacks are in print portraying Judge Hoffman's conduct of the trial in the most critical terms.

Now we are informed, according to the New York Times of March 29, 1970, that most of the defendants have contracted with well-known American publishing firms to write their story. One can imagine how balanced such presentations will be. So far, I have not heard of any offers to give Judge Hoffman an opportunity to defend himself from such attacks. I ask unanimous consent that the New York Times article referring to books to be written by the Chicago defendants be printed in the Record.

One of the points harped on by these self-serving critics is the manner in which Judge Hoffman cited for contempt the defendants as well as their attorneys.

An excellent discussion of this contempt question was written by a Washington, D.C., attorney, Mr. Frank J. Whalen, Jr., and published in the letters column of the Evening Star of Washington on March 21, 1970.

Unfortunately, it has received little publicity.

I ask unanimous consent that Mr. Whalen's letter be printed in the Record. I would hope that those curbstone lawyers, who have so freely expressed their opinions on the contempt question, will read the letter.

Perhaps they might even, as has Mr. Whalen, recognize the need for distinguishing between the cases bearing on the question of contempt and whether or not such cases are applicable to the situation which arose in the Chicago trial.

There being no objection, the article and letter were ordered to be printed in the Record, as follows:

Chicago Rulings Scored by Clark—Conspiracy Case Prompting a Rash of Publications

(By Henry Raymont)

Former Attorney General Ramsey Clark has denounced the contempt sentences of the "Chicago 7" defendants and their two lawyers as "impermissible by any standard of justice—or, so far as I can see—law."

Mr. Clark also concludes that the trial "failed miserably" and urges Americans to look deeply into the facts, the causes and the implications of the five-month conspiracy trial, which ended Feb. 20.

The 42-year-old Texan made his first public comments on the trial to be published by the Swallow Press, a small Chicago publishing house, on April 13.

Two other books containing excerpts of the transcripts have already appeared and at least eight other books about the trial will be published within the next few months. They include a 22,000-page, five-volume set of the full transcript.

Public interest in the emotional confrontations between the defendants, mostly young men fired by political dissent, and Judge Julius J. Hoffman, 74 years old, who was manifestly unsympathetic to their radicalism, has encouraged publishers to commission a tide of books on the trial. They include books by at least four of the defendants. It could not be immediately determined if Judge Hoffman was contemplating writing one too.

CONVICTED FOR INTENT

The trial began with eight defendants accused of conspiring to incite a riot during the 1968 Democratic National Convention in Chicago. After several disorders in the courtroom, the case of Bobby G. Seale, one of the defendants, was severed from that of the others. All seven were ultimately found not guilty on charges of conspiracy but five were found guilty of crossing state lines with the intent to incite a riot. Before the jury announced its ruling, Judge Hoffman sentenced the defendants and their lawyers to up to four years in prison for contempt.

Mr. Clark, who was Attorney General at the time of the convention, was barred by Judge Hoffman from testifying as a defense witness on grounds that he would have "nothing relevant" to say. Mr. Clark at the time would not comment on the ruling or the trial, which was still in progress. "I'm a man of the law and I follow the law," he explained.

In the foreword to "Contempt," the former head of the Justice Department raises a series of questions about the trial. He asks if the law under which the defendants were indicted was the product of "fear and hypocrisy," why protesters at the convention were not given permits to demonstrate and whether Judge Hoffman was "temperamently suited" to conduct the trial.

Mr. Clark describes "the failures at Chicago" as "the failures of men and emotion," adding: "If the system is so frail that it cannot cope with the events in Chicago, the days ahead will be turbulent indeed."

Some of the books on the Chicago case, including "Contempt," were conceived during the trial and have already been rushed to completion. Others will not be published until the fall.

TWO EARLY BOOKS

The first book to be issued was "The Tales of Hoffman," a Bantam Book with excerpts from the transcript and 32 pages of sketches of trial scenes. This appeared on Feb. 24, four days after the trial ended. Another recent paperback is "Trials of the Resistance," a New York Review book, with an essay by Jason Epstein on Judge Hoffman's exchanges with Mr. Seale.

Mr. Epstein is preparing a book on the trial for Random House, where he is a senior editor. He had planned to call it "Contempt" until he discovered that the Chicago publisher had already used the title—Random House is also planning books by two defendants, Tom Hayden and Mr. Seale, whose "Seize the Time" contains three chapters on the trial.

A third defendant, Jerry Rubin, has just completed a book for Simon and Schuster, and a fourth one, Rennie Davis, is writing one together with Pe * * * magazine, to be published by Alfred A. Knopf.

Grove Press is issuing at least two books, one by John Schultz, a Chicago writer, and another by Jules Feiffer, the cartoonist who sketched the proceedings at the trial. J. Anthony Lukas, who covered the trial for The New York Times, has been approached by several publishers with offers to write a book.

The complete transcript will be published by Chelsea House, which is collecting donations to cover the $55,000 it estimates will be needed for printing costs. The publishing house has offered to make 25 copies of the full transcript available to the defendants who must file them in order to make their appeal.

Contempt and the Law

Sir: Your editorial, "The Disrupters," and the column by James J. Kilpatrick concerning the contempt citations imposed by Judge Julius Hoffman in Chicago require some discriminating attention. Apparently Mr. Kilpatrick regards himself as a lawyer. The Star is, of course, not a lawyer, although it undoubtedly has lawyers available to it. In your editorial you said:

"The Supreme Court, in three recent rulings, has held that a sentence for contempt of more than six months cannot be imposed by a judge alone, but must grow out of a jury trial."

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In his column, Mr. Kilpatrick referred to three cases:

"The key cases can be read in an hour: Cheff v. Schnackenberg in June, 1966; Bloom v. Illinois in May, 1968; and Frank v. U.S., last May."

The general thrust of Mr. Kilpatrick's column and of your editorial seemed to be the same. I suspect that they are infected by the same misreading of the decisions. Mr. Kilpatrick, in a rather supercilious tone, speaks of this as a settled matter: "Hoffman had abundant time to catch up on the developing law of criminal contempt."

The three cases plainly do not involve a uniform pattern of decision by the United States Supreme Court. Chief Justice Warren, in his *dissenting* opinion, referred to the Frank case as involving "unfortunate retreat from our recent decisions and alarming expansion of the nonjury contempt power, the excessive use of which we have so recently limited in (Bloom) and (Cheff)." It is plain that Chief Justice Warren did not regard Frank as involving a steady continuation of settled doctrine.

SPEAKS OF "KEY CASES"

In Mr. Kilpatrick's column, he quoted from Chief Justice Warren's dissenting opinion without indicating that it was a dissent. He speaks of "key cases": Cheff, Bloom and Frank as if they settled the matter, and as though Judge Hoffman were stupid not to see that they settled the matter.

In fact, there is not one of those cases which involved contempt committed in a courtroom or in the face of the judge. Bloom involved a contempt proceeding for filing a spurious will for probate; Cheff involved contempt for failure to abide by a cease and desist order arising out of a Federal Trade Commission proceeding for fraudulent salesmanship, and Frank involved a criminal contempt proceedings arising out of sale of oil interests without complying with Securities and Exchange requirements.

In my opinion, if you knew enough about the legal problems involved in a subject to refer to both the action of Judge Hoffman and the action of Judge Pratt here in the District of Columbia as being a "legal monstrosity" on February 17 you should have known enough about the subject on February 19 to have seen to it that Mr. Kilpatrick did not get away with citing a dissenting opinion in Frank as though it involved the opinion of the court.

The doctrine of separate offenses and the doctrine of consecutive sentences for separate offenses are well settled in the law. It is also well settled in moral philosophy, where it is recognized that increased blame is incurred when offenses are sufficiently separated in time that a new moral determination is involved in committing the second, the third, the fourth and subsequent acts.

As all seem to agree, these are troubled times, but they are not so troubled that it does not become clear that misconduct in the face of judicial officers must be stopped. There seem to be suggestions by those who excoriate Judge Hoffman that what he should have done was to deal with each contempt immediately as it occurred. In a trial involving the number of persons who were involved, and one which was plainly expected to last for many weeks, such treatment was obviously impossible. The defendants could not conceivably be granted a due process trial if it were repeatedly interrupted by such proceedings with reference to one of seven or eight defendants and two different lawyers.

WOULD PROLIFERATE

The possible alternative of waiting until the end of the trial and then conducting a jury trial would literally mean that the only way of dealing with such obstruction of justice of the most immediate kind would be to proliferate the obstruction into yet another trial of even longer length, when there is no real expectation that the longer trial of even greater length will not produce similar misconduct in the face of the court and yet further consumption of the time of judge, jurors, and all other persons in dealing with that.

One result from the tactics employed by the defendants and their counsel in the Chicago trial which cannot be allowed to occur is the paralyzing of even one court, never mind the paralyzing of all of the courts in the Northern District of Illinois. A conceivable additional technique might, I suppose, have some attractiveness, for instance, the setting down for hearing of each contempt promptly before another judge in the same court, with the right to jury trial if that is called for. The disruptive effect on the basic trial would obviously be as great, if not even greater, than a similar technique conducted in Judge Hoffman's own court.

As a practicing lawyer for two decades, it is now plain to me and has always been plain to me that the summary power to punish for contempt for insulting the trial judge, or disobeying the trial judge's orders, must always exist, subject only to the right of appeal, which should be accorded to the defendant on contempt in the same way that it is accorded to every other defendant, with the same expectation of reasonable protection of well-behaved counsel from judicial oppression that Justice Jackson assured to the bar in his opinion in the Sacher case in 1952.

It is this reader's view that the reaction of the news media to the Chicago situation could well stand more study of the law and the judicial system and less expression of offhand emotional reaction.

FRANK J. WHALEN, Jr.

THE WAR IN LAOS AND CAMBODIA

Mr. HANSEN. Mr. President, for the past several weeks American newspapers have headlined stories about the important advances made by North Vietnamese Communist forces in Laos and Cambodia. These same stories have been given prominence on network newscasts.

Generally speaking, the impression is abroad in America that the Communists are overrunning those two tiny Indochinese countries and that a grave threat is thus posed that Americans might become heavily involved.

I think it safe to say that most Americans who think about Laos and Cambodia at all are under the impression the Communists have won major victories and soon will be in control.

Well, on Wednesday morning the New York Times published, on pages 2 and 3, a couple of stories which, in my opinion, should have been given the same kind of treatment that the previous scare headline stories got. Buried on page 2 was a story about Laotian troops making major gains. Laotian loyalists had recaptured the town of Sam Thong. When the Communists captured that town there were blazing headlines. When they were forced out, the editors of the paper gave the story a small space on page 2.

On page 3 of the same newspaper appeared a story about Cambodia. Last week and early this week there were many stories about Communist troops pushing to the very outskirts of Phnompenh, the capital of Cambodia. It was not hard to gain the impression that Cambodia was about ready to drop into Communist hands. Again, numbers of Americans who concern themselves with such matters were under the impression all was lost.

But on Wednesday the Times reported there were no Communist troops on the outskirts of Pnompenh, and that, apparently, there never had been. I quote the Times:

> After some scare reports circulated late last week placing Vietnamese units deeper inside Cambodian territory than they have been in the past, military sources now report more intense pressure on Cambodian border posts but not deep penetration of Cambodian territory.

Those stories which the Times now concedes were simply scare stories were given wide circulation in the American press and, therefore received wide credence among the American people. Unfortunately, the news media simply did not give as wide circulation to the true facts as they did to the original rumors.

Let me conclude by pointing out the United States is not involved in ground action in either Laos or Cambodia. We do not intend to get involved. And with the kind of firm leadership we are getting from President Nixon, we will not become involved.

I ask unanimous consent that the New York Times articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

KEY TOWN IN LAOS SEIZED FROM FOE—SAM THONG IS RETAKEN IN UNEXPECTED SHOW OF FORCE

(By Tillman Durdin)

VIENTIANE, LAOS.—In an unexpected show of strength, Laotian troops have driven North Vietnamese soldiers from several hilltop positions overlooking Sam Thong and re-entered the mountain valley town, 80 miles northeast of here, it was reported today.

Sam Thong which had been the administrative center for a large part of north central Laos, was evacuated by the Laotians two weeks ago when it was attacked by North Vietnamese troops advancing from the Plaine des Jarres into the mountains to the southeast of the plain.

The North Vietnamese pushed past Sam Thong to the more important military base town of Long Tieng, 10 miles over a mountain ridge to the southeast, but despite rocket attacks and a series of infantry attempts to take the heights that provide control of Long Tieng, the North Vietnamese have so far been unable to shape Laotian domination of the Long Tieng area.

FOE STILL IN AREA

Military sources here hesitated to say that Laotian troops under Maj. Gen. Vang Pao had consolidated their hold on Sam Thong. North Vietnamese were still in the area and could counterattack, but four companies of Laotian troops were in the town this morning and General Vang Pao was reported to have said he could and would hold it.

Simultaneously, Laotian troops reportedly surrounded several hundred North Vietnamese four to five miles northeast of Sam Thong and were keeping them hemmed in while they were pounded by Laotian fighter-bombers. It was thought unlikely that the North Vietnamese could be kept trapped, but they were said to be suffering heavy casualties, of which 20 dead had been counted by this afternoon.

Artillery attacks and bombing by American fighter-bombers from Thailand are believed to have contributed to the success of the reinforced Laotian defenders of the Sam Thong-Long Tieng area.

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MORALE IMPROVES

The Laotian re-entry into Sam Thong last night and this morning, together with the successful defense of Long Tieng, has greatly improved morale here and at the front.

Laotian leaders here feel that every week that North Vietnamese gains can be frustrated at this time enhances the possibility that the North Vietnamese, who set out across the Plaine des Jarres last month with the seeming intention of occupying a larger part of north-central Laos, will not be able to achieve their objectives before the rains come in June. During the rainy season, offensive operations through the mountains north and northeast of here are virtually impossible.

The North Vietnamese now have the equivalent of a division of troops in the Sam Thong-Long Tieng area, enough manpower to take it over if well armed and supplied, but they are believed to have pushed ahead faster than their logistical support and to be short of food and munitions.

CAMBODIA IN NEW PLEA TO SOVIET AND BRITAIN ON RED-TROOP ISSUE

(By Henry Kamm)

PNOMPENH, Cambodia.—The Government disclosed today that it had renewed an earlier appeal to the Soviet Union and Britain, cochairmen of the Geneva Conference of 1954, to send the International Control Commission back to Cambodia to investigate its charge that North Vietnam and the Vietcong were stepping up their military activities against Cambodia.

Heightening the tone of its first request, presented to the embassies here on March 22, the Government asserted that the two Vietnamese Communist armies were committing "more and more flagrant and repeated violations of the Geneva accords."

A Government note charged that the North Vietnamese and Vietcong troops "not only refused to withdraw from Cambodian territory but now attacked openly Cambodian posts and defense forces inside Cambodian territory."

Cambodia requested that the two co-chairmen exert all their influence to bring about on an urgent basis the return of the three-member commission.

COMMISSION OUSTED IN 1969

Prince Norodom Sihanouk, ousted March 18 as Chief of State, ordered the commission to leave Cambodia at the end of last year, asserting that Cambodia could not afford its upkeep. India is chairman of the commission, which functions also in Laos and Vietnam, and Canada and Poland are the other members.

After some scare reports circulated late last week placing Vietnamese unitsdeeper inside Cambodian territory than they have been in the past, military sources now report more intense pressure on Cambodian borders posts but no deep penetration of Cambodian territory.

Britain has declared her support of Cambodia's request, as has India, but the Cambodian Foreign Minister, Yem Sambaur, said yesterday that there had been no reply from the Soviet Union. The commission has been blocked throughout its area of operation by the discord between the Canadian and Polish members, which India has not appeared capable of bridging.

Meanwhile, no crisis signals are noticeable in this placid capital. Government offices, including the Defense Ministry, continued to observe working hours until early in the afternoon. Only the small groups of students performing drill exercises in the streets of the capital as part of a military-preparedness build-up are an indication of an intensified state of readiness.

BOMBINGS IN THE UNITED STATES

Mr. HANSEN. Mr. President, there is growing evidence of the need for Congress to act swiftly and firmly in the matter of the bombings that have blasted so many sections of our country. It appears more than likely that they are a concerted effort at terrorism on the part of the radical left.

Just yesterday Chicago police were able to identify a Miss Bernadine Dohrn as the tenant of an apartment that was, in fact, a bomb factory. Miss Dohrn is a former national secretary of the Students for a Democratic Society.

In raiding her apartment police found 59 sticks of dynamite, a supply of blasting caps, four bottles of an explosive liquid, and 8 ounces of plastic explosives. These things are not a young lady's cosmetics. Whoever put them there could have had only one purpose—and that purpose is to manufacture bombs.

This is not the first time such a bomb factory, manned by a group from the nihilist left, has been found. Senators will recall the tragic explosion of a rowhouse in New York's Greenwich Village area where another group of SDS types were manufacturing bombs. Somehow, they made a mistake and blew themselves to pieces, along with the house. There was also serious damage to the houses on either side.

Mr. President, there is every indication that the bombs which have hit our public buildings, office buildings, banks, and other institutions have not been entirely a sporadic or a hit-or-miss affair. We cannot comfort ourselves by assuming they are the result of some madman's tortured mentality.

We hope that every effort will be made to pursue unrelentingly investigations of those bombings. Whatever the reason or reasons behind them they pose a serious threat to the safety of our citizens, a challenge to law and order, and an alarming evidence of contemptuous disregard for life and property.

INTERVENTION IN CAMBODIA ILL ADVISED

Mr. HART. Mr. President, Mark Etheridge, Jr., editor of the Detroit Free Press and a knowledgeable student of Southeast Asia, has written a perceptive piece on the expansion potential of the Vietnam conflict.

Mr. Ethridge looks at the Indo-China peninsula in historical perspective and sees little hope that the ills of centuries will be cured by American arms.

He strongly urges noninvolvement in Laos and, I think, makes a convincing case for continuing American withdrawal from Vietnam.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERVENING IN CAMBODIA ILL-ADVISED—END VIETNAM WAR INSTEAD OF MOVING IT

(By Mark Ethridge, Jr.)

Before President Nixon decides he's got a good thing going in Cambodia with the new anti-North Vietnam regime of Gen. Lon Nol, he should take a hard look at some current myths and ancient realities.

The myths, which came into prominence when Mr. Nixon was vice president, are that communism is monolithic, that it is everywhere and everytime a dire threat to the United States, and that if one nation falls to communism its next-door neighbor will. All these are summed up in the domino theory, the foreign policy reasoning which first got us involved in Vietnam.

Another myth is that since Gen. Nol, who overthrew Prince Sihanouk, controls the army he therefore controls the country. And a third myth is that Cambodian support just might provide the extra leverage which Saigon needs to turn back North Vietnam and the Vietcong.

The old realities are far more persuasive. When the domino theory was invented, President Eisenhower could only have been thinking of Russia, its next-door neighbor China, which went communist in 1949, and China's next-door neighbor, North Vietnam. That was the only example available.

But the reality is that China is very much its own state, that the Chinese civil war had gone on since 1895, long before Russia's, and the two are now implacable enemies.

It is also a reality that Vietnam has hated and feared China for a thousand years, and the Chinese had nothing to do with the establishment of an independent Vietnam in 1954.

The domino theory only works when governments are rooted as insecurely as dominoes standing on edge. If a government has a base in the support of the people, though, it cannot be uprooted except by invasion.

Which leads to old reality No. 2: Control of the army is far from a sure thing in Southeast Asia. Thieu controls the army of South Vietnam, but he does not control the people. Souvanna Phouma controls the Laotian army, but the Pathet Lao, the Laotian-liberation movement, has almost taken over the country.

The same thing could happen in Cambodia. Prince Sihanouk's threat to call for a liberation army to restore him to power is not an idle one. The Red Khmer, Cambodia's Communist Party, already exists, and Sihanouk has more support among the people than does Lon Nol. Further, the North Vietnamese have an estimated 40,000 troops in Cambodia, plus Vietcong, who are more than a match for the ill-equipped, ill-led Cambodian army.

The last reality Mr. Nixon should look at can be found in a map and a history book. The two dominant nations in that part of Asia for the past 600 years have been the Viets and the Thais. In between are squeezed the Cambodians and the Laos with all their assorted tribes.

Until the French colonialists took over Indochina more than 100 years ago, the tribal chiefs of Cambodia and Laos were forever paying tribute to the rulers of Thailand and Vietnam. The weakest kingdoms were absorbed, the stronger made vassels to one dominant nation or the other.

CULTURAL SUPERIORS

The Viets—and the Thais—still consider themselves the cultural superiors of the Cambodians and the Laotians. North and South Vietnam have more in common than South Vietnam and Cambodia. American civilian experts in Vietnam have been saying for years that if the war is ever ended, South Vietnam could be expected to invade Cambodia within five years.

A border dispute near the Plain of Reeds has long been a point of contention between South Vietnam and Cambodia, and the U.S. refusal to recognize the Cambodian version of the border was one reason for Sihanouk's breaking of diplomatic relations with the United States.

Any alliance between these natural enemies, then, is bound to be shaky at best, mercurial most likely and disastrous at worst. Further, South Vietnam is hardly in any position to provide Lon Nol with help. This leaves the United States as the only source of support for the new regime, since Cambodians distrust the Thais as much as they do the Viets.

In light of the old realities, Mr. Nixon would be ill-advised to intervene in Cambodia. Instead of Vietnamizing the war, he might well spread it to all of Southeast Asia. And instead of building a bastion against the southward movement of communism, he would most likely create a vacuum into which it would move even faster.

As historians and military experts alike have pointed out, the United States is a Pacific power, not an Asian power. Even if we wanted to, we could not become an Asian power, nor is it a vital interest of the United States.

Weighing the very real dangers against the gossamer hopes, Mr. Nixon should keep hands off both Cambodia and Laos, and devote his time and energies to getting troops out of Vietnam at an even faster rate.

THE DISTRICT OF COLUMBIA CRIME BILL

Mr. EAGLETON. Mr. President, the District of Columbia crime bill has been very much in the news in recent days.

Two recent articles in the New York Times discuss this subject and in particular point out the observations made thereon by the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. President, I know all of us who are privileged to serve in the Senate recognize Senator ERVIN as one of the ablest constitutional scholars in the Senate.

I ask unanimous consent that the article by Tom Wicker, and the editorial from the New York Times be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 29, 1970]

IN THE NATION: WILL THE REAL CONSERVATIVES PLEASE STAND UP?

(By Tom Wicker)

WASHINGTON.—No Southern Senator has been a more vigorous and outspoken opponent of most civil-rights legislation than Sam J. Ervin of North Carolina. But Judge Ervin, a former member of the Supreme Court of that state, always based his opposition on what he considered legal and constitutional grounds, and so it may not be as incongruous as it seems that in recent years he also has emerged as an eloquent defender of American civil liberties.

Last week, employing all the organ tones of one of the most impressive rhetorical talents in the Senate, Judge Ervin went to work on the infamous District of Columbia crime bill passed by the House at the behest of the Nixon Administration—a measure, incidentally, which is something of a model for what the avid crime-fighters of the Administration and Congress have in mind for the rest of the country.

SENATOR ERVIN'S ATTACK

This iniquitous bill, Judge Ervin thundered to the Senate District Committee, is "an affront to the Constitution" and "as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas." It was, he went on in splendid voice, "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

A particular opponent of the Administration's so-called "preventive detention" proposal, Judge Ervin denounced it as well as other provisions—mandatory adult trials for sixteen-year-olds charged with violent crimes, sweeping wiretap and bugging authority, the authorizing of "no-knock" entries by police, and mandatory jail sentences in certain crimes—and said they constituted "broad-scale repudiation of our constitutional traditions."

"This bill," the Senator concluded, "might better be entitled 'A bill to repeal the Fourth, Fifth, Sixth and Eighth Amendments to the Constitution.'" And this attack will not be dismissed lightly, as House and Senate conferees try to reconcile the House bill with a more moderate Senate version; Judge Ervin's credentials as a constitutionalist and a conservative are too highly regarded in Congress for him to be brushed aside as a bleeding heart of a do-gooder.

Moreover, he played the leading role in securing passage of the Bail Reform Act of 1966, which the Nixon "preventive detention" scheme would undermine; and he also has been active in defense of the rights of Federal employes against those who would invade their privacy and insist on unreasonable conformity to arbitrary standards of conduct and attitude. So his credentials also are good on the question of individual liberty against the power of the state.

Those—including me, a fellow North Carolinian—who often have criticized Judge Ervin for his resistance to civil rights legislation, may find his civil libertarianism contradictory; yet, whatever his subconscious or unconscious motives may have been, his opposition to rights legislation always has been presented as opposition to unwarranted Government intrusion on the rights of individuals even in a good cause. It is not so long a jump from that position, however self-serving in the case of civil rights, to one of stout opposition to a bill presented in a good cause—fighting crime—that really would trample without warrant on individual rights. And the individuals who would be most affected by the D.C. crime bill are the blacks who make up 60 per cent or more of the District's population.

AGAINST UNBRIDLED POWER

The point is neither to justify Judge Ervin's position on civil rights nor to maintain that it is negated by his libertarian stance; the point is rather to suggest that a certain kind of old-fashioned conservatism still has its exponents in America, still makes its case fundamentally against unbridled Government power, still believes that in the end it is the individual—not society and not any group—that is the basic unit of value in the human condition.

That kind of conservatism is a far different thing from the simple greed of those who want to be let alone to milk the economy at will, the fixed fiery stare of those who believe that anything goes in the battle against Communism, the hysterical demands of those whose response to temporary stimuli—rising crime, dissent, high welfare costs, higher taxes, college unrest—is the cry for punitive action at any cost.

Judge Ervin's kind of conservatism may have been reluctant to place black men's rights on a par with those of whites, but it is not the kind of conservatism that holds cheap the rights themselves. It is not affected with the myopia that prevents fearful men from seeing that if individual rights are taken away from any man or class of men they are taken away from all; and that once suspended or destroyed they are most unlikely to be recognized again by a state power that will have been loosed from the restraints of the ages.

This is an attitude once widely held in the South, if often honored in the breach. And while that region may be following the Republicans into the great Silent Majority, not so Sam Ervin; he stands by the older view, still speaking out for values proven so long ago that most Americans no longer even seem to know about them.

[From the New York Times, Mar. 30, 1970]

D.C. INJUSTICE BILL

The District of Columbia omnibus crime bill is a stalking-horse for similar legislation on the national level. If it is permitted to go through a House-Senate conference with its repressive features untouched, Congress will have set precedents that it will be sure to regret later on.

There are useful provisions in this lengthy bill, mainly concerning reorganization and consolidation of the District of Columbia courts. In addition, the Federal Government would assume a greater part of the financial burden of new public safety programs in the District.

The objectionable sections in the House versions—following the tough line of the Department of Justice—contain broad wiretapping and "no-knock" search warrant authority, stringent requirements of adult trials for sixteen-year-olds and a change in the burden of proof in juvenile courts, mandatory sentencing and preventive detention. There is a section requiring a citizen suing for false arrest to pay the policeman's attorney—even if the citizen wins the case.

Senator Ervin of North Carolina succinctly describes the Administration-supported House bill as "repressive, nearsighted, intolerant, unfair and vindictive legislation." It contains probable violations of the First, Fourth, Fifth, Sixth and Eighth Amendments.

The District of Columbia crime bill is political legislation with a vengeance. It would inspire new disrespect for the law and seriously interfere with the major function of the courts which is the administration of justice.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore (Mr. BYRD of Virginia). Is there further morning business? If not, morning business is concluded.

CORUNDUM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, Calendar No. 715, S. 3083, be laid aside and returned to the calendar, and that the Senate proceed to the consideration of H.R. 16292.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 752, a bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile.

The **ACTING PRESIDENT** pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CANNON. Mr. President, this bill is the first of 17 bills that are to be considered for disposal, from the national stockpile and/or supplemental stockpiles, of excess materials that are now on hand.

The bill we are now considering is the House bill (H.R. 16292), a companion bill to the Senate bill (S. 3083). It would authorize the disposal of approximately 1,952 short tons of corundum. The total inventory of the material in the national stockpile is 1,964 short tons as of January 31, 1970. This inventory includes a quantity of 12 tons held in the national stockpile in addition to the 1,952 short tons. Since corundum is no longer included in the stockpile list of strategic and critical materials the quantity of 12 short tons is included in the overall disposal program under this disposal authorization.

There is no domestic production of corundum. Free world production in 1969 was estimated to be about 6,000 short tons, with Southern Rhodesia accounting for 5,000 short tons. U.S. imports for consumption during 1969 totaled 2,150 short tons of crude or crushed corundum.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

AMENDMENT NO. 558

Mr. WILLIAMS of Delaware. Mr. President, I have an amendment to S. 3083 at the desk. I call up the amendment and ask that it be adjusted to fit the House bill.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 5, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".
>
> On page 2, strike out all of lines 3 through 17.
>
> On page 2, line 18 strike "(3)" and insert "(2)".

Mr. WILLIAMS of Delaware. Mr. President, I would hope the chairman, the Senator from Nevada, who is in charge of this proposal, would be willing to accept this amendment. It has been acted on by the Senate, on previous occasions, and a similar amendment has been agreed to.

I see no reason why, in disposing of this material, the Government would not sell it to the highest responsible bidder. When we bought this material and put it in the stockpile, we paid the highest prevailing market prices. On this particular commodity corundum our cost was $195.77 per ton. The prevailing domestic market price ranges from $20 to $125 per ton. Just how we are going to negotiate the sale of this commodity in such a price range, I do not understand.

The foreign price is between $45.60 and $118 per ton, which means that it is considerably higher if we import this commodity. The committee report points out very clearly that there is no domestic production of corundum in this country, so we are importing all of it. That means that whatever we use in this country has to be bought at the world market price, which is $45.60 to $118. Yet, they want to sell it on a negotiated basis for between $20 and $125. I just do not understand why.

I asked the GSA to give me a letter stating their position. I will put the entire letter in the RECORD, but I will read the paragraph which is the most pertinent point about their objections. I might make it clear, as the committee report does, that General Services does object to my amendment requiring sale to the highest responsible bidder on these commodities. I quote from the letter:

> Disposals of excess stockpile commodities planned for FY 1971 could be seriously jeopardized because the amendments are likely to meet the opposition of industry groups on the grounds that some subsequent stockpile disposal could disrupt the market.

Since when are we running a stockpile program, both in and out of the Government, for the benefit of industry? I say that as one who would defend private industry as much as any other Member of this body. We bought this material in the competitive market, at the prevailing price; and when we sell it, I see no reason to pass out bargains to a lot of friends at prices below market.

This is a business transaction and Congress should represent the taxpayers.

The reason why this material is short supply at this time is that we have boycotted any purchases from Rhodesia. It seems that of the world production of 6,000 tons, approximately five-sixths is produced in Rhodesia. Since we boycotted these shipments from Rhodesia, all of a sudden we decided we do not need any of this mineral, corundum, in the stockpile, and we are going to dispose of all of it to offset the boycott.

I think we should sell our commodities exactly as we should buy—that is, we should buy them in the open, competitive market at the lowest price possible, and at the same time we should sell them in the market and get the most we can for them.

Nothing in my amendment would disrupt that part of this bill which instructs the General Services Administration to sell this material in an orderly manner which would least disrupt the orderly marketing process in this country. Nothing in this amendment says that they have to dump the entire 1,952 tons on the market in 1 day. It certainly would be foolish for the Government to do it in such a manner. But I think we could have an orderly liquidation, just the same as any private individual would if he owned this commodity. He would dispose of it in the manner which would least disrupt the market, because in that manner he would get the most out of it.

I wonder whether the chairman is willing to accept this amendment.

Mr. CANNON. Mr. President, I am not willing to accept the amendment. The committee has carefully considered this proposal. We held hearings and went into the matter with GSA.

It will be noted that each of the bills before the Senate today specifically provides that disposal of the commodity involved may be made only after publicly advertising for bids with certain exceptions. The principal exception is one that relates to public sales. This is the exception to which the amendments offered by the senior Senator from Delaware are directed. Frankly, I am in sympathy with the objective of these amendments and believe that the sealed bid method of sales is best under ordinary circumstances. But I also know that there must be some flexibility in any disposal or procurement program if the best interests of the Government and all concerned are to be protected.

In this particular sale, GSA plans to initiate sales under sealed bid procedures. Since this material is used by industry only in a limited way and there is only one major consumer in the United States, it may be necessary to negotiate sales, as obviously there would be no possibility of the Government getting the very best price available where there is only one major prospective purchaser.

The General Services Administration carries out the stockpile materials program under the policy guidance of the Office of Emergency Preparedness. The Strategic and Critical Materials Stockpile Act, as amended, specifically requires that disposal sales "be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the materials to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets." Furthermore, the Defense Production Act of 1950, as amended, requires that materials acquired under that act be resold under prevalent circumstances at "the current domestic market price for such commodities." Mr. President, I submit that if the General Services Administration, which is charged with the responsibility of carrying out the disposal of surplus stockpile materials, is to properly carry out their responsibility under existing law, there has to be some flexibility allowed in their disposal procedures. It would be a grave error to restrict them to a single method of sale. They do not try to establish markets; they try to follow the markets as they stand. The General Services Administration's consultation with industry and other Government agencies is an integral and important means employed to assure that the disposal programs are designed to comply with those edicts of the law I have referred to, dealing with the avoidance of loss to the Government and avoidance of disruption of markets. It is in this manner that their method of disposal of any one commodity is determined.

The General Services Administration prefers and does use competitive bidding procedures whenever possible. There are situations, however, in which the Administrator of the General Services Administration would have the authority to use other methods of sale if in his judgment sales by the public-advertising-for-bids method would not assure the protection of the United States against avoidable loss and to avoid disruption of the market. From the inception of the major sales program in 1960, the General Services Administration has sold over $3 billion in excess stockpile materials. Their sales program has employed a wide

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variety of sales methods and procedures designed to maximize the return to the Government and developed in close consultation with industry. Many materials, minerals, and ores were moved into the marketplace with little or no disruption during this entire period.

Mr. President, of the 17 stockpile disposal bills now before the Senate, the General Services Administration proposes to initiate sales using the sealed bid method in 11 instances; four will be shelf item sales at fixed prices; one will be by negotiated sale; and one is undecided until further consultation is had with the industry to determine the best method of disposal. Now, if 11 of these commodities are to be sold by sealed bids, why not so specify in the bills? Simply because the market can be very fickle and changeable, the future uncertain, and many of these commodities will be disposed of over a long period of time, such as this particular commodity. The sealed bid method may be found to be unresponsive in some instances, and the sales method might have to be changed. For example, in the past, negotiated bulk ore sales have been more successful because of the need to accommodate the long-term planning needs in industry. Factors must be taken into account which vary widely from company to company, such as transportation costs, scheduling and delivery of materials, as well as the age, grade, and condition of the materials. As an example, in the past, long-term sales contracts have been negotiated for ores, such as chromite and manganese, because much of the ore to be disposed of was of a quality which must be blended with newly mined ores to achieve proper production efficiency. Through the negotiation procedure, the Government has received the maximum possible returns and at the same time has permitted industry to introduce the material into their production channels on a planned basis.

There are many stockpile commodities that potential buyers simply would not buy from Government sources unless the Government was in a position to sell in the same manner as industry sells. This is particularly true for those commodities which experience daily and even hourly fluctuations in price. In its past sales programs for rubber and tin, General Services Administration sold these commodities on a daily basis. After an analysis of the day's market, offers to purchase and acceptances were handled by telephone so that the resulting contracts reflected a transaction based on immediate sale at the day's prices. In such rapidly changing markets, the sealed bid procedure is not adaptable simply because it is too time-consuming and will not permit the quick offer and response needed to trade in such markets.

I should like to cite one final example of the kind of long-range disposal program that can be accomplished through prudent negotiation. This relates to the aluminum disposal program. During the 89th Congress, a bill was proposed and passed the Congress to permit the disposal of a vast quantity of surplus aluminum. Sealed bid sales procedures had been tried in an earlier program in an effort to dispose of aluminum. The only responsible bids received were from producers who bid at the current market price with adjustments for freight. In almost every other instance unsatisfactory prices were received from other potential aluminum users. It was apparent that if the aluminum was to be disposed of in the best interests of the Government, other sales procedures must be used. Through negotiation with the major aluminum producers supplying United States needs, an agreement was worked out with these producers to buy the entire Government supply of aluminum over a period of years at the domestic market price at the time of delivery. Under these contracts the companies draw down the aluminum at a flexible rate consistent with the market's ability to absorb the commodity. It is related to the volume of Government business done by these companies in the sale of aluminum products to Government contractors.

In conclusion, Mr. President, I should like to state that unless the amendments offered by the senior Senator from Delaware are defeated, a serious question arises as to whether the Government can continue successfully to carry out a meaningful disposal program to convert unneeded assets of the Government into cash income within the framework of the basic stockpile legislation which requires "that the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of the producers, processors, and consumers against avoidable disruption of their usual markets."

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

(At this point, Mr. ALLEN took the chair as Presiding Officer.)

Mr. CANNON. Mr. President, I would point out that this commodity, corundum, has been held to be surplus to our needs, and there is no requirement for it in the stockpile. Therefore, the request, in this instance, is for the disposal of 1,952 short tons.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with interest to the statement which the Senator from Nevada placed in the RECORD. I heard the same argument by GSA on previous occasions, I am always somewhat disturbed when any important official says if he has to sell on competitive bids he does not know how to dispose of the material. I wonder whether we cannot get someone to administer the program who has enough good commonsense and experience in private industry to know that the competitive bidding system does work.

I notice that much is said here about protecting the interests of the industry involved. We in the Senate are supposed to be representing the taxpayers. They paid for this material, and they paid for it at the highest price prevailing. The taxpayers are the ones who would benefit if they could get some extra money out of it.

Speaking of negotiating the price, I should like to mention how this was going to work on a program a couple of years ago, which we were partially able to stop. That was on the material platinum. The same memorandum, practically word for word, was read at that time in opposition to competitive sale of platinum. The GSA said, "You cannot do it." They were proposing and even allocating tonnage to the respective industry and had plans to sell the platinum at an average of $100 per unit below the regular market price, which would have meant that we would have sold it below the market price of around $150 million to $90 million, had the bill gone through. We were able to stop it.

I was talking with a representative of the GSA later, who said, "We are glad you were able to stop it; because we now have to buy the same commodity in the world market and have to pay now more than the price before." If they had sold it before, they would have paid close to $100 million more to buy it back.

Let us not make the same mistake here today. This amendment should be approved.

It is about time someone in GSA recognized that they are working for the taxpayers, that their salaries are being paid by the taxpayers. While we in Congress and those in the administrative offices downtown are supposed to recognize and try to protect private industry as much as we can, but that does not mean we should operate a bargain counter. We bought this material, $8 billion worth of strategic minerals, and they were bought at the prevailing market prices or higher. Much of this was a support program. The stockpile objectives were not that high. That is admitted.

They were bought for one purpose, to support a low domestic market and make a higher market for those producers and those in the industry. It was a support program just the same as an agricultural program in a support program for agriculture. I said then that when we come to the time we have to dispose of the minerals, we will disrupt the market to a certain extent. Under the agriculture program there is in effect a ceiling on the prices of corn, wheat, cotton, and every other agricultural commodity which is stored, as we dispose of them. But I did not hear anyone get up and say when the Government disposes of agricultural commodities that they should negotiate and sell them back to the farmer, so that he in turn can feed it into private industry without disrupting the normal market. We must recognize that as we dispose of these commodities it does disrupt the market and lowers the market. I think to that extent, it will disrupt some of the domestic market in the minerals, but we cannot help that. The bill does caution—and I support that part—that they dispose of it in as orderly a fashion as possible, with the least disruption to the markets but at the same time let us get the most we can get for the taxpayers.

I conclude on this particular item, again, by pointing out that if we defeat this amendment, it will be sold on a negotiated basis in the prevailing domestic market price. This information was furnished under date of April 2, so it must be correct as of this time by GSA. I shall put the whole letter in the RECORD later.

XUM

The prevailing domestic price for this material is between $20 and $125 per ton. It is considerably less than the prevailing prices if we have to import it. The 100 percent domestic demand for this commodity is imported. We do not produce 1 pound of it in this country. So, therefore, I do not see why we cannot sell it in competition with the foreign market, at least, and get that much for it. When we bought it, we paid the top prevailing market price in the world market of $195.77 and even if we sell at the highest price we can get today, we stand to lose 60 percent. I am wondering whether that is not about as much or more than the taxpayers can afford. Anyway, I am perfectly willing to call the roll.

Mr. CANNON. Mr. President, I simply would like to say that in the instance of this particular commodity, GSA plans to initiate sales under sealed bid procedures. There is only one major market for it and if that bidder should come in and bids a low price, you can see the position the Government is in. Therefore, the bill itself provides that the Government does not have to accept the bid. The Government can then turn around and negotiate with the major consumer, and obtain a more favorable price over a period of time, if their bid is not accepted in the first instance.

The Senator makes a great to-do about the type of experience we are going through. I would suggest to him, respectfully, that if he does not like the act, then modify the act but do not try to change the bill. The act itself says:

> That no material constituting part of the stockpile may be disposed of without express approval of Congress except where the revised determination is by reason of obsolescense, and so forth . . .

And as I stated earlier, the disposal sales "shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets."

Mr. WILLIAMS of Delaware. Mr. President, the Senator has asked why we did not modify the act. It was because we did not have enough votes to do so. That is what I am trying to do here today.

They buy commodities that we do not need in the stockpile. I will support the purchase of what we need for the benefit of the stockpile to protect the security of this country.

If, as is now argued, there is only one man that could bid, that would mean that there was only one seller. Perhaps that would account for the fact that we paid $195.77 a ton for it when the prevailing price today is from $20 to $125 a ton.

Let us break up this monopoly.

Perhaps that is the reason why we paid twice the regular price for it. I repeat, the Government can reject every one of these bids and they can tell them that if they do not want to bid a proper price, the Government can hold it a little longer and let them try to buy it from the world market where they would have to pay twice the prevailing domestic price.

There is not a pound of it produced in this country. I am not the least concerned about them boycotting the Government on the amount we have. Certainly the Government can get the world market price which they already would otherwise have to pay.

We need a man who would exercise discretion for the benefit of the taxpayers the same as he would if he were to own these commodities himself.

Mr. BYRD of Virginia. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. BYRD of Virginia. Mr. President, would this result in releasing all the corundum?

Mr. CANNON. Yes. The Government has now determined that there is no further need for it. The 1,952 short tons are excess to the stockpile.

Mr. BYRD of Virginia. Mr. President, roughly, how long has it been in the stockpile?

Mr. CANNON. I am sorry that I cannot answer the question specifically. It has been in the stockpile for many years, perhaps since 1949. There was an objective for a long period of time and then it was finally removed and the administration sent up a request for disposal after the board had determined that it was no longer needed.

Mr. BYRD of Virginia. Most of the corundum is obtained from Rhodesia, I understand.

Mr. CANNON. The Senator is correct. Most of it is obtained from the Union of South Africa and Southern Rhodesia. There is only one major user of corundum in the United States.

Mr. BYRD of Virginia. I assume that there are many users worldwide.

Mr. CANNON. I would assume that there are a number. I would not say how many. I would assume that there are several users worldwide. However, there is only one major user in the United States. The chances are that there is not a great multitude of them worldwide because of the limited use of the commodity.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Hughes), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman), the Senator from Michigan (Mr. Hart), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Dodd), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Georgia (Mr. Russell), and the Senator from New Hampshire (Mr. McIntyre) are absent on official business.

On this vote, the Senator from Connecticut (Mr. Ribicoff) is paired with the Senator from Washington (Mr. Magnuson). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Hawaii (Mr. Fong) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Scott) and the Senator from South Carolina (Mr. Thurmond) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Allott), the Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. Goldwater), the Senator from Nebraska (Mr. Hruska), the Senator from Maryland (Mr. Mathias), the Senator from Vermont (Mr. Prouty), and the Senator from Ohio (Mr. Saxbe) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cook) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Colorado (Mr. Allott) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Hawaii (Mr. Fong) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Pennsylvania (Mr. Scott). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 34, nays 33, as follows:

[No. 112 Leg.]

YEAS—34

Aiken
Allen
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Fannin
Fulbright
Goodell
Griffin
Gurney
Hansen
Hartke
Javits
Miller
Mondale
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Smith, Ill.
Spong
Williams, Del.

NAYS—33

Bayh
Bellmon
Bennett
Bible
Cannon
Cranston
Eagleton
Eastland
Ervin
Gore
Gravel
Harris
Holland
Hollings
Inouye
Jackson
Mansfield
McGee
McGovern
Muskie
Randolph
Schweiker
Smith, Maine
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

XUM

NOT VOTING—33

Allott
Anderson
Baker
Church
Cook
Dodd
Fong
Goldwater
Hart
Hatfield
Hruska
Hughes
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Montoya
Moss
Mundt
Percy
Prouty
Ribicoff
Russell
Saxbe
Scott
Sparkman
Thurmond

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 16292) was passed.

ASBESTOS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 751, H.R. 16291 and that it be laid before the Senate and made the pending business.

XUM

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CANNON. Mr. President, the chrysotile asbestos to be disposed of is considered nonstockpile grade and, therefore, does not contribute to stockpile needs. The inventory of this material in the Government stockpiles is 14,100 short tons. Of this amount 3,456 short tons is of nonstockpile grade. Of this non-stockpile-grade material, 641 short tons has been previously authorized for disposal and 501 short tons, even though nonstockpile grade, is credited to the objective. This bill would authorize the disposal of the balance of the nonstockpile-grade material. The stockpile objective, established March 5, 1964, is 13,700 short tons.

Mr. WILLIAMS of Delaware. Mr. President, I have at the desk an amendment that would apply to the Senate bill (S. 3087). We are considering the House bill, which, as I understand it, is an identical companion bill; therefore, I call up my amendment and ask unanimous consent that it be adjusted to correspond with the House bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 2, line 8, after the word "only", strike out "after publicly advertising for bids" and insert "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 16 through 20.

On page 3, line 1, strike out "(3)" and insert "(2)".

Mr. WILLIAMS of Delaware. Mr. President, this is the same amendment as that previously voted on by the Senate. It would merely provide that, in disposing of this commodity, the Government would advertise it and sell it to the highest responsible bidder. It would leave to the GSA the full authority to transfer any or all of this mineral over to any other Government agency for any price that it so desired, or give it to them if they wished; but, to the extent that it would be sold in the private market, they would have to sell it to the highest responsible bidder, reserving always the right to reject the bids if they were not in what they considered to be the best interests of the Government.

I call attention to the fact that this chrysotile asbestos, when we bought it, cost the Government $648.15 per ton. We paid the regular market price for it when we bought it. The prevailing domestic price for this commodity today is around $200 a ton, but if we import it, it is $425 a ton on the world market, and we do have to import a substantial part of what we use.

So I personally see no reason why we should not, in disposing of it, get the most that we can to protect the American taxpayers.

As I mentioned before, the only argument that I see advanced by the GSA can be summed up by quoting one paragraph from their letter:

> Disposal of the excess stockpile commodities planned for fiscal 1971 could be seriously jeopardized because the amendments are likely to meet the opposition of industry groups on the grounds that some subsequent stockpile disposals could disrupt the market.

Certainly, if the Government disposes of this material, it will disrupt to some extent the market, just as when we dispose of agricultural commodities, it disrupts the market for the farmers. That was to be expected when we started stockpiling these commodities, and there is no way to get around it now.

I wonder if, in the light of the previous vote, the Senator from Nevada would be willing to accept the amendment, and save the time of the Senate.

Mr. CANNON. Mr. President, I am not willing to accept the amendment. The method of disposal was considered by the committee. It was favorably testified to by witnesses who appeared before the committee. They say that in this instance, the GSA proposes to dispose of this material by sealed bids. However, they made very clear that they need flexibility, if they are to carry out the law as it now stands. That certainly is what they should be required to do; they should not create a situation which would disrupt the market in any way, shape, or form.

The same argument I made with respect to the last amendment applies with respect to this one, and I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, I shall not delay the Senate. The arguments with respect to the two amendments are essentially the same, except that I would like to point out that, as shown in the committee report, the recommendation from the administration was dated January 15, 1969, in a letter addressed to the Honorable Hubert H. Humphrey, at that time the President of the Senate.

However, I want to make it clear that the present administration is also supporting the bill.

I mention this only to show that the first proposal to sell this material was made about a year ago.

It is interesting to note that in my letter to the GSA, I asked them for the list of commodities they were still buying. This particular commodity we are now proposing to sell as surplus material, which was also proposed to be sold as surplus material last year by the administration then in power, the Government is still buying and putting in stockpile; and, as we bought it and put it in stockpile, it was costing us an average of $600 per ton, and we now propose to sell it for $200 a ton. I just wonder how long the American taxpayers can continue to finance such foolishness. If this was surplus last year, why did they not at least stop buying it? If we are now going to sell some of it—and I am wholeheartedly in favor of selling it—let us get the most we can get for it.

It is still in the bill that it would be disposed of in the manner that would cause the least disruption of the usual markets. In other words, we certainly would not expect them to throw all of this on the market at one time. No private indusrty would do it. They would divide it down to about what the market would absorb, because in that way we would get more money out of it. All that is needed is a little bit of commonsense in disposing of it.

The argument is made that they are going to do this anyway. If they are, what is wrong with an amendment saying that they shall do it according to law?

Mr. MILLER. Mr. President, will the Senator yield so that I may address a question to the manager of the bill?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I ask my colleague from Nevada if he will supply the information apparently missing from the committee report, in the first paragraph on page 3, under "Fiscal Data"? The second sentence there is apparently defective. It says:

> The present market value of this per short ton.

I am interested in knowing what the market value is, especially in the light of the completeness of the committee report on the previous bill, which gave us the information. I am now reading from the committee report on S. 3083, which said:

> The current market value for all the material in the stockpile ranges from $20 to $125 per short ton.

That indicated to me that there is considerable play in the market, and it was very persuasive to me in supporting the amendment of the Senator from Delaware.

Now, on this bill, the committee report, on page 3, is not complete, because it simply says, as I have pointed out, at the top of page 3:

> The present market value of this per short ton.

It does not tell us how much per short ton. I wonder if the Senator from Nevada can furnish that information?

Mr. CANNON. Yes. The present value on the domestic market is $200 per short ton, and on the foreign market about $425 per short ton.

I should like to correct the statement that the Senator from Delaware made when he said we paid $648 a short ton for this material, and we paid the current market price. That is not true. We did not pay the market price. This was a subsidized price, designed to get the producers to begin producing this material in the United States.

The Senator pointed out that we are buying at the same time we are disposing. That is true. We are doing so because this material we are selling is non-stockpile-grade material, and we are attempting to buy stockpile-grade material, but without much success.

Mr. WILLIAMS of Delaware. How did non-stockpile-grade material get into our stockpile, if we did not buy it? We paid the regular price for what we bought.

Mr. CANNON. I do not know. I suppose we bought it. I do not set those objectives.

Mr. WILLIAMS of Delaware. The letter furnished by Mr. Robert L. Kunzig, the Administrator of the GSA, states that we paid an average of $648.15 for what we have in the stockpile, that the prevailing domestic price is $200 a ton, and the foreign price, if imported, is $425 a ton, and the bulk of what we are stockpiling has to be paid for at the foreign price because we do not produce it.

I had asked them with regard to question No. 3, the prices paid in the procurement of any of the listed commodities during calendar years 1966, 1967, 1968, and 1969. I had asked them what we were buying. They stated:

> However, only two of the materials listed: asbestos, chrysotile, and manganese, battery grade natural, have been purchased since June 30, 1966.

So they still have been purchasing this material. As the Senator has pointed out, as I understand it, we are still buying domestically at a price higher than we are proposing to sell it.

I recognize that much emphasis is placed in the committee report, that we should protect the industry. But, as I stated earlier, we in the Senate are supposed to be representing the American taxpayers, who pay the cost for this material. We have approximately $8 billion worth of so-called strategic materials; and, as we sell it, we should get the most money we can, with the least disruption as possible to the market. But at least we should remember that we are all working for the taxpayers, and the Government certainly can use this money.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I should like to ask the Senator from Nevada again, so I make sure that I understand his response: He is saying that the second sentence on page 3 would read:

> The present market value of this per short ton is $200 on the domestic market and $400 on the foreign market.

Mr. CANNON. It is $425.

Mr. MILLER. I should like to ask the Senator to refer to the committee report on the previous bill to which I referred earlier, and on page 2 of that committee report we find the statement:

> The current market value for all the material in the stockpile ranges from $20 to $125 per short ton.

Do I correctly interpret that to mean $20 on the domestic market and up to $125 on the foreign market?

Mr. CANNON. No. The price there ranges from $20 up to $125 on the domestic market, and it ranges from $45.60 up to $118 on the foreign market. The reason for this is that it is not all the same grade. There are different grades, and corundum is now excess to stockpile requirements. That is the reason for the difference in the valuation.

Mr. MILLER. But there is no difference in the valuation with respect to the commodity referred to in the present bill?

Mr. CANNON. No. The commodity in the present bill is below stockpile standards. It does not meet the present stockpile standards and so has one flat value for that particular type and grade.

Mr. MILLER. I appreciate the responses.

I should like to ask the Senator from Delaware or the Senator from Nevada, or both, this question: Under the Williams amendment, would it be a case of where we would dispose of this to the highest responsible bidder, whether it was a responsible bidder on the domestic market or on the foreign market?

Mr. WILLIAMS of Delaware. I will answer that, because I checked with the GSA.

Only if they so decide to sell it. This does not at all interfere with or change the policy of the Government. If the Government was going to accept bids from foreign governments before, they could under this amendment. They do not have to do it.

Mr. MILLER. In other words, under the Williams amendment, the highest responsible bidder refers to the domestic bidder.

Mr. WILLIAMS of Delaware. Not necessarily. It refers to whomever they want to sell it to. But if they are going to sell it on the foreign market, they have to sell it for the most money they can get. They can make the determination.

Mr. MILLER. If they decide to sell it on the world market, it will be to the highest responsible bidder on the world market. If they decide to sell it on the domestic market, it will be to the highest responsible bidder on the domestic market.

Mr. WILLIAMS of Delaware. That is correct.

Mr. MILLER. Why should we not require them to sell to the highest responsible bidder, whichever will produce the greatest amount of income to the United States, whether it is on the world market or on the domestic market?

Mr. WILLIAMS of Delaware. They can do that. But I did not tie it down because they may not want to sell it to Russia or some other country. But they can have discretion. It is my intention that we get the most money we can out of it, and some of these commodities will have to be sold on the world market if we ever get rid of them.

I mention tungsten, for example. We have enough tungsten in the stockpile here to last our Government 25 years. If we are going to get rid of any of it, we will have to sell some of it on the foreign markets, and that may be true with respect to some of the others.

Again, all I am suggesting is that we do not start selling bargains, that we sell it to the highest responsible bidder—and I put the word "responsible" in—and they can make the determination. This is exactly the manner in which we would sell it if we were individuals.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. Here, again, I should like to address my question to either Senator. I am concerned about what appears to be a very great disparity between the domestic price of $200 per ton and the world price of $425 per ton. I understand that shipping costs are involved. But, offhand, it sounds as though there is a very great spread. That prompts this question: If the world market is $425, would not the domestic price be considerably higher than $200 per ton?

Mr. WILLIAMS of Delaware. It would, unless the Government was putting our material on the market out of the stockpile and holding the domestic market down artificially. That is the point I am trying to prevent. On those commodities on which we have a deficit and will have to import, we will have to pay the world price. I do not see why we cannot at least hold it to the world market price, what it would cost the same consumers if they bought it at the world market price.

To show how this would work, in a case heretofore, which we handled last year, it was platinum. We do not produce any platinum in this country. Platinum was proposed to be sold at $100 lower per unit on the domestic market than the prevailing price on the world market. We were able to stop it here and insist that they get the competitive bids on it. Had we not been able to do that, they would have sold the platinum for approximately $80 million below the world market price. I was told by the General Services Administration a couple of months ago that had that bill gone through and we had disposed of this platinum at $100 below the world market price—they are now buying the commodity on the world market—we would be paying $100 more than we sold it for last year.

That is what could happen here without this amendment, if we sell this commodity at $200 now, or around that figure, when our surplus is gone—as it was with platinum, silver, and some of the other commodities—it would move over to the $425 price; and if the Government needed it for the defense program, we would pay $425.

Mr. MILLER. The committee report states:

> The U.S. imports in 1969 totaled 640,000 short tons, mostly chrysotile from Canada.

Would the Senator have any information about the average price that was paid per ton on that 640,000 imported tonnage?

Mr. WILLIAMS of Delaware. I do not know, but $648.15 per ton is the average cost to us.

Mr. MILLER. That is correct. But I point out that I believe the committee report is talking about the amount imported by domestic manufacturers rather than the amount imported for placement in the stockpile.

Mr. WILLIAMS of Delaware. That is correct. I would assume that would be about $425, because that is the prevailing world price. I cannot say what the price was last year, although I assume it would be about the same, because the committee report was based upon a letter of January 15, 1969, addressed to then Vice President Humphrey. But the $425 figure is furnished as of today. The committee report, as the Senator points out, does not show the price at that time. I cannot answer just what it was a year ago.

Mr. MILLER. If the Senator will yield, I should like to ask the Senator from Nevada if he has any information on what price was paid by our domestic importers, what average price was paid, on the 640,000 short tons that we imported mostly from Canada last year.

Mr. CANNON. I have no information on the price paid for that, because that is not the same grade of material as this. It has no relation to this material that is being sold. We acquired this material back in mid-1950. We paid an average of $648.15 because it was being subsidized. It was for the purpose of trying to get that type of industry started in the United States at the time. So we paid far more than the market price, had we been importing it. But we wanted to get a source of material started in this country. So that is the average price paid in the mid-1950's when the material was purchased. The material does not meet stockpile needs so the material we bought last year was of the higher grade material than is proposed to sell here. There is no need in the stockpile for this material.

Mr. MILLER. The Senator knows that I served on the Stockpile Subcommittee at one time, when I was on the Armed Services Committee, so I understand how some of these things can arise, where it appears we paid more money for the original stockpile item than the price on the market today.

What does concern me is the spread between the $200 domestic price and the $425 foreign price which the Senator has pointed out. When we have such a disparity, I can see the problem with respect to the disposal of the surplus items. I can understand the concern of the Senator from Delaware (Mr. WILLIAMS) that we follow the highest responsible bidder approach.

May I say, in addition to that, that if it were not because of this disparity in price, or the disparity in price shown in the previous committee report—in other words, we are talking about very small amounts of play in the market—I do not think I could get too exercised about giving discretion to the administrator to follow the orderly practices and approaches we have generally followed in the past. But when there is this possible spread, then I do get concerned, because there is a great amount of money involved in this. When we realize that we are talking about 20,000 tons, a difference of $100 a ton could be $20 million. I think we are talking about a substantial amount of money.

Mr. CANNON. The answer to that problem in this country is the same I gave to the Senator earlier. It depends on the grade of material. For example, perhaps $200 a ton reflects the estimated market value for excess material in Government inventory considering the grade and cost. The grade and cost is below that of stockpile standards. The price of $425 a ton includes cost, insurance, and freight at European ports or normal port of export for commercial grade material. This is not a commercial grade material. Commercial grade material is the type of material we are putting in the stockpile now. That is the estimated price on commercial grade material in a foreign market.

Mr. MILLER. In view of that information, does the Senator have a comparable foreign price with respect to quality of commodity, one that is comparable to the $200 domestic price he earlier gave us? I asked him what was the domestic price and what was the foreign price, market price for this commodity is $200. and the foreign price was $425. Now, I find that we are talking about apples and oranges, that the $200 relates to an inferior grade, and the $425 apparently relates to commercial quality.

Mr. WILLIAMS of Delaware. He has it wrong. The question I asked from the GSA in a letter dated March 25—I will read the question—I asked him to furnish me with the average cost of this material including the purchase price, transportation, storage cost. That is No. 1. No. 2, the present prevailing price in domestic markets and the prevailing price for similar commodities in the world market—similar commodity—same grade. The answer is that the original cost was $648.15 per ton. The prevailing market price for this commodity, is $200. Prevailing world price is $425, for similar commodities. So let us remember we are talking about the same commodity if we buy it on the world market, a similar commodity to that which is being sold at $425.

My point is, the taxpayer can use the $425.

The request for the information was on March 25, 1970, and the GSA letter is dated April 2, 1970, which is as late as one can get. The information was furnished to me by the GSA.

Mr. President, on this amendment I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Hampshire (Mr. MCINTYRE) are absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) are absent on official business to attend the Interparliamentary Union meeting at Monaco.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from Illinois (Mr. PERCY). If present and voting the Senator from Hawaii would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from New York would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 39, nays 32, as follows:

[No. 113 Leg.]

YEAS—39

Aiken
Allen
Allott
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Fannin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hartke
Hruska
Javits
Miller
Mondale
Murphy
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Smith, Ill.
Spong
Williams, Del.

NAYS—32

Bayh
Bellmon
Bennett
Cannon
Cranston
Eastland
Ervin
Gore
Gravel
Harris
Hart
Holland
Hollings
Inouye
Jackson
Mansfield
McGee
McGovern
Muskie
Randolph
Schweiker
Smith, Maine
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—29

Anderson
Baker
Church
Dodd
Eagleton
Fong
Goodell
Hatfield
Hughes
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Montoya
Moss
Mundt
Percy
Ribicoff
Russell
Saxbe
Scott
Sparkman
Thurmond

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 16291) was read the third time and passed.

CHROMITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 750, H.R. 16290.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16290) to authorize the disposal of refractory-grade chromite from the national stockpile and the supplemental stockpile.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, the bill now before the Senate is a House bill and it is a companion for S. 3446, which is No. 717 on the calendar.

I have an amendment at the desk which was related to S. 3446. I call up that amendment now and I ask unanimous consent that if the amendment needs technical change to make it correspond with the House bill, it be so modified. However, it is the same amendment.

The PRESIDING OFFICER. Without objection it is so ordered. The amendment will be stated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. It is the same amendment which has already been read twice.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 2, line 9, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 17 through 21.

On page 3, line 1, strike "(3)" and insert "(2)".

Mr. WILLIAMS of Delaware. Mr. President, this is the same amendment again. I have discussed the amendment with the acting chairman of the committee. In light of the preceding votes I am wondering if we could proceed to accept these amendments and take them to conference on the same basis.

Mr. CANNON. Mr. President, I say in response to the Senator that the case made before our subcommittee indicated that the administration needs the flexibility which they requested in disposing of this material. I would say also that previous administrations have likewise had the same flexibility in disposing of these stockpile materials that are surplus to our stockpile needs.

In view of the fact that our colleagues on the other side of the aisle are not willing to support the administration's request for flexibility in these bills, I am willing to accept the amendments and take them to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

GRAPHITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 749, H.R. 16289.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, this is House bill 16289, and it corresponds with S. 3451, Calendar No. 718.

I have the same amendment at the desk that is related to the Senate bill. I call up the amendment at this time, and I ask that it be related to the House bill, with whatever technical corrections may be necessary to make it correspond with the House bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 2, line 9, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 17 through 21.

On page 3, line 1, strike "(3)" and insert "(2)".

Mr. CANNON. Mr. President, this measure relates only to the disposal of surplus stockpile materials. My position is the same as it was on the last measure. The administration has requested the flexibility and they have said they need it. If our colleagues on the other side of the aisle are not willing to support the administration's request, I am willing to take it to conference.

Mr. WILLIAMS of Delaware. Mr. President, this does not restrict the administration from selling it; it merely requires that in selling it, the sale be to the highest competitive bidder, after receiving competitive bids. I appreciate the position of the Senator from Nevada. I shall not discuss the amendment further, since they are willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MOLYBDENUM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 754, H.R. 16297.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Assistant Legislative Clerk. A bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, this is H.R. 16297, and it is a companion bill to S. 3452, Calendar No. 719.

I have the same amendment at the desk. I call up the amendment under the same circumstances and I ask that it be adjusted to correspond to the House bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

H.R. 15839

On page 2, line 5, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 13 through 17.

On page 2, line 18, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MANGANESE ORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 753, H.R. 16295.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Assistant Legislative Clerk. A bill (H.R. 16295) to authorize the disposal of natural battery-grade manganese ore from the national stockpile and the supplemental stockpile.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, this bill is a companion bill to S. 3456, Calendar No. 720.

I have the same amendment at the desk and I offer it under the same circumstances; and I ask that it be related to the House-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 2, line 10, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 18 through 22.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BAUXITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 748, H.R. 15998.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Assistant Legislative Clerk. A bill (H.R. 15998) to authorize the disposal of Surinan-type metallurgical-grade bauxite from the national stockpile and the supplemental stockpile.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of Delaware. Mr. President, this is a companion bill to S. 3457, Calendar No. 721. I call up the same amendment which is at the desk and ask that it be related to the House-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 2, line 10, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 18 through 22.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning with Calendar No. 722, H.R. 12941, up to and including Calendar No. 731, H.R. 15839, that that portion of the calendar be considered in sequence without unanimous consent being requested each time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CADMIUM

The Senate proceeded to consider the bill (H.R. 12941) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment, with the request that proper adjustments be made to correspond to the Senate bill, and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 2, line 9, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 17 through 21.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

COBALT

The Senate proceeded to consider the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I offer the same amendment to this bill.

The amendment offered by Mr. WILLIAMS of Delaware is as follows:

On page 2, line 9, after the word "only", strike out "after publicly advertising for bids" and insert "to the highest responsible bidder after publicly advertising for competitive bids".

On page 2, strike out all of lines 17 through 21.

On page 3, at the beginning of line 1, strike out "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BISMUTH

The Senate proceeded to consider the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I previously submitted; and ask unanimous consent that it be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 16 through 20.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CASTOR OIL

The Senate proceeded to consider the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I did to the previous bills. I ask unanimous consent to dispense with the reading of the amendment and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for the competitive bids,".

On page 2, strike out all of lines 12 through 16.

On page 2, line 17, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ACID GRADE FLUORSPAR

The Senate proceeded to consider the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I previously offered to the other bills. I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 9, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 17 through 21.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MAGNESIUM

The Senate proceeded to consider the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I submitted to the other bill. I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 12 through 16.

On page 2, line 17, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TYPE A, CHEMICAL GRADE MANGANESE ORE

The Senate proceeded to consider the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I submitted to the previous bills. I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 10, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids.".

On page 2, strike out all of lines 18 through 22.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TYPE B, CHEMICAL GRADE MANGANESE ORE

The Senate proceeded to consider the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I submitted to the other bill. I ask unanimous consent that the reading of the amendment be dispensed with, and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 10, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids.".

On page 2, strike out all of lines 18 through 22.

On page 3, line 1, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DISPOSAL OF SHELLAC

The Senate proceeded to consider the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to

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this bill. I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 4, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 12 through 16.

On page 2, line 17, strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHROMITE

Mr. BYRD of Virginia. Mr. President, we have been proceeding a little rapidly. I would like to ask the distinguished Senator from Nevada (Mr. CANNON) if I might put several questions to him in regard to a bill which has already been acted on.

Mr. CANNON. Certainly.

Mr. BYRD of Virginia. It is Calendar No. 717, S. 3446, a bill to authorize the disposal of chromite.

May I ask the distinguished Senator from Nevada if he has a record to indicate when this chromite was first put in the stockpile.

Mr. CANNON. The chromite covered by this bill was put into the stockpile in the mid-1950's.

The material to be disposed of is in excess to stockpile needs. The total inventory of refractory grade chromite as of January 31, 1970, was 1,226,931 short dry tons. The stockpile objective, established January 5, 1967, is 400,000 short dry tons, thus leaving an excess of approximately 826,931 short dry tons, which is covered by this bill.

Mr. BYRD of Virginia. Has any been put into the stockpile in the last 5 years?

Mr. CANNON. I do not have that information.

I may say, as the committee report points out, that refractory grade chromite is that type of chrome ore which is suitable for making bricks and cement used in such high temperature applications as metallurgical furnaces. Consumption of refractory grade chromite has been decreasing in recent years, as a consequence of the decrease in the use of open-hearth furnaces in steel production. Import sources in 1969 were the Republic of South Africa—40 percent—and the Philippines—60 percent.

There has been a continued reduction of use in recent years.

I could not say specifically that there has been no acquisition within the past few years, but it would seem to be highly unlikely.

Mr. BYRD of Virginia. Is Rhodesia one of the major sources?

Mr. CANNON. The import sources in 1969 were the Republic of South Africa—40 percent—and the Philippines—60 percent.

Mr. BYRD of Virginia. Is not Rhodesia one of the chief sources, though, of chromite? I think the figures the Senator is reading are of the chromite imported into the United States.

Mr. CANNON. I do not know who the major producer is.

Mr. BYRD of Virginia. My understanding—and perhaps the Senator has a different record—is that since the United States imposed economic sanctions on Rhodesia, chromite has been obtained from the Soviet Union at a price approximately double the price which previously had been paid for chrome.

I wonder if the Senator from Nevada has any information on that.

Mr. CANNON. I do not have any information other than to say that the entire U.S. supply of refractory grade chromite, which is covered in the bill, comes primarily from the Philippines and some from Africa. So it would appear that none of that grade of chromite is imported from Russia. There is a metallurgical grade of chromite. The import sources to the United States are Turkey, Southern Rhodesia, Union of South Africa, the Philippines, and New Caledonia.

Mr. BYRD of Virginia. That is the metallurgical grade?

Mr. CANNON. That is the metallurgical grade.

Mr. BYRD of Virginia. That is not involved in the legislation considered today?

Mr. CANNON. No. The refractory grade is the one I read.

Mr. BYRD of Virginia. So the metallurgical grade chromite is not involved in any of the bills which the Senator from Nevada is handling today?

Mr. CANNON. No. The majority of the refractory grade chromite comes from the Philippines, with minor quantities from Africa and other sources. That is the refractory as distinguished from the metallurgical.

TUNGSTEN

The Senate proceeded to consider the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

Mr. WILLIAMS of Delaware. Mr. President, I submit the same amendment to this bill that I have offered to other previous bills. I ask unanimous consent that the reading of the amendment be dispensed with, and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, strike out all after the word "only" and insert the following: "to the highest responsible bidder after publicly advertising for competitive bids,".

On page 2, strike out all of lines 16 through 20.

On page 3, line 1 strike "(3)" and insert "(2)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I would like to propound some questions on the subject of tungsten to the able junior Senator from Nevada, who is in charge of the bill.

The first question is as follows: It is my understanding that the General Services Administration, if this measure is approved, proposes to dispose of tungsten for both domestic consumption and for the foreign market. Is that correct?

Mr. CANNON. Let me explain. There is currently about 83 million pounds of tungsten which is excess to stockpile needs. Of this amount, some 17.4 million pounds is available for immediate release, since it is a part of the DPA stockpile and congressional authority is not required. The GSA plans to offer this for domestic consumption only. The balance they would like to dispose of for both domestic consumption and on the foreign market, but there will be no slighting of domestic consumers.

Mr. JACKSON. Has GSA consulted with industry in regard to the sale of the tungsten material currently authorized for disposal, and will GSA consult with industry regarding the additional material for which legislation has been requested?

Mr. CANNON. By letter of February 24, GSA requested comments and recommendations from the industry relative to the disposal procedure preferred by industry in the Government's disposal of the remaining 17.4 million pounds of tungsten currently authorized for sale. This is in keeping with GSA's practice of consulting with industry.

After careful analysis of the views of industry, GSA, on March 25, announced that the tungsten will be offered for domestic consumption only.

With regard to the additional tungsten for which congressional authorization has been requested, GSA believes that the additional excess is adequate to provide for sales both in this country and abroad. The matter of disposal of this material will be discussed with the industry subsequent to GSA's experience with efforts to market the 17.4 million pounds currently authorized for sale.

Mr. JACKSON. If I remember correctly, in early 1969 it was estimated that the then current figure of 38 million pounds of tungsten available for sale from the stockpile would cover the domestic shortfall between production and consumption for about 12 years. Yet in a year's time we have seen that amount virtually exhausted. How did this come about?

Mr. CANNON. China has traditionally been a major supplier of tungsten ore to both the Communist world and the free world. In 1969, China cut back on sales to the West as well as other Communist countries, thereby forcing European prices up to a point where it was possible to buy U.S. stockpile ore and economically ship it to Europe. By December, there remained only 3 million pounds of ore available from the stockpile, and this was restricted to U.S. consumption.

Mr. JACKSON. What steps will be taken to prevent a similar run on the remaining 66 million pounds which would be authorized for disposal by this measure?

XUM

Mr. CANNON. It is my understanding that approximately 15 to 20 million pounds will be set aside for domestic consumption. This amounts to a 4- or 5-year supply that would be in addition to the previously mentioned supply of 17.4 million pounds already earmarked for domestic disposal.

Mr. JACKSON. In determining this breakdown, what provision will be made by GSA to insure that domestic needs will receive priority in disposal?

Mr. CANNON. As I stated before, GSA will consult with industry, and I have the strongest assurance by them that they will remain in close contact with industry in order to work out a disposal program in cooperation with our domestic consumers.

Mr. JACKSON. Be that as it may, I want it firmly established that it is our intent and concern that domestic needs will receive their just consideration when it comes time to dispose of the additional 66 million pounds of tungsten.

Mr. CANNON. I certainly can assure the Senator that that will be done.

I would like to point out that in the March 30, 1970, edition of Metals Week, it was stated that it is quite possible that by the end of 1970 the United States could be self-sufficient in tungsen. New production facilities scheduled to be opened in 1970 could result in U.S. production on a 13 million pound per year basis, which compares favorably with last year's domestic consumption.

Mr. JACKSON. Mr. President, that concludes my questions at this time. I would like to point out, however, that the able senior Senator from Oregon (Mr. HATFIELD) had hoped to be present today to ask some questions about this matter, but he is unavoidably detained. I am advised than an Oregon company, the Wah Chang Co., in Albany, Oreg., is a consumer of tungsten concentrate. I know the Senator is anxious to assure that domestic needs will be met.

Mr. WILLIAMS of Delaware. Mr. President, as the Senator from Washington has pointed out, the Senator from Oregon (Mr. HATFIELD) is unavoidably away from the floor, and is unable to participate in this colloquy.

I am familiar with the interest and concern in this tungsten bill by the senior Senator from Oregon (Mr. HATFIELD). At this point, I ask unanimous consent that a statement by Senator HATFIELD and related material be printed in the RECORD.

There being no objection the statement and related material were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MARK O. HATFIELD REGARDING THE TUNGSTEN STOCKPILE RELEASE BILL

Mr. President, I would like to point out that we should be aware that a portion of this tungsten has found its way to Eastern Europe in 1969, because of Red China's action in not supplying Eastern Europe.

In 1969, when there was the run on the GSA supply, there were one million one hundred thousand pounds of tungsten metal in concentrates shipped to Eastern Europe. In January, 1970, there were shipments of 567,946 pounds (w). There was virtually none in 1968. I hope that GSA will keep us informed if there are indications that this is continuing.

Mr. President: So as to shed more light on this problem, I ask that there be reprinted at this point in the record, 3 items: first, an estimate of world tungsten reserves in 1965; second, an article from the American Metal Market of February 16, 1970, on tungsten by Walter T. Belous; third, a recent article from Metals Week of March 30, 1970, "Tungsten—The Year the Impossible Happened."

EXHIBIT NO. 1[1]

World tungsten reserves in 1965

[Estimates of measured, indicated, and inferred ore in million pounds of contained tungsten]

Free world:	
Argentina	8
Australia	38
Bolivia	82
Brazil	40
Burma	76
Canada	16
Cambodia	5
France	2
Japan	2
Malaysia	21
Mexico	2
Nigeria	(2)
Peru	9
Portugal	30
Southern Rhodesia	2
South Korea	106
Spain	10
Sweden	(3)
Tanganyika	(3)
Thailand	8
United Kingdom	6
United States	135
Total free world	523
Communist countries:	
Mainland China	1,877
North Korea	(3)
U.S.S.R.	27
Total communist	1,903
Total world	2,427

[1] Source PB–182–697 "Economic Analysis of The Tungsten Industry." By Charles River Associates, Incorporated. Distributed by: Clearinghouse, U.S. Dept. of Commerce/Nat'l. Bureau of Standards/Institute for Applied Technology.

[2] Less than 1.

[3] Not available.

Source: U.S. Bureau of Mines, Department of the Interior, Mineral Facts and Problems, 1965, (Washington, D.C.: Government Printing Office), 1965.

U.S. Bureau of Mines, Department of the Interior, Commodity Data Summaries, January 1960.

[From American Metal Market, Feb. 16, 1970]

TUNGSTEN—THE IDEA METAL

(By Walter T. Belous, sales manager, Teledyne Wah Chang)

At the outbreak of World War I, Germany was buying large quantities of tungsten for use in high speed cutting tools, driving the price of tungsten ore to over $80.00 per short ton unit. After the war, the price dropped below $10.00, then ranged from $22.00 to $27.00 until the outbreak of the Korean Conflict in 1950. Tungsten demand again surged. The price settled at $65.00, frozen by the U.S. Office of Price Stabilization.

After seeing a low of $8.25 per S.T.U. in 1962 when mainland China flooded the European market, the world price has once again risen to a heady level of $80.00 per S.T.U. The prospect of war and mainland China's position were again at the center of the matter.

RED CHINA HALTS FLOW

In a January 22 Wall Street Journal front page article, it is reported that Red Chinese buyers were seeking key defense materials "the Communist nation, once a major source of antimony and tungsten ore for Free World industrial users has practically halted sales of these and other metals". "There is speculation that China is arming itself with metals and other key commodities because of the serious threat of an outbreak of hostilities with Russia". "China has already completely halted its shipments of tungsten".

As a result, over the past several months there have been consistent reports of Free World tungsten ore, including GSA ore, being sold in Eastern Europe and even to Russia. Obviously, China's position in the tungsten market is very important. Estimates are that over three-fourths of the worlds tungsten reserves are in China. Combined reserves in China, North Korea and Russia are about four times as great as those in the Free World.

Since the United States does not trade with China, we tend to underestimate her activities in the rest of the world. Throughout Europe, China's supply is evidently so substantial that her actions control the market price. For example, in 1966, extracting from the "Tungsten Statistics" published by the UNCTAD on tungsten, imports of Chinese tungsten ore amounted to the following percentages of consumption in the countries listed—

[In percent]

West Germany	55
France	39
Japan	13
Sweden	22
United Kingdom	21

Throughout the 1960's, estimates have been that China has produced about ⅓ of world output. In recent years exports have been reported as declining and the Wall Street Journal article as well as reports in London Metal Bulletin and American Metal Market indicates that currently they are practically nil.

METAL TRADERS ACT

The metal traders, with their extensive worldwide facilities, were the first to spot tightness in the European market and buying pressure from Eastern Europe and Russia. In a matter of weeks they bought out all of the available GSA ore while consumers, in varying degrees, were caught napping, in the false security that ample material was available from GSA at the off the shelf price of $43.00 per unit.

The speed with which GSA ore was grabbed up can be noted by reference to the following table:

TABLE 1.—PURCHASES OF TUNGSTEN CONCENTRATES FROM GSA

[Thousands of pounds—tungsten content]

	1965 thru 1969		
	Consumers	Dealers	Total
1965	843	669	1,512
1966	6,397	242	6,639
1967	4,457	1,934	6,931
1968	1,879	1,345	3,224
1969	6,413	30,880	37,293
Total	19,989	35,070	55,059

	1969		
	Consumers	Dealers	Total
January	408	0	408
February	299	296	595
March	302	381	683
April	43	1,113	156
May	971	7,698	8,669
June	990	2,468	3,458
August	162	78	240
September	278	5,482	5,760
October	1,129	2,412	3,541
November	499	7,838	8,337
December	1,332	4,114	5,446

In the four month period of September through December, dealers bought up 20 million pounds of tungsten in concentrates. That amount equaled the total quantity bought by consumers through all of 1965, 1966, 1967, 1968 and 1969 put together.

Back in mid-1965, the U.S. stockpile contained in excess of 200 million pounds of tungsten in concentrates acquired during the 1951 to 1956 procurement program established to maintain domestic output and provide strategic reserves. (Strategic 120 million pounds, DPA 77.9 million pounds, supplement al 5.8 million pounds.)

GSA SUPPLY DEPLETED

In February 1965, the General Services Administration (GSA) announced a long range plan to dispose of approximately 77.9 million pounds of tungsten in concentrates from the DPA inventory over a 25 year period. By the end of 1969, less than five years later, all of this material had been sold, less about 17 million pounds held back by the Office of Emergency Planning (OEP). Of this 60 million pounds sold, approximately 36 percent has gone to consumers, and 74 percent has gone to dealers. In January, General Services Administration announced that approximately 17.7 million pounds of tungsten held in the Defense Production Act inventory, will be made available for sale in the near future. The tungsten is made up of approximately 1.6 million pounds of natural scheelite, 9.5 million pounds of synthetic scheelite, 3.8 million pounds of ferberite, and 2.8 million pounds of hubnerite. It is expected the offering of this material will be distributed in about 45 days at which time the public announcement will be made of the offering, including specifics on price and terms and conditions of sale. It is believed that this 17 million pounds is the material previously reserved by the Office of Emergency Planning.

In these years domestic tungsten consumption averaged about 14 million pounds vs. domestic mine production of 8 million pounds. The GSA stockpile releases, along with some quantities of foreign ore made up the difference. A stable price of $43.00 (base) prevailed from early 1966 until the end of 1969. The London price fluctuated in a range from about $33.00 to $47.00. In the last quarter of 1969 the shortage developed in Europe. The dealers took advantage of the GSA purchase terms, designed to protect consumers and stabilize the price, which provided for a 5 percent deposit with delivery to be taken within one year. Once the disparity between the London price and the U.S. price was apparent, and GSA was committed to sell at its shelf price of $43.00 with 5 percent deposit, the stampede was on. In the three month period—September, October and November—17.6 million pounds of tungsten were brought up and GSA was sold out of authorized material except for some small quantities which were later reserved for domestic consumption.

SOME OPTIMISM

At this moment, there are still some 85 million pounds of tungsten declared excess to the Government stockpile shelves. The Nixon Administration intends, in its FY 71 budget (starting July) to dispose from the nation's stockpiles, $750 million worth of metals and a few other commodities. Therefore, there is some hope that Congress will authorize sale of additional excess tungsten by the end of the first quarter.

On the other hand, one must realize that there are questions of greater national significance before Congress and the industry's sense of urgency may not be translated into quick congressional action. Senator Brooke of Massachusetts introduced Bill S. 3088 last October 28 to authorize disposal of tungsten from the stockpile. It was referred to the Committee on Armed Services, and to our knowledge, has not yet been acted upon.

Congressman Wolff from New York is expected to introduce similar legislation into the House of Representatives before the end of February. A stipulation that tungsten concentrates authorized for sale by Congress, are to be consumed domestically, will be provision of this bill. Price is the big question that remains at hand.

As late as the last quarter of 1969, the London price was below $50.00. It is only in the last several months that the price has rapidly risen to a current level of $80.00. GSA's policy on price as well as delivery and payment terms, will set the domestic market price and will have great influence on the European market.

DEMAND MAY DROP

Obviously, if the Chinese start to sell large quantities the supply will be increased and the price could come down fairly rapidly. No doubt, we have to anticipate some leveling off in demand as we read a fairly constant stream of lay-off announcements in the automotive and defense related industries.

When General Electric resumes full output, the tightness in product availability in the United States should ease somewhat. However, in the past Union Carbide's mining and milling operations have been hampered by heavy snow accumulations. A recurrence this winter could create further shortages.

In summary, we feel that higher prices are in store for the U.S. market, although the availability of GSA material will keep the U.S. price from approaching the London price.

CONGRESS HAS KEY

We urge all parties having an interest in tungsten to make their opinions on further stockpile releases known to their Congressmen and Senators as well as to the GSA and the Commerce Department. Prompt congressional action should go a long way in removing the uncertainty in the market and avoiding inflationary prices caused by temporary shortages.

[From American Metal Market, Feb. 16, 1970]

A CYCLICAL AND MYSTERIOUS MARKET

(By John P. Ruth, new and rare metals editor)

During recent months the world tungsten ore market has been unusually strong. A recent peak in London for concentrates was about 755 shillings per long ton unit, equal to about $80 per short ton unit, as compared with the last U.S. stockpile sales price of around $43.

Some merchant traders are wary of predicting higher world prices and some hold the opinion that the market could soften somewhat, especially if there should be trends towards world peace. There is some opinion that the Chinese might resume sales should the price go a little above 800s. And forthcoming sales from the U.S. stockpile might also tend to ease the market, but these might be at prices above $43. Some guess it could be released at around $50. Time will tell.

Tungsten experts say that no one really has all the answers why the market has been so bullish in recent months. Among the reasons given are these:

Rising consumption in Western and Eastern Europe.

Probable hoarding of some tungsten materials in Europe, some of which might be in a form converted from material sold by the U.S. government.

The demand-supply imbalance in the U.S., excluding the government reserves.

Rather meager increase in world ore production.

Lack of recent sales from the stockpile and the growing feeling or psychology of shortage.

Halt of selling by the Chinese probably largely because of the Viet Nam war, the possibility of accelerated troubles in the Middle East, coupled with an urge to bull the market.

While tungsten has been used in the past in combat tank armor plate and also in projectiles to pierce armor plate, the latest military concept appears to be that tanks can be neutralized without the use of tungsten, probably by some sophisticated form of "molotov cocktail" or by magnesium fire bombs. Nevertheless, there is still some urge in some parts of the world to hold heavy tungsten during times of war.

NEW GSA SALES

The January 26 announcement by the General Services Administration that more tungsten will be released from the stockpile could help to relieve some of the market pressure. As already noted these sales might be at above $43 per short ton unit and they might be restricted to domestic use.

GSA said approximately 17,700,000 lbs. of tungsten held in the Defense Production Act inventory, will be made available for sale in the near future. The tungsten is made up of approximately 1,600,000 lbs. of natural scheelite, 9,500,000 lbs. of synthetic scheelite, 3,800,000 lbs. of ferberite, and 2,800,000 lbs. of hubmerite. It is expected the offering of this material will be distributed in about 45 days (after Jan. 26) at which time the public announcement will be made of the offering, including specifics on price and terms and conditions of sale.

The tungsten market traditionally has been most difficult to forecast, let alone the influence of government operations. It has been one of the most cyclical and mysterious of the metal markets.

In late 1969, the U.S. ore and concentrate stockpile held about 172 million pounds of contained tungsten, equivalent to about 13 years domestic use. However, there is some opinion that the annual U.S. consumption may more than triple before the year 2000 and that U.S. mine output will probably see no big expansion.

During the last nine months of 1969 the London price moved up from about 370 shillings to over 700 shillings per l.t.u. and reached higher peaks than were attained during the Korean war when the metal had more use in direct military operations than it has today.

Tungsten is used largely in making carbides for tools and dies. If prices should move too high there could be growing substitution such as with titanium carbide. On the other hand, higher prices will tend to bring out more mine production in Canada, Australia, Portugal, Peru and other areas. Most tungsten product prices edged up in the past year.

The export of some of the stockpile material probably after conversion into other forms may have helped to tighten the supply here. U.S. consumers probably had been largely living off the released stockpile material plus the production of Union Carbide. The latter's price for ammonium paratungstate (APT) recently was geared to $54.30 per short ton unit. It is possible that this price might rise.

OLD MINE REOPENS

Last year Ranchers Exploration and Development Corp. of Albuquerque, N. Mex., purchased the Hamme tungsten mine near Henderson, N.C., from Howmet Corp. This mine, which had been closed since February 14, 1963 and allowed to fill with water, was pumped dry. Ranchers conducted evaluation of the tungsten reserves, sank a main shaft, reviewed extractive metallurgical techniques, and made plans to replace the mill equipment which was sold at auction. This property is expected to begin operation fairly soon and when full scale production is reached, could, on the basis of historical data, produce about 1.5-2 million pounds, tungsten content, annually.

XUM

U.S. TUNGSTEN STATISTICS

[In thousand pounds of contained tungsten]

Period	Concentrate: Consumption	Concentrate: Imports for consumption	Stocks end of period	Product: Production	Product: Shipments	Product: Consumption	Stocks end of period (producers)
1968	11,038	1,743	574	10,538	23,125	13,108	4,747
1969:							
January	786	144	675	821	1,911	1,082	4,682
February	786	109	677	846	2,081	1,282	4,331
March	1,222	155	817	1,383	2,282	1,248	4,226
April	1,342	181	579	1,402	2,593	1,345	4,415
May	993	209	600	1,044	2,394	1,243	4,076
June	959	169	640	855	1,838	1,220	3,878
July	864	95	581	828	1,714	952	3,859
August	1,241	59	942	1,325	2,515	1,307	3,857
September	1,247	190	854	1,224	2,476	1,287	3,677
October	1,199	50	933	1,224	2,394		3,849
Total	10,639	1,361		10,952	22,198		

[From the American Metal Market, Feb. 16, 1970]

TUNGSTEN PROFILE

Tungsten has the highest melting point (6,170 degrees F.) of any metal. It is the heaviest metal, excluding a few of the platinum group metals. Its name in Swedish means heavy stone. It is not ductile and must be protected from oxidation when heated above about 1,000 degrees. Its chemical symbol is W for Wolfram. Scheele first found the metal in 1781.

SUPPLY

World production of 60 percent WO_3 (tungsten tri-oxide) concentrates during 1969 was about 70 million lbs. to million lbs. of contained W. In 1967, the output was 61.8 million lbs. U.S. production in 1969 was about 9.5 million lbs. But for '66–'68 the average was about 8.5 million lbs. Presently only three domestic mines are in production. World supply is on the tight side, thus caution on stockpile sales is appropriate. Ranchers' Exploration plans to soon start up its tungsten mine in North Carolina. It has not operated since 1963.

China has great reserves and is the world's largest producer. China and Russia probably produce nearly 60 percent of the world output. U.S. imports were mainly from Canada (48 percent), Peru (32 percent), Australia (10 percent), Argentina, Portugal, Bolivia, Korea and Burma. U.S. imports during 1962–69 ranged between 2.7 and about 4.2 million lbs. per year. In 1969 they were about 1.8 million lbs. Exports rose sharply last year, coming mainly from the stockpile. This material now brings high prices abroad.

CONSUMPTION

Annual consumption has been highly cyclical over the past 40 years with peaks during World War II and the Korean "police action." Modern war needs little.

U.S. consumption during 1962–69 ranged between about 11 and 16.8 million lbs. per year. In 1968, it fell to 12 million lbs. or some 50 percent of Free World output. Western Europe consumes over 30 percent.

Yearly estimates

[In pounds]

World Output	70,000,000
China-Russia Output	39,000,000
Free World Output	31,000,000
U.S. Imports	1,800,000
U.S. Output	9,500,000
U.S. Consumption	12,000,000
U.S. Ind'l Stocks	1,200,000
U.S. Government Stockpiles (Est.)	172,000,000

(NOTE.—One ton of 60 percent WO_3 concentrates contains 60 units. On a short ton basis, one unit contains 15,862 lbs. of metal or 20 lbs. tungsten trioxide, i.e., 1 percent of 2,000 lbs. In other words a 60 percent ore contains 60 units of metal oxide. If the unit price is $30, the short ton price for 60 percent ore is $1,800. The principal ores are wolframite and scheelite.)

USES

Carbides (48 percent) such as for cutting tool tips, snow tire studs and ball pen points; high speed and other tool steels (12 percent); wire for electric lamps, metal shapes for space defense (16 percent); high temperature alloys and powder metallurgy processes (19 percent). Usually added to steel in the form of ferrotungsten. Also used in heating elements, flame spraying and plasma coatings, chemicals. The snow tire could be overrated.

GROWTH

In recent years tungsten carbide uses have grown and might account for nearly half of the U.S. tungsten use. Total demand trend has displayed little growth, except for cyclic influences in war periods; had been used in armor piercing projectiles and Polaris rocket nozzles. Slow growth seen for future.

PRICES

Ore prices abroad have a highly cyclical record. Average import price with duty for '60–'64 was under $21. Imported ore prices in 1960 were about $24 per short ton until (15.84 lbs. of metal) and declined to about $16.50 in 1963. They then rebounded to about $22 near the end of that year. In 1965 ore was available at down to 185s. European prices climbed last year to nearly 700s or or over $100 with duty if landed in U.S. Recent U.S. Gov't stockpile sales are indicated at $43 per unit. Some domestic ore went into the stockpile at over $60 per unit.

Tungsten metal power prices have tended to be relatively stable in spite of cyclic ore prices. Carbon reduced powder is in the area of $4.50 per lb. Leading producers value hydrogen reduced powder at about $4.80–5.00 depending on mesh. Ammonium paratungstate sells at a little under $3 per lb. of W. Tungsten carbide sells for about $3.80 per lb. and up. Prices edged up in past 3 years. Ferrotungsten sells at about $3.75–$4.00 (merchant prices could be lower) per lb. of W. Scrap values vary widely in area $2.00 per lb.

U.S. STOCKPILE

Contains some 180 million lbs. in concentrates and ores acquired during 1951–56 procurement program and to maintain domestic output and provide strategic reserve. (Strategic—114.2 million lbs.; DPA—53.4 million lbs.; Supplemental—4.5 million lbs.) This stockpile has been rated at 437 percent of the needed objective but some mineral economists are opposed to imprudent disposal of Government stocks since our domestic mineral reserves appear to be less than a 15-year supply, and far lower than that, should demands rise. The stockpile also has about 2 million lbs. tungsten carbide, 1.5 million lbs. ferrotungsten, 1.6 million lbs. tungsten powder.

OUTLOOK

Difficult to appraise because of complex factors: effect of relaxed Viet Nam war on defense production, U.S. stockpile sales, Sino-Russian sales, speculation in Europe, currency revaluation possibilities, etc. It would appear that metal or alloy demands will tend easy for near term; over long-term stronger prices for metallics are possible. Ore prices could slip. Including U.S. stockpile, there is a surplus in the world supply picture. The import duty on ore was 40 cents per lb. and by 1972 will be down to 25 cents under JFK Round. It had been nearly $8 per s.t. unit.

Metal producers include General Electric, Sylvania, Westinghouse, Fansteel, Kennametal, Wah Chang, Allied Chemical Corp., Molybdenum Corp., Firth Sterling, Union Carbide, M & R Refractory Metals, Chase Brass & Copper, Mercer Alloys and many makers of carbides. About 36 firms in U.S. process ore or tungsten metallics. Some 20 compete in the active carbide market.

Although the unique properties of tungsten in tungsten carbide (the major end use) restrict substitution, a significant supply shortage and corresponding price increase could spur substitution of titanium, tantalum, and zirconium carbides. The development of technology to economically recover extremely low-grade tungsten sources could help meet the forecast demand for 2000 of some 60 million lbs.

[From Metals Week, Mar. 30, 1970]

TUNGSTEN—THE YEAR THE IMPOSSIBLE HAPPENED

1969—The "almost inexhaustible" US stockpile was wiped out last year. The cutoff of Red Chinese selling drove the Eastern Europeans into the Western market, and that set off a run on the stockpile and a sharp surge in foreign prices.

1970—A new stockpile surplus is being cleared for disposal, but there is pressure to keep the ore restricted for US consumption. If that happens, and if China stays out of the market, the foreign market will skyrocket.

"If somebody had told me last March that the GSA stockpile would be sold out by year-end, I'd have told him he was out of his mind. But by late May or June, things were happening so fast that I could see that was exactly what was going to happen."

This is how one of the savviest traders in the tungsten ore business summed up 1969. Here's why: At the start of 1969, there were some 38.3 million lb (W content) of ore available for sale in the stockpile.[*] That would be enough to support total US consumption for about three years if all domestic production were halted. As it is, domestic production (9.8 million lb in 1969) falls short of consumption by 3 million ppy, at most.

Therefore, the stockpile should have been able to cover that shortfall between US production and US consumption for about 12 years. In 1968, stockpile sales were just about at that shortfall rate—3.2-million lb.

Is it any wonder that the adjective "almost inexhaustible" was so frequently used in discussing the tungsten ore stockpile? Most people in the industry probably couldn't even have accurately guessed the size of the stockpile at the start of 1969. Yes, it was important, but hardly immediately important—like knowing how many years of life the sun has left.

Why then did things turn around so fast?

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[*] The 38.3 million lb was in the Defense Production Act stockpile and could be sold without congressional authorization. Another 100-million lb (W) of ore—later reduced to 68-million—was declared surplus to the strategic stockpile, but an act of Congress would be needed to release all or any of that material.

In a word: China. China has traditionally been a major supplier of tungsten ore to both the Communist World and the Free World.

CHINA PULLS OUT OF THE MARKET

Chinese offerings to the West—made twice yearly at the Canton Fair—had been dwindling in recent years, but with the US stockpile sitting there, no one really missed Chinese ore. But then China apparently cut back deeply on sales to Communist countries as well. No one knows why—production collapse following the "Cultural Revolution"? . . . stockpiling for a war with Russia . . . or the US?—but China was supplying very little tungsten ore to anyone.

Eastern European nations began shopping in Western Europe for supplies, and it wasn't long before things really began to tighten up.

This situation forced the European price up to a point where it was possible to buy US stockpile ore at $43 (per stu of WO_3) and ship it to Europe.

Actually, GSA ore of less than 65% WO_3 could be had for less than $43. Consequently, the London price was being stabilized at about 400s per ltu ($42.68 per stu).

By late May-early June, all of the uncommitted Western supplies had been bought up. And as Eastern European buying got heavier, a run developed on the US stockpile.

By the end of June, some 11-million lb of stockpile tungsten had been sold—more than triple the total sales of 1968. Metal Traders had taken about 4.5-million and Philipp Brothers over 3-million.

The heavy buying continued and by the end of October the U.S. stockpile was completely sold out of high-grade wolframite, thereby losing its effectiveness as a price ceiling for the foreign market. London began to move, and foreign consumers had to pay the merchant price.

At the end of October, London reached $46. By mid-November it was up to $48–50.

On Dec. 1, the GSA stock was down to 7-million lb of off-grade scheelite. Within two weeks that was gone and London had reached 500s ($53.59).

GSA then went hunting through its various depots, turning up first 800,000 lb of wolframite and then 2.4-million lb of other ores. The agency restricted this release to U.S. consumption, so it had little effect on the foreign market.

By mid-January London had reached $75–80. Shortly thereafter GSA turned up another lot of tungsten ore—17-million lb—which no one had known about. The merchant market could hardly disregard such a quantity of ore. London had reached a peak of 730–760s ($78.24–$81.46) by this time, but it went no higher. After several weeks of "wait-and-see," London has begun to move off a bit.

GSA has not yet announced how it will sell this 17-million lb of ore, but early indications are that it will be restricted to U.S. consumption.

ANOTHER 68 MILLION POUNDS AWAITS RELEASE

And beyond this 17-million lb, there is a surplus in the strategic stockpile of about 68-million lb. That surplus was previously set at 100-million lb, and a bill to release the full amount was introduced in Congress last year. Since then, however, the stockpile objective has been increased from 35-million lb to 55-million lb and a re-inventory of total holdings turned up less than was previously thought. Stockpile objectives of tungsten products were also adjusted in early 1970. The tungsten carbide powder objective was cut from 2.4-million lb to 2.2-million, ferrotungsten from 1.9-million lb to zero, hydrogen-reduced powder from 1.8-million to 1.4-million, and crystalline carbide tungsten from 1.3-million to zero. The carbon-reduced powder goal was increased from 590,000 lb to 645-million.

No bills have yet been introduced to release any of these product surpluses, but action is expected later in the year. The ore release bill is finally moving through the congressional maze, with passage expected in a few weeks. The bill has not been amended to reflect the smaller surplus; the adjustment will simply be made by executive order after the bill has been passed. The big question with this release, too, is whether or not it will be restricted to U.S. consumption.

If, in view of the "Great Tungsten Raid of 1969," the government decides to restrict it all to domestic consumers, the foreign market will take off again. Knowledgeable merchants say London could easily reach 1,000s or 1,200s ($107.18–128.62).

But there are also pressures on GSA from the White House to raise $750-million in fiscal 1971 to help President Nixon achieve his projected $1.3-billion budget surplus. If tungsten sales are restricted to domestic consumption, only a few million pounds a year could be sold, and at relatively low prices. By opening the stockpile to all buyers and at "highest bidder" prices, a lot more money could be raised.

It should also be pointed out in evaluating the current tungsten ore market that there is presently no real shortage of ore—here or in Europe. It's just a matter of price.

A last look at the statistics shows that while over 38-million lb of stockpile ore were sold in 1969, only 6-million lb were exported. That left 32-million lb in the U.S. at yearend. Some of this has undoubtedly been exported in 1970, and the great bulk of what remains has been sold for future delivery—GSA permits the buyer a year to take delivery. But it seems safe to assume that a fair amount is still available for sale.

PRODUCT PRICES ALSO TAKE OFF

While the ore market was the big news in 1969, there was also plenty of action in product markets.

General Electric, on May 19, increased its hydrogen-reduced powder prices by 3–8%. The new price range would have been $4.78–5.69 per lb, but when Wah Chang and Sylvania refused to follow, the first attempted powder increase since Jan. 1, 1967, had to be rolled back.

In July, Union Carbide boosted its high-purity Ucar ferrotungsten by 15¢ to $3.86. However, it left its low- and high-moly grades at $3.20 and $3.65.

When the most attractive of the discounted grades of stockpile ore ceased to be available late in the fall, Union Carbide, effective Nov. 1, increased its ammonium paratungstate (APT) produced from GSA ore by $1.60 to $49.60 per stu. Carbide also took this opportunity to increase the price of APT produced from its own mine production. And that increase was considerably bigger—$4.00 to $43.60.

Faced with the higher raw material (APT) costs, Wah Chang decided that powder prices must also go up. It put through a Nov. 1 increase of 31¢ to $4.91–5.75—which was 6–13¢ more than GE had tried for back in May. Sylvania quickly moved to the new levels, but GE waited until Dec. 1 to go along.

Still higher prices may be ahead, since Carbide hiked APT again on Jan. 2, 1970. The hikes were $2.31 to $51.91 on APT from stockpile ore and $2.90 to $46.50 for APT from its own ore. Carbide also hiked Ucar again on Jan. (14¢ to $4.00) and regular grade ferrotungsten (10¢ to $3.75). And its Ucar powder prices were similarly increased to $4.11 for CG grade and $4.26 for MG grade.

For any observer looking back over 1969 and ahead through 1970, the US stockpile so completely dominates the market that there is a tendency to disregard the more modest movements in commercial ore production.

IS U.S. SELF-SUFFICIENCY NEAR?

But it is quite possible that by the end of 1970, the US could be self-sufficient in tungsten. In 1969, production fell 365,000 lb (W) to 9.75-million lb. But this was because Union Carbide—far and away the biggest US producer—had a bad production year in 1969. In February, the company's Bishop, Calif., mine was so badly snowed in that no work took place for six weeks. Then in May, three more weeks of production were lost to a strike.

A normal 1970 year should see over 1-million lb more produced from current miners. And a big new mine is due onstream about August. Ranchers Exploration is reactivating a mine at Henderson, NC, which should produce something like 1.75- to 2.50-million ppy. This would outpace Amax, currently the second largest producer. And another smaller property—Rose Tungsten Mine, in Arizona—is just starting up. Rose will likely produce about 500,000 lb of tungsten contained in concentrate.

Consequently, US production could top a 13-million-ppy rate by yearend. Last year consumption was 12.7-million lb.

In view of this, the government might feel that at least a portion of its huge stockpile surplus could be freed for export sale. Therein lies the key to tungsten prices for 1970 and beyond.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15839) was read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, that concludes the consideration of the stockpile bills.

I ask unanimous consent that the Senate companion bills to the stockpile bills—S. 3038, S. 3087, S. 3446, S. 3451, S. 3452, S. 3456, and S. 3457—be indefinitely postponed.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

I referred, during the colloquy on this stockpile bill, to a letter signed by the Administrator of the GSA, Mr. Robert L. Kunzig, under date of April 2. I ask unanimous consent that my letter of March 25, 1970, addressed to Mr. Kunzig, the Administrator, asking certain questions relating to these bills, and his reply thereto of April 2, together with an attachment, be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

March 25, 1970.

Mr. Robert L. Kunzig,
Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kunzig: There are a series of bills on the Senate Calendar, the purpose of which is to authorize the sale of the following surplus minerals:

S. 3083. Sale of Corundum

S. 3087. Sale of chrysotile asbestos

S. 3446. Sale of refractory grade chromite.

S. 3451. Sale of natural Ceylon amorphous lump graphite

S. 3452. Sale of molybdenum

S. 3456. Sale of natural battery grade manganese ore

S. 3457. Sale of Surinam-type metallurgical grade bauxite

H.R. 12941. Sale of 4,180,000 pounds of cadmium

H.R. 15021. Sale of 40,200,000 pounds of cobalt

XUM

H.R. 15831. Sale of bismuth

H.R. 15832. Sale of castor oil

H.R. 15833. Sale of acid grade fluorspar

H.R. 15835. Sale of magnesium

H.R. 15836. Sale of type A chemical manganese ore

H.R. 15837. Sale of type B chemical grade manganese ore

H.R. 15838. Sale of shellac

H.R. 15839. Sale of tungsten

In this connection will you please furnish me the following information:

1. The average cost of this material including purchase price, transportation, and storage costs.

2. The present prevailing price in domestic markets and a prevailing price for similar commodities in the world markets.

3. List of all purchases including dates, amounts, and prices paid in the procurement of any of the aforementioned commodities that have been made during calendar years 1967, 1968, and 1969.

I would appreciate this information as promptly as possible since the Senate does want to complete action on these bills.

Yours sincerely,

JOHN J. WILLIAMS.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 2, 1970.
Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Thank you for your letter of March 25 concerning several stockpile disposal bills presently under consideration in the Congress.

The enclosed table includes data requested in your questions 1 and 2 concerning the average acquisition costs, storage costs, and present prevailing market prices for the commodities listed in your letter. With regard to question 3 and prices paid in the procurement of any of the listed commodities during calendar years 1967, '68, and '69, the information is not readily available and will be forwarded to you as soon as possible. However, only two of the materials listed; asbestos, chrysotile and manganese, battery grade natural, have been purchased since June 30, 1966.

I would like to take this opportunity to express GSA's (General Services Administration) concern regarding your proposed amendment to the stockpile disposal bills as reported in the Congressional Record of March 24. As you know, GSA has serious reservations concerning our ability to implement disposal activities under the restriction established by the proposed amendments. It is our judgment that limiting GSA's commercial sales of excess stockpile materials only to the sealed-bid method would seriously impair our ability to accomplish an effective disposal program.

Disposals of excess stockpile commodities planned for FY 1971 could be seriously jeopardized because the amendments are likely to meet the oppositions of industry groups on the grounds that some subsequent stockpile disposals could disrupt the market.

Since 1960, GSA sales of stockpile materials totaling over $3 billion have been made using several sales methods designed to maximize the return to the Government, in coordination with industry recommendations and with little or no market disruption. The success of the program to date can be attributed largely to the fact that the Government was able to shape its sales efforts closely to regular industry marketing procedures and to utilize sales procedures designed to promote interest in Government materials and offset disadvantages the Government experiences as a supplier.

An excellent example of the kind of orderly long-range disposal programs that can be accomplished through prudent negotiation is the Government's aluminum disposal program. The major aluminum producers supplying the United States agreed to buy the entire Government excess aluminum over a period of years at the domestic market price at time of delivery and at a flexible rate consistent with the market's ability to absorb the commodity and related to the volume of the Government's purchase of aluminum products.

Limiting the Government to the use of only one sales method for commercial sales involving over 50 different excess stockpile materials, as these amendments would do, would uniquely restrict GSA's ability to carry out its responsibilities. Unless the disposal bills are passed without amendments as presented, a serious question arises as to whether the Government can successfully carry out a meaningful disposal program directed at converting unneeded assets into cash income within the framework of the basic stockpile legislation and the individual stockpile disposal bills which require "That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets."

I believe that our sales policies have successfully realized maximum returns to the Government consistent with our obligation to avoid disruption of markets. I want to assure you, Senator, that the disposal of materials covered by the bills presently before the Congress will be carried out as carefully, efficiently, and effectively as possible.

We welcome the opportunity to comment on stockpile related matters and will be glad to provide you with any additional information you may desire.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

GENERAL SERVICES ADMINISTRATION COST AND PRICE DATA

[Key: ST, short tons; LB, pounds; SDT, short dry tons; LT, long tons; STU, 20 pounds of WO_3 (15.8595 pounds of tungsten metal)]

Commodity	Unit	Average acquisition cost	Annual storage costs for excess	Prevailing market price	
				Domestic [1]	Foreign
Corundum	ST	$195.77	$13	$20.00—125.00	$45.60—118.00
Asbestos, chrysotile	ST	648.15	16,100	200.00	425.00
Chromite, refractory	SDT	24.60	66,200	30.00	20.54—23.22
Graphite, ceylon	ST	217.33	1,300	180.00	191.80
Molybdenum	LB	1.01	4,100	1.72	1.76—1.75
Manganese, battery grade	ST	119.89	7,000	95.00	55.72—62.15
Bauxite, surinam grade	LT	15.68	411,400	15.00	15.35
Cadmium	LB	1.80	4,100	4.00	3.70—3.85
Cobalt	LB	2.21	26,120	2.20	2.22
Bismuth	LB	2.14	480	6.00	7.30
Castor oil	LB	.25	9,080	.145	0.121
Fluorspar, acid grade	ST	52.43	12,750	57.50	40.70—47.15
Magnesium	ST	726.00	27,400	726.00	790.11
Manganese, chemical grade:					
Type A	ST	68.44	6,710	70.00	41.00—55.00
Type B	ST	67.46	3,950	50.00	31.00—45.00
Shellac	LB	.50	13,500	.15	.30
Tungsten	STU	54.00	64,520	46.00—55.00	60.00—80.00

[1] Reflects estimated market value for excess materials in Government inventory considering grade and quality.

[2] C.I.F. European ports or normal port of export for commercial grade material.

LEGISLATIVE PROGRAM

Mr. AIKEN. Mr. President, I should like to ask the majority leader what the program is for the rest of the day, for the rest of the week—and for the rest of the spring, if he knows—but for today and the rest of the week, anyway.

The PRESIDING OFFICER (Mr. GRAVEL). The Senate will be in order, so that Senators may hear the response of the majority leader.

Mr. MANSFIELD. Mr. President, may I say, in response to the question raised by the distinguished Senator from Vermont, that the rest of the schedule for this week and the next, subject to change as far as order of consideration is concerned, would be, first, the consideration of S. 3387, which I shall ask be made the pending business, then Senate Resolution 211, by Senator BROOKE and others; Calendar No. 733, S. 721, a bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards; Calendar No. 755, H.R. 14705, an act to extend and improve the Federal-State unemployment compensation program; Calendar No. 747, S. 3637, a bill to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office; and Calendar No. 712, S. 1148, a bill to amend the Revised Organic Act of the Virgin Islands.

Then next week, perhaps on Monday, Calendar No. 650, H.R. 11102, which is the Hill-Burton Construction Act. And, finally, a bill just recently reported, Calendar No. 756, H.R. 16612, an act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I hope the Senator will keep a place on the schedule for what we need to do about the railroad strike, which is impending on April 11th unless we take some action or unless the parties settle it. We had a hearing this morning, I might tell the Senator, which indicates that at best, they have not settled. I do not know whether the prospects are good or bad, but I do think the leadership should be informed that the Committee on Labor and Public Welfare will need some accommodation for that.

Mr. MANSFIELD. I appreciate the remarks just made by the distinguished senior Senator from New York, I was aware, from conferences with him and the chairman of the committee (Mr. YARBOROUGH), that such might be the case, and the Senator may recall that I put the schedule out as very tentative. Of course, if no settlement is reached in the proposed railroad strike by the 11th, the Senate will be prepared to face up to its responsibility.

Mr. JAVITS. I thank the Senator.

OUR DEMOCRACY'S MISSION: GREATEST GOOD FOR GREATEST NUMBER; LET US NOT PERMIT IT TO BE WEAKENED BY ILLEGAL STRIKES AGAINST OUR GOVERNMENT

Mr. RANDOLPH. Mr. President, during more than 25 years as a Member of Congress, in the Senate and the House of Representatives, I have held membership on the committees of both Houses which have jurisdiction over matters of labor and matters connected with the employment of postal workers and classified career employees of our Government.

I rise today to reaffirm what I have often said: that I understand and appreciate the cause and the rights of the worker in private industry, and the cause and the rights, the problems, and the responsibilities of persons who are engaged in public employment.

The right and, yes, the need of people to organize and participate in collective bargaining with their employers have always had my full support. This includes not only the employees of private business, industry, and commerce; it applies also to employees who work within the Federal Government, and, of course, public employees at all levels of government—State, county, and local, as well.

I understand the responsibility which labor and management share to assure that workers in both public and private sectors have adequate pay, benefits, and job security as well as suitable healthful working conditions. But, Mr. President, during the past few years, and this year more than heretofore, we have faced a compelling question involving the rights and responsibilities of employees who are within the structure of governmental service.

The people of our country know about the postal service employees and the air traffic controllers and their problems, and about the problems they have been creating, too. Regardless of what we call it—a walkout, a sick-in, or a strike—we know that the off-the-job actions of these Federal employees, especially in recent days, have added to the severity of the problems facing Federal officials and the Congress and to the problems of the vital function of handling the mails, and the movement of people and products by air.

The actions of which I speak are in violation of title 5, section 7311, of the United States Code, and I read in part:

> An individual may not accept or hold a position in the government of the United States or the District of Columbia if he participates in a strike or asserts the right to strike against the government of the United States or the government of the District of Columbia.

In these comments, Mr. President, I am reaffirming my beliefs and prior public statements. Within reasonable limits, public employees should have the right to organize and to bargain collectively. Those officials responsible for major operations within government—such as the Postmaster General and the Secretary of Transportation—have the obligation to recognize such employee rights and to negotiate with the appropriate representatives of public employees within their areas of jurisdiction and responsibility.

But, when any substantial number of public employees—such as the letter carriers and other postal workers and the air traffic controllers—disrupt public services to the extent that we have experienced during the past 2 weeks in contravention of the provisions of title 5 of the United States Code cited, real negotiations or collective bargaining are out of order, if not illegal, until the employees are back on the job and their services are restored in good order.

I reemphasize: I am opposed to strikes by public employees at any level of government, and I say this not only because Federal employees, especially, are prohibited by law from participating in or asserting the right to strike against the Government, but also because the obligations of those in public positions go well beyond any obligations incurred in the private sector.

The overriding requisite is on public employees to provide uninterrupted service to the people. I emphasize, however, that this does not mean that public employees forfeit the right to redress of grievances, job security, and improved working conditions so long as they do not violate the law against striking. This law clearly mandates them to remain on the job until their grievances are redressed.

Superior officers of public employees in the executive establishment at the policymaking level have the responsibility to negotiate the grievances of those employees and to keep the Congress, through appropriate committees, fully informed. If the pace of redress by the executive and/or the legislative is unsatisfactory to the public employee, the law denies him the right to strike but certainly does not present any bar against his being represented in negotiations with his Government while he stays on the job.

Good administration and lawmaking—the kind that anticipates public employee needs in terms of justice and equity—must be practices by the executive branch and the Congress to prevent illegal work and service disruptions and to prevent resignations in excess of normal. We must all do better—executive, legislative, and public employees alike.

The public cannot and will not, I am sure, tolerate any repetition of the postal service disruptions so recently experienced. Nor will the public countenance much longer the disruptive subterfuge practiced by the too large segment of the air traffic controllers who followed the bad advice of a leadership that has taken them down the same devious route of action before.

With postal service now restored in reasonable good order, as a member of the Senate Post Office and Civil Service Committee and as a Senate member of the House-Senate conference on pay legislation, I feel sure that we could work out with dispatch, and to a considerable degree, the grievances of the postal employees. But the problem faced by the executive branch and the Congress is far broader than that of postal employees because, at the White House and throughout the executive establishment, and in both Houses of the Congress, we have responsibility to work out solutions embracing equity and justice for all Federal employees—and this is a complicated assignment.

As for the case of the air traffic controllers, who admittedly have problems peculiar to their category of Federal employees, but with an "overly sick" minority creating an unfortunate overabundance of ill will for the controllers as a whole, I believe the Wednesday, April 1, 1970, editorial in the Washington Post, "Curing the Air Controllers' Sickness," provides a plausible analysis.

I request, Mr. President, unanimous consent to have that editorial printed in the RECORD to follow my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 1, 1970]

CURING THE AIR CONTROLLERS' SICKNESS

It is hard to know how to take F. Lee Bailey's call for the "sick" members of the Professional Air Traffic Controllers Organization to go back to work. Mr. Bailey has said so much in the last few days and so little of it has made sense that we feel tempted to look for traces of insincerity in his "sincere" call for an end to this illegal, jurisdictional strike.

Nevertheless, taking Mr. Bailey's statement at its face value, we hope that those controllers who have called in sick will now find they are well and that the air traffic situation will quickly return to normal. Too many Americans have already been inconvenienced too much by what was essentially a power play by Mr. Bailey and the organization he heads. The role of air traffic controllers is so vital and so delicate, in terms of the lives of the thousands of people who fly daily, that it ought not to be placed at the mercy of old-fashioned union strife. The energies of the controllers and their labor organizations, it should be added would be better spent on setting right their legitimate grievances.

It was possible, in the summer of 1968, to have considerable sympathy for the air traffic controllers when they used a slowdown to dramatize the shortcomings of the safety system they operate. They sold their case well then and much has been done to begin to bring the air traffic system up to the standards it must have. If this Easter-weekend sickness had been more directly related to those safety problems it would have received wider sympathy, from the public as well as from the controllers than it did. But this was not a safety strike. It was a strike over the FAA's refusal to recognize Mr. Bailey's union as the bargaining agent for the controllers and over the transfer of three of the union's most active members out of the Baton Rouge, La., control center. These things ought to be settled without calling into play the ultimate weapon in labor negotiations—the strike. We suspect that this weapon was used in a desperate gamble by Mr. Bailey to make or break the union he heads—he said as much himself at one point—and he may well have broken his own organization in the process.

Mr. RANDOLPH. Mr. President, I think it is important that we recognize our individual responsibility. We need to recommit ourselves to an understanding of the problems of Federal employees. I know that their needs are very considerable—in some instances compelling—and I have attempted earnestly, I hope affirmatively, in my individual capacity as a Member of Congress, to understand and meet these requests and appeals.

Our mission continues to be to provide and to assure the greatest good for the greatest number of our people. We have to continue to make this form of government work. If what we have seen in the last few days and weeks in this country prevails, the deterioration of our democracy will have set in—make no mistake about it. It is dangerous, and we must understand it.

So, without attempting to wave any flag, I think we must consider that if we permit the actions to be repeated, we will further weaken the fabric of our country, the safety and welfare of all our people. The disruptive influence of strikes in the two instances I have mentioned are not against industry, business, or commerce. With all our shortcomings to meet the needs, these strikes, by whatever name they are called, are illegal. They are strikes against all the people—not just the Government, but the people.

So I think that we in the Committee on Labor and Public Welfare and in the Committee on Post Office and Civil Service need to give prompt and more exhaustive study to the problems of the employees who, I repeat, have not only the right but also the responsibility, if they so desire, to organize and to present their appeals with strength before the committee and Congress.

But, Mr. President, I repeat: Our mission in this democracy continues to be provide and to assure the greatest good for the greatest number of our people. Let us make our democracy work; let us not permit it to be weakened—and our people's safety and welfare threatened—by deliberate disruption of vital services by actions of some Federal employees who strike against their Government in violation of the laws governing their employment.

ORDER FOR PRINTING OF H.R. 4249, TO EXTEND THE VOTING RIGHTS ACT OF 1965

Mr. HART. Mr. President, I ask unanimous consent that the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes, and it was signed by the Acting President pro tempore (Mr. BYRD of Virginia).

THE MIDDLE EAST: WHAT POLICY FOR THE UNITED STATES

Mr. JAVITS. Mr. President, I call the attention of the Senate to a speech which I made in New York on Tuesday. It relates to the problem which we now face in the Middle East and the escalating conflict there.

I ask unanimous consent that my speech, entitled "The Middle East: What Policy for the United States" be printed at this point in the RECORD.

There being no objection the speech was ordered to be printed in the RECORD, as follows:

THE MIDDLE EAST: WHAT POLICY FOR THE UNITED STATES?

The challenge to U.S. Mideast policy is to maintain a distinction between priorities based on a proper perspective and urgencies derived from tactical crises. President Nixon's "interim decision" denying additional jet aircraft sales to Israel is an attempt to maintain this kind of distinction but it is a course of great potential danger.

An arms limitation agreement is clearly a policy which the U.S. is following in the Mideast. An agreement, or understanding, on arms limitation requires the cooperation of the Soviet Union. The Soviet decision to provide advanced surface-to-air missiles to Egypt—and the necessary technical personnel to man these new weapons—coming on the heels of France's deal to sell over 100 Mirage jets to Libya invalidates the premise that U.S. "restraint" in selling arms to Israel will influence the USSR to curtail its provision of arms to Israel's Arab enemies.

According to press reports, some officials believe that President Nixon's refusal to sell additional jets to Israel now is justifiable because the Soviet Union has apparently limited its response to President Nasser's request for more arms to the provision of the advanced SAM–3 missiles—a "defensive" weapon. However, Israel does not see the SAM–3 as a "defensive" weapon but rather as a key element in President Nasser's offensive strategy of a war of attrition. Israel has vowed that it will attempt to prevent installation of the new Soviet SAM–3s.

So long as President Nasser maintains his public repudiation of the 1967 ceasefire line and pursues a war of attrition against Israel—while refusing to negotiate or respond to terms for a settlement—Israel has little choice but to maintain its security by military means.

Given the important consideration of lead time for delivery and deployment of such complicated weaponry as Phantoms and Skyhawks, there is very little time available for the Administration's effort to enlist Soviet cooperation in arms limitation through a policy of denying arms to Israel for "demonstration effect."

Certainly the search for an arms limitation agreement will continue to have a high priority according to present U.S. policy. But a U.S. policy of arms denial to Israel for "demonstration effect" could soon come into conflict with a higher priority—the necessity to maintain Israel's deterrent military strength.

Israel is determined to be self-reliant for its own security. It does not want to be—and should not be—the security client or protectorate of anybody, including the United States. Given the tragic lessons we have learned over the past decade, it is difficult to overemphasize the U.S. interest in maintaining Israel's security self-reliance and deterrent strength.

The Middle East is a vast area encompassing in its broadest sense the whole sweep from North Africa to Pakistan. Only a part of the Middle East is involved in the struggle of Israel's Arab neighbors to deny its survival. Really speaking, that is a subregional dispute, although the Soviet Union's involvement cf itself on the Arab side has given it broader significance.

All kinds of things are happening in other parts of the Midwest. Turkey, Iran and Pakistan are making very substantial economic progress and have joined together in regional economic development organization of their own. In the Persian Gulf the small sheikhdoms, in anticipation of Britain's withdrawal at the end of 1971, are seeking a confederation to protect themselves against Nasserite revolution and Soviet big-power pressures. Lebanon, Tunisia and Morocco have preferred to concentrate on internal development rather than squander their resources on vain military adventures along the Nasser pattern.

The Middle East is an area in ferment and part of that ferment is the struggle of benighted peoples to break out the grip of poverty and stagnation. I believe there are many openings for the United States to encourage and assist this process. I have long advocated the formation of a broad, regional economic organization in the Mideast, which Israel need not be part of. Viewed in broad perspective, the real movement in Mideast history in the second half of the 20th century is the search for modernization and reform—not for bloody dreams of revenge as conjured up by radical Arab leaders.

Israel is a great source of ferment in the Middle East. Some of the more near-sighted Arab leaders have sought exclusively to emulate Israel's mastery of sophisticated weapons and military tactics. But over the long run I am confident that Israel's greatest impact will be the example it provides of economic, scientific and cultural achievement—and the practical success of Israel's commitment to democracy and social justice. In this perspective, Israel is an invaluable asset to the long-term interests of the Middle East itself, for peace and development. That is why the U.S. should not be intimidated by threats of hostility from the radical Arab states if it continues its friendship with Israel. For the long term this is our best bet, in the interest of world peace and progress.

As Dr. Chaim Weizmann often said, the Arab-Israel dispute in its totality was not a clash between right and wrong but a clash between two rights. This is especially true with respect to the Palestine refugee problem which has so-bedevilled the search for a Mideast peace. But, so long as this human problem remains a political football in the hands of radical Arab political leaders there is little hope of a solution.

Life has been very harsh for the refugees—largely because that is the way radical Arab politicians insisted it be, for their own political purposes. Now those who sowed the seeds of discord, and nourished them for twenty years, are reaping the whirlwind.

Out of the refugee camps a new guerrilla movement has grown. Its doctrine is hatred of Israel and its methods are terrorism. The threat to Israel is a real one. But the greater threat is to the Arab governments which have kept the Palestinians in refugee status for twenty years, cynically manipulating their lives and emotions and aspirations in the tragic notion that this will bedevil Israel.

Yet, there may be a positive side in the longer run to the growth of Palestinian nationalism and self-assertion. The Palestinians may now take responsibility for their own fate, which has been controlled by neighboring Arabs with other axes to grind for some twenty years. Perhaps an end to the Palestine refugee problem can only come when the Palestinians themselves reject a perpetuation of their refugee status and—after a futile test of arms with Israel—seek a just and honest solution to the problem which they symbolize.

As with so many of the problems of the Mideast, the U.S. must keep its cool and not be rushed into seeking instant solutions or into charging off in all directions.

UNITED STATES-JAPAN TEXTILE AGREEMENT

Mr. JAVITS. Mr. President, shortly before the brief Easter recess, I spoke here on the continuing difficulty in reaching a textile agreement with Japan.

It should be a matter of widespread concern that both the Japanese textile industry and the American textile industry now have publicly rejected compromise proposals advanced by Donald Kendall designed to bridge this increasingly dangerous impasse.

As I stated in my speech on March 25:

> The time is now ripe for the responsible political leaders in the United States and Japan who must make the overall determination as to the national interest of their countries, as distinct from regional or special interests, actively to involve themselves in this issue and to make a textile agreement.

The recent public statements by the United States and Japanese textile interests rejecting the "Kendall proposal" make this involvement of President Nixon and Prime Minister Sato all the more urgent. If they do not "bite the bullet" and settle this matter now on the highest level a trade war may soon be upon us.

I urge them to do this to avoid what would otherwise be a very dire situation.

I ask unanimous consent that newspaper accounts relating to the rejection of the Kendall proposal by the United States and Japanese textile industries and the press release of the ATMI on this matter be printed in the RECORD, as well as the perceptive and disturbing article which appeared in Saturday's Washington Post entitled "Textile Battle Arouses Japan Against United States."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 30, 1970]

TEXTILE PRODUCERS ADAMANT IN JAPAN

FUKUI, JAPAN, March 29.—A leader of Japan's textile industry says it will never accept American demands for over-all control of textile shipments to the United States.

Toyosaburo Taniguchi, president of the Japan Textile Federation, spoke at a news conference this weekend in Fukui, a major textile-producing city.

"The Textile makers are fully prepared for a protracted war with the United States over its demand for voluntary controls on Japanese exports of synthetic and woolen textiles," he said.

Mr. Taniguchi said his industry had rejected the so-called Kendall proposal advanced by Donald M. Kendall, chairman of the Emergency Committe on American Trade.

This proposal would have Japan impose restraints on textile exports to the United States for up to one year and, after that, restraints only on items where injury to American producers is found.

[From the New York Times, Mar. 31, 1970]

MAKERS OF TEXTILES REJECT KENDALL PLAN

(By Edwin L. Dale, Jr.)

WASHINGTON, March 30.—A group of 11 textile organizations, headed by the American Textile Manufacturers Institute, rejected today the so-called Kendall plan for limitation of textile imports from Japan.

The plan, which had won some support in the Japanese Government, was turned down last week by the Japanese textile industry. It would provide "comprehensive," or across-the-board limitations on textile exports from Japan for up to a year pending determination of injury to specific sectors of the United States industry because of rising imports.

After that, controls would be limited to the injured sectors.

The plan was presented to Japanese officials by Donald Kendall, chairman of Pepsico and head of the Emergency Committee on American Trade. It was never officially endorsed by the Nixon Administration.

Now it has been rejected by the industry groups on both sides.

"It is the only thing we and the Japanese can agree upon," remarked an official of the Textile Manufacturers Institute today.

LIMITATIONS POSSIBLE

As the impasse over textiles continues the chances increase that Congress will impose import limitations by law, even though such an action would be a violation of the rules of the General Agreement on Tariffs and Trade. The House Ways and Means Committee is expected to open hearings on trade legislation next month.

Today's statement by the 11 textile organizations referred to news stories from Tokyo on the Kendall Plan. It said, "If the news stories are correct, what has been referred to as the Kendall Plan is totally unacceptable to the American fiber-textile-apparel industry."

The statement said the plan "would only compound the problems which exist today and make it all the more difficult to reach a reasonable solution . . . it would be tragic if such a proposal had either the official or unofficial backing of our Government."

The statement concluded with a reiteration of the industry's view that negotiations for a voluntary agreement are getting nowhere and that "appropriate legislation" is required.

AMERICAN TEXTILE GROUPS OPPOSE IMPORT CONTROL PROPOSAL

WASHINGTON, March 30.—Trade associations representing all major sectors of the fiber-textile apparel industry today rejected a plan for import controls discussed in Tokyo last week.

A joint statement was issued here today by the American Apparel Manufacturers Association, American Textile Manufacturers Institute, American Yarn Spinners Association, Apparel Industries Inter-Association Committee, Man-Made Fiber Producers Association, National Association of Wool Growers, National Association of Wool Manufacturers, National Cotton Council, National Knitted Outerwear Association, National Knitwear Manufacturers Association and Northern Textile Association.

The statement said: "According to news dispatches from Japan, Mr. Donald M. Kendall, Chairman of the Emergency Committee for American Trade, has been involved in discussions with Japanese government and textile interests on a proposal to limit textile exports to the United States.

"If the news stories are correct, what has been referred to as the Kendall plan is totally unacceptable to the American fiber-textile-apparel industry.

"This type of an arrangement would not solve the problems faced by the American textile industry nor would it serve the long-range best interests of Japan and other textile exporting nations. It would only compound the problems which exist today and make it all the more difficult to reach a reasonable solution. It is most unfortunate that the domestic industry did not have an opportunity to apprise Mr. Kendall of its position before the plan was unveiled.

"The newspaper reports indicate that there is no Administration sanction of the Kendall plan. We commend the Administration for this position. It would be tragic if such a proposal had either the official or unofficial backing of our government.

"The approach embodied in the "Kendall plan" is completely inconsistent with the needs of the industry. Restraints on U.S. textile imports must be comprehensive, covering all articles. To be effective, they must involve governmental action and responsibility. If these objectives cannot be achieved through negotiations, and apparently they cannot, our only alternative is to seek a legislative remedy.

"We are asking the Administration and Congress to join in the enactment of appropriate legislation."

[From the Washington Post, Mar. 28, 1970]

TEXTILE BATTLE AROUSES JAPAN AGAINST UNITED STATES

(By Selig S. Harrison)

TOKYO, March 27.—The glow of good feeling toward Washington apparent here since the White House pledge to return Okinawa four months ago has now been almost completely dissipated by the bitter struggle building up between Japan and the United States over economic issues.

In contrast to most Americans, who think of trade disputes as something for the financial page, Japanese newspaper readers follow each new triumph or setback in overseas trade and investment with close attention.

This is not only because economic access abroad is a life and death matter for Japan as an island nation. In 1970, a year of rising nationalism here, economic conflict automatically takes on political overtones, with a newly aroused public calling on the government to show that Japan is big enough and strong enough to stand its ground.

Sen. Strom Thurmond (R-S.C.) made his import quota bill last week a direct political challenge in Japanese eyes when he suggested that the return of Okinawa should be reconsidered if Japan does not agree to textile export restraints.

Angry critics in his governing Liberal Democratic Party as well as in opposition ranks are demanding that Prime Minister Eisaku Sato ignore congressional threats and suspend further diplomatic exchanges on a textile compromise until a new atmosphere for "honorable" negotiations exists. But meanwhile, the protectionist clamor is growing, and the Nixon Administration is warning Sato that quota legislation will be unavoidable unless Japan makes a major conciliatory gesture.

The critical issue in the increasingly tense domestic infighting here over textiles is whether Sato made a secret promise of textile concessions as part of the Okinawa bargain. Sato aides hint cautiously that he did and stress that textile curbs would therefore be a "special" political concession.

As evidence that textile restraints would not set a precedent for future demands to curb other exports, they point to President Nixon's reference to textiles as a "special problem" in his Feb. 6, 1969 press conference and his avowals of support for free trade principles in his November trade message to Congress.

Hardliners in the textile industry and the Diet (Parliament) echo the charge made by the Asahi Shimbun this week that Sato "bungled diplomatically on the grand scale" if he gave any form of textile commitment to Mr. Nixon.

They ridicule the notion that the protectionists in Washington can be deflected from new moves going beyond textiles once they have tasted blood and predict that electronics or shoes will be next.

Leading textile executives who met here this week for an anti-Sato rally contended privately that the basic causes of protection-

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ism will persist whether or not the industry makes conciliatory gestures this year and that the real issue is simply whether or not Mr. Nixon is prepared to fight for free trade. By resisting Sato's pleas for voluntary across-the-board, one-year restraints they maintained, the industry is making it easier for Mr. Nixon to do what he has to do anyway.

JAPANESE DISTRUST

The diehard determination of the textile men here despite a continuing government effort to evolve some form of compromise formula is rooted in distrust growing out of the history of earlier trade negotiations with the U.S.

When Japan agreed to voluntary curbs on cotton textiles in a 1962 agreement with the Kennedy Administration, it is recalled, the U.S. pledged that "since these measures are intended to deal with the special problem of cotton textiles, they are not to be considered as lending themselves to application in other fields."

Thurmond's charge in his Senate speech last week that the Japanese acted with deliberate "cunning" by switching to exports of synthetics to evade the cotton agreement brought retorts here that the U.S. has been "tricking" Japan into purportedly temporary curbs since 1956 without the slightest intention of letting them remain temporary. Now at last, the textile men say, Japan is powerful enough in the over-all world trade picture to resist Occidental chicanery.

Diplomatic observers point out that the textile fight is likely to cost the U.S. dearly here even if the industry does finally give ground by agreeing to one-year curbs covering something less than the full range of 28 disputed items.

Apart from the psychological strains resulting from mounting charges and countercharges of bad faith, the U.S. has already been greatly weakened by its textiles stand in its effort to induce significant concessions liberalizing trade and investment access to Japan. The Japanese can now point to U.S. inconsistency even if Sato never does make serious concessions on textiles and use this as a rationale for continued restrictions on imports.

LINKED WITH OKINAWA

Sato finds himself in a tight political corner now that the issue has been linked in the public mind with Okinawa and is not likely to treat the textile industry too roughly.

The industry grew up with little government support, in any case, and is less vulnerable to administrative and fiscal pressures than many Japanese industries. Since much of the industry is widely dispersed in small units. It will also not be easy to channel credit and compensation in the special subsidy program now being devised as bait to induce acceptance of a compromise.

The most difficult task facing the Prime Minister is stripping the textile issue of its nationalist psychological electricity. In a Diet speech last week, Sato tried to combat the image of a persecuted Japan bravely resisting mighty America, depicting Japan as the economic big brother and the U.S. as the hapless victim of a difficult inflationary period in which it needed the consideration of its better-situated friends.

Privately, Sato reminds leading businessmen and politicians that Japan is still heavily dependent on U.S. goodwill in many key areas despite its enhanced economic power and cites the burgeoning nuclear power program here geared almost entirely to the U.S. for its supply of enriched uranium. Atomic Energy Commission Chairman Glenn Seaborg was in Tokyo this week for negotiations on a new uranium supply agreement as if to dramatize this dependence.

The new atmosphere of recrimination and counter-recrimination surrounding the textile clash has stirred up deep emotions that will not be easily dispelled by a temporary compromise agreement.

There is no open talk yet of a trade war, but the president of one of the big trading combines observed pointedly in an interview that for all of its reliance on the U.S. market, Japan would not be the only one to lose if a vicious circle of retaliation ever got started and could always buy its cotton, tobacco and soybeans elsewhere, not to mention industrial machinery. He also recalled coldly that Japan yielded to restraints on silk and other textile exports once before nearly four decades ago.

"One thing leads to another," commented President Nixon's informal emissary in the textile negotiations, Pepsi Cola President Donald Kendall. "I would hate to see a trade war get started. It could happen all too easily, and before you know it we'd be right back in the 30s."

PROMISES AND REALITIES

Mr. JAVITS. Mr. President, Milan B. Skacel, the president of the Chamber of Commerce of Latin America, has written a perceptive monthly letter on the need for a new, low-key approach to our relations with Latin America. In this letter, entitled "Promises and Realities," Mr. Skacel outlines five key areas to which President Nixon has addressed himself and which may hold the key to more effective cooperation between the countries of all the Americas in the decade of the 1970's.

I ask unanimous consent that this monthly letter be printed in the RECORD.

There being no objection, the monthly letter was ordered to be printed in the RECORD, as follows:

PROMISES AND REALITIES

(By Milan B. Skacel)

New York, February 1970 . . . The era of extravagant promises and lofty pledges to remake the world is coming to an end. In the twilight of heroic rhetoric, people are taking stock of actual accomplishments in an atmosphere of disillusionment, uneasiness and growing bitterness. What has happend to the hopes the industrialized countries had awakened among the people from the developing areas? Where are the vaunted panaceas for the economic and social ills of the world?

A closer look at Latin America reveals the basic symptoms of a common *malaise* that has spread throughout the world. There is a growing credibility gap between nations, between national leaders and their compatriots, between government and private enterprise. The poignant fact is that we in the United States have been largely instrumental in aiding and abetting this development.

No nation has given more of itself than the U.S. in the past twenty-five years. Our rehabilitation of Europe, far-flung foreign aid, and myriad humanitarian projects attest, even in the opinion of some cynics, at least to enlightened self-interest. Unfortunately, our generosity has been matched and frequently surpassed by our reluctance to recognize our own limitations. The image we have managed to convey in the process has been one of a country with unlimited resources, an infallible problem solver, and a nation on a perpetual crusade on behalf of those less fortunate.

The Alliance for Progress is a case in point. An imaginative, constructive program, it was so overplayed since its very inception that tangible accomplishments were lost in a sea of self-pity at the realization that we could not "remake" Latin America in one single decade. With our Madison Avenue approach we had aroused unwarranted expectations; when the "miracle" did not come to pass, our credibility suffered—as did that of the governments associated with us in this venture.

Since 1961, the U.S. has contributed close to $10 billion to Latin America, most of it in the form of loans. U.S. businessmen have invested an estimated $3.4 billion in the area during the same period. Combined with local effort, this aid has had a tangible impact. Great strides have been made in the economic and social sectors—including new schools, hospitals, roads and dams. Yet, because of the bombastic promises and attendant high expectations that had characterized the Alliance at its onset, these results were not dramatic enough to sustain public enthusiasm and official support. Today the Alliance lingers on, but, its dedicated staff notwithstanding, few consider it *the* vehicle for Latin American development.

The lesson to be learned from the experience with the Alliance is not its "failure." In fact, the Alliance—in the opinion of many—has performed close to realistic expectations. The lesson is the inherent danger in impairing the effectiveness of a worthwhile program by selling it to the public as a passkey to the door of earthly paradise.

We have allowed ourselves to drift into an age in which a glib phrase is king. One slogan has become worth a thousand man-hours. No matter the painstaking effort and the *actual* length of time needed to carry out a far-reaching program. Let's give them a pretty package, and hope for the best.

It is true that this approach, in the short run, may serve to alleviate existing pressures on a government. As any new plaything, it tends to quiet down those clamoring for change and often buys those in power additional time. But the awakening is rude indeed, and the credibility gap grows in direct proportion.

The Nixon approach to Latin America may be a departure from the grandstand play so popular in the past. Since we are not privy to the President's thoughts, it is difficult to assess accurately the practical implications of his Latin American policy. There are several areas, however, which may provide a fair indication of the President's intentions and objectives:

1. *The Alliance for Progress*. Is the President going to revamp its structure, or is the Alliance going to be allowed to die of a slow death? If so, what—if any—alternate vehicle is Mr. Nixon considering?

2. *U.S. Private Investment*. There is an urgent need to redefine, through bilateral negotiations between the U.S. and each of the Latin American countries in question, the status of U.S. private investment. This will be a thorny business, since it must involve some sort of accommodation between local nationalism and the right of private capital to have its assets protected against uncompensated expropriation.

3. *Hemisphere Security*. The 1965 crisis in the Dominican Republic brought into sharp focus the need for an effective machinery within the Organization of American States to cope with similar situations. Unless the U.S. is willing to intervene unilaterally, should a problem of that magnitude again arise, new ways and means of enforcing collective security must be explored without undue delay.

4. *Exchange Programs*. Much has been done in this area, but an expansion would seem useful. All too few potential Latin American leaders, especially from the younger generation, possess on-the-spot knowledge of our institutions at work. The ignorance of Latin American and its problems among our future leaders is generally abysmal.

5. *Trade*. Latin America's portion of the

U.S. market has dropped from 21 per cent in 1960 to 12 per cent last year. Congress concurring, a way must be found, and soon, to help reverse this trend. Foreign trade accounts for less than 10 per cent of our gross national product (GNP), but for many Latin American countries it is their lifeline. No meaningful economic development can be expected without a substantial increase in exports.

By addressing himself to these issues in a low-key but forceful manner, the President may help usher in a new era in U.S.-Latin American relations. By eschewing pleasing but ineffectual pronunciamentos, Mr. Nixon may play a key role in closing the credibility gap and steer our cooperation with Latin America toward a more genuine partnership.

THE PRESIDENT'S STATEMENT ON THE NOMINATION OF G. HARROLD CARSWELL

Mr. JAVITS. Mr. President, the letter written by the President to the Senator from Ohio (Mr. SAXBE), and printed in yesterday's RECORD, raises a serious challenge to the authority and responsibility of the Senate.

The Constitution is clear that both the President and the Senate have responsibilities in the appointment of the U.S. Supreme Court Justices. Certainly the President proposes nominees, and I know of no Senator who has or would challenge his right to do so. The President may propose any number of them in succession; the Senate can propose none. I point out that this is the second nomination by the President for the same seat.

The President in his letter—and I have the greatest respect for him and speak with the greatest respect—implies that we who oppose the Carswell nomination—and I am one of them—have somehow assumed the right to substitute our own nominee for that of the President. This is clearly not so. I have heard not one single suggestion from any Senator in the opposition that any particular individual would be a better nominee than Judge Carswell. This is not our responsibility, nor have we attempted to assume it. We are simply performing the duty assigned to us by the Constitution—that of reviewing the credentials of a nominee of the President.

But equally clear, we have a responsibility—and a particularly grave one in cases of an appointment for life—to review those appointments and to advise and consent. This is one of the basic "checks and balances" of Federal power under the Constitution. We would be abdicating our responsibility if we were to rubberstamp all Presidential appointments on the theory that we are not to—and I quote the President—"substitute—our—own subjective judgment for that of the person entrusted by the Constitution with the power of appointment." The Constitution does not entrust that power entirely to a single American—the President. On the contrary, it specifically directs 100 other elected Americans—the Senators—to exercise their judgment as well on the wisdom of the appointment.

Indeed, we as Senators cannot be all that threatening to the President's appointive power in view of the thousands of his nominees whom we approve routinely. It is our constitutional duty to assert our rights to advise and consent with conviction—and not to be held only to a test of "name, rank, and serial number" of the President's nominee when we feel that we are being asked to approve an unqualified candidate to a lifetime place in the judiciary. Our constitutional duty to assert this prerogative is equal to that of the President's to assert his prerogative in making appointments.

The President's letter begs the question by conceding that "if the charges against Judge Carswell are supportable, the issue would be wholly different." Of course, we—and I use the word editorially because I do not attempt to speak for any other Senator—believe the charges are supportable.

We are not convinced that the charge of "lack of candor" is baseless simply because Judge Carswell changed his testimony on the golf club issue under vigorous questioning and after being confronted with written documents which contradicted his earlier testimony.

We do not dismiss this same charge because it was not mentioned in the committee report, because information about the ABA Committee's meeting with Judge Carswell the very night before his testimony was not available to the committee.

We are not as impressed with Judge Carswell's role as a founder of the law school at Florida State University when nine of 15 members of that faculty have publicly opposed his appointment to the Supreme Court.

We are concerned about his, at least, unwitting reservations at his confirmation hearing regarding his repudiation of his 1948 speech, when his judicial and private actions since 1948 show no real commitment to the equal rights for all Americans.

Mr. President, again I use the word "we" editorially. I do not speak for any other Senator.

In summary, the President should accept the fact that we must perform our constitutionally mandated duty, and that he is not the first President whose nominees to high office have failed of confirmation, including the President's immediate predecessor and even including Dwight D. Eisenhower, venerated and revered as he was in this country. Nor will he be the last.

And finally, witness the swift and nearly unanimous confirmation of Chief Justice Burger for whom practically every Senator who now opposes Judge Carswell voted. The President may rest assured that he will have the votes for a qualified nominee, even from those of us who may differ with him philosophically.

AMENDMENT OF THE RURAL ELECTRIFICATION ACT OF 1936, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 644, S. 3387.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3387) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, it was my privilege on February 4 to report for the Committee on Agriculture and Forestry an original bill (S. 3387) to amend the Rural Electrification Act to provide an additional source of financing for the rural telephone program.

This bill is a revised version of S. 1684, introduced by the Senator from South Dakota (Mr. MCGOVERN), and S. 2202, introduced by the Senator from Kansas (Mr. DOLE). Senators MCGOVERN and DOLE are to be commended for their efforts in securing passage of legislation to improve rural telephone systems. Senator DOLE has been engaged in the support of such legislation since 1966 when, as a member of the House Agriculture Committee, he supported a bill to create a rural electric and rural telephone bank. I am happy that the Senate Agriculture Committee was able to agree upon a bill which resolves the major problems involved in establishing a source of supplemental financing for rural telephone systems.

The rural telephone program came into being with the enactment of an amendment in 1949 to the Rural Electrification Act. At that time, only 39 percent of America's farms had telephones. Service was being provided generally in rural areas by hundreds of small telephone companies that had their beginnings earlier in the century. By 1949 most of them were using plants that were no longer providing satisfactory service and required extensive replacement and modernization. In attempting to find the financing required to do the job, these small companies learned that banks and insurance companies were not interested in lending substantial sums to small companies with equity interests largely represented by telephone facilities that would have to be junked in the modernization process.

In passing the telephone amendment to the Rural Electrification Act, Congress stated:

> It is hereby declared to be the policy of the Congress that adequate telephone service

be made generally available in rural areas through the improvement and expansion of existing telephone facilities and the construction and operation of such additional facilities as are required to assure the availability of adequate telephone service to the widest practicable number of rural users of such service.

The rural telephone program celebrated its 20th anniversary last October. By December 31, 1969, loans totaling $1,683,425,643, had been made to 865 systems in 46 States.

Since the beginning of the program, telephone service has been furnished or improved for more than 6 million people in over 2 million rural establishments. The percentage of farms in the country without telephone service has decreased from 61 percent in 1949 to 18 percent today. This record is impressive and misleading at the same time. The percentage of farms without telephone service is a poor indication of the present financial needs of these rural telephone systems. When many rural subscribers had to share their telephone lines with up to 25 other familes, reducing the number of parties on the line to no more than eight constituted substantial improvement in the quality of service. This type of improvement encouraged greater utilization of telephone facilities so that today it has become increasingly difficult for a party line subscriber to make or receive a call. These difficulties have led to the growing demand for upgrading of service. This gives rise to the need for large amounts of additional credit.

The population explosion is another factor that places increasing financial demands on rural telephone systems. As more and more people look toward rural America as a better place in which to live and work, what was once farm and range land is becoming the site for new towns and cities and industrial developments. These newcomers want for themselves top-quality telephone service requiring an expansion and further improvement of existing telephone systems in rural areas.

The increasing financial needs of these rural telephone systems is evidenced by the level of loan applications carried over from year to year. On June 30, 1968, REA had 312 telephone loan applications on hand totaling $302 million. This backlog of pending applications increased to $346 million on June 30, 1969.

REA recently reported that as of December 31, 1969, the amount of telephone loan applications on hand had reached $394 million. The total backlog now exceeds three times the annual level of loans authorized by Congress in appropriation acts in recent years.

Applications received in the first 6 months of this fiscal year totaled $97 million. Additional applications totaling $103 million are expected in the current 6-month period ending June 30, 1970. Within the next 15 years, it has been estimated that the rural telephone systems financed by REA will need more than twice the $1.7 billion loaned in the first 20 years of the rural telephone program. For some time now, it has been obvious that another source of financing must be developed to supplement the present direct loan program.

On March 13, 1969, the House Committee on Agriculture reported H.R. 7, a bill to amend the Rural Electrification Act of 1936 to provide an additional source of financing for the rural telephone program. The Senate Committee on Agriculture and Forestry held a hearing on November 6, 1969, on S. 1684 and S. 2202, two bills similar to H.R. 7. These bills listed a total of 38 Senators from both sides of the aisle as their sponsors. The hearing revealed that these bills had extensive support from all elements of the telephone industry, including both borrowers and nonborrowers from the Rural Electrification Administration. After careful consideration of a number of suggestions and recommendations received in the course of the hearing, the Committee on Agriculture and Forestry decided to report an original bill, which we believe satisfactorily resolves all the major problems discussed at the hearing.

The bill as reported by the committee will establish a rural telephone bank to provide supplemental financing for rural telephone systems. The new financial institution will be similar to the Federal land bank in the farm credit system. It will begin operations as an agency of the United States, but upon retirement of the class A stock representing the Government's investment it will become a private financial institution owned and controlled by its borrowers. The farm credit system pattern has successfully demonstrated that Treasury-financed institutions can, in a reasonable time, repay the Government's investment and become self-sustaining enterprises.

S. 3387 adds two new titles to the Rural Electrification Act of 1936. The new title III would establish a rural telephone account while the new title IV creates a rural telephone bank.

The rural telephone account will include that part of the net collection proceeds from telephone loans under the present direct loan program which the REA Administrator deems necessary to pay for the investment by the United States in class A stock of the bank. To help the bank get started, section 406 of the bill authorizes an appropriation from this account of amounts not in excess of $30 million annually for the purchase of class A stock until the amount of this stock totals $300 million.

The bank created by title IV would also issue class B stock to recipients of its loans. Each borrower would be required to invest an amount equal to 5 percent of the loan it receives from the bank in such stock, excluding so much of the loan as was made for the required purchase of such stock. Class B stock would receive no dividends but holders of such stock would be entitled to patronage refunds in class B stock under conditions to be specified by the bylaws of the bank. Class C stock will be available for purchase by entities eligible to borrow from the bank or organizations controlled by them and would be entitled to dividends which cannot exceed the bank's current average rate on its debentures until all class A stock has been retired.

With this capital as seed money, the bank is authorized under section 407 to obtain funds through the sale of debentures. Until all class A stock has been retired, the terms and conditions of these debentures are subject to the approval of the Secretary of the Treasury. The amount of debentures outstanding may not exceed eight times the paid-in capital and retained earnings of the bank. These debentures will not be tax exempt or guaranteed by the United States. These provisions make it necessary for the bank, in order to comply with section 401(b) and conduct its operations to the extent practicable on a self-sustaining basis, to limits its loans to those borrowers which have the capability of paying the higher interest rates which the bank will have to charge.

Operation on this basis will do much to conserve the limited amounts which are being made available annually for the direct loan program for those borrowers which do not have the capability of paying the bank's higher interest rates. The bill, as reported by the committee, establishes guidelines for the determination of which borrowers will receive loans under the direct loan program and which borrowers will be referred to the bank for part or all of their requirements at a higher rate of interest.

All loans for telephone systems with an average subscriber density of three or fewer per mile would be made under the existing 2 percent program unless the borrower elected to take a bank loan and could meet the bank's eligibility requirements for such a loan. A system with greater density would not be eligible for a 2-percent loan if its net worth exceeded 20 percent of its assets unless it could not receive a loan from the telephone bank or other reliable sources at reasonable rates and terms.

With respect to borrowers which would be eligible for either a bank loan or a loan under section 201 under these provisions, REA would determine the highest practicable effective interest rate the borrower could pay on the new loan and still meet the bank's interest coverage requirements. If the borrower could pay more than 2 percent and meet this test but not as much as the bank's lowest rate, REA would make a loan for enough of the funds required at 2 percent to reduce the borrower's composite interest rate of present and proposed loans to a level which would meet the bank's interest coverage requirements and qualify the borrower for a bank loan covering the largest practical amount of the new fund requirement. The committee contemplates that the blending of section 201 loans and bank loans in this manner will provide considerable latitude in tailoring interest rates to the borrowers' ability to pay, weaning borrowers from the 2-percent program as fast as they are able to pay higher interest rates and funds become available to the bank.

I believe it appropriate to further explain the following statement on page 4 of the committee report on this bill:

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> In order to provide still greater latitude in tailoring interest rates to the borrower's ability to pay and available funds, the committee contemplates the blending of section 201 loans and bank loans to result in an average rate of interest which reflects the borrower's ability to pay.

It was the intent of the committee that this legislation expedite loans to prospective borrowers under section 201 of the act by making supplemental loans available and that the administration of the bank should in no way delay or hinder the making of a loan to a prospective borrower who cannot bear an interest rate in excess of 2 percent.

The purpose of the bank is to obtain the optimum use of loan funds, and that purpose is expressed on page 5 of the committee report as follows:

> Section 408(b)(2) provides that funds to be loaned under the act to any borrower shall be loaned under the bank loan provisions in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. In determining whether loan funds were available for a bank loan, the Administrator could look at all of the expected demands for funds for the fiscal year and plan for the optimum use of loan funds from both sources.

The bank funds and the funds for the 2 percent loans under section 201 would be kept completely separate, and separate loans would be made by the bank and by the Administrator under separate loan contracts and using separate mortgages. Any loan under section 201 authority would have to meet all of the requirements applicable to loans under that section and would bear interest at 2 percent per annum. Loans by the bank would have to meet all requirements for bank loans which, in no event, can be less than 4 percent per annum. There is nothing in the bill, however, to prevent the making of separate 2 percent loans under section 201 and bank loans under section 408 to the same borrower.

No language or example in the committee report should be construed to change the concepts cited in the above paragraph. The examples cited in the committee report are intended to show how a borrower's ability to pay interest can be met through a combination of existing section 201 loans and proposed bank loans.

Let us take the example set out in paragraph 1 on page 4 of the committee report. There the borrower can afford overall interest of 3 percent. If all of his requirements were to be met by section 201 loans, the funds available under section 201 would be diminished by the full amount of his requirements. If, however, as suggested in this example, half of his requirements were to be met by a loan from the bank at 4 percent, the section 201 funds would not be diminished by that much of his requirements and there would be that much more left for other borrowers entitled to section 201 loans. We would expect this example to be the most likely of the examples shown in the report.

Now let us look at the second example on page 4. There the borrower can afford to pay 4 percent. Since the bill requires that all of the funds loaned to him must come from the bank if adequate funds are available, the Administrator would have no authority to make a section 201 loan to him if bank funds were adequate. As shown by the table on page 6 of the report, about $42 million worth of loans could be made by the bank at 4 percent since the average cost of that money to the bank would be about 3.71 percent. The ability of the bank to make this volume of loans at this rate of interest is another example of blending, this time of different funds available to the bank.

The bank achieves its capability to make low-interest loans through a blending of the several sources of funds available to it. In this example the bank is able, blending first, low-interest funds received for class A stock—appropriated by the Federal Government—and class B stock—subscribed by the borrowers—with second, capital from the private money market, to make $42 million in loans at a blended rate of 4 percent. Looking at the chart on page 6 we see that if this blended rate is set at 6 percent, the bank could lend nearly $90 million. It is probable, of course, that many borrowers will not be able to pay more than 2 percent and that many borrowers who can qualify for bank loans, under the criteria established within the bill, will be able to afford only the lowest allowable bank interest rate.

In the Senate committee hearing on this bill almost every Senator expressed strong views regarding the importance of the rural telephone 2-percent lending program and emphasized that this program must not be endangered. I have made this clarifying statement to insure that the intent of the committee is clear.

Until such time as the Government's investment is fully retired, the telephone bank would have 13 directors, including the REA Administrator, the Governor of the Farm Credit Administration, three employees from offices of the Department of Agriculture other than REA, two public members who are not Federal employees, and six members to be selected or elected from the directors, managers, and employees of eligible borrowers and organizations controlled by such entities. As soon as all class A stock has been retired, the board would be reduced to eight and consist only of the REA Administrator, the Governor of the Farm Credit Administration, and the six directors elected by the borrowers.

S. 3387 provides for the retirement of this stock as soon as practicable after June 30, 1984, and specifies that the minimum retirement after that date and after class A and class B stock totals $400 million shall equal the amount of class B stock sold by the bank during that year. As indicated previously, each borrower is required to purchase class B stock in order to obtain a loan. Systematic retirement of the Government's investment is thus assured.

I ask unanimous consent to have inserted in the RECORD at this point the section-by-section analysis of S. 3387 from Senate Report No. 91–653.

There being no objection the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The bill consists of five sections as follows:

Section 1. Declaration of policy.

Section 2. Addition of the following to the Rural Electrification Act of 1936—

TITLE III

Sec. 301. Rural telephone account.

Sec. 302. Deposit of account moneys.

TITLE IV—RURAL TELEPHONE BANK

Sec. 401. Establishment, general purposes, and status as instrumentality of United States.

Sec. 402. General powers.

Sec. 403. Agency of the United States until conversion to private ownership.

(*a*) Subject to Secretary of Agriculture.

(*b*) Use of REA facilities and employees.

(*c*) Wholly-owned Government corporation.

(*d*) Appointment and compensation of officers.

(*e*) Tort claims and litigation.

Sec. 404. Governor.

Sec. 405. Board of directors, bylaws, meetings, annual report.

Sec. 406. Capitalization, retirement of U.S. investment, dividends, patronage refunds.

Sec. 407. Borrowing power.

Sec. 408. Lending power.

Sec. 409. Telephone bank receipts.

Sec. 410. Conversion to private owernship.

Sec. 411. Liquidation.

Sec. 412. Borrower net worth as a bar to 2-percent loans.

Section 3. Technical amendments.

Section 4. Right to amend.

Section 5. Effective date.

Section 1. Policy.—Section 1 of the bill declares it to be congressional policy to provide sources of supplementary financing to meet growing capital needs of rural telephone systems through establishment of a rural telephone bank, with the objective that the bank will become entirely privately owned, operated, and financed. The Congress also finds many rural systems require financing under title II of the Rural Electrification Act.

Section 2. New titles.—Section 2 amends the Rural Electrification Act of 1936, as amended, by adding thereto two new titles, titles III and IV.

Title III relates to the creation of a rural telephone account and contains two sections.

New Section 301. Rural telephone account.—Section 301 of this title provides that the rural telephone account shall include so much of net collections from telephone loans made under section 201 of the act, received on and after July 1, 1968, as the REA Administrator determines necessary to provide for investment by the United States in capital stock of the bank in accordance with section 406(a).

New Section 302. Deposit of account moneys.—Section 302 requires moneys in the rural telephone account to remain on deposit in the Treasury until disbursed.

Title IV relates generally to the establishment and operations of the Telephone Bank.

New Section 401. Establishment of Rural Telephone Bank.—Section 401 of this title establishes the Telephone Bank as a corporate body and instrumentality of the United States, outlines its general purposes, and authorizes the bank to make payments in lieu of property taxes on its real and tangible personal property.

New Section 402. General powers.—Section 402 describes general corporate powers of the Telephone Bank.

New Section 403. Agency of the United States until conversion to private owner-

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ship.—Sections 403, 404, and parts of 405 contain special provisions governing the Telephone Bank until it is converted to private ownership, control, and operation under section 410(a). Until that time, and not thereafter, section 403 provides that the Telephone Bank shall be an agency of the United States subject to supervision and direction of the Secretary of Agriculture (but not entitled to transmission of of its mail free of postage or to the priority of the United States in the payments of certain debts); it may, without cost, partially or jointly utilize facilities and employees of REA or other Department of Agriculture agencies; it shall be subject to the Government Corporation Control Act as if it were a "wholly owned Government corporation"; it may appoint and fix the compensation of its officers and employees without regard to civil service or classification laws; and it shall be subject to specified tort claims legislation and to supervision of certain litigation by the Attorney General.

New Section 404. Governor.—Section 404 provides that the REA Administrator shall serve as Governor of the Telephone Bank, and that the Governor shall perform the bank's functions except for matters specifically reserved to the board of directors.

New Section 405. Board of Directors.—Section 405 provides for a 13-member board of directors for the Telephone Bank, consisting of the REA Administrator and Farm Credit Administration Governor; five members designated by the President to serve at his pleasure (three from the Department of Agriculture outside REA and two from the general public); and six additional members, initially appointed by the President to represent the rural telephone systems, then elected (three each from cooperative and commercial entities) by eligible bank borrowers and their organizations, and finally by non-Government stockholders (holders of class B and class C stock).

New Section 406. Capitalization, retirement of U.S. investment, dividends, patronage refunds.—Section 406 describes the capitalization of the Telephone Bank. Three classes of stock are authorized. These are class A, class B, and class C. There are authorized to be appropriated, as the capital to be furnished by the United States, amounts not to exceed $30 million annually, until the purchase of class A stock equals $300 million. This capital will be furnished from net collection proceeds in the rural telephone account. "Net collection proceeds," are defined as principal and interest payments on account of telephone loans made by the REA Administrator under section 201 of the act, less the amount of interest payable to the Secretary of the Treasury on loans to the REA Administrator for telephone purposes. On or before July 1, 1974, the Secretary of Agriculture will prepare for the President a report to be submitted to Congress containing recommendations concerning the continued capitalization of the bank by the United States. Class A stock, issued to the United States, will be retired by the Telephone Bank as soon as practicable after June 30, 1984 unless the bank's board of directors determines that such retirement will impair the bank's operations. A minimum amount of annual retirement is required, however, after this date and after the bank's capital from issuance of class A and class B stock totals $400 million.

A cumulative 2-percent return on class A stock is payable annually into miscellaneous receipts of the Treasury. Class B stock will bear no dividends and will be held only by borrowers of the bank who will be required to invest in such stock 5 percent of amounts borrowed for telephone purposes from the bank. Class B stockholders will be entitled to patronage refunds in the form of class B stock. Dividend-bearing class C stock will be available for purchase by borrowers from the bank, by entities eligible to become borrowers, and by organizations of such borrowers and entities. Class B and C stock will be voting stock, but no holder will be entitled to more than one vote. Class B and class C stockholders which are owned or controlled by the same entity are limited to one vote, regardless of the number of stockholders. Provision is made for special fund equivalents for entities not authorized under State law to acquire bank stock.

New Section 407. Borrowing power.—Section 407 authorizes the bank's board of directors, after consultation with the Secretary of the Treasury, to obtain funds through the public or private sale of telephone debentures of the bank, the amount of such debentures outstanding not to exceed eight times the paid-in capital and retained earnings of the bank. Telephone debentures will not be guaranteed by, or constitute obligations of, the United States.

New Section 408. Lending power.—Section 408(a) authorizes the Governor of the Telephone Bank to make loans on behalf of the Telephone Bank, in conformance with policies approved by the bank board, to corporations and public bodies which have obtained a loan or loan commitment pursuant to section 201 of the act. Such loans may be made for the same purposes and under the same limitations for which loans may be made under section 201 of the act, and for the purchase of class B stock. In addition, loans may also be made for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities or systems, in order to improve the efficiency, effectiveness of financial stability of borrowers. In connection with loans for these latter purposes, if the loan is for the acquisition of telephone facilities, the acquisition must be approved by the Secretary of Agriculture, the location and character thereof must be such as to improve the efficiency, effectiveness or financial stability of the borrower's system, and in respect of exchange facilities for local services, the size of each acquisition may not be greater than the borrower's system at the time of its first Telephone Bank loan, taking into account the relative number of subscribers served, miles of line, and plant investment.

Section 408(b) provides that the bank loans shall be on terms and conditions determined by the Governor, subject to the following restrictions:

(1) All bank loans shall be fully amortized over a period not to exceed 50 years.

(2) Bank loans are to be made in preference to REA loans if the borrower is eligible for the bank loan and funds are available therefor. However, loans under the act for facilities for telephone systems with an average subscriber density of three or less per mile shall be made under section 201 of the act, but such loans may be made by the bank at the borrower's option.

(3) Bank loans, to the extent practicable, shall bear interest at the highest rate meeting the requirements of paragraph 4 below, consistent with the borrower's ability to pay this rate and the achievement of act objectives, but not less than 4 percent per annum.

(4) The Governor must certify that the loan security is reasonably adequate and the loan will be repaid within the time agreed; and that the borrower has the capability of producing net income or margins before interest of at least 150 percent of the interest requirements on all its outstanding and proposed loans. This percentage may be raised by the bank board in order equitably to allocate available funds among borrowers or to improve marketability of the bank's debentures. The net income or margin requirement may be waived by the Governor in specified circumstances.

(5) Bank borrowers must obtain certificates of convenience and necessity from State regulatory bodies having authority to issue such certificates, and the Governor of the bank shall make nonduplication determinations where there is no such State regulatory body legally authorized to issue such certificates.

(6) Defines "telephone service," when used in section 408, as having the same meaning as prescribed for this term in section 203(a) of the act.

(7) Use of any loan funds from the bank or from REA to finance certain political activities is prohibited, and borrowers shall agree not to engage in such political activities during the term of such bank or REA loan. Since section 408(b)7 refers to "any loan made under this act," it is intended to apply to all loans made under the Rural Electrification Act, including loans made under sections 4, 5, 201, and this section. A provision contained in S. 1684 and S. 2202 for accelerated maturity in the event of a violation of this provision has been omitted from the reported bill, since such violations are subject to criminal penalties under sections 600, 601, 610, 611, and 612 of title 18, United States Code.

(8) No telephone bank or REA telephone borrower shall, without the approval of the Governor or the Administrator, as the case may be, dispose of its property, rights, controlling interest, or franchises, or merge or consolidate, until it has repaid all its indebtedness to the bank or REA. Approval of the disposition of all, or substantially all, such rights or interests, or of mergers or consolidations, shall be conditioned upon agreement to pay rates of interest required for new loans under the act and upon refinancing to the extent required to effect this result.

Section 408(c) provides for adjustments, on an amortized basis, in the schedule of repayments on bank loans.

New Section 409. Telephone Bank receipts.—Section 409 provides that any receipts from the activities of the bank shall be available for the bank's obligations and expenditures.

New Section 410. Conversion to private ownership.—Section 410, covering the conversion of the bank's ownership, control, and, operation to private ownership, provides that whenever all class A stock issued to the United States has been fully redeemed: The REA Administrator ceases to be Governor of the bank, such Governor to be thereafter selected by the bank's board of directors; the number of board members is reduced from 13 to eight, the five members designated by the President ceasing to be members; and the bank ceases to be an agency of the United States, but continues in perpetuity as an instrumentality of the United States. After all class A stock of the United States has been fully retired, the bank shall cease to be subject to the restrictions in the provisos of section 408(a)(2), but not to the review by Congress of its operations.

New Section 411. Liquidation.—Section 411 specifies the priorities of the various classes of stockholders and others in the case of liquidation or dissolution of the bank.

New Section 412. Borrower net worth as a bar to 2-percent loans.—Section 412 prohibits the Administrator from making REA loans to any telephone company which, in the prior year, had a net worth in excess of 20 percent of its assets absent a finding that the company could not obtain a loan from the Telephone Bank or other sources under reasonable rates and conditions.

Section 3. Technical amendments.—Section 3 of the bill amends the provision in section 3 of the Rural Electrification Act which requires all principal and interest collections on loans made by the REA Administrator to be remitted to the Secretary of the Treasury, by excepting from this requirement collections paid into the rural telephone account pursuant to section 301.

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It also amends section 201 of the present act to permit public bodies to obtain REA telephone loans.

Section 4. Right to amend reserved.—Section 4 of the bill expressly reserves the right to repeal, alter, or amend this act.

Section 5. Effective date.—Section 5 of the bill provides for the legislation to take effect upon enactment.

Mr. TALMADGE. Mr. President, telephone service available to our rural citizens today is far from satisfactory. Although eight telephone subscribers per rural line was considered a substantial improvement over service available when the telephone amendment to the Rural Electrification Act was passed in 1949, I do not believe any family today, urban or rural, would consider telephone service adequate if it must be shared with seven other families. In my view, good telephone service is a vital necessity if we are to make rural areas attractive enough to slow the trend of migration into the Nation's crowded urban areas. Effective telephone services are a must if we expect new businesses and industries to provide employment opportunities in rural areas.

Enactment of S. 3387 therefore merits every Senator's attention and support because its benefits will extend directly or indirectly to all parts of the country. And best of all, it will benefit the Treasury and the taxpayers by providing the vehicle essential for channelling private capital into the rural telephone industry.

Mr. DOLE. Mr. President, I compliment the junior Senator from Georgia on his statement and express my appreciation for his efforts on behalf of S. 3387, to amend the Rural Electrification Act to provide an additional source of financing for the rural telephone program. As chairman of the Agricultural Credit and Rural Electrification Subcommittee of the Senate Agriculture Committee, his leadership and understanding of the complicated sections involving capitalization of the bank during the hearings and in executive session proved to be of invaluable assistance during our deliberations.

As the Senator from Georgia pointed out, I have long been interested in supplemental financing for rural telephone systems. Mr. President, on May 20, 1969, I introduced S. 2202 similar to S. 3387, with 11 cosponsors. That bill was modeled after H.R. 7 which was reported favorably by the House Agriculture Committee but is still pending in the House Rules Committee.

I am gratified that the concepts provided in S. 2202 received favorable consideration by the Senate Agriculture Committee. This legislation means much to rural America. If we are to relieve the population pressure on our urban centers, we must make it possible for people in rural America to obtain basic services.

The original REA loan program has benefited many people. The Nation's farms receiving service have risen from 38 percent in 1949 to approximately 82 percent today. REA loans build and improve more than 500,000 route miles of telephone service to approximately 2,400,000 subscribers in rural areas. In my State of Kansas, as of February 1, 1970, REA loans to telephone borrowers provide modern telephone service for an estimated 112,200 rural subscribers on over 36,486 miles of line. First-time service is being provided for 28,427 of these subscribers and improved service for 83,773.

When the REA telephone loan program was authorized by Congress in 1949, 68.3 percent of the farms in Kansas had telephones, and much of this was obsolete service. Today, 90 percent of the State's 89,450 farms, as well as many rural homes and businesses, have telephones, and a much greater proportion is modern dial service.

The first REA telephone loan made in Kansas was approved April 17, 1951, for the W. E. G. Dial Telephone, Inc., Gardner, Kans. From that time until February 1, 1970, REA had approved $73,873,865 in loans to 37 borrowers in Kansas, including 26 commercial companies and 11 cooperative associations. The borrowers had reported to REA by January 1, 1969, that they had placed in operation 311 automatic dial exchanges serving rural subscribers.

The repayment record of REA borrowers is excellent. By January 1, 1970, the Kansas borrowers had made $20,596,309 in payments on the $64,301,402 in loan funds advanced to them by REA. The payments included $10,222,906 repaid on principal as due, $1,212,598 of principal paid ahead of schedule, and interest payments of $9,160,805. No borrower was overdue in its payments.

REA originally established a standard of eight subscribers per rural line but with the increased use resulting from dial service, these systems must now be upgraded. While REA telephone borrowers have received loans for over $16 billion since the beginning of the program, they will need more than twice this amount in the next 15 years. The REA telephone systems cannot go directly into the private money market because most of them operate under a very low subscriber density handicap. REA telephone borrowers have an average subscriber density of 3.8 subscribers per route mile of line as compared to a subscriber density of 16 per mile for the total independent telephone companies and over 40 per mile for Bell system companies.

Because of the need to modernize, loan applications to the REA have increased. However, budget demands make it impossible to approve the pending applications under section 201 of the act. As a result, the Secretary of Agriculture reports the total backlog of applications has increased from $302 million of June 30, 1968 to $394 million by December 31, 1969, three times the appropriation for fiscal 1969. Kansas has 14 applications pending totaling $9,041,000. Mr. President, I ask unanimous consent that a compilation of telephone loan applications pending as of September 30, 1969, be made part of the RECORD along with a breakdown of REA telephone appropriations since 1964.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

UNAPPROVED REA TELEPHONE LOAN APPLICATIONS ON HAND SEPT. 30, 1969

[Dollars in thousands]

State	Number	Amount
Alabama	11	$16,373
Alaska	1	173
Arizona	2	3,795
Arkansas	7	3,729
California	5	4,850
Colorado	4	2,145
Connecticut		
Delaware		
Florida	3	5,859
Georgia	11	10,785
Hawaii		
Idaho	2	1,156
Illinois	10	3,686
Indiana	7	7,136
Iowa	17	8,353
Kansas	14	9,041
Kentucky	9	12,212
Louisiana	8	10,893
Maine	2	2,017
Maryland	1	848
Massachusetts		
Michigan	9	9,447
Minnesota	29	36,188
Mississippi	4	3,761
Missouri	12	12,808
Montana	4	2,970
Nebraska	10	9,698
Nevada		
New Hampshire	1	655
New Jersey	2	3,567
New Mexico	3	2,637
New York	4	3,813
North Carolina	16	30,140
North Dakota	10	16,929
Ohio	1	300
Oklahoma	16	8,199
Oregon	6	4,746
Pennsylvania	14	17,245
Rhode Island		
South Carolina	17	20,073
South Dakota	8	10,364
Tennessee	12	9,925
Texas	27	19,746
Utah	2	1,600
Vermont		
Virginia	4	6,180
Washington	4	2,060
West Virginia	1	1,400
Wisconsin	26	25,701
Wyoming	2	350
Puerto Rico		
Total	358	363,553

REA telephone appropriations

Year:	*Millions*
1964	$70.0
1965	70.0
1966	97.0
1967	117.0
1968	120.6
1969	125.0
1970 (recommended budget and passed by House and Senate)	125.0

Mr. DOLE. Mr. President, S. 3387 would create a rural telephone bank for the purposes of supplying capital not available from the section 201 program or on the commercial market. This has been well explained by the junior Senator from Georgia. Many REA telephone systems do not need to rely on the 2-percent loan program, but they are not capable of paying commercial interest rates. Under this legislation there would be a compromise and borrowers would pay the highest practicable interest rate on their loans. This is certainly a much sounder approach than requiring the rural telephone companies to defer modernization because of the limited money available in the section 201 program.

I might say that there is general agreement on the necessity for passage of this legislation. The senior Senator from Oklahoma (Mr. HARRIS), the junior Senator from Georgia (Mr. TALMADGE), the junior Senator from Kansas, and other Senators have introduced similar legislation. I understand the senior Senator from Oklahoma intends to offer an amendment deleting subsection 7 of the bill, a provision similar to a section in S. 2202 which I introduced and similar to a provision in S. 1684, cosponsored by the senior Senator from Oklahoma. Hopefully, when that amendment is offered, we can reach an acceptable compromise.

This bill creates a bank which will eventually be privately owned and operated. All that the rural telephone systems are asking for is an opportunity. This is a worthy objective, one that I hope the Senate will endorse.

Mr. BURDICK. Mr. President, I am very heartened by the words which my distinguished colleague from Georgia has had to say on this bill.

I am glad that he has noted that it was not the intent of the Senate Agriculture Committee that the 2-percent lending program be diminished in any way by the rural telephone bank.

In this matter of blending I believe there is more than enough authority within the bank itself to achieve a blended low-cost interest rate by using the low interest class A and class B stock.

There is no doubt that the rural telephone industry needs the supplemental financing which this bill provides. But we must never forget that there is also a continuing and critical need among rural telephone companies—both proprietary and cooperative—for continuing financing under the 2-percent REA loan program.

I would envision that when this bank becomes operational, it will operate in tandem with the 2-percent program: the bank helping those companies which can afford higher interest rates and the 2-percent program assisting those which cannot.

What I do not envision is this bank taking over all of the functions of the 2-percent program. And I think we in Congress must make it perfectly clear to the administration that we intend there to be both a viable 2 percent program as well as a bank. I think Congress would look with grave disfavor on any move to eliminate the 2-percent program in favor of a single higher interest rate program.

RURAL TELEPHONE BANK ESSENTIAL FOR FIRST CLASS SERVICE

Mr. YARBOROUGH. Mr. President, the creation of a rural telephone bank is an essential step toward providing first-class rural telephone service throughout rural America.

The bill, S. 3387, creates a rural telephone bank to provide supplemental financing for rural telephone borrowers. It is an urgently needed complement to the present Rural Electrification Administration's telephone program. Recently, the REA has not been able to satisfy all the requests for capital from its telephone borrowers. The backlog of loan applications carried over from year to year has been growing rapidly.

Under this bill, the Government would initially capitalize the rural telephone bank. The bank would be authorized to obtain funds from non-Federal sources to be used in making loans to telephone borrowers of REA. Over a period of years the Government investment would be retired and the bank would then be converted to private control. This financing plan is an adaptation of the Federal land bank system which has demonstrated its capability as a means of completely freeing a lending program from reliance on Treasury financing over a period of years.

The need for this supplemental financing program is dramatically demonstrated by considering the tremendous backlog of telephone loan applications before the REA. These loan applications on file now total $394,209,000 and another $103,300,000 is expected to be received before the end of this fiscal year. The 1970 budget for this program is only $123,300,000. This small amount will hardly make a dent in the nearly $500 million total which has been and will be requested this year. Imediate action is necessary to relieve this intolerable situation. We cannot continue to force our farm people to accept second-class telephone service.

Mr. GORE. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from Tennessee.

Mr. GORE. What is likely to occur with respect to the unmet needs?

Mr. YARBOROUGH. Without this bank, and considering the small amount requested in the budget and the small amount to be appropriated, three out of four of the farms and ranches would be without adequate telephone service. A great number are on eight-party lines, on which one can seldom break through when there is need for a doctor, a fire department, or a law enforcement officer.

One of the handicaps that drives people off the farms is the lack of communication. The purpose of the bill is to enable people to borrow money to build the lines. When the amount of Federal funds is so small, it is not possible to get funds to build the lines.

Mr. GORE. Under what theory is the appropriation for so worthy a purpose denied?

Mr. YARBOROUGH. I am not the Bureau of the Budget, nor am I on the same wavelength as the Bureau of the Budget, but the real reason is, I think, that we are putting $36 billion down a rathole in Southeast Asia. That expense is eating up the funds for hospitalization, for example. The Bureau of the Budget has wiped out all money for the Hill-Burton Act and all money for libraries. It has several times wiped out all requests for libraries and secondary schools, and now it has taken on the rural telephones. The whole quality of American life is being pulled down by the unwise expenditure of funds in the wrong areas.

Mr. GORE. I understand there was a plan to end the Vietnam war.

Mr. YARBOROUGH. We heard about that in 1968. We lost the election by less than one-half of 1 percent on the basis of a plan, to be unveiled after the election, this plan to end the war in Vietnam. It is now more than 14 months since the inauguration of the President, and that plan has not been unveiled.

The casualty lists are going up. We still have, according to the latest published reports, 450,000 men in Vietnam. I suppose that does not include those in Laos and Cambodia or on the ships at sea, and at other points where they may be deployed.

The casualties continue, and the expenses go on. The terrible loss of American life goes on. This loss of life is, of course, the worst expense of the Vietnam war.

But even if we had not lost so many dead and wounded, the economic cost alone would be devastating. It is pulling down the quality of American life. The Vietnam war is costing about $3 billion a month, $100 million a day.

The cost of running the war in Vietnam for 5 days would be enough to put a telephone in every farm and ranch in America.

Mr. GORE. The Senator refers to the number of casualties in Vietnam. Did he notice the report of 40 American boys killed in Vietnam yesterday, and several times that many wounded, some of them undoubtedly, for life?

Mr. YARBOROUGH. Yes, the figures are terrible. The lists of wounded show 500 to 1,000 a week, which would run to about 3,000 a month. Yet right in the midst of that, 2 weeks ago, the Veterans' Administration announced that it was discontinuing 5,000 beds in veterans hospitals. I have letters on my desk and have received numerous phone calls, as I am sure every other Senator has, saying, "Please get the beds back. We need them for the increasing number of wounded."

To answer the distinguished Senator's inquiry, 12.5 percent of those wounded are probably permanently disabled. Never before, in any war, have there been so many who are totally disabled.

According to the casualty lists, more than 300,000 men have been killed or wounded in Vietnam. In Korea, 157,000 were killed or wounded. In World War I, 314,000 were killed or wounded, and we had 2 million men fighting in France at that time. The Vietnam casualty list is well over 300,000 at this time. The total is fast approaching the number of casualties we suffered in World War I and is double the number of casualties in the Korean war. The war in Vietnam is now spreading into Laos and Cambodia. It is becoming a three-country war.

Mr. GORE. Does the Senator realize that under the formula called "Vietnamization," which has been the policy of our Government since June of last year, we have suffered more than 40,000 American casualties?

Mr. YARBOROUGH. I had not realized there were that many casualties, but I am not surprised. Figures are strange. The administration has quit announcing the casualty figures regularly as it formerly did. They are not given on a regular weekly basis. They are supplied irregularly. Sometimes we learn how many have been killed, but then have to wait another week to find out the number wounded. There is a strange change of pace in reporting casualties in Vietnam.

XUM

Mr. GORE. It occurs to me that Vietnamization for Vietnam and the Nixon doctrine for other countries in Asia are absolutely incompatible.

As we have unilaterally withdrawn or reduced forces in South Vietnam, North Vietnam, we are told frequently by the press and by official reports, has stepped up her infiltration into South Vietnam. Then we were told, I believe by President Nixon, that the North Vietnamese have sent 67,000 troops in Laos; and now we are told there are many thousands in Cambodia, both outflanking the position of our forces in South Vietnam.

I am glad that the United States has not moved ground troops into Laos and Cambodia and I commend the President upon this restraint. I do not know, however, how we draw a distinction between warfare by planes and warfare by tanks. I do not know how we draw a distinction between an American soldier who is killed in air combat service and one killed in ground combat service. Either is war.

But the point I started out to make is that, rightly or wrongly, to announce to the world that American troops will not be used to defend Laos and Cambodia operates as an invitation to the North Vietnamese to outflank our position in South Vietnam, or outflank the position of the Vietnamization effort. I say the two are incompatible. What is called for is a compromise peace settlement in Indochina, not only in Vietnam but in Laos and Cambodia as well. We have had the Vietnamization policy or strategy since last June. It has not ended the war. It is a semantic cover for continuing the war.

XUM

Mr. YARBOROUGH. The distinguished Senator from Tennessee, as a member of the Committee on Foreign Relations, of course, has available to him a considerable amount of information that those of us not on that committee do not have available. I congratulate him on his elucidation of this matter, and his furnishing information on it to the Senate.

Reverting, Mr. President, to the subject of my remarks, I want to emphasize the importance of the REA telephone program in my State. We still have more family farmers in my State than there are in any other State in the Union. We have not gone to corporate agriculture, as have some of the States further west from Texas. We have tried to support and maintain a family farm economy as a basic, bedrock support for democracy.

In my State, there are 67 separate borrowers under this program, both cooperatives and private telephone companies. We have the highest number of subscribers under this program of any State in the Union. We have a rather large population, and a greater proportion of our people are in rural areas than there are in any other State. Texas has more rural families than any other State, and more rural family farm operators.

The REA-financed telephone service in my State has more than 189,000 subscribers. Texas' cumulative loan total of more than $139 million is the largest among the States.

We need this service for our farms and ranches, and the telephone cooperatives in Texas are joining in the effort to secure passage of this bill, so that they can go into the private money markets and borrow money. They realize, with the existing budgetary situation, that they are not going to be able to get enough loan funds from the Federal Government—in fact, only about one dollar out of each four needed to provide services can be supplied through the REA telephone loan program.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. DOLE. I think the Senator makes a good point. I note that Texas, as of September 30, last year, had some 27 applications pending, involving almost $20 million.

I think it is well to point out that Congress has recognized the increasing need in this field, because the appropriations for the REA telephone system have increased from $70 million in 1964 to a budget request of $125 million for fiscal 1970. So there is a recognition on the part of Congress of the need to beef up and improve the system.

Mr. YARBOROUGH. I thank the Senator for calling our attention to the fact that Congress has recognized this need. I feel that Congress would meet the need, except for the budgetary problem we are under, and the tremendous cost of our overseas adventures. So we turn, at this point, to the private money market, as so many of the Fedreal farm loan programs have done.

Mr. President, every Federal farm loan program ever started by Congress has succeeded. The production credit associations, the farm loan banks—every-one of these programs has succeeded. They have paid for themselves and have become operative, and the REA system has succeeded as well.

The able Senator from Georgia is to be commended for his leadership on this bill. It is an honor to be a cosponsor with him. He has shepherded it through the committee and out to the floor. It has taken a lot of work to get it through. This is a very meritorious measure. Representative POAGE had a similar bill in the House of Representatives in the last Congress, and it was bitterly opposed by people who apparently did not want these REA telephone cooperatives and small telephone companies to bring telephone lines into the rural areas.

The Senator from Georgia is due much credit for his work on this matter. He has brought to the Senate a clean committee bill, worked out as a result of many hearings and many hours of negotiation. I commend him for his legislative expertise in having brought this bill to the floor of the Senate, which has been sought unsuccessfully in a number of Congresses in the past. We have never been able to advance such a bill heretofore.

I urge my fellow Senators to join me in supporting this essential legislation.

Mr. President, I yield the floor.

Mr. COOK. Mr. President, I should like to commend the distinguished Senator from Georgia and the distinguished Senator from Kansas in regard to this act because what the Rural Telephone Act has done for the Commonwealth of Kentucky really has been an absolute miracle.

I should like to make it clear that when we talk in terms of figures and the fact that Congress has continued to increase the fund, that really is not quite correct, because in 1962, Congress appropriated $132.5 million for the program; in 1963 it dropped to $80 million; in 1964 it was around $70 million; in 1965 it was around $70 million; In 1966 it went up to $97 million; in 1967 it was $117 million; and in 1968 it went up to $120 million. It now stands at the figure of $125 million a year.

Mr. President, I might suggest to you that the $125 million represents less than one-third of the applications presently pending. The State of Kentucky presently has nine applications pending for over $12 million.

I can only say that to create the facility within the industry for it to borrow from its own creation, a creation of Congress, to borrow as against its own means to produce an income and the funds in that bank, will place an obligation on the system throughout the Nation to see to it that if there is need for $300 or $400 million, that that amount of money will be available in the system, that that amount of money can conceivably be available in the bank and it will not be necessary continually to see that an appropriation by Congress—which, by the way, is paid back to the Federal Government—is less than one-third of what is really needed.

If it is the desire of Congress and the desire of the administration to diffuse the great population of this Nation away from the cities to maintain people in rural America, nothing can be stronger, nothing can be more factual in the establishment of that population than a strong rural telephone system for this Nation.

I can only say that I want to congratulate the members of the Committee on Agriculture and Forestry and the members of the subcommittee which established this, and I hope that, within a short period of time. I say this to the distinguished Senator from Georgia, that this same type of bank will be available to the entire REA system, and that the entire system can work out its problems with the Securities and Exchange Commission, as it has already worked out this problem with the Internal Revenue, and establish creation of a bank so that it will not be necessary for some of the most major improving conditions in this country by way of REA and the rural telephone system, it will not be necessary for them to look at a fund that is less than one-third of what they really need.

Thus, I congratulate them and say to them again that so far as their efforts are concerned, I can only say that I hope it has become obvious to every Member of the Senate, and that this action will receive the overwhelming endorsement of the Senate.

Mr. DOLE. Mr. President, will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. DOLE. With reference to the whole concept of rural electric cooperatives, I share the view the Senator expresses. I hope that perhaps this time next year, Congress will be acting on an REA electric bank bill.

The primary opposition to it comes from the private power industry which is concerned not only about the 2 percent money provision but also other features of the REA electric proposal which has been proposed both in the Senate and the other body a number of times.

I have said many times to my friends in the power companies that this offer is a real effort to move away, if you please, from the 2-percent money. We recognize that this is no longer a realistic program. If the Government cannot borrow money at 2 percent, it cannot be expected to loan it at 2 percent or make a 2-percent loan except in hardship cases because of the density and other factors.

I share the view expressed by the Senator on this subject and am well aware of his continued interest in the program and would point out to him that this is an opportunity not only to provide better service for our REA system, the independent telephone systems and the commercial systems, but it is also a step in the right direction and does require, where we are able, that we pay either the going rate of interest or some in-between rate of interest.

This one feature itself is certainly a major improvement over the present restrictive system, which restricts loans to $125 million a year, when we have about $360 million in loan applications pending. We need about three times the money supply. Perhaps we can generate that supply to satisfy the growing demand by virtue of this type proposal.

Mr. COOK. I want to thank my friend from Kansas and say further to him on this discussion that I am very much pleased that the chairman of a committee that is presently working on the establishment of an REA bank, James Smith, who is general manager of the Kentucky REA's, should be commended for the work he has done in this field. I can only say that I wish them as much success in the immediate future as the rural telephone system will receive as a result of the actions of the subcommittee and the actions of the committee on Agriculture and Forestry.

Mr. President, I yield the floor.

Mr. HARRIS. Mr. President, for myself, and on behalf of the distinguished Senator from Texas (Mr. YARBOROUGH), the distinguished Senator from Hawaii (Mr. INOUYE), I send to the desk an amendment to S. 3387, which would strike subparagraph (7) of paragraph B under section 408 of the bill, and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 18, after line 12, strike out:

> (7) No portion of any loan made under this Act shall be used to finance any political activities prohibited under sections 600, 601, 610, 611, and 612 of title 18, United States Code, and prior to the making of any loan the borrowing entity shall agree in writing not to engage in any such prohibited political activities during the term of such loan.

On page 18, at the beginning of line 20, strike out "(8)" and insert "(7)".

Mr. HARRIS. Mr. President, the specific wording which by this amendment I move to delete from the bill as reported by the committee reads as follows:

> No portion of any loan made under this Act shall be used to finance any political activities prohibited under Sections 600, 601, 610, 611, and 612 of Title 18, U.S. Code, and prior to the making of any loan the borrowing entity shall agree in writing not to engage in any such prohibited political activities during the term of such loan.

Mr. President, I have been a cosponsor of legislation to provide for the establishment of a rural telephone bank since its inception. I, of course, support the general provisions of S. 3387, and I realize the importance of making available additional growth capital to meet the growing needs of providing telephone service in the rural sections of America.

I commend the distinguished Senator from Georgia (Mr. TALMADGE), and members of the Committee on Agriculture and Forestry for what is basically and generally a very much needed and good piece of legislation.

Mr. President, I cosponsored legislation like that before us today containing language similar to the present subparagraph 7. My attention had not, until recently, been focused on this objectionable provision and its discriminatory impact.

Further, Mr. President, since that legislation was originally introduced, the committee report on S. 3387 has expanded the effect of the objectionable section 7, as shown at page 10 of the report, paragraph 7, to all REA borrowers, not just to rural telephone borrowers.

It is unfortunate that we find one provision, one isolated sentence, in the rural telephone bank bill which, in my opinion, is discriminatory and intimidating. The language I referred to would, in my opinion, discourage individual citizens of this country from exercising their right to participate in the operation of their government and in the selection of their public officials.

In zealous response to a complaint, the REA Administrator last year issued a bulletin entitled "Prohibitions Against Political Activities by REA Borrowers." I am sure it will not be necessary to again go into this matter which was so well aired by the Subcommittee on Conservation and Natural Resources of the Committee on Government Operations of the House of Representatives, in its report dated October 7, 1969. As Members of the Senate will recall, the Subcommittee on Conservation and Natural Resources held very thorough hearings on the matter of political activities by borrowers of the REA, and, subsequently in its report, directed the Administrator of REA to rescind the bulletin which he had issued and which contained substantially the same language which I seek to delete from the legislation we are considering here today. The findings of the Subcommittee on Conservation and Natural Resources are as applicable as they were when the report was submitted on October 7. At that time the subcommittee stated in effect that it is superfluous to say that the millions of rural people who own the rural electric and rural telephone systems in nearly every State in the Union must not use the loan funds they obtain from the REA for political activities prohibited under sections 600, 601, 611, and 612 of title 18 of the United States Code.

In the first place, these provisions of the code have been in existence since 1907 and have proven sufficient. To my knowledge there have been 15 cases tried under this portion of the code in the last 3 years. There were 14 convictions and one found not guilty. None of these were rural electric or rural telephone cooperatives.

In the second place, every REA borrower signs a loan contract and mortgage which specifically states that he must comply with "all valid laws, ordinances, regulations, and requirements." In the hearings last year before the House Government Operations Subcommittee, Howard V. Campbell, Assistant General Counsel for the U.S. Department of Agriculture, specifically agreed that these loan documents signed by REA borrowers apply to the laws on political activities. Let me quote from page 13 of the House report No. 91-550 concerning the testimony of Assistant General Counsel Campbell in response to a question asked by Mr. Indritz, counsel for the committee.

> Mr. INDRITZ. Let me quote some of the terms which are in the general forms of REA's loan contracts and mortgages, and if I am in error in quoting them, please so state: Article II, section 5, of the standard mortgage form for electric borrowers—and there are similar provisions in the standard contract forms applicable to telephone borrowers—provides: "The mortgagor * * * will comply with all valid laws, ordinances, regulations, and requirements applicable to it * * *". Does that provision include Federal law?
>
> Mr. CAMPBELL. In my opinion, yes, sir.
>
> Mr. INDRITZ. Would it also include the Federal laws relating to political activities?
>
> Mr. CAMPBELL. In my opinion, yes, sir.

Thus, Mr. President, it was made abundantly clear during the testimony of Mr. Campbell, the Assistant General Counsel for the U.S. Department of Agriculture, that under the terms of the mortgage contract REA borrowers already agree to abide by all Federal laws, which clearly would include the provisions of the Corrupt Practices Act which the language under subparagraph 7 of this bill restates.

Third, Mr. President, it is my opinion that subparagraph 7 is discriminatory because no other lending agency in the Federal Government finds it necessary specially to recite reference to the Federal Corrupt Practice Act in its instructions to borrowers or to require them to pledge in writing that they will obey the laws of the Nation. The Subcommittee on Conservation and Natural Resources of the House Government Operations Committee conducted a very thorough poll of Federal lending agencies to determine whether or not they required their borrowers to sign any statement guaranteeing that they would not participate in any political activities prohibited under the Federal Corrupt Practices Act. The results of that poll appear on pages 53 through 57 of the hearings by the House Government Operations Committee, and I ask unanimous consent that the result of that poll be printed at this point in the RECORD.

There being no objection, the results of the poll were ordered to be printed in the RECORD, as follows:

(SUMMARY OF RESPONSES TO SUBCOMMITTEE QUESTIONNAIRE)

FEDERAL LENDING AGENCY REGULATIONS, POLICIES, OR CONTRACT PROVISIONS PROHIBITING BORROWERS FROM ENGAGING IN POLITICAL ACTIVITIES, OR IMPOSING SANCTIONS FOR VIOLATIONS OF ANY CRIMINAL LAW

Agency	Type of assistance and statutory authority	Number of borrowers	Funds outstanding	Does agency have regulations, policies, or contract provisions on such assistance covering—	
				Political activities by borrower?	Sanctions against borrower for violating any criminal law?
DEPARTMENT OF AGRICULTURE					
1. Agricultural Stabilization and Conservation Service	(a) Commodity loans. 15 U.S.C. 714 et seq.	[1]800,000	$3,701,600,000	No	No.
	(b) Storage facility and equipment loans. 15 U.S.C. 714 et seq.	[1]42,000	155,800,000	No	No.
	(c) Long-term dollar credit sales loans. 7 U.S.C. 1701-1710.	[2]47	1,199,300,000	No	No.
2. Farmers Home Administration	(a) Operating loans. 7 U.S.C. 1941-46			No	No.
	(b) Farm ownership loans. 7 U.S.C. 1922-23, 1925, 1927.			No	No.
	(c) Soil and water conservation loans. 7 U.S.C. 1924-25, 1927.			No	No.
	(d) Land conservation and development loans. 7 U.S.C. 1924-25, 1927; 40 U.S.C. App. 203.			No	No.
	(e) Water and waste disposal system loans and grants. 7 U.S.C. 1926-27.			No	No.
	(f) Loans to rural groups for soil and water conservation and shifts in land use. 7 U.S.C. 1926-27.			No	No.
	(g) Rural housing loans. 42 U.S.C. 1472, 1487			No	No.
	(h) Sec. 504 loans. 42 U.S.C. 1474			No	No.
	(i) Labor housing loans and grants. 42 U.S.C. 1484, 1486, 1487.			No	No.
	(j) Rental and cooperative housing loans. 42 U.S.C. 1485, 1487.			No	No.
	(k) Economic opportunity loans. 42 U.S.C. 2841-2855.			No	No.
	(l) Rural renewal and resource conservation and development assistance. 7 U.S.C. 1011(e).			No	No.
	(m) Grants for comprehensive water and sewer plans. 7 U.S.C. 1926.			No	No.
	(n) Watershed protection and flood prevention loans and advances. 16 U.S.C. 1004, 1006a.			No	No.
Totals for all 14 FHA loan programs		416,000	5,000,000,000		
3. Rural Electrification Administration	(a) Electric system loans	990	5,000,000,000	Yes	(See note at bottom of page.)
	(b) Telephone system loans. 7 U.S.C. 901 et seq.	857		Yes	
DEPARTMENT OF COMMERCE					
1. Economic Development Administration	(a) Public works loans. 42 U.S.C. 3141	112	43,000,000	No	No.
	(b) Business loans. 42 U.S.C. 3142	104	83,000,000	No	No.
	(c) Technical assistance with repayment loans. 42 U.S.C. 3151, 3185.	35	350,000	No	No.
2. Maritime Administration	Mortgages on the sale of Government-owned ships. 46 U.S.C. 1158, 1275(c).	13	75,865,000	No	No.
EXPORT-IMPORT BANK OF THE UNITED STATES	Direct loans; guarantees of loans by U.S. commercial banks; insurance of exporter credits. 12 U.S.C. 635.	4,000	5,400,000,000	No	No.
FARM CREDIT ADMINISTRATION (COOPERATIVE FARM CREDIT SYSTEM)	(a) Federal land bank mortgage loans to farmers. 12 U.S.C. 771.	[3]398,351	6,126,368,946	No	No.
	(b) Production credit association short- and intermediate-term loans to farmers. 12 U.S.C. 1131g.	[4]303,940	3,861,201,425	No	No.
	(c) Federal intermediate credit bank loans. 12 U.S.C. 1031.	[5]567	3,654,307,011	No	No.
	(d) Banks for cooperative loans. 12 U.S.C. 1134c, 1134j.	2,918	1,576,959,525	No	No.
FEDERAL HOME LOAN BANK BOARD (FEDERAL HOME LOAN BANK SYSTEM)	Federal home loan bank loans. 12 U.S.C. 1340	2,300	6,413,000	No	No.
GENERAL SERVICES ADMINISTRATION	(a) Guaranteed loans under defense production contracts. 50 U.S.C. Appl. 2091, 2093.	1	6,000,000	No	No.
	(b) Advance payments under general supply and service contracts. 41 U.S.C. 255.	1	58,500,000	No	No.

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[1] Loans made in fiscal year 1969.
[2] Number of countries.
[3] Number of loans.
[4] Members of production credit associations.
[5] Number of institutions financed.

Subcommittee note: With regard to the question of whether REA has loan contract provisions which apply sanctions to any borrower who engages in political activities or violates any criminal law, the REA's response to the subcommittee stated:

"3 (a). * * * There are no loan contract provisions relating to this policy or to political activities.

* * * * * * *

"(f). The bulletin merely states an REA policy. It carries with it no sanctions whatsoever.

"(i) A violation of the bulletin would not constitute an act of default under any loan contract.

"(ii) A violation of the bulletin would not enable REA to require the borrower to dismiss any of its employees.

"4. REA has no regulations, policies or contract provisions which would apply any sanctions mentioned in subparagraphs 3(f)(i); 3(f)(ii) to any borrower because of the violation of any criminal law."

However, in his testimony at the subcommittee hearings (see pp. 47-48), Assistant General Counsel Howard V. Campbell stated that the existing REA standard loan contract and mortgage provisions require the borrower to "comply with valid laws, ordinances * * * applicable to" the borrower, and that violation of a statute prohibiting political activities could be declared an act of default under the contract and result in termination of the contract, acceleration of repayment date, and other sanctions permitted under the contract. This was confirmed by Administrator Hamil at the hearings (see p. 49).

The full text of the REA response to the subcommittee's questionnaire is reprinted as app. 2 of this hearing record.

XUM

(SUMMARY OF RESPONSES TO SUBCOMMITTEE QUESTIONNAIRE)—Continued

FEDERAL LENDING AGENCY REGULATIONS, POLICIES, OR CONTRACT PROVISIONS PROHIBITING BORROWERS FROM ENGAGING IN POLITICAL ACTIVITIES, OR IMPOSING SANCTIONS FOR VIOLATIONS OF ANY CRIMINAL LAW—Continued

Agency	Type of assistance and statutory authorrity	Number of borrowers	Funds outstanding	Does agency have regulations, policies, or contract provisions on such assistance covering—	
				Political activities by borrower?	Sanctions against borrower for violating any criminal law?
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE[1]					
1. Office of Education	(a) National defense student loans. 20 U.S.C. 427	100 institutions	$10,999,000	No	No.
	(b) Cuban student loans. 22 U.S.C. 2601	11,000 students	17,000,000	No	No.
	(c) Insured student loans. 20 U.S.C. 1071, 981 (repealed by sec. 116(c)(1), Public Law 90-575).	33 State agencies (including District of Columbia), 1 private nonprofit agency, on behalf of 22 States, District of Columbia, the Virgin Islands, and Puerto Rico.	18,620,000	No	No.
	(d) Higher education construction loans. 20 U.S.C. 743, 746.	368 institutions	318,000,000	No	No.
	(e) Instructional equipment loans. 20 U.S.C. 444	410 schools	2,700,000	No	No.
	(f) Loans for instructional equipment in arts and humanities. 20 U.S.C. 951, 952, 961.	7 schools	83,400	No	No.
2. Public Health Service	Health education loans:				
	(a) Health professions education fund loans. Public Law 89-751.	91 institutions	23,728,000	No	No.
	(b) Nurse training fund loans. Public Law 89-751.	222 institutions	11,582,000	No	No.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	(a) Urban renewal loans. 42 U.S.C. 1450	700	$300,000,000	No	No.
	(b) Low-rent public housing loans. 42 U.S.C. 1409	1,100	90,000,000	No	No.
	(c) Public facilities loans. 42 U.S.C. 1491	1,200	350,000,000	No	No.
	(d) Public works planning loans. 40 U.S.C. 462	5,600	65,000,000	No	No.
	(e) Senior citizens' housing loans. 12 U.S.C. 1701q	300	373,000,000	No	No.
	(f) College housing loans. 12 U.S.C. 1749	2,140	3,000,000,000	No	No.
	(g) Rehabilitation loans. 42 U.S.C. 1452b	3,800	43,000,000	No	No.
	(h) Alaska remote housing loans. 42 U.S.C. 3371	1	650,000	No	No.
	(i) Assistance to nonprofit sponsers loans. 12 U.S.C. 1701(b).	19	300,000	No	No.
	(j) Government National Mortgage Association special assistance loans. 12 U.S.C. 1720.	111,000	$2,400,000,000		
	(k) Government National Mortgage Association management and liquidation loans. 12 U.S.C. 1721.	246,000	1,980,000,000	No	No.
DEPARTMENT OF THE INTERIOR[2]	(a) Rehabilitation of Guam loans. Public Law 88-170.	1	$20,773,922	No	No.
	(b) Alaska public works loans. Public Law 81-264	10	664,000	No	No.
	(c) Small reclamation project loans. Public Law 84-984.	38	71,186,000	No	No.
	(d) Distribution systems loans. Public Law 84-130	10	64,301,000	No	No.
	(e) Rehabilitation and betterment loans. Public Law 81-335.	30	57,100,000	No	No.
	(f) Mineral exploration loan. Public Law 85- 701	98	2,444,500	No	No.
	(g) Defense minerals exploration loans. Public Law 81-774.	33	2,823,200	No	No.
	(h) Fisheries loan fund. (Commercial fishing vessels or gear.) 16 U.S.C. 742c.	378	9,200,000	No	No.
	(i) Indian business enterprises. 25 U.S.C. 470	62	21,800,000	No	No.
	(j) Indian Cooperative Assocations loans. 25 U.S.C. 482.	5	1,000,000	No	No.
	(k) Indian Credit Associations loans. 25 U.S.C. 482	9	1,700,000	No	No.
	(l) Loans to individual Indians for housing and education. 24 U.S.C. 482.	230	600,000	No	No.
	(m) Expert assistance to Indian organization for Indian Claims Commission presentation. 25 U.S.C. 70n-1.	25	700,000	No	No.
INTERSTATE COMMERCE COMMISSION	Loan guarantees for railroad improvement or maintenance. 49 U.S.C. 1231 (authority expired in 1963).	([3])	([3])	No	No.
SMALL BUSINESS ADMINISTRATION	(a) Regular small business loans. 15 U.S.C. 636(a)	100,000	1,900,000,000	No	No.
	(b) Disaster loans. 15 U.S.C. 636(b)			No	No.
	(c) Economic opportunity loans for small businesses. 42 U.S.C. 2901, et seq.			No	No.
	(d) Loans to small business investment companies. 15 U.S.C. 683(b).			No	No.
	(e) Loans to State development companies. 15 U.S.C. 695.			No	No.
	(f) Loans to State and local development companies. 15 U.S.C. 696.			No	No.
DEPARTMENT OF STATE[4]	Emergency loans to American citizens stranded abroad. Sec. 4(a) of Public Law 84-885; 22 C.F.R. 71.6.	1,168	934,428	No	No.
DEPARTMENT OF THE TREASURY[5]					
VETERANS' ADMINISTRATION	(a) Direct loans. 38 U.S.C. 1811	[6]300,000	1,300,000,000	No	No.
	(b) Vendee account loans (purchase money mortgages on sales of property acquired by prior foreclosure). 38 U.S.C. 1820.	[6]244,000	1,300,000,000	No	No.

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[1] The number of borrowers for each category of loan made by HEW represents the aggregate since the beginning of the program.

[2] The number of borrowers supplied by the Interior Department is for fiscal year 1969 only.

[3] Not given.

[4] The number of borrowers and funds outstanding supplied by the State Department are for fiscal year 1969 only.

[5] Treasury loans are limited to those made to other Federal agencies for the purpose of financing the credit programs of those agencies and for other purposes authorized by law.

[6] Number of loans cumulative to date.

Mr. HARRIS. Mr. President, it is significant to note that that poll shows that no other Federal agency has such requirements as is proposed under section 7 of S. 3387. What is there about rural electric and rural telephone systems that might make them less likely to be law abiding? What is it that should make us more suspicious of these borrowers than we are of others who borrow from the Federal Government? This provision in the bill, if it is permitted to stay, will tend toward intimidation of the officers, employees, and members of these rural telephone and rural electric systems.

I submit, Mr. President, that we in Congress have a responsibility to encourage, not discourage, every individual citizen of this country to take an active part in his government and in the election of his public officials. We should not write a provision into this bill that sounds as if we are warning them against participating in the orderly process of government.

The last paragraph of the House Report No. 91–550, on page 10 states:

> Politics means the management of public affairs. To exclude citizens from political activity is to exclude them from self-government. The deep purpose of our Declaration of Independence was to break a self-perpetuating aristocracy's monopoly on politics, and confirm the right of the whole people to participate in the political process. And the great current of American history ever since, marked by such milestones as the Constitution, the Bill of Rights, the Civil War Amendments, and the 19th, 23d and 24th amendments, has been to further extend and guarantee the right, and duty, of our citizens to perform political activities.

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Thus, Mr. President, I submit that the language contained in subparagraph 7 of the bill we are considering here today by centering on political activities of REA borrowers, and by singling out only this prohibition from all the limitless range of human conduct, brands it as an assault on the very basis of the American faith.

The freedoms essential to the working of the American system—government of the people, of assembly, of association, of participating in community affairs, campaigning, contributing, and voting for or against those who would govern us—are fragile and sensitive. I submit that we must protect these freedoms and these rights and that we must not discourage our citizens from participating in those activities which are guaranteed them. I hope the amendment will be agreed to.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DOLE. Mr. President, we generally agree on the purpose of the original language. As the Senator pointed out, in the bill he cosponsored with the Senator from Texas and the Senator from Hawaii, identical language appears on page 21 of that bill.

In addition to the language contained in the pending bill, there was one other sentence:

> If the Telephone Bank Board finds a violation of this provision to have occurred, it shall so notify such borrower in writing and thirty days thereafter such loan shall become due and payable in full.

I point that out and point out the language in the committee bill to make it clear there is a general understanding that these, as well as other corporations, should be bound by the statutes contained in the Federal Corrupt Practices Act. I refer to sections 600, 601, 610, 611, and 612 of title 18 of the United States Code.

Mr. HARRIS. Mr. President, is it the Senator's position that the REA borrowers would not be subject to these provisions were it not for the enactment of subparagraph (7)?

Mr. DOLE. I do not know. That is the language contained in the proposal I introduced and in the proposal the Senator from Oklahoma introduced. I believe we have some common ground.

I trust we can agree that these sections do apply without the necessity of any additional language.

This question was raised in the committee by the chairman of the committee, the chairman of the subcommittee, and by Mr. Campbell, who was there during the executive session—the same Mr. Campbell referred to in the Senator's statement, and this language referred to a surplusage—that they are covered by the general sections in the Corrupt Practices Act.

Mr. HARRIS. I do not believe Mr. Campbell said perhaps it was surplusage. Does the Senator from Kansas believe these borrowers would be bound by those provisions of the present law anyway, or that they would not be bound by them except by the enactment of subparagraph 7?

Mr. DOLE. It is my feeling they would be bound.

Mr. HARRIS. That they would be bound.

Mr. DOLE. Does the Senator agree?

Mr. HARRIS. I think they would be and, therefore, I say to the Senator that it is obvious that the only result that could be achieved by the inclusion of this highly objectionable subparagraph 7, on which my attention has only recently been focused by REA borrowers who very stringently resent this kind of provision and who have recently said so to me and asked that it be stricken, would be intimidation. The intent of subparagraph 7 is to go beyond the law and would discourage them from doing what they lawfully can do. What other result does the Senator see?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DOLE. Perhaps the original purpose, as I understand it, was that we were developing a new program, launching a telephone bank program initially involving Federal funds; and there was some evidence that in the past, in both political parties, there had been certain political activities carried on by certain cooperatives. The original language was to make clear to all that they are no different than other corporate business enterprises and to make known that Congress would feel they were bound by the act.

Mr. HARRIS. The bill before the Senator applies to rural telephone cooperatives. Is that right?

Mr. DOLE. Yes.

Mr. HARRIS. But is it not true that this report makes this language applicable to all REA borrowers?

Mr. DOLE. I agree we are dealing with the telephone bank bill and we should limit provisions to the telephone bank lending program. I assume the Senator refers to subsection (7) on page 10 of the report. I would agree with the Senator that since we are dealing specifically with the telephone bank program, the provisions should be restricted to telephone bank loans.

Mr. HARRIS. I call attention to the act, subparagraph (7), the objectional language which the REA borrowers who contacted me in my home State and elsewhere find so very objectionable and discriminating. It applies to all borrowers under the act. The Senator will note that the language states:

> No portion of any loan made under this act shall be used to finance—

I take it that is an amendment of the existing law having to do with all REA borrowers. Does not the Senator feel that is one other illustration of how fooling around here with something, as the Senator said, does not change the law? The law already applies to borrowers of the Federal Government, and we would pick out this one type of borrower of all the borrowers, listed on nearly 6 pages, of the House Government Operations Committee hearings, that were polled, of other type borrowers from agencies of the Federal Government who have not been made to sign any such discriminatory and demeaning provision. Does the Senator feel the language in the bill now before us should be changed?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DOLE. I would say the underlying emphasis should be placed on the fact that the REA Administrator understands that sections of the Corrupt Practices Act apply to cooperatives. I understand the junior Senator from Oklahoma will indicate the present Administrator was not certain these laws did apply to cooperatives and that they were to be treated like other corporations.

Mr. HARRIS. Does the Senator say the present REA Administrator does not know these provisions in the law apply to cooperatives? Is that the Senator's statement?

Mr. DOLE. I think he understands it now, but there has been some confusion. This colloquy may replace the necessity of language in the bill.

Mr. HARRIS. I think so, too. If the Senator is as convinced that that is the law as I am, and that the law does apply to these cooperatives, and if he is convinced the Administrator agrees with us presently, I would hope the Senator agrees with me there is no reason under the sun, that I can see, why we should do something here we have never done with respect to all other borrowers of Federal agencies, and require a statement which these borrowers find to be very discriminatory and objectionable. I hope the Senator might join in that position.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. HARRIS. I yield to the Senator from Oklahoma.

Mr. BELLMON. I thank my senior colleague.

Mr. President, I have in my possession a letter signed by the Administrator of the Rural Electrification Administration, David Hamil. The letter is dated April 25, 1969. I would like to read certain portions of the letter for the RECORD. Mr. Hamil states:

> This is in further reference to my telephone conversation with your office regarding the use of corporate funds . . . in making contributions for political purposes.
>
> When this matter was called to REA's attention in September, 1968, the office of the Inspector General, Department of Agriculture, was requested to make a complete investigation of alleged irregularities in the affairs of the company.

This is the point. The letter states:

> This investigation was made and the results indicated that political contributions were made with corporate funds in 1966 and 1968.

This makes the point I wish to raise:

> The investigation did not disclose that the contributions violated Federal statutes.

Here is the Administrator of the Rural Electrification Administration in April of 1969 saying that he knows there were political contributions made with corporate funds from an REA borrower to a political campaign, and yet he said it did not violate Federal statutes. If the Administrator did not realize this and the corporate borrower did not realize this, there is need for this matter to be cleared up.

The problem seems to be a lot of RTA borrowers do not seem to consider the funds they borrow from the Government under these programs to be really Federal funds and covered under the statutes listed in the bill; namely, sections 600, 601, 610, 611, 612 of title 18. It is my feeling that the colloquy we have had here today in which both sides admit these types of contributions are illegal and specifically prohibited accomplished a great purpose.

After the receipt of this letter, at a later date, Mr. Hamil did publish two bulletins, REA Bulletin No. 110-3 and No. 410-3, one to the electric corporations and one to the telephone corporations; and on June 30 there were subsequent Bulletin Nos. 110-3 and 410-3. This superseded the one he issued on necessary to so notify his borrowers, they are covered by these sections of the law.

Apparently this is when he realized they were covered and found it was necessary to so notify his borowers. One of his problems is that it is not only cooperatives but also corporations in some areas that are eligible to receive funds under the RTA bank bill. These are the ones that occasionally do not realize the restrictions my senior colleague feels are already in the law.

I agree that these types of activities are prohibited and I can see no harm in making it specific in legislation that it is not the intent of Congress for these funds to be used for political purposes.

There is no portion of the language in the bill that in any way restricts individuals. It only applies to cooperatives and corporations that borrow from REA; and nothing is intended to intimidate or control actions of individual members or sections of the country.

I am one who believes that citizens ought to be more active, not less active, politically; but I do feel that when the Government puts up money to build telephone systems or rural electrical systems, the money should be used for that purpose, and not for political purposes.

Mr. HARRIS. I want to ask my distinguished colleague, so I may understand, and to make the record clear, this question: The Senator from Oklahoma, as I understand him, believes that each section recited in subparagraph (7) in the bill before us already applies to REA borrowers. Is that correct?

Mr. BELLMON. It is my belief they apply, but that this application is not generally understood, or previously was not understood, by the Administrator of REA or by many of the borrowers.

Mr. HARRIS. But the Senator does agree with me that those sections recited in that subparagraph do already apply to REA borrowers. Is that correct?

Mr. BELLMON. It is my belief that those sections certainly should apply and that this language makes it absolutely clear that they do apply. I can see no objection to having the language in the bill.

Mr. HARRIS. Does the Senator have any question that these sections apply to cooperatives?

Mr. BELLMON. Based on the letter I have from Mr. Hamil, Administrator of the REA, that there is real reason to believe——

Mr. HARRIS. I thought the Senator said that the REA Administrator, by his most recent statements, had made clear that these provisions do apply, exclusive of any new legislation, to REA borrowers. Is the Senator changing his position, or what I understood to be his position?

Mr. BELLMON. The Senator is correct. Mr. Hamil, after being in office for some time, came to realize that they do apply. My reason for wanting to put the language into law is that many of the borrowers apparently do not have that information except by the bulletins of May 19, 1969, and June 30, 1969.

Some day we are going to have new administrators, and certainly new managers of co-ops. If this is crystal clear, it will help keep them out of trouble in the future.

Mr. HARRIS. The Senator will correct me if I am wrong. I take it, then, that the distinguished junior Senator from Oklahoma agrees with me and the distinguished Senator from Kansas (Mr. DOLE) that those provisions recited in subparagraph (7) do now, without additional action by the Congress, apply to REA borrowers, and that the Administrator of REA does presently so agree? Is that his statement?

Mr. BELLMON. That is correct, and I believe we should put the language in the bill so it will be crystal clear.

Mr. HARRIS. I understand the Senator's position as to why it ought to be done, but I wanted to be sure of that first.

I yield now to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, I wonder if we could have inserted at this point in the RECORD the memorandums from the REA administrator referred to by the junior Senator from Oklahoma.

Mr. HARRIS. Mr. President, I have no objection, if the junior Senator from Oklahoma will put in the most recent one which rescinds the others as well as the others. I think that would be fine.

Mr. President, I ask unanimous consent that that be done.

There being no objection, the bulletins were ordered to be printed in the RECORD, as follows:

[From the U.S. Department of Agriculture, Rural Electrification Administration, May 19, 1969]

REA BULLETIN 110-3 (ELECTRIC), REA BULLETIN 410-3 (TELEPHONE)

Subject: Prohibition Against Political Activities by REA Borrowers

I. *Purpose*: To set forth REA policy prohibiting REA-financed corporations from engaging in political activities which violate Federal statutes and similar activities with respect to state and local elections, whether or not specifically prohibited by state law.

II. *General*:

A. Specified types of political activities are prohibited by the following sections of Title 18, U.S. Code:

1. Section 600, Promise of employment or other benefit for political activity;

Section 601, Deprivation of employment or other benefit for political activity;

3. Section 610, Contributions or expenditures by national banks, corporations, or labor organizations;

4. Section 611, Contributions by firms or individuals contracting with the United States; and

5. Section 612, Publication or distribution of political statements.

B. At least once each year, the board of directors of an REA-financed corporation should ask its attorney to outline, for the board, the application of these and similar state statutes to the corporation, its officers, and employees.

III. *Policy*: It is against the policy of REA for REA-financed corporations to engage in:

A. Political activities prohibited by the sections of Title 18, U.S. Code, listed above.

B. Similar activities in connection with state or local elections, whether or not specifically prohibited by state law.

IV. *REA Loan Contracts*:

A. Federal statutes and many state statutes make prohibited political activities criminal acts which can result in fines on the corporation and fines, prison terms, or both on individuals who participate in the prohibited activities.

B. REA loan contracts will contain provisions making violations of Federal and state laws against political activities acts of default under the loan contract and mortgage. In addition to other remedies available to REA under the loan contract and mortgage, any such violation will give REA the right to require the dismissal of any employee who knowingly participates in an act which violates, or causes the corporation to violate, any of the cited Federal statutes or similar provisions of state statutes.

DAVID A. HAMIL,
Administrator.

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[From the U.S. Department of Agriculture, Rural Electrification Administration, June 30, 1969; Supersedes 5/19/69]*

REA BULLETIN 110-3 (ELECTRIC), REA BULLETIN 410-3 (TELEPHONE)

Subject: Political Activities by REA Borrowers.

I. *Purpose:* To set forth REA policy relative to REA-financed corporations' engaging in political activities which violate Federal or State statutes.

II. *General:*

A. Federal statutes and many state statutes make prohibited political activities criminal acts which can result in fines on the corporation and fines, prison terms, or both on individuals who participate in the prohibited activities.

B. Specified types of political activities are prohibited by the following sections of Title 18, U.S. Code:

1. Section 600, Promise of employment or other benefit for political activity;
2. Section 601, Deprivation of employment or other benefit for political activity;
3. Section 610, Contributions or expenditures by national banks, corporations, or labor organizations;
4. Section 611, Contributions by firms or individuals contracting with the United States; and
5. Section 612, Publication or distribution of political statements.

C. At least once each year, the board of directors of an REA-financed corporation should ask its attorney to outline, for the board, the application of these and similar state statutes to the corporation, its officers, and employees.

III. *Policy:* It is against the policy of REA financed corporations to engage in:

A. Political activities prohibited by the sections of Title 18, U.S. Code, listed above.

B. Political activities prohibited by state law.

DAVID A. HAMIL, *Administrator.*

Mr. DOLE. Perhaps we can work out some accommodation. That is the reason why I interrupt the Senator from Oklahoma. There is agreement—and perhaps the Senator from Georgia would respond—that the referred-to sections of the Corrupt Practices Act in title 18 of the United States Code do apply to REA borrowers. There has, without question, been some misunderstanding, at least in the office of the REA Administrator, as to whether or not these apply.

As I understood the junior Senator from Oklahoma, there is no question about that now based on the recent memorandums issued by the present REA Administrator.

We are making legislative history. I feel quite certain the present Administrator, and any succeeding Administrator, will take note of what was said on the floor by all Senators engaged in the colloquy. I feel certain they are going to apply the sections of the United States Code referred to, as well as any other sections that may apply to any of the private corporations.

Does the Senator agree that we are saying that any section of law which applies to any political activities of private corporations also applies to REA borrowers?

Mr. HARRIS. The law is the law. All that has been gone into two or three times. We all agree what the law is, and I believe that we agree that this language is surplusage.

I would point out that, regardless of the bulletins that have been put into the RECORD at the request of the distinguished Senator from Oklahoma and the distinguished Senator from Kansas, in testimony before the House Government Operations Committee, Mr. Hamil stated as follows, as appears on page 41 of those hearings:

> Mr. HAMIL. Congressman, when you have made an error in this business, you might just as well admit it. I have already admitted, from my viewpoint, this was an error. It should not have been in there, but it was. And I have withdrawn it.

I think it is very clear what the law is. The Administrator first went too far, backed up, and ultimately rescinded the bulletins of May 19, and June 30—referred to by my colleague, Senator BELLMON, as I understand it. I think this provision is obviously not necessary. Everybody agrees that these provisions of the United States Code already apply to REA borrowers, that the Administrator agrees that that is so; therefore I see no reason why the Senate ought not to accede to the request of these borrowers and eliminate this objectionable, intimidating, and discriminatory language.

Mr. President, I ask unanimous consent that a letter making such a request that I received from Mr. Robert D. Partridge, general manager of the National Rural Electric Cooperative Association, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, D.C., April 2, 1970.

Hon. FRED HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: In answer to your question regarding our position in the past on the political intimidation provision contained in Sec. 408(b)7 of S. 3387, NRECA has opposed, and does today strongly oppose this concept as unnecessary duplication of existing law.

The political intimidation provision first appeared on August 18, 1966, as one of seven amendments to Committee Print No. 2 of H.R. 14837, a supplemental financing bill for both rural electric and rural telephone systems. These amendments were adopted by the House Agriculture Committee's Subcommittee on Conservation and Credit, which subsequently deadlocked by a vote of 5 to 5 on a motion to report the bill to the full Committee. These amendments were included in Committee Print No. 3 of this supplemental financing bill.

On August 26, 1966, NRECA sent a Legislative Information memo to the NRECA State Legislative Leaders and the NRECA Board of Directors, reviewing the seven amendments adopted by the Subcommittee. That memo stated: "We favor none of the seven amendments adopted . . ." (copy enclosed).

During the first session of the 90th Congress, the bill was introduced once more, again with several undesirable amendments. We joined with REA in going along with several of these strictly in the hope of getting a bill to the House floor. The compromise was just too much for our Board of Directors to accept, however, and we rejected the bill, and subsequently the Rules Committee also rejected it.

I should say that the evil implications of the political intimidation provision were not as apparent then as now. The pressures that have been and are being placed upon our free press, radio and television, labor unions and foundations are examples of a developing climate that can be expected to erode the rights of individual citizens as guaranteed under our Constitution.

As you know, a House Government Operation Subcommittee delved into this matter last year, after REA had issued a policy bulletin on political activities to its rural electric and rural telephone borrowers. This policy bulletin would have had the same effect of political intimidation as Sec. 408(b)7 of S. 3387.

On October 7, 1969, the House Government Operations Committee issued a report on its hearings and investigations into this matter. The report stated that the "fundamental vice" of the REA Administrator's political activities policy bulletin was that it frightened the directors, officers and employees of all REA-financed corporations from engaging as individual citizens in any political activities. The report noted that "the courts have recognized that the chill of the threat often causes substantial, immediate and irreparable injury to the exercise of the basic rights of a free citizen in a free America".

The House Government Operations Committee recommended that the REA bulletin on political activities be promptly rescinded. REA complied.

Our basic concern over the political intimidation language in the Rural Telephone Bank bill is summed up by the following paragraph from the House Government Operations Committee Report:

"Politics means the management of public affairs. To exclude citizens from political activity is to exclude them from self-government. The deep purpose of our Declaration of Independence was to break a self-perpetuating aristocracy's monopoly on politics, and to confirm the right of the whole people to participate in the political process. And the great current of American history ever since, marked by such milestones as the Constitution, the Bill of Rights, the Civil War amendments, and the 19th, 23rd, and 24th amendments, has been to further extend and guarantee the right, and duty, of our citizens to perform political activities. Thus, the focus of the REA bulletin on political activity, singling out only this for prohibition from all the limitless range of human conduct, brands it as an assault on the very basis of the American faith."

I hope this information will be useful to you.

Sincerely yours,
ROBERT D. PARTRIDGE,
General Manager.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HARRIS. I yield to the Senator from Texas.

Mr. YARBOROUGH. Is it not true that under the language of the bill, page 18, subsection (7), as pointed out in the report from Senate Committee on Agriculture and Forestry on this measure, at page 10, this provision would refer not only to rural telephone loans but to all REA loans?

Mr. HARRIS. The Senator is quite correct.

Mr. YARBOROUGH. Is it not true that the REA borrower would be the only one who borrows money from the Federal Government under any law who would have to come in and make this kind of affidavit, a written promise that he will not engage in any such prohibited political activities during the term of such loan? It puts every REA borrower under a Hatch Act. What does "entity" mean? It says "borrowing entity." It reduces people on these farms to second-class citizens or worse. Why should these farmers be reduced to a status to which no other Federal borrower is subjected? It is a reflection on them. I resent it for the people in my State because we have more REA borrowers than any other State.

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*Revised to eliminate language which was being misunderstood as prohibiting employees from engaging in lawful community and political activities.

The law already says that they cannot use this money for political activities. It is wrong to do so. It ought to be stopped if it is so used. But that is true of every Federal borrower. Why should more be required of this kind of Federal borrower than any other borrower from the Federal Government? No borrower from the Federal Government, except an REA borrower, would be required to fill out these papers. I think it places an REA borrower in a special category to have him pledge in writing that he will not engage in prohibited political activities during the term of such loan.

It does not say he shall not use this money to engage in such prohibited political activities, but that he shall agree in writing not to engage in any such prohibited political activities during the term of such loan.

What does a man out on the farm think "prohibited political activities" means? This bill contains such technical language that it would take a Philadelphia lawyer to interpret it. The rural citizen might well take it to mean that if he told his neighbor who he was going to vote for, he would be in violation.

Mr. President, this reduces every farmer and rancher using the system to a status not suffered by anyone else in our body politic.

I represent a State that has more people who use REA facilities than any other State in the Union and that has more farm families than any other State. About 12.5 percent of all farm families in the Union live in my State.

On behalf of those people, who would be reduced to a status that no other group of American citizens are subjected to, I resent this implication that they are not worthy of being treated like everyone else in the body politic.

Mr. President, the distinguished senior Senator from Oklahoma (Mr. HARRIS) has proposed a very sound amendment to the rural telephone bank bill, S. 3387, and it is with pleasure that I join him as cosponsor of this amendment.

My support for the basic bill is clear, for I have cosponsored the legislation to establish a rural telephone bank since it was originated. In order to provide first-class telephone service to our rural citizens, it is essential that we act to provide this supplemental financing through the rural telephone bank.

Our proposed amendment deletes unnecessary and objectionable language now in the bill which would single out this particular group and would require borrowers to pledge in writing that they will not violate provisions of the Corrupt Practices Act by using the borrowed funds to finance political activities.

Mr. President, this law prohibiting such conduct has been on the books for many years, and it is clear. It applies to a great number of individuals and organizations. There is absolutely no reason to single out this one group of borrowers and try to humiliate and intimidate them by saying that they must not violate this particular law. Every REA borrower is already required to sign a loan contract and mortgage which states that he must comply with "all valid laws, ordinances, regulations and requirements."

The inclusion of this objectionable and superfluous language would establish an absurd precedent. If it were a sound principle, which it is not, then we should itemize every Federal law and regulation which the borrower should not violate, and we would end up reprinting the entire United States Code and the Code of Federal Regulations in almost every bill we pass.

Mr. President, the REA telephone program is of great importance to the farmers and ranchers of Texas. Our State has probably benefited more from this program than any other State. Many thousands of Texans are concerned with the REA telephone program as officers, employees, members, and subscribers.

Texas is the leading participant in the program. As of July 1, 1969, Texas has over 189,420 subscribers in the rural telephone program, the largest number of persons served in any State. Texas has over 59,000 miles of rural telephone line operating, the greatest total mileage of any State. Texas has received the largest cumulation total of telephone loans of any State, $136,408,542.

Mr. President, I must strenuously object to any provision in the proposed bill which would single out these fine rural citizens of Texas as more likely to violate a particular law than another group. This would be insulting and humiliating.

Even more serious than this gratuitous offensiveness is the possibility that the provision would serve to intimidate these citizens from assuming their duty to participate in the processes of government on an individual basis, in a lawful manner. We must guard against any infringement of these basic rights of citizens and in order to do so, I urge my colleagues to join me in support of this amendment.

I commend the Senator from Oklahoma for his leadership on this matter, and the inequity and injustice he has pointed out by his amendment.

It seems to me, Mr. President, that this provision is so manifestly unjust that the whole Senate should quickly agree to the amendment. Now that Mr. Hamil himself has realized what the REA means to rural America, I am hopeful that the sponsors of the bill will accept the amendment of the Senator from Oklahoma.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. May I respond first to the Senator from Texas, who is himself a sponsor of this amendment, and a champion of the people involved in rural electrification activities and the rural telephone program? I think he has put his finger on the impact of the objectionable feature of this provision, which is, that it singles out this type of borrower and would require a demeaning statement in writing from them which is not required of any other borrower from any other Government agency.

I thank the Senator for his statement on behalf of the amendment.

I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, the present provision was pretty much patterned after S. 1684, of which the Senator from Oklahoma and the Senator from Texas were cosponsors.

Mr. HARRIS. Mr. President, does the Senator wish to propound an inquiry, or get the floor on his own time to make a speech?

Mr. DOLE. Mr. President, I was addressing an inquiry to the Senator from Texas. There have been several confessions made on the floor during this debate, and perhaps he wishes to make one.

Mr. HARRIS. Senators can be cute and diversionary, or they can be serious and substantive. It seems to me that this amendment ought to be agreed to, and I hope it will be without a vote.

I yield to the distinguished Senator from North Dakota.

Mr. BURDICK. Mr. President, I ask the Senator from Oklahoma if laws already enacted will not take care of this situation.

Mr. HARRIS. The Senator is quite correct. The laws are already on the books and recognized by everyone to be applicable now, without further action by Congress, to REA borrowers.

Mr. BURDICK. What does this language add, then?

Mr. HARRIS. It adds nothing at all, except an intimidating effect upon this kind of borrower only, and tends to try to keep them, it seems to me, either intentionally or accidentally, from exercising their individual constitutional rights not prohibited by law.

Mr. BURDICK. I shall be very happy to support the amendment of the distinguished Senator from Oklahoma.

Mr. HARRIS. I thank the Senator from North Dakota, who has been a great supporter of this program for many years. I welcome his support.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HARRIS. I am pleased to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I commend the Senator from Oklahoma for suggesting this amendment. I, of course, as most of us are, am well acquainted with the activities of the REA. I think this language is inappropriate and uncalled for, and I certainly shall support the Senator's amendment.

The people who compose the REA cooperatives in my State are among the finest citizens there, and have always conducted themselves with the greatest propriety. I think this language is unnecessary, and I hope the Senate will agree to the amendment.

Mr. HARRIS. I join in the Senator's statement. I am pleased now to yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I realize that the REA has had low-interest loans from the Federal Government, but in this subsection number (7) on page 18, the bill states:

> No portion of any loan made under this Act shall be used to finance any political activities.

Is there a section like that that applies to other organizations or industries that

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get Federal money, either at a low rate of interest on loans, or as a grant?

Mr. HARRIS. No. I would say to the distinguished Senator from Vermont, who has been such a great supporter of rural programs, that the Government Operations Subcommittee on Conservation and Resources made a poll of various Government agencies which make loans, and they found that no other borrower of any kind of Government agency loan is required to make this kind of special pleading in order to get a loan.

Mr. AIKEN. Would this proviso apply to loans to the airlines, to the merchant marine, to the oil industry, to the cotton industry, or even to hospitals or educational institutions? Would this same restriction apply to all of them, or is this intended to apply only to borrowers from the Rural Electrification Administration?

Mr. HARRIS. The provision would not apply to other Government borrowers, I am informed, and therein is exactly the objection to it.

Mr. AIKEN. Does the Senator from Oklahoma have any idea that the railroads or the airlines or the oil industry engage in politics, even though they may get some Federal money directly or indirectly? Has the Senator heard of any such thing as those industries becoming concerned in political campaigns?

Mr. HARRIS. It would be my hope, I would say to the distinguished Senator from Vermont, who has had far greater experience in these matters than have I, that all American citizens, corporations, and cooperatives, would abide by the law. If they do not, I would hope that the Attorney General and others charged with the responsibility for enforcing the law would do so, vigorously.

Mr. AIKEN. Does not this provision imply that REA borrowers are the only organizations getting Federal benefits that engage in political campaigns? Did the Senator ever hear of the oil companies or the railroads getting into politics in any way?

Mr. HARRIS. Mr. President, the point of the inquiry——

Mr. AIKEN. If they do, should they not be put on the same restrictive list as the REA?

Mr. HARRIS. The Senator is quite correct. The law should apply to all citizens, corporations, and cooperatives equally; and while I have no knowledge that laws have been violated, I would think that whatever the law is, it ought to apply to everyone.

Mr. AIKEN. I am much reassured that the Senator from Oklahoma cannot think of any instance where the railroads or the oil companies or the power companies have ever violated the law.

Mr. HARRIS. I would hope that the Senator might want to put that kind of evidence in the Record, or give it to the Attorney General. But I think the thrust of what he says is quite good, that the law is no respecter of persons nor corporations nor industries, nor types of cooperatives or corporations; and that is the reason why I offer this amendment, to strike out this discriminatory provision.

Mr. AIKEN. The law should not differentiate between persons, industries, organizations, and corporations; is that the Senator's position?

Mr. HARRIS. I should hope it would not. I believe it would discriminate, were this subparagraph (7) permitted to remain in the bill. The REA would be the only organization or the only industry directly referred to.

Mr. AIKEN. Yes, the Senator is quite correct. That is my understanding.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. BELLMON. Mr. President, I add my congratulations to those of other Senators to the committee and its chairman, the Senator from Louisiana (Mr. Ellender). In my opinion, S. 3387 meets a great need. I know how vital rural development is, not only to rural America but to urban centers as well. One of the greatest needs we have in our country at this time is to stop the city congestion that is creating almost impossible problems in our urban centers; and one way to do this is to provide opportunities and attractions in the rural areas, so that people will be able to earn livings there and to live reasonable lives under rural conditions.

To me, it is totally unreasonable to expect rural residents to accept substandard conditions out on our farms and ranches, and one such condition has been totally inadequate rural telephone service.

It is impossible to overemphasize the contributions which have been made to our national development by the REA, and more recently by the rural telephone associations. But certainly they have a great deal more to do, as has been pointed out in the debate here today.

At the present time, rural America feeds our Nation and the customers of other nations with a very minimum of manpower, and this performance would not be possible if it were not for the fact that electrical energy provided by the rural electrical system has released millions of Americans from mundane manual farm labor and made it possible for those who remain to increase their productivity year after year. It is impossible to imagine the conditions that would exist in either rural or urban America at this time if it were not for the dependable low cost electricity furnished by the REA's.

Unfortunately, the same fine service is not available for telephone users at the present time, and the proposed legislation is intended and I believe will go a long way toward filling this void. The big problem is not that we have lacked the authority or the organization, because both exist. Up to now the funds have not been available. This measure, S. 3387, is intended to fill that void.

There is a long history behind this bill that goes back to 1967. I was present when Senate hearings were held on the pending bill. No objections were raised to that measure. It presents a hope and possibly the reality that it might become something like our farm credit bank, which is presently owned by its users.

To me, this measure is a major move in the direction of rural development. It is an important measure to improve the productivity of our rural citizens. It is vital to a balanced rural-urban development of the entire Nation, and I feel that it is one of the most important bills that has come before Congress in this session.

I congratulate the present Administrator of REA for the great understanding he has of this program and for the way he has used the relatively limited resources at his command to meet the needs of rural America, and I believe this will be a major assist to him as he tries to discharge his great responsibilities.

Mr. TALMADGE. Mr. President, I am sure the amendment will be agreed to without a Record vote and that the Senate will pass this bill without a Record vote.

When the Senate committee held hearings on the bills before it, both S. 1684 and S. 2202 had not only the provision on page 18, section 7, about political activity, but also provided the further prohibition requiring that the loan would become immediately due and payable if the Telephone Bank Board found that these provisions had been violated. We struck the provision in committee calling for acceleration and prompt payment of the loan. Some of us in committee raised the point that pargaraph 7, on page 18, was surplusage, in view of the fact that the corrupt practices law already applied all over the country, without the enactment of any further law or any further signature or pledges on the part of potential borrowers from the Government.

I have conferred with the members of the committee that considered this bill, and I have found that the overwhelming sentiment is that this amendment would not detract from the bill and that the language of paragraph 7 is probably surplusage. So far as the Senator from Georgia is concerned, I am glad to accept the amendment.

Mr. McGOVERN. Mr. President, we are faced with a very real dilemma in considering the telephone bank bill which is presently before the Senate.

The concept behind it is most admirable.

Our rural telephone system has grown and modernized considerably since the late 1940's when the REA telephone loan program began. Yet the fantastic advances of the telephone industry in this country have made even this growth inadequate in many parts of rural America. Thus, the demand by telephone borrowers for REA loans to improve and upgrade service is increasing at a rate far in excess of the amount Congress has been willing to appropriate for the 2-percent loan program—the rural telephone industry's touchstone for growth.

The rural telephone industry has recognized this fact of life by urging Congress to create a supplemental source of financing which would provide a source of additional capital at rates in excess of 2 percent.

My bill, S. 1684 would have accomplished this purpose by establishing a mixed-ownership telephone bank with both an intermediate loan program and

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a loan program at bank rates. It would have been separate and distinct from the REA 2-percent loan program.

Through this vehicle, REA telephone borrowers who had the financial ability to pay a higher interest rate would be able to utilize the bank for their capital needs, while, at the same time, those co-ops whose operations necessitated 2-percent loans would have no fear of this program going by the boards.

Unfortunately, what we now have before us is the basic concept we need but with a great many apparently innocuous changes that are, in reality, important changes. They affect not only the operations and objectives of the bank but, in my opinion, jeopardize the 2-percent loan program as well.

The administration has tried, without success, the sledgehammer approach toward abolition of the 2-percent loan program. In the report of the Secretary of Agriculture on my bill and on S. 2202, introduced by the distinguished Senator from Kansas (Mr. DOLE), Secretary Hardin recommended, among other changes that—

> The interest rate for the direct telephone loan program, now set by statute at 2 percent, should be made flexible so that it will cover the Government's interest and administrative costs and probable losses . . .

This proposal was rejected outright. But other administration changes—which were accepted and written into the bill—also strike at the 2-percent program—only in a more subtle way.

One of these adjustments makes the bank a wholly owned Government corporation, as opposed to a mixed-ownership corporation as was provided in S. 1684. It seems innocuous enough, even though without logic since the bank is, from the start, capitalized with both private and Government funds.

But its likely effect will be a continuing erosion of the 2-percent loan program. The tendency will be to begin evaluating the amount of capital available to rural telephone systems by lumping together the funds the bank can loan and those appropriated under the original 2-percent plan, without accounting for differences in the ability of borrowers to pay the higher rates charged by the bank. As a consequence, overall budget limitations will undoubtedly bear most heavily upon less prosperous systems that must have 2-percent loans if they are to meet the original objectives of the program.

Mr. President, we should not forget that this legislation is essentially a supplement, and not a replacement, for the existing loan program. It is necessary because of the rapidly expanding capital needs of rural telephone systems. By the most conservative estimates, the program will need over $3.1 billion in growth capital over the next 15 years, and requirements may well run to twice that figure. This amounts to between $200 and $400 million each year if the industry is to keep pace and provide necessary service to its subscribers. It will require both a fully functioning telephone bank and a wholly funded 2-percent program.

We must, therefore, firmly avoid the temptation—which is unfortunately encouraged by provisions in the bill establishing the bank as a wholly owned Government corporation—to consider the total lending authority, bank and 2 percent, as a lump sum. We are far from the day when the need for 2-percent funds will decline.

The 2-percent program is likewise threatened by the concept of "blending" written into the Senate report. The report states—

> In order to provide still greater latitude in tailoring interest rates to the borrowers ability to pay and available funds loans to result in an average rate of interest which reflects the borrowers ability to pay.

This concept is totally hostile to the 2-percent loan program, and I think it also misreads the language of the bill. Quite clearly 2-percent dollars which are used to "custom blend" middle-level interest rates are 2-percent dollars which cannot be lent out to borrowers who can only afford 2-percent loans.

Moreover, the authority to "blend" funds is unnecessary. The REA Administrator is given power, in the bill, to arbitrarily set individual loan interest rates if the need warrants.

I think we tend to forget, in this day and age of affluence, the kind of shoestrings on which some of our rural cooperative—and proprietary—telephone systems are forced to operate. For some of these systems the availability of 2 percent money is the difference between being able to provide service—any kind of service—and going out of business.

In providing the rural telephone systems of our country a supplemental financing bill we must take great care to remember what the key word in the bill now before us is. That word is "supplemental."

This bill is meant to supplement the 2-percent loan program—not be its death knell.

I believe the Senate should pass this bill. But I also feel it should be a matter of record that we are cognizant of the dangers certain sections of the bill pose to the 2-percent program.

Mr. COOPER. Mr. President, I have for a number of years supported legislation to provide a source of supplemental financing for the rural electric and telephone systems. In fact, in 1966, when Senator Bass and I were members of the Senate Committee on Agriculture, we introduced the first Senate bills to establish a Federal rural electric bank and a Federal rural telephone bank—S. 3337 in May and S. 3720 in August of that year. That legislation had been developed following lengthy studies by the administration, and by the National Rural Electric Cooperative Association, on the need for providing additional amounts of long-term capital to supplement the 2-percent loan funds made available by annual appropriations to the REA program.

In 1966, the Senate Agriculture and Forestry Committee held thorough hearings on these bills. The distinguished chairman of the subcommittee, Mr. TALMADGE, may recall my testimony at that time. However, the 89th Congress adjourned before action could be taken.

In 1967, with the convening of the 90th Congress, I reintroduced, with Senator MONDALE, the 1966 proposal as S. 696. Similar bills were introduced in the House. However, as modified and eventually recommended by the House Agriculture Committee, the bill included new and controversial provisions which would have substantially affected the existing REA rural electric program, and was not approved by the House Rules Committee.

The rural electric systems, after extensive research and study, then decided to create their own financing institution, which would not require enactment of legislation.

At their annual meeting in March 1969, the NRECA membership approved the report and recommendations of its Long-Range Study Committee and authorized the creation of the National Rural Utilities Cooperative Finance Corporation. This organization, generally referred to as the Cooperative Finance Corporation—CFC—was incorporated in April 1969. We are proud that the incorporator directors elected Mr. J. K. Smith of Kentucky, general manager of the Kentucky RECC, which has given such great leadership in this field, to serve as president of CFC.

Much has been accomplished by the officers and directors of CFC in bringing this vital supplemental financing institution into being. I understand that 766 rural electric systems, representing about 75 percent of the rural electric systems in the country, have applied for membership. As soon as legal, procedural, and regulatory matters affecting CFC are completely resolved, CFC will ask the rural electric systems to complete their membership obligations, provide equity capital, and begin to operate. It is anticipated that CFC will provide a portion of the long term capital which is needed to assure the continuing availability of dependable electric power in the rural areas of the country.

I am very glad to have been able to support this eminently worthwhile program for many years. The rural electric leaders and members are to be complimented for their foresight and courage in undertaking this responsible method of supplying a part of their capital needs.

The Rural Telephone Bank to be established by S. 3387 will create a Federal rural electric bank which will help to make available a portion of the additional amount of long term capital needed by our rural telephone systems.

Future capital demands of all rural utility systems will be extremely large. The Federal Government has a continuing obligation to assist in providing a significant portion of the necessary funds. The passage of S. 3387 will provide the rural telephone systems of the country with a valuable tool to help meet a portion of these capital needs.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TALMADGE. I ask for a third reading, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed,

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the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3387

An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish assured and viable sources of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

SEC. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"SEC. 301. RURAL TELEPHONE ACCOUNT.—There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of so much of the net collection proceeds (as defined in section 406(a) of this Act) as the Administrator may determine necessary to provide for investment in the capital stock of the Rural Telephone Bank in accordance with such section 406(a): *Provided,* That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the sale of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank.

"SEC. 302. DEPOSIT OF ACCOUNT MONEYS.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"SEC. 401. ESTABLISHMENT, GENERAL PURPOSES, AND STATUS OF THE TELEPHONE BANK.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"SEC. 402. GENERAL POWERS.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided,* That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further,* That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services, or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligation may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"SEC. 403. SPECIAL PROVISIONS GOVERNING TELEPHONE BANK AS AN AGENCY OF THE UNITED STATES UNTIL CONVERSION OF OWNERSHIP, CONTROL, AND OPERATION.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United States and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however,* That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank;

"(c) the telephone bank shall be subject to the provisions of the Government Corporation Control Act, as amended (31 U.S.C. 841, et seq.), in the same manner and to the same extent as if it were included in the definition of 'wholly owned Government corporation' as set forth in section 101 of said Act (31 U.S.C. 846);

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"SEC. 404. GOVERNOR.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"SEC. 405. BOARD OF DIRECTORS.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative vote at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employees of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsections (c), (d), and (e), shall receive

$100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title IV and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"Sec. 406. Capitalization.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1970 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equal $300,000,000: *Provided*, That on or before July 1, 1974, the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section and section 301, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1968, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1984, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided*, That the minimum amount of class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000, shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loans funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers and corporations, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of class B or class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"Sec. 407. Borrowing Power.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called telephone debentures). Telephone debentures shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine after consultation with the Secretary of the Treasury: *Provided, however*, That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"Sec. 408. Lending Power.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telephone lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, or financial stability of the telephone system of the borrower, and in respect to exchange facilities for local services, the size of each acquisition shall be not greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made under this section shall be fully amortized over a period not to exceed fifty years.

"(2) Funds to be loaned under this Act to any borrower shall be loaned under this section in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. Notwithstanding the foregoing or any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provision shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Loans under this section shall, to the extent practicable, bear interest at the highest rate which meets the requirements set forth in paragraph (4), consistent with the borrower's ability to pay such interest rate and with achievement of the objectives of this Act; but not less than 4 per centum per annum.

"(4) Loans shall not be made under this section unless the Governor of the telephone bank finds and certifies that in his judgment (i) the security therefor is reasonably adequate and such loan will be repaid within the time agreed, and (ii) the borrower has the capability of producing net income or margins before interest at least equal to 150 per centum of the interest requirements on all of its outstanding and proposed loans, or such higher per centum as may be fixed from time to time by the Telephone Bank Board in order to allocate available funds

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equitably among borrowers or to improve the marketability of the telephone debentures: *Provided, however,* That the Governor of the telephone bank may waive the requirement of (ii) above in any case if he shall determine (and set forth his reasons therefor in writing) that this requirement would prevent emergency restoration of the borrower's system or otherwise result in severe hardship to the borrower.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term telephone service shall have the meaning prescribed for this term in section 203(a) of this Act, and the term telephone lines, facilities, or systems shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) Notwithstanding any other provision of law, (i) no borrower of funds under section 201 of this Act shall, without approval of the Administrator, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness, including all interest and charges, to the Rural Electrification Administration shall have been repaid, and (ii) no borrower of funds under section 408 of this Act shall, without approval of the Governor of the telephone bank under rules established by the Telephone Bank Board, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness, including all interest and charges, to the telephone bank shall have been repaid. Any such approval of the disposition of all, or substantially all, of such property, rights, interest, or franchise, or of such merger or consolidation, shall be conditioned upon (1) agreement by the new owner, or the entity resulting from such merger or consolidation, to pay not less than such rate or rates of interest as would be required by this Act if a new loan, or loans, were made to it and (2) refinancing of the loan, or loans, to the extent necessary to effect this result.

"(c) The Governor of the telephone bank is authorized under rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided, however,* That no adjustment shall extend the period of such loans beyond fifty years.

"Sec. 409. Telephone Bank Receipts.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"Sec. 410. Conversion of Ownership, Control and Operation of Telephone Bank.—(a) Whenever class A stock issued to the United States has been fully redeemed and retired pursuant to section 406(c) of this title—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this title IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"Sec. 411. Liquidation or Dissolution of the Telephone Bank.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata.

"Sec. 412. Borrower Net Worth.—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions.

Sec. 3. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, is amended by inserting in lieu of the first word of said subsection "Except as otherwise provided in sections 301 and 406(a) of this Act, all".

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

Sec. 4. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 5. This Act shall take effect upon enactment.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATORS ON TELEPHONE BANK AND STOCKPILE BILLS

Mr. MANSFIELD. Mr. President, the distinguished Senator from Georgia (Mr. Talmadge), chairman of the Subcommittee on Agricultural Credit and Rural Electrification, has done a splendid job of guiding the Rural Telephone Bank bill through the Senate. As always, his thoughtful presentation and thorough knowledge of the measure contributed to its overwhelming adoption. The Senate is deeply grateful.

The ranking minority member of that committee, the senior Senator from Vermont (Mr. Aiken) is also to be commended for his excellent work and support on this measure. The Senate always appreciates having his views, his ideas, his outstanding cooperation. The able and distinguished junior Senator from Kansas (Mr. Dole) also contributed to the efficient completion of work on this very important bill today.

Especially to be commended are the distinguished Senators from Oklahoma (Mr. Harris and Mr. Bellmon) and the Senator from Kentucky (Mr. Cook). They joined to develop the high quality of the debate and helped considerably to expedite the consideration of the measure. Their efforts are greatly appreciated.

I wish at this time to praise as well the distinguished Senator from Nevada (Mr. Cannon). His work earlier today in handling the many stockpile bills was truly exemplary. As always, he applied the great skill and ability that have marked his outstanding service. On these same measures, the distinguished senior Senator from Delaware (Mr. Williams) is to be commended. His splendid cooperation assured the efficient and swift disposition of each of those measures.

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 745, Senate Resolution 211, a resolution seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles. I do this so that the resolution will become the pending business. Nothing will be done on the resolution tonight.

The PRESIDING OFFICER. The resolution will be read by title.

The Assistant Legislative Clerk. A resolution (S. Res. 211) seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clauses and insert:

> That it is the sense of the Senate that prompt negotiations between the Governments of the United States of America and of the Union of Soviet Socialist Republics to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued; and
>
> *Resolved further,* That the President should propose to the Government of the

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Union of Soviet Socialist Republics an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate.

OLD MYTHS AND NEW REALITIES—I

Mr. FULBRIGHT. Mr. President, several years ago I made a speech on the subject, "Old Myths and New Realities." I recently reread it and was surprised at how tame it seemed in retrospect. Some of the "new realities" of 1964 still seem pertinent, but others have ripened into clichés, while a few, which once had validity, have passed into the realm of old mythology.

Meanwhile, a whole new crop of myths have come abloom. I do not presume to have discerned all of them by any means, but a few have seemed conspicuous and noteworthy. I propose, therefore, in a few short statements, to survey some of these new "old myths" and to suggest, if I can, some newer "new realities." Today, for a start, I should like to discuss some of the misconceptions which seem to obtain in our policy in Southeast Asia. Next, I would like to talk about dissent in America and the way in which ill-conceived methods can bring undesired results. On another day I will offer some thoughts on the Middle East, where the myths are as prolific as in a Bible story. Finally, I shall express some impressions about our domestic affairs, where certain social prescriptions have been elevated to the status of revealed truth, and hope has given way to disillusion, in such fields as poverty, race, and education.

I. THE MYTH OF VIETNAMIZATION

From the Greek city-states to the 20th century, foreign policy of great powers has been, in its essence, a game of "one-upsmanship" in an unending struggle for power. Prior to the 20th century, however, it was done, for the most part, with restraint and decorum: Battles were fought for the pleasure of winning, usually in open fields where they would not bother anybody except the local inhabitants; provinces changed hands without much ado or inconvenience for the inhabitants; kings enjoyed humbling each other but more or less remained friends for social purposes; they seldom sought to dethrone each other and, in their moral lexicon, the only truly heinous crime was the mercifully uncommon one of regicide.

There were many wars, of course, but winning them was fun and losing was not all that terrible if you did not happen to be one of the small number of people that got killed. It was a sportsmen's game with the saving grace that, except for a few upstarts like Napoleon and Bismarck, the players were content to play it with sportsmen's weapons. This is not to suggest that all international conflicts before the 20th century were trivial; some were serious, indeed, and a few were enormously consequential but, for every war that mattered, a great many more were vanity, trivial quarrels for trivial stakes.

In the 20th century all conflicts are serious because of the unlimited destructiveness of new methods of warfare, although, as far as their merits are concerned, the ratio of serious to superficial has not visibly altered. For every issue of substantive importance there are many more which are vanity: We are still playing the same old game of "one-upsmanship" in a mindless struggle for power and influence. Unfortunately, however, the distinction between the conflicts that matter and the ones that do not is no longer easily made, because both have been adorned with the same bloated vocabulary. Both are drenched in portentous allusions to "freedom," "survival," "vital interest," and all the other familiar grandiosities of power politics and ideology.

The old myth of international politics—that it was the private preserve of sovereigns and their ministers and none of the people's business—has given way to a new myth: That politics is life and everything political is highly consequential—not just for those who make their living by politics but for everybody, everywhere. Every issue is now a "critical" issue; every threat a "grave" one; and I doubt if there is a square inch left on the face of the earth that someone does not regard as "strategic."

Not everybody, of course, appreciates the supremacy of politics; there remains a benighted mass of bumpkins who live in the illusion that there is more to life than the next election and the balance of power. The number of these illiterates, however, is shrinking because of the astonishing success of the "professionals" in persuading us that politics—especially international politics—is indeed what life is all about. The experts have mastered the media, and the result of their overkill is not only a greatly inflated notion of how much foreign policy matters to the daily lives of people, but the effective drowning of any distinction between issues that matter and issues that do not. Thus, at one time we were all very nearly persuaded that Tonkin Gulf was as fateful as Pearl Harbor, and that Vietnam was of a piece with the German conquest of Europe.

The master myth of Vietnam—that is, the country as distinguished from the war—is the greatly inflated importance which has been attached to it. From the standpoint of American security and interests, the central fact about Indochina, including Vietnam, is that it does not matter very much who rules in those small and backward lands. We have preferences, to be sure—all of us do—but they are a product of sentiment and habit. One might add humanitarian feeling, except that it is hard to see what human purpose is advanced by inflicting Thieu and Ky on anybody. What it all comes down to is that, if all other things were equal—as indeed they are not—it might be a convenience to the United States to have the countries of Indochina ruled by non-Communist leaders. For this hypothetical advantage, we have already spent over 40,000 lives and $100 billion—and nearly 300,000 other casualties.

How have we come to inflate so colossally the importance of Indochina to our own security? The answer lies in that hoariest, hardiest, most indestructible myth of them all: the myth of the international Communist conspiracy. Our leaders deny their continuing belief in it; they are quite familiar, they assure us, with the split in the Communist world; they will even grant that Ho Chi Minh was a nationalist. They say this, to be sure, but with all the tremulous conviction of a child walking past a graveyard on a dark night protesting that he is not afraid of the dark. For all the sophistication and fine distinctions that are supposed to have refined our policy since the bad old days of the cold war, there is little discernible difference in spirit between Mr. Nixon's ominous reference to "those great powers who have not yet abandoned their goals of world conquest,"[1] and the portentous language of President Truman's proclamation of national emergency 20 years ago—which, by the way, is still in force:

> Whereas world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world. . . .

With due account taken of the new, milder, less portentous style in warnings and "whereases," the myth of the international Communist conspiracy still survives. Sometimes, when the facts are overwhelming, it is possible to show that some particular event—such as the Dominican revolution of 1965—was local in origin and not the result of a Moscow-directed plot. But the myth withstands every assault of hard evidence. Just like the walking catfish, which gets out of a pond when the water becomes uninhabitable and heads overland for more hospitable waters, the conspiracy myth is both mobile and indestructible. Discredited in one locale, it soon turns up in another, sustained here and there by a kernel of truth, not enough to validate the myth but more than enough to secure its group on the minds of leaders whose education in communism began—and ended—with Stalin. That, indeed, is the myth's true home—the fortress minds of the old cold warriors, where nothing flourishes for very long that was not there to begin with.

The myth distorts our perceptions. It has made it difficult for us to see the Soviet Union for what it has become—a traditional, cautious, and rather unimaginative great power, jealously clinging to its sphere of domination in Eastern Europe but limited to methods of pressure and persuasion in its dealings with other Communist movements, especially in Asia. China has engendered a myth all its own: "If there is not a world Communist conspiracy—so we are told—then there is surely an Asian one, and the unshakeable faith in it of some of our recent leaders has permitted them to brush aside the fact that China, after all, has kept its combat soldiers within its own borders.

Mr. GORE. Mr. President, will the Senator from Arkansas yield at that point?

Mr. FULBRIGHT. I yield.

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[1] Speech of November 3, 1969.

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Mr. GORE. How does that fact square with the canard that the Chinese have no regard for human life? If they have no regard for human life, why would they not have their soldiers committed where, allegedly, they have their interests?

Mr. FULBRIGHT. I do not think it does square with it. The obsession with the ideological aspects of the struggle which began about 21 years ago have overwhelmed our commonsense in this respect. The Chinese have been extremely cautious in engaging people abroad. The only case of any significance was when we went up to the border in Korea, and they had warned us that they would intervene. I expect that we would react the same way if the Chinese were to approach our borders from Mexico. It is a normal reaction.

I think it is another of these myths, that the Chinese have no regard for human life. All people on this earth appear to have the same human interests one with the other. It is remarkable, actually, that the Chinese had about 1 million—or at least perhaps 500,000—troops in North Korea in the mid-1950's. Then they took them all out, and we still have 50,000 there.

Mr. President, at last we come to the fighting front, where our tenacious, real life antagonists, the Vietnamese Communists, are perceived as no more than spearbearers for the world—or the Asian—Communist conspiracy. All but lost to view is the tangible, ascertainable fact that North Vietnam, though materially dependent and politically influenced by both Moscow and Peking, is an authentically independent country, the dominant power of Indochina, but nonetheless a small and undeveloped country without the resources to become a significant imperialist power, much less a threat to the United States.

We are fighting a double shadow in Indochina—the shadow of the international Communist conspiracy and the shadow of the old, obsolete, mindless game of power politics. Armed with weapons that have given war a new dimension of horror, and adorned with the sham morality of ideological conflict, the struggle for power and influence has taken on a deadly, new intensity at exactly the time when it has lost much of the meaning it once had. All the old power politics bromides—about "stability," "order," and "spheres of influence"—are largely without meaning to a global superpower armed with nuclear weapons. The world balance of power on which our security depends is a nuclear balance involving Russia, China, Western Europe, and the United States. The preservation of a non-Communist—as against a Communist—dictatorship in South Vietnam is not going to protect us, or anybody else, from Soviet or Chinese missiles. It simply does not matter very much for the United States, in cold, unadorned strategic terms, who rules the states of Indochina.

Nor does it matter all that terribly to the inhabitants. At the risk of being accused of every sin from racism to communism, I stress the irrelevance of ideology to poor and backward populations. Someday, perhaps, it will matter, in what one hopes will be a constructive and utilitarian way. But in the meantime, what earthly difference does it make to nomadic tribes or uneducated subsistence farmers, in Vietnam or Laos or the north of Thailand, whether they have a military dictator, a royal prince, or a Socialist commissar in some distant capital that they have never seen and may never even have heard of?

At their current stage of undevelopment these populations have more basic requirements. They need governments which will provide medical services and education, fertilizer, high-yield seeds and instruction in how to use them. They need governments which are honest enough to refrain from robbing and exploiting them, purposeful enough to want to modernize their societies, and efficient enough to have some ideas about how to do it. Whether such governments are capitalist or Socialist can be of little interest to the people involved, or to anyone except their present rulers, whose perquisites are at stake, and their great power mentors, fretting in their distant capitals about ideology and "spheres of interest."

So much for myth No. 1—that it matters to our security who rules Indochina. The second myth, well-established after 5 years of futile warfare, is that we could do anything about it if it did matter—anything worth doing, that is. We could certainly "win" the wars in Vietnam and Laos today if we wanted to bomb those little countries back into the stone age, as one of our generals once suggested. But we have been reluctant to do that; and, because of the domestic uproar that would follow, it has become politically impractical to escalate beyond the present war of piecemeal extermination—which simply is not doing the trick, and is not likely to.

The plain fact that comes out of our war in Vietnam—reinforced by recent events in Laos and perhaps Cambodia as well—is that, puny as it is by great power standards, North Vietnam is the paramount power in Indochina. In unadorned strategic terms it is "their" part of the world in exactly the same way—except on a much more modest scale—that Eastern Europe is Russia's part of the world and Latin America is ours.

We may think this an immoral and obsolete way of running the world's affairs—I certainly do—but no one is showing much inclination to change it by trying, say, to breathe some life into the United Nations. As long as we are going to continue to play the old, discredited game, we might as well play it intelligently, and it is just not intelligent to expect to be able to poach on somebody else's territory without encountering serious resistance, while at the same time you fiercely defend the inviolability of your own. The Russians ran into a buzz saw when they tried poaching on our preserve in the Western Hemisphere, whereupon they prudently retired from the field. What reason have we ever had to suppose that the North Vietnamese, within the limits of their resources, would react any differently from the way we react? Perhaps if our minds were less cluttered with ideology, the sham morality it fosters, and great power pride, we could see that the only real differences are of scale—ours is a big sphere of influence; theirs is a small one—and in the weapons employed—we scared off the Russians with the threat of our H-bombs; the North Vietnamese and Vietcong challenge us with guerrilla warfare. It is not, as a former Member of this body once suggested, that, when we intervene, it is "for their own good."

We ought in a way to welcome North Vietnam's preeminence in Indochina, because, while North Vietnam has shown itself strong enough to dominate Indochina if left alone by outside powers, it has also shown itself willing and able to resist Chinese domination. At the same time North Vietnam is far too small a power to have any serious hope of conquering all of Southeast Asia, much less posing any kind of a threat to the United States.

Suppose, by way of analogy, that Yugoslavia, instead of emerging from World War II as a strong, independent, unified Communist country, had reverted instead to political units coinciding with its component ethnic groups—Serbian, Slovenian, Croatian, Montenegrin, and Macedonian. Suppose too that all of these states had adopted some kind of Western parliamentary institutions, making themselves members—as the term is commonly used—of the "free world." Recalling also their Balkan tradition of mutual hostility and political instability, is it possible to believe that such a congeries of mini-states could have resisted Stalin's regional imperialism with anything approaching the success of Tito's Communist Yugoslavia? To me, it seems unlikely.

Perhaps if France and then the United States had refrained from intervening on each of the occasions when Ho Chi Minh was on the verge of unifying Vietnam under his rule—in 1946, in the mid-fifties and again in 1965—we might now be dealing with a stable, independent, unified Communist country—no more hostile to the United States than Yugoslavia itself is today. Perhaps, someday, that is exactly what we will be confronted with, when—and if—American military power is removed from Indochina.

It should not be necessary to add—although I suppose it is—that I do not advocate a Communist-dominated Indochina. I merely propose to accept it, if it arises from the local power situation, as something unwelcome but tolerable, and most emphatically not worth the extravagant costs of a war like the one we are now fighting. By their own choice our leaders are playing the spheres-of-influence game in a world of power politics. It was their choice to do it this way rather than to pursue a policy of authentic internationalism through the United Nations. Having made their choice of the game they wish to play, they ought at least to play the game by its rules. Mr. Henry Kissinger, the President's close adviser on foreign relations, once wrote an admiring book about Metternich, the great Austrian diplomat whose name is a symbol for the old politics of the balance of power. Of all recent administrations, the present one ought to know that, if you are going to be

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a successful Metternichian, you have to be a consistent one.

That, however, is something which the Nixon administration seems disinclined to do. Like the Johnson administration before it, the present administration seems persuaded that it can preserve the American sphere of influence inviolate while contesting somebody else's in the name of saving the world from communism. In this respect, Vietnamization represents a change in tactics from the Johnson policy but not a change in the objective, which is to preserve some kind of American military foothold, either directly or by proxy, in an alien sphere of influence.

I welcome the change: Vietnamization is better than escalation, but I welcome it only in the sense that I would rather be riding in a car heading for a precipice at the 30 miles an hour than at 80 miles an hour. If I really had my choice, I would not be in that car at all. Granting the new policy all that is its due, I am still unwilling to adorn the lesser folly with the name of wisdom. Like the escalation which preceded it, Vietnamization is still an unsound policy, aimed at an unnecessary and probably unattainable objective.

Mr. GORE. Mr. President, what is that objective?

Mr. FULBRIGHT. The objective, as I stated in the previous paragraph, is to maintain a military foothold, either directly or by proxy, in an alien sphere of influence. In other words, the maintenance of the Thieu-Ky government, by giving them almost unlimited arms, is intended to preserve them there as our loyal ally and friend.

Mr. GORE. Would that be a military victory for the United States?

Mr. FULBRIGHT. They would consider it that, I suppose, in the absence of a defeat. But I think it is unattainable in terms of any reasonable action we could take. I am talking about the intelligence, not the physical impossibility, of seeking a military victory. We would all like to have friendly governments everywhere, but the cost of this unattainable objective is all out of proportion. This seems to be their intention of our policymakers. If it were not their intention to maintain this foothold, it seems to me they would recognize that the only solution is a political settlement.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GORE. President Nixon, in his speech to the American people on the Vietnam policy of May 14, 1969, said that he had ruled out a military decision on the battlefield.

Now, if the able Senator is correct in his statement that the aim of Vietnamization is the establishment of a dependency, or a satellite, or a foothold—however one describes it—in South Vietnam, and although we do not and would not call that victory, I wonder if the Senator thinks the National Liberation Front and the northern part of Vietnam would consider it a defeat, a total defeat for them?

Mr. FULBRIGHT. I think they would. This is why I say it is unattainable. If they would accept it, then I think it could be attained; but they consider it their country, and they are going to continue to fight, North Vietnam, South Vietnam, and the Vietcong—the same way we were unwilling to accept Russian missiles in Cuba. They consider this their sphere of influence. Without any international organization, such as the U.N., we are still playing this game of balance of power and spheres of influence.

They are there and will not accept our victory—I believe. Therefore, the attempt to win it is extremely costly. The great tragedy of this is that, if we had no concern whatever for the loss in lives and money and what it is doing to our country, we could maintain ourselves either directly or by proxy for a long time; but it is so costly and out of proportion to its significance that it is an extremely unintelligent way to play the game of power politics. It does not make any sense.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GORE. Is not the central issue about which the war has been raging for years now the character of government in Saigon over the people of South Vietnam?

Mr. FULBRIGHT. That is the essential question. Our presence there, of course, as a dominant power, is now the primary issue, just as the French presence there was the reason for the war between 1946 and 1954. The Vietminh rebellion was intended to rid their country of the foreign dominant country. Now we have stepped into the shoes of the French, not with the same motives, but—in the view of the people we are fighting—to control the destiny of South Vietnam.

The Senator is quite correct. I am trying to balance off: How important is this to us? To them it is very important in the same way it was important to us that the Russians were in Cuba with their missiles. That is easy to understand. I think we could maintain ourselves in Vietnam, but it is not worth the price.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GORE. If the character of the Government in South Vietnam is the central issue, would a compromise peace settlement not appear to be dependent upon a compromise with respect to the Government of South Vietnam?

Mr. FULBRIGHT. I think the Senator is quite right. I believe that is the crucial question—the character of the government in Saigon. If it could be agreed that the present regime is a transitional government, and arrangements made for a successor without being dominated by us, I believe you could find political accommodation.

Mr. GORE. Mr. President, will the Senator yield further? I will ask but one other question.

Mr. FULBRIGHT. I welcome the Senator's question.

Mr. GORE. In view of the Senator's observations I wonder if he would comment upon an article which I recently read by the very learned author Theodore White that neither side had offered the other anything in the Paris conference except humiliating defeat and surrender.

Mr. FULBRIGHT. This is an extremely interesting and critical question as to just what has been done there. One gets different stories from them. There have been several articles in addition to Mr. White's article. Mr. Arthur Cox had an extremely perceptive article in the Sunday paper a week ago last Sunday. Mr. Gelb had an interesting letter in the New York Times. Mr. Hilsman had an article in the Philadelphia Bulletin, I believe. All of them were consistent on these points—that what was necessary was to make credible offer that we were ready to accept a transitional government, or a coalition government. "Coalition" has a connotation to which everyone objects; what is required is a government that would carry out some new arrangement for South Vietnam without the arrangement being under the direct control of the Thieu-Ky government.

These are all knowledgeable men. They say they read the signs as indicating the North Vietnamese have indicated this is their position. There are two things. If we would agree at some time—a later time, a reasonable time—to withdraw our forces, and in the meantime have a transitional government to look after elections, or some form of arrangement for a new government, they would agree; and they say we have never made such an arrangement.

On the other hand, I have been told by a journalist that he was told in conversation with Mr. Habib that we have made such an offer. One is left without any certain knowledge. This is one reason why I regret that the Secretary of State could not come before the Foreign Relations Committee in open session and make this clear, so that all would know, and in no uncertain terms, whether we had or had not offered to permit a sharing of power by the Vietnamese belligerents.

The President, on some occasions, has made statements that could be interpreted to mean we have made these offers, but those statements are usually a little vague and ambivalent, and it is uncertain how positive they are. Everybody knows it is the way one says things that matters, and whether or not they are said in a way that is credible; and one's actions convey much more than the words used in many instances. So it is not easy to pin these matters down. We all know this is true in any area of human relations. One's actions have to be consistent with his words and one has to inspire a degree of confidence to be persuasive. The Vietnamese feel that they were doublecrossed in 1954. That has been widely discussed. They are obviously cautious about making agreements on words alone.

I do not wish to leave the impression that we are all at fault. I think the Vietnamese should long ago, especially at the time of the San Antonio formula, have accepted an offer. I think it was in their interest, and everybody's interest, to have accepted the offer that was made, even though it was not all that they would have liked.

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I think it would have resulted in a settlement to our advantage and their advantage. But they did not choose to do it. They are a people who have a different background.

I do not mean to say that we have always been at fault in these matters. I think they have exercised bad judgment, too, but I always come back to this proposition: We have so much to lose. When I look at this country, the strikes of the mailmen, the threatened strike on the railroads, the slowdown of air transportation, the slowdown in housing, the high interest rates, the effects of inflation, and so forth, it simply means that we have far more to gain, it seems to me, by making the necessary arrangements to bring this matter to a close than anybody else, even the Vietnamese.

Even if the issue were confined to Vietnam—as recent events in Laos and Cambodia show it is not—Vietnamization would still be an unpromising course. Having failed to beat the Communists with a well-led, well-trained, and superbly equipped American Army of half a million men, we can hardly expect the ARVN on its own to do the job—even with American air and logistic support, without which, indeed, it would almost certainly collapse. At most we can hope to keep our punchy proteges staggering around the ring for a few years longer. That might serve Mr. Thieu's purposes well enough—it would keep him and his friends in power, however precariously—and it might serve the Nixon administration's apparent determination to avoid the political settlement which it insists upon calling our "defeat and humiliation." For these worthy ends the Vietnamese people will pay the price of an indefinite continuation of terror and death, and the American people will pay the price of reduced but continuing casualties, burgeoning expense, and the social and economic fallout which is causing the fabric of our own society to begin coming unstuck.

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This is assuming that Vietnamization goes well, as in all probability it will not. Current favorable estimates—indeed a kind of euphoria—in the administration appear to be based on some improvement in the fighting qualities of the ARVN, a degree of success in the "pacification" program, and a consequent reduction in the military effectiveness of the Vietcong. One even hears it said that Vietnam is no longer an "issue," despite the fact that American war deaths in 1969—the first year of Vietnamization—were greater than in the "escalation" year of 1967. The "issue" may be over, but the war most certainly is not.

Granting that there has been progress in pacification, what is going to come of these successes when another 200,000 or 300,000 Americans are withdrawn under the Vietnamization program? Will the Communists just sit by while the strengthened but still very shaky Saigon forces press on to victory? Or, as seems more likely, will they take the offensive again and, without a half million Americans to hold them off, drive the Saigon army and the remaining Americans into a handful of besieged urban enclaves?

In that event we will be confronted with exactly the specter that the President rightly fears: the defeat and humiliation of the American Armed Forces. With that prospect ahead, it is difficult to share the high spirits of the pacification officers from the field who recently gave the Foreign Relations Committee an optimistic account of their progress. I do not doubt that they are having some success, but I doubt its viability in the broader context of events. They are, I believe, building castles in the sand, without an eye for the incoming tide.

The President still has time to prevent an American defeat, but not a lot of time. For all the fancy sophistries that have been concocted about it, Vietnamization is not strengthening our hand; like any reduction in military forces, it is weakening our hand, and our enemies are not such mental defectives that they can be kidded into believing otherwise. As Arthur Cox, a recognized specialist on communism, has pointed out recently, we still may have time to negotiate a political settlement this year if we can bring ourselves to give up the untenable dream of an anti-Communist government in Saigon—whether under Thieu and Ky or somebody like them—in return for the Communists giving up their hopes of a complete takeover and settling for a neutralist coalition in Saigon. By mid-1971, when American forces are scheduled to be down to about 225,000 men, it may well be too late.

The myth of Vietnamization is thrown into sharp relief by the deterioration of the anti-Communist military position in Laos and the coup in Cambodia. These events point up the futility of our Vietnamese strategy in a conflict which is not confined to Vietnam but in fact encompasses all of Indochina. For reasons ranging from the logistic importance of the Ho Chi Minh Trail to their probable conception of their own sphere of influence, the Vietnamese Communists have been unwilling to confine the war within the borders of Vietnam. Whether they actually aspire to the physical domination of Laos and Cambodia, or would settle for "friendly" neighbors, I do not know. It is clear, however, that they are going to continue making whatever political and military uses they can of the unstable situations in Laos and Cambodia.

As matters are now developing, those uses appear considerable. Stymied though not defeated in Vietnam, the North Vietnamese have found in the power vacuum of Laos an opportunity to turn our flank. In the strategic vocabulary of a decade ago, they may have come up with a variation on the so-called domino theory: something that might be called the skip-a-domino theory. With the Vietnamese domino momentarily glued down, the Communists may simply have decided to go on to the next one, where Souvanna Phouma's army of Meo tribesmen is hardly a match for the North Vietnamese, even with the support of an indeterminate number of CIA soldiers, an unrevealed number of imported Thais, and an apparently great number of B-52's to pound the Communist supply lines.

I doubt that it is the intention of the North Vietnamese to sweep through Laos and then have a go at the next domino, which would be Thailand. I think it more likely that they are pressing their advantage in Laos to compensate for the stalemate in Vietnam and to demonstrate the futility of Vietnamization. Even if we do succed in retaining a tenuous foothold in South Vietnam, what will be its use if the North Vietnamese are left free to do pretty much as they please in the rest of Indochina? Events in Laos are showing up Vietnamization for a kind of political maginot line—difficult to assault head on, but why bother when you can walk around it?

Here again we see the strategic absurdity of our effort to win an Indochinese struggle through a primarily Vietnamese campaign. Even more, we see the extraordinary difficulty and extravagant cost of the ill-advised attempt to implant American influence in this area which any good Metternichian must recognize as somebody else's part of the world.

The startling aspect of the situation in Laos is our virtual helplessness. Caught in a dilemma between its instinct for fighting communism wherever it appears and the restraints imposed by public and congressional opinion, the administration is reduced to hoping for the best in Laos. I have heard nothing which points up the ironic futility of 5 years of war in Vietnam more than Secretary Rogers' plaintive confession of American helplessness in Laos. Speaking on television on March 17, the Secretary acknowledged that the ultimate objective of the North Vietnamese in Laos was unknown. He said:

> We hope, that what they are up to is to make their negotiating position a little stronger. We hope that they do not intend to overrun Laos.

In Cambodia as in Laos the initiative lies with the Communists. The new regime of General Lon Nol has ordered the North Vietnamese and Vietcong forces to get out of Cambodia, but all the general has for doing the job is a poorly equipped little army of 40,000 men. What if the new rulers of Cambodia now appeal to President Nixon for help? Will he provide that help and expand the war or refuse it and leave the new Cambodian rulers to their fate? Confronted with an embarrassing new friend, the President can only hope against hope that he will not be put to the test.

Mr. GOODELL. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. GOODELL. Mr. President, the distinguished chairman of the Committee on Foreign Relations knows that last year I introduced a bill (S. 3000) to require the withdrawal of all American military personnel from Vietnam by December 31 of this year. The Senator, in his very fine address, has now referred to the Cambodian situation, the possibility that it is worsening, and the possibility of the Cambodians requesting military assistance and perhaps American military personnel.

It is my intention to introduce a bill along the lines of S. 3000, limited to

Cambodia. The bill will bar the entry of American forces in Cambodia.

I fear the dangers to which the Senator from Arkansas has referred. I think the Congress of the United States should go on record to prevent the expansion of this war into Cambodia.

We stand at the crossroads in Cambodia, as we did in Vietnam a decade ago. We made the wrong choice then. I think it is critically important that we not make the wrong choice now, or else we will be debating in future years a Cambodian Disengagement Act to extricate ourselves from yet another disastrous war.

I agree with the Senator's comment that what is going on in Laos, Thailand, and Cambodia is a part of a larger war in Indochina. I also agree that the war cannot be limited easily, and that the options lie with the enemy.

So, in making this proposal with reference to American troops being introduced into Cambodia, I do not back away from the essential point—that as long as we have a major war in Vietnam, we are going to find it extremely difficult, if not impossible, to contain the expansion of that war. The options are all with the enemy in that respect.

I would hope that the Committee on Foreign Relations and Congress would give specific consideration to a legislative proposal now that would do more than just express the sense of Congress—that would exercise our coordinate, shared responsibility with the President when it comes to war, and when it comes to the engagement of American men in combat.

We, the Congress, are the only agency that has the power under the Constitution to declare war. Here we are, facing a situation where a new war possibly will develop through an extension of the present Vietnamese conflict and through the civil conflict that appears to be burgeoning in Cambodia. Once again, we could find ourselves alined with American troops on one side of an internal civil war in Cambodia, as we did in Vietnam.

Mr. FULBRIGHT. Mr. President, I commend the Senator once again for his resolution, which was, I believe, the first one last year bearing directly on this question of the war in Vietnam. I think it precipitated a consideration which was badly needed, and which has great merit.

Personally, I think the Senator's resolution was well conceived. I notice, too, that these articles, including one I mentioned written by Mr. Cox, would certainly be consistent with the Senator's resolution. Mr. Cox's estimate is that we have just this year to reach a negotiated conclusion to the war, which would mean, I think, the withdrawal of the troops, as the Senator put it.

I think the Senator is to be commended on keeping this subject alive, and with regard to Cambodia, I certainly would not want our ground troops to go there. This is a matter that the Senator has talked about, and the Senator from Kentucky (Mr. COOPER) added an amendment to the appropriation bill last summer on this same subject. The restriction has been discussed, and I am all for it.

We do have this problem about restricting military action by way of appropriations, because we have to deal with the other House. The Senate can express its views, which hopefully will be taken seriously by the administration, but to actually affect the law and to alter the appropriations, we have to deal with the law itself, in this case an appropriation bill. That, of course, was the purpose of the Senator from New York. I thought it was a very proper way to approach the problem, especially when any administration does not take seriously the constitutional provision about war powers.

I am bound to say here that this war was not started under this administration. It is very difficult to deal with these subjects without appearing to be critical solely of the present administration. I always feel that I ought to preface my remarks by stating that it started before this administration came in.

Mr. GOODELL. I think the Senator from Arkansas made that clear in his previous remarks.

Mr. FULBRIGHT. I have tried to. I do not want to be unfair to this administration. Actually, the announced purposes, and what has happened, have been better than what we had under the previous administration. I suppose I could summarize my difference in this way: I do not think the means adopted to achieve the announced purpose of liquidating the war in Vietnam are well designed to achieve that purpose. It is a matter of the means to achieve it. The policy of Vietnamization was announced, I believe, last June. It has not been quite a year, but it is a substantial time, and a great many people have died. I believe someone in the committee this morning said 40,000 casualties have taken place since then. We all know of the enormous cost in money. We know we are plagued at home with these ever-increasing strikes, slowdowns, and all kinds of disruptions of our economy, which I think flow from the inflation and other things connected with the war.

Therefore, it is imperative that we do something about it. I think the Senator from New York has rendered a great service in calling attention to this problem. I know it is not popular for him, as a member of the Republican Party, but I think he is doing a great service to the Republican Party and to the country in raising these questions and lending his voice to urge the administration to reconsider this policy—it is the means which I am talking about, not the objective—and to take another look at it.

I simply feel that the President was oversold on a device, a kind of an approach, which looked like an easy way out. I do not think it is working. I think it is clearer every day that it is not, and the Laotian development, and now the Cambodian situation, only prove beyond doubt, I think, that Vietnamization cannot work. I do not see, under the circumstances, how they can retain any confidence in the working of Vietnamization. It exposes us, as the Senator points out, to demands for assistance in Cambodia and Laos, and that would be widening the war; it would be a resumption of escalation. That would be very dangerous; I do not believe a majority of this body would approve it. I believe a great majority of the people of the United States do not approve of widening the war.

Mr. GOODELL. Will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GOODELL. I agree with the Senator. I agree also that the President has reversed the policy of escalation, and should be commended for it. I agree that the methods chosen by the President will not accomplish his objective, although we all wish him well.

I believe that now there will be overwhelming sentiment in this Congress and in the United States that we should not get involved in the same kind of thing in Cambodia, at least not without Congress being consulted, at least not without the President sending up here a message for approval that we are going to introduce American combat troops into Cambodia. It is my belief that Congress would not approve such a resolution today.

Mr. FULBRIGHT. I agree.

Mr. GOODELL. That is why I believe that, because we are not yet involved in Cambodia in any major way.

I propose that we go on record as a preventive now, letting the President know that, so far as Congress is concerned, no funds will be approved to support American military personnel in Cambodia. Then we perhaps will not have to face in a year, or 2 years, or 5 years, the problem of extricating ourselves from Cambodia. I think it would be a step toward a removal of our forces from Vietnam, also.

I would say to the Senator from Arkansas, because he made reference to air, that I intend to draw my bill so that it will cover all American military personnel and would prevent American military personnel from bombing or flying over Cambodia, also.

I think this is critically important. We got ourselves involved very deeply in Laos first through air activity and subsequently through introduction of ground personnel. I think if we act now, we can perhaps prevent an extension of this conflict into a new civil war.

If we fail to act, we might possibly become involved in a new kind of civil war involving Sihanouk and the new military leadership, each vying for the support of the population, and we intruding ourselves into that and compounding the tragedy.

I thank the Senator for yielding.

Mr. FULBRIGHT. I thank the Senator for his comments.

I want to add this. The Senator has reminded me of it. We had the Secretary of State before our committee this morning. He was very fair in his attitude toward Congress. He has been all along. He assured us that they would not do what the Senator referred to—and I agree it should not be done—without consulting Congress. That was some satisfaction. He could not—and I would not expect him to—make any ironclad agreements not to do it.

In any case, it is some comfort that the Government would not move in any substantial way—in any way—into

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Cambodia, either by air, by ground, by aid, or anything else, without consulting Congress in advance.

He also was reassuring when he said that we had absolutely nothing to do with the coup that took place. He reiterated many times that their policy was to respect and to preserve in any way we could the neutrality of Cambodia. To that extent, it was reassuring. But he could not, obviously, give any assurance as to the future and as to a Presidential decision to do otherwise. If the pressure arises, if there is a real request from that Government, of course, the Secretary does not know what the pressures would be from various sources, nor do we.

I think it is a good idea for Congress to express itself. I think it is not only a good idea, but also it is our duty to do it when it involves the lives and fortunes of our people, as they are now involved. It certainly is the duty of this body to express itself to the President and, if it is feasible at all—and we do have the votes to do it—to prevent an expansion of the war, if we can, through the appropriation process.

So I think we ought to regard it as our duty to do it. This is what I call being a strict constructionist, which is a very popular term these days. I consider that I am a strict constructionist of the Constitution when I insist on the Senate playing a role.

Mr. GOODELL. I believe in Congress playing a role in a war.

Mr. FULBRIGHT. I think we should. It is one of our great responsibilities.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COOPER. I join with the Senator in his expression of concern about the events in Laos and Cambodia and the possible danger that the Vietnam war might be expanded and that the United States might become more largely involved in Southeast Asia.

In the past years I have had the opportunity of working with the Senator from Arkansas on several matters. One was on the amended language of the commitments resolution, and later, when we gained some knowledge of events in Laos upon the amendment I offered in August 1969 to the defense authorization bill.

Mr. FULBRIGHT. I referred to that a moment ago.

Mr. COOPER. The amendment denied funds for the use of our forces in civil war in Laos and Thailand. It was adopted by the Senate but did not survive the House-Senate conference. When it was offered later on the Defense appropriation bill, it was watered down. It was helpful to deny the use of ground forces in Laos, but as the United States had other forces in Laos at the time, its effect was to preserve the status quo. The Senate adopted the amendment, and perhaps if it had been stricter, the House would not have accepted it.

We are concerned about the situation that has developed in Cambodia. I think it is fair to say—as the Senator has said, and I am grateful that he did—that there is no fact thus far, and I do not believe there will be, which suggests that the administration of President Nixon intends to involve the United States in war in Cambodia. The Senator reported faithfully, as had been reported in the press, the statement of the Secretary of State that the administration's policy is one of respect for the neutrality of Cambodia, that it respects the integrity of their boundaries, and that it intends to advise the South Vietnamese Government that it would not support policies which would lead to the introduction of South Vietnamese troops. I think that is a fair statement. The neutrality of Cambodia has been breached, not by the United States, but by the movement of thousands of North Vietnamese troops into Cambodia.

I would repeat that nothing indicates that the administration is planning to introduce troops into Cambodia or engage in fighting. I think it good that Members express their concern against intervention; but to make the record absolutely correct at this point, nothing has been said or done by the administration which suggests such a policy.

The Senator has doubts about the policy of Vietnamization. As I understand, the chief burden of the Senator's speech has been a questioning of the policy of Vietnamization.

Mr. FULBRIGHT. And urging that there be a negotiation.

Mr. COOPER. We have always urged—and I join with the Senator in urging—initiatives toward a political settlement. But, again, I think we have to make the record clear that, if the United States has not been able thus far to move toward a political settlement, the burden lies with the North Vietnamese and not the administration. The North Vietnamese have not been willing to negotiate, even to suggest terms of negotiation, and have continued to lay down conditions that would seem to make it impossible to begin negotiations. I agree with the Senator that we do not have to accept the status quo. We can continue to search for ways that might open up negotiations.

I have expressed criticism in the past of the policies of the former administration, and have expressed criticism of some elements of the policy of this administration. But I must say that there has been a change for the better, that the administration is making an effort to get out of the situation it found, and that the efforts of the President must be recognized.

The Senator referred to the Secretary of State. They are good friends. Each has confidence in the other. The Senator referred to the statement made by the Secretary of State—I think it is a very truthful statement—by an intelligent man—that there is very little we can do about Laos or Cambodia.

Mr. FULBRIGHT. I think it is true, too.

Mr. COOPER. An honest and truthful statement, for which he should be commended.

Mr. FULBRIGHT. It is true; yes.

Mr. COOPER. I am assured that the administration, not from my analysis alone, which may not be perfect, but from statements of the Secretary of State, and most important, from the President—that he intends, if it is at all possible, to find the means to relieve this country of the awful burden of this war which has pressed so heavily on our resources and most tragically on the young men of this country.

Mr. FULBRIGHT. Let me recall to the Senator from Kentucky that we participated in that period of 1964–65, when we heard the previous administration making commitments against any wider war. Yet, what happened?

It is true, we can say, that this administration should not be blamed for what they did. But, of course, when an administration changes not everyone changes with it. Many of the same people in extremely important positions in the previous administration remain. And some of these very same people are committed, either by their actions, or their beliefs, to a certain policy. These are people who are high officials in the bureaucracy of the State Department.

We have the same Ambassador in South Vietnam who supported the previous administration's policy. He is still there. He no doubt believes with all his heart that the policy is right and that we are serving a great cause. The fact that I disagree with him is not to attack his motive. But, having gone through that period of the midsixties and having accepted at face value their protestations, I believe that we learned something, that even though something is said in all sincerity, it is not necessarily true. That is no reflection upon people now in power. It is just that we have had that experience before. We know that some of the advisers to President Nixon are the same people who were advisers to the previous President and they are in important positions still. President Nixon is a man just like everyone else. He is subject to persuasion by different people.

While I certainly accept the good faith of the Secretary of State and the President, I know that in the "crunch," if we are asked to do something and there is great emotion built up about it, like everyone else, it is possible they might do it, just as the previous administration did. President Johnson assured us, as the Senator knows, not only in the election, but in the campaign, that there would be no wider war. He did that privately, too. He assured me privately that he did not want any war. He assured us privately, in meetings, that the only objective of the Gulf of Tonkin resolution was to prevent a war, that that was the way to discourage the North Vietnamese from continuing the war, and he needed that resolution.

I have been attacked for my naivete for not recognizing the situation at that time. I have a strong feeling that there are people in this Government, especially the bureaucrats who do not change—they are not really appointees—I am not trying to attribute this to this President—who do not agree with the "low posture" policy. They think that we have a role to play, who want us to stay there, who want us to manage all of Indochina, who think that we should step into the shoes of the British Empire. There is

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plenty of evidence that there are such people. They are around. It is possible to have such a theory. I do not share it. But it is no disgrace to have it. It is a traditional way for big powers to act. If they could, they would take over other powers. They have always done that. It is not unusual. I am not charging them with bad faith. I want to recognize the facts of life. That is all I am trying to do.

Mr. COOPER. I did not want to raise the questions about the former administration. Of course, it made such statements.

Mr. FULBRIGHT. Surely, they did.

Mr. COOPER. The point I am making, is that while making such statements, it escalated the war, in the point of increasing forces and strategy. This administration has done more than make statements. It has reversed the policy of escalation. It is reducing our forces and involvement, and I believe it intends to continue in this policy.

Mr. FULBRIGHT. I agree; they have done that. However, on other occasions they have publicly said that. I think it is an improvement, but now that we have had nearly a year go by, as the Senator said. I think that the difficulty in Laos and Cambodia is the unanswerable proof that Vietnamization is not going to work. It is so easy, relatively speaking, for the North Vietnamese to turn our flank and create a situation that is extremely dangerous and threatening. In addition to other things, it shows that the South Vietnamese people, motivated—or unmotivated—as they are, probably cannot create a viable and independent government, even with our logistic support. It has to be based on a much broader base, a genuine election, or some genuine kind of agreement as to what kind of government they will have. I do not believe the present Saigon government has that kind of support.

These are judgments as to means. I accept the administration's statement as to its purpose and intention. I think they do it with good faith. It is legitimate for people to have different views as to the best means to get from here to there. All we are saying is that, in light of our experience, in light of our own judgment about human nature, and other factors, the means now being used are not going to work. Therefore, because we do not want the war to go on and on, we need to revise that means.

Mr. COOPER. I have no disagreement about that at all.

Mr. FULBRIGHT. Mr. President, to continue with any remarks, the ousted Prince Sihanouk skillfully kept his powerless little country out of the Indochina war for many years by refusing to notice what he could not control. With notable success, he had tried, as he said from his new asylum in Peking, to protect his country from

> The great danger of provoking, with exaggerated hostility, a socialist Vietnam that even the United States, the world's richest and biggest military power, has not managed to overcome. ("Underground Fight Urged by Sihanouk Against New Rulers," *New York Times*, March 25, 1970.)

Now, with apparent Chinese, North Vietnamese and Vietcong sponsorship, Prince Sihanouk has called for a war of "national liberation" in Cambodia and, as in Laos, all that the world's biggest and richest military power can do is to hope for the best.

It is not my purpose to taunt the administration for its comparative restraint in Laos and Cambodia. On the contrary, I commend it, but I am apprehensive of our ability to stay out of war in Laos and Cambodia as long as we remain at war in Vietnam. The issues in the three countries are inseparable. I do not see how we can get out of any of them except by means of political settlement applying to all of them. As they have shown by their advance in Laos, and as further developments in Cambodia may also demonstrate, the Communists are not going to confine the fight to a battlefield of our choosing and, as Secretary Rogers readily admitted, the initiative is theirs.

I do not know what more is needed to demonstrate the incongruity of the policy of Vietnamization. The administration is trying to strike a "low posture" in the rest of Southeast Asia while preserving an American base in Vietnam, and the Communists are not allowing them to do it. They cannot drive us out of Indochina, but they can force upon us the choice of either plunging in altogether or getting out altogether.

It is this choice that the Nixon administration has thus far refused to make. With one foot in the swamp and the other foot out, they are trapped in a position of embarrassing incongruity. In Vietnam they are plodding along with pacification and Vietnamization; in Laos they are reduced to hoping that the Communists will not choose to conquer the country; in Cambodia they are no doubt torn; glad in a way for the anti-Communist takeover but fearful that their new-found friends will ask for help that they hardly dare grant and hardly dare refuse.

"Myth" is a mild word for madness on so grand a scale. Not only has the rationale for Vietnam proved unfounded; it has shown itself to be disastrously mistaken. Instead of deterring Communist intervention in Southeast Asia, American military involvement has turned out to be a powerful magnet for it. Whatever other reasons the North Vietnamese have for putting their soldiers in Laos and Cambodia, the most important by far is the presence of American soldiers in Vietnam. Some years ago in an interview with an American reporter, Souvanna Phouma recalled a warning he had been given back in 1956 by Chinese Premier Chou En-lai:

> We don't care how much United States aid you take, but we cannot tolerate American military bases so close to our borders. (Stanley Karnow, "A Marxist Lunch With the Laotians," *Washington Post*, March 24, 1970).

It stands to reason—or it should have. How much chance would the Mexicans have of keeping the Americans out of their country if they were so insane as to invite the Chinese to establish a base on Mexican territory? Metternich at least was prepared to abide uniformly by the rules of his amoral game. His modern American admirers appear to believe that they can enforce Metternich's rules in our sphere of influence but something closer to Napoleon's in somebody else's. Or to put it in terms that have been credited to the Communists:

> What's ours is ours; what's yours can be dealt with by counterinsurgency.

It is not working, and it is not likely to. The North Vietnamese have repeatedly asserted—and abundantly proven—that they are prepared to contest the swamp with us for as long as we choose to remain in it. In an article published in Hanoi last December, the North Vietnamese Defense Minister, General Vo Nguyen Giap, conceded American numerical and technical superiority but then went on to assert the need for time "to gradually exterminate and weaken the enemy's forces, to restrict their strength and aggravate their weaknesses, to gradually strengthen and develop our forces and overcome our deficiencies." Nothing in General Giap's article supports the Nixon premise that Vietnamization somehow is going to reduce North Vietnamese bargaining power. He said:

> At times and in certain places the revolutionary war may be in a defensive position. But this defensive position is only partial and temporary, while conditions are created for resuming the offensive.

A similar prognosis was offered by the First Secretary of the North Vietnamese Communist Party, Le Duan, in a speech in Hanoi on February 1 calling on the North Vietnamese people to be prepared to continue fighting the United States for "many years more."

He said:

> Vietnamization is only aimed at prolonging the war.

And he added:

> We must be resolved to fight against the United States aggressors until total victory, no matter what difficulties and hardships may lie ahead.

It is Mr. Nixon's belief, stated in his speech of November 3, 1969, that, barring Communist acceptance of our terms in Paris—highly unlikely after 2 years of futile negotiations—we have only two choices: Vietnamization or "immediate precipitate withdrawal." As to negotiating a political settlement, President Nixon said in his report to the Congress of February 18 that the North Vietnamese Government "has adamantly refused even to discuss our proposals" and, further, said the President:

> It has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawals and for the removal of the leaders of the Government of South Vietnam. It has demanded these things as conditions for just *beginning* negotiations.

According to a number of highly qualified unofficial observers, the President's reading of the North Vietnamese position is inaccurate. They do not insist—so I am told—on either a Vietcong takeover in Saigon or on complete American withdrawal prior to a settlement. What they are said to insist upon is a transitional coalition government for what would become a neutralist, independent South

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Vietnam and a commitment to a definite schedule for the ultimate total withdrawal of American forces.

There is, I believe, a good chance for a settlement along these lines, and also for a general neutralization agreement embracing Laos and Cambodia as well as Vietnam. But, as Arthur Cox pointed out in the article which I cited earlier, the chance for a political settlement will diminish as Vietnamization progresses; a year or so from now we may really face the threat of "defeat and humiliation."

Confronted with these dangerous prospects, the administration would do well to respond favorably to the extremely constructive suggestion made yesterday by the French Government calling for a general conference for the purpose of converting all of Indochina into a "zone of neutrality and peace." The realities of the situation were summarized with accuracy and precision in the French Cabinet's statement, which pointed out:

> The extension of a war that tends to become indivisible can be avoided only by negotiation between all interested parties with a view to seeking and guaranteeing the bases of a peace, itself indivisible.

The French Government did not specify the exact nature of the forum which might be used for a general conference on Indochina. Nor is that a matter of the first priority. The primary requirement for the American Government is to recognize the indivisibility of the conflicts in the three states of Indochina and, further, to recognize the necessity of a political settlement for all of Indochina based upon the two cardinal principles of neutralization and the withdrawal of foreign forces. That, as I read it, is the thrust of the French proposal. It should be welcomed and acted upon by all parties interested in a negotiated compromise peace.

We have one great liability and one great asset for negotiating a political settlement. The liability is our peculiar devotion to the Saigon dictators. Since they survive at our sufferance, the handicap could be removed by the simple expedient of putting Mr. Thieu and Mr. Ky on notice that they can either join us in negotiating a compromise peace or make some arrangement of their own. Of all the options open to the Thieu government, the only one we can and should remove is their present veto on American policy.

I have always been puzzled—I might mention parenthetically—by our gratuitous tenderheartedness toward rightwing dictators who need us far more than we need them. It is one thing to tolerate such regimes, because it is not our business to be overthrowing foreign governments anyway. But in the case of such unsavory military dictatorships as those in Greece and South Vietnam, we have been much more than tolerant; we have aided and supported these regimes against their own internal enemies. I do not think this is done out of softheartedness—although our Embassy in Saigon has seemed extravagantly solicitous of Mr. Thieu, even to the extent that Ambassador Bunker has stanchly refused to intercede on behalf of Tran Ngoc Chau, the South Vietnamese deputy who was sentenced by a kangaroo court to 10 years at hard labor for maintaining contacts with his brother, a North Vietnamese agent—despite the fact that Chau reported these contacts to the CIA and the U.S. Embassy.

It takes more than realpolitik to explain such gratuitous friendliness toward rightwing dictators. Here again I suspect that the explanation lies in that attitude of crusading anticommunism which has colored so much of American foreign policy over the years. The charm of the rightwing dictators has been their stanch anticommunism, and that appears to have been enough to compensate for such trivial defects as their despotism and corruption. I recall a member of the Senate, not so long ago, going so far as to defend the Greek colonels as democratic on the ground that they were resisting communism.

This is not the hardheaded de factoism favored by the old school diplomats. It is ideological obsession on the part of old school cold warriors. I am not against tolerating these rightwing dictators any more than I am against tolerating Communist regimes. But our attitude over the last 25 years has not been one of toleraation; it has been one of intolerance of Communist regimes giving rise to excessive friendliness toward rightwing regimes. The inspiration for such an outlook comes not from the practical Metternich but from John Calvin, or from the religious crusades.

To return to my theme: if devotion to Thieu and Ky are the obstacle to a compromise political settlement, the asset we have is our remaining force of over 400,000 men in Vietnam—and our freedom to take them out. The Communists want them out, and it is supremely in our interests to get them out. That would seem a promising basis for doing business.

I do not share President Nixon's belief that our choice is between Vietnamization and "precipitate withdrawal." Vietnamization is only the latest in a series of military strategies, and as General Ridgway, former United Nations commander in Korea and Army Chief of Staff, recently asserted:

> A military solution is not now and never has been possible under conditions consistent with our interests. (Matthew B. Ridgway, "Settlement—Not Victory—in Vietnam," *New York Times*, March 14, 1970.)

The real choice, as Arthur Cox suggests, is between political settlement now and "defeat and humiliation" later.

Our country very much needs a political settlement in Indochina. For reasons mostly traceable to the war things are already coming unstuck in America: young people are losing confidence in the country's institutions and resorting to dangerous and disorderly forms of protest. Encouraged by high officials, a nasty vigilantism against dissent has arisen in reaction on the right. I would not even rule out a psychological connection between the weakening of institutional restraints induced by the war and the first postal workers' strike in our country's history. There is certainly a connection between the strike and the war-induced inflation.

All these tensions will be aggravated if Vietnamization is allowed to continue until a major military disaster occurs in Indochina. A disaster of great proportions to American foreign policy in Asia would induce a wave of recrimination at home, which in turn could set off a chain of events culminating in a disaster to American democracy. What a price to pay for the myth that Vietnam ever really mattered to the security of the United States.

Mr. PELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, the speech of the Senator from Arkansas is truly excellent, and I find myself in agreement with its total thrust and objectives.

I congratulate the Senator on his speech.

Mr. FULBRIGHT. I thank the Senator from Rhode Island for his comments.

I yield the floor.

CAMBODIA

Mr. GOODELL. Mr. President, I would like to bring to the attention of my colleagues a statement I made today announcing my intention to introduce a bill barring the entry of U.S. military personnel into Cambodia.

I ask unanimous consent that the text of my statement be included in the RECORD.

There being no objection, the statement was ordered printed in the RECORD as follows:

STATEMENT BY SENATOR CHARLES E. GOODELL PROPOSING A BILL BARRING U.S. FORCES IN CAMBODIA, APRIL 2, 1970

I shortly will introduce in the Senate a bill barring the entry of American forces into Cambodia. The operative provisions of the bill will prohibit the expenditure of funds for the introduction of U.S. military personnel into that nation.

The Vietnam war threatens to become a new Indochina war. It grinds on in Vietnam; it grows in Laos, it now looms over Cambodia.

Last September, I introduced the "Vietnam Disengagement Act" to extricate this nation from a hopeless and brutalizing war which by then had killed or wounded over a quarter of a million young Americans. I am now making this proposal, in order to make certain that no "Cambodia Disengagement Act" will ever be needed to extricate ourselves from yet another disastrous conflict.

Tragedy has not yet struck in Cambodia, but the portents of tragedy are visible everywhere.

The long standing neutrality of Cambodia erodes. Two governments, a new and an old, claim the loyalty of the people, and the conflict between them threatens to assume the dimensions of a civil war. A junta with slender military resources is drawn into conflict with much more powerful Vietnamese Communist forces that long have had sanctuary within the country. The border is increasingly violated by forays that could spill the Vietnamese conflict into Cambodia.

We stand at the crossroads in Cambodia, as we did in Vietnam a decade ago. We made the wrong choice then. Let us not make the wrong choice now.

The legislation I propose will prevent that wrong choice.

It safeguards this nation from being sucked into a conflict in Cambodia by small stages against its will—from being drawn once

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again down the disastrous road of escalation that was traveled in Vietnam.

It recognizes that the interests of the United States in Cambodia cannot conceivably justify the commitment of American forces and the loss of American lives there.

It affirms that the war in Vietnam can be brought to an end only if it can be contained—and that a widening of the war inevitably means its escalation.

It signals to all interested parties the intention of the United States to continue to support the neutrality of Cambodia—a neutrality that cannot be preserved by outside force.

It places the new government of Cambodia upon notice to keep its military initiatives within the bounds of its own military capacities.

Above all, it is the ounce of prevention. It permits Congress and the President to make the rational choice before any commitments have been made that limit that choice. It would prevent another Vietnam disaster before that disaster is upon us.

The commitment of American troops in a foreign conflict is a responsibility that, under the Constitution, the President shares with the Congress. The enactment of this bill would assure that this responsibility is thus shared. Should the President, as a result of new developments, wish to present further proposals for utilization of any American military personnel in Cambodia, he would be required to obtain the specific authorization of Congress before taking such action.

The Nixon Administration has expressed its determination to prevent the Vietnam war from engulfing Cambodia. I respect that determination and I support it. I believe this legislation will be a commitment by Congress and the President for achieving this essential end.

THE NOMINATION OF G. HARROLD CARSWELL

Mr. BAYH. Mr. President, during the past several hours, I admit quite frankly to having given considerable and deep thought to the propriety of my speaking in the Senate this afternoon.

I have finally come to the conclusion that personal tragedies, unexplained as they may be, once they have happened are unrecallable.

If there ever was a truism, it is that the past is prolog. What is facing the U.S. Senate, and what will be before this Senate for a vote on Monday, is not prolog.

Indeed, it is my considered judgment that the decision to be made by the Senate on Monday could well determine a great deal of the future in this country. We are living in trying times. There is not one of us in the Senate who has not referred to that fact repeatedly. I think it should not pass unnoticed that large numbers of people, either rightly or wrongly, are beginning to lose faith with much that many of us consider fundamental as far as our governmental system is concerned.

I mention this merely because it seems to me from talking to large numbers of people on the campuses and at various other types of meetings over the past several months that those who have the deepest concern, and perhaps the greatest degree of lessening of faith in the ability of this democratic system of ours to meet the problems of this age, are those who have the highest respect for the Supreme Court of the United States as an institution. Because of this feeling and because of my deep concern that the Senate not follow a course of action on Monday which would lessen the faith that the citizens of this country have in the Supreme Court, I ask my colleagues to bear with me if my joining in debate at this moment might seem to some to be callous and hard and out of place.

Mr. President, I was deeply concerned over what appeared in this morning's newspaper relative to the Carswell nomination. It appeared to me that, unable to make a convincing case on the merits that the nominee might possess, the supporters of Judge Carswell are now making a concerted effort to shift the focus of the debate from the central issue—the qualifications of the nominee.

Mr. President, I would like to say before proceeding further that the letter which was sent from the President of the United States to our friend, the distinguished Senator from Ohio (Mr. SAXBE) appears to be couched in terms designed to let the fate of the Supreme Court nominee disintegrate into what we would call an old-fashioned political donnybrook. And if that is the intention, let me say as forthrightly as I know how that I do not intend to become embroiled in this type of chicanery. But I am concerned.

In recent days, various administration spokesmen have made statements impugning the motives of us in the Senate who oppose the nomination of Judge Carswell and even questioning the propriety of this body exercising its constitutional right to advise and consent. Yesterday, as I mentioned a moment ago, my esteemed colleague from Ohio, Senator SAXBE, made public a letter written by President Nixon in support of Judge Carswell. Because the President's letter arrives at some highly unusual conclusions, I ask unanimous consent to print the letter in the RECORD at this point so that those who read this letter can draw conclusions for themselves as to whether the analysis of the Senator from Indiana is accurate or inaccurate.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 31, 1970.

Hon. WILLIAM B. SAXBE,
U.S. Senate,
Washington, D.C.

DEAR BILL: Your letter of March 30 provides me a welcome opportunity to reaffirm my confidence in Judge Carswell.

First, let me dispel any thought that I am less committed to Judge Carswell than to any prior nominee. He has my total support.

I have consistently stated my determination to appoint to the Supreme Court competent, experienced men who are sensitive to the role of the judiciary in interpreting the Constitution and the laws of the land. My first appointee, now the Chief Justice, had 13 years previous experience in the Federal judiciary. Judge Carswell has had longer and more complete judicial service than any Supreme Court appointee in decades other than Chief Justice Burger. Judge Carswell was for 5 years a U.S. Attorney and for 11 years a U.S. District Judge. Appointment to both positions required Senate confirmation. Just a year ago the Senate again confirmed him, without a single opposing vote, for membership on the U.S. Court of Appeals for the Fifth Circuit, which is subordinate only to the Supreme Court in the Federal Judicial System. The American Bar Association Committee on the Federal Judiciary found Judge Carswell qualified as to integrity, judicial temperament and professional competence. The Committee met a second time after attacks were mounted against the Judge and unanimously agreed to adhere to its earlier conclusion.

The charges against Judge Carswell are specious. He is accused, for example, of "lack of candor." The record shows that during his testimony before the Senate Judiciary Committee, Judge Carswell erred in commenting on an incident that had occurred 14 years earlier. During the same hearing, only minutes later, he corrected his own statement. The Committee, in reporting the nomination, did not suggest that Judge Carswell had intended to deceive or mislead the Committee in any way.

It is also charged that Judge Carswell is a "racist." In the Committee record a letter appears from a shipmate of Judge Carswell, who served with him aboard the USS Baltimore for two years during World War II, a period when the military services were racially segregated. The shipmate describes Judge Carswell's attitude as "truly humanistic and liberal" and reports that he reacted to people without bias, regardless of race or color. Two men, together under the tension of combat, come to know one another as few others do.

In other testimony before the Committee, the eminent Professor Moore of Yale Law School describes Judge Carswell's key role in establishing an integrated, highly successful law school at Florida State University.

Those who charge that Judge Carswell is a racist should examine the entire record, not just those parts which taken out of context support the conclusion that they wish to reach. His own repudiation of his 1948 campaign statement was eloquent and unequivocal, and no decision he has rendered can be fairly labeled "racist" in any respect.

What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment. The question arises whether I, as President of the United States, shall be accorded the same right of choice in naming Supreme Court Justices which has been freely accorded to my predecessors of both parties.

I respect the right of any Senator to differ with my selection. It would be extraordinary if the President and 100 Senators were to agree unanimously as to any nominee. The fact remains, under the Constitution it is the duty of the President to appoint and of the Senate to advise and consent. But if the Senate attempts to substitute its judgment as to who should be appointed, the traditional constitutional balance is in jeopardy and the duty of the President under the Constitution impaired.

For this reason, the current debate transcends the wisdom of this or any other appointment. If the charges against Judge Carswell were supportable, the issue would be wholly different. But if, as I believe, the charges are baseless, what is at stake is the preservation of the traditional constitutional relationships of the President and the Congress.

Sincerely,

DICK.

Mr. BAYH. This letter makes a number of points which I believe merit detailed discussion and close analysis. In fact, the very points raised by the Presi-

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dent, serve to highlight the deep concern some of us feel over the Carswell nomination.

Let me hasten to interject at this time that any President of the United States should feel committed to a nominee that he sends to the Hill and should wage as effective an argument as he can muster to support his nominee.

But my concern goes to the fact that the President's letter seems to miss the point. It touches on the central issue, but never really gets down to the cardinal principles that are before us in this nomination.

I would like, as respectfully as I know how—because although our President is a member of the other political party, he is my President and I have respect for his office as well as for him as an individual—to look at the letter and to try to analyze it to see if this is the best argument that can be made by the chief proponents of the nominee. We as Democrats or Republicans, as well as Members of the U.S. Senate, want to advise and consent to the nomination of G. Harrold Carswell to be a justice of the Supreme Court of the United States.

So if the Presiding Officer and my colleagues will bear with me, I would like to look at the provisions of the letter.

The President writes of his determination to appoint to the Supreme Court competent, experienced men who are sensitive to the role of the judiciary in interpreting the Constitution. It is true that Judge Carswell is an experienced attorney and jurist. He served, as the President points out, for 5 years as a U.S. attorney and for 11 years as a U.S. district judge.

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One might indeed expect a judge to grow in competence and sensitivity and experience through interpreting the Constitution. That would be one of the valid reasons for appointing a man who had served on the district court and on the Fifth Circuit Court of Appeals for a short period of time.

I think when we look at the way one determines the experience and competence of a judge, it is fair to say that a judge's expertise and competence in interpreting the law of the land are accurately reflected in the number of reversals a man receives from the Highest Court. Does Judge Carswell's record show an adequate awareness as he sat there on the bench and looked at the factual situations that came before him and applied first the law and then the constitutional principles to each case? Has he been able to determine what the law is as it is interpreted by the higher courts of the land and, thus, by the Nation? The record shows Judge Carswell suffered an increasing number of reversals the longer he sat on the bench. Twenty-five percent of his first 30 appeals were reversed, 33 percent of his next 30 appeals were reversed, 48 percent of his next 31 appeals were reversed, and 53 percent of his last 31 decisions appealed were reversed. Of the 67 district court judges in his own Fifth Circuit between 1958 and 1969, 60 judges, or 90 percent were reversed less frequently than Judge Carswell.

This record does not merely indicate declining competence and sensitivity to the role of the judiciary in interpreting the Constitution. The record actually shows that Judge Carswell was an activist seeking to make new law by failing to follow precedent, not a "strict constructionist" as his supporters have said. And a more detailed analysis reveals another activist trend, the eagerness of Judge Carswell to terminate judicial proceedings without even granting hearings on allegations at issue with his personal views.

The President, in his letter to our distinguished colleague, the Senator from Ohio (Mr. SAXBE) writes that the American Bar Association Committee on the Federal Judiciary found Judge Carswell qualified as to integrity, judicial temperament, and professional competence. It is significant, I believe, that although 11 members of the ABA Committee on the Federal Judiciary found Judge Carswell qualified, literally hundreds of eminent attorneys and legal scholars have opposed his nomination citing his lack of qualifications and undistinguished record.

I will not bother the Senate with a detailed listing of all these prominent men who have had the courage and the intestinal fortitude to speak out in a matter as distasteful to them as it is to those of us who find ourselves compelled to oppose the nominee. However, it is appropriate to point out that last month 456 prominent members of the bar publicly announced their opposition to Judge Carswell's nomination in newspaper ads because they were convinced of his lack of qualifications.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BAYH. I am glad to yield.

Mr. DOLE. I do not have the exact figures with me but I referred to them a couple of days ago. I would like to point out certain other figures. What was the number the Senator said? Was it 454?

Mr. BAYH. 456 in one newspaper ad.

Mr. DOLE. I think 126 of those were practicing attorneys. The others were law professors. There are 300,000 practicing attorneys in America and 4,500 or more law professors. So that figure represents about three-tenths of 1 percent of the total attorneys in America.

Mr. BAYH. That is very interesting. I do not profess to have been in this body as long as some members and I do not claim it as a badge of honor to have been personally involved in actively opposing two Supreme Court nominations.

I endorsed Chief Justice Burger's nomination without any reluctance.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BAYH. I will yield to the Senator, but first I would like to finish this point. Having gone through two nominations and having compared the concern expressed by the legal community—lawyers, scholars, and deans—over the nomination of Judge Haynsworth, who was turned down by this body by a vote of 55 to 45, with the overwhelming opposition to this nomination by members of the same community, it seems significant to me that the people charged with teaching or practicing law are trying to tell us something.

I am glad to yield to the Senator from California. I do not want to shut off my friend from Kansas. I will be glad to pursue this matter further.

Mr. CRANSTON. Mr. President, first I wish to express my thanks to the Senator from Indiana (Mr. BAYH) for his remarkably effective leadership on this issue. I am glad that he has brought his mind to bear on the implications of the President's letter of yesterday.

I would like to join in questioning certain aspects of that letter. The particular aspect I would like to touch on at this time is the President's challenge of the right of the Senate to differ with him on his right to make appointments to the Supreme Court. He said in that letter:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment. The question arises whether I, as President of the United States, shall be accorded the same right of choice in naming Supreme Court Justices which has been freely accorded to my predecessors of both parties.

He also said:

> The fact remains under the Constitution it is the duty of the President to appoint and of the Senate to advise and consent. But if the Senate attempts to substitute its judgment as to who should be appointed, the traditional constitutional balance is in jeopardy and the duty of the President under the Constitution impaired.

The distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN), who is now in the Chamber, last year spelled out in great and articulate detail on this floor the right, the obligation of the Senate to decide in its own wisdom whether it wishes to confirm or not to confirm a Supreme Court nominee.

President Nixon, who served in the Senate for 2 years, exercised this right himself. No Supreme Court appointments came before this body during that time, but there were confirmation votes in which then Senator Nixon participated.

On October 9, 1951, Chester Bowles was confirmed Ambassador to India by a 43 to 33 vote. Senator Nixon was paired against Ambassador Bowles.

On February 25, 1952, in a vote on the confirmation of Harry A. McConald, to be administrator to the Reconstruction Finance Corporation, then Senator Nixon voted against that nomination.

More importantly, on May 20, 1952, President Nixon, when a Member of this body, was one of 18 Senators who voted against James P. McGranery to serve as Attorney General of the United States. Mr. McGranery was confirmed by a vote of 52 to 18.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD the rollcall vote on that particular nomination.

There being no objection the excerpt was ordered to be printed in the RECORD, as follows:

Yeas—52: Aiken, Anderson, Benton, Bridges, Butler of Nebraska, Case, Chavez, Clements, Connally, Douglas, Duff, Eastland, Ellender, Frear, Green, Hayden, Hennings, Hill, Hoey, Holland, Humphrey, Hunt, Johnson of Colorado Johnson of Texas, Johnston of South Carolina, Kilgore, Lehman, Long, Malone, Martin, McCarran, McClellan, McFarland, McKellar, McMahon, Monroney, Morse, Mundt, Murray, Neely, O'Mahoney, Pastore, Robertson, Russell, Saltonstall, Smathers, Smith of New Jersey, Sparkman, Stennis, Thye, Tobey, Welker.

Nays—18: Bennett, Cain, Capehart, Cordon, Dworshak, Ferguson, Hickenlooper, Ives, Kem, Knowland, Millikin, Nixon, Schoeppel, Seaton, Smith of Maine, Taft, Watkins, Williams.

Not voting—26: Brewster, Bricker, Butler of Maryland, Byrd, Carlson, Dirksen, Ecton, Flanders, Fulbright, George, Gillette, Hendrickson Jenner, Kefauver, Kerr, Langer, Lodge, Magnuson, Maybank, McCarthy, Moody, O'Conor, Smith of North Carolina, Underwood, Wiley, Young.

So the nomination of James P. McGranery to be Attorney General of the United States was confirmed.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

Mr. CRANSTON. Mr. President, I do not seek to judge the wisdom or the folly of that particular vote by then Senator Nixon. I do not seek to judge the merits or the demerits of Mr. McGranery. I merely note that then Senator Nixon exercised the very right he would now, as President, deny to those now serving in the Senate.

I would like to point out, just as an incidental matter, that I now serve in the Senate seat, in the same class of Senator from California, that President Nixon once held. In opposing the pending nomination, I am now exercising the very right Senator Nixon exercised when he opposed the nomination of an Attorney General.

Mr. President, I would like to add one further thought quite relevant to what we are discussing.

On September 4, 1968, commenting on Justice Fortas' nomination as Chief Justice, President Nixon, then a candidate, said:

> When the appointment was up for confirmation in the Senate, my position was that it is the Senate's responsibility and that I would not interfere.

I believe President Nixon should follow his own advice during the debate on Judge Carswell's nomination.

The Senators who oppose Judge Carswell's nomination are not trying to usurp the President's constitutional function; they are, rather, exercising their constitutional obligation. The President can nominate a man with racist philosophy to sit on the Court if he wishes to do so. But this Senator will exercise his constitutional and moral responsibility by opposing the nomination of a racist to the highest court of the land.

I would like to ask the Senator from Indiana if he does not join in my feeling that this is an obligation we must meet within our own consciences as Members of the Senate.

Mr. BAYH. I certainly concur in what my distinguished colleague from California has said. We cannot just be totally naive about this matter. Nobody in this body can do his duty and fulfill his responsibility if he does not realize facts as they are. We live in a political world. Fortunately, we have good Democrats and good Republicans. I hope this discussion of the nomination does not head in the direction in which the President appears to be heading, which is that if one is a good Republican he has to be for the nomination and if one is going to be a good Democrat he has to support the President's nominee.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. BROOKE. The Senator raises a very important point, and one which has troubled me deeply in the last few days. I have been troubled about the direction in which this debate has been going and has been moving.

The President is not a candidate for the Supreme Court. G. Harrold Carswell is the candidate for the Supreme Court. I greatly respect the President, as does the distinguished Senator from Indiana. He is my party chief, and it has been a very painful experience to me to have to disagree with him on the nomination.

Mr. BAYH. Mr. President, if the Senator will permit an interruption for just a moment, let me say that having had the privilege of sitting on the other side of the aisle and having listened to the Senator from Massachusetts give his first speech with respect to the Carswell nomination, in the course of the colloquy between us I do not think we could have been closer in a community of feeling. Perhaps I should not speak for the Senator from Massachusetts, but after having gone through the ordeal of the Haynsworth nomination, I was hoping and praying I would not have to go through another. I confessed—and I discussed this publicly, so it is a matter of record—that I was reluctant, hoping all the things that had been said would be laid at rest.

But the longer it went, the more I became convinced.

I salute the Senator from Massachusetts for the determination and raw courage he has evidenced. I would suppose—not having been in his position, I would have to suppose—it would be much more difficult to oppose a nomination from a President of his own party.

Mr. BROOKE. I thank the Senator from Indiana for that kind expression. On occasion the question has appeared to be not whether one is opposed to the qualifications of G. Harrold Carswell, but rather whether one is opposed to the President of the United States.

Most certainly, I am not opposed to the President of the United States. The distinguished Senator from Indiana has said he is not opposed to the President of the United States. He has said that, as a Democrat, he respects the President, who is his President as much as he is my President or the President of any other American. But I think it is unfortunate that the issue now is, Are you going to back the President and vote for G. Harrold Carswell, or are you going to live up to your obligation and responsibility as a U.S. Senator and make a judgment and decision based upon the qualifications of G. Harrold Carswell?

The President's qualifications are not at issue. G. Harrold Carswell's qualifications are. Our duty and our obligation is to examine those qualifications and to make a decision.

We are not supposed to make a decision based upon whether one is a liberal or a moderate or a conservative, a Republican or a Democrat, but based upon our individual responsibility as U.S. Senators. Each of us, in his own mind and conscience and heart, must ask is this a man to sit on the Supreme Court? There is nothing else.

A vote against G. Harrold Carswell should not be interpreted in any form or fashion as a vote against the President of the United States. And a vote by a Republican U.S. Senator should not be interpreted in any form or fashion as an act of disloyalty to his party chief, the President of the United States.

I think it is shameful that the issue is taking this turn in the waning days of the debate. It is getting so now that the question is not, "Are you going to vote for or against Carswell?" The question is, "Are you going to vote for or against the President?" That is most unfortunate. It troubles me. It is a misleading, and indeed an untrue, distortion of the issue.

I certainly want to commend the distinguished Senator from Indiana for giving us the opportunity to discuss this specific issue. I want to commend him for his leadership and his courage. He has had a great personal family tragedy, and I think he comes back to the Senate at this time not because he wants to defeat G. Harrold Carswell, not because he wants to oppose President Richard Nixon, but because he has such dedication to his responsibility as a U.S. Senator and such great reverence for the high tribunal of the Supreme Court of the United States that he could do nothing less. I think nothing else would have brought him back here today to stand on the floor and to work for what he believes is in the best interest of this country.

I think that is also true of those of us on this side of the aisle who are in opposition to this nomination. Some Senators have said, "Well, the President's nominee was rejected once, and therefore it would be an act of supreme disloyalty for a member of the President's own party to vote against the second nominee."

Mr. President, when men and women are elected to this body, it is presumed we are all intelligent men and women. Certainly we know that our responsibility is a joint responsibility with the President for the creation of a third coequal branch of the Government; namely, the judicial branch of government. This matter goes far beyond any loyalty to party, far beyond any loyalty to any particular ideology or philosophy. It is a question that should be decided on the merits of the case, and the merits of the particular case alone.

So those of us on this side of the aisle who painfully find it necessary to vote in opposition to the nomination of G. Harrold Carswell do so purely on the merits of the case, based upon our view that this man lacks the legal compe-

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tency, the judicial temperament, which many of us in this body and across this land believe is essential for a man to sit on the Supreme Court of the United States.

No man should sit on the Supreme Court of the United States if he harbors ideals and ideas which are repugnant to the Constitution of the United States, which prescribes equal justice for all our citizens.

We are here discussing a motion to recommit. The debate has been directed primarily to the confirmation of this nominee. Serious questions have been raised. The credibility of this candidate has been raised. The credibility of some of the affidavits and witnesses has been raised.

Certainly, these are all valid matters to consider before contemplating a favorable vote upon a motion to reconsider.

Mr. President, in the waning days of this debate, I am again most hopeful that we will discontinue discussions of anything not germane to the business which is before the Senate, that we will no longer talk about loyalties to President, to parties, or to philosophies, but will direct our attention, as good lawyers should, to the central and dominant issue which is before this body: that is whether this body should send the nomination of G. Harrold Carswell back to the Senate Judiciary Committee, so that that committee, in its wisdom and its judgment, can conduct further hearings and resolve the grave questions and doubts that have been raised concerning this particular candidate.

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I think it is regrettable that the President, in his exchange of letters with our distinguished colleague from Ohio (Mr. SAXBE), raised the question as to separate responsibilities of the executive branch of the Government and the legislative branch of the Government. We must never view the nomination and confirmation process, as Constitution has prescribed, as anything less than a joint responsibility, and one which we must take most seriously. The late distinguished Senator from Ohio, Mr. Taft, made an eloquent speech on this subject when he served in this august body. Separation of powers does not mean the domination of one branch over another, but rather—in this case in particular—a shared, coequal responsibility.

Mr. President, before I conclude—and I certainly thank my distinguished colleague from Indiana for his indulgence—another matter has come to my attention which I think should be discussed. I trust that some Senators here, be they proponents or opponents, may have some light to shed upon it. That is the issue that has been raised relative to the extent of the investigation made by the Federal Bureau of Investigation into the background and qualifications of the candidate.

Government procedure calls for an investigation by the FBI of potential candidates for high Federal office; and perhaps the most important investigation that they conduct is the investigation of prospective nominees for high judicial posts. It is my understanding that it has been the practice and procedure of the FBI, in conducting such investigations, to make inquiries into the racial attitudes of prospective candidates. The reason for that, Mr. President, is simply that no one should be allowed to sit on the Supreme Court of the United States, or on any court—certainly any Federal court—if that person harbors a racial view which would be repugnant to the Constitution of the United States. I think this is a good practice and a good procedure, and it is my understanding that it had been followed in the past.

It is my further understanding, Mr. President, that when the question was raised as to why the FBI had not come across the now somewhat infamous statement of G. Harrold Carswell made in 1948, in which he declared his very strong and profound belief in racial superiority, the FBI said that it did not look into the newspaper morgues, and had not looked into the racial beliefs or attitudes of this particular candidate, Carswell.

I ask the question: Was this a change in practice and procedure in the FBI? Was there some reason why the FBI, in this particular case, did not adhere to what apparently is an established practice and procedure? And if they did not do so, then why not?

I think this is an important point, Mr. President, because certainly the members of the Committee on the Judiciary and of the Senate relied upon the FBI investigation, as they should be able to do. If in this case the FBI did not do its job thoroughly, exhaustively, and intensively, and some part of the routine investigation was omitted, either by oversight or by design—and I do not make such charge, for I do not know—then it would seem to me——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, is the Senator making a charge or not?

Mr. BROOKE. No, I said I do not make a charge.

Mr. GURNEY. Mr. President, I raise this question: Is there some doubt in the Senator's mind?

Mr. BROOKE. I am asking what was done. I think the Senator understands me.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Indiana has the floor. He has yielded to the Senator from Massachusetts.

Mr. GURNEY. Will the Senator from Indiana yield briefly to me?

Mr. BAYH. I am glad to yield, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. MURPHY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from California will state his point of order.

Mr. MURPHY. Is it not proper that after a Senator has obtained the floor, he yield for questions only?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURPHY. It seems to me we have been hearing a speech. It seems to me that if the Senator from Massachusetts wishes to make a speech, then perhaps the floor should pass to the Senator from Massachusetts; otherwise, the distinguished Senator from Indiana should be permitted to continue unencumbered.

Mr. GURNEY. I think the Senator from Indiana has yielded to me for the purpose of asking a question.

Mr. BAYH. Mr. President, I certainly appreciate the fact that my friend from California has my best interests at heart.

Mr. MURPHY. I am very much interested, because I have been sitting here for 3½ hours, hoping to get the floor myself.

Mr. BAYH. I yield to the Senator from Florida, provided that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, my question is directed to the distinguished Senator from Massachusetts. Since the question and the point that he raised is a very important one, and I might say in all candor a very insinuating one, it seems to me that the question ought to be directed to the FBI, and not to the Senate here on the floor. The question should first be asked of the FBI, and then, if there is some indication that they have not done their work, then the Senate should be informed.

My question is, Has the Senator asked the FBI, and if not, why not, before he brings it up here on the Senate floor?

Mr. BROOKE. Mr. President, I think the distinguished Senator from Florida understood what I was saying. I raised the question, and I again raise it, as to whether or not, first, there is such an established practice and procedure in the FBI. Second, if there is, was it followed in this case? Third, if it was not, why not?

I think it is certainly proper for me to raise that question on the floor of the Senate, and I so raise it.

Mr. GURNEY. Mr. President, will the Senator yield further?

Mr. BAYH. I yield, with the understanding that I will not lose my right to the floor.

Mr. GURNEY. I can reply to that question of my own personal knowledge in connection with the investigation of a U.S. marshal appointment in Florida last year. They did, indeed, look into the question of racial bias of the particular candidate, and they gave an answer. I know that for sure. I can tell the Senator that of my own personal experience. So I think it is a custom.

I still say that this question should be directed to the FBI and not raised on the floor of the Senate.

Mr. BROOKE. Mr. President, the Senator from Florida has performed a very useful service. I am very grateful. I asked the proponents or opponents of this nomination alike if they had any information that might be helpful. The information that the distinguished Senator from Florida has given is very helpful. He has stated that, of his own knowledge, in the investigation of a U.S. marshal in the State of Florida this year, the FBI did make an inquiry into the racial attitude of the prospective candidate.

Mr. GURNEY. Last year, not this year.

Mr. BROOKE. I stand corrected.

He says further, that it is established practice and procedure, and he knows that to be true. That is one of the questions I asked, and I thank the distinguished Senator for his answer.

Now I ask, if that is true in the case of a U.S. marshal, did the FBI follow the same established practice and procedure when they investigated G. Harrold Carswell? If they did then why is it that the FBI did not come up with the statement which was made by G. Harrold Carswell in the State of Georgia in 1948, which clearly indicates a racial bias, the worst I have ever heard.

If they had that practice and procedure, then why did not the FBI come up with the statement and report it to the Senate Judiciary Committee?

Does the Senator from Florida have any information that would be helpful to us on that?

Mr. GURNEY. If the Senator will yield, I think the answer is obvious.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. BAYH. I yield, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GURNEY. I think the answer is quite obvious. Any investigation, no matter how thorough it might be, would not necessarily reveal the statement that was made obscurely in a rural Georgia area 22 years ago. I would think that any investigation into these matters might omit some facts that if investigators knew where they ought to go to find them, they might have gone. I think that is the obvious answer.

Mr. BROOKE. Mr. President, I think that is a rather serious indictment of the FBI. They are able to find out things that certainly are more obscure—if that is the word we are going to use—than a statement made by a prospective Supreme Court Justice in a political campaign before an American Legion forum in the State of Georgia. It did not seem to be obscure to the newspaper reporter who found out about it. Does the Senator mean there are things that the FBI cannot find that a newspaper reporter can find about a candidate for the Supreme Court of the United States? I just cannot believe that our FBI is this inadequate. I shudder to think that that is true.

Mr. TYDINGS. Mr. President, will the Senator from Indiana yield to me to address a question?

Mr. BAYH. I yield, with the understanding that I will not lose my right to the floor.

Mr. TYDINGS. Is the question which the Senator from Massachusetts is raising one perhaps a little bit broader than that we are discussing; namely, first, whether or not when conducting screenings of judicial candidates for the Federal bench, including Justices of the Supreme Court, there was within the Department of Justice a regular custom and procedure, which included surveillance of newspaper morgues and the questioning of lawyers and others who might be apprised of the racial attitudes of the individual nominee, and second was this practice set aside and not used by the Department of Justice and the Federal Bureau of Investigation in this case? Is that the question?

Mr. BROOKE. That is certainly one of the questions I raised.

As I said in response to the Senator's question, it is my understanding that for some time there had been an established practice and procedure in the FBI which required them, in the normal conduct of their business of investigating judicial appointments and others, to make inquiries into the racial attitudes of prospective nominees. That I understand to be the practice. That practice has been supported, or at least established, by the distinguished Senator from Florida, who says he knows that is an established practice and, in fact, it had applied last year to a U.S. marshal in his own State of Florida.

If that is true, I ask: Was the same practice used in the investigation of G. Harrold Carswell? If it was used, does it mean that they did not do their work as extensively as they should have and could have? Or, if they did not, why not? Did they change the practice, or did they just disregard the practice?

Those are my questions, and I am earnestly looking for some answers to those questions.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. BAYH. Perhaps it would be a little easier for our colleagues to follow the debate in the RECORD if the Senator from Indiana could proceed, and then I am sure that my colleagues and I would be more than happy to join in colloquy about some of the things that have been said. I think the Senator from Massachusetts raises a very good point.

Mr. DOLE. Will the Senator yield briefly, and I will not interrupt again.

Mr. BAYH. I yield.

Mr. DOLE. Let me observe that a number of questions have been raised about Judge Carswell, and that may be one way to call attention to some of those who oppose him.

First, he was a racist; then he was mediocre; then he lacks candor; and now the FBI has failed.

It is fine to raise those questions and leave them in the air and hope the press will take over from there.

Mr. BAYH. If the Senator from Kansas will bear with me, I intend, in about 30 minutes, to tell the Senator from Kansas why the Senator from Indiana thinks Judge Carswell is mediocre and is not qualified to sit on the Court. That is the very reason I am here, as much as I question whether I should be or not. I have been reading, from half a world away, stories emanating from the United States about what the issues are involving G. Harrold Carswell's competence. What are we deciding here? It is time we started putting our feet back on the ground and stopped the effort to direct our attention to eliminate things that do not amount to anything.

The degree to which the background has been indicated, the facts that have been thrown on the record, which were available when the Judiciary Committee considered this nomination—I think that is very pertinent to whether we feel the nomination should be sent back to that committee. I think that is why the Senator from Massachusetts raises the question.

I do not intend to get into this particular question in as broad a field as I think we should at a later date, after we have disposed of this nomination one way or another. But in following the question raised by the distinguished Senator from Maryland, I am deeply concerned that the past two nominations and the controversies that have arisen lead the Senator from Indiana to believe that whatever practice is followed is not thorough enough, does not establish a criterion that should be established and followed, if we are going to ferret out all the facts.

Mr. CRANSTON. I should like to raise another question about the nature of the investigation conducted of this nominee. At various times, when I have been seeking to fill a position which I thought was important, before employing someone I would learn whatever I could about his ability and all other information available to me, and then I would interview the individual. There was always one question I would ask: Is there anything about you of which we may not be aware that we should know, and that you should bring to my attention that we may not have discovered about you?

It would seem to me if that question were not asked by the FBI—we would not expect the FBI to ask it—but by someone with higher responsibilities such as the Attorney General, of Mr. Carswell, then there was dereliction in the process of investigating the nominee. I think it would be useful to know whether that question was asked of him. If it was not, then the investigation was faulty. If that question was asked, then there is the question, did Carswell answer that question and say "Yes, I made a speech that was a segregationist speech some time back when I was in a political campaign." If he did not make such a statement, then he was not truthful in answering the questions that were posed to him. If he did answer the questions truthfully with a, "Yes, I made such a speech long ago," then we have a further question, "Did whoever asked that question feel it was relevant to the nomination and should not be brought to the attention of the Judiciary Committee, or did whoever asked that question deliberately conceal the information?

It seems to me this is an additional reason for referring the matter back to the Judiciary Committee, so that we can learn whether that question was asked, and what the response was.

Several Senators addressed the Chair.

Mr. BAYH. I yield to the Senator from Massachusetts.

Mr. BROOKE. The Senator has been most indulgent. I do know that he has a speech to deliver, but I want to be sure I am clear in my own mind as to the

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last remarks of the distinguished Senator from Indiana.

Certainly, we can all agree that after the Carswell nomination is history, we should look more closely at the practices and procedures of the FBI insofar as investigations are concerned.

But would not the Senator agree that prior to that time, and most relevant to the Carswell case, we should find out the extent of the investigation conducted by the FBI in the Carswell case, and the practices and procedures that existed in the FBI prior to the Carswell investigation, and whether there was any change in the practices and procedures in this particular case. If not, what did they do? If so, why did they not do it? Is that not a logical and relevant series of questions that should be answered?

Mr. BAYH. Mr. President (Mr. Eagleton), I feel that this type of information would be helpful to the Senate.

Several Senators addressed the Chair.

Mr. GURNEY. Mr. President, on that very point, I would ask the Senator from Massachusetts to direct those questions tonight to the FBI, and have them delivered, and have the answer up here tomorrow, so that the Senate and the press can have the benefit of what they say, rather than a speculative question as to what they have done, or what they might not have done, which may throw a cloud upon their investigation.

That is the way we should treat this thing, open and above board, on the table, so that we will all know.

Several Senators addressed the Chair.

Mr. BAYH. Mr. President, I have the floor.

Mr. BROOKE. The Senator yielded to me, as I understood it.

The PRESIDING OFFICER Mr. Eagleton). The Senator from Indiana has the floor. Does he yield to the Senator from Massachusetts?

Mr. BAYH. Mr. President, I had yielded to my friend from Massachusetts, with the understanding that I would not lose my right to the floor, so that he may answer as expeditiously as possible the question of the Senator from Florida.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts may proceed.

Mr. BROOKE. I thank the Senator from Indiana.

I think that the Senator from Florida, in his zeal—and I can understand that zeal, and respect it, has mislabeled my question as speculative. I think it is rather unfair to say that these are speculative questions. I want to impress upon the Senator from Florida the earnestness of those questions. I am concerned. I want to know the answers to those questions. The Senator was most kind and helpful in giving me one answer, when he knew and I did not know the answer to that question. I asked all my colleagues on the floor to give me these answers, if they had them. I certainly have no objection to asking the FBI what their investigation consisted of in the Carswell matter, and what the practices and procedures were, whether they have changed them in this case, and if they did, why they did it. I think when I asked the questions, I pointed out to the Senate that the FBI had already said in a public statement that it did not come up with this information concerning the statement made by Carswell in 1948 in Georgia. As I recall their statement, it was because they did not look into the racial attitudes which might be revealed among other sources, by the newspaper morgues.

If that is true, then it would appear to me that the questions, one of which has been answered already, if I am to believe the Senator from Florida, is that there is such an established practice and procedure. If I am to believe the FBI, that they did not look at the newspaper morgues for racial attitudes, then obviously there has been some change in procedure, or they failed to observe the practices and procedures that existed in the past.

But, my answer to the distinguished Senator from Florida is, Yes, I would be pleased to ask the FBI. I want to know the answer, but more important than my knowing the answer, is the Senate should know the answer, and the Nation should know the answer.

Mr. GURNEY. I thank the Senator. I agree with him on that score.

Mr. BAYH. Mr. President, I think, if I still have the floor, I shall yield——

Mr. MURPHY. Mr. President, will the Senator from Indiana yield for a question?

Several other Senators addressed the Chair.

Mr. BAYH. Mr. President, I think the Senator from California (Mr. Murphy) has been very patient and I will be glad to yield to him for a question, and then the Senator from Maryland. Then I would appreciate a chance to proceed along the pathway which brought me here in the first place, to try, along with all of us, to look at some of the things which have been stated. We all agree they are relevant questions to ask of a man who is being proposed to sit on the Supreme Court.

Mr. MURPHY. I am so pleased that my colleague from Indiana said that. I wonder if the gentlemen concerned with the lengthy colloquy going on here which seems to question the FBI—which may be probably and properly taken up at another time—have read page 3 of the report in which it states:

> The "racist" charges stem from a speech which the judge gave in 1948 when a recent law school graduate seeking election to the Georgia State Legislature. Having been charged by his opponent with being too liberal, Judge Carswell gave a speech embodying then current southern notions of segregation and white supremacy. Reminded of the speech 22 years later, Judge Carswell unhesitatingly deplored and rejected "the words themselves and the ideas they represent. They're obnoxious and abhorrent to my personal philosophy."

Mr. President, those are the words of Judge Carswell. They are contained in the committee report. I think that maybe this should cut through some of what is becoming confusing to the Senator from California.

I thank my distinguished colleague from Indiana for his courtesy in allowing me to put this into the Record at this particular point.

Mr. BAYH. I am certainly glad that the Senator from California put that into the Record. I think we should perhaps make one slight addition, so that it is put in proper perspective, that that statement was made 22 years later, after Judge Carswell's name had been submitted to the Senate to sit upon the Supreme Court.

Now, if anyone can find for this Senator a statement half so bold a year before, or 2 years before, or years before, then I would say, we have something.

Now the Senator from Maryland has a question——

Mr. MURPHY. Will the Senator from Indiana permit me to answer. It was not my purpose——

Mr. BAYH. The Senator from California was not asking a question——

Mr. MURPHY. Yes, I did—I beg the Senator's pardon—I asked the question, as to whether my colleagues had read page 3 of the committee report. It was my purpose merely to read that segment of page 3 and have it in the Record, and not to enter the colloquy which, in my humble opinion, is being handled very well by the Senator from Indiana, the Senator from Massachusetts, and others.

Mr. TYDINGS. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I yield.

Mr. TYDINGS. Mr. President, does the Senator from Indiana think the issue might be clarified if a letter were directed to the Attorney General of the United States propounding a number of questions, including those raised by the distinguished Senator from California (Mr. Cranston) and those raised by the distinguished Senator from Massachusetts (Mr. Brooke) and by the Senator from Maryland, with respect to the policy, custom, and practice of the Federal Bureau of Investigation of the Department of Justice with respect to judicial nominations prior to the nomination of Judge Carswell, and the policy, practice, and actual conduct of the investigation with respect to Judge Carswell? Does the Senator think such a letter might be helpful?

Mr. BAYH. I think that such a letter and the answers that would be forthcoming would be helpful. I think it may be pertinent, particularly if we are talking about referring the nomination back to the Judiciary Committee.

I feel, whether by information supplied by the Department of Justice, the newspaper reports, or by individual Senators, we already have a number of answers to the questions that would be reasonably propounded. And the answers to these questions, as I see them, are matters of deep concern.

Mr. TYDINGS. The purpose of my question was to announce that the Senator from California (Mr. Cranston) and I are sending such a letter to the Attorney General of the United States. I think the significance of such a letter would be that if it turned out that the Department of Justice terminated its normal policy and initiated a new policy with respect to Judge Carswell which would tend to submerge or withhold vital information which should be available

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about the background of Judge Carswell, then that information should be brought to the attention of the Judiciary Committee of the U.S. Senate and, indeed, to the attention of every Member of the Senate and the attention of the President of the United States.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I yield to the Senator from Massachusetts with the understanding that I not lose my right to the floor.

Mr. BROOKE. Mr. President, I am very much pleased that the distinguished Senator from Maryland and the distinguished Senator from California are going to raise with the Attorney General the questions I have already propounded, and which continue to trouble me deeply.

I would be pleased to associate myself with the letter propounding those questions. It was for this reason that I brought them to the attention of the Senate. I would be very pleased to join with the distinguished Senator from Maryland and the distinguished Senator from California in sending such a letter to the Attorney General of the United States.

I think such a communication would be most helpful. And I trust that the Attorney General will reply as early as tomorrow—I do not see any reason why he could not do so—so that in the day and a half left before we vote on this very important issue, we will have the benefit of that information.

Mr. TYDINGS. Mr. President, I would be delighted to have the distinguished Senator from Massachusetts join with us in sending the letter.

Mr. BAYH. Mr. President, if I might ask the indulgence of the Senate, I am trying to deal with the points that had been raised by the President of the United States in the letter addressed to our friend the distinguished Senator from Ohio (Mr. Saxbe).

I ask unanimous consent at this time to have printed in the Record the very succinct editorial relative to this same matter appearing in this morning's Washington Post entitled "Judge Carswell: the President's 'Right of Choice.' "

There being no objection the editorial was ordered to be printed in the Record, as follows:

Judge Carswell: The President's "Right of Choice"

"As the President has a right to nominate without giving his reasons, so has the Senate a right to dissent without giving theirs."—George Washington, Aug. 8, 1789.

President Nixon's claim that the Senate must vote to confirm Judge Carswell or place in jeopardy the constitutional balance between the Executive and the Legislature is an arrogant assertion of power that attacks the constitutional responsibilities of the Senate and is based on a false reading of history. It is, indeed, a presidential endorsement of the argument made recently in the Senate that since Mr. Nixon won the election he is entitled to put anyone he wants on the Supreme Court.

The President, of course, qualifies this claim by saying that "if the charges against Judge Carswell were supportable, the issue would be wholly different." But what he really means is that since *he* finds those charges—of mediocrity, of racial bias, and of a lack of candor—unsupportable, the Senate must accept his judgment and confirm his choice. He leaves a senator, who is given the constitutional responsibility of consenting to nominations, no latitude in making his own independent judgment on the fitness of the man for the office.

The President makes no attempt to square this bold assertion of the right to fill offices with this nation's constitutional or political history except to claim that his predecessors have been freely given the "right of choice in naming Supreme Court justices." He seems to overlook the fact that one out of every five presidential nominations of men to sit on the Supreme Court has not been confirmed by the Senate. He does not mention that the Senate failed to consent to nominations to that court made by Washington, Madison, John Q. Adams, Tyler, Polk, Fillmore, Buchanan, Johnson, Grant, Hayes, Cleveland, Hoover and Johnson.

It might be well, since the President has brought it up, to recall why the Senate was given the power to approve or reject presidential nominations to high office. It came about as a compromise in the Constitutional Convention between those who wanted the President to have absolute power to fill those offices and those who wanted to give that power to Congress. Alexander Hamilton explained the compromise in The Federalist:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connections, from personal attachment, or from a view of popularity."

That this was intended to be a substantial check on the President's power was made clear in the first Congress. Arguing in favor of a secret ballot in the Senate on questions of confirmation, William Maclay said, "I would not say, in European language, that there would be court favor and court resentment, but there would be about the President a kind of sunshine that people in general would be well pleased to enjoy the warmth of. Openly voting against the nominations of the President would be the sure mode of losing this sunshine." And arguing in favor of an open vote, Robert Morris said it would be beneath the dignity of the Senate to vote in secret since a Senator, in passing on a nomination, ought to be '"open, bold and unawed by any consideration whatever."

It is against that background—an attempt by the men who wrote the Constitution to keep the President from filling offices with anyone he might choose and a history in which the Senate has approved 108 nominations to the Supreme Court while failing to approve 26—that Mr. Nixon pleads the case for Judge Carswell. A vote against confirmation, he says, is to vote to strip the President of the power to appoint. No opponent of confirmation that we know of has suggested that the Senate, not the President, nominate prospective justices. No opponent has suggested that Mr. Nixon not make a third choice to fill the existing vacancy if his second choice fails. No opponent has suggested—as did some Republicans at the time Chief Justice Warren offered his resignation—that the President not choose at all. Some, for that matter, have even jested that the Senate ought to confirm this nomination since the next one might be worse.

What Mr. Nixon is attempting to do is to turn an attack on his judgment into an attack on the prerogatives of the office he holds. Those who oppose confirmation are, indeed, questioning the judgment of the President. But the impact of a rejection by the Senate would not be on the powers of the presidency but on the personal power of this President.

The irony of all this is clear. The current vacancy on the court exists solely because the Senate did *not* act on the principle stated by Mr. Nixon yesterday when it received the nominations of Justice Fortas and Judge Thornberry. It refused to be a rubber stamp then and it refused again when it rejected Mr. Nixon's nomination of Judge Haynsworth. Surely this should have put the President on notice that the Senate was not to be trifled with. Yet he came back after that defeat with a nomination that is an insult to both the Senate and the Supreme Court, a nomination of a man who is substantially inferior to Judge Haynsworth. Although this put many senators who wish to support the leader of their party in extremely embarrassing positions, the argument has now been turned on its head. Some of them are now saying that *they* cannot reject Judge Carswell without insulting *the President*. It is important to be clear in our minds about who is insulting whom in this matter. The answer is in yesterday's presidential letter to Senator Saxbe, for what the President is saying is nothing less than that he alone is entrusted "with the power of appointment." He is not so entrusted; he has only the power to *nominate*. The power to *appoint* is one he shares with the Senate. The Senate's best response to this attack—this insult, if you will—on its constitutionally given prerogatives in the appointments process would be an outright rejection of the nomination of Judge Carswell.

Mr. GRIFFIN. Mr. President, would the Senator from Indiana yield briefly to me?

Mr. BAYH. Mr. President, I yield to the Senator from Michigan with the understanding that I do not lose my right to the floor.

Mr. GRIFFIN. Mr. President, in view of the questions which were raised by the distinguished Senator from Massachusetts and the indication by the Senator from Maryland that he may join with others in writing to the Attorney General, let me say I believe I am in a position now to answer those questions.

After conferring with the Justice Department, I can say that the FBI does make a check as to the racial attitudes of nominees for judicial positions, and that the FBI did follow its usual practice and procedures in connection with the investigation of Judge Carswell.

Indeed, the question raised has already been answered by a press release issued by the Department of Justice on March 31.

As I received it over the telephone, the text of the press release read in part as follows:

> The instructions issued to the FBI by Ramsey Clark in August 1965 were made a part of the Bureau's routine investigation of nominees. They are still in effect and are still a part of the routine.

Now, the question arises as to why, if the FBI followed its usual practice in this case, they did not uncover the newspaper report of a speech made by the nominee some 22 years before. I am informed that there is an answer to that.

The Irwinton Press, if I correctly remember the name of the newspaper in the little town, has been defunct for a number of years, and its files were not available.

Perhaps one can say, on reflection, that it could have been possible, nevertheless, for an FBI agent to have discovered the report. It was possible because legal notices published in the defunct newspaper were preserved in the county courthouse. If the FBI had gone to that source, it would have been possible to have uncovered it.

However, it is difficult to criticize the FBI under such circumstances.

Obviously, later after an announcement was made about the nomination, there were hundreds of reporters, to say nothing of representatives of various special interest groups, who were busy digging everywhere they could possibly dig. It is not surprising that this item was later uncovered.

Under the circumstances, I do not think it is surprising that the FBI, in its normal investigation, did not happen to uncover it.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Indiana has the floor. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. BAYH. I yield to the Senator from Maryland with the same stipulation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I could understand how on a regular, normal clearance check, one speech made 22 years ago might be overlooked. But it is difficult for me to conceive how they could have overlooked the strong feelings of John Lowenthal, who is now professor of law at Rutgers University, and who was involved in many civil rights cases before Judge Carswell for many years, whose testimony is on page 139 of the hearings; or the strong feelings of Ernest H. Rosenberger, a member of the bar of the State of New York, who was involved in civil rights cases before Judge Carswell, and whose testimony is on page 149 of the hearings; or the feelings of Norman Knopf, an attorney for the Department of Justice, whose testimony is on page 174; or the feelings of Leroy Clark, chief attorney for the NAACP legal defense fund during that period of time. I do not understand how they overlooked two judges in the State of Florida, who are now sitting, one, a former Assistant Attorney General, Harold Graham from the city of Miami, who tried cases before Judge Carswell; or how they overlooked James W. Matthews, now a municipal judge from the city of Opa Locka and a former assistant U.S. attorney, or other members of the bar and lawyers throughout the area involved in civil rights litigation.

I am at a loss to understand how they failed to know it was common knowledge with lawyers who defended civil rights litigants that one could not get a fair trial before Judge Carswell.

I do not know how a normal check along the standards stated by the Senator from Michigan could have been made without some of that evidence turning up.

Mr. President, let me say further that I have the greatest confidence in the Federal Bureau of Investigation. I worked for them for 3 years when I was U.S. attorney. I know the type work they did. I cannot believe if they did a normal routine check they would not have come up with some of that information which the Senate hearings turned up, which individuals volunteered, and which was common knowledge among attorneys trying civil rights cases involving racial issues in that part of the country during his tenure as judge.

(At this point, Mr. Tydings assumed the chair.)

Mr. BROOKE and Mr. GURNEY addressed the Chair.

Mr. BAYH. I have the floor. I am willing to yield with the understanding I do not lose my right to the floor.

Mr. BROOKE. Mr. President, I regret that I was not in the Chamber and did not hear the entire statement of the distinguished assistant minority leader (Mr. Griffin). But I did understand that he was answering some of the questions I raised. Is it his understanding that this practice and procedure which was instituted under the former U.S. Attorney General, Ramsey Clark, is the same practice and procedure which is used today? And further, that it is the same practice and procedure which was used in the Carswell case?

If I understand correctly, he said that in this particular case the town of Irwinton, Ga., is no longer in existence.

Mr. GRIFFIN. I do not know about the town but the particular newspaper in which this report appeared is no longer in existence.

Mr. BROOKE. Does the Senator know the extent to which this investigation was conducted by the FBI?

Mr. GRIFFIN. No, the Senator does not. The Senator merely sought the answers to the questions of the Senator from Massachusetts.

Mr. BROOKE. May I further ask if the Senator knows what was the report of the FBI relative to the racial attitudes on the part of Judge Carswell?

Mr. GRIFFIN. No, the Senator does not.

Mr. BROOKE. The Senator is also a member of the Committee on the Judiciary. I ask the Senator if there was anything in the report to the Committee on the Judiciary which would have indicated that the FBI did inquire into the racial attitudes of G. Harrold Carswell.

Mr. GRIFFIN. I cannot tell.

Mr. BROOKE. The Senator does not know, so the Senator would not know whether a report was given either favorably or unfavorably, or in any detail whatever as to the issue of racial attitudes in the FBI report which was transmitted to the Committee on the Judiciary.

Mr. GRIFFIN. No, but I assume whatever adverse information that could be found was stated to the committee or is in the report for the Senate to consider.

Mr. BAYH. Mr. President, if the Senator would permit me to reclaim the floor temporarily, I think what the Senator from Maryland had to say a moment ago was pertinent here: That the information relative to the negative attitudes of the nominee was not uncovered by any examination or investigation of the FBI. It was brought out voluntarily by members of the press, individuals, members of the bar, and people who studied the civil rights movement in the South.

I would like to join in this letter and I might suggest to the distinguished Senator from Maryland, the distinguished Senator from California, the distinguished Senator from Massachusetts, and whoever may care to join in this letter, that in addition to asking the Department of Justice what type investigation was made, let them come forth with some of the information they found pursuant to asking some of these questions.

Mr. BROOKE. I think we ought to know the full extent of the investigation. The distinguished assistant minority leader has said that there was an investigation; that the FBI did follow the practice and procedure instituted by Attorney General Ramsey Clark. If this is true, what did the FBI find? I think we ought to know exactly what they found.

Mr. BAYH. It should be a part of the letter.

Mr. BROOKE. It should be a part of the letter. I think that is important to us. I think we ought to ask not only what their investigation consisted of, but we ought to find out why it is that they did not come up with the information which was found by some of the other people who, presumably, have nowhere near the investigative resources and talents of the FBI.

Mr. GURNEY. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Florida, with the understanding that I do not lose my right to the floor.

Mr. GURNEY. Merely to answer briefly the argument made by the distinguished Senator from Maryland (Mr. Tydings), which I think needs answering, because it bears directly on the question of how rigorous and thorough the investigation was, I presume that the FBI, when it investigated the attitudes of lawyers who practiced before the judge in the northern district of Florida, went to lawyers who practiced before his court and who resided in the northern part of Florida.

As a matter of fact, I personally have gone to many of those lawyers and asked them about this very question—the racial attitude of Judge Carswell in civil rights cases. There are some letters which I placed in the Record. It seems to me that that would be the logical place the FBI would go to seek its evidence. It is true that this other testimony has been adduced, some before the committee and some later. But I suggest that most or perhaps all of those people are scattered throughout the country—the professor in the Yale Law School, as I recall; the professor from Rutgers; a professor who is now defending the Black Panthers in New York, having taken the place of Kunstler.

If the Senator will permit me to continue further—he is very patient and indulgent—the point I make is that these lawyers referred to by the Senator from

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Maryland who appeared before Judge Carswell in civil rights cases were not from Florida, but were scattered throughout the country. The one or two who are in Florida are also now scattered and not in the northern district where Carswell sat. It is obvious why those people were not seen by the FBI.

Mr. BAYH. With all due respect, several, at least, of the individuals suggested by the Senator from Maryland are living in Florida today. As I recall, one or two are serving at present as municipal judges. So I do not think it is a fact that they are scattered like chaff before the wind.

I think we have determined that this letter will be sent. I hope we may reach some agreement that questions will be asked not only with respect to the type of investigation that was conducted, but also as to what information was obtained.

Mr. GRIFFIN. Mr. President, who is being confirmed here? The FBI or Judge Carswell?

The PRESIDING OFFICER (Mr. TYDINGS). The Senator from Indiana has the floor.

Mr. BAYH. I have enough respect for the distinguished Senator from Michigan to suggest that perhaps he does not need that information.

Mr. GRIFFIN. I think it is a question. I am beginning to wonder who is on trial. Who is it that we are trying to confirm? The information is here. The Senator is not saying he did not get all the information, I understand.

Mr. BAYH. If the Senator from Michigan had been listening to the Senator from Indiana, he would know the answer to that question also.

I do not want to appear to be trite to the distinguished minority whip, but I think the Senator from Indiana made it very clear that having the investigation and the information deduced therefrom is pertinent to whether the nomination is going to be sent back to committee.

What is of principal concern to the Senator from Indiana is that we already have substantial pages of information which has been disclosed by various means, most of which was not presented as a result of any report, but which is of deep concern to the Senator from Indiana. We have it in the RECORD now. It is not all in the volume of hearings, but it has been made public by insertion in the RECORD.

I hope, before morning, to have the opportunity to go point by point down the various issues raised by our distinguished President, because I think he hit these points, but, with all due respect to him, I think he apparently had not available all the information pertinent to the point; and I would like to have the chance to spread the rest of the information on the record so that then each Senator can look at what the President's judgment is relative to these important facts; look at the judgment of the Senator from Indiana, the judgment of the Senator from Michigan, the judgment of the Senator from Massachusetts, and that of any other Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield for one question?

Mr. BAYH. I yield.

Mr. GOLDWATER. I would hope the letter that is written to the Justice Department relative to the FBI investigation is very carefully phrased, because I think every one of us in this room has, many times in his life, been questioned by the FBI relative to people who might be appointed to this job, that job, or the other job. If I am not mistaken, we are told that that information will be held in confidence.

I think we can skate on some rather thin ice here and destroy the effectiveness of the FBI in their investigations for all Government jobs, whether they be for courts or for just ordinary employment. I would hope they would be most careful in this.

While I know all the Senator wants to get is information on the questions that have been raised here, I think we could be getting into a serious situation, where we might destroy the effectiveness of FBI reports if we asked for full divulgence of everything people told the FBI with assurance that it would not be disclosed.

Mr. BAYH. I think the Senator from Arizona raises a good question. However, I think Members of the Senate would be able to get the pertinent information, either in a confidential manner or publicly, without violating the confidential nature of the FBI investigation.

If I may proceed, I was dealing with the point raised by the President when he suggested that the American Bar Association Committee on the Federal Judiciary found Judge Carswell qualified as to integrity, judicial temperament, and professional competence.

I think the Senator from Kansas and the Senator from Indiana had a little different opinion relative to the weight to be given to the large number of law school deans and some 200 prominent members of the bar, all former clerks to various Supreme Court Justices, and five or more faculty members from more than 30 law schools who have opposed the nomination.

A number of State and local bar associations have examined the nominee's record and found him lacking and announced opposition to his elevation to our highest court. This is of concern because the 11 members of the American Bar Association Committee on the Federal Judiciary are distinguished men, but I think we have to take their opinion of the nomination and compare it to the opinions of a vastly larger number of equally well qualified lawyers and scholars relative to the nominee's qualifications.

Unquestionably, the vast majority of those members of the bar who have taken a public position on the qualifications of Judge Carswell to sit on our highest court have been in disagreement with the American Bar Association committee that found him qualified. I think it is a fair assessment, as I said a moment ago, or perhaps it has been longer than a moment ago—when the Senator from Kansas raised this point—to note that never before has such overwhelming opposition to a Supreme Court nominee been evidence at the grassroot level and at the academic level of the legal profession. Certainly it was not raised in the previous discussion relative to the qualifications of Judge Haynsworth.

The President has attempted to make it appear that Judge Carswell's qualifications are demonstrated by the fact that 11 of his colleagues on the Fifth Circuit Court of Appeals support his nomination. Here again I ask the Senate's indulgence, because I intend to go down the letter of the President directed to our distinguished colleague from Ohio. He mentioned that 11 of Judge Carswell's colleagues on the Fifth Circuit Court of Appeals support his nomination.

One would normally expect all of a judge's colleagues to support his nomination to the highest court. Certainly the fourth circuit judges were unanimous in their support of Judge Haynsworth. I really think the significant thing that must be spread on the record and must not be overlooked is the fact that seven of Judge Carswell's 18 colleagues have chosen not to support his nomination publicly, including such distinguished jurists as John Minor Wisdom, Elbert Tuttle, and Chief Judge John R. Brown.

The Senator from Maryland raised a question as to the Tuttle matter earlier. I think that is in the RECORD, but it should be taken into consideration when we are studying this matter.

The President attempts to dismiss evidence of Judge Carswell's misstatements to the Judiciary Committee as merely insignificant and unintentional errors resulting from the passage of 14 years since he signed as an incorporator of a segregated private golf club in Tallahassee.

Mr. President, I want to dwell at some length on this matter, because I happen to be a member of that Judiciary Committee. We sat there for a number of hours and listened to this testimony, and I think the rest of the Members of the Senate need to compare the record of what was said there with the President's effort to dismiss it.

Mr. TYDINGS. Mr. President, will the Senator yield at that point for a question with respect to his statement of fact that only 11 of the Judges of the Fifth Circuit signed a letter supporting his nomination?

Mr. BAYH. I yield.

Mr. TYDINGS. Does the Senator from Indiana know of any Justice nominated to the Supreme Court of the United States in this century, who was a sitting judge when he was nominated, who did not have the support of every judge on the bench on which he sat?

Mr. BAYH. That is a very good question. I must admit that the Senator from Indiana does not have all this information available.

I do recall that in connection with the nomination of Judge Haynsworth, the fourth circuit judiciary was unanimous. It is a pretty gutsy thing, let me suggest, for any circuit court judge to stand up in public and say that he does not support or refuses to sign a petition of support for

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a fellow circuit court justice he is going to have to continue to sit with if the man is not elevated to the highest court, or even if he is elevated to the highest court.

Mr. TYDINGS. Does the Senator recall, when Judge Burger was elevated to the position of Chief Justice, that every single member of the bench on which Judge Burger sat signed a letter of endorsement in behalf of Judge Burger?

Mr. BAYH. I am glad that the Senator from Maryland stimulated my memory. I do recall that, now he mentions it.

Mr. TYDINGS. I think the fact that five of his fellow judges who sat on the same bench with Judge Carswell declined to sign a letter of endorsement is one of the most telling indictments a man could receive. I know of no other instance of a judge nominated to the Supreme Court from the Federal bench in this century who did not have the full support of every judge on his bench.

Mr. BAYH. I appreciate the Senator from Maryland bringing this to our attention. I do recall the Burger nomination and the Haynsworth nomination, and certainly what the Senator from Maryland says relative to those nominations is accurate.

I am now going to look at this matter of what was said before the Committee on the Judiciary relative to the incorporation of the segregated private golf club in Tallahassee. I have said repeatedly in colloquy on this floor with some who have taken issue with me relative to this matter that if this fact stood alone, by itself, it would not be a matter of such significance to me. However, I think the existence of this involvement of the judge in the incorporation of this segregated golf club lends credence to the feeling that many have that the judge has really not changed the attitude that he expressed, significantly and exactly, relative to white supremacy back in 1948.

But of greater concern to the Senator from Indiana as a member of the Committee on the Judiciary is the way that the testimony evolved, as we sat there and listened to what Judge Carswell said relative to this information which had just come to the attention of several members of the Judiciary Committee.

The fact is that Judge Carswell testified under oath before the Senate Judiciary Committee that he was not an incorporator of the club, although his memory had been refreshed the preceding evening when two distinguished members of the ABA Judiciary Committee showed him the papers of incorporation and pointed out his signature as an incorporator.

I ask my colleagues to look at page 22 of the transcript, where the Senator from Nebraska (Mr. HRUSKA) is quoted as asking Judge Carswell:

> Were you an incorporator of that club as was alleged in one of the accounts I read?

I think there was an account in the morning paper, before the hearing that very day.

Judge Carswell replied: "No, sir."

Yet, the preceding evening Judge Carswell had held those incorporation papers in his hands; had acknowledged his signature on them as an incorporator in the presence of Charles A. Horsky and Norman P. Ramsey, two members of the ABA Judiciary Committee.

Mr. TYDINGS. Mr. President, will the Senator yield further at that point?

Mr. BAYH. I am glad to yield to my distinguished colleague from Maryland.

Mr. TYDINGS. Would the Senator from Indiana agree that integrity is a prime requisite for any candidate for the Supreme Court of the United States?

Mr. BAYH. There is no question about that. The Senator from Maryland is absolutely correct.

Mr. TYDINGS. At this time, in order to make the record complete, I ask unanimous consent that a memorandum addressed to Senators TYDINGS and KENNEDY, and signed by Charles A. Horsky and Norman P. Ramsey, members of the American Bar Association Committee on Judicial Nominations, be incorporated in the RECORD in its entirety; and if the Senator from Indiana will bear with me, I would like to read it.

Mr. BAYH. I yield to the Senator from Maryland for that purpose, with the understanding that in doing so I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, are there extra copies, so that we may have the benefit of the memorandum on this side?

Mr. TYDINGS. I intend to read it all, so Senators can listen as I read. That way, there will be no question.

The first page of the memorandum deals with the interrogation of Judge Carswell, but I shall read the entire memorandum so that there is no question, although the first part is not relevant to the question of the veracity of the judge before the committee with respect to the incorporation.

It reads as follows:

MEMORANDUM TO SENATORS TYDINGS AND KENNEDY FROM CHARLES A. HORSKY AND NORMAN P. RAMSEY

This memorandum is in response to your request of yesterday that we set forth the circumstances of the meeting we had with Judge Harrold Carswell on January 26, 1970.

We met with Judge Carswell, by appointment, at his hotel room in Washington, D.C. at about 6 p.m. on that date. We were met at the door by his brother-in-law, Mr. Simmons, whom we had met earlier, and who in turn introduced each of us to Judge Carswell. Our visit occupied between 25 and 30 minutes. Mr. Simmons was not present.

Mr. Horsky explained that the reason for the visit was the desire on the part of the Committee on Federal Judiciary to have further information with respect to two matters. He further stated that the Chairman of the Committee had requested Mr. Ramsey and himself to have this meeting in order to obtain first-hand information on these two matters. Judge Carswell stated that he would be glad to discuss any matters in which the Committee was interested.

The first topic mentioned by Mr. Horsky, who conducted most of the conversation, related to the reports that lobbying for a race track bill pending in the Florida legislature had occurred at a dinner party held at Judge Carswell's home in early 1969 at which several Florida legislators were present. Judge Carswell stated, as we had already learned from Mr. Simmons, that the dinner party to which the report referred had originally been arranged by Mr. Simmons and his wife as a small gathering. By reason of a "bring some of your friends" type of invitation, it had grown to include 40 or 50 people. When it became apparent that it had reached that size, Mrs. Simmons decided, because of the very recent tragic death of two of the Simmons' children, that she could not go on with it. Judge Carswell's wife, her sister, upon learning of her decision, volunteered to have the party at her home, which she did. Judge Carswell was late in arriving, although he was there during most of the evening. Contrary to the press reports, he said, there was no receiving line. He stated that, so far as he was informed, the dinner was not intended as an occasion for lobbying and that he had certainly had no part in any lobbying activity. He emphasized that the whole affair was held in his home only as an accommodation to the Simmons.

Page 2 of the memorandum contains the matter relevant to the debate and the issue concerning whether or not Judge Carswell conducted himself in a manner consistent with the integrity required of a Supreme Court nominee, when he answered certain questions before the Senate Committee on the Judiciary the following morning.

The memorandum continues:

Mr. Horsky then asked Judge Carswell about his connection with the Capital City Country Club. Judge Carswell stated that he had been asked by someone to contribute $100 to help build a new clubhouse, and that he had done so. He had been a member of the club for two or three years thereafter, but had found, since he did not play golf, that the membership was not worth the cost, and had resigned. Some years later, when his son became a golfer, he rejoined the club, but again soon decided that he could better pay greens fees for his son at other golf courses, and resigned again. He stated, in answer to a question by either Mr. Ramsey or Mr. Horsky, that at no time had he spoken of, or heard discussed, the idea that the purpose of the information of the new club was to prevent the use of the golf course by Negroes. In answer to another question, he stated that he had personal knowledge that Negroes had attended meetings at the club, because he recalled a conversation with a Mr. Kershaw, a Negro legislator, at a meeting at the club. He stated also that his wife, who was a member of the local Red Cross board, which was integrated, had told him of Red Cross board meetings held at the club.

Mr. Horsky, who had brought to the meeting photostatic copies of a number of papers having to do with the corporate organization of the club, then showed Judge Carswell the papers from the Certificate of Incorporation on which the names and signatures of the incorporators of the club appeared, showing him as an incorporator. Judge Carswell responded that, as he recalled it, anyone who was willing to put up the $100 which was being solicited could have had any title he wanted—vice president, director, incorporator or whatever. He said he had never attended any meetings. He then examined the list of names, in order, as he said, to see if he could recall who had asked him for the $100. After going down the list and identifying several of the persons whose names were listed, he commented that many of the men were bankers, and concluded, although not with certainty, that it had been one of the bankers, Julian Smith, who had solicited his contribution. The pages were then returned to Mr. Horsky.

When we were about to depart, we informed Judge Carswell that our Committee would inform the Judiciary Committee that he was qualified for the Supreme Court, and Judge Carswell expressed his gratification.

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> We have conferred so that we might refresh each other's memory on the circumstances of the meeting. The above constitutes our best joint recollection.

Mr. BAYH. If the Senator will permit me, this visit, then, preceded the testimony that took place 12, 13, or 14 hours later, the following morning, when, on page 12—I think I mentioned page 22 earlier—Senator HRUSKA said:

> Were you an incorporator of that club as was alleged in one of the accounts I read?
>
> Judge CARSWELL. No, sir.

Mr. TYDINGS. Under oath.

Mr. BAYH. Under oath.

Mr. TYDINGS. Judge Carswell said to the Senate Judiciary Committee, the morning after he had been interrogated and shown the corporation papers, "No, sir."

I ask the Senator from Indiana to look at page 13:

> Senator HRUSKA. Are you or were you at that time familiar with the bylaws or the articles of incorporation?
>
> Judge CARSWELL. No, sir.

The morning after he had seen the articles of incorporation, the list of the incorporators.

Mr. BAYH. I am glad the Senator brought this up, because in the letter to Senator SAXBE, the President suggests that Judge Carswell corrected his lapse of memory only a minute later, by the testimony that the Senator from Maryland is now pursuing.

Mr. TYDINGS. Let me go on.

At the time, I recall that my personal recollection was that Judge Carswell was a very impressive witness, that obviously he had no recollection of anything about this incorporation, that he had read something in the newspapers, he said, the night before; he had no idea.

Senator HRUSKA continued:

> My safe deposit box has some of those country club stocks certifications, too. One of them has a very fancy designation on it, "incorporator." I paid my fee. I am sorry to say it was much more than $100, and it was an honorary thing. I could have gone along just as well without the honor, because I don't play golf either. Could the stock you received on this occasion have borne the label, "incorporator," indicating that you were one of the contributors to the building fund for the clubhouse?

Judge Carswell replied, under oath, to our committee:

> Perhaps, I have no personal recollection.

Mr. BAYH. The night before, he had seen the papers. It was not a matter of something that had happened several years ago. But these very papers that he denies knowledge of had been given him in his hotel room the evening before by Mr. Horsky and Mr. Ramsey.

Mr. TYDINGS. Not only that—Horsky and Ramsey had interrogated him specifically and showed him the papers, and he went over the list of incorporators.

In the latter part of the afternoon Senator KENNEDY interrogated him on the same topic, at page 30.

Senator KENNEDY actually had photostatic copies of the corporation papers. Finally, at page 30, it will be seen that Judge Carswell admitted that he was an incorporator.

Here is a man under oath, before the Senate Judiciary Committee, who the evening before had seen the papers, knew he was an incorporator, who deliberately—there is no other way to take it—on three different occasions, on pages 12 and 13, denied he was an incorporator, and he did it in such a way as to mislead the members of the committee. Indeed, if Senator KENNEDY had not pinned him down, we never would have known whether or not he was an incorporator, although he knew it the entire time; because when you are interrogated by members of the judicial nominating committee of the ABA, you do not forget what they came to interrogate you about.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly for a correction?

Mr. BAYH. I am glad to yield.

Mr. GRIFFIN. I know the Senator from Maryland would not want to leave an error in the RECORD. He said that it was late in the afternoon when Senator KENNEDY asked the question. If the Senator will look at page 32 of the record, he will see that the question was asked by Senator KENNEDY in the morning session before the noon recess.

Mr. TYDINGS. I stand corrected.

Mr. GRIFFIN. And was before the noon recess. I think that is of some significance.

Obviously, a reading of the entire record indicates—and the memorandum substantiates it—that Judge Carswell did not consider himself to be a promoter or an organizer of that corporation. He contributed $100. Technically, he was an incorporator and his first answer was in error.

Mr. TYDINGS. And he knew he was an incorporator.

Mr. GRIFFIN. And he corrected it. The President of the United States recognized that he made an error when he answered the question in the first instance. But during the same morning session, when the question was raised by Senator KENNEDY, the matter was clarified.

Mr. BROOKE. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. BROOKE. Would not the error have stayed in the record had not Senator KENNEDY asked the question?

Mr. GRIFFIN. I cannot answer the question.

Mr. BROOKE. Mr. Carswell at least did not volunteer a correction of that error, did he?

Mr. GRIFFIN. As the record stands, that is correct.

Mr. TYDINGS. I think it would be helpful if we put in the RECORD at this time—and I ask unanimous consent—the full dialog between Senator KENNEDY and Judge Carswell, appearing on pages 31 and 32 of the record of the hearings, to note that it was not voluntary. Senator KENNEDY had to draw it out of Judge Carswell.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

> Senator KENNEDY. Earlier today, you responded to the inquiries of the Senator from Nebraska on the golf course down at Capital City Country Club. This was, as I understand it, in regard to a newspaper report that was in this morning's paper, and you responded to him, to the question of the Senator from Nebraska, that you thought it was principally an effort to build a clubhouse.
>
> Judge CARSWELL. My sole knowledge of that matter had to do with a conversation with a friend named Julian Smith in Tallahassee who approached me and virtually anyone else, as I recall. He was trying to get the $100 apiece from anyone to build a new country club. I gave him $100. I then received some kind of message that I had a share or stock in this thing. I did receive it, and some several months later, as I have already stated, I sold it and got out of the thing entirely and got $75 back. That is my sole connection with that. I have never had any discussion or never heard anyone discuss anything that this might be an effort to take public lands and turn them into private hands for a discriminatory purpose. I have not been privy to it in any manner whatsoever.
>
> Senator KENNEDY. By receiving that share, you became either a director or subscriber of that club?
>
> Judge CARSWELL. No, sir; I never became a director, Senator Kennedy, at all. I don't know how it appears in the label there, but I never attended a meeting with anybody. I don't think I ever talked to anybody about it but Julian Smith. I don't think there was ever even one other human being with whom I ever had a conversation about it.
>
> Senator KENNEDY. Did you in fact sign the letter of incorporation?
>
> Judge CARSWELL. Yes, sir. I recall that.
>
> Senator KENNEDY. What do you recall about that?
>
> Judge CARSWELL. That they told me when I gave them $100 that I had the privilege of being called an incorporator. They might have put down some other title, as if you were potentate or something. I don't know what it would have been. I got the one share and that was it.
>
> I found later, since we were not golfers, neither my wife nor me, that at that point, our four children were preschool age or school age, the club meant very little to us. It meant virtually nothing to us. It was only a privilege of going there to get a meal. So we dropped out very shortly thereafter, although we rejoined after an interval of time when my boys got up to 14 or so and wanted to play golf. Then we dropped out of that after a while and I haven't been a member since 1966.
>
> Senator KENNEDY. Did you generally read the nature of your business or incorporation before you signed the notes of incorporation?
>
> Judge CARSWELL. Certainly I read it, Senator. I am sure I must have. I would read anything before I put my signature on it, I think.
>
> Senator KENNEDY. Do you remember that it talked about the purchasing and leasing and acquiring and operating a golf course and tennis courts and swimming pool, clubhouse, club facilities, lake; maintain and operate the same; purchase lease, and represent all or any real or permanent property necessary for said purposes, to do all the things incident to and in furtherance of a private country club, for the recreation, health, amusement and pleasure of the members thereof, to operate any business or facility incident to or in pursuit of these objectives? Would this lead you to believe that their only interest was just in the building of a clubhouse?
>
> Judge CARSWELL. Oh, no. I certainly was aware that there would be things going on around the clubhouse that normally do. I didn't mean to imply that. If I did, I correct it.

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Senator KENNEDY. You weren't, at least in your—

The CHAIRMAN. Let's recess now until 2:30.

(Whereupon at 12:30 p.m., the hearing was recessed to reconvene at 2:30 p.m. of the same day.)

Mr. TYDINGS. I think the issue is really not how Judge Carswell pictured himself but the fact that Judge Carswell was willing to deceive the Judiciary Committee of the U.S. Senate. That is what troubles me.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BAYH. I want to make one observation, because I happened to be seated next to Senator KENNEDY at the time this interrogation was going on.

It seemed to me that when Senator KENNEDY asked the question on the bottom of page 31:

> By receiving that share, you became either a director or a subscriber of that club?

Judge Carswell said:

> No, sir; I never became a director . . .

Then Senator KENNEDY made it evident that he, indeed, had a Thermofax copy of the articles of incorporation. Then Judge Carswell said:

> Yes, sir. I recall that.

He either recalled it or he did not recall. I can see how it is possible for a fellow to give $100 to a club for one purpose or another and forget about it. But it is difficult for me, as hard as I try, to envision, in light of the Horsky-Ramsey disclosure, that all this took place in the hotel room the night before and then get the type of answers we had the following morning.

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Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. CRANSTON. In the effort to straighten out this tangled record, I asked the Senator from Indiana when this exchange occurred in the sequence. This colloquy appears in the hearing record at some point:

> Senator BAYH. Since you have looked at the documents, I suppose——
>
> Judge CARSWELL. Senator, I have not looked at the documents.

The documents referred to were the documents of incorporation. When did that particular conversation occur?

Mr. BAYH. The Senator from California knows—I guess the Senator from California has a reason for asking the question—that I said that Senator KENNEDY was to my right. So the questioning between the nominee and the Senator from Indiana took place immediately following. The discussion which has previously been alluded to by the Senator from Maryland related to Judge Carswell and Senator KENNEDY.

Mr. CRANSTON. Judge Carswell denied at that point having seen the document he had seen the night before?

Mr. BAYH. That is accurate. The Senator from Indiana would like to put that in proper perspective. The judge came back a second day, and the interrogation proceeded. The Senator from Indiana had an opportunity to ask questions of Judge Carswell on the second day as well as on the first day. I think that to be totally accurate I should read the quotation directly from the hearing record, as alluded to by the Senator from California, who read:

> Senator BAYH. Since you have looked at the documents, I suppose——
>
> Judge CARSWELL. Senator, I have not looked at the documents.

That occurred the next day; it did not occur the first day.

Mr. GRIFFIN. Mr. President, will the Senator further yield for a question?

Mr. BAYH. I yield.

Mr. GRIFFIN. The Senator did not complete the answer of Judge Carswell, who went on to say:

> I didn't mean to leave that impression with you. The documents speak for themselves. I couldn't begin to tell you what the documents say.

Obviously, when he saw the papers the night before, he recognized his signature. He recognized that he had subscribed to some stock.

The question the Judge was answering, as it appears on page 68 of the hearings, sought to get from him in detail what the documents contained, and he did not know, which is not surprising.

Mr. BAYH. If the Senator will permit me to repeat, the English language is specific:

> Senator BAYH. Since you looked at the documents, I suppose—

Then there was an interruption by Judge Carswell:

> Judge CARSWELL. Senator, I have not looked at the documents. I didn't mean to leave that impression with you. The documents speak for themselves.

We were trying to find out what relationship the Judge had to the corporation—whether he knew it or not. Now we have learned that he had, indeed, looked at the documents the night before. But then he said he had not.

Mr. DOLE. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. DOLE. Let me correct the Senator from Maryland. He has made serious charges of a lack of candor. I think the Senator said the memorandum was signed by Ramsey and Horsky. I think it was signed by Horsky, the same Horsky who occupied a position of importance in the White House in the last administration. But I do not see the signature of Ramsey. Is that correct?

Mr. TYDINGS. The signature is not on it, but this is the Ramsey statement.

Mr. GURNEY. Will the Senator yield for an observation?

Mr. BAYH. I yield.

Mr. GURNEY. I think this is most important. I think this particular testimony is troubling some Senators, as well as the Senator from Indiana and the Senator from Maryland. If we will recall, the Senator from Florida was present also during the hearings that first day, both morning and afternoon. In fact, all the time that Judge Carswell was before the committee. The Senator from Florida never heard of this country club either. It was as fresh to him as it was to the Senator from Indiana and the Senator from Maryland.

Let me say what the impression was of the Senator from Florida. Listening carefully to all the testimony as it was adduced by the Senator from Nebraska (Mr. HRUSKA) and the Senator from Massachusetts (Mr. KENNEDY), it was quite obvious that there were two country clubs involved, a first one, the one that Judge Carswell signed as an incorporator, and a second one. This was rather confusing at first, because it was hard for me to understand what actually went on.

Then as the colloquies and the questions and answers developed among the Senators and Judge Carswell testifying, it was quite obvious that the first corporation which was incorporated was incorporated, as I recall, as a corporation for profit, never really functioned or did any business at all so far as taking over the country club was concerned; but that later a corporation not for profit was organized which actually did the taking over of the country club and ran it.

Now let us look at specific dates. The first corporation which Judge Carswell signed as an incorporator is dated, as I recall it, April 24, 1956. That was actually the date of the articles of incorporation. Let me see if that is correct.

Mr. TYDINGS. Is the Senator referring to the Capital City Club?

Mr. GURNEY. That is right. I think I am correct on that. April 24, 1956, is the date. Right. Yes, here it is. There was the signature of Judge Carswell on that.

Then the other organization, which was a corporation organized not for profit, a charitable corporation, as we call it in Florida, which is done by quite a different method, by a petition to a circuit court and then an order by a judge, rather than by articles of incorporation filed by the secretary of state. That was instituted and it appears on page 360 of the record, the petition for the club by order——

Mr. BAYH. Will the Senator yield there?

Mr. GURNEY. Let me finish first and then I will be through.

Mr. BAYH. I believe the Senator is getting confused on this. He has not studied it, perhaps, as carefully as some others; but go ahead.

Mr. GURNEY. Perhaps if I am confused, the Senator can correct me later on. However, I think I have it right.

Then, later on, on January 29, 1957, that was about 7 months later as I recall it here, the new corporation, not for profit, the charitable corporation, was organized by petition and order of a circuit court. In that petition, on page 363, there is a list of the officers and directors of the corporation—both corporations, as a matter of fact.

Here is what it says.

Mr. TYDINGS. Is the Senator referring to page 357?

Mr. GURNEY. No. Page 363 of the record:

> The present officers and directors of Capital City Country Club, Inc., . . .

That was the first one, a corporation for profit that Judge Carswell was a signatory to on the charter—

> and the directors and officers of this corporation—

That was the one organized not for profit—

> hereby designated to serve until the first election shall be—

Then it has a list, if Senators will examine it carefully, and Judge Harrold Carswell's name is not there. He was not a member of that second corporation. Mind you, now, this petition was in January, the first part of the next year, and it says in the petition:

> The present officers and directors—

That is very important—

> of Capital City Country Club, Inc.,—

That was the one he signed—

> and the officers and directors of this corporation hereby designated to serve until the first election shall be—

This backs up the judge's testimony and his understanding that, yes, he was a part of this initial one but he was never a part of the second corporation.

Mr. BAYH. The Senator from Florida is really stretching the imagination of the Senator from Indiana. He tells us that two different corporations were involved. The judge was an incorporator of one and he said he was not an incorporator——

Mr. GURNEY. No, he did not.

Mr. BAYH. Well, it is either right or wrong.

Several Senators addressed the Chair.

Mr. BAYH. Mr. President, I should like to pursue my point, if I may. I have the floor.

The establishment of the country club, by all the evidence we have been able to adduce, was directed to the effort to circumvent the Supreme Court decision which made it illegal to have a public, segregated golf facility. They started out with a profit-making corporation and then found out that they could not make any money. That was not a technicality to change the two corporations, but part of the same pattern designed to be able to remove the country club from a public to a private one so that they could violate the Supreme Court decision and limit it to white people.

Mr. GURNEY. I am not arguing that one way or the other. The Senator can have one opinion on that and I can have another opinion on it. The point I make is that there were two corporations and he was the signatory to one corporation but had no part of the other corporation. The Senator has not answered that question at all in the context of the testimony adduced in the hearing. It bears out what the judge testified——

Mr. TYDINGS. What was the name of the second golf club?

Mr. GURNEY. Capital City Country Club.

Mr. TYDINGS. Inc., Tallahassee, Fla.?

Mr. GURNEY. That is right.

Mr. TYDINGS. What was the name of the first one?

Mr. GURNEY. Same name.

Mr. BAYH. There is no mystery about the corporations, or whether they are two entirely different corporations, other than the fact that they are on different sets of legal paper.

Mr. GURNEY. I certainly will say that they are two entirely different corporations, one organized under the Secretary of State of Florida, and the other organized under a circuit court order. The evidence is right there in the hearing on page 363, that Judge Harrold Carswell was not a part of that second corporation.

Mr. BAYH. Well, the Senator from Florida just said——

Mr. GURNEY. That is the whole point of the controversy.

Mr. BAYH. Not at all. That may be the point of the Senator from Florida but it is not the point of the Senator from Indiana. Is not the Senator from Florida trying to find some common ground here?

Mr. GURNEY. I am trying to find some facts. [Laughter.]

Mr. BAYH. I am sure that my good friend from Florida is——

Mr. GURNEY. Believe me, facts are being ignored around here by the opposition.

Mr. BAYH. It must be nice for the Senator from Florida to have the sole ability to determine fact and fiction. The Senator from Indiana regrets——

Mr. GURNEY. The Senator from Florida is able to read.

Mr. BAYH. If the Senator from Florida will let the Senator from Indiana finish, I will be glad to yield further, and if not, I shall proceed with my speech.

Mr. GURNEY. The Senator has the floor. The Senator has the floor.

Mr. BAYH. The whole issue here is the fact that there was a golf course and that the judge's signature was affixed to the incorporation papers. He saw the papers one night and he told the U.S. Senate Committee on the Judiciary in hearings the very next morning that he was never a member, was never an incorporator of this particular corporation. I do not care if there were a dozen different corporations, which there were not. It so happens that the Senator from Indiana believes those two corporation are closely related and that they are the same entity, except for form.

They were designed to accomplish the same purpose.

Mr. TYDINGS. It was on the same property and for the same purposes.

Mr. BAYH. What concerns me is that after seeing these papers, we had testimony from Judge Carswell contrary to the actual circumstances.

In the hope that we might try to find some common ground, does the Senator from Florida agree that Judge Carswell did sign one of the corporation papers?

Mr. GURNEY. The Senator from Florida has already pointed that out.

Mr. BAYH. Does the Senator from Florida admit that the judge saw his signature affixed to these papers the night before he testified?

Mr. GURNEY. The Senator from Florida will say that he has heard an affidavit read that was signed by one man. He points out that the other man, Mr. Ramsey, appeared at the second meeting of the bar association, after he had read his testimony regarding the formation and being one of those present at the hotel meeting that night. Having reported to the bar association on how he viewed what transpired in the hotel room, he must have reported the same set of facts that I am reporting. And that is, if I may finish my thought, that Judge Carswell did not consider that he had a part of the second corporation which actually carried on the business of the country club. And that is the point I am making.

Mr. BAYH. Who was carrying on the business of the country club at the time it was operating under the first of the corporation papers which were signed by Judge G. Harrold Carswell?

Mr. GURNEY. I said to the Senator that the impression I got from hearing the testimony before the Judiciary Committee—the same testimony that the Senator from Indiana heard—was that the main thrust of carrying on the business of this country club was that of a corporation organized, not for profit, but a charitable corporation, and that Judge G. Harrold Carswell was not a part of it.

Mr. BAYH. I think the Senator is entitled to his opinion.

Mr. GURNEY. I think that is true. And that is the other side of the coin.

Mr. BAYH. The Senator from Florida is entitled to form a judgment in his own mind. Each of us can construe the facts as we see them.

The Senator from Indiana believes that Judge Carswell signed these corporation papers. They are not made out of the thin air. We saw them. And when he was queried by the members of the committee, he suddenly denied that he had signed them.

I do not think this is to be taken lightly.

Mr. President, I yield briefly to the Senator from Michigan who has been trying to get the floor.

Mr. GRIFFIN. Mr. President, I appreciate this opportunity to indicate that the situation is even further complicated by the fact that there were not two corporations. There were actually three corporations involved.

On page 108 of the testimony, it is clear that originally this country club was owned by the Tallahassee Country Club, and that in 1935 it was turned over to the city of Tallahassee. There was a reservation in the deed providing that if at any time the city of Tallahassee did not wish to continue to operate it, it was to be leased back to the original corporation.

Now, on page 255, Mr. Proctor, who was a witness concerning the details of this transaction, testified that beginning in 1952 the shareholders of this original corporation that owned the country club began discussions and negotiations with the city trying to get the city to turn it back.

The city had let it run down. The golf course was in bad shape, and there were not the appropriate facilities.

Mr. TYDINGS. Mr. President, is the Senator speaking from his own knowledge?

Mr. GRIFFIN. That is the testimony in the record. In 1956, according to the testimony on page 255, the city turned the country club back to the original corporation, the Tallahassee Country Club, which was not the corporation to which Judge Carswell subscribed.

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So, there are really three corporations involved. And I think that fact ought to be kept in mind as we are trying to evaluate this testimony.

Mr. TYDINGS. Mr. President, can the Senator tell us where on page 255 he is reading from? I think he might read the whole page.

Mr. GRIFFIN. It reads:

> Senator KENNEDY. Then you said in 1956, February 14 of 1956, it was actually transferred back to this group, is that correct?
>
> Mr. PROCTOR. That is correct.
>
> Senator KENNEDY. And was the group that it was transferred to in 1956 the same group of stockholders that met in 1952? Were there others who were added to that group?
>
> Mr. PROCTOR. There were others who were added to that group, and they formed a new club. This same group combined with a group of other interested citizens, and formed the Capital City Country Club, Inc. They filed for a certificate of incorporation on April 24 of 1956.

Mr. TYDINGS. Is that not the country club which we are referring to?

Mr. GRIFFIN. At another point in the record, it is clear that it was turned back and then the lease was assigned by the original corporation.

Mr. TYDINGS. Mr. President, what part is the Senator referring to? Can we have the specific part?

Mr. GURNEY. Mr. President, while the Senator is looking for that, will the Senator yield?

Mr. BAYH. May the Senator from Indiana proceed with his speech until the Senator from Michigan finds the place?

Mr. GURNEY. This bears directly on the speech of the Senator. It might shed some light on the matter.

Mr. BAYH. We are talking about two different things. The second is equally important to the Senator from Indiana.

At one point, we seem to have some disagreement as to whether Judge Carswell signed anything, whether he was an incorporator of the corporation, or whether this information was made available to him the night before he told the Senate he had not signed such a document.

Mr. GURNEY. Mr. President, my question to the Senator from Maryland (Mr. TYDINGS) would be what papers were shown to Judge Carswell—the first or the second incorporation papers, or both?

Mr. BAYH. Mr. President, did he sign them?

Mr. GURNEY. That is not the question. I am directing a question to the Senator from Maryland. We have two corporations. His signature was not on one.

Mr. TYDINGS. Mr. President, I now refer to page 11 of the record of hearings before the Judiciary Committee, and I read from that page the questions asked by Senator HRUSKA of Judge Carswell and I think we can clear the matter up by the record.

The question by Senator HRUSKA and the answer by Judge Carswell are as follows:

> Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee. I am confident that you read the account. I would be safe in saying all of us did. You are entitled to tell your side of the story and tell us just what the facts are.
>
> Judge CARSWELL. I read the story very hurriedly this morning, Senator, certainly. I am aware of the genuine importance of the facts of that.
>
> Perhaps this is it now. I was just going to say I had someone make a phone call to get some dates about this thing.
>
> This is not it. (Noting a paper on the desk.)
>
> I can only speak upon my individual recollection of this matter.
>
> I was never an officer or director of any country club anywhere. Somewhere about 1956, someone, a friend of mine—I think he was Julian Smith—said, we need to get up some money to do something about repairing the little wooden country club, and they were out trying to get subscriptions for this. If you gave them $100, you would get a share in the stock in the rebuilding of the clubhouse. I did that. Later—I have had this confirmed; I do not have the records with me, but it can be confirmed, without a doubt—I was refunded $75 of that $100 in February of the following year, 1957. We were not even members of the country club. I am not a golfer. It is a golf-playing organization.
>
> So years later, when my elder son, George, became quite interested in golf, his mother suggested primarily, and I concurred with the thought, that it would be a fine thing for him, a young boy, to play golf. So we rejoined the club on a family basis and were active members of this club—I say active members; dues-paying members. I don't think I went there more than twice a year, but my son went there frequently and played golf until, I—I am advised and the records show, and I have no reason to question them, that we resigned in 1966 entirely from this club. That concludes the matter. I do not know any more that I could say about this.

Now, listen to this:

> The import of this thing, as I understand it, was that I had something to do with taking the public lands to keep a segregated facility. I have never had any discussion with any human being about the subject of this at all. That is the totality of it, Senators. I know no more about it than that.

We now have this, on the heels of a letter or statement from Ramsey and Horsky, signed by Charles A. Horsky, but a joint statement of the two concerning a meeting they had with Judge Carswell the night before he testified on this point before the Judiciary Committee.

Let me read the first paragraph:

> We met with Judge Carswell, by appointment, at his hotel room in Washington, D.C., at about 6 p.m. on that date.

That was January 26, 1970.

> Mr. Horsky, who had brought to the meeting photostatic copies of a number of papers having to do with the corporate organization of the club, then showed Judge Carswell the papers from the certificate of incorporation on which the names and signatures of the incorporators of the club approved, showing him as an incorporator.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD pages 348, 349, 350, 351, 352, 353, and 354 of the hearings.

There being no objection, the pages were ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE, STATE OF FLORIDA

I, Tom Adams, Secretary of State of the State of Florida, Do Hereby Certify that the following is a true and correct copy of Certificate of Incorporation of Capital City Country Club, Inc., organized and existing under the Laws of the State of Florida, filed on the 24th day of April, A.D., 1956; Resident Agent Certificate filed on the 23rd day of May, A.D., 1956; Capital Stock Tax Report for part year 1956 and 1957 filed on the 9th day of August, A. D., 1957; Petition to Leon County Circuit Court changing corporation from a profit corporation to a non-profit corporation approved by the Honorable Hugh M. Taylor, Judge of the Circuit Court, in and for Leon county, pursuant to Chapter 57-90, Laws of 1957, filed on the 9th day of August, A. D., 1957; Exempt Tax Report filed on the 20th day of January, A. D., 1960; Exempt Tax Report filed on the 17th day of May, A. D., 1963; Exempt Tax Report filed on the 24th day of September, A. D., 1964; Exempt Tax Report filed on the 28th day of July, A. D., 1965; Exempt tax Report filed on the 12th day of July, A.D., 1966; Exempt Tax Report filed on the 21st day of June, A. D., 1967; Exempt Tax Report filed on the 18th day of September, A. D., 1968, as shown by the records of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 30th day of January, A.D. 1970.

TOM ADAMS,
Secretary of State.

CERTIFICATION OF INCORPORATION OF CAPITAL CITY COUNTRY CLUB, INC.

We, the undersigned, hereby associate ourselves together for the purpose of becoming a corporation under the laws of the State of Florida, by and under the provisions of the Statutes of the State of Florida, providing for the formation, liability, rights, privileges and immunities of a corporation for profit.

ARTICLE I. NAME OF COMPANY

The name of this corporation shall be:—Capital City Country Club, Inc.

ARTICLE II. GENERAL NATURE OF BUSINESS

The general nature of the business and the objects and purposes proposed to be transacted and carried on, are to do any and all of the things herein mentioned, as fully and to the same extent as natural persons might or could do, viz:—

To purchase, lease, acquire, layout, and operate a golf course, tennis courts, swimming pool, club house and club facilities, and the like, and to maintain and operate the same; to purchase, lease, or rent any and all real or personal property necessary for said purposes; to do all things incident to and in the furtherance of a private country club for the recreation, health, amusement and pleasure of the members thereof, and to operate any business or facility incident to and in the furtherance of said objectives.

To borrow money and to negotiate loans for the purpose of carrying into effect the objectives of this corporation; to execute promissory notes, bonds, debentures, and other negotiable instruments of whatsoever nature, and to secure the same by mortgage on its property or otherwise.

Generally to make and perform contracts of any kind and description for the purpose of attaining any of the objects of the corporation; to do and perform any other acts and things, and to exercise any and all powers which a co-partnership or natural person could do and exercise, and which now are or hereafter may be authorized by law, and generally to do and perform any and all things necessary or incident to the performing and carrying out of the powers hereinabove specifically delegated or implied.

ARTICLE III. CAPITAL STOCK

The authorized Capital Stock of the Corporation shall be: Fifteen Hundred (1500) shares of common stock which shall have a par value of $100.00 per share.

All of said stock shall be payable in cash, property, labor or services at a just valuation

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to be fixed by the Board of Directors at a meeting called for that purpose; property, labor or services may be purchased, or paid for with the Capital Stock at a just valuation to be fixed by the Board of Directors at a meeting called for that purpose.

ARTICLE IV. AMOUNT OF CAPITAL TO BEGIN BUSINESS WITH

The amount of Capital with which this corporation shall commence business shall be Five Hundred Dollars.

ARTICLE V. CORPORATE EXISTENCE

This corporation shall have a perpetual existence unless sooner dissolved according to law.

ARTICLE VI. PRINCIPAL PLACE OF BUSINESS

The principal place of business of said corporation shall be at Tallahassee, Leon County, Florida, with the privilege of having branch offices at other places within or without the State of Florida and within or without the United States of America.

ARTICLE VII. NUMBER OF DIRECTORS

The number of directors of this corporation shall be not less than five (5) nor more than twenty-five (25).

ARTICLE VIII. DIRECTORS

The name and post office address of the first officers of this corporation who shall hold office for the first year or until their successors are chosen, shall be:

Blair C. Stone, President, Tallahassee, Florida.

Paul H. Brock, Jr., Secretary, Tallahassee, Florida.

B. Cheever Lewis, Treasurer, Tallahassee, Florida.

ARTICLE IX. SUBSCRIBERS

The name and post office address of each Director and subscriber and the number of shares of stock which each agrees to take are:

Sidney D. Andrews, Tallahassee, Florida, 1 share.

Charles S. Ausley, Tallahassee, Florida, 1 share.

C. H. Belvin, Tallahassee, Florida, 1 share.

Paul H. Brock, Jr., Tallahassee, Florida, 1 share.

Wilson Carraway, Tallahassee, Florida, 1 share.

Harrold Carswell, Tallahassee, Florida, 1 share.

M. R. Clements, Tallahassee, Florida, 1 share.

Howell Collins, Tallahassee, Florida, 1 share.

Hilton Cooper, Tallahassee, Florida, 1 share.

Ernest Daffin, Tallahassee, Florida, 1 share.

B. Cheever Lewis, Tallahassee, Florida, 1 share.

William L. Moor, Tallahassee, Florida, 1 share.

Robert C. Parker, Tallahassee, Florida, 1 share.

C. R. Phillips, Tallahassee, Florida, 1 share.

Julian Proctor, Tallahassee, Florida, 1 share.

Godfrey Smith, Tallahassee, Florida, 1 share.

Julian C. Smith, Tallahassee, Florida, 1 share.

Julian V. Smith, Tallahassee, Florida, 1 share.

Sidney V. Steyerman, Tallahassee, Florida, 1 share.

Blair C. Stone, Tallahassee, Florida, 1 share.

J. Edwin White, Tallahassee, Florida, 1 share.

ARTICLE X. SPECIAL CHARTER PROVISIONS

The original incorporators of this corporation shall have the right to, and will after the organization of the same, assign and deliver their subscriptions of stock herein to any other persons who may hereafter become subscribers to the Capital Stock of this Corporation, who upon acceptance of such assignment, shall stand in lieu of the original incorporators and assume and carry out, all of the rights, liabilities and duties entailed by said subscriptions, subject to the laws of the State of Florida, and the execution of this power.

In witness of the foregoing, we have hereunto set our hands and seals this 24th day of April, A.D. 1956.

Sidney D. Andrews, Charles S. Ausley, C. H. Belvin, Paul H. Brock, Jr., Wilson Carraway, Harrold Carswell, M. R. Clements, Howell Collins, Hilton Cooper, Ernest Daffin, B. Cheever Lewis, William L. Moor, Robert C. Parker, C. R. Phillips, Julian Proctor, Godfrey Smith, Julian C. Smith, Julian V. Smith, Sidney V. Steyerman, Blair C. Stone, J. Edwin White.

STATE OF FLORIDA,
County of Leon:

I hereby certify that on this the 24th day of April, A.D. 1956, personally came and appeared before me, the undersigned authority, Sidney D. Andrews, Charles S. Ausley, C. H. Belvin, Paul H. Brock, Jr., Wilson Carraway, Harrold Carswell, M. R. Clements, Howell Collins, Hilton Cooper, Ernest Daffin, B. Cheever Lewis, William L. Moor, Robert C. Parker, C. R. Phillips, Julian Proctor, Godfrey Smith, Julian C. Smith, Julian V. Smith, Sidney V. Steyerman, Blair C. Stone and J. Edwin White, all to me well known, and well known by me to be the persons of that name described in and who severally acknowledged to me that they executed the foregoing "Articles of Incorporation" as their free and voluntary act and deed and for the uses and purposes therein set forth and expressed.

In testimony whereof, I have hereunto set my hand and affixed my official seal on the day and year above written.

BARBARA R. WHITE,
Notary Public, State of Florida at Large.
My Commission Expires: June 23, 1959.

Mr. TYDINGS. Mr. President, I call attention to the name and signature of Mr. Harrold Carswell on the certificate of incorporation of the Capital City Country Club, Inc., dated April 24, 1956.

Now, I shall return to reading the statement of Mr. Horsky and Mr. Ramsey, which is signed by Mr. Horsky. The statement further states:

Judge Carswell responded that, as he recalled it, anyone who was willing to put up the $100 which was being solicited could have had any title he wanted—vice president, director, incorporator or whatever. He said he had never attended any meetings. He then examined the list of names, in order, as he said, to see if he could recall who had asked him for the $100. After going down the list and identifying several of the persons whose names were listed, he commented that many of the men were bankers, and concluded, although not with certainty, that it had been one of the bankers, Julian Smith, who had solicited his contribution. The pages were then returned to Mr. Horsky.

Now, I ask unanimous consent to have printed in the RECORD the full text of the hearings found on pages 12 and 13.

There being no objection the pages were ordered to be printed in the RECORD, as follows:

Senator HRUSKA. Judge Carswell, it was sought to make of you a director in that country club. Did you ever serve as a director?

Judge CARSWELL. No, sir; nor in any other official capacity.

Senator HRUSKA. Did you ever attend any of the directors' meetings?

Judge CARSWELL. Never.

Senator HRUSKA. Were you an incorporator of that club as was alleged in one of the accounts I read?

Judge CARSWELL. No, sir.

Senator HRUSKA. The stock certificate which you got, how was that designated, do you remember?

Judge CARSWELL. I really do not remember, Senator. It was one share of stock. I just really don't have any independent recollection of this, in 1956. We paid $100 for it and when we saw we were not going to continue to be active because it was primarily a golf club—the only privilege you got otherwise was going there for a meal and frankly, it wasn't commensurate with what we thought was sound policy for us at the time. So we dropped out of the club. That is all there was to it.

Senator HRUSKA. Have you from time to time used the facilities of the club by way of public meetings or board meetings or anything of that type?

Judge CARSWELL. Have I?

Senator HRUSKA. Yes.

Judge CARSWELL. I have been there, Senator, as guest of other people on many occasions, yes, sir, but not for any functions of my own, no.

Senator HRUSKA. Not for any functions of your own?

Judge CARSWELL. No, sir.

Senator HRUSKA. On occasions when you were a guest, was there any indication of segregation within the meetings that you attended?

Judge CARSWELL. Well, I didn't attend any meetings, Senator, as such.

Senator HRUSKA. Well, the social functions?

Judge CARSWELL. There are a number of functions there. Tallahassee is the capital of Florida. It is practically the only facility where one may have a large entertainment function. I have been there on many occasions where the president of the State senate, for example, or the speaker of the house would have a party, or other friends. I have been there many times. There has certainly been no racial discrimination among the guests. I have personally attended there several times when there were integrated functions.

Senator HRUSKA. And were there members of the Negro race present on any of these occasions?

Judge CARSWELL. Yes, sir, I specifically recall one or two. I don't recall any details.

Senator HRUSKA. Has Mrs. Carswell attended any functions or social activities or other activities in the country club?

Judge CARSWELL. Of course, I can't speak exactly where she has attended on any specific date, but she has been a member of the Leon County, which is the Tallahassee City, Board of Red Cross, which is an integrated board and they have had functions or meetings of some activities of such nature that I really don't know, because I wasn't privy to them, but I know that has occurred at the club.

Senator HRUSKA. Did you participate in the management of the club or the writing of its bylaws or any of the background concerning the corporation?

Judge CARSWELL. None whatsoever.

Senator HRUSKA. Are you or were you at the time, familiar with the by laws or the articles of incorporation?

Judge CARSWELL. No, sir.

Senator HRUSKA. My safe deposit box has some of those country club stock certifications, too. One of them has a very fancy designation on it, "incorporator." I paid my fee. I am sorry to say it was much more than $100, and it was an honorary thing. I could have gone along just as well without the honor, because I don't play golf either. Could the stock you received on this occasion have borne the label, "incorporator," indicating

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> that you were one of the contributors to the building fund for the clubhouse?
>
> Judge Carswell. Perhaps. I have no personal recollection.
>
> Senator Hruska. Do you still have the stock certificate?
>
> Judge Carswell. No, I don't have it at all. I don't remember or have any personal recollection of any such thing as a piece of paper saying it was such a stock.
>
> Senator Hruska. Judge Carswell, you filed with the committee a financial statement and copies of your income tax returns. Were those individual returns, or were they joint with Mrs. Carswell?
>
> Judge Carswell. They were joint returns.
>
> Senator Hruska. That is the way you file your income tax returns. Is it also the way you reflected your property statement?
>
> Judge Carswell. Yes, sir.
>
> Senator Hruska. Would you mind telling the committee so we in turn, can inform the Senate, in general what your property holdings consist of, to the best of your recollection, of course?
>
> Judge Carswell. I don't have that right before me here. I can get it if somebody would give me my briefcase, but I believe I can speak without it, because it is a rather simple story.
>
> I own three-sixteenths interest in approximately 1,290 acres—this is not 12,000 acres as has been reported somewhere—of unimproved land, which was owned by my grandfather and in turn by my father, who died in 1955. I have one sister who owns a fourth interest in this. Another sister has deeded her portion to her three children. That gives them a 12th each in interest in it. And I have deeded one-fourth of my one-fourth—that is, one thirty-second—each to my two sons, George Harrold, Jr., and Scott Carswell. This is located in Wilkinson County, Ga. The best offer we have ever received for it on a firm basis is about $100 an acre on a total, outright sale. It is difficult, however, to put a fair market value upon this property because of one factor: Within that area of the State, there is a vein of kaolin and other bauxitic ores which permeate the hillsides, and surrounding property owners have had a good deal of luck in mining clay. From time to time, my father, and since his death, through my lifetime, we have tried to get people to come in and prospect this thing, hoping it would be worth something. We went through quite a bit of this. Recently, we had one collapse on us, as a matter of fact, December 1, 1969.

Mr. TYDINGS. Mr. President, I wish to note that three additional statements which Judge Carswell made, misled the committee or at least misled me to the point where it was thought he had no prior knowledge of whatever he had been an incorporator, director, or what have you, of the Capital City Country Club.

I shall now read from the top of page 12 of the hearings.

> Senator Hruska. Judge Carswell, it was sought to make of you a director in that country club. Did you ever serve as a director?
>
> Judge Carswell. No, sir; nor in any other official capacity.
>
> Senator Hruska. Did you ever attend any of the directors' meetings?
>
> Judge Carswell. Never.
>
> Senator Hruska. Were you an incorporator of that club as was alleged in one of the accounts I read?
>
> Judge Carswell. No, sir.

Then, on page 13 of the following appears:

> Senator Hruska. Are you or were you at the time, familiar with the laws or the articles of incorporation?
>
> Judge Carswell. No, sir.

He had seen them all the night before.

Then, down further on page 13 the following appears:

> Could the stock you recieved on this occasion have borne the label "incorporator" indicating that you were one of the contributors to the building fund for that clubhouse?
>
> Judge Carswell. Perhaps. I have no personal recollection.

Now, I would like to turn, with the indulgence of the Senate, to page 255—my recollection was refreshed in this matter by the Senator from Michigan—on the manner in which the incorporators were picked.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. TYDINGS. I would like to put all this material in the Record and then yield to the Senator.

Mr. GRIFFIN. The Senator will recall that at an earlier point I did not have the quotation or citation from the record to substantiate a point I made. If the Senator from Maryland will give me enough time, I would like to point out for the Record where it occurred. Would the Senator yield to me for that purpose?

Mr. TYDINGS. Very well. But I ask unanimous consent at this point in my remarks that there be printed in the Record pages 256 and 257 of the hearings, with specific reference to my interrogation of Mr. Proctor, a witness for Judge Carswell who, as I recall, returned to testify in Judge Carswell's behalf. The thrust of his testimony was that Judge Carswell's name just happened to be one of the 21 names picked from a hat and had nothing to do with the fact that he was U.S. attorney. It is an interesting dialog of questions for anyone who is interested in this debate.

There being no objection, the pages were ordered to be printed in the Record, as follows:

> Senator Kennedy. Now do you have a list of the directors of the old country club and the incorporators of the new Capital City Country Club? Do you have that information available?
>
> Mr. Proctor. I have. It is available and I will make it available to the committee.
>
> Senator Kennedy. Could it be made a part of the record?
>
> The Chairman. Oh, sure.
>
> (The documents referred to appear in the appendix.)
>
> Senator Tydings. Before you leave that point, as I understand it, you had several hundred subscribers when you decided to——
>
> Mr. Proctor. Correct.
>
> Senator Tydings. And you picked from those subscribers 21 persons to use as incorporators?
>
> Mr. Proctor. As subscribing incorporators, correct.
>
> Senator Tydings. One of those 21 names was the name of U.S. attorney for the district of northern Florida, was it not?
>
> Mr. Proctor. Judge Harrold Carswell, or Harrold Carswell, right.
>
> Senator Tydings. How did you happen to pick him as one of the 21 incorporators?
>
> Mr. Proctor. Senator, I cannot answer that question. It is just we took 21 out of the group. I happened to be one of the 21. Why did they pick me?
>
> Senator Tydings. Were you trying to pick prominent people in the community to show community support?
>
> Mr. Proctor. Not necessarily. Many of them were prominent. I would not consider myself particularly prominent, and I happened to be one.
>
> Senator Tydings. Did you just pick them out of a hat? How did you do it?
>
> Mr. Proctor. No, we just picked out a group of 21.
>
> Senator Tydings. You just did it at random? You did not particularly want to have a U.S. attorney's name in that group of subscribers and incorporators?
>
> Mr. Proctor. No.
>
> Senator Tydings. It was just happenstance?
>
> Mr. Proctor. It just happened.
>
> Senator Tydings. You just happened to pick him?
>
> Mr. Proctor. Absolutely, right.
>
> Senator Kennedy. Were there any blacks who were incorporators or invited to participate?
>
> Mr. Proctor. It was open to the public.
>
> Senator Kennedy. Were there any blacks who were asked to participate?
>
> Mr. Proctor. I did not ask any.
>
> Senator Kennedy. Do you know from your own knowledge whether any were?
>
> Mr. Proctor. I do not know.
>
> Senator Kennedy. Were there any in fact included in that list?
>
> The Chairman. His answer was he did not know.
>
> Mr. Proctor. I do not know.
>
> Senator Kennedy. You have the list of the 21?
>
> Mr. Proctor. I have a list of the 21. I also have a list of about 400 people.
>
> The Chairman. Ask him the questions but give him time to answer the questions.
>
> Mr. Proctor. In addition to the 21 subscribers, there were about 400 other subscribers who had decided to join the country club, of which I can provide the list to the committee.
>
> Senator Kennedy. You are familiar with the 21 incorporators?
>
> Mr. Proctor. I am.
>
> Senator Kennedy. Were any of those black?
>
> Mr. Proctor. No.
>
> Senator Kennedy. To your knowledge do you know whether any of the 400 members of the club were black?
>
> Mr. Proctor. I do not know.
>
> Senator Kennedy. Would you know if there were some black members?
>
> Senator Tydings. Do you really want us to believe that you do not know whether any of the subscribers were black?
>
> Mr. Proctor. There are one or two names that I would not know, and I would not answer that they were black or white.
>
> Senator Kennedy. Were there any blacks that played on the golf course prior to the time that it became the Capital City Country Club, that is while it was the municipal club?
>
> Mr. Proctor. Wait a minute, repeat the question, please.
>
> Senator Kennedy. Were any black citizens permitted to play on the municipal golf course?
>
> Mr. Proctor. When the city was operating it?
>
> Senator Kennedy. When the city was operating it.
>
> Mr. Proctor. I do not know. It was a city golf course. It was open to the public. It was not a private country club. It was operated by the city, and for city revenue. The pros were hired by the city. I cannot answer that question because I am maybe a 1-day-a-week golfer.
>
> Senator Kennedy. What was the pattern or the practice at this time in municipal country clubs either in Tallahassee or in that area? Were the blacks permitted to play?
>
> Mr. Proctor. Senator, I was not familiar with the other country clubs in that area.
>
> Senator Kennedy. Actually the Florida A&M golf team, which as I understand it was all black, was allowed to play there?
>
> Mr. Proctor. Was allowed to play? They could have been.
>
> Senator Kennedy. Were you familiar with that?

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> Mr. Proctor. I am not familiar with it.
>
> Senator Kennedy. As I understand it they were allowed to use the course before 8 a.m. every morning.
>
> Mr. Proctor. Also the Florida State University Golf Club were able to use. They could have played. I would not necessarily know.
>
> Senator Kennedy. At some time then in 1956 this course was turned over to a group of incorporators?
>
> Mr. Proctor. That is right, May 4, 1956. Now may I bring out a point here?
>
> Senator Kennedy. Yes, I wish you would.
>
> Mr. Proctor. You mentioned the fact about Judge Carswell's name being one of the original subscribers, and on the 21 subscribing original directors. It just happens that I was among the original 21. To my knowledge Harrold Carswell never participated during that time, never attended a meeting to my knowledge, and I attended about 93 percent or more of them.

Mr. GRIFFIN. Mr. President, will the Senator from Indiana yield to me?

Mr. BAYH. I yield to the Senator from Michigan with the same understanding.

Mr. GRIFFIN. Mr. President, I would like to read page 254 of the hearings. Mr. Proctor was testifying.

> In September of 1952, the stockholders of club because of dissatisfaction with the opthe original old Tallahassee Country Club reorganized and requested the return of the eration of the club.

It will be recalled there was a provision in the deed it would be returned if it were not used by the city.

I shall continue to read from page 255:

> Senator Kennedy. When was that? That was in what year?
>
> Mr. Proctor. September of 1952 when it originally began.
>
> Senator Kennedy. What happened in September?
>
> The Chairman. Let him answer the question. Did you finish your answer?
>
> Mr. Proctor. That continued until February 14 of 1956. At that time the city leased the golf course back to the original Tallahassee Country Club.

This is confirmed again later on page 255:

> Senator Kennedy. It was actually transferred back to this group; is that correct?
>
> Mr. Proctor. That is correct.

On page 109 the story is completed in the middle of the page. Mr. Proctor testified as follows:

> Then we began operating on May 4 of 1956. The old Tallahassee Country Club assigned its lease from the city to the Capital City Country Club, Inc.

I think that should pretty clearly establish there were really three corporations you were talking about and that the city, when it ceased operating the country club, turned it back to the original country club organization, of which Mr. Carswell was not a member and they assigned their lease.

Mr. TYDINGS. It is not a fact that it was the new Capital City Country Club of which Judge Carswell was an incorporator and that was in the newspapers and that is what was before our committee?

Mr. GRIFFIN. The Senator is drawing conclusions. Of course, the Senator is entitled to draw conclusions. I am trying to get the facts on the table.

Mr. BAYH. Mr. President, I would like to interpose myself here one more time. I would be glad to ask, on behalf of the Senator from Maryland, that page 255 of the hearings be printed in the Record.

There being no objection the page was ordered to be printed in the Record, as follows:

> Senator Kennedy. What happened in September?
>
> The Chairman. Let him answer the question. Did you finish your answer?
>
> Mr. Proctor. That continued until February 14 of 1956. At that time the city leased the golf course back to the original Tallahassee Country Club.
>
> Senator Kennedy. What happened in September of 1952? Was there some kind of incorporation? Did the old stockholders get together? Was there some kind of meeting?
>
> Mr. Proctor. There was a meeting of the old stockholders.
>
> Senator Kennedy. How many were there of them at that time?
>
> Mr. Proctor. I do not know the exact number.
>
> Senator Kennedy. They got together and did they petition the city at that time?
>
> Mr. Proctor. They got together and they discussed it with the city commission at that time, and petitioned the city to turn the club back over to them for their private operation.
>
> Senator Kennedy. Then you said in 1956, February 14 of 1956, it was actually transferred back to this group, is that correct?
>
> Mr. Proctor. That is correct.
>
> Senator Kennedy. And was the group that it was transferred to in 1956 the same group of stockholders that met in 1952? Were there others who were added to that group?
>
> Mr. Proctor. There were others who were added to that group, and they formed a new club. This same group combined with a group of other interested citizens, and formed the Capital City Country Club, Inc. They filed for a certificate of incorporation on April 24 of 1956.
>
> Senator Kennedy. As I understand it, one of those incorporators was the nominee, Judge Carswell; is that correct?
>
> Mr. Proctor. One of the original subscribers was Judge Carswell. We had some 300-odd subscribers at that time.
>
> Senator Kennedy. Now this was an added membership over the 1952 meeting, was it not?
>
> Mr. Proctor. That is correct.
>
> Senator Kennedy. Could you give us any idea of how many were added to it and how many were original stockholders?
>
> Mr. Proctor. Original stockholders back in 1924, Senator? I do not know. It was 35 maybe.
>
> Senator Kennedy, The group that met in 1952 was approximately how large? Are you talking about two or three or 15 or how many?
>
> Mr. Proctor. I do not know. I am talking about probably 15 to 20. They were heirs, and those members who had received this original stock.
>
> Senator Kennedy. And the club itself, of which the 1952 group had been stockholders, was a private country club, was it not? They had been former members or stockholders in a private country club?
>
> Mr. Proctor. Some of them were original stockholders. Others were families of original stockholders.
>
> Senator Kennedy. And it had been a private country club?
>
> Mr. Proctor. It had been a private country club from 24 to 35, at which time the city took it over and operated it at their request, and with their cooperation.

Mr. BAYH. Mr. President, we are all going to do the best we can to look at the facts and place what we feel is a correct interpretation on them. What concerns me, and in fact galls the Senator from Indiana, is that in his letter to the Senator from Ohio (Mr. Saxbe) of this week the President called charges of lack of candor as being specious. I suppose that applies to all of us who are a bit concerned.

Having sat through hearings, I am well aware of the fact that there was not just one country club corporation. But whether there was one, two, three, or four, the facts of the matter which really go to the heart of this situation, as far as I am concerned, are that the judge was informed of his signature on these corporation papers the night before; and in the interrogation we all heard discussed back and forth, he denied it. Why he did that I do not know but I think it is a matter of some concern.

The other point, in addition to whether he signed the articles of incorporation or not. was the whole purpose of the existence of this new corporation or corporations. Every Senator can form his own judgment, but the record will show, for anyone who cares to read it, that the time of this new corporation was immediately following the Supreme Court decision which said public facilities could not be segregated.

That public facility, I think undeniably, was segregated except for a very early period when members from a black college golf team could use it. So one has to be concerned whether the whole pupose of this new corporation was just to build a new swimming pool or club house, or more basic, to subvert the prohibition against segregation of public facilities that had recently been promulgated by the Supreme Court.

Mr. GURNEY. Mr. President, will the Senator yield at that point?

(At this point Mr. Hart assumed the chair.)

Mr. BAYH. I will be glad to yield but I wanted to finish this one thought because this is what really concerns me when we go to this business of candor.

So there is a whole series of events that did in fact happen. I do not think anyone who wants to read the record can deny that they happened in this sequence. One could say it was mere circumstance or happenstance, but they did happen.

Mr. GURNEY. I wish we could get this in the Record at this point——

Mr. BAYH. The Senator from Indiana is going to continue. Then he will be glad to yield to his friend from Florida.

On page 69 of the hearings, I asked Judge Carswell the following question:

> You had no personal knowledge that some of the incorporators might have had an intention to use this for that purpose?

That was after having dealt with the matter of the Supreme Court decision and the thrust on the part of some that the purpose was to thwart the Supreme Court determination.

Judge Carswell said, as appears on page 69 of the hearings:

> I certainly could not speak for what anybody might have thought, Senator. I know that I positively didn't have any discussion about it at all. It was never mentioned to me. I didn't have it in mind, that is for sure.

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I think it is a bit too much to ask Senators or the citizens of this country to expect that Judge Carswell—who was a prominent member of the community, who had been a Federal district attorney; there had been cases in the State of Florida at that very time; there was a case in Pensacola that was in the works at that very moment—would not have at least known of this effort. It strains credulity almost to the breaking point to believe that he would not have at least known of it, and thus would have been able to take steps to disassociate himself and not become involved.

I think it is interesting to note that the well-known columnist, James Kilpatrick, wrote that "He must have been the only one in north Florida who did not know."

Another Florida attorney, Neal P. Rutledge of Miami, was in Tallahassee for several months in late 1955 and early 1956. Mr. Rutledge in a telegram to me on March 19 said:

> It was common knowledge in the community there at that time, and especially among members of the Bar, that the dominant motive for transferring the operation of the Tallahassee Golf Club from public to private club auspices was to prevent racial integration of the facilities. It is impossible for me to believe that any prominent member of the Tallahassee community at that time, such as then United States Attorney Carswell, was not fully aware of both this general, almost universal sentiment prevailing among the white citizens of Tallahassee in 1956 and the specific dominant motive for leasing the Municipal Golf Club to a private group.

Now I am glad to yield to the Senator from Florida.

Mr. GURNEY. I thank the Senator. I think we ought to complete the record, because it is extremely important. We have part of it.

As I view this matter, one can judge the answer of Judge Carswell to the first question during that whole day in light of the whole testimony.

I turn to page 257 of the hearings, to the testimony of Mr. Proctor, who was the Mr. Proctor who solicited $100 from Judge Carswell and was one of the main organizers of this venture, the Capital City Country Club. Starting at the bottom of page 257, Mr. Proctor said:

> You mentioned the fact about Judge Carswell's name being one of the original subscribers, and on the 21 subscribing original directors. It just happens that I was among the original 21. To my knowledge Harrold Carswell never participated during that time, never attended a meeting to my knowledge, and I attended about 93 percent or more of them. He took no active interest at that time in the development of the Tallahassee Country Club.
>
> On May 4, 1956, the Tallahassee Country Club assigned its lease to the new Capital City Country Club, Inc.
>
> Senator Kennedy. And Judge Carswell was an incorporator, was he not?
>
> Mr. Proctor. He was one of the original incorporators.
>
> Senator Kennedy. And he actually signed——
>
> Mr. Proctor. He signed as one of 21 subscribing members.
>
> Senator Kennedy. And he received a stock certificate, did he not?
>
> Mr. Proctor. He did not.
>
> Senator Kennedy. He did not?
>
> Mr. Proctor. No, because we were in the formative stage of the club. The dues were set, $300. We paid, some of us paid $100 at the time.

That is what the judge testified to, if the Senator will recall—

> In order to have sufficient money on hand for the incorporation. Judge Carswell was one of those who paid the $100.
>
> On September 1, 1956—

This is interesting, because it proves what I said, that this corporation did not do anything in the beginning—

> On September 1, 1956, the Capital City Country Club, Inc., took the lease over from the Tallahassee Country Club. They still had not issued the stock.
>
> On September 4, 1956, the Capital City Country Club, Inc., had its first annual stockholders' meeting. Forty-two names were proposed as the original stockholders of the new club. Harrold Carswell's name was among those 42. He was not elected to the board of directors. They elected 21 directors out of 42. He was not among those elected.
>
> Senator Kennedy. Now at some time did he receive a share of stock?
>
> Mr. Proctor. No. It was on February 3 of 1957, before the stock had been issued, that Carswell withdrew, requested that he be withdrawn as a member and wrote a letter to that effect.

Just a moment ago the Senator from Indiana said he never gave any indication that he wanted to disassociate himself from that venture.

Mr. BAYH. The Senator alleges that the Senator from Indiana said something. When did I say he never made any effort to disassociate himself?

Mr. GURNEY. During the colloquy.

Mr. BAYH. He signed the document; did he not?

Mr. GURNEY. I am talking about disassociating himself from the venture; and here it is.

Mr. BAYH. The Senator from Indiana helped make that record. He did not sign the second document. He did sign the first document. I think it rather obvious that the first one was signed and then the second one in order for it to go defunct so that it would be established as a segregated club.

Mr. GURNEY. The Senator can argue all he wants, but I think the Record ought to be complete.

Mr. BAYH. I will be glad to yield again.

Mr. GURNEY. Mr. Proctor went on to say:

> No. I say a letter. I do not know exactly if it was by letter for actually at that time we do not have the records so I stand corrected. He requested that his name be withdrawn. On February 12 of 1957; Carswell was refunded $76 of the $100. I do have a copy here of the date in which he along with that many who were refunded their money, which I will be happy to pass over to the committee.

Mr. President, I ask unanimous consent to include in the Record at this point the petition of the second country club, which appears on pages 360, 361, 362, 363, and 364 of the hearings.

There being no objection the pages were ordered to be printed in the Record, as follows:

[In the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida]

Petition in re: Matter of Capital City Country Club, Inc.

Comes now Capital City Country Club, Inc., by Blair C. Stone, its President, subscriber to the following proposed charter and to this Petition and, presents this, its proposed charter, for the approval of the Hon. Hugh M. Taylor, Judge of the Circuit Court, in and for Leon County, Florida, respectfully saying:

1. That, heretofore, on the 24th day of April, 1956, Capital City Country Club, Inc., was incorporated, as a corporation for profit, under the Laws of the State of Florida.

2. That such corporation, from its inception, became engaged solely in carrying out the purposes and objects for which corporations not for profit and authorized under the Laws of Florida to carry out.

3. That, heretofore, on January 29, 1957, Blair Stone, Paul H. Brock, Robert C. Parker, Charles S. Ausley and Godfrey Smith who are all officers and/or directors of this Petitioner, acting on behalf of this Petitioner, Capital City Country Club, Inc., petitioned the Hon. W. May Walker, Judge of the Circuit Court, in and for Leon County, Florida, for approval of a proposed charter for Capital City Country Club, a non-profit corporation, which said charter, having been approved by the Court, was recorded in Corporation Book 6, page 87–90 on January 29, 1957, in the Public Records of Leon County, Florida.

4. That the purpose and intent of your Petitioner in seeking and obtaining a non-profit corporate charter for Capital City Country Club, was that such non-profit corporation should succeed to all of the rights, assets, duties and liabilities of your Petitioner, Capital City Country Club, Inc., the profit corporation.

5. That by Chapter 57–90, General Laws of 1957, Regular Session, which act became effective on May 13, 1957, the Legislature provided that any profit corporation which has transferred, or is in the process of transferring, its functions and assets to a non-profit corporation, shall, upon the recital of the facts, circumstances and intentions surrounding such transfer proceedings, in a petition filed before the Circuit Court, and the subsequent approval thereof, be deemed to have acted in a manner so that the non-profit corporation should succeed to the rights, liabilities and assets of its corporate predecessor, the same as if the original petition had been filed in accordance with the provisions of Chapter 617, which provides, in substance, that a corporation for profit engaged solely in carrying out the purposes and objects for which corporations not for profit are authorized, may change its corporate nature by the filing of a Petition before this Court.

6. That it is, and has been, the purpose and intention of this Petitioner to bring about the transfer of its functions and assets to Capital City Country Club, the non-profit corporation, within the terms, provisions and purview of Chapter 57–90, Laws of 1957 and Section 617.16, 617.17, 617.18 and 617.19, Florida Statutes, 1955.

7. The name of this corporation shall be Capital City Country Club, and its principal office and location shall be in Tallahassee, Lion County, Florida.

8. The purposes for which this corporation is formed are as follows:

A. To maintain a club house, grounds and other physical plant for the benefit of its members, to promote social intercourse and to further athletic sports and recreational activities, particularly the game of golf.

B. To solicit, collect, receive, hold, invest, reinvest, distribute and disburse donations, subscriptions, gifts, bequests and other funds for the purposes of this corporation.

C. To engage in any charitable, eleemosynary, educational or other activity which may be necessary to effect and carry out the purposes of this corporation, and the doing of any and all things necessary or incident thereto.

9. Any person shall be admitted to membership in this corporation subject to the requirements and limitations upon member-

ship as may from time to time be fixed and established by the by-laws of the corporation or by its Board of Directors.

10. This corporation shall commence on the 29th day of January, 1957, and shall have perpetual existence.

11. Names and residence of the subscribers to this proposed charter are as follows:

Blair C. Stone, President, Tallahassee, Florida.

Paul H. Brock, Jr., Secretary, Tallahassee, Florida.

12. The affairs of this corporation shall be managed by a President, Vice President, Secretary and Treasurer, together with a Board of Directors composed of not less than five (5) members, nor more than thirty-one (31) members, of this corporation who shall be elected by the membership thereof at each annual meeting of the corporation, for terms as provided by the by-laws, provided that, the number of members of the Board of Directors may, from time to time, be diminished or enlarged, within the above set forth limits, by a vote of two-thirds (⅔) of a quorum of the members present at any meeting.

13. Until the first election of officers and directors shall be held, the present officers and directors of CAPITAL CITY COUNTRY CLUB, INC., a corporation for profit, shall serve as the officers and directors of this corporation in the same respective capacities in which they serve in CAPITAL CITY COUNTRY CLUB, INC. The present officers and directors of CAPITAL CITY COUNTRY CLUB, INC., and the officers and directors of this corporation hereby designated to serve until the first election shall be Sydney D. Andrews; Charles S. Ausley; Paul H. Brock, Jr., Secretary; Wilson Carraway; Robert C. Parker, Vice President; Julian M. Proctor; Blair C. Stone, President; Mark Ahrano; Ernest C. Daffin; Ryals Lee; B. Cheever Lewis, Treasurer; Payne Midyette, Sr.; Godfrey Smith; Julian V. Smith; C. H. Belvin; M. R. Clements; Leo Foster; James M. Lee, Jr.; Frank Pepper; S. V. Steyerman; J. Edwin White.

14. The by-laws of this corporation shall be made, altered, amended or rescinded by the directors subject to the approval of a majority of a quorum of the stockholders.

15. The highest amount of indebtedness or liability to which this corporation may subject itself shall be $500,000.00, or two-thirds (⅔) of the value of the property of this corporation, whichever figure shall be the lesser.

16. This corporation may own real estate in the value of not more than $1,000,000.00.

17. CAPITAL CITY COUNTRY CLUB agrees to accept all of the property of the petitioning CAPITAL CITY COUNTRY CLUB, INC., and further agrees to assume and pay all its indebtedness and liabilities.

18. Attached hereto is a certified copy of the resolution duly adopted by the stockholders authorizing the change in corporate nature and directing an authorized officer to file this Petition before the Court.

WHEREFORE, your Petitioner prays that the Court will

1. Approve the proposed charter contained herein, and

2. Find that the Petitioner, CAPITAL CITY COUNTRY CLUB, INC., acted under the terms, provisions and within the meaning and purview of Chapter 57–90, Laws of 1957.

Capital City Country Club, Inc.
Blair C. Stone, *President*.
Attest: Paul H. Brock, Jr.,
Secretary.

Mr. GURNEY. I simply wish to say that that petition of the second club—that was on January 29, 1957—sets forth the officers and directors of the first club, and Harrold Carswell's name is not a part of it.

Here, I realize how we can differ in our interpretation, but having read the record and the testimony, as I did, just as the Senator from Indiana listened to the testimony, and examining the record of the first incorporation and the second incorporation, it seems evident that he really never took part in the first corporation as a director. He had no part in the meetings. The testimony in the record shows that. It seems to me that, in all honesty, he might well have made an answer that he was not an incorporator of the country club, the main topic before it, as well as on the floor here today, being that the club was organized because of the problem of segregation.

The whole testimony, viewed in this Senator's interpretation, is that he was thinking of the second club, which actually did the business of running the golf course.

Mr. BAYH. The Senator from Florida is entitled to his own opinion.

Mr. GURNEY. I realize interpretations can differ.

Mr. BAYH. I guess that is what makes the Senate a great body. As we look at this thing, it reminds me of a story that used to be told by a great friend of mine who was an officer of our Indiana State Legislature when I had the great privilege of being there. At almost every session, he had the occasion to tell the same story. When there were great differences of opinion on what seemed to be a relatively simple state of facts, he would talk about asking a blind man to describe an elephant. It all depends, of course, on what part of the elephant the blind man touches.

We are just looking at these facts, I suppose, from a different standpoint. I think it is important, if we are going to look at the record, to point out, at the risk of being a pedant, that while all this was going on, and while the judge did sign the first incorporation papers and was an incorporator, this was a rather critical period relative to what the Supreme Court said was the law of the land, and how public facilities could be used.

I tried to find out whether the judge was really aware of these things going on, to support the suggestion that he really was not aware. But if you look at the record on page 69, it reads:

> Senator Bayh. Were there problems in Florida relative to the use of public facilities and having them moved into private areas——
>
> Judge Carswell. As far as I know, there were none there and then in this particular property that you are talking about.
>
> Senator Bayh. You weren't aware of other cases in Florida——
>
> Judge Carswell. Oh, certainly, certainly. There were cases all over the country at that time, everywhere. Certainly I was aware of the problems, yes. But I am telling you that I had no discussion about it. It was never mentioned to me in this context, and the $100 I put in for that was not for any purpose of taking property for racial purposes or discriminatory purposes.
>
> Senator Bayh. You were aware that the Supreme Court had previously, sometime before that, come down with an order prohibiting this type of thing?
>
> Judge Carswell. Yes, sir; I am aware of the decision of the Supreme Court.
>
> Senator Bayh. Well, I don't want to dwell on this at length, but I think we need to nail down that Judge Carswell has, after that one intemperate statement, been involved in a steady sequence of events which tend to repudiate it; and it concerns me, very frankly, for you incidentally to be involved at the time you were district attorney in the incorporation of a club at least some of the members of which have made public allegations that the purpose of this was to avoid the integration order which had been previously set down by the Supreme Court of the United States and which, 1 month after incorporation, was ordered relative to another court in Pensacola, in your own State. This concerns me. You had no knowledge of this *Pensacola* case, because it came down a month afterward. But one has to wonder if the district attorney wasn't aware that this activity was going on in the State of Florida.
>
> Judge Carswell. Certainly, I was aware, Senator, that these things were going on.

That is what concerns me.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. BAYH. I am glad to yield.

Mr. TYDINGS. Is it not a fact that the distinguished editorial writer, James J. Kilpatrick, endorsed Mr. Carswell for the Supreme Court?

Mr. BAYH. Well, I——

Mr. TYDINGS. The Senator can take it from me that he did.

Mr. BAYH. I quoted earlier from Mr. Kilpatrick.

Mr. TYDINGS. I am going to quote again from an article which appeared in the Washington Star of March 24, 1970, in which Kilpatrick endorsed Mr. Carswell, but, on the issue which is raised by the Senator from Indiana, he stated—and this is a pro-Carswell writer:

> My own enthusiasm for Carswell is diminshed by his evasive account of his participation in the golf club incident of 1956.—

This, mind you, is a pro-Carswell writer in an article in which he endorsed Carswell.

> He took an active role, not a passive role, in transfer of the Tallahassee municipal golf course to a private country club.
>
> Forgive my incredulity, but if Carswell didn't understand the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand it. But it was "never mentioned to me," and "I didn't have it in my mind, that's for sure."

Mr. President, I ask unanimous consent that the entire editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Carswell Proved To Be an Able District Judge

(By James J. Kilpatrick)

Some of the attacks that are being made upon Judge G. Harrold Carswell, and some of the impressions being pumped up in the phony groundswell against him, prompt a few words of rejoinder by one of the judge's unenthusiastic supporters, namely me.

The charges have to do with his record as a U.S. district judge, and with the testimonials for and against his elevation to the Supreme Court.

Carswell served as a federal judge in the Northern District of Florida from 1958 to 1969. The complaint is made that he left an "undistinguished" record behind, that he was frequently reversed by his circuit court and that his written opinions in this period are the products of a mediocre mind at work.

Such an appraisal, it seems to me, is predi-

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cated upon a fundamental misunderstanding of the function of a district judge. His duty is not to erect great landmarks of the law. He does not sit as a philosopher, innovator, or architect. His principal responsibility is to dispose efficiently of the great mass of routine litigation coming before him.

Viewed in this light, the Carswell record suggests a competent, no-nonsense practitioner on the bench. As a district judge, he tried some 2,000 civil cases and an estimated 2,500 criminal cases. He kept his backlog down. And if he fired off no Roman candles of obiter dicta, so much the better.

For an example of the absurdity of some of the criticism voiced against him, consider this heavy-breathing accusation from the Ripon Society: "Carswell's printed District Court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell was on the district bench was 4.2 pages."

These calculation were made, at heaven knows what tedious labor, "to the nearest tenth of a page." The analysis tells us more of the desperation of the Ripon critics than it does of the mediocrity of Judge Carswell.

The big push against the nominee last week had to do with testimonials pro and con. It is being made to appear that nobody—but nobody—has had a good word to say of him. Great weight is being attached to a full-page ad signed by 350 lawyers and law professors opposed to his confirmation. It is remarked, significantly, that Carswell's colleagues on the 5th Circuit, Judge John Minor Wisdom, has come out publicly against him.

By way of response, it may be suggested that most of the anti-Carswell crowd take one view of the law—a sort of flexible view—and they surmise, by the fact of President Nixon's sponsorship of the nominee, that Carswell on the high court would take a different view. They do not want such a judge confirmed; and that is their privilege. But their hostility to a Southern strict constructionist is not necessarily evidence of Carswell's unfitness.

As for Judge Wisdom, he is known to conservatives as a kneejerk liberal, and some say the appellation could be shortened. Carswell has the solid endorsement of the Florida State Bar Association, through its unanimous board of governors.

Professor James William Moore of the Yale Law School, who got to know Carswell closely in formation of the Tallahassee Law School, describes him as a man of "great sincerity and scholarly attainments, moderate but forward-looking, and one of great potential."

My own enthusiasm for Carswell is diminished by his evasive account of his participation in the golf club incident of 1956. He took an active role, not a passive role, in transfer of the Tallahassee municipal golf course to a private country club.

Forgive my incredulity, but if Carswell didn't understand the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand it. But it was "never mentioned to me," and "I didn't have it in my mind, that's for sure."

Okay. Let it pass. On the whole record, Carswell is better qualified by experience than scores of nominees who have successfully preceded him. The high court is hurting for want of a ninth member. The sooner he is confirmed, the sooner he can get on with the business of building a new record to prove his critics wrong.

Mr. BROOKE. Mr. President, will the Senator yield? I think we ought to include at that point——

Mr. BAYH. Let me make just one observation, and I shall be glad to yield.

This whole business of credibility, I think, is a fundamental attribute that any judge or Senator ought to have. I can see how any of us can stumble into an embarrassing situation. I do not suppose there is one of us in this body who has not.

But why, given all the thorough preparation and memory stimulation the night before, did not the judge come right out and say, "Sure, I signed it. Perhaps I should not have. Perhaps I should have. But I signed it, and, sure, I was aware that this was going on in the community. That was several years ago. I am not doing that type of thing any more. I don't think I should have done it then."

I yield to my colleague from Massachusetts.

Mr. BROOKE. I think it is very important to point out that at the time the judge joined this corporation and became an incorporator and a member of the corporation, he was the U.S. attorney for that district of Florida. He was sworn to uphold and defend the law and to enforce the law. Here, then, is a man who was under oath to enforce the law of the land joining in a device to circumvent the very law which he had sworn to uphold, defend, and enforce.

To me, this is even more damaging than a private citizen or a politician or someone of that nature doing the same thing, because as a district attorney he had an added responsibility.

Mr. BAYH. The only thing, if I might interpose one additional thought, that makes it a matter of deeper concern, was the effort that has subsequently been made to deny that this was the whole purpose of the incorporation.

Mr. BROOKE. I think the Senator from Indiana and the Senator from Maryland have been trying to point out that the credibility of Judge Carswell is at issue here. We have the fact that the night before he knew, and the next morning, under oath, he denied, that he was an incorporator of the club.

My distinguished assistant minority leader has said:

> But minutes later he corrected the error that he made earlier.

As I read the record, the first Senator to interrogate Mr. Carswell in the Committee on the Judiciary hearings was the Senator from Nebraska (Mr. HRUSKA). That was right after the committee convened, because I believe the chairman turned the matter over immediately to Senator HRUSKA for interrogation, and it was not until he was questioned by Senator KENNEDY, later on—and I think Senator KENNEDY was the last Senator to interrogate Judge Carswell, just prior to the recess at 12:30 on that day—that the error was ever corrected, point is, Mr. President, that Judge Carswell never volunteered any correction of this error. It was only upon rather lengthy interrogation by Senator KENNEDY that he did correct it in fact.

I think the language that was used by Senator KENNEDY and the answers by Judge Carswell are very important. We as lawyers certainly know that you sometimes have to look at the small things in order to determine whether a man is telling the truth or not. You look at the way in which he responds, whether he is evasive or whether he is direct, for example.

As shown on page 31 of the record, Senator KENNEDY asked him:

> Earlier today, you responded to the inquiries of the Senator from Nebraska on the golf course down at Capital City Country Club. This was, as I understand it, in regard to a newspaper report that was in this morning's paper, and you responded to him, to the question of the Senator from Nebraska, that you thought it was principally an effort to build a clubhouse.

Judge Carswell's response:

> My sole knowledge of that matter had to do with a conversation with a friend named Julian Smith in Tallahassee, who approached me and virtually anyone else, as I recall. He was trying to get the $100 apiece from anyone to build a new country club. I gave him $100. I then received some kind of message that I had a share or stock in this thing. I did receive it, and some several months later, as I have already stated, I sold it and got out of the thing entirely and got $75 back. This is my sole connection with that. I have never had any discussion or never heard anyone discuss anything that this might be an effort to take public lands and turn them into private hands for a discriminatory purpose. I have not been privy to it in any manner whatsoever.

The distinguished Senator from Florida just read from some testimony of Mr. Proctor which would indicate that Judge Carswell never received a share of stock in the corporation. Judge Carswell says he did receive a share of stock in the corporation. Not only did he say he received it, he said:

> He was trying to get the $100 apiece from anyone to build a new country club. I gave him $100. I then received some kind of message that I had a share or stock in this thing. I did receive it, and several months later, as I have already stated, I sold it and got out of the thing entirely and got $75 back.

Certainly that is clear English. There is no ambiguity at all. The fact is that he is testfying that he did put in $100, that he did receive a share of stock, that he did sell that share of stock subsequently, and that he did get back $75.

There obviously is an inconsistency in what he had testified before the committee and what Mr. Proctor has testified before the committee.

Again I raise the question of credibility. Is this a mistake on the part of Judge Carswell, or is this a mistake on the part of Mr. Proctor? This is a matter which certainly, through proper hearing before the Senate Judiciary Committee, after the motion to recommit, we could clarify. I think these questions certainly should be resolved.

I think the proponents of Mr. Carswell are not taking this matter seriously enough. Here is a man who would like to sit on the Supreme Court of the United States, and not in one instance but in many instances now his credibility has been challenged. Do we want a man on the Supreme Court whose credibility has been challenged and the issue has not been resolved? In fairness to Judge Carswell, as well as to the Supreme Court and to the President who appointed him, to the Senate, and to the Nation, we ought to resolve these questions of doubt.

I think it is unfair to send a man to the Supreme Court as long as these

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clouds are above him, as long as these suspicions are there, as long as these questions about his credibility exist. Time after time after time now evidences of doubt have appeared in the record.

I think this is as proper and as valid and as strong a case for recommittal perhaps we have ever had. I know that some have argued that recommittal is a subterfuge just to get rid of Judge Carswell. We have been debating primarily the case for an up-and-down vote on confirmation. But since that time many issues have come to light which we did not have before us before, which now fully justify a motion to recommit.

All I am suggesting to the proponents of the nomination of Judge Carswell is that the Senate has a right to know, and the people have a right to know, whether Judge Carswell is telling the truth. If he is telling the truth, perhaps he is qualified to sit on the Supreme Court, taking into consideration other qualifications. If he is not telling the truth, I do not care what other qualifications he has. Then I say he is not qualified to sit on the Supreme Court of the United States, if he comes before a Senate Judiciary Committee, sitting on his nomination, and deliberately tells them an untruth. How can we expect respect for order, how can we expect respect for law and justice in this country, if we confirm the nomination of a man whom we believe to be telling an untruth? We can only know that he is not telling an untruth if we go back to the Judiciary Committee, bring in these witnesses, and clear up the doubts that have been raised against him.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. I wish to ask the Senator a question which is not intended to be a flippant one, but is intended to be a serious one.

The Senator has graciously yielded to a number of Senators a number of times in this extended colloquy, and the Senator is laboring here tonight under greater burdens than are the rest of us. The hour is late. It is 5 minutes to 8 o'clock. We will be in session again tomorrow. We are coming in at 10 a.m. tomorrow, and there will be three special orders, none of which will extend beyond a half hour. Statements by other Senators on the Carswell nomination can also be made tomorrow.

I wish to ask the able Senator from Indiana how much longer he expects to speak if uninterrupted.

Mr. BAYH. I think the Senator does pose not a flippant but a serious question.

I think that perhaps the hypothetical question is beyond the realm of reason. Inasmuch as we have had a considerable amount of discussion—and I think most of it has been very much to the point—I would say, directly answering the specific question, perhaps 10 or 15 minutes, and perhaps another 15 minutes or a half-hour of discussion.

The Senator from Indiana regrets keeping his colleagues in at this late hour. I feel that the gravity of this nomination is such that at least the Senator from Indiana wants to take advantage of this opportunity to express himself. He does not ask anybody else to stay with him. Because of certain personal problems, of which the Senator from West Virginia is aware, the Senator from Indiana will not be able to be in the Senate tomorrow, and it is for that reason that I feel this is the opportunity I must take to express myself fully relative to the Presidential letter. That is why we are here.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. Let me say further that I recognize the necessity for the Senator's speech this evening, and there was not meant to be in my question any implication that the able Senator from Indiana was delaying the rest of us. I have been sitting here, and I know a colloquy has developed, and it has not been the Senator from Indiana solely who has spoken. Certainly, no reflection is intended to be cast upon any Senator who has participated in the colloquy. Every Senator has acted within his rights.

I merely wanted to determine how much longer the able Senator's speech would require if he were to be permitted to proceed without interruption. I would hope that the Senator would be allowed to proceed without interruption except for questions and complete his speech, and then if other Senators want to speak, we could go from there. Perhaps this suggestion would expedite matters tonight. If other Senators wish to speak further on this subject, perhaps we could get some additional orders for tomorrow and even come in earlier than 10 o'clock.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. The Senator from Indiana has the floor.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. BROOKE. The distinguished acting majority leader has posed a very important question. The Senate, as I understand it, will come in at 10 a.m. tomorrow, and there will be, for about an hour and a half, three speeches of 30 minutes each.

Mr. BYRD of West Virginia. That is correct.

Mr. BROOKE. I understand that after that there will be an important resolution that is the pending business which will come before the Senate. That would mean that there is a possibility that tonight would end the debate on Judge Carswell until such time as the Senate convenes on Monday, at 10 a.m.; at that time we have 3 hours remaining, to be divided equally between the proponents and the opponents.

Some matters of grave importance have come before the Senate concerning the Carswell matter, and it would seem to me that the acting majority leader could perform a great service if he could assist in freeing time on the floor tomorrow for further debate on the Carswell matter after the conclusion of the three 30-minute speeches. I think that if that is not done, that will be the only time left to those who wish to discuss this important issue and matters that have come to light of recent vintage. That will be the only time left to those Senators who want to talk on these matters.

I know that the Senator may not have the authority to do so at this time, as the hour is late, and he does want to be considerate. But we certainly would like an opportunity subsequently, and prior to Monday morning, to continue this important debate on the Carswell matter.

Mr. BYRD of West Virginia. Mr. President, if the Senator from Indiana will yield so that I may respond, I know of no reason why there will not be opportunity tomorrow to discuss the Carswell nomination further. The so-called germaneness rule, paragraph 3 of rule VIII, applies only for 3 hours—3 hours following the laying before the Senate of pending or unfinished business. Pending business of some minor nature may be laid before the Senate by the majority leader immediately upon the securing of the floor under the previous order by the able Senator from Michigan (Mr. GRIFFIN), if, of course, Mr. GRIFFIN should yield for that purpose.

That would then be the pending business. He may do that 5 minutes after we come in at 10 o'clock, and then the Pastore rule would begin operating at that point for 3 hours, even though the business were disposed of by unanimous consent and without debate.

As long as there is no business laid before the Senate following that, concerning which statements must be germane, Senators can talk about anything. But the 3 hours continue running. After the 3 hours have been consumed, regardless of what business we may have before the Senate, it is the right of any Senator, if he can get the floor—and under the rule, the President of the Senate is supposed to recognize the Senator who first seeks recognition—it is the right of any Senator once the germaneness rule no longer operates, to talk on any subject he wants.

If the Senator from Massachusetts would like to discuss this nomination further tomorrow, he can do so and he could not be precluded, once that 3-hour rule had passed. Even during the 3-hour period, the Senator may ask unanimous consent to waive the Pastore rule, and failing that, he can move to do it.

Statements can also be made on the Carswell nomination during morning business if a period for morning business is ordered and Senators permitted to make speeches therein. I really think there will be ample time tomorrow for further discussion of this nomination, so I cannot see the difficulty the Senator envisions. Moreover, the pending Senate resolution is not bound to be finally acted upon tomorrow.

Mr. BROOKE. I thank the distinguished Senator from West Virginia. In his customary, knowledgeable manner, he has described the recourses which are available to us. I thank the Senator for that assurance.

Mr. TYDINGS. I should like to comment in response to the distinguished

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Senator, with regard to the conference, but I have already inserted a speech which I had originally scheduled to give at 3 o'clock today, which would have taken an hour and a half if delivered. However, there are certain points in the speech of the distinguished Senator from Indiana with respect to the President's position on the historical responsibilities of the Senate as to advise and consent, so that I wish to join him in asking certain questions and give certain material for the Record, so that his delivery may be delayed by some 15 or 20 minutes by reason of the questions and the material I shall place in the Record.

Mr. BAYH. I shall be here as long as those who are interested in this matter care to discuss it.

Mr. President, I think we have had a rather thorough discussion, for the consideration of all who may read the Record, on the President's accusation that the charge of lack of candor is specious. So, let the Record speak for itself.

I ask unanimous consent to have printed in the Record an editorial published in the Washington Post on March 27, entitled "Judge Carswell: A Question of Candor."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Judge Carswell: A Question of Candor

It is not normally our practice to publish letters to the editor which are released to the press before we have even received them but we make an exception in today's letters column out of courtesy to Senators Hruska, Allott, Dole and Gurney, and because a crucial issue is involved. The senators have chosen to see in a news story, on the front page of this newspaper on Thursday, "charges" made in "desperation" on the eve of a vote on the nomination of Judge Carswell to the Supreme Court. Leaving aside the question of who may or may not be desperate in this matter at this moment, no charges, let alone desperate charges, were made in that story; it consisted of a simple, chronological recital of a set of facts which, taken together, show that Judge Carswell's memory about his role in the affair of the segregated golf club had been thoroughly refreshed *the night before* he appeared at a Senate hearing in which he gave every indication from his testimony that he could barely remember anything about it and hadn't given it a thought for years.

The senators are right in saying he first denied he had been an incorporator—that is, had signed the papers giving birth to the club—but later modified that and eventually, under questioning from Senator Kennedy who had the papers in his hands, said he had signed them. At the time, the sequence led us and, we suspect, others to believe that the judge had forgotten about the details of the incident. Now, learning about the meeting the preceding evening when he was questioned about the club and shown the incorporation papers he had signed, you have to wonder how hazy his memory really was; certainly it improved markedly as the questioning became more persistent and it began to appear that the senators had evidence in hand.

Thus, the real issue is not whether Judge Carswell misled the committee about his role as an incorporator but whether he misled it into thinking he had forgotten all about that until the morning of his testimony when he suddenly saw news stories concerning it. This, as well as a basic question of whether he was candid in saying he knew nothing about a motivation in this transaction to convert public property to private use in order to avoid desegregation, is best resolved by reprinting excerpts of what he said. Bear in mind, in reading the following extracts, that Judge Carswell had discussed this very question at length *the preceding night* with two representatives of the American Bar Association, who brought along for his inspection a copy of the articles of incorporation of the club.

"Senator Hruska. Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee. I am confident that you read the account. I would be safe in saying all of us did. You are entitled to tell your side of the story and tell us just what the facts are.

"Judge Carswell. I read the story very hurriedly this morning, senator, certainly. I am aware of the genuine importance of the facts of that. Perhaps this is it now. I was just going to say I had someone make a phone call to get some dates about this thing. This is not it. (Noting a paper on his desk). I can only speak upon my individual recollection of this matter. I was never an officer or director of any country club anywhere. Somewhere about 1956, someone, a friend of mine—I think he was Julian Smith—said, we need to get up some money to do something about repairing the little wooden country club, and they were out trying to get subscriptions for this. If you gave them $100, you would get a share in the stock in the rebuilding of the clubhouse. I did that. Later . . . I was refunded $75 of that $100 in February of the following year, 1957 . . . The import of this thing, as I understand it, was that I had something to do with taking the public lands to keep a segregated facility. I have never had any discussion with any human being about the subject of this at all. This is the totality of it, senators. I know no more about it than that.

"Senator Hruska. Judge Carswell, it was sought to make of you a director in that country club. Did you ever serve as a director?

"Judge Carswell. No, sir; nor in any other official capacity.

"Senator Hruska. Did you ever attend any of the director's meetings?

"Judge Carswell. Never.

"Senator Hruska. Were you an incorporator of that club as was alleged in one of the accounts I read?

"Judge Carswell. No, sir.

* * * * *

"Senator Hruska. Are you or were you at the time, familiar with the by-laws or the articles of incorporation?

"Judge Carswell. No, sir.

"Senator Hruska. Could the stock you received on this occasion have borne the label, 'incorporator,' indicating that you were one of the contributors to the building fund for the clubhouse?

"Judge Carswell. Perhaps. I have no personal recollection.

* * * * *

"Senator Kennedy. Did you in fact sign the letter of incorporation?

"Judge Carswell. Yes, sir. I recall that.

"Senator Kennedy. What do you recall about that?

"Judge Carswell. That they told me when I gave them $100 that I had the privilege of being called an incorporator. They might have put down some other title, as if you were potentate or something. I don't know what it would have been. I got one share and that was it.

* * * * *

"Senator Kennedy. The point . . . is whether, in fact, you were just contributing $100 to repair of a wooden clubhouse, or whether in fact, this was an incorporation of a private club, the purpose of which was to avoid the various court orders which had required integration of municipal facilities . . .

"Judge Carswell. I state again, unequivocably and as flatly as I can, that I have never had any discussions with anyone. I never heard any discussions about this."

A day later, former Governor Collins of Florida supported Judge Carswell's testimony by saying that he, too, had put up $100 for the club and that he doubted he would have if he had known there were racial overtones in its creation. Subsequently, some residents of Tallahassee and a Miami lawyer who happened to be trying a case there at the time have stated that talk about the transfer of the golf club to keep it segregated was commonplace. Indeed, columnist James J. Kilpatrick, who thinks Carswell should be confirmed, wrote this week, "My own enthusiasm for Carswell is diminished by his evasive account of his participation in the golf club incident of 1956 . . . Forgive my incredulity, but if Carswell didn't know the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand."

Did Judge Carswell give the committee the impression that the whole incident hit him as a bolt out of the blue in that morning's newspapers or did he give them the impression he had discussed the matter and been shown the signed incorporation papers the night before? Did Judge Carswell know what was up concerning segregation when that golf course was formed (he was then the United States Attorney for that area) or was he, in Mr. Kilpatrick's words, "the only one in north Florida" who didn't know? Was he candid about that and in saying of his role in forming the club—in sequence, under probing—first that he wasn't an incorporator, second that maybe he was, third that he was. Was he candid or was he trying to slip something past the committee members? We think it was the latter and we think it argues powerfully against his fitness to serve on the Supreme Court.

Mr. BAYH. Mr. President, two other basic points that I should like to deal with deal with the Presidential reply or letter to our distinguished colleague from Ohio (Mr. Saxbe). The first deals with the matter of the nominee's position on human rights and civil rights—this broad and important area—and the second and the last point which I tried to discuss this evening goes to the more basic and fundamental question of State rights.

Let me deal with the first point as quickly as I know how. The President in his letter made the flat statement:

> No decision he (Judge Carswell) has rendered can be fairly labeled "racist" in any respect.

Although one might disagree with the extent of hostility required to make a decision "racist," one can hardly disagree with the conclusion that Judge Carswell's record on the bench is one hostile to the interests of racial justice. The 17 separate cases in which the Judge was unanimously reversed by the fifth circuit on questions of civil rights or human rights have already been thoroughly discussed—although the President did not mention them in his letter. Beyond this record, however, the details of several particular instances raise serious questions of racial bias.

One of the most surprising acts of judicial hostility involved nine clergymen arrested in the Tallahassee Airport restaurant in 1961. They asked for a writ of habeas corpus from Judge Carswell's court, and the writ was denied. On

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appeal, the fifth circuit ordered the judge to hold a hearing on the case immediately, if the State court did not do so. Judge Carswell, in the presence of the attorney for the nine imprisoned clergymen, then told the city attorney prosecuting the case:

> If you go ahead and reduce these sentences, then there will be no hearing. There will not be anything. It will be moot.

On Judge Carswell's advice, this is precisely the action that was taken—over the objection of the clergymen, who wanted their claims decided on the merits so that their records could be cleared. As the State court judge told them, when he denied them the opportunity to vindicate themselves:

> Now you have got what you came for. You have got a permanent criminal record.

Another indication of Judge Carswell's racial views comes from the chain of events arising out of the arrest of a group of voting registration volunteers and their imprisonment in the Gadsden County jail. In this case:

First. Contrary to controlling precedent in the fifth circuit, *Lefton* v. *Hattiesburg,* 333 F. 2d 280, an illegal filing fee was required by Judge Carswell's court before the petition for removal to Federal court was accepted.

Second. When a petition for habeas corpus was filed, Judge Carswell delayed the proceeding by requiring the petition to be resubmitted on a special form, which had been designed for a different class of cases.

Third. The proceeding was delayed further by Judge Carswell's requirement that counsel attempt to secure the signatures of the prisoners, although the attorney's signature was all that could be required under rule 11 of the Federal Rules of Civil Procedure.

Fourth. Judge Carswell told the attorneys representing the civil rights workers that he would try, if at all posible, to deny the petition.

Fifth. When he finally granted the petition, as the law expressly required, he violated 28 U.S.C. 1446 by refusing to have his marshal serve the writ on the Gadsden County sheriff.

Sixth. Despite the complexity of the questions posed, without any request from the State, and without affording the civil rights workers any hearing whatever, he remanded the case to the State on his own motion and made possible their immediate rearrest.

That, Mr. President, is about as unconscionable a thing as I have ever seen to have to fight a judge tooth and toenail right down to the mat to get him to grant habeas corpus to let seven young people out of jail and then he turns around on his own volition and waives jurisdiction and gives it back to the same sheriff who arrested them in the first place.

Seventh. Notwithstanding the congressional grant of a special right of appeal from civil rights remands, he even refused to stay his remand order, a decision promptly reversed by a single judge of the fifth circuit.

When the fifth circuit subsequently considered this case on the merits, it unanimously reversed Judge Carswell. *Wechsler* v. *County of Gadsden* 351 F.2d 311 (1965).

Another example of Judge Carswell's hostility on the question of racial justice appears in his final decision in the Tallahassee airport restaurant case, Brooks against City of Tallahassee.

I want particularly to emphasize this case, Mr. President, because it is one which has been used by the Senator from Nebraska (Mr. HRUSKA) and other supporters of Judge Carswell to show that he is a great pro-civil-rights judge.

The facts of the matter are these:

In this case, Judge Carswell decided that the airport could no longer be operated on a segregated basis, a decision plainly required by the Supreme Court's earlier holding on a question directly in point in *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961). Senator HRUSKA has contended that the Brooks decision is one of Judge Carswell's "pro-civil-rights" decisions. However, the order issued by Judge Carswell in this allegedly "pro-civil-rights" decision includes a very unusual—and distinctly anti-civil-rights—statement. In the last paragraph of his order, Judge Carswell announced:

> Nothing contained in this order shall be construed as requiring the city of Tallahassee to operate under lease or otherwise restaurant facilities at Tallahassee Municipal Airport.

This statement is clearly irrelevant to the decision before the judge. It is obviously a gratuitous offer of advice by Judge Carswell as to how the city could in the final result avoid its obligation to integrate public facilities.

In other words this great pro-civil-rights judge, this humane nominee, follows the Supreme Court law relative to restaurants and public facilities and says we have to keep the door open for everybody and then on his own volition he adds a little statement in the interest of his order, saying:

> Although you have to be desegregated if you stay open, there is nothing in the law that makes you operate. So, you can really get around this rule by closing down the facility.

Whether or not this is racism I leave to other Members of the Senate. But I have no trouble concluding that this is a record of hostility to the cause of racial justice, a record of insensitivity to the most pressing problem of our times, a record not suited to a Justice of the Supreme Court.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. TYDINGS. I think the Senator's special comment on President Nixon's claim that the Senate must vote to confirm Judge Carswell or place in jeopardy the historic constitutional balance between the executive and the legislative has been extremely pertinent and well phrased.

I would like at this time to ask the Senator a number of questions and ask the Senator whether he would agree with the Senator from Maryland.

Mr. BAYH. Mr. President, would the Senator from Maryland permit me to move a bit further with my speech?

Mr. TYDINGS. I withhold my questions.

Mr. BAYH. The Senator brought up the last point I was about to embark upon. I think it is very pertinent. I will be glad to yield to the Senator or to discuss the matter with any other Senator.

The President's letter concludes, as the Senator from Maryland knows, with his central argument, an argument which made the front pages and headlines in all of the newspapers which in my judgment reveals a fundamental understanding of the role of the Senate in the nomination of a Supreme Court justice.

The President says:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to *appoint* members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of *the one person entrusted by the Constitution with the power of appointment.*

The President goes on to say:

> Under the Constitution, it is the *duty of the President to appoint* and the Senate to advise and consent.

This interpretation is wrong as a matter of constitutional law, wrong as a matter of history, and wrong as a matter of public policy. The Constitution does not, as the President three times tries to tell Senator SAXBE, confer upon the President the power to "appoint" Supreme Court Justices. Article II, section 2 of the Constitution carefully provides:

> The President . . . shall *nominate,* and *by and with the advice and consent of the Senate* shall appoint . . . Judges of the Supreme Court.

The President is not, as President Nixon's letter tries to tell us, "the one person entrusted by the Constitution with the power of appointment." It is not, as the President tries to tell us, "the duty of the President to appoint." The Constitution clearly provides that the power and responsibility for Supreme Court appointments are to be shared between the President and the Senate, the President to "nominate" and the Senate to "advise and consent"—or, as it has some two dozen times in the history of our Republic, to withhold its advice and consent. This is not a quibble over semantics—it is a fundamental question of constitutional law and the distribution of powers.

It would seem that a simple and straightforward reading of the Constitution would be sufficient to demonstrate the shared power and responsibility of the President and the Senate over Supreme Court appointments. But if any confirmation is needed, one can find more than enough in the pages of American history. One of the grievances set forth in the Declaration of Independence concerned the appointment of judges by King George III: "He has made Judges dependent on his Will alone." In the Constitutional Convention there was very substantial support for the appointment of federal judges by the Senate alone, with no role whatsoever for the President.

Mr. TYDINGS. Is it not a fact that the nomination by President George Washington of a man to be Chief Justice of

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the United States was turned down by the Senate of the United States?

Mr. BAYH. The Senator is correct. That was Judge John Rutledge who was turned down.

Mr. TYDINGS. He was from South Carolina.

Mr. BAYH. The Senator is exactly right. If we look at the record, we first see that there was substantial support for the appointment of Federal judges by the Senate alone, with no power whatsoever for the President.

Mr. TYDINGS. Is it not a fact that was in the original draft of the Constitutional Convention that was sent to the Committee on Detail and it was only after subsequent debate that the Constitution was agreed to so as to provide that the President would nominate and the Senate would advise and consent?

Mr. BAYH. The Senator is exactly right. That was adopted on the 21st day of July 1787, in the early working days of the Constitution.

Mr. TYDINGS. Mr. President, I will have printed in the RECORD a law note which will appear in the Yale Law Journal, written by the distinguished Prof, Charles L. Black, Jr., entitled "A Note on Senatorial Consideration of Supreme Court Nominees."

The article traces the very history of the Constitutional Convention proceedings which the Senator from Indiana has pointed out. And it makes reference to the Federalist Papers, particularly Nos. 76 and 77 with respect to what the constitutional fathers intended.

I read from one part of the Federalist Papers, No. 76, which was written by Alexander Hamilton:

> The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

That is a quotation from Alexander Hamilton in the Federalist Papers.

I read the final paragraph of Professor Black's article:

> To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his unencumbered by deference to the President's as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NOTE ON SENATORIAL CONSIDERATION OF SUPREME COURT NOMINEES

(By Charles L. Black, Jr.*)

If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate. Few constitutional questions are then of more moment than the question whether a Senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial decisions, are likely, in the Senator's judgment, to be very bad for the country. It is the purpose of this piece to open discussion of this question; I shall make no pretense of exhausting that discussion, for my own researches have not proceeded far enough to enable me to make that pretense.[1] I shall, however, open the discussion by taking, strongly, the position that a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I will open with two prefatory observations.

First, it has been a very long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole life view, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great questions of his time. The *loci classici* for this insight, now a platitude, are in such writers as Oliver Wendell Holmes, Jr., Felix Frankfurter, and Learned Hand. It would be hard to find a well-regarded modern thinker who asserted the contrary. The things which I contend are both proper and indispensable for a Senator's consideration, if he would fully discharge his duty, are things that have definitely to do with the performance of the judicial function. The factors I contend are for the Senator's weighing are factors that go into composing the quality of a judge. The contention that they may not properly be considered therefore amounts to the contention that some things which make a good or bad judge may be considered—unless the Senator is to consider nothing—while others may not.

Secondly, a certain paradox would be involved in a negative answer to the question I have put. For those considerations which I contend are proper for the Senator are considerations which certainly, notoriously, play (and always have played) a large, often a crucial, role in the President's choice of his nominee; the assertion, therefore, that they should play no part in the Senator's decision amounts to an assertion that the authority that must "advise and consent" to a nomination ought not to be guided by considerations which are hugely important in the making of the nomination. One has to ask, "Why?" I am not suggesting now that there can be no answer; I only say that an answer must be given. In the normal case, he who lies under the obligation of making up his mind whether to advise and consent to a step considers the same things that go into the decision whether to take that step. In the normal case, if he does not do this, he is derelict in his duty.

I have called this a constitutional question, and it is that (though it could never reach a court), for it is a question about the allocation of power and responsibility in government. It is natural, then, for American lawyers who look first at the applicable text, for what light it may cast. What expectation seems to be projected by the words, "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court . . . "?[2] Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice," unless its meaning has radically changed since 1787, makes next to impossible that conclusion.

Procedurally, the stage of "advice" has been short-circuited.[3] Nobody could keep the President from doing that, for obvious practical reasons. But why should this procedural short-circuiting have any effect on the *substance* so strongly suggested by the word "advice"? He who merely *consents* might do so perfunctorily, though that is not a necessary but merely a possible gloss. He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on decision. Am I wrong about this usage? Can you conceive of sound "advice" which is given by an advisor who has deliberately barred himself from considering some of the things that the person he is advising ought to consider, and does consider? If not, then can the Presidents, by their unreviewable short-circuiting of the "advice" stage, magically have caused to vanish the Senate's responsibility to consider what it must surely consider in "advising"? Or is it not more reasonable to say that, in deciding upon his vote at the single point now left him, every Senator ought to consider everything he would have considered if, procedurally, he were "advising"? Does not the word "advice" permanently and inescapably define the *scope* of Senatorial consideration?

It is characteristic of our legal culture both to insist upon the textual reference-point, and to be impatient when much is made of it, so I will leave what I have said about this to the reader's consideration, and pass on to ask whether there is anything else in the Constitution itself which compels or suggests a restriction of Senatorial consideration to a few rather than to all of the factors which go to making a good judge. I say there is not; I do not know what it would be. The President has to concur in legislation, unless his veto be overridden. The Senate has to concur in judicial nominations. That is the simple plan. Nothing anywhere suggests that some duty rests on the Senator to vote for a nomination he thinks unwise, any more than that a duty rests on the President to sign bills he thinks unwise.

Is there something, then, in the whole structure of the situation, something unwritten, that makes it the duty of a Senator to vote for a man whose views on great questions the Senator believes to make him dangerous as a judge? I think there is not, and I believe I can best make my point by a contrast. The Senate has to confirm—advise and consent to—nominations to posts in the executive department, including cabinet posts. Here, I think, there is a clear structural reason for a Senator's letting the President have pretty much anybody he wants, and certainly for letting him have people of any political views that appeal to him. These are his people; they are to work with him. Wisdom and fairness would give him great latitude, if strict constitutional obligation would not.

Footnotes at end of article.

Just the reverse, just exactly the reverse, is true of the judiciary. The judges are *not* the President's people. God forbid! They are not to work with him or for him. They are to be as independent of him as they are of the Senate, neither more nor less. Insofar as their policy-orientations are material—and, as I have said above, these can no longer be regarded as immaterial by anybody who wants to be taken seriously, and are certainly not regarded as immaterial by the President—it is just as important that the Senate think them not harmful as that the President think them not harmful. If this is not true, why is it not? I confess here I cannot so much as anticipate a rational argument to which to address a rebuttal.

I can, however, offer one further argument tending in the same direction. The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But is it not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution? He is appointed by the President (when the President is acting at his best) because the President believes his world view will be good for the country, as reflected in his judicial performance. The Constitution certainly permits, if it does not compel, the taking of a second opinion on this crucial question, from a body just as responsible to the electorate, and just as close to the electorate, as is the President. Is it not wisdom to take that second opinion in all fullness of scope? If not, again, why not? If so, on the other hand, then the Senator's duty is to vote on his whole estimate of the nominee, for that is what constitutes the taking of the second opinion.

Textual considerations, then, and high-political considerations, seem to me strongly to thrust toward the conclusion that a Senator both may and ought to consider the life view and philosophy of a nominee, before casting his vote. Is there anything definite in history tending in the contrary direction?

In the Constitutional Convention, there was much support for appointment of judges *by the Senate alone*—a mode which was approved on July 21, 1787,[4] and was carried through into the draft of the Committee of Detail.[5] The change to the present mode came on September 4th, in the report of the Committee of Eleven [6] and was agreed to *nem. con.* on September 7th.[7] This last vote must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role.

I have not read every word of *The Federalist* for this opening-gun piece, but I quote here what seem to be the most apposite passages, from Numbers 76 and 77:

"But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration."

It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particuarly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.[8]

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"If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments, is more likely to attract than to be attracted by the *power* which can merely obstruct their course. *If by influencing the President be meant restraining him, this is precisely what must have been intended.* [emphasis supplied] And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid its evils." [9]

I cannot see, in these passages, any hint that the Senators may not or ought not, in voting on a nominee, take into account anything that they, as serious and public-spirited men, think to bear on the wisdom of the appointment. It is predicted, as a mere *probability*, that Presidential nominations will not often be "overruled." But "special and strong reasons," thus generally characterized, are to suffice. Is a Senator's belief that a nominee holds skewed and purblind views on social justice not a "special and strong reason"? Is it not as "special and strong" as a Senator's belief that an appointment has been made "from a view to popularity"—a reason which by clear implication *is* to suffice as support for a negative vote? If there is anything in ***The Federalist Papers*** neutralizing this inference, I should be glad to see it.

When we turn to history, the record is, as always, confusing and multifarious. One can say with confidence, however, that a good many nominations have been rejected by the Senate for repugnancy of the nominee's views on great issues, or for mediocrity, or for other reasons no more involving moral turpitude than these. Jeremiah Sullivan Black, an eminent lawyer and judge, seems to have been rejected in 1861 because of his views on slavery and secession.[10] John J. Crittenden was refused confirmation in 1829 on strictly partisan grounds.[11] Wolcott was rejected partly on political grounds, and partly on grounds of competence, in 1811.[12] There is the celebrated Parker case of this century.[13] The perusal of Warren [14] will multiply instances.

I am very far from undertaking any defense of each of these actions severally. I am not writing about the wisdom, on the merits, of particular votes, but of the claim to historical authenticity of the supposed "tradition" of the Senators' refraining from taking into account a very wide range of factors, from which the nominees' views on great public questions cannot, excepted arbitrarily, be excluded. Such a "tradition," if it exists, exists somewhere else than in recorded history. Of course, all these instances may be dismissed as improprieties, but then one must go on and say why it *is* improper for the Senate, and each Senator, to ask himself, before he votes, *every* question which heavily bears on the issue whether the nominee's sitting on the Court will be good for the country.

I submit that this "tradition" is just a part of the twentieth-century mystique about the Presidency. That mystique, having led us into disastrous undeclared war, is surely due for reexamination. I do not suggest that it can be or should be totally rejected. I am writing here only about a little part of its consequences.

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view. Will someone please enlighten me?

FOOTNOTES

[*] Henry R. Luce, Professor of Jurisprudence, Yale University. B.A. 1935, M.A. 1938, University of Texas; LL.B 1943, Yale.

[1] I shall not provide this discussion with an elaborate footnote apparatus. I am sorry to say that I cannot acknowledge debt, for I am writing from my mind; experience teaches that, when one does this, one unconsciously draws on much reading consciously forgotten; for all such obligations unwittingly incurred I give thanks. I have had the benefit of discussion of many of the points made herein with students at the Yale Law School, of whom I specifically recollect Donald Paulding Irwin; I have also had the benefit of talking to him about the piece after it was written. (A specific addendum in proof: Harris, THE ADVICE AND CONSENT OF THE SENATE (1953) came to my attention and hands after the present piece had gone to the printer. This excellent and full account of the whole function would doubtless have fleshed out my own thoughts, but I see nothing in the book that would make me alter the

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Footnotes at end of article.

position taken here, and I hope a single-shot thesis like the present may be useful.)

[2] U.S. Const. art. II, § 2, cl. 2.

[3] Even this short-circuiting is not complete. First, the President's "appointment," *after* the Senate's action, is still voluntary (Marbury v. Madison, 5 U.S. (1 Cranch) 137, 155 (1803)), so that in a sense the action of the Senate even under settled practice may be looked on as only "advisory" with respect to a step from which the President may still withdraw. Secondly, nominations are occasionally withdrawn after public indications of Senate sentiment (and probable action) which may be thought to amount to "advice."

[4] 2 Records of the Federal Convention of 1787, at 83 (M. Farrand ed. 1911).

[5] *Id.* at 132, 146, 155, 169, 183.

[6] *Id.* at 498.

[7] *Id.* at 539.

[8] The Federalist No. 76, at 494–95 (Modern Library 1937) (Alexander Hamilton).

[9] *Id.* No. 77, at 498 (Alexander Hamilton).

[10] 2 C. Warren, The Supreme Court in the United States History 364 (rev. ed. 1926).

[11] 1 *Id.* at 704.

[12] *Id.* at 413.

[13] L. Pfeffer, The Honorable Court, A History of the United States Supreme Court 288 (1965).

[14] C. Warren, The Supreme Court in United States History (rev. ed. 1926).

Mr. TYDINGS. Mr. President, at this point I would like to read some very pertinent paragraphs from an article written by the distinguished Senator from Michigan (Mr. Griffin) that appeared in the prospectus of the University of Michigan in April 1969.

This has to do with the nomination of Mr. Justice Fortas to be Chief Justice of the United States. In the article the distinguished minority whip, I think, ably presents very tellingly the complete rebuttal to the statement of the President of the United States in his letter to the Senator from Ohio (Mr. Saxbe) which denigrates the position and role of the Senate in its advice and consent function.

I ask unanimous consent that the entire part of the Law Review article entitled "The Historical Context for Advice and Consent," appearing on pages 287 through 291 be printed in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

THE HISTORICAL CONTEXT FOR ADVICE AND CONSENT

Much of the controversy revolves around the appropriate functions of the President and of the Senate in the circumstances of a nomination to the Supreme Court. There are some who suggest that the Senate's role is limited merely to ascertaining whether a nominee is "qualified" in the sense that he possesses some minimum measure of academic background or experience. It should be emphasized at the outset that any such view of the Senate's function with respect to nominations for the separate judicial branch of the government is wrong and simply does not square with the precedents or with the intention of those who conferred the "advice and consent" power upon the Senate.

I am firmly convinced that approval by the confirming authority of a nomination to the third highest post in our land, the highest judicial post, on the basis of the record before the Senate in the Fortas case, would have been a disservice to the nation and would have constituted an abdication of the "advice and consent" power of the Senate. To assure the independence of the judiciary as a separate and coordinate branch, then, it is important to recognize that this power of the Senate with respect to the judiciary is not only real, but it is at least as important as the power of the President to nominate.

No one denies the constitutional power of the President to make an appointment to the Supreme Court, technically even at a time when he is only a few months from leaving office. But, of course, that is *not* the point. Some have not understood, or will not recognize, that under our Constitution the power of any President to nominate constitutes only *one-half* of the appointing process. The *other* half of the appointing process lies within the jurisdiction of the Senate, which has not only the constitutional power but the solemn obligation to determine whether to confirm such a nomination. Because the Senate has not used its power of "advice and consent," there is a widespread belief that it is almost a rubber-stamp.

However, against the backdrop of history we must recognize that the Senate has not only the right but the responsibility to consider more than the mere qualifications of a nominee to the Supreme Court of the United States, the highest tribunal in a separate, independent and coordinate branch of the government. The Senate has a duty to look beyond the question: "Is he qualified?" The Senate must not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety. A distinguished former colleague, Senator Paul Douglas of Illinois, put it this way:

"The 'advise and consent' of the Senate required by the Constitution for such appointments (to the Judiciary) was intended to be *real,* and *not* nominal. A large proportion of the members of the (Constitutional) Convention were fearful that if judges owed their own appointments solely to the President the Judiciary, even with life tenure, would then become dependent upon the executive and the powers of the latter would become overweening. By requiring *joint* action of the legislature and the executive, it is believed that the Judiciary would be made more independent."

Illuminating the appropriateness of these views is the clear history of the formulation of constitutional obligations built into the structure of our government to realize such objectives as an independent judiciary and checks and balances on respective centers of power. In the Federalist Papers, Alexander Hamilton wrote that the requirement of Senate approval in the appointing process would . . . be *an excellent check upon a spirit of favoritism of the President,* and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachments, or from a view to popularity.

In the Constitutional Convention of 1787, James Madison generally favored the creation of a strong executive; he advocated giving the President an absolute power of appointment within the executive branch of the government. Madison stood with Alexander Hamilton against Benjamin Franklin and others who were concerned about granting the President such power on the ground that it might tend toward a monarchy. While he argued for the power of the President to appoint within the executive branch, it is very important to note that Madison drew a sharp distinction with respect to appointments to the Supreme Court, the judicial branch. Madison did not believe that judges should be appointed by the President; he was inclined to give this power to "a senatorial branch as numerous enough to be confided in—and not so numerous as to be governed by the motives of the other branch; as being sufficiently stable and independent to follow clear, deliberate judgments."

At one point during the convention, after considerable debate and delay, the Committee on Detail reported a draft which provided for the appointment of judges of the Supreme Court by the Senate, Gouverneur Morris and others would not agree, and the matter was put aside. It was not finally resolved until the next to last day of the Constitutional Convention. The compromise language agreed upon provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Supreme Court and all other officers of the United States." Clearly, the compromise language neither confers upon the President an unlimited power to appoint within the executive branch nor confers upon the Senate a similar power of appointment with respect to the judiciary. Significantly, however, we have moved in actual practice over the years toward those original objectives of Madison. It is a fact, though sometimes deployed by political scientists, that judges of the lower federal courts are actually "nominated" by Senators while the President exercises nothing more than a veto authority. On the other hand, the Senate has generally accorded the widest latitude to the President in the selection of the members of his cabinet. It is recognized that unless he is given a free hand in the choice of these associates, he cannot be held accountable for the administration of the executive branch of government.

I believe that history demonstrates that the Senate has generally viewed the appointment of a cabinet official in a different light than an appointment of a Supreme Court Justice. The general attitude of the Senate over the years with respect to the cabinet nominations was expressed by Senator Guy Gillette of Iowa in these words:

"One of the last men on earth I would want in my cabinet is Harry Hopkins. However, the President wants him. He is entitled to him . . . I shall vote for the confirmation of Harry Hopkins. . . ."

Throughout our history, only eight out of 564 cabinet nominations have failed to win Senate confirmation.

The reasons for a limited Senate role with respect to executive branch appointments, however, do *not* apply when the nomination is for a *lifetime* position on the Supreme Court, the highest tribunal in the *independent,* third branch of government.[3] No less a spokesman than former Justice Felix Frankfurter has emphasized one of the chief reasons for the higher responsibility of the Senate to look beyond mere qualifications in the case of a Supreme Court nominee:

"The meaning of 'due process' and the content of terms like 'liberty' are not revealed by the Constitution. It is the Justices who make the meaning. They read into the neutral language of the Constitution their own economic and social views . . . Let us face the fact that five justices of the Supreme Court are the molders of policy rather than the impersonal vehicles of revealed truth."

In an oft-quoted statement Chief Justice Charles Evans Hughes noted wryly: "We are under a constitution, but the Constitution is what the judges say it is."

Thus, when the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States, particularly a nomination to the position of Chief Justice, the importance of its determination cannot be compared in any sense to the consideration of a bill for enactment into law. If Congress makes a mistake in the enactment of legislation, it can always return at a later date to correct the error. But once the Senate gives its "advice and consent" to a lifetime appointment to the Supreme Court there is no such convenient

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Footnotes at end of table.

> way to correct an error since the nominee is not answerable thereafter to either the Senate or to the American people.
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> Throughout our history as a nation until the pending nominations were submitted, one hundred and twenty-five persons have been nominated as Justices of the Supreme Court. Of that number, twenty-one, or one-sixth, failed to receive confirmation by the Senate. The question of qualifications or fitness was an issue on only four of these twenty-one occasions. In debating nominations for the Supreme Court, the Senate has never hesitated to take into account a nominee's political views, philosophy, writings, and attitude on particular issues.
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> The Senate's responsibility to weigh these factors is not diminished by the fact that such professional organizations as the American Bar Association limit their own inquiries. The ABA committee on the federal judiciary has acknowledged limitations on its role. For example, letters from the chairman of the committee, Albert E. Jenner, to Senator James Eastland which transmitted the committee's recommendation with respect to the nomination of Abe Fortas and Homer Thornberry contained this statement:
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> "[O]ur responsibility [is] to express our opinion *only on the question of professional qualification,* which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education and demonstrated legal ability. *It is our practice to express no opinion at any time with regard to any other consideration not related to such professional qualifications which may properly be considered by the appointing or confirming authority.*" [Emphasis added.]

Mr. TYDINGS. Mr. President, I would like, however, to read a number of paragraphs which, to me, seem to get right to the heart of the speciousness of the President's letter to Senator SAXBE on the role and responsibility of the advice-and-consent function of the Senate.

I now read a portion of the article of the distinguished Senator from Michigan (Mr. GRIFFIN):

> THE HISTORICAL CONTEXT FOR ADVICE AND CONSENT
>
> Much of the controversy revolves around the appropriate functions of the President and of the Senate in the circumstances of a nomination to the Supreme Court. There are some who suggest that the Senate's role is limited merely to ascertaining whether a nominee is "qualified" in the sense that he possesses some minimum measure of academic background or experience.

I will leave the text for a moment to comment we had some argument on the mediocrity point earlier in the debate on this nomination.

I now go back to the article written by the distinguished minority whip.

> It should be emphasized at the outset that any such view of the Senate's function with respect to nominations for the separate judicial branch of the government is wrong and simply does not square with the precedents or with the intention of those who conferred the "advice and consent" power upon the Senate.
>
> I am firmly convinced that approval by the confirming authority of a nomination to the third highest post in our land, the highest judicial post, on the basis of the record before the Senate in the Fortas case, would have been a disservice to the nation and would have constituted an abdication of the "advice and consent" power of the Senate. To assure the independence of the judiciary as a separate and coordinate branch, then, it is important to recognize that this power of the Senate with respect to the judiciary is not only real, but it is at least as important as the power of the President to nominate.
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> No one denies the constitutional power of the President to make an appointment to the Supreme Court, technically even at a time when he is only a few months from leaving office. But, of course, that is *not* the point. Some have not understood, or will not recognize, that under our Constitution the power of any President to nominate constitutes only *one-half* of the appointing process. The *other* half of the appointing process lies within the jurisdiction of the Senate, which has not only the constitutional power but the solemn obligation to determine whether to confirm such a nomination. Because the Senate has not used its power of "advice and consent," there is a widespread belief that it is almost rubber-stamp.
>
> However, against the backdrop of history we must recognize that the Senate has not only the right but the responsibility to consider more than the mere qualifications of a nominee to the Supreme Court of the United States, the highest tribunal in a separate, independent and coordinate branch of the government. The Senate has a duty to look beyond the question: "Is he qualified?" The Senate must not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety.

I wish to read one final paragraph:

> Thus, when the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States, particularly a nomination to the position of Chief Justice, the importance of its determination cannot be compared in any sense to the consideration of a bill for enactment into law. If Congress makes a mistake in the enactment of legislation, It can always return at a later date to correct the error. But once the Senate gives its "advice and consent" to a lifetime appointment to the Supreme Court, there is no such convenient way to correct an error since the nominee is not answerable thereafter to either the Senate or the American people.

I wish to ask my distinguished friend from Indiana whether or not the paragraphs I read do not completely refute the argument or the thrust of the argument in the letter sent to the Senator from Ohio by the President.

Mr. GRIFFIN. Mr. President, will the Senator yield on that point?

Mr. BAYH. Mr. President, if the Senator will permit me to proceed first I would be glad to yield to such an eminent authority on the subject. I think that if the Chief Executive had consulted the Senator from Michigan first he would not have sent the letter to the Senator from Ohio, or at least couched it in quite this manner.

I am glad to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I want to say that the Senator from Maryland does me a great honor by quoting from the article I wrote. I retreat from it not one inch. I feel just as strongly now about the importance of the Senate's responsibility in the appointing process as I did during the debate on the nomination of Mr. Justice Fortas. It is not surprising that this President, as other Presidents, has sought to be very sure that his part of the appointing process was observed and not infringed upon.

The controversy, the conflict between the Senate and the executive branch has gone on for a long time. Unfortunately, for too many years the Senate did not assert itself, in my humble opinion, having studied the history of nominations to the Supreme Court; and in too many instances the Senate was a rubberstamp. No one could be more pleased than I am that now the Senate is truly exercising its advice and consent power.

The difference of this situation—and I respect the point of view of the Senator from Indiana and the Senator from Maryland—is that we differ and disagree as to whether or not this nominee is qualfied. I think he is not only qualified but that he is highly qualified; that he is one of the best trained and most experienced nominees who has been nominated for the Supreme Court.

Mr. BAYH. Is it fair to assume the Senator from Michigan does not associate himself with the presidential letter which states that the central issue here is that we are going to destroy the presidential power if we do not advise and consent to this nominee?

Mr. GRIFFIN. The central issue before the Senate ought to be the qualifications of Judge Carswell to serve on the Supreme Court. It may well be that in the eyes of the President, and I think it is probably the conclusion of many others—although the Senator from Michigan will not say it—that there is a good deal of opposition to this nomina-

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[2] In this context, it is interesting to take note of the Senate's approach toward nominations for regulatory boards and commissions—agencies which are "neither fish nor fowl" in the scheme of government and perform quasi-executive functions and quasi-judicial functions. For example, in 1949, President Truman nominated Leland Olds for a third term as a member of the Federal Power Commission. Since Olds had served on the Commission for ten years, it was difficult to argue that he lacked qualifications. The Senate finally voted to reject the nomination. Afterward, there was general comment in the press that the real issue had nothing to do with the nominee's qualifications but everything to do with regulation of the price of natural gas.

In considering such nominations, it has not been unusual for the Senate to focus on the charge of "cronyism." That was the issue in 1946 when President Truman nominated a close personal friend, George Allen, not to a lifetime position on the Supreme Court, but to be a member of the Reconstruction Finance Corporation. Not only did such columnists as David Lawrence react sharply, but the New York Times opposed the nomination as well. Senator Taft led the opposition declaring that Allen was one of three who were nominated "only because they are personal friends of the President. Such appointments as these are a public affront."

In 1949, the Washington Post severely criticized the nomination by President Truman of Mon C. Wallgren, not to a lifetime position on the Supreme Court, but to be a member of the National Security Resources Board. A former Governor and Senator, the nominee had become a close friend of President Truman when the two served together on the Truman committee. The Washington Post characterized this nomination as a "revival of government by crony which we thought went out of fashion with Warren G. Harding." The Senate Committee which considered Wallgren's nomination voted seven to six against confirmation and the matter never reached the Senate floor.

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tion that is motivated from other reasons that are more political and that really are directed against the President than the person of Judge Carswell. But that should not be the question before the Senate.

Mr. BAYH. I am sure the Senator from Michigan would not want to impute other than the finest motives to his colleagues as to why they oppose Judge Carswell.

Mr. GRIFFIN. No, I believe I would not do that. I attribute the highest motives to those on the floor now.

Mr. TYDINGS. Would the Senator agree it is the responsibility of each individual Senator to use his own best judgment as to whether or not the nominee to the Supreme Court of the President or any President should be confirmed to that position and that the Senator should use his own best judgment rather than the best judgment of the President?

Mr. GRIFFIN. There is no question. Each Senator is elected from his State and he is elected to exercise his independent judgment.

Mr. BAYH. This is one matter that really concerned the Senator from Indiana more than anything else involved in all these debates.

A few years ago I was involved in opposing one of the nominations of a Democratic President. The nomination was not for the Supreme Court but to a lesser position. But I have some idea what this means. I do not think in the time I have been in the Senate we have ever had a President who began to go as far as the statement issued by the present President when he said:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the court—and whether the responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment.

I concur with my friend from Michigan. The question before us, Democrats and Republicans all, is: Is the man qualified?

The Senator from Michigan thinks he is and the Senator from Indiana thinks he is not; but the Senator from Indiana is not going to sit by and let the President, whoever he is, suggest uncontroverted that to deny him this nominee is going to destroy the relationship of the President's power to nominate and the Senate's power to advise and consent.

Mr. TYDINGS. I wonder if we could ask the Senator from Michigan one other question.

Mr. BYRD of West Virginia. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Indiana has the floor. Does the Senator from Indiana yield?

Mr. BAYH. Mr. President, I yield with the understanding I do not lose my right to the floor.

Mr. TYDINGS. I wish to ask the Senator from Indiana if it would not be helpful if we had a response from the distinguished Senator from Michigan to this question: Is it not a fact that the President of the United States, under the Constitution, does not have the right to appoint members of the Supreme Court or any other Federal judge? He has the right and the constitutional responsibility to nominate Justices of the Supreme Court and judges of the Federal judiciary. The Senate of the United States has the responsibility to advise and consent. Together they exercise the appointment provisions with respect to appointment of judges of the Federal bench.

Mr. BAYH. I think that an answer would be very helpful, but, as I recall, it was contained rather eloquently in the words of the Senator from Michigan in the law journal article which the Senator from Maryland has introduced into the RECORD.

Mr. GRIFFIN. Mr. President, if the Senator wants me to answer, I would answer it in this way: that, like a lot of other terms that sometimes are used interchangeably by those who are knowledgeable in the law and those who are not knowledgeable in the law, the term "appoint" and the term "nominate" are often——

Mr. TYDINGS. Confused?

Mr. GRIFFIN. Confused. That has happened, I am sure, in the speeches of the Senator from Maryland, and it happened in the very article that the Senator from Maryland referred to. I noticed, when I used the word "appoint" I should have used the word "nominate." It is a technical distinction the Senator is drawing, but it is accurate.

Mr. BAYH. But the Senator from Michigan did not write the letter that appeared on the front pages of all the newspapers, which said that the central issue appeared to be that we were taking away the responsibility from the one person empowered by the Constitution to appoint. I wish the Senator from Michigan had been consulted before the letter was written. Then I am sure it would not have been written and we would have been dealing with the essential question of the qualifications of the nominee.

Mr. GRIFFIN. If I had edited it, I would have used over the word "appoint," the word "nominate" and it would not have created any change in substance.

Mr. BAYH. I am sure we might overlook the word "appoint," but it would be rather difficult for us to misinterpret the reasoning of a rather lengthy 4- or 5-line sentence which has been quoted two or three times previously by the Senator from Indiana.

Let me proceed to finish my speech, if I may. I in no way suggest that any Senator who wants to proceed with colloquy should be denied the right to do so.

I would like to finish by suggesting that we can go to the times in which the Constitution was written to try to see what the Founding Fathers who penned these words had in mind.

In Federalist Paper No. 76, Alexander Hamilton makes it perfectly clear that the Senate might refuse its advice and consent to a Presidential nominee, and argues that this very possibility would be a "powerful" and "excellent check" on the President and "an efficacious source of stability in the administration." And in Federalist No. 77, Hamilton makes the Senate's power even clearer:

> If by influencing the President be meant restraining him, this is precisely what must have been intended.

Thus it was crystal clear from the very inception of the Constitution that the Senate was not intended merely to rubberstamp the President's nominees, but to exercise its independent judgment as to their fitness: their character and honesty; their fairness and judicial temperament; their professional competence and judicial record.

But the historical lesson does not end with the Founding Fathers. The whole record of Senate action on Supreme Court nominees since 1787 confirms the nature of the Senate's independent power and responsibility. The President's letter asks for the same right of choice in naming Supreme Court Justices which has been freely accorded to my predecessors of both parties. Let us look at that record. Is President Nixon being singled out, is he really being treated any differently from previous Presidents? In 1795—only 6 years after the enactment of the Constitution—the Senate rejected a Supreme Court nominee for the first time, Judge John Rutledge, a former Supreme Court Justice nominated by President Washington to be Chief Justice. Throughout the Federalist period and the entire 19th century, almost 25 percent of the Presidential nominees for the Supreme Court failed to receive Senate confirmation.

Four of President Tyler's nominees failed to secure Senate approval, as did three of President Filmore's nominees and three of President Grant's nominees. And of the 24 Presidential nominees for Supreme Court Justice who failed to gain confirmation, only 10 were defeated in a confirmation vote; the remaining 14 nominations were either delayed and never acted upon or were withdrawn by the President. And surely we have not so quickly forgotten the fact that President Johnson had two Supreme Court nominees confirmed—and submitted two additional nominees who failed of confirmation. So no one can fairly claim that this is merely a partisan political issue, that some absolute "right of choice" as the President calls it "has been freely accorded to" his "predecessors of both parties."

Mr. GURNEY. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield.

Mr. GURNEY. I listened carefully to the colloquy between the Senator from Indiana and the Senator from Michigan. It strikes me that what the President was saying in his letter is contained in these words:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment.

I think what the President is really saying there—and I find no quarrel with that—is that he feels that many of the issues being raised in the debate now going on before the Senate are really viable issues as far as the qualifications of this nominee are concerned, but are subjective within a Senator's own interpretation and influenced by his political philosophy.

Therefore, if that be the case, the will of the President under his constitutional authority is truly being frustrated.

I do not mean to indicate that the Senator from Indiana and any other Senators who are opposing the nomination are not honestly and sincerely opposing it, but do so because they believe their objections are valid. That is not what I am saying. But I think that in his own mind the President feels that political philosophy and subjective attitudes that are personal within a Senator's own interpretation, rather than objective attitudes, are frustrating his constitutional authority. I do not think that that militates at all against the very high constitutional duty of a Senator to advise and consent.

Mr. BAYH. Since the Senator from Florida has brought up this point, he might care to give us his opinion as to what reasonable interpretation could be put on the following sentence. This is the President of the United States speaking. After going through a number of issues which he calls specious, he then comes to what I think could be called the high point of his letter:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment.

I repeat: "That of the one person entrusted by the Constitution with the power of appointment."

Does the Senator from Florida believe that the President has the power to appoint Supreme Court Judges?

Mr. GURNEY. Again, after amplifying my interpretation of that language—and that was the language the Senator read—the President feels that so far as the political philosophy of a judge on the Supreme Court is concerned, that ought to be his right to determine.

To decide whether a nominee should be a conservative or a liberal or a middle-of-the-road person is not within the contemplated purview of rejection under the advise and consent role of the Senate. I think that that is what the President is saying. That is my interpretation of his statement, and I think that throughout the history of the Senate that has been pretty much the Senate's interpretation.

Surely, men have been appointed to the Supreme Court in recent times by President Johnson, by President Kennedy, and perhaps even by President Eisenhower, of whom, I suspect, many Senators did not approve at all so far as the political philosophy of the appointees was concerned. But they voted to confirm the nominations, feeling that it was the prerogative of the President to appoint the men he wanted, so far as their political philosophy was concerned.

Mr. BAYH. I suppose the Senator from Florida could not completely avoid the fact that we are discussing the G. Harrold Carswell nomination, because this Senate refused to give to President Nixon's predecessor the prerogative which he now claims for himself.

Mr. GURNEY. What judge is the Senator referring to?

Mr. BAYH. The Senate refused to accept the nomination of Justice Fortas as Chief Justice, and refused to accept the nomination of Judge Thornberry at all. That is why we are here.

Mr. GURNEY. I am not familiar with the Thornberry case. I did not know that that came before the Senate. I know that he was contemplated at one time.

As far as the Fortas case is concerned, while I was not a Member of the Senate, I was of the House of Representatives. My recollection of the case is that it did not have much to do with political philosophy, but it had a whole lot to do with ethics.

Mr. BAYH. It had quite a bit to do with ethics.

Mr. GURNEY. And that is why he was rejected. I see nothing wrong with that. I think, certainly, ethics enters into the role of the Senate to advise and consent.

Mr. BAYH. The Senator might refer to the record. Judge Thornberry's nomination was never considered by the Senate because of the filibuster over the nomination of Justice Fortas to be Chief Justice.

It appears that it is very easy for the Senator from Florida to make the distinction between the ethical question involving Justice Fortas and the lack of candor and the refusal to be forthright with the Senate Judiciary Committee on the part of this judge. The Senator from Indiana finds great difficulty in making that distinction; but, of course, we have had great differences of opinion before in this debate.

Mr. DOLE. Mr. President, will the Senator yield on this point, just briefly?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BAYH. Oh, yes, I would not want to miss this opportunity.

Mr. DOLE. I appreciate the Senator's indulgence. I know he is a busy man.

On page 32 of the report, in the individual views of Mr. TYDINGS, I call attention to the last sentence in the first paragraph:

> Therefore, I must oppose confirmation of the appointment.

Later on on the same page the Senator from Maryland says:

> Men appointed to the Supreme Court have for practical purposes life tenure.

Mr. TYDINGS. That is correct. Men appointed to the Supreme Court do have life tenure. They are nominated by the President and confirmed by the Senate, and they have life tenure.

Mr. DOLE. The Senator from Indiana has yielded to me.

Mr. BAYH. I would associate myself with the remarks of the Senator from Maryland. I think the appointment process is a double headed vehicle. It involves the nomination by the President and the advice and consent authority of the Senate, and that is what the Senator from Maryland was referring to.

Mr. DOLE. Then, in the individual views of Messrs. BAYH, HART, KENNEDY, and TYDINGS, it is stated:

> In his campaign speeches, President Nixon pledged appointees to the court—

I just bring this up in connection with the word appoint, which seems to be causing great distress, and yet it is used in the individual views of the Senator from Maryland and in his individual views together with those of Senators BAYH, HART, and KENNEDY.

Mr. BAYH. The Senator is reading the record. Can he find any notation of views at all such as those in the President's letter, in which he refers to himself as "the one person entrusted by the Constitution with the power of appointment"? The one person?

The Senator from Maryland talks about the term "refusing the nomination" in terms of advising and consenting.

Mr. DOLE. I think the point is in the word "use." As the Senator from Michigan said, he may have used it instead of the word "nominate." Senators on the other side have used it, and perhaps they should have used the word "nominate" or "nomination" or "nominates." But I do not think we really misunderstand what the word means.

Mr. TYDINGS. I think the Senator makes a good point. It is sometimes easy, in haste, as I did, or the Senator from Michigan or others, to interchange the words.

But the fact is that the thrust of the President's letter was that if he nominated someone, and he felt they had the requisite qualifications, then it was up to the U.S. Senate to go ahead and confirm him. That is why he wrote the letter to Senator SAXBE.

The problem is not the use of the word "appoint." The problem is the whole thrust and tenor of the President's letter, which denigrates the role of the U.S. Senate to advise and consent. In fact, it overlooks the entire constitutional history of article III and the role of the Senate to advise and consent to a Supreme Court nomination.

It is not whether he used the word "appoint" or "nominate"; he could make a mistake. I make it all the time, and the Senator from Michigan makes it.

But he is the one who sent that letter. He is the one who is trying to get the Senate to go ahead and approve, without exercising its own responsibility through the advise and consent procedure.

Mr. DOLE. I think he says in the letter that we have that right, as of course the Senator, as a Member of this body, knows.

But again, at page 33 of the report, the Senator from Maryland uses the word "appointment." Now the Senator is asked to advise and consent to the appointment.

The point I make is that we all use the word rather freely, apparently.

Mr. BAYH. I would be the last to suggest that there have not been occasions, I suppose, when all of us have interchanged the word "nominate" and the word "appoint." But it would seem strange to me that the President of the United States, the Chief Executive of the land, advised by the Attorney General as his own personal attorney, would so con-

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sistently confuse those words; and to use the theme of absolute right to make this determination and imply that the whole relationship between the President and the Senate is going to come apart if he does not have this right to appoint, I think, flies in the face of history.

It would be rather inconsistent for some of us to stand on the floor of the Senate and assert that it is time for us to take a little initiative to restore the inalienable rights of this body, and then suddenly yield that authority because the President feels he is not being treated properly.

It seems to me that we cannot avoid the responsibility to stand up and be counted on this issue any more than our responsibility to advise and consent to treaties—and we have in the past refused to ratify treaties on many occasions, notwithstanding the President's very substantial power to conduct our foreign affairs.

We cannot avoid this responsibility any more than our responsibility to advise and consent to the nomination of executive officers of the United States—and despite our desire to give the President much more latitude in this matter than over Supreme Court appointments, we have often withheld our advice and consent from Executive appointments. Only a few weeks ago, a prospective Presidential appointment was actually withheld after the distinguished Senator from Maine and the distinguished Senator from Mississippi suggested their unwillingness to confirm.

We cannot avoid this responsibility any more than we can avoid laying and collecting taxes, or declaring wars, or paying Federal debts, or any of the other heavy burdens which the Constitution places upon us as U.S. Senators.

We cannot avoid this responsibility any more than the President can avoid his obligation to make an independent judgment as to whether to sign into law or veto any measure we enact and send to him.

And, I for one, intend that we in the Senate, as representatives of the people of our respective States, shall not be intimidated into forsaking the powers—or evading the responsibilities—squarely laid upon us by the terms of the Constitution and faithfully exercised for 200 years.

Mr. President, let me suggest in closing that nothing should distract the Senate from the central issue of this debate—not the central issue as described by the President, but the central issue as described by the Senator from Michigan—the qualifications or lack of qualifications of the nominee. The record is clear; it is irrefutable. Unfortunately, Judge G. Harrold Carswell lacks the temperament, the legal competence, and the sensitivity to the role of the judiciary in interpreting the Constitution required for elevation to the Supreme Court. I hope and I am confident that the Senate will have the wisdom and the courage to exercise its independent judgment and reject this nominee as unqualified. This will permit the President to exercise his prerogative to send us another, a better nominee.

Mr. President, I ask unanimous consent, in behalf of the distinguished junior Senator from California (Mr. Cranston) to have a statement by him printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Cranston

There is an interesting omission in President Nixon's letter on Tuesday (Mar. 31) to Senator Saxbe in which the President attempted to deny Judge Carswell's obvious racism.

The President cited only three flimsy shreds of evidence—a letter from a World War II shipmate of the Judge, one law school professor, and Judge Carswell's alleged repudiation of his racial supremacy views.

Significantly, the President did not use the one source that had been the cornerstone of the efforts in the Senate to disprove Judge Carswell's racism.

Before last Monday's disclosures, Senators supporting Judge Carswell had repeatedly cited a letter from Charles F. Wilson to the Senate Judiciary Committee to argue that Judge Carswell is not a racist. But now we see that the President has avoided mentioning Mr. Wilson and we can only assume that the President now agrees that Mr. Wilson's letter has been completely discredited.

Contradictory and inconsistent statements by Mr. Wilson, Deputy Atty. Gen. Richard G. Kleindienst and Asst. Atty. Gen. William H. Rehnquist as reported in the press over the past few days gave the President good cause to shy away from Mr. Wilson's letter. For example:

On one hand, Mr. Rehnquist says he drafted the letter (New York Times, Washington Post).

But on the other hand, Mr. Wilson says "the language and draftsmanship was mine" (UPI Audio) and that he wrote the letter himself (Philadelphia Inquirer).

On one hand, Mr. Rehnquist says he didn't seek Wilson out (Washington Star) and Mr. Kleindienst says Mr. Wilson "stood in the shoes of a volunteer" (UPI).

But on the other hand:

Mr. Rehnquist says he decided to get in touch with Mr. Wilson (Washington Star, same story).

Mr. Rehnquist says Mr. Wilson called him (Washington Post).

Mr. Wilson says he was approached by Mr. Rehnquist (Washington Star).

And Mr. Wilson says he can't remember whether he or Mr. Rehnquist made the first contact (Washington Star, same story)!

On one hand, Mr. Wilson says he would have preferred to have seen someone other than Judge Carswell nominated (Baltimore Sun, Philadelphia Inquirer, Los Angeles Times, Washington News).

But on the other hand, a spokesman for Judge Carswell says Mr. Wilson telephoned the judge this week to express "his continuing support of the Carswell nomination" (Los Angeles Times).

On one hand, Mr. Wilson says he was "disturbed" that his letter had generally been interpreted as an endorsement by Judge Carswell's supporters when he hadn't intended it that way (Philadelphia Inquirer, Washington News).

But on the other hand, Mr. Wilson took no action whatever on his own initiative to correct the widespread misunderstanding his letter created.

On one hand, Mr. Wilson says his letter was intended as neither an endorsement nor a condemnation of Judge Carswell (Baltimore Sun, Philadelphia Inquirer, Los Angeles Times, Washington Post, New York Times).

But on the other hand, Mr. Wilson has never explained what induced him to send his letter in the first place—when he knew the Justice Department wanted that letter to advance Judge Carswell's nomination.

Mr. Wilson says Mr. Rehnquist asked him whether he would testify before the Judiciary Committee, prepare an affidavit, or write a letter. Mr. Wilson says he chose the third alternative offered to him—the controversial and now discredited letter (Baltimore Sun). Mr. Wilson and Mr. Rehnquist have never explained why it was decided that Mr. Wilson should not testify before the Committee, and should write a letter instead. Was it because they feared that under questioning by the Committee, the complete truth about Mr. Wilson's feelings toward Judge Carswell would come to light?

Mr. Wilson's letter to the Committee was an obvious attempt to mislead the Committee and the Senate by telling only half-truths. The technique of the half-truth has again been used by Mr. Wilson and the Justice Department to defend Mr. Wilson's letter.

Mr. BAYH. I yield the floor.

THE EXCELLENCE OF JUDGE CARSWELL

Mr. GOLDWATER. Mr. President, it will be my purpose today to urge that the Senate soundly reject the motion to recommit the nomination of Judge Carswell.

The record is already bulging with enough testimony, citations, letters, telegrams, and student memorandums to fill a bookshelf. If any Senator is incapable of reaching a decision after he has studied this encyclopedia, I do not think he will ever be able to resolve the question.

Mr. President, the committee hearings, together with the committee report on the nomination of Judge Carswell, run to over 500 pages. To this, we have added 12 days of floor debate that take up well over 300 pages of the Congressional Record.

This is enough. The business of the Court, and indeed of the Senate, must go on.

Let us remember that the seat which we are asked to fill has been vacant for almost a year now. The longer this body delays in acting on the merits of the nominee, the longer will grow the list of individuals whose rights are held in limbo because the Court is shorthanded.

One way or the other, we should vote on this nomination. But we owe it to the prestige of the Court, to the individual litigants awaiting their day in Court, and to the President who has asked for our advice and consent, to reach a decision on the nominee.

Mr. President, speaking to this point, I want to state my strong conviction that Judge Carswell should be confirmed.

Frankly, at first I had no intention of participating in this debate. Not being a lawyer, I did not think there was much that could be added to the record being developed by my colleagues who are members of the legal profession.

However, Mr. President, when I began to observe the type of campaign taking shape against Judge Carswell—the unreasoned, blistering condemnation of this man as a racist and mediocre jurist—I knew that I could not stand by and watch a distinguished, highly capable individual be so viciously and unfairly abused.

Perhaps I have an advantage in viewing these proceedings. It might be that the fact I do not have a legal training is the very reason I do not accept at face value the sweeping accusations being fired at Judge Carswell.

It is precisely because so much of the debate and testimony is devoted to a highly technical analysis of case law and legal jargon that I have waited for the record to settle.

It is the layman's need to cut beneath the technical gobbledegook that has caused me to explore many points sharply that my professional friends may take for granted.

Mr. President, on the basis of my reading of the entire record, I can only express my complete amazement at the incredible collection of falsehoods, half-truths, and smears that make up the gist of the charges against the nominee. It seems unbelievable to me that the opposition, which by and large consists of people who claim to be liberals, would resort to such unjust and unproven accusations against another human being, whoever he might be.

To my mind, these practices smack of nothing short of neo-McCarthyism. Make no mistake about it. The political Left has resorted to glib charges, smear innuendos, and distorted statistics in presenting their case.

For example, one claim that has been bandied about is the idea that most of Judge Carswell's cases are reversed. The way this charge has been presented by Judge Carswell's critics, he is the biggest bungler ever to hold a seat on the Federal bench.

"Think of it!" We are told. Fifty-nine percent of Judge Carswell's cases have been reversed on appeal.

Why, this must run into the hundreds. The judge must be utterly devoid of any legal sense at all. This is certainly the image that the charge casts in the public's eye.

But, lo and behold, when one searches for the source of this sensational charge, he finds that the uproar is based on a claim of 10 reversals.

Ten cases. Out of 4,500 cases decided by a man.

Ten cases. Over a span of 11 years on the bench.

Ten cases. From more than 8,000 rulings, orders, and decisions which might have been challenged if an error or mistake had been made.

This is typical of the kind of unexplained, wild charge that has filled the air throughout these proceedings.

Upon examination, one finds that this figure was blown all out of proportion by selecting only the printed decisions of Judge Carswell that were actually appealed. In other words, if a case was so well handled that it did not lend itself to an appeal, it was not counted. Or if a decision was not printed, it was not counted.

This technique by itself seems highly dubious and misleading to me. But the worst part of it is the deceptive manner in which the statistic has been used without explanation.

Take another example. Examine, if you will, the specific cases that are cited against Judge Carswell.

Two of them concern school desegregation matters. Youngblood against Board of Bay County is one and Wright against Board of Alachua County is the other.

Judge Carswell's decisions in these cases happen to have been reversed by the fifth circuit as a result of an intervening Supreme Court opinion that changed the law in that circuit. The two decisions rendered by Judge Carswell were among 13 similar decisions which the circuit court reversed by reason of the later Supreme Court decision.

In fact, Judge Carswell was by then a member of the fifth circuit bench and he personally voted to reverse 11 of these 13 decisions.

Now there are three things wrong with the manner in which these cases were cited. First, Judge Carswell's detractors made it appear that he alone among all district judges in the fifth circuit was stubbornly defying the higher courts. What the liberals conveniently neglected to mention is the fact that Judge Carswell's decisions were only two of the 13 cases overturned by the appellate court.

They also failed to reveal or even consider that the law had been changed in that circuit as the result of a new interpretation which was first announced by the Supreme Court after these cases had been decided.

And, nowhere in their critiques will one find any mention of Judge Carswell's participation among the appellate judges who applied the new doctrine.

Again, I must express my amazement at the misleading manner in which important facts have been left untold. Again, the half-truth, the hidden truth has been presented as the whole truth.

Another instance of the distorted record is the repeated reference by the Carswell opponents to the Wechsler case.

In this instance, Judge Carswell sent back to the State court a criminal prosecution instituted there but sought to be removed to the Federal court by the defendants. The fifth circuit vacated Judge Carswell's order on the basis of two rulings which it expressly noted came at a later date than his order.

Now, not only do the critics pass over the significant time factor—the fact that Judge Carswell's decision came prior to the new circuit court rulings—but they completely fail to report that the circuit court's new doctrine was in turn rejected by the Supreme Court.

All the opponents have told us about is the reversal of the judge's order. That the Supreme Court later turned the tables on the circuit court and vindicated Judge Carswell's ruling was left unsaid.

Mr. President, this is the kind of slight of hand which the liberals have played in order to sustain their feeble claim that Judge Carswell is hostile to blacks.

But this is not all. The opposition squeezed more fluff out of the Wechsler case by pointing to the testimony of two New York lawyers who assisted the defendants during part of this case.

Prof. John Lowenthal, whose experience before Judge Carswell seems to amount to a segment of this one case, accused the judge of being "extremely hostile" toward northern lawyers.

Norman Knopf, an aide to Lowenthal, who says the Wechsler case was his first courtroom experience out of law school, also has given his notions about Carswell's hostile attitude.

Mr. President, all I can say about these accusations is that I agree with Professor Vandercreek of SMU Law School, who has written:

> It seems that those who criticize his rulings are merely disappointed litigants who cannot evaluate Judge Carswell fairly in the light of their zeal for their cause.

Mr. Lowenthal's bias is spread all over his testimony. The professor went so far as to accuse Judge Carswell of telling his marshal to advise the county sheriff that he had sent the case back to the county court from the Federal court. Mr. Lowenthal claimed that his clients were rearrested because Judge Carswell did this.

This is truly a serious charge of prejudice and malicious intent. It clearly reveals the frame of mind which Mr. Lowenthal held toward Judge Carswell and, if untrue, throws doubt on his whole presentation.

Well, the record shows that is untrue. Marvin Waits, the U.S. marshal who is referred to in the incident, appeared before the Judiciary Committee to swear that he made the telephone call to the sheriff strictly as a matter of custom. Mr. Waits testified that he placed the call simply as part of a reciprocal arrangement that the local law enforcement officers had worked out. Judge Carswell had nothing to do with the call.

Mr. President, it is exactly this kind of unprofessional guesswork and doctrinaire bias that flows through almost every page of the hearings record where a Carswell critic appears.

Ernst Rosenberger, another member of the New York bar, testified that Judge Carswell informed a city court judge about a devious way in which the city could prevent his clients from getting a hearing on the merits of their case. Mr. Rosenberger claims that the city judge falsely recorded that the defendants had applied for this procedure, and yet, he failed to take any action to appeal the order which he alleges was falsely written. Instead he blames Judge Carswell for his troubles.

Mr. President, this testimony sounds like a lot of sour grapes to me. A few witnesses of this nature are bound to crop up with regard to any judge. The important thing is what the entire record of a man's career demonstrates.

There is one more New York attorney who appeared before the Judiciary Committee. He is Prof. Leroy Clark who represented the National Conference of Black Lawyers. He took the position that America is a racist society, "a Jim Crow society which is still intact—more than a century after the Emancipation Proclamation."

The thrust of Mr. Clark's testimony was that Judge Carswell is hostile to civil rights matters. Once again, Mr. President, I must raise the question whether this witness could view anyone to be free of prejudice unless he was an outspoken activist of liberal causes.

Mr. President, these instances are sufficient to reveal that the entire movement against Judge Carswell is founded on a persistent pattern of falsehood, emotional reactions, and gripes by disgruntled lawyers.

They fit part and parcel with the phony mailing campaign in which thousands of letters have been sent to Members of the Senate falsely represented to be from residents of a Senator's own State.

Mr. President, you will not find it out by reading the Washington Post or the

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New York Times, or by watching the network news broadcasts, but there is a tremendous amount of eminent, first-hand testimony which strongly supports the integrity, scholarship, compassion, and industry of Judge Carswell.

Until the opponents chose to attack him, almost no one in the public had been informed about the impressive statement made by the longtime civil rights leader, Attorney Charles Wilson.

This gentleman, who is a black lawyer, probably was the first attorney to take up the cause of black plaintiffs in Florida. He appeared before Judge Carswell during a 5-year period and emphatically reaffirms his statement that "there was not a single instance in which he was ever rude or discourteous" to him.

Likewise, who in the general public has heard that Judge Bryan Simpson of the Fifth U.S. Court of Appeals endorsed the nomination of Justice Carswell with the most glowing words available to one judge speaking about another.

If the mass media would only quote from a small portion of Judge Simpson's letter, the public would catch the true picture of a man and his career.

Judge Simpson has written:

> More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an open-minded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices.

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Mr. President, how many front page stories have informed the public that Mike Krasny, who was law clerk to Judge Carswell for two and a half years, has assured the Senate that litigants before Judge Carswell "were not judged by their race, creed, or color."

Mr. Krasny writes:

> Judge Carswell's integrity and honesty is beyond question in this regard. He dealt fairly, honestly and respectfully with all those who came before him. His judicial manner was not altered by the race or color of those who appeared before him.

Or take the telegram from Mr. William Corrouth, who was bailiff in Judge Carswell's court for 11 years. How often has anyone heard on the evening news shows that this gentleman was present in the chambers when counsel in the Wechsler case appeared before Judge Carswell? And that the bailiff never heard the Judge speak, then or at any other time, in a rude voice?

According to Mr. Corrouth, Judge Carswell "did not express any statement at all about lawyers from other parts of the country or express opposition to what they were doing."

For that matter, how many quotes have we seen in the daily news media from the many lawyers who went before Judge Carswell to try civil rights cases and who report that they have never seen him display hostility or discourtesy to any attorney, party, or witness in a case?

Mr. President, as persuasive as these voices are, the best witness who appeared before the Senate Judiciary Committee is none other than Harrold Carswell himself.

His testimony covers over 60 pages of the hearings record.

His words reveal the brilliance, character, and qualities attached to greatness.

His answers confirm beyond any doubt that here is an exceptional man, deeply versed in the philosophy and practicality of the law.

Judge Carswell advanced his great concern for the pressing problems that face our country. He expressed his awareness of the great issues of poverty, crime, education, job training, the frustrations of young people, and all the matters that serve as the grist mill from which cases arise.

He stated his efforts to understand where these problems came from and why they exist.

He announced his strong support for the application to Supreme Court Justices of strict ethical standards, such as reporting requirements, public disclosure, and other safeguards.

He proclaimed that the "law is a movement, not a monument."

He referred to former Justice Cardozo's paper about the essence of deciding and interpreting the law, and gave the straight-forward response that there is a grain of lawmaking power in every judge.

He gave his view that there are gaps in the law "where the judicial function and the judicial process inevitably requires the gap to be filled because action has to be taken and rights determined."

In short, Judge Carswell has given us a view of a man who is deeply concerned with human problems. He is sensitive to changes in our society and to the need for a living Constitution.

At the same time he shows an abiding affection for this historic document and for the people and institutions which make up the society which it serves.

Mr. President, I believe the record is crystal clear. Judge Carswell is a sincere, compassionate individual with a deep concern and interest in human feelings and rights.

He is a man of untarnished integrity, a man of excellence, and a man of high distinction.

He is unquestionably qualified to serve as a Supreme Court Justice and I shall vote for his confirmation without the slightest reservation.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a commentary from the Miami Herald of March 26. The article is aptly headed: "Somebody Forgot To Mention Judge Carswell's Supporters."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOMEBODY FORGOT TO MENTION JUDGE CARSWELL'S SUPPORTERS

(By Malcolm Johnson)

TALLAHASSEE.—Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 567-page printed record on the Senate Judiciary Committee hearings on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him, either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . A man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge."

Judge Bryan Simpson, who was held up by civil rights lawyers as the kind of southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an open-minded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy:

"Judge Carswell will take a standard of excellence to the Superior Court . . .

Judge David W. Dyer: ". . . Great judicial talent and vigor."

Judge Robert Ainsworth: ". . . A person of the highest integrity, a capable and experienced judge, an excellent writer and scholar . . ."

Judge Warren Jones: ". . . Eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of antiracial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the senate that is supporting him.

The press agent offers fresh news, while the Record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative, than something complimentary. But it isn't a very good explanation, at that.

Mr. MURPHY. Mr. President, I stand in support of the nomination of Judge G. Harrold Carswell which was sent by the President of the United States to the Senate Committee on the Judiciary and which that committee, after careful and extensive hearings, saw fit to report to the full Senate, either to be approved or rejected.

We, the Members of the Senate, have come once again to the exercise of one of our most important obligations with regard to our relationship with the executive branch—to advise and consent and thereby to exert our judgment and influence on the future course of the history of our Nation.

The dreadful importance of our position takes on an intensified value because of the times in which we live and the conditions which confront and surround us. Some of us are greatly concerned about the apparent breakdown and dissolution of the conditions of law and order across our broad land, with the daily examples of the disastrous erosion of our Nation's moral substance and standards, and the rising and rampant evidence of unleashed crime which is so disturbing that it defies our imagination and confounds our understanding completely. We know, all of us, that the restoration of the dignity of our courts is one of the most important goals to which we must address ourselves. And if there is any question about this in anyone's mind, I ask him to go back 3 or 4 weeks and look at the horrendous and ridiculous performance of the so-called Chicago seven. It is true that many of my colleagues differ in their assessment of the reasons for these current conditions by which we are presently vexed. However, I believe that we will all agree that the cornerstone of our national health and safety rests in our legal structure, which must certainly be preserved at all costs if we are to survive as a nation. And that cornerstone is the respect and high regard which our citizens must have restored once again for our courts and those who grace our benches.

Judged against the background of the unfortunate conditions which surround us, this present selection of a new Associate Justice for our Supreme Court demands our strictest attention, our most serious consideration, and, above all, our finest judgment—a judgment which will bear the most searching public scrutiny to insure that political considerations, philosophical biases, sociological differences, personal idiosyncracies, and all other minutiae have been carefully eliminated.

Not long ago we had another nominee sent to the Senate and after long, arduous, and serious debate, this man was rejected. There were all sorts of reasons raised during the extended discourse as to why he was not acceptable. After rereading that record and the full testimony of our colleagues, I believe that many Members of this distinguished body, including myself, are not certain that the true cause of justice was advanced by his rejection. It appeared that there were overruling political considerations—great pressure for a part of the press; maybe the desire to embarrass the new President or maybe an impulse on the part of some who were overenthusiastic in their assessment of some of our major problems. As the debate went on, there was a great deal of talk about something referred to as "the appearance of impropriety." This, I felt, was a contrivance and I believe we all suspected this. It is a new practice and it is disturbing to me since I do not feel we should try to create the impression of something that does not exist. However, I say it is possible that these conditions pertained and that conclusions were drawn from a hypothetical situation which was imagined or set up in an unreasonable and unreasoning manner. In other words, a column of figures was totaled up before the numbers involved were really known and then the numbers were made to suit the total.

Mr. President, I trust that my colleagues will not misunderstand my words and my meaning today. I have no intention of presenting any criticism of the past. This would be improper of me and would be overly presumptuous. I merely desire after a great deal of thought and study to make certain that in our judgments regarding the nimination now before us, we are only swayed by valid, reasonable and substantial matters and that we will have the good judgment and wisdom to discard hearsay, sly suggestions and contrived confusion, and questionable evidence. I believe we should extend the same presumption of truth we would hope to receive.

Now, let us for a moment trace the history of this nomination. First of all, it was made by the President of the United States. He did not reach out as some have in the past to select a good friend, a crony, a pal. He organized a search headed up by capable legal minds to find a particular jurist of experience, of wisdom and of capability in order to fill this most important position. And so this name came through. And the name was sent to the Committee on the Judiciary, and I am pleased to remind my colleagues that this most capable body spent 5 days of hearings and heard 25 witnesses in connection with the nomination. Then, at long last, the committee made its decision by a vote of 13 to 4 to send the name of this nominee to the entire body of the Senate. The committee also issued a report, of course, and I would like to quote from this report to remind my colleagues of some of the sections it contained.

For instance, the report said:

> In evaluating the qualifications of Judge Carswell, the committee welcomed the opinion of the American Bar Association. Lawrence E. Walsh, a former Federal judge and the chairman of the association's prestigious standing committee on the Federal judiciary, reported by letter that "on the basis of its investigation the committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States."

The report also noted:

> In addition, Judge Carswell personally impressed the committee by the reasonable, thoughtful, and articulate manner in which he responded to questions from the members of the committee. His appearance before the committee confirmed fully the views of his colleagues that he is a man of superior intelligence, impeccable integrity, and outstanding judicial temperament.

And finally the report said:

> It is our opinion that Judge Carswell is thoroughly qualified for the post to which he has been nominated.

I do not think, Mr. President, that there is any reason to suspect the judgment of the very able committee members, and consequently I, for one, respect their opinions and their report. And so, after lengthy hearings and debate, we approach the moment of decision. Suddenly, however, it seems that there are those who would deny us the privilege of making this most important decision. In fact, we are to be faced with what may be termed a parliamentary procedural move by which some might attempt to avoid our obligation. I hope that this will not be the case.

Yes, I hope it will not be the case, for not only do I support the nomination of G. Harrold Carswell, I also go one step further.

I feel strongly that it is the moral duty of the Senate to meet the issue head on and to vote the nominee up or down, rather than take what some might consider to be the devious and disruptive course of recommittal.

There are, of course, sincere advocates of the recommittal approach, but unfortunately their stand has become clouded by the aura of misunderstanding which cloaks the movement.

This air of attempted deceit is apparent on two counts. It is apparent, first, in some of the phony "nose counts" designed to stampede votes toward or away from the nominee.

And it is also apparent in the not-so-subtle whisperings that recommittal would dispose of the Carswell issue in a way which purportedly would be clean, comparatively inoffensive and, in general, politic. It wouldn't hurt anyone but Judge Carswell.

I would like to discuss this air of deception for a moment, and I would like to offer as exhibit A a newspaper article which reported—completely erroneously, I want to point out from the beginning—on my stand on the recommittal issue.

Mr. President, I was dumfounded when I read in the Baltimore Sun of Friday, March 27, that I would vote to recommit the nomination of Judge G. Harrold Carswell to the Supreme Court of

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the United States. I have never made such a statement. I have never waivered in my support for the nomination of Judge Carswell, nor have I ever indicated to anyone that I would vote to recommit the nomination, or that I would even seriously consider voting to recommit the nomination.

I was happy to see that the junior Senator from Kansas, in a speech on the floor of the Senate on Tuesday, March 31, call to account those opponents of Judge Carswell who have resorted to a campaign of untruths in order to defeat his confirmation. I want to discuss some points that the junior Senator from Kansas did not touch on, but first let me say a few more words about the article in the Baltimore Sun.

That same article attributes to Clarence M. Mitchell, Jr., the NAACP representative in Baltimore, the statement that the FBI reported Judge Carswell's 1948 speech, but that "somewhere along the way it got dropped."

We all know by now about this charge concerning the speech in question. Attorney General Mitchell denied it. The Director of the Federal Bureau of Investigation, J. Edgar Hoover, denied it. One's initial tendency is to call Mr. Mitchell to account for having made such a statement. But I think of my own position, where this very same article attributed a position to me which I had never taken. It may be that Mr. Clarence Mitchell did not really say what the reporter says he said, any more than I did.

If, in fact, Mr. Clarence Mitchell did not make the statement attributed to him, even as I did even as I did not make the statement that "unimpeachable sources" attributed to me, then we must classify among the opponents of the nomination the particular reporter who wrote the article in question. If this is the case, he is doing his part to oppose the nomination by printing untrue information in one of the leading daily newspapers on the East Coast.

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I think we have here a question not just of what the announced opponents are resorting to in the way of tactics to prevent confirmation of Judge Carswell, but the tactics that a small minority of the working press are using.

There was a story in the Palm Beach Post, a newspaper published in Palm Beach, Fla., in the middle of February which first commented on the fact that Judge Carswell had signed a deed involving a racial covenant in 1966. Let me quote the first two paragraphs of that story:

> Barely four years ago, Supreme Court nominee G. Harrold Carswell and his wife, Virginia, sold a bayfront lot in nearby Wakulla County with the proviso that it could only be occupied by white persons.
>
> The restriction excepted, however, "domestic employees employed by and residing with such Caucasian family."

A story like this, appearing as it did while the nomination was pending before the Senate Judiciary Committee, suggests by its very presence in the newspaper, that it contains facts which have an important bearing on the nominee's qualifications or at least bear in some way on his qualifications for the office to which he was nominated. The plain implication of this story was that anyone who would do what Judge Carswell did in connection with this deed must be a segregationist or against civil rights.

Now, as you read through the story, if you read very carefully, you get an intimation—no more than that—that the particular covenant against occupancy by races other than Caucasian was not to be found in the deed itself, but in some other instrument. As a matter of fact, the story is so factually misleading as to be virtually indefensible. The question of the racial covenant has been discussed during these debates, but I would like to turn to it again not to justify Judge Carswell's conduct in the matter—that has already been ably done by others—but instead to point out just how insidious this type of news story is.

What were the facts in connection with this incident?

First, the deed signed by Judge Carswell did not contain the racial restriction. The only language it had relating to restrictive covenants was this: "Subject to those restrictive covenants as more specifically set out in that warranty deed from Jack W. Simmons, Jr., et al. to Virginia S. Carswell, dated November 1, 1963, and recorded in Official Records Book 5, pages 178–180 in the Public Records of Wakulla County, Florida."

Second, the earlier deed had not merely one, but numerous restrictive covenants relating to residential use of the property, limiting the use of the property to one dwelling, imposing setback requirements, and imposing a minimum square-foot requirement on any residence to be built. "Restrictive covenants" are by no means limited to one's dealing with race—all of these covenants I have just mentioned are restrictive covenants, because they restrict the use of the property in some manner.

Third, Judge Carswell did not even own this property. He signed it because it belonged to his wife, and under Florida practice, the title attorneys call for the husband's signature in a case such as this.

Fourth, when Judge Carswell conveyed land which he and Mrs. Carswell owned together, 7 years previous to this 1966 transaction, they imposed several restrictive covenants on the land. But none of these restrictions were related to race in any way. They are the sort of restrictions that any property owner might impose when he sells off a parcel of land which he owns, and retains the remainder. To illustrate this point, I shall place a copy of the 1959 deed in the record.

Unfortunately, the full facts seldom catch up with the initial "charge," and so the campaign of innuedo and misleading statements goes on apace.

The most recent example of misstatement and an actual use of names which was not authorized in any sense is that of the petition against Judge Carswell signed by former law clerks to the Supreme Court of the United States. One of the purported signatories to this petition was Charles Luce, the chief executive officer of the Consolidated Edison Co. of New York. The fact of the matter is, I am advised, that Mr. Luce did not sign the petition himself, and did not authorize anyone else to sign his name for him. I am advised that he has contacted the newspapers, and requested that his name not be shown as a signatory of this petition.

The question which this sort of thing raises in my mind is whether there are any other, among the 200-odd persons who signed this petition, who are likewise shown as signers without their consent. And how did Mr. Luce's name get on this petition without his consent? Who circulated it? Who was responsible for the unauthorized use of Mr. Luce's name? I think we would all feel a good deal more comfortable if someone would stand up and take the responsibility for this obvious error, rather than simply having the matter hang in an awkward silence.

I am dismayed at some of the stratagems that have apparently been adopted by the opponents of Judge Carswell's confirmation. The opponents apparently feel that the end which they seek justifies any means—truthful or untruthful, honest or dishonest—to accomplish that purpose. I hope they will regret their use of tactics such as those I have just described.

I say now to the Baltimore Sun, and to the so-called "unimpeachable sources" in the Senate that were quoted by the Baltimore Sun, that I will vote against recommittal of Judge Carswell's nomination, and I will vote for his confirmation.

In conclusion, I want to refer once again to the recommittal movement and urge as strongly as possible that this tactic be rejected.

Ours is a clear and present duty.
This is no time for timid hearts.
Nothing will be served by recommittal.
No new information will be developed.
Let the vote be up or down, and let there be no devious evasions.

We owe decisive action to the nominee, to our President, and to the persons who elected us, but just as importantly, perhaps, we owe it to ourselves, for only through a clearcut vote can we adequately fulfill our obligation to advise and consent in such cases.

I ask unanimous consent to have a copy of the deed printed in the RECORD.

There being no objection the copy of the deed was ordered to be printed in the RECORD, as follows:

WARRANTY DEED—DEED 245, PAGE 255

This indenture, made and entered into this 7th day of July, A. D. 1959, by and between G. Harrold Carswell and Virginia S. Carswell, his wife, of the County of Leon and State of Florida, Parties of the First Part, and James R. Warren and Leslie Warren, his wife, whose mailing address is 185 Devonshire Street, Boston 10 Massachusetts, of the County of Suffolk, State of Massachusetts, Parties of the Second Part.

Witnesseth:

That the said parties of the first part, for and in consideration of the sum of ten dollars ($10.00) and other valuable considerations to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said parties of the second part, their heirs and assigns, forever, the following described land, situate, lying and being in the County of Leon, State of Florida, to-wit:

Commence at the Northeast corner of Section 1, Township 1 North, Range 1 West, and run thence South 1320 feet, thence West 958.4 feet, thence South 969.5 feet, thence West 3600 feet, thence North 1320 feet, thence West 3538.1 feet to the Point of Beginning; from said point of beginning continue thence West 1235.5 feet to an iron pipe, thence continue West 629.7 feet to a point on the Randolph Meander Line of Lake Jackson, thence run South 59° 00′ East along said Meander line 291.24 feet, more or less, thence run East 497.02 feet, more or less to an iron pipe, thence continue East 757.75 feet, thence run North 72° 58′ East 365.13 feet, thence North 15° 10′ East 44.6 feet to the Point of Beginning, containing 5.40 acres, more or less.

Together with a 30 foot easement for the purpose of ingress and egress, the center line of which is described as follows: Commence at the Northeast corner of Section 1, Township 1 North, Range 1 West, and run thence South 1320 feet, thence West 958.4 feet, thence South 969.5 feet, thence West 3600 feet, thence North 1320 feet, thence West 3538.1 feet, thence South 15° 10′ West 44.6 feet, thence run South 59° 27′ West 116 feet to the Point of Beginning being at the radius point of a circle of 50-foot radius. From said Point of Beginning run thence North 83° 53′ East 333.57 feet, thence South 87° 52′ East 235.49 feet, thence South 74° 08′ East 83.5 feet, thence North 79° 38′ East 285.1 feet, thence South 86° 00′ East 265.7 feet to its terminal point in the Easterly boundary of property of G. Harrold Carswell at a point South 43° 30′ West 69.6 feet from the Northeast corner thereof.

Further together with a 15 foot wide utility easement extending immediately north of and adjacent to the Northerly boundary of the aforementioned 30 foot easement for ingress and egress.

Reserving and excepting unto the said parties of the first part, however, and unto their heirs and assigns forever, an easement for a turning circle over the lands conveyed hereby, said turning circle being described as part of the hereinabove mentioned 30 foot easement for ingress and egress.

The property conveyed by this instrument shall be subject to the following restrictive covenants:

1. The property shall be used exclusively for single family residential purposes, and shall not be used for any commercial venture, or enterprise whatsoever. This restriction shall not prevent the construction of separate and distinct buildings for use as guest or servants' house, garage, storage, or the like so long as they are related to the general residential character of the property in type of construction in existing use.

2. No building or construction of any type shall be situated within twenty-five (25) feet of the Easterly, Southerly, and Westerly exterior property lines and within 15 feet of the Northerly exterior property line of subject property, with the exception of fencing which is not prohibited.

3. The Parties of the first part specifically reserve the right by this restriction to approve the exterior architectural design of any construction on subject property. The owner of subject property, however, shall have the right to construct any dwelling or building so long as it conforms generally in character and stability with others in the neighborhood as embraced in each of the lots of which it is a part, said neighborhood being exemplified herein by unrecorded plat of survey of property for G. Harrold Carswell dated February 17, 1959, by Poole & Poole, Engineers and Land Surveyors.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, except for taxes for the year 1959, which are to be pro-rated as of this date.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the date and year first above written.

Signed, Sealed and Delivered in Presence of:

John S. Gwynne.
Sara Wayford.
G. Harrold Carswell.
Virginia S. Carswell.

State of Florida County of Leon:

I hereby certify, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, G. Harrold Carswell and Virginia S. Carswell, his wife, to me well known to be the persons described in and who executed the foregoing instrument and they severally acknowledged before me that they executed the same freely and voluntarily for the purpose therein expressed.

Witness my hand and official seal at Tallahassee, County of Leon, and State of Florida, this 7th day of July, A.D. 1959.

John S. Gwynn,
Notary Public, State of Florida at Large.
My Commission Expires: 12/6/61.

State of Florida, County of Leon:

I hereby certify that the above and foregoing is a true and correct copy of a Warranty Deed filed in my office on the 8th day of July A.D. 1959 and recorded in Deed book 245 at page 255.

Witness my hand and official seal this 13th day of February AD 1970.

Paul E. Hartsfield,
By Jane Saul,
Clerk Circuit Court.

DECEPTIVE MAIL

Mr. BENNETT. Mr. President, I commend the distinguished Senator from California for calling the matter of deceptive mail to the attention of the public and the Senate. As he has spoken about misrepresentations I, too, have had an experience with attempted misrepresentation. I have received a large number of postcards postmarked in Logan, Utah, opposing the Carswell nomination. When this mail began to pour into my office 3 weeks ago, I became very suspicious, because over the years this kind of political position and activity has been very uncommon in the Logan area. Consequently, I began to investigate the mail, and I was surprised to learn that almost none of the names appeared in the Logan telephone directory. I had sources at the Utah State University try to determine if such a mailing campaign might be under way on the campus from students who would not necessarily be in the phone book. To date, we still find none of these names.

Also, return addresses were excluded from this mail making it impossible to reply to the writer. This coupled with the fact that the names do not appear in the telephone directory have made me suspicious of the actual origin of the mail. When it was called to my attention that other Senators have received similar mail, I wrote to the Justice Department asking it to look into the Logan matter.

I hold sacred the right of Americans to petition and to communicate with their elected representatives. This is one of the fundamental principles of representative government and on such vital issues, as the Carswell nomination, I feel each Senator should hear from the citizens of his State. However, there are some ground rules that must be followed and this mail campaign has apparently violated them.

A person writing to his Senator should be responsible enough to give his full name and a legitimate return address. This person should also be willing to avoid any deceptive practice such as signing a postcard written in a different handwriting and without a return address.

I wonder if this is another part of the smear compaign against the nomination of Judge G. Harrold Carswell. I think Senators should be alert to this kind of deceptive communication. In my Senate career, I have held nothing more important than honest, legitimate communication from my constituency. On the other hand, if this is deceptive, as it appears, I condemn and reject it as being unfair and unrepresentative of the American practice of fairplay.

THE CARSWELL NOMINATION

Mr. TYDINGS. Mr. President, I have already addressed myself to the issue of whether Judge Carswell has the ability to put aside his own prejudices and biases so as to be able to approach every case with a fair and open mind.

I have referred to a number of lawyers who have come forward to report occassions where Judge Carswell manifested from the bench an antagonism toward or a bias against the rights of a litigant who was black or poor.

And now another lawyer has made known of instances in which Judge Carswell displayed an open animosity toward the rights of litigants in his court. I have a telegram from Henry M. Aronson, an attorney who appeared before Judge Carswell late in 1966 and early in 1967 on behalf of black students and parents seeking to desegregate their public schools.

Mr. Aronson states:

> On each of these appearances, Judge Carswell displayed a marked disrespect for my clients, the 14th Amendment, and my professional responsibilities. He made no effort to mask his racial bias or his abhorrence for those of us advocating views inconsistent with his. Judge Carswell's demeanor was simply inappropriate to a United States Court House. In my three years experience as an attorney engaged in full time civil rights practice, I never appeared before a judge who demonstrated less balance, restraint, and general ability than Judge Carswell.

I ask unanimous consent to insert this telegram in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

New York, N.Y.,
March 26, 1970.

Senator Joseph Tydings,
New Senate Office Building,
Washington, D.C.:

I appeared before Federal District Judge G. Harrold Carswell late in 1966 and early in 1967 on behalf of black students and parents seeking to desegregate their public schools. On each of these appearances, Judge Carswell displayed a marked disrespect for my clients, the 14th amendment, and my professional responsibilities. He made no effort to mask his racial bias or his abhorrence for those of us advocating views inconsistent with his. Judge Carswell's demeanor was

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simply inappropriate to a United States court house.

In my three years experience as an attorney engaged in full time civil rights practice, I never appeared before a judge who demonstrated less balance, restraint, and general ability than Judge Carswell to the Supreme Court. Would be an insult to the people of the United States, to the legal profession, to the law, and to the court. I urge your continued opposition.

HENRY M. ARONSON.

Mr. TYDINGS. Mr. President, despite the problems of temperament that Judge Carswell displayed on the lower courts, there might still be some bias for supporting his confirmation to the Supreme Court if he were a man of great intellectual and professional distinction. At least then there would be hope that once on the Supreme Court he would display a capacity for growth that would enable him to deal capably and objectively with the matters of vast importance that come before the Court.

However, the best that can be said of him is that he is a mediocre man. He has demonstrated neither the depth of intellect nor of understanding that would indicate that he might fill with distinction the seat once held by Felix Frankfurther and Benjamin Cardozo. He is, instead, in the opinion of the deans of two of our most respected law schools, a man who is professionally unqualified to sit on the Supreme Court. Dean Pollak of Yale testified:

> Judge Carswell has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court.
>
> I am impelled to conclude, with all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

Dean Bok of Harvard has written:

> Judge Carswell has a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the court.

Charles L. Black, Jr., Luce professor of jurisprudence at the Yale Law School and one of the most respected members of the academic legal community stated in a letter to the chairman:

> There can hardly be any pretence that he—Carswell—possesses any outstanding talent at all. On the contrary, all the evidence I have seen would lead to the conclusion that mediocrity is an independent valid objection to his appointment.

The opinions of Deans Pollack and Bok and Prof. Charles Black are representative of the great weight of expert legal opinion on the subject of Judge Carswell's judicial ability. Indeed, by now it is perfectly clear that among legal experts who have studied his opinions, the overwhelming weight of opinion is that Judge Carswell clearly has not demonstrated the minimum standard of judicial ability required of a Supreme Court Justice. The outpouring of opposition from the Nation's legal scholars, judges and lawyers, both in terms of quantity and analytical perceptiveness, has never been equaled in the history of the Court. From all over the Nation those trained in the law have stepped forward to voice their opposition. In my own State of Maryland, Eli Frank, the president of the Maryland Bar Association and William Marbury, past president of the Maryland Bar, are of the opinion that Judge Carswell "does not have the legal or mental qualification essential for service on the Supreme Court or on any high court in the land."

And this week I received a letter from the prestigious Junior Bar Association of Baltimore City, which is composed of the outstanding young lawyers of the city of Baltimore. This bar association has joined others in strongly opposing the nomination of G. Harrold Carswell. The bar association states:

> Judge Carswell does not meet the high standards of intellect and scholarship which are required of a Supreme Court Justice.

I ask unanimous consent to insert their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNIOR BAR ASSOCIATION
OF BALTIMORE CITY, INC.,
Baltimore, Md., March 30, 1970.

Hon. JOSEPH D. TYDINGS,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: The Junior Bar Association of Baltimore City expresses its strong opposition to the nomination of Judge G. Harrold Carswell to the Supreme Court of the United States. Quite apart from legitimate questions raised in recent weeks concerning his candor in testifying before the Senate Judiciary Committee and his attitude respecting racial equality, Judge Carswell does not meet the high standards of intellect and scholarship which are required of a Supreme Court Justice. His judicial career has been among the least distinguished of the judges in his circuit and has been characterized by an unusually large number of reversals. On this ground alone, the Senate should withhold its consent.

In view of the serious doubts as to the qualification of Judge Carswell, we urge that you continue to exercise the vigilence and careful scrutiny demanded by the Constitution and vote against the nomination of Judge Carswell.

Sincerely yours,

HERBERT J. BELGRAD,
President, The Junior Bar Association of Baltimore City.

Mr. TYDINGS. The members of the faculty of the Department of Government and Politics of the University of Maryland likewise have gone on record in opposition to this obviously poor nomination.

Thirty political scientists from the Maryland faculty state:

> We believe the public record reveals him to be a totally unsatisfactory candidate for this position at this time in our history. We believe that his confirmation by the United States Senate would greatly weaken the competence, prestige, and influence of the judicial branch of our national government. We fear that his confirmation and his service on the Supreme Court would result in an exacerbation of the racial crisis now confronting our nation.

I ask unanimous consent to insert their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MARYLAND,
March 24, 1970.

EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: We the undersigned, members of the faculty of the Department of Government and Politics of the University of Maryland at College Park, wish to express our opposition as individuals to the confirmation of Judge G. Harrold Carswell as Associate Justice of the Supreme Court of the United States.

We believe the public record reveals him to be a totally unsatisfactory candidate for this position at this time in our history. We believe that his confirmation by the United States Senate would greatly weaken the competence, prestige, and influence of the judicial branch of our national government. We fear that his confirmation and his service on the Supreme Court would result in an exacerbation of the racial crisis now confronting our nation.

We join our many colleagues from the academic and legal worlds who have earnestly implored the Senate to ponder carefully its vote on this issue. Judge Carswell should not be confirmed.

Sincerely yours,

Aubrey C. King, Earlean M. McCarrick, Martin O. Heisler, Conley H. Dillon, Daniel Melnick, Ralph A. Ranald, Don C. Piper, Paris N. Glendening, Clarence N. Stone, Herbert H. Werlin, Elbert M. Byrd, Ernest A. Chaples, Jr., Thorton Anderson, Michael D. Hais, Anthony M. Angiletta, Jonathen Wilkenfeld, Harold Larson, Joseph L. Ingles, Eugene D. McGregor, Guy B. Hathorn, Peter K. Bechtold, Mavis Reeves, H. V. Harrison, Richard Claude, James M. Glass, Ronald J. Terchek, James H. Oliver, Eldon W. Lanning, Suzanne K. Sebert, Theodore McNelly.

Mr. TYDINGS. Moreover, I recently received a letter from Profs. David Skillen Bogen, Edward A. Tomlinson, Lawrence Kiefer, Hal M. Smith, Laurence M. Jones, John M. Brumbaugh, Everett F. Goldberg, James W. McElhaney, Garrett Power, Laurence M. Katz, Alice A. Soled, J. Joel Woodey, and Bernard Autrback, 13 distinguished members of the faculty from the University of Maryland School of Law.

In their letter these law professors state:

> The undersigned faculty members at the University of Maryland Law School oppose as individuals the nomination of G. Harrold Carswell to the United States Supreme Court. Judge Carswell's undistinguished career does not qualify him to sit on the nation's highest court. Furthermore, his insensitivity on racial matters disqualifies him from sitting in judgment on the vital issues which confront the Court. We hope that the Senate will reject the nomination.

I request unanimous consent to print their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MARYLAND,
SCHOOL OF LAW,
Baltimore, Md., March 16, 1970.

EDITOR,
Washington Post,
Washington, D.C.

GENTLEMEN: The undersigned faculty members at the University of Maryland Law School oppose as individuals the nomination of G. Harrold Carswell to the United States Supreme Court. Judge Carswell's undistin-

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guished career does not qualify him to sit on the nation's highest court. Furthermore, his insensitivity on racial matters disqualifies him from sitting in judgment on the vital issues which confront the Court. We hope that the Senate will reject the nomination.

Very truly yours,

David Skillen Bogen, Edward A. Tomlinson, Lawrence Kiefer, Hal M. Smith, Laurence M. Jones, John M. Brumbaugh, Everett F. Goldberg, James W. McElhaney, Garrett Power, Laurence M. Katz, Alice A. Soled (Mrs.), J. Joel Woodey, Bernard Auerbach.

Mr. TYDINGS. Mr. President, the objection voiced by the faculty of the Maryland Law School is part of the veritable crescendo of opposition that is emanating from the deans and faculties of practically every fine law school located in every region of the country.

Law professors from Harvard, Yale, Boston College, Notre Dame, Ohio State, Arizona State, Columbia, Catholic University, University of California at Los Angeles, Valparaiso, Georgetown, University of Iowa, University of Pennsylvania, Loyola, University of Maine, Indiana University, Rutgers, State University of New York at Buffalo, University of Illinois, Oklahoma City University, University of Chicago, New York University, University of Connecticut, Hofstra, University of California, University of Toledo, University of Arizona, University of Pittsburgh, Western Reserve, Cornell, Syracuse, University of Oklahoma, Willamette Univeristy, University of Kansas, as well as many others have expressed their opposition. Opposition to the nomination knows no geographical bounds, as witness the opposition expressed by numerous members of the faculties of the law schools of the University of North Carolina, University of Virginia, Washington and Lee, Duke University, and Florida State University.

Thirty-one distinguished members of the School of Law of Columbia University also have written the Senate urging rejection of the nomination of Judge Carswell. Their letter states:

> We believe that no one should be appointed to our highest tribunal whose qualifications do not meet the most exacting standards. An appointment to the Supreme Court is the highest honor our nation can bestow on a lawyer. If our judiciary is to remain respected, that honor must be earned by outstanding professional and intellectual credentials. It is our considered judgment that Judge Carswell's record fails to show that he meets these requirements.

I request unanimous consent to print their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLUMBIA UNIVERSITY SCHOOL OF LAW,
New York, N.Y., March 2, 1970.

AN OPEN LETTER TO MEMBERS OF THE UNITED STATES SENATE

As law teachers deeply concerned about the law and its administration, we oppose the appointment of Judge G. Harrold Carswell to the United States Supreme Court.

We believe that no one should be appointed to our highest tribunal whose qualifications do not meet the most exacting standards. An appointment to the Supreme Court is the highest honor our nation can bestow on a lawyer. If our judiciary is to remain respected, that honor must be earned by outstanding professional and intellectual credentials. It is our considered judgment that Judge Carswell's record fails to show that he meets these requirements.

We further believe that in the present times only someone whose record of fair-mindedness to all citizens is completely unblemished should be appointed to our highest tribunal. Judge Carswell does not meet this requirement. His racial statements in the past and the more recent charges of abuse to civil rights lawyers made against him by responsible members of the bar, inescapably cast doubt on his impartiality and fairness in civil rights cases. As we all know, in these matters it is more important than ever to avoid any grounds for suspicion of bias in our system of law.

A judiciary that can claim the respect of even those who disagree with its decisions is a foundation on which this nation has been built. We urge you not to undermine this foundation, for to do so will only fortify those disenchanted groups who claim that the courts and legal process offer no hope for meaningful justice.

We earnestly request that you vote not to confirm the appointment of Judge Carswell.

Respectfully yours,

Harlan M. Blake, George Cooper, Robert M. Cover, Harold Edgar, Sheldon Elsen, Tom J. Farer, Allan Farnsworth, Henry Freedman, Wolfgang Friedmann, Nina M. Galston, Richard N. Gardner, Frank P. Grad, R. Kent Greenawalt.

Robert Hellawell, Louis Henkin, Alfred Hill, N. William Hines, W. Kenneth Jones, Victor Li, Louis Lusky, Willis L. M. Reese, Albert J. Rosenthal, Harold J. Rothwax, Benno C. Schmidt, Jr., Edwin G. Schuck, Hans Smit, Abraham D. Sofaer, Michael I. Sovern, Telford Taylor, H. Richard Uviller, Walter Werner.

Members of the Faculty of Law, Columbia University.

Mr. TYDINGS. Similarly, 25 members of the School of Law of the University of California, Los Angeles, have stated that they feel a "special responsibility to oppose the elevation of G. Harrold Carswell to the Supreme Court." I ask unanimous consent that their letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, LOS ANGELES,
Los Angeles, Calif., February 20, 1970.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Surely no one who values the unique role of the United States Supreme Court as both a symbol and as a vital instrument of liberty can relish the spectacle of yet another struggle in the effort to maintain high standards and judicial integrity on the nation's highest tribunal. Exhausted from a struggle to save the Court from the damage it would have suffered from the appointment of a judge who demonstrated a singular insensitivity to accepted norms of behavior in conflict of interest situations, the legal profession must now protect the court from a one-time self-professed white supremacist whose undistinguished career on the bench has contributed to the fulfillment of the vows he made more than twenty years ago to uphold the "ideals" of racial segregation.

The Supreme Court is as threatened now by racism as it was by impropriety two months ago. A judge whose career has all too frequently been marred by evasion of the letter and spirit of Supreme Court decisions, who has repeatedly been reversed by the Court of Appeals for his decisions in racial cases, and who has demonstrated a callous indifference to the constitutional rights of America's black citizens can hardly be gauged the right man for the Supreme Court at this turning point in American history.

For these reasons, as law professors who view the law as an instrument of peaceful and orderly social change, we feel a special responsibility to oppose the elevation of G. Harrold Carswell to the Supreme Court.

Respectfully,

Henry W. McGee, Jr., Benjamin Aaron, Reginald H. Alleyne, Michael R. Asimow, Robert C. Casad, George P. Fletcher, Kenneth W. Graham, Jr., Donald G. Hagman, Martin H. Kahn, Kenneth L. Karst, William A. Klein, James E. Krier, Leon Letwin, Melville B. Nimmer, Monroe E. Price, Paul O. Proehl, Joel Rabinovitz, Ralph S. Rice, Barbara B. Rintala, Gary T. Schwartz, Herbert E. Schwartz, Henry J. Silberberg, Frederick E. Smith, William D. Warren, and Richard A. Wasserstrom, Professors of Law.

Mr. TYDINGS. Mr. President, 20 members of the faculty of the Law School of the University of Pennsylvania have examined the judicial work of Judge Carswell. Like hundreds of other scholars who are outraged by this nomination, they have concluded that, "Judge Carswell has failed to exhibit those qualifications which the American people are entitled to expect of a Justice." The members of this faculty state, "our examination of his opinion in various areas of the law compels the conclusion that he is an undistinguished member of his profession, lacking claim to intellectual stature." I ask unanimous consent to print their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., February 5, 1970.

It is bitter irony that in a society racked by the consequences of injustices long and callously visited upon black Americans the present nominee to the Supreme Court should be a man who at one point vehemently espoused the doctrine of white supremacy. Accepting his assurances that he no longer holds this view hardly dispels doubts concerning his generosity of spirit and breadth of vision. Indeed, the recent testimony of lawyers who have appeared before Judge Carswell raises serious questions as to his temperament and fair-mindedness, suggesting at best a grudging accommodation rather than a devotion to the constitutional rights of minorities. Beyond this, our examination of his opinions in various areas of the law compels the conclusion that he is an undistinguished member of his profession, lacking claim to intellectual stature.

It is one thing to say that Judge Carswell should not be rejected solely on the basis of views expressed as a young man. It is quite another matter, however, to elevate to the Supreme Court of the United States a judge whose principal distinctions appear to be his Southern heritage and his lack of investment in the securities market.

Appointment to the High Court is an event of national moment and lasting significance. We submit that Judge Carswell has failed to exhibit those qualifications which the American people are entitled to expect of a Justice.

Bruce Ackerman, Martha F. Alschuler, Martin J. Aronstein, Paul Bender, Paul W. Bruton, Morris L. Cohen, David B. Filvaroff, James O. Freedman, Stephen R. Goldstein, Robert A. Gorman, Jan Z. Krasnowiecki, Howard Lesnick, Richard G. Lonsdorf, Paul J. Mishkin, Clarence Morris, Covey T. Oliver, Louis B.

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Schwartz, Ralph S. Spritzer, Edward V. Sparer, and Bernard Wolfman, Members of the Faculty of the University of Pennsylvania Law School.

Mr. TYDINGS. Rutgers Law School is another distinguished institute of higher learning that has addressed itself to the issue of Judge Carswell's legal qualifications to sit on the Supreme Court. Seventeen members of this faculty have concluded that, "his professional competence is of such a low level that approval of his nomination would, as the New York Times put it on January 28, come close to contempt of the Supreme Court." I ask unanimous consent to print their letter in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Rutgers—The State University,
Newark, N.J., February 11, 1970.

Hon. Harrison A. Williams,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: We are dismayed by the nomination of Judge Carswell for the Supreme Court. Judge Carswell's judicial record unfortunately fulfills his 1948 pledge of racism, as lawyers who have practiced before him testified without rebuttal. Legal scholars who studied his opinions and decisions testified that Judge Carswell has been consistently reluctant to enforce the guarantees of the Bill of Rights, and that his professional competence is of such a low level that approval of his nomination would, as The New York Times put it on January 28, come close to contempt of the Supreme Court.

We trust that you will do everything in your power to prevent confirmation by the Senate.

Respectfully,

John G. Glenn, Frank Askin, Richard Chuseel, J. Allen Smith, Saul Mendlontz, Robert E. Knowlton, Eli Garmel, Steven A. Gifin, Alexander D. Brooks, Ruth B. Ginsburg, Era H. Hanks, Thomas A. Cowan, Thomas A. Cantry, Julius A. Lee, David Haber, John Lowenthal, and Vincent Kimberley, members of the faculty, Rutgers University, School of Law, Newark.

Mr. TYDINGS. Twelve members of the faculty of the College of Law of the University of Illinois state that there is "nothing . . . to indicate that Judge Carswell is a man of such eminence, quality, and demonstrated legal ability as to warrant a lifetime appointment to the high court of the land."

I ask unanimous consent to have their letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record. as follows:

University of Illinois,
Champaign, Ill., February 13, 1970.

Hon. Charles Percy,
1200 New Senate Office Building,
Washington, D.C.

Dear Senator Percy: We, the undersigned members of the faculty of the College of Law, write to express our concern over the nomination of Judge Carswell to the United States Supreme Court. The concern is not that he is a Southerner or a conservative. Those are matters which seem to be properly within the discretion of a President in making his selection.

The concern is not primarily that Judge Carswell has a background of stated white racism. Even in as sensitive a position as justice of the Supreme Court, a man should not be automatically disqualified because of an error in his youth. Whether such error should be grounds for rejection at this particular point in our nation's history is a close judgment call.

The primary concern is simply this: nothing has yet been reported in the press or elsewhere to indicate that Judge Carswell is a man of such eminence, quality, and demonstrated legal ability as to warrant a lifetime appointment to the high court of the land. The question ought not be, has he done anything to cause the Senate to reject him; the question should be whether he has done enough to entitle him to acceptance. The evidence so far clearly suggests the answer is no.

We appreciate the difficulty after the Haynsworth matter of again challenging the wisdom of the President's choice, particularly for members of his own party. Nevertheless, in view of the importance of Senate confirmation of a Supreme Court justice, we ask that you give this matter the searching examination it deserves.

Very truly yours,

Sheldon J. Plager, Michael P. Dooley, Peter Hay, Jeffrey O'Connell, Wayne R. LaFave, Lawrence Waggoner, Rubin C. Cohn, Robert W. Brown, Roger W. Findley, Prentice H. Marshall, Victor J. Stone, and J. Nelson Young.

Mr. TYDINGS. Twenty-three members of the School of Law of the University of Puerto Rico, in an open letter to the Senate, state:

We believe that no one should be appointed to our highest tribunal whose qualifications do not meet the most exacting standards. An appointment to the Supreme Court is the highest honor our nation can bestow on a lawyer. If our judiciary is to remain respected, that honor must be earned by outstanding professional and intellectual credentials. It is our considered judgment that Judge Carswell's record fails to show that he meets these requirements.

I ask unanimous consent to print their letter in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Puerto Rico,
Rio Piedras, P.R., March 13, 1970.

An Open Letter to Members of the United States Senate:

As law teachers deeply concerned about the law and its administration, we oppose the appointment of Judge G. Harrold Carswell to the United States Supreme Court.

We believe that no one should be appointed to our highest tribunal whose qualifications do not meet the most exasting standards. An appointment to the Supreme Court is the highest honor our nation can bestow on a lawyer. If our judiciary is to remain respected, that honor must be earned by outstanding professional and intellectual credentials. It is our considered judgment that Judge Carswell's record fails to show that he meets these requirements.

We further believe that in the present times only someone whose record of fairmindedness to all citizens is completely unblemished should be appointed to our highest tribunal. Judge Carswell does not meet this requirement. His racial statements in the past and the more recent charges of abuse to civil rights lawyers made against him by responsible members of the bar, inescapably cast doubt on his impartiality and fairness in civil rights cases. As we all know, in these matters it is more important than ever to avoid any grounds for suspicion of bias in our system of law.

A judiciary that can claim the respect of even those who disagree with its decisions is a foundation on which this nation has been built. We urge you not to undermine this foundation, for to do so will only fortify those disenchanted groups who claim that the courts and legal process offer no hope for meaningful justice.

We earnestly request that you vote not to confirm the appointment of Judge Carswell.

Respectfully yours,

Dean David M. Helfeld, Jacob I. Karro, Eulalio Torres, Demetrio Fernández, Samuel E. Polanco, Luis F. González Correa, Jaro Mayda, Helen Silving, Eduardo Ortiz Quiñones, Alvaro Calderón, and José E. Villares.

William C. Headrick, Raúl Serrano Geyls, Richard H. Francis, Efraín González Tejera, Ratimir Maximiliano Pershe, José M. Canals, Antonio J. Amadeo Murga, Margaret Hall, Jaime B. Fuster, Benjamín Rodrígues Ramón, Nicolás Jiménez, and Richard B. Cappalli, Members of the Faculty of Law, University of Puerto Rico (Organizational affiliation for purpose of identification only.)

Mr. TYDINGS. Twenty-one professors of law of the State University of New York have concluded that Judge Carswell fails to have the "strength of intellect" which is needed on the Court. I ask unanimous consent to print their letter in the Record at this point.

There being no objection, the letter to the editor was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 17, 1970]

Carswell Opposed

To the Editor: Recent disclosures about the capacities and attitudes of Judge G. Harrold Carswell have persuaded us that he should not be confirmed as a Justice of the United States Supreme Court. We therefore urge the committee and the Senate to reject this nomination.

The Supreme Court plays a uniquely powerful role in our nation. Whether a justice is a "strict constructionist" or an "activist," the issues coming before the Court require great strength of mind and sensitivity to injustice. Every nomination for the Court thus carries a heavy burden in this regard.

Measured by these standards, the nomination of Judge Carswell is clearly deficient. In the past he has demonstrated attitudes hostile to our black citizens. Admittedly, these occurred many years ago, but when such evidence appears in the record, there is an obligation to show that the attitude then reflected no longer exists.

Justice Hugo Black had indeed been a member of the Ku Klux Klan some years before his nomination, but he had sufficiently demonstrated the insignificance of this by his conduct both before and after. Judge Carswell has not only made no such demonstration of a changed attitude, but the emerging evidence indicates that at least remnants of this attitude still linger.

Finally, as careful students of his judicial performance like Prof. William Van Alstyne (who, incidentally, supported Judge Haynsworth's nomination) and Dean Louis Pollak of Yale have concluded, the intellectual quality of Judge Carswell's opinions is far from distinguished. [Editorial March 13.]

This is not to deny the appropriateness of a justice from the South, but in these difficult days, strength of intellect and sensitive to minority aspirations are indispensable for any appointment to one of the most powerful and demanding offices our society possesses. Measured by either of these standards, Judge Carswell fails.

Herman Schwartz.

Buffalo, *March 9, 1970.*

(Note.—The letter was signed by twenty other Professors of Law at the State University of New York.)

Mr. TYDINGS. Mr. President, four statements of opposition from southern law school faculties deserve special note.

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One letter comes from the University of Virginia School of Law, one of the South's finest law schools. Nineteen members of the faculty of this outstanding school have written:

> The failure of the organized bar and law schools of this land to oppose vigorously the nomination of Judge Carswell to the Supreme Court can only be described as lamentable. President Nixon is entitled to his belief that what the Supreme Court needs now is another Southern justice, indeed even a "strict constructionist," but as faculty members of a Southern law school we cannot remain silent while a judge whose legal abilities and judicial background are so sadly wanting is awarded one of the highest judicial honors that this country can bestow upon a member of our profession.

I ask unanimous consent to have their letter inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW PROFESSOR'S OPPOSITION TO CARSWELL

The failure of the organized bar and the law schools of this land to oppose vigorously the nomination of Judge Carswell to the Supreme Court can only be described as lamentable. President Nixon is entitled to his belief that what the Supreme Court needs now is another Southern justice, indeed even a "strict constructionist," but as faculty members of a Southern law school we cannot remain silent while a judge whose legal abilities and judicial background are so sadly wanting is awarded one of the highest judicial honors that this country can bestow upon a member of our profession.

R. B. LILLICH,
University of Virginia School of Law.
CHARLOTTESVILLE.

(NOTE.—This letter also bore the names of 18 other members of the law school faculty.)

Mr. TYDINGS. Equally significant is a statement signed by 86 members of the graduating class of the University of Virginia School of Law. These young men well trained in law at one of the South's finest institutes of higher learning state:

> Evidence overwhelmingly shows that G. Harrold Carswell is unqualified to sit on the nation's highest court.

I ask unanimous consent to have this petition inserted in the RECORD at this point.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

ACT NOW AGAINST THE NOMINATION OF G. HARROLD CARSWELL

The integrity of the Supreme Court is a matter of concern to all citizens. Evidence overwhelmingly shows that G. Harrold Carswell is unqualified to sit on the Nation's highest court. As third year students at the Law School we urge all opposed to the nomination to express their views to their Senators and to urge their relatives and friends to do the same.

David T. Reidel, S. Martin Teel, Jr., Kurt A. Kaufmann, Robert J. Miller, John A. Mahaney, Hunter Hughs, Harvey A. Goldman, Russell R. French, M. Langhorne Keith, Harvey E. Bines, Mark J. Spooner, C. Porter Vaughan, III, John G. Milliken, J. Anthony Sinclitico III, Priscilla J. Rassin, Timothy E. Hoberg, Alan Stephenson, David Brewer, John R. Lacey, Kennth M. Greene, F. A. McDermott, Richard Saahl, Carl Hanzelik, Thomas J. Mullaney, Peter Tierney.

R. A. Graham, Edward L. Hogshire, Frederick T. Stant III, Vernon Swartsel, John T. Morin, John H. Cassady, Vincent Tramoute II, Luciene Wulsin, Jr., Pussel H. Lubiner, Jay H. Calvert, Jr., Myron T. Steele, Robert W. Benjamin, James A. L. Daniel, Philip S. Davi, Lynn Groseclose, F. L. Carter, J. H. Morganstern, William N. Pollard, Elaine R. Jones, John S. Edwards, D. Sophocles Dadakis, Alice Rebecca Snyder, Leo L. Tully, Richard N. Carrell, Timothy More.

Andrew R. Gelman, William D. Cotter, Michael J. McDermott, John T. Schell, III, John A. Dudek, Jr., F. Guthrie Gordon III, Roger C. Wiley, Jr., Craig M. Bradley, John O. Wynne, Neil G. McBride, Stephen M. Pa, Samuel M. Bradley, John X. Denney, Jr., David S. Lott, H. Sadler Pi, T. James Bryan, John P. Paone, Richard A. Smith, Allan J. Tanenbaum, Marshall V. Miller, E. William Chapman, Charles H. Majors, Vincent J. Poppiti, Robert P. Kl, Marion H. Allen.

Robert A. Boas, John G. Milburn, M. R. Bromley, C. Ca, Kathleen A. Keane, Jack McKay, Thomas E. Bundy, Nancy Smith, David M. Levy, Paul C. Giannelli, R. M. C. Glenn III.

Mr. TYDINGS. The second statement comes from nine members of the law school of Florida State University, located in Tallahassee. Notwithstanding the fact that Judge Carswell helped to establish this law school, the members of the faculty asked the President to withdraw the nomination. Their letter states:

> Because we believe that only the most highly qualified should be appointed to the United States Supreme Court, we urge you to withdraw the name of Judge G. Harrold Carswell and to submit to the Senate the name of some truly distinguished Southern jurist.

I ask unanimous consent that this letter be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE FLORIDA STATE UNIVERSITY,
Tallahassee, March 17, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Because we believe that only the most highly qualified should be appointed to the United States Supreme Court, we urge you to withdraw the name of Judge G. Harrold Carswell and to submit to the Senate the name of some truly distinguished Southern jurist.

Sincerely,

Robert P. Davidow, Assistant Professor of Law; Raymond G. McGuire, Assistant Professor of Law; John F. Yetter, Assistant Professor of Law; David F. Dickson, Associate Professor of Law; John W. VanDoren, Associate Professor of Law; Ken Vinson, Professor of Law; Jarrett C. Oeltjen, Assistant Professor of Law; Francis N. Millett, Jr., Associate Professor of Law; Edwin M. Schroeder, Law Librarian & Instructor.

Mr. TYDINGS. A third letter in opposition comes from the law faculty of the University of North Carolina.

Twenty-two members of this law faculty, representing a majority of the faculty at this fine school, have declared their opposition. They state:

> The Supreme Court deserves and demands the best America has to offer; and Judge Carswell is, as his Senate supporters admit, mediocre.

I ask unanimous consent to insert their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF NORTH CAROLINA,
Chapel Hill, March 24, 1970.

Senator SAM ERVIN,
Senator B. EVERETT JORDAN,
Senate Office Building,
Washington, D.C.

DEAR SENATORS: We, the undersigned, being a majority of the law professors at the University of North Carolina, urge you to vote against the ratification of Judge Carswell. The Supreme Court deserves and demands the best America has to offer; and Judge Carswell is, as his Senate supporters admit, mediocre.

Daniel H. Pollitt, R. H. Robinson, Jr., Dale Whitman, Robert Melott, Kenneth S. Broun, Robert Byrd, Donald F. Clifford, Jr., John P. Dalzell, Dan B. Dobbs, John Evans, Morris R. Gelblum. Arnold H. Loewy, Martin B. Louis, Laughlin McDonald, Barry Nakell, Walter D. Navin, Jr., Dickson Phillips, Thomas J. Schoenbaum, John W. Scott, Jr., John E. Semonche, Frank R. Strong, W. L. Walker.

Mr. TYDINGS. The fourth statement comes from 57 faculty members, including more than half of the law school faculty, of the Washington and Lee University at Lexington, Va. They state:

> Judge Carswell's judicial record is undistinguished . . . He seems to be a thoroughly mediocre man by the most lenient standards. . . . Surely, here in the South, are judges of conservative mind, but men of good will and judicial ability. Let the Senate turn aside the nomination of Judge Carswell and then let the President look again.

I ask unanimous consent to print their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUDGE CARSWELL'S NOMINATION

We, the undersigned members of the Washington and Lee University faculty, oppose the confirmation of Judge G. Harrold Carswell as Associate Justice of the Supreme Court of the United States of America. His appointment would be a slap in the face to 23 million black Americans—our fellow citizens—and would further disenchant young Americans in their hope for quality and noble leadership in government. Judge Carswell's judicial record is undistinguished. The deans of the law schools at Yale, Harvard and the University of Pennsylvania have called his record "the least distinguished in this century." He seems to be a thoroughly mediocre man by the most lenient of standards.

Surely, here in the South, are judges of conservative mind, but men of good will and judicial ability. Let the Senate turn aside the nomination of Judge Carswell and then let the President look again.

MILTON COLVIN,
Professor of Political Science, Washington and Lee University.

Mr. TYDINGS. Mr. President, some have asserted that Judge Carswell should be confirmed because in the past nominees have been confirmed who lacked judicial experience. This argument totally misses the point. Judge Carswell should not be confirmed because he does

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have judicial experience and this experience has proved that he is not fit to sit on the Supreme Court.

The facts are that Judge Carswell has not distinguished himself in any aspect of the law whatsoever. Distinguished and learned professors have examined Judge Carswell's opinions dealing with property law, tax law, criminal law, torts, and contracts. Their conclusion—Judge Carswell "has failed to demonstrate even the most elementary of judicial skills."

He simply strikes out when it comes to judicial ability.

Prof. Charles R. Nesson, who teaches courses in personal property and real property at Harvard Law School examined Judge Carswell's property decisions. Professor Nesson writes that Judge Carswell's opinions are flawed by his failure "to state the facts in any comprehensible fashion," "to indicate the basis for Federal jurisdiction" and by his dismissal of "the defendant's major contention in conclusionary fashion with no indication of the facts supporting the conclusion."

Professor Nesson concludes:

> In a time when law and courts are seen increasingly as instruments of political repression it is particularly important that judicial appointees be men on legal and moral distinction. Judge Carswell does not appear to meet such standards.

I ask unanimous consent to insert this statement in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Law School of Harvard University,
Cambridge, Mass., February 14, 1970.
Senator Joseph Tydings,
Senate Judiciary Committee,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Apart from the issues of social outlook and racial bias of Judge Carswell, serious questions have been raised as to whether he has the requisite judicial qualities to be appointed to the Supreme Court. Because these latter qualities are difficult to evaluate with precision, there is a tendency for witnesses at the hearings and public commentators to overlook or deemphasize this issue as a factor in the Senate's decision. It appears, for example, that the ABA Committee on Judicial Appointments gave no more than perfunctory attention to Judge Carswell's record on the bench as a measure of his abilities as a judge. This approach to judicial appointments impairs the quality as well as the stature of the Supreme Court, and seriously undercuts respect for law.

As a professor of Property Law I have evaluated the published opinions of Judge Carswell in my field. These opinions are Lefkowitz v. McQuagge, 230 F. Supp. 757, affirmed 334 F. 2d 243; U.S. v. 452 Acres of Land, 207 F. Supp. 323; and First Nat. Bank v. US, 350 F. 2d 606. They are not distinguished opinions. The opinion in Lefkowitz v. McQuagge, for example, fails to state the facts in any comprehensible fashion, fails to indicate the basis for federal jurisdiction (the case is an ejectment proceeding), and dismisses what appears to be the defendant's major contention (a claim of adverse possession) in conclusory fashion with no indication of the facts supporting the conclusion.

In a time when law and courts are seen increasingly as instruments of political repression it is particularly important that judicial appointees be men on legal and moral distinction. Judge Carswell does not appear to meet such standards.

Sincerely yours,
Charles R. Nesson,
Professor of Law.

Mr. TYDINGS. Prof. Guido Calabresi of Yale reviewed Judge Carswell's opinions in tort cases, an area that Professor Calabresi has taught for 11 years and concluded:

> There is nothing in them to suggest any special distinction or qualification for the United States Supreme Court.

Interestingly, Professor Calabresi also noted that Judge Carswell's opinions in the field of torts "do not show that universal dedication to precedent and strict construction which it is said the President desires."

I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Law School of
Harvard University,
Cambridge, Mass., February 13, 1970.
Hon. Joseph D. Tydings,
Judiciary Committee,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: I have taught the law of Torts over the last eleven years at the Yale, Harvard and Columbia schools of law. Recently I have read some twenty-three torts opinions by Judge H. Carswell. These, I believe, include substantially all his writings in this area which have been published. My view of his opinions is that while most are competent, there is nothing in them to suggest any special distinction or qualification for the United States Supreme Court. It is an unfortunate fact that lack of distinction, by itself, has rarely been deemed a sufficient ground for denying the President his choice of appointments to the Supreme Court. Where an appointment, however, is insulting to a great number of citizens as this one is, lack of distinction adds a very important dimension.

Judge Carswell has made blatant and public racist remarks. A Senator may feel bound to vote to confirm a man who has made such racial remarks if he believes that those remarks have been honestly recanted and if falure to confirm would substantially limit the President's appointment prerogatives. This last might be the case if the nominee was a jurist of distinction who could be replaced only with difficulty. My reading of Judge Carswell's opinions in my field suggests this is not the case. Indeed, it suggests that there are many sitting judges both in the country and in the South who hold the view of law the President seems to espouse, who are at least as qualified technically as Judge Carswell, and who have not publicly insulted a large number of our citizens. Under the circumstances confirmation of Judge Carswell amounts to gratuitous insult.

It may be worth noting that Judge Carswell's opinions in the field of Torts do not show that universal a dedication to precedent and strict construction which it is said the President desires. This raises a question whether in those areas of law like Civil Rights, where experts say they have detected an especially narrow constructionism, something is at work other than a general judicial philosophy.

I sincerely hope that you will vote to withhold your advice and consent to this nomination.

Very truly yours,
Guido Calabresi,
Professor of Law, Yale University, Visiting Professor of Law, Harvard University.

Mr. TYDINGS. Professor I. Lazerow, professor and assistant dean at the University of San Diego School of Law read and analyzed 10 of Judge Carswell's opinions relating to property or Federal taxation. These are areas in which Professor Lazerow has expertise. Professor Lazerow has found that Judge Carswell "Adduces conclusion of law—which are unsupported by any reasoning." On the basis of his analysis, he has found that Judge Carswell demonstrates a marked inability "to relate the facts of the case to the governing law."

Professor Lazerow concludes:

> Judge Carswell does not possess sufficient lawlerly ability to sit on the Supreme Court of the United States.

I ask unanimous consent to insert Professor Lazerow's letter in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of San Diego,
San Diego, Calif., March 26, 1970.
Senator George Murphy,
Senate Office Building,
Washington, D.C.

Dear Senator Murphy: I have noted in the press allegations with respect to the competence of Judge Harrold Carswell to sit on the Supreme Court of the United States, and have made my own investigation of the matter.

I have read and analyzed ten of his opinions relating to property or federal taxation, areas in which I have some expertise. From the opinions in those cases, I must conclude that Judge Carswell does not possess sufficient lawyerly ability to sit on the Supreme Court of the United States.

In Lefcowitz v. McQuagge, 230 F. Supp. 757 (N.D. Fla. 1963), defendant was claiming title by seven years' adverse possession. Judge Carswell's opinion presents conclusions of facts or law, rather than findings and reasoned judgment. On the question of adverse possession, he states that the evidence fails to establish adverse possession as a result of taking turpentine from trees on the land. Every first semester property student learns that adverse possession is the use of the land in the manner to which it is best suited. There is no discussion in Judge Carswell's opinion of the use to which the land is suited or of the scope of the defendant's activities in taking turpentine. Both are crucial. For contrast, compare the court's opinion in Brumagin v. Bradshaw, 39 Cal. 24 (1870).

In the same case, Judge Carswell adduces conclusions of law with respect to the Florida statutes which are unsupported by any reasoning, and therefor unpersuasive.

The same inability to relate the facts of the case to the governing law in an adequate and persuasive manner was demonstrated in three tax cases. All of these cases were correctly decided, but failure to adequately use judicial techniques mars the opinions. See Patterson v. Belcher, 302 F.2d 289 (5th Cir. 1962); Lazonby v. Tomlinson, 272 F. Supp. 558 (N.D. Fla. 1967); and Motor Fuel Carriers v. U.S. 202 F. Supp. 497 (N.D. Fla. 1962).

In Patterson, he also fails to point out the

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significance or purpose of the distinction between acquisition and sales intent in deciding whether an asset is held primarily for sale in the ordinary course of business.

In Macey's Jewelry Corp. v. U.S., 242 F. Supp. 25 (N.D. Fla. 1965), rev'd 387 F.2d 70 (5th Cir. 1967), Judge Carswell fails to consider the purposes of the law in deciding whether a particular credit charge is included in the list price of the goods or is a finance charge. The basic proposition that laws (even tax laws) are to be construed according to their intent seems to have escaped him.

I have not investigated his opinions in other areas. However, briefly reviewing the subsequent history of his decision, I note that he has been reversed by higher courts in a disproportionate number of cases.

For the above reasons, I would urge you to vote against his confirmation and to urge the President to nominate an individual better qualified to carry on the important functions of the Supreme Court.

Sincerely,

HERBERT I. LAZEROW,
Assistant Dean and Professor of Law.

Mr. TYDINGS. Professor John Griffiths, a teacher and a scholar in the field of criminal law and procedure at Yale Law School and four of his students undertook to examine Judge Carswell's judicial work in the area of their expertise—criminal law and procedure. They studied a substantial body of opinions—both written by him and written by appellate courts reviewing his decisions.

Here is their conclusion:

> We found no sign whatever of special ability. Judge Carswell's opinions are characterized, at best, by unimaginative, mechanical mediocrity. This is not a matter of judicial ideology: one did not expect to find a future Justice Black or Brennan, but no potentially solid (let alone great) judicial conservative—no Justice Harlan, no Judge Friendly—is revealed in these opinions either. We found nothing that, by *anyone's* lights, could conceivably justify confirming Judge Carswell to the Supreme Court. . . .
>
> We conclude that, in the area we investigated, Judge Carswell's judicial performance does not begin to qualify him for elevation to the Supreme Court.

I ask unanimous consent that their letter be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YALE LAW SCHOOL,
New Haven, Conn., Feb. 18, 1970.

HON. JAMES O. EASTLAND,
Chairman of Senate Judiciary Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: In the course of the growing controversy concerning Judge Carswell's fitness for the Supreme Court, the question of his professional competence for such a position has been relatively little discussed. This seems unfortunate. Surely there can be no doubt but that only the most distinguished and technically qualified members of the legal profession ought even to be considered for the highest Court in the Nation. Surely, also, it is part of the Senate's duty to exercise its responsibility in confirmation as to maintain the highest standard, in proficiency as well as in integrity, as a *minimum* qualification for elevation to the Supreme Court. But while the subject has not been intensively discussed, there is certainly widespread belief in the profession, and beyond that Judge Carswell falls far short of any reasonable minimum standard and ought therefore not be confirmed. Dean Louis H. Pollak of the Yale Law School was one of the few witnesses before your Committee who dealt with this question. He put what is apparently a widespread consensus bluntly when he stated that Judge Carswell possesses "more slender credentials than any nominee in this century." Dean Derek C. Bok of the Harvard Law School has likewise expressed the view, in a letter to your Committee that the nominee shows "a level of cempetence well below the high standards that one would presumably consider appropriate and necessary for service on the Court."

The undersigned are a teacher and scholar in the field of criminal law and procedure, and four students in his criminal law course. We undertook to examine Judge Carswell's judicial work in the area of our expertise—criminal law and procedure. We studied a substantial body of opinions—both written by him, and written by appellate courts reviewing his decisions. These cases are listed in an appendix to this letter.

The enterprise solidly confirmed the general opinion we had set out to test. We found no sign whatever of special ability. Judge Carswell's opinions are characterized, at best, by unimaginative, mechanical mediocrity. This is not a matter of judicial ideology: one did not expect to find a future Justice Black or Brennan, but not potentially solid (let alone great) judicial conservative—no Justice Harlan, no Judge Friendly—is revealed in these opinions either. We found nothing that, by *anyone's* lights could conceivably justify confirming Judge Carswell to the Supreme Court.

In addition, we found some troublesome indications of a lack of proper judicial temperament in the Judge. For example, in the important area of federal jurisdiction comprised of *habeas corpus* petitions from State prisoners, Judge Carswell had to be reversed four times in the single year 1968 (*Dawkins, Brown, Harris, Barnes*). In three of these, his error was the same: failure to hold an evidentiary hearing as required by the face of the petition (*Brown, Harris, Barnes*). It is essential to emphasize that this reflects not only a questionable ideological bias operative in his adjudication, but apparent lack of technical ability—in one case (*Brown*) he erred *in favor of the petitioner* on one critical issue, by failing to investigate whether State remedies had been exhausted.

Inadequacy as a judge also appears in *Hayes*, where Judge Carswell held that the petitioner could not raise exclusion of Negroes from his jury on *habeas corpus* because he had not done so at trial. Such an automatic waiver doctrine is not the law and has not been since *Fay* v. *Noia*, 372 U.S. 319, 438–440 (1963). The cases on which Judge Carswell relied were inapposite, because they concerned the effect, in *federal* cases, of a defendant's failure to conform to Rule 12(b) (2), F. R. Crim. P. — Only the *habeas* hearing which Judge Carswell refused—in this, as in so many other cases—to hold, could have discovered whether the petitioner's failure to raise the issue could "fairly be described as the deliberate by-passing of state procedures." 372 U.S. at 439.

As a final example, his opinion in *Boulden* raises serious questions of craftsmanship, at least, if not of judicial integrity. The case involved the "voluntariness" of a confession, under the "totality of circumstances" rule. Judge Carswell's opinion failed even to refer to the petitioner's first confession, which preceded the two confessions used at his trial, and which had been extracted by a police chief who promised petitioner safety from an angry mob and a pistol-waving policeman if he would confess. Surely scrupulous integrity with facts is a *sine qua non* of an adequate judge, and in the *Boulden* case, at least, Judge Carswell did not display it.

We conclude that, in the area we investigated, Judge Carswell's judicial performance does not begin to qualify him for elevation to the Supreme Court. We hope you will take these considerations under advisement and, if this is in conformity with the Rules of your Committee, transmit them not only to the members of the Judiciary Committee, but also to the Senate as a whole.

Very sincerely yours,

JOHN GRIFFITHS,
Assistant Professor of Law.
ABRAHAM A. ARDITI.
ROSSER H. BROCKMAN II.
ROBERT H. CLARIDGE.
ERIC P. STAUFFER.

APPENDIX

OPINIONS OF JUDGE CARSWELL AND CASES IN WHICH HE RENDERED A DECISION

Abrams v. Goodwyn, 186 F.Supp. 271.
Barnes v. Florida, 402 F.2d 63 (reversing Carswell).
Baxter v. Florida, 295 F.Supp. 1164.
Bell v. Wainwright, 299 F.Supp. 521.
Beufve v. U.S., 238 F.Supp. 494, vacated 344 F.2d 958.
Boulden v. Holman, 385 F.2d 102, vacated 394 U.S. 478.
Brown v. Wainwright, 394 F.2d 153 (reversing Carswell).
Dawkins v. Crevasse, 391 F.2d 921 (reversing Carswell).
Grissetle v. U.S., 313 F.2d 187.
Hall v. Wainwright, 263 F.Supp. 727.
Harris v. Wainwright, 399 F.2d 142 (reversing Carswell).
Hayes v. Wainwright, 302 F.Supp. 716.
Holstein v. Wainwright, 302 F.Supp. 615.
Johnson v. U.S., 293 F.2d 100.
Landers v. U.S., 304 F.2d 577.
McCullough v. U.S., 231 F.Supp. 740.
Malone v. U.S., 269 F.Supp. 755.
Miller v. U.S., 207 F.Supp. 5.
Tyler v. U.S., 397 F.2d 565, cert. den. 394 U.S. 917.
U.S. v. Levy, 232 F.Supp 661.
Walker v. U.S., 301 F.2d 36.
Weaver v. U.S., 298 F.2d 497.
Yeloushan v. U.S., 313 F.2d 303.

Mr. TYDINGS. In the area of contract law, Judge Carswell's opinions have been analyzed by Prof. Monroe Friedman of the George Washington University Law Center. Professor Friedman has been teaching courses in contracts for 12 years and is the author of a case book on contracts. Professor Friedman states that one of Carswell's opinions in this area shows him to be a "broad constructionist." He states that another opinion shows him to be, in Professor Friedman's words, "an absurd constructionist." Professor Friedman states that in this opinion Judge Carswell, "interpreted a contract to mean that one of the parties to it could change any of the terms, including the price, any time he pleased. This decision violated well-established principles of contract law as well as commonsense."

Another Carswell opinion that Professor Friedman analyzed suggests, according to Professor Friedman, "serious doubts as to his ability to perform the most elementary form of legal analysis; that is, the matching of facts and rules."

Professor Friedman concludes that—

> Judge Carswell's opinions in the Contract area show him to be a broad constructionist, favoring technicalities over common sense and fair dealing, and a jurist incapable of performing the most elementary of legal analysis.

I ask unanimous consent that Professor Friedman's letter be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

XUM

THE NATIONAL LAW CENTER,
March 9, 1970.

Re Nomination of Judge Carswell.
Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The controversy over the nomination of Judge George Harrold Carswell to the Supreme Court of the United States has focused upon the Judge's background as a "strict constructionist" and on his views and conduct regarding civil rights. These issues, of course, are charged with considerable emotion and involve questions of political preference, as to which the President should have wide latitude.

At the same time, substantial doubts have been raised as to Judge Carswell's quality as a jurist—his intellectual capacity and his ability to carry out legal analysis in a professional way. It therefore seems worth while to consider the Judge's opinions in areas of the law that are less political and emotional in their implications. One of these areas is Contracts. Since I have taught Contracts I and II at the National Law Center for twelve years and am the author of a casebook on Contracts (2d ed., 1967), I have undertaken to review Judge Carswell's opinions dealing with Contracts. There are five in all, and only three of these are presented in such a way as to permit adequate analysis: *Dove Sheet Metal* v. *Hays Heating*, 249 F. Supp. 266; *Associated Beverages Co.* v. *Ballantine*, 287 F. 2d 261; and *Luse* v. *Valley Steel Products*, 293 F. 2d 625.

The *Dove* case is of particular interest because it shows Judge Carswell to be a broad constructionist of statutory technicalities. In this case the plaintiff and defendant, two businessmen, had orally contracted for construction work, and the defendant had admittedly broken the contract without cause. The defense rested entirely upon a technicality: the contract had not been written, and the defendant contended that the Statute of Frauds therefore permitted him to violate his word with impunity. Judge Carswell recognized that the law was unsettled on this point and that the statute might well have been construed strictly, so as not to apply to the particular transaction. Nevertheless, Judge Carswell chose to construe the statute broadly, thereby permitting the defendant to avoid a just claim by means of a questionable technicality.

The *Associated Beverages* case reveals the Judge as what can best be called an absurd constructionist. There he interpreted a contract to mean that one of the parties to it could change any of the terms, including the price, any time he pleased. This decision violated well-established principles of Contracts law as well as common sense.

The most significant of Judge Carswell's Contracts opinions, however, is in the *Luse* case, because it suggests serious doubts as to his ability to perform the most elementary form of legal analysis, that is, the matching of facts and rules. Indeed, this level of legal analysis is so simple that it is assumed that candidates for law school are all capable of doing it; for this reason all "matching" questions were eliminated from the Law School Admission Test several years ago in favor of more complex problems. (See my article, "Testing for Analytic Ability on the Law School Admissions Test," 11 Jour, Legal Education 24 (1958).)

In *Luse* the question was whether the manufacturer of defective goods was liable to the plaintiff, who had purchased the goods through another. The overwhelming weight of modern authority in such cases is to hold the manufacturer liable, since he is the party who is responsible for the defective goods he produces and markets, and because he is the party best able to prevent such harm and best able, usually, to spread the cost.

Judge Carswell, however, wholly ignored both the trend of authority and the underlying questions of policy. Instead, he misread and misapplied previous cases. One of these cases had held that "the mere resale" of an article did not give the subpurchaser rights. The other prior case had held that an ordinary resale by a retailer did not make a wholesaler liable where there was "nothing to indicate" that the wholesaler understood that he was dealing with the ultimate purchaser. What Judge Carswell somehow failed to see was that the transaction in *Luse* was not a "mere resale" by a retailer with "nothing to indicate" that the defendant understood that he was dealing with the plaintiff. On the contrary, the facts of *Luse* as stated by the Judge clearly show that the defendant shipped the goods to the care of the plaintiff. Thus, the cases cited by Judge Carswell did not "match" the one before him for decision, as he somehow believed, and they therefore did not require his decision exculpating the manufacturer from liability for his defective goods.

In sum, Judge Carswell's opinions in the Contracts area show him to be a broad constructionist, favoring technicalities over common sense and fair dealing, and a jurist incapable of performing the most elementary tasks of legal analysis.

Yours truly,
MONROE H. FREEDMAN,
Professor of Law.

Mr. TYDINGS. In light of the analysis of Judge Carswell's legal ability, it is no wonder that a disproportionate number of Judge Carswell's opinions that were appealed were reversed.

The opinions of two other legal scholars, William Van Alstyne, of Duke Law School, and John P. Frank, deserve special mention.

Prof. William Van Alstyne of the Duke University Law School is one of the most distinguished legal scholars of the South. Professor Van Alstyne had testified before the Senate Judiciary Committee in support of Judge Haynsworth, but testifying in opposition to Judge Carswell, Professor Van Alstyne concluded that Judge Carswell's decisions reflected a lack of reasoning, care, or judicial sensitivity overall.

John Frank taught law at both Indiana Law School and Yale Law School. He is the author of nine books largely on legal subjects, including several works on the Supreme Court. Mr. Frank testified at the Judiciary hearings on Judge Haynsworth's nomination in support of that nomination. Mr. Frank feels differently about Judge Carswell. He opposes this nomination and has also gone on record as believing that "Judge Carswell does not have the legal or mental qualifications essential for service on the Supreme Court or any high court in the land, including the one where he now sits."

Another voice to be heard in opposition comes from a man who is perhaps the most eminently qualified to adjudge the fitness of Judge Carswell to sit on the Supreme Court. This is because it is his seat on the Supreme Court that Judge Carswell has been nominated to fill. Mr. Justice Arthur Goldberg recently addressed himself to the Carswell nomination and asserted:

> How can it be said that Judge Carswell is qualified to take the seat once held by Justice Cardozo and Justice Frankfurter. He is not fit.

And 206 former law clerks to Supreme Court Justices are of the same opinion; 206 of the Nation's best legal minds who have worked for Supreme Court Justices, starting with Justices Brandeis and Holmes, and who know first hand the special qualities required of a Supreme Court Justice—the intellect, judgment, and temperament—have concluded that Judge Carswell clearly does not have these qualities.

They state:

> We are all united in our conviction of the importance of the Supreme Court as an American institution and are similarly united in our opposition to the confirmation of Judge Carswell. All nominations to the Court are important; the filling of the present vacancy is of particular significance. There is widespread lack of confidence in many of our institutions, including the courts. It is therefore imperative that the nominee possess the qualities of judgment and intellect necessary to discharging with distinction the exacting and vital functions of the nation's highest court.
>
> Unfortunately, Judge Carswell is not equal to these responsibilities. The record shows him to be of mediocre ability. His performance on the lower courts—and as United States attorney—reflects the absence of the qualities which, we believe, all Supreme Court nominees should possess.
>
> There has never been a time when it was more important to have a nominee with the recognized capacity, character, and professional accomplishments who could immediately contribute to the Court's work and its place in the life of our country. Confirmation of Judge Carswell would be a disservice to the Court and the nation. We urge that his nomination be rejected.

I ask unanimous consent to print their letter in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 31, 1970.

DEAR SENATOR: We are all former law clerks to Supreme Court Justices, having served for Justices starting with Justice Holmes and Brandeis. Our views on the basic issues before the country vary widely. We are of various political persuasions. Some of us are active in political affairs, some are not.

But we are all united in our conviction of the importance of the Supreme Court as an American institution and are similarly united in our opposition to the confirmation of Judge Carswell. All nominations to the Court are important; the filling of the present vacancy is of particular significance. There is widespread lack of confidence in many of our institutions, including the courts. It is therefore imperative that the nominee possess the qualities of judgment and intellect necessary to discharging with distinction the exacting and vital functions of the nation's highest court.

Unfortunately, Judge Carswell is not equal to these responsibilities. The records shows him to be of mediocre ability. His performance on the lower courts—and as United States attorney—reflects the absence of the qualities which, we believe, all Supreme Court nominees should possess.

There has never been a time when it was more important to have a nominee with the recognized capacity, character, and professional accomplishment who could immediately contribute to the Court's work and its place in the life of our country. Confirmation of Judge Carswell would be a disservice to the Court and the nation. We urge that his nomination be rejected.

Dean Acheson, Bruce Ackerman, James N. Adler, Lee A. Albert, Francis H. Allen, William H. Allen, Margaret Altschuler, Richard S. Arnold, Jr., Mac Asbill, Jr., Joseph Barbash, Stephen R. Barnett, Paul M. Bator, Scott H. Bice, Ronald L. Blanc, Bennett Boskey, Paul

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Brest, Stephen G. Breyer, Tyrone Brown, E. Edward Bruce, Julian Burke, Donald M. Cahen, Guido Calabresi, James S. Campbell, Abram J. Chayes, Jerome R. Cohen, Louis R. Cohen.

William Cohen, Alan Y. Cole, Robert Cole, William T. Coleman, Jr., Vern Countryman, Roger Crampton, David P. Currie, Kenneth W. Dam, Walter Estes Dellinger, Jan G. Deutsch, Paul M. Dodyk, J. William Doolittle, Norman Dorsen, John W. Douglas, Earl C. Dudley, Jr., Steven B. Duke, Allison Dunham, James Edwards Philip Elman, John Hart Ely, Jerome B. Falk, Jr., Floyd Feeney, David Feller, David Filvaroff, William T. Finley, Jr., H. Bolton Finn, III, Peter M. Fischbein.

Adrian Fisher, Raymond C. Fisher, Fred Fishman, Dennis M. Flannery, Martin J. Flynn, Richard J. Flynn, Laurence S. Fordham, Marc Franklin, John D. French, Charles Fried, Stephen J. Friedman, Walter Gellhorn, David Ginsberg, Robert A. Girard, Stephen M. Goodman, Robert Gorman, Kent Greenawalt, Ronald J. Greene, Francis M. Gregory, Jr., Eugene Gressman, C. B. Grey, John Griffiths, Bruce Griswold.

Isaac N. Groner, Harvey M. Grossman, Gerald Gunther, James T. Hale, Robert W. Hamilton, Milton Handler, Carl Hawking, Irving J. Helman, Louis Henkin, Ira M. Heyman, Michael Heyman, Philip B. Heymann, Richard Hiegel, Donald Hiss, Robert Hoerner, C. Stephen Howard, Manley O. Hudson, Jr., Louis L. Jaffe, Nicholas Johnson, Phillip Johnson, William K. Jones, Andrew L. Kaufman, Phillip B. Kurland, Robert T. Lasky.

Leonard M. Leiman, Marx Leva, Gerry Levenberg, Daniel P. Levitt, Jerome B. Libin, Peter Van N. Lockwood, Roderick M. Hills, Louis Lusky, Patrick F. McCarten, Nicholas J. McGrath, Jr., Ellis H. McKay, John K. McNutly, Lee B. McTurnan, Malachy Mahon, J. Keith Mann, Bayless Manning, Harry K. Mansfield, James M. Marsh, William B. Matteson, Daniel K. Mayers, Lewis B. Merrifield III, Frank I. Michelman, Abner J. Mikva.

Charles A. Miller, Alan J. Moscov, Phil C. Neal, C. Roger Nelson, Charles R. Nesson, John D. Niles, Matthew Nimetz, John Nolan, William A. Norris, Alan R. Novak, Dallin H. Oaks, Louis F. Oberdorfer, Joseph Onek, Alan K. Palmer, W. Cary Parker, Michael E. Patterson, John H. Pickering, Louis H. Pollak, Earl E. Pollock, S. Paul Posner, Richard A. Posner, Joseph H. Price, Monroe E. Price, Robert L. Randall, Joseph L. Rauh, Jr.

Cecil Ray, Jr., Charles D. Reed, Charles A. Reich, Curtis Reitz, William A. Reppy, Jr., Charles E. Rickershauser, Jr., William D. Rogers, H. David Rosenbloom, Albert J. Rosenthal, Stuart Philip Ross, Ernest Rubenstein, Neal P. Rutledge, Albert A. Sacks, Henry P. Sailer, Terrance Sandalow, Frank E. A. Sander, George L. Saunders, Norbert A. Schlei, Benno C. Schmidt, Jr., Carl W. Schneider, Roy A. Schotland.

Murray L. Schwartz, David I. Shapiro, Richard E. Sherwood, Harry L. Shniderman, Stephen N. Shulman, Larry J. Simon, Michael Smith, Abaham D. Sofaer, John B. Spitzer, Henry J. Steiner, Henry J. Steinman, Jr., Samuel A. Stern, Richard B. Stewart, Preble Stolz, Stephen D. Sussman, Peter R. Taft, Stanley L. Temko, Stephen M. Tennis, Stuart W. Thayer, Donald T. Trautman, Lawrence Tribe.

Howard J. Trienens, Max O. Truitt, Jr., Donald F. Turner, Steven M. Umin, John W. Vardaman, Robert B. Von Mehren, James Vorenberg, Robert W. Wales, Robert Weinberg, Emmanuel G. Weiss, Harry H. Wellington, Howard C. Westwood, Charles H. Wilson, Jr., Payson Wolff, Kenneth Ziffren, Edwin M. Zimmerman.

Mr. TYDINGS. I also have received statements from the Philadelphia Bar Association and the Bar Association of San Francisco declaring opposition to the nomination of Judge Carswell.

I ask unanimous consent to insert these statements in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHILADELPHIA BAR ASSOCIATION,
Philadelphia, Pa.

RESOLUTION

Whereas, there is no more compelling occasion that calls for the public expression of informed opinion by the Organized Bar than the occasion of an appointment of a Justice of the Supreme Court of the United States;

Whereas, the testimony and statements of leading legal scholars and lawyers raise serious questions as to Judge Carswell's legal ability and judicial stature to serve upon the highest court of our land; and

Whereas, the evidence raises serious questions as to Judge Carswell's sensitivity to human and individual rights;

Now Therefore, Be it Resolved that the Board of Governors of the Philadelphia Bar Association hereby urges the Senate of the United States to refuse its consent to the nomination of G. Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Adopted the 23rd day of March, 1970.

REPORT OF THE SPECIAL COMMITTEE ON THE QUALIFICATIONS OF JUDGE CARSWELL TO SERVE ON THE SUPREME COURT OF THE UNITED STATES

There is no office which should be of more concern to the Organized Bar than the office of Justice of the Supreme Court of the United States. It should be a compelling obligation of the Organized Bar to make its views known publicly on the qualifications of a nominee for that office.

The Board of Governors established this Special Committee to review the available evidence on the proposed nominee for the Supreme Court, Circuit Judge G. Harrold Carswell, and to make a report to this Board.

The Special Committee has reviewed the transcript of the hearings before the Judiciary Committee of the United States Senate, the Report of the Judiciary Committee, the analysis of the Ripon Society, and the Statement of the Lawyers' Committee, which was prepared by leading members of the New York Bar.

On the basis of this review, we unanimously recommend that the Board of Governors of the Philadelphia Bar Association declare its opposition to the confirmation of Judge Carswell as a Justice of the United States Supreme Court and that it adopt the attached Resolution.

Respectfully submitted.

ABRAHAM J. BREM LEVY,
Chairman.
WILLIAM T. COLEMAN, Jr.,
ROBERT M. LANDIS,
DANIEL MUNGALL, Jr.

SAN FRANCISCO, CALIF.,
March 21, 1970.

Hon. JOSEPH D. TYDINGS,
Washington, D.C.:

The following resolution was adopted by the board of directors of the Bar Association of San Francisco Friday, March 20, 1970:

"Whereas the Bar Association of San Francisco has a policy of recommending and supporting for judicial office those judges and members of the bar who by their character, temperament and professional aptitude and experience have demonstrated their special qualifications for judicial office and opposing the selection for judicial office of those persons who do not possess these qualifications; and

"Whereas the members of this association as lawyers are particularly concerned with the status of the Supreme Court of the United States as an institution and as a symbol of justice particularly in this day of growing skepticism about the ability of the judiciary to deal with current crisis; and

"Whereas the directors of this association recognize the right of the President of the United States to appoint to the Supreme Court of the United States persons of competence who reflect his judicial and political philosophy but believe that standards of professional aptitude and experience should be maintained on that Court as well as all others; and

"Whereas the directors of this association have considered the qualifications of G. Harrold Carswell as a lawyer and judge;

"Now, therefore, be it resolved that the directors of the Bar Association of San Francisco recommend that the nomination of G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States be withdrawn or disapproved on the basis of his lack of qualifications to sit on that Court."

We commend this to your serious consideration.

CHARLES P. SCULLY,
President.

Mr. TYDINGS. Justice Goldberg's statement on top of the refusal of Judges Wisdom, Brown, Tuttle, Goldberg, and others who sit with Judge Carswell on the fifth circuit, to affirmatively support Judge Carswell strongly suggest that Judge Carswell is not deserving of Senate confirmation.

Despite his failure to follow the opinions of the higher courts in a number of areas of the law, Judge Carswell has been referred to by his supporters as a strict constructionist or a judicial conservative. Such terms, properly applicable to men with highly developed judicial philosophies such as Mr. Justice Frankfurter and Mr. Justice John Harlan have no relevance to a man such as Judge Carswell who at best is mediocre and, more accurately, has allowed his biases to permeate his courtroom.

CONCLUSION

I must conclude that Judge Carswell has displayed neither a proper judicial temperament nor a professional competency equal to the task set for him. I oppose the confirmation.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the disposition of the reading of the Journal on tomorrow, the able Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Michigan (Mr. GRIFFIN), the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLAND TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of the remarks of the Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from Florida (Mr. HOLLAND) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the completion of the special orders which have previously been entered into for tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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THE NOMINATION OF JUDGE G. HARROLD CARSWELL

Mr. HART. Mr. President, I know the hour is late. It approaches 9 o'clock. But in somewhat the nature of defense, I have been here for approximately 5 hours and enjoyed thoroughly the discussion. It is possible that had I prepared remarks, I would have been able, as was the Senator from California, simply to submit them for the RECORD. Unhappily, I have not prepared them.

I rise now very briefly to make an observation about the pending nomination.

We have heard discussion about who signed what incorporation papers. What did he see the night before? Did he respond fully to questions addressed to him by the Committee on the Judiciary? Could you live in Tallahassee and be able to read and still not be aware of the dominant reason or motive for the incorporation of that club? Was the FBI investigation thorough? Is the FBI on trial? All these things have relevance. Each is one of the elements that Members of the Senate should evaluate as we approach action on the nomination.

I came to the floor because I had received a letter from a Michigan citizen. Unfortunately, but understandably, the letter cannot be made a part of the record, nor can the identity of the writer. But I think the point he makes is one that is, not only central, to use a phrase from the President's letter, but of critical importance; and I raise it in his words, in part:

> Over the past fifteen years, we have been engaged in a slow, often painfully faltering, process of redressing injustices committed against our Negro population during the past three centuries. Not only is this crucial undertaking incomplete; its eventual success remains seriously in doubt.
>
> To name at this time to any high-level Federal post a man whose views on racial equality are open to question would be a grave error. To make such an appointment to the nation's highest tribunal—the very institution in which most black citizens have, plausibly, deposited maximum confidence—would bring incalculably tragic consequences.

Now, you can resolve as you want what the nominee's views on racial equality may be to you, and I can to me. But they are open to very fair debate and question, and the point of concern voiced to me by this very responsible citizen from Michigan is that no such person should be considered as a potential occupant of the Supreme Court seat.

I remind my colleagues again of the statement made by President Nixon when he was accepting his party's nomination at Miami. He said then:

> Let those who have the responsibility for enforcing our laws, and our judges who have the responsibility to interpret them, be dedicated to the great principles of civil rights.

We have before us a nominee about whose whole attitude there is fair question—the nominee who said:

> I yield to no man, as a fellow candidate or as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

The Senator from California rose and said:

> Yes, and look what he said before the Judiciary Committee. He repudiates that.

Is it prudent or right or wise or responsible to place on the one court to which we appeal to the black American to turn for relief of injustice a man over whom will hang that kind of statement?

Is not such a man precisely opposite of what the President, as candidate Nixon, told his party's convention he would look for when he accepted his nomination; that we should look for men who are dedicated to the great principles of civil rights? "Dedicated," Mr. President.

There was a great hangup around here about the apparent conflict of interest of Judge Haynsworth.

I think we can read the RECORD during the debate over Judge Haynsworth's nomination to establish the proposition that an apparent conflict of economic interest may not have affected or colored the judgment of the nominee, but the appearance of such conflict was sufficient, in itself, to bar his approval by this body because it would undermine faith in the fairness of the Supreme Court.

Now, the apparent conflict then was economic—money. We can accept Judge Carswell's statement that he no longer believes in the principles of white supremacy, that he repudiates his statement that he will always be governed by the principles of white supremacy. But our action in the Haynsworth nomination would suggest that that apparent conflict, now, not money, but people, not portfolio but people, bars him from a seat on our highest Court—that the appearance of prejudice or insensitivity is such that the black American who loses a case should not be asked to believe as you may choose to believe, my colleagues, that Judge Carswell was not influenced by that pledge of support to the principle of white supremacy. Do we wish to put on the Court a man to whom we must say to 20 million black Americans, "Take our word for it, he really does not believe it any more."

In my book, that, in and of itself, should persuade at least a majority of this body to say, "We do not consent. We do not consent."

It is on that note that I came to the floor with that purpose, persuaded by the letter I had just received that to name at this time to any high level Federal post a man whose views on racial equality are so seriously open to question would be a grave error.

I share the opinion of my friend who wrote me that thoughtful letter and I hope that a majority of us shall.

Mr. BAYH. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. BAYH. The Senator from Indiana is always moved by the thoughtful and well-reasoned presentations made by my distinguished friend and colleague from Michigan.

It has been the good fortune of the Senator from Indiana to sit on the Committee on the Judiciary for 8 years and watch my friend from Michigan approach the problems that are ours, as individual Senators and as a committee.

I have never been more moved by his presentation than that made by the Senator from Michigan this evening.

As I have heard him discuss this previously on the floor, it goes back to the old legal adage that justice must have the appearance of justice. To those of us concerned about the trying times in which we live and who have, as the Senator from Indiana has, I have talked to large groups of people in terms of working in the system, making it respond, making it better, making it possible for all our dreams to come true, to bridge the gap between rhetoric and reality, promise and performance.

If my face were a different color and a Member of the U.S. Senate approached me with the reasoning that I should not resort to violence, that I should stay out of the streets, and redress my grievances through the system, I feel certain that I would be tempted to say, "What do you mean, Senator? We have just put a man at the top of the system who spoke very plainly about what he thinks the possibility is of my getting equal justice or treatment as a citizen of this country."

I salute the Senator from Michigan and ask to have myself associated with everything he said.

Mr. HART. I thank the Senator from Indiana very much. I am delighted to have had the opportunity to be on the floor when he was making his speech. I think he wrapped up pretty well the reaction of most of us to the President's letter.

Mr. DOLE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. DOLE. I want to say briefly that I am certain the Senator from Michigan does not mean to leave the impression that there cannot be redemption in our lifetime. I am certain the Senator does not mean that those who may do something wrong may not be redeemed later on, that those who say something one day may not find redemption in finding themselves wrong, or during the course of some kind of conduct that they will not later be able to redeem themselves. That is the impression I have, but I am certain that the Senator from Michigan realizes and recognizes that there is that very real possibility. It happens. It happens many times. It happened to Hugo Black. According to the Senator from Michigan, he would have opposed that nomination based on the statement he made this evening.

Mr. HART. Mr. President, the Senator from Michigan hopes prayerfully that redemption is possible, in a very personal sense. I hope my view of that concept never weakens, because I will have to appeal to it many a time.

But I am also troubled in connection with a flat, hard-nosed white supremacy statement. Again, I must go back to a basic observation: What we were is part of what we are, and what we are tonight is part of what we will be.

If I were a black American, would I ever be able to convince myself that that little part of G. Harrold Carswell, in his pledge always to support white supremacy, might not be a part of him tonight and tomorrow when I am in front of him? And in that sense, while you and I can believe, and in my remarks I indicated and suggested that we operate on the assumption that he has changed, is it prudent to put on the Supreme Court a man who, having made that statement, we must now say of him to 20 million black Americans, "Oh, he did not mean it," or "Honest, he has changed. Have faith in the system."

So far as Hugo Black is concerned, there was never a hard-nose white supremacy statement. It was an early membership in the Klan and there was a record as a municipal judge, I am told, in Alabama, where Hugo Black, contrary to the mood of the community during those years, aggressively assisted minority groups in the city in which he was a municipal judge, in search of equal treatment.

Mr. DOLE. Well, the only point I make is that there is that hope——

Mr. HART. There is.

Mr. DOLE. I would hope that we would judge one another and judge Harrold Carswell, if he is confirmed, on what he does on the Bench and not on what may have happened 30 years ago.

Mr. HART. How many years ago?

Mr. DOLE. Twenty-two years ago, I believe.

Mr. HART. Twenty-two years ago, right. And in that interval, what was his record. This is another one of the problems for those who advocate the nominee but who are eager, as all of us are, that the President gets what he told the Miami Convention we should have, a man dedicated to the great principles of civil rights.

In those intervening 22 years, as the able Senator from Indiana so graphically portrayed in his remarks, there is a very poor track record on which to find rehabilitation—a very poor track record. When I rose some 2 weeks ago and asked my colleagues who are advocating the confirmation of this nominee, "Where is the record of his dedication to the great principles of civil rights in his record?" I got no answer. I am still waiting for an answer.

I can repeat the question. I asked in the words of President Nixon at the Miami Convention, where is this record of dedication. I was told that he was nice to a mess boy and was understanding of the problems of a group on the ship. And there was one other thing.

Mr. BAYH. There was the airport case to which the Senator from Indiana referred.

Mr. HART. And there was the black lawyer who said that as far as he was concerned, his treatment has always been decent.

Mr. DOLE. Mr. President, I might suggest that tomorrow morning at 10 o'clock the senior Senator from Michigan might listen to the junior Senator from Michigan discuss this very question.

Mr. HART. Mr. President, the reason I spoke at this late hour was that there is a possibility that I would not be able to be present tomorrow morning. I will do my best to be here. However, it involves an early appointment and I doubt that I can.

I would suggest—indeed, I have the deep conviction—that if the President of the United States had known that this nominee had nailed himself in concrete with this kind of pledge, he would never have sent his name here.

Why blink at it? Why kid ourselves? Does anyone want to stand up here and say, "You bet. Given that knowledge, my President would have sent in the name."

I doubt it very much. I hope very much that we can rescue him and the country from the consequences.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. BAYH. I think the record will show that I started in the hearings searching for this chain of events following the terrible racist statement of 1948, searching for the chain of events which would lead me to believe that there had been a reversal, a reincarnation, or new spirit.

I might suggest to the Senator from Michigan, inasmuch as there has not been one statement on the record denying the authorship or, indeed, denying that the statement accurately expressed its author's views, that perhaps the strong denial by the nominee is just a bit self-serving when it comes 22 years after the original statement and then only after the nominee's name had been sent to the Senate to sit on the highest court of the land.

Mr. HART. Well, I know that has been suggested, and I think it can properly be suggested.

In my own mind, I tend to assign less reason to that particular circumstance than the chain of events which the Senator from Indiana has described.

We then have a series of judicial opinions and the unusually substantial number of reversals in the area of civil rights which the Senator from Indiana has identified, together with some of the other activities that the Senator from Indiana and others have described in the separate views of the report.

This later evidence confirms the basic feeling I have that the country would be best served if there were not present on the Supreme Court of the United States in the seventies anyone who had pledged himself always to be a believer in the principle of white supremacy.

I think it is just wrong in principle to face the people of this country with that kind of hangup as a man goes on the Court.

I think we all know that there are men in the Federal judicial system and outside, in the South as well as elsewhere, who have some mark of excellence about them, whether in their performance as judges, their skill in writing, their work as law school faculty members or deans, superior performance or—some manner of distinction which this nominee, conspicuously lacks acceptance as outstanding members of the bar. And there is also in this land, happily, a large number of Americans who do not have to explain, who do not have to ask to be believed that they no longer support the principle of white supremacy which they once pledged they always would.

If we have not learned anything in the last few years to caution us against putting that kind of problem on the Supreme Court, we have not learned much.

Mr. President, I yield the floor.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is Calendar No. 745, Senate Resolution 211, a resolution seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 3, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2, 1970:

DISTRICT OF COLUMBIA COUNCIL

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1973:

Stanley J. Anderson, of the District of Columbia.

Henry S. Robinson, Jr., of the District of Columbia.

Carlton W. Veazey, of the District of Columbia.

EXTENSIONS OF REMARKS

A FITTING MEMORIAL TO A BRAVE YOUNG AMERICAN: SGT. DAVID A. STRONG—SPEECH IN TRIBUTE BY REPRESENTATIVE BOB ECKHARDT

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, April 2, 1970

Mr. YARBOROUGH. Mr. President, on July 23, 1969, a fine young man from Houston, Tex., Sgt. David A. Strong, died of wounds received in battle in Vietnam. His service in the U.S. Army was distinguished by his heroism and devotion to duty. He was awarded the Bronze Star with an Oak Leaf Cluster for braving the dangers of heavy enemy fire to evacuate two wounded comrades. In addition to this decoration, Sergeant Strong also received the Air Medal for his participation in over 25 aerial missions over enemy territory and the Purple Heart.

Military accomplishments, however, were not the only thing for which Sergeant Strong will be remembered. His life was distinguished by his love for his family, for people, and for God. Sergeant Strong's family had its roots in the small east Texas community of Mount Enterprise. He loved this community and the people who lived there. It was his dream to be of service to this community and to help it grow. The mindless cruelty of war ended his life before he could make his dream a reality. David Strong's family and friends are determined not to let his dream die. They are raising money to build a new church in Mount Enterprise to serve the spiritual needs of this little community. This would be a fitting memorial to a young man whose love of God, country, and his family inspired him to write this prayer:

> Lord, give me the strength to prove to them while I'm here in the far-away land that they raised a man worthy of their trouble.

On February 22, 1970, Representative BOB ECKHARDT addressed a memorial pageant in honor of Sgt. David Strong. This meeting was sponsored by Operation Morale. This organization is doing an outstanding job of supporting our servicemen and is presently assisting the friends of Sergeant Strong in their efforts to raise funds for the church. Representative ECKHARDT's moving speech is a fine tribute to this brave young man. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF CONGRESSMAN BOB ECKHARDT HONORING SGT. DAVID STRONG

We are here to give honor to David Strong. We cannot do that. It is his acts that give honor to his name.

We are here to read some words about him that may light a spark in us. Let me read to you his citation when he received the Bronze Star:

For heroism in connection with military operations against a hostile force: Specialist Four Strong distinguished himself by heroic actions on 13 May 1969, while serving with Company C, 3d Battalion, 22nd Infantry in the Republic of Vietnam. While on a reconnaissance in force mission, Company C came under intense automatic and small arms fire from a well concealed enemy force. Specialist Strong, seeing several men lying wounded in the enemy kill zone, moved forward through a holocaust of fire to reach the injured men. After successfully evacuating one wounded comrade, Specialist Strong again braved the fusillade of enemy fire to aid another wounded man. His valorous actions were responsible for saving two men's lives. Specialist Strong's bravery, aggressiveness, and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division, and the United States Army.

One thing that has always impressed me when I have heard a citation such as this is the fact that it has been earned by the single impulse and action of a man—a man acting essentially alone. The brave man's deed is not programmed by a team of scientists and engineers backing him up. It is not an act done with the aid of wealth and power. It is a lonesome act that sprang from the heart of one, single, individual soul. It is that which many men could do but few men would do. This is the basis upon which all citations for bravery are given, and it should remain so.

David Strong was a young man who had not had time to achieve wealth or fame but whose life was long enough to permit such individual acts of great courage. And, in performing them, he sacrificed his life. No country could ask more of a man. No family could be more honored by its son.

David had time enough to perform this solitary service—not time enough to enjoy the gratification of service done with others, which he yearned for.

Before he left for Vietnam, he spoke many times of his love of the little East Texas community of Mount Enterprise and of his intention of being of service to the community and the people there, just as many of his family before him had been.

He went to Vietnam because, as his father remembers him saying, he "would rather go serve his time for his country and then do the things he wanted in life." David knew, of course, that by making that choice he risked never being able to do those things.

He had a strong sense of duty, and after he arrived in Vietnam he wrote a prayer about his parents:

"Lord, give me the strength to prove to them while I'm here in this far-away land that they raised a man worthy of their trouble."

Well, he proved it, but he never got to do the things he wanted in life. He never got back to serve with his kin and his friends and neighbors at the old stamping ground in East Texas.

There is an old family church yard there where he and his grandfather now both lie. It is here that his family and friends feel that they should build a useful structure in his memory. They want to build a new church in Mount Enterprise—not to replace the old church which has stood there a hundred years—but to afford a good building to serve the community and to worship in.

The old church is no longer very useful, but it stands in memory of many other Strongs who came from Alabama and lived and built a community, raised their families and died in East Texas. It is a memorial of the past.

The new church will be a memorial of the present—to remind people how David Strong cared about others and thus to make him live on in their memories as an inspiration and a motivating force to cause them to accomplish that which he aspired to do. It will also serve to remind all those who worship there of the many young men and women who have sacrificed their lives for others. The church will ever remind us that the courtesies, favors, charities, and civic duties asked of us by our families, our friends, our communities and our country are small compared to that sacrifice.

They are not a burden but an opportunity presented to us because of the awe-inspiring fact that we are live in this world.

With all its flaws and turmoil, for us, this world is a good place to live in. And we, here, must feel doubly grateful for enjoying the full opportunities of this great country. But it would not be so had not many brave men like David Strong risked and given their all to make it so.

BLUE HILLS REGIONAL HIGH SCHOOL GRANTED PERMISSION TO AWARD ASSOCIATE DEGREE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to call to the attention of the Members of the House of Representatives the achievement of the Technical Institute of the Blue Hills Regional High School in becoming the first public technical institute in the Commonwealth of Massachusetts to be granted permission to award an associate degree.

Mr. William A. Dwyer, superintendent-director of the Blue Hills Technical High School, should be praised for his efforts in obtaining permission to grant degrees in applied sciences. Mr. Dwyer's reputation as an outstanding educator is well known in Masachusetts.

Mr. Speaker, too long vocational education has been neglected. The contributions that students can make to their school and community in technical expertise should be recognized.

I submit the following news item from the Quincy Patriot Ledger, announcing this new step for the Blue Hills Technical High School:

[From the Canton (Mass.) Patriot Ledger, Mar. 25, 1970]

BLUE HILLS TECHNICAL TO AWARD DEGREES

CANTON.—The Technical Institute of the Blue Hills Regional High School yesterday became the first public technical institute in Massachusetts to be granted permission to award an associate degree.

At a meeting in Amherst yesterday, the State Board of Education voted unanimously to allow the institute to grant the degree in applied sciences.

Last Friday, the State Board of Higher Edu-

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cation also voted unanimously on the matter. Approval is needed from both boards.

William A. Dwyer, superintendent-director of Blue Hills Regional Vocational High, described the measure as "the greatest step that has ever been taken in the area of vocational technical education in the Commonwealth."

Mr. Dwyer said that the institute, founded in 1966, made application to the boards to grant the degree with its first graduating class in 1968. He said that institutions, before they are allowed to grant degrees, must be in operation for several years and must indicate through performance and evaluation that the curriculum offered is at a collegiate level.

The degree will be awarded to students successfully completing a two-year program at the college level of studies in the following five areas: advertising art and design, electronic technology, electro-mechanical technology, data processing and computer programing, and civil-structural engineering drawing.

Mr. Dwyer believes the degree status of the institute will increase the school's enrollment "to four times" the existing enrollment of 200 students. The school's board of trustees, the college level of studies in the following tion the possibility of establishing double sessions at the institute.

The degree will also mean that the institute will begin charging tuition, which according to Mr. Dwyer, will probably parallel state college tuitions. Admission requirements, he said, will remain unchanged.

The graduating class of 1970 will be the first to qualify for the degree. Mr. Dwyer said the board of trustees will also consider the possibility of making the degree applicable to past graduates.

LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMUNICATIONS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, April 2, 1970

Mr. YARBOROUGH. Mr. President, the importance of libraries as a pool of information is well known. In medical practice, a good library is an essential factor in diagnosis and treatment.

Moreover, the library of today is no longer merely a collection of books. It is also a storehouse of demonstration equipment.

In recognition of the need and potential of medical libraries in health care, my predecessor as chairman of the Health Subcommittee and the full Committee on Labor and Public Welfare, the great Senator Lister Hill, caused to be created a National Center for Biomedical Communications, which was named the Lister Hill National Center for Biomedical Communications. It was typical of his humanitarianism and statesmanship that this was one of his final contributions to better health for the American people.

The May 1969 issue of the American Journal of Cardiology describes the value of the Lister Hill National Center for Biomedical Communications, and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMUNICATIONS [1]

(By E. Grey Dimond, M.D., F.A.C.C.[2])

To introduce my remarks, I will describe a recent experience of mine. I was in Washington temporarily and consequently away from my own library and from the library amenities which come with a position with a medical institution. I needed to have in my hands a copy of Paul Wood's book, The Heart and Circulation, published in 1956. I needed to document a statement in a manuscript I was preparing. Specifically, I wanted to be certain that in this particular edition of Paul Wood's book he had not indicated awareness of the altered heart movements in angina pectoris.

On this given day I therefore called the National Library of Medicine and asked if this particular book was available. Upon being assured that it was, I drove through 45 minutes of traffic to the Library and went immediately to the index file. There I found the catalog number, filled out the proper form and took it to the reference desk. I presented the card number and was asked to wait "a few minutes" while the book was brought to the desk from the stacks. At the end of some 30 minutes, during which time I interrupted the busy librarian three times to ask for progress reports, I learned that the book was indeed correctly cataloged and *should* be at the Library but that it was missing and presumed stolen. The librarian was concerned and helpful. She volunteered to obtain a loan copy but indicated it would take one or two days and I would need to return. I therefore drove to Georgetown University Medical School and went directly to the office of Dr. Proctor Harvey. I knew he had a copy of this particular book on his own shelf. I found his office locked and, upon inquiry, learned that both Dr. Harvey and his secretary were ill with Hong Kong flu and a key to his private office was not in the building.

Next I took myself to the nearby Medical School Main Library. There the librarian advised me that since I was "unknown" I would need to have some identification from a faculty member. We then called a Georgetown faculty member, who assured the librarian by telephone that it was appropriate for me to have access to the Library. Finally, the librarian placed before me a copy of Paul Wood's book, with the admonition that it could not be removed from the Library. I inquired about the possibility of xeroxing certain pages and learned that this service was not available. I therefore copied in longhand for more than 30 minutes the specific paragraphs and references I needed. A total of some four hours had now passed since I set out to get my reference, and my enthusiasm received its final blow when I returned to my automobile and found a parking ticket on the windshield. Therefore, the human variables of traffic, theft of books, the absence of universal identification, Hong Kong flu, lack of copying equipment and a parking ticket were hardly evidence that this famed electronic era had influenced an ordinary physician and his relation to a medical library.

By contrast, I would like to review the life of most of us in this room over the past 72 hours. There would be variations, but for most of us the following experiences would qualify.

1. You left your home and, upon presenting yourself at the check-in counter of the airline, the attendant glanced at your ticket, tapped the keyboard to a computer and in perhaps 15 seconds identified you, your class of travel, your location, your connecting planes and your destination. Remember the library where it took 30 minutes to identify a lost book?

2. Stepping out into the corridor you glanced up at the television screen which kept a constant record of every plane's coming and going, date and time. Remember the library where I waited 30 minutes, repeatedly interrupting the librarian while trying to understand the delay?

3. With 20 minutes to spend, you stopped at the bar and watched, live, the playing of the international golf tourney originating in St. Andrews, Scotland. Why cannot major medical events be seen routinely, privately, conveniently by physicians?

4. Aboard the plane you were able to watch a video film, hear classical or popular music, at your discretion. A printed program told you the sequence of the music, and you could switch from channel to channel as it suited you. Why cannot similar scheduling and programming, with a TV Medical Guide, be offered routinely, privately, conveniently to physicians?

5. The plane remained in constant radio and radar contact with the ground and, in addition, the captain reported to you the half-time score of a big game which was then being played on the ground thousands of miles away.

6. Unusual scenery passing below the plane was quietly called to your attention by intercom.

7. Upon your arrival you stepped up to a counter, greeted by a young lady who had never seen you before. You handed her a credit card; she did not glance at it but put it in a small press, moved her hand back and forth and handed you the keys to a $4,000 automobile. Remember that $15 book that was "on reserve" and could not be taken from the medical library?

8. At your hotel, you used the same magic carpet card and, next month, statements that literally no one has seen will come to your office. From signals put in motion by the credit card, the computer will compute the bill, address the envelope, stamp it and mail it. Can a patient routinely do this in your office? Clinic? Pharmacy? Hospital?

9. Just before going to bed, you picked up the hotel telephone, punched a sequence of perhaps 11 numbers and 10 seconds later the phone rang in your home and you were able to speak to your wife and children. From the beginning of the dialing until next month when the statement arrives, your conversation involved just you and your family and a computer. Computers, banked with medical facts, diagnostic analyses and clinical histories, could be reached equally rapidly and displayed on your personal television viewer.

10. You glanced at your watch, wondered about the correct time, picked up the telephone and a recorded voice told you precisely the local time. Your curiosity got the best of you and you decided to look at the phone book and see what else you could learn by quizzing the telephone. You were overwhelmed to learn that in Washington, D.C., you could:

Dial -A- Devotion.
Dial -A- Dietician.

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[1] Presented at the First Conference of the Lister Hill National Center for Biomedical Communications, National Library of Medicine, December 17, 1968.

[2] Consultant to the Lister Hill National Center for Biomedical Communications and Special Consultant to the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare.

Dial -A- Movie.
Dial -A- Prayer.
Dial -A- Saint.
Dial -A- Satellite.
Dial -A- Sermonette.
Dial Family Bible.

You could receive taped information on Alcoholics Anonymous, suicide prevention, poison prevention and the John Birch Society, also by telephone.

11. In addition, in this 72 hours, you undoubtedly read at least one newspaper each day, a current copy of *Time* or *Life Magazine* and a hard-cover book, enjoyed seeing and hearing the live performance of Meet the Press on television, and fell asleep after watching a video tape of a good movie.

I could add to this list, but my intent is already clear to you. Specifically, the technology for a biomedical network is all about us and in use. We do not need to labor over its availability. Instead, we labor within our complex profession without the expedition that we consider ordinary in our nonprofessional lives.

However, there are other varieties of significance in these comments. First, not one thing that I have described was *necessary*. In 1820 we could equally well have assembled here in Washington, D.C. A handwritten letter of invitation would have been sent you in 1819, and you would have left your home some weeks ago and by horse, carriage and barge arrived safely. Good food and amenities have not changed and, even more thought-provoking, the capability of cerebration has not altered in these 148 years.

Today, as in 1820, the ultimate objective would be a meeting of men and women, an interplay of human brains, all with the same intellectual capacities and the same gamut of emotions, securities and ambitions.

You perceive my cumbersome point: all the remarkable devices I have listed are but *to facilitate* us. Our innate abilities have not changed, but our capacities for the endeavors which are a human being's speciality are extended. Human beings think, plan, create, cry, anticipate, care . . . and, especially, human beings are preferred by other human beings for their medical care. Machines but extend the time we have for these human specialities.

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Another objective in defining the ways we are facilitated is to remind of the obvious: the newer method does not necessarily replace the old. Things will persist or disappear on merit. The jet is here, the barge is gone. Television is here, yet the book, magazine, newspaper and radio remain.

Still another point needs expression: the gamut of things used in our travels needed both *regional* and *national* contribution. The local news offered by radio and television is essential coverage, yet how impractical it would be for every television and radio station to insist upon providing its own national news program. The regional personalities have ready access to the press, radio and television, but it is accepted that some things are done better nationally. Some things can be afforded only if costs are shared. Some things done regionally (St. Andrew's golf tourney) need to be shared nationally.

Another obvious fact: some of the learning process or communication is best done totally alone, as with a journal or a book. Some of it requires a physical movement of people to a common meeting place where communication takes place by printed word, visual image, organized lectures, informal conversations and by technics that have no scientifically proved rationale—coffee breaks, liquor and food, corridor chats.

Still another obvious fact; just as we have noted that some programs are best done locally and some nationally, some can be well done with video tape replay but, equally, there is a place for the sense of involvement and anticipation and the excitement of sharing an unpredictable moment. Specifically, there is a need for live television. The fact that television makes it possible not only to hear but to see, guides us too often into utilizing unnecessary props, animation and motion. Yet some of the finest use of television—panel discussions, new presentations—requires only simple dialog, no props, slides, or personal involvement of the listener.

I dwell at some length on this point because many of us in medical education find ourselves restricting our understanding of how television has involved us. We find ourselves excessive in our use of props and animation and forgetful that voices, faces and content, not the vehicle, still are the message.

DEVELOPMENT OF A BIOMEDICAL COMMUNICATIONS NETWORK

We know that technology is available, that many media will continue to be needed and that there will be no violation of regional priorities with national imposition of programs. What, then, are some of the general or even new truths that must be considered in developing the Lister Hill National Center for Biomedical Communications Network?

I suggest that the following facts are pertinent:

1. Today's student is differently conditioned from yesterday's student. He arrives at college age having already watched 15,000 hours of television. He is comfortable with computers and programmed learning.

2. Although we usually think of educational categories—premedical student, medical student, intern, resident and practicing physician—in reality we are speaking of a continuum. From premedical to medical student, to house staff, to physician, we are speaking of the same human being at different stages of his life. Those technics of learning with which he becomes comfortable as a premedical student and medical student will stay with him throughout his lifetime. If our capacity for instruction during these formative years is limited to the patterns of the 1930's, how can we expect the mature practicing physician to be comfortable with the potential of his own computer console?

3. Medical care and medical education will increasingly share the same facilities and bring the medical school, community hospitals and the university campus all into a common endeavor.

4. The network potential is limited if we confine ourselves to thinking in terms of books and retrieval of book information. We must also think of universal medical records, universal insurance forms and universal data retrieval.

5. By a national program in which we define the design and the numbers of communication units needed, we can hurry along with standardization and the advantages of lowered costs. We can then move on to placing the peripheral units in the home and office of every physician, medical student, resident and house officer. What is the usefulness of a national network unless there is absolutely universal ability to receive? How can we have universal ability to receive until we have standardized design and have lowered the cost of production and installation by defining the maximal number of recipients? How can we have the maximal number of recipients unless we get on with the training of individuals during their formative years in the concepts and technics of utilizating such a network? How can we separate any one part from the whole? The proliferation of "micro-networks" on a regional basis requires careful coordination if all are to be compatible with the national facility.

THE LISTER HILL NATIONAL CENTER

The Lister Hill Center will provide a national focus for developing the needed medical communications network of television, electronics and computers. There is now the realistic promise of two or three channels of television received on the physician's personal set at his home, office and hospital, all keyed to a printed "TV Medical Guide" informing him of the channel and time for the variety of information needed:

1. Live transmission of any major medical meeting, from any place in the world.

2. Regularly scheduled repeat showings of such meetings, which he can see at a time convenient to him.

3. Formal, planned and sequential courses offered by medical school facilities, or a nationally representative faculty brought together under the sponsorship of the Lister Hill Center; programs which can be keyed to hospital staff conferences because of prior long-range scheduling.

4. A medical journal of the air, again regularly scheduled through the weekly TV Medical Guide, with articles presented in abstract, medical news, editorial comment, product information and the like.

5. Medical films stored regionally, requested by dial phone by the physician and seen at his own convenience on his own set.

6. Stored information, as vast and familiar as today's library, available at the physician's desk, either seen visually on the television screen or printed by his own copying device. All available by dial phone to computer-stored data banks; differential diagnosis, drug advice, consulting advice and bibliographic references, among others.

7. Self-examination televised quizzes; skillfully developed programmed learning.

One suggests that the time is right, the need great and the technics ready for this new legislation of August 3, 1968 (Public Law 90–456), formally establishing The Lister Hill National Center for Biomedical Communications, and a benevolent giant in medical education has been launched.

THE FUTURE EFFECT ON HOUSING OF A CAMEL'S NOSE BUDGET

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. FRASER. Mr. Speaker, the gentleman from Pittsburgh, Mr. MOORHEAD, has made a notable contribution to the priorities debate now taking place in the Nation. I refer to his speech, "The Future Effect on Housing of a Camel's Nose Budget," which was delivered February 9, 1970, at the 45th anniversary celebration of Second Federal Savings & Loan of Pittsburgh.

Mr. MOORHEAD aptly calls the fiscal 1971 Nixon budget a "camel's nose" budget because, as he puts it:

> The budget proposes the first inexpensive steps towards the purchase of some incredibly expensive weapons systems. In other words, we would be buying a very thin end of a very fat wedge.

Examples given indicate that six weapons systems budgeted in fiscal 1971 at $2.2 billion are estimated to cost eventually a total of $136 to $152 billion.

Mr. Speaker, given our urgent needs in housing and other programs essential if we are to make our cities liveable, we

cannot afford Mr. NIXON's "camel's nose" defense budget. Mr. MOORHEAD ably makes this case.

The speech follows:

Remarks of Congressman William S. Moorhead

Good evening ladies and gentlemen and thank you for inviting me to speak before you this evening.

In preparing for this evening's speech I talked to two economists to try to get a fix on just what will be happening with the economy this year. Their forecasts were dismal. But remembering that an economist has been defined as a man who would marry Elizabeth Taylor for her money, I decided not to trust wholly in what these men tell me.

Naturally we will not see in 1970 the type of growth that would end many of our economic problems.

The type of spirit and market conditions that allowed men like Fred Reinhardt to more than triple Second Federal's assets in less than 15 years, is missing from the Nation's economic picture this year.

Even though the past year was not a happy one for the savings and loan industry, you should be proud of your efforts in making Second Federal one of Pennsylvania's 10 largest savings and loan associations. And I am quite honored to be with you on this happy occasion of Second Federal's 45th Anniversary.

With few exceptions, savings and loan institutions were hard hit by the inflationary thrusts of 1969.

As the publication Savings and Loan editorialized, "The lean savings year of 1969 did not match the seven-year famine of biblical times but it made up in intensity what it lacked in duration."

And I'm sorry to report that the very things that made 1969 such a bleak year for you do not seem likely to change much in the coming twelve months.

Your significant problems include: How to generate more housing starts?; How to keep your savings programs attractive and stop the drain of depositors cash?

I'm sure all of you are familiar with the recommendations to the President contained in the Report on Mortgage Interest Rates, released last fall.

Among the things this distinguished board called for were: an advisory commission to be established by Congress to report every year on a national housing policy; a shift in money allocations from other programs to home building; a continual flow of money into the mortgage market regardless of the tightness of money; more flexible fiscal policy with an eye toward home building; abolishing the 6% ceiling on FHA–VA mortgages, making them more responsive to market forces and more competitive.

All of these ideas are fine. So are the dozen or so more that the Commission suggests. They were all offered with a sincere desire to assist our aggravated housing situation. But as an economist who worked on the Commission's Report said to me last week, "They are not worth a damn if housing is not made the single most important priority in this Nation."

And, I am afraid, my friends, that under this Administration's ordering of priorities, housing will receive lots of rhetoric but little of what is necessary to place it at the top of our priority list.

There are several reasons for this. One of the reasons is that those people who need housing the most are not the strongest supporters of this Administration.

The poor and the Black who are horrendously ill-housed, and the young who will find themselves soon groping for homes in a tight housing market, are apparently not those whom Mr. Nixon thinks he needs as supporters.

There is another reason why housing has slipped in priority. This Administration has discovered the popularity that comes with attacks on air and water pollution.

Certainly, I am not opposed to these programs. Everyone who lives in Pittsburgh is surrounded by the necessity for pollution control. But houses in which we live and the cities in which we live are part of our environment. If the focus on air and water pollution is designed to make us forget our problems of housing and cities, then I call it environmental escapism.

Yet just as we are forced to take a sober assessment of our short falls from the goal of 26 million houses specified in the 1968 Act; to explore the reasons for our failure; to test the capacity of our institutions to produce; to see what promises we can fulfill—the public spotlight moves to another arena.

It is not yet three years since the Nation endured its domestic Pearl Harbor capsuled in the disorders of Newark and Detroit in August, 1967. At that time, the "crisis of the city" helped spark not only the 1968 Housing legislation, but The Urban Coalition, the 1968 Civil Rights Act and a rash of special supplements in magazines and newspapers, on radio and TV, all to the effect that city-building was the Nation's greatest need.

Yet scarcely have we buckled down to work, when the "crisis of the environment" is upon us and off we ride into a new round of priority speeches, legislative proposals and policy experiments.

We establish then a new set of goals for a new future before we begin to realize the goals of the very recent past. Forever mobilizing our resources to changing objectives, we may never have to allocate them at all—and so, evading discipline, work, and costs, we embrace environmental escapism.

We all should be concerned with the threats from pollution by industrial plants and power stations, automobiles, trucks and airplanes, the damage by the careless use of chemicals and the need to preserve natural beauty. But these objectives should not be pursued without regard for those whom we are preserving the environment.

There are a few possible answers to the housing problem.

Without reversing its tight money policy, the Federal Reserve could exercise the power Congress gave it to enter the mortgage market.

A second possibility, one that I favor and will push in Congress, would be to make the Federal government responsible for a specified number of housing starts yearly. This would, in effect, make housing construction a budget item, to be funded accordingly with the other departments which annually seek money.

Current hearings now going on in the Banking and Currency Committee, on which I serve, could result in legislation making all financial institutions allocate a fixed percentage of their funds, yearly, for housing starts. Although there is no legislation specifically endorsing this concept, it is being discussed in connection with other bills aimed at ameliorating the housing situation.

A fourth possibility is one that I have under consideration currently.

This involves allowing individuals to exclude from their gross income for Federal tax purposes the first "x" dollars of interest received from a savings account held in a thrift institution.

Assuming a 5% interest rate, such a proposal would mean the creation of $20 of housing capital for every dollar of interest exempted and an even higher ratio for every dollar of taxes lost.

The revenue cost of this exemption could not be figured with any precision unless the Treasury ran off some special tabulations from past income tax returns. There is not enough information about the income class distribution of interest on savings accounts to permit guessing whether the loss of revenue would be as great as the cost of Federal housing programs, which will have to be undertaken if the Congress does not create this inducement to hold more savings in the home financing institutions.

The exemption would give more equitable investment income to the saver whose savings are too small to put into market securities. It would at the same time be large enough, since it would be at the top bracket rate of the particular taxpayer, to attract the savings of persons of more substantial means who need security and liquidity and competitive returns on their investments. As the general level of income rises, the exemption would become more valuable, and provide stronger assurance of a net inflow of savings into thrift institutions.

The net effect of the proposed tax exemption of savings accounts is likely to be some loss of Federal revenue; but this will be offset by a general strengthening of the economy and thus enlargement of the Federal income tax base; net increase of the assets and greater competitive strength of the home financing agencies; and a savings of great expenditures on Federal housing programs which will be made unnecessary by more adequate private financing.

Certainly we are going to have to do something because the need for housing is urgent.

There is a significant gap in this country between housing starts and the need for housing. Based on census figures, there are in this country about 7 million substandard housing units which should be removed. There are a number of houses which are so dilapidated or lack elementary plumbing that they are not fit to live in and should be destroyed and replaced.

In addition, there are about 4 million substandard housing units which are overcrowded, that is to say, there is more than one person per room living in the same house, which is the census test for overcrowding.

About four million new units need to be built to house the second family in these standard overcrowded units and in the substandard units.

We, therefore, need a total of at least 11 million units merely to replace existing dilapidated units and to house those in overcrowded units.

This need is very conservatively stated.

In addition, a number of committees, commissions, and agencies have come to roughly the same overall estimates as to the amount of housing we should build if we are to meet these needs plus those brought about by new family formations, conversions, mergers, vacancy rates, and so forth.

Working independently, the Douglas Commission, the Kaiser Commission and the Department of Housing and Urban Development all estimated that we need to build from 2.25 to 2.6 million total housing units a year if we are to meet our housing needs in the next decade.

For the second time in less than four years the housing section of our economy has borne the brunt of our economic policy and more specifically our tendency to use monetary policy in handling inflationary pressures.

In the last quarter of 1969 the increase in money supply has come to a standstill and you know far better than I the taste of the crunch in the loan market.

It seems to me that we have the following alternatives among which we will have to make a painful choice if we are going to move toward closing the gap between housing starts and needs:

—raise taxes—the chances of which are not good in an election year;

—cut expenditures—increasing the surplus thus allowing the Fed to loosen monetary policy.

Where then are these cuts to be made?

The Nixon budget that was released last week was billed as austere. However, there are many programs in which money might be saved, if anyone has the political courage to do it. The farm price and income supports run to $4 billion a year. Highway construction costs us $4 billion a year. The Bureau of Reclamation and the Corps of Engineers spend about $2 billion a year. And there is now talk about doubling the Maritime subsidy to $1 billion a year. One can list many other examples of expenditures that at the very least deserve searching reappraisal in the light of desperately important priorities of the moment.

But the part of the budget that most urgently calls for continuing scrutiny is the Defense budget. Of the $184 billion the Government paid out last year, some $80 billion went for Defense purposes. Thanks to vigorous public discussion, in which I participated, the Defense Department has worked to reduce that figure and has now submitted a budget in the $71 to $73 billion range for fiscal year 1971.

Let's assume for the moment that housing is a top national priority and that we are going to cut expenditures to do one of two things or a combination—increase the surplus, thus making it possible for the Fed to increase the money supply *or* shift federal resources to federal housing programs. These are two alternatives. Now from what part of the budget can we free resources?

For fiscal year 1971 only 40 percent of the budget is controllable. Over 80 percent of the controllables are in Defense. In other words, in the short run, if resources are to be freed for programs with high priorities they have to come out of controllables.

Regardless of the highly publicized cuts in the military budget the figures just don't bear them out. After forcing substantial cuts in the Pentagon's budget, the Congress appropriated $73.6 billion last year. Nixon came back this year asking for $71.0 billion—for a much publicized and heralded cut of only $2.6 billion.

The entire cut is accounted for by a cut of 300,000 men reflecting the deescalation of the war in Vietnam. Secretary of Defense Laird has made public statements that he fully expected a cut of 600,000 men from our Armed Forces by mid 1971.

Even considering the half a loaf of 300,000 men—calculated out this should mean a savings of $5–6 billion, *but it is not reflected in the budget.*

Just a year ago the Council of Economic Advisers predicted that the end of the United States involvement in Vietnam would bring a "peace dividend" of $22 billion.

In this connection it is interesting to note that the last Johnson budget estimated the cost of the Vietnam war to be $25.4 billion. And the current budget makes no estimate for the cost of the war, thus making it difficult to determine from the budget what the peace dividend should be.

Secretary Laird has predicted the cost of the Vietnam War will drop to between $17 billion and $18 billion by the start of Fiscal 1971. The impact of this reduction and other Pentagon economies have not shown up in the defense spending figure.

On August 25, Daniel Moynihan reported rather wistfully that the expected peace and growth dividends "turned out to be effervescent like the morning clouds around San Clemente"—there no longer would be any peace dividends. Which prediction is correct, is the peace dividend fact or fiction? Which course is ultimately pursued depends purely on national will and purpose. That choice will affect significantly the quality of life and general welfare in the United States over the next decade. I want to see that choice made in the direction of maximizing national security and I assert strenuously that national security will be maximized by creating a $22 billion peace dividend, thereby implicitly cutting defense spending significantly as Vietnam winds down.

It is interesting and instructive to point out Budget Director Mayo's observations, at his press conference, that a peace dividend after the Vietnam war was an "oddball" idea.

I can believe it after examining the Defense budget.

The reason for this is that this year's defense budget is a camel's nose budget.

The budget proposes the first inexpensive steps toward the purchase of some incredibly expensive weapons systems. In other words, we would be buying a very thin end of a very fat wedge.

I call this a camel's nose budget because of the Arabian proverb "If the camel once get his nose in the tent his body will soon follow."

I knew about the proverb but when I looked it up to get it exactly I found out that there was not only the proverb but a delightful poem about the proverb.

THE CAMEL'S NOSE

Once in his shop a workman wrought,
With languid head and listless thought,
When, through the open window's space,
Behold, a camel thrust his face!
"My nose is cold," he meekly cried;
"Oh, let me warm it by thy side!"

Since no denial word was said,
In came the nose, in came the head:
As sure as sermon follows text,
The long and scraggy neck came next;
And then, as falls the threatening storm,
In leaped the whole ungainly form.

Aghast the owner gazed around,
And on the rude invader frowned,
Convinced, as closer still he pressed,
There was no room for such a guest;
Yet more astonished, heard him say,
"If thou art troubled, go away,
For in this place I choose to stay."

O youthful hearts to gladness born,
Treat not this Arab lore with scorn!
To evil habits' earliest wile
Lend neither ear, nor glance, nor smile.
Choke the dark fountain ere it flows,
Nor e'en admit the camel's nose!

—*Lydia Huntly Sigourney.*

The 1971 Defense Department Budget is a camel's nose budget because it proposes the purchase of only the nose of what will become incredibly expensive weapons systems.

Let me give you some examples.

Weapons system	The 1971 Camel's Nose budget (in millions)	Estimated total systems cost or Nose, Humps and all (in billions)
F–14 (Navy fighter)	$938	$26 to $36.
F–15 (Air Force fighter)	370	$25.
AMSA (or B1A) (advanced manned strategic aircraft).	100	$15 to $20.
ABM (antiballistic missile)	600	$50.
AWACS (air warning control system)	87	$15.
CVAN–70 (3d nuclear attack carrier)	152	$5 to $6.
	2, 200	$136 to $152.

This by no means exhausts the list of new weapons systems already a part of the defense posture. But they do give some idea of the magnitude of the expenditures involved.

In other words an innocent $2.2 billion spent this year will mean between $15 to $20 billion expenditures each year for the next 10 years—the bulk of which will come during the procurement phase over the next 2 or 3 years.

From past experience, I am confident that during the 10 year period we will be asked, in addition, to appropriate money for a new generation of weapons systems not yet conceived.

Of course, resources spent on these weapons means proportionally less for housing.

It is not my purpose here to offer a detailed examination of the fat and the lean in the current or projected Defense budget. It is probably sufficient simply to suggest a few examples and to restate my basic conclusions which are that much of the expected modernization and performance increase in weapon systems requests are unjustifiable; that billions of dollars worth of outmoded, no longer relevant defense forces could be safely excised; and that billions could be saved by improved management efficiency on manpower and procurement.

Let me pin point my concerns with a few illustrative questions in each of these three areas. First, with regard to modernization and performance increase requests:

Why build hundreds of F–14 and F–15 fighter aircraft at $10–15 million per copy involving complex electronic gear like that in the presently grounded F–111, which has not worked reliably—when we have as an alternative a simple, uncluttered $3 million per copy fighter model, the FXX, which promises better performance?

After the B–70 experience showed us strategic bombers were anacronisms in a missile age, why repeat that folly by launching a potentially $15–20 billion AMSA program?

Why build nuclear carriers, destroyers, and frigates at nearly twice the cost of conventionally powered ships when the only advantages are the minor increases in cruising speed and range of the fleet?

Switching over to outmoded, no longer relevant defense forces, consider these queries:

Does it make sense to maintain and modernize a 15 attack carrier fleet at an annual operating cost alone of over $3 billion—when the Communist world has no attack carriers and when the conventional war at sea scenario is no longer plausible in today's nuclear age? Would not a 12–0 superiority be sufficient?

How rational is it to maintain a fleet of 6 ASW carriers and to build a new multibillion dollar airplane to put on them when performance studies show that the cheaper, land-based P–3 airplane now being phased in does a more effective job?

Is it still equitable for the United States to bear the cost of the 310,000 troops stationed in Europe long after economic prosperity has been restored to our Western European allies?

Finally, looking at the kind of management efficiency issues, reflect on the following:

Even allowing for inflation and technical complexity, might there not be something wrong with the procurement system in which we are told that $19.9 billion in cost overruns was experienced over original estimates of $74 billion—an overall increase of 26 percent—in 35 major weapon systems now being procured? Since these figures were released in December these overruns have been proven to be significantly underestimated.

Clearly many of the practices and forces pointed out in these observations do not make sense. Substantial cuts can be made in the Defense budget without adversely affecting our real security against external attacks. Let me state unequivocally that I would feel quite secure with a 1971 Defense budget in the range of $65 billion. Such a budget would mean $6 or $7 billion would be available for domestic programs.

On the surface it would seem that if the expenditure side of the budget were squeezed in earnest there would be enough money for expansion of domestic programs. However, President Johnson's Cabinet Coordinating Committee on Economic Planning for the End of Vietnam Hostilities surveyed recommendations by task forces or study groups for new domestic programs in the field of

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education, health, job and manpower training, social insurance, welfare, urban development, crime prevention, air and water pollution control, natural resource development, transportation, space technology and science. They compiled a list of programs which have been prominently discussed and advanced by supporters as desirable to meet the needs of the nation. They estimated that the cost of implementing these programs would be about $40 billion in FY 72—and the cost would grow rapidly in succeeding years. And this does not include President Nixon's family assistance and revenue sharing plans.

There is, of course, wide spread controversy over the priorities that should be assigned to the domestic programs as well as controversy over the relative priorities that should be assigned to domestic as opposed to military programs. It is interesting to note, for instance, that one attack aircraft carrier task force costs between $300–$400 million a year to operate, which is roughly the equivalent of *twice* what we are spending in Federal grants for water pollution. You can look at what the mission of the extra, the 15th carrier is; is it worth twice what we are spending on water pollution?

It seems to me that these kinds of comparisons would be very useful information for the Congress to have as background for voting money for water pollution and money for aircraft carriers. I do not think one has to have lead a combat division to go through this kind of act.

The important point to recognize, however, is that *we cannot* afford everything. We must make choices based on our conception of national needs and interests. We can only do so intelligently if we have a clear understanding of the costs associated with the major issues that shape our Defense programs and if we have a vigorous and open discussion of the relative importance to the country of meeting various military commitments abroad as opposed to meeting domestic needs at home.

Some people have charged that we in Congress have made the military budget a whipping boy to hide some other fiscal sins. This couldn't be more wrong.

The military has gone for years getting its budget demands upon request with little or no resistance in Congress. That no longer will be the case.

Too many in Congress see that domestic problems, although not created by the military's voracious appetite, have been aggravated by underfunding, directly attributable to the Defense Department's largesse.

There is an obvious relationship between money spent in over-equipping an Army and a Navy and money not spent for pressing domestic needs such as housing.

So, while certainly not the sole source of our inflationary woes, a military budget that demands more money than any other single budget item is a ripe and justified target for inflation fighters seeking relief for a battered Nation.

HAWAII WELCOMES 20TH CENTURY IMMIGRANTS FROM PHILIPPINES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. MATSUNAGA. Mr. Speaker, Hawaii has long been famous for the harmonious blending and assimilation of the social and cultural backgrounds of the many races that comprise her population.

The history of the 50th State and life in Hawaii continues to be enriched by a diversity of races and cultures.

In this regard, it is interesting to note that last year approximately 72 percent of all immigrants to Hawaii were from the Philippines.

In a news article from the March 15, 1970, issue of the Honolulu Sunday Star-Bulletin & Advertiser it was reported that in 1969 there were 4,151 Filipinos out of a total of 5,724 foreign newcomers to Hawaii. The article made special note of the fact that a large proportion of the Filipino immigrants had high educational attainments, including many with professional occupations such as medical doctors, teachers, and engineers.

The Aloha State welcomes these 20th century immigrants, for if the past is to be the measure they will make great contributions to the continued development of Hawaii and the Nation.

The news article concerning recent immigration to Hawaii, from the March 15, 1970, issue of the Honolulu Sunday Star-Bulletin & Advertiser, follows for the CONGRESSIONAL RECORD:

FILIPINO INFLUX INCLUDES MANY PROFESSIONALS

Last year, about 72 per cent of all immigrants to Hawaii from foreign countries arrived from the Philippines. That's 4,151 Filipinos—out of a total of 5,724 foreign newcomers.

"A very high proportion" of these Filipinos were educated, professional types, according to Robert Schmitt, State statistician. Many listed occupations such as medical doctors, nurses, engineers, teachers, clergymen, and college professors.

"And we're not getting busboys either," Schmitt said. "They generally have the same educational attainments as the resident population. Those who look to these people as a source of cheap labor for hotels are kidding themselves."

For the last three or four years, about 60 per cent of Hawaii immigrants have come from the Philippines, John O'Shea of the U.S. Immigration and Naturalization Service said.

One reason is the large Filipino population already here. "Relatives here can confer a preference on relatives in the Philippines for our quota. Some of those waiting also have large families," O'Shea said.

Since the relaxation of immigration quota regulations in 1965, numerous dependents of earlier immigrants have been coming in, including wives and children, Schmitt said.

He said another factor is the many cane workers who retired after World War II, returned to the Philippines, and then decided to return to Hawaii.

There are about 53,000 aliens in Hawaii. A year ago in February there were 49,642 aliens. But four years ago, when immigration totals first began to increase, there were 45,794 aliens.

Chinese from China and Taiwan, who comprise the second largest immigrant group to Hawaii are also entering in record numbers, according to the figures.

Last year, 510 Chinese arrived in Hawaii, compared to a recent high count of 327 in 1967.

On the other hand, the number of Japanese entering the State continues to drop. Only 313 moved in last year, compared to 344 and 382 in 1966 and 1967.

Others arriving in 1969 included 249 Koreans and 501 from other countries.

Schmitt and O'Shea agreed that no real problems have made themselves apparent because of the large numbers of immigrants. O'Shea said a "good number of the males" from the Philippines last year fell roughly into the labor age group, "and certainly with Hawaii's booming economy, I see no problem in assimilation."

REPORT ON PROGRAMS FOR EARLY CHILDHOOD

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. DELLENBACK. Mr. Speaker, last week it was my pleasure to release officially the report of the Republican Task Force on Education and Training entitled, "Report on Programs for Early Childhood." The report is a culmination of extensive studies on early childhood development done by the task force since last summer and contains an analysis of the need for early childhood services in the United States. The task force, of which I am chairman, was organized in the spring of 1969 by the House Republican leadership to take a long-range look at important issues which have not been the immediate target of the legislative process. In our attempts to explore the present situation of services provided for those children under 5 years and for the children of working mothers, we have found that there are only a little over a half million places for children in licensed child development or child care facilities, but that the need for such services total eight to 10 times that number, and can be expected to rise steadily in the coming year.

In order to get as complete a picture as possible of the early childhood services provided and to determine the need for increased services, the task force focused its energies on several aspects of the problem. Activities undertaken by the task force members included touring child care centers in Washington, D.C., and other cities, meeting with educational psychologists about the effect of early organized group experiences, consultation with administration officials, studying the experiences of European countries, and traveling abroad to Israel to learn more about the comprehensive early childhood effort being made there.

Today I would like to insert for the benefit of my colleagues the text of our report and our findings which we hope will be of interest and aid to anyone concerned with this serious national problem.

The report follows:

REPORT ON PROGRAMS FOR EARLY CHILDHOOD

(By the House Republican Task Force on Education and Training, House Republican Conference, March 25, 1970)

(Members: John Dellenback, Oregon, Chairman; James M. Collins, Texas; John N. Erlenborn, Illinois; Orval Hansen, Idaho; Margaret M. Heckler, Massachusetts; Earl F. Landgrebe, Indiana; Robert H. Michel, Illinois; John T. Myers, Indiana; Albert H. Quie, Minnesota; Earl B. Ruth, North Carolina; Fred Schwengel, Iowa; William A. Steiger, Wisconsin; Fletcher Thompson, Georgia; Albert W. Watson, South Carolina, and John W. Wydler, New York.)

SUMMARY

Early childhood services in this country are woefully inadequate. Efforts should begin immediately to expand both their quantity and quality. The need, while already far exceeding the capacity of existing programs, will increase in decades ahead because of 1) a growing number of children aged five and younger; 2) the accelerating trend toward working mothers; 3) the increased emphasis

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on providing child care services for welfare mothers who desire to work; and 4) the widespread realization of parents across the country that the first five years are of crucial importance to a child's future.

The Republican Administration has taken several important steps to strengthen the national commitment to early childhood—establishment of the Office of Child Development, experimental activities to develop improved programs, and the proposal of welfare reform which includes day-care services for children of welfare mothers.

But despite these significant steps in the right direction, several serious obstacles remain in the way of achieving the quantity and quality of early childhood services needed in this country, and Congress should take action to overcome these problems.

Evaluation: Evaluation procedures have been so inadequate that we do not know what impact the 60-plus existing programs pertaining to early childhood are having or which programs are successful, which need reform.

Recommendation: An immediate evaluation of all programs affecting the first five years of life should be undertaken and the results reported to Congress no later than 18 months after the beginning of FY 1971, and then kept up to date so that current information will always be available in the future. This on-going evaluation should be designed so that we can determine the long range effect of early childhood program when the students reach maturity.

Coordination: There are more than 60 federal programs which relate to early childhood either directly or indirectly. This diffusion of programs has resulted in confusion, lack of coordination, and ineffectiveness at federal, state and local levels.

Recommendation: A consolidation of those programs which provide directly for the operation of early childhood programs should be enacted at once. These half-dozen programs should be combined into a single program to be administered by a single federal agency. Further study should be undertaken to determine which other program areas should also be reorganized. As consolidation takes place, a major share of the administrative responsibility should be shifted to the states.

Research: A great deal of research is needed to learn what approaches are most effective in providing for early childhood needs under different circumstances.

Recommendation: Greater focus and coordination than currently exists in federally sponsored early childhood research is needed. Increased government support must be given to early childhood research, and the results of this research must be translated into the operation of early childhood programs.

Personnel: The lack of trained professional and paraprofessional personnel prevents the expansion of early childhood programs.

Recommendation: The Education Professional Development Act should be amended to expand training programs for professional and paraprofessional personnel. Community colleges should be encouraged to develop training courses for early childhood personnel. Attempts should be made to encourage more young people to prepare for careers in early childhood education. Finally, a number of federal programs which provide for career training should be reviewed and evaluated from the early childhood point of view.

Facilities: The lack of adequate facilities prevents the expansion of early childhood programs.

Recommendation: Federal child development programs should permit a portion of their funds to be used for the construction or acquisition of facilities in situations where this alternative is more feasible or more economical than the renovation and alteration now provided for under existing programs. Mortgage guarantees should be extended for the construction of child development facilities. Finally, consideration should be given to adding a measure to public housing laws to require local public housing authorities to provide for adequate social services, including child care facilities and programs, in low and moderate-income residential projects, unless it can be demonstrated that such services are not needed.

Private Sector Involvement: The total cost of child development services for all the children who need them can reach a total of $22 billion by 1975. Obviously, neither the Federal government, nor the State or local governments, can be expected to assume a financial burden of this magnitude.

Recommendation: The expansion of proprietary early childhood services must be encouraged. In this context, a sliding fee-scale should be instituted to encourage the inclusion of non-wealthy children in proprietary programs. Proprietary programs should be eligible to participate in mortgage guarantee programs.

Preventive Programs: Over the long run, the most effective, and the least costly, means of dealing with deprived children is to prevent deprivation in the first place.

Recommendation: A portion of the total resources devoted to early childhood programs should be used to establish and operate programs aimed at helping adolescent girls and expectant mothers who are economically disadvantaged to understand the principles and techniques of helping children reach their full physical, social and intellectual potential.

REPORT

During the summer of 1969, the House Republican Task Force on Education and Training began to study the question of what kinds of programs, if any, were needed for children younger than school attendance age. We toured child care centers in Washington, D.C. and in other cities, we met people experienced in organizing and operating early childhood services, we talked with educational psychologists about the effects of early intervention, we consulted with Administration officials, we studied the experiences of European countries, and one Task Force member made a trip to Israel to learn more about the comprehensive early childhood effort being made there.

As a result of these exertions, we concluded that early childhood services in this country are woefully inadequate and that efforts should begin immediately to expand their capacity. The Federal government currently spends about $1750 annually for each person aged 65 or older in the country but only $190 for every child younger than age 21. But while the Federal government clearly has an important role in bringing about this needed expansion of services, we feel that *the major* burden must fall upon state, local, and upon private initiative.

We feel that Congress has a responsibility to alleviate this serious situation. In the following pages we set forth some of the results of our investigation and our recommendations for action.

Need for day-care and child development services

In the United States, as of July, 1969, there were 22 million children aged five and under; according to Census Bureau figures:

Years	*Number*
Under 1	3,495,000
1	3,419,000
2	3,534,000
3	3,643,000
4	3,367,000
5	4,050,000

The Census Bureau estimates that the number of children being born each year will increase sharply during the next ten years. Therefore, in planning for future childcare needs, one must anticipate growing numbers of children.

While not all of these children require care in addition to that provided by their parents in their own homes, many need special services because their mothers work, because their home environment is inadequate for healthful mental or physical development, or because such services are needed to help the child achieve his maximum potential.

The working mother

One of the most fundamental changes occurring in our society today concerns the role of women. According to the Census Bureau, in October 1969, one-third of the wives in this country were employed outside the home—up from only one-fifth in 1952. The traditional concept of the woman's place in the home no longer matches reality—at some time during their lives, nine out of ten women will be employed. About one-fourth of the Nation's mothers who live with their husbands and have children of preschool age are in the labor force. Even among mothers of very young children (under 3 years of age) the proportion is as large as one-fifth. Among mothers with older children (6 to 17 years) the percentage who work (now 44 per cent) promises soon to become as large as the percentage who do not work. Among widowed, divorced and separated mothers of young children, the labor force participation is, and always has been, much higher.

As of March 1967, there were 4.1 million working mothers with children under 6 years old and 6.4 million with children aged 6–17. More recently, it has been estimated that as many as 4 million working mothers lack adequate care for their preschool children. According to a special Census Bureau survey taken in 1965, of the children of working mothers, only five per cent under age three and ten per cent aged three to five were cared for in group day-care centers. The other mothers had to rely upon an ad hoc combination of husbands, older children, relatives, baby-sitters and neighbors. Some women could not afford or were not able to make even these kinds of arrangements and their children—about 1 million in all under age 14—received no supervision at all while their mothers worked, while many more were looked after by brothers or sisters only slightly their senior.

The kind of day-care services needed by working mothers varies with the ages and special characteristics of the children involved. Infants and very young children might best be placed in day-care homes where, perhaps, only five or six children were being cared for. Children aged three to five might continue in the family day-care home setting or might benefit more from a group day-care center involving larger numbers of children, usually in groups of 10 to 15. School age children need after school, lunchtime, and holiday supervision which could be provided in a variety of settings.

The ability of the working mother to pay for these childcare services varies. In 1964, when the Social Security Administration poverty index for a non-farm family of four was $3,130, 19 per cent of all working mothers had a family income of $10,000 and over. Twelve per cent came from families with incomes of less than $3,000; nine per cent from families with income of $3,000-$3,999; 22 per cent from families with incomes of $4,000 to $5,999; and 37 per cent from families with incomes of $6,000 to $9,999.

The amount paid weekly, according to 1965 statistics, by working mothers for childcare services varied with the kind of service provided. Group day-care was among the most costly of the arrangements, requiring, on the average, a payment of $10 a week or more for 55 per cent of the children in this form of care. Family day-care was comparatively less costly, only 37 per cent requiring a payment of $10 or more. Where more than one child from a family was receiving care, of course, the total amounts involved for some families are even higher.

The welfare mother

There are approximately a million mothers on welfare who had children under age six. Many of these women would prefer work to welfare, but the lack of adequate child care services has prevented them from seeking employment.

Elizabeth Koontz, Director of the Women's Bureau, in testimony before the House Education and Labor Committee, reported that a 1966 Department of Labor survey, conducted in 10 economically deprived areas, showed that almost one of five slum residents outside the labor force was not seeking employment because of child care problems. Another study she cited concerning women welfare recipients with children in New York City showed that seven out of ten women preferred to work rather than to stay at home, and that, assuming the availability of satisfactory free day-care facilities, 60% of these mothers with preschool children preferred employment to remaining home.

Thus, in addition to mothers who are already working, there is another group of welfare and low-income mothers who would like to work and would seek employment or job training if adequate child care services were available at a price they could afford. Included in this group are many mothers who have already had job training under Federally-sponsored programs which provided for child care service during the training period but not afterwards. This lack of child care services has probably been the most serious single barrier to the success of the Work Incentive Program, for example. Without provision of child care services for these women, job training efforts can only be fruitless in terms of achieving meaningful changes in employment patterns.

Child development

The crucial importance of "the first five years of life" is far more important than just a political slogan. Benjamin Bloom (*Stability and Change in Human Characteristics*, Wiley, 1964) showed that in terms of intelligence measured at age 17, about 50% was developed between the time of conception and age 4, about 30% between ages 4 and 8, and only 20% between ages 8 and 17. Experiments with animals in which either deprivation or enrichment of stimulation took place during the infancy stage, have also suggested the critical nature of the early development period. Jean Piaget has chronicled the subtle process through which even the new born infant interacts with and learns from his environment. (*Origins of Intelligence in Infancy*, International Universities Press, Inc., 1956). Two separate experimental programs with retarded infants and young children have pointed to the conclusion that the earlier enrichment is begun, the greater the gains that can be expected (Skeels and Dye, "A study of the effects of differential stimulation on mentally retarded children," *Proceedings American Association for Mental Deficiency*, 1939, 114–136; and Kirk, *Early Education of the Mentally Retarded*, U. of Illinois Press, 1958). Other projects aimed at disadvantaged children have suggested similarly the importance of the early years. (Susan Gray, et al, *Before First Grade*, Teachers College Press, 1966, and Karl Bereiter and Engelmann, *Teaching Disadvantaged Children in the Preschool*, Prentice-Hall, Inc., 1966).

Despite the on-going controversy over whether human intelligence is influenced more by inheritance or by environment (Arthur Jensen, et al., *Harvard Educational Review*, 1969, Nos. 1, 2, & 3), there seems to be virtually universal agreement among those who have studied the matter that what happens during the first five years of a child's life will play an extremely important role in how well he is able to make use of his intelligence. In short, by the time a child is five years old, the kind of person he is going to be and his range of abilities and aptitudes have been almost irrevocably established.

The implications of these research findings have not been lost on the broad mass of middle-class parents across the country who send their children to nursery schools, surround them at home with "educational" toys, and generally make every effort to see that their children's earliest years are rich ones. Yet even these well-intentioned families, fortunate enough to have adequate material resources, sometimes find the business of providing their children with the "best" experiences a confusing one. How early should one attempt to teach a child to read, or should this be left until the school years? When should a child first go to preschool programs? How should the child be disciplined? Can one push a child too hard? While in a sense it may be a luxury even to be able to consider such questions, child development is a perplexing problem for all parents, regardless of their income. Yet the future potential of this country in a very real sense depends upon finding the answers to these questions. Unless we do, many children will not have the chance to realize their full potential, and that potential will go unrealized for yet another generation.

Recognition of the need

During the last decade, Republicans have repeatedly gone on record in support of early childhood programs. As early as the 1961 and 1962 Education and Labor hearings on Juvenile Delinquency, Republicans called for the enactment of preschool programs for disadvantaged children. The thrust of their proposals was, to a large extent, finally realized in 1965 with the organization of the Headstart program.

But Headstart is aimed at only a small portion of the total early childhood need. In March, 1968, the Republican Coordinating Committee called for expanding early childhood programs, as a matter of priority, to include all 5- and 4-year olds, and perhaps 3-year olds, from impoverished neighborhoods who could benefit from this experience ("Urban Education: Problems and Priorities").

During his 1968 presidential campaign, Richard Nixon expressed his concern that the needs of young children be met. This special interest was reiterated by President Nixon in February, 1969, in his message to Congress on poverty:

"So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

The support of the American people in his assessment of this problem as deserving high priority was borne out in the results of a July, 1969 Gallup Poll which indicated that 64% of the country favors the idea of using federal funds to provide child care services for children of working mothers.

Steps already taken

Since taking office, the Republican Administration can point to a number of initiatives already taken to meet its commitment to the "first five years of life." These include:

1. The delegation of *Head Start* to the Department of Health, Education and Welfare where it can be supported and supplemented by other Federal programs dealing with children in the early years;

2. The creation of an *Office of Child Development* in the Department of Health, Education and Welfare—this office, which reports directly to Secretary Finch, has been formed in order to take a comprehensive approach to the development of young children, combining programs which deal with the physical, social and intellectual aspects of their development;

3. The expansion of *Parent and Child Centers*, to serve the very youngest children and infants as well as their parents, as a result of research findings indicating that organized activities should begin as early as possible and last as long as possible to achieve maximum benefits;

4. The replacement of many summer Head Start programs with more effective *full-year and full-day programs;*

5. Emphasis on the greater use of Title I, ESEA funds for the *Follow-through* program to help students with Head Start experience make the most of their primary school years;

6. *Experimentation* with new program models, voucher systems which put purchasing power directly in the hands of parents, and stimulation of greater private participation in the development of early childhood resources;

7. The proposal of a *Family Assistance Plan* for reforming the welfare system. This plan includes provision of day-care services for 450,000 children, 150,000 of them preschoolers, so that their mothers who are now on welfare can take advantage of work and training opportunities.

Problems and recommendations

Despite these positive steps in the right direction, we are still capable of meeting only a small portion of our total early childhood needs. At present, there are only a little more than half a million places for children in licensed child care or child development facilities, even though 8 to 10 times that number of children need services. But, many obstacles stand in the way of efforts to expand our current capacities for child development and child care programs.

I. Evaluation

Over the last decade, the Federal involvement in programs relating to child care has burgeoned into a jerry-built network encompassing more than 60 separate programs which provide day-care, social, health, counseling, personnel, research, facilities and food services, either directly for child care, or indirectly through programs set up to meet other needs. Yet when the Republican Administration took over the management of these programs in 1969, Congress was shocked to find that federal involvement in child care had been allowed to grow to its present dimensions without adequate evaluation procedures. With more than 60 separate programs relating to early childhood, one would expect that the government is doing a great deal in this area. But, in fact, we do not know whether or not this is true. During the previous Administration, no attempt was made to develop an overall analysis of what impact these programs are having on the first five years of life, what needs to be improved, changed or discarded, how much money has been spent, or how many children have been reached.

Without this kind of basic knowledge, we cannot plan intelligently for the future, much less assist the results of past efforts. But obtaining the knowledge required to plan and assist will not be just a simple matter of compiling statistical tables. Much of the necessary basic data has not been collected and procedures will have to be developed to generate data at the state, local and even the project level. Such an effort, beginning at this late date, will be lengthy and complex and will require several years before we have a total picture of existing federal efforts.

Recommendation: An immediate, thorough evaluation of all programs affecting the first five years of life, either directly or indirectly, should be required and the results of such an evaluation should be reported to Congress as soon as possible, and no later than eighteen months after the beginning of the 1971 fiscal year.

Further, a mechanism should be established to assure that current information is always available in the future. This on-going

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evaluation effort should be developed in such a way so as to make possible long range assessment of the effectiveness of key programs—we need to know what effect programs for young children have in years hence as those children reach maturity. Otherwise, experiments which do not produce immediate, observable results might be abandoned, even though they might have a substantial long-term impact on the children participating.

II. Consolidation of Existing Programs

Out of the more than 60 federal programs relating to the early childhood years, there are considerable areas of overlap. There are at least seven separate programs which provide funds for the operating expenses of child care centers or preschool education, some nine programs for training child development personnel, seven research programs, four food programs, four construction programs and three loan programs. Only a few of these, however, are aimed directly at child development. Most were set up for other purposes, and day-care or child development is only ancillary to their overall missions.

The result of this crazy-quilt pattern is that in some areas child care centers and programs funded under separate Federal authorities may find themselves in competition for the same children, while in other areas, proposed centers which would serve children who desperately need preschool educational opportunities cannot get the Federal funds necessary—either because such funds have been exhausted under the specific program for which they are eligible, or, more unfortunately, because in the confusing and complex puzzle of federal programs the applicants have been unable to identify accurately the various programs for which they are eligible.

Not only has the diffusion of programs been unproductive at the local level, but it has also caused needless difficulty and waste of effort at the Federal level, making it necessary to establish special offices to coordinate far-spread federal programs for early childhood and to appoint special personnel in the dozen or more federal agencies, offices and departments which administer the programs, whose job it is to see that their programs are coordinated with other similar programs. All too often, the result of this overly complex administrative arrangement has been confusion, not coordination.

Recommendations: A consolidation of programs which provide directly for the operation of child care and child development programs should be enacted at once. The half dozen or more existing programs operated under various titles of the Elementary and Secondary Education Act, the Social Security Act, and the Economic Opportunity Act—programs in 1971 which will spend almost $600 million, $900 million if the child care under the Family Assistance Program is included—should be combined into a single program which would be administered by a single federal agency.

Further study should be undertaken to determine which other program areas might also benefit from consolidation and reorganization.

As program consolidation takes place, a major share of the administrative responsibility should be shifted to the States. This will encourage not only coordination of federal programs at the state level but coordination of federal, state and private funds as well.

III. Research

More than ever before in this country, concerned parents are placing a high value on education for their children—so much so that many parents believe that the more education the better, that almost any kind of early childhood schooling and academic stimulation is better than none at all, that schools by starting at earlier ages can make up for home deficiencies. But our sad experience has been that the Headstart and other compensatory education programs for which we had such high expectations have not always brought the results we desired and that, despite the proliferation of countless "Headstart" type programs for disadvantaged children and other programs for middle-class children whose parents want them also to have a "headstart," the fact of the matter is that child development experts do not know exactly how children develop and learn, or what kinds of educational experiences are best for what kinds of children, or how these experiences can most effectively be provided. Experts agree that the early years are of critical, importance and that many elements are needed—nutritional, health, educational, social, and emotional—in a total child development program. But how best to provide for these different needs, what approaches are best in different situations, how to prepare all our children for school—these are questions for which we just do not have answers at this time.

While there are now some government funds for research into child development and child care, efforts in this area are very limited with little or no coordination between them. For example, under the Child Welfare Service, some $4.4 million was spent for research and demonstration projects in the area of child welfare, $1 million of that to support 8 day-care projects to provide a basis for evaluation of the most effective ways to provide such care. Out of the almost $90 million provided under Title V of the Elementary and Secondary Education Act in fiscal year '69, only 3.6%—$3.2 million—was spent for early childhood research. Public Health Service and the National Institutes of Health are also conducting some research into child development and learning.

Recommendations: The House Republican Task Force on Education and Training feels that more intensive research and development work is needed in the area of early childhood, to develop basic knowledge about child development that is now lacking, to translate this knowledge into actual programs for children, and to find ways of diagnosing and evaluating the development of individual children. Furthermore, the various research efforts now underway require better coordination so that investigations now dispersed among several agencies can proceed as rapidly and efficiently as possible avoiding duplication and using each agency's particular talents to best advantage. Dr. James O. Miller, Director of the National Laboratory on Early Childhood Education, has called for the formation of a National Laboratory on Early Childhood Education, to serve as a national focused effort in early childhood research and development. Another possible focusing agent might be the Office of Child Development within the Department of Health, Education and Welfare. While we are not necessarily committed to a specific organizational device, we do feel strongly that greater coordination and focus that currently exists in federal early childhood research is needed.

Secondly, we call for increased government support of early childhood research to build the basic foundations upon which our future efforts must rest.

We do not agree with those who argue that the expansion of early childhood programs must await the results of this future research. We already know how to do some things of benefit for children, and programs should be estabilshed to do these things. We would hope, however, that programs would maintain enough flexibility so that they could incorporate the results of research as these become available in the future and that federal funding systems would prevent the paralysis of programs in traditional models and would permit and encourage development of improved child development efforts.

IV. Trained Personnel

One of the major obstacles blocking the rapid expansion of early childhood services is the lack of qualified, trained personnel. This shortage of personnel in the childhood area has been well documented. As early as 1966, the Office of Economic Opportunity estimated that short-term training for 147,000 teachers and 290,000 non-professionals would be needed in order to provide full-year Headstart programs for the 2 million disavantaged 3 to 5 year olds, in addition to the other medical, nutritional, psychological and social workers needed in comprehensive child care programs. Projecting an eventual need for day-care for 1.31 million more children, nursery school for 3 million, kindergarten for 1.3 million and other services for 1.9 million, an additional 456,000 professional personnel (including supervisors) and 529,000 paraprofessional personnel will be required.

Colleges and universities are now graduating only about 5,000 early childhood personnel annually, according to an Office of Education 1967–68 survey. Almost all of these graduates are women, including many of whom take degrees in child development as preparation for raising their own families rather than for professional careers, and many others who teach only a few years before abandoning their professional responsibilities for family responsibilities. Also significant is the fact that in the same year, only 5 doctorates were awarded in this area and 100 in the field of nursery or kindergarten education—it is the Ph. D.'s and the Ed. D.'s who are the teachers of teachers, and therefore needed to build up teacher training programs on the college level.

The staffing problem at the professional level has been met largely with short-term training drawing on a pool of already-trained people with experience in other educational fields. Headstart statistics show that of the professional staff, almost a third have had less than two full years of college work, nearly 80% have had practically no experience with primary education and 80% have had little experience, if any, with disadvantaged children. But this limited resource cannot begin to meet the future staffing needs of early childhood programs undergoing rapid expansion.

Paraprofessional personnel have also been another promising source of manpower in this area. The benefits which can be derived from encouraging the employment of Older Americans as paraprofessionals can mean benefits far beyond those derived by the children being served. Older Americans serving as "foster grandparents" and aides in early childhood programs, can find that in addition to lending their special skills and interests to the program that they can assure their places as useful and needed citizens in one of the most important social efforts ever undertaken in this country. Parents who work in these programs learn more about child development and are able to apply what they have learned at home with their younger children as well as those enrolled in the child development program. Even older children and adolescents are needed as paraprofessionals in these programs. They serve as models for the younger children, and at the same time, they learn some of the principles of child development which will help them become better parents in future years. Finally, with the growing emphasis on social action by concerned individuals, the potential corps of volunteers who could assume regular and responsible roles in early childhood programs is perhaps greater today than ever before.

Despite this enormous paraprofessional need and potential, there are some serious problems which must be overcome before this resource can be fully utilized. Some early childhood projects in disadvantaged areas have found that classroom assistants recruited from the areas served have usually

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had no training whatsoever, and that they often view their involvement more as job opportunity projects for the poor than as educational programs for disadvantaged children. Training paraprofessionals is necessary before they can participate effectively in the programs. Many do receive short introductory "how to get started" courses of only a few days' or weeks' duration, but all too often these short courses are not followed up with the kind of sequential on-the-job training which would enable them to develop their abilities more fully or to move up on a career ladder. Others who do receive on-the-job training often find that the same "lessons" are repeated time after time, and they make no progress toward positions of greater responsibility despite their long years of service.

In light of the magnitude of this problem, the Federal investment in training personnel for early childhood programs has been pitifully small. Short term training institutes sponsored by OEO have never been counted as substitutes for career development training, and might best be characterized as "start-up" sessions. Out of the $80 million available in FY 1970 under the Education Professions Development Act, only $5 million is slated for projects (40) to prepare personnel for the early childhood area. Yet first-rate proposals seeking a total many times that amount have gone unfunded for lack of money.

Recommendations: Because the Educational Professions Development Act stimulates the development of programs to train personnel, rather than merely paying out scholarships to finance the training of individuals, it has a built-in "multiplier effect." For this reason, the House Republican Task Force on Education and Training advocates greater expenditures under this program to establish training programs for both professional and paraprofessional personnel.

We also advocate enactment of measures designed to encourage community colleges to use their special potential in the training of paraprofessional early childhood workers. Short introductory courses could be developed for parents and community residents entering early childhood programs for the first time and arrangements could be made for continuing education on the job. Graduates of a two-year program receive an Associate-in-Arts degree enabling them to become child care aides; should they decide at a later date to extend their professional qualifications by completing a four-year program, that option would still be open. Thus, because of their flexibility, their unique responsiveness to community needs, and their ability to develop a career-oriented preparation for para-professionals, the Task Force favors federal programs which would encourage community colleges to help meet this pressing national need.

The Task Force endorses the development of measures which encourage more young people to undertake preparation for professional careers in early childhood, and also to utilize that preparation upon college graduation.

Finally, there now exist eight or more separate government programs to prepare juvenile delinquents, low-income or welfare adults and youth and others to work in child care and child-oriented mental health programs. Each of these programs is designed to serve its special clientele rather than the national early childhood priorities. We suggest that these programs be reviewed and evaluated from the early childhood point of view and that recommendations be made, as part of the overall evaluation of federal programs pertaining to early childhood, as to ways in which they might be coordinated or expanded to make the maximum contribution to our supply of personnel for early childhood programs.

V. Facilities

The lack of adequate facilities is another major obstable blocking the expansion of child development programs. Thus far, many day-care and Headstart programs have relied upon space owned by churches, non-profit organizations and upon commercial facilities such as storefronts. The supply of such facilities is dwindling and in some areas—rural and suburban areas in particular—has been depleted. In 1966, OEO estimated that existing or renovated facilities could accommodate preprimary programs for perhaps half a million children—about the level of existing day-care program capacity today.

Even when facilities are available, they often require substantial renovation and even then they may not really be well adapted to programs for young children. Federal child development programs do not permit federal funds to be used for the construction of new facilities for child care programs, and consequently programs rely upon remodeling and renovation of existing facilities, even though this may not be the best, or even the most economical long-run solution. Some renovated facilities have deteriorated to the point where they require replacement or further renovation in order to continue using them; new construction in the first place would have prevented this situation.

At present, only a very little federal money can be used for new construction. Section 703 of the Housing and Urban Development Act of 1965 permits inclusion of child care facilities in the construction of neighborhood facilities—about half of the recipients of these funds have taken advantage of this opportunity. A similar provision exists in the program which provides for indoor community facilities in public or low-cost housing projects. Finally, under the Model Cities Programs, supplemental funds granted to each Model City area may be used for construction of child development facilities.

Recommendations: Federal child development programs should allow a portion of their funds to be used for the construction, or acquisition of facilities in situations where this alternative is more feasible or more economical than the renovation and alteration now provided for under existing programs.

The same kind of mortgage guarantees that are now extended for the construction of nursing homes and group practice facilities should be extended for the construction of child development facilities. This would help provide non-profit and proprietary programs obtain long-term financing for construction needed if they are to sustain economic viability.

The term construction should include in both of the above cases the costs of land acquisition, architects' fees and preliminary planning for the new facility.

Finally, consideration should be given to adding a measure to public housing laws to require local public housing authorities to provide for adequate social services, including child care facilities and programs, in low and moderate-income residential projects unless they can demonstrate that such services are not needed.

VI. Stimulation of Private Enterprise

As pointed out above (pages 2 to 6) the growing numbers of children, together with the accelerating trend toward employment of mothers of preschool age youngsters, mean that in the future we will have to anticipate an ever greater need for child care and child development services. The total annual cost of providing these services will be tremendous. Dr. Selma Mushkin of the Urban Institute in Washington, D.C. projects a 1975 cost of $10 to 12.5 billion for programs for 3- to 4-year olds and $6.5 to $10.25 billion for 0- to 3-year olds—a total of $16.5 to $22.75 billion and this is excluding 5-year olds, even though many States do not operate public kindergartens. Obviously, neither the Federal government, nor the State or local governments for that matter, can be expected to assume a financial burden of this magnitude.

The solution to this situation must be two-fold. First, parents who are financially able to must be required to pay as much as possible of the costs of services for their children. Secondly, a network comprising the various kinds of services needed by the range of children being served—child care, nursery schools and enrichment programs, summer programs, afterschool programs—must be established in each community so that services will be available for all who need them. The role of the federal government in this process should be limited to stimulating the development of the needed child care and child development services and to providing partial or full financing of such services for those children whose families otherwise could not afford them.

Implied in this viewpoint is the necessity of heavy involvement of private enterprise in providing child care and child development services, rather than a continuation of the present heavy emphasis on the role of federal, state and local governments in the operation and financing of such programs and services. Indeed, this heavy emphasis on public and private non-profit participation in early childhood services overlooks the actual facts of the matter. According to a study conducted by the Department of Health, Education, and Welfare at a time when the capacity of licensed group care centers was 521,000, over 247,000 of these children were in proprietary centers—47.4%. If the 121,000 children being cared for in private "day-care homes" were added in, the percentage being cared for under private profit-making auspices would be 70.6%. A witness appearing before the House Education and Labor Committee reported that in his state of Maryland, about seven-eighths of all group child care was proprietary.

It is most unfortunate that since the advent of the Headstart program, the feeling has grown that only public or private non-profit agencies are qualified or suitable providers of early childhood services. We find today that many people, when they think of profitmaking corporations organizing and operating child care and child development services, forget that the vast majority of high quality nursery schools, summer camps, kindergartens and most of the child care centers which serve only those middle-class families lucky enough to afford them, fit into the classification of private profit-making corporations. It is especially ironic when we remember that when Headstart was initiated, many looked upon that program as a way to obtain middle-class type nursery school services for poor, educationally disadvantaged children who would not otherwise receive the benefit of such a program.

Substantial expansion of the role of the private sector in the operation of early childhood services does raise a number of issues which require thoughtful consideration.

First, standards governing the licensing and funding of proprietary early childhood services should be just as high, and just as rigorously enforced, as the standards governing public and private non-profit services. The profit margin on proprietary services must come from superior management practices, economy of scale, and careful planning, and not from skimping on the quality of the services provided for the children.

Second, several proprietary childcare and child development corporations have documented their ability to provide the highest quality of early childhood services at a cost significantly below that of public or private non-profit agencies providing exactly the same services. This savings in the cost of services per child could be translated into providing more children with services, if applications for grants took the cost factor into consideration.

Third, proprietary child care and child development services are now oriented almost exclusively to middle-class and high income families. Welfare recipients and low-income families must rely upon public programs—Headstart, municipal day-care services, etc. Those in between, the lower-middle-income, blue collar, working class family, are caught in the squeeze of being too well off to be eligible for public programs and not well off enough to be able to afford private services. If the government undertakes measures to expand the role of proprietary services, simultaneous measures should also be taken to see that such services are made accessible to all who need them.

Fourthly, if proprietary services are to be expanded, private profit-making companies will need outside assistance in obtaining financing for the cost of constructing new facilities to house their programs. Tight mortgage market conditions, together with the newness of the idea of large scale proprietary early childhood services, have made it extremely difficult for companies to obtain mortgages.

Finally, some consideration has been given to the idea of a voucher system approach to financing child care and child development services for those who cannot afford the full costs. Under such a system, parents would be free to enroll their child at any center, school or other establishment licensed to provide early childhood services. The center or school would then be reimbursed totally or in part, depending upon the financial status of the child's family, for the costs of providing services for that child. Under such a system, all of the above considerations pertaining to proprietary child development and child care services become even more important since it is the profit-making corporations which would organize to compete most effectively in the overall early childhood "market."

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The corporation organized to provide early childhood services is only one example of the involvement of private enterprise. Another potentially significant development is the provision of child care services by employers of large numbers of working mothers. Hospitals have led the way, but telephone companies, colleges, department stores, light industry, textile, and technological corporations are also responding to the realization that these services must be provided if they are to make full utilization of women workers.

A law enacted in the 1st Session of the 91st Congress provides for the establishment of joint labor union-employer trust funds for the purpose of providing child care services. Several unions have already been active in providing such services for their members. The Amalgamated Clothing Workers of America, for example, operate child-care centers in Baltimore, Maryland, and Staunton, Virginia, with other centers planned at Hanover and McConnellsburg, Pennsylvania, and one under construction at Chambersburg, Pa.

In the past, the greatest private involvement in early childhood services has taken the form of family day-care homes which care for up to six or eight youngsters, depending upon their age. The atmosphere and care provided in these family day-care homes ranges from outstanding to appalling. Under ideal circumstances, however, they can offer a very important alternative to group child care for infants, very young children, and some children who may not be suited to the group care situation.

Recommendations: The House Republican Task Force on Education and Training believes that the expansion of proprietary early childhood services must be a necessary and vital part of any overall national strategy to provide such services for all children who may need them. It sees the sliding fee-scale concept as encouraging the inclusion of non-wealthy children in such proprietary services and therefore endorses this approach. The voucher concept may also achieve this result and should receive careful consideration.

The same high standards which apply to public and private non-profit early childhood services must not be relaxed for proprietary services.

The Federal Government should extend a mortgage guarantee program, similar to that pertaining to nursing homes and group practice facilities, to early childhood programs, including proprietary programs, to enable them to finance construction costs of new facilities.

VII. Preventive Programs

Urie Bronfenbrenner, testifying before the House Education and Labor Committee in 1969, suggested that early childhood programs should begin ideally two years before conception. His point was a serious one. Over the long run, the most effective, and the least costly, means of dealing with deprived children is to prevent deprivation in the first place. Rather than treating the symptoms of deprivation in 3- and 4-year olds, our efforts might better be directed toward preparing the mother of those children to provide them with the nourishment, stimulation and enrichment necessary to prevent deprivation and toward seeing that she is properly nourished during pregnancy and that she receives appropriate medical attention.

The use of older children as volunteers in early childhood programs offers an effective method for instilling in these youngsters the importance of the early childhood years and for teaching them some of the rudiments of child development. Parent and child centers which work with entire families, from parents to infants, also offer another opportunity to help parents take on the responsibility of preventing deprivation.

Recommendations: A portion of the total resources devoted to early childhood programs should be used to establish and operate programs aimed at helping adolescent girls and expectant mothers who are economically disadvantaged to understand the principles and techniques of helping children reach their full physical, social and intellectual potential.

Early childhood programs should not be delayed until a child is three years old; they should have sufficient flexibility to allow them to direct their efforts to infants and toddlers as well as future parents.

THE 25TH ANNIVERSARY OF WNEX RADIO

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. FLYNT. Mr. Speaker, on Wednesday, April 1, 1970, radio station WNEX in Macon, Ga., celebrated its 25th anniversary in radio broadcasting.

WNEX has performed an outstanding public service during these 25 years by presenting excellent programs and news coverage to the people of Macon and middle Georgia.

Along with the many friends and listeners of WNEX, I extend my congratulations to Mr. Alfred Lowe and the entire WNEX family and wish for them many more years of outstanding service and operation in the public interest.

LAWLESSNESS IN GREECE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. CONYERS. Mr. Speaker, we are all aware that this country's foreign policy is in dire need of reformation. Not only has our disastrous participation in Vietnam warranted an unprecedented amount of dissent and mistrust of the Government, but our involvement in other areas, even though camouflaged by a reticent administration, is also coming under increasing attack. One such policy is our Government's support for the military junta in Greece. Now that the media are finally beginning to cover the atrocities that seem to be a daily part of that regime's political diet, many citizens are disputing our rationale for assisting such an undemocratic and irresponsible government. Not only has the junta denied the most basic civil rights of its own citizens, it has also refused to acknowledge the requirements of international law and has intentionally failed to provide legal protection for foreigners who happen to stop in that country.

To disregard such blatant lawlessness is indefensible. I have recently received a letter from two Greek ex-ministers and Members of Parliament which discusses what has happened in Greece. I have also received a letter from a Greek professor at Howard University which outlines police activities in that country. I hope all my colleagues will consider these letters most carefully, and move to reassess our responsibility for the conditions they describe.

The material follows:

DEAR MR. CONYERS: With great satisfaction we read in the Greek and foreign press about the struggle which you together with many of your distinguished colleagues have undertaken for the restoration of parliamentary democracy and normal political conditions in our country. For all your efforts, our fellow-countrymen and we are grateful to you.

We think it is our duty to inform you that your vigorous attitude has made a very strong impression on the political world of our country, because it is through this attitude that it was proved that the Greek political problem was comprehended to its full extent, this problem which you have rightly placed on the basis that serves the real common interests of our countries.

The majority of our people think—and this is our opinion as well—that our country was in a position to face its political problems without resort to a military dictatorship. The correctness of this aspect can also be proved by the postwar political history of our country. As you know, after its liberation from the German occupation, Greece faced successfully severe political and economic problems and an immediate communist threat, without resort to a military dictatorship. The parliamentary regime functioned with success, despite the—even then—acute party antagonisms. In spite of the fact that the territorial integrity of our country was endangered by the Communist aggression, no martial law was passed and the freedom of the press was not suspended, and Parliament functioned smoothly during all that critical period. In brief, we can say that communist threat exists in Greece in exactly the same way as it does in all the western European countries and that Greece has proved that the only shield of the free nations against communism is the regime of the real parliamentary democracy. Only those people, whose interests are connected with those of the junta, spread the lie that democracy in Greece was corrupt. The truth is that it was not more corrupt than in any other country of the western world.

It must also be kept in mind that during the parliamentary regime, Greece knew a constant economic development. The rate of growth of the national income and of the exports was satisfactory and the Greek people gained the feeling of economic security and was convinced that the state of the balance of payments had been improved, in contrast to the economic policy followed by the military government today, which, as many eminent Greek economists and politicians have demonstrated in recently published reports, is leading us to financial anarchy and economic chaos.

Consequently, there is no excuse for those who have established the military dictatorship. We can positively say, that their only motives were their personal ambitions. Their arguments that the prerevolutionary political situation was acute cannot be accepted, since great European nations are confronted today by far acuter conflicts, and yet no one within them ever thinks of the possibility of an—even temporary—suspension of the democratic freedoms. But if we even accepted that the colonels seized the power on April 21, in order to carry out a national mission, in other words, in order to bring about the necessary reforms that would guarantee the normal evolution of our political life in the future, they could have done it already. Instead, their up to date policy has clearly shown that they have no will to keep their promises and that they aspire to perpetuate their odd regime.

A constitution was submitted to the judgement of the Greek people and it was voted through under conditions of terrorism, similar to those prevailing at the plebiscites in the communist countries. Many people believed that government's declaration that after the voting through of the constitution the nation would enter the path of constitutional legality, which would be respected by the leadership of the military coup d'état, too. Unfortunately, the military government deliberately misinterpreted the meaning of the popular vote, asserting that it expressed the confidence of the people to the "Revolution". And out of the prime minister's and his chief colleagues' statements, by which they declared that they are not prophets to know when the "Revolution" will quit the power, that with the existence of the parliament no great steps can be taken etc., is propounded without pretext that the Junta's aspiration is to convert the military coup d'état into a permanent regime, in full violation of the Constitution drawn up by it.

Thus fundamental principles are being violated, and this has as a further consequence a train of reactions that the government cannot avoid, even if it could govern the country profitably on account of the policy followed by the military government, the Greek "pyramid" is losing the traditional form of a sound political structure because at the top the establishment of a regime, the form of which has not been crystallized, is being pursued, while at its popular base blind reactions, strengthened by the persecutions and the oppression, are being harboured. If this situation will be prolonged, we all who believe in the free world, the democratic way of life and the national army as a guarantee of the national security, shall lose all hope. The Greek army will be a drawback for NATO, because it is being converted into an organ of police control in the interior and its role as a safeguard of the national security will be of smaller and smaller effect.

If the king and the national political leadership, which after the statements of Mr. Karamanlis and the other political leaders has been unified, will not be reinforced, so as to succeed to the present situation, then the popular reaction to the Junta will be absorbed by anarchist resistance forces. We must not forget that before the German occupation, the Greek communist Party was dissolved by the Regime of "August 4th" and that while the rightists started, the resistance,, the leftists took it over, succeeding finally in placing the whole movement under their own leadership. Thus in December 1944, only the active intervention of the British troops prevented the seizure of power by the communists.

We know that some American observers say that in Greece there is peace and calmness and that the masses are so loyal to the "Revolution" that they do not destroy the boards with slogans and other propaganda. But this is only a superficial estimation of the situation. Neither during the German occupation, nor during the guerrilla war were such boards touched by the Greek liberation Front, ELAS and Marko's democratic army. The fact however, is that the non-political spirit has taken the place of the spirit of struggle in the Greeks' souls, who are disappointed both by the old political world and the present regime. But this is precisely what ought to make us anxious. This nonpolitical spirit cannot suggest that the people support the Junta, but it must be interpreted as a loss for the cause of the Alliance in Greece, because this instability of the Greek spirit will be fit tomorrow for the anti-terrorism of the extremist anti-revolutionary elements.

You can realise what a great damage has been caused to the Atlantic Alliance and especially, to one of its members of such a vital importance, as is Greece, A big portion of the Greek people believe that, without the American support, the Greek military government could not have strengthened its position. Owing to this fact, the Greeks became doubtful as to the real political aims of the United States. As you know, there was no other people on the European territory as the Greek people that had such a strong belief in the purity of the aspirations of the American policy. Today, however, even the Greek people came to believe that the United States have imperialistic intentions and that the American policy does not hesitate to use all the possible means in order to achieve its aims. Such a situation, as you may understand, is disastrous both to the alliance of the democratic countries and to the Greek people, and as you declared at the Congress on October 29th, 1969, if the United States do not adopt a decisive policy as far as democracy in Greece is concerned, then will betray their traditions and ideals, beause we must keep in mind that the Fight for democracy and the human rights is indivisible and knows no geographical or national frontiers.

If you please let your colleagues know the contents of this letter and give them our friendly regards.

Emm. Kothris,
Ex. P.M., Ex Minister.

Current Police Activities in Greece

Reliable information from Athens communicated to me reveals the following activities carried out by the Greek military police and officers of the General Security.

1. Night searches continue at an increased level. Such searches are carried out by both E.S.A. (Military Police) and officers of the General Security always without warning and without consideration of human rights or individual dignity.

2. Blockades of roads leading to and from Athens are set up by military police and officers of the General Security. During such blockades automobiles and their occupants are searched thoroughly. Searches are so systematically carried out that "even the seats of automobiles are removed and searched".

3. Night raids in places of entertainment and streets are carried out by "plainclothesmen, often jumping out of unmarked cars and detaining groups of people for body searches." Often and without warning plainclothesmen search patrons of night clubs and restaurants and women dressed up for an evening out are subjected to humiliating searches by police authorities. During such searches ladies purses are opened and contents examined very carefully. In all cases "even the lipstick tubes are opened completely and examined."

4. University students are still the main group from which large numbers of arrests are made. Often students arrested are subjected to tortures to "give information on underground organizations".

5. Anti-Americanism is intensifying and going from bad to worse. An indication of this is the fact that people entering the American Consulate for ordinary business are subjected to searches by the guards. Often such people are previously searched by Greek police authorities as they approach the American Embassy. As a result, the American Embassy, which was in the past a symbol of freedom and Democracy is becoming a place where Greeks are being searched by its guards.

6. Persistent reports come out of Athens accusing American military officers of "having betrayed the confidence of former Greek comrades". Such allegations are repeated too often (See Harpers Magazine, October 1969, p. 77) to be dismissed as groundless.

7. Greeks leaving their country are now subject to searches by port authorities. This never happened before, not even when the civil war was raging 30 kilometers outside of Athens.

8. Personal mail is still being opened by the authorities and people wishing to communicate with the outside world on important political matters must find methods of by-passing the searching Greek authorities. Personally, I often receive news and reports from Greece through London or West Germany. Such reports are smuggled out of the country by foreign tourists.

9. In their search for "accomplices" the present Greek rulers have introduced the American Army uniform for Greek Officers. Now a Greek officer walking down the streets of Athens would be easily taken for an American. Their uniforms are absolutely identical. This American-type army outfit replaced the famous Greek *khaki*, a uniform glorified in poetry and folklore of the Greek people and closely identified with the past glories of the Greek army. Presently the Greek officers corps are viewed upon as praetorian guards, "subsidized and dressed by the Americans" and I sincerely cannot understand why not a protest from our embassy for the "plagiarism" of our American Army's uniform.

10. I am told by knowledgeable people, (a former Minister of Public Order among them) that a moratorium of underground activities is presently in effect in Greece pending the arrival of the American Ambassador and clarification of U.S. policy. The activities of the resistance organizations will resume, I was told, "if the American policy will be more of the same".

Nikolaos A. Stavrou,
Professor, Lecturer in Government.
Washington, D.C.

XUM

ECONOMIC PROGRESS OF NEGROES IN THE UNITED STATES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. COHELAN. Mr. Speaker, Dr. Andrew Brimmer, a member of the Board of Governors of the Federal Reserve System delivered the Founder's Day address at Tuskegee Institute on March 22. Dr. Brimmer's speech represents a thoughtful and provocative analysis of the economic progress of Negroes in this country.

A point central to Dr. Brimmer's address was that Negro citizens have made economic progress during the 1960's, but that true equality of economic opportunity, to say nothing of social equality, is far from complete. He further argues that governmental policy should be in the direction of a conscious effort to remove the vestiges of any discrimination that would confine any group of citizens to economic impotency. He perceptively points out a rather disconcerting trend within the black community—that of the well-trained Negro who is able to sustain substantial income increases while the untrained Negro is falling further behind, a situation that must be reversed.

One point in Dr. Brimmer's analysis is especially compelling—the strong correlation between increased education and increased income. To my mind, this point cannot be overemphasized. Although it is dangerous to stress education as a total or sole panacea, I still feel that there must be a strong Federal, State, and local emphasis on improving the quality of education. It is for this reason that I led the fight to fully fund our Federal education effort.

At this point, Mr. Speaker, I would like to insert Dr. Brimmer's remarks in the RECORD. It is a pleasure to recommend this statement to my colleagues:

ECONOMIC PROGRESS OF NEGROES IN THE UNITED STATES

(By Andrew F. Brimmer*)

THE DEEPENING SCHISM

To be asked to address this Founder's Day Celebration in honor of the memory of Booker T. Washington is really a way of honoring the one receiving the invitation. Not only on this campus, or in this community, but in the country at large anyone with even the most modest sense of history knows that the memory of Booker T. Washington is honored every day by the simple fact that Tuskegee Institute is here. That memory is embossed and embellished each time that this institution can render another day of service to the Negro community, to its region and to the nation through its commitment to higher education.

Yet, it is also good to pause at least once each year to reflect explicitly on the founding of this institution in rural Alabama in 1881. Since 1917, Tuskegee has found the time for such reflection, and the roster of speakers testifies to the high regard for Tuskegee in this country and in the world. This annual celebration has drawn to this campus a President of the United States, the Head of a foreign government, a Chief Justice of the Supreme Court, members of the President's Cabinet, other leading representatives of the Federal and State governments—as well as eminent scholars and educators and outstanding figures in the private sector. However, in coming here, they came as much to encourage the work of a growing Tuskegee as to honor the memory of its founder. So I am flattered to be a part of this tradition.

Having accepted the invitation to speak before this assembly, I decided that you really did not want me to dwell on the obstacles which Booker T. Washington had to overcome in the creation of a viable institution; nor did you expect me simply to extol the record of Tuskegee's achievements during the last 89 years. Rather, given the nature of my own responsibilities, I assumed that I was invited because you thought I might have something to say with a bearing on some of the central economic issues which we face today—especially those issues of immediate relevance to the Negro community.

On that assumption, I decided that it might be helpful to focus on a question that has generated a considerable amount of debate in the last few weeks: did Negroes make such extraordinary progress during the 1960's that the best course for public policy over the years ahead is one of "benign neglect"? Obviously this is not a trivial question. While the exact meaning of this proposition is far from clear, it has been advanced in a context whose potential impact on public policy in the area of race relations can be considerable. Thus, it is crucial that all of us have a clear understanding of the extent of economic progress which Negroes have made—and we must also have a full appreciation of the extent to which important segments within the Negro community have failed to share in this progress.

To help provide such an understanding, I have pulled together a considerable amount of statistical information relating to the economic experiences of Negroes during the last decade. From an examination of this evidence, I am convinced that it would be a serious mistake to conclude that the black community has been so blessed with the benefits of economic advancement that public policy—which played such a vital role in the 1960's—need no longer treat poverty and deprivation among such a large segment of society as a matter of national concern. To accept such a view would certainly amount to neglect—but it would also be far from benign.

The evidence underlying my assessment is presented in some detail in the rest of these remarks, but the salient conclusions can be summarized briefly:

During the 1960's, Negroes as a group *did* make significant economic progress. This can be seen in terms of higher employment and occupational upgrading as well as in lower unemployment and a narrowing of the income gap between Negroes and whites.

However, beneath these overall improvements, another—and disturbing—trend is also evident: within the Negro community, there appears to be a deepening schism between the able and the less able, between the well-prepared and those with few skills.

This deepening schism can be traced in a number of ways, including the substantial rise in the proportion of Negroes employed in professional and technical jobs—while the proportion in low-skilled occupations also edges upward; in the sizable decline in unemployment—while the share of Negroes among the long-term unemployed rises; in the persistence of inequality in income distribution within the black community—while a trend toward greater equality is evident among white families; above all in the dramatic deterioration in the position of Negro families headed by females.

In my judgment, this deepening schism within the black community should interest us as much as the real progress that has been made by Negroes as a group.

Before concluding these remarks, I would also like to comment briefly on the new program of family assistance, recommended by the President and now being considered by the Congress. It is my impression that this program is a source of much discussion—and some apprehension—within the Negro community. In my personal judgment, there is more reason to support it than to campaign against its enactment.

Let us now turn to a closer examination of each of these main points.

EMPLOYMENT AND OCCUPATIONAL UPGRADING

The economic progress of Negroes can be traced in the trends of the labor force, employment and occupational advancement during the last decade. In 1969, there were just under 9 million nonwhites in the labor force—meaning that they were holding jobs or seeking work. (Well over 90 per cent of nonwhites are Negroes.) This was a rise of 16 per cent since 1960, a rate of increase virtually the same as for whites and for the total labor force. However, employment of nonwhites rose more rapidly than it did for whites (by 21 per cent to 8.4 million for the former compared with 18 per cent to 69.5 million for the latter). Expressed differently, while nonwhites represented about 11 per cent of the total labor force in both 1960 and 1969, their share of the gains in employment during the decade was somewhat larger: they accounted for 12 per cent of the employment growth, although they held just over 10 per cent of the jobs at the beginning of the period.

Advancement in the range of jobs held by Negroes in the last decade was also noticeable. This was particularly true of the improvements in the highest paying occupations. Between 1960 and 1969, the number of nonwhites in professional and technical positions increased by 109 percent (to 692 thousand) while the increase for whites was only 41 per cent (to 10,031 thousand). By last year, nonwhites had progressed to the point where they accounted for 6½ per cent of the total employment in these top categories in the occupational structure (compared with less than 4½ per cent in 1960), and they got about 11 per cent of the net increase in such jobs over the decade. During this same period, the number of nonwhite managers, officials and proprietors (the second highest paying category) increased by 43 per cent (to 254 thousand) compared to an expansion of only 12 per cent (to 7,721 thousand) for whites. In the 1960's, nonwhite workers left low-paying jobs in agriculture and household service at a rate two to three times faster than did white workers. The number of nonwhite farmers and farm workers dropped by 56 per cent (to 366 thousand) in contrast to a decline of 31 per cent (to just under 3 million) for whites in the same category. In fact, by 1969, nonwhites accounted for the same proportion (11 per cent) of employment in agriculture as their share in the total labor force; in 1960, the proportion for nonwhites (at 16½ per cent) was more than 1½ times their shares in the total labor force. The exit of nonwhites from private household employment was even more striking. During the last decade, the number of nonwhites so employed fell by 28 per cent (to 712 thousand); the corresponding drop for white workers was only 9 per cent (to 900 thousand). Although roughly half of all household workers were nonwhite in 1960, the ratio had declined to just over two-fifths by 1969. The number of nonfarm laborers also fell (by 8 per cent to 876 thousand) over the last decade while the number of white laborers rose by the same percentage (to 2,809 thousand).

Nevertheless, as already indicated, the accelerated movement of nonwhites out of the positions at the bottom of the occupational pyramid did not carry through the entire occupational structure. For example, nonwhites in 1969 still held about 1.5 million of the service jobs outside private households—most of which require only modest skills. This represented one-fifth of the total—approximately the same proportion as in 1960. Moreover, the number of nonwhites holding semi-skilled operative jobs (mainly in factories) rose by 41 per cent (to about 2 million) during the decade, compared with an expansion of only 17 per cent (to 12.4 million) for whites. The result was that nonwhites' share of the total climbed from 12 per cent to 14 per cent. Taken together, these two categories of low-skilled jobs chiefly in factories or in nonhousehold services accounted for a larger share (42 per cent) of total nonwhite employment in 1969 than they did in 1960—when their share was 38 per cent. In contrast, among whites the proportion was virtually unchanged—26 per cent at the beginning of the decade and 27 per cent at its close.

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*Member, Board of Governors of the Federal Reserve System.

While nonwhites made substantial progress during the 1960's in obtaining clerical and sales jobs—and also registered noticeable gains as craftsmen—their occupational center of gravity remained anchored in those positions requiring little skill and offering few opportunities for further advancement. At the same time, it is also clear from the above analysis that those nonwhites who are well-prepared to compete for the higher-paying positions in the upper reaches of the occupation structure have made measurable gains. These contrasting exeriences should be borne in mind because they point clearly to the deepening schism within the black community.

TRENDS IN UNEMPLOYMENT

Over the 1960's, unemployment among Negroes declined substantially. In 1960, about 787 thousand nonwhites were unemployed, representing 10.2 per cent of the nonwhite labor force. Among whites in the same year, about 3.1 million were without jobs, and the unemployment rate was 4.9 per cent. By 1969, unemployment had dropped by 28 per cent (to 570 thousand) for nonwhites and by 26 per cent (to 2.3 million) for whites. Their unemployment rates had fallen to 6.4 per cent and 3.1 per cent, respectively.

The incidence of joblessness among nonwhites continued to be about twice that for whites during the 1960's. Even in those categories where the most favorable experience was registered, nonwhite unemployment rates remained significantly higher than those for whites. For instance, among married nonwhite males aged 20 years and over, the unemployment rate in 1969 stood at 2.5 per cent, compared with 1.4 per cent for white men in the same circumstances. Nevertheless, one should not lose sight of the fact that—taken as a group—Negroes made real strides in escaping idleness in the 1960's.

But, here again, we should not stop with this over-view. On closer examination, one quickly observes that a sizable proportion of the remaining unemployment among Negroes appears to be of the long-term variety. For example, in 1969, just under 20 per cent of the unemployed nonwhites on the average had been without jobs for 15 weeks or longer; among whites the proportion was only 12½ per cent. Moreover, those out of work for more than half a year represented 7 per cent of the joblessness among nonwhites compared with 4 per cent for whites. In 1961, when unemployment rose substantially under the impact of the 1960–61 recession, nonwhites accounted for about 21 per cent of total unemployment and for roughly 24 per cent of those without jobs for at least 3½ consecutive months. However, by 1969, nonwhites made up 27 per cent of the pool of long-term joblessness—although their share of total unemployment had declined slightly to 18 per cent. So, while a significant number of Negroes did find—and keep—jobs during the last decade, a sizable number of others were stuck in idleness for fairly long periods of time.

Still other evidence can be cited which underlines the contrasts within the Negro community. During the first eleven months of 1969, the unemployment rate among nonwhites living in the central cities of the 20 largest metropolitan areas averaged 6.3 per cent; it was a full percentage point less among those living in the suburban sections of these areas. Among nonwhite teenagers (those members of the labor force 16 to 19 years old), the unemployment rate averaged 27 per cent. During the same period of 1969, there was very little difference in unemployment rates between whites living in central cities (3.1 per cent) and those living in suburbs (2.9 per cent), and for white teenagers, the rate was 10 per cent.

So, judged by the differential impact of unemployment—as well as by the trend of employment and occupational upgrading—some Negroes have experienced commendable improvement while others have lingered behind in relative stagnation.

TRENDS IN INCOME: A REEXAMINATION

Undoubtedly, income statistics are probably the most closely watched indicators of economic progress. This is true for Negroes as well as for whites. These figures also demonstrate that the Negro community recorded significant gains during the last decade. In 1961, aggregate money income of families in the United States totaled $306.6 billion, of which whites received $290.4 billion and nonwhites received $16.2 billion. Thus, the nonwhites' share was 5.3 per cent. By 1968, the total had risen to $488.4 billion—with $454.5 billion going to whites and $33.9 billion going to nonwhites. In that year, the nonwhites' share had risen to 6.9 per cent.

In terms of median family income, the same indication of progress is evident. In 1959, the median income of nonwhite families amounted to $3,164, or 54 per cent of that for whites—which amounted to $5,893. By 1968, the figure had risen to $8,936 for whites to $5,590 for nonwhites, thus raising the nonwhite/white ratio to 63 per cent.

These relative family income data are a useful concept for some purposes, but they must be interpreted carefully. Otherwise they yield a misleading picture of the comparative economic status of the nonwhite population. A principal source of error is the failure of data on median family income to account for the fact that nonwhite families on average tend to be substantially larger than white families.

Data on median family income adjusted to a per capita basis to account for much larger minority families are presented in Table 1. (Attached.) When further adjustments are made to differentiate among types of families, several important conclusions result. The first and most important of these is that, for all types of families, nonwhite per capita family income is substantially lower in relation to that for white families than was suggested by the unadjusted figures. It appears that in 1967 the median income data unadjusted for differences in family size may have overstated the relative economic status of nonwhite families by something on the order of 11 per cent.

The information in Table 1 permits a further analysis of growth trends in per capita family income compared to growth trends in relative median family incomes for different types of households. For all families and for husband and wife families, the relative gains on a per capita basis were only slightly less than the relative gains on a total family income basis. The picture for female headed families, however, is completely different. The latter have the lowest median family income in general, and nonwhite families headed by females have the lowest median income compared to their white counterparts. What is perhaps even more disturbing, however, is that—because of the much larger size of nonwhite female headed households[1]—the per capita differences in family income are substantially wider than the differences in median family income. In 1967, the ratio of family income per capital of female headed nonwhite families (at 44 per cent) was 18 percentage points lower than the ratio of Negro to white median family income. The data in Table 1 appear to indicate that the gap between white and Negro per capita family income has not been narrowing as rapidly as suggested by the most widely cited income figures.

The conclusion reached by expressing median family income in per capita terms is that the usually observed ratios convey an unrealistic picture of family well-being because they fail to account for the larger absolute size of nonwhite families.

Another indication of the widening gap within the Negro community is provided by the distribution of income among families and individuals at different levels of income. Data showing these trends, by race and broad groupings of income classes, are presented in Table 2.

In examining these data, the first thing to note is that the distribution of income is by no means equal in either the white or non-white community. If it were, each fifth of the families would receive 20 per cent of the aggregate income in each year. In reality, however, only those families around and just above the middle of the distribution come close to receiving approximately this proportion of the total income. The families constituting the lowest fifth receive between 3½ per cent and 6 per cent of the income, while those in the highest fifth receive over 40 per cent of the total. This general pattern of income distribution holds for both white and nonwhite families.

But looking beyond these overall characteristics, it will also be observed that within the nonwhite community the distribution of income is considerably more unequal. Among nonwhites from the lowest through the middle fifth for each of the years shown, the proportion of aggregate money income received by the families in each category is below that for the white community. The opposite is true for nonwhite families above the middle fifth; their share is greater than that received by white families in the same category. The same tendency is evident when the top 5 per cent of the families with the highest incomes in both groups are compared.

Moreover, in the last few years, the distribution of income within the nonwhite community has apparently run counter to the trend among white families. In both the 1961–65 period and the 1965–68 period, the income distribution for white families became more equal. For nonwhite families, the same trend toward greater equality was evident in the first half of the decade. However, it remained roughly constant in the 1965–68 years. And the share received by the top 5 per cent particularly showed no further tendency to decline.

Again, these figures seem to underline a conviction held by an increasing number of observers: a basic schism has developed in the black community, and it may be widening year-by-year.

POVERTY IN THE NEGRO COMMUNITY

Poverty is a difficult concept to define in any meaningful sense. Yet, quantitative estimates are necessary if policymakers are to have reliable information on which to make decisions. Since 1965, the United States Government has relied on the estimates developed by the Social Security Administration which, for whatever their defects, appear to be the most reliable data available. The poverty concept developed by the Social Security Administration classifies a family as poor if its income is not roughly three times as great as the cost of an economy food plan for a family of that particular size and farm or nonfarm residence. In 1968, a nonfarm family of four was assumed to be living in poverty if its total money income was less than $3,553. The income deficit of a family is that amount required to raise its income to the poverty threshold.

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[1] In 1967, the average Negro husband-wife family was .76 members larger than its white counterpart, but the average Negro female headed family was 1.26 members larger.

Table 3 reviews the 1959–68 record of the escape of individuals from poverty. These data demonstrate quite clearly that the rate of decline of poverty for whites has been substantially faster than the rate of decline for nonwhites. Between 1959 and 1968, poverty among whites declined by 39 per cent while poverty among nonwhites declined by 27 per cent. Thus, in 1968 nonwhites made up a greater proportion of the total poor population than they did in 1959—the fraction increasing from 27.9 per cent to 31.5 per cent. This much more rapid rate of exodus by whites from poverty is explained by the fact that in 1959 the average poor white family was not nearly as deeply in poverty as the average poor nonwhite family. In 1959, the median income deficit for white families was only $868 while for nonwhites it was $1,280, or 47.5 per cent higher. Clearly, it took less economic achievement to lift the average white family out of poverty. It should be further noted that in 1968 the median income deficit for poor nonwhite families was $1,260 while for white families it was only $907, a difference of 38.9 per cent. Thus, these figures suggest that the future will continue to witness a more rapid rate of escape from poverty by whites than by nonwhites.

The data in Table 3 are of further interest because they permit an analysis of changes in poverty status by type of family. Disaggregating the poverty data into male and female headed families highlights several important points. Between 1959 and 1968, the rate of decline in poverty among individuals in male headed families of whites and nonwhites was roughly equal and also rather rapid. In 1968, the number of individuals classified as poor in male headed households for both races was roughly half the number in 1959.

Distressingly, however, for female headed families, the pattern was quite different. For the white population, the rate of decline among poor individuals in female headed families was substantially below the rate for individuals in male headed families. By 1968, there were only 16 per cent fewer poor individuals in white female headed households compared with 1959. For nonwhites, the data on changes in poverty among individuals in female headed families are extremely disturbing. Between 1959 and 1968, the number of nonwhites in poor female headed families increased by 24 per cent, and the number of nonwhite family members under 18 rose by an alarming 35 per cent. Between 1959 and 1968, there was an absolute increase of 609 thousand nonwhite family members 18 or less classified as poor living in a female headed family. So while the 22 million Negroes constituted only 11 per cent of the countrys total population in 1968, the 2.3 million poor children in nonwhite families headed by females represented 52 per cent of all such children.

The data on the rate of escape from poverty for different types of families also emphasize the development of a serious schism within the Negro community. Negroes in stable male headed families appear able to take advantage of economic growth and are leaving poverty at roughly the same rates as whites. The opposite appears true for families headed by a female, who appear unable to earn a sufficient income to escape poverty. The rapid increase in the number of poor nonwhites in female headed families—and particularly the very rapid rise of children 18 and under in their families—suggests that the problem of poverty in the black community has by no means disappeared.

Having discussed recent changes in the overall poverty population, it is important to examine briefly the rural experience. For farm families the record is much more encouraging with a decline of almost three-fourths in the number of poor individuals in nine years. Moreover, the rate of decline was roughly equal for whites and nonwhites. These results may in part reflect a growing prosperity in agriculture, but in large part they are due to a migration of the poor of both races from rural to urban settings.

The conclusions from this section are that nonwhite poverty in general has not declined as rapidly as white poverty, primarily because nonwhites classified as poor tended to be substantially poorer than whites classified as poor. This section has also shown that in the last decade there has been an alarming rise in the number of poor nonwhite children under 18 living in female headed families.

PROSPERITY IN THE NEGRO COMMUNITY: THE IMPORTANCE OF EDUCATION

The above discussion has obviously reflected a rather pessimistic assessment of several aspects of economic developments in the Negro community—focusing as it did on nonwhite poverty and the fact that actual white-nonwhite income discrepancies are wider than commonly observed statistics would suggest. To stop here, however, would present a somewhat unbalanced view of Negro economic progress. To present a more balanced picture, it is important to consider the source of some of the recent gains within the Negro community. In particular, it is important to discuss the role of education.

Recent data suggest that Negroes are making considerable gains in both secondary and higher education. Between 1960 and 1969, the per cent of Negro males aged 25 to 29 who had completed 4 years of high school or more increased from 36 per cent to 60 per cent while the white fraction increased from 63 per cent to 78 per cent. Thus, in 1960 the gap had been 27 percentage points, and in nine years this gap had narrowed to only 18 percentage points. In 1968, for the first time a greater percentage of Negro males aged 25–29 completed high school than Negro females.

In the case of higher education, the gains also have been impressive. Table 4 presents data on trends in Negro college enrollment between 1964 and 1968. In these four years, the number of Negroes in college rose by 85 percent. What is more striking, however, is the fact that during this period, 82 percent of this enrollment growth occurred in institutions other than the predominantly Negro colleges. Thus, in only four years, the percent of Negro college students enrolled outside predominantly Negro colleges increased from 49 percent to 64 percent. This fact suggests that the larger institutions are becoming increasingly aware of minority problems and are making a concerted effort to assist minority group students. In four years the number of Negro students at these institutions has more than doubled.

The importance of higher education in the economic achievements of whites and Negroes is underlined by the data in Table 5. It is clear that median incomes for men of both races increase dramatically with increasing amounts of education. What is even more important, the ratio of Negroes' income to that of whites rises at the level of education climbs. Stated in a slightly different fashion, the relative gaps within the Negro community between those with higher education and those with lower education are wider than for whites. In 1968 a Negro man, aged 25-54, with a high school education had an income 29 percent above that for a Negro man with only an 8th grade education, while for whites this gap was 26 percent.

The case of a Negro with some higher education is of particular interest. This is a man with the highest absolute income and the highest income relative to whites. Unfortunately, due to the unavailability of more data, the figures in Table 5 probably seriously understate the contribution of higher education to Negro income. The last line in Table 5 shows the income of whites and Negroes with 1 or more years of college. This category is really a composite of the categories 1 to 3 years of college and 4 or more years of college. Of all Negro men 25 years of age or over in 1967 reporting one or more years of college, 60 percent were concentrated in the 1–3 year category. For all white men reporting more than 1 year of college, there was a much greater tendency to have four or more years of college, with only 42 percent concentrated in the 1-3 year class. If a more complete breakdown of the data in Table 5 were available, they would probably indicate a higher return to Negro higher education.

A second reason why the data in Table 5 may understate the returns to higher education for Negroes is that they fail to account for the age distribution of those achieving higher education. Since major education gains among Negroes have been a rather recent occurrence the better educated Negro man will be substantially younger than his white counterpart. Table 6 documents this point by comparing educational achievements of whites and Negroes at similar age levels. These data show conclusively that the differences in educational achievements are in large part a function of age with the widest gaps among the older segments of the population. It is clear that the best educated within the Negro community are much more highly concentrated in the younger age brackets. Since income increases directly with age, when education is held constant,[2] due to factors of experience and promotions based on length of service, the failure of the data in Table 5 to account for the relatively younger age distribution of the better educated Negro population seriously underestimates the returns to education for Negro males. The figure for white males with higher education refers to an older population and thus, in part, reflects returns to age and experience as well as returns to education. Unfortunately, we will have to wait until the processing of the 1970 Census has been completed to get more complete data.

The conclusions from this discussion of education then are much more encouraging than the results reached above. Younger Negroes are making substantial progress in achieving secondary and higher education, and this increased education is associated with higher absolute income and income relative to whites.

NEGROES AND THE FAMILY ASSISTANCE PROGRAM

As I indicated above, I would like to comment briefly on the proposal to change significantly the principal means through which the Federal Government provides assistance to needy families. In recent years, these programs have become an important source of income for many Negro families headed by females in which a sizable number of children are found. Thus, one can readily understand why the President's recommendation to change them submitted to Congress in August, 1969, has generated so much discussion (and some apprehension) in the Negro community.

It will be recalled that, in broad outline, the proposed family assistance program would have the Federal Government pay a basic income to all families who could not

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[2] In 1967, the median income of all males aged 25–34, with four years of college, was $8,716, for those with the same education, aged 45–54, it was $12,267, or 40.7 per cent higher.

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provide for themselves—whether they are employed or unemployed. It would be geared to dependent families with children. It would replace entirely the largest of the Federally supported public assistance programs (i.e., aid to families with dependent children). Under the proposal, persons (except mothers with preschool children) who accept assistance would be required to register for work or training. It is estimated that in the first year of the program, over half of the families covered would have one member employed or undergoing training.

As recommended to Congress, the family assistance program would work in the following fashion: A family's basic allowance would consist of $500 for the first two members and $300 per member for each additional member. Thus, for a family of four, the allowance would be $1,600 per year.

Cash payments to families would be computed by adjusting the basic allowance to account for the earnings of the family. The first $720 of family income would not affect the payments because it is assumed that there are basic costs of transportation, lunches, clothing, etc., associated with taking a job. Cash payments to families would then be reduced by 50 cents for each additional dollar of earnings above the $720 minimum.

A simple numerical example will illustrate the program's operation. Assume a family of four has a cash income of $2,000. The first $720 of this income would be disregarded, leaving a balance of $1,280. A family's cash payment would then be reduced by half this amount, or by $640. Since the family's basic allowance was $1,600, its cash payment after earnings would be $960.

So far only a rough idea can be provided with respect to the probable coverage of the family assistance program. The projections available are shown in Table 7, as prepared by the Department of Health, Education, and Welfare in February of this year. According to these estimates, in 1971, about 3.3 million families would be covered; of these 2 million (three-fifths) would be white, and 1.3 million (two-fifths) would be nonwhites. These families would include close to 18 million persons—of whom 44 per cent would be nonwhites. Gross payments would approximate $3.5 billion, and nonwhites would receive about $1.5 billion—or 43 per cent. These annual payments would average around $1,060 for all families, about $1,000 for white families, and about $1,154 for nonwhites. However, since nonwhite families are expected to be somewhat larger (averaging 6.0 members vs. 5.1 members for whites and 5.4 members for all families), payments per capita would be about the same: $196 for all families, $198 for whites, and $192 for nonwhites.

It is difficult to compare the differential impact of the proposed program on particular groups of families compared with the existing program. However, it appears that a somewhat greater proportion of the families covered by the new program would be white compared with those covered by aid to families with dependent children (AFDC). In 1968, there were 1.5 million families participating in AFDC, involving 6.1 million persons, of whom 4.6 million were children. Outlays under the Federally aided programs amounted to $3.4 billion, and the average monthly payment per family was $168 (just over $2,000 per year).

In 1967, according to an HEW survey conducted in 1968, about 51.3 per cent of the families covered by AFDC were white, 46 per cent were Negro, and 2.7 per cent were other nonwhites. In 1961, whites constituted 51.8 per cent of the total, Negroes 43.1 per cent, and other nonwhites made up the remaining 5 per cent. So during the decade of the 1960's, Negroes as a proportion of total AFDC coverage increased while the proportion for all other groups was declining.

On balance, it appears that the new family assistance program would represent a considerable improvement—compared with the existing AFDC program—in about 20 States. Of these, 14 are Southern States (with a heavy concentration of Negroes), and most of the remainder are Western States (with a sizable proportion of Indians and Mexican-Americans among their populations). In 1968, the average annual payment under AFDC in the 14 Southern States was approximately $1,116. However, the average payment varies greatly among these States, and in some it is much below $1,000. Thus, given an annual payment of $1,600 for a family of four, there would be an increase of roughly $480 (or well over 40 per cent) compared with the amounts received by the average AFDC family in this region. While the exact status of families under the old and new programs cannot be determined, there appears to be no doubt whatsoever that the new proposal would result in a real improvement.

In 30 States there would also be an opportunity to make further improvements. However, in these cases, the outcome would depend on whether the States and local governments maintained their existing programs at substantially the same level. If these outlays were held at no less than 90 per cent of the 1968 level, assisted families would be better off in virtually every instance. Under the existing AFDC program, the average annual payment in these States in 1968 was $2,195 (of which $1,044 represented non-Federal payments). Under the new program (and assuming the 90 per cent maintenance factor), the average payment per family would rise to about $2,536. Thus, the new arrangement would imply an increase of roughly $340, or 15 per cent. The 30 States include primarily the heavily populated northern industrial States plus California. Most of these have a sizable concentration of low-income nonwhites in urban areas.

So, while these estimates of the probable improvement which might accrue under the new program of family assistance are obviously crude, they are suggestive. They imply that Negroes— and particularly the poverty-stricken families headed by females—would benefit substantially. And above all, it would create a promising basis for checking the increased dependence on public welfare of a growing segment of the population.

CONCLUDING OBSERVATIONS

The analysis presented here has sketched a rather mixed picture of economic progress among Negroes in the United States. While not meaning to deny or demean the recent impressive economic gains by Negroes, we must be careful that no one is lulled into believing (falsely) that the economic problems of Negroes have been solved. In this regard, the commonly observed income statistics, when accepted at face value, convey an unwarranted sense of greater economic parity between whites and Negroes than actually exists.

It was also noted that a closer analysis of the available data shows clearly that a definite economic schism has arisen within the Negro community. Individuals in male headed households appear able to share fairly well in economic advances, while those in female headed households are sinking backwards into poverty. Those individuals who have prepared themselves for challenging careers by seeking and obtaining higher education are registering relatively large improvements in incomes, while those without such training are falling further behind. Clearly, the economic condition of those who currently are lagging should be made a matter of serious national concern.

For this reason, the proposed family assistance program is pointing in the right direction, and—despite reservations many might have about some of its components—it should be viewed with greater receptivity within the Negro Community.

TABLE 1.—FAMILY INCOME ADJUSTED TO PER CAPITA BASIS, BY TYPE OF FAMILY, BY RACE OF HEAD, 1959 AND 1967

	All families		Husband-wife families		Female-headed families	
	1959	1967	1959	1967[1]	1959	1967[1]
Median family income:						
White	5,893	8,274	6,089	8,269	3,538	4,879
Nonwhite	3,164	5,141	3,663	5,854	1,734	3,015
Ratio	0.54	0.62	0.60	0.71	0.49	0.62
Persons per family:						
White	3.58	3.59	3.66	3.66	2.93	3.03
Nonwhite	4.31	4.35	4.42	4.42	4.04	4.29
Per capita family income:						
White	1,646	2,305	1,664	2,385	1,208	1,610
Nonwhite	733	1,812	829	1,324	429	703
Ratio	0.45	0.51	0.50	0.56	0.36	0.44

[1] Data for 1967 refer exclusively to Negroes.

Source: U.S. Department of Commerce, Bureau of the Census, Income in 1967 of Families in the United States, series P-60, No. 59, Apr. 18, 1969, and, U.S Census of Population: 1960, vol. 1, Characteristics of the Population, pt. 1, U.S. Summary 1964.

TABLE 2. TRENDS IN THE INCOME OF FAMILIES IN THE UNITED STATES: 1950 TO 1968

Income rank	1968	1967	1965	1961	1950
FAMILIES					
Total all Races percent	100.0	100.0	100.0	100.0	100.0
Lowest fifth	5.7	5.4	5.3	4.8	4.5
Second fifth	12.4	12.2	12.1	11.7	12.0
Middle fifth	17.7	17.5	17.7	17.4	17.4
Fourth fifth	23.7	23.7	23.7	23.6	23.5
Highest fifth	40.6	41.2	41.3	42.6	42.6
Top 5 percent	14.0	15.3	15.8	17.1	17.0
WHITE					
Total percent	100.0	100.0	100.0	100.0	100.0
Lowest fifth	6.0	5.8	5.6	5.2	4.8
Second fifth	12.7	12.5	12.5	12.1	12.2
Middle fifth	17.7	17.5	17.7	17.3	17.3
Fourth fifth	23.4	23.5	23.4	23.2	23.1
Highest fifth	40.3	40.7	40.8	42.2	42.5
Top 5 percent	14.0	14.9	15.5	17.3	17.6
NEGRO AND OTHER RACES					
Total percent	100.0	100.0	100.0	100.0	100.0
Lowest fifth	4.8	4.4	4.6	4.0	3.5
Second fifth	10.5	10.4	10.7	9.7	10.2
Middle fifth	16.5	16.4	16.5	15.9	17.6
Fourth fifth	24.6	24.1	24.7	24.3	25.2
Highest fifth	43.6	44.7	43.5	46.0	43.5
Top 5 percent	16.1	17.5	15.5	17.4	16.6

TABLE 3.—PERSONS BELOW POVERTY LEVEL IN 1959 AND 1968 BY FAMILY STATUS AND SEX AND RACE OF HEAD

[Numbers in thousands]

	1959	1968	Percentage change
White, Total	28,484	17,395	−38.9
In families with male head, total	20,211	9,995	−50.5
Head	4,952	2,595	−47.6
Family members under 18	8,966	4,298	−52.1
Other family members	6,293	3,102	−50.7
In families with female head, total	4,232	3,551	−16.1
Head	1,233	1,021	−17.2
Family members under 18	2,420	2,075	−14.3
Other family members	579	455	−21.4

	1959	1968	Percentage change
Unrelated individuals	4,041	3,849	−4.8
Negro and other races, total	11,006	7,994	−27.4
In families with male head, total	7,337	3,710	−49.4
Head	1,452	697	−52.0
Family members under 18	4,097	2,032	−50.4
Other family members	1,788	981	−45.1
In families with female head, total	2,782	3,439	+23.6
Head	683	734	+7.5
Family members under 18	1,725	2,334	+35.3,
Other family members	374	371	−0.8,
Unrelated individuals	887	845	−4.7

Source: U.S. Department of Commerce, Bureau of the Census Poverty in the United States 1959 to 1968, Series P-60, No. 68 December 31, 1969.

TABLE 4.—NEGRO COLLEGE STUDENTS ENROLLED IN 1964 AND 1968, BY TYPE OF INSTITUTION

[Numbers in thousands]

	1964 (Fall)	1968 (Fall)	Change, 1964-68	
			Number	Percent
Total enrollment	4,643	6,801	2,158	46
Total Negro enrollment	234	434	200	85
Percent total enrollment	5	6	(1)	(1)
Enrollment in predominantly Negro colleges	120	156	36	30
Percent of all Negroes in college	51	36	(1)	(1)
Enrollment in other colleges	114	278	164	144
Percent of all Negroes in college	49	64	(1)	(1)

[1] Not applicable.

Source: U.S. Department of Labor, Bureau of Labor Statistics; U.S. Department of Commerce, Bureau of the Census; U.S Department of Health, Education, and Welfare, Office of Education.

TABLE 5.—MEDIAN INCOME OF MEN 25 TO 54 YEARS OLD, BY EDUCATIONAL ATTAINMENT, 1968

	Median income, 1968		Negro income as a percent of white
	Negro	White	
Elementary:			
Total	$3,900	$5,844	67
Less than 8 years	3,558	5,131	69
8 years	4,499	6,452	70
High school:			
Total	5,580	7,852	71
1 to 3 year	5,255	7,229	73
4 years	5,801	8,154	71
College: 1 or more years	7,481	10,149	74

Source: U.S. Department of Commerce, Bureau of the Census.

TABLE 6.—MEDIAN YEARS OF SCHOOL COMPLETED FOR PERSONS 20 YEARS OF AGE AND OVER, BY AGE, 1969

Age	White	Negro	Difference
20 to 21 years old	12.8	12.2	0.6
22 to 24 years old	12.7	12.2	.5
25 to 29 years old	12.6	12.1	.5
30 to 34 years old	12.5	12.0	.5
35 to 44 years old	12.4	10.6	1.8
45 to 54 years old	12.2	9.1	3.1
55 to 64 years old	10.9	7.6	3.3
65 to 74 years old	8.9	6.1	2.8
75 years old and over	8.5	5.2	3.3

Source: U.S. Department of Commerce, Bureau of the Census.

TABLE 7.—RACIAL DISTRIBUTION OF RECIPIENTS UNDER THE PROPOSED FAMILY ASSISTANCE PROGRAM: 1971 PROJECTION

[Numbers in millions; amounts in billions of dollars]

Race	Families covered		Persons covered		Gross payments	
	Number	Percent	Number	Percent	Amount	Percent
White	2.0	60.6	10.1	56.4	2.0	57.1
Nonwhite	1.3	39.4	7.8	43.6	1.5	42.9
Total	3.3	100.0	17.9	100.0	3.5	100.0

Source: Department of Health, Education, and Welfare, "Selected Characteristics of Families Eligible for Family Assistance Plan: 1971 Projection," February 2, 1970.

A FURTHER ESCALATION OF THE CONFLICT

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. PODELL. Mr. Speaker, the escalating conflict between the Arab nations and Israel in the Middle East has taken a new and serious turn. Today, Soviet pilots flying Egyptian Migs were reported downed by the Israelis in combat around the SAM–3 missile sites. This is the first report we have of Russians taking part in actual combat in that area. The larger Soviet initiatives heighten the conflict and impair the security of Israel still further.

Last week, President Nixon, through Attorney General Rogers, announced a policy of watchful waiting on the matter of arms to Israel. It was decided that no new military equipment would be sold to Israel before a thorough reassessment of the situation. Mr. Rogers then went on to insure us of Israel's ability to defend herself in view of her current level of military equipment and her trained personnel.

At that time, I took issue with Mr. Rogers analysis of Israel's military superiority. An examination of her equipment shows much to be outdated and past the point of repair. Her pilots and personnel suffer from mishaps caused by faulty equipment. At the same time, the Arab forces, already five times as large as the Israeli's, are being supplemented at the rate of 15 to 20 planes per month, in Egypt alone.

Last week I conceded that Israel's pilots were superior at this point in time. But, with the introduction of Soviet military personnel in an active combat role, I now believe that Israel's superiority in this area is open to further questioning. Trained Russian pilots seriously alter the balance that some say exists in the Middle East.

The role of foreign advisers in any country is a potentially dangerous situation. The status quo is necessarily altered—our own experiences confirm the rule. The announced introduction of thousands of Soviet advisers in Egypt seemed potentially dangerous. This potential has now become a full-fledged reality.

As the situation slowly changes, the likelihood of a decrease in hostilities on both sides seems to be fading. Once again, I am calling for a reassessment and a review of the situation, and of America's policy. I do not advocate for any further escalation on our side. I am asking rather that our earlier commitment to Israel be fulfilled, so that her situation does not deteriorate further.

KEYNOTE SPEAKER AT COMMISSIONING CEREMONIES

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. RIEGLE. Mr. Speaker, I was pleased and honored to be invited by the Secretary of the Navy, John Chafee, to be the keynote speaker at the commissioning of the new U.S.S. *Detroit* in Bremerton, Wash., on March 28, 1970. This was a solemn opportunity to think about the real significance of a ship and its men for our American society, for today's world.

On behalf of the Secretary of the Navy, the captain of the ship and the crew, I wish to share my remarks for the public record.

KEYNOTE SPEECH

(By Congressman DONALD W. RIEGLE, Jr.)

Thank you Admiral Pratt, Admiral Petrovic, Congressman Hicks, Captain McClinton, honored guests, and ship's company of the U.S.S. *Detroit*.

Today, together, we commission the U.S.S. *Detroit*. This ship, the 5th naval vessel in our nation's history to bear the proud name *Detroit*, carries forward an honored tradition that began in 1813, 157 years ago. That long history reaches from the Battle of Lake Erie in 1813—across the years and around the world—to the attack at Pearl Harbor in 1941. So, this is a ship with a long and distinguished legacy, a ship with a proud crew, named for a proud city.

I salute the crew and express the appreciation of my colleagues and my people for your good efforts and for the efforts of those who have produced this ship under the leadership of Defense Secretary Laird and Navy Secretary Chafee.

And, as this great new U.S.S. *Detroit* begins its naval career today I wish you a safe and productive journey.

Feeling, for the moment, as if I too am a member of the crew—we do not know what test awaits you—tomorrow, next week, or next year. But whatever that test is that you are asked to meet I know you will persevere in meeting your responsibilities with courage, determination, and the will to do what is right, hoping to bring credit to the Navy, our nation, and yourselves.

As we know so well—these are troubled times. The age old conflicts haunt us today as we struggle to achieve a world order where men and nations can settle their differences

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without warfare. While that is our goal we are not yet there and we find ourselves in a period of turmoil and confrontation. In Vietnam, Americans are dying in combat this minute with the peace we seek still somewhere beyond the bombs, and gunfire and shattered flesh of this sad time. For all our wisdom, it seems we have much yet to learn.

But we are seeking answers, we are seeking peace, even if our efforts along the way sometime seem unwise and counter-productive. Our goal, however, is peace—a workable union among the world's peoples—where equity, understanding and reasonableness are the operating principles.

In a sense, it is ironic that we must build items of war in order to insure the peace—that we must arm ourselves in order to lessen the chances that arms will be needed—that we must stand ready to fight in order to avoid a fight.

But, as long as suspicions and divisions exist between men and nations and when the capacity for aggression is held by those whose motives are in doubt and who are unwilling to negotiate mutual safeguards we are left no choice but to be strong and vigilant. We must be equal to any challenge that can present itself just as we must be equally ready to lay down our armaments and work together the moment a mutual agreement can be reached which insures equitable world order.

But, our vigilance is costly and it diverts us from other work that we might do. When in this world we can finally move from confrontation to cooperation we will be able to turn our attention from rocket fire and bombing missions to laying bricks and teaching children—

From defoliating to fertilizing;

We will be able to leave the opposing trenches of the battlefield in order to work side by side in building a better world that all can share.

It is significant that this ship today symbolizes that choice—it stands in the middle between war and peace—it is a ship that can serve both causes. For this U.S.S. *Detroit* is a supply ship—it is not outfitted to attack an enemy. Its primary role is not to fight, but to carry supplies. And while today it is required to carry supplies of war, tomorrow it could as well carry supplies of peace. It is important that none of us here today miss this point because this ship is not being commissioned to the questionable glories of war without end—rather she is commissioned to the unfinished search for peace. And, we all will have succeeded, when the day arrives that this proud ship can throw off her cold-war configuration and turn to the task of helping an afflicted world meet the pressing human needs of its people.

So, the future of this ship is *our* future and the future of the world. The question is whether, finally, we can find the ways and means to live together peacefully on this "good earth."

For the United States, this poses special opportunities and responsibilities. For our greatest national treasure is not our technology, or our military power, or our natural resources—our greatest national treasure is our unique view of man. A view which says that all men are created equal and that each person by the simple right of birth, is entitled to life, liberty and the pursuit of happiness—with his freedom protected by equal justice under laws of his own making.

This is the most noble and profound concept of man the world has ever known—and in the first and last analysis, it alone, is the enduring source of our power and influence in the world. For we cannot indefinitely impose leadership by force of arms, particularly when we are a minority of some 10% of the world's population. Strength alone does not win respect; our lasting power is the power of our ideas, the power of our philosophy of man, the power of our example of life here in the United States, the power of what we stand for that is good and just.

When wars end, the dust of the bombs settles to earth—and the smell of gunpowder fades and is gone—

When the dead are buried, the prisoners of war released, and the servicemen sent home to their families—what remains is more than a scarred battlefield and the remnants of war—what is left, that is alive, are the ideas that were in conflict—the fundamental questions about man—his nature, his meaning, his rights and his dreams.

And, if we are to endure as a nation, it will be on the basis of our ideas—our view of man—our national creed—the one we live day in and day out.

Today, in my judgment we have an unparalleled opportunity to offer leadership to the world but we will only lead to the extent that life for our people here in America is worthy of the respect and emulation of the people of the world. If we actually live the philosophies at home that we offer the world, then, to the people of the world we are credible and persuasive. But today, sadly, our world leadership is eroded by the fact that many of our citizens are denied the rights and dignity guaranteed by our founding documents.

In the eyes of a world population that is predominantly non-white—we lose respect when our own non-white citizens are denied the full measure of American citizenship. It is one more reason why we must reassert the fact that the number one moral imperative in America today is to finally insure the full and equal rights of all our citizens. And, when inequality and denial—based on race—is eliminated once and for all from our society, then we will have made what I believe history will later come to recognize the greatest contribution to mankind in human history.

It is the pursuit of that unrealized dream that this ship is all about. For the national strength that we possess today, and to which this ship contributes, gives us at the most a measure of time to find lasting answers to these burning human questions.

And, as you men on this ship do your job today, tomorrow, and beyond, we who are public officials must redouble our efforts to find workable answers in the time that is left—the time which your sacrifices and efforts are providing for us.

So this ship, without its crew, and without its national meaning, matters very little. That is why we commission this ship today in the name of the men who will breathe life into her, and give her meaning. We commission her in the names of the sons and daughters, and grandsons and granddaughters of this crew, the generations ahead, to whom we hope to pass the torch of liberty and justice for all.

And we should not forget those who have come before us—the spirit and lives of the men who manned the previous four U.S.S. *Detroits*. For those men met the test that they were asked to meet—and we salute those who once stood where we stand today—and who did so well, what we are now asked to do.

Finally, then, let us return to the namesake of this fine ship—the city of Detroit, Michigan. For the problems and dreams I spoke about earlier are the problems and dreams of Detroit and of our whole country. The hopes of Detroit go out with you today as you prepare to travel the oceans of the world. And we know, in terms of our national well-being, the fate of each person is finally, of course, the fate of every other person. So, this ship carries the hopes and dreams of the young and the old of our country—the people of all races, all economic levels, all cultural and religious backgrounds. So, this ship and this crew is America, it is Detroit in the full sense. Thus, it is appropriate for us to say, particularly at this event, that as a people, as a city, as a nation, we are truly all in the same boat together.

And, what is accomplished for one is accomplished for all. Our success and failures belong to us all.

If we go forward today in that spirit—in a sense of brotherhood—with a commitment to fulfilling our destiny in behalf of human rights, then what we do here is noble and good.

And, let the world go out to the people of the world that we wish to—help not hinder; heal not wound; share not dominate; listen not preach—and that we pledge our best efforts to building a world where men and nations are free to be themselves, in a world community where the rights of all are respected and insured.

I wish you good luck and God's blessing.

Thank you.

ALL IS NOT GOLD

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. OTTINGER. Mr. Speaker, an editorial by Tom Wicker in the New York Times of March 22 pinpoints some significant aspects of our rapidly expanding technology which tend to be overlooked and which I believe need to be brought to the attention of my colleagues in the House and the public. The editorial follows:

ALL IS NOT GOLD ETC.

(By Tom Wicker)

One airline now has asked for, and another is considering, a surcharge to be imposed on transcontinental passengers flying the big new 747 jet planes. This makes again the necessary, if bitter, point that even in the age of technology things are not always what they seem, and even less what they are predicted to be.

The 747, to which the public is now being seduced by the usual overblown advertising, was developed to carry larger payloads more economically and thus—so everyone was assured—to reduce long-haul fares. The craft's performance apparently justifies the expectation, but the public may have to pay the surcharge anyway.

UNEXPECTED COSTS

The trouble is that no one realized that the huge new plane would run up the cost of ground operations by as much as 30 per cent; or, if anyone did realize it, no one scrupled to warn the public or temper the advertising wind to the shorn lamb. So it may be a long time, if ever, before the passenger gets all the promised benefits of the 747.

It will be well to bear this in mind as pressures continue for the even newer supersonic jets. And the ironic lesson of the 747 surcharge—that technological and industrial achievements can bring unexpected and unwanted side effects—is being frequently taught in far more dangerous ways. But it is much less frequently heeded.

Both President Nixon and the relevant committees of the Congress, for instance, are pledging to build sewage-treatment plants everywhere they are needed. The major issue seems to be how much money will be required for this quick response to the current environmental interest and what share of it the Federal Government ought to pay. Few question what the money will be spent for.

In fact, if a great many more large sewage-treatment plants of the usual kind are to be built, with the treated matter carried off to the nearest waterway, an increase in eutrification of our lakes and streams will follow. This is the process in which the treated matter simulates the growth of algae, which chokes the water and crowds out other species.

SEWAGE EXPERIMENT

The March issue of Environment Magazine makes this point in a report on an interesting experiment at Pennsylvania State University, where a "living filter" for sewage has been successfully developed. In this experiment, the treated matter was piped away and sprinkled on the earth. The result was an increase in agricultural productivity, a consequent decline in the need for chemical fertilizers (another water pollutant), a rise in the water table from a source that otherwise would have been carried by stream flows to the sea, and an ultimate ability to use the waste as drinking water.

The report warns that this plan is more adaptable to small-city and suburban needs than to metropolitan areas, but it makes the necessary points that in complex environmenal questions a variety of aspects—not just economics or convenience—has to be considered, and that now, not when it is too late, is the time to re-evaluate present concepts of sewage disposal.

LESS POWER NEEDED

The same issue of the same magazine raises even more challenging questions: Do we really need all the electric power we're producing and planning to produce? Is what we're planning to do with the power worth the consequences?

Electric-power production is doubling every ten years. At that rate, by the year 2000, power plants of all kinds will raise by twenty degrees the temperature of the total volume of water running over the surface of the United States each year. The amount of carbon dioxide (from fossil plants) and radiation (from nuclear plants) in the air may have drastic effects on the global climate and on all living species.

Since orders for new plants placed in the seventies will account for about half the expectable generating capacity in the year 2000, now is again the time to determine whether all those plants really have to be built. Population increase and over-all economic expansion do not require it. By far the major user is the primary metals industry, and aluminum production alone accounts for 10 per cent of industrial-power consumption.

BEER-CAN POLLUTION

This suggests at once that the aluminum beer can, a litter problem itself, is also a major air and water polluter through power-plant waste. By designing automobiles—an even bigger disposal problem—to be easily reclaimed by manufacturers, energy requirements for their production could be reduced dramatically because making reclaimed steel requires only about a quarter of the energy it takes to make it from ore.

There are many other ways to hold down the need for electric-power consumption—recycling paper back to its producers, for instance. Heedless acquiesence in more and more plants turning out more and more energy only means more and more poisoning of the environment—a surcharge that, ultimately, no one can afford.

LAW ENFORCEMENT CLUB SUGGESTS WAYS TO PREVENT CRIME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues the work of the Law Enforcement Club of Southeastern University of Washington, D.C.

The members of this club have published a series of bulletins informing the public of ways to avoid being victimized by criminals. Because of their work, the Law Enforcement Club recently received the coveted George Washington Honor Medal Award of the Freedoms Foundations of Valley Forge, Pa.

I hope my colleagues will join me in praise of this hardworking group of young men and women who are taking a constructive approach to solving this country's problems at a time when many of their peers are seeking only to destroy the old without building anew.

At this point in the RECORD, I would like to include the following bulletins to prevent crime, prepared by the Law Enforcement Club of Southeastern University.

YOU AND YOUR AUTOMOBILE: A PROBLEM OF PROTECTION

To help protect yourself from the intruder, thief or attacker, requires numerous precautions that must be observed while driving a car.

The following may be helpful:

1. Drive on well-lighted streets.
2. Drive on well-traveled streets.
3. Keep ALL doors locked.
4. Never pick up hitchhikers.
5. Keep your car windows closed as much as possible.
6. Do not leave packages on car seats in plain view of anyone passing by.
7. Keep valuables in the trunk or the glove compartment.
8. Park in a well-lighted area.
9. If someone approaches your car and attempts to enter, sound your horn and continue its use until he leaves or help arrives.
10. Keep your car locked when parked.
11. Always keep the keys in your possession even though you may park your car in your own garage.
12. Leave a light on in your garage if you will be returning after sundown.
13. Do not keep identification cards, credit cards or registration cards in your car.
14. Do not leave your car parked for long periods of time at airport or railroad parking lots. License plates can be traced by thieves who are on the lookout for homes to burglarize.

FOR THE LADIES ESPECIALLY

15. If you have car trouble, place a white handkerchief on your car radio antenna. Put the hood up. Get back into your car. Lock the doors. Wait for help to arrive. When help does arrive, be sure of the intent of the individual offering it.

LADIES—PROTECT THAT PURSE!

Here are some helpful hints that may prevent the loss of your purse to the purse thief:

1. When carrying your purse hug it close to your side and under your arm.
2. Do not carry a purse loosely over your arm or carry an over-the-shoulder bag swinging behind you.
3. Do not lay your purse on store counters.
4. Never stop with an open handbag.
5. Never leave a purse in a grocery cart while shopping.
6. Never leave your purse on the floor of a theater, or on an empty seat next to you in the movie.
7. Never leave a purse in a baby carriage.
8. A purse with a clasp opening should be carried with the clasp facing the body to prevent a thief from opening the bag and reaching inside.
9. If your purse is snatched, call police immediately; do not wait until you reach your home to make a complaint.

Remember—Women as well as men steal. Powder room thieves are alert to the moment when a woman places her purse on a bathroom sink or on the floor near the water closet.

Dressing rooms in department stores are on the regular rounds of touring women purse thieves. Be as cautious with women strangers as you are with men strangers.

10. Do not display more cash than necessary when you pay or receive change for a purchase.
11. Be suspicious of people who follow you from counter to counter or from floor to floor. Go to a store official and advise him of your follower.
12. Handle your charge plates with care; get them back from store personnel immediately.
13. Be suspicious of strangers who offer to "give you a hand" by carrying packages for you. These "do-gooders" sometimes offer permanent relief from the burden of carrying packages by running off with the bundles.
14. Be careful when a car pulls up and one of its occupants asks for directions, location of a business or a family residence. A purse can easily be grabbed and the car can then quickly speed off.

PROTECTIVE TIPS FOR APARTMENT RESIDENTS

If you reside in an apartment these "protective tips" may help you and your family from suffering the loss of life or monetary valuables because of criminal acts, or natural disaster.

1. When listing your name in a directory or apartment mailbox do not use your full name. First name initial and full last name would be recommended. For example, J. Smith, rather than John H. Smith.
2. Keep a flashlight on hand with a substantial supply of batteries.
3. Transistor radio and battery supply would be helpful in case of a power failure.
4. Request new locks for your apartment door if you are moving into a previously occupied apartment.
5. Have a "peephole" installed in your door so that you can observe who is knocking.
6. Do not place your name and address in your key case or attached to keys. You will be inviting burglary.
7. Advise management or a neighbor if you are expecting packages or repairmen.
8. Lock your door when traveling to incinerator or to pick up mail.
9. Keep windows locked.

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10. Ladies be careful when using washing machines. Try to do your laundering with a neighbor. Laundry rooms should be avoided after sundown and definitely after 9 p.m. The laundry room is an ideal location for the rapist—and he often uses it to attack women.

11. Do not leave valuable jewelry where it can easily be seen by visitors or intruders.

12. Require verification or identification of persons who claim they are from the delivery service or are there to repair a telephone or TV.

13. Have your key ready when approaching your apartment door. The sooner you enter your apartment the safer you will be.

NATIONAL LIBRARY WEEK

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. GRIFFIN. Mr. Speaker, shortly, national attention will be focused on the availability and dissemination of knowledge. I refer to National Library Week, which will be observed April 12 to 18.

Community libraries have made learning tools accessible to persons in every walk of life. With auxiliary bookmobile units, many rural Mississippians have an extensive library at their doorsteps.

All of this did not just happen. It is the result of hard and dedicated work by the Mississippi Library Commission and the Mississippi Library Association.

The availability of knowledge is necessary in a civilized nation as it contributes to the stability and harmony required of man in his relations with man. Librarians and library volunteers deserve our commendation for their efforts to enrich the lives of their fellow citizens.

The current issue of Mississippi Power and Light's publication, "Helping Build Mississippi," is devoted entirely to library services and resources in Mississippi. I include two of the articles as a part of my remarks:

MISSISSIPPI LIBRARY SERVICES, RESOURCES IMPROVING; GOOD READING MATERIAL AVAILABLE IN EVERY AREA

"Send us a man who reads."

So ran the headline of a manpower recruiting advertisement by a nationally known industry a few years ago. It pointed out that the "man with a future" must have certain good habits, a major one being that of reading.

Today, in Mississippi, people are reading more than ever before, due largely to the higher educational level of citizens, plus a steadily improving system of libraries—both public and private. Although those in the library profession are quick to admit that Mississippi libraries as a whole are still below the national standard, they are just as quick to point out that a report made on the situation 20 years ago, under the title of "People Without Books," is no longer applicable.

Here are a few facts showing the progress being made by libraries over the state:

Public libraries are to be found in 81 of the 82 counties (and plans are underway to establish a library in the one county without one.)

Multi-County library systems now serve 36 counties.

Bookmobiles cover 59 counties, town and county.

There are 60 special-field libraries in the state, such as college, university, and hospital, covering a varied field of technical and specialized subjects.

The annual expenditure for libraries per person is now slightly above $1.00—up from 11c per person in 1946.

Book collections in public libraries average about 2/3 book per person, compared with less than 1/3 book per person 20 years ago.

Most high school libraries have expanded in recent years, and numerous churches of various faiths have established libraries within the past few years.

Five of the 12 senior colleges and universities have had new library buildings built since 1948, with book collections being over 1.5 million.

Forty-two public libraries are tied together in the MINIT (Mississippi Instant Network of Information by Telephone) system used to speed service in obtaining items and information not available at the local level.

When it comes to the liabilities, or "needs," side of the ledger, librarians admit they can make quite a list. However, here are some of the more obvious ones:

Current shortage of trained librarians for positions in the state is near the 1,000 mark.

While the state has no American Library Association accredited school of library science, three state institutions of higher learning, Ole Miss, State, and Southern—offer courses in library science; an accredited library degree available in the state is needed.

Financial support of libraries, although increased during recent years, is still lower than desired.

The number of books per person is still lower than the average nationally, and should be greatly increased.

However, those charged with carrying out the state's library program are optimistic, as other articles in this issue point out.

STATE SUPPORTS NATIONAL LIBRARY WEEK IN APRIL

Mississippi, along with other states, will spotlight its library system April 12–18 during National Library Week, a seven-day period set aside for the purpose of making everyone aware of the need to read more meaningfully and more often for education, inspiration and enjoyment.

Alex McKeigney, Jackson utility executive and chairman of this year's National Library Week Citizens' Committee in Mississippi said, "The need for continuing education is one of the most vital needs facing the American public today. If we are to understand the critical issues of the day, secure jobs in a technological society, utilize the potentialities of increasing leisure time, we must multiply the availability of reading materials in the homes, schools and libraries throughout the state and nation. Reading is basic to the continuing process of learning."

McKeigney pointed out that, "Where there are schools without libraries, children are handicapped in securing information on many subjects. Where there are homes without books, parents cannot lead in teaching literary appreciation. Where life is less than it should be, there are normally too few reading opportunities. We must strengthen opportunities for all persons to master the skills of reading and to have books and other materials available for their use."

One of the goals of the Citizens' Committee for National Library Week in Mississippi is to encourage everyone to visit his library, to find out how easy it is to check out books, and to discover the books, phonograph records, and other materials available to him. Currently only one in four adults in the United States has a library card.

The theme of the 1970 National Library Week is "Reading Is for Everybody."

During National Library Week in Mississippi, citizens' committee in every town in the state will sponsor activities to call attention to the value of reading and the use of libraries.

Serving on the state committee to plan the event at that level are the following leaders in business, industry, education, civic and cultural endeavors:

Charles B. Allen, Jr., Amory; Hembree Brandon, Winona; W. J. Caraway, Leland; Stewart Frame, Greenville; Earl R. Hammett, Pascagoula; Henry Harris, West Point; Mrs. Milton Hill, Gulfport; Charles A. Johnson, Jackson; Dr. Chester McKee, Jackson; George McLendon, Raymond; Homer Mann, Jackson; Robin H. Mathis, Houston.

Dr. Mercer Miller, Gulfport; Herman Moore, Natchez; Mrs. Paul Phillips, Tunica; Bob Pittman, Jackson; J. C. Redd, Jackson; Bob W. Roland, Jackson; Jack N. Tucker, Tunica; Albert Sanders, Jackson; Pat Scanlon, Jackson; Mrs. Willie Simmons, Columbia; Mrs. Boswell Stevens, Macon; Shannon Waller, Gulfport; and Mrs. O. B. Walton, Jr., Jackson.

E. J. "TIC" FORRESTER—A TRIBUTE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, I am indebted to our distinguished colleague, Representative BRINKLEY, for this opportunity to say a few words in memory of our late colleague, E. J. "Tic" Forrester.

I had the pleasure of serving with Tic Forrester from the 84th Congress, to which I was first elected, until his retirement. I am one of those to whom our majority leader, Representative CARL ALBERT, referred when he said, in effect, that many of those who served with Tic disagreed with him from time to time, but always respected him. I did indeed respect Tic Forrester.

Tic Forrester had a long and distinguished career in public life. He served in World War I and successively in many posts of great responsibility until his retirement from the Congress. Tic was an effective and articulate spokesman for the beliefs which he so deeply held. Having been a lawyer for so many years, a judge, a county attorney, and a Representative, his legal arguments were extraordinarily well put. His view of the times and the remedies for the problems of those times were quite different than mine, and although I voted differently than Tic, I was always enlightened by what he had to say and had great respect for him.

Tic not only loved his wife and family deeply, but was very proud of the fact that she was born "a Yankee from Indiana."

Those of us who served with Tic Forrester have missed him on the floor of the House and in the cloakroom. He was a splendid man and fully deserving of the tributes being paid to him today by his distinguished colleagues from Georgia and the rest of us who served with him.

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CHICAGO CENTER PROMOTES JOURNALISTS' EXPERTISE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. MIKVA. Mr. Speaker, I have spoken before in these Chambers on some of the problems journalists must face in trying to adequately and fairly cover the incredible range of daily events which shape our lives. The job they do is often a hazardous one and always an intricate one, and, despite widespread and often uninformed criticism, newsmen do not face their responsibilities indiscriminately.

In an effort to increase reporters' knowledge and improve their methods of newsgathering, especially on the volatile urban scene, the University of Chicago and its Center for Policy Study has been sponsoring a program specifically for advanced study of urban problems by professional journalists.

This associates program, conceived out of one of the center's conferences "The Media and the Cities," offers a challenging opportunity to upgrade the skills and technical knowledge of those newsmen who face the enormously complicated task of informing the public about the increasingly complex constellation of urban problems.

I feel my colleagues should know more about this outstanding program and at this time insert into the RECORD an exciting description of just what has been happening in this field:

THE UNIVERSITY OF CHICAGO CENTER FOR POLICY STUDY, THE ASSOCIATES PROGRAM

The Center for Policy Study is administered by Eddie N. Williams, University Vice-President for Public Affairs and Acting Director of the Center. Paul Gapp is Coordinator of the Associates Program.

The Center was established in 1966 to provide a forum for the review and public discussion of major issues confronting the nation. It has had direct and immediate impact upon the shaping of public policies on foreign and domestic issues.

When the Center held a conference on "The Media and the Cities," one point which became clear was that today's journalists covering the field of urban affairs can improve their expertise substantially if offered opportunities for specialized study in an academic setting. This conclusion led to development of the Associates' program, which has now become a major function of the Center.

Associates are selected from among news media applicants throughout the United States. Each received a stipend to cover his living expenses while at the University. Assistance is provided in obtaining comfortable housing.

Courses: Associates are registered as students-at-large in the Division of Social Science. Tuition is paid for them with University and outside funds. Associates may audit a maximum of three courses of their choice at the graduate or undergraduate level. Courses must be in the area of urban problems.

Individual Research Projects: Each Associate engages in a research project of his own choice within the urban problems area. The end product of the reesarch is a paper submitted to the Center for Policy Study. These may be published by the Center and the Associates may use them as departure points for articles they may later wish to write for their respective publications or other media.

Physical Facilities: Associates are provided with private, on-campus offices equipped with telephones, typewriters and a library of essential reference works.

Special Seminars: Informal, off-the-record seminars are arranged for the Associates with University and off-campus leaders in such fields as planning, government, race relations, transportation, pollution control, architecture, sociology, law, medicine, welfare and communications.

Among dozens of individuals with whom the current Associates have met or are scheduled to meet at seminars are Ira Bach, veteran chief of the Chicago City Planning Department; Mayor Richard J. Daley; Wilber Hasbrouck, executive director of the American Institute of Architects, Chicago; Thomas McDade, an authority on new towns and suburban development; William Marston, chief deputy planner for transportation, City of Chicago; Lorenz Aggens, of the Northeastern Illinois Metropolitan Area Planning Commission; editors and urban affairs writers representing Chicago's four daily newspapers, and University faculty members whose disciplines bear upon many phases of urban affairs.

Associates also participate in, observe, or attend seminars, conferences, lectures and other events sponsored for larger audiences by the Center for Policy Study and other University organizations and departments.

The Program is based on this set of assumptions:

1. Urban centers are at once great liabilities and great assets to the nation as a whole;

2. Urban problems—violence, race relations, health, education, welfare, pollution, housing and employment, to name a few—pose a major threat to the nation;

3. To some degree—large or small—the fate of the cities and their population is, in one sense, in the hands of the media;

4. Despite the charges of the Kerner Commission and the Eisenhower Commission on violence, concerned and responsible media accept the challenge to report honestly, clearly, and thoroughly the causes and consequences of urban unrest and problems of inner-city life;

5. To do this, however, the reporting journalist must have a broad personal understanding of the underlying as well as superficial causes and consequences of urban problems.

6. Some journalists, by training or experience, have a broad understanding of these problems, but most do not;

7. Since the media do not offer scholarly studies of urban problems and since most journalists cannot ordinarily become students in institutions which provide such studies, the Associates Program contributes a much needed and acceptable solution to this dilemma.

The Associates Program enables journalists to become participant-observers within a major university community, auditing courses of special interest, following scholarly research, and participating in seminars.

In addition to its academic strengths in areas of urban studies, sociology, economics, law, psychiatry, medicine and social service, The University of Chicago is itself an important part of the urban environment. The University's setting—with all-black Woodlawn to the south and urban, liberal, integrated Hyde Park adjacent to the campus—provides a unique milieu—academic, civic, social, and political—within which to contemplate the urban crises.

It is from such a vantage point that the professional can take a dispassionate look at himself and his profession, analyze and evaluate media coverage of urban problems, and formulate improved or new methodologies for the consideration of his editors and fellow newsmen. This is consistent with the University's commitment to provide a community for the life of the mind and the pursuit of knowledge.

COMMUNIST "DOUBLE TALK"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. RARICK. Mr. Speaker, one of the greatest assets the Communists have in today's conflict with the free world is our lack of understanding of their objectives, strategy, and tactics. And a prime reason for this lack of understanding is the "double talk" use of words by the Communists.

Louis Budenz, the former top Red editor says that the Reds developed this deceptive Aesopean language in order to confuse and mislead the non-Communist world.

I include a list of a few of the most common terms in this Red Aesopean lexicon, together with their real meanings as originally reported in the ABN correspondence bulletin of the anti-Bolshevik bloc of nations for May–June 1966. The only change noted in the passing of 4 years has been the more frequent use of the distorted Red semantics and the addition of their newly coined word "racist" which I discussed in my remarks of March 13 at page 7382.

THE KEY TO COMMUNIST SEMANTICS

Peace—non-opposition to Communism.

Peace-Loving—supporting Communism.

Peaceful Co-existence—non-resistance to Communist policy and moves towards world conquest.

People—Communists (People's China, etc.)

People's Democracy—Communist slave state.

Democratic or *Progressive*—terms used by the Reds to describe persons, organizations or policies which further Communist aims.

Aggression—any firm action to prevent or defeat Communist expansion.

Colonialism—possessing territory that the Reds want.

Colony—a non-Communist territory associated with the Western Powers.

Anti-Colonialism—the Communists' program for gaining control of territories presently associated with the Free World.

Oppressed Peoples—those living in countries the Reds wish to seize.

Liberation—the Communist takeover of a free country.

Fascist State—any country which takes firm action against Communist infiltration, espionage and subversion.

Militarism—creation of non-Communist armed strength or alliance.

Discrimination—a smear term used against people or actions which interfere with Communist plans and objectives.

Disrupter or *Stool Pigeon*—an anti-Communist worker or union man.

Traitor—a general term for anti-Communists.

Reactionary—a non-Communist.

Fascist—an anti-Communist.

Nazi or *Hitlerite*—an active anti-Communist.

Warmonger—anyone strongly opposed to giving in to Red demands.

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Anti-Fascist—A Red or one who fights against anti-Communists.

McCarthyism—any action to expose Communist espionage and subversion within our borders.

Inquisition—any governmental or judicial inquiry into, or investigation of, Red infiltration or subversion in non-Communist states.

Religious Bigot—anyone who opposes Communism on religious grounds.

Anti-Semitism—a smear term used by Communists against those who effectively oppose and expose them. This technique of smearing their opposition as "anti-Semites" is an old and proven method of discrediting, isolating and destroying their opponents.

Hate Literature—any book, booklet or publication which identifies and exposes Communist and Red strategy and tactics. A current smear term used widely by Reds to discredit anti-Communist publications.

The importance of understanding this game of Red *semantics* becomes apparent, for instance, when examining current demands to "ban hate literature" and "introduce anti-hate legislation". Checking Red *semantics*, we find that this is *really* a crafty manoeuvre to censor or outlaw *anti*-Comunist literature and activity!

That's how important it is for the informed people to understand Red *semantics* today.

VIETNAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SCHWENGEL. Mr. Speaker, it is with some reluctance that I take the floor today. I do so only because I feel that to remain silent would be intolerable.

The tragedy and absurdity of Vietnam becomes more realistic and clear everyday. The whole truth of the sad state of affairs in Vietnam must be more honestly sought. Assessing justice by finding guilt in one place without seeking and evaluating basic cases is not just and fair. Few things in the 200 years of our history have had so devastating an impact on the American conscience as what has become known, justly or unjustly, as the alleged U.S. military atrocities in Vietnam.

The stories that have emerged, corroborated, uncorroborated, blurred in emotion, fitfully cloaked in fear of exposure, leaves a large cross section of America in a state of revolution, anger, uncertainty, and profound moral misery. This is why I now recommend that we begin now to thoroughly investigate all the facts and facets that may have influenced and encouraged the alleged atrocities, and put us on the road to the truth, the full truth, the unadulterated truth. And no matter how ugly and how painful.

Mr. Speaker, last week the U.S. Army announced that it was bringing formal charges against 14 of its officers in connection with the incident at My Lai.

When word of the alleged incident at My Lai first became known, I immediately stated that it was my firm belief that a thorough and exhaustive study of not only the incident itself was necessary, but that the strategy or concept of search and destroy must also be carefully examined if the whole truth was to be determined.

It is my firm belief that search and destroy played a large role in whatever is alleged to have happened at My Lai. When I returned from Vietnam in 1967, in the import of the Volunteers for Vietnam to the President and to Congress, we called attention to what we considered the tragic mistake of search and destroy. The reasons were both moral and practical. First, it seemed to us that an unnecessary loss of civilian lives and property resulted from the policy. It definitely created a marked and deep feeling of anti-Americanism and of the government in Saigon. Needless to say, this was counter-productive to the rural development and pacification effort.

Yes, in my opinion search and destroy was wrong. The atmosphere created among our young men out on search and destroy missions was bound to end at one time or another in the kind of thing alleged to have occurred at Mylai.

The brutal slaughter of civilians in wartime, in a war zone, even in a guerrilla situation, is revolting to me. It can not be condoned or pardoned. If the incident alleged to have taken place at Mylai, indeed was reality, it will be a blemish on our record, it demeans our heritage, it is stamped indelibly on our collective conscience.

It is appropriate to review what has taken place since the specter of a Mylai was first raised. Lieutenant Calley has been charged along with certain of his men. Captain Medina has been charged. And last week, 14 additional officers were charged.

The latest charges evidently dealt not with the incident at Mylai itself, but with the alleged attempt to coverup what took place there. This came as the result of an exhaustive investigation by the Army itself.

I am in no position to quarrel with the results of the investigation undertaken by General Peers. But if I can be permitted a personal aside, I would like to say that as one who has met General Koster, I can say with all sincerity that I consider him to be a forthright and honest man. It is inconceivable to me that he knowingly was party to an attempt to cover up any wartime atrocity.

So where does this leave us. It leaves us with a large number of Army officers and enlisted men charged with violations of Army regulations. To me this is the easy way out. A trial of these men to me should also be a trial of the policy under which they were ordered to operate. We should attempt to determine what effect, if any, search and destroy had on the attitude of our men and the atmosphere of the situation. If the policy did play a major role in creating the setting for Mylai, an investigation should be just beginning.

Our conscience should not be soothed by the filing of a few formal charges, if the basic cause goes much deeper. Our guilt, if it can be purged, can be cleansed only if we agree to examine the situation in its totality. Who instituted the policy of search and destroy? Were its costs anticipated? Were the effects of its implementation constantly monitored? Were alternatives adequately explored?

These are question which must be answered. They relate directly on the Mylai incident.

We must not be satisfied until these questions are answered. It is clear that the Army's inquiry will not answer these questions. That should not deter us from seeking the truth. If a special congressional investigation is needed, then so be it. A special subcommittee of the Armed Services Committee is already at work. Perhaps the preview of its investigation should be broadened to answer the questions which have been raised here.

Deep, basic principles are involved. They concern the manner in which we fight war. They concern our moral standards in armed conflict. But most importantly, they concern the character and content of the policies used in warfare. In this case, the policy of search and destroy. If the policy of search and destroy is the root cause, what of those responsible for that policy?

VIOLENCE IN AMERICA

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mrs. GREEN of Oregon. Mr. Speaker, I think by now most Members are aware of the violence that erupted on the night of last February 25 in the small community of Isla Vista, Calif., resulting in the burning out of a branch office of the Bank of America. Most probably know, too, that through the energetic actions of the Bank of America, the Isla Vista branch was reopened for business in a matter of days.

To me, this represents a particularly meaningful gesture in these violence-filled times which find corporate institutions increasingly the target of mindless acts of terrorism on the presumption of their intrinsic evil simply because they are big and flourishing and also, one presumes, because they are there. Violence is its own reward and those misguided souls who think for a moment that they can find salvation and virtue in bombing and burning public buildings, heedless of the threat to human life, in the age-old obsession that evil can be identified, isolated, and destroyed, are themselves the dupes of a greater evil—the sin of presumption.

If there is a greater evil, it is to be found in acquiescing to violence and knuckling under to the ugly threat of force and intimidation. In this regard, the Bank of America's action in reopening as quickly as possible became a highly significant and meaningful act. So too is the statement issued in connection with the reopening and which I recommend to your attention:

VIOLENCE IN AMERICA

Isla Vista, California, population 11,250. The business district consists of a couple of gas stations, a few small shops, some real

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estate offices—and a bank. A large campus of the University of California is nearby. All in all, a normal American suburban community—perhaps very much like the one you live or work in. Normal, that is, until Wednesday, February 25, when violence shattered the peaceful calm of Isla Vista.

At about 8:30 p.m. on the night of February 25, rampaging demonstrators—students and non-students—protesting the "capitalist establishment" converged on the community's small business district.

Several protesters rolled a gasoline-soaked trash bin through a smashed front door in a Bank of America branch and set it ablaze. Other students extinguished the fire. But just before midnight, with the angry crowd in a frenzy, the branch was set ablaze again. While police and fire officials were held at bay by a rock-throwing mob, the bank was gutted by fire and totally destroyed. A police patrol car was overturned and burned. Numerous other fires were started. Windows were smashed and life and property threatened.

These events took place in a community calld Isla Vista. They could have happened in your community. They can happen anywhere and with even more disastrous results.

Why did the eruption in Isla Vista take place?

Participants in the violence say it was a protest against the "capitalist establishment," "the war in Vietnam," "the Chicago trial," "student repression," "police brutality," and a list of other grievances against America in 1970. Some of these grievances are real, some are fanciful and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

But all Americans, young and old, liberal and conservative, lose by violence. Violence and destruction are the seeds of anarchy and tyranny—whether it be the tyranny of the extreme right or the extreme left.

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We believe the time has come for Americans to unite in one cause: a rejection, total and complete, of violence as a means of political dissent.

All of us, young or old, liberal or conservative, have for too long been silent on the issue of violence. We have been afraid of labels or slogans that would brand us as either arch conservatives or traitors to a liberal cause. Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between non-violence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

To this end we applaud the courageous response of many dedicated public officials. They deserve the cooperation of all citizens. They will have ours.

Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol.

It is for these reasons that we plan to re-open our Isla Vista branch on Monday, March 9. We realize that there is danger in this course of action. But we believe the greatest danger to ourselves and to all of the people in this nation is to be intimidated by mob violence. We refuse to be so intimidated.

Is the branch worth this much? In monetary terms, the answer is no. Is it not, and never has been particularly profitable. But it is there to serve the banking needs of the community and we refuse to be driven out of any community by a violent few.

Is this a bad business decision? Perhaps in a narrow sense it is. But we believe that at some time and in some place Americans must decide whether they intend to have their decision, indeed their lives, ruled by a violent minority.

We are but one bank, but we have decided to take our stand in Isla Vista.

BANK OF AMERICA.

COURT DELAYS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. PEPPER. Mr. Speaker, nationally syndicated Columnist Edith Kermit Roosevelt devoted a column last month to the work of the Select Committee on Crime on the subject of court case congestion and its adverse contribution to the Nation's crime problem.

From its initial stages, the committee has given priority attention in its hearings across the country to recommendations to reform the courts and their procedures. This entails, of course, a comprehensive program that recognizes that funds for the upgrading of the courts will be futile if treated in isolation. Law enforcement, correctional institutions, probationary services, and the like are all in need of additional personnel and additional funding.

That is why I have recommended that a $1 billion commitment be made for fiscal 1971 to fund Federal, State, and local programs through the Law Enforcement Assistance Administration to prevent and control crime.

Mr. Speaker, I insert the column entitled "Court Delays" at this point in the RECORD:

[From the Shreveport (La.) Journal, Mar. 21, 1970]

COURT DELAYS

(By Edith Kermit Roosevelt)

WASHINGTON.—An enormous backlog of cases in the nation's courts is contributing to our rising crime rate and diminishing respect for our system of criminal justice. Unless we take prompt and substantial action to correct the congestion in our courts, we will soon be engulfed by untried and illtried criminal cases.

This conclusion emerges after eight months of hearings and testimony by more than 40 witnesses before the House Select Committee on Crime. In summarizing findings after a survey of crime in seven representative big cities, Committee Chairman Rep. Claude Pepper (D-Fla.) said:

"In many cities, police forces, which deservedly have been upgraded, are arresting more people than ever before—more than the rest of the system, the courts and corrections can handle. Justice that once deterred crime with its swiftness and sureness has become lumbering and uncertain."

In Dade County, Fla., for example, where the Crime Committee conducted its most exhaustive inquiry, legislators learned that the backlog of cases ready for trial jumped from 3,303 in August, 1968, to 6,976 in August, 1969—a 111 per cent increase in a year. Judge Jack M. Turner, senior criminal court judge of the Criminal Court of Record, Miami, estimated that most cases of those who can afford bail are tried within 12 to 18 months, "run of the mill" jail cases get to trial within three to six months, although other witnesses told of defendants who had spent as much as 18 months to two years awaiting trial.

Justice so long delayed benefits nobody but the criminal. The most effective deterrent to crime is not necessarily a lengthy sentence as much as the swiftness and sureness of the punishment. Dean A. Kenneth Pye of the Duke University School of Law has explained that the last thing in the world the criminal wants is a prompt and speedy trial. He figures that time is on his side and he is very pleased to wait until prosecution witnesses move away, get sick, die or forget the details of what they saw or experienced.

In all too many cases assembly line justice is being dispensed as hard-pressed, harassed judges, prosecutors and clerks try to handle mounting case loads. Florida's State Attorney, Richard E. Gerstein, former President of the National District Attorneys Association, testified that he had seen first-hand how serious criminal cases—felonies, burglary and robbery—are tried in big city and criminal courts throughout the country with little or no pre-trial preparation by the prosecutors. He told congressional probers:

"They are just tried 'from the hip,' so to speak, the prosecutor picks up the file. He calls out the names of the witnesses and he attempts by rote, by prior experience in these areas, to try the case. This is no way for serious crimes to be handled in America."

Even if the criminal is unlucky enough to have his case called up in court, he and his lawyer can always resort to what is known as "plea bargaining"—a device that too many judges and prosecutors welcome because of overwork. Thus it is not surprising, as District of Columbia Police Chief Jerry Wilson noted, that many automobile thieves, burglars, muggers and purse snatchers are allowed to plead guilty to such reduce charges as petty larceny and simple asult. In this way, he explained, "a great number of fairly serious criminals get off with little or no punishment."

The damaging effect of this practice on police morale was described by Rep. James H. Scheuer (D-N.Y.):

"There is nothing more discouraging to a police professional than to have risked his life in bringing in a suspect, particularly in the case of a violent crime, and then learn that we have to force the defendant to plead guilty to a lesser offense than what the police officer charged him with because society has not provided the judges, the juries, the prosecutors, the court clerks, the secretaries and the detention facilities to try people, particularly young people."

What is the effect of all this on the crime rate? In the District of Columbia, where it often takes a year to 18 months to bring a felony case to trial, there is documentation. On Jan. 28 of this year Atty. Gen. John N. Mitchell told the House Committee on the District of Columbia that a study of crime in Washington, D.C., showed that in 1968, when 557 persons were indicted for robbery, nearly 70 per cent of those released prior to trial or 242 persons were rearrested and charged with a subsequent offense.

How can we cope with this overriding requirement for legal manpower in our court systems? Among the suggestions made were that professional court administrators be appointed to free judges to spend more time on the bench and that the Law Enforcement Administration spend a greater proportion of funds to hire more prosecutors, defenders and judges. As Representative Pepper said:

"It does little good to strengthen police forces without strengthening those other parts of the system, the courts and corrections, which must deal with those the police arrest."

VIETNAMIZATION A PLACEBO, NOT A PANACEA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. RYAN. Mr. Speaker, the interesting thing about numbers is that they so readily lend themselves to comparative thinking. Ten apples seem like a lot until one sees 10,000. Then the 10 appear inconsequential.

"Numbers" is the name of the game being played these days in Vietnam. A hundred soldiers killed this week, 90 the next, 120 the next—these tend to be overshadowed by announcements in June of a withdrawal of 25,000 men, in September of 35,000, and in December of another 50,000 by April 15.

It would be very comforting if only we could ignore and then forget the "small" numbers. But this easy solution—this balm to soothe the tensions of a nation now at full war for 5 years—is a chimera. Death is too final. It is too ultimate a fact to be discounted and disregarded. The Washington Post this morning reports that in the last 24 hours alone, 40 American soldiers have been killed and 190 wounded in Vietnam. And for the 2-day period starting Tuesday, U.S. deaths were listed as 61. It is interesting to note that this story appeared at page 22 of the newspaper—obviously, the public's interest is being successfully channeled by the administration.

But 'our concerns for the imminent missteps in Laos and Cambodia, our plaudits for the periodic withdrawal of troops from Vietnam, our worries over the flaring tensions in the Middle East, cannot displace our concentration on the death and destruction rampant and persistent throughout Vietnam.

The April 1 editorial in the New York Times correctly directs our attention to the numbers which the administration has been heralding as its resolution of U.S. involvement in Vietnam. The editorial questions that policy of Vietnamization so proudly paraded as panacea by the administration, and accurately points out the inconsistencies in that policy which have been erected by the administration itself.

I commend this editorial to my colleagues. It raises the vital question which affects everyone of us directly—is "Vietnamization" going to be the balm which quiets and stifles the dissenters, while enabling the administration to pursue this war endlessly?

The editorial follows:

[From the New York Times, Apr. 1, 1970]

"CUTTING INTO THE BONE"

President Nixon's Vietnamization program is approaching a critical test of credibility this month as the third phase of announced American troop withdrawals from Southeast Asia nears completion.

The White House has denied a report that the Pentagon is budgeting for substantial new withdrawals that would reduce American forces in Vietnam to 225,000 men by mid-1971. The remaining forces would consist largely of air, artillery and supply units, with only enough combat troops to provide protection for their bases.

Such a reduction would be consistent with repeated hints from Washington and Saigon over many months that the United States would bring home all of its ground combat forces from Vietnam by that time or earlier. When former Defense Secretary Clark Clifford last June called for withdrawal of all ground forces by the end of 1970, President Nixon said he hoped to beat that target. A new withdrawal announcement, promised for this month, should provide a clue to the prospects for fulfillment of such hopes.

The President announced the first cutback of 25,000 men last June. A further withdrawal of 35,000 men was announced in September, and in December Mr. Nixon said he would bring home an additional 50,000 men by April 15, lowering the ceiling to 434,000. The actual reduction to date has been 84,500 men, from a force level of 538,500 when the first cutback was announced to a current total of 454,000.

While the staged reductions so far have succeeded in dampening criticism of the war at home, they have not really significantly affected the military balance in Vietnam. The current level of American forces in the battle area is close to that which prevailed at the time of the enemy's Tet offensive in early 1968. Since that time, South Vietnamese forces have been substantially expanded—and improved, if official sources are to be believed.

So far, President Nixon has merely been cutting fat from what many believed was a bloated American military establishment in South Vietnam. The next withdrawal, a Pentagon source observed recently, "will start cutting into the bone."

Administration spokesmen have insisted privately that the process of Vietnamization is "irreversible." President Nixon told the American people last November that he had adopted a plan "for the complete withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

But the President appeared to contradict himself when he also declared that the rate of American withdrawal would depend on the progress of peace talks in Paris, the ability of South Vietnamese troops to take over the burden of the fighting and the degree of restraint shown by enemy troops. At the moment there are grounds for doubt on all of these counts, especially in view of stepped-up enemy activity in neighboring Cambodia and Laos.

The question in the minds of many Americans as another decision on withdrawal approaches is whether this Administration will continue to fulfill its promise of "orderly scheduled" disengagement, even at the risk of "cutting into the bone." Or will the pace of withdrawal be allowed to lag—as Army leaders are reported to be urging—strengthening the belief of some critics that "Vietnamization" may be another way of saying that the war will go on in a continued—but futile—search for military victory?

CHAMBER IS COMMENDED

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. DADDARIO. Mr. Speaker, on Friday a week ago, the Greater Hartford Chamber of Commerce received a most welcome surprise of a commendation by the President for the work it has done in recent years in forwarding education, improving housing, and providing employment opportunities.

It is my understanding that the chamber's work was singled out by the Department of Commerce for its outstanding effort. I offer it for the RECORD:

THE WHITE HOUSE,
Washington, March 20, 1970.

Mr. ARTHUR J. LUMSDEN,
President, Greater Hartford Chamber of Commerce, Hartford, Conn.

DEAR MR. LUMSDEN: The outstanding leadership of the Greater Hartford Chamber of Commerce in programs of service to the people of your area has come to my attention and I want to commend you and your associates for your splendid work. I understand that the Chamber has done a great deal to advance education, improve housing, and provide employment opportunities for the citizens of Greater Hartford, and that many observers have pointed to the remarkable progress in your community in recent years as a model for other cities in America.

You and your colleagues have my best wishes for continued success in the years ahead.

Sincerely,

RICHARD NIXON.

BAN OBSCENE MATERIALS THROUGH MAIL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. MONAGAN. Mr. Speaker, early in the first session of the 91st Congress I wrote to the Postmaster General of the United States protesting the volume of obscene materials being sent through the mails and I stated that it was time for the Post Office Department to take remedial action.

Subsequently, I introduced four anti-obscenity bills, and I am pleased to note that on March 16, 1970, the House Post Office and Civil Service Committee reported out a bill, which is very similar to my own H.R. 12927, a bill to afford protection to the public from offensive intrusion into their homes through the postal service of obscene matter.

On February 24, 1970, I wrote to the Postmaster General requesting a status report on the law-enforcement activities against publishers and dealers responsible for the traffic in obscene materials, and the Post Office Department report indicates to me that enforcement of anti-obscenity laws at last has picked up, and the number of convictions, indictments, and arrests in fiscal year 1970 has increased substantially over a similar period in 1969.

My letter to the Postmaster General and the law-enforcement report from Chief Postal Inspector W. J. Cotter follow:

FEBRUARY 24, 1970.

Hon. WINTON M. BLOUNT,
The Postmaster General,
U.S. Post Office Department,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: With reference to my previous correspondence with you on the subject of prosecution of publishers and dealers of obscene materials, I will appreciate a current status report on the number of publishers and dealers convicted of violating anti-obscenity laws, the number of persons indicted, and the number of anti-obscenity cases now pending in court.

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Last year I wrote to the Chief Justice of the Supreme Court and the Attorney General of the United States on the subject of strict enforcement of our anti-obscenity laws, and I continue to believe that publishers of obscene materials must be made to know that constituted authority intends to put a stop to their flouting of minimum standards of decency and for law.

I enclose for your information copies of legislation which I have filed with reference to this problem.

I will appreciate your early attention to my request.

Sincerely yours,

JOHN S. MONAGAN,
Member of Congress.

POST OFFICE DEPARTMENT,
CHIEF POSTAL INSPECTOR,
Washington, D.C., March 20, 1970.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MONAGAN: This is in response to your letter of February 24, 1970, which was referred to this Bureau by the General Counsel under date of March 2, 1970. Your letter requested a current status report on the number of persons convicted, the number presently under indictment and the number pending before United States Attorneys, for violations of the postal obscenity statute.

To date, in Fiscal Year 1970, there have been 12 persons convicted in Federal courts for violating the postal obscenity statute (18 USC 1461). Indictments have been returned against 39 operators charging violations of this statute, with 38 of them under arrest. In addition, 15 cases involving 23 operators have been presented to United States Attorneys for consideration of instituting criminal action under the obscenity statute.

These convictions, indictments, arrests and presentations to United States Attorneys represent Federal action against persons soliciting and selling obscene material on a commercial basis.

This Service also enjoys an excellent working relationship with State and local law enforcement agencies throughout the country. Many arrests and convictions occur under State obscenity laws and ordinances through the mutual effort of our services. We find this cooperation an invaluable adjunct in our efforts to prohibit the transmission of obscene material in the mails.

We have noted the three bills you have introduced which you furnished with your letter and appreciate your interest in the problem of obscenity in the mails.

We hope the above information will be of benefit to you.

Sincerely,

W. J. COTTER,
Chief Postal Inspector.

STOP DRUG ABUSE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. HOGAN. Mr. Speaker, the National Association of Chain Drug Stores has published a pamphlet entitled, "Stop Drug Abuse." Because it contains some very practical and valuable information which should be helpful to parents and teachers, I would like to quote some excerpts from it at this point in the RECORD:

SOME FACTS YOU SHOULD KNOW

According to the Bureau of Narcotics and Dangerous Drugs, drug abusers fall into three main groups:

Situational: A student may use pep pills to cram for exams.

Spree: Used for "kicks" or the experience.

Hard-core addict: One whose activities revolve almost entirely around drug experiences and securing drugs.

If you have reason to believe that your child is experimenting with drugs, you should watch for any of the following general symptoms:

Loss of interest in school or social relationships.

Inability to relate to others.

Failure to accept responsibilities.

Lack of ambition for the future.

Marked alteration of usual behavior patterns.

Deterioration of physical/personal appearance.

Problems with parents, school or peer group.

Withdrawal and uncommunicativeness.

Overt hostility and outbursts of temper; lethargy.

Quick changes of mood.

Development of furtive habits.

Whatever you discover, don't panic! Adolescence is a very lonely time for youngsters. Your child may be seeking to fill this loneliness with drugs as a means of finding acceptance or as an attempt to "escape." Let him know that you are ready to help him—not condemn him. Be willing to seek outside assistance if necessary. You could consult your family doctor or neighborhood pharmacist for advice. Go to the school guidance counsellors for help. The National Institute of Mental Health has a staff located in the nine regional offices of the Department of Health, Education & Welfare throughout the United States ready to assist you, or there may be a community action group in your area from which you can obtain information.

In the back of this pamphlet you will find a list of films on drug abuse which are available for rental or purchase, and addresses of sources where you may write for additional printed material.

The following charts should furnish you with a ready-reference to a few questions about the potential dangers in the misuse of drugs:

Nonnarcotic dangerous drugs	Known as—	Drug-abuse warning symptoms	Dangers
Sedatives—Depressants, barbiturates, tranquilizers: Seconal, Nembutal, Tuinal, Amytal, Phenobarbital.	"Redbirds," "yellow jackets," "barbs," "goof balls," "nemmies," etc.	Apparent drunkenness—Sluggish confusion, depression lethargy, quarrelsomeness, aggressiveness, loss of physical coordination, mental and emotional instability. With overdoses—coma.	Physical and psychological dependence (addictive), combined with alcohol can cause death, intentional or accidental suicide through overdose severe withdrawal from addiction: Dizziness, fainting, vomiting, tremors, delirium, coma, possible death.
Stimulants—Amphetamine, blet pills, pep pills: Methamphetamine, Phenmetrazine, Methedrine, Dexedrine, Benzadrine.	"Speed," "Ups," "bennies," "dexies," "meth," "A'S," "drivers."	Excitation, nervous energy, talkativeness, dry mouth, heavy perspiration, loss of appetite, sleeplessness. With large doses delusions, hostility, dangerously aggressive behavior, hallucinations, induced psychosis with panic.	Fatigue—Substitute drug for needed rest, engenders reckless behavior which can cause auto accidents, impairs judgment, person may become combative, can cause coma and death.
Hallucinogens: LSD (Lysergic Diethylamide), LSD-25, DMT (Dimethyltryptamine), DET (Dimethyltryptamine), DET (Diethyltryptamine), Peyote, Psilocybin, etc.	"Acid," "cubes," "Big D," "trips."	Effects vary greatly with dose and individual—may cause restlessness, inability to sleep, dilated pupils (user may wear sunglasses even at night), hallucinations, distortion or intensification of sensory perceptions, decreased ability to discriminate between fact and fantasy, unpredictable behavior, panic, or terror, psychotic reactions.	Possible permanent loss of sanity, or may cause permanent personality changes, "flashbacks" or same type of reactions may occur months later, irreparable chromosome damage with repeated use, may generate impulses toward violence and self-destruction, impaired judgment may lead to serious accidents.
Derivatives of the hemp plant Cannabis Saliva [1]: Marihuana, Hashish, THC (Tetrahydrocannabinol).	"Pot," "Tea," "Grass," "Joints," "Hash," "THC."	Effects vary with the method of ingestion (whether smoked or eaten). Can produce feeling of euphoria, altered conceptions of time and space, visual distortions, possible hallucinations, exaggerated sense of well-being; judgment may be impaired, can precipitate psychotic acts.	Can lead to aggressive and anti-social behavior, can lead to more serious drug abuse addiction through contact with "pushers" of other drugs; facts to date show that marihuana alone does not lead to physical dependence although emotional dependence is possible. Alteration of sensory perception may lead to accidents.

Hard narcotic drugs	Known as—	Drug-abuse warning symptoms	Dangers
Heroin, cocaine, codeine, opium, morphine, demerol, and all other opium derivatives and other synthetic narcotics.	"H," "Horse," "Smack," "Snow," "Big C," "Candy," "Coke," "Charlie."	Contracted pupils, bruises on arms and legs (the user will often wear long sleeves to cover arms), detachment, alienation; preoccupation (with securing the drugs), lack of interest in personal appearance and hygiene, itchiness, runny nose, loss of weight.	Physically and psychologically addictive, possible involvement in crime (to obtain money for habit), addicts are subject to blood infections, abscesses, tetanus, hepatitis, and venereal disease through unsanitary injections; also malnutrition through careless eating habits, withdrawal reactions are very serious; flulike illness, vomiting, running nose and tearing eyes, heavy perspiration, muscle spasms, aches and pains, alterations in blood pressure, pulse, respiration, and temperature, diarrhea. Can cause death.

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[1] Classified under hard narcotics by Federal law.

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THE EYE OF THE HURRICANE—EDUCATION AND OUR SOCIETY

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mrs. GREEN of Oregon. Mr. Speaker, a member of the Portland, Oreg., Board of Education, John C. Beatty, Jr., in an inspired speech to the City Club of Portland recently has managed such a masterful overview of the problems of education, particularly in urban society today, that I believe it well merits the time of Members of this House. The breadth of vision he displays is remarkable enough but the ability he shows to synthesize a variety of forces swirling about what he terms society "in the eye of the hurricane" illuminates the landscape with lightning flashes of truly brilliant perception. Although he goes about it with the engaging manner and pretense of being only an amateur, I can assure you that my good friend John Beatty knows wherefrom he speaks, as you will, I am sure, agree after a careful reading.

The speech follows:

THE EYE OF THE HURRICANE—EDUCATION AND OUR SOCIETY

(An Address to the City Club of Portland by John C. Beatty, Jr., member, Portland Board of Education, Jan 23, 1970)

This week Dr. Robert Blanchard, Superintendent of the Portland Public Schools, proposed a variety of measures to reorganize the administrative structure and educational program of our schools.

He asks, and I think rightly, that we decentralize administration, that we bring parents into schools on regular advisory committees, that we provide more educational meat for graders five to eight in Middle Schools, that our plant be modernized, that program budgeteers pursue efficiency by cost analysis, and that our blacks and whites be mixed more reasonably than presently is possible.

The Board will hold extensive hearings before we act upon these proposals. But even as we prepare to consider them, we need to bear in mind that, far reaching as they are, they deal with one instrument of education.

What is education itself? What function does it serve? What purpose should it serve? These are substantive questions which we need to think about.

These are questions to which we need agreement on the answers as we shape the instrument of education to serve us.

These are hard questions because the structure of human education floats like an iceberg, with eight-ninths of its intricate arrangement below the surface of our common consciousness.

My credentials to speak on the subject remind me of the cross-examination of Alice by the King as to who had stolen certain tarts.

"What do you know about this business?" asked the King.

"Nothing," said Alice.

"Nothing whatever?" persisted the King.

"Nothing whatever," said Alice.

"That's very important," said the King, turning to the jury.

I know scarcely more than Alice claimed, and none of us is an expert in all the fields involved. But our primary need now is to reason, and our ability to reason must be applied in areas hitherto screened from inquiry, either by myth or preconception.

When I spoke to you four years ago about "Public Schools, the Eye of the Hurricane," I described central city schools as buffeted in a social crisis. I spoke of population shifts, race and poverty, and of their effect upon the capacity of children to learn. I described the intensive efforts which the school system had undertaken to implement the report of the Committee on Race and Education under Judge Schwab. These efforts have been carried out with fidelity and energy.

Today I acknowledge that the crisis is far more intense and far more extensive than we then recognized. The attempt of the Public Schools to resolve the crisis must be extended to men and institutions throughout society because the crisis involves the very nature of our society. The School alone cannot change the attitudes and values of an entire people.

The crisis is man himself, a biological forest fire burning out of control, driven by the winds of his own expanding technology.

Man's physical activity is rapidly destroying the capacity of the land, the sea, and the air to support life.

A hundred miles from Los Angeles pine forests die, seered by windborne contaminents of concentrated automobiles.

Pesticides are concentrated by minor organisms, consumed by wildlife, become lethal to whole species.

Chemical fertilizers washed by the rains find their way into lakes, and rivers, and ultimately the oceans, changing the chemistry of water and the kind of life it can support.

We alter the air we breathe by burning fossil fuels; CO_2 is already 8% greater than in 1900.

His social behavior is reducing the security of those who live in the central cities to the condition of German peasants during the Thirty Years War. Poised over all are intercontinental missiles by the thousands, leashed by the uncertain will of a handful of men. They bear warheads which threaten the destruction of all living matter by fire and radiation one hour away at any time, day or night.

Anyone who thinks we can keep school in a placid evolutionary way in the shadow of these conditions is whistling Dixie.

Dr. Maurice Goddard recently compared the earth to a spaceship, describing both as "closed systems".

"Everything needed for a long voyage on a spaceship must be carried on board, nothing can be thrown away and everything must be recycled and reused. The earth, too, has everything on board that it will ever need—all of the air, water, soil, metal and fuel, but unlike a spaceship, earth takes on more passengers all of the time."

The differences between the way man manages the flight of Apollo and the way he manages his own flights on spaceship earth instruct us upon our deficiencies.

For hundreds of thousands of years, man, slowly evolving from ancestral primates, coexisted on earth with other species. Man's impact upon his environment was limited to the air he could breathe, the berries he could pick, and the meat he could kill with primitive weapons. His numbers were controlled by the natural supply of food. His debris was confined to his own organic waste, his weapons of wood and stone, and the bones which encircled his campfires. He lived in balance with the life systems of the planet.

In this relatively timeless environment education first began. Our hairless, clawless ancestor patiently taught his young the simple skills which had meant survival for hundreds of thousands of years: how to chip an arrowhead; how to shape a stone ax; how to chew and soften skin; how to snare small game. Education was the deliberate process by which he transmitted his primitive technology, his elaborate myths and his social rule from one generation to another. The technology, the myth, and the social rule were consistent with his life.

When the hunter, the fisher and the berrypicker learned to plant crops and harvest them at the close of the last glacial advance, perhaps ten thousand years ago, the relationship of man to nature was fundamentally changed. Man ceased to be a force in balance. He cleared forests, built dwellings, grazed cattle and changed small portions of the earth's surface. He accumulated food and his population was no longer limited by the availability of berries, roots, and game.

The transmission of knowledge from father to son, craftsman to apprentice, elder to youth, limited knowledge which could be accumulated. Written language developed, at first confined to priests and temples, and largely used for record keeping. And then writing began to be used to create and pass on technology. Man's knowledge ceased to be dependent upon storage in his memory. The accumulated knowledge of the past was stored in papyrus, stone and clay, then on paper, then in computers.

The technology we have today is the direct consequence of the application of educational system to a forest ranging human primate over four hundred generations ago—four hundred that is for those few of us descended from the inhabitants of the valley of the Tigris and the Euphrates. Most of our ancestors, as Disraeli acidly pointed out, came out of the forests of Europe less than fifty generations ago.

This educational system conducted by family, church and school has also preserved many of the social values and the behavioral characteristics of primitive life, despite their increasing incompatability with developing technology. Consider two examples:

First, hostility to a stranger who invades a hunting ground. It survives today as a latent distrust of those who seem to be different. This sense of difference, so easily stimulated, in our century has resulted in the extermination of tribes, nations and races, and in the persecution of countless others. It has produced the massacre in modern battle of tens of millions of men, women and children in two world wars conducted by the advanced nations of the Western World in the name of patriotism and national interest.

Next, consider the instinct to breed as often as possible. This instinct, essential to survival of our species in a primitive environment, expressed as a religious concept, "be fruitful and multiply", survives despite technological development which has cut man's death rate to a fraction of its primitive level. The concept as well as the instinct paralyze man's capacity to limit his numbers. While the paralysis continues, the population of the earth has expanded from one billion in 1900 to three point four billion in 1970, and will go to six billion in 1990 under conservative projections.

Nor is this by any means the whole story. As Professor Wayne Davis points out, the drain per person upon land and resources in the United States is at least twenty-five times that in India. Expressed in those terms it would take five billion Indians to use up land and resources at the same rate as two hundred million Americans.

The malaise of spirit which has spread throughout our own country and the Western World since the end of the Second World War is not the consequence of affluence, nor of permissive parents, nor of conspiracies. It results from an erosion of individual purpose and common destiny. We have become aware of what we are doing to ourselves. Like squirrels, we store nuts for the winter and breed for the spring. But we know in our heart that spring may not come. We know for a certainty it will be less lovely.

The music and the lyrics of the song "Where Have All the Flowers Gone" convey this pervasive sense of loss. It is not God we fear the death of; it is Man.

Young men and women, less cumbered by tradition and practices of conformity, have recognized these incongruities more clearly than we and are infuriated by our passivity. They lack experience and social discipline; they have reacted in various ways, some with violence, some with withdrawal, and some with a simplistic and sometimes dangerous hedonism. But many are prepared to work in ways and with a degree of energy we have never witnessed in our time to build a world which they think worthy of belief.

Their assertion that technology is not necessarily progress and that affluence is not the sole criteria of accomplishment is unassailable. We should not be deterred by the length of their hair or trousers they wear from agreeing with them. The skill and discipline of the mature, if added to the energy and directness of youth, can create a powerful instrument for change.

How do we deal with problems which are by definition worldwide? These problems arise from the acts and failures to act of thousands of communities and millions of men and women. In the community education shapes the growing child and the attitudes which he will bear in his maturity. The community is where the local structures of society exist. The community is the one place where we ourselves can get a grip on a small chunk of human destiny.

People in this country grow restless as they see their cities and their schools squalid with episodes of savagery. Their passions stir them to strike back. But at who? And at what cost? And with what consequence? They ask "What should we do?" There is only one answer: We must travel a new road together.

The entire community must accept and act upon three imperative necessities:

First, the necessity that man physically live in harmony with the life systems which have evolved upon the earth over hundreds of millions of years; that he make only those changes in his environment that are compatible with those systems; and that he employ his technology to restore the imbalances which he has created.

Second, the necessity that man develop a public philosophy which comprehends his presence as a part of nature rather than as superimposed upon nature, and affirms his moral responsibility for managing the continuity of life on earth as a closed or sustained yield system.

Third, the necessity that man reorder his political, social and economic institutions to give him power through them to come to grips with the problems we face in restoring a harmony with nature.

These necessities must be made explicit to the community, and the curriculum of our schools strengthened by Dr. Blanchard's proposals must be reshaped to study and to affirm them.

The process of reshaping curriculum should involve at least three groups in the community: the educational experts who have the immediate responsibility for handling change in the curriculum they administer; the members of the general community who are experienced in the ways of technology and social institutions; and mature students at the secondary and university level who are the raw materials being processed by the curriculum.

Community consideration of these necessities and community projects built around them should be organized as a part of school program on regular occasions in every school. Young people should participate with parents and teachers. In this way everyone will sense the crisis, the relevance of the reshaped curriculum, and the common ground they share in addressing problems ranging from racial animosity to solid waste disposal.

Let me give three examples of how to work these necessities into curriculum:

Students should study history to learn the consequences of human acts over a sweep of years. History can show a student which acts led to results we think would be productive today and which did not. History so examined and used as a device to study present problems will mean far more to a generation with little interest in a simple chronicle of kings. Students should learn the skills of resolving conflict, the ways of getting people to work together. They should speculate about specific situations in history and in our time. What could have then been done if human actors had been aware of such techniques? Could our present racial problems have been anticipated and resolved in 1865?

The study of reproduction should be given a central place in the curriculum. Every student in secondary school should become sophisticated in his knowledge of the reproductive process in individuals and in populations. The social and personal consequences of uncontrolled fecundity should be accompanied by study of appropriate methods of controlling conception, both individual and social. As Senator Packwood commented last week, population growth must be stopped now.

Because the family is the basic unit of education, we should devote far more attention to the instruction of young people in the formation of families than we now do. Young men and women should study those factors which are important in selecting a mate and those attitudes and characteristics which will assist them to build an affectionate and satisfying family able to give its young the attitudes we seek.

In these examples there runs a common threat, a new emphasis: Study the basis of technology so we can live in harmony with our environment. Study the behavior of Man to learn his nature, how to modify it, how to make possible the continuity of life. Hopefully, no student will question the relevance of that curricula!

So great a change cannot be implemented by the educational system unless accompanied by parallel change in the rest of the community. To shift our social values and priorities from exploitative to conservative, from emphasis on expansion to emphasis on balance, will not be easy. Our schools can become centers of constructive ferment, but the articulation of a philosophy to guide us, and the alteration of political and social institutions to accommodate the energy so released calls for leadership by those who claim their business is to lead.

How do we develop a philosophy which comprehends man's presence as a part of nature rather than superimposed upon nature, which incorporates man's moral responsibility for managing the continuity of life on earth?

Scholars since time began have constructed systems of philosophy in an effort to reconcile the complexities of life as it appeared to them. I know of no example in history in which a community has consciously tried to state a workable public philosophy. I know of no law which forbids it. Our situation demands it.

How can we get such an examination under way? I suggest we put it to the presidents of our local colleges to convene a working committee. Let them select a committee from their faculties, from leaders of religion, from laymen, and from students. Let this committee study and formulate a statement of public philosophy for this community.

Let their draft, when prepared, be sent to those people whose function it is to provide moral and philosophic leadership for study and suggestion. After receiving this critical comment, and after broad public discussion, the working committee can reassemble and prepare a final draft for the community.

Is there a better way to collect our thoughts upon the meaning of life and organize them into a functional form? There may well be, but let's get the business under way. We need a public philosophy to arrange our thoughts and actions, to give us unity of purpose. We cannot wait for someone else to provide it. When it is done, the schools will have a working philosophy provided by their own community, and the community will have prepared itself for change consistent with it.

It is now time to think about the third necessity. How do we make it possible to change political, social and economic institutions to allow us to come to grips with the facts of crisis. The proposals so far involve changes in schools and their curricula and provide a way for the community to study and develop a public philosophy.

The next step is to start the process of institutional change beginning with government to give us the means to execute our policies. Any attempt to get a grip on our own destiny in our own community requires at the outset unity in our local government. It is impossible to bring balance and harmony into an environment while hundreds of minor and four major public bodies struggle with functions of government in our community.

There must be a single responsible, elected local government with adequate powers and adequate jurisdiction in the metropolitan community. Such a government must have the power to create a unified transport system, waste disposal system, land use system, police system, recreation system, pollution control system, as well as the tax resources to do the job.

Such isolated ventures as the South Auditorium project of the Portland Development Commission tease us with the possibility of unified community planning and operation.

How do we go about it? I think it requires a Metropolitan Committee much like the Race and Education Committee appointed in 1963 by the School Board. You will recall that the Board picked a Chairman who agreed to serve, provided the Board agreed to invite the members he thought could do the job, and provided the members invited agreed to serve.

Our Metropolitan Committee should be assembled in the same way. Its membership should be broader because its functions and the geographic area are broader. It will require a mixture of knowledgeable experts and working community leaders.

The present dispersion of political power suggests it will be wise to place the appointing authority beyond the localities involved. The better solution will be to ask Governor McCall to appoint a committee in the same way the Race and Education Committee was established. The Governor, having served on that Committee, is familiar with how it was organized and will enthusiastically support the purposes for which a Metropolitan Committee is organized.

The charge to the Committee should be to prepare a government for the Metropolitan area, to provide the fiscal resources and the political powers to enable this community to control its environment in accordance with the philosophy we have discussed. The Committee should likewise be charged with preparing the means for implementing their recommendations. They should be asked to make their report back to the Governor and to the citizens of the Metropolitan community one year from the date of their appointment.

All three of these enterprises, changing education, developing a public philosophy, and strengthening our local government, need to be undertaken now. Who will undertake them if Metropolitan Portland does not?

It is, of course, a revolution for which I call, a revolution in education, in public philosophy and in government. Against it lay the consequence of inactivity. What a legacy to our children! What futility to have given them birth!

The problems which we face are all enormous, but the greatest problem is getting started. The steps I have proposed all lie within the competence of this School System and this community.

In the last analysis, it is a matter of will, more than of anything else. Can we insist of ourselves, can we demand of each other, that we get up on our feet and start out on the difficult road to survival.

"I see nobody on the road," said Alice.

"I only wish I had such eyes," the King remarked in a fretful tone. "To be able to see Nobody! And at that distance too! Why, it's as much as I can do to see real people by this light!"

All this was lost on Alice, who was still looking intently along the road, shading her eyes with one hand.

"I see somebody now!" she exclaimed at last. "But he's coming very slowly. . . ."

JUDGE CARSWELL

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. GRIFFIN. Mr. Speaker, today's Evening Star contains an interesting article by Columnist Charles Bartlett relative to the nomination of Judge Harrold G. Carswell to the Supreme Court.

Especially interesting was Mr. Bartlett's assertion that Senators, editorialists, and columnists opposing Carswell are members of a Washington luncheon club which will not consider Negro members and barely tolerates Negro guests. Yet, one of their arguments against Judge Carswell's nomination to the Supreme Court is that he allegedly participated in the formation of a private club which excluded Negro members.

Mr. Bartlett emphasized:

> Northern Liberals need to be more cautious in applying yardsticks to Southerners which they do not accept from themselves.

In this connection, Mr. Speaker, I think it is worth noting that another private club, the Gridiron Club, has many members from the liberal news media. Of the hundreds of guests, at its recent annual dinner, only two were Negro. According to my information, there are no Negro members of the Gridiron Club.

As a part of my remarks, I include Mr. Bartlett's column. It follows:

CARSWELL'S CRITICS IGNORE HIS HUMAN QUALITY

(By Charles Bartlett)

The strategy of recommittal on the nomination of Judge Carswell is not justified by an obvious need for further hearings. In fact, the rolling attack on the Florida judge has been stuck in its groove for some days by a dearth of new disclosures.

The liberal establishment, with its sword unsheathed, generates an awesome sound and fury. It has succeeded in shaking the certainty of Carswell's confirmation and leaving him flayed and naked before the world. It has riled the controversy to a passionate pitch in which Carswell's human credentials are obscured by the assault on his qualifications as a judge.

This human quality is the missing ingredient in the picture being drawn by Carswell's critics. It is the reason why the nominee has not been decimated by the liberal onslaught. Its de-emphasis seems specially poignant to this reporter after meeting with the judge and hearing the sentiments of neighbors in his home country.

Carswell does not impart a mediocre impression. He wears an air of friendly outspokenness which suggests that he is perceptive and sincere. He has assurance and a graceful sense of humor. He describes himself as more aghast than any critic at the offensiveness of his disinterred campaign speech. His conservative bent is undisguised but he comes through as an imaginative man generously blessed with decency and warmth.

No disclosure of the Senate debate has pierced this impression. It is affirmed by men of character in Tallahassee. In fact the common denominator of Carswell's most bitter opponents is that they have not known him personally. A gamut of those who have—from LeRoy Collins to former NAACP lawyer Charles Wilson—yields reassuring evidence of respect.

Realistically, Carswell must also be measured against the Nixon commitment that produced his nomination. For better or worse, candidate Nixon appears to have promised that President Nixon would name a Southern Republican federal judge to the high court. Eliminating the Eisenhower appointees now too old for promotion and assuming that the pact precluded the selection of a judge whose rulings had alienated his region, the most appealing choices left for Atty. Gen. John Mitchell were Clement Haynsworth and Carswell.

The pragmatic inspiration for Mr. Nixon's commitment does not make it a less valid step towards healing scars left by radical change in the mores of the black belt South. This region will not always deserve a seat on the court because it is growing to be like other regions. But it does at this point deserve and need one to encourage and recognize its reluctant embrace of constitutional equality.

A Southerner yes, some say, but not Carswell. But where can the search lead from here? Perhaps to a less deserving judge or to some brilliant Southern lawyer whose private involvements will test the skill of an army of investigators. Civil rights activists may be able to probe their way through a whole phalanx of Nixon nominees, possibly making in the end the dubious point that no Southerner is pure enough in heart to sit on the Supreme Court.

Why not Carswell? The case against him is almost entirely based, as Sen. John S. Cooper has said, on speculative opinions concerning his ability and capacity for growth. He is charged with persistent racism because he participated peripherally in the revival of a private golf club in 1956.

But surely this was a no more serious departure from principle than the readiness of a distinguished group of committed liberals—Senators, editorialists, and columnists who staunchly oppose Carswell—to maintain through the years their membership in a Washington luncheon club which will not consider Negro members and barely tolerates Negro guests.

For all these men, from Carswell to the liberals, nothing more hypocritical than an accommodation to convenience is involved. But Northern liberals need to be more cautious in applying yardsticks to Southerners which they do not accept for themselves.

Carswell represents the evolution of the last bastion of Southern recalcitrance. It seems far wiser to accept him as a gesture of conciliation than to risk, in repudiating him, the renewed isolation of a region trying to break with its racist past.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, APRIL 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events for the National Gallery of Art for the month of April 1970:

NATIONAL GALLERY OF ART, APRIL 1970

Civilisation

Thanks to the generosity of its many friends, the National Gallery of Art was able to purchase a print of Kenneth Clark's magnificent thirteen-part film series, "Civilisation." Showings began again on March 22. Initially the films will be shown Mondays through Saturdays at 10:30, 11:30, 12:30, 2:30, and 3:30; and Sundays at 12:30 and 1:30. Additional Sunday showings at 5:30, 6:30, and 7:30 on March 29, April 26, May 17 and 24, and June 14.

March 29–April 4: II—"The Great Thaw."

April 5–11: III—"Romance and Reality."

April 12–18: IV—"Man, The Measure of All Things."

April 19–25: V—"The Hero as Artist."

April 26–May 2: VI—"Protest and Communication."

American Music Festival

The Gallery's 27th American Music Festival will take place on successive Sundays from April 19 through May 24. Six concerts are scheduled including orchestral, chamber, vocal, and piano music. The series is under the general direction of Richard Bales, who will conduct the National Gallery Orchestra in two of the concerts. There will be several premieres and a number of first Washington performances. A bulletin containing all the detailed programs will be available on April 7.

A. W. Mellon Lectures

Professor Sir Nikolaus Pevsner concludes the nineteenth annual series of the A. W. Mellon Lectures in the Fine Arts on Sunday, April 5. The subject is *Some Aspects of Nineteenth-Century Architecture: Shops and Stores.*

Wright of Derby

April 26 is the closing date for an exhibition of paintings and drawings by Joseph Wright of Derby from the British collection of Mr. and Mrs. Paul Mellon. An illustrated catalogue with introduction and notes by Ross Watson is available for $2.25 postpaid.

Summer evening hours

Beginning April 1 the Gallery will be open weekdays 10 a.m. to 9 p.m. and Sundays 12 noon to 10 p.m. Admission is free to the building and to all scheduled programs.

Cafeteria hours

Weekdays, 10 a.m. to 7:30 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 1 p.m. to 7 p.m.

MONDAY, MARCH 30, THROUGH SUNDAY, APRIL 5

Painting of the week

Renoir: "Mademoiselle Sicot," (Chester Dale Collection) Galley 90. Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00.

11" x 14" reproductions with texts for sale this week—15¢ each. (If mailed, 25¢ each.)

Tour of the week

"The Realistic Tradition of Joseph Wright," Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

"Introduction to the Collection," Rotunda. Mon. through Sat. 11:00 and 3:00; Sun. 5:00.

Sunday lecture

"Some Aspects of Nineteenth-Century Architecture (VIII)," Guest Speaker: Professor Sir Nikolas Pevsner, A. W. Mellon Lecturer in the Fine Arts, Auditorium 4:00.

Sunday concert

Mimi Poirier, Pianist, East Garden Court 8:00.

MONDAY, APRIL 6, THROUGH SUNDAY, APRIL 12

Painting of the week

Gainsborough. Landscape with a Bridge (Andrew Mellon Collection) Gallery 59 Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

"The Reality of Appearance: The Trompe l'Oeil Tradition in American Painting," Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Tour

"Introduction to the Collection," Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

"Bruegel's Paintings in Vienna," Guest Speaker: Anna Spitzmüller, Former Curator of Education, Kunsthistorisches Museum, Vienna, Auditorium 4:00.

Sunday concert

National Gallery Orchestra, Richard Bales, Conductor, George Wargo, Viola, East Garden Court 8:00.

MONDAY, APRIL 13, THROUGH SUNDAY, APRIL 19

Object of the week

"Chalice of Abbot Suger of Saint-Denis," French, c. 1140, (Widener Collection) Gallery G-2. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

"The Realistic Tradition of Still-Life Painting," Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

"Introduction to the Collection," Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

"The American Tradition in the Arts." Guest Speaker: Richard McLanathan, Author and Art Critic, New York, Auditorium 4:00.

Sunday concert

27th American Music Festival: The University of Maryland Trio, East Garden Court 8:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

MONDAY, APRIL 20, THROUGH SUNDAY, APRIL 26

Painting of the week

Perino del Vaga: "The Nativity," (Samuel H. Kress Collection) Gallery 15, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

"The Realistic Tradition of American Painting," Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

"Introduction to the Collection," Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

"The Still-Life Tradition," Speaker: Grose Evans, Curator, National Gallery of Art. Auditorium 4:00.

Sunday concert

27th American Music Festival: Thomas Beveridge, Bass-Baritone, Martin Katz, Pianist, East Garden Court 8:00.

The reality of appearance

"The Trompe l'Oeil Tradition in American Painting." Continuing through April, until May 3, in the ground floor galleries is the exhibition of one hundred examples of trompe l'oeil ("fool-the-eye") still-life paintings created in America during the nineteenth century. Assembled by the art critic and writer Alfred Frankenstein, the exhibition traces the history of American still-life painting from the works of the Peale family of the early 1800's to the early twentieth century, with outstanding examples by Harnett, Peto, Haberle, and a number of lesser known artists. William M. Harnett, the greatest American exponent of trompe l'oeil, is represented by thirty-four paintings. A fully illustrated catalogue of the exhibition, with an introduction and notes by Mr. Frankenstein, 9'' x 11'', 156 pages, is available for $3.50 postpaid.

In conjunction with the exhibition, three Sunday lectures will be devoted to different aspects of American art and still-life painting. See weekly listings for details.

NO PLANES FOR ISRAEL—DIPLOMACY OR DISASTER?

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. GIAIMO. Mr. Speaker, Secretary of State Rogers has announced that the United States will hold in abeyance Israel's request to purchase jet aircraft. I, for one, am dismayed by this announcement, for it shows that this administration is willing to dabble in diplomacy while the survival of a progressive and friendly nation hangs in the balance.

Will the Soviet Union hold in abeyance the further deployment of SAM missiles or the influx of military technicians into the UAR and other Arab states? Will the Arab governments hold in abeyance their 22-year record of hostility toward Israel and at least recognize her right to exist? Will the Arab guerilla organizations hold in abeyance their policy of violence, treachery and sabotage, a policy which even the Arab governments cannot adequately control?

No, Mr. Speaker, the violence in the Middle East will not end because we refuse to sell Israel the aircraft she needs to survive. It will not end because we or others impose a so-called balance of power in the area. It will end only when the Arab nations are willing to conduct direct, face-to-face talks with Israel in search of a just and lasting peace. To play diplomatic games with Israel's future, to hypothesize about a balance of power when her survival is at stake will not end the hostilities in the Middle East. To think otherwise courts disaster.

Following the announcement by Secretary Rogers, the Israeli Government released a thought-provoking assessment of the impact of the U.S. decision on the situation in the Middle East. I wish to insert at this point in the RECORD the text of that assessment along with an excellent editorial from the March 26 Hartford, Conn., Courant on the same subject.

THE U.S. RESPONSE TO ISRAEL'S AIRCRAFT NEEDS—AN ASSESSMENT

1. The decision of the U.S. Government to hold in abeyance Israel's request to purchase a supply of jet aircraft gives rise to four fundamental questions:

(a) What are the possible effects of the U.S. decision on Israel's security?

(b) What impact is the decision likely to have on Arab military and political thinking, both short-term and long-term?

(c) What lessons might the Russians draw from the U.S. decision?

(d) What impact may the U.S. decision have on the prospects of peace?

2. Israel's Security—The Balance of Power.—The U.S. decision is based on the premise that Israel's air capacity is sufficient to meet its needs for the time being. Israel contests this assessment. It has evidence of a growing shift in the Arab favor. Israel's original order for additional aircraft was placed in September 1969, for delivery in 1971 and 1972. The size of that order reflected a projection of the military balance as it appeared in September 1969. Since then, the Soviets have accelerated the shipments of planes and other sophisticated weapons to the Arabs, culminating in the introduction into Egypt of SA-3 missiles. The numerical disparity between Israel's air strength as compared with that of the Arabs is growing. And while the Arab countries can count on an unlimited supply of war materials of all kinds, Israel is found to be even more restricted than ever before in its ability to procure essential supplies of planes. Inevitably, this cannot but have an adverse effect upon the credibility of Israel's potential defensive capacity in the eyes of the Arabs and the Soviets.

In the given Middle East situation, the credibility of Israel's deterrent strength is the only effective guarantee against the outbreak of full-scale hostilities. The Israel airforce is a most vital element of that posture. Grossly outnumbered in men and weapons, Israel has to rely, in the first instance, upon the skill and effectiveness of its airforce to compensate for its deficiencies in other areas of defense. In very large measure, it is the airforce that is the key to the maintenance of the balance of power.

The term "balance of power" is not a scientific concept given to precise measurement. It can at best be estimated and is always subject to error. In Israel's case, an error could have disastrous consequences not only with respect to its immediate security, but in terms of its very national survival. Israel's request to purchase a specified number of planes was not arbitrary. It was based upon sober intelligence evaluations that reveal a steadily deteriorating ratio in numerical odds.

3. The Arab Response.—The U.S. decision must undoubtedly leave its mark on Arab military planning, short-term and long-term. It might serve to encourage an escalation of the Egyptian war of attrition, the Soviet and Arab calculation being that Israel will be inhibited in the deployment of its air force for fear of sustaining losses it will be unable to replace. The fact that the United States response to Israel's aircraft request has come at the very time when Egypt is being equipped by the Soviets with the SA-3 missiles (accompanied by a substantial number of Soviet personnel to operate the system) will surely serve to strengthen this projection. The missiles constitute for the Egytians the long-sought umbrella for the intensification of their war of attrition, unhampered by the measured Israeli air responses that have successfully countered the attrition effort in the past. Seen in this light, the SA-3's emerge not as a defensive but as an offensive device, operating in support of an offensive strategy.

Their introduction raises the prospect of the renewal of the massive Egyptian artillery barrages along the length of the Suez Canal, backed by Egypt's substantial artillery and manpower advantage which Israel cannot match. It was because of this Egyptian advantage that Israel was compelled to take to the air, its aircraft serving along the Canal as flying artillery. With the presence of the missiles, Israel has no choice but to face the prospect of increased air losses at the very time when its request for more aircraft is being held up. This is a new situation and one that represents a material shift in the balance of power.

4. The Soviet Response.—Certainly, the U.S. decision is rendered particularly grave when measured against the Russian actions to increase the Arab military potential, backed by an increased Soviet military presence in Egypt. The absence of a positive U.S. response to Israel's request for aircraft at this time is liable to be interpreted by the Soviet Union as an assurance that its continued military and political support for the Egyptian attrition strategy may go forward and be further intensified without hindrance.

5. The Prospects of Peace and the Dangers of War.—Politically, the United States move must serve to encourage those forces in the Arab world bent on launching war in an effort to vanquish Israel. The first prerequisite for peace in the Middle East is the need to eliminate once and for all from Arab thinking the option of war and the notion that Israel can be destroyed. Herein lie the seeds of realism and the promise of peace. So long as Arab Governments believe they have a chance to trounce Israel in battle there will be no peace in the Middle East. The war of 1967 broke out because of the mistaken Arab and Soviet belief that Israel could be militarily overwhelmed. The only reason why renewed full-scale war has not erupted since 1967 is because the Soviets and the Egyptians have concluded that their chances of waging a successful battle are in doubt. This doubt has been planted, in the first instance, by Israel's air force. Were the Arabs and the Soviets to conclude that Israel's capacity for long-term defensive planning is now to be subjected to the limitations of restrictive aircraft supply, the prospects of all-out war will automatically increase. One cannot dismiss in this context the psychological impact of the U.S. decision upon the Arab leadership at the sight of what they might interpret as the sealing off, or at least the reduction, of Israel's last source of supply of crucial military equipment.

6. In making these observations, Israel is by no means unmindful of the U.S. declarations of readiness to assist it in meeting some of its current economic burdens through the extension of credits. This is deeply appreciated as are the expressions of friendship contained in the recent statements of both the President and the Secretary of State. It is in the spirit of this amity that Israel's Foreign Minister, Mr. Eban, was able to declare on March 23:

"The friendship between Israel and the United States has deep roots in the consciousness of both nations. This came to cogent expression during the meetings between President Nixon and Prime Minister Golda Meir last September, and in many subsequent contacts and discussions.

"We believe that Israel and the United States have many common values and a long record of friendship.

"The Government of Israel expects the close watch on the balance of arms indicated by the U.S. President to result soon in practical steps to prevent the increase of the dangerous imbalance and to supply Israel with the aircraft so necessary and vital for her security."

Planes for Israel "In Abeyance"

It is not alone Israel that is dismayed by President Nixon's announcement that the United States "will hold in abeyance for now" a decision on Israel's request to buy additional jet fighters in this country.

Many Americans too will doubt the wisdom of the President's apparent reasoning. It is the Administration's contention that Israel's air capacity is sufficient to meet its needs for the time being. And it is the Administration's promise, despite the interim decision, to see that the security of Israel is not jeopardized as time—and enemy developments—goes along.

This might be all right enough if it were a sound appraisal of the military picture in the Middle East. But it is difficult to see where it takes into consideration the large superiority in men and materials the Arab countries have on the ground and in the air, or such a fact as the present deployment of Russian SAM 3 weapons in Eygpt, or the impressive number of technicians Russia has just sent to the United Arab Republic to bolster Arab military strength and train Arab pilots.

Mr. Nixon professes to believe none of this so far disturbs the balance of military power in the Middle East, nor places Israel in any immediate jeopardy. But even should this be granted, it does not take into consideration matters of further—and perhaps even greater—concern. It is Mr. Nixon's premise that the arms race in the Middle East should not be accelerated, that the road to peace demands restraint on the part of all potential arms suppliers.

This would be a very fine approach to the problem that has wracked the Mideast for two decades, if it were not for the fact it takes two to tango. Unfortunately it assumes that the Russians are going to take their cue from American idealism, and withhold arms on their part from the Arab countries. This is a very doubtful hunch to play from. And hunch is all it appears to be. When Secretary of State Rogers announced Mr. Nixon's "interim decision" to withhold the planes asked by Israel, he was very closely questioned by newsmen on this point. Does the President have some secret assurance, some under-the-counter sign from the Russians, that they in turn plan to de-escalate arms aid to the Arab countries? Has he noted anywhere on the world scene, for that matter, that Moscow is softening its aggressive stance?

To questions of this kind, Secretary Rogers consistently answered in the negative. Exactly where, then, does this leave the United States and its decision not to send more planes to Israel, not to add to the arms race in the Mideast? It certainly does not leave this country looking as if it were leading from a hand of strength. It seems bound to suggest to Russians and Arabs alike that we find ourselves in a weak position, in which we have to walk softly and play it cautiously. The Arabs are doubtless gleefully aware that we have oil interests to protect in their lands. Russians, only too aware of our problem in Southeast Asia which are reflected in our problems at home, can and probably will interpret our handling of the Mideast situation as rooted in essential timidity and worries.

That is why Americans as well as Israelis must remain very dubious of the wisdom of the President's interim decision. It may very well encourage Russia and the Arab states to further aggression leading to confrontation between East and West rather than avoiding it. A soft answer turneth away wrath. In maintaining dealings, it often invites a clout on the other cheek.

THE OIL LOBBY IS NOT DEPLETED

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. OTTINGER. Mr. Speaker, an exemplary article by Erwin Knoll on the privileges enjoyed by the American oil industry appeared in the New York Times of March 8.

Mr. Knoll points out the $1.3 billion annual loss in revenue to the U.S. Treasury through the oil depletion allowance, a sum most interestingly comparable to the Health, Education, and Welfare appropriation increase approved by Congress which the President recently found inflationary. In addition, the author analyzes the cost to the consumer of the oil import quota program, a device which protects the domestic petroleum industry from the competition of lower priced oil imports. In New York the average family of four subsidizes the American oil industry to the tune of $102.32 a year through the artificially high prices of gasoline and heating oil maintained by this protectionist program. Estimates of the cost of the oil import quotas to the American people range from $40 to $70 billion over the past decade, a hefty price for the public to pay for a vested interest with the high-powered lobbying resources and contacts that the oil industry has employed over the years.

I was consequently dismayed, therefore, when the President rejected the recommendation of his own task force that the oil import program be modified and thereby provide fuels at lower prices to the American people, a move which no less an administration figure than Paul McCracken declared would have a counterinflationary effect.

In the type of move becoming ever more predictable when the interests of the American consumer are at stake, the President reacted to these findings by appointing yet another committee to study the oil import program and presumably will continue to do so until he finds one which will concur with the oil lobby's wishes.

Because of this sequence of actions, and on behalf of the doubly-penalized American consumer, I joined 47 of my colleagues in urging the President last month to direct his new Oil Policy Committee to consider the total elimination of the controls on oil imports. Vested interests have dominated our national petroleum policies for too long, and it is time that Government actions should reflect the public interest rather than the dictates of a pampered, high-powered, low-taxed industry.

Because of the importance to the American people of the information concerning the privileges afforded to the oil lobby, I insert Mr. Knoll's article in the Record, in full:

The Oil Lobby Is Not Depleted

(By Erwin Knoll)

Washington.—On Thursday evening, Nov. 6, 1969, the Governors of three states met over a quiet dinner at the Tavern Club in Washington with Frank N. Ikard, a former Texas Congressman who is now president of the American Petroleum Institute, the trade association of the nation's largest oil companies. There is no public record of what the four men discussed, although—by coincidence or otherwise—the same three Governors and a fourth were at the White House early the next morning to urge the Nixon Administration to retain the 11-year-old system of oil-import quotas, which costs consumers more than $5 billion a year in higher prices for petroleum products.

The Tavern Club tête-à-tête and the subsequent White House session are examples of the close and continuing contacts between oil and politics—an intimate relationship that has prompted some critics to describe the oil industry as "the fourth branch of government." In recent months those contacts have intensified, for the industry's privileged status is being attacked with unprecedented ferocity. Under the benign patronage of such influential figures as the late Senator Robert Kerr of Oklahoma, who rejoiced in being known as "the uncrowned king of the Senate"; the late House Speaker, Sam Rayburn of Texas; the late Senate Minority Leader, Everett McKinley Dirksen of Illinois, and former President Johnson—all of whom shared a profound and undisguised commitment to the industry's welfare—the petroleum producers enjoyed decades of virtually limitless power in Washington. Their strength probably still surpasses that of any other special-interest group. But with the departure of their most prominent and effective champions, their critics are for the first time emerging as a force to be reckoned with.

In one of the few genuine, although limited, reforms to survive the byzantine machinations that produced the final version of the Tax Reform Act of 1969, both houses of Congress voted decisively to reduce the sacrosanct oil-depletion allowance from 27.5 per cent to 22 per cent. The reduction—acquiesced in by a reluctant executive branch—constituted an acknowledgement that many Americans had come to regard depletion as the most flagrantly objectionable abuse in the loophole-riddled tax code.

In a statement that some of his colleagues thought was tinged with exaggeration, Senator Thomas J. McIntyre of New Hampshire declared that the vote to cut the depletion allowance signified that the Senate had "once and for all rejected its role as the bastion of the oil industry." The Senator was among those who had unsuccessfully sought a more drastic reduction to 20 per cent. "But the important thing," he said, "is that we have finally made a crack in oil's protective shield. If others develop in the days to come, American consumers and taxpayers may yet get a fair shake at the hands of this much-pampered industry."

The depletion allowance, which stood inviolate for more than four decades, has allowed an oil or gas company to deduct 27.5 per cent of its gross income from its taxable income, providing the deduction does not exceed 50 per cent of taxable income. With lesser depletion percentages provided for almost 100 other mineral products, depletion has cost the Treasury about $1.3 billion a year in lost revenues—a sum comparable to the "inflationary" spending increments that President Nixon cited as the reason for vetoing the Labor-H.E.W. appropriations bill for fiscal 1970. Special provisions in the tax laws also permit oil and gas producers to deduct many of their intangible costs for exploration, drilling and development, including off-shore drilling and production in many foreign countries. And oil companies are allowed to deduct against their United States taxes most of the royalties they pay to foreign powers—an arrangement cloaked in the convenient fiction that such royalty payments are "taxes."

The result of these privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the average well. In 1968, American oil companies paid less than 8 per cent of their income in taxes, compared with more than 40 per cent for all corporations.

Clearly, the tax laws have played an important part in making the oil industry the formidable economic and political force it is. The industry's annual sales total more than $60-billion. Among the 2,250 largest American companies surveyed last April by the Economic Newsletter of the First National City Bank of New York, the 99 oil companies alone accounted for more than 25 per cent of the total profits. The industry's average profit of 9 per cent (based on net sales) is about double the average for all manufacturing companies; only one other industry—drugs—maintains a higher profit level. The 20 largest oil companies amassed profits of $8.1-billion in 1968 and paid 7.7 per cent of the net in taxes, according to U.S. Oil Week, an independent oil-marketing publication. Thanks to the generosity of the tax laws, one oil company—Atlantic-Richfield—avoided all Federal tax payments from 1964 to 1967, and actually managed to accumulate a Federal tax credit of $629,000 while earning profits of $465-million. Atlantic-Richfield's case is not unique.

A tax structure that lends itself to such egregious inequity is obviously worth defending. In Washington (and at state capitals across the country) the industry's interests are served by a costly and complex but closely coordinated lobbying apparatus. Among its principal components are these groups:

The American Petroleum Institute, whose membership roster of 400 companies and 8,000 individuals represents about 85 per cent of the total production, refining and marketing volume in the oil and gas industry. Despite its broad membership, A.P.I. is regarded as primarily the spokesman for the "Big Seven"—Standard Oil of New Jersey, Mobil, Shell, Standard Oil of Indiana, Texaco, Gulf and Standard Oil of California. Among these, Standard of New Jersey is the dominant force.

The institute's annual budget is a closely guarded secret, and its quarterly reports to the clerk of the House of Representatives on lobbying expenditures are incredibly modest—a total of $39,119 for 1968. Industry sources report that the institute spends between $5-million and $10-million a year, much of it for "research." It has a staff of more than 250 at offices in New York, Washington, Los Angeles and Dallas.

The chief A.P.I. lobbyist is former Congressman Ikard, who represented Wichita Falls, Tex., from 1952 to 1961 and was a protegé of the late Speaker Rayburn. When he resigned from the House to join the institute—a move that he said was "a question of economics"—Ikard was praised by Lyndon Johnson, then Vice President, as "a heavy thinker and a heavy doer." Under his direction, says a Congressional source, the institute has been "a pace and precedent setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future."

The Independent Petroleum Association of America, with some 5,000 members representing about 60 per cent of the independent oil producers. Its "experts"—a professional staff of six operating out of an impressive Washington office suite—were highly visible among the oil men who flitted in and out of the back door to the Senate Finance Committee's offices while the committee, in sessions closed to the public, considered the oil provisions of the Tax Reform Act. The immediate past president of the association, Harold M. McClure, the Republican National Committeeman from Michigan, has acknowledged making "personal" campaign contributions totaling $90,000 in 1968. He recently testified before a Federal grand jury investigating allegations of political bribery.

The same Congressional source who admires the A.P.I. for its flexibility describes the Independent Petroleum Association as "sticking to the traditional line that the existing state of oil privileges is essential to the national defense and must remain sacrosanct."

The National Petroleum Refiners Association, composed of domestic refining companies and representing about 90 per cent of the refinery production in the United States. Donald O'Hara, the association's executive vice president, was formerly a registered lobbyist for the Petroleum Institute, with which he maintains close liaison.

The Independent Natural Gas Association of America, representing major pipeline companies. Its executive director is a former Texas Representative, Walter E. Rogers. He served in Congress as Chairman of the House Subcommittee on Communications and Power, which handles gas-pipeline legislation. He gave up his Congressional seat in 1966 and registered as a lobbyist in 1967 to represent 12 pipeline companies in a vigorous—and successful—effort to water down a pending bill that would have established strict Federal safety standards for the nation's 800,000 miles of gas pipelines.

A formidable array of regional and state groups—among them the Mid-Continent Oil and Gas Association, the Western Oil and Gas Association, the Texas Independent Producers and Royalty Owners Association and the Kansas Independent Oil and Gas Association—augments the national contingent. Executives of these organizations are frequent visitors to Washington, and they can draw on the talents of the capital's most prestigious law firms for missions of special delicacy. Individual companies also mount their own lobbying efforts; John Knodell, a genial and knowledgeable lawyer who worked the Congressional beat until recently for Humble Oil, was credited with establishing a new beachhead for the industry in the last year or two by opening lines of communication with liberal members of the House and Senate. He is now assigned to Humble's legal department in Houston.

By pooling their efforts, the companies are able to marshal formidable forces. In the carefully orchestrated campaign against reducing the depletion rate, for instance, one concern urged all its stockholders to write to members of Congress; another focused on mobilizing its retired employes; a third concentrated on service-station operators; a fourth sent brochures to its credit-card holders. The companies claimed all these efforts as deductible business expenses, but the Internal Revenue Service is, at the request of Senator William Proxmire of Wisconsin, examining those claims.

Instances of disarray in the ranks of oil are relatively rare—and when they occur, the dominant companies usually manage to muffle the dissenters. Last year, the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own state's Senators to support the Proxmire plan. When two executives of the Kansas group flew to Washington to enlist one Senator's assistance, he kept them waiting in an outer office while a representative of Standard Oil of Indiana delivered the pitch for retaining full depletion. "The local boys just don't understand the situation," the Senator later said.

Depletion and tax preferences are hardly the only—or even the most significant—perquisites the industry is eager to protect. In fact, some Congressional critics suspect that the oilmen were not entirely displeased when Congress voted to reduce the depletion allowance, since they hope that this action will ease the pressures against other oil privileges now under attack.

Chief among such privileges is the import-quota system—the topic the four Governors took to the White House on Nov. 7. Their meeting took place in the office of Peter

Flanigan, a Presidential assistant who has special responsibility for financial affairs and who serves as the President's staff expert on oil. The Governors present, representing the Interstate Oil Compact Commission[1] were Preston Smith of Texas, Robert B. Docking of Kansas, Stanley K. Hathaway of Wyoming and Richard B. Ogilvie of Illinois; they brought with them telegrams of support from the chief executives of 13 other states. Among the Administration officials assembled to hear the Governors' views were Secretary of Labor George P. Schultz, who heads President Nixon's Task Force on Oil Import Control, and several key members of the task force—Secretary of the Treasury David M. Kennedy, Secretary of the Interior Walter J. Hickel and Secretary of Commerce Maurice H. Stans.

"This meeting," Senator Proxmire told the Senate on Nov. 17, "was clearly the result of a planned campaign of pressure by the oil industry through the Interstate Oil Compact Commission. Even a cursory examination of the telegrams from the Governors who could not attend the meeting shows they are almost all in identical language. . . .

"The pressure on the Governors must have been fierce. The most interesting example of this is a telegram sent [by the State Commissioner of Conservation and Natural Resources] on behalf of Gov. Nelson Rockefeller of New York. The telegram assures the White House that Governor Rockefeller supports oil-import quotas, though Mayor Lindsay has shown that the quotas cost New York City consumers a minimum of $95 million a year in increased prices and that the cost might go as high, just for New York City, as a quarter of a billion dollars."

Whether Governor Rockefeller was, in fact, subjected to "fierce pressure" is problematic; as a member of a family that founded its fortune on Standard Oil, he is presumably not entirely unsympathetic to the industry's point of view. But Senator Proxmire's reference to a "planned campaign of pressure" in behalf of the import-quota system was no exaggeration.

About the time the oil-state Governors were meeting at the White House with members of the President's task force, Michael L. Haider, the retired chairman of Standard Oil Company (New Jersey) and retiring chairman of the American Petroleum Institute, had a private audience with President Nixon. He emerged, according to the industry's trade journal, The Oil Daily, "feeling more optimistic about the handling of petroleum-industry problems in Washington." After a "very good conversation" with the President, the report said, Haider "believes Nixon has a good grasp of the problems surrounding oil-import controls and is more confident that the outcome will be favorable."

In the same interview, Haider offered a glimpse of the relative equanimity with which the industry viewed the reduction in the depletion allowance. "Of course we can live with the new taxes," he said. "We obviously aren't going out of business." The Petroleum Institute has estimated that the Tax Reform Act will cost the industry $550-million to $600-million a year.

The import-quota system, on the other hand, has been estimated by reputable economists to be worth between $5.2-billion and $7.2-billion a year. Using the more conservative projection of the quota system's cost, experts have calculated that the average family of four in New York State pays an excess of $102.32 a year for gasoline and heating oil. In Vermont, a family of four pays an additional $195.92. The comparable figure for Wyoming is $258.

President Eisenhower established the oil-import quota system on March 10, 1959, as a "national security" measure designed to reduce American reliance on foreign petroleum production. In taking this step, Sherman Adams recalls in his memoirs of the Eisenhower Administration, "the President had to go against the principles that he had fought for in his foreign-trade policy." According to Adams, the departure was made necessary by "the unpredictable human factor . . . the men who headed two large oil-importing companies that refused to join in voluntary restraints and to heed the warning of the Government of what would happen if they failed to do so. Oil was coming into the United States from foreign fields at such a rate that the American oil-producing centers were being forced into desperate straits." Adams, who served as "deputy President" in the early Eisenhower years, candidly dismisses the notion that the national security was at stake: "The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was based upon security considerations in accordance with the law."

The quota system restricts the entry of cheap foreign crude oil to 12.2 per cent of domestic production in states east of the Rockies. (The quota does not apply in the Western states because even a maximum rate of domestic production there cannot meet the demand.) The system operates in tandem with state laws that closely regulate month-to-month oil production on the basis of demand estimates furnished by the major producers. The effect is to assure domestic companies of a demand for all production, and to push up the cost to American consumers. A barrel of Middle Eastern oil can be landed in New York harbor for about $1.50 less than a barrel of domestic oil of the same quality.

"Import quotas have been instituted in order to insulate the domestic oil market from the challenge of foreign competition," Prof. Walter J. Mead, an economist at the University of California at Santa Barbara, told the Senate Antitrust and Monopoly Subcommittee last spring. "Given this barrier of free entry into the United States market, the price of crude oil in the United States is approximately double the free-market world price." During the first half of 1968, Professor Mead said, Japan paid an average of $1.42 a barrel for Middle Eastern crude oil. The American price for a similar grade of crude was $3 a barrel.

A Department of the Interior study made public on Jan. 16, 1969—and challenged by some economists as too conservative—found that the removal of import quotas would cause a 95-cent-a-barrel decline in the price of crude oil east of the Rockies. John M. Blair, the Senate subcommittee's chief economist, estimates that the quotas "have cost the American public $40-billion to $70-billion in the last 10 years."

Among the quota system's bizarre by-products is a complex of exceptions and evasions designed to suit the oil industry. In the interest of "national security," for example, Canadian oil imports, which can be shipped overland to the United States, are curtailed, while no limitation is placed on tanker shipments from Texas and Louisiana. Senator Russell Long of Louisiana, who has inherited Senator Kerr's mantel as the Capitol's chief spokesman for oil, once defended the Canadian restriction by invoking the likelihood of war between the United States and its neighbor to the north.

Another odd and costly arrangement exacts about $14-million a year from Hawaiian consumers because oil shipped to their state from Indonesia and Venezuela is refined in Hawaii, but priced as though it had been refined from more expensive domestic crude on the West Coast, then shipped to Hawaii in American vessels, which traditionally collect a top dollar for their services. "It seems hard to understand," said Prof. Morris A. Adelman, an M.I.T. economist, during the Senate hearings last spring. "If I looked into it, maybe I would find it even harder to understand."

Consumers and their congressional spokesmen, however—no matter how loud their complaints against the quota system—can claim only modest credit for the current assault. The Presidential task force whose work has worried the industry and preoccupied its lobbyists in recent months came into being as a result of competitive pressures among the companies themselves, which prompted some major producers to seek special Federal benefits under the quota system. The first important breach in the system came when the Johnson Administration granted quotas to a Phillips Petroleum refinery in Puerto Rico and a Hess Oil refinery in the Virgin Islands. Then Occidental Petroleum, a relatively small but aggressive company, discovered vast oil pools in Libya and decided to seek increased access to the restricted American market by requesting a 100,000-barrel-a-day quota for a refinery to be built in a proposed foreign-trade zone at Machiasport, Me. To New Englanders, Occidental promised a reduction of at least 10 per cent in the swollen cost of home heating oil. To the major producers, however, Occidental's request raised the threat of a series of "Machiasports" around the country, dissolution of the import-quota system and substantial reductions in profits.

Confronted with strong and conflicting pressures, the Johnson Administration fumbled indecisively with the Machiasport application during its last year in office, then passed the problem on to its successor. On Feb. 5, 1969, Chairman Haider and President Ikard of the American Petroleum Institute proposed to Dr. Arthur F. Burns, the President's principal economic adviser, that a Presidential task force be appointed to review the quota system. Their intent, it seems clear, was to block the Machiasport project, but surprisingly the task force took on some aspects of a runaway grand jury. The industry has not recovered from the shock.

In a forceful submission to the task force, the Antitrust Division of the Department of Justice challenged the major rationale for the quota system, arguing that "the import quotas themseves do nothing to preserve this nation's domestic oil reserves. Reserve productive capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodgepodge of Federal and state regulation seems ill-adapted for achievement of a coherent program designed to provide this country with sufficient emergency oil reserves." The import program, the Antitrust Division also noted, "is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from the competitive pressures of world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets."

Under the direction of Prof. Phillip Areeda, a Harvard economist, the task-force staff compiled what is generally regarded as a full, fair and thorough record (although some industry sources passed the word that the staff was dominated by a most dangerous element—"theoretical economists"). In assembling detailed position papers and rebuttals, the staff shunned *ex parte* contracts with the ubiquitous oil lobbyists and withstood formidable pressures, including a telegram from Representative Wilbur Mills of Arkansas, the Chairman of the powerful House Ways and Means Committee, who warned Professor Areeda against "tinkering with the matter of oil imports."

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[1] The Interstate Oil Compact Commission is supposedly charged with one responsibility, conserving oil and gas within the continental United States. In theory it has nothing to do with the oil-import program, but it has engaged in heavy lobbying for retention of the quota system.

In its final report, the task-force staff found that the quota system has serious disadvantages, including "the hazards of fallible judgment, combined with the ever-present risks of corruption." These factors, the staff concluded, "counsel strongly in favor of getting the Government out of the allocation business as rapidly and as completely as possible." The staff recommended scrapping quotas in favor of a preferential tariff system for oil that would produce about $700,million a year in new Federal recenues and reduce prices by about 80 cents a barrel—a quarter to a third of the price reduction that might be realized by the total elimination of all import controls. Under a probable tariff schedule, consumers might save a cent or two on a gallon of gasoline and about a cent on a gallon of heating oil.

Such a reduction would have a measurable counterinflationary effect. According to Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, "with annual consumption on the order of 80 billion gallons, a 2-cent cut at retail would translate into a reduction of about $1.6 billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 per cent in the average retail price."

The task force held its last full meeting in December, and a majority—five of the seven members, led by Secretary of Labor Shultz—was prepared to accept the staff's conclusions. The two dissenters were Secretary of the Interior Hickel and Secretary of Commerce Stans, who insisted, in what several participants have described as an angry confrontation, on retention of the quota system.

Present for the first time at a meeting of the task force was Attorney General John N. Mitchell, who emphatically told Secretary Shultz, "Don't box the President in." Some of those present interpreted the remark as a Presidenial request for the retention of quotas. Following Mitchell's appeal, the task force tempered its recommendations, though it reached the basic conclusion that quotas should be scrapped in favor of a tariff schedule.

The broad conclusions of the task-force report leaked out long before it was officially made public, and the oil industry lost no time in stepping up its efforts to win friends and influence people. For many weeks it bombarded Congress and the White House with demands that the quota system be retained.

A retired oil executive who maintains close contact with the industry reported in a confidential memorandum early in February that representatives of the Independent Petroleum Association had made "quite an impression" in a meeting with Flanigan and Bryce Harlow, another Presidential aide. The memo continued: "Theme was—oil revenues are key to the prosperity and state budgets, such as schools (over 90 per cent in Louisiana), of the oil-producing states. Stall any decision until after the election and in this way the Republican party can capture the Senate. This policy will assure Republican Senators' election in questionable states of Alaska, California, Wyoming, New Mexico and Texas. Harlow assured the group that the President is well aware of all the facts and will act to the best interests of the country."

Even more reassuring to the industry was a report published Feb. 6 by Platt's Oilgram News Service, an "inside" newsletter for the industry, based on an interview with a "high Administration official known to be opposed" to the task-force majority's tariff recommendation. The official, whom industry sources identify as Interior Secretary Hickel, said he was convinced that the Administration would not permit "anything drastic" to happen to oil imports.

Secretary Hickel's prediction proved accurate. When the 400-page task-force report, with its recommendation that the quota system be abolished, was released by the White House on Feb. 20, it was accompanied by a Presidential announcement that no "major" change would be ordered now.

The President thanked the task-force members and staff for their "devoted and discerning effort," then announced the formation of a new Oil Policy Committee to conduct further studies. The only task-force member missing from the new group is Secretary Shultz, the original body's most vigorous critic of the quota system. He was replaced by Attorney General Mitchell, who presumably will see to it that the President is not boxed in.

Understandably, the Petroleum Institute thought the President's action was "encouraging," while the Independent Petroleum Association declared that the move should "reassure consumers as to future supplies of both oil and natural gas at reasonable prices.

Meanwhile, the industry is reappraising its pressure tactics, assessing its past mistakes and preparing for such future battles as the developing national crusade against automotive pollution. Former Congressman Ikard predicts "a pretty substantial change" in the industry's expensive image-building program. "We aren't dedicated to anything we are doing simply because we have been doing it," he says. An industry committee headed by Howard Hardesty, senior vice president of Continental Oil, has been conducting an intensive study of oil's public-relations efforts.

In a speech last fall that attracted sympathetic attention in the industry—it was reprinted in full in The Oil Daily—Michel T. Halbouty, a Houston oil producer, engineer, banker and former president of the American Association of Petroleum Geologists, complained that the industry's trade associations had "simply failed to inform and educate the public properly."

"Frankly," Halbouty said, "all of us took it for granted that our little red house would never be blown down by those howling wolves. So we find ourselves behind the eight ball. We now see depletion being hammered down. We see serious attacks being made on other incentives. The mandatory import program is in trouble. . . . The shortcoming in our own case has been a lack of communication with the people who really count in this country—the people who vote.

"We have done little to tell the history of oil and gas or the industry or the men who have made it. We have said little about how this industry ignited and sustained the age of liquid fuel and thereby helped lift the shackles of toil from labor. . . . We simply haven't put this information out properly, without wrapping it in a package which had the sign 'support depletion' on the outside. The people would automatically support depletion if they knew what our industry means to them."

From a Washington perspective, Halbouty's apprehensions seem overblown, or at least premature. While the industry's critics are increasingly outspoken and have tasted a few small victories, they have also been subjected to large defeats. Though some of oil's most stalwart champions have been removed by the process of attrition, others remain, steadfast and loyal, in Congress and in the executive branch. Despite a few cracks in the solid front the industry was long able to maintain in its lobbying effort, it remains a potent force in the capital.

When the American Petroleum Institute convened in Houston in November, Administration officials on hand to deliver speeches included Treasury Secretary Kennedy, Interior Under Secretary Russell E. Train and John N. Nassikas, the new chairman of the Federal Power Commission. A few days later Interior Secretary Hickel, whose department has broad jurisdiction over matters of importance to the oil industry, was in Houston to inspect offshore drilling rigs and hold private conversations with industry leaders.

Hickel, the former Governor of Alaska whose intimate ties to oil were the subject of stormy confirmation hearings when he was named to the Cabinet, seemed for a time to fall short of the industry's glowing expectations. Mindful of his vulnerability to conflict-of-interest allegations, he appeared determined to stress his independence of the industry. When an offshore oil blowout in the Santa Barbara channel became a national pollution scandal, the Secretary issued relatively stringent controls on drilling procedures, and oilmen complained of official "overkill." Such industry complaints are no longer heard in Washington, however, and Mr. Hickel seems to have dropped his guard. It was reported recently that an Alaska investment firm owned by the Secretary and his wife and managed by his brother, Vernon, had received a $1-billion contract to build an addition to the building in which Atlantic-Richfield maintains its Anchorage headquarters.

President Nixon, too, was well acquainted with leading oil producers long before Michael Haider paid his cordial call at the White House in November. California oilmen were prominent contributors to the Nixon personal-expense fund that erupted into headlines during the 1952 Presidential campaign. In Congress, Mr. Nixon was a reliable supporter of such oil measures as the tidelands bill, which divested the Federal Government of the offshore petroleum reserves. As Vice President, Nixon worked closely with Senate Majority Leader Lyndon Johnson in 1956 to block a sweeping inquiry into disclosures by the late Senator Francis Case of South Dakota that he had been offered a $2,500 bribe for his vote in behalf of a bill to exempt natural-gas producers from Federal regulation. The law firm with which Nixon was associated before his 1968 candidacy had its share of oil clients, and oilmen—including president Robert O. Anderson of rapidly growing Atlantic-Richfield—ranked high among contributors to Nixon's Presidential campaign.

No one knows precisely—or even approximately—how much money oil pours into politics, though experts on campaign financing agree that the industry outspends all others. Official reporting requirements, which divulge only the tip of the iceberg, indicate that executives of oil companies and trade associations can be counted on for hundreds of thousands of dollars in contributions during Presidential campaigns—the bulk of it (except in 1964) to Republican candidates. The role of oil money in House and Senate campaigns is even more obscure, although occasional disclosures such as the 1956 charge of a bribe attempt and the more recent investigations of former Senate Majority Secretary Robert G. Baker indicate that money is easily—and bipartisanly—available to legislators who can be counted on to vote the industry's way. Baker, whose Senate mentors were Robert Kerr of Oklahoma and Lyndon Johnson of Texas, served as both collector and distributor of oil contributions funneled through the Democratic Senatorial Campaign Committee in the late nineteen-fifties and early sixties.

Periodic disclosures of political bribery, which have a remarkably transitory effect on public opinion and political morality, are probably less significant than the day-in, day-out "legitimate" relations between Congress and the powerful oil industry. As Robert Engler observed in "The Politics of Oil," a classic study: "The spotlight here belongs more on lawmakers and respectable men with bulging brown briefcases entering the

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portals of government than on lawbreakers and furtive men with little black bags using side entrances of hotels. Government policy on oil has increasingly become indistinguishable from the private policies of oil. . . ."

For some lawmakers, of course, the wheel of self-interest need not be oiled, even by political contributions. The late Senator Kerr who held a ranking position on the Finance Committee in the nineteen-fifties and early sixties and was always available to the oil industry, was simply advancing his own cause as a substantial shareholder in Kerr-McGee Oil Industries, Inc. "Why, hell," he said, "if everyone abstained from voting on grounds of personal interest, I doubt if you could get a quorum in the United States Senate on any subject."

Senator Long, who now presides over the Finance Committee and the loyal oil contingent on Capitol Hill, shares his illustrious predecessor's view. "Most of my income is from oil and gas," he says. "I don't regard it as any conflict of interest. My state produces more oil and gas per acre than any state in the Union. If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana."

According to records of the Louisiana Mineral Board, Senator Long has received income of $1,196,915 since 1964 from his interests in four state oil and gas leases, and almost $330,000 of that income has been exempt from Federal income taxes because of the oil-depletion allowance. The Senator is also a trustee of family trusts that have collected $961,443 from holdings in state leases since 1964; and he has an interest in at least seven private leases whose royalty reports are not available for public scrutiny.

Few of his colleagues can match Senator Long's oil holdings, but many share his solicitous concern for the industry's welfare. Among those on whom the oil moguls can generally count for unstinting support are Senators John G. Tower of Texas, Gordon Allott of Colorado, Clifford P. Hansen of Wyoming, Henry L. Bellmon of Oklahoma, Roman L. Hruska of Nebraska, Robert J. Dole of Kansas, Peter H. Dominick of Colorado, Allen J. Ellender of Louisiana, Theodore F. Stevens of Alaska, George Murphy of California and Karl E. Mundt of South Dakota.

Most—but not all—of oil's fast friends in the Senate are stanch conservatives. Nonetheless, such liberal heroes as J. William Fulbright of Arkansas and Eugene J. McCarthy of Minnesota can usually be counted on to see oil's side. When a crucial vote on depletion came up in the Senate Finance Committee last fall and resulted in an eight-to-eight tie, Senator McCarthy, a member of the committee, was in a New York restaurant autographing copies of his book on the 1968 campaign, which includes a stern rebuttal of charges that he has favored the oil interests.

McCarthy, who voted consistently against oil privileges during most of his first Senate term, cast his first vote in favor of depletion in 1964 and has generally favored the industry's positions since. There were published reports in 1968 that he had raised about $40,000 for his Presidential campaign in one day at the Petroleum Club in Houston.

Senator Fulbright's unswerving loyalty to his state's oil and gas interests is perhaps more understandable, but he has occasionally carried it beyond mere routine support. When Senator Case of South Dakota disclosed the attempt to buy votes for the 1956 natural-gas bill, Fulbright accused him of being "irresponsible"; to jeopardize passage of the bill was "inexcusable," Fulbright explained.

In the House, the Ways and Means Committee, which writes the nation's tax laws, still has the essential make-up decreed for it by the late Speaker Rayburn, whose policy was to interview all candidates for assignment to the committee on issues relating to oil. (Former President Johnson exercised the same kind of control over the Senate Finance Committee in his days as Majority Leader.) Among those who passed Mr. Rayburn's test was former Congressman Ikard, who now serves as the industry's lobbyist in chief. With rare exceptions, the full House delegations from Texas, Oklahoma and Louisiana serve as the hard core of the oil bloc.

Those legislators who are not irrevocably committed to oil's interests can count on frequent, cordial contacts with the army of lobbyists the industry maintains in the capital. One aide to a Senator who is active in legislative matters affecting oil reports that he receives about 20 calls and several visits *a day* from industry spokesmen. Written communication is rare.

And the oil lobbyists are doing more than socializing during those visits on Capitol Hill. As soon as the thrust of the task-force report on import quotas became clear, they moved decisively to protect the quota system. Already scheduled are two Congressional committee inquiries designed to attack the task force's recommendations. In the House, the Interior Subcommittee on Mines and Mining plans an investigation of the "national security aspects" of the quota system under the direction of Representative Ed Edmondson of Oklahoma. "He is a Congressman representing an oil-producing and refining state," one of Edmondson's aides explains. "He feels the smaller independent operator gets squeezed first in this kind of issue." In the Senate, a planned investigation will, from the industry's point of view, be in equally reliable hands—those of Senator Long.

In his announcement that he would not immediately implement the task-force report, President Nixon said he expected that such Congressional hearings would produce "much additional valuable information."

As they make their cordial way through the corridors of the Capitol, the oil lobbyists complain that things just haven't been going right lately. Some predict the most drastic consequences—not just for the industry but for the nation—if the quota system is scrapped.

But they don't really look very worried. The well is not about to run dry.

GREEN THUMB GAINS SUPPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. HAMILTON. Mr. Speaker, I include the following editorial in which my colleague, the Honorable ROGER ZION from Indiana's Eighth Congressional District, commends the work of the Green Thumb job program for senior citizens in Indiana. I can only add that I have observed, first-hand, the growth and the success of this project and I am pleased to see it recognized as a meaningful program. The editorial follows:

[From the Paoli Republican, Mar. 10, 1970]

GREEN THUMB—BACK IN BUSINESS

The Green Thumb job program for senior citizens will be continued in Indiana, Congressman Roger Zion announced in a news release this week.

"Green Thumb employs older and retired low-income farmers to beautify the highways and build roadside parks and to carry out other conservation and beautification projects," explains the congressman.

The Department of Labor has signed a contract for Indiana extending the program for five months. The program in this state employs 282 men, all over the age of 55 and many who are in the 70's and 80's, who earn up to $1500 a year under the program. They work two days a week.

"Local government officials have told me," said Mr. Zion, "that this is one of finest federal programs. The money goes where it belongs—into the pockets of people who need work. These older workers have many skills and talents and they do an excellent job in improving their communities."

We agree. Sadly, too many of the well-intentioned schemes dreamed up in Washington collapse like a wet dishrag when they are put into operation at the grassroots level. Green thumb is a happy exception.

Perhaps the reason lies in the character of these old gentlemen. They are relics from another day, another world. When they hired out to a neighbor down the road, they expected to do an honest day's work for an honest day's pay. You can be assured they still feel the same way.

They are experts. Turn them loose in a park or on a highway right-of-way, they can see exactly what needs to be done. At their unhurried, deliberate pace, what they get done is done right.

MEDICAL CARE FOR VETERANS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. BOW. Mr. Speaker, the President is to be commended for his swift response to the problems of the Veterans' Administration hospital system arising out of the special medical problems of many Vietnam veterans.

His statement today shows both an understanding of the problem and a desire to do whatever is possible to assure the highest standard of medical care for veterans.

As a member of the Appropriations Committee, I shall do all in my power to make certain the additional funds requested are provided as speedily as possible. This program deserves and must receive the highest domestic priority.

In respect to the present situation in the VA hospitals, it is only fair to say that it is extremely difficult today, no matter what funds are available, to obtain the skilled medical practitioners we would like to have to provide superior attention for the Vietnam veteran. There is a shortage of such men and women throughout the United States and the Veterans' Administration must compete for their services with thousands of other institutions. The President has mentioned this problem in his statement today. I know it is a matter of greatest concern to Dr. Ekeberg, our distinguished Assistant Secretary for Health.

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UNITED STATES SHOULD RESPOND FAVORABLY TO FRENCH PROPOSAL FOR INDOCHINA CONFERENCE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. BINGHAM. Mr. Speaker, the proposal issued yesterday by the French Cabinet to convene a general international conference on Indochina in the face of recent developments in Laos and Cambodia is a most welcome one. While I severely criticized recent French policy in the Middle East, I feel that France has maintained genuine neutrality toward Southeast Asia since 1954. The French initiative, therefore, should be regarded as both constructive and opportune. It offers, in my view, a fresh chance for this country to begin to extract itself from our predicament in that area of the world.

I have today communicated these thoughts to the President, urging him to respond favorably to the French proposal by immediately appointing an American of world stature to take charge not only of the Paris negotiations, but also of the wider negotiations we hope to enter. Such a response, along with several other steps which I have specified in my telegram to the President, would revive long dormant efforts on the part of the United States to achieve a negotiated settlement in Vietnam. It would also clearly indicate our readiness to extend the scope of the negotiations to include Cambodia and Laos as a means of reducing the alarming possibility that the Vietnamese war might spread to those areas.

Today's New York Times report on the French Cabinet proposal, and the text of the telegram I have sent to President Nixon urging a favorable U.S. response, follow:

FRANCE PROPOSES INDOCHINA PARLEY CITING WAR'S SPREAD, CABINET ASKS A MEETING—GENEVA FORMULA A POSSIBILITY

(By Henry Giniger)

PARIS.—The French Government called tonight for a general conference on Indochina to make the area as a whole "a zone of neutrality and peace."

A statement issued by the Cabinet said that the Vietnamese war was spreading to Laos and Cambodia and that all foreign intervention had to end if peace and neutrality were to prevail.

"The French Government is convinced," the Cabinet said, "that the extension of a war that tends to become indivisible can be avoided only by negotiation between all interested parties with a view to seeking and guaranteeing the bases of a peace, itself invisible."

Léo Hamon, the Government spokesman, said a reconvening of the Geneva Conference of 1954, which brought an end to the French-Indochinese war, was one possibility. The official statement implied that such a general conference could replace the talks being held here, with little result, by the United States, South Vietnam, the Vietcong and North Vietnam.

The French decision to speak out was backed by references made by President Pompidou two weeks ago to Laos and Cambodia as "islands of French culture and presence in that part of the world."

French interest in the neutrality of Indochina is long standing and officials here habitually refer to the 1954 agreements as well as to those of 1962, on Laos, as the principles by which the concerned parties should guide themselves.

It is not believed that there was a prior consultation on the possibility of a new conference before the French made the suggestion, but the statement said that France would "actively contribute" to bring about a general understanding.

Two weeks ago, when the Cabinet met, the Government expressed fear of a spread of the conflict and at today's meeting it found the situation aggravated and its fears confirmed.

The two cabinet meetings at which the Government took a stand on the Indochina problem followed a long period of silence imposed by the desire to lend a discreet hand to the participants in the peace talks here.

The renewal of French overt activity was also characterized by moves by French diplomats in Hanoi, Peking and Pnompenh, all designed to express French concern and exert a moderating influence on the parties.

The French ambassador in Peking, Etienna Manac'h, was reported to have conferred with the deposed Cambodian chief of State, Prince Norodom Sihanouk and to have told him he would not have French support if he set up a government in exile.

The Government said hope of keeping Cambodia and Laos neutral and peaceful was not lost. Success, the cabinet said, involves the cessation of all foreign intervention and the respect of the sovereignty and territorial integrity of each country.

The Government appeared to be warning the United States and North Vietnam and its allies in equal measure.

A reference to "a really independent South Vietnam" implied equal condemnation of the United States and North Vietnam for maintaining forces there. The phrase also suggested that the present Saigon regime was less than independent.

The Government noted that the Cambodian Embassy here had reaffirmed Cambodia's desire to be neutral. The Cambodian Ambassador said at a news conference today that this neutrality was being violated by the presence of foreign troops—North Vietnamese and Vietcong—which refused to leave.

APRIL 2, 1970.

The PRESIDENT,
The White House,
Washintgon, D.C.:

As a vigorous critic of recent French policy in the Middle East, I nonetheless welcome the French proposal of an international conference aimed at finding a solution for the problem of Vietnam, Laos and Cambodia. I hope you will respond promptly and positively to this proposal and will urge the other parties involved to do likewise.

I am sure that your Administration genuinely does not want to see the Vietnam war extended into Laos or Cambodia. However, I fear that you will feel compelled to extend our military involvement as a necessary consequence of our insistence on continuing the war in Vietnam to maintain an anti-communist bastion there.

The ouster of Sihanouk demonstrates the paradox that neutral leadership in Southeast Asia may serve U.S. interests better than provocative anti-communism.

The North Vietnamese pressure on Laos shows that Hanoi has the capability of outflanking our position in Vietnam even if our war there seems for the time being to be succeeding.

It seems clear that the developments in Cambodia and Laos were a consequence of the continuing American military involvement in Vietnam.

I urge you Mr. President to return to the posture of 18 months ago when the U.S. was genuinely pressing for a negotiated solution in Vietnam involving some compromise on both sides and to indicate our readiness to extend the scope of the negotiations to include Cambodia and Laos. First moves in this direction would be: (1) an explicit disavowal of the Dulles doctrine that neutrality is immoral; (2) the immediate appointment of an American of world stature to take charge not only of the Paris negotiations but also of the wider negotiations we hope to enter into; (3) announcement of a definite schedule for total withdrawal of American forces from Vietnam; (4) strong pressure on the repressive Thieu government to include representatives of all non-communist elements in Vietnam so as to make possible negotiations leading toward a genuinely neutral government.

The initiative of France, a power which has since 1954 been a genuine neutral in the area, offers a welcome opportunity for the U.S. to start getting out of the intolerable predicament we are in.

JONATHAN B. BINGHAM,
Member of Congress.

THE MAILMEN "GIVE IT A JOLT"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. OTTINGER. Mr. Speaker, as we continue to seek an equitable resolution to the current postal dispute, we might well pay attention to the excellent analysis of the Government's obligations to its employees in a March 24 editorial in the New York Times by Tom Wicker. Because of my agreement with the conclusions reached by Mr. Wicker and because I believe it imperative that we move quickly in Congress to redress the longstanding grievances of our postal employees. I insert the editorial in the RECORD:

THE MAILMEN "GIVE IT A JOLT"

(By Tom Wicker)

WASHINGTON, March 23.—Of course, President Nixon is right that the postal workers cannot be allowed to strike against the Government; and, of course, he cannot negotiate on their wage demands until they return to work, because to do so would be to legitimate an illegal strike. But neither these assertions nor the use of troops to deliver the mail in New York goes to the heart of the matter, which is whether the situation should have been allowed to come to such an impasse.

The postal situation, in fact, is all too exemplary of what so often happens in America today. An institution fails to respond quickly or effectively to the needs or desires of those it affects; they then take matters into their own hands; and the institution is forced to respond with tough measures—political repression or strike-breaking.

MISTRUST OF "THE SYSTEM"

When that happens, those—whether blacks, students or postmen—who tried and failed to get a response, before turning to the direct action for which they are rebuked, can hardly be blamed for developing a bitter mistrust of "the system." The first requirement of any institution should be that it function with reasonable effectiveness and equity; if it does not, it can hardly hope for and does not deserve allegiance and respect.

The postal workers, for instance, as well as other Government employes, have been asked to abide by the self-evident proposition that there is no right to strike against the

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Government. But it is equally self-evident that, if that is so, the Government must take care to maintain its side of the compact. Its employers must not be put in the position of having no way to gain a just end except by breaking the law.

ECONOMIC PRESSURES

Without asserting that the postal workers' demands are entirely justified, it does seem clear that they are not well paid by the standards of other public service employes; and this is particularly so in the major cities, where both the cost of living and the risks of the job are likely to be higher than in the small towns.

The postal workers, moreover, have been caught in the Nixon Administration's fight against inflation (although if the President had been as militantly against corporation price increases as he has been against postal pay rises, the workers might be less irritated). And they are victims of the political maneuvering that has accompanied the linkage of a proposed pay increase to the difficult, if desirable, postal reform the Administration has been seeking.

Thus, while the strike that spread so swiftly from New York across the nation was certainly a "wildcat" which the Government cannot tolerate, it is unjustified only in the strictest legal sense. It would by no means be unjustified by the standards that govern most employe-union relations; and, in fact, since the Government claims the right to deny its employe unions the ultimate weapon used by other labor organizations, the Government has a greater obligation than most industries to consider in timely and sympathetic fashion the needs and welfare of its employes. It is at least questionable whether that obligation was met in the case of the postal workers.

The worst of the resulting strike is that there is no satisfactory way out of it. To try to break it with troops is not only distasteful; it could produce violence and bitterness that might even prolong the strike, and postal authorities say untrained soldiers can't do the job anyway. To negotiate a wage increase while the strike goes on is to invite more strikes by other dissatisfied Government employes.

UNSATISFACTORY RESOLUTION

Yet, to insist—as Mr. Nixon has little alternative but to do—that the union must return to work before negotiations can begin is to some extent unfair in that it puts the burden on the workers and denies the Government's share of the blame for the situation; it is self-serving, in that it asks the letter carriers to entrust their welfare to the very institution they believe has already neglected it; and it is ironic in that even if the union does go back to work, and a pay rise is granted in the subsequent negotiations, the postal workers still are quite likely to draw the conclusion that only the strike got results.

All this should have been avoided in a vigorous and effective political system. As it is, the strike is one more suggestion that the American system has become so massive and impersonal and therefore so unresponsive that the only way to make it act is to give it—in John W. Gardner's phrase—"a solid jolt." That is a basic reason for the harsh conflicts in American society today.

THE SMUGGLERS OF MISERY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. PEPPER. Mr. Speaker, the April 1970 issue of the Reader's Digest features an article by Mr. William Schulz concerning contraband traffic in marihuana, heroin, cocaine, amphetamines, and barbiturates.

Included in the article, entitled "The Smugglers of Misery," is the story of Donald Rice, a 25-year-old San Franciscan who earned thousands of dollars from an initial investment of $25 in bootlegged amphetamine pills.

Rice's testimony was made at the San Francisco hearings of the Select Committee on Crime last October. It is a success story we can well do without.

As a result of those hearings and another in Washington, D.C., a bipartisan majority of the Crime Committee introduced legislation to place quotas on the number of amphetamines that can be legally produced each year and amendments to existing statutes to permit the Bureau of Narcotics and Dangerous Drugs to crack down on the operators of clandestine laboratories.

Mr. Speaker, I insert Mr. Schulz' article at this point in the RECORD:

THE SMUGGLERS OF MISERY

(By William Schulz)

(As the nation watches in alarm, young America is being victimized by a massive drug-smuggling industry. Here is how it operates—and what is being done to stop it.)

Last year, smugglers deluged the United States with an estimated 300 *tons* of illegal drugs, an incredible increase in the traffic of more than *500 percent* in just three years. The contraband—marijuana, heroin, cocaine, amphetamines, barbiturates—came in by land, sea, and air, in false-bottom suitcases, in hollowed-out surfboards, in babies' diapers. When it was finally sold on the streets it brought the purveyors well over a billion dollars.

Trying to stem the daily flow of drugs across our borders and beaches is the awesome task of federal Customs officials. Their adversaries are a shrewd and tenacious legion, ranging from Mafia dons to respected diplomats, from South American gangsters to European financiers. And the methods they employ are sophisticated and ever-changing. "One thing is certain," say Assistant Treasury Secretary Eugene T. Rossides, who directs the government's efforts against the smugglers. "Without these highly professional, tightly organized rings of narcotics smugglers, the United States would have little or no drug problem." Federal Customs Commissioner Myles Ambrose supplies the statistics: Ninety percent of the marijuana used in this country comes from abroad, 100 percent of the opium, cocaine and heroin, substantial quantities of amphetamines, barbiturates and other synthetic drugs.

How do such vast quantities of dangerous drugs enter the country? What kind of profits do the big-time smugglers reap? What are their ties to organized crime? What is being done to deter these brokers of misery?

Seeking answers to these basic questions, I traveled from Miami to New York, from Tijuana to Montreal, probing the shadowy world of illicit narcotics. To understand this world, it is necessary to look at each drug separately.

MARIJUANA BY THE TON

Eighty percent of the marijuana used in this country originates in Mexico, where peons grow it on small plots, carry it to town by donkey and sell it for perhaps $4 a kilo (2.2 pounds). The marijuana leaves are then packed in one-kilo cellophane packages, and stored until transported up Mexico's highways to points along the Texas, New Mexico, Arizona and California borders.

Much of it winds up in Tijuana, the wide-open border town just below San Diego. Because of Tijuana's heavy international traffic—more than 100,000 people cross the border every day—most of the college students, hippies and others who buy small amounts of marijuana there manage to get through Customs without being caught. But they account for a small percentage of the Mexican marijuana smuggled into this country.

Most of it is brought in by big-money professionals. In his new book, *The Smugglers*, author Timothy Green tells of a top Tijuana dealer who currently sends two or three cars into the United States every day, each carrying more than 300 pounds of "grass" hidden in gas tanks, secret panels or customized upholstery. He buys the marijuana for $12,000 a ton and delivers it in San Diego for $65,000, in Los Angeles for $100,000 and in San Francisco for $200,000. Local pushers then break down the kilo bricks into ounce bags, which sell for $25 to $35, and into individual cigarettes—which usually go for 50 cents to a dollar apiece. Thus a kilo of marijuana, purchased originally in Mexico for $4, can bring more than $1000 once it reaches big-city slums or college campuses.

Major Tijuana dealers—whose headquarters are sometimes protected by machine-gun-toting guards—supply the entire United States. Tipped off by an informer in September 1967 that a Ford station wagon loaded with marijuana would cross the border at Calexico, Customs officials decided to trail the smugglers. Four days and 3300 miles later, the couriers pulled into North Bergen, N.J., headquarters of Angel Roberto Millan, a Cuban national known as a major New York dealer. Right behind were the men from Customs. They jumped from their cars, grabbed more than half a ton of marijuana, and arrested Millian and the two couriers, all of whom were convicted in federal court.

Customs agents seized the cars of 1,516 smugglers as they crossed the Mexican border last year. But big-time operators use other forms of transportation as well. Yachts and high-speed launches leave Southern California for Ensenada and other Mexican ports, returning with caches of marijuana. Some smugglers rent small planes to bring in the stuff. Customs agents arrested nearly 1,700 of these other marijuana smugglers along the borders of the Southwest last year—"and still the stuff comes in," says a weary government official, "night and day."

PILL CARRIERS

Mexico is also the source of millions of goofballs (barbiturates) and bennies (amphetamines) that are sold in school yards throughout the United States. In four years the number of pills seized at the Tijuana checkpoint has increased 70-fold—and beleaguered Customs agents admit they get only a fraction of the illicit cargo.

A typical pill smuggler was Donald Rice, 25-year-old San Franciscan and admitted drug user. In testimony before a Congressional committee, Rice said he started in the business with $25, purchasing stolen pills from employes of a California military depot. As business grew, Rice and his 14-man organization turned to Mexican suppliers. Rice would purchase $3000 worth of Tijuana bennies and pay a local runner $1000 to take them across the border, stashed in an automobile gas tank. When sold to San Francisco wholesalers, the pills brought $12,000—a handsome profit for a weekend's work.

INVESTING IN HEROIN

The *really* big money, say agents, is made in the hard stuff—cocaine and heroin.

Poverty-stricken Indians cultivate coca bushes on the steppes of the Andes, selling the leaves for pennies a pound. These are broken down to pulp, refined, and smuggled into the United States by Latin American syndicates. By the time it's cut and recut, a kilo of cocaine will bring $360,000 in street sales.

Pure cocaine is usually brought into Miami or New York by couriers who fly up from South America carrying false-bottom suitcases or wearing custom-made vests. Last year New York police arrested a Chilean smuggler who had brought in 44 pounds of cocaine secreted in specially made wine bottles. The courier worked for a Santiago syndicate that smuggled millions of dollars' worth of cocaine and heroin a year.

The major quantity of the heroin used in the United States originates in the poppy fields of Turkey, where licensed farmers supply raw opium for pharmaceutical purposes. Many of the same farmers also sell to black-market brokers who use mules and camels to transport the sticky, malodorous opium into Iraq, Syria and Lebanon. There, in clandestine laboratories, it is converted into a crude morphine, reducing its bulk by 90 percent, and is subsequently smuggled by merchant seamen to the south of France. In the area around Marseille, several groups of Corsicans employ skilled scientists to turn the morphine into heroin.[1]

From France the heroin is shipped to the United States, often by circuitous routes through Mexico, South America or Canada. It is carried on tramp steamers, and jet planes, in diplomatic pouches and home freezers. By the time it reaches the street, diluted time and again, a kilo of heroin that wholesales for $10,000 may bring more than a third of a million dollars.

U.S. street sales of heroin have been pegged at about $1.5 billion a year. Behind much of this traffic is La Cosa Nostra, whose smuggling and wholesaling profits are estimated at $90 million a year. Says Anthony Scaduto, a top authority on organized crime: "The men of the Mafia are at the top of the pyramid that makes up the international narcotics racket. They 'invest' in it with funds from their hidden gambling interests, their illegal gambling empires, their loan-sharking and extortion and myriad other rackets. They are the financiers." They never touch narcotics themselves.

A case in point is John S. Nuccio, a pudgy, manicured racketeer who directed an international heroin operation. Nuccio supplied the money for the drugs—anywhere from $20,000 to $70,000 a trip—to an Air France steward who shuttled back and forth from Paris to New York. Deliveries were made not to Nuccio but to third parties. Apprehended, the steward agreed to cooperate with federal authorities. Only then was it possible to convict Nuccio, who is now serving 15 years in prison.

Claims have been made in recent years that La Cosa Nostra is getting out of narcotics to concentrate on less dangerous enterprises. Actually, while the mob is no longer involved in the street-sale stages of heroin distribution, "most of the importation and virtually all of the wholesaling remain in Mafia hands," according to William T. Tendy, the assistant U.S. Attorney who has prosecuted many of the country's major drug cases in recent years.

The techniques of heroin importation are varied. A group of French smugglers shipped a 1962 Citroen back and forth between Paris and New York with as much as 246 pounds of heroin hidden in compartments that could be opened only if a certain upholstery button was twisted. Diplomats, who can move easily through U.S. Customs, are often used as couriers; in fact, envoys from Mexico and Uruguay are currently serving federal prison terms on narcotics charges.

COURIERS AND CODFISH

Some of the most ingenious techniques of all were practiced by a Geneva-based syndicate headed by ex-convicts Andre Hirsch and Robert Mori. Syndicate couriers would board Trans World Airlines flights in one European city, say Frankfurt, and deplane in another, usually London. While aboard, they hid six-kilo lots of heroin (stuffed in men's socks) behind lavatory waste receptacles. American-based couriers would then board the plane at its first U.S. stop—perhaps New York, perhaps Washington—retrieve the heroin in flight and get off at a second U.S. city, usually Denver or St. Louis. There would be no necessity to go through Customs. The couriers would return to New York, contact their buyer and receive $51,000 for each six-kilo load.

The operation worked smoothly for some time, with the U.S. couriers sending back as much as one million dollars a month, usually via secret Swiss bank accounts. Then, in July 1968, a TWA maintenance worker discovered the heroin and alerted Customs. The couriers were arrested, as were their U.S. buyers.

But within a month Hirsch had another scheme under way.[2] A 23-year-old Parisian, Christian Serge Hysohion, was dispatched to New York with instructions to set up the Panamanian Chemical and Food Co., Inc., a dummy import firm ostensibly handling Spanish foodstuffs. Then, in the Spanish port of Málaga, large quantities of heroin were sealed in cans of codfish and paella, and shipped to Hysohion in New York. On December 10, 1968, the *S.S. Ragunda* sailed with 702 cases of the tins. On January 31, 1969, another 400 cases left aboard the *S.S. Grundsunda*. In New York, the dope was to be separated from the legitimate foodstuffs and sold to a syndicate contact.

Unknown to Hirsch and Hysohion, however, a globe-girdling investigation by two New York-based Customs agents, Edward Coyne and Albert Seeley, had uncovered the operation. When the *Ragunda* docked in late February, Coyne, was on the scene. Using a high-powered X ray, he examined the 700 cases, discovering six in which heroin was secreted.

Coyne and Seeley bided their time. Undercover agents followed the precious shipment as it was delivered on March 7 to Hysohion's home in Queens, and kept up an around-the-clock surveillance. On March 8 an accomplice arrived from Paris, and early the next morning the two left, carrying a large leather satchel stuffed with heroin. Hailing a cab, they headed for Grand Central Station to hide the stuff in a public locker. They never made it. Customs agents arrested Hysohion and his partner and seized 62 pounds of heroin. Twenty-four hours later, the *Grundsunda* docked, and Customs grabbed another 62 pounds of the deadly white powder. Ultimately, more than 30 ring members were arrested, but in less than two years of operation, Hirsch and his coterie had shipped more than 800 pounds of pure heroin into the United States, enough to push tens of thousands of addicts closer to their graves.

FULL-SCALE ATTACK

In recent months, significant efforts have been launched to do something about the illicit drug traffic into the United States. For instance:

Operation Intercept, a program of rigorous border inspection ordered last year, dramatically cut the flow of Mexican drugs, at least temporarily. Operation Intercept, which caused long delays at border checkpoints, was followed by Operation Cooperation, a joint U.S.-Mexican drive designed to slash smuggling and also drug production south of the border. Six thousand Mexican soldiers were sent on "search and destroy" missions in areas where marijuana is heavily cultivated. And for the first time, Mexico imposed controls on the sale of amphetamines and barbiturates. New legislation is being drafted by Mexican authorities to punish drug producers and smugglers.

A vitally important agreement was reached last January with the French government to curb the illicit processing of heroin in that country. Pressed by Washington, Paris has pledged a stepped-up campaign against drug traffickers, with 10,000 French policemen to be trained in narcotics work.

At the insistence of President Nixon, nearly 700 new agents and inspectors are being hired by the woefully under-manned Customs Bureau.

Most important, perhaps, the President has declared an all-out war on organized crime. Federal strike forces have been set up in major cities to combat the syndicates that control narcotics and other rackets. The Attorney General has receivde permission to wire-tap major drug traffickers. A comprehensive anticrime package is moving through Congress.

Administration officials expect no overnight victories. They are taking on immensely powerful, well-entrenched criminal groups. But the government's full-scale attack is long overdue and deserves the determined support of every citizen.

NEW JERSEY EXPERIMENT ON INCOME MAINTENANCE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. RYAN. Mr. Speaker, more than 25 million Americans live in what is officially described as poverty. The poverty line—approximately $3,744 in 1969—is, of course, a theoretical construct. It seeks by statistics to describe the plight of those who simply do not have enough money to live in dignity, with adequate food, adequate housing, adequate clothing, and adequate health services.

Needless to say, no statistics can adequately portray the plight of the so-called "official" poor. What is more, the imaginary cutoff of the poverty line does not really properly consider those additional millions of people who, although earning incomes above that line, do not have sufficient funds to live a decent existence.

For example, while the Government-recognized poverty line for 1969 was approximately $3,744 for a nonfarm family of four, the Bureau of Labor Statistics has developed figures describing a lower budget showing that it costs this same family $6,771 to live at a lower level in New York City.

I have long urged that Congress not simply deplore these statistics, but that it take action to establish a basic minimum income. In the 90th Congress, I introduced the first bill to provide for a guaranteed annual income. In the 91st

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[1] See "Merchants of Heroin," The Reader's Digest, August '68, September '68.

[2] Mori was arrested by French police as a fugitive in May 1968, extradicted to the United States, and convicted of smuggling. He is now appealing his conviction while serving a 20-year sentence in federal prison.

Congress, I introduced this bill in modified form as H.R. 14773.

In a few weeks, the House will be called upon to consider the income maintenance bill reported out by the Ways and Means Committee—H.R. 16311. While this bill is a major step in recognizing the concept of income maintenance, it does have major shortcomings, which should be corrected.

One of the most often heard objections to the concept of a basic minimum income is that it serves as a work disincentive, encouraging recipients of benefits not to work. In the March 30 edition of the Washington Post, Eve Edstrom expertly details the preliminary findings of the New Jersey graduated work incentive experiment being funded by the Office of Economic Opportunity. I think these findings clearly rebut the misplaced notion that a basic minimum income deters work motivation, and I commend Miss Edstrom's article to my colleagues:

[From the Washington Post, Mar. 30, 1970]

"IT'S AN HONOR TO WORK": INCOME PLAN BREEDS SCORN FOR WELFARE

(By Eve Edstrom)

PRINCETON, N.J.—Giving poor families extra cash to supplement their earnings apparently brings out the Puritan in them.

A sampling of attitudes among 10 per cent of families enrolled in an experimental guaranteed annual income project shows that most families in the program express contempt both for welfare payments and for people too lazy to work.

One father who receives a cash payment to add to his working wages said: "It's not a good idea if you like to drink or you're lazy."

A Spanish-speaking father in the same plan said, "It's an honor to work." A Negro machine operator added a qualification. "I love to work—'cause I have to," he said.

The family heads who made the above statements receive the income payments under a program similar to the landmark legislation proposed for all of the nation's poor families by President Nixon. The bill is scheduled for a vote on the House floor next month.

Until now, the preliminary results of that $4.5 million government-financed experiment have been put forth in general terms or in cold statistics.

But last week, MATHEMATICA, a research group based here, released verbatim quotations from interviews with 10 per cent of the more than 7,000 families who receive the cash guarantees in New Jersey and Pennsylvania.

Although a few families expressed some reservations or misconceptions about the program, more typical responses included such statements as it is "four to five times better than welfare" or "it seems simple and uncomplicated compared to most government programs."

Unlike welfare, the families do not have to fill out complicated forms, do not have to account for how they spend their money, do not have to forfeit assets, and are not supervised by case workers and investigators.

In fact, the experiment's workers go out of their way not to advise families. If families need help, such as finding housing, they receive a list of agencies to contact so that they can learn to help themselves. The cash payments are strictly divorced from any services.

To be eligible for the payments, a family submits to a quarterly interview and reports its income and family composition each month. The income report form, as one family said, "couldn't be simpler. You'd have to be pretty stupid" not to understand it.

The one-page form, covering a four-week period, asks the family to list any changes in household members (because grants are based on family size) and to list earnings before taxes and other income such as Social Security benefits.

Families include their paycheck stubs with the report. If they don't have stubs, they can submit signed statements from employers. Their benefits are recalculated every four weeks, but are based on average earnings over the last three-month period.

Because the experiment is aimed simply at determining how income guarantees affect work patterns of those who receive them, the families are under no obligation to account for how they spend the extra cash.

But the families have shown a strong desire to prove they are worthy of the payments. Many have voluntarily attached paid bills to their income declaration forms to show how they have spent the money.

That the money is being used in a variety of meaningful ways was also shown by the interviews that MATHEMATICA conducted last month in Trenton, N.J., where the first project families were selected in 1968, and in Paterson, Passaic and Jersey City, N.J., and Scranton, Pa.

Two Scranton families are using the money, spread over a three-year period, to renovate their homes.

"This way we are increasing the value of our homes and will have something to show for the money," one family said.

That family has renovated one room and named it the "Council of Grants to Families" room. The Council is the subsidary which issues the payments to the families.

Another family, noting that the payments were enabling it to move from a "dump" to a nicer apartment, said:

"We are trying to plan ahead. In three years, I might be making good money, and by then the kids will be older and my wife could possibly work. It sure has raised our standard of living."

A 60-year-old mother, living with her son's family, said the payments would make it possible for her to delay in applying for Social Security benefits until she was eligible for the maximum amount.

The income guarantee is helping one railroad worker to sit out a layoff, and has helped factory workers to get through "vacation without pay" periods.

A commonly expressed view was that the money gave families a small measure of security in case of illness or job difficulties. This was best expressed by the family that said:

"We aren't using the money to pay the electric bill or things like that. We put a little aside and just having it gives you peace of mind in case anything should happen."

Several families were negative in their responses, saying the money wasn't sufficient to help them provide adequately for their families.

A few families looked upon their bimonthly checks as windfalls to be used for spending sprees.

One young father has been quite successful in using his guarantee to extend his credit rating so that he could lavishly furnish his public housing apartment—complete with bar. He also tried to con the experiment's workers out of giving him his payments in one lump sum so that he could have a "stake."

Among those interviewed, there was almost universal contempt for the existing dependent children's welfare program, which began in the 1930s and would be replaced by the Nixon administration's Family Assistance Plan of income guarantees.

One family said that "on welfare you can't go any place or raise your cultural level." Another said welfare "kills people," and a third said welfare "makes liars and cheats" out of people.

Only a few of the income experiment's families did not endorse the concept of a national income guarantee plan.

"I don't think it will work," one father said. "It's like putting the whole country on welfare."

But the overwhelming view was expressed by families that said the program was a "good idea," that "all the people in the cellars and in the slums need it," that "you need a program for those not rich."

"Professionals can always find a job in their field," one Jersey City father said. "But there is no such thing as a guaranteed factory job."

Similarly, a Scranton father said:

"It's giving those who are already trying a chance to get ahead. Everyone can't count on steady work . . . Take Scranton. Six years ago if you wanted a job as a dishwasher you had to fight at least 10 other guys to get it. Think how much this program would have meant then."

Most of the families showed a clear understanding that the income guarantees, which average less than $100 a month, go down as earnings go up.

"You work more, you get less," said one father.

Another said he took a job knowing that the guarantee would go down, because he wanted to better himself. And one enrollee, who now only receives $20 a month, said that small incentive has made him "work harder in the last months putting in overtime whenever I can."

Under eight different combinations of tax rates and guaranteed income levels, the guarantees are entirely eliminated when earnings go above a certain level. To date, 10 per cent of the families in Trenton, Paterson and Passaic have increased their earnings so that they no longer are eligible for the guarantees.

One father correctly figured the point where he no longer would be eligible for benefits and said, "I'd be happy to go above it"—indicating, as many of the answers did, that the cash payments do not slow down work effort.

Typical comments were "I'd rather work than sit," and "it's all I ever knew all my life." Another family head said work was necessary so a guaranteed income plan would be "more an insurance policy than a handout."

The experiment is being financed by the Office of Economic Opportunity under contracts with the Institute for Research on Poverty at the University of Wisconsin, and Mathematica.

Although developed under the Johnson administration, the experiment is proving to be a unique testing ground for President Nixon's revolutionary welfare reforms, which appear assured of Congressional passage this year.

The reforms are mammoth in that they establish the first uniform federal income guarantee ($1,600 for a family of four) and include working poor families, as well as the non working poor, for the first time.

Critics have said the program might lead to widespread loafing. But the Mathematica interviews suggest the program, in the words of one father, will give the "guy who tries the feeling that it is worth it."

NO EXPO FOR THE CENTENNIAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. OTTINGER. Mr. Speaker, in a New York Times editorial of March 19,

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Tom Wicker has brought to the public's attention a thoughtful proposal developed in Cambridge, Mass., for a multicity 200th national anniversary observance in 1976. The Cambridge group's views are the most advanced and meritorious of the many being advanced for the bicentennial celebration, and I insert it in the RECORD with my full endorsement:

NO EXPO FOR THE CENTENNIAL

(By Tom Wicker)

WASHINGTON, March 18.—John Canaday of The New York Times reports from Osaka that Expo '70 is "no more than the continuation of a pattern," the biggest and most fanciful version of Montreal and New York and Brussels and Seattle and Chicago and St. Louis and the other conventional fairs that in the past have served as showpieces of "progress"—as "a kind of supermarket" for modern technology.

Thus, he wrote, Expo '70 appears to be "the world fair to end all world's fairs, and there is a possibility that it will do just that." Maybe it should.

Why, for instance, to celebrate its 200th birthday in 1976, should the United States throw together in one of the presently competing cities—Washington, Boston, Philadelphia, Miami—another of these gaudy monuments to extravagance and vainglory? If past history is a guide, it would include all too many expensive, gadgety pavilions which, soon after closing, would be knocked down and hauled off by the junkmen with no lasting gain to anyone; it would both bamboozle and dazzle the multitudes with technological wizardry of little relevance to their lives; and both the expense and the irrelevance would mock the real social needs of America today, while symbolizing all too exactly the consumption-and-waste ethic that inflates the national economy.

All this is what a group of Cambridge, Mass., planners propose to avoid with a new multicity festival concept for the 200th anniversary. Its theme structure would not be a pretentious piece of bad sculpture but a high-speed rail transportation link between the participating cities—basically those stretching through the thirteen original colonies from Boston to Atlanta.

LONG-RANGE GOAL

Rather than seeking in an artificial environment of pavilions and displays something as elusive as "progress and harmony for mankind" (Osaka's theme), the multicity bicentennial would have as a specific goal a cooperative undertaking to improve in fact the actual environment of the participating cities and the areas between them.

Both the transportation link and the environmental projects—which would survive the passing of the bicentennial and act as functional models for other regions—would require great efforts from private interests, cities, states, the Federal Government, and regions as distinct as New England and the South; thus, these tangible efforts would virtually require development of the proposal's loftier central purpose of "bringing our people together."

The high-speed rail system linking the cities would beautifully symbolize that purpose. For the future, it would relieve dependence on air and highway transportation, and at the time it would provide the physical means by which visitors from all over the world could take in the various observations of the bicentennial cheaply, swiftly and comfortably.

These observations would take place in each of the various cities—first, by the exploitation of the existing historical, technical and recreational attributes of each; second, by their development with state and Federal aid not of temporary white-elephant pavilions but of permanent social improvements through new forms and ideas for housing, education, transportation, industry, communications and recreation. One standard project in each major city, for instance, could be the construction of a terminal that would provide maximum linkage of the rail line to air, highway, subway and bus systems.

NOT FOR EPHEMERAL GLORY

The cost would be great, the organization problems would be even bigger, and the time is so short that the plan might have to rely on some air links, particularly in the South. But that it would be the most challenging proposal the Commerce Department and the American Revolution Bicentennial Commission could put before President Nixon (the final decision will be his) only makes it the more appropriate for such an anniversary.

The greatest value of the idea has been expressed by the Cambridge Seven Associates, the group that developed it, in its title—not Expo '76, with all that that suggests of spectacle and ephemeral glory, but "Polis '76," with polis defined as "the city in its ideal form as a community" devoted to man's effort to live comfortably with himself.

SENATE—*Friday, April 3, 1970*

The Senate met at 10 o'clock a.m., and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Dr. David Justin Davis, pastor, Plymouth Congregational Church, Coconut Grove, Miami, Fla., offered the following prayer:

Almighty God, when we are in Thee, Thy wisdom illumines our minds and Thy power infuses us with moral and spiritual strength.

We pray for the Members of the Senate, for the President, for all advisers and counselors that they may guide our Nation wisely and rightly in these times of strife and turmoil.

Grant them strong faith, for faith can remove the mountains of fear, doubt, and indecision that weaken us.

Grant them lofty vision, for without vision the people perish.

Help them to set the example of justice, mercy, and righteousness which exalt a nation.

O God, rekindle in the hearts of all our people, the old and the young, the patriotic, the disenchanted, and the rebellious, a new appreciation of our blessings and an enlightened dedication to meet the challenges at home and abroad.

In the name of Him who said "Ye shall know the truth, and the truth shall make you free." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 3, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the permission of the acting minority leader, I should like to proceed for 1 or 2 minutes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 2, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LIMITATION ON STATEMENTS THEREIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Florida (Mr. HOLLAND), there be a period for the conduct of morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL FUNDS FOR THE DISTRICT OF COLUMBIA BAIL AGENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 756, H.R. 16612.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. H.R. 16612 to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

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the RECORD an excerpt from the report (No. 91–753), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill (H.R. 16612) is to meet the immediate need of the District of Columbia Bail Agency for additional funds to continue its operations. H.R. 16612 fulfills this purpose by removing the ceiling of $130,000 from the agency's annual appropriation authorization.

NEED FOR LEGISLATION

Your committee is advised by the District of Columbia Bail Agency that the agency will have exhausted its $130,000 appropriation for the fiscal year 1970 by approximately by the middle of April 1970.

As part of the official supplemental request for fiscal year 1970, therefore, the District of Columbia government with full support from the administration has sought an additional $16,000 for agency operations. Still, this necessary additional sum could not be paid out, unless the authorized ceiling is raised or removed.

From a practical standpoint, termination of the operations of the District of Columbia Bail Agency would severely cripple the administration of criminal justice in the District of Columbia. It is the District of Columbia Bail Agency (1) that supplies the courts of the District with information necessary for fail or other release determinations, (2) that must notify certain defendants of required court appearances, and (3) that supervises, to the extent that its resources permit, a substantial number of defendants in the community on court-ordered release.

Both Houses of Congress have now enacted comprehensive District of Columbia "crime packages," which at once revise the overall operations of the District of Columbia Bail Agency and raise or remove the ceiling on its annual appropriation authorization. (See the House of Representatives amendment to S. 2601 and the most recent Senate amendment thereto.) The imminence of the agency's financial embarrassment, however, requires that additional funding authorization be not delayed pending the resolution of differences in the House and Senate "crime packages."

HISTORY OF LEGISLATION

In January 1969, Senator Tydings, for himself, Senator Ervin, and Senator Hruska, introduced legislation (S. 545) to remove the ceiling from the District of Columbia Bail Agency's annual appropriation authorization.

The need which the bill S. 545 sought to meet was at that time considered to be of "emergency" proportions. As a consequence, a hearing was promptly conducted on the subject of the legislation, on February 1, 1969. (See published hearing, "Increased Bail Agency Staff," hearing before the Committee on the District of Columbia, U.S. Senate, 91st Cong., first sess., on S. 545, Feb. 1, 1969.)

The measure S. 545 was vigorously supported by the District of Columbia government, by the District of Columbia Bail Agency, and by the respective chief judges of the two criminal trial benches in the Nation's Capital.

The bill S. 545 was reported favorably by your committee, and was passed by the Senate without opposition on July 8, 1969.

On July 11, 1969, a District of Columbia omnibus "crime package" was introduced on behalf of the administration. This legislation (S. 2601 as introduced) revised, principally expanded, the operations of the District of Columbia Bail Agency and, again, increased the agency's funding authorization.

The House of Representatives initially deferred action of the Senate-passed measure S. 545 in favor of the incorporation of said measure into the House version of the omnibus "crime package." After receiving an urgent plea from the Executive Committee of the District of Columbia Bail Agency, however, the House Committee on the District of Columbia approved, and the House of Representatives subsequently enacted, the instant limited act H.R. 16612 akin to the original Senate-passed S. 545. (See letter of Roger Robb for the Executive Committee of the District of Columbia Bail Agency in appendix.)

DESCRIPTION OF THE BILL AND FURTHER DISCUSSION

The act, H.R. 16612, strikes the annual limitation of $130,000 from the appropriation authorization in the District of Columbia Bail Agency Act.

Your committee is advised that the original limitation was premised upon neither the scope nor the level of operations presently conducted by the District of Columbia Bail Agency.

Wholly apart from the functions outlined in the District of Columbia Bail Agency Act, as amended, the agency has had to assume responsibility for notifying certain defendants of required court appearances. Ordinarily the Bail Agency alone—not the courts and not court-appointed counsel—has adequate background data to locate the majority of defendants on nonfinancial release, on release with percentage deposit to the registry of the court (in lieu of commercial bond), or otherwise not subject to the supervision of a commercial bondsman.

As for the level of operations, the Bail Agency in its first year of existence processed 5,600 defendants. By calendar year 1969, however, the number of persons processed had loomed to 14,000. What was once considered a heavy daily load for the agency—namely, 50 defendants to be processed—has now become the daily average, and the heavy daily loads now average as many as 80 cases. The limitation on the annual appropriation authorization, meanwhile, has never been increased.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Michigan (Mr. GRIFFIN) is now recognized for not to exceed 30 minutes.

THE NOMINATION OF G. HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. GRIFFIN. Mr. President, I rise to speak again on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court.

As one who is deeply interested in, and fully committed to, the goal of maintaining and, indeed, enhancing the strength and vitality of the Supreme Court, I strongly support this nomination.

I am convinced that Judge Carswell is well qualified for a place on the Nation's highest tribunal. I am confident that after he is confirmed and takes his seat, he will serve ably and with distinction.

My only reluctance in speaking today is due to the fact that so much has already been said, and the record is so full and complete, that there seems to be little need to go over and over it again.

At the outset, I wish to make it clear that I do not question the rights or the motives of any Senator in challenging this or any other nomination. However, at the same time, it is difficult not to comment on the obvious and the apparent; namely, that some opponents of Judge Carswell have been seeking rather frantically—and almost desperately—for some issue of substance—for some question which might justify recommitting this nomination.

As the threadbare reasons for opposing Judge Carswell have been held up to the light and exposed, there has been a tendency, more recently, to turn the attack from the merits of the nomination to such targets as the FBI and even the President.

Mr. President, I believe it is now obvious to the Nation and to a majority in this body that the Senate should vote up or down on the merits of the nomination of Judge Harrold Carswell, and that no useful purpose can be served by recommitting the nomination to the Judiciary Committee.

Most important, Mr. President, that is also the view of a majority of members of the Senate Committee on the Judiciary to whom the nomination would be re-referred if the motion to recommit were to prevail.

In fact, a majority of the committee members have written a letter to that effect which reads as follows:

> The undersigned, being a majority of the members of the Senate Judiciary Committee, believe that no useful purpose would be served by further hearings before the Committee on the matter of Judge Carswell and, therefore, urge our colleagues of the Senate to vote against the motion to recommit on Monday, April 6.

The letter is signed by the chairman of the committee (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from North Carolina (Mr. ERVIN), the Senator from West Virginia (Mr. BYRD), by the ranking Republican of the committee (Mr. HRUSKA), by the distinguished minority leader (Mr. SCOTT), the junior Senator from Michigan who now has the floor, the Senator from Hawaii (Mr. FONG), the Senator from South Carolina (Mr. THURMOND), and the Senator from Kentucky (Mr. COOK).

Mr. President, this nomination has been closely scrutinized by the Judiciary Committee and by the Senate. It has been subjected to the most searching and intensive investigation. Indeed, I question whether a nomination to the Supreme Court could be more carefully and more thoroughly examined.

Of course, the Senate has a perfect right and, indeed, an obligation, under its advise and consent power, to consider any nomination in depth and at length. It should do that. And it has done that with respect to this nomination.

The letter this morning from a majority of the members of the Judiciary Committee should make it crystal clear—if there was any doubt—that sending the nomination back to the committee would not only be a futile and useless exercise, it would be interpreted as an abdication by the Senate of its constitutional responsibilities.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Michigan yield at that point?

Mr. GRIFFIN. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I wish to join with the Senator in the statement he is making. Might it not be a fair question to ask those who oppose the nomination, if they do not really have in mind killing it by recommitting it, whether they would be willing to add instructions to the committee to report back this nomination within 10 days or 2 weeks or 3 weeks.

I should think that would have been the proper approach if, indeed, their intent is not to kill the nomination. Let the committee hold hearings and require it to report this nomination back within 10 days, 2 weeks, or 3 weeks so that the Senate can conduct an up or down vote on the nomination.

Mr. GRIFFIN. I think the Senator from West Virginia, the distinguished acting majority leader, makes a very valid point; he underscores and emphasizes the fact that the real purpose of the motion as it has been correctly interpreted in the press, is to kill the nomination.

It seems that those who are opposed to the nomination—and they have a right to be—should be willing to vote on the nomination, up or down.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, does not the unanimous consent agreement close all possibilities of any amendment to add such instructions to the recommittal motion?

Mr. GRIFFIN. The Senator is absolutely correct.

Mr. BYRD of West Virginia. So that we are completely shut out from any such instructions. A vote to recommit, therefore, is a vote to kill the nomination.

Mr. GRIFFIN. The Senator is absolutely correct.

Mr. BYRD of West Virginia. I am glad the Senator is making the statement. I think that the Senate should face up to the decision and vote the nomination up or down.

Mr. GRIFFIN. Mr. President, much of the debate on this nomination has revolved around the respective roles of the President of the United States and the Senate of the United States.

No Senator could be more pleased than the junior Senator from Michigan that the Senate once again asserting itself and is fulfilling its advice and consent responsibilities. It is obvious that the Senate no longer operates as a rubber stamp with respect to nominations for the Supreme Court.

But on the other hand, it is important to keep the roles of the President and the Senate in perspective. While the debate on the qualifications of Judge Carswell is certainly within the sphere of the Senate's advice and consent responsibility, much of the opposition to this nomination bears earmarks of a desperate effort to void and turn back the election of 1968.

When the people in November 1968, chose Richard M. Nixon as their President, they indicated a preference to have him, rather than another candidate for the Presidency, nominate Justices of the Supreme Court.

President Nixon touched on that point in his letter of this week to Senator SAXBE. The President might well have said: "To the extent that the opposition to this nomination is really based on considerations of philosophy and politics, rather than on the qualifications of Judge Carswell, much more is on the line than the power of the President. In a real sense, the power of the people is at stake."

Mr. President, questions have been raised concerning the racial attitude of Judge Carswell. Some opponents have repeatedly pointed to some remarks he made in 1948 as a candidate for a local office in Georgia.

The attack is continued despite the nominee's eloquent and moving repudiation of those remarks in his testimony before the Senate Judiciary Committee when he said:

> I state now as fully and completely as I possibly can that those words themselves are obnoxious and abhorrent to me. I am not a racist. I have no notions, secretive, open, or otherwise, of racial superiority. That is an insulting term in itself, and I reject it out of hand. (Hearings, p. 10.)

The charges are repeated, despite the words of a former Department of Justice official. Following the Supreme Court school desegregation decision in the Brown case, he called upon the U.S. attorneys in the South to assist the Justice Department in the implementation of that decision.

In a letter to the committee, this former Department of Justice official, Joseph H. Lesh, stated that the only southern U.S. attorney to step forward and be helpful was G. Harrold Carswell, then U.S. attorney for the northern district of Florida.

Mr. President, in his conversation with me, Dean Ladd volunteered that in considering the possibility of the appointment as dean of the new law school in the South, one of his first concerns was the attitude in that community and in such a university toward the admission of black students. He said he was pleasantly surprised, not previously knowing the members of this committee, that not only was there no opposition or objection to the admission of black students to this new law school, in fact, he said, the committee, and particularly Judge Carswell, was insistent that this be the policy of the new law school.

He told me that there was some concern as to whether or not there would be qualified black applicants who would apply for admission to the law school. He said that the committee decided with the strong recommendation of Judge Carswell that the requirements of the Princeton Law School entrance examination (L.S.A.T.) should be waived if necessary, in order to make sure that black students would have an opportunity to attend the law school.

This was a view particularly expressed and agreed to by Judge Carswell.

In the course of the conversation which I had with Dean Ladd, he indicated that he would like to confirm his views and convictions on this point by sending me a telegram. His telegram, which was dated and received by me on April 1, 1970, reads in part as follows:

> Judge Carswell was a member of the committee appointed by the President of the University to select a dean and to establish the new College of Law at Florida State University. In late November, 1965, I was asked to come to Tallahassee to visit about this undertaking. I was much concerned about having an integrated law school and I did not know what the feeling would be as I had always lived in the north.
>
> I visited with the committee on this and at some length with Judge Carswell as he was a federal judge here.
>
> The judge was strongly in favor of having black students even though it became necessary to waive requirements under the legal aptitude tests if the applicants were otherwise qualified.
>
> He (Judge Carswell) expressed firmly the need of more qualified black lawyers and stated that with quality education he was sure we would have them.

Mr. President, deeds certainly do speak louder than words, and in my view, this very important incident in the life and service of Judge Carswell is most significant. I believe it speaks not only to the nominee's racial attitude and lack of bias but it speaks as well to his competence, his intellectual ability, his interest and achievement in the law, and his views on legal education.

Throughout the hearings and the debate, I have carefully followed and reviewed the nominee's record as a Federal judge. Although, quite candidly, I state that I do not necessarily agree with all of his decisions, I believe it would be unreasonable for a Senator to demand or expect 100-percent agreement with the views of any judicial nominee. And, quite frankly, a number of Judge Carswell's decisions provide convincing proof that he approaches his judicial responsibilities fairly and without bias.

Mr. President, in the case of *Pinkney* v. *Meloy*, 242 F. Supp. 943 (1965), Judge Carswell held that a hotel barber shop was covered by the Civil Rights Act of 1964, even though 95 percent of its clients, including the judge himself, were local Tallahassee residents.

This was the first time a court had been asked to consider whether the 1964 Civil Rights Act extended to a barbershop located in a hotel.

Significantly, at the time there were no judicial interpretations of the 1964 act by higher courts which would have required Judge Carswell to rule in favor of the Negro plaintiff.

In another case, Judge Carswell held that a restaurant at the Tallahassee Airport in the city of Tallahassee had violated the constitutional rights of blacks by maintaining signs designating separate waiting rooms, lunchrooms, and restroom facilities at the airport. I refer to his decision in the case of *Brooks* v. *The City of Tallahassee*, 202 F. Supp. 56 (1961).

There are other rulings by the nominee in favor of civil rights plaintiffs and, of course, there are decisions by the nominee which hold against civil rights plaintiffs. But this is no surprise. A judge who approaches cases which may come before him even-handedly obviously could not be expected to rule one way in all the cases. But, as his decisions demonstrate, Judge Carswell is a man of moderation and compassion in matters involving racial equality.

Moreover, Mr. President, I should like to restate a point well and eloquently made by the distinguished Senator from West Virginia in an address delivered recently on the Senate floor. From the standpoint of prior judicial experience, Judge Carswell is one of the best qualified nominees ever to be nominated for the Supreme Court of the United States.

Particularly significant are the nominee's 11 years of experience as a district court judge actually involved in the trial of cases. For on the present U.S. Supreme Court, with the exception of Justice Black's 18 months' service as a judge of the municipal court in Birmingham, Ala., and Justice Brennan's 2 years' service on the superior court of New Jersey, none of the other sitting justices had experience as a trial judge.

In case after case coming to the Supreme Court of the United States, errors in the conduct of a trial are urged as grounds for reversal. Certainly, one who has tried cases over a long period of time is well qualified to evaluate the impact of a given ruling by a judge, particularly in the type of case in which the Supreme Court is most frequently called upon to review trial errors—I refer to criminal cases.

It might be too much to insist that all Supreme Court Justices should have trial experience. But one former trial judge with extensive recent experience in the trial of cases in the Federal district courts would bring needed skills to the Court.

Judge Carswell is such a man.

As a district judge, he heard more than 4,500 cases, roughly 2,500 of which were criminal matters. Many of these cases were, of course, disposed of on motion or by a guilty plea. However, more than 750 cases were tried by the nominee.

And of the cases actually tried by the nominee, more than 93 percent were either not appealed or were affirmed by appellate courts.

Of all the matters brought before the nominee, more than 98 percent were either not appealed or were affirmed upon appeal.

I submit that such a record is one of which the nominee can be justly very proud.

It is a good record, particularly in view of a series of cases, unrelated to civil rights, which were reversed because of technical difference of viewpoint regarding the use of summary judgments. As a distinguished woman lawyer from Tallahassee observed:

> I have been engaged in practicing law in Tallahassee, Florida for the past four years and have had a fairly extensive practice in the District Court before Judge Carswell. He has always been eminently fair and courteous to all parties, he has displayed a deep learning in the law and his opinions have a clarity, that is sadly lacking in many . . .
>
> It has also been my observation that whatever reversals Judge Carswell has sustained at the hands of the Fifth Circuit have been the result of his being willing to use the summary judgment rule, a rule to which the Fifth Circuit is avowedly opposed. (Letter of Helen Carey Ellis, dated Mar. 20, 1970.)

An experienced, competent trial judge does not believe in trying issues of fact which have no conceivable bearing on the outcome of the case. In a number of the cases tried by Judge Carswell where he had ruled by summary judgment, the court of appeals returned the case for a trial of an alleged issue of fact.

Mr. President, in virtually all of these cases, the court upon reconsideration reached the very same decision as had initially been handed down by the nominee.

As we know, Judge Carswell is now a member of the Fifth Circuit Court of Appeals. I think it is important to note that a number of the very same judges, who have from time to time disagreed with the nominee's use of summary judgment, have highly praised his nomination to be a member of the Supreme Court.

For example, 11 of his fellow judges on the court of appeals have stated:

> As colleagues of Judge Harrold Carswell on the United States Court of Appeals for the Fifth Circuit, we hereby express our complete confidence in him as a nominee for associate justice of the Supreme Court from the standpoint of integrity, fairness and ability.

Mr. President, in addition to his experience as a trial and appellate judge, the nominee has been very active in efforts by the Federal judiciary to improve the quality of our courts.

Shortly after becoming a district judge, the nominee was appointed by Chief Justice Warren to the Committee of the Judicial Conference which analyzes the work, caseload and other factors affecting the performance of every judicial district in the United States. It is the recommendations of this committee, passed on through the Judicial Conference, that become the basis for the creation of additional judgeships by the Congress and for the improvement of the operations of the Federal judiciary.

Significantly, Judge Carswell was elected last year by a vote of all the circuit and district judges in the fifth circuit to be that circuit's representative on the Judicial Conference of the United States. To be selected from among more than 70 judges by a vote of his colleagues to represent them in the highest adminstrative body of our Federal judiciary indicates the high degree of confidence which fellow judges have in Judge Carswell.

Mr. President, what does all this show about Judge Carswell in the way of qualifications for the appointment to the Supreme Court?

In the nominee we find a very remarkable combination of experience—4 years in private practice, 5 years as a prosecutor, 11 years as a district judge, and a year as a judge of the Court of Appeals for the Fifth Circuit. We have a man who took time away from his normal judicial duties to be active in the work of judicial administration. We have a man who gave freely of his time and energy to assist in the formation of a new law school in his hometown. We have a man described by his fellow judges who have worked with him over a period of years, as having "intellect and ability of the highest order" and as one who "measures up to the rigorous demands of the high position for which he has been nominated."

In short, we have a nominee thoroughly qualified to be an Associate Justice of the Supreme Court. As Prof. Charles Alan Wright, one of the most respected authorities in our Nation on the Federal court system, commented:

> I have known Harrold Carswell for eight years and argued a case before him prior to that time. I have also had the benefit as I suspect many of the professors who oppose him have not—of reading every word of the hearings with regard to his nomination as well as the Report of the Judiciary Committee and the statements of individual views that accompany it . . . I hope that the nomination will be confirmed.

Mr. President, I am confident that the Senate will fairly and justly appraise the merits of the pending nomination. As one Senator, I sincerely believe that the nominee is well qualified and that his nomination to be an Associate Justice of the Supreme Court should be confirmed.

Mr. President, I ask unanimous consent that the telegram of Dean Ladd to which I earlier referred as well as three other telegrams be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

APRIL 1, 1970.

Senator ROBERT P. GRIFFIN:

I take pleasure in sending you supplementary information about Judge Carswell's part in helping to establish the new College of Law at Florida State University in response to your telephone call to me this afternoon. Judge Carswell was a member of the committee appointed by the president of the university to select a dean and to establish the new college of law at Florida State University. In late November 1965 I was asked to come to Tallahassee to visit about this undertaking. I was much concerned about having an integrated law school and I did not know what the feeling would be as I had always lived in the North. I visited with the committee on this and at some length with Judge Carswell as he was a Federal judge here. The judge was strongly in favor of having black students even though it became necessary to waive requirements under the legal aptitude tests if the applicants were otherwise qualified. He expressed firmly the need of more qualified black lawyers and stated that with quality education he was sure we would have them. The whole committee felt the same way and were very happy when we had some black students. Some of those in school now are going to make able lawyers. I mention the matter of black students because this is very important to me. This was just one of the ways in which Judge Carswell has helped the law school. He was anxious that the new college be at the very top in quality and much has been accomplished in that direction. The judge selected his two law clerks from our graduating seniors. One stood in the top ten of 328 applicants who took the Florida Bar examinations the other was in the top ten of over four hundred who took a later examination. The judge has shown a continued interest and frequently inquired about its development. In the beginning period Judge Carswell came out to the law school and served as judge of first year student arguments. He had great interest in students and they respected him. The judge was a wise counsellor and he is surely entitled to high credit for his interest in establishing a high quality law school.

MASON LADD.

APRIL 2, 1970.

Senator ROBERT P. GRIFFIN:

As the former president of Florida State University I have worked closely with Judge Harrold Carswell. I requested him to serve

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on an advisory committee when the first dean of our law school was under consideration. Things have been said about Judge Carswell which have not been given in the proper perspective. As one who has known him for many years I have been impressed with his integrity, his intellect and his sense of fair play. I consider him well qualified for the position of associate justice of the Supreme Court of the United States.

John E. Champion.

APRIL 2, 1970.

Senator Robert P. Griffin:

I have been Judge Carswell's law clerk since February 3, 1969, when he was chief judge of the Northern District of Florida and have remained in the capacity during the Judge's tenure on the fifth circuit. During this time I attended virtually all pretrial conferences and hearings held by the Judge and have had the opportunity to observe his actions during the decisional process with a closeness and familarity that could not otherwise be achieved.

Without violating any confidence of the court by discussing the substantive merit of specific cases, there are two areas concerning Judge Carswell which should be mentioned. First, the Judge is fair and unbiased in matters of race in both his public and private life. From my observations the ugly charge of racism is totally without merit. There has not been one single instance where I have observed the slightest bias towards attorneys or causes because they involved racial or civil rights matters. Indeed, by my observation the Judge's demeanor and temperament towards black attorneys and those advocating civil rights causes has been more favorable than might otherwise be expected because the Judge patiently recognized that a dedicated advocate often becomes emotionally involved in his case. In fact, the only time I ever recall the Judge showing the slightest impatience with an attorney in a civil rights matter involved a school board's attorney. In the sensitive area of school desegregation, the Judge felt that it was the responsibility of a trial court to follow the decision of the appellate courts rather than to attempt to speculate what new course might be forthcoming. The Judge consistently sought to reach workable solutions which were consistent with sound legal and educational principles; second, there is the groundless charge of lack of ability. Having been a personal observer of the Judge for over a year and on two courts, I am totally and unequivocably convinced that he has one of the finest and quickest minds I have ever encountered. In writing decisions the Judge seeks two goals: clarity and brevity.

The Judge believes in thoroughly researching existing authority but distains efforts to impress people with pedantry unnecessary to the resolution of the immediate conflict. He has strived never to abuse his public office or the decisional process by using an opinion as a devise to advocate personal, political or social views.

Judge Carswell is a strong, thoroughly competent jurist with a keen, inquiring mind who has served with distinction for 12 years and will continue to serve in the future.

Respectfully,

T. R. Manry III,
Law Clerk to G. Harrold Carswell, U.S. Circuit Judge.

Senator Robert P. Griffin:

Having worked with Judge Carswell as his law clerk since July of 1969, I am absolutely and unequivocally convinced that Judge Carswell is in no way prejudiced against any individual or group as a result of race, religion, or sex, and that he has never acted with such bias in the court room or to my knowledge in his personal and civic affairs. As a woman serving as Judge Carswell's law clerk, I have always been treated fairly and equally in the assignment of responsibilities and tendering of opportunities.

Judge Carswell is keenly aware of his duty to dispatch justice impartially, speedily and in a manner which is judicially and constitutionally proper, and has done so with true competence. Having had some first-hand knowledge of Judge Carswell's character and access to the information about his background and judicial record now being aired in the Senate debates and by the press, there is no doubt in my mind that opponents to his nomination have incorrectly characterized his views, activities, record and abilities as a concerned citizen and new member of the legal profession. In addition to being a part of Judge Carswell's staff, I wish to go on record as endorsing Judge Carswell's elevation to the U.S. Supreme Court.

Respectfully,

Mrs. Diane Dubois Tremor,
Law Clerk.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. TYDINGS. Mr. President, what is the reference to that statement in the record?

Mr. GRIFFIN. The letter from the Justice Department official, Joseph H. Lesh, appears in the record at page 327.

Mr. President, there is much evidence in the record, most of which has been ignored, that Judge Carswell, indeed, has been sympathetic and, at the very least, moderate in his views on the subject of civil rights.

Of particular interest to this Senator was the role that Judge Carswell played in the establishment of a new law school in Tallahassee, Fla.—the Florida State University College at Law.

After learning about this incident in the course of the hearings as a result of the testimony of Professor Moore, a very distinguished professor of Yale University, I followed up my study of the record by personally making a telephone call to Dean Mason Ladd, the first dean of this recently established law school in Florida.

Dean Ladd is a very distinguished former dean of the University of Iowa College of Law and an outstanding educator. I spoke with him for some 20 minutes, and he related to me that he had been asked in the fall of 1965 to come to Tallahassee and consider the possibility of heading up a new law school.

The president of the Florida State University at that time, Dr. John Champion, had named a small committee to advise and to assist in the establishment of the college of law and in the selection of a dean.

That committee consisted of Justice B. K. Roberts of the Florida Supreme Court, Judge G. Harrold Carswell, Attorney Robert Ervin, then president of the Florida State Bar Association, and James Jonas, an alumnus of Florida State and also a graduate of Yale Law School.

Before relating further the conversation that I had with Dean Ladd, it should be pointed out that Prof. James Moore, professor of law at Yale Law School, who is an eminent legal scholar as well as a member of the Supreme Court's Standing Committee on Practice and Procedure, was consulted by the committee. In testimony before the Committee on the Judiciary, Professor Moore stated:

> About 5 years ago a small group of jurists, educators, and lawyers consulted me, without compensation, in connection with the establishment of a law school at Florida State University at Tallahassee. Judge Carswell was a very active member of that group. I was impressed with his views on legal education and the type of school that he desired to establish: a law school free of all racial discrimination—he was very clear about that; one offering both basic and higher legal theoretical training; and one that would attract students of all races and creed and from all walks of life and sections of the country. Judge Carswell and his group succeeded admirably. Taking a national approach they chose, as their first dean, Mason Ladd, who for a generation had been dean of the college of law at the University of Iowa and one of the most respected and successful deans in the field of American legal education. And from the vision and support of the Carswell group has emerged, within the span of a few years, an excellent, vigorous law school . . .
>
> I have a firm and abiding conviction that Judge Carswell is not a racist, but a judge who has and will deal fairly with all races, creed, and classes. If I had doubts, I would not be testifying in support, for during all my teaching life over 34 years on the faculty of the Yale Law School I have championed and still champion the rights of all minorities.
>
> From the contacts I have had with Judge Carswell, and the general familiarity with the Federal judicial literature, I conclude that he is both a good lawyer and a fine jurist. (Hearings, p. 112.)

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. TYDINGS. Since the Senator brought up the Florida State University School of Law——

Mr. GRIFFIN. Does the Senator have a question to ask?

Mr. TYDINGS. Yes, I do. Does the Senator from Michigan realize that a majority of the members of the faculty of the Florida State Law School opposed the nomination of G. Harrold Carswell and were willing to say so publicly? Does the Senator realize that?

Mr. GRIFFIN. The Senator from Michigan also realizes that this group——

Mr. TYDINGS. The Senator just finished telling us what a fine school it is.

Mr. GRIFFIN. It is a fine school.

Mr. TYDINGS. And he extolled the virtues of it. The fact that a majority of the faculty of this law school in the judge's own area, which is dependent upon the State legislature for financial support, would oppose the nomination of G. Harrold Carswell is perhaps the most damning type evidence that could be presented in opposition to his nomination.

Mr. GRIFFIN. The Senator is also aware of the fact that not one of those professors begins to approach the stature of Dean Ladd or the distinguished professor, James William Moore. I am also conscious of the fact——

Mr. TYDINGS. That is the Senator's opinion.

Mr. GRIFFIN. Mr. President, I do not yield further at this time.

Also I am very well aware that not a one of those young new professors is a

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member of the Florida bar. Quite frankly, I am much more impressed with the views of those who have worked closely with the nominee than the views of a number of young professors whose motives in opposing the nomination are, at best, unclear.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. GURNEY. I am sorry I was not here earlier, when the Senator from Michigan was having a colloquy with the Senator from Maryland about the law school faculty of Florida State University. I did a little investigation into the background of those faculty members because, on the surface, it appears as though some hometown faculty members of a hometown law school are opposing Judge Carswell.

It was very interesting to find out something about the biographical sketches of these faculty members of the Florida State University Law School. I recite them here for the record.

Robert Davidow was one. He has been in Florida and at this law school less than a year.

Jarret Oeltjen, whose age is 28, has been at Florida State University Law School for less than a year.

Edwin Schroeder is another one. He is aged 32. He has been there less than a year. I might say he is the librarian. He is not even a law school professor.

John Van Doren, 35 years of age, also has been in Florida State University less than a year.

Kenneth Vinson, 34, also had been in Florida State less than a year.

Raymond Maguire has been there just short of 2 years.

John Yetter has been there just short of 2 years.

The last two are David Dickson and Francis Millett, who have been there about 4 years.

Not a single one of these law school faculty members are members of the Florida bar. They have never practiced in the Florida courts at all. The background of nearly all of them is very interesting. Before, they were professors at places like Harvard, Chicago, Yale, Columbia—in fact, only one of them was not at one of those schools, and that was the librarian.

What I am saying here is that these law school professors are in no way representative of the bar of Florida at all. None of them are members of the bar. None of them are Floridians.

Mr. GRIFFIN. I think more importantly, none of them have practiced in Judge Carswell's court.

Mr. GURNEY. That is very true; none of them have.

Mr. GRIFFIN. It is quite noticeable that most of the criticism of Judge Carswell that appears in the record has come from those who do not know him or have had very little contact with him. But the evidence in the record indicating that he is highly qualified comes from people who have dealt with him for a considerable length of time, and have had, in most cases, a close association with him. Is that not correct?

Mr. GURNEY. The Senator's point is certainly well made. The record is replete, of course, with endorsements of lawyers and judges in Florida who have been colleagues of Judge Carswell and who practiced before his court. But I did want to point out, more than anything else, that these law school faculty members, who are represented as coming from the university in his hometown, and represented as sort of hometown boys who oppose the judge, obviously are not that at all, but have been there for only a short duration, have come from a lot of places, and—I think this is important, too—obviously, from their backgrounds, their training, and their leanings, I am sure their political philosophy is highly liberal.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). In accordance with the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 30 minutes.

STUDENTS SHOULD SUPPLY CONSUMER'S VOICE

Mr. PROXMIRE. Mr. President, for too long the consumers have been ignored as "the silent majority."

No administration, including this one, deliberately goes out of its way to injure the consumers. However, each administration reacts to the facts which are presented to it and the pressures that are brought to bear on it.

The special interests have the knowledge, the power and the money to present their views to those in the administration who have to make decisions which may affect the special interests. Consumers, unfortunately, have not organized their power, they have not spoken up—primarily because they do not know what is going on—and, thus, they have been ignored by the decisionmakers. Their power is diffuse. Some items worth tens of millions to a special interest group, which makes it exceedingly important for them to organize their strength and to apply pressure, may mean only a few dollars to the average consumer and taxpayer. Consequently, it is almost impossible either to inform them about their interests or to arouse them about the consequences.

Consumer spokesmen are needed. Although there are various proposals for establishing official consumer spokesmen and there are many groups which take the consumers' side, what is really needed is an organized, broad-based consumer movement.

The best group to lead this broad consumer movement is our much maligned student population.

Our students have the power and the knowledge and the organization to become effective consumer advocates. Our students ought to become more sophisticated. As consumer champions their energy and idealism would be channeled into constructive endeavors. They ought to leave the streets for the hearing rooms in which decisions affecting millions of consumers are made. For too long, the only occupants of these hearing rooms have been the representatives of the special interests and the decisionmakers.

Our students have the ability to go out and dig up the facts that the decisionmakers must have if the consumers are to be protected. Our students have access to the necessary expertise to put these facts in perspective and to present them effectively. And our students have the power to make sure that the decisionmakers pay attention to these facts when they make their decisions.

Look at what one man, Ralph Nader, has done. Mr. Nader has been effective because he has exposed certain facts to public view and made people aware of the issues that were involved in these decisions.

Think of what thousands of Ralph Naders scattered throughout the Nation could do.

A LOOK AT THE RECORD

Let us look at what has happened to the consumers in the absence of such broad based consumer groups to present the consumer point of view and to expose the weaknesses in the special interest pleadings.

The record is clear and unequivocal: It is full of instances in which the interests of the silent majority, the consumers, have been sacrificed to the interests of very powerful economic forces.

The past is replete with such instances. Government is a continuing struggle to determine whether power and wealth will call the tune or whether the broad public interest will receive the representation it deserves.

We have watched while agencies, originally established to protect the public interest, have been captured by the very interests they were established to regulate.

We have seen numerous progressive and idealistic programs captured by interest groups or by an entrenched bureaucracy.

Virtually all subsidies—overt and covert—go to those interests who have the economic and political muscle to carry the day, not to the weak and the poor. Neither the weak nor the poor, nor the generations of the future, are fairly represented in the Halls of Congress or in the corridors of the bureaucracy.

Examples are legion. During the years in which my own party was in power, the infamous oil depletion allowance or other huge tax loopholes were never successfully challenged. Few attacked these citadels of privilege.

The ICC continued as a captive of the railroad industry it was designed to regulate.

Defense contractors' hearts beat as one with their Pentagon counterparts.

Men from the oil industry were appointed to the office of oil and gas and to a seat on the Federal Power Commission.

Central bankers were routinely called in by the Treasury to help set the rate at which Federal bonds were to be issued and sold.

The Negro and the sharecropper went unrepresented in the great educational and extension service programs of the Department of Agriculture.

I raise all these points against my own party and a Democratic administration because I do not want it thought partisan when I read the roll as to how consumer

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interests have fared under the present Republican administration.

The answer is that it has fared no better and in some ways worse. It reminds me of the old song, "The Music Went Round and Round and Came Out Here," or the old campfire tune in which the leading line is "The second verse is the same as the first."

Because there are so many instances in which the consumers have been sacrificed to the special interests, I will only deal with a few blatant instances in which this administration, like its predecessors, ignored the advice of its own experts in order to subsidize or protect the special interests.

This caving in to the special interests can usually occur only when the consumers are unaware of what is happening; that is, the action must be too complex for the average individual to understand or be done behind closed doors so that the consumers do not find out about it. That is why it is so important to have consumer representatives with the time and the energy to examine the myriad decisions made by government officials on all levels which affect consumers.

INFLATION

Mr. President, inflation, along with rising unemployment, is today one of the greatest threats to our economy and, in particular, to the consumer. The stratospheric climb of the cost-of-living index shows almost no signs of slowing. In 1969, it rose by 6.1 percent, the highest rate in 18 years.

Inflation hits the little person—the low- and moderate-income families—the worst: The family that cannot afford meat for the kids, who must do with macaroni. The middle-class worker who has struggled to accumulate money for a home and now finds that, even if he can afford the downpayment, he cannot make the huge payments required with sky-high interest rates.

The big corporations are not hurt by inflation. While money costs them more than they would like to pay, they can, nonetheless, get it and pass the increased cost on to the consumer; and, of course, they have terrific internal sources of cash flow. The little man cannot pass on these increased costs to anyone. He is truly the one who is caught in the cost-price squeeze.

Consumers and homeowners should not be asked to bear the overwhelming cost of fighting inflation. It should not be placed disproportionately on the backs of postal workers and Federal employees with modest incomes.

Unless the administration realizes that the special interests must bear part of the cost of stopping inflation, we may plummet into a bone-jarring recession. New building permits dropped 23 percent in January from the previous month, the sharpest drop on record. The housing industry is already in a recession and other industries will shortly follow unless the administration bears down on the special interests.

But neither this administration nor most of the previous administrations took steps to stop inflation by squeezing the special interests as well as the consumers. Neither this administration nor the previous one has taken steps to reorder its priorities. To shift the huge benefits and economic favors from the producers and the powerful interests to the consumers and those in need. I think the record is clear they have not. Let me be specific.

OIL IMPORT QUOTAS

Eleven months ago, President Nixon appointed a Cabinet Task Force on Oil Import Control. Its report, which was released February 13, contained the most thorough analysis ever made of the rationale for limiting the importation of oil.

The only legal justification for imposing import limitations is national security.

Let me read what President Nixon's own Cabinet Task Force had to say about the national security justification of the present oil import quota program:

> The present import control program is not adequately responsive to present and future security considerations.

That statement alone, it seems to me, indicts the program pretty emphatically. Continuing:

> The fixed quota limitations that have been in effect for the past ten years, and the system of implementation that has grown up around them, bear no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent. The present system has spawned a host of special arrangements and exceptions for purposes essentially unrelated to the national security, has imposed high costs and inefficiencies on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions. In addition, the existing quota system has left a significant degree of control over this national program to state regulatory authorities. If import controls are to serve the distinctive needs of national security, they should be subject to a system of federal contral that interferes as little as possible with the operation of competitive market forces while remaining subject to adjustment as needed to respond to changes in the over-all security environment. A majority of the Task Force finds that the present import control system, as it has developed in practice, is no longer acceptable.

Mr. President, that was President Nixon's own appointed task force, selected by him, appointed by him, and this was their finding.

I repeat the conclusion of the presidential task force:

> The present import control program is not adequately responsive to present and future security considerations.

The only basis which justifies its existence.

What did President Nixon do with this report that took 11 months to complete? Despite the fact that the task force estimated the present oil import quota program costs the American consumer $5 billion a year, President Nixon set up another group to examine the problem. This new group has the same membership as the task force with two significant exceptions: Secretary of Labor Shultz, the former chairman of the task force, who was the only professional economist among the original group and the only member to admit that the domestic price oil could drop to $2.50 a barrel without injuring our national security—incidentally, a drop which would have enormously benefited our consumers—was the only member of the original group excluded from the new group. And Attorney General Mitchell, President Nixon's chief political adviser, who allegedly told Secretary Shultz before the task force report was cleared "don't box the President in," was added to the group. Why? I think the answer is obvious. He was trying to insure that this new group would be more responsive to the oil interests.

Mr. HANSEN. Mr. Presdent, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HANSEN. First of all, I should like to say that I welcome this opportunity to be able to discuss with my good friend, the Senator from Wisconsin, a problem that has been featured prominently in the news for several months. As the Senator knows, perhaps as well as any other Member of either House of Congress, there is great interest in what should be our national policy with regard to our oil program; and I think few people indeed have studied the issue as assiduously and as studiously as has my friend from the State of Wisconsin.

I am certain that when he says that he finds it hard to understand why the President of the United States has not chosen to implement the advice of a majority of the members of the task force, he raises a question that has been asked many times. I asked the same sort of question a few years ago, when President Johnson, my President, appointed a study group to see what might be done with the postal deficits and what ought to be done about postal reform. I thought that the Cabinet commission report had great merit, and I was surprised that not one member of the President's own party chose to recommend that the proposals that had been made by that study group be implemented by legislation. So, finally, after waiting some time, I, myself, introduced a postal reform bill, which would have put into law the recommendations made by the President's study group.

Now the distinguished Senator from Wisconsin has raised a question.

Mr. PROXMIRE. Mr. President, will the Senator yield at this point?

Mr. HANSEN. I yield.

Mr. PROXMIRE. The Senator may not have been in the Chamber earlier, when I said that I was very critical of past democratic administrations for caving in to special interests at the expense of the consumer.

I think the Senator raises a legitimate and proper point. The expert task forces are appointed by the President and make their studies; and when the evidence is as convincing as I felt it was in this case, it seems to me that there should be every reason why the President should implement it, especially under present circumstances, when inflation is so serious and the timing is so important.

It is not going to help consumers very much today if 3, 4, or 5 years from now this report may be partially implemented. It has to be done now, if it is going to help the consumer.

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Mr. HANSEN. I appreciate the Senator's calling my attention to what he had said prior to my entering the Chamber. I am sorry that I was not able to be present just as he started to speak.

I will say only this in response to his statement: I think that in many, many instances some very commendable work has been done by study groups. But just as an individual occasionally can be mistaken, I think it is equally true that a study group also can be mistaken. I would cite as classic example No. 1 of that fact the report that a majority of the President's task force made on the oil import question. I think they were wrong; and I suspect that as we look back from the vantage point of historical perspective a few years from now, we will agree that it was a happy day for America that the recommendations of a majority of those who served on this particular study group were not implemented into law nor into actions by the Executive.

Mr. PROXMIRE. If I may interrupt, I want to tell the Senator from Wyoming that he is a very able Senator. I saw him on national educational television last Sunday, and he did an excellent job. I thought he was the best witness who appeared in that very fine show, and they were all good witnesses. It was a fine presentation of the issue we are discussing now.

I should like to discuss this with him in detail. I am in difficulties, however, because time is limited for my speech. The Senator from Florida (Mr. HOLLAND) is waiting. He has a half-hour speech to deliver right after mine. My order covers only 30 minutes. Therefore, I shall have to restrict my yielding to the Senator from Wyoming perhaps to one more brief observation on his part, because I do have to get on with my speech or I will have to yield the floor.

Mr. HANSEN. I do appreciate that, Mr. President.

Without knowing what may be contemplated today insofar as action on the floor of the Senate is concerned. I respect the Senator's desire to complete his speech. It is entirely proper that he should be accorded that privilege, and I will not interrupt him further, although I will want to raise a number of points. I certainly do not want to do anything to contribute to a denial of our opportunity to hear from the distinguished Senator from Florida.

If the distinguished Senator from Wisconsin is here later, after he has concluded his remarks and after the Senator from Florida has spoken, I wonder whether I might raise some questions with the Senator from Wisconsin.

Mr. PROXMIRE. Yes, indeed. I would be delighted to do that. I will make it a point to be here.

Mr. HANSEN. I thank the Senator. I appreciate that courtesy.

Mr. PROXMIRE. Mr. President, why did President Nixon postpone a decision on this program that is fueling the fires of inflation, costing the American consumers $5 billion a year and is, according to his own experts, unresponsive to our national security needs? The answer is supplied by a recent National Journal article which quoted an aide to Peter Flanigan, one of President Nixon's chief advisers who said: Flanigan "focused his attention on the political aspects of the issue rather than the economic aspects." In other words, because there was no consumer group to make its voice heard and to provide a counterweight to the oil groups, it was easier to give in to the pressures of the oil industry by trying to hide behind another "study," at least until after the election, than to stand up for the voiceless consumer.

This impression is reinforced by President Nixon's recent decision to cut back the amount of Canadian oil that can be imported into the United States. There was no impairment of national security by the importation of cheaper Canadian oil. Indeed, it is more secure from a security standpoint than Alaskan oil, or off-shore oil, or oil from Louisiana or Texas which has to be shipped by tanker around to the Atlantic Ocean. The only conceivable justification for President Nixon's action, which will cost midwestern consumers about 1 cent a gallon in higher prices, is that he believes the oil companies have a divine right to a certain amount of oil import tickets worth $1.50 a barrel. His action takes over $85 million from the pockets of the consumer and puts it into the pockets of big oil. If he had thought about the consumers, he could have given the oil companies their due by just excluding Canadian oil from the level of imports allowed to come in from foreign countries. This would give the consumers the cheaper but secure Canadian oil and at the same time continue the expensive subsidies for the big oil companies. But, the President did not take even that action. Why? Because the consumers voice was not heard. There was no one to force the administration to take the consumer into consideration.

SUPERSONIC TRANSPORT

The supersonic transport, the SST, presents another obvious example in which the administration ignored the advice of experts to subsidize the special interests. To his credit, President Nixon last year appointed a special ad hoc committee to reexamine the rationale of the SST and determine whether the Federal Government ought to continue spending money for its development in light of the obvious economic limitations caused by the sonic boom.

Let me read you, Mr. President, what various members of President Nixon's committee had to say about the SST. They were appointed by President Nixon to give him their expert advice on the SST and whether we should go ahead with it:

The Council of Economic Advisers:

> We do not believe that our prestige abroad will be enhanced by a concentration on white elephants . . . Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

The Department of Labor:

> The justification for proceeding with the program is not now apparent.

Treasury Department—they are called upon to help advise this Nation on its balance of payments and that is an area in which the Treasury Department is excellent:

> We would be opposed to heavy further commitment of Federal funds at this stage.

They point out that the SST would have an adverse effect not a favorable effect on our balance of payments.

The Office of Science and Technology:

> On the whole, I come out negative on the desirability for further government subsidy for the development of this plane and would suggest that the possibility be explored of turning the remainder of the development and, of course, all of the production expenditures over to private enterprise.

The Interior Department made a finding that in terms of the effect on the atmosphere not only of the sonic boom but also other adverse effects, the SST was a serious mistake.

In other words, President Nixon's own group of experts said that the Federal Government should not subsidize the SST. Such expenditures were not justified by considerations of balance of payments, economics and design, employment, environment effects, passenger safety, technological fallout or national prestige.

Yet, the Nixon administration wants to amplify President Johnson's mistake and spend up to $4 billion over the next few years to subsidize the development of a plane that will allow members of the jetset to arrive at their destination a little earlier. If the economics of the situation justified it, the airplane manufacturers would fund the development of the SST themselves.

Apparently, it is all right to spend money to subsidize the well-to-do, but not to protect the consumers, the silent majority. Apparently, we have the money for the SST but not to meet the burgeoning needs for housing, pollution, health and education.

In order to fight inflation, President Nixon would cut the school milk program, and provide less than is needed for health and vocational education.

At that point the White House and President Nixon were on record, because his consumer office was on record, against unsolicited distribution of credit cards. Yet, on December 7, 1969, when I held hearings on the bill which would only regulate unsolicited credit cards, not ban them, Mr. Meade did a turnabout, representing the White House, and indicated the whole issue needed further study.

Why he has even asked that Federal employees forgo for 6 months their cost-of-living raise which would enable them to keep their heads above the wave of inflation that the administration has not stopped. All of these acts would hurt the needy, not the special interests. Vocational education is the best way of taking people off the relief rolls and in the long run is one of the most effective ways of combating inflation. Cutting these programs is not the way to stop inflation. Cutting the subsidies to the special interests is the way to stop inflation, but it takes courage.

CONSUMER PROTECTION

Consumer protection is another area in which the administration has sadly failed to respond to the needs of the silent majority. Although Virginia Knauer, President Nixon's very competent consumer adviser, has been allowed to talk about consumer protection, she has not been allowed to take any significant action to help the consumer.

UNSOLICITED CREDIT CARDS

Unfortunately, in today's complex society, the average consumer has almost no protection against giant corporations relying upon gigantic, impersonal computers which can ruin an individual's reputation. In the old days, when a store or a bank made a mistake, the consumer could go into the store or bank and talk to someone who could rectify the error right away. Now, the average consumer has to deal with a computer which may or may not respond to requests for corrections.

In order to protect the consumers against possible abuses from unsolicited credit cards, I introduced a bill, S. 721, to regulate them. Robert Meade, who was Mrs. Knauer's assistant, supported a total ban on unsolicited credit cards in testimony before the House Subcommittee on Postal Operations November 19, 1969.

The reason for this change in position, according to the National Journal, which is widely respected for its accuracy, was that he was ordered to do so by Presidential assistant Peter M. Flanigan. Meade was ordered to do so less than 72 hours before he was to testify before the Banking and Currency Committee. Perhaps this is what Presidential counselor Bryce Harlow meant when he told the American Advertising Federation:

> This (Administration) is more likely to be alive to legitimate concerns of industry than those whose political fortunes are dependent upon interests usually antithetical to American business.

Fortunately, some people do care about the consumers. The members of the Banking and Currency Committee voted out a bill prohibiting the mailing of unsolicited credit cards and the Federal Trade Commission took similar action within its sphere of influence.

CLASS ACTIONS

As a practical matter, an individual consumer is powerless to curb abuses by the giant corporations that run our economy. Unless he has independent means, he is unable to bear the cost or to take off the time to bring legal action against a corporation to recoup his damages or prevent further abuses. The average consumer just cannot afford the legal costs involved in such a step.

The only way to provide consumers with an adequate legal remedy is a strong class action bill which would allow one consumer to sue on behalf of all consumers who have been similarly injured by a corporation's activity.

Senator TYDINGS, one of the leading consumer advocates in the Senate, introduced such a bill, S. 3092, and on July 28, 1969, Mrs. Knauer, representing the White House and the Nixon administration, supported such a strong class action bill.

Knowing that Congress was likely to pass a strong class action bill, and being wise in the ways of the administration, the American Retail Federation which represents most of the special interests that might be brought under control by such a measure spoke to Peter Flanigan; the same Peter Flanigan who attempted to squelch Meade on unsolicited credit cards and who took the "political" approach to oil imports.

Once again, the Nixon administration listened to the pleas of the special interests and forsook the consumers. In his "consumer message" of October 30, 1969, President Nixon recognized the pressure for a class action bill, but recommended one that failed to correct the major weaknesses in the present system: Rather than providing relief, Nixon's bill provided an illusion of relief.

The Nixon administration bill, S. 3201, would only allow class actions to be brought after the FTC or the Justice Department had completed "final action" against the offender and, even then, class actions would only be allowed in 11 specific instances. The problem now is that neither the FTC or the Justice Department can cope with all the consumer abuses that are brought to their attention. Class actions are intended to provide an alternative means of relief. If class actions must depend upon "final action" by these agencies, then the whole purpose of class action suits is effectively undercut.

SPECIAL INTEREST LEGISLATION

Having seen how, without a loud and effective voice, the consumers are forgotten when giving them protection interferes with the activities of the special interests, it should come as no surprise that the same thing happens when it comes to law enforcement. Apparently, the administration feels it is alright to strengthen the laws that apply to the little man, but not to the laws that apply to the more sophisticated and, I might add, more dangerous law breakers.

SECRET SWISS BANK ACCOUNTS

Secret numbered accounts in Swiss banks have been used as conduits by criminals to hide their ill-gotten gains from taxation and to take over legitimate businesses without anyone knowing it. The only way to stop this activity is to expose it. One way of exposing this flow of funds is to require U.S. banks that are transferring funds to Swiss banks to keep records of such transactions which could be examined by law-enforcement agencies.

Once again, we have the same situation. Will R. Wilson, Assistant Attorney General, Criminal Division, recognized the need to expose the flow of illegal funds to secret Swiss bank accounts and on December 4, 1969, testified in support of H.R. 15073, which would do just that. This bill was drafted by the staff of the House Banking and Currency Committee and experts from the Treasury Department, although, of course, their function at that time was to see that the provisions of the bill were technically correct, not to endorse the goal of the bill.

The bill, however, would or, rather, could interfere with the extremely profitable trade our largest banks have with the Swiss banks. That could not be allowed to happen and on the very day that Assistant Attorney General Wilson was testifying in support of H.R. 15073, representatives of the Bank of America, Chase Manhattan, First National City Bank & Trust, Manufacturers Hanover, and the American Banking Association met with Eugene T. Rossides who is an Assistant Secretary of the Treasury. Manufacturers Hanover, by the way, is an expert in this area because they have been involved in Vietnam currency manipulations through some Swiss banks.

In any case, their entreaties fell on friendly ears and on December 10, 1969, Assistant Secretary Rossides repudiated his own technicians from the Treasury Department and attacked the bill as unworkable. Strange, is it not, that he would endorse the objectives of the bill and yet attack the provisions of the bill drafted by his own experts?

Fortunately, for the consumers, some alert newspapermen picked up the activities of the bankers. Exposed to the glare of publicity, Rossides had to do some fancy footwork. Rather than oppose the bill entirely, now he suggested giving the Secretary of the Treasury the authority to do what he deemed necessary to block this loophole. The House Banking and Currency Committee, however, saw through this transparent ploy. Knowing the relationship between the banks and the Treasury Department, the committee voted on March 17 to report out the bill originally proposed by Representative PATMAN and drafted by the Treasury for him. This victory was only possible because a strong consumer advocate kept pushing for it and the special interests could not stop him in the light of publicity.

SUMMARY

Mr. President, the record is clear. When an administration, Republican or Democratic, is faced with a choice of protecting the voiceless consumers or protecting the vocal special interest, it protects the special interest.

I have listed four specific instances in which this administration has rejected the advice of its own experts in order to further some special interest, four instances in which the consumers were thrown to the wolves, four instances in which the consumers remained silent. In one instance—the secret Swiss bank accounts where newspapermen spoke up in behalf of the public interest—the Congress has to date rejected the special interest to act in the public interest. The moral is clear. These fights are not inevitably going to be won by special interests. The consumer can win. But it is going to take work and organization.

Although, as Bryce Harlow pointed out, this administration is "friendly toward business," the problem of the forgotten consumer is, of course, not limited to this administration. It is a persistent problem which has existed as long as I have been in the Senate and, I would imagine, long before.

Mr. President, the need is clear. The consumer must have a voice. That voice could be supplied by the students of our Nation. Students could function as the consumers' ears, informing and arousing

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the consumers as the need arises if they were willing to channel their energy, talent, and idealism in that direction.

The special interests may be able to afford large campaign contributions and swarms of high-priced lobbyists, but the consumers have the votes.

Mr. President, I yield the floor.

A NATIONAL POLICY ON AN OIL PROGRAM

Mr. HANSEN subsequently said: Mr. President, it was the intention of the distinguished Senator from Wisconsin (Mr. PROXMIRE) to be in the Chamber with me this afternoon in order that I might ask some questions and debate some of the points he made earlier today in his speech on the floor. Time limitations precluded that opportunity this morning when the distinguished Senator spoke. In order that Senators might have the benefit of our opposing points of view, the Senator from Wisconsin asked that I proceed without him.

The mandatory oil import program was instituted by the Congress in 1959 for one reason: To assure the adequacy of domestically produced oil and gas necessary to guarantee our national security.

Our country is fed, clothed, and sheltered with the aid of ever-present, ever-ready energy. We move by ship, plane, train, or car—with energy 99 percent petroleum generated.

Seventy-five percent of all the power Americans use comes from oil and natural gas.

President Roosevelt understood this. We had access to the extra petroleum reserves which tipped the scales in our favor in World War II.

President Truman clearly comprehended our vital stake in energy—petroleum energy.

President Eisenhower ordered the study resulting in the mandatory oil import program. Having led the allies to victory, no one knew better than he how closely related is abundant oil and gas supplies to national security and independence.

President Kennedy enacted the present 12.2 percent quotas in 1962 which included Canada.

President Johnson continued this program.

> I would like to state here my firm view that, in the present world petroleum situation, oil imports should be controlled in the interests of our national security. I think there has always been a strong case for this and there is today. This is the paramount, the only reason why such imports are controlled. In no sense does this position alter my views with respect to opposing trade barriers generally. But in the case of oil, our security would be jeopardized unless we have a strong, healthy, domestic oil industry, capable of meeting the demands of any conceivable emergency. One only has to look at the Middle East and what happened there a few months ago; Israel had to win or lose a war in a matter of days because of the fact that the mobility of their machines rested on very limited supplies of petroleum and I just use this to underscore what I mean.

Secretary Udall, incidentally, was speaking before the Committee on Finance on October 18, 1967, when he made this statement. I continue to read from it:

> This we could not do if low-cost oil from petroleum-exporting countries were to flood this country, with consequent damage to our own energy-producing industries.
>
> The relationship between our national security and adequate supplies of oil is clear. On this score, it suffices to point out that oil is practically the sole source of energy for transportation—both civilian and military, and we are a highly mobile Nation.

President Nixon has wisely chosen not to implement a change in a program which would surely seriously weaken our security.

In his address before this Chamber this morning, the distinguished senior Senator from Wisconsin had taken steps to stop inflation by squeezing the special interests as well as the consumers. He made particular reference to the oil import controversy and to recent cutbacks in the rate of Canadian imports into the United States.

Inasmuch as the distinguished Senator addressed his remarks to the interests of the American consumer, I shall point out what I believe are the fallacies in his arguments for the recommendations of the majority of members of the Cabinet Task Force on Oil Import Control—recommendations which the President has not yet adopted.

The President noted in releasing the report that "reasonable men can and will differ about the information, premises, and conclusions contained in the report" and that—

> It is not surprising that the members of the Task Force did not reach unanimous agreement on a set of recommendations.

The President added:

> The conclusions reached by the Secretary of Commerce and the Secretary of Interior differ sharply from those reached by the remaining five members of the Task Force.

The President also emphasized that:

> Among the majority there is also a divergence of views with the Secretaries of State and Defense expressing particular concern over the implications of the report's conclusions for the nation's security and our international relations.

Mr. President, it is to these separate and divergent views and the dubious consumer benefits—if any—that might accrue from the tariff plan recommended by the Task Force that I address myself.

As I have pointed out in this Chamber on a number of occasions, including my colloquy with the senior Senator from Indiana (Mr. HARTKE) when he introduced a resolution urging the President to adopt the task force majority recommendations, I strongly differ with those recommendations but certainly do support, in essence, the separate report and recommendations of the Secretaries of Interior and Commerce and the Chairman of the Federal Power Commission.

And I might point out, Mr. President, that those three agencies of Government are more directly concerned with, and responsible for, the Nation's energy supply and sources than any of the agencies involved in the study directed by the President.

I notice, also, that little has been said here or by the press of the separate report and recommendations of those three agencies.

Inasmuch as my good colleague from Wisconsin has emphasized the majority task force comments on the national security justification of the present oil import quota program, let me quote what the knowledgeable minority report says about national security:

> The national security would be jeopardized. The tariff approach diverts all emphasis from national security and puts it on domestic crude oil price and tax revenues. A tariff which would maintain a significantly lower crude oil price had it been in effect over the last decade, would have deprived us of such major developments as the Alaska North Slope, offshore development of reserves on the Continental Shelf, exploration to develop new offshore reserves, an adequate supply of low-price natural gas, and productive research leading to secondary recoveries from existing domestic fields.

I quote further:

> A further serious problem with the proposal to establish a tariff to maintain a significantly lower crude oil price relates to the estimates of sources of supply basic to this proposal. We believe the Task Force staff has overestimated the availability of supply from domestic production, from Canada, and from Latin American sources. This will mean, therefore, that the dependence on Middle East and North African supply inevitably will be significantly higher than the staff has estimated. Here, question seriously the wisdom of the United States undertaking the risks involved in becoming oil dependent on Middle East countries.

And the divergent views of the Secretary of Defense qualify his approval to the extent that the task force recommendations could not be approved without major revisions.

These are that domestic exploration be maintained at approximately current rates and that no reduction in reserves be allowed, that tariffs be changed only after security needs have been satisfied, and that the control organization is not to be restricted by pre-established price levels. These are the exceptions by which the Secretary of Defense qualifies his endorsement of the task force recommendations.

Inasmuch as recent testimony before the Senate Antitrust Committee acknowledged that one of the aims of the tariff plan would be an immediate reduction in the wellhead price of domestic crude of 30 cents per barrel, I would think that condition of the Secretary of Defense would be violated.

And how any industry that has had two successive cutbacks of 10 percent in the price of its basic product could be expected to maintain exploration at current rates and see that there would be no reduction in domestic reserves is something I do not believe is possible.

The separate report of the task force also emphasizes, apart from its opinion that a tariff system is not workable, its fundamental disagreements with the analysis and the judgments which the "Task Force" presents in support of its conclusions. They also questioned, as I do, the appropriateness of a number of the report's peripheral observations which relate to the petroleum industry

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generally, but which are not immediately pertinent to oil import controls.

Among the widely publicized claims of the task force is the purported consumer cost of import controls which are alleged to be $5 billion a year and which are further broken down to a per capita basis. Inasmuch as this program is based on national security and, as my colleague from Wisconsin has emphasized, on national security and, as my colleague from Wisconsin has emphasized, on national security alone, then even that cost may be reasonable when we contemplate the effects on oil shortage could have on this country.

We are now concerned with the possibility of a national railroad strike but an oil shortage could shutdown not only our railroads but all airlines, trucks, automobiles, and water transportation, as well as a good part of our electrical powerplants which depend on oil-powered transportation for fuel. And most of U.S. industry would come to a grinding halt.

So the national security threat, alone, is enough, even if the many and widely varying estimates of cost to the consumer are anywhere near accurate.

I might add that the separate report of Interior, Commerce, and FPC estimates this cost at $1 billion rather than $5 billion and testimony before the Senate Antitrust Subcommittee placed an actual benefit to the consumer of several billions when the losses to the economy are considered.

But essentially, we are talking about national security and I commend the President for his refusal to adopt a program that, in my opinion, would seriously jeopardize that security by destroying the Nation's self-sufficiency in the energy on which it must depend for that security.

What about Canada?

Those who now criticize the President's action apparently have not examined the task force recommendations which they say should have been adopted. What the task force recommended is essentially what the Presidential proclamation will accomplish. On page 105, the report states:

> Canada would be permitted to export to the United States as a whole 615,000 barrels of crude or products at existing rates during the first six months of the transition—roughly the volumes expected in July, 1970.

At the time the President issued the proclamation, Canadian imports were running at a rate of between 550,000 and 600,000 barrels per day for the area east of the Rocky Mountains and at 235,000 barrels per day for the west coast area.

The task force report says:

> A large U.S. tariff preference for Canadian oil is difficult to justify while eastern Canada continues to import all of its requirements from potentially insecure sources. In case of a supply interruption, Canada could be expected to turn to the United States to furnish those imports, or to compete for whatever source is available.

They still have a pretty good thing going when they can import more than half of their requirements at cheap foreign rates and, at the same time, export more than half of their domestic production to the higher priced U.S. market.

Let me quote Mr. J. J. Greene, their Minister of Energy, in regard to that point. Greene said in his recent speech to Canadian oil producers:

> It will be no surprise for me to tell you that the United States authorities are concerned at this extraordinary fluctuation in our exports.
>
> I hope it will not surprise you to know that the Canadian Government is also concerned.
>
> This concern stems partly from the nature of our oil relations with the United States and our current understandings with the American Government. The development of our petroleum resources and the growth of our industry is predicated in part on expansion of exports to the U.S.A. The Canadian industry has benefited greatly from the relatively free access it has had to this large and valuable market. We have fought hard for this access and will continue to do so. But the current surge in Canadian exports undoubtedly poses a problem for the United States authorities in the short run. We have always recognized that the overland exemption to which we attach the highest importance carries with it the responsibility of avoiding disruption of U.S. markets. I feel therefore that we must be prepared to give the Americans what assistance we can in dealing with their short-term problem if we are to approach the bargaining table regarding long-term arrangements in a spirit of mutual confidence and with a likelihood of success.
>
> I have had some concern about the high level of exports in relation to the domestic situation. With trunk pipe lines operating at or near capacity, we find ourselves virtually without any cushion to deal with emergency circumstances which may arise in the short-term. This I find disturbing. It has been part of our posture in regard to the matter of supply security that we maintain a measure of emergency capacity to the U.S. West Coast and also to Ontario as a back-up for Quebec's oil supply. The current high level of oil exports leaves us virtually without this cushion.

Those are the words of Canada's Minister of Energy, Mr. Greene.

And in regard to the Eastern Provinces of Canada which now depend on some 700,000 barrels per day of foreign oil, Minister Greene said:

> The Federal Government would have welcomed and encouraged any industry initiative designed to market western Canadian oil on an economic basis east of Ontario, but such has not been forthcoming and eastern Canada remains dependent on imports.
>
> The fact of continued reliance on overseas supplies for approximately half of our domestic oil requirements has in recent months brought the question of the security of imported supply into public debate. This is both inevitable and desirable. It is inevitable because of continuing conflict in the Middle East and other oil-supplying areas, and desirable because basic issues relating to our national oil policy must be, and are, subject to periodic reappraisal.

Insofar as consumer savings are concerned, I would like to quote from the task force report itself:

> Consumers generally would no longer receive whatever benefits they now receive from low-cost imported oil. The tariff would appropriate the difference between foreign and domestic prices. Some of that difference may now be passed through to consumers. To that extent, *the tariff would raise consumer prices.*

This language is taken directly from the task force committee reports and should set to rest any illusion that any single American may have that the implementation of the recommendations made by the task force to the President would result in a lowered prices of oil and oil products.

Mr. President, because the distinguished Senator from Wisconsin (Mr. PROXMIRE) is, by his own direct declaration, concerned with the damaging effects of inflation, some may find it hard to understand why he should single out the oil industry for criticism and the mandatory oil import program for special attack.

Perhaps the Senator does not know that oil and oil products imported into the United States under the present program account for nearly 25 percent of our domestic production.

On the other hand, dairy imports, which the distinguished Senator from Wisconsin seeks to limit, account for only 1.5 percent of our total domestic dairy output. And what about inflation?

Over the past 10 years, we find petroleum products have gone up in price only 2.2 percent. Crude oil increased during this same decade 4.5 percent.

Let us see what happened to the dairy products.

While refined petroleum products rose 2.2 percent and crude oil rose 4.5 percent, dairy products, which my good friend, the Senator from Wisconsin, wants to restrict insofar as imports are concerned, increased in price 33.9 percent.

Two days ago the distinguished Senator from Indiana (Mr. HARTKE) spoke at length on the floor of the Senate about the need, as he saw it, for the President to implement the task force recommendation. And I would like to read, if I may, what he said on April 1 as appears in the RECORD at page 9932. Incidentally, I regret that the Senator could not be here. I called his office, and he was unable to be here. It may be that he has a representative present. I hope that he does have, because I look forward to discussing the points I now make with him at a later date, as I hope to do also with my good friend, the Senator from Wisconsin.

Let me read what Senator HARTKE said the day before yesterday:

> Thus 11 years ago we embarked on a disastrously costly program that mixes defense considerations with protectionism. Should anyone doubt that this is the case, he should examine some of the provisions of our present program. He will find an incomprehensible array of provisions rationalized in the name of national security, but he will never find a definition of that elusive phrase. It is time that we realistically and objectively appraise our national security needs in regard to oil. National security does not mean that we should rely exclusively on domestic sources for our oil supply. This is clearly impossible. Right now we import yearly 19 percent of the oil we use. By 1980, even with the domestic price of oil maintained at its present level, $1.25 above the world price, we shall have to import 27 percent of our petroleum requirements. Thus it is abundantly clear that the question is not, are we to rely on imported oil to some extent, but, rather, from what

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sources and how much imported oil should we use?

Mr. President, the Senator from Indiana goes on to identify some of the sources. He mentions the Middle East and Latin America. Let me point out two things that I think are highly significant.

The Department of the Interior has said that with our great dependency on oil and gas as a source of energy in this country, that if we have to import as much as 10 percent—of Middle East oil, then the Department of Interior says that we shall indeed have approached that point where the national security of this country is truly at stake.

Likewise, I would like to call attention to the fact that I agree with the Senator from Iowa when he spoke 3 years ago, on October 16, 1967.

At that time the Senator was discussing the merits of a bill he had introduced entitled "The Iron and Steel Orderly Trade Act of 1967." I refer to the Congressional Record, volume 113, part 21, page 28923. At that time my good friend from Indiana the distinguished Senator made the following statement. He spoke also for me; I joined with him because I think he was right then as now; I think his argument was valid then as it is now. These are the words spoken by the Senator from Indiana who now finds little merit in a mandatory oil import program to restrict oil at a time in our Nation's history when 25 percent of the oil we produce domestically is imported from foreign sources. I wish to refer now to the statement of the Senator from Indiana back in 1967 in support of his bill on iron and steel:

> Steel is important to the country. Its major uses—automobiles, construction, containers, machinery, appliances—all catalog our industrial strength. Although much military hardware today consists of materials other than steel, all of it includes some vital steel components for which there are no practical substitutes. A simple economy or one in the early stages of development can safely depend upon significant external sources for its steel requirements. But every advanced economy needs steel in amounts and types too large and varied to be supplied in significant tonnages by others, particularly in case of national emergency. Realization of this basic requirement has been behind the continuing drive by the Soviet Union to build up its steel industry regardless of cost.
>
> The continued growth of imports at only half the rate experienced during the 5-year period 1961–66, would produce a situation within 10 years in which the United States is dependent on foreign sources for a staggering 40 million tons of steel. Consider the effect on the country if these imports were to be shut off in a national emergency. In fact our limited war planning envisions the shutoff of such noncontiguous sources of supply. President Johnson has aptly described steel as "basic to our economy and essential to our security—increasingly important to us in the years ahead."

Mr. President, I am quoting from the remarks of my good friend from Indiana less than 3 years ago. He further said at that time:

> Because steel is essential to our security, we must provide for equitable terms of world steel trade, which the industry requires to keep itself healthy and the Nation strong.

Mr. President, I have not changed my position. I was pleased to join my good friend from Indiana in supporting the bill because I think we have the greatest Nation in the world. It is the greatest Nation in the world because we have the highest standard of living in the world and part of that high standard of living reflects the wages that are paid in this country. Those who talk about lowering the barriers to make ours a truly free trade country—and we come the nearest of any country in the world to fitting that description—I think lose sight of the fact that it is impossible to compete on the one hand with labor that is paid only a fraction of what the working man is paid in America, and at the same time hope to continue the standard of living we presently enjoy. That, in itself, seems reasonable enough to support my friend from Indiana.

The Senator from Wisconsin is concerned that our imports now are approximately only 1.5 percent of what the dairy industry produces in this country today. He recognizes imports of 1.5 percent to be a threat to his State, to his workers, and to industry in Wisconsin. I agree that it is a threat. It is a threat because our wages are so much higher than wages in those countries that export their products into the United States.

Mr. President, I join him but I find it difficult to rationalize how they, on the one hand can say, "These things weaken America. Steel imported beyond a certain limit weakens America." I find it difficult to understand how they make that contention and then turn around and say, "This does not apply to oil," despite the fact that 25 percent of all of the oil and oil products we use in this country today are imported; and despite the fact that imports reaching the United States today account for 25 percent of our total domestic production.

They are concerned on the one hand—and I hesitate to say this—if it puts people in their States out of business or jeopardizes their jobs and businesses. This may not be the reason, but I suggest it could be. I would like to ask them, What is the reason? So I look forward at a later date to the opportunity of asking them in this forum what their reasons are.

All I can say is that I think the security of the United States is the most sacred obligation this body has to protect for all times. Everything this country stands for, the progress we have made, and the prospect and the hope of greater progress to be made in the future will depend primarily on the ability of this country to reach decisions that shall not be influenced by our dependency upon foreign countries for things as vital to us as our oil and natural gas.

Mr. President, look at the world today; read any newspaper. There is great ferment in the nations of the world. There is trouble in Indonesia and the Middle East which is one of the major sources of oil in the world today. There is trouble in South America, and there is trouble in Central America.

The task force talks about how we can depend on Latin America. I am old enough to remember that not too many decades ago Mexico, our great neighbor to the south, expropriated all U.S. oil company properties in that country.

I do not want the time to come when we will have to place our reliance on the continuing good will that a foreign country may have toward the United States on something as important as energy.

Mr. President, with that thought in mind, I shall continue to speak out for a policy that has been endorsed by every President since they have been talking about national security, so far as energy is concerned; a policy that is as defensible today as it was in 1959 when it was implemented by President Eisenhower; a policy which must be continued if we are to achieve the goals and fulfill the aspirations we hold for this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair recognizes the Senator from Florida (Mr. Holland) for not to exceed 30 minutes.

ORDER FOR RECOGNITION OF SENATOR GURNEY AND SENATOR HANSEN TODAY

Mr. HANSEN. Mr. President, will the Senator from Florida yield for a unanimous-consent request?

Mr. HOLLAND. Mr. President, I yield to the Senator from Wyoming provided that the time for the unanimous-consent request does not come out of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Florida (Mr. Gurney) be recognized for 30 minutes after the germaneness rule has expired at 1:03 p.m., and that following his address, I be recognized for an hour, or as much time as will be required, in order to discuss in further detail the issues of the mandatory oil import program with the distinguished Senator from Wisconsin (Mr. Proxmire).

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The Senator from Florida (Mr. Gurney) will be recognized at 1:03 p.m. for not to exceed 30 minutes, following which the Senator from Wyoming (Mr. Hansen) will be recognized for not to exceed 1 hour.

THE NOMINATION OF JUDGE CARSWELL

Mr. HOLLAND. Mr. President, after a lengthy hearing by the Judiciary Committee on his nomination to the Supreme Court, as shown by the printed record of 467 pages, the committee favorably reported the nomination of Judge G. Harrold Carswell to the Senate by a vote of 13 to 4. Those Senators supporting the nomination were Senators Eastland, McClellan, Ervin, Dodd, Burdick, Byrd of West Virginia, Hruska, Fong, Scott, Thurmond, Cook, Mathias, and Griffin. Those opposing the nomination were Senators HART, KENNEDY, BAYH, and TYDINGS.

The Senate commenced debate on the nomination on March 13 and to date there has been little if anything said during all the oratory that reflects adversely on the character, ability, or sincerity of Judge Carswell.

Mr. President, I am deeply concerned that the nitpicking that has occurred during this extended debate will make it more difficult to obtain truly qualified persons for high offices requiring Senate confirmation for, like Judge Carswell, even though all the oratory and all the condemnation expressed brings to light little, if anything, reflecting adversely on the individual man, they will be unwilling to have their families, friends, and indeed themselves put through tortuous smear campaigns which are largely politically inspired.

Mr. President, I feel very keenly that the tenor of this extended debate—bringing forth little that was not brought out in the Judiciary Committee when it considered the nomination and acted favorably on it by a vote of 13 to 4—has resulted in a tug of war, not between men but between philosophies, and that the Senate itself owes Judge Carswell, a man who has throughout his legal career given much to this country's judicial system, a vote of confidence by confirming his nomination to the Supreme Court forthwith, without further delay and discussion which can lead only to further degeneration of the prestige of the Senate itself.

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Mr. President, many articles have appeared in the press and a great deal has been said over radio and television. Possibly the nomination of Judge Carswell has received greater national coverage than any other nomination the Senate has considered in recent years, certainly within my memory and my service of 24 years in this body.

Mr. President, I have previously introduced into the RECORD numerous letters, resolutions, and telegrams strongly supporting Judge Carswell's nomination. I have many hundreds of additional endorsements in the form of petitions, letters, and telegrams supporting the nominee but do not desire to further enlarge the RECORD by asking that they be included in my remarks. They are available and may be reviewed in my office by any Senator desiring to see them. I believe the Senate will be interested, however, in a copy of a letter written by Marshall R. Cassedy, executive director of the Florida bar, dated March 24, 1970, to Leonard Robbins regarding this nomination. I ask unanimous consent that this letter be printed in the RECORD along with the documents attached thereto. The gist of this letter is that of the 41 members of the board of governors of the Florida bar, 40 specifically approved the appearance of the president of the Florida bar, Hon. Mark Hulsey, before the Senate Committee on the Judiciary to endorse and approve, on behalf of the Florida bar, the confirmation of Judge Carswell as a member of the Supreme Court. The only member of the board of governors who did not join in this action abstained from voting because he "was not in any way acquainted with Judge Carswell."

There being no objection the letter was ordered to be printed in the RECORD, as follows:

THE FLORIDA BAR,
Tallahassee, Fla., March 24, 1970.
Re: Nomination of Judge G. Harrold Carswell
Hon. LEONARD ROBBINS,
Hollywood, Fla.

DEAR LEONARD: Thank you for your letter of March 20, 1970, addressed to The Florida Bar concerning the nomination of Judge G. Harrold Carswell to the United States Supreme Court. We note in your letter that you express the belief that the action of The Florida Bar in endorsing this appointment was improper.

More often than not, the organized bar is accused of "not speaking out" on issues of vital interest to the public and the administration of justice. For more than a decade, the Board of Governors of The Florida Bar has had a standing policy that outlines procedures for the Board to follow in responding to Congressional requests for recommendations on a federal judicial nominee. These procedures basically provide that the Board of Governors will consider such a request at a regular meeting, or if time does not permit, the Executive Committee may act in behalf of the Board as is provided for in the Integration Rule of The Florida Bar.

With respect to the request received by The Florida Bar from the Chairman of the Senate Judiciary Committee, Senator James O. Eastland, received January 21, 1970, rather than have just the Executive Committee respond because the Board was not in session and early response requested, a letter dated January 22, 1970, was forwarded to all 41 members of the Board of Governors. You will note from the copy of this particular letter that is enclosed that not only was the telegram of Senator Eastland set forth in full but also a suggested response. The approval or disapproval of the membership of the Board of Governors was requested in writing and a complete tabulation recorded. You will also note that the Board of Governors was specifically polled concerning authorization of President Hulsey to appear before the Senate Judiciary Committee to speak in favor of Judge Carswell.

As you know, the membership of the Board of Governors is selected by the individual lawyers in each judicial circuit in Florida. This is accomplished by any lawyer in good standing filing a petition seeking membership on the Board of Governors and submitting his name in a popular election to the membership within this judicial circuit. It is fair and accurate to say that a member of the Board of Governors so elected represents the lawyers in his circuit as a result of what we conceive to be a most democratic process. You can further appreciate the fact that it is virtually impossible to poll all 11,363 members of The Florida Bar on every major issue which confronts their elected representatives on the Board of Governors.

The result of the written poll of these elected representatives was 40 favorable endorsements of Judge Carswell and one abstention, the latter being due to the fact that this particular Board member was not in any way acquainted with Judge Carswell. The Board further in their response authorized President Hulsey to speak in favor of the nomination of Judge Carswell.

Since the Florida Bar became directly involved with the nomination of Judge Carswell on January 21, 1970, you will be interested to know that yours is the first and only letter received in the headquarters office of The Florida Bar which has expressed opposition to the action taken by the Board of Governors in endorsing Judge Carswell. Many members of the Board of Governors, prior to responding to the letter of January 22, 1970, polled a number of the lawyers in their circuit for the purpose of sampling the opinion of the Bar in their area. Some of the Board members responded with remarks such as "enthusiastically endorsing" and similar words of commendation.

You might also be interested to know that there has been a grass roots effort by Florida lawyers and judges who have forwarded over 400 individual telegrams to the United States Senate supporting the confirmation of the nomination of Judge G. Harrold Carswell. Most of these telegrams come from lawyers and judges who are personally acquainted with Judge Carswell and know of his ability and high qualifications.

Leonard, again let me express our appreciation for your interest in expressing your views concerning a matter of great interest to the legal profession of the nation. We are calling this matter to the attention of your three elected representatives in the Seventeenth Judicial Circuit, the Honorable Robert C. Scott, the Honorable John S. Neely, Jr., and the Honorable Russell E. Carlisle, so that they may contact you directly regarding their actions in your behalf in urging the confirmation of Judge Carswell.

Sincerely yours,
MARSHALL R. CASSEDY.

HOLLYWOOD, FLA.,
March 20, 1970.

THE FLORIDA BAR,
Florida Bar Center,
Tallasassee, Fla.

DEAR SIRS: I note by the press that the Florida Bar had the temerity and bad judgment to endorse the appointment of Judge Carswell to the United States Supreme Court.

Let me say that the Florida Bar does not speak for me in any way, shape or form in making endorsement. I do not consider Judge Carswell to be qualified either intellectually or by reason of his social attitudes as expressed in his actions and decisions over the years. I want you to know that the Florida Bar does not speak for me in this case, and I consider the action of the Florida Bar to be completely improper in endorsing the appointment of this man to the United States Supreme Court.

Very truly yours,
LEONARD ROBBINS.

THE FLORIDA BAR,
Tallahassee, Fla., January 22, 1970.
To: Board of Governors, The Florida Bar.
Re: Judge G. Harrold Carswell.

GENTLEMEN: The following telegram from Senator James O. Eastland was received yesterday:

"MARK HULSEY, Jr.,
"President, Florida Bar Association,
"Jacksonville, Fla.:

"Public hearing has been scheduled on nomination of George Harrold Carswell, to be Associate Justice of the Supreme Court of the United States, vice Abe Fortas, resigned; for Tuesday, January 27, 1970, at 10:30 a.m. in Room 2228, New Senate Office Building. It is requested that any opinion or recommendation the association desires to make be submitted to the Committee on or before that date.

"JAMES O. EASTLAND,
"Chairman, Senate Judiciary Committee."

The Executive Committee suggests, with your approval, the following response:

"Senator JAMES O. EASTLAND,
"Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.:

"Reurtel January 21, 1970 the Board of Governors of the Florida Bar speaking as the elected representatives of Florida's 11,373 lawyers and judges endorses the nomination of Judge G. Harrold Carswell to the office of Associate Justice of the Supreme Court of the United States and urges his early confirmation.

"MARK HULSEY, Jr.,
"President, the Florida Bar."

In talking with Judge Carswell this morning, an invitation may be extended to President Hulsey to testify before the Senate Judiciary Committee next week in behalf of The Florida Bar. On the second copy of this memorandum enclosed, please vote with an "X" on these two questions:

1. I ---- approve, ---- disapprove the above suggested telegram response.

2. I ---- authorize, ---- do not authorize President Hulsey to appear before the Senate Judiciary Committee to speak in favor of the confirmation of Judge George Harrold Carswell by the United States Senate.

Please mail your response immediately to: Marshall R. Cassedy, the Florida Bar, Tallahassee, Fla.

We thank you for your prompt attention.

Sincerely yours,
MARSHALL R. CASSEDY.

Mr. HOLLAND. Mr. President, I believe the Senate will also be interested in a letter I received under date of March 25, 1970, from Robert L. Bell, a member of the law firm of Dixon, Bradford, Williams, McKay & Kimbrell of Miami, Fla. Mr. Bell was chief research aide for Judge Carswell from June 1967 through January 1969. I ask unanimous consent to have this letter printed in the RECORD at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MIAMI, FLA.,
March 25, 1970.

Senator SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: I have never before written a letter to someone with whom I am not personally acquainted, not even a Public Official. However, I felt that in view of my personal knowledge of a certain situation which is now before you and your colleagues for their thorough consideration, that I should write this letter to you setting forth with as much detail as possible, what I know.

Let me say that I worked as Chief Research Aide for Judge G. Harrold Carswell for almost two years, from June, 1967 through January, 1969. During that period of time, as you will recall, he was the only Federal Judge serving in a district where two Federal Judges were authorized. As a result, he was laboring, and I was assisting him with what was at that time the fifth heaviest caseload of any Federal Judge in the United States.

In spite of such heavy burdens upon him at that time, he gave careful attention to every case, and I am convinced that only a person of unusual intellectual ability would have been able to function as he did. Of course I observed Judge Carswell sitting on many cases, including Civil Rights cases. I recall one instance where a prominent Civil Rights attorney from New York City was appearing before Judge Carswell. As I recall now, after a passage of some three and one-half years, this attorney had applied for some additional injunctive relief in one of the integration cases before Judge Carswell. Judge Carswell noted that the attorney had not given timely notice to opposing counsel nor had he submitted the required supporting Affidavits to justify such relief. However, Judge Carswell stated that he would grant the relief requested and would urge opposing counsel not to object and not to appeal, but to accept his decision. Whereupon, the Civil Rights attorney responded, as I now recall his words, 'Judge Carswell, it is always a pleasure to appear in your Court because you are always so courteous and so congenial, even when you rule against us, and today you have gone out of your way to accommodate us'. Judge Carswell then made a further statement that he realized that he could require the attorney to go back to New York City and give timely notice and prepare Affidavits, but that this would unnecessarily take the time of counsel and the Court, when the decision was inevitable, anyway.

Of course the above is just one instance of courtesy to out of town lawyers which I observed while working for Judge Carswell and I found him extremely sympathetic to the plight of an out of town attorney seeking to work through local Counsel and perhaps unfamiliar with the Rules of the Court. In Civil Rights cases particularly, it was not unusual for an attorney representing the Civil Rights cause, to be unprepared. This was through no fault of the attorney but resulted from the fact that they were necessarily practicing law out of a suitcase and also because the same attorney would not be sent to argue the same case each time some matter would arise for determination. In other words, there were a group of lawyers, some local and some out of State, who assisted in this type of case and usually had to travel some distance, or a great distance to appear before the Judge. Therefore, it was not unusual for the attorney appearing on behalf of the Civil Rights claim to be unfamiliar with what had occurred at previous hearings because someone else had been involved in the case earlier.

As I now know from my private practice here in Dade County, most Judges will not hear a Motion if the attorney is not prepared to argue the Motion. However, to the contrary, Judge Carswell would explain to the attorney what had occurred previously in the case and give the attorney in effect a report of the status of the case. Then he would listen to the further arguments and suggestions of counsel concerning the matter for current consideration. Judge Carswell would also have his own personal secretary type up Orders and other matters which a traveling attorney would experience difficulty doing for himself (although it is definitely the responsibility of the attorney in most Courts).

I could go on and on discussing these matters. However, from the above I think it will be clear that I believe, based upon what I actually saw, that Judge Carswell was far more considerate and courteous than most Judges would have been in the same circumstances. His entire personality and demeanor on the bench was personable and evidenced a desire to cooperate with counsel. I never saw any incident which I feel would disqualify Judge Carswell from sitting on this nation's highest Court. In fact, I feel that he is extremely well qualified and has a brilliant practical mind which results in the solution of many problems without fanfare or disturbance and without unnecessary verbiage (which many might confuse with fluent opinion writing). The only time when Judge Carswell ever spoke firmly to counsel was when their conduct bordered on Contempt or was otherwise in error. It was necessary for him, on these occasions, to be firm, in order to maintain the dignity of the Court and in order to maintain respect in the Courtroom.

If you or any of your colleagues desire any further information from me, I, of course, will be happy to cooperate.

Very truly yours,
ROBERT L. BELL.

Mr. HOLLAND. Mr. President, I quote from the letter:

Let me say that I worked as Chief Research Aide for Judge G. Harrold Carswell for almost two years, from June, 1967 through January, 1969. During that period of time, as you will recall, he was the only Federal Judge serving in a district where two Federal Judges were authorized. As a result, he was laboring, and I was assisting him with what was at that time the fifth heaviest caseload of any Federal Judge in the United States.

In spite of such heavy burdens upon him at that time, he gave careful attention to every case, and I am convinced that only a person of unusual intellectual ability would have been able to function as he did. Of course I observed Judge Carswell sitting on many cases, including Civil Rights cases. I recall one instance where a prominent Civil Rights attorney from New York City was appearing before Judge Carswell. As I recall now, after a passage of some three and one-half years, this attorney had applied for some additional injunctive relief in one of the integration cases before Judge Carswell. Judge Carswell noted that the attorney had not given timely notice to opposing counsel nor had he submitted the required supporting Affidavits to justify such relief. However, Judge Carswell stated that he would grant the relief requested and would urge opposing counsel not to object and not to appeal, but to accept his decision. Whereupon, the Civil Rights attorney responded, as I now recall his words, 'Judge Carswell, it is always a pleasure to appear in your Court because you are always so courteous and so congenial, even when you rule against us, and today you have gone out of your way to accommodate us'. Judge Carswell then made a further statement that he realized that he could require the attorney to go back to New York City and give timely notice and prepare Affidavits, but that this would unnecessarily take the time of counsel and the Court, when the decision was inevitable, anyway.

Of course the above is just one instance of courtesy to out of town lawyers which I observed while working for Judge Carswell and I found him extremely sympathetic to the plight of an out of town attorney seeking to work through local Counsel and perhaps unfamiliar with the Rules of the Court. In Civil Rights cases particularly, it was not unusual for an attorney representing the Civil Rights cause, to be unprepared. This was through no fault of the attorney but resulted from the fact that they were necessarily practicing law out of a suitcase and also because the same attorney would not be sent to argue the same case each time some matter would arise for determination. In other words, there were a group of lawyers, some local and some out of State, who assisted in this type of case and usually had to travel some distance, or a great distance, to appear before the Judge. Therefore, it was not unusual for the attorney appearing on behalf of the Civil Rights claim to be unfamiliar with what had occurred at previous hearings because someone else had been involved in the case earlier.

As I now know from my private practice here in Dade County, most Judges will not hear a Motion if the attorney is not prepared to argue the Motion. However, to the contrary, Judge Carswell would explain to the attorney what had occurred previously in the case and give the attorney in effect a report of the status of the case. Then he would listen to the further arguments and suggestions of counsel concerning the matter for current consideration. Judge Carswell would also have his own personal secretary type up Orders and other matters which a traveling attorney would experience difficulty doing for himself (although it is definitely the responsibility of the attorney in most Courts).

Mr. President, in addition to the previously mentioned letter, I have also received a letter dated March 25, 1970, from William Royall Middelthon, Jr., of the firm of Mershon, Sawyer, Johnston, Dunwody & Cole of Miami, Fla. Mr. Middelthon was Judge Carswell's law clerk from January 1, 1966, through August 1966. I believe the Senate will be interested in his comments and observations

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regarding Judge Carswell and I ask unanimous consent to have this letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MIAMI, FLA.,
March 25, 1970.

Re: G. Harrold Carswell.
Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: I was Judge Carswell's law clerk in Tallahassee from January 1, 1966 through August, 1966. I have become quite upset over what I consider completely unfounded and unwarranted attacks on Judge Carswell's character, integrity, intelligence and judicial stature. Particularly galling to my wife and myself are the charges that Judge Carswell is a racist.

For eight months I had the opportunity to observe this man as no other lawyer or person before his court could. The man is fair. He had a particular concern for and sensitivity toward civil rights cases and the advocates of civil rights causes. From my observations the only fair statement that can be made is that Judge Carswell leaned over backwards to see that civil rights issues received a full and fair hearing and that lawyers representing civil rights clients were treated with respect and dignity.

Judge Carswell has also been charged publicly as being mentally mediocre. Charges such as this are obviously malicious. They are also untrue. I know this man's capabilities and one purpose of this letter is to assure you and all that care to listen to me, that Judge Carswell is a first rate intellect. I recall with pleasure one quite lengthy discussion (it could almost be called an argument) concerning whether or not the public policy of the State of Florida would be violated by recognizing in a federal trial form the assignment of a cause of action for personal injury. Judge Carswell's off-the-cuff observations and comments had me doing research for a week. His perceptive grasp of legal issues, in general, is always thorough and frequently brilliant.

In short, I feel that the nomination of the Honorable G. Harrold Carswell to the Supreme Court of the United States should be confirmed. Judge Carswell is a gentleman and an able and fair jurist whose presence on the Supreme Court is much needed.

Sincerely yours,
WM. ROYALL MIDDELTHON, Jr.

Mr. HOLLAND. Mr. President, I also ask unanimous consent to have a part of a telegram I received under date of March 25, 1970, from Mr. Pat Thomas, chairman of the Democratic Party of Florida, inserted in the RECORD at this point. The remainder of the telegram applied to me personally and not to the Carswell matter.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

I keenly sense that the people in Florida—including the majority of Democrats—are weary of the debate on this nomination. I sense, too, that this feeling is not restricted to any geographical section of the country.

I have said previously that this man had distinguished himself in the field of law. I was proud of our friend, Leroy Collins, for his outspoken advocacy of Judge Carswell. My comments favoring this man would have to be acknowledged as consistent with the feelings of Democrats of this State, as well as Florida's Senior Senator, Spessard Holland, the six democratic cabinet officers of this State, members of our congressional delegation, and prominent jurists.

Such a thorough hearing as the Senate has given this man is healthy. Again, let me say I do not urge you to change your mind, but I do plead with you to use your influence to bring the nomination to an early vote.

When we in Florida read that the judge is criticized because his opinions averaged only two pages in length while the average length of opinions of all district judges was four and two-tenths pages, it appears that the debate has degenerated into nit-picking.

In addition, I sense that many people believe the opposition is based primarily on the fact that the judge is a southerner. While I recognize this is not the case, the people I see each day complain that opponents are still fighting the civil war. I find it difficult to respond to them because of what we are reading of the debate. The civil war is over. I hope the debate on the nomination of Judge Carswell will be over soon, too.

Sincerely,
PAT THOMAS,
Chairman, Democratic Party of Florida.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a telegram from U.S. District Court Judges Charles B. Fulton, Emett C. Choate, W. O. Mehrtens, C. Clyde Atkins, Ted Cabot and Joe Eaton, being all the district judges of the Southern District of Florida, strongly supporting the confirmation of Judge Carswell.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MIAMI, FLA.,
March 30, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.:

The judges of the United States District Court in and for the southern district of Florida consisting of Judges Charles B. Fulton, Emett C. Choate, W. O. Mehrtens, C. Clyde Atkins, Ted Cabot, and Joe Eaton have complete confidence in the integrity and professional ability of Judge Carswell. In our opinion he is well qualified to sit upon the Supreme Court of the United States. We enthusiastically urge his confirmation.

CHARLES B. FULTON,
Chief Judge.

Mr. HOLLAND. Mr. President, I have also received a telegram from U.S. Circuit Court Judge Volie A. Williams, Jr., 18th Circuit. I ask unanimous consent to have this telegam printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SANFORD, FLA.,
March 25, 1970.

U.S. Senator SPESSARD L. HOLLAND,
Washington, D.C.:

I was distressed to hear a few moments ago on TV news that Harrold Carswell's opponents now have enough votes to return his nomination to the Judiciary Committee. Harrold and I were admitted to practice before the Federal district court in Tallahassee on the same day in 1949. I was well acquainted with him from 1949 through 1955. I know he is not a racist. For 13 years now, I have served as a Florida circuit judge. I, too, have been reversed by appellate courts about 20 times. 20 reversals when a judge has considered more than 10,000 cases isn't bad. Why don't you get the number of cases Harrold has considered. Another good argument would be that most of a judges reversals occur because the lawyers prepare at the appellate level but do not show the same courtesy to a trial judge.

VOLIE A. WILLIAMS, Jr.
Circuit Judge.

Mr. HOLLAND. This makes telegrams from 38 circuit judges of Florida which I have inserted in the RECORD of this debate strongly approving the confirmation of Judge Carswell. To these I add similar support from the entire membership of the supreme court of Florida, from the entire district court of appeals, from the first or northern district court of appeals, which covers the northern district of our State, and from the three Florida members of the Circuit Court of Appeals, Fifth Circuit.

Mr. President, I have also received a letter from Judge Winston E. Arnow, U.S. District Court, Northern District of Florida, dated March 26, 1970, strongly endorsing the nomination and confirmation of Judge Carswell. I ask unanimous consent to have this letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
Pensacola, Fla., March 26, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator from Florida, Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLAND: Recent newspaper and television accounts concerning the progress of Judge Carswell's nomination to the Supreme Court of the United States through the Senate have given me concern, and have prompted this unsolicited letter.

During the years, from the time of Judge Carswell's appointment as United States District Judge in the Northern District of Florida, until I took office as United States District Judge in January of 1968, I practiced law in the Northern District of Florida. From time to time I was, of course, before Judge Carswell in various legal matters.

When I assumed office in January, 1968, I became, as you know, the other United States District Judge in the Northern District of Florida. As such, I worked under and with him, as Chief Judge in this District, from that time until he was elevated to the Circuit Court of Appeals last year.

I have been before this man as a lawyer, and worked with him as a judge. He is an able, intelligent and conscientious man, and in my opinion, he will serve us as a Justice of the Supreme Court of the United States with credit and with ability. I hope the Senate will confirm his nomination.

You are, of course, at liberty to use this letter in any way you see fit.

I am sending a copy of this letter to Senators Eastland and Sparkman, and they are, of course, at liberty to use them in any way they see fit.

I hope everything is going well with you, and that I shall have the good fortune of seeing you somewhere along the way before too long.

Sincerely yours,
WINSTON E. ARNOW.

Mr. HOLLAND. Mr. President, I have received telegrams from J. Lewis Hall, Fletcher G. Rush, and Delbridge L. Gibbs, all past presidents of the Florida Bar Association, strongly endorsing the nomination and confirmation of Judge Carswell, and I ask unanimous consent to have these telegrams printed in the RECORD at this point.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA.,
March 24, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

Re Honorable G. Harrold Carswell as a past president of the Florida bar I wholeheartedly and unequivocally endorse the nomination

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of Honorable G. Harrold Carswell. I have known Judge Carswell for many years while he was in the active practice. I found him to be an excellent attorney who represented his clients in keeping with the highest standards of our profession. I have practiced before his court and found him to be an enlightened and eminently capable judge of insight and integrity who disposed of his cases with decisiveness and total impartiality.

Very truly yours,

J. Lewis Hall.

Dallas, Tex.,
March 17, 1970.

Hon. Spessard L. Holland,
U.S. Senator,
Washington, D.C.:

Urge you do all in your power to obtain Senate confirmation of Judge Carswell as Associate Justice United States Supreme Court.

Fletcher G. Rush,
Former President of the Florida Bar.

Jacksonville, Fla.,
March 26, 1970.

Hon. Spessard L. Holland,
U.S. Senate,
Washington, D.C.:

I join with the other past presidents of the Florida Bar in strongly urging the prompt confirmation of Judge G. Harrold Carswell to the Supreme Court.

Delbridge L. Gibbs.

Mr. HOLLAND. Mr. President, I do not think I have ever seen such unanimous approval of a nomination as this coming from our Supreme Court, district court of appeals, and the circuit courts, the present head of the Florida bar, and three immediate past presidents of the Florida bar, and all Florida members of the circuit court of appeals.

Mr. President, I want to mention at this point that I have received under date of March 23, 1970, a petition signed by over 1,100 citizens in Tallahassee, representing a cross section of the people of the community and who are personally acquainted with Judge Carswell. I will not ask that this petition be printed in the Record. Suffice it to say that the petition attests to Judge Carswell's ability, wholesome character, and his fair, considerate temperament, as well as the respect the community holds for him.

Mr. President, I also ask unanimous consent to have an editorial, entitled "Keelhauling an Honorable Career," appearing in the Florida Times-Union under date of March 28, 1970, printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

KEELHAULING AN HONORABLE CAREER

The "definitive" word has now come in on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

It came from no less than the senior senator from Maryland, Joseph Tydings. He released the news to the press that an associate municipal judge of Opa Locka opposed the nomination.

This was coupled with the devastating news that one of the judges of the municipal court in Miami was also opposed. The clincher to this announcement seemed to lie in the portentous bit of background that both were former assistant U.S. attorneys.

No doubt, Senator Tydings and his staff are overworked in their round-the-clock vigil to see that justice is done—and presumably if justice is to be done, Judge Carswell is entitled to some miniscule portion of it—so perhaps they won't feel hurt if a gentle reminder is given of some of the support the judge has received.

"We are concerned," said Senators Tydings, Birch Bayh, Philip Hart and Edward Kennedy, "that Judge Carswell's record indicates that he is insensitive to human rights and that he has allowed his insensitivity to invade the judicial process."

Lest anybody conclude that the aforementioned gentlemen are insensitive to Judge Carswell's right to a fair hearing and are allowing this insensitivity to invade the senatorial process, we would be so bold as to suggest that there is some testimony that tends to offset that of the distinguished associate municipal judge of Opa Locka and perhaps Tydings et al. would wish to point this out.

The Fifth Circuit Court of Appeals is on the second tier of the federal judiciary, the level just below that of the U.S. Supreme Court.

Sen. Tydings himself mentioned some of its members as "eminent constitutional lawyers . . . who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing." Two of those he mentioned are Judge Bryan Simpson and Judge Robert A. Ainsworth.

Both of these judges sent the Senate Judiciary Committee strong letters of support on behalf of Carswell's nomination as did their colleagues, Warren Jones, Homer Thornberry, David Dyer and Griffin Bell. And there are hosts of other judges who have sent in letters of support.

And if Judge Carswell is so "insensitive to human rights" (the liberal code phraase for "not far enough to the left to suit us") why has the Senate unanimously confirmed him three times—as U.S. attorney, district judge and appellate court judge?

Further, it seems passing strange that a judge so insensitive would have been assigned so often while a district court judge to sit as a visiting judge on the Fifth Circuit bench.

And, it seems most insensitive of Senator Tydings not to acknowledge this fact since our own source is the record of the testimony before the Senate Subcommittee on Improvements in Judicial Machinery on May 28 and 29, 1968. The chairman of that subcommittee is Senator Tydings of Maryland.

The statistics in the record show that from fiscal 1960–61 through fiscal 1966–67, during all of which time the Chief Judge of the Fifth Circuit was Elbert Tuttle, a man of impeccable liberal and civil rights credentials, who assigned Judge Carswell to sit as visiting judge longer than any other district judge in the Fifth Circuit.

He sat on three-judge panels—composed of two Fifth Circuit judges and himself—for 8½ weeks during those years. Two other judges sat for eight weeks during that period. None of the other 34 district judges assigned to that duty even approached this length of assignment on the appellate court.

Is it a practice to single out "mediocre" or "insensitive" judges to help decide cases on a higher bench—and to do so consistently?

The answer to that question is "no" and Senator Tydings well knows that this is the answer.

The effect of the distorted and one-sided picture of Carswell being presented is to defame and vilify the man before the entire world and to do so unjustly.

Perhaps we can draw a parallel which will bring it closer to home to some senators—especially Senator Tydings.

Back in 1950, a composite photo was used in the campaign against Sen. Millard Tydings—father of the present senator—purporting to show the elder Tydings in friendly conversation with Communist Earl Browder. It was part of a back-alley campaign that helped to defeat the elder Tydings.

The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious.

A composite word picture is being drawn of him, attempting to plant in the mind the idea that he is a mediocre judge on the one hand and a racist on the other.

There is plenty of evidence that he is neither but we hear little about it from the opposition.

It is one thing to defeat Carswell's nomination. It is another thing to impugn an honorable career.

Let the record show that there are many persons—some of them uniquely qualified to judge in this instance—who believe G. Harrold Carswell to be a decent, sensitive human being of outstanding integrity, a man who has devoted his entire life to public service, and a highly qualified judge.

Mr. HOLLAND. It is also interesting to note, Mr. President, that on page 90 of the hearings referred to in the editorial just quoted, hearings held by the senior Senator from Maryland, Mr. Tydings—but not referred to by him in his argument in this matter—Chief Judge John R. Brown, who was elevated to the chief judgeship of the Fifth Circuit, U.S Court of Appeals, on July 17, 1967, in speaking of the visiting judges stated:

> They are some of the hardest working judges, most of the time. They are willing to take on some more work. Here is Judge Carswell, on line 3, exhibit VIII, chief judge of the northern district, a district entirely overworked until the recent addition of a new judge. Judge Carswell has served us in over 6 years to sit 8½ weeks.

Mr. President, the Senate should take note of this statement by the chief judge of the fifth circuit for I believe it is most enlightening, particularly when there are those of us who make reference to the brevity of Judge Carswell's opinions. Perhaps if other judges followed the example of Judge Carswell with brief and clear opinions, the case backlog of the courts might be considerably reduced.

In the course of this debate I have heard several references by Senators to an affidavit by Mrs. Clifton Van Brunt Lewis of Tallahassee which appears on page 274 of the printed record. This affidavit, introduced by Mr. Clarence Mitchell, the NAACP witness, was designed to accuse Judge Carswell of racism in the organization of a golf and country club in Tallahassee. I think the Senate should know the correct details of this situation and more of the background of the maker of the affidavit.

Mrs. Clifton Van Brunt Lewis is a member of the old and highly respected Van Brunt family who, for reasons sufficient to herself, has adopted ultraliberal, so-called way-out, leftwing philosophies and programs. Her husband George E. Lewis, Jr., to whom she referred as "chairman" of the Lewis State Bank at Tallahassee, matches his wife in enthusiasm for ultraliberalism. I happen to well know this situation since Jeff D. Lewis, brother of George E. Lewis, Jr., is my son-in-law, and since the whole Lewis family, with the single exception of George E. Lewis, Jr., have been my close and intimate friends for many years.

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I want the record to show that George E. Lewis, Sr., was the very first Floridian who called me to urge the nomination and confirmation of Judge Carswell to be an Associate Justice of the U.S. Supreme Court. His son, my son-in-law, Jeff D. Lewis, and another son, B. Cheever Lewis, president of the Lewis State Bank, are also strongly supporting Judge Carswell as are all other members of the Lewis family, excepting George E. Lewis, Jr.

The record shows that George Lewis, Sr., that is the father, was a stockholder and a director in the Tallahassee Country Club when it was originally organized, as shown at pages 335 and following of the printed record. Senators will remember that this club deeded the golf club facility to the city of Tallahassee in 1935 with a reversion understanding under which this club received back the club property from the city under a long-term lease in 1956. The record is completely clear on this point.

The record shows that B. Cheever Lewis, president of the Lewis State Bank, was an incorporator and treasurer of the new Capital City Country Club. See pages 352 and following of the printed record. The record also shows that Judge Carswell, the district attorney, and former Gov. Leroy Collins and other fine and fairminded citizens were members of the new golf club which took over from the Tallahassee Country Club the long-term lease back from the city in order to assure the construction of a new and handsome club building, an adequate swimming pool, and the reconstruction and modernization of the golf course itself. The record shows that somewhere between 300 and 400 of the citizens of Tallahassee joined in this successful effort to finance an adequate golf course, clubhouse and other facilities for Tallahassee, which is the capital city of Florida. The record shows also these objectives have been attained through the joint effort of these many fine citizens of Tallahassee. See the testimony of Mr. Julian Proctor, pages 107–111 of the record.

I want the Senate to know that Mrs. Clifton Lewis, the maker of the affidavit appearing in the record speaks only for herself and her husband and not for the Lewis family or the Lewis State Bank group or any other large and reputable group known to me in the city of Tallahassee, Fla.

The fact of the matter is that if the leaseback to the Tallahassee Country Club, the original owner of the property, was, as stated by Mrs. Clifton Lewis and by others in the course of the hearing an "obvious racial subterfuge" to deprive Negroes of the opportunity of using the golf course, every lawyer in this Senate must know full well that such a subterfuge would be ineffective and that since the title remained in the city of Tallahassee a successful Federal suit would have been brought long ago to avert any racial injustices growing out of this transaction. The plain fact is that the city of Tallahassee would not go to the expense of building a modern clubhouse and swimming pool and of modernizing the golf course and that the original club, the Tallahassee Country Club, the original owner of the golf course, had the clear right under its conveyance to the city in 1935 to request the city to lease the golf course property back to it for the purpose of accomplishing its improvement and development as an adequate golf course and club facility for our capital city.

Mr. President, I shall not take the time of the Senate to read a number of editorials and articles appearing in the newspapers regarding the nomination of Judge Carswell. There are a number of them, however, that are worthy of reading by all of the Senate. Therefore, I ask unanimous consent to have the following editorials and articles printed in the RECORD at this point.

I want to make it clear that I have many more of these editorials which I am not asking now to have printed in the RECORD:

First, an article appearing in the Washington Post under date of January 27, 1970, by B. J. Phillips, entitled "Carswell: 'Eisenhower Philosophy' ";

Second, an article appearing in the Washington Star under date of January 27, 1970, by David Lawrence, entitled "Carswell and 'the Law of the Land' ";

Third, another article by David Lawrence entitled "What Presidents Once Said About Racial Equality," appearing in the February 9, 1970, issue of U.S. News & World Report;

Fourth, an editorial appearing in the Orlando Evening Star, January 29, 1970, entitled "Carswell Critics Need To Remember Hugo Black";

Fifth, an editorial appearing in the Tampa Tribune, January 31, 1970, entitled "This Supremacist The Court Needs";

Sixth, an article appearing in Today, February 3, 1970, written by Columnist Malcolm Johnson entitled "Carswell Meets Nixon Wishes";

Seventh, an article appearing in the Chicago Tribune, February 10, 1970, entitled "Digging for Dirt in Carswell's Record";

Eighth, an editorial appearing in the Orlando Sentinel of February 20, 1970, entitled "Carswell's Qualifications";

Ninth, a column appearing in the Tampa Tribune, March 14, 1970, written by William F. Buckley, Jr., entitled "Carswell Critics Aren't Being Fair With Charges";

Tenth, an editorial appearing in the Pensacola Journal, March 19, 1970, entitled "Why Carswell Delay?";

Eleventh, an editorial appearing in the Pompano Beach Sun-Sentinel, March 19, 1970, entitled "Bickering Over Carswell Anti-Man or Anti-South?";

Twelfth, an article appearing in the Fort Lauderdale News and Sun-Sentinel, March 22, 1970, entitled "Ex-Law Dean Says Carswell Unbiased";

Thirteenth, a letter to the editor appearing in the Orlando Sentinel, March 22, 1970, entitled "Control of Supreme Court is Real Goal of Liberals";

Fourteenth, an article appearing in the Orlando Evening Star, March 23, 1970, by Ernest Cuneo, entitled "Power Struggle Over Court";

Fifteenth, an editorial appearing in the Fort Lauderdale News, March 23, 1970, entitled "Not so Speedy Congress Really Drags its Feet on Carswell Voting";

Sixteenth, a column by Malcolm Johnson appearing in the Tallahassee Democrat, March 24, 1970, entitled "Carswell Praise is Overlooked";

Seventeenth, an article appearing in the Miami Herald, March 24, 1970, entitled "An Unenthusiastic Vote for Judge Carswell," written by James L. Kilpatrick;

Eighteenth, an article appearing in the Florida Times-Union, March 25, 1970, entitled "Could Carswell Be Any Worse Than the Others?" written by John Chamberlain;

Nineteenth, an editorial appearing in the Florida Times-Union, March 26, 1970, entitled "Neo-McCarthyism and Carswell";

Twentieth, an article by David Lawrence appearing in the Tampa Tribune, March 28, 1970 entitled "Lack of Special Interests 'Hurts' Carswell";

Twenty-first, an editorial appearing in the Florida Times-Union, March 29, 1970, entitled "Where Are Carswell's Defenders";

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Jan. 27, 1970]

CARSWELL: "EISENHOWER PHILOSOPHY"

(By B. J. Phillips)

"You don't always get your first choice, and this just shows how it can work out sometimes."—Wilbur Council, Ordinary (records clerk), Wilkinson County, Ga.

World War II took George Harrold Carswell out of the law school that is first choice for aspiring Georgia politicians. He was defeated the first time he, a young man whom his friends thought would be governor some day, ran for public office. He changed states and political parties. He was not the first choice for his seat on the Fifth Circuit Court of Appeals, gaining it after President Johnson's nominee, Judge William McRae, lost the post in one of the few political disputes of the Johnson-Nixon transition.

Today, hearings before the Senate Judiciary Subcommittee open on his nomination for the Supreme Court seat vacated by Abe Fortas and denied Clement Haynsworth.

In one respect, his career is, like fellow Southerner Haynsworth's, marked by an orderly progression through the federal judicial branch under the aegis of Republican politics. Judge Haynsworth was a Democrat for Eisenhower and was named to the Fourth Circuit Court of Appeals. Judge Carswell, too, was a Democrat for Eisenhower, an organizer of the group in Florida, was appointed United States attorney, federal district judge and was elevated to a Circuit Court, the Fifth.

Behind these similarities, however, can be seen the twists and ironies and the reordering of choices.

Haynsworth, 56, is an aloof, shy man who shunned the rough-and-tumble of politics to fill a position of business and legal leadership in the tradition of his aristocratic family.

Judge Carswell, 50, was once an active political candidate, the heir to a political tradition born of malapportioned statehouses and nurtured on suspender-snapping oratory. A portion from one of his political speeches and its compromise with Georgia racial rhetoric has come back to haunt him.

Judge Carswell, his relatives in Tallahassee, Fla., and his friends there, his home since 1949, have refused to grant interviews since his nomination Jan. 19.

"I suppose it is the Haynsworth thing," one of the family spokesmen said. "After all, everything he (Haynsworth) said was used against him by the liberals, and, under the circumstances, I can understand the way they (the Carswells) feel."

Friends and relatives from his home town do not share this reticence and describe young Harrold Carswell as a bright, eager follower of his father, George Henry Carswell.

George Henry Carswell was the descendent of a pioneer Irwinton, Ga., family. The family fortunes were up and down as slavery, Sherman's march through Georgia and the boll weevil dictated. The Depression came early to Irwinton and Wilkinson County, but by that time George Carswell was one of the state's most prominent politicians.

At the time that the elder Carswell, a progressive state lawmaker sponsored legislation that revolutionized Georgia's educational system, provided workmen's compensation and protected child labor, he was without a namesake and heir. Two daughters were in their teens when George Harrold was born, Dec. 22, 1919. Another son, Hubert, followed, but he died at the age of 2.

When Harrold Carswell was 5, his mother died of tuberculosis.

His sister, Ellen (Mrs. Ramsay) Simmons said their mother "contacted TB after getting all run down nursing Hubert. Daddy sent her off to North Carolina to sleep on (sanatorium) porches, but it didn't help and she died when Harrold was just 5. Our older sister, Claire, was living at home then; I was in college and so she looked after Daddy and Harrold until she married."

Harrold's father, who was to serve a total of 30 years in the Georgia legislature, became secretary of state. He ran against and lost to Richard Russell in the 1930 gubernatorial campaign. Harrold was 11.

Mrs. Simmons described this period: "Harrold definitely came under the spell of my father. After all, Mother was gone and he spent a lot of time with him.

"He would tell funny stories at the supper table and talk to us about his cases. Every chance we got, we would go down to the court house and listen to Daddy argue a case."

County Ordinary Wilbur Council remembers "young Harrold coming around the courthouse when he wasn't in school to watch his daddy defend."

Shortly after this, Harrold moved to Bainbridge, Ga., to live with Mrs. Simmons.

"After my sister married and left home, we thought that Harrold ought to have a woman's influence, so he moved in with us. I had a 2-year-old daughter, a baby 3 weeks and I was 24. It was a handful. But my husband just took Harrold in like he was his own and took great pride in educating him and helping to rear him."

Four years later, Harrold's father died at 61, like his wife, a victim of tuberculosis. Ironically, the senior Carswell, as president of the Georgia Senate, had broken a tie vote for the establishment of a sanatorium for tuberculosis victims with, in one Georgia historian's words, "the speech of his life . . . an impassioned plea for those 'wasting away' from the disease."

Harrold graduated from Bainbridge High School and as a youngster there, met Virginia Simmons, the daughter of Jack Simmons, of Tallahassee. Jack and Ramsay Simmons (Harrold's brother-in-law) are brothers. They helped run crate-and-box factories started by their father in Tallahassee, Fla., Bainbridge, Tennille and Macon, Ga.

Although not related by blood, the future Judge and Mrs. Carswell shared mutual bonds of family—strong bonds, often found in the South, that last to the present.

"They sort of grew up together," Mrs. Ramsay Simmons said.

"We built a house in 1938 in Panacea, Fla., big enough for the whole family and we used to spend the summers there. All the Simmonses.

"Somebody always had to be taken to the store or to the train station and I started noticing that Harrold was asking Virginia if she didn't want to ride with him when he went. This was when he was in college."

Harrold Carswell graduated from Duke University, then entered the University of Georgia Law School—a matriculation once considered such a necessity for would-be politicians in the state that it was called "the club"—in 1941.

After Pearl Harbor, he joined the Navy, serving as an officer on a heavy cruiser at the battles of Tarawa, Kwajalein and Iwo Jima. In 1944, he married Virginia Simmons and left the Navy in November, 1945.

Then he entered law school at Mercer University in Macon, Ga., less than an hour's drive from the old Carswell home in Irwinton. He edited a small newspaper started by his father and uncle, The Bulletin, and organized the Wilkinson County Telephone Co.

The telephone company still exists, under different ownership. The newspaper is defunct. But little else has changed in Irwinton. The older generation of politicians are still designated as "Carswell men" or "Talmadge/Boone men" (after Eugene and Herman Talmadge and Alex Boone, the man who beat Harrold Carswell in his only political race).

"He started the paper to begin his political base here," Joe Boone, editor of the Wilkinson County News, successor to The Bulletin, and son of Alex Boone, said.

After graduating from Mercer Law School, he returned and announced his candidacy for the Georgia House of Representatives. He was 28 and it was in this race that Carswell made the statements about his belief in white supremacy that are expected to be an issue at his confirmation hearings today.

He lost the race, some Irwintonians say, "because he was too liberal;" others, "because he was too arrogant, thinking he could come right back here and take over county politics;" still others, "because he was up against one of the wiliest politicians you ever did see."

The winner, Alex Boone, was "far to the right of anyone in the race," son of Joe Boone said. "He had the radical right vote, I guess you'd call it, sewed up."

Friends and enemies in Wilkinson County have proved prophetic about G. Harrold Carswell.

One of his opponents in the 1948 race predicted in a speech that "if he loses, he won't stay in Wilkinson County long (he moved to Tallahassee within a few months of his defeat);" and a little over a year ago, a columnist for the Wilkinson County News wrote about "my dream—Harrold Carswell gets named to the Supreme Court."

Wilbur Council believes young Carswell's failure in his attempt to "carry on in his father's footsteps . . . showed him that he didn't have any political future here. By losing that race, he saw he could never follow the program he had mapped out."

Judge Carswell has declined comment on anything concerning his past, but those who observed him during that period believe that he had definite political ambitions.

"I always thought he'd be governor of Georgia," law school classmate and friend Elmore Floyd said. "And I told him so."

Carswell did not deny such an ambition, Floyd said, "although politics and running for office is a constant source of conversation with law students everywhere, all the time."

The apparent collapse of Carswell's Irwinton political base took him immediately to Tallahassee, his wife's home town, and his law firm of Ausley, Collins and Truett. Former Gov. Leroy Collins was a partner in the firm and it was considered, one Tallahassean said, "a good place for a young man interested in politics to be."

Collins said, "At the time he came, none of us knew him very well, except that he was married to a girl from one of Tallahassee's finest and most prominent families."

Tallahassee, with a society cut into three distinct divisions—government officials (it is the state capital), academics (Florida State University is located there) and old-line families—is the kind of Southern city in which the proper marriage can be very important.

Harrold Carswell's marriage to the daughter of the city's largest private employer helped to smooth his path to the socially elite. Collins added, "I don't know of any man who has come to Tallahassee who has been more popular. He has an engaging personality and is well liked."

Judge Carswell's role in the 1952 Democratic presidential primary in Florida pitting Sen. Richard Russell, old political foe of his father, and Sen Estes Kefauver against each other, is unclear. Reports that he "masterminded" the Russell campaign are denied by the Georgia senator. After Adlai Stevenson won the nomination, Carswell switched his allegiance to the Republicans and Dwight D. Eisenhower.

"I was for Stevenson and Judge Carswell was for Eisenhower," former Gov. Collins said. "I suppose a wise way to sum it up would be to associate him with the Eisenhower philosophy of an approach to government."

He left Ausley, Collins and Truett to start his own firm of Carswell, Cotten and Shivers. He practiced law a total of four years with both firms before being named U.S. Attorney for western Florida in 1953.

The same year, he and his wife officially changed their registration from Democratic to Republican.

Both Carswell's private law practice and two terms as federal prosecutor are unmarked by the spectacular. His practice was described as "good, but ordinary in terms of the kinds of cases he handled." As U.S. Attorney, he had "just one case make headlines—an interstate numbers operation that was the closest we ever came to having a gangster in our midst," according to Tallahassee Democrat editor, Malcolm Johnson.

In 1958, he was named to the federal district court by President Eisenhower. He was, at 38 the youngest federal judge in the country. He served on the court until he was named by President Nixon to the Fifth Circuit Court of Appeals last spring.

Judge William McRae, district judge for eastern Florida, had been nominated in the fall of 1968 to the Appeals Court vacancy by former President Lyndon Johnson. Judge McRae's nomination was allowed to lapse during the transition in a controversial move that in effect, cancelled several Johnson selections for the bench. Carswell was confirmed in June with belated and ineffective opposition from civil rights leaders.

Judge Carswell and his wife live a quiet, family-oriented life in Tallahassee. Their secluded house on a lake 10 miles north of the city is surrounded by the homes of family members. Mr. and Mrs. Fenton Langston (she is the Carswell's 24-year-old daughter; he is a legal aide to Fla. Gov. Claude Kirk) live in a small house on the same lot. Mrs. Carswell's brother, Jack Simmons Jr., lives a few doors away.

Judge Carswell rises early to walk down a dirt driveway to the Langstons to play with his infant granddaughter before anyone else is awake. The White House called Judge Carswell around 1 p.m. Jan. 19 to tell him he had been selected for the Supreme Court.

He was not at home; he was having lunch with his wife's aunt in the company of two other generations of Simmonses and Carswells.

"They are a very, very close family," Leroy Collins said.

Tallahassee insurance executive William Moor said, "Family closeness is kind of a thing here anyhow, but the Simmonses and Carswells are extra close. He's just a family man. He loves his children and their children and his friends' children."Judge Carswell is the godfather of one of Moor's daughters.

The Carswells have three other children, Nan (Mrs. Redford) Cherry, of Tampa, George H. Jr. and Scott Simmons, both students at Florida State University.

Judge Carswell is a gardener. "He has just reclaimed that yard from the woods; that's all it was when they moved out there and now it's a show place," according to Mrs. William Moor. Mrs. Carswell runs the house with the help of a full-time cook and a handy-man.

The house is filled with antiques. Most of the downstairs is panelled and looks out on a sweeping view of Lake Jackson. The Carswells often shoot ducks from the edge of their lawn. Their primary hobby is bridge, a game they "play well, but nicely." Mrs. Carswell is a former president of the Junior League and is now a sustaining member.

Judge Carswell is the former president of the Cotillion Club, an elite, segregated social group that sponsors four dances each year. They were once members of the local country club but resigned because they rarely used the club's facilities. Most of their entertaining is informal, at-home and centers around bridge tables.

Entertaining is altered when quail are in season.

"There's certain people who come down here to shoot birds during the wintertime," William Moor said, "who believe in eating dinner in black tie. When they're here, all of us, including the Carswells, put on formal dinners, but that's the only time."

Mrs. Carswell, an attractive brunette of 44, is noted for outgoing personality. "Vivacious" and "cheer-leader type" are the words her friends most often use to describe her. She served as social secretary to Gov. Claude Kirk for a brief period between his inauguration and remarriage.

While Judge Carswell was U.S. attorney, he became friends with then-assistant Attorney General William Rogers.

Mrs. Carswell described Secretary of State and Mrs. Rogers as "old friends in Washington."

The move to Washington is one that old friends of Carswell expected, although there is a significant split in opinion about how he would reach the capital. The split exists between those who knew him before he had given up active politics and those who knew him after.

Douglass Shrivers, a former law-partner, said, "I always felt he would be on the Supreme Court."

Law school classmate Elmore Floyd "always thought he'd be governor of Georgia and maybe senator later."

"The difference," Wilbur Council said, "is that Harrold learned how to make other opportunities for himself when he got disappointed."

[From the Washington (D.C.) Star, Jan. 27, 1970]

Carswell and "The Law of the Land"

(By David Lawrence)

Why should Judge G. Harrold Carswell—who has been nominated for the Supreme Court of the United States—be criticized now for making a political speech in 1948 which was in accordance with "the law of the land" at that time? Millions of people have read the following quotation from an address by Carswell delivered to an American Legion audience on Aug. 2, 1948:

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our state. I have always so believed and I shall always so act."

But segregation was sanctioned by "the law of the land" in 1948, and it was not overturned until May 1954. Up until then, the Supreme Court in six decisions over a period of 75 years had upheld the doctrine of "separate but equal" facilities.

In the famous 1896 case known as Plessy v. Ferguson, the Supreme Court had upheld the validity of a Louisiana law which provided for "equal but separate accommodations for the white, and colored races," on railroad trains. It was not until 1954 that the Supreme Court ruled in Brown v. Board of Education that "separate educational facilities" are "inherently unequal" and unconstitutional.

Segregation was commonplace throughout the South in the years before 1954, and many states outside the South had had segregated schools for a long time. When the Supreme Court in 1896 declared that "separate but equal" was constitutional, the South continued its segregated schools. Doubtless many speeches were made in 1948 and thereafter, along with that of Carswell, supporting the principle of what was then "the law of the land" with respect to segregation.

Carswell's speech was delivered while he was running for the Georgia Legislature, six years before the Supreme Court handed down its desegregation ruling in 1954. Yet he has been condemned all over the country in recent days for expressing views on segregation which were in compliance with "the law of the land" when he spoke. Now—more than 21 years later—he has publicly repudiated the statement and says it is abhorrent to his personal philosophy. Various organizations nevertheless are trying to block his confirmation in the Senate on the ground that his speech in 1948 makes him ineligible for the high court.

To punish anybody today for upholding what was interpreted at the time as within the bounds of the Constitution is surprising. Undoubtedly it results from a failure to look up the record and read what happened prior to 1954 when the Supreme Court made its momentous decision ordering segregation in the public schools to be abolished.

Incidentally, when Senator Hugo L. Black of Alabama was nominated to be an associate justice of the Supreme Court of the United States by President Franklin D. Roosevelt on Aug. 12, 1937, some objection was raised to him because of his alleged membership in the Ku Klux Klan, but he was confirmed within five days. He subsequently acknowledged that he had once been a member of the Klan, but said that he had resigned from the organization and repudiated its purposes. Black in 1954 joined with the other eight justices of the court in rendering a unanimous decision banning segregation in public schools.

Thurgood Marshall—an associate justice of the Supreme Court of the United States since 1967 and the first Negro to hold such an office—was one of the principal attorneys who argued the "desegregation" cases in 1954. He was chief counsel for the National Association for the Advancement of Colored People. But nobody has ever raised any objection in the high court to his having since decided cases which involved his former employer. Logically, there should be none, for he is a man of integrity.

Because a person at one time was identified with a company that has litigation before the court does not necessarily disqualify him. There are many people in Congress, however, who seem to feel that the judges should disqualify themselves when such cases arise. Perhaps the American Bar Association ought to draw up a set of rules which would clarify the whole problem.

[From U.S. News & World Report, Feb. 9, 1970]

What Presidents Once Said About Racial Equality

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a re-examination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Court's ruling in 1954. Here are some extracts:

Thomas Jefferson, in a letter to Francois Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill,. on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who

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was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal; but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows."

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by members of the Senate?

[From the Orlando (Fla.) Evening Star, Jan. 29, 1970]

Carswell Critics Need To Remember Hugo Black

Is Harrold Carswell destined to suffer the same fate as Clement Haynsworth in the Nixon administration's attempt to seat him on the U.S. Supreme Court?

It has been little more than a week since the President nominated the Floridian, and already there are distinct rumblings which indicate Carswell's confirmation is in jeopardy.

Much of the criticism being directed at the Tallahassee jurist stems from a speech he made in 1948, which has stirred racist fears.

Judge Carswell was 28 years old at the time and a student at the University of Georgia. His endorsement of white supremacy in that speech has since been repudiated by the judge. And his rulings during his many years on the bench would indicate no leanings in that direction.

Those who are rushing to the attack against Carswell need to be reminded of the case of Justice Hugo Black.

Back in the 1930s, President Franklin D. Roosevelt nominated Black for the high court and stirred up even more of a hornet's nest than that produced by Nixon's nominations of Haynsworth and Carswell.

Black, a native of Alabama, had been a member of the Ku Klux Klan. Great pressure was applied to Roosevelt to withdraw the nomination and a heated battle followed before the Senate finally confirmed Black.

Now, more than 30 years later Black is still a member of the Supreme Court and one of its foremost liberals. Those who were spouting about Black's racism later were shocked to find the Southern jurist voting on the side of civil rights groups in most cases which reached the Supreme Court.

It has been 22 years since Judge Carswell made his white supremacy speech. Few of us would care to be judged today by words we uttered 22 years ago.

Arguments against Carswell are weak, and insufficient to deny him a seat on the high court.

[From the Tampa Tribune, Jan. 31, 1970]

The Supremacist This Court Needs

Judge Harrold Carswell apparently will survive charges that he is both a white supremacist and a male supremacist.

The first charge arose from a resurrected speech the Supreme Court nominee made while running for the Georgia Legislature 22 years ago. (He lost the race, he said, because the county voters considered him too "liberal"—he hadn't been a backer of Gene Talmadge.)

The second charge was thought up by Hawaii Congresswoman Patsy Mink. She said Carswell showed discrimination against women by voting, along with eight other judges of the Fifth Circuit Court of Appeals, to deny a rehearing of a woman's complaint that she had been refused a job in a defense plant because she had small children.

Judge Carswell repudiated as "abhorrent" white supremacy sentiments he expressed on the political platform in 1948. He had on his behalf a persuasive witness, former Governor LeRoy Collins, a fellow townsman and former law partner in Tallahassee, who has suffered unfair abuse because of his stand for Negro rights.

Men and times change. Nothing in Judge Carswell's record as a U.S. District Attorney or Federal Judge suggests racial or other bias. Civil rights lawyers construed his decisions as hostile; but they would so interpret the decision of any Southern judge who ruled against them, however valid his grounds.

The "male supremacy" complaint hardly needs reply. It is an example of the silly stones likely to be cast at any man who may be nominated for the Supreme Court, especially if he is a conservative from the South.

In his testimony before the Senate Judiciary Committee and in his conduct generally Judge Carswell made a favorable impression. He was calm, articulate and candid—all qualities which are desirable in a judge.

His sponsors do not contend he will prove to be another John Marshall or Oliver Wendell Holmes. They do expect him to be an honest, conscientious interpreter of the law as written, not as he might wish it to be. As Judge Carswell aptly told the Senators, in discussing his philosophy, he does not believe the Supreme Court should act as "a continuing Constitutional Convention".

Senators Walter Mondale of Minnesota and William Proxmire of Wisconsin have announced they will vote against Judge Carswell's confirmation. Other down-the-line liberals, like Birch Bayh of Indiana and Ted Kennedy of Massachusetts, can be expected to join them.

But their ranks are thinner now than in the battle which defeated Judge Clement Haynsworth. Some Republican Senators who went against Haynsworth, ostensibly because of "conflicts of interest" in stock holdings, already have announced support of Carswell.

Senate Republican Leader Hugh Scott predicts Carswell will be confirmed with no more than 20 votes against him.

We trust Senator Scott's analysis is correct.

Judge Carswell, we think, is the kind of Supremacist the Supreme Court can use—a judge who believes in the supremacy of Constitutional principles over social theories.

[From the Tallahassee (Fla.) Democrat, Feb. 3, 1970]

Carswell Meets Nixon Wishes

(By Malcolm Johnson)

TALLAHASSEE.—Harrold Carswell's severest critics are doing a good job of establishing that he meets the major philosophical qualification which President Nixon said, in his campaign, he would seek in naming men to the U.S. Supreme Court.

"I believe we need a court which looks upon its function as being that of interpretation rather than of breaking through into new areas that are really the prerogative of the Congress of the United States," Nixon said in the campaign.

"Since I believe in a strict interpretation of the Supreme Court's rule, I would appoint a man of similar philosophical persuasion," he pledged to the people whose vote he was asking.

Now, his nomination of Judge Carswell is before the U.S. Senate for confirmation, and read what is being said about him in opposition to the judge's seating:

The New York Times, predictably, jumped out instantly in opposition and commented that a review of his decisions as a lower court judge—

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". . . reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by involving some settled precedent, and who rarely finds the need for reference to the social conflict outside the courtroom that brought his cases before him."

The Times indictment, then, is that Judge Carswell has decided litigation according to the law and precedents instead of striking out on his own to dictate rulings based on his private conscience or the persuasion of someone else's social values.

And William Van Alystyne, a Duke University law professor testifying against Carswell before the Senate Judiciary committee, said his examination of Carswell civil rights rulings revealed to him that when the judge ruled favorably for minority groups the law and court precedents were so clear he could not have ruled otherwise.

Well, so what? Even according to the fallacious dogma of judicial activists, "the Supreme Court makes the law of the land," and lesser judges are not allowed to question it.

There is the whole issue, plainly stated by the two sides—President Nixon in his criterion for judges who are what he calls "strict constructionists," and the opponents who want courts to make up the law as they go (as long as it fits their particular desires and philosophy).

President Nixon won. The advocates of judicial activism lost (and ignobly, if you count the George Wallace votes against them, too). They are fighting a last-ditch battle in the Senate to keep a man of the winning philosophy off the court.

The zealousness with which they hold to the liberal bigotry that only their side can ever be anything but right, and deserving of instant judicial acceptance, approaches a religion (as our contemporary flexibility allows us to define a religion). Some even make racial integration a tenet of their religions.

In that sense, their fervor in opposition to Judge Carswell because of his judicial philosophy approaches a religious test—which would be in violation of Article Six of the Constitution which says "no religious test shall ever be required as a qualification to any officer or public trust under the United States."

There really is more to the Constitution than the 5th and 14th amendments.

[From the Chicago Tribune, Feb. 10, 1970]

Digging for Dirt in Carswell Case

It must be deeply disappointing to the opponents of G. Harrold Carswell's Supreme Court nomination that he has been unable to build up a fortune in the last 17 years while he was a United States district attorney, a federal district judge, and a judge of the United States Court of Appeals. Extensive digging into his background has shown that instead of a fortune, the judge has acquired debts.

In 1953, when he became a United States attorney, the pay was $8360 a year. Two years later it rose to $12,500. In 1958, when he became a federal judge, his salary rose to $22,500. Now he gets $42,500 as an Appeals court judge.

His expenses have included the rearing and educating of four children. Two daughters are now married and two sons are students at Florida State university. He has managed to make ends meet by mortgaging and selling off portions of his homesite, which he obtained from his wife's family. Mr. and Mrs. Carswell now have 7.06 acres in their Tallahassee homesite after selling four lots for $30,000 and after giving 2.44 acres to their daughter and her husband.

Judge Carswell told the judiciary committee he valued his house at $90,000. It has a mortgage of $50,347. The Carswells also have a debt of $48,000 secured by his wife's stock in her family's business. Friends of Carswell say that if the judge is confirmed he plans to liquidate his debts and move to Washington.

There is no pay dirt in this record for the opponents of Judge Carswell. They can't scream that he has made fortunate investments and therefore is unfit to be a judge.

[From the Orlando (Fla.) Sentinel, Feb. 20, 1970]

CARSWELL'S QUALIFICATIONS

The worst thing Judge Harrold Carswell's detractors have found to say against him is that he is a Southerner.

The next worst is that he "is run-of-the-mill."

We don't think Carswell needs defending because of his birthplace and place of residence. Being a Southerner, and a conservative one at that, is bad in the eyes of no one except those who are liberal beyond redemption.

The charge of run-of-the-mill can be interpreted as meaning that Harrold Carswell is an average if not ordinary man.

We see this as an asset rather than a liability. If there is anything the Supreme Court needs, it is more down-to-earth decisions and interpretations.

A man of Carswell's background is more likely to insist upon a strict interpretation of the Constitution rather than a will-o'-the-wisp approach to legal matters.

The American people have had enough sociology in their Supreme Court during the last two decades. Let us now restore the balance by approving the appointment of a man who is dedicated to sound law.

[From the Tampa (Fla.) Tribune, Mar. 14, 1970]

CARSWELL CRITICS AREN'T BEING FAIR WITH CHARGES

(By William F. Buckley Jr.)

I do not know Judge Carswell, and could not vouch for it as a matter of personal knowledge that he knows the difference between a lessor and a lessee. I merely take it for granted that someone as thorough as Mr. Nixon is unlikely to nominate anyone to the Supreme Court who is altogether ignorant of the law, and pause to remark that ignorance of the law would appear to have been the principal qualification for service in the Supreme Court over the past dozen years.

But the nature of the campaign being waged against Judge Carswell certainly requires comment.

Mr. Anthony Lewis of the New York Times has discovered that Judge Carswell once told a joke—which joke, one infers, clearly disqualifies Judge Carswell. The joke is as follows (and if you say this joke out loud, you must imitate a Southern accent in order to render it as, one supposes, Judge Carswell rendered it): "I was out in the Far East a little while ago, and I ran into a dark-skinned fella. I asked him if he was from Indo-China, and he said, 'Naw, suh, I'se from Outdah Geowja.' "

Now perhaps judges shouldn't tell jokes. One could as well imagine Earl Warren telling a joke as Mount Rushmore. But great big cosmopolitan newspapermen oughtn't, in the presence of a joke as innocent as this one, to act like Snow White at "Oh! Calcutta!" It is hardly anti-Negro to say of someone that he is "dark-skinned." It is hardly anti-Negro to observe that the body of American Negroes, like the body of American Southerners—like Judge Carswell himself—pronounces "Georgia" as "Jawja." And the fulcrum of the joke, that "Indo" and "Outdah," as pronounced in the South, rhyme, is essential to the mildly amusing story. And Mr. Lewis knows it.

And then another criticism of Judge Carswell. "In 1953 he drafted a charter for a Florida State University boosters club that opened membership to 'any white person interested in the purposes. . .' "

Among the civil liberties of both Southerners and Northerners, back in 1953, in most states of the Union, was the formation of a club with restricted membership. That Mr. Carswell as a practicing attorney drafted a charter for a typical Southern college in which—by state law, because we are talking pre-Brown vs. Board of Education—membership was restricted to white students, was as routine as drawing up a will.

The balance of the charges are of the same order. What the critics of Mr. Carswell fail almost uniformly to bear in mind is that a revolution of sorts has taken place in the South during the past 15 years, that what was only a few years ago altogether routine, is now rejected as obloquy.

Days after the proclamation of the republic, everyone in France was supposed to have been born a republican. Weeks after the triumph of Napoleon, everyone proclaimed himself a lifelong Bonapartist. I do not imply that, like the Vicar of Bray, Carswell would return to the segregationist patterns which were simply taken for granted in the South he grew up in—because, now in the prime of life, he affirms most solemnly his belief that when in the name of morality one catechizes a man who functioned as a royalist back when the king was on his throne, one proceeds, as Anthony Lewis has done, in the spirit not of Abraham Lincoln, but of Robespierre.

[From the Pensacola (Fla.) Journal, Mar. 19, 1970]

WHY CARSWELL DELAY?

Free debate in an unrestricted but reasonable consideration of issues is the essence of the democratic principle in practice. It must always be defended, and its enemies are many.

Those who would destroy the process by direct assault are easily identified and as easily contained; but those who profess to preach the doctrine of democracy and then deliberately use the very guarantees of the system to abuse it are the dangerous ones.

These elements are devious and ruthless. They prefer to work secretly and to create and then manipulate their own political figures. They are less concerned with the nation's welfare than they are with their own limited cause—their political and social objectives.

For overly long the nation has been exposed to such a performance in selection of the ninth member to the Supreme Court, which for many months has been forced to operate one justice short.

Two outstanding nominees have been presented to the Senate by President Nixon. The first, Judge Clement Haynsworth, became a political casualty—a sacrifice to selfish and special interests, although his enemies could not dredge up a single supportable instance of unethical conduct.

The second, Judge G. Harrold Carswell, is receiving like treatment from the same sources, although he too not only is eminently qualified but free of taint.

Any appointee to the federal judiciary must first undergo an FBI investigation which follows him from birth to the date of his consideration for office. This is a routine.

He then is presented to the Senate Judiciary Committee which puts him on the anvil for about as close a scrutiny as a man can get. If approved there, he is given to the Senate which can question his qualifications and record in open debate. Only then is a vote taken.

There is nothing fundamentally wrong with this system. It is in the democratic concept of protecting the public in administration of justice later.

But what is wrong is subversion of the privilege of self-oriented interests.

This is what destroyed Judge Haynsworth, and this is what the same elements intend to do with Judge Carswell, if they can. It matters not at all that both men are clean and that all the hunting and the interpretations of their past statements—in context, of course—have stirred up not even a little lint.

They don't care if the character, of the men is falsely sullied, or if the Supreme Court itself is damaged if in the end they can get a puppet of their own choosing on the court.

Who are these men responsible for interminable and costly delay in appointment of the Supreme Court justice?

They are several, but they represent for the most part organized labor which has boasted it controls senators—shackled through financing of campaigns. And labor makes no secret of the fact that it aspires to control the country politically through one of the major (Democratic) parties, if possible.

And in an uneasy alliance with labor are the professional race zealots and activists who automatically oppose any man from the South.

(We term this an uneasy alliance because between times race leaders are actively fighting organized labor over what they term discrimination against blacks.)

While this insupportable delay goes on, the public suffers and the court is crippled in a pandering to the whims of a few at the expense of the many.

But the public is more numerous and it is time it makes itself felt in demanding the Senate stop dallying and get down to the business of affirming Judge Carswell, labor and racists notwithstanding.

[From the Sun-Sentinel, Mar. 19, 1970]

BICKERING OVER CARSWELL ANTI-MAN OR ANTI-SOUTH?

(By William A. Mullen)

As the battle for control of the U.S. Supreme Court rages over the nomination of Federal Judge Harrold Carswell as associate justice, the opposition debate gets less and less concerned with fact.

The latest gambit is the charge raised by Sen. Joseph Tydings, D-Md., leader of the anti-Carswell forces, that endorsement of the Tallahassee-based federal appeals judge by an esteemed colleague had been withdrawn over racial conflict.

Senator Tydings implied that Judge Carswell had failed to disclose that former Chief Judge Elbert Tuttle of the U.S. Fifth Circuit Court of Appeals, had rescinded his endorsement of Judge Carswell.

The purported reason was Judge Carswell's involvement in the organization of an all-White private club.

At this writing, there has been no confirmation from Judge Tuttle that he intended to reverse his position on the Carswell nomination. Nothing has been said by him about the racial overtones. All that is definitely known is that Judge Tuttle informed Judge

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Carswell by telephone that he would not be able to testify in his behalf before the Senate Judiciary Committee.

But the Tydings insinuations perpetuate the racial allegations against Judge Carswell, to which have been added contentions by the United Steelworkers Union, AFL–CIO, that confirmation of President Nixon's nominee would indicate that "bigotry and incompetence" would not disqualify a man for the court.

The union, Senator Tydings, Sen. Edward Kennedy, D-Mass., Sen. Edward Brooke, R-Mass., the Senate's only Negro member, and a number of others opposing Judge Carswell for supposed bigotry all conveniently overlook an entry in the Feb. 16 Congressional Record that records support of the jurist by the former president of the Cleveland, Ohio, chapter of the National Assn. for the Advancement of Colored People (NAACP).

The entry is a letter to the editor published in the Cleveland Plain Dealer and written by Chester Gillespie, presently a member of the chapter's executive committee, urging that unless the NAACP "has very strong evidence against Judge Carswell," it should compromise and support Mr. Nixon's appointment.

The letter further states, in part:

"He (Judge Carswell) has made some mistakes in his several rulings, but he ruled a Negro must be served in a barber shop and that Negroes must be served in public restaurants, both in the State of Florida and his White friends were unhappy about these rulings and the barber closed his shop.

"Judge Carswell should be promptly confirmed so the court can function as the law requires and for the good and welfare of America. We cannot always get everything we desire."

That admonition is wasted upon the liberals who have shown they will fight any Southern conservative nomination, merely because of it being Southern and conservative.

In so doing, they are wholly unrealistic about giving proper regional and philosophical balance to the nation's highest court.

Other than Associate Justice Hugo Black, no southerner is on the bench, and he is 84 years old. Should his place in the court be vacated, the South would be without a voice in the court where a number of cases are brought directly against the South.

The court's only Negro justice, Thurgood Marshall, was born in Maryland, but his appointment was from New York. And he could hardly be regarded as a Southern conservative.

Three of the jurists are from the Northeast, the citadel of liberalism; one is from Ohio and another from Colorado.

Chief Justice Warren Burger resided in Virginia at the time of his appointment, but he is a native Minnesotan.

We believe Senator Tydings, et al., are more in opposition to President Nixon's intention of having, properly, more southern representation on the bench than they are against Judge Carswell, per se.

They would be wiser to heed Mr. Gillespie's views and his counsel that they cannot always get everything they desire.

[From the Fort Lauderdale (Fla.) News and Sun-Sentinel, Mar. 22, 1970]

Ex-Law Dean Says Carswell Unbiased

Tallahassee.—Supreme Court-nominee G. Harrold Carswell represents the "changing views of the South which are becoming strongly favorable to the advancement of Black people," Mason Ladd, former dean of law schools in Iowa and Florida, said Saturday.

Ladd said persons opposing Judge Carswell because they fear he would be racially-biased are "all wrong. On race, he is as fair as any northern judge."

He also said that the 50-year-old Tallahassee jurist, whose nomination is being hotly debated in the U.S. Senate, is competent and qualified to sit on the nation's highest bench "and would expect him to develop into a highly respected member of that bench."

"I firmly believe that were it not for the civil liberties attack upon him, his qualifications would never have been questioned."

Ladd gave up his position as dean of Iowa State University Law School in 1966 to head the new Florida State University Law School here which Judge Carswell helped to found.

Ladd stepped down as dean last year, but still teaches a course in evidence for one quarter each year.

The scholarly dean recalled in an interview that he became dean of the Iowa School in the late 1930's, succeeding the late U.S. Supreme Court Justice Wilie B. Rutledge, a Roosevelt judge whom Ladd supported and admired.

He said Carswell, federal district judge here for 18 years before his elevation to the Fifth Circuit Court of Appeals, "took a strong position supporting enrollment of Black students at the new law school."

Carswell was a member of the committee that helped get the school under way, Ladd said, "and there was a question whether Black students would be able to meet some admission requirements, particularly the Princeton National Education Testing Examination.

"Judge Carswell said we should admit Black students whether they met this test or not, if they were otherwise qualified."

"I am certain that, despite anything he might have said 20 years ago, Judge Carswell is not a racist and harbors no feelings of supremacy."

Civil rights leaders base part of their oppositions to Carswell on a 1948 campaign speech he made for the Georgia legislature race in which he spoke in favor of White supremacy. Carswell has since repudiated the remarks.

"On any issue related to civil rights, I feel he would approach the matter with open mind and decide the case with complete fairness and impartiality," Ladd added. "He does not have preconceived notions and his decisions show it."

He said he has had occasion to look at some of the judge's rulings in connection with research for his classes.

"He has a high sense of fairness, a sharp mind and sees points quickly. He has had excellent experience in a large federal court that has been overly-loaded with work. The practicing bar, which regularly appears before him, thinks highly of Judge Carswell."

Ladd, who expects to return to Iowa City after taking a short vacation over the Easter holidays, said that Judge Carswell has been criticized by some for not making a scholarly treatise out of every opinion.

"I would expect his opinions to be shorter in length than some, but clear, understandable and sound. He is very hardworking, honest and sincere."

[From the Orlando (Fla.) Sentinel, Mar. 22, 1970]

Control of Supreme Court Is Real Goal of Liberals

Editor: Now we have another group of immature whatnots demanding via petition that Judge Carswell's nomination be withdrawn. Does this bunch of young liberals, with minds still needing a bit of fertilization and experience, really believe or dream that they are qualified to pass judgment on the abilities of a man such as Judge Carswell, who has been on the bench for about 15 years and in practice longer than they are old? These young heads are so swollen with overdoses of protest and dissent that they have lost all sense of direction.

Now that the people do know that it is not Carswell's qualifications that are in question, it positively must be the extreme liberal anxiety to keep control of the U.S. Supreme Court. With this power they control the lives of all people in this nation. If these liberals are not stopped now, there is no telling how far they will carry this nation down the Marxist road.

Walter H. Ver Pault.

New Port Richey.

[From the Orlando (Fla.) Evening Star, Mar. 23, 1970]

Power Struggle Over Court

(By Ernest Cuneo)

Washington.—The fight against confirmation of Judge G. Harrold Carswell, as was the battle against Judge Clement F. Haynsworth, is the mere surface of the terrific power struggle underneath.

Judge Carswell and Judge Haynsworth, as persons, are relatively unimportant as compared with the much large issue of control of the Supreme Court.

The court has the ultimate power in this republic. When it declares a law unconstitutional, it nullifies an act of Congress because the Constitution, as conservative Chief Justice Charles Evans Hughes declared, means what the Supreme Court says it means.

In the past 20 years, the Supreme Court has placed new interpretations on the constitution which, in effect, changes the law of the land. In this respect, the Supreme Court is legislating new law.

There is nothing particularly new in this practice. It is as old as the republic. However, it does define the importance of the power struggle underneath. Since the Supreme Court is composed of only nine men, and since there are 100 men in the U.S. Senate, each Supreme Court justice has the power of at least 11 senators.

When, as has happened, the high court splits 4 to 4, it means that the vote of a ninth justice may result in the majority opinion of the court.

Thus, the vote of a new justice may decide what is the law and what is not.

While there is nothing particularly new in this, it explains the terrific power struggle. The last knock-down, drag-out battle for Supreme Court supremacy occurred in 1937. The conservative court ruled much of President Franklin D. Roosevelt's legislation unconstitutional.

President Roosevelt sought to overcome this judicial roadblock by adding enough justices to give him a majority which would uphold his legislation. He lost—at the height of his own popularity—the bitter battle.

But the Supreme Court, under this terrific presidential pressure, reversed its posture and held much of the president's new laws constitutional. And another factor entered: man's mortality. The justice were very aged in 1937. They dropped off the court and Roosevelt was enabled to appoint an almost entirely new court before he died in 1945, including moving up Associate Justice Harlan F. Stone to chief justice.

The new court took a much more liberal view than the older one under Chief Justice Hughes, and the court continued this trend under chief justices Fred M. Vinson and Earl Warren.

There is nothing particularly new in this pattern either. Chief Justice John Marshall was a strong federalist. Reversing this, Chief Justice Roger B. Taney, who followed him, was a strong states' rights advocate. For the next 65 years, conservative chief justices Salmon P. Chase, Morrison R. Waite, Melville W. Fuller, Edward D. White and William Howard Taft strongly held for property rights.

The Court was less conservative under Chief Justice Hughes, but it was conservative

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enough to bring on the confrontation with President Roosevelt.

The current power struggle, therefore, is not really about Judge Carswell, but over the composition of the Supreme Court. It appears that, to President Nixon, as to President Roosevelt, will come the necessity of naming a large number of Supreme Court justices, particularly if the President is reelected.

Aside from the vacancy caused by the resignation of Justice Abe Fortas, two associate members of the supreme court, Justice William O. Douglas and Justice John Harlan are over 70. Justice Hugo Black is 84 and none of these gentlemen enjoys the health they once had.

The Constitution requires that the President nominate and the Senate confirm nominations for the court. President Nixon has nominated conservatives in Judge Haynsworth and Carswell. The liberal Senate quite aside from the personalities of the President's nominees, wants to continue the power of the liberals on the court.

[From the Fort Lauderdale (Fla.) News, Mar. 23, 1970]

Not So Speedy Congress Really Drags Its Feet On Carswell Voting

While Congress is moving a bit faster this year with an eye to winding up its work before the fall campaigning gets under way, the spectacle of the United States Senate's delay in acting on the nomination of G. Harrold Carswell to the Supreme Court is not improving the image of our lawmakers in the least.

More than two months has elapsed since President Nixon submitted the nomination of the Florida jurist. That should have been ample time to develop evidence as to whether the nominee is worthy of confirmation.

The situation is important because the Supreme Court is operating with eight justices on the job rather than the full complement of nine. As a result, the court's work is being slowed.

Chief Justice Warren E. Burger is reported to have advised members of Congress of the problems being created and the likelihood that a backlog of cases will slow the processes of justice.

At a time when this nation has more than its share of problems related to maintaining law and order, this certainly cannot help the situation.

Opponents of the nominee have been successful in stalling the Senate vote while striving to dig up just a bit more evidence which might sway additional votes to block confirmation.

Fundamentally, the opposition rests on the fact Judge Carswell is a conservative and a Southerner, and that is distasteful to the liberals.

What is being done is to block representation of the majority in this country. It was quite evident in the 1968 election that some 57 per cent of the people voted a conservative line, favoring either Richard M. Nixon or the third party contender, George Wallace.

In the desperate liberal maneuverings, another aspect of political life was injected by Sen. Birch Bayh, D-Ind., who questioned whether Judge Carswell lacked the "professional excellence" required of the job.

Sen. Russell Long, D-La., answered that question, saying he would prefer having a "B student or C student who was able to think straight," than an A student with "corkscrew thinking."

Sen. Robert Byrd, D-W. Va., added: "Mediocrity cuts across senatorial lines as well as judicial lines. I haven't heard of any senators turning back their paychecks because of mediocrity."

The continued debate on Judge Carswell makes it appear that some of the senators not only are mediocre but afflicted also with corkscrew thinking.

The Senate should get on with its vote on the nomination without further delay. We are anxious to check out the eventual lineup to tally up the mediocre lawmakers and the degree of corkscrew thinking prevailing.

[From the Tallahassee (Fla.) Democrat, Mar. 20, 1970]

Carswell Praise Is Overlooked

(By Malcolm Johnson)

Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 467-page printed record on the Senate Judiciary committee hearings on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him, either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . a man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge."

Judge Bryan Simpson, who was held up by civil rights lawyers as the kind of Southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy: "Judge Carswell will take a standard of excellence to the Supreme Court . . ."

Judge David W. Dwyer: ". . . great judicial talent and vigor."

Judge Robert A. Ainsworth: ". . . a person of the highest integrity, a capable and experienced judge, an excellent writer and scholar. . ."

Judge Warren Jones: ". . . eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of antiracial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the Senate that is supporting him.

The press agent offers fresh news, while the record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative—than something complimentary. But it isn't a very good explanation, at that.

[From the Miami (Fla.) Herald, Mar. 24, 1970]

A Competent, No-Nonsense Practitioner: An Unenthusiastic Vote for Judge Carswell

(By James J. Kilpatrick)

Washington.—Some of the attacks that are being made upon Judge G. Harrold Carswell, and some of the impressions being pumped up in the phony groundswell against him, prompt a few words of rejoinder by one of the judge's unenthusiastic supporters, namely me.

The charges have to do with his record as a U.S. district judge, and with the testimonials for and against his elevation to the Supreme Court.

Carswell served as a federal judge in the Northern District of Florida from 1958 to 1969. The complaint is made that he left an "undistinguished" record behind, that he was frequently reversed by his circuit court, and that his written opinions in this period are the products of a mediocre mind at work.

Such an appraisal, it seems to me, is predicated upon a fundamental misunderstanding of the function of a district judge. His duty is not to erect great landmarks of the law. He does not sit as a philosopher, innovator, or architect. His principal responsibility is to dispose efficiently of the great mass of routine litigation coming before him.

Viewed in this light, the Carswell record suggests a competent, no-nonsense practitioner on the bench. As a district judge, he tried some 2,000 civil cases and an estimated 2,500 criminal cases. He kept his backlog down. And if he fired off no Roman candles of obiter dicta, so much the better.

For an example of the absurdity of some of the criticisms voiced against him, consider this heavy-breathing accusation from the Ripon Society: "Carswell's printed Dis-

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trict Court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell was on the district bench was 4.2 pages." These calculations were made, at heaven knows what tedious labor, "to the nearest tenth of a page." The analysis tells us more of the desperation of the Ripon critics than it does of the mediocrity of Judge Carswell.

The big push against the nominee last week had to do with testimonials pro and con. It is being made to appear that nobody, but nobody, has had a good word to say of him. Great weight is being attached to a full-page ad signed by 350 lawyers and law professors opposed to his confirmation. It is remarked, significantly, that Carswell's colleague on the Fifth Circuit, Judge John Minor Wisdom, has come out publicly against him.

By way of response, it may be suggested that most of the anti-Carswell crowd take one view of the law—a sort of flexible view—and they surmise, by the fact of President Nixon's sponsorship of the nominee, that Carswell on the high court would take a different view. They do not want such a judge confirmed; and that is their privilege. But their hostility to a Southern strict constructionist is not necessarily evidence of Carswell's unfitness.

As for Judge Wisdom, he is known to conservatives as a kneejerk liberal, and some say the appellation could be shortened. Carswell has the solid endorsement of the Florida State Bar Association, though its unanimous board of governors. Professor James William Moore of the Yale Law School, who got to know Carswell closely in formation of the Tallahassee Law School, describes him as a man of "great sincerity and scholarly attainments, moderate but forward-looking, and one of great potential."

My own enthusiasm for Judge Carswell is diminished by his evasive account of his participation in the golf club incident of 1956. He then took an active role, not a passive role, in transfer of the Tallahassee municipal golf course to a private country club. Forgive my incredulity, but if Carswell didn't understand the racial purpose of this legal legerdemain, he was the only one in North Florida who didn't understand it. But it was "never mentioned to me," and "I didn't have it in my mind, that's for sure."

Okay. Let it pass. On the whole record, Carswell is better qualified by experience than scores of nominees who have successfully preceded him. The high court is hurting for want of a ninth member. The sooner he is confirmed, the sooner he can get on with the business of building a new record to prove his critics wrong.

[From the Florida Times-Union, Jacksonville, Mar. 25, 1970]

Could Carswell Be Any Worse Than the Others?

(By John Chamberlain)

I am no student of the judicial opinions of Judge G. Harrold Carswell, but it amuses me to think that any lower court justice in the land could be deemed unfit to mingle on the Supreme Court bench with some of the alleged great brains that have been confusing the legislative function with the judicial for lo! these many years.

Quite privately I have long been convinced that one of the qualifications for a modern Supreme Court justice in the age of the Great Society must be that he is unable to read. How, save on the basis of functional illiteracy, can one explain the eight-to-one decision in the Mrs. Madalyn Murray school prayer case of 1963? Justice Tom Clark, who wrote the majority opinion which effectively made voluntary prayers or Bible-reading in the schools illegal, could hardly have had Article One of the Bill of Rights clearly before him when he spoke for the Court.

What this First Amendment to the Constitution says, quite explicitly, is that "Congress shall make no law respecting the establishment of a religion." Well, Congress never has tried to establish a national church; Congressmen, even the mediocrities among them, have been able to read. The First Amendment, however, conveys no hint of an instruction to state and the local communities about legislating on religious matters. (When the Bill of Rights was adopted some states actually had what amounted to local state churches.)

Presumably Articles Nine and Ten of the Bill of Rights, which defend rights "retained by the people" and "reserved to the States," leave it entirely up to the local voters in the local communities to do as they please about school prayers provided, of course, that individuals are not coerced into praying against their will.

If words mean what they say, eight Supreme Court justices should have been sent back to school for remedial reading instruction after the "Mad Murray" decision.

Then there is the case of Justice William O. Douglas, who has just come out with a book called "Points of Rebellion." Douglas, as a judge, is sworn to uphold the Constitution, the established fundamental law of the lands. This has not stopped him from writing this astounding passage: "We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution."

In my innocent way I had always thought the way to change our basic laws is prescribed in the Constitution which Justice Douglas is supposed to be protecting. The fundamental constitutive document of our Republic has been amended 25 times, proving that it can be done when the urge to depart from the older established law is compelling.

Should not one assume that any right-minded Supreme Court justice would insist that "revolution" is not to be supported in preference to amendment by anyone speaking as a member of the high bench? You can't very well advocate illegality out of one side of your mouth and presume to be taken seriously as a defender of the law when you sit on the cases brought before your court.

Let me say it again that I am not a competent judge of G. Harrold Carswell's legal acumen. To make a proper study of his record I would have to take a month off from my work as a commentator on affairs. Since I am under contract to deliver a certain number of columns to editors each week, no such time is available to me.

However, I do have time to look at individual court opinions and to refresh myself on the wording of the Bill of Rights. I would be willing to gamble that Judge Carswell couldn't do worse than five or six justices who have been legislating for us from the high bench for years. And I am sure that Judge Carswell would never, in his right mind, write a book condoning revolution when the amending process is open to those who want to change the law.

Some of our senators, speaking in defense of Carswell, have said the Supreme Court might benefit by the addition of a representative of "mediocre citizens." This is hardly the most felicitous way to put it. What we do have the right to expect is that judges should at least be able to understand English.

[From the Florida Times-Union, Mar. 26, 1970]

Neo-McCarthyism and Carswell

One of the most salient factors bearing upon the career of Judge G. Harrold Carswell, nominee to the Supreme Court of the United States, has been overlooked completely.

The smear and innuendo continue. The condescending deprecation continues with descriptions of his career as "pedestrian" and "mediocre."

But what did his fellow judges think of him even when there was no thought of his being nominated for the Supreme Court? That is a real criterion upon which to judge the worth and ability of the man.

They thought enough of him to elect him as their representative to the Judicial Conference of the United States from the Fifth Circuit on April 18, 1968.

The conference is composed basically of the chief judges of each of the 11 judicial circuits plus one representative elected by the circuit and district judges in each circuit and is presided over by the Chief Justice of the Supreme Court.

The conference itself might be called the "Cabinet" of the judiciary—one of the three distinct branches of the federal government. It is the governing body of the United States courts.

Carswell was one of two judges nominated for the post and his opponent was also a respected judge. The vote was 33 to 24 in favor of Carswell.

This is hardly the type of position to which the judges would want to send somebody who was "mediocre" or "pedestrian."

And it certainly stands as a far more persuasive testament to his competence than the statements of Ivy League law school deans or even the nine members of the Florida State University Law school faculty—five of whom have taught at FSU less than a year, one just short of two years and two more for four years. There is only one full professor in that group, five associate professors, two assistant professors and the librarian. Not a single one of them is even a member of the Florida Bar, according to Sen. Edward Gurney.

On the other hand, Carswell has been strongly endorsed by FSU Law School Dean Joshua Morse and former dean, Mason Ladd who is now in a teaching position.

Last July the Senate approved without dissent the elevation of Carswell to the Fifth Circuit Court of Appeals bench but now some of the Senators purport to have discovered that he is racially biased and/or incompetent.

What disturbs us most about some of the opposition is its utter lack of rudimentary fairness or perspective. The most trivial things are blown out of all proportion and innuendo is often stated as fact.

For instance, if we were to say that Senator Frank Church inserted into the record a letter from Moscow urging him to oppose Carswell, we would be factually correct. But, standing by itself, the statement would be utterly unfair because the fact that the letter came from Moscow, Idaho certainly clarifies the picture. We liken some of the tactics used to discredit Carswell to such an incomplete and misleading statement.

Creeping into this entire picture is a new McCarthyism being practiced by some of those who most decried the tactics of the now-deceased Senator Joseph R. McCarthy. The term—coined by Washington Post cartoonist Herblock—was defined in an unfriendly biography of McCarthy by Richard Rovere as "a synonym for the hatefulness of baseless defamation or mudslinging."

The charge of "racist" is hurled freely about by some of those who 15 years ago decried any imputation of sympathy with the Communists to anybody—even if it was based on evidence much less tenuous than that which attempts to paint Carswell as a racist.

Some of the ultraliberals who painted membership in subversive organizations during the Twenties and Thirties as harmless youthful flirtations with Communism in keeping with an intellectual fad of the times, now see dark racist conspiracies in almost every move of Carswell's.

Their pious pleas for fairness toward the

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political Left in those days, go unheeded today when they face the political Right.

There is a double standard applied and it is applied by some on both sides in the Senate—depending upon the political philosophy of the nominee.

In this case, let Sen. Jacob Javits of New York harken back to the transcript of his defense of the nomination of Constance Baker Motley to the U.S. District Court against unsubstantiated allegations and then let him contrast his own words then and his readiness now to draw sweeping conclusions without giving weight to the pro-Carswell testimony.

Some found Carswell to be evasive before the Judiciary Committee or refused to believe his contention that his part in the private club purchase of the former Tallahassee Municipal Golf course was not based on racism.

Yet, some of these same senators warmly praised the performance of Abe Fortas before the judiciary committee in 1965. They said nothing about evasiveness.

Here is a passage from the Fortas hearing transcript as printed in the Congressional Record:

Chairman: "Did you have any connection with the Southern Conference of Human Welfare?"

Fortas: "Mr. Chairman, I probably did in the early New Deal days. I am a little vague as to whether I was—I am a little vague as to whether I was a member of the Southern Conference, but I remember in the early New Deal days I, like a number of other southerners, thought it was a fine organization, dedicated to bringing the South out of the depths of the depression."

Chairman: "When did you quit the Southern Conference of Human Welfare?"

Fortas: "As I say, Senator, I am not sure I was ever a member of it. I am just giving you an attitude that I had along with many other southerners in those days."

Chairman: "You do not know whether you were a member or not?"

Fortas: "That is correct."

Now the question arises as to what kind of pillory would be applied to Carswell if he had answered any question in that manner?

We do not ask those senators who truthfully and honestly do not believe Carswell should sit upon the Court to go against their own consciences to vote for him. We rather ask that all of the senators put each bit of testimony pro and con into a proper perspective and refrain from political buzzardry in their consideration of the nomination.

Weigh the statements of those attorneys and others who said they received or observed fair and impartial treatment by Carswell as against those who said they did not.

Consider whether Carswell as a District Judge did what a judge in this position is charged to do—conscientiously and consistently follow the law rather than make it. We believe he did. That may not be the "brilliant" course but it is the correct course for a district judge.

Take the reversals of Carswell's opinions and examine them. See how many were due to changes in higher court rulings after Carswell made his own decisions.

Consider the case load of the court and the amount of territory served by Carswell—alone for most of the time he was a district judge.

Take it all into consideration—the bitter and the sweet—and make a determination based on the entire record.

There are indications that the smear campaign has been more effective than even those who did the smearing dared to hope. If so, this plea—even though it would hardly be heeded anyway—comes too late.

If so, with the nomination dies a little more of the integrity of those senators who bowed to pressure rather than to conviction. We believe there are more than a few of those.

Let those who decided to sacrifice Carswell on the altar of political expediency—and this does not include all of his opponents but certainly does include some—live with the knowledge.

To those who held to the courage of their real convictions in the face of the liberal avalanche, whether they opposed Carswell and thus rode the crest or stood by him and were crushed, our admiration and respect. Would that the Senate contained more like them.

[From the Tampa (Fla.) Tribune, Mar. 14, 1970]

Lack of Special Interests 'Hurts' Carswell

(By David Lawrence)

Washington.—The American people are being given an example of how a nationwide lobby is being conducted in an effort to prevent Judge G. Harrold Carswell from being confirmed as a Justice of the Supreme Court just because he doesn't hold views satisfactory to racial groups and some labor union partisans.

Although he was nominated more than two months ago, certain members of the Senate have managed to delay action to get time enough to carry on a campaign in various states where constituents have been influenced to send word to their Senators that Judge Carswell should not be confirmed.

After Judge Clement F. Haynsworth's nomination was rejected—also because of objections raised by civil rights and labor groups—and Judge Carswell's name was submitted to the Senate, it was generally agreed that the latter would probably be confirmed without difficulty.

But his opponents immediately adopted tactics of delay while lobbying campaigns were organized. Now rumors are being spread that the vote will be close, and attempts are being made again to put off action in the belief that the longer the motion to confirm is blocked, the better the chance of winning more Senators to the negative side.

During all the time that the campaign against Judge Carswell has been going on, nothing substantial has been revealed against him. The primary objection raised has been that 22 years ago he made a speech on the race question to which civil rights leaders object. But many other persons in public life today made speeches of the same kind in the years before the 1954 decision on public desegregation.

What the current controversy really means is that a President of the United States now is not supposed to appoint fair-minded and objective men to the Supreme Court and that only those who have partisan views are presumed to be suitable.

It is significant that, when Thurgood Marshall, a Negro who served as counsel for the National Association for the Advancement of Colored People in the school desegregation cases, was nominated to the High Court, there was no lobbying movement against him. If, however, civil rights groups stir up racial feelings, it is doubtful whether in the future another Negro will ever be appointed and confirmed to the Supreme Court without controversy.

Voters generally are not familiar with lobbying tactics. But the defeat of two nominees for the Supreme Court by civil rights groups and their allies—namely, certain labor union leaders—could create a feeling of widespread resentment throughout the country.

It seems strange that members of the Senate are trying to tell the President the views a man must hold before he can be confirmed as a Supreme Court Justice. Maybe this means that the highest court in the land hereafter will be a political body and appointees will have to show their support of various "causes."

Throughout our history the Supreme Court has prided itself on indifference to party politics and devotion to basic principles of law as set forth in the Constitution. But in recent years even these precedents have been broken down, and the Supreme Court has undertaken at times to "rewrite" the Constitution. Small wonder that partisan groups are anxious to make sure that newly appointed Justices will rule their way.

[From the Florida Times-Union and Jacksonville (Fla.) Journal, Mar. 29, 1970]

Where Are Carswell's Defenders?

One of the distressing aspects of the attack on Judge G. Harrold Carswell has been the failure of the Nixon administration to mount a defense.

The judge himself can hardly do so. Judicial protocol decrees that he sit back and take what is thrown at him.

It may be that the administration concluded that it went too far in defending Judge Clement Haynsworth and that some senators were angered by administration pressure.

With the Carswell nomination it seems to have gone to the other extreme and left Carswell out on a limb alone. Yet much of the case against Carswell is built upon clever propagandizing of the testimony of persons who started out prejudiced against him. It can be easily refuted, mitigated or at least put into context.

The opposition is well organized and has all the research facilities it needs. Carswell's life has been meticulously researched, for the most part by persons anxious to find something which will damage him.

Sen. Alan Cranston of California has now said that he will hold a news conference tomorrow to disclose some new damaging information. We have no idea what it will be but if it is of the same quality as the rest, it can be answered.

Let's look at the plus side of the ledger for a moment. If we wait for the New York Times, the Washington Post, Time, Newsweek or Life Magazine—or the national television networks—to do so, we'll be sadly disappointed.

The American Bar Association's standing committee on the federal judiciary found Carswell qualified for appointment in 1958 to the U.S. District Court, in 1969 to the Fifth Circuit Court of Appeals and in 1970 to the U.S. Supreme Court.

"In the present case," the latest ABA committee report states, "the committee has solicited the views of a substantial number of judges and lawyers who are familiar with Judge Carswell's work, and it has also surveyed his published opinions. On the basis of its investigation, the committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States."

Dean Louis Pollak of Yale Law School doesn't agree. He says that Carswell "presents more slender credentials than any nominee for the Supreme Court put forth in this century." That statement is repeated lovingly by the Carswell opposition—it has become their rallying cry.

The dean is a scholar. And one could be persuaded by his testimony if it is viewed as the dispassionate work of a scholar. But the dean is also an advocate, whether consciously or not. He is listed in Who's Who as a member of the board of the NAACP Legal Defense and Educational Fund and President Nixon hardly had the word "Carswell" out of his mouth before the NAACP came out in opposition.

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That fact doesn't negate the dean's testimony but it should be borne in mind in considering whether the testimony might not be affected—even unconsciously—by the all out campaign of civil rights groups to defeat Carswell's nomination.

Let's look at another view from Yale, from a scholar with much more in the way of credentials than even Dean Pollak. This view is from Yale's Sterling Professor of Law, first recipient of the Learned Hand medal, former member of the Supreme Court's Advisory Committee on Civil Rules and author of numerous law tomes.

Professor James William Moore testified:

"I have a firm and abiding conviction that Judge Carswell is not a racist, but a judge who has and will deal fairly with all races, creeds and classes. If I had doubts, I would not be testifying in support, for during all my teaching life over 34 years on the faculty of the Yale Law school I have championed, and still champion, the rights of minorities.

"From the contacts I have had with Judge Carswell, and the general familiarity with the Federal judicial literature, I conclude that he is both a good lawyer and a fine jurist . . ." He concludes by saying that Carswell should be confirmed for the Supreme Court.

The so-called record of reversals—one drawn up by the Ripon Society and the other by some students of the Columbia School of Law—also needs a good going over.

Many reversals were over the issue of summary judgment, and in most of these summary judgment cases Carswell's decision was affirmed after an evidentiary hearing.

The testimony of one black attorney and several other civil rights attorneys that Carswell was brusque towards them should be accompanied by an investigation of their own attitudes in court—did they give the judge reason to be brusque?

Any attempt to tie this in to an antipathy on Carswell's part toward black attorneys or toward civil rights in general is effectively countered by the testimony of the black attorney of whom the Baltimore Afro-American newspaper said: "If it's integrated in Florida, Attorney C. Wilson helped to do it."

Attorney Charles F. Wilson wrote to the Senate Judiciary Committee:

"As a black lawyer, frequently involved . . . in civil rights cases in his (Carswell's) court, there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions. I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases and the only disagreement I had with him in any of them was over the extent of relief to be granted."

The administration should present Carswell's defense without further delay.

Mr. HOLLAND. Mr. President, I also ask that the article appearing in the April 4, 1970, issue of Human Events entitled "Stakes Are Big in Carswell Fight" be printed in the RECORD at this point. This article comes to grips with the problem confronting some Members of the Senate, and I feel it would be well worth the time and effort of Senators to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAKES ARE BIG IN CARSWELL FIGHT

(Liberals could well succeed with vicious propaganda campaign.)

It has come down to the wire for Judge G. Harrold Carswell. The Senate unanimously agreed last week to put President Nixon's nomination to the test by scheduling at 1 p.m., April 6, a vote on a motion to send Carswell's name back to the Judiciary Committee. Everyone knows that the outcome will all but determine whether Carswell will be confirmed (pro-Carswell readers, therefore, should write or wire their senators *now*).

If the move to recommit wins, Carswell—barring a miracle—almost certainly will be out and the President will have to choose yet a third nominee to succeed the discredited Abe Fortas.

The liberals, of course, smell blood, as Carswell's support has reportedly dwindled from 70-odd to 50-odd senators, and by April 6 the balance may have even shifted against the nominee. The nation's major news media have poured out tons of anti-Carswell propaganda, and the Capital's morning metropolitan daily, the Washington *Post*, has outdone itself in printing slanted news stories, editorials, cartoons and columns. Everywhere the liberal litany is the same: Carswell, the racist; Carswell, the mediocre.

The sound and fury, however, are not being directed against the Florida judge because of his qualifications. What is really being staged in the Senate is a monumental battle over who will control that extraordinarily powerful institution of government, the Supreme Court: President Nixon's "strict constructionists" or the social engineering activists so beloved by the liberals.

As Alan L. Otten, a liberal columnist for the *Wall Street Journal*, recently put it:

"The Northern Democrats, Negro leaders and other liberals who fought the Supreme Court nomination of Clement Haynsworth and are now opposing that of G. Harrold Carswell have frequently appeared to be battling with an intensity out of all proportion to the matter involved.

"And yet they know precisely what they are about: Not merely to block one man's confirmation, but to prevent a dramatic rightward shift in the High Court's decisions, a shift that would affect the nation for decades."

The case against Judge Haynsworth, concluded Otten, was "remarkably thin" and men "of unimpressive learning have been named to the court before."

The liberal forces, Otten stressed, "desperately want to block the Nixon Administration's obvious intention to name as justices, one after another, men almost sure to turn the High Court sharply away from the liberal expansionist policies laid down over the past 17 years by the Warren court.

"Such a turn would probably mean more restrictions on the use of government power to solve racial problems, less government intervention in business affairs, a less friendly attitude toward labor unions, a more sympathetic view of police power, coupled with less sympathy for the rights of criminals and protesters and less aggressive emphasis on racial integration."

That, indeed, is what the furor is all about. And those who vote to kill Carswell's nomination—and a vote to recommit is the indirect and cowardly way to do so—should be held strictly accountable at the ballot box.

It is perfectly clear that President Nixon will not be able to achieve crucial domestic reforms until the philosophical complexion of the Supreme Court drastically changes. One of the President's most important campaign promises—and one that he has diligently tried to carry out—has been his vow to wage a war on crime. But he can *never* win that war so long as the current liberal majority on the court continues to unchain criminals on the tiniest of technicalities.

The President is eager to clamp down on violence-prone radicals who are now engaged in sabotage and terror tactics against government officials, businesses and the American people, but his program won't go anywhere so long as the Senate keeps torpedoing conservative jurists who are likely to endorse—rather than strike down—reasonable anti-subversive laws.

A vote against Carswell—either directly or through a recommital motion—is, in our firm opinion, tantamount to a vote encouraging criminals and political acts of terrorism. If your senator wants that on his conscience, so be it.

If Carswell were truly unfit to be on the High Court, we wouldn't want him there either. At the risk of being repetitious, however, we contend that both the "racist" and "mediocre" charges are nothing but part of a full-blown smear campaign to discredit the nominee. And look at who's questioning Carswell's qualifications!

First there's that pillar of virtue and integrity, Sen. Edward Kennedy. The hero of Chappaquiddick, who was chucked out of Harvard for cheating and who unsuccessfully tried to foist on the federal bench Francis X. Morrissey—a Kennedy family crony and an American Bar Association reject—has had the gall to insinuate that the *nominee* is "unworthy of respect" and "honor." Frankly, there are many who think that Teddy should gracefully retire when weighty issues involving morality arise.

Organized labor's pawn in the Senate, Birch Bayh of Indiana, has tarred Carswell with the racist brush, but Bayh himself, it turns out, was a member of Alpha Tau Omega at Purdue and received its Thomas Arkle Clark "man of distinction" award in 1951, when its charter limited membership to "white Christian males."

Former Vice President Hubert Humphrey, another critic of Carswell's supposed lack of sensitivity toward minorities, lived in a house with a restrictive racial covenant for 16 years when he was a U.S. senator. All the while, of course, Humphrey was beating his breast about what others should do for Negroes.

Certainly one of the smuggest Carswell critics has been New York gubernatorial candidate Arthur Goldberg, who modestly enough, recently asserted that Carswell was "not fit" to sit in the same judicial seat once held by Goldberg himself. His old seat, Goldberg contended, had been held by such illustrious judicial heroes as Joseph Story, Benjamin Cardozo and Felix Frankfurter. Goldberg conveniently omitted that it had also been held by Justice Samuel Chase, who was impeached by the House, and by Abe Fortas, who resigned rather than face impeachment proceedings.

Goldberg, furthermore, had a rather, well, mediocre career on the bench. A high-priced union lawyer much of his adult life, Goldberg had had no judicial experience when he ascended to the High Court.

Once having arrived, Goldberg compiled a lackluster record, junking his judgeship in 1965 for a remarkably undistinguished career as ambassador to a most undistinguished organization, the United Nations. Carswell's own judicial background, in point of fact, is clearly superior to that of Goldberg's.

There is nothing wrong with the present nominee that a fair hearing by the press wouldn't cure. Carswell, as we have pointed out before, has had a wide variety of legal and judicial experience. He has been in private practice, was appointed U.S. attorney for the Northern District of Florida in 1953 and five years later became the youngest judge in the country. Considered an exceptionally competent practitioner on the bench—he tried some 4,000 civil and criminal cases—Carswell was elevated to the 5th Circuit Court of Appeals last year. Bear in mind the fact that the Senate continued to endorse his way up the judicial ladder, while the American Bar Association also repeatedly gave him its stamp of approval.

When President Nixon nominated Judge Carswell for a position on the Supreme Court, the ABA's Standing Committee, on the Federal Judiciary twice concluded, unanimously, "that Judge Carswell is qualified for appointment as associate justice of the Supreme Court of the United States." Judge Walsh, who heads the committee, stated that the committee's judgment was based upon the views of a cross-section of the best-informed lawyers and judges as to the integrity, judicial temperament and professional competence of the nominee.

In his so-called "mediocre" career, Judge Carswell has actually had three times the combined bench experience of all the Kennedy-Johnson appointees to the Supreme Court.

Judge Carswell has also been active in the field of judicial administration. He has served as a member of both the Judicial Conference's Committee on Statistics, which plays an important role in recommending to Congress the creation of additional federal judgeships, and its Committee on Personnel, which deals with problems relating to the administration of the Judiciary. So well thought of was Carswell by his colleagues that in April 1969 he was chosen by the circuit and district judges of the 5th Circuit to be their representative to the Judicial Conference.

The charge of racism stems largely from his "white supremacy" statement uttered 22 years ago in the heat of an election campaign. Standard Southern rhetoric at the time, the statement, made in response to criticism that he was too liberal, has been thoroughly repudiated. How do the liberals find this incident so different from Bayh's "white-only" fraternity membership or Humphrey's restrictive covenant?

Critical mention has also been made of Judge Carswell's purchase in 1956 of a $100 interest in the Capital City Country Club. It was charged that the municipal golf course in Tallahassee was transferred to Capital City, a private club, for the purpose of avoiding the Supreme Court decisions of November 1955 requiring municipally operated recreational facilities to be desegregated. Yet the hearings show that the transfer move had been under serious discussion since 1952—long before the 1955 decision.

The majority report of the Judiciary Committee concludes that "Carswell's brief and insubstantial connection with Capital City furnished no valid basis for criticism. Even if it be assumed that some of those involved were improperly motivated, the fact remains that Judge Carswell was not. The extent of Judge Carswell's participation was comparable to that of former Gov. Leroy Collins, who appeared before the committee. No suggestion has been made that Gov. Collins acted improperly in purchasing an interest in the country club, and the same standard should be applied in regard to the nominee." The Carswell hearings, in fact, are replete with testimony refuting the "racist" contention.

Joseph H. Lesh, formerly special assistant to Attorneys General Herbert Brownell and William P. Rogers as executive officer in charge of all U.S. attorneys, has said: "Shortly following the controversial *Brown* decision on segregation, I held a conference in Washington of all the Southern U.S. attorneys to help the Department of Justice to implement the decision. Harrold Carswell was the only U.S. attorney who was helpful to me and the department in this respect."

Prof. James W. Moore, Sterling Professor of Law at Yale University, who is part Indian himself, testified in support of Carswell's confirmation. Recounting that Carswell about five years ago was instrumental in setting up a first-rate law school at Florida State University, Prof. Moore said:

"I was impressed with his views on legal education and the type of law school that he desired to establish: a law school free of all racial discrimination—he was very clear about that; one offering both basic and higher legal theoretical training; and one that would attract students of all races and creeds and from all walks of life and sections of the country."

Charles F. Wilson, a Negro currently employed as deputy chief conciliator for the U.S. Equal Employment Opportunity Commission, wrote a letter to the Senate Judiciary Committee in defense of Carswell's conduct on the bench.

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," said Wilson, a civil servant who originally obtained his job with the EEOC when LBJ was President, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases field in his district. He invariably granted the plaintiffs favorable judgments in these cases and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Testimony of this nature saturates the hearings. The truth about Judge Harrold Carswell was actually summed up in the New York *Times* on Jan. 21, 1970. Before Senate liberals unleashed their barrage of charges, *Times* writer Fred P. Graham wrote: "Judge G. Harrold Carswell, President Nixon's new nominee to the Supreme Court, has a virtually unblemished record as the type of 'strict constructionist' that Mr. Nixon promised to appoint when he campaigned for the presidency. . . .

"In 11 years as a Federal District judge in Tallahassee, Fla., and in six months as a member of the United States Court of Appeals for the 5th Circuit Judge Carswell sprinkled the lawbooks with opinions on matters ranging from civil rights to the legality of Florida's poultry law.

"Throughout these opinions runs a consistent tendency to view the law as a neutral device for settling disputes, and not as a force for either legal innovation or social change. . . .

"These opinions [on the Court of Appeals] reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by invoking some settled precedent, and who rarely finds the need for referring to the social conflict outside the courtroom that brought his cases before him."

A study in 1968 analyzed the civil rights decisions of the 31 Federal District judges appointed to posts in the Deep South between 1953 and 1963. When the study rated the 31 judges in terms of the number of times they had ruled in favor of Negro plaintiffs, Judge Carswell ranked 23rd. The study showed that of his civil rights decisions to be appealed, 60 per cent were reversed. Though these reversals have been used to reveal Carswell's supposed "racism," Graham stated the essential facts of the matter:

"In most of these cases, Judge Carswell would have had to move beyond clearly settled precedents to rule in favor of the civil rights position. When those precedents have existed, he has struck down segregation in crisp, forthright opinions."

In short, Carswell is what President Nixon and Atty. Gen. John Mitchell say he is: a strict constructionist. The Administration needs him to help tip the balance of the High Court to the conservative side. And that is the reason—and the only reason—the liberal lynch mob in the Senate and in the press is now going after Judge Harrold Carswell's scalp.

Mr. HOLLAND. Mr. President, since there has been some reference to the fact that certain junior law professors at Florida State University are opposing Judge Carswell, I want the record to show again that former Dean Mason Ladd, who was before that the dean of the Iowa State Law School, strongly supports him, and that this is shown in the record; and that the dean of Florida University Law School, Dean Frank E. Maloney, strongly supports him. That, too, is in the record in writing as well as the fact that the present dean of the Florida State University Law School, Joshua Morse, strongly supports Judge Carswell.

Mr. President, I do not know of any case where one could hope to obtain a more unanimous verdict of the outstanding lawyers and judges in a nominee's own State. We have a bar of about 12,000 members, the third largest in the Nation, which is shown to be behind this nominee. Yet Senators on this floor, who do not know Judge Carswell, are asking other Senators who do not know Judge Carswell to knock him down because some people from other States, who have come in there, are complaining of his attitude in a limited number of cases during his years of service since 1953 as district attorney, district judge, and judge of the Circuit Court of Appeals.

Mr. President, there is a strong case for the confirmation of the nomination of Judge Carswell, and I want the Members of the Senate to realize that never in my life have I seen such a unanimous endorsement by men of the highest character—and the Judges on our Supreme Court and on the district courts of appeals of Florida and our circuit judges are men of the highest character. The deans of our law schools are men of high character. The present president of the Florida Bar Association and the three immediate past presidents, all of whom are endorsing Judge Carswell, are men of high character.

Mr. President, shall we rely on endorsements of that kind, or ignore them and take these slanted attacks which are made on him, and place our confidence in them?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Kansas.

Mr. DOLE. As the Senator indicates, there is strong sentiment throughout the country for Judge Carswell. Some reference has been made to a newspaper advertisement by 400 or so lawyers and law professors. On checking the list, I find that 126 are practicing lawyers. There are some 300,000 practicing lawyers in America; about 1[illegible]0,000 of these are members of the American Bar Association. There are some 4,500 law professors, in some 145 law schools, in America. Yet we are asked to give consideration to this list, which contains about 300 of their names.

I think one might again ask the question, are we to take the word of three-tenths of 1 percent of the lawyers, or to rely upon men like the Senator from Florida, who have known Judge Carswell throughout the years; or those who have served in the same circuit, and who have practiced before his court?

There is a strong case for the nomination of Judge Carswell. Every Senator, this morning, had a letter on his desk indicating that a majority of the members of the Committee on the Judiciary believe there is no need for further hearings. This makes an even stronger case for the defeat of a motion to recommit.

Mr. President, only twice before in our history has there been a motion to recommit a nomination of a Supreme Court Justice to the Committee on the Judiciary. Once was in 1922, when Pierce Butler's name was before this body, and the other instance was in the case of Sherman Minton in 1946.

In both those cases, the motion to recommit was defeated by an overwhelming vote. I would say of the Senator from Florida, who has served here much longer than I probably will, and who has the great respect of everyone in this body, that he would not stand on this floor today and ask anyone to support Judge Carswell unless there was strong foundation for the request, and unless he really and truly believed, based on objective analysis, that Judge Carswell is qualified to serve and that he is a man of excellence.

So I say, as the Senator from Florida has said most eloquently, that it is our right, our privilege, and above all, our responsibility to face issues in the Senate, and not try to duck or dodge the issue by sending this nomination back to committee.

I would agree with one line in the Washington Post editorial of yesterday, wherein they quoted Robert Morris, at the time of the Constitutional Convention, to the effect that we in the Senate have a responsibility, in voting to be "open, bold, and unawed by any consideration whatever," or by any pressure which might be applied.

The Senator from Florida has made an excellent case this morning.

Mr. HOLLAND. I warmly thank my distinguished friend.

Mr. President, again, in closing, I would remind the Senate that Dean Maloney, a respected educator, is strongly supporting Judge Carswell; that Dean Morse of the State University Law School is doing the same; and that former Dean Ladd, who, before he came to Florida, was dean of the Iowa State Law School, is doing the same.

Are we to ignore the verdict of these outstanding men of this time?

Mr. President, I yield the floor.

THE RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The PRESIDING OFFICER (Mr. STENNIS). The Senator is correct. Under the previous order, as the Chair understands, the Senate is now in the morning hour, with a 3-minute limitation on statements.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Has the time been set for the Senate to meet at 10 o'clock on Monday morning next?

The PRESIDING OFFICER. The Senator is correct. It has been set.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. A question arose today with respect to a ruling of the Chair with which I found myself somewhat surprised. Specifically, a ruling was made by the Chair earlier that the Pastore rule of germaneness is in effect even if a measure is taken up by unanimous consent and is noncontroversial. The effect of the ruling, I understand would be to allow speeches made that are not germane to the unfinished business even though they are delivered shortly after the unfinished business is laid before the Senate.

Based on prior interpretations of the words "pending business" contained in paragraph 3 of rule VIII, I must admit that the ruling of the Chair is the correct one. But before the precedents were cited to me, the Senator from Montana, as the majority leader, was acting under a misapprehension. Unless the matter is worked out, therefore, it will be the intention of the leadership, from this time forward, not to call up bills under a unanimous-consent agreement before or during the morning hour, because of the fact that, under the present rule and the precedents, the germaneness rule is operative as to any business, however noncontroversial, that happens to come before the Senate first in a given day.

I think it is most unfair and I think it is most inappropriate to operate on that basis, because as I have understood the term "unfinished business," and as I have tried to operate under the germaneness rule, it would apply to the first business on which there would be an extended debate. It is my intention to ask the Committee on Rules and Administration to review the present procedure with a view to changing the rule to apply to major pieces of legislation and not to noncontroversial legislation about which there is no argument and no debate.

Therefore, until further notice, it will be the intention of the leadership not to bring up these noncontroversial bills until sometime after time under the rule of germaneness has expired as to major items under debate. If other items are brought up under unusual circumstances, a special unanimous-consent request will be made to the effect that the Pastore rule of germaneness not apply.

I commend the Chair for the correct decision. I am sorry that I was not aware of just what "pending business" had been construed to mean. I did not realize that it applied to a noncontroversial bill. But with that explanation, I wanted to make my position clear, and to indicate how the leadership would operate from now on, on noncontroversial bills on which there would be no debate.

I would hope, however, that for today, with the consent of the distinguished Senator from Wyoming and the distinguished Senator from Florida, we would allow the rule of germaneness to operate. I do not think the full 3 hours will be taken, and the time allocated to those two Senators would then be taken up on the basis of the request granted earlier.

Mr. HANSEN. Mr. President, if I may, I ask unanimous consent that we may proceed for today as has been suggested by the distinguished majority leader. No one has been more generous, more kind, or more fair than he has been, and I am delighted indeed to acquiesce in his wishes.

I would hope that the Senate will agree that there may be a withholding of the implementation of the rule for today, until an appropriate time, so that the distinguished majority leader may be able to give the other Senators who would like to speak an opportunity to do so, before I speak and before the distinguished junior Senator from Florida (Mr. GURNEY) speaks.

I am very happy to accede to the wishes of the majority leader.

Mr. MANSFIELD. The distinguished Senator from Wyoming is always most understanding, gracious, and considerate. May I say that I do not expect the 3 hours to be taken up under the rule of germaneness, and as soon as we can, we will accommodate the distinguished Senator.

May I say also that it has been the intention of the leadership throughout this session, for Senators who have speeches of any length, to give them primary consideration before we get into morning business, so that they could proceed uninterrupted.

With that explanation, I shall take my seat. Again I commend the Chair and the Parliamentarian for making the correct decision. We will try to rectify the situation some time in the future.

The PRESIDING OFFICER. Is there further morning business?

THE NOMINATION OF JUDGE G. HARROLD CARSWELL

Mr. DOLE. Mr. President, the person who wrote that "a foolish consistency is a hobgoblin of little minds" may have had the Washington Post in mind, but I doubt it.

The Post lacks any consistency at all. Rather, it has developed to perfection the knack of making the argument fit the nominee.

What it likes, it argues for. What it does not like, it argues against, using the exact, same argument.

Yesterday was a prime example of this peculiar Washington Post syndrome.

First of all, the Post took a part—not all, but just a part—of a letter from the President to Senator SAXBE, and from this portion it deducted that the President had insulted the Senate and gone beyond the limits of constitutional propriety by insisting on his right to name a qualified man to the Supreme Court.

This, the Post says, must not be. The Senate, it says, shares the appointive power. In other words, it no longer has

XUM

the power to advise and consent, but it actually shares in the appointive process.

That is the Post's opinion today, because today the Post does not like Judge Carswell. But what about the past? Let us take a look.

On Friday, November 21, 1969, in an editorial, the Post said:

> But the right to put a name in nomination is given by the Constitution to the President. The Senate should not be in the position of asking whether the President could have chosen more wisely than he did but whether the man he picked is qualified to serve.

Note, Mr. President, not whether he is the best man, not whether his philosophy is properly liberal, but if he is qualified to serve.

The next day, November 22, the Post makes it even clearer:

> But we thought the appointment was his to make for better or worse—and in the absence of any plain evidence of wrongdoing on the Judge's part.
>
> Funny. That is what the President said.

Now, Mr. President, I would like to go to the Post's editorials dealing with the matter of Justice Fortas.

On Thursday, October 3, 1968, the Post said:

> None of this, however, can gloss over the ugly and spurious character of the main thrust against the Fortas nomination. Behind the attack was hatred of the President and a desire to discipline the court for libertarian decisions which protected the basic constitutional rights to freedom of expression and to due process in criminal proceedings.

XUM

In the Post's eyes, opposition to Judge Fortas had nothing to do with honor and ethics, only with hatred and desire to get even.

Let me continue, Mr. President. On September 6, 1968, the Post said the confirmation of Justice Fortas "is the most important obligation currently confronting the Senate. It is an obligation because only the crassest political partisanship could explain a failure to confirm the President's nomination of a man already confirmed as an Associate Justice."

Now, to make one final point about the vagaries of the Washington Post. September 16, 1968: "All we urge," the Post urges, "is that in the end the Senate vote the nomination up or down."

Mr. President, that is all many of us are urging. Vote the Carswell nomination up or down, not sideways.

It will be interesting to see where the Washington Post stands in the next controversial issue. We can be sure, I think, of only one thing—that it will not stand where it stood before, wherever that might have been.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Is there further morning business?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may speak for 10 minutes.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

VIOLATION OF THE FOREIGN ASSISTANCE ACT

Mr. BYRD of Virginia. Mr. President, many times I have stood on the floor of the Senate and expressed my concern over continued free world shipping into North Vietnam.

Nations that are presumably our friends continue to allow ships flying their flags to carry cargo into the Port of Haiphong. In so doing, they give aid to a nation with which we are at war.

The United States has suffered 350,000 casualties in Vietnam. Of these, 50,000 have been killed. The casualties are continuing, and totaled 9,411 dead and wounded during the past 3 months—yes, during the past 3 months, 9,411.

We are asking our young men to sacrifice their lives; yet we cannot prevail upon our allies to stop shipping into North Vietnam.

Congress has taken notice of this problem before and has written into the Foreign Assistance Act provisions denying aid to those free world countries which allow ships flying their flags to trade with North Vietnam—and with Cuba.

Legislation on this subject was first introduced in 1966, when the Senate passed an amendment sponsored by myself and Senator DOMINICK.

The essence of this amendment has been part of both the authorizing and appropriating legislation for foreign assistance since that time.

It has come to my attention that the administrators of our foreign aid program have violated this legislation.

I speak specifically of the aid extended to the Somali Democratic Republic.

The Somali Democratic Republic is a country about the size of Texas on the East Coast of Africa. It has a population of about 2.7 million.

The country is made up of former Italian and British colonies and has been independent since July 1, 1960.

Somalia is currently governed by a Supreme Revolutionary Council of 25 members which seized power in October 1969. The governing constitution was abolished by the Supreme Revolutionary Council when they assumed control.

Somalia has pursued a policy of nonalinement and received economic aid from the United States, Russia, and Communist China. Russia has provided about $35 million in military assistance.

Since 1967, the United States has extended $24.7 million in aid to the Somali Republic. During the same period, she has allowed ships flying her flag to enter the ports of North Vietnam on 20 occasions. Somali registered ships have also stopped at Cuba 20 times during this same period.

To extend even $1 of aid to this country contradicts the mandate of Congress. The language is clear and unambiguous. Section 620–N of the Foreign Assistance Act states:

> No loans, credits, guaranties, or grants or other assistance shall be furnished under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act to any country which sells or furnishes to North Vietnam, or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, so long as the regime in North Vietnam gives support to hostilities in South Vietnam.

How, Mr. President, can we continue to give aid to the Somali Republic when she has clearly violated the terms of the basic foreign aid legislation passed by Congress?

How can our State Department completely ignore the expressed will of Congress embodied in clear and precise legislative language?

The fiscal year 1970 foreign assistance budget requests clearly point out the blatant attempt to ignore the legislative restrictions on our foreign aid program. AID included an item for $2.5 million for grants to Somali. But in the first quarter of this year, Somali flag vessels have called on North Vietnam on three separate occasions.

I will say at this point that my attention was called to the Somali ships by one of the outstanding newspapermen in the United States who was writing a series of articles and was in Haiphong, in North Vietnam.

ORDER OF BUSINESS

The **PRESIDING OFFICER**, (Mr. STENNIS). Two hours having expired, I am sorry to have to interrupt the Senator from Virginia, but we are now at the point of taking up the pending business. The clerk will state the pending business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Virginia may proceed for an additional 3 minutes.

Mr. TOWER. Mr. President, will the majority leader include in his request 2 additional minutes, so that I may proceed?

Mr. MANSFIELD. I make that same request.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

VIOLATION OF THE FOREIGN ASSISTANCE ACT

Mr. BYRD of Virginia. Mr. President, section 107(b) of the 1970 appropriations bill, now Public Law 91–194, clearly states:

> No economic assistance shall be furnished under the Foreign Assistance Act, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.

Yet, not only does the aid continue for this year, there is also a request for an additional $2 million for fiscal year 1971.

The only conclusion I can draw from these facts is that the clearly expressed mandate of Congress has been violated and that our own Government will not utilize all of the tools available to it to make our so-called friends cooperate with our effort in Vietnam.

I invite the attention of the Senate to

this violation by the Agency for International Development.

More than money is involved. Of even greater concern is the complete disregard of a congressional mandate.

Mr. President, I ask unanimous consent to have printed in the RECORD an AID list of aid to Somali for the fiscal years 1965–70; also a list on the total aid provided for the Somali Republic for 1965–70 and the number of Somali-flag ships visiting or carrying commodities and cargo to North Vietnam and Cuba for the years 1965–70; and a table showing free world shipping to North Vietnam for the year 1969 and free world shipping to Cuba for 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A.I.D. ASSISTANCE TO SOMALI REPUBLIC

[U.S. fiscal years—In millions of dollars]

Program	1965	1966	1967	1968	1969	1970
Loans	.6	0	13.2	0.1	0	0
Grants	3.8	4.0	2.0	3.4	2.57	2.0
Public Law 480	2.5	.2	.1	1.0	0	.5
Total	6.9	4.2	15.3	4.3	2.57	2.5

Year	Total AID assistance (millions)	Somali-flag vessels	
		North Vietnam	Cuba
1965	6.9	0	0
1966	4.2	0	0
1967	15.3	0	2
1968	4.3	9	11
1969	2.6	8	7
1970	2.5	[1] 3	([2])
Total	35.8	20	20

[1] 1st quarter.

[2] None.

FREE WORLD SHIPPING TO NORTH VIETNAM 1969

	British		Somali		Cyprus		Singapore		Japanese		Maltese		Total	
	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT
January	8	34,597	2	8,973	1	2,137							11	45,707
		47,200		12,600		3,100								62,900
February	6	30,824			1	2,137	2	8,148	1	3,896			10	45,005
		44,300				3,100		11,000		6,000				64,400
March	6	27,870	1	8,997									7	36,867
		39,600		13,500										53,100
April	7	29,714	1	3,378					1	695			9	33,787
		50,000		5,000						717				55,717
May	9	45,802	1	4,534	1	2,137					1	5,333	12	57,806
		63,400		6,000		3,100						9,400		81,900
June	6	30,195	2	7,912	2	7,308	1	4,224					11	49,639
		47,100		11,000		12,200		6,500						76,800
July	6	31,660	1	3,378									7	35,038
		42,400		5,000										47,400
August	4	25,589			2	9,226							6	34,815
		41,100				13,200								54,300
September	4	16,714			1	2,137	1	4,880					6	23,731
		23,400				3,100		8,900						35,400
October	4	20,024			1	6,996			1	695			6	27,715
		27,500				10,900				717				39,117
November	7	33,889											7	33,889
		41,100												41,100
December	7	30,797											7	30,797
		40,400												40,400
Total	74	357,675	8	37,172	9	32,078	4	17,252	3	5,286	1	5,333	99	454,796
		507,500		53,100		48,700		26,400		7,434		9,400		652,534

FREE WORLD SHIPPING TO CUBA 1969

Flag	January	February	March	April	May	June	July	August	September	October	November	December	Total
British	3	4	7	8	2	7	2	4	3	2	3	5	50
Cyprus	7	7	4	8	14	7	8	14	16	11	9	11	117
French	1		1										2
Italian	1	1		2	2	1	2	1	1	1	2	1	15
Somali	1	1		3		1	1						7
Yugoslav			1	1	1	1		1			1		6
Maltese					1								1
Lebanese			1	1	1			1					4
Finnish			2										2
Total	13	13	16	23	21	17	13	21	20	14	15	18	204

S. 3671—INTRODUCTION OF A BILL TO RETURN TO FEDERAL DISTRICT COURTS THEIR ORIGINAL JURISDICTION IN UNFAIR LABOR PRACTICE CASES

Mr. TOWER. Mr. President, on Wednesday of last week, I took the floor of the Senate to announce that I would introduce legislation to return to Federal district courts their original jurisdiction in unfair labor practice cases. At that time, I explained that I believe this to be necessary, to reestablish the separation of powers which existed prior to establishment of the National Labor Relations Board and to reaffirm our commitment to this relationship in Government.

Our experiment with mixing legislative, executive and quasi-judicial powers in the same agency—at least in the case of the National Labor Relations Board—has demonstrated the wisdom of our forefathers who warned against unchecked political power. After 35 years of experimentation under the National Labor Relations Board, let us be frank enough to admit that the experiment has not been a success. Of all the regulatory agencies comprising the so-called fourth branch of Government, the Labor Board has established the worst reputation. It has ignored the intent of Congress. It has become a policymaking body and has not hesitated to rewrite the law to suit its own purposes. It has subordinated the rights of individual employees, small unions and employers through biased decisions favoring big unions. In no small measure our present persistent labor relations problems derive from the structure which we have set up.

There is no need to continue this past mistake. The Federal court system contains the apparatus to deal with unfair labor practice cases. We should take advantage of it.

Mr. President, I introduce this bill for myself, the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Utah (Mr. BENNETT).

I ask unanimous consent that, in view of the separation of powers function involved, the bill be referred to the Senate Judiciary Committee.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred; and, without objection, will be referred to the Committee on the Judiciary.

The bill (S. 3671) to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. district court, and for other purposes, introduced by Mr. TOWER, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary by unanimous consent.

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ORDER OF BUSINESS

Mr. DOLE. Mr. President——

Mr. MANSFIELD. How much time does the Senator from Kansas want?

Mr. DOLE. Five minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Kansas be allowed to proceed for 5 minutes, and that after that, the unfinished business be laid before the Senate, when time will begin to run on the Pastore germaneness rule.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

NOMINATION OF JUDGE G. HARROLD CARSWELL

SOME OF THE OPPONENTS OF CARSWELL

Mr. DOLE. Mr. President, Michael E. Tigar, whose signature appears on page 15 of the petition dated March 12, 1970, opposes the nomination of Judge Carswell. Tigar appeared on the Martin Agronsky show, shortly after the nomination and confirmation of Warren E. Burger to be Chief Justice of the United States. He expressed some reservations about Burger during the program, but after the program, he made the following statement:

> What I wanted to say was that I considered the Burger appointment a disaster, a disaster. (The Washington Post, "Potomac," Sunday, June 22, 1969, page 11.)

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Tigar does not oppose just Carswell, but Burger also. Does he oppose all conservative nominees?

Perhaps. Here is a list of some of his clients, as stated in the Potomac article of June 22, 1969:

> Since then Tigar has advised or represented clients whose names make up a partial roll call in the battalions of the New Left—Yippie leader Abby Hoffman (for conspiracy in the Chicago convention disorders), Karl-Dietrich Wolff (a German leftist who was summoned to testify before the Senate Internal Security Subcommittee); demonstrators arrested in the October, 1968, march on the Pentagon; ten George Washington University law students who allegedly took part in the seizure of the Sino-Soviet Institute and the members of the Students for a Democratic Society regional office in Washington. (Page 9.)

While in school, Tigar also worked for a radio station in Los Angeles.

> At one point, on principle, he quit the air for eight months because the station stopped carrying the shows of Herbert Aptheker, a member of the Communist party and a historian. ("Potomac", June 22, 1969, page 13.)

Tigar says:

> Since there are house counsels for large corporate interests skirting the edges of the antitrust laws, why shouldn't there be lawyers talking with people skirting the edges of disorderly conduct laws? ("Potomac", p. 12.)

Tigar, representing Abby Hoffman, one of the defendants in the Chicago conspiracy trial, was ordered arrested by Judge Hoffman and held in contempt of court on September 25, 1969, as a result of his failure to comply with the provisions of the rules regarding withdrawal of counsel—Washington Post, September 27, 1969.

Tigar was the attorney who incorporated the Washington regional chapter of Students for a Democratic Society.

I might say here, Mr. President, that I am very much pleased to know that this particular attorney opposes the nomination of Judge Carswell. I would hate to have him on the other side.

Let me take another name who opposes Judge Carswell and who signed the petition.

Thomas I. Emerson, a professor of law at Yale Law School, likewise signed the petition opposing Judge Carswell's confirmation. Mr. Emerson has had a long record of association with the far left. He is perfectly entitled to his political views, but one wonders whether he, any more than Tigar, could really approve any Court nominee other than a doctrinaire liberal.

Emerson was the candidate of the Independent Peoples Party for the governorship of Connecticut in 1948. In 1949, he was State chairman of the successor organization, the Peoples Party of Connecticut. He was prominent in the National Committee To Secure Justice for Morton Sobell, the convicted Communist spy. In the Smith Act trial brought in New York City against the second-string Communist Party leaders, Emerson represented 16 of the 17 defendants in pretrial matters. He was later a defense witness in the Smith Act trial of the Seattle defendants.

Mr. President, I invite attention to these facts because there has been so much discussion on the Senate floor by opponents of Judge Carswell that we should listen when any opponent speaks, that we should vote against the nomination of Judge Carswell based on advertisements in the newspapers signed by, as I stated before, three-tenths of 1 percent of the lawyers of this country—including the two specifically referred to.

It seems strange that we, as Senators, should abide by the wishes of this very, very small minority, when considering that there are some 300,000 practicing attorneys in America today and some 148,000 members of the bar.

I certainly recognize we all have the right to differ and the right to disagree. But it might be well to indicate, as I have in the past few minutes, two persons who oppose this nomination. I am pleased they do oppose the nomination. If they were supporting Judge Carswell, I would have second thoughts.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOAN FOR CERTAIN TRANSMISSION FACILITIES

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, information relative to the approval of a loan to the Sho-Me Power Corp. of Marshfield, Mo., for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1970 (with an accompanying report); to the Committee on Armed Services.

LIST OF PRINCIPAL AND ALTERNATE CANDIDATES FOR THE 1970 REGULAR NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM

A letter from the Chief of Naval Personnel, Department of the Navy, transmitting, pursuant to law, a list of principal and alternate candidates selected for the 1970 Regular Naval Reserve officers training program (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF THE FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT ON FEDERAL WATER RESOURCES RESEARCH PROGRAM FOR FISCAL YEAR 1970

A letter from the Chairman, Federal Council for Science and Technology, transmitting, pursuant to law, a report of the Council entitled "Federal Water Resources Research Program for Fiscal Year 1970," dated December 1969 (with an accompanying report); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the U.S. Government Printing Office for fiscal year 1969, dated April 3, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Commodity Credit Corporation, for fiscal year 1969, Department of Commerce, dated April 3, 1970 (with an accompany report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Mr. Git-Chuen Henry Wong from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on February 1, 1969 (with an accompany paper); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Vietnam Veterans Assistance Act of 1970

A letter from the Administrator of Veterans Affairs, Washington, D.C., transmitting a draft of proposed legislation to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITION AND MEMORIAL

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate a petition and a memorial, which were referred as indicated:

A resolution of the Legislature of the State of Colorado; to the Committee on Post Office and Civil Service:

"Senate Memorial No. 1

(By Senators Gill and DeBerard)

"Memorializing the Congress of the United States to enact legislation to ensure an accurate enumeration of population in the 1970 census by requiring that the enumeration of students attending institutions of higher education be based upon their true residence rather than upon temporary residence.

"Whereas, The Secretary of Commerce of the United States in promulgating rules and regulations governing the taking of the 1970 census, has decreed that all students attending institutions of higher education shall be enumerated at the place where they reside while attending such institution, without regard to whether such residency is permanent or temporary, without regard to the age of the student, and without regard to legal residence under the statutory law of the state; and

"Whereas, Such procedure, if carried out, will result in inherent inaccuracies in the enumeration of the true population of the towns, cities, and counties of this state, with serious ramifications to the citizens of this state resulting from the fact that such matters as the boundaries of senatorial, representative, and congressional districts are dependent upon the official reports of the federal census; now, therefore, be it

"*Resolved by the Senate of the Forty-seventh General Assembly of the State of Colorado,* That the Congress of the United States is hereby memorialized to enact legislation and to take such other steps as may be within its power to ensure the accuracy of the enumeration of population in the 1970 federal census by requiring that the enumeration of students attending institutions of higher education be based upon the true residence of each such student, rather than upon residency which is only for the purpose of attendance at any such institution.

"*Be It Further Resolved,* That copies of this Memorial be sent to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the Secretary of Commerce of the United States, the Bureau of the Census, and the members of Congress from the State of Colorado.

"Mark A. Hogan,
"*President of the Senate.*
"Comfort W. Shaw,
"*Secretary of the Senate.*"

A letter, in the nature of a memorial, signed by certain editors and staff of the Howard University School of Law, Washington, D.C., remonstrating against the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. CANNON (for Mr. Anderson), from the Committee on Aeronautical and Space Sciences, without amendment:

S. Con. Res. 49. A concurrent resolution to provide for congressional recognition of the Goddard Rocket and Space Museum (Rept. No. 91–756).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Vice Adm. John Marshall Lee, U.S. Navy, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

William C. Burdett, of Georgia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Malawi;

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary to Costa Rica;

Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary to France;

William D. Brewer, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Mauritius; and

David M. Abshire, of Virginia, to be an Assistant Secretary of State.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWER (for himself, Mr. Fannin, Mr. Goldwater, Mr. Dole, Mr. Ervin, Mr. Thurmond, and Mr. Bennett):

S. 3671. A bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the U.S. district court, and for other purposes; to the Committee on the Judiciary, by unanimous consent.

(The remarks of Mr. Tower when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. STEVENS (for himself and Mr. Gravel):

S. 3672. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. McGEE (for himself and Mr. Hansen):

S. 3673. A bill to authorize the Secretary of the Interior to convey certain water rights to the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

S. 3674. A bill for the relief of Maj. Stanley E. Brereton, U.S. Air Force; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 2293

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. Pell), I ask unanimous consent that, at the next printing, the names of the junior Senator from Colorado (Mr. Dominick), and the senior Senator from California (Mr. Murphy), be added as cosponsors of S. 2293, to authorize additional appropriations for the national sea grant college program.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. RES. 375

Mr. GURNEY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Church) be added as a cosponsor of Senate Resolution 375, to honor and commend Capt. Robert M. Wilbur and copilot, James E. Hartley, for their heroism.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

AIR-TRAFFIC SLOWDOWN

Mr. GOLDWATER. Mr. President, today marks the ninth day that a militant group of air traffic controllers, led by an unscrupulous, over ambitious attorney with nothing but his selfish interest at heart, has brought the finest air transportation system in the world to a virtual standstill.

Two hundred million Americans should not be made to wait for mail, or to circle airports in holding patterns, or to wait hour after hour for transportation to and from different cities of this country, or to and from loved ones with whom they might spend a few precious days of vacation.

The time has come in the minds of most citizens of this country, and I hope in the minds of many Members of Congress, that we must give serious consideration and discussion to whether or not a Federal employee may strike

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against the people. I have always believed that the right to strike is really the only weapon that a worker has; but, when a person goes to work for the Federal Government, he is in effect working for the people, and in my opinion, he should be denied the right to strike.

Title 5, section 7311 of the United States Code says in part:

> An individual may not accept or hold a position in the Government of the United States or the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the government of the United States or the government of the District of Columbia;

I have been a pilot for over 40 years and have kept abreast with most of the problems of aviation and its associated industries.

I have had great sympathy for the dedicated professional air traffic controllers and expressed my feelings before this body on February 25, 1970, during the airport/airways user bill debate. I would like to read into the RECORD a portion of my remarks at this time:

> Mr. President, any of us who have been acquainted with radar knows that this is a very, very difficult assignment. It is difficult on their eyes. And it is difficult mentally. It is an extreme responsibility to place on one man, the responsibility for a dozen or more aircraft in a heavily congested part of the airway system. This would include both those controllers in centers and those controllers in the tower.
>
> I am glad to see that in the pending legislation there is a recognition of this problem.
>
> I do not go along with those who feel that the controllers should be allowed in effect to join a union so that they could threaten the system with strikes or even to strike. I think we should be ahead of them and provide all they are asking. We are long overdue on this. In that way, we could prevent another catastrophe from happening such as the sick-out we had before or a strike because the controllers justifiably think they should be getting more than they get today.
>
> I cannot think of a job today that is more exacting or demanding on a man's physical ability than the jobs I am talking about.

The airways/airport bill was passed by both Houses of Congress last month and is now in conference committee. The major reason for my deciding long ago to support this legislation was that it recognized the long overdue needs of our airways system for additional controllers, improved working conditions and funds to upgrade and modernize air traffic control equipment.

In addition to the 2,000 new controllers that Congress authorized hiring last year, the new legislation in the forthcoming period of time and with assistance from funds provided in this bill the number of controllers in fiscal 1971 will be increased by 4,141; in 1972 we add another 1,075 new controllers; and in 1973 add another 1,380; in 1974 we add another 1,406; and in 1975 we add another 1,679, so that between today and 1980 we will provide funds to hire 19,109 additional air controllers.

It was made clear in debate on the airways/airport bill that in many instances controllers are operating with outmoded equipment and that certainly is not consistent with present-day technology and capability. But in the bill we provided a very substantial portion of the total funds for the purpose of upgrading the entire system.

Under subsection 2(b) of section 204 we have provided a provision for improving air navigation facilities which states:

> The Secretary is authorized within the limits established in appropriations acts to obligate for expenditure not less than $250 million for each of the fiscal years 1970 through 1979.

This will permit the Secretary to upgrade air navigation facilities and the facilities with which the controllers do their job. We also provide in subsection (c) for additional funds available to assist in providing research and development. We recognize the need of getting up to date on the problems and finding better ways to solve them as they relate to safety and air navigation. This is the kind of attack this bill is going to make on a very serious problem.

The deliberate defiance by the controllers of their responsibility to the traveling public, to the Federal Government, and to the courts of our land is inexcusable. These controllers have refused to recognize that Congress is cognizant of their problems.

The controllers have disregarded the Federal court issued restraining order and subsequent injunction ordering them back to work. They have been so gullible as to be led by the "Pied Piper," F. Lee Bailey, who has only his own interest at heart. He has convinced 50 percent of the air traffic controllers to join his organization PATCO. He guaranteed these controllers that his competency as a criminal attorney enables him to protect them from any harm coming to them as the result of defying Federal law by walking off their jobs and then sweetened the pot by guaranteeing each controller shorter working hours, better equipment, and an increase in pay.

The controllers who have left their jobs have certainly lost my support. They are playing with the lives, safety, and well-being of all air travelers. This utter disregard for safety is inexcusable and cannot be tolerated. I have listened to and read with disgust the TV, radio, and newspaper coverage of F. Lee Bailey and his attempt to justify his irresponsible actions.

This morning Bailey gave a true indication in Federal district court of his attitude toward the injunction ordering the controllers back to work. He informed the court that if he was found in contempt of court he believed that the air traffic slowdown would worsen. He indicated that a fine against him would do nothing more than agitate the controllers that had stayed away from their jobs for the past 9 days. Bailey further showed his contempt for the law by requesting subpenas be issued to 90 controllers, from the Washington Center, to appear in court to substantiate his remarks regarding conditions.

Bailey has organized the most militant group of controllers into striking for additional benefits, shorter working hours, improved equipment, and more controllers. Bailey has finally indicated what his real goal is, the removal of air traffic controllers out of Government service into a quasi-public corporation such as the one proposed to operate the strife-torn postal service. Bailey would, as head of such a corporation, have all the dictatorial powers that many labor union leaders possess. There is little doubt in my mind that he proposes to expand his leadership to the Airline Pilots Association and ultimately become the "George Meany of Aviation."

The selfishness of the controllers has resulted in tragic financial losses to our already depressed airline industry. Executives of one airline informs me that the first week of the controllers slowdown has resulted in a loss in excess of $2½ million. They were forced to cancel 740 hours of revenue flying and the additional holding over airports waiting to land have totaled in excess of 730 hours of additional flying time.

It is my hope that Congress will voice unanimous support of the administration's ultimatum that those controllers who abided by the law be rewarded and those controllers who defied the responsibility they accepted when they became controllers be suspended or fired.

If we add to the two crippling strikes, whether they be called sickouts or what, the threatened strike of the Teamsters Union, this country can face total economic paralysis within the coming few weeks.

I think it is past time that the Congress conduct hearings to look into the problems involved relative to the complaints of the workers and to, at the same time, reassert the position of the Federal Government that it is illegal to strike against the Government, which in effect is striking against the people.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Chairman John H. Reed of the National Transportation Safety Board to Secretary of Transportation Volpe and the remarks of Secretary Volpe and Administrator of the FAA, John H. Shaffer regarding the air traffic controllers slowdown and fact sheet on PATCO.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,
NATIONAL TRANSPORTATION SAFETY BOARD,
Washington, D.C., April 1, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: This letter is to inform you of the Safety Board's concern and action regarding the safety of air traffic durthe current controller absenteeism prompted by recent PATCO actions.

The Board immediately alerted its Bureau of Aviation Safety staff, including our 11 field offices, to be watchful of any indication of safety problems during the current slowdown of air traffic movements in the national air space system, with particular emphasis on whether there were any serious operational incidents (near collisions or unsafe air traffic procedural practices) prompted by the Air Traffic Control system.

In addition to alerting each field office, the Board dispatched two air traffic control specialists from Washington to observe air

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traffic control operations at New York, Chicago, and San Francisco. Our surveillance of air traffic control operations at these facilities was carried out from March 30 through April 1, 1970.

Our observations of the operations at these facilities reflect a sound operating policy. The FAA has adjusted the number of flights accepted into the system consistent with the reduced capability of the system to control traffic brought about by this situation. This reduction of traffic accommodated and the curtailment of optional services has enabled the system to function at its normal level of safety. In addition, we have received no reports of near collisions or unsafe air traffic control practices. As a result of our efforts we conclude that there is no evidence to date of any degradation of safety in the Air Traffic Control system.

We shall continue our general surveillance of the situation and shall continue to keep you advised.

Sincerely yours,

John H. Reed,
Chairman.

Remarks by Secretary of Transportation John A. Volpe Following a Meeting With PATCO Representatives on February 15, 1970

We have just concluded an informal meeting with representatives of the Professional Air Traffic Controllers Organization. This meeting was held to establish an agenda for a more formal meeting tomorrow at 10:30 a.m., to be held at the Labor Department.

Both parties today agreed that the meeting on Monday will concern improved communications between FAA management and the Professional Air Traffic Controllers Organization, and to develop fact finding procedures for the pending Baton Rouge personnel transfers.

At Monday's meeting, a representatve of the Federal Mediation and Conciliation Service will serve as mediator to develop procedures for further fact finding, if necessary.

Representing the Department of Transportation at tomorrow's meeting will be James M. Beggs, Under Secretary of Transportation. His alternate will be Edward V. Curran, the Department's Labor Relations Officer. FAA Administrator John Shaffer will repersent the FAA. His alternate will be Nathaniel Goodrich, FAA General Counsel.

I think the meeting we have just concluded was fruitful and significant. And I might add these meetings show that the Department of Transportation, the FAA, and PATCO are more than willing to maintain open lines of communication.

AFTER REMARKS BY F. LEE BAILEY FOR PATCO, SECRETARY VOLPE ADDED

I will meet shortly with the representatives of the Air Traffic Controllers Association, the National Association of Government Employees and the National Association of Air Traffic Specialists.

Statement by Secretary of Transportation John A. Volpe, February 15, 1970

I have met with representatives of the Air Traffic Control association, the National Association of Government Employees and the National Association of Air Traffic Specialists.

We advised them that the Department of Transportation is more than willing to maintain open lines of communication.

I firmly believe that we can resolve any differences that may exist between the FAA and the air traffic controllers if discussions are continued in a spirit of goodwill.

This afternoon's meetings will be followed by a meeting of all air traffic control organizations on February 26.

Statement by John H. Shaffer, Administrator, Federal Aviation Administration at a News Conference in Washington, D.C., March 26, 1970

Let me begin by giving you a brief rundown on the situation as it stands right now. On the three shifts yesterday, about 17 per cent of our journeymen controllers stayed off the job. This is about 12 per cent more than normal. Today, the situation is about the same. Certainly it is not spreading.

We have had a few trouble spots—New York, Cleveland, Minneapolis, Oakland. But we also have numerous bright spots. At the Atlanta, Jacksonville, Memphis and Indianapolis Centers, to name just four, we have been running close to 100 per cent in staffing. As for our airport control towers we have had very little trouble there. Only about a dozen of our 350 towers have reported unusual absenteeism.

I think you can see from these figures that those people who have tried to shut down the system have fallen flat on their collective faces—and we know whose face that is. Traffic is moving—with some delays in some parts of the country to be sure—but it is moving. Not a single air traffic facility was closed.

In this respect, I would like to emphasize how very proud Secretary of Transportation Volpe and we in FAA management are of the great majority of our air traffic controllers and other employees who have responded magnificently in the present crisis and kept the traffic moving both safely and with amazing efficiency considering the circumstances. I don't believe that there is a more dedicated, a more loyal or a more selfless group of employees either in Government or private industry.

It's most unfortunate, therefore, that the irresponsible and illegal actions of a small minority—and believe me they are a small minority—have reflected discredit on the entire profession. As for those who have stayed off the job, let me add that I have a certain sympathy for them as well. I think these people have been ill advised and misled by a handful of men whose actions have been characterized consistently by a thirst for power and an utter disregard for the law.

And let me say a word about FAA's systems maintenance and flight service station workforce. These are the people who keep the radars, communications and other equipment operating with such a high degree of reliability in our centers and towers. These people have consistently demonstrated their loyalty to the agency by refusing to engage in any kind of work demonstration.

Another point which I think needs to be made here today concerns the operation of the air traffic control system when we are faced, as we are now, with a shortage of personnel. There is no truth whatsoever to the allegations being circulated that the system cannot function safely because we never put more aircraft into the system than can be handled safely. Traffic flow is always matched to system capacity. We never sacrifice safety in an effort to cut delays. In fact, delays are the safety valves we use to insure safety.

Another allegation which we cannot ignore concerns the use of trainees and/or supervisory personnel on control positions which they are not qualified to man. In rebuttal, let me say simply that we have not and will not use any man on any control position if he cannot do the job. Statements to the contrary are a deliberate effort to frighten the public. As for the charge that some controllers are on tranquilizers or other drugs, this hardly warrants an answer, but for the record let me say we've checked it out and found it has absolutely no foundation.

Let me add here as well that the agency has *not* relaxed any of the regulations insofar as the controller's work requirements were concerned. They are permitted to work a 10-hour day, with overtime pay, and authorization has been given for them to work a 12-hour day, but strictly on a volunteer basis. No controller will be directed to work a 12-hour day. Moreover, we have no plans to implement a seven-day work week. We believe six straight days on the job is enough, especially in the present situation.

A great many statements also have been made on the whole subject of the air traffic controller's working conditions, pay, career opportunities, etc. If you listen to these statements, you get the impression that FAA is on one side of the fence and the unions on the other. This is not the case at all. Actually, we're very close together in our general aims for improving the controllers' career. It's a shame that one particular union wastes so much time fighting battles already won and slaying dragons already dead. With a little cooperation on their part, I think we could move ahead much faster. As Secretary Volpe said yesterday in Boston, "You don't correct the problems by staying off the job."

Let me give you just a few examples of what has been done for controllers in recent years to make this a more desirable career.

To ease the workload, we requested and received authorization in our 1970 Fiscal Year budget for 3,800 new positions for air traffic control. This is in addition to the more than 3,000 controllers authorized in the 1968 and 1969 Fiscal Year budgets. Moreover, we're asking for another 2,265 in our 1971 budget. Add these up, and you'll see that over this four year period we will have added some 9,000 persons to the controller work force—a virtual doubling of that workforce.

With regards to pay, the agency succeeded in getting civil service approval for reclassification and promotion which eventually affected more than 11,000 controllers. Each was promoted to a higher grade. Our journeymen controllers in our busiest facilities are now GS–13s who have a base pay of $15,812 and this doesn't include the various premium pay differentials which normally accrue to shift workers.

As for overtime, which is a continuing source of complaint, we have made considerable progress in reducing scheduled overtime. Only a handful of our 350 towers—less than 10, I believe—are still on regular overtime. Center overtime also has been reduced by 11 per cent and only 12 of our 21 centers in the continental U.S. are still using regular overtime.

And before us lies the passage of a landmark piece of legislation—the Aviation Facilities Expansion Act which will provide some $2.5 billion in the 70s for hardware improvements in the airways system. This along with our automation program currently being implemented in all the domestic centers as well as in the busiest towers should cure many of the complaints about equipment. This automation program, by the way, chalked up a historic first last week: An American Airlines flight from Philadelphia to Los Angeles was processed entirely across the nation by computers.

As for further improvements, we have the recent report of the Corson Committee to guide us. And if you believe the allegations that we plan to ignore the recommendations in this report, I think all I need to say by way of rebuttal is that we hired the staff director of the Corson Committee—Bert Harding—as our new Associate Administrator for Manpower. He's already taken a number of steps to implement various recommendations in the report. For example, a new Office of Labor Relations has been established reporting directly to Mr. Harding. A number of action groups also have been established to develop implementation programs in such areas as recruitment and selection, training,

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career progression, alternate employment or retirement management relations and so on. Employee organizations will be given an opportunity to participate fully in the development of these programs.

I don't want to go on too long here today, but I think a few words about the situation which purportedly sparked the present walkout are in order—that is, the transfer of three controllers from Baton Rouge to other facilities. I'm not going into the long history of this. Suffice it to say that the transfers were ordered in an effort to upgrade the professional level of the Baton Rouge facility and improve overall morale there. The transfers were handled in full accord with Civil Service regulations. PATCO has challenged the transfers in three courts without success to date. They were not punitive in nature and there was nothing vindictive about our actions. We merely wanted to get some new people in the facility who had a broader range of experience than the incumbents. People with complex motives may find this hard to believe, but it's true nonetheless.

In conclusion, let me emphasize that FAA is not "out to get" PATCO or any other employee group. Nothing irritates me more than to read in the newspaper or hear on the radio or television that the agency is engaged in a running feud with PATCO. We have tried diligently and conscientiously to treat all employee groups fairly and impartially, as we are required to do by law. Moreover, we shall continue to follow this policy in accordance with the new Executive Order 11491. However—and this is a big however—we will not hold any discussions of any kind with PATCO officials while its members are still out on strike.

I am ready for your questions.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., March 30, 1970.

To: ATC personnel who have stayed on duty in towers and centers:

The President, the Secretary, the public, an the industry have told me to their great admiration for the tremendous job you have been doing in handling during this critical time the increased work caused by others who have deliberately stayed away from work I share that admiration and am delighted to pass it on to you. Your performance has been without equal in the history of the FAA. We intend to recognize your extraordinary contributions in a tangible way. Instructions are being issued to provide cash awards appropriate to your situation and to the additional workload you have been handling, and for special recognition in your personnel files which will be taken into account in future promotion and other actions.

J. H. SHAFFER.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., March 30, 1970.

To: All ATC employees who have been away from work:

As you know, we have issued notices of proposed dismissal to all employees who did not comply with the message from your facility chief giving 24 hours in which to return to work. These notices were issued in accordance with Civil Service laws and regulations. We suspected, at the time, and our subsequent discussions with controllers have confirmed, that most of you have been misled by strike organizers and, in such cases, the ultimate penalty of dismissal is not appropriate.

Our policy for those who now want to return to work is as follows: You will be charged for being absent without leave for those days you have missed. That means, you will lose pay for those days. In addition, you will be suspended without pay at some time in the future for a number of days equal to the number of days you stayed away from work. The longer you stay out, the greater the penalty you incur. The sooner you return, the less penalty you risk.

Of course, if you were genuinely ill during the past week or on authorized annual leave, the penalties stated above will not apply.

Unfortunately, some employees led or actively encouraged other employees to stay away from work. For them, the penalties must be more severe.

J. H. SHAFFER.

OPENING STATEMENT BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT A PRESS CONFERENCE, MARCH 30, 1970

Let me say that what we are faced with what amounts to a strike situation— a strike called for by the leaders of PATCO and joined by a few militant members of that organization. For the most part, the vast majority of our air traffic controllers—who are represented by a total of six employee organizations—have remained on the job and have remained loyal to their oath of service to the United States government.

Since the beginning of the episode—and despite the subsequent call for a walkout by PATCO attorney F. Lee Bailey on Thursday night—some 90-percent of the total air traffic control workforce have remained true to their professional standards by staying on the job. These men have already been commended by President Nixon for their dedicated public service and will be further rewarded by the Federal Aviation Administration.

For those few who have participated in this strike against the Federal government—against the American public—appropriate action as outlined in FAA regulations and Civil Service laws will be taken if they do not return to work immediately. Those men have been so informed by telegram and by telephone.

Let me stress that our airways system is safe. I am certain that professional pilots would not take off if they did not think this were so. True, flights have been cut back. This has been done to insure the ultimate in flying safety. Our system is the safest in the world—as evidenced by the fact that American aviation had its lowest accident rate in ten years during the year 1969.

The problem we are faced with has two major aspects. A strike—an *illegal* strike—and safety. The safety of the flying public is our major concern. Safety will not be compromised—in any way. This means some delays—delays which are the result of an illegal action.

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT A MEETING WITH EMPLOYEE ORGANIZATIONS, APRIL 1, 1970

First, I want to expres my sincere appreciation to the members of your organizations who have so steadfastly remained at their post of duty during this strike. May I also express my appreciation to each of you for your support.

The events in connection with the Air Traffic Controllers' strike of the past few days have been hectic and accompanied by a great deal of misinformation. I thought I should ask you to come in so I could explain the situation as it really exists. The important point I want to make is that we have not been negotiating with PATCO, F. Lee Bailey or any of the PATCO officers.

The strike started on March 25, Wednesday. On the same day we went into court and obtained a temporary restraining order or injunction against PATCO and its officers or anyone else participating in the strike. The order expires on April 6, 1970. Based upon the temporary restraining order, we contacted each employee who was absent, advised him of the convents of the order as it affected him, and told him that if his absence continued for more than 24 hours after receipt of this telegram or if he failed within that time to furnish adequate medical proof of his illness, adverse action would be initiated against him. Telegrams or registered letters were then sent to employees as quickly as possible. Those employees who complied with the provisions of the telegram or letter and were absent on other than a bona fide leave were carried in an absent without leave status for the period of absence in duty. Those employees who did not comply with the provisions of the telegram or letter were served with a notice of proposed removal.

On Monday, after confirming our suspicions that most of the controllers had been deluded by strike organizers, we advised that in such cases the ultimate penalty of dismissal would not be appropriate. Those who want to return to work now will be charged with absence without leave for the days that they were out. In addition, at some future date, they will also be suspended for the number of days equal to the number of days they stayed away from work. Those who were genuinely ill or were authorized annual leave, of course, will not be penalized. Those who led or actively encouraged employees to stay away from work will receive more severe penalties, including removal.

We have obtained temporary restraining orders against PATCO officials throughout the country. We have also obtained a show cause order against Bailey and the national officers. The hearing on the show cause order to give the national officers an opportunity to prove they were not in contempt of court was scheduled for Wednesday; it has now been postponed for 24 hours. During this period of time a determination will be made as to whether or not PATCO officials have complied with the temporary restraining order. This determination will be based upon the extent to which PATCO members return to work and the efforts of PATCO in this period. Action on the show cause order will take place on Thursday, April 2. Again, I want to express my sincere appreciation to the members of your organizations who have so steadfastly remained at their post of duty during this strike. I'm sure you're aware of the recognition given them by the President and the industry, and of the tangible recognition the FAA Administrator and his managers plan to give.

AIR TRAFFIC CONTROLLERS: ISSUES

One of the problems in dealing with the present air traffic controller work stoppage is that PATCO has never really defined the issues involved. Ostensibly, the work stoppage was called because of the transfer of three controllers from the Baton Rouge combined station/tower to other facilities. This issue is rarely mentioned by PATCO spokesmen, however, who talk as if the work stoppage is over staffing shortages, working conditions, overtime, low pay, poor equipment, union recognition, etc. With regard to all these issues, FAA long since has recognized the problems involved and taken correction action. PATCO is fighting battles that already have been won.

A summary of the issues follows:

BATON ROUGE TRANSFERS

FAA ordered transfers in September 1969 in an effort to upgrade professional level of the Baton Rouge facility and improve overall morale there. A grievance inquiry was initiated subsequently, and the grievance examiner submitted his report to the appeals official in December. The appeals official (the FAA Deputy Administrator) upheld the original transfer order for one controller but offered the other two alternate locations within the State of Louisiana after each claimed out-of-state transfers would be a hardship. When the decision was announced

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in mid-January, PATCO threatened a national walkout if the action were not rescinded within 30 days. Secretary Volpe tried to head off a crisis by appointing a factfinding panel under the Federal Mediation and Conciliation Service to investigate the charges of bias and prejudice in the transfers. When the panel was not able to come up with any evidence to support this charge, the Secretary on March 13 affirmed the transfers. This decision was subsequently upheld by the U.S. District Court in Baton Rouge which found nothing in the record other than some obvious self-serving generalizations by the three controllers themselves to backup their contention they were transferred because of their membership in PATCO. (Their replacements are also PATCO members.) The transfers were to have taken effect on March 30.

STAFFING SHORTAGES

There was a five-year period, Fiscal Years 1963–1967, when FAA did not increase its workforce, despite substantial increases in air traffic. In FY 1968, this policy was reversed and we got money for 1,500 controllers in the budget that year. In FY 1969, the figure was 2,000 and in FY 1970, it was 3,800. We've requested an additional 2,265 in the FY 1971 budget. Thus, over the four year period—FY 1968 through 1971—we will have added over 9,000 controllers. This represents a virtual doubling of the controller work force and indicates pretty conclusively that FAA, especially under the present Administration, has recognized the problem of controller shortages and responded accordingly.

PAY

In 1968, the agency succeeded in getting Civil Service approval for reclassification and promotion which eventually affected more than 11,000 controllers. Each was promoted one grade. Our journeymen controllers in the busier facilities are now GS–13s who have a base pay of $15,812 in the first step and actually make considerably more due to premium pay differentials which normally accrue to shift workers. In the final step of a GS–13, a controller receives $20,555 plus premiums.

OVERTIME

Substantial progress has been made in reducing scheduled overtime as more and more controllers have been coming into the system. Only a handful of towers—less than 10—are still on regular overtime. Center overtime also has been reduced by 11 per cent and only 12 of our 21 centers in the continental United States are still using regular overtime. On the general subject of overtime, it might be mentioned that late in 1968, Congress action on FAA's request, authorized controllers to be paid for overtime at a true time-and-a-half rate. They are probably the only white collar workers in Government to be compensated at such a rate.

EQUIPMENT

Agency has been proceeding with automation program for all its centers in the continental United States and its 60 busiest terminal areas. Only a week ago, we recorded an historical first in this program when an American Airlines flight was processed entirely across the country by computers. An even more significant action is the impending passage of the Aviation Facilities Expansion Act which will provide some $2.5 billion in the 1970s for hardware improvements in the airways system.

CAREER OPPORTUNITIES

For further improvements in controller career opportunities, working conditions, etc., we have the report of the Corson Committee to guide us. FAA already has hired the staff director of the committee—Bert Harding—as its new Associate Administrator for Manpower and begun establishing machinery for implementation of the most pertinent recommendations in the Corson Committee report.

RECOGNITION

FAA no longer has authority to grant PATCO or any other employee group national exclusive recognition. Under Executive Order 11491, this is now handled by the Department of Labor. PATCO presently has a petition pending before that Department.

PROFESSIONAL AIR TRAFFIC CONTROLLERS ORGANIZATION

The Professional Air Traffic Controllers Organization was organized in January 1968, when the two founding controllers met with criminal attorney F. Lee Bailey. By May they had held organizational meetings in the major air route traffic control center locations, and had made their first formal contact with the Federal Aviation Administration.

Formal recognition as a professional society was first sought in June 1968, with a request later that month for a dues withholding agreement, which would deduct $4 per pay period for a GS–10 or higher, and $3 for a GS–9 or lower—a dues structure that includes both journeyman and developmental controllers. The organization at that time claimed 5,000 members, well over the 10% required for formal recognition under the then-current Executive Order number 10988.

In mid-July, controllers John Maher and Michael Rock, both from the New York Air Route Traffic Control Center, were given a year's leave of absence by the FAA to work fulltime for PATCO.

The first Constitutional Convention was held in July in Chicago, Illinois. It was at this convention that the newly-formed Safety Committee called for "Operation Air Safety"—their words for a call to controllers not to "compromise" separation standards specified by the regulations. They claimed in various letters and in statements to the press that the Administration was forcing controllers to cut corners—to bring aircraft closer together than the agency's own regulations allowed—in order to keep up with rapidly-growing traffic demands.

The charges were, of course, untrue, but the system was being taxed to its limits, and one of the most critical of these was the lack of major airports.

In July, at the peak of the summer travel season, the system virtually ground to a halt in some portions of the country. In those days before the agency had instituted its advanced flow control procedures—before it had set up its central command post here in Washington to meter traffic on a nationwide basis—there was simply too much traffic for the airports to handle and for some of the control facilities.

PATCO claimed that virtually all of the July 1968 transportation crisis resulted from its members "slowing down."

The facts indicate otherwise. Three controllers were removed from their posts for slowing down traffic, but an extensive investigation by air traffic specialists in the FAA facilities, as well as in the cockpit, failed to show any real problem with controller dereliction of duty. The breakdown belonged to the system, and no plans were made to take any action against PATCO, despite their obviously opportunistic grab for headlines.

During August, there were frequent meetings and exchanges of correspondence with PATCO, and it was made plain that any future "slowdown" would not be tolerated.

In early September 1968, the Administration agreed to withhold dues for PATCO, despite the fact that it had no formal recognition status, and spelled out the conditions under which dues withholding would continue. Among them was the agreement that PATCO would abstain from advocating, causing or participating in strikes against the Government. Such a provision, incidentally, had been written into the PATCO Constitution at the Chicago convention.

At about the same time, the first issue of the PATCO Journal was published, and it contained an outright solicitation for contributions, advertisements, corporate memberships and other support from organizations and businesses providing services to the Federal Aviation Administration, or seeking business from the FAA.

On September 4, letters were sent to all employee organizations representing controller and related occupations in the Federal service, citing the conflict of interest provisions of employee agreements, and the policy of the Department of Transportation of barring any similar conflicts between employee organizations and the business community. The letter stated that any violation of the policy would result in cancellation of dues withholding agreements. Meetings had been held with representatives of all employee organizations in October and November on the subject.

Despite this clear policy statement, PATCO continued to urge controller-members to solicit corporate advertising and corporate memberships.

On December 17, 1968, the DOT warned that further violations would result in cancellation of the dues withholding agreement.

At this time the question of supervisor authority over controllers also was being made an issue. Newsletters published by PATCO instructed members to disregard orders of their superiors if, in the controller's personal opinion, air safety would be affected.

The organization therefore was informed, in a letter from Secretary Volpe on April 17, 1969, to stop selling advertising and corporate memberships and to adhere to the limitations as set forth in Executive Order 10988, or lose the dues withholding agreement.

Another "issue" at this time were the increasing charges by PATCO of hiring of "Mediocre" trainees, and increasing overtime work.

In the fall of 1968, when the FAA had begun a cost-cutting program to reduce overtime, PATCO criticized the move as placing a greater burden on the controller.

At one location—Weir Cook Municipal Airport, Indianapolis—controllers engaged in a mini-slowdown in early January 1969, in reaction to the reduction in the use of overtime.

The organization also strongly criticized the agency's first proposal for limiting operations at the five high-density airports—the major three airports in New York, Chicago O'Hare and Washington National—claiming the FAA was "misleading" the public.

Abuses on corporate membership and advertising solicitations continued.

The disagreements came to a head in June, when the widely-publicized "sickout" of some 500 controllers took place.

Following the "sickout," because of the obvious connection between the organization and the stoppage, the PATCO dues withholding agreement was cancelled. FAA levied three- and five-day suspensions against approximately 100 controllers involved in the sickout.

In September 1969, the proposed transfer of four controllers from the Baton Rouge airport combined tower and flight service station provided another PATCO cause celebre. The transfers were being made to improve the efficiency of the facility, but PATCO viewed it as an attempt to break the organization's strength there. It is important to point out here that the controllers coming in to take their places at

Baton Rouge are all PATCO members—hardly a gain for FAA's side—if that is the goal.

Summing up the infinite and intricate details of the case, we find that the controllers who had no right to challenge their reassignment under their employment agreement, were given extensive opportunities to be heard, and reheard. Exceptional extensions of deadlines were provided. An unusual tripartite factfinding meeting was held, with an impartial third party in attendance. Finally, the controllers were ordered to duty at the new work locations.

The case has been appealed three times to the courts which upheld the FAA.

PATCO continues to make vague claims about working conditions, equipment, and air safety, mostly through Mr. Bailey, in what has certainly become for some a surfeit of press conferences. He refuses to be pinned down. He ignores the substantial progress already made on almost all fronts—the massive reequipment with computerized automation systems—the increase in pay for all Government employees and a special raise for most controllers—the massive infusion of new trainees into the air traffic control system's veins—the continuing improvements being made in the little things like soundproofing, lighting, seating and general comfort in the facilities.

He has been, as have all of PATCO's officers, notably silent on the improvements which can be made when the airports and airways modernization legislation now being polished by a joint House-Senate Conference Committee is finished, and signed by the President.

AIR TRAFFIC CONTROL

Mr. DOLE. Mr. President, I take this opportunity to comment on the current "sickout" by the Professional Air Traffic Controllers Organization. This action is clearly an illegal strike against the Federal Government.

The American public, which has been greatly inconvenienced by the irresponsible actions of the PATCO strikers, deserves to have the facts in this case.

PATCO has offered a smoke-screen series of grievances which have no basis in fact. The strikers at first claimed that pay was the issue in their illegal walkout. That position was quickly abandoned, however, when the public learned what base pay for air traffic controllers was.

Then the strikers claimed that the issue was safety; yet not one experienced airline pilot has refused to fly since the illegal walkout began. On Wednesday, April 1, 1970, the National Transportation Safety Board announced that after extensive inspection and observation of air traffic control activities:

> There is no evidence to date of any degradation of safety in the Air Traffic Control system.

Let us examine some of the other issues in this problem. Staffing: In the 1970 fiscal year budget, the Department of Transportation requested and received authorization for 3,800 new positions for air traffic control. This is in addition to the more than 3,000 controllers authorized in 1968 and 1969. In 1971, the Department is asking for an additional 2,265 controller positions. Clearly, the Department is moving as quickly as possible to provide the necessary staff, consistent with system requirements.

In the last 4 years, a total of some 9,000 persons will have been added to the authorized controller work force.

The issue of overtime has been raised. Before this strike, only three centers in the country were on a regularly scheduled 6-day workweek. Seven centers were on a 5½-day workweek. Of the remaining centers, six were averaging between 2 and 3 hours of overtime per controller per week. The rest were under that figure.

Prior to the strike, there were only three terminals on a scheduled 6-day workweek. There were five on a 5½-day workweek. The remainder were averaging 2 hours or less of overtime per controller per week.

Thus, we see that the total percentage of air traffic controllers working overtime, and the amount of overtime worked, is very small, indeed.

System improvements: More improvements have been made in the air traffic control system in the last 14 months than in any other similar period. And more improvements are planned. The administration's airport-airways legislation, which was passed by this body and by the House, is now in conference. But I am confident that it will soon be ready for the President's signature.

That legislation provides nearly $15 billion, including Federal, State, and local funds, to improve existing airports, buy new equipment, and construct nearly 900 new airports. PATCO was aware of the many recent improvements in the system, and they knew of the improvements contained in this new legislation.

The Department of Transportation has taken an entirely appropriate stance in this matter. Secretary Volpe has followed the letter of the law in dealing with PATCO. He has taken every precaution to insure that the safety of the airways is not compromised. He has made every effort to maintain maximum airways service.

And it is to the credit of the majority of air traffic controllers, including most PATCO members, that the system has continued to function efficiently and safely.

I ask unanimous consent to have printed in the RECORD several tabulations showing the increase in need for air traffic controllers, past and projected increases in air traffic controllers, and overtime compiled by air traffic controllers; and also an article entitled "Sympathy for Air Tie-Up Ebbing," published in the New York Times of April 3, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AIR TRAFFIC CONTROL SPECIALISTS OVERTIME—ATC CENTERS

Total hours worked	Number of controllers—1970					
	Jan. 11–17	Jan. 18–24	Jan. 25–31	Feb. 1–7	4 week total	Percent
Less than 41 hours	3,608	3,581	3,672	3,615	14,476	67
41–44	209	296	233	252	990	4.5
45–49	1,555	1,508	1,462	1,530	6,055	28
50–54	21	17	21	19	78	.005
55–59		—1	1		—2	
60						

INCREASE IN NEEDS ATC—1966–71

	Fiscal years—		Percent increase
	1966	1971	
Air carrier passenger-miles (billions)	57.6	105.9	83.9
Air cargo ton-miles (billions)	2.1	4.0	90.5
FAA airport operations (millions)	41.2	58.7	42.5
IFR aircraft handled (millions)	13.2	24.2	83.3

Increases in air traffic specialists

Fiscal year:	
1966	—29
1967	98
1968	1,580
1969	2,064
1970	3,492
1971 (forecast)	2,215

[From the New York Times, Apr. 3, 1970]

SYMPATHY FOR AIR TIE-UP EBBING

(By Richard Witkin)

Aviation leaders are a lot more outraged by the current airtraffic disruption than they were when F. Lee Bailey's controllers engaged in two previous slowdowns. In the past, despite the loss of dollars, industry officials quietly felt a good deal of sympathy for what the controllers were doing. This was particularly true during the summer travel rush two years ago when the controllers' superstrict adherence to traffic rules, plus bad weather, caused horrendous delays. They sympathized because years of experience had shown that it took a crisis (a slowdown or—worse—a catastrophic mid-air-collision) to produce any noticeable improvement in an air-traffic system that was blatantly overstrained.

For the most part, the improvements had been limited efforts financed by one-shot appropriations from a temporarily shocked Congress. But they were better than nothing.

Today, with the same group of controllers (they watch planes on radar and issue traffic instructions by radio) having concluded nine days of a wholesale "sick call," the aviation community is showing them much less support, even privately.

The protesting group, the Professional Air Traffic Controllers Organization (PATCO) was formed a little over two years ago, and is one of three major groups representing the nation's 9,000 controllers. The Government says less than one-fourth of PATCO's membership have been calling in sick.

SWITCH IN ATTITUDE

Why the general switch in the aviation community's attitude toward the group's activities?

First, prospects for long-term financing of a thorough air-traffic modernization program have never appeared better. Bills establishing aviation user charges that would be ear-marked for the program have been passed by both houses of Congress, and a joint version is expected to be reported out of conference soon.

One airline official lamented:

"I don't see how PATCO could have done anything better calculated to destroy important support in Congress, just when we seemed on the verge of getting the kind of long-range financing we've always dreamed of."

In addition, the Nixon Administration has taken some initial steps to implement recommendations made by a distinguished panel for improving working conditions and career opportunities for the controller force.

In view of all this, a majority of qualified observers contend, it cannot be said this time that a crisis had to be manufactured to get significant action initiated on urgent needs of the long-deficient control system.

The logical conclusion, the majority maintains, is that the "sick call" has been essentially the outcome of a power struggle. The two key figures are Mr. Bailey, the PATCO leader who has pursued a similarly tempestuous career as a criminal lawyer, and John H. Shaffer, head of the Federal Aviation Administration, whose treatment of PATCO has been variously described as "refreshingly hard-nosed" and "unnecessarily antagonistic."

JIMMY HOFFA COMPLEX

A widely heard view is that Mr. Bailey, who had contempt proceedings against him dismissed yesterday and agreed to try again to get PATCO members back to their radar scopes, "has a Jimmy Hoffa complex." He wants to become czar of air travel, it is said, by winning the right to represent all controllers, exclusively, and perhaps add other employe groups to his union.

PATCO filed a petition in mid-1969 for a Labor Department election aimed at winning exclusive recognition by the F.A.A. as representative of the controllers. But there are many procedural steps still to be negotiated before such a vote can be held.

And some close observers to the situation say PATCO might be found ineligible on the ground that it has violated the rule against strike by Government employes.

Last summer, the aviation agency withdrew the limited recognition already accorded PATCO, as well as the vital privilege of having dues automatically deducted from members' pay checks. These actions were an outgrowth of a three-day "sick call" that snarled air travel in June.

The F.A.A. stand is cited by PATCO as evidence that Mr. Shaffer has been trying to "bust" the controller group. So is the transfer of three PATCO members from the Baton Rouge, La., control facility, which union spokesmen said was "the final straw" that precipitated the current wave of "sick calls."

Even some officials who have no sympathy for Mr. Bailey and who think any provocations fell far short of justifying the slowdown, think Mr. Shaffer could have handled PATCO more diplomatically over the last year or more.

The report of the panel on controller careers, dated Jan. 1, 1970, contains a plague-on-both-your-houses paragraph saying:

"The Committee found that employe-management relations within F.A.A. are in a state of extensive disarray, due to ineffective internal communications, to failure on the part of F.A.A. management to understand and accept the role of employe organizations, and to ill-considered and intemperate attacks on F.A.A. management by certain employe unions."

PROGRESS REPORT ON THE ACTIVITIES OF THE CAPITOL HILL TENNIS CLUB

Mr. HOLLINGS. Mr. President, last year, following the famous tennis match between Members of Congress and staff personnel of the Capitol Hill Tennis Club, our friend from the other body, the Honorable ROBERT MCCLORY, of Illinois, placed in the RECORD a résumé of that afternoon's play. At that time, the Capitol Hill Tennis Club was just getting started; I believe it would be appropriate that Representative MCCLORY's report on the activites of the CHTC should be updated.

I have just learned from the officers of the club that the membership has soared to 169 active Capitol Hill tennis players.

Among that imposing number quite a few of our colleagues claim membership, including: Senators JAVITS, PELL, TYDINGS, and myself. From the other body, Representatives ADAMS, BUSH, CONYERS, FINDLEY, KASTENMEIER, MCCLORY, PREYER, RUPPE, TUNNEY, VAN DEERLIN, and WEICKER make up the "Members contingent" of the CHTC. Part of the purpose of my remarks today is to urge other tennis-playing Members to join our ranks. This year we expect to win the second annual Member-staff match.

In fact, I have it on good authority that the Vice President and Senators BAKER, BROOKE, MCCARTHY, MONDALE, PERCY, PROXMIRE, SPONG, and THURMOND are tennis players of great repute, so I urge them to join us in Capitol Hill's most active amateur athletic organization.

I think all will agree that the representation of Senators and Representatives cuts across party and ideological lines and brings together a truly outstanding group of Member athletes.

Plans for the 1970 tennis season are well underway, as I have just learned from the club's monthly newsletter. The CHTC annual meeting will be held on April 17. At that time officers will be elected, and the schedule for the year's activities will be announced. The club's report also revealed that the group has been accepted as a class "C" member of the U.S. Lawn Tennis Association, which includes membership in the Middle Atlantic Lawn Tennis Association and the Washington Tennis Association. Members of the CHTC board of directors have entered the club in the WTA interclub competition in the Washington area this year and, naturally, expect to win their division.

Considering some of the tennis players from the club whom I faced in competition last year, I have no doubt that the club will carry home those honors in its first year of competition. The club boasts some very impressive tennis backgrounds in its roster of Members from the Senate, House, and Library of Congress staffs.

The CHTC has arranged lessons for Capitol Hill employees who wish to learn the fundamentals of the game; an intraclub tournament will be held again this summer; and I have been assured that Democratic versus Republican, Senate versus House matches will be scheduled for this year's activities.

Reviewing last year's season, Robert Wager, chief counsel of the Senate Reorganization Subcommittee, was the winner of the summer tournament; Frederick B. Arner, Chief of the Education and Public Welfare Division of the Legislative Reference Service was the runner-up. Miss Virginia Leake, of Representative KUYKENDALL's staff, was the women's summer tournament champion; Miss Randy Bean, of Senator MCGOVERN's staff, was the runner-up. The staff team won the first annual Member-staff match but Representative RICHARDSON PREYER, of North Carolina, was the "Player of the Day," having won three matches that afternoon. The club played one "outside" match last year and handily defeated the Salisbury, Md., tennis team.

From the above, I believe it is easy to conclude that the CHTC is one of the most active groups on Capitol Hill and promises to become even more active. Also, it has been demonstrated that the Senate side has contributed to the high quality of tennis play by the club. I am hopeful that other Members of the Senate will join me this year in helping to make the Capitol Hill Tennis Club even more successful.

POPULATION CRISIS—III

Mr. TYDINGS. Mr. President, a provocative editorial entitled "Abortion: Whose Right To Decide?" was published in the Washington Post on March 6. It reexamines our society's compulsory pregnancy laws.

Statistics on illegal and unsafe abortions, many of which are performed by incompetent persons under deplorable conditions, reveal that abortion is a major public health problem which can no longer be ignored. Approximately 15,000 persons undergo illegal abortions in the District of Columbia metropolitan area annually; national estimates of women undergoing illegal abortions range from 800,000 to over a million annually.

It is worth considering whether our Government has the right to require any woman to bear a child she does not want. A recent survey by Dr. Charles Westoff of Princeton University's Office of Population Research reveals that 22 percent of all legitimate births in the United States are unwanted by either the husband or the wife. Among the poor, 42 percent of all legitimate births were unwanted. In view of the population explosion, there is little doubt that we require a national family planning policy to eliminate all unwanted fertility. Such a family planning policy necessitates a review of our archaic abortion laws.

The editorial correctly questions the Government's prerogative to give abortion an unqualified stamp of approval, and it suggests instead that maintaining the State's neutrality—a situation which places the decision to have a child on a personal, private level of the person most directly concerned—would best maintain the individual's fundamental right to decide whether to terminate an unwanted pregnancy. The State's neutrality would neither compel a woman to have an abortion nor constrain her under the law. This is a personal moral decision best left to the individual free from government intervention.

The editorial's suggested revision of existing abortion laws, a vital component of any national family planning policy, also raises the larger question of women's role in society.

For no matter how advanced the state of the contraceptive art and no matter what technological breakthrough research shall provide, the population crisis will continue as long as women believe child bearing to be their primary function. Until discrimination in education and employment opportunities is eradicated, women shall continue to define themselves primarily as mothers—a situation which can only guarantee too many people.

To all persons concerned with the vital questions of family planning and population growth, I recommend this thoughtful editorial. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ABORTION: WHOSE RIGHT TO DECIDE?

Few subjects of public policy are so intertwined with questions of morality and religion as is that of abortion. Strongly held and sharply conflicting convictions about the relationship of law to morals and the meaning of life itself have always been an important part of discussions of abortion, of society's attitude toward it, and of laws affecting it. Thus it is surprising this week that there was little debate or dissent when a key committee of the Maryland House of Delegates recommended passage of a bill to repeal that state's abortion law and that a large majority of the Virginia House of Delegates voted for liberalization of *that* state's abortion law.

The Virginia Senate or the full Maryland legislature, of course, may not concur in these actions. But the fact that they have occurred is an impressive illustration of the change in society's attitudes toward abortion, the morality of it, and the law. It was only three years ago that the Maryland legislature rejected liberalization of its abortion law and only two years ago that it accepted, after a sharp debate, the changes now being considered in Virginia. In that three-year period, 10 other states have enacted similar laws legalizing abortion in broadened categories of cases and one, Hawaii, has made almost all abortions legal. This seems to demonstrate that this issue has lost some of its political dynamite. If it has, the reasons range from the changing attitudes about sex and its natural result, through the much publicized use and problems of "the pill," to what we believe is an increasingly widespread belief that moral, ethical and religious standards are personal matters that should only rarely be imposed by law on those who do not share them.

It seems time then to face the really basic question about abortion which is flatly posed by the pending Maryland legislation and by proposals now before Congress which would affect the District of Columbia. These would treat abortion as a purely medical problem, eliminating statutory restrictions and allowing its performance when pregnant women and their doctors think it advisable. The arguments in favor of such legislation involve a host of contemporary factors—a world rapidly becoming over-populated, a society plagued by crime often committed by unwanted babies grown up, a death rate increased by illegal abortions incompetently performed, the availability of safe abortions, legal or illegal, primarily only to women who can afford to pay handsomely for them, and an increasing insistence by women on the right to control their own reproductive careers.

While some arguments against repeal of abortion laws have puritanical overtones—repeal, it is contended, would remove fear of pregnancy and thus encourage sinful conduct—the most difficult to answer is that which equates abortion with murder. Either upon conception, or upon birth, or at some point in between, a fetus does become a human being. Abortion does kill it. From this arises the deeply held belief of many in our society that the intentional destruction of fetal life is immoral, even when such a step is necessary to save the life of the mother; in this context, even the most restrictive abortion laws, which limit legal abortions to that one situation, sanction what some consider an immoral act.

But other segments of our society hold with equal sincerity widely differing moral convictions about abortion. Who is to say which is more moral: to destroy an embryonic life or to require the birth of a deformed child? Or a child conceived in incest or rape? Or a child whose mother is a child herself? Or, for that matter, to require any woman to bear a child she does not want? Why is it an invasion of personal privacy for government to bar the use of devices to prevent conception and not an invasion of that privacy for governemnt to bar an operation if those devices fail?

These problems of conflicting standards of moral conduct are, in our judgment, properly resolved only by the individuals who confront them. Moral standards are learned from parents and religious advisers, developed through experience and introspection; they cannot and should not be legislated, particularly in a society so diverse as our own.

This does not mean that abortion should be legalized in the sense that government should stamp it as approved conduct. To treat abortion purely as a medical problem, as the Maryland proposal does, is to make the state neutral, neither sanctioning nor forbidding it, neither compelling women to have abortions nor compelling them to bear children, neither requiring doctors to use certain procedures nor refusing to let them do so. Legislation, like that on the books now, which authorizes some abortions and forbdis others, attempts to answer the moral questions raised in each abortion. Legislation which treats abortion as a medical problem takes those questions out of the public realm and places the responsibility for answering them squarely where it belongs—with the individuals most directly concerned, and, indirectly, with those who have taught them the moral standards by which they live.

THE PRESIDENT AND THE SCHOOLS

Mr. DOLE. Mr. President, the National Observer of March 30 contained an exceptionally clear-sighted analysis of President Nixon's message to the Nation on racial problems in our educational system. The editorial pointed out the comprehensive, straightforward approach the President took in appraising the difficulties confronting public education today, and it attached special significance to the pragmatic and realistic proposals set out in the message.

The change from rhetoric and promise to study and rational analysis is refreshing in this area of national concern.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT AND THE SCHOOLS

President Nixon's statement last week on the race problem and the schools is the most important public document on the subject since the Supreme Court's 1954 decision declaring "separate but equal" schools inherently unequal.

Unlike his recent predecessors, Mr. Nixon invented no slogans, made no Utopian promises, and eschewed the language of labels that does so much to thicken the lines that divide Americans. He reviewed sensibly and dispassionately many hoary assumptions and explained with eloquence and sincerity why he believed them ready for discard. The President's statement was timely, comprehensive, and uncommonly wise. We strongly urge our readers to acquaint themselves with the full text.

Because the pronouncement was so comprehensive, it's impossible for us to address our remarks to the whole of it. We shall instead comment on two of its significant points; that special financial aid should be given to the poorest school systems, and that the segregation of teachers should be eliminated.

One of our editors, writing on this page Sept. 13, 1965, declared: "The Federal Government could offer special aid to schools with largely Negro student bodies, chiefly to pay attractive salaries to teacher-specialists who would offer wide-ranging teaching and counseling services to children denied the benefits of an orderly home life."

What makes Mr. Nixon's proposals important is not that they are new, because they aren't but because they reflect a pragmatism—an awareness of the realities—that was conspicuously lacking when Presidents Kennedy and Johnson attempted to confront the problem of race and schools.

Nor did the President stop with his promise of financial aid. He added: "I am not content simply to see this money spent, and then to count the spending as the measure of accomplishment. For much too long, national 'commitments' have been measured by the number of Federal dollars spent rather than by more valid measures such as the quality of imagination displayed, the amount of private energy enlisted or, even more to the point, the results achieved."

The quality of Mr. Nixon's reasoning is high. He believes that while *de jure* school segregation is illegal and intolerable, attempts to integrate schools artifically, by busing and the like, represent a misuse of schools and school children. Our youngsters should not be pawns in any community-rupturing social experiment. And the very notion that black children need white children beside them in order to be decently educated smacks of the most patronizing backhanded racism.

Indeed, it is frequently racism wedded to hypocrisy. As the President said: "Not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private schools to avoid the assumed inferiority of mixed public schools."

Schools are generally the poorest where people are the poorest, regardless of race. That's why Mr. Nixon has singled out for special Federal help "those districts that have the furthest to go to catch up educationally with the rest of the nation."

But as the President has not been afraid to substitute pragmatic proposals for the litany of old assumptions, so has he remained ready to make intelligent distinctions. While it is misguided, he declared, to try to achieve an arbitrary racial mix in schools segregated because of housing patterns, it is entirely proper that teachers within a school system should receive their assignments without regard to race.

Here is how Mr. Nixon articulated the distinction: "Pupil assignments involve problems which do not arise in the case of the assignment of teachers. If school administrators were truly color blind and teacher assignments did not reflect the color of the teacher's skin, the law of averages would eventually dictate an approximate racial balance of teachers in each school within a system."

What counts, then, is the quality of teaching and not the racial makeup of the students. What counts, too, are the financial resources of the school systems, and not the color composite of the children they serve.

By setting forth these truths, together with much more, President Nixon has opened the door to a better public understanding of the race-and-school problem. And by so doing he has paved the way for wider and wiser solutions.

XUM

MILITARY ESCALATION

Mr. FULBRIGHT. Mr. President, on March 4 the biannual meeting of the Baptist Joint Committee on Public Affairs adopted a statement concerning Laos. The statement was drawn up by a committee headed by Dr. Ralph A. Phelps, Jr., who was for many years the distinguished president of Ouachita Baptist University in my State. It is a fine statement, and I commend it to Senators and other readers of the Record. I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Military Escalation

The Baptist Joint Committee on Public Affairs expressed its position on the military involvement of the United States in overseas operations as follows:

1. We affirm our continuing Christian concern that peace will become a universal condition among nations.

2. We commend President Nixon's publicly stated commitment to the principle of peace.

3. We express our deep alarm at recent reports, including those on the floor of the United States Senate on February 26 and 27, of escalated U.S. military involvement in Laos and are afraid that we may discover at some future date that this nation has become involved in Laos as it is now in Vietnam.

4. We urge the President and the Congress to be honest and open with the American people in regard to this nation's military involvements and commitments in Laos and elsewhere, especially when war could result from these involvements and commitments.

5. We earnestly request that constitutional courses of action be scrupulously followed in regard to Laos and other areas in which we might become involved militarily.

Adopted in Washington, D.C., March 4, 1970.

THE ENVIRONMENT OF ALASKA

Mr. STEVENS. Mr. President, concern for the protection of our environment in the face of population growth and the technology necessary to handle added population is nationwide.

The discovery of huge oil reserves in my State of Alaska has prompted a growing realization throughout the entire country that every new action by industry, Government, or individuals affects the environment.

Serious ecological study is underway in the northern regions of Alaska to discern the methods to remove oil which are least disturbing to the Arctic environment. Alaskans cherish clean air, clean water, and the environmental beauty of our State. We intend to keep what we have and avoid pitfalls and problems which have destroyed parts of the "lower 48." One of the most intensive ecological studies of the North Slope ever taken was made by Angus Gavin, a former senior vice president of Ducks Unlimited of Canada and chief ecologist for the Atlantic Richfield Co. in Alaska. He is planning additional studies this year.

I ask unanimous consent to have printed in the Record the text of a talk which he recently delivered at a town hall meeting in Los Angeles.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Environment of Alaska

(Speech by Angus Gavin)

There has never been a period in history when public interest in conservation has been more intense or directed than it is today.

As an ecologist, I am, of course, delighted that this is so. It makes me very happy to know that so many Americans share my interest in protection of wildlife and its environment. But I am also gratified by the opportunity that this interest has afforded me to study an area about which very little was known until recently—the North Slope of Alaska.

The North Slope is a 70,000 square mile area frequently referred to as Arctic wasteland. Sizeable portions of the North Slope have been set aside by the federal government as a Naval petroleum reserve and a wildlife range. Between these two preserves, both state and federal acreage has been opened for petroleum exploration and production. In this area, at Prudhoe Bay, near the Beaufort Sea, Atlantic Richfield (as operator for itself and Humble) made the sensational discovery that has drawn dozens of oil companies to the Arctic.

Atlantic Richfield quickly became aware of the delicate balance of nature on the Slope and sought my services to help them prevent the kind of environmental damage incurred from earlier Arctic attempts to find oil. Having surveyed the oil field area by helicopter, airplane and on foot, I would like to share the results with you. Let's begin with a general description of the North Slope.

The oil development area on the North Slope, and the focus of present studies, is one of continuous permafrost soil with varying depths of tundra vegetation. The topography is very flat, broken by occasional pingos, which are low mounds formed by water being collected under the tundra during the summer and freezing in winter, causing upward pressure between the permafrost and the upper layers of tundra.

Thousands of small ponds and lakes dot the plain. Numerous streams and rivers braid it. Alluvial flats on most of these streams hold extensive quantities of sand and gravel. Vegetation over much of the Slope is typical of tundra, with lichens, grasses and sedges being the most dominant. Along some rivers, such as the Colville, there are extensive stands of willows, snow berry and dwarf birch.

The whole North Slope, which extends some 500 miles east to west and 50 to 200 miles north to south from the Brooks Range to the Arctic Ocean, is the summer range of two large herds of caribou known as the Arctic and Porcupine. It is also the nesting grounds of several different species of waterfowl and other winged wildlife. Many of the streams within this area provide spawning grounds for Arctic Char and Grayling.

Of most concern to conservationists—and to us—is the tundra itself. This delicate vegetative layer is in so critical a balance with nature that any disruption or break in its surface could leave unhealed scars for years and become a focus for erosion.

Despite this delicate nature, countless thousands of caribou have roamed the tundra for hundreds of years, and lemming by the millions in cyclic periods have devoured tons of grasses and roots, without leaving any noticeable or lasting damage. The machines of man, however, could quickly ravish the terrain if care were not exercised.

Continuous permafrost covers the whole of the North Slope extending to a depth of more than a thousand feet near the Arctic Ocean. During the short Arctic summer the upper layer, including the vegetation cover, thaws to depths varying up to three feet. The terrain then becomes so soft and boggy that transportation over it is almost impossible without tearing the surface. This problem does not exist in winter when the ground is frozen solid. Movement over the tundra is limited to winter when it can do little or no damage, although the bitter cold is hard on men and machines.

Temperatures during the winter will drop as low as 65 below zero, with the average for the winter period being about 25 below. There is an old saying about the Arctic which tells us that it has 10 months of winter and the two months which the Lord did not know what to call. While this may be somewhat exaggerated, it is quite true that snow can fall in July in this area. On the average, there are about 280–290 days in which temperatures fall below freezing during the year. Annual precipitation amounts to about six inches, with snowfall around 30 inches. Daylight during the short summer lasts 24 hours a day gradually decreasing until by midwinter there is no sun and only about three hours of semi-daylight.

Break-up of the ice on lakes and rivers occurs towards the end of May, although sea-ice will hold tight until the beginning of July. Freeze-up can start in August, although normally this does not occur until September.

With this basic concept of the type of terrain, seasons, weather and the various ecosystems involved in operating within the Alaskan North Slope, we get a better perspective of the challenge facing the oil industry in the extraction of oil from this area and its eventual transportation to the outside world. First, we must recognize that any comparison between transportation in the lower 48 and that of the Alaskan North Slope does not exist. There are no all-weather roads to this area, so the major portion of all equipment, supplies and materials must either be flown in or transported by barge from Seattle up through the Bering Sea around Point Barrow and east to Prudhoe Bay. This in itself is no easy task since Arctic ice conditions can be extremely dangerous and the slightest mistake in navigation could mean a lost tug or barge.

Few people outside the oil industry realize the enormous quantities of supplies and materials needed in the operation and drilling of a well in the Arctic. Apart from the rig itself and all its attendant facilities, upwards of 4,000 gallons of fuel per day and tons of cement and drilling mud are required to keep it in operation.

When you have a number of rigs operating within an area, the amount of supplies and materials reaches enormous proportions and the problems of transportation become difficult. With no roads or airfields in the area during the initial exploration period, all supplies and materials had to be flown in to winter landing strips on frozen lakes or transported by cat-train over the frozen tundra. Once the announcement was made that oil had been discovered, more modern facilities had to be constructed to handle the increased volume of traffic. Today, airfields capable of handling large Hercules and jet transports have been built at several locations on the North Slope. Docking facilities for barge unloading and a network of excellent roads have been constructed between the various camps and other facilities. A permanent camp housing 200 men near Prudhoe Bay will have a more modern waste disposal system than most municipalities in the United States.

Fully aware of the environmental damage that could occur to the ecosystem in this harsh yet fragile land, ARCO and other members of the oil industry are exercising every precaution to ensure a minimum of disturbance consistent with operations necessary to extract the oil from beneath the surface of the frozen land. Movement of vehicular traffic across the tundra during the thawed period is not permitted.

Drilling rigs are supported on piles and the whole base covered with four to five feet of gravel to prevent thawing of the tundra below. Buildings are set on piles drilled into the permafrost and elevated about four feet above ground. Roads and airstrips are constructed by using gravel placed on top of the tundra without breaking the tundra surface thus preventing erosion and thermokarst. Around each drilling site, dykes are constructed as a precaution against oil spillage or blow-outs. When a well is completed and the rig moved off, the site is completely cleared and leveled to as near its natural state as possible.

Experimentation with grasses and other seeds is being carried out, and all disturbed areas will be reseeded when a suitable grass has been found. To protect the tundra during the summer, all rigs and outlying camps are supplied by helicopter or twin Otter aircraft. And if it is necessary to move a drilling rig during the summer, sky-cranes are used. These huge helicopters can lift 10 tons at a time, and it takes about 20 lifts to move a rig. This becomes expensive at $3,000 per hour, but it illustrates the care and precautions being taken by the industry to prevent undue disruption and disturbance on the North Slope.

When we talk about the oil find in Northern Alaska, most people believe that all the lands north of the Brooks Range are now under development. However, of the 70,000 square miles that comprise this area, only a very small portion is now under exploration and development. This area is in the central part of the vast plain between the Colville and Canning rivers, and much of the present activity is confined to the coastal sections of the area.

What effect has the present activity had on the ecosystems and wildlife of the North Slope? So far very little.

Caribou which have used this tundra plain for thousands of years still do so. They wander between the rigs, camps and crossroads without the slightest indication of disturbance. They frequently have been found sleeping on drilling pads during periods of light activity, apparently because the gravel pads are dry and warmer than the open wet tundra. During periods of activity when drilling operations are in progress, animals approach quite close and graze unconcerned within a hundred yards, moving off only when a closer approach is attempted by humans. Incidentally firearms are forbidden at our permanent camp and other North Slope locations.

Low flying aircraft have little effect on the animals. When an aircraft approaches, some caribou take off at a crisp gait, but only for a short distance. Others, if lying down, will remain so, showing little or no concern. Other animals frequently seen in the area are lemming, Arctic fox, and ground squirrel. Apparently, the Arctic fox and a few wolves use the area for denning sites. Since hunting is forbidden at the widely separated oil sites, these animals can coexist with the oil men.

The North Slope also plays host to several different species of waterfowl during the summer nesting season. Migratory birds include eider ducks, lesser Canada geese, white fronted geese, American pintails, whistling swan, and Brant geese. These waterfowl are mainly confined to the coastal sections. Present operations do not interfere with their normal activities.

Commercial oil activities in the Central Plain of the North Slope have resulted in only relatively minor damage to a very limited area of the environment. These early mistakes can be corrected and further damage can be avoided by good housekeeping practices which have already been established.

Although much more scientific data will be gained from further study, I believe that action already taken and commitments already made by oil companies on the North Slope demonstrate a unique partnership of conservation and petroleum.

Our plans call for more detailed studies of the North Slope during the spring, summer and fall of 1970. These studies will have a twofold benefit. They will help to establish guidelines for further petroleum operations there. They will also provide new scientific data about a part of our nation which has long been neglected.

SENATOR RALPH SMITH, OF ILLINOIS

Mr. DOMINICK. Mr. President, our newest Member of the Senate, the distinguished junior Senator from Illinois (Mr. SMITH), arrived in Washington with the major task of trying to fill the shoes of our late minority leader, Everett Dirksen. It was a tough act to follow. RALPH SMITH admitted at that time he had no intention of trying to be another Ev Dirksen, but would be RALPH SMITH. We who have had the opportunity to work closely with him since he has come to Washington have developed strong friendships with him and a deep respect for him.

For Senators who have not yet had the opportunity to become well acquainted with Senator SMITH, I invite their attention to an article on the Senator, written by Michael Kilian, and published recently in the Chicago Tribune Sunday magazine. Since this was written, Senator SMITH has won a resounding victory in the Republican primary on March 17. I wish him all the best in the general election this year.

Mr. President, I ask unanimous consent that the article, entitled "In the Wake of the Marigold," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE WAKE OF THE MARIGOLD

(By Michael Kilian)

Ev Dirksen's was a tough act to follow. But Sen. Ralph Tyler Smith so far has gotten good reviews from the Nixon administration, and between now and November he'll know how he rates with the ultimate critics—the voters.

In one of those saloon conversations traditional among newsmen, Chicago radio announcer Hal Starck recently was reminiscing on his student days in Granite City High School. He recalled a lad who was considered that institution's leading problem student.

The boy looked like a waif, smaller and younger than most of the others. He also wore knickers. But he infuriated the teachers. He never seemed to pay any attention to them; for most of his classroom hours he just stared into space. One day the school's mathematics teacher could stand it no more.

The teacher wrote a remarkably difficult equation on the blackboard, one beyond the class' level of work. Then he turned without warning to the boy in knickers and told him to come up and solve it.

"He was sitting in the back of the room staring out the window," Starck said, "He marched to the blackboard, tossed a piece of chalk into the air, and wrote out the answer to the problem. Without a word he went back to his desk and resumed staring out the window. The teacher was devastated."

Starck remembered somthing else about the boy. After winning a high school debating contest, he told his friends that he would one day become a United States senator.

This was all back in the early 1930s. Starck is now middle-aged, and the teacher is long dead. Ralph Tyler Smith, the small boy in knickers, is now thru the grace of God and Governor Ogilvie, United States senator from Illinois.

One hesitates to drag the Deity into politics, but in this case He was undeniably involved, Sen. Everett Dirksen died, and Ogilvie, repaying a political debt and meeting the exigencies of the moment, appointed his friend Ralph Tyler Smith to the vacancy. It was the fulfillment of an American dream, perhaps, but without the satisfaction of an election.

Prior to Dirksen's death, Smith was speaker of the Illinois House. As far as Cook county was concerned, he was simply a pleasant, smooth-talking downstater, a face that sometimes appeared on television to talk about legislative doings in far-off Springfield. Downstate, he was known as a successful lawyer, and a Republican in good standing. Beyond that, farmers in southern Illinois couldn't tell you too much about him.

Smith was greatly pleased with the fulfillment of his dream, and in his efforts to extend his satisfaction to the voters, he has become one of the Senate's most enthusiastic applauders of President Nixon. He stumped for the administration's Viet Nam withdrawal plan; he called for sweeping reforms in welfare; he jabbed at the Democrats in Congress for failing to pass the President's law and order bills; and he opposed an amendment to the tax reform measure which would have increased individual income tax exemptions from $600 to $800.

Smith also opposed justice department involvement in local civil rights disputes, provided the Lincoln park zoo with a new American bald eagle, and voted for Clement Haynsworth for the United States Supreme court after indicating he wasn't going to do so.

All this was duly noted, in headlines and on editorial pages, but revealed little about the man. Because of the Haynsworth business much of the electorate became more curious about its new senator. Who was he?

In the midwestern sense of the term, Smith is peculiarly American. His grandfathers immigrated from Ireland and Germany. His grandmothers came from pioneer families. He is an Elk, an Optimist, a Moose, and past president of the Alton Shrine club. He is chairman of the board of the Bank of Alton and a member of the Alton chamber of commerce. He is a devoted husband [to wife, Mary] and loving father [of daughter, Sharon], a World War II veteran and an elder of the Presbyterian church. His middle name is Tyler because one of his ancestors was John Tyler, 10th President of the United States.

The image is of flags, courthouse speeches, and Fourth of July picnics. Rightly so. Smith feels strong allegiance toward the flag; he has made his share of courthouse speeches; and he enjoys picnics. So far he could be your local American Legion post commander. But Smith is far more than that.

Charisma has become a rather silly word, applied to everybody from ballerinas to football players. In the political sense of the term, Smith has some, perhaps even a great deal.

Admittedly, he is no Bobby Kennedy. He is 54, hardly an age to send college girls running about the streets. But in a Republican sort of way; he is handsome and charming enough so that co-eds talk about him a lot—even very liberal, very young co-eds.

I recall one day last fall when Smith was introduced to two co-eds from Northwestern university, girls apparently more enamored of Sen. Eugene McCarthy's philosophies than

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Smith downstate "moderate-conservatism."

It didn't matter. The girls blushed and flushed, caught in the spell of his warm and melodius tones. They could only stare spellbound into his eyes as he shook their hands. Perhaps "charisma" should more rightfully be replaced with "sex appeal."

But that would hardly explain Smith's considerable appeal among men. Those same warm and melodious tones have made him one of the most commanding figures in politics. He can talk, articulately, expansively, and convincingly, on almost any subject and in almost any circumstance.

In the green or purple suits he sported in Springfield, or the neatly tailored gray ones he has preferred since going to Washington, in hardware stores and on farmers' fences, at the Alton Chamber of Commerce or in the Chicago club, he can chat, breeze, argue, orate, plead, and chastise, and—in nearly every encounter—make friends.

He is without his predecessor's theatrics, but has all of Dirksen's persuasiveness, and more. Would you buy a used car from this man? You would buy two.

Smith has much in common with another Illinoisan named Abraham Lincoln though the analogy would cause many of his Springfield colleagues to blink. Perhaps he is not Lincoln the folk hero and Great Emancipator, but he is Lincoln the consummate politician of whom it was once said, "Any man who underestimates him is soon to find his back against the bottom of a ditch."

In the closing hours of the last legislative session the Republicans had a measure on the floor calling for an investigation of the Chicago board of education. The Democrats, who opposed it, had been lulled into thinking the bill required at least 89 "aye" votes to pass. When the electronic tote board in the House showed the final vote, the measure had more ayes than nays but not 89 votes. On the speaker's platform, Smith declared the bill passed.

"Mr. Speaker! Mr. Speaker!" came an anguished cry, and Smith recognized one of the Democratic state representatives from Chicago.

"Do you mean to say, Mr. Speaker," said the man, "that this doesn't require 89 votes?"

"That's exactly what I mean to say, sir," said Smith. "I have checked the law and that is the case."

He thumped his gavel, the measure went into effect, and there were the Democrats with their backs against the bottom of a ditch. It was a position in which they found themselves frequently during the session, as program after program of Governor Ogilvie's went through.

More than a few of these bills owed their ultimate passage to Smith. To him fell the difficult duty of steering Ogilvie-sponsored legislation through the politically complex byways of the Illinois House, where the G. O. P. had only the shakiest of majorities and where the danger of defeat was greatest. [The Senate, by contrast, gave far easier passage to such bills. There, under the leadership of Evanston's W. Russell Arrington, the Republicans were fully in command and in support of the governor.]

Despite the many trips to the ditch, the Democrats, even minority leader John Touhy [D., Chicago], had to admit that Smith was exceptionally fair in his running of the House. He carried his fairness to the point of inviting Democratic leaders into his office to settle disputes. Frequently he ruled in their favor when, in terms of parliamentary procedure, they appeared to be right. This irritated many in the Republican ranks, but Smith remained unbothered.

Smith was indeed "Mr. Cool" up on the speaker's rostrum, chain-smoking his cigarets, making dry remarks about some legislator's bright blue suit, turning to confer with aids, and pushing the whole legislative machinery along without ever raising his voice.

Sometimes, when the hour becomes rather late, the House of Representatives resembles a kindergarten with pizza parties going on in the aisles. Legislators wander about the floor. Some even blow tin horns. Smith ruled this kindergarten much like a stern but kindly school teacher, threatening to keep offenders after class in a Saturday session. This ended much of the horseplay.

Once, when Smith was absent from the chambers, two reporters sailed paper airplanes from the press gallery. There is much speculation as to what he would have done had he been there. He has always been a bit distant with the news media, and may well dislike them very much.

In the last legislative session, he assiduously avoided any watering place where newsmen were known to gather. I recall one night when he walked into one of his favorite saloons, saw four reporters at a table, and, with a quick greeting, he turned and fled.

He would never be deliberately rude. If cornered, he would answer questions politely. But if a reporter hesitated too long between questions, Smith would disappear. He made few friends in the fourth estate.

Liberal newsmen quickly wrote him off. Even one relatively right-wing television commentator greeted the news of Smith's Senate appointment by saying:

"He's not a senator. He's a hick lawyer with a green suit and slicked down hair."

Smith may be from downstate, but, as anyone who has ever debated him will attest, he is no hick. Still, he needed a bit of time to realize the full scope of his new responsibilities—to comprehend that as a United States senator he represents more than just Madison county, Ill.

I remember one encounter with Smith in a Marina City office. He was being his charming self, sipping coffee, and smoking cigarettes, and smiling at secretaries. At the same time, he was complaining that a justice department action had frozen federal highway funds in Madison and St. Clair counties. He talked of carrying his complaint to the President and the press.

I reminded him that he had responsibilities of far greater magnitude than the highways of Madison county. Now he had to look after Cook county as well, where, among 5.4 million citizens only negligibly concerned about downstate roads, there was considerable ill will over his sponsorship of a bill that would have effected massive cutbacks in welfare payments.

Smith said he was very much aware of Cook county and was spending a lot of time in it. As to the welfare bill, he said, "The taxpayers seemed to like it."

A few hours later, Smith apparently had given the welfare bill matter more thought. Asked about it in a radio interview, he spoke at great length about how the bill and his part in it had been misunderstood.

He probably would deny any contradiction in the two remarks—to him they comprise precise speaking rather than confusion; they are points being scored in the conversational arena. He is still very much the high school debating champion, and one often has the impression he feels the ghosts of old debating judges are peering over his shoulder and keeping score.

However consummate a politician Smith might be, he is firmly committed to the Puritan ethic—church and family, home and work. His mother was a devout Presbyterian, and made certain of his regular attendance in Sunday school until he was 18. Even now, his only visible vice is an occasional glass of whiskey (bourbon only).

Once, Smith and I were climbing the stairs to an elevated platform in the Loop. Smith was waxing nostalgic about lonely nights riding the "L" to visit an uncle in Oak Park, when I interrupted to ask how he voted on a conservation bill.

He said he had voted for it. I asked if he could be called a conservationist.

"Now come on," he said. "I voted for the bill and I'm all for conservation. But don't go calling me a conservationist. I'm a working stiff."

The senator claims a fondness for hard work; he should be used to it. He grew up during the depression. As a small boy he sold magazines on street corners. In high school he became a distributor for other magazine boys, a job that kept him up late at night. Even so, he participated on the debating team, played the lead in his senior class play, quarterbacked the school football team, and graduated with honors at 17.

That was in 1933. He earned his way thru Illinois college in Jacksonville working as a janitor, a waiter, a laborer in steel mills, and a barrel maker. Graduating in 1937, he entered law school at Washington university in St. Louis, this time taking a job as night clerk in a hotel.

His labors seemed about to bear fruit when he finally received his law degree in 1940. An old friend of the family took him into his law office; then he was hired as assistant to the general counsel of the Chicago & Illinois Midland railroad in Springfield. The next year, his father died. The Federal Bureau of Investigation offered him a job as agent. Then the Japanese bombed Pearl Harbor.

At this point the story of Ralph Smith fairly vibrates with All-American ideas. He enlisted in the navy and entered midshipman school. On a short leave he came home to Alton to marry Mary Anderson, his college sweetheart. [Ralph Smith and Mary Anderson—they had known each other since childhood when their families were neighbors.] Then he kissed his bride farewell and returned to the great war effort.

The war took him into the Atlantic as executive officer of a patrol vessel. Later he was transferred to the Pacific and given command of a gunboat. His ship took part in the Okinawa campaign and the invasion of Japan, but he said he saw only routine action and called his service nothing special. He was one of the most senior lieutenants in the navy when released from active duty in 1946.

It might be said that the draft resisters and the unemployed are people Ralph Smith doesn't really understand.

After the war, Smith started his own law practice in Alton and began joining all those clubs. He can't recall what got him interested in politics, but in any event it was not until 1952 that he tried for public office, a seat in the Illinois House of Representatives.

He lost by 38 votes on his first attempt, but a year later, he won. Working his way up thru the party's burdensome seniority system, he became majority whip of the House Republicans and then speaker in 1967.

Success on the banks of the Sangamon may be a heady thing, but it is a far different world from that on the banks of the Potomac. Smith complained when people kept asking him about the transition.

"There hasn't been any," he said. "In the Senate I'm handling labor, education, welfare, stuff I've been working with all my life."

Nevertheless, things were different. Undeniably, he was awed by the presence of so many powerful and well-known men—and somewhat astonished at their open friendliness.

The Haynsworth matter was something which undoubtedly would never have happened to Smith in Springfield. As everyone remembers, he originally called a news conference and said he didn't think he could vote for Haynsworth because even the slightest suspicion of impropriety would be damaging to the court. A few weeks later, Smith said he still had "an open mind" on the subject. Then he voted for Haynsworth's confirmation.

Smith is not fond of discusing the subject. Again, he says he was misquoted and misunderstood. [The high school debater in him still doesn't communicate with newsmen.] It is obvious that he was apprehensive about the mood of his home state following the recent scandal in the Illinois Supreme court.

It has been rumored that Smith was erroneously informed that Nixon was going to withdraw Haynsworth's name. The rumors cannot be substantiated, but he did try to contact the President several times before calling his fateful press conference. The President, as many congressmen have discovered, could not be reached. When he could, it was too late and too bad for Smith.

He has denied that the President pressured him into his affirmative vote, but it is obvious that Nixon exerted his executive influence on every senator he thought could be budged. Smith does not deny that he was greatly influenced by a heap of mail, most of it angry and nearly all of it demanding that he vote for Haynsworth's confirmation.

But the Haynsworth incident occurred early in the game, and Smith is still out there running around with the ball. He has learned to maneuver most adroitly; it was a significantly different Smith who attacked the Democratic-sponsored tax reform bill.

Sen. Albert Gore [D., Tenn.] introduced an amendment increasing individual tax exemptions from $600 to $800. His fellow Democrats called it an advantage to the taxpayer. Smith called it a fraud.

He noted that while the amendment increased the individual exemption, it cut the tax bill's proposed basic deduction from $2,000 or 15 percent down to $1,000 or 10 per cent. Also, he said, it removed other possible deductions to the point where anyone earning between $6,000 and $15,000 a year would pay more taxes than before.

The Gore amendment lost and was replaced with one that increased individual exemptions by $150 over a period of years and left the deduction provisions just as they were.

But altho Smith has many admirers in Washington, his political fate is about to fall into the hands of the voters. By law his appointment is temporary. If he is to serve out the four years remaining in Dirksen's term, he must run for reelection—first in the March 17 primary, then in the Nov. 5 election against Adlai Stevenson III.

Should he lose, it could be the last the political world sees of the Senator. Certainly it would be an irrevocable termination of his school boy dream. Should he win, he will be provided a future in which to dream further. Perhaps he will ascend to the power and influence of his predecessor, perhaps even to a "higher office." I once asked him if he would like to be Vice President. He replied automatically that his place is in the Senate, but when he did so he grinned.

The odds are against him, but, characteristically, he is confident. There is a bit of the cocky kid in this, the small town boy in knickers who went up to the blackboard and tossed the chalk into the air.

But then, the small boy solved the equation.

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TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, last week, several news stories appeared which cast new light on the case of Tran Ngoc Chau. These stories, apparently obtained within the executive branch, raised serious questions concerning the role of our Saigon Embassy in the Chau affair.

I urge that Senators read these articles, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks. They were written by Mrs. Flora Lewis of Newsday, Mr. Murray Marder and Mr. Robert G. Kaiser of the Washington Post, and Mr. James Doyle of the Washington Evening Star.

On Saturday, Mr. Tad Szulc of the New York Times reported that "administration sources" had acknowledged the substance of the earlier stories, including the fact that the Embassy had delayed from December 22 to February 7 in intervening with the Thieu regime regarding the Chau case. I ask unanimous consent that Mr. Szulc's article also be printed in the RECORD.

The more we have learned about the Chau case the more deplorable and significant it becomes. I would hope that the administration and the Senate would give serious thought to the implication of the case as presented in the articles mentioned.

Our Embassy in Saigon appears to have misread and misinterpreted President Thieu's motives at every point in the Chau affair. At no time does the Embassy appear to have concerned itself with the substance of the case. Instead, the Embassy seems to have been obsessed with appearances and the maintenance—at any price—of good relations with the Thieu regime.

One may well ask, toward what end are we so solicitous of Thieu? He has corrupted the constitution we are supposed to be defending and he is prosecuting an anti-Communist Vietnamese nationalist for espousing views on ending the war which appear to be closer to President Nixon's than President Thieu's are. Perhaps this is the answer. If it is, how great a veto power does the administration intend to give President Thieu over matters affecting how the war is to be ended? What price do we pay to maintain Thieu in power? It is time this was made clear to Congress and to the American people.

It still may not be too late for the administration to salvage something from the Chau affair. The Vietnamese Supreme Court has already ruled that the original petition used to prosecute Chau was illegal.

Appeals on two other critical points in the case are still before the court. If the court also rules against the government on these remaining points there will no longer be any vestige of legality in Thieu's actions. Should the court rule against Thieu but refrain from ordering Chau's release out of fear of a direct confrontation, it will not detract from the fact that Thieu has acted illegally throughout.

The U.S. Government has every right to tell President Thieu that we expect him to observe all the provisions of the Vietnamese constitution, not just those which he chooses to observe. If it should be argued that this would constitute unwarranted intervention in Vietnamese internal affairs, then it would follow that there is no basis whatsoever for our involvement in every other aspect of Vietnamese internal administration.

We are told that the war in Vietnam is being fought to allow the Vietnamese people the opportunity to determine their own future. Presumably this implies that they should have the protection of a political system which guarantees individual rights and political freedoms.

In this respect I would mention a very pertinent statement, reported in the March 27 New York Times, made in the course of the court martial proceedings of a young American Army officer accused of murdering a Vietnamese civilian. According to the Times, the assistant trial counsel said:

> What the hell are we fighting for here anyway? . . . We are fighting so that the people here can have the same rights we do—so that a man cannot be tried, sentenced, and executed by one other man. If we didn't believe these principles we wouldn't be here.

The parallel to the case of Tran Ngoc Chau is obvious.

Finally, there is the matter of official acknowledgment of our Government's prior dealings with Chau. In a press conference following Chau's trial, a minister of Thieu's government had the temerity to say that prosecution might have been averted if the Embassy had confirmed its relationship with Mr. Chau. While I would not believe this for a minute, there is no reason why the public record should not be set straight. The embassy and the Thieu regime already know the truth of the matter.

The PRESIDING OFFICER. Is there objection to the unanimous consent requests of the Senator from Arkansas?

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 1970]

OFFICIALS SAY BUNKER DELAYED CHAU PLEA

(By Tad Szulc)

WASHINGTON, March 26.—Administration officials acknowledged today that despite instructions from the State Department, Ellsworth Bunker, the United States Ambassador in Saigon, had delayed in pressing for dismissal of criminal charges against Tran Hgou Ngoc Chau.

Mr. Chau, a member of the National Assembly, was sentenced on March 5 to 10 years at hard labor on charges of maintaining contacts with North Vietnam through his brother, Capt. Tran Ngou Hion, who was sentenced last year as a spy for North Vietnam.

In response to questions, Administration officials confirmed reports from congressional sources that Under Secretary of State Elliot L. Richardson sent cablegrams to Mr. Bunker last Dec. 22 and again on Feb. 7 instructing him to intervene directly with President Nguyen Van Thieu to urge him to drop the charges against M. Chau. The deputy had supplied to United States Embassy and intelligence officials, information on Communist intentions.

The officials also conceded that Mr. Bunker took up Mr. Chau's case with President Thieu on Feb. 10, after criminal proceedings had already begun in a Saigon military court. Mr. Chau contended in his trial that his meetings with his brother had taken place with the knowledge and backing of the United States Embassy.

EARLIER REPORTS

A detailed article on Mr. Bunker's position, and on the reported dispatch of the two cablegrams from Mr. Richardson to Mr. Bunker in Saigon, appeared today in The Washington Star.

Earlier this week, Flora Lewis, a syndicated columnist, wrote that Mr. Bunker, acting to protect President Thieu, had suggested making a public statement denying that any American ambassador had been involved in Mr. Chau's meetings with his brother.

The State Department, Miss Lewis wrote, ordered Mr. Bunker not to do so because such a statement would have conflicted with secret testimony given by John Vann, head of the United States pacification program in the Mekong Delta, in a Senate Foreign Relations Committee hearing.

The State Department's spokesman, Robert J. McCloskey, refused today for the second day in a row to comment on any aspect of the Chau case and the role the United States may have played or attempted to play in it.

Under questioning, Mr. McCloskey said that "it is our decision not to comment." He refused further elaboration.

Senator J. W. Fulbright of Arkansas, chairman of the Foreign Relations Committee, has denounced Mr. Chau's arrest and trial as persecution. Mr. Fulbright indicated on Feb. 5 that the United States Embassy in Saigon was disregarding Washington's instructions to intervene in the deputy's behalf.

Officials indicated today that Mr. Bunker's apparent failure to act according to his instructions included softening in talks with Vietnamese officials the Nixon's Administration's expressions of concern over the implications of the Chau trial.

It was reported that Mr. Bunker told the State Department that in his Feb. 10 meeting with President Thieu he had confined himself to the comment that the Congress and the press in the United States were upset over the trial.

It was also reported that Mr. Bunker had delegated the task of discussing the Chau case with South Vietnamese authorities to middle-level officials in the embassy despite Mr. Richardson's cable on Dec. 22 instructing him to handle the matter personally. It was only after Mr. Richardson's second cable, on Feb. 7, that Mr. Bunker arranged to see President Thieu on the case, the officials said.

It could not be ascertained today whether Mr. Richardson's instructions to Mr. Bunker included recommendations that the South Vietnamese Government be informed by the Mr. Chau had maintained close contacts with high diplomatic and intelligence officials at the American mission in Saigon.

The day after Mr. Chau was sentenced, the liaison minister with the National Assembly, Cao Van Tueng, said then that prosecution might have been averted if the United States Embassy had confirmed publicly that Mr. Chau had worked with the Central Intelligence Agency.

[From the Washington Post, Mar. 26, 1970]

U.S. SILENT ON BUNKER'S ROLE IN VIETNAMESE SPY CASE

(By Murrey Marder)

The State Department refused yesterday to discuss reports that Ellsworth Bunker, ambassador to Saigon, frustrated American intercession in South Vietnam's Tran Ngoc Chau case.

Chau, once a favorite of U.S. officials in Vietnam, was sentenced to 10 years in prison earlier this month for pro-Communist activity.

His prosecution is regarded by many U.S. sources as a calculated warning to South Vietnamese against private contacts with Americans, and a warning to those who favor broadening the Saigon government in order to seek a compromise settlement of the war.

What is really at issue, these sources contend, is Saigon's determination to gain veto power over any war settlement.

Apparent support for these suspicions came in another set of spy charges in Saigon last week. South Vietnamese police displayed a photo showing an alleged spy, Bui Van Sac, talking to an American official identified as Harold Colebaugh, former political officer at the U.S. Embassy.

DEFENDANT'S STORY

In the first case, against Chau, the defendant claimed at his military trial that he kept U.S. officials informed of his contacts with his brother, a confessed North Vietnamese secret agent.

Several U.S. sources have confirmed these contacts, including John Paul Vann now a senior pacification official in Vietnam. Vann, now a senior pacification before the Senate Foreign Relations Committee last month about his association with Chau.

The American Embassy, to the private chagrin of many of Chau's American friends, remained publicly silent about the Chau case, however. Chau bitterly protested that he was being sacrificed by the U.S. government to avoid offending South Vietnamese President Nguyen Van Thieu, who was determined to convict him.

In the subsequent spy case involving Bui Van Sac, however, the U.S. Embassy evidently regarded the implication about American contacts to be so blatant that embassy officials felt compelled to speak out.

In defense of Colebaugh's contacts with Sac, the embassy said last Sunday that Colebaugh and other U.S. officials had met with Sac "in connection with carrying out their official responsibilities."

BUNKER ACCUSED

Ambassador Bunker, in a published report yesterday, was charged with "misinforming" Washington about the Chau case. Flora Lewis, columnist for Newsday, reported that Bunker, one of President Thieu's strongest supporters, had planned to issue a statement intended to disassociate the American Embassy from Chau.

Bunker, Miss Lewis reported, planned to say publicly that "no American ambassador directly or through any intermediary suggested or encouraged Mr. Chau to initiate or continue his contacts with Capt. Hien" (Capt. Tran Ngoc Hien, the Hanoi agent and Chau's brother).

The State Department, Miss Lewis reported, advised Bunker not to issue the statement because it would conflict with testimony given by Vann at the Senate Foreign Relations Committee hearing.

Other sources said yesterday that the Bunker statement was carefully phrased to be technically accurate, but it would have exposed the Nixon administration to questioning of its credibility.

These sources said no one had claimed, as the Bunker statement denied, that an "American ambassador" had "suggested or initiated" Chau's contacts with Hien. Chau instead was said to have kept officials informed of the contacts and was also credited with helping alert U.S. officials to a Communist threat to Saigon, which later turned out to be the Tet offensive of early 1968.

State Department press officer Carl E. Bartch said yesterday, "I will have no comment on that matter," declining to discuss the Chau case, the Lewis report or any other aspect of the affair.

President Nixon was asked about the Chau case on Saturday during his impromptu news conference. He replied that "this was a matter which Ambassador Bunker has discussed with President Thieu" but it "would not be appropriate" to say anything further.

[From the Washington Post, Mar. 26, 1970]

COURT FINDS ILLEGALITY IN CHAU CASE

(By Robert G. Kaiser)

SAIGON, March 25.—The South Vietnamese Supreme Court ruled today that a House peitition originally used to allow prosecution of Deputy Tran Ngoc Chau was unconstitutional. But the decision is not expected to have any effect on Chau's conviction and ten-year prison sentence.

The petition was allegedly signed by 102 deputies of the House of Representatives—exactly three-fourths of the membership. The government claimed that this authorized prosecution of Chau on charges of helping the Communists, despite Chau's parliamentary immunity.

The constitution says that a member of the National Assembly can be prosecuted with the approval of three-fourths of his colleagues. But the Supreme Court ruled today that this sentiment had to be expressed in a floor vote, not a petition.

But the government may have seen this decision coming. For when Chau came to trial before a military court the prosecution had abandoned the petition and found a new basis for its case.

The prosecution said Chau had been caught "in flagrante delicto," or in the act of helping the Communists. The constitution says a National Assemblyman caught in the act can be prosecuted regardless of the sentiments of his colleagues.

The evidence against Chau came from statements by his brother, a confessed North Vietnamese spy. Chau's lawyers have noted that Chau was not accused of any crime for many months after his brother gave his statements, which in turn came a year or more after the allegedly incriminating acts—conversations Chau had with his brother.

How, the lawyers have asked, could the government say Chau was caught in the act?

The Supreme Court has been asked to rule on that question. It has also been asked to pass on the legality of the special military court that tried Chau. The constitution says all such special courts should have been abolished by last fall.

[From the Washington Star, Mar. 26, 1970]

IN SAIGON, BUNKER'S IN THE MIDDLE

(By James Doyle)

A ruling yesterday by the South Vietnamese Supreme Court has placed American Ambassador Ellsworth Bunker squarely in the middle between the Thieu regime and the State Department.

The court, which has shown some independence from President Nguyen Van Thieu, ruled that the arrest of Assemblyman Tran Ngoc Chau was carried out in an unconstitutional manner.

The ruling lent support to the heavy pressure that has emanated from lower levels of the American Embassy, and higher levels of the U.S. government here, to see that Chau is freed from his sentence of 10 years at hard labor on charges of aiding the enemy.

In a cable to his superiors some weeks ago, Bunker defended the South Vietnamese government action in prosecuting Chau and suggested that judgment against it be suspended until Saigon's Supreme Court ruled on the constitutionality of Chau's arrest.

Chau is a former army colonel and province chief who was in communication with his brother frequently in Saigon, although his brother was an agent of North Vietnamese government.

Aside from the fact that a number of the South Vietnamese government have family members fighting on the other side, Chau's case has caused much criticism for the other reasons.

He painstakingly passed on to the U.S. government information he gained from conversations with his brother.

And at one point, in 1966, he undertook to set up a meeting between his brother and then U.S. Ambassador Henry Cabot Lodge, with the knowledge and cooperation of the American Embassy. Before the Paris peace talks, this kind of contact with North Vietnam was sought.

The 1966 meeting never came off because Lodge wanted to send a lower official and Chau's brother, North Vietnamese Captain Tran Ngoc Hien, refused to meet with anyone except the ambassador.

But agents of the Central Intelligence Agency and members of the U.S. mission in Saigon knew about Chau's dealings with his brother, and implicitly approved.

In fact, Chau's recommendations before the Tet offensive of 1968 were taken most seriously by some military and civilian officials, and turned out to be a proper response to the North Vietnamese tactics that subsequently came during Tet.

The Chau case has caused great anxiety

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in U.S. diplomatic circles—especially suggestions that Bunker is responsible for not heading off Chau's prosecution.

Bunker received a cable from Undersecretary of State Elliot L. Richardson on Dec. 22 instructing him to do whatever necessary to convince President Thieu that the U.S. wanted the Chau case squashed.

The cable said that lower level members of the government knew Chau and considered him loyal to South Vietnam and an invaluable aid to the United States.

Beyond that, Richardson said, high level government officials were concerned that an adverse press reaction to Chau's trial would hurt support for Nixon's Vietnam policy.

The cable pointed out that Chau's background was well known in the United States, and any attempt to imprison him for aiding the enemy would be viewed as unjust.

BUNKER'S DECISION

Bunker was told to "leave no doubt of our concern in the mind of President Thieu," and to point out that prosecuting Chau would be harmful to United States' interest.

The ambassador chose not to see Thieu himself, but to have the instructions from Washington handled on a lower level in a very low-key manner. He reported back to Washington assurances that Chau would not be imprisoned, but that he might be prosecuted "in absentia" for seeing his brother.

Despite the fact that President Nixon has said he would accept a coalition government in Saigon if it were the peoples' wish, Bunker also cabled the State Department that they should understand that Chau was guilty of a crime under South Vietnamese law because he had advocated a coalition government.

In fact, say Chau's supporters, he never advocated allowing Communists to serve in the cabinet but only to allow an accommodation of members of the National Liberation Front on the province level through negotiations. Presidential adviser Henry A. Kissinger has advocated the same thing in published articles.

A DINNER PARTY REMARK

There are various theories on why Bunker decided to downplay the State Department's cabled wishes in the Chau case. But one clue came at a Saigon dinner party in early December, before the cable traffic started to flow on Chau.

Bunker told his guests that night in early December that he had "irrefutable proof" that Chau was a Communist.

Among those present who heard the remark were Dong Van Sung, leader of the government bloc in the South Vietnamese Senate and a strong anti-Communist.

Also on hand was a staff member of the National Security Council during the Johnson administration and the early Nixon administration. Richard Moos, who was in Saigon on a fact-finding trip for the Senate Foreign Relations Committee, confirmed today that he had heard Bunker make the remark, and that Sung heard it too.

It was after this that Thieu began a concerted move against Chau, and Bunker began to downplay the cables from Washington.

No member of the Vietnam action group at the State Department professes to believe that Chau is a Communist. No other member of the U.S. Embassy in Saigon has ever suggested it. Many in both groups have said, on the contrary, that Chau is not a Communist.

Bunker has never charged it in writing or within official channels, and he has never disclosed his "irrefutable proof."

THIEU'S REASON

The suspicion of Chau as a Communist is not really an issue in the case. Thieu has said that he found it necessary to prosecute Chau not because he suspected he was a "Communist." (In fact, Thieu and Chau are old friends and former roommates during military service together.)

Thieu told Bunker he had to prosecute Chau so that his constituency, the generals and other strong anti-Communists, would not think he was wavering or in any way showing sympathy to the idea of coalition government.

The more accepted analysis at the State Department is that Thieu has succeeded in removing from the National Assembly for political accommodation with the enemy at the province level, and for negotiations between North and South.

"The real significance of this case is a theory of government for South Vietnam," said one official.

This point has been recognized, apparently, at lower levels of the State Department and the Saigon Embassy. There is said to be a minor rebellion going on at both places over Bunker's unwillingness to rescue Chau from Thieu's grips.

At higher levels, the fear seems to be more one of public relations. This has been expressed in cables signed by Rogers and Richardson. And Kissinger, who takes an active interest in all foreign policy matters that he deems important, has viewed the Chau case "with sympathy, from a distance," according to one source.

There is still another aspect of the case which some members of both the Senate and the State Department have found disturbing: Reports from low level officials get reversed in meaning before they reach high officials here.

BUNKER'S NEW ORDER

Even as Ambassador Bunker was assuring Washington that Chau would not be imprisoned, he was getting reports from his own subordinates indicating that there seemed a strong likelihood that Thieu was planning to stage demonstrations against the assemblyman, and to coerce three quarters of the assembly to sign a petition removing Chau's immunity from arrest.

Finally, on Feb. 7, Richardson cabled Bunker reminding him of the Dec. 22 cable and saying it was now imperative that Bunker speak to Thieu directly and convey the strong dissent of the United States government.

Richardson instructed Bunker to try to get the charges dropped, and if he could not to press for a trial in a civilian court and to get Thieu's agreement that there be no imprisonment even if Chau were found guilty.

Bunker saw Thieu Feb. 10, at which time Thieu informed him the case was already before a military court and the decision was irreversible.

By his own account, Bunker did not express the deep concern of his superiors, but told Thieu only the U.S. press and the Congress were upset.

Bunker added that it was his own opinion that the charges alone had ruined Chau's political career and there was no need to make him a martyr by imprisoning him.

In Bunker's remarks, as he recounted them to the State Department, there was no indication of concern over the issue of a need for broad based support of the South Vietnamese government. The tone, which the State Department seems to have assented to, was one of simple support for a government of our own creation in what was deemed a minor embarrassment.

CANCELING A DENIAL

One mystifying element in all of this is the fact that the embassy never informed the South Vietnamese that Chau was on the closest terms with a number of officials in the embassy.

In fact, Bunker at one point cabled Washington that he planned to deny that Chau had American approval in setting up a meeting between his Communist brother and Ambassador Lodge.

The department hurriedly cabled back that another official, John Paul Vann, the top civilian in the Mekong Delta, had told the Senate Foreign Relations Committee the whole story of the attempted meeting in a private session last month.

Vann had been a close contact of Chau's when Lodge was ambassador, and had introduced Chau to other high-level Americans. He also kept Bunker fully informed of his dealings with Chau.

In September 1967, Chau presided at a briefing for Vann, Ambassador Bunker, his first assistant, Deputy Ambassador Samuel Berger, and the commanding general of the U.S. forces around Saigon, Frederick C. Weyand.

Chau forcefully argued that the so-called "blue areas" on the pacification maps, the big cities and population centers that were listed as secure, needed much more military protection against the possibility of wide scale attacks by the North Vietnamese.

Weyand was said to have been very impressed, possibly because Chau was in constant contact with his brother at this time.

General William C. Westmoreland, then commander of U.S. troops in Vietnam and Deputy Ambassador Robert Komer were at this time publicly boasting about the extent of the secure area, and seeking to push their efforts further and further from the cities.

STRATEGY WORKED

Weyand persuaded Westmoreland to let him concentrate his troops closer to Saigon. As a result, the Communists were unable at Tet to interdict the runways at the two major airports near Saigon and troop airlifts from these spots not only held the major southern cities, but sped reinforcements to the northern areas as well.

A marine general at the time told a reporter that if Tan Son Nhut and Fien Hoa airports had been overrun, many major cities would have fallen within a few days after Tet.

This alone seemed reason enough to support Chau against Thieu's attacks, but there was no such support.

President Nixon was asked about it at his new conference Saturday, and said that it had been the subject of discussion between Bunker and Thieu.

[From Newsday, Mar. 24, 1970]

U.S. DECEPTION IN SAIGON

(By Flora Lewis)

(EDITOR: Flora Lewis reports exclusively that U.S. Ambassador to Saigon Ellsworth Bunker misinformed Washington about developments surrounding the arrest of a South Vietnamese lawmaker. She explains its considerable significance to U.S. relations with the Thieu government.)

NEW YORK.—A recent series of cables between the State Department and U.S. Ambassador Ellsworth Bunker in Saigon indicates that Bunker is, to say the least, misinforming Washington and that Washington knows it.

The situation has come to a head over the case of Tran Ngoc Chau, a Vietnamese assemblyman who was tried and sentenced to 10 years at hard labor on a charge of being in touch with a Hanoi agent. Chau testified at his trial that the contacts were made with the knowledge and backing of the U.S. Embassy. But the U.S. has never commented publicly, one way or the other.

The Chau case is of the greatest importance because its implications are central to U.S. relations to the government of President Thieu, and to the question of whether or not Thieu has the power to veto any efforts to negotiate a Vietnam settlement with Hanoi. It reflects Thieu's efforts to manipulate the U.S. and his own people into a box, without challenge from the U.S. ambassador.

The cables show that Bunker proposed to make a public statement after Chau, whose trial Washington asked him to prevent, had been convicted. Bunker told State that Chau's testimony was "false and misleading" and that he planned to say publicly that "No American Ambassador directly or through any intermediary suggested or encouraged Mr. Chau to initiate or continue his contacts with Capt. Hien." (Capt. Tran Ngoc Hien, the Hanoi agent, is Chau's brother. He was arrested last April and is now jailed in Saigon.)

The Department told Bunker not to say anything of the sort because it was "in conflict" with testimony given to a secret hearing of the Senate Foreign Relations Committee last month by John Vann, top U.S. civilian official in the Mekong Delta region, and thus would provoke awkward questions.

That was a diplomatic way of saying the Department knew Bunker's proposed comment was untrue, and was aware that Bunker also knew it was untrue.

Bunker wanted to include in his statement that Chau "on several occasions in conversations with American officials associated with him in the pacification program made veiled references to an important political cadre from Hanoi with whom he was in contact."

But Vann testified to the Senate committee that he received detailed descriptions from Chau of his brother and their relationship and how the Americans might contact Capt. Hien directly, if they chose. That was at a meeting in July, 1966.

Vann sought to arrange a meeting between Hien and then U.S. Ambassadors Lodge or Porter. But Lodge finally decided against it and authorized Vann to talk to the agent. That talk never took place because Hien answered Vann's request, sent through Chau, that he would see the men at the top, or no American official at all.

Vann's testimony made clear that Chau acted with the encouragement and backing of the U.S.

The record also shows that Chau played an important role in what became U.S. strategy before the 1968 Tet offensive, which may have prevented the fall of Saigon and a communist victory at that time.

Chau gave a long briefing on his understanding of coming events to Ambassadors Bunker and Samuel Berger, Lt. Gen. Frederick C. Weyand, Vann and others in September, 1967. Bunker does not deny this session.

Chau had learned from his brothers that the Vietcong planned big attacks on populated areas, although he did not have precise information about the timing and place of the Tet offensive. Nonetheless, on the basis of his knowledge of the situation, he urged the U.S. to strengthen defenses of those areas instead of shifting most of its forces out to border regions.

Chau's combination of information and reasoning convinced Vann and Gen. Weyand, the commander of the III Corps area which includes Saigon. Weyand then urged the strategy on Gen. Westmoreland, then U.S. commander in South Vietnam.

That was in November, 1967. Westmoreland, who in that period announced that the war was nearly won, had issued orders to move the great bulk of U.S. forces in III corps to the border provinces in pursuit of what he believed was a disintegrating enemy. The shift was to take place by January 1, 1968.

Weyand argued intensely against that strategy and finally won from Westmoreland a compromise delaying the movement for 6 months. At that time, the enemy was provoking battles near the border, notably at Dak Tho and Loc Minh, which with hindsight can be seen as an effort to draw U.S. troops away from the capital in preparation for the Tet attacks. The big Tet offensive came at the end of January.

Some top Americans who were in Vietnam at that time are convinced that if Westmoreland's orders had not been challenged, the big airports at Saigon and nearby Bien Hoa could have been overrun, preventing reinforcements and thus possibly leading to the loss of the Vietnamese capital.

President Thieu's government, in the course of the prosecution of Chau, has issued statements that it was unaware of Chau's connection with the Americans. (Vann testified to the contrary.)

Another official statement was made on Feb. 22, the day before attempts began to arrest Chau. It charged that the U.S. was in collusion with the Vietcong at the time of the Tet offensive and deliberately removed the South Vietnamese army's ammunition to weaken its defenses at the time of the attack.

American Vietnam experts interpreted this as a warning from Thieu to the Embassy against supporting Chau, lest it give some credence to this outrageous lie. The statement was made by Thieu's special assistant Nguyen Van Thang, whose position with Thieu is often compared to Henry Kissinger's role in the Nixon administration. The charge was repeated by prosecutor and judge in the public trial.

Bunker asked Thieu about it, reporting to Washington, "I said I was frankly amazed. Everybody knows about Chau's efforts to involve the U.S. in this case. Now the court seems to have fallen in the same trap." He accepted Thieu's bland denial of any involvement.

In the period before Chau's trial, Bunker kept relaying without comment South Vietnamese assurances that Chau would not be prosecuted, although the preparations for his arrest were public knowledge. Bunker repeatedly told Washington, which asked him to head off the trial, that everything was being done according to due process and strict legality. At the same time, however, his Embassy was reporting that Thieu's agents were bribing many deputies to remove Chau's parliamentary immunity and secretly organizing and paying for demonstrations against Chau.

Bunker, whose cables are read by top officials, took no note of these embassy reports which often contained a contradictory version of the facts to the State Department.

The case has caused immense concern among American officials below the top level in both Saigon and Washington, partly because they know and respect Chau and feel the U.S. has betrayed his trust, partly because they think Thieu's intricate maneuvering in this case has put him in a position to block any real efforts to negotiate a peace.

The U.S. still has issued no formal comment on the case, nor permitted release of Vann's testimony, presumably because it would be too embarrassing to appear to confirm Thieu's back-handed charges that the U.S. had secret dealings with the communists, and that they affected defenses during Tet.

Vann also testified that, despite Thieu's disclaimers, the South Vietnamese government was informed about Chau and the whole affair in July 1969. Vann himself told South Vietnamese Prime Minister Khiem about it at that time, on the authorization of his superiors in the U.S. establishment in Saigon.

Bunker's cables ignore all this and protest instead at Chau being represented in the U.S. press as a "patriotic nationalist." He told the State Department that Chau had called for a coalition government, which is a crime in South Vietnam although President Nixon has said he would not oppose such a government.

The record shows, however, that Chau has publicly opposed admitting communists in the government, though he favors negotiations, a cease-fire, and the communists' right to participate in elected bodies such as the National Assembly.

Bunker, 75, is a traditional type of New England Yankee with a record of high personal integrity. However, it was he who picked Thieu as America's favorite candidate for presidency and, in effect, created the Thieu government. He is deeply committed to its maintenance in power.

The upshot of all this pettigoggery has been, as one Saigon Embassy cable reported, to "defame the U.S."

It also indicates that Thieu is working to prevent the U.S. as well as any South Vietnamese from being able to negotiate a settlement to the war, which Nixon has said is the first aim of his Vietnam policy. So far, Thieu is getting away with it and Bunker is justifying him to Washington.

VA MEDICAL CARE

Mr. DOLE. Mr. President, recently the President signed legislation that raises pay for those who are taking training under the GI bill and other educational programs administered by the Veterans' Administration.

More than 777,000 persons currently taking training will benefit and countless thousands of others to come will have added incentive to claim the valuable educational rights they have earned. I can think of no better way to invest our resources, in terms of benefit to the veteran and his dependents and the good that will come to the Nation.

Now the President has taken action on another front that recognizes in a material way the great and continuing obligation that we have to the veterans of our armed services.

He has announced his approval of an increase of $50 million in the Veterans' Administration's medical care budget request for fiscal year 1971. He has also authorized VA to seek from Congress an additional appropriation of $15 million for the remainder of this fiscal year.

These requests, if granted, will go a long way toward improving medical care for all veterans and are of special significance, I think, because they will provide financial surety that programs of treatment for men returning from Vietnam are the best that the American people can supply.

I am certain that the addition of these funds will have the approval of this body—and I am equally certain that all citizens look with favor on whatever expenditures are required to help restore and sustain the health of those who serve and have served in this cruel and lonely war.

Aside from the surface humanitarian aspects of these requests, however, there is a great deal more to consider. Like the additional money to be spent on the GI bill and other VA educational programs as the result of the new pay scales now going into effect, more money in VA's medical program is an investment that strengthens our Nation and helps all citizens—veterans and nonveterans.

The Veterans' Administration operates a system of 166 hospitals—the largest hospital system in the free world. It is a national resource in which we can all

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take pride and in which we can all find comfort.

The system is a symbol of our care, our respect, and our love for those who have served and love their country. It says that our civilization does not abandon or neglect those who have defended it.

The system of hospitals is also a symbol—and I hope a true symbol—of the best medical care that can be provided. It has been, and must continue to be, a standard setter for all hospitals and health care institutions.

I do not think we have ever lacked generosity in voting funds for the Veterans' Administration and its vast medical programs.

I think the President has shown his interest in VA medicine and his concern that it be properly funded, and I think the record is clear that he intends VA to have whatever money and whatever manpower are needed to carry out its mission.

Last September he raised VA's personnel ceiling by 1,500 jobs even though employment authorizations were being reduced in other Federal agencies. This was recognition that the needs of Vietnam veterans and other veterans had priority over other needs.

The President also approved VA's fiscal 1971 request for 2,100 additional medical employees—again at a time when stringency in Federal employment was being exercised.

And the 1971 budget request submitted prior to today for VA medical care was some $160 million more than the approved appropriation for fiscal year 1970.

XUM

Against this background of recognition of need and generous consideration of that need, however, there now emerges the fact that what we have provided—and what we have been requested to provide—will not be enough.

Men and women are returning from service in Vietnam and elsewhere in ever larger numbers and this exodus from service will increase in months and years ahead. Their needs are often more complicated and call for more sophisticated help and equipment than that needed by the average prior patient.

Veterans of World War I, World War II, and Korea are getting older and requiring more care.

While medical treatment is getting better, it is also getting more expensive and our ability to save lives and restore health must not be restricted by budgetary deficiencies.

The Veterans' Administration has, in recent years, attained an honored and deserved reputation as a place of training for doctors and other medical personnel. This service to all Americans could be endangered by lack of funds.

Research that broadens total American—and world—medical knowledge and is life-sustaining has become an integral function of VA hospitals. This research must not be allowed to weaken or diminish at a time when new frontiers are being pierced and when the needs of a growing world population are greater than ever before.

The Veterans' Administration hospitals are competing in a tight labor market for hard-to-get doctors and other medical personnel and those who administer VA health care programs must be able to get and keep the personnel they need.

For all these reasons, the requests of the President for additional VA hospital funding should be appreciated and commended. It is an act of responsibility on the part of the administration, a vote of confidence in a great Federal agency and a manifestation of understanding of need and deserved support.

ENVIRONMENT PROBLEMS

Mr. **ALLOTT.** Mr. President, for several weeks I have been delivering a nine-part series of statements on various aspects of the environment problems that afflict America.

Today I am delivering the final installment of this series. Therefore, today is a good day to sum up my thinking on these matters.

My first conclusion is that nine statements are not enough to cover the many facets of our many environment problems. Thus I will continue to address myself to these problems in the coming weeks and months. I am proud to be a cosponsor of the President's legislative package dealing with environment problems and I intend to give strong support to the President's imaginative proposals.

Beyond this primary point—that there is much more to be said about our environment problems—I would emphasize these 10 points:

First. It is proper and understandable that environment should be an important issue for Americans. We have been singularly blessed with a beautiful and richly endowed nation. And we have been singularly important in proving that popular government can be responsible government. The environment issue brings together our blessings and our responsibilities.

Second. It is appropriate that the Republican Party is taking the lead in coping with environment problems. As I said in my first statement in this series:

> Our environment problems are problems stemming from the fact that we are the world's foremost industrial nation. It was under almost exclusively Republican leadership, in the decades from the Civil War until the First World War, that America changed from a predominantly rural and agricultural nation into a modern industrial giant. Moreover, it was at the end of this half century of unprecedented progress that concern for the American environment was put on the national agenda of pressing public business. It was put there by a great Republican President, Theodore Roosevelt.

Third. Many of our problems stem from our great national success as a productive people. We should not decide that our success is really a failure just because it poses some problems.

Fourth. As the cartoon character Pogo says:

> We have met the enemy and they is us.

Or, as the President says:

> The fight against pollution is . . . not a search for villains.

We have all contributed to our environment problems, we all suffer from them, and we will all have to make some sacrifices to solve them.

Fifth. Many of the choices we now face are not choices between good and evil. Rather, they are choices between competing goods. For example, the airport facilities we need for better service may require the disruption of areas of natural beauty. And we should not be afraid to choose beauty over convenience.

Sixth. The choices we face are especially awkward when they involve a collision between environmental problems—such as air pollution, and thermal pollution of water—and our growing need for energy, and especially for the production of electric power.

Seventh. We must recognize that our most serious long-term environment problems cannot be solved just by more strict enforcement of existing laws, or even by passing more severe laws. We do need stern laws. But we also need a lot of new knowledge concerning everything from cleaner cars and better power production through recycling of solid wastes. This means we need to invest in many areas of research.

Eighth. The Government should be alert to the existence of "hidden environment policies." A "hidden policy" exists when a policy designed for one social problem has important ramifications on another social problem. For example, a policy which encourages reliance on automobile transportation into cities may be a "hidden"—and detrimental—environment policy because automobiles aggravate air pollution problems. As cosponsor of the National Environmental Policy Act of 1969, I fully supported the provision requiring all departments and agencies of the Government to examine the environmental impact of proposed actions, and to consult with the Council on Environmental Policy.

Ninth. The Government also should be alert to the opportunity for "cross-commitment." Cross-commitment is the policy of designing two policies which aim at different goals, but which interact in such a way that each promotes the achievement of the other program's goal. For example, the policy of fighting air pollution is helped by the policy of promoting urban mass transit which curtails the reliance on automobiles in congested city centers. Thus cross-commitment can be the Government's way of killing two birds with one stone—by attacking two problems with one appropriation.

Tenth. We must not allow extremists to seize control of the environment debate. Two bad consequences can come from any debasement of the debate. On the one hand, extremists can use these issues to divide and polarize the community, thereby increasing the disharmony on which extremists thrive. On the other hand, extremists—with their absolute inability for moderation and restraint—can confuse the environment debate with scare tactics. Already, we are being inundated with dire prophecies about the total—and imminent—destruction of our living environment. Such prophecies make our task seem unmanageable, thereby discouraging practical action. Further, when extremists are shouting at the top of their lungs, it is doubly difficult for moderate men to be heard. There is no reason why we cannot lower our voices while increasing our efforts on behalf of a better world.

Mr. President, the preceding points are

among the most important conclusions I have come to in the process of surveying our environment problems.

But before concluding this series of statements, I want to do two things: First, I want to call attention to a form of environmental decay that is sometimes overlooked; second, I want to stress the fact our fight for a better living environment is a moral fight with very high stakes.

Mr. President, I want to call attention to the problem of noise, and to the general problem of ugliness in our lives.

In the year 1560 residents of London complained to their Government about the noise created by husbands beating their wives late at night. As a result Queen Elizabeth passed a law prohibiting wife beating after 10 p.m.

It will not be long before American Governments are called upon to show a similar solicitude for their constituents' desire for peace and quiet.

America is too noisy now, it is getting noisier all the time, and if it is not already so noisy we cannot think, we should think about this problem.

The way to begin thinking about the problem is to understand that it is part of the general decay of our environment.

It is quite reasonable to speak of "noise pollution."

Noise—understood as unwanted sound—is a form of environmental contamination. It leads to rising tempers and declining property values.

According to Theodore Berland, writing in "The 1970 World Book Year Book"—the annual supplement to the World Book Encyclopedia:

> We are up to our ears in noise. Noise is increasing at an alarming rate. It invades our privacy and interrupts our conversations. It even affects our health by causing eye pupils to widen, blood vessels to narrow, stomachs to turn, and nerves to jump. It can destroy some of the most important cells of the inner ear and cause permanent hearing loss.
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> Yet we cannot escape it. The noise of radios, television sets, stereo systems, food blenders, garbage disposal units, power tools and vacuum cleaners fills our homes. The roar of aircraft, motorcycles, air conditioners, power lawn mowers, trucks, and thousands of other noisemakers surrounds us out-of-doors. The once-quiet stillness of a winter day in the forest is shattered by the deafening whine of snowmobiles. Outboard motors reverberate across lake waters, driving away fish and fishermen. Rock music is amplified to such high levels that there is danger of widespread hearing loss among youth.

There are moments when the noise from imported transistor radios and small motorbikes almost makes one believe that our friends the Japanese are gaining revenge for our late misunderstanding by trying to make us all deaf. But we are doing an astonishing job of making noise with no outside help.

According to Mr. Berland:

> The high-noise area around John F. Kennedy International Airport in New York, for instance, is 23 square miles. It contains 35,000 dwelling units, 108,000 residents, 22 public schools, and several dozen churches, all regularly startled and annoyed by the 80- to 90-db screams of jet airplanes.

Clearly, modern conveniences, which bring us many blessings, also bring us a colossal avalanche of decibels. As Mr. Berland explains:

> The kitchen is probably the noisiest room in any house because of its many mechanized noisemakers, and because the hard surfaces of walls and cabinets create more reverberating noises by failing to absorb sound.

Dr. Lee E. Farr of the California Department of Health says:

> We are inadvertently turning our kitchens into miniature simulators of old-fashioned boiler factories.

He found that a kitchen may reach the noise level of a subway or an airport—in the 100-decibel range.

The only proper response to this problem is to work to reduce the noise level in the home and in the reverberating out-of-doors.

In recent years the noise level of our cities has been rising at the rate of a decibel a year. If this continued, all city inhabitants would be deaf by the year 2000.

Transportation is the primary source of permanent increases in noise levels. The automobile is the source of an estimated 75 percent of city noise. The largest concentration of noise in urban areas is around airports. Citizens in New York, Chicago, and Atlanta are currently conducting lawsuits to fight airport noise.

In New York City, Mayor Lindsay's task force on noise control has concluded:

> Noise has "reached a level intense, continuous and persistent enough to threaten basic community life.

The task force noted that 85 decibels is the threshold at which permanent impairment of hearing can result. But noise above that level is not uncommon. The New York City subway often produces noise over the 100 decibel level.

Worse still, air compressors and hammers used in construction can produce noise over 110 decibels. Relatively quiet air compressors are being manufactured but they cost 30 percent more than the regular noisy kind. Thus the quiet models are not selling well and will not sell well until they are required by law.

Things are so bad in some areas that accoustical experts—and improvising city dwellers—are suggesting the use of noise to drown out noise. The theory is that the world is hopelessly noisy, and the most we can do is pick our own background noise.

In noisy New York City, one man runs a fan all night, even in the dead of winter, just to drown out street noise. Another man plays a Barbra Streisand record almost constantly.

You can now buy a machine which purrs along all night emitting the noise of an air conditioner—just enough noise to blanket the noise of passing trucks.

Another machine—price, $19.50—makes a noise like "a breeze in the trees"—that is the manufacturer's description—and a third machine—price, $120—gives you a choice of three sounds: falling rain on a wood-shingled roof, the rustle of the wind, or ocean surf. Again, the descriptions are sound emitted by the manufacturers.

In some office buildings loudspeakers have been installed to broadcast the sound of waterfalls on the assumption that such noise is more soothing than normal office clatter. As one person explains this technique:

> Introducing a not unpleasant noise into buildings is like dumping rose water into the air conditioning at Madison Square Garden when the elephants are on. It doesn't make the elephants smell any better, but it gives you a somewhat pleasanter environment.

But clearly such measures are not the ideal answers to the problem of noise. The real answer lies not in fighting noise with noise, but in adding to the public stock of peace and quiet by eliminating unnecessary noise.

We have more to gain from this than just a more pleasant environment—although this is not a negligible benefit. Our health is at stake.

According to the American Health Foundation Newsletter:

> Noise pollution affects virtually every bodily function, including blood pressure and heart beat. It probably has much to do with emotional ailments, and persistent exposure to high noise levels can cause permanent deafness.

Mr. Berland has provided a remarkable survey of the ongoing research concerning the effect of noise on our health:

> Noise affects more than the ears. It can affect other parts of the human body as well, particularly the cardiovascular system. Research in both the United States and Europe indicates that noise increases the level of people's cholesterol in the blood and raises blood pressure. German and Italian medical researchers have found that even moderate noises cause small blood vessels to constrict. This vasoconstrictive reflex is the body's automatic way of responding to the stress of noise. It occurs also during sleep, as shown by Dr. Gerd Jansen of Essen, West Germany. He measured vasoconstriction that occurred in the fingers of sleeping subjects when he played recorded noises at only 55db, the level of nearby traffic. The vasoconstriction took place even when the noise exposure lasted only a fraction of a second. Even with this limited exposure, the blood vessels took minutes to return to normal. Jansen concluded that the sound of traffic at night, heard by sleeping individuals, can endanger their hearts and arteries.
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> In Italy, Dr. Giovanni Straneo found that noise not only causes the blood vessels in fingers and eyes to constrict, but also has the opposite effect on the blood vessels of the brain. The dilation in the brain could be a reason noises cause headaches. He also found that noise threatens the heart itself by directly altering the rhythm of its beat. In addition, it makes the heart work harder by thickening the blood while constricting its flow in the peripheral vessels. One of his associates at the University of Pavia found that noise also increases the stomach's flow of acid.
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> Other experiments, conducted in West Germany by Jansen, and at the University of Southhampton in England, show that even mild noises cause the pupils of the eye to dilate. This helps to explain why watch-makers, surgeons, and others who do close work are especially bothered by noise. Because of the effects of sound, eyes are forced to change focus, thereby causing eyestrain and headache.

It is estimated that between 6 and 16 million industrial workers suffer some form of occupational hearing loss. It is probable that the majority of Americans are exposed to very high noise levels several times a day.

When the noise level rises above 52 decibels, it interferes with normal human speech. It would be reasonable to work toward conditions in residential areas such that the noise level did not rise above 40 decibels in the daytime and 30 decibels at night. But that is a distant goal.

Still, we can encourage research into ways of dampening the noise of our world.

We can encourage research into the effects of noise on the human organism.

We can require airlines to make every effort to quiet their operations.

We need research into construction techniques that result in quiet buildings which do not transmit noise from one room to another.

Most of all, we should encourage the American people to include "noise pollution" on their list of serious environment problems. We can do this if we can make ourselves heard over the din of daily life.

Mr. President, while there are some humorous aspects of the "noise pollution" problem, I have examined this problem to make two serious points.

The first point is that "noise pollution" is a real and pressing environment problem that deserves prompt attention.

The second point is that there are many more facets to a comprehensive environment policy than meets the eye—or ear. The decay of our physical environment involves more than just the so-called big three pollutions—air, water, and solid waste pollutions. And the decay of our physical environment has a deleterious effect on our moral environment.

Our environmental vocabulary should accommodate the idea of "esthetic pollution." This is the problem of plain ugliness.

Tasteless architecture, unsightly advertising, needless noise, and hundreds of other environmental abuses take their toll on the quality of American life.

Of course we can and do learn to live with such abuses—more of them every year. But we are too tolerant of such abuses. We would have a better nation, and we would be better people, if we did not put up with them.

I see no reason to doubt that unpleasant surroundings make for unpleasant social relations and, in the end, unpleasant people. It goes without saying that the American people are the most precious part of America.

This brings me to the end of this series of environment statements, and to the most important point that can be made about the issue of our national environment.

Every nation has a moral environment that is as important as its physical environment. Indeed, Americans have always understood that the health of the physical environment contributes to the health of the moral environment.

We understand that people are happier—people are more noble—when they are living in harmony with the natural world. People are ennobled by living around beauty.

We must protect and cultivate the floral environment of America as assiduously as we protect and replenish our physical environment.

In addition, we must continue to recognize that these are related tasks.

Finally, we must all recognize the crucial responsibility we have to protect and promote a healthy environment for the conduct of our civic affairs. We must respect the traditions of civility in conducting the affairs of popular government. We must respect the desires and motives of those who disagree with us.

If we preserve a tolerant and reasonable moral environment in America, we will never lack the ability to cure the problems of our physical environment.

There is no better way to conclude these remarks than by citing the words of Abraham Lincoln. No one has ever matched the clarity and precision with which Lincoln spoke of the relation between the physical and moral words.

Speaking in Milwaukee, on September 30, 1859, Lincoln spoke words that should guide us in the difficult years ahead:

> It is said an Eastern monarch once charged his wise men to invent him a sentiment to be ever in view and which should be true and appropriate in all times and situations. They presented him the words, *"And this, too, shall pass away."* How much it expresses! How chastening in the hour of pride; how consoling in the depths of affliction! "And this, too, shall pass away." And yet, let us hope, it is not *quite* true. Let us hope, rather, that by the best cultivation of the physical world, beneath and around us, and the intellectual and moral worlds within us, we shall secure an individual, social and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away.

FORMER CHIEF JUSTICE EARL WARREN SPEAKS ON THE IMPORTANCE OF THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the protection of human rights on an international basis is a mission of the utmost importance for all of mankind.

The people of the world must join together to insure that the basic freedoms outlined in the United Nations Universal Declaration of Human Rights are guaranteed for men of all nations. This is a far-reaching and difficult goal. However, its urgency and importance make it imperative that we set our sights on its fulfillment.

Former Chief Justice Earl Warren has for many years been an eloquent spokesman for the international efforts to secure the protection of human rights. His active participation in the Center for World Peace through the Rule of Law has been of tremendous importance to the movement to understand and implement the rule of law in shaping a peaceful world in which human rights are respected.

Mr. Warren's legal and moral leadership for this country place added importance on his comments on the progress that we have made in this area, and on the vital nature of the work that lies before us. I invite the attention of Senators to an address that Mr. Warren delivered on December 4, 1968, to the conference on continuing action for human rights.

Mr. Warren places special emphasis in this address on two crucial areas in human rights—the absolute necessity of international cooperation and the serious consequences to this effort that will result from a "parochial outlook" on the part of the United States. His points are extremely well taken, and his admonishments as to the fearful price of failure in protecting human rights make even clearer the importance of the work that we must do in this area.

I ask unanimous consent that several excerpts from this inspirational address by former Chief Justice Earl Warren be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Excerpts From an Address by Chief Justice Earl Warren to the Conference on Continuing Action for Human Rights, December 4, 1968

We are here not just to celebrate human rights but also to advance them. To do that we must better understand them, we must constantly seek to learn more about them and their impact on our world here at home and abroad, and we must add our voices to the growing chorus of demand for the promotion of human rights in all aspects of government policy at both the federal and local levels.

* * * * *

How far then have we come in developing this international law of human rights? Over twenty major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately the United States is a party to only two of them and this status has been reached only in the last year. We are still not a party to such major conventions as the Convention on the Abolition of Forced Labor, the Convention on the Political Rights of Women, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Elimination of all Forms of Racial Discrimination. Nor have we as yet even signed no less ratified the two Conventions on Civil and Political Rights and Economic, Social and Cultural Rights which grow directly out of the Universal Declaration.

We are a nation of minorities—minorities which have confirmed major problems of war and peace, and self-government as a majority. The majority respects our pluralistic nature—we have even made of our heterogeneous origins a national strength and a point of national pride. We feel a natural sympathy and understanding for oppressed groups, we seek to preserve elements of our varied cultural heritage and weave them into our national fabric. Nevertheless, we have failed ourselves in not ratifying two conventions which were drafted as an expression of man's readiness to recognize the special protection which the minority deserves and needs. We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. Instead we may well be near the last to ratify the Genocide Convention which has about 80 parties to it already and the Race Discrimination Convention will probably enter into force without the United States having made any serious move to accede to it.

This sad record and the responsibility for it lies squarely with those who have a parochial outlook on our world problems. They have failed to measure the climate of change in the world. They have failed to recognize that men and their institutions do not stand still in the face of great changes. We are not so uncertain of ourselves and our future that we cannot make our institutions conform to our needs as a progressive people.

* * * * *

I would urge that we rely on the authority of the Universal Declaration and that we consider the usefulness of placing the urgency of achieving respect for human rights in the total framework of peace—peace in the community and peace in the world. It is specious to talk about peace unless we have peace at home and that means compliance with just laws. The objective of all our institutions should be to bring about compliance and respect for law through understanding and not just the exercise of police power. This is of course crucial in the understanding of the United Nations and of universal human rights.

FINANCIAL STATEMENT OF SENATOR CASE

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD a combined statement for my wife and myself of our assets and liabilities at the end of 1969 and our income for that year.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CASE, APRIL 3, 1970

ASSETS

Cash in checking and savings accounts (after provision for Federal income tax for '69), approximately $30,000.

Life insurance policies with the following insurers (currently providing for death benefits totaling $138,500): U.S. Group Life Insurance, Aetna Life Ins. Co., Conn. General Life Ins. Co., Con. Mutual Life Ins. Co., Continental Assurance Co., Equitable Life Assurance Society, Provident Mutual Life Insurance Co. of Philadelphia, Travelers Insurance Co.: Cash surrender value $45,827.

Retirement contract with Federal Employees Retirement System (providing for single life annuity effective January 3, 1973 of $28,236 per annum.) Senator Case's own contributions to the Fund total, without interest, $34,272.

Annuity contracts with Teachers Insurance and Annuity Association and College Retirement Equities Fund. As at 12/31/69 these contracts (estimated to provide a life annuity effective January, 1973 of $1443) had an accumulation value of $12,459.

Securities as listed in Schedule A, $409,947.

Real estate: consisting of residence building lot on Elm Avenue, Rahway, N.J. and house in Washington, D.C. (original cost plus capital expenditures) $72,200.

Tangible personal property at Rahway apartment and Washington house, estimated, $15,000.

Share in estate of Senator Cases's mother, estimated undistributed balance, $5,000.

Contingent interest in a small trust fund of which Chase Manhattan Bank of N.Y. is Trustee. 1969 Income, $18.

LIABILITIES

None.

INCOME IN 1969

Senate salary and allowances, $40,649, less estimated expenses allowable as income tax deductions of $7,147 (actual expenses considerably exceed this figure) $33,502.

Dividends and interest on above securities and accounts, $16,553.

Lectures and Speaking Engagements: Cornell; The Brookings Institution; The University of the Pacific, $1,900.

Net gains on sales of property, $4,260.

SCHEDULE A

SECURITIES

Bonds and Debentures of the following, at cost (aggregate market value somewhat lower) $50,205:

	Principal amount
American Telephone & Telegraph Co	$11,000
Cincinnati Gas & Electric Co	4,000
Consolidated Edison Co. of New York	5,000
Consumers Power Co	5,000
General Motors Acceptance Corp	5,000
Iowa Electric & Power Co	5,000
Mountain States Telephone and Telegraph Co	5,000
South Western Bell Telephone Co	5,000
Toledo Electric Co	5,000

Stocks (Common, unless otherwise noted) at market, $359,742.

Corporation:	*No. of shares*
American Electric Power Co	919
American Natural Gas Co	548
American Telephone & Telegraph Co	200
Cities Service Co	144
Combined Insurance	29
Consolidated Edison Co. of New York	400
Consolidated Edison Co. of New York, $5 Pfd	50
Continental Can	25
Detroit Edison Co	100
DuPont	40
General Electric Co	120
General Motors Corp	270
Gulf Oil	140
Household Finance Corp. $4.40 Cum. Conv. Pfd	100
International Business Machines Corp	128
Investors Mutual, Inc	2,633
Kenilworth State Bank	21
Litton Industries	86
Madison Gas & Electric Co	275
Marine Midland Corp	563
Merck & Company, Inc	200
Mid-Continent Telephone	80
Morgan, J	22
Owens-Illinois	80
Reynolds Tobacco	100
Tri-Continental Corp	1,378
Union Carbide	48
Union County (NJ) Trust Co	1,101
Warner-Lambert Pharmaceutical Co	260

PRESENTATION OF CREDENTIALS BY AMBASSADORS

Mr. FULBRIGHT. Mr. President, some time ago I was attracted by a newspaper picture of the Colombian Ambassador as he presented his credentials to President Nixon. A note accompanying the picture said that the Ambassador had to wait 51 days before the President arranged to see him. This seemed to me an inordinate time, and I asked the State Department for the date of each Ambassador's arrival in Washington over the last 3 years and the date on which he presented his credentials to the President. This information has now been received and analyzed for the period December 31, 1966, to February 3, 1970. The analysis showed that in 1967 the average delay between an Ambassador's arrival and the presentation of his credentials was 13 days. In 1968, it was 16 days. In 1969, it was 29 days, and in 1970, it was 27 days. The longest waits were encountered by the Ambassador of Gabon, who was kept waiting 58 days in 1967; the Ambassador of El Salvador, who had to wait 54 days in 1968, the Ambassador of the Dominican Republic, who had to wait 84 days in 1969; and another Ambassador from Gabon, who had to wait 29 days in early 1970.

I wonder what the reaction in Washington would be if the American Ambassador to the Dominican Republic, or El Salvador, or Gabon had to wait this long to present his credentials.

Certainly the average delay of 29 days in 1969 must be a source of embarrassment and humiliation to the smaller, poorer countries. I very much hope that the President would find it possible to arrange his schedule so as to accept diplomatic credentials more expeditiously.

In fairness, I should note that in transmitting to me the information on this subject, Acting Assistant Secretary of State H. G. Torbert, Jr., noted that the practice of former administrations, whereby Ambassadors were received by the President in groups, has been abandoned in favor of the internationally accepted ceremony of individual presentation. I commend the President on this change, but its advantages could largely be lost by delaying the individual ceremony unduly.

I ask unanimous consent that Mr. Torbert's letter to me and the tabulation which he enclosed be printed in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., March 9, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter dated February 9 requesting ambassadorial arrival and credentials presentation data.

The enclosed tabulation covers the period from December 31, 1966 to February 3, 1970.

In any attempt to compare average periods of time from arrival to presentation of credentials, it should be noted that the increase in time in the year 1969 is comparable to the increase during the first year of prior administrations. In some instances delays were caused by the fact that an ambassador was not prepared to present his credentials immediately upon arrival. In addition, the practice of the former administrations whereby ambassadors were received by the President in groups has been abandoned in favor of the internationally-accepted ceremony of individual presentation. The latter practice naturally is more time consuming.

I hope the foregoing information will be helpful to you.

Sincerely yours,
H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

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FOREIGN AMBASSADORS ACCREDITED TO THE UNITED STATES, 1967—FEB. 3, 1970

Country	Name of ambassador	Date of arrival Washington	Presentation of credentials
Haiti	Arthur Bonhomme	Dec. 31, 1966	Jan. 13, 1967
Colombia	Hernan Echavarria	Jan. 5, 1967	Do.
Indonesia	Suwito Kusumowidagdo	do	Do.
Turkey	Melih Esenbel	Jan. 6, 1967	Do.
Vietnam	Bui Diem	Jan. 16, 1967	Jan. 19, 1967
Malta	Dr. Arvid Pardo	Jan. 25, 1967	Feb. 7, 1967
Yemen Arab Republic	Abdulaziz Al-Futaih	Jan. 30, 1967	Do.
Sierra Leone	Christopher O. E. Cole	Feb. 13, 1967	Do.
Afghanistan	Abullah Malikyar	Mar. 13, 1967	Mar. 17, 1967
Singapore	Dr. Wong Lin Ken	do	Do.
Zambia	Rupiah Banda	Apr. 1, 1967	Apr. 7, 1967
Burundi	Terence Nsanze	Apr. 30, 1967	May 10, 1967
Dahomey	Maxime-Leopold Zollner	May 1, 1967	Do.
Morocco	Ahmed Osman	May 4, 1967	Do.
Iran	Hushang Ansary	May 15, 1967	May 26, 1967
New Zealand	Frank Corner	June 11, 1967	June 14, 1967
Italy	Egidio Ortona	do	Do.
Japan	Takeso Shimoda	June 20, 1967	June 28, 1967
Togo	Dr. Alexandre Ohin	June 13, 1967	July 27, 1967
Romania	Corneliu Bogdan	July 13, 1967	Do.
Jordan	Abdul Hamid Sharaf	Aug. 15, 1967	Aug. 30, 1967
Yugoslavia	Bogdan Crnobrnja	Aug. 19, 1967	Do.
Jamaica	Egerton R. Richardson	Aug. 20, 1967	Sept. 12, 1967
Poland	Jerzy Michalowski	Aug. 21, 1957	Do.
Ecuador	Carlos Mantilla-Ortega	Aug. 28, 1967	Do.
Greece	Christian Xanthopoulos-Palamas	Sept. 14, 1967	Sept. 25, 1967
Malawi	Nyemba Wales Mbekeani	Sept. 15, 1967	Do.
Ghana	Ebenezer Moses Debrah	Sept. 26, 1967	Oct. 9, 1967
Korea	Dong Jo Kim	Oct. 30, 1967	Nov. 9, 1967
Gabon	Leonard Antoine Badinga	Nov. 22, 1967	Jan. 19, 1968
Thailand	Bunchana Atthakor	Dec. 11, 1967	Do.
Sierra Leone	Adesanya K. Hyde	Jan. 12, 1968	do
Maldive Islands	Abdul Sattar	Jan. 14, 1968	do
Somali Rep	Yusuf O. Azhari[1]		Mar. 5, 1968
Israel	Major General Yitzhak Rabin	Feb. 19, 1968	do
Nigeria	Joseph T. F. Iyalla	Feb. 20, 1968	do
Panama	Jorge T. Velasquez	Feb. 25, 1968	do
India	Nawab Ali Yavar Jung	Feb. 26, 1968	do
El Salvador	Colonel Julio A. Rivera	Jan. 20, 1968	Mar. 15, 1968
Paraguay	Dr. Roque J. Avila	Mar. 4, 1968	Mar. 15, 1968
Philippines	Salvador P. Lopez	Apr. 5, 1968	Apr. 23, 1968
Indonesia	Soedjatmoko	Apr. 25, 1968	May 7, 1968
Senegal	Cheikh Ibrahima Fall	May 15, 1968	June 5, 1968
Burma	U. Hla Maung	June 15, 1968	June 27, 1968
Chile	Domingo Santa Maria	June 28, 1968	July 1, 1968
Mauritius	Pierre Guy Girald Balancy	July 5, 1968	July 17, 1968
Costa Rica	Luis Demetrio Tinoco	July 21, 1968	Aug. 22, 1968
Swaziland	Dr. S. T. Msindazwe Sukati	Sept. 4, 1968	Sept. 18, 1968
Chad	Lazare Massibe	Sept. 13, 1968	Sept. 26, 1968
Hungary	Janos Nagy	Sept. 26, 1968	Oct. 7, 1968
Ethiopia	Dr. Minasse Haile	Oct. 11, 1968	Oct. 31, 1968
Argentina	Dr. Eduardo Alejandro Roca	Oct. 18, 1968	Do.
Lebanon	Najati Kabbani	Oct. 24, 1968	Nov. 12, 1968
Peru	Fernando Berckemeyer	Nov. 24, 1968	Jan. 1, 1969
Tanzania	Gosbert M. Rutabanzibwa	Dec. 6, 1968	Jan. 3, 1969
Colombia	Misael Pastrana Borrero	Jan. 4, 1969	Jan. 17, 1969
Singapore	Dr. Ernest Steven Monteiro	Jan. 18, 1969	Jan. 31, 1969
Germany	Rolf Pauls	Jan. 12, 1969	Do.
Uruguay	Dr. Hector Luisi	Jan. 22, 1969	Do.
Panama	Roberto Aleman	Jan. 2, 1969	Feb. 21, 1969
Brazil	Mario Gibson Barboza	Feb. 6, 1969	Do.
Great Britain	The Right Hon. John Freeman	Mar. 3, 1969	Mar. 17, 1969
Botswana	Chief Linchwe II Molefi Kgafela	Mar. 4, 1969	Apr. 17, 1969
Nepal	Kul Shekhar Sharma	Mar. 18, 1969	Do.
Philippines	Ernesto V. Lagdameo	Mar. 22, 1969	Do.
Lesotho	Mothusi Thamsanga Mashologu	Apr. 8, 1969	Do.
Guinea	Fadiala Keita	Apr. 17, 1969	May 6, 1969
Kenya	Leonard Oliver Kibinge	Apr. 24, 1969	Do.
Austria	Dr. Karl Gruber	June 9, 1969	July 1, 1969
Dominican Republic	Dr. Mario Read-Vittini	July 10, 1969	Oct. 2, 1969
Sierra Leone	John J. Akar	July 15, 1969	Do.
Venezuela	Julio Sosa-Rodriguez	Aug. 1, 1969	Do.
Rwanda	Fidele Nkundabagenzi	Aug. 16, 1969	Do.
Luxembourg	Jean Wagner	Sept. 2, 1969	Do.
Barbados	Valerie T. McComie	Aug. 28, 1969	Oct. 10, 1969
Thailand	Sunthorn Hongladarom	Sept. 9, 1969	Do.
Congo	Justin-Marie Bomboko	Sept. 10, 1969	Do.
Netherlands	Baron Bernhard van Lynden	Sept. 11, 1969	Do.
Mali	Seydou Traore	Sept. 8, 1969	Do.
Iceland	Magnus V. Magnusson	Sept. 30, 1969	Oct. 16, 1969
Czechoslovakia	Dr. Ivan Rohal Ilkirt	Oct. 5, 1969	Do.
Iran	Amir-Asian Afshar	Oct. 6, 1969	Do.
Greece	Bash George Vitsaxis	Nov. 8, 1969	Nov. 18, 1969
Belgium	Walter Loridan	Nov. 25, 1969	Dec. 18, 1969
Tunisia	Slaheddine El-Goulli	Dec. 10, 1969	Do.
Zambia	Mathias Mainza Chona	Dec. 6, 1969	Feb. 3, 1970
Colombia	Dr. Douglas Botero-Boshell	Dec. 14, 1969	Do.
Gabon	Gaston Bouckat-Bou-Nziengui	Jan. 5, 1970	Do.
Malagasy Republic	Jules Alphonse Razofimbahiny	Jan. 9, 1970	Do.

[1] In Washington as Chargé.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 10 minutes and that at the conclusion of his remarks the unfinished business be laid before the Senate.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ERA OF NEGOTIATIONS?—PART II

Mr. MUSKIE. Mr. President, I thank the distinguished majority leader for his consideration.

Mr. President, the day before yesterday the French Cabinet expressed its grave concern about the widening war in southeast Asia and urged an effort to negotiate a settlement in Indochina. Yesterday, the Paris Vietnam peace talks went through the motions of their 61st session with no meaningful response to the French proposal. Later reports in Washington indicate that the Nixon administration is cool to the French proposals. In short, Mr. President, while the war in Vietnam continues and spills over in Laos and Cambodia, our Government offers no initiatives to bring about the "era of negotiation" and it is reluctant to respond to the initiatives of others.

One week ago, yesterday, Mr. President, I began a series of speeches in the Senate on the unanswered questions about U.S. policy in southeast Asia, particularly as those questions relate to the question of a negotiated settlement of the conflict in South Vietnam and the growing conflict in Laos and Cambodia. My questions were not answered, and I raise them again:

What is the administration trying to convey by the unfortunate symbolic protocol gap in Paris.

The administration has now allowed 133 days to go by—more than 30 percent of the time it has been in office—without replacing Ambassador Lodge with a representative of like rank. For more than 4 months, second-rank representation from the United States has led to second and third-rank representation from the Communists, and similar representation from Saigon. If this was to be the "era of negotiation," as President Nixon premised in his inaugural address, why is the administration downgrading the tools of diplomacy?

How does the administration propose to deal with the instability and conflict in Laos and Cambodia, which is directly related to the war in Vietnam?

The impossibility of ending the war by Vietnamization, which I have pointed out before, has been further underscored by events across South Vietnam's ill-defined Western borders. In Laos, 67,000 North Vietnamese troops continue to operate, despite occasional countermoves and continuing U.S. air attacks. In Cambodia, upward of 40,000 North Vietnamese and Vietcong troops now appear to be involved, in the midst of growing evidence of the risk of civil war.

I do not think the American people will tolerate widened intervention by U.S. ground forces in these cross border areas. While the South Vietnamese are incapable of settling the situation, they may well succeed in dragging us in to protect them. Laos and Cambodia cannot be expected to deal militarily with the present instability by themselves.

It should be obvious to anyone familiar with Southeast Asian affairs that we ought to be trying to halt the new, dangerous, and wider conflict in Indochina by a negotiated agreement. There is considerable merit in the suggestion that the Geneva conference be reconvened to consider all aspects of the Southeast Asia situation. There are substantial reasons for exploring the French proposal. But until the United States shows, by the level of its representation and the extent of its initiative in Paris, that it is seriously interested in a negotiated settlement, even the possibility of a Geneva conference will go begging.

Mr. President, I ask again the questions I raised last week:

Is the administration so certain, in the face of some contrary evidence, that Hanoi's position in Paris is one of total intransigence? Even if the administration is so convinced, does this mean it has no obligation to probe and to try?

Does it believe the tough bargaining necessary to achieve a negotiated end to the war is not worth the time of a top-level appointment as our chief negotiator in Paris?

Has the administration written off negotiations? If not, what are the preconditions for resuming meaningful negotiations? Is it, in effect, asking North Vietnam to surrender?

Is the administration playing a game where the next move can be made only by the other side?

Have we given up the initiative toward peace to the other side?

So far, Mr. President, the President's avowed policy of negotiations while we Vietnamize the war has not led to meaningful negotiations and it has not ended the war. It has been carried out against the uncomfortable and threatening backdrop of a widening war. It has reached the point where there are serious reports of an effort to slowdown, or temporarily halt, the removal of U.S. troops for the next 6 months, in order to let our forces complete the pacification process in certain key areas in South Vietnam. How often have we heard similar requests in the past? How much longer will we talk of pacification in South Vietnam while the rest of Indochina goes up in smoke?

The fact is, Mr. President, that while we let the empty gestures at Paris go on—and yesterday was the 61st meeting—the war goes on, and spreads. The administration seems to be debating not how much faster we can withdraw, but how much slower. And we have allowed the Thieu-Ky regime to continue on the assumption that we will support them indefinitely. And, to add insult to injury, we have stood by silently while the Thieu regime jailed a South Vietnamese political leader who had been helpful to us. Mr. Chau's offense was alleged "neutralist" sentiments in contacting his brother, a North Vietnamese intelligence operative.

Remember, Mr. President, that this act was carried out by Mr. Thieu, who said last July 11:

> There will be no reprisals or discrimination after the (promised free) elections.

Those words, which President Nixon hailed, have a hollow ring, today.

Mr. President, what possible justification is there for this administration to refuse to speak out publicly in opposition to this action by the Thieu regime. The arrest and subsequent conviction of Chau without public protest on our part completely erodes the pretensions of the Saigon government of magnanimity toward its own people, unless they are all-out supporters of the Thieu-Ky administration.

Ambassador Bunker apparently did as he pleased on the case, in spite of State Department instructions. President Nixon has refused comment on this case. The State Department has refused comment. But questions will continue to be asked until there is a satisfactory response. We cannot and must not be subservient to the Saigon regime.

President Thieu's every word and action in recent months indicates that he places his trust in winning the war by force and not by negotiations. In his press conference at the beginning of the year Thieu predicted, as he has done many times before, that the Communist military effort in South Vietnam will collapse within 2 or 3 years. The war will fade away, he predicted, and he did not foresee progress at the Paris talks. It was in this same press conference that he warned that many years will be required to remove all U.S. troops from South Vietnam. Is President Thieu dictating our withdrawal timetable?

Is it this attitude, Mr. President, which accounts for the forays of South Vietnamese battalions into Cambodia in recent days as reported in the press? Does the administration condone such actions by our allies? If not, what is it doing to prevent the further spread of the conflict by these means?

Mr. President, I will continue to ask these questions until some meaningful answers are given, and our Government again makes a genuine and reasonable effort to obtain a negotiated settlement of this tragic conflict.

I ask unanimous consent that recent articles which have appeared in the press relating to the military request for delay in further U.S. troop withdrawals, to the South Vietnamese attacks against Cambodia, and to the Chau case be inserted in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EVENTS PROVING OUT THESIS OF A SECOND INDOCHINA WAR

(By Stanley Karnow)

HONG KONG.—The late Bernard Fall, one of the wisest Western observers of Asia, insisted for years that the Vietnam conflict was actually a sequel to the struggle between the Communists and the French for supremacy over the entire Indochina peninsula that raged for a decade after World War II.

Therefore, Fall argued, the United States and its allies were really involved in what logically should have been termed the "Second Indochina War."

If that idea seemed somewhat esoteric before, it is now being proved prescient. For not only is the conflict spreading beyond Vietnam and Laos into Cambodia, but it is currently threatening to extend into Thailand as well.

The obvious danger in this growing turmoil is that President Nixon may feel compelled to escalate the American commitment to the region despite his repeated pledges to reduce the U.S. posture in the area.

Alternatively, however, there is the more hopeful possibility that the major powers may somehow sober up sufficiently to seek a multinational settlement for Southeast Asia in order to prevent an explosion that might ignite a world-wide catastrophe.

Thus the present situation may well be a turning-point that could lead, depending on the options taken, to either a wider war or a chance for peace. In short, it is a time of both hazards and opportunity.

Though climactic moments have a way of flaring into sudden headlines, a crisis is the gradual accumulation of events. So it has been in Indochina.

The conflict in Laos, a sideshow to the Vietnam theater, had long remained a minor affair because the contending forces there tacitly respected the unwritten partition of the country worked out during the 1962 Geneva Conference.

But last summer, when Gen. Vang Pao's Meo guerrillas and their American advisers moved into the Plain of Jars, they violated the understanding that kept the balance in Laos.

The Communists predictably counter-attacked this winter and, in addition to reacting with increased air support for the government, the United States openly strengthened the Thai units that have covertly operated in Laos for years.

The entry of the Thai reinforcements has in turn provided the Chinese, who also have troops inside Laos and thousands more poised on the border, to warn that they "will not sit idly by"—a phrase reminiscent of the days before their "volunteers" poured into Korea.

Hence a spiral of irrational challenges and responses threatens to transform the primitive kingdom of Laos into a battlefield on which no side can possibly attain victory.

Meanwhile, the ouster of Prince Sihanouk has disrupted the fragile equilibrium that served to spare Cambodia from becoming actively engaged in the war.

Hardly was Sihanouk deposed than the South Vietnamese, evidently acting with the approval of the new Phnom Penh regime, hit Communist bases across the Cambodian frontier.

Apparently anticipating a larger American role in Cambodia, the Communists have already started to stir up trouble. They have called on Cambodians to overthrow Sihanouk's successors, and they are virtually certain to direct their own forces in the country against the Phnom Penh regime.

At the same time, from his asylum in Peking, the prince has cloaked the Communists in legitimacy by creating a government-in-exile and a "National Liberation Army" to fight "with other anti-imperialist peoples forces of fraternal countries."

And seizing Sihanouk's appeal, which they probably inspired, the Chinese and North Vietnamese are increasingly referring to the "struggles" in Vietnam, Laos and Cambodia as a single "struggle for Indochina." To a large extent, Communist strategy appears to be designed to create diversions to the Vietnam arena, where Hanoi's dreams of rapid success have been punctured.

Their references to a bigger conflict are also calculated to stimulate anti-war sentiment in the United States and, in the process, raise the pressure on the White House to accept their conditions for peace in the region.

But whatever their motives, the Communists are making it clear that they are prepared to expand the war over the artificial boundaries that separate the Indochinese states, and there is no reason to doubt their intentions.

In another forecast that has become significant, Bernard Fall confided to a friend not long before his tragic death in Vietnam that his knowledge of that country might eventualy seem irrelevant if the conflict continued to escalate.

"I feel," he remarked, "like it is 1913, and I am an expert on Serbia who is about to be *depasser par les evenements*—outstripped by events."

[Fom the New York Times, Mar. 28, 1970]

U.S. IS SAID TO HAVE BLOCKED VISIT BY CHAU, THIEU FOE

(By Tad Szulc)

WASHINGTON.—The United States blocked a visit here by a South Vietnamese Deputy, Tran Ngoc Chau, last summer after the embassy in Saigon had advised that his trip would displease President Nguyen Van Thieu, authoritative quarters said here today.

This decision by the State Department came according to highly placed informants, at the time when President Thieu began the pressure against Mr. Chau that led to his arrest and trial three weeks ago, when he was sentenced to 10 years at hard labor.

The charges against Mr. Chau in a Saigon military court were that he maintained illegal and criminal contacts with his brother, a North Vietnamese intelligence captain, Tran Ngoc Hien, despite secret information conveyed to the Saigon Government by a high-ranking American official in July, 1969, that Mr. Chau had acted with the knowledge and approval of the United States Embassy and the Central Intelligence Agency.

FIRST MOVE LAST SUMMER

As reconstructed from Administration, Congressional and other sources here, the first effort by Mr. Chau's American friends to save him from prosecution by the Thieu regime, which regards him as a political foe, came last summer when it was first recognized that he was in danger of arrest and trial.

John Paul Vann, chief of the Rural Pacification Program in the Mekong Delta, testified at a closed session of the Senate Foreign Relations Committee last month that he had presented "in detail" the background of Mr. Chau's association with the United States Government at a meeting in July, 1969, with Tran Thien Khiem, who was then Deputy Premier and now is Premier.

Mr. Vann testified that he informed Mr. Khiem of Mr. Chau's status with the authorization of his immediate superior, the Deputy Ambassador, William P. Colby.

The United States Government has not, however, publicly conceded that Mr. Chau was acting in concert with American political and intelligence officials.

Mr. Vann's testimony before the senate foreign relations committee was heavily censored by the State Department and was returned to the committee this week pending a decision on its release.

BUNKERS ROLE REPEALED

Mr. Vann's testimony, according to senatorial sources, also touched at length on the alleged delays by Ellsworth Bunker, the United States Ambassador in Saigon, carrying out instructions from the State Department to intervene in favor of Mr. Chau.

At about the time Mr. Vann conferred with the Deputy Premier, a number of Mr. Chau's American friends in South Vietnam arranged for him to visit the United States. But when Mr. Chau applied for a visa, he was refused one. Informants here said this was done on Mr. Bunker's recommendation, based on the belief that President Thieu would resent Mr. Chau's departure.

Mr. Chau's concern was communicated to Senator J. W. Fulbright of Arkansas, Chairman of the Foreign Relations Committee. He is reportedly to have suggested to Under Secretary of State Elliot L. Richardson that the Administration intervene.

Mr. Richardson cabled instructions to Mr. Bunker on Dec. 23—the date was erroneously reported in The Times today as Dec. 22—to raise the Chau case with President Thieu and inform him of the Administration's desire to see the charges dropped.

Officials confirmed yesterday that Mr. Richardson followed up the first cable with a second one on Feb. 7, when it developed that Mr. Bunker had conveyed softened expression of American concern to lower ranking South Vietnamese officials.

As a result, Mr. Bunker met Mr. Thieu on Feb. 10, when he was informed that the case was already in the hands of the military court.

Before his audience with Mr. Thieu, Mr. Bunker was relaying assurances to the State Department that even if tried, Mr. Chau would not be imprisoned.

Meanwhile, the Administration continued to maintain silence on the Chau case.

The State Department's spokesman, Robert J. McCloskey said today that he would not comment on any aspect of the case and did not anticipate that comment would be forthcoming.

In Key Biscayne, Fla., where President Nixon is spending the Easter holiday, the White House press secretary, Ronald O. Ziegler said that there "is no displeasure on the part of the President whatsoever in relation to Ambassador Bunker's handling of his post in Saigon.".

BUNKER-STATE DEPARTMENT SPLIT ON CHAU REPORTED BY COLUMNIST

Serious differences existed between Ellsworth Bunker, the United States Ambassador to South Vietnam and the State Department over the handling of the case of Tran Ngoc Chau, the opposition deputy sentenced to 10 years' imprisonment, according to the Newsday columnist Flora Lewis.

In her syndicated column yesterday, Miss Lewis wrote that Ambassador Bunker had proposed making a public statement that no American ambassador had ever been involved in Mr. Chau's eight meetings with his brother Tran Ngoc Hien, a North Vietnamese intelligence officer, although Ambassador Bunker knew this is to be untrue.

But, according to Miss Lewis, the State Department ordered Ambassador Bunker not to make such a statement because it conflicted with secret testimony given by John Vann, chief of United States pacification efforts in the Mekong Delta, at a hearing of the Senate Foreign Relations Committee last month.

"That was a diplomatic way of saying the department knew Bunker's proposed comment was untrue and was aware that Bunker also knew it was untrue," Miss Lewis wrote.

Ambassador Bunker was himself present at a meeting in September, 1967, when Mr. Chau briefed high American officials on his knowledge of enemy plans for the forthcoming Tet offensive. Miss Lewis wrote that Mr. Chau had learned of these plans from the meeting with his brother.

Although Mr. Chau did not have precise information on the timing and place of the impending attacks, Miss Lewis reported, some top American officers believe that his advice was instrumental in preventing Gen. William C. Westmoreland, then United States commander in Vietnam, from transferring more troops to outlying regions and exposing Saigon to disaster. The offensive began at the end of January 1968.

Miss Lewis wrote that Ambassador Bunker, in suggesting that contacts with Mr. Chau be denied, was acting to protect President Nguyen Van Thieu of South Vietnam.

"Bunker, 75, is a traditional type of New England Yankee with a record of high personal integrity," she wrote. "However, it was he who picked Thieu as America's favorite candidate for the presidency and, in effect, created the Thieu government. He is deeply committed to its maintenance in power."

WILL THIEU BE THE NEXT "DOMINO" TO FALL?

Sixteen years ago, the U.S. government set out to "save" Indochina (embracing Laos, Vietnam, and Cambodia) for "democracy." Today, Laos is being overrun by the Communists; Vietnam is under the thumb of militarists; and in Cambodia a right-wing coup has just toppled the neutralist leader, Prince Sihanouk.

So after hundreds of thousands of American casualties, and the expenditure of more than $100 billion, all that the United States has to show for its vast effort in Southeast Asia is the dominance of one form or another of authoritarianism. There is hardly a glimmer of real democracy in the whole area that was Indochina.

With Sihanouk out, and Souvanna Phouma (our man in Laos) hanging by a thread, what will happen to our other man in Saigon, President Nguyen Van Thieu? Will he be the next domino to fall? That possibility is what makes Washington so uneasy, for the whole policy of "Vietnamization" rests on the viability of the fragile Thieu government.

Sihanouk himself has no illusions about his next-door neighbors. He has always said Vietnamization would not work. "The day the Americans left," he says, "the Saigon army would dissolve, because it is composed only of mercenaries—very well equipped, to be sure, but paralyzed by the lack of an ideal."

Moreover, the prince predicts, once the United States leaves, the population of South Vietnam would vote "massively" for the Viet Cong. He says old Saigon friends of his, including "big business men and Catholics," have told him they, too, would vote for the Viet Cong, if there were elections.

Three U.S. presidents, Eisenhower, Kennedy and Johnson, tried in vain to force reforms on the Saigon generals, in the hope of establishing a sound, democratic government capable of sustaining itself politically and militarily.

Nixon has fared no better. Thieu jails his opposition, shuts down the press, ousts a civilian as premier and installs a general in his place, tolerates corruption and arrests peace advocates.

This is the situation that has inspired Senators Alan Cranston, D-Calif., Thomas Eagleton, D-Mo., and Harold Hughes, D-Iowa, to introduce a new sense-of-the-Senate resolution calling for the prompt withdrawal of U.S. troops if the "Saigon generals do not immediately reform their government."

Vietnamization, says Cranston, "as now practiced will not end the war. It will keep the fighting going. More killing, more bloodshed, more sorrow, and for what? For a corrupt government which makes war on its own people." The Cranston-Eagleton-Hughes resolution is picking up support, for doubts about the Thieu government are not confined to the Democrats.

"Vietnamization," say Senator Charles Goodell, R-N.Y., "has been a great public relations success, but it is not a true policy of disengagement. We have not Vietnamized the war. We have cosmetized it."

Senator George McGovern D-S.D., puts it this way: "Vietnamization is an effort to tranquilize the conscience of the American people while our government wages a cruel and needless war by proxy."

Senator Edmund Muskie of Maine, who is emerging as the Democrat's leading contender for the White House, voices a concern that is widely shared in Congress. "Given the prospect of our indefinite stay in Vietnam," he says, "Saigon has no incentive to improve militarily or to bargain away its own power at the peace table."

The sharpest criticism of Thieu has come not from the U.S. Senate but the South Vietnamese one. When Thieu railroaded a legislator, Tran Ngoc Chau, to prison earlier this month, Senator Phan Nam Sach, chairman of the Judiciary Committee, said, "President Thieu has torn up the Constitution."

Thieu however, brushed this aside, as he has the feeble, pro forma protests that the United States makes from time to time to keep up public appearances. Thieu knows that Nixon cannot abandon him without admitting Vietnamization is a failure. The best thing about the Cranston-Eagleton-Hughes resolution is that it offers Nixon a way out of this dilemma.

ARBITRARINESS IN SAIGON

The Saigon Government has taken a tardy first step toward reversing a dangerously arbitrary action with its decision to order a new trial for a neutralist legislator summarily convicted by a military court last week on charges of pro-Communist activity and then roughly seized in his sanctuary in the National Assembly. But it remains highly doubtful whether opposition leader Tran Ngoc Chau should ever have been brought to trial in the first place.

The House petition which the Thieu regime engineered to justify its violation of Mr. Chau's legislative immunity is of questionable legitimacy. Mr. Chau avers that members were bribed and threatened to persuade them to sign the document. Others have held that the Constitution requires an actual vote in the House to lift the immunity of members from prosecution.

Furthermore, the charges against Mr. Chau are based on contacts with a brother—since convicted as a Communist agent—which were carried out with the knowledge and approval of senior American officials in South Vietnam. John Paul Vann, chief of the United States pacification effort in the Mekong Delta, told the Senate Foreign Relations Committee recently that Mr. Chau had reported to him on these contacts. Mr. Vann also told the committee that Mr. Chau was definitely not a Communist but rather a very dedicated nationalist.

In the light of this testimony it is inconceivable that Mr. Chau could be convicted of subversion because of his relations with his brother. It is disgraceful that senior American officials in Saigon have failed to intervene in the lawmaker's behalf, reportedly on the basis of orders not to do so.

The Chau case is only the latest in a long series of persecutions and harassments directed at South Vietnamese who, like Mr. Chau, have espoused the kind of compromise solution to the war to which the Governments of South Vietnam and the United States ostensibly are committed.

The perpetuation of this repressive policy by Saigon, with the acquiescence of Washington, undermines the credibility of both Governments. It subverts the Nixon Administration's professed objective of achieving peace under a regime that is representative of all of the South Vietnamese people.

In the case against Tran Ngoc Chau it is really Saigon and Washington that are on trial. The charges against Mr. Chau should be dropped forthwith.

[From the Washington Post, Mar. 26, 1970]

U.S. SILENT ON BUNKER'S ROLE IN VIETNAMESE SPY CASE

(By Murrey Marder)

The State Department refused yesterday to discuss reports that Ellsworth Bunker, ambassador to Saigon, frustrated American intercession in South Vietnam's Tran Ngoc Chau case.

Chau, once a favorite of U.S. officials in Vietnam, was sentenced to 10 years in prison earlier this month for pro-Communist activity.

His prosecution is regarded by many U.S. sources as a calculated warning to South Vietnamese against private contacts with Americans, and a warning to those who favor broadening the Saigon government in order to seek a compromise settlement of the war.

What is really at issue, these sources contend, is Saigon's determination to gain veto power over any war settlement.

Apparent support for these suspicions came in another set of spy charges in Saigon last week. South Vietnamese police displayed a photo showing an alleged spy, Bui Van Sac, talking to an American official identified as Harold Colebaugh, former political officer at the U.S. Embassy.

DEFENDANT'S STORY

In the first case, against Chau, the defendant claimed at his military trial that he kept U.S. officials informed of his contacts with his brother, a confessed North Vietnamese secret agent.

Several U.S. sources have confirmed these contacts, including John Paul Vann now a senior pacification official in Vietnam. Vann testified in closed session before the Senate Foreign Relations Committee last month about his association with Chau.

The American Embassy, to the private chagrin of many of Chau's American friends, remained publicly silent about the Chau case, however. Chau bitterly protested that he was being sacrificed by the U.S. government to avoid offending South Vietnamese President Nguyen Van Thieu, who was determined to convict him.

In the subsequent spy case involving Bui Van Sac, however, the U.S. Embassy evidently regarded the implications about American contacts to be so blatant that embassy officials felt compelled to speak out.

In defense of Colebaugh's contacts with Sac, the embassy said last Sunday that Colebaugh and other U.S. officials had met with Sac "in connection with carrying out their official responsibilities."

BUNKER ACCUSED

Ambassador Bunker, in a published report yesterday, was charged with "misinforming" Washington about the Chau case. Flora Lewis, columnist for Newsday, reported that Bunker, one of President Thieu's strongest supporters, had planned to issue a statement intended to disassociate the American Embassy from Chau.

Bunker, Miss Lewis reported, planned to say publicly that "no American ambassador directly or through any intermediary suggested or encouraged Mr. Chau to initiate or continue his contacts with Capt. Hien" (Capt. Tran Ngoc Hien, the Hanoi agent and Chau's brother).

The State Department, Miss Lewis reported, advised Bunker not to issue the statement because it would conflict with testimony given by Vann at the Senate Foreign Relations Committee hearing.

Other sources said yesterday that the Bunker statement was carefully phrased to be technically accurate, but it would have exposed the Nixon administration to questioning of its credibility.

These sources said no one had claimed, as the Bunker statement denied, that an "American ambassador" had "suggested or initiated" Chau's contacts with Hien. Chau instead was said to have kept officials informed of the contacts and was also credited with helping alert U.S. officials to a Communist threat to Saigon, which later turned out to be the Tet offensive of early 1968.

State Department press officer Carl E. Bartch said yesterday, "I will have no comment on that matter," declining to discuss the Chau case, the Lewis report or any other aspect of the affair.

President Nixon was asked about the Chau case on Saturday during his impromptu news conference. He replied that "this was a matter which Ambassador Bunker has discussed with President Thieu" but it "would not be appropriate" to say anything further.

SAIGON'S RANGERS AGAIN ATTACK FOE INSIDE CAMBODIA—TROOPS REPORTED IN ATTEMPT TO TRAP VIETCONG FORCE AT FOREST SANCTUARY—FIGHTING CALLED HEAVY—AMERICAN COPTERS SUPPORT EFFORT ALONG BORDER BUT STAY IN SOUTH VIETNAM

(By Terence Smith)

CHAUDOC, SOUTH VIETNAM.—South Vietnamese Rangers crossed the border into Cambodia for the second consecutive day today in an effort to trap a Vietcong force estimated at two battalions.

Despite official denials by the South Vietnamese in Saigon, reliable sources here, including officers involved in the operation, confirmed that South Vietnamese troops and armored personnel carriers again penetrated Cambodian territory today and engaged enemy soldiers on the edge of the Paknam Forest, a well-known Vietcong sanctuary just across the border.

The sources also said the operation was being conducted with the active cooperation of the Cambodian Army. They said two battalions of Cambodian troops had been deployed as a blocking force to prevent the Vietcong from escaping to the north, but had so far not been involved in the fighting.

HEAVY FIGHTING REPORTED

In today's action, a column of South Vietnamese armored personnel carriers pushed to a point one-and-a-quarter miles north of the border and 2 miles east of the Bassac River before turning south in an attempt to trap the Vietcong. Heavy fighting was reported, but no casualty figures were immediately available.

The operation is scheduled to continue for several more days, although officers involved in the planning said it might be terminated before then if contact with the enemy was lost or if diplomatic complications became too great.

It is apparently fear of embarrassing the new Government in Pnompenh that prompted the official denials in Saigon today.

A South Vietnamese Army spokesman at the regular evening briefing told newsmen that the fighting with the Vietcong had occurred "a few hundred meters" inside South Vietnam. Earlier in the day the spokesman had said that the enemy had been encountered three miles short of the border with Cambodia.

Both statements are technically correct. The operation is being conducted on both sides of the border and contact has been made with enemy units in South Vietnam as well as Cambodia. But the spokesman denied that any action had occurred on the Cambodian side.

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U.S. DECEPTION IN SAIGON

(By Flora Lewis)

(EDITOR.—Flora Lewis reports exclusively that U.S. Ambassador to Saigon Ellsworth Bunker misinformed Washington about developments surrounding the arrest of a South Vietnamese lawmaker. She explains its considerable significance to U.S. relations with the Thieu government.)

NEW YORK.—A recent series of cables between the State Department and U.S. Ambassador Ellsworth Bunker in Saigon indicates that Bunker is, to say the least, misinforming Washington and that Washington knows it.

The situation has come to a head over the case of Tran Ngoc Chau, a Vietnamese assemblyman who was tried and sentenced to 10 years at hard labor on a charge of being in touch with a Hanoi agent. Chau testified at his trial that the contacts were made with the knowledge and backing of the U.S. Embassy. But the U.S. has never commented publicly, one way or the other.

The Chau case is of the greatest importance because its implications are central to U.S. relations to the government of President Thieu, and to the question of whether or not Thieu has the power to veto any efforts to negotiate a Vietnam settlement with Hanoi. It reflects Thieu's efforts to manipulate the U.S. and his own people into a box, without challenge from the U.S. ambassador.

The cables show that Bunker proposed to make a public statement after Chau, whose trial Washington asked him to prevent, had been convicted. Bunker told State that Chau's testimony was "false and misleading" and that he planned to say publicly that "No American Ambassador directly or through any intermediary suggested or encouraged Mr. Chau to initiate or continue his contacts with Capt. Hien." (Capt. Tran Ngoc Hien, the Hanoi agent, is Chau's brother. He was arrested last April and is now jailed in Saigon.)

The Department told Bunker not to say anything of the sort because it was "in conflict" with testimony given to a secret hearing of the Senate Foreign Relations Committee last month by John Vann, top U.S. civilian official in the Mekong Delta region, and thus would provoke awkward questions.

That was a diplomatic way of saying the Department knew Bunker's proposed comment was untrue, and was aware that Bunker also knew it was untrue.

Bunker wanted to include in his statement that Chau "on several occasions in conversations with American officials associated with him in the pacification program made veiled references to an important po-

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litical cadre from Hanoi with whom he was in contact."

But Vann testified to the Senate committee that he received detailed descriptions from Chau of his brother and their relationship and how the Americans might contact Capt. Hien directly, if they chose. That was at a meeting in July, 1966.

Vann sought to arrange a meeting between Hien and then U.S. Ambassadors Lodge or Porter. But Lodge finally decided against it and authorized Vann to talk to the agent. That talk never took place because Hien answered Vann's request, sent through Chau, that he would see the men at the top, or no American official at all.

Vann's testimony made clear that Chau acted with the encouragement and backing of the U.S.

The record also shows that Chau played an important role in what became U.S. strategy before the 1968 Tet offensive, which may have prevented the fall of Saigon and a communist victory at that time.

Chau gave a long briefing on his understanding of coming events of Ambassadors Bunker and Samuel Berger, Lt. Gen. Frederick C. Weyand, Vann and others in September, 1967. Bunker does not deny this session.

Chau had learned from his brother that the Vietcong planned big attacks on populated areas, although he did not have precise information about the timing and place of the Tet offensive. Nonetheless, on the basis of his knowledge of the situation, he urged the U.S. to strenghten defenses of those areas instead of shifting most of its forces out to border regions.

Chau's combination of information and reasoning convinced Van and Gen. Weyand, the commander of the III Corps area which includes Saigon. Weyand then urged the strategy on Gen. Westmoreland, then U.S. commander in South Vietnam.

That was in November, 1967. Westmoreland, who in that period announced that the war was nearly won, had issued orders to move the great bulk of U.S. forces in III corps to the border provinces in pursuit of what he believed was a disintegrating enemy. The shift was to take place by January 1, 1968.

Weyand argued intensely against that strategy and finally won from Westmoreland a compromise delaying the movement for 6 months. At that time, the enemy was provoking battles near the border, notably at Dak Tho and Loc Minh, which with hindsight can be seen as an effort to draw U.S. troops away from the capital in preparation for the Tet attacks. The big Tet offensive came at the end of January.

Some top Americans who were in Vietnam at that time are convinced that if Westmoreland's orders had not been challenged, the big airports at Saigon and nearby Bien Hoa could have been overrun, preventing reinforcements and thus possibly leading to the loss of the Vietnamese capital.

President Thieu's government, in the course of the prosecution of Chau, has issued statements that it was unaware of Chau's connection with the Americans. (Vann testified to the contrary.)

Another official statement was made on Feb. 22, the day before attempts began to arrest Chau. It charged that the U.S. was in collusion with the Vietcong at the time of the Tet offensive and deliberately removed the South Vietnamese army's ammunition to weaken its defenses at the time of the attack.

American Vietnam experts interpreted this as a warning from Thieu to the Embassy against supporting Chau, lest it give some credence to this outrageous lie. The statement was made by Thieu's special assistant Nguyen Van Thang, whose position with Thieu is often compared to Henry Kissinger's role in the Nixon administration. The charge was repeated by prosecutor and judge in the public trial.

Bunker asked Thieu about it, reporting to Washington, "I said I was frankly amazed. Everybody knows about Chau's efforts to involve the U.S. in this case. How the court seems to to have fallen in the same trap." He accepted Thieu's bland denial of any involvement.

In the period before Chau's trial, Bunker kept relaying without comment South Vietnamese assurances that Chau would not be prosecuted, although the preparations for his arrest were public knowledge. Bunker repeatedly told Washington, which asked him to head off the trial, that everything was being done according to due process and in strict legality. At the same time, however, his Embassy was reporting that Thieu's agents were bribing many deputies to remove Chau's parliamentary immunity and secretly organizing and paying for demonstrations against Chau.

Bunker, whose cables are read by top officials, took no note of these embassy reports which often contained a contradictory version of the facts to the State Department.

The case has caused immense concern among American officials below the top level in both Saigon and Washington, partly because they know and respect Chau and feel the U.S. has betrayed his trust, partly because they think Thieu's intricate maneuvering in this case has put him in a position to block any real efforts to negotiate a peace.

The U.S. still has issued no formal comment on the case, nor permitted release of Vann's testimony, presumably because it would be too embarrassing to appear to confirm Thieu's back-handed charges that the U.S. had secret dealings with the communists, and that they affected defenses during Tet.

Vann also testified that, despite Thieu's disclaimers, the South Vietnamese government was informed about Chau and the whole affair in July, 1969. Vann himself told South Vietnamese Prime Minister Khiem about it at that time, on the authorization of his superiors in the U.S. establishment in Saigon.

Bunker's cables ignore all this and protest instead at Chau being represented in the U.S. press as a "patriotic nationalist." He told the State Department that Chau had called for a coalition government, which is a crime in South Vietnam although President Nixon has said he would not oppose such a government.

The record shows, however, that Chau has publicly opposed admitting communists in the government, though he favors negotiations, a cease-fire, and the communists' right to participate in elected bodies such as the National Assembly.

Bunker, 75, is a traditional type of New England Yankee with a record of high personal integrity. However, it was he who picked Thieu as America's favorite candidate for presidency and, in effect, created the Thieu government. He is deeply committed to its maintenance in power.

The upshot of all this pettigoggery has been, as one Saigon Embassy cable reported, to "defame the U.S."

It also indicates that Thieu is working to prevent the U.S. as well as any South Vietnamese from being able to negotiate a settlement to the war, which Nixon has said is the first aim of his Vietnam policy. So far, Thieu is getting away with it and Bunker is justifying him to Washington.

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

The PRESIDING OFFICER (Mr. Hollings). The Chair lays before the Senate the unfinished business, which the clerk will state.

The Bill Clerk. A resolution (S. Res. 211) seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to say a few words in a somewhat preliminary nature with regard to Senate Resolution 211. As my colleagues know, the resolution now before us is the outgrowth of a resolution introduced last summer with more than 40 cosponsors. The Committee on Foreign Relations considered it, amended it primarily by an amendment offered by the Senator from Kentucky (Mr. Cooper), who had taken a great interest in this matter last year before the committee, and we have now reported a resolution which I think is of the greatest importance.

Reporting to the Congress and the American people on "U.S. Foreign Policy for the 1970's," President Nixon said:

> Both the Soviet Union and the United States have acquired the ability to inflict unacceptable damage on the other, no matter which strikes first. There can be no gain and certainly no victory for the power that provokes a thermonuclear exchange. Thus, both sides have recognized a vital mutual interest in halting the dangerous momentum of the nuclear arms race.

Senate Resolution 211, which is the pending business before the Senate, is addressed to that "vital mutual interest."

Why is there a nuclear arms race? Why do we and the Soviet Union continue to develop, improve, and deploy weapons of mass destruction which if used would destroy us both? We do so because of the threat that we believe Soviet nuclear weapons represent to us, and they do so because of the threat they perceive from our nuclear arsenal. Thus each new refinement by either of us—in the accuracy or method of delivery or effect of nuclear weapons—requires the other to react. We are both caught in a costly and dangerous competition in which neither of us thinks we can afford to drop behind. The purpose of Senate Resolution 211 is to suggest that we simply freeze this competition where it now stands for an interim period.

The resolution which is now the pending business expresses the sense of the Senate that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by both the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. The United

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States has never before made such an offer. In 1964, we came close to making such a proposal when we suggested at Geneva that "the United States, the Soviet Union, and their respective allies should agree to explore a verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles." But a proposal to "agree to explore" a halt is not a proposal to halt. And when we made that proposal in 1964, we were far ahead of the Soviet Union in strategic nuclear weapons so that the chances for agreement were small.

Today, on the other hand, it is generally agreed, I believe, that there is what I call rough parity between the Soviet Union and the United States as far as strategic nuclear weapons are concerned. Both countries appear to have a sufficiency. Yet both are on the verge of deploying new or additional strategic weapons systems designed to move them ahead in the competition in nuclear arms. Thus, neither will be more secure but, in fact, less secure. For it should be obvious that the existence of more nuclear weapons—designed to provide greater explosive force, to perform more accurately, and to have an improved capability for providing instant retaliation—must logically mean a more and more dangerous world. Yet both the United States and the Soviet Union continue to develop and perfect such weapons, unable, it seems, to reach agreements which would permit this deadly competition to be halted.

The situation today seems to pose some possibility for sanity to prevail over suspicion and for reason to triumph over fear. The rough nuclear parity that exists has made it possible for the two major nuclear powers at least to begin talks which might produce some arms limitation agreements. Neither of us will accept the demands of the other dictated from a position of superiority, or agree to compromise from a position of inferiority; but, finding ourselves on a generally equal basis, it might be possible for us to reach agreements that would maintain the present balance.

It follows that such agreements can be reached only as long as rough parity is maintained. The purpose of Senate Resolution 211 is to freeze the United States and the Soviet Union in a condition of parity for an interim period so that meaningful and lasting arms limitation agreements can be worked out in the talks that are about to begin in Vienna. If the condition of parity is not stabilized long enough for such negotiations, the talks will have to proceed against the background of a continuous shift in the comparative strength of the two negotiating parties. In such a situation, agreement would be all the more difficult if not impossible. The purpose of Senate Resolution 211 is to provide the negotiators in Vienna—both American and Soviet—with a chance to negotiate on firm ground instead of on shifting sand.

I should add that from the point of view of verification an interim and comprehensive agreement covering the further deployment of all strategic nuclear offensive and defensive weapons systems is easier to verify, and more difficult to evade, than a long-term agreement or an agreement limited to a particular weapons system. Multiple warheads pose a special problem. Their tests must be monitored to insure that they are not deployed clandestinely. The Committee on Foreign Relations has this consideration clearly in mind when it included in Senate Resolution 211 a clause calling for verification and inspection as appropriate. The committee report noted that the further deployment of multiple independently targetable reentry vehicles could most effectively be suspended by stopping further flight tests, as these tests are subject to national verification.

But a ban on further deployment of all strategic offensive and defensive nuclear weapons systems would prohibit far more than the deployment of multiple independently targetable reentry vehicles. The freeze on further deployment is not a proposal for a unilateral halt by the United States. It would also freeze the further deployment of Soviet SS–9's and SS–11's and of Soviet ABM systems.

Twenty-five years ago, the United States was not only the most powerful country of the world militarily, but we were also an invulnerable country. We had, after all, a monopoly on nuclear weapons. By 1949, the Soviets had broken that monopoly. By 1953, we both had the hydrogen bomb. In the 1950's and 1960's ICBM's, ready for instant firing, were deployed by both countries. Power no longer meant invulnerability and does not today. And we are now about to enter still another round in the arms race which will begin in June with the deployment of independently targetable multiple warheads on intercontinental missiles, a development which will lead inexorably to the further deployment of ABM systems designed to protect deterrent forces against these multiple warheads. Senate Resolution 211 would avoid the beginning of this new round.

Senate Resolution 211 cannot be criticized on the ground that it increases our vulnerability, for it does not provide the Soviet Union with an advantage. It can not be attacked as an idealistic or impractical suggestion, for indeed the President has said that its purpose is consistent with the objectives he seeks. It cannot be dismissed as a gesture of partisan politics, for it has both Republicans and Democrats as sponsors. It cannot be impugned as an attempt by the legislative branch to usurp the functions of the executive branch, for it merely offers the President advice which he is free to accept or reject.

But should the Senate pass this advisory resolution, and should the President accept the advice, the first step might be taken toward an arms limitation agreement which would move the United States and the Soviet Union from an era of confrontation to an era of negotiation.

Mr. President, enough is enough. We and the Russians have between us not only a sufficiency of weapons to defend ourselves, but a sufficiency to destroy each other. In fact, our sufficiency is even greater. It is great enough to destroy most life on this earth.

We or the Russians must come to our senses and stop this mad race toward extinction. I hope that we in America will come to our senses first.

I believe the essence of the resolution before us is that a few Members, led by Senator BROOKE and Senator COOPER, have grasped the idea that we must come to our senses and seize the last clear chance before we are caught up in the next round in the arms race.

I wish again to pay my respects to and to commend the Senators who have taken the initiative in developing this Senate resolution, and I hope that the Senate will give it its approval.

Mr. AIKEN. Mr. President, Senate Resolution 211 has been under consideration in the Committee on Foreign Relations since it was introduced on June 17, 1969. We have given it very thoughtful consideration, and the resolution now pending for action before us represents the final decision of the committee. As I recall, there was no objection within the Foreign Relations Committee to reporting the resolution.

This resolution is not intended to run counter to the efforts of the executive branch of the Government, but to supplement them and back the administration up in the SALT talks, as they are called, which will be renewed on April 16 of this year in Vienna.

The resolution represents an effort to persuade Russia to seriously consider the freezing of warmaking instruments and warmaking systems at the present levels. It does not propose disarmament in any way, as our chairman has just stated. No unilateral disarmament is proposed for either country. And, I reiterate, it does not run counter to the efforts of the executive department.

An arms control freeze may not be effective. In fact, it may be hoping too much to expect that suddenly, Russia and the rest of the world would agree to a freeze on armaments and live in a world at peace. But the resolution does represent assurance that the U.S. Senate favors a strong effort to promote a peaceful world. The effort should be worthwhile, and I am glad to join with the chairman of our committee in supporting this resolution, in the hope that it will contribute something to the desire for peace throughout the world and particularly with the nations of the world which now have the means for nuclear instruments to destroy not only themselves but nearly all the rest of the world as well.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I simply wish to aline myself with the remarks made by the distinguished chairman of the committee in his opening speech concerning Senate Resolution 211, and also the remarks made by the distinguished ranking Republican on the committee, the dean of the Senate Republicans, the Senator from Vermont (Mr. AIKEN).

I want to express my approval of the resolution fathered by the distinguished Senator from Massachusetts (Mr. BROOKE), furthered by the distinguished Senator from Kentucky (Mr. COOPER), joined in very capably by the distinguished Senator from New Jersey (Mr. CASE), and all in all having as cosponsors on the order of 43 Members of this body at this time.

This is a simple resolution. It is not one-sided. It will depend upon mutual

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assistance, mutual agreement, and mutual complementation.

There are two resolving clauses to Senate Resolution 211, as amended. The first states that it is the sense of the Senate that prompt negotiations be urgently pursued between the Governments of the United States and of the Union of Soviet Socialist Republics to seek agreed limitations of both offensive and defensive strategic weapons. This purpose is consistent with article VI of the Treaty on the Nonproliferation of Nuclear Weapons which binds the United States and Soviet Governments "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date." The second resolving clause expresses the sense of the Senate that the President of the United States should propose to the Soviet Government an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or other measures of observation and inspection as may be appropriate.

A reading of the bill and the report indicates that in the view of the Foreign Relations Committee, the initiative along these lines should be taken and could be taken by the United States.

I would point out that by letter of last June 24, the Department of State, in reply to the committee's request, stated that the executive branch was in accord with the resolution in supporting the desirability of starting talks with the Soviets on the subject of limitations on strategic weapons. The letter went on to note the preparations for such talks that were then underway. That, of course, referred to the meetings in Helsinki and, by inference, to the talks which will be held later this month, as the Senator from Vermont has pointed out, in Vienna.

The State Department's letter also calls attention to President Nixon's statement at his news conference on June 19, at which he said:

> We are considering the possibility of a moratorium on tests as part of any arms control agreement.

Then he goes on to add:

> However, as for any unilateral—

I repeat, unilateral—

> stopping of the tests on our part, I do not think that it would be in our interest.

Neither do I; neither does the Committee on Foreign Relations. This is a matter which would have to be mutually agreeable, mutually acceptable, and mutually enforceable. It would not in any sense of the word mean, so far as this country was concerned, unilateralism in any shape, manner, or form. I think that factor ought to be emphasized time and time again. In short, this resolution says that no stone will be unturned in our efforts to end arms escalation. It is going to be a two-sided affair if entered into, or it will be no affair at all.

I thank the distinguished Senator from Vermont for his statement.

Mr. AIKEN. I thank the majority leader for the remarks he has just made. As usual, he has made a very fine contribution to the discussion.

There may be those who will say that in agreeing to this resolution the Senate is trying to force the hand of the President. Nothing could be further from the truth.

I would like to read two sentences appearing on page 5 of the report:

> The committe recognizes that Senate Resolution 211 is in the nature of advice to the President which he is free to accept or reject. The committee believes, however, that the resolution expresses a growing recognition by the American people that no effort must be spared to bring to an end the escalating cycle of the deployment of nuclear weapons systems—a cycle which threatens all mankind with destruction.

I will say again that this resolution represents, in effect, an offer of the Senate to the executive branch for full cooperation in working out an arms control agreement with Russia.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I think it is interesting to note that both the chairman and the ranking minority member of the committee both emphasized that if this resolution is agreed to, it will not force the President's hand in any way, and that he is free to accept or to reject the advice of the Senate. In that way, the Senate, I think, is trying to be constructive and is acting clearly in that manner.

What disturbs so many of us is—if my information is correct—that the Soviet Union and the United States each has enough, many, many times over, to destroy the population of the entire world. This is a factor which I think ought to be taken into consideration; because what good does it do, I ask, if we build up our weapons systems, our nuclear stockpiles, and our nuclear devices, and find in the end that in doing so we have only achieved the means leading to the destruction of all of us and the salvation of none?

Mr. AIKEN. Mr. President, we are all working toward a common purpose, and I hope with all my heart that the Soviet Union will see fit to work with us.

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Kansas (Mr. DOLE) be added as a cosponsor of Senate Resolution 211.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. BROOKE. Mr. President, when I first introduced Senate Resolution 211, it was restricted to a moratorium on operational testing of MIRV—multiple independent targetable reentry vehicles—a very devastating technology. Later that resolution was amended to include deployment of MIRV as well. It was my hope in introducing the resolution that the Senate would go on record as asking the President of the United States to propose to the Soviet Union a moratorium on flight testing and deployment of MIRV technology.

I now want to express my deep appreciation and commendation to the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT); to the Senator from Tennessee (Mr. GORE); to the Senator from Kentucky (Mr. COOPER), and to the Senator from New Jersey (Mr. CASE), who have been so helpful in broadening the resolution to include a freeze on all offensive and defensive weapons systems.

I think the committee has done a commendable job. I am more than pleased that the committee saw fit to report this resolution unanimously to the floor of the Senate, where I hope we will get prompt and favorable action prior to the talks in Vienna which are to begin on April 16.

I think such action is important, because it would enable the President of the United States—through the delegation which represents our Nation—to go to these talks with the support of the Senate for a freeze of offensive and defensive weapons.

Mr. President, there is no more vital business before mankind than the strategic arms limitation talks between the Soviet Union and the United States of America. SALT comes at a unique juncture in the strategic arms race. Unless we can exploit political interests and strategic balance, the technological operation of the arms race may well continue to feed on itself for many years to come.

I am here today together with my colleagues, and particularly the distinguished members of the Committee on Foreign Relations, to urge the Senate's leadership in the search for nuclear arms control.

Twice in the past decade the Senate has paved the way for Soviet-American agreement by resolution, endorsing efforts to devise a nuclear test ban treaty and a nonproliferation treaty. We know that the Senate must ultimately face the question of consenting to any treaty which may emerge from SALT. I believe it is even more important that the Senate tender its advice on the type of agreement which the United States should seek in these negotiations.

Senate Resolution 211 is an essential vehicle for this purpose.

Senate Resolution 211 is cosponsored by 44 Senators, and represents, I am confident, the majority opinion of the Senate.

As President Nixon has so forthrightly said, the security of the United States and the Soviet Union rests today on mutual deterrence. Neither side could rationally attack the other because neither side has the capacity to prevent devastating retaliation by the victim. This capacity to retaliate, to visit assured destruction on any nation which might launch a nuclear war, is the foundation of credible deterrence.

Today, as has been stated by the distinguished chairman of the Committee on Foreign Relations and the distinguished majority leader, both sides possess a credible deterrent. Both sides will do what is necessary to maintain such a deterrent. Developments which seem to jeopardize either side's deterrents erode strategic stability and induce changes in the forced posture of both sides.

The Senate, Mr. President, has a weighty responsibility and a rare opportunity to catalyze an initiative in this important area.

Each of us respects the fact that the President is our country's principal agent

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in international affairs. Our respect for the diplomatic prerogatives of the Presidency is great, indeed. Yet the President needs not only the Senate's respect. He also needs its counsel.

Senate Resolution 211 is a crucial means of conveying that counsel by stressing that any moratorium must be mutual. We leave the President wide latitude to determine what kinds of verifications are appropriate.

The resolution imposes no burdens upon the President. Indeed, by sharing the political burdens and risks of choosing a course for the arms control effort, the Senate can relieve the President of certain damaging inhibitions.

This resolution, Mr. President, can create wider rather than narrower vistas for energetic negotiation and, thus, through the device of this resolution, we can effectively couple congressional and executive efforts in the search for a fair and durable peace.

Mr. President, I certainly will have more to say on this resolution as the discussion and perhaps the debate continues, but I do want to say at this moment that time certainly is of the essence.

All of us are hopeful, if not optimistic, about the outcome of SALT. We were somewhat encouraged by what happened in Helsinki, and we are hopeful that the Senate can give its counsel and its advice to the President in advance of the reopening of these important SALT talks.

Whereas I have tried to point out that this is our responsibility, there have been times in the past when the Senate has regretted it was only giving its advice after the fact.

This time, we want to give it before the fact.

We want the President and the delegates in Vienna to know at least how the Senate of the United States—the body which ultimately will have to ratify any agreement—feels on this subject before we go to the talks. I feel that it can be very helpful in the deliberations at Vienna and can also be helpful with the Soviet Union, since they obviously will see where the Senate of the United States stands.

Thus, again, I offer my respect and my gratitude to the Foreign Relations Committee and its chairman for their work on this resolution. I particularly want to pay tribute to the distinguished Senator from Kentucky (Mr. COOPER). His contribution to broadening the resolution is a most helpful one.

Although I have strongly opposed testing and deployment of MIRV, I have always believed, as does the Senator from Kentucky, that in the broader picture we are concerned with the deployment of all offensive and defensive weapons systems.

How long must the arms race go on? Where will it stop? How many more billions of dollars must be spent, not only by the United States but the Soviet Union as well? When are we ever going to bring an end to the arms race so that we can transfer funds back into the serious problems we face at home and around the world?

If this resolution passes, and if the President's negotiations take the sense of the Senate with them to Vienna and, hopefully, if an agreement can be reached at SALT then I think we will have made the most significant and perhaps the most important contribution for the good of all people that has ever been known.

Again I applaud the rich contribution which has been made by the Senator from Kentucky, and express generally my appreciation to the chairman and the members of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, again I want to commend the Senator from Massachusetts (Mr. BROOKE) for having initiated this resolution.

I want only to emphasize its significance. We often forget, in the turmoil of our time, and the various difficulties we face, how dangerous the arms race has become.

An editorial was published in one of the leading newspapers—I think yesterday—pointing out that since 1964, in only 6 years, the world has spent over one trillion dollars—that is one thousand billion dollars—on armaments.

It is difficult to think of that sum of money. It is such an impersonal figure to contemplate. It is hard to translate into things that are useful to humanity.

But, actually, this vast expenditure is one of the crucial factors in the troubles that certainly afflict this country, and, I believe, other countries as well. Certainly, all countries are, directly or indirectly, afflicted by this terrific waste of money and resources, the diverting of our brainpower, we might say, in addition to our natural resources, into the arms race.

It is difficult for us to relate these huge expenditures to the welfare of our people. I think these expenditures have a relationship to the kind of internal turmoil represented by postal strikes, threatened rail strikes, and by riots. I believe that the people sense in a way, even though they may not translate it exactly in these terms, that something has gone awry with human relations and with governments.

This is at the crux of what I think the Senator has put his finger on; namely, that if we are unable to bring this arms race to a stop, this insane expenditure of time, money, and resources, then there is really no hope of dealing with the more pedestrian problems such as food, shelter, transportation, the pollution of our atmosphere, and so forth, from which we are suffering so much today.

I do not think that many countries are conscious of just how great has been the worldwide diversion of our resources to military purposes during the past several years. I said one thousand billion dollars for all countries was the amount of money spent on the arms race, but in this country alone, on military affairs since World War II, we have spent over one thousand billion dollars.

That is an outrageous performance by what are supposed to be rational human beings.

I only wish to emphasize the importance of this move. I think the Senator is exactly correct. In order for us to have a reasonable prospect of fruitful negotiations in the SALT talks, this kind of a standstill arrangement is essential. Otherwise, we are threatened with a shifting basis that neither side can well judge.

It has already been announced that if we do not have this freeze, we are going to deploy some of these very dangerous weapons in June. I would hate to see us do that. I think we would have a great responsibility if that does take place.

I think the Senator has made a very significant suggestion here. I certainly applaud him for it. I hope that this resolution can be agreed to unanimously by the Senate.

(At this point Mr. CRANSTON assumed the chair.)

Mr. BROOKE. Mr. President, again I thank the distinguished chairman of the Foreign Relations Committee. He certainly raises a very important point in this discussion.

I frankly do not feel that the American people, and certainly the people of the world, are cognizant of the devastation which either side can rain upon the world with present day capabilities.

We are talking about the killing of millions of people. And it is by no means necessary that we fire off all of our weapons systems or that the other side fire off all of theirs. We could, even with a limited attack, kill millions of people, to say nothing of the millions of the people who would be harmed by fallout and disease and all that would follow in the wake of such an occurrence.

So, when we are talking about stopping this nuclear arms race which has been going on for so long a period of time, we are literally talking about the salvation of mankind on earth.

I do not think this point has really gotten home to the American people. Perhaps, they are somewhat confused as they read about MRV's, multiple reentry vehicles, and MIRV's, independently targetable reentry vehicles, and some of the other terminology of this technology. We have to bring it down to simple words so that all people can understand exactly what we are talking about and what is at stake.

Sometimes I think people are perplexed when we talk about billions of dollars and thousands of billions of dollars, as the distinguished chairman has mentioned. That gets far out of the realm of the cognizance of most of us.

Unfortunately, too many people do not realize that what is happening is that one side is saying, "Well, we need to add more to our arsenal because the other side has this weapons system." So, they begin to add to their arsenal by the expenditure of billions of dollars. Of course, the Soviets are spending billions of dollars, as we are.

After that is done, the other side says, "They have spent billions of dollars, and they are further ahead. We have to catch up." So, they spend billions of dollars and move further ahead. It is a vicious cycle, always spiraling upward. The question is: When do we bring an end to it?

That is the purpose of the resolution and it is the purpose of the SALT talks.

At this time we have what has been referred to as mutual deterrence. We are careful and we expect that neither side in its sane moments would use the weapons for what is known as a first strike.

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We know that this is a gamble. We do not know when, by inadvertence or by design, someone might push that button and send some missiles at the United States. We would retaliate, of course. And we could destroy the nations of the earth.

Man, since the invention of gunpowder, has had the means of self-destruction within his reach. We have successfully gone on for this long without invoking self-destruction on the world.

Let us hope that we will continue to do so. But we have to have some reasonable control of nuclear weapons.

I pray with the Senator from Arkansas that we will do all we can to bring an end to this ridiculous and meaningless arms race which is taking place in the world today, primarily between the Soviet Union and the United States. But others are beginning to get into it as well. As the distinguished chairman of the Foreign Relations Committee knows, the Red Chinese have nuclear capability. And there are other countries that are not too far behind and could have a nuclear capacity.

Thank God that we did pass a nuclear test ban treaty and that that treaty is beginning to have an effect. But if we did not do these things, who knows where we would have been at this moment.

Again, I thank the chairman for his great interest and his understanding in conducting the hearings and giving us an opportunity to present our case and, as I said before, for reporting this resolution favorably to the floor.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CASE. Mr. President, I associate myself completely with everything that has been said before on this resolution. It has been a great satisfaction to have had a part in this whole exercise.

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As the Senator from Massachusetts knows, both he and I were very much interested in the possibility of a halt to MIRV testing, realizing, as we were advised by all the good scientific expertise in this country, that once MIRV had been tested to the point where it was deployable, it would be most difficult, if not impossible, to put a limitation on this proliferation of strategic weapons, because it would be very difficult to tell whether in a particular nuclear weapon there was one, two, three, four, five, or 10 warheads merely by the process of examination or inspection from the outside.

We all realize the difficulty, if not the impossibility, of any on-the-ground inspection insofar as the Soviet Union is concerned, and perhaps even as far as we are concerned.

So, we both attempted to get an expression of the opinion of the Senate on the importance of suspension. And the Senator from Massachusetts did this in a way which indicates not only his great dedication to the cause of peace, but also his political sagacity. He put it in the form of his resolution.

My own suggestion was a slightly different one, calling for an immediate stoppage on our part and the keeping up of the suspension on testing so long as the Russians did the same.

The Senator from Massachusetts realized that my approach, regardless of the merits relative to his, was perhaps more susceptible to the charge—although, I think equally unfounded—of unilateral disarmament. And realizing how important it is to people in the political world—and we are all in the political world—to avoid that, he was able to get almost a majority of the Members of the Senate, including, of course, the Senator from New Jersey, to support his resolution.

So, we came to hearings before the Foreign Relations Committee under the guidance of our chairman and with the full cooperation of Members of the Senate on both sides of the aisle. We had hearings on this resolution, considered it carefully, and, as the Senator knows, on the motion of the Senator from Kentucky broadened it to include a moratorium on the deployment of all strategic weapons, both offensive and defensive, pending the conclusion of the SALT talks.

I was glad to support this change. And I know that the Senator from Massachusetts was also, especially since our action in no way—as our committee report shows—intended to diminish or downgrade the importance of a cessation of the testing of MIRVs, because it still seems possible that we can ask for such a suspension safely and that its significance is still as great as when we first proposed it. This is very much a part of the sense of the Committee on Foreign Relations and all of us on the floor that supported it. I want to emphasize again that the Committee on Foreign Relations acted unanimously in this matter.

Mr. BROOKE. If I may interrupt the distinguished Senator from New Jersey at that point, let me say first that I believe that the distinguished senior Senator from New Jersey was the first, or certainly among the first, to join as a cosponsor of this resolution in its original form. As he has well pointed out, at that time he also had proposed a similar resolution which called for unilateral suspension. I want the Senator to know how great a contribution he made in the early stages of this effort and also when this resolution was before the Committee on Foreign Relations.

The Senator has referred to part of the report language which indicates that the Committee on Foreign Relations wants to include and intends to include a moratorium on operational flight testing of MIRV. This is of great significance because even though it has been announced that MIRV's could be deployed as early as June of 1970, which is a few months from now, it is obvious that it will be necessary to continue flight testing of this technology in order that we might perfect it and in order that we might have more reliability and greater accuracy. Of course, if this flight testing continued this would only mean that the Soviet Union would then want to continue flight testing of its MIRV, if it is flight testing MIRV's. If they continue and perfect their MIRV's, added to their MIRV's, or SS–9's, with their superior megatonnage, it would be a serious threat to the security of the United States and then would cause us to add to our arsenal again, which would add more fuel to the nuclear race.

So I think it is very important and I am very pleased that the Committee on Foreign Relations has contained in its report language which clearly indicates its intent, and the intent of the resolution, that we ask for a moratorium on further flight testing of MIRV, as well as on deployment of this devastating nuclear device.

Mr. CASE. I appreciate this. Will the Senator yield further?

Mr. BROOKE. I yield.

Mr. CASE. I want to again emphasize that our committee action—and I know the Senator from Kentucky when he enters into this discussion will make the point himself—in no way indicated we intended to diminish the resolution of the Senator from Massachusetts, but rather completely to broaden it.

That brings me to the last point I would like to emphasize at this time, and, if it is appropriate, next week I shall again engage in the discussion of this matter on the floor of the Senate since it will not be acted on finally today.

I want to make this point and I cannot emphasize this too much. We are proposing this at the beginning of the SALT talks. We are proposing that this action be taken by the President, and we are strongly urging it at the beginning of the SALT talks to provide a moratorium during those talks, so that the status quo may be maintained until they are completed; and that the situation, which does now seem favorable to an agreement limiting arms, will not be disturbed during the long process—and it will be a long way before an agreement can possibly be made in this difficult and complicated matter. It is not irrelevant, or redundant, or whatever the word was intended to be that this should be done and that we are urging should be done.

We are not asking an agreement now except in the broadest sense—and it need not be a written action; it can be a mutual action which is an expression in the most general terms. We are not trying to have an agreement signed in the beginning of the negotiations. We are not asking that every "i" be dotted and every "t" be crossed. The reverse is true. We are saying, Let us propose to this other greatest power in the world, along with ourselves, a mutual suspension of all further deployment of strategic weapons while we see if we cannot get the kind of agreement to hold this in perpetuity, or for so long as we can look ahead, because this most precious time of rough parity between our two countries could slip away when we are talking about details that may take years to settle. We cannot let these years go by in a period of feverish activity in which each country tries to outdo the other in the deployment of strategic weapons, which neither of us need for our own safety or for the maintenance of peace.

So this moratorium that we urge is intended to strengthen the President's hand and to strengthen our negotiators. It is intended to give an assurance, so far as assurance is possible, that this moment, so fortunate because of our mutual ability to protect ourselves by retaliation and, therefore, the existence of the deterrent, does not pass without effective action, and is not allowed to be destroyed by activity during our discussions looking toward the making of the final definitive agreement.

I thank my colleague for permitting me to intervene at this point. It seemed to me terribly important that this matter be emphasized and that it be emphasized that we understand that you cannot have a definitive agreement before you start negotiations; but that you can maintain the status quo which would make it possible for the negotiations to be successful.

Mr. BROOKE. Mr. President, I thank the distinguished Senator for intervening, as he characterized it. I think he has been most helpful in bringing out several points that have not been discussed so far in this debate. I think the Senator would certainly agree that by this resolution we are not proposing that the United States do anything that we are not asking the Soviet Union to do—I want to make that very clear. I think, as the Senator points out, that we are calling for mutual cessation and freeze and we are not asking the United States to give up anything that we are not asking the Soviet Union to give up.

We are not saying the United States should stop testing its MIRV, or should stop deploying any of its weapons systems, if the Soviet Union does not at the same time stop testing whatever it is testing or stop deploying any of its weapons systems. It seems like a very reasonable proposal.

In addition, as the Senator has well pointed out—and the Senator certainly knows better than I, because he has been here far longer and has served a long time on the Foreign Relations Committee—we all know how long these talks take. There are many complex systems to be discussed and negotiated at the SALT talks. We have no reason to believe that the SALT talks will not take months, and conceivably years, before they are ultimately concluded. The distinguished chairman will correct me if I am wrong. That estimate certainly is not a high estimate.

If that is true, and at the same time we are continuing with our testing and the Soviets are continuing with their testing, who knows what weapons systems the United States or the Soviet Union may have before the agreement can be concluded? History has proved, unfortunately, that once we get the technology, the deployment is right behind it. So it is important that, immediately, this overture, this gesture, this request on the part of the President of the United States be made in order that, during the progress of the talks, we might have a moratorium.

I can think of another important benefit the proposal would have both to our President and to our Nation. If the President of the United States is the one to come out and make such a proposal—not Mr. Kosygin or someone in the Soviet Union, but to have it known around the world that the United States is offering an agreement to have a freeze on offensive and defensive nuclear weapons—to me this would be of great help and of great value to the free world and, in fact, to the whole world.

So I am hopeful that the President, if the resolution is favorably acted upon, will heed our advice and that he will make such a request of the Soviet Union. I go further and call upon the Soviet Union, if I may, to listen to this proposal very seriously, consider it very seriously, in terms of what it means for the peace of the world. If they can join in, and will join in, a freeze on offensive and defensive weapons, then we can get on with the details, the dotting of the i's and the crossing of the t's, as the distinguished Senator from New Jersey has stated.

We recognize that in this very complex field of diplomacy it will take time. There are serious questions of verification which must be resolved. Let us hope that while these questions are being resolved, there will be no further stepup, no further acceleration, of the nuclear arms race.

So again I thank the distinguished Senator from New Jersey for the very, very rich contributions he has made and is continuing to make as far as this resolution is concerned.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. GURNEY. I am sure the Senator from Massachusetts would agree with me that everyone in the Senate—all 100 Senators—would like to see negotiations of this sort begin and be successful. Some of us however, have reservations as to whether the opposition, the enemy, the Russians, want in good faith to have negotiations of this sort.

My question to the Senator would be, if we passed this resolution, Would it be any more than a meaningless gesture? What evidence is there that the Soviet Union would engage in talks such as we would ask for in the resolution, or that they would stop further deployment of weapons systems?

Mr. BROOKE. Let me answer the very valid question of the Senator from Florida in this way: No. 1, What do we have to lose by making the proposal, and how will we know whether the Soviet Union would be receptive to this proposal unless we make it?

Mr. GURNEY. Let me——

Mr. BROOKE. If I may, No. 2: I think the U.S. delegation to the talks in Helsinki came out of those talks encouraged by what may be regarded as the highest quality of presentation, to their knowledge, that had even been made by the Soviet Union. I think they came back with some degree of optimism, even though the Helsinki talks, of course, were more along procedural lines than they were along substantive lines.

In the interim period, statements have been reported in the press both at home and in the Soviet Union which would indicate that the Soviet Union would be willing to discuss a freeze on offensive and defensive weapons. I think that one witness who was qualified as a principal authority on Soviet matters testified before our distinguished Foreign Relations Committee that, in his opinion, the Soviets would be receptive, or could be receptive, to a moratorium on MIRV and on flight testing of MIRV, and possibly on ABM, which, of course, is a defensive weapons system. So there is some flickering of hope that the Soviets would be receptive.

But I must confess to the distinguished Senator from Florida that I do not, of my personal knowledge, know that the Soviets would be receptive. I am only hopeful that they would be, and I do not think that we would lose anything by making the proposal in the first instance.

Mr. GURNEY. Well, if I may reply to the distinguished Senator from Massachusetts, let us take up the first question. We might paraphrase my question to the distinguished Senator as: "What good would it do?" In a fine, lawyerlike, attorney-general fashion—and the Senator was a very brilliant attorney general of Massachusetts—he has asked me, What harm would it do? That opens up a good colloquy.

One of the reasons why I entered into the discussion here was a very provocative article which I read this morning in this week's Newsweek on this very subject. If the Senator will indulge, I would like to read a little from it, and perhaps we could discuss it further, because it troubles me. This is the weekly column by Kenneth Crawford, who, I think, is a very responsible writer in the field of foreign policy, which he touches on a good deal. It is entitled "Dealing With Russia."

I shall not read it all, but only certain parts of it. It starts out by saying:

> Nixon foreign policy, plausible as it is in theory, is proving difficult in practice.

Then he goes on to say that one of the reasons why is because President Nixon truly wants to negotiate, and this is the general course and foundation of his foreign policy, to attempt to negotiate with the Russians.

Then he goes on to say:

> The difficulty is that it takes two to negotiate and that, in almost all situations, the negotiators must be the United States and the Soviet Union.

Then he discusses the fact that the objectives of the two nations are completely different. He says:

> They are predisposed to disagree because their objectives are wholly different. The U.S. is a trading nation and trade thrives in an orderly world. The Soviet Union is a xenophobic, opportunistic nation and opportunism needs a world in disorderly flux.

He goes on to quote Prof. Richard Pipes, who is the director of the Harvard Russian Research Center—and I think this is most interesting, what Professor Pipes has to say about the Soviet Union. Crawford quotes him as saying:

> "The Soviet elite," Pipes said, "tends to think in terms of perpetual conflict pitting right against wrong, from which only one side can emerge victorious . . . Russian ideology with its stress on class warfare culminating in a vast revolutionary cataclysm neatly reinforces this . . . Soviet behavior is motivated by fear . . . only the fear is not of other peoples but of its own and for that reason it is incapable of being allayed by concessions. Fear breeds insecurity which in turn expresses itself . . . in aggressive behavior . . . By and large, Russian expansion tends to focus on targets of opportunity."

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He points out that President Nixon, of course, has sought to negotiate with the Russians as far as the Southeast Asian affair is concerned, and recently as to Laos, which has been the subject of debate here in the Senate a good deal in recent days, and that the Russians have turned a deaf ear and slammed the door to our President as far as Laos is concerned.

He also points out, of course, that more recently we have tried to negotiate with them on the Middle East, and again the door has been slammed in our face, and we have received no encouragement.

Then he closes with this paragraph:

> Diplomatic experience, as well as the Pipes analysis, suggests that it is self-defeating to be too ready with concessions when dealing with the Soviet Union. Strength and resolution count for more than amiability, as the Cuban missile crisis and its outcome demonstrated. But Mr. Nixon is committed to initiate negotiations. And he is constantly under pressure from Senate critics to concede more in Paris, to get out of Laos, to quit developing ABM's and MIRV's, even to pull troops out of Europe. So he must negotiate from a pre-weakened position.

I am not saying that the last bit I read is what is proposed in this resolution. But I am saying—and I am going back now to the original question, and perhaps giving an answer to the question posed by the Senator from Massachusetts as to what harm a resolution like this would do—that my feeling, and it is my genuine and very deep feeling, I am inquiring if what Mr. Crawford says is right, that the only thing the Russians really understand is strength, and that if the other side has it, that is probably the best bargaining and negotiating position to be in. After constantly seeking to negotiate with them, when they constantly slam the door in your face again and again, as we have had it slammed recently in Southeast Asia and the Middle East, that indicates that further asking them for concessions in negotiations perhaps indicates a too great willingness on our part, or perhaps a weakness on our part. That is really why I pose the question. I feel very keenly about disarmament, as I think the Senator from Massachusetts does. The question is, how best can we achieve it?

Mr. CASE. Mr. President, will the Senator from Massachusetts permit me to respond?

Mr. BROOKE. I yield to the Senator from New Jersey.

Mr. CASE. I am grateful, as I am sure the Senator from Massachusetts and all of us are, to the Senator from Florida for raising this point. It has not been expressly stated, at least not publicly stated, by people in the administration—and I am not now talking about the President—but this same point has been urged as a reason for many things, including the Safeguard anti-ballistic-missile system—that we must negotiate from strength.

I simply want to make this point: There is no chance, to my mind, of making a horse trade with the Russians. Not one bit. And that is not what we are after. We are not going to them and saying, "If you will do this, we will do that," in any sense of a trade.

We will achieve an agreement with the Russians on limitation of armaments if, and only if, both sides agree that it is in their best interests, in the best interests of both. I am really most grateful to the Senator from Florida for making it possible for us to emphasize this point.

Mr. BROOKE. I thank the Senator.

Mr. CASE. The only chance we have in the SALT talks is to define something that we both accept as in our interest, as was the case in the Nonproliferation Treaty, for example. Neither side gave up anything then; we just recognized that it was in the interests of both sides that this arrangement should be made and recognized, and that is what we are seeking here—the maintenance of a situation.

Of course, our present resolution deals only with the discussion period, and is not in any way an attempt to lay out the definitive agreement, though I would assume that it will very much follow this pattern, if it is to be successful.

But we will achieve success here only if the Russians agree and understand that it is in their interest to do what we are proposing. Otherwise no promise, no concession, or anything else on our part will have one bit of effect upon the Russians, nor, indeed, will any concession that they might make induce us to give up anything we think is essential for our interest.

I have great respect for Kenneth Crawford. He is a great personal friend, and he provides, I think, an astringent antidote to many of the fuzzy and soft-headed discussions and proposals that are from time to time advanced. Here I think that I must disagree with him, if he is thinking about this resolution—and I do not know that he is.

Mr. GURNEY. Well, I do not know that he is, either.

Mr. CASE. We cannot say so. But to regard the SALT talks as a place where you go in and try to make a deal, making it a place for bargaining, this is not that. This is a place for the soberest discussion in the most open and plain way of what the mutual interests of our two great countries, and the interests of humanity, require.

Mr. BROOKE. Mr. President, may I say to the Senator from Florida that I certainly intend no disrespect of Mr. Crawford, but I have heard these arguments time and time again.

These are the arguments that were raised prior to the partial Nuclear Test Ban Treaty. These are the same arguments that were raised prior to the Nonproliferation Treaty.

You know, Xenophobia is not an inherited characteristic at all; and in what better way could we alleviate the fears of the Soviets than by making a serious effort to negotiate?

As to the point the Senator is making, that we should negotiate from strength—of course, we are not contending we should negotiate from weakness. We believe we have that strength. And I think that the facts would bear that out.

But if the Senator's argument is to be believed, then there is no hope left in the world at all. What he is saying, if we were to follow through on his argument, is that we cannot trust the Soviets, we have not been able to trust them, we never will be able to trust them; therefore, what is the result?

I will tell you what the result is. The result is that we will continue to build more and more nuclear weapon systems, even more devastating than the MIRV which we have coming out now, in June, at a cost of billions and billions of dollars. The Soviet Union will respond by building more SS–9's, or maybe by building something else more devastating than any missile that they have today. We will begin to build a much larger ABM than phase I, II, III, IV, or maybe XIII by then, I just do not know. And the Soviet Union will take their Galosh system and build upon that, both of us spending untold billions of dollars, because we think that we cannot trust them, and they think that they cannot trust us.

Who is going to stop it? Where is it going to end? All I am saying is that by passing this resolution at least we are taking a stand and we are making a proposal. We are not asking the United States to give up anything at all.

We are not saying we should be weak and we should go to the table weak. We are not saying that the Soviets are strong, and that, therefore, we will not be able to come to any sort of agreement that will be beneficial to the United States. We are asking them to join with us in mutual cessation of operational testing of these weapons systems and in the mutual freeze on offensive and defensive system. That is all we are asking in this resolution.

With all due respect to Mr. Crawford, I, for one, do not want to live in a world of fear and suspicion the rest of my days. I do not want this legacy for my grandchildren and my great-grandchildren, or for any other people I represent. I do want it for this country, and I do not want it for the world.

It only means that I am going to take some risk of my pride by making a proposal such as this—and I think it would be heralded by the world, frankly, if the President would do it. I think all the nations of the world, developed and undeveloped nations alike, would be pleased to see the greatest nation in the world take the leadership toward peace by asking for a freeze on offensive and defensive weapons systems. And that is all, with all due respect to Mr. Crawford.

I want to make it clear that many members of the Committee on Foreign Relations discussed the matter at great length. We are not suggesting that we are not strong or should not be strong as we go to the negotiating table. But we think that the risks of the alternatives are just too great; that something must be done; and this is our proposal under these awesome circumstances.

Mr. GURNEY. Let me pose one further question. May I say that I certainly have no thought, in raising this question, that any sponsor of this resolution—certainly, not the author of it, the distinguished Senator from Massachusetts—is in any way disposed to "horse trade" with the Russians, to give up more than they would give up. I am well aware that every Senator would have the common goal of not doing that.

My point in raising this point is that

we have been engaged in strategic arms limitations talks. We are doing that right now. I raise this point: What impetus is the expression of the Senate going to give to that?

I also raise the other point that, perhaps, if we are too eager to indicate that we want something to happen right now out of these talks, we are then horse trading, if I may use the words of the Senator from New Jersey, in a weakened position. If we are too eager to sell this horse, perhaps the Russians will not want to buy it. This is the reason I am raising the question.

Mr. BROOKE. I think the distinguished Senator from Florida has raised an important question. I do not want him to feel for a moment that I do not think so. I think he has made a contribution to this debate merely by raising that question and in the manner in which he raised it. I am very grateful that he did. I think it ought to be discussed. This is one of the most important points to be discussed.

I think the American people should be very knowledgeable about this resolution. They should know what it is, and that the members of the Foreign Relations Committee and the Senate ultimately, if it agrees to this resolution, have no intention of giving away the security of the United States of America. Our negotiators and the members of the Senate Foreign Relations Committee are very knowledgeable men. They have been at this business a long time. They have dealt with the Soviet Union. They know the past successes and they know the past failures of the Soviet Union. They are not being hoodwinked at all.

We are not trying by this resolution to give up anything that would put us in a position of weakness, and we are not trying to show too much eagerness, as the Senator has pointed out, which might indicate to the Soviet Union that we are overly anxious and thereby trying to conceal some weakness on our part.

I do not think for a moment that the Soviet Union is unaware of the nuclear capability of the United States of America. They may not know everything, to be sure, but they have a pretty general idea as to what our capability is, just as we have a pretty general idea of their capability. They know that we have *x* number of ICBM's. They know about our submarine fleet. They know about our B-52 bomber force. And they know about the weapons in Europe and things of that nature, which are pretty generally known. They have their satellite observation, as we do, and we cannot underestimate them in this respect.

If this moratorium, this freeze, is to be successful at all, I agree with the distinguished Senator from Florida that it will be due to a large degree to our strength and the Soviet Union's strength as well. We know that. But I just cannot believe that the Soviet Union has inexhaustible funds. I just cannot believe that the Russian people are bent on destruction of themselves. Certainly we are not bent on the destruction of the United States and other people of the world.

I believe that perhaps the time may be right for an arms limitation agreement. Irrespective of all the failures in the past, this time may be right. If this is the right time, the right time in history, all I am saying is, let us take advantage of it; let us move now, while we can; let us not lose a day in moving in order to tie it down and to enter into an agreement which can be verified, and which I am hopeful will be successful.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. GOLDWATER. I want to join the Senator from Florida in the questions he has posed. But I want to preface that by saying that I am always in favor of negotiations, and I hope that the Senator's suggestion will be agreed to.

I do not think there can be any doubt that the Soviets know what we are doing. I think the Soviets know the attitude of the Americans probably better than we do. I think back over the number of years we have been in this argument and that they have this knowledge of the attitude of the American people, the attitude of the American Congress.

The questions raised by the Senator from Florida become very pertinent, not to the point that they might prevent the adoption of the resolution, but pertinent to the expectations which might be raised in the hearts of American citizens and people around the free world.

I think, for example, of the fact that this year we are spending a smaller part of our gross national product on arms than we have ever spent; that we are buying fewer airplanes in this budget than we bought in 1935. I think of the fact that we are withdrawing troops from South Vietnam; that we are willing and we have been sitting for over a year at a peace table in Paris. We have made no progress. I think of the Test Ban Treaty which we entered into. I think of the arms limitation talks that we have had, and the fact that the Senate approved the ABM by one vote.

These things to me, if I lived in the Soviet Union, would indicate that the United States certainly has indicated her willingness to talk about disarmament, her willingness to enter into any kind of talks to which the Russians will agree. With all these manifestations at hand, there is a grave question in my mind as to whether or not the Soviets will agree. I hope they will agree to sit down and talk with us. But they are now ahead of us in several areas of the military. Since the SALT talks started, they have fired either 16 or 18 of their MIRV's on an actual flight test, and we have not tested one. This has seemed to be the history.

Mr. BROOKE. The Senator means MRV, not MIRV.

Mr. GOLDWATER. I beg the Senator's pardon. Yes. But the tests necessary before they fire the equivalent to our MIRV—and we have yet to do that—I would hate to see any time where that would prevent our at least testing, but, if we could get them to the stop, we would still be behind them. This is the same as applied to another request, where we sought a test ban treaty after they had developed very high yield warheads, and we had not been able to test, although I have no doubt that we can do the same.

These things bother me, but not to the point of destroying the resolution or not seeing it passed. I think we should do these things with our minds and our hearts open, and with the ability to let the American people know that the chances are rather slim. It is sort of like playing poker. I think the Soviets right now have the strongest hand. I do not think they will stand for any bluffing, even if the bluffing comes in the form of this resolution—which I do not oppose at all.

I just wanted to associate myself with the questions raised by the junior Senator from Florida, which I think are very pertinent.

Mr. BROOKE. I thank the distinguished Senator from Arizona. His words on this important subject, of course, are of great value because of his long experience in this particular field. He is also a distinguished member of the Armed Services Committee and has made an independent study of this matter. I am very much pleased to know that he is not opposed to the resolution in spirit and I am hoping that he will vote for the resolution. I certainly think he has made a contribution in noting that the American people should not have such high expectations that if this does not succeed, it will be more disastrous than before the resolution was even considered. I think his contribution has been very useful.

I want to point this out to the Senator, however, that to the best of my knowledge the Soviet Union has not tested MIRV as yet. I think, as the Senator well knows, that we are close to the deployment of our MIRV, so I do not think in this poker game—as the Senator has characterized it—we are in as poor a position as the Senator may have indicated. I believe that we go to the poker table with as good a hand as the Soviet Union, if not better.

Mr. GOLDWATER. I cannot say we go with as good a hand if we take the overall capabilities of our military posture, even if we exclude the ground forces, which we should never take into consideration—and I say that with all due respect to our own ground forces; but they have done much more testing on their vehicles, and on the theory, than we have. We will deploy, I believe, in June, where we have been prohibited, actually, from the type of testing we would like to do by the Test Ban Treaty. I find no big argument on this, because I think we can do what we want the vehicles to do, but I do not think we have as good a hand as they have. I would hate to depend on our thinking that we did, to bring this resolution to the point that it would have some force with the Soviet Union.

Again, I am not finding fault with the resolution. In all probability, I will vote for it. I think the adoption of the Cooper amendment is most necessary. I think that much reiteration on the part of the Foreign Relations Committee is needed as to whether this will wind up in a unilateral type of disarmament, in which case I could not, although I think the language of the report and the language of the resolution makes that abundantly clear. But I hope it is not the forerunner, this resolution, of calling for unilateral disarmament.

Mr. BROOKE. I assure the distinguished Senator from Arizona that that

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is not the intent of the original resolution and it is not the intent of the resolution as voted by the Foreign Relations Committee. I think that the language of the report is clear on that point. I would agree with the Senator that we would not want a unilateral cessation. I do not see that it will be the result of such a resolution, certainly not this resolution. I believe that this resolution would be most helpful, and hope that the distinguished Senator from Arizona will see fit to lending his very prestigious name to the support of it.

I thank the Senator from Arizona once again.

Mr. GOLDWATER. Mr. President, will the Senator from Massachusetts allow me to make a unanimous-consent request?

Mr. BROOKE. Yes; I am happy to yield for that purpose.

Mr. GOLDWATER. Mr. President, for 2 days now, I find myself unable to get the floor to make remarks I have prepared. Inasmuch as I have to be in Oklahoma City this evening on Air Force business——

Mr. MANSFIELD. Mr. President, I must object because the rule of germaneness has been observed consistently this year so far, and unless it is something connected with the pending business, I would reluctantly have to object.

Mr. GOLDWATER. I do not know how I could connect this with the pending business. I could not even try. It has to do with air traffic controllers.

Mr. MILLER. Mr. President, will the Senator from Massachusetts yield for one or two questions?

Mr. BROOKE. I am happy to yield.

Mr. MILLER. First of all, I note that the resolving clause in the pending resolution provides for the immediate suspension of further deployment of all offensive and defensive nuclear strategic weapons systems. That relates only to deployment. As I read it, it does not say anything about the suspension of flight tests.

Mr. BROOKE. It is included in the language of the report. It is intended to include flight testing as well as deployment.

Mr. MILLER. If I may make a suggestion, if that is what——

Mr. BROOKE. It is implicit in the language. I think it is spelled out very clearly in the language of the report. That is my answer.

Mr. MILLER. I would suggest, though, that it might be helpful to add language in the resolving clause which will make it crystal clear that that is what is intended.

Mr. BROOKE. It is in the whereas clause, which the Senator has seen.

Mr. MILLER. Yes; I have seen it. That is the reason why I raise the question. We have it in the whereas clause but it is not in the resolving clause. The second question I have, I note in the resolving clause it says, "subject to national verification." That is, as between the Soviet Union and the United States. What do we mean by "national verification"?

Mr. BROOKE. National verification is, as I understand it, those usual means which a nation has of verification, such as satellites, seismographic equipment, reconnaissance vehicles, and the like.

Mr. CASE. Anything we do that is done normally, that would be permitted by the other side.

Mr. BROOKE. Yes; it would not be onsite inspection, but general means of verification such as are used by nations in keeping track of verifying what another nation is doing.

Mr. MILLER. What the Senator is saying with respect to verification of United States ceasing further deployment, is that the Soviet Union would be expected to use such methods as it is now using with respect to verification by the United States as the Soviet Union's cessation of further deployment. It would be expected that this would be handled by methods available, such as satellites.

Mr. BROOKE. Yes.

Mr. MILLER. This troubles me. While I understand we are getting some good information through the satellites, I have no doubt that the Soviet Union is getting pretty good information out of us because we are an open society. I am wondering whether the verification is adequate. I am concerned, for example, as to whether flight testing or further deployment of airplanes or ICBM's on the part of the Soviet Union are picked up adequately by our present methods. They are the best we have. But I frankly do not know that we are satisfied today that we are getting all the information we need to verify it.

Mr. BROOKE. Mr. President, as the able Senator has pointed out, these means are the best we have. Satellites are practically the only thing we have in addition to, as I have already stated, the other scientific and technological devices that are used for verification purposes. But bear in mind that this is a resolution which calls for a moratorium during which time negotiations will be taking place on the subject of verification.

If we get to the point of verifying whether one side is deploying MRV's, MIRV's, that is going to call for nothing short of onsite inspection or onsite verification. The Soviet Union would perhaps have teams come to the United States and perhaps dismantle a missile and look into it to see how many missiles are inside the missile, whether it is actually an MRV or an MIRV missile. The United States would do the same thing with the Soviet Union. But this has been very difficult to achieve in the past.

Mr. MILLER. Mr. President, the Senator is correct. He states the problem I am getting at. We call, by this resolution, for an immediate suspension to be proposed by the President of the United States—immediate suspension not just by the United States, but by the Soviet Union and the United States, subject to verification.

The idea behind it is that this will encourage negotiations. But the understanding of the Senator from Iowa is that these negotiations at best will go on for a long time. And what causes me concern is that if, indeed, there is an announcement by the Soviet Union saying, "We are going to suspend," the United States, therefore, suspends and the negotiations go on and on and on while we do not have the kind of verification which the Senator has just referred to. Then it seems to me that we may be letting ourselves in for a very rude awakening to a loss of the security of our country.

Mr. BROOKE. Mr. President, the Senator raises a very valid and certainly a very important point. What the Senator is concerned about is the possibility of cheating under such an agreement. If we enter into an agreement for a moratorium on flight testing and deployment of the complex weapons systems, the Soviet Union might go ahead and continue this flight testing and even go ahead with further deployment of one of these weapons systems. How would we know if this is occurring?

I assume the Senator is concerned because national detection is inadequate to give us the confidence and assurance we ought to have for national security. And it is a very real and a very valid concern.

All I can say to the Senator is that with the technology and scientific devices we have today, with the national verification techniques we have today, and from the information I have been able to obtain from high sources both in our Defense Department and in the scientific community, we can, for example, tell by way of a satellite whether an actual missile is in a silo in the Soviet Union. And, of course, they can tell how many missiles we have in silos in the United States.

Flight testing of MRV's and MIRV's can be verified according to our best information. There is, however—and I want to make it very clear—some difference of opinion in the scientific community as to whether we can actually by the use of satellite observation photographs tell whether an MRV is actually being tested as distinguished from a MIRV. Some say yes, and some say no.

I have proposed in this resolution that we might even suggest that certain ranges be specified or that certain times be set aside for such testing in the future. Things of this nature would be a subject for negotiation, to be sure. But, of course, the Soviet Union has the same problem the United States has in this regard. They will not know whether we are cheating, because they do not have any better techniques for verification than we do.

I disagree with the distinguished Senator from Arizona on this point, as I said, but frankly I do not think we are in a worse position than the Soviet Union. I think their risk is probably as great or greater, in my opinion, than ours insofar as national verification is concerned.

If the Soviet Union is to join in this agreement, I know that we do not want to base it on hope and just leave it to trust when national security is concerned. We want to do all we can to be sure that the agreement is being lived up to and that there is no problem at all about improving or increasing our verification methods.

There is nothing in the moratorium that in any way limits the methods of verification that we can use or that we can ultimately achieve.

And that is the only satisfaction that I can give to the distinguished Senator from Iowa who, I know, asks this question in all earnestness and seriousness.

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Mr. MILLER. Mr. President, I appreciate that the Senator from Massachusetts is trying to the best of his ability to be responsive to my question.

Mr. BROOKE. Some of this information cannot be divulged publicly. Some of the information is of a highly confidential nature.

I would be very pleased to discuss this matter further with the Senator from Iowa. I am sure that he might find answers to his questions by talks with high-ranking members of the Defense Department who could give him more intricate and scientific knowledge on the question of verification than can I.

Mr. MILLER. Mr. President, the Senator from Iowa has done that. And on that point, may I ask the Senator what the views of the Defense Department are on this resolution?

Mr. BROOKE. I frankly do not know the answer to the Senator's question. The Defense Department was opposed to the original resolution calling for a moratorium on the operational testing and deployment of MIRV's.

The resolution has been broadened to include a freeze on offensive and defensive weapons systems.

I frankly do not know whether the Foreign Relations Committee has a report from the Defense Department as to what its position is on this resolution as amended.

Mr. MILLER. Mr. President, I thank the Senator. When the Senator's resolution calls on the President to propose an immediate suspension, does the Senator have any time frame in mind as to how long we should wait before we have an inspection agreement with the Soviet Union and whether, until such inspection is made, we should go forward with our present deployment and testing? For example, suppose the Soviet Union wants to mull this over for 6 months or for a year, are we supposed to suspend in the meantime, or are we suggesting, "Let us get busy on this now, and we will be happy to suspend the thing for a few days, but you have been reading about what has been going on here, you know what the question is. Give us a yes-or-no answer. We will go ahead with the SALT talks, but you have to agree. We want to know about it and fast. We are not going to hold up our programs waiting and waiting on you."

What is the view of the Senator from Massachusetts on that point?

Mr. BROOKE. Again I thank the Senator for that question. Let me answer him that it is my intent, as the proponent of this resolution, that we make the proposal, or that the President make the proposal, and that we stop nothing. We will continue our flight testing, and if our program calls for deployment in June and there is no response from the Soviet Union by June, we will go ahead with deployment. The Soviet Union knows we are about to deploy MIRV in June. If there is any other testing of weapons systems intended by the United States, we would by no means restrain them, restrict them, or limit them unilaterally. In other words, we would continue business as usual until and if the Soviet Union responds affirmatively and they themselves stop—not just respond—but stop with us.

I do not propose that we stop for a day anything we are presently doing until they agree to stop also. We should agree on a time and say at 12 o'clock noon, on April 16, both sides would stop deployment and stop operational testing. But if we make the proposal and they do not stop, or if they say, as the Senator has suggested, "Let us mull this over and we will get back to you"—which I agree has been their fashion historically—in the meantime things would still go on and we can only presume things will be going on as usual in the Soviet Union during that period as well.

Mr. MILLER. I appreciate that response from my colleague. I think it is a sensible response. I think it will allay concern a good many people have over the possibility that we might have in mind playing the waiting game to our disadvantage.

The final question, or perhaps it should be an observation that I have is as follows: I understand the title of the resolution is to be amended to read: "Resolution expressing the sense of the Senate on suspension of further deployment of offensive and defensive nuclear strategic weapons."

I am wondering, since this is a resolution expressing the sense of the Senate on suspension by both the United States and the Soviet Union, if that should not be made a clear in the title. I know that is what the Senator intends and it is what the colloquy has been about. Why not state in the title that this is the suspension by the United States and the Soviet Union? Let us make no bones about it.

Mr. BROOKE. That would be very helpful to the measure. I see no objection to it. I will discuss it with the Committee on Foreign Relations. It is certainly intended to apply to both the Soviet Union and the United States. If the Senator feels it should be included in the title of the resolution I would have no objection, and I will urge that the Committee on Foreign Relations adopt this suggestion.

Mr. MILLER. I appreciate the Senator suggesting he will urge it on the Committee on Foreign Relations, but after all, it is the Senator's resolution.

Mr. BROOKE. Yes.

Mr. MILLER. And it is supported, of course, by a number of the Senator's colleagues. I have the feeling that most of us in the Senate are in agreement on what we are trying to do. I am not ready at this time to say how I am going to vote on it, but I must say the legislative history being made here is most helpful and all I have attempted to do in the one or two suggestions I have made has been to point up further what I am sure the intention of the author of the resolution is, an intention which I think is very praiseworthy and which, if reflected in the precise language of the measure, will add more weight to it.

I thank my colleague for his fine responses.

Mr. BROOKE. Mr. President, I reiterate that I am grateful to the Senator from Iowa for his help in connection with making this legislative history. Again, I certainly hope that the Senator from Iowa will find it possible to support the measure and vote favorably upon it. But whether he does or does not, I wish to assure the Senator that, as he said, the legislative history to date has been very helpful and this in no small measure is due to the questions he has asked on the floor of the Senate this afternoon.

Mr. MILLER. Mr. President, if the Senator will yield I wish to add this footnote.

Mr. BROOKE. I yield.

Mr. MILLER. It seems to me we should try to secure the view of the Department of Defense on this measure. I would guess that the colloquy that has gone on here today in setting forth the legislative intent behind this measure would be particularly helpful to the Department in its analysis and in giving its views of the resolution.

Mr. BROOKE. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. COOPER. Mr. President, we have had a good discussion of the resolution before us. There have been good informative statements made by the chairman of the Committee on Foreign Relations, the ranking Republican member of the Committee on Foreign Relations, the majority leader, the Senator from New Jersey and, finally, of course, the Senator from Massachusetts (Mr. BROOKE).

I agree with the Senator from Iowa that providing legislative background on the resolution and immediately after its introduction has been helpful. There has been a lengthy and informative discussion and I would postpone my statement until next week, but for the fact that I am the author of the operating section of the resolution. My amendment expands the original Brooke resolution to include a mutual freeze of all offensive and defensive nuclear weapons of the Soviet Union and the United States. In its interpretation, I hope to be able to present views concerning its meaning and objectives.

First, I want to pay my respect and tribute to the distinguished Senator from Massachusetts (Mr. BROOKE) who, months ago, provided a major purpose and objective of this resolution. He introduced Senate Resolution 211 and brought before the Congress and the country the reality that if testing of MIRV should continue, with certain response from the Soviet Union, we would reach the point where verification would be difficult, if not impossible, where the deterrent possesed by both the Soviet Union and the United States would be destablized, the danger of a first strike increased, and the danger of a nuclear war and holocaust would be more likely. The Senator from Masaschusetts deserves the thanks and admiration of the Senate and the country.

I would say also that the Senator from New Jersey deserves admiration and respect for his initiative. As I recall, he introduced the first resolution dealing with the problems raised by further testing of MIRV. Foresight and vision was demonstrated by both the Senator from New Jersey (Mr. CASE) and the Senator from Massachusetts (Mr. BROOKE) on the problems which we are now beginning to deal with in the Senate today. The res-

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olution before us grew from their initiative.

Since the Senator from Massachusetts introduced his resolution, actions and reactions concerning nuclear systems have occurred in the United States and the Soviet Union with respect to the testing, and deployment of new nuclear weapons systems.

The United States has announced that MIRV will be deployed. By its vote last year, the Congress approved the commencement of the deployment of the Safeguard ABM system. The U.S.S.R. has continued with the deployment of its ABM system at Moscow, and the deployment of the SS-9 at a rather rapid rate, which is a matter of concern to all of us.

I think we can assume that the deployment by the United States of additonal weapons systems will continue unless it is halted by the Congress. We can assume that the Soviet Union will continue the deployment of the SS-9, and perhaps expand its Moscow ABM system and build other systems. The United States has no means of halting Soviet action unless we can reach agreement in the SALT talks.

The President has said that the objective that this resolution seeks to achieve and the objective which the administration seeks to achieve through talks at Vienna are substantially the same. I think that is a correct statement, but there is an important distinction in the proposal we are making and the present position of the administration, it seems to me. The Senator from New Jersey (Mr. CASE) made this distinction clear in his statement on the floor during this debate. The distinction is this: The pending resolution asks the President of the United States to propose now, or at the outset of talks, a mutual suspension of the deployment of all defensive and offensive nuclear strategic systems. I repeat, the point is, in this sense of the Senate resolution that the President make this proposal at the outset of the talks.

We do not know what the response of the Soviet Union will be, but the proposal could test the viewpoint and purpose of the Soviet Union at an early date in the talks; and if the proposal were agreed to, it would make the talks very much easier.

Some have said that carrying out the proposal would be complex, and that it might take months to work out with the Soviet Union procedures for putting into effect a mutual freeze of nuclear strategic weapons systems of both countries. But we have been told by eminent scientific authorities in this country that the elements of a freeze are, in fact, simple and straightforward and not as complex as some suggest.

There are many ways that those charged with the negotiations could employ but, as a first step, the President could propose that the United States and the U.S.S.R. would halt at the outset of talks the deployment and further testing of all multiple warheads, both MRV and MIRV, the installation of multiple warhead systems, on Minuteman III and the Poseidon, and postpone deployment of the ABM system.

The quid pro quo required of the Soviet Union would be a halt of further deployment of its ABM system, further deployment of the SS-9 and SS-11, and suspension of multiple warhead testing, and deployment of multiple warheads.

Such a freeze, if proposed and accepted at the outset of the talks, would enable the negotiators to work out with care the very difficult and complex settlements on the many other and various asymmetrical nuclear weapons systems possessed by the United States and the Soviet Union.

Senate Resolution 211 provides advice of the Senate to the President that the United States take this crucial first step to find if it is possible to reach agreement at a time when our respective systems are in rough balance, when our systems are readily verifiable, and when any significant increase or modification of the systems would be readily monitored. That is the crucial point of the resolution—that the effort to secure a mutual freeze be made at the outset of the talks. Before the above factors, inducive to negotiation, have been radically altered.

I shall not today describe in detail the nuclear armaments of the United States and the U.S.S.R. They are in the remarks which I have prepared, and I will place the information in the RECORD when we resume the debate next week. We know that each possesses the capability of destroying the other and tens of million of human beings, even after having been subjected to a first strike.

We are now in the fourth stage of the nuclear arms race; from bombers, to land-based missiles, to submarines armed with nuclear missiles, and now the ABM and MIRV; and a number of other systems are hovering on the horizon.

At each stage in the development of these systems, the destructive power of both the United States and the Soviet Union has increased many times, and as the destructive power of such country has grown, so has the danger of nuclear annihilation.

The security of neither country has been increased or improved; it has been diminished. It is at this time of bleak prospect that the Soviet Union and the United States have the opportunity to halt the nuclear arms race.

There is hope for the present because both countries must acknowledge that it is not necessary to add to their existing power to improve their capability to destroy each other completely. That capability already exists many times over.

I would make a further point. The SALT talks are possible, I believe, because after 25 years of action and reaction, the amassing of vast stocks of nuclear weapons, the United States and the Soviet Union must have agreed, at least implicitly, that the continuing deployment of offensive and defensive nuclear weapons will not add to the security of either nation but will, in fact, only decrease that security.

The impending deployment of multiple warhead delivery systems and ABM systems by the United States and the continuing deployment of the SS-9 by the Soviet Union will create a sense of greater fear of each other, of doubt of the intentions of each other, and could destroy the mutual interest that we must believe have helped bring about the SALT talks.

The SALT talks, which will open on April 16, are certainly the most important we have entered into since the end of World War II. In my view, they can be the most important talks in which the United States has participated in its history. They can be the most important talks for the security of our country and for the security of the world that we have ever entered into, or will ever have a chance to enter into, unless these talks succeed. They may hold the issue of survival for most of the human race, and for civilization as we have known it.

A proposal by the President at the outset of talks to the Soviet Union for mutual suspension of all nuclear strategic systems, whether offensive or defensive, could be agreed to. I believe that if the President will so propose, he will find that he has the support of the overwhelming majority of the Congress, of the people of our country, and of the people of the world.

I hope very much that this resolution will be thoroughly debated, and that it will be adopted by the Senate of the United States and by the Congress—I will not say it is the last effort, but it affords a great opportunity—to halt the arms race, to achieve larger security for our people and the people of the world, and perhaps survival.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE. I want to thank the Senator for his contribution today and during the committee's discussion of this resolution by his proposal of the amendment—which the committee adopted unanimously—broadening the scope of the original resolution to include all strategic nuclear weapons, both offensive and defensive. He has very clearly summarized the objective which we seek by this resolution, and he has, with customary generosity, given credit to everyone else.

As a matter of fact, there is plenty of credit to go around, if this thing works. None of us is really seeking credit; we are simply seeking survival for ourselves, for our country, and for our progeny, as far as that goes.

The Senator is quite correct in emphasizing the importance of these negotiations. There is nothing more important going on in the world than the discussions about the limitation, and all of us hope eventually the reduction, of strategic nuclear weapons. This is in the spirit of the Nonproliferation Treaty, which was a specific agreement on the part of the Soviets and ourselves, and in which all parties, of course, concurred, that we would seek these limitations.

What we are really saying is, will the President please not just talk about a reduction, but reduce the number of strategic weapons, and halt further deployment at the point, at which we have now arrived, of rough parity. This is the point, of course, which makes possible an agreement between the Russians and ourselves. And it is undoubtedly the recognition that this point has been reached that is the reason why both countries

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are willing to sit down and discuss the limitation treaty.

What we urge is that this halt be continued during the discussions, and not lost in the inevitable delays, which may well be unavoidable.

I look forward to further discussion of this matter with the Senator from Kentucky next week, and with anyone else who will join; and it is my hope, and I think now we see some prospect, that there will be unanimous action by this body on the resolution. If that is so, the share of the Senator from Kentucky will have been of enormous importance.

Mr. JAVITS. Mr. President, I would like to join with the Senator from New Jersey in stating my personal knowledge of the new direction which this resolution took upon the very gifted intervention of Senator COOPER in the Committee on Foreign Relations. The report of the committee by the chairman (Mr. FULBRIGHT) gives full credit for that to Senator COOPER, so that history may read and record that indeed it was his initiative which turned us to a grander design even than the fine start made in the idea which the Senator from Massachusetts (Mr. BROOKE)—in which so many of us joined, including the Senator from Kentucky, the Senator from New Jersey, and myself—had laid before the committee.

This leads me, Mr. President, to a very important aspect of this matter.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Since the Senator has made that statement, I should like to respond quickly.

First, the Committee on Foreign Relations has been considering this resolution since last year. Members of the committee have expressed their various views, and have expressed views, at times, of expanding it; and even in the meeting we had before this amendment was agreed to, we discussed ways in which the amendment could be strengthened or modified. I remember very well that the Senator from New York proposed language which furnished the seed of the language I offered. The Senator can remember that, when he proposed something like a moratorium. It all entered into this amendment. We have been working at it for 6 or 7 months.

I simply wanted to make that clear; I do not want to claim any exclusive credit.

Mr. JAVITS. We are giving it to the Senator. It is true that there were other inputs, but certainly the committee report, I think, is quite accurate in describing the Senator from Kentucky as the author of the fundamental thrust which this matter has now taken.

When we debated the ABM, our concern was that we were throwing another multibillion chip on the table in a two-man poker game, with the Soviet Union and ourselves as the only participants, and that therefore, if we could agree to stay our hands, it would save incalculable resources for both countries.

The answer given to us was that the Soviet Union does not care about ABM, that it has not put any block in the way of the SALT talks.

Of course, our response to that, Mr. President, was that the reason they do not care is because they are of exactly the same mind as some in the United States; because we cannot trust the other side, we must constantly seek to achieve, or maintain, military superiority.

All of this thinking is reduced to the most mundane popular level, to wit: "Let's get together and try to work out something out in the way of limitation, but until, when, as, and if we do, we are each going to go ahead and do everything we can to gain the advantage over the other fellow."

That is putting it bluntly and crudely, but that was essentially the situation.

So some new element had to be introduced. We were not just interested in the fact that this resolution be unanimous. Maybe it would be a good thing if it were not unanimous, because we want it to be meaningful. We want it to count, to have a punch and an impact.

Unfortunately, as the Administration has designed these SALT talks, this is the only way in which we can have an impact on them—by the Senate declaring itself in a statement of policy such as this.

Personally, I think the administration would have been very well advised—and it certainly was urged upon it—to have, as has happened on previous occasions in great international affairs, conferences, and agreements, Senate observers, at least, perhaps even Senate delegates. There is no reason why even the House of Representatives should not have been included in some form.

But the administration, in my judgment unwisely, did not choose to pick up that idea. So we have only this way, if we do have an idea, and a basic and important one, to express ourselves.

It is not too late, incidentally, for the administration to seek some reasonable congressional representation.

The old idea that everything that you tell Members of Congress somehow finds its way into the press has always seemed unjustified to me. We ran the Manhattan project with the full knowledge of Members of the Senate and the House during the war. We have secret things going on in a number of committees—Appropriations, Foreign Relations, Foreign Affairs in the other body, Atomic Energy, the Armed Services Committees of the respective Houses, and probably many others. In addition, it has always seemed to me to be a rather bad argument, because whom do we vest our confidence in abroad but parliamentarians? Indeed, in the parliamentary forms of government, every prime minister and every defense minister is a parliamentarian. Does this make them "security risks"? I hope very much that the administration may, even at this late date, reconsider its position.

But even the presence of observers or delegates of that character would not be as forceful as an expression of the Senate, the whole Senate, and that is the opportunity presented to the Senate in this resolution.

This resolution is important for another reason. It represents an acceptance by the Senate of the rough parity concept. I think it is critically important that we declare essentially what the President has declared, that we are no longer in a leap-frogging game with the major atomic competitor—to wit, the Soviet Union—and that we are ready to accept what is called rough parity in this committee report. The President has used the more ambiguous term of "sufficiency." I think the Senate's acceptance of the parity concept is a very consequential aspect of the adoption of this resolution. It would represent, in my judgment, a very significant contribution and could be of enormous help to the President in achieving the desired ultimate result—an effective limit to the strategic arms race.

This resolution is critically important because it raises our sights with respect to the SALT negotiation. Obviously, the objective is to arrive at a moratorium on the deployment of all these weapons—and I emphasize that word "deployment" because it is far more inclusive than the concept incorporated in the original Brooke resolution, which dealt with MIRV flight tests alone. This deals with deployment. It is the end point that counts. If you are going to agree in advance to a moratorium on deployment, then obviously the end result by which the world will judge the SALT talks can hardly be less. So the standard immediately set by the Senate, if it adopts this resolution would be an elevated one rather than a very limited one. We get away from the grocery counter in terms of bargaining over these atomic weapons. We do not want a haggling session of attempted piecemeal trade-offs. Such a concept of negotiation is certain to bring out the worst on both sides, to maximize distrust and deception, and to jeopardize the chances of significant results.

Even if we should succeed in freezing the arms race where it is, this is not by any means the end of the road. We still can destroy each other with what we have—even if we do not deploy anything further in the way of MIRV's or ABM's or MRV's or whatever new exotic hardware of destruction either side may develop. We have yet to arrive, by strengthening the United Nations or in some other way, at a far more rational operation of the world according to the rule of law rather than the rule of force. None of us should kid ourselves that we are doing anything but attempting to "cap the volcano." It is still there and can still blow us all up, even if we effectuate the very result which the Senate seeks in this resolution. But if you are going to move in another direction, other than the balance of terror, you have to stop somewhere in terms of building up the forces on both sides. For that reason also the resolution is an excellent one, in my judgment.

I repeat, Mr. President, that, in my judgment, a major achievement of the resolution so far as the policy of our country is concerned will be in having the Senate accept the concept of rough parity in strategic nuclear weapons with the Soviet Union. That is what this represents. That is the situation, in fact, that we have both lived with for some

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years. The Russians accept it; we accept it. To me that represents a very great milestone in terms of the reduction of the mortal danger which faces all mankind in the specter of thermonuclear war.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. I want to thank the Senator from New York for underlining and underscoring the most important point which he has just repeated. He is absolutely right.

Of course, put another way, this rough parity, a condition of approximate equivalence so far as strategic weapons goes, as between the Soviet Union and the United States, is the only basis for any kind of agreement at all, as, I am sure, the Senator would agree.

Mr. JAVITS. Of course.

Mr. CASE. It emphasizes and underscores what I attempted earlier to point out—that we are not going into this in any way as a bargaining session or as a horse-trading operation, in which each side will try to outwit the other, or a session in which each side will confront the other and attempt to scare it into an agreement. We are going into it for the purpose of refining and defining our mutual understanding that both sides have an equal interest in maintaining this rough parity, which is the only basis for peace on earth.

Mr. JAVITS. The Senator puts one other point in my mind, which I would like to mention in this regard. It has been mentioned by Senator GURNEY—and it is quite an understandable concept—that the Russians do not understand anything but strength. If you do not negotiate out of strength, if you do not show strength, then they do not believe you, and they are not going to do anything.

But I think it is also important that we understand that when we have the strength, when it has been achieved, when we stand strong, then what do we do? Just get stronger? Or do we try to be a "closer," as we used to say in the business world. I know many people who are brilliant but they are highly unsuccessful businessmen because they never know when to "close." I think it is a very human and a very colloquial concept, but a very true one.

We must negotiate from strength; there is no question about that. We have strength. The Russians have strength. This is the time when the concept of rough parity should induce us both to "close." We are big enough and strong enough and confident enough so that we can make the offer. I do not think we need to stand on protocol or ceremony with respect to that. We are both strong enough so that we are talking from strength, and that is the time to close the deal.

Mr. CASE. My only comment would be that it is not only businessmen who sometimes do not know when to close. Lawyers have the same difficulty, too. I am not referring to the Senator from New York.

Mr. JAVITS. And diplomats and presidents.

Mr. CASE. That is right.

Mr. JAVITS. We also have to think about the degree to which these new weapons on our side and on their side is likely to trap us into an escalation of the atomic arms race. ABM and MIRV are the next generation of weapons systems that SALT is seeking to contain; they are, in effect, what SALT is all about, if it is to be significant and effective.

I believe that this resolution reflects the feeling that they have not given sufficient importance to the time lag in coming to an agreement on the SALT talks as compared with the, perhaps, irrevocable posture with regard to the next generation of strategic nuclear weapons if we both go ahead with ABM and MIRV. In the Test Ban Treaty and the Nonproliferation Treaty, we have already both accepted fair equality in terms of detection. No one has challenged that during the years the Test Ban Treaty has been in effect.

I think that is extremely important because of the tremendous expense of billions of dollars and the deprivation it would mean to both peoples if the deployment of the new generation weapons is not stopped. The sheer fact is that they may back us off the edge of the precipice so that we cannot, any longer, come to an agreement because it will go out of our hands. This makes this resolution and the idea which it proposes critically important.

Finally, I think again it should be emphasized that the idea of unilateral disarmament, the idea that we will be the "patsies" and come forward with a fine and beneficent proposal which is going to disadvantage us, is strictly exorcised by this resolution. It has been developed completely now by the Senator from New Jersey (Mr. CASE), the Senator from Iowa (Mr. MILLER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY); but it needs to be emphasized.

No one is talking about unilateral disarmament. No one is talking about anything but a mutual freeze. So that any discussion about the fact that it may cause us to relax our guard, that the next step will be that someone will suggest, "Do it yourself and they will follow," and all that, we exclude that expressly and we say so in so many words. We will make the proposal, if this resolution passes, if the President adopts what we urge in this resolution as the judgment of the Senate. But we will not stop our national security efforts, our vigilance and preparation. We will not delay. We will not be mawkish about it. We will propose it and push it. It must be mutual, not just out of courtesy, or in thought, but in fact.

We are not in any way proposing opening up the United States to be disadvantaged in this deadly competition.

For all these reasons, Mr. President, I believe that the committee, of which I have the honor to be a member, has brought in a highly important and highly constructive resolution, and I hope very much that the Senate will overwhelmingly approve it.

Mr. President. I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, that complies with the rule of germaneness. What is the next order of business? Is it business in connection with certain Senators? Who is the first Senator to be recognized?

The PRESIDING OFFICER. Yes. The Senator from Florida (Mr. GURNEY) is scheduled to speak next for not to exceed 30 minutes.

Mr. MANSFIELD. Mr. President, with confirmation of the Senator from Wyoming (Mr. HANSEN), while we are waiting for the Senator from Florida (Mr. GURNEY), who is next to be recognized, I should like to be allowed to proceed for 6 or 7 minutes, and ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

U.S. FORCE LEVELS IN GERMANY

Mr. MANSFIELD. Mr. President, a statement by the Defense Minister of the Federal Republic of Germany, Helmut Schmidt, was published in the April 2 issue of the Washington Post. Entitled "Bonn and the U.S. Presence," the statement sets forth most articulately the German Defense Minister's views on U.S. force levels in Germany. Like his predecessors, Mr. Schmidt is apparently opposed to any reduction in the level of our forces in Germany unless certain conditions, including some reduction of Soviet forces in Eastern Europe, are met. I ask unanimous consent that the full text of Mr. Schmidt's statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I have spoken on the subject of our forces in Europe many times on the floor of the Senate in connection with resolutions I have proposed calling for a substantial reduction of those forces. I will not impose on the time of my colleagues to recapitulate today the remarks I have made previously. I would like, however, to make a few brief comments on Mr. Schmidt's statement, principally to set the record straight on this matter that is of such importance to the United States.

I would refer, first of all, to Mr. Schmidt's observation that there seems to be a great debate regarding the relationship between Europe and the United States every 10 years and that another great debate is in the offing which will "revolve around the questions of America's future political position in Europe and of the number of American troops that would have to be kept in Europe to maintain the credibility of the American commitment to the defense of the Old World." I most respectfully beg to differ with the implication that the number of American troops that should be kept in Europe is a new subject of discussion in this country. On the contrary, the question has been debated for many years. It was more than 3 years ago that I first introduced a resolution, Senate

Resolution 49, calling for a substantial reduction of U.S. forces permanently stationed in Europe. And the debate had begun far earlier than that. In an interview published in the Saturday Evening Post of October 26, 1963, President Eisenhower stated:

> Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can 'show the flag' as definitely as can several.

I ask unanimous consent that the full text of the interview with President Eisenhower also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, Mr. Schmidt makes a number of factual assertions in his statement, facts that he says speak for themselves, which I think deserve some mention. He states that the 12 West German divisions "are, in fact, 12 divisions." It is my understanding that three of these divisions are short one brigade each and that there are certain other deficiencies in the West German Army that need to be made up, in such areas as reserve training and the supply of noncommissioned officers. I should add that I have full confidence in the West German Government's determination to overcome these deficiencies.

Mr. Schmidt also states that the West German defense budget for 1970 represents an increase of 6.8 percent over the previous year. To set that figure in context, I would like to point to a number of other percentages. According to the latest figures available, 8.7 percent of the men of military age in the United States are in the Armed Forces compared to 4 percent in Germany. In 1968, the last year for which such figures are available, defense expenses per capita totaled $396 in the United States and $87 in West Germany, and I should note that the defense expenditure per capita in Germany was lower than that in Britain or France among the NATO countries. Again taking the figures for 1968, defense expenditures as a percentage of the gross national product were 9.2 percent in the United States compared to 3.9 percent in West Germany, a percentage lower than that of Britain, France, Greece, and Portugal, among the members of NATO. These facts, too, speak for themselves.

Mr. Schmidt concludes his statement with a frank admission that further offset agreements to balance some portion of the foreign exchange costs we incur by maintaining the present level of our forces in Europe are going to be difficult because there is no longer a need to place large arms orders in the United States, and he notes that budgetary contributions would have to come out of the German defense budget and thus apparently are not being contemplated. An editorial in the Washington Post, which also appeared in the April 2 issue, commented on Mr. Schmidt's statement by saying that this part of the Defense Minister's article "ought not to satisfy an American administration already hard pressed by urgent defense and domestic needs." I agree. I ask unanimous consent that the full text of the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MANSFIELD. Mr. President, it was not my intention to take the floor of the Senate today. I had intended to remain quiet until after the visit of Chancellor Willy Brandt next week. I felt that it was only the proper thing to do. However, in view of the fact that this statement was made by the Defense Minister of the Republic of West Germany, I felt it only fair that a reply should be made.

EXHIBIT I

BONN AND THE U.S. PRESENCE

(By Helmut Schmidt)

It seems to be almost a law of postwar history: every 10 years a great debate about the relationship between Europe and the United States is being conducted across the Atlantic.

In the early fifties this transatlantic debate led to the great European divide. In the early sixties the debate—frequently reminiscent of a theological dispute—turned upon, the life-and-death issue of nuclear strategy; nuclear sharing and nuclear codetermination were the catchwords.

Now another great debate between Europe and America is in the offing. Clearly, it is going to revolve around the questions of America's future political position in Europe and of the number of American troops that will have to be kept in Europe to maintain the credibility of the American commitment to the defense of the Old World.

The administration has pledged time and again that the present level of U.S. forces in Europe will be maintained until mid-1971. I have no reason to doubt the validity of this pledge. Yet I also realize that the pressure is building up in various quarters to scale down the American presence in Europe; and I cannot but worry about some aspects of the public discussion getting under way in the United States.

First of all, there is frequently fundamental misunderstanding of what the American commitment is all about. The presence of U.S. troops is a significant contribution to European defense. But it is much more than that; an earnest of the American commitment, and as such the key element of Western deterrence. Basically, it is a contribution to America's own security; the front line of defense against the rival super-power, the fulcrum of the global balance, and the chief stake in the competition between the United States and the Soviet Union.

The second feature of the internal U.S. debate that gives cause for concern is the misrepresentation of several crucial facts by some of the leading protagonists. They conjure up the picture of a Europe sitting idly on its haunches, satisfied to leave its defense to the Americans. This is a false picture.

I hold no brief for my colleagues in Europe, but I can set the record straight with regard to the Federal Republic of Germany. These are the facts:

Contrary to recent allegations, the 12 West German divisions are by no means "only the equivalent of eight or nine divisions." They are, in fact, 12 divisions, and fully meet the requirements of the Atlantic Alliance. We have NATO's word for this.

The defense budget for 1970 shows an increase of 6.8 per cent over the previous year.

Since the invasion of Czechoslovakia we have put an additional 23,000 men into uniform. The total strength of the Bundeswehr now stands at 472,000. And we have taken a number of remedial measures to make up for the reduction of Canadian forces, such as putting an extra armored regiment and a new airborne brigade into service, and facilitating the return to Germany of the British Sixth Brigade.

West Germany's regular armed forces are being restructured to match the concept of flexible response. At the same time, a large-scale effort has been launched to make better use of our reserve potential.

Costly modernization programs have been initiated to increase mobility, firepower and staying power.

These facts, I think, speak for themselves.

The most important feature of the debate is its detrimental impact on East-West relations. Curiously, some of the most vociferous advocates of U.S. withdrawals from Europe happen to be men who simultaneously favor a policy of rapprochement toward the Warsaw Pact countries, as it is at present pursued by the Bonn government. But dismantling the psychological foundations of NATO is certainly a wrong way toward detente. If there is hope at all of lowering the level of confrontation in Europe, it is the hope of reaching an East-West agreement on mutual and balanced force reductions. Unilateral withdrawals, however, will deprive the Soviet Union of their main incentive for mutuality. Some advocates of U.S. troop reductions would sound a lot more consistent and convincing if at the same time they also advocated Soviet withdrawals and, toward that end, pressed for East-West negotiations about mutual and balanced force reductions parallel to SALT.

Finally, I am worried by some of the facile assumptions about feasible alternatives in the event of U.S. troop withdrawals from Europe. Let's take them one by one.

A combined European effort to make up for the disputed drain may be highly desirable but I see little chance for it in the short run. Who would imagine for a moment that any European force could be a substitute for the political weight and the deterrent value of the Seventh Army? And who would seriously argue that a European armada could have the same psychological and political effects as the Sixth Fleet in the Mediterranean?

Nor could the gap be filled by a German national effort. Lack of money, manpower and popular support would preclude such a solution—quite apart from the grave political effects it would have in the East as well as in the West.

By the same token, continued German payments for continued American presence offer no feasible way out. We have reached the end of the buildup phase of our armed forces. There are no longer any large arms orders that we might place in the United States, so further offset agreements are going to be difficult. Budgetary contributions, on the other hand, would have to come out of the German defense budget; we would mend one hole by opening up another. We will take a serious look at this problem later on if it arises, but I doubt strongly that we can come up with any solutions. Likewise one will probably find it very hard to realize multilateral burden-sharing projects.

So what should we be doing? First, I think we should beware of raising our voices in a new transatlantic debate. Second, we should realize that we are faced with the same problems: shortage of funds and men, a host of pressing domestic needs, and skeptical public opinions vis-a-vis the military. Thirdly, we should make a studied and concerted effort to counteract the forces that tend to pull us in different directions at the moment.

American withdrawals from Europe, of course, need not be ruled out forever. And they would not necessarily be damaging to the alliance, provided a number of "ifs" were

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observed: if there was a joint concept from which to proceed; if there was a combined effort to remove inconsistencies of our defense policies and to streamline our defense structures; if reduction of troops did not imply reduction of commitment. And if, finally, a successful effort was made to instigate a similar thinning-out operation in Eastern Europe. On any other basis, a U.S. pull-out would be dangerous.

All this amounts to a tall order—and calls for a concerted effort. President Nixon's report on American foreign policy for the seventies constitutes an encouraging first step. We welcome the invitation President Nixon extended to Europe for "a full and candid exchange of views with our allies."

Exhibit 2

Let's Be Honest With Ourselves

(Eisenhower interview with Saturday Evening Post, Oct. 26, 1963)

Our country's responsibility for helping to maintain world peace, for meeting and turning back the enslaving forces of Communism, for aiding the family of free nations to build for a more secure future—these are not distant and apart from our daily life. Rather they are an extension of it. The character and strength the United States brings to world councils can only reflect the inner courage, strength and wisdom we have developed as a nation. This is national morale, and it is my unshakable conviction that morale, even more than sheer power, is the deciding factor in the fate of a nation. I recall vividly the inspiring example of Great Britain in the early years of World War II, when that nation seemed on the verge of defeat and ruin. Yet despite her bitter losses and reverses, her people had the morale—and little else—to keep on fighting until the tide turned.

This is the kind of morale that inspired Washington at Valley Forge, Lincoln after Chancellorsville, our nation after Pearl Harbor. In peace such inner strength enables us to be purposeful and firm, without being truculent; and if ever again we should have to face the test of war, that kind of morale will be absolutely essential to our survival.

In this nuclear age any prospect of war may seem unthinkable, but *think* about it we must, as long as any threat exists. As a practical matter, I do not believe that war between the United States and Russia is inevitable, as some people insist, because these two nations now have too much knowledge of and respect for the nuclear strength of each other. Each has too much to lose. But if we face the facts of life, we know that the threat itself cannot be wished out of existence as long as the two great powers of the world, motivated by mutually antagonistic philosophies, have vast arsenals of nuclear warheads and the missiles to deliver these weapons to any point of the globe. We cannot abate our efforts to achieve a world of law. Yet until that achievement we must continue to live indefinitely in an uneasy armed truce, constantly alert to see that a potential enemy does not gain any decisive advantage over us.

Frankly, without in the least minimizing the perils of nuclear war, I am more immediately concerned over the schemes of a militant Communism to achieve world domination by other means. These will severely test the *staying power* of self-government—the self-discipline of democratic peoples. We all know, in a general way, of the Communists' plans to communize and dominate the people of the earth by whatever means promise success in a given situation—subversion, infiltration, disruption, terrorism, *coup d'état*. The one thing of which we can be absolutely sure is that the Communists will continue—with a zeal for an unworthy purpose that we can scarcely understand—to probe for weak spots in democracy, seeking to break down cooperation between free nations. They will not hesitate to use military or quasi-military force, as they have in Korea, Cuba, Vietnam and Laos, whenever they see an opportunity to catch us off balance. We must have the will to continue this tedious and costly struggle.

In our dealings with the Communists—and we must deal with them one way or another in this world—I believe we should keep reminding ourselves that *the basic conflict between their system and ours is a moral one*. Our form of government is based on deep-rooted spiritual values which go beyond man himself. These are spelled out in the familiar phrases of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights. . .." The generating force of our democratic government is a belief in these God-given rights and in man's inner obligation to deal fairly and honestly with his fellows.

The Communists see our moral precepts as a direct threat to their ideology, which starts by denying these priceless principles. They deny that the individual has either a soul or unalienable rights, viewing him as little more than an educated animal, subservient to an all-powerful state. Their atheistic, materialistic doctrine therefore justifies ruthless domination over others, including summary executions of innocent people—practices that to us are morally and legally abominable.

On the evidence it seems clear that the Communist leaders realize that our free system is far more appealing to most human beings than anything they have to offer. If they did not so believe, why do they prevent free elections in their satellite nations? They fear, and rightly so, that Communism never can exist permanently side by side with prosperous, self-governing nations. To save the system to which they are dedicated, they zealously believe they *must* destroy competing forms of government by any means. They are deterred only by risks that appear to them to be unacceptable.

From a practical, day-to-day standpoint, this means that we must judge all negotiations with Communist nations with our eyes wide open to their long-range goals. For example, we dare not interpret the new treaty for suspension of nuclear tests in terms of a "breakthrough" toward peace in the Cold War. We would be abandoning our common sense if we considered it as evidence that the organic nature of Russian Communism had changed. At the same time, we should do everything within reason, and consistent with our own security, to lessen the areas of tension and reduce humanity's nuclear risks.

If the Russians observe the agreement, the world will, of course, gain a greater margin of safety from radioactive fallout. We all could breathe a bit easier, literally and figuratively, but we should know by now that Soviet Russia cares little for the pledged word, or for the opinion of mankind. I remember only too well when, in 1958, I authorized a moratorium on nuclear testing in the atmosphere for a fixed period. The Soviets, far from feeling any obligation to relieve the fears of humanity, rapidly prepared a vast series of explosions which greatly increased the radioactivity in the atmosphere. Although we had then been well ahead of the Russians in nuclear techniques, these tests indicated that in certain sectors the situation may have changed. We know that they have exploded more-powerful nuclear bombs than we then had in our arsenal—one of them being of at least 58-megaton force.

Many of our scientists believe that such massive bombs represent mainly a propaganda gain, a means of spreading fear among unthinking people, and not a military advance. They point out that, first, both sides have more than enough nuclear power to destroy each other and, second, that several well-placed 10-megaton bombs would do more actual damage than one 100-megaton weapon. In any case, our past experience with Soviet Russia clearly demonstrates that we must be on guard against any cheating on the treaty.

Despite these doubts, I expressed my belief that the treaty must be tried. Most nations are desperately anxious to see a halt to radioactive pollution of the air they breathe; and more than 90, I was told, had signed the treaty even before the U.S. Senate had an opportunity to act on it. All these peoples have fervent hopes that this limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament. We should pray that those hopes are realized in full—but at the same time we cannot afford to let unsubstantiated optimism blind us to the fact that the treaty itself is scarcely more than an experiment.

We should keep in mind, too, that the sudden decision of Soviet Russia to sign this partial test ban did not spring from any newfound spirit of friendship and cooperation. While Russian motives are always hidden, we can speculate that the men in the Kremlin may have wanted to ease tensions and perhaps set the stage for possible aid on Russia's western flank while engaged in an apparently bitter ideological dispute with Red China. We have no way of knowing whether or not this schism between the two Communist powers is genuine or is a massive hoax designed to weaken the unity of the free world. If it is genuine, we may find practicable means of deepening and widening that breach, thus seriously diminishing the total thrust of Communism. But again we must remember that the two Communist powers are not quarreling about their goal of world domination, but merely about the methods by which they seek to achieve it.

In any case, the security of the free nations must depend on their continued close cooperation to meet the challenges of totalitarianism, whatever form these may take. We should put our lesser quarrels into this perspective, work out friendly settlements, and get on with the overriding job of making democracy work. Just as among members of a family, there will always be differences of opinion, but we should be able to thresh these out without breaking up the furniture.

In the newspapers these days I read much about the supposed shortcomings of many of the nations with whom we are associated in mutual-security efforts. It is true that few countries could say in all candor that they are fully meeting all of their own responsibilities. Many obviously are not carrying their fair share of the military and economic load. Others are not facing up to these reforms which are essential to their own sound development. Some are seeking a temporary advantage, at grave risk to their long-range future, by playing both sides against the middle in the Cold War.

However, before pointing fingers in other directions, I strongly feel that the United States must look to certain of its own glaring deficiencies—especially its lack of a sound federal financial policy. Others might place different problems, such as lack of a consistent long-range policy in foreign aid, in higher priority; but I put our fiscal situation as No. 1 because, unless we act on a sound track financially, we may undermine our whole structure.

I have written before in these pages on the dangers of overspending and goverment-inspired inflation, but I want to reemphasize that this is not an isolated domestic problem. It projects an image of weakness, not strength, to the world. It threatens the world's confidence in the integrity of our money. There is much concern because our international-payments deficit now is running at the rate of $5.2 billion a year, and the Administration has proposed various regulations and taxes to discourage the investment of American capital abroad. However, such temporary and restrictive expedients merely deal more with symptoms than with the basic disease itself. We know that the sound, long-range answer is to get our federal

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spending under control and work toward balanced budgets and dollars of assured buying power, as well as to minimize unnecessary and undesirable expenditures abroad. This is not an easy solution, but it is the only way to give ourselves and the world solid proof that we have the self-discipline to protect the integrity of our monetary system.

As one part of such a program I believe the United States has the right and the duty of insisting that her NATO partners assume more of the burden of defending Western Europe. When I went back to Europe in 1951 to command the forces of NATO, the United States agreed to supply the equivalent of six infantry divisions which were to be regarded as an emergency reinforcement of Europe while out hard-hit allies were rebuilding their economies and capabilities for supporting defense. Now, 12 years later, those forces, somewhat reinforced are still there.

Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops. I know that such a move would have many repercussions.

Although we have invested billions of dollars in air and naval bases and have built up a supply system all over Europe, to say nothing of the billions we have spent in developing the deterrent power for the entire Free World, all this does not seem to have the same effect of "showing the flag" as far as Europeans are concerned, as the presence there of U.S. ground troops. But the fact is that we have carried and would continue to carry out fair share of the NATO responsibility. [One American division in Europe can "show the flag" as definitely as can several.]

It would be helpful, at this time, to put all of our troops abroad on a "hardship basis"—that is, send them on shortened tours of foreign duty and without their families, as we do in Korea. Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European countries should provide for themselves.

The time has come, also, when we must take into account the effect of the population explosion on our mutual-assistance system. I don't propose to go into the much discussed causes and effects of this phenomenon; I simply want to stress the responsibility we have for finding some realistic means of containing this human explosion. Unless we do, it may smother the economic progress of many nations which, with our technical and economic assistance, are striving to build a decent standard of living. The world population, now above the three billion mark, will have reached 3.5 billion by 1970 and will have doubled to six billion by the year 2000. A large proportion of this increase is occurring in countries which are having difficulty in feeding and clothing their present populations and desperately need a little elbow room while they improve their resources.

Countries such as these need, more than anything else, some means of holding their population growth in check for some period, say 10 years or more, to provide a building spell during which they could construct sound technical foundations for a steady, balanced progress. Otherwise, I just don't see how we can effectively help them for the long pull. There is no real progress or security to a nation which, with outside help, raises its productive capacity by two percent a year while the population rises three percent.

Population control is a highly sensitive problem, of course. When I was President I opposed the use of federal funds to provide birth-control information to countries we were aiding because I felt this would violate the deepest religious convictions of large groups of taxpayers. As I now look back, it may be that I was carrying that conviction too far. I still believe that as a national policy we should not make birth-control programs a condition to our foreign aid, but we should tell receiving nations how population growth threatens them and what can be done about it. Also, it seems quite possible that scientific research, if mobilized for the purpose, could develop new biological knowledge which would enable nations to hold their human fertility to nonexplosive levels without violating any moral or religious precepts.

Of all the questions which worry the world, the one I wish I could answer positively is, "Can we ever have *real* peace?" The paramount goal of our times should be an era in which peoples and nations, free of the fear of war, could drop the sterile burden of vast armaments and devote their God-given resources and energies to building a better civilization.

Yet we know there is no golden road to peace. Peace is not, for example, a matter of a few world leaders getting together to parcel the nations of the globe into various spheres of power. It is not to be gained by imposing the will of the United States on other nations, any more than we can gain it by appeasing those who would dominate *us*. We want no Pax Romana or a modern substitute therefor.

Peace is a blessing and, like most blessings, it must be earned. As a nation, we can best work toward it by determined effort in advancing and supporting sound cooperation within the family of nations for mutual security and economic progress. We should work toward the liberation of the United Nations from subservience to pressures of arrogant dictators and excessive nationalism. We should assist in building it into a genuinely world-representative organization where nations can and will settle their disputes objectively and without resort to arms.

And above all, I repeat, we must face with honesty the test our democracy continually puts to its citizens: to build within ourselves and our children an abiding sense of those moral principles which must continue to be our inspiration. Only our individual faith in freedom can keep us free.

EXHIBIT 3

THE UNITED STATES AND EUROPE: ANOTHER GREAT DEBATE?

(Washington Post, April 2, 1970)

We are publishing on this page today an article by Mr. Helmut Schmidt, the Defense Minister of West Germany, who is coming to town to talk to our Defense Secretary, Melvin Laird, in preparation for next week's visit to Washington of West German Chancellor Willy Brandt. We print it not because we necessarily agree with it but because we take it to be the opening position of the Federal Republic in what promises to be the joining of a critical issue over our future military role in Europe. Mr. Schmidt predicts "another great debate between Europe and America" and apparently does not relish the idea. "We should beware of raising our voices in a new transatlantic debate," he warns and right there we specifically disagree. A debate of some sort is inevitable and it probably wouldn't hurt if it got a little rowdy because the issue raised by Mr. Schmidt is not one that can easily be brushed aside. What it comes down to is the question of our military presence in Europe in the future—how big a force we will maintain, how much our allies will do on their own behalf, and specifically what the West German contribution will be, for the Germans are clearly the key to Europe's defense.

A good part of what Mr. Schmidt has to say seems inarguable to us. The allies should work this out in concert; a precipitate, unilateral U.S. withdrawal could be calamitous. Any one-sided drawing down of force levels on the Western side might well be mis-read by the Russians; and there is much to be said for his argument that it might also throw away an opportunity to negotiate reciprocal thinning out of troops on both sides of the line as part of a broader European security arrangement.

Thus we would agree with him that nothing abrupt be done by us to upset the status quo. The Nixon administration has wisely agreed to this, at least until the middle of 1971, and General Westmoreland, the Army Chief of Staff reaffirmed this just yesterday in a speech in which he advocated no change in our 310,000-man European force for at least two years.

So far, so good, except that it doesn't end there, if you take seriously, as we do, the sentiment of the Senate, where a majority seems to favor a resolution framed by Senator Mansfield which would in fact call for heavy cuts in our force levels in Europe right away. If some heed is not taken of this sentiment, it will probably harden into a determination, not just to express the sense of the Senate in a resolution, but into something more forceful, such as an amendment to the defense appropriation denying the necessary funds.

Mr. Schmidt offers no realistic way out of this confrontation. The Germans cannot provide more troops, he argues, not only because of domestic political reasons, but because neither their friends nor their enemies want a bigger West German army. But he goes a lot further than that in saying that the West Germans cannot even continue to offset the balance of payments losses we suffer from keeping troops in Europe—let alone ease our burden by paying some share of the budgetary cost of our troop presence. This is not going to be enough for Senator Mansfield and those who have signed onto his resolution. And it ought not to satisfy an American administration already hard pressed by urgent defense and domestic needs. Something will have to give, and it is not too much to say that some evidence of West German give may have to emerge from the Chancellor's talks with President Nixon if the transatlantic debate which Mr. Schmidt fears so much is not to turn into a donnybrook.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Florida is recognized.

Mr. McGEE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GURNEY. I yield.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

PROPOSED PAY INCREASE FOR POSTAL AND OTHER FEDERAL EMPLOYEES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

Yesterday, the government negotiated a settlement with its postal employees.

This settlement could not properly be made in isolation from the needs of all Federal employees. In dealing with the special needs of the postal workers, the government representatives took into account the context of the Federal government's relations with its entire work force.

It should be noted that this negotiation took place only after the postal work stoppages had ceased.

One who works as a government employee agrees not to strike. But, concomitantly, the government has an obligation to insure each of its employees fair treatment so long as each lives up to his or her obligations.

The government is committed by law to a pay policy of comparability; that is, pay levels should correspond to those in business and industry. The agreed-upon government-wide pay increase complies with this standard.

This Administration is committed to a policy of pay-as-you-go. I believe that we have an obligation to provide revenues to meet the increased expenditures involved in this settlement. This is only good business and it is insurance against inflation.

1. *I propose that the Congress enact a pay increase of 6% for all Federal employees, paid under statutory salary systems, including members of the armed forces, retroactive to the last pay period at the end of calendar 1969.*

2. At the same time, *I urge the Congress to take action to reform the postal service.* Had this action been taken earlier, the postal work stoppage would have been averted.

The Congress must recognize the need to modernize the postal system, to improve working conditions and to give employees and management an effective medium for bargaining.

The proposed postal reform will be worked out in an agreement between the postal unions and Department representatives. The settlement provides that this work will be completed by April 10. I feel confident that a reorganization can be agreed upon which will meet our mutual goals.

3. Immediately upon enactment of postal reform, the process of collective bargaining will begin. In recognition of improvements in postal operations, *the results of such bargaining will include an increase in wages of at least 8%* in addition to the government-wide increase.

4. It has also been agreed in negotiations this week that the inequities created by the need to wait 21 years to move from the entry to the top rate in a job classification should be removed by reducing this to an 8-year period.

Postal revenues: To pay as we go for the postal salary increase and to eliminate the current postal deficit of about $600 million, *I urge that the Congress raise first class postal rates to 10¢ for regular first class mail as soon as possible.* This increase will produce added revenues of approximately $2.3 billion.

We are going to move to bring all rates except those for the blind and non-profit organizations to levels where they will cover at least their demonstrably related costs. As a first step under this policy we are proposing measures which will increase second and third class postal revenues $120 million in FY 71.

An adjustment in the schedule of parcel post rates will also be sought to produce $125 million in revenues. Government mail reimbursements will be increased by $89 million.

In all, I am proposing added postal revenues by Congressional and administrative action of $2.6 billion. These revenues are essential to meet the salary needs of postal workers, to wipe out the postal deficit, and to contribute to the efficiency of the postal system.

General revenues: To pay for the 6% increase to all government workers, which will cost $1.2 billion in fiscal 1970 and 1.3 billion additional over the $1.2 billion already included in the fiscal 1971 budget, *I propose that the Congress consider further actions which will result in some modification of our 1971 budgetary program.* The 1970 additional outlays can be met from budgeted and surplus funds.

At the beginning of my Administration I made the basic decision that the Federal government must start to live within its means. The long inflation that began after 1965 had its roots in a string of unbalanced budgets capped by the $25 billion deficit in FY 1968. To restore order in the economy the Federal government's first responsibility was to restore order in its own finances.

The tax program which I put before the Congress a year ago called for a balanced set of reforms, at the same time making provision for total revenues that would match the prospective outlays.

Prospective revenues for FY 1971 in the tax bill that finally reached my desk last December were more than $3 billion below what my own recommendations a year ago would have provided. I expressed my grave misgivings about that revenue shortfall. I finally decided that, time having run out for the last session of the Congress, there was no alternative but to sign the bill and put before the Congress in my Budget Message a program of expenditures consistent with these reduced revenues.

That was done. It was an austere program. Important programs were sharply curtailed or entirely eliminated. A major omission was the overdue pay increases to Federal workers.

This tax bill has forced on the Federal government a level of wage outlays that is inconsistent with any reasonable estimate of wage level decisions in this session of the Congress.

Yet I cannot and will not participate in an excursion into fiscal irresponsibility. That would re-awaken skepticism about our determination to quell inflation, just when clear evidence of progress is in sight. And savings diverted into financing a deficit mean reduced funds and resources for housing, for State and local government projects, and for the capital formation essential to our ongoing productivity and economic progress.

Therefore, I call upon the Congress and the Nation to face in future years the realities of our Federal budget. We must pay the bills for the wages that we vote. We must pay just wages in government. These involve more outlays than the revenues that last year's tax bill would produce.

I firmly believe that, given the facts, the American people will support the Congressmen with the courage to do what is right.

Putting the public interest first, it is right to build confidence in the integrity of the dollar, which we will do by redeeming our pledge of an anti-inflationary budget.

Putting the public interest first, it is right to insist on a course of economic stability that will lead to price stability, job stability, and a balanced use of our resources.

I propose the following additional revenue which will neither require extending the surtax nor raising income tax rates: The 1971 budget forecasts the collection of $3.6 billion of estate and gift taxes in the coming fiscal year. *I propose to accelerate collection of these taxes, which would add an estimated $1.5 billion in receipts in fiscal 1971.* As a result of the pay increases recommended in this message, I estimate that $180 million per year will return to the government in personal income taxes.

The total of these added revenues to the fiscal 1971 budget would be about $1.7 billion.

It will be recognized that this estate and gift tax acceleration will only provide additional revenue for one year. It will be necessary for the Congress to consider and adopt permanent revenue measures for FY 72 and following years to meet these additional wage outlays.

Within the next 10 days, legislation will be prepared to achieve the recommended wage increases, the reorganization of the Post Office Department, the postal rate changes and the 1971 gift and estate tax revenues measures described.

I cannot stress too strongly my support of early adoption of all of these interdependent and necessary actions. Each will relate to and depend upon the others. I request the Congress to act upon all, at once, to afford deserving employees an equitable pay adjustment, to provide badly needed reorganization to our postal service and to adopt the proposed pay-as-you-go revenue program to support these needed changes.

RICHARD NIXON.

THE WHITE HOUSE, *April 3, 1970.*

PAY INCREASES FOR POSTAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the message from the President of the United States on pay increases for postal employees and all other Federal employees and members of the armed services be referred jointly to the Committee on Post Office and Civil Service and the Committee on Finance.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BENNETT. Mr. President, will the Senator from Florida yield to the Senator from Rhode Island (Mr. PELL) and me briefly so that we may conduct a necessary report to the Senate?

Mr. GURNEY. I am glad to yield to the Senator.

STATEMENT OF POSITION OF SENATOR BENNETT AND SENATOR PELL ON NOMINATION OF JUDGE CARSWELL AND EXPLANATION FOR ABSENCE FROM SENATE NEXT WEEK

Mr. BENNETT. Mr. President, the Senator from Rhode Island (Mr. PELL) and I have been selected to represent the Senate as observers at the meeting of the Asian Development Bank to be held next week in Korea. We have both waited until this late date to make sure there would be no hindrance that would prevent either of us from going because we want our absence to have no effect on the voting on any of the Carswell motions.

If I were here next week to vote I would vote against recommittal and if given an opportunity I would vote for the confirmation of Judge Carswell.

The Senator from Rhode Island (Mr. PELL) can explain his position but I think we can now go on and fulfill our assignment abroad on the assumption that we have a true dead pair which will not change the result of the vote.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PELL. Mr. President, I rise at this time to state that the senior Senator from Utah (Mr. BENNETT) and I will be accompanying Secretary of Treasury Kennedy to a meeting of the Asian Development Bank in Korea next week.

Since the Senator from Utah is a supporter of President Nixon's nomination of Judge Carswell to fill the current vacancy in the Supreme Court, and I am an opponent of that nomination, we will be paired.

In this regard when it comes to referring the nomination back to the Committee on the Judiciary I would vote to refer back this nomination just as the Senator from Utah would oppose doing so. And, if this motion to report back the nomination is defeated and the Senate is called upon to vote upon Judge Carswell's confirmation, I would vote "no" just as the Senator from Utah would vote "yea."

Finally, if the plans of either of us should change at the last minute so that either of us cannot accompany the Secretary of the Treasury, we have agreed that the other would not go either.

Thus, by agreeing to pair, the actions of the Senator from Utah and I will have no effect whatsoever upon the action of the Senate with regard to Judge Carswell's nomination.

THE NOMINATION OF JUDGE CARSWELL

Mr. GURNEY. Mr. President, one of the main arguments that has been advanced by the opponents of Judge Carswell concerned a statement, which was circulated widely among the Senators and also in certain newspapers, made by lawyers and law professors scattered around the country who oppose Judge Carswell.

I thought it would be well perhaps to spend some time discussing this statement today and analyzing it.

Mr. President, to the accompaniment of a press conference and other fanfare, a petition has been circulated to all Senators by persons describing themselves as "practicing lawyers and members of law school faculties in various parts of the country." The statement opposes confirmation of Judge Carswell.

From reading the press accounts of this petition, before I actually got around to considering the signatures in detail, I got the impression that it was a collection of representative and distinguished practicing lawyers as well as law school faculty members. But a careful study of the signatures has convinced me otherwise. It would be difficult to imagine a more unrepresentative collection of names than that which appears on this petition.

I count a total of 461 names on the copy of the petition which I received. Of these, only 126 are those of practicing lawyers, and the balance are law school professors.

The directory of American law school professors indicates that there are slightly more than 4,000 professors who teach at the 145 law schools approved by the American Bar Association. The American Bar Association estimates that as of last year there were approximately 305,000 lawyers practicing in the United States.

Thus already we see a marked imbalance in the signatures on the petition. Law school professors, who comprise only slightly more than 1 percent of all lawyers in the United States, have furnished more than 75 percent of the signatures to the petition circulated to the Senate. The 334 professors who signed comprise somewhere between 8 and 9 percent of the 4,000 professors who teach at law schools in this country. But the practicing lawyers who signed comprise a fraction of the total lawyers in the country—other than law school professors—which is so small that it is rather difficult to state. It is one twenty-fifth of 1 percent, or 0.04 percent of practicing lawyers other than law professors. Because several signatures on the petition appear to be those of law professors, though they are not indicated to be such on the petition, it is impossible to state with accuracy the precise number of law professors who have signed the petition, in their capacity as professors.

To sum up, it appears this way to me: Out of 304,978 lawyers in America, 461 or two-thirds of 1 percent signed this petition. Out of 4,062 law professors, 334 or 8 percent signed this petition. Out of 300,916 practicing lawyers—the total number less law school professors—126 or one twenty-fifth of 1 percent signed this petition—not a very impressive total any way we look at it.

Now let me turn to this figure on practicing lawyers, and break it down a little more. While there may be some dispute as to how a couple of these signers should be classified, I counted 126 practicing lawyers—that is, lawyers who are not school professors—on the petition which I received. More than half of the States in our Union—31 in number—were not represented by a single signatory in this class of practicing lawyers—specifically Alabama, Alaska, Arkansas, Delaware, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming had no practicing lawyers signing this anti-Carswell petition. While it may be accurate for these signers to say that they come from various parts of the country—and that is using their words—there is certainly a great big part of the country from which they do not come.

Now, what is the explanation for the entire lack of support for this anti-Carswell petition among practicing lawyers in 31 of our 50 States? Judge Rosenman, whom the New York Times said acted as principal spokesman for the petitioning group, gave this explanation as to why individual practicing lawyers in the South were not solicited:

> Frankly, we didn't want to waste the postage. We thought that many would start with a Southern prejudice. But we will welcome with open arms any who are willing to join us.

So far as I understand it, Judge Rosenman's arms still remain open and empty.

But, Mr. President, you will notice that if you exclude the States of the so-called Old Confederacy—11 in number—there remains 20 States from which not a single practicing lawyer signed the petition against Judge Carswell.

Now I am sure that time was a factor to these people who are trying to line up support against confirmation, and they had to use some selectivity in mailing. I am not sure just how much selectivity they used, since I have had an opportunity to examine one of the form letters that was sent out by the group trying to organize this opposition. The letter begins "Dear Sir," and then apologizes for this "discourteous xerox form of letter." It goes on to say that the enclosed statement "has been circulated to a small list of prominent lawyers in the city of New York and throughout the United States."

A story in the New York Times dated Friday, March 13, states that copies of the statement were circulated to the "major law firms in all cities of more than 100,000 population, excluding New York."

The New York Times story also states that:

> In all, copies of the statement were submitted for signatures to about 300 law firms, 100 law schools, all of the State bar associations and many of the major local ones.

Whichever version of how the statement was circulated is accepted, it is quite obvious that the organizers have had a catastrophic lack of success.

We are told by the sponsors of the petition that it was sent out to "major firms" in cities of 100,000 or more throughout the country. It looks as though it may have been sent to a few other places, too, however.

XUM

I think this is important because one of the charges in the petition is lack of credibility on the part of Judge Haynsworth. It seems to me the petitioners show a lack of credibility also.

For example, the town of Wayne, N.J., has a population of just under 30,000. Martindale-Hubbell indicates that the firm of Hoffman and Humphries, located in Wayne, consists of three partners and one associate. Two of these partners—Walter F. Hoffman and Burrell Ives Humphries—have signed the petition. Messrs. Hoffman and Humphries, of course, have a perfect right to express their views on this subject. But their signatures on the petition have raised several questions in my mind.

First, how representative is a petition like this, when 2 percent of the total signatures come from two members of a three-man firm in Wayne, N.J.? It is doubtful whether these two are representative of Wayne or of 300,000-odd other practicing lawyers in the rest of New Jersey and in the other 49 States of this Nation.

The second question that comes to my mind is whether false information was put out at the press conference by the organizers of this opposition group. They obviously did not circulate it just in major firms and just in cities of over 100,000. It looks like they circulated it wherever they thought they could get a couple of signatures. And they still ended up with only 126 practicing lawyers out of the 300,000 in the whole country.

XUM

Who is to say that lawyers in small firms, or lawyers in cities of under 100,000 should be excluded from a circulation like this. Indeed there is something very unrepresentative about a program which in its conception speaks of circulating only to lawyers in "major firms" and only in cities of over 100,000 to sign the petition. We can see just how badly the sponsors did in big law firms in big cities—126 practicing lawyers.

They did get another signer from a small town—Mr. George R. Davis of Lowville, N.Y. Lowville is the county seat of Lewis County, N. Y., and has a population of 3,616. They got Mr. Davis to sign this petition, but what we do not know is how many other people in Lowville were asked to sign, and refused?

How many other lawyers in cities under 100,000 in the other 49 States of the Union were asked to sign, and refused?

We know only that Mr. Davis signed.

There is also representation on the petition from a three-man firm in Hackensack, N.J.—Messrs. Shedd, Gladstone, and Kronenberg. Now Hackensack, Martindale tells us, is located in Bergen County, N.J., and has a population of about 30,500.

Now when we see three partners of a three-man firm in Hackensack, N.J., signing a petition which contains a total of 126 names of practicing lawyers throughout the United States, I think we are entitled to ask just how representative these signers are. Are they prominent among the 300,000 lawyers throughout the United States? Are they partners in major firms in cities of over 100,000?

That is what Mr. Rosenman said he was petitioning in his press conference. No, all they represent are three of 300,000 practicing lawyers of various sizes, shapes, and descriptions, who are entitled to have their views considered, but no more and no less than any of the 300,000 practicing lawyers in the United States.

Let us go to the State of Ohio, one of the biggest States in the Union, which produced the signatures of two practicing lawyers out of an estimated total number of lawyers in the State of 14,368. One of these signers was a partner in a law firm in Columbus, Ohio, and another is a partner in a law firm in Cleveland, Ohio. The Cleveland firm in which Mr. Freedheim is a partner consists of 14 members—the other 13 did not sign. The Columbus firm of which Mr. George is a partner consists of 13 members—the other 12 did not sign.

And look at the rest of Ohio. By the sponsor's own account the petition was circulated to major law firms in all cities. Now this would include, besides Columbus and Cleveland, where the opponents obtained one signature each, Akron, Cincinnati, Dayton, Canton, Toledo, and Youngstown—where they obtained not one single signature.

So here is the State of Ohio—with about 14,000 practicing lawyers and about 6,000 members of the American Bar Association, and eight cities with a population of more than 100,000. And the opponents of confirmation come up with a grand total of two signatures from Ohio. That is how representative this petition is of Ohio.

It is worth noting that if the opponents had done what they said they did—circulated only to cities over 100,000—not only would all smaller cities be summarily excluded, but entire States would be excluded. Alaska, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, West Virginia, and Wyoming are automatically disregarded under the plan set up by the sponsors of this petition.

That is hardly representative of the feeling of members of the American bar about Judge Carswell. However, as I have noted, apparently getting desperate for signatures, the sponsors departed from their plan and reached out for signatures wherever they might be found. The results, throughout the length and breadth of this Nation, with its more than 300,000 practicing lawyers, turns out to be a total of 126 practicing lawyers.

Some of these practicing lawyers have signed themselves as past presidents or past chairmen of various associations and committees. This apparently done in an effort to show that they indeed are a "small group of prominent lawyers." But I think we all know that in State and local bar associations, even as in other kinds of business associations, offices turn over on the average of once a year, and there are anywhere between 10 and 30 living ex-presidents of almost any local bar association. So bear in mind, when John Doe signs a petition like this as a past president of the county X bar association, that there are somewhere between 10 and 30 equally prominent past presidents of that association who did not sign this petition.

Now I do not suggest that people who did not sign this petition are all urging that Judge Carswell be confirmed. I suspect that a lot of lawyers who received the petition, and refused to sign it, did so because they were unwilling to accept on faith the five pages preceding the signature line which are devoted to characterizing Judge Carswell's testimony before the committee—characterizing it, I might say, in an extraordinarily one-sided and unfair manner. Lawyers are by tradition skeptical, and able lawyers like to hear both sides of a case. That would be good enough reason for rejecting a petition such as this.

The signatures of practicing lawyers on this petition show the healthy skepticism with which the American bar regards high pressure lobbying tactics such as those engaged in by the organized opposition to Judge Carswell.

There is another fact about this petition that is interesting and is worth exploring. This has to do with hypocrites and hypocrisy.

A main thesis of the petition deals with Judge Carswell's connection with an allegedly segregated golf course in Tallahassee. The petitioners point the long, accusing finger at Judge Carswell, charging that he helped organize this club for the purpose of avoiding court-ordered desegregation of public facilities. Of course, these petitioners conveniently omit some facts: that Carswell signed a charter of an original group that never functioned; that he attended no meetings of any kind; that in fact the initial corporation never got off the ground; that an entirely new and different corporation was organized which carried out the functions and purposes of the golf club.

Judge Carswell was not a member of the second group—he had no connection with it; he had absolutely nothing to do with it. Many years later, after it was established, he joined it for a brief period so that his children could play golf. When they went off to school, he resigned.

None of this true story is recited in the petition. What sort of lawyers and law professors lend their names and signatures to this kind of deliberately distorted presentation?

We might take a look at a few of the "distinguished lawyers" who signed such a petition. Two of them are Bernard Webster and Francis T. P. Plimpton.

I did a little checking in Who's Who to see what clubs these gentlemen belong to.

Here is a list:

Mr. Plimpton belongs to the following clubs: Union, Century, Brook, Downtown Association, Coffee House, Economic—New York City; Piping Rock, Cold Spring Harbor Beach, Metropolitan—Washington; Ausable Chasm—Adirondacks; Mill Rey—Antigua.

Mr. Webster belongs to: Century, Downtown, Coffee House, and Metropolitan—Washington.

These are among the most exclusive clubs in the world. Now, I do not know whether they have segregation clauses in their charters. Probably not—self-interest would make sure that there were no such specific clauses.

But believe me, you will not see many black faces among the members, either.

Only in recent years, after a big flap, did the Metropolitan Club of Washington let in a token few black members.

I have tried to find out if black members belong to the other clubs, but have met with a very polite but decided veil of secrecy.

I have called upon these clubs today by telegram yesterday to state here, publicly in the U.S. Senate, and to advise us how many black members they have—for that matter, how many Jews, how many Catholics, and how many members of other minority groups.

This point of the club association of these organizers is very important because it goes right to the heart of their argument. They base their argument against Judge Carswell upon a segregated golf club.

I say these petitioners, like one who seeks equity, must come into court with clean hands. Under our Anglo-American system of jurisprudence, no litigant with soiled hands is entitled to be granted equitable relief.

Their own hypocrisy reveals their true motive—which is simply that they do not want to approve a Southern conservative jurist for appointment to the Supreme Court.

As far as I am concerned, they can belong to any club they want to. I have no quarrel with that. But when they come before the U.S. Senate and seek to influence its high constitutional role to advise and consent, let these gentlemen come with clean hands and argue in full view of the public, not behind a hypocritical smoke screen.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GURNEY. Yes, I yield.

Mr. CRANSTON. On the matter of the golf club, since I myself have referred to that incident, I would like to clarify what were my own concerns about Judge Carswell's participation in that event. I think this may well reflect the concern of some of those the Senator is referring to. Part of my concern was certainly the matter of involvement in a club that had rules of segregation. My main concern was that of Judge Carswell's involvement in preparing the bylaws of the incorporation of that club, which was obviously a move designed to get around the law of this land, occurring when he was a U.S. Attorney charged with responsibility for enforcing the law of the land.

Mr. GURNEY. May I interrupt to say there is not a single shred of evidence that Judge Carswell had anything to do with preparation of the bylaws.

Mr. CRANSTON. Let us limit it to the incorporation.

Mr. GURNEY. Or the incorporation papers.

Mr. CRANSTON. The statements in regard to the incorporation of the club are in the record, I believe.

Mr. GURNEY. I understood the Senator's statement to be that he had something to do with the preparation of that. If the Senator can point out in the record where that appears, I would be interested to read it. I read the record of hearings very carefully, and I never saw it.

Mr. CRANSTON. The direct participation was the contribution of $100 by Judge Carswell to the club at a time when he was U.S. attorney. Is that right?

Mr. GURNEY. That is right.

Mr. CRANSTON. And at a time when he was sworn to uphold the law of the land. The club was being established to get around what was the law of the land.

Mr. GRIFFIN. Mr. President, will the Senator from Florida yield to me for the purpose of my directing a question to the Senator from California?

Mr. GURNEY. I am glad to yield.

Mr. GRIFFIN. I wonder if the Senator from California and others who are attributing such motives to Judge Carswell would attribute the same motives and criticisms to the then Governor of the State of Florida, Leroy Collins, who later served with great distinction as an official in enforcing the civil rights laws of this land in the Johnson administration, and who also contributed $100 at approximately the same time to the same club, along with three or four other prominent and distinguished citizens of the city of Tallahassee.

Mr. CRANSTON. Mr. President, if the Senator will allow me, I am limiting my comments to the nomination that is before the U.S. Senate for consideration, the nomination of an Associate Justice of the Supreme Court. The President criticized the Senate as if we were suggesting other nominees for the Supreme Court. We are not. I have resisted the temptation to name other conservative and strict constructionists whom I deemed to be qualified to sit on the Supreme Court. I am not making a judgment of other people. I am restricting my comments to the man who is before us for consideration as a nominee to the Supreme Court.

Mr. GRIFFIN. I am not suggesting that the Senator from California suggests that Mr. Collins should be appointed to the Supreme Court. I am only saying that great attention has been focused on this point. I pointed out to him that another very distinguished member of his party, whom I greatly admire and for whom I have great respect, and who was the top official of the State of Florida, testified before the committee and on the record that he also contributed $100. I assume the Senator would also be critical of anyone else who did the same thing.

Mr. CRANSTON. I am most critical of a man whose sworn duty was to uphold the law of the land but who was involved in a transaction that was designed to circumvent that very law.

Mr. GRIFFIN. Former Governor Leroy Collins testified before the committee that he had no such intentions or motives when he contributed $100 to this club, and I think it altogether possible that that could have been the case with respect to Judge Carswell.

I thank the Senator from Florida for yielding.

Mr. GURNEY. Now, if I might answer the Senator from California—and I know his question was propounded in all earnestness, because this incident has troubled a great many people—I think I have read every bit of testimony in the record surrounding the discussion of this golf club. I have also talked to people outside the record about the facts and circumstances surrounding the golf club; and, as I understand the whole affair, it was thus:

This club was organized in April of 1956. Judge Carswell was approached to see if he wanted to join as a member of the group of people who got it going. He did say he would. He put up $100.

One of the most important facets surrounding this whole transaction is that there were two corporations. There was a first corporation, for profit, the charter of which was filed with the secretary of state, the usual procedure in Florida. That is the one that Judge Carswell signed as an incorporator, and put up $100 for the expenses.

That corporation never functioned. It never got off the ground. The next piece of evidence that happened was that a lease was negotiated by the city of Tallahassee, which owned the golf club, in the fall—I think the month was September—to this first corporation. They had one organization meeting, and then apparently they decided that a corporation for profit was not the way to run the golf club, so they moved in another direction, and organized a corporation not for profit—a charitable corporation, as we call them in Florida. They filed a petition with the circuit court in Leon County, which is the way you organize a charitable corporation. The judge signed an order, and the new corporation was established.

The testimony clearly shows that Judge Carswell never attended a single meeting of any kind of the first corporation. He never had anything to do with it, at all, after the initial contact with one of the organizers, who got $100 from him, and all of the business of the golf club was transacted by the second, charitable corporation.

I think one of the most interesting pieces of evidence regarding this is shown on page 363 of the record, included in the petition of the nonprofit corporation, which contains this information. It says:

> The present officers and directors of Capital City Country Club, Inc.—

That was the first one—

> and the officers and directors of this corporation hereby designated to serve until the first election shall be—

And then it lists the officers and directors of both corporations, and Judge Carswell is not listed thereon, which bears out precisely what he said, that he never had anything to do with the golf club after he put up the $100, and got his $76, I think it was, back from the $100 in February of the next year.

I think his testimony is entirely creditable on the point, and it is ironclad proof of this one basic fact, which is what the argument has been all about, as I understand it, in the debate over Judge Carswell: That Judge Carswell was an active participant in some sort of scheme to operate a private, segregated club. That is what the argument is all about. But the testimony shows that he never had any part in that at all beyond the initial contact and the payment of $100.

The PRESIDING OFFICER. The Senator's time has expired.

XUM

Mr. **GURNEY**. I ask unanimous consent that I may proceed for 15 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **GURNEY**. One further note about the position of the lawyers and the law professors: I was particularly interested by the fact that among the few practicing lawyers who signed this petition were Mr. Ramsey Clark, former Attorney General of the United States, and several others who had been in the Justice Department at the time that he headed it.

I am reminded of a nominating speech for one of the leading presidential contenders many years ago proclaiming that "we love him for the enemies he has made." I think the same might be said about Judge Carswell.

Putting entirely to one side the many affirmative reasons for supporting his confirmation—his long experience as a trial and appellate judge, his activities in judicial administration, and his endorsement by the American Bar Association Committee on Judicial Selection—I believe that an entirely independent reason for voting to confirm Judge Carswell is that Ramsey Clark does not want him confirmed.

This is not the first time, of course, that Ramsey Clark has spoken out in connection with a Supreme Court nomination. He was the leadoff witness, in support of the confirmation of Abe Fortas as Chief Justice. Here are some of the remarks that Ramsey Clark made before the Federal Bar Association in September 1968, while the Fortas confirmation was pending before this body:

> For the 15th time in the history of the republic, the Senate has been asked to advise and consent on the nomination of the chief justice of the United States. It is an awesome responsibility. It is imperative that the Senate perform its duties prescribed by the Constitution . . .
>
> As human beings we are concerned for Abe Fortas, but diamonds don't bruise.

Now there is an interesting allusion. Quite obviously something happened to Abe Fortas, on his way to the Supreme Court, whether it was "bruising" or something else. Now let us go back to the text of his remarks:

> If certain Members of the Senate are as concerned about pornographic material as they appear to be, and should be, they might work on legislation designed to control it: Not attack the Supreme Court of the United States as if it caused lust.

Former Attorney General Clark may be perfectly well satisfied with the decisions of the Warren court in the field of pornography, but I think a lot of us are not. I think a lot of lawyers, a lot of Members of Congress, and a lot of plain, ordinary people throughout the land are not satisfied with the legal protection accorded to the worst forms of pornography today.

There is certainly good reason to believe that Judge Carswell is a strict constructionist—that is, one who is less inclined than the liberal majority of the Warren court to read into the Constitution his own views of public policy. He would undoubtedly give more weight to legislative judgments as to how pornography may best be dealt with, and not turn the first amendment to the U.S. Constitution into a license for commercial smut peddling.

I recall some other equally interesting statements made by Mr. Ramsey Clark when he was attorney general of the United States. Perhaps his most famous statement was that of May 19, 1967, as quoted in the New York Times:

> Attorney General Ramsey Clark said yesterday that he did not believe there was a crime wave in the Nation.
>
> "The level of crime has risen a little bit," Mr. Clark said, "but there is no wave of crime in the country."

I do not know just what kind of intellectual blinders Ramsey Clark had on that date—but they somehow enabled him to ignore and dismiss as unreal the crime problem in the United States, and the plight of the innocent victim of crime. We have heard him talk at length about the rights of the criminal but very little about the rights of the criminal's victim and society's rights.

I think Judge Carswell's views on the enforcement of the criminal law are vastly different from Ramsey Clark's. For example, his vote to have the entire membership of the Court of Appeals for the Fifth Circuit review a three-judge panel's decision to expand the Miranda doctrine as enunciated by the Supreme Court is an indication that in the area of criminal law he is a strict constructionist. Personally, I much prefer the strict constructionist approach to the maudlin sentimentality of former Attorney General Ramsey Clark.

Ramsey Clark's perforation in his September 1968 remarks to the Federal Bar Association concluded with these words:

> The Senate must vote to confirm or reject Justice Abe Fortas on his personal qualifications. Judge him on the merits. He will not be found wanting.

I would say if Ramsey Clark can embrace Abe Fortas—who fell so far short of Supreme Court standards—I am willing to believe the very best about anyone whom he opposes.

I think Ramsey Clark's opposition is just one more good reason why Judge Carswell should be confirmed as an Associate Justice of the Supreme Court of the United States.

I dwelt at some length on the opposition of Ramsey Clark to Judge Carswell—and for a very good reason. I think men should be judged by the company they keep. I suspect that Mr. Clark is typical of the vast majority of the one twenty-fifth of 1 percent of practicing lawyers who signed the petition against Judge Carswell. They are "representative" only of a small minority of the extremely liberal wing of the American bar. They want beyond anything else, and even over the dead professional career and the carcass of Judge Carswell, to perpetuate the activist Warren-type Supreme Court.

Lawyers and judges spend a lifetime weighing evidence, learning to recognize it for what it is worth.

U.S. Senators also acquire a pretty good feel for what axes are being ground and whose oxen are being gored.

I implore the Members of this great body, in its great constitutional duty to advise and consent, to recognize for its true worth the petition against Judge Carswell of the lawyers and law professors. I think they will find that the weighing of this evidence falls far short of any representative cross section of the American bar. They speak for a small, highly vocal, but very liberal faction, no more and no less; and it is indeed not representative of the American bar in general.

Mr. **GURNEY**. Mr. President, I ask unanimous consent that certain telegrams and letters I have received in support of Judge Carswell be printed at this point in the RECORD. They are a telegram from W. E. Grissett, Jr., president of the Jacksonville Bar Association; the dean of the Mercer Law School; William N. Long, President of the 8th Judicial Circuit Bar Association in Florida; a letter by W. J. Oven, Jr., who was unable to join the 79 members of the Tallahassee bar who sent a telegram to the Senate supporting Judge Carswell; a letter from Thomas C. Dinard, a lawyer in Fort Lauderdale, Fla., who also used to be an assistant U.S. attorney, chief of the civil division for the eastern district of Pennsylvania during the Eisenhower-Nixon administration, recommended by the distinguished majority leader, Senator SCOTT.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JACKSONVILLE, FLA.,
April 2, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senator,
New Senate Office Building,
Washington, D.C.:

The officers and executive committee of the Jacksonville Bar Association unanimously endorse the nomination of Judge G. Harrold Carswell as a Justice of the United States Supreme Court. Judge Carswell has demonstrated his fine judicial abilities during this years of service on the Federal bench. He will serve with distinction as a member of our highest tribunal. We urge his confirmation by the United States Senate.

W. E. GRISSETT, Jr.,
President.

MACON, GA.,
April 2, 1970.

Senator EDWARD J. GURNEY, Jr.,
Senate Office Building,
Washington, D.C.:

DEAR SENATOR GURNEY: As dean and on behalf of the student body of Mercer University Walter F. George School of Law, I would like to urge the confirmation of Judge G. Harrold Carswell to the seat of the Supreme Court Justice; I had pleasure of teaching Judge Carswell as a student and have been acquainted with Judge Carswell since his law school days and hold him in very high esteem. I believe I can unequivocally state that Judge Carswell is extremely well qualified to fill the position of Justice on the U.S. Supreme Court.

DEAN M. MEADFIELDS,
Mercer Law School.

GAINESVILLE, FLA.
April 3, 1970.

Senator ED GURNEY,
New Senate Office Building,
Washington, D.C.:

Having practiced before Judge Carswell I strongly endorse his appointment to the Supreme Court.

WILLIAM N. LONG,
President, Eighth Judicial Circuit Bar Association.

XUM

Tallahassee, Fla., March 30, 1970.

Hon. Edward J. Gurney,
Senate Office Building,
Washington, D.C.

Dear Senator: According to newspaper accounts, a telegram was forwarded Friday to all one hundred Senators, signed by some 79 members of the Tallahassee Bar, announcing their support for Judge Carswell.

I did not have an opportunity to join in this communication, probably because I was out of my office most of last Friday. I would certainly have added my name to this telegram if I had been given the opportunity.

I have practiced before Judge Carswell since his appointment back in 1958, and consider him eminently qualified. I hope your efforts to secure his confirmation will be successful.

Respectfully yours,

W. J. Oven, Jr.

Thomas C. Dinard,
Fort Lauderdale, Fla., March 23, 1970.

Senator Edward J. Gurney,
New Senate Office Building,
Washington, D.C.

Dear Senator Gurney: May I urge the immediate and affirmative vote by the Senate of President Nixon's nomination of Judge G. Harrold Carswell as Associate Justice of the Supreme Court.

The long and unwarranted delay by the Senate in ratifying the President's appointment will cause irreparable damage to the judicial process and to law enforcement upon which the future progress of our country depends.

With best wishes.

Sincerely yours,

Thomas C. Dinard.

Mr. GURNEY. I yield the floor.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

The PRESIDING OFFICER. The Chair suggests that the floor has been yielded, and the present schedule is for the Senator from Wyoming to have the floor for a period of time not to exceed 1 hour. The Chair would suggest that if it is desired that any more time be taken up on the subject, the Senator from California would have to seek the permission of the Senator from Wyoming.

Mr. CRANSTON. I ask unanimous consent that I may have about 2 minutes to ask one question of the Senator from Florida relating to matters we discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. On the matter of the incorporation of the golf club, perhaps there was a difference over technical language. But I should like to ask the Senator to comment on the fact that page 32 of the hearings indicates that Senator Kennedy said to Judge Carswell, "Did you in fact sign the letter of incorporation?"

Judge Carswell said, "Yes, sir. I recall that."

The certificate of incorporation appears on page 348, and on page 353 Harrold Carswell's signature appears on that document. That would seem to me evidence that he was an incorporator of that golf club, by his own testimony to the committee.

Mr. GURNEY. If the Senator from California will yield, at no time did I contend that Judge Carswell was not an incorporator of this corporation. In fact, I think I stated that he was.

Mr. CRANSTON. I must have misunderstood the Senator, then. I thought the Senator questioned my statement that he was.

Mr. GURNEY. No. I said there were two corporations, and he had no part in the second corporation, which was the one that carried on the business of the golf club. There was a change a few months after the formation of this corporation. This corporation never did any business, and the judge never participated in any meetings of any sort. As a matter of fact, I am not even sure—and the testimony really does not go to that evidence—that the first corporation really got itself into business under Florida law, corporation law, besides filing the charter of the corporation. They do have to have an organizational meeting, a meeting of directors and officers, and approve initial steps—the issuing of stock.

For example, the testimony, as I read it over all, was that Judge Carswell never received any stock at all. He put up a hundred dollars and got $76 back. The whole evidence, when viewed in full perspective, indicates that, even though Judge Carswell technically was an incorporator of the first corporation because he signed the corporation papers, but that he never was an active member of any organization that ran a private segregated club that was organized for that purpose, he was not a part of that at all, and this is what he was testifying to before the committee.

Mr. CRANSTON. The allegation did not go to that point. It went to the point that he incorporated, and we agree that he did.

CALIFORNIANS KILLED IN ACTION IN VIETNAM

Mr. CRANSTON. Mr. President, on September 19, I first read into the Congressional Record the names of California men killed in action in Vietnam. Almost weekly since then, I have risen on the floor of the Senate to continue this tribute to the memory of our fallen men.

Last Friday—Good Friday—two California families, one in San Diego and the other 95 miles away, in Fullerton—received their notifications of tragedy from the Defense Department.

These two latest casualties brought to 4,000 the number of Californians who have lost their lives in the jungles and swamps of Southeast Asia since the first Californian fell in Vietnam on April 20, 1961, nearly 9 long years ago.

And the war goes on.

The following men have been reported as casualties between Monday, March 9 and Friday, March 27:

Pfc. Daniel Aguilera, son of Mrs. Elixa E. Aguilera, of Cutler.

Pfc. James D. Anella, husband of Mrs. Nedra M. Anella, of Spring Valley.

Radarman Charles E. Brooks, husband of Mrs. Jeanne B. Brooks, of San Diego.

Cpl. Thomas C. Chaney, son of Mrs. Lydia S. Chaney, of Greenfield.

Pfc. Robert W. Culver, husband of Mrs. Glenna F. Culver, of Eureka.

Lt. Joseph W. Devlin, husband of Mrs. Norma Devlin, of Orange.

Lt. Vincent E. Duffy, Jr., son of Mr. and Mrs. Vincent E. Duffy, of Arcadia.

Pfc. Jesse C. Frey, husband of Mrs. Adell C. Frey, of Bell Flower.

Capt. James M. Gribbin, son of Mrs. Molly Ondrasek, of Novato.

Sp4c. Garlin J. Hendreson, Jr., son of Mrs. Millie M. Henderson, of Bloomington.

Capt. Ronald Hurt, husband of Mrs. Olga Hurt, of San Diego.

Pfc. Michael C. Jackson, husband of Mrs. Peggy J. Jackson, of Simi.

Pfc. John E. Lockhorst, Jr., son of Mrs. Ruth E. Oswald, of Ontario.

Pfc. John S. Rick, son of Mr. and Mrs. Don L. Rick, of Fullerton.

Sgt. Paul W. Rose, son of Mr. and Mrs. Guy W. Rose, of La Mesa.

Capt. Richard J. Sexton II, husband of Mrs. Marcia S. Sexton, of Pacific Grove.

Sgt. Atilano U. Tovar, husband of Mrs. Patricia T. Tovar, of Van Nuys.

Sp4c. Charles A. Van Horn, son of Mrs. Evelyn A. Conjuriski, of Rialto.

Pfc. Kenneth E. Wedlow, son of Mr. and Mrs. Theodore Wedlow, of Compton.

Pfc. Thomas J. Whitlow, Jr., son of Mr. and Mrs. Thomas J. Whitlow Sr., of Palos Verdes Peninsula.

THE NOMINATION OF JUDGE CARSWELL

Mr. CRANSTON. Mr. President, I will vote to recommit Judge Carswell's nomination to the Judiciary Committee. Some Senators said that they feel a vote to recommit is simply ducking the real issue. I do not agree. I believe that during the Senate debate of Judge Carswell's nomination, many persuasive reasons have been brought forth which justify recommittal.

I believe that Judge Carswell should explain under oath to the Judiciary Committee and to the Senate and above all to the American people new facts which have been revealed which bear directly on his fitness to sit on our Nation's highest court.

A careful reading of the hearings and the many reports concerning Judge Carswell leads inevitably to a list of unanswered questions which have arisen. The Senate cannot vote with full knowledge until these questions have been asked, and properly answered.

These questions go to the very charges which President Nixon labeled as specious—charges of "lack of candor" and "racism." I do not believe that these charges are specious. I do believe, however, that Judge Carswell should be given a full and fair opportunity to refute these charges.

Judge Carswell attempted to answer some of these charges in a letter to the Judiciary Committee after the completion of the hearings. Personally, I find totally unsatisfactory his general and sometimes evasive denials in this unsworn letter.

I believe the following questions among others, should be put to Judge Carswell.

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They illustrate both the need for further answers from Judge Carswell, and the wholly inadequate and confused state of the present record concerning both his qualifications and his candor:

1. Is it true that on the evening of January 26, 1969, two representatives of the American Bar Association visited you in your hotel room and showed you the documents relating to your participation in the 1956 Tallahassee Golf Course incident. Did you examine the documents at that time or later and did you discuss this matter with others that evening after the ABA representatives departed or the next morning before testifying?

2. In view of the fact that the ABA representatives discussed the golf course incident with you the previous evening, how do you explain your answer at the Committee hearing the next morning, when Senator Hruska asked you to "tell us just what the facts are", that "I read the story very hurriedly this morning . . ."?

3. In view of the fact that the incorporation papers containing your signature were shown you the night before, how do you explain your testimony the next morning as follows:

"Senator HRUSKA. Were you an incorporator of that club as was alleged in one of the of the accounts I read?"

"Judge CARSWELL. No sir."

4. In view of the fact that one or more of the papers shown you the night before demonstrated your position as director of the golf club, how do you explain your testimony at the hearing the next morning that "I was never an officer or director of any country club anywhere"?

5. With the same background, how do you explain this testimony at the hearing:

"Senator HRUSKA. Are you or were you at the time, familiar with the bylaws or the articles of incorporation?

"Judge CARSWELL. No, sir."

6. With the same background, how do you explain your testimony two days after the discussion in your hotel room, "Senator, I have not looked at the documents"?

7. In this same testimony you stated that the golf club corporation "was a defuct outfit that went out of business." Isn't it a fact, however, that it did *not* go out of business but continued as a non-profit rather than a profit corporation?

8. Toward the end of your testimony on the golf course incident, this colloquy appears:

"Senator BAYH. Were there problems in Florida relative to the use of public facilities and having them moved into private areas——

"Judge CARSWELL. As far as I know, there were none there and then in this particular property that you are talking about."

Would you elaborate on this answer in view of the affidavits to the contrary appearing in the record of the hearings and the statement of your supporter, James J. Kilpatrick, that "if Carswell didn't know the racial purpose of this legal legerdemain he was the only one in Northern Florida who didn't understand."

9. Please explain the circumstances under which you chartered a whites-only booster club for Florida State University in 1953?

10. Have you considered then or since whether your activities in chartering the all-white booster club and with respect to the golf course conflicted with the position of United States Attorney which you held during both incidents?

11. Please explain the circumstances under which you participated in the sale of property containing a racial covenant in 1966.

12. On the morning of January 28, 1970, Judge Elbert W. Tuttle telephoned you to say that he could not testify in support of your nomination. Since this repudiated his earlier letter which you knew was in the record, did you not feel an obligation to report this new information to the Committee when you testified a few hours later or when you wrote the Committee a letter purporting to clarify the record of February 5?

13. Since you testified at the Committee hearings, eight civil rights attorneys who had practiced in your Court—in addition to the two who testified at the hearings—have testified in detail to your extreme hostility to them and their cause. Additional lawyers have made similar statements. Your only answer to date is contained in your letter of February 5th to the Committee which includes the statements that "I do not remember specific colloquies with counsel," but "I emphatically deny such episodes . . .". Would you kindly explain the apparent inconsistency in your letter and, to the best of your recollection, answer the specific charges of these attorneys.

14. In particular, Leroy D. Clark, Professor of Law at New York University Law School testified that Judge Carswell "turned his chair away from me when I was arguing." Are you not able to recall such an incident?

15. Likewise Theodore Bowers, an attorney of Panama City, Florida, informed me that "Judge Carswell turned away from him, looking off to the side, turning his body to the side, when he was presenting an argument. He stated that Judge Carswell stayed turned aside throughout half of his total argument. He argued for 10 minutes, and for 5 of those minutes Judge Carswell was looking away, had turned bodily away, seemed to be totally ignoring the case that he was seeking to make." Is it your practice to turn away from lawyers who argue before you or was this limited to civil rights lawyers?

16. Mr. Ernest H. Rosenberger, one of the civil rights attorneys who testified, stated that you suggested to the Tallahassee city attorney that the sentences of 9 clergymen be reduced to the time already served in an effort to deprive them of their standing to continue their habeas corpus proceeding before you and thus clear their records. Did you in fact do this and, if so, do you consider it proper judicial conduct?

17. Sheila Rush Jones, an attorney, has informed me "That in January of 1967 I was employed as a staff attorney for the NAACP Legal Defense Fund, 10 Columbus Circle, New York, New York;

"That as part of my duties as a staff attorney, I represented Negro persons in Florida who sought to desegregate local public school systems. On or about January, 1967, I represented a group of Negro plaintiffs in a school desegregation case at a hearing on a Motion for Further Relief in Tallahassee before Judge G. Harrold Carswell.

"That at this time, Judge Carswell was very discourteous to me, interrupting me with frivolous comments as I attempted to argue the motion. In general he treated me in a mocking, ridiculing way. Only after I began prefacing my remarks with such statements as 'Let the record reflect I am attempting to say etc.' did he cease to interrupt and allow me to complete my argument. I have never before or since received such disrespectful treatment from a federal judge."

Do you recall this incident? If so, can you explain it?

18. At any time prior to your nomination for the Supreme Court did you repudiate directly or indirectly, publicly or privately, your white supremacy statement of 1948 and, in the alternative, can you point to a single writing, public or private, evidencing compassion toward Negroes?

EDITORIALS IN OPPOSITION TO THE NOMINATION OF JUDGE CARSWELL

Mr. President, the distinguished Senator from Florida (Mr. GURNEY) gave a quite long analysis earlier this afternoon of attorneys from various States who have been recorded as opposed to the nomination of Judge Carswell. To complete the record, I ask unanimous consent to insert in the RECORD at this time editorials from around the country on this same matter. Let me add that these are representative of the view of the free press of this country, a press that remains free and that expresses opinions of great moment to us in the fashion that is reported in these editorials.

There being no objection the editorials were ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Inquirer, Mar. 12, 1970]

HE FLUNKED THE TEST

When President Nixon nominated Judge G. Harrold Carswell to the U.S. Supreme Court, it was assumed that a thorough search had been made into Carswell's record by the President and the Department of Justice, and that they were completely satisfied with the judge's qualifications.

The harsh experience of the Haynsworth case, if nothing else, should have been enough to justify extreme caution in filling the vacancy on the high court.

It was agreed that the President had the right, if he wanted to exercise it, to name a Southerner, a conservative and someone who could be labeled a "strict constructionist."

Even when it was disclosed that Carswell, in a political speech in 1948, had said that he would yield to one one in his "belief in the principles of white supremacy," his repudiation of a statement made 22 years ago as "obnoxious" to him today, was generally accepted.

The fact that the administration searchers into Carswell's record had not uncovered this revealing bit of information about him, however, impelled others to look more closely into the qualifications of the judge from Tallahassee.

What they found has cast a dismal cloud upon Mr. Nixon's appointee. Carswell's insensitivity on the racial question alone is plain to see. There are 15 cases, when he was a district judge, in which his opinions upholding racial segregation were overruled by higher courts.

In 1953, he drafted a charter for a boosters club at Florida State University which opened membership to "any white person interested in its purposes."

In 1956, he participated in an organization which turned Tallahassee's municipal golf club into a private segregated club.

In 1966, he sold a piece of land with a covenant attached restricting ownerships and occupancy to "members of the Caucasian race."

It is particularly discomforting to know that when a Supreme Court Justice is named, we may be stuck with him for a long time.

Being stuck with a justice who has displayed no visible breadth of wisdom or compassion is a depressing thought.

Since Mr. Nixon announced the nomination—on what misplaced judgment we do not know—Judge Carswell has sunk lower and lower in public esteem as a candidate for a Court where we expect a degree of greatness in its members.

He has not made the grade. The Supreme Court cannot be better for his presence on it.

[From the Montgomery (Ala.) Advertiser, Mar. 27, 1970]

WHY NOT JUDGE JOHNSON?

They said it couldn't be done, but it now appears possible that Judge G. Harrold Carswell may not be the next member of the U.S. Supreme Court.

A move is on to avoid the ritualistic slaughter decreed for Judge Clement F. Haynsworth, a far superior judge in every respect. Instead, opponents of Carswell have opted for what is decribed as a decent private burial, if they can get enough votes to

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recommit the nomination to the Judiciary Committee.

The vote on that is to come April 6, and opponents claim they already have enough support to send the nomination back to committee to die. Senate Republican leaders dispute this, but it would be the humane solution.

Although much of the criticism of Carswell has been for the wrong reasons, what changed an expected shoo-in to a cliffhanger was the undistinguished character of the man. Even southern Senators seem to be feigning their enthusiasm now, and with reason: should Carswell be confirmed after the thrashing he's taken, his lack of strong personal conviction and fortitude would likely make him a follower of the liberal members of the court as he attempted to cleanse his name of all the nasty things said about him.

The irony of it all is that if Carswell had been offered first, Haynsworth, who looks infinitely better by comparison, would not have experienced much difficulty in confirmation.

Nixon, busily covering his tracks in every region, probably couldn't sell it to the South (or wouldn't try), but his best choice—and this may shock a lot of Alabamians—would be Judge Frank M. Johnson, in our judgment.

Now, hold on before you blow your top. Give us a chance to explain why we believe this. First of all, Judge Johnson is an excellent trial judge, as few lawyers will dispute, even those who think he's the devil incarnate. He runs a taut ship, but that's the way a court must be run. He is thoroughly grounded in trial procedure, having heard more controversial cases than any judge in the South and been blasted from all sides, including this newspaper from time to time.

But he's tough. He understands the realities of the southern problem and has, time and again, skillfully blunted the thrust of reckless and ridiculous Fifth Circuit rulings, as in the Montgomery school case.

He has walked the narrow ledge between school chaos on one side and open defiance of the Fifth Circuit on the other. He knows what will work and what will not, a knowledge that would be extremely useful in the hermetically sealed atmosphere of the U.S. Supreme Court. Although Johnson projects an obsidian hardness, this obscures the fact that, within the limits imposed on him from the appellate court, he has been as compassionate as the law allows in dispensing desegregation orders, Nixon's overriding domestic concern.

His long record of denunciations of those, white or black, left or right, who riot and take the law in their own hands is better reading than most of Spiro Agnew's statements on the same subject. And he stated years before Agnew was a household word even in Maryland. He was a law & order man before President Nixon.

Outside the South, he is regarded as a civil rights hero, not alone because he has done his duty as he saw it under the law but because of his abuse by George Wallace and the legal confrontations with Wallace as governor and, before that, circuit judge.

Those who are by now apoplectic over the very idea that a newspaper published in the Cradle of the Confederacy, one which has been Johnson's severest critic on occasion, would suggest that this integrating, carpetbagging, scalawagging, et cetera is fit for the Supreme Court should count to 500 and reflect:

There are three federal districts in Alabama—Northern (Birmingham), Middle (Montgomery), and Southern (Mobile). Taking the school issue alone, which of these districts have been hit by the toughest orders from the Court of Appeals? The Birming area and Mobile, right?

Why? Because the judges in those courts attempted to skirt the law of the circuit, and deliberately defied it in some cases.

The inevitable result was appellate overkill, as in the Jefferson decision of Dec. 29, 1966, taking virtually all authority away from district judges, who knew the problem best. Montgomery, by comparison, is not a disaster area because Johnson demanded and got steady, slow evolution rather than sudden revolution.

The appellate court has let him alone, in the main, while rocketing missiles at the other districts. Result: these areas are worse off by far than we are.

Of course, nobody knows how a lower court judge would perform on the Supreme Court. At best, it's a guess based on the probability theory of jurisprudence. But it is our belief that a Justice Johnson could bring some sanity to the high court by virtue of his regional experience and expertise here in the eye of the hurricane.

Strom Thurmond would throw a fit, joined perhaps by both Alabama senators and all congressmen. As we said, it would be hard to sell. Even so, intellectual honesty compels finally saying in print what we have been saying in private since the timely exit of Abe Fortas.

Johnson is a realist. His attitudes and philosophy have been forged in the crucible of real events, real people, real passions and real problems—not in the pale glow of lawyers' briefs which the Supreme Court sees. In most instances, he has taken an uncharted middle course and endured the fury from all sides. It has been a thankless job, subjecting him to vilification by many whites and some blacks, to say nothing of actual threats.

If Judge Johnson really wants the job, he probably won't appreciate this. That's his problem. At the same time, we know Wallace will use this to stuff us under that silly bed sheet again. That's his problem. It happens to be an honest belief arrived at over many months. Surprisingly, many to whom we have broached this argument in conversation were first aghast and then grudgingly agreed there might be something to it. Of course, some merely rejoiced at the thought of "getting him out of Montgomery and Alabama."

Johnson is not likely to get the nod. Nixon would not like the job of trying to persuade the South that Johnson had followed the law and, in many cases, tempered and altered it. But he has. Prior to the Montgomery school decision, we confidentaly expected a disastrous order and wrote many thousands of words about the intolerable Fifth Circuit mandate.

Johnson made it tolerable—not to everyone, but to the city as a whole. Although many will never accept it, even they know that Johnson could have made it far worse. The general reaction was one of relief, as in previous years when the Fifth Circuit was issuing direct orders to courts which attempted massive resistance and brought massive defeat.

We doubt that Johnson is a serious prospect for the Fortas seat if Carswell is quietly put to rest. More's the pity: being invulnerable to charges of "racist" and "southern reactionary," he might shake the court to its senses and, in the process, test his steel on the North. Of one thing we are certain: he could not be bullied. Not by other Justices, civil rights firebrands, by the Eastern establishment or public opinion. We would expect that he would perform on the Supreme Court as he has on the Montgomery district court, heedless of pressure and popular outcry.

We are not saying he would be a fine Confederate on the high court. He would be useless to the South if he were. What we are saying is that he knows the situation, would be free to go his own way (as Carswell would not) and might exert some influence on a court that could benefit by the experience of a scarred veteran of the southern campaign.

If Carswell does expire, Nixon's only alternative may be to look outside the South for a judge who knows nothing and cares less of southern problems.

[From the St. Petersburg (Fla.) Times, Mar. 27, 1970]

THE NOVEL OATH: "CARSWELL QUICKLY AGREED"

In weighing the Supreme Court nomination of Judge G. Harrold Carswell, the U.S. Senate has failed so far to consider one of the most significant incidents in his career.

Before the vote comes up at 1 p.m. April 6 on the growing sentiment to recommit the nomination to the Judiciary Committee, conscientious senators ought to ponder Carswell's willingness to take a strange oath back in 1958.

The incident took place at a sparsely attended committee hearing on March 26, 1958. An Associated Press news report appeared in The Times the following day, and is reproduced in the adjoining column. We noticed the clipping when researching our first editorial on the Carswell appointment, and described it on Jan. 20, 1970.

Now, Sen. Joseph D. Tydings, D-Md., and Sen. William Proxmire, D-Wis., have shown an interest in the incident.

It is easy to understand why Sen. James Eastland, the Mississippi segregationist who was the only senator present at the 1958 hearing, would demand this strange oath. The South, especially Mississippi, still was defiant in its resistance to integration. Clearly Eastland hoped to paralyze the federal judiciary by demanding that every new judge renounce in advance the legal power to pass on the constitutionality of congressional acts. Eastland's purpose, we said in 1958, was "to secure a promise, possibly morally if not legally binding, upon federal judges not to implement any civil rights matters."

The Associated Press reporter described Carswell's reaction to the oath request in these words:

"George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland . . ."

How could any trained attorney, much less a nominee for a federal judgeship, agree quickly to an unorthodox, illegal oath that would destroy the constitutional separation of powers?

The only answer we have is that the hurried oath-taking fits into the opportunistic pattern of the several changes in Judge Carswell's convictions. Running for the Georgia Legislature in 1948 and chartering a white-only Tallahassee club in 1956, he is a racist. Testifying before the Senate on his high court nomination, he is a civil libertarian. Taking the Eastland oath, he agrees to be a eunuch judge. Before the same committee this year, Carswell quotes the late Justice Benjamin Cardozo that "There is an inescapable grain of lawmaking power within the judge."

In 1958, we called the incident of the novel oath a "threat to the integrity of the courts."

It is still that, and even more.

It is a reason for senators who place principle above either opportunism or party to vote the Carswell nomination back to the committee that failed to investigate the events of March 26, 1958.

[From the St. Petersburg (Fla.) Times, Jan. 26, 1970]

COURTING THE SOUTH WITH JUDGE CARSWELL

President Nixon's nomination of Judge G. Harrold Carswell of Tallahassee to the U.S. Supreme Court was more confirmation of his Southern political strategy.

The President is using his Supreme Court appointments against the political threat of George Wallace.

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That may be clever politics, but it is a poor way to select lifetime appointees to the nation's highest court.

Most Floridians would like to give their unreserved endorsement to Judge Carswell. For many, it will be impossible, for three reasons:

He is not widely known outside Tallahassee. Aside from being a Southerner, his qualifications for the highest court are difficult to ascertain.

He does not have a good record on civil rights. One study of his decisions in civil rights cases ranked him 23rd among the 31 judges of the circuit. The National Association for the Advancement of Colored People opposed his recent elevation to the appeals court.

Judge Carswell has not shown the strength and independence needed on the high court to maintain its independence.

In an extraordinary Senate committee meeting in 1958 on Carswell's initial court appointment, Sen. James Eastland, the Mississippi segregationist, demanded that Carswell take a second oath agreeing not to rule unconstitutional any law passed by Congress.

Surprisingly, Judge Carswell did not decline. As the Associated Press reporter described it at the time:

"George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland."

In 1958, we called this a "threat to the integrity of the courts." It remains that today.

Members of the Senate who believe in the separation of powers under the American political system will need to be convinced that Judge Carswell possesses the strength to defend the independence of the judiciary.

A judge who kneels quickly to Sen. Eastland would seem to be a poor defender of the integrity of the Supreme Court.

[From the Honolulu (Hawaii) Star-Bulletin, Mar. 27, 1970]

STRIKE TWO?

When Clement Haynsworth was rejected for the Supreme Court and President Nixon telegraphed his intention to find another Southerner for the assignment it seemed sure that the No. 2 choice—whomever he might be—would be confirmed.

It seemed sure both because it was believed the President would find a nominee who was impeccable and because the Senate would not want another bruising battle with the President.

Discovery of a 20-year-old segregationist speech created some setback for the subsequent nomination of G. Harrold Carswell but this was old and quickly repudiated by Carswell. No man should be condemned forever for thoughts expressed 20 years earlier, and Carswell still seemed sure of confirmation.

Now doubts about Mr. Carswell's commitment to civil liberties have been joined by a far more pervasive doubt—Judge Carswell is mediocre. Even men who admit mediocrity in themselves see no place for it on the Supreme Court, Sen. Hruska notwithstanding.

The heightened scrutiny of Judge Carswell has done nothing to counter this criticism—rather the reverse. President Nixon now seems in danger of a second rebuff.

A rebuff, in fact, might be better for the court than a narrow confirmation that would leave a sitting justice (and the court) under a cloud.

President Nixon has good reasons well beyond selfish political ones for wanting a respected Southerner on the court. Such a justice—particularly if he were in the majority on crucial civil liberties decisions—could help to weld national unity.

Whether and where Mr. Nixon will find such a justice if Mr. Carswell is rejected is an interesting question. If he is found, the President will certainly want to know from the Justice Department why he wasn't found sooner.

[From the Honolulu (Hawaii) Advertiser, Mar. 26, 1970]

CARSWELL—NO

Winston Churchill once called the U.S. Supreme Court "the most esteemed judicial tribunal in the world." Well it might be.

Certainly, the high court has been an especially critical factor in American life in the last few decades. It should be even more so in the late 1900s as the rate of change in American society increases and with it the need for responsive laws and interpretation of the Constitution.

Government will either change peaceably and intelligently or be destroyed.

In this context, some feel that only the President has a more difficult and responsible position than a justice on the U.S. Supreme Court.

A justice must cast a vote on more than 3,000 cases a year, listen to arguments on 120 cases and write a dozen or more full-dress opinions.

Right now, more than a dozen very important cases have been delayed because the court, with only eight justices sitting, seems to be at a 4 to 4 impasse.

These cases involve a law dealing with anarchy, the death penalty and especially its relation to interracial rape, laws for punishing protesters, the Fifth Amendment provision against self-incrimination, new uses of electronic eavesdropping, obscenity laws, and the legality of search and seizure action in narcotics cases.

The new justice may well cast the deciding vote on these, as well as countless other matters to come before the Supreme Court in the 1970's.

This more than anything, is why there is growing opposition to President Nixon's appointment of G. Harrold Carswell.

For the longer the debate has gone on the weaker his case has become. There has been a growing list of prominent lawyers and law-school professors opposing Senate confirmation.

Cruel as it may be, the judgment is that this is a mediocre man being boosted far above his intellectual level to one of the most important jobs in the nation.

Even his supporters are hard put to defend him, as might be noted from the William Buckley column on the opposite page.

Senator Roman Hruska, one of Carswell's chief backers, himself made the point. "There are a lot of mediocre judges and people and lawyers, and they are entitled to a little representation, aren't they?"

This has given rise to all kinds of jokes about the need for a justice to represent the pot smokers or dropouts or for US. senators elected to represent mediocrity.

But humor fades in the face of duties of a Supreme Court justice.

It's obvious President Nixon wants a Southern conservative Republican. Although many don't agree on such quotas, the President's right to shape the Supreme Court more towards his philosophy is generally conceded.

But, beyond that right, he has a duty to get the best Southern conservative Republican available. There are some top men in this category, including some deans of Southern university law schools. Carswell is far below them—too far.

President Nixon entered office talking of appointing "extremely qualified men" to the court. Yet the best being said about Carswell is that he is qualified to represent mediocrity.

The U.S. Senate should reject this philosophy.

[From the Salt Lake (Utah) Tribune, Feb. 5, 1970]

CARSWELL AND THE COURT

When the Senate refused to confirm Judge Clement F. Haynsworth as a justice of the Supreme Court it was generally conceded that President Nixon's next appointee, whoever he might be, would probably be confirmed with a minimum of fuss.

That seems to be the way it is working out. Judge G. Harrold Carswell's judicial career could hardly be called distinguished. Civil rights groups and individuals have attempted, with some success, to show that the judge still harbors anti-Negro sentiments he has public disavowed. The net effect has been to display the nominee in an unfavorable light but one of insufficient candlepower to illuminate a determined fight to bring about his rejection by the Senate. After the Haynsworth battle nobody seems to have the stomach for another.

So Judge Carswell will probably be confirmed, barring disclosure of some damaging facets of his career that escaped the usual Justice Department check and the intense prying of those who strongly oppose the appointment. What then?

Since the Supreme Court is both the voice and the symbol of the aspirations of the nation, it follows that its membership should be drawn from citizens of the highest ethical and legal attainments. But that has not always been the case as a check of appointments over the years will show.

Appointees who were widely hailed have turned out to be disappointments and some that were accepted without enthusiasm have blossomed into legal giants. Men considered as oplitical and philosophical kinsmen by the presidents who named them have taken their places on the high bench only to undergo 180 degree changes of mind.

On his appointment in 1953, former Chief Justice Earl Warren was regarded as an amiable politican who would exercise judicial authority with extreme caution. Instead Warren emerged as an activist dedicated to the idea that courts must guard individual liberty against the intrusions of government power. When Franklin Roosevelt named Harlan F. Stone as chief justice in 1941 the appointment was almost universally hailed. But Stone proved to be ineffective as chief justice. History supplies other similar stories.

Even if Judge Carswell neither flips nor flops but serves out his lifetime tenure without distinction, the performance will be closer to the norm than apart from it. Though we would greatly prefer that President Nixon had looked harder and set his standards higher, we cannot view Judge Carswell's confirmation as a major tragedy. He isn't the best but he probably isn't the worst either. And there is always the possibility that, like some wines, he will grow better in the barrel.

[From the Lewiston (Idaho) Morning Tribune, Mar. 24, 1970]

G. HARROLD CARSWELL

The erosion of support for G. Harrold Carswell, President Nixon's latest nominee for the Supreme Court, continues, although even the nominee's foes still agree that he is likely to be confirmed.

One of the latest to announce his opposition to confirmation is Idaho Sen. Frank Church, who said yesterday he found the judge "indubitably deficient."

Senator Church seems to have come to his decision primarily on the basis of Judge Carswell's record on the bench and not because he was offended by the judge's evident racism or his lack of candor in appearing before the Senate Judiciary Committee.

As for the Carswell record, Senator Church told the Senate, "One searches in vain for a mark of excellence. We have yet to be shown

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a single decision he has handed down that reveals any exceptional qualifications of learning, any flash of brilliance, or any special insight. Taken altogether, Judge Carswell's service has been utterly pedestrian in character."

This is the potent charge against the Carswell nomination: that the nominee may be good enough for the Fifth Circuit Court of Appeals (many lawyers dispute even that) but that he is not good enough for the United States Supreme Court. If one feels this way about him, his allegedly racist turn of mind and his little deception over the Tuttle letter (see adjoining editorial) become relatively insignificant. Much can be forgiven a man of brilliance and sharp of insight, but it is fruitless to justify minor faults of character in a man with only pedestrian abilities—especially if one is considering him for the most honored bench in the world.

[From the Lewiston (Idaho) Morning Tribune, Jan. 24, 1970]

A MAN'S RIGHT TO CHANGE HIS MIND

Most of us agree that a man has the right to change his mind—even on an issue as basic as racial equality; many Americans have in recent years. But when he is a nominee for the Supreme Court, and must put his past under senatorial scrutiny, he is certain to face difficulty.

This is the situation involving U.S. circuit Judge G. Harrold Carswell of Florida, who has been chosen for the high court vacancy by President Nixon. In 1948 Carswell was running for the Georgia Legislature when he said in a political speech that "segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed and shall always so act."

Today Carswell says he is revolted by his political philosophy of 22 years ago, that it is inconsistent with his record of service in the judiciary and is in direct opposition to his personal views on the races.

But because of what he believed in 1948, Judge Carswell will be subject to criticism in the Senate, which last year rejected Nixon's first choice for the vacant seat. Judge Clement F. Haynsworth of South Carolina.

There is, however, a sharp difference in the two cases. Haynsworth's nomination was turned down because of his financial dealings while sitting on the bench. Carswell, on the other hand, contends he rejected racism before entering public service 17 years ago—a claim he will have to prove before the nomination comes to a vote in the Senate.

If what Carswell says is true, then Nixon can rightly argue on the basis of this southerner's record of public service that the Senate has no substantive grounds to reject his nomination for holding what was the prevalent view on segregation in the south 22 years ago.

In the nominations of both Haynsworth and Carswell, however, two disturbing truths are evidence. First, that the President has an undisclosed commitment to someone (racist Sen. Strom Thurmond is most often mentioned) to seat a conservative from the South on the court; and second, that it is difficult to find a qualified jurist in the South who, at some time in his past, hasn't followed the segregationist line.

[From the Boise (Idaho) Statesman, Mar. 21, 1970]

A DISMAL SITUATION FOR ALL CONCERNED

Sen. Roman Hruska of Nebraska didn't help the cause of Judge Harrold Carswell when he said that a mediocre record should not disqualify him because mediocrity should be represented on the Supreme Court. It is a dismal situation when supporters of the nomination feel compelled to adopt such logic. It is sad for Judge Carswell, for President Nixon, for the Senate and for the country.

Even though many senators are filled with doubts because of the nominee's undistinguished record, he will probably be nominated.

It is difficult to understand why President Nixon, after the rejection of Judge Haynsworth, turned to Judge Carswell. There should be better qualified men in the South.

Some of the senators who voted against Judge Haynsworth will feel they have little choice. It is hard to vote against a President's choice for the court a second time. Yet if they had the choice to make, they would prefer Haynsworth to Carswell.

President Nixon played a bad trick on the Senate after the Haynsworth defeat. Unfortunately, he may also have played a bad trick on the country and himself. The nomination implies a lack of presidential concern for the caliber of the court or the caliber of its decisions.

[From the Omaha (Nebr.) Sun]

HE GAVE UP HIS RESPONSIBILITY

We ran across an editorial excerpt that added a new and damning note to the Carswell matter. The editorial said:

"In an extraordinary Senate committee meeting in 1958 on Carswell's initial court appointment, Sen. James Eastland, the Mississippi segregationist, demanded that Carswell take a second oath agreeing not to rule unconstitutional any law passed by Congress.

"Surprisingly, Judge Carswell did not decline. As the Associated Press reporter described it at the time:

" 'George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland.'

"In 1958, we called this a 'threat to the integrity of the courts.' It remains that today.

"Members of the Senate who believe in the separation of powers under the American political system will need to be convinced that Judge Carswell possesses the strength to defend the independence of the judiciary.

"A judge who kneels quickly to Sen. Eastland would seem to be a poor defender of the integrity of the Supreme Court."

This excerpt was part of a longer editorial in the St. Petersburg, Fla., Times. Both the quoted editorial and the 1958 editorial were written by a Southerner. Neither editorial has been refuted or denied by Judge Carswell or his supporters.

In its simplest terms, this 1958 incident meant that Carswell willingly abandoned one of the principal responsibilities of his office, which is to rule on the constitutionality of laws passed by Congress.

One might be puzzled as to why opponents of the Carswell nomination have not raised this issue against President Nixon's second choice. The best explanation we have heard is the one advanced by the St. Petersburg editorialist, Robert Pittman: An issue involving the limitation of Senate power is not likely to sway the votes of many Senators.

But to us, the knowledge of Carswell's surrender to Sen. Eastland is a substantial piece of evidence against him. We hope the Senate will reject him, that President Nixon will regard his obligation to the South as discharged, and that he will nominate a superior jurist to the Supreme Court.

[From the Cleveland (Ohio) Plain Dealer, Mar. 18, 1970]

MEDIOCRITY ON SUPREME COURT?

Sen. Roman L. Hruska, R-Neb., defending the nomination of Judge G. Harrold Carswell to the Supreme Court, suggests the Senate ignore those critics who contend Carswell lacks the legal achievement and eminance in law expected of a Supreme Court justice.

"Even if he were mediocre," said Hruska, "there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos."

Of course, not all justices have the brilliance of the distinguished jurists Hruska mentions. But we do not agree with Hruska's implication that a president, with the advice and consent of the Senate, should set about deliberately to find a mediocre judge to balance a court presumably overburdened with sharp legal minds.

Quite the contrary. We think a president should always strive to nominate a man who has attained some eminence in law, and we think the Senate legitimately should examine the nominee's judicial competency, as well as his ethics.

There is a dispute about Carswell's legal qualifications. A committee of the American Bar Association twice looked at Carswell's record and twice found him qualified.

On the other hand, an ad hoc committee of 300 prominent lawyers and law professors said Carswell lacked legal and mental qualifications. A similar conclusion was reached by the Ripon Society, a liberal Republican group, which examined Carswell's record during 11 years as a U.S. district judge and found that he had functioned "signicantly below the average level of competence" of other U.S. district judges.

Carswell's decisions were reversed twice as often as those in a random sampling of decisions by other federal trial judges, the Ripon Society found. It concluded that Carswell is "seriously deficient in the legal skills necessary to be even a minimally competent justice."

This criticism raises questions about how Carswell might perform as a Supreme Court justice, questions that the Senate has a duty to ponder.

[From the Dayton (Ohio) Daily News, Mar. 10, 1970]

STATISTICS SHOW CARSWELL TO BE A MEDIOCRE JUDGE

The Senate vote on G. Harrold Carswell's nomination to the Supreme court is expected this week or next. It is generally assumed that Judge Carswell will be confirmed. That is a shame.

The man's racism has been documented at points throughout his adult life. It has also been shown that his personal prejudice has slopped over into his professional life as a lawyer and his official performance as a judge.

Suppose, however, that Judge Carswell experienced a sudden and profound change of heart after President Nixon nominated him to the Court. Suppose that he was entirely sincere when he testified that he was no longer a racist. Is he otherwise qualified?

The Ripon society, the liberal Republican organization, says no. A statistical study of Carswell's decisions has convinced the society that his record "was significantly below the level of the average federal district court judge."

During his 11 years as a U.S. District judge in Florida, 84 of Carswell's trial decisions were published in official legal reports. Of these 17, or 11.9 percent, were appealed. Fifty-eight percent of the appealed decisions were reversed.

A random sampling of 400 court decisions in the same 11-year period showed that only 5.3 percent of trial decisions were appealed, and of these, only 20 percent were reversed. Thus, Carswell's record is significantly below average.

The high number of reversals might be excused if some of Carswell's rulings were original interpretations of law—daring attempts at landmark decisions. But if there is any theme central to Carswell's work, it is mediocrity. His colleagues have rarely quoted his decisions in making their own judgments.

Judge Carswell became a U.S. attorney and then a federal judge for largely political reasons. He was a "Democrat for Eisenhower" in one presidential election, and afterwards a faithful Republican. If he becomes a member of the Supreme court, it will also have been for political reasons. By any other

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standard—ethical, intellectual, professional—he does not measure up.

[From the Dayton (Ohio) Journal-Herald, Mar. 25, 1970]

Drop Carswell Nomination—Senate Should Start Anew on Appointment

We have had the hope—shared by many, we believe—that the Carswell nomination would go away. We wish he hadn't been nominated, not so much because he is an outright bad nominee but because he is not an outright good one, and the Supreme Court deserves better.

Our temptation after the Haynsworth debate was to shrug the Carswell nomination off as no more of an outrageous political move than has been traditional with occasional appointments to the court. But as the matter has dragged on, the press of conscience to say what we must has become irresistable.

The nomination of Harrold F. Carswell is a puzzling move on the President's part. Judge Carswell is neither a distinguished jurist, a distinguished politician, a distinguished thinker nor a distinguished lawyer. His principal distinction is as a perfunctory operative whose mind blows with the prevailing wind.

We understand the President's objective of a Southern "strict constructionist" on the high court. We do not ourselves espouse the so-called Southern philosophy on many matters nor would we like to see it dominate the court, but we think it deserves representation on the Supreme Court and that the systematic exclusion of that viewpoint has undermined the court's credibility.

What the President has actually done, however, is to make representation of Southern strict constructionism virtually meaningless by naming a man who has neither the knowledge, the record nor, perhaps, the fortitude to meaningfully represent the considerations his nomination is supposed to reflect.

The whole affair is bad news. The Senate would do well, despite what may be its feeling of guilt over the stridency of the Clement F. Haynsworth controversy, to allow everyone to start by rejecting the nomination of Judge Carswell. And if the President wants what he says he wants—and we think he does—he would do well to pick a man capable of carrying out that function.

[From the University of Cincinnati (Ohio) News, Feb. 27, 1970]

Carswell I: Judging the Judge

(By Jon Reich)

Nixon's nomination to the Supreme Court of Judge G. Harrold Carswell has been reported out of the Dixiecrat-Republican dominated Senate Judiciary Committee (SJC). Confirmation by the Senate looms around the corner.

It will be a tragedy for the nation. Not merely because the manifestly incompetent and bigoted Carswell is an insult to the Court and country alike, but because of the wider implications. This deserves fuller treatment. First let's examine Carswell's fitness for the Supreme Court bench.

He has violated judicial ethics. This is the bugaboo, you'll remember, that foiled Fortas and hung Haynsworth. At first, however, it appeared that Carswell was free of such taint. But these facts have come to light:

In 1959, and again in 1968, Carswell decided cases in favor of corporations in which large interests were held by Ed Ball, a powerful Florida entrepreneur. Ball has been called "an old family friend" of Carswell's. In 1964 Carswell dismissed a suit against a bank; his father-in-law was then a director of the bank and Carswell had a loan from it.

His judicial conduct has been deplorable. In 1956, while a U.S. Attorney, Carswell helped organize the takeover of a public golf course by a private group. This was shortly after a Supreme Court ruling which would have opened the facility to blacks. The group's—and Carswell's purpose—was to keep the course lily-white.

Carswell lied about this matter when he testified before the SJC.

He has violated federal law while on the federal bench. In two separate instances in 1964, Carswell connived to manipulate legal proceedings in order to harass and imprison civil rights attorneys and voter-registration workers, whom he denounced as "Northerners."

The details are subtle; suffice it to say that Title 18, Sec. 242 of the U.S. Code makes it a criminal offense to deprive a person of his rights "under any color of the law" precisely what Carswell did. But he refused to answer questions about it directed to him by the SJC.

He is a racist. In December he gave a speech to the Georgia Bar Association. Its racist overtones offended several colleagues, as did the shabby joke he told about "a dark-skinned person."

While U.S. district judge, Carswell on July 12, 1966, sold some resort property with a restrictive clause that stipulated occupants had to be whites. (White House Press Sec'y Ron Ziegler defended this by saying: "this particular situation is not isolated at all.")

From 1956 to 1963, Carswell was an officer of the housing corporation for the Florida State chapter of Sigma Nu fraternity. During that time, and in fact until 1968, the chapter had a clause excluding Negroes and Orientals from membership.

In 1948 Carswell publicly stated, "I yield to no man . . . in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed . . . I believe that segregation of the races is proper, and the only practical and correct way of life in our states. I have always so believed, and I shall always so act."

He is incompetent and unfit for the bench. Carswell's civil rights rulings have been consistently overturned by higher courts. His judicial opinions are described as "pedestrian." Professor Edward Padgett of Poli. Sci. told me that Carswell "is not . . . of the first order of ability. Haynsworth appears to be superior!"

The most telling judgment was perhaps that of highly respected Derek C. Bock, Dean of Harvard Law School, who wrote:

"The public record of Judge Carswell's career and accomplishments clearly does not place him within even an ample list of the nation's more distinguished jurists. The appraisals that I have heard from lawyers who are familiar with Judge Carswell do not contradict the paper record. On the contrary they suggest a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the court."

If there were any lingering doubts as to the sincerity and intentions of the President who declared he would "bring us together," they've been dispelled. Nixon has called into question his own fitness to lead by making an appointment so capricious and ghastly.

The political implications alone are frightening. But the social implications are truly terrible. At a time when the justness and fitness of our whole political system are being called into question, whom does the Carswell appointment reassure? How many dissident blacks, and whites, will thus be persuaded to "have faith in the system"?

There are some large issues here, and I mean to explore them. But time is passing. The list of Senators opposing Carswell is growing, but too slowly. (Our own Sen. Young has declared against.) Virtually all of you reading this will be eligible to vote when Sen. Saxbe comes up for a re-election in 1974. WRITE A LETTER. Or just a postcard—four little words will do: THUMBS DOWN ON CARSWELL. Do it today. Be the first on your block to spend six cents for justice.

[From the Chicago Sun-Times, Mar. 18, 1970]

No Place For "C" Students

Lawyers often employ a strategy in a legal suit called "confession and avoidance." If there is a weakness in a case, the strategy calls for admitting it and then trying to avoid it. In some arguments in and out of court, debaters often try to turn a weakness into an advantage, sometimes producing weird results.

The argument about the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court has taken that turn. His mediocrity is admitted by his supporters. And it is being advanced by some as the very reason he should be put on the highest court in the land. Such arguments defy not only reason but derogate the dignity of the court itself.

In calling upon the Senate to reject the Carswell nomination last Sunday, we said on this page that the high court should not be a training ground for mediocre judges, who by some alchemy, might be transformed into great justices.

On Monday, Sen. Roman L. Hruska (R-Neb.) who is leading the floor fight for Carswell, tried to argue that the Supreme Court needs mediocrity.

Hruska didn't even hold out the hope that Carswell might grow in the office. The ranking GOP member of the judiciary committee said:

"Even if he were mediocre, there are a lot of mediocre judges, people and lawyers. Aren't they entitled to a little representation and a little chance? We can't all have Brandeises, Cardozos and Frankfurters and stuff like that there."

Never mind that President Nixon, in his campaign speeches of 1968, said he wanted to appoint men like Cardozo and Oliver Wendell Holmes. Never mind that Judge Carswell's rate of reversal is three times the national average, which means his legal superiors found his mediocre legal thinking faulty to an excess. In the name of politics and giving Southern conservatives a voice on the high court, Hruska would promote Carswell over his legal superiors.

Sen. Russell B. Long (D-La.), who supports Carswell as a fellow Southerner, argues that too much brilliance on the Supreme Court has been a mistake. He would prefer a C student on the high bench to an A student.

How far politicians will go in their loyalty to party or to regional prejudices!

Small wonder that many in the younger generation reject the standards of their elders. The nine men of the Supreme Court can shape the destiny of the nation and affect the lives of every individual. It demands the best of America's brains, individuals with Solomonesque stature and with great understanding of their nation and all its people.

Mediocre lawyers and C students have a place in the American scheme of things, but not on the Supreme Court.

[From Chicago Today, Mar. 9, 1970]

"No" on Judge Carswell

When President Nixon last January announced he was nominating Judge G. Harrold Carswell of Florida to the United States Supreme Court, we predicted that Carswell would be confirmed. The prediction was based on one fact—that a careful scrutiny had turned up none of the embarrassing financial ties that had led to the rejection of Judge Clement F. Haynsworth—and one assumption that seemed reasonable. This was that Carswell, aside from being a southern Republican, must have had something on the ball personally; some distinguishing quality or ability as a jurist that had caused Mr. Nixon and the justice department to pick him, rather than some other judge.

This assumption appears to be wrong.

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Carswell's record as a jurist is unusual in only one way: It would be hard to find another federal judge with such a thoroughly undistinguished career. During his 11 years on the federal bench, Judge Carswell's contribution to legal thinking has been zero. He has written no learned articles, handed down no rulings in any way remarkable for insight or knowledge of law.

According to statistics compiled by the Ripon society, a liberal Republican group, Carswell's record before he became an appellate judge last year is not just mediocre, but strikingly below average.

Of 84 trial-court decisions made by Carswell and printed in official reports, the society found, 17 were appealed and 10 reversed. Thus 11.9 per cent of his printed decisions, and 58.8 percent of those that were appealed, were reversed by a higher court. In a random sampling of 400 district court decisions over the same 11-year period, the comparable figures were 5.3 per cent and 20 per cent. Carswell, in other words, was reversed on appeal nearly 3 times as often as the average.

Carswell's critics have zeroed in on a few actions and speeches of his that can be taken to indicate racial prejudice. He has disclaimed such feelings, however, and we willingly accept his assurance. We are not looking for reasons why he should be rejected as a Supreme Court justice; we have looked earnestly for some reason why he should be confirmed. And we can find none.

There is no point in attacking Judge Carswell, who didn't ask to be nominated. The insistent and alarming question is what kind of standards are guiding this administration in its choices for the Supreme Court. And the short answer is that the standards are just not good enough.

The Senate should serve firm notice on Mr. Nixon and Atty. Gen. John N. Mitchell that they cannot go on picking names out of a hat for Supreme Court—that they will have to take this immense responsibility seriously enough to choose qualified men, and to make sure they're qualified before asking the Senate to confirm them.

Judge Carswell's nomination should be rejected.

[From the Christian Science Monitor, Mar. 26, 1970]

THINKING AGAIN ON JUDGE CARSWELL

President Nixon has a number of strong and logical arguments to support his desire to have a "strict constructionist," a "conservative" and a "Southerner" appointed to the present vacancy on the Supreme Court. He has very few such arguments, however, to support the elevation of Judge G. Harrold Carswell to that high post. We therefore suggest that the President himself reconsider the Carswell nomination, and that the Senate recommit the nomination to its Judiciary Committee for further hearings on Judge Carswell's legal and personal fitness for so exalted an honor.

We agree that there is reason to believe that, in some ways, the present Supreme Court is overbalanced towards liberalism. Although during the past two decades the high court has rendered a number of admirable milestone decisions, nonetheless, there is evidence that court thinking has, at some points, gone too far and eroded national standards, notably in the areas of crime and pornography. A thoughtful conservative could be influential in restoring greater kilter to the balance.

But such a conservative must be in a position to make an insightful and persuasive contribution to the nation's ongoing legal thinking. We see nothing in Judge Carswell's record to lead us to believe that he is this kind of deemer. His judicial record is middling. His racial attitudes, while he has a perfect right to hold them, are not such as to inspire confidence that he will be of much help in extricating America from its deep racial dilemmas.

To this has now come the case of Judge Elbert Tuttle. A onetime chief judge of the Fifth Circuit Court of Appeals, and thus Judge Carswell's immediate superior, Judge Tuttle stated that he would testify on Judge Carswell's behalf. This offer was later withdrawn, but it appears that Judge Carswell did not inform the committee of this fact, leaving the latter to believe that Judge Tuttle's support remained behind him. As one national columnist rightly says, this involves "good faith, perhaps even deliberate deception."

Under such circumstances we do not see how either the President or the Senate can conceivably go ahead with the Carswell nomination. It should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be.

[From the Boston (Mass.) Globe, Mar. 19, 1970]

WITH FRIENDS LIKE THESE . . .

With supporters like Sens. Russell B. Long (D–La.) and Roman L. Hruska (R–Neb.), solidly in his corner "telling it like it is," the growing opposition to Judge G. Harrold Carswell's confirmation as an associate justice of the Supreme Court should have it made.

No? Well, then, hear their encomiums for a nominee already described by others as the "least qualified in a century," not qualified even for his present seat on a lower court.

Sen. Hruska (pulling out all the stops): "There are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos."

Sen. Long (going Sen. Hruska one better): "Wouldn't it be better to have a B student or a C student instead of another A student? A judge doesn't have all that brilliance to satisfy this senator."

Add this unstinted praise to senior Federal Judge Elbert P. Tuttle's affirmation that, after studying Judge Carswell's attitude on equal justice," he "could not in good conscience" testify in Judge Carswell's behalf, although he earlier had agreed to do so. And shouldn't this, then, be the final frosting on the Carswell cake? When his friends so frankly boast that Mr. Carswell is mediocre, maybe just a C student, is there anything more that his opposition needs to say?

NEW ENGLAND CAN SAVE THE COURT

With the defection of Sen. George Aiken (R–Vt.), it now appears that the Senate vote to recommit to the Judiciary Committee the nomination of Judge G. Harrold Carswell to the Supreme Court could hinge on the votes of three New England senators—Sens. Winston Prouty (R–Vt.), Margaret Chase Smith (R–Me.), and Thomas J. Dodd (D–Ct.). Seven others including Sens. Edward M. Kennedy, Edward W. Brooke and Thomas McIntyre (D–N.H.) will vote to recommit, as they should. Sen. Norris Cotton (R–N.H.) earlier had committed himself to Judge Carswell.

The vote is scheduled for Monday. And if recommital is voted down, Mrs. Smith and the Messrs. Prouty and Dodd, it is indicated, may be the determining factors in the vote to confirm or reject, a vote scheduled for Wednesday. They can save the day—and the Court.

By voting for recommital, or, this failing, against confirmation, they will be demonstrating their awareness of conclusive evidence that Judge Carswell, as his own Chief Justice in the Fifth Circuit has put it, "just isn't up to the job." By voting to confirm "the least qualified nominee in a century," they would be affrming the most demeaning and irrational assessment yet heard of the highest court's proper place in the American political system. This is the preposterous assessment by Sen. Roman L. Hruska (R–Neb.), a supporter of Judge Carswell, that a nominee's mediocrity should not be held against him and might even be in his favor. This would be an astounding affirmation for them to make, just as it was astounding for Sen. Aiken so to affirm.

Sen. Aiken's stated reason for his surprise support of Judge Carswell is that "President Nixon has a good record, and I will not be a party to embarrassing or downgrading him either at home or abroad." But this reason is as shallow as the reason given by the Senate Republican Leader, Hugh Scott. Mr. Scott will vote for Mr. Carswell "because the President nominated him." But neither Mr. Nixon nor the presidency is the issue. The issue is the downgrading of the Court. No senator owes the President blind allegiance. They do owe allegiance to the Court's integrity. They have sworn, as Sen. Brooke so ably has argued, to exercise their own best judgment under the advice and consent provision of the Constitution. They cannot uphold their oath and at the same time consent to a demeaning of the highest court in the land. At the very least, the Carswell nomination should go back to committee.

This is not only because recommitment is a legitimate and honorable device through which Republican senators can be spared reprisals for voting against the President's wishes, or, perhaps, White House orders. Sen. J. William Fulbright (D-Ariz.), himself a Southerner, has advanced other reasons which govern him and should govern others as well. These are the sundry allegations of racial bias and questions of competency raised since the earlier committee hearings. Sen. Fulbright wants these clarified. Considering their nature, it is a puzzle that Sen. Aiken could not wait for clarification, too. They include not only new evidence of the nominee's racial bias and incompetence, but even more alarming confusion between facts, as others have reported them. and Mr. Carswell's testimony under oath.

Even with important unanswered questions dogging the nomination, some Republican senators hesitate to reject Mr. Nixon's second consecutive nomination. But there are precedents for it. It has happened twice before, and, once, three successive nominations were rejected. The fault now, as in the prior instances, is the President's not the Senate's. There are competent men including Southerners from whom he could choose. Judge Carswell is not one of them. The Senate's duty is to the Court and its survival as a respected branch of government.

New England senators especially should remember that the seat to which Mr. Carswell have been nominated was once graced by one of the area's (and the nation's) most estimable citizens, the legendary Oliver Wendell Holmes. Then they should vote their conscience.

[From the Appleton (Wis.) Post-Crescent, Mar. 24, 1970]

THE EMBARRASSMENT OF CARSWELL

When the United States Senate rejected the appointment of Judge Clement Haynsworth to the Supreme Court, there were elements of both party politics and ideologies involved. Democrats and liberals could be expected to disapprove of a Republican conservative southerner. But the primary reason Judge Haynsworth was not accepted was a matter of ethics involving possible conflicts of interest.

Judge Harrold Carswell has no such handicap. He is not a wealthy man and never owned any stock in any company—in fact he has borrowed heavily to finance his rather elaborate home and standard of living. But upon his appointment, spokesmen for the Nixon Administration said that Judge Carswell's career and background had been thoroughly examined, presumably so that information like that which cropped up about Judge Haynsworth would not be dug up by others. We must wonder now exactly what sort of an investigation the Justice Department conducted.

There was first the matter of racial prejudice in a campaign statement Judge Carswell made 20 years ago. Although he has stated that he no longer holds white supremacist views, Sen. Edward Brooke pointed out in a floor speech that he has found nothing to indicate that Judge Carswell repudiates his earlier view, other than his current statement. There are charges that the judge was judicially hard on civil rights claimants and decided against them in 15 cases that later were reversed by higher courts.

A number of leading lawyers have requested the American Bar Association committee consider its approval of the nomination. Several hundred lawyers have signed a statement that Judge Carswell is not qualified even for the position he now holds.

But perhaps Judge Carswell's continued silence over the withdrawal of support by a retired judge of distinction in his own area, and in fact Judge Carswell's failure to point out to the Senate that the support had been withdrawn are even more serious because they indicate, at most, an attempt at deception and, at least, a lack of astuteness. How could Judge Carswell not have realized that probing senators and newsmen inevitably would have found out about Judge Tuttle's change of mind?

The investigative machinery of the Justice Department does not appear to be very thorough.

Many opponents to Judge Carswell's nomination have pointed out that there are many judges of distinction who take a conservative view and are strict constructionists. Whatever the outcome of the status of Judge Carswell, the failure by the Nixon Administration to nominate a man of really high caliber has brought unnecessary humiliation to two men who are not essentially evil.

[From the Milwaukee (Wis.) Journal, Mar. 22, 1970]

Senate Shouldn't Consent to Carswell Nomination

Some supporters of the nomination of Judge Carswell for the US Supreme Court, finding nothing else to extol in the man, are now driven to extol his mediocrity. Since many Americans are mediocre, as the case is put, they should have one of themselves on the court!

To state the premise is to demolish it. Resort to it depicts the poverty of any argument for Carswell's confirmation, and the desperation of his supporters as they contemplate the tide of conviction spreading across the land (outside the South) that he simply won't do.

Carswell's notorious white supremacy speech of 1948 has turned out to be inexcusable as a mere aberration of youth, conforming to the rules of southern white politics at the time. For he did not repudiate it by word or deed throughout his later career; in fact, he gave it life by many actions right down to the present. He now says himself that it was "a matter of convenience"—which only now has become convenient to repudiate.

Even if racial bias were deemed tolerable in a Supreme Court justice, however, lacking the proefssional competence demanded by the position cannot be. Neither can lack of "sensitivity to injustice"—a lack in Carswell to which many legal scholars have attested after studying his record as a US prosecutor and trial judge.

Law Dean Louis Pollak of Yale has concluded that Carswell's credentials are "more slender than those of any other nominee for the Supreme Court in this century." His "level of competence," says Dean Derek Bok of Harvard, is "well below the high standards that one would presumably consider appropriate and necessary for service in the court."

Prof. Gary Oldfield of Princeton: ". . . an obscure judge who has made no visible contribution to the development of the law. His chief qualification appears to be an abiding unwillingness to protect constitutional rights of black Americans." ". . . A judge who would rather risk bad law and repeated reversals than offend the feelings of local segregationists."

Carswell's record of foot dragging in civil rights includes 15 unanimous reversals by courts of appeal, in which he had persistently gone opposite to the guidance of higher courts in parallel cases. This shows him not to be even a conscientious judicial workman.

Danger that such a man may be confirmed stems from an inclination by most of the Republican senators who had blocked President Nixon in the Haynsworth case to feel that they should let him win this one. That puts political etiquette above the country's need for great jurists on the Supreme Court, which Nixon once acknowledged but now denies in practice.

Making Nixon a winner with Carswell would make the court and the country losers. If the role of the Senate to "advise and consent" means anything, it means that a Senate filling the role will not permit this to happen.

[From the St. Louis Post-Dispatch, Mar. 16–22, 1970]

Wrong for the Court

One of the opponents of the nomination of Judge G. Harrold Carswell for the Supreme Court has asked how any Senator who voted against Judge Clement Haynsworth for that post could go home and explain why he accepted Judge Carswell.

Explanations should not be easy. No doubt most Senators would rely on the point that they had discovered no potential conflict of interest regarding Judge Carswell, as they did against Judge Haynsworth. Yet this explanation would disregard a number of points in which the latter was the superior candidate for the high court.

There is first of all, Judge Carswell's record of obstructionism against civil rights progress. What was mildly questionable in the Haynsworth case is clear in the Carswell case: this judge consistently found against or attempted to delay desegregation actions. A judge so lacking sympathy with the law of the land and the absolute necessity for racial equality before the law has no place on the Supreme Court.

There is what a group of 400 prominent lawyers termed "a mind impervious to repeated appellate rebuke." The lawyers reviewed 15 cases in which Judge Carswell found against Negro or individual claims of rights; in every case his decision was reversed and reversed *unanimously* by a higher court. Is this the kind of record for a man to take to the highest court of all?

There is an evident lack of candor exceeding Judge Haynsworth's hazy recollections of his business dealings. What Judge Carswell insists he never realized was that the incorporation of a Tallahassee public golf course as a private course was done to further segregation. At the time the Judge helped to incorporate the club he was United States district attorney, and several federal suits were already under way in Florida to integrate other public golf courses. If Judge Carswell did not know what was going on, everyone else in Tallahassee seems to have known.

There is, finally, a record of unrelieved intellectual and judicial mediocrity which many attorneys find especially repugnant in a candidate for the highest court. How, they wonder, can a man who has contributed nothing to the law or to the study of the law take a place on a bench that has seated many of history's greatest judicial minds? How, they ask, can President Nixon so demean the court?

Lacking an answer to such a question, we may only observe that it is totally unnecessary to demean the third branch of government. If Mr. Nixon, fixed in his Southern strategy, wants to use the court to woo the South, he can easily find Southern judges, and conservative judges, who are far more distinguished, have far better judicial records and who have demonstrated far less indifference or hostility to the Constitution.

Simply because the President might have done better instead of worse, it should be difficult indeed for Senators who voted against Haynsworth to explain a vote for Carswell. On that point we would hope that more and more members would join the score or so of Senators now determined to stand against the Carswell appointment.

There is no excuse for complicity by the United States Senate in a wrong against the Supreme Court.

[From the Palo Alto (Calif.) Times, Mar. 18, 1970]

Mediocrity Knows Nothing Higher

With champions like those who spoke for him when the Senate began debating his nomination to the Supreme Court, Circuit Judge G. Harrold Carswell need not fear challengers.

"Brilliant . . . upside down thinkers" on the court are destroying the nation, Sen. Russell Long, D-La., said. He recommended a straightforward "B student or C student" like Judge Carswell.

Supporting Long's argument, Sen. Roman Hruska, R-Neb., said:

"Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. Aren't they entitled to a little representation and a little chance? We can't have all Brandeises and Cardozos and Frankfurters."

True enough. Or Warrens or Hugheses or Holmeses or Taneys or Marshalls. But the dearth of such men does not excuse not searching for an outstanding jurist when a vacancy is to be filled.

(Speaking of Holmes, Sir Arthur Conan Doyle, creator of Sherlock Holmes, once wrote: "Mediocrity knows nothing higher than itself, but talent instantly recognizes genius.")

The Supreme Court is not an institution meant to be staffed on a representative basis. Would Senator Hruska like to be tried by a mediocre judge? Would he contend that idiots and morons, of whom there are many, are entitled to a little chance on the court, too? The peril of know-nothingism is growing.

Long's admission that Carswell's record on the bench is ordinary (some reviewers say it's below average), should spur senators with higher standards to look long and carefully. While at it, they might well weigh the prevalent impression that he is still a segregationist at heart.

[From the Red Bank (N.J.) Daily Register, Mar. 18, 1970]

Sen. Case and Judge Carswell

When Republican U.S. Sen. Clifford P. Case joined his colleague from New Jersey, Sen. Harrison A. Williams, Democrat, in announcing opposition to the nomination of Judge G. Harrold Carswell, he characteristically did it after extensive study.

He said he reserved his announcement until last Thursday so that he could go over the record of the Senate hearings and supplementary statements of others both in support and in opposition to Judge Carswell's elevation.

"On all the evidence," Sen. Case said,

"Judge Carswell does not measure up to the standard we have rightly come to expect of members of the Supreme Court. It is a standard exemplified by such men as Oliver Wendell Holmes, Charles Evan Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardoza, Earl Warren, John Marshall Harlan, William Brennan and Potter Stewart—all of them nominated by Republican Administrations in this century."

Thus, Sen. Case is in the ranks of a growing number of Republicans who seriously question why President Nixon selected a man whose service on the bench has variously been described as "undistinguished," "mediocre," "inadequate," "lacking in intellectual stature."

After the embarrassing experience the President suffered in his failure to obtain confirmation for Clement F. Haynsworth Jr., we had expected that his next choice would get—and deserve—better treatment. The said revelations which led to the resignation of Justice Abe Fortas forces the Senate to closely scrutinize presidential selections for the high court, Democrat or Republican.

The vacancy on the court is causing a backlog at a time when its workload is at its heaviest, and it is unbelievable that Mr. Nixon canot find a replacement for Mr. Fortas who could win quicker support. We must conclude that his political interest in the Deep South overshadows his announced concern fór the court's jammed calendar.

Sen. Case also had this to say: "It has been argued that Judge Carswell's pledge of undying adherence to the principle of white supremacy made during a political campaign 22 years ago should not be held against him. But his record on the bench . . . gives no evidence of any change of heart or mind . . .

"On the contrary, witnesses appeared to testify to the extreme and open hostility he has shown to lawyers and defendants in civil rights cases. Specifically, it was stated that in 1964 he expressed strong disapproval of Northern lawyers representing civil rights workers engaged in a voter registration project—persons who, it should be noted, would otherwise have had no counsel."

Sen. Case will vote against Judge Carswell's nomination. His fellow Republicans should follow suit.

[From the Star-Ledger, Mar. 28, 1970]

GRACEFUL RETREAT

The swelling opposition to the controversial nomination of Judge G. Harrold Carswell to the Supreme Court would indicate that President Nixon is faced with another rejection of a nominee to the high court.

Rather than face another legislative confrontation, the Administration could opt for a more graceful way out of the dilemma in which it finds itself. A face-saving parliamentary procedure is available to the President; it could soften the blow of an open rejection by the Senate, which has become a strong possibility in the past week.

There is every indication that the foes of the President's nominee are gathering enough votes to send the nomination back to the Judiciary Committee, which would amount to almost certain burial.

This is how those who are torn between their disapproval of Judge Carswell and their reluctance to go against the President can express their disapproval most gently. The President, already politically bruised by the rejection of his first nominee, U.S. Appeals Court Judge Clement F. Haynesworth Jr., will surely get the message.

Sen. Mark O. Hatfield (R-Oregon), who was almost certain a week ago that he would vote to confirm Judge Carswell, appealed to the President in a telegram to withdraw the nomination to help resolve "the crisis of confidence that confronts our governmental process."

A vote on the motion to recommit the nomination to committee is scheduled for April 6.

The President should be angry, not so much with the opposition, but with those in his own administration who advised him on Carswell. The evidence has demonstrated not only that Judge Carswell has an equivocal—to say the least—record on civil rights, but that he is not the caliber of jurist who should even be considered for the highest court in the land.

Surely the President's advisers should have been able to see this before they certified him to the President. The latest evidence shows that Judge Carswell was less than frank in answering Senate committee questions about his role as an incorporator of a segregated Florida country club, and that he had one of the highest reversal averages in his district.

The nation is rich in judicial talent, from the North and South, the East and West, from the conservative to the liberal. Mr. Nixon should have no trouble finding one who suits his taste in geography and philosophy and who is also worthy of the post.

[From the Elizabeth (N.J.) Daily Journal, Mar. 24, 1970]

THE CARSWELL NOMINATION

President Nixon's nomination of Judge G. Harrold Carswell for the Supreme Court is a mistake that, if carried into confirmation, would invite disrespect for justice in America. As Sen. Birch Bayh, leader of the opposition to Judge Carswell has put it, the appointment of a man of such mediocre legal talent would be a sign of retreat that would encourage revolutionaries in their belief that the American system will not work, and would give comfort to racial segregationists.

The time it has taken the Senate Judiciary Committee to consider the nomination has been well spent. Even Judge Carswell's supporters have run out of sound reasons for his nomination. "Even if he (Judge Carswell) was mediocre," said Sen. Roman Hruska, a chief backer, "there are a lot of mediocre judges and they are entitled to a little representation, aren't they? We can't have all Brandeises, Frankfurters and Cardozos." Of course not, but we should be willing to try, no matter whether a judicial nominee represents liberal, moderate or conservative views.

Judge Carswell's record on the bench has been worse than mediocre. His record shows numerous repudiations of his decisions on appeal as a district court judge. From 1956 to 1969, some 59 per cent of his printed opinions that went to appeal were reversed by higher courts, nearly three times the national average for district judges.

While Judge Carswell may no longer believe in racist statements he made during a political campaign in Georgia 22 years ago, he has since demonstrated open hostility to lawyers and defendants in cases involving so fundamental an issue as voter registration rights granted by Congress. And he has further admitted signing a document as an incorporator for a segregated, municipally owned private golf club, an insensitivity to both the law and to the changing mood of the nation.

President Nixon's search for a conservative voice on the Supreme Court has misled him into equating conservatism with the backlash views of the discredited Dixiecrats. They are about as far apart as such Republican nominations as Justice Oliver Wendell Holmes and G. Harrold Carswell.

[From the New York Times, Mar. 30, 1970]

THE SENATE'S CONSCIENCE

Support for the nomination of Judge G. Harrold Carswell as Associate Justice of the Supreme Court has been slipping away. The opposition is now demonstrably nonpartisan. An increasing number of members of both parties, liberals and conservatives alike, stand ready to heed the appeal by Senator Robert W. Packwood, Republican of Oregon: "The right thing, the courageous thing, for members of the Senate to do is to vote their own conscience."

Not a shred of justification remains for the view that Judge Carswell should be confirmed as a routine courtesy to President Nixon. An affirmative vote now is a vote against conclusive evidence that the nominee fails to meet the standards that the country—and the Senate—must demand of any appointee to the highest Court.

Judge Carswell's lack of sensitivity to the human and constitutional rights of black Americans to full equality, under law and in society, is pervasive in his personal attitudes and throughout his judicial career. His belief in white supremacy, far from being the campaign aberration of an ambitious young politician, seems repeatedly to be reflected in his interpretation of the law.

It clearly motivated his role in the transformation of the Tallahassee golf links into a segregated private club, while he was a United States Attorney sworn to uphold the law he helped to circumvent. His subsequent lack of candor concerning this episode merely confirmed that he understood how wrongly he had acted.

The evidence of the professional record is equally bleak. Judge Carswell has made no contributions to the law, either as a scholar or from the bench. His ratio of reversals by higher courts is unusually high. His predilection against hearing the evidence, particularly in petitions by the poor, raises questions of law as well as of human sympathy.

The most convincing objections to Judge Carswell's appointment have been raised not by politicians but by Judge Carswell's peers. Although his backers in the American Bar Association initially placed great emphasis on the allegedly unanimous support for Judge Carswell by his associates, the Fifth Circuit of the United States Court of Appeals, at least two distinguished judges of that court have since withheld their endorsement.

A committee of eminent lawyers, including the president of the Bar Association of the City of New York, has expressed emphatic opposition to the candidate and received the signatures of hundreds of lawyers and law school deans in support of the demand that the American Bar Association reexamine its highly questionable procedure in declaring Judge Carswell "qualified."

The Bar Associations of Philadelphia and of San Francisco have urged the Senate to withhold confirmation. Law school faculties across the country, including the South, have spoken out against the appointment. The entire law faculty of the University of Iowa wrote to President Nixon that, though it concurred with his desire to appoint a conservative, it was deeply disturbed by the choice of a man of "apparent bias and mediocrity."

Can the Senate, having rejected Judge Haynsworth, endorse Judge Carswell without inviting the conclusion that proven insensitivity toward human and civil rights is less objectionable than a possibly loose interpretation of economic conflicts of interest?

The President is clearly entitled to seek out a conservative and a Southerner for the Supreme Court; but to make that search synonymous with the Carswell nomination is to belittle if not ignore the great reservoir of talented Southern conservatives.

Since Mr. Nixon appears unwilling to accept the unmistakable evidence that he has once again been led into making a wrong and divisive choice, it is the Senate's duty to speak for justice and excellence in the nation's public life. Amidst today's crisis of confidence, the Supreme Court remains a symbol of legitimate authority of American institutions. The symbol must not be tarnished nor the authority undermined. This is why we believe that "voting their own conscience" and acting in accordance with their constitutional obligation, the members of the United States Senate should reject Judge Carswell's nomination.

XUM

FROM OBSCURE TO UNKNOWN

In naming Judge G. Harrold Carswell to the Supreme Court, President Nixon has displayed more glaringly than ever a talent for seeking out undistinguished candidates for the high bench.

Clement F. Haynsworth, though Chief Judge of a Circuit Court of Appeals, was far below Supreme Court stature in scholarliness, range of mind and sensitivity to judicial proprieties. The man selected after he failed to win Senate confirmation—Judge Carswell, only seven months on the appellate bench—is so totally lacking in professional distinction, so wholly unknown for cogent opinions or learned writings, that the appointment is a shock. It almost suggests an intention to reduce the significance of the Court by lowering the caliber of its membership.

In his election campaign President Nixon promised to put only "extremely qualified" men on the Supreme Court. But one of the principal qualifications he had in mind was a willingness on the part of nominees to see themselves as "caretakers of the Constitution . . . not super-legislators with a free hand to impose their social and politicial viewpoints upon the American people."

No one who cares about the country wants justices or anyone else to impose their viewpoints as such. But, since unanimity of viewpoint is hard to come by, all government involves a degree of imposition by some one. It is the duty of the three branches to check and balance the process, and of the Judiciary in particular to sustain the spirit of the Constitution and see to it that the rights of those imposed on are protected.

It is no recommendation of the Justice-designate to have Senator Richard B. Russell of Georgia say: "He'll follow precedents. He'll follow the doctrine of *stare decisis* (sticking to past decisions)." The Supreme Court is not a place for men who have built their judicial careers on a static approach to history, as civil rights leaders emphatically agree Judge Carswell has done.

He may in time duplicate the growth in wisdom and in stature that others have experienced in their years on the Court. But it is hardly sound policy to name a man to the Supreme Court on the theory that it may do him a world of good.

[From the Washington Post, Mar. 22, 1970]

JUDGE CARSWELL: THE WRONG SIGNAL—AND CHARLES EVERS: A CASE IN POINT

It is a longish leap from the fun and games at the Gridiron Club last weekend to the Senate debate on Judge Carswell. But bear with us because there is a logical connection here between the appointment of a decidedly second-rate judge to the Supreme Court and the ease with which President Nixon and Vice President Agnew stole the Gridiron show. As you may have read, the two men joined in a piano duet, with the President playing a medley of the favorite tunes of his predecessors and the Vice President interrupting him by playing "Dixie." Doubtless you had to be there to get it into the right context, to hear the rough but good-natured jibes at the Administration on race issues that preceded the surprise finale, and thus to appreciate the joke. Almost everybody agreed it was a *tour de force* gracefully done and quite in keeping with the spirit of an affair at which the tensions and antagonisms of the real world are supposed to be set aside.

So it is with no intent to disparage the performance of the President and the Vice President that we take note of this event. Still, at the risk of sounding stuffy, it strikes us as a small piece of a bad scene, and a significant measure of how great is the power of the Presidency to influence a public attitude. All of a sudden, it is all right to joke about something that responsible people in high office used to handle with care and compassion and deadly seriousness.

In theory, a sense of humor is supposed to be a saving grace. So why not make sport of a Southern Strategy? The answer, of course, is that Southern Strategy is a euphemism for something that isn't funny. On its face it is no more than a cynical political tactic designed to innoculate the South against George Wallace for the sake of winning it for the Republicans, the better to secure a second term for President Nixon in 1972. As a political objective, this is fair enough—some people even see in it an admirable toughmindedness. But there is nothing admirable about the logical consequences of this strategy, for to bring it off it becomes necessary for the Administration to cultivate indifference, not to say hostility, toward the fundamental principle of human rights in general, and the equality of education available to black children in particular. Putting it another way, and bluntly, Southern Strategy means a form of racism, tacit or explicit, by people in high places, because there can be no successful effort to undercut George Wallace in the South that does not play the segregation game.

It is important to be clear in our minds about the issue here. We are well aware that the White House will be publishing next week what has been billed as the most complete, the most comprehensive, the most closely argued legal brief ever composed on school desegregation and it is not our purpose here to judge it in advance. For that is not what this is all about. We are not talking just about schools, or doubts held by responsible people about busing or other methods for dealing with the *de facto* segregation which occurs as a result of natural, geographic imbalances. We are talking about what a President or an Administration can do, or not do, to create an atmosphere that is conducive, not to miracles, but to continuing progress against racial discrimination all along the line. And this, in turn, is what is so troubling about the ease with which we now laugh at jokes about a Southern Strategy. It is what links the hijinks at the Gridiron with the nomination of Judge Carswell and a lot of other things—the abrupt removal of a Leon Panneta from HEW because he tried too hard; the effort to subvert Negro voting rights; the insensitivity, in tone and phrase, to black pride; the country club mentality.

Mr. Harry Dent, a presidential assistant, receives a written offer of campaign funds from a Georgia Republican leader in exchange for the restoration of Federal school aid in a Georgia school district. He casually passes it along to HEW—and nobody seems to mind. The Vice President brushes off the idea of quotas for black students by asking the crude question: "Do you wish to be attended by a physician who entered medical school to fill a quota . . .?" Mr. Jerris Leonard, the Justice Department's civil rights enforcer, thinks it clever, or something, to say that one reason blacks just out of law school are not attracted to Justice Department jobs is that they haven't yet bought their first cashmere topcoat. Confronted with a question about Judge Carswell's involvement with segregated clubs, the President thinks it an adequate defense to say, in effect, that everybody's doing it: ". . . if everybody in government service who has belonged or does belong to restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country."

And so it goes, right down to the vote on Judge Carswell, with the Administration's men telling Republicans who opposed Judge Haynsworth—in almost every respect a much superior choice—that they can't rebuff their President twice running. They can, of course, and they should, because this is nothing so narrow as a test of party loyalty. It is a test of policy and principle—a kind of Tonkin Resolution on race, if you accept the theory recently advanced in Life Magazine by Hugh Sidey that the race issue could be for President Nixon the disaster that Vietnam was for President Johnson.

The Tonkin Resolution on Vietnam was a fraud, and while that became clearer later, it might have been clearer at the time if the right questions had been pressed, if Congress had not closed its eyes out of misplaced deference to the President and waved him down a wrong road. Therein lies the analogy. Judge Carswell is a bad choice, and the Senate should reject him out of its obligation to safeguard the paramount interests of our highest court. In the process of refusing his confirmation, the Senate has an opportunity, not just to say *No*, but also to say *Enough*—of insensitivity and indifference, of legislative retrogression and of catering to racist tendencies for political gain, of talking about blacks as if there were no blacks in the room. The Senate, in this fashion, could broadcast from at least one seat of government a signal to all races—a signal which at this stage can no longer be broadcast, in a way that would be believable, by anybody else.

Turning from what is cumulative and comprehensive—and no less real or pernicious for that—let us take up cases. Let us consider for a moment what his countrymen and his government have said to Charles Evers, who is the black mayor of Fayette, Miss. Mayor Evers is of course a lot more than that. He was born 47 years ago and raised poor in Decatur, Miss. He served in World War II as an army volunteer in the Pacific and again, in the Korean war, as a reservist. He took a bachelor of arts degree at Alcorn College, and in 1951, with his brother Medgar, he undertook a membership drive in Mississippi for the NAACP. That was to cost him his livelihood: because of his NAACP connection he was forced out of business in Philadelphia, Miss. It was also to cost his brother his life: Medgar Evers was murdered in Jackson on June 12, 1963, and Charles Evers, then living in Chicago, came home and assumed his dead brother's job as field secretary for the NAACP in Mississippi.

One hears a great deal about blacks who have been provoked and abused into despair, a great deal about black men and black women who have been forced to the conclusion that separatism or violence or both are the only solutions available to them. On the basis of his experience, Charles Evers would seem a likely prospect for this turn of mind. His recollections of family suffering and humiliation at the hands of white neighbors when he was a boy are vivid; his brother and the political leaders he followed—both Kennedys and Martin Luther King—were murdered; his every attempt to obtain for himself and others the simplest, most fundamental forms of equal justice in his state have been systematically and viciously fought by its citizens and its leaders. And yet this is a man who can still say that he "loves" Mississippi and that he "loves" his country and that he is bent on making justice work—within the system, by means of the traditional American political processes.

Charles Evers has had almost as much trouble on this count from those he describes as the "black extremists" as he has had from his white compatriots. But he has rejected the ridicule and pressures of the one and the ominous warnings of the other. His crime (in the eyes of both) has been his single-minded pursuit of political equity and racial understanding through the instruments of government that are theoretically available to all. A patient campaign led to the accreditation of his delegation at the Democratic convention in Chicago, and he was a stalwart among those who insisted that the delegation and the party it represented be black and white—

XUM

Tallahassee, Fla., March 30, 1970.

Hon. EDWARD J. GURNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: According to newspaper accounts, a telegram was forwarded Friday to all one hundred Senators, signed by some 79 members of the Tallahassee Bar, announcing their support for Judge Carswell.

I did not have an opportunity to join in this communication, probably because I was out of my office most of last Friday. I would certainly have added my name to this telegram if I had been given the opportunity.

I have practiced before Judge Carswell since his appointment back in 1958, and consider him eminently qualified. I hope your efforts to secure his confirmation will be successful.

Respectfully yours,

W. J. OVEN, Jr.

THOMAS C. DINARD,
Fort Lauderdale, Fla., March 23, 1970.

Senator EDWARD J. GURNEY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GURNEY: May I urge the immediate and affirmative vote by the Senate of President Nixon's nomination of Judge G. Harrold Carswell as Associate Justice of the Supreme Court.

The long and unwarranted delay by the Senate in ratifying the President's appointment will cause irreparable damage to the judicial process and to law enforcement upon which the future progress of our country depends.

With best wishes.

Sincerely yours,

THOMAS C. DINARD.

Mr. GURNEY. I yield the floor.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

The PRESIDING OFFICER. The Chair suggests that the floor has been yielded, and the present schedule is for the Senator from Wyoming to have the floor for a period of time not to exceed 1 hour. The Chair would suggest that if it is desired that any more time be taken up on the subject, the Senator from California would have to seek the permission of the Senator from Wyoming.

Mr. CRANSTON. I ask unanimous consent that I may have about 2 minutes to ask one question of the Senator from Florida relating to matters we discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. On the matter of the incorporation of the golf club, perhaps there was a difference over technical language. But I should like to ask the Senator to comment on the fact that page 32 of the hearings indicates that Senator KENNEDY said to Judge Carswell, "Did you in fact sign the letter of incorporation?"

Judge Carswell said, "Yes, sir. I recall that."

The certificate of incorporation appears on page 348, and on page 353 Harrold Carswell's signature appears on that document. That would seem to me evidence that he was an incorporator of that golf club, by his own testimony to the committee.

Mr. GURNEY. If the Senator from California will yield, at no time did I contend that Judge Carswell was not an incorporator of this corporation. In fact, I think I stated that he was.

Mr. CRANSTON. I must have misunderstood the Senator, then. I thought the Senator questioned my statement that he was.

Mr. GURNEY. No. I said there were two corporations, and he had no part in the second corporation, which was the one that carried on the business of the golf club. There was a change a few months after the formation of this corporation. This corporation never did any business, and the judge never participated in any meetings of any sort. As a matter of fact, I am not even sure—and the testimony really does not go to that evidence—that the first corporation really got itself into business under Florida law, corporation law, besides filing the charter of the corporation. They do have to have an organizational meeting, a meeting of directors and officers, and approve initial steps—the issuing of stock.

For example, the testimony, as I read it over all, was that Judge Carswell never received any stock at all. He put up a hundred dollars and got $76 back. The whole evidence, when viewed in full perspective, indicates that, even though Judge Carswell technically was an incorporator of the first corporation because he signed the corporation papers, but that he never was an active member of any organization that ran a private segregated club that was organized for that purpose, he was not a part of that at all, and this is what he was testifying to before the committee.

Mr. CRANSTON. The allegation did not go to that point. It went to the point that he incorporated, and we agree that he did.

CALIFORNIANS KILLED IN ACTION IN VIETNAM

Mr. CRANSTON. Mr. President, on September 19, I first read into the CONGRESSIONAL RECORD the names of California men killed in action in Vietnam. Almost weekly since then, I have risen on the floor of the Senate to continue this tribute to the memory of our fallen men.

Last Friday—Good Friday—two California families, one in San Diego and the other 95 miles away, in Fullerton—received their notifications of tragedy from the Defense Department.

These two latest casualties brought to 4,000 the number of Californians who have lost their lives in the jungles and swamps of Southeast Asia since the first Californian fell in Vietnam on April 20, 1961, nearly 9 long years ago.

And the war goes on.

The following men have been reported as casualties between Monday, March 9 and Friday, March 27:

Pfc. Daniel Aguilera, son of Mrs. Elixa E. Aguilera, of Cutler.

Pfc. James D. Anella, husband of Mrs. Nedra M. Anella, of Spring Valley.

Radarman Charles E. Brooks, husband of Mrs. Jeanne B. Brooks, of San Diego.

Cpl. Thomas C. Chaney, son of Mrs. Lydia S. Chaney, of Greenfield.

Pfc. Robert W. Culver, husband of Mrs. Glenna F. Culver, of Eureka.

Lt. Joseph W. Devlin, husband of Mrs. Norma Devlin, of Orange.

Lt. Vincent E. Duffy, Jr., son of Mr. and Mrs. Vincent E. Duffy, of Arcadia.

Pfc. Jesse C. Frey, husband of Mrs. Adell C. Frey, of Bell Flower.

Capt. James M. Gribbin, son of Mrs. Molly Ondrasek, of Novato.

Sp4c. Garlin J. Hendreson, Jr., son of Mrs. Millie M. Henderson, of Bloomington.

Capt. Ronald Hurt, husband of Mrs. Olga Hurt, of San Diego.

Pfc. Michael C. Jackson, husband of Mrs. Peggy J. Jackson, of Simi.

Pfc. John E. Lockhorst, Jr., son of Mrs. Ruth E. Oswald, of Ontario.

Pfc. John S. Rick, son of Mr. and Mrs. Don L. Rick, of Fullerton.

Sgt. Paul W. Rose, son of Mr. and Mrs. Guy W. Rose, of La Mesa.

Capt. Richard J. Sexton II, husband of Mrs. Marcia S. Sexton, of Pacific Grove.

Sgt. Atilano U. Tovar, husband of Mrs. Patricia T. Tovar, of Van Nuys.

Sp4c. Charles A. Van Horn, son of Mrs. Evelyn A. Conjuriski, of Rialto.

Pfc. Kenneth E. Wedlow, son of Mr. and Mrs. Theodore Wedlow, of Compton.

Pfc. Thomas J. Whitlow, Jr., son of Mr. and Mrs. Thomas J. Whitlow Sr., of Palos Verdes Peninsula.

THE NOMINATION OF JUDGE CARSWELL

Mr. CRANSTON. Mr. President, I will vote to recommit Judge Carswell's nomination to the Judiciary Committee. Some Senators said that they feel a vote to recommit is simply ducking the real issue. I do not agree. I believe that during the Senate debate of Judge Carswell's nomination, many persuasive reasons have been brought forth which justify recommittal.

I believe that Judge Carswell should explain under oath to the Judiciary Committee and to the Senate and above all to the American people new facts which have been revealed which bear directly on his fitness to sit on our Nation's highest court.

A careful reading of the hearings and the many reports concerning Judge Carswell leads inevitably to a list of unanswered questions which have arisen. The Senate cannot vote with full knowledge until these questions have been asked, and properly answered.

These questions go to the very charges which President Nixon labeled as specious—charges of "lack of candor" and "racism." I do not believe that these charges are specious. I do believe, however, that Judge Carswell should be given a full and fair opportunity to refute these charges.

Judge Carswell attempted to answer some of these charges in a letter to the Judiciary Committee after the completion of the hearings. Personally, I find totally unsatisfactory his general and sometimes evasive denials in this unsworn letter.

I believe the following questions among others, should be put to Judge Carswell.

XUM

They illustrate both the need for further answers from Judge Carswell, and the wholly inadequate and confused state of the present record concerning both his qualifications and his candor:

1. Is it true that on the evening of January 26, 1969, two representatives of the American Bar Association visited you in your hotel room and showed you the documents relating to your participation in the 1956 Tallahassee Golf Course incident. Did you examine the documents at that time or later and did you discuss this matter with others that evening after the ABA representatives departed or the next morning before testifying?

2. In view of the fact that the ABA representatives discussed the golf course incident with you the previous evening, how do you explain your answer at the Committee hearing the next morning, when Senator Hruska asked you to "tell us just what the facts are", that "I read the story very hurriedly this morning . . ."?

3. In view of the fact that the incorporation papers containing your signature were shown you the night before, how do you explain your testimony the next morning as follows:

"Senator Hruska. Were you an incorporator of that club as was alleged in one of the of the accounts I read?"

"Judge Carswell. No sir."

4. In view of the fact that one or more of the papers shown you the night before demonstrated your position as director of the golf club, how do you explain your testimony at the hearing the next morning that "I was never an officer or director of any country club anywhere"?

5. With the same background, how do you explain this testimony at the hearing:

"Senator Hruska. Are you or were you at the time, familiar with the bylaws or the articles of incorporation?

"Judge Carswell. No, sir."

6. With the same background, how do you explain your testimony two days after the discussion in your hotel room, "Senator, I have not looked at the documents"?

7. In this same testimony you stated that the golf club corporation "was a defuct outfit that went out of business." Isn't it a fact, however, that it did *not* go out of business but continued as a non-profit rather than a profit corporation?

8. Toward the end of your testimony on the golf course incident, this colloquy appears:

"Senator Bayh. Were there problems in Florida relative to the use of public facilities and having them moved into private areas——

"Judge Carswell. As far as I know, there were none there and then in this particular property that you are talking about."

Would you elaborate on this answer in view of the affidavits to the contrary appearing in the record of the hearings and the statement of your supporter, James J. Kilpatrick, that "if Carswell didn't know the racial purpose of this legal legerdemain he was the only one in Northern Florida who didn't understand."

9. Please explain the circumstances under which you chartered a whites-only booster club for Florida State University in 1953?

10. Have you considered then or since whether your activities in chartering the all-white booster club and with respect to the golf course conflicted with the position of United States Attorney which you held during both incidents?

11. Please explain the circumstances under which you participated in the sale of property containing a racial covenant in 1966.

12. On the morning of January 28, 1970, Judge Elbert W. Tuttle telephoned you to say that he could not testify in support of your nomination. Since this repudiated his earlier letter which you knew was in the record, did you not feel an obligation to report this new information to the Committee when you testified a few hours later or when you wrote the Committee a letter purporting to clarify the record of February 5?

13. Since you testified at the Committee hearings, eight civil rights attorneys who had practiced in your Court—in addition to the two who testified at the hearings—have testified in detail to your extreme hostility to them and their cause. Additional lawyers have made similar statements. Your only answer to date is contained in your letter of February 5th to the Committee which includes the statements that "I do not remember specific colloquies with counsel," but "I emphatically deny such episodes . . .". Would you kindly explain the apparent inconsistency in your letter and, to the best of your recollection, answer the specific charges of these attorneys.

14. In particular, Leroy D. Clark, Professor of Law at New York University Law School testified that Judge Carswell "turned his chair away from me when I was arguing." Are you not able to recall such an incident?

15. Likewise Theodore Bowers, an attorney of Panama City, Florida, informed me that "Judge Carswell turned away from him, looking off to the side, turning his body to the side, when he was presenting an argument. He stated that Judge Carswell stayed turned aside throughout half of his total argument. He argued for 10 minutes, and for 5 of those minutes Judge Carswell was looking away, had turned bodily away, seemed to be totally ignoring the case that he was seeking to make." Is it your practice to turn away from lawyers who argue before you or was this limited to civil rights lawyers?

16. Mr. Ernest H. Rosenberger, one of the civil rights attorneys who testified, stated that you suggested to the Tallahassee city attorney that the sentences of 9 clergymen be reduced to the time already served in an effort to deprive them of their standing to continue their habeas corpus proceeding before you and thus clear their records. Did you in fact do this and, if so, do you consider it proper judicial conduct?

17. Sheila Rush Jones, an attorney, has informed me "That in January of 1967 I was employed as a staff attorney for the NAACP Legal Defense Fund, 10 Columbus Circle, New York, New York;

"That as part of my duties as a staff attorney, I represented Negro persons in Florida who sought to desegregate local public school systems. On or about January, 1967, I represented a group of Negro plaintiffs in a school desegregation case at a hearing on a Motion for Further Relief in Tallahassee before Judge G. Harrold Carswell.

"That at this time, Judge Carswell was very discourteous to me, interrupting me with frivolous comments as I attempted to argue the motion. In general he treated me in a mocking, ridiculing way. Only after I began prefacing my remarks with such statements as 'Let the record reflect I am attempting to say etc.' did he cease to interrupt and allow me to complete my argument. I have never before or since received such disrespectful treatment from a federal judge."

Do you recall this incident? If so, can you explain it?

18. At any time prior to your nomination for the Supreme Court did you repudiate directly or indirectly, publicly or privately, your white supremacy statement of 1948 and, in the alternative, can you point to a single writing, public or private, evidencing compassion toward Negroes?

EDITORIALS IN OPPOSITION TO THE NOMINATION OF JUDGE CARSWELL

Mr. President, the distinguished Senator from Florida (Mr. Gurney) gave a quite long analysis earlier this afternoon of attorneys from various States who have been recorded as opposed to the nomination of Judge Carswell. To complete the record, I ask unanimous consent to insert in the Record at this time editorials from around the country on this same matter. Let me add that these are representative of the view of the free press of this country, a press that remains free and that expresses opinions of great moment to us in the fashion that is reported in these editorials.

There being no objection the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia (Pa.) Inquirer, Mar. 12, 1970]

HE FLUNKED THE TEST

When President Nixon nominated Judge G. Harrold Carswell to the U.S. Supreme Court, it was assumed that a thorough search had been made into Carswell's record by the President and the Department of Justice, and that they were completely satisfied with the judge's qualifications.

The harsh experience of the Haynsworth case, if nothing else, should have been enough to justify extreme caution in filling the vacancy on the high court.

It was agreed that the President had the right, if he wanted to exercise it, to name a Southerner, a conservative and someone who could be labeled a "strict constructionist."

Even when it was disclosed that Carswell, in a political speech in 1948, had said that he would yield to one one in his "belief in the principles of white supremacy," his repudiation of a statement made 22 years ago as "obnoxious" to him today, was generally accepted.

The fact that the administration searchers into Carswell's record had not uncovered this revealing bit of information about him, however, impelled others to look more closely into the qualifications of the judge from Tallahassee.

What they found has cast a dismal cloud upon Mr. Nixon's appointee. Carswell's insensitivity on the racial question alone is plain to see. There are 15 cases, when he was a district judge, in which his opinions upholding racial segregation were overruled by higher courts.

In 1953, he drafted a charter for a boosters club at Florida State University which opened membership to "any white person interested in its purposes."

In 1956, he participated in an organization which turned Tallahassee's municipal golf club into a private segregated club.

In 1966, he sold a piece of land with a covenant attached restricting ownerships and occupancy to "members of the Caucasian race."

It is particularly discomforting to know that when a Supreme Court Justice is named, we may be stuck with him for a long time.

Being stuck with a justice who has displayed no visible breadth of wisdom or compassion is a depressing thought.

Since Mr. Nixon announced the nomination—on what misplaced judgment we do not know—Judge Carswell has sunk lower and lower in public esteem as a candidate for a Court where we expect a degree of greatness in its members.

He has not made the grade. The Supreme Court cannot be better for his presence on it.

[From the Montgomery (Ala.) Advertiser, Mar. 27, 1970]

WHY NOT JUDGE JOHNSON?

They said it couldn't be done, but it now appears possible that Judge G. Harrold Carswell may not be the next member of the U.S. Supreme Court.

A move is on to avoid the ritualistic slaughter decreed for Judge Clement F. Haynsworth, a far superior judge in every respect. Instead, opponents of Carswell have opted for what is decribed as a decent private burial, if they can get enough votes to recommit the nomination to the Judiciary Committee.

The vote on that is to come April 6, and opponents claim they already have enough support to send the nomination back to committee to die. Senate Republican leaders dispute this, but it would be the humane solution.

Although much of the criticism of Carswell has been for the wrong reasons, what changed an expected shoo-in to a cliffhanger was the undistinguished character of the man. Even southern Senators seem to be feigning their enthusiasm now, and with reason: should Carswell be confirmed after the thrashing he's taken, his lack of strong personal conviction and fortitude would likely make him a follower of the liberal members of the court as he attempted to cleanse his name of all the nasty things said about him.

The irony of it all is that if Carswell had been offered first, Haynsworth, who looks infinitely better by comparison, would not have experienced much difficulty in confirmation.

Nixon, busily covering his tracks in every region, probably couldn't sell it to the South (or wouldn't try), but his best choice—and this may shock a lot of Alabamians—would be Judge Frank M. Johnson, in our judgment.

Now, hold on before you blow your top. Give us a chance to explain why we believe this. First of all, Judge Johnson is an excellent trial judge, as few lawyers will dispute, even those who think he's the devil incarnate. He runs a taut ship, but that's the way a court must be run. He is thoroughly grounded in trial procedure, having heard more controversial cases than any judge in the South and been blasted from all sides, including this newspaper from time to time.

But he's tough. He understands the realities of the southern problem and has, time and again, skillfully blunted the thrust of reckless and ridiculous Fifth Circuit rulings, as in the Montgomery school case.

He has walked the narrow ledge between school chaos on one side and open defiance of the Fifth Circuit on the other. He knows what will work and what will not, a knowledge that would be extremely useful in the hermetically sealed atmosphere of the U.S. Supreme Court. Although Johnson projects an obsidian hardness, this obscures the fact that, within the limits imposed on him from the appellate court, he has been as compassionate as the law allows in dispensing desegregation orders, Nixon's overriding domestic concern.

His long record of denunciations of those, white or black, left or right, who riot and take the law in their own hands is better reading than most of Spiro Agnew's statements on the same subject. And he stated years before Agnew was a household word even in Maryland. He was a law & order man before President Nixon.

Outside the South, he is regarded as a civil rights hero, not alone because he has done his duty as he saw it under the law but because of his abuse by George Wallace and the legal confrontations with Wallace as governor and, before that, circuit judge.

Those who are by now apoplectic over the very idea that a newspaper published in the Cradle of the Confederacy, one which has been Johnson's severest critic on occasion, would suggest that this integrating, carpetbagging, scalawagging, et cetera is fit for the Supreme Court should count to 500 and reflect:

There are three federal districts in Alabama—Northern (Birmingham), Middle (Montgomery), and Southern (Mobile). Taking the school issue alone, which of these districts have been hit by the toughest orders from the Court of Appeals? The Birming area and Mobile, right?

Why? Because the judges in those courts attempted to skirt the law of the circuit, and deliberately defied it in some cases.

The inevitable result was appellate overkill, as in the Jefferson decision of Dec. 29, 1966, taking virtually all authority away from district judges, who knew the problem best. Montgomery, by comparison, is not a disaster area because Johnson demanded and got steady, slow evolution rather than sudden revolution.

The appellate court has let him alone, in the main, while rocketing missiles at the other districts. Result: these areas are worse off by far than we are.

Of course, nobody knows how a lower court judge would perform on the Supreme Court. At best, it's a guess based on the probability theory of jurisprudence. But it is our belief that a Justice Johnson could bring some sanity to the high court by virtue of his regional experience and expertise here in the eye of the hurricane.

Strom Thurmond would throw a fit, joined perhaps by both Alabama senators and all congressmen. As we said, it would be hard to sell. Even so, intellectual honesty compels finally saying in print what we have been saying in private since the timely exit of Abe Fortas.

Johnson is a realist. His attitudes and philosophy have been forged in the crucible of real events, real people, real passions and real problems—not in the pale glow of lawyers' briefs which the Supreme Court sees. In most instances, he has taken an uncharted middle course and endured the fury from all sides. It has been a thankless job, subjecting him to vilification by many whites and some blacks, to say nothing of actual threats.

If Judge Johnson really wants the job, he probably won't appreciate this. That's his problem. At the same time, we know Wallace will use this to stuff us under that silly bed sheet again. That's his problem. It happens to be an honest belief arrived at over many months. Surprisingly, many to whom we have broached this argument in conversation were first aghast and then grudgingly agreed there might be something to it. Of course, some merely rejoiced at the thought of "getting him out of Montgomery and Alabama."

Johnson is not likely to get the nod. Nixon would not like the job of trying to persuade the South that Johnson had followed the law and, in many cases, tempered and altered it. But he has. Prior to the Montgomery school decision, we confidentaly expected a disastrous order and wrote many thousands of words about the intolerable Fifth Circuit mandate.

Johnson made it tolerable—not to everyone, but to the city as a whole. Although many will never accept it, even they know that Johnson could have made it far worse. The general reaction was one of relief, as in previous years when the Fifth Circuit was issuing direct orders to courts which attempted massive resistance and brought massive defeat.

We doubt that Johnson is a serious prospect for the Fortas seat if Carswell is quietly put to rest. More's the pity: being invulnerable to charges of "racist" and "southern reactionary," he might shake the court to its senses and, in the process, test his steel on the North. Of one thing we are certain: he could not be bullied. Not by other Justices, civil rights firebrands, by the Eastern establishment or public opinion. We would expect that he would perform on the Supreme Court as he has on the Montgomery district court, heedless of pressure and popular outcry.

We are not saying he would be a fine Confederate on the high court. He would be useless to the South if he were. What we are saying is that he knows the situation, would be free to go his own way (as Carswell would not) and might exert some influence on a court that could benefit by the experience of a scarred veteran of the southern campaign.

If Carswell does expire, Nixon's only alternative may be to look outside the South for a judge who knows nothing and cares less of southern problems.

[From the St. Petersburg (Fla.) Times, Mar. 27, 1970]

The Novel Oath: "Carswell Quickly Agreed"

In weighing the Supreme Court nomination of Judge G. Harrold Carswell, the U.S. Senate has failed so far to consider one of the most significant incidents in his career.

Before the vote comes up at 1 p.m. April 6 on the growing sentiment to recommit the nomination to the Judiciary Committee, conscientious senators ought to ponder Carswell's willingness to take a strange oath back in 1958.

The incident took place at a sparsely attended committee hearing on March 26, 1958. An Associated Press news report appeared in The Times the following day, and is reproduced in the adjoining column. We noticed the clipping when researching our first editorial on the Carswell appointment, and described it on Jan. 20, 1970.

Now, Sen. Joseph D. Tydings, D-Md., and Sen. William Proxmire, D-Wis., have shown an interest in the incident.

It is easy to understand why Sen. James Eastland, the Mississippi segregationist who was the only senator present at the 1958 hearing, would demand this strange oath. The South, especially Mississippi, still was defiant in its resistance to integration. Clearly Eastland hoped to paralyze the federal judiciary by demanding that every new judge renounce in advance the legal power to pass on the constitutionality of congressional acts. Eastland's purpose, we said in 1958, was "to secure a promise, possibly morally if not legally binding, upon federal judges not to implement any civil rights matters."

The Associated Press reporter described Carswell's reaction to the oath request in these words:

"George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland . . ."

How could any trained attorney, much less a nominee for a federal judgeship, agree quickly to an unorthodox, illegal oath that would destroy the constitutional separation of powers?

The only answer we have is that the hurried oath-taking fits into the opportunistic pattern of the several changes in Judge Carswell's convictions. Running for the Georgia Legislature in 1948 and chartering a white-only Tallahassee club in 1956, he is a racist. Testifying before the Senate on his high court nomination, he is a civil libertarian. Taking the Eastland oath, he agrees to be a eunuch judge. Before the same committee this year, Carswell quotes the late Justice Benjamin Cardozo that "There is an inescapable grain of lawmaking power within the judge."

In 1958, we called the incident of the novel oath a "threat to the integrity of the courts."

It is still that, and even more.

It is a reason for senators who place principle above either opportunism or party to vote the Carswell nomination back to the committee that failed to investigate the events of March 26, 1958.

[From the St. Petersburg (Fla.) Times, Jan. 26, 1970]

Courting the South With Judge Carswell

President Nixon's nomination of Judge G. Harrold Carswell of Tallahassee to the U.S. Supreme Court was more confirmation of his Southern political strategy.

The President is using his Supreme Court appointments against the political threat of George Wallace.

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That may be clever politics, but it is a poor way to select lifetime appointees to the nation's highest court.

Most Floridians would like to give their unreserved endorsement to Judge Carswell. For many, it will be impossible, for three reasons:

He is not widely known outside Tallahassee. Aside from being a Southerner, his qualifications for the highest court are difficult to ascertain.

He does not have a good record on civil rights. One study of his decisions in civil rights cases ranked him 23rd among the 31 judges of the circuit. The National Association for the Advancement of Colored People opposed his recent elevation to the appeals court.

Judge Carswell has not shown the strength and independence needed on the high court to maintain its independence.

In an extraordinary Senate committee meeting in 1958 on Carswell's initial court appointment, Sen. James Eastland, the Mississippi segregationist, demanded that Carswell take a second oath agreeing not to rule unconstitutional any law passed by Congress.

Surprisingly, Judge Carswell did not decline. As the Associated Press reporter described it at the time:

"George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland."

In 1958, we called this a "threat to the integrity of the courts." It remains that today.

Members of the Senate who believe in the separation of powers under the American political system will need to be convinced that Judge Carswell possesses the strength to defend the independence of the judiciary.

A judge who kneels quickly to Sen. Eastland would seem to be a poor defender of the integrity of the Supreme Court.

[From the Honolulu (Hawaii) Star-Bulletin, Mar. 27, 1970]

Strike Two?

When Clement Haynsworth was rejected for the Supreme Court and President Nixon telegraphed his intention to find another Southerner for the assignment it seemed sure that the No. 2 choice—whomever he might be—would be confirmed.

It seemed sure both because it was believed the President would find a nominee who was impeccable and because the Senate would not want another bruising battle with the President.

Discovery of a 20-year-old segregationist speech created some setback for the subsequent nomination of G. Harrold Carswell but this was old and quickly repudiated by Carswell. No man should be condemned forever for thoughts expressed 20 years earlier, and Carswell still seemed sure of confirmation.

Now doubts about Mr. Carswell's commitment to civil liberties have been joined by a far more pervasive doubt—Judge Carswell is mediocre. Even men who admit mediocrity in themselves see no place for it on the Supreme Court, Sen. Hruska notwithstanding.

The heightened scrutiny of Judge Carswell has done nothing to counter this criticism—rather the reverse. President Nixon now seems in danger of a second rebuff.

A rebuff, in fact, might be better for the court than a narrow confirmation that would leave a sitting justice (and the court) under a cloud.

President Nixon has good reasons well beyond selfish political ones for wanting a respected Southerner on the court. Such a justice—particularly if he were in the majority on crucial civil liberties decisions—could help to weld national unity.

Whether and where Mr. Nixon will find such a justice if Mr. Carswell is rejected is an interesting question. If he is found, the President will certainly want to know from the Justice Department why he wasn't found sooner.

[From the Honolulu (Hawaii) Advertiser, Mar. 26, 1970]

Carswell—No

Winston Churchill once called the U.S. Supreme Court "the most esteemed judicial tribunal in the world." Well it might be.

Certainly, the high court has been an especially critical factor in American life in the last few decades. It should be even more so in the late 1900s as the rate of change in American society increases and with it the need for responsive laws and interpretation of the Constitution.

Government will either change peaceably and intelligently or be destroyed.

In this context, some feel that only the President has a more difficult and responsible position than a justice on the U.S. Supreme Court.

A justice must cast a vote on more than 3,000 cases a year, listen to arguments on 120 cases and write a dozen or more full-dress opinions.

Right now, more than a dozen very important cases have been delayed because the court, with only eight justices sitting, seems to be at a 4 to 4 impasse.

These cases involve a law dealing with anarchy, the death penalty and especially its relation to interracial rape, laws for punishing protesters, the Fifth Amendment provision against self-incrimination, new uses of electronic eavesdropping, obscenity laws, and the legality of search and seizure action in narcotics cases.

The new justice may well cast the deciding vote on these, as well as countless other matters to come before the Supreme Court in the 1970's.

This more than anything, is why there is growing opposition to President Nixon's appointment of G. Harrold Carswell.

For the longer the debate has gone on the weaker his case has become. There has been a growing list of prominent lawyers and law-school professors opposing Senate confirmation.

Cruel as it may be, the judgment is that this is a mediocre man being boosted far above his intellectual level to one of the most important jobs in the nation.

Even his supporters are hard put to defend him, as might be noted from the William Buckley column on the opposite page.

Senator Roman Hruska, one of Carswell's chief backers, himself made the point. "There are a lot of mediocre judges and people and lawyers, and they are entitled to a little representation, aren't they?"

This has given rise to all kinds of jokes about the need for a justice to represent the pot smokers or dropouts or for US. senators elected to represent mediocrity.

But humor fades in the face of duties of a Supreme Court justice.

It's obvious President Nixon wants a Southern conservative Republican. Although many don't agree on such quotas, the President's right to shape the Supreme Court more towards his philosophy is generally conceded.

But, beyond that right, he has a duty to get the best Southern conservative Republican available. There are some top men in this category, including some deans of Southern university law schools. Carswell is far below them—too far.

President Nixon entered office talking of appointing "extremely qualified men" to the court. Yet the best being said about Carswell is that he is qualified to represent mediocrity.

The U.S. Senate should reject this philosophy.

[From the Salt Lake (Utah) Tribune, Feb. 5, 1970]

Carswell and the Court

When the Senate refused to confirm Judge Clement F. Haynsworth as a justice of the Supreme Court it was generally conceded that President Nixon's next appointee, whoever he might be, would probably be confirmed with a minimum of fuss.

That seems to be the way it is working out. Judge G. Harrold Carswell's judicial career could hardly be called distinguished. Civil rights groups and individuals have attempted, with some success, to show that the judge still harbors anti-Negro sentiments he has public disavowed. The net effect has been to display the nominee in an unfavorable light but one of insufficient candlepower to illuminate a determined fight to bring about his rejection by the Senate. After the Haynsworth battle nobody seems to have the stomach for another.

So Judge Carswell will probably be confirmed, barring disclosure of some damaging facets of his career that escaped the usual Justice Department check and the intense prying of those who strongly oppose the appointment. What then?

Since the Supreme Court is both the voice and the symbol of the aspirations of the nation, it follows that its membership should be drawn from citizens of the highest ethical and legal attainments. But that has not always been the case as a check of appointments over the years will show.

Appointees who were widely hailed have turned out to be disappointments and some that were accepted without enthusiasm have blossomed into legal giants. Men considered as oplitical and philosophical kinsmen by the presidents who named them have taken their places on the high bench only to undergo 180 degree changes of mind.

On his appointment in 1953, former Chief Justice Earl Warren was regarded as an amiable politican who would exercise judicial authority with extreme caution. Instead Warren emerged as an activist dedicated to the idea that courts must guard individual liberty against the intrusions of government power. When Franklin Roosevelt named Harlan F. Stone as chief justice in 1941 the appointment was almost universally hailed. But Stone proved to be ineffective as chief justice. History supplies other similar stories.

Even if Judge Carswell neither flips nor flops but serves out his lifetime tenure without distinction, the performance will be closer to the norm than apart from it. Though we would greatly prefer that President Nixon had looked harder and set his standards higher, we cannot view Judge Carswell's confirmation as a major tragedy. He isn't the best but he probably isn't the worst either. And there is always the possibility that, like some wines, he will grow better in the barrel.

[From the Lewiston (Idaho) Morning Tribune, Mar. 24, 1970]

G. Harrold Carswell

The erosion of support for G. Harrold Carswell, President Nixon's latest nominee for the Supreme Court, continues, although even the nominee's foes still agree that he is likely to be confirmed.

One of the latest to announce his opposition to confirmation is Idaho Sen. Frank Church, who said yesterday he found the judge "indubitably deficient."

Senator Church seems to have come to his decision primarily on the basis of Judge Carswell's record on the bench and not because he was offended by the judge's evident racism or his lack of candor in appearing before the Senate Judiciary Committee.

As for the Carswell record, Senator Church told the Senate, "One searches in vain for a mark of excellence. We have yet to be shown

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a single decision he has handed down that reveals any exceptional qualifications of learning, any flash of brilliance, or any special insight. Taken altogether, Judge Carswell's service has been utterly pedestrian in character."

This is the potent charge against the Carswell nomination: that the nominee may be good enough for the Fifth Circuit Court of Appeals (many lawyers dispute even that) but that he is not good enough for the United States Supreme Court. If one feels this way about him, his allegedly racist turn of mind and his little deception over the Tuttle letter (see adjoining editorial) become relatively insignificant. Much can be forgiven a man of brilliance and sharp of insight, but it is fruitless to justify minor faults of character in a man with only pedestrian abilities—especially if one is considering him for the most honored bench in the world.

[From the Lewiston (Idaho) Morning Tribune, Jan. 24, 1970]

A Man's Right To Change His Mind

Most of us agree that a man has the right to change his mind—even on an issue as basic as racial equality; many Americans have in recent years. But when he is a nominee for the Supreme Court, and must put his past under senatorial scrutiny, he is certain to face difficulty.

This is the situation involving U.S. circuit Judge G. Harrold Carswell of Florida, who has been chosen for the high court vacancy by President Nixon. In 1948 Carswell was running for the Georgia Legislature when he said in a political speech that "segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed and shall always so act."

Today Carswell says he is revolted by his political philosophy of 22 years ago, that it is inconsistent with his record of service in the judiciary and is in direct opposition to his personal views on the races.

But because of what he believed in 1948, Judge Carswell will be subject to criticism in the Senate, which last year rejected Nixon's first choice for the vacant seat. Judge Clement F. Haynsworth of South Carolina.

There is, however, a sharp difference in the two cases. Haynsworth's nomination was turned down because of his financial dealings while sitting on the bench. Carswell, on the other hand, contends he rejected racism before entering public service 17 years ago—a claim he will have to prove before the nomination comes to a vote in the Senate.

If what Carswell says is true, then Nixon can rightly argue on the basis of this southerner's record of public service that the Senate has no substantive grounds to reject his nomination for holding what was the prevalent view on segregation in the south 22 years ago.

In the nominations of both Haynsworth and Carswell, however, two disturbing truths are evidence. First, that the President has an undisclosed commitment to someone (racist Sen. Strom Thurmond is most often mentioned) to seat a conservative from the South on the court; and second, that it is difficult to find a qualified jurist in the South who, at some time in his past, hasn't followed the segregationist line.

[From the Boise (Idaho) Statesman, Mar. 21, 1970]

A Dismal Situation for All Concerned

Sen. Roman Hruska of Nebraska didn't help the cause of Judge Harrold Carswell when he said that a mediocre record should not disqualify him because mediocrity should be represented on the Supreme Court. It is a dismal situation when supporters of the nomination feel compelled to adopt such logic. It is sad for Judge Carswell, for President Nixon, for the Senate and for the country.

Even though many senators are filled with doubts because of the nominee's undistinguished record, he will probably be nominated.

It is difficult to understand why President Nixon, after the rejection of Judge Haynsworth, turned to Judge Carswell. There should be better qualified men in the South.

Some of the senators who voted against Judge Haynsworth will feel they have little choice. It is hard to vote against a President's choice for the court a second time. Yet if they had the choice to make, they would prefer Haynsworth to Carswell.

President Nixon played a bad trick on the Senate after the Haynsworth defeat. Unfortunately, he may also have played a bad trick on the country and himself. The nomination implies a lack of presidential concern for the caliber of the court or the caliber of its decisions.

[From the Omaha (Nebr.) Sun]

He Gave Up His Responsibility

We ran across an editorial excerpt that added a new and damning note to the Carswell matter. The editorial said:

"In an extraordinary Senate committee meeting in 1958 on Carswell's initial court appointment, Sen. James Eastland, the Mississippi segregationist, demanded that Carswell take a second oath agreeing not to rule unconstitutional any law passed by Congress.

"Surprisingly, Judge Carswell did not decline. As the Associated Press reporter described it at the time:

" 'George Harrold Carswell quickly agreed and took the oath as proposed to him by Senator Eastland.'

"In 1958, we called this a 'threat to the integrity of the courts.' It remains that today.

"Members of the Senate who believe in the separation of powers under the American political system will need to be convinced that Judge Carswell possesses the strength to defend the independence of the judiciary.

"A judge who kneels quickly to Sen. Eastland would seem to be a poor defender of the integrity of the Supreme Court."

This excerpt was part of a longer editorial in the St. Petersburg, Fla., Times. Both the quoted editorial and the 1958 editorial were written by a Southerner. Neither editorial has been refuted or denied by Judge Carswell or his supporters.

In its simplest terms, this 1958 incident meant that Carswell willingly abandoned one of the principal responsibilities of his office, which is to rule on the constitutionality of laws passed by Congress.

One might be puzzled as to why opponents of the Carswell nomination have not raised this issue against President Nixon's second choice. The best explanation we have heard is the one advanced by the St. Petersburg editorialist, Robert Pittman: An issue involving the limitation of Senate power is not likely to sway the votes of many Senators.

But to us, the knowledge of Carswell's surrender to Sen. Eastland is a substantial piece of evidence against him. We hope the Senate will reject him, that President Nixon will regard his obligation to the South as discharged, and that he will nominate a superior jurist to the Supreme Court.

[From the Cleveland (Ohio) Plain Dealer, Mar. 18, 1970]

Mediocrity on Supreme Court?

Sen. Roman L. Hruska, R-Neb., defending the nomination of Judge G. Harrold Carswell to the Supreme Court, suggests the Senate ignore those critics who contend Carswell lacks the legal achievement and eminance in law expected of a Supreme Court justice.

"Even if he were mediocre," said Hruska, "there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos."

Of course, not all justices have the brilliance of the distinguished jurists Hruska mentions. But we do not agree with Hruska's implication that a president, with the advice and consent of the Senate, should set about deliberately to find a mediocre judge to balance a court presumably overburdened with sharp legal minds.

Quite the contrary. We think a president should always strive to nominate a man who has attained some eminence in law, and we think the Senate legitimately should examine the nominee's judicial competency, as well as his ethics.

There is a dispute about Carswell's legal qualifications. A committee of the American Bar Association twice looked at Carswell's record and twice found him qualified.

On the other hand, an ad hoc committee of 300 prominent lawyers and law professors said Carswell lacked legal and mental qualifications. A similar conclusion was reached by the Ripon Society, a liberal Republican group, which examined Carswell's record during 11 years as a U.S. district judge and found that he had functioned "signicantly below the average level of competence" of other U.S. district judges.

Carswell's decisions were reversed twice as often as those in a random sampling of decisions by other federal trial judges, the Ripon Society found. It concluded that Carswell is "seriously deficient in the legal skills necessary to be even a minimally competent justice."

This criticism raises questions about how Carswell might perform as a Supreme Court justice, questions that the Senate has a duty to ponder.

[From the Dayton (Ohio) Daily News, Mar. 10, 1970]

Statistics Show Carswell To Be a Mediocre Judge

The Senate vote on G. Harrold Carswell's nomination to the Supreme court is expected this week or next. It is generally assumed that Judge Carswell will be confirmed. That is a shame.

The man's racism has been documented at points throughout his adult life. It has also been shown that his personal prejudice has slopped over into his professional life as a lawyer and his official performance as a judge.

Suppose, however, that Judge Carswell experienced a sudden and profound change of heart after President Nixon nominated him to the Court. Suppose that he was entirely sincere when he testified that he was no longer a racist. Is he otherwise qualified?

The Ripon society, the liberal Republican organization, says no. A statistical study of Carswell's decisions has convinced the society that his record "was significantly below the level of the average federal district court judge."

During his 11 years as a U.S. District judge in Florida, 84 of Carswell's trial decisions were published in official legal reports. Of these 17, or 11.9 percent, were appealed. Fifty-eight percent of the appealed decisions were reversed.

A random sampling of 400 court decisions in the same 11-year period showed that only 5.3 percent of trial decisions were appealed, and of these, only 20 percent were reversed. Thus, Carswell's record is significantly below average.

The high number of reversals might be excused if some of Carswell's rulings were original interpretations of law—daring attempts at landmark decisions. But if there is any theme central to Carswell's work, it is mediocrity. His colleagues have rarely quoted his decisions in making their own judgments.

Judge Carswell became a U.S. attorney and then a federal judge for largely political reasons. He was a "Democrat for Eisenhower" in one presidential election, and afterwards a faithful Republican. If he becomes a member of the Supreme court, it will also have been for political reasons. By any other

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standard—ethical, intellectual, professional—he does not measure up.

[From the Dayton (Ohio) Journal-Herald, Mar. 25, 1970]

DROP CARSWELL NOMINATION—SENATE SHOULD START ANEW ON APPOINTMENT

We have had the hope—shared by many, we believe—that the Carswell nomination would go away. We wish he hadn't been nominated, not so much because he is an outright bad nominee but because he is not an outright good one, and the Supreme Court deserves better.

Our temptation after the Haynsworth debate was to shrug the Carswell nomination off as no more of an outrageous political move than has been traditional with occasional appointments to the court. But as the matter has dragged on, the press of conscience to say what we must has become irresistable.

The nomination of Harrold F. Carswell is a puzzling move on the President's part. Judge Carswell is neither a distinguished jurist, a distinguished politician, a distinguished thinker nor a distinguished lawyer. His principal distinction is as a perfunctory operative whose mind blows with the prevailing wind.

We understand the President's objective of a Southern "strict constructionist" on the high court. We do not ourselves espouse the so-called Southern philosophy on many matters nor would we like to see it dominate the court, but we think it deserves representation on the Supreme Court and that the systematic exclusion of that viewpoint has undermined the court's credibility.

What the President has actually done, however, is to make representation of Southern strict constructionism virtually meaningless by naming a man who has neither the knowledge, the record nor, perhaps, the fortitude to meaningfully represent the considerations his nomination is supposed to reflect.

The whole affair is bad news. The Senate would do well, despite what may be its feeling of guilt over the stridency of the Clement F. Haynsworth controversy, to allow everyone to start by rejecting the nomination of Judge Carswell. And if the President wants what he says he wants—and we think he does—he would do well to pick a man capable of carrying out that function.

[From the University of Cincinnati (Ohio) News, Feb. 27, 1970]

CARSWELL I: JUDGING THE JUDGE

(By Jon Reich)

Nixon's nomination to the Supreme Court of Judge G. Harrold Carswell has been reported out of the Dixiecrat-Republican dominated Senate Judiciary Committee (SJC). Confirmation by the Senate looms around the corner.

It will be a tragedy for the nation. Not merely because the manifestly incompetent and bigoted Carswell is an insult to the Court and country alike, but because of the wider implications. This deserves fuller treatment. First let's examine Carswell's fitness for the Supreme Court bench.

He has violated judicial ethics. This is the bugaboo, you'll remember, that foiled Fortas and hung Haynsworth. At first, however, it appeared that Carswell was free of such taint. But these facts have come to light:

In 1959, and again in 1968, Carswell decided cases in favor of corporations in which large interests were held by Ed Ball, a powerful Florida entrepreneur. Ball has been called "an old family friend" of Carswell's. In 1964 Carswell dismissed a suit against a bank; his father-in-law was then a director of the bank and Carswell had a loan from it.

His judicial conduct has been deplorable. In 1956, while a U.S. Attorney, Carswell helped organize the takeover of a public golf course by a private group. This was shortly after a Supreme Court ruling which would have opened the facility to blacks. The group's—and Carswell's purpose—was to keep the course lily-white.

Carswell lied about this matter when he testified before the SJC.

He has violated federal law while on the federal bench. In two separate instances in 1964, Carswell connived to manipulate legal proceedings in order to harass and imprison civil rights attorneys and voter-registration workers, whom he denounced as "Northerners."

The details are subtle; suffice it to say that Title 18, Sec. 242 of the U.S. Code makes it a criminal offense to deprive a person of his rights "under any color of the law" precisely what Carswell did. But he refused to answer questions about it directed to him by the SJC.

He is a racist. In December he gave a speech to the Georgia Bar Association. Its racist overtones offended several colleagues, as did the shabby joke he told about "a dark-skinned person."

While U.S. district judge, Carswell on July 12, 1966, sold some resort property with a restrictive clause that stipulated occupants had to be whites. (White House Press Sec'y Ron Ziegler defended this by saying: "this particular situation is not isolated at all.")

From 1956 to 1963, Carswell was an officer of the housing corporation for the Florida State chapter of Sigma Nu fraternity. During that time, and in fact until 1968, the chapter had a clause excluding Negroes and Orientals from membership.

In 1948 Carswell publicly stated, "I yield to no man . . . in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed . . . I believe that segregation of the races is proper, and the only practical and correct way of life in our states. I have always so believed, and I shall always so act."

He is incompetent and unfit for the bench. Carswell's civil rights rulings have been consistently overturned by higher courts. His judicial opinions are described as "pedestrian." Professor Edward Padgett of Poli. Sci. told me that Carswell "is not . . . of the first order of ability. Haynsworth appears to be superior!"

The most telling judgment was perhaps that of highly respected Derek C. Bock, Dean of Harvard Law School, who wrote:

"The public record of Judge Carswell's career and accomplishments clearly does not place him within even an ample list of the nation's more distinguished jurists. The appraisals that I have heard from lawyers who are familiar with Judge Carswell do not contradict the paper record. On the contrary they suggest a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the court."

If there were any lingering doubts as to the sincerity and intentions of the President who declared he would "bring us together," they've been dispelled. Nixon has called into question his own fitness to lead by making an appointment so capricious and ghastly.

The political implications alone are frightening. But the social implications are truly terrible. At a time when the justness and fitness of our whole political system are being called into question, whom does the Carswell appointment reassure? How many dissident blacks, and whites, will thus be persuaded to "have faith in the system"?

There are some large issues here, and I mean to explore them. But time is passing. The list of Senators opposing Carswell is growing, but too slowly. (Our own Sen. Young has declared against.) Virtually all of you reading this will be eligible to vote when Sen. Saxbe comes up for a re-election in 1974. WRITE A LETTER. Or just a postcard—four little words will do: THUMBS DOWN ON CARSWELL. Do it today. Be the first on your block to spend six cents for justice.

[From the Chicago Sun-Times, Mar. 18, 1970]

NO PLACE FOR "C" STUDENTS

Lawyers often employ a strategy in a legal suit called "confession and avoidance." If there is a weakness in a case, the strategy calls for admitting it and then trying to avoid it. In some arguments in and out of court, debaters often try to turn a weakness into an advantage, sometimes producing weird results.

The argument about the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court has taken that turn. His mediocrity is admitted by his supporters. And it is being advanced by some as the very reason he should be put on the highest court in the land. Such arguments defy not only reason but derogate the dignity of the court itself.

In calling upon the Senate to reject the Carswell nomination last Sunday, we said on this page that the high court should not be a training ground for mediocre judges, who by some alchemy, might be transformed into great justices.

On Monday, Sen. Roman L. Hruska (R-Neb.) who is leading the floor fight for Carswell, tried to argue that the Supreme Court needs mediocrity.

Hruska didn't even hold out the hope that Carswell might grow in the office. The ranking GOP member of the judiciary committee said:

"Even if he were mediocre, there are a lot of mediocre judges, people and lawyers. Aren't they entitled to a little representation and a little chance? We can't all have Brandeises, Cardozos and Frankfurters and stuff like that there."

Never mind that President Nixon, in his campaign speeches of 1968, said he wanted to appoint men like Cardozo and Oliver Wendell Holmes. Never mind that Judge Carswell's rate of reversal is three times the national average, which means his legal superiors found his mediocre legal thinking faulty to an excess. In the name of politics and giving Southern conservatives a voice on the high court, Hruska would promote Carswell over his legal superiors.

Sen. Russell B. Long (D-La.), who supports Carswell as a fellow Southerner, argues that too much brilliance on the Supreme Court has been a mistake. He would prefer a C student on the high bench to an A student.

How far politicians will go in their loyalty to party or to regional prejudices!

Small wonder that many in the younger generation reject the standards of their elders. The nine men of the Supreme Court can shape the destiny of the nation and affect the lives of every individual. It demands the best of America's brains, individuals with Solomonesque stature and with great understanding of their nation and all its people.

Mediocre lawyers and C students have a place in the American scheme of things, but not on the Supreme Court.

[From Chicago Today, Mar. 9, 1970]

"NO" ON JUDGE CARSWELL

When President Nixon last January announced he was nominating Judge G. Harrold Carswell of Florida to the United States Supreme Court, we predicted that Carswell would be confirmed. The prediction was based on one fact—that a careful scrutiny had turned up none of the embarrassing financial ties that had led to the rejection of Judge Clement F. Haynsworth—and one assumption that seemed reasonable. This was that Carswell, aside from being a southern Republican, must have had something on the ball personally; some distinguishing quality or ability as a jurist that had caused Mr. Nixon and the justice department to pick him, rather than some other judge.

This assumption appears to be wrong.

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Carswell's record as a jurist is unusual in only one way: It would be hard to find another federal judge with such a thoroughly undistinguished career. During his 11 years on the federal bench, Judge Carswell's contribution to legal thinking has been zero. He has written no learned articles, handed down no rulings in any way remarkable for insight or knowledge of law.

According to statistics compiled by the Ripon society, a liberal Republican group, Carswell's record before he became an appellate judge last year is not just mediocre, but strikingly below average.

Of 84 trial-court decisions made by Carswell and printed in official reports, the society found, 17 were appealed and 10 reversed. Thus 11.9 per cent of his printed decisions, and 58.8 percent of those that were appealed, were reversed by a higher court. In a random sampling of 400 district court decisions over the same 11-year period, the comparable figures were 5.3 per cent and 20 per cent. Carswell, in other words, was reversed on appeal nearly 3 times as often as the average.

Carswell's critics have zeroed in on a few actions and speeches of his that can be taken to indicate racial prejudice. He has disclaimed such feelings, however, and we willingly accept his assurance. We are not looking for reasons why he should be rejected as a Supreme Court justice; we have looked earnestly for some reason why he should be confirmed. And we can find none.

There is no point in attacking Judge Carswell, who didn't ask to be nominated. The insistent and alarming question is what kind of standards are guiding this administration in its choices for the Supreme Court. And the short answer is that the standards are just not good enough.

The Senate should serve firm notice on Mr. Nixon and Atty. Gen. John N. Mitchell that they cannot go on picking names out of a hat for Supreme Court—that they will have to take this immense responsibility seriously enough to choose qualified men, and to make sure they're qualified before asking the Senate to confirm them.

Judge Carswell's nomination should be rejected.

[From the Christian Science Monitor, Mar. 26, 1970]

THINKING AGAIN ON JUDGE CARSWELL

President Nixon has a number of strong and logical arguments to support his desire to have a "strict constructionist," a "conservative" and a "Southerner" appointed to the present vacancy on the Supreme Court. He has very few such arguments, however, to support the elevation of Judge G. Harrold Carswell to that high post. We therefore suggest that the President himself reconsider the Carswell nomination, and that the Senate recommit the nomination to its Judiciary Committee for further hearings on Judge Carswell's legal and personal fitness for so exalted an honor.

We agree that there is reason to believe that, in some ways, the present Supreme Court is overbalanced towards liberalism. Although during the past two decades the high court has rendered a number of admirable milestone decisions, nonetheless, there is evidence that court thinking has, at some points, gone too far and eroded national standards, notably in the areas of crime and pornography. A thoughtful conservative could be influential in restoring greater kilter to the balance.

But such a conservative must be in a position to make an insightful and persuasive contribution to the nation's ongoing legal thinking. We see nothing in Judge Carswell's record to lead us to believe that he is this kind of deemer. His judicial record is middling. His racial attitudes, while he has a perfect right to hold them, are not such as to inspire confidence that he will be of much help in extricating America from its deep racial dilemmas.

To this has now come the case of Judge Elbert Tuttle. A onetime chief judge of the Fifth Circuit Court of Appeals, and thus Judge Carswell's immediate superior, Judge Tuttle stated that he would testify on Judge Carswell's behalf. This offer was later withdrawn, but it appears that Judge Carswell did not inform the committee of this fact, leaving the latter to believe that Judge Tuttle's support remained behind him. As one national columnist rightly says, this involves "good faith, perhaps even deliberate deception."

Under such circumstances we do not see how either the President or the Senate can conceivably go ahead with the Carswell nomination. It should be taken out of the full Senate's hands and be put back where it can be studied as thoughtfully as such a major appointment must be.

[From the Boston (Mass.) Globe, Mar. 19, 1970]

WITH FRIENDS LIKE THESE . . .

With supporters like Sens. Russell B. Long (D–La.) and Roman L. Hruska (R–Neb.), solidly in his corner "telling it like it is," the growing opposition to Judge G. Harrold Carswell's confirmation as an associate justice of the Supreme Court should have it made.

No? Well, then, hear their encomiums for a nominee already described by others as the "least qualified in a century," not qualified even for his present seat on a lower court.

Sen. Hruska (pulling out all the stops): "There are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos."

Sen. Long (going Sen. Hruska one better): "Wouldn't it be better to have a B student or a C student instead of another A student? A judge doesn't have all that brilliance to satisfy this senator."

Add this unstinted praise to senior Federal Judge Elbert P. Tuttle's affirmation that, after studying Judge Carswell's attitude on equal justice," he "could not in good conscience" testify in Judge Carswell's behalf, although he earlier had agreed to do so. And shouldn't this, then, be the final frosting on the Carswell cake? When his friends so frankly boast that Mr. Carswell is mediocre, maybe just a C student, is there anything more that his opposition needs to say?

NEW ENGLAND CAN SAVE THE COURT

With the defection of Sen. George Aiken (R–Vt.), it now appears that the Senate vote to recommit to the Judiciary Committee the nomination of Judge G. Harrold Carswell to the Supreme Court could hinge on the votes of three New England senators—Sens. Winston Prouty (R–Vt.), Margaret Chase Smith (R–Me.), and Thomas J. Dodd (D–Ct.). Seven others including Sens. Edward M. Kennedy, Edward W. Brooke and Thomas McIntyre (D–N.H.) will vote to recommit, as they should. Sen. Norris Cotton (R–N.H.) earlier had committed himself to Judge Carswell.

The vote is scheduled for Monday. And if recommital is voted down, Mrs. Smith and the Messrs. Prouty and Dodd, it is indicated, may be the determining factors in the vote to confirm or reject, a vote scheduled for Wednesday. They can save the day—and the Court.

By voting for recommital, or, this failing, against confirmation, they will be demonstrating their awareness of conclusive evidence that Judge Carswell, as his own Chief Justice in the Fifth Circuit has put it, "just isn't up to the job." By voting to confirm "the least qualified nominee in a century," they would be affrming the most demeaning and irrational assessment yet heard of the highest court's proper place in the American political system. This is the preposterous assessment by Sen. Roman L. Hruska (R–Neb.), a supporter of Judge Carswell, that a nominee's mediocrity should not be held against him and might even be in his favor. This would be an astounding affirmation for them to make, just as it was astounding for Sen. Aiken so to affirm.

Sen. Aiken's stated reason for his surprise support of Judge Carswell is that "President Nixon has a good record, and I will not be a party to embarrassing or downgrading him either at home or abroad." But this reason is as shallow as the reason given by the Senate Republican Leader, Hugh Scott. Mr. Scott will vote for Mr. Carswell "because the President nominated him." But neither Mr. Nixon nor the presidency is the issue. The issue is the downgrading of the Court. No senator owes the President blind allegiance. They do owe allegiance to the Court's integrity. They have sworn, as Sen. Brooke so ably has argued, to exercise their own best judgment under the advice and consent provision of the Constitution. They cannot uphold their oath and at the same time consent to a demeaning of the highest court in the land. At the very least, the Carswell nomination should go back to committee.

This is not only because recommitment is a legitimate and honorable device through which Republican senators can be spared reprisals for voting against the President's wishes, or, perhaps, White House orders. Sen. J. William Fulbright (D-Ariz.), himself a Southerner, has advanced other reasons which govern him and should govern others as well. These are the sundry allegations of racial bias and questions of competency raised since the earlier committee hearings. Sen. Fulbright wants these clarified. Considering their nature, it is a puzzle that Sen. Aiken could not wait for clarification, too. They include not only new evidence of the nominee's racial bias and incompetence, but even more alarming confusion between facts, as others have reported them. and Mr. Carswell's testimony under oath.

Even with important unanswered questions dogging the nomination, some Republican senators hesitate to reject Mr. Nixon's second consecutive nomination. But there are precedents for it. It has happened twice before, and, once, three successive nominations were rejected. The fault now, as in the prior instances, is the President's not the Senate's. There are competent men including Southerners from whom he could choose. Judge Carswell is not one of them. The Senate's duty is to the Court and its survival as a respected branch of government.

New England senators especially should remember that the seat to which Mr. Carswell have been nominated was once graced by one of the area's (and the nation's) most estimable citizens, the legendary Oliver Wendell Holmes. Then they should vote their conscience.

[From the Appleton (Wis.) Post-Crescent, Mar. 24, 1970]

THE EMBARRASSMENT OF CARSWELL

When the United States Senate rejected the appointment of Judge Clement Haynsworth to the Supreme Court, there were elements of both party politics and ideologies involved. Democrats and liberals could be expected to disapprove of a Republican conservative southerner. But the primary reason Judge Haynsworth was not accepted was a matter of ethics involving possible conflicts of interest.

Judge Harrold Carswell has no such handicap. He is not a wealthy man and never owned any stock in any company—in fact he has borrowed heavily to finance his rather elaborate home and standard of living. But upon his appointment, spokesmen for the Nixon Administration said that Judge Cars-

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well's career and background had been thoroughly examined, presumably so that information like that which cropped up about Judge Haynsworth would not be dug up by others. We must wonder now exactly what sort of an investigation the Justice Department conducted.

There was first the matter of racial prejudice in a campaign statement Judge Carswell made 20 years ago. Although he has stated that he no longer holds white supremacist views, Sen. Edward Brooke pointed out in a floor speech that he has found nothing to indicate that Judge Carswell repudiates his earlier view, other than his current statement. There are charges that the judge was judicially hard on civil rights claimants and decided against them in 15 cases that later were reversed by higher courts.

A number of leading lawyers have requested the American Bar Association committee consider its approval of the nomination. Several hundred lawyers have signed a statement that Judge Carswell is not qualified even for the position he now holds.

But perhaps Judge Carswell's continued silence over the withdrawal of support by a retired judge of distinction in his own area, and in fact Judge Carswell's failure to point out to the Senate that the support had been withdrawn are even more serious because they indicate, at most, an attempt at deception and, at least, a lack of astuteness. How could Judge Carswell not have realized that probing senators and newsmen inevitably would have found out about Judge Tuttle's change of mind?

The investigative machinery of the Justice Department does not appear to be very thorough.

Many opponents to Judge Carswell's nomination have pointed out that there are many judges of distinction who take a conservative view and are strict constructionists. Whatever the outcome of the status of Judge Carswell, the failure by the Nixon Administration to nominate a man of really high caliber has brought unnecessary humiliation to two men who are not essentially evil.

[From the Milwaukee (Wis.) Journal, Mar. 22, 1970]

SENATE SHOULDN'T CONSENT TO CARSWELL NOMINATION

Some supporters of the nomination of Judge Carswell for the US Supreme Court, finding nothing else to extol in the man, are now driven to extol his mediocrity. Since many Americans are mediocre, as the case is put, they should have one of themselves on the court!

To state the premise is to demolish it. Resort to it depicts the poverty of any argument for Carswell's confirmation, and the desperation of his supporters as they contemplate the tide of conviction spreading across the land (outside the South) that he simply won't do.

Carswell's notorious white supremacy speech of 1948 has turned out to be inexcusable as a mere aberration of youth, conforming to the rules of southern white politics at the time. For he did not repudiate it by word or deed throughout his later career; in fact, he gave it life by many actions right down to the present. He now says himself that it was "a matter of convenience"—which only now has become convenient to repudiate.

Even if racial bias were deemed tolerable in a Supreme Court justice, however, lacking the proefssional competence demanded by the position cannot be. Neither can lack of "sensitivity to injustice"—a lack in Carswell to which many legal scholars have attested after studying his record as a US prosecutor and trial judge.

Law Dean Louis Pollak of Yale has concluded that Carswell's credentials are "more slender than those of any other nominee for the Supreme Court in this century." His "level of competence," says Dean Derek Bok of Harvard, is "well below the high standards that one would presumably consider appropriate and necessary for service in the court."

Prof. Gary Oldfield of Princeton: ". . . an obscure judge who has made no visible contribution to the development of the law. His chief qualification appears to be an abiding unwillingness to protect constitutional rights of black Americans." ". . . A judge who would rather risk bad law and repeated reversals than offend the feelings of local segregationists."

Carswell's record of foot dragging in civil rights includes 15 unanimous reversals by courts of appeal, in which he had persistently gone opposite to the guidance of higher courts in parallel cases. This shows him not to be even a conscientious judicial workman.

Danger that such a man may be confirmed stems from an inclination by most of the Republican senators who had blocked President Nixon in the Haynsworth case to feel that they should let him win this one. That puts political etiquette above the country's need for great jurists on the Supreme Court, which Nixon once acknowledged but now denies in practice.

Making Nixon a winner with Carswell would make the court and the country losers. If the role of the Senate to "advise and consent" means anything, it means that a Senate filling the role will not permit this to happen.

[From the St. Louis Post-Dispatch, Mar. 16–22, 1970]

WRONG FOR THE COURT

One of the opponents of the nomination of Judge G. Harrold Carswell for the Supreme Court has asked how any Senator who voted against Judge Clement Haynsworth for that post could go home and explain why he accepted Judge Carswell.

Explanations should not be easy. No doubt most Senators would rely on the point that they had discovered no potential conflict of interest regarding Judge Carswell, as they did against Judge Haynsworth. Yet this explanation would disregard a number of points in which the latter was the superior candidate for the high court.

There is first of all, Judge Carswell's record of obstructionism against civil rights progress. What was mildly questionable in the Haynsworth case is clear in the Carswell case: this judge consistently found against or attempted to delay desegregation actions. A judge so lacking sympathy with the law of the land and the absolute necessity for racial equality before the law has no place on the Supreme Court.

There is what a group of 400 prominent lawyers termed "a mind impervious to repeated appellate rebuke." The lawyers reviewed 15 cases in which Judge Carswell found against Negro or individual claims of rights; in every case his decision was reversed and reversed *unanimously* by a higher court. Is this the kind of record for a man to take to the highest court of all?

There is an evident lack of candor exceeding Judge Haynsworth's hazy recollections of his business dealings. What Judge Carswell insists he never realized was that the incorporation of a Tallahassee public golf course as a private course was done to further segregation. At the time the Judge helped to incorporate the club he was United States district attorney, and several federal suits were already under way in Florida to integrate other public golf courses. If Judge Carswell did not know what was going on, everyone else in Tallahassee seems to have known.

There is, finally, a record of unrelieved intellectual and judicial mediocrity which many attorneys find especially repugnant in a candidate for the highest court. How, they wonder, can a man who has contributed nothing to the law or to the study of the law take a place on a bench that has seated many of history's greatest judicial minds? How, they ask, can President Nixon so demean the court?

Lacking an answer to such a question, we may only observe that it is totally unnecessary to demean the third branch of government. If Mr. Nixon, fixed in his Southern strategy, wants to use the court to woo the South, he can easily find Southern judges, and conservative judges, who are far more distinguished, have far better judicial records and who have demonstrated far less indifference or hostility to the Constitution.

Simply because the President might have done better instead of worse, it should be difficult indeed for Senators who voted against Haynsworth to explain a vote for Carswell. On that point we would hope that more and more members would join the score or so of Senators now determined to stand against the Carswell appointment.

There is no excuse for complicity by the United States Senate in a wrong against the Supreme Court.

[From the Palo Alto (Calif.) Times, Mar. 18, 1970]

MEDIOCRITY KNOWS NOTHING HIGHER

With champions like those who spoke for him when the Senate began debating his nomination to the Supreme Court, Circuit Judge G. Harrold Carswell need not fear challengers.

"Brilliant . . . upside down thinkers" on the court are destroying the nation, Sen. Russell Long, D-La., said. He recommended a straightforward "B student or C student" like Judge Carswell.

Supporting Long's argument, Sen. Roman Hruska, R-Neb., said:

"Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. Aren't they entitled to a little representation and a little chance? We can't have all Brandeises and Cardozos and Frankfurters."

True enough. Or Warrens or Hugheses or Holmeses or Taneys or Marshalls. But the dearth of such men does not excuse not searching for an outstanding jurist when a vacancy is to be filled.

(Speaking of Holmes, Sir Arthur Conan Doyle, creator of Sherlock Holmes, once wrote: "Mediocrity knows nothing higher than itself, but talent instantly recognizes genius.")

The Supreme Court is not an institution meant to be staffed on a representative basis. Would Senator Hruska like to be tried by a mediocre judge? Would he contend that idiots and morons, of whom there are many, are entitled to a little chance on the court, too? The peril of know-nothingism is growing.

Long's admission that Carswell's record on the bench is ordinary (some reviewers say it's below average), should spur senators with higher standards to look long and carefully. While at it, they might well weigh the prevalent impression that he is still a segregationist at heart.

[From the Red Bank (N.J.) Daily Register, Mar. 18, 1970]

SEN. CASE AND JUDGE CARSWELL

When Republican U.S. Sen. Clifford P. Case joined his colleague from New Jersey, Sen. Harrison A. Williams, Democrat, in announcing opposition to the nomination of Judge G. Harrold Carswell, he characteristically did it after extensive study.

He said he reserved his announcement until last Thursday so that he could go over the record of the Senate hearings and supplementary statements of others both in support and in opposition to Judge Carswell's elevation.

"On all the evidence," Sen. Case said,

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"Judge Carswell does not measure up to the standard we have rightly come to expect of members of the Supreme Court. It is a standard exemplified by such men as Oliver Wendell Holmes, Charles Evan Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardoza, Earl Warren, John Marshall Harlan, William Brennan and Potter Stewart—all of them nominated by Republican Administrations in this century."

Thus, Sen. Case is in the ranks of a growing number of Republicans who seriously question why President Nixon selected a man whose service on the bench has variously been described as "undistinguished," "mediocre," "inadequate," "lacking in intellectual stature."

After the embarrassing experience the President suffered in his failure to obtain confirmation for Clement F. Haynsworth Jr., we had expected that his next choice would get—and deserve—better treatment. The said revelations which led to the resignation of Justice Abe Fortas forces the Senate to closely scrutinize presidential selections for the high court, Democrat or Republican.

The vacancy on the court is causing a backlog at a time when its workload is at its heaviest, and it is unbelievable that Mr. Nixon canot find a replacement for Mr. Fortas who could win quicker support. We must conclude that his political interest in the Deep South overshadows his announced concern for the court's jammed calendar.

Sen. Case also had this to say: "It has been argued that Judge Carswell's pledge of undying adherence to the principle of white supremacy made during a political campaign 22 years ago should not be held against him. But his record on the bench . . . gives no evidence of any change of heart or mind . . .

"On the contrary, witnesses appeared to testify to the extreme and open hostility he has shown to lawyers and defendants in civil rights cases. Specifically, it was stated that in 1964 he expressed strong disapproval of Northern lawyers representing civil rights workers engaged in a voter registration project—persons who, it should be noted, would otherwise have had no counsel."

Sen. Case will vote against Judge Carswell's nomination. His fellow Republicans should follow suit.

[From the Star-Ledger, Mar. 28, 1970]

Graceful Retreat

The swelling opposition to the controversial nomination of Judge G. Harrold Carswell to the Supreme Court would indicate that President Nixon is faced with another rejection of a nominee to the high court.

Rather than face another legislative confrontation, the Administration could opt for a more graceful way out of the dilemma in which it finds itself. A face-saving parliamentary procedure is available to the President; it could soften the blow of an open rejection by the Senate, which has become a strong possibility in the past week.

There is every indication that the foes of the President's nominee are gathering enough votes to send the nomination back to the Judiciary Committee, which would amount to almost certain burial.

This is how those who are torn between their disapproval of Judge Carswell and their reluctance to go against the President can express their disapproval most gently. The President, already politically bruised by the rejection of his first nominee, U.S. Appeals Court Judge Clement F. Haynesworth Jr., will surely get the message.

Sen. Mark O. Hatfield (R-Oregon), who was almost certain a week ago that he would vote to confirm Judge Carswell, appealed to the President in a telegram to withdraw the nomination to help resolve "the crisis of confidence that confronts our governmental process."

A vote on the motion to recommit the nomination to committee is scheduled for April 6.

The President should be angry, not so much with the opposition, but with those in his own administration who advised him on Carswell. The evidence has demonstrated not only that Judge Carswell has an equivocal—to say the least—record on civil rights, but that he is not the caliber of jurist who should even be considered for the highest court in the land.

Surely the President's advisers should have been able to see this before they certified him to the President. The latest evidence shows that Judge Carswell was less than frank in answering Senate committee questions about his role as an incorporator of a segregated Florida country club, and that he had one of the highest reversal averages in his district.

The nation is rich in judicial talent, from the North and South, the East and West, from the conservative to the liberal. Mr. Nixon should have no trouble finding one who suits his taste in geography and philosophy and who is also worthy of the post.

[From the Elizabeth (N.J.) Daily Journal, Mar. 24, 1970]

The Carswell Nomination

President Nixon's nomination of Judge G. Harrold Carswell for the Supreme Court is a mistake that, if carried into confirmation, would invite disrespect for justice in America. As Sen. Birch Bayh, leader of the opposition to Judge Carswell has put it, the appointment of a man of such mediocre legal talent would be a sign of retreat that would encourage revolutionaries in their belief that the American system will not work, and would give comfort to racial segregationists.

The time it has taken the Senate Judiciary Committee to consider the nomination has been well spent. Even Judge Carswell's supporters have run out of sound reasons for his nomination. "Even if he (Judge Carswell) was mediocre," said Sen. Roman Hruska, a chief backer, "there are a lot of mediocre judges and they are entitled to a little representation, aren't they? We can't have all Brandeises, Frankfurters and Cardozos." Of course not, but we should be willing to try, no matter whether a judicial nominee represents liberal, moderate or conservative views.

Judge Carswell's record on the bench has been worse than mediocre. His record shows numerous repudiations of his decisions on appeal as a district court judge. From 1956 to 1969, some 59 per cent of his printed opinions that went to appeal were reversed by higher courts, nearly three times the national average for district judges.

While Judge Carswell may no longer believe in racist statements he made during a political campaign in Georgia 22 years ago, he has since demonstrated open hostility to lawyers and defendants in cases involving so fundamental an issue as voter registration rights granted by Congress. And he has further admitted signing a document as an incorporator for a segregated, municipally owned private golf club, an insensitivity to both the law and to the changing mood of the nation.

President Nixon's search for a conservative voice on the Supreme Court has misled him into equating conservatism with the backlash views of the discredited Dixiecrats. They are about as far apart as such Republican nominations as Justice Oliver Wendell Holmes and G. Harrold Carswell.

[From the New York Times, Mar. 30, 1970]

The Senate's Conscience

Support for the nomination of Judge G. Harrold Carswell as Associate Justice of the Supreme Court has been slipping away. The opposition is now demonstrably nonpartisan. An increasing number of members of both parties, liberals and conservatives alike, stand ready to heed the appeal by Senator Robert W. Packwood, Republican of Oregon: "The right thing, the courageous thing, for members of the Senate to do is to vote their own conscience."

Not a shred of justification remains for the view that Judge Carswell should be confirmed as a routine courtesy to President Nixon. An affirmative vote now is a vote against conclusive evidence that the nominee fails to meet the standards that the country—and the Senate—must demand of any appointee to the highest Court.

Judge Carswell's lack of sensitivity to the human and constitutional rights of black Americans to full equality, under law and in society, is pervasive in his personal attitudes and throughout his judicial career. His belief in white supremacy, far from being the campaign aberration of an ambitious young politician, seems repeatedly to be reflected in his interpretation of the law.

It clearly motivated his role in the transformation of the Tallahassee golf links into a segregated private club, while he was a United States Attorney sworn to uphold the law he helped to circumvent. His subsequent lack of candor concerning this episode merely confirmed that he understood how wrongly he had acted.

The evidence of the professional record is equally bleak. Judge Carswell has made no contributions to the law, either as a scholar or from the bench. His ratio of reversals by higher courts is unusually high. His predilection against hearing the evidence, particularly in petitions by the poor, raises questions of law as well as of human sympathy.

The most convincing objections to Judge Carswell's appointment have been raised not by politicians but by Judge Carswell's peers. Although his backers in the American Bar Association initially placed great emphasis on the allegedly unanimous support for Judge Carswell by his associates, the Fifth Circuit of the United States Court of Appeals, at least two distinguished judges of that court have since withheld their endorsement.

A committee of eminent lawyers, including the president of the Bar Association of the City of New York, has expressed emphatic opposition to the candidate and received the signatures of hundreds of lawyers and law school deans in support of the demand that the American Bar Association reexamine its highly questionable procedure in declaring Judge Carswell "qualified."

The Bar Associations of Philadelphia and of San Francisco have urged the Senate to withhold confirmation. Law school faculties across the country, including the South, have spoken out against the appointment. The entire law faculty of the University of Iowa wrote to President Nixon that, though it concurred with his desire to appoint a conservative, it was deeply disturbed by the choice of a man of "apparent bias and mediocrity."

Can the Senate, having rejected Judge Haynsworth, endorse Judge Carswell without inviting the conclusion that proven insensitivity toward human and civil rights is less objectionable than a possibly loose interpretation of economic conflicts of interest?

The President is clearly entitled to seek out a conservative and a Southerner for the Supreme Court; but to make that search synonymous with the Carswell nomination is to belittle if not ignore the great reservoir of talented Southern conservatives.

Since Mr. Nixon appears unwilling to accept the unmistakable evidence that he has once again been led into making a wrong and divisive choice, it is the Senate's duty to speak for justice and excellence in the nation's public life. Amidst today's crisis of confidence, the Supreme Court remains a symbol of legitimate authority of American institutions. The symbol must not be tarnished nor the authority undermined. This is why we believe that "voting their own conscience" and acting in accordance with their constitutional obligation, the members of the United States Senate should reject Judge Carswell's nomination.

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From Obscure to Unknown

In naming Judge G. Harrold Carswell to the Supreme Court, President Nixon has displayed more glaringly than ever a talent for seeking out undistinguished candidates for the high bench.

Clement F. Haynsworth, though Chief Judge of a Circuit Court of Appeals, was far below Supreme Court stature in scholarliness, range of mind and sensitivity to judicial proprieties. The man selected after he failed to win Senate confirmation—Judge Carswell, only seven months on the appellate bench—is so totally lacking in professional distinction, so wholly unknown for cogent opinions or learned writings, that the appointment is a shock. It almost suggests an intention to reduce the significance of the Court by lowering the caliber of its membership.

In his election campaign President Nixon promised to put only "extremely qualified" men on the Supreme Court. But one of the principal qualifications he had in mind was a willingness on the part of nominees to see themselves as "caretakers of the Constitution . . . not super-legislators with a free hand to impose their social and politicial viewpoints upon the American people."

No one who cares about the country wants justices or anyone else to impose their viewpoints as such. But, since unanimity of viewpoint is hard to come by, all government involves a degree of imposition by some one. It is the duty of the three branches to check and balance the process, and of the Judiciary in particular to sustain the spirit of the Constitution and see to it that the rights of those imposed on are protected.

It is no recommendation of the Justice-designate to have Senator Richard B. Russell of Georgia say: "He'll follow precedents. He'll follow the doctrine of *stare decisis* (sticking to past decisions)." The Supreme Court is not a place for men who have built their judicial careers on a static approach to history, as civil rights leaders emphatically agree Judge Carswell has done.

He may in time duplicate the growth in wisdom and in stature that others have experienced in their years on the Court. But it is hardly sound policy to name a man to the Supreme Court on the theory that it may do him a world of good.

[From the Washington Post, Mar. 22, 1970]

Judge Carswell: The Wrong Signal—and Charles Evers: A Case in Point

It is a longish leap from the fun and games at the Gridiron Club last weekend to the Senate debate on Judge Carswell. But bear with us because there is a logical connection here between the appointment of a decidedly second-rate judge to the Supreme Court and the ease with which President Nixon and Vice President Agnew stole the Gridiron show. As you may have read, the two men joined in a piano duet, with the President playing a medley of the favorite tunes of his predecessors and the Vice President interrupting him by playing "Dixie." Doubtless you had to be there to get it into the right context, to hear the rough but good-natured jibes at the Administration on race issues that preceded the surprise finale, and thus to appreciate the joke. Almost everybody agreed it was a *tour de force* gracefully done and quite in keeping with the spirit of an affair at which the tensions and antagonisms of the real world are supposed to be set aside.

So it is with no intent to disparage the performance of the President and the Vice President that we take note of this event. Still, at the risk of sounding stuffy, it strikes us as a small piece of a bad scene, and a significant measure of how great is the power of the Presidency to influence a public attitude. All of a sudden, it is all right to joke about something that responsible people in high office used to handle with care and compassion and deadly seriousness.

In theory, a sense of humor is supposed to be a saving grace. So why not make sport of a Southern Strategy? The answer, of course, is that Southern Strategy is a euphemism for something that isn't funny. On its face it is no more than a cynical political tactic designed to innoculate the South against George Wallace for the sake of winning it for the Republicans, the better to secure a second term for President Nixon in 1972. As a political objective, this is fair enough—some people even see in it an admirable toughmindedness. But there is nothing admirable about the logical consequences of this strategy, for to bring it off it becomes necessary for the Administration to cultivate indifference, not to say hostility, toward the fundamental principle of human rights in general, and the equality of education available to black children in particular. Putting it another way, and bluntly, Southern Strategy means a form of racism, tacit or explicit, by people in high places, because there can be no successful effort to undercut George Wallace in the South that does not play the segregation game.

It is important to be clear in our minds about the issue here. We are well aware that the White House will be publishing next week what has been billed as the most complete, the most comprehensive, the most closely argued legal brief ever composed on school desegregation and it is not our purpose here to judge it in advance. For that is not what this is all about. We are not talking just about schools, or doubts held by responsible people about busing or other methods for dealing with the *de facto* segregation which occurs as a result of natural, geographic imbalances. We are talking about what a President or an Administration can do, or not do, to create an atmosphere that is conducive, not to miracles, but to continuing progress against racial discrimination all along the line. And this, in turn, is what is so troubling about the ease with which we now laugh at jokes about a Southern Strategy. It is what links the hijinks at the Gridiron with the nomination of Judge Carswell and a lot of other things—the abrupt removal of a Leon Panneta from HEW because he tried too hard; the effort to subvert Negro voting rights; the insensitivity, in tone and phrase, to black pride; the country club mentality.

Mr. Harry Dent, a presidential assistant, receives a written offer of campaign funds from a Georgia Republican leader in exchange for the restoration of Federal school aid in a Georgia school district. He casually passes it along to HEW—and nobody seems to mind. The Vice President brushes off the idea of quotas for black students by asking the crude question: "Do you wish to be attended by a physician who entered medical school to fill a quota . . .?" Mr. Jerris Leonard, the Justice Department's civil rights enforcer, thinks it clever, or something, to say that one reason blacks just out of law school are not attracted to Justice Department jobs is that they haven't yet bought their first cashmere topcoat. Confronted with a question about Judge Carswell's involvement with segregated clubs, the President thinks it an adequate defense to say, in effect, that everybody's doing it: ". . . if everybody in government service who has belonged or does belong to restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country."

And so it goes, right down to the vote on Judge Carswell, with the Administration's men telling Republicans who opposed Judge Haynsworth—in almost every respect a much superior choice—that they can't rebuff their President twice running. They can, of course, and they should, because this is nothing so narrow as a test of party loyalty. It is a test of policy and principle—a kind of Tonkin Resolution on race, if you accept the theory recently advanced in Life Magazine by Hugh Sidey that the race issue could be for President Nixon the disaster that Vietnam was for President Johnson.

The Tonkin Resolution on Vietnam was a fraud, and while that became clearer later, it might have been clearer at the time if the right questions had been pressed, if Congress had not closed its eyes out of misplaced deference to the President and waved him down a wrong road. Therein lies the analogy. Judge Carswell is a bad choice, and the Senate should reject him out of its obligation to safeguard the paramount interests of our highest court. In the process of refusing his confirmation, the Senate has an opportunity, not just to say *No*, but also to say *Enough*—of insensitivity and indifference, of legislative retrogression and of catering to racist tendencies for political gain, of talking about blacks as if there were no blacks in the room. The Senate, in this fashion, could broadcast from at least one seat of government a signal to all races—a signal which at this stage can no longer be broadcast, in a way that would be believable, by anybody else.

Turning from what is cumulative and comprehensive—and no less real or pernicious for that—let us take up cases. Let us consider for a moment what his countrymen and his government have said to Charles Evers, who is the black mayor of Fayette, Miss. Mayor Evers is of course a lot more than that. He was born 47 years ago and raised poor in Decatur, Miss. He served in World War II as an army volunteer in the Pacific and again, in the Korean war, as a reservist. He took a bachelor of arts degree at Alcorn College, and in 1951, with his brother Medgar, he undertook a membership drive in Mississippi for the NAACP. That was to cost him his livelihood: because of his NAACP connection he was forced out of business in Philadelphia, Miss. It was also to cost his brother his life: Medgar Evers was murdered in Jackson on June 12, 1963, and Charles Evers, then living in Chicago, came home and assumed his dead brother's job as field secretary for the NAACP in Mississippi.

One hears a great deal about blacks who have been provoked and abused into despair, a great deal about black men and black women who have been forced to the conclusion that separatism or violence or both are the only solutions available to them. On the basis of his experience, Charles Evers would seem a likely prospect for this turn of mind. His recollections of family suffering and humiliation at the hands of white neighbors when he was a boy are vivid; his brother and the political leaders he followed—both Kennedys and Martin Luther King—were murdered; his every attempt to obtain for himself and others the simplest, most fundamental forms of equal justice in his state have been systematically and viciously fought by its citizens and its leaders. And yet this is a man who can still say that he "loves" Mississippi and that he "loves" his country and that he is bent on making justice work—within the system, by means of the traditional American political processes.

Charles Evers has had almost as much trouble on this count from those he describes as the "black extremists" as he has had from his white compatriots. But he has rejected the ridicule and pressures of the one and the ominous warnings of the other. His crime (in the eyes of both) has been his single-minded pursuit of political equity and racial understanding through the instruments of government that are theoretically available to all. A patient campaign led to the accreditation of his delegation at the Democratic convention in Chicago, and he was a stalwart among those who insisted that the delegation and the party it represented be black and white—

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not just black. His prodigious efforts to take advantage of the Voting Rights Act of 1965 via registration and get-out-the-vote drives and via the fielding of a number of candidates, led to his election as mayor of Fayette last year. None of this was done without risk, but his observations upon election and since have been wholly lacking in any of the vengeance or retaliatory spirit that he might easily have indulged had he wished. On the contrary, Charles Evers declared that his policy for the community he served would be one aimed at economic betterment for all citizens—black and white—and that there would be no racial violence from any quarter tolerated. "We're not going to do to white people what they've done to us," he said. "We're going to have law and order and justice." And again: "We've got to prove to this country we can work together. I know we can."

You would think that the kind of spirit and sense Charles Evers has shown would gain him allies and admirers in high places. But something quite different has occurred. One of the Nixon administration's first acts in the civil rights field was an attempt to eviscerate the Voting Rights Act, the legislation to which Mayor Evers and others could point as evidence that the system might be made to work. Then it pulled out the rug in Mississippi from under those of both races who, like Mayor Evers, had persisted in championing the worth of desegregating state institutions as a means of achieving racial amity and common justice. It sent Vice President Agnew to Jackson to titillate the fancy of his audience ("The point is this—in a man's private life he has the right to make his own friends . . . men like John Stennis and Jim Eastland have fought with great determination in Washington to preserve the strength and stability of this country . . . we believe that civil rights must be balanced by civil responsibilities . . ." and so on). Now we learn that Mayor Evers, with the assistance of HEW staff, not long ago put in for an HEW grant to begin a comprehensive health program for his country—the nation's fourth poorest—and an adjoining county. And we learn too that the state's Republican chairman wrote a letter to Washington opposing it and that the grant has been refused.

What are men like Charles Evers to think of an administration that seems at pains to undercut everything that offers hope of achieving progress through the legitimate means and channels of government? Statements on school desegregation, anxious inquiries of selected visitors as to whether and why the administration has a "racist" image are at this point of secondary importance. If, as we believe, the first order of business for Congress is the rejection of Judge Carswell's appointment, so the first order of business for the White House is to cease undermining the legislative gains of the past and undercutting those men and women who are smart enough and brave enough to use them. The President must make plain that when he and his spokesmen talk so lovingly about the "people of the South" they mean all the people of the South, including such distinguished people as Charles Evers.

[From the Washington Post, Apr. 2, 1970]

Judge Carswell: The President's "Right of Choice"

". . . as the President has a right to nominate without giving his reasons, so has the Senate a right to dissent without giving theirs."—George Washington, Aug. 8, 1789.

President Nixon's claim that the Senate must vote to confirm Judge Carswell or place in jeopardy the constitutional balance between the Executive and the Legislature is an arrogant assertion of power that attacks the constitutional responsibilities of the Senate and is based on a false reading of history. It is, indeed, a presidential endorsement of the argument made recently in the Senate that since Mr. Nixon won the election he is entitled to put anyone he wants on the Supreme Court.

The President, of course, qualifies this claim by saying that "if the charges against Judge Carswell were supportable, the issue would be wholly different." But what he really means is that since *he* finds those charges—of mediocrity, of racial bias, and of a lack of candor—unsupportable, the Senate must accept his judgment and confirm his choice. He leaves a senator, who is given the constitutional responsibility of consenting to nominations, no latitude in making his own independent judgment on the fitness of the man for the office.

The President makes no attempt to square this bold assertion of the right to fill offices with this nation's constitutional or political history except to claim that his predecessors have been freely given the "right of choice in naming Supreme Court justices." He seems to overlook the fact that one out of every five presidential nominations of men to sit on the Supreme Court has not been confirmed by the Senate. He does not mention that the Senate failed to consent to nominations to that court made by Washington, Madison, John Q. Adams, Tyler, Polk, Fillmore, Buchanan, Johnson, Grant, Hayes, Cleveland, Hoover and Johnson.

It might be well, since the President has brought it up, to recall why the Senate was given the power to approve or reject presidential nominations to high office. It came about as a compromise in the Constitutional Convention between those who wanted the President to have absolute power to fill those offices and those who wanted to give that power to Congress. Alexander Hamilton explained the compromise in The Federalist:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the president, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connections, from personal attachment, or from a view of popularity."

That this was intended to be a substantial check on the President's power was made clear in the first Congress. Arguing in favor of a secret ballot in the Senate on questions of confirmation, William Maclay said, "I would not say, in European language, that there would be court favor and court resentment, but there would be about the President a kind of sunshine that people in general would be well pleased to enjoy the warmth of. Openly voting against the nominations of the President would be the sure mode of losing this sunshine." And arguing in favor of an open vote, Robert Morris said it would be beneath the dignity of the Senate to vote in secret since a Senator, in passing on a nomination, ought to be "open, bold and unawed by any consideration whatever."

It is against that background—an attempt by the men who wrote the Constitution to keep the President from filling offices with anyone he might choose and a history in which the Senate has approved 108 nominations to the Supreme Court while failing to approve 26—that Mr. Nixon pleads the case for Judge Carswell. A vote against confirmation, he says, is to vote to strip the President of the power to appoint. No opponent of confirmation that we know of has suggested that the Senate, not the President, nominate prospective justices. No opponent has suggested that Mr. Nixon not make a third choice to fill the existing vacancy if his second choice fails. No opponent has suggested—as did some Republicans at the time Chief Justice Warren offered his resignation—that the President not choose at all. Some, for that matter, have even jested that the Senate ought to confirm this nomination since the next one might be worse.

What Mr. Nixon is attempting to do is to turn an attack on his judgment into an attack on the prerogatives of the office he holds. Those who oppose confirmation are, indeed, questioning the judgment of the President. But the impact of a rejection by the Senate would not be on the powers of the presidency but on the personal power of this President.

The irony of all this is clear. The current vacancy on the court exists solely because the Senate did *not* act on the principle stated by Mr. Nixon yesterday when it received the nominations of Justice Fortas and Judge Thornberry. It refused to be a rubber stamp then and it refused again when it rejected Mr. Nixon's nomination of Judge Haynsworth. Surely this should have put the President on notice that the Senate was not to be trifled with. Yet he came back after that defeat with a nomination that is an insult to both the Senate and the Supreme Court, a nomination of a man who is substantially inferior to Judge Haynsworth. Although this put many senators who wish to support the leader of their party in extremely embarrassing positions, the argument has now been turned on its head. Some of them are now saying that *they* cannot reject Judge Carswell without insulting *the President*. It is important to be clear in our minds about who is insulting whom in this matter. The answer is in yesterday's presidential letter to Senator Saxbe, for what the President is saying is nothing less than that he alone is entrusted "with the power of appointment." He is not so entrusted; he has only the power to *nominate*. The power to *appoint* is one he shares with the Senate. The Senate's best response to this attack—this insult, if you will—on its constitutionally given prerogatives in the appointments process would be an outright rejection of the nomination of Judge Carswell.

[From the Washington Post, Mar. 31, 1970]

Judge Carswell: Keeping the Record Straight

Things are beginning to happen so rapidly in the battle over confirmation of Judge Carswell that it is a little hard to keep them in perspective. The weekend began, for example, with Senator Cooper's announcement of support for the judge, and while we would not wish to pretend to anything but regret about this, the fact is, of course, that his decision was expected and largely discounted in advance, as will be a string of such announcements in the coming days, as both sides play for psychological advantage. Leaving this part of the struggle aside, there were these weekend developments which bear closer examination: 11 judges from the Fifth Circuit Court of Appeals signed a telegram endorsing Judge Carswell; 79 lawyers from Tallahassee, the judge's home, sent a similar endorsement; and Deputy Attorney General Kleindienst unloosed a broadside attack against assorted Carswell critics, expressing the belief that those who oppose him for political reason have run out of "misleading" and "deliberately untruthful" charges against him.

Well, on this last count we would certainly hope so, too. But we would also hope that those who support the judge would be a little more precise in what they say, and a little more to the point, which in the case of the Fifth Circuit judges and the Tallahassee lawyers and some of the complaints of Mr. Kleindienst have to do, at bottom, with what people in the legal profession think of Judge Carswell.

Turning to first things first, Judge Carswell's nomination did get a timely psychological lift from the telegram signed by those 11 judges—which only goes to show what trouble it is in. What would have been the outcry about any preceding nominee if it had become known publicly that any substantial number of his closest colleagues op-

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posed confirmation? Remember that if Judge Carswell is not confirmed his colleagues, specifically including those who did not sign the telegram, must continue to sit on the bench with him. And there are four sitting judges as well as three retired judges who did not sign. Interestingly, only three of the eight judges who were active when the court underwent its most serious attacks between 1955 and 1965 are openly supporting this nomination. And none of the court's big four in those days (three of them, incidentally, appointed by President Eisenhower)—Tuttle, Rives, Wisdom and Brown—signed that telegram.

As to other matters, the Ripon Society did not, as Mr. Kleindienst said, first say Judge Carswell was reversed 54 per cent of the time and then on further study change that to 40 per cent. It reported originally that Judge Carswell was reversed in 58.8 per cent of those cases in which appeals were taken from his printed opinions. No one that we know of has challenged that figure. The Ripon Society subsequently examined all the appeals from all Judge Carswell's decisions and reported the reversal rate was 40.2 per cent, noting that the rate got worse the longer he was on the bench—25 per cent for the first quarter of his appeals, 33 per cent for the second, 48 per cent for the third, and 53 per cent for the fourth. Either Mr. Kleindienst misread the Ripon Society's statements or chose to ignore its careful distinction between written opinions (which judges usually file only in major cases) and all decisions.

It is true, as Mr. Kleindienst said, that the official voice of the American Bar Association is for confirmation. But we suspect that columnists Mankiewicz and Braden were more accurate than was Mr. Kleindienst when they suggested that a majority of that Association's members who have an opinion are against confirmation. At least, that's the feeling we get from reading the Congressional Record, which senators love to stuff with communications from home—and from reading our own mail. With less than a dozen exceptions, all the letters we have seen in the Record or received ourselves from lawyers supporting Judge Carswell come from his home state of Florida. As for the list of 79 Tallahassee lawyers, it is useful to note that there are 284 lawyers in that city listed in a national directory.

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Certainly one segment of opinion is heavily against Judge Carswell's confirmation; these are the people who teach law. We have collected the following tabulation of the universities which have law schools that have been heard from during this debate:

LAW SCHOOL DEANS

Against Confirmation (22)

Boston College, Catholic, Chicago, Columbia, Connecticut, Georgetown, Harvard, Hofstra, Illinois, Indiana, Iowa, Kansas, New York U., Notre Dame, Pennsylvania, Puerto Rico, Rutgers, Stanford, UCLA, Valparaiso, Western Reserve, Yale.

For Confirmation (2)

Florida, Florida State.

FIVE OR MORE FACULTY MEMBERS

Against Confirmation (31)

Arizona, Boston U., California (Berkeley), Catholic, Chicago, Columbia, Connecticut, Florida State, Georgetown, Harvard, Illinois, Indiana, Iowa, Kansas, Loyola (Los Angeles), Maine, New York U., New York U. (Buffalo), North Carolina, Notre Dame, Ohio State, Pennsylvania, Rutgers, Stanford, Syracuse, Toledo, Valparaiso, Virginia, Washington & Lee, Willamette, Yale.

For Confirmation (0)

None.

It is impossible to dismiss this overwhelming vote of no confidence in Judge Carswell from the legal teaching profession; certainly it reduces to irrelevancies the complaints of Mr. Kleindienst about the calculations of the Ripon Society or the argument over who speaks for the American Bar Association—the members who are plainly split on the matter, or the ABA's 12-man Committee on the Judiciary which rated him "qualified." Still less is it any longer possible to argue from this listing that the opposition to Judge Carswell is narrowly sectional and confined to the northeastern corner of the country, as some of the judge's supporters have argued in the Senate debate. It is in every sense a national list—South as well as North, Midwest and Far West as well as East. And it is a devastating list. For it is made up of men and women who teach lawyers and who therefore care deeply about the quality of the law they must teach.

[From the Washington Post, Mar. 27, 1970]

JUDGE CARSWELL: A QUESTION OF CANDOR

It is not normally our practice to publish letters to the editor which are released to the press before we have even received them but we make an exception in today's letters column out of courtesy to Senators Hruska, Allott, Dole and Gurney, and because a crucial issue is involved. The senators have chosen to see in a news story, on the front page of this newspaper on Thursday, "charges" made in "desperation" on the eve of a vote on the nomination of Judge Carswell to the Supreme Court. Leaving aside the question of who may or may not be desperate in this matter at this moment, no charges, let alone desperate charges, were made in that story; it consisted of a simple, chronological recital of a set of facts which, taken together, show that Judge Carswell's memory about his role in the affair of the segregated golf club had been thoroughly refreshed *the night before* he appeared at a Senate hearing in which he gave every indication from his testimony that he could barely remember anything about it and hadn't given it a thought for years.

The senators are right in saying he first denied he had been an incorporator—that is, had signed the papers giving birth to the club—but later modified that and eventually, under questioning from Senator Kennedy who had the papers in his hands, said he had signed them. At the time, the sequence led us and, we suspect, others to believe that the judge had forgotten about the details of the incident. Now, learning about the meeting the preceding evening when he was questioned about the club and shown the incorporation papers he had signed, you have to wonder how hazy his memory really was; certainly it improved markedly as the questioning became more persistent and it began to appear that the senators had evidence in hand.

Thus, the real issue is not whether Judge Carswell misled the committee about his role as an incorporator but whether he misled it into thinking he had forgotten all about that until the morning of his testimony when he suddenly saw news stories concerning it. This, as well as a basic question of whether he was candid in saying he knew nothing about a motivation in this transaction to convert public property to private use in order to avoid desegregation, is best resolved by reprinting excerpts of what he said. Bear in mind, in reading the following extracts, that Judge Carswell had discussed this very question at length *the preceding night* with two representatives of the American Bar Association, who brought along for his inspection a copy of the articles of incorporation of the club.

"Senator Hruska: . . . Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee. I am confident that you read the account. I would be safe in saying all of us did. You are entitled to tell your side of the story and tell us just what the facts are.

"Judge Carswell: I read the story very hurriedly this morning, senator, certainly. I am aware of the genuine importance of the facts of that. Perhaps this is it now. I was just going to say I had someone make a phone call to get some dates about this thing. This is not it. (Noting a paper on his desk.) I can only speak upon my individual recollection of this matter. I was never an officer or director of any country club anywhere. Somewhere about 1956, someone, a friend of mine—I think he was Julian Smith—said, we need to get up some money to do something about repairing the little wooden country club, and they were out trying to get subscriptions for this. If you gave them $100, you would get a share in the stock in the rebuilding of the clubhouse. I did that. Later . . . I was refunded $75 of that $100 in February of the following year, 1957 . . . The import of this thing, as I understand it, was that I had something to do with taking the public lands to keep a segregated facility. I have never had any discussion with any human being about the subject of this at all. This is the totality of it, senators. I know no more about it than that.

"Senator Hruska: Judge Carswell, it was sought to make of you a director in that country club. Did you ever serve as a director?

"Judge Carswell: No, sir; nor in any other official capacity.

"Senator Hruska: Did you ever attend any of the director's meetings?

"Judge Carswell: Never.

"Senator Hruska: Were you an incorporator of that club as was alleged in one of the accounts I read?

"Judge Carswell: No, sir.

* * * * *

"Senator Hruska: Are you or were you at the time, familiar with the by-laws or the articles of incorporation?

"Judge Carswell: No, sir.

"Senator Hruska: . . . Could the stock you received on this occasion have borne the label, 'incorporator,' indicating that you were one of the contributors to the building fund for the clubhouse?

"Judge Carswell: Perhaps. I have no personal recollection.

* * * * *

"Senator Kennedy: Did you in fact sign the letter of incorporation?

"Judge Carswell: Yes, sir. I recall that.

"Senator Kennedy: What do you recall about that?

"Judge Carswell: That they told me when I gave them $100 that I had the privilege of being called an incorporator. They might have put down some other title, as if you were potentate or something. I don't know what it would have been. I got one share and that was it.

* * * * *

"Senator Kennedy: . . . The point . . . is whether, in fact, you were just contributing $100 to repair of a wooden clubhouse, or whether in fact, this was an incorporation of a private club, the purpose of which was to avoid the various court orders which had required integration of municipal facilites . . .

"Judge Carswell: . . . I state again, unequivocably and as flatly as I can, that I have never had any discussions with anyone. I never heard any discussions about this."

A day later, former Governor Collins of Florida supported Judge Carswell's testimony by saying that he, too, had put up $100 for the club and that he doubted he would have if he had known there were racial overtones in its creation. Subsequently, some residents of Tallahassee and a Miami lawyer who happened to be trying a case there at the time have stated that talk about the transfer of the golf club to keep it segregated was commonplace. Indeed, columnist James J. Kilpatrick, who thinks Carswell should be confirmed, wrote this week, "My own enthusiasm for Carswell is diminished by his evasive account of his participation in the golf club incident of 1956 . . . Forgive my incredulity, but if Carswell didn't know the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand."

Did Judge Carswell give the committee the impression that the whole incident hit him as a bolt out of the blue in that morning's newspapers or did he give them the impression he had discussed the matter and been shown the signed incorporation papers the night before? Did Judge Carswell know what was up concerning segregation when that golf course was formed (he was then the United States Attorney for that area) or was he, in Mr. Kilpatrick's words, "the only one in north Florida" who didn't know? Was he candid about that and saying of his role in forming the club—in sequence, under probing—first that he wasn't an incorporator, second that maybe he was, third that he was. Was he candid or was he trying to slip something past the committee members? We think it was the latter and we think it argues powerfully against his fitness to serve on the Supreme Court.

[From the Washington Post, Mar. 24, 1970]

Judge Carswell: A Look at the Reversal Record

There has been a lot of talk in the Senate in recent days about Judge Carswel's 11 years of service as a federal trial judge and how well that fit him or does not fit him for service on the Supreme Court. Those opposed to his confirmation point to the rate at which his decisions have been reversed as a demonstration that he is, at best, a run-of-the-mill judge. Those who support confirmation claim that the reversal rate presents a "distorted and unreal" picture. "Like so many of the charges against him (this one) dissolves when exposed to the light of day," Senator Gurney said the other day, claiming that the judge has been reversed in only 33 out of the more than 2,000 civil cases he has handled and in only eight out of more than 2,500 criminal cases.

These figures are totally irrelevant, not to say blatant distortions.

The numbers of 2,000 and 2,500 represent *all* the cases filed in Judge Carswell's court and only about 15 per cent of these ever went to trial. What matters is what the Court of Appeals thought of the far smaller number of decisions it actually had an opportunity to review. There are fewer than 200 of these, according to the reports of the Fifth Circuit Court of Appeals, but no one has produced a list of all of them. Compiling such a list is difficult since the cases are spread over tens of volumes of law books. But we have looked at all those we could find in the reports of the Fifth Circuit since July 1, 1964 and report the following concerning the record of the last half of his trial judge experience:

In criminal cases, Judge Carswell was upheld in 21 of 25 decisions, an affirmance rate of 84 per cent. All the other judges in his circuit were upheld 81 per cent of the time during the last five fiscal years.

In civil cases, Judge Carswell was upheld in 18 of 53 cases, an affirmance rate of 34 per cent. All the other trial judges in his circuit were upheld 72 percent of the time.

In habeas corpus and similar cases, included in the civil category above because the courts list them that way, Judge Carswell was upheld in 5 out of 15 decisions, an affirmance rate of 33 per cent. All the other judges in Florida were upheld in 67 per cent of these cases during this period.

In the other civil cases—the disputes over contracts, accidents, and so on that are the bread and butter of the federal courts—Judge Carswell was upheld in 13 of 39 cases, a rate of 33 percent. The other judges in the South have a batting average in such cases of about 75 per cent.

The key that may explain this record seems to lie in the reputation Judge Carswell has among some lawyers of not wanting to try cases. Each habeas corpus reversal came because he denied a petition without a hearing. More than half of all the other reversals in civil cases came because he granted pre-trial motions to dismiss, or for summary judgment, in situations which the Court of Appeals said required trials. It seems remarkable, for instance, that he was reversed several times over several years in negligence cases involving such things as auto accidents, a swimming pool accident, and a boat collision. These are cases in which the facts almost always determine the outcome and the law is clear that disputed facts cannot be resolved in summary judgments.

Judge Carswell's inclination to dispose of cases summarily does help clear court dockets when he is right. But it also helps clog them when he is wrong. And it seems that those who believe a jury ought to decide the facts must pay the costs of an appeal to win a reversal and a trial. The desire of a judge to be bold and to dispose of cases without trial might be understandable if he presided over an extremely busy docket. However, the caseload in Judge Carswell's court was regularly below the average per judge in his circuit and after 1962 was the lowest per judge in that circuit.

This record is not what could be called a good one. It is not, we suspect, even mediocre, as Senator Hruska would say. Nor can it be explained away, as some of the judge's supporters would have us believe, by arguments about the cases that were not appealed, about laws or court interpretations that had been changed in midstream, or about partial reversals. Among the 35 reversals in civil cases, three were partial, and no more than half a dozen came because of intervening court decisions and new issues of law. The others were decisions by the Court of Appeals that Judge Carswell was simply wrong—wrong 12 times because he ruled without hearing the facts. What all this means, it seems to us, is that the claim that Judge Carswell has been "an outstanding federal judge," to use Senator Gurney's words, evaporates when it is exposed to careful scrutiny.

[From the Washington Post,
Feb. 10, 1970]

The Qualifications of Judge Carswell—I

Some troubling questions have arisen during the Senate hearings on the nomination of G. Harrold Carswell to be a Justice of the Supreme Court and, in the light of the close scrutiny given to other recent nominations, these need to be dealt with carefully and fully. The case against Judge Carswell, as put forward by his critics, involves a speech he made in 1948, a golf course in Tallahassee in 1956, the record he has compiled in civil rights and related cases in 12 years on the federal bench, and the general qualifications he holds for a seat on the highest court.

The first two of these are matters of history and need to be evaluated in the context of their times. Judge Carswell himself admits to some amazement now at what he said in that 1948 speech. He should, for his were the words of pure and simple racism. But this was the language of Southern politics at the time and many other public officials would blanch now if they were called to account for what they said then. A man ought to be allowed to live down mistakes of his past, particularly those of his first youthful campaign for public office, and Judge Carswell's white supremacy speech is one of those that can be lived down.

The golf course question, too, must be judged in the context of history but the history, in this instance, is not so helpful to the judge. As far as we now know, the relevant history began in late 1955 when the Supreme Court ruled that public golf courses could not discriminate against Negroes. Just at Christmas that year, the Atlanta city course was opened to Negroes and newspapers carried a picture of three Negroes teeing off. Within a few weeks, there was movement in other cities to desegregate golf courses. A federal court, in January, ordered Nashville to desegregate its links. A half dozen Negroes were convicted of trespassing for playing on a municipally owned but privately operated course in Greensboro. And a law suit was filed in the Federal Court for the Northern District of Florida, where Judge Carswell was United States Attorney, to compel desegregation of the municipal golf course at Pensacola.

In Tallahassee, meanwhile, one county commissioner complained that a proposal to lease the city-owned golf course to the Tallahassee Country Club was racially motivated. In mid-February, however, the City Commission approved the proposal (a 99-year lease at $1 a year) and agreed to make a similar deal with "any responsible person" for a Negro golf course then under construction. Two months later—April 1955—Judge Carswell signed the certificate of incorporation of the Capital City Country Club, Inc., four of whose 21 incorporators were directors of the old Tallahassee Country Club. This new organization promptly took over the lease on the golf course and the city government approved that transfer on May 10. On May 24, the Federal Court ordered desegregation of the publicly owned course at Pensacola.

Of all this, Judge Carswell told the Senate Judiciary Committee the other day, "I have never had any discussion or never heard anyone discuss anything, that this might be an effort to take public lands and turn them into private hands for a discriminatory purpose." The judge may have been completely candid in his statement. If he was, however, then what was going on in Tallahassee in the spring of 1955? Or, rather, where was he? An affidavit sent to the Senate committee by the wife of a Tallahassee banker says, "We refused the invitation (to join the Capital Country Club) because of the obvious racial subterfuge which was evident to the general public."

The history thus works against Judge Carswell on this question. If he didn't know what was going on in the courts, around the country and in his own community concerning golf courses, what kind of United States Attorney was he? If he did know, what was he doing contributing his name—and, in all fairness, his testimony makes it clear that is about all he contributed—to an attempt to save segregation in golf, which he didn't even play? These are only some of the troubling questions that have arisen over Judge Carswell's nomination. Standing alone, they might be resolved in his favor. Added to others, which we will have more to say about, they raise serious doubts about whether he should be confirmed.

The Qualifications of Judge Carswell—II

In a day or so, in the concluding editorial of our series on Judge Carswell, we will have more to say about his record and his qualifications to be a member of the Supreme Court. Meanwhile, we interrupt this program to bring you a message from one of Judge Carswell's sponsors—the legal counsel to the Attorney General.

Mr. Rehnquist claims that The Washington Post was wrong in interpreting the Supreme Court's 1964 Atlanta decision as meaning that grade-a-year plans for desegregation were too slow. We rest our case on the two following interpretations of that decision by the Fifth Circuit Court of Appeals. The Fifth Circuit said, in July, 1964, that in remanding the Atlanta case the Supreme Court intended that it be reconsidered

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"in light of the Supreme Court's recent pronouncements indicating that greater speed in implementing the Brown decision is now required." The Fifth Circuit added, "The necessary conclusion to be reached . . . is that for a school system which is beginning its plan of desegregation 10 years after the second Brown decision, more speed and less deliberation is required."

In the Jacksonville case, Mr. Rehnquist properly rebukes us for regarding the Supreme Court's decision not to review as a ruling on the merits of the matter. This error, however, is somewhat irrelevant since Judge Carswell was bound just as fully by decisions of the Fifth Circuit as he was by those of the Supreme Court. In this instance, the Fifth Circuit had been asked to rule that federal courts neither could nor should order desegregation of teachers in school cases. It refused to do so, saying that they could and that they always should consider doing just that. A few months later, nevertheless, Judge Carswell reserved decision on teacher desegregation in Bay County. Whether he was, as we said, "apparently ignoring" the Jacksonville case is a matter of opinion on which we and Mr. Rehnquist apparently disagree. As for the rest of Mr. Rehnquist's critique, it appears to deal largely with our motives, the colors we are flying, as he put it. About all there is to be said about that is that we are not now questioning the administration's *motives* in appointing Judge Carswell and so we see no purpose in answering questions about ours. We might add, in passing, that although we had some reservations in varying degree about the ideological or judicial coloration of both of President Nixon's previous nominees to the Supreme Court, Chief Justiçe Burger and Judge Haynsworth, this did not lead us to urge the Senate that they not be confirmed.

[From the Baltimore Sun, Mar. 18, 1970]

JUDGE CARSWELL

The most important question before the Senate as it considers President Nixon's nomination of Judge G. Harrold Carswell to the Supreme Court is this: is he well qualified? The answer, in the opinion of this newspaper, is No. The record of the committee hearings shows nothing of private financial dealings of the kind that caused the Senate to reject the nomination of Judge Haynsworth. But there is nothing in the record to support a finding that Judge Carswell is well qualified for this post, or that the Nixon administration made a serious search for a well qualified man. Judge Carswell may meet the minimum standards, but an appointment to the Supreme Court resting on his slender credentials can be taken only as a reflection on President Nixon, Attorney General Mitchell and, ultimately, on the Supreme Court.

Let us underscore the point here that we do not take exception to Mr. Nixon's effort to turn the Supreme Court toward a more conservative "constructionist" course. We do not in any way find fault with the appointment of a conservative Southerner. We object, however, to the appointment of mediocre men to the nation's highest court, and mediocrity is the word that most accurately characterizes Judge Carswell's record.

In the sensitive area of race, which seems likely to be before the Supreme Court for years, Judge Carswell's record shows no more than a typical Southern conformity. In 1948 he made a political speech in which he asserted a "vigorous belief in the principles of white supremacy." He says now that this view is obnoxious to him and that he no longer holds it. In 1953 as an attorney in Tallahassee he drew up a "white only" charter for a college football booster organization and in 1956 he joined a plan to lease the Tallahassee municipal golf course to a private, white club.

This is enough to create a considerable mistrust in this appointment, and to raise a question as to the nature of the Justice Department's research before Judge Carswell was recommended to the White House. Beyond this, moreover, is the fact that in more than a decade on the bench in federal district and appellate courts Judge Carswell made no mark of distinction. His reversal rate as a trial judge was high. He is about as nearly a nonentity as a federal judge can be.

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[From the Trenton (N.J.) Sunday Times Advertiser, Mar. 15, 1970]

SENATOR CASE'S EXAMPLE

New Jersey's Clifford P. Case has become the fourth Republican in the U.S. Senate to announce he will vote against confirmation of G. Harrold Carswell for the Supreme Court. His decision is a welcome one.

Senator Case based his decision on Judge Carswell's lack of sympathy for civil rights, as evidenced by both private and courtroom performances, and his utterly undistinguished record as a legal scholar and jurist—including the achievement of having been reversed by higher courts nearly three times as often as the average district judge.

"On all the evidence, Judge Carswell does not measure up to the standard we have rightly come to expect of members of the Supreme Court," Senator Case said.

On the same day, 457 lawyers, law deans and law professors urged the Senate to reopen hearings on the Carswell nomination—but added that on the basis of what is known already, the nomination should be rejected.

Elevation of Judge Carswell to the nation's highest court would have two deplorable effects. It would dilute the quality of a body whose very essence demands men of the highest quality. And it would be a cruel blow to minority-group Americans who are constantly being urged to rely on the workings of the law to obtain justice.

We hope other Republican senators join Clifford Case in placing duty to country over duty to a President of their own political party. This includes Senators Scott and Schweiker of Pennsylvania, who have indicated they favor Judge Carswell's nomination—but who voted against the confirmation of Judge Haynsworth, whose qualifications, modest as they were, were excellent compared to Judge Carswell's.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. COOK). The pending business is the nomination of G. Harrold Carswell to be an Associate Justice of the Supreme Court.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the motion to recommit the nomination.

Mr. GRIFFIN. I would like to inquire, for the information of Members of the Senate, following the vote on the motion to recommit, which is the pending motion, and assuming that the motion to recommit should fail, what then should be the business before the Senate?

Mr. BYRD of West Virginia. Mr. President, the Senate would still be in executive session. The business then before the Senate would be the nomination of G. Harrold Carswell to be an Associate Justice of the Supreme Court.

Mr. GRIFFIN. I thank the Senator from West Virginia.

The PRESIDING OFFICER. The Chair might state to the Senator from Michigan that, under the order of the Senate, the nomination would be the pending business until such time as it would be set aside, and on that nomination, under the previous order, a vote would take place on Wednesday at 1 o'clock

Mr. GRIFFIN. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, of course the able majority leader could at any time move to return to legislative session, in which case the resolution (S. Res. 211) would again become the pending business.

Mr. GRIFFIN. He could do that.

Mr. BYRD of West Virginia. Or the majority leader could move, while in executive session, to take up legislative business, as in legislative session.

In specific answer to the Senator's specific question, once the vote on recommittal has been had, and if the motion to recommit is not sustained—or if a motion to table the recommital motion should carry—unless the majority leader moves to go into legislative session or to proceed to something else as in legislative session, the pending business then before the Senate would be the question of confirming or rejecting the nomination of Mr. Carswell.

Mr. GRIFFIN. I thank the distinguished acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unanimous-consent agreement of March 25, 1970, be printed in the RECORD, so that Senators may be reminded of the order for Monday, April 6, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

(In executive session)

Ordered, That, effective on Monday, April 6, 1970 (with the Senate convening in executive session at 10 a.m.), further debate on the nomination of G. Harrold Carswell to be Associate Justice of the United States Supreme Court, with the pending question on the motion of the Senator from Indiana (Mr. Bayh), to recommit the nomination to the Committee on the Judiciary, be limited to 3 hours to be equally divided and controlled by the Senator from Indiana (Mr. Bayh) and the Senator from Nebraska (Mr. Hruska), or whomever they may designate, with the vote coming at 1 o'clock, or following a vote on a motion to table the motion to recommit if such a motion should first be offered. Following the above vote or votes the Senate will proceed to vote on the confirmation of the nomination at 1 o'clock on April 8, 1970, or following the vote on a motion to table the nomination should such motion be made, and if the nomination is still before the Senate. [WEDNESDAY, MARCH 25, 1970.]

RECESS TO 10 A.M. MONDAY, APRIL 6, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to

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come before the Senate, I move, in accordance with the order of March 25, that the Senate stand in recess in executive session until 10 o'clock on Monday morning next.

The motion was agreed to; and (at 4 o'clock and 36 minutes p.m.), the Senate, in executive session, recessed until Monday, April 6, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

CATHODE RAY TUBE STUDY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. FRIEDEL. Mr. Speaker, I have here an article currently appearing in the March 30 issue of Publisher's Weekly. Brought to my attention by Mr. John F. Haley, staff director of the Joint Committee on Printing, it describes the "first known full-scale study" of the costs of composition created by high-speed computer-driven cathode ray tube systems.

Mr. Haley also serves as Chairman of the Federal Electronics Printing Committee, that being the multi-interagency group which assisted the Joint Committee on Printing to advance its research and development directed program to the ultimately successful establishment of the pioneer cathode ray tube system at the Government Printing Office.

Since then the Electronics Committee has continued to function and Mr. Edwin R. Lannon, a representative on it from the Department of Health, Education, and Welfare, undertook the described study at the request of the Joint Committee on Printing and in conjunction with Her Majesty's Stationery Office of the British Government.

I assess Mr. Lannon's study as a major contribution to the orderly advancement of a technology which holds great promise for an essential part of American industry.

The Publisher's Weekly article follows:

PRELIMINARY REPORT OF CATHODE RAY TUBE COST STUDY

A preliminary report by E. R. Lannon, assistant administrator for administration, Environmental Health Service, U.S. Department of Health, Education and Welfare, on the cost of cathode ray tube composition *versus* conventional methods was the highlight of the fifth annual American University meeting on "New Technology in Printing and Publishing." Mr. Lannon's initial figures indicate that conventional typesetting is still considerably more economical than CRT for most jobs, if composition factors alone are considered.

In addition to Mr. Lannon's address, the meeting included presentations on editing for high-speed composition, optical character recognition, computer-output microfilm, and CRT for small book publishers (*PW*, March 16).

Mr. Lannon's address, however, was highly significant, since he presented figures from the first known full-scale study of CRT composition costs. He outlined the Federal government's interest in and involvement with the development of fast composing devices. The first high-speed computer-driven composer—the Photon 900—was developed specifically for the MEDLARS project of the National Library of Medicine of HEW. He also cited cost/performance data from both HEW and the Government Printing Office, which sponsored the first Linotron 1010. "Having established to our satisfaction that electronic composition is economic for much of the work that was already processed on the computer," Mr. Lannon said, "does it follow that other classes of work are also economically processed on the high speed system?"

Mr. Lannon outlined the joint U.S.-British study of the economics of CRT composition of non-stored material, which he was subsequently selected to head. It involved HEW, the U.S. Federal Electronic Printing Committee, the Bureau of Labor Statistics, the Computer Typesetting Research Project at the University of Newcastle-upon-Tyne, the British Federation of Master Printers, and manufacturers of CRT composition devices. He said that the work suggests "the dimensions of the 'ball park' that a firm must work in if it wishes to be marginally competitive—applying high-speed cathode ray tube composing devices in lieu of conventional composing processes and intermediate speed computer-driven composing processes."

As sample pages, the U.S.-British study used the eight pages used by Jonathan Seybold of Rocappi Inc. in his CRT study for Printing Industries of America, completed in 1969. The Seybold study, however, computed theoretic times.

"Having worked with computers for over ten years, I have learned by the fire of experience that theoretic times and real times are often orders of magnitude apart," Mr. Lannon said. He compiled real times, based on processing of the eight pages by CRT manufacturers, commercial printers, the GPO, and Her Majesty's Stationery Office. The conventional methods used were Linotype, Monotype, Photon 500 series and a computer-driven Photon 713. Wage statistics were supplied by the U.S. Department of Labor and the British Federation of Master Printers. The eight sample pages were of several orders of typographic complexity: a novel, "The Group," three textbooks, a directory of the American Bar, a book catalog index, a merchandise directory and a telephone book page.

COMPUTATIONS BASED ON TWO EQUATIONS

Two equations were drawn, Mr. Lannon explained, for computing the "marginal volume of work necessary to process each month and the number of one-shift keyboards required to feed the system at marginal levels." He said that the first equation was used "when the necessary [computer] time can be purchased as needed from either a commercial service bureau or an in-house computer facility. The second equation pertains when the computer of necessity must be dedicated to the composing process." The equations will be applied for each page on every system, and a mix equation for a given mix of work among the classes of work represented by the samples also is being applied to each of the four conventional systems and the four CRT systems, for both the U.S. and the U.K.

Mr. Lannon stressed the fact that any interpretation of his findings must be weighed against an evaluation of the methodology by which they were found. Break-even points will vary as the cost of labor varies, he said. "In general, when labor costs are high the break-even point will be relatively low," he explained. "When labor costs are low the break-even point will be quite high. Expressed in the way of economists, we are dealing with the marginal productivity of capital *versus* the marginal productivity of labor. Where labor is both productive and relatively inexpensive it is more economic than relatively expensive capital which is only slightly more productive than labor."

He also stressed that his study abstracted the cost of a single page from a totality of costs, and that to that extent the analysis is faulty. It is well known, for example, that set-up time for computer-processing of small jobs is prohibitively expensive unless they can be "ganged" and the same edit and insert routines are used for all. Mr. Lannon said that "a rough calculation on composing materials already on the computer indicated that for jobs less than 19 pages it would be more economic to use line-printer output as manuscript and to re-key by Linotype to get a typographic quality output." Obviously, he said, break-even would be far higher for jobs not already computerized if the same set-up costs could not be applied to more than one job.

Mr. Lannon gave only one example of the application of his break-even analysis, using the RCA Videocomp 830 against three conventional methods. He said that timing data for keyboarding for both methods were live times verified against engineered time standards. The timing data were predominantly British. "American data are, however, quite similar, indicating comparable levels of keyboard productivity in the two countries and explaining perhaps why so much of the type used in the U.S. is set in the United Kingdom," he said. The cost of keyboarding is considerably lower in the U.K.

The first equation, applied to the Videocomp 830 driven by the RCA Spectra 70/35 computer, produced the following results.

Linotype: "The Group," the most straightforward type page among the samples, produced a negative number when Videocomp setting was compared. This means, according to Mr. Lannon, that the break-even point for high-speed composition of this material on this particular device would never be reached. The three textbooks varied, but all were high. "Policy" would require 17,185 pages per month on 22.8 keyboards to reach break-even (all keyboard figures are on the basis of one shift per working day per month); "Prices and the Production Plan," 23,813 pages per month on 36.1 keyboards: and "Pleistocene," 31,829 on 66.3 keyboards. Directory material, not unexpectedly, required less volume to break even against Linotype. The figures were "The American Bar," 9207 pages on 36.6 keyboards; the book catalog index, 7947 pages per month on 67.9 keyboards, the directory page, 3390 pages per month on 17.9 keyboards; and the telephone book page, 1719 pages on 23 keyboards.

FIGURES FOR MONOTYPE AND PHOTON

The figures against Monotype composition were understandably lower, since Monotype is easily the most expensive form of conventional hot metal composition. "The Group" did break even here, Mr. Lannon said, but at a substantial figure: 10,547 pages per month on 14.98 keyboards. "Policy" required 5486 pages per month on 7.27 keyboards to reach break-even against Monotype; "Prices and the Production Plan," 7233 pages per month on 10.95 keyboards; "Pleistocene," 7616 pages on 15.9 keyboards; "The American Bar," 1658 on 6.6; the directory page, 924 on 7.9; the book catalog index, 1141 on 6.0; and the telephone book page, 732 pages per month on 9.1 keyboards.

The Photon 713 driven by an Elliot 903 computer produced break-evens that were lower than those for Linotype, but higher than those for Monotype. Figures for five out of the eight pages are "The Group," 14,297 pages per month on 20.3 keyboards; "Policy," 11324 pages on 15 keyboards; "Prices," 15,477 pages, 23.5 keyboards, "Pleistocene," 16,662 pages, 34.7 keyboards; and "The American Bar," 3999 pages on 15.9 keyboards.

Mr. Lannon also showed results of break-even analysis of the pages using the Videocomp 830 with a slightly more powerful and more expensive computer, the Spectra 70/45. Break-evens were consistently lower for all pages on all three conventional methods tested, but were more significantly lower than the earlier figure for Linotype than for either Monotype or the Photon 713.

The HEW administrator also showed results of the applications of his second equation, designed to figure break-evens when the computer is necessarily devoted exclusively to the composition process. Figures were considerably higher than in the previous analysis, some staggeringly so. A firm would require 71,023 pages per month of straight matter such as "The Group," for example, to break even against Linotype composition. This means using 100.8 keyboards per month plus 2.6 shifts of computer time and a second shift on the composer.

Mr. Lannon's figures indicated, however, that as the level of typographic complexity increased (and as the form of the data became increasingly repetitive), break-even under these conditions reduced dramatically.

The break-even for the telephone book page under Equation II, for example, was 2708, whereas under Equation I it had been 1719. Also break-even for Monotype and for the Photon 713 were not as dramatically different for Equation II. The figures for "The Group" were 14,017 for Monotype (19.9 keyboards) and 16,827 (23.9 keyboards) for the 713.

Mr. Lannon drew several tentative conclusions concerning these data. He noted that the figures for "The Group," representing hardback fiction, were "soberingly high in all cases." He also tentatively concluded that "a firm now producing composition by line casting methods has limited economic incentive for converting to high-speed systems, given the large capital investment required."

He added, however, that the advantages to large-scale operations were considerable. "For most of the samples, break-even is achieved with considerable residual time available on the composing device and on the computer," he said. "The cost to compose a page beyond the break-even point is often 40% less than the cost of composing a page by the least costly competitive process." He noted that in his study "the value of a Spectra 70/35 minute declined from $1.44 for prime shift time to $0.25 per minute for second shift time."

Mr. Lannon offered a comparative analysis of cycle times to demonstrate his conclusion that high-speed composition is a "computer bound" environment. "In all of the high-speed CRT systems analyzed to date," he said, "the computer is more time-consuming than the composer." He also identified what he called a "computer-composer imbalance" in some systems. When the computer is, say, four times faster than the composer (as was the case with the Photon 713 using the Elliot 903 computer), the actual cost of computer time is four times larger than in a balanced system unless the composer is run on multiple shifts.

The ratio of control characters to actual characters set was also analyzed in the HEW study. Mr. Lannon noted preliminarily that "the larger the ratio of control characters to actual type, the slower will be the actual setting rate." He gave a comparative table of sample pages set on the Photon 713 to illustrate the point.

On the subject of keyboarding Mr. Lannon noted that "the view of some that typists were faster and less costly for input preparation to the computer than trained compositors" was not borne out by several time studies he ran during his tests. "Typists were slower when dealing with complex copy and actually produced errors several times those which would be standard practice in a composing room," he said. "Considering the adage we have used for years in data processing that 'garbage in' is 'garbage out,' I have concluded to my own satisfaction that a skill level comparable to that of a trained compositor is required for input to an electronic composing system."

Mr. Lannon offered several general comments on the future of high-speed composing systems in book publishing. He was not pessimistic, noting that a more careful and sensible evaluation of the technology was in order. "If by automation of the publishing process we can decrease the time cycle of publication we can measurably improve the currency of the material to be used in secondary and higher education," he said. "The potential for better allocation of scarce resources is therefore quite high."

Some believe, he continued, "that the editorial cycle is the cost area of future impact. Still others believe that a new approach to proofreading is *the* economic contribution area. Logically it would appear that all of these areas—all of which are outside the conventional cost cycle of composition—are the areas to be exploited. One thing seems quite certain: Computer justification of lines—including hyphenation—is not in itself the area of cost improvement."

Mr. Lannon said that he expects to complete the full study sometime in March, for eventual release and publication.

FATHER HESBURGH OF NOTRE DAME

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. BRADEMAS. Mr. Speaker, one of the most distinguished citizens of the congressional district I have the honor to represent is the Reverend Theodore Hesburgh, C.S.C., president of the University of Notre Dame and Chairman of the U.S. Civil Rights Commission.

Few Americans have made a greater contribution to their fellow citizens and indeed to mankind than has Father Hesburgh.

I take this opportunity to draw to the attention of my colleagues a recent article about Father Hesburgh published in the March 8, 1970, issue of the South Bend Tribune.

The article, by Garven Hudgins of the Associated Press, follows:

HESBURGH HAS NO TIME FOR FLIMFLAMMERY—PRESIDENT OF N.D. DEPLORES WORLD'S TREND TO VIOLENCE

(by Garven Hudgins)

Rev. Theodore Hesburgh, C.S.C., president of the nation's best known Catholic university and chairman of the U.S. Civil Rights Commission, has little use for hierarchial flimflammery, whether it comes from the Vatican or from Washington.

He took on both in the space of one month last year.

In one foray, the 52-year-old priest-scholar, now approaching the end of his 17th year as president of the University of Notre Dame, attacked Justice Department policy-makers who came up with a plan for extending deadlines in some school districts for compliance with the U.S. Supreme Court's desegregation rulings.

"In the second, he caused a flurry in Rome by speaking out in support of proposals for a greater sharing of papal authority with local bishops in the church.

"I have to say what I believe," Hesburgh explains.

The Hesburgh statement came as no surprise to longtime associates who describe him as a man devoted to simplicity, integrity and to his vocation as a priest.

Hesburgh has gained wide public attention through the multitudinous hats he wears—permanent Vatican representative on the International Atomic Energy Agency in Vienna, trustee of the United Negro College Fund, member of the Carnegie Commission on the Future of Higher Education, to name only a few—yet he lives on the spacious, 1,000-acre Notre Dame campus in almost Spartan simplicity.

SLEEPS IN IRON BED

He sleeps in an iron bed in a small room in Corby Hall, the University's aged residence for priests.

"His room," says Father Charles Sheedy, Notre Dame dean of theology and a close Hesburgh friend for 30 years, "is just a place to live. In fact, I don't think he ever gets under the covers. He just sleeps under a blanket."

If Hesburgh indulges in any luxury, it is listening to a giant stereo console given him by friends and now ensconced in his office in the University's main administration building. His musical tastes reflect his own wide-ranging intellectual energy. Gregorian chants are intermingled with Notre Dame football songs.

SMOKES ONLY RARELY

Hesburgh smokes only rarely, and then with a filtered holder. A spare eater, he looks vigorous and slim, yet admits he rarely exercises.

The paramount thing for Hesburgh, says Father Sheedy, is his concept of himself as a priest. "He interjects it into everything he does," Sheedy says, and once was instrumental in getting Russians attending an Atomic Energy Agency meeting in Vienna to go to mass.

Hesburgh shows not a trace of despondency, despite his role as a highly committed witness to America's current social disruptions and racial unrest, its noisy campus tumult and threats of public violence.

WORRIES OF VIOLENCE TREND

If there is a facet of present American life which causes him profound worry, it is what he sees as the nation's apparent trend toward violence as an accepted solution for human problems.

"The fact is, we simply can't go on like this in this country," he says, "we're way over the line. In relations between humans, guns and knives symbolize an underlying reliance on violence. It has become almost a rule of life in this country for a person to say 'I'll kill you' and mean it."

Since Hesburgh took over as president at 35 in 1952 he has, in the judgment of fellow educators, including Robert Hutchins, former president of the University of Chicago, brought new eminence to Catholic higher education to give the lie to George Bernard Shaw's oft-quoted contention that "a Catholic university is a contradiction in terms."

CHANGES N.D.'S IMAGE

Hesburgh has changed Notre Dame's image from that of a football factory (although that

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is still a tremendously important part of the university's scene) to one of the leading Catholic institutions of higher learning in the world.

He has overseen a vast strengthening of the university's educational facilities, including the construction of 20 new buildings.

In a historic move for Catholic higher education, Hesburgh vigorously supported efforts which culminated in May 1967 in the turning over of university government to a lay board of trustees.

Prior to that, ultimate authority rested in the hands of the president and his colleagues in the Order of the Holy Cross, which founded Notre Dame in 1842.

WARNS DEMONSTRATORS

Hesburgh was thrust into headlines anew last spring when he warned would-be student demonstrators they would be given 15 minutes to "cease and desist" any disruptions of university life or face suspension or dismissal.

The statement cast Hesburgh, to his annoyance, in the image of hard liner. He said later he felt the core of his message was lost in the media explosion which concentrated on the 15-minute ultimatum.

"I didn't want to come out as a hawk," he said. "I wanted to act as a rational man, reacting to a crisis situation."

Hesburgh insists that the university must react to threats as a community. He carefully consulted students, faculty members and alumni before issuing the statement.

HAS TO DECLARE VALUE

"If the students and the faculty don't feel the value of their own community, then you're dead," he said. "The university has its own salvation. It has to declare its own values and stand up and defend them."

Hesburgh's accessibility to students who want to gripe or chat is legendary at Notre Dame.

He is a late starter and rarely arrives in his office before noon. He frequently has to postpone getting down to work until late evening, after meeting with a constant stream of callers.

Even then, he remains available to students as he works through the night, often until 3 or 4 a.m.

A close campus colleague believes this kind of accessibility does little good in the long run.

INTERVIEWS SPORADIC

"It's proverbial that he's up there in his office until 4 a.m., but his interviews with students are sporadic," the colleague comments. "Sometimes he makes inordinate concessions on the basis of emotional interviews with students."

Hesburgh also comes in for criticism from many students who feel he spends more time in Lima, the Aleutians, Washington or Rome than he does on campus.

A vintage campus pun goes: "The difference between God and Father Hesburgh is that God is everywhere and so is Hesburgh—except at Notre Dame."

A huge statue of Moses, pointing skyward outside the Memorial Library, has been dubbed: "There Goes Hesburgh!"

Yet Hesburgh is always up on what is going on at Notre Dame.

"He doesn't get heartburn over what happens in Lima. He does over what happens here," says Father James Burtchaell, brilliant, 35-year-old chairman of Notre Dame's Department of Theology and a Hesburgh confidant.

Regardless of student gripes and criticisms, Hesburgh appears to staunchly favor their goals for something better in education and in society.

"I believe young people today have a hankering for service," he says. "They are deeply sensitive to crucial moral issues in our times—more likely to dedicate themselves to good rather than selfish goals than any past generation of students I have known."

Hesburgh admits that students bent on personal attack can hurt him most by reflecting on his deep sense of mission as a priest.

SPENDS HOURS IN PRAYER

A man who spends at least two-and-one-half hours daily in prayer, he acknowledged: "I want to be known as a priest first. Kids know that is where they can hurt me."

Commenting on the tremendous changes now under way in the church, Hesburgh says: "The church has changed more in the past 10 years than it did in the preceding 400.

"The young people are going to roll with it, though. They will have more genuine faith. They will think more in terms of justice, kindness and help and less about puritanical ideas on sex." He cites the form the November antiwar moratorium took at Notre Dame in evidence.

YOUTHS FEEL ALIENATED

"Young people now are feeling alienated from the institutional church," he says. "So it came as a terrific experience to see 2,000 of our students take part in an all-night vigil and procession which culminated in a celebration of the mass."

Hesburgh first came to Notre Dame as an undergraduate from a comfortable home in Syracuse, N.Y., where his father was a plate glass plant manager.

Later he received his bachelor of philosophy degree at the Gregorian University in Rome. He was ordained on the Notre Dame campus in 1943, then studied for his doctorate, which he was granted at Catholic University in Washington in 1945.

He joined the Notre Dame faculty in the same year.

His seemingly boundless physical intellectual energy intact, Hesburgh traveled last summer through Katmandu, Kabul, the interior of Australia—"visiting universities and washing my soul. The one thing I wanted to find out about was what is happening to young people."

His trip strengthened his long-held conviction that we all are in what he calls "a kind of interface between the world that was and the world that is coming to be." "Look at the things that are up for grabs—everything from God on down," he says. "It's an age of enormous contention and tension. You get the idea that something is going to be born. You don't know what; you only know it's going to be painful."

PERFIDIOUS ALLIES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, April 3, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Perfidious Allies," published in the Milwaukee, Wis., Sentinel of March 12, 1970.

There being on objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Sentinel, Mar. 12, 1970]

PERFIDIOUS ALLIES

Last year, while the Nixon administration was undertaking to Vietnamize the war, a total of 99 free world ships flying the flags of nations supposedly America's friends sailed into Haiphong harbor and unloaded cargo that is enabling North Vietnam to carry on aggression against South Vietnam and Laos.

The bulk of these free world ships—74—flew the British flag, reports Sen. Harry Byrd, Jr. (D-Va.). The others and their numbers were Cyprus 9, Somali 8, Singapore 4, Japan 3 and Malta 1.

In addition, of course, North Vietnam continues to receive vital supplies through Haiphong from the Soviet Union, East Germany, Romania, Czechoslovakia and Poland.

Bustling Haiphong is a monument to the tragedy and stupidity of America's involvement in the Vietnam War. When the Johnson administration led the United States into the war, it evidently did so with the self-imposed understanding that the other side would have and hold the advantage of operating from a privileged sanctuary. This was implicit in President Johnson's stressing that it was a "limited war."

A decision to give the enemy practically a written guarantee that his lifeline would not be disturbed must have been a strictly civilian one, for surely no military man would advise committing ground troops to a war in which the enemy is yielded such an important edge in advance.

But even if there was some sensible reason for leaving Haiphong harbor undisturbed to be used by North Vietnam's Communist allies, it has been absolute madness for America, while its finest young men continue to be killed, to calmly watch supposedly friendly nations serve as parties to supplying an enemy.

The US co-operates with the British by joining in an economic boycott against Rhodesia. And how has Britain reciprocated? By permitting 74 ships flying its flag to supply North Vietnam during 1969, not to mention the 50 ships flying the British flag that served Cuba last year.

Only three of the 99 free world ships into Haiphong last year were from Japan. Nevertheless, the thought of Japan aiding our enemy in the slightest way is especially irritating. What a way to repay the US for its kindness in agreeing to return Okinawa!

LETTER FROM A MERCHANT MARINER

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. FEIGHAN. Mr. Speaker, I would like to commend for reading by every Congressman a letter from a Capt. Eugene Brinson to his mother recounting the battle for Saigon during the Tet offensive. This master mariner was in the thick of the fighting serving in our merchant marine, our fourth line of defense. Knowing that our merchant marine also serves with our military forces abroad, I am proud to be the cosponsor of H.R. 15425 a bill to revitalize our merchant marine and provide jobs for our merchant seamen.

The letter follows:

S. S. "STEEL VENDOR,"
SAIGON, SOUTH VIETNAM,
February 11, 1968.

DEAREST MOTHER: After twenty-six days of forever sailing Westward and finally Northwestward, we arrived in Keelung, Taiwan, late afternoon of January 19th where your letter, along with several from Lucy, was awaiting our short overnight stand. By mid-morning of the next day the good ship STEEL VENDOR was sailing down Taiwan's west coast which,

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with its strong variable currents, poor navigational lights and seasonal foul weather, mariners view with a careful and jaundiced eye. About twelve hours later we had cleared that coast and the Pescadores Islands and were on course across the South China Sea for the short passage to Saigon.

It was thirty-six days after sailing from New Orleans we anchored in the mouth of the Saigon River, closeby Cape St. Jacques, to await orders. Visible signs of that "nasty little police action" were everywhere in evidence. Naval patrol and mosquito boats crisscrossed the anchorage ever on the alert to spot and to explode with rifle fire the floating mines which the Viet Cong constantly set adrift in the river. Supersonic jets streaked through the rosy dawn bound on strike missions to the north. Squadrons of choppers swished through the sky lifting reinforcements and supplies to some battle area and returning with the wounded and the dead. And the boom of heavy artillery fire rolled like monsoon thunder across the Mekong River Delta.

The military cargo aboard was on immediate requisition and at daybreak the following morning, with twelve heavily armed GI's onboard and a Navy mine sweeper navigating the river ahead, we negotiated the last leg of our long voyage snaking up the Saigon River without mishap. By 1:00 p.m. cargo was being discharged to the dock and we were confidentially told that New Year celebration, the ship would be completely discharged and ready to sail. But the Battle of Saigon, which the military have been awaiting for some four years, was not recognized as an immediate possibility when that projection was made.

All day of Tuesday, January 30th, the streets of Saigon were clogged with New Year shoppers whose thoughts were certainly far removed from wars of liberation, independence, or whatever. Late that afternoon mortar fire could be plainly heard coming from the South West. Already, military personnel, with the exception of Military Police Patrols, had been restricted to billets and we were likewise ship-bound. The Lunar New Year came in at midnight and Saigon's population poured into the streets to celebrate admist the wildest din of fire-cracking I have ever heard. For the Viet Cong, this was a natural screen to deploy to positions of advantage before the start of the real fire-works which was signaled by the blasting of a section in the American Embassy compound wall.

All evening choppers cruised over the city and environs parachuting high intensity illuminating flares. I was on Watch and had stationed myself on the Flying Bridge with my radio tuned to the Armed Forces Network. From my position I heard the blast at the American Embassy and at 2:15 a.m. the Army Radio, in addition to announcing that assault, also stated, evidences of which we were now beginning to see, that Saigon was under attack both within and from without. With the deployment of American and Vietnamese forces into the attacked areas, the sound of battle intensified. Tracer bullets streaked the sky indicating the positions of friend and foe. Choppers joined the fray and targets illuminated by the flares received the 50 mm. cannon and rocket fire treatment. Along with fifteen other ships docked and moored in the port area, we were sitting ducks exposed on all sides to any possible attack. Most of the normally heavy port security forces had been deployed to other sectors, leaving behind a small group to protect the dockside warehouses. Off-shore and across the river stretched the paddy fields where one of the real bitter engagements shaped-up during the early morning hours of February 1st.

Alerted that the Viet Cong would attempt a penetration of this area the previous evening the entire section had been blacked-out. Under the cover of darkness American infantrymen landed from invasion barges along the river's bank and pushed Eastward across the paddy fields. An exploding red rocket shot high into the sky indicated that action with the enemy was being joined. Choppers illuminated the entire area with parachuting magnesium phosphorus flares. Being about a mile's distance, we aboard could see the flash and feel the concussion of the mortar fire. The din of automatic weapons fire created a barrier of lethal steel against which any Viet Cong would be foolish to advance. The choppers hovered in the distance awaiting orders from the ground forces for them to move-in and destroy mortar emplacements or to dispose of nests of Viet Cong. Without the aid of these choppers, manned by pilots and gunners in their early twenties and more popularly known as "coffin men," our casualty rate would be much higher. They are absolutely fearless of enemy fire move-in where the action is and get with it.

Some two hours after the battle was joined the firing of a green rocket indicated that our forces had broken contact with the Viet Cong. Charlie had deliberately retreated to seek clandestine cover during the daylight hours or to return to the guise of a simple minded peasant farmer. By sunrise the gentle South Easterly wind had dissipated the pall of conflict and revealed the scarred greenery of the battlefield. The quietude which follows bedlam was broken only by the distant and majestic crowing of a rooster. Through high-powered binoculars I saw the Medics with stretchers seeking-out the wounded to place them aboard awaiting choppers for immediate evacuation to medical stations. The dead were the last to be cleared from the battlefield as they were beyond all earthly aid. The same sun that watched those boys grow-up was now shining upon their bodies in a Vietnamese paddy field. And it will be the same brilliant sun which warms their graves, proving that God is everywhere. . . ."

INTERNATIONAL POETRY FESTIVAL

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to call to the attention of Members of Congress and other interested persons a significant literary event to take place in the Nation's Capital this month when poets from eight different countries will join their American translators in an International Poetry Festival at the Library of Congress April 13, 14, and 15. The festival, like other literary programs of the Library of Congress, is being sponsored by the Gertrude Clarke Whittall Poetry and Literature Fund. The 3-day program, planned under the general direction of William Jay Smith, the Library's consultant in poetry, 1968–70, will take place in the Coolidge Auditorium of the Library.

Yehuda Amichai of Israel, Jorge Carrera Andrade of Ecuador, and Nicanor Parra of Chile are presenting the first poetry reading of the series on Monday, April 13, at 7:30 p.m. Joining them to read translations are John Malcolm Brinnin, Miller Williams, and Mr. Smith, all distinguished American poets in their own right.

The program on Tuesday, April 14, begins with a lecture at 3:30 p.m. by Allen Tate, the noted poet, critic, and teacher, who was the Library's consultant in poetry, 1943–44. Tuesday evening at 7:30 Francis Ponge of France, Philippe Thoby-Marcelin of Haiti, and Vasko Popa of Yugoslavia, together with Donald Finkel, Serge Gavronsky, and Mr. Smith, will read poetry in the original and in translation.

Louis Untermeyer, poet, critic, anthologist, and Library of Congress consultant in poetry, 1961–63, has accepted an invitation to chair a discussion on Wednesday morning at 10:30, in which the poets and their translators will talk about some of the problems of rendering poetry in another language. At 7:30 on Wednesday even Zulfikar Ghose of Pakistan, Shuntaro Tanikawa of Japan, and Mr. Smith will present the final program of the festival. A reception will be held in the Great Hall following the poetry reading.

Guests invited to the festival include the Library's former consultants in poetry, poets who have recorded for the archive of recorded poetry and literature in the Library of Congress, and poets who are taking part in the school programs of the national endowment for the arts, as well as literary editors, critics, and diplomatic representatives of the countries from which the participating poets come. The public will be admitted to festival programs to the extent that space in the Coolidge Auditorium is available.

During the festival the Library will exhibit selections from the works of the foreign poets taking part in the programs in the northwest corridor, ground floor, of the main building. Translations by the American poets taking part will be displayed in the foyer of the Coolidge Auditorium.

Tape recordings of festival programs, like other programs in the Library's literary series, are being made available by the Gertrude Clarke Whittall poetry and literature fund for delayed broadcast on radio stations in other cities through the National Educational Radio network. In Washington, these programs will be presented in delayed broadcasts by radio station WGMS–AM–FM on dates to be announced.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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HOUSE OF REPRESENTATIVES—*Monday, April 6, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Choose you this day whom ye will serve: as for me and my house we will serve the Lord.—Joshua 24: 15.

O Lord, our God, who art the light of the world and the life of men, let Thy light shine upon us and Thy presence come to new life within as we pray in spirit and in truth. Strengthen our hearts that we may now and always be reverent in thought, word, and deed.

Bless our country with Thy gracious favor and make our people one in spirit, one in purpose, and one in steadfast good will. Whatever our differences, may we realize that we are one in Thee and may this bond of unity be increasingly strengthened until we learn to live together as good Americans in our great America.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 2, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3387. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

THE LATE HONORABLE STEPHEN PACE

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute.)

Mr. BRINKLEY. Mr. Speaker, it is my sad duty to announce the death of the former Third District Congressman, Stephen Pace, Sr., at 2 o'clock, a.m., on yesterday.

Mr. Speaker, to those who knew him and served with him during his terms of service in this House from 1937 to 1951, his loss brings to memory his able and distinguished work in this body.

My wife Lois and I join with you in this hour of grief and extend our sincerest sympathy to the dear wife of Mr. Pace and to their children.

Mr. Speaker, on Wednesday, after all legislative business has been dispensed with and other special orders, I ask unanimous consent to address the House for 1 hour under a special order to eulogize the illustrious career and dedicated service of our departed colleague.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. And, in conclusion, Mr. Speaker, this morning we have sent a letter to each Member of this body inviting their participation during that hour of eulogy to our late departed colleague.

THE GROWING PROBLEM OF CRIME

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the American people are becoming more frustrated by the day with the growing problem of crime in this country. They are also becoming more impatient and upset with the Congress for its unwillingness to deal with this issue. I share their feeling.

The Organized Crime Control Act, S. 30, was passed by the Senate on January 23. It has been reported to the House Judiciary Committee where, I was informed again just this morning, hearings have not even been scheduled.

This bill was produced by the Senate Judiciary Committee's Subcommittee on Criminal Laws and Procedures, chaired by my distinguished colleague, Senator JOHN MCCLELLAN, after almost a year of study. It incorporates the best recommendations of numerous organizations and specialists in law enforcement.

This bill would attack directly the growing problems of organized crime. There is no doubt, I feel, that the overall problems of crime in this country cannot be brought under control until we have brought organized crime under control. Senate Minority Leader HUGH SCOTT said that S. 30 strikes "the appropriate balance" between the considerations for "individual liberties as well as the common good of society," and that S. 30 would "help clear America of organized crime."

Mr. Speaker, the problem of crime in our society has reached crisis proportions. The American people are waiting for the Congress to assume the leadership in the fight against this problem. The Senate has discharged its responsibilities, and it is time for the House to act.

I do not feel that there is another issue before the House Judiciary Committee which should take precedence over this important bill. I urge the members of the committee, and the Members of this House, to place this problem of crime in proper perspective and assign to it its rightful priority. Our people expect us to take action on this legislation, and it is time we listened to them.

DEPARTMENT OF JUSTICE BRINGS ANTITRUST ACTION AGAINST CLEVELAND TRUST CO.—NEW METHOD FOR CONCENTRATING ECONOMIC POWER RECOGNIZED IN LEGAL ACTION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on March 26, 1970, in an unusual and imaginative—but in my opinion, proper—new departure in the application of the Federal antitrust laws, the Justice Department filed suit against the Cleveland Trust Co., the largest bank in the State of Ohio and the 20th largest in the United States. The suit charged that this bank, through its stockholdings in its trust department of four competing machine tool companies and interlocking directorships between the companies and the bank, had violated sections 7 and 8 of the Clayton Act.

On July 9, 1968, I wrote the then Attorney General of the United States, Ramsey Clark, asking for an investigation of this and several other cases in connection with a staff report being published on that date by the Domestic Finance Subcommittee of the House Banking and Currency Committee. This study revealed literally hundreds of similar relationships between banks and competing corporations all over the country. Thus, the significance of this litigation is clear. If the Government is successful in its contention, the repercussions of applying sections 7 and 8 of the Clayton Act to a bank's trust and director relationships with competing corporations will indeed be widespread. This can only result in greater competition and a significant reduction in the trend toward concentration of economic power that has occurred in the last several years.

I include in the RECORD at this point the Justice Department's complaint against the Cleveland Trust Co., its press release of March 26, 1970, my letter to the Attorney General of July 9, 1968, and three newspaper stories discussing the suit:

[U.S. District Court for the Northern District of Ohio, Eastern Division]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* THE CLEVELAND TRUST COMPANY, DEFENDANT

COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the above named defendant, and complains and alleges as follows:

I. JURISDICTION AND VENUE

1. This complaint is filed under Section 15 of the Act of Congress of October 15, 1914, c. 323, 38 Stat. 736, as amended (15 U.S.C. § 25), commonly known as the Clayton Act, in order to prevent and restrain violations by the defendant of Sections 7 and 8 of the Clayton Act.

2. The Cleveland Trust Company maintains its principal offices, transacts business, and is found within the Eastern Division of the Northern District of Ohio.

II. DEFENDANT

3. The Cleveland Trust Company, hereinafter referred to as "Cleveland Trust," is made the defendant herein. Cleveland Trust is a corporation organized and existing under the laws of the State of Ohio, with its principal offices in Cleveland, Ohio.

III. TRADE AND COMMERCE

4. Cleveland Trust, with over $3 billion in trust assets, is the 16th largest bank in the United States in terms of total trust assets. In the Cleveland Standard Metropolitan Statistical Area (hereinafter referred to as "SMSA") Cleveland Trust accounts for about 60 per cent of total trust assets held by commercial banks, and three banks account for about 96 per cent of such assets.

5. George F. Karch (hereinafter referred to as "Karch") is Chairman of the Board and President of Cleveland Trust. Allan K. Shaw (hereinafter referred to as "Shaw") is Senior Vice President of Cleveland Trust.

6. Automatic screw machines are complex machine tools which perform a variety of integrated processes, such as cutting, polishing, boring, and reaming of ferrous and nonferrous bars, tubes, castings, and forgings. Total annual sales of automatic screw machines in the United States are about $166 million. Within this market there are two submarkets: (a) single spindle automatic screw machines, which can tool only one metal piece at a time; and (b) multiple spindle automatic screw machines, which have the capability of tooling more than one piece of metal at a time. Annual sales of single spindle machines in the United States are about $94 million; those of multiple spindle machines are about $71 million. Although the two types of machine differ generally as to size and complexity, the technology required to build either type of machine can be, and frequently is, applied to building the other. Therefore, although manufacturers tend to specialize in either one or the other, most of the large producers manufacture some of both. Automatic screw machines are sold and shipped throughout the United States.

7. National Acme Company, with total automatic screw machine sales of $20,568,000 in 1967, accounted for approximately 12.4 per cent, or the third largest share, of such sales in the United States. In 1967, National Acme Company's sales of multiple spindle automatic screw machines were $20,470,000, accounting for approximately 28.5 per cent, or the largest share of such sales in the United States. In September 1968, National Acme Company and Cleveland Twist Drill Company merged to form Acme-Cleveland Corporation (hereinafter referred to as "Acme"). Acme continues the business previously conducted by National Acme Company, including the manufacture and sale of automatic screw machinery. As of December 31, 1968, Acme had assets of about $109 million.

8. Proxy statements and letters to stockholders issued in connection with the merger of National Acme and Cleveland Twist Drill announced that Karch, an agent of Cleveland Trust, would become a Director of Acme.

9. Pneumo-Dynamics Corporation (hereinafter referred to as "Pneumo"), with multiple spindle automatic screw machine sales of about $17,093,000 in 1967, accounted for about 10.3 per cent, or the fourth largest share, of total automatic screw machine sales in the United States, and for about 23.7 per cent, or the second largest share, of multiple spindle screw machine sales in the United States. As of December 31, 1968, Pneumo had assets of about $108 million.

10. Shaw, an agent of Cleveland Trust, is a Director of Pneumo.

11. Warner & Swasey Company (hereinafter referred to as "W&S"), with automatic screw machine sales in 1967 of $36,977,000, accounted for about 22.3 per cent, or the largest share, of such sales in the United States. In 1967, W&S sales of multiple spindle automatic screw machines were $3,157,000 or about 4.4 per cent of such sales in the United States, and its sales of single spindle automatic screw machines were $33,820,000, or about 35.9 per cent of such sales in the United States. As of December 31, 1968, W&S had assets of about $131 million.

12. Karch, an agent of Cleveland Trust, is a Director of W&S.

13. White Consolidated Industries, Inc. (hereinafter referred to as "White"), with automatic screw machine sales in 1967 of $9,250,000, accounted for about 5.6 per cent, or the seventh largest share, of such sales. In 1967, White's sales of multiple spindle automatic screw machines were $6,216,000, or about 8.7 per cent of such sales, and its sales of single spindle automatic screw machines were $3,034,000, or about 3.2 per cent, of such sales in the United States. As of December 31, 1968, White had total assets of about $620 million.

14. Shaw, an agent of Cleveland Trust, is a Director of White.

OFFENSES CHARGED

First Offense

15. Cleveland Trust, through its trust department, has acquired, in a fiduciary capacity, substantial parts of the stock of Acme, Pneumo, W&S, and White. Cleveland Trust acquired 27 per cent of the stock of Acme at the time of Acme's formation in September 1968. As of September 1968, Cleveland Trust had full power to vote at least 20 per cent of the outstanding common stock of Acme and had qualified power to vote about 5 per cent of such stock. As of November 27, 1968, Cleveland Trust had about 14 per cent of the outstanding common stock of Pneumo. As of that date, Cleveland Trust had full power to vote all these shares. As of May 15, 1968, Cleveland Trust had acquired about 11 per cent of outstanding stock in W&S. As of that date, Cleveland Trust had full power to vote about 2 per cent of the outstanding common stock of W&S, and had qualified power to vote about 3 per cent of such stock. Cleveland Trust holds less than 5 per cent of the common stock of White.

16. Cleveland Trust does not hold the aforesaid stock solely for investment. Cleveland Trust consistently exercises the voting rights to these shares of stock to elect directors, and to influence important management and policy decisions. Cleveland Trust does substantial banking business with Acme, Pneumo, W&S, and White.

17. The effect of the aforesaid stock acquisitions may be to substantially lessen competition in violation of Section 7 of the Clayton Act, as amended, in the following ways, among others:

(a) actual and potential competition among Acme, Pneumo, W&S, and White in the manufacture and sale of automatic screw machinery may be substantially lessened;

(b) actual and potential competition among Acme, Pneumo, W&S, and White in the manufacture and sale of single spindle automatic screw machinery may be substantially lessened; and

(c) actual and potential competition among Acme, Pneumo, W&S, and White in the manufacture and sale of multiple spindle automatic screw machinery may be substantially lessened.

Second Offense

18. Cleveland Trust, acting through its agents Karch and Shaw, has been and is now a Director of Pneumo, W&S, and White in violation of Section 8 of the Clayton Act.

PRAYER

Wherefore, plaintiff prays:

1. That the acquisition, retention, and use by Cleveland Trust of the stock of Acme, Pneumo, W&S, and White be adjudged and decreed to be in violation of Section 7 of the Clayton Act.

2. That Cleveland Trust be required to divest itself of its stock in all but one of the aforesaid companies.

3. That Cleveland Trust be ordered to withdraw from participation in the direction, control, or management of all but one of the aforesaid companies.

4. That it be adjudged that Cleveland Trust has violated Section 8 of the Clayton Act.

5. That Cleveland Trust be ordered and directed to order its agents to resign from directorships in all but one of the aforesaid companies.

6. That Cleveland Trust, its officers, directors, agents, and all other persons acting on its behalf be enjoined from permitting any of its agents from serving as a Director of two or more competing corporations which are each engaged in interstate commerce and have capital, surplus, and undivided profits aggregating more than $1,000,000.

7. That plaintiff have such other and further relief as the Court may deem just and proper.

8. That plaintiff recover the costs of this suit.

John N. Mitchell, Attorney General; Richard W. McLaren, Assistant Attorney General; Baddia J. Rashid, Robert B. Hummel, Carl L. Steinhouse, Attorneys, Department of Justice; Frank B. Moore, Charles E. Hamilton III, Robert A. McNew, Robert S. Zuckerman, David F. Hils, Attorneys, Department of Justice, Antitrust Division.

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PRESS RELEASE, DEPARTMENT OF JUSTICE

The Department of Justice today filed a civil antitrust suit against The Cleveland Trust Company to require it to divest itself of stock interests in certain major manufactures of automatic machine tools and to eliminate its interlocking directorships in such companies.

Attorney General John N. Mitchell said the suit was filed in United States District Court in Cleveland, Ohio, where The Cleveland Trust Company has its headquarters.

According to the complaint, Cleveland Trust has substantial stock holdings in Acme-Cleveland Corporation, Pneumo-Dynamics Corporation, Warner & Swasey Company, and White Consolidated Industries, Inc., all major manufacturers of automatic machine tools. The suit alleges that the bank's influence in which companies through its stock interests may substantially lessen competition in the manufacture and sale of automatic screw machines, which are machine tools for working various metals, in violation of Section 7 of the Clayton Act.

The suit also charges that The Cleveland Trust Company, acting through its agents, has been and is now a director of Pneumo-Dynamics, Warner & Swasey, and White Consolidated, in violation of Section 8 of the Clayton Act. George Karch, chairman and chief executive officer of The Cleveland Trust Company, is a director of Warner & Swasey. Allen K. Shaw, senior vice president of Cleveland Trust, is a director of Pneumo-Dynamics and White Consolidated.

The complaint asks that Cleveland Trust's stock acquisitions in the above named competing corporations be declared illegal and that Cleveland Trust be required to divest its stock interests in all but one of such corporations. The complaint also asks that Cleveland Trust's representation on the boards of directors of Pneumo-Dynamics, Warner & Swasey, and White Consolidated be declared unlawful; that the bank be directed to order its agents to resign from directorships in all but one of such companies; and that the bank, its officers, directors, and agents be enjoined from serving as a director of any two or more competing companies engaged in interstate commerce, whose capital, surplus, and undivided profits aggregate more than $1 million.

Assistant Attorney General Richard W. McLaren, head of the Antitrust Division, said that Cleveland Trust is the 16th largest bank in the United States in terms of trust assets and accounts for about 50 per cent of the total trust assets in the Cleveland metropolitan area. Acme-Cleveland, with total automatic screw machine sales of over $20 million a year, is third largest in such sales in the United States. Pneumo-Dynamics, with automatic screw machine sales of over $17 million, is fourth largest in total automatic screw machine sales. Warner & Swasey with over $36 million in sales, is the largest in automatic screw machines in the United States, and White Consolidated, with over $9 million in sales, is seventh largest.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., July 9, 1968.

Hon. RAMSEY CLARK,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: You and your Department are to be congratulated for your recent ruling barring interlocking directorates involving sixteen different corporations. In proportion, however, the action taken by the Department of Justice is minuscule both in number and import when compared with the myriad of similar instances that exist, as shown in the House Committee on Banking and Currency's Domestic Finance Subcommittee current study on *Commercial Banks and Their Trust Activities*. Given this decision by your Department, it is, in my opinion, incumbent upon you to take immediate action in applying the Clayton Act and other applicable antitrust laws to the far more serious and widespread problems of interlocking stockholdings and directorships revealed by this study, a copy of which is enclosed.

As you will see, this report details thousands of cases in which commercial banks, in effect, play the role of middlemen through stockholdings and directorships, between competing businesses in practically every major industry in the United States. To take one important example, the Morgan Guaranty Trust Company, the nation's largest bank trust operation with $16.8 billion in trust assets, holds 7.5% of the common stock of American Airlines and has a director interlock with this airline. At the same time, Morgan holds 8.2% of the common stock of United Airlines and 7.4% of the common stock of Trans World Airlines (see p. 699 of study). Morgan has sole or partial voting rights over practically all of this stock. No one can question that these major domestic air carriers are in direct competition and yet each has as its largest stockholder a single banking institution.

In another area, Morgan holds substantial blocks of common stock of four competing cosmetic manufacturers, and has interlocking directorships with two of these companies (see page 696). Morgan also holds 11.9% of the common stock of Trane Company and 16.5% of the common stock of the Carrier Corporation, two major competitors in the central air conditioning field (see page 697).

These are but a few of the many examples which could be given for this bank and for many others. Such situations are at least as anti-competitive and, in my opinion, far more so than those dealt with in your recent order.

Another instance found in this report dealing directly with an area in which the Justice Department showed much concern in your announcement of June 27, is that of the machine tool industry. In your action the Justice Department broke up a director interlock between two major machine tool companies, TRW and Midland-Ross. Should you not be even more concerned with the fact that the Cleveland Trust Company has far closer relationships with six major companies in machine tool industry, to wit: Cleveland Twist Drill Company (52.4% common stock, three directors); Parker Hannifin Corporation (14.5% common stock, one director); Timken Roller Bearing Company (11.4% common stock); Warner and Swasey Company (9.11% common stock, one director); Osborn Manufacturing Company (42.6% common stock, one director); and Electronics Associates, Inc. (55.4% common stock). In addition, as the study shows in Chart 3, page 640, the Cleveland Trust Company holds large blocks of stock in and interlocking directorships with three large competing iron ore corporations and two of Cleveland's largest department stores.

Even more serious situations are revealed in the study, whereby commercial banks, insurance companies, finance companies, mutual savings banks and other financial institutions, all of whom compete with each other for business, are closely interlocked through major stockholdings and interlocking directorates. A few examples are as follows: The Chase Manhattan Bank holds between 5% and 7% of the common stock of three insurance companies (Aetna Life Insurance, American General Insurance and American Reinsurance) and has ten interlocking directorships with six other major insurance companies (see p. 706).

Similarly, the Mercantile-Safe Deposit and Trust Company of Baltimore, Maryland holds 8.7% of the common stock of a major competitor, the First National Bank of Maryland; 7.1% of the common stock of U.S. Fidelity and Guaranty Co., a billion-dollar insurance company; 22.2% of the outstanding shares of Fidelity and Deposit (Insurance) Company of Maryland (assets—$114.6 million); 27.4% of the stock of Monumental Life Insurance Company (assets—$341.6 million); and 6.9% of the common stock of Commercial Credit Company (assets—$2.9 billion). In addition, this bank has five interlocking directorships with U.S. Fidelity and Guaranty Co., two interlocking directorships with Fidelity and Deposit Company of Maryland, two interlocking directorships with Monumental Life Insurance Co., four interlocking directorships with Commercial Credit Company and three interlocking directorships with the Savings Bank of Baltimore (assets—$352.6 million). (See Chart 1, pp. 556–557). All of these financial institutions compete with each other and with Mercantile-Safe Deposit and Trust to some extent, and yet they are all intimately interlocked.

One further example should suffice to show how major competing financial institutions are closely interrelated. As shown on pages 670–672 of the enclosed study, the two largest commercial banks in Hartford, Connecticut, have substantial stock and/or director interlocks with the following major insurance companies with which they are supposed to compete: Aetna Life Insurance Company, Connecticut General Life Insurance Company, the Travelers Corporation, Connecticut Mutual Life Insurance Company, Phoenix Mutual Life Insurance Company and the Hartford Steam Boiler Inspection and Insurance Company. All together, two banks and seven insurance companies hold 35.4% of all the shares outstanding of the Hartford National Bank, and 38.5% of the outstanding stock of the Connecticut Bank and Trust Company. In addition, the banks hold large blocks of stock in several of the insurance companies and there are many interlocking directorships between the insurance companies and the banks.

It is difficult for anyone to believe that these and the thousands of other interlocking relationships revealed in this study do not have serious anti-competitive effect within the financial and business community which, in turn, creates a detrimental impact on millions of Americans.

Your recent action in this vital area is applauded. Similar action by your Department in the multitude of similar instances, as pointed out in this study, will greatly aid in the preservation of our competitive free enterprise system.

I look forward to your immediate response to this letter and, in light of the information presented in the Subcommittee's report, I urge you to take immediate action to stop these dangerous practices which are so detrimental to the public interest.

Sincerely yours,
WRIGHT PATMAN,
Chairman.

[From the New York Times, Mar. 27, 1970]

JUSTICE UNIT NAMES CLEVELAND TRUST CO. IN ANTITRUST SUIT

(By Eileen Shanahan)

WASHINGTON, March 26.—The Justice Department, in what antitrust officials said was an unprecedented case, charged today that the Cleveland Trust Company had violated the antitrust laws by controlling—though only as a trustee—substantial blocks of stocks in four competing machine-tool companies.

The department brought a suit in United States District Court for the Northern District of Ohio that seeks to force the bank to sell the stock of all but one of the competing concerns.

Officers of the bank serve as directors of three of the four companies and the suit also seeks to force the resignation of all but one of the directors.

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The chairman of the bank, George F. Karch, in a statement issued in Cleveland challenged the suit as "a startling departure from existing law" and charged that it was "seriously inaccurate in certain material respects."

Mr. Karch noted, as did the Justice Department's suit, that the stock in question was not owned by the bank but instead represented holdings by individuals who had placed the stock in trusts managed by the bank.

It is this feature of the case that makes it a novel one in antitrust law.

If the Justice Department wins the suit, it appeared likely that other similar suits might be filed against other banks which, acting as trustees, manage or control stock in other competing companies.

Representative Wright Patman, Democrat of Texas, the chairman of the House Banking Committee, contended in a report he made in mid-1968 that there were at least five cases—of which Cleveland Trust was one—in which bank trust departments owned significant amounts of stock in competing companies. Two of Mr. Patman's examples involved the Morgan Guaranty Trust Company of New York. In most of his cases, as in the Cleveland Trust case, there were also interlocking directors.

GROUND-BREAKING SUITS

The case against Cleveland Trust was the latest in a series of suits aimed at establishing new principles of antitrust law that have been filed since the Nixon Administration came into office.

Most of the other ground-breaking suits—those involving allegedly illegal reciprocal business practices and those seeking to prevent mergers by the giant conglomerate companies, for example—were all filed some months ago, however.

Thereafter, rumors had circulated widely in the business community that the Justice Department antitrust division, headed by Richard W. McLaren, had been ordered by the White House to stop annoying business with novel and strict antitrust enforcement.

This is the first groundbreaking suit that has been filed since those rumors—always denied by Mr. McLaren—began to be heard.

COMPLAINT ALLEGATIONS

The Justice Department's complaint in the Cleveland Trust case alleged that the bank "consistently" voted the stock that it holds as trustee in the four companies "to elect directors and to influence important management and policy decisions."

According to the complaint, Cleveland Trust, in 1968, had acquired 11 per cent of the stock in the Warner & Swasey Company, the largest manufacturer of automatic screw machine tools, and had full power to vote 2 per cent of the stock and qualified power to vote 39 per cent.

In the same year, the complaint continued, it has 27 per cent of the stock of the Acme-Cleveland Corporation, the third largest in the industry, and had full power to vote 20 per cent of the stock and qualified power to vote 5 per cent.

In the third company, the Pneumo-dynamics Corporation, the industry's fourth largest, the complaint alleged that Cleveland Trust had 14 per cent of the stock and full power to vote all of it.

Cleveland Trust held less than 5 per cent of White Consolidated Industries, the industy's seventh largest, the complaint said. It did not detail how much of this stock Cleveland Trust voted.

The trust company's holdings and its votes and the interlocking directorships may substantially lessen competition among the four companies on several types of automatic screw machinery, a major category of machine tools for which the annual market in the United States is $166-million, the complaint said.

Mr. Karch is a director of Warner & Swasey, according to the complaint, and Allan K. Shaw, a senior vice president of Cleveland Trust, is a director of Pneumo-Dynamics and of White Consolidated.

The Justice Department's inquiry into the case already had produced controversy as far back as 1968, when Cleveland trust sought to prevent the department from obtaining certain company files which it had sought under a power somewhat similar to the subpoena power, known as "investigative demand." The company filed suit in Federal court to block the demand, alleging among other things, that the inquiry had resulted from a political conspiracy between Representative Patman and Ramsey Clark, then Attorney General and also a Democrat.

[From the Wall Street Journal, Mar. 27, 1970]

Cleveland Trust Target of Suit by Justice Unit—Antitrust Division Seeking Divestiture by the Bank of Holdings in Three Firms—Four Tool Makers Involved

The Justice Department filed a novel antitrust suit to require Cleveland Trust Co. to divest itself of its stock interests in competing manufacturers of automatic machine tools and to eliminate its interlocking directorships in the companies.

The suit, filed in Federal district court in Cleveland, charged that the bank's stock interests in four major machine-tool makers violate the Clayton Antitrust Act because such interests may lessen competition among the tool manufacturers. The four are Acme-Cleveland Corp., Pneumo-Dynamics Corp., Warner & Swasey Co. and White Consolidated Industries Inc.

Cleveland Trust immediatey issued a statement that its lawyers' first appraisal indicates the suit is "completely without merit" and "represents a startling departure from existing law."

The suit asked that Cleveland Trust be ordered to divest itself of its stock interests and resign its directorships in all but one of the tool makers. The suit didn't say in which one the bank could retain an interest, apparently leaving the choice to the bank.

Richard W. McLaren, head of the Justice Department's Antitrust Division, said in Washington that a similar suit had never been filed before because "the situation never came up where a bank's trust department had interests in a number of competitors."

He also suggested that the suit doesn't signal any broad Government investigation to seek possibly similar situations. Cleveland Trust, he said, "had been under investigation for some time" and appears to be a unique situation.

Edwin Zimmerman, head of the Antitrust Division during the latter part of the Johnson Administration, had filed a civil investigative demand on Cleveland Trust for additional information regarding the bank's trust activities, but the bank went to court to block the demand.

Mr. McLaren said this court action has never been resolved. But he said he reviewed the matter and decided that the department had enough evidence to make a case and thus proceeded to file suit.

Cleveland Trust, according to the suit, is the nation's 16th-largest bank in terms of trust assets. It has more than $3 billion in trust assets, the suit said.

Warner & Swasey is the nation's largest manufacturer of automatic screw machines, according to the suit. It said Acme-Cleveland is the third largest, Pneumo-Dynamics fourth and White Consolidated seventh largest. The machines are complex tools that perform a variety of processes such as cutting, polishing and boring of metal bars, castings and forgings.

The suit noted that George Karch, chairman of Cleveland Trust, is a director of Warner & Swasey. Allan K. Shaw, the bank's senior vice president, is a director of Pneumo-Dynamics and White Consolidated. The suit said that, according to proxy materials issued in connection with the 1968 merger that formed Acme-Cleveland, Mr. Karch also is to become a director of that company.

The bank's trust department acquired 27% of Acme-Cleveland's stock when that company was formed in 1968 by merger of National Acme Co. and Cleveland Twist Drill Co., according to the suit. It said that, as of Nov. 27, 1968, the bank had about 14% of Pneumo-Dynamics' common stock. As of May 15, 1968, the bank had about 11% of the stock outstanding of Warner & Swasey, the suit said. The bank holds less than 5% of White Consolidated's common stock, the suit added.

The suit asserted that Cleveland Trust doesn't hold the stocks "solely for investment." It asserted that the bank consistently exercises the voting rights to the shares "to elect directors and to influence important management and policy decisions." Further, the suit said Cleveland Trust "does substantial banking business" with each of the four tool makers.

The suit charged that the bank's influence in the companies, through its stock interests, may substantially lessen competition in the manufacture of automatic screw machines, in violation of the Clayton Act.

The suit asked that the bank be ordered to divest itself of its stock interests and resign its directorships in all but one of the tool makers and that the bank be enjoined from having directors on the boards of any two or more competing corporations. The injunction would apply to any such competing corporation having capital, surplus and undivided profit totaling more than $1 million.

In Cleveland, Mr. Karch, chairman and chief executive officer of Cleveland Trust, said of the Justice Department complaint: "From a brief examination it would appear to be strongly inaccurate in certain material respects."

Mr. Karch added that the action seems to be based on "trust holdings of certain stocks which were placed in various trusts by individuals and not purchased by the bank. The bank, in its own right, doesn't own any stock in any of the companies mentioned."

The Justice Department complaint isn't the first time Cleveland Trust has drawn fire from Washington for its trust holdings of machine-tool companies. In September 1968, Rep. Patman (D. Texas), Chairman of the House Banking Committee, attacked the bank's "involvement" in three mergers involving machine-tool companies. The bank denied it had fostered the mergers.

The consolidations included the marriage of Cleveland Twist Drill Co. and National Acme Co. to form Acme-Cleveland Corp., the merger of Toledo Scale Co. into Reliance Electric Co., and the merger of Osborn Manufacturing Co. into Sherwin-Williams Co.

[From the Washington Evening Star, Mar. 27, 1970]

The United States Is Moving To Curb Bank Stock Holders

(By Robert Walters)

The Justice Department has taken a first step toward curtailing the practice which allows banks to wield substantial control over manufacturing companies—some of them competing firms in the same industry.

In what Justice Department attorneys believe to be an unprecedented use of federal antitrust statutes, the government yesterday moved to force the trust department of a northwestern bank to divest itself of "substantial stock holdings" in four companies which manufacture automatic machine tools.

The civil suit, filed in U.S. District Court in Cleveland, charges that the bank's influence over the companies serves to "substantially lessen competition"—not through the out-

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right ownership of stock, but rather through the holding of the securities in trust for others.

Although the initial effort involves only one bank, the Cleveland Trust Co., further application of the concept could have a significant effect on far larger financial institutions in cities throughout the country, notably New York, Baltimore and Hartford.

SIMILAR SITUATION

And although the four manufacturing firms named in the suit are in a relatively obscure field, similar situations exist elsewhere which involve larger companies with a greater impact on individual consumers—particularly airlines, cosmetic manufacturers and insurance companies.

The suit, invoking the Clayton Antitrust Act, asks the court to declare the bank's stock holdings in the four firms illegal, require the bank to dispose of the stock in all but one of the companies, and force the bank's officers to resign from directorships of all but one of the firms.

The complaint alleges that the bank does not hold stock in the companies solely for investment, but "consistently exercises the voting rights to these shares of stock to elect directors and to influence important management and policy decisions."

The companies involved all produce automatic screw machines, complex machine tools used for cutting, polishing, boring and reaming of metal used in industry. Their names and annual sales:

Acme-Cleveland Corp., $20 million; Pneumo-Dynamics Corp., $70 million; Warner & Swasey Co., $36 million, and White Consolidated Industries, Inc., $5 million.

MEMBERS OF BOARDS

Cleveland Trust officers are members of the boards of all of the firms except Acme-Cleveland.

Like thousands of other commercial banks in the country, Cleveland Trust holds in its trust department stock which it does not actually own but which has been placed with it for financial management and safekeeping purposes by a variety of trust funds.

The owners of record are union pension funds, employe benefit funds, mutual and insurance funds and private trusts. But the voting rights are almost always assigned to the bank.

The practice was extensively documented in a two-volume, 2,000-page study issued in July 1968 by the House Banking and Currency Committee.

Among the potentially monopolistic situations cited in the report was the relationship between Cleveland Trust and six major firms in the machine tool industry. Two of those companies—the Cleveland Twist Drill Co., predecessor to Acme-Cleveland, and Warner & Swasey—were the same as those cited yesterday by the Justice Department.

At the time the congressional study was released, Rep. Wright Patman, D-Tex., chairman of the House committee, wrote to Atty. Gen. Ramsey Clark asking for "immediate action in applying the Clayton Act and other applicable antitrust laws" to restrain the banks' control of industrial firms.

In addition to listing the investment of more than $251 billion in securities managed by bank trust departments, Patman's study cited situations in Baltimore, Boston, Chicago, Cincinnati, Cleveland, Detroit, Hartford, New York, Philadelphia and Pittsburgh.

The congressional report showed that the Morgan Guaranty Trust Co. of New York held 7.5 percent of American Airlines' outstanding common stock, 8.2 percent of United Airlines' stock and 7.4 percent of Trans World Airlines' stock.

In another area, Morgan Guaranty held substantial blocks of stock in four firms competing in the marketing of soap and cosmetic products—Avon Products, Inc., 6.5 percent; Chesebrough-Pond's, Inc., 14.1 percent; Max Factor & Co., 8.8 percent, and Lanvin-Charles of the Ritz, Inc., 9.1 percent.

The Mercantile-Safe Deposit and Trust Co. of Baltimore held 8.7 percent of the common stock of a major competitor, the First National Bank of Maryland, and 7.1 percent to 27.4 percent of the stock of three competing life insurance companies.

The congressional study warned of "a new trend toward control of these vital elements of our economy through control of the voting of large blocks of stock in these corporations held for beneficiaries by a relatively few giant financial institutions."

ONE HOUSE FOR EVERY 103 FAMILIES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Nation's housing shortage, bad as it was last year, is expected to descend to an even more disastrous level during 1970. Last year there were 1.4 million housing starts. This year the National Association of Home Builders, which represents most of the Nation's home building industry, estimates that housing starts will drop to 1.2 million starts, only 46 percent of the 2.6 million units required to meet our annual national housing goal.

Of the total of 1.2 million starts, NAHB estimates there will be 700,000 single family units, two-thirds of which will be priced at $25,000 or more. In fact, the homebuilders' projection calls for only 273,000 single family units priced under $25,000.

TWENTY-EIGHT MILLION PRICED OUT

Studies indicate that minimum monthly payments of $226 are required in order to afford a $20,000—30-year mortgage carrying the current, exorbitant effective interest rate of 9 percent. The total of $226 is comprised of the payments required for insurance, utilities, maintenance, and taxes, as well as principal and interest. It is generally accepted that, in order to balance the family budget, no more than 25 percent of net household income should be spent on housing. This means that a family should have a net income of at least $10,800 or a gross income of about $13,000 in order to qualify for a $20,000 FHA mortgage.

This criteria, when compared to a recent report on household income by the Census Bureau, reveals that there are 28 million families or 101 million persons whose income is too high for them to qualify for federally assisted housing and too low for them to afford a $20,000—30-year FHA mortgage. In other words, the moderate income families of the Nation—half the people in the country—cannot afford a mortgage higher than $20,000.

When the NAHB estimates for the year are brought into the picture, the situation boils down to construction of one single family house priced under $25,000 for each 103 families which can afford the mortgage payments on such a dwelling.

To say that the Nation is confronted with a housing disaster is to understate the situation.

OUT OF CONTROL

Other findings by the Census Bureau, the Bureau of Labor Statistics and NAHB regarding the cost of building the average home further support the conclusion that the situation is out of control. For example:

Overhead and profit on the average new home went up 67 percent and the cost of the structure went up 45 percent during the 20-year period from 1949 to 1969. But the cost of a lot, which was $1,485 in 1949 and is now $6,200, went up 319 percent. The cost of financing construction went up even more. In 1949 it was $675. Today it is $2,860, an increase of 324 percent.

To this must be added the fact that the effective FHA interest rate went from 5 percent in 1949 to 9 percent in 1970, an increase of 80 percent. This means that a $20,000—30-year mortgage loan in 1949 required total interest payments over the term of the loan of $18,653. Today, a $20,000—30-year FHA mortgage carries total interest payments of $38,000 over the life of the loan. When principal payments are added, the total paid in by the homeowner over the term of the $20,000 mortgage is $58,000.

Mr. Speaker, these are but some of the conditions that prevail today and that spell the end of homeownership for the moderate-income families of the Nation. Graphic descriptions of the Nation's housing crisis and the factors that produced that crisis are contained in an article entitled "Why Can't People Get Homes?" published in the April 1970 issue of the American Legion magazine, and in Building Construction in Texas, published by the University of Texas Bureau of Business Research. I submit both of these articles to be included in the RECORD:

[From the American Legion magazine, April 1970]

WHY CAN'T PEOPLE GET HOMES?

(By L. A. Knight, Jr.)

The United States is in the grip of the worst housing shortage since WW2, a shortage that hits young couples, and especially young veterans, hardest.

The door is now all but closed to the young veteran and his wife trying to buy a decent home under the VA's veterans housing loan program. Young non-veteran couples who could once find houses under FHA mortgages are only slightly better off, thanks to their somewhat better foothold in the economy by virtue of their not having been away on Uncle Sam's affairs.

Veterans of recent military service are writing letters about their plight to the White House, Congressional offices, the Veterans Administration (VA), the Department of Housing and Urban Development (HUD) or whatever else they might hope for a sympathetic ear.

Says a Burlington, Iowa, veteran, "After saving for years to accumulate the down payment for a home of our own we now find the G.I. loan, that we have been counting on for so long, is in truth not really available." He mirrors a larger army of ex-servicemen, their G.I. entitlement in hand, who are being turned away by banks, savings and loan institutions and mortgage companies; or, who can only find housing and loan terms that are far beyond their means—and beyond any previous price scale and mortgage terms in our history.

"No real estate company or bank will even discuss a G.I. loan with me," a Pontiac, Mich., veteran wrote to George Romney, former governor of Michigan and now head of HUD.

A Lynchburg, Va., schoolteacher asked the White House: "What good is my G.I. loan if I can't use it? What am I and other veterans who can't afford a civilian mortgage going to do?"

A young Southington, Conn., housewife, whose husband had just been separated from service, told her Congressman: "Every bank we go to we are turned down. What is the government coming to?"

A former Army sergeant now living in Buffalo, N.Y., wrote: "I have gone to five banks and one mortgage company and only one of the banks says it will make a G.I. loan. But this particular bank has set its standards so high my loan application never reached the VA for approval."

An Edison, N.J., veteran was about to close a purchase arrangement for a new home when the Veterans Administration raised the permissible interest on a G.I. loan from 7½ to 8½% on Jan. 25. Since this would add another $20 a month to his mortgage note he found he could not go through with the purchase. He wrote the President:

"I guess the only way to get ahead in this present condition is to go on welfare. I know of a few people on welfare now who live a lot better than we do. Why is this?"

A California veteran directed this appeal to the White House:

"I have spent my time in Vietnam fighting Communism. Now I'll have to fight inflation on the home front. I happen to be one of those people that has suddenly found out that the house that I was about to buy is now out of my price range."

In large numbers, Vietnam vets and other young people are living in too-small apartments, in single rooms or doubling up with friends or relatives. Some find an occasional rare buy in old housing—perhaps miles from where they work—often because there's something the matter with it. Many are moving into mobile homes, and we'll say more about that later.

To get decent housing it helps if you have well-to-do or influential parents, or if you inherit a house or a wad of money, or start adult life with large earnings.

We've been hearing about bad housing for the poor all along. Today, those with good earnings who are willing to pay more than is reasonable, and to pledge a disproportionate part of their future earnings, find it ever harder to buy or rent decent shelter.

Because most older people with reasonably good incomes already have homes, the housing crisis falls most heavily on the young. And not just the very young. A 32-year-old Chicago executive who thinks he's off to a good start in earnings for his age says he can't buy a suburban Chicago home. Average price is $32,000. "I could pay that off, all right," he says, "but the down payment is $10,000 and I haven't $10,000 lying around loose." In many areas, new rentals are almost impossible, too. The bidding for the little that's available runs it out of reach of any but those who already have it made in life.

The three main causes of the housing mess are: (1) inflation with its high prices, (2) "tight money"—which is not the same thing as inflation and (3) a serious shortage of conventional housing.

They are all related, and each rests on layers of other causes and effects that chase each others' tails around a series of circles.

(1) *Inflation* simply puts the asking price on living space—for sale or rent—beyond what many can afford to pay. It wouldn't do that if income and housing were inflated equally. But housing is inflated way beyond income. Thirty-five years ago, good, new suburban housing cost about 2½ to 3 times the annual take-home of a couple starting out in life with normally good prospects. Today, good, new suburban housing doesn't exist in any meaningful amount. Good, *old* suburban housing often runs from 4 to 7 times the annual take-home of a similar couple.

(2) "*Tight money*" is a shift of available lending money away from mortgages to other things. It is not a shortage of money, but a diversion of it, as far as housing is concerned.

Tight money makes mortgages unavailable to many people who are willing to pay the inflated home prices. The lender refuses to lend. For others, it lards a mortgage with sky-rocketing interest rates and "extra" charges as the price of getting one at all. This happens twice on new housing. The builders are socked with high interest and "extras" for the money they borrow to build with, which they then add to the price of the home. Then the customer pay high rates when he finances his purchase.

To spread the scant amount of mortgage money that lenders have, or are willing to put into mortgages, bigger down payments (smaller mortgages) are required, and quicker pay-back is demanded (meaning larger monthly payments). The total finance costs, over the years, on some houses now being mortgaged come to far more than the cost of the houses.

(3) *The shortage of homes* flows from all of the above, and from more. Builders who are dying to build are not building middle class houses. Their potential customers are priced out of the market, simply can't get mortgages or can't meet the larger down payments now demanded.

The shortage of new housing and its great cost where available have set frantic home seekers outbidding one another for existing older homes. Again, the more affluent win out. Some houses in desirable areas that sold new in the 1920's for $3,000 are going for $20,000 and more today—in antiquated, run-down condition. Houses that were thought to be inflated in 1946 at $13,000 sell for as much as $25,000 and $30,000 after 24 years of occupancy.

HUD Secretary George Romney has been issuing forthright warnings about the explosiveness of the situation for some time. He sits at the top of a heap of authority that doesn't seem to be able to cope with the mess. Small wonder. The interlocking causes of the mess go far beyond the scope of any housing authority. For instance, the Federal Reserve first cut the strings that let interest rates soar, and neither Mr. Romney nor the President can tell the Federal Reserve what to do. It is an independent agency subject only to acts of Congress.

Romney seems to be saying that grass-roots heat is all that can budge the housing monster. He had said quite frankly that those who holler loudest and longest get the most attention. In fact, he seems to have been asking frustrated home seekers to start a wave of reasoned protest now, before their pent-up frustration simply explodes.

He has to be right, if this is what he's getting at. You can't raise new generations of working people in a free country and give them explanations instead of shelter they're willing to pay for. They do this in Russia. Here, the whole situation is going to:

(1) Be remedied along some traditional lines soon, or;

(2) Blow sky-high in some sort of unmanageable "confrontation," or;

(3) Swiftly popularize housing concepts that do an end run around traditional building and/or lending—to leave them back with the horse as intolerable obstacles to the realization of basic human needs, or;

(4) Respond to some combination of these possibilities.

The housing mess is embittering many people who till now have had little patience with attacks on "The Establishment" over phony, misstated or contrived issues. The housing mess is not phony. It is understated. If it continues until we have 3 million or so more Vietnam veterans back homeless, maybe more people will see it for what it is.

Far from being a contrived issue for protest, its victims have suffered in relative silence. But that can't continue. Thousands of servicemen are returning to civilian life every month. Americans who are steadily improving their incomes are eyeing new homes. Negroes, given better employment opportunities, are breaking out of inner-city ghettos and looking toward suburban living. The number of young Americans getting married has almost doubled in the past ten years and the population continues to grow by leaps and bounds. But the number of new houses for which ground is broken is running about 1.3 million, far below the estimated needs for the 1970's projected by the Johnson Administration in 1968.

This number is misleading in two opposite ways. First, mobile homes, which are booming, aren't counted in the government figures as new units started. Second, a higher-than-normal percentage of the new houses that are started are either public projects for the poor or tailored for those to whom cost is secondary. Builders, many of whom are counted among the embittered, are either closing shop or only building for those who can pay well. In Houston, for instance, most new homes are selling for between $35,000 and $40,000, while in New York's metropolitan area it's almost a joke to expect to have a respectable new home built for as little as $40,000. And the way to get a substantial mortgage on such property is to sign up for lending terms that raise the total to $70,000, $80,000 or $90,000 before it's all paid off.

Why is mortgage money scarce and costly? Many reasons have been published, but there are far more. One traditional source of mortgage money has always been savings and loan institutions, which may only invest in real estate. But the amounts deposits with them by savers have fallen far below the needs of home-buying borrowers.

Here are three things that have steered deposits away from savings banks:

(1) Ever growing taxes, state, federal and local—income, sales, gasoline, etc. Whatever is paid out in taxes by a householder is money he might have saved, but can't. Governments, which claim ever higher taxes, do many things with the money. Lending it to home-buyers is an unnoticeably small fraction of the take.

(2) Speculation in the stock market, and in other sorts of investments, using the sort of funds that people used to save.

(3) So-called *affluent living*. It is a fact that people who used to save are more interested in buying to the hilt. The enormous rise of credit buying reflects how much people are going into hock for purchases, instead of saving.

Then we have the commercial banks, those that you usually call "banks" instead of "savings banks." They are in the savings business too, but also in checking accounts, etc. They move in and out of mortgages, since they are also active in personal loans, auto loans, loans to industry and business, etc. Mortgages are only attractive to them when they can't farm out enough loans at higher interest rates and shorter terms elsewhere.

During the whole decade of the 1960's, industry and business were expanding at a rate faster than they could manage on pay-as-you-grow. Profits and expectations were so high they were willing to borrow huge sums and pay fancier interest rates to banks than home buyers could pay, or than was legally allowed for mortgage loans in most states.

A couple of years ago the Federal Reserve felt that all this commercial activity on borrowed money was forcing inflation upward too fast. The Federal Reserve suddenly raised the rate of interest it charges member banks when it pumps money into them. The Fed's act not only forced the banks to raise rates to their customers, but gave higher interest rates the moral sanction of an officially sponsored inflation brake. The Fed thought that higher interest would check borrowing, thus check too-rapid business expansion, thus cool off inflation.

That isn't what happened. Business borrowers willingly paid the higher rates. Their loan demands did not slacken. Interest went up again, and still the commercial borrowers paid it and cried for more. Seeing this, the leading banks raised the rates more, without any goosing from the Fed, and the rest

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followed. The customers only cried for more. The inflation wasn't stopped. It was just made more expensive for everybody but lenders.

But the banks were only temporarily enriched by the higher rates they were charging. When prices go up, they go up all over—and that's true for the price of money, too. In nothing flat, banks had to increase the interest that they pay out to depositors. We've all seen the savings banks competing with one another to the legal limit, each trying to offer you more interest if you'll place your savings with them: sweetening the terms so that they are compounding your interest every quarter, every month, every week, every day—promising interest from "day of deposit," then "from the first of the month"; giving kitchen blenders, cups, silverware to those opening new accounts, and so on.

The commercial banks are doing the same kind of thing. They aren't making any more on the higher rates they are charging than they used to, because their own money costs more.

The whole situation adds up to everybody chasing his tail around a circle. The cost of money becomes astronomical, while in the end nobody gets any richer except those who make the first move. In this silly rate race (a banker who read this said that's just the phrase for it) ever more money that could be buying goods or services is siphoned off to pay for absolutely nothing but the feel of money passing through one's hands.

Previously, goods and labor had been seriously inflated, but not the cost of money. When the interest lid went off it stepped up the inflation of goods and labor and moved rapid inflation into the cost of money, too. The same step sent taxes up for a long time to come, as well. Suddenly governments, from national down to city, found the interest rates they have to pay on bond issues zooming skyward. Now cities, states and Uncle Sam are borrowing at ever higher finance charges—and of course they are going to pay off these higher charges with higher future taxes.

What happened to the home buyer in all this? Most states had a legal limit on mortgages of about 6% interest three years ago. By the time the banks were charging General Motors 8% and paying almost 6% to depositors, they weren't about to tie up money for ten, 20 or 30 years in 6% mortgages.

Mortgage money all but disappeared. Many of the states rushed in to raise the legal limit on mortgage interest—not to soak home buyers, but to let them pay enough to be able to borrow at all.

The FHA and the VA did the same thing, raising the permissible interest rate on the mortgages they guarantee before there just wouldn't be any more FHA or VA mortgages. But, by the time they acted, the "prime rate" was about as high as the new legal mortage rates. The "prime rate" is the rock bottom interest rate that commercial banks will give to Grade A big business borrowers. There's nothing lower, and everything else is higher, in the field of private lending. So the new, higher legal rate on mortgage money is still so low—compared to what the money can earn elsewhere—that you can hardly find it.

Yet there is always pressure on banks to underwrite mortgages out of a social duty, because the nation's shelter depends on them. In the situation, lenders took three steps to live up to their duty without losing their shirts.

(1) They rationed the money, granting smaller mortgages and thus requiring larger down payments.

(2) They shortened the time limit for paying back a mortgage, thus raising the monthly payments.

(3) They began asking for "points."

Points are a one-shot payment, rather than annual interest. "Points" began modestly at about a 1% charge of the face value of the mortgage. That's "one point." Quickly, wherever the law didn't prohibit it, points went up—to 2, then 3, then 4, and kept going up. Recently as much as 10 points have been paid, or 1/10th of the size of the loan sought for the privilege of getting it. Builders began paying "points," so that the first year's charges on a building loan might come to 15% or even more on a 7½% loan. This drove marginal builders right out of business and marginal home buyers into shacks. It made many other builders close shop at least temporarily, or go to rich men's home building or start doing more repair work instead of building.

As another protective device, several years ago some banks began writing small type into mortgages providing for their recall at the bank's pleasure after three years. One of our readers wrote to tell us that his bank had just given him the option of paying up in full or accepting a 1% increase in interest.

There is still a third reason for the shortage of mortgage money. Elsewhere in this magazine is a story on crime which notes that organized racketeering, gambling, loansharking, etc., are now holding $60 *billion* out of legitimate channels. That's more than the gross annual take of our six leading corporations—a figure in the same order as the federal budget that's held out of the legitimate national flow of money.

Today, there are all sorts of schemes afoot for stopgap measures to put money into mortgages. Unions and others with big pension funds are being urged to invest such funds heavily in mortgages. There's a bill in the hopper to authorize the Veterans' Administration to invest what it holds in its veterans life insurance funds in mortgages. The National Association of Home Builders is promoting these suggestions in the hope that, if we can get *some* increase in building going, the competition for homes won't be so great. Then prices and interest rates might fall off and loosen everything up. They hope.

This is the "shot-in-the-arm" approach. In view of the millions who cannot now get shelter of the quality that their incomes ought to entitle them to, a 1970 shot-in-the-arm seems to be an absolute necessity. A compulsory rolling back of interest rates, or a Big Brother setting aside of billions reserved for no purpose but building loans at reasonable interest, or both, seems to be called for. It's hard to see how we can expect those presently in need of homes to wait out a more fundamental solution.

But the Big Brother approach is basically a bad one for a permanent solution. Our experience with welfare ought to make that clear. Its second, third and fourth level effects are mischievous. It creates dependency where we need initiative. It is inflationary where we need deflation.

However, Big Brother is presently doing worse than nothing. For instance, Uncle is paying part of the rent for people who are too poor to pay all of their own rent. The money is totally wasted. It doesn't create new housing, it supports higher charges for existing housing and it draws off the money of wage earners in the form of taxes to pay other people's landlords. As some builders point out, if only this same money were put into reasonable loans to builders, it would create new housing at lower cost and be returned to Big Brother for more of the same—instead of going down the drain to the tune of more taxes and still higher shelter costs.

Consider that if a builder could borrow at 6% and no points, instead of at 8% and 10 points for one year, he could knock off $1,200 for every $10,000 charged for a house and make the same profit. A $20,000 home could go for $17,600. His customers' down payments, their monthly payments on principal and their total interest payments could all be reduced. Any step in this direction would open up new housing for more people. That would add to the total housing supply and tend to take the fat out of high rents and out of prices for old houses, both of which are inflated way beyond their value simply because it's a sellers' market.

But an emergency financial patch-up is no cure. Housing itself costs three or more times what it should. It is still in the Dark Ages. Most Americans could easily afford a good home under the present ridiculous mortgage arrangements if we'd only move home construction out of the 17th century.

Today, a mobile home is made in a factory—complete. The average price of a mobile home, that is the equivalent of a house built on the site for $20,000 or more, is only $6,300. And that is *completely furnished*, delivered to the site, with utilities attached. The mobile home business is booming today while all other housing is stagnant. Young and old are going for mobiles in ever greater numbers.

Why not? Mortgages became generally acceptable for mobile homes last year. A $4,000 mortgage and a $6,300 furnished dwelling cost is the answer to the dreams of home-seekers and "tight money" bankers alike. A standard mobile unit is 12 feet wide (that's narrow) and about 60 feet long (that's long.) Thanks to eased highway rules, 14-foot width is coming in. Good factory-built homes are surprisingly excellent dwellings inside. Do you want more house than that? You can go up to three stories of "modular home," with units stacked vertically, or make a truly big "ranch-type" home by adding "sectional units" on the ground level. If $6,300 will house a young couple well, for $25,000 you can have a furnished, carpeted whopper that's the equivalent of what $50,000 and more can buy with a bare interior in many metropolitan suburbs. And because the total finance charges fall off in proportion, the saving is far more than a mere comparison of prices suggests.

These savings are astronomical even after the need to buy or rent the land is taken into account. Today, many more corporations are making mobile homes, and many others are entering the picture purely to develop land sites, with streets, lawns, underground utilities, foundation slabs, swimming pools and golf courses. Whole towns and developments are springing up in favored areas, given over to pleasant mobile home settlements that belie the old image of the "trailer camp."

Perhaps the very pressure of today's housing emergency will yet break the back of the old idea of the house built on the spot, mainly with terribly expensive hand labor and materials loaded with needless hauling, handling and trimming charges that factory-manufacture overcomes.

It almost seems silly to explain that mass production to standard specifications in a factory is the key to producing *any* goods—including houses—at prices far below what hand labor at the customers' site can meet. Housing is about the only common product that has escaped the industrial revolution and still hews to basic procedures that are 400 years old.

Houses made of sections that are manufactured entirely at the factory and which would bring good housing inexpensively to the millions have failed to make the big breakthrough in America. They have always fallen over the stumbling block of local ordinances. These arbitrarily set different standards, sometimes down to the last detail of materials and of construction, from town to town. They also hitch zoning laws to tight and different specifications.

It is not that there *are* local standards, but that they are entirely capricious from town to town. The basic building code in the Chicago area is quite enlightened as modern codes go. Yet in that area there are 58 different variations on it from community to community. If these communities had 58 different requirements for automobile mufflers, carburetors, etc., few Chicago area residents could afford a car today. Detroit would be making special auto models for Chicago

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proper, Chicago Heights, East Chicago, Evanston, Oak Park, Aurora, Joliet, etc., and the cost of revising production lines at GM, Ford, Chrysler for each town line would send auto prices through the roof. And that's what keeps millions of Americans from having good homes dirt cheap by today's standards.

Ideally, the United States could have nationwide specifications for homes. Towns could still zone, still have high and low specifications for various types of homes in various neighborhoods. There could be Class A, Class B and right on down through Class P specifications, all of them meeting sane standards. A town could elect to be all Class A, or zone for five classes or 20. If each class were standard everywhere, even if there were 15 classes, factory production could begin with an assured mass market for each of them, just as cars are offered in numerous models for different tastes. Apartment houses, stores and office buildings, no less than homes, could be made of sectional units finished at the factory on the same basis, at the same astronomical savings, and with enough variety in specifications to meet any reasonable local tastes. Maybe 20 or so basic units would turn the tide, instead of the thousands now required by the caprice of trivial differences from town to town.

The American people would do themselves a favor worth untold millions of dollars to them if they'd start bringing the heat to bear locally to clean up the jungle of man-made rules that keep us from getting good housing at low cost. Maybe one of these days some guy will go to the Supreme Court to have his local housing ordinances ruled unconstitutional on the grounds that they infringe on his right to purchase available and suitable housing that he can afford. *That* could really take us out of the dumps. There is no such constitutional right, but the Court has created less important ones for fewer people out of thin air.

Nobody, not even those in the business, can dream today of what factory-made sectional housing could do if the market were opened up by removing the local legalistic obstructions. The notion that mobile homes make "ugly trailer camps" is the doing of local ordinances. The rules are all against them in the New York metropolitan area, so you see them in such places as industrial areas and swamp edges, and almost nowhere else in that area. Of course they are unsightly. California is the national leader in tailoring local rules to permit factory-made homes, while requiring them to put on a respectable front. Some of the California mobile home developments are superior to conventional developments in more restrictive Eastern towns.

The example now being set in California and other places, coupled with the pressure of the present housing and mortgage mess, just might make the 1970's the decade of breakthrough of American housing into the 20th century—before the 21st is here. But it can hardly come soon enough for all of today's young marrieds and Vietnam vets. This year, thousands of John Does will come home from Vietnam to find that they can't have decent homes because not enough money is deposited in savings banks, because the Federal Reserve doesn't want Universal Conglomerate to grow too fast on borrowed money, because organized crime is holding $60 billion out of legitimate channels. Those don't seem like good reasons. Somebody had better do something about John Doe.

[From the Bureau of Business Research, the University of Texas, March 1970]

BUILDING CONSTRUCTION IN TEXAS

New offices and factories are being built in every major city at record rates. Urban work opportunities are expanding monthly. Yet the lag in residential building threatens to depress Texans' living standards and may even stand in the way of recruiting additional city workers unless some relief is found.

In January, the first month of a new decade, the Texas homebuilding industry was planning fewer new residential units than a decade earlier—for a much larger and more affluent population. To compound the problem, the houses being built are disproportionately inflated in cost, must be financed at extraordinarily high interest rates if financing is available at all, and must be maintained at far higher expense than in the recent past.

Urban building statistics gathered by the Bureau of Business Research reflect the disturbing trend. The average cost of building a single-family residence in Texas in December 1958 was $11,179. By December 1969 the average new home cost $16,722. The increase in cost, however, was more than offset by the effect of inflation. In other words, the 1969 house was either smaller or less solidly built than the 1958 model. Of course the interest, taxes, and upkeep on the newly built house must cover the larger dollar value, and at higher rates.

Texans secured permits to build just 1,883 new one-family homes in Januay 1970, a decline of 36 percent since January 1969. Surprisingly, the average home authorized at the beginning of the current year is considerably less expensive than the typical home of a year earlier, and this in a time of rapid price escalation. In fact the real, deflated, value of the average new Texas home has been declining for two years.

Builders are frank in explaining the situation. It is no longer economically feasible to meet the housing needs of middle-income Texans, or their counterparts in other states. Those poor enough to qualify for federal subsidies have a chance of finding new housing, of a sort. At the other end of the scale, a limited number of expensive new houses are being put up for those who can afford them. For the large mid-section of the market, the pickings are poor.

In metropolitan Houston (the SMSA) permits were issued for only 156 new houses this January and for no duplex units at all. Even apartment authorizations were down sharply from a year earlier. In Dallas, San Antonio, and Fort Worth cutbacks were less sharp but still edgy. Among the smaller metropolitan cities Odessa can be cited as a case in point. Permits were granted there for three new houses in January 1969 and again three in January 1970, at an average cost of $26,000 in 1969 and $30,000 in 1970.

The new-house shortage might be expected to encourage renovation of older structures, but such has not been the case. Throughout the state, additions, alterations, and repairs to existing residences are also being undertaken at a lower rate than a year ago, largely because of high interest rates on home improvements. Additionally, the cost of repairs has risen even faster than prices of new construction. Bureau of Labor Statistics data show that nationally it costs 82 percent more to have living and dining rooms repainted than it did about a decade ago. A roof-reshingling job is about 63 percent more expensive. Furnace repairs have gone up 45 percent in only seven years.

The current housing lag is dangerously out of phase with other economic developments in Texas. Metropolitan areas are already growing faster than their housing resources. Now the way is being paved for them to continue growing, perhaps even faster in some cities. Industrial and commercial construction, most of it in major cities, is going forward at remarkable rates. January 1970 set a new record for that month in the volume of nonresidential construction authorized in Texas. Yet in 1969 the total number of one-family homes authorized in the state declined to half the 1959 total.

Apartment construction has more than offset the drop in single-family residential building, but the average 1969 apartment is less spacious, less adequately built than the average 1958 apartment. Last year's typical apartment unit represented a construction cost of $7,100, clearly too little to cover the housing needs of a middle-income family of three or more persons. Indeed apartment construction is frequently adding to urban problems rather than relieving them. Most new apartment projects are inadequate in terms of off-street parking provisions. Many are built so unsoundly that they are susceptible to fast deterioration. The dreary blocks of slum dwellings in the nation's older cities are mostly composed of once-substantial buildings now dilapidated through lack of maintenance. Future slums may develop much more rapidly from buildings that were never sound. While the present building cutback is due in large part to the effort to control inflation, it may in fact help generate environmental problems that will encourage future inflationary spending by government agencies.

Apart from high interest costs, the construction industry is burdened with labor shortages and extremely high labor costs. Latest figures from the U.S. Bureau of Labor Statistics show nonsupervisory construction workers across the nation are paid significantly more than comparable workers in any other major industrial sector. Their average weekly earnings in November were $182.78, compared with the average $78.73 earned by retail-trade employees. Even manufacturing industries notable for their high skill requirements paid their workers substantially less: about $170 in petroleum refineries, $164.39 in the manufacture of aircraft, automobiles, and other transportation equipment, $149.23 in chemical plants, and $145.15 in printing and publishing.

There is little convincing evidence that building workers must have higher skills than those in any other major industry. The capability for learning building skills is by no means so rare as wage rates might suggest. Recognizing that fact, the federal government initiated last August its controversial "Philadelphia Plan" to bring minority-group members into the building trades in larger numbers and rather quickly. Labor Department researchers found that in Philadelphia 12 percent of the skilled-trades unionists were minority-group members but only 1 percent of the workers in the high-wage "target" occupations such as plumbing, sheetmetal work, roofing, and electrical work.

Since 1967 the proportion of minority-group apprentices in building trades has increased four times as rapidly as total apprenticeships, a promising development in view of the high unemployment rates prevalent among young Negro men. Yet it is doubtful that increasing the labor pool of skilled building workers will do much to bring into line the high labor costs of residential construction.

A more promising approach is to centralize more of the labor input through factory assembly of building modules and through greater mechanization of production. (Such a development, by the way, would not necessarily sacrifice individuality of residential design.) Already factory-made homes are being purchased in greatly increased numbers in the form of mobile units. Many families in the market for new housing still find mobile homes unacceptable for special, social, or aesthetic reasons. Nevertheless, many of the techniques used in making them can be adapted for use in building more conventional structures—not only individual homes but also apartment units.

Another promising opportunity that could be developed through the centralization of homebuilding is the employment of women in housing-component fabrication. Already many women are permanently employed in the assembly operations of electronics and apparel manufacturers. Similar light assembly jobs could be developed in the making of housing modules.

With the unemployment rate for women approximately twice the male rate, new industrial opportunities for women are worth developing for general economic reasons. It should be added that the unemployment rate for women over 25 years of age has been remarkably low nationally, around 3 percent in recent months; however, 1.4- to 1.8-percent rates for men prevailed through 1969.

As the new decade progresses housing shortages in Texas and across the nation will call for serious attention. Nor is there any single remedy likely to ameliorate the situation. Only a combination of fiscal adjustments, increased efficiencies, and a reordering of the entire industry is likely to provide acceptable living quarters to the growing population.

ROBERT H. RYAN,
Research Associate.

RAISING FIRST-CLASS POSTAGE TO 10 CENTS IS OUTRAGEOUS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am strongly opposed to President Nixon's proposal to raise first-class postage from 6 to 10 cents. This is a sharp increase of 67 percent, when it is proposed to raise bulk, junk mail rates a puny, meager 5 percent.

It is an insult to the American people to ask the average person to fork over 67 percent more for a first-class postage stamp, when first-class mail already brings in a profit to the Post Office Department. The mailers of bulk, junk mail are right now being subsidized by the taxpayers to the tune of several hundreds of millions of dollars a year, and this junk mail is unread, unwanted, and unnecessary. The junk mailers and the slick magazines make their profits through low postage rates, and they should pay in postage what it costs the Post Office Department to deliver this mass of material.

Think of the millions of trees that have to be cut down—many of them by clear-cutting and in violation of good conservation practices—to provide all the paper which goes into junk mail.

When you pay your April 15 tax bill, a big bite goes to subsidize the low postal rates enjoyed by junk mailers. There is no earthly reason why still more has to be taken out of the average person's pocket in a 10-cent rate for first-class mail.

PROPOSED INCREASE IN POSTAL RATES

(Mr. GROSS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the fanfare at the other end of Pennsylvania Avenue that has marked so-called negotiations between the executive branch and union leaders on Federal employee pay increases is over.

Now comes the call to that interested third party—the public as represented by Congress—to pick up the debris.

To finance what amounts to a 16-percent pay increase for postal workers, President Nixon is calling for a 4-cent increase in the first-class letter rate. In other words, it would cost Aunt Minnie, living on social security, 10 cents to pay her electric bill or write to Aunt Sarah living in the next town.

This, despite the fact that at last reports the present 6-cent first-class letter rate is returning a profit.

The present second- and third-class rates, which now are the big losers, would get what the President suggests as an "adjustment" to provide $120 million as compared with a grab of $2.3 billion from first-class mail.

As previously noted, the fanfare at the other end of the avenue has died down, but I predict it is just starting as far as Mr. and Mrs. Average Citizen is concerned. And I predict it will be a long, cold winter day before Congress whoops the first-class letter rate to 10 cents, Mr. Nixon, the Postmaster General, and the union leaders to the contrary notwithstanding.

INCREASED POSTAL RATES MADE NECESSARY BY PAY INCREASE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, we have seen for the last few weeks negotiations on a pay increase for the post office employees. I do not believe there is a person sitting in this Chamber who does not agree that such a pay increase is in order, but we also must recognize, Mr. Speaker, that when we do increase the salaries of the postal employees we are going to have to come up with the money to pay for it.

I would like very much, if it were possible, for us to give this increase to postal employees and not to have to increase the cost of first-class letters as well as second-class and third-class mail, but the fact is, the cold, hard fact is simply this: that we are going to have to charge the public more for the service that they have been receiving because the postal employees are due and have earned and are entitled to an increase.

Mr. Speaker, about 2 years ago I offered an amendment in this House. The amendment was called truth in mailing. That amendment would have done only one thing: it would have required that on each item mailed, whether magazines or letters, it would state if it was subsidized mail, and if so the amount that it was subsidized by.

I believe the public should know, and I believe they have a right to know how much second- and third-class mail is being subsidized. If I recall correctly, Mr. Speaker, second-class mail is paying about 25 percent of its cost, and third-class, the so-called junk mail, is paying around 82 percent.

Newspapers and your magazines are the villains in the monetary rate scheduling of post office mail rates. But they are also the most powerful politically. First-class mailers are not organized. Second-class mailers are. Second-class mailers often determine the election of Congressmen and they determine the election of Senators. I urge each Member of this House, if they really mean what they say when they say "let's make these rates equitable," to look at second-class and third-class mail rates and consider equity not political power and legislate rates up as they should be for the service being given by the Post Office Department.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is it not true that you can cut off a second-class subscription, but you can never cut off third-class junk mail, and it just keeps on coming?

Mr. THOMPSON of Georgia. Of course, third-class so-called junk mail is almost paying its own way. To my way of thinking, their rates are two or three times as much as second-class for the same service.

A FATALLY DEFECTIVE CENSUS

Mr. WYMAN. Mr. Speaker, I hold in my hand a form on the basis of which the 1970 census is being taken across the Nation. It contains a very serious and in fact in all probability a fatal omission.

This is its failure to ask each person his State of legal residence.

Failure to do this means the census as now being conducted is merely counting bodies where they are for the moment and without regard to their State of legal residence.

This means the census will count for representation in Congress, for example, the hundreds of thousands of transients who may be vacationing or sojourning in recreation areas or in metropolitan districts giving credit to certain States for residents of other States.

Such a policy unconstitutionally denies to the States of legal residence of these persons the State's right to have them counted within that State. It also denies to the individual who must travel or finds himself, for whatever reason, somewhere other than where he resides when he is questioned in the census, his or her right to be counted in his own State.

The significance of the count is demonstrable when one realizes that it is on the basis of the total number of residents that States receive fractional interests in many Federal grants, and also have the right to be represented in the Congress. It is entirely possible that in the way the census is now being taken, certain States may gain additional congressional seats at the expense of others, although not actually having anywhere near the number of residents required.

This is patently unconstitutional and I am accordingly introducing a very simple bill today requiring that the census include a question of legal residency and also requiring that the State of legal residence receive credit for the individual enumerated. Only in this way can we adhere to the constitutional requirement for apportionment on the basis of residency.

WELFARE REFORM

(Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, under unanimous consent I include in the Record an article from the Wall Street Journal under date of Monday, March 30, 1970.

The article is on the welfare reform bill, or family assistance plan, now before the Congress. The piece was written by Jerome M. Rosow, Assistant Secretary of Labor for Policy, Evaluation, and Research. Mr. Rosow also is a member of the President's working group on welfare reform and one of the authors of the welfare reform bill.

The article follows:

Welfare and Work: The Official View

(By Jerome M. Rosow)

President Nixon has said that the present welfare program of Aid to Families with Dependent Children is a colossal failure. If we do nothing to change our course we are headed for financial and social disaster, with runaway welfare costs—reaching $12 billion by 1975 under the present system—and with broken homes to spawn a new generation of welfare recipients.

The welfare reform bill—the Family Assistance Plan—provides for fundamental reforms of the welfare system, such as national eligibility standards, a basic income payment related to the size of the family, a firm work requirement and effective work incentives, training, upgrading and rehabilitation opportunities, adequate provision of quality child care, inclusion of the working poor for the first time, and fiscal relief to state and local government.

All of these provisions are important. However, because some people have been skeptical about the extent to which the welfare reform bill adequately provides for moving recipients from welfare rolls to payrolls. I am going to concentrate here on the employment and manpower aspects of the Family Assistance Plan.

The Family Assistance Plan was based on certain key assumptions, which we believe will be recognized as both sound and valid. These assumptions are:

That the great majority of welfare adults prefer work to idleness; this is confirmed in attitude surveys,

That economic gain is the real motivator for work, and that the poor recognize their self-interest as quickly as other people do,

That training, child care and vocational rehabilitation are support services which further real attachment to the work force,

The Family Assistance involves responsibilities as well as rights, and

That the mother, the children and the society are benefited by self-sufficiency, and all are harmed by dependency.

REQUIREMENT TO WORK

The responsibilities imposed by the Family Assistance Plan are clear in its work requirement, which is a major feature of the proposal made by President Nixon, and approved by the Ways and Means Committee, by a vote of 21–3.

Persons who apply must be registered with the local Employment Service before they can receive benefits. Only carefully defined groups are exempted from the registration requirement.

In this respect, the Family Assistance Plan strengthens the work requirement now in effect in WIN (the Work Incentive Program). Under that program, it was left to the states to define who was "appropriate" for referral. Many state welfare agencies circumvented the intent of the law by refusing to refer clients to the manpower program, or referred such small numbers as to seriously hamper training efforts to reduce the welfare rolls.

No such discretion is provided in the Family Assistance Plan. It would not be left to the state welfare agency at all. A new Federal agency would decide who was to register, and that agency would be permitted to exempt only those specified in the law, such as the ill and disabled, mothers with pre-school children, wives where there is a man who is working or has to register for work, and children.

If a person refuses to register, he will not receive benefits. If he refuses a suitable job or training, his benefits will be canceled.

Once registration with the Employment Service is accomplished, an individual "employability plan" will be worked out specifying what steps are necessary to achieve a lasting attachment to the labor force. From there on, a team of specialists in the Employment Service will be responsible for seeing to it that the plan is completed. Even after placement on the job, follow-up "coaching" will be provided to assure that the person sticks in employment.

INCENTIVE TO WORK

The *requirement* to work is accompanied by strong *incentives* to accept training and employment. Since it will be in the financial interest of recipients to seek training and employment, the Employment Service should have little trouble enforcing the work requirement. Market incentives are more reliable than Government regulations. The latter are, of course, required for the few who will not recognize their self-interest without some assistance. These incentives are summarized below.

1. No reduction of benefits is made for the first $720 of earnings, which represents the out of pocket cost of going to work. This is double the present "earnings disregard" for mothers now on welfare, and increases the incentive to work.

2. The present program for unemployed fathers, operating in 23 states, still "taxes" 100% of income. Under the Family Assistance Act, the states would be required to follow Federal law on "disregarding" income in computing benefits. This means that fathers will receive the same treatment on retention of earnings available to welfare mothers, and the incentive to work will not be choked off.

3. The incentive to enter training programs has been increased by two actions. First, the amount of the extra training bonus has been raised by providing the difference between Family Assistance and the regular training allowance. Generally, this will be more than the present $30 per month. Second, the manpower agency is authorized to reimburse individuals for the cost of attending training programs such as transportation, clothes, and supplies. Thus the trainee is not out of pocket while in training.

4. The provision of child care—an additional 450,000 opportunities the first year—will make training and employment feasible for mothers. Barriers in the present law to achieving child care on a large scale will be removed by the Family Assistance Plan:

By providing 100% Federal financing. The current 25% state matching requirements under WIN have slowed the growth of child care facilities because of state financial pressures.

By providing authority to remodel and renovate facilities.

By providing for contracts with local school boards to furnish after-school and summer care for school-age children, which will reduce new construction needs.

By providing for child care to continue after employment commences.

By providing for a broad array of sponsors, including profit-making firms.

5. The Family Assistance Plan provides for stepping up training of welfare recipients. In the first year of operation, training opportunities would be expanded by a quarter of a million under the new law.

THE WORKING POOR

A prominent feature of the Family Assistance Plan is the inclusion of the working poor. There are about 1.2 million persons in the population covered by the Family Assistance Plan that work full-time, but earn so little that their families are living in poverty. For too long in this country, we have had a welfare system that penalizes work, and rewards non-work. The present system provides incentives for a working man to desert his family so the family can receive the assistance it needs. Rather than penalize work, and create a financial incentive for breaking up families, we would give a helping hand to the worker who is doing all he now can to help himself. In fact the average yearly payment to a family headed by a male working full-time would be $769, compared with $1,600 for a family with no income.

One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line every year. Upgrading efforts on the part of the manpower agency will increase this movement to self-sufficiency.

EMPLOYMENT POTENTIAL

Questions have arisen about the degree to which the welfare population could be made employable, and some have expressed skepticism about the employability of the welfare population. The Department of Labor, in collaboration with the Urban Institute, has examined the characteristics of the population that would be covered by the Family Assistance Plan, and has estimated how many adults can be considered potentially employable. The conclusion of the study was that 3.2 million were or could be made employable. This is 47% of all the adults covered.

It should not be thought that this is a population without prior work experience. Out of 1.4 million male family heads classified as potentially employable, only an estimated 30,000 would have done no work at all during a 12-month period. Even among female family heads, 60% have work experience sometime during the year. The employment goals of the Family Assistance Plan are neither unreasonable or unobtainable.

We must, of course, rely on a strong private sector to produce the jobs. Business and industry can make a major contribution to satisfy their manpower needs and solve a social problem. Their involvement is critical to our success. The National Alliance of Businessmen JOBS program is a logical, ready vehicle for this industry-Government partnership.

WORKING MOTHERS

One of the most controversial issues in the development of the WIN program was the extent to which mothers with children should be subject to the work requirement. The Family Assistance Plan exempts only mothers with pre-school age children, because of the very different opinions honestly held in American society about what is best for the very young children. Out of respect for these differing views, the Family Assistance Plan leaves the choice up to the mothers. Based on experience with the present WIN program, we expect a very large proportion of these young mothers to volunteers for employment and training programs. Volunteers will be provided training opportunities and arrangements will be made for the care of their children.

In examining the situation of mothers of school-age children, very little evidence exists to suggest that they should not be required to register for employment. Typically in our society, the mother assumes the role of breadwinner when there is no father in the home and the children are in school. Seven out of every ten such female family heads in the nation are in the labor force. In 1960, eight out of every ten such family heads with income between $4,000 and $10,000 per year had worked sometime during the previous year. These mothers—also taxpayers—will expect the same effort on the part of welfare mothers as they themselves exert on behalf of their children.

President Nixon's Family Assistance Plan is a break with the past. It provides new work and training incentives. It provides a strong work requirement. It provides equity for those who help themselves by working at the jobs available to them in the American economy. It makes a careful and just distinction between those who should work and those who should not.

It is not, by any stretch of the imagination, a "guaranteed income" program.

FOREIGN TRAVEL EXPENSES

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, I have today introduced a resolution which would prohibit the expenditure of Federal funds for all foreign travel expenses of any Member of the House who has been defeated or has announced his intention to resign.

I, personally, feel that foreign travel is beneficial. It enables us to develop insights and to gain first-hand information needed for intelligent legislating. I do not feel, however, that this travel should be at Government expense except under clearly defined circumstances. And the practice of permitting "lame duck" Members to travel abroad—as seven did in 1968—six Representatives and one Senator—at the taxpayer's expense just does not make sense. This is a free vacation and I do not think the rules of the House should permit it.

In order to avoid directing this legislation at any one Member, I am introducing the bill at this time.

ADMINISTRATION'S PROPOSED PAY RAISE FOR POSTAL WORKERS

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, with reference to the administration's proposed 6-percent pay raise for postal workers; 5-percent increase in postage for junk mail, which is not paying its own way now, and a 66⅔-percent increase in John Q. Public's first-class postage, it should be said:

"Never before have so many been asked to pay so much to give so little to their postmen."

THE TRAGIC ASSASSINATION OF AMBASSADOR KARL VON SPRETI

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am certain that the whole civilized world was deeply shocked by the news of the wanton murder of the German Ambassador to Guatemala, Count Karl von Spreti.

Captured last week by a band of Guatemalan terrorists, Ambassador von Spreti was held for ransom and assassinated when the Guatemalan Government apparently refused to meet his captors' demands for the release of more than a score of political prisoners and a cash payment of $700,000.

During the past 2 years, we have witnessed a crescendo of terrorist violence in Latin America. A good part of this wave has been directed against members of the foreign diplomatic establishment. Three American diplomats, Ambassador John Gordon Mein, Col. John D. Webber, and Navy Lt. Comdr. Ernest R. Munro, the latter two serving as Armed Forces attachés, lost their lives at the hands of terrorists.

Part of this radical activity can undoubtedly be attributed to the slow pace of social, economic, and political progress in the southern half of our hemisphere. It is, in a sense, an expression of the desperation of the impoverished and neglected Latin American masses. But another part, and probably the major one, has been bred by revolutionary theory and practice emanating in recent years from Cuba. Castro's continued export of terrorism and revolution is certainly a matter of record.

What must concern all of us is the fact that these internal developments in some countries of Latin America are beginning to jeopardize very seriously the conduct of international diplomatic and other relations with our sister republics.

Obviously there is no simple or single solution to this growing problem. It will undoubtedly require positive and forceful action by the governments of Latin America on many fronts. The internal security of those countries needs to be maintained and their international obligations have to be lived up to. At the same time, the economic, social, and political reform goals of the Alliance for Progress will need to be pursued with more vigor and more effectiveness.

Our sympathy goes today to the family of Ambassador von Spreti and to the family of American Consul Curtis C. Cutter, in Porto Alegre, Brazil, who experienced a tragic ordeal in escaping, fortunately, from a band of would-be captors in that country.

At the same time, our sympathy must also go to those legitimately elected governments of Latin America which are trying, within their respective constitutional frameworks, to meet their peoples' aspirations for justice and a better life. Their tasks are made very difficult by the activities of the radical elements who resort to terrorism and violence in the pursuit of their objectives.

LAOS RESOLUTION ASSERTS CONGRESSIONAL AUTHORITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. RYAN. Mr. Speaker, I have introduced, with nine cosponsors, House Resolution 899, which expresses the sense of the House that the use of U.S. Armed Forces and paramilitary or auxiliary forces in combat in or over Laos requires specific action by the Congress. My colleagues who joined in this resolution are: Mr. Brown of California, Mr. Burton of California, Mr. Conyers, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Kastenmeier, Mr. Mikva, and Mr. Rosenthal.

Mr. Speaker, I include at this point, the full text of this resolution:

H. Res. 899

Whereas the United States has not by treaty or other constitutional procedure undertaken to engage American military forces in combat in Laos; and

Whereas United Air Force and other American military personnel have nevertheless become increasingly involved in, and have suffered casualties as a result of combat activities in Laos distinct from the interdiction of military supplies or forces destined for South Vietnam; and

Whereas the nature and extent of United States military involvement in Laos has not been completely communicated to the American people: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Constitution of the United States requires that authority for the use of United States Armed Forces and para-military or auxiliary forces, in combat in or over Laos must be predicated upon affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to the commitment of American forces in Laos.

In the past several weeks the President and the Defense Department have revealed some details about our military involvement in Laos. These facts have been sparse, as well as contradictory.

In his March 6 statement the President stated that "no American stationed in Laos has ever been killed in ground combat." The next day newspaper reports appeared stating that Army Capt. Joseph K. Bush had been killed in action in Laos in February 1969. Although Captain Bush received a posthumous citation for bravery which stated that a force using "grenades, small arms, machineguns, B-40 rockets, and satchel charges" had attacked the compound at which he was stationed, the Pentagon's response was that it did not consider Captain Bush to have been involved in "ground combat."

The following week the Pentagon released a list of 27 American advisers listed as missing or killed in action in Laos. Those in this group who were killed in action were not classified as "combat" deaths because, as the Defense Department stated, "they initiated no combat."

Clearly semantics have become the Nixon administration's blanket to avoid embarrassment and to cover truth. The President has stated that there are only advisers, and no combat troops, in Laos. Yet, the Defense Department recently revealed that soldiers assigned to "military advisory or military training" posts in Laos have received "hostile fire pay" of $65 a month since 1966. And in an article by Arnold Abrams in the January 1, 1970, issue of the Far Eastern Economic Review, it is stated:

> The American public remains ignorant of the fact that their government is arming, training, supplying, transporting, and directing approximately 70,000 Laotian troops in a war that threatens to get out of hand.

The dismal fact is that the United States is involved in large-scale fighting in Laos which might euphemistically be called a "conflict," but which is in fact a war. Presently the U.S. Air Force is flying 400 to 500 sorties a day over Laos; these planes are dropping 200,000 tons of bombs a year on a country of only 91,000 square miles. The U.S. Air Force has lost more than 400 planes over Laos in the last 6 years, and it lost 63 planes between November of 1969 and February of this year.

We all must regard the events of recent months with increasing trepidation. The insidious path which led in Vietnam from military advisers to combat troops appears to be about to repeat itself in Laos. The crucial factor of which we must all be aware, however, is that this path is not an inevitable one. We can prevent this course from being followed. We must. The tragedy of Vietnam is stark testimony to the folly of mistaken ventures, pursued for the wrong reasons, in the wrong places.

Whether by mistaken perception or by deliberate intention, the executive branch embarked upon the Vietnam war without a congressional declaration of war. The failure of Congress to exercise its constitutional powers and responsibilities should not be repeated. Death and destruction in a distant land are no less real because they follow upon Congress default to executive dictate.

We urge prompt adoption of this resolution, which we have explained in our letter to President Nixon on March 26, and which follows:

MARCH 26, 1970.

The PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Today we have introduced in the House a Resolution that is a companion to the Senate Resolution, S. Res. 368, to restrain U.S. military involvement in Laos. Our Resolution states it is the sense of the House of Representatives that use of United States forces in combat in or over Laos must be predicated upon "affirmative action taken by the executive and legislative branches of the United States Government . . ." The House of Representatives has a constitutional obligation to exercise in declaring war and in appropriating funds for a war's prosecution. Accordingly, we deem it essential that the concern of the House of United States actions in Laos be manifested at this time.

As you know, the full tenor of the Declaration on the Neutrality of Laos, dated July 23, 1962, was to prevent "use or threat of force" or not to introduce in Laos "foreign troops or military personnel in any form whatsoever." The United States, as a signatory of that Declaration, is bound by its restrictions.

We have read carefully your statement of March 6 explaining United States involvement in Laos. While it is true that you point out a number of instances of troop build-up by North Vietnam in Laos, we fear that you have accepted a line of reasoning which has often misled the United States in the past. This is the reasoning which points to misdeeds of others, no matter where they occur, as a justification for United States counter action.

It is far outside the limit of our capacity and wisdom, as the Vietnam involvement has demonstrated, to right every wrong, to punish every malefactor, to arrogate to ourselves the role of world policeman, and to meet every request for our intervention, throughout the world. The United States has no commitment to repel violators of the 1962 Declaration on Laos. We have only the oligation not to violate it ourselves.

The incipient intervention of U.S. forces into Laos signals later involvemnt in Thailand, in Burma, and beyond. At each stage we could become further engrossed in the rights and wrongs of local disputes, forgetting finally the great concerns and responsibilities of America itself, on which our efforts must be mainly focussed.

Mr. President, we trust that you will take note of our House Resolution in your future counsels pertaining to Laos.

Sincerely,
WILLIAM F. RYAN, BENJAMIN ROSENTHAL, ABNER MIKVA, ROBERT W. KASTENMEIER, DONALD M. FRASER, DON EDWARDS, BOB ECKHARDT, JOHN CONYERS, PHILLIP BURTON, GEORGE BROWN, JR.

PRESIDENT'S STATEMENT ON VETERANS MEDICAL CARE

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, traditionally, in this country, the finest young men we have are called upon to serve in the Armed Forces. They are the cream of the crop.

Surely, it follows that if this Nation calls on these men for military service, it owes them the finest medical care it can provide.

I am delighted that the President and the Administration of Veterans' Affairs have recognized the needs that exist today in the VA's medical program and asserted their determination to remedy those needs.

The President is to be congratulated for his action in adding $50 million to the VA budget for medical care during the next fiscal year. This makes it $210 million more than the approved appropriation for this fiscal year. The President also is to be applauded for authorizing VA to ask Congress for an additional $15 million for this fiscal year.

While Vietnam veterans make up less than 10 percent of the patients entering VA hospitals, this percentage is expected to rise as time goes on. Vietnam veterans can be reassured that their country is doing everything possible to see to it that he gets the best medical attention that can be provided.

TO HONOR THE NATION'S VOLUNTEER FIREMEN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, on March 14, I was privileged to have participated in the 34th annual St. Patrick's Day dinner, sponsored by the Young Men's Volunteer Fire Company of Blairsville, Pa. The event is scheduled each year to honor the outstanding volunteer firemen of the areas served by the company during the preceding year.

Those so honored were James Joyce, Black Lick fire chief; John Bradley, Derry fire chief; Earl Dalton, Latrobe fire chief; Ron McNaughton, New Alex fire chief; and Ron Wagner, Saltsburg fire chief. Kenneth Uber, fire chief of Blairsville, was also cited at the event.

There is no adequate way for me to repeat the tales of heroism and public service contributed by the men honored that night. Suffice it to say that their dedication to the public's safety is an irreplaceable and priceless commodity. It seems incomprehensible that heretofore the President and the Congress have not memorialized these selfless, heroic, and unsung public servants.

Considering that fact as I listened to the testimonials that night, I sought some way for the people to say "thank you." In my remarks on the subject of "volunteerism" throughout America, I proposed the creation of a National Volunteer Firemen's Week.

Accordingly, I have drafted and submitted to the membership of the House a joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, through September 26, 1970.

Little did I realize that night that my proposal would be followed by a horribly tragic event that underscores the need for a week to honor the Nation's volunteer firemen.

On Sunday, March 26, in the community of Corry, Pa., which lies in the district of Congressman VIGORITO, five—I repeat—five volunteers of the Corry Volunteer Fire Department lost their lives in carrying out their duties.

The firemen were killed when an explosion blew a wall down on them while they were fighting what looked like a routine blaze at a local paint store. Twenty-three other persons were injured.

The men lost were: Dennis B. Rockafellow, 28, married and the father of two, an electrical-machinist; Richard Brigham, 22, a camera technician; Lauren Shreve, 26, married and the father of two, a foreman at the Erie County Plastics Co.; Jon Miller, 30, married just last year, a newspaper advertising manager; and David Apps, 37, married and the father of four, general manager of the industrial division of Mace Electronics and the son of the fire chief.

After the tragedy, the mayor of the town of 8,000 said, "our town is crying." So should we all. So should we all.

Our sympathy goes out to the grieving families of the men and to the town which has lost its volunteer heroes. Men who comprised a tiny cross section of America in their occupations, from a town that itself represents a tiny cross section of this great land of ours. There is no greater tribute to their memories than to recall the words of our Saviour who said:

> Greater love hath no man than this, that a man lay down his life for his friends.

Mr. Speaker, I pray you and our colleagues will join in sponsoring the resolution to create a National Volunteer Firemen's Week, not only to honor the volunteers who lost their lives in Corry, Pa., but to recognize and honor the thousands upon thousands of men all over this country who face danger and death without pay or reward, simply to help their neighbors.

"POLITICS AND THE ENVIRONMENT"—A TIMELY SPEECH BY DR. EDWARD C. CRAFTS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

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Mr. SAYLOR. Mr. Speaker, I have been giving speeches on the subject of "conservation" and "the environment" for many years now, and I immodestly like to think that I have pretty well covered most of the approaches and angles in one or another address. Just recently I spoke to a group concerning the "hard realities" of the antipollution fight and mentioned therein the practical political environment of the conservation movement. I have just read "the" speech on the subject of politics and the environment and wish to bring it to the attention of our colleagues.

Dr. Edward C. Crafts, former Director of the Bureau of Outdoor Recreation, delivered the regents' lecture sponsored by the School of Forestry and Conservation and the College of Environmental Design at the University of California, Berkeley, on February 11. His view of the realities of the environmental fight is of critical importance to the country at large and especially to Members of Congress.

Dr. Crafts says in opening his talk:

> Its purpose is to persuade you that politics, not science, is the real key to environmental management.

He mentions later:

> The people are ahead of the politicians who are being slowed up by private interests, jealous committees of the Congress, and the fiefdom bureaucracy of both Congress and the Executive. The issue should be hotter on Capitol Hill and in the White House than civil rights, poverty, housing, hunger, inflation, or crime.

I do not entirely agree with that assessment of the situation. Although there is much talk about the environment, ecology and the like, the "environmental concern" has not been around the White House or Capitol Hill long enough to acquire all the trappings and power of the more traditional and successful lobbying amalgamations. To date, the environmental concern is a fad. When the American people are asked to pay for cleaning up and restoring the natural landscape, then we will discover if there is a real environmental concern that can move legislation. The test is simple: if money for environmental cleanup can be appropriated with the same ease as funds for "dolism," educational follies, or foreign aid give-aways, then the millenium will have arrived.

The political reality of the situation is that it may take an environmental disaster to move Congress and the administration to effective action. It is a sad commentary on the operational methodology of the Congress of the United States, but it could take a "Pearl Harbor," a "sputnik," or a "'Farmington" before the environmental concern becomes more than the politicians' speechmaking gold mine.

Doctor Craft's speech follows:

POLITICS AND THE ENVIRONMENT

(By Edward C. Crafts, regents' lecturer)

This is not a partisan political talk. Its purpose is to persuade you that politics, not science, is the real key to environmental management. Possibly the President's recent State of the Union Message has done this already.

Environment has become a big political issue, but so far it has been more rhetoric than action. Environment has been a "motherhood" issue because the toughness and costs necessary to be effective have not been realized. Environment and ecology are today's catchwords, just as conservation was for yesteryear.

Politicians talk and make programs. Yet existing laws have been unenforced and underfinanced.

Major industrial polluters such as auto, oil and airlines are important financial contributors to both political parties. This is where the crunch comes.

The political, business and social push for growth, jobs and profits means highrises, shopping centers, highways, and other environmental intrusions.

Clean air and water will cost billions. No one—neither the politician, corporate head nor man on the street—has really faced up. The industrialist is unwilling to share the cost and thus reduce profits. He is willing simply to pass on added costs to the consumer.

No one in power has yet proved willing to make the jolting revision of national priorities—foreign, domestic, and economic—that is necessary to get the job done. Unfortunately, in our governmental system of checks and balances, perhaps no one has the power to get the job done.

The issues are fraught with power politics of a high order, and the tough action required possibly is suicidal to the activist politician. When profits or key political support clash with environment, the latter usually goes down the drain.

Until there is gathered together at the same time in the power structure of American politics both the consensus and courage to truly reassess our national destiny, there will continue to be much talk, little do, and disillusionment.

These remarks point the finger at the Administration, Congress, Governors and State Legislatures, county and municipal councils, courts, public executive agencies, corporate directors, and indirectly, at affluent suburbanites—and yourselves.

This is neither a technical treatise nor a doomsday talk. There is no soaring rhetoric, just plain words. Neither are the remarks California-oriented, although environmental pollution appears to be a top issue in the upcoming California political elections.

The talk is an assessment of man's confrontation with nature. It outlines some basic truths about environmental degradation. It names the chief offenders. And it states the enormous price of man's living in with most major national problems—both initiative and leadership lie with the top political structure of the Nation, starting with the President and the Congress. Then come the States, industrialists and labor unions.

The press, radio and TV have come alive at long last to world-wide environmental dangers. Such attention-getting titles as "Threatened America," "Last Chance to Save the Everglades," "Peaceful Atom Sparks a War," "Kill the Hill—Pave That Grass," "Oceans—Man's Last Great Resource," "Alaska—The Great Land Under Massive Attack," "Pesticide Pollution—An Assessment," "America the Beautiful," "The Garbage Can Crisis," "Northwest Passage to What?," "Noise—More Than a Nuisance," "The Ravaged Environment," and "Standing Room Only on Spaceship Earth" are intended to catch public attention and are succeeding.

Such well-known journals as Life, Look, Newsweek, Reader's Digest, Time, The Saturday Review, U.S. News and World Report, and practically all conservation magazines are speaking up. Leading papers like the New York Times, Christian Science Monitor, National Observer, Wall Street Journal and a host of others are running almost daily news reports or features on auto pollution, the Florida Everglades, municipal waste, environmental litigation, Lake Erie, the atmospheric sink, and so on ad infinitum.

A new magazine, "The Environment," published by the Committee on Environmental Information of St. Louis, and the "Environmental Newsletter" by the Conservation Foundation deserve special mention. They are scholarly, judicious, across-the-board and authoritative.

All this has started to awaken the national conscience. It has created a national awareness and lofty generalities, but not much downright concern when measured against willingness to pay more taxes, higher utility bills, or to accept lower profits or dividends. We are pretty much at the stage where environmental improvement is the thing we are for, provided it doesn't interfere with our own personal way of life.

Despite all the attention, only a handful of National leaders really understand and are prepared to accept the traumatic action that is necessary if the environmental crisis that is crashing down on the United States is to be weathered. In such situations we must accept that habits essential or acceptable in one age of the Nation's history—such as large families—may become disastrous in another.

In the meantime, environmental evangelists and students give vent to their beliefs and frustrations in speeches and teach-ins. Scientists disagree among themselves. Many politicians, industrialists and other men of power stay silent, go about their anti-social business as usual, or issue smoothing statements and programs in reports to voters and stockholders.

TEN BASIC TRUTHS

There follow ten basic truths about environmental decline, which we would do well to ponder and accept.

1. *Man's environment is everything outside his own body.* The scope immediately becomes overwhelming and almost self-defeating. For rational handling, environment must be broken down into some of its more important components.

2. *The world's environment is unique in the solar system.* This appears to be supported by recent Apollo trips to the moon and photos of Mars. The world's environment is characterized by its unusual combination of atmosphere, water in liquid form, and land. Together they first spawned life and then man.

3. *The growing danger is that man will destroy himself by degrading the environment to where it is no longer liveable.* This degradation is caused basically by man's failure to dispose adequately of his waste products. It results mainly not from lack of knowledge, but from misuse of his technological know-how.

4. *Failure to use properly man's scientific knowledge is causing serious water, air, and land pollution, pesticide poisoning and improper disposal of solid waste.* The worst polluter of all is the automobile with its internal combustion engine. Usually the finger is pointed most accusingly at the mining, chemical, steel, auto, oil, and utility industries as the leading villains. But let us not forget the road builders, construction industry, real estate developers, and timber depleters. Let us not forget also that regulatory and other public agencies are major contributors to environmental deterioration.

On the other hand, let us remember that these industries and agencies not only are promoting, but are responding to the demands of you the consumer. The price of big auto engines, fancy homes, weedless lawns, and countless other creature comforts that you want and enjoy is environmental depletion.

5. *The motivations that cause environmental declines are the desire for large families, status living, social conformity, material affluence, creature comforts, and so-called "progress."* The United States has 6 percent of the world's population and uses 40 percent

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of the resources. Generally the higher the living standard the greater the consumptive use of resources. The affluent suburbanite is the worst offender of all. The United States is choking on its own affluence.

6. *Man can learn about, but he cannot alter, the natural laws of this earth nor the solar system.* To survive, he must control the technological apparatus by which knowledge of these laws is applied to his own wellbeing. Man's confrontation with nature is a war he cannot win. He not only must atone for past abuse, but also must reverse the trend. The President indicated that the number one domestic priority is to make peace with nature, and reparations for past damage to air, water, and land.

7. *If there are certain industrial "princes of pollution," the kings and queens of environmental decline are the men and women of the world who enjoy a high standard of living—namely you and I.* We have it in our power in countless ways to halt the downward trend and maintain the biotic balance between nature and man that is essential to survival of the species.

8. *The price runs against our grain.* It runs against progress, development, and the biological urge. The price is twofold. It includes: (1) control of the world's population, and (2) a social ethic that makes environment the number one National priority in terms of performance as well as words. To achieve such priority means willingness to forswear profits and dividends, pay greater taxes and higher prices for consumer goods and services, reduction in the material standard of living, sacrifice of certain strongly-desired comforts, and educating ourselves and our children as to the environmental necessities. Major revision in national and social priorities means raising sufficient public opinion against principal offenders to compel change, challenging the politicians, and finally the ability by our leaders to recognize the point-of-no-return before it is too late.

In short, the people of this Nation must develop a consciousness and determination regardless of individual, corporate, or collective sacrifice.

We as a people must be willing to bite the "hot bullet." To illustrate and bring it close to home, we should look with disfavor on more than two children per family, on buying a new car every two years, on buying a V-8 instead of a Six, and on other conspicuous consumptions of contaminating consumer goods.

9. *The main deterrents to correction are neither scientific nor technological. They are political, social and economic.*

10. *At stake is man's survival.* The environmental threat is no less certain that that of unleashed nuclear weapons. But it far less dramatic, less sudden, more insidious. Thus far more dangerous. Through simple disinterest, disbelief, or selfishness, man as a species may go down the drain—a victim of his own brain.

MAN AGAINST HIMSELF

Population

So much has been written and said about the world's population explosion that I can add nothing—only summarize. I do commend an article in the December Reader's Digest, "Our Spaceship Earth—Standing Room Only."

The United States took 180 years to go from 4 to 200 million Americans. By 2000 we will have over 300 million. There are one billion more people on this planet now than in 1950. In the last 5 years alone there have been added 250 million, or a greater increase than the total population at that time of either the Soviet Union or Continental Africa. The world's population is now 2.5 billion and due to double every 30 years.

What does this population increase mean in terms of environmental impact? Each new American adds 120 gallons of sewage, and 4 pounds of solid waste per day. In the course of a year each new American discards 250 cans and 135 bottles.

There has long been recognized the carrying capacity of a range for livestock or the sustained-yield capacity of a forest for timber. It is high time we recognized that the earth has a carrying capacity for humans.

Ecologists also long have recognized that an understocked range produces fatter and healthier cattle than a fully-grazed or overstocked range. In human terms this means there is an inverse relation between standard of living and numbers of people.

Population control is a touchy subject involving religion, race and invasion of privacy. But it is time to flush it out and do something. Voluntary control would be best. I doubt that it will work.

Deterrents to large families in terms of additional tax costs for more than two children, and property taxes graduated upward in relation to numbers of children have been discussed.

I have heard a Catholic attorney urge legalized abortion, and compulsory contraception by Congressional statute with sterilization as the penalty for violation. The same individual also urged a court test of the position of the Catholic Church.

True, there is growing awareness of population pressure. But how to reach that quarter of American families that produces two-thirds of America's children? Or the Puerto Rican fisherman with 16 children who is too poor even to feed his own children the fish he catches, and who obviously pays no taxes? How to change a culture which is extant in the United States and looks down on a bride who does not become pregnant shortly after marriage?

But even if the United States were to face up, what about the rest of the world? Frankly, I get a feeling of hopelessness when I think of the population problems of some continents other than North America. Nor do I believe the United States could become an island of isolation, nor survive in biotic balance if the rest of the world is out of tune and headed for disaster.

There are various voluntary action groups; there have been Congressional hearings; bills are pending; the President has established a Commission and sent a message to Congress. But the political clout to do something is missing. Reelection is more important.

The population issue is one example of what I mean by biting the "hot bullet." Solutions are definitely not for the chicken-hearted. Stabilizing U.S. population will prove the ultimate environmental test. The alternative might be catastrophe by numbers.

The abuse of nature

A stabilized population is certainly one part of the equation for environmental maintenance. The other is living in harmony with nature. If we fail on either count we are in trouble. So, turning now to the other part of the equation—what are we doing to America the Beautiful by our proud American way of life?

Generally speaking, there are three earth resources vulnerable to environmental pollution—air, water, and land. All of the air, nearly all of the water, and much of the land is in the public domain. The problem throughout is both a public and private responsibility. Do not comfort yourself that solutions lie only with a distant Congress, the President, the Governor, or the Judiciary. It is a personal problem for which you as an individual have a responsibility, as do your neighbors and children.

Air has its visible and invisible contaminants, with the latter the more serious. Principal sources of air pollution include the auto, trucks, busses, jet planes, factories, garbage and city dumps, pesticides, steel mills, heating and power plants. All of us recall big city smog, heat inversion, haze, belching smokestacks, burning dumps, dust bowls, and forest fires.

The air over most of the East Coast from Maine to Florida is visibly polluted up to 20 or 30 thousand feet and often a hundred miles or more out to sea. The smog of southern California is infamous, with wisps and fingers reaching across the state into Arizona. San Francisco and Sacramento are not immune. Just east of the Front Range in Colorado from Colorado Springs through Denver north to Fort Collins, air pollution has become a recognized problem. City after city could be named.

Of all causes the automobile is the worst offender. But despite great talk of auto safety, little beyond research has yet been done about that most dangerous source of all—the exhaust pipe. General Motors in its report to stockholders for the 3rd quarter of 1969 reported on reductions made in vehicle emissions and research under way, and recently has made more forcible public statements of intent. Ford Motor Company has announced an "intensified effort to minimize pollution in its products and plants in the shortest possible time." New York State is suing major auto manufacturers, charging conspiracy to eliminate competition in the development of anti-pollution devices. Standard Oil of California has reported the discovery of a fuel additive that reduces undesirable emissions by half. Steam, electric and gas engines are being investigated.

It is hard to know where the truth lies between announcements by manufacturers and such charges as made by New York State.

The airlines now have an emission-free jet engine; but why do the airlines wish to install it only as part of an orderly rotation system, not on a crash basis? The answer is cost. Fortunately, the Administration has pushed up the target date from 1975 to 1972.

Direct action is available but the Nation is not ready. Smog in Los Angeles would be ended if gasoline sales were banned in southern California. A slower alternative would be to immediately ban the sale of new autos without the best corrective devices, and additionally require their installation and regular inspection on all existing vehicles, without waiting for gradual supersedure.

Noise is another form of air pollution that is increasingly serious. It is traceable to big city din, trucks, railroads, jet planes, jetports, sonic booms, interstates, turnpikes, beltways, expressways, and the construction industry.

One scientist has suggested that within 10 years air pollution may become so serious, urban Americans will be forced to wear plastic head hoods to breathe an artificial atmosphere, and such masks will become more essential than clothing.

Water is polluted from soil erosion, sewage, industrial, agricultural and consumer waste of all kinds, and of course the ever-present pesticides. Most major rivers of the nation are polluted as are many minor streams. Lake Erie may be dying. So may Lake Tahoe whose color is changing from blue to green. The coho salmon of Lake Michigan are contaminated. So were your Thanksgiving and Christmas turkeys. The pollution of Long Island Sound has doubled in 10 years. Ore waste continues to go into Lake Superior and some beaches of Monterey are unsafe for swimming.

Estuaries and wetlands are disappearing to high rises and condominiums. Even the oceans are becoming garbage pits and the end of the line for trash, of all sorts, sewage, industrial waste, the persistent pesticides, and other chemicals.

Disasters such as the oil leaks off Santa Barbara are fresh in mind, and uncorrected. Why does not Union Oil abandon drilling in the public interest? The State Assembly of California has, by resolution, urged the Administration to abort the leases, but why have not the Interior and Justice Departments taken action on their own initiative? Why cannot a restraining injunction be in-

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itiated by the State or other aggrieved parties?

The beautiful harbor of Charlotte Amalie on St. Thomas in the Virgin Island stinks from raw sewage and is beset by slums. The proposed St. Thomas jetport will be at the expense of wetlands, lagoons, and island beauty.

The sugar mills built on the cliffs of the various Hawaiian islands dump their effluent into the blue Pacific, thereby making it look like the Muddy Missouri. The petrochemical and other waste discharges into the ocean on the north and south coasts of Puerto Rico are visible for miles as one approaches by plane. So is the smoke hanging over San Juan and coming mainly from rum distilleries and a cement plant.

Thermal pollution from nuclear power generators raises the temperature of rivers and lakes and possibly in due time even the oceans to the point of affecting marine life in unknown ways. Should the polar ice caps melt either from this cause, air pollution, or Arctic development, the oceans would rise over 200 feet. Visualize what this would do to the great central valleys of California and other lowlands throughout the world, The peaceful use of nuclear energy is challenged by this fear of thermal contamination.

Land pollution is multitudinous and diverse in character. Pesticides upset the biotic balance. Erosion and construction tear the land apart and deface it. Examples are endless and include overcutting the forest, suburban sprawl, urban slums, overgrazing, misdesign of cities and structures, overcrowding the parks, highways splattering ribbons of concrete over the landscape, strip mines, utility lines, litter, advertising signs, trash, junkyards, industrial and urban decay, and so on.

Why is mining, for example, permitted to continue for 25 years after establishment of Forest Service wilderness areas? Why won't Congress intervene at Miner's Ridge to stop Kennecott Copper inside the Glacier Peak Wilderness Area? The answer in both cases is mining industry pressure on vote- and contribution-conscious members of Congress. The result is violation of wilderness of which there is so little left.

The construction of an expressway through Humboldt Redwood State Park caused such an outcry that hopefully the continuation of the expressway will by-pass two other redwood State parks farther north, both of which are within the Redwood National Park.

People over-crowding of the National Parks is acute. The density will become greater as more and more people come to the parks on one hand, and as most acreage in the parks is classified as legal wilderness on the other. Here is real environmental conflict, the only solution appearing to be both restricting visitor numbers in the parks and accommodating over-night visitors on outside surrounding lands which often are national forests or other public land.

The Mineral King controversy between recreation for winter sports and keeping a wild valley wild as well as forestalling an access road through a National Park has caused the Sierra Club to go to court with initial success. Here is a conflict between a people's varying cultural desires, one group for wilderness, the other for winter sports.

Finally there is Alaska. Must the oil of the northern slopes ruin the priceless domain under the care of the Interior Department, including the forests, wetlands, and irreplaceable habitat for wildlife? The balance of nature is delicate at best in Alaska. Here perhaps is the ultimate testing ground in the United States as to whether the American people can and will harmonize technological progress with a delicately balanced environment.

Meet yourself

What is being done in view of all that is happening—not only by your government, but also by you?

There is a baffling maze of Federal and State legislation, public programs, trade associations and other private groups, universities, foundations and research organizations, all either pushing one aspect or another of environmental improvement or conversely protecting a special interest.

Presently 11 Federal Departments, 16 independent agencies, 13 Congressional committees, 90 Federal programs, 26 quasi-governmental bodies, and 14 interagency committees are engaged in environmental matters.

In 1972 the United Nations is convening a world conference on the environment. 1970 is European Conservation Year. NATO has adopted a goal of improved environment. UNESCO has held a conference. London and Paris have had smoke and noise clean-up campaigns.

DDT has been banned in Sweden, Denmark and Germany. About 11 states either have restricted its use or are considering such action. Michigan has impounded the salmon from Lake Michigan because of excessive DDT in its tissue.

There are other good signs. Maryland is the first state to require undergrounding of all utility lines in new construction.

The Federal government has cut back the use of persistent pesticides. But, in a vast disregard of the public interest, six of the major chemical producers and formulators of DDT have forced delay by appeal procedures. The food manufacturers responded to the ban on cyclamates. Lack of similar response by the chemical industry to DDT proves that environmental concerns have not really gotten home.

Jet planes and autos are scheduled for partially effective emission control devices, but not until 1972. California has taken steps to try to save San Francisco Bay. Reynolds Aluminum is paying 300 dollars a ton for discarded cans.

The jets versus the Everglades is a celebrated cause, and the Congress, through the Department of Transportation appropriation act, nudged the Administration to decisive action.

Actions of industry and foundations have been limited mainly to research or public relations. As an exception, DuPont claims it has invested 130 million in anti-pollution facilities and all known noxious gases are now restrained at all plants.

One of the bright hopes is the growing student war on pollution. Senator Gaylord Nelson and Congressman McCloskey are sponsoring a National environmental teach-in on April 22 in colleges and high schools. Ralph Nader has adopted environmental improvement as a worthy goal. Students with no investments, payrolls, nor profits to bother them are adopting environment as a cause and an outlet for their ideals, energies, intelligence and enthusiasm. And well they might, for students will be around to suffer the consequences of failure.

Also, students can do something about birth control, whereas it is too late for the bald and gray heads of my generation.

When appearing before student groups, the first question is usually Viet Nam, the second is environment. Student groups are springing up at colleges and universities everywhere under a variety of names. Many are not allied to any central movement.

All power to them, but let students be so fully committed that it carries over to when their generation becomes the establishment. Let them mobilize their strength, toughen their spirits for a long, hard struggle, and be prepared for disillusionment when environment fully flowers into the full-blown political issue of cost and action.

New organizations are springing up, such as the Environmental Defense Fund, an action-oriented organization seeking redress in the courts, the Committee for Environmental Information which publishes a top-notch magazine, and the Environmental Clearing House, an ad hoc committee on the environment consisting only of members of Congress. An Environmental Institute is being sponsored by the Conservation Foundation to publish an Environmental Law Reporter. Regional groups such as the Rocky Mountain Center for Environmental Information and various State open space councils are under way.

Environmental law is emerging as a new field with several law and natural resource schools showing special interest and some sponsoring inter-disciplinary programs. Numerous court tests are under way. The active interest of the Environmental Defense Fund, the Conservation Foundation, and Resources for the Future has helped to push environmental law into prominence. Several young and aggressive lawyers are seeking and developing national reputations and careers in the field. Some established law firms are loaning an attorney to environmental clients as a gesture of pro bono publico, but only if no conflict is seen with the firm's established business or clientele.

There is little body of environmental law; precedents usually favor defendants. The environmental lawyer is often a young turk with environmental dedication, impatient of administrative or legislative processes, and without professional natural-resource knowledge. The relatively few individuals of experience who are lawyers knowledgeable in natural-resources are mostly with public environmental agencies. Unfortunately, the young environmental lawyers have little liaison with these experienced attorneys, with consequent mutual loss.

The National government, both legislative and executive, is stirring, but is fuddled, and the pace is too slow. In past years Congress has passed numerous enactments such as the Air Quality, Clean Air, Water Pollution Control, Solid Waste Disposal, Water Resources, Land and Water Conservation Fund, Clean Waters Restoration, Federal Insecticide, Federal Food, Drug and Cosmetic, Fish and Wildlife Pesticide, and Pesticide Research Acts. Conspicuously absent is legislation on population control.

These enactments, forward-looking though they are, are piecemeal. Furthermore, the underfinancing of existing authorizations is colossal, mainly because the Administration won't recommend full authorizations and sometimes won't spend what Congress does appropriate. For example, the authorization in fiscal 1970 for water pollution control is $1 billion. The Nixon administration recommended about $250 million. The Congress overrode the Administration and voted $800 million.

With over 100 environmental-related bills before the Congress, Senators Jackson and Muskie and Congressman Dingell have led the way in developing the National Environmental Policy Act of 1969. This act, among other things, will establish a Council on Environmental Quality comparable to the Council of Economic Advisors. Senator Jackson predicts:

"The law will immediately hit the Atomic Energy Commission's nuclear power program by requiring the AEC to curb thermal pollution. It will have an immediate impact on all defense programs—everything from the siting of ABM missiles to chemical and biological warfare. It will affect federally financed highway programs and every Army Corps of Engineers project."

This bill, although initially opposed by the Administration, was signed by the President in his first official act of 1970. He declared the fight was a "now or never" task for the new decade.

In related action, bills by Senator Muskie and Mr. Fallon have passed both Houses and would establish an Office of Environmental Quality in the Executive Office of the President. The Senator has accused the Administration of being more interested in form than substance and said the new office would "reflect the national commitment we need if we are to avoid ecological disaster." The Senator also told a recent meeting of the American Association for the Advancement of Science that "man has so misused the fruits of scientific endeavor, he has threatened his own existence."

The President is reported as opposed to this additional environmental office. Regardless of the outcome, it is not unlikely the present session of the 91st Congress will create either a Joint Congressional or Senate Select Committee on the Environment.

Pending too are various reorganization bills, particularly those by Senators Case and Moss to reconstitute the Interior Department as a Department of Natural Resources and Environment. This would be a mistake, because environmental concerns are too widely dispersed throughout the Executive Branch to be concentrated in any one Department. Reshuffling of Bureaus is a cheap and easy way for the President to show the country he is doing something about the environment. But it is no substitute for money.

Last May the President by Executive Order created a coordinating Environmental Quality Council chaired by himself and with six cabinet officers and the Vice President as members. He also established a Citizens' Advisory Committee chaired by Laurance Rockefeller. The Council is staffed by the Office of Science and Technology, which is the wrong place, because the problems of environment are not primarily scientific.

So far the Council and Advisory Committee have met infrequently, done little, and created little enthusiasm. Funds were cut for staff support. Congress did not accept executive action as adequate and the future of this Council is uncertain in view of the more recent Council on Environmental Quality created by the Congress.

The President in his State of the Union message joined Congressional leaders in emphasizing environmental quality as the challenge of the '70's. But the message was largely non-specific, and also ignored population control. The real test of the President's concern will become more clear when details of the Budget Message are available, and when the dozen or more major programs are forthcoming that he promised to offer in this session.

Over the past 5 years Executive agencies have done a great deal of work on environmental matters. Reports of the National Research Council-National Academy of Sciences, the Environmental Pollution Panel of the President's Science Advisory Committee, the President's Council on Recreation and Natural Beauty, the Department of Agriculture, and the Office of Science and Technology are outstanding. The recommendations are there, but they are far from being implemented either legislatively or financially.

The HEW Commission on Pesticides and Their Relation to Environmental Health recently issued its report with 14 recommendations. These included the usual ones on cooperation, coordination, advisory committees, and standards. But the Commission also recommended that we "eliminate within two years all uses of DDT and DDD in the United States, excepting those uses essential to the preservation of human health or welfare. . . ." It remains to be seen what actually happens.

And so the students, the conservationists, and your Congress and the Administration all are moving. What are you doing as an individual?

If you are a banker or businessman, take an environmental risk, absorb some costs, cut a dividend, reduce some profits. As a citizen, stop using persistent pesticides in your yard and garden, boycott no-return bottles, get along with one car to last 8 to 10 years, equip it with an emission-control device and avoid high-powered V-8's. Be willing to pay higher utility bills and taxes. If you are young, limit the size of your family and educate yourselves and your children. Expect to pay more and get less as the price for pollution control is reflected in consumer goods.

Above all, educate your children to environmental dangers and values from the elementary level on up. Universities should respond to student demands for environmental study programs and should make an environmental course a prerequisite for every graduate.

Teach the young people to have a different sense of social and national values and priorities than the distorted ones of our generation. Teach them to look down on large families and those who pollute and befoul. Then perhaps when they are running this country, they will make peace with nature and reparations for damage.

A Gallup Poll shows that half of us believe we are spending too little on environment and most would cut defense spending to find the cash. But if not wholly at the expense of defense, what then?

Only 22 percent are willing to increase family expenses by as much as $200 per year to save the environment. Obviously, those questioned were not thinking in terms of survival. Only 14 percent are willing to pay $2 more per month on electric bills to reduce air and water pollution.

Too often, environmental impacts from apparently unrelated actions are not identified. New York City recently raised its bus and subway fares 50 percent. How many more commuter cars will this force into the already congested bumper-to-bumper traffic of smoggy Manhattan? One offset is to raise bridge and tunnel tolls and to charge for empty seats in cars entering Manhattan Island. A better solution might be free rapid transit at public expense in major metropolitan areas to reduce gasoline pollution. This makes as much sense as free public schools. Reforming attitudes and innovative approaches to the public business are absolutely essential.

POLITICS THE KEY

Statesmanship is a better word than politics. But it is clear that on national and over-riding issues, such as the environment, leadership must come from the Congress, the Executive, and the State Houses. If one doesn't lead the other must.

This is no partisan issue and the fact that different parties control the Executive and Legislative should be of no moment. Neither can duck their sobering responsibility for both sides of the equation—population stability and environmental management.

There is much we need to learn; but to say research and science hold the key to environmental quality is nonsense. Such a statement reflects either gross misunderstanding or deliberate intent to befog and confuse.

How much is enough is the real question, meaning how far do we dare push our environment downhill in order to enjoy the fruits of technological knowledge, and can we detect the point-of-no-return far enough ahead to not go over the brink of a snowballing irreversibility? It all comes down finally to a judgment balance between what technology can supply and what biology can stand. As the President said, the wonders of science must be turned to the service of man. This is why politicians and other policy officials in all walks become the ultimate key rather than scientists and engineers.

Population and material affluence are overdrawing our natural resources and despoiling the environment. It may take a killing heat inversion along the eastern megalopolis, or some other catastrophe to shake up this Nation sufficiently to take action. Unfortunately, Americans usually react after crises rather than before.

Right now everyone is joining the environmental bandwagon. There is a plethora of pieties, messages, commissions, hearings, reports and recommendations. The issue lends itself to words, eyewash, government reshuffling, research and rhetoric.

Let us view these with skepticism. Let us watch for massive Federal and State expenditures to clean up the air and water, for corporations absorbing an important share of the social costs, for crack-downs on the major industrial polluters, for enforcement of existing laws and regulations, for real revision of National priorities, and for willingness to make personal sacrifice.

At this point, the people are ahead of the politicians who are being slowed up by private interests, jealous committees of the Congress, and the fiefdom bureaucracy of both Congress and the Executive.

The issue should be hotter on Capitol Hill and in the White House than civil rights, poverty, housing, hunger, inflation, or crime.

To paraphrase one commentator, when survival of the species is at stake, there can be no differentiation between Republican and Democrat, black and white, rich and poor, young and old.

Finally, as a reminder to yourself, may you bear forever in the recesses of your mind and on your conscience the recent words of Charles Lindbergh:

"I had become alarmed about the effects our civilization was having on continents and islands my military missions took me over—the slashed forests, the eroded mountains, the disappearing wilderness and wildlife. I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction. Also I was tired of windowless briefing rooms, Pentagon corridors and the drabness of standardized air bases. I wanted to regain contact with the mystery and beauty of nature.

"After millions of years of successful evolution, human life is now deteriorating genetically and environmentally at an alarming and exponential rate. Basically, we seem to be retrograding rather than evolving. We have only to look about us to verify this fact: to see megalopolization cities, the breakdown of nature, the pollution of air, water and earth; to see crime, vice and dissatisfaction webbing like a cancer across the surface of our world.

"We know that tens of thousands of years ago, man departed from both the hazards and the security of instinct's natural selection, and that his intellectual reactions have become too powerful to permit him ever to return.

"That is why I have turned my attention from technological progress to life, from the civilized to the wild. In wildness there is a lens to the past, to the present and to the future, offered to us for the looking—a direction, a successful selection, an awareness of values that confronts us with the need for and the means of our salvation. *Let us never forget that wildness has developed life, including the human species. By comparison, our own accomplishments are trivial.*"

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

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APRIL 3, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:45 p.m. on Friday, April 3, 1970, said to contain a message from the President concerning Federal salary increases.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

FEDERAL EMPLOYEES' PAY INCREASE AND POSTAL REFORM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-298)

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed:

To the Congress of the United States:

Yesterday, the government negotiated a settlement with its postal employees.

This settlement could not properly be made in isolation from the needs of all Federal employees. In dealing with the special needs of the postal workers, the government representatives took into account the context of the Federal government's relations with its entire work force.

It should be noted that this negotiation took place only after the postal work stoppages had ceased.

One who works as a government employee agrees not to strike. But, concomitantly, the government has an obligation to insure each of its employees fair treatment so long as each lives up to his or her obligations.

The government is committed by law to a pay policy of comparability; that is, pay levels should correspond to those in business and industry. The agreed-upon government-wide pay increase complies with this standard.

This Administration is committed to a policy of pay-as-you-go. I believe that we have an obligation to provide revenues to meet the increased expenditures involved in this settlement. This is only good business and it is insurance against inflation.

1. *I propose that the Congress enact a pay increase of 6% for all Federal employees, paid under statutory salary systems, including members of the armed forces, retroactive to the last pay period at the end of calendar 1969.*

2. At the same time, *I urge the Congress to take action to reform the postal service.* Had this action been taken earlier, the postal work stoppage would have been averted.

The Congress must recognize the need to modernize the postal system, to improve working conditions and to give employees and management an effective medium for bargaining.

The proposed postal reform will be worked out in an agreement between the postal unions and Department representatives. The settlement provides that this work will be completed by April 10. I feel confident that a reorganization can be agreed upon which will meet our mutual goals.

3. Immediately upon enactment of postal reform, the process of collective bargaining will begin. In recognition of improvements in postal operations, *the results of such bargaining will include an increase in wages of at least 8%* in addition to the government-wide increase.

4. It has also been agreed in negotiations this week that the inequities created by the need to wait 21 years to move from the entry to the top rate in a job classification should be removed by reducing this to an 8-year period.

Postal revenues: To pay as we go for the postal salary increase and to eliminate the current postal deficit of about $600 million, *I urge that the Congress raise first class postal rates to 10¢ for regular first class mail as soon as possible.* This increase will produce added revenues of approximately $2.3 billion.

We are going to move to bring all rates except those for the blind and non-profit organizations to levels where they will cover at least their demonstrably related costs. As a first step under this policy we are proposing measures which will increase second and third class postal revenues $120 million in FY 71.

An adjustment in the schedule of parcel post rates will also be sought to produce $125 million in revenues. Government mail reimbursements will be increased by $89 million.

In all, I am proposing added postal revenues by Congressional and administrative action of $2.6 billion. These revenues are essential to meet the salary needs of postal workers, to wipe out the postal deficit, and to contribute to the efficiency of the postal system.

General revenues: To pay for the 6% increase to all government workers, which will cost $1.2 billion in fiscal 1970 and 1.3 billion additional over the $1.2 billion already included in the fiscal 1971 budget, *I propose that the Congress consider further actions which will result in some modification of our 1971 budgetary program.* The 1970 additional outlays can be met from budgeted and surplus funds.

At the beginning of my Administration I made the basic decision that the Federal government must start to live within its means. The long inflation that began after 1965 had its roots in a string of unbalanced budgets capped by the $25 billion deficit in FY 1968. To restore order in the economy the Federal government's first responsibility was to restore order in its own finances.

The tax program which I put before the Congress a year ago called for a balanced set of reforms, at the same time making provision for total revenues that would match the prospective outlays.

Prospective revenues for FY 1971 in the tax bill that finally reached my desk last December were more than $3 billion below what my own recommendations a year ago would have provided. I expressed my grave misgivings about that revenue shortfall. I finally decided that, time having run out for the last session of the Congress, there was no alternative but to sign the bill and put before the Congress in my Budget Message a program of expenditures consistent with these reduced revenues.

That was done. It was an austere program. Important programs were sharply curtailed or entirely eliminated. A major omission was the overdue pay increases to Federal workers.

This tax bill has forced on the Federal government a level of wage outlays that is inconsistent with any reasonable estimate of wage level decisions in this session of the Congress.

Yet I cannot and will not participate in an excursion into fiscal irresponsibility. That would re-awaken skepticism about our determination to quell inflation, just when clear evidence of progress is in sight. And savings diverted into financing a deficit mean reduced funds and resources for housing, for State and local government projects, and for the capital formation essential to our on-going productivity and economic progress.

Therefore, I call upon the Congress and the Nation to face in future years the realities of our Federal budget. We must pay the bills for the wages that we vote. We must pay just wages in government. These involve more outlays than the revenues that last year's tax bill would produce.

I firmly believe that, given the facts, the American people will support the Congressmen with the courage to do what is right.

Putting the public interest first, it is right to build confidence in the integrity of the dollar, which we will do by redeeming our pledge of an anti-inflationary budget.

Putting the public interest first, it is right to insist on a course of economic stability that will lead to price stability, job stability, and a balanced use of our resources.

I propose the following additional revenue which will neither require extending the surtax nor raising income tax rates: The 1971 budget forecasts the collection of $3.6 billion of estate and gift taxes in the coming fiscal year. *I propose to accelerate collection of these taxes, which would add an estimated $1.5 billion in receipts in fiscal 1971.* As a result of the pay increases recommended in this message, I estimate that $180 million per year will return to the government in personal income taxes.

The total of these added revenues to the fiscal 1971 budget would be about $1.7 billion.

It will be recognized that this estate and gift tax acceleration will only provide additional revenue for one year. It will be necessary for the Congress to consider and adopt permanent revenue measures for FY 72 and following years to meet these additional wage outlays.

Within the next 10 days, legislation will be prepared to achieve the recommended wage increases, the reorganization of the Post Office Department, the postal rate changes and the 1971 gift and estate tax revenue measures described.

I cannot stress too strongly my support of early adoption of all of these interdependent and necessary actions. Each will relate to and depend upon the others. I request the Congress to act upon all, at once, to afford deserving employees an equitable pay adjustment, to provide badly needed reorganization to our postal service and to adopt the proposed pay-as-

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you-go revenue program to support these needed changes.

RICHARD NIXON.

THE WHITE HOUSE, *April 3, 1970*.

TELEGRAM TO SECRETARY OF NAVY FROM CONGRESSMAN DON EDWARDS OF CALIFORNIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I am sending today a telegram to the Secretary of Defense the Navy, with a copy to Secretary of Defense Laird and Secretary of State Rogers. The telegram will say this:

> At a time when the totalitarian and unconstitutional military regime in Greece is becoming even more repressive—witness the unconscionable arrest and imprisonment of editors who called for democracy and the courtmartial of 34 men and women from the political center, among them some of the most creative and distinguished citizens of Athens—it is an outrage that the US Chief of Naval Operations should have as his house guest this week a representative of that cruel regime. Such moral and political insensitivity damages the reputation of our military and the reputation of our nation I trust that you, the Secretary of the Navy, appreciate the serious erosion of US prestige in Greece and in Europe as a result of the long series of explicit and implicit gestures of approval of the Greek junta made by high ranking American officers.
>
> This is the latest and one of the most serious of such unfortunate gestures. And it cries out desperately for your attention.

PRESIDENT NIXON AND THE VETERANS' ADMINISTRATION HAVE TAKEN A GIANT STEP IN MEETING THE CHALLENGE OF THE SEVENTIES

The SPEAKER pro tempore (Mr. ROGERS of Florida). Under a previous order of the House the gentleman from California (Mr. TEAGUE) is recongized for 5 minutes.

Mr. TEAGUE of California. Mr. Speaker, President Nixon and the Veterans' Administration have taken a giant step in meeting the challenge of the seventies for our 27 million veterans.

President Nixon announced an increase of $50 million in the VA's medical care budget for fiscal year 1971—boosting to $210 million more for this vital service to veterans than was contained in the 1970 budget. When the President announced the increase, he had this to say about his charge to the Administrator of VA, Donald E. Johnson:

> When I appointed Donald E. Johnson to be Administrator of Veterans' Affairs last June, I directed him to make a thorough review of the veterans medical care program: to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care program appropriate for future needs. He has completed that review, and today he reported his findings.
>
> I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention.

Mr. Speaker, when the President's new team at VA took over, it found that a number of programs throughout the 166 hospital system were being curtailed because of a shortage of funds. Despite the fund shortage, by careful use of available moneys, it was still able to provide excellent medical care for veterans.

The Administrator's review of the VA medical program, as well as the survey of VA hospitals accomplished by the House Committee on Veterans' Affairs, have contributed to pinpointing the critical problems that have been developing for several years in the Veterans' Administration hospital system. The President and the Administrator have now taken steps to alleviate the situation.

The long-standing problem was intensified, Mr. Speaker, when a 1968 law required the VA to reduce its staff to the mid-1966 level, thus depriving the VA's medical care programs of several thousand workers.

Last year the President and Administrator took action to help correct the situation, by authorizing 1,500 more VA employees immediately, more than 80 percent of whom were to be assigned to VA's Department of Medicine and Surgery.

This problem was doubly severe because of the difficulty of recruiting paramedical and medical professionals in a very competitive market for their services. It sometimes is months and even years, Mr. Speaker, before adequate staffing can be secured for hospital services.

In addition to the 1,500 additional VA employees added by the President, an additional 1,700 new employees were approved for VA's medical budget for fiscal year 1971.

The number of Vietnam veterans returning to civilian life will increase the need for even more employees, a fact the President and the Administrator recognize fully and are prepared to seek.

Today, Mr. Speaker, 7 percent of VA patients are Vietnam veterans; 9 percent of the total cared for annually in outpatient clinics are Vietnam veterans. This patient load will increase sharply in the next few months and years, Mr. Speaker.

Thus, Mr. Speaker, it is doubly important and significant that the new team at VA, along with the President, and the Bureau of the Budget, are acting now to meet the needs of the future.

I am confident, Mr. Speaker, that the Congress will respond adequately to these needs.

As a preliminary step, Mr. Speaker, the President recently authorized the Administrator of VA to seek an additional $15 million this year, the greatest portion of which will be used to wipe out the dental care backlog, a service provided for returning Vietnam veterans.

As the President pointed out, Mr. Speaker, many more of our servicemen today are surviving highly damaging wounds, because of better battlefield care and faster combat evacuation techniques. These men, thankfully, are returning to live useful lives under the care and concern of the VA. The veterans bring an added burden to VA medicine, a fact recognized early last year by both the President and Administrator Johnson.

So, Mr. Speaker, something is being done—done today about the problem.

Much of the new money will go for a group of 23 specialized medical programs conducted by VA. These include coronary intensive care units, hemodialysis centers, organ replacement centers, and pulmonary emphysema units.

In the past few years, Mr. Speaker, VA was unable to make all of these programs available to veterans in the installations provided for them because of a lack of funds and personnel.

Happily, this is going to be corrected.

The VA budget for the fiscal year beginning this July, Mr. Speaker, includes staffing for 121 additional beds in these specialized medical efforts; an increase of 1,155 nursing beds, an increase of 28 percent, in this program.

So, Mr. Speaker, the President and the new team at VA, have not been idle prior to last week's announcement expanding by $50 million the funding for VA medicine.

This budgetary allocation represents a step into the future in the plans and programing of the medical needs of veterans. I hope it will be supported by the Congress, thus permitting the Veterans' Administration to turn to the task of modernizing its hospital services to meet the needs of the 1970's.

Mr. Speaker, I submit for the RECORD President Nixon's statement on veterans' medical care:

STATEMENT BY THE PRESIDENT ON VETERANS MEDICAL CARE

> For a number of years, the Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired.
>
> Action must be taken now to insure that eligible veterans will receive the medical care they require.
>
> When I appointed Donald E. Johnson to be Administrator of Veterans Affairs last June, I directed him to make a thorough review of the veterans medical care program: to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care programs appropriate for future needs. He has completed that review, and today, he reported his findings.
>
> I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention. Therefore, I have approved an increase of $50 million in the VA's medical care budget request for fiscal year 1971—which makes it $210 million more than the approved appropriation for fiscal year 1970—and have authorized the VA to seek from Congress an additional appropriation of $15 million for the remainder of this fiscal year. These requests will enable the VA to improve medical care for all eligible veterans, particularly for those suffering from battle injuries.
>
> This Administration is committed to providing quality medical care for every eligible veteran.

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BACKGROUND OF THE PROBLEM

A 1968 law required the Veterans Administration to reduce its staff to the mid-1966 level. This deprived the VA's medical care program of several thousand workers in all categories of the health services professions at a time when the VA requirements for such personnel were growing steadily.

Last September, to meet this problem, I raised VA's personnel ceiling by 1,500, even though employment authorizations for other Federal agencies were then being reduced by 51,000. I also approved the VA's fiscal 1971 appropriations request for an additional 2,100 medical care employees.

Even more health services personnel will be required in the immediate future to meet the special problems presented by an increasing number of Vietnam Era dischargees and the increasing scope and complexity of health care delivery systems.

THE VIETNAM ERA VETERAN

Men and women with service in the Armed Forces since the onset of the Vietnam conflict are being discharged in steadily increasing numbers. The annual rate of separations grew gradually from 531,000 in calendar 1965 to 958,000 in 1969. In 1970 and 1971, the annual rate will climb well above one million.

Many of those now leaving the Service suffer from wounds received in combat and are discharged directly into VA hospitals. Currently 7% of the patients in VA hospitals and 9% of VA out-patient treatment cases are Vietnam Era veterans. These percentages are expected to rise during the next few years. Also, all Vietnam Era veterans are entitled to VA dental care in the year following separation from service. Due to the increasing discharge rate, the demands for such treatment have led to an abnormally high backlog. Additional funds are required to correct this situation.

Better battlefield care and faster evacuation of the war wounded have resulted in a high incidence of patients with multiple amputations and spinal cord injuries in VA hospitals. Special hospital centers, with more staff than usual, are required for the care and rehabilitation of these patients.

These new developments combine to impose greater than normal demands upon the professional staffs of VA hospitals and clinics and require both more personnel and an increased range of specialized skills.

SPECIALIZED MEDICAL PROGRAMS

As medical knowledge expands, the techniques for saving lives becomes more complex, more specialized, and more expensive. For several years, the VA has identified for separate funding and control a group of 23 "Specialized Medical Programs," including Coronary/Intensive Care Units, Hemodialysis Centers, Organ Replacement Centers, and Pulmonary Emphysema Units. These innovations in VA hospitals and clinics pioneer the latest advances in diagnosis and treatment.

The VA's efforts to make these programs available throughout its hospital system have been constrained by lack of funds. For example, there is presently an insufficient number of Coronary/Intensive Care Units in the VA hospital system. Such units reduce mortality in heart attack cases by 15 to 30 percent; every eligible veteran should have access to these life-saving facilities.

Administrator Johnson also has found that the VA has not had the funds to open and operate a sufficient number of Prosthetics Treatment Centers and Spinal Cord Injury Centers for severely wounded veterans from Vietnam.

These Specialized Medical Programs are not only important to the veterans who benefit directly from them, they are also important to America because the veterans medical care program consistently has been a leader in the development of innovations of great importance to our total health delivery system.

Concern for the nation's older veterans is an integral part of the VA's specialized medical care mission. These patients will require a greater number of chronic care and nursing care beds as the veteran population continues to age.

OTHER PROBLEMS

Administrator Johnson has identified a number of other problems affecting the veterans medical care program. Most of these have been brought on by a combination of inflationary pressures and budgetary restrictions. These include a reduction in supporting services available in VA hospitals as compared to many non-government hospitals; deferrals in the purchase of replacement equipment; stretch outs of maintenance and rehabilitation projects; and curtailment of the construction program to modernize or replace outdated VA hospitals.

The VA's potential as a clinical training resource has been neglected. Fuller reliance on the VA's system of 166 hospitals for medical education purposes would not only improve the VA's position—as a consumer of health services personnel—but would also help the entire nation meet its requirements in the health manpower area.

THE STEPS WE ARE TAKING

Solution of many problems related to the veterans medical care program will take time—even if we had all the necessary funds immediately.

We must, however, find early solutions to the more pressing problems which directly involve patient care. These include—

The need for increased staffs to serve existing Specialized Medical Programs, especially those concerned with care of wounded Vietnam veterans;

The need to open and adequately staff and equip more centers under these programs;

The need to bring the backlog of Vietnam veteran dental care cases within normal operating levels;

The need to provide additional nursing care beds for older veterans.

The $15 million supplemental appropriation which I have authorized would be expended in April, May and June to clear up the excessive backlog in Vietnam veterans dental claims; improve the staffing of existing Specialized Medical Programs, especially the Spinal Cord Injury Centers and the Coronary/Intensive Care Units; carry out plans for taking hemodialysis units into the homes of veterans suffering from serious kidney ailments; and help meet increased costs of needed drugs and medicines.

The VA's budget request already submitted to Congress for the fiscal year to commence in July would provide extra staff to activate 121 additional bed units for Specialized Medical Programs and to open an additional 1,155 nursing care beds, a 28% increase in this program.

The new request for $50 million would be used to increase the staffs of VA hospitals and clinics; to improve further the staffing of the Spinal Cord Injury Centers and other important Specialized Medical Programs; to purchase seriously needed operating equipment; and to absorb rising drug and medical costs.

OTHER STEPS TO IMPROVE MEDICAL CARE

Beyond these requirements for additional funds, a number of steps have been taken to improve the veterans medical care program.

New Management Team—An entirely new top management team for the VA's Department of Medicine and Surgery, headed by Dr. Marc J. Musser has been appointed. This group has the talent, the initiative, and the outlook to develop and carry out needed improvements in veterans medical care.

Improved Management Controls—Streamlined management controls over the widespread operations of the VA, including its system of 166 hospitals have been established. By merging the fiscal audit, internal audit and investigation services, more frequent audits and faster investigations into complaints will be possible.

Improved Management of Hospitals—The management at each VA hospital is being evaluated, and a number of replacements in hospital directors, assistant directors, and chiefs of staff have already been made. Other personnel changes will be made as the need is demonstrated. A new program to upgrade the managerial skills of those in charge of the hospitals will make possible greater decentralization of appropriate authority to hospital directors. An executive recruitment and development program to provide for future hospital leaders will be undertaken and a program for simplication of paperwork procedures and other hospital administrative practices is underway.

Study of Future Needs—A comprehensive study of the future needs of the veterans medical care is continuing to insure that developing problems will be identified early and analyzed as to their significance to the program.

Closing Health Manpower Gap—The VA, in coordination with other interested agencies, will explore new approaches to the problem of closing the gap in the nation's critical health manpower situation. This will include studies to improve techniques of training health services personnel, improvements in health delivery systems, increased sharing of expensive and short-supply medical equipment by hospitals in the same community, and the potential for the establishment of new medical schools in conjunction with VA hospitals.

COMMITMENTS TO FULFILL

To those who have been injured in the service of the United States, we owe a special obligation. I am determined that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires. This commitment will require more than dollars to redeem; it will require sound management of existing VA facilities, wise use of existing personnel and equipment, and—most importantly—a sensitivity to the needs of our veterans, personal as well as medical. Administrator Johnson and his staff have a keen appreciation of these requirements. We, as a people, have commitments to our veterans, and we shall fulfill them.

VETERANS' LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today I have introduced a package of legislation designed to help the Nation's veterans. My first piece of legislation would provide for an annual adjustment in monthly monetary benefits based on changes in the Bureau of Labor Statistics' Consumer Price Index. Eighteen of my colleagues have recognized the urgent need to make veterans' benefits relevant to our Nation's economic fluctuations and have joined with me in cosponsoring this bill. My second proposal would establish a new rate scale and increased income limitations relating to payment of pension and parents' dependency and indemnity compensation.

With the ever-present threat of inflation, it is only appropriate that some action be taken to protect veteran recipients from such fluctuations in our economy. Inflation has been the real villain here. The 1960 dollar is worth only 78 cents today. Veteran benefit recipients, particularly those living on fixed incomes, are being especially hard hit. My legisla-

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tive package would have the effect of not only increasing veterans' benefits by approximately 10 percent and thereby offset any loss in benefits as a result of the 15 percent social security increase but also provide that future adjustments be made to keep benefits consistent with the cost of living. It is my feeling that these Americans have fought our Nation's battles long enough and should not now also be asked to fight the war of inflation.

AN EFFECTIVE TOW INFANTRY WEAPON OR ANOTHER COSTLY COMPROMISE?

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 20 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, on Monday March 23, the Honorable Representative from New York, Mr. SAMUEL S. STRATTON, in collaboration with the Representative from northern California, Mr. CHARLES S. GUBSER, presented on the floor of the House a rather long dissertation entitled "The Strange Case of the Army's TOW Missile, or Can Congress Prevent a Billion-Dollar Boo-Boo." As the name implies, this dissertation was an emotional plea for Members of the House to exercise leadership to eliminate duplication and waste in the Army's antitank missile program at a time when our defense resources are limited by a need for fiscal austerity. I would like to commend these gentlemen for establishing such a worthy objective for us; however, I would like to warn my colleagues of the House that, before we follow the lead of Mr. STRATTON and Mr. GUBSER, we make sure we have our facts straight.

At the time my distinguished colleagues made the remarks to which I refer, I rose to the floor and indicated strong disagreement with the conclusions to which they had come. Since then, I have taken the time to read their dissertation in detail, and I have reviewed some of the technical aspects of the TOW and Shillelagh weapon systems. After this review, I am even more convinced that these two missiles fulfill uniquely separate military requirements and that they are both a necessary part of the Army's overall plan to combat the Soviet tank threat.

In the course of this review, I have also concluded that Mr. STRATTON's and Mr. GUBSER's recommendations and floor actions of last year were based on a sincere belief that the cancellation of the TOW program would eliminate duplication and save the taxpayers' money. The House Committee on Armed Services' initial support of Mr. STRATTON's recommendation was also motivated by the same sincere belief. But, my colleagues, in retrospect, the facts did not support their recommendations then and they do not support them now.

THE ESSENCE OF THE ARGUMENT SUPPORTING A SHILLELAGH HAW WEAPON CONCEPT

Those who have supported the concept for using Shillelagh in both the armor and infantry antitank roles have presented the following line of logic. First, they have stated that the TOW and Shillelagh weapon systems are nearly identical since both missiles have been designed to destroy tanks at comparable ranges. Second, they have contended that it would be a relatively simple task to convert Shillelagh to meet or exceed the requirements for which the TOW system was being developed. Finally, they have presented cost information to suggest that the Government would save $1 billion if the infantry HAW requirements were met through the procurement of Shillelagh missiles.

Unfortunately, things are not quite as simple as this logic would imply. The facts do not support the assumptions upon which this argument is based and I believe it is important to correct these misconceptions and set the record straight once and for all.

A COMPARISON OF TOW AND SHILLELAGH

In 1961 the Army defined the requirements for the infantry HAW system. RFP's were sent to industry and over 15 aerospace companies responded to the Government's request for a TOW feasibility demonstration program. Hughes Aircraft Co. and two other contractors were funded to conduct a missile firing demonstration to validate the principles of a tube-launched, optically tracked, wire-guided antitank system. During the shootoff that was conducted in July 1962, the only missiles to strike the target were the Hughes TOW missiles.

During the TOW feasibility demonstration program, the Shillelagh contractor initiated a marketing campaign to have the Shillelagh missile used to fill the infantry's HAW requirement. In support of their marketing effort, two Shillelagh missiles were fired to simulate a ground mode launch.

In the fall of 1962, the Army and Defense Department conducted a detailed review of the Army's antitank requirements and the TOW and the Shillelagh firing results and concluded that an attempt to make either TOW or Shillelagh into a universal weapon to meet the needs of the infantry and the armor would represent a false economy. These user requirements were, and still are, so different that to design one missile to meet both needs would place unnecessary and unduly restrictive limitations on both users. That conclusion was valid 8 years ago and it's still valid today.

The technical basis for this conclusion is clearly reflected in Secretary Laird's statement before the Armed Services Committee when he said:

> The Shillelagh missiles we are buying are designed for closed breech launching from an armored vehicle such as the Sheridan or the M60 A1E2 where recoil, muzzle blast and weight are inherently secondary considerations. The TOW heavy antitank missile in contrast is specifically designed for use on the ground by infantry troops and in helicopters.

Now, I cannot overemphasize the importance of understanding the degree to which these different user requirements have influenced the basic design of these two weapon systems.

The infantryman and helicopter do not have armor plate for protection against enemy counterfire. Key to their survival is their mobility and their ability to attack without disclosing their location. Thus from the beginning, TOW was designed to achieve minimum system weight and launch signature. The TOW system has a guidance concept that radiates no energy toward the intended target that could disclose an impending attack. Shillelagh, on the other hand, designed solely to be fired from tanklike vehicles, radiates energy toward the intended target in order to guide the missile. This method of guidance does not unduly penalize a tank since its position is generally known by the enemy and any missile that might home on this radiated energy is not likely to penetrate the tank's armor. The same cannot be said for a helicopter or an infantryman in a foxhole.

The TOW system design reflects the infantry's need for a flexible and mobile heavy assault weapon. The TOW launcher can be assembled or disassembled in less than 30 seconds. The launcher when disassembled consists of five units, the heaviest of which is lighter than the Shillelagh missile. The TOW launcher has been designed such that it may be adapted without change to the M-113, to the jeep and to the mechanical mule. The TOW missile can be fired from any of these vehicles or from helicopters without modification. I must emphasize that this adaptability is not a contractor claim or promise but a fact that has been demonstrated with hundreds of firings, the majority of which have been performed with production hardware by Army troops.

As one probes deeper into the design concepts of the two systems, one finds many other examples where design choices have been dictated by the unique requirements of the different user. The two missile systems have different propulsion concepts, the design of which is directly traceable to the difference in the user requirements. TOW is launched with a short burning launch motor to protect the gunner or the helicopter from burning propellant products or excessive recoil. These features are not incorporated in the Shillelagh missile since the Shillelagh crew is inside the tank when a missile is launched. The TOW missile is shipped from the factory in a sealed container that protects it in the environment that the infantryman must fight. Shillelagh, on the other hand, has no such container since it spends its field life inside a tank. The TOW system is designed to consume a minimum of power since the infantryman must operate his launcher for weeks without logistic support. The Shillelagh system design has inherently high power requirements associated with its command transmitter that can be accommodated by the generators of a tank but would be unacceptable in an infantry operation.

The TOW missile is an aerodynamically controlled missile and, as a result, has an extremely high maneuver capability. This high maneuver capability is important to short- and long-range system accuracy but is critical to achieving successful missile performance from a helicopter. A high maneuver capability is fundamentally not possible with a Shillelagh missile because of its reaction jet control system. Since Shillelagh is only fired from stationary or slowly moving tanks, this does not represent a fundamental limitation to Shillelagh in the armor role. If, however, the Army avia-

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tors were forced to fight with the Shillelagh missile, they would be unable to take any significant evasive action after missile launch to reduce their vulnerability from enemy counterfire.

In summary, the facts indicate that the TOW and Shillelagh systems fulfill separate requirements both of which are vital to our national defense. To argue that they duplicate one another is like saying that Minuteman is a duplication of Polaris because they both have comparable diameters and carry atomic warheads. Nevertheless, though I am fully convinced that the Shillelagh missile could never become an acceptable substitute for the TOW missile, to explore all the facets of the issue, we must understand the magnitude of the development effort that would be necessary before you could convert Shillelagh to meet the minimum HAW requirements.

THE MAGNITUDE OF THE DEVELOPMENT TASK TO ACHIEVE AN INFANTRY OR AIRBORNE SHILLELAGH CAPABILITY

To start with, one must develop and qualify a field container to provide environmental protection for the Shillelagh missile to enable it to survive field handling in the infantry environment. Second, we must remove the base plate of the Shillelagh missile that is designed to be compatible with the Shillelagh closed breech launcher and modify the missile to make the proper mechanical and electrical connections between it, its newly designed container, and yet-to-be developed launcher.

Internally, the Shillelagh missile must also be modified. The warhead arming sequence must be changed so that an early ground impact of the missile will not kill the launch crew or destroy the launching helicopter. The electronics of the missile must be modified to compensate for the fact that, in the infantry application, the launch tube will not be as high above the ground as it is when the missile is fired from a tank.

Though I am sure most of you are aware of this point, I must emphasize that Shillelagh, incorporating the changes I have just described, is no longer a type classified missile and will require complete retesting. It should also be noted that the missile would no longer be compatible with the closed breech Shillelagh launchers and it is not really clear what its price will be.

Now, let us review what would be necessary to develop a ground launcher for the Shillelagh missile. The first challenge that would be encountered in this area would be to develop a launcher for Shillelagh that could provide protection of the launch crew in light of the continuously burning launch motor. Such a launcher does not exist today and the difficulties associated with achieving gunner safety without undue launcher weight or recoil should not be overlooked.

Significant development effort would also be required in the guidance and control area. The existing Shillelagh guidance and control system consists of several black boxes, the gun turret telescope, a missile sensor and cabling that are integrated into the turret of a Sheridan or an M–60 vehicle.

The combined weight of these units is over 200 pounds. Clearly, these units would have to be redesigned to achieve major weight reductions. In addition, a new gunner's telescope would have to be developed and the missile guidance tracker would have to be completely redesigned to accommodate the different launch dynamics and geometry associated with a ground launcher. The command transmitter would also require redesign. These new elements would then have to be integrated to enable a gunner to keep his crosshairs of his telescope on the intended target during and after the launch of the missile. Only after these development tasks were successfully completed would it be possible to begin an ET/ST evaluation of the new Shillelagh HAW system.

Now, I do not mean to imply that the adaptation of Shillelagh to the infantry role is beyond the state of the art. I only wish to point out that such a development effort is not an insignificant task. It will require from $40 to $50 million and it will take at least 4 years before we could produce a system that we could put in the field.

Now, let us consider the level of performance that might be achieved with such a system. Extensive simulations have been made of the performance of the Shillelagh missile modified in the manner described above and operating in conjunction with the newly postulated guidance and control system. These studies show that, even if all of the development objectives were met, the resulting system would provide degraded performance in many important parameters of weapon system effectiveness. To begin with, the weapon would have 10 to 20 percent less range capability than the TOW system. Against high speed moving targets, the system would have approximately 30 percent less range capability than the existing and proven TOW weapon system. The accuracy of the resulting system would be significantly less than TOW and the Shillelagh's time of flight, a parameter critical to the launch crew's survivability, would be significantly greater at all ranges. Finally, the weapon system almost certainly would be heavier than the TOW weapon system and its lethality would at best only be equal to TOW.

THE COST OF A SHILLELAGH SYSTEM

At this point, we have reviewed the first two elements of the arguments that have been put forth to support the use of Shillelagh in the infantry role and the facts do not support them. Put simply, the TOW and Shillelagh weapon systems do not duplicate one another and, it is not a simple task to modify Shillelagh to meet the requirements for which TOW has been designed. Now, let us review the final element of the logic offered to support the concept of a universal Shillelagh system—that is, it will save the taxpayers hundreds of millions of dollars.

Claims have been made that the TOW missile costs two to three times that of the Shillelagh missile. Here it has been a little more difficult to sort the wheat from the chaff because a vast array of unrelated comparisons have been presented in an attempt to support the claims of Shillelagh's low cost. If one wants to obtain an indication of the relative cost of fielding two different weapon systems, one better not be so naive as to make a comparison of only one portion of each weapon system. Furthermore, when one compares costs, one had better make sure that you apply the same ground rules to the elements you are comparing.

The Army, at the request of the House Committee on Armed Services, has conducted a careful review of all the costs necessary to meet the HAW initial procurement objectives assuming that an acceptable Shillelagh weapon system could be developed to meet this requirement. It has also been assumed that no major development problems could be encountered and no schedule slips beyond the schedules presently proposed would occur. The Army has then listed all elements of the cost of achieving these inventory objectives including missile costs, ground support equipment costs, training and logistic support items in such a way that both the Government and contractor costs of this effort are properly dealt with.

These were then compared to the costs of continuing the procurement of the TOW system to meet these same objectives. Let me give you an example of some of the misconceptions that are quickly refuted when such an objective analysis is done. When the price projections of the TOW and Shillelagh missiles are made to the same ground rules, the TOW missile does not cost two or three times more than the Shillelagh missile. As a matter of fact, the TOW missile cost, for the procurement quantities being considered, is essentially the same as the Shillelagh missile. If one removes the cost of the TOW container from the missile price, TOW is actually less expensive than the Shillelagh missile. The cost of the Shillelagh launcher should be approximately 10 percent greater than the cost of the TOW launcher when all elements that contribute to these costs are treated in the same manner.

Without belaboring you with the details of this cost analysis, it is sufficient to state that, when all cost elements are considered, the substitution of Shillelagh for TOW does not in fact save the taxpayer $1 billion; it does not save them $500 million; it does not even save them $50 million. It would, in reality, cost the taxpayers upward of $100 million more to change horses in the middle of the stream and reverse 8 years of careful antitank defense planning that is reflected in the present TOW program.

SUMMARY AND CONCLUSION

It is difficult, in retrospect, for me to understand why the House supported the recommendation of the cancellation of the TOW program last year. It is clear that we operated on misinformation and half-truths.

This year, my colleagues of the House, let us be careful not to follow the lead that has been suggested by the glib dissertation of Mr. STRATTON and Mr. GUBSER. The facts of the matter do not support the claims that have been made. The Shillelagh missile is not a universal system, and I believe that, if we were to try to make it one, we would in fact be creating the biggest of all possible boo-boos.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pollock (at the request of Mr. Gerald R. Ford), through April 13, on account of official business as congressional adviser for Asian Development Bank conferences.

Mr. Halpern (at the request of Mr. Gerald R. Ford), for week of April 5, on account of official business as congressional adviser for Asian Development Bank conferences.

Mr. Fulton of Pennsylvania (at the request of Mr. Gerald R. Ford), for an indefinite period, on account of illness.

Mr. Johnson of Pennsylvania (at the request of Mr. Gerald R. Ford), for the week of April 6, 1970, and April 13 and 14, 1970, on account of appointment as congressional adviser to U.S. delegation to Seoul, Korea, to attend third annual meeting of the Asian Bank for Development.

Mr. Blackburn (at the request of Mr. Gerald R. Ford), through April 14, on account of official business as congressional adviser for Asian Development Bank conferences.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Brinkley, for 60 minutes, on Wednesday, April 8, 1970; to revise and extend his remarks and to include extraneous matter.

Mr. Cramer, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Landgrebe), to revise and extend their remarks and include extraneous matter:)

Mr. Teague of California, for 5 minutes, today.

Mr. Miller of Ohio, for 10 minutes, today.

Mr. Charles H. Wilson, for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Gubser.
Mr. Steiger of Wisconsin.
Mr. Langen.
Mr. Duncan in two instances.
Mr. Esch.
Mr. Derwinski.
Mr. Schadeberg.
Mr. Lukens.
Mr. Mize.
Mr. Edwards of Alabama.
Mr. Pollock.
Mr. Conable.
Mr. Vander Jagt.
Mr. Fish.
Mr. Wyman.
Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. Charles H. Wilson) and to include extraneous matter:)

Mr. Fuqua.
Mr. Dingell in two instances.
Mr. Long of Maryland in 10 instances.
Mr. Ullman in 10 instances.
Mr. Patten in two instances.
Mr. Pucinski in six instances.
Mr. Patman.
Mr. Bingham in two instances.
Mr. Hébert.
Mr. Alexander.
Mr. Rogers of Florida in five instances.
Mr. Anderson of California in two instances.
Mr. Eilberg.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 16612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on April 1, 1970 present to the President, for his approval, bills of the House of the following titles:

H.R. 13448. To authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service hospital at New Orleans, La., for lands upon which a new United States Public Health service hospital at New Orleans, La., may be located.

H.R. 14289. To permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 7, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1876. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 17, 1969, submitting a report, together with accompanying papers and illustrations, on Arcadia Reservoir, Deep Fork River, Okla., in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted June 29, 1955, and other authorities quoted in the district engineer's report (H. Doc. No. 91–299); to the Committee on Public Works and ordered to be printed, with illustrations.

1877. A letter from the Deputy Assistant Secretary, Military Assistance and Sales, Department of Defense, transmitting additional data relating to Executive Communication No. 1850; to the Committee on Foreign Affairs.

1878. A letter from the Chairman, Federal Communications Commission, transmitting the 35th annual report of the Commission for the fiscal year ending June 30, 1969, pursuant to the provisions of law; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Select Committee on Crime. Report on marihuana (Rept. No. 91–978). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. H.R. 13171. A bill to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; with an amendment (Rept. No. 91–979). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 16417. A bill to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; with an amendment (Rept. No. 91–980). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Resolution 562. Resolution expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment (Rept. No. 91–981). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 16741, A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURTON of Utah:

H.R. 16742. A bill to extend the National Wool Act of 1954, as amended, for 3 years; to the Committee on Agriculture.

By Mr. CRAMER:

H.R. 16743. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. FASCELL (for himself and Messrs. Fraser, Tiernan, and Matsunaga):

H.R. 16744. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 16745. A bill to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 16746. A bill to amend title 5, United

States Code, to extend certain retention preference, dual employment and pay, leave, and retirement benefits to employees with service-connected disabilities resulting from injury or disease incurred while under detention by an enemy of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LONG of Maryland:

H.R. 16747. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. MIKVA:

H.R. 16748. A bill to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes including jobs in housing; to the Committee on Appropriations.

By Mr. MILLER of Ohio:

H.R. 16749. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veteran's Affairs.

By Mr. MILLER of Ohio (for himself, Mr. Anderson of Tennessee, Mr. Ashley, Mr. Buchanan, Mr. Friedel, Mr. Flynt, Mr. Fulton of Tennessee, Mr. Gettys, Mr. Goldwater, Mr. Goodling, Mr. Hansen of Idaho, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Morse, Mr. Nedzi, Mr. O'Konski, Mr. Ruppe, Mr. Randall, Mr. Whalley and Mr. Wyatt):

H.R. 16750. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. MIZE:

H.R. 16751. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket No. 79-A and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN (for himself, Mr. Reuss, Mr. Moorhead, and Mr. Gonzalez):

H.R. 16752. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. POLLOCK:

H.R. 16753. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands; to the Committee on Interior and Insular Affairs.

H.R. 16754. A bill to amend the Interstate Commerce Act and to extend regulation under the Interstate Commerce Act to carriers not previously regulated under this act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 16755. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 16756. A bill to provide for certain minimum payments to States from receipts derived from national forests located within such States; to the Committee on Agriculture.

H.R. 16757. A bill to provide for the designation of the Mackinac Bridge as part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. RYAN:

H.R. 16758. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

H.R. 16759. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 16760. A bill to authorize and direct the Administrator of Veterans' Affairs to accept certain land in Buncombe County, N.C., for cemetery purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of California (by request):

H.R. 16761. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 16762. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey:

H.R.16763. A bill to establish a National Film Center and Archive; to the Committee on House Administration.

By Mr. WIDNALL:

H.R. 16764. A bill to authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development, and for other purposes; to the Committee on Banking and Currency.

By Mr. WYMAN:

H.R. 16765. A bill to provide for the acquisition of additional information with respect to the legal residence of the total population of the United States in connection with the 1970 Decennial Census of Population and Housing; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. BUSH:

H. Res. 902. A resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 16766. A bill for the relief of Sze Wing Tsao and his wife, Ching Kwong Chiu Tsao; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 16767. A bill for the relief of Ritva Rauhala; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 16768. A bill for the relief of Mrs. Angela (Angelina) Merola Squitieri and daughter, Ida Squitieri; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

348. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to increasing assistance to the U.S. Department of Agriculture laboratory in Hawaii for the eradication of fruit flies; to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

429. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to opposing an increase in postal rates for first class mail; to the Committee on Post Office and Civil Service.

430. Also, petition of American Textile Manufacturers Institute, Inc., Washington, D.C., relative to textile imports; to the Committee on Ways and Means.

SENATE—*Monday, April 6, 1970*

(Legislative day of Friday, April 3, 1970)

The Senate, in executive session, met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. George McGovern, a Senator from the State of South Dakota.

The Chaplain, the Rev. Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whom we live and move and have our being, at the beginning of this new week and faced with crucial decisions, we seek Thy higher wisdom. Release divine energy within us. May Thy presence in us be more intimate, more real, and more decisive than any outer force or influence. Make us to know that under Thy sovereignty every day is judgment day, and that "with what judgment we judge we shall be judged." Strengthen our will to obey the voice of conscience. When evening comes and our work is done, may we hear Thy voice saying, "Well done good and faithful servant."

In the name of Him who said, "whoever would be greatest among you let him be the servant of all." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The bill clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 6, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. George McGovern, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. McGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Journal of the proceedings of Friday, April 3, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations on the Executive Calendar under New Reports.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be stated.

AMBASSADORS

The bill clerk proceeded to read the nomination of Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Ambassadors listed be considered en bloc, but before the Chair rules, let me say that I am delighted with the appointment of Arthur K. Watson of Connecticut to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

I have known Mr. Watson for many years. He has a strong and abiding interest in the welfare of this country and in its relations with France. I think his is an extraordinarily good appointment.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

ASSISTANT SECRETARY OF STATE

The bill clerk read the nomination of David M. Abshire, of Virginia, to be an Assistant Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The bill clerk read the nomination of Vice Adm. John Marshall Lee, U.S. Navy, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The pending question is the motion to recommit the nomination of Judge Carswell, offered by the Senator from Indiana. Who yields time?

Mr. MANSFIELD. Mr. President, has any business been transacted?

ADDRESS BY SENATOR MILLER BEFORE THE COLORADO GRAIN AND FEED DEALERS ASSOCIATION

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a speech made recently by the Senator from Iowa (Mr. MILLER) before the Colorado Grain and Feed Dealers Association. The Senator from Iowa is a member of both the Joint Economic Committee and the Committee on Finance. During the course of his remarks he treats with the material that has to do not only with various farm plans as they bear upon the economic status of this country, but also on the plans of experts of various agricultural products.

Mr. BYRD of West Virginia. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and in view of the fact that there seems to be a lack of speakers, it will be a live quorum, with the time to be taken from both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 114 Ex.]

Allen
Allott
Baker
Bayh
Bellmon
Boggs
Byrd, W. Va.
Cotton
Cranston
Dole
Dominick
Gurney
Hansen
Harris
Hatfield
Hruska
Hughes
Javits
Jordan, N.C.
Kennedy
Mansfield
McCarthy
McGovern
Murphy
Nelson
Packwood
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON) is necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The ACTING PRESIDENT pro tempore (Mr. McGOVERN). A quorum is not present.

Mr. KENNEDY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Bible
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Curtis
Dodd
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Randolph
Russell
Saxbe
Smith, Maine
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.

The ACTING PRESIDENT pro tempore. A quorum is present.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, it is almost 2 months since I first announced my intention to vote against the confirmation of the nomination of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court. Since that time, tens of thousands of words have been written and spoken on the nomination. They have not changed my position, because the facts have not changed, but they have deepened my conviction

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that Judge Carswell should not be a member of the Supreme Court.

I do not intend to prolong the debate today, Mr. President; but I do have a few observations which were triggered by the President's assertion that he has the prerogative to appoint, and that the Senate's role is limited to offering advice and consenting to his decision.

As a constitutional theory, Mr. President, that assertion is novel, but it is not sustainable. As a statement of the President's view of the federal system, it has an ominous ring.

Presidents may fret at the resistance of the Senate to certain of their proposals and nominations, but the authors of the Constitution knew what they were doing when they established our system of checks and balances. We tamper with that system at our peril.

The immediate question, however, is not the President's constitutional theories. The question each of us must answer is whether Judge Carswell meets the standards we believe should be met by a member of the highest court of the land. What we decide on this nomination, Mr. President, will hold not merely for the remainder of President Nixon's term, it will hold for many years, and it cannot be recalled by a change of political sentiment or a shift of political power.

Whenever an appointment to the Court becomes controversial, there is discussion of the respective roles of the President and the Senate. What does advise and consent mean? Does it impose a positive or a negative responsibility on the Senate? Does it limit the Senate's role to consideration of technical competence? Does the Senate have any responsibility or, indeed, any right to consider the quality of an appointee's background, experience, performance, understanding, judgment, insight?

Such discussion and debate, Mr. President, is useful in the long run, to shape and sharpen our understanding of the responsibilities of the President and the Senate in connection with these appointments.

However, Mr. President, I have no doubt as to the intent of the Founding Fathers in framing the applicable provisions of the Constitution. The result hoped for by them, I am sure, was a Court whose competence, judgment, and wisdom would inspire confidence among all Americans that the quality of justice to be dispensed by the Court would be the highest attainable quality. I am also sure that it is the responsibility of the President and the Senate to so interpret their respective roles under the Constitution as to contribute to that result.

Such a result, at any given point in our history, may well raise different questions as to specific nominees, as well as some obviously recurring questions relating to character, competence, and capability.

What questions are raised by this appointment? Was it the President's intent, in making this appointment, to bring the Nation together, having in mind the ugly divisiveness in the land? If so, he has failed to meet that objective.

Was it the President's intent, in making the appointment, to apply the test of highest judicial competence to nominees for the Supreme Court, in the tradition of Holmes, Cardozo, Brandeis, and Frankfurter, who have held this seat? If so, he has clearly failed to meet that objective.

Was it the President's intent to continue the Supreme Court as the honored place of last resort, in the protection of liberty, privacy, and freedom of all Americans? If so, then he has failed to reassure millions of Americans that the record of this nominee shows a genuine concern or commitment to the cause of equal rights and equal justice for all Americans.

Was it the President's intent to provide the South with a representative on the Supreme Court of the United States worthy of the highest traditions of that region? If so, then again he has failed.

Was it the President's intent to strengthen the federal system of checks and balances? If so, then he has failed both in the candidate he has submitted to the Senate and in the approach he has taken to the Senate on the issue of confirmation.

Mr. President, I support the motion to recommit the nomination of G. Harrold Carswell to the Judiciary Committee, and I will vote against confirmation of Judge Carswell. I do so because I do not believe this nomination to be consistent with the needs of our country and our people in this divisive time.

Mr. PASTORE. Mr. President, will the Senator from Indiana yield me a minute or 2?

Mr. BAYH. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. First of all, I want to congratulate the Senator from Maine for a very lucid and rational observation on this appointment.

I think, without casting any aspersions upon the President, and saying this in the most kindly fashion one can, facing the historical situation that presents itself now and also accepting the realities of life, the fact still remains that beyond the opportunity, possibly, or beyond the responsibility given to most Presidents, President Nixon will end up at the completion of his term with a so-called Nixon court. This in my humble opinion, points up the necessity and the responsibility on the part of Congress to be especially careful in the consideration of each nominee who comes before us.

Much has been said about our indulging in politics, so to speak, on this appointment. The senior Senator from Rhode Island as well as the junior Senator from Maine, I know, having had the right of appointment ourselves when we were Governors, would be the last two persons to play politics with an official Executive appointment.

I have spoken about the realities of life—the reality that the span of life will determine the makeup of the Supreme Court—its departures and its replacements. Here we are: We have a Justice Black, who is advanced in years. It is only a question of time before nature will necessitate his retirement from the Court. Then we have Justice Harlan and Justice Douglas. Three appointments will be coming up, with an existing vacancy.

In the case of Chief Justice Burger, we had no trouble. That appointment received almost the unanimous approbation of this body. There were only three "nays"—and that was a Nixon appointment. That was for the Chief Justice of the United States, the court of last resort. Then we were confronted with the Haynsworth appointment, which was repudiated by the Senate. Now we have this appointment. I do not know how this body is going to vote today or on Wednesday, but it is going to be a cliff-hanger. I wonder if it is good for the country that we should be so extremely divided on this particular issue, as we are on many, many issues which confront the people of this country.

I think the time has come when there ought to be greater care in the matter of nominations. The thing that has mystified me in both the Haynsworth appointment and the Carswell appointment is that there have been so many developments during the progress of the hearings before the Judiciary Committee and in the Senate debate that apparently were not known at the time the appointment was made. It strikes me that they could be a little more careful in research in the first place, and in the next place, these questions and doubts should go back to the committee for confrontation and consideration. That would be fairer to the nominee and to the Senate.

Frankly, I find it extremely difficult to vote against an official appointment. I said that at the time of the Haynsworth appointment. I think the first time I ever voted against an official appointment was in the case of Mr. Hickel, and the Senator from Maine knows why. He knows the oil situation in my State. The declarations that had been made by Mr. Hickel gave me cause to doubt whether or not he was the right man for the office. Since then he has adequately proved himself and I am very happy to know that.

Take the Haynsworth appointment. The President stood behind him to the end. I suppose that may be a mark of courage of one's convictions. I would like to be the first to give a helping hand to the President of the United States. I have said time and time again, whether it was an Eisenhower or a Nixon, I want to give the President of the United States the benefit of the doubt in any case because of the heavy burden he carries at this time.

The thing that frightens me at this time—and I use the word advisedly—is that here are two appointments to the court of last resort, and they say that beyond the Supreme Court of the United States, your only appeal is to God, Himself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield 1 additional minute to the Senator.

Mr. PASTORE. It strikes me that here we are confronted with a very, very sensitive, very soul-searching situation. This is nothing against the integrity of Mr. Carswell. I forgive him for the things he said as a youth. What kind of men are we, when we do not forgive a young man

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for having said something in his twenties that he repudiates in his older years? I do not hold that against him. But much doubt has been raised as to the competence of the man. Associates of his who at first agreed to recommend him then withdrew their endorsement, and we do not yet know why. Certain responsible members of the committee have asked that the nomination be brought back for further hearing, and we got from the Senator from Arkansas——

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PASTORE. If I have the time.

Mr. GURNEY. The Senator made the statement that colleagues of Judge Carswell seconded his nomination and then withdrew it.

Mr. PASTORE. No, I did not say that.

Mr. GURNEY. What did the Senator say?

Mr. PASTORE. How did the Senator interpret what I said? I did not say that at all.

Mr. GURNEY. I thought the Senator was talking about the judge colleagues of Judge Carswell.

Mr. PASTORE. Yes. Judge Tuttle.

Mr. GURNEY. All right.

Mr. PASTORE. Does the Senator from Florida dispute that?

Mr. GURNEY. Let us set the record straight and see what he actually did.

Mr. PASTORE What did he do?

Mr. GURNEY. He wrote a letter to the Judiciary Committee, offering to testify.

Mr. PASTORE. And then——

Mr. GURNEY. And the Judiciary Committee never asked him to testify. And he has never contacted the Judiciary Committee to this day. He did have an exchange of telegrams with the Senator from Maryland (Mr. TYDINGS).

Mr. PASTORE. Why does not the committee call him before the committee and have him testify?

Mr. GURNEY. I do not know why.

Mr. PASTORE. Is it not strange to the Senator from Florida——

Mr. GURNEY. Let me complete this. I know why he did not testify. It was because he was confused about the Tallahassee golf club incident. I would rather expect that if you could get into the judge's mind today, you would find that he was very embarrassed about the fact that he did misunderstand the golf club incident. That is what the thing was all about. He never did give this endorsement and then withdraw it. That is the point I am trying to correct, because there has been too much representation and misrepresentation of that by a great many Senators.

Mr. PASTORE. I do not know about that.

Mr. GURNEY. When the Senator says he gave——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield 5 additional minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 additional minutes.

Mr. PASTORE. The fact still remains that we are talking about confusion. More than 35 Senators——

Mr. GURNEY. There certainly is confusion——

Mr. PASTORE. I permitted the Senator from Florida to speak. Now I ask that he give me a chance to make an observation on his observation.

The fact still remains that more than 35 Senators are still confused about what Judge Tuttle did or did not do. I, for one, am like the Senator from Arkansas, who said, "Let it go back to committee, and let us find out what Judge Tuttle did say."

If anybody can prove to me that a nominee has the competence to serve on the Supreme Court of the United States, I do not care whether he comes from Florida or Alaska, this is one country where if the President of the United States wants a constructionist, if he wants a southerner, of course he has a perfect right to nominate anyone from any part of the country. But what I am saying is that there has been almost a deliberate attempt—I do not know on the part of whom, but one can almost smell it—a deliberate attempt to keep Judge Carswell away from that committee.

I ask the question, Why? Why?

If this man has an explanation about that golf club, then let him come in here and tell us about it.

The point he made—as I read it in the newspapers—was that he came before the committee, and when they asked him whether he was a charter member of that golf club, he said, "No."

Then an affidavit or a memorandum has been produced on the floor of the Senate by two members of the American Bar Association who claim that only the night before, he admitted that he was a charter member.

These things have not cleared up. We are not talking about a minor ward committee. We are not talking about an executive committee in city or State. We are talking about the Supreme Court of the United States of America.

I think we have a right to know all the facts. I repeat, I wish that something would transpire so that I could find it in my heart to hold up the hand of Richard Nixon. I have nothing against him. I have supported him when many of my colleagues found it necessary not to do so.

I have said to the President of the United States that any time there is a doubt in my mind, I will resolve it in his favor.

But, this is more than a doubt. This is a factual situation. I think that we should have an explanation.

They say this is a question as between liberals and conservatives. That is not so at all. They talk about politics. My goodness gracious, there are half a dozen Republicans who want to stand behind the President and who are going to campaign with the President, yet they are going to vote against this appointment.

I ask the question, Why? Why?

Mr. AIKEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. AIKEN. I noticed that the Senator looked in my direction, and I am quite flattered. I stand for law and order, and it is about time we had a little more of it. It is time to stop apologizing to every criminal that gets hauled into court. That is the issue today. It is time to face it squarely.

Mr. PASTORE. It is. I am the first one who said just that. I am the first one who criticized the Supreme Court on pornography. I am the first one who said that the Court went way out on the question of pornography. I am against that. I stood up for Burger. I will stand up for any Nixon appointment, provided it is proved to me that he should be the man.

The allegation of playing politics is poppycock. Any reasonable man on that side of the aisle knows it.

Let us cut out the subterfuge. Let us stand up and look at the facts.

That is all I have to say, and, Mr. President, if my 5 minutes have not been used up, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. Has it expired again?

Mr. KENNEDY. Mr. President, I yield 5 additional minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 5 additional minutes.

Mr. GORE. Mr. President, will the Senator from Rhode Island yield?

Mr. GURNEY. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Tennessee and then I will come back to Florida. I will come back to Florida [Laughter.]

Mr. GORE. Mr. President, the Senator has just said that we should look at the facts.

Should we not first have the facts to look at?

Mr. PASTORE. That is what I mean. That is certainly what I mean. As a matter of fact, the Senator from Tennessee has used reverse English. But, it is plain either way. It is very plain.

Now I am glad to yield to the Senator from Florida.

Mr. GURNEY. Mr. President, again I want to set the record straight. Does the Senator from Rhode Island know—I know he did not do it intentionally—but I believe that he made a misstatement——

Mr. BAYH. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. No; not at this time.

Mr. BAYH. The Senator will recall——

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Florida——

Mr. PASTORE. They have given me 5 minutes. We should be generous and let him speak. Let us be generous here.

Mr. BAYH. Yes, but we do not want to use all the Senator's time——

Mr. PASTORE. We do not want to be picayunish here. Let us stand up like men. Let us discuss this thing openly.

Mr. GURNEY. That is what I want to do about the golf club incident. The Senator stated that Judge Carswell denied he was a charter member of the corporation. He never did any such thing

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at all. As a matter of fact, he admitted or readily answered a question of the Senator from Massachusetts (Mr. Kennedy) that he signed the charter of incorporation.

What he did say, so as to keep the record straight, in answer to a question of the Senator from Nebraska (Mr. Hruska), whether Judge Carswell was an officer or a director, and he said "no"—which is true. Senator Hruska asked him if he was an incorporator and he said that he was not. That is a technical point, but it is an interesting thing that the charter of incorporation says nothing about the incorporator, but it does talk about subscribers.

But the point made in this business about the golf club is that what the judge was testifying to during that testimony on the first day—and a little on the second day, too—was that he was not one of the originators of the golf club and never had anything to do with it beyond putting in $100 which was returned to him a few months later. That was the whole of the business. That is what the argument is about.

We should check the record and get it straight, that he never denied that he was a charter member of the corporation.

Mr. PASTORE. That is not the way I read it. But, if that is all there is to the case, why can he not come before the committee and explain it, and that will make everyone happy.

I wonder why this resistance not to allow him to do it? That is what mystifies me, because this is the one place we should be open and aboveboard, in the case of a Supreme Court nomination.

If a Senator is in doubt among the people, they can take care of him at the next election.

If a Congressman is in doubt with the people, they can take care of him at the next election.

If a President is in doubt with the people, then the people can take care of him at the next election.

But a member of the Supreme Court, once confirmed, if the people become in doubt about him, cannot be touched as to his qualifications—only as to his conduct. Even the question of his salary cannot be touched. That is, we can raise it, but we cannot lower it.

Mr. GURNEY. Mr. President, will the Senator from Rhode Island yield further?

Mr. PASTORE. Yes, I yield further.

Mr. GURNEY. On the point of not sending the nomination back to committee, if the Senator will read the record carefully, he will note that all the events which happened and all the testimony surrounding the golf course incident shows nothing to be cleared up. It is all in the record as plain as day—every bit of it.

The answers were candid and honest. Why replow the ground all over again, just for the sake of turning over new earth? There is no point in doing that.

Mr. PASTORE. I have the highest respect for the Senator's point of view. I have the highest respect for those who differ with what the Senator has just said and their doubts should be resolved in committee with the judge before them.

The ACTING PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Mississippi (Mr. Stennis).

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 10 minutes.

ORDER OF BUSINESS

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Mississippi yield me 1 minute to take care of a little item?

Mr. STENNIS. I yield for that purpose.

ESTABLISHMENT OF AN INTERNATIONAL QUARANTINE STATION

Mr. JORDAN of North Carolina. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2306.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2306) to provide for the establishment of an international guarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes which was to strike out all after the enacting clause, and insert:

That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animals quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

Sec. 2. The provisions and penalties of section 545 of title 18, United States Code, shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States, including Puerto Rico and the Virgin Islands.

Sec. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the bill, S. 2306, with an amendment, which I send to the desk at this point and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The Bill Clerk. It is proposed to strike out "and the Virgin Islands" where it appears before the period at the end of section 2 and insert the following: ", Guam, and the Virgin Islands, contrary to the conditions prescribed by the Secretary in regulations issued hereunder".

Mr. JORDAN of North Carolina. Mr. President, this amendment would restore to the bill, language which was in the bill when it passed the Senate and which is necessary to the bill's clarity. It would also extend the penalties provided by the bill to the importation of animals into Guam contrary to the provisions of the bill.

Both of these amendments were recommended by the Department of Agriculture, and I ask unanimous consent to have the letter from the Department making these recommendations printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., April 1, 1970.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

Dear Mr. Chairman: This is in reply to your request for a report on S. 2306, as amended and passed by the House. The bill is entitled "To provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes."

The House amended S. 2306 by striking out all after the enacting clause and substituting the text of H.R. 11832 as previously passed by the House. The text of H.R. 11832 differs in certain respects from that of S. 2306, as passed by the Senate. Our comments are directed toward those differences.

We recommend the restoration of the language deleted by the House from Section 2 of H.R. 11832 (Union Calendar No. 349), page 3, lines 11–13 which reads as follows: "contrary to the conditions prescribed by the Secretary in regulations issued hereunder". This language, included under the Senate-passed version of S. 2306, is intended to make

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the provisions and penalties of 18 U.S.C. 545 applicable to the bringing of animals to the quarantine station or the subsequent movement of animals therefrom to other parts of the United States when such actions are contrary to the conditions prescribed in the regulations which Section 1 of the bill would authorize the Secretary of Agriculture to issue. The deletion of the language makes the bill ambiguous. The bill would be susceptible of being construed as applying the penalties of 18 U.S.C. 545 even when the prescribed conditions are met, which is clearly not the intent. Such deletion, in the light of the House Report on the bill (H. Rept. 91-776, page 9), leaves a question whether these penalties are to apply in case of a failure to comply with the conditions. We believe that it is essential that clear provision be made for the application of such penalties to the bringing of animals to the quarantine station or the subsequent movement of animals therefrom to other parts of the United States contrary to the conditions prescribed in the regulations under the bill.

We concur in the addition by the House on page 3, lines 13 and 14 of the bill, of the phrase "including Puerto Rico and the Virgin Islands" but also suggest that a reference be added to Guam so as to protect all the areas within the definition of the term "United States" in the Act of July 2, 1962 (21 U.S.C. 134).

There is no objection to omission of the commas in lines 13 and 14 on page 2 of the bill after "including" and "to".

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

Mr. JORDAN of North Carolina. Mr. President, this bill provides for an international quarantine station and the bringing into the United States through the quarantine station under proper proposed safeguards of animals which might otherwise be excluded from the United States by the quarantine laws. The necessary safeguards are provided in the bill by making the penalties of the Antismuggling Act applicable to animals brought into the quarantine station, or through the quarantine station into other parts of the United States, "contrary to the conditions prescribed by the Secretary in regulations issued" under the act. The House amendment omitted from this provision the words "contrary to the conditions prescribed by the Secretary in regulations issued hereunder". Since the entire purpose of the provision is to prohibit the importation of animals brought in contrary to the regulations, the omission of the quoted language leaves the meaning of the provision in doubt. The amendment I have just proposed would restore this language and eliminate this ambiguity.

The House amendment extended the penalty provision of the bill to cover the bringing of animals through the station into Puerto Rico and the Virgin Islands. The Department of Agriculture has recommended that this part of the House amendment be extended to cover animals brought through the quarantine station into Guam, and the amendment just proposed would make this extension. This would conform the definition of "United States" used in section 2 of the act with that in the act of June 2, 1962, entitled "An act to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes"—21 U.S.C. 134.

Mr. HRUSKA. Mr. President, I rise to support the motion of the Senator from North Carolina regarding S. 3206.

The amendment will make restoration of language which is necessary to clarity of the bill; and extend the bill's penalties to importation of animals into Guam contrary to provisions of the bill.

The amendment will not adversely affect the amendments of the other body—but will make them more clearly effective.

Approval of the amendment is in order. I urge its approval.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. STENNIS. Mr. President, I thank the Senator from Nebraska.

I support, with great confidence, the nomination by President Nixon of the Honorable G. Harrold Carswell for membership on the Supreme Court.

My reasons for doing so are clear, to me, and simple.

When Judge Carswell's name was proposed for membership on the court of appeals, I went over his entire record and discussed him with several colleagues, in this Chamber, and in their offices. I also discussed him with several personal friends of long standing of mine who now live in Florida and know the gentleman intimately.

I went around to see him when he was here for the hearing as I wanted to get a personal impression of him. All of the things that I learned and observed and the impression I gained of him were good. He was later confirmed to the court of appeals unanimously by this body.

Furthermore, since the present nomination, which is a highly important one, came before the Senate, I have gone over the record again. I have closely examined his services as a member of the court of appeals, checking on him there through people I know.

I have gone through a great deal of the debate that has occurred here. And I have followed the rest of it in the record. I have examined the high points of the hearings in the matter. I have watched and observed the man at those hearings. I got the impression one gets of a man that is on television. He impressed me all the way through as being honest and straight and wanting to tell the truth. And I believe he did tell the truth about everything when he was asked.

A man's memory is not altogether perfect all the time as to small transactions over years past. But I have no doubt about the basic, fundamental character and qualifications of this man.

There has been a very active and legitimate opposition to him by able men, encouraged and supported by an active and vigilant press, that has been very thorough. They have used all their resources, but they have not found one single circumstance of any substance to discredit Judge Carswell or his record or that mitigates against his qualifications.

Several points on the positive side of the nomination are outstanding. Those Members who personally know Judge Carswell and his record approve him and his record in a very firm, solid way. There are a few exceptions, but very few.

The opposition comes largely from those who do not know him and do not have personal knowledge of his record. Their opposition is based on what they have been told. I do not believe they have obtained the true facts throughout all of Judge Carswell's services.

Through all the record of the hearings and the record of the debates and the discussion, there is not one single fact or allegation that reflects on his character, his honor, or his integrity. For a judge, these qualities are the essentials.

On the other hand, his entire conduct, his record, his appearance, his outlook on life show in a positive way that he does have these qualities and this integrity. They reflect sturdy character. Further, these qualities are fully and admirably reflected in his official record as a practicing lawyer and as a judge over a number of years.

Those are the qualities that will guide him and sustain him when he becomes a member of the Court.

Mr. President, the President of the United States has gone to the marketplace, so to speak, and picked a judge for our highest court. He went to the place where lawyers and judges are made—the courtroom. The administration of justice is not a theory. It is not an academic matter. It is not just a matter of the cold learning of the law. It is not a matter of academic rating.

The administration of justice involves the day-to-day application of a set of facts from real life to the law of the subject matter. And this is what Judge Carswell has been doing now for years. And his record shows that he has been doing it well. This is the area where Judge Carswell has special valuable knowledge and experience. This is the area where many who have been criticizing him do not have knowledge or experience.

Law professors and law school deans have opposed him. No one honors law professors and law school deans more than I do. No one owes them any more than I owe those I had the privilege of attending law school under. But their points are not the questions to be decided by a judge. A judge must take the hard facts of a case as he finds them and apply these facts to the law.

Those who have criticized Judge Carswell are valuable to the profession, but their field is limited to learning. And the exercise of responsibility by a judge on an important court, especially the highest court in our land, requires an additional quality that I will mention now.

I have not heard it mentioned heretofore in the debate.

A good judge must have an abundance of commonsense. He must have, to use an old, homely word, gumption. He must be practical, and he must have reasoning ability and an understanding of life as it is—rather than as it should be.

Judge Carswell has these qualities and he possesses the character that will sustain him in his work on the Court.

I believe his nomination will be confirmed and that he will be of special value to the Supreme Court, where I believe he will render fine services.

Mr. President, I thank the Senator from Nebraska, and I yield back such time, if any, as I have remaining.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. Talmadge in the chair). The Senator from California is recognized for 2 minutes.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Nebraska for yielding.

I would like to say that I have been pleased to be here to listen to the discussion and the indication is that there is a difference of opinion here.

I think that is proper. I think it is up to the Members of the Senate to decide and to sift out the values with respect to the differences of opinion that exists.

I have been concerned for some time about the difference of opinion that exists on the Court itself where we have so many very important decisions made on the basis of 5-to-4 opinions. They are determined many times by the decision of one man. The Court itself has been uncertain on many occasions. A remark was made about political considerations. I can remember when that started. I can remember years ago when there was a definite, designed attempt to pack the Supreme Court in order to achieve certain considerations and plans of the Chief Executive. I lived through that. Maybe some of our younger colleagues have forgotten that phase of our history.

I point out that in this case I have read the long document consisting of the hearings that went on for 5 days. And I have looked at the resulting vote of the members of the committee. And I must say that this is a very impressive group. They saw fit to approve the nomination not by a cliff-hanger, but by quite a majority.

I have reread the record, and I have listened to the debate. And I have seen all sorts of attempts, I believe, to create the impression of impropriety and to create the appearance that there may be a lack of quality in this candidate. I am not impressed.

This morning I listened to the "Today" show, and I am going to do something that I do not think is customary here. I will ask the distinguished minority leader if he will do the Senate a favor and repeat some of the things he said this morning.

I think it was one of the most conclusive presentations of the facts that has been made in this case that I have heard. There was some historical background which might bear repetition.

I would respectfully request that the Senator from Michigan repeat for the Senators present and for the Record some of the things he mentioned this morning with respect to this nomination.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I appreciate the very kind words of the distinguished Senator from California. I am not altogether sure what the Senator might have reference to.

Those who have bandied about very freely and loosely the word "mediocre" with respect to this nominee, in many cases have not read the record.

I have said before, and I repeat on the floor of the Senate, that this nominee is among the best qualified ever to be nominated to the Supreme Court. I say that because in terms of his judicial experience and training, his qualifications far exceed many who have been appointed to the Court and confirmed in the past.

Judge Carswell, at the age of 33, after graduating from Duke University, which I believe is the university the President of the United States attended, and also receiving his law degree after attending the University of Georgia and the Mercer University Law School, was designated and appointed district attorney and served in that capacity for 5 years with distinction. At a very early age he was made a district judge and served in that capacity for 11 years. More than one-half of the trials he conducted, I understand, were criminal trials.

There has been something made of the fact that he has been reversed in a number of his decisions. I would offer the comment that it may be too bad that many of his criminal decisions were reversed; the Nation would be better off if we had somebody on the Supreme Court with the kind of experience he has had in criminal trials, someone who might see that such decisions were not reversed in the future. He also served for nearly 1 year on the court of appeals. This is more judicial experience than anyone now sitting on the Supreme Court had when he appointed, other than Chief Justice Burger. If one were to exclude Chief Justice Burger and Justice Brennan from consideration, it can be said that Judge Carswell has more judicial experience than all the other sitting justices of the Supreme Court put together; I refer, of course, to their judicial experience at the time of appointment.

I know that some in this body disagree with his philosophy, but I do not think he should be rejected on that ground.

I do not agree with those who say he is not qualified. I believe he is well qualified, and that there is more likelihood with respect to his appointment that he will develop into a great and distinguished justice than was the case with respect to many appointments in the past.

Mr. MURPHY. Mr. President, will the Senator yield briefly?

Mr. GRIFFIN. I yield.

Mr. MURPHY. Is it not true that a precept laid down by the Nixon administration has been to look for experience in these appointments?

Mr. GRIFFIN. That certainly was true in the case of Chief Justice Burger and also with respect to Judge Carswell.

Mr. MURPHY. Is it not true there has been no indication here of pals, cronies, or good friends; that the attempt has been made to go to the legal profession to find out their selection and feeling in these matters before nominations are sent up?

Mr. GRIFFIN. I cannot answer all the Senator's questions, but the fact that the President has sought out those with extensive judicial experience is obvious in the nominations so far.

Mr. MURPHY. The three things which I have heard mentioned here have been, first, mediocrity. The Senator from Michigan has taken care of that very well.

The PRESIDING OFFICER (Mr. Mondale). The time of the Senator has expired.

Mr. MURPHY. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. HRUSKA. I yield 1 minute to the Senator from California.

Mr. MURPHY. The Senator from Michigan has taken care of the matter of mediocrity. Another matter seems to be a statement which was made some 22 years ago, which I understand Judge Carswell has completely repudiated; he said he was sorry it had been made and that he does not feel that way now. The third point has something to do with the lease on a golf club, which has turned into a great deal of confusion, as I listened to my distinguished friend from Florida and the Senator from Rhode Island (Mr. Pastore). Outside of that, there seems to be no objection whatever. If these are the three points, as far as I am concerned, they seem to be very sketchy, indeed, and it seems to be an attempt, once again, to give an appearance of validity to something that does not exist.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 5 additional minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Tennessee (Mr. Baker).

Mr. BAKER. Mr. President, I thank the Senator for yielding to me so that I may join the Senator from California in paying just and richly deserved praise to the distinguished minority leader for his appearance this morning on the "Today" show. I thought the Senator handled himself with his typical calm and accuracy. I was also impressed with the blunt portion of the colloquy between the commentator on that sector of the program and the distinguished Senator from Michigan, dealing with forces of change.

It has been pointed out on the floor of the Senate and in the press that Judge Carswell made a speech in 1948 which dealt with racial concern. Judge Carswell has totally indicated he no longer entertains any such views. The Senator from Michigan pointed out very correctly that 1948 was a long time ago and that things do change, even as this Senate has changed.

XUM

As I recall from that program this morning, the U.S. Armed Forces were segregated in 1948; public facilities in the city of Washington, the city of New York, the city of Los Angeles, as well as throughout the South, were segregated by law at that time; and in the fateful year of 1948 there was an amendment to a bill before the Senate to desegregate the Armed Forces and that amendment, seeking to desegregate the Armed Forces, failed by 70-odd votes to a handful of votes, less than 10.

The point of these observations, so appropriately made by the assistant minority leader, in my opinion, is that if we seek to judge this nominee on the basis of a static situation, we would exclude everyone who has any sense of compassion and decency and who wants to move forward from that day to the present. This country has moved forward just as Judge Carswell moved forward.

Mr. President, I commend the Senator from Michigan for his eloquent and accurate statement this morning on the "Today" show.

Mr. GRIFFIN. I thank the Senator. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, let me say briefly that I will make comment later, but there has been an abundance of attention paid to those who may disagree with Judge Carswell. I speak of the list of some 457 lawyers and law professors. We read about and heard about that list clearly on the floor of the Senate. It might be well to point out that 126 of these 467 are practicing attorneys. We have 300,000 attorneys in America. Of the 354 law professors, we have 4,500 law professors in America from some 150 law schools.

XUM

But more important, yesterday was another example where people who know Judge Carswell best support him. There was a telegram released yesterday from the White House endorsing Judge Carswell. It came from 57 judges who know him and his work, and who know him personally. I fail to understand, frankly, why so much attention is paid by the media to such a small fragment of three-tenths of 1 percent of the lawyers in America who probably never voted for President Nixon, or never would.

Mr. GRIFFIN. Mr. President, will the Senator yield to me very briefly?

Mr. DOLE. I yield.

Mr. GRIFFIN. Very few of whom helped the Senator from Michigan when he was waging a battle against the nomination of Mr. Justice Fortas.

Mr. DOLE. The Senator is correct. This is the point I make. It is fine to oppose. That is the right we have in America. We have a right also to support. I cannot understand why disproportionate attention was paid to 457 as compared with 300,000. Those who know him best support him; perhaps as high as 85 to 95 percent support him.

Mr. GRIFFIN. While I am impressed that almost all of his fellow district judges in the fifth circuit endorsed him for nomination over the past weekend, I am even more impressed by the fact that in 1968, before he was nominated, the same fellow judges elected him as their representatives to the Judicial Conference, the highest administrative council in our judicial system.

And it seems to me obvious that this man could not be mediocre. Those judges would not pick somebody for whom they did not have high regard and high respect to serve them on this council.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. GURNEY. During the colloquy between the Senator from Tennessee and the Senator from Michigan, the Senator from Tennessee made the observation that the armed services——

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator.

Mr. GURNEY. The armed services were segregated back in 1948. George Carswell had some interesting attitudes on segregation while he served in the Armed Forces, which were brought out in a letter by Allan Levine. Allan Levine was a young officer who served with George Carswell in the Navy. Incidentally, Judge Carswell served for 4 years in the Navy in World War II.

George Carswell and Allan Levine were bunkmates on a ship for a whole year. I do not know how anyone can get to know a man any better than to serve on a ship with him at sea. Here are some excerpts from that letter from Allan Levine:

> During all that time, I never heard George utter any point of view that could be described as racist or illiberal. His attitude was a truly humanistic and liberal one in that he reacted to people as individuals and not as stereotypes. This was especially apparent in his behavior toward black sailors. At that time Navy policy was segregationist, and black sailors afloat could only serve in the wardroom mess as stewards mates. There were other officers who were outspokenly antagonistic to the steward's mates for racial reasons, but George Carswell was always pleasant and considerate to all.

Then there came a time when a question arose as to whether steward's mates should be given additional duties serving as other sailors did, actually manning guns, in addition to their wardroom jobs. George Carswell, so Mr. Levine said, was most enthusiastic about this and advocated that those who were steward's mates be given additional regular sailor duties.

What I am saying is that I think the record shows that George Carswell was in favor of desegregating the Navy away back in World War II and was actively in support of such a thing.

Mr. GRIFFIN. I thank the Senator.

I yield now to the distinguished minority leader.

Mr. SCOTT. Mr. President, I want to thank the assistant minority leader very much and commend him for his appearance on the "Today" show, and I want also to commend the distinguished Senator from Florida for his appearance yesterday and his logical and effective presentation of his views in this matter.

I served in the Navy in World War II, and I think one of the most depressing situations existing in those days was the clear discrimination against those who were black and wore the uniform of the U.S. Navy.

Following that experience, I take a great deal of pride in making a flat statement that it was my representation to General Eisenhower in the summer of 1951, conveyed to him by Arthur Vandenberg, Jr., that, in my judgment, his first act as President, if elected, should be to desegregate the Armed Forces and to do it fully and thoroughly, and to desegregate those areas under executive authority, the District of Columbia. This was done.

I began my service in the House of Representatives by supporting the Fair Employment Practices Commission. Since I assumed the present responsibilities which I hold, there have been 14 amendments on civil rights legislation, and I think I have been of some help in securing a successful outcome on all 14 of those 14 amendments—a 100-percent record made possible by the recent Senate decision in effecting certain changes in the so-called Stennis amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator.

Mr. SCOTT. Therefore I can take certain pride in that.

If I thought Judge Carswell were a racist, I would be against him. If I thought he had ethical, fiscal shortcomings, I would be against him, as indeed the actions of the distinguished acting minority leader and myself demonstrated on another occasion.

The influential and vigorous support that the nomination of Judge Carswell has received in this last week has served, in my judgment, to remove all reasonable doubt as to the fitness of Judge Carswell to serve on the U.S. Supreme Court.

I am, therefore, confident that the Senate today will deny attempts to return this matter to the Judiciary Committee and on Wednesday will vote to confirm President Nixon's nomination.

The support has come both from Members of the Senate who until last week had remained silent while they studied all the charges and countercharges, and from outside of this body.

I agree with the statement of the assistant minority leader that the Senate does have a right to reject nominations. The Senate does have an important function in the advise and consent procedure. I am not entirely in agreement with other statements on that matter. I do not regard this as a vote on a civil rights issue. If I did, my vote would probably be otherwise. But I am not at all convinced that a case has been made against Judge Carswell.

I think it began to become evident to large numbers of Americans as early as last Saturday a week ago that much of the sound and fury about Judge Carswell was politically inspired and had nothing to do with whether or not Judge Carswell is qualified to sit on the Supreme Court.

In the previous nomination, I was very much influenced and very much affected by the statements of the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Delaware (Mr. WILLIAMS), and I grounded a good deal of my reasoning on the same approach used by those distinguished Senators. They, too, like myself, do not find here a parallel to warrant their action against this nomination by the President.

Last Sunday, the distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER, announced his unqualified support of the nomination of Judge Carswell. At that time, he said:

> My announcement in the Senate in 1968 that I would vote against the confirmation of Justice Fortas to be Chief Justice, and my vote against the confirmation of Judge Haynsworth, were based on the tangible grounds of violations of the Canons of Judicial Ethics. I consider that the absence of such claims against Judge Carswell and his experience as a trial and Appeals judge are positive factors supporting his confirmation.
>
> The argument against Judge Carswell rests upon subjective judgments concerning his ability and capacity for growth, which are a matter of speculative opinion.
>
> I shall vote against the motion to recommit the nomination, and for confirmation.

On Sunday, March 29, 10 of the 14 active judges of the U.S. Court of Appeals for the Fifth Circuit, other than Judge Carswell, sent a telegram to the President, urging confirmation of Judge Carswell as an Associate Justice of the Supreme Court. Judges Walter Gewin, Griffin Bell, Homer Thornberry, James P. Coleman, Robert A. Ainsworth, Jr., David W. Dyer, Bryan Simpson, Louis R. Morgan, Charles Clark, and Joe Ingraham, all joined in sending this telegram to the President. I think my colleagues will agree that more than one judicial philosophy is represented among this group.

Last Monday, Judge Carswell's opponents renewed their attack with a press conference called by a Senator. He charged that a black lawyer who had tried many cases in Judge Carswell's court, Charles F. Wilson, had been "pressured" by the administration into sending a letter to the Judiciary Committee stating that he had been treated fairly by Judge Carswell.

It shortly appeared, however, that the information furnished to the Senator in the form of hearsay affidavits had been wholly misleading, and that his conclusions were entirely in error. Mr. Wilson stated that the sentiments expressed in the letter had been his at the time it was written, and were his as of last Monday. He said he had "absolutely not" been pressured by the administration.

Charges based on uncorroborated hearsay can fairly be described not only as reckless, but also as desperate. It should be a lesson that they were so quickly refuted.

I know some of the distinguished judges who have announced their support of Judge Carswell, and I hold them in high regard. I think the charges made against him have fallen short in the burden of proof which must fall upon those who oppose a President's nomination.

On Tuesday, March 31, the Carswell cause added two strong supporters in the persons of the senior Senator from Vermont and the senior Senator from Delaware. Senator AIKEN made some telling points when he announced his support for Judge Carswell:

> I do not know Judge Carswell and I do not know for sure how good a Justice of the Supreme Court he would make, he said. Neither do those who so enthusiastically condemn him.
>
> Certainly, if the same microscopic scrutiny had been applied to all nominees to this court over the last 30 years as is being applied to Mr. Carswell, I fear that the Court might have a quite different complexion today.
>
> In fact, we might not have any sitting judges at all if each one had to qualify under the strict requirements for brilliance and purity demanded by Judge Carswell's critics.
>
> And yet, strangely enough, most of these Justices who for one reason or another might have been disqualified have turned out to be very good judges.

There is no man in this Senate who does not have the highest regard for Senator JOHN WILLIAMS. It is not for nothing that he is called "the conscience of the Senate." He is not only a man of impeccable character, but also he believes that honesty and morality are not too much to ask of others in high office. On Tuesday, Senator WILLIAMS stated that Judge Carswell "is a man of high integrity, well qualified to be a member of the Supreme Court, and I shall vote for his confirmation." The Senator pointed out that some oppose Judge Carswell only because they do not want a Conservative on the Supreme Court. Senator WILLIAMS rejected this argument, saying:

> As I have stated on earlier occasions, in my opinion, agreement or disagreement with a man's political philosophy is not a valid basis for support or opposition to the confirmation of a Presidential appointment.

He pointed out that if philosophy were a valid basis for opposing a nomination, then all conservatives would have voted against such men as Justice Goldberg. Yet, he and many others supported Justice Goldberg's confirmation when he was nominated by President Kennedy.

On Wednesday, the President gave a ringing reaffirmation to his support of Judge Carswell in his letter to the junior Senator from Ohio. The President wrote that he considered the charges of racism, mediocrity, and lack of candor on the part of Judge Carswell to be wholly without support, and urged that the Senate confirm him. Since the President's letter was set forth in full in most of the metropolitan dailies, as well as in the CONGRESSIONAL RECORD, I will not repeat its contents further.

However, it is important to note that the President's interpretation of the Constitution has the support of most constitutional authorities, and even the Washington Post used this argument in support of both Judge Haynsworth and Justice Fortas.

On Thursday, Senator BENNETT, of Utah, pointed out in a statement on the floor another aspect of the misleading campaign which has been carried on by some of Judge Carswell's opponents. He pointed out that he had received mail postmarked Logan, Utah, purporting to be statements of residents of Logan opposing Judge Carswell.

Upon checking the city directory, it was discovered that no such names as those appended to the post cards lived in the city of Logan at all. Who knows how many such fraudulent communications may have been placed in the mail in an effort by the Carswell opponents to win their case?

In a similar vein, some Senators have been sent anti-Carswell mail which originated outside of their States and was sent to their home States for remailing.

Another case of deception is the effort to make anti-Carswell petitions from law schools seem spontaneous. Yet, in at least two instances, the wording of the petitions was identical.

Likewise, on Thursday, the junior Senator from Illinois, Senator SMITH, announced his support for Judge Carswell. He made what I thought was a very cogent point, and one that we may all bear in mind in further debate and voting on this nomination. He said:

> Mr. President, it is one thing to say that you have not heard of a man, or that you do not agree with him. It is quite another to argue from your failure to have met a person or to have seen him published in scholarly journals, or to have read of him as a champion of one cause or another, that he lacks distinction. This is especially true of a federal judge, whose time and principal attention should belong to the work of his court, not to socializing, or writing for the journals, or leading public crusades.

On Friday, 10 members of the Judiciary Committee—a majority of the full committee of 17—sent a letter to all Senators stating that no useful purpose would be served by recommitting the nomination to that committee, and urging their colleagues to vote against the motion for recommittal. When Senator GRIFFIN made this letter public, he commented that some Carswell opponents "are frantically, desperately, trying to find something that would justify recommittal."

The address on Friday by the assistant Republican leader was a most significant one, in my view. He pointed out that during his campaign for President, Richard Nixon had defined the kind of men he expected to nominate to the Supreme Court if he were elected. The people voted for Richard Nixon's philosophy and thereby clearly indicated a preference to have him, rather than a candidate of a different philosophy, nominate Justices to the Court.

I was especially interested in Senator GRIFFIN's discussion of his conversation with Mason Ladd, who served as first dean of the law school at Florida State University. Judge Carswell is one of those who had a major part in establishing that law school. Dean Ladd speaks highly of the role of Judge Carswell in establishing a school "free of all racial discrimination."

Senator GRIFFIN has followed this nomination perhaps as carefully as any Senator, and I trust his judgment when he declares:

> There is much evidence in the record, most of which has been ignored, that Judge Carswell not only abhors racial bias but, in fact, has been sympathetic and, at the very least, moderate in his views on this subject.

XUM

To carry on the chronology of events, on Friday, 50 of the 58 district judges in the fifth circuit, and seven out of nine of the senior district judges of that circuit, wired the President that Judge Carswell is "well qualified to serve as Associate Justice of the Supreme Court."

To me, this is an overwhelming number, especially when we consider that most of these judges are appointees of Democratic Presidents.

And we know, of course, that 79 lawyers who have practiced before Judge Carswell have endorsed him, compared to 10 whom the opposition found who would not.

This is typical. As we add up the evidence, the sound and fury have been all on the side of those who oppose Judge Carswell for reasons of their own. The facts have clearly been on the judge's side.

The fact that so much effort has been made to seek out and magnify even the most trivial charges against Judge Carswell, the fact that so much effort has been made to twist and distort and make much of his every word and action over 22 years, and the fact that despite this all-out effort, so little of any substance has been found, testifies better than I can to the merits of Judge Carswell.

He has a solid and unsullied record in his professional and personal life. He is quite well equipped by experience.

He is a man who meets the President's philosophic requirements.

Nowhere in the record do I find that he has attempted to distort the law in catering to the times, nor sought to curry favor with the pressure groups of either side. He has ruled against civil rights groups when the law required, but he has desegregated the barber shops of Florida and he integrated the Florida State University Law School. Neither his whims nor his prejudices have been his guide; only the Constitution has guided him.

XUM

Mr. President, I have stated before, quite candidly, that I would not have agreed with some of Judge Carswell's decisions. I have no doubt that I would not agree with some of his decisions as a Justice on the Supreme Court. I doubt if any Justice could please me all the time, any more than I could please any Justice all the time, either as a practicing lawyer or as a Senator.

I think his philosophy, in all probability, is to some degree different from mine. But I think that is not the issue. This is a difficult decision for me, as it seems nowadays almost all of them are. The same people who urged me to vote against Judge Haynsworth have urged me to vote against Judge Carswell.

This I cannot do, and this I will not do, because, in this case, as a lawyer and as a Senator, I do not believe a case against the nominee has been made.

If it were, I would have no question whatever, and no hesitation, in voting against the wishes of the President of the United States. I have had to do so before, though I have regretted it every time. I hope such occasions in the future will be fewer. I expect them to be fewer. I expect my influence to be heard.

This time, Mr. President, I am satisfied that, since no case has been made against Judge Carswell, his nomination should be confirmed.

He is a man whose record on the bench indicates clearly that, like the umpires at the baseball game, he calls them as he sees them.

We need that kind of man on the Supreme Court today. I am certain that my colleagues will give him the opportunity to serve that he so clearly deserves.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Prof. Felix Frankfurter in his landmark lectures on "Mr. Justice Holmes and the Supreme Court," just a year before Frankfurter himself became a Justice, said, "There is no inevitability in history except as men make it"

Today we in the Senate are destined to make history.

In narrow terms we are to decide whether or not George Harrold Carswell is unqualified or disqualified for Supreme Court service. I believe that, partisan political and regional loyalties aside, the Senate would decide overwhelmingly that Mr. Carswell is both unqualified and disqualified for one of the nine seats on our highest tribunal.

But over the course of 2½ months, the questions we must answer have been recast and reframed by the nominee's supporters. And in history's terms, our decision today will respond to much broader issues:

First. Should the qualifications for Supreme Court service include a requirement of eminence and excellence in the law, or may any lawyer no matter how pedestrian or marginal his talents, aspire to a justiceship as long as his politics and sponsorship are adequate?

Second. May the President and the Senate ignore the fact that a substantial proportion of the bar and of the populace considers the nominee incapable of offering fair and impartial justice to all citizens?

Third. Shall the Senate renounce its constitutional power and responsibility of advice and consent, and become a rubberstamp for all presidential nominations, no matter how inferior, and regardless of what insights the Senate's own inquiries add to the information available to the President?

To me the answers are clear and compelling and controlling.

Appointment to the Supreme Court should be a reward for outstanding qualities as a legal advocate, scholar, or jurist. The Court must be a place of honor for the best the American legal community can produce, and not a happy hunting ground for the worst which a majority of the Senate might accept. The bar and the bench must see clearly that an appointment can stand on its own merits, that the person chosen ranks at the top of his profession, and that he will contribute to the growth of the law, the stature of the Court, and the work of the Justices.

We need only look at the history of the seat which now lies vacant to appreciate the target for our efforts. All the seats on the Court are important, but this one carries special significance. This is the revered "Holmes" seat, occupied by Oliver Wendell Holmes for the first third of this century.

With the possible exception of John Marshall, Holmes was probably the greatest Justice ever to serve. And even before his nomination he had served with distinction on the Massachusetts Supreme Judicial Court for 20 years. Taken together, his 1,300 opinions on that court would have constituted, according to Felix Frankfurter, "the most comprehensive and philosophic body of American law for any period of its history." Holmes had been a brilliant scholar and professor, and the author of "The Common Law," an incisive exposition of American legal history.

And the same seat had been in the 19th century, the "Story" seat, the seat of Joseph Story, probably the most outstanding early American legal scholar. His decisions helped lay the groundwork for all of American law, and his "Commentaries on the Constitution" became a classic legal text in his time.

Holmes was followed by Benjamin Cardozo, universally acknowledged as the most distinguished jurist in the Nation, and author of one of the basic works of American jurisprudence: "The Nature of the Judicial Process."

And Cardozo was replaced by Felix Frankfurter, a superior teacher, scholar, author, and Government official, who brought to the Court an insight and intellect which made him one of its most forceful members.

Story, Holmes, Cardozo, Frankfurter—that is the standard of excellence to which all Presidents must strive. And if, as one Senator argued, "we can't have all Brandeises and Frankfurters and Cardozos and stuff like that there," then the least we can do is to seek to come as close as possible. The fact that we cannot find a Frankfurter is no excuse for nominating a Carswell. There are certainly dozens of distinguished lawyers and judges and professors who stand out above the crowd. They deserve nomination to the Court and the Nation deserves that such men be nominated.

To reach down into the crowd and arbitrarily pick a man with no national stature, with a reversal rate much higher than his peers, a man who does not have the endorsement of judges in his own court, let alone around the Nation, whose only distinction seems to be that he has a worse record on human rights cases than any judge in his State, to make such a choice is to downgrade the Supreme Court of the United States, dilute its authority and credibility, and render it less equal among the branches of Government.

I cannot imagine that the Senate will be a party to such an effort. I cannot believe that we will allow the standard for Supreme Court service merely to be the same as that for membership in the bar. I cannot accept the proposition that nomination is itself proof of eminence and distinction requiring no further burden of proof to be met.

Is the Supreme Court to be the repository of mediocrity or the repository of excellence? That is the first question which history asks us today.

The second is perhaps more difficult. Whether or not each of us agrees on the merits, the fact is that a substantial proportion of our Nation's citizenry and legal profession believes that George Harrold Carswell is unfit for the Supreme Court, and that he will be unable to deal fairly and evenly with the cases presented to him. There is certainly substantial evidence to support their position, at the very least, and to some of us that evidence is overwhelming and irrefutable. Some of it is old, and some recent, some documented, and some subjective, some major, and some minor. But it is all there, and even when the nominee's supporters finish explaining and distinguishing and justifying and minimizing, it is still there. Perhaps some of the nominee's supporters can in their own minds reject the evidence. But can they really overlook the fact that millions of citizens and thousands of lawyers do not reject the evidence? Can they say: "You do not count, and it does not matter to us that you will lose faith in the Court and the law if this nominee is confirmed?"

The other day, I passed on to appropriate Senators about 200 letters which I had received from poverty lawyers all over the country. The words differed but the same theme echoed through them all: We have been trying to demonstrate to the poor and the black and the brown, to the illiterate and the deprived and the discriminated against, that the system can respond to their needs, that legal institutions can provide relief from injustice, that the law is their tool and not just a tool for use against them. We have tried to convince them that the courts are the best forum for resolving conflicts that lawyers and briefs and reason and logic are more useful in the long run than fire and guns and violence and anarchy. But our efforts well be set back starkly if the Carswell nomination is approved. There can be no confidence in the responsiveness of legal institutions if at their apex sits a man who has proven he does not respond. There can be no belief in justice if the man chosen to be raised to the pinnacle of justice is a man who has denied and delayed justice. The Senate, these lawyers for the people say, will strike a stronger blow against law and order than any criminal could, if it places political expediency above conscience by confirming Judge Carswell.

I cannot answer this argument. I hope those who feel this nomination is supportable can. For if it drives our people further apart, and weakens respect for law, and corrodes faith in government, then they will be the ones responsible.

I am not saying that any minority group should have a veto power over any nomination. But I do believe that when a cross-section of the American people and the American bar feels as strongly about a nomination as they do about this one, and especially when the nomination is a lifetime one to the Court from which there is no appeal, and particularly when the nominee has no special eminence which might offset this antagonism, then the Senate must not only look within, but must also look outside. We have a responsibility to keep this Nation peaceful and stable and unified. We must meet that responsibility at every possible opportunity.

History's third question to us is a direct one: Is the President correct in saying that Supreme Court choices are his alone to make, and that the Senate should not butt in? Coming from a man who purports to be a constitutional strict constructionist, the suggestion is almost ludicrous. The Constitution is very clear as to our responsibility—we must give our advice and consent as to any nominee who is presented for our consideration. Only then, may the President appoint him.

Our responsibility is a serious one. It was thought through very carefully by those who drafted the Constitution. They did not consider it safe to leave the appointment of the members of the judicial branch solely in the hands of the executive branch, and so they gave the Senate a substantial role.

The President's now famous "Dear Bill" letter of last week, seems to imply that by rejecting Judge Carswell we would be challenging the President's power to choose Supreme Court Justices. Of course, that is nonsense. We are not contesting his power to choose. We are contesting his choice in this instance. And the reason we do so proves the need for the advice and consent power. The information available to us was not available to the President when he made his choice. He, unfortunately, for his own reasons, is stuck with his choice. We are not.

We might possibly have doubts about our freedom of action if the President offered us facts to rebut the new information. But his letter, if anything, adds to the feeling that there is no rebuttal. Basically, he offers two items of evidence. To rebut the unbroken chain of proof of Carswell's personal and official insensitivity to human rights, he refers to a letter from a man who served with young Carswell on a ship in the early forties. Surely after the vituperation leveled at the Carswell critics for even considering an item of evidence dating to 1948, it is shocking to hear the Carswell supporters cite a 1943 matter, and a "subjective impression" at that. But the substance of the item is even more overwhelming in its irrelevance. The gist of the letter is that Carswell did not abuse the black mess boys on his segregated ship and that he did not object to their being assigned to gun positions during emergency drills.

The other piece of evidence which the President considered strong enough to rebut the case against Carswell was the testimony of Prof. James Moore, a veteran legal teacher and writer. Professor Moore's endorsement of the nominee was based on his contact with him 5 years ago in the establishment of a law school in Tallahassee. What the President does not mention is that a majority of the teachers of that law school oppose the nomination, along with 23 law school deans, substantial faculty groups from 37 law schools, hundreds of prominent members of the American Bar Association, and uncounted thousands of individual lawyers from all over the country. Of course, no one wants to play the numbers game, but it is surprising to see someone play it when his number is only one.

Our votes this week then will very clearly delineate our concept of the division and separation of powers among the branches of Government. The President has been elected for 4 years, with a possible maximum of eight. Each of us has been elected for 6 years and some of us have served the people of the United States in this body for decades. Supreme Court Justices serve for life. Five of them can decide cases. Four of them can make the Court hear a case. Each one of them when sitting as Circuit Justice, makes life and death decisions alone. Under these circumstances, can we accept the proposition that the appointment of Supreme Court Justices is the President's own to make, unfettered by the Senate's review? The Constitution says no; logic says no; history says no; past Senates have repeatedly said no; and I believe this Senate will say no today.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield myself 3 minutes.

Mr. President, there is probably nothing new that can be said either for or against Judge Carswell at this stage. We have debated the nomination off and on for more than 3 weeks, and I suspect most of the Senate has its mind made up one way or the other. I doubt that any more purpose would be served by those of us who favor confirmation of Judge Carswell marshaling the argument in his favor, than would be served by the opponents marshaling their arguments against him. We have had dinned into our ears time and again the names of members of law faculties, former Supreme Court law clerks, and even law students, who have signified their opposition to Judge Carswell. The common bond between virtually all of these opponents is that they do not know, and very likely have never laid eyes upon, Judge Carswell.

On the contrary, the lawyers who know Judge Carswell and have practiced before him, the district judges of the Fifth Circuit who knew him for more than a decade as one of their fellows, and the circuit judges who are now his colleagues, have signified their endorsement of him. Let me read just a few of the names from the list of these supporters:

PARTIAL LIST OF PEOPLE SUPPORTING JUDGE CARSWELL

Malcolm B. Johnson, Editor, Tallahassee Democrat, C.R. E–201, January 21, 1970.

Georgia State Senate by Resolution, C.R. S–662, Jan. 27, 1970.

(See editorials inserted by Sen. Gurney, C.R. S–914, Jan. 30, 1970).

Allan L. Levine, Executive Vice President, Towers Motor Parts Corp., Lowell, Mass., C.R. S–1175, February 4, 1970.

(See editorial inserted by Sen. Gurney, C.R. S–1785, Feb. 17, 1970).

Thomas W. Matthew, M.D., President, Negro, C.R. S–1545, Feb. 10, 1970.

Mike Krasny, former law clerk, C.R. S–2427, Feb. 26, 1970.

William Vandercreek, law professor, SMU, Fla. State U., C.R. S–2427, Feb. 26, 1970.

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Richard H. Merritt, Att'y, Pensacola, Fla., C.R. S-2428, Feb. 26, 1970.

William T. Corrouth, bailiff, Tallahassee, Fla., C.R. S-2428.

Winston E. Arnow, U.S. Dist. Judge, Pensacola, Fla., C.R. S-2428, Feb. 26, 1970.

Robert A. Ainsworth, Jr., Judge, U.S. Court of Appeals, New Orleans, La., C.R. S-2428, Feb. 26, 1970

Joe Isenberg, former member Ga. Gen. Assembly, St. Simons Island, Ga., C.R. S-2428, Feb. 26, 1970.

Lewis R. Morgan, Curcuit Judge, 5th Cir. Court of Appeals, Newnan, Ga., S-2428, February 26, 1970

Harry C. Duncan, Att'y, Alachua County, Fla., C.R. S-2428, February 26, 1970.

Joseph H. Lesh, former U.S. Attorney, Huntington, Ind., C.R. S-2428, February 26, 1970.

J. Edwin Holsberry, Att'y, Pensacola, Fla., C.R. S-2428, February 26, 1970.

C. Graham Carothers, Att'y, Tallahassee, Fla., C.R. S-2429, February 26, 1970.

Julian Bennett, Att'y, Panama City, Fla., C.R. S-2429, February 26, 1970.

Charles F. Wilson, Att'y, Deputy Chief Conciliator, U.S.E.E.O.C., Washington, D.C., C.R. S-2429, February 26, 1970.

Lawrence E. Walsh, Chairman, ABA Standing Committee on the Judiciary, New York, N.Y., C.R. S-2600, February 27, 1970.

Resolution of Governor and cabinet of the State of Florida, C.R. S-3809, March 16, 1970.

Pat Thomas, Chairman, Democratic Party of Florida, Quincy, Fla., C.R. S-3810, March 16, 1970.

W. May Walker, Circuit Judge, Tallahassee, Fla., C.R. S-3810, March 16, 1970.

D. C. Smith, Circuit Judge, Vero Beach, Fla., C.R. S-3810, March 16, 1970.

Wallace Sample, Circuit Judge, Vero Beach, Fla., C.R. S-3810, March 16, 1970.

Tom Barkdull, Judge, Dist. Court of Appeals, Miami, Fla., C.R. S-3810, March 16, 1970.

B. C. Muszynski, Circuit Judge, Orlando, Fla., C.R. S-3810, March 16, 1970.

Roger F. Dykes, Judge, Cocoa, Florida, C.R. S-3810, March 16, 1970.

Ben C. Willis, Circuit Judge, Tallahassee, Fla., C.R. S-3810, March 16, 1970.

John T. Wigginton, Donald K. Carroll, Dewey M. Johnson, John S. Rawls, Sam Spector, all Democratic judges, 1st Dist. Court of Appeals, State of Florida, Tallahassee, Fla., C.R. S-3810, March 16, 1970.

Guyte P. McCord, Jr., circuit judge, Tallahassee, Fla., C.R. S-3810, March 16, 1970.

John A. H. Murphree, Presiding Judge, 8th Judicial Court of Florida, Gainesville, Florida, C.R. S-3811, March 16, 1970.

George L. Patten, Circuit Judge, 8th Judicial Circuit, Gainesville, Florida, C.R. S-3811, March 16, 1970.

Hugh M. Taylor, Circuit judge, Tallahassee, Florida, C.R. S-3811, March 16, 1970.

John J. Crews, Circuit Judge, 8th Judicial Circuit of Fla., Gainesville, Fla., C.R. S-3811, March 16, 1970.

Charles Alan Wright, McCormick Prof. of Law, University of Texas, Austin, Texas, C.R. S-3845, March 17, 1970.

Lawrence E. Walsh, Chairman, ABA Standing Committee on the Federal Judiciary, New York, New York, C.R. S-3847, March 17, 1970.

Bryan Simpson, Judge, 5th Cir. Court of Appeals, C.R. S-3847, March 17, 1970.

Robert A. Ainsworth, Jr., Judge, 5th Circuit Court of Appeals, C.R. S-3848, March 17, 1970.

David W. Dyer, Judge, 5th Circuit, C.R. S-3848, March 17, 1970.

Warren L. Jones, Judge, 5th Circuit, C.R. S-3848, March 17, 1970.

Homer Thornberry, Judge, 5th Circuit, C.R. S-3848, March 17, 1970.

Griffin B. Bell, Judge, 5th Circuit, C.R. S-3848, March 17, 1970.

Mason Ladd, Prof. and former Dean, Fla. St. U; Dean Emeritus, U. of Iowa, C.R. S-3850, March 17, 1970.

William Vendercreek, Prof., SMU, C.R. S-3851, March 17, 1970.

Joshua M. Morse III, Dean, Fla. St. U. Law School, Tallahassee, Fla., C.R. S-3851, March 17, 1970

Frank E. Maloney, Dean, U. of Fla. Law School., Gainesville, Fla., C.R. S-3851, March 17, 1970

Murry M. Wadsworth, Att'y, Tallahassee, Fla., S-3862, March 17, 1970.

Marion D. Lamb, Jr., Vice President, Tallahassee Bar Association, Tallahassee, Fla., C.R. S-3862, March 17, 1970.

Steve M. Watkins, Att'y, Tallahassee, Fla., C.R. S-3862, March 17, 1970.

John D. Justice, Lynn N. Silvertooth, Robert E. Willis, Robert E. Hensley, All circuit judges 12th Circuit of Fla., Sarasota, Fla., C.R. S-3862, March 17, 1970.

Philip H. Logan, A. Edwain Shinholser, Att'ys, Sanford, Florida, C.R. S-3862, March 17, 1970.

John A. H. Murphree, Presiding Judge, 8th Judicial Circuit of Fla., Gainesville, Fla., C.R. S-3862, March 17, 1970.

Stanley R. Andrews, Att'y, Titusville, Fla., S-3863, March 17, 1970.

Thomas D. Wood, Att'y, Miami, Fla., S-3863, March 17, 1970.

John F. Miller, Jr., Att'y, Tallahassee, Fla., S-3863, March 17, 1970.

Kike Krasny, Att'y, Melbourne, Fla., S-3863, March 17, 1970.

Robert Eagan, State Attorney, Orlando, Fla., S-3863, March 17, 1970.

B. C. Musynski, Circuit Judge, Orlando, Fla., S-3863, March 17, 1970.

T m Rumberger, Circuit Judge, 18th Judicial Cir., Fla., Eau Gallie, Fla., S-3863, March 17, 1970.

Tom Barkdull, Judge, Coral Gables, Fla., S-3863, March 17, 1970.

Welch, Ernest W., Att'y, former chairman of the Florida Board of Bar Examiners, Panama City, Fla., S-3863, March 17, 1970.

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F. Perry Odom, Att'y, Tallahassee, Fla., S-3863, March 17, 1970.

Keith Young Mateer, Att'y, Orlando, Fla., S-3863, March 17, 1970.

Charles F. Isler, Jr., Att'y, Panama City, Fla., S-3863, March 17, 1970.

James A. Nance, Att'y, Eau Gallie, Fla., S-3863, March 17, 1970.

Sammy Cacciatore, Att'y, Eau Gallie, Fla., S-3863, March 17, 1970.

Lynn C. Higby, Att'y, Panama City, Fla., S-3863, March 17, 1970.

David W. Cunningham, Winter Park, Fla., S-3863, March 17, 1970.

(See editorial from the Sun-Sentinal (Fla.) quoting letter written by Chester Gillespie, former president of the Cleveland, Ohio, chapter of the NAACP, S-4464, March 25, 1970.)

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J. R. Wells, Jr., Atty, Orlando, Fla., letter dated March 18, 1970, S4030.

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R. F. Maguire, Jr., Atty, Orlando, Fla., letter dated March 18, 1970, S4035.

L. Pharr Abner, Atty, Winter Park, Fla., letter dated March 17, 1970, S4035.

C. Douglas Brown, Atty, Panama City, Fla., letter dated March 17, 1970, S4035.

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M. Craig Massey, Member Fla. Bar Board of Governors, Lakeland, Fla., letter dated March 18, 1970, S. 4036.

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Parker Lee McDonald, Circuit Judge and Chairman of Committee, Orlando, Fla., letter dated March 18, 1970, S. 4036.

J. Hardin Peterson, Sr., J. Hardin Peterson, Jr., Eugene W. Harris, George C. Carr, Attys, Lakeland, Fla., letter dated March 18, 1970, S. 4036.

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Wilfred C. Varn, Atty, Former AUSA and USA, letter dated March 20, 1970, S. 4258.

D. L. Middlebrooks, Atty, Tallahassee, letter dated March 20, 1970, S. 4258.

Robert T. Mann, Judge, District Court of Appeals, letter dated March 16, 1970, S. 4259.

Frank A. Orlando, Presiding Judge, Juvenile Court of Broward County, Ft. Lauderdale, letter dated March 20, 1970, S. 4259.

James W. West, County Judge, Sumter County, Bushnell, Fla., letter dated March 18, 1970, S. 4259.

John W. Booth, Circuit Judge, letter dated March 17, 1970, S. 4259.

David H. Levin, Atty ". . . member of a so-called minority group . . .," Pensacola, Fla., March 19, 1970, S. 4259.

Cher Clem, Atty, Vero Beach, Fla., letter dated March 19, 1970, S. 4259.

Robert Jackson, President, Indian River County Bar Assn., Vero Beach, letter dated March 20, 1970, S. 4259.

R. Robert Brown, County Judge, Juvenile Court Judge, Marianna, Fla., letter dated March 19, 1970, S. 4259.

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Joe Dan Trotman, Judge, Walton County, De Funiak Springs, Fla., letter dated March 19, 1970, S. 4259.

David Popper, Dade County Courthouse, Miami, letter dated March 20, 1970, S. 4260.

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Rowlett W. Bryant, Atty, Panama City, Fla., letter dated March 21, 1970, S. 4260.

Robert W. Rust, US Attorney, Miami, letter dated March 21, 1970, S. 4260.

Thomas E. Lee, Jr., Circuit Judge, letter dated March 21, 1970, S. 4260.

Dr. Thomas W. Matthew, President, Negro, letter to Sen. Gurney quoting telegram sent to Judge Carswell, letter dated March 20, 1970, S. 4260.

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Richard W. Ervin, Chief Justice, Florida Supreme Court for members, Tallahassee, letter dated March 16, 1970, S. 4280.

Fred O. Dickinson, Jr., Comptroller of Florida, Tallahassee, letter dated March 17, 1970, S. 4280.

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Parker Lee McDonald, Circuit Judge and Chairman of Comm't, Orlando, Fla., letter dated March 17, 1970, S. 4281.

Claude R. Edwards, Circuit Judge, Orlando, Florida, S. 4281.

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Robert W. Rust, United States Attorney, Miami, Fla., S. 4282.

Robert Eagon, State Attorney, Ninth Circuit, Orlando, Florida, S. 4282.

J. M. Morse III, Dean, College of Law, Florida State University, Tallahassee, Florida, S. 4282.

As I have pointed out before, virtually none of those who have opposed Judge Carswell have had the benefit of knowing him personally. Indeed, one is bound to wonder just what some of the opponents do know about Judge Carswell; whether they have themselves made a painstaking search of the record, or whether they have simply, like lemmings, joined the brigade which the liberal establishment has marshaled for this occasion. Let me call attention to a couple of interesting portions of the communications that have been received in opposition to Judge Carswell. The statement of the former Supreme Court law clerks contained the phrase, and I quote:

> There is widespread lack of confidence in many of our institutions, including the Court.

I have heard this expression from the Chicago conspiracy defendants, and from others of the new left. But can it be fairly said that the great majority of American people lack confidence in many of our institutions? I suspect if a poll were taken, those who lack confidence in the courts because they were too lenient with criminals might be found to be a good deal more numerous than those who lack confidence in the courts for some other reason. What is the meaning of this vague phrase that is found in the ex-law clerks' statement? Do they subscribe to the same view of the courts as Abbie Hoffman, Jerry Rubin, Mark Rudd, and others of their ilk?

Further along in this learned document, we find this sentence regarding Judge Carswell:

> His performance on the lower courts—and as United States Attorney—reflects the absence of the quality which, we believe, all Supreme Court nominees should possess.

I am curious to know just what it is in Judge Carswell's 5-year record as U.S. attorney which these distinguished ex-law clerks would fault. Throughout all of these debates I have not heard one suggestion from any of the opponents that there was anything in Judge Carswell's service as U.S. attorney which could be criticized. The information I have about his tenure in that office is that he was uniquely successful in prosecuting and convicting a Mafia ring operating out of Phenix City, Ala., across the State line from Florida. Does a vigorous career as prosecutor somehow disqualify Judge Carswell as Supreme Court material in the eyes of these ex-law clerks? If not, what is it about his service as U.S. attorney that they fault?

The truth of the matter is, I believe, that this is a blanket indictment, drawn not to fit any known facts in the hands of the signers of the document, but drawn instead to have its maximum effect on potential readers. Any citizen has a right to communicate with his Senator, and urge him to vote one way or another on any issue, for good reason or bad reason, or no reason. But this letter is not of that sort. Its ponderous introduction, announcing that all of the signers are former law clerks, with the usual disclaimer that they are of various political persuasions, is meant to be treated not just as a registration of opinion by these 200-odd signers, but as the pronouncements of a distinguished collection of scholars of the law. I would be curious to know whether any one of the 200-odd signers had any familiarity whatsoever with Judge Carswell's career as a U.S. attorney. And if none of the signers did, why is this phrase inserted in their communication?

We then come to a statement signed by 86 members of the graduating class of the University of Virginia School of Law. This statement is headed, and I quote:

> Act now against the nomination of G. Harrold Carswell.

Here is the text of their statement:

> The integrity of the Supreme Court is a matter of concern to all citizens. Evidence overwhelmingly shows that G. Harrold Carswell is unqualified to sit on the nation's

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> highest court. As third-year students of the Law School we urge all opposed to the nomination to express their views to their Senators and to urge their relatives and friends to do the same.

This would be a perfectly acceptable approach for a political handbill in a campaign for sheriff, or for a pamphlet in opposition to some referendum or initiative proceeding. But is this the atmosphere in which we wish to decide whether to advise and consent to the President's nomination of a man to be an Associate Justice of the Supreme Court?

Another interesting communication in opposition to Judge Carswell is that of Prof. Charles R. Nesson, professor of law at Harvard Law School. He states his reasons for opposing Judge Carswell, and then concludes with this paragraph:

> In a time when law and courts are seen increasingly as instruments of political repression, it is particularly important that judicial appointees be men of legal and moral distinction.

The question that comes to my mind, after examining a few of these letters, is what sort of views do the letterwriters have of the judicial process? Does Professor Nesson feel that the courts are increasingly becoming instruments of political repression? Does he disagree with the decision to apply the law passed by Congress prohibiting the movement in interstate commerce for the purpose of starting riots to people who violate that law? I think this is a factor that the Senate is entitled to take into consideration in its deliberations regarding Judge Carswell. I think this is one of the many small pieces of evidence that suggests that the outpouring of anathemas on Judge Carswell is coming from a portion, and rather a small portion at that, of the entire political spectrum. Certainly a great majority of the people of this country do not view courts as an instrument of repression. Those who do are entitled to have their voices heard, but I rather seriously question whether their voices would prevail in this body if properly identified.

At this point I might mention that one witness who has been quoted frequently by Carswell supporters is Leroy Clark, professor of law at New York University. He is the witness who testified before the Judiciary Committee that prior to trial he would instruct civil rights lawyers and harass them the night before so they would be prepared for abuses the next day in Judge Carswell's court. It is interesting to note that this Leroy Clark sat through the first portion of the Black Panther trial in New York and gave informal advice and counsel. He also represented the defendants in habeas corpus proceedings in New York. In that case the New York Supreme court said:

> 'VILE' BEHAVIOR CITED
>
> "The conduct and language of the petitioners . . . the unending vilification heaped upon the Court, the almost uninterrupted flow of vile, demeaning, vicious, base and threatening language shouted by the petitioners in open court must be unparalleled in court history," he wrote.
>
> "It is very apparent from an examination of the minutes of the pretrial hearings that these defendants, with the knowledge and silent acquiescence of their counsel, indulged in a course of conduct for the sole purpose of disrupting this trial, with the ultimate view of depriving the People of the State of New York of trying these defendants for the crime which it is alleged they have committed," Justice Leahy asserted.

Today, together with the Senator from Florida (Mr. GURNEY), I have sent a telegram to the Attorney General, asking the Justice Department what they know about Leroy Clark, and what his association may be with the Black Panthers, if any, other than being one of their defense attorneys. Of course, he has that right to associate with and represent the Black Panthers or anyone else. But he is the one who has been quoted in the papers and on the networks as a most damaging witness in the Carswell hearings and we have the right to know his background.

Professor Leroy Clark has been quoted by approximately 15 Senators on this floor, and by some three or four times. He was quoted day after day on this floor. Let us learn more about Leroy Clark and other opponents of Judge Carswell. We have heard about 457 professors and lawyers opposing Carswell. There are 300,000 lawyers in America. What do they say about Judge Carswell? But above all, what do the people say about Judge Carswell who know him best, nearly all endorse him and support his confirmation.

Mr. President, the long and often bitter debate over Judge Carswell's nomination has made him, and the issue of whether the Senate shall advise and consent to the nomination, into something symbolic of a larger issue. The President, fortified by the mandate he received in the 1968 presidential election, has exercised his constitutional power to appoint a Justice of the Supreme Court. The President's opponents, disliking the political philosophy of the nominee, but realizing that they cannot successfully oppose him on that ground, have contrived numerous other cloaks for their opposition. The two principal ones, of course, have been the charge of "racism" and the charge of "mediocrity." But beneath these charges, the real opposition to Judge Carswell is that he is a conservative. The liberal establishment has marshaled its forces to defeat his confirmation. The nominal reasons they assign, in the hopes of appealing to as wide a spectrum of opinion as possible, are demonstrably without any real support in the evidence. On those issues, and on the political issue as well, they deserve to fail.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, very soon we shall vote on a motion to recommit Judge Carswell's nomination to the Judiciary Committee. This motion raises several questions in which the American people are interested. First, of course, is the question whether Judge Carswell will be confirmed to the Supreme Court. I believe strongly that he should be, but I realize that some of my colleagues sincerely hold the contrary view. I suggest, however, that the position one takes on the ultimate question of confirmation should not be determinative of his vote on the motion to recommit. I do not oppose the motion because I support Judge Carswell's confirmation. I oppose it because the American people have a right to expect this body to discharge its constitutional responsibilities directly and forthrightly. A vote for recommittal cannot, in my judgment, be squared with directness and forthrightness.

Judge Carswell was nominated by the President in mid-January, nearly two and a half months ago. Hearings were held by the Judiciary Committee at the end of January, and they extended over 5 days, terminating on February 3. More than 20 witnesses personally appeared before the committee. The hearing record covers nearly 500 pages. At the conclusion of the hearings, the nomination was voted out of committee by a vote of 13 to 4. Reports were filed by the majority and minority. Several members of the committee prepared individual views. Each of the reports is of high quality and reflects great care in its preparation. The committee report runs nearly 40 pages.

I have recounted the committee's actions regarding the nomination to indicate why I regard the committee hearings as extensive and thorough, not superficial or perfunctory. Judge Carswell testified before the committee for a day and a half. Examination of the hearing record reveals the searching nature of the inquiries addressed to him. The questioning was as wide ranging as it was penetrating.

Members of the academic community appeared before the committee. Attorneys who had litigated cases in Judge Carswell's court appeared. Representatives of civil rights groups, women's rights groups, and organized labor appeared. Each was afforded a full opportunity to state his or her views on the nomination. In addition, numerous communications were received by the committee—from the Judge's colleagues, educators, court personnel, and attorneys who had appeared in his court. No one was denied the opportunity to make his views known to the committee.

Debate on the nomination did not begin until nearly 3 weeks after the filing of the committee's report. We are now completing the third week of debate.

The Senate, in discharging its advise and consent function, may either accept or reject the President's nominee. I believe that it is our duty to do either one or the other. We should not be derelict in this duty. The American people have come to look to their elected representatives for candor, not evasion, and for decisive and responsible action, not shirking, irresolute inaction. They should not be disappointed. Judge Carswell's nomination has excited wide public interest. This, of course, is understandable, for the question of who will sit on the Supreme Court is one of immense importance. For nearly 3 months, the public

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eye has been focused on this body. The people want to know how we stand on the Carswell nomination. They want to know if we are for it or against it. They are not interested in a wishy-washy resolution of the issue.

The reasons stated by those who support recommittal are not persuasive. Some take the position that material questions have arisen subsequent to the public hearings which necessitate further inquiry by the committee. The distinguished Senator from Arkansas, in recording his support for recommittal, stated his belief that additional investigation should be made with respect to the positions of Judge Carswell's colleagues on confirmation and the claim that Judge Carswell has been discourteous to civil rights attorneys appearing in his court.

None of these issues requires additional consideration by the committee. During the hearings, several witnesses who had appeared as attorneys in Judge Carswell's court testified that he had been hostile to them and to their clients' claims. The committee carefully weighed this testimony, but found the evidence to the contrary clearly preponderating. Moreover, anyone who now wishes to come forward to testify could have done so at the committee hearings. Plainly this is not a case of newly discovered evidence. There may well be numerous persons who now desire to testify before the committee, either in support of or against confirmation. I, for one, however, believe that at some point information gathering must end. It is always possible to get more information, for it exists in an inexhaustible supply. However, our processes would grind to a halt if we refused to act on anything less than total knowledge. Our judgment should be informed; it need not be omniscient.

I say, then, that we have the information necessary to permit us to take final action. The facts have been fully developed and widely disseminated. The hearings were exceedingly thorough, and our debate has been lengthy. We have lingered long enough in resolving this critical issue.

In sharp contrast to the plenary consideration given this nomination was the senatorial inquiry into the nomination of Justice Black in 1937. In that instance, a subcommittee of the Judiciary Committee recommended favorable action on the nomination after a short meeting and without holding public hearings. The committee immediately reported the nomination to the floor of the Senate, again without hearings. During debate of the nomination, as is now well known, several Senators raised the question whether the nominee had been a member of the Ku Klux Klan. Since no hearings had been held, this question had never been asked of the nominee himself. A motion to recommit the nomination for inquiry into the matter was made, but it was decisively defeated and the nomination was quickly approved. How much stronger is the case against recommittal here, where exhaustive hearings have already been held?

Others support recommittal in the present instance on the ground that it will permit either the President or the nominee to withdraw the nomination gracefully and avoid the embarrassment to both of outright rejection of the nomination. I reject this argument as patently fallacious. It will be no less crushing to Judge Carswell and no less embarrassing to the President for the nomination to be defeated indirectly by recommittal than directly by senatorial rejection. The result is the same in either case—President Nixon's nominee to the Supreme Court will have been denied confirmation. If that be the will of a majority of this body, we should say so forthrightly. I am confident that such is not the will of the majority, but, whatever the result, we should act finally and decisively.

In summary, Mr. President, I believe that we have sufficient information to afford the opportunity for an informed judgment. I reject out-of-hand the suggestion that this is a "nice way" to defeat the nomination. Finally, our duty to the American people requires us to take a position, one way or the other, either for or against confirmation.

I am ready to cast my vote. I urge my colleagues to oppose recommittal. Proper performance of our advise-and-consent function permits no other course.

Mr. DOLE. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. DOLE. Mr. President, as a matter of interest, a history of recommittal motions is contained in this week's Congressional Quarterly, pointing out that there have been only two successful recommittal motions, both by unanimous consent, and five others, which were defeated.

I would guess that the argument, which goes back to 1870, 1922, 1930, 1937, and 1949—the other two I do not have—was very much the same, that we in the Senate have a responsibility to vote the nomination up or down.

We have the same responsibility today in 1970 that we had in 1870, when President Grant's nomination of Joseph P. Bradley was before the Senate.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

Mr. JAVITS. Mr. President, on the subject of the nomination of Judge G. Harrold Carswell, about which there has been so much debate recently, there are a few points to which I should like to refer in summing up.

It seems that the argument made and the opinions expressed, regarding the capacity of the judge, are critically important, and are points which have not been refuted except by the fact that various judges are alleged to be in his favor and many others are the other way, many of them law school deans. I think it is fair to say that the law school deans preponderate in terms of expressing themselves the other way.

I am very much impressed with the fact that relatively conservative members of the New York bar of great distinction, men such as Judge Rosenman, and Bruce Bromley—a former judge of the New York State Court of Appeals—do not think Judge Carswell should be confirmed to the Supreme Court.

Now, that might be an area which the committee would want to go into again if the nomination were to be recommitted.

The other aspect of the matter is the famous 1948 speech of his. There also seems to have been raised serious questions of fact as to whether Judge Carswell did or did not belong to the golf club, based upon the conference alleged to have taken place the night before the hearing, and as to the continuance of that state of mind through his activities in respect to a segregated golf club. I think that is important. In my judgment, a case can be made out for recommittal and the consideration of these facts, and perhaps others.

I shall vote to recommit; but, Mr. President, I should like to deal with one major argument that I have heard time and again, that is, the prerogatives of the President, the prerogatives of the Senate, and what the Senator from Michigan (Mr. GRIFFIN) called the power of the people.

Now, Mr. President, this is very important because I have heard it said time and again by Senators, especially on my side of the aisle, that they are unhappy about turning down the President for a second time.

It seems to me that we have to be equal to our responsibility. That is what we are here for. Our responsibility is to turn down the President as many times as the conscience of any Member of this body dictates he should be turned down in respect to an appointment.

We must not be afraid to do that. If we are, then we automatically forfeit the responsibility which the Constitution has given us.

I deeply believe and rise to assert again, that the Constitution gives us the authority and the responsibility to examine the same criteria the President does for a lifetime appointment. If we are not satisfied, then we turn the man down. This responsibility has been exercised in good faith by this Congress, and I think has been shown irrevocably by what happened on the Burger nomination, that it is possible to get a conservative and a strict constructionist from any part of the country, including the South.

If the President has to try twice or three times, that is the essence of our democracy. Perhaps by that kind of attrition, by that experience, he makes an even better President, whatever may be his party.

I believe that, just as solemn, is the responsibility of a President, and the responsibility of the people. The people can be heard only through us. That is the essence of our republican form of government. But, if we are to slough off that responsibility by some kind of specious reasoning that we are really not "it" in any given situation like that, then we are not favoring the strength of our institutions but are very materially weakening them.

Therefore, I hope very much that Senators will set that criteria as they do

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their duty today, and when they vote for confirmation.

I thank the Chair.

Mr. TYDINGS. Mr. President, will the Senator from Massacushetts yield me 7 minutes?

Mr. KENNEDY. I yield 7 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 7 minutes.

Mr. TYDINGS. Mr. President, I should like to speak for a few moments about the record of Judge Carswell as a judge.

The point was made earlier today that Judge Carswell has had experience on the bench.

One of the incredible parts of his record is that the longer he has been on the bench the more he has been reversed.

During the 11 years Judge Carswell sat on the Federal district court, 58.8 percent or more of all cases where he wrote printed opinions and which were appealed resulted ultimately in reversals by higher courts. That is over double the average of his own circuit and double the average of the United States. And Judge Carswell's rate of reversal for all of his printed cases was 11.9 percent. That is also double the national average and double the average of his own fifth circuit.

Moreover, to my knowledge there has been no judge nominated for the Supreme Court of the United States in this century who was a sitting judge on a bench who did not have every member of the bench sign a letter in support of his nomination.

Six members of the first circuit have declined for one reason or another to support Judge Carswell's nomination.

The point has been made that the lawyers in Florida, including those who practice before Judge Carswell, support him. That is not the fact of the matter.

Mr. President, I have received this morning a telegram from 35 black lawyers in the State of Florida. Mr. President, I shall ask unanimous consent to have the telegram printed in the RECORD. However, I will read part of it first.

The telegram reads:

MIAMI, FLA., *April 4, 1970.*

Hon. JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.

SENATOR TYDINGS: Although the Board of Governors on the Florida Bar went on record as supporting Harrold Carswell's nomination to the U.S. Supreme Court, there are many lawyers in Florida unalterbly opposed to this nomination. A recent poll of 37 black lawyers residing and practicing in this State showed 35 of them to be steadfastly opposed to the Carswell's nomination. The black lawyers poll, in addition to considering Judge Carswell unqualified for this position, were extremely critical of his attitude toward civil rights lawyers and litigants.

Although all of the lawyers opposing this nomination has not had the misfortune of having practiced before Judge Carswell, they are acutely aware of his reputation, as being less than cordial to black litigants.

Two of the thirty-seven black lawyers contacted did not express support for this nomination, but did not desire to have their names used in this it is noteworthy that not one black lawyer contacted favored Harrold Carswell's appointment to Supreme Court. We strongly urge you to vote against the Carswell nomination. To confirm this nomination would be a great tragedy.

Mr. President, I ask unanimous consent that the entire telegram from which I have read, including the signatures, be printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

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Hon. JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.

SENATOR TYDINGS: Although the Board of Governors on the Florida Bar went on record as supporting Harrold Carswell's nomination to be U.S. Supreme Court, there are many lawyers in Florida unalterably opposed to this nomination. A recent poll of 37 black lawyers residing and practicing in this State showed 35 of them to be steadfastly opposed to the Carswell nomination. The black lawyers poll, in addition to considering Judge Carswell unqualified for this position, were extremely critical of his attitude toward civil rights lawyers and litigants.

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Two of the thirty-seven black lawyers contacted did not express support for this nomination but did not desire to have their names used in this. It is noteworthy that not one black lawyer contacted favored Harrold Carswell's appointment to Supreme Court. We strongly urge you to vote against the Carswell nomination. To confirm this nomination would be a great tragedy.

James W. Matthews, Norris Woolfork, James Collier, J. Best, Edward Duffie, James Sanderlin, T. J. Cunningham, Ralph Flowers, William Holland, Jessie McQuarry, L. E. Thomas, Arthenia Joiner, Delano Stuart, Leo Adderley, John Lee, Ernest Jackson, R. W. Gray, Earl Johnson, Reese Marshall, D. W. Perkins, Calvin Mapp, Theodore Bowers, Alcee Hastings, T. J. Reddick, W. George Allan, Rowley Rawles, Benjamin Lamplins, Gwendolyn Cherry, Wilkie Gergusen, Horace Goode III, Henry Adams, Perry Little, Edward Rogers, Malcolm Cunningham, and Harold L. Braynon.

Mr. TYDINGS. Mr. President, I point out that of the 35 lawyers listed, two are sitting judges in the State of Florida.

I further point out that a majority of the full-time faculty of four of the greatest law schools in the South, including the law school which is in Judge Carswell's hometown in the State of Florida, oppose the nomination because he is unfit.

Those law schools are the University of Virginia—one of the great law schools in the South and, indeed, in the Nation; Washington and Lee Law School; the University of North Carolina Law School; and Judge Carswell's own hometown law school, the Florida State Law School at Tallahassee.

I might add that for those professors from his own hometown to go on record took a considerable amount of courage.

Let me read some of the statements now contained in the record that were made by Florida lawyers, including Judge Braynon, municipal judge for the city of Miami and former assistant to the attorney general of the State of Florida; James W. Matthews, associate municipal judge for the city of Opa Locka, and former assistant U.S. attorney for the southern district of Florida; and one member of the Florida bar who practiced before Judge Carswell for almost 7 years. I have already put the entire statements of each one in the RECORD. They are highly opposed to the nomination of Judge Carswell.

Here are some excerpts from their statements:

> I have practiced in Judge Carswell's Court . . . Judge Carswell has shown bias toward civil rights litigants on many occasions.

That is from Judge Matthews.

Judge Braynon says in part:

> His attitude toward civil rights cases and the lawyers that handle those cases was indeed outright hostile.

Mr. James Senderlin says in part:

> Could not be relied upon for a fair, impartial and equitable disposition of civil rights matters.

Mr. Theodore Bowers said in part:

> The most prejudiced judge before whom I have had the honor to practice.

Mr. Tobias Simon said in part:

> A hostile opponent of all civil rights matters brought before him.

These are Florida lawyers. We know what the record states with respect to the lawyers who testified before the Judiciary Committee. But these are Florida lawyers and that is what they have to say about the fairness of Judge Carswell on the central issue before the Senate today and on the central issue that was before the Senate Judiciary Committee.

When Judge Carswell was U.S. attorney, the chief Federal law enforcement officer in the northern district of Florida and one sworn to uphold the Constitution, he cooperated in the evasion of a court decision requiring all municipal golf courses to be kept open for all taxpayers, regardless of their color.

The evidence before the Senate now is that Judge Carswell did not tell the truth before the Judiciary Committee and before the U.S. Senate when he testified with respect to those facts.

Let me refresh the recollection of my colleagues as to what the circumstances were. On the morning that Judge Carswell appeared before the Judiciary Committee, a newspaper report in a leading national newspaper was entitled, "Carswell is Linked to a Segregated Club." The report indicated that he had joined as an incorporator in a successful attempt to put Tallahassee's only public golf course into private hands in order to evade a mandate of the Supreme Court.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield 3 additional minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 additional minutes.

Mr. TYDINGS. Mr. President, when Judge Carswell was before our committee, Senator HRUSKA, who has been the principal supporter of Judge Carswell from the beginning of the hearings and throughout the Senate debates, interrogated him. I read from page 11:

> Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee.

Then Senator HRUSKA put the specific question to him:

> Were you an incorporator of that club . . .?

And under oath, Judge Carswell said, "No."

Then Senator HRUSKA said again:

> Are you and were you at that time familiar with the bylaws of the articles of incorporation?

Again under oath, Judge Carswell said, "No, sir."

Now, I believed Judge Carswell when he said that under oath, and I am sure the other members of the committee did also. He had a good memory. As a matter of fact, only about 3 minutes before, he had corrected his biographical sketch to reset the date when he entered the Navy some 28 years before.

I had no cause to disbelieve him, and neither did anyone else.

Last Thursday, 2 months after those committee meetings, we were informed in the Senate of a memorandum from two of the members of the ABA Committee on Nominations, that the night before the hearing—the night before—Judge Carswell testified that he was not an incorporator and that he never had spoken to anyone about this matter—Judge Carswell was advised by these two men of this matter and was shown the articles of incorporation and his signature.

Judge Carswell that evening even said that he remembered some of the other names of those who actually asked him to become an incorporator.

The very next morning, under oath, Judge Carswell denied familiarity with the articles of incorporation and flatly denied that he was an incorporator.

So, we had a man under oath who could remember the very day he went into the Navy 28 years before but could not remember what happened the night before in his own hotel room on a central issue that was before the committee.

He either has an extremely convenient and flexible memory or he was deceiving the Senate committee.

I think the Senate ought to take this into consideration when it votes today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. HARRIS. Mr. President, I believe that the administration has made a tactical error in so strongly opposing the motion to recommit this nomination.

The distinguished Senator from Michigan (Mr. GRIFFIN) quoted, I believe, 10 of the 17 members of the Senate Judiciary Committee, who said that if this nomination were referred back to the committee, the majority of that committee would vote to report it back to the Senate.

Mr. President, it seems to me that the administration, from a tactical standpoint, would have been far better advised to have agreed gracefully to this motion.

Otherwise, it seems to me, Mr. President, those of us who have opposed the nomination of Judge Carswell must say that this record is incomplete and those Senators who have doubts about the nomination now should resolve those doubts against confirmation. I can assure the Senate that will be our position should the motion to recommit be rejected.

More than that, and more importantly for the country, I believe the administration made a very substantive error in disagreeing with the motion to recommit. I know there are Senators who opposed the last nomination to the Supreme Court who worry about possibly appearing to be partisan if they oppose the nomination. However, I am afraid that Senators do not realize how terribly depressed black people in America are, as a result of the President sending to the Senate a man who is demonstrably less qualified than a man should be to serve on the highest court in the land, a man who by his own background and judicial record is suspect in the field of basic and fundamental human rights.

We have seen the serious objections which have been raised to this nominee by lawyers, jurists, and law school faculties throughout the Nation. It seems to me that, based on these objections alone, the Senate would want to have the Committee on the Judiciary again consider this nominee's qualifications.

Confidence in the Supreme Court is at stake in the consideration of this nominee, and we must be very careful to preserve this confidence for all segments of our society.

I believe black people in this country are depressed by this nomination. I do not believe Senators understand how depressed they are.

I believe questions raised in regard to the treatment of civil rights lawyers who appeared before Judge Carswell are important. Opponents have tried to respond to that by attacking personally one of those who testified in that regard.

Mr. President, that is not an answer. That is what the Romans called an "ad hominem" argument and it was not used by quality debaters in Roman times and it should not be raised in the Senate.

The PRESIDING OFFICER (Mr. YOUNG OF OHIO). The time of the Senator has expired.

Mr. HARRIS. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. KENNEDY. I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, those who raise that kind of argument attacking those who testified about the treatment by Judge Carswell of the civil rights lawyers should want the matter looked into again by the Committee on the Judiciary.

The Tallahassee golf course case raises very serious questions. I just learned a few moments ago from a reporter of a national newspaper who was a resident of Tallahassee at the time that golf course was transferred from a public to a private corporation, that at that time, according to this reporter, a new golf course was being built for black people. Under these circumstances it would have been terribly difficult for Judge Carswell or anyone else not to know the course of action engaged in by him and others was for the purpose of denying black people their right to use a public facility.

These are issues which must be answered and they demonstrate why Senators should support the motion to recommit this nomination.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, on April 2 there was directed to the Attorney General a letter signed by the Senator from Maryland, the Senator from Massachusetts, the Senator from Indiana, and the Senator from California. That letter was released to the press on the day it was written. For that reason, the Attorney General, in formulating and transmitting a reply thereto, distributed the letter and made it available to the remaining Senators of the Senate as well.

I will read only two pertinent parts of the letter and then, I ask unanimous consent that the entire text of the letter addressed to the Honorable JOSEPH D. TYDINGS be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the paragraphs I wish to read are as follows:

> The instructions issued in 1965 regarding investigation of the racial views of judicial nominees remain in effect. The same procedures were followed in the case of Judge Carswell as have been followed in the case of anyone else in his position.
>
> The 1948 speech made by Judge Carswell was not unearthed as a result of these procedures, nor were any of the other allegations which you describe in paragraph (4) of your letter. While you refer to this information as "easily discovered", I think that this is the judgment of hindsight. The speech, for example, was carried twenty-two years ago in a small town newspaper long since defunct, and with no "morgue" any longer in existence. Consequently, it does not surprise me that the strong interest and motivation stimulated in countless citizens by the announcement of a Supreme Court nomination should turn up information not found in the normal investigative process.
>
> Sincerely yours,
>
> JOHN MITCHEL,
> *Attorney General.*

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 6, 1970.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I am happy to furnish to you, and to Senators Brooke, Bayh, and Cranston, such information as is appropriate in response to your letter to me of April 2. Since I notice that you released that letter to the press on the day it was written, I am taking the liberty of making this letter available to the remaining members of the Senate as well. Several of your questions relate to the methods employed by the Department or the FBI in conducting an investigation; in the past, both the Department and the FBI have consistently declined to reveal this type of information, and I intend to adhere to that policy.

The instructions issued in 1965 regarding investigation of the racial views of judicial nominees remain in effect. The same procedures were followed in the case of Judge Carswell as have been followed in the case of anyone else in his position.

The 1948 speech made by Judge Carswell was not unearthed as a result of these procedures, nor were any of the other allegations which you describe in paragraph (4) of your letter. While you refer to this information as "easily discovered", I think that this is the judgment of hindsight. The speech, for example, was carried twenty-two years ago in a small town newspaper long since defunct, and with no "morgue" any longer in existence. Consequently, it does not surprise me that the strong interest and motivation stimulated in countless citizens by the announcement of a Supreme Court nomination should turn up information not found in the normal investigative process.

Sincerely yours,

JOHN MITCHELL,
Attorney General.

Mr. DOLE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. I yield.

Mr. DOLE. Mr. President, at this point I ask unanimous consent to have printed in the RECORD representative opinions of Judge Carswell as a district judge and as a circuit judge.

There being no objection the opinions were ordered to be printed in the RECORD, as follows:

[U.S. Court of Appeals for the Fifth Circuit, No. 27117]

FERDINAND HENRY SCHUTTEN, ET AL PLAINTIFFS-APPELLANTS *v.* SHELL OIL COMPANY, DEFENDANT-APPELLEE

(Appeal from the U.S. District Court for Eastern District of Louisiana, January 30, 1970)

Before Wisdom, Goldberg and Carswell, Circuit Judges.

CARSWELL, Circuit Judge: Appellants filed suit in the District Court seeking to evict the appellee, Shell Oil Company, and seeking an accounting for the removal of oil, gas, and other minerals from land in Plaquemines Parish, Louisiana. Appellants, who are not in possession, claim ownership of the land and demand an accounting from Shell because of its failure to deal with appellants in removing the minerals.

Appellee filed a Motion to Dismiss on the ground that its lessor, the Board of Commissioneers of the Orleans Levee District, who also claims title to the land in question, is an "indispensable party" who cannot be joined since such action would destroy the District Court's diversity jurisdiction. The District Court granted the appellee's motion and dismissed the case.

Both parties agree that if the Levee Board is indispensable to the action the suit would have to be dismissed since both appellants and the Levee Board are citizens of Louisiana and diversity jurisdiction under 28 U.S.C. § 1332 would not be obtainable. Thus the sole issue before this Court is that of the indispensability of the Levee Board.

In deciding this issue it is clear that the provisions of Rule 19 of the Federal Rules of Civil Procedure control. *Provident Tradesmens Bank & Trust Co.,* v. *Patterson,* 390 U.S. 102 (1967). Rule 19 provides in pertinent part:

"(a) Persons to be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring doubt, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party. If he should join as a plaintiff but refuses to do so, he may be made a defendant, or in a proper case, an involuntary plaintiff. If he joined party objects to venue and his joinder would render the venue of the action improper, he shall be dismissed from the action.

"(b) Determination by the Court Whenever Joinder not Feasible. If a person described in subdivision (a) (1)–(2) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent party being thus regarded as indispensable. The factors to be considered by the court include: first, to what extent a judgment rendered in the person's absence might be prejudicial to him or those already parties; second, the extent to which, by protective provisions in the judgment, by the shaping of relief or other measures, the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence will be aequate; fourth, whether the plaintiff will have an adequate remedy, if the action is dismissed for nonjoinder."

The reformation of Rule 19 in 1966 was the result of judicial inequities which had slowly but steadily grown under the concept of the "indispensable" party. The reform of Rule 19 was preceded by more than a decade of scholarly inspection and debate.[1] Under its predecessor, it was often held that absence of an "indispensable" party deprived the court of any power to render relief to the parties before it. See *Young* v. *Powell,* 179 F. 2d 147 (5th Cir. 1950). The 1966 revision of Rule 19 sought to give the courts greater latitude in deciding whether a case should be dismissed for nonjoinder of a supposedly "indispensable" party. Before discussing Rule 19, and the present controversy, a look at the origin and development of the doctrine of "indispensability" is required in order to properly assess the scope and effect of the 1966 amendment of Rule 19.

Prior to the Federal Rules the biggest problem in litigation over joinder of parties stemmed from the distinction which was required to be drawn between "necessary" and "indispensable" parties. This distinction is set forth in the hoary case of *Shields* v. *Barrow,* 58 U.S. 130, 139 (1854):

"The court here points out three classes of parties to a bill of equity. They are: 1. Formal parties. 2. Persons having an interest in the controversy, and who ought to be made parties, in order that the court may act on that rule which requires it to decide on, and finally determine the entire controversy, and do complete justice, by adjusting all the rights involved in it. These persons are commonly termed necessary parties; but if their interests are separable from those of the parties before the court, so that the court can proceed to a decree, and do complete and final justice, without affecting other persons not before the court, the latter are not indispensable parties. 3. Persons who not only have an interest in the controversy but an interest of such a nature that a final decree cannot be made without either affecting that interest, or leaving the controversy in such a condition that its final termination may be wholly inconsistent with equity and good conscience." (Footnote omitted).

The *Shields v. Barrow* formula was a concerted attempt to formalize the joinder doctrines which had arisen in the courts of equity. Up until the eighteenth century equity required joinder of all interested parties, but recognizing that practical difficulties and obstacles often made this impossible, relaxed its standard of complete adjudication of a controversy when faced with compelling equity.[2] As noted by Professors Kaplan and Hazard, supra n. 2, equity's attitude changed during the 1700's when the concept of "complete adjudication" gained the upper hand. On the other side of the aisle, the common law had developed joinder criteria which paralleled the parties substantive rights and obligations. The essence of the common law joinder doctrine was that joint rights or obligations demanded joint adjudication.[3] The common law's approach, to say the least, lacked the flexibility of the earlier equity practice.

The rise of the concept of the "complete decree" encroached upon the flexible and rather pragmatic approach to joinder problems which the earlier equity practice had enjoyed and fostered. It was this encroachment which Professor Hazard believes gave rise to the "indispensable" party concept[4] which was formalized in this country in *Shields* v. *Barrow,* supra.

In its most favorable light *Shields* v. *Barrow* states the proposition that "if a court can proceed to a meaningful decree without affecting the interest of the absent person, that absent person is at most a necessary party; if the circumstances are such that the court cannot so proceed, then the absent one is an indispensable party."

Reed, supra n. 1 at 343. While this formulation, as an abstract proposition, is consistent with the present Rule 19, any flexibility or pragmatism envisioned by the Supreme Court in Shields was soon eliminated by courts which latched upon such unguarded words as "separable" and ". . . without affecting that interest. . ." in an attempt to devise a mechanical test to apply to joinder problems.[5] Thus the concept of "severability" arose in equity joinder decisions. As under the common law the substantitive rights of the parties became paramount.[6]

To a great extent, the severability test was carried over with the adoption of the original Rule 19. Though those drafting the rule envisioned a more flexible approach akin to that which existed under the "earlier" equity practice, they lost all hope of achieving that end when they resorted to the use of the terms "indispensable" and "joint interest" without redefinition. As pointed out by the Advisory Committee on Rules,[7] the use of these terms "directed attention to the technical or abstract character of the rights or obligations of the persons whose joinder was in question, [an approach which characterized the decisions prior to the original rule 19] and correspondingly distracted attention from the pragmatic considerations which should have been controlling."

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[1] See eg.g., Hazard, Indispensable Party: The Historical Origin of a Procedural Phantom, 61 Colum. L. Rev. 1254 (1961); Reed, Compulsory Joinder of Parties in Civil Actions (pts. 1–2), 55 Mich. L. Rev. 327, 483 (1957).

[2] Kaplan, Continuing Work of the Civil Committee: 1966 Amendments of the Federal Rules of Civil Procedure (I), 81 Harv. L. Rev. 356, 359 (1967); Hazard, supra n. 1 at 1256–82. In his article Professor Hazard has done an excellent job of documenting the rise of the indispensability doctrine and its application under equity, common law and the predecessor of the present Rule 19.

[3] See Clark, Code Pleading § 56 (2d ed. 1947).

[4] Hazard, supra, n. 1 at 1271–82.

[5] See Provident Tradesmens Bank & Trust Co. v. Patterson, supra at 123–125.

[6] For applications of the severability test see Halpin v. Savannah River Electric Co., 41 F. 2d 329 (4th Cir. 1930); Washington v. United States, 87 F. 2d 421 (9th Cir. 1936).

[7] See Notes of Advisory Committee on Rules, 28 U.S.C.A. F.R. Civ. P. 19 (as amended 1966).

The 1966 amendment of Rule 19 attempts to remedy this situation by conditioning a finding of "indispensability" upon "pragmatic considerations." *Provident Tradesmen Bank and Trust v. Patterson*, supra, at 106–107.

Subdivision (a) of Rule 19 categorizes those persons whose joinder is desirable from the standpoint of complete adjudication and elimination of relitigation. If there are no procedural or jurisdictional bars to joining such a party, Rule 19 requires that he be joined. It is to be noted that subdivision (a) eliminates reference to the "abstract" or "substantive" interests involved by avoiding such terms as "joint" and "separable."[8]

Subdivision (b) of Rule 19 requires a court to examine four "interests" before deciding whether "in equity and good conscience" the court should proceed without a person whose joinder is impossible. The distilled essence of these "criteria" of subdivision (b) is the attempt to balance the rights of all concerned. See *Provident Tradesmens Bank & Trust Co. v. Patterson*, supra. The plaintiff has the right to "control" his own litigation and to choose his own forum. This "right" is, however, like all other rights, "defined" by the rights of others. Thus the defendant has the right to be safe from needless multiple litigation and from incurring avoidable inconsistent obligations. Likewise the interests of the outsider who cannot be joined must be considered. Finally there is the public interest and the interest the court has in seeing that insofar as possible the litigation will be both effective and expeditious.

As pointed out by the Advisory Committee, supra n. 7, the term "indispensable" as utilized in the present Rule 19 is not "definitive" but "conclusionary." The term simply denotes a conclusion reached upon due consideration that the person is one who should be joined but whose joinder is impossible and that it is preferable to dismiss the case than to proceed without him. It is to be stressed that the criteria set forth in Rule 19 are not to be applied mechanically nor are they to be used to override compelling substantive interests. As pointed out in *Provident Tradesmens Bank & Trust Co. v. Patterson*, supra at 119, 125, Rule 19 does not foreclose consideration of substantive interests, it simply acts as a guide to enlightened consideration of those interests. Stated otherwise, substantive rights are no longer the be all and end all of the joinder question.

In applying Rule 19 the courts must refrain from taking a view either too broad or too narrow in determining "prejudicial" effect of a judgment. The watchwords of Rule 19 are "pragmatism" and "practicality." The court must, however, always consider the possibility of shaping a decree in order to adjudicate between the parties who have been joined. In this vein the court must guard against the formulation of "paper" decrees which neither adjudicate nor, in the end, protect rights.

Considering the present case in the light afforded by Rule 19 we cannot say that the district court erred in dismissing the action and declaring the Levee Board an "indispensable" party.

Under subdivision (a) the Levee Board is clearly a party "to be joined if feasible." Its joinder is impossible, however, since it would destroy the District Court's diversity jurisdiction. Appellants argue that under Louisiana substantive law their action is merely personal against Shell for trespass and that the Levee Board has no "interest" in the action. As pointed out above, the concept of substantive severability is no longer the guiding star of the joinder problem. Nevertheless, a review of the relevant statutory provisions and their interpretation by the Louisiana courts leads us to reject the appellants' argument that the interests of the lessor and lessee of mineral rights are "severable" under Louisiana law. See *Le Sage v. Union Producing Co.*, 184 So. 2d 727 (La. 1966). It cannot be denied that appellants' action in trespass is based upon its claim of ownership of the land overlying the mineral deposits. This claim is directly opposed to the Levee Board's claim of ownership which is "backed up" by its possession in fact. This question of actual ownership must necessarily be adjudicated before the trespass and accounting issues are reached. There is no doubt that the Levee Board has an interest in this litigation and is a "party to be joined if feasible." Since it is not feasible to join the Levee Board we must now consider what alternatives are available under the "equity and good conscience" standard. To do this we must apply the pragmatic criteria of subdivision (b) of Rule 19.

The first factor that must be considered is the extent to which a judgment might prejudice the unjoined Levee Board or those already parties. Appellants argue that the Levee Board would not be prejudiced because it would not be bound, in the res judicata sense, by any judgment which might be rendered. Nor would the Board be precluded from asserting its rights in another action presumably in Louisiana state courts. We decline to accept the appellants' narrow and technical view of what would constitute prejudice to the Levee Board. It is clear that courts should not proceed simply because the unjoined party is not "bound" in the technical sense. *Provident Tradesmens Bank & Trust Co.* v. *Patterson*, supra at 110. Furthermore, one of the purposes, though not the sole purpose, of Rule 19 is the avoidance of multiple litigation of essentially the same issues.

The possibility of prejudice to the Levee Board is most certainly not superficial. First, if Shell is ousted the Levee Board's royalty interest would cease in practically the same manner as if the court had decreed a cancellation of the lease. This would happen despite the fact that the Levee Board's claim of ownership would be technically unimpaired by the judgment in the sense that it would not be bound by the judgment.

Second, though not technically bound a judgment would most assuredly create a cloud on the Levee Board's title and greatly diminish the value of the property. This result would be adverse to both appellants and the Board and would require yet more litigation. A judgment in favor of the appellants would in effect adjudicate the Levee Board's claim of ownership without giving them the right to present their defense and assert their own claim on its merits. While Shell does have a substantial interest in the Levee Board's claim this "interest" would not justify placing the burden of proving the Levee Board's ownership on Shell.

Third, a judgment might result in inconsistent obligations for the defendant Shell Oil Company. Furthermore, a judgment in appellant's favor might render the Levee Board liable to Shell for loss or damage for the peaceable possession of mineral rights. See La. Civ. Code Arts. 2692, 2696. Again all of this could come about without affording the Levee Board the opportunity to defend its interests even though the Board would not be bound by the judgment.

A conclusion that as a practical matter the Levee Board would be prejudiced by a judgment rendered in their absence leads us to consider the second and third "factors" of Rule 19: "the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided," and whether a judgment rendered in the Levee Board's absence will be adequate. Appellants have suggested no way in which these objectives could be accomplished and we are unable to discover any ourselves. Since the litigation revolved around the conflicting claims of ownership, we are unable to envision a decree which would effectively settle any controversy between the appellants and the present defendant, Shell, without doing substantial practical injury to the Levee Board's unassertable claims. Any attempt to fashion a judgment which would lessen this harm would result in a meaningless decree.

A judgment rendered at this time and without the Levee Board would simply result in additional costly litigation no matter how such judgment was formulated. This fact leads us to consider the fourth and final criteria of Rule 19: whether the appellant has an adequate remedy elsewhere. The answer to this question is that appellants will by no means be prejudiced themselves if forced to pursue their remedy in the courts of the State of Louisiana. Both the Levee Board and Shell are amenable to process in Louisiana. This litigation concerns land situated in Louisiana, is governed by Louisiana law and involves a claim of ownership asserted by an agency of the State of Louisiana. Appellants cannot be heard to complain about the competence of the courts of Louisiana in such matters. There is, however, an even more compelling reason for appellants to seek relief in the Louisiana courts. Even if the district court below could fashion a judgment which was adequate while at the same time protective of unassertable rights, additional litigation would most assuredly develop later in the Louisiana courts. By dismissing the case now and directing the appellants to proceed in the Louisiana courts most if not all issues can be settled in one bout of litigation. As noted above, the expeditious and effective disposition of litigation is desirable if not always obtainable. In the present case it is not only desirable but obtainable and is indeed made necessary under the circumstances.

We therefore conclude that under Rule 19, Federal Rules of Civil Procedure, the present case in all "equity and good conscience" should not proceed without joinder of the Orleans Levee Board. Moreover, this decision is made easier by the knowledge that the courts of the State of Louisiana offer a forum in which a complete adjudication of all interests can be obtained without fear of needless multiple litigation.

The order of the District Court dismissing the complaint for nonjoinder of the Orleans Levee Board is

AFFIRMED.

[U.S. District Court, Northern District of Florida, Pensacola Division, Aug. 14, 1959]

LOCAL UNION NO. 1055, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL–CIO, AND LOCAL UNION NO. 624, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL–CIO, PLAINTIFFS, *v.* GULF POWER COMPANY, DEFENDANT

(Civ. A. No. 1016)

Action by union for a declaration of its contractural rights with employer, and for mandatory injunctive relief. The United States District Court, Carswell, Chief Judge, held that where employer entered into a collective bargaining agreement with union, wherein union, through employer recognition of foremen along with other employees in the wage scale agreement, was made the bargaining representative of such foremen, and such agreement provided that after expiration of five years it would run from year to year for the purpose of termination, but in the absence of termination the agreement was binding on the parties until notice of alteration was given, and employer did not give union notice of termination of the contract in its entirety, and contract did not provide for partial termination, such contract was enforceable in regard to union representation of foremen, notwithstanding statute providing that no employer shall be compelled to deem supervisors as employees for the purpose of collective bargaining, and notwithstanding fact employer seasonably notified union that it would no longer recognize it as bargaining agent for foremen.

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[8] See Notes of Advisory Committee, supra n. 7.

Order in accordance with opinion.

1. COURTS—289

Specific Performance—80:

Grievances arising under a collective bargaining agreement, when arbitrable, are unequivocally enforceable through specific performance in the United States District Courts.

2. LABOR RELATIONS—411

Private arbitration in the labor management field is to be afforded broad liberalities.

3. LABOR RELATIONS—510

While an act may be both an arbitrable contract violation and an unfair labor practice, the former is nevertheless enforceable in the courts, for parties may agree in the collective bargaining agreement to submit matters involving unfair labor practices to private arbitrators, and the District Court should retain jurisdiction over the contract violation until the National Labor Relations Board in the exercise of its discretion elects to effectuate the statutory policy of the National Labor Relations Act. Labor Management Relations Act, 1947, § 301, 29 U.S.C.A. § 185.

4. LABOR RELATIONS—248

Labor contracts may contain severable portions which are unenforceable.

5. CONTRACTS—217

A contract is terminable in the manner agreed to, although, usually, a partial termination is not favored unless the parties have expressly agreed thereto.

6. LABOR RELATIONS—261

Where a collective bargaining agreement between a union and an employer provided that it was terminable from year to year after its fifth anniversary by giving notice at least 60 days prior to August 15 of year in which termination was desired, such contract was capable of having a definite duration, and therefore did not expire in a reasonable time.

7. LABOR RELATIONS—510

Only the National Labor Relations Board has the policy making power and machinery to settle representation grievances.

8. CONSTITUTIONAL LAW—89(1)

The principle of freedom of contract renders bargains freely made enforceable unless the law makes the subject matter thus bargained for illegal.

9. LABOR RELATIONS—176

Statute providing that no employer shall be compelled to deem supervisors as employees for the purpose of collective bargaining, does not make it illegal for management to bargain collectively or to contract with supervisors as employees, if it chooses to do so. National Labor Relations Act, §§ 2(11), 14(a) as amended by Labor Management Relations Act, 1947, 29 U.S.C.A. §§ 152(11), 164(a).

10. LABOR RELATIONS—249,261

Where employer entered into a collective bargaining agreement with union, wherein union, through employer recognition of foremen along with other employees in the wage scale agreement, was made the bargaining representative of such foremen, and agreement provided that after expiration of five years it would run from year to year for the purpose of termination, but in the absence of termination the agreement was binding on the parties until notice of alteration was given, and employer did not give union notice of termination of the contract in its entirety, and contract did not provide for partial termination, such contract was enforceable in regard to union representation of foremen, notwithstanding statute providing that no employer shall be compelled to deem supervisors as employees for the purpose of collective bargaining, and notwithstanding fact employer seasonably notified union that it would no longer recognize it as bargaining agent for foremen. National Labor Relations Act, §§ 2(11), 14(a) as amended by Labor Management Relations Act, 1947, 29 U.S.C.A. §§ 152(11), 164(a).

11. LABOR RELATIONS—433

Where there is a genuine dispute arising from a collective bargaining contract, the agreement itself is controlling as to provisions for arbitration.

12. LABOR RELATIONS—434

Where a collective bargaining agreement between a union and employer provided that all questions and grievances that might arise between the parties during the life of the agreement be handled through certain successive steps, and that any grievances under the agreement or any violation of the employees' rights under the agreement which could not be settled by employer and union should be submitted to an arbitration board, attempted withdrawal by employer, of foremen, from their prior coverage under the contract, and purported working of supervisory personnel contrary to the express prohibitions of the contract, were arbitrable grievances under such agreement.

Louis Sherman, Washington, D.C., Philip D. Beall, Pensacola, Fla., Poole Pearce & Hall, Atlanta, Ga., for plaintiffs.

Bert Lane, Yonge, Beggs & Lane, Pensacola, Fla., for defendant.

CARSWELL, Chief Judge.

This suit was initiated under 29 U.S. C.A. § 185 for a declaration of contractual rights by the plaintiffs, hereinafter called the Union, against the defendant, a public utility, hereinafter called the Company. Assuming a determination in its favor, the Union seeks a mandatory injunction to compel compliance therewith, or in the alternative an injunction requiring the Company to submit any grievances arising out of those contract rights to arbitration. There are two breaches of the contract alleged, from which the Union asks declaration and specific performance: (1) the Company refuses to negotiate with the Union as the collective bargaining representative of certain "foremen" and to afford such "foremen" any rights under the collective bargaining contract, as is alleged, the Company agreed to do under the contract, and (2) certain "supervisory" personnel are being required by the Company to work contrary to the contract.

The factual backdrop surrounding this dispute appears as follows: The Union and Company entered into the present collective bargaining contract on October 27, 1953. That instrument, while silent as to recognition of "foremen" per se, nevertheless included "foremen" along with other employes in the wage scale agreement which was appended to the contract. The contract was to remain in effect for five years unaltered and thereafter would run from year to year for the purpose of termination, but, absent termination, the agreement was binding on the parties until notice of alteration was timely given and agreed to by both Union and Company. In June, 1958, just prior to the five year anniversary date of the covenant, the Company gave notice to the Union that it would no longer recognize the Union as the collective bargaining agent for "foremen", since they were supervisory personnel. The Union did not agree to this action, whether it be denominated a proposed alteration or termination of the contract. Demand was subsequently made by the Union to submit this question to arbitration, since it took the position that the Company had voluntarily agreed under the contract to recognize it as the bargaining agent for the "foremen" as well as employee personnel, and, further, having agreed to submit all grievances arising from the contract to arbitration that the Company had a duty to live up to the contract, or at least abide by it until changed by arbitration agreements. This the Company refused, with the contention that since it could not be compelled under the law (29 U.S. C.A. § 164(a)) to recognize individuals defined as supervisors under such law for the purpose of collective bargaining, then such contractual provisions had been effectively terminated by its notice or that such provisons were unenforceable against it.

The Company assigns some seventeen grounds by motions to dismiss for failure to state a claim or, in the alternative, to strike. The legal questions with merit thus raised are grouped and will be discussed separately.

JURISDICTION

[1–3] When it appeared on the pleadings that unfair labor practices were prospectively lurking in the identical contract violations alleged, the Court examined jurisdiction. The existence of such is no bar to the jurisdiction of this Court for grievances arising under a collective bargaining contract when arbitrable are unequivocally enforceable through specific performance in the United States District Courts (24 A.L.R. 2d 752). Such private arbitration in the labor management field is to be afforded broad liberalities. Textile Workers Union of America v. Lincoln Mills of Alabama, 353 U.S. 448, 77 S.Ct. 912, 1 L. Ed. 2d 972, and Lodge No. 12, District No. 37, International Association of Machinists v. Cameron Iron Works, Inc., 5 Cir., 257 F.2d 467, 474. While an act may be both an arbitrable contract violation and an unfair labor practice, the former is nevertheless enforceable in the courts, for parties may agree in the collective bargaining agreement to submit matters involving unfair labor practice to private arbitrators, and the District Court should retain jurisdiction over the contract violation until the National Labor Relations Board in the exercise of its discretion elects to effectuate the statutory policy of the National Labor Relations Act. Lodge No. 12, District No. 37, International Association of Machinists v. Cameron Iron Works, Inc., 5 Cir., 257 F.2d 467, certiorari denied 358 U.S. 880, 79 S.Ct. 120, 3 L.Ed.2d 110.

WAS THE CONTRACT TERMINATED?

[4, 5] As a bar to the arbitration of this alleged breach of contract, the Company contends the collective bargaining agreement was a divisible one under which provisions relative to recognition of the foremen were terminated. Labor contracts may contain severable portions which are unenforceable (14 A.L.R.2d 846). It is elementary that a contract is terminable in the manner agreed to (17 C.J.S. Contracts § 385). Usually a partial termination is not favored unless the parties have expressly agreed for such provisions. 17 C.J.S. Contracts § 403; Oil Workers International Union, Local No. 463, v. Texoma Natural Gas Company, 5 Cir., 146 F.2d 62, certiorari denied 324 U.S. 872, 65 S.Ct. 1017, 89 L. Ed. 1426.

The contract states that it is terminable after its fifth year of operation by giving notice "* * * at least sixty (60) days prior to August 15 of the year in which termination * * *" is "* * * desired * * *". It is silent as to partial termination. The first purported notice of termination was seasonably given on June 14, 1958, and it provided:

"Since Foremen are supervisory employees and the Company is not required to bargain with any Union for supervisory employees, we advise you that effective August 15, 1958, the anniversary date of our Agreement, the

XUM

classification of Foremen will no longer be included in coverage under our Agreement and the Company will no longer recognize the Union as bargaining agent for these supervisory employees."

Thereafter, on August 15, 1958, the Company again gave identical notice extending the projected date for termination to November 15, 1958. And again on November 17, 1958, identical notice was given extending the operative date for termination to January 1, 1959.

The question of termination then is resolved by a construction of the Company's letters. If they were a partial termination, it was a nullity for partial termination was not agreed to. It was not a complete termination, because no indication was given to cease recognition of the Union altogether, and, indeed, the Company has recognized the Union as the representative of the employees to date.

IS THE CONTRACT VOID AS BEING ONE FOR AN INDEFINITE DURATION?

[6] The contract was plainly terminable from year to year after its fifth anniversary by giving notice "* * * at least sixty (60) days prior to August 15 of the year in which such termination * * *" is "* * * desired * * *". Since the contract in its entirety was terminable, likewise its recognition of foremen vel non was not in perpetuity. Upon cancellation of the entire contract, the unambiguous language of 29 U.S.C.A. § 164(a) would completely insulate the Company from any attempt whatsoever to insist upon the inclusion of bona fide foremen in any subsequent contract or negotiations therefor.

Because the contract was one capable of having a definite duration, it does not expire as the Company contends in a reasonable time.

CONTRACT BAR RULE AND REPRESENTATION

It is urged on behalf of the Company that because the policy of the National Labor Relations Board prevents the operation of any collective bargaining contract from extending the duration of appropriateness of the agency to represent the bargaining unit of the composition of the same beyond a period of two years (Pacific Association of Pulp & Paper Workers, 121 N.L.R.B. 134) that accordingly the Union should receive certification as to the foregoing (since the contract has on its face exceeded a period of five years) from the National Labor Relations Board and thus exhibit its authority to sue here (42 A.L.R.2d 1415).

[7] It is apparent that such argument preoccupies itself with a remedy available through another route of redress, 29 U.S.C.A. § 159; Franks Brothers Co. v. National Labor Relations Board, 321 U.S. 702, at pages 705 and 706, 64 S.Ct. 817, at page 818, 88 L.Ed. 1020, for only the National Labor Relations Board has the policy making power and machinery to settle representation grievances.

It should be carefully noted that no question is raised concerning the agency or duration of the Union's authority to represent the statutory employees, rather the thrust of the Company's argument only reaches the agency of the Union to represent foremen.

Such petition ignores the obvious that the Company has recognized the Union as the bargaining agent for employees and we are now only concerned with what the parties contracted for as comprising the bargaining unit. Under 29 U.S.C.A. § 185 the District Courts are given jurisdiction over labor contracts by a "labor organization representing employees".

The real question here is did the Company agree under the contract to recognize the Union as the collective bargaining agent for foremen (notwithstanding that they might be statutory supervisors) with employees as comprising the bargaining unit. Our problem then is one of contract rather than representation, for if there is appropriate agency to represent employees, then it likewise extends to foremen as well.

Nor does the declaration of such legal question here on the contract preclude either party from later raising the question of representation, at the appropriate time and place, for denial of that right then would give rise to an unfair labor practice.

IS THE CONTRACT WITH FOREMEN ENFORCEABLE?

[8–10] The Company takes the position that under 28 U.S.C.A. § 164(a), it cannot be compelled to bargain collectively with a worker bearing the statutory definition of a supervisor under 29 U.S.C.A. § 152(11), and, hence, the contract thus entered is unenforceable against it. The principle of freedom of contract renders bargains freely made enforceable unless the law makes the subject matter thus bargained for illegal. Corbin on Contracts, Vol. 6, Sections 1373–1376. What is the meaning of Section 164(a), supra? Stripped of its qualifying verbiage, the nub of its substance is "* * * no employer * * * shall be compelled to deem * * * supervisors as employees for the purpose of * * * collective bargaining." This section has received a literal interpretation and application. L. A. Young Spring & Wire Corp. v. National Labor Relations Board, 82 U.S. App.D.C. 327, 163 F.2d 905, certiorari denied 333 U.S. 837, 68 S.Ct. 607, 92 L. Ed. 1121. This decision came on the heels of the Taft-Hartley Amendment to the Wagner version of the National Labor Relations Act. It had formerly been held that there was compulsion in the Wagner Act requiring employers to deal collectively with supervisors. Packard Motor Car Co. v. National Labor Relations Board, 330 U.S. 485, 67 S.Ct. 789, 91 L.Ed. 1040. The Taft-Hartley Act specifically holds to the contrary, but even the latter left supervisors free to join labor organizations. See 29 U.S.C.A. § 164(a). Because of the correlative rights and immunities afforded supervising labor and management, it cannot be said that Congress intended it to be *illegal* for management to bargain collectively or to contract with supervisors as employees. Nor can it be said that compulsion will result in requiring the Company to arbitrate with the Union relative to foremen, where the Company has, in fact, so contracted. While collective bargaining is to some extent a continuing process (see the quotation in Corbin on Contracts, Vol. 6, Section 420, Pocket Part), it has for the present purposes been concluded. Since the present contract was not terminated, it was automatically renewed, thus passing over "the contract opening date", leaving the parties to abide by the terms of the agreement thus renewed. The obligation of the contract does not impair the right of either party to reopen rights guaranteed by the National Labor Relations Act at the appropriate time; for the contract specifically provides a fixed, determinable annual date on which it can be terminated in its entirety by proper notice.

ARE THE GRIEVANCES ARBITRABLE UNDER THE CONTRACT?

By this motion the Company raises the question of whether private arbitration was contemplated by the agreement with the Union. This question is foreclosed by certain articles of the contract: Article VIII reads in part, "* * * all questions and grievances that may arise between the parties hereto during the life of the Agreement shall be handled through the successive steps as follows: * * * That article thereafter enumerates details for private conciliation." Article IX then follows: "* * * (A)ny grievances under this Agreement, or any violation of the employees' rights under this Agreement that cannot be settled by * * * Company and * * * Union * * * shall be submitted to an Arbitration Board * * *".

[11] Where there is a genuine dispute arising from a collective bargaining contract, the agreement itself is controlling as to provisions for arbitration (24 A.L.R.2d 752) and the law favors such arbitration. Textile Workers Union of America v. Lincoln Mills of Alabama, 353 U.S. 448, 77 S.Ct. 912, 1 L.Ed.2d 972, and Lodge No. 12, District No. 37, International Association of Machinists v. Cameron Iron Works, Inc., 5 Cir., 257 F.2d 467, 474.

[12] Plainly, the withdrawal of "foremen" from the coverage of the contract was an arbitrable grievance; as is likewise the working of supervisory personnel contrary to the express prohibitions of the contract.

Appropriate order in conformity with this Memorandum-Decision will be entered.

[In the U.S. District Court, Northern District of Florida, Pensacola Division, April 18, 1960.]

LOCAL UNION NO. 1055, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, AND LOCAL UNION NO. 624, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, PLAINTIFFS, v. GULF POWER CO., DEFENDANT

(Civ. A. No. 1016.)

Action by union for declaration of its rights under collective bargaining contract and for injunctive relief requiring employer to recognize contract and comply with the terms therein. The District Court, Carswell, Chief Judge, held that where employer agreed under collective bargaining contract to include supervisory personnel in the bargaining unit, subsequent unilateral declaration by employer of its refusal to recognize union as bargaining agent for foremen was unjustified and refusal to submit question to arbitration was a partial breach of contract, but such partial breach did not justify union in calling a strike in violation of "no strike" clause in contract rather than seeking aid of court in enforcing union's rights under the contract or bringing matter before National Labor Relations Board, and union was not entitled to injunctive relief nor was company entitled to injunctive relief on its counterclaim.

Ordered accordingly.

1. LABOR RELATIONS—264, 291, 800, 816

Where employer agreed under collective bargaining contract to include supervisory personnel in bargaining unit, subsequent unilateral declaration by employer of its refusal to recognize union as bargaining agent for foremen was unjustified and refusal to submit question to arbitration was a partial breach of contract, but such partial breach did not justify union in calling strike in violation of "no strike" clause in contract rather than seeking aid of court in enforcing union's rights under contract or bringing matter before National Labor Relations Board, and union was not entitled to injunctive relief nor was company entitled to injunctive relief on its counterclaim. Labor Management Relations Act, 1947, § 301, 29 U.S.C.A. § 185; National Labor Relations Act §§ 2(3), 8(d), 14(a) as amended 29 U.S.C.A. §§ 152(3), 158 (d), 164(a).

2. LABOR RELATIONS—244, 282

Prevention of strikes is one of principal purposes of labor contracts and of the National Labor Relations Act.

3. DECLARATORY JUDGMENT—147

Specific Performance—62:

Where an employer has been guilty of a partial breach of collective bargaining agreement, relief by declaratory judgment and specific performance are available to union.

4. EQUITY—65(1), 66

One who seeks equity must do equity and must come into equity with clean hands.

5. SPECIFIC PERFORMANCE—88

Equitable relief will be denied to one who seeks to enforce rights under a contract which he himself has breached.

Philip D. Beall, Pensacola, Fla., Louis Sherman Washington, D.C., John S. Patton,

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Poole, Pearce & Hall, and Edwin Pearce, Atlanta, Ga., for plaintiffs.

Bert Lane, Yonge, Beggs & Lane, Pensacola, Fla., for defendant.

CARSWELL, Chief Judge.

This suit was initiated pursuant to 29 U.S.C.A. § 185 for a declaration of contractual rights by the plaintiffs, here called the Union, against the defendant, a public utility, here called the Company. Jurisdiction to hear this cause was raised by the Company in a motion to dismiss. This Court disposed of the jurisdictional question in a memorandum-decision filed on August 17, 1959. 175 F.Supp. 315. Other point raised in the motion to dismiss were also decided in that decision, and the Court will refer to that decision as a basis for some of the findings which follow.

[1] The Company and the Union were operating under a collective bargaining agreement wherein the parties agreed to arbitrate matters arising under the contract, when any dispute arose. There was a "no strike" clause wherein the Union and its members agreed that during the continuance of the agreement there would be no authorized or sanctioned strikes, sitdowns or walkouts, or any other concerted cessation or delay of any work of any kind by the Union. The Company agreed that there would be no lockouts.

The Union and the Company had been operating under this agreement satisfactorily since October 1953. There was the usual 60 day "notice to terminate" clause in the contract. Early in 1959 the Company, in streamlining its operations, installed new methods of operation and new type equipment. This new operation resulted in the necessity of fewer employees. The Company offered certain employees supervisory positions, which were accepted. On June 14, 1958, the Company notified the Union that as of August 15, 1958, the Company would no longer recognize the Union as collective bargaining representatives of foremen. The Union subsequently took issue with the Company's right to refuse unilaterally to recognize the Union as bargaining agents for certain foremen, and demanded that the Company arbitrate the matter. The Company contended that under 29 U.S.C.A. § 164(a) it could not be compelled to bargain collectively with a worker bearing the statutory definition of a supervisor under 29 U.S.C.A. § 152(3), and that, therefore, the collective bargaining agreement as to supervisors was unenforceable against the Company.

It must be noted that the Company and the Union had settled most of their problems with respect to wages and working conditions without serious controversy. They were working on a new contract and had, except for the question as set forth above, agreed as to the terms of a new contract which would take the place of the one now under consideration.

The testimony taken shows that the Company's attitude with respect to collective bargaining on the question of foremen was clear. The Company refused to arbitrate the question, contending a legal basis for its action, and seeking to have the National Labor Relations Board take jurisdiction and settle the controversy. The Union, however, was not certified, and the Board, at the instance of the Union, refused to take jurisdiction.

Upon refusal of the Company to arbitrate this question, the Union sent out ballots to its members requesting that they vote to strike. The members voted in favor of the strike, and a work stoppage resulted.

The Company notified the Union that the strike would be deemed by the Company to constitute an abrogation of the existing contract, and has since refused to recognize the Union's rights thereunder.

The Union seeks a declaration of its rights under the contract, as well as injunctive relief requiring that the company recognize the contract and comply with the terms therein. The Union also seeks a declaration that the Company by refusing to arbitrate as to supervisory personnel violated the contract, and prays that injunction issue requiring the Company to recognize the Union as bargaining agents for the Company's employees, as well as for the foremen; that the foremen be declared as part of the Union's bargaining unit; and to prohibit the Company from assigning work to these foremen which had heretofore been their work as employees under the contract. Alternatively, the Union prays that the Company be required to arbitrate on the unilateral withdrawal of foremen from the bargaining unit.

The Company denies the existing of the contract, by virtue of the strike, which it considers an abandonment of the contract. The Company also counterclaims praying for injunctive relief.

In the previous memorandum-decision filed in this cause, this Court held that the contractual obligations of the Company were enforceable with respect to the Company's refusal to submit to arbitration the question of representation. The Company had by contract agreed to include supervisory personnel in the bargaining unit, though there was no statutory compulsion to do so. A unilateral declaration by the Company of its refusal to recognize the Union as bargaining agent for the foremen was unjustified, and their refusal to submit the question to arbitration was a breach of their contract. In view of the other settled questions between the Company and the Union, this breach was not so material as to constitute a total breach. The Union contends that this breach by the Company justified its action in calling the strike, that arbitration was an alternative remedy to their right to strike, and that "no strike" clause was operative only so long as the Company would submit to arbitration. The Company's refusal to arbitrate, it argues, left no other course open, except to strike.

The Court cannot agree with the Union's contention. The president of the local testified that the Union did not seek the aid of the Courts in enforcing the Union's rights under the contract, although it was considered, because the judicial processes were too slow. Testimony of the Union officials shows that there was no effort to bring the matter before the National Labor Relations Board, although that course was also open. In fact, the Company's attempt to have the question of supervisory personnel brought before the Board was thwarted by the fact that the Union was not certified before the Board, and would not seek certification. The Union unquestionably had the power to bring the question before the Board had it so desired. The Courts were open. It appears from the testimony that the Company, although guilty of a breach, acted in good faith in seeking proper determination of the issue through its unsucessful attempt to utilize remedies which were created by Congress for this purpose. The Union contends that the economic retaliation through strike was not an abandonment of the contract, but merely an alternative method to enforce arbitration. It cites as its authority for such action Mastro Plastics Corp. v. National Labor Relations Board, 350 U.S. 270, 76 S. Ct. 349, 100 L.Ed. 309. This is distinguishable from the Mastro case, in that the company there was guilty of interfering with the determination of the bargaining unit, through manipulation of its employees in direct violation of the Labor Act Section 8(d), 29 U.S.C.A. § 158(d), and was also guilty of bad faith through unfair labor practices. This case concerns a breach of a labor contract by a Company not acting in bad faith and attempting to act for the purpose of reconciling the problem through proper channels. While this breach is not condoned, the action of the Company was insufficient to justify the course of action taken by the Union in arbitrarily calling a strike. The position asserted by the Company could not be considered an unfair labor practice.

[2, 3] The Union takes a position inconsistent with the rights it seeks to enforce under the contract. The "no strike" clause is "The chief advantage which an employer can reasonably expect from a collective labor agreement". S. Rep. No. 105, 80th Cong., 1st Sess. 16 (1947). In cases where a breach is a strike in violation of a collective bargaining agreement, application of the rule excusing performance by the other party is supported by the rationale underlying such agreements. The prevention of strikes is one of the principal purposes of labor contracts and of the National Labor Relations Act. United Electrical Radio and Machine Workers of America v. National Labor Relations Board, 1955, 96 U.S.App.D.C. 46, 223 F.2d 338. The call to strike is a material breach of the contract, and not justified in the face of a partial breach which could be enforced through proper judicial or administrative action. The Union cannot and does not contend that the strike route was the only course open. Declaratory judgment and specific performance were available. Textile Workers Union of America v. Lincoln Mills of Alabama, 353 U.S. 448, 77 S.Ct. 912, 1 L.Ed.2d 972. Administrative procedures available under the Taft-Hartley Act could have been employed had the Union been disposed to invoke them.

The Union failed to consider the most elementary purposes for having contracts, this purpose being to invoke the Courts' aid to enforce or provide remedies for the breach of rights and duties owing under such contractual relation. The use of "self-help" for enforcement of rights under a contract would negate the benefit of contractual relationships. Where disputes arise as to the meaning of terms in a contract, the parties are prone to interpret ambiguities to suit their own purposes. The Courts must, therefore, define the terms in accordance with established legal guides. This is a judicial function, done with due deliberation. Although such deliberation may at times seem slow, such course cannot be replaced by hasty independent action without suffering the consequences. The Union had it in its power to avert the strike by means of Court order. It chose instead to strike and thus violate the contract.

[4, 5] It is an elementary proposition of equity jurisprudence that one who seeks equity must do equity; that one who comes into equity must come in with clean hands. Equity Courts have historically declined to grant equitable relief to one who seeks to enforce rights under a contract which he, himself, has breached.

The prayer for injunctive relief by the Union is hereby denied, and because of the Company's breach the prayer for injunctive relief in the counterclaim is hereby dismissed with prejudice.

[U.S. District Court, Northern District Florida, Marianna Division, May 28, 1964]

JEAN CAROLYN YOUNGBLOOD ET AL., PLAINTIFFS, v. BOARD OF PUBLIC INSTRUCTION OF BAY COUNTY, FLA., ET AL., DEFENDANTS

(Civ. A. No. 572)

School desegregation case. The plaintiffs moved for summary judgment. The District Court, Carswell, Chief Judge, held that plaintiffs were entitled to summary judgment requiring school authorities to submit a plan for receiving applications and assigning children to public schools without regard to race or color, where school authorities admitted that race was considered in assigning children and no assignments had been made without regard to factors of race or color.

Motion granted.

1. SCHOOLS AND SCHOOL DISTRICTS—154

School authorities would be required to submit a plan for receiving applications and

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assigning children to public schools without regard to race or color, where school authorities admitted that race considered in assigning children and no assignments had been made without regard to factors of race or color. F.S.A. § 230.232.

2. FEDERAL CIVIL PROCEDURE—2545

Statistics and analyses which purportedly disclosed that there are inherent racial differences in intelligence, in aptitude, and in rate of intellectual attainment at various ages and which were offered by school authorities to justify use of racial index as one criteria in making assignment of pupils to specific schools were totally irrelevant to issues raised on plaintiff's motion for summary judgment in school desegregation case. Fed. Rules Civ. Proc. rule 56, 28 U.S.C.A.

3. SCHOOLS AND SCHOOL DISTRICTS—154

There is no constitutional prohibition against assignment of individual students to particular schools on basis of intelligence, rate of achievement, or aptitude upon uniformly administered program so long as race itself is removed as a factor in making individual assignments

4. SCHOOLS AND SCHOOL DISTRICTS—154

Any school plan which embodies a universal testing basis for assignment of pupils may not be administered in a manner which would defeat essential requirement that factors of race are not to be considered.

5. SCHOOLS AND SCHOOL DISTRICTS—155

Federal district court retained jurisdiction in school desegregation case for the entry of such further orders and decrees as would be deemed proper and according to the law.

Charles F. Wilson, Pensacola, Fla., Constance Baker Motley, New York City, for plaintiffs.

Davenport, Johnston, Harris & Urquhart, Logue & Bennett, Panama City, Fla., for defendants.

CARSWELL, Chief Judge.

This cause came on to be heard pursuant to notice on motion of plaintiffs for summary judgments, and counsel for the respective parties were present and heard.

This class action was brought by minor children of the Negro race through their parents seeking, basically, in their own behalf and for others of the Negro race, establishment and enforcement of reasonable procedures by the Board of Public Instruction of Bay County, Florida, for their applications to attend schools under the jurisdiction of the subject Board to be considered and assignments made without regard to race in accordance with Brown v. Board of Education of Topeka et al., 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1953), and subsequent cases.

[1] Plaintiffs base this motion for summary judgment upon the defendants' answer to the complaint and upon defendants' answers to certain interrogatories which show that the standards employed by the Board in acting upon applications for admission to schools under jurisdiction for the first time and in assignment to schools by promotion are "set forth in the Florida Pupil Assignment Law, F.S. 230.232, 1963, including the child's race." (Defendants' answer to interrogatories 3a–7, inclusive.)

This Court concludes that this admitted fact, in addition to a plaint showing that there have been no assignments to the subject schools without regard to factors of race or color entitles plaintiffs to summary judgment on that portion of its prayer requiring the Board to submit for the consideration of this Court "a plan whereby the plaintiffs and the members of the class represented by them are hereafter afforded a reasonable and conscious opportunity to apply for admission to any schools for which they are eligible without regard to their race, color, and to have that choice fairly considered by the enrolling authorities." See Gibson v. Board of Public Instruction of Dade County, Florida, 272 F. 2d 763, 767 (5th Cir., 1959). The defendants urge that there is no showing that pupils are assigned to schools *solely* on basis of race or color, that its procedures with reference to applications as assignments merely use race as one indicia. The Board cites as authority for its contention here that this motion for summary judgment should be denied on these grounds the case of Stell et al. v. Savannah-Chatham County Board of Education et al., 220 F. Supp. 667 (S.D. Ga. 1963), currently pending on appeal before the Fifth Circuit. Considerable testimony was received in the Stell case on the contentions asserted by the defendant Board here to the effect that there is a reasonable factual basis for concluding that children receive a better education when they attend schools with pupils of their own race. The defendant Board here is plainly correct in contending that that is the holding of the Stell case, which made such findings of fact and concluded that the class action, similar, if not identical to the one before this Court, should be dismissed accordingly.

This Court concludes that Stell, supra, is not in accord with the requirements of the United States Court of Appeals, Fifth Circuit, opinions in Gibson v. Board of Public Instruction of Hillsborough County, Florida, et al., 5 Cir., 277 F. 2d 370 (1960); Augustus v. Board of Public Instruction of Escambia County, Florida, et al., 5 Cir., 306 F. 2d 862 (1962). Nor is the defendant Board's contention here in accord with the holding of this Court in Augustus v. Board of Public Instruction of Escambia County, Florida, et al., 185 F. Supp. 450 (N.D.Fla., 1960), or in the unreported case of Steele v. Board of Public Instruction of Leon County, Florida, et al., Tallahassee Civil Action No. 854 (1963). See also Brown v. School District Number 20, Charleston, S.C., D.C.S.C., 226 F. Supp. 819, affirmed per curiam by the Fourth Circuit in 382 F. 2d 618.

[2-4] In opposition to plaintiffs' motion for summary judgment, defendants have proffered a considerable volume of statistics, and a number of analyses, tending to establish, basically, that there are inherent racial differences in intelligence, in aptitude, and in rate of intellectual attainment at various ages, all of which, it is urged, justifies the use of a racial index as one criteria in making assignment of pupils to specific schools. Without assessing or weighing this data, this contention simply ignores the plain requirement that individual pupils must be assigned to a school without regard to racial consideration. To be sure, there is no Constitutional prohibition against assignment of individual students to particular schools on a basis of intelligence, rate of achievement, or aptitude upon a uniformly administered program so long as race itself is removed as a factor in making individual assignments. By the same token, any plan which does embody a universal testing basis for assignment may not be administered in a manner which would defeat the essential requirement that factors of race are not to be considered.

This Court concludes, therefore, that the factual data proffered by defendant is totally irrelevant to the issues raised on this plaintiff's motion for summary judgment. The determination of this motion, therefore, rests upon defendants' answer to the complaint, its answers to interrogatories and a plain showing that there have been no assignments to the subject schools without regard to racial factors.

With respect to plaintiffs' prayer for establishment of a plan for receiving applications and assigning children to the public schools under the Board's jurisdiction without regard to race or color, plaintiffs are entitled to summary judgment under the provisions of Rule 56, Federal Rules of Civil Procedure, since there is no genuine issue as to any material fact in this regard and the moving party is entitled to judgment as a matter of law.

Minimal requirements of any plan to be approved by this Court must be at least the equivalent of, although not necessarily identical to, plans previously approved by this Court in Augustus v. Board of Public Instruction of Escambia County, Florida, et al., supra, and Steele v. Board of Public Instruction of Leon County, Florida, et al., supra, and such plan shall be made operative by the beginning of the 1964–1965 school year.

It is, therefore, upon consideration, hereby Ordered:

1. Partial summary judgment is hereby granted plaintiffs as herein provided:

(a) The Board of Public Instruction of Bay County, Florida may submit for the consideration of this Court "a plan whereby the plaintiffs and members of the class represented by them are hereafter afforded a reasonable and conscious opportunity to apply for admission to any schools for which they are eligible without regard to their race or color and to have their choice fairly considered by enrolling authorities," on or before June 30, 1964, with copies thereof being served by mail upon opposing counsel.

(b) Hearing on the proposed plan, if filed, and objections thereto, if any, is hereby set for 11:00 A.M., Eastern Standard Time, Wednesday, July 8, 1964, Federal Courtroom, Tallahassee, Florida.

In the event no proposed plan is filed by the Board on or before June 30, 1964, as provided above, then hearing will be held at 11:00 A.M., Eastern Standard Time, Wednesday, July 8, 1964, Federal Courtroom, Tallahassee, Florida, for consideration of such plan or directive as the Court deems in accordance with law.

[5] (c) The Court reserves ruling with reference to all issues raised by the complaint and answer concerning teachers, administrative personnel, school system, etc., in accordance with Augustus v. Board of Public Instruction of Escambia County, Florida, et al., 306 F.2d 862 (5th Cir., 1962), and retains jurisdiction for the entry of such further orders and decrees as deemed proper and according to the law.

[U.S. District Court, Western District Missouri, May 27, 1964]

SPRINGFIELD WHITE CASTLE CO., PLAINTIFF *v.* EUGENE P. FOLEY, ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, DEFENDANT

(No. 14763-2)

Action for declaration that decision by Small Business Administration holding that plaintiff, engaged in business of furnishing custodial and janitorial services, was not a small business within purview of Small Business Act. The District Court, Gibson, Chief Judge, held that substantial evidence sustained the finding of the Administrator that the plaintiff was not a small business within purview of the Act.

Determination of administrator affirmed.

1. UNITED STATES—53(6)

If determination of Administrator under Small Business Act is supported by substantial evidence then that decision is final unless erroneous as a matter of law. Small Business Act, § 2(2–18, 5), 15 U.S.C.A. §§ 631–647, 634 and §§ 648–651; Administrative Procedure Act, § 10, 5 U.S.C.A. § 1009.

2. UNITED STATES—53(6)

While court might, if making original determination, reach a result different than that reached by Administrator under Small Business Act that a company was not a small business, if finding of Administrator was supported by substantial evidence the finding must stand as final. Small Business Act, § 2 (2–18, 5), 15 U.S.C.A. §§ 631–647, 634 and §§ 648–651; Administrative Procedure Act, § 10, 5 U.S.C.A. § 1009.

3. UNITED STATES—53(6)

In ascertaining whether finding of Administrator under Small Business Act that a certain company was not a small business was supported by substantial evidence court would not look at evidence of administrator in a vacuum, but would look at all of evidence on both sides. Small Business Act, § 2(2–18, 5), 15 U.S.C.A. §§ 631–647, 634 and §§ 648–651; Administrative Procedure Act, § 10, 5 U.S.C.A. § 1009.

4. UNITED STATES—53(6)

Substantial evidence supported finding of Administrator of Small Business Act that a corporation engaged in business of furnishing custodial and janitorial services was not a small business within purview of Act. Small Business Act, § 2(2–18, 5), 15 U.S.C.A. §§ 631–647, 634 and §§ 648–651; Administrative Procedure Act, § 10, 5 U.S.C.A. § 1009.

Neale, Newman, Bradshaw, Freeman & Neale, Springfield, Mo., for plaintiff.

F. Russell Millin and John L. Kapnistos, Kansas City, Mo., for defendant.

GIBSON, Chief Judge.

This is an action brought by Springfield White Castle Company seeking a declaration that the decision by the Small Business Administration holding * * *.

[U.S. District Court, Northern District of Florida, Tallahassee Division, Aug. 13, 1964]

UNITED STATES OF AMERICA *v.* SIDNEY W. LEVY

(Crim. No. 2519)

Prosecution wherein defendant moved for dismissal of indictment on grounds of double jeopardy. The District Court, Carswell, Chief Judge, held that defendant, who had asserted mental incompetence to stand trial after swearing of jury, had not been put in jeopardy and could later be tried on the same indictment although court of its own motion had called for hearing on issue of competence.

Motion denied.

1. MENTAL HEALTH—432

Persons incompetent in legal sense are not triable before our courts for alleged crimes.

2. CRIMINAL LAW—740

Affirmative defense that defendant was mentally incompetent at time of acts alleged in indictment was for jury alone.

3. CRIMINAL LAW—625

Question of mental competency of defendant at time of trial was for court. 18 U.S.C.A. § 4244.

4. MENTAL HEALTH—432

Purported effort to try a person who is mentally incompetent is void ab initio, the entire process of calling the case for trial, selecting jurors, etc., being a complete nullity.

5. CRIMINAL LAW—172

Defendant who had asserted mental incompetence to stand trial after swearing of jury had not been put in jeopardy and could later be tried on the same indictment although court of its own motion had called for hearing on issue of competence. 18 U.S.C.A. § 4244.

Clinton Ashmore, U.S. Atty., Tallahassee, Fla., for plaintiff.

Julius F. Parker, Tallahassee, Fla., for defendant.

CARSWELL, Chief Judge.

The issue presented to the Court here is whether the indictment against defendant should be dismissed on the asserted grounds of double jeopardy.

The factual situation giving rise to this matter is as follows:

Following the return of the indictment by the grand jury it was suggested by counsel for this defendant that the defendant was mentally incompetent to understand the nature of the proceedings against him or to cooperate with counsel in his defense. Acting upon this suggestion the Court directed that he be examined by competent psychiatrists and a full hearing was held to determine his competency. Upon the testimony there adduced the Court determined that the defendant was, in fact, competent to stand trial, that he understood the nature of the proceedings against him and was able to cooperate with counsel in his own defense. Thus the matter stood until the case was called for trial some months later.

Pursuant to previous notice the case was called for trial and the respective parties announced that they were ready to proceed. In the normal course of events a jury was called from the general venire, individual jurors examined by the Court and counsel, and twelve jurors acceptable to the parties were sworn to try the factual issues presented by the indictment and the defendant's plea of not guilty. Witnesses were called and sworn. Counsel for the Government made a brief opening statement.

All proceeded normally until counsel for the defendant stated in his opening statement that the defendant was at that very moment mentally incompetent. The Court at this point interrupted counsel in his statement and excused the jury to look into the matter further. It was made clear that counsel for defendant was, in fact, making the contention that the defendant was then and there mentally incompetent in the legal sense that he was unable to understand the nature of the proceedings against him or to cooperate with counsel in his defense. Counsel for defendant announced that he was ready to proffer testimony by a competent psychiatrist to this effect. Thereupon the court on its own motion called for a hearing on the issue of the defendant's mental competence under the provisions of 18 U.S.C. § 4244. The United States offered no objection to this procedure, stating that it would only ask that the Court consider the testimony and record of the previous hearing, to which there was no objection by counsel for defendant.

Counsel for defendant now moves for dismissal of the indictment on grounds of double jeopardy contending that when the jury was sworn on February 27, 1964, his client was placed in such jeopardy under the law that he could not now be tried again.

Both defendant and the Government cite the case of Downum v. United States, 372 U.S. 734, 83 S.Ct. 1033, 10 L.Ed.2d 100 (1963), as authority for their respective positions. In that case Justice Douglas wrote the majority opinion for a Court divided 5–4, and reversed a conviction obtained at a second trial on grounds of double jeopardy. The factual situation in this case was strikingly different from the one at hand. In Downum a mistrial was declared by the trial judge shortly after the jury had been sworn at the request of Government counsel upon his announcement that one of the chief prosecution witnesses had not been served with a summons and because no other arrangements had been made to assure his presence. After a full review of earlier decisions, including Cornero v. United States, 9 Cir., 48 F.2d 69, the majority in Downum reversed the conviction on a second trial, making it clear that the discretion to discharge the jury before it reached the verdict is to be exercised "only in very extraordinary and striking circumstances" citing these words of Mr. Justice Story in United States v. Coolidge, 25 Fed.Cas. p. 622, No. 14,858, and saying further that the prohibition of the Double Jeopardy Clause is "not against being twice punished; but against being twice put in jeopardy." Justice Douglas notes however that "[e]ach case must turn on its facts."

[1–3] It is clear that the situation here cannot be equated with Downum. In Downum it was the unexcused negligence of the Government attorney in announcing his readiness for trial, when, in fact, he had not subpoenaed a necessary witness that was the basis of the Court's holding of double jeopardy. In the case before this Court the first suggestion that something was awry occurred upon the suggestion of defense counsel when he addressed the jury. It was at this point that the attention of the Court was first called to the fact that the defendant before it was possibly incompetent in a legal sense. Since such persons are not triable before our courts the matter was necessarily clarified before any further steps could be taken. It should be made explicit that the question presented to the Court here was whether or not the defendant, Sidney W. Levy, was at that moment mentally incompetent. Conversely, it should be made clear that the asserted affirmative defense of the defendant, Sidney W. Levy, that he was mentally incompetent at the time of the acts alleged in the indictment was not before the Court. The affirmative defense, of course, was properly a question for the jury and the jury alone to determine. By like token, under the provisions of 18 U.S.C. § 4244 et seq., the question of mental competency of the defendant then and there was one for the Court.

A very careful reading of the cases cited in Downum both by Justice Douglas and in the dissenting opinion of Justice Clark, and the very recent case of United States v. Tateo, 84 S.Ct. 1587, decided June 8, 1964, makes it clear that the factual situation presented to this Court was certainly of such imperious and "urgent necessity" as to require a declaration of mistrial without barring a second prosecution. In Wade v. Hunter, 336 U.S. 684, 69 S.Ct. 834, 93 L.Ed. 974 (1949), the Supreme Court said:

"We are asked to adopt the Cornero rule under which petitioner contends the absence of witnesses can never justify discontinuance of a trial. Such a rigid formula is inconsistent with the guiding principles of the Perez decision [United States v. Perez, 9 Wheat. 579, 6 L.Ed. 165 (1824)] to which we adhere. Those principles command courts in considering whether a trial should be terminated without judgment to take 'all circumstances into account' and thereby forbid the mechanical application of an abstract formula. The value of the Perez principles thus lies in their capacity for informed application under widely different circumstances, without injury to the defendants or to the public interest."

[4, 5] There can scarcely be any argument that there was an urgent and imperious necessity for the Court to declare a mistrial where the defendant before the Court was determined to be mentally incompetent. Any purported effort to try such a person is void *ab initio,* the entire process of calling the case for trial, selecting jurors, etc., being a complete nullity. This is a far cry from the circumstances of failing to subpoena necessary witnesses without excuse.

Accordingly, defendant's motion to dismiss the indictment against him is denied and the case is set for trial at the next ensuing term.

[U.S. District Court, Eastern District of Pennsylvania, Aug. 17, 1964]

UNITED STATES OF AMERICA, *v.* ALUMINUM CO. OF AMERICA, ANACONDA WIRE AND CABLE CO., GENERAL CABLE CORP., KAISER ALUMINUM AND CHEMICAL SALES, INC., OLIN-MATHIESON CHEMICAL CORP., REYNOLDS METALS CO.

(Crim. No. 21243)

Defendants in criminal antitrust case made a motion for the discovery and inspection of all books, papers, documents, or objects which were obtained from a competitor of the defendants by the government by seizure or process. The District Court, Joseph S. Lord, III, J., held that defendants were not entitled to discovery and inspection of all documents but only those documents which the Government intended to use at the trial.

Motion granted in part.

1. CRIMINAL LAW—627½

Federal Rule of Criminal Procedure dealing with discovery and inspection is discretionary. Fed. Rules Crim. Proc. rule 16, 18 U.S.C.A.

2. CRIMINAL LAW—627½

On motion by defendant for discovery and inspection under Federal Rule of Criminal Procedure, there is no true privilege against discovery of confidential business information. Fed. Rules Crim. Proc. rule 16, 18 U.S.C.A.

3. MONOPOLIES—29

Gist of offense in criminal antitrust case is conspiracy, and proof of its success is unnecessary for conviction

4. CRIMINAL LAW—627½

Defendants in criminal antitrust case were not entitled to discovery and inspection of all competitors' books, papers, documents, or objects, obtained by government by seizure or process, and discovery and inspection would be limited to documents which government intended to use at trial. Fed. Rules Crim. Proc. rule 16, 18 U.S.C.A.

Donald G Balthis, John E. Sarbaugh, John J. Hughes, Richard M. Walker and Stewart J. Miller, Dept. of Justice, Antitrust Div., Philadelphia, Pa., for plaintiff.

Philip H. Strubing, Philadelphia, Pa., for Aluminum Co. of America.

Joseph W. Swain, Jr., Philadelphia, Pa., for Anaconda Wire & Cable Co.

H. Francis DeLone, Philadelphia, Pa., for General Cable Corp.

Edwin P. Rome, Philadelphia, Pa., for Kaiser Aluminum & Chemical Sales, Inc.

George P. Williams, III, Philadelphia, Pa., for Olin-Mathieson Chemical Corp.

Thomas D. McBride, Philadelphia, Pa., for Reynolds Metals Co.

[U.S. District Court, Northern Distrct of Florida, Tallahassee Division, Nov. 18, 1963]

PATRICIA STEPHENS DUE AND RUEBEN RUSHEN KENON, PLAINTIFFS, v. FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY, BOARD OF CONTROL FOR THE STATE OF FLORIDA, AND DR. GEORGE W. GORE, JR., PRESIDENT OF FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY, DEFENDANTS

(No. 947)

Proceeding on application for preliminary and permanent injunction requiring reinstatement of suspended students as students of tax-supported university. The District Court, Carswell, Chief Judge, held that contempt convictions of students constituted "misconduct" within student handbook provision that disciplinary action would be taken against students for misconduct, including conviction by university officials or city, county, or federal police for violation of criminal and/or civil law, and that disciplinary committee of university had authority to suspend students for their circuit court convictions for contempt.

Application denied.

1. COURTS—282.2(3)

In view of allegations to effect that suspended students seeking preliminary and permanent injunction requiring their reinstatement as students of state supported university had had no notice of hearing prior to their suspension and had no opportunity to be heard, federal question was presented for decision by federal District Court. U.S.C.A. Const. Amend. 14.

2. COURTS—299(3)

Not every allegation of denial of some constitutional right alone and automatically impels exercise of United States District Court jurisdiction without reference to some framework of established remedy and sound procedure.

3. ADMINISTRATIVE LAW AND PROCEDURE—229

Where tribunals of review are readily available and standards and procedures clearly defined, some recourse to them must be made or at least attempted before courts abort that normal process.

4. CONSTITUTIONAL LAW—318

Student expelled from tax-supported institution has been denied due process if he has not received notice of charges against him or has not had opportunity for hearing. U.S.C.A.Const. Amend. 14.

5. CONSTITUTIONAL LAW—318

Students who were telephoned and asked to come to campus and contact chairman of state supported university disciplinary committee conducting proceedings at normal hours in easily accessible room and who were read text of letter, which they had denied receiving and which advised them of charge, and were permitted to respond to the charge until they had no more to say had not been denied due process. U.S.C.A.Const. Amend. 14.

6. COLLEGES AND UNIVERSITIES—9

Contempt convictions of students of tax-supported university constituted "misconduct" within student handbook provision that disciplinary action would be taken against students for misconduct, including conviction by university officials or city, county, or federal police for violation of criminal and/or civil law.

"See publication Words and Phrases for other judicial constructions and definitions."

7. COLLEGES AND UNIVERSITIES—9

Disciplinary committee of tax-supported university had authority to suspend students for their circuit court convictions for contempt.

8. CONSTITUTIONAL LAW—318

Stenographic or mechanical recording of proceedings before university disciplinary committee is not necessary to due process. U.S.C.A.Const. Amend. 14.

Herbert Heiken, Tobias Simon, Howard Dixon and S. George Albion, Miami, Fla., for plaintiffs.

Ralph E. Odum, Asst. Atty. Gen., and Joseph C. Jacobs, Asst. Atty. Gen., State of Florida, Tallahassee, Fla., for defendants.

CARSWELL, Chief Judge.

STATEMENT

Complaint was filed by plaintiffs on October 24, 1963 alleging that they were each indefinitely suspended from Florida Agricultural and Mechanical University, a State supported institution of higher learning by order dated October 19, 1963. They seek in this proceeding a preliminary and permanent injunction requiring their reinstatement as students on the grounds that they have been denied the guarantees of due process established by the 14th Amendment of the Constitution.

Hearing was held November 1, 1963 at which time counsel for each of the named defendants appeared, waived service and filed motion to dismiss on the grounds: (1) There is no substantial Federal question; (2) The complaint fails to allege that plaintiffs have exhausted their administrative remedies provided by Florida Statutes; and (3) "The complaint shows on its face that defendants were convicted after trial by the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida, of contempt of court.

Following rather extensive preliminary consideration of the issues of fact and law thus presented, counsel for plaintiffs and defendants stipulated with reference to certain basic facts, all disclosed by the record, and testimony was taken of the two plaintiffs at their own behest and of two members of the University disciplinary committee who were called by the defendants, most of which relates to the events of October 17, 1963 and which culminated in the indefinite suspension of the plaintiffs as students that day. Plaintiffs' request for time to file memorandum brief within four days was granted with defendants to respond within three days. After preparation of the transcript of this hearing and careful review thereof and consideration of the briefs submitted, the following Findings of Fact and Conclusions of Law are entered pursuant to the Federal Rules of Civil Procedure. The record is virtually devoid of disputed fact, but since the disposition of this case here rests on the facts themselves they are set forth in full detail.

FINDINGS OF FACT

1. Plaintiffs were students at Florida Agricultural and Mechanical University, a State supported institution of higher learning located in Leon County, Florida.

2. On October 3, 1963 in the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida plaintiffs Patricia Stephens Due and Reubin Rushen Kenon were adjudged guilty of contempt of that court and each was sentenced to pay a fine of One Thousand Dollars, or, in default thereof, to be confined in jail for a term of six months.

The full text of this order is attached to the complaint here.

Each plaintiff paid the fine under protest and filed notice of appeal to the appropriate reviewing court.

With reference to this order, and for purposes of this litigation before this Court, counsel for plaintiffs has stipulated as follows:

"I will stipulate that they were guilty of criminal contempt and were so held." (TR.)

3. On the morning of October 17, 1963 the Acting Dean of Students telephoned each of the plaintiffs individually, asked if they had received a letter from the University calling for their appearance before the Disciplinary Committee. Each replied they had not received such letter. The Acting Dean then advised each of them to return to the campus and contact Mr. J. Luther Thomas, Chairman of the University Disciplinary Committee.

4. That same day plaintiffs returned from their respective pursuits, Kenon from Marianna, Florida, and Mrs. Due from Jacksonville, and presented themselves, separately, to Mr. Thomas, Chairman of the Disciplinary Committee, in the faculty lounge on the first floor of Tucker Hall, the main classroom building on the campus, sometime between three and five o'clock in the afternoon.

5. The full Disciplinary Committee was present and in the process of considering matters before it with its Chairman, J. Luther Thomas, presiding. Committee members in attendance were:

A. A. Abraham
Mrs. L. B. Clarke
G. W. Conoly
T. A. Jackson
T. M. Jenkins
A. L. Kidd

The Student Handbook states that the Disciplinary Committee shall consist of five members, although by practice established for at least six or seven years this committee has actually consisted of seven members appointed by the University President.

All seven of the members of the committee and its Chairman had been duly designated for such responsibility by the President of the University sometime prior to these events. There was no change in the composition of this committee at any time shortly prior to the pertinent events.

6. Some thirty-seven students appeared before the Disciplinary Committee that day including these two plaintiffs. All the affairs of the committee were conducted in the faculty lounge of Tucker Hall, the main classroom building of the University. Mrs. Due and Kenon appeared separately sometime between three and five o'clock in the afternoon, Mrs. Due for approximately fifteen or twenty minutes and Kenon for a somewhat

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longer period of time. Kenon testified that the two doors leading to the hall were locked, while Chairman Thomas and T. M. Jenkins, Dean of the School of Law and also a member of the Disciplinary Committee, contradicted this, each noting that there was intermittent entering and leaving of the room throughout the proceedings with no evidence or suggestion of a locked condition.

The evidence shows that all the proceedings with reference to these plaintiffs were conducted at normal hours, in an easily accessible room. Although the point has not been belabored, the plaintiffs' development of testimony about the general physical arrangements of the hearing room requires a specific finding in this regard. That finding is here made: There is no evidence indicating unusual or oppressive inconvenience to plaintiffs or anyone else in the physical appointments and general atmosphere of the hearing.

7. The hearings followed substantially an identical course. Kenon appeared before the committee first and his hearing lasted approximately forty-five minutes. Mrs. Due's hearing lasted approximately fifteen or twenty minutes. Upon entering the lounge each plaintiff was asked if he or she had received the letter from the Disciplinary Committee referred to above. When each denied having received the letter, the Chairman of the Committee then read the text of the letter to them advising them, individually, of the charge which had been made against them by the Acting Dean of Students, The substance of this charge was that each had been convicted on October 3, 1963 in the Circuit Court, Second Judicial Circuit, in and for Leon County, Florida of contempt of that Court.

This conviction was the stated and sole basis for the charge that these plaintiffs had violated item 6 of the provisions of the University's established rules and regulations as set forth in the Student Handbook which reads:

"Disciplinary action will be taken against students for: * * *.

"6. Misconduct while on or off the campus. This includes students who may be convicted by University officials, or city, county, or Federal police for violation of any of the criminal and/or civil laws."

Following the reading of the charge the plaintiffs were interrogated about the charge of contempt conviction and matters leading to conviction. Each was given opportunity to respond, and each, in fact, did respond.

The fact of conviction for contempt of court was not denied, but each plaintiff stated to the committee their respective views and attitudes about conviction, and gave their version of the events which led to their conviction. Essentially they stated their position before the committee to be that the contempt conviction was the result of the Circuit Court's erroneous findings that they were leaders of student demonstrations and that they had violated the Court's earlier restraining order. They insisted they were not leaders but merely part of a group. and, therefore, they should not have been singled out, in effect, for more severe punishment than was accorded others also charged and convicted in like circumstances.

The secretary of the disciplinary committee testified that "* * * Mr. Kenon talked to us fifteen or twenty minutes about his various ideas and his different abilities and things that he might have done here and there in connection with demonstrations."

There was no indication expressed by either plaintiff that they did not understand the nature of the charges against them, nor was there any request by plaintiffs or comment by the committee with respect to calling witnesses or securing counsel. There was no recording of the proceedings, either by stenographer or mechanical device.

The hearings of Kenon and Mrs. Due were closed in the same manner as all others then conducted. The Secretary, who is also Dean of the School of Law, described it thus: "He (referring to Kenon) was asked if he had any statement, summarizing statements, or anything else that he might like to say to the committee, and when he had completed his final statement he was told he might be excused."

The committee voted to suspend Kenon and Mrs. Due on the charge as stated. On October 19, 1963 the following letter was sent to each of the plaintiffs:

"You are hereby advised that pursuant to the regulations in the Student Handbook, relating to students 'convicted by * * * city, county, or Federal police for violation of any of the criminal and/or civil law,' you are suspended indefinitely from this institution."

Sincerely yours,

A. B. Abraham,
(Mrs.) L. B. Clarke,
G. W. Conoly,
T. A. Jackson,
T. M. Jenkins,
A. L. Kidd,
/s/ J. Luther Thomas,
Chairman, University Discipline Committee.

8. The rules and regulations of the Board of Control of the State of Florida, the State's governing board of its educational institutions including Florida Agricultural and Mechanical University, include the provision:

"4. *Appeals by Students—*

"a. The constitutions of the various institutions shall provide for the procedure of appeal by students within the respective institutions on all matters the student feels he has been aggrieved. If after a hearing before institution officials, a student believes a decision is unfair, he may appeal to the Board.

"b. The appeal to the Board shall be in writing and shall be submitted to the Executive Secretary with a copy to the President of the institution concerned within thirty days after the decision is rendered by the institution, and shall cite all reasons for dissatisfaction with the previous decisions. The Board shall investigate the matter thoroughly and make its decision thereon which shall be final and binding for all purposes."

9. Both plaintiffs knew on or before November 1, 1963 of their right to appeal the decision of the disciplinary committee to the Board of Control.

10. The following telegram was sent sometime prior to 10:36 P.M., October 17, but the undisputed testimony of the Disciplinary Committee is to the effect that it has not received the telegram, and from the legend on its face it could not have been received by the addressee President of the University until many hours after the conclusion of the subject hearing.

"Tallahassee, Fla.,
"October 17, 1969.

"Dr. Gore,
"President,
"Florida A. and M. University:

"Notice is hereby served upon you, of our demand on behalf of Patricia Due, of all her rights under the 14th Amendment to the United States Consitution (sic), in the Florida A and M University disciplinerary (sic) proceedings now pending against her including without limitation an open and public hearing on specific charges made known in advance with the right to council (sic), the ability to produce witnesses on her behalf, to be confronted with the witnesses against her and the right to cross examine same, a substantial adherence to rules of evidence, and a determination by a fair and impartial tribunal goverened (sic) by standards promulgated in advance. Failure to provide the foregoing constitutes a denial of due process of law and an affront to the American ideal of fair play which should not be forthcoming from you.

"Herbert Heiken and Tobias Simon,
"Attorneys at Law."

CONCLUSION OF LAW

Both plaintiffs and defendants cite the case of Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir., 1961) as authority in point on the determinative issues of law presented by these facts, and this Court concludes that Dixon is, indeed, the most current, explicit and applicable statement of the law governing the disposition of this case. Judge Rives, speaking for the majority there said succinctly: "The question presented by the pleadings and evidence, and decisive of this appeal, is whether due process requires notice and some opportunity for hearing before students at a tax-supported college are expelled for misconduct. We answer that question in the affirmative."

[1] This is language so unequivocal that it can scarcely be denied that there is inherently a substantial Federal question involving the due process clause of the 14th Amendment to the Constitution of the United States. Defendants' motion to dismiss on the ground that there is no Federal question here is untenable in view of the allegations of the complaint to the effect that there was no notice of hearing and no opportunity to be heard.

[2, 3] This is not to say, however, that every allegation of denial of some Constitutional right alone and automatically impels the exercise of United States District Court jurisdiction without reference to some framework of established remedy and sound procedure. Confusion of jurisdiction with the proper exercise of jurisdiction is not novel in the law. Where tribunals of review are readily available, and standards and procedures clearly defined, it has long been held that some recourse to them must be made, or at least attempted, before the Courts abort that normal process.

From concepts of orderliness, itself a vital requirement of fairness and due process, our Courts do not, and should not, lightly dismember this structure of government by short-circuiting fixed responsibility at initial or intermediate stages.

Were all the practical difficulties of step-by-step judicial supervision and review soluble, there is sound reason to recognize and encourage those charged with immediate responsibility in their special field to police their activities with a measure of confidence that their judgment has at least some immediate, though latently reversible authority.

All asserted wrongs may be tested, and we pray, ultimately righted in the Courtrooms of our country after full-scale judicial review, but the sheer diversity and complicity of our society, and the needs for its growth, has produced through necessity a multitude of supervisory and reviewing tribunals in virtually every area of our national life. Some operate under specific legislative authority, state or Federal, with precisely defined powers and procedures. A list of such quasi-judicial bodies would include the National Labor Relations Board, state boards of barbering and cosmeticians, Fish and Game Commissions, regulatory agencies in the broad fields of commerce, medicine, public utilities, and countless others.

No matter how ancient their origin, no matter how specific their power or from what generative source, none of these are islands of autocracy. The immense power to revoke the barber his license to carry on his livelihood, to fix fares, to compel reinstatement of an employee, is subject always to Constitutional requirements of due process and challengeable in an appropriate Court.

Plaintiffs here argue correctly that our appropriate Courts do, and should step in promptly at any point upon certain condi-

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tions, among them showing of immediate and irreparable harm to one party without a commensurate jeopardy to the other, or where the action taken is on its very face invalid or taken by a body invalidly constituted. This is equated with violation of due process which demands an immediate staying, a quick remedy.

[4] Applied to the educational field, the Dixon case, as already noted, has made it clear that a student expelled from a tax-supported institution has been denied due process if he has not received notice of the charges against him or if he has had some opportunity for hearing.

Judge Rives went further lest this bare holding on the facts presented in Dixon be misconstrued. His opinion at pages 158–159 for the majority in that case states the minimum criteria of due process governing disciplinary bodies of tax-supported institutions:

"For the guidance of the parties in the event of further proceedings, we state our views on the nature of the notice and hearing required by due process prior to expulsion from a state college or university. They should, we think, comply with the following standards. The notice should contain a statement of the specific charges and grounds which, if proven, would justify expulsion under the regulations of the Board of Education. The nature of the hearing should vary depending upon the circumstances of the particular case. The case before us requires something more than an informal interview with an administrative authority of the college. By its nature, a charge of misconduct, as opposed to a failure to meet the scholastic standards of the college, depends upon a collection of the facts concerning the charged misconduct, easily colored by the point of view of the witness. In such circumstances, a hearing which gives the Board or the administrative authorities of the college an opportunity to hear both sides in considerable detail is best suited to protect the rights of all involved. This is not to imply that a full-dress judicial hearing, with the right to cross-examine witnesses, is required. Such a hearing, with the attending publicity and disturbance of college activities, might be detrimental to the college's educational atmosphere and impractical to carry out. Nevertheless, the rudiments of an adversary proceeding may be preserved without encroaching upon the interests of the college. In the instant case, the student should be given the names of the witnesses against him and an oral or written report on the facts to which each witness testifies. He should also be given the opportunity to present to the Board, or at least to an administrative official of the college, his own defense against the charges and to produce either oral testimony or written affidavits of witnesses in his behalf. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. If these rudimentary elements of fair play are followed in a case of misconduct of this particular type, we feel that the requirements of due process of law will have been fulfilled."

It is against this criteria that facts of the plaintiffs' cases here fail.

[5] The facts here simply do not support plaintiffs in their premise. The disciplinary committee was duly established and organized by standard, well-defined procedure. It functioned in a normal manner. Its action is not invalid on its face. Nor can it be said that the order of conviction of contempt of Court, upon which the suspension was predicated, is invalid on its face. What has been said earlier about the wisdom of giving some imprimatur of at least immediate authority to those concerned with disciplinary matters at educational institutions applies especially to orders of duly constituted Courts.

[6, 7] Plaintiffs' argument that their conviction for contempt in the Circuit Court cannot be equated with "misconduct" as stated in the Student Handbook is without merit. At the very least such conviction is a violation of law, civil or criminal. The basis of the suspension on this clearly-stated charge is supported fully by the evidence. The disciplinary committee was not bound to suspend, but it plainly had the authority to do so after notice and an opportunity to be heard. Considerations leading the decision of the disciplinary committee obviously involve a whole range of factors affecting the institution, respect for rules and regulations as well as the needs of the plaintiffs themselves.

Its judgment in its field should not be lightly disturbed, especially in view of a quick and ready method of administrative review.

There was notice to each of these plaintiffs, the charge was made explicit, and each was afforded full opportunity to be heard, and, in fact, was heard to the point where each said he had nothing more to say.

[8] A fair reading of the Dixon case shows that it is not necessary to due process requirements that a full scale judicial trial be conducted by a university disciplinary committee with qualified attorneys either present or formally waived as in a felonious charge under the criminal law. There need be no stenographic or mechanical recording of the proceedings.

Procedures are subject to refinement and improvement in the never-ending effort to assure, not only fairness, but every semblance of fairness. More specific routines of notice and advisement may be indicated in this regard, but a foisted system of rigid procedure can become so ritualistic, dogmatic, and impractical as to itself be a denial of due process. The touchstones in this area are fairness and reasonableness.

These hearings were not precipitously or secretively convened "Kangaroo" courts stripping one of a fair and reasonable chance to give account of his version of the case.

There are no magic words of incantation which will guarantee this, but, by the same token, the difficulty cannot be the excuse for not making every effort to see that fairness is accomplished.

This is the standard by which this cast must be decided. We are not here testing the legality of students' activities prompted by whatever view of the status of the law with respect to use of theater facilities, which was the background of the Circuit Court's order of contempt conviction. We are not here testing the legal sufficiency of that conviction. On its face it is unquestionably valid, and the action of the Disciplinary Committee bears a like mark of validity.

Nothing in this opinion is intended to be construed as tending to control or direct the actions of the Board of Control upon any appropriate review by that body. Its authority to affirm the suspension or to reinstate both or either of these students is governed by its Rules and Regulations and by the requirements of due process.

Plaintiffs have made reference to a case entitled Woods v. Wright filed in the United States District Court for the Northern District of Alabama (Southern Division) which neither counsel nor court have found reported. Accepting, however, plaintiffs' statement on brief about this case that "there appears to be good law * * * that where a person stands to be irreparably harmed by action taken by an administrative body which is invalid on its face," such is not the case before this Court.

Appropriate order is entered in accordance herewith this date.

[U.S. District Court, Southern District of Florida, July 24, 1964]

James F. Jones and Baker-Aldor Jones Corporation, Plaintiffs, *v.* Tucker Aluminum Products of Miami, Inc., and Morton Tucker, Defendants

(Civ. No. 63–471)

Suit for infringement of claims 1, 2 and 3 of patent No. 3,030,671 for awning-type windows and locking means therefor. The District Court, Choate, J., held that the claims were invalid.

Judgement for defendants.

[U.S. District Court, Northern District of Florida, Tallahassee Division, May 21, 1965]

Willie Eugene Pinckney, Ira Simmons and Anthony Irving, Individually and as Representatives of a Class, Plaintiffs, *v.* I. R. Meloy as Owner, Operator or Manager of Bill Clark's Barber Shop, Defendant

(Civ. A. No. 1024)

Negroes brought action under Civil Rights Act against barber who had refused them service. The Negroes made a motion to strike those portions of the barber's answer which asserted that he was not subject to the provisions of the Civil Rights Act. The District Court, Carswell, Chief Judge, held that barber, who was lessee of space in basement of hotel which was place of public accommodation within meaning of Civil Rights Act, was covered by Civil Rights Act and was required to cut hair of Negroes, though about 95% of his customers were local residents.

Motion granted.

1. CIVIL RIGHTS—4

Essential purpose of Civil Rights Act is to remove discrimination in places of public accommodation with respect to all services rendered within its physical confines by those holding themselves out as serving patrons. Civil Rights Act of 1964, §§ 201 et seq., 201(a), (b) (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000a(a), (b) (1, 4).

2. CIVIL RIGHTS—4

Relative percentages of local cutomers as compared to transient customers at place of public accommodation may not be used as criteria to determine coverage under provisions of Civil Rights Act that all persons shall be entitled to enjoyment of facilities of place of public accommodation without discrimination or segregation on ground of race, color, religion, or national origin. Civil Rights Act of 1964, §§ 201 et seq., 201(a), (b) (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000a(a), (b), (1, 4).

3. CIVIL RIGHTS—4

Barber, who was lessee of space in basement of hotel which was place of public accommodation within meaning of Civil Rights Act, was covered by Civil Rights Act and was required to cut hair of Negroes, though about 95% of his customers were local residents. Civil Rights Act of 1964, §§ 201 et seq., 201(a), (b) (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000a(a), (b) (1, 4); F.S.A. §§ 476.01, 476.05–476.07.

4. CIVIL RIGHTS—2

Civil Rights Act was not unconstitutional as applied to barber who leased space in basement of hotel which was place of public accommodation within meaning of Civil Rights Act. Civil Rights Act of 1964, §§ 201 et seq., 201(a), (b) (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000a(a), (b) (1, 4); F.S.A. §§ 476.01, 476.05–476.07

5. CIVIL RIGHTS—13

Defense asserted by barber, who leased space in basement of hotel, which was place of public accommodation within meaning of Civil Rights Act, that he was not qualified by training or experience to cut hair of Negroes because their hair was different in texture and growth pattern from that of his regular white customers was not responsive to issues raised by complaint of Negroes, who brought action under the Civil Rights Act, and could not be made basis of affirmative defense. Civil Rights Act of 1964, §§ 201 et seq., 201(a), (b) (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000a(a), (b) (1, 4); F.S.A. §§ 476.01, 476.05–476.07.

6. CIVIL RIGHTS—4

Civil Rights Act does not purport to cover all barber shops, but it does cover those barber shops which are located within physical premises of place of public accommodation, such as hotel or motel, and which are held out as serving patrons of hotel or motel. Civil Rights Act of 1964, §§ 201 et seq., 201 (a), (b), (1, 4), 42 U.S.C.A. §§ 2000a et seq., 2000(a), (b) (1, 4).

Tobias Simon, Miami, Fla., for plaintiffs.

Weldon G. Starry, of Starry & Thompson, Tallahassee, Fla., for defendant.

Carswell, Chief Judge.

Plaintiffs, members of the negro race, brought this action under Title II of the Civil Rights Act of 1964 (Public Law 88–352) against defendant barber who has refused them service. The issue before the Court is raised by motion of plaintiffs to strike those portions of the answer which assert that defendant is not subject to the provisions of the Act on grounds of: (1) professional exemption, under the Statute itself, and (2) nonqualification of defendant to perform the services requested.

Arguments have been heard and briefs have been filed and considered.

With respect to the professional exemption defense the defendant contends first, that he, as a "professional," is exempt from the operation of the Civil Rights Act, and secondly, that, in the absence of statutory exemption, the Civil Rights Act of 1964 is unconstitutional as applied to him because he has a constitutional right to select his customers. The Court concludes that the Civil Rights Act of 1964, as applied to this defendant, is constitutional under the rulings of the Supreme Court of the United States, and, further, that the Civil Rights Act of 1964 does not afford him statutory exemption.

Counsel for the respective parties have stipulated to the essential facts as follows:

The Duval Hotel is located in the City of Tallahassee, County of Leon, State of Florida, is a place of public accommodation as defined by the Civil Rights Act of 1964, to-wit: a hotel and is covered by the Civil Rights Act.

That the defendant, I. R. Meloy, is the lessee of certain space in the basement of the Duval Hotel under a written lease that does not grant a concession to defendant and does not specify or restrict the use to which the defendant can put the leased space, as shown by Exhibit 1 to defendant's answer. That the defendant owns certain barbering equipment located in said leased space, namely: 4 barber chairs. That defendant uses one barber chair to perform his services upon his clients or customers. That each of the other three barber chairs is leased to a licensed registered barber under a written lease which said sub-lessee uses to perform his personal services on his clients or customers, using his own barber tools, as shown by Exhibit 2 to defendant's answer. That said leases were executed several years before the enactment of the Civil Rights Act. That said sub-leases have been approved by the Bureau of Internal Revenue as to withholding taxes, by the Social Security Administration as to social security taxes, and by the Industrial Commission as to Workman's Compensation and Unemployment Compensation. That each of said sublessees are independent, self-employed individuals and have been so recognized by the above named governmental agencies. The defendant has no control over said sublessees, cannot tell them when to come to work, when to quit, or on whom to perform their services, and the said leased space is reached either by elevator or stairs from the street level of the hotel to the basement, or by an outside entrance at the basement level. There are signs in the hotel elevators listing the various services located in the hotel, including defendant's.

The defendant is a master barber and has been a barber for more than forty (40) years, has been a registered licensed barber in Tallahassee, Florida, ever since the enactment of the first barber commission law in 1931. He has been a member of the State Barber Board under two governors. He does not solicit interstate travellers or guests of the Duval Hotel as his clients, although he does not refuse to render services to them, and 95% of his clients are local Tallahassee residents. He cannot delegate any of his services to anyone not a licensed registered barber under the laws of Florida.

All of the Florida Statutes and regulations of administrative boards pertaining to barbering and the services rendered by barbers may be utilized by the court or counsel for any purpose.

That on or about August 5, 1964 the plaintiffs, being members of the negro race, requested the defendant to cut their hair which the defendant refused to do on the ground he was an independent professional individual, to-wit: a registered barber, and thus was not subject to the Civil Rights Act of 1964, and that he had the right to refuse his services to anyone he desired, and further that he was not qualified by training or experience to cut hair of plaintiffs because their hair was different in texture and growth pattern from that of his regular customers. Plaintiffs were neither interstate travellers nor registered at the Duval Hotel. It is further stipulated that defendant would have refused to render other barbering services to plaintiffs, had they requested them, on the same basis as stated above.

Defendant maintains that barbering is a profession under the laws of the State of Florida; that he is a professional person, to-wit: a registered barber who merely leases space in the Duval Hotel and as such has the right to refuse his personal services to anyone he chooses or the right to select his clients or customers.

Plaintiffs maintain that because defendant leases space in the Duval Hotel, and for this reason only, he is required by the Civil Rights Act of 1964 to perform his personal services as a registered barber upon every person who requests his services, and that defendant's claim of inability to cut plaintiff's hair is not a legal or sufficient defense and have moved to strike said claim.

Neither the State of Florida, Leon County, or the City of Tallahassee, have any law, statute, or ordinance prohibiting a registered barber from performing his services on any person or establishing or authorizing a state or local authority to grant or seek the relief prayed for in the Complaint.

It is further stipulated and agreed that in order to practice barbering in the State of Florida, it is necessary that a person meet the requirements of Section 476.05, Florida Statutes [F.S.A.], have the course of study required by Section 476.07, Florida Statutes, pass an examination as prescribed by Section 476.06, Florida Statutes, and be licensed as a registered barber as required by Section 476.01, Florida Statutes.

The legislative history of this Act is one of the longest in the annals of our national history, and leaves little doubt that the language of Title II ultimately adopted by the Congress applies to this defendant under the stipulated facts.

Section 201(a) of Title II states the broad policy as follows:

"All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."

The parties have stipulated here that the Duval Hotel is a place of public accommodation as defined by the Civil Rights Act and that it is covered by the Civil Rights Act. (Sec. 201(b) (1) of Title II).

Section 201(b)(4) provides coverage of "any establishment * * * which is physically located within the premises of any establishment otherwise covered by this subsection * * * and * * * which holds itself out as serving patrons of such covered establishment. * * *"

Prior to the adoption of this section it was noted in U.S. Code Cong. and Ad. News (1964), p. 2358:

"The term 'integral part' is defined * * * as meaning physically located on the premises of an establishment subject to subsection 3(a) [substantially similar to 201 of the final bill] * * *. Thus, in all instances, to be an integral part, the establishment would have to be physically located on the premises of an included establishment or located contiguous to such an establishment. A hotel barbershop or beauty parlor would be an integral part of the hotel, even though operated by some independent person or entity."

The ultimate language of Section 201(b) (4) reading "physically located within" is, if anything, more specific than the phrase "integral part." In a discussion of this matter on the floor of the House on January 31, 1964, Representative Celler, Chairman of the House Judiciary Committee, stated:

"* * * barber shops, beauty parlors and other establishments are not covered unless they are contained within a hotel or are intended for the use of the patrons of the hotel, if the hotel is covered." CCH Civil Rights Act of 1964, p. 25.

[1–3] The essential purpose of the Act as reflected by both its language and history was to remove discrimination in places of public accommodation such as the Duval Hotel and with respect to all of the services rendered and operated within its physical confines which hold themselves out as serving patrons of the hotel. Defendant asserts, and it is not disputed, that about 95% of his customers are local residents, leaving the clear inference that a relatively small percentage of his customers are transient guests of the hotel itself. From a reading of the Act it is clear that relative percentages of local as compared to transient customers may not be used as criteria to determine coverage. The location of the barber shop within the physical premises of the hotel, a place of public accommodation, and its holding itself out to patrons of the hotel being within a place of public accommodation places this defendant under the coverage of the Act.

[4] Defendant's claim that the Act was unconstitutional as applied to him has been answered and denied by the Supreme Court of the United States. The same rationale applicable to restaurants, hotels and motels was applied in Heart of Atlanta Motel, Inc., v. United States, 379 U.S. 241, 85 S. Ct. 348, 13 L.Ed.2d 258 (1964); and with respect to restaurants in Katzenbach v. McClung, et al., 379 U.S. 294, 85 S.Ct. 377, 13 L.Ed. 2d 290 (1964).

[5] Finally, the defense asserted by defendant that he is not qualified to perform the requested services is not responsive to the issues raised by the complaint and may not be made the basis of an affirmative defense. The degree of skill or proficiency in any occupation or profession which is covered by the Act is irrelevant in this litigation. By the rationale of the legislative history leading to the Act, the Act itself, and the rulings of the Supreme Court of the United States with respect to this Act it is equally clear that only those establishments which are found to be places of public accommodation as specifically set forth in the Act, such as the Duval Hotel admittedly is, are subject to its provisions.

[6] The Civil Rights Act of 1964 does not purport to cover all barber shops, but it does cover those barber shops which (1) are located within the physical premises of a place of public accommodation such as a

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hotel or motel and (2) hold themselves out to serve patrons of the hotel or motel. These essential facts are undisputed, and the motion to strike subject portions of defendant's answer is granted by order of this same date.

[U.S. District Court, Northern District of Florida, Tallahassee Division, May 15, 1969]

Lamar Bell, Petitioner, v. Louie L. Wainwright, Director, Division of Corrections, State of Florida, Respondent

(Civ. A. No. 1484)

Habeas corpus proceeding. The District Court, Carswell, Chief Judge, held that refusal to allow court reporter to report closing argument of a counsel during indigent's trial was a violation of due process and equal protection clauses of United States Constitution.

Order accordingly.

1. CONSTITUTIONAL LAW—250, 268(2)

Refusal to allow court reporter to report closing argument of counsel during indigent's trial was a violation of due process and equal protection clauses of United States Constitution. U.S.C.A. Const. Amend. 14.

2. HABEAS CORPUS—45.3(7)

Florida rule allowing preparation of a paraphrased stipulation as to contents of record on appeal did not offer an equivalent report of events at trial, and availability of remedy afforded by rule did not prevent habeas corpus attacking trial court's refusal to allow court reporter to report closing argument of counsel during indigent's trial. 32 F.S.A. Florida Appellate Rules, rule 6.7, subd. f.

Lamar Bell, in pro. per.

Earl Faircloth, Atty. Gen. and James Robert Yon, Asst. Atty. Gen., State of Florida, Tallahassee, Fla., for respondent.

ORDER

Carswell, Chief Judge.

This case comes before the Court on petition filed by a state prisoner for writ of habeas corpus and under response to rule to show cause filed by the Attorney General of the State of Florida. The petition and the response set forth fully the facts upon which the petitioner bases his allegations and further hearing is not necessary.

[1] At issue is whether it was a denial of due process and equal protection of the law guaranteed by the Fourteenth Amendment to the United States Constitution for the trial court to refuse to allow the court reporter to report the closing argument of counsel during an indigent's trial. This Court is of the view that petitioner's allegations are meritorious and that he is entitled to relief.

The issues raised by the petition and the response were presented to the First District Court of Appeal of Florida which affirmed the trial court's ruling. Bell v. State, 208 So.2d 474 (1st Dist.Ct.App. 1968). Petitioner then sought and was denied certiorari in the Supreme Court of the United States, Bell v. Florida 393 U.S. 928, 89 S.Ct. 263, 21 L.Ed.2d 264 (1968).

The petitioner, Lamar Bell, was arrested, tried and convicted in the Circuit Court of Leon County, Florida, for the offense of robbery. The petitioner was adjudged insolvent and the public defender was appointed to represent him. At the conclusion of the evidence, and in the absence of the jury, the public defender orally moved the court to instruct the court reporter to report the closing argument of counsel. In denying this motion the trial court stated: "* * * in the absence of any showing of necessity or good reason, the motion to report closing arguments is denied. If anything comes up during the closing arguments that counsel feels should be made a matter of record, the court will attend to it at that time." Thereafter certain remarks of the prosecutor were objected to by the public defender. The objections were overruled but were not recorded,

Petitioner alleges that the trial court's refusal to grant his motion was a violation of the Due Process and Equal Protection clauses of the Fourteenth Amendment to the United States Constitution as interpreted by the Supreme Court of the United States in Griffin v. Illinois, 351 U.S. 12. 76 S.Ct. 585, 100 L.Ed. 891, 55 A.L.R.2d 1055 (1955), resulting in a denial of effective appellate review. The respondent urges this Court that petitioner has failed to show or allege that he was prejudiced by the trial court's ruling in that petitioner has failed to adequately preserve the record of his specific objections and the trial court's ruling. Respondent also urges that petitioner failed to avail himself of the remedy afforded by Rule 6.7(f), Florida Appellate Rules, 32 F.S.A.

In Griffin v. Illinois, supra, the Supreme Court held that an indigent convicted of a crime in a state which affords appellate review as a matter of right is entitled to be furnished at state expense a transcript of the trial proceedings and denial of such a transcript of the record is a deprivation of due process and equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution.

The rule adopted by the Supreme Court in *Griffin* was subsequently followed by the decisions of Eskridge v. Washington State Board of Prison Terms and Paroles, 357 U.S. 214, 78 S. Ct. 1061, 2 L. Ed. 2d 1269 (1958), and Draper v. Washington, 372 U.S. 487, 83 S. Ct. 774, 9 L. Ed. 2d 899 (1963), which struck down a Washington State Statute which permitted a trial judge to deny an indigent defendant's motion for a free transcript of trial proceedings if the judge was of the opinion that the trial was fair and the appeal frivolous.

For the purposes of an appeal the right to have a full adequate record is an absolute in the case of an indigent defendant as it is in the case of a defendant who can afford to purchase the transcript.

The present case is readily distinguishable from the case of Mack v. Walker, 5 Cir., 372 F. 2d 170 (1966). In the *Mack* case the petitioners simply objected to the fact that they were not given a verbatim transcript of the trial proceedings, without showing that such a transcript was necessary for their appeal. In the present case the First District Court of Appeal of Florida concedes that:

"* * * the full impact of alleged remarks of counsel made in closing argument to a jury cannot be recaptured, nor can their full impact and prejudicial effect when considered in context with the total argument of counsel be accurately weighed, if the only record of such remarks consists of an effort by the trial judge to reconstruct or paraphrase the remarks for the record after objection is made." 208 So. 2d at 468.

To deny petitioner relief on the grounds that the record does not show prejudicial comments and objections, when it is necessary to have a full transcript of the arguments in order to determine prejudice in the first place and that transcript does not exist due to the order of the trial court is a complete non sequitur.

[2] Respondent's contention that petitioner has foregone a remedy afforded by Rule 6.7(f), Florida Appellate Rules, is equally without merit. Rule 6.7(f) allows the preparation of a paraphrased stipulation as to the *contents of the record* on appeal. In the first place, because of the trial court's ruling there is no record from which the parties could accurately stipulate. While it is true that alternative methods of reporting trial proceedings are permissible, such methods can be used only "if they place before the appellate court an *equivalent report* of the events at trial from which the appellant's contentions arise." (Emphasis added.) Draper v. Washington, supra, 372 U.S. at 495, 83 S.Ct. at 779; Mack v. Walker, supra, 372 F.2d at 172. In light of the District Court of Appeal's assessment of the character of the error presented in this case, an assessment to which this Court subscribes, it cannot be said that Rule 6.7(f) offers an "equivalent report" of the events at trial.

The respondent's position places an undue burden upon the petitioner and his counsel to attempt to reconstruct an argument in order to show what might otherwise be isolated remarks by the prosecution were prejudicial. This burden would not have been placed upon petitioner had he been able to purchase the reporter's time himself. Such a burden is in direct conflict with the Due Process and Equal Protection clauses of the Fourteenth Amendment to the Constitution of the United States as interpreted in Griffin v. Illinois, supra.

It is, therefore, upon consideration, hereby

Ordered:

1. Unless satisfactory evidence is filed by Respondent with the Clerk of this Court on or before June 2, 1969 that petitioner's judgment of conviction of May 26, 1967 has been set aside and the petitioner arraigned anew of the subject charges and a new trial thereon granted and scheduled within a reasonable time (if petitioner pleads not guilty on his re-arraignment), then, in that event, this Court upon application of petitioner here will at that time grant this petition for writ of habeas corpus. This Court does not attempt to determine whether bail should be allowed pending trial, or the amount thereof if allowed, but petitioner shall be afforded all rights of counsel and bail pending trial as any other person so charged, the matter of bail, its allowance and/or amount to be determined by the appropriate trial court by applicable standards of law.

2. Upon Respondent's filing on or before June 2, 1969 such satisfactory evidence as indicated in paragraph one above, this Court will dismiss this petition.

[U.S. Court, Second division, April 29, 1969]

J. M. Evans & Co. v. United States

(C.D. 3809; Protest Nos. 65/19874–2024 and 66/1475–2027)

Protest against decision of collector of customs at Port of Pittsburgh. The Customs Court, Donlon J., held that inferior used wool dryer felts in large rolls were dutiable at four percent ad valorem as waste or scrap, not specifically provided for, rather than at nine cents per pound as wool rags.

Protest sustained.

1. CUSTOMS DUTIES—34(3), 52

Under Tariff Schedules pertaining to classification of materials as rags which are "fit only" for described uses, it is not chief use which determines whether materials are to be classified as rags, since schedules employ term "fit only," and, therefore, a party protesting such a classification need not rebut each and every one of uses described in schedules in order to overcome presumption of correctness that attaches to classification. Tariff Schedules, Item No. 390.40, 19 U.S.C.A. § 1202.

2. CUSTOMS DUTIES—34(3)

Even if use by steel mills of used wool dryer felts as protective floor coverings was a fugitive use, such use proved that felts were not "fit only" for use as wiping rags within Tariff Schedule defining rags dutiable at nine cents per pound as worn out fabrics, furnishings and other textile articles fit only for use as wiping rags. Tariff Schedules, Item No. 390.40, 19 U.S.C.A. § 1202.

"See publication Words and Phrases for other judicial constructions and definitions."

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3. CUSTOMS DUTIES—40

If merchandise is fairly described in one of enumerated tariff clauses, then one may not resort to classification under nonenumerated provisions.

4. CUSTOMS DUTIES—40

Inferior used wool dryer felts in large rolls were dutiable at four percent ad valorem as waste or scrap, not specifically provided for, rather than at nine cents per pound as wool rags. Tariff Schedules, Item Nos. 390.40, 793.00, 19 U.S.C.A. § 1202.

Reed, Smith, Shaw & McClay, Pittsburgh, Pa., (Jerold I. Horn, Pittsburgh, Pa., of counsel), for plaintiff.

William D. Ruckelshaus, Asst. Atty. Gen., (Brian S. Goldstein and Owen J. Rader, New York City, trial attorneys), for defendant.

Before Rao and Ford, Judges, and Donlon, Senior Judge.

Donlon, Judge:

These two protests, consolidated for purposes of trial, litigate once again the issue, previously litigated several times, as to whether used wool dryer felts are or are not dutiable as wool rags. The new factor here is that the issue arises now under the tariff schedules whereas earlier cases were decided under the Tariff Act of 1930. The new provision for wool rags in the tariff schedules is different. It also is more precisely worded.

Following earlier decisions under the 1930 Act, used wool dryer felts in large . . . .

[U.S. District Court, Northern District of Florida, Tallahassee Division, July 7, 1969]

FRED HALES, PETITIONER v. LOUIS L. WAINWRIGHT, DIRECTOR, DIVISION OF CORRECTIONS, STATE OF FLORIDA, RESPONDENT

(No. 1461)

Habeas corpus proceeding on petition of state prisoner. The District Court, Carswell, Circuit Judge, held that petitioner's account of events of his arrest and search of his house following killing of victim established that such search was lawful as one incident to and contemporaneous with lawful arrest.

Petition for writ of habeas corpus denied.

1. ARREST—71.1(8)

Petitioner's account of events of his arrest and search of his house following killing of victim established that such search was lawful as one incident to and contemporaneous with lawful arrest. F.S.A. § 901.15(2); U.S.C.A.Const. Amend. 4.

2. ARREST—63(4)

Florida law permits lawful arrest without warrant and upon probable cause in felony cases. F.S.A. § 901.15(2).

3. COURTS—100(1)

Federal Supreme Court decision requiring exclusion by state courts of evidence obtained in violation of Fourth Amendment standards is not retroactively applicable to search occurring before such decision. U.S.C.A.Const. Amend 4.

4. CRIMINAL LAW—412.2(3)

Warning of constitutional rights to counsel at time of arrest was not required for 1942 arrest.

5. ARREST—63(4)

Probable cause for arrest of defendant for murder in first degree was not lacking by virtue of fact that defendant was indicted for second-degree murder where defendant's own account of facts of killing established probable cause for his arrest on first-degree murder charge.

6. HABEAS CORPUS—54

Defendant's allegation that he was arrested without warrant failed to state grounds for issuance of writ of habeas corpus absent a showing or allegation that such arrest deprived him of a fair trial.

7. HABEAS CORPUS—85.5(14)

Alleged suppression by state of evidence of self-defense and alleged denial of right to prove defendant's story by bringing witnesses into court was not ground for habeas corpus relief where records showed that such witnesses were in court under subpoena at time of trial and available to testify for either state or defendant.

8. HABEAS CORPUS—54

Allegations respecting incompetency of defense counsel, retained by defendant's relatives, were no more than conclusions and failed to state grounds for habeas corpus relief.

9. HABEAS CORPUS—25.1(6)

Where a defendant has an attorney of his own choosing, any shortcoming of his counsel cannot be attributed to state, but must be imputed to defendant, and do not constitute denial of due process authorizing federal habeas corpus relief.

10. HABEAS CORPUS—35.5(2)

Evidence, in federal habeas corpus proceeding, failed to establish that there was a systematic exclusion of Negroes from grand jury which indicted defendant on theory that Negroes qualified by local authorities to serve on juries were not proportional to number of Negroes residing in circuit.

11. GRAND JURY—8

Use of voter registration lists in selecting grand jury, absent showing of systematic exclusion of Negroes, is not illegal per se.

12. HABEAS CORPUS—25.1(3)

Defendant's failure to raise issue of grand jury's composition at time of his trial precluded raising of such issue in federal habeas corpus proceeding.

13. HABEAS CORPUS—85.3(1)

Fact that prosecutor, defense counsel and trial judge were dead, together with fact that habeas corpus petitioner waited for more than twenty-five years to raise questions as to allegedly coerced confession, were facts relevant to merits of such questions.

14. HABEAS CORPUS—85.5(7)

Evidence, in federal habeas corpus proceeding, failed to establish existence of alleged coerced confession.

15. HABEAS CORPUS—92(1)

Claim that defendant's plea of self-defense was ignored by police, defense counsel, prosecutor, and court relates to efficiency of evidence and is not subject to review by way of writ of habeas corpus.

16. HABEAS CORPUS—85.1(2)

Federal district court will not presume for purposes of habeas corpus relief, that state court would prevent assertion of any competent defense.

17. HOMICIDE—112(2)

Even if trial court absolutely refused to hear defendant's self-defense plea, no error was committed where defendant and victim had argument during card game after which defendant went home, got his gun, then sought out victim and killed him during another argument, in view of rule that one may not provoke difficulty and, having done so, act under necessity thereby produced in killing an adversary and then justify such homicide under plea of self-defense.

Fred Hayes, in pro. per.

Earl Faircloth, Atty. Gen. of Fla., Raymond L. Marky, Asst. Atty. Gen., Tallahassee, Fla., for respondent.

ORDER DENYING WRIT OF HABEAS CORPUS

Carswell, Circuit Judge.*

This cause comes before the Court upon petition for writ of habeas corpus, supplemental response to rule to show cause filed by the Attorney General of the State of Florida and petitioner's rebuttal. Petitioner has complied with the Rules of this Court and is entitled to proceed in forma pauperis pursuant to this Court's order of December 18, 1968.

Petitioner raises several allegations relating to his sentence of November 30, 1942 for the crime of murder in the second degree.

Because no appeal was taken by petitioner from his judgment and sentence, no transcript of the trial proceeding was made. Furthermore, the official court reporter has since died and there is no way to obtain a transcript of said proceedings at this time. However, certified copies of the minute entries from the Circuit Court in and for Jackson County, Florida and the documents appearing in the case file of State of Florida v. Fred Hayes are on file in this court as exhibits.

[1-4] The first of petitioner's many allegations involve an alleged illegal search and seizure without a warrant. Petitioner's own account of the events of his arrest and the search of his house following the killing of Clarence Godwin shows that the search was incident to and contemporaneous with a lawful arrest. Florida law permits a lawful arrest without a warrant and upon probable cause in felony cases. § 901.15(2), Florida Statutes (1967), F.S.A. Assuming, arguendo, that the search of petitioner's house contravened Fourth Amendment standards, Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1960) which requires exclusion by state courts of evidence obtained in violation to Fourth Amendment standards, is not retroactive. Leal v. Beto, 378 F.2d 8 (5th Cir. 1967).

Petitioner alleges that he was denied counsel at his arrest and subsequent interrogation. To the extent that he was not warned of his rights it need only be stated that at the time of his arrest, 1942, such warning was not required. Johnson v. New Jersey, 384 U.S. 719, 86 S.Ct. 1772, 16 L.Ed.2d 882 (1966).

[5, 6] Petitioner alleges that because he was indicted for second degree murder there was a lack of probable cause for his arrest for murder in the first degree. As pointed out above petitioner's own account of the facts of the killing establish probable cause for his arrest on first degree murder charges. An allegation by a State prisoner that he was arrested without a warrant fails to state grounds for the issuance of the writ of habeas corpus absent a showing or allegation that such arrest deprived him of a fair trial. United States ex rel. Fletcher v. Wainwright, 269 F. Supp. 276 (S.D.Fla. 1967).

[7] According to the petitioner, the "evidence" of self defense which he, the *petitioner*, related to the Sheriff and others was never disclosed during trial by the State and he was denied the right to prove his story by bringing witnesses into court. The records and exhibits on file disclose that the witnesses petitioner refers to were in court under subpena at the time of his trial. These people were available to testify either for the State or for petitioner. Furthermore, all information alleged was within petitioner's knowledge and thus available for his defense. The allegations and facts of petitioner's case simply do not present a "suppression of evidence" question as contemplated by Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d. 215 (1963).

[8, 9] Petitioner alleges that his defense counsel who was retained by petitioner's relatives was incompetent, tried to make him plead guilty and that counsel's capabilities in the criminal law "* * * turned out to be nil! * * *" (sic). These allegations amount to nothing more than conclusions which fail to state grounds for relief. Williams v.

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*Sitting by designation as United States District Judge for the Northern District of Florida.

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Beto, 354 F.2d 698 (1966). Petitioner's defense counsel, Benjamin L. Solomon, of Marianna, Florida, died in 1963. In memorializing Mr. Solomon the Jackson County Bar Association noted that he "* * * was a thorough and skillful lawyer and always a vigorous advocate of the cause of the client he represented. He was one of the outstanding trial lawyers of the Marianna and Fourteenth Judicial Circuit bars * * *." In light of this tribute to Mr. Solomon by his peers little credence can be given to the petitioner's conclusionary allegations. In the second place as petitioner himself admits he had an attorney of his own choosing. In such a case any shortcomings of counsel cannot be attributed to the State. See Hudspeth v. McDonald, 120 F.2d 962 (10th Cir. 1941), cert. den. 314 U.S. 617, 62 S. Ct. 110, 86 L.Ed. 496 (1941), Howard v. Beto, 375 F.2d 441 (5th Cir. 1967). Failings of retained counsel must be imputed to the defendant and not to the State, and such failings do not constitute a denial of due process which would authorize federal habeas corpus relief.

[10, 11] Petitioner claims that Negroes were systematically excluded from serving on grand juries. Petitioner alleges no facts to support his allegation nor does he show that a challenge was made to the composition of the grand jury that indicted him. Petitioner recognizes that there were Negroes qualified by local authorities to serve on juries and his real complaint is that they were not proportional to the number of Negroes residing in the circuit. The minutes of the Circuit Court, on file in this court, reflect that the grand jury was called from the voter registration list "* * * in open court. * * *" Petitioner's allegations and the facts simply do not show that there was a systematic exclusion of Negroes. The use of voter registration lists, absent such showing of exclusion, is not illegal per se. See Chance v. United States, 322 F. 2d 201 (5th Cir. 1963).

[12] In any event, petitioner having failed to raise an attack upon the grand jury's composition at the time of his trial cannot now raise the issue. Perez v. United States, 303 F. 2d 441 (5th Cir. 1962); Jackson v. United States, 394 F.2d 114, 115 (5th Cir. 1968).

Petitioner alleges that a "confession" was extracted from him by coercion which was not used at his trial. An examination of the certified file of the case of State of Florida v. Fred Hayes in the Circuit Court of Jackson County, Florida failed to reveal the existence of a confession or any other statement taken from the petitioner. Furthermore, as pointed out by respondent, petitioner's own allegations are inconsistent. Petitioner alleges that the State never disclosed petitioner's story in court and yet in this point he claims that the Sheriff took his statement and introduced it into evidence.

[13, 14] In this case the prosecution, defense counsel and trial judge are dead. All available evidence of the trial, including petitioner's allegations, are before this Court. This, together with the fact that petitioner waited for more than twenty-five years to raise these questions, is relevant to their merits. See Tyler v. Beto, 391 F.2d 933 (5th Cir. 1968). After a thorough review of all available evidence, this Court having found no evidence of the existence of any confession can give no credit whatsoever to petitioner's allegations.

[15] Petitioner's final allegation is that he was refused the opportunity to present his claim of self defense. To the extent that petitioner alleges that his plea of self defense was simply ignored by the police, the defense counsel, the prosecutor and the court such allegations go solely to the sufficiency of the evidence which is not subject to review by way of writ of habeas corpus. Fulford v. Dutton, 380 F. 2d 16 (5th Cir. 1967).

[16] Insofar as the claim of denial of the right to present his self defense case goes, petitioner has failed to allege facts which would support the allegation. As pointed out above the only available records show that the witnesses upon whom petitioner would have relied were in court and available to testify. This Court cannot and will not presume, for the purpose of habeas corpus relief, that a State court would prevent the assertion of any competent defense.

[17] Florida follows the substantive rule "* * * that one may not provoke a difficulty and having done so act under the necessity produced by the difficulty, then kill his adversary and justify the homicide under the plea of self defense * * *" Mixon v. State, 59 So.2d 38 (Fla.1952). Under petitioner's own version of the facts he and the deceased had an argument at a card game, the petitioner went home and got his gun. Thereafter he sought out the deceased, another argument ensued and petitioner killed Godwin. Petitioner alleges that Godwin attacked him with a knife. Thus, even assuming that the Court absolutely refused to hear the self defense plea, no error was committed under the substantive law as announced in Mixon v. State, supra.

It is, therefore, upon consideration, hereby Ordered:

Petition for writ of habeas corpus is denied.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, it is not impressive to see these crocodile tears being shed on this side of the aisle, because these Senators know they are going to lose this vote which we will have in a few minutes. This Senate has too much respect for its Judiciary Committee and it has too much respect for judges of the South, where 57 of the district judges have endorsed Judge Carswell and 11 of his associates on the circuit court of appeals have endorsed him.

In my State, every supreme court judge has endorsed him and 38 circuit court judges have endorsed him by wires to me. Other endorsements have been placed in the Record. All district court of appeals judges from the district in which Tallahassee lies support him, many other judges in Florida, and all of the Federal district judges in the Miami district, six of them, endorse him, and so on.

Has the time come when the Senate pays no attention to men such as the president of our State bar association, and three immediate past presidents, who referred the matter to the governors of that association and 40 of 41 of them stated in the Record, "We want you to endorse this man"? The only one who did not endorse said, "I just do not happen to know him and, therefore, I would prefer not to endorse him." Has the time come when the Senate pays no attention to men of that character and judges of that caliber?

I am sorry so many of my associates on this side of the aisle have taken this position of no confidence in the Committee on the Judiciary and no confidence in the judiciary of the State of Florida and the South. I am sorry to see them take a position which seems so highly prejudiced.

Mr. President, in closing, on the question of civil rights, I want to place in the Record a letter I received from the Honorable Earl Faircloth, attorney general of the State of Florida, strongly endorsing Judge Carswell. I read from the letter only this:

As to the charge of his racial prejudice, I believe the attacks upon him are undeserved. When I became Attorney General in 1965, Judge Carswell voluntarily wrote to me a strong recommendation for the employment of Mr. Charles Wilson, a black attorney from Pensacola, who had practiced law before him. Largely on the strength of Judge Carswell's recommendation as to Wilson's professional ability, he was hired and served with distinction on my staff for several years. In talking with Judge Carswell about this and related matters, I gained the impression that he was genuinely interested in the reconciliation of the races in Florida and that he felt it was a step forward; at least it had his hearty approval and encouragement.

I ask unanimous consent to have the entire letter printed in the Record at this point.

There being no objection the letter was ordered to be printed in the Record, as follows:

State of Florida,
Tallahassee, Fla., March 31, 1970.

Hon. Spessard L. Holland,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Holland: Please accept my sincere congratulations upon the valiant fight you, Senator Gurney and numerous others have waged on behalf of the confirmation of Judge Carswell. It is my hope, as I know it is yours, that the Judge will be confirmed. I would like to relate several of my experiences with him over the years, which might be helpful.

First, as President of the Young Democrats of Leon County in 1952, I participated in a heated debate with the Judge during the Presidential election. He, of course, was supporting General Eisenhower and I was supporting Governor Stevenson. He was a gentleman in the debate and in all respects fair. We later became very good friends. Subsequently, I tried criminal cases in the Federal Court when he was the United States District Attorney. I tried cases before him after he became a United States District Judge. On all occasions he was a worthy and fair opponent and always a fair-minded Judge.

As to the charge of his racial prejudice, I believe the attacks upon him are undeserved. When I became Attorney General in 1965, Judge Carswell voluntarily wrote to me a strong recommendation for the employment of Mr. Charles Wilson, a black attorney from Pensacola, who had practiced law before him. Largely on the strength of Judge Carswell's recommendation as to Wilson's professional ability, he was hired and served with distinction on my staff for several years. In talking with Judge Carswell about this and related matters, I gained the impression that he was genuinely interested in the reconciliation of the races in Florida and that he felt it was a step forward; at least it had his hearty approval and encouragement.

On three grounds, therefore, I could endorse Judge Carswell without reservation: first, as a competent and fair Judge; second, as a man without prejudice as established in his relationship with me as indicated above; and, third, because he is my friend, in whose honor and integrity I have the greatest confidence.

Very truly yours,

Earl Faircloth,
Attorney General.

Mr. HOLLAND. Mr. President, then I want to quote from a letter to the Senator from Indiana (Mr. Bayh) from the present president of our bar association—just two brief paragraphs:

As I indicated to you earlier, it is certainly ironic that Judge Carswell is charged with being a racist. My experience with him and

> his reputation in the Northern District of Florida are just to the contrary.

Then this further from the president of our bar association, Mark Hulsey, Jr., who seems to be a good friend of the Senator from Indiana (Mr. Bayh):

> Professor Van Alstyne said he did not know Judge Carswell. Perhaps if he had known him in Tallahassee, had heard him cursed, had listened to the harassing telephone calls and practiced law in his Court, he would not have been so quick to condemn him.

Mr. President, I just wanted to say I appreciate the admission or concession made by the distinguished Senator from Maryland (Mr. Tydings) yesterday in his appearance on TV when he admitted that some of the case made by the opponents of Judge Carswell was "nit-picking." He gave only two examples. I could enlarge the number of those examples, but the time does not permit now.

I just want the record to show that for the Senate to show no confidence in its own committee, no confidence in practically the entire judiciary of the State of Florida and, for that matter, of the six States that include the fifth circuit, to show no realization of the fact that the voting rights bill did not even apply to the State of Florida, because we have been letting our colored citizens vote and encouraging them to vote for years, is a sort of tragedy. I hope the Senate will defeat the effort to send this nomination back to committee.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Michigan (Mr. Hart).

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Mr. HART. Mr. President, one's definition of "nit-picking" depend on what dictionary he uses. What may be nit-picking to the Senator from Michigan may be a matter of very serious concern to the Senator from Florida. What may be nit-picking to the Senator from Florida may appear to the Senator from Michigan as so overriding as to take the flat position that the Senate dishonors itself if it concurs in the appointment to the Supreme Court of a man who would go to the Court with the appearance of a conflict of interest far graver in my mind than confirmation of Judge Haynsworth would have carried with it.

The record of the Senate in the Haynsworth case, as I read it, is this: We assume that Judge Haynsworth was not nor would have been influenced one iota by his investment portfolio.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. BAYH. I would like to ask unanimous consent that we have a live quorum, the time for the quorum call not to be charged to either side, so that Members of the Senate will have an opportunity, during the remaining 25 minutes, to hear the issue being discussed and the arguments of both sides. I have been listening carefully to the Senator from Michigan and the Senator from Florida, but they have been speaking with only a handful of Senators listening.

I ask unanimous consent that there may be a live quorum call under the conditions I have stated.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Michigan will proceed.

Mr. HART. The Senate said, with respect to Judge Haynsworth:

> Look, we do not believe you would be influenced by these investments, but the appearance is such that litigants and the people of America ought not be submitted to the possibility that there might have been an influence which would not be reflected in the record.

That would be unfair to the litigants and to the Court and the country. If Judge Carswell is confirmed we would concur in putting on the Court one who pledged:

> I believe in the principle of white supremacy and I shall always be so governed.

The appearance of conflict is not with something in his portfolio; it is in the pledge he made.

The Senate should not permit one with such a conflict to go on that Supreme Court bench. Now, again, to some this may be nit-picking. To me, and I respect the sincerity of such a view. This bears on the problem which is more basic to our society than any other of the many problems we have.

It was not nit-picking for candidate Richard Nixon to pledge in his speech to his party's convention at Miami, when he was nominated, that—

> Let those who have the responsibility for enforcing our laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights.

I think that was a very thoughtful observation, and the fact that the President has apparently forgotten that as a rule of thumb with respect to a nomination ought not dull our sense of responsibility—at least those of us who think this is not nit-picking. How can we ask our 20 million black Americans who believe as I am prepared to believe——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. May I have 1 more minute?

Mr. KENNEDY. I yield 1 minute to the Senator from Michigan.

Mr. HART. How can we ask them to believe with us that the nominee has changed his mind; that if he ever meant it, he is sorry, or should not have meant it and he will be objective? We said no to Judge Haynsworth on the same theory. I suggest we are obliged to say "no" to Judge Carswell for the same reason.

That symbol on the Supreme Court of the United States in the 1970's is something that none of us ought to stand still for. To name at this time to the Nation's highest court one whose views on racial equality are open to question—on his own words—would be a grave error. It could bring tragic consequences. Forget the business of mediocre or not mediocre. Forget the business of how many law schools say "yes" and how many say "no." Forget the record of reversals by his own circuit court.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield 1 minute to the Senator.

Mr. HART. Just think of this one symbol. If we have not learned by now that this is the wrong thing to do in a nation which seeks desperately to bridge a gulf that increasingly grows, we have not learned very much. This nomination ought not to be consented to.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CASE. Mr. President, I associate myself completely with what the Senator from Michigan has said. How can we hit the black community, and particularly its moderate leadership, with this blow between the eyes without being rightly charged with irresponsibility in these times?

Mr. HART. I agree.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. SMITH of Illinois. Mr. President, I intend to vote against the motion to recommit the nomination of Judge Carswell to the Judiciary Committee. It seems to me there is only one thing to be gained by recommitting Judge Carswell's nomination and that is to provide sanctuary for those who would rather hide behind delay of the issue than to vote it up or down on the merits.

As the newest Member of the Senate I consider my duty more demanding than that. The people of Illinois are entitled to know that I support the nomination of Judge Carswell and they are entitled to see my vote—on the record—and not hidden behind debate and a rollcall on some collateral parliamentary issue.

We have heard much during the past weeks about the individual responsibilities of Senators in a matter on which the Senate must advise and consent. And yet, the very Senators who urge upon us the highest kind of personal responsibility and personal scrutiny of the candidate's qualifications, character, philosophy, ability, and capacity for growth, would return the nomination to the Judiciary Committee, thus allowing themselves to skirt the very responsibilities they urge upon the rest of us.

This motion to recommit is obviously nothing but a parliamentary gambit, aimed not only at letting Senators off the hook on a final vote, but also at depriving Senators who would vote for Judge Carswell the opportunity of doing so. Well, I for one, am not about to give up my vote so easily. I could imagine no greater infidelity to duty than to let my voice in the Senate be stilled now by parliamentary maneuvering.

Mr. President, last Thursday I did a bit of on-the-record reflecting about the whole manner in which the Senate has considered this nomination. At that time I said I had some serious doubts about the handling of this confirmation process. Following so closely upon the Haynsworth nomination, the Carswell matter cannot fail to leave a bad taste in the mouth of anyone researching the history of Senate "advise and consent" proceedings. It cannot fail to have an inhibiting effect upon men of stature whom the President and the Nation might call to public office in the future. I have heard one of my colleagues say that, "there is not a man alive who does not have a skeleton in his closet." That may be true. But it seems to me that even a man who did not have such a skeleton might shrink from a process such as that we have seen on and off the Senate floor in recent months. Apparently, the rule in advise-and-consent proceedings has become "anything goes." If that in fact has become the rule, we must renounce it. If it has not, then it is up to each and every Senator to demonstrate to his constituents that he has not embraced it—by voting against recommital.

Through 15 years in public service, it has been my firm conviction that every man who aspires to an office of responsibility and public confidence ought to be able to stand the test of public scrutiny of his character, qualifications, and personal conduct. But that does not mean that a nominee for public office should have to run the gauntlet of personal vilification. Yes, we have a right to examine carefully the professional qualifications of nominees—to discover whether a man is respected by his professional colleagues, whether he has a reputation for integrity among those who know him and work with him, to review the manner in which he has exercised any public trust or confidence that he may have won in the past.

In the Carswell matter, the Senate has in fact accomplished each of these legitimate inquiries. In letters addressed to the chairman of the Judiciary Committee, and to individual Senators, and to the Senate at large, Judge Carswell's professional colleagues, Federal judges of the district and circuit benches in the Seventh Circuit, have written, literally by the score, to endorse Judge Carswell's nomination. They know him; they have worked with him. They say he is fit to be a Justice of the Supreme Court of the United States. And what of his reputation for integrity? Again, the record is filled with testimony, oral and written, of attorneys who have practiced before him, of leaders of the bar, of litigants and counsels before his court. The record clearly reflects that the vast majority of litigants and counsel before Judge Carswell's court—those who came to the court seeking justice and willing to accept its arbitration—have taken it as a matter of faith that Judge Carswell was a man of integrity.

Finally, what of the manner in which he has exercised the public trust and confidence that he has held for close to 20 years, as U.S. attorney, as U.S. district judge, and as judge of the U.S. Court of Appeals for the Fifth Circuit? We know that Judge Carswell's record on the bench and at the bar were the subject of careful scrutiny by the Committee on the Federal Courts of the American Bar Association. And we have the unanimous endorsement of that committee of distinguished attorneys that Judge Carswell is "qualified for appointment as an Associate Justice of the Supreme Court of the United States." These are good enough for me. And I hope Senators will join with me in disposing of this motion so that we may attend to the many other important problems facing our Nation.

I think that we have lost sight of our true objective in this whole matter. That objective should be a positive one: Building a Supreme Court of high-quality jurists worthy of the trust and confidence of the entire American people. With that objective in mind, it is hard to see how a nominee's personal philosophy of the law should be the sticking point of his confirmation—unless that philosophy is abhorrent to the Constitution of the United States. Judge Carswell's views are not inconsistent with the Constitution; in fact, what seems to be at the very heart of the opposition to him is that his views conform rather completely with those written in the Constitution. He is what is called a strict constructionist—and, in my mind, that philosophy of law is what is behind all of the detractions, untruths, and smears being leveled at him.

Fairminded observers will, I believe, recognize that Judge Carswell's strict constructionism would be an appropriate component to the general philosophies of the Justices presently sitting on the Supreme Court. It would also be a philosophy responsive to the will of the majority of the American people. I have said it before: Judge Carswell is not my selection. But he is the selection of the President of the United States, who has the constitutional duty to make the selection. The President was recently elected by the American people, elected after a campaign in which he promised to restore stability and dignity in the law of our land. His constitutional power to appoint is broad and clear. Ours to advise and consent is less so. If our duties were as broad as some Senators have suggested, we might never advise and consent to a nomination. On the question of our duty, I join with those Senators who believe that it is rather narrow. We should vote to advise and consent to the President's nominee unless some good and sufficient reason arises to move us otherwise. No such reason has arisen in this case, in my judgment, despite the petty and unfair efforts of some to conjure it up.

Two principal charges have been leveled against Judge Carswell: First, he is not "distinguished," and second, he is a "racist."

Mr. President, it is one thing to say that you have not heard of a man, or that you do not agree with him. It is quite another to argue from your failure to have met a person, or to have seen him published in scholarly journals, or to have read of him as a champion of one cause or the other, that he lacks "distinction." This is especially true of a Federal judge, whose time and principal attention should belong to the work of his court, not to socializing, or writing for the journals, or leading public crusades. It is one thing to say that you do not agree with a man or that some others you deeply respect do not, but it is quite another to conclude that he is "insensitive" to an issue, simply because you disagree with him philosophically.

The question of "distinction" is an interesting one, going to the very heart of one's views of a judge's role. In my mind, Judge Carswell is certainly not a part of the "establishment" of the bench and bar. Members of that establishment, I think, tend to measure "distinction" in jurists by the number of lectures they give or roundtables they attend, by their writings on a variety of issues in scholarly journals, by a certain style of judicial opinion that renders it quoteworthy, by an interest in public affairs that prompts one to extrajudicial associations with public officers or national figures. Each of these activities is in itself good, and many distinguished judges participate in one or more of them. Judge Carswell is not a "distinguished jurist' in this narrow, limited sense.

But I believe, and the great majority of his colleagues on the courts that he has served believe, the Committee on the Federal Judiciary of the American Bar Association believes, attorneys across the Nation believe, and the President of the United States believes, that Judge Carswell is "qualified for appointment as an Associate Justice of the Supreme Court of the United States." That in itself is no mean distinction.

Only one other important question has been raised about Judge Carswell's fitness for the Supreme Court; whether he is or is not a "racist" or one insensitive to racial justice. As a youthful candidate for office, some 22 years ago, Harrold Carswell uttered clearly racist statements. They were sentiments that illbefitted a man seeking public office at that time or at any time. I do not condone them. He has repudiated them.

As to the other matters alleged to constitute racism on Judge Carswell's part, they are all either unfounded or trivial. When hearsay and speculation and no direct evidence are weighed in the balance against the word of a public officer who has candidly submitted to cross-examination on a question, he must indeed be given full credibility. The opposition has clearly failed to sustain its burden on this issue.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, earlier I indicated that a motion to table the motion to recommit might be offered. Since my initial statement, and on reflection, I believe most Americans understand that the motion to recommit is primarily an effort to dodge the issue. It also occurs to me that a motion to lay on the table the motion to recommit might also be construed as a devious tactic.

I happen to believe, as stated before, that we have certain responsibilities, one of which is to stand up and be counted.

I, therefore, announce at this time, Mr. President, that I shall not offer a motion to table. That does not, of course, preclude some Senator from offering a motion to table the motion to recommit.

Let me add, in response to the senior Senator from Michigan, that if there has been any feeling of depression in the black community of America, it may not be because of G. Harrold Carswell, but because of statements made by those who oppose the nomination and efforts to turn the black community against G. Harrold Carswell and President Nixon.

There has been nitpicking with reference to this nomination day after day here on the Senate floor. There are those who say there is no redemption for a man's past conduct if he is nominated for the Supreme Court. The inference is that

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we should judge each other by one standard, and nominees to the Supreme Court by another. Perhaps. But I do not believe so. I prefer the position of those who suggest that we should adopt the Biblical adage of letting those who are without sin cast the first stone.

As the Senator from Delaware (Mr. Williams) suggested last week, we could probably find a better judge than Judge Carswell, but the question now is whether the Senate should advise and consent, or, more immediately, whether we should recommit the nomination to the Committee on the Judiciary.

As pointed out last Friday, a majority of the members of the Judiciary Committee stated in writing that they felt there was no reason to recommit; that there had been adequate hearings.

I suggest they have chosen the wise course. We know the facts. We have heard the same exaggerated charges day after day. They amount to nothing. Judge Carswell is qualified, he is experienced, and is recommended by those who know him best. Those who know him least, those in the liberal establishment, those who are against Richard Nixon, and those who are against a balanced court, are naturally against him. They were against Judge Haynsworth, and may be against the next Nixon nominee.

I urge my fellow Senators to adopt the same spirit and the same attitude with reference to Judge Carswell as has been demonstrated with reference to Supreme Court nominees in the past.

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The **PRESIDING OFFICER.** Who yields time?

Mr. **HRUSKA.** Mr. President, may I inquire how much time remains on either side?

The **PRESIDING OFFICER** (Mr. Young of Ohio). The Senator from Nebraska has 6 minutes remaining, and the Senator from Indiana has 6 minutes remaining.

Mr. **HRUSKA.** I yield the remainder of my time to the Senator from Florida (Mr. Gurney).

Mr. **GURNEY.** Mr. President, it is a great honor to me to have the privilege of concluding this debate on Judge Carswell, I suppose I am more responsible for the fact that his name is before the Senate than any other Member of this body. I suggested his name to the President for appointment to the Fifth Circuit Court of Appeals last year, and his nomination was confirmed unanimously by the Senate, as was the case when he was appointed a district judge, and when he was appointed a U.S. attorney—three times before this occasion today.

Mr. President, this man spent 5 years as a U.S. attorney. When he was appointed to that position, he was the youngest U.S. attorney in the entire United States. He spent 11 years as a Federal district judge, and when he was appointed he was the youngest Federal district judge in the United States.

He served with distinction as a U.S. attorney. He served with distinction as U.S. district judge for the northern district of Florida. He has been examined and unanimously recommended to the Senate by the American Bar Association Committee on the Federal Judiciary, not once but twice, because those in opposition to the nomination question whether their judgment the first time was correct.

The Florida Bar Association Board of Governors, 41 in number, who represent the sixth largest integrated bar association in the United States, have recommended him unanimously to the U.S. Senate. These are men who have known him, who have worked with him, who know him as a judge, as a man, as a lawyer, and as a person.

I have received an outpouring of support for him, as has my senior colleague from Florida (Mr. Holland), from people all over Florida—judges, lawyers, and ordinary citizens.

Fifty Federal judges in his circuit have unanimously seconded his nomination. Eleven circuit judges have backed his nomination. So far as law school professors are concerned, the dean of the University of Florida Law School has done so. The dean of the Florida State University Law School has done so. So has the past dean, and so have other professors.

The case against Judge Carswell is twofold. One is that he is a racist. Most of those charges have already been knocked down as straw houses that will not stand up. As a matter of fact, in my debate yesterday with the distinguished Senator from Maryland (Mr. Tydings), he admitted that two of the charges were not worth the paper they were written on.

Mr. **TYDINGS.** Mr. President, will the Senator yield?

Mr. **GURNEY.** No; I will not yield. I am winding up this argument.

Mr. **TYDINGS.** The Senator mentioned my name.

Mr. **GURNEY.** I do not yield.

The other argument against the nomination is that the judge was hostile. This argument is based upon a few civil rights lawyers who appeared in Florida from the North, and the chief one who has been trotted up and down the Senate floor as saying he was hostile was one Professor Clark of New York University, who today is one of the lawyers representing the Black Panthers in the trial in New York, which had to be called off because they vilified the court in such a fashion. They were there on charges of murder and arson and carrying weapons. During the course of the trial there were tossed three gasoline bombs—one at the front door of the judge, one underneath his car, and one on a window ledge. And Professor Clark, who claims that Judge Carswell was hostile, not only was there during the trial, when these Black Panthers vilified the court, but also, he later argued the habeas corpus proceedings to get them out of the jail they are now in because they would not maintain order in the court.

That is the kind of lawyer charging the hostility that we have heard about here.

Yet, none of the lawyers in the State of Florida who practiced in his court, scores and scores in number, and in civil rights cases, who know him personally, have come up here and made these charges.

Then there is the charge of mediocrity. It is hardly worth examining here, because not a shred of evidence has been advanced that the man has been mediocre. There have been self-serving statements by Senators, yes, and by the Washington Post and the New York Times and the rest of the liberal media—self-serving, but no shred of evidence at all.

The judges, his colleagues, who served with him and the lawyers who practice in his court said he was a lawyer with an excellent mind, a fine judge, an outstanding lawyer as a U.S. attorney, an outstanding Federal judge, an outstanding appellate judge. These are from men who know him, not from the people who are scattered throughout the country who have never seen Judge Carswell, have never appeared in his court, and know nothing about him.

In summation, I hope the Senate does not retreat in this century to the methods that it used in the last century, when judges were discarded and were turned back on the issue of politics. We avoided that for 75 years, until we came to Judge Haynsworth, and now Judge Carswell, and perhaps Judge Parker. I would hope that the United States is not going back to the business of politics in deciding whether a judge should be confirmed if he be a liberal or whether he should be rejected if he is a conservative, because that is what went on with respect to Judge Haynsworth, and I fear that is what is going on with respect to Judge Carswell.

President Nixon has offered us an excellent nominee. We should vote for him.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **BAYH.** I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. **BROOKE.** Mr. President, we are not here to consider Mr. Clark or the Black Panthers. We are not here to consider conservatism or liberalism. We are not here to consider the President of the United States. We are here to consider the qualifications of G. Harrold Carswell, and that alone.

Much has been made about the issue of the loyalty to the President. The President is not a nominee for the Supreme Court of the United States. Those of us who are Republicans and are opposed to the nomination of G. Harrold Carswell are not disloyal because we vote against G. Harrold Carswell. We are voting according to the dictates of our hearts and our minds and our consciences, and we are basing our opinion solely on the qualifications of Mr. Carswell. To do otherwise would be to shirk our responsibility.

The man we send to the Supreme Court of the United States will be there for many years. If Mr. Carswell's nomination is confirmed, he could serve as many as 30 or more years on the Supreme Court—long after Mr. Nixon has been the President, and let me add I hope he serves for 2 terms. Long after most of my colleagues have left the Senate, this man will still sit on the Supreme Court of the United States.

We have to ask ourselves the question, "Is G. Harrold Carswell qualified to sit on the Supreme Court of the United States?" Nothing else. Whether he comes from the North, whether he comes from the South, whether he comes from the East, or whether he comes from the West, whether he is a Republican or whether he is a Democrat, whether he is a liberal or whether he is a conservative, is unimportant. It is irrelevant. The only relevant issue goes to the qualifications of this man to serve as a Supreme Court Justice. There is very little in the record which would indicate that this man has the requisite legal qualifications, even though he has served as a district court judge and has served on a circuit court of appeals.

All the people who testified did so not on the basis of political philosophy or ideology. They testified on the basis of the qualifications of this man and this man alone.

I do not say that this man is a racist. All I say is that if he meant what he said in 1948, I, for one, could not vote for him to sit on the Supreme Court of the United States. I have searched and searched the record to find any evidence of any change in this man, either in act or in deed, and I have searched in vain. I have found no change. To the contrary, I have found evidence which would indicate that he has not made a change and did not make a change until he came before the Committee on the Judiciary.

At the time of his appearance before the committee, the question of his credibility was raised. Do we want a man to sit on the court whose credibility is put in question? I think this issue has not been resolved.

If we want respect for law, if we want to have respect for the Supreme Court of the United States—and we all do—we certainly cannot, in good conscience, vote for a man to sit on the Supreme Court who came before the Senate Judiciary Committee and did not tell the truth. He said he made a mistake. All right, we all make mistakes. But he did not voluntarily change that mistake.

Mr. PASTORE. Mr. President, why cannot we have order? Why cannot the Senators take their seats and be silent?

The PRESIDING OFFICER. Senators will please take their seats.

Mr. BROOKE. He did not change the record at all until questioned by my distinguished colleague from Massachusetts (Mr. Kennedy), when the latter showed him the papers of incorporation. And then Judge Carswell made a change. He realized he had made a mistake, after the night before. He knew, and certainly knew well, that he was an incorporator of this club. If he is so naive that he did not understand what it was all about, he is too naive for the Court.

The Boston Globe has run a series of well argued and closely reasoned editorials on the Carswell nomination.

On April 1, the newspaper presented a powerful argument summing up their reasons for opposing this nomination. I know that all the Members of the Senate and particularly those Senators who have not made up their mind as to how they will vote on the nomination will read this editorial with much profit.

I ask unanimous consent that it be printed in the Record together with my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

NEW ENGLAND CAN SAVE THE COURT

With the defection of St. George Aiken (R-Vt.), it now appears that the Senate vote to recommit to the Judiciary Committee the nomination of Judge G. Harrold Carswell to the Supreme Court could hinge on the votes of three New England senators—Sens. Winston Prouty (R-Vt.), Margaret Chase Smith (R-Me.), and Thomas J. Dodd (D-Ct.). Seven others, including Sens. Edward M. Kennedy, Edward W. Brooke, and Thomas McIntyre (D-N.H.) will vote to recommit, as they should. Sen. Norris Cotton (R-N.H.) earlier had committed himself to Judge Carswell.

The vote is scheduled for Monday. And if recommital is voted down, Mrs. Smith and the Messrs. Prouty and Dodd, it is indicated, may be the determining factors in the vote to confirm or reject, a vote scheduled for Wednesday. They can save the day—and the Court.

By voting for recommital, or, this failing, against confirmation, they will be demonstrating their awareness of conclusive evidence that Judge Carswell, as his own Chief Justice in the Fifth Circuit has put it, "just isn't up to the job." By voting to confirm "the least qualified nominee in a century," they would be affirming the most demeaning and irrational assessment yet heard of the highest court's proper place in the American political system. This is the preposterous assessment by Sen. Roman L. Hruska (R-Neb.), a supporter of Judge Carswell, that a nominee's mediocrity should not be held against him and might even be in his favor. This would be an astounding affirmation for them to make, just as it was astounding for Sen. Aiken so to affirm.

Sen. Aiken's stated reason for his surprise support of Judge Carswell is that "President Nixon has a good record, and I will not be a party to embarrassing or downgrading him either at home or abroad." But this reason is as shallow as the reason given by the Senate Republican Leader, Hugh Scott. Mr. Scott will vote for Mr. Carswell "because the President nominated him." But neither Mr. Nixon nor the presidency is the issue. The issue is the downgrading of the Court. No senator owes the President blind allegiance. They do owe allegiance to the Court's integrity. They have sworn, as Sen. Brooke so ably has argued, to exercise their own best judgment under the advise and consent provisions of the Constitution. They cannot uphold their oath and at the same time consent to a demeaning of the highest court in the land. At the very least, the Carswell nomination should go back to committee.

This is not only because recommitment is a legitimate and honorable device through which Republican senators can be spared reprisals for voting against the President's wishes, or, perhaps, White House orders. Sen. J. William Fulbright (D-Ark.), himself a Southerner, has advanced other reasons which govern him and should govern others as well. These are the sundry allegations of racial bias and questions of competency raised since the earlier committee hearings. Sen. Fulbright wants these clarified. Considering their nature, it is a puzzle that Sen. Aiken could not wait for clarification, too. They include not only new evidence of the nominee's racial bias and incompetence, but even more alarming confusion between facts, as others have reported them, and Mr. Carswell's testimony under oath.

Even with important unanswered questions dogging the nomination, some Republican senators hesitate to reject Mr. Nixon's second consecutive nomination. But there are precedents for it. It has happened twice before, and, once, three successive nominations were rejected. The fault now, as in the prior instances, is the President's, not the Senate's. There are competent men including Southerners from whom he could choose. Judge Carswell is not one of them. The Senate's duty is to the Court and its survival as a respected branch of government.

New England senators especially should remember that the seat to which Mr. Carswell has been nominated was once graced by one of the area's (and the nation's) most estimable citizens, the legendary Oliver Wendell Holmes. Then they should vote their conscience.

Mr. WILLIAMS of New Jersey. Mr. President, an editorial in the Bergen Sunday Record of April 5, very cogently sets forth the right and responsibility of the Senate to exercise its independent judgment regarding the qualifications of G. Harrold Carswell for appointment to the Supreme Court. As the editorial makes clear, the President is wholly mistaken in asserting that the Senate has a duty to acquiesce to his wishes in this regard. On the contrary, the Senate has the power and obligation, under the Constitution, to make its own review and decision regarding the qualifications of this nominee. And, as the editorial further makes clear, the record in this instance leaves no doubt that our choice should be put to not approve the nomination.

Mr. President, I ask unanimous consent that this excellent editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Bergen (N.J.) Sunday Record, Apr. 5, 1970]

NO PLACE FOR MEDIOCRITY

And [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court . . .

President Nixon in a letter made public last week advanced the preposterous proposition that unless the United States Senate approves his nomination of Judge G. Harrold Carswell to be a justice of the Supreme Court it will have substituted its judgment for his. It is the duty of the President to appoint. It is the duty of the Senate to advise and consent. It can vote any way it pleases as long as it votes yes. This is his thesis. It should be firmly rejected.

The Senate can reject it by voting tomorrow to recommit Judge Carswell's nomination to the Judiciary Committee for decent interment. It should do so.

More than a constitutional question is involved in the Carswell nomination, but the constitutional question is important. Since the Senate first rejected a nomination, that of Roger B. Taney in 1834 to be Secretary of the Treasury, the language has been understood to mean that only, only with the advice and consent of the Senate shall the President do the things enumerated in Article II. Mr. Nixon's construction of the language is precisely what was dreaded in the Constitutional Convention itself. "It was argued that this authority to appoint would invest [the President] with power leading toward monarchy," says Thomas James Norton in "The Constitution of the United States." "Benjamin Franklin was of this belief. However, in practice the plan has worked very well."

It has worked very well because the Senate has exercised its power to review the qualifications of nominees and to decide in its collective conscience whether they meet its, not any President's, standards of excellence.

XUM

The standards Judge Carswell meets have been defined with charming candor by one of his hoarsest supporters, Sen. Hruska of Nebraska. He is a mediocre fellow, Mr. Hruska acknowledges, but we need mediocre people in high places. He has some bizarre theory about proportional representation.

Judge Carswell may be the kind of mediocrity Mr. Nixon, his Attorney-General, and the Southern strategy need. He has entered in the law reviews no evidence whatever that he has thought about law or anything else; his opinions are a gray desert of print in which contorversial issues are settled on narrowly technical grounds; he has been reversed frequently. Setting aside his campaign speech of 1948 in favor of white supremacy as a youthful indiscretion, yet his accounting of the part he played in incorporating a Tallahassee municipal golf course in danger of desegregation has been various and disingenuous enough to raise a grave question respecting either his intelligence or his integrity.

The Supreme Court is not a representative body. It is not a legislature in which persons who have no use for equal justice under law are entitled to representative parity with persons who believe in it.

It is the final arbiter. What it decrees is the law of land. It is no proper place for mediocrity. Mediocrity and the Southern strategy can be paid off in less guileful, corrosive ways.

The Senate has been asked, not bidden, to give its consent to the Carswell nomination. On the merits it should refuse.

Mr. DODD. Mr. President, as a rule I do not announce how I will vote, particularly on Executive nominations, before the vote is taken on the floor of the U.S. Senate.

XUM

But because of the parliamentary situation concerning the nomination of Judge G. Harrold Carswell, I believe that, in the interest of a clear understanding by the public, I should announce my decision before the vote is taken.

As a member of the Senate Judiciary Committee, I voted to send the nomination of Judge Carswell to the floor because I believe the full Senate must pass on an issue of this kind.

The matter has been debated pro and con for many weeks and I believe the Senate should vote promptly on the merits of the nomination.

Because I believe that recommittal is an evasion of responsibility and a back door excuse for some who do not wish to face up to the situation, I shall vote against recommittal.

If the motion to recommit fails, and I trust it will, I shall vote against confirmation of Judge Carswell.

Most black people and many working people do not feel that they will get a fair shake if Judge Carswell is on the Supreme Court. This goes to the very heart of the matter. It is a question of faith in our system. If the people of this country are to have faith in our system, we must put men on the Court in whom they can have confidence.

I shall vote, therefore, against confirmation.

Mr. MATHIAS. Mr. President, it ill behooves any member of the Judiciary Committee to oppose recommittal of the nomination of G. Harrold Carswell to be an Associate Justice of the Supreme Court. The events of the last 30 days indicate that the record that the committee has made to date has raised more questions than it has answered and has caused more confusion than it has cured. I, for one, as a member of the committee, feel a sense of responsibility for improving the record and expanding the information available to the Senate and to the country.

With this in mind, I requested the Justice Department on March 10 to provide me with some additional information and an opportunity to talk with Judge Carswell. The first of these requests was promptly granted, but to date the second has not been acknowledged. I regret that the opportunity to meet with Judge Carswell either on or off the record has not been considered to be in the interest of the Senate, the Court, the country, or even Judge Carswell himself. I made the request in an attempt to conscientiously discharge my duties in this connection. I had previously joined in an effort to recall Judge Carswell to the committee, but this attempt was defeated by majority of the committee.

The best service that could be rendered to President Nixon in connection with the Carswell nomination is to resolve some of the troubling questions that remain unanswered. It does not help to say that the President should have been better served by those upon whom he has depended. It does not help to say that the White House staff, the Attorney General, or the Federal Bureau of Investigation should have found out all the facts before the President sent Judge Carswell's name to the Senate. This experience should be of some value when the next vacancy occurs on the Supreme Court, but it does little to help the President, Judge Carswell, or the Senate today. The only thing that will truly be of value is the further exposition of the facts on the record, including those that should have been known before the nomination was made. The only way to place the accumulating body of fact on the record and to distinguish it from rumor and innuendo is by recommittal to the Judiciary Committee with the understanding that the committee will do a responsible job.

Mr. HOLLINGS. Mr. President, the U.S. Senate has been characterized as the most deliberative body in the world. This distinction was demeaned by the Senate's unstudied consideration of the appointment of Judge Clement F. Haynsworth to be an Associate Justice of the Supreme Court. Before the debate commenced on the Senate floor, over two-thirds of the Members had publicly declared their decision. As the leader for Judge Haynsworth, I expressed concern and chastised my colleagues for making up their minds before the debate, for failure to go behind the headlines and discover the truth. I sincerely believe that this is the reason Judge Haynsworth is not a member of the High Court at this moment.

When the debate commenced on the nomination of Judge G. Harrold Carswell, I reminded the news media of this position I had taken during the Haynsworth debate. I told them I was undecided and that I would listen and study the record. This position immediately opened a Pandora's box of editorial nonsense in many of the South Carolina newspapers.

While it is the President's duty to propose, it is the Senate's duty to dispose. I believe the Senate's duty of disposition goes beyond the mere appraisal of integrity, judicial temperament, and professional competence. I believe it goes to the whole man. Specifically, I believe that a Senator has a duty to consider the nominee's philosophy and can and should question a nominee's decisions so long as they are not matters pending. I realize the honored precedent of the Senate that a nominee's philosophy and certainly his decisions should never be questioned. However, this precedent time and again has been debauched by an oblique attack on honor and propriety. Disagreeing with Judge Haynsworth's philosophy, the opposition in a transparent attempt to adhere to the time-honored precedent turned to attack his integrity. Realizing this was unassailable, each opposing Senator would say in no uncertain terms that he believed Judge Haynsworth was honest but it was the apperance of impropriety that was disturbing; and as a result of the appearance, they could not support his confirmation. This is a charade and does injustice to the nominee. We should candidly investigate the whole man. In doing so, we should not fall into the trap of only supporting those philosophically atuned to our thinking, but determine whether the nominee's philosophy is so extreme as to forbid objectivity.

The nature of the office of a Supreme Court Justice is one of awesome power in our society. Since the Justices hold office for life, a most thorough and objective review should and must be made by the Senate in the exercise of its confirmation powers. To the point—President Nixon is mistaken when he challenges the Senate's exercise of this power. Were it not for the deliberate review given President Johnson's appointee, there would be no vacancy for President Nixon to act on at this time.

Judge Carswell has been subjected to the serious charge of being a racist and the superficial charge of mediocrity. I have studied his record and decisions and feel certain that he is not a racist. To the superficial charge, I find that anonymity cannot be equated with mediocrity. The very role of a district or circuit judge is that of anonymity. From the standpoint of experience, Judge Carswell has far more prior judicial experience than any of the present Supreme Court Justices, save one. Judge Carswell has the judicial and professional competence to serve as an Associate Justice of the Supreme Court, and I intend to vote for his confirmation and oppose any attempt to recommit the nomination to the Judiciary Committee.

Mr. GURNEY. Mr. President, there has been a vast outpouring of support for Judge Carswell from the Florida bar, lawyers who have practiced in his court, who know well his qualities as a judge.

I offer for the Record various telegrams in support of Judge Carswell.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

St. Augustine, Fla., *April 3, 1970.*

Honorable Ed Gurney,
New Senate Office Building,
Washington, D.C.:

St. Johns County Bar Association overwhelmingly endorses Carswell nomination confirmation.

John J. Upchurch,
Secretary-Treasurer.

Palm Beach, Fla., *April 4, 1970.*

Senator Edward J. Gurney,
Washington, D.C.:

Urge you use your great influence insure confirmation of Judge Carswell to the Supreme Court.

Clifford F. Hood.

West Palm Beach, Fla., *April 5, 1970.*

Edward J. Gurney,
U.S. Senator,
Washington, D.C.:

Mr. Gurney: Agree with your views on Carswell. How can I help?

George Kane.

Tarpon Springs, Fla., *April 4, 1970.*

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

Appreciate your support of Carswell. Caliber of opposition leadership should justify his appointment.

John A. Tomlinson.

Winter Park, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

Approve your stand on Carswell. Continue the good fight.

James R. and Geneva Page.

Miami, Fla.,
April 4, 1970.

Senator Edward J. Gurney,
Washington, D.C.

Sir: In behalf of Judge Carswell blackball recommittal his appointment. Vote yes.

Thank you.

Respectfully,

Gladys E. Winne,

Jacksonville, Fla.,
Apil 4, 1970.

Senator Gurney,
Washington, D.C.:

As Floridians we are counting on your vote for Judge Carswell and your influence on other dissident Senators.

Mr. and Mrs. William L. Reed.

Casselberry, Fla.,
April 4, 1970.

Hon. Ed Gurney,
Senate Office Building,
Washington, D.C.:

I have known the Carswell family forty years. They are dedicated Americans. I resent the lobbying of NAACP and labor against the appointment of a dedicated intelligent Southern gentleman to the Supreme Court. It is appauling they would tolerate Douglas and Black, and vote against Carswell.

Mrs. James Matthews.

Orlando, Fla.,
April 4, 1970.

Senator Ed Gurney,
Washington, D.C.:

As concerned citizens we wholeheartedly support the nomination of Judge Carswell to the supreme court.

Mr. and Mrs. Hunter C. Kelley.

Vero Beach, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

I urge you to use all effort possible to execute final confirmation Judge Harold Carswell. Our supreme Court needs this man of integrity and ability.

Alma Lee Loy.

Orlando, Fla.,
April 4, 1970.

Senator Ed Gurney: We heartily approve your continued support of Carswell nomination.

Dorothy and Bill Appelberg.

Pensacola, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

We completely support Carswell nomination.

Holliday and Mary Veal.

Pensacola, Fla.
April 6, 1970.

Senator Edward Gurney,
Washington, D.C.:

We urge your full support for Carswell. Also we oppose guaranteed income as contrary to free enterprise system.

Carl and Grace Severin.

Clearwater, Fla.
April 4, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

Please continue your hard work and support for Judge Carswell for the Supreme Court.

Respectfully,

Mr. and Mrs. Frank P. Flick.

Jacksonville, Fla.
April 4, 1970.

Senator Ed Gurney,
Senate Office Building,
Washington, D.C.:

We want and need Judge Carswell.

Mr. and Mrs. W. J. Atwood.

Fort Lauderdale, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building, Washington, D.C.:

Prevent a hyprocritical Senate from accepting a Douglas and denying a Carswell.

I. J. Strumpf.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

Support confirmation of Carswell nomination for Supreme Court Justice.

Mr. and Mrs. Adolph K. Miller.

Senator Ed Gurney,
Washington, D.C.:

We need Carswell.

Thomas Suddath.

Mr. BAYH. Mr. President, I feel that little remains to be said at this late hour relative to the merits and qualifications of the man whose name has been submitted. I think all of us know in our own minds that the final test is not going to come on the motion of the Senator from Indiana but, rather, will come on an up or down vote as to whether or not this man's nomination to the Supreme Court should be confirmed.

Perhaps, in about a minute and a half, it might be a little hopeful to look at a broader purpose rather than just the qualifications of the nominee. We are dealing with the nomination of a Supreme Court Justice who, as the distinguished Senator from Massachusetts just pointed out, is going to be on that Court long after most of us no longer have the honor to serve in this body.

With all due respect to our friend from Florida, the name of the man before us is not Clark; it is Carswell.

I have been deeply concerned about the erosion of faith that many people in this country have so far as the institutions of our democracy are concerned. It seems to me that the one bastion that stands today head and shoulders above all others in the minds of those who have the greatest concern about the ability of the institutions of this country to maintain their solidarity is the Supreme Court of the United States.

It seems to me, Mr. President, that the only question we should ask ourselves, when we cast this vote and the succeeding vote, is: Are we doing what must be done to shore up the institutions of our democracy, to shore up the Supreme Court of the United States, by placing Judge G. Harrold Carswell on that Court?

I think, in addition, that we also have to meet the test of whether the Senate, indeed, considers that this is the place to advise and consent.

The VICE PRESIDENT. All time has expired.

SEVERAL SENATORS. Regular order, Mr. President.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Michigan will state it.

Mr. GRIFFIN. Have the yeas and nays been ordered on the pending motion?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESDIENT. All time has now expired.

The question is on agreeing to the motion of the Senator from Indiana (Mr. BAYH) to recommit the nomination of Judge G. Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AIKEN (when his name was called). Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Vermont will state it.

Mr. AIKEN. May I ask, what is this vote on?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Indiana (Mr. BAYH) to recommit the nomination of Judge G. Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States.

Mr. GRIFFIN. Mr. President, a further parliamentary inquiry.

XUM

The VICE PRESIDENT. The Senator from Michigan will state it.

Mr. GRIFFIN. If a Senator wishes to have the nomination recommitted to the Judiciary Committee, he will vote "yea"; if he wants not to have it recommitted, he will vote "nay"; is that correct?

The VICE PRESIDENT. That is correct.

Mr. AIKEN. Mr. President, I vote "no."

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON) is necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Utah would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness, and, if present and voting, would vote "nay."

On this vote the Senator from Utah (Mr. BENNETT) is paired with the Senator from Rhode Island (Mr. PELL). If present and voting, the Senator from Utah would vote "nay" and the Senator from Rhode Island would vote "yea."

The result was announced—yeas 44, nays 52, as follows:

[No. 115 Ex.]

YEAS—44

Bayh
Brooke
Cannon
Case
Church
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Prouty
Proxmire
Ribicoff
Schweiker
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—52

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Murphy
Packwood
Pearson
Percy
Randolph
Russell
Saxbe
Scott
Smith, Maine
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—4

Anderson
Bennett
Mundt
Pell

So Mr. BAYH's motion to recommit the nomination was rejected.

Mr. DOLE. Mr. President, I move that the Senate reconsider the vote by which the motion to recommit was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the vote to recommit the nomination has been defeated by a rather substantial margin. I personally would like to see this matter brought to a head rather than to wait until Wednesday to decide. I would hope that Senators would give some consideration to the request I am about to make, because I think it will speed up the business of the Senate and allow us to get on with other work. It will not change the final result in any way, to my knowledge.

I ask unanimous consent that at the hour of 3 o'clock this afternoon, the final vote on the nomination of Judge Carswell takes place.

Mr. HRUSKA. Mr. President, reserving the right to object—and I shall object—this is the first time there has been brought to the attention of the Senate in its official capacity any indication that there would be an effort to change the order of business that was arrived at on March 25, when the present unanimous-consent agreement was fashioned and when it was fully approved.

It would seem to me that a hurried consideration of a change of an order of this kind would not be in order. And, in fact, it would be indicated that it would be unwise to do so.

Mr. President, I object.

Mr. BAYH. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, may I say that I did discuss this possibility an hour and a half ago with the distinguished minority leader.

I did so only to keep the other side informed of something which I thought of alone, and it was my thought that with all the Members possible present, it might be well to face up to this issue and get it disposed of once and for all, rather than to prolong it for the next day or so.

Mr. President, I realized that an agreement had been made to vote at 1 o'clock on Wednesday on the confirmation of Judge Carswell.

I thought that this might be one way of speeding up the procedure without unarming anyone and with the possibility that the Senate could get on to other business and thereby keep up to its schedule so that it might be possible, all things considered, to adjourn by Labor Day. However, objection has been entered, and that is about the size of the situation.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT. Mr. President, I would simply like to make it clear that the distinguished majority leader did make such a suggestion to me a short time ago. I interposed no personal objection to it. But I did advise him that objection would be heard and perhaps more than one. And I believe that that correctly states our conversation.

Mr. MANSFIELD. Mr. President, the Senator is correct. I made the unanimous-consent request in spite of the advice given by the distinguished minority leader. I did it on my own personal initiative and with the idea of speeding up the business of the Senate as a whole.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. Mr. President, this is the first time, I repeat, that the matter has been brought before the Senate on an official basis. I am aware that there has been a conference between the respective leaders of the two parties here.

I just wonder, however, if it would not serve some purpose, now that objection has been made, for the leader to consider perhaps renewing the request later this afternoon, say in the middle of the afternoon, and thereby give us a little chance for discussion and consideration and deliberation.

Mr. MANSFIELD. Mr. President, that is a reasonable request.

Mr. HRUSKA. And if it is agreeable with the leader, at any time say at 3 or 3:30, or something of that kind, the request may be renewed.

Mr. MANSFIELD. Mr. President, I will be delighted to renew the request at that time.

I appreciate the advice of the distinguished Senator.

Mr. BAYH. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. BAYH. I do not want anyone who heard me rise a moment ago and reserve the right to object to think that, as far as I am concerned, I was going to object to this procedure.

We have heard from the distinguished Senator from Nebraska, the distinguished Senator from Kansas, and the distinguished Senator from Florida.

I watched with great interest as the distinguished minority whip made a very excellent presentation on the Today Show this morning about the importance of bringing this matter before the Senate and how ridiculous it was for some of us to feel that we ought to study the matter more and answer some of the questions that have been raised.

I would like to salute the majority leader for trying to bring this matter to a vote at this time.

I am hopeful that the Senator from Nebraska will reconsider later this afternoon and that we can get down to the business of determining whether Judge Carswell will be confirmed for the Supreme Court.

Mr. HRUSKA. Mr. President, the memory of the Senator from Nebraska goes back to the afternoon of Wednesday, March 25, when it was the thinking of the leadership and others on this side of the aisle, as well as many Senators on the other side of the aisle, that the vote just taken this afternoon be followed by a vote on the nomination proper.

There was objection at that time, and the leading objector was the Senator from Indiana.

He must have had some reason for objecting. There was some discussion of the matter and the Senator from Indiana insisted that the vote not come on until Wednesday next following the vote to be had on today.

Now, having an impromptu and immediate proposal to dislocate what we have agreed upon is a little different situation than appeared before, which was the basis of the decision last March 25.

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. I have discussed this matter with no one except the distinguished minority leader, so the record will be straight.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. Would it be well for us to stay around this afternoon?

Mr. MANSFIELD. Yes. At the hour of 3 o'clock it is my intention to renew the request again.

Mr. YOUNG of Ohio. Mr. President, reserving the right to object, I report to the leadership, and I report to you, Mr. President, that Loyola University of Chicago is honoring me and bestowing an honor upon me this evening at a banquet. I am leaving for the airport within a very few minutes. Therefore, I report that if a vote on this important matter is taken today, I cannot be present to vote.

Mr. MANSFIELD. Mr. President, I yield the floor.

Mr. HRUSKA. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. Some suggestion has been made that perhaps a motion to lay on the table would be applied to the pending nomination. It is my recollection that this matter was brought up before, and that a motion to lay on the table would be eligible at any time to be laid before the Senate but the vote on that motion could not occur before the conclusion of debate, or prior to 1 o'clock on Wednesday, pursuant to the unanimous-consent agreement.

Is my recollection correct?

The VICE PRESIDENT. The Chair construes the intent of the unanimous-consent agreement to be that a vote on a motion to table the nomination would not be in order until 1 o'clock on April 8, 1970.

Mr. HRUSKA. And that no vote would occur on it until the conclusion of the debate and immediately prior to the vote on the motion to confirm.

The VICE PRESIDENT. Unless the Chair hears some disagreement, that would be the construction of the Chair.

Mr. HRUSKA. Unless modified by a new unanimous-consent request.

The VICE PRESIDENT. Yes.

Mr. MANSFIELD. Mr. President, I think I should say publicly that if a motion is made to table, after the vote which has just been conducted in the Senate, I would feel encumbent to vote against such a motion because I think the Senate had a reasonable chance to stand up to the question of recommital and the next role should be on an up-and-down basis as to whether Judge Carswell should or should not be confirmed.

Mr. HRUSKA. Mr. President, the majority leader speaks good sense.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I want the Record to show I have no objection to the speeding up of this vote. However, I would not want to preclude my distinguished friend from Ohio from voting. I wonder if he will be back by tomorrow.

Mr. YOUNG of Ohio. Yes, indeed.

Mr. HOLLAND. I suggest that possibility to the distinguished majority leader.

Mr. MANSFIELD. The vote would not come tomorrow because there will be other Members who have commitments. If there is an objection I hope it will be made now so I will not go through the charade at 3 o'clock to make a motion with no meaning.

Does the Senator object to a vote later this afternoon?

Mr. YOUNG of Ohio. Mr. President, I wish to inform the distinguished majority leader that I hope to take a plane at 2:40 p.m. If I were present this afternoon I would be compelled to object because I desire my vote to be counted.

Mr. MANSFIELD. That is enough for me. There will be no further request made today.

ORDER OF BUSINESS—LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, if no one intends to speak further on the nomination of Judge Carswell at this time, I ask unanimous consent that it be laid aside temporarily and that the Senate return to legislative session for the purpose of resuming work on the unfinished business, Senate Resolution 211.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Assistant Legislative Clerk. A resolution (S. Res. 211) seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

NASA DISPLAY OF NEW PRODUCTS FROM THE SPACE PROGRAM

Mr. CANNON. Mr. President, this morning the Committee on Aeronautical and Space Sciences held a hearing on the benefits that the Nation has received as a result of the space program. In the absence of the esteemed chairman of the committee, Senator Clinton P. Anderson, it was my privilege to preside over that meeting.

It was a remarkable hearing and even those of us who have followed the space program for many years were somewhat surprised, I think, at the scope of these benefits and the broad effort that NASA is undertaking to make these benefits available to the public. I shall not bother you here with the details as the committee is printing this hearing as a separate document, which I hope all Senators will read. This document will be available in 2 or 3 weeks, well before the consideration of this year's NASA authorization bill.

Among the benefits are a multitude of new products which have come directly from the space program or have been stimulated by materials and techniques developed by the space program.

A number of these products were shown to the committee as a part of Dr. Paine's testimony. It is such a fascinating display that we have persuaded NASA to leave it in the committee hearing room, room 235 in the old building, today until 3 p.m. Tomorrow, April 7, the display will be open from 10 a.m. to 3 p.m. NASA experts will be available to describe the products and to provide help to Senators and staffs on how constituents, particularly manufacturers, businessmen, and educators, can be assisted in getting information which would be useful to them.

A RAY OF LIGHT ON UNITED STATES-JAPAN TEXTILE AGREEMENT

Mr. JAVITS. Mr. President, late last week, some rays of light penetrated the increasingly dark clouds settling over United States-Japanese relations and the world's international trading pattern because of the textile situation. First, the spokesman of the State Department denied an earlier statement by an administration official that the United States was on the point of abandoning ongoing talks between the United States and Japan regarding the textile situation and deciding to seek quota legislation from Congress. In response to a press question Mr. McCloskey stated:

> Only that the Administration is on record wanting to solve some of the problems through international agreement. We've had discussions with the major exporters, principally Japan, looking towards agreements on this subject. So far it has not been possible to reach negotiated solutions, *but contact has not been broken off*.

A spokesman of the Japanese Embassy, later in the afternoon, according to press reports, gave a qualified endorsement to the Kendall proposal, whose elements reportedly include a temporary 1-year freeze on textile imports thus allowing time for a Presidential Commission to review the whole textile import question and to make findings as to "injury." In making this reported qualified endorsement the Japanese Government apparently was overriding the Japanese textile industry which rejected the Kendall proposal. I placed the press reports of this Japanese industry rejection in the Congressional Record on April 2. I believe that the Japanese Government has now

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adopted a better position in moving to this "compromise position." I also find the Japanese Embassy's spokesman's statement made at the press conference statesmanlike.

Reportedly the spokesman stated:

> So long as both sides are emotionally involved, it is not expected that a reasonable solution can be reached.

With this very constructive move of the Japanese Government, I must now conclude that the next move on the chess board, if a mutually acceptable agreement is to be reached and if quota legislation is to be avoided, no longer solely rests with the Japanese; but also with the highest authority of the United States.

My colleagues will recall that on March 25 I characterized the initial Japanese response to the negotiating offer put forward by the United States in early January as "unfortunate" and concluded that:

> The tone of the reported note leads me to the conclusion that the next move on this complicated chess board now rests with Japan.

I am also pleased that the political leaders in Japan now have actively involved themselves in the decisionmaking process and that these leaders did differentiate between the national interests of their country as distinct from regional and special interests.

I ask unanimous consent that the report on the new position of the Japanese Government as reported in the Washington Post on Saturday, April 4 be printed in the RECORD—this report logically follows the insertions made on April 2, March 25, and February 10—together with an article entitled "New Talks Urged in Textile Battle," written by Brendan Jones.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1970]

U.S. DENIES DECISION MADE—JAPANESE OFFER TEMPORARY FREEZE ON TEXTILE IMPORTS

(By Robert J. Samuelson)

In an effort to avoid mandatory quotas, the Japanese government yesterday offered to freeze temporarily the level of its textile imports into the United States.

The proposal followed threats by some American officials to abandon talks between the two countries and seek legislation from Congress.

Earlier this week, one U.S. official, speaking on a not-for-attribution basis, told reporters that the U.S. had virtually given up hope that the negotiations would produce an agreement.

DECISION DENIED

Though he said the Nixon Administration would propose legislation, other government officials denied that the President had come to that decision.

Yesterday, Japanese Embassy officials held their own briefing and gave a qualified endorsement to a compromise plan proposed by Donald Kendall, chairman of Pepsi Co., Inc., and head of the Emergency Committee on American Trade.

That plan envisions a temporary freeze on the level of Japanese textile shipments while an independent presidential commission studies the impact of the imports on various segments of the American industry.

When the examination is completed, the freeze would be lifted and restrictions would apply only to specific items that had caused a significant amount of damage to U.S. firms.

The key question apparently is the level at which the imports would be maintained during the temporary freeze. Here the Japanese declined to commit themselves.

This issue would be a "matter of negotiation," said Bunroku Yoshino, minister at the country's Washington embassy.

The aim of the temporary freeze, he repeatedly emphasized, is "to take the heat" off the issue.

"So long as both sides are emotionally involved," he declared, "it is not expected that a reasonable solution can be reached."

The Kendall plan has already been denounced by the American industry (which wants legislation and thinks the proposal is too lenient) and the Japanese industry (which wants no restrictions and thinks the plan is too harsh).

JAPANESE DIFFICULTIES

At the briefing, Yoshino indicated that his government faces a difficult time in convincing Japanese firms to accept some sort of compromise. The situation, he said, is "most difficult—it's perhaps harder than persuading the U.S. side."

Japan's textile exports to the U.S. have risen sharply in the last five years, with America's net deficit (the excess of imports over exports) increasing 60 per cent to $800 million in 1968. American officials, involved in negotiations with Japan since early 1969, could not be contacted for comment last night.

Yoshino, however, hinted that Japan won't accept any kind of "rollback" in imports. With all textile imports totaling only 6 per cent of U.S. production, he said his government remains skeptical that any permanent restrictions are required.

"At the moment, the material we have from the U.S. is not persuasive enough . . . regarding the threat of injury," he said.

NEW TALKS URGED IN TEXTILE BATTLE—JAPANESE SUGGEST MEETING OF LEADING BUSINESSMEN FROM BOTH COUNTRIES

(By Brendan Jones)

Hopes that there still might be time and willingness to break the bitter deadlock that has developed between Washington and Tokyo over textile imports was expressed by Japanese sources here last week.

While chances for conciliatory moves appear slim, it was suggested that a meeting by private business leaders from both sides might set the stage for a renewal of discussions at a less emotional level than has prevailed in official negotiations.

The Japanese here had no definite thoughts on what form a compromise might take. They stressed, however, that the Tokyo Government still strongly desired to find a solution that would stave off the imposition of mandatory import by Congress.

QUOTA MOVES EXPECTED

Moves for mandatory quotas now seem almost certain to start with the opening of hearings on the Administration's trade-agreements bill by the House Ways and Means Committee, probably in mid-May.

There remains, therefore, a few weeks in which to maneuver for a resumption of official negotiations. The problem, though, is to get Washington and Tokyo back on speaking terms.

That this will not be easy was demonstrated earlier last week with an unusual venting of angry criticism of the Japanese by Administration officials.

In a "background briefing" for the press, officials who had been trying for more than a year to get the Japanese to agree to voluntary textile quotas indicated they were ready to quit.

They charged the Japanese with being "arrogant" toward the proposal that they voluntarily restrain exports of wool and man-made textiles to this country.

The officials, who declined to be named, complained also of "rudeness" and what were considered unreasonable counterproposals in negotiations with Hong Kong, South Korea and Formosa.

For their part, Japanese officials have repeatedly offered to consider selective quotas if presented with evidence of import injury to American producers.

By all indications, Washington officials have been unable or unwilling, to offer such evidence, and this is the essence of the impasse.

The Japanese sources, which also asked not to be identified, conceded that there was no certainty that the proceed meeting of business leaders would bring a solution.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the prayer the distinguished Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 1 hour.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORT ON JOINT RESOLUTION TO PROVIDE FOR THE SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN CARRIERS BY RAILROAD AND CERTAIN OF THEIR EMPLOYEES (S. REPT. NO. 91–758)

Mr. JAVITS. Mr. President, by direction of the Committee on Labor and Public Welfare, I report to the Senate an original joint resolution to provide for the settlement of a labor dispute between certain carriers by railroad and certain of their employees.

I ask unanimous consent that the report to accompany the resolution may be filed by midnight tonight.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Does the Senator have any idea as to when this resolution may be called up as far as he is concerned?

Mr. JAVITS. As far as I am concerned—and I believe this goes for the committee—we would like it to be called up as soon as possible, but I think we can afford to have it go over 1 day, although it is a situation of great emergency. Because of my own commitment tomorrow, I would hope the leadership would allow us to call it up on Wednesday at the earliest time.

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Mr. MANSFIELD. Perhaps sometime after the vote on the Carswell nomination is disposed of?

Mr. JAVITS. Yes.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, the unanimous-consent request was that the committee have until midnight tonight to file its report.

The VICE PRESIDENT. Is there objection to that request? Without objection, it is so ordered.

The joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, reported by Mr. JAVITS, was read the first time, and by unanimous consent, the second time, and ordered to be placed on the calendar.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Then, as I understand it, tentatively the Senate is on notice that this matter will be taken up on Wednesday, and certainly no later than Thursday, and therefore Senators will act accordingly?

Mr. JAVITS. Yes. I might state that we must take it up, certainly, on Thursday. I would hope we could do it on Wednesday, even if it is late.

Mr. MANSFIELD. We are against a deadline, which is midnight Friday.

Mr. JAVITS. Exactly. The House of Representatives has to act, and we may have to go to conference; so Wednesday would really be the latest optimum time.

I thank the majority leader. I am sorry I cannot report the technical details, but that will be done later this afternoon.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16612) to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970, and it was signed by the Vice President.

LOWERING THE VOTING AGE

Mr. ALLOTT. Mr. President, the New York Times of yesterday—Sunday, April 5—contained a very interesting and highly significant letter to the editor expressing strong opposition to the proposal to lower the voting age in National and State elections by statute.

The letter was from six distinguished members of the faculty at the Yale Law School. Professors Bickel, Black, Bork, Ely, Pollak, and Rostow do not address themselves to the question of whether or not the voting age should be lowered to 18. Indeed, they say that they are not of one mind on that subject.

But these six constitutional lawyers are in complete agreement on two points.

First, they are convinced that a statute lowering the voting age in National and State elections—a statute such as the proposal that is pending in the House of Representatives—would be unconstitutional.

Second, they think that it is not a matter of mere technicality, but a matter of fundamental constitutional importance, that this approach to lowering the voting age be abandoned.

The six writers suggest this:

> If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

This is the position taken by the Justice Department. As the men from Yale acknowledge, they are not given to habitual applause for each and every position taken by the Justice Department. Thus, their strong agreement with the Justice Department on this issue is all the more noteworthy.

I urge all Senators and all concerned Americans to give careful consideration to the arguments advanced by the men from Yale.

I emphasize that their arguments are not linked in any way with any position on the question of whether of not the voting age should be lowered. Their arguments only concern the way in which we should go about answering that question.

I ask unanimous consent that the letter, as published in the New York Times, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the EDITOR:

As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengeable form, in a constitutional amendment: One hundred years ago in the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL.
CHARLES L. BLACK JR.
ROBERT H. BORK.
JOHN HART ELY.
LOUIS H. POLLAK.
EUGENE V. ROSTOW.

NEW HAVEN, *April 1, 1970.*

Mr. ALLOTT. Mr. President, I call this matter to the attention of the Senate because the position enunciated by these six professors of constitutional law is substantially the same position—in fact, it is the identical position which I took in voting against that section of the bill.

Without respect to whether or not one believes that a person of the age of 18 or down to 18 should be permitted to vote, it is a fact, as many of us feel very strongly, that it is an unconstitutional way to proceed in this matter. I think that Senators who felt as strongly as I and others felt about this matter have an obligation to express that in their vote, no matter how they may feel upon the particular subject matter which it attends.

HEARINGS OF SENATE SUBCOMMITTEE ON THE GENOCIDE CONVENTION: AN IMPORTANT STEP TOWARD FULFILLMENT OF THE IDEALS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I am extremely pleased by Senator CHURCH's announcement that his special subcommitte of the Senate Foreign Relations Committee will hold hearings on the Genocide Convention.

Senate ratification of the Genocide Convention is of the greatest importance if international protection of human rights is to be realized. I am confident that these hearings will clearly establish that Senate action on this treaty is essential. I applaud the decision of Senator Church to hold these hearings, and sincerely hope that the Genocide Convention receives the Senate's immediate attention.

With the prospects for Senate ratification of the Genocide Convention now appearing brighter, I would especially like to point to the significance of the universal declaration of human rights as a basis for much of the progress that has taken place in this area. Former Chief Justice Earl Warren cogently summarized the importance of the declaration in an address to the Conference on Continuing Action for Human Rights, held in December 1968. Mr. Warren hailed the declaration as a "foundation of a law for human rights for all mankind."

I ask unanimous consent that excerpts of the remarks of Mr. Warren to this conference, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

The foundations of a law of human rights for all mankind are the U.N. Charter obligation to promote and protect human rights and the standards proclaimed in the Universal Declaration of Human Rights. This Declaration has already had a real impact on countries around the world. In speaking of the Universal Declaration Secretary General U Thant said recently: "It may safely be said . . . the Declaration has guided and inspired many statesmen and legislators. It has undoubtedly also helped the men, women and children for whom it had been proclaimed. Those who suffered from inequities, from prejudices, from humiliations, from fear and insecurity found in it a justification for their complaints and protests and additional grounds for their claims for redress."

Similarly Roy Wilkins said at the International Conference on Human Rights held at Teheran this year that "The vision of the Universal Declaration and our association in the United Nations' system have been helpful in expanding our sights." I believe that it is true that the Universal Declaration has enlarged our vision, but I believe even more firmly that it has only barely begun to play its role in the development of a universal society. It has a major role to play both here among us and abroad in the many countries which are contending with similar and even the same problems which we have faced over the last hundred years.

The Universal Declaration was also the starting point for a very significant attempt to develop a law of human rights to which countries could pledge themselves. The purpose of this was to withdraw the citizen to some extent—in the most fundamental aspects of his relationship to his government—from the potentially arbitrary actions of his government. As a result it was thought mankind would be benefited and governments would be deterred from despotic tendencies. The ultimate hope was that the individual countries would develop stable, democratic governments which would be mutually respecting and inclined to deal with international problems in a manner reflecting their internal lawful nature. . . .

And so in this 20th year of the Universal Declaration of Human Rights, we who have aligned ourselves with the movement for human rights have much to be thankful for. The movement toward that end is substantial; it is worldwide; and it is to be felt on every continent of the earth. So today we reassert our belief that human rights must be a matter of our continuing concern and we pledge our efforts toward the fulfillment of the promise of the Universal Declaration of Human Rights, the principles of which are basic to justice and peace.

Mr. PROXMIRE. I am happy to say that because President Nixon, Attorney General Mitchell, and Secretary of State Rogers are all committed to support of the Genocide Treaty, I think its chances are now better than they have ever been.

OIL AND VINEGAR

Mr. PROXMIRE. Mr. President, Erwin Knoll detailed the activities of the oil lobby in an article entitled "The Oil Lobby Is Not Depleted" in the March 8, 1970, issue of the New York Times Magazine.

Because the one thing the oil lobby cannot stand is exposure to public view, there was an immediate hue and cry about Mr. Knoll's "bias." Rather than attack Mr. Knoll's facts, Frank Ikard, president of the powerful American Petroleum Institute, wrote an emotional letter to the New York Times in rebuttal which, if my memory serves me correctly, appeared in the Congressional Record three times before it appeared in yesterday's New York Times.

I can think of no more fitting an answer than that supplied by Mr. Knoll to Mr. Ikard's emotional attack on his piece. I ask unanimous consent that Mr. Ikard's letter and Mr. Knoll's reply as they appeared in yesterday's New York Times be printed in the Record at this point.

There being no objection the letter and article were ordered to be printed in the Record, as follows:

Oil and Vinegar

To the Editor:

Your March 8 issue carried an article by Erwin Knoll attacking the so-called "oil lobby" ("The Oil Lobby Is Not Depleted"). It would take a reply fully as long as the original to do justice to the superficialities, misrepresentations and artful omissions in the article. However, I would like to cite a few examples:

1. A great deal is made of the alleged $5-billion "cost" of the oil import program to the public, but nowhere is it indicated that this is a matter very much in dispute. The United States Deaprtment of the Interior, for example, estimates that the real cost of the program—after taking all factors into account—is only about one-fifth the figure cited by Mr. Knoll, and points out that such a cost represents very inexpensive insurance for the military and economic security provided by the program.

2. Along the same lines, the article quotes at length from hostile testimony at last year's hearings on the import program. No mention whatever is made of the telling points made by many prominent witnesses at the same hearings in support of the program. As far as the reader could tell, there was no "other side" to the case.

3. Ironically, some of the Senators and Congressmen who are most vocal in condemning controls over oil imports are outspoken advocates of import restrictions on other commodities that are manufactured in their states. Thus, some argue forcefully, for example, for controls over dairy imports, while others favor tight import restrictions on shoes and textiles. Apparently, however, Mr. Knoll sees nothing inconsistent in this.

4. The article gives a distorted impression of a telegram sent to the chairman of the House Ways and Means Committee to the staff of the Cabinet Task Force on Oil Import Control. The key part of the telegram, as reported in the press, was: "If, at the same time Congress is reducing depletion allowances, it develops that imports of oil are increased, the combination of the two could be injurious to the development of further reserves in the U.S." Moreover, Mr. Knoll suggests that this telegram was an example of "pressure" on the task force; in fact, it was sent in response to an inquiry from the task force staff.

5. Mr. Knoll quotes liberally the arguments and statistics cited by opponents of import controls. But he ignores the fact that submissions to the Task Force by several of the Government departments and agencies most directly concerned contained impressive statistical support for the program. So did a letter sent to the President by 81 members of the House of Representatives, including the majority leader and the chairmen of eight committees, who opposed weakening the program on the ground that such action would jeopardize national security.

6. The author quotes figures from the First National City Bank of New York to try to build a case that oil profits are excessive, as compared with those of other industries. Ironically, the very same bank tabulation shows that the petroleum industry's rate of return on net worth—the true measure of profits—was 12.9 percent in 1968, compared with an all-manufacturing average of 13.1 percent. In fact, as far back as these statistics have been maintained by the bank, the petroleum industry's return on its investment has run slightly below the average for all manufacturing. (Incidentally, a reproduction of an oil industry advertisement accompanying the article was conveniently cropped one line above the place where this comparison of profits would have been shown.)

7. The article quotes a Congressional source to the effect that the American Petroleum Institute "has been a pace-and-precedent-setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future." We like to think this is true and is reflected in such actions as the allocation of more than $3,000,000 annually in institute funds to air- and water-pollution research. A.P.I.'s research program includes dozens of scientific projects at universities and research laboratories, with Government agencies participating in many of them. This being the case, we deeply resent the innuendo that there is something spurious about the program, especially since the author made no effort whatever to get the facts, which are readily available.

Frank N. Ikard,
President, American Petroleum Institute.
New York.

Mr. Knoll replies: "Mr. Ikard's principal complaint about my article seems to be that it did not do what Mr. Ikard does so well—advance the oil industry's special pleading in behalf of its egregious privileges. In view of the American Petroleum Institute's prodigious efforts, I think Mr. Ikard is being unduly modest when he refers to 'the so-called "oil lobby."' Would he have readers believe that the lobby is a figment of my imagination?

"As for the specific points raised in Mr. Ikard's letter:

"The recently released report of President Nixon's task force on oil-import controls declared: 'In 1969, consumers paid about $5-billion more for oil products than they would have paid in the absence of restrictions. By 1980, the annual cost to consumers would approximate $8.4-billion.' The Office of Emergency Preparedness, which has been

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given primary responsibility for coordinating the President's new Oil Policy Committee, estimated the 1969 cost of the quota system at $5.25-billion.

"It was the unanimous finding of the President's task force that 'the present import-control programs is not adequately responsive to present and future security considerations.' In testimony before a House subcommittee on March 9, Assistant Secretary of Defense Barry J. Shillito said: 'We firmly believe that oil-import controls can be gradually relaxed to permit increased oil imports, within the limits planned, without adversely affecting national security.'

"The 'hostile testimony' I quoted represented the expert judgment of independent economists. One of the industry's conceits is that only those persons who are on the payroll of an oil company or trade association are qualified to talk about oil issues. The 'many prominent witnesses' Mr. Ikard cites in support of the import program were, with very few exceptions, industry spokesmen.

"Mr. Ikard slides over the significant—and costly—difference between oil quotas and import tariffs. He is quite right about the inconsistent position of some legislators who oppose oil import controls but support other trade restrictions. This is a fine debating point for the oil lobbyists, but I fail to see how it strengthens the case for oil quotas.

"As I reported, the chairman of the most powerful legislative committee in the House warned the task-force staff against 'tinkering with the matter of oil imports.' Mr. Ikard is entitled to his judgment that this did not constitute pressure.

"My article made clear that the oil industry has devoted supporters within the executive and legislative branches of the Federal Government. The submissions to which Mr. Ikard refers were analyzed—and rejected—by staff experts and a majority of the members of the President's task force. The 81 Congressmen who expressed their support for the quota system were, without exception, representatives of oil-producing areas.

"The profit figures I cited were based on net sales. The 'true measure' preferred by Mr. Ikard—return on net worth—is peculiarly misleading when applied to the oil industry, since it obscures the important factor of cash flow, which includes not only net income but depletion and depreciation reserves. Thus, in 1968 the cash flow of oil companies totaled $9.6–billion, consisting of $5.8–billion in net income after taxes and $3.8–billion in depletion and depreciation reserves. This is equal to the assets of more than 60 per cent of all manufacturing corporations.

"It is gratifying to learn that the industry is allocating a few million dollars for research to counteract its many billions of dollars' worth of pollution and environmental damage. I wish Mr. Ikard were as forthcoming on other, unpublicized aspects of the American Petroleum Institute's budget.

"Mr. Ikard chooses not to address himself to the central theme of my articles—the pervasive and pernicious influence of oil in politics. He seems content to let my conclusions on this point stand, and so am I."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. McGovern) laid before the Senate the following letters, which were referred as indicated:

Report on Reapportionment of an Appropriation

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriations for certain departments and agencies, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, to the Committee on Appropriations.

Proposed Legislation Providing for the Removal of Snow and Ice From the Paved Sidewalks of the District of Columbia

A letter from the Assistant to the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. McGovern):

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Commerce:

"Resolution

"A concurrent resolution to memorialize Congress to enact suitable legislation to ensure that the United States Coast Guard Reserve shall continue in operation

"Whereas, there is at this time every indication that the United States Coast Guard Reserve shall in the near future be discontinued; and

"Whereas, the Coast Guard Reserve has contributed greatly to the military preparedness and the protection of the coastal areas of this country; and

"Whereas, in the event of an emergency or national disaster it would still add greatly to the protection of our coastal areas. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized to enact without delay suitable legislation which shall ensure the continued operation of the United States Coast Guard Reserve.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States.

"State of South Carolina, In the House of Representatives, Columbia, South Carolina, March 31st, 1970.

"I hereby certify that the foregoing is a true and correct copy of a Resolution passed in the House of Representatives and concurred in by the Senate.

"Inez Watson,
"Clerk of the House."

A resolution, signed by the Governor and certain other officials of the State of Louisiana, praying for the enactment of legislation to effectuate the transition to a racially nondiscriminatory school system, while at the same time clearly taking into account and protecting the inalienable right of every American child to attend the school of his choice and forcing no child to attend any school for the purpose of achieving integration of the races in the schools; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 2846. A bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes (Rept. No. 91–757).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Fred J. Russell, of California, to be Under Secretary of the Interior.

BILLS AND JOINT RESOLUTIONS INTRODUCED OR REPORTED

Bills and joint resolutions were introduced, or reported, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 3675. A bill for the relief of Ming Chang; and

S. 3676. A bill for the relief of Ursula Sophia Luczyk; to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. Bayh, Mr. Boggs, Mr. Eagleton, Mr. Montoya, Mr. Randolph, and Mr. Spong):

S. 3677. A bill to establish an independent agency to coordinate the management of programs established to protect and enhance the quality of the environment through the control and abatement of air and water pollution, solid waste contamination, and through other related activities; to the Committee on Government Operations.

(The remarks of Mr. Muskie when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PROXMIRE (for himself, Mr. Brooke, and Mr. Williams of New Jersey):

S. 3678. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MOSS:

S. 3679. A bill for the relief of Edwardo Valle, Theresa Valle, and Emma Valle; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 3680. A bill relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes; and

S. 3681. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S.J. Res. 189. A joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. JAVITS:

S.J. Res. 190. A joint resolution to provide for the settlement of the labor dispute be-

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tween certain carriers by railroad and certain of their employees; placed on the calendar.

(The remarks of Mr. JAVITS when he reported the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 3677—INTRODUCTION OF ENVIRONMENTAL QUALITY ADMINISTRATION ACT OF 1970

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BAYH, BOGGS, EAGLETON, MONTOYA, RANDOLPH, and SPONG, I introduce the Environmental Quality Administration Act of 1970.

Few Federal programs and executive agencies have undergone the constant change in a relatively short period of time which has marked the Federal effort to control air, water, and land pollution. And few Federal "wars" are being fought with as much room for improvement in effectiveness and efficiency.

Without a thorough reorganization of the executive branch, the pursuit of environmental quality will never achieve a preeminent position in the Federal Government. And if policies for the protection and enhancement of the environment do not dominate in the future, we will never be able to correct the mistakes of the past.

I am not the first to note the way in which pollution control and abatement protection programs are scattered through several departments and agencies.

The Federal Water Pollution Control Administration is housed in the Department of the Interior. The Air Pollution Control Administration is part of the consumer protection and environmental health services program in the Department of Health, Education, and Welfare, along with the Environmental Control Administration.

The Congress has assigned responsibilities for pesticides control to the Department of Agriculture, which also promotes the use of pesticides for increased agricultural production. The Atomic Energy Commission supervises radiological protection from the uses of nuclear energy, which the Commission promotes. The Corps of Engineers is responsible for control of most polluted industrial discharges into the navigable waters, which the corps dredges and into which it authorizes the dumping of spoil. Some responsibilities for solid waste programs are lodged in the Department of the Interior's Bureau of Mines, which has as its primary mission the promotion of mineral resource development and use.

We have also given authority to the Department of Housing and Urban Development and the Farmers Home Administration in the Department of Agriculture to make grants and loans for the construction of sewage systems.

Such proliferation of activities and overlap of responsibilities are not unique to environmental protection programs in the Federal Government. But, increasingly, such proliferation and overlap are intolerable because of their adverse effects on our efforts to improve the environment.

The time has come for us to create an independent, watchdog agency to exercise the regulatory functions associated with environmental protection. Bureaus, divisions, and administrations housed in separate departments cannot marshal the resources required to combat the interlocking assaults on our air, water, and land resources. They have neither the status nor the manpower to deal with one of the fundamental and insidious threats to our society.

There are those who favor the creation of a Department of Natural Resources or a Department of Conservation to handle such functions. Whatever the merits of such a department to serve other purposes, such a move for these purposes would be a mistake for several important reasons.

First, it would ignore the fact that our environmental protection problem involves competition in the use of resources—a competition which exists today in the Department of the Interior and would exist in any department which must develop resources for public use.

The Department of Transportation is not the agency to determine air pollution control requirements for the transportation industry. The Atomic Energy Commission is not the agency to establish water pollution control requirements for nuclear powerplants. The agency which sets environmental quality standards must have only one goal: protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

The problem of environmental pollution will not be solved by picking up the rhetoric of antipollution concerns and then assigning the control of pollution to those responsible for the support or promotion of pollution activities.

Second, we must recognize that environmental protection is not the same as conservation, although sound conservation practices should enhance the environment. For example, some conservation projects developed and promoted by the Soil Conservation Service, the Bureau of Reclamation, or the Corps of Engineers are not consistent with broader societal needs and the quality of life. Our conservation projects in south-central Florida, for instance, have seriously threatened the ecology of the Everglades.

Finally, the traditional concerns of conservation activities have been too closely identified with the protection of natural resources separated from the population centers. Our primary concern must be man where he lives and the interrelationship between the natural environment and his manmade environments.

An independent agency, charged with responsibility for developing and implementing Federal environmental quality standards, supporting basic research on problems of environmental quality, stimulating and supporting research on control techniques, and providing technical assistance to State, interstate, and local agencies, would reflect the national commitment we need if we are to avoid ecological disaster.

The establishment of such an agency must be backed up by a commitment of resources to eliminate the discharge of municipal and industrial wastes into our public waterways, to drastic reduction in air pollution emissions from stationary sources and moving vehicles, to prevent the distribution of materials and products which threaten man and other species, and to insure the reconstruction and development of our metropolitan areas as places worth living in.

The commitment of resources means money and manpower, and hard decisions on where to allocate those resources and where not to allocate them. It means making environmental protection and improvement more than a conventional political issue. And it means placing authority for these programs in the right place.

The Environmental Quality Administration would mark an important change in our commitment to environmental quality. It would translate our concern into effective action, our financial commitments into results, and our determination into strong enforcement.

I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. MONDALE). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 3677) to establish an independent agency to coordinate the management of programs established to protect and enhance the quality of the environment through the control and abatement of air and water pollution, solid waste contamination, and through other related activities, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that—

(a) the deterioration of the environment threatens the health and welfare of man and degrades the quality of life;

(b) air, water and land pollution disrupts production, jeopardizes the economy and impedes the growth of the Nation;

(c) our technology has made it possible to increase agricultural and industrial production, meet consumer demands, and explore outer space, but we have not used our technology adequately to protect the resources of our environment;

(d) the protection and enhancement of the environment requires effective coordination and management of existing and future programs providing for the control and prevention of air and water pollution, the disposal of solid wastes and the conservation of natural resources; and,

(e) it is therefore the purpose of this Act to protect present and future generations of Americans against the adverse effects of environmental changes through the establishment of an independent agency—

(1) to develop and promote policies for the protection and enhancement of the environment;

(2) to develop criteria which identify the effects of pollutants and other environmental changes on the public health and welfare;

(3) to develop and enforce standards to protect the public health and welfare from

the short- and long-term adverse effects of environmental changes; and,

(4) to develop the technical capacity to implement such policies and standards.

responsible for the development, administration, and enforcement of comprehensive national policies, programs, and activities authorized by Act of Congress to improve the quality of the American environment and to maintain that improved quality.

SEC. 2. (a) The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. In addition to the Administrator there shall be five deputy administrators, appointed by the President, by and with the advice and consent of the Senate, and designated at the time of appointment as follows: the Deputy Administrator for Research and Development; the Deputy Administrator for Enforcement; the Deputy Administrator for Standards Development and Intergovernmental Coordination Program Planning; the Deputy Administrator for Operations and Grants; and the Deputy Administrator for Public Information. Each deputy administrator (according to such order as the Administrator shall prescribe) shall act for, and exercise the powers of, the Administrator during his absence or disability. The Administrator shall prescribe the functions and duties of each deputy administrator consistent with his designation and such additional functions as the Administrator may from time to time prescribe. The Administrator and the deputy administrators may delegate any of their functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to, the Administration.

(b) The Administrator is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this Act.

(c) The Administrator may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) Subchapter II of chapter 53 of title 5, United States Code (relating to Executive Schedule pay rates), is amended as follows:

(1) Section 5313 is amended by adding at the end thereof the following:

"(20) Administrator, Environmental Quality Administration."

(2) Section 5314 is amended by adding at the end thereof the following:

"(55) Deputy Administrators, Environment Control Administration (5)."

SEC. 3. (a) There are hereby transferred to the Administrator all functions of the Secretary of Health, Education, and Welfare with respect to, and being administered by him through—

(1) the National Air Pollution Control Administration;

(2) the Bureau of Radiological Health;

(3) the Bureau of Solid Waste Management; and

(4) the Bureau of Water Hygiene.

(b) There are hereby transferred to the Administrator all the functions of the Secretary of Commerce with respect to, and being administered by him through, the Environmental Science Services Administration.

(c) There are hereby transferred to the Administrator all functions of the Secretary of the Interior with respect to, and being administered by him through—

(1) the Federal Water Pollution Control Administration; and

(2) the Water Resources Division of the Geological Survey.

(d) There are hereby transferred to the Administrator all functions of the Secretary of Agriculture with respect to, and being administered by him through—

(1) the Pesticide Control Board pursuant to the Federal Insecticide Fungicide, and Rodenticide Act, (7 U.S.C. 135);

(2) the Farmers Home Administration, insofar as such functions relate to the water and sewer facilities assistance program.

(e) There are hereby transferred to the Administrator all functions from the Department of Housing and Urban Development (with respect to, and being administered by him through) the Community Resource Development Administration, insofar as such functions relate to the water and sewer grant program authorized by section 701 of the Housing Act of 1954.

(f) There are hereby transferred to the Administrator all functions of the Department of Transportation with respect to, and being administered by him through the Office of Noise Abatement;

(g) Within 180 days after the effective date of this Act, the President may transfer to the Administrator any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Administrator by subsection (a) through (f) of this section.

SEC. 4. (a) All personnel, assets, liabilities, contracts, property, and records, as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 4 of this Act, are hereby transferred to the Administrator. Except as provided in subsection (b) of this section, personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions and personnel.

(b) Personnel not under section 5337 of title 5, United States Code, shall be transferred without reduction in classification or compensation for 1 year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this Act, such agency or office shall lapse.

SEC. 5. (a) The Administrator is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with, and advice to, the administration in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Administrator, may be paid compensation at rates not exceeding those authorized to be paid experts and consultants under section 3109 of such title, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title, for persons in the Government service employed intermittently.

(b) In order to carry out the provisions of this Act, the Administration is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; to provide services in connection therewith, and to charge therefor; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate;

(4) to construct, operate, lease, and maintain buildings, facilities, and other improvements as may be necessary;

(5) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(6) to enter into contracts or other arrangements or modifications thereof, with any government, any agency or department of the United States, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended, (41 U.S.C. 5);

(7) to make advance, progress, and other payments which the Administrator deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(8) to take such action as may be necessary to carry out the provisions of this Act.

SEC. 6. The Administrator shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President and the Congress on the activities of the Administration during the preceding fiscal year.

SEC 7. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect; shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Administration. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion

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or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Administrator; or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Administrator;

then such suit shall be continued by the Administrator (except in the case of a suit not involving functions transferred to the Administrator, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to the agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Administration or Administrator, as appropriate, in which such function is vested pursuant to this Act and such other Federal law shall hereafter be administered by such Administration or Administrator to the same extent as such law was administered by such former agency, office, or part thereof, or officer.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Administrator in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, or officer exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Administration.

(g) In the exercise of the functions transferred under this Act, the Administrator shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

SEC. 8. (a) This Act, other than this section, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsection (a) or (b) of section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Administrator pursuant to this Act.

The summary, presented by Mr. MUSKIE, is as follows:

ENVIRONMENTAL QUALITY ADMINISTRATION ACT

Section 1—Short title, the Environmental Quality Administration Act of 1970.

Section 2—Findings and declaration of purposes.

Section 3—Appointment of Administrator by the President, with the advice and consent of the Senate; appointment of Deputy Administrators by the President with the advice and consent of the Senate, for Research and Development, for Enforcement, for Standards Development and Intergovernmental Coordination Program Planning, for Operations and Grants, and for Public Information.

Section 4—The functions of the following agencies and programs are transferred to the Administration: the National Air Pollution Control Administration, the Bureau of Radiological Health, the Bureau of Solid Waste Management, the Bureau of Water Hygiene, the Environmental Science Services Administration, the Federal Water Pollution Control Administration, the Water Resources Division of the Geological Survey, the water and sewers facilities assistance program of the Farmers Home Administration, the Pesticide Control Board, the water and sewer grant program of the Community Resource Development Administration, the Office of Noise Abatement in the Department of Transportation, and any others determined by the President.

Section 5—Transfer of personnel, assets, liabilities, contracts, property and records.

Section 6—Appointment of advisory committees by the Administrator; powers of the Administration.

Section 7—Report by the Administrator to the President and the Congress each fiscal year.

Section 8—Continued effect of actions of agencies transferred to the Administration.

Section 9—Effective date of act.

S. 3678—INTRODUCTION OF A BILL TO BRING SECRET FOREIGN BANK ACCOUNTS UNDER GREATER PUBLIC SCRUTINY

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, a bill to bring secret foreign bank accounts under greater public scrutiny. There are a number of very legitimate reasons for U.S. citizens to maintain foreign bank accounts and I do not question this right. At the same time our law-enforcement authorities have been hamstrung by the veil of secrecy surrounding foreign bank accounts. Efforts to track down violations of our various tax and securities laws have been stymied whenever the trail leads to a foreign secret bank account. Our law-enforcement authorities need additional tools to trace the international flow of funds into and out of the United States without impairing the international mobility of capital or infringing upon the sovereign rights of foreign countries. I believe the legislation I have introduced is consistent with these goals.

There is widespread agreement on the need for legislation to control secret foreign bank accounts. The House Committee on Banking and Currency has held lengthy hearings on the subject in which a number of abuses were identified. The former U.S. attorney for the southern district of New York, Robert Morganthau, argued strongly for corrective legislation. The Department of Justice and Treasury are also agreed on the need for greater statutory authority. Likewise, the New York banking community recognizes the serious problems involved and supports efforts to prevent the use of foreign banking facilities for illegal purposes. While there has been some disagreement over methods, the end objectives seem beyond dispute. Given this agreement, I am confident a suitable statute can be enacted this year.

WHAT THE BILL DOES

My bill is similar to a recent measure approved by the House Banking and Currency Committee, but it goes beyond the House bill in two major respects:

First, it prevents U.S. broker-dealers from effecting transactions in U.S. securities on behalf of a foreign bank or broker unless the foreign bank or broker discloses the person for whom it is acting or certifies that it is not acting for a U.S. citizen or resident. This provision should remove the veil of secrecy surrounding foreign stock transactions.

Second, my bill requires U.S. citizens who place stock orders through foreign banks or brokers to give the foreign bank or broker permission to disclose the person's identity to the U.S. broker-dealer with whom the transaction is ultimately effected. This provision will enable foreign banks or brokers to disclose a U.S. citizen's identity without violating their country's secrecy laws.

In addition, my bill contains provisions similar to those agreed to by the House Banking and Currency Committee. These include the following:

First, domestic financial institutions are required to maintain records of checks and other financial transactions under Treasury Department regulations;

Second, unusual or sizable deposits or withdrawals of U.S. currency would have to be reported by the financial institution and the individual making the deposit or withdrawal;

Third, movements of U.S. currency into or out of the country would have to be reported when they exceed $5,000 on any one occasion or $10,000 in any 1 year;

Fourth, individuals who have transactions with foreign financial agencies would have to report on those transactions; and

Fifth, the penalties for violating the margin requirements on securities loans would be extended to the borrower in order to prevent circumvention by a foreign lender.

NEED FOR LEGISLATION

These measures plus the two securities provisions I have recommended will go a long way toward correcting the serious abuses associated with the use of foreign bank accounts. These abuses include the following: Avoidance of income taxes on capital gains resulting from securities transactions; illegal manipulation of securities markets; violation of insider trading regulations; diversion of illegal money to foreign havens; circumvention of the Federal Reserve Board's margin requirements; and illegal takeover of U.S. industries by persons unknown to U.S. authorities.

Action on secret foreign bank accounts is essential in view of the fact that the volume of U.S. stock transactions initiated by foreigners is growing much faster than the volume of domestic transactions. For example, in 1964, foreign stock transactions totaled $6 billion or about 5 percent of the total volume on the New York Stock Exchange. By

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1968, foreign stock transactions jumped to nearly $24 billion, or about 8 percent of the total volume on the New York Stock Exchange.

A surprisingly high percentage of foreign stock transactions originates in Switzerland whose banks are able to place securities orders in the United States without revealing the parties for whom they are acting. In 1964, over 32 percent of all foreign stock transactions in the United States originated in Switzerland; by 1968, the percentage had climbed to 37 percent. Nearly $9 billion in stock purchases or sales in 1968 were placed by Swiss banks or brokers—a truly amazing figure when one considers the size of Switzerland.

No one knows, of course, how much of the $9 billion in stock transactions was on behalf of U.S. citizens or whether any of those transactions involve violations of U.S. law. Full disclosure should provide the answer and I am hopeful that this goal can be achieved with the legislation I have introduced.

IMPACT ON FOREIGN BANKS

I suspect that there may be some objection to this legislation and particularly to the foreign bank disclosure requirement as an unwarranted attempt by the United States to extend its laws beyond our territorial boundaries. Some might go so far as to argue that foreign investments in the United States would be curtailed and that our balance of payments would be adversely affected. All of these criticisms are unfounded for the following reasons:

First, the legislation does not infringe upon foreign sovereignty; it is directed toward the U.S. broker-dealer who accepts a stock order from a foreign bank. It merely requires the broker-dealer know for whom it is really acting when it accepts an order from a foreign bank or other financial agency. The "know your customer" rule is a long-established precedent in the securities industry and can even be found in the rules of the New York Stock Exchange.

The legislation does not directly tell a foreign bank it must reveal its customer. It does, however, prohibit U.S. brokers from effecting orders on behalf of foreign banks unless the bank discloses its customer or certifies that it is not acting for a U.S. citizen. Surely the United States has a right to regulate the conduct of its own broker-dealers and its own securities markets and to condition access to those markets by foreign banks. If a foreign bank wants to have the benefit of participating in our securities markets, why should it not play by the same rules applicable to domestic securities dealers when it is acting for a U.S. citizen?

Second, the legislation would not affect investment by foreigners in U.S. securities. A foreign bank need not disclose the identity of its foreign customer if it certifies that it is not acting on behalf of a U.S. citizen. If a foreigner wishes to purchase U.S. securities through a foreign bank or broker without disclosing his identity he could continue to do so. Thus, there is no need for foreign investment to be curtailed.

Third, the balance of payments would not be adversely affected. As I have just indicated, there is no reason for foreigners to stop purchasing U.S. securities. Disclosure might, of course, curtail certain illegitimate stock transactions by U.S. citizens using a secret foreign bank account. But these are the very transactions we want to stop. Since the money originates in the United States to begin with, there is no net effect on the balance of payments.

Fourth, confidence in U.S. financial markets would not be undermined. Just the opposite result is likely to occur. Greater disclosure of foreign stock transactions should make it more difficult for people to manipulate our securities markets. Public confidence at home and abroad in the integrity of these markets should be enhanced and not diminished.

Fifth, the legislation does not put pressure on a foreign bank to violate its own secrecy laws. If it is acting for a U.S. citizen, that citizen would be required by the legislation to waive his secrecy rights. The foreign bank would thus have no legal obstacle which would prevent it from disclosing the U.S. citizen's identity to the U.S. broker who places the order in the U.S. securities market.

BANK RECORDKEEPING

Title I of the bill primarily affects domestic banks by requiring the maintenance of certain records of financial transactions and the filing of reports. There is certainly no intention on my part to bury commercial banks under an avalanche of additional paperwork. For that reason, the Secretary of the Treasury is given broad and flexible authority to issue rules and regulations and to exempt any class of transactions from the requirements of the bill.

There has been considerable discussion on whether banks need to maintain photocopys of all checks drawn on them. I understand that most banks make copies of checks anyway as a matter of routine business procedure although some of the larger New York banks have discontinued the practice. Records of checks are highly important to law-enforcement agencies in tracing the flow of transactions and it is certainly desirable that the banks maintain as complete a set of records as possible. Nonetheless, the expense involved might outweigh the potential benefit and for this reason, the Secretary of the Treasury is given full authority to exempt certain classes of checks from the photocopy requirement.

CURRENCY MOVEMENTS

Chapters 2 and 3 of title II require reports to be filed on certain movements of U.S. currency. The Secretary of the Treasury is given broad authority to require reports on unusual deposits or withdrawals of U.S. currency and of movements of currency into and out of the country. The main purpose of these provisions is to record the movements of U.S. currency from illegal enterprises into secret foreign bank accounts. Any international movement of currency of over $5,000 which has not been reported is subject to forfeiture if uncovered by U.S. authorities.

The records of law-enforcement agencies show a clear pattern of currency shipments by organized crime to overseas bank accounts. Regular couriers are frequently employed to transfer ill-gotten cash to numbered accounts in foreign banks. No amount of legislation can completely stop all of this illegal traffic. Nevertheless, the possibility of forfeiture if discovered should serve as a powerful deterrent.

The Secretary of the Treasury is given adequate authority to exempt legitimate classes of transactions from these requirements so as not to unduly burden international commerce.

REPORTS BY INDIVIDUALS

Chapter 4 of title II requires the filing of certain reports by individuals who have transactions or maintain relationships with foreign financial agencies. The language is broad enough to enable the Secretary of the Treasury to include a question on income tax returns asking whether the person has an account in a foreign bank. In addition, it is expected that those who have accounts in overseas banks will be required to file periodic reports on the status of those accounts.

It may be argued that such a provision will not be observed by a U.S. citizen whose main purpose in maintaining a foreign bank account is already associated with an illegal act—for example, the nonpayment of income taxes. According to this view, one more law violation is not likely to constitute a significant deterrent.

This argument fails to recognize that it is much easier for law-enforcement authorities to prove a failure to report a foreign bank account than it is to prove any substantive violations of law associated with the use of that account. Thus, the reporting requirement under chapter 4 constitutes another valuable weapon in the arsenal of law-enforcement agencies.

MARGIN ACCOUNTS

Title III of the bill extends the penalties for violating the Federal Reserve Board's margin requirements to the U.S. borrower. As of now, the penalties only apply to domestic lenders. Hence a U.S. citizen can easily circumvent the margin requirements by borrowing from a foreign lender. He is then free to speculate in the securities market with considerably more borrowed funds than would be possible if he borrowed at home.

The ready availability of foreign bank accounts, the ability to borrow on margin and effect stock transactions through these accounts, and the growing sophistication of U.S. investors all combine to render the Federal Reserve Board's margin requirements increasingly meaningless. The same type of excessive stock speculation on borrowed funds which led to the 1929 stock market collapse is becoming more and more possible through the use of secret foreign bank accounts. Prompt action is needed to preserve the safety of our financial markets.

Mr. President, I am hopeful that legislation on foreign bank accounts can be enacted into law this year. Millions of hardworking Americans who pay the bulk of our country's taxes are being swindled and cheated when the slick operator can avoid or reduce his taxes

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by concealing his income through secret foreign bank accounts. Simple justice and equity demand prompt action.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3678) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, introduced by Mr. Proxmire (for himself, Mr. Brooke, and Mr. Williams of New Jersey), was received, read twice by its title, and referred to the Committee on Banking and Currency.

REGULATION OF TRANSACTIONS WITH FOREIGN BANKS

Mr. BROOKE. Mr. President, I rise today to cosponsor a bill which my distinguished colleague from Wisconsin, Senator Proxmire, has introduced concerning the use of foreign bank accounts to circumvent domestic laws. More specifically, these accounts have been used to avoid the payment of income taxes on capital gains resulting from securities transactions; to engage in illegal manipulation of the securities markets; to violate insider trading regulations involving the purchase and sale of securities; and to circumvent established margin requirements.

This legislation is vitally needed if we are to insure that domestic laws are not circumvented. The evidentiary problems which presently exist with respect to prosecuting offenders has prevented law-enforcement officials from curtailing illegal activities. The Proxmire bill requires full disclosure of the principals in any securities transaction executed through a broker-dealer by a foreign bank or broker on behalf of U.S. citizens. In addition, the bill requires financial institutions to maintain records of checks and other financial transactions where such records may have a high degree of usefulness in criminal, tax, or regulatory investigations. It should be noted, however, that the Secretary of the Treasury is vested with authority to prescribe the types of records which shall be required and therefore excessive recordkeeping requirements will be avoided.

The bill further requires financial institutions or the individuals involved to report unusual or sizable deposits or withdrawals of U.S. currency and to report transactions with foreign financial agencies.

I am confident that legislation similar to that introduced today will be enacted this session of the Congress. Inasmuch as the House of Representatives has already passed a similar bill—except with respect to disclosure requirements—Senate action on this legislation is vital.

SENATE JOINT RESOLUTION 189—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE AN EX GRATIA CONTRIBUTION TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, for myself and the senior Senator from Colorado (Mr. Allott), by request, I introduce, for appropriate reference, a joint resolution, to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission.

This proposed legislation has as its principal purpose the authorization of a $5 million appropriation to be used to satisfy claims of Micronesians stemming from World War II activities in what is now the Trust Territory of the Pacific Islands.

I ask unanimous consent that the text of the letter from the Secretary of the Interior asking that this legislation be introduced be printed following my remarks, together with the text of the joint resolution.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter will be printed in the Record.

The Joint resolution (S.J. Res. 189) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission, introduced by Mr. Jackson (for himself and Mr. Allott), by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S.J. Res. 189

Whereas certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas the United States, while not liable for wartime suffering of the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority for the Trust Territory of the Pacific Islands;

Whereas the Governments of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex gratia the equivalent of $10,000,000 to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people: Therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) the United States should make an ex gratia contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the High Commissioner of the Trust Territory of the Pacific Islands, hereinafter referred to as the High Commissioner, or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof.

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who:

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir or assign of a person eligible under subsections (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

Sec. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The High Commissioner is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements, in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to Article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds together with the sum authorized to be appropriated by subsection (a) of this section shall constitute the whole of the Micronesian Claims Fund.

Sec. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* that the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business; *Provided, however,* that an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than two years after the expiration of the time for filing claims under this Act.

Sec. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands for the compensation of those Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces. When all claims have been adjudicated, the Commission shall certify them to the High Commissioner for payment from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication.

(b) Not later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that allowable and adjudicated claims exceed a total of $10 million, the High Commissioner shall make prorata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

Sec. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

Sec. 6. The Agreement for the payment of the Micronesian claims having been reached by negotiators of the Governments of the United States and Japan, and personnel to be appointed by the High Commissioner or the Commission being available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing claims, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims shall exceed, in total, one per centum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5 thousand or imprisoned not more than 12 months, or both.

The letter and enclosure, presented by Mr. Jackson, is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., March 11, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed herewith is a proposed joint resolution "To authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission."

We recommend that this joint resolution be referred to the appropriate committee for its consideration and strongly urge its prompt enactment.

Enactment of this joint resolution is necessary to implement an Executive Agreement of April 18, 1969, between the Governments of Japan and the United States entered into pursuant to the Treaty of Peace with Japan, which provides for the compensation of inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War. A copy of the Agreement is enclosed. The Agreement essentially provides that the two Governments will make equal, *ex gratia* contributions for the welfare of the inhabitants of Micronesia, such contributions to have a total value equivalent to $10 million.

The contribution by Japan will take the form of products and services having a value of $1.8 billion yen which, at present conversion rates, is computed at $5 million. The contribution of the United States, subject to the appropriation of funds by the Congress, is to take the form of $5 million in cash.

The Agreement between the Governments of Japan and the United States is responsive to the fact that, after 25 years, an innocent people whose islands were fought over by two Great Powers remain uncompensated for wartime suffering, while they have seen their kin in Guam and their neighbors in Asia benefit from grants of the United States and reparations of Japan. The Treaty of Peace with Japan provides that claims of the inhabitants of Micronesia against Japan, and claims of Japan and its nationals against the Administering Authority of Micronesia, shall be the subject of special arrangements. In negotiating those arrangements, the United States has pressed the claims of the Micronesians, while Japan has pressed the claims of its nationals—some 100,000 Japanese—for property left by them when they were evacuated to Japan after the War. The Agreement treats all Japanese claims against the Administering Authority as fully and finally settled, and makes no payment on them. It commits both Governments, subject to the appropriation of funds, to a joint, *ex gratia* grant to the Micronesians which, without any suggestion of liability on the part of either Government, should meet a Micronesian grievance which has gone unmet too long. Thus, when implemented, the Agreement will dispose of a long-standing irritant in relations between Japan and the United States, and do justice to the Micronesians.

That Agreement represents the successful conclusion of protracted and difficult negotiations pursuant to Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and of its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of the property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals.

This joint resolution, if enacted, will establish a five-member Micronesian Claims Commission which shall receive, examine, adjudicate, and render final decisions with respect to claims of Micronesian inhabitants of the Trust Territory resulting from the hostilities of the Governments of the United States and Japan during World War II. It will establish also a Micronesian Claims Fund, the whole of which Fund will be $10 million, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund.

More specifically, Section 1 of the joint resolution, following the introductory paragraphs summarizing the foregoing, expresses agreement that the United States shall make an *ex gratia* contribution of $5 million, matching the equivalent contribution of Japan, and that the High Commissioner of the Trust Territory shall pay such meritorious claims as are adjudicated by the Micronesian Claims Commission. Section 1 also defines the term "Micronesian inhabitant of the Trust Territory of the Pacific Islands" as a person who:

(1) became a citizen of the Trust Territory on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under (1) or (2) above, and who is a citizen of the Trust Territory as of the date of filing a claim.

This definition, while requiring citizenship, does not require residency in the Trust Territory as a prerequisite to filing a claim.

Section 2 authorizes the appropriation to the Trust Territory of $5 million to be paid into a "Micronesian Claims Fund." That sum is to be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, for the civil administration of the Trust Territory and, as such, shall not be included in the computation of funds appropriated and subject to the limitation on appropriations contained in section 2 of the Act of June 30, 1954, as amended. The High Commissioner of the Trust Territory of the Pacific Islands is authorized to create and manage the Micronesian Claims Fund.

Section 2 provides further that as the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the Government of the Trust Territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred by the High Commissioner from the funds regularly appropriated to the Trust Territory for supplies or capital improvements to the Micronesian Claims Fund. These funds so transferred, together with the funds authorized to be appropriated, shall constitute the whole of the Micronesian Claims Fund.

Section 3 establishes a Micronesian Claims Commission to be composed of five members; such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. The other three members will be selected from the staff of the Foreign Claims Settlement Commission.

Subsections (b) and (c) of section 3 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning. We visualize the pay of the Commissioners as not exceeding the equivalent of a G.S. 15 in the General Salary Schedule.

Subsection (d) of section 3 authorizes the promulgation by the Commission with the approval of the Chairman of the Foreign Claims Settlement Commission, of necessary rules and regulations and provides that the final date of filing claims shall not be more than one year after the appointment of the Commission.

Subsection (e) requires that the Commission shall proceed as expeditiously as possible and shall wind up its affairs no later than two years after the expiration of the time for filing claims.

Section 4 provides that the Commission shall have authority to receive and adjudicate, in accordance with the laws of the Trust Territory and international law, claims of the Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States.

Subsection (b) of Section 4 requires that six months after its organization, and annually thereafter, the Commission shall report through the Chairman of the Foreign Claims Settlement Commission to the Congress concerning its operations, and that upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

Subsection (c) of Section 4 provides that in the event funds remain in the claim fund after all adjudicated claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory. In the event that amounts payable on adjudicated claims exceed the total of $10 million, the High Commissioner shall determine the necessary proration and make payments in accordance therewith.

Subsection (d) of Section 4 requires that a full release to the United States and Japan in respect to the liability of either or both shall be a prerequisite to the making of a payment to a claimant.

Section 5 authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

Section 6 provides free assistance in the filing of claims authorized by this resolution and imposes a limitation upon attorney's fees in connection with payments made under the terms of the resolution.

As we have indicated, the enactment of this joint resolution, the subsequent appropriation of the funds authorized thereby, and the performance by the Micronesian Claims Commission of the functions vested in it by this resolution, will result in the final resolution of a difficult matter which has been of substantial concern to the people of Micronesia, the United States, Japan, and the United Nations for almost 25 years. We believe that this joint resolution provides a fair and wholly justified settlement. The sum of $10 million to be provided as an *ex gratia* contribution in compensation for the losses experienced by the Micronesians is, in our view, sufficient to satisfy the claims which we anticipate will be considered by the Commission. It is likely that the settlement in connection with the death claims will draw most heavily upon the Fund. Since, even though it represents a most difficult task, the claims will need to be adjudicated in terms of the values of the early 1940's, we have noted the record of claim settlements made in Guam for occurrences paralleling those which give rise to the claims to be adjudicated in the Trust Territory. While such earlier settlements are not seen as binding precedents, the record indicates that the amount typically claimed for a death was $5,000, or less, with the amounts awarded ranging between $1,000 and $4,000, the former being the more frequent award and the latter being untypically high. Based upon our consideration of this matter and having regard to the lapse of time and the effects of inflation, we do not foresee individual death claim settlements in connection with the Trust Territory claims as exceeding $5,000. It is expected that approximately 1,500 claims arising out of the death of individuals will be the subject of claims presented to the Commission.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed joint resolution and its enactment would be consistent with the Administration's objectives.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The United States of America and Japan,

Desirous of expressing their common sympathy for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan and now administered by the United States of America under the United Nations Trusteeship System as the Trust Territory of the Pacific Islands,

Desirous of making an ex gratia contribution to the welfare of the inhabitants of the Trust Territory,

Desirous of concluding a special arrangement, as envisaged in Article 4(a) of the Treaty of Peace with Japan, concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals,

Have agreed as follows:

"ARTICLE I

"1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (Y1,800,000,000), currently computed at five million United States dollars ($5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanese people, to be used for the welfare of the inhabitants of the Trust Territory.

"2. The provision of these products and services shall, unless otherwise agreed upon by the Government of the United States of America and the Government of Japan, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the appropriation of funds by the Congress of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made in a reasonably even manner during the period.

"3. The Government of the United States of America, as Administering Authority, and the Government of Japan shall conclude detailed arrangements for the implementation of this Article.

"ARTICLE II

"The Government of the United States of America shall, subject to the appropriations of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars ($5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

"ARTICLE III

"The United States of America, as Administering Authority, and Japan agree that all questions encompassed by Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of the property of the Administering Authority and the residents of the Trust Territory, and their claims, including debts, against Japan and its nationals, are fully and finally settled.

"ARTICLE IV

"This Agreement shall enter into force on the date of receipt of the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

"In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

"Done at Tokyo, this eighteenth day of April, 1969, in duplicate in the English and Japanese languages, both being equally authentic.

For the United States of America:

——— ———.

For Japan:

——— ———.

ADDITIONAL STATEMENTS OF SENATORS

A SALUTE TO GEORGE BURGER

Mr. DODD. Mr. President, the small businessman has no greater champion than George J. Burger of the National Federation of Independent Business.

Schooled as a retailer himself, he is well aware of the problems besetting the person operating an independent enterprise in a world of increasing concentration of economic power and growing corporate giants.

To those of us in Congress who feel that small business plays an important role and should be supported, Mr. Burger, with persuasiveness and humor, has encouraged us to do what we should to help this cause. His efforts are largely responsible for the establishment of a permanent Select Small Business Committee in the Senate and he was instrumental in organizing the Small Business Administration.

Members of the Senate and others have honored Mr. Burger recently for his many years of effort in behalf of small business enterprises. I should like to add my appreciation to these other well-deserved tributes and to wish George further successes in his important work in behalf of small business.

ABBE HOFFMAN

Mr. GOLDWATER. Mr. President, a number of days ago, on his regular evening CBS television show, Mr. Merv Griffin had as one of his guests a man named Abbe Hoffman, who is widely known as one of the seven defendants in the Chicago trial. I had not seen this show, but my wife had, and she was so incensed over it that I thought I should make a special effort to view it. Through the courtesy of CBS officials in Washington, I was able to view a tape of this show, and I want to present my reactions to the Senate at this time.

The tape opens with a statement from Robert D. Wood, who is president of the TV branch of CBS, explaining that CBS had to erase electronically a part of the show because Mr. Hoffman wore an American flag as a shirt, and the network was afraid that it might be in violation of the law if they allowed this to be shown. I think Mr. Wood and his company did a very commendable thing in not allowing American people to see this desecration of our flag, but they did allow the words to stay in, and the words are what damn Mr. Hoffman and his associates, in my opinion.

Mr. President, it was an amazing show and is one that I think every American should see, and I hope that CBS will replay it for that purpose. In fact, after seeing the tape and having seen one of the other seven on another show, I feel that the networks would be doing the American people a great favor if they invited all seven of these idiots to appear before their cameras. If the American people could see that these are not young men as we think of young people, but are people in their thirties and forties who should know better; if they could see that these are not people from the slums or the ghettoes, but are generally from families who should have raised better children; if they could see the utter disregard for American principles and ideals that these people espouse, I think Americans generally would better understand them and be better able to take them at their face value, which to me is a zero.

Mr. Hoffman's antics were almost precisely the same as the others. His words mimicked the words of those who had appeared on other shows. Also, his words formed the same kind of diatribe that we read and heard during the Chicago trial. At no time, at repeated questioning by Mr. Griffin, and later by Mr. Tony Dolan of Yale, did Mr. Hoffman say what he wanted America to be. I have found in my contacts with these people of the wild-eyed radical left that they share this common failure—their inability to relate what they want the United States to be or their absolute lack of knowledge of what their plans encompass. They speak of being revolutionists, and all they are revolting against is the capitalistic system, which they absolutely do not understand and mistake for everything that bothers them.

When a man is a revolutionary, he should have some idea of what he is revolting against; and then, the next step, what he is revolting for. But these middle-aged, addlepated people have not bothered to think through what they did in 1968, or what they did in 1969 and 1970. And I am sure they are not thinking in the least about what they might do in 1971 and in the years ahead, except to bomb people's property, burn people's property, destroy people's property, and violate the rights of other Americans.

Now I stand as strongly as anyone in this country for the protection of our God-given rights. I want to do my thing, but I do not want to destroy other people's rights or property in the doing of that thing. This is where these older dropouts and I part company.

There were several refreshing reactions on this tape: First, of course, was the perfect way in which Mr. Griffin handled Mr. Hoffman by not allowing Mr. Hoffman to get him mad. In fact, Mr. Griffin's remarks made Mr. Hoffman look extremely foolish and ill-prepared. He was followed by another guest, Mr. Tony Dolan, of Yale University, who writes occasionally for the National Review, and who is a conservative. He literally tore Mr. Hoffman and Mr. Hoffman's friends in the audience to shreds. Again and again, he challenged these people to tell the audience what it is they want, what it is that is wrong with the greatest country in the world; and all that these people could do was to try to drown Mr. Dolan and Mr. Griffin out. As Mr. Dolan so accurately pointed out, this has happened before in the history of the world, and it has happened in the memory of many of us. As Mr. Dolan so correctly said, when Hitler was ascending into power in Germany, he was assisted by shouting youths who would not listen to reason, who would not argue, but who used their fists and their clubs to get their points across. As a result, Germany became a fascist nation, 10 million people were killed, and World War II came close to destroying the civilized world.

Mr. Dolan was followed by the attractive Mrs. Virginia Graham, a syndicated columnist and TV personality, who repeatedly, in her charming way, with her temper controlled, made telling points against the dangerous stupidity of Hoffman.

I think that CBS should be commended for having the Hoffmans of our society on their shows, and I would encourage them to bring out the entire dirty seven that tried to make a shambles out of the judiciary processes in Chicago, so that the American people can see just who it is that is causing the so-called "youth problem." They will begin to see the truth of what I have been saying: Let us stop blaming the young, because the young are not the trouble. These people in their thirties and forties, who are old enough to know better, are the troublemakers in our colleges and out of our colleges, and the people should know about them. The American people should be allowed to see that not one of these people can stand up and, in an intelligent way, explain what it is that they are driving for in their eagerness to change the United States, its system of government, its system of economy, and its system of laws. We cannot laugh off these middle-aged people, nor can we ignore them. Because, as I related before, this has happened before, and it could happen again in a troubled United States where people are prone to pay no attention to the malcontents and the discontents, but only write them off as something that is happening today and will not happen tomorrow. The very fact that the audience reacted favorably to Mr. Hoffman is frightening. While I do not know to what extent the audience was packed with Hoffman people, having been on a great many of these shows, I know that packing an audience is difficult. But if it was the average audience, and they cheered Mr. Hoffman as they did out of conviction, then I think we may have gone a bit further down this dangerous road than we think we have.

I salute Mr. Griffin and CBS and especially Mr. Tony Dolan for the excellent job that they did in showing the true, selfish, ignorant, and dangerous nature of the people I have been talking about.

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POPULATION AND POLLUTION

Mr. MUSKIE. Mr. President, Gershon Fishbein, publisher of the Environmental Health Letter, is a longtime observer of the environmental crisis. His opinions are held in high regard by environmentalists, and all Senators should listen to what he has to say.

In the recent issue of his newsletter, Mr. Fishbein commented on the growing concern regarding overpopulation. Without questioning the importance and seriousness of the population problem, he did call attention to the danger that concern with overpopulation will overshadow the continuing need to deal with the environmental strain caused by the growth in per capita consumption and income. This is an important perspective.

I ask that Mr. Fishbein's comments be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Population Issue Should Not Replace Environmental Action

Unless environmentalists are vigilant, they may soon find that their ambitious but expensive cause will be pre-empted by the population control issue.

A dangerous trend is already evident to use the population issue as a substitute for, not in connection with, environmental control action. It is undeniably true that unlimited population growth does compound environmental control problems, but that does not suggest that it be used as a reason to do nothing about pollution.

We hear reports that some segments of industry plan an advertising campaign keyed to the theme: "Industries don't pollute; people do!" If the reports are true, and we hope they're not, the cause of pollution control will be obscured.

Gross national product, per capita income and consumption all continue to rise; while those who advocate a limitation on the size of families and a national economic slowdown as the key to pollution control must shoulder the burden of proving their thesis. Is a slowdown of growth the only answer to environmental control? Politically, we don't believe the American people will buy it. There must be a better way to permit the nation to advance economically while controlling its wastes.

Psychologists might contend that the preoccupation with population control in lieu of environmental control demonstrates a conditoned reflex built into humans to come up with less demanding alternatives to burdensome and costly inconveniences. It is one thing to say that unlimited population growth makes environmental control more difficult; it is quite another to contend that any action taken to control the environment will be futile unless population is strictly controlled at the same time. In the wrong hands, the latter contention can be used as an excuse for doing nothing.

THE FUTURE USE OF ATOMIC ENERGY

Mr. NELSON. Mr. President, during the recent College Editors' Conference here in Washington, D.C., the distinguished Senator from Alaska (Mr. Gravel) was requested to provide a message to the 1,000 conferees. The theme of this year's conference was "What's the Difference If We Don't Wake Up?"

Senator Gravel in his letter to the conferees has raised some penetrating questions directed at the current and future use of atomic energy. His message is most timely and thought provoking. The aurora of atomic technology can cast a dark shadow extinguishing the light of man if we do not heed the invisible power of atomic pollution.

Senator Gravel clearly points out the dissent and great debate now taking place concerning our present radiation protection standards. Quoting from the Senator's letter, he stated:

> The very pillars of all radiation protection standards now stand exposed as being a set, truly, of rotten pilings.

Senator Gravel convincingly develops his views and strikes upon the urgent need for an independent commission to study the benefits and risks of atomic energy.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 28, 1970.

Dear Editors: I hope to call your attention to nine matters in as few pages as possible.

1. "JUST ANOTHER POLLUTION PROBLEM?"

By far the most frightful kind of pollution is being overlooked in much of the current alarm about the environment. I mean contamination from nuclear radiation, which is a unique and irremediable pollutant.

If we contaminate this earth radioactively, no amount of money and effort can clean it up later. Once we turn radioactivity on, we can't turn it off. We can't neutralize it. We can only wait until it decays at its own immutable rate. Many of the most common radioactive substances take hundreds and even thousands of years to decay.

2. WHO'S IN CHARGE?

Believe it or not, no one is in charge of preventing the radioactive pollution of our planet. The invisible contamination of the environment is already underway—and it is going to accelerate at a dizzying pace if nuclear power reactors spring up all over the world, if commercial nuclear explosions become routine, and if nuclear bomb tests are continued.

The Atomic Energy Commission (AEC) is responsible here for both the promotion and the regulation of nuclear energy, including the storage or dilution of its contaminants.

The Federal Radiation Council (FRC) is responsible for recommending permissible doses of radiation to the public, including doses from environmental contamination.

But *no one* is responsible yet for controlling the total quantity of contaminants which are released. Although people can tell you how many tons of soot and sulphur we toss into the air every year, no one is even estimating how much radioactivity we release every year into the environment.

"Further contamination of sea-water is inadmissible", says Dr. G. G. Polykarpov on the basis of evidence already at hand about anomalies in fish embryos; Dr. Polykarpov is author of the 1966 book, "Radioecology of Aquatic Organisms". Is anybody listening?

3. COMPARATIVE POISONS

Ounce for ounce, and gram for gram, radioactive substances are a million to a billion times more harmful to life than non-radioactive pollutants.

Take arsenic, for instance, which is present in some industrial wastes. The maximum permissible concentration of non-radioactive arsenic waste in the air is half a milligram per cubic meter; but if the arsenic is radioactive (arsenic-74), the maximum permissible concentration is reduced to three-billionths of a milligram per cubic meter.

What do I mean by "harmful to life?" Known consequences of sufficient exposure to nuclear radiation include genetic mutations, miscarriage, still-birth, birth deformities, mental retardation, cancer, leukemia, and premature aging. The only perfectly safe dose is a zero-dose, according to the FRC.

4. CONTROVERSY WITHOUT PRESS COVERAGE

While no one disputes the dangerousness of nuclear radiation, there is emphatic and heated and honest disagreement about the level at which danger begins, about the immediacy of the threat, and about the right of the public to full information.

Speaking of information for the public, do you—editors who are unusually well-informed—know about two particularly hot controversies which are raging right now in virtual silence?

5. CONTROVERSY NO. 1: A BLAST

Qualified scientists expressed alarm during our November hearings (before the Public Works Subcommittee on Air and Water Pollution) about the environmental contamination created by nuclear excavation explosions.

Other qualified scientists in the AEC scoff at such alarm.

Of course, if anyone had suggested in 1910 that the internal combustion engine would one day foul our vast atmosphere, others would have scoffed then too.

An important decision about nuclear explosions will very soon be made by the Under-Secretaries of the National Security Council. They must grant or deny approval for the largest nuclear excavation explosion ever detonated—an experiment named Sturtevant which the AEC wants to perform this spring in Nevada.

This is not a deeply buried, "fully contained" underground bomb. This Plowshare test, related to the use of nuclear explosions to build canals and harbors, will send millions of curies of radioactive gas and debris up in a cloud. A single curie—and often much less—of many radionuclides is potentially lethal.

Of course, *no one* will absorb a whole curie from the test, and no one will suddenly die, because the radioactivity will be diluted in the air.

But is dilution a satisfactory comfort when delayed effects and the cumulative contamination of the planet are our concerns?

If the bomb goes off, how big a dose of radiation will the population in western cities receive immediately? And later? The last excavation test, which was about five times smaller than the one proposed, released more radioactivity than expected, and levels of air contamination temporarily soared in a dozen cities from Phoenix to Spokane—peaking at 300 times their normal level in Boise, Idaho.

Were the citizens of Boise consulted about this experiment on them?

Benefits for whom? Risks for whom? It was not clear for that test, and it is not clear today, and there is no independent commission to assess the conflicting testimony of experts.

6. CONTROVERSY NO. 2: ARE SAFE LEVELS SAFE?

Also at our November hearings, we heard this:

"We have presented your Committee with much evidence indicating that current radiation exposure guidelines are indeed dangerous—much too high. We intend to continue to provide critical appraisal of questions of atomic energy safety in such a manner that the evidence can be examined by the scientific and public community at large. We do not subscribe to the concern

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that the public might, thereby, become unduly or prematurely alarmed. If a real controversy concerning the evidence exists, the public very well ought to be alarmed . . ."

The testimony came from two eminent scientists working under AEC contract: Dr. John Gofman and Dr. Arthur Tamplin of the Lawrence Radiation Lab in Livermore, California. They urge an immediate ten-fold reduction in the permissible dose.

The Subcommittee immediately asked the Federal Radiation Council to review the Gofman-Tamplin documents. The FRC, which officially recommends the permissible dose, assigned the review to the AEC, to the HEW's Bureau of Radiological Health, and to its own staff.

Also immediately, the AEC announced that "the opinions and scientifically questionable derivation of Gofman and Tamplin do not make a case for revision of radiation protection standards." According to the AEC, the whole structure of their hypothesis is wrong, their choice of data is highly selective, and they should not be taken seriously.

But Gofman and Tamplin do not intend to be ignored. They have taken on every objection and produced papers to refute each one so far.

"The very pillars of *all* radiation protection standards now stand exposed as being a set, truly, of rotten pilings," they say. They have challenged the AEC and any other dissenting group to an open debate, but there are no takers yet.

Meanwhile, HEW Secretary Finch (who is on Gofman's mailing list) has also requested the FRC to review itself.

And herein lies the problem again. There is no independent commission to assess this truly crucial matter objectively and openly.

The stakes are very high. A ten-fold reduction in the permissible exposure would not only compel the prompt design of cleaner power reactors—causing delay and blackouts and ultimately more expensive electricity—but it would also cast new doubt on the permissible doses from American weapons testing, doses which are set 20 times higher than those from peaceful applications.

Is the Gofman-Tamplin thesis right or wrong?

The decisions to be made are more than scientific. They are also value-judgments of the highest order, since *setting a permissible dose means balancing the potential risks to public health against the potential benefits from nuclear energy.*

Although the dose-question touches every person intimately—for we are *all* exposed when the environment is contaminated at any level—the decisions will again be made in closed sessions by anonymous experts.

"A decision is responsible when the man or group that makes it has to answer for it to those who are directly or indirectly affected by it" (Charles Frankel).

7. A RECOMMENDATION

I believe we urgently need an independent commission—independent from the AEC and the DOD, who are both members of the Federal Radiation Council—where these disagreements can be scrutinized, and where both the benefits and the risks from nuclear energy can at last be calculated publicly and reviewed continuously—with a genuine effort to make this subject comprehensible.

My bills S. 3042 (before the Senate Public Works Subcommittee on Air and Water Pollution), and S.J. Res. 108 (before the Joint Committee on Atomic Energy), and S.J. Res. 155 (before the Foreign Relations Committee), would create such a commission.

I am not necessarily an enemy of nuclear energy. Nor am I an expert on it. I share the wish that this planet might eventually derive great benefits from the mysterious instability of radioactive atoms.

But I *am* against hasty or undemocratic imposition of this new technology on us. I share the determination of worried citizens who insist on regaining a voice in decisions which determine what happens to them, and what is done to their environment in the name of technology and cost-cutting.

8. AEC OPPOSITION; NAS SUPPORT

The AEC opposes an independent commission as "redundant".

However, I am heartened by the support of Philip Handler, President of the National Academy of Sciences, who wrote me on January 7, 1970:

"The questions you have raised are indeed serious questions . . . including as they do essentially all releases of radioactivity to the environment. We would favor the comprehensive review and study you have proposed, and would agree that such an examination should be carried out by an independent and broadly constituted group with no commitment to the operating policies of a particular agency of government."

9. WHERE WILL YOU STAND?

I urge you to support actively and editorially legislation which would create an independent commission to review these nuclear problems. Without public support, there is no chance that such legislation will pass both houses of Congress—or even get out of committee.

I urge you to promote the inclusion of nuclear radiation in new ecology curriculums.

I urge you, in spite of all the other urgent pollution problems which need your participation, to study radiation before it is too late.

I urge you to help protect life on this planet from irrevocable contamination.

Mike Gravel,
U.S. Senator from Alaska.

SOME SUGGESTED REFERENCES

Hearings: Before the Joint Committee on Atomic Energy, in particular, Part I of the hearings on "Environmental Effects of Producing Electric Power," Oct. 28–Nov. 7, 1969. This volume contains much new data, including some of Gofman's work and an initial rebuttal from the AEC. Unfortunately, the 1600 copies allowed to the JCAE for free distribution are already gone. The Govt. Printing Office, Washington, D.C. 20402, has another 880 copies for sale at $4.50 each. Catalog #Y4.AT7/2:EL2/3/Part One.

To put yourself on the JCAE mailing list for future hearings, address Mr. Burris, Joint Committee on Atomic Energy, U.S. Capitol Room H–403, Washington, D.C. 20510.

Hearings: Before the Senate Public Works Subcommittee on Air and Water Pollution. The hearings from Nov. 18–20, 1969 will soon be published. They include testimony about excavation experiments and the need for an independent commission. The Gofman-Tamplin documents will also be included as an appendix.

Monthly magazine: "Environment," published by the Committee for Environmental Information, 438 North Skinker Blvd., St. Louis, Mo. 63130.

Monthly Report: "Radiological Health Data and Reports," from the HEW's Public Health Service, Bureau of Radiological Health, Rockville, Maryland 20852. Figures on contamination levels in rivers, air, food.

Semi-annual report: "Nuclear Reactors Built, Being Built, or Planned," from the AEC Division of Technical Info., Oak Ridge, Tennessee 37830. Publication #TID–8200, revised every 6 months.

Booklets: The AEC's "Understanding the Atom" series, particularly:

1968: "The Genetic Effects of Radiation," by Isaac Asimov.

1968: "Your Body and Radiation," by N. Frigerio.

1967: "Radioactive Wastes," by Charles Fox.

1969: "Fallout from Nuclear Tests," by C. L. Comar.

1967: "Nuclear Reactors," by John Hogerton.

1966: "Plowshare," by Gerber, Hamburger and Hull.

1969: "Nuclear Terms: a Brief Glossary."

All from the AEC Div. of Technical Info., Oak Ridge, Tenn. 37830.

Book: 1969, "Perils of the Peaceful Atom," by Richard Curtis and Elizabeth Hogan. New York: Doubleday. Also Ballantine paperback.

Book: 1969, "The Careless Atom," by Sheldon Novick. Boston: Houghton Mifflin.

THE TEXTILE INDUSTRY

Mr. HOLLINGS. Mr. President, on March 31, 1970, the Senate and the House of Representatives of the State of South Carolina passed a concurrent resolution, calling on the President of the United States to take immediate action to correct a situation resulting in the financial losses suffered by the textile industry and the loss of income of individuals employed within the textile industry.

As we all know, this industry has been severely crippled by the lack of regulation and control of the importation of foreign textile products.

I ask unanimous consent that the text of the resolution and the text of my recent statement on this point be printed in the Record.

There being no objection, the resolution and statement were ordered to be printed in the Record, as follows:

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO TAKE ACTION TO PROTECT THE TEXTILE INDUSTRY OF THE UNITED STATES BY REGULATING FOREIGN TEXTILE IMPORTATION

Whereas, the United States textile industry has been crippled by the lack of regulation and control of the importation of foreign textile products; and

Whereas, positive action must be taken to correct the situation resulting in the financial losses suffered by the textile industry and the loss of income of individuals employed in such industry due to curtailment; and

Whereas, it is believed that the Executive Branch of the United States Government is the power to take action which can improve and correct this deplorable situation. Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

That the President of the United States is hereby memorialized to take action within the next sixty days to correct the situation which has resulted in the crippling of the textile industry by foreign textile importation.

Be it further resolved that a copy of this Resolution be sent to the President of the United States and to each member of the Congress of the United States representing the State of South Carolina.

FOREIGN POLICY—UNEMPLOYMENT IN SOUTH CAROLINA

Prior to the election in 1960, John F. Kennedy stated in a letter to me, dated August 30, 1960, that if elected President, he would take action. "Because of the broad ramifications of any action and because of the necessity of approaching a solution in terms of total needs of the textile industry, this is a responsibility which only the President can adequately discharge." On May 2, 1961, he promulgated the 7-point Kennedy program for textiles and by October 1, 1961, he had obtained an agreement on cotton textiles, which is now joined by 34 nations.

This positive result by President Kennedy in eight months was without palaver. He acted promptly under the present law.

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Candidate Richard M. Nixon, in a telegram to Republican senators on August 21, 1968 stated: ". . . I will promptly take the steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, man-made fibers and blends."

In contrast to Kennedy, Nixon's commitment has been lost amid statements of hope and concern. He sent Secretary Stans to Japan several times to negotiate and presented a petition of senators to Prime Minister Sato when he visited in November. But as the Attorney General admonished, this Administration should be known not for what it says but for what it does. Significantly, President Nixon appointed Special Repressentative for Trade Negotiations, Carl Gilbert, well-known enemy of the textile industry. And when we passed a textile quota amendment in the Senate last December, the While House opposed it. The Japanese got the message. The President, with due regard for domestic politics, would make statements about textiles, but no action would be taken. Not surprisingly, this week, the Japanese gave us an outright rebuff.

The Nixon Administration has lowered its voice on everything but textiles. Because of its loud voice, and carrying no stick at all, the textile industry has lost 50,000 more jobs to imports—and the chickens have come home to roost in South Carolina. Five hundred jobs gone in the Greenwood area since February, and J. P. Stevens announcing the lay-off for a week of 2,000 more. Here are the official facts:

In January, 1969, there were an even one million persons employed in the textile mill products industry. By February, 1970, employment dropped to 967,000—a loss of 33,000 American jobs. In the apparel industry in January, 1969, there were 1,424,000 jobs. By February of this year, there were 1,407,000, a drop of 17,000 jobs, for a total of 50,000 jobs.

Why? Not difficult to fathom. In January, 1969, the United States imported 69 million square yards of cotton textiles, most of it from Japan. But, in January, 1970, it had more than doubled to 150 million square yards. In January, 1969, we imported 85 million square yards of man-made fabrics; again, more than doubled in January of this year, the figure was 188 million, or the largest monthly total increase in the last six years. For all textiles: January, 1969, 163 million square yards—but by January of this year, 350 million square yards.

The result—Japan has a trade advantage in textiles alone with the United States of over 525 million dollars. Japan gets to keep her Okinawa while we spend billions to provide for Japan's national defense. We expend precious American lives daily to preserve freedom in the Far East and now we are supposed to put everybody in South Carolina on the unemployed list so that we can maintain what Vice President Agnew calls the best foreign policy yet.

Inflation, deflation, depression, foreign policy—give it all the high sounding names—it amounts to the same thing. South Carolinians are losing their jobs by the thousands because of Richard Nixon.

THE MONEY SQUEEZE AND TIMBER

Mr. HATFIELD. Mr. President, in Oregon, timber is the primary source of income for tens of thousands of people, almost one-half of the State's population depending directly on trees for their economic well-being. Because one out of every five trees in the Nation is in Oregon, Oregon and the Nation's housing needs are very closely related. In 1968 the goal for the next decade for housing starts was established by the National Housing Act, based on studies estimating the needs of our country. To date we are producing at approximately one-half the rate established as our goal and are, consequently, falling far short of meeting our Nation's housing needs.

In Oregon, we are facing high unemployment in lumber-producing areas, 17 percent in some cases, two causes ostensibly being inflation and high interest rates. I have long been critical of anti-inflationary policies which have such an adverse effect on Oregon's economy. But we must look at the primary cause of this situation: the misplaced spending priorities of our country. When over two-thirds of our Federal budgetary outlays goes to paying for past, present, and future wars, much of it being needlessly spent on expensive, nonproductive defense purchases, the productive sectors of our economy suffer. This is the case in Oregon's timber industry, and, consequently, in housing our Nation's rapidly increasing population.

An excellent article describing some of the problems facing the loggers in Oregon, written by Robert A. Wright, was published in the New York Times of April 5, 1970. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOGGERS IN OREGON FEEL MONEY MARKET SQUEEZE

(By Robert A. Wright)

ROSEBURG, OREG.—A big automated saw moved loudly through a steady supply of cedar logs with alternating deep-throated whirs and piercing squeals.

As the logs tumbled down a chute, slashed up into cedar shingles, James Pinkard, a stacker on the receiving end, was working away as busy as a man could be.

Rapidly selecting the irregular pieces from the chute, he snapped them into a frame, nailing up uniform rectangular bundles at the rate of about one every five minutes.

But Mr. Pinkard's pace was deceptive. This was only his sixth week of work so far this year. He will not be working next week. He and his employer, the Roseburg Shingle Company, are victims of the fight against inflation.

Tight money and high interest rates have diverted money from the home mortgage market, contributing to a slump in housing construction. This, in turn, has cut into demand for shingles and all types of lumber products, and the workers here are bearing much of the impact.

THOUSANDS FACE LAYOFFS

Thousands of workers in the lumber county of Oregon and Washington State have faced periodic layoffs over the last year as sawmills and plyboard plants have been forced to shut down for weeks at a time because of a lack of orders.

"Any time the Government raises that interest rate, it cuts out all building," Mr. Pinkard said. "That's one of Nixon's ideas. You'll never get me to vote for him. I'll take a little inflation any time."

The first ray of hope for a break in this bleak situation came late last month when several banks across the country announced that they were trimming their prime interest rates from 8.5 per cent to 8 per cent.

The reverberations from those money market movements have reached all the way to the timber regions around Roseburg, where the activities of Wall Street are as commonly talked about—even by counter girls in coffee shops—as the possible spring pickup in logging.

Roseburg, a community of 15,000 in southwestern Oregon, about 60 miles south of Eugene, has not been hurt as badly as other timber towns. Unemployment in surrounding Douglas County stands at 9 per cent, compared with 4.5 per cent for all manufacturing in Oregon. But in Grants Pass, 70 miles south of Roseburg, 15.4 per cent of the work force is unemployed.

OVER 100 TRUCKS A DAY

The activity in Douglas County seems to belie the depressed state of the lumber industry. More than 100 big logging trucks a day barrel down Route 138 toward Roseburg from the cutting areas in Umpqua National Forest.

Most of the trucks pour into the Southern Oregon Scaling Bureau, a cooperative 18 miles north of here, where logs are graded and ownerships transferred to the various sawmill members.

Don Staseck, a scaler, stabbed a huge log with a spur to check its quality. "Our business here doesn't change, except for the weather," he said. "Price doesn't make any difference. We handled 115 to 120 loads here yesterday. In the summer, maybe 250."

The valley along Route 138 is lined with sawmills. Every several miles or so, where a farmhouse might stand in another rural area, smoke billows from a big, bee-hive-shaped, bark-burning furnace that marks a sawmill.

A LOSING BUSINESS

At the Roseburg Shingle Company, where Mr. Pinkard works, Duane Roles, co-owner with his brother, Dale, said business was terrible. "We can't saw shingles at a loss," he said. "The quote is $15 at mill for shingles that cost $15.50 to produce. We're going to shut down again."

Where mills have continued to operate, depressed prices in a thin market have eliminated overtime and second and third shifts. Some are on three-day and four-day work weeks.

In Roseburg, where every lumber job supports about six jobs outside the industry, everybody talks knowledgeably about timber and sawmills. But this week, the activities of the Wall Street money market were as commonly talked about—even by counter girls in coffee shops—as was the hoped-for spring pickup in logging.

Some of the big banks had cut their prime interest rates to 8 per cent from 8.5, raising hopes here that it marked the beginning of the end of the year-long depression in the lumber industry. But no one expected any sudden reversal for lumber. As one sawmill operator put it, "When the prime rate hit 7 per cent, my phones stopped ringing."

KEY IS AVAILABILITY

It is the availability of money to the mortgage market, rather than its cost, that has stopped home building, lumbermen say. The industry expects 1.4 million housing starts in the nation this year, a 7 per cent decline from that of last year, and half the annual rate set by the National Housing Act of 1968. Still, balmy spring weather, pointing to an early start of the logging season, and the prime rate news were hopeful signs.

Roseburg, which calls itself the "timber capital of the nation," does not feel the impact of lumber slowdowns as much as other lumber centers because of the dominance here of the Roseburg Lumber Company, the largest of the independent concerns, and a big plant of United States Plywood.

These companies have national outlets and financial resources not available to the small sawmills that are more typical of the industry and can maintain operations more easily during the slow periods. Because a large proportion of lumber workers are transients who

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move on when jobs are scarce, there is less of a drag on the community's economy than might be the case otherwise. And there is an acceptance in timber towns of the boom and bust cycles common to the industry.

The impact of the depression in lumber is greater in Grants Pass. But even the high unemployment rate in that community is viewed with some optimism. It is down from 16.3 per cent reported early this month. And Grants Pass residents compare it with the rate of March, 1961, when unemployment was reported at 24.4 per cent.

The manager of a supermarket said sales were down 3 to 4 per cent from last year. "Usually, tourists (the area's second largest industry) give us a really big boost in summer," he said. "But it won't be enough to offset things if the mills stay down."

The source of the trouble in Grants Pass is apparent at the Agnew Plywood Company. Don Deardorff, the plant manager, said that business was terrible and did not expect any recovery before the end of the year.

The Agnew plant was closed in January and February and is working only one of the customary three shifts a day on a four-day week. Forty employees work in the plant, which ordinarily provides jobs for 150.

U.S. LACK OF SCHOLARLY COMPETENCE CALLED SCANDALOUS

Mr. MUSKIE. Mr. President, the March 16 issue of the Chronicle of Higher Education contains a thought-provoking article discussing the surprising lack of expertise on Vietnam in the American academic community. The article notes:

> The United States does not have a single Vietnam scholar who:
>
> Holds a full professorship;
>
> Has substantial standing in his discipline;
>
> Has a language background in Vietnamese, French, and Chinese;
>
> Has conducted in-country field research; and
>
> Has a body of published work dealing with Vietnam.

Mr. President, I ask unanimous consent that the full text of the article, entitled "U.S. Lack of Scholarly Competence on Vietnam Is Called a Scandal," written by William Hamilton Jones, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. LACK OF SCHOLARLY COMPETENCE ON VIETNAM IS CALLED A SCANDAL

(By Wm. Hamilton Jones)

In a widely reported 1966 speech before the International Congress of Orientalists, John K. Fairbank, Harvard University's respected Sinologist, emphasized the almost total lack of American scholarly competence with regard to Vietnam.

"Not only have we been caught with our pants down, but with our pants off," he said. "We can't even send 100 specialists into the provinces of Vietnam to sit in the back room and read documents. We have this terrific firepower, and we tear things up. But we don't know what the people are saying."

FIELD IS "VERY LETHARGIC"

Today, three-and-a-half years later, Mr. Fairbanks finds little evidence of improvement. He says the field is "very lethargic," a judgment echoed by virtually every scholar working in the area.

"It's absolutely incredible to me," Mr. Fairbank continues, "that the American academic community has responded so slowly to such a clear need. The net result is a scandal."

At the highest level of competence, the lack of expertise on Vietnam has been dramatically apparent. When the Senate Foreign Relations Committee held televised hearings on Vietnam, for instance, it could not locate an academic specialist of national stature. Instead, the central witnesses were George F. Kennan, an expert on Russia, and China-scholar Fairbank.

NO ONE WITH ALL QUALIFICATIONS

Indeed, the United States does not have a single Vietnam scholar who:

Holds a full professorship,

Has substantial standing in his discipline,

Has a language background in Vietnamese, French and Chinese.

Has conducted in-country field research, and

Has a body of published work dealing with Vietnam.

There are barely more than a dozen men nationally who combine knowledge of the Vietnamese language, a Ph. D. in a traditional discipline, and a scholarly commitment to Southeast Asia.

In a volume called *Treasures in Trivia*, Paul W. van der Veur, director of Southeast Asia studies at Ohio University, lists all doctoral dissertations written in the United States on Indochina. He finds that by mid-1968, 67 dissertations had been written dealing with Vietnam, Laos, or Cambodia, with only two of these completed prior to 1945, and 47 done since 1960.

Only about half of the dissertations deal directly with Vietnam, and about half of those are foreign-policy dissertations that do not represent attempts to study specific aspects of the history, culture, or life of Vietnam.

Within a core of perhaps a score of scholars concerned with Vietnam, the disciplinary range is restricted. Historians and political scientists dominate the field. Very little work has been done in sociology, anthropology, economics, or literature.

There is, of course, a group of people who have written on Vietnam or the war. In general, however, they came to the study of Vietnam by way of an interest in American foreign policy or in other Asian nations, rather than on the basis of a continuing commitment to Vietnam.

Even now, when the continued American involvement in Southeast Asia might be expected to have swelled interest in Vietnam among graduate students, there are still few people concentrating their studies on Vietnam. A generous estimate is that no more than two dozen students are working on Ph. D.'s with a special interest in Vietnam.

WHY THE DEARTH?

There are a variety of interrelated reasons for the dearth of Vietnamese scholars in the United States.

First, there has been little academic tradition to draw on. The U.S. had few missionary, trading, or colonial contacts with Southeast Asia, so scholars here never really had a basis for becoming interested in Vietnam the way they did in China or Korea.

Because the French were already involved in Vietnam, it was simpler for Americans to study the results of French scholarship. The liability of that attitude proved to be that, even after the French left Vietnam, a combination of chauvinism and bureaucratism impeded American access to primary source materials. In contrast, Cambodia, which was never a colonial country, has not presented American scholars with the practical difficulties Vietnam has.

A second problem has been that the commitment necessary to become a Vietnam scholar is prohibitive for many people. Mastery of language alone is likely to take five or seven years of intensive work, since fluency in Vietnamese and French, as well as in Chinese, is required for anyone concerned with historical questions.

Add to language and area training the normal time necessary to complete a Ph. D., and the total elapsed time to achieve specialized competence on Vietnam can easily run to 10 years.

PRACTICAL OBSTACLES EXIST

Even those willing to vault the first two hurdles have faced a number of practical obstacles in recent years. For the most part, these difficulties have existed because of the war and the U.S. government's deep involvement.

For example, access to Vietnam, particularly North Vietnam, has been a formidable problem. Extended in-country research requiring free movement will continue to be virtually impossible for some time. In addition, many important government documents have been classified.

Another factor is money. The amount of available fellowship funds seems disproportionately low when measured against the years of study required. Nor has money for research been readily available, except for operational research under government contracts, an arrangement most scholars prefer to avoid.

As a result, Vietnam has never been a particularly inviting prospect for scholars with any stirrings of interest in Asia. Compounding the situation, colleges and universities themselves have been slow to accept and encourage area specialists.

The overall effect, notes I. Milton Sacks, a political scientist at Brandeis University and himself a Vietnam scholar, has been a feeling "that Vietnam has been ignored out of temerity—a judgment which doesn't speak well for American higher education."

In general, the interest of American colleges and universities in Vietnam has fallen within one of two broad categories: Vietnamese studies, where the concern is to build a base for academic understanding of the people, the culture, and the country; or technical assistance, where the concern is to provide aid in terms of American advice and expertise, to the Vietnamese.

Technical assistance involves practical help of various kinds in fields such as engineering and agriculture, and is usually carried out under government contract, normally through the Agency for International Development.

In recent years, however, technical assistance frequently has been viewed suspiciously, largely as a result of the disclosure that the Central Intelligence Agency was using a Michigan State University project in Vietnam as a cover for some of its agents.

Vietnamese studies have developed along quite different lines from technical assistance. Their bases of strength overlap little if at all. For example: Michigan State, with a large AID contract in Vietnam for public administration projects, has never developed a competence in Vietnamese studies.

12 UNIVERSITY PROGRAMS

There are no fully reliable surveys of precisely what institutional resources for Vietnamese studies exist in the United States.

This past January, Education and World Affairs, a New York foundation, could locate only 12 universities with language and area studies programs for Southeast Asia.

Of those 12 institutions, seven have varying degrees of capability in Vietnamese studies: the University of California at Berkeley, the University of Hawaii, the University of Michigan, and Cornell, Harvard, Yale, and Southern Illinois Universities.

The programs vary in strength, depending on such factors as library resources, available people, breadth of language training, and the climate toward area studies programs in general at each institution. Of the seven, only four—Cornell, Harvard, Yale, and Southern Illinois—have concentrated enough resources and people to support Vietnamese studies across a broad spectrum of disciplines.

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There is wide agreement that Cornell's program in Vietnamese studies is the best in the country. In library resources, for instance, Cornell is well ahead of the other three institutions, having roughly 5,000 Vietnamese language books and another 5,000 on order.

Two of the outstanding young Vietnam historians—David Marr and John Whitmore—are at Cornell. Mr. Marr came to Cornell last fall from Berkeley, where he had completed his doctoral work and then taught Vietnamese history for a year. Mr. Whitmore, who joined Yale's history department after receiving his Ph.D. from Cornell, has returned to Cornell this year as a visiting lecturer.

Much of Yale's reputation in Vietnamese studies derived from the fact that since the early 1950's, Paul Mus, the highly regarded French scholar, spent one semester a year at the university.

Mr. Mus' recent death put a serious crimp in Yale's capabilities in Vietnamese studies, although the university still is very strong in language training. The first Vietnamese language course in the country was offered at Yale in 1957, and Yale continues to cosponsor with Cornell a summer language institute, where Vietnamese is taught.

HARVARD'S APPROACH

While Cornell and Yale have developed competence in Vietnamese studies on the basis of Southeast Asian studies programs, Harvard's strength in Vietnamese studies as grown out of the university's well-known Chinese studies program.

Vietnam owes a great deal to Chinese influence, and Harvard can claim a third outstanding young historian of Vietnam—Alexander Woodside—who is well-grounded in Chinese history, as well. After studying Chinese, Japanese, and Vietnamese, Mr. Woodside received his doctorate from Harvard in 1968.

Vietnamese studies at Harvard received a substantial boost last month when the Ford Foundation announced a $300,000 grant to the university to help establish an endowed professorship of Vietnamese studies.

Harvard also is planning to begin Vietnamese language instruction, perhaps as early as next fall.

One of the most visible lacks in Vietnamese studies has been that no comprehensive center of scholarly expertise on Vietnam exists anywhere. The competence in the field is divided among a number of institutions and nowhere is it really drawn together.

SOUTHERN ILLINOIS' EFFORT

Last July, Southern Illinois University at Carbondale launched an ambitious effort to remedy that situation. Creating a Center for Vietnamese Studies and Programs, the university made the largest single institutional commitment to Vietnamese studies that has been undertaken in the country.

The center received its initial funding from a five-year, $1-million grant from the Agency for International Development. While AID is concerned primarily with technical assistance, its grant to Southern Illinois was intended specifically to help the university develop an academic competence in Vietnamese studies.

"The center is really just beginning," says Horace B. Jacobini, its director and a professor of government at Southern Illinois. "We are focusing now on getting staff, an appalling problem given the scarcity of people with academic competence on Vietnam. We are making progress in terms of developing library resources, and we are in the process of developing a scholarly journal for Vietnam and Southeast Asia, since at present none exists in this country."

The center's plan calls for combining teaching and research with a number of "service functions," such as providing consultation and training services for private and governmental organizations working in Vietnam, sponsoring conferences, and maintaining inventories of people and programs dealing with Vietnam at various colleges and universities. In addition, the center is exploring the idea of establishing "sisterhood" relationships with five Vietnamese universities.

A fellowship program administered by the center already is helping to support the work of three students in Vietnamese studies at other institutions.

Despite the fact that the center is only barely operational, it has generated a variety of misgivings. One outside consultant, himself a Vietnamese scholar, resigned his advisory post because he felt some people at the center "favored programs in support of the United States position in Vietnam over any patient, long-term development of academic excellence."

Others, feeling that expertise on Vietnam cannot be built apart from a regional competence, have criticized the center for having a "one-country orientation." Mr. Jacobini, however, points out that Southern Illinois has had an Asian studies program for several years, although it has not been degree-granting.

ORIENTATION SEEN AS ADVANTAGE

He maintains that the one-country orientation was an advantage when the proposal for the center came before the statewide planning board in Illinois, since it made clear that the center would not replicate Southeast Asian studies at Northern Illinois University.

"Our main feeling was that out of all this trauma and experience in Vietnam, there ought to be a university somewhere that sought to develop a special expertise," Mr. Jacobini says.

He says the proposal for the center did grow out of a long-term, well-proved Southern Illinois interest in Vietnam. For several years, the university has had two technical assistance contracts in Vietnam with AID—one in elementary education, one in vocational education. In all, 41 people at Southern Illinois have served in Vietnam, and the university has acted as a host for 57 Vietnamese studying in this country.

Late last month there was an abrupt escalation of the controversy surrounding the center when students at Carbondale held a two-day demonstration to protest the center's activities and the fact that it was receiving funds from AID. The students demanded a voice in reviewing all technical assistance contracts undertaken by the university.

Criticism of the center was directed at a description contained in the AID grant, itself, which said the grant was made to "strengthen the existing competency of the Southern Illinois Center for Vietnamese Studies and Programs for its programs of technical assistance and consultation, research and training related to the economic and social needs of Vietnam and its postwar reconstruction."

Opponents of the center claimed that such technical assistance would imply that the center—and, by extension the university—were part of the U.S. government's military and political strategy.

Mr. Jacobini, responding to the charges, says: "We conceive of programs as meaning lecture series, our journal, and efforts of that sort. Technical assistance as we conceive it is not the province of the center."

PROBLEMS OF DEVELOPMENT

While there have been indications of new vitality in the field of Vietnamese studies, important problems remain that could limit the pace of further development.

First, within the small community of scholars interested in Vietnam, there is some division between those who have been involved in or provided advice toward the formation of government policy in Vietnam, and those who have not done so.

In a sense, the existence of the division is reflected in the two "superstructure" academic groups concerned with Vietnam: the Southeast Asia Development Advisory Group (SEADG), and the Interuniversity Southeast Asia Committee (ISAC).

Created in 1966, SEADG is an offspring of the Asia Society, which is supported by AID money. While SEADG has been given about $500,000 in AID funds to dispense for research at its own discretion, the group's activities generally have been to provide advisory help to AID officers. The SEADG council on Vietnamese studies includes government members, and its main function apparently is to serve as a channel between the academic community and the government.

The interuniversity committee, on the other hand, was set up in late 1968, with the help of a Ford grant, as a deliberative body that would generally monitor the field of Vietnamese studies.

A Vietnam studies coordinating committee was formed as a subcommittee of ISAC in January. In contrast to SEADG's council on Vietnamese studies, this group seems primarily concerned with defining and developing possible cooperative ventures between universities in order to strengthen Vietnamese studies.

The maze of acronyms and subcommittees reflects two different groups of people concerned with Vietnamese studies working in a relatively uncoordinated—and at times mutually suspicious—manner.

LACK OF STUDENT INTEREST

A second problem is that there seems to be no widespread student interest in Vietnamese studies, although no one is quite sure why.

"My own hypothesis," says Mr. Marr, "is that many students today feel that Americans just don't belong in Vietnam in any way, shape, or form—even as scholars. Given the fact that a lot of students are alienated from the war, they want to avoid tangling themselves in the rat's nest. There's a feeling that it's a very loaded subject."

On a less political level, others argue that students are attracted to a field by the professors who stimulate their interest and respect. The short supply of Vietnam scholars, according to this line of reasoning, is bound to affect the degree of interest shown by undergraduates.

In fact, the only consistent pool of students seems to be made up of veterans, Peace Corps volunteers, and International Voluntary Service returnees.

"These people want to understand more about Vietnam," says Mr. Whitmore of Cornell. "They have gotten involved, learned some of the language, gotten to know the country and people, and found they liked the area. From that they want to move on to a more disciplined understanding of what their experiences have been about."

Along this line, Vietnamese language training provided by Defense Department language institutes may be expected, by giving a basic acquaintance with Vietnamese, to stimulate increased interest among veterans in resuming academic work. Between 1964 and 1969, the institutes taught Vietnamese to 16,127 servicemen, in courses ranging in length from 12 to 47 weeks.

Meanwhile, there is a clear need for a great deal of academic "housekeeping" work in the field. For example, at present there is no bibliographic listing of government-held documents concerning Vietnam. On a more substantive level, library development and translations are two areas badly in need of strengthening.

The future of Vietnamese studies is very much tied to the fortunes of area and international studies as a whole. Shifts in federal funding priorities, therefore, are likely to have a sharp impact on the growth of Vietnamese studies, especially since a number of foundations have cut back their international education grants in recent years.

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Under the proposed federal budget for fiscal 1971, moreover, funds for two of the largest programs of support for international education—and indirectly for Vietnamese studies—would be reduced by one-third.

The new budget would provide $6-million for foreign language and area studies support under the National Defense Education Act and for fellowships under the Fulbright-Hays Act. Those programs received between $17-million and $18-million a year for fiscal 1969 and 1970. According to the U.S. Office of Education, the Administration plans to phase out both programs in 1972.

"I think the budget cuts will create some very serious problems," says Mr. Jacobini. "They will clearly slow the potential for research, among other things."

Adds Mr. Whitmore: "Vietnamese studies are very much wrapped up with other area studies. If money begins to dry up across the board, Vietnamese studies will find it almost impossible to expand in terms of people, or library resources—two crucial areas."

SENATOR MILLER SPEAKS OUT FOR FARM POWER

Mr. HRUSKA. Mr. President, the productivity and stability of our Nation's agriculture are vital to the economic well-being of the entire Nation. However, the farmer's problems are many and serious and require our active assistance. It is no secret that the farmer's share of the consumer's dollar has changed little in the past decade. Nor is it any secret that the farmers, more than any other group in our society, are the victims of inflation rather than the instigators. In addition, the competition in the foreign agricultural market is probably stiffer today than in any other market.

As the senior Senator from Iowa (Mr. MILLER) recently observed at the 45th annual Colorado Grain and Feed Dealers Association Convention:

> No segment of our economy is less isolated from the tremendous pressures of change taking place in our country and, indeed, in the world.

Mr. President, all of us should keep this fact in mind when we begin the consideration of new farm program legislation in the near future. It is my fervent hope that we will not be pressured into enacting poorly drawn or hastily devised legislation which will work against the best interests of agriculture. The efforts of Secretary Hardin and the Senate and the House Agriculture Committees to arrive at sound and supportable agreement on legislation deserve our attention and support.

What my distinguished colleague from Iowa, who is an outstanding member of the Committee on Agriculture and Forestry, had to say at the Colorado Convention is well worth noting as consideration of that legislation draws closer.

I ask unanimous consent that Senator MILLER's speech of February 23 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SURVEYING THE 1970's

(By U.S. Senator JACK MILLER, of Iowa)

I appreciate very much this opportunity to address the 45th annual convention of this outstanding association.

When I see people like you with mutual problems and interests, joined together to seek sound solutions and to improve your part of American industry, I must say my confidence in our capitalistic economic system is always renewed.

Here in Colorado, farm cash receipts from marketings of food and feed grains amount to nearly $220 million annually. Add to this the $700 million in livestock receipts, and one cannot but be impressed by the strength and viability of agriculture in your great and beautiful state.

When I seek to promote the theme of this convention, "Surveying the 70's," and to relate it to agriculture and agribusiness, I have the feeling that my position on your fine program should more appropriately have been assigned to someone from the ministerial profession—one who, perhaps, is a little closer to divine inspiration than a member of the political profession. Of course, all politicians—they think—are more or less divinely inspired. However, I don't believe anyone can accurately forecast very far ahead what is in store for this vital segment of our economy. If there is such a person, he can name his price in Washington.

No segment of our economy is less isolated from the tremendous pressures of change taking place in our country and, indeed, the world. This is particularly true in a capitalistic economic environment—although even those economies which are controlled—where risk and incentive are absent—cannot escape the impact of change.

Before feeling our way very far into the seventies, it might be helpful to look at where we are and note the trends.

After enjoying a favorable balance of exports over imports totaling $7.5 billion in 1964, the balance had practically dropped to zero by 1969. Indeed, if one adds shipping costs to our imports, as we do in the case of some of our exports, such as Food for Peace shipments, we had an unfavorable balance. Exports have been climbing, but imports have been climbing much faster.

Over the years, one of the major elements of our favorable balance of trade was the favorable balance of agricultural exports over agricultural imports. In fact, had it not been for this, our overall trade balance would have been in deficit for 1968 and 1969—quite apart from the shipping cost differential. But the trend has been steadily downwards in the volume of our exports since 1966. This has been true both in P. L. 480 shipments and in commercial shipments, except that last year commercial shipments did go up some $200 million—a small, though favorable component of the total of over $5.9 billion.

Since 1967, we have actually been in a deficit position as far as commercial exports of agricultural commodities versus commercial imports are concerned. And while our Food for Peace program is an integral part of our foreign relations policy, these exports do not help our balance of payments deficit problem, which came to nearly $7 billion last year.

With Pakistan already largely self-sustaining in food grains production, and with India likely to meet its goal of self-sufficiency in food grains by 1972, the downward trend in non-commercial shipments is most likely to continue—although it is likely that several hundred million dollars worth of Food for Peace shipments will continue into the indefinite future.

So, we are forced to turn to an expansion of commercial exports if we wish to maintain, and preferably increase, utilization of our grain—especially wheat—outside our own domestic market. There are two considerations here: (1) we must be competitive in world markets, and this may involve some sort of subsidy to our farmers to enable them to produce for this competition; and (2) we must avoid violation of the GATT rules, which clearly prohibit direct subsidies and probably prohibit export certificates for wheat.

The question may be asked, why should the taxpayers subsidize such exports? There are two answers: (1) we can be hopeful that by meeting our competition in world markets, we can maintain and even increase our share which, as time goes on and changes in the economies of our competitors take place, can become profitable; and (2) to forfeit this outlet for our wheat production, over half of which moves into exports, would have terrible social and economic consequences to our country.

Assistant Secretary of Agriculture Clarence Palmby struck a cautiously optimistic note last month when he forecast that wheat exports this year would rise from 544 million bushels a year ago to 600 million bushels. True, this is considerably under the 1965–1966 total of 867 million bushels, when Food for Peace shipments were at their peak, but it represents improvement in commercial sales to Japan, Korea, Taiwan, and the Philippines.

It is these considerations which have caused the Secretary of Agriculture to propose a lowering of price supports or loan rates—on the one hand, to help meet our overseas competition, and some increase in diversion payments to farmers, on the other hand, to offset any loss of income from lower price supports. Call this an "indirect subsidy" if you wish, but it apparently would satisfy the GATT rules.

Members of the Congress, particularly those on the Agriculture Committees, understand very well the concern of wheat growers over the 37 percent reduction in their wheat allotments over just the last three years. And we can understand their concern over a proposal to lower price supports. However, the alternative—loss of overseas markets—would seem to lay a foundation for further reductions in allotments.

Secretary Palmby suggested another opportunity for expanded use of wheat for feed. He forecast that this would reach 200 million bushels in the current marketing year—up from an average of under 100 million during the early and mid-1960's.

I realize that feed grains producers need some reassurance on this point, and I believe Secretary Palmby gave it. He noted that domestic food use of wheat runs far behind population growth; but that meat consumption has been increasing faster than population growth. Last year, beef consumption was 110 pounds per capita—up 30 pounds in 10 years. When you couple such a per capita increase with an expected rise in our population during the 1970's, there would seem to be room for an increase in the use of both feed grains and wheat for the increased livestock and poultry that will be required. Also, to keep the matter in perspective, he stated that even if we fed 500 million bushels of wheat a year, this would be only 6 percent of total feeding.

During the seventies, I believe we will see considerable expansion in exports of quality meat. Japan and other countries which are not suited to ranching and feeding will, as their economies grow, turn increasingly to our quality production to meet their demands. Larger, more economical cargo aircraft will keep time and transportation factors quite manageable. Any decrease in grain exports to such markets would be more than offset by the volume of grains used to produce these exports.

A word of caution should be voiced with respect to the European Economic Community. Their common agricultural policy is costing those countries in the neighborhood of $12 billion a year—equal to $24 billion in this country in comparison to our respective Gross National Products. Both the EEC and the UK have substantially increased their use of wheat for feed, and it is likely that this trend will continue. Thus, we could be

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faced with a reduced demand for our feed grain exports on the one hand and cut-throat competition on meats and poultry on the other, as the EEC tries to get the burdensome cost of its common agricultural policy off its back.

I have been talking quite a bit about the foreign trade picture—not because Colorado agriculture is directly involved very much, but because it will be indirectly and substantially affected by developments in this area. Also, I thought it would be helpful to your understanding the ideas of the Secretary of Agriculture in his efforts to develop bipartisan follow-on farm programs when the present ones expire at the end of this year.

We have been holding hearings on the subject of follow-on farm programs in the Senate, starting only last Wednesday, and it is apparent that the battle lines are drawn between those who favor high price supports—even higher than we now have—and those who, like the Secretary, wish to try a different approach.

The high price support advocates are, of course, all in favor of increased exports, but they would appear to be caught by the GATT rules prohibiting subsidies. Their hopes that the International Grains Arrangement would relieve the situation have not materialized, nor can I be optimistic that it will do so. Their fall-back position seems to be to settle for a mere continuation of what we have now. Most of them do not like to admit that their policy is one which would perpetuate the dependence of farmers on federal government payments for over 20 percent of their net income. Instead, they say that the consumers are getting food for only 16½ cents per consumer dollar, compared to 20 cents ten years ago, so they should not object to footing the cost of farm payments to the tune of nearly $4 billion a year, or even more, for that matter.

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On the other hand, those who believe strongly in a market system for agriculture are somewhat divided over just how or just how fast to make the transition from present programs to those which will reduce dependence on federal government payments. They all agree that the consumer has reaped the benefits at the expense of the farmer, but they believe the farmer ought to be given his fair share through better prices—even though this increases consumer costs. Needless to say, there are a lot of politics involved.

The Farm Bureau, for example, would like to have the transition made in five years. The Secretary's proposal would quite clearly take much longer, and it represents a compromise approach—giving emphasis to the present annual contracts for diversion and payments, but blending in a modest program for permanent retirement of crop acreage.

I could not predict how all of this will turn out, but I would hope that whatever we come up with will be geared to meet the problem of exports. Another point of deep controversy will be the subject of limitation on payments. As you may recall, the House passed a payment limitation of $20,000 last year and, with the greatest reluctance, gave in to the Senate's position that this was not the answer, which, of course, it isn't. Farm organizations are badly split on this point, but the House, I believe, reflects public opinion that something should be done. The Secretary has proposed a sliding scale of reduction in payments: the first $20,000 would have no reduction; the next $10,000 would be reduced by 10 percent; the next $10,000 by 20 percent, and so on. And there are other approaches—most of which seek to encourage larger producers to remain in the programs so that the surplus problem will not get worse. The Chairman of our Senate Agriculture Committee has suggested that the problem be handled by variations in the amount of price supports. I have suggested that payments limitations be established by commodity groups, because the problem is considerably different in cotton, for example, where there are seven times as many producers receiving $20,000 or more as there are wheat producers.

In any event, "reform" is the key word around Washington these days, and it is a much better word than "change". One can have change for the sake of change, change for the better, change for the worse. But "reform" implies change for the better. I believe our action last year on tax reform was for the better; and social welfare reform advocated by the President certainly is for the better. We shall hope that "reform" characterizes our action on the new farm legislation.

There are some, I know, who are not impressed by the idea of "reform" in farm programs, because they believe we should do away with farm programs. Why, they ask, if this is supposed to be a capitalistic economic system, shouldn't we just let the law of supply and demand take over, and eventually everything will level out. This is an expression of the "laissez-faire" type of capitalism, which had its roots in Europe and had a short-lived existence in our country in the early days. Today, we call our system "people's capitalism", and this embraces many variations of strict capitalism—most of them based on a desire to avoid harmful social consequences, consequences which might endanger our economic system itself.

Iowa State University ran a computer analysis of what would happen if farm programs were thrown out the window—the best analysis I have seen. Instead of $16 billion net farm income, which we had last year, the short-term effect would be a little over $10 billion; and about $12 billion over the long-run.

The harmful social effects this would have are easy to imagine. And I do not refer just to the farming population, but to the entire industry known as "agribusiness".

These prospective results translate themselves into powerful political pressures—not just from the farming community, but from agribusiness with its over 20 million jobs.

The Iowa State study revealed that a long-term land retirement program of 60 million acres (compared to the nearly well over 50 million acres now retired) would yield annual net farm income of about $1 billion less than the present; and a mandatory or compulsory acreage retirement program would come out about the same way. Surveys show that farmers are overwhelmingly opposed to compulsory programs and greatly prefer voluntary programs with incentives. I believe we will see this approach followed during the seventies—probably with a mix of both annual and long-term acreage retirement contracts. However, I am not optimistic about any substantial increase in national net farm income in the short range. Indeed, if inflation is not brought under control and costs of production continue to rise, if, in other words, the cost-price squeeze continues, my optimism is even less.

These consideration bring me to two developments which I believe the seventies will bring to considerable prominence.

The first relates to "bargaining power" for farmers—a concept which is quite popular, but not easily reduced to specifics. There have been proposals advanced to extend the marketing order laws now covering milk to other commodities, as determined by referenda of the producers in regions or throughout the country. I would be doubtful that this will happen except, possibly, in the case of certain specialty crops. Probably not for wheat and feed grains, and certainly not for livestock.

On the other hand, "bargaining power" for farmers already exists in the form of cooperatives. Here is one point on which all farm organizations can reach agreement, and I believe we will see increased mergers and affiliations of farm cooperatives designed to provide greater strength at the market place. Along with this will probably come changes in the antitrust laws which will go beyond present exemptions to permit these more powerful combinations. At the same time, I am doubtful that there will be legislation placing farm workers under the National Labor Relations Act or, if this might happen, permitting activities which would lay a foundation for endangering the planting or harvesting of crops. Assuring our people of their food is such a basic national interest that it seems to me that public opinion will not permit it to be endangered.

The second development I foresee rests on the sad but very real developments in agriculture during the past decade.

In 1960, total farm debt was $26 billion. Today it is $58 billion.

During this period, while debt was piling up by $32 billion, net farm income went up only $4 billion.

Some consolation can be taken from the fact that net farm equity increased during this period of time by $95 billion—most of it in inflated land values. But, before becoming over-enthusiastic about this, it should be noted that national net farm income last year represented only about a 5½ percent return on net farm equity—no great achievement in the present state of interest rates, and leaving nothing whatsoever attributable to the farmers' labor or managerial skills.

In the last decade, over one million farms went out of existence. Larger, more efficient units are the order of the day, and the trend has not stopped. The concept of the "family farm" is changing, and while there are a great many farm families on the farm, many of them are tenants and many of them are involved in very large unit operations which may involve several farm families. There is a great amount of emotional appeal in the term "family farm," but analysis reveals that what is most important is the farm family—its integrity and its prosperity. This can be assured on large units operated by several farmers just as well as on smaller units operated by a single farmer—and in some cases assured even better. In fact, because of capital requirements, it can often be assured only on large units.

Larger unit development can take place through partnerships, corporations, or even through cooperatives, but the major capital resources will be found in corporations. This does not necessarily mean that farmers need become employees of a corporation, but some kind of contractual relationship may be required to enable the capital requirements to be met. Vertical integration can occur either through contractual arrangements or within a single corporate structure. Either way, the demands for capital and the technologies of production and processing are likely to bring about more vertical integration. Indeed, this is already an accomplished fact in the poultry industry.

The problems of credit, manpower, marketing, transportation, and, indeed, political power are going to bring agriculture and agribusiness much closer together in the seventies and beyond. A basic industry which last year purchased $30 billion of production goods means jobs. The commercial farmers buy 5 percent of our total steel production and 11 percent of our petroleum production, for example. It is estimated that six million jobs in machinery, chemical, and other supply industries depend on farming; and another 14 to 16 million jobs are involved in processing and marketing farm products. The people involved in this vast complex, along with their families, mean votes in Congress. Their economic well-being is very greatly interrelated. In short, just as so many labor unions, with somewhat different problems but some even more important mutual problems, have become affiliated in the AFL–CIO for economic and political power, the people involved in agriculture and agribusiness, both management and employees, have sufficient commonality of interest to join forces—politically, financially, and economically.

This is already occurring in some areas—and it can include both cooperatives and corporations, incidentally. Private utilities are joining with rural electric cooperatives in acquiring nuclear generating plants and transmission lines. Contract buying from producers is widespread in the meat packing industry. Contract raising of hogs and cattle has been going on for years and seems to be working out satisfactorily. The meat futures market is taking hold and lends itself most appropriately to larger combinations of producers. So my forecast is not entirely the result of my imagination.

Nevertheless, imagination—another nicer word is "innovation"—is hopeful in preparing for the future. More and more we are realizing that many of our problems today are the result of too many members of Congress failing to look ahead and, instead, concentrating on some quick solution having voter appeal. As our society becomes more sophisticated—and this always happens when people in a democracy get hurt, as they have been by the profligate multi-billion-dollar spending activities by those in control of the Congress for a good many years, as our society becomes more sophisticated, I believe the peoples' needs for prudent, imaginative, long-range planning and action by the Congress will begin to be matched by government responses comparable to what has been going on in the private sector. And as they do, ours will become a better, more prosperous nation—in the seventies.

U.S. POLICIES IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, the past few months have witnessed a number of ominous developments in American policies in the Middle East. They have a direct bearing on the chances for achieving greater stability, if not a lasting peace, in this troubled region.

The denial of jet aircraft to Israel by our own country is only the latest in a policy pattern reflecting a dangerous erosion of American support for Israel. This poses a danger not only to Israel, but for the United States—and ultimately world peace.

The Nixon administration has sought to put a sugarcoating of limited economic aid on the bitter pill of its latest decision. But the net effect is still a weakening of Israel's ability to deter future Arab attacks. With Israel's military successes have come its growing international isolation. The old saying that everybody loves a winner does not seem to apply where the winner turns out to be Israel.

It is now in vogue for Israel's so-called friends to uniformly advise her to show restraint and magnanimity. All of a sudden the Israelis have become supermen—able to leap pyramids in a single bound.

President Nixon's decision on further sales of aircraft to Israel means that the United States expects the Israelis, through some kind of military magic, to overcome a ratio of 5 to 1 in supersonic jet aircraft. The question I would ask is whether the President would accept the same position of inferiority vis-a-vis the Soviet Union in numbers of aircraft—or missiles—or what have you.

The official word now is that the United States is seeking limitations on shipments of arms to the Middle East. We are trying to set a good example.

But for years now the United States had been counseling restraint in arms shipments to the Middle East in vain. In practice, since 1967 this has actually worked out to mean that we deny—while they supply; and we restrain—while they retrain.

We all know how young David beat the giant Goliath. But now that David has already beaten Goliath three times in the past 20 years—the United States is asking David to do battle with the same old sling. Worse yet—maybe Goliath is learning how to duck.

Half of Israel's small air force is composed of jet aircraft over 20 years old. Vatours, Ouragons, and Magister trainers were fine aircraft—particularly when they were flying in the early 1950s. I am certain there are many military museums which would be pleased to have them on display—if they have not already done so. Compared to Mig–21's and Sukhoi–7's they are a poor joke.

On the ground the situation is equally ludicrous. Included in Israel's armor are some 200 World War II Sherman tanks. The Israelis have made some modifications, and with their typical aplomb now designate them as "Super Shermans." The newest tanks the Israelis have—were acquired indirectly from Israel's newest and by far, cheapest source—the Soviet Union. These are the T–54's and T–55's captured in Sinai during the Six-Day War, and pressed into service in the Israeli army.

Our Government has sought to justify its turndown of the Israeli request for Phantoms and Skyhawks as part of our new even-handed compromising approach. As Prime Minister Meir has pointed out—it is difficult to find a middle ground between being dead or alive—you are either one or the other.

The increased peril to Israel as a result of the plane decision is clear. What is not as clear in the minds of many Americans, and certainly not in the minds of our Middle East "experts" in the State Department is the corresponding peril to U.S. interests in the Middle East as a result of this strangely shortsighted decision.

Israel's diplomatic trump card in trying to get her Arab neighbors to negotiate is the territory she occupied in June of 1967. The military ace up Israel's sleeve has been her air superiority—to offset serious deficiencies in numbers of men and weapons. It is the Israeli air force which is the key to the maintenance of the balance of power and peace in the Middle East.

In essence, our Government proposals for a settlement would pull the rug out from under Israel's feet while the denial of planes encourages Israel's enemies to give her a push at the same time.

By risking the loss of Israel's air superiority in the pursuit of peace, the United States is increasing the chances of war. The credibility of Israel's deterrent is the only guarantee against the outbreak of full-scale hostilities.

The actual arms supply situation at the present moment borders on the absurd. The Soviet Union, of course, is supplying Egypt, Iraq, and Syria with as many modern tanks and jets as they can possibly handle—and perhaps more. SAM–3 missiles and Russian troops to operate them have been added to the equation. Since the June war, the only additions to Israel's Air Force have been some 30 Phantom jets, with 20 more to be received by the end of the summer. Egypt alone has overwhelming superiority over Israel in men, planes, tanks, and artillery. The United States, however, considers this to be a balance.

At the same time that Israel has no place to turn for weapons, the Arabs are running out of places to keep theirs. Just to make sure, perhaps, that the poor Arabs have enough, we are considering sending more F–5 jets to Libya, and are in the process of shipping a squadron of F–104 Starfighters to Jordan—while training their pilots in Arizona.

The French, as we know too well, will be sending 108 advanced Mirages to Egypt—via Libya. Britain which graciously accepted Israeli technical advice in developing their new Chieftain tank, has now refused to sell any of them to Israel and is reportedly negotiating for their sale to Libya.

Thank goodness that the Israelis still have some people they can count on for military assistance—the Arabs.

From Israel's point of view the aircraft they have been seeking to acquire could not have been more appropriately named than the Mirage and the Phantom. Now you see them, now you do not.

The introduction of SAM–3 missiles and 1,500 Russians to join the 3,000 already in Egypt is a clear indication of the peaceful intentions of the Soviet Union. The Israelis, on the other hand, are now faced with a serious undercutting of both their diplomatic and strategic positions. Fortunately, it is not too late to reverse ourselves and face up to the facts of life—and death in the Middle East.

We must counter lavish Russian and French arms shipments to the Arabs by selling more Skyhawks and Phantom jets to Israel now. A small country like Israel must plan well ahead for such purchases. It is not exactly the same as buying a new car. It is ridiculous to shrug off the significance of the SAM–3 missiles by terming them defensive. They constitute a shield for the intensification of Nasser's so-called war of attrition—which is definitely not defensive. This represents a new situation—and a serious shift in the balance of power.

It should not be necessary to invoke sentiment, guilt feelings and past history to justify stronger American support for Israel. Support of Israel, at a minimum insures the existence of at least one country in the Middle East friendly to the United States. In the cold light of international politics, Israel is a valuable asset for America in the Middle East today. Many of our allies have in fact, turned out to be liabilities—witness Vietnam. Israel does not seek nor need American troops—her war is 100 percent Israelized. But she is also fighting to protect American interests.

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To get an understanding of this, Israel must be viewed as a dam preventing Soviet pressures from flooding not only the Middle East but also Turkey, Iran and Ethiopia. It should be obvious that only a well-armed Israel, within secure borders, and with a strong economy can carry out this blocking function.

If we attempt to abate the Soviet flood by punching small holes in the dam, temporary results might be expected. But inevitably, the barrier would be weakened and the Russian tide would sweep throughout the Middle East and Africa. Then the age-old dream of the czars to expand southward would be realized to the detriment of vital U.S. interests in this region.

Any deterioration of Israel's position as a result of American action or inaction, will be viewed by the Arabs as a Soviet triumph and as a sign of Soviet strength. The United States would not even get a begrudging thank you. Unless the United States actively participates in Israel's destruction, we cannot hope to compete on even terms with the Soviets in currying favor with the extremists in the Arab world.

At tremendous sacrifices to her economy and her people, Israel has been paying cash on the barrelhead for the sophisticated weaponry and technology needed to counter the huge arsenals in the hands of her numerous enemies.

Courage, skill and blood can make up for vastly inferior numbers of weapons and men—but not forever, and not without serious damage to the quality of Israeli society. I would hate to see still another generation of Israelis growing up to be fighter pilots, tank commanders and artillerymen rather than physicists, musicians and doctors.

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If our government is truly seeking a "better balanced" policy in this area, it must pay much closer attention to the arms balance. The United States in the interests of peace must assure that Israel does not fall further behind in this critical race. How long can Israel be expected to bear the burden of spending 25 percent of her gross national product on defense? Even with our expenditures in Vietnam, we spend less than 10 percent of our own GNP on defense. The reported cost overrun on our C-5A plane alone is greater than Israel's total military budget.

Israel recognizes from her own bitter experience what help to expect in a time of crisis from the U.N., the big powers, and the conscience of mankind. She has had the lesson of the 1957 pull-back from Sinai and the Gaza Strip. Where were the U.N. emergency force and the major maritime powers in May of 1967? And more recently, where was the public outcry over the murder by Arab terrorists of 47 innocent air travelers aboard the Swissair plane? The voices which had previously been raised in protest and denunciation over the destruction of 13 hunks of metal at the Beirut Airport—were deafeningly silent over the destruction of lives.

I need not cite the shocking indifference of the civilized world to the deaths of 6 million Jews a quarter of a century ago—we have a more recent example—the deaths of 2 million Biafrans. They, too, can remind us of the fate of those who rely on the conscience of the world.

Israel plainly does not intend to rely on the goodwill of others for her national existence. But she must rely on our own country for the vital ingredients for survival—jet aircraft. The Soviet Union must not have a veto right over the supply of these aircraft to Israel. This, in effect, is what the situation is today.

If the United States really wants peace, she must enable Israel to prepare for war. This is the crucial fact that must be made clear to our decisionmakers. What is good for Israel in this case, is good for the United States. I would admit it may not necessarily be good for Standard Oil.

With the realization of how Israel is steadfastly serving the national interest of the United States in the Middle East, a small investment now by our country in insuring Israel's future security would yield considerable dividends. I realize, of course, that Phantom jets and Skyhawks are not the ultimate answer. But unless Israel has them—the Arabs will seek to impose their own "final solution."

If Israel is willing to endure until the Arab governments she has beaten three times on the battlefield are ready to negotiate, why is the United States in such a hurry? Israel is merely asking our country to be more patient, and not to lessen her support.

The Soviet Union has consistently displayed an appreciation of military power as a factor in international relations.

They are not blind to the military prowess of the Israeli defense forces nor the lack of it on the part of their own clients. The United States should exploit Israel's strength, not dissipate it in vain efforts to placate the Arab regimes and the Soviet Union.

ENVIRONMENT

Mr. CRANSTON. Mr. President, on March 26, I wrote to Hon. Russell Train, Chairman of the Council on Environmental Quality, urging the Council to undertake a comprehensive review of the extension of environmental planning for freeways supported by Federal funds. This letter was prompted by the proposed Malibu-Whitnal freeway and interchange in southern California. The freeway would encourage extensive residential and commercial development to the Malibu area and would destroy a major open space area in the Los Angeles metropolitan region. Since I believe such a study would have an important effect on the survival of the green belt areas around our major metropolitan centers, I would like to bring the letter to the Senate's attention. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 26, 1970.

Hon. RUSSELL TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR MR. CHAIRMAN: Since the review and appraisal of Federal programs which affect the environment is a major responsibility of the Council on Environmental Quality, I want to bring to your attention a situation which I believe demonstrates the need for a comprehensive investigation of our Federal programs to fund highway construction.

The Malibu area of Southern California is one of the last remaining open space resources in the proximity of the Los Angeles basin. Freeways have been proposed for both the coast and the Malibu Canyon, without, I believe, adequate consideration being given to either the immediate or the long term environmental consequences of such freeways. While the Malibu-Whitnall freeway may not involve Federal funds, the Pacific Coast freeway and the Malibu interchange do, so I would like to discuss the freeway proposals as a package to illustrate the problems they create.

It will be apparent from my comments that I am not in favor of the freeway proposals. However, I am not certain that it would be possible to stop the freeways on the Federal level even if such a decision were made by appropriate Federal agencies. That is part of the problem I wish to raise.

I understand that the Assistant Secretary of Transportation, J. D. Braman, has requested the Bureau of Public Roads to make a full review of the Malibu projects and to report back to him before issuing any further approval. Under the circumstances, I believe the Assistant Secretary's action is commendable. However, I believe the freeways must be reconsidered on the State level, if there is to be a change in present plans.

The proposed Malibu-Whitnall freeway (Route 64) and the proposed interchange with Route 1 on the Pacific coastline at Malibu can clearly be objected to on tangible environmental grounds.

The Secretary of Transportation is legally required to "preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." (49 USC 1653) By these criteria, it is difficult if not impossible to justify cutting an eight-lane freeway through the Malibu Canyon. This is a beautiful area, an environmental asset still comparatively undisturbed by the suburban developments of the surrounding areas. A freeway with its burden of internal combustion engines will be ecologically destructive and aesthetically deplorable. This is a fragile area in many respects. The plant life, from the big oaks to the tiny succulents, maintain a precarious balance in this coastal yet semi-arid ecosystem. The threat of erosion from land cuts which affect the natural watershed in California's coastal mountains is well known, as is the seismic instability of the area.

In addition, a part of the proposal involves channeling Malibu Creek, which will destroy the Malibu estuary and its notable waterfowl and marine life. Instead of being wiped out by a freeway, this estuary should be made into a waterfowl sanctuary, particularly because of the great educational and recreational potential of its close proximity to the many schools and colleges of the Los Angeles basin.

Further, the project will destroy two important archeological sites, one of which is the oldest known site of human habitation in the Los Angeles area.

Notwithstanding the importance of these environmental problems, the Malibu freeway proposals raise a larger question in my mind. The major reason for the slow development of the Malibu region has been its relative inaccessibility. The building of a freeway to provide high speed transportation to the Los Angeles basin will clearly accelerate the residential and commercial development of the area. With easier accessibility, this last pocket of natural coastal mountains in the Los Angeles area will be engulfed in the tide of subdivisions, tract houses, schools, filling stations, and drive-ins—which we know as "California living."

The use of Federal funds to promote a project which will put residential subdivisions into this last remaining coastal open space area near Los Angeles seems to me to violate the whole intent of the recently adopted Declaration of National Environmental Policy (Title I of Public Law 91–190). There has been no "systematic, interdisciplinary approach . . . in planning and in decision-making" for the Malibu area or for the whole Los Angeles basin. Instead there has been a mindless leapfrogging of commercial ventures aimed at cramming an apparently infinite horde of people into an environment whose finite dimensions we do not even understand.

While the various counties and municipalities have planned and zoned for their development, they have, with rare exceptions, proceeded on the basic assumption that growth *per se* is a virtue and that their job is to determine how best to accommodate growth. Furthermore, growth has added to their respective property tax bases, a hardly unattractive consequence. Thus we are in great need for an environmentally sound plan for the growth and distribution of California's population, a plan which begins with the understanding that there are limits to the Southern California coastal area's capability to sustain human population and which proceeds with a complete interdisciplinary ecosystems analysis.

In California, there is a growing awareness of the need for such planning. For example, the Land Use Committee of the State Environmental Quality Council has recently recommended that proposed freeways in the Malibu area be delayed until there has been an in-depth study of Malibu's potential as an open space resource for the Los Angeles basin. In the absence of such planning, it is unreasonable that we are entertaining proposals for a Malibu freeway.

Moreover, assume for the moment that the Secretary of Transportation reviews the problem and reaches the same conclusions I do. Can he justify denying a State's application for Federal highway funds on these more basic environmental grounds? Or is he limited to the important but nevertheless more superficial environmental problems I mentioned earlier?

The environmental problems of "population growth, high-density urbanization, industrial expansion, [and] resource exploitation" play a critical role in every decision to build a California freeway—and I suspect this is also true nationally. Therefore, I urge that the Council on Environmental Quality place high on its agenda a comprehensive review of the extent of environmental planning for new freeway systems which are supported by Federal funds, and of the need to expand the environmental criteria which must be satisfied before such projects are approved. Since the Malibu area situation is an excellent example of the problem, I suggest you make it a case study in your review.

I will be happy to provide any assistance I can offer to this endeavor.

Sincerely,

Alan Cranston.

OREGON-WASHINGTON LITHUANIAN COMMUNITY RESOLUTION

Mr. HATFIELD. Mr. President, recently, many Senators paid tribute to the anniversary of Lithuanian independence on February 16. We heard many glowing tributes and calls for attention to House Concurrent Resolution 146, adopted by the 89th Congress.

The Lithuanian-American Communities of Oregon and Washington met in February in Portland. The group's officers, Joseph V. Paulus, president, and Koste Garolis, secretary, sent me a copy of a resolution passed at that meeting.

I wish to assist them in their efforts to publicize the plight of the Baltic countries. Because of the interest shown by my colleagues, I want to share the contents of this resolution with others.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of Lithuanian-American Communities of Oregon and Washington

March 10, 1970.

The Hon. Mark O. Hatfield,
Senate Office Building,
Washington, D.C.

My Dear Senator: The Americans of Lithuanian descent, and their friends now residing in Oregon and Washington have unanimously adopted the following resolution at a meeting held on February 15, 1970 at Portland, Oregon.

That the present regime in Lithuania did not come to power by legal or democratic process. The Soviet Union occupied Lithuania by force of arms in June of 1940, and to this date continues to exploit the people as well as the nation's resources. This act was and is an imperialistic occupation for the benefit of, and for the expansion of the Soviet empire. It is grossly unjust that Lithuania with its own distinct culture, and 700 years of independent life has been reduced to colonial status.

The House of Representatives, created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of Lithuania, Latvia, and Estonia into the Soviet Union, found that the incorporation of these nations were contrary to established principles of international law.

The House of Representatives, and the United States Senate (of the 89th Congress) unanimously passed *House Concurrent Resolution 416* urging the United States to direct the attention of world opinion at the United Nations by such means as appropriate, to the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

It was resolved that the United States carry out the expression of the U.S. Congress contained in *H. Con. Res. 416* by bringing up the question of Lithuania, Latvia, and Estonia at the United Nations, and demand the Soviets to withdraw from these three nations.

Joseph V. Paulus,
President.

SIOUX FALLS SERTOMA AMERICANISM PROGRAM

Mr. McGOVERN. Mr. President, I take this occasion to commend the Sioux Falls, S. Dak., Sertoma Club for sponsoring as a part of its freedom program, a student competition to answer the question, "Why Is Our American Heritage of Freedom Important to the Young People of Today?"

The contest was won by two eighth-grade students—Mary Kay Wiche and Duane Benson, who have been awarded a trip to Washington, D.C., for their winning efforts.

My distinguished colleague from South Dakota (Mr. Mundt) and I have had the privilege of being hosts to these young contest winners at breakfast in the Senate dining room and they are now our guests in the Senate gallery.

They are accompanied by Mr. and Mrs. Richard Briggs and Mr. Louis James, of the Sioux Falls Sertoma Club, and Mr. and Mrs. David James, Jr., of Arlington, Va.

I ask unanimous consent that explanatory material relating to the contest and the trip and the statements of the two contests winners be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Sertoma Freedom Reporters Depart for Washington

Two eighth grade students from Sioux Falls will be in Washington, D.C., April 5–9 to represent their fellow students in an attempt to answer the question, "Why is our American Heritage of Freedom Important to the Young People of Today?"

Duane Benson and Mary Kay Wiche won the title "Sertoma Freedom Reporters" in a city-wide competition sponsored by the Sioux Falls Sertoma Club as part of the club's Freedom program.

They will depart from Joe Foss Field at 1:30 PM Sunday for a four-day visit to the nation's capital where they will visit various government officials and historic landmarks. Their classmates and members of the Sertoma Club are planning to give them a big send-off.

Sertoma member Dick Briggs and his wife Colleen will accompany Duane and Mary Kay as chaperones. Another Sertoman, Lou James will also accompany them. Briggs is head cameraman for KELO-LAND TV, and he will be shooting a complete film report on the trip which will be telecast on the TV station following their return. The film will also be made available to schools and other organizations for showings in connection with Freedom program.

Duane Benson is in the eighth grade at Axtell Park Junior High. He is the son of Mr. and Mrs. Arnold Benson, 718 West 15th St. He has two brothers, one a Marine helicopter pilot, and two sisters, and lists his favorite subject as history.

Duane participates in wrestling, basketball, and football. Mary Kay Wiche is in the eighth grade at St. Joseph's Cathedral School. Her parents are Mr. and Mrs. Paul Wiche, 416 N. Summit. She has one sister and two brothers. She is a cheerleader at St. Joseph's and lists her favorite subject as Math.

To qualify as Sertoma Freedom Reporters, Duane and Mary Kay first were chosen as representatives of their respective classes, by their classmates. Each class representative submitted two essays, one entitled "Why Our American Heritage of Freedom is Important to the Youth of Today", and a shorter one on the subject "Why I would like to be the Sertoma Freedom Reporter".

From these essays, judges selected ten finalists, five boys and five girls. These finalists presented their essays verbally at the Sertoma Freedom Happening on March 10 which was attended by Sertoma members, class representatives, and special guests including South Dakota Governor Frank Farrar. Judges made the final selection of one boy and one girl Freedom Reporter. Each class representative received a supply of copies of the Declaration of Independence to take back to members of his class.

The Freedom program has been part of the Sioux Falls Sertoma Club's activities for many years. This year marks the first selection of Freedom Reporters for a trip to Washington. It is planned as a continuing future project.

Why I Would Like To Be the Sertoma Freedom Reporter

(By Mary Kay Wiche)

As it is always said, "experience is the best teacher," and this is no exception. Reading

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and discussing famous documents, statues, and places will not give me nearly as much knowledge as viewing the actual documents and statues in Washington. Those four days could give me more knowledge of my country's heritage than many weeks of continuous study from a text.

This would be a once-in-a-lifetime dream coming true, although it would have its responsibilities. Representing my school alone would be a great honor and privilege.

Such a trip would also help me meet new people and new surroundings. It would help me get to know about things such as riding in an airplane, living in a city temporarily where I know few, and few have ever met me. I would learn to experience being away from my family and my friends.

If I were ever to win such a trip, it would mean very great responsibilities. I must realize I am representing many, many people including the children of my school and family. I would like to represent Cathedral School, the Sertoma Club, and the citizens of Sioux Falls. Such an adventure would be great and I know I would enjoy it immensely.

Why I Would Like To Be the Sertoma Freedom Reporter

(By Duane Benson)

If I were the Sertoma Reporter I would like to be at the place where the Americans' march for freedom was originated. I would like to be where one of the greatest historical phenomena of all times is being held: More than 195,000,000 people actually governed by themselves. I shall like to be where so many great Americans gave their life for our march to freedom. The Capitol of the United States, symbol of the power of the people, holds the architectural direction and the thinking of George Washington and Thomas Jefferson. As Virginian gentlemen they were schooled in architecture and on the Capital City the imprint of their personality. Washington laid the cornerstone on September 18, 1793. I would like to see where the laws and control for this great country are. I shall like to see where the United States' symbolic freedom is and where it is preserved.

Why Is Our American Heritage of Freedom Important to the Youth of Today?

(By Mary Kay Wiche)

Our freedom, although it is very important, is often taken for granted. Not enough of us stop to think about it. All our freedoms like those of speech, press, religion, and assembly are there in our Constitution. It just seems natural to us that citizens should sign a petition when something is wanted from the government or vote so a favorite candidate may be put into office. We can stage a peaceful demonstration or speak out in criticism when we believe something should be changed or altered. All this seems natural because we have grown up under these conditions. This is the American way of life and no teenager of today would want it different.

As we study history and gain a knowledge of our heritage, we come to recognize that this freedom was not easily won nor has it been easily kept. Each generation which enjoys it has a responsibility to preserve it.

Today, teens have more freedom than ever before. Some of kids are only interested in doing their own "thing" but many times their "thing" is rioting and injuring innocent people. These teens have to learn to be responsible enough to stay within the limits of the law. Danger is ahead when they get out of hand. They should be able to dress, talk, and live the way they feel is right but they in turn must respect the freedom of others.

When we infringe on the freedom of others we will lose our own.

To understand the importance of our heritage should make us alert to the need for preserving our freedom and more willing to do whatever it takes so we can have a similar heritage to pass on to others.

Why Our American Heritage of Freedom Is Important to the Youth of Today

(By Duane Benson)

"I am an American, I am free".

What awesome pictures come to mind at the very mention of these words. Pictures of the Minutemen who fought at Lexington and Concord; of the boys in blue and gray who died side by side at Gettysburg; of the khaki-clad doughboys who smashed their way through the Argonne in World War I; and the tough never say-die Marines who stormed the beaches at Iwo Jima in World War II; and not to forget the fearless Americans who fought in Viet Nam to secure this so-called freedom we love. We call this freedom? What did we get out of this? We got the *American* people. The American people so eager to help yet they couldn't help a person who was clubbed in a big city.

The Viet Nam war started as a conflict between a French colony called Indochina and the Japanese. We now have 543,000 United States troops in Viet Nam.

The air in this country is so bad that scientists predict that within thirty years the American race could be wiped out.

People literally ruin themselves taking drugs, such as marihuana, heroine, L.S.D., Amphetamines, and stimulants.

This is the richest country yet we have poverty in the heart of our country.

This is one of the leading countries that has the rebellion and the lack of respect for authority that we have today.

The youth of today are tempted. Our forefathers tackled the problems which seemed insurmountable in their times and left us with a heritage to preserve and the will, foresight, and courage to tackle new problems unique to our generation. With their example of courage before us we can and will tackle the problems of our generation. The concept of home, family, God, and country before self is not outdated, but not unlike the problems facing our forefathers.

It will take time, faith, perserverance, courage, and most of all *love*, outside of love for ourselves, to overcome our current problems. Our nation is too great and humanity is too important. We shall preserve our wonderful heritage.

INQUIRY BRINGS FORD AND CHRYSLER ASSURANCES ON ANTI-AIR-POLLUTION DEVICES

Mr. GOODELL. Mr. President, on February 27, 1970, Jack Anderson's column in the Washington Post reported that the Ford Motor Co. and the Chrysler Corp. had been withholding from the consumers of all States besides California the advanced antiair pollution equipment which they make available to consumers of that State, pursuant to the State's legal requirements.

Dismayed at this report, I sent letters that very day to Lynn Townsend, chairman of Chrysler Corp., and to Henry Ford II, chairman of the Ford Motor Co., requesting that they verify or refute the allegations in the Washington Merry-Go-Round column. I requested that should they verify the allegations, they specify what they intend to do to rectify the situation, to make the most advanced antiair pollution equipment available to the consumers of every State, including my own.

I have received replies from Ford and Chrysler. They confirm that the facts in the Anderson column are quite correct. They promise, moreover, to make those antipollution devices which have been previously withheld immediately available to consumers in New York and all other States.

I shall be watching to insure that those devices are, indeed, made available to consumers in New York, and I trust that other Senators will do likewise for their States.

Mr. President, I ask unanimous consent to have printed in the Record the text of my letters and of the Ford and Chrysler replies.

There being no objection, the letters were ordered to be printed in the Record, as follows:

February 27, 1970.

Mr. Lynn Townsend,
Chairman, Chrysler Corp.
Highland Park, Mich.

Dear Mr. Townsend: Jack Anderson's "Washington Merry-Go-Round" column in yesterday's *Washington Post* alleges that Chrysler is discouraging the sale, in all states other than California, of the most advanced air pollution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, (2) that your computer system is programmed to reject automatically an order for the equipment should one come in from any of the other states, and (3) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

The column concludes that consequently, if anyone outside California walked into a Chrysler showroom and ordered a new car with the advanced equipment now required by California anti-pollution law, he would be flatly—and erroneously—told that he cannot obtain the equipment.

I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, it anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

Charles E. Goodell.

February 27, 1970.

Mr. Henry Ford,
Chairman, Ford Motor Co.,
Dearborn, Mich.

Dear Mr. Ford: Jack Anderson's "Washington Merry-Go-Round" column in yesterday's *Washington Post* alleges that Ford is discouraging the sale, in all states other than California, of the most advanced air polution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, and (2) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

The column concludes that consequently, if anyone outside California walked into a Ford showroom and ordered a new car with the advanced equipment now required by California antipollution law, he would be

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flatly—and erroneously—told that he cannot obtain the equipment.

I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, if anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

CHARLES E. GOODELL.

CHRYSLER CORP., *March 20, 1970.*

SENATOR CHARLES E. GOODELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOODELL: Your letter to Mr. Townsend has been referred to me for reply. And since the responsibility for manufacturing and sales is mine, I am grateful for the opportunity to make our position clear.

The facts in the Anderson story are essentially correct, although the conclusions he draws from them are rather severe. Our price manuals do list certain anti-pollution equipment as "unavailable outside California," and our computers are programed to reject any car order from other states which ask for that equipment. As a general practice, if a buyer desires special or unique equipment, his dealer can order it by using a manual order system. Such an order will then be routed around the computer, and the equipment installed on the new car.

The dealer in question should have been aware of that policy, and we may have been remiss in not making it more clear. The procedure is now clear, however, and the customer who was turned down has been offered a car complete with the anti-pollution device.

Moreover, our 1971 model manuals are being rewritten to make it clear that all non-required anti-pollution devices will be available to anyone, and our computer program will be adapted to accept such orders from all states. We are also currently notifying our regional managers and field representatives that all requests for non-required anti-pollution devices on 1970 models will be honored.

We at Chrysler are well aware of the need for an organized and effective attack on air pollution. We have been leading that attack for many years. I am sure you recognize that we have never intended to discharge the sale of anti-pollution devices in New York or any other state, and we welcome all orders from individuals who wish to help in the fight for clean air.

Sincerely,

E. A. CAFIERO.

FORD MOTOR CO.,
Dearborn, Mich., March 16, 1970.

Hon. CHARLES E. GOODELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOODELL: Thank you for the opportunity to comment on the references in Jack Anderson's February 26 column to the availability of our fuel evaporative control system on Ford Motor Company cars sold outside California.

Our experience indicates that items of this kind are rarely purchased as options. Thus we would not anticipate a demand outside California sufficient to warrant preparing all of our assembly plants to produce cars equipped with these devices. On this basis, our initial price lists and catalogs showed the evaporative control system as an item that was required on all cars to be delivered in California and not available on cars destined elsewhere.

With changes in industry demand levels since the first of the year, we are presently in a better position than originally anticipated to meet possible demand for this item outside California. Ten of our sixteen passenger car assembly plants are staffed and equipped to install evaporative controls, and the remaining plants are scheduled to be similarly equipped in the near future. Accordingly, our car line divisions are notifying their dealers that evaporative control systems are available as options outside California and the language on our official price lists will reflect this change in their next editions.

I assure you that we are firmly committed to do all that we can to advance the cause of clean air and I hope that you will not interpret the circumstances surrounding the availability of our evaporative control systems as any deviation from that commitment.

Yours sincerely,

HENRY FORD.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM WAR

Mr. ALLEN, Mr. President, I have previously placed in the RECORD the names of 969 Alabama servicemen who were listed as casualties of the Vietnam war through December 31, 1969. In the period of January 1 through March 31, 1970, the Department of Defense has notified 28 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 997.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of these 28 Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, JANUARY 1, 1970 THROUGH MARCH 31, 1970

ARMY

SPA Max D. Kersey, husband of Mrs. Jennifer B. Kersey, Route 3, Box 30, Opp, 36467.

PFC Roy L. Bass, son of Mr. Leamon Bass, P. O. Box 154, New Brockton, 36351.

SP5 Kenneth L. Stokes, son of Mr. and Mrs. Hilery K. Stokes, P. O. Box 171, Stapleton, 36578.

PVT Eugene Hood, son of Mr. John H. Hood, 1661 Opp Street, Montgomery, 36104.

SP4 Charles T. Russell, husband of Mrs. Louise L. Russell, Route 2, Box 189, Tuscumbia, 35674.

SP5 Roger E. Key, son of Mr. Earnest C. Key, Route #2, Box 240A, Jasper, 35501.

SP4 Robert Ford, son of Mrs. Willie B. Boose, Route 2, Box 145, Grady, 36036.

SGT Kenneth R. Lasseter, son of Mr. and Mrs. John E. Lasseter, 309 College Avenue, Boaz, 35957.

SP4 Robert L. Walker, Jr., son of Mr. and Mrs. Robert L. Walker, Sr., Route 1, Box 83, Midway, 36053.

PFC Thomas M. Hill, Jr., husband of Mrs. Nancy J. Hill, 728 Belle Avenue, Tarrant, 31217.

PFC Gary Smith, son of Mrs. Martha Smith, Route 6, Box 376, Tarrant City, 35217.

SSG Bobbie H. Brewer, husband of Mrs. Judy G. Brewer, 707 Frazier Street, Athens, 35611.

SP4 Larry D. Wood, son of Mr. and Mrs. Hubert A. Wood, 808 Chatterson Road, Huntsville, 35009.

LTC Frank C. Newman, husband of Mrs. Eva J. Newman, 101 Del Rio, Ozark, 36360.

SP4 Charles Whatley, son of Mr. Lorenzo Whatley, Route 2, Box 237, Opelika, 36801.

PFC James M. Stanley, son of Mr. and Mrs. James M. Stanley, 908 Alston Avenue, Gadsden, 35903.

PFC James L. Downs, son of Mr. and Mrs. James B. Downs, Route 2, Box 378, Toney, 35773.

MSG James E. Dodd, husband of Mrs. Opal M. Dodd, Route 2, Box 448, Guntersville, 35976.

CPT David L. Mathis, husband of Mrs. Patricia G. Mathis, c/o Billy Welch, Route 1, Notasulga, 36866.

PFC Donnie S. Bartlett, husband of Mrs. Ann C. Bartlett, 607½ Geneva Street, Opelika, 36801.

SP4 Oscar A. Connell, husband of Mrs. Abbie M. Connell, P. O. Box 344, Montevallo, 35115.

SP4 James S. Stanley, son of Mr. and Mrs. Fred O. Stanley, 715 Brantley Street, Opp, 36467.

SP4 Willie T. Walker, Jr., son of Mr. and Mrs. Willie T. Walker, Sr., Route 3, Box 171, Abbeville, 36310.

SP4 Raymond E. Ott, son of Mr. and Mrs. Arthur L. Ott, 1339 South St. Andrews Street, Dothan, 36301.

NAVY

LTJG John C. Brewton, son of Mr. Henry E. Brewton Jr., 58 Mohawk Street, Mobile.

BMI (Boatswain's Mate 1st Class) Freddie L. Edwards, husband of Mrs. Willie P. Edwards, 7109 11th Street, Mobile.

MARINE CORPS

LCpl. Guy McAuley, son of Mr. and Mrs. Guy McAuley, 113 Wacker Lane, Mobile.

LCpl. Joseph W. McDonald, son of Mrs. Mabel C. Schmitt, Route 1, Box 172A, Letohatchie, 36047.

ENVIRONMENT—KEY PROBLEM OF MODERN SOCIETY

Mr. GRAVEL. Mr. President, there does not seem to be much argument anymore that the environment is one of the key problems of modern society. For too many years, man assumed that the resources of his world were in limitless quantities and that everything was there for the taking.

Even during much of this century, man failed to notice that the resources around him were not limitless and that there was only a very limited supply of air and water.

It is to this problem that the youth of the Nation are meeting this month in universities all across the Nation in earth day teachins to discover where their environment is going and if they will have a livable future to look forward to.

It is to that concern that the Progressive magazine has dedicated its April issue, entitled "The Crisis of Survival," which the editors of the publication have dedicated to the Nation's youth.

I ask unanimous consent that the prolog entitled "Action for Survival," be printed in the RECORD.

There being no objection the prolog was ordered to be printed in the RECORD, as follows:

ACTION FOR SURVIVAL: A PROLOGUE BY THE EDITORS

Less than a year ago, *The Progressive* published a special issue entitled "The Power of the Pentagon." In it more than a score of the nation's leading scientists, scholars, and public officials examined the social, poli-

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tical, and moral challenge confronting America. They discussed, documented, and denounced the militarization of our foreign policy and the distortion of our national priorities. They also emphasized the critical need for more helpful and creative policies and programs for our country.

Now we publish a companion special issue entitled "The Crisis of Survival." In it a dozen or more distinguished authorities examine the challenge to our physical environment. They underscore their anxiety that man and his planet face extinction as a consequence of our mindless abuse and greedy exploitation of nature. But, for all their deep concerns, they are not ecological doomsayers. They beckon us to alternative paths that carry the prospect of hope, not despair; life, not death.

Both special issues of *The Progressive*, each in its own way, are committed to the same goal: the survival of man, but not that alone—the enrichment of life as well.

It may sound apocalyptic to suggest that man and the nature he corrupts are speeding toward extinction. But the harsh reality, as emphasized by many of our hard-headed experts, is that a new Four Horsemen—Overpopulation, Pollution, the Famine of Resources, and Nuclear War—are riding relentlessly on their mission of destruction.

The process of ravaging our planet has been going on for a long time. The obsessive American hunger for growth, more creature comforts, and an ever fatter Gross National Product—no matter how great the price for polluting and pillaging our national heritage—has contributed significantly to the mounting crisis in our segment of the earth. To question the sacred assumption that economic growth is always an unmixed blessing is, as *The Wall Street Journal* noted recently, "to threaten the American dream itself."

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But the dream has become a nightmare. A runaway technology, whose only law is profit, has for decades corrupted our air, ravished our soil, denuded our forests, and polluted our water resources. The result is an environment assailed by noxious doses of fumes, sewage, smoke, noise, filth, chemicals, ugliness, and urban decay. And the crisis is compounded by a steadily rising population in defiance of all sense and science.

The worsening crisis commanded little concern until recently. It is one of the more curious phenomena of our time that the subject of our environment is now capturing such extraordinary public interest and concern after these many years of indifference and neglect.

Everyone, it seems, is getting into the act. *Time, Life,* and *Fortune, Newsweek, Esquire,* and *McCall's* are only some of the slicks among the Establishment media which have given splash treatment to the threat to the environment in the past few months. The daily press has poured out a multitude of news stories and editorials to mark its own concern. And the television networks have been competing with a spate of "specials" to announce their arrival at the scene of crisis.

The politicians, not sure whether concern over deterioration of the environment is a craze or a crusade, have elected, predictably, to play it safe. From President Nixon to the local alderman, they have pounced on the issue and commandeered it as the new vehicle of consensus politics. Mr. Nixon, especially, has come rushing forward with a loud "me too" although he never before displayed much concern for the problem. Even now he seems more given to rhetoric than action, and appears none too eager to use the funds and powers he already commands to fight pollution. Since his ecological spree earlier this year, he has resumed his emphasis on a greater buildup of military hardware, especially ABM and MIRV nuclear missiles.

The polluters, too, want their share of the action. Some of them are buying four-color advertisements in the slicks to assure us that they too love the land and water and woods they go on polluting for profit. Their enthusiasm for the rhetoric of the great environmental crusade does not prevent them from exercising their political clout to soften the penalties for pollution and to dilute enforcement of the many laws, largely unenforced, now on the books. Joseph Wood Krutch, the noted essayist in the environmental field, has told us, for example, about an air pollution ordinance passed in Pima County, Arizona. The ordinance contained an exemption: It does not apply to the copper smelting plants, which are responsible for ninety per cent of the local air pollution.

The sudden and spectacular emergence of the environmental issue poses a host of problems. Perhaps the most important is that involvement in ecological concerns could readily serve—and to some extent may have already served—to divert public attention and the crusading zeal of progressive forces from the continuing tragedy in Vietnam, from an imperialistic foreign policy that invites more Vietnams, from a catastrophic arms race that could gut our planet more rapidly than the many-sided process of pollution, from a callous neglect of persistent poverty and racism in the United States.

These are understandable apprehensions. Former Supreme Court Justice Arthur Goldberg expressed his misgivings when he told the American Association of School Administrators that racial discrimination, poverty amid affluence, urban squalor and decay, and alienation of young people pollute the environment as much as garbage and industrial smoke.

"Unemployment and the alienation of the disadvantaged and the young make for a bad environment," he rightly pointed out. "Garbage and smog pollute our neighborhoods, but hate and prejudice do so in even greater degree. Environmental reform calls imperatively for water and air pollution control, but even more importantly for enhancing educational and job opportunities."

Mr. Goldberg is concerned to have the concept of environmental crisis broadened to include long neglected social and economic problems. This makes great sense to us. To think of cleaning up the environment without emphasizing the social structure at least as much as the physical strikes us as an exercise in self deception. Neither means much without the other. A polluted political system which enables a handful of senile Southerners to dominate, through the seniority system, the law making body of a supposedly free people is a political system which finds racism, poverty, *and* poisoned rivers equally congenial in its scheme of things.

Readers of this special issue will note the strong emphasis of our contributors on the links between the challenge on the environmental front and these other problems. For example, they cite the war in Vietnam as a major *obstacle* to meeting the environmental crisis. It is significant that such men of science as George Wald, Paul Ehrlich, Barry Commoner, and David Inglis, and men of politics such as Mayor John Lindsay and Senator Gaylord Nelson—all contributors to this issue—are among the country's most outspoken critics of the Vietnam war and of the enormously swollen U.S. military budget. The true ecological crusaders and the peace crusaders have a common objective—a world to save from war, poverty, racism—and pollution.

This objective is poison to right wing forces now contributing to the verbal overkill on the issue of environment while they oppose action programs of basic reform. They view the current environmental movement with good-natured tolerance so long as it languishes in the realm of rhetoric, so long as it goes no farther than it did in the halcyon days when the conservation movement was thought to be in the hands of nature nuts passing out packets of seedlings to Boy Scouts and little old men in overshoes flitting through the forests with their nets hunting for butterflies.

Whatever it may have meant in previous times, conservation today is a grim synonym for survival.

Crusaders for a genuinely fundamental program to clean up the environment will know they are on the right track when the spokesmen for the corporate establishment switch from their present purring approval of something they call conservation to roars of recrimination against those who, in the process of combatting pollution, would disturb their corporate profits and power.

A good sign of the progress achieved thus far by the ecological movement turned up recently in *National Review*, William Buckley's journal for the literates of the Far Right. The magazine hoisted storm signals for its arch conservative readership, warning of the "climate of hysteria that clouds the pollution question," expressing fear that enthusiasm for conservation "can be fashioned into a nasty weapon for those who dislike business or general principles," and snorting at talk that there is "an unavoidable conflict between the 'economy' and the 'environment.' "

We would be lacking in candor if we did not agree that there are discouraging symptoms of faddism—and political opportunism—in the newly regenerated ecological movement. To all the other hazards that peril the environment we must add the danger that it will be talked to death. "Ecology," says California's consummate politician Jess Unruh, "has become the political substitute for the word 'mother.' "

The politics of the environmental movement can be discerned only dimly at the moment. Columnist Joseph Kraft may have been partly right in observing recently: "So far, at least, the politics of environment is very largely the politics of eyewash." But there can be no doubt that the nature of the crisis and the urgency of the challenge are rendering that judgment less accurate every day.

Fortune magazine, in its own special issue on ecology, expressed a view shared by a sizable number of careless observers when it wrote: "For a politician it is the safest of all issues, since conservation has no admitted enemies."

But the politics of survival, as *The Progressive* envisions it, *will* have enemies—powerful enemies. Not surprisingly, many of them will be familiar faces and familiar forces. For the struggle for survival will demand a degree of public spending and public management and control that will constitute a political and social revolution. The confrontation will be between those who are committed to making our presently inadequate social, economic, and political institutions equal to the task of repairing our ravaged environment as against those whose first and enduring allegiance is to private profit and corporate power and the political institutions which stand guard to protect and preserve that profit and power.

So high is the humbug piled on this "safest of all issues" that it is only with the greatest difficulty that even the usually well-informed citizen will be able to find his way in the next few election campaigns. The choice, both within and between parties, will be between those who make speeches and pass resolutions and those who recognize and act upon the fact that time is running out, that only the resolute rejection of war, profits-as-usual, procreation-as-usual, comforts-as-usual, and politics-as-usual will prevent our planet from sliding into disaster. The score cards will be misleading, but you will be able to tell the players by how willing they are to expand public controls designed to combat pollution and other environmental perils, spend the money needed to achieve desperately needed reforms, advocate urgently needed legislation to speed population control, insist on the strictest possible enforcement of anti-pollution laws, impose massive penalties on corporate and individual violators, and propose even stronger measures to stop the wholesale pollution by industry, government, and individuals.

It may be that neither major party will move quickly or boldly enough. The result could be the long talked-about political realignment in America which would enable those who want to clean up our social and economic pollution, as well as the physical environment, to build a great new movement dedicated to striking at the status quo through the instruments of democracy.

If such a new and forward-looking political instrument is forged, it will be the enlightened vanguard of the nation's youth—those who have mastered the methods of democratic action—who will provide much of its dynamism.

The young have been rebelling against an immoral war and unjust social system and a tawdry culture; now they are massing against the polluted physical environment as well. They have designated the day of their national teach-in on the environment as Earth Day. It could also become the birthday of a new and more hopeful movement affecting all our lives in all ways. It is with this hope that we of *The Progressive* dedicate this special issue to these, the young, who understand and are prepared to act on The Crisis of Survival.

REPORTS CONCERNING USE OF FOREIGN CURRENCIES AND U.S. DOLLARS IN CONNECTION WITH FOREIGN TRAVEL

Mr. RUSSELL. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of the committees of the Senate, certain joint committees, and parliamentary bodies concerning the foreign currencies and U.S. dollars utilized by those committees in 1969 in connection with foreign travel.

There being no objection the reports were ordered to be printed in the RECORD, as follows:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency	Foreign currency	U.S. equivalent or U.S. currency
Senator Norris Cotton:											
Germany	German marks						$816.00			3,264	$816.00
Switzerland	Swiss francs		$36.10		$36.38				$8.75	349.30	81.23
France	French francs		37.33		72.70				11.09	671.00	121.12
Total			73.43		109.08		816.00		19.84		1,018.35
Senator Warren G. Magnuson:											
Japan	Yen		208.00		143.00		181.00		98.00	226,850	630.00
Taiwan	New Taiwan dollars		85.00		81.00		54.00		30.00	10,000	250.00
Hong Kong	Hong Kong dollars		276.00		118.00		115.00		55.00	3,429	564.00
Airline transportation	German marks						2,171.00			7,945	2,171.00
Total			569.00		342.00		2,521.00		183.00		[1]3,615.00
Senator Gale W. McGee:											
Netherlands	Guilders						477.26			1,728.64	477.26
United Kingdom	Pounds						9.93		183.24	81.0.4	193.17
Total							487.19		183.24		670.43
Wesley Powell:											
Germany	German marks						816.00			3,264	816.00
Switzerland	Swiss francs		36.10		39.71				8.34	361.85	84.15
France	French francs		37.33		69.44				14.35	671.00	121.12
Total			73.43		109.15		816.00		22.69		1,021.27
Grand total			715.86		560.23		4,640.19		408.77		6,325.05

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $6,325.05

RICHARD B. RUSSELL,
Chairman, Committee on Appropriations.

Mar. 16, 1970.

[1] Includes expenses in Okinawa.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

James J. Gehrig:											
Ireland	Pounds	6.9.2	15.50	3.9	8.28	2.4.8	5.36	1.12.6	3.90	13.15.4	33.04
France	Franc	459	93.67	453.2	92.46	50.5	10.30	50	10.19	1,012.7	206.62
Germany	Mark	80	20.00	42.30	10.57	526.57	131.49	44	11.00	692.87	173.06
Total			129.17		111.31		147.15		25.09		$412.72

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $412.72

$126.56 of the funds spent on transportation was commercial from Dublin to Munich to Paris—other air travel on military plane. The State Department paid for the commercial transportation in German marks.

CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences.

Feb. 18, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON AGRICULTURE AND FORESTRY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1900

Senator Jack Miller: Italy	Lire	74,972	$119	20,300	$32	11,360	$18.20	1,000	$1.60	107,720	$170.80
Total			119		32		18.20		1.60		170.80

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $170.80

ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry.

Mar. 5, 1970.

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REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John G. Tower:											
Thailand	Baht					2,550.08	123.37				123.37
Hong Kong	Dollars					328.50	53.83				53.83
Germany	Deutsche marks					7,112.00	1,775.78				1,775.78
Col. John O. McFalls, USAF:											
South Vietnam	Piasters							500	4.24	500	4.24
Thailand	Baht	1,555	75.00	944	46.00	207.00	10.00	394	19.00	3,100.50	150.00
Hong Kong	Dollars	580	95.00	475	78.00	91.00	15.00	72	12.00	1,218.00	200.00
Germany	Deutsche marks						1,778.00				1,778.00
Charles B. Kirbow:											
Hong Kong	Dollars	800	130.00	572	95.00	60.00	10.00	90	15.00	1,522	250.00
South Vietnam	Piasters	18,600	158.00	9,430	80.00			1,470	12.00	29,500	250.00
Thailand	Baht	1,555	75.00		56.00	205.00	10.00	180	9.00	3,100	150.00
Germany	Deutsche marks						2,085.35				2,085.35
Total			533.00		355.00		5,861.33		71.24		6,820.57

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $6,820.57

JOHN C. STENNIS,
Chairman, Committee on Armed Services.

March 6, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON BANKING AND CURRENCY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Carl A. S. Coan:											
Dominican Republic	RD$	87.12	$87.12	24.18	$24.18	6.60	$6.60	26.40	$26.40	144.30	$144.30
Germany	Deutsche marks					364.00	91.43			364.00	91.43
Total			87.12		24.18		98.03		26.40		235.73
John B. Childers:											
Belgium	Francs	5,994	119.88	5,513	110.26	700	14.00	2,537	50.74	14,744	294.88
Germany	Deutsche marks					3,368	840.95			3,368	840.95
Total			119.88		110.26		854.95		50.74		1,135.83
Stephen J. Paradise:											
Israel	Israeli Pounds	416.40	118.98	466.45	133.27	4,904.20	1,401.20	123.40	35.25	5,910.45	1,688.70
Senator Harrison A. Williams, Jr.: Israel.	do	724.77	207.88	688.32	196.67	4,904.20	1,401.20	222.16	63.47	6,539.45	1,868.42
Senator Charles H. Percy:											
Belgium	Francs	4,497	89.97	2,885	57.70	7,915	157.52	1,618	32.36	16,915	337.52
Germany	Deutsche marks					3,165.92	842.00			3,165.92	842.00
France	Francs	607.80	108.92	229.20	41.08					837	150.00
Total			198.86		98.78		999.52		32.36		1,529.52
Total			731.92		563.16		4,754.90		208.22		6,258.20

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $6,258.20

JOHN SPARKMAN,
Chairman, Committee on Banking and Currency.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON COMMERCE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Dykstra, Jacob J.: Poland	Zl	5,100.00	$212.50	3,672.00	$153.00	23,932.80	$997.20	828.00	$34.50	33,532.80	$1,397.20
Goodell, Charles:											
Germany	DM					5,854.53	1,461.55			5,854.53	1,461.55
Nigeria	Nl							25,13.10	71.81	25.13.10	71.81
Portugal	Esc							1,822.02	64.00	1,822.20	64.00
Subtotal							1,461.55		135.81		1,597.36
Markel, Daniel B:											
France	Fr	1.526.70	275.67	1,139.00	205.59	376.00	67.87	469.30	84.70	3,511.00	633.83
Germany	DM					3,368.00	842.21			3,368.00	842.21
Subtotal			275.67		205.59		910.08		84.70		1,476.04
Total			488.17		358.59		3,368.83		255.01		4,470.60

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $4,470.60

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

John Sherman Cooper:											
Belgium	Franc					1144	21.98				21.98
France	do	100.44	18.00	100.44	18.00			22.32	4.00		40.00
Jacob K. Javits:											
Belgium	do	12,904	258.08	2,251.49	77.92	1075	21.00	250	5.00	16,480.49	362.00
France	do	1,273.75	246.46	534.25	103.54					1808	350.00
Germany	Marks	218.76	54.69	220	55.00	140	35.00	21.24	5.31	600	150.00
Italy	Lire	64,500	103.20	25,00	40.00	3,000	4.80	1,250	2.00	93,750	150.00
Israel	Pounds			402.5	115.00	85.5	25.00	35	10.00	525	150.00
United Kingdom	do	95.7.1	228.23	2,314.11	56.85	4.3.8	10.00	2.12.10	5.00	125.7.7	300.08
Israel	Pounds[1]					4,342.90	1,240.83			4,342.90	1,240.83

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mike Mansfield:											
Philippines	pesos	120	30.00	96	26.00			141	35.25	357	91.25
Indonesia	rupiahs	46,855	121.00	15,400	40.00	27,335	71.00	11,550	30.00	100,870	262.00
Hong Kong	HK dollar	729.60	120.00	383.04	63.00	282.70	46.34	413.44	68.00	1,808.78	297.34
Burma	Kyats	215.97	11.37	268.22	14.12	311.13	16.38	1,946.62	102.45	2,741.98	144.32
Germany	DM[1]					3,983.26	923.59			3,983.26	923.59
Karl E. Mundt:											
France	France, Francs[1]					4,664.68	842.00			4,664.68	842.00
Belgium	Belgium, Francs	1,332.00	26.64	1,995.00	39.90	850.00	17.00	283.00	5.66	4,460.00	89.20
France	France, Francs	207.00	37.37	154.20	27.83	75.00	13.54	59.80	10.80	496.00	89.54
Claiborne Pell:											
Belgium	Francs[1]					14,400	276.66			14,400	276.66
Switzerland	Francs	107	25.00	106	24.78					213	49.78
John Sparkman:											
Germany	DM[1]					659.30	180.14			659.30	180.14
Ireland	Pounds	20.0.0	47.92	21.14.10	52.08	26.0.0	61.99			67.14.10	161.99
Stuart Symington:											
Italy	Lira	23,700	37.98	32,623	52.28	16,193	46.80	2,938	1.70	88,454	141.76
Israel	Pound	174.02	49.72	10.26	2.93	93.92	26.83	21.25	6.07	299.45	85.55
Greece	Drachma	403	13.43	60	2.00			200	6.66	663	22.09
Belgium	Belgian franc	726	14.52	315	6.30			720	14.40	1,761	35.22
France	French franc	155	31.63	132.65	27.07	226.04	46.13	1.20	.24	514.89	103.07
England	Pound	24.16.8	59.60	2.10.5	5.05			2.13.4	6.40	30.0.7	72.05
Germany	Mark[1]					3,455.60	863.90			3,455.60	863.90
Pat M. Holt:											
Ecuador	Sucre	2,265	99.12	1,921	84.07	421	18.42	593	25.95	5,200	227.56
Peru	Sol	4,639	107.38	6,310	146.06	5,629	130.30	1,167	27.01	17,745	410.75
Bolivia	Peso	702	59.12	1,273	107.17	555	46.43	34	2.87	2,564	215.59
Germany	Mark[1]					4,704.80	1,175.75			4,704.80	1,175.75
Arthur M. Kuhl:											
Italy	Lira	32,410	51.93	32,623	52.28	17,192	27.55	3,748	6.00	85,973	137.76
Israel	Pound	67.30	19.22	38.75	11.07	93.92	26.83	16.87	4.82	216.84	61.94
Greece	Drachma	403	13.43	.92	3.07					495	16.50
Belgium	Franc	726	14.52		4.40			460	9.20	1,406	28.12
France	do	155	31.63	204.25	41.68	239.03	48.78	27.10	5.53	625.38	127.62
England	Pound	13.4.0	31.68	3.2.3	7.47			0.7.3	.87	17.3.6	40.02
Germany	Mark[1]					3,455.60	863.90			3,455.60	863.90
Donald G. Henderson:											
Belgium	Franc	1,332	26.64	2,957	59.14	1,250	25.00	541	10.82	6,080	121.60
France	do	517.50	93.02	654.20	117.44	155	27.90	318.90	57.24	1,645.6	295.60
Do	do					7,004.68	1,261.36			7,004.68	1,261.36
Richard M. Moose											
Hong Kong	Hong Kong dollar	244.46	40.34	133.20	21.98	830.00	136.06	28.34	5.22	1,236	203.60
Vietnam	Piastre	29,500	250.00	27,140	230.00	4,720	40.00	3,540	30.00	64,900	550.00
France	Franc	208	37.50	167.10	30.00			42.73	7.54	41.783	75.04
Germany	Mark[1]					8,211.40	2,052.85			8,211.40	2,052.85
James G. Lowenstein:											
Australia	Australian dollar	100.08	112.00	110.81	124.00	21.80	24.37	12.51	14.00	245.20	274.37
Denmark	Deutsche krone			172.29	23.00			52.43	7.00	224.72	30.00
U.S.S.R.	Ruble			30.50	33.89	601.80	668.67	4.50	5.00	636.80	707.56
Hong Kong	Hong Kong dollar	785.50	125.00	461.59	76.07	942.15	154.45	162.62	26.80	324.98	382.32
Indonesia	Rupiah	18,480	48.00	6,140	15.95			4,620	12.00	292.40	75.95
Philippines	Peso	91.73	23.40	209.96	53.56			70.56	18.00	372.45	94.96
Burma	Kyat							174.00	9.15	174.00	9.15
Vietnam	Piastre	31,022	262.90	15,972	135.35	472	4.00	12,154	103.00	59,620	505.25
France	Franc	228.37	41.00	295.54	53.06			61.27	11.00	585.18	105.06
Germany	Deutsche mark					15,569.40	3,892.81			15,569.40	3,892.81
Roland Paul:											
Spain	Peseta	3,139	45.03	951	13.64			150	2.16	4,240	60.83
Italy	Lira	66,750	106.54	50,105	79.88	30,875	49.24	4,125	6.18	151,855	241.84
Greece	Drachma	1,341	44.70	689	22.96	750	25.00	20	.67	2,800	93.33
Turkey	Turkish lira	769.65	85.51	370	41.11			25.35	2.82	1,165	129.44
Portugal	Escudo	562.20	19.74					65.90	2.30	628.10	22.04
Korea	Won	36,863	129.81	5,068	17.81			100	.33	42,031	147.95
Japan	Yen	26,564	73.79	26,671	74.09	8,376	23.27	1,000	2.77	62,611	173.92
Republic of China	Yuan	1,932.80	48.32	796.20	19.90			100	2.50	2,829	70.72
Thailand	Bhat	2,055.10	98.43	2,964.15	142.29			100	4.07	511,925	244.79
Philippines	Peso	343.64	87.62	196.36	50.12			10	2.55	550	140.29
Germany	Marks[1]					13,186.80	3,292.59			13,186.80	3,292.59
Walter Pincus:											
Spain	Peseta	3,000	43.30	1,405	20.03			535	7.55	4,940	70.88
Italy	Lira	15,800	24.89	37,867	60.25	17,844	28.46	18,933	29.92	90,444	143.52
Greece	Drachma	2,390	79.67	231	7.70	750	25.00	82	2.73	3,453	115.10
Turkey	Turkish lira	580.75	64.53	346.17	38.46			173.08	19.23	1,100	122.22
Portugal	Escudo	769.16	27.01	54.44	1.90					823.70	28.91
Korea	Won	29,530	104.47	8,447	29.47			3,905	13.49	41,882	147.43
Japan	Yen	28,576	79.38	15,068	41.85	8,376	23.27	23,274	64.65	75,294	209.15
Republic of China	NT$	1,916	48.00	596.20	14.91			162.80	4.09	2,675	67.00
Thailand	Baht	2,183.50	104.62	1,234.45	58.82			806.30	38.15	4,224.25	201.59
Philippines	Peso	350.62	89.46	161.38	41.16			89.65	22.86	601.65	153.48
Germany	Marks[1]					13,186.80	3,292.59			13,186.80	3,292.59
Francis R. Valeo:											
Philippines	Peso	224	56.00	260	65.00	60	15.00	260	65.00	804	201.00
Indonesia	Rupiah	17,710	46.00	11,550	30.00			9,240	24.00	38,500	100.00
Burma	Kyat	173.30	9.12	268.21	14.12	311.14	16.38	807.75	42.51	1,560.40	82.13
Hong Kong	Hong Kong dollar	480	80.00	450	75.00	54	9.00	420	70.00	1,405	234.00
Germany	Deutsche mark[1]					3,993.26	923.59			3,993.26	923.59
Total			4,618.61		3,241.83		23,139.73		1,151.49		32,151.66

[1] Used to purchase airline tickets for countries visited.

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $32,151.66

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Mar. 14, 1970.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON MEXICO-U.S. INTERPARLIAMENTARY CONFERENCE, AGUASCALIENTES, U.S. SENATE MEXICO CITY, AND COZUMEL, MEXICO, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mansfield: Mexico	Dollar		$226.98		$94.71				$8.00		$329.66
Senator Byrd (W. Va.): Mexico	do		97.27		29.86				6.00		133.13
Senator Dodd: Mexico	do		99.67		50.54				.40		150.61
Senator Fannin: Mexico	do		24.01		7.60		$124.40				156.01
Senator Gravel: Mexico	do		99.67		55.21				.52		155.40
Senator Hartke: Mexico	do		24.01		31.18		153.00		20.01		228.20
Senator Javits: Mexico	do		16.81		31.71		351.00		16.01		425.53
Senator Miller: Mexico	do		99.67		18.13				3.20		121.00
Senator Montoya: Mexico	do		102.88		50.40		120.00		7.61		280.89
Senator Nelson: Mexico	do		97.27		40.95				7.76		145.98
Senator Saxbe: Mexico	do		97.27		38.99				18.01		154.27
R. Dockery: Mexico	do		66.65		20.63		6.50		9.20		102.98
P. Holt: Mexico	do		111.68		17.08		11.01		.40		140.17
M. Jensen: Mexico	do		66.65		16.82				13.60		97.07
A. Kuhl: Mexico	do		78.60		17.82		1.84		.88		99.14
D. Paton: Mexico	do		40.54		38.71		8.00		7.04		94.29
F. Valeo: Mexico	do		78.60		41.82				7.68		128.10
E. Vogtmann: Mexico	do		66.65		2.46		.40		1.20		70.71
Delegation Expenses:											
Official meals and receptions	do				359.18						359.18
Transportation	do						246.03				246.03
Telephone charges	do								95.27		95.27
Stationery supplies	do								23.22		23.22
Miscellaneous	do								49.89		49.89
Total			1,494.88		973.80		1,022.18		295.90		3,786.76

RECAPITULATION

Appropriated funds: Other Public Law 86-420 .... $3,786.76

MIKE MANSFIELD,
Chairman, Committee on Senate Delegation.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE SENATE DELEGATION, BRITISH-AMERICAN PARLIAMENTARY CONFERENCE (BERMUDA), EXPENDED BETWEEN MAR. 15 AND MAR. 20, 1969

J. W. Fulbright: Bermuda	Pound	62-10-0	$150	56-5-0	$135			6-5-0	$15	125-0-0	$300
Clifford P. Case: Bermuda	do	62-10-0	150	56-5-0	135			6-5-0	15	125-0-0	300
Frank Church: Bermuda	do	62-10-0	150	56-5-0	135			6-5-0	15	125-0-0	300
Alan Cranston: Bermuda	do	62-10-0	150	56-5-0	135			6-5-0	15	125-0-0	300
Ted Stevens: Bermuda	do	62-10-0	150	56-5-0	135			6-5-0	15	125-0-0	300
Carl Marcy: Bermuda	do	62-10-0	150	56-5-0	135			6-5-0	15	125-0-0	300
Milrae Jensen: Bermuda	do	62-10-0	150	56-5-0	135			4-0-0	9.60	122-15-0	294.60
Total			1,050		945				99.60		2,094.60

RECAPITULATION

	AMOUNT
Foreign currency (U.S. $ equivalent)	$2,094.60

J. W. FULBRIGHT,
Chairman, U.S. Senate Delegation,
British-American Parliamentary Conference.

Mar. 3, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON SENATE DELEGATION, 12TH CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE (OTTAWA, JASPER PARK, AND BANFF), EXPENDED BETWEEN JUNE 3-8, 1969

Frank Church: Canada	Dollar		95.98		41.05				1.40		138.43
George Aiken: Canada	do		97.94		43.47						141.41
Sam Ervin: Canada	do		95.98		40.02						136.00
Mike Gravel: Canada	do		34.06		7.90		70.25				112.21
Robert P. Griffin: Canada	do		95.98		51.65				6.15		153.78
Clifford P. Hansen: Canada	do		95.98		44.09				.45		140.52
Len B. Jordan: Canada	do		94.02		47.67						141.69
Mike Mansfield: Canada	do		93.03		42.03		168.00		.94		304.00
William B. Spong: Canada	do		45.14		13.26		58.80		.23		117.43
Norvill Jones: Canada	do		92.06		44.39				2.12		138.57
Milrae Jensen: Canada	do		71.28		38.90				5.51		115.69
Mildred Mitchel: Canada	do		69.32		28.97						98.29
Myrna Sasser: Canada	do		71.28		27.94						99.22
Delegation expenses:											
Control room rental	do		124.47								124.47
Official meals and receptions	do				279.30						279.30
Transportation							14.25				14.25
Telephone charges	do								36.74		36.74
Gratuities	do								19.40		19.40
Travelers check charges	do								3.33		3.33
Office supplies	do								22.36		22.36
Total			1,176.52		750.64		311.30		98.63		2,337.09

RECAPITULATION

Appropriated funds: Public Law 86-42 .... $2,337.09

FRANK CHURCH,
Chairman, Senate Delegation, 12th Canada-United States Interparliamentary Meeting.

Mar. 6, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY 15TH COMMONWEALTH PARLIAMENTARY ASSOCIATION CONFERENCE (TRINIDAD AND TOBAGO)—EXPENDED BETWEEN OCT. 14 AND 19, 1969

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. W. Fulbright: Trinidad and Tobago	Dollar		$116.48		$128.77		$15.00		$12.20		$272.45
Marlow W. Cook: Trinidad and Tobago	do		109.29		125.63		15.00		13.93		263.85
Seth Tillman: Trinidad and Tobago	do		82.96		102.74		15.00		13.05		213.75
Delegation expenses:											
Official meals					154.57						154.57
Car rentals							185.15				185.15
Conference room rental			179.70								179.70
Telephone charges									.38		.38
Total			488.43		511.71		230.15		39.56		1,269.85

RECAPITULATION

Appropriated funds: S. Res. 65 $1,269.85

J. W. FULBRIGHT,
Chairman, Senate Delegation.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE NORTH ATLANTIC ASSEMBLY MEETING, BRUSSELS, BELGIUM, EXPENDED BETWEEN OCT. 15 22, 1969

Senator John Sparkman:											
Belgium	Dollar		139.86		160.62				5.94		306.42
Senator John Cooper:											
Belgium	do		93.24		128.00		20.00		22.18		263.42
Senator Thomas F. Eagleton:											
Belgium	do		139.86		130.84				24.24		294.94
Senator Edward J. Gurney:											
Belgium	do		93.24		102.96		8.40		10.80		215.40
Senator Edward M. Kennedy:											
Belgium	do		139.86		130.78				44.12		314.76
Senator Karl Mundt:											
Belgium	do		53.28		57.40				17.00		127.68
Senator Claiborne Pell:											
Belgium	do		126.54		116.08				23.82		266.44
Senator Charles Percy:											
Belgium	do		119.88		156.20		25.40		40.56		342.04
Senator William Spong:											
Belgium	do		139.86		104.56				29.10		273.52
Sentor Ted Stevens:											
Belgium	do		139.86		122.06				28.30		280.22
Senator Stephen Young:											
Belgium	do		39.96		105.16						145.12
Margaret Brown:											
Belgium	do		93.24		96.46						189.70
John B. Childers;											
Belgium	do		106.56		47.40				7.36		161.32
William O. Farber:											
Belgium	do		66.60		47.14				5.04		118.78
Charles Ferris											
Belgium	do		93.24		131.74		25.99		40.88		291.85
Donald G. Henderson:											
Belgium	do		139.86		96.40		18.20		21.24		275.70
Arthur Kuhl:											
Belgium	do		93.24		117.72		8.50		17.58		237.04
William Miller											
Belgium	do		139.86		92.02				19.64		251.52
Nel F. Ryan											
Belgium	do		93.24		69.12				10.14		172.50
Carolyn Smith											
Belgium	do		93.24		79.04				14.28		186.56
Delegation expenses:											
Official meals					1,834.70						1,834.70
Hotel offices			502.08								502.08
Transportation							331.66				331.66
Telephone and telegrams									59.17		59.17
Office equipment rental									81.00		81.00
Overtime, embassy personnel									1,035.14		1,035.14
Office supplies									78.39		78.39
Miscellaneous									65.62		65.62
Total			2,646.60		3,916.40		438.15		1,701.54		8,702.69

RECAPITULATION

Public Law 84-689 $8,702.69

JOHN SPARKMAN,
Chairman, Committee on Senate Delegation.

March 14, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY DELEGATIONS OF THE UNITED STATES GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969

Birch Bayh:											
Austria	AS	7,353.00	294.12	2,280.00	91.20			672.00	$26.10	10,305	$411.42
Denmark	D. kr.	262.00	34.93							262.00	34.93
U.S.S.R.	US$		297.74								297.74
India	Rupee	1,228.92	161.70	1,534.21	201.87			1,122.49	147.69	3,885.62	511.26
Pakistan	PRs							240.75	50.00	240.75	50.00
Thailand	Baht	836.00	41.80	451.00	22.55			1,864.61	89.53	3,151.61	153.88
Korea	Won	6,534	21.57	1,442.00	4.76			15,100	50.00	23,076	76.33
Japan	Yen	11,072.00	30.75	9,592.00	26.65					20,664.00	57.40

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY DELEGATIONS OF THE UNITED STATES GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ernest F. Hollings:											
Denmark	D. kr.	262.00	34.93	206.00	28.80					468.60	63.73
U.S.S.R.	US$		297.74							297.74	297.74
India	Rupee	1,222.92	161.70	94.00	12.37			225.95	29.74	1,542.87	203.81
Thailand	Baht	836.00	41.80	80.43	40.21			4.00	.20	1,644.30	82.21
Korea	Won	6,534	21.57							6,534.	21.57
Japan	Yen	10,912	30.31	19,332.	57.70			2,000.	5.56	32,244.	93.57
B. Everett Jordan:											
Austria	AS	7,870.50	314.82	3,361.00	134.45			834.70	36.20	12,066.20	485.47
Denmark	D. kr.	279.00	37.20							279.00	37.20
U.S.S.R.	US$		297.74								297.74
Do	Ruble					282.45	313.83			282.45	313.83
India	Rupee	1,085.92	142.88	126.77	16.68			1,212.36	159.53		319.09
Pakistan	PRs							200.25	41.59	200.25	41.59
Thailand	Baht	836.00	41.80	215.60	10.78			1,862.61	89.54	2,914.21	142.12
Korea	Won	7,260	23.97	850.00	2.81					8,110.	26.78
Japan	Yen	10,912	30.31	600.00	1.67			10,500.	29.17	22,012.	61.15
Lee Metcalf:											
Denmark	Krone	262.00	34.93							262.00	34.93
U.S.S.R.	U.S. dollar		297.74								297.74
India	Rupee	1,228.92	161.70	72.50	9.54			52.75	6.94	1,354.17	178.18
Pakistan	U.S. dollar								25.00		25.00
Thailand	Baht	836.00	41.80	253.00	12.65					1,089.00	54.45
Korea	Won	6,534	21.57	1,006	3.32					7,540	24.89
Japan	Yen	14,800	41.11	5,460	15.17			690	1.91	20,950	58.1
William B. Saxbe:											
Denmark	Krone	301.00	40.14							301.00	40.14
U.S.S.R.	U.S. dollar		297.74								297.74
India	Rupee	1,228.92	161.70	152.98	20.12			213.00	28.03	1,594 90	209.85
Thailand	Baht	836.00	41.80	159.50	7.98					995.50	49.78
Korea	Won	6,534	22.57	1,080	3.57					7,614	25.14
Japan	Yen	10,912.00	30.31	2,400.00	6.67			4,000.00	11.11	17,312.00	48.09
Hugh Scott:											
Austria	Schilling	7,870.50	314.82	1,615.00	64.60			837.40	33.50	10,322.90	412.92
Czechoslovakia	U.S. dollar				30.00						30.00
John Sparkman:											
Austria	Schilling	7,870.50	314.82	4,063.00	161.27			12,367.00	478.69	24,300.00	954.78
Denmark	Krone	468.00	62.40	55.00	7.33			704.00	93.86	1,227.00	163.59
U.S.S.R.	U.S. dollar		297.74								297.74
India	Rupee	1,250.92	164.59	788.20	103.71			2,000.83	263.26	4,039.95	531.56
Pakistan	Pakistan rupee							194.75	40.45	194.75	40.45
Thailand	Baht	836.00	41.80	584.10	29.21	914.00	43.90	1,866.61	89.63	4,200.71	204.54
Korea	Won	7,260.00	23.97	620.00	2.04			21,250.00	68.73	29,130.00	94.74
Japan	Yen	16,960.00	47.11	17,316.00	48.10			36,010.00	100.00	70,286.00	194.21
Strom Thurmond:											
Austria	Schilling	5,497.00	219.90	2,854.90	114.20					8,351.90	334.10
Harrison A. Williams, Jr.:											
Austria	do	4,711.50	188.46	3,584.00	142.30	501.00	19.42	3,837.10	149.80	12,633.60	499.98
Czechoslovakia	U.S. dollars				24.00						24.00
Ralph Yarborough:											
Austria	Schilling	7,870.50	314.82	956.00	38.25			1,104.40	43.37	9,930.90	396.44
Denmark	Krone	262.00	34.93							262.00	34.93
U.S.S.R.	U.S. dollars		297.74								297.74
India	Rupee	1,228.92	161.70	1,697.91	223.40			1,496.76	196.94	4,423.59	582.04
Thailand	Baht	836.00	41.80	55.00	2.75			1,789.61	85.94	2,680.61	130.49
Korea	Won	6,534	21.57	1,273	4.23			25,880	84.91	33,687	110.71
Japan	Yen	16,960	47.11	2,232	6.20			29,560	71.00	48,752	124.31
Katharine St. George: Austria	Schilling	4,711.50	188.46	680.00	27.20			645.00	25.00	6,036.50	240.60
James Lowenstein:											
Denmark	Krone	159.00	21.20					41.80	5.68	200.80	26.88
U.S.S.R.	U.S. dollar		148.87								148.87
Thompson Buchanan:											
Denmark	Krone	159.00	21.20							159.00	21.20
U.S.S.R.	U.S. dollar		148.87								148.87
Mark Garrison: Austria	Schilling	523.50	20.94					2,237.50	86.72	2,761.00	107.66
Octa Watson:											
Austria	do	3,150.00	126.00	1,196.00	47.85			645.00	25.00	4,991.00	198.85
Austria	U.S. dollar				50.00						50.00
Denmark	Krone	148.00	19.74					375.00	50.00	523.00	69.74
U.S.S.R.	U.S. dollar		148.87								148.87
India	Rupees	1,157.42	152.90	87.70	11.54			2,681.07	352.78	3,931.19	517.22
Pakistan	do							195.75	40.03	192.75	40.03
Thailand	Bahts	748.00	37.40	22.00	1.10			1,868.61	89.74	2,638.61	128.24
Korea	Won	6,534	21.57					28,200	93.01	34,734	114.58
Japan	Yen	12,152	33.76					54,000	150.00	66,152	183.76
Milrae Jensen:											
Denmark	D. Krone	159.00	21.20	141.00	18.80			75.00	10.00	375.00	50.00
U.S.S.R.	U.S. dollar		148.87								148.87
India	Rupees			655.00	86.18					655.00	86.18
India	U.S. dollar		89.20		7.23				.87		97.30
Pakistan	Rupees			111.75	23.21					111.75	23.21
Thailand	Bahts	933.00	45.00	931.61	44.53					1,864.61	89.53
Korea	U.S. dollars		21.57								21.57
Japan	Yen	10,800	30.00	10,200	28.33					21,000	58.33
William Gleysteen:											
Austria	Schilling	4711.50	188.46	1,611.00	64.45			455.20	18.	6,777.70	271.11
Denmark	Krone	159.00	21.20	103.20	14.04					262.20	35.24
U.S.S.R.	U.S. dollar		148.87								148.87
India	Rupee	1,184.12	155.81	98.15	12.91			146.30	19.24	,428.57	187.96
India	U.S. dollar								11.50		11.50
Germany	Deutsche mark					5,091.06	1,391.00			5,091.06	1,391.00
Mary McLaughlin:											
Austria	Schilling	4,711.50	188.46	1,079.00	42.55			342.00	13.10	6,122.50	244.11
Denmark	Krone	148.05	19.74	150.00	20.00	136.88	18.25	174.90	23.32	609.83	81.31
U.S.S.R.	U.S. dollar		148.87								148.87
India	Indian rupee	930.24	122.40	773.30	101.75	423.24	55.69	752.40	99.00	2,879.18	378.84
Pakistan	Pakistan rupee							59.75	12.41	59.75	12.41
Thailand	Baht	748.00	37.40	348.00	19.20	235.60	11.78	215.20	10.76	1,582.80	79.14
Korea	Won	7,333	21.57	2,750	8.09			10,108	29.73	20,192	59.39
Japan	Yen	12,153	33.76	9,252	25.70	7,470	20.75	6,757	18.77	35,632	98.98

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY A COMMITTEE

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Darrell St. Claire:											
Austria	Schilling	7, 353. 00	294. 12	3, 263. 70	130. 02			1, 825. 00	71. 40	12, 441. 70	70, 495. 54
Delegation expenses:											
Transportation						111, 183. 50	4, 309. 52			111, 183. 50	4, 309. 52
Hotel office		30, 837. 50	1, 195. 25							30, 837. 50	1, 195. 25
Official photos								1, 840. 00	72. 28	1, 840. 00	72. 28
Delegation meals				30, 829. 10	1, 194. 92					30, 829. 10	1, 194. 92
Receptions, official											
Functions				24, 675. 00	956. 40					24, 675. 00	956. 40
Embassy overtime, costs								25, 758. 16	998. 37	25, 758. 16	998. 37
Communication								777. 00	30. 11	777. 00	30. 11
Gratuities, misc								4, 099. 90	158. 90	4, 099. 90	158. 90
Austria											
Receptions, official functions	U.S. dollars				461. 35						461. 35
Communications									220. 48		220. 48
Books, gifts									54. 00		54. 00
Czechoslovakia:											
Transportation	Kr.					15, 219. 33	1, 060. 58			15, 219. 33	1060. 58
Czechoslovakia:											
Official luncheon	U.S. dollars				931. 18						931. 18
Yugoslavia:											
Transportation	Dinar					2, 312. 50	185. 00			2, 312. 50	185. 00
Yugoslavia:											
Reception	U.S. dollars				106. 50						106. 50
Communications, Misc									11. 84		11. 84
Hungary:											
Transportation	Forint					5, 913. 50	197. 12			5, 913. 50	197. 12
Hungary:											
Luncheon	U.S. dollar				215. 67						215. 67
Communications									4. 26		4. 26
Denmark		234. 00	31. 20					391. 00	52. 15	625. 00	83. 35
Transportation	Krone					12, 510. 00	1, 673. 30			12, 510. 00	1, 673. 30
Reception, official dinner				4, 311. 70	586. 62					4, 311. 70	586. 62
Denmark:											
Gifts	U.S. dollar								17. 75		17. 75
U.S.S.R.	U.S. dollar		297. 74								297. 74
Delegation expenses:											
U.S.S.R.:											
Transportation	do						990. 00				990. 00
Official reception	do						257. 48				257. 48
Gratuities, miscellaneous	Ruble							380. 00	418. 00	380. 00	418. 00
India	Rupee	1, 228. 92	161. 70	274. 70	36. 15			802. 35	105. 57	2, 305. 97	303. 42
Transportation	do					37, 378. 00	4, 918. 17			37, 378. 00	4, 918. 17
Hotel office		964. 00	126. 85							964. 00	126. 85
Delegation meals, receptions, commissary				11, 943. 67	1, 472. 16					11, 943. 67	1, 472. 16
Embassy overtime, costs		451. 00	59. 36	6. 05	. 86			26, 825. 08	3, 458. 60	26, 742. 13	3, 518. 82
Communications								749. 06	98. 56	749. 06	98. 56
Gifts, books								1, 288. 20	169. 49	1, 288. 20	169. 49
Gratuities, miscellaneous								1, 660. 00	218. 42	1, 660. 00	218. 42
India:											
Books, gifts	U.S. dollar								144. 05		144. 05
Gratuities, miscellaneous	do								92. 40		92. 40
Delegation expenses:											
Nepal:											
Embassy costs, miscellaneous	Rupee							2, 303. 70	303. 12	2, 303. 70	303. 12
Nepal:											
Books, Gifts	US dollar								45. 00		45. 00
Pakistan:											
Transportation	PRs					200. 38	41. 60			200. 38	41. 60
Reception	do			1, 500. 00	311. 53					1, 500. 00	311. 53
Wreath, gratuities, miscellaneous	do							150. 33	31. 22	150. 33	31. 22
Pakistan:											
Gifts	US dollar								17. 75		17. 75
Thailand	Baht	836. 00	41. 80	27. 50	1. 38			1, 891. 62	90. 89	2, 755. 12	134. 07
Hotel office		2, 008. 30	100. 41							2, 008. 30	100. 41
Delegation meals				303. 00	15. 15					303. 00	15. 15
Gratuities, miscellaneous								465. 00	23. 25	465. 00	23. 25
Thailand	U.S. dollar										
Reception					165. 00						165. 00
Gifts									31. 25		31. 25
Korea	Won	6, 534	21. 57	177	. 59					6, 711	22. 16
Transportation						637, 042	2, 153. 84			637, 042	2, 153. 84
Hotel office		23, 232	76. 70							23, 232	76. 70
Gratuities, miscellaneous								13, 120	40. 32	12, 120	40. 32
Korea:											
Reception	U.S. Dollars				197. 40						197. 40
Commissary					78. 41						78. 41
Gifts									70. 75		70. 75
Wreath, miscellaneous									28. 06		28. 06
Japan	Yen	16, 960	47. 11	3, 252	9. 04			58, 500	162. 50	78, 712	218. 65
Transportation						88, 982	247. 17			88, 982	247. 17
Hotel office		83, 920	233. 33							83. 920	233. 33
Embassy overtime								126, 100	350. 46	126, 100	350. 46
Communications								19, 000	52. 78	19, 000	52. 78
Delegation meals				13, 490	37. 40					13, 490	37. 40
Commissary				16, 500	45. 62					16, 500	45. 62
Embassy expenses								12, 750	35. 47	12, 750	35. 47
Japan:											
Transportation	U.S. dollars						130. 74				130. 74
Reception							297. 25				297. 25
Gratuities, papers											
Miscellaneous							166. 60				166. 60
Gifts									38. 75		38. 75

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REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY A COMMITTEE—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland:											
Transportation	U.S. dollar						500.00				500.00
Total			11,366.07		9,341.12		19,002.99		11,530.98		51,241.16

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $29,591.39
Appropriated funds: Other: 22 U.S.C. 276 21,649.77

Total 51,241.16

JOHN SPARKMAN,
President of the U.S. Group, IPU and Chairman of the Delegations.

Mar. 24, 1970

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Dr. Wm. O. Farber:											
West Germany	Deutsche mark					2,188	547.14			2,188	547.14
Belgium	Belguim francs	4,875	97.50	3,950	79.00	1,350	27.00	913	18.26	11,088	221.76
Subtotal			97.50		79.00		574.14		18.26		768.90
Albert A. Lakeland:											
Belgium	Franc		66.55		150.00		16.00		7.45		240.00
France	do		35.00		35.00		12.00		8.00		100.00
England	Pound		12.50		38.00		5.00		2.00		57.50
Subtotal			114.05		233.00		33.00		17.45		397.50
Total			211.55		312.00		607.14		35.71		1,166.40
Frederick J. Asselin:											
Japan	Yen	6,218	17.38	5,581	15.60	1,431	4.00			13,231	36.98
Hong Kong	Hong Kong dollars	1,187	196.00	757	125.00	290	48.00			2,236	369.00
Vietnam	Piastre	8,732	74.00	47,200	400.00	16,700	150.00	15,770	133.65	88,402	757.65
Thailand	Baht	567	27.00	315	15.00	93.95	4.95			975	46.95
Malaysia	Malaysian dollar	189	61.67	95	30.88	95	31.00			380	123.55
Philippines	Peso	273	70.00	149.72	38.69	62	16.00	39	10.00	524	134.69
Indonesia	Rupiah	8,500	22.08							8,500	22.08
Germany	Deutsche mark					7,530	1,880.15			7,530	1,880.15
Subtotal			468.13		625.17		2,134.10		143.65		3,371.05
LaVern J. Duffy:											
Japan	Yen	65,520	182.00	37.800	105.00	8,280	23.00	14,400	40.00	126,000	$350.00
Hong Kong	Hong Kong dollar	2,849		1,254		377		347		4,828	
		6328	467.92	5400	206.00	5800	62.00	1300	57.00	[1] 88	[1] 792.92
Malaysia	Malaysia dollar	315		181		176		109			
		1200	104.00	8000	60.00	1945	58.15	0800	36.00	782.00	258.15
Vietnam	Piastre	14,160	120.00	58,174	493.00	7,316	62.00	8,850	75.00	[2] 88,500	[2] 750.00
Philippines	Peso	423		227		203		174			
		25200	108.00	30200	58.00	78800	52.00	39550	44.50	[3] 1,028.74	[3] 262.50
Germany	Deutsche mark					7,454	1861.17			7,454.00	1,861.17
Total			981.92		922.00		2,118.32		252.50		4,274.74
Philip W. Morgan:											
Japan	Yen	6,256	17.37	6,501	18.06			560	1.55	13,315	36.98
Hong Kong	Hong Kong dollar	463.68	76.13	275.21	45.19	110.29	18.11	146.16	24.00	995.34	163.43
Vietnam	Piastre	1,880	16.00	7,906	67.00			3,186	27.00	12,980	110.00
Thailand	Baht	993.30	47.94	978.30	47.22			76.40	3.68	2,048.00	98.84
Greece	Drachmae	513	17.10	450.00	15.00			37	1.23	1,000.00	33.33
International transportation (Germany)	Deutsche mark					7,530	1,880.15				1,880.15
Greece	Drachmae					11,907	396.90				396.90
Total			174.54		192.47		2,295.16		57.46		2,719.63
Abraham A. Ribicoff:											
England	Pound	92.10	221.04	28.20	68.16			4.60	11.00	124.90	300.20
Sweden	Krona	425.95	82.00	529.62	102.00			82.43	16.00	1,038	200.00
France	Franc	1,230	222.00	709.00	128.00					1,939	350.00
Subtotal			525.04		298.16				27.00		850.20
Paul Danaceau:											
England	Pound	71.15	170.76	11.80	28.08			2.15	5.16	85.10	204.00
Sweden	Krona	378.95	73.00	446.57	86.00			206.48	41.00	1,032	200.00
France	Franc	782.80	141.00	603.20	108.00	221.60	40.00	341.40	61.00	1,949	350.00
Subtotal			384.76		222.08		40.00		107.16		754.00
Cermino S. Bellino:											
Japan	Yen	38,804	107.79	34,696	96.38	1,800	5.00	13,100	36.39	88,400	245.56
Hong Kong	Hong Kong dollar	1,966.25	322.87	1,346.75	221.14	219	35.96	481	78.98	4,013	658.95
Malaysia	Malaysian dollar	89.52	29.84	126.48	42.16			37	12.33	250	84.33
Vietnam	Piastre			40,640	344.40	344.40				40,640	344.40
International transportation:											
Germany	Deutsche mark					8,167.00	2,039.20				2,039.20
Total			460.50		704.08		2,080.16		127.70		3,372.44

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $16,508.46

J. L. McCLELLAN,
Chairman, Committee on Government Operations.

Mar. 14, 1970.

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[1] Refunded, 1,667.20 Hong Kong dollars; 273.31 U.S. dollars.
[2] Refunded, 15,000 Piasters; 127.12 U.S. dollars.
[3] Refunded, 180.00 Piasters, 45.94 U.S. dollars.
[4] Includes, 7 days in Okinawa and Honolulu where no counterpart or per diem received for expenses.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:											
Belgium	Belgium franc						$24.75				$24.75
France	Franc		$40.00		$30.00		84.10		$37.95		192.05
United Kingdom	Pound		30.00		35.00				22.89		87.89
Total			70.00		65.00		108.85		60.84		304.69

HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs.

Mar. 11, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Bayh, Birch:											
U.S.S.R	Ruble	804.58	$893.98							804.58	$893.98
Portugal	Esc.	945	35.00	945	$35.00			1,202.70	$44.43	3,092.70	114.43
United Kingdom	Pound	14.5	35.00	10.5	25.00			16.16.0	39.88	41.16.0	99.88
Germany	DM					2,595.86	$709.25			2,595.86	709.25
Total			963.98		60.00		709.25		84.31		1,817.54
Blair, John:											
United Kingdom	Pound	25	60.00	15	36.00	19.3.6	44.78	10	24.00	69.3.6	164.78
Germany	DM	200	50.00	400	100.00	3,475	868.67	303.60	75.00	4,378.60	1,093.67
Total			110.00		136.00		913.45		99.00		1,258.45
Durant, Dr. Thomas S.:											
Hong Kong	Hong Kong dollar	522	87.00	690	115			468	78.00	1,680	280.00
Vietnam	Piastre	26,786	227.00	38,114	323			6,726	57.59	70,800	607.59
Germany	Mark					7,570	1,890.14				1,890.14
Total			314		438		1,890.14				2,777.73
Karlin, George: Germany	Mark					3,457.24	944.60			3,457.24	944.60
Kennedy, Edward M.: Belgium	Franc					104	2.00			104	2.00
Klein Wells Campbell: Vietnam	Dong	29,972	254.00	19,470	165.00			15,458	131.00	64,900	550.00
Levinson, John M.:											
Vietnam	Dong	30,798	262.00	26,050	205.00			17,000	140.00	70,800	607.00
Hong Kong	Hong Kong dollar	222	37.50	270	45.00			240	40.50	780	123.00
Total			299.50		250.00				180.50		730.00
Mathias, Charles McC., Jr.:											
Germany	Deutsche mark					2,879.44	719.07			2,879.44	719.07
Morocco	Dirkam					1,232.96	243.66	1,692.00	343.39	2,924.96	578.05
Spain	Peseta							6,980.00	99.57	6,980.00	99.57
Switzerland	Swiss Franc							864.00	200.00	864.00	200.00
United Kingdom	Pound					62.13.6	149.80	40.7.0	96.85	102.20.6	246.65
							1,112.53		730.81		1,843.34
Refund									−549.30		−549.30
							1,112.53		181.51		1,294.04
Fred M. Mesmer:											
Germany	Deutsche mark	1,248	312.00	1,568	392.00	4,369.90	1,133.17	384	96.00	7,569.90	1,933.17
Ireland	Pound	89.4.2	214.50	112.8.8	269.50	102.19	246.29	27.9.4	66.00	333.2.4	796.29
Switzerland	Franc	980.50	226.43	1,260.50	291.22	337.50	77.47	224.50	54.88	2,803	650.00
United Kingdom	Pound	26	62.40	37	88.80	6	14.40	14.7	34.40	83.7.0	200.00
Total			815.33		1,041.52		1,471.33		251.28		3,579.46

JAMES O. EASTLAND,
Committee on the Judiciary.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, EXPENDED BETWEEN JANUARY 1 AND DECEMBER 31, 1969

Thomas F. Eagleton:											
Belgium	Franc					5,515	$105.96			5,515	$105.96
France	Franc	300.00	$54.00	258.00	$46.00					558	100.00
United Kingdom	Pound	21.14.0	52.00	20.0.0	48.00					41.14.0	100.00
Gaylord Nelson:											
Italy	Lira	93,787.50	150.00	31,262.50	50.00					125,050	200.00
Total			256.00		144.00		105.96				505.96

RALPH W. YARBOROUGH,
Committee on Labor and Public Welfare.

Mar. 12, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, EXPENDED BETWEEN JANUARY 1 AND DECEMBER 31, 1969

Senator William B. Spong, Jr.:											
Jordan	Dinar			3.000	8.40					3.000	8.40
Lebanon	Pound	56.75	16.49							56.75	16.49
United Arab Republic	Pound					3.470	6.25	7.715	13.89	13.965	20.14
Italy	Lira			4,000	6.26					4,000	6.26
Germany	Deutsche mark					5,302.80	1,332.03			5,302.80	1,332.03
Israel	Pound	313.00	89.43			461.99	132.00			774.99	221.43
Senator Mike Gravel:											
Hong Kong	Hong Kong dollar	405.00	66.67	215.00	35.38	28.00	4.59	37.00	6.15	685.00	112.79
Korea	Won							805.00	1.87	805.00	1.87
Thailand	Baht	655.15	31.47	342.10	16.42			44.00	2.11	1,041.25	50.00
U.S.S.R.	Ruble					45.05	50.00	22.95	25.56	68.00	75.56
Vietnam	Piastre	5,915	50.13	3,635	30.80	785	6.66	815	6.90	11,150	94.49
India	Rupee			456	60.00	76	10.00	378	49.74	910	119.74

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Gravel:											
Denmark	Krone	559.90	74.40	135.40	18.00	841.50	111.89	57.20	7.60	1,594.00	211.89
Germany	Deutsche mark					9,722.00	2,431.10			9,722.00	2,431.10
Charles Hamel:											
Hong Kong	Hong Kong dollar	405.00	66.67	215.00	35.38			37.00	6.15	657.00	108.20
Korea	Won							6,765	22.88	6,765	22.88
Thailand	Baht	655.15	31.47	342.10	16.42			44.00	2.11	1,041.25	50.00
U.S.S.R.	Ruble					45.05	50.00	22.95	25.56	68.00	75.56
Vietnam	Piastre	5,915	50.13	3,635	30.80	785	6.66	815	6.90	11,150	94.49
India	Rupee			456	60.00	76	10.00	378	49.74	910	119.74
Denmark	Krone	559.90	74.40	135.40	18.00	9.11	1.21	26.34	3.50	730.75	97.11
Germany	Deutsche mark					9,722.00	2,431.10			9,722.00	2,431.10
Total			551.26		335.86		6,583.49		230.66		7,701.27

RECAPITUALTION

Foreign currency (U.S. dollar equivalent) 7,701.27

JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate.

April 1, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON RULES AND ADMINISTRATION, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
William M. Cochrane:											
Italy	Lire	33,000	$52.46	23,300	$37.24			6,000	$9.54	62,300	$99.24
Germany	DM	16	4.00	144	36.00			50	12.50	210	52.50
England	Pound	6.7.0	15.24	7	16.80			3	7.20	16.7.0	39.24
Transportation (air)	DM					3,556.80	$971.80				971.80
Transportation (ground)	Pound					50.01.9	119.71				119.71
Subtotal			71.70		90.04		1,091.51		29.24		1,282.49
John F. Haley:											
Italy	Lire	32,600	52.16	19,000	30.40			8,000	12.80	59,600	95.36
Germany	DM	128	32.00	120	30.00			100	25.00	348	87.00
England	Pound	34	81.60	27	64.80			9	21.60	70	168.00
Transportation (air)	DM					3,556.80	971.80				971.80
Transportation (ground)	Lire					82,832	131.90				131.90
Subtotal			165.76		125.20		1,103.70		59.40		1,454.06
Total			237.46		215.24		2,195.21		88.64		2,736.55

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $2,736.55

B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration.

Mar. 12, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT ECONOMIC COMMITTEE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Richard Bolling:											
Finland	Markka	330	$78.82	250	$59.71	1,500	[1] 358,25	259	$61.86	2,339	$558.64
Germany	Deutsche mark	280	70.35	100	25.13	6,657	[2] 1,672.68	217	54.52	7,254	1,822.68
Israel	Pound	320	91.43	165	47.14	686.76	[1] 196.22	215	61.43	1,386.76	396.22
Sweden	Krona	130	25.18	100	19.37	409	[1] 79.23	28.50	5.52	667.50	129.30
United Kingdom	Pound	44	105.60	30	72.00	215-6-3	[1] 516.75	30-12	73.44	319-18-3	767.79
Total			371.38		223.35		2,823.13		256.77		3,674.63
Douglas C. Frechtling:											
Finland	Markka	300	71.65	180	42.99	50	11.94	149	35.59	679	162.17
Germany	Deutsche mark	210	53.00	53	13.32	3,058	768.35			3,321	834.67
Israel	Pound	235	67.14	165	47.14	125	35.72	175	50.00	700	200.00
Sweden	Krona	155	30.03	45	8.72	20	3.87	38.50	7.46	258.50	50.08
United Kingdom	Pound	45	108.00	28	67.20	8	19.20	23-12	56.64	104-12	251.04
Total			329.82		179.37		839.08		149.69		1,497.96
Congresswoman Martha W. Griffiths:											
Finland	Finmark	420	100.31	144	34.39			275	65.68	839	200.38
Germany	Deutsche mark	350	87.94	103	25.88	6,657.00	[2] 1,672.68	33	8.29	7,143.00	1,794.79
Sweden	Krona	180	34.87	71	13.75			7.50	1.45	258.50	50.07
United Kingdom	English pound	57	136.80	20	48.00			27.12	66.24	104-12	251.04
Total			359.92		122.02		1,672.68		141.66		2,296.28
Albert A. Lakeland:											
Belgium	Franc	991.23	19.36	1,280.00	25.00	256.00	5.00	186.37	3.64	2,713.60	53.00
France	Franc	596.15	120.41	297.06	60.00	54.46	11.00	42.53	8.59	990.20	200.00
Germany	Deutsche mark	261.13	65.20	88.11	22.00	86.11	21.50	15.22	3.80	450.57	112.50
Israel	Israeli pound			122.50	35.00	5,070.90	[2] 1,448.83	17.50	5.00	5,210.90	1,488.83
Italy	Lira	34,164	54.75	9,360	15.00	3,120	5.00	1,716	2.75	48,360	77.50
United Kingdom	English pound	39-6	94.32	25-15	61.80	10	24.00	2-10	6.00	77-11	186.12
Total			354.04		218.80		1,415.33		29.78		2,117.95

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Margie B. Morris:											
Finland	Finmark	786.23	187.78	366.44	87.52	205.20	49.01	205.29	49.03	1,563.16	373.34
France	Franc	829.79	166.86	402.61	80.96	869.73	174.89	57.44	11.55	2,159.57	434.26
Germany	Deutsche Mark	989.84	247.15	540.07	134.85	6,563.16	[1] 1,638.74	539.79	134.78	8,632.86	2,155.52
Greece	Drachma	3,385.20	112.84	2,296.80	76.56	1,849.50	61.65	262.20	8.74	7,793.70	259.79
Italy	Lira	100,803	160.77	39,407	62.85	57,834	92.24	24,234	38.65	222,278	354.51
Netherlands	Guilder	182.67	50.17	109.08	29.96	59.31	16.29	41.73	11.46	392.79	107.88
Sweden	Krona	297.54	57.64	79.86	15.47	56.52	10.95	62.25	12.06	496.17	96.12
Switzerland	Swiss franc	425.90	98.52	214.94	49.72	258.21	59.73	180.74	41.81	1,079.79	249.78
United Kingdom	English pound	100.19.7	242.35	90.8.1	216.97	91.8.3	219.39	59.3.8	142.04	341.19.7	820.75
Total			1,324.08		754.86		2,322.89		450.12		4,851.95
Henry S. Reuss:											
Germany	Deutsche mark					2,145.20	[2] 535.63			2,145.20	535.63
Italy	Lira	40,000	64.00	73,750	118.00			11,250	18.00	125,000	200.00
Total			64.00		118.00		535.63		18.00		735.63
John R. Stark:											
Germany	Deutsche mark					2,815.60	[2] 765.04			2,815.60	765.04
Mexico	Mexican dollar	1,236.51	99.00	899.28	72.00	237.31	19.00	99.92	8.00	2,473.02	198.00
Total			99.00		72.00		784.04		8.00		963.04
Roberto Campos,[4] Brazil	Cuzeiro		[5] [6] 150.00			3,655.08	858.00			4,294.08	1,008.00
Alex Iveroth,[4] Sweden	Krona		[5] [6] 150.00			4,871.36	942.60			5,646.56	1,092.60
Akio Morita,[4] Japan	Yen		[5] [6] 150.00			547,740	1,521.50			601,740	1,671.50
Pierre Uri:[4] France	French franc	[6] 150.00				4,691.62	842.00			5,527.42	992.00
Eric Wyndham-White: Switzerland	Swiss franc	[6] 150.00				3,846.00	894.21			4,491.00	1,044.21
Total			3,652.24		1,688.40		15,551.90		1,054.02		21,945.75

RECAPITULATION

Foreign currency (U.S. Dollars equivalent) $21,945.75

WRIGHT PATMAN
Chairman, Joint Economic Committee.

[1] Transportation expenses incurred on behalf of the entire party which were charged to Representative Bolling as chairman of the subcommittee.

[2] Round-trip transportation purchased by State Department.

[3] Includes round-trip transportation purchased by State Department.

[4] Testified at hearings before the Subcommittee on Foreign Economic Policy.

[5] $150 advance by U.S. embassies before departure for the United States—no breakdown furnished the Joint Economic Committee. For accounting purposes entire amount included under "Lodging."

[6] 3 days per diem at $50 per day.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ATOMIC ENERGY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Senator Anderson:											
Switzerland	Franc	559	$130.00	432	$100.00	1,234.00	$286.88	86	$20.00	2,311	$536.88
United Kingdom	Pound	25.0.0	60.00	10.8.4	25.00	23.0.0	[1] 54.97	6.5.0	15.00	64.11.5	154.97
Germany	Deutsche mark					2,348.00	586.27				586.27
Senator Curtis:											
Belgium	Franc	1,250	25.00	1,000	20.00	250	5.00			2,500	50.00
Denmark	Krona	569.25	75.73			379	50.39	23.35	3.00	971.60	129.12
Norway	do	427.84	60.26							427.84	60.26
Sweden	do	1,085.55	208.76							1,085.55	208.76
United Kingdom	Pound	73.3.2	174.81			16.5.6	38.90			73.3.2	213.71
Congressman Price:											
Austria	Schilling	1,548	60.00	774	30.00	1,180.59	45.78	258	10.00	3,760.59	145.78
Belgium	Franc	4,000	80.00	2,500	50.00	4,921.00	98.22	1,000	20.00	12,421.00	248.22
France	do	495	90.00	412	75.00	511.00	93.05	99	18.33	1,517.00	276.38
Germany	Deutsche mark	200	50.00	160	40.00	1,881.60	514.10	40	10.00	2,281.60	614.10
Foreign currency (U.S. dollar equivalent):											$3,717.68
Italy	Lira	50,260	80.00	31,360	50.00	6,290	10.00	6,290	10.00	94,200	150.00
Switzerland	Franc	180.60	42.00	129	30.00	475.95	110.10	41	9.50	826.55	191.60
United Kingdom	Pound	20.16.8	50.00	16.13.4	40.00	21.12.0	51.63	4.3.4	10.00	63.3.7	151.63
Total			1,186.56		4,460.00		1,945.21		125.83		3,717.68

RECAPITULATION

Foreign currency (U.S. dollar equivalent) $3,717.68

CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy.

[1] Commercial air transportation.

Mar. 14, 1970.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 3 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 1 o'clock and 55 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 o'clock and 43 minutes p.m., when called to order by the Presiding Officer (Mr. GRAVEL).

THE CARSWELL NOMINATION

Mr. SPONG. Mr. President, our Supreme Court is not, and has not been in recent years, held in high esteem by a majority of our citizens. The reasons for this are varied, but the fact remains that there has been a general lack of confidence in our highest court at a time when all the institutions of our democracy are under attack. The judiciary is the one branch of our Government removed from the electorate, and considering present public opinion of the Court, plus the rather sad recent history of the seat on the Court for which Judge George Harrold Carswell has been nominated, I believe the role of advise and consent rests heavier upon the Senate than at any time in this century.

When Judge Carswell's name was presented to the Senate, I viewed the nomination with the presumption in favor of approval that I have given all nominees to the Supreme Court during my service in the Senate. Moreover, this presumption was buttressed by my own view that an able Southern jurist would be a helpful addition to the Court.

Today the South has much to offer the Nation—experience, patience, and wisdom—qualities gleaned from military defeat, poverty, and deprivation. It is in this region where blacks and whites, in nearly equal numbers, for better or worse, have coexisted for generations. A qualified southerner could give more than geographic and philosophical balance to the Supreme Court—he could give perspective.

In discussing earlier nominations, I have stated—in defining my own views of the role of advise and consent—that judicial philosophy and partisan politics have no place in the consideration of a nominee for the Supreme Court. A Senator should review carefully the nominee's qualifications—his background, experience, integrity, and temperament, mindful that this is the Nation's highest judicial tribunal and that minimal standards are not the yardstick by which a nominee should be measured.

I have regretfully concluded that Judge Carswell does not measure up to the standards I believe are required at this time of a Supreme Court Justice. This conclusion has not been arrived at hastily. I have tried, in reviewing the hearings and debate thus far, to resolve my doubts in favor of the nominee. I have not been able to do so.

I had hoped the motion to recommit this nomination to the Senate Judiciary Committee would have passed. This could have provided an opportunity for clarification of matters made public subsequent to the committee hearings and subject to much discussion in the news media. It would have been beneficial to the nominee, whether or not he is confirmed, to have competent and clarifying testimony presented to the committee, rather than allow clouds to remain.

I believe the present views of Judge Elbert Tuttle, retired chief justice of the fifth circuit court, should be clarified since he apparently no longer endorses the confirmation of his colleague, Judge Carswell. Judge Tuttle's letter, which was printed in the hearing transcript, was a significant factor in the testimony of former Gov. Leroy Collins and in the favorable recommendation given by the Judiciary Committee. During the hearings, Judge Tuttle apparently told Judge Carswell he could not testify in his behalf. This information was not known until the nomination had reached the Senate floor.

Also, I am troubled by the testimony of Judge Carswell with regard to his participation in the organization of a private country club in Tallahassee. His testimony on this matter was evasive, ambiguous, and an altogether unsatisfactory account of the facts. Evasive testimony does no credit to a man who is being considered for the Nation's highest judicial post. If answers to the committee were based upon any misunderstanding of questions propounded to him, this should be clarified by Judge Carswell. As the matter now stands, it has been made worse by the subsequent statements of two reputable lawyers that they discussed Judge Carswell's participation as an organizer with him on the very night prior to his testimony under oath before the Senate Judiciary Committee.

Justice Fortas declined reappearance before the Judiciary Committee after the matter of his lecture fees at American University and the source of these fees was made public. On the other hand, Judge Haynsworth, after it was disclosed that he had purchased stock in a company involved in litigation before him, returned with additional witnesses and gave the committee all of the factual data surrounding that transaction.

It is argued that undistinguished jurists have previously been nominated and confirmed. Perhaps so, but I must weigh this nomination in the context of the times in which we live, and my own responsibility in terms of the standards of qualification I believe are required of a Supreme Court Justice. Also, I am mindful of the probability that President Nixon will have other opportunities in the next few years to nominate men for positions on the Court. It is important, I believe, to impress upon the President that there should be no lowering of standards where the nominating process begins.

In this regard I am compelled to comment upon President Nixon's letter of March 31 to Senator SAXBE. I quote in part therefrom:

> What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitutioon with the power of appointment. The question arises whether I, as President of the United States, shall be accorded the same right of choice in naming Supreme Court Justices which has been freely accorded by my predecessors of both parties.

In the 3 years I have served in the Senate I have opposed one nominee who was regarded as a liberal, Justice Fortas, and supported one nominee regarded as a liberal, Justice Marshall. They were nominated by a President of my own party. Subsequently, I have supported Chief Justice Burger and Judge Haynsworth, both regarded as conservatives and nominated by President Nixon.

I take exception to any inference that I am endeavoring to substitute by subjective judgment or my own philosophy for the President's. This is a question of competence and temperament rather than philosophy. Am I to believe that if President Nixon had all of the facts now before the Senate before him at the time this appointment was made that he would still nominate George Harrold Carswell? Am I asked to overlook the fact that should this nomination be defeated the President still has the constitutional authority to nominate a judge of whatever philosophy and background he chooses? I will not comment further upon the letter to Senator SAXBE, other than to observe that the President has introduced an entirely new concept of the Senate's role of advise and consent. Even the narrow interpretation of the Senator's role in which I believe, contemplates fully the Senate's right to question the qualifications, temperament, and character of a nominee, particularly for a lifetime appointment.

It is also argued that we should be mindful of a man's capacity to grow—that Judge Carswell is a relatively young man whose undistinguished record to date should not be conclusively weighed against the possibility that, as a Supreme Court Justice, he might develop a competence not heretofore apparent. I find little to sustain that hope, although I have taken the time to review many of his opinions.

It has been asserted that during his time on the district bench, 40.2 percent of Judge Carswell's appealed decisions were reversed by higher courts. The figure is 58.8 percent when only his printed or major decisions are considered. Also, figures have been presented which show that of the 67 judges who served in the fifth circuit during the 11 years of Judge Carswell's service as a district judge only six have a higher rate of reversal. I recognize the fallibility of statistical criteria.

Yet, if there are reasons for these abnormal percentages they have not been presented effectively. Moreover, it is disturbing that the reversal rate increased during his service.

Another matter of concern is Judge Carswell's apparent lack of industry as a Federal district judge. Alleged facts, presented after the hearings, indicate that while Judge Carswell had one of the lightest case loads in the entire fifth circuit, he also had one of the heaviest case backlogs, a situation that worsened as time went on and which did not improve even with the appointment of a second judge in the district. If this is true, I find it disquieting when considering the busy workload of our Highest Court.

In reviewing the nomination of Judge Carswell, I found myself inevitably comparing the nominee with other Southern jurists of recent times—Justice Reed of Kentucky, Justice Black of Alabama, and Justice Byrnes of South Carolina. I find in the Carswell record no evidence of the scholarly reasoning of Stanley Reed, no fine understanding of our Bill of Rights that has marked the service of Hugo

Black, and nothing comparable to the brilliant public service of Senator Byrnes that preceded his brief service on the Supreme Court.

Comparisons are also inevitable with two southerners who have been denied a place on the Court in this century—Judge John J. Parker of North Carolina and Judge Clement Haynsworth of South Carolina.

Dean Pollak, of the Yale Law School, when pressed for such a comparison of the nominee with Judge Parker said as follows:

> Senator, Judge Parker has been very much in my mind because though I know there is a variety of view about him and in his later years he wrote a number of opinions with which I disagree, I have always thought of him as a judge of very considerable distinction, and it has been to my mind a very real question as to whether the Senate was not in error in declining to consent to his nomination. But the adjectives you use in referring to Judge Parker, the brilliance, the excellence, the ability that you properly ascribe to him, are not, I respectfully suggest, adjectives that can appropriately be attributed at this stage to this judge, the nominee who is now before you. (Transcript, Page 248)

I supported Judge Haynsworth for reasons now a matter of record. It is my view that the Senate erred in failing to consent to his nomination. While studying the Haysnworth record I was impressed that detailed briefs were presented by nationally respected legal scholars as evidence of Judge Haynsworth's abilities and, in general, praise of his judicial work in various areas of the law. Read cumulatively, they presented the portrait of a diligent, able and thoughtful judge with a quality in his work that assured he could serve with distinction on the Supreme Court of the United States. I find no comparable evidence in the Carswell transcript nor has any been presented subsequent to the hearings.

I hope I am mistaken in my assessment of Judge Carswell. The demands upon the Court during the remainder of this century will be great. It is quite possible that this nominee, if confirmed, might well serve for most of the balance of this century. This has been a difficult decision and I have come to have regrets about a system that has subjected three of the last four nominees to the type of national debate that has resulted. Nevertheless, for me there remain unanswered questions about the nominee. I believe we must seek excellence and require candor from those who are to administer justice on the highest court in our Nation.

I cannot consent to this nomination.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, may I say that immediately upon the disposition of the reading of the Journal on tomorrow, under the previous order the able senior Senator from South Carolina (Mr. THURMOND) is to be recognized for not to exceed 1 hour, following which it is to be assumed that the majority leader will set aside a period for the transaction of routine morning business, before the unfinished business is laid before the Senate.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 2 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, April 7, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 1970:

AMBASSADORS

Arthur K. Watson, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

William D. Brewer, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

William C. Burdett, of Georgia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

DEPARTMENT OF STATE

David M. Abshire, of Virginia, to be an Assistant Secretary of State.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Vice Adm. John Marshall Lee, U.S. Navy, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

EXTENSIONS OF REMARKS

BOOM IN ABILENE EVIDENCE AMERICANS STILL LIKE IKE

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. MIZE. Mr. Speaker, a little more than a year has passed since the death of Dwight D. Eisenhower. Our former President and general of the Army rests peacefully, his labors done and his accomplishments remembered by Americans as a testament to their country's greatness.

Ike is buried in a simple chapel crypt at Abilene, the town that he grew up in and remembered through his life with fondness. Eisenhower Chapel is near the museum that contains the personal effects and papers of a life of selfless service and dedication to good works. Nearby, also, is the Eisenhower boyhood home, typical of the humble origins of many of our greatest leaders and most of America's heroes.

In the year since Ike was buried in Abilene, over three-quarters of a million citizens have paused to pay their respects and ponder the significance of his work, his life, and how he lived it. Abilene has welcomed visitors to its historic places with warmth and quiet dignity befitting the memory of the general.

Mr. Speaker, on Thursday, April 2, the New York Times carried an article about Abilene—1 year after Ike came home to rest. I know all Americans will be interested in reading this piece for it reflects some of the reasons why I am deeply honored and highly privileged to represent the citizens of Abilene in the Congress.

The Times article is reproduced as follows:

BOOM IN ABILENE EVIDENCE AMERICANS STILL LIKE IKE

(By Drummond Ayres, Jr.)

ABILENE, KANS., April 1.—The charisma is still there, even in death.

In the year since Dwight David Eisenhower was brought back to this old frontier town and lowered into the rich prairie soil of which he always seemed so much a part, more than 782,000 people have come here to pay their respects.

They stand silently at the foot of his simple chapel crypt, heads slightly bowed, remembering that 35-million-vote smile.

They visit the adjacent museum to relive the drama of the general's longest day, tiptoe through the library housing his presidential papers, troop through his boyhood home to soak up the atmosphere of an America that was less complicated and more cocksure.

Because Americans by the thousands, still like Ike, Abilene is prospering. Since April 2, 1969, the days of his burial, cash receipts at the several dozen local restaurants, motels, gas stations and stores have increased 10 to 30 per cent, the biggest spurt since 1867, when the Union Pacific laid its tracks into town and started hauling out the Texas longhorns coming up the Chisholm Trail.

Some of Abilene's 8,500 residents, such as Ernest Morse, president of the Citizens Bank, are beginning to use the word "boom" to describe the economic changes. In a recent lunchtime visit to the Chamber of Commerce office to get the latest facts and figures, Mr. Morse said, "there's a little boom underway. Net worth is up just about everywhere."

Other indicators tend to support Mr. Morse's view.

Two new chain restaurants recently opened on the outskirts of town, where the big Victorian houses with their wide, grassy lawn give way to a scattering of gas stations on the edge of an endless expanse of wheatfields.

In the heart of the business district, a $140,000 fried chicken carry-out store is all shiny glass and plastic amid the drab rows of two-story brick stores and the hulking gray grain elevators that dominate the skyline for miles around.

Thirty-five new motel rooms have just been added, giving the town more than 350 beds. National motel chains are sending in men to survey the situation and purchase land.

Real estate prices are soaring. A well situated business plot that brought $5,500 several years ago was sold a few weeks back for $15,000.

The prosperity is much welcomed, of course, though it does not appear to have been deliberately sought.

Advertisements for the Eisenhower chapel, museum, library and home are subdued and couched in unadorned language. Few gaudy Eisenhower souvenirs are on sale—no pennants, no hats, no badly rendered busts.

In this respect, Abilene seems to be making a special effort to live up to the general's strict code of manners and ethics.

Rude, brash Abilene, the town whose storekeepers, saloon operators, gamblers and cowpokes defied even the fast guns of Wild Bill Hickok, is no more.

FEW COWBOYS AROUND

For the most part, only memories and history remain.

When the railroad pushed farther west and south in the early eighteen-seventies, the herds of longhorns and the wild cowboys followed, leaving Abilene broke, exhausted and quiet.

Today the local high school football team calls itself "the Cowboys," but most of the players have never tackled a steer. On the outskirts of town, there is one of those reproductions of an Old West Street. It tries hard to recapture some of the long-gone flavor but succeeds only in roping in tourists' dollars.

XUM

The few real cowboys still around often shun the traditional range role, perhaps rightly so. Sometimes they can be found at the local drugstores, lounging in the ancient wireback chairs and drinking coffee instead of stringing wire and mending saddles. Many wear baseball caps, bib overalls and galoshes.

They talk about at lot of things, from inflation to the war in Vietnam, neither of which is popular here. But, more than anything, they like to discuss the feedlot shorthorns, that tasty modern-day steer that never trades wits with a cutting horse, never fights the tug of a lariat, never feels the sear of a branding iron and never knows the joy of ruminating on a cud of tough prairie grass.

The atmosphere in Abilene today is described by Henry Jameson, the town's unofficial historian, as "almost the complete opposite of the atmosphere of a century ago." A baldish former wire service reporter who now publishes the Daily Abilene Reflector-Chronicle, Mr. Jameson paused a moment the other day, glanced at an autographed Eisenhower picture hanging over his desk, then began to reflect.

"We have become a town of moderation," he said, "and we now see ourselves as products of the same environment that produced Ike. He is always very much in our subconscious and most of us are trying hard to be the sort of solid citizen he was."

Mr. Jameson preaches this same line in the columns of his paper. The most recent example being an editorial headlined "Ike, the Moderator."

The local radio station, KABI, is also a strong believer in moderation.

"Our programs," says Doug Lyon, the general manager, "are designed to be 'middle of the road contemporary.' That's our audience.

"We aren't too rocky, not too square. We play all, from Glen Miller and Lawrence Welk to Tom Jones and Johnny Cash.

"The only thing we don't play is the stuff with the bad lyrics about sex or dope. I take that off the air —because the kids ought not to hear it."

Whether Mr. Lyon's censorship has had a beneficial effect is anyone's guess. Whatever the case, the young people of Abilene seem at times to be almost as conservative as the old folks.

They do not picket, or wear extremely long hair, or dress in ultramodern pants and shirts. While they rough-house around at the local drive-in and hot-rod up and down the main street on weekends, they commit few serious crimes, stay away from drugs and father few illegitimate children.

OLD WEST SPIRIT PERSISTS

The most serious breach of youthful conduct in the last year was the vandalizing of a schoolroom.

Abilene's young people also face censorship at the 40,000-volume local library. A youngster can visit a local bookstore and buy a paperback copy of Gore Vidal's "Myra Breckinridge," but, unless the library staff judges him or her "mature," a hardcover copy of the best-seller can not be checked out.

The same rule applies to the current top best-seller, Dr. David Rubin's "Everything You Always Wanted to Know About Sex But Were Afraid to Ask."

A case of sorts, can be made that a smattering of Abilene's Old Wild West spirit still exists in a nightclub called the Red Pussycat.

The club, with a fine collection of go-go girls and strippers, opened only a few weeks ago in the remodeled lobby and ballroom of the old Sunflower Hotel, once an Eisenhowever favorite. While no call has yet gone out for a modern-day Bill Hickok, the town fathers are beginning to show some signs of strain, particularly those who have dropped by and discovered just how much fun there is in a little sin.

PATRONS ARE HOPEFUL

The other night, for example, one of the go-go girls went into a choreographic frenzy that left her platform rickety, the reflecting mirror broken and her pasties on the floor.

There was a moment of delightful pandemonium. But then the club management rushed in, shut off the jukebox and, with it, the action.

As for the strippers, they do not really strip. But one of them came to Abilene with a record of arrest for indecent exposure, and hope persists among the patrons of the Red Pussycat.

A shapely club waitress, Mrs. Jan Haden, says one need only visit the newly opened night spot to find out that Abilenians are "the same as everybody else, at heart."

Her supervisor, Mrs. Dick Saffie, is somewhat less charitable. After a few cross words with an irate local citizen, she said, "They said this town wasn't ready for the Red Pussycat. Well, every weekend we pack them in, 200 or 300 at a time. It's time the holdouts came out of their dream world and dropped in to see what the rest of the world has been watching on television for years."

EXPORTS VERSUS IMPORTS—THE CASE OF FEAST OR FAMINE

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. LANGEN. Mr. Speaker, there are many who share my deep concern over the rising flood of imports into this Nation, gains which are being made at the expense of our own domestic prosperity.

Competition is healthy, an open market is good, but the trade policies of this Nation in recent years have led us straight down the path from flourish to perish.

We all know about the $7 and $8 billion trade surplus enjoyed by the United States a few short years ago—an export margin which helped offset large foreign expenditures for mutual defense and foreign aid.

Today we still continue down the path of foreign adventure, but our favorable balance of trade has all but disappeared, and, in spite of number juggling, may very well have completely disappeared.

The problem is most urgent—American industry is at a complete disadvantage. Our Government has opened the domestic market to heavily subsidized foreign goods without insuring equal opportunity for American markets abroad.

I have written the President to urge careful reexamination of our trade policies, and urge my colleagues to also give of their time to deal with this matter.

Failure to act can only mean certain jeopardy to our already faltering economy—a case in point is well illustrated by this recent article appearing in the Wall Street Journal:

ZENITH TO LAY OFF ABOUT 3,000 THIS YEAR, ONE THIRD ARE BLACK; JAPANESE ARE BLAMED

WASHINGTON.—Zenith Radio Corp. said it will reduce its U.S. work force by about 3,000 jobs this year, and more than one third of those laid off will be blacks.

Joseph S. Wright, Zenith chairman, disclosed the layoff plans in a letter to Commerce Secretary Stans. The letter was quoted by Kenneth N. Davis Jr., Assistant Commerce Secretary for Domestic and International Business, in a speech to the Electronics Industries Association meeting here. Mr. Davis said he received Mr. Wright's permission to quote from the letter.

In it, Mr. Wright said that, in addition to the layoffs this year, when the company's new plant in Taiwan starts up in early 1971 it will generate 4,000 jobs "that will probably be lost in this country." He said the "most tragic part" is that "due to seniority 38% of those laid off are blacks." In 1968, the Chicago-based electronics concern employed an average of 23,000 workers.

Mr. Wright said the electronics industry "is engaged in a life-and-death struggle" with the Japanese and criticized the Government for its lack of support in this struggle. He said the Japanese government substantially subsidizes its exports and assists "in keeping out any U.S. competition that they don't regard as desirable."

In contrast, the Zenith chairman complained, the U.S. Government has shown "little if any interest in our problems." He pleaded with the Commerce Department to "look into this matter and at least stop indicating to people that there isn't any significant problem."

Mr. Davis said Mr. Wright's sentiments on trade are "becoming widespread here" and criticized the failure of Japan and the European nations to recognize this. He said this doesn't represent a "protectionist" view but is rather an insistence that the U.S. "obtain fair and equitable trading terms with other nations."

The Commerce Department official also suggested that Common Market representatives apparently misunderstood the U.S. position during informal trade discussions last week.

"What could be particularly troublesome is that there doesn't appear to be recognition by the Europeans that there are serious differences between us that need attention now," he said.

THE MAINTENANCE OF OUR ECOLOGY FOR FUTURE GENERATIONS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. POLLOCK. Mr. Speaker, recently there has been brought to my attention a truly significant speech on a matter of vital importance to all Americans—the maintenance of our ecology for future generations. Mr. Willard F. Rockwell, Jr., chairman of the board of North American Rockwell Corp., presented these remarks to the Executives Club in Chicago. A member of President Nixon's Citizens Advisory Committee on Environmental Quality, Mr. Rockwell has good suggestions for our country and makes a strong contribution to the dialog concerning our environment.

Under leave heretofore granted, I insert Mr. Rockwell's excellent speech in the RECORD:

REMARKS BY WILLARD F. ROCKWELL, JR., CHAIRMAN OF THE BOARD, CHIEF EXECUTIVE OFFICER, NORTH AMERICAN ROCKWELL, BEFORE THE EXECUTIVES CLUB, CHICAGO, ILL., MARCH 20, 1970

ALASKA: THE POLLUTERS' UNPROMISED LAND

Three thousand miles north and west of this dining room there is unfolding one of the great ecological dramas of our time.

A relatively unspoiled wilderness has come face to face with monumental twentieth century pressures for exploitation of its resources.

The State of Alaska is face to face with a man-made problem: How to achieve maximum use of its natural resources without the familiar triple debacle of depletion, pollution and disaster.

It's not the first time Alaska has been under similar pressures.

But now, for the first time, the State has the opportunity to checkmate the twentieth century exploiters and polluters with twenty-first century scientific tools and management techniques. It has a unique opportunity to use a coordinated systems approach in planning, organizing, directing, and controlling its future growth.

In order to appreciate the full significance of that opportunity, let's pull back for a moment and survey our own situation here in the Continental United States

ENVIRONMENTAL DISASTER

We're faced with environmental disaster. For more than a century we've done everything conceivable to ruin our land for future generations.

During this same period, conservationists were crying in the wilderness. Finally, the country started to pay attention, and we thought that we had salvaged something. But today, the specter of environmental pollution has again threatened our land. Until very recently we seemed to be losing the battle.

But something happened just recently to turn this whole sorry situation around.

Just 40 days ago, we, the people were pushed solidly and decisively, and it was exactly what we needed.

I'm referring to President Richard Nixon's Message on Environment which he sent to the House and Senate on February 10, 1970. The President proposed a 37-point program, embracing 23 major legislative proposals and 14 new measures in five major categories:

Water pollution control.
Air pollution control.
Solid waste management.
Parklands and public recreation.
Organizing for action.

NATIONAL AUDIENCE

The President addressed himself directly to the municipalities of America that are polluting our waters; he spoke to industries that are discharging their wastes into those waters; he spoke to the oil industry and to the automobile industry; to the electric utilities. He spoke to the manufacturers of beer bottles and milk cartons, and hair shampoo. He spoke to big land developers. He spoke to you, and he spoke to me.

For years many Americans, and I believe I can number myself among them, have been speaking as often as we could about the vitally important problem of preventing the pollution of the Planet Earth, about the need for a coordinated systems approach to overwhelming problems of Environmental management.

As a member of President Nixon's Citizens Advisory Committee on Environmental Quality, I've had an even deeper appreciation of those problems.

However, at times I felt as though we alone couldn't supply the necessary push.

WILLINGNESS TO SHARE COST

In the past six months the crisis in environment came to a head. Our citizenry is at least partially aroused as evidenced by a Gallup poll indicating a willingness to shoulder the cost of clean-up. And we now have the national leadership we so desperately need.

We're not alone in coming to grips with these suffocating environmental problems. It's a global threat. England, France, Switzerland, Chile, Peru, Mexico, Japan—all have problems. The West German Government has allotted 1.5 billion dollars for just one project—to clean up the Rhine River.

We know that it's going to be expensive. President Nixon, in his message, quoted a figure of $10 billion alone over a five-year period just for the construction of municipal waste treatment plants and interceptor lines needed to meet our national water quality standards.

All of us are going to be sharing the cost—through higher taxes, higher rents, higher fuel costs, higher commodity prices. The only thing more costly would be to do nothing.

Alaskans are aware of the waste of natural resources and careless pollution here in the continental United States. They know the story of the gigantic cesspools that we call lakes and the horrors that we call rivers. They know about vanishing wildlife.

STATE PROBLEMS

Pollution, too, has been more than a word to Alaskans. According to a Department of Interior report published two years ago, water pollution in numerous areas is becoming serious. Raw sewage discharge in the greater Anchorage area has resulted in gross pollution of Cook Inlet.

Mining and construction have resulted in local silting of streams and concurrent damage to fishery resources. Water discharged from sea food canneries, pulp mills and oil producing poses a threat to both stream and coastal water quality in the Kenai Peninsula and in southeastern Alaska.

Despite the offenses already committed Alaska is still the promised land of fabulous resources.

MISTAKES WON'T BE REPEATED

As guardians of this treasure, Alaskans are determined that the mistakes perpetrated in continental United States will not be continued up north.

Determination is one thing—the money to carry out that determination is another.

Until recent times, surplus money was as scarce in the treasury of the State of Alaska as it is in many of the older states.

In 1967, the total revenues for Alaska, which has a population of 280,000, were $290 million.

Slightly more than half of that sum came from the Federal Government. About one-fourth was collected in various taxes within the State.

Then—almost overnight—Alaska had the necessary funds to back up its determination to use its resources wisely and to control its environmental future.

I'm sure all of you are aware of the North Slope oil find.

OIL COMPANIES REVENUE

Last Fall, more than $900 million was paid by a score of oil companies to the State of Alaska for additional leases in the North Slope area.

The discovery of the North Slope oil field is just the beginning of similar openings of natural resources that will inevitably follow.

The State's mineral potential will dwarf the most fabulous stories of the past. Only a fraction of the territory has been thoroughly explored for minerals—probably less than one percent.

Therefore, I am convinced that we are about to see in Alaska an inevitable pattern toward urbanization and industrialization.

Alaska is already concerned about the effects on geography and wildlife of this new way of life.

The easily scarred tundra, the delicate vegetative layer of mosses, lichens, grasses and sedges, is already, without man-made interference, in a critical balance with nature. Any break in its surface could leave unhealed scars for years and become a focus for erosion. As a result, seed test farms have already been established near the drilling operations to find suitable cover to replace the gouged-out tundra.

Gentlemen, I've been an ardent conservationist most of my adult life. I've fought in some of the battles, and I've fought them hard, and I intend to continue the fight.

But let me make it clear: I'm not advocating we turn the State of Alaska into a fish and game preserve.

WELL-DEVELOPED ECONOMY

Alaskans are entitled to, and must have, all the benefits of a strong, well-developed economy.

They have every right to bring the oil to the surface, to mine the minerals, to harness the waters for electric power. They have every right to harvest the crops from both the land and the sea.

But Alaskans have a great opportunity to reassess, before they are locked into rigid positions, the relationship between technology and the environment. And I'm happy to tell you that they already appear to be reacting with great responsibility.

Less than three months after the oil lease money was deposited in the banks, the State of Alaska, in conjunction with the United States Department of Interior, called a meeting of experts.

In essence, the experts were asked by the State, "What's the best conservation practice we can follow here in Alaska? What's the most feasible development course we can chart? How should we manage our natural resources?"

Just think about this for a moment.

XUM

What if this country, a full century ago, had been able to make a master survey of *all* its natural resources?

Better yet, if the country could have *acted* upon that survey?

What if, a full century ago, systems analysts, resource and environmental specialists, and management specialists had been summoned by the Governors of Illinois, Ohio, Pennsylvania and New York and been told, "Here's how our population is going to grow over the next century. Here's a projected pattern of industrial growth. We want you experts," the Governors would say, "to conduct a complete and precise inventory of our natural wealth. We want you to tell us the what, where, and how much of everything.

"We'll develop the organization," the Governors would continue, "assemble the team, and prepare the requisite legislation and authoritative charters to carry out the plan."

IMPORTANT DIRECTIVE

And finally this most important directive which, had it been given and enforced, could have saved this nation the present blight of environmental degradation. "A word of caution," the Governors would have said to the experts one hundred years ago, "The beauty and purity of the land and its water and its atmosphere must be preserved."

The state is most fortunate because there are now available for use in environmental and resource control new scientific tools and new management techniques. These are the direct outgrowth of twenty-five years of intensive research and development stemming from the Korean war, the cold war, and the flight of the Apollo to the Moon.

Of direct interest to Alaska is the fact that we now have spacecraft for communication, navigation, weather forecasting, crop monitoring, and mineral prospecting.

And the aerospace industry in addition has developed management systems for extremely complex endeavors.

Most exciting are the new scientific tools that are now, or shortly will be, available.

ELECTRONIC EYES

Within a very few years, sensitive, unblinking electronic eyes and new photographic techniques will be focusing from satellites on undeveloped areas, such as Alaska, bringing a great technological revolution in oceanography, geology, agriculture, forestry, geography, cartography, hydrology, geodesy, and other related fields.

They will be prospectors in the sky, leading to the discovery of new mineral, water and food storehouses. They will allow men to inventory accurately the natural resources.

In forestry and agriculture resource management, it is now possible to classify and evaluate the extent and health of vegetation resources.

In water resource management, it is now possible to establish water tables, snow and ice pack, lake and river status, and location of fresh water in salt water regions.

In wildlife and game resource management, it is now possible to locate and track major herds, locate conditions favorable to support of animal life, and improve our ability to locate commercially valuable fisheries.

A few weeks ago in an issue of the Saturday Review, I read the following summation:

"With all his gifts, man has been able to effect vast change, making his life different from that of those who lived before. His capacity for invention and his sense of creative splendor have constructed great civilizations.

"But he has never been in command of his works.

"He has never been in balance."

End quote.

TASK OF RESTORATION

Here in the lower forty-eight we have almost been defeated by that loss of command and lack of balance, and we're turning now to a task of restoration.

But Alaska is different. The state has been bruised, but not defeated, in this environmental struggle.

It has an unparalleled opportunity to be in command of its works.

It has an unparalleled opportunity to stay in balance.

It can do so if its people continue with their expressed determination to remain free and unfettered from senseless exploitation and pollution.

It can do so if its people accept the acknowledged heavy cost.

It can do so if it reaches out for the scientific and management tools now available.

Alaska, for generations acclaimed as the land of opportunity, offers this entire nation a last chance to be convinced that men can control their environmental destiny, that men can inherit the Earth without despoiling it.

Thank you.

FLOYD IVERSON RETIRES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. BURTON of Utah. Mr. Speaker, a distinguished public servant retired on April 2, 1970, after nearly 40 years of duty with the U.S. Forest Service. I refer to Floyd Iverson, regional forester of the intermountain region in Ogden, Utah, since March 1957. Edward P. Cliff, Chief of the Forest Service, said of Floyd Iverson:

> During his years with the Forest Service, Mr. Iverson served with distinction in many varied assignments from Forest Ranger to Regional Forester. His outstanding leadership in resource management and administration of the 19-forest Intermountain Region was recognized with a Supervisor Service Award in 1962 and with the coveted Bridger Award of Utah State University in 1964.

The Deseret News, Salt Lake City, paid well-deserved editorial tribute to Mr. Iverson on April 2, 1970, and I include the editorial in the RECORD at this point:

WELL DONE, FLOYD

Sometimes an umpire is needed to get things done in all walks of life.

That was often the role played by Floyd Iverson, who is retiring from his job as Regional Forester with the U.S. Forest Service after 38 years of service.

The Forest Service's multiple use concept, which Mr. Iverson has enthusiastically championed, is essentially an arbiter's job. For the Regional Forester helps decide in his everyday job how much emphasis must be given to timber production, grazing rights, recreation and watershed development.

And who else but an umpire or a diplomat could reconcile the differences between livestock men and conservationists? Mr. Iverson helped develop an open-minded policy on which both could agree—one of his topmost contributions while serving as chief of the Intermountain Region.

Moreover, he and other foresters like him were working on conservation and the environment long before it became popular to do so.

The public owes a debt of gratitude for the beauties of nature that have been preserved for us and future generations by men like Floyd Iverson.

THE ARTS AND HUMANITIES

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. PATTEN. Mr. Speaker, a truly great nation should encourage and strengthen its cultural activities. It is ironic that most European countries much smaller than America for years have been much more interested and concerned about culture than the United States. This is unfortunate, but it can be corrected with legislation that will probably reach the House floor this spring—extension and expansion of the National Endowment for the Arts and Humanities, which was only a beginning.

Yet, some day, I believe we will join other nations who honor and love culture, and who have placed it high on their agenda of life. A nation that is not rich in culture is like a country without freedom—it is only half alive.

In 1965, when the National Endowment for the Arts and Humanities was established, I helped sponsor the legislation, because I believed then—as I believe now—that we should help develop those important areas.

Mr. Speaker, I believe that although it is imperative to concentrate much of the Nation's efforts in solving the problems of the cities by reordering our national priorities, the field of culture should not be ignored as in the past.

Our Nation's defense is vital, but the arts and humanities are also important. One would not reach this conclusion after examining the budget for fiscal 1971, for the record shows that the Federal Government plans to spend $40.79 of every $100 for defense costs in the 1971 budget, but that only 2 cents of every $100 is allocated for the arts and humanities. Such a disparity is unfair, unwise, and unsound in a free country.

President Nixon deserves praise for urging that the amount for the arts and humanities be doublted and the late President Kennedy also deserves credit for advocating strengthening of the field of culture when he said:

> The quality of America's cultural life is an element of immense importance in the scales by which our worth will be weighed.

Mr. Speaker, by extending and expanding the arts and humanities, we can improve the quality of this Nation's life, not only for the present, but for future generation as well. A nation should be strong in every area if it has the resources. We have the resources, but we do not have the will and commitment. If a country is strong economically, but is lethargic in culture, the nation is weakened, both in vision and purpose.

So I hope that when the legislation reaches the floor, the House will pass the bill that calls not only for extension, but expansion of the program to give culture in this Nation additional strength and encouragement.

HOW COMMUNISM IS FARING IN AFRICA

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. LUKENS. Mr. Speaker, I would like to bring to the attention of my colleagues, a most shocking and disturbing article on the Communist activity in Africa. Mr. Richard J. Bocklet depicts a country-by-country report of major Communist activities. I commend him for his in-depth reporting.

The Article, "How Communism Is Faring In Africa" follows:

HOW COMMUNISM IS FARING IN AFRICA

(By Richard J. Bocklet)

After a 10-week, first-hand investigation of Communist activities in Africa, the following picture emerges:

Reds are cashing in on the Arab countries' struggle with Israel. Heavy sums of economic aid, armaments and training personnel have poured into Northern Africa since the June 1967 war. Egypt, Algeria, Sudan and Mauritania are the most important sites of Red influence. And with the recent coup, Libya might be the next scene of Communist inroads.

East Africa, Tanzania, Zanzibar and Zambia maintain Red guerrilla training bases for the "southern sixth" of the continent.

On the west coast, Russians aid Federal Nigerian forces; Red China the rebellious Biafrans. No matter who wins, Communists expect to gain influence. Leftist-leaning Congo-Brazzaville, Guinea and neighboring Mali provide training camps, arms and propaganda distribution centers in this part of Africa. Down south, in the Bight of Biafra, the recently independent Equatorial Guinea is a new area of Russian interest.

Countries where Reds have lost ground and are closely watched include: Congo-Kinshasa, Cameroon, Ivory Coast, Liberia, Senegal, Dahomey, Ghana, Morocco, Central African Republic and Tunisia.

Communist China, in particular, has suffered setbacks over the last two years. A cutback in activities due to the domestic strain of Mao's "cultural revolution" and gauche political activities are the main causes. (In Tunisia, for example, the Chinese Embassy frequently issued press releases highly critical of the government's pro-West stance. Then, when two Chinese ping pong experts seemed more interested in political propaganda than the game, the delegation was sent packing. And in Kenya, the Chicoms stirred up such activity with Mao's "little red book" that it was finally banned and the Chinese chargé d'affaires expelled.) Also, Nationalist China has about 450 agrarian specialists in over 20 countries. With no political or infiltration strings attached, these aid projects have piled up genuine friendship for Taiwan.

Red Chinese aid so far totals about $175 million, with over 3,000 Chinese personnel on the continent. Mao's China is officially recognized by 12 countries: Algeria, Congo-Brazzaville, Egypt, Guinea, Kenya, Morocco, Mali, Mauritania, Sudan, Tanzania, Tunisia, Uganda and Zambia. Taiwan boasts relations with 22. Despite this numerical difference, however, Communist bases in the dozen countries service every area on the continent.

Here is a country-by-country rundown on the major Communist activities:

TANZANIA

In Tanzania, on Africa's east coast, an estimated 1,000-man team is surveying the 1,200-mile Tanzanian-Zambian Railway. This $250-million project will keep the Red Chinese deeply involved here for the next five years. Chicoms, Russians and East Germans use the capital, Dar es Salaam, and the off-shore island of Zanzibar as major arms shipments depots for southern, central and western African guerrilla wars. Zanzibar is so riddled with training bases that no foreigner—even diplomats stationed there—can travel five miles from the capital without a special pass. Even on the airport road, three training camps can be spotted.

In Tanzania's southern Mtwara Province, South African and Mozambique guerrillas receive instruction and sanctuary. This off-limits area is dotted with Mao's propaganda signs and Chinese advisers are seen frequently. And, although denied by Biafran officials, reports persist that Red China airlifts arms and supplies into rebel-held areas from Tanzanian airstrips.

ZAMBIA

In neighboring Zambia—which touches on Rhodesia and Portuguese-ruled Mozambique and Angola—Red Chinese, Russian and East German experts staff training camps. The Zambesi River between Zambia and Rhodesia has been the scene of sharp attacks and counterattacks. And in August, Portuguese Foreign Minister Alberto Nogueira stiffly warned President Kenneth Kaunda to dismantle guerrilla bases functioning there "under pressure of the Organization of African Unity and other external forces." Already 500 to 600 members of the Angolan Popular Liberation Movement have received training in Zambian camps.

CONGO

Another Red stronghold is Congo-Brazzaville. Located on Africa's west coast, this country offers training and aid to guerrillas operating in Portuguese Angola and neighboring Congo-Kinshasa. Best estimates say about 100 Russians and 100 Chinese are presently stationed here. They are working with some 300 guerrilla trainees in camps about 200 miles north of the capital.

In Brazzaville itself, a favorite parlor game is estimating which Red group is currently "in." Castro instructors were here for the last several years training the country's Civil Guard along the same lines as the Cuban Militia. As this leftist force increased its power, however, the threatened military staged a coup d'etat a year ago. Since then, Cubans have become quite scarce.

In this bastion of "scientific socialism"—where Mao quotes and hammers and sickles decorate pages of the ruling party paper—both Russians and Chinese are very active. In August, for example, the Soviets opened a $2-million hospital while the Chinese dedicated a $5-million textile manufacturing complex just outside Brazzaville.

The government maintains no relations with the United States, Great Britain or Congo-Khinshasa. These countries are its editorial whipping boys—the first two for their capitalist systems and the latter for following them. The Viet Cong, of course, are considered international heroes. Anti-Western and anti-American sentiment is so fierce at times that travelers are attacked en route from the ferry landing to Maya-Maya Airport just outside Brazzaville.

SIERRA LEONE

Another Red country pushing hard in Africa is East Germany. Egypt and Sudan recognized it several months ago. Commercial representatives and consultants are located in Tanzania, Zanzibar, Guinea, Congo-Brazzaville, Morocco and Tunisia. It's the job of local Africa-GDR friendship groups to promote trade, cultural exchanges and eventual diplomatic recognition.

From July 16 to 19, Sierra Leone—on Africa's west coast—played host to the "Friendship Africa-German Democratic Republic Conference." Some 200 delegates from the United States, the Soviet Union and Africa attended. The East Germans alone sent a 50-man team headed by GDR Minister of Communications Rudolf Schulze. These included trade unions, youth, women in the world today, and, of course, relations between the Eastern bloc and Africa.

Although denying government sponsorship of the conference, the minister of land, mines and labor, the deputy minister of finance and the prime minister himself addressed the body. In his speech, the deputy minister of finance, Mr. O. Cole, called the prime minister "comrade Dr. Siaka Stevens" and exoriated "imperialists, colonialists, and neocolonialists." "However, notwithstanding the temporary setbacks in our liberation movements," he remarked, "it shall not be too long when general Africa will crush the imperialists like bugs."

The ruling All Peoples' party newspaper *We Yone* editorialized at the conference's end: "Much as we are prepared to continue our long-cherished association with our past colonial masters and others, it would be suicidal for us to ignore the rest of the world . . ." The consensus of qualified opinion is thta East Germany has made significant inroads toward diplomatic recognition here.

GHANA

In Ghana, once an important center of Communist activities in West Africa, the Red star has ebbed. Marxist President Kwame Nkrumah was ousted by a military coup while on a visit to Peking in February 1966. The Communist Chinese were quickly sent packing, as were the North Vietnamese and North Koreans. Although allowed to remain, Russian diplomatic personnel are closely watched.

In October 1968 the Ghanaian authorities seized two Soviet fishing trawlers within territorial waters. Looming in the background were undertones of a plot involving elements of the Ghanaian navy. And a month later the Armed Forces commander was arrested on charges of links to pro-Nkrumah exiles in London. Reports stated that a conspiracy had developed in December 1966 and that the actual takeover date was to be Dec. 24, 1968. Although the Russian ships and crews were finally released, deep feelings remain that the trawlers played a role in the abortive coup plan.

The general opinion here, though, is that Nkrumah lacks real support in the military, intellectual circles or with the masses. Ghanaians are deeply resentful of the $1-billion debt his free-spending regime left them. His Convention People's party is outlawed and his old enemy, Dr. Kofi A. Busia, has just been chosen prime minister in a democratic election.

MALI

Although Socialist President Modibo Keita of Mali was deposed a year ago, this West African nation of nearly five million persons still has a strong Communist presence. An estimated 1,000 Red Chinese technicians are building and operating sugar, match, cigarette and textile factories. The Chicom embassy issues weekly progress bulletins; Mao propaganda banners and his "little red book" are visible. Children receive lessons in Marxism, although their content has been watered down since the coup.

The Soviet Union and the East European bloc have pumped in an impressive $320 million in aid since 1960, and show no signs of tiring. The Russian-built sports stadium and the omnipresent advertisements of Soviet goods and East German Interflung flights dot the capital city of Bamako.

Despite the coup, Soviet-leaning Keita aides still hold high positions in the Foreign and Finance ministries. Scores of Russian-trained civil servants staff government agencies. And recently, the ministers of social welfare and defense paid business calls at the Kremlin.

Despite its "positive nonalignment," Mali makes no secret of support for the Viet Cong. It was among early recognizers of the VC's

XUM

Provisional Government. But the consensus of opinion is this: "Malians are traditionally very pragmatic people. They can take aid from a country one day and turn their back on it the next. For example, Mali officially recognized the Viet Cong government right after the U.S. had shipped Mali about $2 million worth of corn and sorghum during a critical food shortage. The ruling clique is not as deeply committed to the Red bloc as the previous regime, and the Communists know this."

GUINEA

In neighboring Guinea, President Sekou Touré's Marxist regime felt the tremors of Mali's coup. Recently, security forces rounded up suspected subversives—both civilian and military. Seven high-ranking Army officers received death sentences for plotting against the Touré government.

With the demise of Keita in Mali and Nkrumah in Ghanda, Guinea is West Africa's last bastion of "scientific socialism." Nkrumah himself resides in Guinea's capital, Conakry, as co-president with Touré, editing a political magazine.

Both Soviet and Chinese instructors operate training camps here. Among others, guerrillas fighting in neighboring Portuguese Guinea find haven. Extremists of Sierra Leone's All People's Congress reportedly were armed and trained in Guinea before their party won power. And observers in Senegal assert that Red literature filters into their country from Guinea.

EQUATORIAL GUINEA

Diplomats in western Africa are closely watching Soviet moves in Equatorial Guinea, freed from Spanish control in October 1968. Snuggled in between Gabon and the Cameroons, its off-shore island, Fernando Poo, now plays an important role in Biafran relief flights.

Russians are sending a 14-man diplomatic delegation here. In comparison, Red China is not represented and the United States embassy has only several people. Observers emphasize that the airstrip on Fernando Poo is especially good and capable of jet-age transport. Air rights gained here, it's felt, would place Russian planes within convenient distance of any country in western or central Africa.

LIBYA

In September the 18-year reign of conservative King Idris I was ended by a left-wing military coup. The immediate areas of concern were the $1-billion worth of private American oil investments and the Wheelus Field Air Base. The $100-million base, staffed by about 2,500 U.S. airmen, will be closed by December 1971, it was learned. Shutting down British bases at Tobruk and El Aden is to follow. So far, payment for these investments have been guaranteed.

Qualified observers see two developments taking place: First, the Communist bloc will try for trade inroads. Military aid will be offered to replace the British and American pullouts. The Communists will capitalize on intense nationalistic feeling here and discredit the United States as an important supporter of Israel.

Second, under a "Socialism, Unity, Freedom" banner, Libya tips the balance in the 14-member Arab League toward the radicals. Already a prime contributor to Arab defense (about $100 million annually), Libya could well increase its payments, permitting heightened Arab guerrilla activity. There's also a possibility it will permit training bases. All this presents a dim sight to pro-West Tunisia, sandwiched in between the radical Algerian and Libyan regimes.

SUDAN

To the north, in Sudan—the largest nation on the continent—an Army-led coup d'etat last May ushered in a leftist Revolutionary Council. Of this 24-man ruling body, five ministers were members of the Communist party's Central Committee, with seven others from the party's rank and file. Excepting three, the remainder are considered anti-West with heavy Red leanings.

Explained one diplomat to me: "Prior to the Arab-Israeli war, the U.S. pumped $15 million annually into here; West Germany maintained three aid groups. To the government's surprise, all assistance immediately stopped as Sudan broke relations with these countries for 'supporting' Israel. Internally, despite a deep conservative ideology, the Reds, although officially outlawed, were able to function and recruit. The Communist party grew to about 50,000 members—the biggest in Africa. And with the complexion of the new government, their work has apparently paid off."

Shortly after taking power, the Revolutionary Council announced its "Socialist course" and condemned "reaction and imperialism." It promptly dispatched a high-level mission to Moscow and established diplomatic relations with East Germany, North Korea and the Viet Cong Provisional Government.

An estimated 150 Russian military instructors are presently in Sudan with another 250 technicians working on five hospital projects. The Soviet Union supplied Sudan with artillery and tanks; ships were delivered from Yugoslavia. The Red Chinese, too, maintain an embassy and a trade mission in Khartoum.

Bordered by Egypt, the Red Sea, Ethiopia, Kenya, Uganda, Congo-Kinshasa, Central African Republic, Chad and Libya, Sudan provides a strategic Red base in central and southern Africa. Reliable information states that Red advisers staff training and rest centers for Chad and Ethiopian guerrillas. At one staging area, Kassala, regular shipments of arms and rebels follow the 15-mile route into the Eriterean region of Ethiopia.

EGYPT AND ALGERIA

On Africa's north coast, the radical Arab nations of Egypt and Algeria are also very close to Moscow. Both have received substantial amounts of military hardware—estimates say $2 billion worth went to Egypt since the Arab-Israeli June 1967 war.

Associating the United States with Israeli victory, Arab leader President Abdel Gamal Nasser looked eastward for support. Shipments of tanks, planes, artillery, radar and advanced weaponry arrived. Also, some 4,000 military and technical advisers poured in to modernize Egypt's army and defense system. Several hundred members of the Egyptian Air Force were trained in Moscow to pilot Soviet-supplied MIG–21s and supersonic Sukhoi-7 jet fighter-bombers.

More recent events foreshadow even greater Soviet influence. Last June, President Nasser switched Air Force commanders in favor of a general just back from training in Moscow. Just a month before, reliable sources say, Czechoslovakia delivered around 100 amphibious armored personnel carriers. And, in an apparent policy shift, the Soviet Union has been shipping pontoons and other material needed for canal crossing. The supply of fighter planes has also been speeded up.

On August 4, Israeli Defense Minister Moshe Dayan charged Soviet personnel with actually planning and directing Egyptian attacks. "To my regret there has recently been some operational advice. If in the past they distributed arms and told the Egyptians how to use them, Soviet experts now tell them what to do. They not only build fortifications and teach them how to operate a cannon, but they say 'you must now do this at such and such a time and in such and such a place.' "

But this close Russian-Egyptian relationship has left Algerian officials wary. While welcoming their estimated $250 million worth of Soviet military equipment, they want to keep operational procedures in their own hands. The 3,000 Russian technicians in Algeria are closely watched; they are given clearly defined assignments with Algerians calling the tune.

Despite the flurry of reports of Soviet naval activity in the Mediterranean, the best information in Algiers is that there are no Russian naval bases here. Even the famous former French base at Mersel-Kebir is reportedly operated by hired French technicians and Algerians—but not Russians.

More important, though, are the air bases in the interior of the country. These former French airstrips have been modernized and, it is felt, give the Soviets important outlets to southern and central Africa. And with the removal of the U.S. Wheelus Field in Libya, Russians gain added strategic advantage.

But while the Soviet Union is deeply committed in both Egypt and Algeria, many Middle East observers think there is inherent friction. Commented one Western diplomat to me: "Communism is alien to the Arabs' religion and cannot be foisted on government leaders or the masses. The Communist party is hounded, its members jailed, its literature closely watched. As far as Arabs are concerned, communism is fine for Viet Nam or Asia but they seem determined to close the doors to it here. Russians realize this, but continue their handouts valuing the Arabs' international support as payment.

However, amid the political maneuvering and lavish economic and military outlays, not to be forgotten is the mass of public opinion across the continent. Recent space feats have won us the admiration of many Africans. Throughout Africa, the United States Information Service's Apollo 11 buttons are the vogue. Formerly it was Mao buttons.

In Addis Ababa, where I was when Apollo 11 reached the moon, thousands maintained all-night vigils around the USIS Center, listening and viewing details. As the spaceship landed, they broke all the show windows. But, as a local newspaper commented editorially, "out of joy and support for the United States, not in protest."

FINANCIAL DISCLOSURE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. BROWN of California. Mr. Speaker, as I have for the past several years, I am providing herewith for public scrutiny full information regarding my income for the past year and my personal financial holdings.

My personal income for the past year included my congressional salary of $39,374.98, miscellaneous income from speaking engagements of $2,348, a long-term capital gain of $750 on the sale of about $3,000 in stock, and $1,000 in interest income, for a total income for 1969 of $43,472.98.

I own 1,000 shares of stock in Monarch Savings & Loan Association, worth about $20,000.

I own a home in the District of Columbia in which I have an equity of about $17,000.

I own an unimproved parcel of real estate in my congressional district in which I have an equity of about $4,000, and I own a half interest in another unimproved parcel of real estate in my district in which my equity is about $15,000. I have no other real estate holdings.

My total assets are less than $100,000.

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GETTING THE LEAD OUT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ANDERSON of California. Mr. Speaker, getting the automobile manufacturers and the oilmen to combat air pollution by getting the lead out of the combustion engine has been slow and plagued with an apparent lack of effort. At long last, however, it appears that these two groups are taking steps in an effort to help cleanse our air.

Since the American public has put its support behind antipollution measures, automakers and oilmen have said that tetraethyl lead, a gasoline additive which contains harmful polluting ingredients, can soon be eliminated from auto fuels. It is interesting to note that only a few months ago both automakers and oilmen had stated that the removal of lead was not possible in the immediate future. Now, both groups have reversed their earlier positions. Automen now say that 1971 cars will be able to run on unleaded gasolines and the oilmen now say that lead-free fuels will be available.

Burbank television station KNBC pointed out this reversal in an editorial broadcast on March 9, 1970. The editorial goes further, however, by offering additional steps which the station believes are necessary to alleviate pollution and by also suggesting a method for encouraging the public to use lead-free gasolines. Because it offers information and suggestions worthy of consideration, I submit the editorial for publication in the RECORD.

The KNBC editorial follows:

GETTING THE LEAD OUT

It's beginning to look as if the auto and oil industries have the tetraethyl lead situation nearly solved. After several months of public sparring, to keep from being accused of a conspiracy, the automakers have announced that most 1971 cars can be delivered ready to use unleaded fuel. And the oilmen now say the fuel will be ready when the cars are.

This is quite a step forward for them, but it's an even bigger step forward for the rest of us. We could debate the health hazards of tetraethyl lead, but no one will say it's good for us.

There's another advantage of getting the lead out that seems to have been lost in the shuffle. For several years now, a number of researchers have been working on a device known as a catalytic muffler. It works like any other muffler, except that it also contains chemicals which change harmful hydrocarbons and oxides of nitrogen from the engine exhaust into non-harmful gases such as carbon dioxide and free nitrogen. With this kind of muffler, cars can meet our air purity needs.

There are several more steps we'll have to make, including a mandatory inspection program and perhaps even a mandatory changeover program, so that all cars use these exhaust purifiers.

But there's one immediate problem in all this for state and local government. As things stand now, there's no real compulsion for people to buy unleaded gasolines when they're available, and some companies feel the lead-free fuels will cost us more than what we're paying now.

If you can accept the idea that the power to tax is the power to destroy, there may be some merit in the idea of raising the tax on all gasoline with lead, and cutting the tax for lead-free gas. This would give all of us a compelling reason to use the "clean" fuels, and discourage us from buying cars that can operate only on hi-test.

KNBC supports the idea of heavy taxation of gasoline containing tetraethyl lead.

FAVORABLE COMMENTS ON THE VOLUNTEER ARMY CONTINUE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, sometime before the Selective Service law expires next year, Congress must decide what to do about the military draft. While further reform of the present law is a possibility, I am convinced—as are many of my colleagues—that the most desirable solution is abolition of the draft and the institution of an all-volunteer army. Happily, this idea has won increasing support since the Gates Commission released its report in February recommending that a voluntary force be created.

Several news articles from various papers reflect this favorable sentiment. What is to me most interesting is the Plymouth Review's statement that a thorough reading of the Gates report convinced the editor that past opposition to a volunteer army was unjustified. In the words of the Review:

> A study of the commission's report will convince any open-minded citizen, we believe, that this distinguished body is correct in recommending an all-volunteer armed force.

At this point, Mr. Speaker, I want to include the Plymouth, Wis., Review editorial, James Jackson Kilpatrick's article from the Washington Star, and William F. Buckley's viewpoint as presented in The Paper in Oshkosh, Wis.:

[From the Plymouth Review, Mar. 26, 1970]

COMMISSION MAKES STRONG CASE FOR ALL-VOLUNTEER ARMED FORCE

Is an all-volunteer armed force a good thing for the country? We didn't used to think so. It seemed to us that we should always have some draftees, to leaven the loaf.

After going through the full 211-page, report of the president's commission on the subject, however, we have changed our mind. The most telling blow against the draft, or conscription, we felt, was contained in one word: "discrimination."

The draft, the commission said, is highly discriminatory and constitutes an actual, excessive tax on those forced to serve.

"In a political democracy," the report said, "conscription offers the general public an opportunity to impose a disproportionate share of defense costs on a minority of the population."

That minority is not black or white—it's the young who happen to be chosen, the commission noted. In effect, the commission calculated, the draftee pays taxes at a rate of 51% of income compared with perhaps 15% for the average non-draftee of the same age.

In World War II, the commission pointed out, when 16.4 million men served in the armed forces, that was only 12% of the total population, 17% of the adult population and 56% of the adult male population between 18 and 45. "Not everyone eligible to serve does so," the commission said, even in such a global war.

"Defenders of conscription often argue that every young person has the duty to serve his country . . . The real question is not whether young people have such a duty, but whether the duty does not extend to the entire populace. Is it right and proper that a large tax be confined to a small fraction of our young able-bodied males in order to relieve taxpayers in general from having to pay higher taxes?"

The commission concluded its discussion on this point by saying: "It is hard to imagine a means of imposing the cost of defense, or any other government activity for that matter, more in conflict with accepted standards of justice, equality and freedom in the United States" than conscription.

A study of the commission's report will convince any open-minded citizen, we believe, that this distinguished body is correct in recommending an all-volunteer armed force. If you want to go into the matter deeply, send $1.25 to the U.S. Government Printing Office, Washington, and ask for a copy of the commission report on the all-volunteer armed force.

[From the Evening Star, Apr. 5, 1970]

THE DRAFT IDEA ATTRACTS LITTLE ATTENTION

(By James J. Kilpatrick)

It is altogether remarkable when you consider the bitter turmoil surrounding the draft, how little attention has been paid to a well-reasoned proposal for ending it. Six weeks have passed since the President's Commission on an All-Volunteer Armed Force brought in its unanimous report, but nothing has come of it on Capitol Hill.

Not even the young people seem aroused. A college editor who sees dozens of campus newspapers says the all-volunteer idea has evoked scant discussion. Some of our young men, it appears, are less interested in solving their problem than in yelling about it. But one of the facts of political life is that only a squeaky wheel gets grease; the commission's proposal will surely die unless it attracts more support than it has drawn thus far.

The commission has recommended nothing that is revolutionary or even novel. Until 1948, the United States always had relied upon a voluntary armed force except for major wars. What the commission is urging is simply that we return to tradition: Let us put our first reliance upon regulars who serve by their own free choice.

Is the idea feasible? The commission is convinced that it is. In recent years we have become so accustomed to the draft that a notion has taken hold that all servicemen are the victims, directly or indirectly, of General Hershey's press-gang. This isn't so. All regulars with more than four year's of service—38 percent of the total—are true volunteers. Roughly half of the 500,000 men who enlist each year also take up arms regardless of the draft.

What this means, in the commission's view, is that the problem of maintaining a stable force of, say, 2½ million volunteers is not nearly so difficult as many persons have assumed. Such a force can be achieved "by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year from the 1,500,000 men who will annually turn 19."

These inducements, granted, would cost a

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great deal of money. A basic pay increase alone would run to $2.7 billion a year. But the commission advances cogent arguments in support of this pay boost, no matter what becomes of the all-volunteer idea. In simple equity, our servicemen have a raise coming. The commission recommends that base pay for personnel in the first two years of service be hiked from $180 a month to $315 a month, with comparable increases for young officers.

Suppose, for the moment, that such a pay scale proved effective in terms of an all-volunteer force. Is such a force desirable?

On this point, reasonably minded men may disagree. It is objected, for example, that "volunteer" is no more than a pretty word for "mercenary." Many critics have speculated that the requisite pay scales would be so attractive to low-income blacks that a disproportionate number of Negroes would wind up in military service. There is some fear that a large professional army would pose a threat to civilian government.

The commission marshals effective responses to all these objections. Nothing to the nation's history, prior to 1948, suggests that an all-volunteer service is significantly different from a force composed of mixed regulars and conscripts. Negroes presently make up 10.6 percent of the armed forces; they might constitute 15 percent of an all-volunteer arrangement—hardly enough to have it said that whites were hiring blacks to defend the country for them.

From the military standpoint, the concept holds great attraction. While most draftees accept military service philosophically and become good soldiers, others spend their time fomenting dissension. The rate of re-enlistment among conscripts is much lower than the rate among "true volunteers," which means that thousands of expensively trained men must be replaced every year. In war, as in most of the brutal games men play, experienced professionals are better than fresh-caught recruits.

All this makes sense to me. The idea ought to make sense also to the millions of young men who now suffer financial loss and personal disruption by reason of the draft. What are they waiting for? If they don't get behind the concept of an all-volunteer service, no one else is likely to push the concept for them.

[From the Paper, Mar. 12, 1970]

MILITARY CONSCRIPTION SHOULD END

(By William F. Buckley)

It is going to require a considerable act of will to put into effect the recommendations of the Gates Commission as we turn gradually over the next year and one half in the direction of an all-volunteer army. The Senate Armed Services Committee doesn't much like the idea, and went so far as informally to reject Mr. Nixon's proposed successor to Gen. Hershey because of his undiluted enthusiasm for the idea.

On the American scene in general, the libertarians and conservatives are in favor of the all-volunteer military because we believe in the presumption of voluntariness in all things. The left-liberals opposed conscription less because of their attachment to individual freedom than because they see here an opportunity to deflate the military.

In between is a large group of people whose objections are, roughly, in two parts. On the one hand, they argue that there is a great danger in a typically military class. That the opportunity might then come to the military class to dominate the civilian executive and even, as they do on Mondays, Wednesdays, and Fridays in Latin America, take over the government.

An additional argument is the notion that military training is good for any young man, and that moreover it does something to incorporate him into America—to Americanize him, if you will. In the great debate on what was then called "universal military training" in the late forties, President Truman fought to clinch the case in favor of conscription by saying proudly. "Look, I've served in the military, and look what it did for me!" That was not taken by the public as a conclusive argument in favor of UMT, but along came Korea, to make the argument academic.

Abolitionists of conscription must concede a couple of points to the opposition. It is true that a professional military class is less desirable than, say, a militia. Arguing the point in the Federalist Papers, Hamilton wrote, "There is something as far fetched and so extravagant in the idea of danger to liberty from the militia, that one is at a loss whether to treat it with gravity or with raillery; whether to consider it as a mere trial of skill, like the paradoxes of rhetoricians; as a disengenuous artifice to instill prejudices at any price; or as the serious offspring of political fanaticism."

But the virtues of the militia—which, like Switzerland's, stays and works at home except when in training, or when engaged in duty—are transferable to an army which needs, let us say, to keep 300,000 men in west Europe. And the question is whether such as they should be volunteers, or conscripts.

The other objection, less often stated, is that things being as they are, inevitably the army will emerge much higher than 10 per cent black. The objection is raised not because there is anything undesirable about the black fighting man. But because we will have come up with what will strike many as a mercenary army, collected from those ghettos fostered by our system, and utilizing the victims of those ghettos who are now invited to protect with their lives their white brothers who make life intolerable for them at home.

I grant this is caricature. But so are the rantings of Herblock—precisely because the world is full of men and women who seek to hobgoblinize and, if at all possible, to dishonor the motives of America. (There is absolutely no doubt that tomorrow's economic textbook will be saying that in the post-Vietnam age. America solved its unemployment problem by recruiting a highly paid volunteer army.)

How does that add up? Surely we should end conscription, and the sooner the better. The additional cost is easily compensated for in a fairly short run by the economic productivity of those who do not enter the army, and therefore remain home and pay taxes. And, in the long run, by the lowered cost of training—the fruits of professionalization. Meanwhile, we shall have asserted once again our devotion to the principle that that which is not required of a citizen, he should not be compelled to do.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

TRUTH ABOUT THE OIL SPILL IN THE GULF OF MEXICO OFF THE COAST OF LOUISIANA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. HÉBERT. Mr. Speaker, much has been said and written about the recent oil spill off the coast of Louisiana in the Gulf of Mexico, but truth about the situation is lacking from most accounts.

I am sure that most of the things which have been said or written have been done so with the proper motives, however, by not revealing the actual situation much harm has been done.

For that reason, it is imperative that I bring to the attention of the Members of Congress and the general public a resolution passed by the Plaquemines Parish Commission Council, which is the only parish which could be affected by the oil spill.

I am as concerned as anyone else about oil spills and pollution of our waters. The news media and individuals who have discussed at length the oil spill in the gulf have accomplished the opposite of their objectives.

They are destroying the market for seafood from this area of the country and at the same time are jeopardizing the livelihood of thousands of people in the area who work in the oil and service company industries.

The monumental amount of publicity which resulted from the oil spill left the impression that Louisiana seafood products, particularly oysters, have been seriously affected. The truth is there is no evidence of oyster contamination at this time and little or no evidence of serious damage to other seafoods or wildlife.

The resolution I am inserting will explain the situation clearly. I am greatly concerned for my constituents in this area of Louisiana who work in the seafood and oil industries, and it is important to all of them that the record be set straight.

Where livelihoods of individuals are concerned, there is no room for misleading and irresponsible statements, such as those coming out of this oil spill controversy.

We cannot get a more accurate picture than the one which is set forth by the Plaquemines Parish Commission Council because they are there and are on top of the situation.

For that reason, I highly commend its resolution to the Members of this body, and to the general public, with the plea that its words be read carefully:

RESOLUTION

Whereas, prior to the discovery of oil, gas and other minerals along the coastal areas of Louisiana, and in particular along the coastal area of Plaquemines Parish, the principal industry was the production of oysters, shrimp and other seafood and the seafood industry is now and will be a major source of income and food for our people after all of mineral production has been depleted, and therefore, this industry must be protected and perpetuated; and

Whereas, during the past 30 or more years we have witnessed the tremendous economic growth of all of the coastal areas of Louiciana, principally because of the discovery and development of minerals; and

Whereas, during all of this time, minerals have been discovered and produced in the midst of our productive seafood estuaries, and although problems have existed between the seafood and mineral industries, these problems have generally been satisfactorily solved through the efforts of state and local interests and the producing Companies so that the seafood industry has survived and prospered and at the same time hundreds of millions of dollars in minerals have been produced providing thousands of jobs and millions in revenues to our state; and

Whereas, when it became evident that mineral production would extend from our estuary or bay areas into the open waters, the Federal Government confiscated our historical bays, lakes and inland waters within Louisiana's historic boundary and now dictates the development of these areas with endless regulations and fiats to the degree that the production of minerals in this area is fast becoming uneconomical which will eventually force oil companies to search for oil in Alaska or in foreign countries, thus seriously affecting the economy of Plaquemines Parish and all of the coastal areas of Louisiana which will result in the loss of employment to thousands of our people; and

Whereas, at the same time the U.S. Government permits eastern and midwestern industries to barge deadly materials down the Mississippi River and dump them into the Gulf which causes infinitely more damage to our seafood and environment than an occasional oil spill could conceivably cause, and

Whereas, raw sewerage and other materials harmful to aquatic life flow from other areas down the Mississippi River into Plaquemines Parish daily causing untold damage to our fisheries and wildlife and serious concern for our potable water systems; and

Whereas, the widespread publicity of alleged contamination by the recent oil spill off Chandeleur Islands has seriously affected the market for Louisiana seafood products, particularly oysters, whereas, in truth and in fact there is no evidence of oyster contamination at this time and little or no evidence of serious damage to other seafoods or wildlife, and

Whereas, there are those who would claim that this oil spill incident is a major disaster, the truth is that the disaster is being caused by the do-gooders and news media who would destroy the market for seafood while professing to protect these interests and at the same time jeopardize the livelihood of thousands of people working in our area in the oil and service company industries; and

Whereas, the Parish of Plaquemines is the only Parish which could conceivably be affected by the current oil spillage so that the contamination problem affects only our area and none other;

Therefore: Be it resolved by the Plaquemines Parish Commission Council that it calls upon the federal agencies, particularly the Interior Department and the news media to proceed with reason and to correct the many errors which have been created in the minds of the public, so that the economy of our area will not suffer from the cries of outsiders who should be more concerned with solving problems of direct national concern than attempting to make a whipping boy out of the oil industry which has contributed so much to our economy while living side by side with the great seafood industry of our area.

I hereby certify the above and foregoing to be a true and correct copy of a resolution adopted by the Plaquemines Parish Commission Council at a meeting held at its office in the Courthouse, Pointe a la Hache, Louisiana, on March 26, 1970.

J. E. Lafrance,
Secretary.

GOLDBERG AND CARSWELL

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, the self-acclaimed altruists of the other body have drawn up a long list of qualifications which they—in their infinite wisdom—have determined should be applied to Supreme Court Justice nominees. They point to the present and past members of that august Bench and say that this fine history of highly qualified men cannot now be tarnished by such "political" nominations as Judges Clement Haynsworth and Harrold Carswell.

However, many of these holier-than-thou gentlemen have short memories. It was only quite recently that present Justices Byron White and Thurgood Marshall and former Justices Arthur Goldberg and Abe Fortas were confirmed by the Senate. The following editorial from the Birmingham, Ala., News succinctly points out some very important observations on the matter. I highly recommend it to my colleagues:

[From the Birmingham (Ala.) News,
Mar. 26, 1970]

GOLDBERG AND CARSWELL

We hadn't intended commenting again so soon on the Carswell nomination. He will or won't be confirmed by the Senate for reasons having little to do with his qualifications, and there is not much anyone can say which is going to have much influence with the so-called "liberals"—who are anything but—who have decided that the President of the United States has no right to appoint a conservative, strict constructionist judge to the court.

We hadn't, as we said, intended to comment again—but it is impossible to let pass without note the judgment by former Supreme Court Justice Arthur Goldberg that Carswell is "not fit" to serve on the high court.

This is Arthur Goldberg, whose nomination to the Supreme Court by President John Kennedy was confirmed by the U.S. Senate—including many of the same men who now oppose Carswell—without a dissenting vote, despite the fact that Goldberg had not had one day of judicial experience and despite the fact that his whole career had been devoted to serving as lawyer for a special interest—organized labor, specifically the United Steel Workers and the AFL-CIO. (These are the same senators who accused Judge J. Clement Haynsworth of "conflict of interest.")

Many of these senators, it might be added, were in the Senate when the other of President Kennedy's Supreme Court nominees, Byron "Whizzer" White, was confirmed—again, without a dissenting vote. Like Goldberg, White, then an assistant to Attorney General Robert Kennedy in the Justice Department, had not a single day of judicial experience.

Even more of the senators who opposed Haynsworth and now oppose Carswell had come to the Senate by the time President Lyndon Johnson made his first appointment to the Supreme Court—Abe Fortas. Like Goldberg and White, Fortas had a reputation as a lawyer, but had no judicial experience whatsoever. He was better known as a political associate of the President. Like the other two, Fortas was confirmed by voice vote, with no dissenting vote recorded.

President Johnson's second appointee, Thurgood Marshall, was serving on the federal bench at the time of his appointment, so it cannot be said that he had no judicial experience. But before his appointment to the bench (and previously to the post of U.S. solicitor general), he, like Goldberg, had made his reputation primarily in the representation of one special interest—civil rights groups. The only opposition to his confirmation was dismissed as motivated by Southern racism and was trampled down.

Without any comment at all on their performance on the Supreme Court, the point is that each was the appointee of a "liberal" president, and that while each had factors presumably weighing against nomination for service on the highest court in the land (lack of judicial experience or close identification with special interests), all were routinely approved.

And now here comes Goldberg to say that Judge Carswell is "not fit."

We wondered what our reaction had been to Goldberg's own nomination, and checked the files.

"The obvious thing to say of President Kennedy's appointment of Arthur J. Goldberg to the Supreme Court is that here is another case of political reward," *The Birmingham News* said editorially on August 30, 1962. "Mr. Goldberg has no previous judicial experience. He is known exclusively as an attorney dealing with labor union matters.

"Yet if this yardstick is to be the major criterion in measuring capacities of promise of judges, one could conclude only that the American judicial system is rife with incompetency. The opposite is the case . . .

"Presidents, of either party, *do* name on basis of politics. But they also have shown a considerable feeling for what lies within a man. There are exceptions, but agree or disagree with judicial histories or opinions, the overwhelming majority of Supreme Court justices have been men who served well, thoughtfully, and contributed to creation of a spirit of justice."

It seems to us that President Richard Nixon is entitled to the same presumption of good faith and careful consideration of qualifications of Supreme Court nominees that President John F. Kennedy was entitled to (and got). It seems to us that G. Harrold Carswell (and Clement Haynsworth before him) is entitled to the same benefit of the doubt that Whizzer White, Abe Fortas, Thurgood Marshall and—yes—Arthur Goldberg got.

The anti-Carswell (really, anti-Nixon or anti-strict constructionist) forces' desperate effort to block him not only smears a man who, if confirmed, inevitably will carry with him to the high court some of the stain of doubt, not only cheapens and further erodes public confidence in one of the basic foundation stones of our system of government—it is directly opposite to the treatment which "liberal" nominees of at least equally questionable qualification received.

Has Goldberg forgotten? Have the senators who voted to confirm him forgotten? Or has their sense of fair play been blunted by pettiness and "liberal" dogmatism?

ANN ARBOR HOCKEY TEAM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ESCH. Mr. Speaker, from time to time I think it proper to give special recognition to athletic teams of distinction. In this case the distinction reflects not only the superior qualities of team members but a community program that exemplifies the very best of personal responsibility and civic spirit.

Recently, the Ann Arbor Bantam A hockey team won the championship in its division in the North America Silver Stick competition in Port Huron, Mich. During the past 8 years more than 2,600 hockey teams from North America have vied for championships in this tournament.

Canadian teams have overwhelmingly dominated this competition, a reflection of the excellence of Canadian hockey. Only two U.S. teams have ever won a championship, one of them being the Ann Arbor team. Only great skill, dedication, and team spirit could have led to this achievement.

The team victory, however, did not come out of a vacuum. The Ann Arbor hockey program for youth is one of the very best in the country. Once such status is achieved it all may have seemed easy and inevitable in retrospect. But, Mr. Speaker, we know all too well that excellence comes only through great desire and hard work.

I am very proud of this young hockey team, all other participants in the Ann Arbor hockey program, and the community which has so faithfully supported hockey in Ann Arbor. All are to be commended.

The following are members of the Ann Arbor hockey team:

Mr. Elmer Burgett, president; Mr. Roland Seguin, coach; Kevin Davis, Jack Mortell, Mike Straub, Bob Fahlgren, Tom Ufer, Tom Kittel, Randy McLelland, Joe Roberts, George Morley, Bill Dufek, Steve Manville, Mike Kalmbach, Jim Hense, Duane Rose, Mark Levenson, and Randy Roberts.

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F-111—"POLITICS AND EMOTIONALISM"

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. FISHER. Mr. Speaker, Astronaut Bill Anders, now executive secretary of the National Aeronautics and Space Council, says—and with what truth—that the F-111 has been the victim of politics and emotionalism. As is becoming increasingly clear much of the treatment that has been afforded this great aircraft has been nothing short of shameful. Once in a while the true expert, and a respected and brave American, opens the door to let in the light of truth.

Colonel Anders goes on to say that he himself plans to fly the F-111 as soon as possible and I am certain that his reaction to this aircraft will be the same as that of all the other pilots and commanders who are unrestrained in their praise of what has been called the greatest and most advanced aircraft in the inventory of any nation in the world.

Mr. Speaker, I wish to include in the RECORD the news item to which I have been referring as it appeared in the March 21, 1970, Fort Worth Star-Telegram.

I also wish to include two additional news stories, one from the Washington Sunday Star of March 22, 1970 entitled, "The Impossible Dream for the F-111 is Coming True." This story is by Orr Kelly and should be read by every Member of the Congress with the greatest attention.

The third of these articles appeared in the Philadelphia Bulletin of March 6, 1970, and deals with the bad publicity the F-111 has received.

Mr. Speaker, it is time for a little justice, time for an honest and fair appraisal of the F-111. These stories are a step in the right direction:

F111 MALIGNED, SAYS APOLLO 8 CREWMAN

The swept-wing F111 is a great aircraft that has been unfairly treated, the executive secretary of the National Aeronautics and Space Council said here Friday.

Air Force Col. William A. Anders, one of the three-man Apollo 8 crew, said the plane is a victim of "politics and emotionalism."

"It is unfortunate that unjustified attention has been placed on the F111," said Anders.

"In this country we have always had trouble of one form or another getting any new aircraft operational," Anders commented at a press conference.

The aircraft, he said, simply got caught in the squeeze of a "political . . . emotional argument" which he called unfortunate and undeserved.

Anders said he plans to fly the F111 as soon as possible.

He said when it comes to piloting an aircraft nothing gives him more pure pleasure "than flying a Bell H13 helicopter."

Anders' Christmas time space flight in 1968 with Air Force Col. Frank Borman and Navy Capt. James Lovell Jr. earned him the spotlight of the world and special praise from President Johnson.

He said he has a simple answer for those who question why we need make more than one trip to retrieve moon samples.

"I submit that it would be most difficult to try to learn about Texas by dipping down and scooping up samples of the surface of any single part of this state . . . it is obviously very different in different sections of the state."

Anders promises the April 11 flight of Apollo 13 will be "the most interesting and the most dangerous . . . It will land on the highlands and bring back different data."

He said his role in the Apollo 13 flight will be to accompany Vice President Spiro Agnew to Cape Kennedy and detail events for him.

He said America's success on her moon flights has put this nation ahead of original planning on the number of vehicles needed, and the United States is in the enviable position of being able to use these vehicles to explore more fully the moon.

"Our next exciting project is the Sky Lab where we'll put one to three men in earth orbit, using Apollo hardware," Anders told newsmen.

The astronaut had special praise for the Dallas-Fort Worth Regional Airport.

"This is a fine example of what needs to be done to handle the air traffic control problem . . . build more well-planned, major airports."

He and U.S. Rep. Olin "Tiger" Teague were guests earlier at a luncheon at the Petroleum Club for the Government Affairs Committee of the Fort Worth Chamber of Commerce.

THE IMPOSSIBLE DREAM FOR THE F-111 IS COMING TRUE

(By Orr Kelly)

Gen. F. F. Everest had an impossible dream when he became commander of the Tactical Air Command early in 1959.

His dream was an airplane that could cross the ocean without refueling and yet fly at supersonic speeds when it got close to its target; a plane that could fly high and slow or low and fast; a plane that could find its own way in and out of increasingly sophisticated defenses.

The dream has come true. But it also has, in many ways, become a nightmare.

The plane is the F-111, once known as the TFX.

Sen. John J. McClellan, D-Ark., will resume hearings Tuesday on the TFX program that filled the headlines for 10 months in 1963 and then went into hiberation after the assassination of President Kennedy.

Ironically, after all the controversy surrounding the program, the F-111 now is almost exactly what Everest dreamed of in 1959—and almost all the other factors that made the program so controversial have faded away.

One of the major issues about the plane was the decision of Robert S. McNamara, in one of his earliest actions after taking office as defense secretary, to push the Air Force and Navy into developing the same plane to serve them both.

Since the Air Force first dreamed of its plane, the program has gone through five transformations—and is now back essentially to the original Air Force concept.

But, largely because of the long controversy, the Air Force will get far fewer of the planes than it had hoped for. Air Force officials have told Congress in recent days that the money requested in the 1971 budget will be used both to carry out an expensive inspection program to avoid problems with the wing structure and to buy enough planes to fill out a fourth wing of F-111 fighter-bombers. This will end the construction program, at least as things stand now.

This is a far cry from the plans in 1964 when a total purchase of 2,411 planes for the Air Force and Navy was approved.

The Navy dropped out of the program in early 1968, shortly after McNamara left the Pentagon, and is now developing its own plane, the F-14, as it had wanted to do all along. The British, who had originally hoped to buy their own F-111 fleet, dropped out and the Australians are talking, as if they, too, want to get out.

The result is that, of six different models of the plane to be developed and built, only two will go into service. There will be 77 strategic bomber versions for the Air Force and the remainder will be tactical fighter-bombers.

The McClellan Committee, in its renewed hearings, thus will find that the cost of each plane has risen far above the original estimates.

In recent testimony, Gen. James Ferguson, commander of the Air Force Systems Command, outlined the reasons for the increase in costs, which included technical problems and inflation.

"However," he added, "the biggest single cause of the increase in unit flyaway cost has been caused by the decrease in the total quantity procured and the extended time frame in which the extended aircraft were to be produced.

"For this reason, we have seen the estimated average unit flyaway cost rise from $2.8 million to just over $8 million."

The decision to cut back on production of the plane is a source of considerable frustration for both Air Force officers and officials of General Dynamics, which won the contract over Boeing in a bitterly contested competition in the early 1960s.

According to an analysis done by the company, 58 percent of the work done by fighter-bombers in World War I, Korea and Vietnam has been interdiction—hitting military and transportation targets behind the enemy's front lines. This, according to the analysis, is exactly what the F-111 is designed to do best.

The analysis also shows that the decision to cut off F-111 production has come when the cost for each additional plane could be expected to drop sharply.

If the number of planes to be produced under present plans is divided into the program's total cost, the amount for each plane comes to $13.3 million. (Ferguson's figure of $8 million included only the airframe, engines and electronic equipment for each plane and not a share of the research and development costs.)

But the company's analysis shows that most of the money to be invested in the program already has been spent and that the cost of additional planes could drop to as little as $1.8 million apiece if construction were continued.

As things stand now, the total number of planes to be built probably will work out to 552. Of these, 77 are strategic bombers; two are the British version, now used for testing; seven are the Navy versions, also used for testing and 24 are the Australian version, which could end up in the U.S. Air Force. The remaining 442, which include 18 research and development planes, are the tactical fighter version.

The McClellan hearings are expected to last as long as two weeks, with a break for the Easter recess.

In the more than six years that have elapsed since they attracted such attention, much of the heat has left the F-111 controversy.

McNamara has moved on to the World Bank, the contract has turned out to be something less than a golden bonanza for General Dynamics and the plane, despite the wing problem that has grounded most of the fleet, has a good safety and performance record.

When the hearings end, it is unlikely that an answer will have been found to one of the most intriguing questions surrounding the whole F-111 program. That is whether or not the fight over the F-111 was a necessary and desirable part of McNamara's effort to exert civilian control over the Pentagon and whether, after all the controversy and cost, that effort was successful and worth the cost.

BAD MANAGEMENT, BAD LUCK, AND BAD PUBLICITY HAVE DOGGED F-111

(By Holmes Alexander)

NELLIS AIR FORCE BASE, NEV.—There is a black splotch on the gray rocks of the canyon. The splotch marks the spot where last December 22 on Gunnery Range No. 5, an F-111 with its two-man crew lost a wing and went into a crash heard round the world.

If you didn't hear it, that would be only because you are not attuned to peacetime military disaster. The accident caused the official grounding of several hundred F-111s, about 80 of which are located here at the largest tactical fighter base in the world, larger in area than the State of Connecticut, and probably more immediately important to our lives and fortunes than the Atomic Energy Commission Proving Ground just across the Nevada ridges.

Officially, I say, they are grounded. In fact they are being ferried to various places, including the General Dynamics plant at Fort Worth, Tex., as part of the grand investigation for airworthiness. A defect hardly larger than the half-moon on your thumb-nail, a "bruise" in a piece of steel, is supposedly the cause of the accident while an F-111 was doing a routine run at gunnery practice.

The grounding, I would surmise, on the basis of many interviews, is more official than actual. If World War III broke out today, I don't doubt that the F-111, defect or not, would be in the midst of it.

This is not a plane that we could leave on the runways if a national emergency called for an all-out effort.

ITS CAPABILITIES

The disaster is that the President does not have it upon instant call. If he did, he would have the only warplane in the world that could carry a stunning blow in convention or nuclear bombs to a crucial target at below radar-detection levels in the dead of night and in the foulest weather.

Darkness and the worst climatic conditions are duck-soup for the F-111. From about 2,000 miles out, it could go to Warsaw or Moscow, Hanoi or Havana, and in all probability its presence would not be known until the target was hit. Not that we are a sneak-attack nation, but this plane in the President's poker hand would be a powerful persuader.

PSYCHOLOGICAL VALUE

The disaster is that public misunderstanding has squandered the value of a technological American breakthrough that does not rank much below our men-on-the-moon exploits. The F-111 amounts to a medium-range manned missile which ought to be the boast of our aerial arsenal. But it has become a spiked-gun because of freak accidents and a barrage of abuse by the same dissident groups who want to see the United States brought low in every encounter from the schoolyard to the courtroom to the battlefield.

The disaster is that the Defense Department under Secretary McNamara deceived the Congress and bewildered the American public by making extravagant assertions that the aircraft's experimental model, the TFX, would be the nonpareil multi-purpose aircraft.

NOT MULTI-PURPOSE

In order to get approval for the best tactical fighter-bomber in the world, the McNamara team exaggerated its capabilities for Navy use, for Army and Marine Corps close-up support, for transatlantic strikes. When the plane could not perform all these missions, it was rated as an "expensive disappointment" instead of an achievement.

It, in reality, is matchless in its specialty of being the supreme weapon for all-weather penetration and interdiction—a bolt of lightning that can strike a stop to an invasion of West Europe where American security is most at stake—and do so without population slaughter.

COMBAT EXPERIENCE

The disaster is that the F-111 was sent prematurely to Southeast Asia in the spring of 1968. Eight planes in all, a trifling unit of commitment, were dispatched to Thailand for use against heavily defended, high-priority targets in North Vietnam where we were losing too many fighter-bombers in day-light raids. Many veterans of the Vietnam air war are here at Nellis, and a day or two among them is enough to piece together what happened to the F-111 in combat.

In 55 missions, the plane was extraordinarily successful. Not one is known to have been hit by enemy fire or even discovered in action by the enemy until after the attacks had been made. But the F-111 hadn't been thoroughly shaken down in stateside tests, and there were malfunctions.

VIETNAM LOSSES

Three planes and two crews were lost in milkruns to relatively soft targets; bombing-pauses and bombing-halts prevented the plane from proving itself in significant action.

The disaster is that the F-111 crews, although trying to keep busy at academical work, won't be flying target-practice and other proficiency missions for four or five months, if then. By a combination of bad management, bad luck and bad publicity, the best plane in the American inventory is suffering the malnutrition of disuse.

If it were in active service, its weight might well be felt in the negotiations for settlement in Vietnam and the Middle East, and in the bargaining over strategic arms in Vienna. As matters are now, this powerful weapon is in danger of becoming a wasting asset at the full prime of its potentially influential lifetime.

THE PEOPLE'S VOICE ON VOTING RIGHTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. MIKVA. Mr. Speaker, the Members of this body have an imminent opportunity to make a decision which would confirm the rightful place of America's younger citizens in the political arena, and very possibly begin to reestablish for many of those young people a true credibility in the governing process, and the institutions we representatives serve.

As longstanding advocate of admitting 18-year-olds onto the voter rolls, I am particularly pleased to see that a public mandate for the measure published this weekend by the American Institute of Public Opinion—the Gallup poll.

According to this survey, six out of 10 respondents, unhindered by the alarmist misconceptions of those who have lost touch with the young adult generation, do believe 18-year-olds should be granted voting rights. I believe that, too, and hope the results of this survey do not go unnoticed by my colleagues who are as yet unconvinced.

The report follows:

[From the Washington Post, Apr. 5, 1970]

GALLUP POLL: 18-YEAR-OLD VOTE FAVORED

(By George Gallup)

PRINCETON, N.J.—If the House of Representatives follows the lead of the Senate and approves of lowering the voting age to 18, it will be in accord with the wishes of the American people as recorded in surveys over the last 17 years.

Six adults in every ten in the latest survey (58 per cent) think persons 18, 19 and 20 years old should be permitted to vote.

A majority of persons 21 and older have expressed support for lowering the voting age since July, 1953, when 63 percent did so. Only 17 per cent voted in favor in 1939 when the first Gallup survey on this subject was conducted.

Many of those interviewed who favor lowering the voting age maintain that "if a person is old enough to fight, he's old enough to vote."

The Senate on March 12 approved, 64 to 17, legislation that would lower the voting age to 18 in all elections. The House will shortly consider this legislation.

Following is the question asked in the latest Gallup survey completed just last weekend. A total of 1350 persons 21 and older were interviewed in more than 300 localities across the nation, and asked this question:

Do you think that persons 18, 19 and 20 years old should be permitted to vote, or not?

Here are the latest results:	*Percent*
Should	58
Should not	38
No opinion	4

In all surveys on this issue, older persons—who tend to be more affluent and more conservative than younger persons—are most opposed to lowering the voting age to 18.

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CADET STEPHEN L. KNOWLES

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. SCHADEBERG. Mr. Speaker, Cadet Stephen L. Knowles, son of Mr. and Mrs. Lawrence E. Knowles of Beloit, Wis., was recently named a winner in the 1969 Freedom's Foundation at Valley Forge, letter writing contest. Stephen, a 1966 graduate of Memorial High School in Beloit is presently attending St. Olaf College, Northfield, Minn., where he is a member of the Air Force Reserve Officer Training Corps. It is my honor to share his stirring letter with my colleagues:

CADET STEPHEN L. KNOWLES

My hopes for America's future are really that America will fulfill her mission in history, that the hopes of generations of Americans will be more perfectly realized. The hopes I have for this country are certainly not new ones, but they are part of the very fiber that binds our nation, the Constitution of the United States.

I refer specifically to the Preamble of that document, penned in 1787, when the nation was still struggling in its infancy. Though its provisions were meant as an indictment against the government chaos of the Articles of Confederation, the hopes which it embodies stand as a challenge to the people of the United States today. The words of the Preamble are familiar to every schoolboy:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The Constitution certainly established a more perfect Union than that of the Articles of Confederation. The other provisions of the Preamble can still be seen as a rallying cry for a better America.

"Establish justice," the founders wrote. Certainly there is justice available in America today, but is it always available to every man? Crowded court dockets which delay justice, corrupt judges who impede its administration, and all the other faults our legal system is heir to must be overcome if the dream of justice for all is to be fulfilled.

Is there "domestic tranquility" in America today? Riots and assassinations blot the bright hopes of our Founding Fathers. My hope is that in the future America will have true domestic tranquility, where differences are settled peaceably and rationally. But domestic tranquility must never be restored at the expense of justice.

Though we have provided, and must continue to provide for the "common defense," we must take care that we do not do so to the detriment of the "general Welfare." We must be sure that we are not in the position of defending a nation poorly housed, clothed, and nourished. The needs of all the people must be met if the United States is to realize its dream.

The "Blessings of Liberty" have made the United States unique in all the world, and we must preserve our cherished heritage of freedom. Liberty must never be curtailed to stifle orderly dissent, but dissent must never override the right to express antithetical viewpoints.

My hopes for America's future are thus embodied in words written long ago in our history. Yet they are words which will continue to express the hopes and strivings of all Americans for generations to come.

THE FARMERS' PROBLEM: SURVIVAL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ALEXANDER. Mr. Speaker, having been raised on a farm in Arkansas, I am fully aware of the crisis facing American agriculture. The American farmer is the most efficient producer of agricultural products in the world. They are good taxpaying citizens who do not deserve the second-class treatment they often get.

A few days ago, I received a letter from a farmer in northeast Arkansas asking for farm legislation which will "boost and support agriculture." This is what the American farmers want, as this most thoughtful letter by Mr. Mack L. Howington of Lepanto, Ark., indicates. Because his letter presents information that is of interest to people throughout the country, I include it at this point in the RECORD. I commend it to my colleagues:

THE FARMERS' PROBLEM: SURVIVAL

"Survival of the fittest" is a phrase applied to a process in nature in which living things constantly compete with each other to live. Some thrive—some barely exist—some die. The American farmer, caught in a cost-price squeeze of his own unmaking, has doubts in 1970 that even the "fittest" of farmers will survive.

Can concern and worry pay the farmer's creditors? Can complaining to his congressman assure him of positive action or favorable legislation? Can re-shuffling his figures pay the taxes? Can producing more and receiving less and paying more produce a profit?

A concerned farmer who is interested in the survival of the farmer has prepared this report to acquaint the American consumer with the farm problems. Lacking an agricultural public relations department, individual farmers must act. A solution? The farmer feels that the failure of the giant agricultural industry would have repercussions which would reverberate around the world.

The facts, statistics, and case histories reported are drawn or were obtained from local (Poinsett County, Arkansas) sources—individual farm records, gins, elevator operators, the Extension Service of the University of Arkansas, and the United States Department of Agriculture (USDA). Although the report is local in scope, one farmer's problem is every farmer's problem.

The world looks with envy upon the agricultural industry in America—the exception being the American consumer. Why does today's farmer view the future of agriculture with pessimism and alarm? Why The Gloom! Graphic evidence of a multi-faceted problem gives support to the farmer's claim that his problems are real:

(1) Empty farm houses standing in mute testimony to the fact that profits on farms are not adequate;

(2) Average age of farmers and their workers rising due to lack of opportunity or incentive (Who knows what effect this will have in future years!);

(3) Farm equipment being repaired for "one more year" or equipment being "custom-rented";

(4) Crops growing up in weeds due to high costs of chemicals, poisons, and labor;

(5) Figures in farm accounts showing that income does not match expense;

(6) Farm sale notices filling the newspapers—"Work a lifetime; sell all on a Tuesday . . .";

(7) Wives working to supplement the income—to compensate for rising costs of education, household furnishings, health expenditures, and clothing;

(8) Bankruptcy or foreclosure listings—perhaps more painful than an obituary notice. "A way of life is dead."

These farm problems are the result of a revolution unparalleled in agricultural history. The American farmers have been eager to adapt and apply new technology and research findings to their agricultural enterprises. The American farmer, with his LEARN-HOW—KNOW HOW abilities, has increased his food and fiber production rate to such an extent that domestic consumption uses only 80% of his total crop; the remaining 20% must be exported. Had the farmer remained at farm output rates of 1900–1925, not only would the United States be importing one-third of its total food and fiber requirements, but the consumer would be paying much higher prices for food. LEARN-HOW—KNOW HOW leads to SHARE-NOW! Farm specialization, coupled with research, education, and mechanization, enables one farm worker to supply 35 to 39 persons (compared with 23 supplied as recently as 1957–59). Since 1919–21, crop production per acre is 75% higher, and output per man hour of farm work is five times greater.

On the basis of these statistics, *why*, in the name of *production success*, do the farmers have economic problems? *Fact*: in 1969, the prices farmers received in relation to prices they paid were 78% of the 1910–14 base period (used for computation of these figures). *Question*: "Hasn't farming basically changed during this time? Thus, is this 1910–14 base period really valid?" Unquestionably, all phases of farming have changed during this period. Mules and turning plows have been replaced by tractors; tractors have been replaced by larger and better tractors. In the rice fields, combines and dryers have replaced the old binders and threshers; self-propelled combines. Chemical placed the pull-type combines. Chemical herbicides have replaced hoe hands in row crops; cotton picking machines have replaced hand pickers in the cotton fields.

But while all these magnificient new machines were coming along to take most of the back-breaking drudgery out of farming, other radical changes were taking place (changes affecting the farmer's survival). Competition from the ever-expanding industrial complex of the cities lured many of the most capable laborers from the farm with wage offers which farmers could not possibly match. To check the drain of the labor force, farmers were faced with higher wages to be paid even though the worker was only gainfully used six months of a year. "Work" must be "furnished" even though productivity of the farm was not increased nor was per unit cost of the crop reduced. In other words, farmers began to experience an "overhead" cost they had not had previously. Machinery costs, already high, continued to climb rapidly although farm prices remained static or declined. As a result, farmers have needed to increase productivity—both of their labor and their land—to stay in the same place. Hard work resembling treadmill action! To illustrate the cost-price squeeze, the following figures were taken from local (county) farm records and farm-related businesses.

COTTON

Long live King Cotton! Is the King dead? Cotton is probably the crop with the most serious problems. An east Poinsett County gin was asked to take the account of a typical customer and report the prices that customer received for cotton in the years 1949–1969. The price obtained each year was averaged with the two following years to overcome price fluctuations and give a steadier price picture. In the three year period, 1949–50–51, the average price received by the farm-

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er for cotton was 35.23¢ per pound. At that time, hand choppers were paid about $3.00 for a 10-hour day; tractor drivers got $4.00 to $5.00 for an 11-hour day. In 1953–54–55, the price was 34.55¢; in 1958–59–60, 31.31¢; and in 1963–64–65, 30.12¢. During this time, production costs were steadily rising; chopping was up to $5.00, and tractor driving rose to $7.00 per day.

In 1966 a new cotton program was effected. Under this program, cotton would be sold on the open market at a "world price", and a subsidy would be paid the producer for the difference between a "fair market price" in this country and a "world price" on his cotton that was produced for "domestic consumption"—an amount deemed 65% of his allotted acres. To follow up the example of the Poinsett County typical farmer—in 1966, his price received was 23.23¢ per pound; his subsidy payment was 9.42¢—making a total of 32.65¢ he received for 65% of his cotton crop. This is assuming he made a normal yield (which few cotton farmers did in 1966 or 1967 due to adverse weather conditions). In 1969 the sum of the price received and the subsidy payment was 36.79¢, but this price is for the 65% domestic allotment only. If 100% of the allotment were planted, the other 35% was sold for 22.06¢. This is a complicated program; many details have been omitted for the sake of clarity. Look at the 1949–50–51 price of cotton—35.23¢. Then look at the 1969 price on the domestic allotment alone—36.79¢. During this time, chopping costs rose from 30¢ per hour to 1.30 per hour. Tractor driving costs from $4.00 per day to $1.30 per hour (*tripled*). Machinery costs have skyrocketed; yet cotton prices have remained the same or dropped, even with subsidy payments included.

The cotton survival problem boils down to this: the American farmer is expected to sell his product on a free (world) market and, at the same time, buy on a "protected" market.

WHEAT

Wheat is not a major crop in Poinsett County, Arkansas, but it is a top crop in other parts of the nation. Local elevators paid $1.50 per bushel in 1965. In 1968-69, wheat prices ranged from $1.13 to $1.16 per bushel—the lowest price for wheat since the depression days of the 1930's. (The development and progress of civilization can be linked to the history of wheat—so what's in store for agriculture?) Meanwhile, the price of a combine has spiraled from $6,000 to $12,000. The farmer receives about 2c for the wheat in a one-pound loaf of bread in the grocery store. What is the price of the bread?

SOYBEANS

Soybeans—the Wonder Crop. The farmer wonders if this farm crop that supplies animal feed, food for human beings, and many raw materials for industry will survive the cost-price squeeze. The farmer wonders if this 2½ billion dollar plus crop can hold its own in the market. Soybeans came along to take up acres which had gone out of production of other crops. Until the last two years, beans had provided a steady, if not large, source of income. Soybean prices have always been subject to erratic patterns due to little or no carry-over; consumption equalled production. A short bean supply would drive up the price. In 1968, however, a fairly large bean surplus developed as a result of high price supports which the federal government instituted to promote more production. Farm records show that in 1961, local elevators paid $2.28 per bushel; in 1964, $2.68; in 1966, $2.85; in 1968, $2.43; and in 1969, $2.32. The present price of beans approximates the 1961 price while many farm costs involved in their production have doubled. The farmer WONDERS if the soybean bubble is about to burst!

RICE

The rice industry looks at cotton and soybeans and finds itself in a similar economic bind. Even though Arkansas is one of the three leading rice growing states, rice farmers in western Poinsett County are having financial problems. Rice producers have been fortunate in that they have been able to increase their productivity dramatically and thus have not experienced so great an economic strain as cotton and soybean farmers. Yet rice farmers are caught in a cost-price squeeze also. Figures from a local elevator show the following prices per bushel paid to farmers for rice: 1962, $2.30; 1964, $2.20; 1966, $2.20; 1968, $2.30; and 1969, $2.30. As these figures show, the price received by farmers for rice has remained almost constant while most all production costs have risen considerably. As mentioned earlier, combines, the harvesting machines for rice, have almost doubled their costs of ten years ago; other machinery, labor, equipment repair, poison, fuel, insurance, rent, taxes, irrigation—*all* reflect price increases to compensate for their own rising costs. What about the rice producer? Like all farmers—no bargaining power—he takes what he is offered (not always willingly)—but he pays the asking price.

MORE DILEMMA

How have farmers compensated for their lowering net income? "Another notch to take up the slack?" Cliches cannot answer so serious a problem. The American farmer has produced more volume of product to obtain the same income. Today, most farmers have larger crop acreages with more crop specialization. Statistics show that fewer farmers are farming the same number of cultivated acres. An improvised formula can show how the farmer has hung on: More work plus more fertilizer plus top production plus larger investment plus better weed control plus research plus more acreage plus gamble equals same income. Economic treadmill again! The margin of profit is so low that there is no room for failure—no allowance for a drought or hail storm; it takes several good crops to make up for one bad. A living farm economy? A surviving farm economy? A dead farm economy?

Why haven't farmers banded together? Why haven't farmers tried to control their production to affect supply and demand—thereby pushing prices up? Traditionally, farmers have been independent, free-thinking individualists who do not want to give up the freedom of doing as they want on their own farms. A price below cost for one farmer may give another farmer a profit. A solution to a farm problem may satisfy one farmer but draw a violent reaction from another. Why have farm organizations had trouble with farm programs? With the exception of rice, price-supported crops have never presented a united front for their needs. It seems to be necessary for government control to be exercised to some degree, therefore, in order to keep stocks of these commodities within reasonable bounds. It is in the public interest that the nation have a healthy agriculture which is an integral part of the whole economy. The agricultural industry may expect that farm programs of the future may be justified only insofar as the public interest is concerned, since these decisions will probably be political and not economic ones.

If the public were as interested in Why Farmer Can't Survive as it is Why Johnny Can't Read, perhaps even Congress would remove the agricultural complex from its pollitcal sparring ring. The American farmer is in desperate need of friends.

He is a minority group.
He does not want sympathy.
He does not march.
He does not riot.
He does need your understanding.
He does need your ears.

He does feel his grievances are more serious than some which receive front page headlines.

He does want to survive.

If the great agricultural industry falters or fails, what happens to America? Economists and historians have taught that the Great Depression of the late 1920's and the 1930's was triggered by the farmer failing to share in the prosperity—agricultural depression.

HEALTHY AGRICULTURE IS PUBLIC ASSET

Why should the American consumer be concerned about or desire a healthy agricultural industry? First, the percentage of income spent by the average American family for food is between 16 and 18 percent. Compare this with 35% for Western Europe; 50% for Soviet Russia; 70% for some Asian countries. American farmers are providing their fellow countrymen with food at the cheapest rate ever paid in comparison to income earned. In 1900, a farmer received 87¢ from a $1.00 paid for food; today, he gets 40¢ of the dollar. If a housewife would divide her "groceries" into food items and non-food items, her ideas about the high cost of food might change. Approximately 20% of the money spent in the grocery store is for non-food items.

Farming is big business; its demands produce jobs and more jobs. (It has been reported that for every 2,500 jobs created in the synthetic fiber industry, 11,000 jobs are lost in the cotton industry.) In 1966 (the latest figures available), farm assets were 226 billion dollars, or $25,000 invested for each employee. These assets amounted to two-thirds of the value of all United States corporations at that time. Farm buying power means six million jobs. (When the farmer loses his buying power, the impact shakes the entire industrial complex tremendously.) Another 10 million jobs are created by transporting, processing, storing and selling farm products. Farmers spend 30 billion dollars a year for farm-related goods and services and another 15 billion for other life necessities and luxuries. Farmers use more petroleum than any other single industry; use 9% of all domestic rubber production; use 5 million tons of steel—one-third that used by the entire automobile industry. Agricultural products are the greatest contributing factor in dollar sales of goods abroad. Agricultural exports help alleviate the balance of payments deficit. Farming is big business!

These statements give substance to the fact that farming is vitally important to the national economy. Bringing the focus down to the local level shows that farmers spend 70% of their income directly on their farms or in towns of fewer than 5,000 population. This income is the life blood of all communities in northeastern Arkansas, as well as for other rural areas of the nation. (These small communities have felt the pinch of cost-price squeeze in their pocketbooks.) How important are the smaller communities to the nation?

MISUNDERSTANDING OF FARM PROGRAMS

Two of the biggest criticisms of farm programs by people outside the industry are: (1) subsidy payments to "big" farmers and (2) payments for "not growing" some crop. The critics point to huge agricultural appropriation figures as evidence that the government is heavily subsidizing agriculture. The facts are that a large part of the agricultural appropriations goes for programs other than subsidies and price support payments. Food stamp programs, school lunch programs, all USDA food inspection programs, experimental research, and administrative expense of these and other programs take a large bite out of the "subsidies" which Mr. Farmer always gets credit for receiving.

A concerted effort, by urban-dominated Congress, misinformed consumers, and some news media, is being waged to limit the direct subsidy payments made to "big" farmers to a level which would eliminate all medium to large acreage farmers. As previous figures indicate, this payment is approximately one-third of the gross price a cotton farmer gets for his crop. Any farmer

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falling within the limiting area would suffer even more than he already is. Any farmer growing more than 250 acres of cotton would lose. *And* the farmer would have no assurance that the limited subsidy figure would not be lowered eventually to $5000 to even $3000—which would affect practically every cotton farmer in the county. The idea that a "big" farmer is more *efficient* than a "small" one is a myth. The facts indicate otherwise. The farm unit has *had* to grow to maintain income levels; volume does not always spell "efficiency". The small farmer who has a working unit sized to economically utilize his equipment is far more efficient than a large farmer. He has no management expense; by doing most of his own work, he not only eliminates much of the necessary labor costs but *all* of the "overhead" expenses incurred by retaining a labor force full-time. Despite his efficiency, the small farmer has suffered loss of income too.

Many other segments of our economy are subsidized by large payments from the federal treasury. American ships, built by American workmen, are financed by a 55% subsidy from the government; American seamen's pay is also subsidized since it cannot compete with foreign workers' salaries. Airlines, newspapers, railroads, housing projects, direct rental payments, education, public libraries, vocational schools—*all* receive subsidies. In fact, nearly all segments of the American economy are subsidized, directly or indirectly. (What if *all* subsidies to all receivers were limited? Would the national economy collapse?) Why is no mention made of limiting *these* subsidy payments? Why are subsidized farmers the only group singled out for criticism? Is the farmer merely a "whipping-boy"?

DOES AMERICA NEED HER FARMERS?

Will the farmer survive this economic problem which mainly is two-fold: cost-price squeeze and the limitations payment. This, then, is in essence the farm problem. The farmer can shout about his economic strait until the cows come home; improve his farming know-how; practice soil conservation; employ the best available labor; keep accurate records and use the keenest accountants. . . . But withal, he must inevitably recognize this: in today's highly competitive market, the business that does not show a profit does not survive! Finish!

Do the American people think they are getting enough of a bargain in the products the farms produce that they are willing to subsidize some segments of agriculture at a level of income that will allow the farming people of the nation an income comparable to the remainder of the people? Are they willing to support farm legislation which will make farming attractive enough and profitable enough that young people will again become interested in careers on the land? If not, can the American people replace the food and fiber that will not be produced here in this country with that from some other source? Can they create jobs for those who will not be needed on the farms? These and many other questions will have to be answered soon. Does America need her farmers?

SAMUEL H. MORRISON

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. FISH. Mr. Speaker, it was my great privilege to know Sam Morrison as a friend and counselor. The lead editorial of the March 31, 1970, Poughkeepsie Journal speaks for all of us who have a sense of personal loss in the death of Sam Morrison.

The township in which I reside in, Dutchess County, N.Y., was fortunate that Sam Morrison was a resident. He dedicated himself as mayor of the village of Millbrook, as the supervisor of the township of Washington, and as a member of the county board of representatives.

His interests extended beyond his village and township to the organization and promotion of the annual Dutchess County Fair, one of the finest and largest in New York State.

But basically, as the Journal editorial states, he was "a truly gentle man."

Mr. Speaker, I insert the Journal's editorial at this point in the RECORD:

SAMUEL H. MORRISON

The death of Samuel H. Morrison results in a sense of personal loss to the many friends he acquired in the long years he devoted to public service.

Having served on the Dutchess County Board of Supervisors and Board of Representatives, "Sam" was the embodiment of stability during an era of significant change. As chairman of the Budget and Finance Committee until his retirement from the board last year, he was instrumental in maintaining a fiscal balance with county finances that results in the enviable credit rating Dutchess enjoys to this day.

He was an agriculturalist by profession, and leaves behind him not only an outstanding career but a record of service to associations such as the Dutchess County Agricultural Society and the Dutchess County Cooperative Extension Service that attests to his interest in community service.

"Sam" Morrison was a soft-spoken man with a subtle wit and a ready smile. These qualities, melded with patience and compassion for human foibles, made him one of the most thoroughly liked political leaders the county has ever seen.

It is a measure of his dedication to the welfare of his fellowman that, even when failing health dictated that he slow down, he maintained a close liaison with the county board. And, even after his retirement from the county scene last year, he returned often to sit on the sidelines to hear at least what was going on.

The death of "Sam" Morrison not only has deprived the county of a fine political and agricultural leader. It has taken from our midst a truly gentle man.

REPRESENTATIVE GUDE'S AIR POLLUTION EXHIBIT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. VANDER JAGT. Mr. Speaker, on March 17 and 18 my distinguished colleague from the Eighth Congressional District of Maryland, the Honorable GILBERT GUDE, sponsored an exhibit which acknowledged the successes which we have obtained thus far in our war against air pollution, and which also dramatically demonstrated the real urgency of continuing to combat this menace. Over a dozen representatives of government, industry, and private enterprise contributed their valuable time and effort toward making this venture the outstanding success it was. Those who exhibited were:

American Chemical Society;
American Petroleum Institute;
Architect of the Capitol;
Automobile Manufacturers Association;
Chrysler Corporation;
Department of Agriculture;
Department of Health, Education, and Welfare;
Department of Transportation;
Fisher Scientific Company;
Ford Motor Company;
General Motors;
General Services Administration;
Institute of Gas Technology;
Metropolitan Council of Governments;
National Institute of Environmental Health Sciences;
Potomac Electric Power Company;
Research Cottrell Company; and
Resources Research, Inc., a subsidiary of TRW.

Their response was prompted by a deeply felt conviction in the ideals of what now must be considered a national movement, a national mood.

This is not the first instance in which Mr. GUDE has shown his concern over this problem. Three years ago he sponsored a similar exhibit at a time when only a few realized the potential trouble we are facing if the senseless destruction of our environment is not halted. But today the war on filth has truly become a national, even universal, concern.

Mr. GUDE's recent exhibit was particularly significant to all who attended primarily because it dealt with specific achievements, with specific problems—the facts and figures of the pollution crisis speak with more eloquence than well-worn rhetoric.

I would like to insert in the RECORD some remarks made by Mr. GUDE at the opening of the exhibit:

STATEMENT OF CONGRESSMAN GILBERT GUDE

I want to welcome you, and thank you for coming. Three years ago I sponsored a display here on Capitol Hill dealing with the problem of air pollution. There was a feeling at that time, among many observers, that air pollution was a growing menace, but the response of the exhibitors was mild. The feeling at that time did not approach the concern and even panic proportions we are experiencing today.

The problem of environmental pollution and its consequences to life on this planet today are topics of debate and concern ranging from international conferences to classroom projects in elementary school. And I am pleased to have students and teachers from Maryland schools and Montgomery College here to see firsthand evidence of the problem and the efforts and progress toward the solution.

We have all heard the forecasts of doom with estimates for survival, in some cases of a mere 30 years for man on this earth at our current rate of pollution. I do not think we should dismiss any of these prognostications lightly insofar as they are made by substantial, thoughtful scientists. But for our purposes here today, I believe the definite specific medical evidence of the problem is enough to make us turn to work against pollution with increased vigor. Specifically, these charts which use data supplied me by the American Tuberculosis and Respiratory Disease Association are a clear indictment of the villain. In a careful scientific study, which took into consideration the smoking factor as a cause of emphysema, a midwestern city with polluted air had cases of advanced emphysema in all age groups while in another midwestern city with relatively

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clean air, advanced emphysema was uncommon in any age group. Furthermore, there were six times as many cases of severe emphysema in the city with polluted air as the city with clean air. (See reference at end.)

In the exhibit on emphysema of the National Institute of Environmental Health, you will see a graph showing the really alarming increase of this disease from less than 2 deaths per 100,000 in 1950 to more than 12 deaths per 100,000 in 1966. This is just one of the diseases where man is choking to death on filth.

We are making some progress against some pollutants—and again specifically I call your attention to the 46% reduction in oxides of sulfur in Washington air demonstrated in the Council of Governments exhibit. I am particularly pleased because this came about as a result of an ordinance enacted by the D.C. Council under legislation I sponsored in 1967. Also, the Kenilworth dump, which played a stellar role in my '67 exhibit, is dead and literally buried.

But I do not propose any note of complacency—we've got a big job to do yet. The fossil fuel burning internal combustion engine deserves and is getting a lot of attention as you can see from the extent of the exhibits on the automobile.

One other specific item is the exhibit by the Department of Agriculture. Plants are also air pollution victims. Clearly we can't sweep the air pollution problem under the rug by moving polluters to the country. Plants are susceptible, as well as the animals in the field and forest. We've got to deal with air pollution where it is.

I mention these items to let you know that we have tried to make this an exhibit of specifics of air pollution—the specifics of the problems, the laws, the research and the solutions.

I asked government, industry and private groups to give concrete data and examples, and I want to thank each and everyone of the exhibitors from government, industry and private groups for their contribution and hard work.

(NOTE.—The two cities are St. Louis, Missouri, and Winnipeg, Canada. Data from "The 'Emphysema Profile' in Two Midwestern Cities in North America," by S. Ishikawa, M.D.; D. H. Bowden, M.D.; V. Fisher, M.D.; and J. P. Wyatt, M.D., Winnipeg, Canada, and St. Louis in *Archives of Environmental Health*—Vol. 18, April 1969.)

VFW VOICE OF DEMOCRACY WINNING ESSAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. TEAGUE of Texas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States sponsors a Voice of Democracy program in which high school students are asked to write a broadcast script. All five winners of this year's contest on "Freedom's Challenge" were guests of honor at the VFW congressional dinner and received a personal congratulation from President Nixon. I would like to include the essay of the third-place winner, Stephen Flynn, of Mobile, Ala. A 17-year-old McGill Institute senior, Stephen is president of the debating team, editorial manager of the school newspaper, a member of the student-teacher senate, a member of the National Honor Society, and he has attended the national high school institute in debate at Northwestern University. Stephen plans to study law at Florida State University. The VFW should be commended for their sponsorship of such a fine program. After reading this essay, I think you will agree that we all can take pride in the patriotism and faith in America displayed by this young student:

FREEDOM'S CHALLENGE—THIRD PLACE

(By Stephen Flynn)

Sable Island lies in the Northern Atlantic some 100 miles off the shore of Nova Scotia. In the winter months this area is the brunt of fierce No'easters, storms which raise the sea into waves as high as 30 feet and have the capability of breaking a destroyer in half. Fishing boats must pass near the island to reach harbor. The waters are treacherous in fair weather. During the constant storms of winter navigating is nearly impossible. More than 5,000 people lost their lives to Sable's shores before the installation of the Sable lighthouse and radio beacon. With the lighthouse, the death toll has greatly decreased. The lighthouse must have a keeper who is deposited on the island at the close of the calm summer and must remain, in solitude, until the end of the turbulent winter. Such a man, on whom so many depend for their lives, must be exceptionally stable mentally and physically.

The United States is a beacon in which the flame and freedom burns bright. The rays of light which beam forth from this flame guide billions of people through the constantly raging storm of slavery, tyranny, and despotism. We, the citizens of the United States, are the guardians of this freedom. It is our privilege, our responsibility, our duty to keep it brightly enkindled.

Freedom issues us a challenge; that challenge being the very existence of freedom. If we are to fulfill our responsibility this challenge must be met. There are two basic tasks which must be achieved before freedom's flame is completely safe. First, freedom must be assured for all. Secondly, liberty must not degenerate into license.

Lord Acton tells us that, "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." The United States has come far in assuring the liberties of its minority groups. Yet there are those who would mentally shackle others to one opinion through terror and violence. Others continue to discriminate against humans of a different skin color, a factor over which none of us have control. How can the beacon of freedom burn bright if the qualities of freedom of speech and the right to pursue happiness are not enjoyed by all? Voltaire said, "Prejudice is the reason of fools." Let us never fall into this pit of ignorance. Let us enlighten those who have. In this way freedom will be assured for all, and the first part of our battle will be won.

The second segment of this battle to ascertain freedom's existence is the fact that liberty must not degenerate into license. Each man's liberty extends to the point of hindering the freedom of others. Once beyond that point, one man's freedom impedes the freedom of his fellowman, and liberty becomes tyranny or anarchy, which is the tyranny of the strong. Every American is endowed with the right to peaceful assembly and the right to express dissent. These rights do not represent, and cannot be construed to represent a license to destroy and threaten the lives and property of others. This destroys the fredom of others to pursue happiness. Mme. Roland states, "O liberty! What crimes have been committed in thy name!" It is criminal to abuse our freedoms, thus destroying the freedom of others. It is criminal to attempt to justify this abuse of liberty with the Constitution of the United States. We must convince those who do so of the criminality of their actions. If mere words are too weak, then the law must be called upon to protect the freedom of all and prevent liberty from degenerating into license.

This, then, is the very essence of freedom. These two principles, the assuring of freedom for all and the prevention of liberty's degeneration into license, are weapons for the answering of freedom's challenge; the existence of freedom itself. If not carried out, they are weapons for freedom's demise.

Tonight a solitary watchman will brave the cannon roar of a North Atlantic storm in order to protect the lives entrusted to him. He will remain faithful to his task. Will we, the citizens of the United States, remain faithful to ours? We have been given two means by which we can assure the existence of freedom. Will we use them? Will we be faithful to the task?

PRESIDENT NIXON'S FAMILY ASSISTANCE PLAN

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. CONABLE. Mr. Speaker, the House Ways and Means Committee has approved President Nixon's family assistance plan. As you know, this plan encompasses his welfare reform proposals and is expected to reach the House floor in the near future. These proposals have been wisely supported as well as attacked. The Republican Congressional Committee Newsletter of March 23 presented a clarification of the President's proposals and answers to the principal objections which I feel is an excellent summation. I would like to recommend this article which follows, to my colleagues attention:

PRESIDENT NIXON'S WELFARE PLAN—TOUGH QUESTIONS VERSUS ANSWERS

The House Ways and Means Committee has approved President Nixon's Family Assistance Plan, encompassing his welfare reform proposals, and the measure is expected to reach the House floor soon. The proposals have been widely supported—and attacked. The following questions and answers have been prepared by the *Newsletter*, with the assistance of committee staff members and the Administration, to answer the principal objections and to clarify the President's proposals.

What's wrong with the present welfare system?

Just about everything. Nobody likes it. The cost is too high and is growing too fast, despite general prosperity. Since 1961, the number of families on welfare has more than doubled to 1.7 million. The number of recipients—as opposed to families—has grown from 3 million to 6.7 million. By 1975, the total is expected to be near 12 million, while annual Federal and State costs will zoom from $4.2 billion to $8.8 billion, an increase of more than 100 percent.

Most important, the basic philosophy of the present welfare system is considered wrong. Instead of encouraging and enabling people to care for themselves, it encourages them to stay on relief. Because most of the states provide welfare only when there is no father at home to provide support, family breakup often results. President Nixon said: "The situation has become intolerable."

What improvements does the President propose?

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He proposes to replace the Aid to Families with Dependent Children (AFDC) program—heart of the present welfare system—with a Family Assistance Plan which would provide a basic income for all parents who cannot adequately support their families. For a family of four with no more than $720 income, the payment would be $1,600 a year; for a family of four with $2,000 income, the payment would be $960 a year. These payments would be uniform throughout the country. Presently, welfare payments to families vary, with some as low as $39 per month. Families headed by a working parent would receive the same basic benefit, plus additional financial incentives for continuing to hold a job. These are the "working poor."

What's the definition of "working poor" and why should they get Federal benefits?

The working poor are those who, although fully employed, earn less than what the government calls the poverty line. A basic weakness of the present welfare system is its denial of welfare to the family with a working father living at home. This often encourages the father to leave home in order to qualify his family for welfare. Obviously, it is unfair to penalize the father who is willing to work. More important, it is socially disastrous to encourage family break-ups.

How would the President's program encourage persons to work, rather than stay on relief?

The President has specified that all employable persons accepting Federal welfare payments register for work or job training, "and be required to accept that work or training, provided suitable jobs are available. . . ." He also specified that "adequate and convenient day care would be provided preschool children wherever necessary to enable a parent to train or work." Ill or incapacitated adults would be excepted. As part of his program, the President has proposed greatly expanded child day-care centers and job-training programs.

One objection to the President's program holds that no significant number of persons covered would be qualified for work. What are the facts?

New studies of the adult population that would be covered by the Family Assistance Act estimate that of the 7.5 million who would be eligible for the program in 1971, 3.2 million are potentially employable. Of these 1.4 million already are working full-time, and would continue working.

The Legislative Reference Service of the Library of Congress has reported that a federal work-incentive program (WIN) which is similar to the President's proposals, has been a failure. Why?

Because there were major defects in the program as administered by the Johnson-Humphrey Administration. One defect was the requirement that local welfare agencies ask individuals to accept only work or training deemed "appropriate." The Department of Health, Education and Welfare took an extremely lenient view of what was appropriate," leaving most of the discretion to the states, some of which ruled that persons, on the relief should not be required to work. Moreover, WIN did not provide adequate day care for children whose mothers otherwise could work. President Nixon's program, as detailed above, would correct these defects, and many others in the system as it is today.

What about the objection that the President's program goes too far to fast, and ought to be preceded by pilot programs?

Ordinarily, this would be a sound approach But today we are confronted with a crisis in welfare programs. We need complete overhaul—now. There isn't time for more experimentation.

Is it true that the President's plan would be the first step toward a guaranteed annual income?

No. Everyone able to work or train for work would be required to register with the government and make himself available for work or training. Actually, we already have a guaranteed income under the present system. The 1.7 million families curently on welfare are, for the most part, guaranteed an annual income. In New Jersey, for example, a welfare mother with three children receives $4,175 per year whether she works or not.

How much more than the present welfare system will the President's Family Assistance Plan cost? How can the increase be justified?

The President estimates that his proposals will increase Federal costs during the first year (1971) by $4 billion including $600 million for job training and child care. But that $4 billion is about the same as the projected Federal cost of the present welfare system by 1975. The President points out that the "start-up costs" of his program, which would lift many persons out of dependency and onto the work rolls, will eventually cost far less than the continually increasing costs of an existing welfare system that can only go from bad to worse.

What the President seeks is to lessen dependency, rather than perpetuate and enlarge it.

RED RULE IN EAST EUROPE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. DERWINSKI. Mr. Speaker, with news headlines discussing complications in the Far East and Middle East, Soviet manipulation of Eastern Europe is overlooked and no longer subject to consistent news treatment. Therefore, it was with great interest that I noted the emphasis on Soviet domination of Eastern Europe as commented on by the distinguished foreign correspondent of the Copley Press writing in the Monday, March 16, Sacramento, Calif., Union, as follows:

RED RULE IN EAST EUROPE

(By Dumitru Danielopol)

WASHINGTON.—For the last 20 years the best Communists in Eastern Europe have been fighting to escape a Soviet noose, says Artur London.

The former Czechoslovak vice-minister of foreign affairs, who lives now in France, was one of the survivors of the Rudolph Slansky trials in 1952. His new book "Confession" offers new insight into the repressive power of the Soviet politico-police machine which in 1968 crushed every vestige of liberalization in Czechoslovakia.

London brings to light the decisive role of Stalin's minions in the 1950 Czech trials and purges and raises the possibility of a new series of trials to eliminate any residual or potential Czech opposition. With the Red army in control, anything is possible.

By coincidence, London's story is fully corroborated in a secret 402-page document smuggled out of Czechoslovakia recently.

It represents the findings of a special committee set up by the short-lived Dubcek government in 1968 to examine the secret archives of the security police and determine the truth of the trials of 1950s.

The arrival of the Soviet army in Prague in August of 1968 prevented official release of the document.

The smuggled document, says the London Sunday Times, "contains a mine of new knowledge."

"It spells out for the first time the depth of Russian involvement in the Czech terror," says the newspaper.

Stalin, the document says, suffered from a paranoic fear of "imperialist" conspiracies and saw them even when they didn't exist.

The security of "socialism" in Czechoslovakia imposed in 1948 was in danger, he decided, because the Czech security police was "too soft and too indecisive."

In 1949 Stalin sent two "advisers" to Prague with extensive power and responsible only to Lavrenti Beria, Soviet police chief. They touched off a reign of terror, with mass arrests—more than 10,000 political prisoners in Bohemia and Moravia alone—on trumped up charges with "confessions," extracted by torture.

At stage-managed trials, a select group of accused acted like robots, giving self incriminating "evidence." by 1952 the Red judges had sentenced 233 to death; 178 were executed. They included such high Communist officials as Vlado Clementis, the foreign minister, and Rudolph Slansky, the secretary general of the Communist Party.

Ancient history? Obviously not to Czechs. If it was, why would the Dubcek regime set out to exonerate Slansky and the others?

REBELLION, SURE—TO SLAP DOWN THE SLOBS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. DUNCAN. Mr. Speaker, Mr. K. Ross Toole, of the University of Montana, says:

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over.

Professor Toole's message is very important, I feel, and I suggest it for the reading of my colleagues:

[From the Cedar Rapids Gazette,
Mar. 22, 1970]

REBELLION, SURE—TO SLAP DOWN THE SLOBS

(NOTE.—The author is a faculty member at the University of Montana, holds a Ph. D. from UCLA and formerly was director of the Montana Historical Society, director of the Museum of the City of New York, director of the Museum of New Mexico and a rancher in Montana. His treatise, written originally as a letter to a brother, is reprinted from the Billings Gazette.)

(By K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal" square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from seven to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactice" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

XUM

SOFT TOUCH

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation on earth in the history of mankind has dared to do.

It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what is right, by what accomplishment should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, became the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life our failures in diplomacy, our terrible ineptitude in racial matters, our narrownness as parents, our blindness to the root ills of society, Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

TOLERANT

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four year olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment.

Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need, (our generation and theirs) it is an expression of our disgust and disdain.

Yet we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors.

Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

UNORIGINAL

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages.

Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs? Shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "the establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked up a number of wonders.

We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy.

But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur.

We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not.

Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tsetung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's, "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long and wonderous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

INCOMPETENT

An old and scarred member of the wars of organized labor in the U.S. in the 1930s, recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag."

But they can, because we let them, destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it.

We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now rely on the police, Mace, the national guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not Mace; we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, business men, workers and politicians.

The vast majority of our children from one to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves.

Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy.

It simply means that faculties should stop playing chicken, that demonstrators should be met not with the police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

BOOT 'EM OUT

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly, by voice or presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is one of the oldest rights and necessities of the university community.

The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is in violation of the court's order.

Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need (those of us over 30), tax ridden, harried, confused, weary and beat-up, to reassert our hard-won prerogatives.

It is our country too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

PATTERN OF 1919 BEING USED AGAIN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. QUILLEN. Mr. Speaker, I feel strongly that unless there is a drastic change in the American way of life, the apathetic attitude of our citizens toward world communism may be the ultimate downfall of this Nation.

The American public must not sit idly by and permit those who advocate the overthrow of our Government to accomplish their ultimate goal.

I have been furnished with a copy of a letter to the editor which appeared in the Nashville Banner on March 17, 1970, concerning a raid conducted by the British Army of a Communist headquarters in occupied Dusseldorf, Germany, in 1919.

Astonishingly, the rules practiced in 1919 are an echo of the rules being practiced in America today in the international plot of the Communists to overthrow our Government and the governments of other non-Communist countries throughout the world.

The parallel between these rules, and what we know for a fact is being practiced by Communist conspirators, is appalling, to say the least.

I feel the letter to the editor which follows is self-explanatory and should be made available for readers of the RECORD:

1919 DISCOVERY A CLUE TO RED REVOLT FORMULA

To the EDITOR OF THE BANNER:

Never one to believe Communism has any great depth of control in our country, I read something revealing and decided to send it to you.

In May, 1919, the British Army raided a Communist headquarters in occupied Dusseldorf, Germany. Among the papers seized was one entitled, "Rules for Bringing About a Revolution."

These rules that make incredible reading in 1970 America, are:

"Corrupt the young. Get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

"Get control of all means of publicity and thereby get peoples minds off their government by focusing their attention on athletics, sexy books and plays, and other trivialities.

"Divide the people into hostile groups by constantly harping on controversial matters of no importance.

"Destroy the people's faith in their natural leaders by holding these latter up to ridicule, obloquy and contempt.

"Always preach true democracy, but seize power as fast and as ruthlessly as possible.

"By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

"Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of the government toward such disorders.

"By specious arguments cause the breakdown of the old moral virtures: honesty, sobriety, continence, faith in the pledged world, ruggedness.

"Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."

Need more be said?

(Mrs.) JANICE MOOREHEAD GRANT.

PARKVILLE SOLDIER WINS BRONZE STAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. LONG of Maryland. Mr. Speaker, Army Staff Sgt. Douglas A. Rush, a fine young man from Maryland, was recently awarded the Bronze Star Medal in Vietnam. I would like to commend his courage by including the following article in the RECORD:

PARKVILLE SOLDIER WINS BRONZE STAR

Army Staff Sergeant Douglas A. Rush, son of Mrs. Aida D. Collins, 3014 Woodring Ave., Parkville, received the Bronze Star Medal in Vietnam.

S. Sgt. Rush earned the award for meritorious service in connection with military operations against hostile forces in Vietnam while assigned as a supply sergeant in Company A of the 1st Signal Brigade's 69th Signal Battalion.

S. Sgt. Rush entered the Army in December 1967 and completed basic training at Ft. Bragg, N.C., where he was stationed before arriving overseas in July 1968. He also holds the Army Commendation Medal.

The sergeant was graduated from Baltimore City College in 1967 and attended the Baltimore College of Commerce. Before entering the Army, he was employed by the Ward Turner Machinery Company in Baltimore.

The award was presented Jan. 19.

ZERO DEFECTS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. GUBSER. Mr. Speaker, the concept of zero defects appeared on the American scene in 1961. Some are still learning about this idea, which is a management tool with motivational aspects, and which strives to eliminate defects attributable to human error. It involves an organized and cooperative effort to inspire all personnel at all levels of production within an organization to do their job right the first time, every time. One of the most significant areas of application has been with defense contractors. A pioneer in this effort is a small company in my congressional district, Holex, Inc., which received the "Outstanding Supplier of the Year—1968" award, given by the General Electric Missile and Space Division. This award calls attention to the fact that Holex provided error-free components for the reentry systems department of General Electric throughout the year 1968.

Many throughout the Nation have joined enthusiastically with the Government in promoting the zero defects concept. It is a money saver, a time saver, and it leads to the perfection of the end product. Those of us who have worked with zero defects since its inception know how well this idea has been accepted by industry and Government, and we feel we are now on the crest of a wave of success. But we need and want your help.

This country has become the leader of world products through the dedication of individuals who are concerned that if we are to remain a first-class power, we must return to our American pride of craftsmanship. The challenge is well delineated in an article which recently appeared in U.S. News & World Report of April 6, 1970, entitled "Japan's Drive To Outstrip United States." The article is subtitled "15 Years of Explosive Growth—And More To Come" and indicates that Japan's gross national product will jump from $24 billion in 1955 to an estimated $375 billion in 1975.

We have only to take a quick glance at a few of the many items in which Americans have excelled and in which we are now losing ground to other countries—TV, radio, machine tools, computers, and shipbuilding, to name a few.

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Are we to go on recklessly living on our past laurels without stopping to challenge ourselves? Are we going in the wrong direction? The article to which I refer is graphic proof that we must reunite and build only products that can be stamped with pride, "Built in America by Craftsmen."

I have introduced a resolution, House Joint Resolution 1094, calling for official recognition of National Zero Defects Week. Adoption of this resolution would be one more step toward the perfection we should achieve in American products.

Let us renew the national team spirit and ability to work together that have propelled us to our position of greatness.

One of those in Government who have been dedicated to this cause is Lt. Gen. Earl C. Hedlund, Director of the Defense Supply Agency. Following is a speech he delivered today to the American Society for Zero Defects third annual national symposium. I commend it to your attention:

Remarks by Lt. Gen. Earl C. Hedlund, USAF, Director Defense Supply Agency, at the American Society for Zero Defects, Third Annual National Symposium, Anaheim, Calif.

It's a pleasure to be with you today and convey the best wishes of the Department of Defense for a most successful symposium. I think that I can speak for the thousands of servicemen who place their lives on the line every day with full confidence in the quality you have built into the planes, ships, tanks and all the other equipment and supplies they are using. But, regardless of your type of business or where your products are used, I am sure all of us recognize that there is a continuing need for programs to maintain the highest possible standards of quality, reliability and performance. This need has been dramatized again and again in press releases regarding consumer dissatisfaction with a wide range of products and services, in government inspection and failure reports, and in the increasing number of actions being taken by industry to correct deficiences in products already sold.

As a point of departure for this symposium, we might well ask what's the cause of these well documented and publicized defects? My answer is management—and many of us in this room have contributed to these errors by not making an all out frontal attack on some of the classical management doctrines still being practiced in our organizations. Make no mistake—the success of any operation—military or commercial—is first and foremost the responsibility of command or management. We managers must spotlight the need for a realistic appraisal of our policies and management techniques which may have been necessary and right at one time, but are obsolete in today's fast changing world.

For example, during World War II when American industry was forced to increase the size of their organizations, develop new production line techniques and train thousands of new employees, we relied heavily on management engineers or systems analysts to predetermine the tasks to be performed and then carefully programed these tasks to insure minimal time, cost and effort. These management techniques worked well and they enabled us to develop new standards of performance leading to a higher level of production than any nation in the history of the world. However, this was war—everyone was personally involved and our motivation to do the best possible job, regardless of the task assigned, was clearly related to survival.

After the war, American industry regrouped and converted plants to take advantage of the many technological and scientific breakthroughs stemming from the war. We had achieved a position of world leadership in the engineering, production and distribution processes and this know-how served us well in developing world markets for our products and staying ahead in the field of military hardware—business was good and management tended to relax and rely on the proven policies and procedures responsible for this relatively high level of prosperity and affluence. Then, in the fifties our nation began to take notice of the inroads foreign industry was making on our commercial markets and of their success in military, aerospace, and other scientific areas. This competition for world leadership developed into what was commonly referred to as the cold war.

Our international prestige was being seriously threatened and we were amazed to find that we were behind in several scientific fields not the least of which was the space program. Scientific and technological breakthroughs were occurring at an ever increasing pace and improvements in almost every field of endeavor resulted in changes rendering old methods obsolete.

These changes dictated an ever increasing degree of specialization, automation and adjustment in order to mass produce the highly complex and sophisticated products of today's world. Further, the more we advanced the state of the arts, the more demanding the specifications, the greater the need to improve the quality and reliability of our products. Management recognized this need by increasing the emphasis on quality control, inspection, and operational testing. These measures were effective, but they caused production delays and high costs due to rework; and only directed attention to an isolated fault in procedures, inferior material or an individual worker's carelessness. We were starting this corrective action at the end of the production line and each such action normally sought the solution of a specific problem and did not go beyond the cause of the individual action. This was not good enough; it represented the carrot and stick theory of management and our quality problems began to compound themselves every time we updated our capabilities.

Obviously these actions at best only represented stop gap measures and some of our more farsighted managers began to review their management procedures and their application to entire organizational structure. They found that those in less responsible jobs were rebelling against this stepped up tempo of change and automation. Many saw themselves a mere number in the organizational structure, in danger of being replaced by machines or becoming a slave to a system which gave them little or no freedom in how to best perform their tasks. This lack of recognition and sense of belonging was further influenced by the employee's inability to identify with the end product, because in most instances, they were but one of many contributors in the production process. They never saw many of their co-workers or their end products. This lack of employee motivation, sense of accomplishment and pride in the organization's products resulted in the development of a new theory of participatory management. Simply stated this theory is based on the principle that decisions are likely to be better, and to be implemented better, if those responsible for the implementation are allowed to participate in making them.

Under the participatory approach, the employee is given an area of freedom in determining how to best perform his tasks and the management support he needs to use this freedom effectively. Each level of management is asked to share its knowledge, skill, and experience with their subordinates and conversely let the subordinates take part in the decisionmaking process. In so doing, the subordinate can augment his own capabilities, and in turn pass this on to his subordinates—right down to each individual worker.

Management was seeking the voluntary involvement and participation of each employee and a number of programs and techniques were developed to make sure each employee was given an opportunity to participate in determining the character of his tasks and responsibilities. One of the most notable was the zero defects program which was developed and used so successfully by the Aerospace industry.

It is a fundamental characteristic of the aerospace industry to try to outstrip its prior efforts. This comes not only from the constant pressure of competition within this relatively new industry, but from the external competition (or threat) from those countries whose interests are hostile to ours. Continued growth, technological breakthroughs, and improved standards of quality, are an absolute necessity to the success of these aerospace programs. In many instances design inventiveness was so rapid and operational experience was so limited that the outside limits of tolerance were difficult to establish and the costs of failure were so great that they literally could not afford to have one—for example, our Apollo program. Management therefore had to seek every possible means of assuring maximum awareness of the necessity of doing the job right the first time and building in a quality and reliability as near to 100 percent as possible—management needed everyone's help in understanding and developing solutions to their potential problems before they had a chance to develop.

There was no time to wait for inspections or tests to reveal malfunctions or errors if the stringent and demanding schedules and performance levels were to be met.

We (and here I mean the whole defense industry/aerospace team) needed everyone's help in whipping our quality problems; and when Martin Marietta initiated its zero defects program back in 1961, this provided the impetus for getting everyone on the quality team. The program was an immediate success at Martin and spread so quickly that in a matter of months many other aerospace firms adopted the program. And the main idea, as we all now know, was to place the responsibility for quality in its rightful place—with the people who are doing the job—with the people most knowledgeable for their individual tasks—and with the people who are in the best position to effect the changes necessary to insure that the job is done right the first time.

This recognition of the importance of the individual's contribution to not only his job but to the whole effort, the final product (or in our aerospace efforts—to mission accomplishment), cannot be overemphasized. Somehow we must continue this emphasis on helping find ways for each individual to equate his contribution to the end product so that improvement in performance comes naturally and easily. We must encourage everyone to use his brain and exercise imagination in the performance of his tasks. We must get people to be more observant so if one pair of eyes makes a mistake another pair will not agree without looking. We must get people to use their common sense, initiative and know-how in bringing their problems to management instead of waiting for management to initiate the corrective action.

It's not better theory that we need. This has been spelled out in all of our modern management and leadership textbooks and courses. I would imagine that everyone in this room has studied and discussed the principles of good management. But this is not enough, we're got to act, to develop a system giving everyone a piece of the action, and be judged by what we do—not by what we say. Zero defects is just such an action program but management must be convinced of the need for improvements; management must establish the proper climate and administrative procedures; and management must be willing to sustain the program.

It is the policy of the Defense Department to adopt ZD programs in-house and to encourage their adoption by industry if ZD serves intdustry's interest. It is not, however, the policy of the DOD to demand that industry establish ZD programs. The DOD instruction which established the DOD Zero Defects program reads as follows:

"Defense contractors, on a voluntary basis, shall be encouraged to establish and maintain zero defects type programs as a mutual benefit to contractors and the Government at no additional cost to the DOD."

With respect to the DOD in-house activities, the DOD instruction provides the following:

"Zero defects programs shall be established, within available resources, in DOD "in-house" activities responsible for production, maintenance and storage of material, and in such other activities where zero defects programs can be effectively used."

In accordance with this policy ZD programs—many very energetic and successful—have been adopted throughout industry, the military services and in the defense supply agency. In general these programs have worked out well and have served the interest of both the DOD and industry. From a personal standpoint, starting with my school days where the teachers helped point out faults; to my years as a flyer where pilot error was constantly being investigated; to today's climate where DSA and others sometimes get assistance from the General Accounting Office and Congress in pointing out shortcomings, I know of no organization or business that couldn't have profited from zero defects.

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Keep in mind, however, that zero defects is not an end in itself and no group of ZD experts or practitioners can long sustain a program that is not integrated into the mainstream of line management. It must have top management's support and be made a regular part of each supervisor's daily routine.

I don't care what you call it, Zero Defects, Pride, VIP, CARE, PQ, or something that really swings like Hana Pookela (that's the Hawaiian name for superior craftsmanship) no motivation or employee participation program can long exist as a sideshow outside the mainstream of our management process.

I think we would all agree that the success of a ZD program depends on four factors:

(1) Management direction and full support;

(2) Intensive detailed planning and training;

(3) Measurement of progress against goals that the employees have had a part in establishing and which mean something to them;

(4) Establishment of procedures by which all employees can identify problem areas and submit recommendations for produce improvement with the knowledge that these recommendations are being sought, considered, and used by all levels of management.

Of these I would attach prime importance to the first and last. If the boss isn't in on the action and if the employees can't really make their voices heard—then ZD is meaningless. It is interesting to note that the general theme of ZD, particularly the error cause removal feature, is similar in philosophy to the concept of participatory management being pushed in the Defense Department by Secretary Laird and Mr. Packard. Mr. Laird recognized the need for enlightened management attitudes, improved communications and individual recognition when he said:

"In big organizations, it is easy for the individual to become a cog in an impersonal machine. It is easy to become so bemused by the organization chart or the computer or the weapons system or the cost-effective calculus that one forgets about the human beings by whom and for whom these things are produced and used."

"It is easy to slip into an inflexible bureaucratic routine without ever pausing to see the deadening impact of this routine on initiative, innovation and leadership. It is easy to centralize the power to make directions and the power to spur action at the top of a large organization and, in the process, to stifle the bright idea and the restless energy of people down the line."

I am convinced that there are a lot of good ideas stemming from observant workers, foremen, and managers. We urgently need to promote the generation and communication of these ideas, and some of the speakers following me will describe how they are accomplishing this, and the results they are achieving. In fact, some of our greatest ideas stemmed from imaginative people who were able to perceive the significance of what they were seeing. I am sure most of you have heard the story of how penicillin was discovered when a piece of green mold accidentally drifted in through Alexander Fleming's laboratory window and destroyed some bacteria he was growing in a Petri dish.

Alexander Graham Bell worked for months to make a hearing aid for his wife and discovered the principles of the telephone. Clarence Birdseye watched Eskimos pull fish from the water. The fish were soon frozen. Adaptation of this idea led to the Birdseye Frozen Food business. A broken arm motivated Charles Kettering to develop the self-starter for automobiles. (I've done this myself on a Model T Ford.)

When a train wreck delayed his journey, George Westinghouse began to think about the value of an air brake. Thomas Edison adapted the principle of the motion picture camera from a mechanical toy. Benjamin Franklin cut the lenses of two pairs of eye glasses and made bifocals because he was tired of carrying two pairs of glasses.

While our ZD results may not be as dramatic, our observation has been that there have been many significant payoffs in terms of increased efficiency, lower costs and reduced expenses.

For instance, one company reported an approximate 40% reduction in defects over a two year period with estimated savings of $2 million.

In an aerospace plant, where performance improvement and estimated cost avoidance are computed by comparing current quality performance with the quality performance during the first month that each department participated in the program—estimated annual cost avoidances amounting to over $7 million were reported during the past two years.

Another company, in only one year, was able to reduce a 100% inspection tear-down of aircraft engines to one tear-down in 30 engines.

A drug manufacturer reported they have a classification of defects considered minor and non-essential but still objectionable to the customer. It might involve a slightly smudged label, or a scratched carton. Before the program, these harmless defects were running at a rate of around 1%. Within a year they were reduced to a quarter of that, and they are currently running at one tenth of 1%.

A bearing manufacturer reported a reduction of 60% in his scrap expenses and a 20% increase in production while using the same equipment and with no change in employment levels.

These are but a few examples of the cost effectiveness of zero defects programs; you undoubtedly will hear of others during the course of this seminar. In fact my staff advises me that figures available from contractors with ZD programs reveal that for every dollar spent on ZD, they have averaged a return of $12, and that this excludes intangible benefits derived from the program.

Although DSA is not designed to produce a profit for stockholders we are keenly conscious of costs in our operations. Last year we obligated over $5 billion and administered 238,000 contracts for the military services and defense agencies with a value of $54.7 billion. Insuring a quality product, according to specification and schedule, is still one of our biggest challenges.

Recently, my staff and I met with the logistic chiefs of each of the services, and their staffs. Although many logistic subjects were discussed at these conferences, one concern emerged loud and clear from all of these meetings. That concern was the need to place greater emphasis on controlling quality and reliability in our military procurements.

Our contract administration services people have been devoting a lot of time and effort to selling contractors the concept that good quality practices save money and enhance their competitive position. We are stressing to our plant representatives and contractors the need for effective contractor inspection systems and quality control programs and the need to sell zero defects.

DSA is applying substantial resources to insure the quality of the products procured for DOD and NASA. About 40% of our contract administration workforce is committed to quality assurance. We utilize about 9,000 of our people and expend almost $100 million a year in these efforts at some 22,000 plants. I think much of this could be avoided if our contractors used ZD to augment and improve their quality assurance program.

DSA recognizes the benefits of ZD and have, along with other defense activities, initiated a viable, driving program. We have extended the program into every element of our organization and have encouraged all of our contractors to establish similar programs. We record tangible results through a quarterly reporting system which features:

Identification of the causes of errors; and the establishment of goals; supervisor and employee training; and recognition and award for results.

Our system regularly indicates that we are reducing errors, we *are* improving performance and we *are* obtaining the thoughtful participation of our employees at every level. For example, during the first half of FY 1970, DSA employees have submitted over 3,200 error cause identification suggestions, 2,000 of which were adopted. We have set over 1,500 motivating performance goals at our activities and to date have achieved almost half of these. Official recognition was given to over 2,000 of our employees for their contribution to the program.

Specific examples of DOD in-house activity savings are almost as dramatic as those reported by our contractors. For example, after initiation of a ZD program at a naval shipyard, welding shop workers turned out error free welding on 48,751 linear feet of section butts of a nuclear submarine. This is equal to 9.23 miles of welding without a defect—a significant quality achievement! This accomplishment will save the Navy approximately $205,000 of total ship cost on the submarine.

At an Air Force operational base, reduction in jet engine test cell reject rates from 15% to 7% were achieved after initiation of a zero defects program.

One Army arsenal reduced scrap and rework in ordnance items with the result in validated savings of $318,000 in a year.

A DSA supply center reported an error cause identification and removal action which resulted in the procurement of zinc coated steel door hinges in place of the nickelplated brass hinges previously purchased which resulted in FY 1969 savings of $208,800.

Finally, we now have about 1,500 prime contractors participating in the program and an estimate of some 20,000 subcontractors and vendors. This level of participation by cost conscious businessmen who are in a highly competitive market is clear evidence of the benefits they are receiving from the program.

On the contractor award side of the ledger, DSA has processed and approved over 1200 participation awards for presentation to our prime contractors. Eligibility for the participation award requires the accomplishment of several program milestones such as management support, 85% employee participation, goal setting, error cause identification and error cause removal suggestions, vendor participation and a recognition program. In addition, over 360 achievement awards, the second highest award available, have been presented. This award requires 90% employee participation and higher levels in all of the other criteria. Finally, almost 50 craftsmanship awards, the highest award available, have been presented since the inception of the defense program. The majority of these have been to aircraft and aerospace contractors who were among the first to recognize the merit of the ZD effort.

Let's continue to exhibit this same kind of management expertise in the future by demonstrating our ability to do a job well plus the desire to do it better. Let's talk about our future in terms of promise—not pitfalls. Let's talk about the growth that lies ahead for you, your organizations and your Nation.

We must learn to manage change and engineer progress to serve the ever expanding needs of our people.

It's my contention that zero defects is not a program you work on when you have time or when money is easy. It's when money is tight, competition is keen and conditions are not conducive to growth that we really need zero defects. It's an investment in our future and provides an excellent basis for charting our progress.

The greatest danger to management thinking in this age of specialization is obsolescence. Improvement is accelerating everywhere at such a rate that we need a planned program to meet the threat of obsolescence. Professor Schell from MIT used an analogy which I believe sums it up quite well, he said:

"We must ride the waves of change. A skilled practitioner takes his surfboard out from the shallows as far as two miles from shore. When an incoming wave reaches a certain point, he mounts the board ahead of the wave and rides his way into the beach, a two-mile jaunt. He doesn't change the wave; he doesn't alter it; he doesn't fight it. He capitalizes on it."

Remember—the surfboard rider is ahead of the wave, not behind it.

It's been a real pleasure meeting with you today and I am only sorry that prior commitments prevent me from remaining for the balance of your symposium—for I consider the attainment of your society's objectives to be critical to the future of our country.

Zero defects has and will continue to serve our national self-interest as well as the self-interest of each one of us as citizens of our communities, as citizens of this Nation and as co-workers in both the Department of Defense and Industry.

In closing, I think even the most skeptical among you agree that we must continue our quest for a better quality of effort and product in all our operations. After all, if we don't learn anything from our mistakes, there is no point in making them.

Thank you for your hospitality and attentiveness.

CANCER IN EVERY POT?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ROSENTHAL. Mr. Speaker, working with the Children's Foundation and the Center for the Study of Responsive Law, Jerrold N. Oppenheim has produced an alarming article indicating that the Government has spent vast amounts of money to develop a vaccine to prevent the development of cancerous lesions by chickens infected with avian leukosis. This approach, as Mr. Oppenheim notes, ignores the basic issue of whether chickens infected with the virus, whether or not they develop lesions, are dangerous to man and diverts resources from the effort, recommended by the Surgeon General, to develop a virus-free strain of chickens.

The article, "A Cancer in Every Pot?" appears in the first issue of PIC News. I include it in the RECORD, along with that newsletter's review of the USDA Advisory Committee on Criteria for Poultry Inspection:

A CANCER IN EVERY POT?

(By Jerrold N. Oppenheim)

The U.S. government has spent millions of dollars developing a cosmetic to mask the presence of cancer in chickens and thus save the poultry industry millions more. Virtually no funds have been spent to discover whether the disease is dangerous to man.

The disease is avian leukosis or chicken leukemia. The cosmetic is a new vaccine developed by government research laboratories. It neither cures the disease nor eliminates the virus which causes it. Instead, it merely makes the disease-carrying bird less repugnant to the eye.

Avian leukosis is characterized by lesions, and, in its more acute stages, tumors located most frequently on the liver, spleen, or skin. However, like most virus diseases, leukosis may be carried by animals that show no sign of disease. Such "carriers" or "shedders," as they are called, may transmit the virus just as easily as the clinically ill. USDA studies indicate that more than 90 per cent of a broiler flock may carry the disease if 10 per cent or more of the birds show the disease.

Most scientists agree that two viruses are responsible for lymphoid leukosis and Marek's disease, the two diseases of chickens which together are known as avian leukosis. By the estimate of Dr. Martin Sevoian, University of Massachusetts agricultural experimental station scientist, of a total of 5,030,000,000 pounds of young chickens federally certified as wholesome in 1968, a total of 60 percent carried leukosis virus.

Leukosis viruses apparently are effectively killed during cooking when the inside temperature of the host chicken reaches 54°C—that's about 125°F—for 30 minutes. Chicken is not very palatable uncooked, but chicken livers are pretty tasty after only 10 minutes broiling. Eggs cooked sunny side up are barely cooked at all. Furthermore, raw poultry is often handled by persons with open cuts on their hands, such as workers, inspectors, and housewives.

Avian leukosis costs the poultry industry an estimated $150-$200 million a year in chickens condemned because of visible tumors. Naturally the producers are not overjoyed at the loss. They have campaigned for a weakening of condemnation standards and are enthusiastic about the cosmetic vaccine.

A former USDA official says: "The poultry industry brought constant pressure on the office of this administrator, and the poultry inspection staff was constantly defending its inspection criteria and standards from allegations that it caused the industry to lose too many birds."

A basic question is why those funds squandered on the cosmetic vaccine have not been spent to determine whether avian leukosis is hazardous to human health? The National Institute of Health (NIH) earmarked $1.5 million on cancer research where avian leukosis is a model for the study, but the study is not directed toward its transmissability to man. The U.S. Department of Agriculture (USDA) during the past two years allocated the largest part of a $1.2 million leukosis research fund for the vaccine which keeps a chicken pretty.

The vaccine's development was detailed in January 1970 by Dr. Ben Burmester in *Poultry Meat*, an industry publication, and was discussed with much fanfare at a scientific meeting on virology by Dr. H. Graham Purchase in early February. Both are government researchers.

Dr. Burmester apparently voices the USDA view in his article. He expresses great enthusiasm for the vaccine. He writes, "the chicks become infected with the virus and they also become infected with the regular Marek's virus *but the lesion is completely prevented. We're not preventing or stopping the spread of infection.*" (Emphasis added.)

Publication of information concerning the vaccine occurred only a few months after the USDA—in a June "purge"—changed the composition of its Advisory Committee on Criteria for Poultry Inspection (see chart). When reports were leaked that the new committee members submitted recommendations to weaken inspection criteria determining which chickens are to be condemned because of avian leukosis, public pressure forced Jesse L. Steinfeld, Surgeon General of the United States, to name his own committee to review the new recommendations.

Little is known of the Surgeon General's group, but one member, who prefers to remain anonymous, says that there was a definite split of opinion during an *ad hoc* meeting on January 29. Yet, only seven days later, USDA Secretary Clifford M. Hardin announced: "Even though there is no known link between poultry leukosis virus and human health, it is esthetically undesirable and unacceptable to pass for human food any poultry showing visible signs of leukosis lesions or tumors." His decision was based on an opinion from the Surgeon General.

The heart of that opinion states: "Not only is there no evidence that poultry products are a hazard to man as a possible cause of cancer, but the data strongly supports a positive statement that transmission of cancer from chickens to man does not occur." This is strange, considering that the Surgeon General's own committee of experts was split and the NIH public information office states categorically that *no* research has been conducted in this field. Further, there is disagreement among scientists at NIH on the issue.

An aide to Virginia Knauer, special assistant to President Nixon for consumer affairs, said, "The letters we have received are the most virulent that have come in on any topic. The housewives are really enraged at the possibility the ban will be relaxed."

One housewife wrote, "Dear Mrs. Knauer: We are having cancerous chicken tonight. You are invited." Another said that she did not want to wonder when she selected chicken at her local supermarket whether "the right leg was cancerous so it was cut off and I am getting the left one. A sick chicken (is) sick all over."

There is speculation that humans have been infected with avian leukosis.

Rhesus monkeys died within four months

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after being innoculated with a virus (*Rous Saroma* virus) that causes cancer in chickens.

Dr. Robert T. Huebner, A National Cancer Institute (NCI) scientist, while certain that the viruses are not transmissable to man, is afraid that Marek's disease tumors might be capable of causing cancer when eaten. Still, Dr. Huebner can "justify not condemning them (chickens) when the cost thereof is considered."

Others have far more alarming views.

Dr. Padman Sarma, another NCI scientist, says that chickens infected with avian leukosis should not be eaten or handled by anyone. He is receptive to the idea of poultry workers wearing gloves and using face masks.

He also advises against eating soft boiled eggs. This latter concern is reinforced by Dr. Howard H. Temin of the University of Wisconsin Medical Center, who says that raw eggs should not be fed to new-born infants.

Dr. W. Ray Bryan, an NCI administrator, wrote, "It would be premature at this point to rule out avian leukosis viruses as a potential contributor to man's leukemia problem."

Dr. Earl J. Splitter, a USDA veterinarian, says that "It would be better not to have them (infected chickens) on the market."

Dr. Ludwig Gross, who received the United Nations prize for his original isolation of the mouse leukemia virus, writes, "Under present laboratory conditions, it appears that the mouse leukemia virus is limited in its pathogenic potential to mice and rats, and that the chicken leukemia virus is pathogenic only for chickens. We may well learn, however, in future studies, that this is not necessarily true and that under certain conditions the chicken leukemia virus may be able to pass the species barrier. Its possible harmful effect for humans has yet to be determined."

Dr. Sevoian, the University of Massachusetts researcher, is so concerned about the problem that "I don't sleep nights."

LATEST USDA ADVISORY COMMITTEE ON CRITERIA FOR POULTRY INSPECTION

A survey of past and present USDA Committee members indicates that the June "purge" of the Committee dropped six members who were known advocates of strengthening or at least not changing the avian leukosis condemnation standards. But three new members were added, all favoring relaxation of the standard. The Committee's line up thus was changed from —8–4 favoring no change in standard to 6–2 favoring the marketing of more leukotic birds. (While technically the terms of Committee members are only for two years, 11 of the 12 members were routinely reappointed in 1967.) Dr. Burmester, a new member of the USDA Committee, was appointed to the Surgeon General's group.

Member	Views:— 1967–68	Views:— 1969–70
Dr. Eugene W. Adams	No change	Dropped.
Dr. Frank R. Craig [1]	Relaxation	Relaxation.[2]
Dr. Samual A. Edgar	Relaxation	Relaxation.
Dr. Leland C. Grumbles	No change	Dropped.
Dr. Melvin S. Hofstead	No change	Do.
Dr. David Ibsen [1]	Relaxation	Relaxation.
Dr. Clyde A. Marsh	No change	Dropped.
Dr. Benjamin S. Pomeroy [1]	No change	No change.
Dr. Walter W. Sadler [1]	do	Do.
Dr. Samuel C. Schmittle	Relaxation	Dropped: joined industry.
Dr. Martin Sevoian	No change	Droppped.
Dr. P. Philip Levine	do	do.
Dr. William J. Benton [1]		Relaxation.
Dr. Ben R. Burmester		Do.
Dr. Stephen B. Hitchner		Do.

[1] Did not answer questionnaire; information supplied by associates.

[2] No longer a member of the committee, but a member at the time of meetings.

Note: No change—Supports no change or strengthened criteria. Relaxation—Supports a relaxation of standards.

Dr. Craig, according to his colleagues, was a consultant to the Southeastern Poultry and Egg Association and now is at Holly Farms Poultry Industries, Inc. Dr. Schmittle is at Vantress Farms, Inc. Dr. Ibsen consults with the industry as part of his extension work, as does Dr. Marsh. Dr. Sadler served as an unpaid consultant on the Scientific Advisory Committee of the Pacific Dairy and Poultry Association and Dr. Edgar has served the industry in many paid and unpaid positions. Dr. Hitchner owned a vaccine business which he and his partners sold for $1.5 million to Abbott Laboratories, for which he continued to consult. Dr. Burmester is a member of the advisory committee of the National Poultry Research Foundation, an industry-sponsored institution, and makes numerous presentations to various industry groups and trade publications.

J.O.

AIR WAVE POLLUTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ASHBROOK. Mr. Speaker, the current issue of Barron's, the weekly publication covering activities in the business and financial fields, carried a front-page, indepth treatment of the Pacifica Foundation, a radical organization of some 20 years' standing which is operating five radio stations and is applying for a fifth. According to the author of the Barron's article, Mrs. Shirley Scheibla, Pacifica has consistently abused its status as an educational broadcaster by airing statements of sources advocating violence against American institutions, the Communist line on the Vietnam war, and anti-Semitism, to name but a few areas. This is not surprising, for a number of years ago the Senate Internal Security Subcommittee held hearings on Pacifica and documented its leftist leanings. These disclosures apparently made little difference to a liberally oriented Federal Communications Commission as Pacifica continued on its merry way dispensing its brand of "education." With new leadership at the Commission, it is hoped that corrective action will be taken.

I insert at this point the article, "Air Wave Pollution," by Mrs. Shirley Scheibla which appears in the April 6 issue of Barron's.

[From Barron's, Apr. 6, 1970]

AIR WAVE POLLUTION—THE PACIFICA FOUNDATION HAS BROADCAST IT FOR YEARS

WASHINGTON, D.C.—On April 21 the Federal Communications Commission will open hearings on competing applications for this city's last available educational FM radio station. The proceedings should attract nationwide attention, if only because one of the applicants is the ultra-leftist Pacifica Foundation. Though Pacifica has been highly controversial ever since FCC licensed it to operate its initial radio station 20 years ago, this will be the Commission's first hearing involving the Foundation, which now has five. It began launching its fifth, in Houston, early this month, and its right to continue to operate hangs upon the outcome of the Washington case.

According to FCC files and the Congressional Record, programs broadcast recently over wholly owned Pacifica stations have featured regular news commentaries by identified Communists and Black Panthers, tapes made by Radio Hanoi, Red Chinese propaganda and advocacy of blowing up police stations and fire houses. Hence the case willy-nilly involves official clarification of fundamental issues of public policy. For one thing, it raises the question of whether such programming is in the public interest, which the Commission, in the licensing of broadcasters, is supposed to serve. Is it proper to ban cigaret advertising because smoking might be detrimental to health, but continue to license Pacifica stations which time and again have allegedly advocated mass violence and murder? Is such programming protected by the Constitutional guarantee of freedom of speech and/or the legislative ban on censorship?

The hearings may result in a tightened FCC definition of an educational broadcaster. They also may focus public attention on the failure of the Commission to investigate the financial backing of applicants once they qualify as "educational."

The case already has shown how little the agency does to keep track of over 7,600 stations now operating under license. The FCC has no monitoring staff; a complaints branch of exactly five full-time people handles complaints involving all of them. It also has revealed how matters of great import referred to the Justice Department sometimes fail to reach the top authorities. Thus, while the Pacifica case involves allegations of subversion and incitement to riot, Deputy Attorney General Richard R. Kleindienst told Barron's that nothing involving Pacifica has been brought to his attention.

By the time the Pacifica case proceeds from the hearings before a trial examiner and reaches the full Commission, the term of one of its most liberal members, Kenneth Cox, will have expired. Thus, Pacifica also is likely to supply an indication of whether a new Republican majority will reverse the liberal bias which the agency has displayed to date in broadcasting licensing. The case also will indicate how far FCC's ultra-liberal commissioner, Nicholas Johnson, can go without disqualification.

The record indicates that the FCC should have considered most of these questions in a public hearing and acted on them long ago. FCC's complaint files bulge with letters and telegrams—some dating back years—from citizens voicing alarm over Pacifica's programs and beseeching the Commission to act. On June 2, 1969, Mrs. Hans K. Ury of Berkeley wrote the FCC about the role she said KPFA played in the so-called People's Park riot. According to her letter, KPFA broadcast appeals by Max Scheer, editor of the underground publication, Berkeley Barb, for reinforcements to go to the site to battle the police.

The complaint prompted an FCC letter of inquiry to the station, which drew this response from station manager Alfred Silbowitz: "Mrs. Ury's allegations are without foundation. Station personnel at no time encouraged listeners to oppose the police or to go to the scene of the news event that was being covered." The files indicate no further action by the Commission, although a wire from Martin Rabkin to the FCC indicated that KPFA was ordered by the Berkeley police to stop its live, on-the-scene broadcasting of the riot.

A letter to the Commission from David Bolender of Long Beach alleges that on March 7, 1969, a member of the Black Panthers said over KPFK that Los Angeles police kill black babies and exhorted his audience to kill the Los Angeles police. Again, Harvey S. Frey, M.D., of Los Angeles wired the Commission, "I request that you obtain and save a tape of the program, 'Black Is Beautiful,' broadcast by KPFA on February 16, 1969. The statements made by the host of the program at about 5:50 p.m. constitute in my mind a direct incitement to riot, murder and robbery."

Complaint files on Pacifica's New York station, WBAI, are even thicker. On April 7, 1968, Robert Potter of Clifton, N.J., wrote that after the death of Martin Luther King, WBAI carried a speech which urged listeners "to blow up power plants, police stations and water stations in retribution for the death of our leader." That same month, Herman H. Kahn of New York expressed concern about a WBAI broadcast of a news report from Moscow consisting of verbatim quotations of Pravda and Isvestia concerning; the assassination of Dr. King. Mr. Kahn said it was "a thinly veiled call to arms, riot and revolution. . . . I was told in advance about this broadcast by Negro friends who advised that a telephone chain squad was formed to urge Negroes throughout the metropolitan area to tune to this station. . . . If ever there was a call to riot, this was it. If ever there was a shout of fire in a crowded theater, this was it."

William B. Ray, Chief of the FCC Complaints and Compliance Division, replied to Mr. Kahn that the Commission must not censor, and that expressions of views which involve no clear and present danger of serious substantive evil come under the protection of Constitutional guarantees of free speech.

Senator Jacob K. Javits (R., N.Y.) forwarded to the Commission a letter from M. I. Thomas, president of Tempco of Passaic, N.J., which said that on January 10, 1969, WBAI broadcast programs of Black Panthers, including Mrs. Eldridge Cleaver, in which "they spoke at length on the reasons for eliminating certain members of the Negro community who did not conform to their standards of militancy. The elimination in the context of the discussion was a clear synonym for murder, and I cannot help but be concerned about its effect upon a large and perhaps unsophisticated radio audience. I note that the station Folio (program guide) presents these Black Panther programs on a regular basis, and it is possible that this poison is being broadcast with alarming frequency."

Robert V. Cahill, legislative assistant to the FCC chairman, wrote Senator Javits: "If Mr. Thomas has reason to believe that station WBAI has failed on an overall basis to present opposing viewpoints on any such issue and will furnish specific factual evidence, the Commission will make appropriate inquiries."

All Pacifica stations, including WBAI, readily acknowledge that they regularly broadcast programs by homosexuals for homosexuals. When one listener requested time under the fairness doctrine to present his case against homosexuality, WBAI responded to FCC that "the tone and content of his literature has not indicated to us that he would be able to contribute constructively to a discussion of the general issues." FCC apparently let the matter drop.

On December 26, 1968, Lester Campbell, a former teacher of Afro-American History at a junior high school in New York, read a blatantly anti-Semitic poem over WBAI. Over the same station on January 23, 1969, Tyrone Woods, representing Concerned Parents and Students of Bedford-Stuyvesant, said, in part: "What Hitler did to six million Jews is nothing in terms of what has been done to black folks over hundreds of years. . . . As far as I am concerned, more power to Hitler. Hitler didn't make enough lampshades out of them."

The poem was dedicated to Albert Shanker, head of the United Federation of Teachers, and brought a prompt protest to FCC from the Federation's director of public relations, Dan Sanders. Representative Emanuel Celler (D., N.Y.), himself Jewish and chairman of the House Judiciary Committee, said the Constitutional guarantee of freedom of speech does not allow WBAI to ignore "the clear and present danger in permitting anti-Semitic views to be sent over the air."

Swamped with other complaints, FCC investigated and found that WBAI afforded adequate opportunity for the presentation of opposite viewpoints, though there is no evidence in the public files that such viewpoints actually were broadcast. The Commission took no further action in the case.

Francis X. Worthington, chief of the Civil Section of the Internal Security Division of the Justice Department, told Barron's that in his opinion, incitement to riot is not actionable unless a broadcast advocates a specific time and place for a riot. Asked if he believed the Department could prosecute for a broadcast advocating blowing up police stations, he said he did not believe so unless it said which police station and when. He explained that he based his opinion on the U.S. Supreme Court decision in the Yates case. In that case the high tribunal ruled advocacy of violence legal if it is "divorced from any effort to instigate action toward that end."

FCC's new chairman, Dean Burch, asked if he felt FCC could move against broadcasters who carry programs advocating blowing up police and fire stations, replied, "Of course we can; that's against the law."

FCC need not rely on complaints to realize that Pacifica presents highly controversial programs. The Foundation has filed with the Commission examples of its programming, which include the following: "From The Center: On China. Although the People's Republic of China refused to send a representative to the Pacem in Terris II Convocation in Geneva, their view was forcefully expressed by Paul T. K. Lin, associate professor of history at McGill University in Canada. This tape is one in the series produced by the Fund for the Republic project, the Center for the Study of Democratic Institutions, Santa Barbara, Calif. . . .

"Washington Confrontation. A weekly series in which a panel of journalists interview politicians, political figures, civil servants and other Washingtonians. Panelists are Seymour Hirsch, author of Chemical and Biological Warfare; Andrew Kopkind, U.S. correspondent for the New Statesman and a contributing editor of Mayday (Barron's, January 12); James Ridgeway, also of Mayday, and Lee Webb, Washington correspondent of Ramparts. . . .

"Colin Wilson: Human Evolution and the New Psychology. Mr. Wilson discusses the natural sciences and their effect on psychology, touching on LSD and other mind-changing drugs. The talk was delivered in San Francisco at the Esalen Institute lecture series."

According to the Congressional Record of February 8, 1966, Pacifica stations broadcast parts of tapes produced by Radio Hanoi, made copies and then turned them over to the FBI. They reportedly urged the United States to withdraw from Vietnam and suggested ways for American soldiers to avoid serving there.

A broadcast of Radio Hanoi monitored by the U.S. Government reported on an interview North Vietnamese Minister of State, Xuan Thuy, gave to Robert Rinaldo of Pacifica in Paris in 1968. According to the monitored version of August 14, 1968, the interview carried this statement by Minister Thuy: "In South Vietnam under the leadership of the NFLSV, the Liberation armed forces and people have won ever greater victories in their fight against the U.S. aggressors and their lackeys. At present, they are stepping up the People's War and launching continuous attacks to annihilate a great number of puppet troops and to wrest back real power to the people so that the United States will find it impossible to continue its war of aggression and materialize its neocolonialism in South Vietnam."

Some Congressmen who have told the Commission they do not believe it is in the public interest to license Pacifica stations have received scorching letters from Max D. Paglin, FCC executive director, telling them that it is not appropriate to comment on "pending adjudicatory matters."

Commissioner Nicholas Johnson refers to Pacifica in a new book he has written, How to Talk Back to Your TV Set. On pages 212–213, he says: "Many communities have the blessing of community-supported non-commercial stations. The Pacifica Foundation operates radio stations WBAI in New York, KPFA in Berkeley and KPRK (sic) in Los Angeles. It has recently begun a new station in Houston."

Last December Commissioner Johnson told the Senate Communications Subcommittee, "I have never received in my office, to my knowledge, a letter from anyone complaining about a Pacifica program." However, FCC files contain a letter dated August 19, 1968, addressed to Mr. Johnson from Michael I. Neidich of 302 McCall Avenue, West Islip, N.Y., who identifies himself as "Electronic Engineer, MIT '60." Mr. Neidich wrote in part, "I would like to register a complaint concerning FM radio station WBAI in New York City. . . . My children of impressionable age have access to my FM receiver, and at 7 a.m., they should not be subjected to the vocabulary which so often emanates from this station. . . . I can only interpret the programming of WBAI a direct affront to the good people who are the lifeblood of our nation, and I cannot see how you can allow them to continue."

The files also contain a letter of September 16, 1968, addressed to Mr. Neidich and signed by Mr. Johnson, in which the Commissioner said, in part, "One problem in dealing with this type of concern is that the Commission may not censor programs unless they are clearly obscene. And as you know the legal standards for obscenity are not completely clear."

Several members of Congress have asked for an exhaustive FCC investigation of Pacifica and for an opportunity to present their information on the foundation to the Commission during a hearing. They have been curtly told that they should have filed a formal petition within a stated time period. Though the Commission has not so informed them, they could appear as witnesses (for the competing applicants) at the April hearing.

A former FCC member flatly states: "Pacifica is the most outstanding case in point demonstrating the Commission's liberal bias in licensing." The foundation's first license was for KPFA in Berkeley back in 1949. At that time the station was affiliated with a university and won an "educational" rating. Thereafter, according to Congressional testimony, all new Pacifica stations automatically were classified as "educational" without the need for a university affiliation or other qualification for such status. The classification meant that Pacifica stations did not have to disclose their financial backing to the FCC.

In 1954 Pacifica acquired a license for a second Berkeley station, KPFB. According to Commissioner Cox: "When Pacifica sought a second station in the Berkeley area to fill a gap in its coverage the Commission itself suggested . . . that the Foundation could perhaps qualify for an educational FM channel. . . . In many cases the only aspect of the station's operations which has educational overtones is that the facility is used to train students in broadcast techniques."

In 1954 the Commission also announced a proposed rule which would have denied a radio license to anyone who was a Communist or not of good moral character. Pacifica blasted the proposal as an unconstitutional extension of regulatory power. In 1960, with

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the rule-making proceeding still pending, FCC awarded Pacifica still another station, WBAI in New York City.

By 1962 FCC dropped the proceeding, without adopting the anti-Communist rule. The following year the Senate Internal Security Subcommittee held extensive hearings on alleged Communist influence in Pacifica. Despite many startling disclosures, the subcommittee never issued a report, and no action resulted.

On January 22, 1964, FCC renewed Pacifica's licenses for its stations in Berkeley and New York and, without a hearing, gave it a new license for an educational station in Los Angeles. The decision said nothing about how any of the stations happened to qualify for educational status. It did say, in part, however: "Under the public interest standard, it is relevant and important for the Commission to determine in certain cases whether its applicants, or the principals or its applicants, for broadcast licenses or radio operator licenses, are members of the Communist Party or of organizations which advocate or teach overthrow of the Government by force or violence. . . . The Commission therefore has followed a policy of inquiring as to Communist Party membership in these radio licensing situations where it has information making such inquiry appropriate. Because of information coming to the Commission's attention from several sources, the Commission requested information from Pacifica Foundation on this score. On the basis of information obtained from Government sources, the Foundation, and our own inquiry, we do not find any evidence warranting further inquiry into the qualifications in this respect of Pacifica Foundation."

Though FCC today still quotes from that portion of the decision in answering complaints on Pacifica, there is nothing to show the findings of that inquiry in the public files of the agency. At the request of Barron's, an FCC official looked into FCC's confidential files and said they also contained nothing on the matter. Several officials who were with FCC at the time of the inquiry said they received no report on it.

On November 11, 1963, The New York Times reported, "Directors of the Pacifica Foundation decided yesterday against filling out questionnaires submitted by the Federal Communications Commission on possible Communist affiliations. . . . The FCC had called for sworn answers from the foundation's executive members, directors, officers and general managers on whether they had ever belonged to the Communist party or any organization teaching or advocating forcible overthrow of the Government."

But still the complaints about Pacifica programs poured into the Commission. When the foundation applied for renewal of its California licenses, FCC wrote it that the complaints raised questions as to whether "you have conformed to your own program supervisory policies and procedures on which FCC relied in granting your prior renewals."

Pacifica replied that because of some changes in personnel there had been deviations from Pacifica policies and procedures, but that it had sent a memorandum to all personnel and volunteers to make sure they did not recur. An FCC official says the agency failed to check up on whether the memorandum was enforced, and there is nothing in the public files of the Commission to indicate such a check. Pacifica continued to win license renewals without hearings.

Pacifica was discussed at a one-day hearing last December, chiefly on the subject of obscenity, before the Senate Communications Subcommittee. Commissioner Cox testified that FCC doesn't know where Pacifica gets its funds. At this point, Senator Edward J. Gurney (R., Fla.) asked, "Don't you think it would be a good idea if you found out the sources of funds for the Pacifica stations, particularly in view of your testimony that Pacifica broadcasts Communistic material as well as other stuff?"

Commissioner Johnson seems to know more about Pacifica's finances than Commissioner Cox. In March 1969 he said that Pacifica stations are not primarily supported by public grants or private foundations. "The stations are sustained by contributions from the listeners in their respective communities." Their ability to survive, according to Mr. Johnson, proves they are serving the public.

However, information on file with the FCC in connection with Pacifica's Houston application, and stamped, "Received September 30, 1969," indicates that J. R. Parten pledged $10,000 to Pacifica for construction of its Houston station. According to information on file with the Internal Revenue Service, Jubal R. Parten is a director of the Fund for the Republic.

The Fund initially was created with a contribution of $15 million from the Ford Foundation. At the 1963 Senate hearings, Catherine Cory Gumpertz, then a Pacifica vice president, testified that Pacifica's KPFA had received support from the Ford Foundation. (She also acknowledged having been a Communist.) She disclosed that Pacifica had received a contribution from Consumers' Union Foundation.

IRS information also shows that the term of Hallock Hoffman as the Fund's secretary-treasurer expired in November 1969. According to Pacifica's application for the Washington station, Mr. Hoffman is chairman of the board of Pacifica. It also lists him as a senior fellow of the Center for the Study of Democratic Institutions. (Though the application doesn't show it, the Center was set up by the Fund for the Republic.)

Recent newspaper reports indicate that the Center asked for the resignations of five of its most liberal fellows, including Mr. Hoffman, in the wake of continuing criticism of its board chairman, U.S. Supreme Court Justice William O. Douglas.

Despite the evidence that Pacifica broadcasts propaganda, its tax-exempt status rests upon its articles of incorporation which state, "The purposes of this corporation shall be:

"(a) To establish a Foundation organized and operated exclusively for educational purposes . . . and no substantial part of the activities of which is designed to carry on propaganda. . . .

"(e) In radio broadcasting operations to promote the . . . public presentation of accurate objective, comprehensive news on all matters vitally affecting the community. . . ."

Among those charged with carrying out those lofty obligations are some of the stars of the 1963 Senate hearings on Pacifica. In 1963 Dorothy Healey was identified as both a Communist and a regular commentator for Pacifica, and the foundation still lists her as both in its program guide. An appendix to the Senate hearings noted a sharp contrast between KPFK's glamorous description of her and the facts as revealed in public records, which show she "has dedicated her lifetime to the furtherance of the international Communist conspiracy . . . dedicated to the overthrow of the United States by force and violence."

In Congressional testimony, Stephen M. Fischer, current Pacifica vice president (and assistant to the publisher of Scientific American), denied any knowledge that the Communist Party is a conspiracy to overthrow the U.S. government, although he admitted having been a Communist in his youth.

At the time of the 1963 hearings, Steve Murdock was acting editor of People's World, West Coast organ of the Communist Party, U.S.A. In testimony before the House Un-American Activities Committee 10 years earlier, he had been identified as a member of the Communist Party. The July 13, 1968, issue of People's World said, "Steve Murdock, political writer for the People's World, will be heard in a commentary over KPFA at 7 p.m. . . . Murdock will be heard every two weeks during the summer."

During the 1963 hearings, William Mandel was identified as a frequent writer for the Communist Daily Worker who took the Fifth Amendment when asked if he had ever been engaged in sabotage or espionage against the U.S. At the time Pacifica emphasized that he was a regular broadcaster but not a commentator. Today, it lists him as a regular commentator and "authority on the USSR."

Henry Elson, Pacifica secretary, apparently is too young to have figured in the 1963 hearings. People's World has identified him as a former University of California student who was active in the Resistance and later served as attorney for Wayne Greene, a Negro charged with attempted murder, assault on a police officer and possession of a firebomb.

Donald Ray Gardner, development manager for Pacifica in Houston, currently is under indictment for alleged failure to report to the armed forces for induction. Julius Lester, a Pacifica program producer, has stated in an article in the National Guardian that he is trying to follow in the footsteps of Lenin, Mao and Castro.

The program guide for KPFK lists Elaine Browne as a regular commentator; it identifies her as "Deputy Minister of Information, Black Panther Party of Southern California."

Nevertheless, Commissioners Johnson and Cox, in a joint dissent, have said the decision to hold a hearing on Pacifica (for the first time in 20 years) is "disgusting" and constitutes harassment.

While the Commission refused to order a hearing on Pacifica's application for the Houston station, it said that the grant of the Houston broadcasting permit will be conditioned upon the outcome of Pacifica's Washington application. Meantime, Pacifica has completed construction in Houston and begun broadcasting under "test authority" last February 24. It may continue to do so until final disposition of the Washington case by the FCC, which is expected to take about a year. According to the March 7 issue of The Peace Times, the Pacifica Houston station is giving the (New Left) Moratorium office eight half-hour programs beginning in March.

FCC Chairman Burch, who has been on the job only a few months and still lacks a majority, says he expects the Commission to approach the problem of subversion on a case-by-case basis. But he cautions that in trying to prevent subversion, the agency must guard against harming the very freedom it tries to save. "We can't deny a license just on the basis that an applicant appears to be subversive," he adds. The chairman says he also plans to look into the definition of educational broadcasting. High time.

CRITICS IGNORE HUMAN QUALITY OF CARSWELL

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. FUQUA. Mr. Speaker, the Senate is scheduled to vote today on the motion to recommit the nomination of Judge G. Harrold Carswell to the Judiciary Committee. It is my considered judgment that this motion will be and should be defeated.

Few men nominated for public service have been subjected to such vicious

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and unprincipled attacks as has Judge Carswell. The slightest pretext is used for huge pronouncements by his opponents, but the facts of his judicial service and the high regard in which he is held by the overwhelming majority of those who have practiced before him or served with him in the courts are glossed over.

Charles Bartlett in the Evening Star of this city had a very striking column on April 2, 1970, which expresses very clearly my feelings in this regard.

I would ask that those who have been so critical and unfair would search their own hearts and consciences and apply the same standards for southerners which they accept for themselves.

If this had been done, Judge Carswell would have been speedily confirmed just as he was unanimously confirmed by the Senate to the Fifth Circuit Court of Appeals, the second highest judicial position in the Nation.

The article follows:

CARSWELL'S CRITICS IGNORE HIS HUMAN QUALITY

(By Charles Bartlett)

The strategy of recommittal on the nomination of Judge Carswell is not justified by an obvious need for further hearings. In fact, the rolling attack on the Florida judge has been stuck in its groove for some days by a dearth of new disclosures.

The liberal establishment, with its sword unsheathed, generates an awesome sound and fury. It has succeeded in shaking the certainty of Carswell's confirmation and leaving him flayed and naked before the world. It has riled the controversy to a passionate pitch in which Carswell's human credentials are obscured by the assault on his qualifications as a judge.

This human quality is the missing ingredient in the picture being drawn by Carswell's critics. It is the reason why the nominee has not been decimated by the liberal onslaught. Its de-emphasis seems specially poignant to this reporter after meeting with the judge and hearing the sentiments of neighbors in his home country.

Carswell does not impart a mediocre impression. He wears an air of friendly outspokenness which suggests that he is perceptive and sincere. He has assurance and a graceful sense of humor. He describes himself as more aghast than any critic at the offensiveness of his disinterred campaign speech. His conservative bent is undisguised but he comes through as an imaginative man generously blessed with decency and warmth.

No disclosure of the Senate debate has pierced this impression. It is affirmed by men of character in Tallahassee. In fact, the common denominator of Carswell's most bitter opponents is that they have not known him personally. A gamut of those who have—from LeRoy Collins to former NAACP lawyer Charles Wilson—yields reassuring evidence of respect.

Realistically, Carswell must also be measured against the Nixon commitment that produced his nomination. For better or worse, candidate Nixon appears to have promised that President Nixon would name a Southern Republican federal judge to the high court. Eliminating the Eisenhower appointees now too old for promotion and assuming that the pact precluded the selection of a judge whose rulings had alienated his region, the most appealing choices left for Atty. Gen. John Mitchell were Clement Haynsworth and Carswell.

The pragmatic inspiration for Mr. Nixon's commitment does not make it a less valid step towards healing scars left by radical change in the mores of the black belt South. This region will not always deserve a seat on the court because it is growing to be like other regions. But it does at this point deserve and need one to encourage and recognize its reluctant embrace of constitutional equality.

A Southerner yes, some say, but not Carswell. But where can the search lead from here? Perhaps to a less deserving judge or to some brilliant Southern lawyer whose private involvements will test the skill of an army of investigators. Civil rights activists may be able to probe their way through a whole phalanx of Nixon nominees, possibly making in the end the dubious point that no Southerner is pure enough in heart to sit on the Supreme Court.

Why not Carswell? The case against him is almost entirely based, as Sen. John S. Cooper has said, on speculative opinions concerning his ability and capacity for growth. He is charged with persistent racism because he participated peripherally in the revival of a private golf club in 1956.

But surely this was a no more serious departure from principle than the readiness of a distinguished group of committed liberals—Senators, editorialists, and columnists who staunchly oppose Carswell—to maintain through the years their membership in a Washington luncheon club which will not consider Negro members and barely tolerates Negro guests.

For all these men, from Carswell to the liberals, nothing more hypocritical than an accommodation to convenience is involved. But Northern liberals need to be more cautious in applying yardsticks to Southerners which they do not accept for themselves.

Carswell represents the evolution of the last bastion of Southern recalcitrance. It seems far wiser to accept him as a gesture of conciliation than to risk, in repudiating him, the renewed isolation of a region trying to break with its racist past.

COST EFFECTIVENESS AT PORTSMOUTH NAVAL SHIPYARD

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. WYMAN. Mr. Speaker, the Portsmouth Naval Shipyard in Portsmouth, N.H., is unique in that it is the greatest single source of submarine skills and crafts within the naval shipyard complex. Practically all of its productive output is devoted to submarine work. In an age of specialism, Portsmouth is a specialist's yard—its expertise embracing the entire range of work in the design, construction and maintenance of nuclear-powered submarines. The importance of these skills today is manifest in the high priority assigned to our nuclear submarine fleet as a principal segment of our national defense posture.

During the past 5 years, Portsmouth has been working under the handicap of a pronouncement by the former Secretary of Defense, Mr. McNamara, which decreed that the shipyard would be phased out by 1975. Despite the ill effects of the ever-present threat of closure, the dedicated work force at Portsmouth has demonstrated through consistent high performance the true meaning of cost effectiveness.

The cost-reduction program sponsored by the Department of Defense seeks to stimulate ideas for the improvement of work techniques and procedures in order to achieve real economy as well as greater effectiveness in operation. All ideas submitted are carefully audited and the originators of beneficial suggestions, which result in worthwhile savings, are awarded cash prizes. Specific goals are assigned to each shipyard in accordance with established criteria as to the magnitude and scope of work performed. Since 1964, Portsmouth has made an exemplary showing in this program, in competition with a total of nine naval shipyards, as indicated in the statistics given below:

Cost reduction program history, Portsmouth Naval Shipyard

Annual goal:	
Fiscal year 1965	$5,000,000
Fiscal year 1966	$7,500,000
Fiscal year 1967	[1] $1,000,000
Fiscal year 1968	$1,200,000
Fiscal year 1969	$1,696,000
Cost reduction accomplished:	
Fiscal year 1965	$7,970,000
Fiscal year 1966	$9,462,000
Fiscal year 1967	$2,100,000
Fiscal year 1968	$2,040,000
Fiscal year 1969	$2,114,900
Percent of goal attained:	
Fiscal year 1965	159
Fiscal year 1966	126
Fiscal year 1967	210
Fiscal year 1968	170
Fiscal year 1969	125
Amount awarded to suggestors:	
Fiscal year 1965	$17,690
Fiscal year 1966	$22,640
Fiscal year 1967	$27,060
Fiscal year 1968	$24,990
Fiscal year 1969	$17,835
Standing among 9 naval shipyards:	
Fiscal year 1965	2
Fiscal year 1966	2
Fiscal year 1967	1
Fiscal year 1968	2
Fiscal year 1969	4

[1] Criteria for establishment of annual cost-reduction goal underwent change fiscal year 1967.

Relating this excellent program to current day-to-day performance at Portsmouth, it is a pleasure to call attention to recent awards presented for beneficial suggestions which have proven to have intrinsic value. A pertinent article in the March 20 issue of the Portsmouth Naval Shipyard Periscope follows:

SHOP 38 FOREMAN PORTSMOUTH'S BENEFICIAL SUGGESTER OF MONTH WITH IDEA SAVING GOVERNMENT $8,135

Kenneth D. Richardson, foreman machinist in the Outside Machine Shop, is suggester of the month at Portsmouth, with an adopted beneficial suggestion saving the Government $8,135. His suggestion pertains to predetermination of snubber mounts on submarines and will be sent out to the other naval shipyards with the recommendation that the idea be adopted Navy-wide. The idea also has intangible benefits.

He received a cash award of $460 for suggesting a method of obtaining readings to determine spacer thickness to obtain snubber mount clearances. The improvement idea has been incorporated into the latest drawing revision and has resulted in increased safety for Shipyard workers in addition to being credited with saving time.

Richardson is the top suggester among a group of constructive thinkers whose improvement ideas will save the Government

$19,568. Other workers sharing $1,880 in extra take home pay include:

$430 Award—Roland K. Usher, Jr., (additional award) Planning.

$100 Award—Leo J. Rizzo, Shop 56.

$90 Award—Paul E. St. Jean, Q/R Assurance.

$85 Award—Arthur S. Harding, Jr., Shop 06.

$50 Awards—Charles S. Griffin, Shop 38; Robert R. Gagnon and Nelson J. Schnitzler, Jr., Planning.

$45 Award—T. G. Vento, Q/R Assurance.

$40 Awards—Robert W. Bridle, Shop 38; Robert A. Brown, Shop 56; Perley E. Armitage, Jr., Planning.

$40 Joint Award—Robert J. Couri and Douglas E. White, Q/R Assurance.

$30 Awards—Leo L. Rizzo, Shop 56; Robert A. Brown, Shop 67.

$25 Awards—John A. Knowlton, Shop 02; Alvin K. Hanson and Frank J. Drinczyk, Shop 06; Rene F. Camire, Shop 17; George L. Jensen, Shop 31; Jerome J. O'Keefe, Shop 51; Frederick G. Rockett, Shop 56; Harry R. Fish, David M. Ogilvie and Jerome B. Hayatt, Jr., Shop 67; Donald J. Porter, Supply.

$25 Joint Award—EN1 Philip A. Randt and ETR2 Steven P. Ward, submariners on ALBACORE (ASGG569).

The Beneficial Suggestion Honor Roll by shops and other units is as follows:

Number and amount of awards

Shop 02	1	$25
Shop 06	3	135
Shop 17	1	25
Shop 31	1	25
Shop 37	1	90
Shop 38	3	550
Shop 51	1	25
Shop 56	4	195
Shop 67	4	105
Planning and Estimating	1	50
Design Division	3	520
Q/R Assurance	2	85
Supply	1	25
Military personnel	1	25

CONGRESSIONAL REPORTS TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. HAMILTON. Mr. Speaker, it is my practice to send to Ninth District residents each week a report on an issue before Congress. Under leave to extend my remarks in the RECORD, I wish to include several of the reports I have distributed this year:

TAX REFORM

The Tax Reform Act of 1969 provides tax reform and tax relief. It is natural that the relief aspects have received most public comment, but it is no misnomer to refer to it as a reform act.

First, how much tax relief is there? The quick answer is "a lot, but not for your 1969 taxes."

The relief occurs because the per capita exemption rises to $650 July 1970, to $700 for 1972 and $750 for 1973. On the average, this means tax relief as follows:

Income	*Tax relief (percent)*
$3,000	70
5,000–7,000	20
10,000–15,000	16
15,000–20,000	8½
20,000–50,000	5
50,000–100,000	1½
Over $100,000	Taxes increased

The minimum standard deduction is gradually increased to a level of 15 percent of adjusted gross income with a ceiling of $2,000. This will take about 5 million taxpayers off the rolls and simplify the preparation of tax returns for millions more.

Single people, who now bear an unusually heavy tax burden, will receive substantial tax relief. They will not pay more than 120 percent of the tax liabilities of married couples at comparable income levels.

Secondly, how much tax reform is there?

The Bill is remarkably free of new tax preferences and deals with all but one area taxpayers use to avoid completely income tax (i.e., interest on State and municipal bonds).

That celebrated group of 155 individuals who paid no Federal income tax although they had incomes in excess of $200,000 a year will have to start paying taxes now, almost without exception.

The Bill reduces deductions, exemptions and other tax benefits, and it also provides a secondary line of defense which supplements the remedial provisions by providing a minimum tax on tax preferences. This may be the most striking feature of the new legislation, and it may make the bill the most significant tax reform bill since the inception of the income tax.

The minimum income tax lumps together a long list of current provisions of the tax law (depletion allowance, rapid depreciation, etc.), and requires that the taxpayer add up all his income that is sheltered from tax by the operation of these various devices. If the total amount so sheltered exceeds $30,000, plus the amount of tax the individual is paying on his other income, he must pay the minimum tax on the amount of the excess. The rate of the tax is only 10 percent, and that may be a defect, but at least it is a good start, especially when no one knows exactly how the minimum income tax concept will work out in practice.

The Bill taxes the income that churches receive from ownership of businesses. It taxes individuals who have operated charitable foundations for personal or financial benefit. Charitable foundations are required to pay out 6 percent of their income annually for their stated purposes and must pay an audit fee. Limitations are placed on their ownership of businesses and restrictions on making grants to individuals.

The Bill limits deductions for charitable gifts of appreciated property, imposes heavier taxes on financial institutions, reforms multiple surtax exemptions for corporations. It reduces the amount of rapid depreciation that can be deducted from income before any tax is calculated in real estate, and curbs farm losses.

Interest deductions are limited, and the oil depletion allowance was reduced from 27½ percent of gross income to 22 percent. Capital gains are more heavily taxed by eliminating the 25 percent alternative rate for all gains in excess of the first $50,000 gain.

Probably no one would agree with all the provisions of the bill. It is filled with compromises, and represents no one's idea of a perfect tax bill. Nonetheless, considering the complexities of tax reform, the bill remains something of a legislative miracle.

FARM LEGISLATION

One of the items high on the agenda of the Congress in 1970 will be farm legislation. Among the shortcomings of the 91st Congress last year was the failure to reach an agreement on future agriculture policy. The Omnibus Farm Act of 1965, the legislation which sets the guidelines for current farm policy, expires at the end of this year.

To date, there has been no clear indication, either from the Congress or from the Administration, on the direction of new farm policy. The Department of Agriculture has appeared to be unsure of what it wants and hesitant to speak out. The House Agriculture Committee has been working since midsummer on early drafts of a new farm program. The Senate Agriculture Committee has yet to begin consideration of farm policy legislation.

In its early deliberations, the House Agriculture Committee has been confronted with three distinct programs. Many observers believe, however, that the committee most likely will extend the existing programs rather than establish new ones.

The new proposals include:

1. Farm Bureau proposal, which includes a five-year plan to phase out acreage controls, base acreages, marketing quotas and direct payments for wheat, feed grain and cotton by 1976.

It would also direct the Secretary of Agriculture to retire at least 10 million acres of farmland a year from 1971 through 1975 as part of the cropland adjustment program.

Loan rates for wheat, feed grains, cotton and soybeans would be set at not more than 85 percent of the previous three-year price, beginning with the 1971 crop year.

A transitional program, to encourage small, low-income farmers to transfer to non-farm jobs also would be established.

2. Coalition proposal, backed by such organizations as the National Farmers Union, the Grange, and the National Farmers Organization, asks that present programs not only be kept, but expanded.

It proposes increased direct payments and price support loans for corn and equivalent increases in other feed grains.

A soybean program, with acreage reductions and diverted acreage payments, also would be established. Price support loans of 75 percent of parity would be offered.

The proposal would extend market order authority to any commodity, subject to approval by a majority of affected producers.

Consumer protection reserves of wheat, feed grains, soybeans and cotton would be established.

Existing cotton and wool programs would be extended.

Export certificates for wheat comparable to domstic wheat certificates would be provided. Wheat certificated for export would be supported at between 65 and 90 percent of parity, with a floor of 65 cents.

3. Department of Agriculture proposal would establish a "set aside" plan in which farmers would leave unplanted part of their allotments. Feed grain farmers would divert from 30 to 50 percent of their bases, and leave unplanted conserving base acres. (Example: Feed grain farm of 300 acres, of which 200 are feed grain base, would divert 60 acres under 30 percent set-aside, and another 50 acres out of conserving base, leaving 190 acres to be planted as owner wishes.)

Those participating would be eligible for price-support loans on all crops raised.

The proposal would establish a land easement plan in which the Government would acquire the cropping rights of whole farms, while allowing owners to continue using their acres in other ways. The plan would retire from 3 to 4 million acres annually.

It would include a retraining and assistance program for low-income farmers to encourage their transfer to non-agriculture jobs.

The proposal also would include lower loan levels for commodities, as low as $1.05 for wheat, compared to the current level of $1.25.

Farm policy is among the most difficult items on the national agenda, and it demands the attention of every American. Each of us is totally dependent upon the food the American farmer produces and his place in the economy must be protected.

POSTAL CRISIS

After two centuries of service, the U.S. postal service was hit by the largest walkout ever staged against the Federal government. It tied up the nation's economy; caused thousands of postal employees to break their tradition of public service, defying their national leadership and their oath of office; set a procedent for future strikes by other government employees; challenged the doctrine that there is no right to strike against the Federal government; caused the President to declare a national emergency and order troops into New York City.

Few in the Congress would deny that postal workers have legitimate grievances. Their wages begin at $6,176 a year and after 21 years of service rise slightly more than $2,000. In New York, their pay scale is $1,500 below the garbage collector's. They seek a salary schedule that begins at $8,500 and rises to $11,700 in five years. They also want more generous retirement benefits and a larger government payment of their pension and health plans.

Federal workers are supposed to be covered by a comparability plan which guarantees wage parity with people doing the same kind of work in outside industries. But there is a built-in time lag which puts Federal employees 21 months behind comparable civilian wages.

There has been a lengthy tie-up in the Congress on pay legislation and it has become involved with the question of postal reform. The President has indicated he would veto any postal pay plan which did not include the establishment of a postal corporation.

The House of Representatives has a fair record in dealing with the problems which have prompted the unrest in the postal system. It passed a comprehensive pay bill last August, but the Senate passed a very different version, and the two Houses have not worked out the differences between the two bills.

The postal strike is another example of the Congress not being sufficiently responsive to the needs of the people. The postal workers were caught in the fight against inflation and they were victims of political maneuvering among Congressmen, between the House and the Senate, and between the Congress and the President. So there is plenty of blame to be shared by all.

One of the most disturbing aspects of the strike is that the grievances of the workers developed to the point where they felt that a strike was necessary. The strike was not unexpected. Anyone familiar with the postal system knew the danger of it. As one postal worker put it, "Power is the only language that Washington understands," and they walked out.

Hopefully, there will now be a strong impetus to support basic reform in the postal system. Congress must provide realistic pay scales and desirable working conditions for our postal employees. We must devise machinery capable of meeting worker grievances and preventing the deterioration of government-employee relations. That machinery should include fact-finding, mediation, conciliation, and, when everything else fails, compulsory arbitration.

All of us, as a result of the walkouts, have come to realize what a vital element the postal system is in our communications systems, and how much we depend upon it.

INNOCENTS ABROAD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. EILBERG. Mr. Speaker, in a few weeks there will be a great surge of Americans venturing overseas. Last year well over 5 million Americans of all ages traveled to even the most remote corners of the world. And this year, it is predicted that there will be an increase of 15 to 20 percent. A large percentage of these Americans traveling abroad are young people.

As a member of the Immigration and Nationality Subcommittee of the Committee on the Judiciary, I have become increasingly aware of the numbers of these young Americans arrested for narcotics violations. Equally alarming is the number of convictions and lengthy incarcerations of these young Americans.

Frequently, they turn in desperation to U.S. consular officials ignorant of the fact that there is little that can be done to help. Neither the power nor the prestige of the U.S. Government can prevent a narcotics violator from being prosecuted and convicted to a lengthy sentence in an almost primitive jail. For these young Americans a summer trip has become a "bummer."

The word is out in our youth culture that drugs are cheap and accessible abroad. Unfortunately, this same grapevine has not spread the word that many countries are vigorously enforcing their narcotics laws and that many Americans are arrested without the recourse to our legal and constitutional safeguards, such as bail, due process and the right of appeal.

We are sending a new generation of innocents abroad without properly cautioning them about a new and serious risk.

It seems romantic and daring to young Americans far from their homes and supervision, in different cultures, to experiment with hashish and other drugs. In some areas, such as Afghanistan, hashish may be purchased legally, and very often it is carried back to Greece, Turkey, and Western Europe where it can be sold for a handsome profit.

However, there is one thing wrong with such a plan. More and more of these amateur smugglers wind up in cold and antiquated dungeon-like jails with the prospect of long, often mandatory, sentences from which there is no appeal.

In fact, each day in the newspaper one can read tragic stories of Americans who have gotten involved with narcotics abroad and have received severe sentences.

I can assure you that there are many U.S. consular officers abroad who can cite the most gruesome circumstances where the use, transport or sale of narcotics has reduced the young American traveler to a degraded, health-broken subject of an animal-like existence.

Consular Officers have horrified me with accounts of teenage Americans receiving 5-year sentences for merely possessing marihuana; with tales of unscrupulous hashish sellers who double their income by acting as police informers, and with stories of innocent persons who agreed to transport packages for friends which turned out to be narcotics and resulted in a year's imprisonment after a year of waiting in jail for trial. I shudder at the thought of an American girl serving a 3-year sentence in an old jail in southern Spain while caring for her infant born in jail; and of the 19-year-old boy from Ohio who will be in an ancient Lebanese mental asylum for the next 2 years because he used hashish.

The incidence of narcotics arrests is increasing. The number of Americans arrested in February 1970, totaled 118, compared with 50 arrests in February 1969. On February 28, 1970, 404 Americans were under detention in foreign countries on narcotic charges; this compares with 142 in 1969. In Spain alone nine Americans were arrested for drug offenses in October 1969; 11 in November; nine in December; six in January 1970; and 15 in February 1970. Furthermore, the number of vagrancy cases is increasing in that country. Reports from Spain indicate that the expected travel explosion this summer and the behavior of young Americans abroad can impose a most unfortunate strain on relations between the two countries.

Although the Spanish authorities have well publicized the consequences of smuggling narcotics, particularly on the Morocco-to-Spain ferries, the easy availability of narcotics in Morocco is a constant source of temptation.

Mexican authorities unofficially report that approximately 1,222 Americans were deported from Mexico during 1969 and several hundred more have already been deported in January and February of this year. The authorities state that 96 percent were deported as a result of involvement with narcotics. Furthermore, this figure does not reflect a significant number of Americans informally deported at border crossing points. In Mexico City 17 Americans are presently being held on serious narcotics charges. Most of these people are awaiting sentencing and have been incarcerated for extensive periods of up to 1 year. They can expect an average sentence of 4 years. Persons arrested on narcotics charges in Mexico cannot go free on bail pending sentencing and usually wind up spending may months in prison before their case is actually heard. Legal fees in cases involving narcotics are always extremely high and most Americans involved have been forced to borrow substantial sums of money from relatives in the United States in order to meet their legal obligations.

According to available statistics, the ages of persons arrested for narcotics range between 18 and 49. The median age of those arrested was 29.7 years, thus showing that by far the greatest number arrested are below 30 years of age.

The following chart shows that the arrests for narcotics are not limited to any particular country or area:

Country	Arrests in February 1970	Total under detention
Mexico	17	119
Spain	15	48
France	9	26
United Kingdom	9	23
Italy		19
Japan	8	19
Sweden	6	17
Germany	3	17
Jamaica	15	14
Greece		13
Lebanon		12
Israel	4	11
Canada	2	10
Morocco	3	6
Bahamas	8	5
Bolivia	5	5
Denmark		5
Netherlands		5
Turkey		5
India	2	3

I think it would be appropriate to include in the statement representative penalties for possession and trafficking in narcotics:

France: Possession, varies, but less than for trafficking. A minimum of 3 to 4 months pretrial confinement; trafficking, 1 to 5 years jail.

Mexico: A minimum of 6 to 12 months pretrial confinement, then: sentence usually under 5 years unless more than one-half ton of drugs involved.

Spain: Penalty depends on quantity of drugs involved: Less than 500 grams—fined and released or released on bail until trial. More than 500 grams—heavy fine plus minimum of 6 years jail.

Italy: Possession—one American recently fined $317 and sentenced to 2 years jail; trafficking—3 to 8 years.

Sweden: Possession—one American recently sentenced to 1 year in jail. Attempted sale—one American sentenced to 1 year, 9 months. Permanent expulsion from Sweden usually follows release.

Greece: Possession—fine and sentence to few months jail. Trafficking—one American recently sentenced to 18 months another to 5 years.

Germany: Possession—one American sentenced to 2 years for possession of large amount of hashish.

Japan: Sentences are based on the quantity of narcotic involved. For small amounts, as are usually the case, sentences are light or often suspended, followed by deportation. One American found with 600 grams of hashish was sentenced to 2 years. Most Americans arrested on narcotics charges are seamen.

Lebanon: Possession and use—1 to 3 years in detoxification asylum—usually a mental hospital. Trafficking—3 to 15 years. Minimum sentence usually given to Americans.

Jamaica: Possession—minimum of 18 months.

Bahamas: Possession—Americans have been sentenced to from 3 months to 1 year in jail.

Turkey: Possession—3 to 5 years; trafficking—10 years to life.

It is reasonable to ask, and it is well to understand, just what the U.S. Government, acting through its consular officers abroad, can do to assist Americans who are detailed for narcotic violations. You must keep in mind that sovereign countries can and do make their determination on what penalty a conviction for possession or trafficking in narcotics should be.

Upon learning of the arrest of a U.S. national, the consular officer would determine the reason for detention and the official charges lodged. He would seek to visit the detainee as soon after learning of his arrest as possible to inform him of his rights and provide the detainee with a list of attorneys from which to select defense counsel. He would assist the detainee to make contact with family or friends to inform them of his difficulties and to seek help from them, if that is what the detainee wanted. He would report on the situation to the Department of State and keep it informed of developments. He would thereafter maintain contact with the detainee, his counsel and local officials to determine the nature of treatment accorded the detainee, that processing of the legal charges is not delayed beyond a period considered desirable by the defense counsel and the detainee, and to assist in every appropriate manner with any difficulties that might arise in relation to the condition of detention or other matters relating to the individual's detention.

The consular officer is precluded from giving legal advice or expending official funds in situations of this nature.

I feel that everything possible should be done to acquaint our American youth with a full knowledge of the consequences of any illegal acts abroad. The above survey of foreign law discloses that most countries have severe penalties for involvement with drugs, marihuana, and other narcotics. Forms of jurisprudence vary and often we find that right to legal counsel, writ of habeas corpus, bail and bonding procedures, probation, and other guarantees which we have in the United States, are not available in some foreign countries and are limited or curtailed in others. I do not wish to be critical of any country and their laws; I merely take this opportunity to point out and warn of the consequences that can be expected from illegal acts and to discourage young Americans from going overseas in search of easy access to narcotics.

Travelers, please keep in mind: If the laws of a particular country are violated, there is nothing a U.S. Government official can do to keep an offender from prosecution and possible imprisonment.

As an addendum to this statement I would like to include the case studies of some American youngsters arrested and jailed abroad on narcotics violations. These case studies are culled from the reports of foreign service consular officials.

IN THE NEAR EAST

Ed had been drifting in the Near and Middle East when he found himself broke and appealed for help to the nearest American Embassy. The embassy assisted him to obtain funds for travel to Europe where he could make use of an open ticket to return to the United States. Unfortunately for Ed, he carried 1.2 kilos of hashish—about 2.6 pounds—with him and was arrested in a Middle Eastern capital while en route to Europe. Ed's family is not well-to-do, and the payment of his fine and lawyer's fee was a heavy burden. In spite of the small amount of hashish involved, he was sentenced to 1 year imprisonment for possession for personal use. A short time later, he was sentenced to an additional year for the use of hashish while in prison.

Since it appears that Ed is a habitual user, he may be held in a mental hospital for the duration of his sentences, or until it can be shown that he is free of the drug habit.

IN MEXICO

Jeannie met four young Americans on the American side of the border and was invited to accompany them on a jaunt into Mexico. When she accepted their invitation she did not know that their trailer carried 250 pounds of marihuana.

As they crossed the Rio Grande, the trailer was searched and the marihuana was found. The Mexican police were not impressed by Jeannie's story that she had just met her four friends and did not know about the marihuana. The five spent Thanksgiving 1969 in a Mexican jail awaiting trial. Now that it is Easter, they are still in jail awaiting trial and they will be fortunate if their case is heard by midsummer. If convicted they could spend the next 4 years in jail.

IN THE CARIBBEAN

John and Mary, honeymooning last year on a Caribbean island, were picnicking one evening on a beach. Their picnic was interrupted by police who arrested them for possession of marihuana.

The newlyweds were thrown in jail, where they remain awaiting trial. There is no bail on this island. It is expected that they may have to languish another 6 months in jail before their case is even heard. If convicted, they face long sentences.

IN ASIA

Dick was found living in an Asian graveyard on the Indian subcontinent with a religious sect headed by a "baba." He had been surviving on tea, unrefined sugar, coarse bread, a few vegetables, and a narcotic intoxicant. He was mentally disoriented and 85 pounds under his normal weight. His body was covered with open and festering sores.

His presence in the graveyard was discovered by two other Americans who reported what they had seen to the local American consul. The consul visited Dick five times in the graveyard before the young American consented to hospitalization.

On one visit, Dick told the consul he doubted he could survive the approaching winter snows, but he felt he could not leave unless the baba gave him permission. On another visit, Dick told the consul he was a heavy user of narcotics.

The consul had no legal authority to insist that Dick seek repatriation or assistance. The local authorities refused to step in and force Dick's hospitalization because he was a self-proclaimed member of this religious sect and his health was actually no better or worse than the other members of the sect.

Dick finally consented to leave the graveyard after the consul contacted his family and assured him that they would help him. Dick was admitted to a local charity hospital, where he was diagnosed as suffering from schizophrenia, acute malnutrition, and exposure. The sores on his body were such that two skin graft operations were necessary to close them.

After several months of treatment, Dick's family arranged his repatriation to the United States.

In 2 years of traveling in Europe and Asia, Dick served a short sentence in Asia Minor for possession of a knife. Later he was arrested, convicted, fined, and deported by a European country for smuggling, possession, and use of marihuana.

He then drifted into the Near East and Asia. The consul considered Dick fortunate because the penalties for using and smuggling narcotics in some of the coun-

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tries through which Dick passed range from confinement in primitive prisons to execution.

Dick is now believed to be under psychiatric care in the United States.

"TIGER" TEAGUE—TEXAS LEADER 1969

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. COLLINS. Mr. Speaker, it was a unanimous selection when they named "TIGER" TEAGUE as 1969 Oak Cliff Man of the Year. Because, in the Dallas community everyone is delighted that he represents us in Congress.

His Sixth District extends from Dallas through the middle of Texas. But, his influence and hard work is felt in every section of the Lone Star State.

Ray Zauber, editor and publisher of the Oak Cliff Tribune writes a most interesting story on March 31, 1970. Headed "The Gentleman from Texas" it is an interesting description of the popular and highly respected "TIGER" TEAGUE.

The article follows:

THE GENTLEMAN FROM TEXAS

The human dynamo who represents Southwest Dallas County in Congress has undoubtedly become the most powerful Texan in Washington, D.C. He is Olin Teague, affectionately known as Tiger, one of the most respected statesmen in Congress.

For a relatively new state, Texas has enjoyed almost unprecedented power in the highest echelons of government.

Two native born Texans have become President, two became Vice Presidents, two became Speakers of the House and one Senate Majority Leader.

At one time, unprecedented in American history, a native Texan served as President while the Speaker and the Majority Leader were also native of the Lone Star State.

Let's fill in the names for those whose recollections of U.S. history may be foggy. Dwight D. Eisenhower and Lyndon B. Johnson were Presidents. Cactus Jack Garner and Lyndon Johnson were Vice Presidents. Jack Garner and Sam Rayburn, who served longer than any man in history, were House Speakers, while Lyndon Johnson was Majority Leader.

Tiger Teague probably comes nearest to continuing this mantle of leadership than any man representing the Lone Star State in Washington since LBJ retired.

While he is too shy and too reticent to admit it, Teague has been unofficially asked if he would assume one of the top posts in the Democratic party on several occasions. Eventually he might even have become Speaker.

But Teague likes to operate from the middle. He is almost totally non-partisan in his approach to government, alluding to himself as an American first and a reasonable conservative second.

"I don't like controversy and raw partisan politics," Teague has explained to this writer on many occasions. "And fortunately, the greatest portion of Congressional business is conducted without any regard to party lines."

Olin Teague, who spends most of his weekends with friends in Dallas and especially in Oak Cliff, has incredible credentials.

He is the only man among the 435 members of the House and 100 members of the Senate assigned to three committees. He is best known for chairing the Veterans Affairs Committee. He is second ranking member of the Science and Astronautics Committee and chairman of the Manned Flight Sub-Committee. Alone from Texas he sits on the august Ethics Committee.

An infantry battalion commander in World War II, Teague is the most decorated member of Congress. Landing on Utah Beach on D Day, he crawled across most of France to the Rhine River in 90 days of the bloodiest fighting of World War II.

Hit by an artillery shell in the foot on a mission back to headquarters which was so dangerous he refused to dispatch a runner, Tiger almost bled to death before help arrived.

He was hospitalized almost two years and 14 operations were required to save a portion of the leg and foot. The whole ankle was blown away and his foot hung by muscle and tissue which stubbornly refused to mend.

Finally, a team of persistent Army surgeons fashioned a workable fusion of leg and foot which left one limb four inches shorter. A 14-pound orthopedic shoe now makes it possible for the peripatetic Tiger to move about tirelessly in his work.

It was while he was convalescing that Teague started to think about his future and decided to make his race for Congress. He was still in uniform in August 1946 when he won a special election for the vacated Sixth District seat.

A hopeless underdog against two well-known, well-respected attorneys Teague moved determinedly about on his game leg, a man with a burning cause. While the two lawyers chopped unmercifully at one another, both spoke with deference and dignity about their war-hero opponent.

It was not until the last two weeks of the campaign that the two barristers realized that they were letting their doughty and determined opponent slide by them.

Tiger won handily in a stunning upset and in 14 subsequent terms has had only one opponent, Bill Moore of Bryan, who ran a bitter and fierce campaign trying to unseat Teague.

Politics is the passion of Teague's life. He lives and breathes his profession. "God couldn't have invented a greater system for governing men than the Founding Fathers of America devised," Teague declares with earnestness.

"Now 200 years later I would change only two things," he added. "I would take the Supreme Court out of politics by allowing the State Supreme Court justices to nominate 10 men for each opening from which the President could make his nomination.

"Then I would amend the Electoral College to allow each presidential candidate his percentage of popular vote by states," Teague allowed. "This might preclude militant minorities, pressure blocs and even dishonest election officials from stealing close states," he concluded.

Tiger's personal code of conduct and his professional ethics are so lofty that it is difficult to realize that there are still men cut from this grain in politics.

"I have a fierce conscience," he explains, "and I figure we don't pass this way but once. I have to be able to look at myself in the mirror and to live with myself."

Teague returns tainted campaign contributions and remains a very poor man. He is reluctant to accept any help except for filing fees and plane rides back and forth to Texas.

"I don't want to have the responsibility of accounting for Tiger Teague Fund excesses," he says bluntly. And he means every word of it. Recently when his daughter was married, he had to cash in some securities and tap his small savings account to defray costs of the wedding.

Probably best known by war veterans for his sponsorship of legislation covering ex-service personnel, Teague's record in this field is unbelievable. The bills which come out of the Veterans Affairs Committee bear the approval and backing of all members . . . Democrat or Republican—conservative or liberal.

His veterans legislation breezes through the House by 401 to 4 or 390 to 16, sometimes even unanimously, so thorough is the preparation and so impeccable is his reputation.

And in the last few years Teague has become the chief Congressional spokesman for the space effort.

A man with young and progressive ideas, Teague maintains that nothing is technically impossible. He believes that the United States space effort will eventually see man racing to the stars and through the planets of our own solar system in his lifetime.

Tiger shows very little patience to those liberals who keep weeping that federal funds should first be used to eliminate poverty on earth before space is fully explored.

"Some of earth's major dilemmas will be solved in space," Teague maintains. "And already the feedback from space technology and space exploration has provided tremendous scientific advances for all mankind.

"What is wrong with creating jobs, advancing science and attacking new frontiers?" Teague demands impatiently. And along with the chief administrators of the National Aeronautics and Space Administration, Teague expresses bitter disappointment with President Nixon's curtailed budget for this program.

"Our space successes in the moon landings have been the greatest triumph of the Nixon administration," Teague avers. "The moon walks made the Nixon trip to Europe and Asia, yet he listens to liberal advisers who support poverty programs which have never worked and which will never work."

In a speech before Texas Press Association in Longview this winter, Teague remarked: "Here I am an old country boy with a degree in animal husbandry from Texas A&M and find myself the chief Congressional spokesman for the most sophisticated scientific program in man's existence."

In the same vein Teague points out that he had never lived in a place with indoor plumbing or running water until his first night at A&M.

"Yet, until I read the goals of The Great Society, I never realized I was reared in abject poverty."

But, Teague continues, if anyone had accused his father of rearing his five children in poverty, there would have been a bruising battle. "My father was a proud man and we were well-scrubbed, well clothed, well-fed and each had an opportunity for education.

A handsome and trim man in his collegiate and Army years, Teague has now become a little paunchy. He loves good food and his Bourbon with branch water. In fact, his doctors constantly plead with him to watch his weight.

His most prominent facial feature is his square jaws, which show determination. Yet, he has such warmth that people in every walk of life are attracted to him.

Close friends are so fiercely loyal that most will admit they dearly love the little lawmaker. And his friends stretch into every part of the world and include tycoons of industry, nabobs of finance, titans of technology, scientists, educators, generals and privates, doctors, lawyers and Indian chiefs.

It is remarkable how he can find time to stay in close touch with such a tremendous number of folks. But he does and he loves it. Yet, he keeps a backbreaking pace in Washington.

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He is in Cape Kennedy for space shots, in Huntsville for space research and in Houston for splash-downs on every space adventure. And still he roams his district which stretches 240 miles from Dallas and Fort Worth to Houston with some frequency.

His great prestige and power has been a boon to defense and aerospace industries in Texas, especially in the Dallas and Fort Worth megalopolis.

One of the most amazing facets of his personality is his basic shyness. After nearly 30 years of public service he still detests speech making, is uncomfortable at testimonials in his honor and doesn't have a public relations specialist on his staff.

When exhorted to speak out on national issues, he answers in plain sincerity: "My messages are read where they count most. The right people know what I am thinking and what I stand for on important issues."

For instance he shook loose $30,000,000 to air-condition and refurbish the Lisbon Veterans Administration Hospital in the dying days of the last administration with a personal appeal to President Johnson.

Then in Dallas he let other Congressmen take the credit because they needed the political brownie points.

It was Teague who gave original encouragement to the four war wives who went to Paris to talk to the North Vietnamese about the prisoner of war issue. The four girls hear from him regularly now. They are part of his little "North Texas family" as he refers to a group of his closest friends in Dallas.

Another clue to the esteem and stature in which he is held was the offer of the Texas A & M presidency after the failing health of General Earl Rudder became public knowledge.

Those who think they know something about rabid Aggie partisans don't know anything until they hear Teague talk about the alma mater. And if anything would lure Teague from politics, this was perhaps the solitary offer.

But he declined the position, again explaining with simplicity: "I now have the only job which I ever want. I love Congress and I have no other ambitions than to serve my country, my state and my district."

Born in Woodward, Oklahoma, Teague was reared in Mena, Arkansas. His father was a lumberman, eking out a living from a small sawmill. There was Olin and four girls in the family.

He won the nickname "Tiger" on the softball diamond. He was such a fierce competitor for a small player, that he spurred his teammates to many close wins. One of them dubbed him Tiger when he was exhorting the team with constant chatter. He played ball until his foot was maimed.

His wife, the former Freddie Dunman of Fort Worth, has been a quiet but powerful motivating force in his life. They have two sons and a daughter. The oldest boy is a flier who completed two tours in Vietnam. The younger son, also an officer, was a spy in Laos before the name of the small Asian country was known to the average American. And now he is pulling a second voluntary tour in the war zone.

The daughter, Jill Virginia, was recently wed. There are grandchildren around now and these are new delights in the Congressman's life.

Since arriving in Congress in 1946 Teague has authored more than 200 pieces of legislation. Nearly all of the major bills on veterans affairs bear his signature. And now he has shaped a good many of the measures which created the space program and manned flights.

Even with the lame foot, he still swims in the Capitol pool and plays paddle ball on the Congressional courts. He loves gin rummy and whiles away many of his hours in planes playing with a host of different partners.

Seated one day in the Saddle 'n Spur in the Marriott Motor Hotel in Dallas with friends, he was being served by a polite young Negro waiter. The maitre d', an older Negro, approached and admonished his youthful aide: "Take good care of that man, son," he urged, "for he is your Congressman in these perilous times."

Which was very good advice. For as long as there are patriots with the zeal and dedication of Tiger Teague serving in our government, the future of this country is in good hands.

MILITARY REPORTS A FUEL COST CUT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. FISHER. Mr. Speaker, it will be recalled that after 8 years of effort, proponents of legislation to permit conversion from the use of coal to natural gas at Fort Richardson, Alaska, was finally approved. It was a long drawn out struggle. Those of us who participated in that battle can take pride in the fact that the conversion cost was amortized in less than a year, and the saving to taxpayers now amounts to $1,141,540 annually.

The one person more responsible than any other for this achievement was Dale Teel, vice president and general manager of the Alaska Pipeline Co., and now an official of the Anchorage Natural Gas Corp. Here is a citizen whose efforts and foresight contributes very directly to the saving of more than a million dollars a year—a saving which will continue indefinitely. Every American taxpayer benefits from this saving.

Under leave to extend my remarks I include an article, entitled "Military Reports a Fuel Cost Cut," which appeared in the April 3 issue of the Anchorage Daily Times. The article follows:

MILITARY REPORTS A FUEL COST CUT

A year's experience in the operation of the Ft. Richardson heat and power plant using natural gas instead of coal as primary fuel has produced substantial savings to the taxpayer, not only in fuel costs, but in operating labor cost and maintenance of equipment states a press release from the Ft. Richardson information office.

An important side benefit of special interest to residents in the Anchorage area has been the marked decrease in air pollution, the result of discontinuance of coal fires, the Army states.

Conversion of the plant from coal to gas operation was made possible with funds granted by Congress in 1967. During the numerous discussions and hearings conducted in Alaska and Washington on the subject, the Army predicted that if gas were used the annual maintenance and operation cost would be about $985,000 cheaper than it had been with coal.

That estimate has proved to be conservative. The actual experience shows a saving of $1,141,540, and this despite an increase in the quantity of heat and power needed and an increase in wages for the employees involved.

It has been found that the efficiency of the firing equipment improved; that fuel costs were less; that the total cost of labor was down; and expenditures for maintenance and repair decreased markedly.

Amortization of the cost of converting the plant to handle natural gas, originally estimated to take ten months, was accomplished in eight, the Army states.

Another saving that has been realized came by not having to purchase and install smoke arrestors and other air pollution control equipment to counter the effect of burning coal. If the system had not been changed to gas, the Army faced an expense of more than a million dollars for that purpose, the article stated.

USING BANK CREDIT TO MEET SOCIAL NEEDS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ULLMAN. Mr. Speaker, for a year now I have publicly recommended that the Federal Reserve Board review its policies with an eye to assisting the Government in its efforts to meet the vast social needs of the Nation. Specifically, in a letter to the new Board Chairman, Dr. Burns, late in January, I proposed that the Board consider taking necessary steps to channel available credit through the banking system toward such areas of need—most particularly, housing. In my judgment, selective controls on credit can prove a highly effective weapon in stabilizing our economy and reordering our national priorities.

I was pleased, therefore, to read in the Washington Post article recently that at least one member of the Federal Reserve Board of Governors is sympathetic to my proposal. The article reports comments of Andrew F. Brimmer made in a San Francisco speech last week. According to the press report, Mr. Brimmer endorses the credit plan. Mr. Brimmer explains in some detail how the plan might be implemented.

The reporter, Hobart Rowen, observes that Dr. Burns is on record as opposed to involving the Fed in credit controls. Nevertheless, I am hopeful that Dr. Burns may one day soon agree with Mr. Brimmer that the Fed has a clear responsibility to play an active role in helping to solve the great national social problems we face today.

The article follows:

[From the Washington Post, Apr. 2, 1970]

BRIMMER LINKS LOANS, SOCIAL NEED

(By Hobart Rowen)

Federal Reserve Board Governor Andrew F. Brimmer yesterday called for a complete re-examination of the techniques of money management in this country and suggested that the Fed, for the first time, be permitted to regulate bank loans according to social or economic priorities.

His proposal would enable the Federal Reserve to take account of public policies by giving, for example, highest priority on loans to housing and a lesser priority on loans for consumer credit or business mergers.

At the same time, Brimmer warned against easing up too quickly on the Fed's existing level of monetary restraint for fear of restimulating inflation.

In a speech to the San Francisco Bond Club, Brimmer insisted that inflation is far from licked. Indirectly, he was critical of recent administration moves to ease budgetary restraints.

"By the end of this year," the Fed official said, "the pace of inflation may still be rising at a rate well above what most Americans would find acceptable in the long run."

His speech, copies of which were released here, made clear that the Federal Reserve Board would not be unanimous if it decided to pursue a distinctively easier monetary policy at the moment, as urged by some economists and businessmen.

RETREAT INDICATED

In recent congressional testimony, Fed Chairman Arthur F. Burns indicated that the Fed has retreated modestly from the unusually harsh money policy that prevailed last year. Brimmer didn't indicate that he favored no change in policy; in effect, he was saying: Don't overdo it.

His personal assessment, he told the Bond Club, is that "the time has certainly not come to lay aside the effort to achieve and maintain a reasonable degree of price stability in this country. And we should remind ourselves that the attainment of the objective was the mission on which the Federal Reserve set out in December, 1968."

Brimmer's novel suggestion for controlling not only the total volume of bank credit but also the intended use of the loan money, is certain to be controversial.

Chairman Burns has made the point in congressional testimony that the best contribution the Fed can make in the "social priorities" field is to attend to its own business—that is, as he defined it, preserving and protecting the stability of the dollar here and abroad.

The desirability of minimal interference with "normal business decisions and the economic force of the market place" was recognized by Brimmer in his speech.

But he insisted that without the kind of control he suggested, the Fed's over-all policies of restraint had been effectively dodged by big banks—notably multi-national banks—that can tap money resources outside of normal channels.

Brimmer's plan to put new curbs on bank credit would utilize the Fed's authority to set reserve requirements, in cash, that banks must hold against the loans they make.

LEGISLATION REQUIRED

His suggestion would require legislation, inasmuch as he would apply it to all commercial banks in the country, not just members of the Federal Reserve. In essence, it would force banks to keep an additional amount of cash on hand, against domestic loans.

The percentage of the additional reserve would vary according to a schedule "that might be established from time to time" by the Fed. Thus, Brimmer said, the Fed could not only exert a further restraint on total lending, but have a better chance of achieving over-all objectives of monetary policy.

"If the objective of public policy were to give priority to loans to meet the needs of state and local governments," Brimmer explained, "it could be given effect through a reserve ratio against such loans smaller than the ratio for other loans.

"Loans to acquire homes could be exempted—if public policy calls for giving housing the highest priority—by setting the requirement at zero. In contrast, if policy calls for substantial restraint on consumer credit or on loans to business, the reserve ratio applicable to such loans could be set quite high.

"In fact, any array of loan priorities could be adopted and the reserve requirement scaled accordingly—depending on the changing needs of public policy."

The objective of the Brimmer plan would be to raise the cost of bank lending by reducing the marginal rate of return to the bank. He would demand additional cash reserves to the amount of lending above some predetermined amount.

He offered this illustration:

"Let us assume that such a supplemental reserve requirement had gone into effect at the end of 1968. Let us take $220 billion . . . on the books . . . as of that date. Suppose further that a bank were required to set aside cash reserves equal to 20 per cent of the amount by which its outstanding loans exceeded the (end of '68) amount . . . Since loans at member banks rose by about $20 billion last year, they would have been required to put up an additional $4 billion, under these assumptions. Since their required reserves averaged about $27 billion in 1969, this would have represented an increase of roughly 15 per cent."

Brimmer came to the conclusion that "the time has come" for a major re-examination of the Fed's tool kit for controlling bank expansion because of what happened last year.

He said that the Fed had set out, as one of its objectives, "a sizable moderation in the expansion of business loans." But he said that the Fed did not achieve full success. In fact, Brimmer pointed out, the business loans on the books of commercial banks rose almost as much as in 1968.

To a large degree a "handful of multi-national banks"—he counted 20—and "a sizable number . . . dominant . . . in their regions"—he counted 60 of those—were the most successful in averting the full degree of intended monetary restraint by access to the Euro dollar market, or selling commercial paper.

In avoiding much of the impact of tight money, Brimmer said, the big multi-national and regional banks "can maintain—or even expand—their earning assets . . . The larger local banks, although also much larger than the average bank in the country, can do so to a much lesser extent."

Brimmer observed that the Fed had applied flexibility to the use of reserve requirements in the recent past. His new suggestion is parallel to an earlier idea, since adopted by the board, which establishes a marginal reserve requirements of Euro-dollar borrowings. Currently, a proposal to require reserves against conmmercial paper sold by bank-related corporations is under study.

CONSUMER PROTECTION AGENCY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ROSENTHAL. Mr. Speaker, the momentum for correcting and improving the imbalance of consumer representation within the Federal Government is now reaching a significant point. I think it very likely that Congress will act during this session on new legislation on consumer representation.

I have sponsored, since 1965, legislation to establish a Federal Department of Consumer Affairs. My basic legislation, which has been refined and, I hope, improved, with each successive year, was based originally on the proposal of the late Senator Estes Kefauver.

Last year the House Government Operations Committee, of which I am a member, held hearings on my proposal, H.R. 6037, which was cosponsored by nearly 100 Members of the House and the Senate—the latter's version being S. 860.

Shortly after those hearings, I began to work intensively with consumer experts to produce a consensus version of my legislation which already had considerable support from knowledgeable spokesmen like Ralph Nader, Mrs. Esther Peterson, Consumers Union, and the Consumer Federation of America. In a short period, we agreed upon a revised version of H.R. 6037 which took account of some reservations these spokesmen had on my plan for a Cabinet-level Department of Consumer Affairs although they were in basic agreement with me on the need for a new Federal agency for this purpose.

The principal changes from the original version of H.R. 6037 are these: First, the new unit of Government will be an independent consumer protection agency, not a Cabinet-level department; second, there is no transfer of existing consumer programs to the new agency as was envisioned in the original bill.

Our efforts produced H.R. 6037, as amended, which is the version now under consideration by the Executive and Legislative Reorganization Subcommittee, chaired by Mr. BLATNIK, of Minnesota. This subcommittee is also considering several other proposals on consumer representation, including that sponsored by the administration.

The subcommittee will resume hearings next week on my revised bill and related proposals. Representatives of consumer groups, business organizations, and labor and trade organizations will submit testimony on Monday, April 13, and Tuesday, April 14, 1970. I am fully confident that the subcommittee will soon report out an important bill from these hearings which will set new and higher standards for consumer representation in the Federal Government.

I include below the text of my revised bill together with a short summary:

HIGHLIGHTS OF THE CONSUMER PROTECTION AGENCY ACT

OFFICERS

Administrator, appointed by President with senatorial consent.

Consumer Counsel.
Director of Consumer Information.
Director of Consumer Safety.
Director of Consumer Research.
Director of Economics.

REPRESENTATION OF CONSUMERS BEFORE FEDERAL AGENCIES AND COURTS

The Consumer Counsel with a staff of attorneys, economists, and scientists, will intervene in matters pending before courts and federal agencies which substantially affect consumers. Every federal agency must notify the CPA when taking consumer-related actions and must furnish it with its consumer data, including access to investigatory files.

REPORT TO CONGRESS

The Administrator will transmit an annual report to Congress on the CPA's activities and accomplishments, its legislative recommendations, and an evaluation of federal consumer programs particularly with respect to improved coordination.

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CONSUMER COMPLAINTS

The CPA will receive, evaluate, act on and, if necessary, transmit to the appropriate agency, consumer complaints.

CONSUMER INFORMATION

The Division of Consumer Information will develop and disseminate information—including product test results—from public and private sources which will benefit consumers.

CONSUMER SAFETY

The Division of Consumer Safety will take over the responsibilities of the National Commission on Product Safety upon its termination. It will also design and develop improved safety features for categories of consumer products that are considered unsafe.

CONSUMER RESEARCH

The Division of Consumer Research will encourage, initiate, and coordinate research and studies leading to improved products, services, and consumer information.

CONSUMER EDUCATION

The CPA will encourage, initiate, participate, in consumer education and counseling programs (including credit counseling).

STATE AND LOCAL ASSISTANCE

The CPA will give technical assistance to states and local governments for the establishment of consumer protection offices and arbitration programs.

SUBSTITUTE TEXT FOR H.R. 6037

That this act may be cited as the "Consumer Agency Act of 1969".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that the interests of the American consumer are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

CONSUMER PROTECTION AGENCY

SEC. 3. (a) There is hereby established as an independent agency within the Executive branch of the Government the Consumer Protection Agency (hereafter referred to in this Act as the "Agency"). The Agency shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) The following officers of the Agency shall be appointed by the Administrator and shall perform such functions, powers and duties as are prescribed in this Act and as may be prescribed from time to time by the Administrator—

(1) the Consumer Counsel, who shall be the chief legal officer of the Agency;

(2) the Director of Consumer Information;

(3) the Director of Consumer Safety;

(4) the Director of Consumer Research; and

(5) the Director of Economics.

(c) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment which is inconsistent with his official responsibilities. No individual may be appointed or serve as an officer under subsection (a) or (b) while he holds legal title to, or beneficial equitable interest in, share capital exceeding in market value $5,000 in any corporation engaged in the protection, distribution, or sale of goods or services affecting consumers.

POWERS AND DUTIES OF THE ADMINISTRATOR

SEC. 4. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this Act, the Administrator is authorized, in carrying out his functions under this Act, to—

(1) subject to the civil service and classification laws, select, appoint, employ and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistnce at rates authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint, without regard to the provisions of title 5, United States Code, advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Adminstrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(8) adopt an official seal, which shall be judicially noticed.

(c) Upon request made by the Administrator, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Agency in the performance of its functions; and

(2) Except where explicitly prohibited by law, Executive orders, and rules relating to the classification of information in the interest of national security, to furnish to the Agency such information, data, estimates, and statistics, and to allow such access to investigatory files, as the Administrator may determine to be necessary for the performance of the functions of the Agency.

(d) The Administrator shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration or enforcement of such programs.

FUNCTIONS OF THE AGENCY

SEC. 5. (a) The Agency shall, in the performance of its functions, advise the President and the Congress as to all matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Agency shall be to—

(1) advise Federal agencies and report to the Congress on the coordination of all Federal programs and activities relating to consumers and help resolve differences arising among Federal agencies with respect to such programs and activities;

(2) assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in formulation of Government policies and in the operation of Government programs that may affect the consumer interest, and represent the interests of consumers in proceedings before Federal agencies and courts to the extent authorized by this Act;

(3) pursuant to section 8 of this Act, receive, evaluate, act on, and transmit complaints to the appropriate Federal or other agency concerning actions or practices which may be detrimental to the consumer interest;

(4) develop information from other Federal agencies, other public sources, and private sources which is of benefit to consumers, including—

(A) test results and analyses of consumer products and services, and

(B) information concerning commercial and trade practices which adversely affect consumers, and to disseminate such information in the most efficacious manner possible, including the publication and distribution of periodicals and other printed material which will in easily understandable form inform consumers of matters of interest to them;

(5) conduct economic surveys in accordance with the provisions of section 12 of this Act;

(6) encourage, initiate, support, and coordinate research and studies leading to improved products, services, and consumer information;

(7) encourage, initiate, and participate in consumer education and counseling programs (including credit counseling);

(8) cooperate with and give technical assistance to State and local governments in the promotion and protection of consumer interests (including programs to arbitrate consumer complaints and establish State and local consumer protection officers);

(9) cooperate with and assist private enterprise in the promotion and protection of consumer interests; and

(10) submit recommendations annually to the President and directly to the Congress on measures to improve the operation of the

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Federal Government in the protection and promotion of the consumer interest.

(11) publish and distribute periodicals and other printed material which will inform consumers of matters of interest to them; and publish and distribute in a Consumer Register material which will include notices of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public.

(12) (a) conduct hearings, conferences, surveys and investigations, including economic surveys & investigations authorized by Sec. 12, anywhere in the United States or its territories, concerning the needs, interests and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal Agencies.

(b) For the purpose of conducting hearings, surveys and investigations, the Agency shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Agency may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of such section 9 without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Agency to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission.

REPRESENTATION OF CONSUMERS

Sec. 6. (a) Whenever there is pending in or before any Federal agency or court of the United States any investigation, hearing, or other proceeding (except a criminal proceeding) which may, in the opinion of the Agency, substantially affect the interests of consumers within the United States, the Agency through its Consumer Counsel may intervene and, pursuant to the rules of practice and procedure of that agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Whenever the Consumer Counsel determines it to be in the consumer interest, he may request the Federal agency concerned to initiate such appropriate investigation, hearing, or other proceeding as may be authorized by law with respect to such agency.

(c) Upon undertaking any action authorized in subsection (a) or (b) above, the Agency, through its Consumer Counsel, shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as it shall determine to be necessary for the effective representation of the interests of consumers. The Consumer Counsel, or any other representative of the Agency specially designated by him for that purpose, shall be entitled to enter an appearance on behalf of the Agency before any court of the United States (except the United States Supreme Court) or Federal agency, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of taking any action which is authorized by this section.

(d) This section does not authorize intervention by the Agency before State regulatory bodies.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

Sec. 7. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to—

(1) the promulgation of rules, regulations, or guidelines,

(2) the formulation of policy decisions, or

(3) the issuance of orders, decrees, or standards, shall—

(4) provide specific notice of such action to the Agency at such time as notice of the action is given to the public; and

(5) take such action in a manner calculated to give due consideration to the valid interests of consumers in terms of price, quality, safety, accuracy, effectiveness, dependability, information and choice.

In taking any action under paragraph (5), the agency concerned shall indicate concisely in a public announcement of such action the effect of its action or decision on the consumer interest.

CONSUMER COMPLAINTS

Sec. 8. (a) Whenever the Agency receives from any source, or develops on its own initiative, any complaint or other information disclosing a probable violation of—

(1) any law of the United States,

(2) any rule or order of any administrative officer or Federal agency, or

(3) any judgment, decree, or order of any court of the United States involving Federal matter.

affecting the consumer interest, the Agency shall take such action within its authority as may be desirable, or shall transmit promptly to the Federal or other agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information.

(b) Whenever the Agency receives from any source, or develops on its own initiative, any complaint or other information disclosing any commercial or trade practice detrimental to the interests of consumers within the United States which is not included within the category specified in subsection (a) of this section, the Agency shall take such action within its authority as may be desirable, or shall transmit promptly to the Federal or other agency whose regulatory or other authority provides the most effective means to terminate such practice, such complaint or other information.

(c) The Agency shall ascertain the nature and extent of action taken with regard to complaints and other information transmitted under subsections (a) and (b) of this section.

(d) The Agency shall notify producers, distributors, retailers or suppliers of goods and services of complaints concerning them received or developed under this section.

(e) The Agency shall maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints, arranged in meaningful and useful categories, together with annotations of actions taken by the Agency, as well as copies of all complaints received by it pursuant to this section, but with the names of the complainants removed if so requested by the complainants. Those consumer complaints deemed by the Administrator to be frivolous or vague shall be maintained in the public document room but shall be clearly identified as frivolous or vague.

DIVISION OF CONSUMER INFORMATION

Sec. 9. (a) There shall be in the Agency a Division of Consumer Information which shall be headed by the Director of Consumer Information.

(b) The Division of Consumer Information shall develop on its own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as the Agency determines to be most effective, information, statistics and other data concerning—

(1) the functions and duties of the Agency;

(2) problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the interests of such consumers; and

(3) products and services available to consumers of the United States, including product test results and studies and other information relative to product performance.

(c) All Federal agencies which, in the judgment of the Administrator, possess information which would be useful to consumers are authorized and directed to cooperate with the Agency in making such information available to the public.

(d) The Division of Consumer Information shall compile (in a manner meaningful and useful to consumers) and disseminate to the public on a continuing and systematic basis, information developed or received by the Agency, but shall avoid duplicating the consumer informational services of other Federal agencies.

DIVISION OF CONSUMER SAFETY

Sec. 10. (a) There shall be in the Agency a Division of Consumer Safety which shall be headed by the Director of Consumers Safety.

(b) The Division of Consumer Safety shall, pursuant to rules which shall be established by the Administrator to protect the right of all interested parties to be heard, conduct a continuing study and investigation of the scope and adequacy of measures employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous products. Such study and investigation shall include consideration of the following:

(1) the identity of products (except products excluded under subsection (e) of this section) which are determined to present an unreasonable hazard to the health and safety of the consuming public;

(2) the extent to which self-regulation by industry affords such protection;

(3) the protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection; and

(4) a review of Federal, State, and local laws relating to the protection of consumers against such hazardous products, including the scope of coverage, the effectiveness of sanctions, the adequacy of investigatory powers, the uniformity of application, and the quality of enforcement and suggestions for improvements.

(c) The Division of Consumer Safety shall avoid to the greatest extent practicable publishing such information in a form which would separately disclose the business transactions of any person, trade secrets, or names of customers, which shall be held confidential.

(d) The Division of Consumer Safety, together with the Division of Consumer Research, may design and develop improved safety features for categories of consumer products which are deemed unsafe.

(e) Except for review under subsection (b)(4) and development under subsection (d), this section shall not apply with respect to products regulated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances

Labeling Act (15 U.S.C. 1261 et seq.), the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.), and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).

DIVISION OF CONSUMER RESEARCH; TESTING BY THE NATIONAL BUREAU OF STANDARDS

SEC. 11. (a) There shall be in the Agency a Division of Consumer Research which shall be headed by the Director of Consumer Research.

(b) The Division of Consumer Research shall—

(1) oversee and coordinate all activities of the Agency relating to product research and testing;

(2) develop methods for testing materials, mechanisms, and structures used in consumer products and for improving consumer services;

(3) test products and articles or request of others to test articles and products used or intended for use by consumers;

(4) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and

(5) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a non-perishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.

(c) The Secretary of Commerce (hereafter referred to in this section as the "Secretary") shall establish facilities or utilize existing facilities for the purpose of determining, through testing, the performance, content, safety, durability, and other characteristics of a product offered for sale or intended to be offered for sale by a manufacturer and shall cooperate with the Administrator to the greatest extent practicable in performing this responsibility. Testing by the Secretary is authorized only upon a request made by a manufacturer or the Administrator. Requests for tests by the Administrator shall take priority over requests by manufacturers, unless the Secretary determines in writing that the consumer interest would be better served by the testing of a manufacturer's product. In carrying out such testing, the Secretary—

(1) shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs, and the appropriation or fund bearing the cost of the services may be reimbursed or the Secretary may require advance payment subject to such adjustments on completion of the work as may be agreed upon;

(2) may arrange with and reimburse the heads of other Federal agencies for the performance of any such functions, and as necessary or appropriate, delegate any of his powers under this section to the National Bureau of Standards with respect to any part thereof, and authorize the redelegation of such powers;

(3) may perform functions under this section without regard to section 529 of title 31, United States Code;

(4) may request any Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section and any such agency is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such materials to the Secretary; and

(5) may, to the extent necessary, acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

(d) Neither the Secretary nor the Administrator shall declare one product to be better, or a better buy, than any other product.

(e) The Administrator shall maintain surveillance over products which have been tested to assure that such products and information disseminated about them conform to the test results.

(f) In the case of any test requested by a manufacturer under this section, such manufacturer—

(1) may suggest but not direct, control, or otherwise influence the type of tests to be conducted by the Secretary, and

(2) may publicize the results of the tests conducted by the Secretary, but in so doing may in no way distort, falsify, or misrepresent such results.

DIVISION OF ECONOMICS

SEC. 12. (a) There shall be in the Agency a Division of Economics which shall be headed by the Director of Economics.

(b) The Division of Economics shall—

(1) conduct economic surveys and investigations with respect to matters of interest to consumers, including—

(A) the levels of prices for goods and services affecting consumers and the factors entering into their establishment.

(B) the suitability of goods and services affecting consumers, and the factors influencing such quality and suitability, and

(C) the degree to which the trade and commerce of the United States succeeds in satisfying consumer needs for goods and services; and

(2) analyze and disseminate to the public information obtained through these and other investigations and surveys.

(c) Prior to conducting major economic surveys and investigations authorized by this section, the Director of Economics shall take all practicable and reasonable steps to ascertain whether any such economic survey and investigation would duplicate in significant degree recent economic surveys and investigations by the Antitrust Division of the Department of Justice or the Federal Trade Commission. If, in the determination of the Administrator, such a duplication would occur and the survey or investigation results of the other agency are available, the Director of Economics shall not undertake such proposed economic survey or investigation, unless the Administrator determines that said economic survey or investigation is absolutely essential to the performance of the duties of the Agency.

CONSUMER ADVISORY COUNCIL

SEC. 13. (a) There is hereby established in the Agency a Consumer Advisory Council (hereafter referred to in this section as the "Council") to be composed of twelve members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed and critical judgment.

(b)(1) Of the members first appointed, six shall be appointed for a term of one year and six shall be appointed for a term of two years as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not in excess of the maximum rate of pay for a GS18, including traveltime and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman but not less often than four times a year. The Administrator shall be an ex officio member of the Council.

(d) The Council shall—

(1) advise the Administrator on matters relating to the consumer interest; and

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including with regard to the adequacy of the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among the Federal agencies, and between the Federal Government, State and local governments and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(E) availability of information necessary for the making of intelligent consumer decisions;

(F) existing consumer protection agencies and the desirability of etablishing a new Assistant Attorney General for consumer affairs within the Department of Justice to prosecute consumer fraud practices; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

(e) The Administrator shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities. The minutes or a verbatim transcript of each Council meeting shall be kept and made available for public inspection.

SAVING PROVISION

SEC. 14. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the American consumer.

(c) Nothing contained in this Act shall be construed as eliminating the need for consumer representation within the Executive Office of the President.

DEFINITIONS

SEC. 15. As used in this Act—

(1) The terms "commerce" and "corporation" have the meaning given in such terms,

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respectively, by section 4 of the Federal Trade Commission Act (15 U.S.C. 44).

(2) The term "Federal agency" means any department or agency in the executive branch of the Government and any independent board, commission, corporation, or other instrumentality of the Government charged with the administration of any statute of the United States.

(3) The term "antitrust law" includes—

(A) each provision of law defined as one of the antitrust laws by the first section of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 730, as amended; 15 U.S.C. 12) commonly known as the Clayton Act;

(B) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(C) section 3 of the Act entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (15 U.S.C. 13), and for other purposes", approved June 19, 1936 (U.S.C. 13a), commonly known as the Robinson-Patman Act; and

(D) any statute hereafter enacted by the Congress which prohibits, or makes available to the United States any remedy with respect to, any restraint upon or monopolization of commerce, or any unfair trade practice or unfair method of competition in or affecting commerce.

(4) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

CONFORMING AMENDMENTS

SEC. 16. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(54) Administrator, Consumer Protection Agency."

(b) Section 5315 of such title is amended by adding at the end thereof the following:

"(92) Deputy Administrator, Consumer Protection Agency.

"(93) Consumer Counsel, Consumer Protection Agency.

"(94) Director of Consumer Information, Consumer Protection Agency.

"(95) Director of Consumer Safety, Consumer Protection Agency.

"(96) Director of Consumer Research, Consumer Protection Agency.

"(97) Director of Economics, Consumer Protection Agency."

APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to the Agency such sums as may be required to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 18. (a) This Act shall take effect 90 calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register, except that section 10 of this Act shall take effect no later than the date on which the National Commission on Product Safety expires.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act, except that the Director of Consumer Safety may not be appointed until after section 10 of this Act takes effect Such officers shall be compensated from the date they first take office at the rates provided for in this Act.

Amend the title so as to read: "A bill to establish the Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of the consumers, and for other purposes."

TRIBUTE TO CHIEF CARL L. CARLSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. ANDERSON of California. Mr. Speaker, on Thursday, April 16, the citizens of the city of Gardena, Calif., are honoring the city's fire chief, Carl L. Carlson, who is retiring after 35 years' service with the Gardena Fire Department—the last 11 of which have been as fire chief.

The year 1935 marked the beginning of two long and successful relationships. On October 19 of that year, Chief Carlson married the former Gerry Thomson of Burbank. The Carlsons have two children: Carl George of Estacada, Oreg., who is a highway engineer for the U.S. Government; and Sonya Hoffman of San Jose. The two children have provided Carl and Gerry with six grandchildren.

The second endeavor which began in 1935 was Chief Carlson's career with the Gardena Fire Department. His competence and devotion to duty led to his appointment as chief in 1959, after nearly a quarter of a century with the department.

In addition to providing outstanding service to the community with the fire department, Chief Carlson is active in many civic organizations. His interest in youth is illustrated by his participation in the Gardena YMCA, the Boy Scouts, Cub Scouts, and the DeMolay. He served on the Gardena YMCA board of directors for 10 years. Chief Carlson was a committeeman for Boy Scouts Troop 253 for 3 years and Cub Pack 253C for 3 years. He was a dad adviser to the Gardena Order of DeMolay for 5 years.

For 10 years Chief Carlson was a member of the Gardena Valley Kiwanis.

He was the 50th master of Gardena Free and Accepted Masons No. 372 in 1956, and was the only master to have been born in Gardena. In 1969, the chief was the high priest of Royal Arch Masons, chapter 137. Presently, he is a member of council, commandry, Al Malaikah Shrine, and Ed Toga Shrine Club.

Chief Carlson's activities in professional organizations have added much to the professional competence of the Gardena Fire Department. Since 1935, he has been a member of both the California State Fireman's Association and the Harbor District Association of Firemen. For the last 10 years, Chief Carlson has been a member of the International, Western, and California Fire Chief's Association.

In 1964 and 1965 he served as membership chairman of the California Fire Chief's Association.

For the last 2 years he has served as chairman of the liaison committee for California fire chiefs to the California Fire Prevention Officers Association.

Chief Carlson is a member of the First Presbyterian Church of Gardena.

In his spare time, he enjoys the outdoor sports of fishing, hunting and golf. In addition, the chief enjoys building and working with his hands.

Chief Carlson has been a tremendous asset to the city of Gardena, and the Gardena Fire Department will not seem the same without his presence.

I join with the citizens of Gardena in commending the chief for a job well done.

NEEDED: MORE MONEY FOR THE FEDERAL HOUSING PROGRAMS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. MIKVA. Mr. Speaker, cost overruns seem to be making quite a bit of news these days. Some of them point to lavish overexpenditures in pursuit of marginally effective if not downright unnecessary programs. Others, however, point to a crying need for adequate funds for programs directed at meeting those domestic programs which are national in scope and vitally important to the welfare of our citizens.

The present inability of Federal housing programs to meet this year's housing program needs is one such example. It is a significant example, not just in its reflection of the inadequate funding of such housing programs as rent supplement, model cities, urban renewal, homeownership, and rental housing assistance, but because underfunding of housing programs is characteristic of our approach to so many fundamental domestic problems. We institute far-reaching programs, holding out the bright promise of meeting serious domestic ills, and then default on those promises by our failure to appropriate sufficient funds to make them a reality; nowhere is this situation more evident than in Federal housing programs.

But lack of money alone cannot fully explain some of the worst failures of Federal housing programs: In particular the meager supply of low- and moderate-income housing built since the 1949 Housing Act became law, and the high percentage of housing built under such programs which is financially unattainable by low- and moderate-income earners. High land and construction costs, the outmoded technology of the construction industry, the complexity and redtape of the "grantmanship" game—which make it difficult if not impossible for community groups and small investors to take full advantage of Federal programs—are all contributory factors to the present housing crisis. However, insufficient funding certainly has exacerbated such problems and has stood as a major roadblock to their solution. In the face of such financial inadequacies, it is not too surprising when these programs fail to meet their intended goals. No program, no matter how innovative, will be effective without adequate financial resources.

Today, I am introducing a bill, previously introduced by my colleague, Mr. RYAN, and 23 other sponsors, to provide supplemental appropriations to the fol-

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lowing programs: Urban renewal, model cities, homeownership—235—and rental housing—236—assistance, and rent supplement program.

This bill would increase the 1970 appropriations for urban renewal from $250 million to the authorized $650 million. The model cities appropriations of $575 million would be increased by $450 million, bringing the appropriation up to the authorized $1 billion. The $50 million appropriation to the rent supplement program would be increased to the authorized $118 million. Homeownership assistance for low-income persons—235—would be increased from $90 million to $130 million; and assistance for rental or cooperative housing for low-income families—236—would be increased from $85 million to $130 million.

These supplemental appropriations would help to relieve the present cost-squeeze on local agencies and municipalities which threatens the effectiveness of their housing programs. But the question here involves not simply the need to meet obligations incurred for housing programs of this year or of keeping faith with the agencies, municipalities, and the people who rely on them. At base, adequate funding is a matter of keeping faith with those goals set by this body more than 20 years ago and reiterated on many occasions since—"a decent home for every American." In recognition of the failure to meet this goal, the 1968 Housing and Urban Development Act projected the need for 26 million new housing units by the end of this decade. Only 2 years later, we are already falling far behind the needed rate of construction, clear evidence that the gap between what we say we want and what we are willing to back by full financial assistance is tragically wide. If Congress does not see fit to provide that adequate backing for its stated goals, the "housing gap" will continue to widen. As obligations go unmet, the road to a decent home for all Americans will continue to lengthen.

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PFC. DONN LORBER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 6, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. Donn Lorber, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage, and honor his memory by including the following article in the RECORD:

PFC. DONN LORBER DIES IN VIETNAM; LAST WROTE: "I'M PRAYING LIKE YOU TOLD ME"

In the last letter his family received in Brooklyn, Pfc. Donn M. Lorber wrote, "I'm praying like you told me."

Of his gun position near the Cambodian border, he said, "there are mosquitoes and big rats running when we sleep."

At 4 p.m. on Easter Sunday an enemy mortar scored a direct hit on Private Lorber's gun position. He died at the age of 20.

DROVE TRUCK, LAYED BRICK

He was the son of Mr. and Mrs. William G. Lorber, of 3913 Second Street, Brooklyn, and a graduate of Mergenthaler Vocational High School.

After graduation in June, 1968, he worked at two jobs: driving a truck for Hawkins Food Market in Brooklyn and laying brick for a construction company.

He was drafted six months ago, received his basic training at Fort Bragg, N.C., and went to an artillery school at Fort Sill, Okla.

BIDS PARENTS GOODBY

On February 16 he left Baltimore for California, from where he was airlifted to Vietnam five days later. As he left his parents at Friendship, he said, "If my buddies are to go, I want to be with them."

In addition to his parents, his survivors include two brothers, William J. Lorber, of Sacramento, Calif., and Larry S. Lorber, of College Park, Md., and a sister, Karen Marie Lorber, 11, of home.

THE LATE "TIC" FORRESTER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. FISHER. Mr. Speaker, I have never known a more courageous, a more dedicated, and a more patriotic Member of this body than the late and lamented Elijah Lewis Forrester, who was known to his friends as "Tic."

This Georgia Congressman was always the same—affable, concerned, energetic, and anxious to do whatever might be good for the country he loved. He was a statesman in every sense of the word. This Nation suffers from shortage of men like "Tic" Forrester.

News of the death of this great American came as a severe blow. To me he was a personal friend who would have walked an extra mile if the occasion arose. He was a man of great honor, and the respect he commanded from all who knew him was both understandable and remarkable.

Let us hope and pray there will be more "Tic" Forresters on the American scene in the years ahead.

SENATE—*Tuesday, April 7, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, our need is our prayer this day, uttered or unexpressed. We do not pray for easy lives, but that we may be stronger men. We do not pray for tasks equal to our powers, but for powers equal to our tasks. We do not pray for simple solutions to complex problems, but rather that Thou wilt show us the next step. So wilt Thou help us to do Thy work with good courage, and to be Thy faithful servants unto our life's end.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 6, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from South Carolina (Mr. THURMOND), there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Report.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

DEPARTMENT OF THE INTERIOR

The bill clerk read the nomination of Fred J. Russell, of California, to be Under Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from South Carolina (Mr. Thurmond), I should like to make a few unanimous-consent requests, and an announcement, without taking from his time.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 757, 758, and 759, but I do so with the stipulation that this does not apply to the Pastore rule of germaneness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the first measure.

FEDERAL ASSISTANCE FOR PUBLIC FISH, WILDLIFE, AND RECREATIONAL PHASES OF RESOURCE CONSERVATION AND DEVELOPMENT PROJECTS

The Senate proceeded to consider the bill (S. 3598) to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes which had been reported from the Committee on Agriculture and Forestry with amendments, on page 2, line 11, after the word "engineering", insert "and other technical assistance"; in line 12, after the word "such", strike out "works of improvement" and insert "development"; and on page 3, line 2, after the word "any", strike out "development area" and insert "project"; so as to make the bill read:

S. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011), as amended, is amended by adding at the end thereof the following: "In providing assistance for carrying out plans developed under this title, the Secretary shall be authorized to bear such proportionate share of the costs of installing any works of improvement applicable to public water-based fish and wildlife or recreational development as is determined by him to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs: *Provided*, That all engineering and other technical assistance costs relating to such development may be borne by the Secretary: *Provided further*, That when a State or other public agency or local nonprofit organization participating in a plan developed under this title agrees to operate and maintain any reservoir or other area included in a plan for public water-based fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the State or other public agency or local nonprofit organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further*, That in no event shall the Secretary share any portion of the cost of installing more than one such work of improvement for each seventy-five thousand acres in any project; and that any such public water-based fish and wildlife or recreational development shall be consistent with any existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897); and that such cost-sharing assistance for any such development shall be authorized only if the Secretary determines that it cannot be provided under other existing authority."

Mr. YARBOROUGH. Mr. President, it gives me great pleasure to join the distinguished senior Senator from Vermont (Mr. Aiken), as a cosponsor of S. 3598. This bill authorizes Federal assistance for public fish, wildlife, and recreational portions of resource conservation and development projects.

This measure will benefit the people of this Nation and the citizens of the State of Texas. It authorizes the Secretary of Agriculture to bear a portion of the cost of installing public fish and wildlife or recreational developments in connection with resource conservation and development projects. It also authorizes Federal funds to be used for up to one-half the cost of the land, easements, rights-of-way, and basic public facilities needed in connection with this development.

The present law restricts the use of Federal funds in resource conservation and development projects to planning assistance and loans. This beneficial measure, of which I am a cosponsor, authorizes additional Federal assistance to provide fish, wildlife, and recreational development.

There is a great need for outdoor recreational resources throughout this Nation and this legislation will facilitate the development of these resources which are now in such critically short supply.

Resource conservation and development projects help bring about a better place for people to live, work, and play. These projects, which are carried out through cooperation between the Federal Government and local authorities, create a base not only for new jobs and higher incomes, but also for outdoor recreation and beautification of the countryside.

The potential effect of this assistance on Texas is very great. Ten R.C. & D. project applications have been submitted from Texas. These 10 projects cover 51 counties, and over 30,615,000 acres in Texas.

Mr. President, I commend the able senior Senator from Vermont (Mr. Aiken) for his leadership in expeditiously guiding this bill, S. 3598, through committee and to the floor of the Senate.

This beneficial legislation will assist the people of Texas and the Nation. I urge my colleagues to join me in support of this measure to provide Federal assistance in developing our fish, wildlife, and recreational resources.

The amendments were considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–754), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill is essentially identical to S. 852 of the 90th Congress, as passed by the Senate on September 21, 1967. It would authorize the Secretary of Agriculture to bear—

(1) Part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects authorized by section 32(e) of the Bankhead-Jones Farm Tenant Act, and

(2) Not to exceed one-half the cost of the land, easements, rights-of-way, and minimum basic public facilities needed in connection with any such public fish and wildlife or recreational development.

At present Federal assistance under section 32(e) is limited to planning assistance and loans. Grants are not authorized for installation assistance.

The portion of the installation costs which the Secretary would be authorized to bear is "such proportionate share * * * as is determined by him to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs." This corresponds to the provision for Federal assistance for installation of public fish and wildlife and recreational developments of section 4(2)(A) of the Watershed Protection and Flood Prevention Act. The provision for the Secretary bearing up to one-half the costs of lands and minimum basic public facilities corresponds to the first proviso in section 4(1) of the Watershed Act, the objective being to provide commensurate benefits under the two programs.

The bill differs from S. 852 of the 90th Congress, as passed by the Senate, only in that where S. 852 limited the Federal contribution to $50,000 for any single work of improvement, S. 3598 limits Federal participation in installation costs to one work of improvement for each 75,000 acres in any development project. S. 3598 is modeled in this respect more closely after the corresponding provision of the Watershed Act.

BACKGROUND

The so-called resource conservation and development program was authorized by an amendment made by the Food and Agriculture Act of 1962 to the Bankhead-Jones Farm Tenant Act. The program was funded in 1963 and the first 10 projects were authorized for planning assistance in 1964. At present there are 55 projects in the operational stage and 13 in the planning stage; and 47 additional areas have requested planning assistance, with more areas applying at the rate of about 25 per year.

The program depends upon the determination and leadership of local people, and they have brought together many diverse interests for concerted action on locally developed goals.

Program measures include improved processing and marketing facilities, new and expanded industries, vocational training, tourist developments, and other actions designed to strengthen the rural economy.

NEED FOR THE BILL

In most project areas one of the greatest potentials for economic growth lies in the development of resources for outdoor recreation purposes—a resource use now in critically short supply throughout the Nation.

Many sites are suitable for multiple-purpose development—for flood prevention, municipal water supply, and recreation, but the local people lack the economic resources to develop the recreational phases of the site, so that its advantages for that purpose may be lost. The bill would provide the Secretary

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of Agriculture with the authority to furnish financial help to public bodies in planning and constructing these recreation and fish and wildlife development features.

Under the provisions of the bill, the Secretary could provide engineering assistance and share in the cost of construction of public fish and wildlife or recreational developments and bear up to one-half the costs of land, easements or rights-of-way, and minimum basic facilities. It would give him essentially the same authority he now has under Public Law 566, the Watershed Protection and Flood Prevention Act. It would enable project measures to be accelerated that are truly multiple purpose including needed recreation and fish and wildlife developments.

COMMITTEE AMENDMENTS

The Committee amendments are of a purely technical nature. They would—

(1) Make it clear that the Secretary could pay costs of advisory services from technicians such as biologists, agronomists, plant material specialists, woodland specialists, soil scientists, and soil conservationists to the same extent that he could pay costs for engineering services;

(2) Make it clear that Federal payment of engineering costs would be restricted to the public water-based fish and wildlife or recreational development phases of the works of improvement;

(3) Make it clear that the entire resource and conservation project is being referred to in the limitation on the number of public water-based fish and wildlife or recreational developments for each 75,000 acres in the project, since "development" is used elsewhere in the bill to describe the fish, wildlife, and recreational phases of the project.

ADDITIONAL COSPONSORS

Mr. AIKEN subsequently said: Mr. President, earlier today the Senate passed without objection S. 3598, a bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes.

At this time, in addition to the 74 sponsors of this measure, I ask unanimous consent that the names of the Senator from Wyoming (Mr. McGee) and the Senator from Virginia (Mr. Byrd) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKETING AGREEMENTS PROVIDING FOR THE ADVERTISING OF HAWAIIAN PAPAYAS

The bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of Hawaiian papayas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937, and as subsequently amended (7 U.S.C. 608c(6)(I)), is amended by inserting "papayas," immediately after "applicable to cherries,".

The title was amended so as to read: "A bill to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-755), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would extend to papayas those provisions of the marketing order law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. The Senate recently passed a similar bill, S. 1456, extending this authority to apples. The policy of Congress has generally been to extend this authority to any commodity for which such action is generally supported.

COST

The Department of Agriculture estimates that the annual costs to the Department for administering each new marketing order that is issued approximate $25,000.

COMMITTEE AMENDMENT

The committee amendment would amend the title of the bill by striking out the word "Hawaiian" so that the title will conform to the text of the bill.

CONGRESSIONAL RECOGNITION OF THE GODDARD ROCKET AND SPACE MUSEUM

The concurrent resolution (S. Con. Res. 49) providing for congressional recognition of the Goddard Rocket and Space Museum was considered and agreed to, as follows:

S. Con. Res. 49

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Doctor Robert H. Goddard, who pioneered in rocket experimentation and contributed to America's success in landing men on the moon, and who is known as the "Father of the Rocket", and as an appropriate and outstanding institution for the collection, preservation, and display of the works and memorabilia of Doctor Goddard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-756), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

Senate Concurrent Resolution 49 would provide for congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, N. Mex., as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. The museum already a repository of some of Dr. Goddard's memorabilia would be an appropriate and outstanding institution for the further collection, preservation, and display of his works.

BACKGROUND

The Roswell Museum and Art Center was started in late 1937 through the combined efforts of the city of Roswell, N. Mex., Chaves County Archaeological Society and the Roswell Friends of Art. The structure has grown from one gallery and a few small offices to one of 11 galleries, a workshop, planetarium, and three offices and workrooms. Much of the expansion during the last 20 years has been made possible by the finances and talents of Mr. Donald A. Anderson of Roswell, N. Mex.

As early as 1949, Mrs. Esther Goddard, widow of Dr. Robert H. Goddard, arranged for the original launching tower used in his early experiments to be brought to the area of the art center from Eden Valley and refurbished. A replica of one of the professor's rockets was placed inside the tower.

However, the idea for the Goddard Rocket and Space Museum as a wing of the Center was not conceived until 1957 when, at a dinner honoring Mrs. Goddard in Roswell, N. Mex., the subject was discussed. Mrs. Goddard agreed to make the collection of Goddard rocket memorabilia available to the Roswell Museum. Subsequent to that time, the city council of Roswell authorized the enlargement of the museum and art center to provide the necessary space for the proper display of the historic collection. On April 25, 1959, the Robert H. Goddard Rocket and Space Museum was dedicated with Dr. Wernher von Braun making the dedicatory address.

Through the efforts of many individuals, the collection of memorabilia has grown to its present size. The Daniel and Florence Guggenheim Foundation gave generously to the project; the Smithsonian Institution gave, on a long-term loan, one of the few existent complete Goddard rockets for display in the museum; and the Natioanl Aeronautics and Space Administration presented the museum with a scale replica of Dr. Goddard's first successful liquid-fueled rocket.

In 1965, the Roswell Rotary Club voted unanimously to take on as a project the reproduction of Dr. Goddard's original workshop. Equipment used in this workshop was in the possession of the Curtis-Wright Corp., and this firm generously made this historical machinery available to the museum. Through the efforts of many persons an exact replica of the workshop, even to a 1931 calendar, was constructed and dedicated in June 1969.

In conjunction with the Goddard workshop reconstruction, the Robert H. Goddard Planetarium was constructed through the efforts of Mr. Donald R. Anderson of Roswell, N. Mex. It, too, was dedicated on June 2, 1969.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the Senate proceed to the consideration of Calendar No. 650, H.R. 11102, and that at that time it be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, after the disposal of the Carswell nomination on tomorrow, it is anticipated that the Senate, at that time, will proceed to the consideration of Calendar No. 761, Senate Joint Resolution 190, a joint resolution providing for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

I thank the distinguished Senator from South Carolina (Mr. Thurmond) for his courtesy.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Sen-

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ator from South Carolina (Mr. THURMOND) is recognized 1 hour.

REVERSION OF OKINAWA TO GOVERNMENT OF JAPAN

Mr. THURMOND. Mr. President, since last November's agreement between President Nixon and Prime Minister Sato of Japan on the reversion of Okinawa, I have given this matter considerable study and thought.

Several aspects of this planned reversion are disturbing to me.

First, there is no clear recognition by the executive branch of the right of the Senate to advise and consent on Okinawa reversion—despite the Senate's expression on this matter.

Second, there are compelling military reasons against reversion before a reduction in military operations in the Far East is made, and political stability is restored.

Third, with the reversion of Okinawa, the Japanese should incur certain clear-cut responsibilities for the maintenance of mutually-supporting economic policies between the United States and Japan. To a great extent, the U.S. open-door trade policy and the continuing umbrellas of U.S. military protection contributed to Japan's amazing industrial recovery. Today, Japanese imports threaten portions of our economy, and the time has come to talk of mutually supporting trade policies as well as reversion of old territories.

Mr. President, let me comment on these disturbing aspects briefly.

With regard to the Senate's wish to advise and consent on reversion, this was made plain November 5, 1969, when the Senate approved, 63 to 14, the amendment of the distinguished senior Senator from Virginia (Mr. BYRD). This amendment read as follows:

> It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate.

The strength of the vote supporting the Byrd amendment speaks for itself, but the point is driven home even more firmly when one realizes that both the chairmen of the Senate Armed Services and Foreign Relations Committees supported the Byrd amendment, and of the membership from the two committees only five dissenting votes were cast.

With regard to military arguments against reversion, I cite our commitment to our allies in the Far East, and the safety of our forces in Vietnam, as being inconsistent with the relinquishment of our unrestricted use of Okinawa through reversion.

This opinion is greatly fortified by the presently deteriorating situation in Cambodia and Laos which could result not only in the removal of two neutralist governments but could further endanger our fighting men in South Vietnam.

While it is true the "specific arrangements" referred to by President Nixon and Mr. Sato in the communique on their meeting might soften the impact of reversion, Okinawa would nevertheless come under the 1960 Treaty of Security and Cooperation executed by the two nations at the close of the Eisenhower administration.

This means simply that the United States could not place nuclear weapons of any type on Okinawa, and would have to obtain permission of the Japanese Government before conducting combat operations from the island.

The 1960 Security Treaty, which now applies to our forces on Japan, contains this prior consultation clause. Its significance may be illustrated by the *Pueblo* incident in which immediate support from our military aircraft was required. Aircraft were launched from Okinawa to aid the *Pueblo* but it was nightfall before they reached the critical area. Before planes could have been launched from our bases in Japan, bases which were much closer to the location of the *Pueblo*, prior consultation would have been required with the Japanese Government. Although Japan may well have approved such a request, the time lost in these procedures would have certainly been critical to the crew of the *Pueblo*.

Mr. President, we come to the third disturbing aspect of reversion—our trade with Japan and the necessity for mature, mutually supporting policies. How can we consider Japan as a partner of equal stature and responsibility in a territorial agreement when she refuses to negotiate an economical matter that is weakening both the economy and defense capability of the United States? The situation created by Japanese textile imports has reached critical proportions in the American textile industry, forcing me, last March 20, to introduce legislation to protect it.

I will discuss this aspect in more detail later.

Mr. President, in addition to the aspects of Okinawa reversion which I have just discussed, there are other important considerations. Not the least of these is the attitude of the American people as reflected in a poll by the Harris survey.

Following the announcement that reversion had been agreed to between President Nixon and Mr. Sato, the Harris survey took a poll and found 50 percent of the American people opposed reversion. Of the remaining 50 percent, some 26 percent favored return of Okinawa to Japan and 24 percent said they were not sure.

In this same poll, which was published throughout the Nation on December 22, 1969, those contacted were asked if they felt the United States should encourage or discourage Japan to have a greater role in the Pacific. Forty-two percent said they favored encouraging Japan to take a greater role and 31 percent said they should be discouraged. The remaining 21 percent were not sure how they would stand.

As I have indicated, Mr. President, the question of reversion of Okinawa is rather complex. We gained Okinawa under the Peace Treaty with Japan which was ratified by the Senate with a vote of 66 to 10 in 1952. While the Okinawa question stems from this treaty, reversion would put the island under the Mutual Security Treaty between the United States and Japan, which was signed in 1960.

The Okinawa issue is also tied to our treaty commitments in Southeast Asia, the political and economic atmosphere in Japan and other matters. At this time I would like to take a detailed look at these various subjects one by one. The order in which I discuss them follows:

First. Okinawa-United States involvement.

Second. U.S. treaty obligations.

Third. Military importance of Okinawa.

Fourth. 1960 Mutual Security Treaty Between the United States and Japan.

Fifth. United States-Japanese economic picture.

Sixth. Why reversion now?

Seventh. Crisis in Laos and Cambodia.

Eighth. Byrd amendment on Okinawa.

Ninth. Nixon-Sato agreement.

First, let us take a look at how and why this vast base was established in the Pacific by the United States.

1. OKINAWA-UNITED STATES INVOLVEMENT

American involvement in Okinawa dates back to the Second World War when U.S. forces invaded and seized the island from the Japanese. Our landing was made on Easter Sunday, April 1, and in the next 3 months we lost 12,520 men and had 36,631 wounded. Although the Ryukyu Islands had been administered as an integral part of Japan since 1879, the United States, in planning for the post-war period, decided on separating them from Japanese jurisdiction, along with stripping Japan of most of its island possessions.

Language to this end was incorporated into the Potsdam Declaration of July 26, 1945. The Big Three stated that Japanese sovereignty after the war would be limited to the four home islands "and such minor islands as we determine."

Subsequently, the Japanese Peace Treaty of 1951 divided Japan's island possessions into two distinct categories. Under article II, Japan renounced "all rights, title, and claim" to a number of islands and island groups, including Formosa and the Pescadores, the Kuriles—part of which Japan presently claims from the Soviet Union—Sakhalin, and the Central Pacific islands held by Tokyo in prewar days under League of Nations mandate.

Article III dealt with the second category, which included the Ryukyus. It reads in full:

> Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

In explaining the treaty to the delegates at the San Francisco conference, John Foster Dulles, the President's rep-

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resentative at the conference, described Japan's relationship to the Ryukyus as one of "residual sovereignty" and emphasized that article III conferred no obligation on the United States to have the islands placed under United Nations trusteeship.

Dulles took a further step in a letter to the Government of India of August 25, 1951. He not only asserted that the pact left the future of the Ryukyus to subsequent determination, but also omitted the word "residual" in describing the islands as remaining under Japanese sovereignty. In short, while giving Japan no specific commitment to return the Ryukyus, Dulles held out the possibility of reversion.

Throughout his 8 years in office, General Eisenhower followed this general line of policy. During this period Japan joined the United Nations and thus removed the trusteeship issue, since under the Charter of the United Nations, the world body cannot impose trusteeship on the territory of a member state. By this time Okinawa had become the largest U.S. military base complex in the Western Pacific, and the Eisenhower administration linked the future disposition of the Ryukyus to security considerations in East Asia.

While the United States-Japanese Security Treaty of 1960 avoided any specific commitment on Okinawa, it did reaffirm Japan's residual sovereignty over the Ryukyus. This was shortly followed by the first explicit statement of American intent to return administrative rights to Japan when President Kennedy declared on March 19, 1962:

> I recognize the Ryukyus to be a part of the Japanese homeland and look forward to the day when the security interests of the free world will permit their restoration to full Japanese sovereignty.

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President Johnson reaffirmed his predecessor's position in a joint communiqué issued with Prime Minister Sato on November 16, 1967, in which they stated the two governments should keep under joint and continuous review the status of the Ryukyu Islands, guided by the aim of return administrative rights over these islands to Japan and in the light of their discussions.

Although both men pledged eventual reversion of the Ryukyus to Japan, neither set a specific date. Moreover, they generally held to President Eisenhower's linkage of the islands' future with East Asian security.

2. U.S. TREATY OBLIGATIONS

Mr. President, the United States has extensive treaty obligations in the Far East. In the past I have called for a review of these obligations and this should be done before we implement steps such as the reversion of Okinawa.

I ask how can we fulfill our commitments in the Far East without the unrestricted use of Okinawa that we now enjoy? We have extensive commitments in this area beginning with the 11-nation Southeast Asia Treaty Organization and including the Australia-New Zealand-United States ANZUS Treaty, and the bilateral defense pacts with the Republic of China, 1954; South Korea, 1953; and the Philippines, 1951.

Many here in the Senate feel we are overcommitted in Southeast Asia and throughout the world. This is certainly a valid argument. President Nixon has called upon our Asian allies to bear a greater burden in the defense of that area, and this is a view in which I subscribe wholeheartedly. For too long we have borne the brunt of the burden of preserving the peace in eastern Asia as is testified by our losses in Korea and Vietnam.

The President is to be commended for directly calling upon our allies in that area to shoulder more of this burden, but I question seriously the weakening of our position in Okinawa until we see some demonstration of the willingness and the ability of our allies to assume this responsibility.

To carry out the commitments under these treaties we have stationed some 1 million men in this area; we have spilled the blood of our soldiers in Korea and now Vietnam, and we have spent billions of our Nation's dollars to support this effort. I do not believe this sacrifice has been in vain; nor do I wish to see it jeopardized by unwise steps.

Two of our strongest allies in the Far East, South Korea and Nationalist China, feel the unrestricted use of Okinawa is tied directly to their own national security. Prime Minister Sato recognized in the communique that the defense of these two countries was closely tied to that of Japan. He made some very clear statements in a speech before the National Press Club regarding the security of South Korea. Such a view is encouraging, but the full interpretation or implementation of these expressions is something else again.

It seems to me a review of our treaty obligations and possible adjustments should precede the reversion of Okinawa to Japan. I do not see how we can carry out our treaty obligations if Okinawa comes under the Treaty of Mutual Cooperation and Security which now covers mainland Japan. Military operations from Okinawa would be at the discretion of the Japanese Government. To allow such a situation now would be dangerous indeed.

To date our Government has not advocated the scrapping or changing of our commitments in Southeast Asia. Therefore, until something of this nature takes place, it would be sheer folly to place in jeopardy our use of Okinawa.

Oddly enough Japan itself would have a great deal to lose if the U.S. presence in Southeast Asia is weakened. This is used as an argument in favor of reversion. Fortunately, the present Prime Minister of Japan and the majority of the Members of the Japanese Diet recognize this fact, but what assurance do we have this government will continue to take such a stance?

Japan is a free nation with the right to determine its own course. That such is the case reflects credit upon the United States and its handling of this former enemy. The Sato government is strong today, more so than ever due to the reversion agreement. But who is to say what the future holds?

At present Japan depends upon the United States to guarantee its safety from external attack. This is a situation of our own making, one which deserves review prior to any major changes in U.S. posture in the Far East. While the Japanese are gradually assuming a greater defensive role, it is minimal compared to the burden borne by the American people. Japan is spending less than 1 percent of its gross national product on defense while the United States is spending from 7 to 8 percent of its gross national product for a defense which in part protects Japan.

3. MILITARY IMPORTANCE OF OKINAWA

The importance of Okinawa as a means to meet our treaty obligations in the Far East and in providing for the security of Hawaii and this country cannot be overemphasized.

Okinawa's strategic geographic location makes it virtually impossible to replace. It lies approximately 800 miles from Seoul, 800 miles southwest of Tokyo, 750 miles northeast of Manila, 325 miles from Taipei and 700 miles northeast of Hong Kong.

None of its functions—nearby staging base, logistics and administrative base, vital communications and surveillance link and visible indication of our power to deter—can be duplicated by relocation to other places in the Pacific. No other routing of communications in the Pacific will give us the reliability now achieved through Okinawa, nor can our readers provide proper warning from fallback positions. The critical reaction time, area of coverage, relative security, and present invulnerability to foreign political control can neither be matched nor duplicated by relocation to any other base or combination of bases in the Pacific.

This relatively small island has become the keystone of our Asian security system because of our willingness to make a multibillion-dollar investment in the more than 100 military facilities there. This willingness to make such a large investment was based upon the knowledge of continued unrestricted use of these facilities.

This country maintains what American military officials refer to as a $1 billion complex on Okinawa. About 110 square miles—or 25 percent of the total land surface—have been appropriated for 120 bases on an island three-eighths the area of Rhode Island. Added to a population of 900,000 Okinawans are approximately 40,000 U.S. troops. The United States spends about $260 million annually in Okinawa—in addition to official U.S. Government aid of about $24 million.

This tiny island has played a significant role in the Vietnam war, serving as a transient point for Vietnam-bound troops and as a vast warehouse for American supplies and weaponry. Our B–52 bombers en route from Guam to Vietnam have been refueled by tankers from the Kadena Air Base; and in January 1968, following the *Pueblo* incident, the Air Force moved some of the B–52's from Guam to Okinawa. This cut their flight time to Vietnam in half, and the distance from 2,500 to 1,300 miles.

Okinawa also serves as a fueling and supply station for American activities in

Asia, including combat operations in Vietnam. A counterguerrilla warfare school, extensive warehouses and military hospitals and the computer center for Vietnam logistics are located on the island. The 5,620-acre Kadena Air Base is one of the largest Air Force installations in Asia and is able to handle an almost unlimited number of all types of U.S. planes. Special forces train for Vietnam in the Okinawan jungles; the Marines have a division headquarters; and the Navy operates several ports. Psychological warfare operations, radio monitoring, intelligence operations, Voice of America broadcast facilities to the Asian mainland—all are located on Okinawa.

Okinawa's military importance to the United States has been stressed by high military and civilian officials of the United States. The outgoing American commander of the island, Lt. Gen. F. T. Unger, said in Tokyo in January 1969:

> Nowhere else in Asia does the United States have complete freedom to station, deploy and support balanced forces equipped with the full range of modern military resources. Only on Okinawa can we station any type of weapons or units. Only from Okinawa can we deploy forces to any threatened area in Asia. Only through Okinawa can we provide unrestricted logistical support to forces committed anywhere. These freedoms give our forces on Okinawa a flexibility and responsiveness unmatched anywhere in Asia.

The island's strategic value was also pointed up in a House Armed Services Committee report of September 1967:

> First, and more important, Okinawa, the largest island, is by any measure our most important single military base in the Far East. Without it radical changes would have to be made in virtually every element of our military structure. Loss of it would induce a chain reaction which would affect not only every aspect of our defensive and offensive capability in the Pacific but would require major modifications in military establishments far removed from Okinawa and from the Pacific itself. Its importance to the United States from a military standpoint cannot be overemphasized.

The various alternatives to military basing in the Pacific are not appealing. Moving forward to Formosa or Korea would have political implications nearly as complicated as the subject of Okinawa reversion itself. Moreover, the stationing of strategic forces so close to a possible forward battle area is a distinct liability.

The extent to which the United States could fulfill its military commitments to Japan, Taiwan, Korea, the countries of the Southeast Asia Treaty, the Philippines, Australia, New Zealand plus the protocol states of Laos and Vietnam after having been denied the use of bases on Okinawa is highly debatable, particularly if we must attempt to do so from a fallback position.

4. 1960 COOPERATION TREATY

In view of the recent developments concerning Okinawa and President Nixon's agreement to bring Okinawa under the 1960 Treaty of Cooperation and Security with Japan, it would be well to take a brief look at this treaty.

The United States and Japan concluded the Security Treaty of 1960 at the initiative of the Tokyo government. President Eisenhower had planned to visit Japan for the signing of the treaty but street demonstrators protesting its provisions prevented him from making this trip. Essentially the treaty strengthened the American commitment to defend Japan against external attack. The first paragraph of article V read:

> Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

While placing the U.S. commitment in firmer language, the new pact deemphasized Japan's "obligation" to rearm by referring to the two countries' constitutional provisions—meaning in effect, article IX, of the Japanese Constitution. Article III of the Security Treaty stated:

> The Parties, individually and in cooperation with each other by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

The 1960 Security Treaty also strengthened the prior consultation clause. Article IV declared:

> The Parties will consult together from time to time regarding the implementation of this Treaty and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

Further, this country gave a specific pledge on prior consultation through an exchange of notes between Premier Kishi and Secretary of State Christian Herter:

> Major changes in the deployment into Japan of the United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultations with the Government of Japan.

Thus, with this brief examination of the 1960 treaty we can get an idea as to what would be involved when it applied to Okinawa.

At this point I wish to inject that on June 23 of this year the 10-year period of the treaty expires.

At present it appears to be the desire of both countries to allow the treaty to continue in its present form, but if allowed to do so it would be subject to termination by either side in a 12-month period.

5. UNITED STATES-JAPAN ECONOMIC PICTURE

Mr. President, in this country we are in a period of close examination of our world commitments and the necessary costs to fulfill them. This issue relates directly to the economic health of the United States and is even more critical in that we are suffering from inflation as a result of policies during the past decade.

In some measure the high defense costs we have been paying have resulted from the heavy burdens we have assumed in the Far East in an effort to preserve the rights of the people in that area to a free choice of their government. The action of the North Vietnamese is aiding the Vietcong to overthrow the government in South Vietnam, and the dispatch of their own troops into South Vietnam, has been the chief cause of the huge costs we have borne in recent years.

However, the American people have also paid a high price to insure the safety of Japan, a strong and valued ally. We have provided the Japanese with a U.S. nuclear umbrella in an area where force of arms seems to be the chief instrument of national policy.

The result of this effort has been a straining American economy while Japan has been free to accelerate its industrial growth with little requirements for providing for its own defense. This is amply illustrated by Japan's expenditure of $1.3 billion for defense in fiscal year 1969 and $1.5 billion in fiscal year 1970. This amounts to .84 percent of Japan's gross national product in 1969 and even less in 1970, when the Japanese defense expenditure fell to .78 percent of their gross national product. In fiscal year 1969 the United States spent 8.7 percent of its gross national product for defense and in fiscal year 1970 spent 8 percent. For fiscal year 1971 it is estimated the United States will spend 7 percent.

As the Okinawa question is discussed in this country, people are quite properly asking the question as to why we should be giving up our unrestricted use of Okinawa to Japan while at the same time guaranteeing the safety of Japan and our other allies in the Far East.

Japan is certainly in a strong economic position as evidenced by the growth of its gross national product from $24 billion in 1955 to an estimated $200 billion this year. Their growth rate over the past 10 years has averaged 12 percent as against 4 percent in this country. This tremendous growth has resulted in part from restrictive trade policies through which Japan prevents many imports from coming into their nation while at the same time they are flooding U.S. and world markets with goods of all types.

In just the past 10 years their exports have risen from $3.5 billion in 1959 to $15.7 billion in 1969. Of this amount the United States allowed $4.9 billion of Japanese exports to come into this country in calendar year 1969, resulting in a trade deficit with Japan of $1.4 billion. This trade deficit was especially harmful in view of our Nation's already critical balance-of-payments problems.

While the United States-Japanese trade question is a subject of great complexity and too involved to address at length here, there is no doubt present conditions favor Japan. This situation is not in the best interests of the economic health of the United States, and is even more unrealistic when you weigh it against the fact we are guaranteeing Japan's defense and thereby strengthening their hand in the area of trade between the two countries.

Especially hard hit by this trade situation is the U.S. textile industry. In my State of South Carolina alone, thousands of workers have been laid off in recent years as the direct result of flooding of this country with low-wage Jap-

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anese textile imports. This crisis has accelerated in the past 6 months.

Other industries in this country have similar problems and the best efforts of the Nixon administration to bring about corrective action have failed.

Last month I introduced legislation to correct this situation as it applies to textiles, and in my opinion the Congress will act soon to apply controls which will liquidate this unfavorable trade problem.

6. WHY REVERSION NOW?

One might ask why the question of reversion of Okinawa to Japan has evolved at this point in time. The answer may be found in the political situation in Japan, where some opponents of the Sato government have continually taken an anti-American stance and have used Okinawa and American bases in Japan proper as the cutting edge for their attacks.

These forces, largely nationalist but fomented in part by a small but militant Communist Party, rioted in 1960 when the Eisenhower administration was negotiating the present security treaty. They opposed the treaty and succeeded in forcing President Eisenhower to abandon his plans to visit Japan in 1960 for the actual signing.

The treaty reflected Japan's lack of interest in rearming and thus showed the continued strength of postwar pacifist feelings among the Japanese people. While leftist, ideologically tinted thinking—as embodied in the Japan Socialist Party, labor unions, and student and intellectual groups—strongly opposed the 1960 treaty, the pact actually reaffirmed Japan's noninvolvement in the cold war in Asia, even if it did not veer the country directly toward a neutralist or pro-Communist foreign policy as advocated by these groups.

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Since that time the Socialist Party has continued pressure on the government to demand reversion of Okinawa and reduce American military bases and personnel on the main island.

This situation found its genesis after World War II. As a result of American occupation following the atomic bombing of Hiroshima and Nagasaki, the Japanese people adopted an attitude of pacifism. To some degree this resulted from the American policy of demobilization and democratization in the early stages of the occupation.

Opposition to nuclear weapons became an important element in Japanese pacifism, and every government since World War II has upheld three nonnuclear principles: Nonproduction, nonpossession, and no storing of atomic weapons on Japanese soil. This principle is now being applied to Okinawa in keeping with the agreement between President Nixon and Prime Minister Sato.

Interacting with the force of pacifism is leftist opinion. The rigidly Marxist-oriented Japan Socialist Party has consistently received around one-third of the vote in national elections. The base of Socialist Party strength rests in the trade union movement and among intellectual and student groups. Neither its foreign policy positions nor its hardcore backing has changed significantly since its formation in 1955. The Socialists picture America's containment policy, including the Vietnam war, as aggressive and provocative toward Communist China and other Asian Communist states. Leftist propaganda portrayed the U.S. air campaign against North Vietnam as the white man's aggression against Asians. They argue that Japan can best avoid war by abrogating the United States-Japanese Security Treaty and by demanding that the United States dismantle its bases in Japan. The Socialists have consistently opposed proposals that Japan rearm, fearing that such a course would tighten bonds with Washington.

The Socialists have repeatedly attacked the existence of the Japanese self-defense forces as being in violation of article IX of their Constitution and accuse the ruling Liberal Democrats of attempting to drag Japan into a war through remilitarization.

Added to the leftist forces has been the reemergence of national self-confidence in Japan in the form of a new nationalism. This has meshed with those other forces that wish to limit the country's association with the United States. This new nationalism looks toward a reassertion of Japan's role in Asia but not necessarily in full conjunction with American policy. It can be seen in the rising demand among all political factions for the return of Okinawa to Japan.

This nationalism, however, is also changing Japanese public opinion in that they are now more inclined to support a larger self-defense force. Further, recent polls reveal that between 20 and 25 percent of the Japanese people favor acquiring nuclear weapons for their own defense.

The leftist element in Japan has continued to pressure the Japanese Government on the Okinawa issue and the Security Treaty. Besides the close ethnic and cultural ties with Okinawa, the Japanese have gradually increased their demands for reversion until in 1968 Prime Minister Sato said reversion could no longer be delayed.

About this time the Japanese Government issued the results of a nationwide poll showing 80 percent of the Japanese people favored reversion as soon as possible and they claimd a similar consensus among the people on Okinawa.

Thus reversion became a big political issue and Sato's ability to accomplish it was seen as a key if he was to be assured of success in the elections of 1969. This pressure was further accelerated by riots from leftist groups in early 1969.

The Nixon administration apparently saw reversion as compatible with our mutual defense and treaty obligations in the Far East. President Nixon also placed great importance on strengthening the friendly Sato government which it was felt would face other important issues of U.S. interest in the early 1970's.

Thus, the approval in principle of reversion for Okinawa was reached in the Nixon-Sato talks in November of 1969, and Sato's Liberal Democratic Party was returned to power in December of last year for a 4-year period, by an even greater vote than in previous elections.

7. CRISIS IN LAOS AND CAMBODIA

Mr. President, the critical nature of the Okinawa issue has been drawn into sharper focus in the past few weeks because of the deteriorating situation in that part of the world.

Our commitment in Vietnam and Korea alone should be sufficient to require continued unrestricted use of Okinawa but now we are confronted with a rapidly changing situation in Cambodia and Laos.

The crisis in Cambodia and Laos today was not present when President Nixon and Prime Minister Sato met and issued their communique last November. If the crisis in these two countries had taken place last October, I do not see how the United States could have agreed to reversion of Okinawa in November.

In Cambodia, Prince Sihanouk was deposed last month, and North Vietnamese and Vietcong troops have attacked Cambodian border outposts and generally threatened the security of the new leaders.

The new government in Cambodia, which has declared itself as a neutral, has been forced to enlist many of its young men from colleges into hastily formed military units in order to assure its defense. The Cambodian leaders have also stated that if the military situation continues to deteriorate they would be compelled to request weapons and equipment from friendly countries. At the same time, they have ruled out the use of foreign troops to fight the Communists in Cambodia.

In Laos, North Vietnamese troops have pushed across the Plain of Jars once again and the neutralist government is in a difficult situation. Some U.S. supplies and equipment, as well as air support, have been given to the Government of Laos at their request.

The United States has no legal obligation to send troops into either Laos or Cambodia, and both Governments have indicated they wish to handle the crisis without such help.

However, should either country fall to the North Vietnamese forces, the U.S. position in Vietnam would be much more difficult. While it is hoped the situation will develop in such a way that the neutralist governments of both countries can be maintained, we must be prepared to take steps to protect U.S. forces in Vietnam in the event that they are threatened by developments in Cambodia or Laos.

In such a circumstance our unrestricted use of Okinawa would be necessary for the safety of our fightingmen in the Far East.

8. BYRD AMENDMENT ON OKINAWA

Mr. President, last November the distinguished senior Senator from Virginia (Mr. BYRD) introduced an important amendment to H.R. 12964, which read as follows:

> It is the sense of the Congress that the President shall not enter into any agreement or understanding, the effect of which would change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, without the advice and consent of the Senate.

The purpose of this amendment was to insure the U.S. Senate had the opportunity to consider any change to this treaty which it ratified in 1952.

Senator BYRD stated:

> If the Senate is to fulfill its Constitutional responsibility in the field of foreign policy, it must make clear that any change in the Treaty of Peace with Japan must be ratified by the Senate.

During the discussion of this amendment, I had the opportunity to speak in its support, and I was pleased that the Senate agreed with the Byrd amendment, and passed it by a vote of 63 to 14.

The feeling in the Senate was clear that the issue of Okinawa was not solely an executive decision. Unfortunately, President Johnson in 1968 returned the Bonin Islands to Japan without consulting with the Senate, although they were secured under the same article as was Okinawa.

The Byrd amendment passed just prior to Prime Minister Sato's visit last year. Its passage was properly recognized in the communique issued by the two leaders.

This recognition was evidenced in a sentence of the communique which followed the agreement to immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa. Quoting directly from the communique, it read as follows:

> They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support.

Senator BYRD felt this part of the communique adequately recognized the Senate's role in the matter, and that any specific arrangements reached in the discussions and the revision itself would come before the Senate for approval or disapproval.

However, my distinguished colleague from South Carolina (Mr. HOLLINGS) did not feel this language was clear enough so he wrote President Nixon on November 25, 1969, asking for clarification.

In his reply on January 9, 1970 President Nixon stated:

> Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problem of Okinawa revision, including the appropriate form of Congressional participation in this matter.

Mr. President, I am encouraged on this point by the views of Senator BYRD, and I also find reason for encouragement in the correspondence from the President to Senator HOLLINGS, particularly since it came in January of this year.

This point is important, because in a press briefing by a high State Department official following the issuance of the communique last November, this official stated the Department had not yet taken a position on what they would consider necessary legislative support. This remains true today.

The official said other possibilities besides ratification by the Senate were present and he mentioned specifically a joint resolution.

He further stated the issue would not really be faced until the specific arrangements called for in the agreement were completed. He pointed out negotiations of these arrangements would be long and detailed, and under the best of circumstances he did not foresee their end until the middle of 1977 at the earliest.

Mr. President, it should be noted that these remarks were made prior to the letter of January 9, 1970, to Senator HOLLINGS. It also should be noted that they were made by a high official of the same State Department that told President Johnson he did not have to seek the advice and consent of the Senate when he returned the Bonin Islands to Japan in 1968.

The situation is somewhat different now, in that we have the presence of a strong expression by the Senate on this matter, and recognition of that expression in the communique. However, it should be noted that neither the communique nor the letter from President Nixon referred specifically to seeking the advice and consent of the Senate.

9. NIXON-SATO AGREEMENT

Mr. President, that brings us up to the agreement between President Nixon and Prime Minister Sato last November. The Nixon-Sato communique was issued here in Washington on November 21, 1969.

The key points in the communique as it applies to Okinawa may be found in points 4 through 11. It would be useful at this time to briefly examine the content of these paragraphs in the communique.

An examination will show that items 4, 5, and 6 are most important to an understanding of the meaning of the communique.

In item 4 both Governments recognized the importance of the security of the Republic of Korea and the Republic of China to the security of their own nations, Prime Minister Sato seeing the security of South Korea as "essential" to Japan's own security. This statement was most significant and was further strengthened in a speech by Mr. Sato before the National Press Club. In this speech he said the importance of Korea to the security of Japan would dictate a positive reply from Japan under any prior consultation clause between the United States and Japan, should Korea be attacked.

Further in item 4, President Nixon spoke of the earnest efforts of this country to secure a just peace in Vietnam and both expressed the hope the war would be concluded before reversion. In the event the war was not concluded by 1972, then the two leaders agreed their Governments would "fully consult with each other in the light of the situation at that time so that reversion could be accomplished without affecting the U.S. efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference."

Mr. Sato also stated in this section that the Japanese people were exploring ways in which they could play some role toward bringing stability to the Indochina area.

Mr. President, item 4 of this agreement is quite important, for it provides consultation on our use of Okinawa as it relates to Vietnam prior—and I emphasize prior—to reversion. This could be critical to our ability to meet our obligations in this area if the war in Vietnam is still in an active phase. Unfortunately, the fulfillment of our other treaty commitments in the Far East are not given similar importance.

In paragraph 5 of the communique, we find another important element of the agreement. This is the expression on the part of both powers that the Security Treaty of 1960 be continued in effect. It should be noted that this is the first formal reaffirmation by both Governments of their intention to continue the 1960 treaty indefinitely. Without such an agreement, reversion of Okinawa would be out of the question. However, it should be recognized, under the extension, that either Government can withdraw from the treaty on 12 months' notice, as is the case with most of our other treaties.

Thus, we are faced with the possibility that a change in the political situation in Japan could result in the renunciation of the 1960 Security Treaty and thereby seriously affect our position on Okinawa. This risk must be weighed against our refusal to grant reversion and the subsequent weakening of relations with an important ally such as Japan.

In item 6, the President and Sato agreed that the mutual security interests of the two countries could be accommodated within the arrangements for the return of Okinawa to Japan. In this connection, they agreed to begin immediate talks regarding specific arrangements for the early reversion of Okinawa to Japan, with a view of completing the accomplishment of this goal during 1972.

It was further agreed, in item 6, that Japan would gradually assume the responsibility for the defense of Okinawa but that the United States would retain, under the terms of the Treaty of Mutual Cooperation and Security, such military facilities and areas in Okinawa as required for the mutual security of both countries.

Perhaps the key point in item 6 is the specific recognition of the importance of U.S. bases and personnel in Okinawa and their direct relationship to the security of ourselves and our allies in the Far East. In the middle of this paragraph is the point Senator BYRD referred to on November 25, 1969. This point is that the communiqué provides that the two governments will enter into consultations regarding the specific arrangements before the reversion date. This is followed by a very important statement that the reversion target date would be 1972, and, "Is subject to the conclusion of these specific arrangements with legislative support."

The extent of the entire agreement was tightly drawn in item 7 in which the United States agreed that, upon the return of the administrative rights, "the Treaty of Mutual Cooperation and Security and its related arrangements would apply to Okinawa without modification thereof." Later in this item, Mr. Sato did

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state that in this connection it was agreed that the security of Japan could not be adequately maintained without peace in the Far East. He said further, in view of this point, the return of administrative rights to Japan "should not hinder the effective discharge of international obligations assumed by the United States for the defense of countries in the Far East, including Japan.

In item 8, Mr. Sato described the sentiment in Japan against nuclear weapons; and President Nixon stated:

> Without prejudice to the position of the United States government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.

In item 9, the two leaders took cognizance of the financial and economic problems involving American businesses in Okinawa which would result from reversion, and decided to conduct detailed discussions toward their resolution.

In items 10 and 11, President Nixon and Prime Minister Sato outlined their plans for implementing this agreement and expressed their belief that it will further strengthen the friendship and security of both countries.

Of course, the key section of the agreement is item 6, in which the agreement is made to bring about reversion. This part of the agreement also alludes to the "necessary legislative support" for reversion.

In summary, the agreement lays the groundwork for reversion of Okinawa to Japan in the form of granting administrative rights to the Japanese; provides that any nuclear weapons on Okinawa would be removed prior to 1972; allows that Okinawa would come under the Treaty of Mutual Cooperation and Security which now governs our military relationship with the main islands of Japan; provides for the continuation of American bases in Okinawa in that they assure the defense of both countries; announces the intention of both governments to continue the 1960 Security Treaty; and grants prior consultation with Japan regarding the use of any such bases in combat operations throughout the Far East.

The latter point is covered in the section of the agreement which states Okinawa would come under the Cooperation Treaty which now deals only with Japan. Under this treaty, the United States agrees to prior consultation before conducting any U.S. combat operations from mainland Japan or any significant buildup of weapons at our bases on mainland Japan.

At present the United States has unrestricted use of Okinawa, but after reversion this would not be the case, as the Cooperation Treaty would apply and we would be faced with the same restrictions we now operate under on the main island of Japan. U.S. military men have found these conditions restrictive in Japan.

At this point it may be well to state that both Governments agree that prior consultation means that the agreement of the Japanese is necessary for combat operations, but the Japanese reserve the right to say yes or no after such consultation.

It should be noted that both leaders expressed the hope that some of the problems present today may not be with us in 1972 when the reversion agreement is executed. This is a hope in which we all would share, but on which we cannot plan our national security. In conclusion, Mr. President, last year, prior to the Nixon-Sato talks, Secretary of State Rogers visited Japan and conferred with the Prime Minister. He urged Mr. Sato to pay more attention to Japan's military responsibility, but the Japanese Prime Minister made it clear that he was still looking to this country to guarantee the safety of Japan and Okinawa.

In view of our military commitments in Southeast Asia and the other issues I have discussed here today, and especially the worsening situation in Laos and Cambodia, it does not seem wise from a military view for the United States to agree to reversion of Okinawa now or in the near future. In my opinion, this is the feeling of a number of the Members of the Senate. It is certainly the majority opinion among the American public.

Three things could take place which would ease my concern in this matter.

First, a clear declaration from the Nixon administration that it would seek the "advice and consent" of the Senate on the question of reversion, and not just legislative support or a resolution. This would certainly be in keeping with President Nixon's often expressed desire to consult with the Congress on matters of such importance.

Second, a significant improvement in the political stability of the Far East, together with a reduction in military operations there. This would mitigate some of the compelling military arguments against early reversion.

And third, the Japanese would adopt more amenable and mutually supporting trade policies with the United States. This could ameliorate the threatened disintegration of the U.S. textile industry, which obviously will weaken our economy.

Barring the realization of these three developments, which I have just described, the reversion of Okinawa to Japan in 1972 is, in my judgment, not in the best interests of the United States.

Mr. BYRD of Virginia. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am happy to yield to the the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I have been tremendously interested in the very able address just made by the distinguished senior Senator from South Carolina (Mr. THURMOND).

I know that a great deal of hard work went into this matter. It seems to me that the distinguished Senator has rendered a splendid service in calling the attention of the Senate and the Nation to the vital problems involved in regard to our greatest military base complex in the far Pacific; namely, Okinawa.

I associate myself with the belief and the feeling of the distinguished Senator from South Carolina that a substantial number of Members of the Senate are deeply concerned about this matter. As a matter of fact, I have been surprised, in private conversations, that certain Senators have expressed a keen interest in the fact that Okinawa should not revert to the Japanese as long as we have the great commitments we have in the far Pacific.

The distinguished Senator from South Carolina points out that, in his judgment, probably a large majority of the American people would not favor giving up the unrestricted right of this country to use Okinawa as we think best, as long as we have such heavy commitments.

In my judgment, the Senator from South Carolina is on sound ground in that assumption.

I spoke last night to a large audience in the western part of Virginia and I mentioned the subject of Okinawa. As I go about Virginia discussing the great matters which affect our Nation, I find great interest in Okinawa.

I want to say, just as the distinguished Senator from South Carolina has said, that it seems to me to be very important—I repeat, very important—that any agreements which are made by our Nation with Japan affecting the treaty of peace, which was ratified by the Senate, or any change in its status, must come back to the Senate for approval or disapproval.

The Senate itself is on record by an overwhelming vote on the adoption of a sense-of-the-Senate resolution last November to this effect.

I was very much encouraged by the communique issued by President Nixon and Prime Minister Sato. I was further encouraged, as the Senator from South Carolina pointed out in his address, by the correspondence between the junior Senator from South Carolina (Mr. HOLLINGS) and President Nixon.

I believe that the administration will submit to the Senate, for approval or disapproval, any change in the treaty of peace with Japan. To do otherwise would run directly counter to the expressed will of the Senate, which is a partner with the President in establishing foreign policy.

I think it would be helpful, as the distinguished and able Senator from South Carolina pointed out in his magnificent address, if the Government would take the three steps which he recommends, first, a clear declaration from the Nixon administration that it would seek the advice and consent of the Senate on the question of reversion. I think it would be well if that were done. I have faith, however, that the administration plans to do that.

I think that the communique between our Government and the Japanese Government involving Premier Sato's visit clearly indicates this. But I think it would be well, as the distinguished Senator from South Carolina suggests, that that should be made even clearer.

The PRESIDING OFFICER (Mr. ALLEN). The time of the Senator from South Carolina has expired.

Mr. THURMOND. Mr. President, I

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ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. If we are going to guarantee the freedom of Japan, of the Philippines, of all the SEATO nations, and Australia and New Zealand, if we are going to do that, then it seems only logical that we must retain the unrestricted right to our greatest military base, which is Okinawa.

Thus, I am very much pleased to be in the Chamber today and to associate myself with the distinguished Senator from South Carolina who has taken such a keen interest in this problem and who has done so much to focus attention on the importance of Okinawa.

Mr. President, I believe that as more of the American people know the subject, the more they ponder and consider it, the more firmly will they hold to the belief that there should be no change in the status of Okinawa until the Senate has had an opportunity fully to explore any suggested change and approve or disapprove.

Once more, I commend and associate myself with the distinguished and able Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Virginia for his remarks.

The able Senator from Virginia has given a geat deal of thought and study to this subject. He is one of the best informed men in this country on this particular topic.

As a member of the Armed Services Committee, he has had an opportunity to go into this matter from a military standpoint and from the standpoint of the security of the country.

What he says on this subject should be given close attention not only by the Senate but also by the American people.

I might say again that the poll I was referring to showed that 50 percent of the American people oppose—I repeat, oppose—returning Okinawa to Japan. Only 26 percent favor returning Okinawa, and the other 24 percent are uncommitted or undecided.

I think this clearly reveals how the American people feel on this subject.

It is my sincere hope that the administration will follow the steps I have outlined in this address. I fear it would be nothing less than a calamity to see Okinawa returned without following the proper procedures.

Again I wish to commend the able Senator from Virginia for his pertinent and significant remarks.

Mr. President, I ask unanimous consent that the following three articles be placed in the RECORD following these remarks: First, the Harris survey which appeared in the Washington Post on December 22, 1969; second, an article entitled "Japan's Drive To Outstrip United States," which appeared in the March 1970 issue of the U.S. News & World Report; and third, the joint communique between President Richard Nixon and His Excellency Prime Minister Sato of Japan, of November 21, 1969.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 22, 1970]

THE HARRIS SURVEY: 50 PERCENT DISLIKE U.S. RETURN OF OKINAWA

(By Louis Harris)

Despite the fact that agreement has been reached in principle between President Nixon and Japanese Premier Eisaku Sato, the American people are opposed to the United States giving Okinawa back to Japan by a margin of 50 to 26 per cent.

Originally Japanese territory, Okinawa was taken over by the United States after World War II and since then has been used by this country as a major Pacific military installation.

A cross-section of 1,798 people was recently asked:

"Do you feel that the United States should give Okinawa back to the Japanese or not?"

RETURNING OKINAWA TO JAPAN

[In percent]

	Give back	Don't do it	Not sure
Nationwide	26	50	24
By Region:			
East	27	43	30
Midwest	45	37	18
South	19	55	26
West	34	51	15
By Education:			
8th grade or less	16	50	34
High school	22	55	23
College	40	41	19

The public was also asked:

"Do you feel the United States should encourage or discourage Japan to have a greater role in the Pacific?"

GREATER ROLE FOR JAPAN IN PACIFIC

[In percent]

	Encourage	Discourage	Not sure
Nationwide	42	37	21
By region:			
East	44	31	25
Midwest	45	37	18
South	31	46	23
West	54	34	12
By Education:			
8th grade or less	25	48	27
High School	30	40	30
College	61	25	14
By Race:			
White	44	37	19
Black	28	40	32

These results clearly indicate that not only are there many lingering doubts in this country about seeing Japan grow in power in the Pacific, but that some extensive public education will have to take place before the American people view with favor the return of Okinawa to the Japanese.

[From the U.S. News & World Report, Apr. 6, 1970]

JAPAN'S DRIVE TO OUTSTRIP UNITED STATES

TOKYO.—Japan, adding more and more muscle to its economic miracle, is convinced that it can and will replace the U.S. as the richest nation in the world.

From the defeat and devastation of World War II, this island realm of 103 million people has climbed to third place among industrial powers, outranked only by the U.S. and the Soviet Union, and is driving boldly and confidently ahead.

Japanese ambitions are unconcealed. The energetic islanders are clearly determined to be *Ichiban*—Number One. Many Japanese leaders believe that the goal can be reached in this century.

"Within 30 years," says one economic prophet, "Japan will not only have overtaken Russia but the U.S. as well."

Others, more cautious, say that it may take 50 years. But among experts—in both Asia and the West—there is agreement that Japanese competition confronts the U.S. with the toughest challenge it has ever had.

The charts on these pages show the phenomenal growth and global scope of Japan's booming economy.

Sales territory: the world. On every continent, evidence of Japanese achievement is dramatic. In America, such products as Sony and Panasonic television sets and radios, Honda motorcycles, Toyota and Datsun autos are becoming commonplace. Young Australians, aware of their country's significant trade ties with Japan, are learning Japanese. West Germans are buying Japan's cameras. In places as far apart as Afghanistan and Bolivia, rugged Japanese trucks outsell the competition.

Japanese salesmen, tireless and aggressive, are working the whole world, from Sverdlovsk to San Francisco.

Consider this: Japan's annual output is nearly triple that of all Africa, one and a half times that of Latin America, greater than that of all the rest of Asia, excluding China.

For the future—Japanese growth projections are impressive.

Total economic output this year is expected to reach about 200 billion dollars. This is about one fifth of the U.S. level. But Japan's growth rate over the last 10 years has averaged about three times that of the U.S.—12 per cent annually vs. 4 per cent, in real terms. If Japan can maintain this rate, its output is expected almost to double in the next five years and nearly to quadruple in 12 years.

As Japan consolidates its position as an economic superpower, predictions are heard that it will surpass the U.S. not only industrially but in standard of living.

Among indicators of Japan's great industrial strides are these:

For 14 years, the Japanese have led the world in shipbuilding. Nearly half of all new tonnage in 1969 was launched in Japanese shipyards.

In the last decade, Japanese automobile production has jumped from seventh to third place in the world.

Some steelmakers here believe that Japan's output could hit 160 million tons in 1975, surpassing both the U.S. and Russia.

The Japanese now use more computers than any other country except the U.S. and West Germany. By 1985, planners say, Japan will be using as many computers per capita as the U.S.

The good life gets better. The tremendous economic thrust already is producing unprecedented prosperity.

Many Japanese consumers no longer are content with what they once regarded as status symbols—cars, color TV, air conditioners. The desire now is for such things as electronic ovens, central heating and week-end cottages.

Japanese are spending as never before on travel and recreation. Guam and Hawaii are becoming favorite destinations for honeymoon couples and vacationing businessmen. Golf clubs have long waiting lists for membership. Sports centers—from bowling alleys to ski resorts—are jammed. Even private flying clubs are becoming popular.

Japan has not been altogether transformed, of course. Substandard housing, inadequate sewage disposal, bad roads are just a few of the problems. Under the system of national priorities, these have had to wait. Industry came first. Now, however, social-investment needs are commanding attention as national wealth increases.

Japan's "economic miracle"—15 years of explosive growth—and more to come

[Total spending in Japan—gross national product—in billions of dollars]

1955	24
1963	68
1970 (est.)	200
1975 (est.)	375

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Westerners often ask how the Japanese have managed to come so far so fast.

Many factors are involved. One misconception is that cheap labor is the key to Japan's industrial success. The fact is that labor costs are lower in many other parts of Asia. Those other Asian countries—whose supplies of raw materials exceed those of Japan—have not come close to matching Japanese development.

While Japanese pay scales are generally lower than in the West, they are at European levels in such fast-growing categories as steel and machinery.

Among elements of Japan's success are freedom from heavy expenditures for defense—because the U.S. provides Japan's outer defense perimeter; a skillful, disciplined force, and an ability to adapt the best in borrowed technology. But there is another, major element, rarely mentioned by the Japanese themselves. That is the national "team spirit" which overrides dividing lines among Govrenment, business and labor.

Unique motivation. A U.S. businessman who knows Japan well explains that spirit this way:

"At home, Japanese compete keenly against each other. But abroad, they all appear to be on the same team. They are bold and confident because they know that not only their own company but all Japanese firms and banks and Government officials will stand behind their deal.

"All Japanese work first and foremost for the 'national family'—the 'Rising Sun family.' That's not true of the Americans, the British, the West Germans and others. Consequently, a Japanese company is more competitive than its foreign rivals, no matter how big they are."

Japan's team spirit is seen in the operations of the country's giant conglomerate.

These huge financial combines, so carefully pulled apart by the conquerors during the U.S. occupation just after the war, have been carefully reassembled and are stronger than ever. Ways in which they use their strength amplify Japan's economic punch.

Search for raw materials. It is standard procedure, for example, for conglomerates to organize special task forces to comb the world for raw materials that Japan needs. Right now, 28 of these forces are developing sources of petroleum, copper, nickel, uranium and aluminum.

Until recently, foreign capital was the mainspring of Japanese expansion. It still is important. But in 1969, Japan turned a corner and became a net capital exporter.

The nation's investment abroad now amounts to about 2 billion dollars. It is expected to soar to 10 billion by 1980.

Moving into Australia. A good example of Japanese methods in the drive for economic aggrandizement is seen in Australia.

Advance groups of Japan's economic warriors arrived "down under" less than 10 years ago. They had no ready cash. But they did have industrial facilities at home in need of raw materials, markets to be filled—and long-term purchasing contracts in hand. Says a top Australian executive:

"We could take those contracts to any banker in the world and get the money we needed to dig our minerals out of the ground. The more the Japanese contracted for, the more we found. And the more we found, the more they bought."

Japanese commitments to buy Australian iron ore, bauxite and coal over the next 15 years now add up to 2.5 billion dollars, and new deals are still being made. In addition, Japan has become the main buyer of Australian wool and has moved ahead of Britain to become second only to the U.S. as a supplier of Australia's imports.

Some comments by Australians on what they regard as the economic "battle of the century" between Japan and the U.S.:

A mining man: "Do Americans really know they are getting into the toughest competition they've ever had?"

Another mining expert:

"Most American steel companies seem slow to understand that the huge ore bodies and coal fields we have found here have changed the industrial geopolitics of the world. The Japanese understand it."

From still another Australian: "Instead of messing around with low-grade ore carried long distances by slow trains to antiquated inland mills, the Japanese are taking our high-grade ore to ultramodern plants situated on the deep-water highroads of the world."

An economist:

"The Japanese started with small ore carriers, soon shifted to 70,000-ton ships, now use 100,000-tonners and are urging us to prepare for 300,000-ton vessels. Using methods like this, they can undersell American steel everywhere in the world, including the United States."

FIRM CONTROLS

Government control over the economy is a key element in the Japanese success story.

Thus, "sunset" industries such as cotton textiles and soap get minimum attention from Government planners. Instead, new investment is poured into "sunrise" industries—those with the greatest growth potential.

Under this system, growth rates of 30 per cent or more in each of the past five years have been racked up in production of cars, trucks, color-TV sets, synthetic rubber and several chemicals. The "sunrise" industries of the '70s include computers, aircraft, electronic goods, and products related to housing, nuclear power, and oceanography.

An Australian businessman asserts:

"The Japanese are running rings around the Americans in steel, aluminum and electronics. They will soon be doing the same thing in control systems, major industrial equipment, even computers."

Japan's economic-growth rate is now at least double that of any other advanced nation. For the past 15 years, its trade has been expanding at twice the world rate.

Some warnings. Can that pace be maintained? Economists here point to some possible roadblocks. For example—

Japan's ambitious targets may be unacceptable to trading partners who are increasingly concerned about deficits in their trade with Japan. Also, there is grumbling about Japanese competitive practices and about Japan's calls for free trade everywhere while it is acting very slowly to lower its own barriers.

A dispute over exports of Japanese woolens and synthetic textiles threatens to result in U.S. protectionist retaliation. A trade war involving the U.S. would be extremely damaging to Japan. The American market absorbs 30 per cent of Japanese exports.

Asian nations are increasingly resentful of what they see as a determination by Tokyo to have them remain primarily suppliers of raw materials and markets for Japanese finished goods. The influential Tokyo newspaper "Yomiuri" warns:

"Japan cannot hope to live down its reputation as an economic animal unless she corrects her excessively commercial attitude toward Asian nations."

Danger in nationalism? Another thing that worries some Japanese is the possible effect of the accelerated rise in nationalism on the country's future.

Defense forces are getting more attention. The munitions industry is reviving again. Some observers believe that Japan's acquisition of nuclear arms is just a matter of time. The fear of some Asian countries that Japan may dominate them militarily as well as economically contributes to doubts about the durability of friendly ties. Indonesia's Foreign Minister, Adam Malik, has said, "In the '70s, I think Japan would be more of a vexing problem than Communist China."

In Japan, much is made of this 2,000-year-old nation's "racial purity" and of the need for national unity to cope with a hostile world. This alarms some outsiders. But Japanese at home believe the alarm is exaggerated or groundless and that Japan's growth and influence as an industrial and financial—not military—power will go forward unchecked.

Whatever happens in the future, Japan has shown that its economic system is not only efficient but dynamic and aggressive, geared to goals of higher and higher productivity.

Joint Communique Between President Richard Nixon and His Excellency Prime Minister Sato of Japan

1. President Nixon and Prime Minister Sato met in Washington on November 19, 20 and 21, 1969, to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan.

2. The President and the Prime Minister recognized that both the United States and Japan have greatly benefited from their close association in a variety of fields, and they declared that guided by their common principles of democracy and liberty, the two countries would maintain and strengthen their fruitful cooperation in the continuing search for world peace and prosperity and in particular for the relaxation of international tensions. The President expressed his and his government's deep interest in Asia and stated his belief that the United States and Japan should cooperate in contributing to the peace and prosperity of the region. The Prime Minister stated that Japan would make further active contributions to the peace and prosperity of Asia.

3. The President and the Prime Minister exchanged frank views on the current international situation, with particular attention to developments in the Far East. The President, while emphasizing that the countries in the area were expected to make their own efforts for the stability of the area, gave assurance that the United States would continue to contribute to the maintenance of international peace and security in the Far East by honoring its defense treaty obligations in the area. The Prime Minister, appreciating the determination of the United States, stressed that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its obligations referred to by the President. He further expressed his recognition that, in the light of the present situation, the presence of United States forces in the Far East constituted a mainstay for the stability of the area.

4. The President and the Prime Minister specifically noted the continuing tension over the Korean peninsula. The Prime Minister deeply appreciated the peacekeeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security. The President and the Prime Minister shared the hope that Communist China would adopt a more cooperative and constructive attitude in its external relations. The President referred to the treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan. The President described the earnest efforts made by the United States for a peaceful and just settlement of the Viet-Nam problem. The President and Prime Minister expressed the strong hope that the war in Viet-Nam would be concluded before

return of the administrative rights over Okinawa to Japan. In this connection, they agreed that, should peace in Viet-Nam not have been realized by the time reversion of Okinawa is scheduled to take place, the two governments would fully consult with each other in the light of the situation at that time so that reversion would be accomplished without affecting the United States efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference. The Prime Minister stated that Japan was exploring what role she could play in bringing about stability in the Indochina area.

5. In light of the current situation and the prospects in the Far East, the President and the Prime Minister agreed that they highly valued the role played by the Treaty of Mutual Cooperation and Security in maintaining the peace and security of the Far East including Japan, and they affirmed the intention of the two governments firmly to maintain the Treaty on the basis of mutual trust and common evaluation of the international situation. They further agreed that the two governments should maintain close contact with each other on matters affecting the peace and security of the Far East including Japan, and on the implementation of the Treaty of Mutual Cooperation and Security.

6. The Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan, of both the mainland and Okinawa, to have the administrative rights over Okinawa returned to Japan on the basis of the friendly relations between the United States and Japan and thereby to restore Okinawa to its normal status. The President expressed appreciation of the Prime Minister's view. The President and the Prime Minister also recognized the vital role played by United States forces in Okinawa in the present situation in the Far East. As a result of their discussion it was agreed that the mutual security interests of the United States and Japan could be accommodated within arrangements for the return of the administrative rights over Okinawa to Japan. They therefore agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East including Japan. They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972 subject to the conclusion of these specific arrangements with the necessary legislative support. In this connection, the Prime Minister made clear the intention of his government, following reversion, to assume gradually the responsibility for the immediate defense of Okinawa as part of Japan's defense efforts for her own territories. The President and the Prime Minister agreed also that the United States would retain under the terms of the Treaty of Mutual Cooperation and Security such military facilities and areas in Okinawa as required in the mutual security of both countries.

7. The President and the Prime Minister agreed that, upon return of the administrative rights, the Treaty of Mutual Cooperation and Security and its related arrangements would apply to Okinawa without modification thereof. In this connection, the Prime Minister affirmed the recognition of his government that the security of Japan could not be adequately maintained without international peace and security in the Far East and, therefore, the security of countries in the Far East was a matter of serious concern for Japan. The Prime Minister was of the view that, in the light of such recognition on the part of the Japanese Government, the return of the administrative rights over Okinawa in the manner agreed above should not hinder the effective discharge of the international obligations assumed by the United States for the defense of countries in the Far East including Japan. The President replied that he shared the Prime Minister's view.

8. The Prime Minister described in detail the particular sentiment of the Japanese people against nuclear weapons and the policy of the Japanese Government reflecting such sentiment. The President expressed his deep understanding and assured the Prime Minister that, without prejudice to the position of the United States Government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.

9. The President and the Prime Minister took note of the fact that there would be a number of financial and economic problems, including those concerning United States business interests in Okinawa, to be solved between the two countries in connection with the transfer of the administrative rights over Okinawa to Japan and agreed that detailed discussions relative to their solution would be initiated promptly.

10. The President and the Prime Minister, recognizing the complexity of the problems involved in the reversion of Okinawa, agreed that the two governments should consult closely and cooperate on the measures necessary to assure a smooth transfer of administrative rights to the Japanese Government in accordance with reversion arrangements to be agreed to by both governments. They agreed that the United States-Japan Consultative Committee in Tokyo should undertake overall responsibility for this preparatory work. The President and the Prime Minister decided to establish in Okinawa a Preparatroy Commission in place of the existing Advisory Committee to the High Commissioner of the Ryukyu Islands for the purpose of consulting and coordinating locally on measures relating to preparations for the transfer of administrative rights, including necessary assistance to the Government of the Ryukyu Islands. The Preparatory Commission will be composed of a representative of the Japanese Government with ambassadorial rank and the High Commissioner of the Ryukyu Islands with the Chief Executive of the Government of the Ryukyu Islands acting as adviser to the Commission. The Commission will report and make recommendations to the two governments through the United States-Japan Consultative Committee.

11. The President and the Prime Minister expressed their conviction that a mutually satisfactory solution of the question of the return of the administrative rights over Okinawa to Japan, which is the last of the major issues between the two countries arising from the Second World War, would further strengthen United States-Japan relations which are based on friendship and mutual trust and would make a major contribution to the peace and security of the Far East.

12. In their discussion of economic matters, the President and the Prime Minister noted the marked growth in economic relations between the two countries. They also acknowledged that the leading positions which their countries occupy in the world economy impose important responsibilities on each for the maintenance and strengthening of the international trade and monetary system, especially in the light of the current large imbalances in trade and payments. In this regard, the President stressed his determination to bring inflation in the United States under control. He also reaffirmed the commitment of the United States to the principle of promoting freer trade. The Prime Minister indicated the intention of the Japanese Government to accelerate rapidly the reduction of Japan's trade and capital restrictions. Specifically, he stated the intention of the Japanese Government to remove Japan's residual import quota restrictions over a broad range of products by the end of 1971 and to make maximum efforts to accelerate the liberalization of the remaining items. He added that the Japanese Government intends to make periodic reviews of its liberalization program with a view to implementing trade liberalization at a more accelerated pace than hitherto. The President and the Prime Minister agreed that their respective actions would further solidify the foundation of overall U.S.-Japan relations.

13. The President and the Prime Minister agreed that attention to the economic needs of the developing countries was essential to the development of international peace and stability. The Prime Minister stated the intention of the Japanese Government to expand and improve its aid programs in Asia commensurate with the economic growth of Japan. The President welcomed this statement and confirmed that the United States would continue to contribute to the economic development of Asia. The President and Prime Minister recognizes that there would be major requirements for the postwar rehabilitation of Viet-Nam and elsewhere in Southeast Asia. The Prime Minister stated the intention of the Japanese Government to make a substantial contribution to this end.

14. The Prime Minister congratulated the President on the successful moon landing of Apollo XII, and expressed the hope for a safe journey back to earth for the astronauts. The President and the Prime Minister agreed that the exploration of space offers great opportunities for expanding cooperation in peaceful scientific projects among all nations. In this connection, the Prime Minister noted with pleasure that the United States and Japan last summer had concluded an agreement on space cooperation. The President and the Prime Minister agreed that implementation of this unique program is of importance to both countries.

15. The President and the Prime Minister discussed prospects for the promotion of arms control and the slowing down of the arms race. The President outlined his Government's efforts to initiate the strategic arms limitation talks with the Soviet Union that have recently started in Helsinki. The Prime Minister expressed his Government's strong hopes for the success of these talks. The Prime Minister pointed out his country's strong and traditional interest in effective disarmament measures with a view to achievement of general and complete disarmament under strict and effective international control.

THE WHITE HOUSE.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the transaction of routine morning business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, Washington, D.C., reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended March 31, 1970; to the Committee on Armed Services.

Report on Disbursements by Small Business Administration

A letter from the Administrator, Small Business Administration, Washington, D.C., reporting, pursuant to law, on disbursements made by that Administration, dated April 1, 1970; to the Committee on Banking and Currency.

Continuance of International Coffee Agreement Act of 1968

A letter from the Secretary of State, transmitting a draft of proposed legislation to continue until the close of September 30, 1973, the International Coffee Agreement Act of September 30, 1973, the International Coffee Agreement Act of 1968, with an accompanying paper; to the Committee on Finance.

Laws Enacted by the Legislature of the Virgin Islands

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Legislature of the Virgin Islands in its 1969 Special and Regular Sessions, with accompanying papers; to the Committee on Interior and Insular Affairs.

Proposed Grant Agreement With the University of Pittsburgh

A letter from the Deputy Director, Bureau of Mines, Washington, D.C., transmitting, pursuant to law, a proposed grant agreement with the University of Pittsburgh, Pittsburgh, Pa., for a research project entitled "Development of an Air Quality Simulator for Coal Mines," with accompanying papers; to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A joint resolution of the Legislature of the State of Idaho; to the Committee on Agriculture and Forestry:

"Senate Joint Memorial No. 114

"A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable congressional delegation of the State of Idaho

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

"Whereas, the family farm is one of the mainstays of the Idaho economy, and

"Whereas, the family farm has come to depend on operating loans advanced by the Farmers Home Administration, and

"Whereas, the Farmers Home Administration has exhausted its available supply of loan funds for family farms, and

"Whereas, there is still a pressing need for operating loans for family farms in Idaho, and these family farms cannot secure credit from any other source, and

"Whereas, this vital loan service could be made available by an act of Congress.

"Now, therefore, be it resolved by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to make additional funds for operating loans for family farms available to the Farmers Home Administration as soon as possible.

"Be it further resolved that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining this additional appropriation for the Farmers Home Administration.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

"Arthur Wilson,
"Secretary of the Senate."

A concurrent resolution of the legislature of the State of New Jersey; to the Committee on Interior and Insular Affairs:

"Senate Concurrent Resolution No. 29

"A concurrent resolution memorializing the Congress of the United States to enact legislation providing for the creation of a national park in the Palisades region of New Jersey

"Whereas, The Palisades region of New Jersey has the utmost scenic and historical value not only to the people of the State of New Jersey but to the people of the United States as a whole; and

"Whereas, The peace and beauty of this region is being seriously threatened by uncoordinated and uncontrolled physical and economic development; and

"Whereas, The Federal Government has a responsibility to preserve and protect scenic and historic sites which belong to all the people of the United States; now, therefore,

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. That the Congress of the United States be, and it is hereby, respectfully memorialized to consider the enactment of legislation designating as a National Park such portions of the Palisades region of the State of New Jersey as it may deem necessary to preserve and protect the scenic and historical values of that area.

"2. The Secretary of the Senate shall cause duly authenticated copies of this resolution to be sent to the President of the United States, the Clerk of the House of Representatives and the Secretary of the Senate of the United States, to each member of the Congress elected from the State of New Jersey, and to the Secretary of the Department of the Interior.

"Henry H. Patterson,
"Secretary of the Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 3430. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. 91–759).

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

S. 1814. A bill to provide for public ownership of the mass transit bus system operated by D.C. Transit System, Inc., to authorize interim financial assistance for the company pending public acquisition of its bus transit facilities; and for other purposes (Rept. No. 91–760).

By Mr. MILLER, from the Committee on Finance, without amendment:

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone (Rept. No. 91–762).

By Mr. LONG, from the Committee on Commerce, with an amendment:

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended (Rept. No. 91–764).

FEDERAL EMPLOYEES SALARY ACT OF 1970—REPORT OF A COMMITTEE (S. REPT. NO. 91–763)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported an original bill (S. 3690) to increase the pay of Federal employees, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

AUTHORITY TO FILE REPORT ON S. 3685 "EMERGENCY HOME FINANCE ACT OF 1970" (S. REPT. NO. 91–761)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency I report an original bill (S. 3685) to increase the availability of mortgage credit for financing of urgently needed housing, and for other purposes. I ask unanimous consent that the Committee on Banking and Currency have until midnight tonight to file a report on the bill together with minority and supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced, or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. BROOKE:

S. 3682. A bill for the relief of Robert E. Hastings; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Schweiker) by request:

S. 3683. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 3684. A bill to establish within the Department of State a United States Passport Service; to the Committee on Foreign Relations.

(The remarks of Mr. Dodd when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN:

S. 3685. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; placed on the calendar.

(The remarks of Mr. Sparkman when he reported the bill appear earlier in the Record under the appropriate heading.)

By Mr. KENNEDY (for himself and Mr. Mathias):

S. 3686. A bill to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Bayh, Mr. Spong, and Mr. Eagleton):

S. 3687. A bill to amend the Federal Water

Pollution Control Act, as amended; to the Committee on Public Works.

(The remarks of Mr. MUSKIE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MUSKIE:

S. 3688. A bill to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. MUSKIE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH (for himself, Mr. CRANSTON, Mr. BURDICK, Mr. DOMINICK, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. RANDOLPH, Mr. HARRIS, and Mr. KENNEDY):

S. 3689. A bill to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans to veterans to help meet the expenses of obtaining a private pilot's license where such veterans intend to pursue a flight training program under such chapter, and to improve the farm cooperative training program authorized under such chapter; to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MCGEE:

S. 3690. A bill to increase the pay of Federal employees; placed on the calendar.

By Mr. ERVIN:

S.J. Res. 191. A joint resolution proposing an amendment to the Constitution reforming the electoral college method of electing the President; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3683—INTRODUCTION OF A BILL CITED AS THE "VIETNAM VETERANS' ASSISTANCE ACT OF 1970"

Mr. CRANSTON. Mr. President, I am introducing—by request—for myself and the ranking minority member of the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee (Mr. SCHWEIKER) and for appropriate reference, a bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes. This bill was recommended in an April 1, 1970, transmission to the President of the Senate from the Administrator of Veterans' Affairs.

I have already introduced two bills, S. 3656 and S. 3657, dealing with two of the four proposals in the administration's draft bill—sections 3 and 4. I will, however, carefully consider the approach recommended in the bill I am introducing today. Another provision of the bill—section 2(1)—extends to college-level training the same eligibility period—180 days of active duty training—contained in the recently enacted PREP program—Public Law 91-219—for elementary, secondary, or college preparatory training.

Mr. President, I ask unanimous consent that the text of the April 1 transmittal letter and the cost estimate and section-by-section analysis of the draft bill enclosed in that letter be printed in the RECORD at this point followed by the text of the bill.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill, letter, cost estimate, and section-by-section analysis of the bill will be printed in the RECORD.

The bill (S. 3683) to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes, introduced by Mr. CRANSTON (for himself and Mr. SCHWEIKER), by request, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Veterans Assistance Act of 1970".

SEC. 2. Section 1652 of title 38, United States Code, is amended by—

(1) striking out "at least two years" in subsection (a)(2) and inserting in lieu thereof "more than one hundred and eighty days"; and

(2) by adding at the end of subsection (b) a new sentence as follows: "Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section 2902(a) of title 42."

SEC. 3. Subsections (d) and (e) of section 1681 of title 38, United States Code, are amended to read as follows:

"(d) The Administrator shall, except as provided in subsection (e) of this section, pay the initial educational assistance allowance of an enrollment period to an eligible veteran in an amount not to exceed the educational assistance allowance for the month or fraction thereof in which pursuit of the program will commence, plus the educational assistance allowance for one full month, upon receipt of proof that the eligible veteran has been accepted for enrollment in an approved educational institution on a half-time or more basis. Such payment shall not be made earlier than the first day of the month in which pursuit of the program is to commence. Subsequent payments of educational assistance allowance shall be made each month in advance, subject to such reports and proof of satisfactory pursuit of such program as the Administrator may require. The Administrator may withhold the final payment of an enrollment period until such proof is received and the amount appropriately adjusted. If the eligible veteran fails to enroll in the course after receiving the initial payment of the educational assistance allowance, the amount of such advance payment may be recovered from any benefit otherwise due the veteran under any law administered by the Veterans' Administration or such overpayment shall constitute a liability of such eligible veteran and may be recovered in the same manner as any other debt due the United States."

"(e) No educational assistance allowance shall be paid to an eligible veteran enrolled in a program of education consisting exclusively of flight training or exclusively by correspondence for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or, where the program is pursued by correspondence, a certificate as to the number of lessons actually completed by the veteran and serviced by the institution, and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution."

SEC. 4. (a) Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes.

"(a) Notwithstanding any other provisions of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit in this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

"(b) Any loan to a Veteran eligible under subsection (a), if may be an approved lender in accordance with the provisions of this section, may be guaranteed by the Administrator if the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home provided such used mobile home is the security for a prior loan guaranteed under this section or is the security for a loan guaranteed or insured by another federal agency. Any loan for such purpose shall be submitted to the Administrator for approval prior to loan closing. Upon determining that the proposed loan is eligible for guaranty under this section the Administrator may issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects. The Administrator's guaranty shall not exceed 30 per centum of the principal balance of the loan as of the date of the first uncured default in payment as defined by the Administrator. Payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In such accounting the Administrator may allow the holder of the loan to charge against the liquidation or resale proceeds accrued unpaid interest to such cut-off date as he may establish, and such costs and expenses as he determines to be reasonable and proper.

"(c) In lieu of determining the reasonable value of the mobile home to be purchased with the proceeds of a proposed loan and establishing a loan maximum based on such reasonable value, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as he considers proper to take into account. Irrespective of the basis utilized by the Administrator for determining the maximum permissible loan amount, no proposed loan shall be approved for guaranty if the loan amount exceeds $10,000 or if the term of the loan exceeds twelve years and thirty-two days. Such limitations on the amount and term of the loan, however, shall not be deemed to preclude the Administrator from consenting to necessary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of a loan. In addition, no proposed loan shall be approved for guaranty unless—

"(1) the loan is repayable in approximately equal monthly installments;

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"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk;

"(3) the loan will be secured by a first lien on the mobile home;

"(4) the amount of the loan (not to exceed $10,000 in any event) is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator may prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which is acceptable to the Administrator;

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator;

"(8) a fee, not to exceed that specified in section 1818(d) of this chapter, has been received by the Administrator.

"(d) The Administrator shall establish such rate of interest or discount for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(e) Notwithstanding the $10,000 limitation in subsection (c), a loan to purchase a mobile home to be guaranteed under this section may be increased by a sum not in excess of $3,000 or the reasonable value of the lot as determined by the Administrator, whichever is less, for the acquisition of a lot on which to place the mobile home provided a first lien is also obtained on such lot for the combined loan amount. In any such case the 30 per centum limitation on the guaranty in subsection (b) shall be based on the combined loan amount:

"(f) Entitlement to the benefit used under this section my be restored by the Administrator provided the loan has been repaid in full.

"(g) The Administrator is hereby authorized and directed to promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and in such regulations he may include any of the provisions in other sections of this chapter as he determines to be applicable or appropriate for loans guaranteed under this section. The Administrator shall have such powers in respect to matters arising under this section as he has in respect to loans guaranteed under other sections of this chapter.

"(h) No loans shall be guaranteed by the Administrator under the provisions of this section on and after July 1, 1973, except pursuant to commitments issued prior to such date."

(b) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately after "1818. Veterans who serve after January 31, 1955," the following:

"1819. Loans to purchase mobile homes."

SEC. 5. This Act shall become effective the first day of the second month following the date of enactment, except the amendments by section 4 shall become effective the first day of the third moon following the date of enactment.

The material, presented by Mr. CRANSTON, is as follows:

VETERANS' ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., April 1, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes," with the request that it be introduced in order that it might be considered for enactment.

The provisions of the draft bill are designed to implement those recommendations contained in the report of the President's Committee on the Vietnam Veteran which cannot be accomplished administratively and which were not covered in the recently enacted "Veterans Education and Training Amendments Act of 1970."

Briefly, the draft bill would—

Authorize an advance payment of the educational assistance allowance in order to assist the veteran during the enrollment period meet the necessary initial outlay required by most schools for prepayment of fees, tuition, books, and the necessary money for subsistence for himself and his family until the first payment of the educational assistance allowance is received;

Permit cooperative GI bill educational training for disadvantaged or minority group veterans in qualifying for a Small Business Administration loan;

Revise the eligibility criteria for in-service programs to assist servicemen to prepare for post-secondary training while on active duty by permitting them to participate in such programs following the completion of six months of active duty; and

Authorize the Veterans Administration to guarantee loans by private lenders for the purchase of mobile homes.

There is enclosed a section-by-section analysis of the draft bill, together with an estimate of cost.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this draft bill and its enactment would be in accord with the program of the President.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Cost Estimate

Draft bill "To amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes."

1. *Section 2.*—

(a) Training by servicemen after completion of more than 180 days active duty. First Year Cost: $17 million.

(b) Training to qualify for Small Business Administration Loan. First Year Cost: Nominal.

2. *Section 3.*—Advance payment of educational assistance allowance. First Year Cost: Nominal.

3. *Section 4.*—Mobile home guarantee loans. First Year Cost: Minimal.

Section-by-Section Analysis

Section 1 of the draft bill provides that the Act may be cited as the "Vietnam Veterans Assistance Act of 1970".

Section 2 of the draft bill would amend section 1652 of title 38 by striking out in subsection (a)(2) the words "at least two years" and inserting in lieu thereof "more than 180 days". This provision of the draft bill would permit a serviceman after 180 days active duty to obtain further training. This will permit those in service to adjust education programs to the realities of their service. Many servicemen have more free time during the early part of their active duty service than at a later period during such service. This will facilitate their readjustment upon release from active duty and close the gap between servicemen and those who could further their careers without interruption. Under existing provisions of the GI bill, men in the active military service can qualify for GI bill payment of tuition and fees if they already have served at least two years.

The draft proposal would be an extension of the provision contained in the recently enacted "Veterans Education and Training Amendments Act of 1970" which permits educationally deficient servicemen to pursue courses leading to a high school diploma or its equivalent or to qualify for attendance at an approved educational institution, by permitting all servicemen who have served more than 180 days on active duty to pursue programs of education while still in the Armed Forces. For most men on active duty, military service is a period of interruption of schooling or employment. This period of active duty can be used to benefit the serviceman by giving him an opportunity to improve his skills or educational qualifications.

Section 2 of the draft bill would amend subsection (b) of section 1652 by inserting a new sentence at the end thereof. This added provision would enlarge the definition of program of education to include any approved unit course of subject, or combination thereof, pursued by an eligible veteran at an educational institution as required by the Administrator of the Small Business Administration as a condition to obtaining a small business loan under the Economic Opportunity Act of 1964, as amended. Most Vietnam veterans do not have the financial capacity for starting or expanding a business of their own. The veteran requires knowledge, experience, money, and business guidance to successfully operate a business.

Financial institutions require some training and expertise on the part of the borrower before lending money for business purposes, and the borrower's background and experience are important considerations in determining the risk involved in making the loan. Many small business ventures fail because of lack of business training. Coordinated training programs can provide the veteran with the knowledge necessary to carry on the bookkeeping, managerial, personnel, and other business functions. The bill permits a program structured to this need to be considered a program leading to an acceptable objective.

Section 3 of the draft bill would authorize the Administrator to make an initial advance payment of the educational assistance allowance to veterans enrolled in an educational institution half-time or more, plus the allowance for one full month, upon receipt of proof that the eligible veteran has been accepted for enrollment in an approved educational institution. Such payment would be made not earlier than the first of the month in which pursuit of the program is to commence.

The veteran who enrolls in institutional training must pay for his tuition either prior to commencement of classes or shortly thereafter. The amount which he is required to pay often will deter the veteran from entering training because this initial outlay will drain off his available funds.

Under existing law, the veteran can receive only a partial month payment of his Veterans Administration educational assistance allowance after he has completed his first calendar month of training. This payment is received after the necessary enrollment data has been submitted by the school and processed by the Veterans Administration. By authorizing the advance payment when the school certifies he has been accepted for enrollment, he can be provided with funds to meet initial tuition and ongoing subsistence needs.

Administrative control over the propriety

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of such payment is provided for by authorizing the Administrator to withhold final payment of an enrollment period until proof of satisfactory pursuit of the program is furnished.

Section 4 of the draft bill would amend subchapter II of chapter 37, title 38, in order to make veterans not now in a position to take advantage of their GI home loan benefit eligible for a guaranteed loan to purchase a mobile home. The use of this special mobile home benefit would not bar the veteran from using his GI loan benefit later on to acquire a conventional type home when he can afford to do so.

This proposal would provide for guaranteed loan financing on more liberal terms than those obtainable on a conventional basis which usually necessitate substantial down payments. It would permit the guarantee of a loan of up to $10,000, repayable over a term as long as twelve years. Also, the loan could include an additional $3,000 to finance the purchase of a lot on which to place the mobile home. The interest rate on these loans would be established at the lowest possible level necessary to assure a reasonable supply of private lender financing.

Section 5 of the draft bill provides an effective date of the first day of the second month following the date of enactment, except the amendments made by section 4 would become effective the first day of the third month following the date of enactment.

S. 3684—INTRODUCTION OF A BILL TO ESTABLISH A U.S. PASSPORT SERVICE

Mr. DODD. Mr. President, last Christmas the distinguished and efficient Director of the Passport Office, Miss Frances G. Knight, sent a newsletter to Members of Congress which described rather graphically the deterioration of passport service in 1969.

I ask unanimous consent that Miss Knight's newsletter be printed at this point in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

> Christmas 1969.
>
> Dear: If this Christmas letter is late reaching you, chalk it up to the fact that I've had a hard time getting into a "Merry Christmas and Happy New Year" mood.
>
> The Passport Office ends 1969 in a bruised and battered condition, thanks to arbitrary budget cuts resulting in reduced personnel; lack of administrative support; lack of an understanding of the changing travel patterns of U.S. citizens, and a total indifference to the predictable results of the forthcoming mass travel capability of the jumbo jets and the SST.
>
> We are surrounded by a plethora of johnny-come-lately experts on passports in the upper echelons of the bureaucracy who in the past year have thwarted Passport Office attempts to gear itself to the challenge of tremendous increases in international travel.
>
> While the following facts may take the edge off a "Merry Christmas" greeting—you should know them, if for no other reason than that you, as a taxpayer, are paying for the mistakes in judgment by the "experts" in administration and management who are "not with it".
>
> Consider this: In 1969 the Passport Office issued 1,810,000 passports. That was a 17.9% increase over 1968. At the peak of our busy season, June 1969, we were 45% over June 1968. In addition, we renewed 184,000 passports to full five year validity without charge. Our budget was $5,676,132 for Fiscal Year 1969, and we brought into the U.S. Treasury $16,550,703 in fees—a net profit of $10,874,571. Despite our increased workload and our pleas for assistance, authority to hire 22 permanent employees required in fiscal 1969 was denied for over a year. Then under the pressure of public criticism, authority was reluctantly granted, but too late to rescue us from costly overtime and a heavy backlog of work. Now, a year and a half later, most of these positions still remain unfilled. Twenty-four more permanent positions requested for fiscal 1970 were denied outright. We have had a number of resignations by temporary employees who refused to work under so much pressure. Passport Office regulars put in 17,000 hours of overtime, resulting in employee fatigue, sickness and a high percentage of errors.
>
> Virtually every recommendation for improvement in our personnel and fiscal positions has been turned down. Our third request for three additional passport agencies, sorely needed, has been denied. We have been denied funds for research into a new passport concept for the future; we have been denied the minimum personnel required in 1970 to operate this office and its ten field agencies. All our protests against these arbitrary decisions have been greeted with a deafening silence.
>
> Currently, the outlook for 1970 is dismal, indeed. As a result of a totally inequitable fiscal policy, the issuance of passports will be delayed at least two weeks, if not more, in the forthcoming year. We will have difficulty recruiting temporary employees and, undoubtedly, we will have some resignations from our professional staff. Perhaps we are not overly bright, but it is increasingly difficult for us, in the Passport Office, to figure out why a Federal Government operation making a net profit of over ten million dollars annually cannot get sufficient funds for staff, equipment and expansion to serve U.S. citizens who are paying for such services.
>
> Under these circumstances, it is mighty difficult to develop a "Merry Christmas" and "Happy New Year" spirit. However, we hope your Christmas will be Merry and Bright and that the New Year will bring you Health and Happiness and all the other good happenings which seem destined to pass us by.
>
> Sincerely,
>
> Frances G. Knight,
> *Director, Passport Office.*

Mr. DODD. Mr. President, this newsletter puts the entire passport dilemma into proper perspective.

Most of us were aware of the fact that the Passport Office has been attempting to take care of a greatly increased number of applications with facilities and personnel completely inadequate for the job.

The passport service for Connecticut citizens is abominable, as it is for residents of Alaska and New York.

The same situation prevails in the cities of Detroit, Mich., and Dallas, Houston, and Fort Worth, Tex.

In an effort to rectify this matter, I introduced an amendment to H.R. 15209, the first supplemental appropriation bill for fiscal year 1970. The amendment called for an appropriation of $310,000 to enable the Director of the Passport Office to hire additional personnel in those locations across the country which so desperately needed help.

With the assistance of several of my able colleagues, Senator Byrd of West Virginia, Senator Dole, Senator Gravel, Senator Hart, Senator Hruska, Senator McClellan, Senator McIntyre, and Senator Murphy, the amendment passed the Senate by a voice vote.

However, the amendment was deleted in the conference committee at the urging of Members of the other body.

As the winter travel season ended, the complaints about passport service slowed down to a trickle.

It was clear, however, that when spring arrived, the situation would again become critical.

And indeed it has.

Several days ago I received a letter from one of my constituents which I should like to share with the Senate. In part, the letter reads as follows:

> In connection with applying for a passport yesterday, I called the Federal Building in Hartford to obtain an appointment in order to file an application. The first 16 calls which were made found the line to be busy. On the 17th call I spoke with a Miss "Blank" who was most pleasant and accommodating. However, she informed me it would not be possible to assign an appointment date until after the first of May. I told her that inasmuch as it will be necessary for me to obtain visas that date would be too late. Finally, she said she would be able to squeeze us in on April 24—4 weeks and 1 day after my call.
>
> I wish in no way to be critical of Miss "Blank" who as I have indicated was most cordial and tried to be as helpful as possible. On the other hand it does seem that the office must be woefully understaffed when there is such a delay in assigning appointments to make applications for passports. It would seem the citizens in this area should be entitled to much better service and I am consequently calling this matter to your attention.

I wish that I could report that this is an isolated case. Unfortunately, however, it is not.

Congress has a responsibility to rectify this situation, and we must take action so that the Passport Office can serve American citizens promptly and effectively.

Accordingly, I send to the desk for appropriate reference a bill which would make the U.S. Passport Office an independent agency within the Department of State.

The relationship between the Passport Office and the Department of State would be very similar to that which presently exists between the Immigration and Naturalization Service and the Department of Justice.

The Passport Office would be capitalized by a revolving fund established in the Treasury in the amount of $15 million. This fund will enable the Passport Office to hire personnel and establish regional offices across the country as needed.

As most of us know, the Passport Office last year brought a profit of some $10.8 million to the Treasury.

It seems likely, therefore, that the revolving fund which this legislation authorizes would amount to only an initial allocation, for it is conceivable that the Passport Office will soon be able to pay for itself and be entirely self-sustaining, leaving the revolving fund untouched.

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In order to insure that this is the case, the legislation proposes that the application fee for a passport be raised from $2 to $3 and the issuing fee for a passport be raised from $10 to $12.

While the bill allows the Director of the Passport Office to establish regional offices as deemed appropriate, these regional offices must be self-sustaining. If these regional offices do not take in sufficient fees to cover operating expenses, then the regional offices must be closed within 60 days after the Director determines that they are not self-sustaining.

Each year the Passport Office must submit a budget to the Congress. The accounting system of the Office shall conform to that prescribed by the Comptroller General of the United States and be subject to periodic review by him. A copy of such audits shall be submitted to the President and to the Congress. If there are any profits in the revolving fund at the end of each year in excess of $15 million, these moneys shall be returned to the U.S. Treasury.

I understand that legislation to alleviate the passport dilemma will be considered in the House tomorrow.

My bill is being introduced today with the thought that the Senate, too, should commence action immediately on this problem so perplexing and frustrating to American citizens who must or who wish to travel abroad.

Before the 1970 jet-age travel season is much older, let us improve our steamship-age passport service to give American taxpayers the relief they demand.

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The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3684) to establish within the Department of State a U.S. Passport Service, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Foreign Relations.

S. 3686—INTRODUCTION OF A BILL TO ESTABLISH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

Mr. KENNEDY. Mr. President, the bill I am introducing today for myself and the Senator from Maryland (Mr. MATHIAS) would establish a Federal Administrative Justice Center with responsibility for encouraging and supporting the continuing legal education of lawyers in the service of the Federal Government. The center would fulfill a need which has long been recognized and which is not and cannot be fulfilled adequately by existing facilities.

There are about 10,000 lawyers in the Federal service, including some 600 hearing examiners appointed under the Administrative Procedure Act. They play a vital role in preparing, administering, and enforcing the law. The Government has shown a keen interest in attracting capable young attorneys, and in making their posts attractive, but more concern must be given to measures which would induce the ablest to remain with the Government and enable all lawyers in Federal service to perform their duties more capably.

This bill is designed to fill a part of this gap by encouraging Government lawyers to develop their skills and to keep abreast of developments in Congress, the courts, the agencies, and in society to the end that they may be prepared not only to perform the duties now at hand more competently, but also to undertake effectively future challenges which might be provided through promotion or transfer.

The bar has long recognized the desirability of continuing legal education. The first national Conference on the Continuing Education of the Bar which met at Arden House in 1958 summarized the need in these terms:

> American lawyers today are confronted with problems of vast and increasing complexity. No law school education can be expected to deal with all of these problems. A practicing lawyer has an obligation to continue his education throughout his professional life. This education not only must increase his professional competence but also better qualify him to meet his professional responsibilities to his clients and to the public.

What was there said of the lawyer in general applies with special force to the lawyer in Government service.

Some Government lawyers and hearing examiners now have access to continuing legal education courses provided by the agencies which employ them. Others have access to courses sponsored by the Civil Service Commission, the bar associations, and the law schools. However, what is available falls far short of the needs. No leadership is in sight to remedy the situation without legislation.

In 1962 the Personnel Committee of the Administrative Conference of the United States noted the lack of well-rounded career development and training programs specially designed for lawyers in Federal service. In 1966, the Chairman of the Civil Service Commission and in 1967 the Presidential Task Force on Career Advancement observed that this deficiency still existed, a shortcoming made more obvious by the existence of excellent programs for professionals in other fields. In 1969 the American Bar Association and the Administrative Conference of the United States, by adopting formal resolutions again pointed to the need for improved continuing legal education in the Government, recommending as a remedy the founding of a center in Washington by the Government which would be responsible for this activity.

The proposed center would be organized as a new agency. This is necessary because it does not appear feasible to assign the function to any existing Government organization. Policy will be determined by a board of visitors with the Attorney General as chairman. A majority of the board would consist of persons in Government employ, including Representatives of Congress, the court of appeals, departments, agencies, and hearing examiners. An outside viewpoint would be provided by members chosen from the private bar and law schools.

The activities of the center would be supervised by a staff of lawyers similar to the administration of a law school. The staff would be small, and the center's proposed budget of $400,000 is a modest one. Students would be designated by the agencies of the Government employing them as lawyers. Fees covering the cost of a course would be paid out of funds available for training purposes by the agencies sending their lawyers to the courses organized by the center.

The center would also be open to nonlawyer Federal personnel engaged in administrative justice functions and to lawyers not in Federal service, under conditions to be established by the dean of the center.

The center would work closely with the departments, agencies, and the hearing examiners to identify education needs and to develop effective legal education programs.

Expert faculty would be recruited for each particular course as the need arises. This should avoid any necessity for the center to employ a large permanent staff. The center, therefore, would provide an economical as well as adaptable solution.

The center would not overlap the existing powers and responsibilities of any agency of the Government. Where training of lawyers is now effectively conducted within the Government, it would continue unimpaired. The center would be expected to effect its role where further education of lawyers is not provided at all or strengthening of existing programs is needed. By organizing appropriate courses, the center could help to further the administration of justice, lead to more effective administrative procedures in legal representation of the Government, and serve to broaden the perspective and viewpoint of those whose past responsibilities may have rendered them overspecialized or inadequately sensitized to new developments in related fields.

Continuing legal education would encourage more capable young lawyers to join the Government and help retain experienced attorneys of undoubted ability.

State and local governments would also benefit indirectly from the activities of the center. Faculty members recruited from local law schools and from the private bar for particular courses would be able to repeat them, with appropriate modification, for the benefit of lawyers employed by State and municipal governments. Further, course materials developed by the center might prove suitable, with little or no amendment, for continuing legal education courses designed to improve the administration of justice on the State and local levels.

The Federal Administrative Justice Center is designed to fulfill a need for continuing legal education which will endure as long as there is an insistence that Government be administered with competence and justice. Continuing education is particularly essential to lawyers employed by the Federal Government during this time of rapid changes in our economy and society.

The PRESIDING OFFICER (Mr.

Cranston). The bill will be received and appropriately referred.

The bill (S. 3686) to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States, introduced by Mr. Kennedy (for himself and Mr. Mathias), was received, read twice by its title, and referred to the Committee in the Judiciary.

S. 3687—INTRODUCTION OF A BILL ENTITLED "NATIONAL WATER QUALITY STANDARDS ACT OF 1970"

Mr. MUSKIE. Mr. President, I introduce for myself and Senators Randolph, Bayh, Spong, and Eagleton, the National Water Quality Standards Act of 1970.

This bill is part of the legislative program which I announced on January 23 and would broaden the coverage of the water quality standards program, toughen the enforcement of those standards, and double the level of Federal assistance for the construction of treatment facilities.

I ask unanimous consent that the analysis of the bill's major provisions be printed at this point in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Analysis of the Bill

1. *State assistance grants.*—Beginning in fiscal year 1972, the bill doubles the authorization for grants to State and interstate water pollution control agencies to $20 million annually.

The bill provides that this money be used to supplement, not supplant, State and interstate funds.

The bill adds a new requirement that Federal assistance funds be used to help develop and carry out effective plans for the implementation, maintenance, and enforcement of water quality standards and effluent requirements under the water quality standards program. If a State fails to have its plans approved or implement them in timely fashion, grant money can be forfeited.

2. *Waste treatment construction grant program.*—The bill continues the present direct grant program for construction of waste treatment works for five fiscal years (1972, 1973, 1974, 1975, and 1976) with several changes designed to improve the program, achieve more efficient waste treatment, and make it more consistent with the national water quality standards program.

The bill increases the authorization from $1.25 billion in fiscal year 1971 to $2.5 billion annually through fiscal year 1976. If fully funded, this authorization would generate the construction of $25 billion worth of municipal waste treatment works.

The bill also extends the reimbursement provisions of the Act to June 30, 1976. Funds allotted to a State would be available for new treatment works to reimburse communities for works constructed since 1966.

The present provision of the Act for allocation of the first $100 million appropriated each year on the basis of a formula designed to help rural areas is retained. The bill requires that funds not obligated within six months after the beginning of the fiscal year because of a lack of State approved and certified treatment works shall be reallotted to States eligible for 50 to 60 percent grants.

The present grant program authorizes 30, 40 and 50 percent grants for treatment works depending on the level of State assistance and water quality standards.

RIVER BASINS

As an additional incentive to river basin planning the bill authorizes a Federal share of 60 percent of the cost of treatment works located in basins designated by the Secretary. 40 percent of the cost of construction would be shared by the participating States, communities and industries located in the basin.

The Secretary would designate basins eligible for these increased grants and would make such increased grants after a finding that an effective and economical system for the collection and treatment of all waste discharges in the basin has been established consistent with approved water quality standards.

CONSTRUCTION PRIORITIES

Under the present system, each State sets its own priorities for the funding of treatment works construction. This bill requires that the criteria for determining these priorities must at least be consistent with the State plan for implementation, maintenance, and enforcement of water quality standards. The Secretary is authorized to withhold grants from States that do not have priority systems consistent with this plan.

3. *Water quality standards.*—The bill establishes that the purpose of water quality standards is to protect and enhance the existing quality of all waters; encourages public participation in the development, enforcement and revision of such standards; extends the water quality standards program to all navigable waters and their tributaries in the United States; requires that all standards include effluent requirements and compliance schedules; requires a review and, where appropriate, a revision of standards by the States at a minimum of every five years; extends water quality standards to the waters of the contiguous zone; and authorizes the Secretary and his representatives to enforce all standards.

4. *Enforcement.*—This bill prohibits the discharge of any wastes in violation of the standards, the plan for implementation, the compliance schedules or the effluent requirements.

If a violation occurs, the Secretary must promptly issue an order to the discharger requiring abatement and prescribing time to abate. The State is provided with a copy of the order.

In the case of a violation of effluent requirements, the time prescribed in the order must not exceed 72 hours. If this particular order is violated, the Secretary could immediately proceed to enforcement proceedings in the Federal district court.

A person who receives an order to abate any other violation of water quality standards has 30 days to appeal to the Secretary and request a public hearing.

Upon completion of the hearing, the Secretary must promptly make findings of fact and issue his decision vacating, affirming, or modifying the order.

Review of the Secretary's decision may be made by the United States Court of Appeals. The court must hear the appeal on the records made before the Secretary without a new trial on the facts. The court may affirm, vacate, or modify the decision or remand it back to the Secretary.

If a person issued an order does not comply with the order or appeal within the time prescribed, the Secretary shall bring an action in the Federal district court to abate the violation.

If a person knowingly violates the water quality standards or if he knowingly fails to comply with any final order or decision issued under this new section of the Act, such person shall be fined up to $25,000 per day of violation, or be imprisioned for up to a year, or both. The fine and imprisonment term is doubled after the first conviction.

5. *Protection of employees.*—The bill protects workers who give information in any proceeding under the Act, including testifying in a proceeding to enforce water quality standards, by making it the discharge or discrimination of such worker illegal. The Secretary of Labor shall review cases and investigate. If Secretary finds illegal discharge or discrimination, he shall issue a decision ordering the rehiring or reinstatement of the employee with compensation.

6. *Imminent endangerment.*—The bill authorizes the Secretary of the Interior to bring suits in the United States district courts in cases where he has evidence that an effluent source presents (a) an imminent and substantial endangerment to the health of persons or fish and wildlife, or (b) an imminent and substantial endangerment of economic injury to persons marketing shellfish or shellfish products. This provision should enable the Secretary to act promptly to protect people, fish and wildlife, and our commercial shellfish industry.

7. *General.*—The bill abandons the conference procedure in favor of the quicker and more effective enforcement of water quality standards.

In the case of pollution that endangers the public health or welfare of another Nation, the bill provides that the Secretary, at the request of the Secretary of State, shall convene a hearing board to recommend appropriate action to abate the pollution.

The bill directs the Secretary to issue regulations requiring that persons subject to water quality standards install and use up-to-date pollution control techniques in new facilities.

The bill prohibits Federal agencies from making loans or grants to or isuing licenses or permits to, or entering into contracts for financial assistance with any person to construct, install, or operate a commercial or industrial facility that does not comply with water quality standards. A similar prohibition extends to the purchase of goods and services by Federal agencies.

Mr. MUSKIE. In 1965 the water quality act established a broad Federal-State-local program of water quality standards and enforcement. In 1966 the clean water restoration act created a program of Federal assistance for the construction of municipal waste treatment facilities. Both laws broke new ground in their approach to the enhancement of the quality of our waters, and together they were an experiment in partnership of different levels of government.

It is time to examine the results of that experiment, to strengthen the effort, to make changes where they are needed, and to make a greater financial commitment to clean water.

The water quality program has lagged far behind the goals set by the Congress in 1965 and 1966.

Although the Water Quality Act was passed in 1965 and standards were submitted by the July 1967 deadline, only 14 States had approved water quality standards for all interstate waters as of 3 months ago. I ask that a list of the status of exceptions to the standards be printed in the Record at this point.

There being no objection, the list of exceptions was ordered to be printed in the Record, as follows:

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STATUS OF EXCEPTIONS TO WATER QUALITY STANDARDS—JAN. 20, 1970

State	Exceptions	Nondegradation statements approved	Enforcement conferences	Remarks
Alabama	Temperature, dissolved oxygen.	No	Escambia River (1962); Coosa River (1963); Chattahoochee River (1966); Escambia River Basin (1970); Perdido Bay (1970); Mobile Bay (1970).	Letter from the Secretary to Governor Brewer Dec. 5, 1969 indicating dissolved oxygen and temperature clauses that would be approvable. Still being negotiated. Outlook good.
Alaska	Placer mining, toxic materials	No		Proposed legislation to remove placer mining exception to be introduced. Outlook fair.
Arizona	None	Yes	Colorado River (1960)	
Arkansas	do	Yes	Corney Creek (1957); Lower Mississippi (1964)	
California	Temperature, harbors, marinas, and tidal, dissolved oxygen.	Yes	Colorado River (1960); Lake Tahoe (1966)	Public hearings to be conducted on revisions. Outlook good.
Colorado	Temperature and dissolved oxygen on Animas River.	No	Animas River (1958); Colorado River (1960); South Platte (1963).	Agreement reached, formalization in process at State level.
Connecticut	Dissolved oxygen	No	Connecticut River (1963)	Agreement reached, formalization by FWPCA in process.
Delaware	Treatment requirements, dissolved oxygen.	No		Awaiting disposition by the Assistant Secretary.
Florida	None	Yes	Escambia River (1962); Escambia River Basin (1970); Perdido Bay (1970); Biscayne Bay (1970).	
Georgia	do	No	Coos River (1963); Lower Savannah (1965); Chattachoochee (1966).	
Hawaii	do	No		
Idaho	do	No	Bear River (1958); Snake River (1964)	
Illinois	Dissolved oxygen, temperature, Ohio, Wabash, Mississippi River, treatment Mississippi River, Phenols.	Yes	Missouri River, St. Louis (1958); Mississippi, Clinton (1962); Calumet, Lake Michigan (1965); Lake Michigan.	Negotiations continue. State is conditioning action on resolution of bordering States' issues. Outlook is poor for the immediate future.
Indiana	None	No	Calumet, Lake Michigan (1965); Lake Erie (1965); Lake Michigan (1968).	
Iowa	Treatment, disinfection, temperature.	No	Missouri River, Omaha area (1957); Missouri River, Sioux City (1958); Mississippi River, Clinton (1962).	Subject of standards-setting conference in 6-month waiting period after publication in Federal Register. State has taken several actions compatible with FWPCA position.
Kansas	Compliance date, temperature, bacteria, dissolved oxygen.	Yes	Big Blue (1957); Missouri River St. Joe (1957); Missouri River, Omaha (1957); Missouri River, Kansas City (1957).	FWPAS recommendations are to be considered at a State board meeting in January 1970. Outlook poor.
Kentucky	Dissolved oxygen	No		Regiona. office negotiating with State. Outlook fair
Louisiana	do	No	Corney Creek (1957); Pearl River (1963); Lower Mississippi River (1964).	State proposal under evaluation by FWPCA.
Maine	pH, temperature, radioactivity, bacteria, dissolved oxygen.	No	Androscoggin River (1962); Penobscot River (1967)	Most exceptions resolved by State. Negotiations continue. Outlook is good.
Maryland	None	No	Potomac River (1957); Monongahela River (1963)	
Massachusetts	do	No	Connecticut River (1963). Merrimack River (1964); Blackstone River (1965); Boston Harbor (1968).	
Michigan	Temperature	Yes	Detroit River (1962); Menominee River (1963); Lake Erie (1965); Lake Michigan (1968); Lake Superior (1969).	State hearing scheduled for March 1970. Agreement expected at that time.
Minnesota	None	Yes	Upper Mississippi River (1964); Red River of the north (1965); Lake Superior (1969).	Standards approved for the entire State Nov. 26, 1969.
Mississippi	Dissolved oxygen	No	Pearl River (1963); Lower Mississippi River (1965)	Letter from the Secretary to Governor Williams Dec. 5, 1969 indicating dissolved oxygen and temperature clauses that would be approvable. Negotiation continuing. Outlook good.
Missouri	do	Yes	Missouri River, St. Joe (1957); Missouri River, Omaha (1957); Missouri River, Kansas City (1957); Mississippi River, St. Louis (1958).	Regional office negotiating with State. Outlook fair.
Montana	None	Yes		
Nebraska	do	Yes	Big Blue (1957); Missouri River, Omaha area (1957); Missouri River, Sioux City (1958); North Platte (1961).	
Nevada	do	Yes	Colorado River (1960); Lake Tahoe (1966)	
New Hampshire	Merrimack River schedule, Androscoggin River schedule, temperature, implementation schedules.	No	Androscoggin (1962); Merrimack River (1964)	Negotiations have proceeded but results have not been satisfactory. Outlook is poor.
New Jersey	Dissolved oxygen, temperature.	Yes	Raritan Bay (1961); Hudson (1965); Eastern New Jersey shore.	Negotiations continue. Outlook good.
New Mexico	None	Yes	Animas River (1958); Colorado River (1960)	
New York	do	No	Raritan Bay (1961); Lake Erie (1965); Hudson (1965); Moriches Bay (1966); Lake Champlain (1968).	
North Carolina	Dissolved oxygen, temperature.	No		Regional office negotiating with State. Negotiations proceeding. Outlook good.
North Dakota	Red River of the North	No	Red River of the North	Standards received and are acceptable. Approval letter being prepared.
Ohio	Mahoning River, odor, temperature, dissolved oxygen.	Yes	Mahoning River (1965); Lake Erie (1965)	Negotiations continuing with State. Outlook fair.
Oklahoma	Dissolved oxygen	No		Formal package received. Standards are acceptable. Approval letter being prepared.
Oregon	None	Yes	Lower Columbia (1958)	
Pennsylvania	do	No	Monongahela River (1963); Mahoning River (1965); Lake Erie (1965).	
Rhode Island	Dissolved oxygen	No	Blackstone River (1965)	Meeting held. Outlook good.
South Carolina	Dissolved oxygen, temperature.	No	Lower Savannah (1965)	Regional office negotiating with State. Negotiations continuing. Outlook good.
South Dakota	None	No	Missouri River, Sioux City	
Tennessee	Temperature	No	North Fork Holston (1960); Lower Mississippi River (1964)	Regional office negotiating with State. Negotiations continuing. Outlook good.
Texas	None	Yes		
Utah	do	Yes	Bear River (1958); Colorado River (1960)	
Vermont	Upgrade standards on certain rivers, dissolved oxygen, temperature, classifications.	No	Lake Champlain (1968)	Negotiations continue State adopting some acceptable revisions.
Virginia	Dissolved oxygen, temperature, chlorida, treatment.	No	Potomac River (1957); North Fork Holston (1960)	State in the process of adopting recommended criteria and stream reclassification. Outlook uncertain.
Washington	None	Yes	Lower Columbia (1958); Puget Sound (1962); Snake River (1964).	
West Virginia	Iron, aluminum	No	Monongahela River (1963)	Pending outcome of meeting with the State.
Wisconsin	None	Yes	Menominee River (1963); Upper Mississippi River (1964); Lake Michigan (1968); Lake Superior (1969).	
Wyoming	do	Yes	Bear River (1958); Colorado River (1960); North Platte (1961).	
District of Columbia	do	Yes	Potomac River (1957	
Guam	do	Yes		
Puerto Rico	do	Yes		
Virgin Islands	do	Yes		

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Mr. MUSKIE. Enforcement, through private conferences with the polluters, and on a hit-or-miss basis, has been contrary to the congressional intent of public involvement, uniform procedures for the development of standards, and court action where necessary.

Millions have been spent on research and planning, but little improvement has been made in the quality of our waters; $3.4 billion was promised in assistance for the construction of municipal facilities over a 4-year period, but only $1.2 billion has been appropriated. And now some have asked that we cut back on the goals we set in 1966.

We must require stricter standards, faster timetables, tougher enforcement, and greater public participation. And we must spend much more money.

Money is the first requirement. We cannot build the waste treatment facilities we need without it. Last year we made a start on fulfilling our commitments. The Senate voted to appropriate the full authorization of $1 billion for waste treatment facilities. Although we had to compromise with the House at a figure of $800 million, we made a significant start.

Fiscal 1971 is the last year of the 5-year program approved by the Congress in 1966, and an appropriation of $1.25 billion is authorized. We must appropriate the full $1.25 billion. We must not retreat from our goals.

At the same time, we must make a decision on the form the program of Federal assistance will take after this fiscal year. We cannot afford to reduce the level of Federal assistance. We cannot afford to move back to a level of $1 billion a year. The bill I introduce today doubles the present level of assistance to $2.5 billion yearly, a level that I believe reflects the commitment the American people are willing to make to clean water.

Hearings on this bill, the administration proposal, and other legislation introduced by other Members of the Senate will begin on April 20.

The **PRESIDING OFFICER** (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 3687) to amend the Federal Water Pollution Control Act, as amended, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

S. 3688—INTRODUCTION OF NATIONAL LEAGUE OF CITIES WATER POLLUTION BILL

Mr. MUSKIE. Mr. President, at the request of the U.S. Conference of Mayors and the National League of Cities, I introduce the Clean Water Commitment Act of 1970.

This bill represents proposals which the conference and the league believe necessary to stimulate construction of waste treatment facilities at the local level and accomplish other purposes. This bill will be considered by the subcommittee on air and water pollution in conjunction with other pending water pollution legislation.

I ask unanimous consent that the text of the bill and accompanying correspondence be printed in the RECORD at this point.

The **PRESIDING OFFICER** (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill and correspondence will be printed in the RECORD.

The bill (S. 3688) to provide a national commitment for financing of expanded programs under the Federal Water Pollution Control Act, to assure better coordination in development of clean water programs, and for other purposes, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Commitment Act of 1970".

SEC. 2. The Congress hereby finds and declares—

(1) that continued population growth and economic expansion require high quality water supplies;

(2) that the nation's waterways are currently in serious danger of becoming polluted to a degree that will be injurious to the health and welfare of the nation, and

(3) that the urgency of this problem requires dedication of substantial public and private resources to control and abate water pollution, including a firm commitment of at least $20,000,000,000 in Federal expenditures during the next decade.

SEC. 3. Subsection 3(c) of the Federal Water Pollution Control Act is amended to read as follows:

"(c) (1) Each State, in cooperation with the Secretary, shall identify all water basins or elements of water basins within its jurisdiction with proper regard to such geographic, social and other environmental factors as will make each water basin an appropriate unit for application of comprehensive water quality standards and regulations. For each water basin so identified, the State or States with waterways or land included within the water basin shall establish a water basin commission representative of the State and local governments and other public, private and (when appropriate) international interests in the water basin area.

"(2) Each water basin commission established under this section shall develop an effective, comprehensive water quality control and pollution abatement plan for the water basin for which it was established. Such plan shall cover a period of at least five years and—

"(A) provide for updating at least every two years;

"(B) be consistent with any applicable water quality standards established pursuant to current law within the basin;

"(C) recommend such treatment works and sewer systems an will provide the most effective and economical means of collection, storage, treatment, and purification of waters, recommend means to encourage both municipal and industrial use of such works and systems, and specify the costs necessary to construct such works and systems; and

"(D) identify Federal, State, local and private financing available to construct such works and systems and establish a schedule for the maintenance and improvement of water quality standards within the water basin with which compliance shall be required consistent with the availability of Federal, State, local and private financing to construct the necessary works and systems to implement the plan.

"(3) The Secretary shall, at the request of the governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a water basin commission for a period not to exceed 5 years, if such commission provides adequate representation of State and local governments and other public, private and (when appropriate) international interests in the water basin area and is capable of developing an effective, comprehensive water quality control and pollution abatement plan for a basin.

"(4) For the purposes of this subsection the term "water basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby which together or individually form an integral geographic unit for which a comprehensive water pollution control program can be effectively planned and implemented.

Sec. 4 (a) Subsections (a), (b), (c) and (d) of section 7 of the Federal Water Pollution Control Act are amended to read as follows:

"(a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $15,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976, $25,000,000 for grants to States, to water basin planning commissions and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

"(b) The portion of the sums appropriated pursuant tc subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States and water basin planning commissions shall be specified in the Act appropriating such sums.

"(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States and water basin planning commissions.

"(d) (1) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

"(2) From the remainder of such State's allotment under subsection (c) for any fiscal year the Secretary is authorized to make grants to any water basin commission within the State in an amount not to exceed 50 per centum of the cost of carrying out its water basin plan approved under subsection (f) including the cost of administering the water basin plan."

(b) Subsection 7(f) of the Federal Water Pollution Control Act is amended to read as follows:

"(f) The Secretary shall approve any plan for the prevention and control of water pollution in a water basin or portion thereof within a State which is submitted through the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency and the appropriate water basin commission or, in the case of a plan submitted by an interstate agency, by such interstate agency;

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"(2) provides that such agency or agencies will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the plan and in its administration;

"(4) provides for extension or improvement of the State or interstate water basin program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) sets forth the criteria used by the State in determining priority of projects as provided in Section 8(b)(7), and such criteria may consider financial need and other factors deemed relevant by the State in assessing individual projects in abating water pollution and improving water quality, but they must place primary emphasis on effectiveness of individual projects in abating water pollution and improving water quality. The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency and appropriate water basin commission or interstate agency which has submitted such plan."

Sec. 5. (a) Section 8(b) of the Federal Water Pollution Control Act is amended to read as follows:

"(b) Federal grants under this section shall be subject to the following limitations: (1) no grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary; (2) no grant shall be made, from funds appropriated for the fiscal year beginning July 1, 1971, and any succeeding fiscal years, for any project pursuant to this section unless such project has been approved by the appropriate water basin plan commission and is included in a comprehensive water pollution abatement plan developed pursuant to this Act; (3) no grant shall be made for any project pursuant to this section unless enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters; (4) no grant shall be made for any project in an amount exceeding 50 per centum of the estimated reasonable cost thereof as determined by the Secretary; (5) no grant shall be made unless the grantee agrees to pay the remaining cost; (6) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (7) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control need; (8) the percentage limitation of 50 per centum imposed by clause (4) of this subsection shall be increased to a maximum of 70 per centum in the case of grants made under this section to those municipalities which have received Federal or State assistance from any source which has provided, in total, less than 20 per centum of the cost of projects eligible for assistance under this Act.

(b) Section 8(c) of such Act is amended by—

(1) adding "and prior to July 1, 1971," after "on or after July 1, 1965" wherever appearing therein; and

(2) adding at the end thereof the following: "All sums authorized for obligation pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1971, shall be allotted by the Secretary from time to time, in accordance with regulation, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State in excess of amounts required to cover the federal share of costs for eligible projects approved by the appropriate State water pollution control agency or agencies shall be reallocated among these States where the Federal share of eligible projects is greater than the sums allocated under the initial allocation. Reallocation of sums authorized for expenditure in the fiscal year beginning July 1, 1971, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the States on or before January 31, 1971. Reallocation of sums authorized for expenditure for each fiscal year beginning on or after July 1, 1972, shall be determined by the Secretary on the basis of needs identified in lists of eligible projects submitted by the State one year in advance of the fiscal year for which the expenditure is authorized."

(c) Section 8(d) of such Act is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) To finance the programs and activities under this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $10,000,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $2,000,000,000 prior to July 1, 1972, which amount may be increased to not to exceed an aggregate of $4,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $6,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $8,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $10,000,000,000 prior to July 1, 1976. Sums so appropriated shall remain available until expended.

"(3) The Secretary shall report annually to the Congress, after consultation with States, water basin commissions, and municipalities, with respect to outstanding grants or other contractural agreements executed pursuant to this subsection. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (A) authorization requests for fiscal years 1977 and 1978 no later than February 1, 1973, (B) authorization requests for fiscal years 1979 and 1980 no later than February 1, 1975, and (C) authorization requests for fiscal years 1981 and 1982 no later than February 1, 1977. Such authorization requests shall be designated to meet the Federal commitment specified in section 2 of the Clean Water Commitment Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

The correspondence, presented by Mr. Muskie, is as follows:

National League of Cities,
U.S. Conference of Mayors,
Washington, D.C., January 20, 1970.

Hon. Edmund Muskie,
U.S. Senate,
Washington, D.C.

Dear Senator Muskie: The National League of Cities and the U.S. Conference of Mayors believe that abatement of water pollution is among the most urgent problems facing our nation. We have recently conducted an extensive review of the Federal Water Pollution Control Program. The resulting enclosed report cites current problems and suggests major changes in the Federal Water Pollution Control Act.

The changes we recommend include:

Establishment of a long-term funding program for clean water;

An increase in the standard matching ratio for federal support of treatment plant construction from the current 30 percent to 50 percent;

Increased emphasis on allocation of funds based on need and effectiveness of the projects in controlling pollution.

Both this report and the enclosed letter to President Nixon urge the President to utilize the full $800 million appropriated for FY 1970 for clean water. In addition, we support the appropriation of the $1.25 billion authorized for the clean water program in fiscal 1971.

Because of your interest in and support for clean water legislation, we urge you to examine our recommendations closely and consider them favorably as the Federal Water Pollution Control Act is being reviewed by the Congress. If you wish further information on our proposal we will be happy to provide it to you.

Sincerely,

John Gunther,
Executive Director,
U.S. Conference of Mayors.
Patrick Healy,
Executive Vice President,
National Leagues of Cities.

National League of Cities,
U.S. Conference of Mayors,
Washington, D.C., January 12, 1970.

The President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: The National League of Cities and the U.S. Conference of Mayors believe that abatement of water pollution is among the most urgent problems facing our nation. We are encouraged by your recent statements stressing priority for improvement of the environment and by Congress' demonstrated commitment to clean water in voting $800 million for pollution control facilities in fiscal 1970. However, we are deeply concerned that this $800 million so badly needed for improvement of the nation's waterways will not be spent and that the long term effort to achieve a quality environment is being sacrificed to the immediate concern with inflation.

Developing an effective local clean water program is a substantial task involving years of planning, often necessitating voter approval of bond referenda, and requiring binding long term commitments for the financing and construction of capital facilities. Relying on the promise of the Clean Water Restoration Act of 1966, many localities initiated substantial programs which now collectively have needs for Federal assistance approaching $2.5 billion. The recent Congressional appropriations action was a significant step torward fulfilling these needs. Further delay and uncertainty in allocating the $800 million now available may seriously increase costs and impede progress of the national clean water effort. This vital long term program should not be subjected to such delays and confusion.

To dispel these concerns and reaffirm the national policy to achieve a quality environment, the National League of Cities and the U.S. Conference of Mayors urge you to make an immediate commitment to spend the $800 million by directing the Interior Department

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to allocate all funds for state and local programs during the current fiscal year.

Sincerely yours,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN GUNTHER,
Executive Director,
U.S. Conference of Mayors.

CLEAN WATER IN THE 1970'S

The Federal Water Pollution Control Act currently authorizes federal assistance to local governments for construction of sewage treatment works through fiscal 1971. Because of the long-term nature of the commitments involved in this program, reauthorization of the Federal Water Pollution Control Act will be necessary during 1970 to assure localities an unbroken pattern of federal assistance with which they can plan and implement clean water programs. Because of its substantial importance in local efforts to achieve a high quality environment, the National League of Cities (NLC) and the U.S. Conference of Mayors (USCM) have closely monitored the progress of the Federal Water Pollution Control Program.

Staff of NLC and USCM have discussed the program with many local officials, and in late November of 1969, NLC and USCM convened a special task force of local officials expert in the water pollution control fields to examine the Federal Water Pollution Control Act and make recommendations for program changes believed necessary to improve the effectiveness of the water pollution control effort. The special task force included: Vinton W. Bacon, General Superintendent, Metropolitan Sanitary District of Greater Chicago; William T. Eiffert, Director, Department of Water, Dayton, Ohio; Charles V. Gibbs, Executive Director, Municipality of Metropolitan Seattle; Henry J. Graeser, Superintendent of Water, Dallas, Texas; Charles B. Kaiser, Jr., General Counsel, Metropolitan St. Louis Sewer District; and F. Worth Landers, Director of Public Works, Portland, Maine.

The recommendations and following report are the result of discussions of this task force and discussions with city officials, state municipal league executives and other persons concerned with local application of the Federal Water Pollution Control Act.

RECOMMENDATIONS

1. NLC and USCM recommend that administrative procedures be revised to become more consistent with the goels established by the Federal Water Pollution Control Act by placing greater emphasis on overall water quality improvement rather than individual polluting sources.

2. NLC and USMC recommend that state priority setting systsems be revised to emphasize effectiveness of projects in abating water pollution. Included in this redirection should be an amendment to the Federal Water Pollution Control Act to place greater emphasis on pollution control effectiveness in priority setting.

3. NLC and USMC recommend that water pollution plans should be developed with the river basin as the essential unit in the planning structure.

4. NLC and USCM recommend that the Federal Water Pollution Control Act be amended to allow the federal government to enter into long-term commitments obligating a substantially increased level of funds for expenditures over the next five years to provide federal share of costs for implementing river basin plans as these plans are developed.

5. NLC and USCM recommend that the allocation formula among states be modified. State allocations would be continued according to a population formula to the extent that such allocations are necessary to implement elements of river basin plans within a particular state, but where funds are not needed to implement projects within a state's borders, no more fund would be assigned to that state. The remaining available funds would be divided, again on a population formula, among those states which st'll require federal assistance to implement elements of approved river basin plans within their borders.

6. NLC and USCM recommend establishment of a basic 50% matching ratio for all projects, regardless of the degree of state participation in financing the non-federal share of project costs.

7. NLC and USCM recommend that the level of assistance for projects provided under the Federal Water Pollution Control Act be increased by 20% for those localities which, in constructing their existing facilities, have received federal or state assistance from any source, which, in the aggregate, amounts to less than 20% of the cost of these facilities which would be eligible for assistance under the Federal Water Pollution Control Act.

INTRODUCTION

The planning, financing and construction of capital facilities required for municipalities to meet the water quality standards of state water pollution control plans must, of necessity, take place over periods of several years. Advance planning, voter approval of bond referenda, and binding long-term commitments for the financing and construction of capital facilities are all often necessary elements of local clean water efforts. The long-term nature of such programs requires that the financing and basic policy assumptions upon which they are developed be reasonably stable. Policy assumptions and financing commitments which shift sporadically cannot be the basis of a long-term capital improvement program.

Currently, federal aid for local clean water programs depends entirely upon the annual appropriations process, subjecting local capital financing programs relying on federal assistance to the continued uncertainties of support incident to the annual competition for dollars in Congress. Even when the level of support from Congress is decided, allocation of appropriated funds for state and local action to abate water pollution is by no means assured, for the size of the clean water program makes it a convenient subject for manipulation by fiscal policy-makers whose primary concern is short-term shifts in the economy rather than longer range environmental problems posed by water pollution.

In addition to problems posed by the uncertain commitment of Federal assistance, the federal policy assumptions and program direction upon which long-term state and local capital improvement programs are based have often been revised as new personnel come into positions of responsibility at the Department of Interior and the Federal Water Pollution Control Administration (FWPCA) or as new ideas become popular in the water pollution control field. These changes, while not affecting the basic goals of the program, often represent changes of emphasis which have significant cost implications for state and local program participants. The changes of emphasis may represent best theory for achieving success in a clean water program. But to expect rapid compliance by states and localities deeply committed in long-term projects and financing programs which may be difficult and costly to change once they are well underway, discourages further long-term program commitments and creates confusion in the state and local programs which can be detrimental to the overall water quality effort.

Examples of changes in emphasis of the Federal Water Pollution Control program which have caused concern at the local level are those changes relating to the extent to which construction of secondary treatment works will be compulsory as a condition of receiving federal assistance and the extent to which the availability of federal assistance will affect the standards compliance pressure placed on municipalities by the FWPCA. Recent changes have raised the pressures to build secondary treatment works and indicated that strong standards compliance pressure will be applied regardless of the availability of federal assistance.

New discussions of sewage overflow problems and the necessity of separating storm and sanitary sewers or utilizing alternative devices to prevent discharge of raw sewage into waterways during periods of heavy demand on sewer capacity raises the possibility that new policy directives will be issued to cover this area in the near future. Again the changes called for may be good, but if immediate compliance with new directives is expected, costly modification may be required which will delay implementation of existing clean water programs.

DIFFICULTIES OF FWPCA UNIFORM REQUIREMENTS

The problem of shifts in emphasis is created because of attempts by the FWPCA to apply a fixed set of program requirements nationally to a myriad of programs facing very different pollution control challenges. These programs in turn are implemented by governmental units with greatly differing characteristics, each of which must fit its pollution control effort, and many other vital programs, to its limited revenue structure.

An example of the potential difficulties which may develop from imposition of hard and fast program requirements of FWPCA may be found in examination of the now strictly enforced requirement that all municipalities, regardless of individual local need or financial capability, build secondary treatment facilities. Municipalities which could construct primary treatment works but cannot also afford the local share of costs for secondary treatment works may be forced to delay implementation of any treatment program. In addition, the necessity of secondary treatment for all sewage at today's state of program development is not universally accepted doctrine. *The Examination into the Effectiveness of the Construction Grant Program for Abating, Controlling and Preventing Water Pollution,* published in November 1969 by the General Accounting Office (GAO) notes:

"We believe that the assimilative capacity of waterways should be considered in planning for the construction of waste treatment plants. In some cases, secondary treatment at all locations will be insufficient to maintain the desired quality of a waterway, while in other cases only primary treatment may be necessary."

The Department of Interior, in commenting on the GAO report and defending its national application of a secondary treatment requirement, stated that exceptions might be made in the case of some coastal waters.

The concept of broad requirements applied to all individual conditions fails in implementation even within the Interior Department and is severely complicated by the sometimes inconsistent actions of other federal agencies whose responsibilities affect the water pollution control field.

Within FWPCA, the various regional offices apply differing standards to determine eligibility of projects for federal assistance. The problem is particularly important as it relates to determination of eligibility for various segments of interceptor sewer projects. Such differences in eligibility determinations do not appear serious now, but could become so if national policy is revised to place great-

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er emphasis on seeking solutions to storm drainage and sewage outflow problems.

Differences with pollution control activities controlled by other departments also exist. Recently these differences have been highlighted in the conflict between Minnesota's desire to maintain its water quality standards and the Atomic Energy Commission's certification allowing construction of a nuclear power plant in that state.

States and localities seeking aid for sewer facility construction have been known to go on shopping trips, shifting their grant application from one agency to another until they find one that accepts the standards of the project they have developed. Such is particularly true of smaller communities which can receive grants for waste treatment or sewage facilities from FWPCA, the Department of Agriculture, the Department of Housing and Urban Development or the Economic Development Administration. Each of these grant programs has separate standards and requirements which a community can choose among.

While Section 10 of the Federal Water Pollution Control Act calls for establishment of water quality criteria and water quality standards and overall state plans to achieve these criteria, it was the opinion of local officials consulted by NLC and USCM that the FWPCA Program has essentially become one of developing and applying effluent standards to particular municipal and industrial polluters with little regard for the actual use intended or the level of water quality established for the affected waterway. This conclusion is backed by the GAO Report which criticized the FWPCA for failure to coordinate its program to achieve most effective water quality results:

"Our examination has shown that FWPCA and the states have not adequately coordinated the planning and the construction of waste treatment facilities with that of other major polluters on a waterway. Rather, the construction of municipal waste treatment facilities appears to have been administered without sufficient regard to what was being planned or done by other municipalities and industries. As a result, significant amounts of federal, state, and local funds have been expended for the construction of waste treatment facilities which, in many cases, have not resulted in obtaining the maximum benefits in terms of improved water quality because major polluters—industrial and municipal—located nearby continued to discharge untreated or inadequately treated wastes into the waterways."

Such a program aimed at individual polluting sources without regard to the quality of the total waterway would appear inconsistent with the purposes of the statute which aims at achieving total water quality improvements in the nation's waterways.

NLC and USCM recommend that administrative procedures be revised to become more consistent with the goals established in the Federal Water Pollution Control Act by placing greater emphasis on overall water quality improvement rather than individual polluting sources. This can be achieved by developing clean water standards which relate to the projected uses of the waterways in question. With these use standards as a base, water quality criteria can be developed consistent with the projected waterway uses. Plans could then be made to meet these criteria expeditiously but also consistent with the particular conditions of the area affected. Such plans would include a coordinated program of improvement for municipalities and industries which may contribute pollution to the affected waterway.

DOLLAR ALLOCATION PRACTICES

Contributing to the confusion of direction in the Federal Water Pollution Control Program is the present system for allocation of dollars for grants to local treatment works under Section 8 of the Federal Water Pollution Control Act. Funds are allocated among states according to a population formula, except for the first $100 million which is allocated on a formula 50% according to population and 50% according to relative per capita income of the state. The money is then distributed within states according to project priority lists prepared by the state and submitted to FWPCA as part of the state water pollution control plans. The priority lists are generally followed without question by FWPCA in making grants.

State control of priority lists has resulted in serious flaws in the program because the states in their priority setting systems have failed to use dollars most productively to encourage projects which could give greatest benefits in pollution control. The GAO Report was critical of the present results of grant distribution according to state controlled priorities for this reason.

There has also been concern that the pollution control needs of major metropolitan areas have not received adequate recognition in this program. The 1969 study of *The Cost of Clean Water,* published by the Interior Department notes: "State priority systems admittedly stress the small town in many cases."

The following chart shows, by population of the municipalities, the number of waste treatment projects for which federal construction grants were made through June 30, 1969, and the amount of the grants.

Population	Number of projects	Federal grants	Percent of grants (cumulative)
Less than 2,500	4,641	$224,368,484	17
2,500 to 5,000	1,359	156,956,004	28
5,001 to 10,000	1,158	187,394,738	42
10,001 to 25,000	1,045	254,855,555	61
25,001 to 50,000	518	175,688,014	74
50,001 to 125,000	334	163,926,363	86
125,001 to 250,000	155	73,773,793	92
250,001 to 500,000	87	36,913,087	95
Over 500,000	148	71,025,224	100
Total	[1] 9,445	[2] 1,344,856,262	

[1] Estimated total cost of the 9,445 projects is $5,351,572,735.

[2] Approximately $1,210,000,000 of this is from FWPCA, the remainder is from other Federal agencies. Total FWPCA appropriations for fiscal years 1957 to 1969 is $1,272,219,260.

A survey by the Municipality of Metropolitan Seattle revealed that 26 major sewage agencies serving 31.8% of the nation's sewered population and controlling 24% of the nation's investment in pollution control facilities have received only 6% of all federal aid for sewage treatment facilities under the Federal Water Pollution Control Act. More specifically, in Ohio 58% of waste treatment facility funds have been distributed to serve the one-quarter of the state's population which lives in counties under 100,000 population, and in Alabama, the city of Birmingham and surrounding Jefferson County had received as of January 1969, less than $1.5 million of $26.7 million allocated to the state, though the city and county contained 15% of the state's population.

There are two reasons for this discrimination against the larger metropolitan areas and failure to use federal pollution control dollars in projects which would be most productive in abating water pollution.

1. For the first decade of its existence the Federal Water Pollution Control Act strongly favored grants to smaller communities. Dollar limits were placed on federal assistance to individual projects which discouraged applications of communities whose programs required multi-million dollar expenditures. The following chart outlines the history of these dollar limitations.

Period	Maximum limitations: Individual projects	Maximum limitations: Multi-municipal projects
July 1, 1965 to June 30, 1961	$250,000	$250,000
July 1, 1961 to June 30, 1965	600,000	2,400,000
July 1, 1965 to June 30, 1967	1,200,000	4,800,000
After June 30, 1967	(1)	(1)

[1] No limit.

Today, the only limitation on grants is in the requirement that at least 50% of the first $100 million appropriated each fiscal year be used for grants for treatment works serving municipalities of under 125,000 population. This limitation does not appear to be a significant factor affecting fund allocations.

2. The second factor adversely affecting dollar distribution in the Federal Water Pollution Control Program is the traditional state pattern of dollar distribution for state controlled federal grant programs. This pattern results in dollars being distributed broadly across the states in relatively small grants with only limited regard to need in order to satisfy the many competing political pressures which are applied to state dollar distributing agencies. Such dollar distribution patterns have resulted in inequitably small allocations of state channelled federal assistance to major urban areas and continue to do so today.

Many state priority setting systems, in addition to recognizing a project's pollution control potential and the readiness of the municipality to proceed with construction, also place major emphasis on factors irrelevant to pollution control such as the median income of the community, per capita costs of the project (with higher per capita cost being, strangely enough, a favorable factor in getting higher priority), and bonded indebtedness of the community.

While it would superficially appear that such priority criteria are aimed at determining the financial need of the community, on closer examination, this is not the case. Many communities with a lower per capita cost or higher median income—factors which lower their position in the priority scale—must provide many more services for their populations than communities which can achieve a higher priority rating. The extent to which a community provides other services which compete for dollars which might otherwise be expended on water pollution control is not considered sufficiently in any state priority setting system. Thus, the community with a low median income, but a cost of $30 per capita for construction of a pollution control facility, is favored over the community with a $20 per capita cost which also must make substantial expenditures for improvement of highways, schools, recreation, etc. which may not be required at all of the unit with the $30 per capita cost for the pollution control facility.

The priority setting structure has also led to the paradoxical situation that many cities which are low on the state priority list are feeling the greatest enforcement pressure to build pollution control facilities to comply with state water quality standards. These cities, generally the larger ones, are placed in such a situation because they are visible in creating major pollution problems that become the basis for public concern and resulting enforcement action. A striking example of this is the city of Toledo, Ohio, against which in September of 1969, the Interior Department initiated a compliance proceeding to force construction of a waste treatment works. Though Toledo was the first city

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against which enforcement action was directed, it stands fifty-first on the Ohio fiscal 1970 priority list and as such, may not even receive a grant under Ohio's allocation of the $800 million appropriation for fiscal 1970.

NLC and USCM recommended that state priority setting systems be revised to emphasize effectiveness of projects in abating water pollution. Included in this redirection should be an amendment to the Federal Water Pollution Control Act to place emphasis on pollution control effectiveness in priority setting.

The state by state need levels are also no longer consistent with the dollar distribution formula established in the Act. In the early years of the program, when funding levels were low and there was a universal need to upgrade treatment facilities, a dollar distribution formula generally following population patterns resulted in use of almost all funds allocated to each state. Today, many states with widely dispersed populations have exhausted their capacity to use funds equal to their share of the substantial federal appropriation being made available. For example, in the fall of 1969 Utah, with a population of 1,024,000 indicated ability to use $238,540 in Federal aid while Maine, with a population of 979,000 required $19,737,725 to cover the Federal share of its program. Even among large urban states, need patterns are not consistent. New York indicated a need level nearly thirteen times greater than California. The following chart, listing states in order of population, illustrates the differences in state perceived need levels for federal assistance as of fall, 1969.

States (by population)	1968 population [1]	Fall 1969 needs for FWPCA assistance [2]
California	19, 221, 000	$100, 000, 000
New York	18, 113, 000	1, 290, 681, 200
Pennsylvania	11, 712, 000	76, 300, 000
Illinois	10, 974, 000	128, 862, 798
Texas	10, 972, 000	20, 327, 857
Ohio	10, 591, 000	44, 867, 124
Michigan	8, 740, 000	183, 113, 623
New Jersey	7, 078, 000	48, 201, 480
Florida	6, 160, 000	37, 728, 978
Massachusetts	5, 437, 000	32, 000, 000
North Carolina	5, 135, 000	5, 653, 460
Indiana	5, 067, 000	34, 682, 181
Missouri	4, 627, 000	50, 200, 000
Virginia	4, 597, 000	20, 195, 417
Georgia	4, 588, 000	35, 000, 000
Wisconsin	4, 213, 000	94, 324, 180
Tennessee	3, 976, 000	23, 818, 086
Maryland	3, 757, 000	48, 800, 960
Louisiana	3, 732, 000	7, 604, 570
Minnesota	3, 646, 000	18, 900, 000
Alabama	3, 566, 000	479, 700
Washington	3, 276, 000	17, 086, 410
Kentucky	3, 229, 000	3, 082, 386
Connecticut	2, 959, 000	29, 591, 250
Iowa	2, 748, 000	6, 326, 224
South Carolina	2, 692, 000	12, 000, 000
Oklahoma	2, 518, 000	1, 882, 702
Mississippi	2, 342, 000	1, 764, 310
Kansas	2, 303, 000	3, 892, 883
Colorado	2, 048, 000	1, 453, 652
Arkansas	2, 012, 000	8, 000, 000
Oregon	2, 008, 000	16, 017, 220
West Virginia	1, 805, 000	5, 141, 200
Arizona	1, 670, 000	1, 829, 080
Nebraska	1, 437, 000	3, 521, 850
Utah	1, 024, 000	238, 540
New Mexico	1, 015, 000	1, 422, 423
Maine	979, 000	19, 737, 725
Rhode Island	913, 000	7, 000, 000
Hawaii	778, 000	4, 000, 000
Idaho	705, 000	128, 000
New Hampshire	702, 000	11, 222, 400
Montana	693, 000	305, 000
South Dakota	657, 000	2, 485, 581
North Dakota	625, 000	134, 222
Delaware	534, 000	710, 350
Nevada	453, 000	4, 950, 068
Vermont	422, 000	2, 377, 870
Wyoming	315, 000	275, 732
Alaska	277, 000	3, 000, 000

[1] Bureau of Census data.

[2] Federal-aid-needs figures are from FWPCA reported needs as of Aug. 31, 1969, supplemented by data from an October 1969 survey by the Interstate Conference on Water Pollution and the Council of State Governments.

While some states today could not even use their share of a $100,000,000 appropriation the needs of others could not be met even with an appropriation of several billion dollars under the present population related distribution formula.

RIVER BASIN PLANNING

Major changes in the dollar allocation pattern are needed to end the inequity of the present distribution plan and assure most effective use of federal, state and local funds in controlling pollution.

NLC and USCM recommend that water pollution control plans should be developed with the river basin as the essential unit in the planning structure. State boundaries and the state wide pollution control plans and fixed requirements of the Interior Department would become less important in relation to the plan for the individual river basin. Emphasis on the river basin as a basic planning unit will allow development of programs more relevant to the characteristics of a particular area. It will permit individualized problem solving approaches to controlling water pollution with guidance provided by general federal supervision. The basin plans would identify pollution problems and set water quality criteria and pollution control standards for municipalities and industries to meet, as under the present Act. But in addition, the new basin plans would set the financing and enforcement plan and priorities in its projection of the date for compliance with the water quality standards. Thus, the enforcement program would be required to take into account federal, state and local financing capabilities which are the key to local ability to comply with pollution control directives.

These plans and financing and enforcement priority systems would be devised through meetings of local officials with officials of the state or states involved in the river basin program. The federal role would be oversight of the state and local action to assure the goal of cleaner waterways set in the Federal Water Pollution Control Act is met. Such federal action might include providing the mechanisms for states and localities to meet together to develop these pollution control plans where the states were slow to act on their own. Also, FWPCA would work with states and localities as under the present Act, to establish pollution control timetables.

A revision of the program with greater emphasis on basin planning would mean no slackening of the present effort to clean up the nation's waterways. What it would assure is a coordinated effort geared to the particular conditions of a river basin area, giving states and localities greater responsibility in solving their own problems rather than trying to work their special conditions into general guidelines dictated from Washington.

DEPENDABLE FINANCING

It is now clear that the need for high levels of financing for municipal waste treatment works will not end at any time in the near future when any construction backlog of waste treatment works construction is completed. The 1969 report on *The Cost of Clean Water* by the Department of Interior noted:

"Long-held expectations that the investment requirements associated with municipal waste treatment would be eased when some fixed 'backlog' of needed treatment works was worked off do not seem likely to be borne out by events. As treatment deficiencies give way to new plant construction, investment requirements imposed by replacement, upgrading, and treatment of industrial wastes have been taking their place."

In light of this, federal, state and local thinking must be oriented toward long term financing programs, assuring continuously high levels of support for water pollution control efforts,

States and localities will be unable to develop river basin plants with reliable commitments for financing, facility construction and enforcement if the federal commitment of assistance is uncertain. Without this commitment, the first and crucial element of the river basin plan implementation structure—financing—remains tenuous. The inadequacy of the present financing structure is recognized by all. Federal Water Pollution Control Commissioner David D. Dominick, has stated:

"Piecemeal financing and year-to-year uncertainties occasioned by the previous legislation clearly does not allow for the lead time and planning which is required at the state and local level. So one of the top priorities in seeking any resolution to the financing issue is to come up with a program which will give firm assurances as to the future availability of funds and upon which firm planning for construction needs can be based."

The GAO Report cited the failure of adequate federal funding as one of the most serious impediments to success of the present program.

"A serious question exists, however, as to the attainability of the water quality standards by the dates in the implementation schedule because due to federal funding in amounts significantly less than amounts authorized, construction is proceeding at a rate well below that which was anticipated."

The failure of federal funding has also caused serious dislocation in the funding programs of those state and local governments which did commit substantial funds to pollution control activity on the assumption that adequate federal aid would be available. In December of 1969, state and local governments were owed over $760 million as reimbursement for the federal share of costs for approved water pollution control projects which they had constructed using their own resources with the hope that federal funds would later be available to repay them.

Connecticut, Maryland, Massachusetts and New York are states which have been among the leaders in aiding local waste treatment financing programs. Each of these states floated major bond issues to provide the state share of funds, and in each state, clean water funds are being depleted faster than planned because expected federal contributions have not been made. Connecticut has had to float an additional $100 million in bonds to keep its pollution control program on schedule. Maryland Governor Marvin Mandell told a Senate committee that the Maryland Sanitary Facilities Fund, which had been planned to last through 1980, might go broke in 1970 unless more federal funds were forthcoming. And a spring issue, 1969, of the *Daily Bond Buyer* had this to say about New York's problem:

"It is questionable whether Governor Rockefeller's six-year $1 billion pure water program will meet its goals in either cost or timing, a report now completed by the Department of Audit and Control indicates.

"The findings result from a depth study made by staffers in the office of State Comptroller Arthur Levitt and designed to trace the program's progress from its inception on April 1, 1962 through February 29, 1968.

"Unless the Federal Government comes up with more money than is now foreseen, the report indicates the job will require $160 million more in state funds than the $1 billion bond issue provides—an estimate that doesn't allow for escalating construction costs which seem certain.

"The findings also call attention to a lagging timetable which makes it likely that 62 required projects costing $1.5 billion will not be started by March 31, 1972—the current deadline for committing bond monies. It observed that over half of the potential projects were not yet under construction."

Many local governments have faced a similar predicament, having to scrape together extra funds to complete projects for which it was thought federal aid would be available.

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Also, the low level of federal funds has discouraged many localities from taking action to build control facilities. The state of Georgia in replying to an October 1969 survey of pollution financing capacities, noted:

"City and county governments have been discouraged from developing abatement programs and applying for federal construction grants because of the gap between federal funds authorized and federal funds appropriated. It is estimated that an additional $25 million in grant applications would have been filed last fiscal year, if authorized federal funds had been appropriated."

For the national water pollution control effort to succeed an entirely new financing structure must be developed consistent with the long term nature of programs which state and local governments must undertake to clean up their waterways. NLC and USCM recommend that the Federal Water Pollution Control Act be amended to allow the federal government to enter into long term commitments obligating a substantially increased level of funds for expenditure over the next five years to provide the federal share of costs of implementing the river basin plans as these plans are developed. Levels of annual expenditure would be assigned to spread use of the obligated funds over the next five year period consistent with the extent to which the funds would likely to be required yearly in implementing the river basin plans. An essential element of the new program would be that obligation levels would be reviewed every two years and new obligational authority and expenditure levels again assigned for five year periods consistent with new need levels identified at the review period.

The long term nature of the program also requires changes in the dollar allocation formula to give greater flexibility to the program in assigning federal assistance to the areas of greatest needs. NLC and USCM recommend that the allocation formula among states be modified. State allocation would be continued according to a population formula to the extent that such allocations are necessary to implement elements of river basin plans within a particular state, but where funds are not needed to implement projects within a state's borders, no more funds would be assigned to that state. The remaining available funds would be divided, again on a population formula, among those states which still require federal assistance to implement elements of approved river basin plans within their borders. Because river basin plans would be of a long term nature, need levels and allocations of dollars under the new program could be determined well in advance of the year of actual expenditures so that the program could proceed expeditiously when federal dollars become available. Where a state did not identify needs equal to its dollar allocation a year in advance of planned expenditure of those funds, expenditure authorizations would be reallocated to projects in other states identifying greater need levels.

MATCHING RATIOS

Another essential element of any new financing program, besides the long term commitment of federal funds, must be a greater assurance to local governments of the matching ratio of federal funds which will be available to them to construct waste treatment works. Currently the local match required for local participation in the program ranges from a low of 20% to a high of 70% or more, all dependent on factors completely beyond control of the individual local unit. The principle variant in this matching ratio is the willingness of the state to contribute 25% of the cost of local projects. However, while the state contribution is a benefit of the local government, the Federal Water Pollution Control Act gives no real incentive to the states themselves to provide any funds. Actually, there is a disincentive to state action in that the set amount of dollars allocated to the states can cover more projects if the state does nothing and federal dollars are distributed on 30% of cost grants, than if the state acts and federal dollars are distributed on 50% of cost grants. In Oregon, the State legislature discontinued participation in the 50% federal, 25% state grant program because federal funds available at 50% grants were not sufficient to cover all projects required by the state's Environmental Quality Control Commission. While the actual reasons for this action were subject to question, the reason the legislature gave was that with discontinuance of state participation, federal assistance would be available to cover more projects.

According to FWPCA data as of December 1969, only 14 states were contributing the full 25% share of program costs to make local programs eligible for the 50% federal matching funds. These were the states of Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Wisconsin. Four other states—Delaware, Oregon, Tennessee and Washington—had programs to provide some share of local project costs.

The real stimulus behind those states which have appropriated funds to match local dollars in the pollution control effort appears to be a state level concern with pollution problems rather than any stimulus provided by the federal act. Those localities with severe pollution problems in states where state legislatures fail to commit resources to solving water pollution problems should not, however, be punished financially for such state inaction.

NLC and USCM recommend establishment of a basic 50% matching ratio for all projects, regardless of the degree of state participation in financing the nonfederal share of project costs.

This uniform matching ratio, a 20% increase from the current 30% rate, will give localities greater assurance of the level of federal assistance they can expect. It would not diminish state involvement in financing, since there is no real encouragement to state action under the present program.

An increase in the matching ratio is also necessary because localities are facing increasing difficulties in providing the local share of costs for waste treatment facilities under the present matching ratios. This situation has developed because of the rapidly increasing demands for financing various social programs which are being made upon the limited local revenue base, and the strained condition of the municipal bond market which has created unprecedented difficulties for local governments in obtaining financing for capital projects such as waste treatment facilities. (For detailed discussion of local financial problems, see Appendix A).

Because of the high demands for local expenditures, a number of municipalities have incurred debts up to or closely approaching their bonded indebtedness ceilings. In many cases, a substantial portion of this indebtedness has been incurred for water pollution control programs. Though many municipalities have needs for additional water pollution control facilities, it will be difficult for municipalities which have incurred these debts close to their debt limits to finance much of the cost of these facilities from their own resources. The condition will be aided by an increase in the basic matching ratio to 50%. However, extra support may be needed for municipalities which are at or near limits of available financing for pollution control facilities. Such additional support for future facilities is justified where municipalities have used substantially their own financing resources to build existing facilities with little assistance from the state or federal government. In such cases, their desire to proceed with further improvements should not be constrained by the limits on their financing capability resulting from their prior initiative in constructing pollution control projects without the level of federal assistance provided in the Federal Water Pollution Control Act. NLC and USCM recommend that the level of assistance for projects provided under the Federal Water Pollution Control Act be increased by 20% for those localities which in constructing their existing facilities have received federal or state assistance from any source which, in the aggregate, amounts to less than 20% of the cost of those facilities which would be eligible for assistance under the Federal Water Pollution Control Act.

CONCLUSION

The grant-in-aid program under the Federal Water Pollution Control Act has provided valuable and necessary assistance to state and local water pollution abatement efforts. However, federal aid dollars have not always been used most effectively. Under the present dollar distribution formula and state priority setting practices, federal assistance is not pinpointed on the most severe pollution problems where its use could be most productive. Further, uncertainties resulting from dependence on annual appropriations to support the program have created confusion and costly delays for state and local pollution control efforts in need of federal assistance. NLC and USCM believe that their recommendations can substantially improve the effectiveness of the Federal Water Pollution Control program and lead to significant progress towards the goal of a quality environment in the 1970's.

OTHER ISSUES FOR CONSIDERATION

In addition to the above points upon which specific recommendations are made there are three issues which NLC and USCM believe merit close examination in the review of the Federal Water Pollution Control Act, but upon which specific recommendations cannot be made at this time.

These are:

1. Should land acquisition be an item eligible for federal assistance under the FWPCA program? Presently it is not.

2. Should much greater assistance be available under FWPCA for support of programs to separate storm and sanitary sewers and construct storm sewers? Presently projects relating to separation of storm and sanitary sewers or other devices to meet the problems of sewage overflow are not adequately covered in the Federal Water Pollution Control Act. Increased aid for storm sewer construction is considered particularly necessary as such facilities do not lend themselves to an equitable system of allocating user charges, and thus must depend more on general revenues for financing. In reviewing this question it may be advisable for the Congress to study in detail the progress made to date in research and development efforts supported by the Federal Water Pollution Control Act. New technology might have significant impact in reducing the cost of solutions to the combined sewer problem and generally developing more effective waste treatment programs without the substantial costs now anticipated.

3. What level of need should be recognized in determining the level of federal assistance to be available under Section 8 of the Federal Water Pollution Control Act? This question will be determined in part by the answers to questions 1 and 2 and in part by further examination of the current waste treatment facility needs. Total cost figures are estimated to range as high as $65 billion in the next decade, depending on solutions developed for the storm sewage overflow problem. It would appear from existing data that Federal assistance of at least $10 billion for fiscal years 1972 through 1976 will be absolutely necessary to support the substantial state and local clean water programs which can make

significant progress in abating water pollution.

APPENDIX A—THE LOCAL CAPITAL FINANCING CRISIS, ITS RELATION TO FEDERAL AID ALTERNATIVES

Even if a city is completely committed to action to construct waste treatment facilities, the city may not be a free agent to collect and dedicate the necessary resources to achieve this purpose. Local revenue raising capability, and to some extent, local spending choices are severely constricted by state law:

States tell cities what taxes they may raise, and in some cases how high they may raise them.

States designate who may and who may not be taxed.

States set limits on how much debt may be incurred and what interest rates may be paid, and

States sometimes mandate services which must be performed and what people must be paid to perform them.

From limited local revenue bases, demands for the full variety of municipal services must be filled, and demands for increased commitments of local resources have never been greater. Local government is the government closest to the people, and it is local government toward which people turn first when they need help. With only so much money to go around, difficult choices must be made: better schools or better sewers, more firemen or more social workers, safer streets or cleaner waters.

Compounding the problems of financing local capital improvements today is the strained condition of the municipal bond market.

From September, 1968, the time many experts assign for the beginning of the municipal credit crunch, through December of 1969, over $2.8 billion in state and local bond issues have failed to sell because bids were rejected, no bids were received, or the issues were postponed because of high interest rates. Many of these bonds have been for water resource related projects.

During the last half of 1969, municipal bond yield rates consistently set records, with December rates averaging over 6.5 percent. At current interest rates municipalities will pay more in interest costs than in principal payments on most long term issues for water pollution control. As long as such rates persist, every extra dollar of a Federal grant for capital facilities saves the local government more than two dollars in principal and interest costs for such a project.

NLC and USCM are concerned that the debt service financing approach being discussed as an alternative to direct grants from appropriations will further disrupt the municipal bond market and not accomplish the objectives of the Federal Water Pollution Control program. Testifying before the Senate Commerce Committee in June of 1969, Secretary of Transportation John A. Volpe stated the administration's opposition to debt service financing as it would affect airports: "Because it is inflationary, and because it creates a very long-term commitment for the Federal government, the administration does not favor the debt-service approach." Inflation remains a serious problem. In addition, there are several other reasons why debt service financing is unacceptable as an alternative for financing the clean water effort:

1. The Federal government has a commitment to aid in construction of waste treatment facilities and should not turn to the severely strained local debt market to fulfill this commitment.

2. Use of local bonds to finance the full cost of waste treatment facilities will increase pressures on the local bond market and make capital financing for all municipal facilities—schools, hospitals, airports, waste treatment facilities, etc.—more difficult. An increase in interest rates of only ¼ of 1% could raise interest costs $250,000 to $400,000 on an average $10,000,000 bond issue.

3. In communities whose bonded indebtedness is close to statutory debt ceilings, inclusion of the federal share of waste treatment facilities in the allowable local debt may prevent financing of other necessary local programs.

4. Because the contract debt service financing proposal does not propose to cover the interest costs for the Federal share, effective matching ratios for Federally assisted projects would be reduced 50% or more from whatever matching ratio for principal costs is proposed. Even full Federal payment of principal costs would result in a matching ratio of less than 50% at today's interest rates.

5. Those local governments in greatest need of financial assistance—the localities which cannot market bonds because of statutory interest ceilings or because they have incurred debts up to bonded indebtedness limits—would be effectively excluded from participating in the contract debt service financing program because of difficulties they would face in marketing their bonds.

6. Adoption of the contract debt service proposal in one Federal program aiding local capital financing would set a precedent for use of this financing device in other Federal programs, seriously compounding the difficulties discussed above.

SENATE JOINT RESOLUTION 191—INTRODUCTION OF A JOINT RESOLUTION TO REFORM THE ELECTORAL COLLEGE

Mr. ERVIN. Mr. President, I introduce for appropriate reference a joint resolution proposing an amendment to the Constitution reforming the electoral college method of electing the President.

The Senate will soon consider perhaps the most fundamental change ever suggested to our constitutional and political structure and, undoubtedly, one of the most important matters to come before any recent session of Congress. I refer to the matter of changing the way the American people elect their President. As we all know, the House of Representatives has already passed a resolution proposing the abolishment of the electoral college and the institution of a system of direct election. The Senate Judiciary Committee will very shortly consider the direct election proposal along with other proposals for reform.

While I have introduced for many years a proposal which would provide for a proportional counting of each States' electoral votes, at this point I have decided to abandon this method, Senate Joint Resolution 2, in favor of the one which I plan to introduce today. I do this because it is becoming increasingly obvious that, practically speaking, there are now only two alternatives open to the Senate dealing with electoral college reform. One is to pass the direct election proposal, whose easy adaptability to sloganeering has hidden its many dangers, and the other alternative is to do nothing. I find both of these courses unacceptable.

The plan which I propose today has been around for quite awhile. In fact, in 1966 then Attorney General Katzenbach proposed it in his testimony to the House Judiciary Committee. The plan is simple and it only attempts to reform our present system rather than ripping it out by the roots and substituting an untried and drastically different method.

Simply put, my proposal would eliminate electors but would retain the electoral vote system. In other words, it would eliminate the "faithless elector" and would insure that a State's electoral votes would be cast for the plurality winner in the State. Also, under my proposal, if no nominee had an electoral vote majority, the deadlock would be broken by a vote taken at a joint session of Congress on the basis of one vote for each Member of the House and Senate.

Generally, I believe that two fundamental considerations should govern our deliberations on this matter. First, there are certain acknowledged defects in the present process of electing the President which have undermined public confidence therein and clearly require reform. One is the ever-present possibility of a "faithless elector" who does not cast his vote as the majority who chose him directs. Another is the method of selecting the President in the case of an electoral college deadlock. As I have stated, these defects can be corrected quite easily, and without the danger of effecting a radical change in the Nation's political institutions.

The second fundamental point is that despite its minor defects, the electoral college system has unquestionably provided this Nation with the most successful method for electing national leadership known in modern history. It has brought to the Presidency Americans of uncommon talent and wisdom. It has been instrumental in creating a stable, progressive and responsible national leadership which has guided our country for almost two centuries. During this time the electoral system has seen us through crisis after crisis. We have grown from a small coastal, agrarian collection of States to the mightiest industrial Nation on earth. From diverse races, nationalities, creeds, and interests we have been forged into one people under one President and most important, we have changed that President every 4 or 8 years with no disruption, no constitutional crisis, no dispute as to who the successor was to be and whether he had a legitimate claim to the office. Surely Senator John Kennedy was right when he opposed direct election on the floor of the Senate and quoted Falkland:

> "When it is not necessary to change, it is necessary not to change."

I believe that my proposed constitutional amendment which would eliminate the acknowledged defects in the present system without making fundamental changes in it is the responsible approach to electoral reform. The unquestionable success of the electoral system for almost 200 years in giving the Nation stable national leadership places a heavy burden of proof upon those who call for radical change. Only one time in its history has the electoral college elected a President who received less popular votes than another presidential candidate. This happened in 1888 when Grover Cleveland lost the election to Benjamin Harrison. Cleveland's voting

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edge was only 100,000 votes which could certainly not be considered an overwhelming popular mandate for him. Thus, this is a record no other political institution devised by fallible men can match. I have no confidence that direct election will work as well, and I share with individuals of both parties and many political persuasions that it is extremely ill advised.

Turning to the specifics of my proposal, I believe there is good reason to eliminate the office of elector. Not for 170 years have electors convened in assembly to deliberate the election of the President. Clearly, the original purpose for choosing electors has disappeared. Nevertheless, the present system continues to protect an elector should he decide to exercise his technical constitutional prerogative of voting for whomever he chooses, regardless of the popular vote in his State. While the number of "faithless electors" have been so few as to dispel any widespread alarm, six out of more than 16,000 over the past 182 years, the existence of such a possibility does constitute good reason for eliminating the office of elector.

For almost two centuries, all of a State's electoral votes have been cast for the presidential candidate receiving a plurality of the State's popular votes. I have expressed doubts about this traditional practice in the past; however, coupled with the additional votes which are now given to the smaller States because of their senatorial representation this has been essential to the preservation of our Federal structure. Because it helps preserve our two-party structure, lessens the chance for fraud and contested elections, and is in every way superior to direct election in terms of giving the American people confidence in the new President, I do not believe it should be abolished in favor of the direct election proposal.

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In the unlikely event that no candidate for the Presidency receives a majority of electoral votes, I believe that the election of the President should be entrusted to a joint session of Congress, with each Member having one vote. The joint session would choose between the two presidential candidates receiving the largest number of electoral votes. Such a provision would contrast with the present contingency election by the House of Representatives with each State delegation having one vote to be cast according to the majority vote of the State delegation. This proposed alternative in the contingency election would more equitably represent the popular electorate than the present arrangement. It would also eliminate the possibility which exists under the present arrangement of nullifying a State's representation in the balloting when no candidate wins a majority within the State's House delegation. As with the case of the delinquent elector, the reason for unit rule in the contingency House election has disappeared with history. It should be changed.

These three changes meet much of the criticism directed at the present system of electing the President. They would restore public confidence in the system for electing the President. In contrast with direct election, my proposal would not bring about fundamental changes in the fabric of our political system. The merit of this approach—of perfecting the present system—stands in sharp contrast to the likely consequences of direct popular election of the President.

To abolish the electoral system and to substitute direct popular election is not only to substitute one form of election machinery for another, but to affect in unforeseen ways all those other political processes and institutions, at Federal, State, and local levels, which have developed over the years in response to the present system for presidential election. Clearly, providing constitutional guarantees that every vote shall have mathematical equivalence and that every President shall have at least one more popular vote than his nearest opponent is not the only consideration involved in determining the process by which the Nation should select its President.

One of the greatest political traditions of the United States is the two-party system. It would be difficult to overestimate the importance of this tradition to the stability of the Nation's Government and to the continuity in its political life. The development of broadly based national political programs necessary for success in national elections; the creation and maintenance of formal and informal machinery for compromise within both major parties; the subtle but significant emphasis upon political organizations capable of governing a nation rather than political instruments dedicated to sectional or ideological advancement—these are a few of the contributions of America's two-party system.

Any alteration in the institutions and processes of electing the President must be considered with a view as to the possible impact of that alteration on the two-party system.

There can be little doubt that the electoral college system has bolstered the two-party system by discouraging third-party candidates for the Presidency. The particular feature of the present system primarily responsible for this effect is the unit rule. Though not constitutionally required, from an early date in the Nation's history "pledged electors" have traditionally cast their votes for that presidential candidate receiving the largest number of popular votes in the State. By awarding to the winner of a plurality in the State the State's entire electoral vote, the present system requires that any serious presidential contender secure sufficient popular support in States with enough electoral votes to affect the electoral college decision.

With few exceptions, only candidates with a strong enough regional base to capture State electoral votes have seriously challenged the two-party domination of presidential politics. The reasons are spelled out in the statistics of past presidential elections. In 1912 there were two important minor-party candidates, Theodore Roosevelt broke away from the Republican Party and received 4,127,788 popular votes to 6,301,254 for the winner, Woodrow Wilson. While Wilson won 435 electoral votes, Roosevelt captured only 88. Eugene Debs received 901,255 popular votes out of the total vote of approximately 15 million. He won no electoral votes.

Again in 1920 despite the fact that Debs won almost 1,000,000 popular votes out of 26,000,000 cast he had no electoral votes. Senator LaFollette, breaking away from the Republican Party in 1924 won 4,832,532 popular votes, more than one-half the popular total for the losing Democratic nominee, Davis. Nevertheless, while Davis' vote was translated into 136 electoral votes, LaFollette received a meager 13. Finally in 1948, Henry Wallace received a popular vote of 1,157,326 out of approximately 49,000,000 votes cast. He too won no electoral votes. By contrast and in that same election, Strom Thurmond, the States' Rights Party candidate, received a similar popular vote of 1,176,125 but was able to capture 39 electoral votes because of the regional concentration of his popular support.

These lessons of history must have been particularly persuasive during the presidential election of 1968. Among others, Richard N. Goodwin has recently described the impact of electoral college on the temptations of many antiwar critics in 1968 to mount a fourth-party drive for the White House. In an article appearing in the Washington Post, of October 6, 1969, Goodwin states that recognition of the extreme difficulty in winning any electoral votes despite the prospect of a large national popular vote was the primary reason that he and others of similar political views did not challenge the major party presidential candidates. The effect of a "peace candidacy" would most likely have been, in Goodwin's judgment, a further enhancement of the election prospects of the Republican candidate.

Similarly, the appeals to Wallace supporters not to waste their vote—made by Republicans in the South and by Democrats in the North—significantly lowered the popular vote for Wallace in 1968. Under a popular vote system, a four-way race would certainly have prevented Nixon from getting a clear popular majority and conceivably might have necessitated a runoff. The impact on the party ties of candidates for congressional and State offices of such a four-way race would have weakened the party structure seriously in Congress and in the States. One can imagine in future elections, single-issue candidates running in the November election to demonstrate their popular support as a way of gaining influence over the major candidates who will need those votes in the runoff.

The encouragement that direct election would give to minor party candidates could not occur at a worse time than now. Professor Ernest Brown of Harvard Law School reminds us—

> At a time when the country suffers from sharp divisions, we should be cautious lest, though with the best of intentions, we encourage further division and discourage coalition.

Finally, the likelihood of the proliferation of political parties resulting from direct popular election raises the ironic possibility that a system designed to assure the election of a candidate most reflective of the popular will could result in the continuing election of Presidents by a considerably smaller proportion of the popular vote than has historically been the case. Despite the rejection of a candidate by just a little under 60 percent of the total voting population, under the direct election proposal he could capture the White House if he nevertheless won 40 percent plus one more vote than his nearest opponent. Division of the popular vote by an increased number of serious presidential candidacies would seriously undermine the ability of any candidate to attract that broad popular support which has given the Presidency much of its influence and power. The runoff provision constitutes even further encouragement to minor party candidacies. Even if a candidate is certain of not being able to win the Presidency for himself, he will be tempted to enter the race when he commands enough popular support to force a runoff. His bargaining position in the runoff would be powerful. The likelihood of broadly supported coalition candidates presenting themselves to the electorate would decrease. One issue, doctrinaire candidates would proliferate and devisiveness would abound across the country.

One of the primary criticisms of the present electoral system is the alleged political chaos into which the Nation would be thrown upon the election of a presidential candidate who receives less popular votes than an opponent in the case of a close popular election. Aside from the historical evidence suggesting strongly that this possibility is largely a theoretical concern, the proposal for direct election would appear to offer no more assurance of avoiding political chaos where the Nation is evenly divided as to its choice for President. In many respects it encourages the possibility of close votes, and increases the danger that doubt will surround election of the new President.

In the case of the close popular election, such as in 1960 and 1968, the legitimacy of any candidate to presidential power will be subject to serious question under any system. The adverse public reaction to and the handicapped presidential leadership resulting from a situation in which the electoral vote winner falls a few popular votes shy of an opponent must be weighed against the public dismay and prolonged indecision inevitable in the face of widespread voting fraud allegations. Voting irregularity is of considerably more significance under a system in which any single vote cast in any one State might be determinative of the election. Professor Brown, of Harvard Law School, suggests that the Nation could anticipate a "reexamination of every ballot box and voting machine in the country, not to mention also the records of registration and qualification of voters."

It is important to consider that two voting tabulations—the November election and then the runoff—might be involved, and that both might be subject to allegations of fraud. Furthermore, in the first election it would be necessary not only to ascertain the exact total vote for each major presidential candidate to determine the winner, but it would also be critical to establish the total popular vote cast to determine the necessity for a popular runoff. This would involve the determination of the validity of write-in votes, possibly illegible, possibly for unknown persons of fictitious origin. If a runoff turns on the resolution of contested votes, the runoff campaign would be fought at the same time as the recount of the November election.

All of these difficulties in determining a winner, and then making the transition from one President to another, must take place within the short 10-week period between the November election and the January inauguration which is now exclusively devoted to the formation of the new administration. Without enumerating all the possible difficulties inherent in accurately tabulating the wishes of 70 to 80 million voters, in such circumstances it is easy to imagine strain which would be placed upon the Nation's institutions and the public's patience over the weeks and months following the actual election. Whatever the virtues of direct popular election, the assurance of avoiding chaos in the case of close elections is not one of them.

In contrast, the present system tends to minimize voting fraud allegations by requiring challenges to votes in States with sufficient electoral votes to change the outcome. It also has had the virtue, in the case of close popular elections, of magnifying narrow popular margins of victory. Such exaggeration has tended to secure greater public acceptance of the new President. The significance of this consideration is underlined by the number of times this century in which narrow popular margins have been translated into unquestionable electoral vote victories:

Year	Winner	Percent popular vote	Percent electoral vote
1912	Wilson	46.00	62
1916	do	49.00	52
1948	Truman	50.00	57
1960	Kennedy	50.08	62

Direct popular elections would necessitate uniform Federal voting requirements and centralized administration of presidential election machinery. Because of the States' constitutional authority, voter qualifications do in fact vary from State to State. There is considerably more than an "imaginary line" between the States in the course of a national presidential election. Differences in minimum age requirements, residency requirements, party registration and voting, individual States would be pressured to compete in altering their respective laws regardless of the merits of the alterations, so as to assure the greatest possible political influence for their citizens in a presidential election. Indeed, Senate Joint Resolution 1, as introduced by Senator BAYH and others, proposing direct election, authorizes Congress to establish such uniform rules. A necessary concomitant to direct election, national registration and voting requirements, would represent a radical departure from the traditional constitutional prerogative of the States in this area.

A uniform system for ballot qualifications, a national system for counting and reporting election results, and a centralized agency to assure fairness and to resolve disputes would be required under direct elections. The power of this centralized administration over the presidential election would of necessity be quite considerable. The danger of its misuse is both obvious and frightening. Accusations of election manipulation, whether founded or not, will impair national confidence in the election results. And, again, such a signfiicant involvement by the Federal Government in election procedures would represent an important departure from practices by the past.

Finally, there is, of course, no certainty that voter qualifications and election machinery for State and local elections, continuing under State control, would parallel those for presidential elections. The spectacle of confused citizens registering twice under different requirements, voting at different places and in different ways for State and presidential offices is a likely prospect. There is certainly no need to increase the confusion which already surrounds the citizen's exercise of his franchise.

Direct popular election is likely to affect the very nature of the Presidency. The Presidency is our only national elective office. The man elected to this high office must be President of all the people. But being President of all the people means much more than being elected by 51 percent of the voters on a particular election day as the proponents of direct election would seem to suggest. He must be the President of 200 million people who are engaged in untold different economic and social occupations, who live in large cities, small towns, isolated communities or individual homesteads, and who possess radically different views of what is best for themselves, their communities, and their Nation.

A leader of this Nation must not only represent large numbers of our people; he also must represent a diverse cross section of our people. Mere numbers, 51 percent or 41 percent are not enough. A man elected President because of the overwhelming support from a relatively narrow group of people—perhaps people from a rural, conservative area, or from a highly urban, industrialized area—would be the choice of the majority in one sense only—that of mere numbers. He would not be the representative of all the people's interests.

This is shown dramatically by the results of the 1968 election, if we consider other possible outcomes. In 1968, Hubert Humphrey was the popular choice of 13 States plus the District of Columbia. Had he simply carried New York State by the margin which Lyndon Johnson carried it by in 1964, and maintained his 1968 margin in Massachusetts, he could have lost by narrow margins all of the other States which he won and still have been elected President by over 500,000 votes. He would, however, have been the preferred choice of the voters of just one out of 50 States and the District of Columbia.

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In a Federal system such as ours, it is certainly no more acceptable that a man should be President when he is the popular vote winner but the choice of only a handful of States representing a narrow segment of the political spectrum than when he is the winner in the electoral college but the loser in the popular vote.

The electoral system, on the other hand, builds into the process a very necessary element of diversity of support. It requires a winner to reach for national support. It does this by stressing victories in States as units. States are important instruments for defining and reflecting the diversities of the Nation. Each of the individual States are large and varied enough to reflect many, if not most, of the differences, social, economic, class, background, interests, and geography, that make up the entire Nation. Each of them, to an extent, is a microcosm of the diversities of our entire Nation, though the parts are arranged with different emphasis from State to State.

Certainly, a candidate who is the choice of a large number of States will have had to appeal and gain the support of a diversified group of interests. He will have to have a broad base of support and approval throughout the Nation. By requiring him to win States as units, and by making the total he must get large enough, the present electoral system satisfies this essential requirement for national leadership. The man who wins under this system is truly the choice, not only of the majority of voters, but of a majority which is as diverse in its interests as it is spread throughout the country.

Mr. President, there are many other reasons why direct election is not an advisable system to adopt for election of the President. These can be elaborated on at great length, and as the debate develops, I intend to do so from time to time. These statements will show, as I have tried to do so today, that electoral reform is not a Republican or Democratic issue, or a liberal versus conservative issue. In some ways, direct election will hurt liberal interests, in other ways it will help them. Similarly direct election may weaken conservative political power in some ways, and strengthen it in others. Basically, however, direct election will shake the political and constitutional strength of our Nation, and this is something all parties and all political groups should join in preventing.

Mr. President, at this time, I ask unanimous consent that the text of my proposed constitutional amendment be printed in full in the RECORD. Also, for the information of the Senate, I ask unanimous consent to insert in the RECORD following the printing of my joint resolution an article by Prof. Alexander Bickel of Yale Law School from the December 1968 Commentary magazine entitled "Is Electoral Reform the Answer?"; a review of Professor Bickel's book "The New Age of Political Reform," written by Prof. Ernest J. Brown of the Harvard Law School, which appeared in the December 1969 volume of the Pennsylvania Law Review; an article by Theodore H. White from the January 30, 1970 issue of Life magazine entitled "Direct Elections: An Invitation to National Chaos"; and, an article in the Washington Post of October 5, 1969, by Richard N. Goodwin entitled "Electoral College Finds a Defender."

The PRESIDING OFFICER (Mr. BELLMON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and other material will be printed in the RECORD.

The joint resolution (S.J. Res. 191) proposing an amendment to the Constitution reforming the electoral college method of electing the President, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 191

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

SECTION 1. The President and the Vice President shall be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President.

SEC. 2. On the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin, unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia an election in which the people thereof shall cast their votes for President and for Vice President. In such election, each voter shall cast a single vote for two persons, one a candidate for President and the other a candidate for Vice President, who shall have consented to the joining of their names on the ballot. The places and manner of holding the election shall be prescribed in each State by the legislature thereof but shall be subject to regulation by the Congress. The voters in each State shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature. The voters in the District of Columbia shall have the qualifications prescribed by the Congress.

There shall be cast for the persons receiving the greatest number of votes for President and Vice President in each State a number of electoral votes equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress. There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in the District of Columbia a number of electoral votes equal to the whole number of Senators and Representatives to which the District would be entitled in the Congress if it were a State, but in no event more than the number cast by the least populous State.

Within forty-five days after the election, or at such other times as the Congress may direct, the official custodian of the election returns of each State and of the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the president of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the name of the person for whom the electoral votes of such State or District are cast.

SEC. 3. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the electoral votes shall then be counted. The person having the greatest number of votes for President shall be the President, and the person having the greatest number of votes for Vice President shall be the Vice President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes for President or for Vice President, then from the two persons receiving the highest number of electoral votes for such office the Senate and the House of Representatives sitting in joint session shall immediately choose such officer by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded, and in addition there shall be cast for the person for whom the electoral votes of the District of Columbia were cast a number of votes equal to the number of such electoral votes. The person receiving the greatest number of votes shall be chosen.

SEC. 4. If, at the time fixed for the counting of the electoral votes as provided in section 3, the person who would have been entitled to receive a majority of the electoral votes for President shall have died, the person who is entitled to receive the majority of the electoral votes for Vice President shall be President.

The Congress may by law provide for the case of the death of any of the persons for whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them; for the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President; and for the case of the death or withdrawal, prior to the election provided for in Section 2, of a candidate for President or for Vice President.

SEC. 5. The Congress shall have power to enforce this article by appropriate legislation.

The articles, presented by Mr. ERVIN, are as follows:

THE NEW AGE OF POLITICAL REFORM

(By Alexander M. Bickel)

OCTOBER, 1969.

DEAR SENATOR: Permit me to commend to you Alexander Bickel's small but valuable book, *The New Age of Political Reform*. Professor Bickel is concerned, as I have been concerned, about the effects of S.J. Res. 1, should it be approved and ratified.[1] That resolution is, as I am sure you know, the resolution for a constitutional amendment on electoral change proposed and supported by Senator Birch Bayh, of Indiana, and by the American Bar Association.[2] I respect the purposes of those who support S.J. Res. 1. Indeed, we are, almost all of us, so deeply imbued with respect for the democratic process that any proposal for direct popular election carries an appreciable momentum for acceptance. Nevertheless, the expression of an ideal is not enough, or should not be; we should at least be careful to examine the probable workings of any proposal. This is the great merit of Professor Bickel's book.

Footnotes at end of article.

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He is not halted, or satisfied, simply by a call for what is termed "electoral reform." He insists on looking to find and appraising the practical differences, political and institutional, that the proposed "reform" will make. And he insists on considering and appraising alternatives where some change seems called for. If these seem attributes that are to be expected in the consideration of any important public issue, their presence has not been markedly notable in other discussions of the proposed twenty-sixth amendment.

I think that our electoral experience, including particularly several recent campaigns and elections, warns us of some of the things we should not do at least as clearly as it indicates some of the changes that are needed in the method of electing the President and Vice President. I hope that you will find the following comments worthy of your consideration in reaching a decision on S.J. Res. 1. Many of them reflect Professor Bickel's ideas, but the emphasis, or order, is somewhat different. He gives emphasis and priority in discussion to the political costs of the proposed twenty-sixth amendment. I have varied his order and emphasis to suggest greater importance for the institutional costs. We agree that some change is desirable, and would eliminate the individual electors and make some change in the method of choice should no candidate receive a majority of the electoral vote. But before going into that alternative, let me indicate the considerations that appear to bear heavily in an evaluation of S.J. Res. 1.

I. THE RUN-OFF

In my opinion, the most unfortunate feature of S.J. Res. 1 is the provision for a run-off election should no candidate attain forty per cent of the popular vote. I know that Senator Bayh and the ABA Commission justify this provision by suggesting that a figure less than forty per cent would not furnish a sufficient mandate for election to the Presidency, and could weaken the two-party system by encouraging the formation of splinter parties.

The evidence, I suggest, supports the conclusion that the run-off provision would make the very results that Senator Bayh and the ABA Commission seek to avoid more probable. We are not without experience in that area. In the southern states, the run-off is a feature of many primary elections. One sees that in those states it is regularly accompanied by multiple candidacies in the first primary, by the prevalence of personal factions or followings, and by party structures that are at best very loose, even by American standards, and at worst shadowy to nonexistent. The ABA Commission seems oblivious of the effect of a run-off system upon party structure, even in the face of evidence that its own report cites, but appears to misunderstand. In connection with assertions concerning the basis of the two-party system, its report refers to works of Key,[3] Schlattschneider,[4] and Sindler.[5] Yet if one checks those references, particularly the first two, they point strongly to the conclusion that a plurality system of election tends to bring into being and support a two-party organization, whereas the requirement for a run-off encourages the formation of multiple parties, and multiple candidacies. Perhaps even more instructive, though not referred to by the ABA Commission, is the late V. O. Key's notable study, *Southern Politics;* references to the operation and effects of a run-off system appear throughout the book.[6] On more broadly based evidence, Duverger's *Political Parties* reaches even firmer conclusions on the effects of a run-off, or second-election, system.[7]

Cause and effect are, of course, difficult to establish beyond doubt or argument when one considers the structure of political organization or government. But it is not fundamentally difficult to see why the evidence is at least consistent with, and appears rather strongly to support, the conclusion that a run-off system is destructive of two-party organization. A plurality, one-shot election encourages coalition to reach maximum strength. In pure abstraction, a high degree of fragmentation is a mathematical possibility. But the evidence indicates, as one might expect, that in practice a plurality election tends to reduce the serious contenders to two, and to give the winner either an absolute majority or a plurality very close to an absolute majority. Most of our governors and senators are elected in plurality elections. Any appreciable fragmentation of the field is rare, and the winner usually achieves an absolute majority.

But a run-off system offers attractive possibilities for a great many candidacies. First, there is the chance that the electorate might be so split among numerous candidates that one might achieve the run-off with the support of only a minor fraction of the electorate. But the more plausible goal is that even if one does not achieve first or second place in the original contest, any substantial nucleus of support gives great bargaining power should there be a run-off.

The objective of every candidate under a run-off system is thus, at the minimum, to cause a run-off if he himself cannot win. How is this best achieved? In a large and varied electorate, fractionating the electorate along doctrinaire lines is perhaps the most effective method of preventing any candidate's receiving the vote required to win without a run-off. A one-issue doctrinaire candidate thus stands to profit if other one-issue doctrinaire candidates split off enough segments of the electorate to prevent the formation of a majority coalition. Even though their doctrine may squarely oppose his, he is confident that he can amass a nucleus of support sufficient to give him bargaining power in a run-off.

Professor Bickel suggests, and I think correctly, that had the election of 1968 been by direct popular vote, with a run-off provided, we would have had at least one, and possibly several, additional one-issue candidates. "Every consideration that brought forth antiwar candidates for the Democratic nomination would with equal—and greater—validity have propelled an antiwar candidate into the general election."[8] The leading candidates would, in all probability, have achieved not 43 per cent of the popular vote, but some figure much closer to 30 or 33 per cent. I think I need hardly stress the divisive effect upon the country of a campaign conducted under such conditions. Moreover, the candidate who wins in a run-off hardly has a strong mandate. This is particularly true if, as has often been the case in run-off elections, he ran second in the first contest. The majority that supports him in the run-off is at best a reluctant majority, and he remains substantially in pledge to those who swung support to him in the run-off, since it has been demonstrated that he could not have won without them. In addition, recent evidence, including some from mayoralty run-offs, suggests that run-off elections are likely to be particularly doctrinaire, strident, and divisive.

Because a run-off system does tend to produce multiple candidacies and thus to divide the electorate, it is rather meaningless to cite figures, as the ABA Commission Report does,[9] to show that in the past the leading candidate for the Presidency has almost invariably received more than forty per cent of the popular vote. There is little reason to think that that would continue, once a run-off system was put in operation.

It is true that we have something of a rudimentary run-off system at present. I refer, of course, to the fact that the elections of the President and Vice President are transferred to the House and Senate, respectively, if no candidate receives a majority of electoral votes. But this type of run-off is most difficult to achieve, and has in fact not been utilized since 1824, when there was little or no party organization or identification. The reason for the difficulty is clear: it requires not popular votes at large, but a nucleus of electoral votes. Professor Bickel graphically illustrates the difference by reference to the 1948 election, when Senator Strom Thurmond and Mr. Henry Wallace achieved almost the same number of popular votes, but Senator Thurmond achieved thirty-nine electoral votes, and Mr. Wallace none.[10]

But with a substantial regional base, and the prospect of an otherwise close election, our limited run-off system presents the occasional invitation to divisive minor candidacies that would be regularly and quadrennially presented by a run-off after a direct popular election. It is clear that Governor Wallace's strategy and objective in the 1968 campaign was to deny a majority of electors, or electoral votes, to either major candidate, and thereby to achieve great bargaining power. Whether he hoped to achieve this by influencing electoral votes committed to him or to his discretion, or by exerting influence on House delegations, or by both processes, does not alter the picture. By one device or another, if he could prevent a first-round verdict, he sought to be a President-maker. He did not succeed. I suggest that success might have been achieved more easily by Governor Wallace, or by some one or more other one-issue candidates, had the provisions of S.J. Res. 1 controlled the recent election. At a time when the country suffers from sharp divisions, we should be cautious lest, though with the best of intentions, we encourage further division and discourage coalition.

The run-off system mandated by the proposed resolution appears to me to present a substantial threat to the stability of our political institutions—to the pattern that requires any presidential candidate to take a position somewhere near the center of the political spectrum, and to build out from there, if he is to have any chance of success. But even if one believes that a run-off system has the virtues that the ABA Commission attributes to it, would it not be adequate, and wiser, simply to give Congress authority to provide for a run-off, rather than making a rigid constitutional requirement that that system be adopted? If S.J. Res. 1 were adopted and the run-off system proved to be as unfortunate as some of us fear, then it would require a further constitutional amendment to eliminate it. But if Congress were simply given authority to provide for a run-off, we could adopt it, modify it, or abandon it, as experience might dictate. Even if a run-off system were desirable, it is difficult to believe that there is inevitable magic in the 40 per cent figure. Experience might indicate that it would be better if the figure were 45 per cent or 50 per cent, or perhaps even 35 per cent. One hears no justification for freezing the particular details of the resolution into the Constitution, even from staunch supporters of the proposal.

II. NATIONWIDE DIRECT POPULAR ELECTION

If the run-off provision were eliminated, or even modified to make it nonmandatory, the question of nationwide direct popular election of the President and Vice President, as opposed to an election with the popular vote segmented by states, would be much closer on the merits. However, it is both important and appropriate to see what we would gain and what we would lose by substituting a nationwide direct popular vote for a system of segmenting the vote by states under a modification of the present system. Not all of the arguments in support of the change are of equal weight, and there are opposing considerations that require appraisal.

Footnotes at end of article.

A. *The myth of minority disenfranchisement*

It is said that the present system of segmenting the popular vote by states, rather than providing for a nationwide direct popular vote "cancel[s] all minority votes cast in the state" [11] or "suppresses as an intermediate stage all minority votes cast in a state." [12] This argument means slightly more, than saying that the losers in an election have lost. In a statewide election for Governor or Senator, we do not regard the votes cast for the losing candidate as having no weight, or having been suppressed or cancelled, or those who cast them as having been disfranchised. Those votes and voters fully performed the function of any vote or voter in an election where a single candidate was to be chosen. There were simply not enough of them to elect the loser and defeat the winner. One is confident that Senator Bayh does not regard the votes cast for Mr. Ruckelshaus for Senator from Indiana in November, 1968, as having been cancelled or suppressed, or the Indiana voters who supported Mr. Ruckelshaus as having been disfranchised.

The slight base of meaning in such statements is that it is possible, but barely possible in any practical and nonabstract sense, that a nationwide majority or plurality of popular votes may produce only the second highest number of electoral votes. Except as a matter of remote mathematical chance [13] having little relation to reality or probability, this result can only come about in the event of an extremely close popular vote. It has happened once in our history, in the very close election of 1888.[14] Otherwise, our history of 180 years of presidential elections—many of them with very close popular votes, as in 1960 and 1968—indicates that an electoral majority follows a popular majority or plurality, except that in percentage terms the electoral majority tends almost invariably to be much larger than the popular Schattschneider has demonstrated why this is usually, the case in a districted or segmented representative election system,[15] but the ABA Report does not mention this aspect of his book.

While it may be unfortunate that there is any chance, however, slight, that the winning candidate or party in a presidential election may have received slightly fewer popular votes than the losing candidate or party, the presidential election is not the only area under our constitution where such a result is possible. The House of Representatives may have a Democratic majority though the Republican candidates received a larger total of popular votes, or vice versa. And, of course, the majority of the members of the House will elect a Speaker, one of the most powerful officers of our government, even though that majority of the membership may, in the aggregate, have been chosen by a slight minority of the popular vote. The same may be the case with the third of the Senate chosen in any given election year, or with the Senate as a whole. The only way to eliminate this possibility is to have the House and Senate chosen by proportional representation and a nationwide electorate. Few would believe that the slight risk warrants the radical remedy.

Therefore, though S.J. Res. 1 would guarantee that the candidate who receives the largest number of popular votes becomes President (though, with the run-off system retained, that candidate might well not be the first choice of the majority or plurality), it accomplishes on this score (its principal function) only slightly more than is for all practical purposes completely assured by the present system.

On those occasions where the election is so close that there is some possibility that a result similar to 1888's may come about, we must recognize that in terms of a popular mandate, the election is, as Professor Bickel puts it, a "stand-off, and the question is merely of a convenient device—any convenient device previously agreed upon—for letting one of two men govern." [16] Remembering the large number of persons who because of illness, travel, business, weather, or similar factors may be disabled from voting on a particular day, one must have almost a mystical belief in the arithmetic of simple numbers to believe that under those circumstances the result in 1888 frustrated the national will, and was not an acceptable method of disposing of what was, in terms of political strength, effectively a tie vote.

B. *Uncertainty and delay*

Two of the three most recent presidential elections have been extremely close in terms of the popular vote. If either election had been conducted under the terms of S.J. Res. 1, we should not have known the result for days or even weeks. The resultant uncertainty and its consequences are perhaps enough to warrant some caution before deciding in favor of a nationwide direct popular vote. But the stage beyond presents even more distressing prospects. I refer to the probability of a nationwide contest following a close presidential election conducted by direct popular vote.

Under our present system of segmentation by states, each segment is insulated from the others. If a question of irregularity arises, it is limited to a particular state. A significant contest is rendered less likely. In 1960, some question was raised concerning the vote count in Illinois. But even if the result had been reversed in that state, it would have left the national electoral result unchanged, and there still would have been no contest. We have had only one contested presidential election, in 1876, but its history strongly suggests that repetitions are to be avoided if possible. If one does occur, under our segmented system, it is at least localized in a few states.

On the other hand, a close and contested presidential election under a nationwide direct popular vote would invite opening every ballot box and every voting machine in the nation to re-examination and challenge. The process of contest might not stop there, considering the magnitude of the prize. It might well require the further step of examining, subject to contest, registration records in every precinct in the country. I think it unnecessary to depict the state of the nation—and of the world—while such a process was in progress. We have, in recent years, seen several state governments paralyzed during gubernatorial election contests. The nation could hardly afford a similar misfortune, magnified to a vastly larger scale.

Consideration of the possibility of contested elections brings to light an added disadvantage of the proposed run-off system. With forty per cent of the vote required to avoid a run-off, the possibility of a nationwide recount and contest to determine whether a run-off was required, is not a remote one. The result might turn upon a few tens or hundreds of votes, even though one candidate had an obvious and substantial plurality. At this stage we would meet a complicating factor not present even in the normal election contest. We would have to determine accurately not only the votes received by the leading candidate or candidates, but also determine with accuracy the total number of votes cast. For example, if it were determined, perhaps after a recount, that the leading candidate had received exactly 32,000,000 votes, then a run-off would be required if the total vote were 80,000,001, but not if it were 79,999,999. This would require the determination of the validity of write-in votes, possibly illegible, possibly for unknown persons who might be fictitious or historical characters. The total number of votes would be as significant a number, and equally subject to contest, as the votes for a given candidate. The grounds of question and contest would be innumerable.

C. *National primaries*

One can hardly consider election procedures without giving some thought to nominating procedures as well. Very probably, our national party conventions, as now conducted, do not constitute an ideal nominating process, though the system undoubtedly has functions and merits that the television cameras do not disclose. One of Professor Bickel's most thoughtful and valuable chapters analyzes the functions of the convention system, appraises its performance, and makes suggestions for improving a process in which he has been personally involved. Happily, there is movement to bring a substantial number of these improvements into being.

If we are to adopt a system of nationwide direct popular vote for the election of the President and Vice President, it is beyond question that the nominating procedure must change radically. Our national parties are coalitions or amalgams of state party units. The present nominating system reflects that fact, and, indeed, it is based upon the current segmented system by which the President and Vice President are elected.

A markedly different system of election would inevitably produce a wholly different nominating system. The nominating system, if it is to have any meaning, must to a substantial degree reflect or be shaped by the system of election. What it would be is difficult to predict. But it is incumbent upon the proponents of a wholly changed election system to give thought as well to the nominating system that would accompany it, and to make explicit to the public what they think that nominating system should be.

Some have suggested national nominating primaries.[17] Possibly that would prove to be an acceptable system, but we can only speculate on what it would produce. It appears that the cost in money and energy would far exceed anything in our experience were we to have nationwide primaries and elections both possibly followed by run-offs. The continuing availability of very large amounts of funds would certainly be a pre-condition to any effective candidacy.

Such a system has one other inevitable cost. As I mentioned earlier, our nominating and election systems have made a position at or near the center of the political spectrum, as it may be defined at any given time, almost always the only position having any chance of success. A nationwide primary nominating system would bring new factors and followings into play. It is not entirely predictable that this would produce a political course veering sharply between left and right. But one can say with some certainty that many of the factors now leading toward stability and gradual adjustment would be removed.

In connection with the highly uncertain shape of political institutions that would follow the adoption of S.J. Res. 1, may I recommend a recent study by Nichols.[18] He demonstrates how our political institutions, slowly and gropingly, over a period of almost sixty years, adjusted to become effective under our constitutional electoral machinery. He recounts the past, but the lesson is clear. Wholly different machinery will call into being wholly different institutions. Unless we are quite sure that we wish to junk our present political institutions in favor of whatever may develop under new election machinery, an appraisal more careful and more practical than the proponents of S.J. Res. 1 have thus far made is clearly required.

D. *Limited virtues of the resolution*

Let me sum up the balance, as I see it, between the institutional aspects of the na-

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tionwide direct popular election, on the one hand, and popular election segmented by states, subject to some changes to be noted below, on the other.

The nationwide direct popular election would eliminate the remote possibility that in a very close election the candidate receiving the largest number of popular votes might trail in electoral votes, and thus not be elected. This is really the only item on the plus side contributed by S.J. Res. 1—the elimination of a possibility that has occurred once in 180 years of presidential elections. To weigh against that, we have (1) all the unfortunate aspects of a run-off system, (2) the enhanced risk of uncertainty in results and of damaging election contests, and (3) a wholly unpredictable change in our nominating procedures and in the political institutions shaped by the nominating and electing process.

Perhaps it is not inevitable how this balance should be struck. However, it is my judgment, as it is Professor Bickel's, that the weightier considerations favor the retention of a vote segmented by states, subject to changes to be noted immediately below.

III. IMPROVEMENTS

Some changes in our system would undoubtedly constitute improvements, while causing no significant alterations in our political institutions; almost everyone concerned with our electoral process agrees that at least these changes should be made. The difficulty in effecting them arises because the proponents of direct election, of the district plan, and of the proportional plan wish to go even further in their separate directions. These changes are:

A. Elimination of the individual electors

The elimination of individual electors would remove many of the weaknesses in the present system stressed by the ABA Commission and by Senator Bayh. It would eliminate the problem of the "faithless elector" and the potentially more serious problem of unpledge electors. This latter device, you will recall, was suported by Mississippi and Alabama in 1960. In effect, it permits states having unpledged electors to withhold their effective vote until the result in other states is ascertained. If their electoral vote is then needed to make a majority, they gain tremendous bargaining power. It is, in effect, a variant on Governor Wallace's 1968 strategy. No one has made a substantive argument of any weight in favor of retention of individual electors.

B. Change in the procedure existing today should no candidate receive a majority of electoral votes

As you know, the present system, in that contingency, transfers choice of the President from among the top three candidates to the House, voting by states. The concept behind voting by states in the House, with each state having one vote, may have been appropriate for a loose confederation. Little can be said in favor of it today. Among other faults, it may disable the House from electing at all, because of evenly divided delegations. There is little reason why choice should be made from among the top three rather than the top two. This may be another factor that could disable the House from electing. Several alternatives are possible:

1. Election by the House, with each member casting one vote.

2. Election of both President and Vice President by a joint session of the House and Senate, with each member of either body casting one vote.

3. Election by a plurality of electoral votes, thus eliminating the quasi-run-off now in our system.

I think that the second of these three alternatives would gain the largest measure of support, and it should be entirely acceptable. It was proposed by President Johnson,[19] was sponsored by Senator Bayh[20] before he transferred his allegiance to S.J. Res. 1, and is the choice of Professor Bickel.[21] However, I believe that the third alternative is preferable, for it would strengthen our two-party system by eliminating the incentive for any candidate primarily seeking post-election bargaining power. A majority of electors was required before we had any party structure, when communication was difficult, and when it was contemplated that individual electors would exercise personal choice. Provision for a plurality choice would, I believe, consolidate the electoral vote rather than fractionate it. While the third alternative seems the wisest to me, either the second or the first would be completely acceptable.

These improvements, incorporated in an amendment such as that proposed by President Johnson and sponsored by Senator Bayh, would accomplish another purpose of some importance. They would make explicit in the Constitution the provision that the President was to be elected by popular vote. It is still constitutionally possible, if politically implausible, to have electors chosen, and the electoral vote determined, by state legislatures or otherwise by state government process. And such an amendment would give to Congress a regulatory power over presidential elections similar to that which it has over elections of Representatives and Senators. At present, the constitutional basis of its power over presidential elections is at best tenuous.[22]

I have set forth above what I consider the institutional aspects of S.J. Res. 1, and Professor Bickel recognizes these as serious and important. But he gives initial emphasis to the great shift in political power that would be occasioned by the adoption of the proposed twenty-sixth amendment.

Under the present system of giving each state the number of electoral votes that it has members of the House and Senate, the least populous states gain some increment in power because of their two "senatorial" electors and by virtue of the fact that each state has at least one member of the House, even though its population is as small as Alaska's. On the other hand, the large blocks of electoral votes possessed by the most populous states are the great prizes in a contest for the Presidency. This is the result of the fact that the unit rule is almost universal[23] in the choice of electors, and that these strategically vital blocks of electoral votes go as units to the winners in the several states. How the balance between these increments of power should be struck is not subject to exact determination, but Professor Bickel and most observers believe that it swings substantially to the states of large and, as is most frequently the case, varied population. A President can hardly be elected without carrying at least some of the big and heterogeneous states, and if he carries most of them he is almost sure to be elected. Issues that will carry the large majority of the most populous states may, and often will, elect a President. Hence, candidates and Presidents are responsive to those states of large and varied population, and their political power is great.

It seems wholly clear that the adoption of S.J. Res. 1 would shift power very markedly away from states with large and diverse populations towards the states with more homogeneous populations, whether they be large, or only medium-sized—principally toward the agricultural states of the midwest. At an earlier time, the shift of power might also have been toward the south, but the homogeneous or heterogenous character of the electorate of the south is now rather uncertain.

Close elections show with some clarity the distribution of power under one system or another, and I suggest that the election of 1960 demonstrates how different the distribution of power would be under S.J. Res. 1. If we look at the results of that election, we see that under direct popular election, the then Vice President Nixon's plurality in Nebraska (6 electoral votes) alone (148,011) would have slightly more than offset the then Senator Kennedy's aggregate plurality (147,275) in Pennsylvania (32 electoral votes), New Jersey (16 electoral votes), and Illinois (27 electoral votes). If we substitute Iowa (10 electoral votes: 171,816 plurality for Nixon) for Nebraska we get an ever larger overbalancing of Pennsylvania, New Jersey and Illinois, and if we substitute Kansas (8 electoral votes; 198,261 plurality) we get a still larger overbalancing. In the same election the Indiana result (13 electoral votes; 222,762 plurality for Nixon) would have been more than six times as significant in the determination of the ultimate result as the California result (32 electoral votes; 35,623 plurality for Nixon). And the vote in Massachusetts (16 electoral votes; 510,424 plurality for Kennedy) would have outweighed in significance the result in New York (45 electoral votes; 383,666 plurality for Kennedy).

Such a shift in political power is not insignificant. A President may be President of all the people, but he is likely to be particularly sensitive and responsive to the needs and desires of the constituency that elected him, and that may re-elect him. If we look back to some of the significant legislation of the past eight years that required strong presidential leadership for enactment—the Civil Right Acts of 1964 and 1965, for example—can one think that that legislation would have been enacted if the electoral system that then prevailed had not awarded large blocks of electoral votes to New York, Pennsylvania, New Jersey, Ohio, Illinois, and Michigan?

These political considerations may equally well supply a reason why some should support S.J. Res. 1 as why others should oppose it. I suggest only that one should be aware of these potential shifts of power, whether that gives one ground for support, for opposition, or for disregarding them as immaterial. Professor Bickel writes, I believe, primarily to an audience that would be likely to oppose S.J. Res. 1 if it fully understood the implication for shifts of political power. I think that every voter and every member of Congress should be fully aware of those political implications, whatever the direction in which they might lead him. But I have stressed the institutional implications because, as I see the balance to be struck, those must more generally lead voters and members of Congress to doubt the wisdom of the resolution.

I shall be grateful if you will give these matters your consideration, and I shall be happy if you agree with the conclusions that Professor Bickel and I have reached, though with somewhat different emphasis on our reasons.

Sincerely yours,

Ernest J. Brown.

FOOTNOTES

[1] *See also* H.J. Res. 681, a resolution similar in purpose, that was approved by the House of Representatives, 91st Cong., 1st Sess., 115 Cong. Rec. 8142 (1969), on September 18, 1969 (399 in favor, 70 opposed, 21 not voting).

[2] ABA Comm'n on Electoral College Reform. Report on Electing the President (1967) [hereinafter cited as ABA Report].

[3] V. O. Key, Politics, Parties & Pressure Groups (5th ed. 1964).

[4] E. Schattschneider, Party Government (1942).

[5] A. Sindler, Political Parties in the United States (1966).

[6] *See*, V. O. Key, Southern Politics in State and Nation 406–23 (1949). *See generally id.*

[7] *See* M. Duverger, Political Parties 216–28, 239–45 (1951).

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[8] A. Bickel, The New Age of Political Reform 16 (1968) [hereinafter cited as Bickel].

[9] ABA Report 8.

[10] Bickel 15.

[11] ABA Report 4.

[12] ABA Report 4–5.

[13] The same type of remote mathematical chance will demonstrate that it is possible to obtain a majority in a perfectly apportioned legislature with approximately 26% of the popular vote, if the vote is distributed in just the one way that will produce this result. For example, if a legislature has 100 seats, to obtain a majority, one party must secure 51 seats. If that party receives no votes whatsoever for the 49 seats in the minority, and only 51% of the vote for the seats it wins, its majority is the product of 26% of the vote.

[14] *See* Bickel 17.

[15] E. Schattschneider, Party Government 74–80 (1942).

[16] Bickel 17.

[17] *See id.* 21–23 & app. VIII, at 74.

[18] R. Nichols, The Invention of the American Political Parties (1967).

[19] *See* Bickel 20 & apps. V, VII, at 67, 72.

[20] *Hearings Before the Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, Election of the President,* 89th Cong., 2d Sess. & 90th Cong., 1st Sess. 18–24 (1968).

[21] Bickel 20.

[22] *Cf.* Burroughs v. United States, 290 U.S. 534 (1934).

[23] It had been universal for many years until Maine provided that a presidential elector should be chosen from each congressional district, and two at large. Maine P.L., Chap. 131 (1969), *amending* Me. Rev. Stat. Ann. tit. 21, §§ 1181, 1184 (1964).

Is Electoral Reform the Answer?

(By Alexander M. Bickel)

For the first time since the Progressive era of sixty years ago, the American political system may be at a point of significant mutation. The Progressive era gave us women's suffrage and the popular election of senators, without which the federal government would surely now seem hopelessly anachronistic; the direct primary, which has become a domesticated household creature; and also the initiative, the referendum, and the recall, which have survived here and there, but for the most part wildly, in a state of nature, owing to lack of regular contact with humans. These reforms answered essentially to the populist idea—identified in the American political tradition with Andrew Jackson and in some measure with everyone else ever since—that the ills of society and its government will be cured by giving a stronger and more certain direction of affairs to a popular majority. Today, as earlier, this idea remains the battle cry of reform. It alone inspired the Supreme Court's reapportionment decisions from 1962 onward, which may be viewed either as having inaugurated the current age of political reform or as a reflection of it; and it alone is the overt inspiration of proposals, for which the performance of the system this season has generated much support, to abolish the electoral college and the Presidential nominating conventions.

Confidence in the majority crosses class and ideological lines; nearly everyone believes that if the majority were but allowed to speak often and loudly enough, it would speak with its own voice. Even for those who would try to control the processes by which a majority is formed, and who would restrain and educate the majority before yielding to its wishes, the democratic faith is, finally, faith in the good will and good sense of the preponderant number of men. Nevertheless the populist principle in its unqualified state is simplistic and insufficient. Over time, it begets a dialectic or illusion and disillusion. Its sanguine slogans sound hollow and become terms of derision with extraordinary rapidity. "The Old Order Changeth," wrote William Allen White in 1910. In 1920, he said to Ray Stannard Baker: "What a God-damned world this is. . . . If anyone had told me ten years ago that our country would be what it is today . . . I should have questioned his reason."

The proclamation of a New Politics will also be recalled in irony later if it is given nothing but a populist content now. It is nice to think that there is an immediate majority out there which necessarily favors great good works, and which consists of persons each moving in an individual orbit, adrift from parties and other structures, and yet capable of exercising power if only every man had one vote. But the body politic is not like that. Majorities do not arise spontaneously and are not found; they must be constructed and then maintained. They are conglomerates of many groups, all of them minorities, each of which must have its share of power, some of which weigh in with intensity of feeling rather than numbers, and some of which must sometimes even be granted a veto, in order that there may be peaceable government enjoying common consent. If this is the Old Politics, it is the part which is a permanent necessity.

Unqualified populists or not, political reformers must in any case proceed with caution. James I spoke of the mystery of the King's power. The institutions of a secular, democratic government do not generally advertise themselves as mysteries. Yet they are. Their actual operation must be assessed, often in sheer wonder, before they are tinkered with, lest great expectations be not only defeated, but mocked by the achievement of their very antithesis. Defeat and mockery, to assert briefly what is common knowledge, were the partial result of the direct primary, and certainly of the referendum, the initiative, and the recall, which turned into tools of minority pressure; and defeated expectations and unwanted consequencies, to assert briefly what will in time also be common knowledge, have followed from the Supreme Court's reapportionment decisions.

There are great virtues in a conservative attitude toward the structural features of government. The sudden abandonment of institutions is an act that reverberates in ways no one can predict, and many come to regret. There may be a time when societies can digest radical structural change: when they are young and pliant, relatively small, containable, and readily understandable; when men can watch the scenery shift without losing their sense of direction. We are not such a society. We are well served by an attachment to institutions that are often the products more of accident than of design, or that no longer answer to their original purposes and plans, but that offer us the comfort of continuity, and challenge our resilience and inventiveness in bending old arrangements to present purposes with no outward change. The English know this secret, and so does the common law that we inherited from them. We have, of course, many institutions and arrangements that, as they function, no longer conform to the original scheme, and we have bent most of them quite effectively to the purposes of our present society, which in all respects differs enormously from the society of nearly two hundred years ago. The Supreme Court is one such institution, and the Presidency itself is another. The fact that we have used them without modifying their structures has lent stability to our society and has built strength and confidence in our people.

THE ELECTORAL COLLEGE

The "Humpty-Dumpty electoral college," as one of its critics has called it, is another old institution put to interesting new uses. Now the chief target of reformers, the electoral college was unquestionably invented to serve ends most of which we no longer care to serve, and most of which it no longer serves. Only in form does it remain what it was invented to be. Pursuant to Article II of the Constitution and the Twelfth Amendment, it still consists of as many electors from each state as the state has senators and representatives, and it still convenes quadrennially to elect a President and a Vice President of the United States. But although it was probably intended and clearly not forbidden to act independently, it has hardly ever done so, certainly not in modern times. Electors compete for the office in a popular election, but with very infrequent exceptions, which have never proved significant, they do so in complete anonymity; electors are pledged to Presidential and Vice-Presidential candidates for whom, if they win by a majority or plurality, they cast their state's electoral vote.

These features of the system, unforeseen and unintended by its originators and sanctioned by custom rather than by the Constitution, have in modern times made the large, populous, heterogeneous states—where bloc voting, as by ethnic or racial minorities or other interest groups, often determines the result—the decisive influence in Presidential elections. Recently, Mr. John F. Branzhaf, III has analyzed the various possible arrangements of electoral votes, and the circumstances in which any given state could change the result of an election. He has also calculated the chances of a voter affecting the outcome in his state, and the chances that the outcome of a national election would then itself be altered. His conclusion is that voters in "states like New York and California have over two and one-half times as much chance to affect the election of the President as residents of some of the smaller states." Pennsylvania, Ohio, Michigan, Illinois, and even the lesser industrial states, are also in advantageous positions. The reason is that while a voter in a large state has less chance of influencing the result in his state (because there are, of course, more people voting) he potentially influences a larger number of electoral votes; and so, despite the apparent dilution of his vote, he actually exercises much greater control over the outcome of the national election. This power he derives directly from the electoral college system.

What we have known to be true, then, is true. We can now establish mathematically why modern Presidents have been particularly sensitive to urban and minority interests—modern Presidents of both parties, that is to say, have been more responsive to urban interests than have other factions in their parties. And only men who can be thus responsive are generally nominated and elected. Goldwater in 1964 is something of an exception; he was nominated. Mr. Nixon in 1968 was no exception. If he made some unfamiliar sounds, that was because of the particular urban mood of the day.

In modern times and in most of our politics, urban interests in the big states have contended against interests that have a more rural, nativist, and Protestant orientation. The latter interests have tended to dominate Congress, the former the Presidency. Urban-rural, pluralist-homogeneous—this has been the great divide in American politics. The task of the Presidential candidate, Republican or Democratic, is to bridge it from either side. The electoral college does not guarantee the Presidency to the Democrats. Rather the system requires both parties at least to make inroads into the urban and ethnic vote in order to win. Mr. Nixon in 1968 barely did, and he barely won. But then it was a three-way race, and some of the Wallace urban vote is to be credited to Nixon, either directly or as a subtraction from Humphrey strength. In any case, the industrial states were, as ever, the decisive battleground. The big states would matter in any scheme that took account of the popular vote in whatever fashion, directly or with qualifications. But the electoral college as it has evolved is so rigged that the big states count disproportionately. That is its critical attribute.

Each of our major parties is, in consequence, as James M. Burns has recently reminded us, two allied parties—a Congressional party, rural and small-town moderate to conservative in orientation, and a Presidential party, which is substantially more urban-liberal. (How often has it been true that the Republicans have lost Congress to the Democrats, and the urban liberals have lost the Democrats to Congress!) No doubt, the urban electorate is not always progressive, humane, and large-minded, and the more homogeneous rural and small town electorate sometimes is. The drift of attitudes among big city voters is nothing to be proud of just now, nor was it in the early 1950's. On the other hand, the Progressive movement of a half-century ago had deep roots in the rural West and Midwest. Still, the urban and the rural-small town outlooks and interests do generally differ. So long as that remains true, the former should properly exert particular influence through the Presidency because the latter are likely to prevail in Congress.

The difference in interest and outlook may not always obtain. The demography of the United States and its politics will not necessarily abide unaltered, world without end. The country, we are told, is increasingly urban, and TV and the other "media" are, God help us, levelling cultural and other distinctions. But urban is a term that can cover many ways of life: the ethnic and racial composition and the traditions and attitudes of an urbanized Nebraska or Georgia are still not those of New York, Chicago, or Cleveland. If there are major changes in the offing, they are not here yet, and their nature is not readily predicted.

The proposal to abolish the electoral college that is now being actively considered emanated from a special committee set up by the American Bar Association, and it has a very great deal of bipartisan Congressional support. It has even spawned a thoroughly documented and well-argued book. The proposal calls for a constitutional amendment providing for election of Presidents and Vice Presidents by nationwide popular vote, with a run-off in the event that no candidate attains a plurality of 40 per cent. Such a system would put a premium, not on carrying the big industrial states, but on achieving the largest possible majority in the smaller, more homogeneous ones. It would create a Presidency with little or no incentive to act as a counterweight to Congress, and as a particular spokesman for urban and minority groups.

Recognizing that the proposal would most likely achieve this result, advocates of the direct popular election contend that no counterweight is needed, or is any longer proper, in view of the Supreme Court's reapportionment decisions. It was fitting—so the argument goes—for the President to be oriented toward the cities and minority groups so long as Congress looked the other way, but Congress looked the other way because of malapportionment and malapportionment is no more. Hence the reasons, such as they were, for tolerating the undemocratic aberration of the electoral college no longer hold. It is time for the system to be ideologically pure. The Court has said that the Constitution commands equal apportionment. We should, therefore, reapportion the Presidency. In effect, we must now amend the Constitution to make it mean what the Supreme Court has said it means.

This is, in itself, an arresting argument. But its paradoxical nature is not the main thing wrong with it. What is fundamentally wrong is that it fails to take account of a whole order of very different considerations. A system of countervailing centers of power may be better for a country as large and still as diverse as ours than one in which Congress and the President represent more nearly the same constituency. Under the present system we are able to strike a nice balance in our government, and make it an instrument for achieving general consent, rather than merely for working the will of some supposed majority of the moment; therefore, instead of changing the Constitution to make it conform to the Supreme Court's reapportionment decisions, we ought perhaps to work to overturn those decisions.

Even if one accepts the reapportionment decisions and their exclusively majoritarian bias, however, the trouble is that the proponents of the direct popular election wildly overestimate the immediate impact and durability of these decisions, it is, to begin with, impossible without additional constitutional amendment to reapportion the House entirely; state lines prevent. Secondly, it is foolhardy to bank on the permanence of the reapportionment decisions, just exactly as we now know them; they are subject to relitigation every decade, with every census. Third, gerrymanders, which the Court has not yet attempted to control, can accomplish all that the most sophisticated or antiquated malapportionment ever achieved. But fourth and most important, we do not know that Congress is what it is because of malapportionment. It is quite probable that in much larger measure the nature of Congress is determined by its internal methods of distributing power—chiefly the seniority and committee systems. These are very solidly entrenched. They reward length of service and expertise, as in one fashion or another all legislatures, really all permanent institutions, must. Long tenure is, in turn, most often the gift of a homegeneous district, which will tend also to liberate a Congressman from the varied concerns of a closely divided and diverse constituency, and thus enable him to specialize singlemindedly in a branch of legislative business. Congress finally, may be what it is because any districted constituency will vote for a Congressman from a more restricted and probably more conservative perspective than when it vote as part of the entire national constituency in Presidential elections. Herein may lie the explanation of a certain divergence between the Senate, atrociously malapportioned and proof against reform even by constitutional amendment but elected by statewide voters, and the districted House of Representatives. All this means than in any circumstances the President is fairly bound to represent a constituency that is not the same as that of the House, but it means more plainly that Congress cannot be radically changed by reapportionment, and that the system should emphasize and preserve rather than seek to suppress the different orientation of the Presidency.

There is yet another, quite discrete objection to the proposal for direct popular election, which would be sufficient in itself. This is that the monopoly of power enjoyed by the two major parties would not likely survive the demise of the electoral college. Now the dominance of two major parties enables us to achieve a politics of coalition and accommodation rather than of ideological and charismatic fragmentation, governments that are moderate, and a regime that is stable. Without forgetting that of all the mysteries of government the two-party system is perhaps the deepest, one can safely assert that each major party exerts centripetal force; that it ties to itself the ambitions and interests of men who compete for power, discouraging individual forays and hence the sharply-defined ideological or emotional stance; that it makes, indeed, for a climate inhospitable to demagogues; and that it provides by its continuous existence a measure of guidance to the marginally interested voter who is eminently capable of casting his ballot by more irrelevant criteria. The system, in sum, does not altogether take mind out of politics, but it does tend to insure that there are few irreconcilable losers, and that the winners can govern, even though—or perhaps because—there are equally few total victories. Multi-party systems also govern by compromise and coalition; they compromise and coalesce, however, not before the election, but after, having first offered the voter his choice among pure positions. Self-contained ideologies thus take root, and become hard-edged. Accommodation is more difficult, partial, grudging, short-lived, and often impossible. Such a system makes for more mind, perhaps, and certainly less government.

The electoral college deters challenges to the two major parties, because an effective challenge must have not merely some popular appeal, but support of sufficient regional concentration to garner an electoral vote. In 1912, William H. Taft, the real third-party candidate in the extraordinary circumstances of that year, had 23.2 per cent of the popular vote and 8 electoral votes, and in 1924 Robert M. LaFollette had 16.6 per cent and 13 electoral votes. Only from a regional base can a third party penetrate the electoral college. Thus in 1948 Strom Thurmond had such a base, and Henry Wallace did not. Each got 2.4 per cent of the popular vote, but Thurmond had 39 electoral votes, 31 more than Taft in 1912, and Wallace had none. George Wallace this year also ran on about the only issue which still massively unites a region—hence his 45 electoral votes. Otherwise, his 13 per cent of the popular vote would have been as meaningless as Taft's or LaFollette's.

With popular election, non-regional interests that have failed to influence conventions would unquestionably be tempted to enter the general election in the hope of gathering enough votes to bargain with in a run-off. And enough entrants may be foreseen to insure a run-off every time. In such conditions the two major parties could not long sustain themselves. A geographically-based candidacy such as that of George Wallace would have no less incentive to manifest itself under a system of popular election than it does now. All other possible separate candidacies, ideological but not regional, would have more. Thus we would see on a national scale the kind of unstructured politics that characterized much of the single-party South in its heydey. The real election was the Democratic primary, which would draw several candidates, who then sorted themselves out between the first vote and the run-off. Two or four years thence, everything started afresh.

Apart from a theoretical attachment to pure majoritarianism, proponents of the direct popular election of the President rely also on a parade of possible horrible consequences of the present system. Both the electoral college and the direct popular election can produce plurality Presidents, like Nixon in 1968, who come in ahead of their opponents by less than a clear majority of the total popular vote. The electoral college, however, can also bring a minority President into office—that is, one who got fewer popular votes than his runner-up. Yet putting aside an esoteric dispute in 1960 about how to apportion the popular vote in Alabama, there has not been a minority President in this century; and in an election that was not stolen, as in 1876, or thrown into the House, as in 1824, we have had only one such President in our history. But it made little difference that Grover Cleveland lost in 1888 to Benjamin Harrison even though he had 100,000 more votes; he won four years earlier, when he did become President, by only 23,000. It would have made equally little difference if, without affecting the actual result in the electoral college, Mr. Nixon had nosed out John F. Kennedy in 1960 by 100,000, votes, or Mr. Humphrey had prevailed by a small margin in 1968. When some 70 million votes divide so closely, only an immensely dogmatic majoritarianism would insist that the so-called winner has the sole legitimate claim to office. In truth, there is a stand-off, and the question is merely of a convenient device—any convenient device previously agreed upon—for letting one of two men govern.

Unquestionably, the legitimacy of the electoral college result and the effective discharge of the office would be affected should the loser of the popular vote by a substantial margin win the Presidency. But of this, as past statistics consistently show, the risk is minuscule, and it is offset by the advantages of the electoral college in the more likely case of a close popular vote. For in the electoral college, a narrow popular victory is perceived through a magnifying glass. Indeed, even if it should put a narrow loser in office, the electoral college would probably insure greater acceptance for him than the winner by a very small margin could expect in a system of direct popular election.

Beside electing a minority President, which it is not apt to do, the electoral college is capable of two other tricks, both of which George Wallace has badly frightened people with. Since the Constitution permits the college to act as an independent, deliberative body, individual electors may take it into their heads to behave accordingly, and should no one have a majority of electoral college votes, some uncommitted or third-party electors could certainly play a decisive role. Obviously they should not, since they are obscure men who were not elected to perform a deliberative function. This is an eventuality that should be guarded against, but it calls for perfecting the present system, not for abandoning it. The Johnson administration has proposed a constitutional amendment which would abolish the electors and their college as a physical entity, and would automatically award the total electoral college vote of each state, calculated as at present, to the winner of a majority or plurality of the popular vote in that state.

A difficulty of rather another sort, and one not so easily solved, is the deadlock. The Constitution now provides that should no one succeed in obtaining a majority in the electoral college, the House of Representatives shall elect a President; each state shall have one vote, to be cast in accordance with the wishes of a majority of that state's delegation in the House. One may think it unlikely that patriotic men, committed in virtually every other aspect of their activities to majoritarian principles, would do today what was done in 1824, and vote into office not the winner of the popular vote by a substantial plurality (Andrew Jackson), but his runner-up (John Quincy Adams). Nevertheless, the possibility of intolerable abuse exists, and there is no reason not to guard against it. One suggestion, put forward by Representative Jonathan Bingham of New York, is to have a run-off election still within the electoral college system—that is, a repetition of the previous exercise, but this time between the two top candidates. This has some of the disadvantages of the popular election proposal with its run-off, since it might also tend to make splinter candidacies more profitable and hence more likely. Another possibility, favored by the Johnson administration, is to recognize frankly that in the event of a deadlock a choice is required through a deliberative process, rather than through a process—which by hypothesis has just failed—of registering the popular wish. I shall touch presently in some detail on the coalition-making that precedes the general election in the present system. Deadlock means that it has failed and must be tried again. Coalition-making is a function for representative, deliberative institutions. Congress sitting in joint session and reaching decisions by a majority of the individual votes of its members is the best available deliberative institution for this purpose, and Congress is the institution the Johnson administration proposal would use.

THE NATIONAL PARTY CONVENTION

Originally, Presidential candidates were nominated by Congressional caucuses, but by 1824 this system had come to seem insufficiently representative and was replaced by the national party convention, beginning in 1832. Now that system, too, has come to seem insufficiently representative, and also inadequately deliberative. More and more, as the increasing incidence of first-ballot nominations plainly suggests, it merely registers the previously-expressed wishes of a constituency. What that constituency is, however, whether it is in any sense the masses of party adherents, or merely the professional party cadre, is gravely in question. And so the majoritarian reformers would substitute a national primary election for the convention.

A national primary would undoubtedly attract numerous candidates, and its decisive stage would be the run-off. Consequently, as Nelson Polsby and Aaron Wildavsky have written "the United States might have to restrict its Presidential candidates to wealthy athletes. No man without enormous financial resources could ever raise the millions required for the nominating petition, the first primary, the run-off primary, and the national election; and no one who was not superbly conditioned could survive the pace of all these campaigns." Polsby and Wildavsky argue also that a national primary would badly strain the two-party system, because in periods of the dominance of one of the parties, which of course occur, voters (would be drawn to that party's primary, viewing it as their only real opportunity to participate decisively in the entire electoral process, and they would be drawn in such unnaturally large numbers as to threaten the other party with atrophy.

In any event, a national primary would not avoid the coalition-building function, which must be discharged, whether before or after the general election. The consequence would be merely that this function would be de-institutionalized. Between the first primary and the run-off, men would come together, without structure and without form, and sort out their support for one of the two candidates who had emerged in the leading positions. This would be the time and this would be the fashion of the coalition-forming process in each party, and, ultimately, if Polsby and Wildavsky are right, in one party alone, as—again—in the once solid South.

Of course, if Polsby and Wildavsky are right, the general election would be a formality of little moment, and we would have the least desirable of all systems of direct popular election, one that provides for no prior nominating process of any sort. It would amount to a multi-party system, in which the bargaining that is essential for constituting a government is postponed until after the election. The disadvantages that would follow have been mentioned. They are enormous. But even assuming that Polsby and Wildavsky are too pessimistic, that the two parties would survive, and that the work of making a coalition would proceed in each party between the first primary and the run-off, the upshot would be a coalition-forming procedure scarcely more responsive to an appropriate constituency than the most irresponsible convention we are likely to witness. The two top contenders would have been chosen by popular pluralities, to be sure, though their vote would likely be of the order of 20 to 25 per cent, and whatever choice between them the rest of the candidates and their managers made would require ratification in the run-off, just as convention choices are up for ratification in the election now; but subject to this constraint, which operates equally on the conventions, the candidates and the managers would make their decision in some back room, at least as free of any other constraint as the convention bosses who picked Harding in 1920. This is scarcely what the proponents of the national primary intend, yet it is what they would get—at best.

To reject the national primary is not to concede, however, that the national party convention as we now know it is acceptable. No American political institution is more visible than the convention, and none is less visibly constituted and run. An examination of the 1968 Democratic Convention, for example, reveals some rather remarkable practices, which are common, with an occasional variation, in the Republican party as well. There are states where all or part of the delegation to the national convention is appointed by the governor or state chairman (e.g., Georgia, Louisiana), or by the state executive committee (e.g., New York), which may last have been elected two or four years earlier (e.g., Pennsylvania, Maryland), or by a state convention whose members, in turn, are appointed by local party functionaries (e.g., Michigan, Illinois).

The Democratic Convention was studied in the summer of 1968 by an unofficial, privately-funded Commission on the Democratic Selection of Presidential Nominees, of which Governor, now Senator, Harold F. Hughes of Iowa was chairman. (It was brought together on the initiative of a few delegates who were members of the Convention's Credentials and Rules Committees, and it made recommendations, and issued a report from which the facts about the convention that I am here able to cite are chiefly drawn. Over 600 delegates to the 1968 Convention, the Hughes Commission found—approximately half the number needed to win a nomination—"were selected by processes which have included no means [however indirect] of voter participation since 1966." This is utterly unjustifiable.

A party's professional cadre should, no doubt, have a voice. The professionals are, if nothing else, a faction that deserves represention, and it is sound institutional policy to reward their services with a measure of influence. They symbolize, moreover, the continuity of the party, and play a principal role in giving it an identity. But if they lend the party its character of an "organized appetite," as Felix Frankfurter once wrote, their appetite is sometimes keener for power in the organization than for organizing to secure the power of government. At any rate, no one need fear that the professionals will go unrepresented. Even in states where delegates are elected in direct primaries, the cadre knows how to maintain its foothold (as David, Goldman, and Bain have pointed out). The problem in constructing a convention is not to assure a voice for the professionals, but to dislodge them from a controlling position.

Methods of delegate selection that do bear scrutiny, as appointment by the professional cadre will not, are election by a state convention to which representatives are chosen, in turn, either directly or through an additional stage of district conventions, at precinct caucuses open to all party members; and direct election either in a winner-take-all, at-large primary as in California, or in at-large and district primaries, with (e.g., New Hampshire), or without (e.g., New Jersey) an accompanying state-wide preferential poll, in which the people have a chance to vote for actual Presidential candidates.

It would be difficult and unwise to opt on a national basis for any one of these acceptable methods to the exclusion of the other ones. The winner-take-all state primary has its virtues. It is a trial heat, a shakedown cruise for candidates, and a preview for the public. It catches attention and generates interest. Politics is an educational endeavor

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before and after it is anything else, and in this endeavor the major state primary helps. The drama is heightened for all concerned by the winner-take-all feature; for the candidate with little support from the professionals, the attractiveness of the primary is enhanced, as for the public is its authenticity as a preview. And the winner-take-all primary injects into the convention's process of judgment a prediction that is more than a guess, and more reliable than a poll, of what the party faces in the general election. But the state-wide, winner-take-all primary as universal practice would avoid few of the shortcomings of a national primary. If a reasonably obvious national winner were turned up, the convention would merely register the choice. Or else, if the state primaries produced no conclusive winner, as would more often happen, the convention's task would be what it is today, but its composition would be most unsuited to a satisfactory performance of that task.

There are, by and large, as I have been implying, two sorts of multi-member democratic institutions: the representative, deliberative assembly, and the body meant to register a single prior decision of its constituency. Congress is the typical institution of the former sort, the electoral college of the latter. Institutions charged with registering the decision of a majority of their constituency should consist of members responsive to that majority, and of no one else. (In 1796, a Federalist voter said of a member of the electoral college: "Do I choose Samuel Miles to determine for me whether John Adams or Thomas Jefferson is the fittest man for President of the United States? No, I choose him to act, not to think.") Deliberative institutions, on the other hand, should reflect as many significant factions in the total constituency as possible. That is why all American legislatures are districted. None is elected at large, to be a creature wholly of the majority, nor does any state send to Congress an entire delegation elected on a statewide basis. It is particularly necessary to represent the minority in a deliberative, assembly that, like the national party convention, sits only briefly and periodically, and has as its sole object the composition of a governing coalition. The minority must be there, quite simply in order that some portion of it may be coalesced with; or more accurately, no relevant majority exists for purposes of constituting such a deliberative assembly until the assembly's own majority-building work is done, and that work can be done only if the total or near-total constituency is present through its delegates. Thus delegations chosen in winner-take-all primaries, speaking for a majority and perhaps a plurality of a state party, are welcome as one element in the mix of the convention, not as the universal element.

Delegations selected in district primaries are likely, subject to the accidents of geography, to represent minorities as well as majorities in a state party, and so are delegations chosen at state conventions whose members were elected at open precinct caucuses—but this last will be so only if one highly important condition has been met. At many precinct caucuses, district conventions, and then state conventions, the unit rule prevails, so that at each stage minorities may be left unrepresented. This is, to be sure, not the practice everywhere, but the Hughes Commission confirmed some of Senator McCarthy's complaints that it was the practice used to his disadvantage by the Democratic party in some states; and used here and there, one may add, by the McCarthy people themselves, when they had the chance. Hence, while accepting the value of the winner-take-all primary in a few states, the Hughes Commission recommended absolute abolition of the unit rule at all levels; it also recommended abolition of any system of "direct appointment" of delegations in whole or in part, by state party executives or other officials, and the selection of delegates by procedures that "permit meaningful popular participation" within a period of not more than "six months before the Convention itself."

Somewhat to everyone else's surprise, and perhaps also to its own, the 1968 Democratic Convention adopted the following resolution offered by a minority of its Rules Committee:

> It is understood that a state Democratic Party, in selecting and certifying delegates to the National Convention, thereby undertakes to assure that such delegates have been selected through a process in which all Democratic voters have had full and timely opportunity to participate. In determining whether a state party has compiled with this mandate, the convention shall require that:
>
> (1) The unit rule not be used in any stage of the delegate selection process; and
>
> (2) All feasible efforts have been made to assure that delegates ar selected through party primary, conventions, or committee procedures open to public participation within the calendar year of the National Convention.

This is almost the whole of the Hughes Commission recommendation. In addition, as the Hughes Commission also suggested, the chairman of the Democratic National Committee was instructed to set up a special committee charged with helping the states implement these policies.

The millennium is not yet here. The language of the resolution is in some respects fairly specific—and means that most professional appointment and minority-exclusion practices (in non-primary states) are out. But appointment of some delegates, or in New York, by a state committee itself elected in the year of the convention, remains possible. Even where it is specific and entirely satisfactory, moreover, the policy must be implemented, and there are portions of it which call for further legislative efforts prior to implementation. One surmises from prior experience, unfortunately, that a certain gradualism is likely to characterize implementation of this new policy.

In the course of implementation, a difficult problem is bound to surface, concerning access to the party and adherence to it, or if you will, concerning the definition of the party. One aspect of this problem emerged in the loyalty-oath controversies that have bedeviled the Democratic party for a generation. The American major party is a coalition formed every four years from a center of gravity that is apt to shift every so often. The stable factor is that the center of gravity of the Republicans is generally somewhere to the Right of the Democratic one, and at any rate, always somewhat different. But each party reaches out every four years, the one usually to the Left, the other usually to the Right, and both toward the center of the continuum of public opinion and private interest, in the effort to create as large a governing majority as its centripetal force can command. Therefore, although each has a professional cadre, and although each exerts its centripetal force from a different point on the spectrum of opinion and interest, each is also something of a new coalition every quadrennium. The implications for the loyalty-oath issue, which the Democrats ultimately accepted, are that it is hardly consistent to require any group, as a condition for coming to the convention and engaging in the coalition-making process, to promise beforehand to abide by the result, even though, as may happen, it is affirmatively excluded from the coalition. The convention is the occasion of forming the party for a particular election, and no one can say with detail assurance beforehand what kind of a party it will be. Hence, although the issue was fudged somewhat in the patchwork compromise about the Georgia delegation at the 1968 Democratic Convention, the Democrats require only that delegates promise to use their influence to see to it that the nominees of the convention are listed as Democratic nominees on the ballot in their states, not that they promise necessarily to support the nominees.

The implications for procedures of delegate-selection should be similar. It ought not to be necessary, as it is in many states, to have been a registered Democrat or Republican at some prior time in order to participate in a Democratic or Republican primary, or in party caucuses. The party ought each year to be open to all those groups which in that year wish to enter into the process of forming the coalition that will be the Democratic or Republican party. If the parties were as open as they should be, large numbers of people who had voted Democratic in the past might in 1968 have moved to form in the Republican party a coalition around Rockefeller, or Charles Percy, or John Lindsay—candidates oriented more to the Right in some respects than would normally suit them, but more satisfactory than what they foresaw as the probable Democratic nominee. Or anti-Vietnam Republicans might have helped put together in the Democratic party an alliance turning on the war issue, under such a candidate as Eugene McCarthy. But the truly open party would encounter difficulties, more serious in primaries than in local caucuses and conventions, and more serious in precinct caucuses than in state, let alone national, conventions, with their larger membership, more demanding activities, and greater exposure.

The trouble is that each party is periodically a new coalition, all right, but each is also, and ought to be, an organism with a continuous existence, particular characteristics, and a corps of permanently loyal supporters. And the two parties must compete, else there will soon be one, and then many, whether in the guise of parties or factions. What can happen when the permanent loyalists are free to float is exemplified in the few states that do allow cross-over of voters or that might allow, as California did until just recently, cross-filing by candidates. The upshot in California in primaries for state office was the nomination, not infrequently, of the same man in both primaries. This destroyed party competition rather effectively. Nor is competition apt to flourish when there is a cross-over of voters intent on selecting the candidate most desirable from the other party's point of view, the weakest candidate, easiest to beat. The cross-over voter may also be happy with the probable (or certain, if there is no contest) outcome in his own party, and go into the other primary in search of, as nearly as possible, the same result. This is not coalition-building, but coalition duplicating. It is too nearly the same as the joint nomination of a single man through cross-filing. The two parties would not discharge their function if they did not overlap, or if they assumed polar positions, but though the ground on which they maneuver for differentiation is narrow, they must remain distinct in order to remain two. Party caucuses open to everyone are also subject to being captured by forces wishing to short-circuit party competition.

Nothing in the resolution adopted at the 1968 Democratic Convention suggests a way out of this dilemma. The special committee to be established by the Democratic National Committee will need to grapple with it on its own. In the Republican party, any approach to a solution of this problem, as to other reforms, is even more remote. The Democratic committee will probably be inclined at first to go along with restrictive practices, which grant access to the party only to those who have in the past indicated adherence to it, or at least not registered as members of the other party. That would be understandable, but wrong. The open

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party, with its risks, is the prime objective. For party habits are strong, and Machiavellian cross-overs, while they occur, are rare. What is more common, and should be encouraged, is unaffiliated floating by voters who, if excluded at the nominating stage, are likely to be disaffected by the limitations of choice in the general election.

Each party should, accordingly, be open in each election year, in primaries and caucuses, to everyone willing at the time to register as a member. The registration would be largely symbolic and would not necessarily exclude cross-overs, if for no other reason than that it would be as impossible as it would be ill-advised to try to bind individuals to vote the party ticket in the general election. But the symbolism would be endowed with some consequences. Certainly it should be stipulated that a voter may participate in the nominating process of only one major party in any given year.

MINOR PARTIES

The survival of the convention and of the two-party system it sustains is not a unanimously shared objective, particularly in this season. Its virtues rather than its imperfections gain for the two-party system its most implacable enemies. The moderate coalition, the sensible accommodation, the muted ideology, the politicians who strive to borrow each other's protective coloration and who jostle one another in the center—all this, the price of broadly-based government, of general acquiescence and of stability, is paid in frustration. The choice in the general election between two candidates either of whom can satisfy most people, or at least radically dissatisfy very few, always leaves some of us with no choice at all. Hence the minor party, a steady obbligato in our political symphony. It is sometimes a regional, and commonly an ideological, interest group, which has not been accommodated because it wants something too precise, too clear-cut, because it wants it on principle now and not later wants all of it, wants it intensely, of course, and wants it when someone who is otherwise in a better position to bargain wants the very opposite with equal intensity.

The minor party is also a group which has summoned the courage to bring prematurely to the fore a basic issue, perhaps a moral one, that the country must face, and in time will face. The word "permaturely" is used here from the point of view of the major parties, the defect of whose virtues is that they are liable to be sluggish in addressing newly arisen fundamental issues, moral ones especially. They are too intent on power to take the risk before they have to. Again and again, minor parties have led from a flank, while the major parties still followed opinion down the middle. In time, the middle has moved, and one of the major parties or both occupy the ground reconnoitered by the minor party; or to change the figure, the major parties, as Disraeli said of Peel and the Whigs, at last catch the minor parties bathing and walk away with their clothes. So it was with the anti-slavery Free Soilers, with the Populists in 1892, with the LaFollette Progressives and even the earlier Eugene V. Debs Socialists—and, to be sure, with the Prohibitionists, who are a useful reminder that the Anti-Masonic, Know-Nothing, Thurmond States' Rights, and George Wallace Independent parties must not go unmentioned, lest small-party romanticism run away with one. But as an outlet for frustration, as often a creative force and a sore of conscience, as an ideological governor to keep major parties from speeding off into an abyss of mindlessness, and even just as a technique for strengthening a group's bargaining position for the future, the minor party would have to be invented if it did not come into existence readity and regularly enough. It is an indispensable part of the system whose beneficent chief aim is to suppress it. And its existence is at any rate constitutionally protected.

The two-party system, as the late Justice Robert H. Jackson once said in another context, is a political practice "which has its origin in custom [and] must rely upon custom for its sanctions." Therefore, even though it is up to state legislatures under Article II, Section 1 of the Constitution to prescribe the maner in which electors who will choose a President and Vice President are themselves to be chosen, an attempt by law to secure the major parties' monopoly of Presidential power would most assuredly fail. It would founder against the Equal Protection Clause of the Fourteenth Amendment, which forbids unreasonable discriminations among voters and also among candidates—which, in other words, safeguards a right to vote free from unreasonable discriminations, and also a right to be a candidate. And it would run afoul as well of the First Amendment, as incorporated into the Due Process Clause of the Fourteenth, for the First Amendment has been interpreted to guarantee a right of effective political association, and that right would be denied by any statute making it impossible to achieve the end for which political association is ultimately undertaken.

It is true that no state actually decrees in so many words that in order to be allowed to vote or run for President or for Presidential elector a person must be a member, or submit himself to the procedures of the Democratic or Republican party. And only Ohio has come near to saying as much indirectly. Ohio allowed no independent, non-party candidacy, and a minor party could place a candidate on the ballot only if it filed a petition signed by voters equal in numbers to 15 per cent of the total vote cast in the last gubernatorial election—in 1968, upwards of 430,000. Additional difficulties were also put in the way. The minor party had to organize itself through primary elections on the same scale as the major ones, and persons who voted in a major party primary at the previous election were not qualified to participate in organizing the minor party. On October 15, 1968, in the first decision of its kind, the Supreme Court held the Ohio scheme unconstitutional. The suit was brought in behalf of George Wallace, whose name the Court ordered placed on the ballot. A federal district judge had remarked at an earlier stage of the case that the "two-party system is not a cliche in Ohio, but a stautorily enforced fact." It is no more.

Other states may not quite make the two-party monopoly a statutory fact, but a great many make life hard for the minor party. The requirement of signatures on a petition in a number equal to 15 per cent of the total vote at a past election, itself a grave impediment, is rare, but Arkansas imposes it also. And a number of states have distribution requirements, which also present serious obstacles. Thus in Idaho a petition must be signed by 3,000 voters, no more than 150 of whom are residents of any single county; Illinois requires 25,000 signatures, with 200 from each of at least 50 counties; and New York requires 12,000, fifty at least from each county. In Florida, where a very substantial portion of the population lives in Dade County, no more than 13.3 per cent of the total number of necessary signatures may come from any single county. Finally, a very large number of states, while they have workable provisions for getting a new ticket on the ballot, set early dates for qualification, as early as March in Pennsylvania and apparently in Alabama; April in Kentucky and West Virginia; May in Michigan and New Jersey; and June, July, and August in many more.

The legal position respecting obstacles of the kind just described is not clear. A court would be unlikely to hold that the states may not encourage the two-party system by giving a certain edge to the major parties. But it is a long way from achievement of this objective to choking off all political action that is not encompassed by the two established parties. The latter the states may not do, and the problem is to define what amounts to doing the latter. In general terms, the courts would probably agree to the proposition that laws which make it impossible for an initially small group of voters to put a candidate on the ballot through a reasonable and not prohibitively expensive effort in a reasonable amount of time are unconstitutional. A criterion such as this should work out to render unconstitutional a requirement for obtaining the signatures of anything over 5 per cent of the electorate.

Under existing analogous judicial decisions, the most vulnerable requirements are those concerning distribution. The Illinois one was upheld by the Supreme Court in 1948 but that was before the Supreme Court's more recent reapportionment decisions. Today it could be strongly argued that any distribtuion requirement is a form of malapportionment, a way of giving more weight to a signature in a small county than in a large one, and therefore invalid under the reapportionment cases—and, one may say in passing, invalid for better reason than malapportionment of a legislature itself.

Early qualifying dates obviously do not in themselves present insuperable barriers. The argument against many of them would be that a state may seek to give an edge to the two established parties, and for that reason discriminate against independent candidates and persons who wish to cast their votes for them, but—administrative and housekeeping necessities to the side—it may discriminate only by means that are rationally suited to favor the two-party system. Now the important third-party movements in our history—George Wallace this year is a point-proving exception—came into being after the two major party conventions, and were enabled to come into being at that time because major party conventions used to be held much earlier than at present. In 1892, Harrison and Cleveland were nominated in June. The Populists, disappointed by the Democrats, met later and nominated a third candidate, General James B. Weaver. In 1912, Theodore Roosevelt fought his heart out in the Republican convention in June. Having been defeated, he formed the Progressive party. Again, in 1924, Coolidge and Davis were nominated in June. The third-party LaFollette candidacy took shape in July. The characteristic American third party, then, consists of a group of people who have tried to exert influence within one of the major parties, have failed, and later decide to work on the outside. States in which there is an early qualifying date tend to force such groups to forego major-party primary and other pre-nomination activity and organize separately early in an election year. For if they do not, they lose all opportunity for action as a third party later. From the point of view of fostering the two-party system this is counter-productive. It is calculated to induce third-party-movements, like the present George Wallace party; calculated to drive people away from the coalition-building process that is the genius of the two-party system, and into a premature and more likely permanent ideological separatism, which is precisely what the two-party system successfully prevents.

Major party conventions now tend to be held in August. Any qualifying date earlier than the end of September or even early in October can hardly be supported by any practical reason having to do with the printing of ballots and the like. The only purpose of earlier qualifying dates, therefore, can be to encourage two-party action and discourage third parties. This is, to a degree, a valid purpose, but to force people to commit themselves to third-party action without trying first to influence the major parties is no way to enhance the two-party system.

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It is, of course, not possible to predict just what the courts would do in detail on questions of this kind, but since state election statutes are shot through not only with anti-third party provisions that are wrong on principle, but also with many which positively disserve the objective of protecting the two-party system, wholesale legislative reform is called for, regardless of what the courts may do.

The country, Walter Lippmann wrote in September 1968, "has entered a period of revolutionary change of which no one can foresee the course or the end or the consequences." For, he continued, "the central institutions of the traditional life of man"—the family, the church, the territorial state, the schools, and the universities—"are increasingly unable to command his allegiance and his obedience." Naturally, Mr. Lippmann's diagnosis was that the old two-party system is shattered. This also is the conclusion of many who speak from positions rather radically to the Left of Mr. Lippman's. For myself, I cannot deny it, but my instinct is to disbelieve it. I thought that such a figure as Robert Kennedy would have been capable even this year, let alone four years hence, of restoring a sufficiency of order to what Mr. Lippmann, quoting Erasmus, calls the "irremediable confusion of everything." Men want change, and they turn away, or to George Wallace, because the major parties are sluggish, but they do not turn in either direction inevitably or irremediably; many of those same people turned earlier to Robert Kennedy, and many even to Eugene McCarthy.

This is not the place to speculate on whether the United States deserves a revolution, needs one, or will get one regardless. But short of a revolution, the work of politics in the United States, and the work of politics even for those who set radical social goals, is most effectively and enduringly done within the regime, not in opposition to it as such; within the system whose improvement I advocate, but which I praise. And even if the old two-party system, as Mr. Lippmann says, is shattered without knowing it, and destined to come down, it is hardly arguable that for that reason it should hasten to bring itself down with such innovations of at best unpredictable and at worst baneful effect as the direct popular election of Presidents and the national primary. Nor is there any reason why it should not reform its electoral college, its conventions, and its election laws in ways consistent with its nature and designed to advance its values. After all, the system may yet belie the jeremiads and disappoint the revolutionaries. It may persist in the mystery of survival, and against that event, it might as well improve itself.

Electoral College Finds a Defender

(By Richard N. Goodwin)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most stable and long-lasting democracy in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment, one must first separate out the very different issues whose casual blending has seriously obscured discussion. First is the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes. Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice. Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a very different problem from the legitimacy of the electoral system itself. It is whether a small group of men acting on their individual opinions and motives, should ever be allowed to select the President. Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as President a man who did not receive a plurality of popular votes. (Jackson and—in a rather sordid way—Tilden were deprived of the presidency by Congress despite popular pluralities.)

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still, these abuses can be forestalled without touching the electoral system itself simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins. There could also be a provision for a runoff if the leading candidate fell below a specified percentage.

THE 1888 EXCEPTION

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended but has assumed other important and rarely articulated functions.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

THIRD PARTY POSSIBILITIES

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct elections. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states. The most noteworthy modern example has been the Southern Party, from the Dixiecrats through Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the Progressives passed away.)

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them. With only the popular vote at stake, however, regional roots become irrelevant. Groups united by general conviction or special interest might well think it in their interest to form a new party.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. It might also run candidates in the hope of forcing a runoff election in which its votes would be eagerly and profitably sought. Based on our historical experience, this could prove an extremely fruitful course.

Fifteen of our Presidents have been elected with less than a majority of the popular votes. Therefore, in almost half of our elections, a third party, at least theoretically, could have held the balance of power. And two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both the Liberal and Conservative parties exercising influence far out of proportion to their strength. Nor is Califorina a stranger to third party politics.

Had direct election been in effect last year, we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election might well bring us a farmers' party, a senior citizens' party, a black party and other groups coalescing around common interest and belief.

A TIME OF FRAGMENTATION

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed, for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to emerge; that might well happen in 1972, for the first time since the 1850s.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile vote is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slight-

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est risk in the big states in order to pick up a few Southern or border states.

Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

NO PURE DEMOCRACY

The electoral college has not only faithfully reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from popular will has helped strengthen it to protect liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What will be the consequences of the change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

DIRECT ELECTIONS AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of *vox populi, vox Dei*, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighing each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests high-minded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, later counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing in the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than 1/5 of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chef political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay States should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

ADDITIONAL COSPONSORS OF BILLS

S. 782

Mr. ERVIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the senior Senator from California (Mr. MURPHY) be added as a cosponsor of S. 782, the Federal employee "bill of rights."

I am happy to report that this brings to 56 the total number of sponsors of this bill which is so urgently needed to secure the liberty accorded by the Constitution to over 3 million American citizens.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S. 3164

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA) I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor to the bill, S. 3164, to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

S. 3388

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Delaware (Mr. BOGGS) be added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3528

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. McIntyre) I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. Hartke) and the Senator from Alaska (Mr. Stevens) be added as cosponsors of S. 3528, to amend the Small Business Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3552

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. McIntyre), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 3552, to provide certain privileges against disclosure of confidential information obtained by newsmen.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3565

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. McIntyre), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as cosponsor of S. 3565, to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3566

Mr. MILLER. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of S. 3566, to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

S. 3586

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Oklahoma (Mr. Harris) be added as a cosponsor of the bill S. 3586, to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

S. 3604

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Massachusetts (Mr. Kennedy), I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. Hart) be added as a cosponsor of S. 3604, to authorize the establishment of an older worker community service program.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

S. 3643

Mr. MILLER. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. Bayh) be added as a cosponsor of S. 3643, to provide for the issuance of a gold medal to the widow of the Reverend Doctor Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., memorial fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 211

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Massachusetts (Mr. Brooke), I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. Scott) be added as a cosponsor of Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

SENATE RESOLUTION 376

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Florida (Mr. Gurney) be added as a cosponsor of the resolution, Senate Resolution 376, authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS SCHEDULED ON NOMINATION OF EDWARD B. MILLER OF ILLINOIS TO BE CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD

Mr. YARBOROUGH. Mr. President, I wish to announce a hearing scheduled by the Committee on Labor and Public Welfare on May 7 on the nomination of Mr. Edward B. Miller of Illinois to be Chairman of the National Labor Relations Board.

Anyone wishing to testify on this appointment should notify Robert Harris, staff director of the committee, by April 30.

PRESIDENT NIXON'S SUCCESS IN VIETNAMIZATION

Mr. AIKEN. Mr. President, it seems we are living in an era when good news is no news. And nowhere have I heard over the air or read in any newspaper the fact that the United States for the week ending last Thursday, April 2, withdrew 9,200 of our military personnel from South Vietnam.

This information has been available to anyone who desires it. But it appears now that the President's goal of reducing our forces in South Vietnam to 434,500 by April 15 will be reached several days ahead of schedule.

ORDER OF BUSINESS

Mr. CASE. Mr. President, I ask unanimous consent that I be permitted to proceed for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RULE OF GERMANENESS—UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. CASE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the remainder of the second session of the 91st Congress, the Pastore rule of germaneness of debate shall not begin to run until the conclusion of routine morning business or until the unfinished business is laid before the Senate, whichever comes later.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. MILLER. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I withdraw the request.

Mr. BYRD of West Virginia. Mr. President, I reserved the right to object merely to ask if the majority leader would be willing to confine the operation of his unanimous-consent request to those statements and to that type of business which is conducted prior to and during the period for the transaction of routine morning business which would not exceed 10 or 15 minutes, so that we would be protected in the event that some item of business at that point were to go on for, say, an hour or an hour and a half.

Mr. MANSFIELD. That was understood. I do not want the Senate to get caught short again by having an unobjected to bill brought up in the morning hour and then have the rule of germaneness apply.

In my opinion, that is indefensible. It runs against the intent of the Senate. It violates the Pastore rule. It was for that reason that I offered the unanimous-consent request, that little bills to which there is no objection do not have the rule of germaneness apply, but that the germaneness rule will apply only after the morning hour and the laying down of the unfinished business.

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The **PRESIDING OFFICER**. Is there objection to the request of the majority leader?

Mr. **GOLDWATER**. Mr. President, reserving the right to object——

Mr. **MILLER**. Mr. President, will the Senator from New Jersey yield for a brief comment?

Mr. **CASE**. Mr. President, I yield first to the distinguished majority leader.

Mr. **MANSFIELD**. Mr. President, if there is any argument about the request, I will withdraw it. There are other ways by which I can accomplish its purpose.

Mr. **GOLDWATER**. Mr. President, under the rule of germaneness I have not been able to make a statement on the floor for the better part of a week.

Mr. **MANSFIELD**. The Senator is correct. But he was coming in under the rule of germaneness when it actually applied, not during the morning hour or routine morning business.

Mr. **GOLDWATER**. Mr. President, is it possible to ask unanimous consent to extend the 3 minutes to say 10 minutes in the morning hour?

Mr. **MANSFIELD**. Yes, indeed.

Mr. **GOLDWATER**. Mr. President, it was virtually impossible to get the floor during the debate on the Carswell nomination.

Mr. **MANSFIELD**. Mr. President, I would have no objection.

Mr. **MILLER**. Mr. President, has the minority leader been consulted?

Mr. **MANSFIELD**. Yes. The Senator is in full accord with this, because he understands the rule of germaneness.

Mr. **MILLER**. Mr. President, the Senator from Iowa did not know that. If the minority leader has indicated that he has no objection, I have no objection.

Mr. **MANSFIELD**. Mr. President, I discussed it with the minority leader as well as the understanding of the interpretation placed on it by the Senator from West Virginia.

The **PRESIDING OFFICER**. Does the majority leader renew his request?

Mr. **MANSFIELD**. Yes.

Mr. **CASE**. Mr. President, I do not believe I know what the request is.

Mr. **MANSFIELD**. Mr. President, I withdraw it.

Mr. **BYRD** of West Virginia. Mr. President, I hope the majority leader will not withdraw the request.

Mr. **MANSFIELD**. Mr. President, I feel remiss at holding up the Senator from New Jersey.

Mr. **CASE**. Mr. President, I did not know what the request was.

The **PRESIDING OFFICER**. The clerk will state the request.

The **ASSISTANT LEGISLATIVE CLERK**. The Senator from Montana (Mr. MANSFIELD) asks unanimous consent that for the remainder of the second session of the 91st Congress, the Pastore rule of germaneness of debate shall not begin to run until the conclusion of routine morning business or until the unfinished business is laid before the Senate, whichever comes later.

The **PRESIDING OFFICER**. Is there objection?

Mr. **MILLER**. Mr. President, does the request that was just read include the modification that the Senator from West Virginia proposed?

Mr. **MANSFIELD**. That is correct. I have so asked that the modification of the Senator from West Virginia be included.

Mr. **MILLER**. Mr. President, may I have the modification restated?

Mr. **BYRD** of West Virginia. Mr. President, if I might restate it——

Mr. **MANSFIELD**. Mr. President, if this goes on for 1 additional minute, I withdraw it. It is too picayune a matter.

The **PRESIDING OFFICER**. Does the Senator from Montana renew his request?

Mr. **MANSFIELD**. Mr. President, I object. I withdraw it.

The **PRESIDING OFFICER**. There is objection.

OPPOSITION TO USE OF SAFEGUARD ABM EXPANSION AS A "BARGAINING COUNTER" IN SALT NEGOTIATIONS

Mr. **CASE**. Mr. President, two decades of the greatest arms race the world has ever seen have brought the Soviet Union and the United States to the realization that neither country can or will permit the other to achieve a permanent advantage in nuclear capability.

Both nations understand that the nuclear weapons deployed by each deny the other the opportunity of launching a surprise attack without being destroyed in return. They have come to realize that this rough parity is in the interest of each country to preserve. That, of course, is the reason we have been able to enter into the strategic arms limitation talks.

Maintenance of this parity is both the aim and the condition of effective arms limitation. By effective, I mean limitation which will be observed because neither side feels disadvantaged by it. Effective arms limitation will lessen tensions and permit the allocation of resources to more productive purposes.

Conversely, an agreement which either side mistrusts because it believes the other side gains an advantage is obviously worthless. The nation that believes it is disadvantaged will be more determined than ever to "catch up," setting off another round of arms escalation and thereby increasing tensions once more.

But, like all simple truths, this hard-won knowledge which has brought us to Vienna is elusive. It must constantly be restated. Too readily can it be lost in the mechanics of bargaining, tactics, and countertactics. Too easily can each side slip back into the mistaken view of the other side as an opponent to be coerced or outwitted.

There is some evidence that this corrosive process may already be underway.

In recent weeks, a disturbing argument has been resurrected to justify further expansion of the Safeguard anti-ballistic-missile system, an argument which can endanger the very mutual interest and confidence which is vital to successful negotiations. It is privately urged, though seldom publicly stated, that Safeguard expansion must be approved so that it can serve as a "bargaining counter" by the United States in the SALT talks.

The suggestion is that congressional approval of the proposed Safeguard expansion is necessary in order to convince the Soviet Union of a fact of which I think they are well aware—that we, the United States, can and will match them in another arms race if they do not cooperate at Vienna.

I believe that the Congress and the American people should be told in clear terms whether or not the executive branch is requesting the expansion of Safeguard as a negotiating counter in Vienna.

I, for one, will not believe this unless I am forced to. Certainly it is clear that our negotiators at these talks, the Arms Control and Disarmament Agency, do not hold this view.

For understandable reasons, Mr. Gerard Smith, head of this Agency, felt he could not respond directly to my question on this point in recent Foreign Relations Committee hearings. But he did say:

> I do not think that the United States should start new programs just for the sake of trying to establish additional bargaining power. I think there is plenty of bargaining power on our side with our present on-going programs. . . .

The hard advice of those who have dealt with the Soviet Union across the negotiating table is as direct and unequivocal as it is realistic in view of our experience. Again, Mr. Gerard Smith:

> For two nations who are grappling with the immense problem of controlling strategic arms, it probably is more likely that there will be some sort of arrangement if the sides are more nearly alike in strategic forces.

This mutuality of interest in, and the confidence of both sides which comes from, the existing parity in strategic weapons are the condition for successful arms limitation talks. Moreover, their preservation is the goal of such talks. Both are endangered by the use of Safeguard expansion as a bargaining counter.

If Safeguard is approved and if it turns out that the SALT talks are stretched out over a period of years, then this country will have on its hands a burgeoning ABM system, one to which the Soviets would have to respond on the possible chance that it might prove effective. By our actions we will have guaranteed the very continuing Soviet SS–9 deployment which we are seeking to halt, a deployment which, according to Secretary Laird, Safeguard could not defend us against.

There is already some evidence that this "bargaining counter" approach may be feeding Russian suspicions and inspiring fundamental uncertainty regarding the U.S. intentions toward the SALT talks.

As pointed out by Dr. Shulman of Columbia University, the Soviet press recently has been posing two basic questions:

First. Is the United States really prepared to accept approximate strategic parity as a basis for negotiations?

Second. What is the meaning of Amer-

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ican moves to deploy MIRV, expand Safeguard, develop a new strategic bomber?

We can be certain that this Soviet puzzlement to some extent is put on for our benefit.

But we also can be certain—if the long years of the cold war have taught us anything—that at least some among the Soviet leadership can be expected to place the worst possible construction on our actions. They will seize upon the fact of Safeguard expansion, if we do go ahead with it, as an immediate threat to be responded to. All they will want to know is whether this so-called bargaining counter shoots missiles. Speculation about American motives they will leave to the philosophers.

Vastly more direct and constructive is the proposal of Senate Resolution 211 that: First, prompt negotiations between the United States and the Soviet Union to seek agreed limitation of both offensive and defensive strategic weapons should be urgently pursued; and second, the President should propose to the Soviet Union an immediate mutual suspension of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification and other inspection measures as may be appropriate. The Soviet Union well may consider such a freeze in their interest.

Instead of confronting the Soviet Union with Safeguard expansion and letting them figure out what we are really up to, the United States should, in Prof. Roger Fisher's words, present the Soviets with a "yesable proposition," something to which they have only to agree.

That, of course, was the intent and spirit of the resolution which I offered last summer calling upon the President to suspend flight tests of multiple reentry vehicles for so long as the Soviet Union does the same.

Almost 7 years ago, President John F. Kennedy confronted the Soviet Union with a similar proposition, saying:

> . . . I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so.

We all are aware that what followed this bold initiative was one of the most important breakthroughs in American-Soviet relations since World War II.

Within 5 days of the President's speech, Chairman Khrushchev had welcomed the proposal and further had ordered a halt in the production of Soviet strategic bombers. Within a month, negotiations were underway on the nuclear test ban treaty. Then, on August 5, 1963—8 weeks to the day following the President's speech—the treaty was signed. It never has been broken.

This initiative did not originate in any wishful view of Soviet good will or out of any expectation of a sudden revolution in human nature. But the President did warn the American people not to look upon communication with the Soviet Union "as nothing more than an exchange of threats." And, as he noted, even the most hostile nations can be relied upon to keep those agreements which are in their own interest.

Mr. President, I emphasize that again because it is the basis of all international relations: The recognition that nations act and will always act in their own interest; that the problem in dealing between countries and among nations is based upon the recognition by each of them that the other will act in this manner; and that the problem is to find things on which agreement can be reached, things which are in the interest of all nations concerned—in this particular case, in the interest of both Russia and the United States. Any other agreement between two nations which is not based on the recognition of this principle cannot be relied upon at all for the future.

The results of President Kennedy's initiative, which reflected this principle, are every day with us in the decreased levels of atmospheric radioactivity and in the health of our children.

The lesson is clear.

Of course there is no prospect that a sweeping, permanent freeze on the deployment of all strategic nuclear weapons, or even of any single major weapon system, can be quickly and easily agreed upon at SALT. But precisely because the SALT negotiations undoubtedly will be lengthy and involved, it is vital that the present rough strategic parity between the Soviet Union and the United States be frozen at its present level while these negotiations take place.

To present the Soviet Union with a specific, "yesable" proposition designed to buy time for these negotiations is no confession of weakness. It is a prudent recognition of our mutual interests and of the realities of modern technology.

The present mutuality of interest between the United States and the Soviet Union must not be endangered in the effort to achieve what could not be even a temporary advantage of bargaining position, one which could only inspire uncertainty and suspicion imperiling the SALT talks themselves.

I urge that the Senate overwhelmingly approve Senate Resolution 211 as it was unanimously reported out by the Senate Foreign Relations Committee and which in its original form had been cosponsored by some 45 Members of the Senate.

Mr. President, I would like to add this observation. We shall be dealing in this body at considerable length somewhat later in this session on the justifications offered by the administration and the Department of Defense for the expansion of the Safeguard anti-ballistic-missile system. Of course, the major justifications were three: The defense of our missile sites, protection against the so-called Chinese threat, and protection against stray or accidental missiles which might be fired and which might have devastating effect in a particular locality.

Many questions will be presented as to the effectiveness of the Safeguard system from the standpoint of its technology. I have not attempted to go into these questions in this talk, since such technical issues must be gone into at length at the proper time.

But at this time I did want to bring out into the open and express my own belief that any further justification—apart from the technical question, apart from the question of the necessity of Safeguard as a weapons system—does not have a sound basis in fact, and, in fact, would be counterproductive; namely, the argument that we need it as a bargaining counter for the SALT talks in Vienna. I think this argument is wholly without a sound basis, and even to urge it could present an added difficulty to the success of the SALT negotiations.

I yield the floor.

Mr. BROOKE. Mr. President, the able Senator from New Jersey (Mr. CASE) has made another of his incisive contributions to this vital debate. I wish to emphasize one of the points he makes; namely, his reference to the character of Soviet discussions of SALT and arms control prospects in general.

It has long been common for some U.S. observers to suggest that the Soviets were not interested in a general freeze on strategic weapons. In particular, some spokesmen in and out of the U.S. Government have implied that the Soviets were not interested in or concerned about MIRV technology and would not agree to a limit on ABM systems.

I believe any such conclusions are plainly unfounded. We do not yet know what the Soviets may be willing to accept and will not find out until firm proposals have been thrashed out. That is why it is so essential for the United States to advance a concrete, comprehensive plan when the SALT talks resume in Vienna.

Much has been made in the West of a comment by Premier Kosygin some years ago indicating that defensive weapons were not destabilizing and apparently suggesting that they should not be subject to the same controls as those proposed over offensive weapons. But I think it is now clear that the Premier's remarks were not read in context and were given exaggerated weight. As a current article in the Soviet periodical, Twentieth Century and Peace, reveals, only 3 days after Kosygin's famous remark in a London press conference, Pravda offered an explicit corrective, stating:

> The Soviet Government is ready to negotiate the problem of prohibition of further armament race both in the field of offensive as well as defensive weapons.

Indeed, the authoritative chairman of the Soviet Academy of Sciences Committee on the Scientific Problems of Disarmament, Prof. V. S. Emelianov has repeatedly underscored this receptivity to controls over both offensive and defensive weapons. Emelianov has stated that—

> The salvation from the dangers which face the peoples of our planet in connection with the creation of modern weapons, should be sought not in the creation of illusory means of defense, but rather in the annihilation of the very source of the dangers—the nuclear weapons.

There is good reason to believe that the Soviet Government is divided on some of these issues, as the U.S. Government has always been. But it would be incorrect to approach the SALT negotiations on the assumption that the old myths of Soviet disinterest in limits on

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both offensive and defensive weapons will apply. The situation is different from past arms negotiations and the prospects are more hopeful, if we but realize the opportunity for mutual restraint. The fluidity of Soviet attitudes, though marked by caution as are our own, is a fact we should recognize. Helsinki has been followed, for example, by a number of quiet Soviet feelers which appear to be inviting a proposal such as that contemplated in Senate Resolution 211.

It is to help President Nixon seize this great opportunity for turning the arms competition into more secure channels that the supporters of this resolution believe the Senate's opinion should be expressed in this manner. If the Soviets do not prove receptive to the recommended suspension of deployments of both offensive and defensive weapons, there will be ample opportunity thereafter to explore more limited arrangements.

Once again I commend the distinguished Senator from New Jersey for his enlightened and constant efforts to advance this great cause.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Arizona is recognized for not to exceed 10 minutes.

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NEW EVIDENCE SUPPORTS JUDGE CARSWELL

Mr. GOLDWATER. Mr. President, the debate on Judge Carswell has greatly interested me because of figures which have been used which just have not sounded reasonable to me—a nonlawyer. Questions asked of judges in other courts, who are friends of mine, have verified my misgivings and research by my staff has backed this up.

I am able to release today the results of a study which proves beyond any doubt that Judge Carswell is eminently well suited for a position on the Supreme Court bench.

This study is the first complete analysis that has been made of Judge Carswell's decisions while he was sitting as an appellate judge. It clearly reveals two previously overlooked facts which are highly pertinent to Judge Carswell's qualifications.

First, the study discloses that the nominee holds the special distinction of having been assigned, while he was a district judge, to sit with the Fifth Circuit Court of Appeals in no less than 54 different cases.

What is more, his record in these cases gives him an average of 93 percent as an appellate judge. In other words, his decisions and opinions as a visiting judge on the circuit court have prevailed 93 percent of the time.

When his record of 54 cases as a visiting appellate judge is added to the minimum of 100 decisions which he has joined in since coming to the higher court, it becomes clear that his judicial record on the Court of Appeals is over 50 percent more extensive than the number of his published decisions from the district court. This means that his critics have built their attack against Judge Carswell based on much less than half of his total record.

Mr. President, this new data provides convincing evidence of the high esteem with which Judge Carswell is held in the Fifth Circuit. It is an unusual tribute for any district judge to be chosen so many times to sit with circuit judges in the decision of appellate cases.

Of particular interest is the fact that none other than Chief Judge Tuttle, who headed the Fifth Circuit, picked out Judge Carswell time after time to be a member of the same review panel of which he, Judge Tuttle, was a member.

Judge Carswell sat together with Judge Tuttle on at least 25 different occasions. This certainly gives a true picture of the high regard and great confidence which Chief Judge Tuttle had for the credentials and skills of Judge Carswell. It clearly gives renewed meaning to the letter of endorsement which Judge Tuttle had written on behalf of Judge Carswell.

Mr. President, throughout this debate, I have noticed an unusual preoccupation by Judge Carswell's opponents with various sets of statistics compiled by law students. I hope they will give equal consideration to the striking new data that I have released today.

This evidence, going as it does to Judge Carswell's performance as an appellate judge, is much more pertinent than the incomplete and misleading statistics which the critics have been using.

His detractors have ignored the total of 4,500 cases which Judge Carswell has handled as a district judge and have focused only on those cases which were appealed. There is no question that this is a greatly distorted method of examining the nominee's credentials. It gives no weight at all to the vast majority of cases which Judge Carswell handled so well that there was no ground for appeal.

Also, it completely ignores the setting of each decision. It hides such important considerations as whether or not new law was handed down by the higher courts after the lower court decision.

For example, many of Judge Carswell's critics have pointed to two school desegregation cases of his which were reversed by the fifth circuit court of appeals. These are supposed to demontrate that Judge Carswell is hostile to civil rights.

What his detractors neglected to tell us, however, was that 11 other district judges in the fifth circuit were reversed by the same higher court ruling. And someone forgot to mention that Judge Carswell himself voted to reverse 11 of these cases—419 F.2d 1211. He was in complete agreement with his fellow judges that an intervening Supreme Court case required swifter school desegregation in the fifth circuit.

In fact, Mr. President, the statistics used by the opponents are not even accurate. They have accepted data prepared by law students without making an examination on their own. My office has discovered five cases of Judge Carswell's that were affirmed by the circuit court, but overlooked by his critics—293 F.2d 261, 337 F.2d 753, 341 F.2d 351—two cases, 21107 and 21111—399 F.2d 93, and 420 F.2d 60.

Who knows how many more they may have omitted before arriving at their misleading statistic?

Mr. President, the school integration decision I have cited is not the only one which demonstrated the nominee's concern with human rights.

The study which I have initiated has uncovered 11 additional decisions that are without any question procivil rights—353 F.2d 585; 415 F.2d 325 and 1377; 417 F.2d 838, 845, and 848; 418 F.2d 549 and 560; and 420 F.2d 379, 527, and 690.

Mr. President, the opponents could have discovered this for themselves. It should not be necessary for a Senator who is not a lawyer to have to seek out these hidden facts. In the face of this balanced record, the minority report on the nomination of Judge Carswell makes the unqualified charge that the nominee's supporters can find no activities to show "his commitment to equal rights."

Now each of my colleagues who signed this report is a lawyer. With all due respect, I must suggest to my colleagues that if I, who am not a lawyer, can turn up 10 or 11 decisions solidly backing minority rights then surely they can do even better.

This same failure to do their homework has marked the testimony and speeches of nearly every one of Judge Carswell's critics. As another example, I might refer to Dean Pollak, who is normally well prepared.

And yet he appeared before the Senate Judiciary Committee to express his concern about Judge Carswell when he had merely read some of his district court opinions covering a period of 5 years. This is 5 years out of an 11-year span on the lower court.

To top it all off, Dean Pollak admitted that he had only spent the Saturday evening and Sunday morning previous to his testimony running through these cases. He did not study any of Judge Carswell's Circuit Court cases at all.

Now, I really must ask—is this fair? Can Senators truly reach a reasoned decision on the basis of opinions volunteered by individuals who have failed to review the whole record? Or have we been fed a bunch of snap reactions founded solely on emotional judgments?

Mr. President, the study I have undertaken reveals 54 decisions in which Judge Carswell joined while he sat as a visiting judge on the Fifth Circuit bench and at least another 100 in which he participated after he became a circuit judge.

In fact, I have come across seven opinions which Judge Carswell himself wrote during the years he sat as a visiting Judge on the higher court and another 16 which he has written since becoming an appellate Judge.

In all, his decisions from the appellate bench total over 150. This is half again as large as his printed decisions as a district judge. In other words, his opponents have ignored more than half of Judge Carswell's judicial record in reaching their position.

To my mind, anyone who is actually seeking the truth of the matter will examine each of these cases before jumping to the conclusion that Judge Carswell is not fit for the Supreme Court.

In my opinion, his complete career leaves no doubt that Judge Carswell is a highly capable individual and a skilled jurist.

His record is a balanced one. His decisions prove that he has often voted on the side of human rights.

His testimony before the Senate committee rings out with expressions of deep concern and knowledge about human problems.

There is no sound reason for opposing his nomination.

Judge Carswell is extremely well qualified to serve as a member of the Supreme Court. I shall support his nomination 100 percent.

Mr. President, at this point, I ask unanimous consent to insert in the RECORD a table of citations which will verify the findings I have released.

There being no objection, the citations were ordered to be printed in the RECORD, as follows:

STUDY OF U.S. DISTRICT JUDGE CARSWELL'S RECORD OF DECISIONS AS AN APPELLATE JUDGE

An analysis of every Fifth Circuit appellate decision published in the Federal Reporter, Second Series, beginning with 1959 cases and continuing into 1969 cases, reveals that District Judge Harrold Carswell has been assigned to sit on the higher court bench as a visiting judge on at least fifty-four occasions.

Chief Judge Tuttle participated as a member of the same appellate court as Judge Carswell in twenty-five of these cases.

Only three of the fifty-four decisions were reversed by the Supreme Court. One was vacated.

In all, the decisions in which Judge Carswell joined have prevailed as sound law in 92.6 percent of the cases.

This data clearly establishes the credentials of Judge Carswell to sit as an highly competent member of any higher court. It definitely proves his capacity and experience to serve as an Associate Justice of the United States Supreme Court.

The list of decisions in which Judge Carswell participated on the appellate bench, while he was a District Judge, is as follows:

Federal Reporter—2d series

Volume:	*Page*
286	46
286	72
286	742
287	252
287	623
301	630
304	160
304	[1] 876
304	881
305	158
305	934
307	790
307	802
307	894
308	724
309	1
309	[2,3] 297
310	11
310	53
310	66
310	77
310	82
310	328
311	291
311	[4] 429
311	[3] 437
311	[3] 438
312	134
312	207
313	187
313	303
314	852
317	295
340	707
340	[1] 708
340	[2] 708
351	278
351	304
351	384
351	455
351	456
351	468
351	470
351	[1] 489
351	609
351	611
351	671
351	[1] 952
352	69
352	76
353	485
353	585
355	[2] 543
364	[1] 829

[1] First case.
[2] Second case.
[3] Subsequently reversed.
[4] Subsequently vacated.

An analysis of Fifth Circuit appellate decisions published in the Federal Reporter, second series, from volumes 415 through 420, discloses, at least, 101 decisions which Judge Carswell has joined in since he became a judge on the court of appeals. The decisions include 16 cases in which Judge Carswell wrote the court's opinions. These cases are as follows:

Federal Reporter, 2d series

Volume:		*Page*
415		325
415		743
415		766
415		773
415		[1] 1007
415		1012
415		1017
415		1115
415		1129
415		[2] 1377
416		10
416		917
416		379
416		407
416		412
416		441
416		451
416		914
416		917
416		949
416		968
416		[2] 972
416		1042
416		1077
416		1235
416		1246
416		[3] 1257
416		1332
416		[2] 1333
417		94
417		135
417		198
417		218
417		296
417		303
417		329
417		518
417		628
417		629
417		[2] 633
417		838
417		845
417		848
417		1041
417		1134
418		134
418		[1] 238
418		306
418		405
418		417
418		441
418		206
418		[1] 238
418		275
418		439
418		482
418		1093
418		560
418		549
418		847
418		849
418		873
418		1093
418		[1] 1250
418		1305
419		10
419		30
419		91
419		122
419		152
419		223
419		381
419		128
419		149
419		1309
419		384
419		572
419	(11 cases)	1211
419		1306
419		1310
419		1312
419		1325
420		322
420		371
420		[2] 379
420		454
420		485
420		508
420		527
420		552
420		[2] 690
420		696

[1] First case.
[2] Second case.
[3] Third case.
[4] Subsequently vacated.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MILLER. Mr. President, I commend the Senator from Arizona for adding some light to the record with respect to the pending nomination. I should also like to add a further note to what he said about some of these reversals.

It has been my observation that most of the opponents of the nomination have got into the numbers game on reversals without doing their homework—this is especially true of many law professors and lawyers—with respect to what went into the reversals.

For example, a good many of the reversals of Judge Carswell's decisions occurred because there had been a change in the ground rules. A district judge is supposed to follow the rules of his circuit. Judge Carswell did, and then, after he had decided the case, and pending its appeal before the fifth circuit, the fifth circuit changed the ground rules, either on their own initiative or as a result of Supreme Court decisions.

I find it very difficult to understand why there is such a lack of scholarship on the part of some of the opponents in pointing this out; because if the ground rules are changed, no one can blame Judge Carswell for that. In the printed hearings record, beginning on page 311, is an analysis of a good many of these reversals which points out what I have been stating.

I should also like to make a comment, with respect to Dean Pollak of the Yale Law School, that the dean undertook to come before the Committee on the Judiciary and express concern over the lack of scholarship of the nominee, when the dean himself displayed a terrible lack of scholarship in undertaking to say, with respect to Judge Carswell:

> With respect to Judge Carswell from what little I knew of him at hearsay and from the press, there was no such background of demonstrated achievement whatsoever.

It would seem to me that the dean himself was lacking in the very scholarship that he sought to criticize the nominee for not having.

Then further, the dean referred approvingly to some of his colleagues whom he knows well and for whom he has the highest regard, with respect to their detrimental testimony which he had read about in the press.

I find it very difficult to understand why Dean Pollak would overlook completely the testimony before the Committee on the Judiciary, based upon knowing the nominee well, by a 34-year professor at Yale Law School, the Sterling professor of law—the highest honor that any member of the faculty at Yale can attain—Professor Moore, a recognized authority on Federal practice, who gave very favorable testimony in support of Judge Carswell.

I think that the Senator from Arizona did a service to the Senate by pointing out some of these deficiencies, and I must say, as a lawyer, that I am very disappointed that some members of my profession have seen fit to indulge in what is known as "trial by press", instead of undertaking the scholarship and the research for which our profession is supposed to be noted.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. GOLDWATER. Mr. President, I ask for 1 additional minute to respond to the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, as I pointed out, I am not a lawyer, but as I have listened to the debate, and have kept reading the testimony and the debate in the record, I have found it hard to believe that a judge could handle so few cases, when friends of mine on the appellate courts and other courts of this country are swamped. Backlogs of cases in the courts of my own State sometimes run from 1,800 to 2,000.

So I made inquiry, and found out that the total number of cases we are talking about is 4,500. But we have not heard that figure mentioned here.

I think the opponents of Judge Carswell have demonstrated very poor research capability, because it took my staff only one night of research in the Library of Congress to find out the materials I have put into the RECORD today.

I hope my fellow Senators will read it, so that they can begin to understand that the combined weight of dishonesty of the New York Times and the Washington Post has had a more pervasive effect here than has good judgment.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-238)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

I have the honor to transmit herewith the Civil Service Commission annual report for Fiscal Year 1969. This report, which is made pursuant to 5 U.S.C. 1308, discusses the achievements of the Commission which have been designed to improve and upgrade Federal personnel management. I believe that these efforts have made a significant contribution toward enhancing the effectiveness and efficiency of the Federal Government.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1970.*

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may speak for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REAL ISSUE OF THE CARSWELL NOMINATION

Mr. BYRD of West Virginia. Mr. President, much has been made in the recent debates over Judge Carswell's confirmation about the disposition of his decisions when they were appealed to the court of appeals for the fifth circuit. Emphasis has been focused on his reversals in the area of civil rights.

Let us examine the true facts of these issues. In my judgment, the facts show that Judge Carswell has a commendable record in these cases.

In the first place, the statistics which the opponents of this nomination rely upon are very misleading. On March 10, the Ripon Society and a group of Columbia University law students stated that Judge Carswell's reversal rate was 58.8 percent while the average reversal rate of district judges within the fifth circuit was 24 percent. Thus it was made to appear that Judge Carswell's reversal was 34 percentage points worse than average, and 2½ times as great as the average rate. Some of the supporters of the nomination criticized the study as being based on an entirely insufficient sampling of decisions.

On March 25 the Ripon Society came up with an entirely new set of figures which document in detail the previous criticism made of these statistics. Judge Carswell's reversal rate is now conceded to be not 58 percent but 40 percent, while the average reversal rate for district judges in the fifth circuit is now conceded to be not 24 percent, but 30 percent. Thus Judge Carswell's reversal rate is no longer 34 percentage points above average but only 10, and his rate of reversals is only 1⅓ times as great as the average rate.

The Ripon Society and other opponents of the nomination are noticeably silent as to just what use should be made of these reversal statistics, or what they concede would be a satisfactory rate of reversal to entitle one to ascend the Supreme bench. It is interesting to note that Judge Frank M. Johnson, of the district court in Alabama, who the National Leadership Conference on Civil Rights has described as one who would be "a heroic addition to the Supreme Court" has a reversal rate which, like Judge Carswell's, falls above the median. His reversal rate was 32.6 percent, while Judge Carswell's was 40.2 percent, according to the Ripon Society's statistics. Yet according to Joseph Rauh, the former is "a wonderful Southern judge who would be an heroic addition to the Supreme Court," while Judge Carswell is mediocre.

The question underlying all of these statistics, of course, is just what these reversal rates are useful for in evaluating a judge's performance. Certainly if a trial judge is simply unable to apply appellate court precedents in deciding cases which come before him, his judicial competence may fairly be questioned. But in order to make this determination, one would have to know the nature of each case coming before him, and the basis for reversal upon appeal.

For example, in the trial of Federal criminal cases, with respect to which the substantive law is seldom in dispute, the evidentiary rules are well settled, and the trials may fairly be described as routine from a legal point of view, it can be fairly said that the trial court rulings are generally governed by appellate precedent. In this area, however, it has been conceded by the Washington Post that Judge Carswell's reversal rate is less than the average for the other judges of the fifth circuit. As a matter of fact, of the 44 appeals taken from criminal trials conducted by him, the fifth circuit affirmed 36 cases and reversed eight cases. This is an affirmance record of 82 percent, which is good by any standard.

Many civil cases, on the other hand, involve novel points of law which are not squarely controlled by an appellate precedent. In our judicial system, the appellate court has the final say on such matters, but it cannot be said as a matter of abstract reasoning that a district court is invariably wrong when reversed by the court of appeals if the court of appeals is itself making new law in reversing the district court. For example, a liberally inclined court of appeals may be inclined to frequently reverse a conservative trial judge, not because the latter refuses to apply the precedents decided by the former, but because on a novel point of law the approach of one court will differ from that of the other.

As to Judge Carswell's record of reversals in civil rights cases, one of the leading opponents of this nomination, Mr. Joseph L. Rauh, stated to the Judiciary Committee that Judge Carswell had been reversed by the fifth circuit court of appeals in eight such cases. He neglected to tell the committee that four of Judge Carswell's civil rights decisions were affirmed on appeal. These four affirmances are:

Knowles v. *Board of Public Instruction of Leon County*, affirmed, 405 F. 2d 1206 (1969);

Presley v. *City of Monticello*, affirmed, 395 F. 2d 675 (1968);

Ball v. *Yarborough*, affirmed 281 F. 2d 789 (1960);

Steele v. *Taft*, affirmed in effect by *Palmer* v. *Thompson* No. 23841 (October 1969).

In determining the true facts as to the reversals in civil rights cases, we should bear in mind that this area of the law has undergone rapid and drastic change in the last 15 years. The fifth circuit court of appeals has been in the vanguard of this change. It has been acknowledged by most observers that the court has been very "liberal" on civil rights matters, and on many occasions has gone much further than even the Supreme Court in the field of civil rights.

Judge Carswell's record shows that he is a strict constructionist, so it is not at all surprising to find that he has been reversed at times by an extremely activist circuit court of appeals.

As a matter of fact, we could not consider Judge Carswell to be a strict constructionist if he had not at times been reversed by the activist circuit court of appeals.

In at least one instance the circuit court of appeals got so far ahead of the Supreme Court that the Supreme Court was compelled to reverse the circuit court of appeals. This was true in the case of *Wechsler* v. *County of Gadsden*, 351 F. 2d 311, which case has formed the basis of much of the criticism against Judge Carswell. The Wechsler case involved an interpretation of the criminal removal statute.

One of the opponents of this nomination has stated on the floor that Judge Carswell's decision in Wechsler to remand the criminal case back to the Florida court from which it was removed was contrary to the then-existing case law. This is incorrect. Judge Carswell's decision was based on existing Supreme Court decisions which gave the removal statute a very restrictive interpretation. After his decision in Wechsler, but before its appeal was heard by the fifth circuit, the Fifth Circuit Court of Appeals decided the cases of *Rachel* v. *Georgia*, 342 F. 2d 336 and *Peacock* v. *Greenwood*, 47 F. 2d 679. These fifth circuit decisions represented a sharp departure from a long line of Supreme Court decisions culminating with *Kentucky* v. *Powers*, 201 U.S. 1.

It was the fifth circuit, not Judge Carswell, who departed from the law.

When the cases were appealed to the Supreme Court, the High Court reversed the circuit court of appeals and reaffirmed its prior holdings. Thus, Judge Carswell's position in Wechsler was completely vindicated.

Similarly, we find that three other reversals of Judge Carswell's decisions cited by Mr. Rauh and other opponents of the nomination were clearly the result of supervening changes in the law.

In *Steele* v. *Board of Public Instruction of Leon County*, 371 F.2d 395 (1967), the fifth circuit held that the desegregation plan adopted by Judge Carswell in 1963 failed in a number of respects to meet the standards laid down by the fifth circuit in December 1966 in the case of *United States* v. *Jefferson County Board of Education*, 372 F.2d 836. The Jefferson Opinion of the circuit court of appeals represented a significant expansion in the area of school desegregation law. Surely, it would not be fair to have expected Judge Carswell to anticipate such a far-reaching change in the law. I referred to the impact of the Jefferson decision in my speech on February 9, 1970, which dealt with the history of litigation pertaining to school desegregation.

Two of the other cases in the area of civil rights in which Judge Carswell was reversed by the fifth circuit are *Youngblood* v. *Board of Public Instruction of Bay County*, No. 27863; *Wright* v. *Board of Public Instruction of Alacuha* County, No. 27983 (Dec. 1, 1969). Mr. Rauh attached a great deal of significance to these two reversals. He failed to tell the committee that the entire fifth circuit, including Judge Carswell, sat en banc to consider 13 different school cases, including the Youngblood and Wright cases. All of these cases were reversed and remanded for reconsideration in light of the intervening decision of the Supreme Court in *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19.

Judge Carswell did not participate on the court of appeals in the two cases which he had decided as a district judge, but he joined with the rest of the fifth circuit in reversing the other 11 decisions. It may be technically correct to say that these two decisions of Judge Carswell were reversed on appeal, but that fact standing alone is misleading because it intimates that Judge Carswell was out of step with the fifth circuit.

I am convinced that a survey of Judge Carswell's overall record in the field of civil rights shows that he is a strict constructionist and a fair-minded judge.

In connection with the usefulness of reversal statistics, it is worth bearing in mind a statement by Justice Jackson in a concurring opinion in the case of *Brown* v. *Allen*, 344 U.S. 443 (1953):

> Whenever decisions of one court are reviewed by another, a percentage of them are reversed. That reflects a difference in outlook normally found between personnel comprising different courts. However, reversal by a higher court is not proof that justice is thereby better done. There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals of State courts would also be reversed. *We are not final because we are infallible, but we are infallible only because we are final.* 344 U.S. at 540 (emphasis supplied).

I strongly believe that the number and rate of the reversals of Judge Carswell's decisions afford absolutely no basis for voting against the confirmation of his nomination. If his decisions were in conformity with those of a very liberal court of appeals, he would not meet the criterion of strict constructionist, and any attempt by the President to restore a balance to the Supreme Court by appointing him to that court would then be a futile gesture.

In other words, Mr. President, if Mr. Nixon hopes to restructure the Supreme Court and reverse its activist course, he will, of necessity, be forced to nominate persons to that Court whose judicial philosophy is more conservative than that which has been reflected in so many of the decisions handed down by the Warren Court and which have been so detrimental to the welfare of the Nation.

Mr. President, from the outset much of the opposition to the nomination of Judge Carswell as Associate Justice of the Supreme Court has refused to meet the real issues head on. Much of the opposition has sought to conceal the basic motives and objections involved in this nomination with diversions intended to confuse and becloud the issue.

Mr. President, let us face the real issue involved head on. In the words of L. Q. C. Lamar, let us "lay aside the concealments which serve only to perpetuate misunderstanding and distrust."

What is the gut issue involved in the consideration of this nomination?

Plainly stated, we have on one hand the President of the United States who pledged to the American people that he would seek to restore a balanced view to the Court through the appointment of strict constructionists who have demonstrated their capacity for judicial self-restraint. On the other hand there are those who are zealously determined that he will not fulfill that pledge. Since they no longer dictate the President's choice they now seek to use the Senate to frustrate the will of the President and the people.

Many of those who oppose the nomination of Judge Harrold Carswell to be Associate Justice of the U.S. Supreme Court are practical men who have studied the Supreme Court reports just as I have.

They oppose him not really upon the basis of the flimsy criticism stated in the hostile press but in fact because this particular seat has a special significance and because they feel that the man selected to replace Justice Fortas is of special importance. In this they are right but they are right for the wrong reasons.

It is not because this seat was held by Justice Holmes, Cardozo, and Frankfurter that it is of special significance.

Nor is it because, as we were told during the Haynsworth nomination, that the kind of man selected to fill this seat is of special importance because Justice Fortas was forced to resign under questionable circumstances.

The importance and significance of

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this seat lies in the fact that the man who last held it consistently cast a crucial and often pivotal vote in a long series of controversial, closely divided 5 to 4 and 6 to 3 decisions including but not limited to those which expanded the rights of criminal suspects, criminal defendants and convicted felons; which secured the right of members of the Communist Party to teach in our public schools and to work in our defense plants; which tied the hands of our police and prosecutors in protecting our families and children from this plague of filthy pornography; and which undermined our rights of private property and the authority of our State and local governments to deal effectively with the problems confronting them today.

The question then arises, why is the opposition reluctant to openly and frankly state these reasons? The answer is that the political realities of our times preclude them from doing so because these decisions which they are determined to maintain and expand are highly unpopular with a majority of the American people, even though popular and vigorously supported by some of the organized and highly vocal pressure groups.

In an article appearing in the September 7, 1969 magazine section of the New York Times entitled, "The Warren Court Is Not Likely to be Overruled," the author, Joseph W. Bishop, Jr., hit the issue dead center. Mr. Bishop tells us in one revealing sentence why the opponents of the Carswell nomination will not come out in the open and take a stand on the real issues that concern them. As stated by Mr. Bishop:

> Few people today would want to kill *Brown*, *Baker* or *Gideon*, and in any event these cases have largely done their work. The vulnerable decisions are *Miranda* and the related cases on police interrogation, which are also the most unpopular among rank-and-file voters.

Mr. Bishop is absolutely correct. The vulnerable decisions of the Warren Court which Judge Carswell's opponents are digging into to defend are "most unpopular among rank-and-file voters," and therein lies the heart of the matter.

Mr. Bishop proceeds to tell us what kind of Court Judge Carswell's opponents are desperately trying to head off. I read as follows:

> I do not think that even a Court with a law-and-order majority would overrule *Miranda*. There are, however, several ways in which it could narrowly circumscribe whatever effect the case might have if left in full vigor. It could, for instance take a very strict view of what constitutes police "custody" and a very liberal view of what constitutes "waiver" by a suspect of his right to counsel. Congress has tried to dilute the *Miranda* rule by providing in the Crime Control and Safe Streets Act of 1968 that voluntary confessions shall be admissible in Federal trials and that a confession may be found voluntary despite the failure of the police to inform the suspect of his rights to remain silent and talk to a lawyer. By the same token, the provision of that act which requires the admission of eyewitness testimony seems to be intended to kill *United States* v. *Wade*, which extended the *Miranda* rule by holding that evidence of indentification in a police lineup could be barred unless the suspect was represented by counsel. A Court so minded could retreat from *Miranda*, without actually overruling it, by holding (wrongly, in my opinion, but not altogether implausibly) that legislative approval and authorization (though unaccompanied by any legislative effort to insure that a suspect's constitutional rights are observed) confer on police practice a sufficient aura of legitimacy to make constitutional the admission of evidence so obtained. These provisions of the Crime Control Act apply only to Federal trials, but many state legislatures would not be hesitate about copying Congress.
>
> At any rate, it is safe to predict that such a Court would not be quick to invent new protections for criminals, rich or poor. The right to a free lawyer would not be extended to persons accused of misdemeanor (though conviction of some misdemeanors can have serious consequences). When confronted with the argument that the death penalty, having become unusual, has thus become cruel as well, and so forbidden by the Eighth Amendment, a majority of such a Court might be swayed by the old-fashioned, perhaps reprehensible, but undoubtedly popular notion that in some criminals hanging effects a salutary improvement and ought to be more usual than it is—an attitude summed up in the well-known observations of a Scotch judge that the defendant "would be none the worse for a hanging."
>
> Such a cautious Court would not borrow trouble. It would not for example, go so far out of its way to kick Congress in the pants as did the Warren Court in the case of Adam Clayton Powell. (The Court was probably right in holding that the Constitution did not permit Congress to exclude—as distinct from expel—an elected representative who met its explicit requirements that he be 25 years of age, a citizen of the United States for seven years, and an inhabitant of the state in which he was elected; but the practical effect of that decision, like the Court's reason for making it, remains somewhat obscure). It may likewise be surmised that such a Court would not be eager to wade deeper into the slought of obscenity; the lower courts would be left to make what they can of the existing ground rules.

Having read Mr. Bishop's analysis of the kind of Court we might expect with the addition of another moderate Justice, it is easy to see that the American people would applaud such a Court. And this is the frustrating problem which confronts Judge Carswell's opponents. It is difficult to prevent a President from following a popular course in a political forum.

Mr. President, Alan L. Otten, writing in the Wall Street Journal of March 18, 1970, put his finger on the raw nerve center of the true issue of this nomination. Some of the most pertinent comments of Mr. Otten on this nomination are:

> The liberal forces in the Senate, and their allies outside, desperately want to block the Nixon Administration's obvious intention to name as Justices, one after another, men almost sure to turn the High Court sharply away from the liberal expansionist policies laid down over the past 17 years by the Warren Court.

Mr. Otten then referred to a telegram I sent the President in which I complimented him for his efforts to restructure the Supreme Court along strict constructionist lines. Mr. Otten continues as follows:

> Yet the Haynsworth-Carswell foes rarely come right out and argue the reverse side of this broader issue. Perhaps they sense a rightward drift in the country that makes voters not too receptive to a plea for continuation of the Warren Court. Indeed, they usually proclaim that Mr. Nixon, as the winner of the 1968 election, is entitled to broad leeway in picking Justices more in tune with his own philosophy. They do, however, take out a magnifying glass to examine the record for blemishes that might help them block his nominees.
>
> Several circumstances give the liberals' court fight right now an almost desperate quality. They have lost the White House, perhaps for considerably longer than just four years. The House of Representatives has been trending conservative for several years, and if GOP gains don't come this fall, they are extremely likely in 1972, when most States will have new Congressional districts in line with 1970 census results. And with a critically high number of Northern Democratic Senators up this November, the Senate, a liberal bastion since 1958, could also swing to the right.
>
> So the liberals know exactly why they are fighting so hard. The reason just doesn't happen to be the one they usually give in public.

These perceptive news articles state the issues that go to the central struggle of this nomination. I hope that the Senate will confirm the nomination of Judge Carswell and help guide the Supreme Court on the right course for the future good of the Nation.

I realize and recognize that there are some Senators whose opposition to this nomination sincerely motivated by the arguments publicly advanced. Others are frank to admit that their opposition is based on judicial philosophy. In any event, there is ample reason to believe that the real motivating force behind the unremitting propaganda campaign that has been waged against this nominee is the desperate fear that confirmation of Judge Carswell will signal a new direction of the Supreme Court toward moderation and judicial self-restraint.

On this great issue, I support the nomination.

Mr. President, Richard Wilson, writing in the Washington Star of April 3, 1970, states the real issue involved in this nomination.

Mr. Wilson's column was titled "Carswell Competence Not the Issue." I quote the following extracts from that column:

> As the case against Judge Haynsworth was thin, so is it also against Judge Carswell. The issue has become President Nixon's judgment in his continuing effort to create a new majority on the Supreme Court which will concern itself more with strict constitutional interpretation than with creating new law and curing social ills.
>
> This is somewhat obscured by the way senators are lining up along partisan lines on Judge Carswell's nomination as a Supreme Court justice. But fundamentally the question is there and it is a valid test of national policy, and the President's prerogatives and prestige.
>
> If confirmed Judge Carswell will go on the Supreme bench to take part in crucial civil rights decisions, the nature of which has been defined in advance by Chief Justice Warren Burger. Judge Carswell is no less qualified to consider these questions than perhaps a dozen justices who have been appointed to the court in the past 37 years within one man's observation.
>
> The President's purpose happened at the moment to have its chief focus on civil rights and especially school desegregation. Does the Constitution require any particular mix of the races in the schools by busing or the delineation of school districts? This question is vital and goes to the heart of

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> Nixon's racial doctrine on individual freedom to choose and ability to choose racial associations.
>
> But the general question is much broader than that and ranges into the sanctity of law generally, protests, and riots, the rights of the accused, law and order, and a narrower and stricter construction of constitutional rights.
>
> With Carswell confirmed or not, there is no indication that President Nixon will be diverted from his determination to remake the Supreme Court on lines of stricter constructionism and he will have ample opportunity to do so. * * * Nixon may have two or three more vacancies to fill before the end of his first term in addition to the vacancy to which Carswell was nominated.

Mr. President, Mr. Nixon has indicated his belief in strict interpretation of the Supreme Court's functions and that a court is needed which looks upon its chief function as being that of interpretation rather than that of blazing pioneer paths into new areas that are really the prerogative of Congress. Mr. Nixon has stated that, this being his strict interpretation of the Supreme Court role, he would appoint men to that court of similar philosophical persuasion. Hence, as Mr. Wilson's column points out:

> If, in his future appointments, Nixon finds men who are of his philosophical persuasion he can expect that the opposition will slowly mount until some weakness, or imagined weakness, in his nominee is exposed. * * *
>
> The struggle over Nixon's attempt to create a new Supreme Court majority is therefore likely to continue post-Carswell. The President's salvation may be that the country will sicken of continuing obstruction of his nominees as an invasion of his responsibility to appoint Supreme Court justices.

Mr. President, the majority of the American people will not be fooled by flimsy allegations concerning mediocrity. They know what the real gut issue is: A moving away from the activism of the Warren court and a return to judicial reasoning based on strict construction of the Constitution and the laws.

THE RULE OF GERMANENESS—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, at the request of the majority leader, I ask unanimous consent that, for the remainder of the second session of the 91st Congress, the Pastore rule of germaneness of debate shall not begin to run until the conclusion of routine morning business, unless a bill or resolution is considered before the conclusion of routine morning business and is discussed for more than 15 minutes or until the unfinished business is laid before the Senate, whichever comes later.

Mr. MILLER. Mr. President, reserving the right to object, I would appreciate it if the Senator from West Virginia would withdraw this unanimous-consent request. I understand that there is a desire on the part of the minority leader to discuss this matter with other Members on this side of the aisle. I might say that I personally have no objection to it, but I do think that we can work this thing out, so that if the Senator would be good enough to withhold it until some time later this afternoon, I would certainly appreciate it.

Mr. BYRD of West Virginia. I think the Senator makes a reasonable request, and I withdraw the unanimous-consent request at this time.

The PRESIDING OFFICER. The request is withdrawn.

Is there further morning business?

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

Mr. BYRD of Virginia. Mr. President, this morning, my heart was torn by a visit to my office of the wives of two prisoners of war in North Vietnam. The husband of one was shot down and captured over North Vietnam in July of 1965. That was almost 5 years ago. The wife has seven children.

I was very much impressed with the courage of both of these wives. I was impressed with the fact that these and other prisoner of war wives know not where to turn to try to be helpful to their husbands.

Nevertheless, they are determined that they will do everything they possibly can to help them.

Many of these wives do not even know whether their husbands are alive or dead, so inhumane has been the Hanoi government.

One of the two courageous women who came to see me today has been more fortunate than others, in that she has heard at infrequent intervals from her husband, usually only a few lines at a time.

In thinking about this prisoner of war problem, and talking with their wives who have come to see me, it seems apparent that the only way help can be obtained for our captured men is continuously to focus attention on the problem.

I learned this morning from the two wives who came to see me that they and others with whom they have been associated feel that progress has been made in the past six months, because at least the Hanoi government has begun to release some of the names of the prisoners of war, and they have been able to receive a little more mail than before.

This is certainly a very tragic problem which faces our Nation today.

As to just what the State Department is doing in this regard, I am not certain. I feel that it is important the State Department put all pressure possible on friendly governments so that they, in turn, will bring pressure upon Hanoi.

This country has a deep obligation to these men, many of whom were drafted and sent all the way across the world, and then in fighting for their country, they were captured.

Whether the State Department is taking all the steps available to it, I am not sure. I feel some concern as to whether they are doing so, because I have seen how they handled the problem of trying to keep friendly ships out of Haiphong.

During 1969, 99 ships flying the flag of free world nations have been carrying cargo to the nation with which the United States is at war. These are free world ships.

One of these countries, Somali, has actually been receiving $35 million in aid from the United States at a time when 20 of its ships were carrying cargo to the enemy.

Let me point out this morning, as I did last Friday, that this is in direct contradiction to the mandate of Congress, and in direct contradiction to the amendment adopted to the foreign aid bill proposed by the Senator from Colorado (Mr. DOMINICK), and myself, going back 4 years.

I appeal to the State Department to take another look at this tragic prisoner of war problem, to consider the terrible plight of our prisoners of war, and to do whatever is necessary—and with vigor—to put pressure on those nations who are receiving or have received aid from us, to join in solving the problem.

I think it is time that these friendly countries come to our aid. A worldwide and concerted effort should be made to get the Hanoi government to come to its senses in regard to the American prisoners of war they are holding.

And where is the United Nations? Why has it not interceded in behalf of the prisoners?

Mr. President, my heart goes out to the 1,400 wives of prisoners of war who, along with their children and their families, are going through this terrible ordeal because the Hanoi government refuses to pay any attention to the normal rules of warfare affecting prisoners of war.

I concur in the views expressed by the wives, that if there is to be any alleviation of this tragic problem, we in Congress and in the Government must continue to focus attention on the problem and the plight of our prisoners of war.

Mr. President, I ask unanimous consent to have printed in the RECORD an article printed in the Virginian Pilot, of Friday, March 6, 1970, as written by Lawrence Maddry on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(By Lawrence Maddry)

The message is only two paragraphs long, but it could relieve a lot of suffering. The 26 families of Tidewater servicemen who are prisoners of war or missing in action in Vietnam want you to send it. It's aimed at the government of North Vietnam.

It goes like this:

Mr. ROSS PEROT,
WAVY-TV,
Portsmouth, Va.

DEAR MR. PEROT: I want to express concern for the American servicemen who are prisoners of war and missing in action in Southeast Asia. The people of this nation are shocked by the treatment they are receiving and support the actions you are taking in their behalf.

The government of North Vietnam must be made to realize that on the prisoner issue we Americans stand united. These men have suffered terribly, and their release is long overdue. I will do all I can to help you in your efforts to help them.

If you believe in the sentiment expressed in that letter, you sign it with your name.

If you don't, maybe we can help.

On Sept. 17, 1969, Navy Lt. Robert Frishman of Long Beach, Calif., one of the few U.S. servicemen released from captivity by the Vietcong, held a press conference at Bethesda Naval Hospital.

He was asked if American POWs are re-

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ceiving humane treatment. His answer was very angry.

"Are rebreaking broken bones in solitary confinement humane? Is sitting on a hot stool in a hot stuffy room with no sleep and mosquitoes biting you until they make their lousy statements humane? I know what it's like."

He told it as it was. Forced statements . . . prisoners living in a cage for years . . . being put in straps . . . removal of finger nails . . . being strung from a ceiling.

Forget the hawks and doves. What is being sought for the 1,400 Americans in the hands of the North Vietnamese is freedom, of course, but first something more basic the decency which separates men from animals.

The 26 families here would like to hear the air ring with "Peace for the Fourteen-Hundred" the way it did in Washington when a half a million people crowded into the mall with shouts of "Peace Now."

If you think the war is a national disgrace, write the letter anyway.

The Vietcong are not living up to the terms of the Geneva Convention of 1949 which North Vietnam signed in 1957. If they were they would:

Identify prisoners they hold.

Release the sick and injured.

Permit impartial inspections of prisoners of war facilities.

Permit the free exchange of mail.

We talked about that letter printed above with a couple of wives who think the letter is their last hope for getting their husbands home.

One is Mrs. Eugene McDaniel, of Woodhouse Road, Virginia Beach, the wife of Cmdr. Eugene B. McDaniel, a pilot. She knows only that her husband was shot down over Vietnam in May 1967. He radioed that he was in enemy territory. He hasn't been heard from since. Mrs. McDaniel would like to know whether her husband is dead or alive.

The McDaniels have three children, ages 12, 10, and 7, Leslie, 7, barely remembers her father. So mom keeps showing her dad's picture.

"We feel that if people will write letters it could influence their release," Mrs. McDaniel said. "Even Hanoi has to listen to public opinion."

Another is Mrs. Thomas E. Scheurich of Seven Points, Virginia Beach. Her husband, Cmdr. Scheurich, has been missing in action for two years.

The Scheurichs have four children. "The North Vietnamese haven't given us any information whatever," she said.

Mrs. Jeremiah Denton of Watergate Lane, Virginia Beach, is one of the lucky ones. She hears from her husband six lines at a time in letters or postcards.

Her husband, Capt. Denton, has been a prisoner since July 1965. The letters she gets are in shaky handwriting, and she doesn't really know her husband's condition. The messages from him say simple but touching things like: "My loving family. I'm with you in spirit."

The Dentons have seven children.

She said her daughter has, at times, gone up to strangers in uniform and asked "Are you my daddy?"

Mrs. Denton said that American attempts to make prisoner releases an issue in the Paris peace talks have been rejected by the Vietcong and that public opinion is the only way to effect their release.

The letter-writing campaign has been spearheaded by billionaire Ross Perot, who was turned down by Hanoi when he tried to fly planeloads of Christmas packages to the prisoners. They were given to North Vietnamese prisoners in South Vietnam instead. "We hoped it would lead to better treatment of our prisoners in the North," Perot said.

Mrs. Denton thinks the campaign is making progress. "Before Christmas only 100 of the 1,400 families in this country had heard from their relatives in North Vietnam," she said. "Now 150 have heard."

A recent delegation to Hanoi informed POW wives that the North Vietnamese would now allow a package every other month to get through to the prisoners.

The packages have to be no more than 6½ pounds each. The wives send vitamins, food, chewing gum, toothpaste, gloves, even candy.

The wives study the lists carefully to get as much as possible into the small packages. "I even send honey candy because it's more nutritious," Mrs. Denton said. (She has seen a picture of her husband taken while a prisoner. He was very thin with dark circles beneath his eyes.)

"We like to think those packages are getting through, but we don't even know that," she said.

Mrs. Denton noted one of the ironies in the prisoner situation: the North Vietnamese won't allow their prisoners in South Vietnam to write their homeland.

"The North Vietnamese won't accept mail from their prisoners or accept a list of their men who are held captive. It's very discouraging," she said.

She's encouraged though, about responses to the appeals for letters.

The letters are being collected locally by WAVY-TV and will be held until this spring, when rallies urging release of the prisoners and better treatment for them will be held. Trucks will travel across the country picking up the mail.

The Junior Chamber of Commerce is helping organize the campaign. Other local TV stations—WTAR and WVEC—are also broadcasting public service appeals for letters.

"If there is great public support for our men in those prisons over there, the North Vietnamese can't ignore it. They just can't," Mrs. Denton said.

ADDITIONAL STATEMENTS OF SENATORS

FINE WORK OF SOIL CONSERVATION SERVICE

Mr. SCOTT. Mr. President, I wish to commend the fine work of the Soil Conservation Service, U.S. Department of Agriculture. Since 1937, the SCS has given technical assistance in soil and water conservation to landowners and operators in soil conservation districts. From the beginning, this assistance has included planning the use of land and water for fish and wildlife production, as well as for crops, livestock, and timber. More than a million farm ponds and lakes, and many other conservation practices that contribute to the interest and beauty of the rural landscape, already are being used by a growing number of farmers as a basis for income-producing recreation enterprises. The more than 3,000 soil conservation districts encompass 99 percent of the Nation's farms. In addition to existing soil conservation districts, the SCS gives administrative leadership for small watershed projects, resource conservation and development projects, and rural area development. The SCS provides technical information on the agricultural conservation program, the cropland adjustment program, and the Farmers Home Administration. More recently, the SCS has been active in cooperating with other Federal departments and with State and local agencies to evaluate recreational needs. The fine record of the SCS deserves the highest praise.

I have been pleased to work with the Soil Conservation Service to provide appropriations for its many vital programs. Last year and this year I made statements before the Agricultural Appropriations Subcommittee in support of the agricultural conservation program. This program, among other things, encourages soil management practices that keep down the amount of silt in our Nation's waterways. A high silt accumulation will shift the ecological balance of a waterway and seriously impair its use values.

Pennsylvania farmers and rural subdivisions have long been active in Soil Conservation Service activities. I ask unanimous consent that a summary of the SCS's 1969 activities be printed in the RECORD.

There being no objection the summary was ordered to be printed in the RECORD, as follows:

1969 SOIL CONSERVATION SERVICE ACTIVITIES IN THE STATE OF PENNSYLVANIA

LANDOWNERS

22,502 rural and urban landowners were given technical assistance with soil and water problems. The Service provided technical help in establishing 90 miles of diversions; 29,326 acres of strip cropping; 514 miles of tile drains; 7,841 acres of tree plantings; 1,022 water supply structures and other practices including waterways, wildlife habitats and woodland and grassland improvement.

COMMUNITIES

685 local units of government including township supervisors and planning commissions were given technical information in selecting and developing land for schools, parks, waste disposal and home sites.

The Service is working closely with a number of county planning commissions concerning soil erosion control, sediment control and water disposal in developing plans for residential, industrial and business locations.

IMPROVING THE QUALITY OF THE ENVIRONMENT

The Service's work in erosion control in the rural and urban areas is reducing water pollution and is improving our waterways for recreation, fishing and wildlife.

Through Public Law 566, the Service is helping rural and urban communities improve their water supply, create new recreation areas and develop flood prevention projects.

The Service is providing local units of government soils information useful in selecting sites for solid waste disposal and establishing land use and development regulations. The Service is also assisting the local people in revegetating critical silt producing areas such as strip mines, culm piles, roads and stream banks.

SOIL SURVEYS

The Service has soil surveyed 19 million acres of land in the state, with 1.3 million acres completed in 1969. Seventeen soil survey reports covering 18 counties and 24 interim reports, covering parts of 24 counties, have been published. The soil survey information is used as basic information in planning and developing land for parks, schools, sewage disposal systems, homes and industrial sites.

FLOOD PREVENTION AND WATER SUPPLY

The Service has received 50 applications covering 2.5 million acres of land from sponsors in 31 counties for Public Law 566 projects. To date, 23 watershed projects have been approved for construction. Of the 103 dams planned in these projects, 37 have been built and 7 are now under construction. In several of these watersheds, inadequate construction funds under Public Law 566 are delaying the installation of the dams. In several of the approved projects, the local people are experiencing some difficulties in securing the needed land rights.

In all of the watersheds, the land treatment program is moving ahead in a satisfactory manner. Erosion control measures including terracing, strip cropping, tree planting and improved grassland are reducing stream pollution and improving the economic use of the land.

SOIL AND WATER CONSERVATION DISTRICTS

The Service is providing Pennsylvania's 65 soil and water conservation districts and their rural and urban cooperators with technical assistance on soil and water problems. This year 24,329 landowners were given technical help in solving their soil and water problems. Thousands of landowners received technical help in applying the more difficult measures to land. These conservation measures are helping to improve the family farm, reduce stream siltation, increase wildlife habitat and conserve moisture.

CONSERVATION NEEDS INVENTORY

An inventory of the soil and water conservation needs was completed and a report was published this year. The inventory includes the conservation treatment needs for all the watersheds, cropland, pasture land, woodland and other lands in the county. It points out the need for accelerating the land treatment program in order to improve the natural resource base and continues to improve the quality of the environment.

SUSQUEHANNA RIVER BASIN

The Service had the leadership for the U.S. Department of Agriculture's studies in the Susquehanna River Basin. Studies were made to determine water supply needs for agricultural and rural communities; location of sites suitable for the construction of dams for watter supply, flood prevention, recreation and low-flow stream augmentation; agricultural production potential and trends; land treatment needs and the location of irrigable acres in the Basin.

Six public meetings were held in the Basin to explain the U.S. Department of Agriculture's studies to the public. The meetings were well attended by sportsmen, conservationists, public officials, state agencies and the general public.

RESOURCE CONSERVATION AND DEVELOPMENT PROJECTS

There are two Resource Conservation and Development projects authorized for operation in Pennsylvania. They are the Penn-Soil project covering Crawford, Erie, Mercer and Venango Counties and the Endless Mountains project covering Bradford, Sullivan, Susquehanna, Tioga and Wyoming Counties.

The following activities were completed in the Penn-Soil Resource Conservation and Development Project in Crawford, Erie, Mercer and Venango Counties: 300 acres of strip mine spoil were revegetated; two township parks and one county park were under construction; 26 miles of roadbank stabilization were planned; the architect's drawings were completed for the Penn-Soil Conservation Education Center; rural fire protection systems were developed for four townships; and Erie County was included in the project.

In the Endless Mountains project the sponsors are working with the local people in developing better housing and health facilities, roads, sewage and solid waste disposals and improved water supplies and flood prevention projects. The Service is also working closely with many local units of government in selecting land for parks, schools, homes, industrial sites and stabilizing roadbanks.

PROPOSAL TO LOWER VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, the New York Times of today contains an excellent letter by the senior Senator from Massachusetts (Mr. Kennedy) with respect to the proposal to lower the voting age to 18 by statute. It is a very scholarly answer to a letter by several professors from the Yale Law School seeking caution by Congress in venturing into this area by statute. I believe that Senator Kennedy's letter fully answers the concerns raised by these professors at the Yale Law School. The ultimate irony, I think, is brought out by Senator Kennedy in that letter where he speaks of the history of the Yale Law School as being the leading advocate and bastion of judicial activism in the Nation for the past generation. What the proposal to lower the voting age to 18 does is not to advocate congressional activism but for Congress to assume its full responsibility in implementing the Constitution and the necessary and proper clause of the 14th amendment.

I would hope that the professors of the Yale Law School would appreciate the constitutional responsibility of Congress as well as of the courts.

I ask unanimous consent that the letter as it appeared in the New York Times be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Kennedy Backs Statute for Lower Voting Age

To the Editor: A recent letter from six professors of the Yale Law School supports the Justice Department's constitutional objections to a statute lowering the voting age to 18. However, both the Department and the professors ignore the fact that the same bill also imposes a nationwide ban on state literacy tests, and reduces state residence requirements for voting. Surely if Congress has the power to act by statute to change voting qualifications in the areas of literacy and residence, then it also has the power to act by statute to change the voting age.

The professors propose to restrict the Supreme Court's holding in Katzenbach v. Morgan to cases involving discrimination against ethnic minorities. However, as the Court clearly stated in the Morgan case, Congress has broad power under Section 5 to weigh the facts and make its own determination of discrimination under the equal protection clause, whether the discrimination is based on race or any other ground.

So long as the Supreme Court can find a reasonable basis for Congress's determination, the Court will sustain it.

SENATE VOTE

Three weeks ago, by a vote of 64 to 17, the Senate made a clear finding that such discrimination does exist. The Senate held that laws setting the voting age at 21 unfairly discriminate against millions of 18, 19 and 20-year-old Americans who fight and die in Vietnam, who work, marry and pay taxes, and who are treated as adults by the criminal law, but who are denied the most basic right of all in our democratic society—the right to vote.

The Yale professors also assert that the long-ignored Section 2 of the Fourteenth Amendment is conclusive on the constitutional question. But Section 2 says only that if a state denies the vote to male citizens over 21, the state's representation in Congress must be reduced.

Section 2 says nothing of the broad power of Congress under Section 5 of the Amendment, or the broad power of the states under other provisions of the Constitution. In fact, the professors' argument on Section 2 proves too much. If Congress has no power to reduce the voting age, then it also follows that the states have no such power as well. Yet no one doubts the constitutionality of the actions by Georgia, Kentucky, Alaska and Hawaii in recent years to reduce the voting age below 21.

The power of Congress under the Morgan case to enforce the equal protection clause and to lower the voting age by statute is unequivocally supported by Paul Freund, the most renowned constitutional authority in the nation; by Archibald Cox, the former Solicitor General of the United States, and by many other constitutional experts.

I believe that Congress has not only the capacity to exercise this power wisely, but also the responsibility to do so.

By accepting this responsibility in the voting rights bill and other measures, Congress is making a basic contribution to representative government in our democracy.

In closing, it is worth noting the obvious irony in the Yale professors' position. For a generation, Yale Law School has been the leading bastion of judicial activism in the nation. Now it emerges as the advocate of Congressional restraint.

Edward M. Kennedy,
U.S. Senator.

SANTA MONICA EVENING OUTLOOK ENDORSES S. 3480

Mr. MURPHY. Mr. President, the Santa Monica Evening Outlook of March 9 contains an excellent editorial endorsing S. 3480, the Comprehensive Head Start and Child Development Act of 1970, introduced on February 19, 1970, which I coauthored.

Mr. President, I ask unanimous consent that the editorial, entitled, "Working Mothers and Their Tots," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Working Mothers and Their Tots

According to an October 1969 estimate, one-third of the women in the United States are now employed outside the home, and the children of working mothers number over 12 million. Approximately 3 million of these children are between the ages of 1 and 5 and come from low income families. It follows that child care and child development facilities are a very important sector of the welfare system and must be considered in the major overhaul of that system to which President Nixon would give high priority.

The many existing programs which provide child care and development services for under privileged children need to be combined and extended to include children of working mothers not on relief. They include the Head Start program, the pre-school segments of the Elementary and Secondary Education Act; day care programs for children of migrant workers and for AFDC-H children, and several others. Accordingly, Sen. George Murphy of California has co-authored with Sen. Prouty of Vermont, a bill titled the "Comprehensive Head Start and Child Development Act of 1970," that will coordinate and improve all these programs.

Commenting on the "astronomical" cost of such programs productive of bureaucratic confusion, Sen. Murphy said: "It is clear that no one level of government or one sector

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of our economy can do the job alone. It must be a joint effort involving not only federal, state and local governments, but also the private sector, including profit-making organizations . . . this bill encourages private industry to become participants in the area of child development. At present such organizations (private schools) provide more than half of the pre-school and day care services available, and they are able to do it in areas where government services are not available and give services of equal or better quality at equal or lower cost than public programs. It obviously makes sense to use this tremendous potential."

The act also provides for evaluation of present programs and future needs, and for training of professional or paraprofessional personnel. It should need no larger funds than are presently being spent on child care and development programs. Sen. Murphy estimates the cost at $123 million for fiscal year 1971 and $125 million for fiscal 1972.

Disadvantaged children will be given priority, but the involvement of private enterprise will make such services available to children other than from low income families. Thus it is designed to help 12 million children of working mothers and not only the 3 million of preschool age whose mothers are very poor.

Will the Democrats support this bill? It is hard to see on what grounds they can criticize it, for it aims to improve the child care services for disadvantaged children and ease the lot of mothers on welfare, so that a larger number of them will be able to seek gainful employment. We can see no reason to object to bringing private enterprise (private schools) into the plan, if these schools "give services of equal or better quality at equal or lower cost than public programs." To socialists that idea will probably be abhorrent, but let them answer the question why 9 million working mothers who are not on welfare should be deprived of the child care and development facilities given to 3 million disadvantaged children.

We think any bill which aims to help working mother should be judged to the total number of those it will help and also by the criterion of cost. By both standards this Murphy-Prouty bill seems an excellent measure.

OIL POLICY HURTS MIDWEST

Mr. MONDALE. Mr. President, there has been widespread criticism of President Nixon's recent order limiting imports of Canadian oil. This action was the subject of an editorial published in the St. Paul Pioneer Press on March 30, 1970. The Pioneer Press said that the President's "restrictive order will stimulate higher prices at a time when inflation control is needed. Southwest oil producers will be protected from competition at the expense of Midwest consumers."

The editorial also said that this "ill advised policy" is of "doubtful validity" because bringing in crude oil from Canada would not threaten our national security. I believe that the editorial effectively states the case for cancelling this unwise order, as a bipartisan group of 25 Senators from northern States has urged.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Oil Policy Hurts Midwest

A vigorous protest against President Nixon's order to reduce imports of low price crude oil from Canada has been made by a bipartisan group of 25 senators headed by Walter Mondale of Minnesota. Among them are both Majority Leader Mike Mansfield of Montana and Minority Leader Hugh Scott of Pennsylvania.

This restrictive order will deprive refiners and consumers in Minnesota and the Midwest generally of needed supplies of Canadian oil now coming in by pipeline. It will stimulate higher prices at a time when inflation control is needed. Southwest oil producers will be protected from competition at the expense of Midwest consumers.

Senators from the entire northern tier of states all the way from Montana to the Atlantic coast, plus others in the Midwest and East, joined in the protest. They urge the President to defer implementing his order limiting imports to 395,000 barrels a day and to direct the State Department "to enter into immediate negotiations with Canada looking toward the prompt establishment of a freer exchange of petroleum."

The objection to the Administration action should be heeded by the White House. The Midwest has been getting about 500,000 barrels of Canadian crude daily at prices 30 to 50 cents a barrel under what must be paid for oil from the Southwest. Canada wants to sell and the Midwest wants to buy. Washington should not discourage this natural commercial interchange. The United States oil industry already is over-protected by the government import quotas which prevent American consumers from buying cheap Middle East oil.

Another pertinent objection to the President's order raised by the senators regards his statutory authority for taking such action. Federal law gives the President power to restrict imports only when they "threaten to impair the national security." There has been absolutly no showing that bringing in crude oil from Canada is a threat to United States security—in fact the results point in exactly the opposite direction. Domestic reserves would be conserved. The restrictive order is therefore of doubtful validity.

The Administration has adopted an ill advised policy on Canadian oil which is unfair to Midwest Americans. It would be wise to accept the suggestion of the 25 senators, defer implementing the restrictive order and undertake instead to negotiate with Canada for "a freer exchange of petroleum."

EXPANSION OF DEFINITION OF ECOLOGY NEEDED

Mr. HART. Mr. President, the Progressive magazine devoted its entire April issue to the subject, "Crisis of Survival." Many leading public and private figures addressed various aspects of the struggle to improve the quality of the environment and of life.

In "The Plight of the Cities," Mayor John V. Lindsay points out that conservation includes human resources as well as natural resources. The environmental problem does not stop at the city's edge.

In the fervor of the environmental movement we must not lose sight of the need to expand the definition of ecology to encompass the manmade and natural worlds. The obligation for man is to enhance greatly the quality of both.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Plight of the Cities

(By John V. Lindsay)

The degradation of the environment is by now a familiar story: polluted air and water, a decaying physical plant, massive sanitation problems, sharp rises in congestion and noise that bring tension, lost efficiency, and incivility.

We are suffering from the mistakes of decades. Poor planning and runaway technology have bequeathed us staggering problems that until recently we have hardly seemed to notice. Marshall McLuhan writes: "If the temperature of the bathwater rises only one degree each half-hour, how will the bather know when to scream?" Urban pollution has accumulated just as imperceptibly for years, and only now is the scream being heard.

We now know that our cities have developed their own perverse ecology, each problem feeding another, often attracting "solutions" which merely shift the crisis from one area to another. The need now is to think in terms of total environment. No area of city government or industry can act any longer without regard for ecological consequences. Ecology cannot be thought of as a department of government or the job of a few, but as a web of values that permeates all urban thinking.

One point is clear: Technology produced the crisis and technology can end it—if we are thoughtful in using it and willing to pay the price. More expensive but less poisonous fuels are available, and more and more effective filters and gas traps are being developed. Techniques are known whereby garbage can be compressed or burned, with the recycling of potentially valuable waste into chemical by-products and building materials. We know how to package consumer goods in materials that save space and decay rapidly. Effective sewage techniques are old and familiar. All that is needed is the money and the will.

I do not mean that solutions will come quickly or easily, if only because of the enduring political habits of this nation. The cities have been shortchanged by the states and the Federal Government for so long that it would be surprising indeed if the same pattern does not evolve in the current environmental crusade. Already many are using the term "ecology" in its narrowest sense, as if the need to protect our resources is a kind of conservation that stops at city borders.

The city is the environment for a growing majority of our citizens. It would be as shortsighted to save the countryside at the expense of the city as it would be to allow ecology to grow into a middle-class whites-only movement. Lead poisoning, rats, the filth of the slums are just as much environmental problems as saving the redwoods and healing the scars of strip mining.

We owe a large debt to those individuals and groups, on campuses and around the country, whose missionary interest in ecology has now burst upon the national consciousness with the fervor of a crusade. But the sudden emergence of this issue may have raised some unreal expectations, the foremost being that ecology is somehow above politics, uniting Northerner and Southerner, Republican and Democrat, left and right. ("After all, no one is pro-pollution.")

After the political exhaustion of 1968, and the heavy drain of our war in Vietnam, the nation badly needs to feel a common sense of mission and unity. But ecology can hardly make our differences disappear. If, for instance, the left is given to believe that it must mute its peace activities for the sake of reclaiming the environment, if ecology is made to seem a cover for our differences rather than a coalition to solve one of them, then the movement is doomed to disillusion.

Where there are priorities there is politics, and the movement to reclaim our environment is no exception. That movement will require billions of dollars over a long haul, and that money will not be available until our expensive commitment in Southeast Asia comes to an end. Even then, extensive politicking will be necessary to sort out priorities of reclamation and to sustain the political pressure necessary for reform. In the cities, overlapping jurisdictions and the current complex relations with suburbs, some of them in adjoining states, assure us cleaning up the environment offers no vacation from politics.

In the cities, the first problem is one of morale. Many studies have indicated a pervasive feeling of hopelessness about the city, a sense that our urban centers are out of control. Littering and slovenly habits that degrade urban life are viewed as simple expressions of this attitude, and the first priority is to change it with concrete reforms, however small at first, that residents can appreciate.

City governments must lead, but the time is long past when solutions to complex problems could be imposed from the top. The aim should be rather to take advantage of the new awareness and encourage the formation of neighborhood or citizen groups which will fight for their own interests. Already in Brooklyn, neighborhood groups are organizing to boycott merchants who consistently befoul the sidewalk and streets. If this becomes a pattern, the apparent functional belief in the inevitability of dirty cities may be reversed.

Air and water are the most discussed environmental problems in the city, and in New York we believe we have made important strides in cutting down pollution. But the broadening of the environmental movement in the cities, and the involvement of those who live in them, will depend on new ideas and small programs. The banning of one-way bottles, for instance, may appear to be a small step, but it would eliminate much of the broken glass and daily waste in cities. Plastic garbage bags would eliminate noise, unnecessary steps for sanitation men, and avoid spillage at the truck. Large Sunday newspapers, much of their poundage unread, could be sold in sections, easing the Monday clean-up and saving untold numbers of trees that are now cut down to provide unread pages. Manufacturers of the ubiquitous beer can and the cellophane cigarette package, as well as many other packagers, may be persuaded to redesign their products.

With the aid of the Reynolds metal company, New York City is developing a program in which community organizations will return beverage cans for a half-cent per can bounty—a program which we expect to expand over the next five years to the point where twenty-five to fifty per cent of aluminum cans in the city will be reclaimed. Similarly, cities may consider paying a bounty on the abandoned cars which are beginning to engulf the urban scene.

Subways lines may be used for off-hour carting of refuse in special cars and many of the new lines can be planned to tie in with stores along the route so the transfer can take place beneath the streets.

Newly designed automobiles—smaller and electric—would save space and cut pollution. While we are waiting, a smaller, slower, low-compression taxicab would be a feasible advance.

New technology can help us cut down on urban noise—e.g., muted jackhammers and air-conditioners, more attention to quieter aircraft and subways. Honking of auto horns and the playing of radios and tape recorders in public can be prohibited.

Over the decades, each environmental disaster has zoomed to lead to another in an unforeseen but related area. But this interdependence works for the good as well. For instance, New York City may derive electric power as well as a new off-shore island or two from a new incinerating unit now being developed in cooperation with the Department of Health, Education and Welfare. This new unit, compact enough to be located in many neighborhoods of the city, thus reducing expensive hauling costs, shreds waste and burns it more efficiently in a fluidized bed furnace. The off-gases are cleaned by an electrostatic precipitator, and the heat can be used to generate about seventeen megawatts of electricity. It also produces an ash that is ideal fill material. We are currently studying the possibility of using it to build an island in the upper bay that might shield the lower Staten Island beaches from the polluted discharge of the Hudson and hasten the reopening of these beaches for swimming.

Another example of double benefit to the environment is Riverbank, a sewage plant New York is building on the bank of the Hudson to clean our share of that river's pollution. The roof of the low thirty-acre plant, built partly on the shore, partly out into the river, will be developed as a park for the nearby community. Additional acreage will extend the park from 125th Street to 155th Street. The plans, drawn up in consultation with community representatives, include an amphitheater, pools, community center, public dock and fishing pier, restaurant and shops, as well as playing fields for several sports.

Our cities are crowded, land is expensive and scarce. Multiple use of environmental protection facilities is likely to be necessary if the quality of life in our cities is to be improved.

As we go deeper into the problems and integrate the planning of all city agencies in the light of environmental problems, many new options will open up. In New York, for instance, it may well be that forty miles of efficient new subways will do more for our atmosphere than tinkering with the internal combustion engine. It is clear, at least, that the long range effort to protect the environment must include drastic changes in transportation, in housing, and in commercial activity.

We do not yet know whether a major shift in the economy and consumer habits will be necessary to make the cities what they can and should be. The planned obsolescence of goods which we seem to have adopted as a national policy runs counter to the needs of controlling our burgeoning output of refuse.

"Ours is an age," Lewis Mumford writes in *The City in History*, "in which the increasingly automatic processes of production and urban expansion have displaced the human goals they are supposed to serve. Quantitative production has become, for our mass minded contemporaries, the only imperative goal: They value quantification without qualification."

As the emphasis shifts from the quantity of goods to the quality of life, every aspect of the city's life will have to be looked at in a new light. Attitudes toward production, privacy, space, and civic responsibility—to ourselves and succeeding generations—will have to be rethought. We do not yet know where the quest for the quality of life will take us. All we know is that the trip will be long, difficult, and expensive.

MARY READ ROGERS, WOMAN OF ACHIEVEMENT

Mr. HANSEN. Mr. President, Wyoming people have always been proud of the accomplishments of women of our State. Their ability has been recognized for many years, and Wyoming was the first State to grant to women the right to vote. Even today, Wyoming still is known as the "Equality State."

Wyoming has had many outstanding women. We have had a woman Governor, and at present our second highest elected State office is held by Mrs. Thyra Thomson, the secretary of state.

Another outstanding woman, who has been recognized by the Wyoming Press Women, is Mrs. Mary Read Rogers, of Cheyenne. Mrs. Rogers this year received the Press Women's "Woman of Achievement Award." She was presented the Wyoming award at the 71st convention of the Wyoming Press Association in January.

Mrs. Rogers has been entered in the national competition for the 1970 "Woman of Achievement Award."

Mr. President, I ask unanimous consent that an article published in the March issue of Wyoming Press and a partial listing of some of the achievements of Mrs. Rogers, a woman whom we greatly admire, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wyoming Press, March 1970]

MARY R. ROGERS CANDIDATE FOR PRESS WOMEN'S AWARD

Wyoming Press Women's "Woman of Achievement" for 1970, Mary Read Rogers, coordinator of public relations and publications for the Wyoming State Library, Cheyenne has been entered in national competition for the 1970 "Woman of Achievement Award" of the National Federation of Press Women.

The award recipient will be announced at the national convention in June in New Orleans, Wanda Banta, woman of achievement committee chairman, WPW said.

Mrs. Rogers was presented with the state award at the 71st annual convention of the Wyoming Press Association in Casper Jan. 24.

Her final nomination for the national competition was made at the Cheyenne luncheon of the Wyoming Press Women at the Hitching Post Inn.

She was selected for her outstanding contributions in the field of writing, music, education and civic activities as well as library work.

WHY IS MARY READ ROGERS WPW'S 1970 "WOMAN OF ACHIEVEMENT?"

1970 Executive Director, National Library Week.

President, Wyoming Press Women, National Federation of Press Women.

Holds many state and national WPW writing awards, co-editor "Active Dames Kookbook."

Wyoming Federation of Music Clubs, past president.

Rocky Mountain District, NFMC's, past president.

National Federation of Music Clubs, past board member.

Wyoming Federation of Women's Clubs, past president.

Editor, "Wyoming Club Women."

Past member of Governor's Steering Committee on Educational Problems.

Past member, Wyoming State Board of Education.

National Association of State Boards of Education.

Vice President of Rocky Mountain Area, National Association of State Boards of Education.

Wyoming representative to White House Conference on Education.

Wyoming Parent-Teachers' Association, past president during 50's.

Editor, "Wyoming PTA News."

Member of Board, National Congress of Parents and Teachers.

Director of National PTA magazine and national chairman of publications during 50's.

Multiple service with:

Wyoming Library Association—Mountain Plains Library Association.

American Library Association—Public Relations Roundtable.

Public Relations Section—Public Relations Service to Libraries.

American Library Trustee Association—American Association of School Librarians.

Wyoming Association of School Librarians—Wyoming Instructional Media Association.

Wyoming Adult Education Council.

Wyoming Council for Economics Education; on advisory committeee to the President of the University of Wyoming.

President of Cheyenne Branch American Association of University Women.

Editor of Art Resources in Wyoming 1961.

Legislative Chairman for Wyoming Mental Health Association.

State Advisory Committee for Civil Defense.

Edited "Wyoming Women in Civil Defense."

Advisory Committee member for Region VII, Civil Defense.

Listings and Honors:

Cheyenne "Woman of the Year 1955"—Wyoming "WPW Woman of Achievement."

"Outstanding Civic Leaders of America"—"Who's Who of American Women."

"Who's Who in the West"—"Who's Who in Library Service."

"Dictionary of International Biography"—"Who's Who in National Federation of Music Clubs."

"Directory of American and British Journalists 1970."

Wife of State Senator Glenn K. Rogers, (D. Laramie).

Mother of one daughter, Mrs. Donald (Mary Lee) I. Meyer.

Graduate of Baker University.

Former Teacher.

Coordinator of Publications and Public Relations.

Editor of Wyoming Library Roundup and Outrider, Cheyenne, Wyoming.

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SHOPLIFTING AND THE BUSINESSMAN

Mr. BIBLE. Mr. President, the Senate Small Business Committee is presently conducting an investigation and hearings into the impact of crime on small business. One problem constantly plaguing merchants is that of the shoplifter, who, it is estimated, costs American businesses some $2 billion annually. These losses due to shoplifting are estimated to have increased more than 150 percent in the last 10 years.

The retail industry calls all of its thievery and losses, including shoplifting, by the uncriminal-like label of "shrinkage," with such losses increasing the price of retail goods to the consumer as much as 7 to 15 percent.

A timely and informative article on this subject, entitled "One in Ten Shoppers Is a Shoplifter," written by Mr. Peter Hellman, a contributing editor of the New York Times Magazine, appeared in that publication on March 15, 1970, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

One in Ten Shoppers Is a Shoplifter

(By Peter Hellman)

A professional team of shopper watchers recently kept an eye on about 500 persons, selected at random, who walked into a midtown Manhattan department store. The team reported that one of every 10 of the shoppers walked out again with merchandise she did not pay for. (Overwhelmingly, shoplifters are she's.)

There are store managers who brush aside this figure as too high to accept as a percentage of shoplifters among shoppers. Many detectives who walk the floors of big stores all day think the figure is too low. What both retailers, large and small, and store detectives agree on is that shoplifting is on the upswing across the nation. The F.B.I. concurs; its findings show that shoplifting increased more than 150 per cent since 1960—a rise greater than that of any other crime except purse-snatching. Retailers estimate that they will lose $2-billion to shoplifters this year, and that were it not for theft they could reduce prices across the board by 15 per cent.

Retailers are involved with more than high financial stakes in their fight against shoplifting. They are intimately involved with the social conditions around them—for minor criminals such as shoplifters seem to reflect more than major ones the stresses and malaise of the moment. Thus, merchants are dealing with the current wave of drug addicts who take up shoplifting to pay for their habit. And with the inflation-pinched housewife, the thrill-seeking officeworker, the undisciplined "daddy's little angel," the luxury-lovers and the socially embittered. In dealing with the light-fingered, who span all ages, retail merchants find themselves in the roles of policeman, prosecutor, psychologist, probation officer and victim.

Store security men classify shoplifters as amateurs, professionals and—yes, it is a separate pathetic category—drug addicts. To a man they claim never to have seen a so-called kleptomaniac and they say that the stories about rich wives whose compulsive filching is quietly kept track of and added to their husbands' monthly bills are myths.

The professional shoplifters work at grabbing goods which they will resell to a fence or directly to people on the street. Often they come into a store with specific orders to fill: one of *their* customers may want them to steal a size 42 long blue pinstripe suit, another may request a silver tea service in a particular pattern. Professionals get their jobs done speedily, most often carrying no bag of any kind. They prefer to maneuver stolen goods under a coat or skirt which may have clothes hooks or large pockets custom-sewn to the inside. The maxicoat is a blessing to professional shoplifters. Being stout helps, too—fat women who shoplift professionally can with practice become adept at a skill called "crotch-walking"; that is, they work merchandise up between their thighs (their general ampleness of figure hides the bulge) and then walk out with no apparent change in their normal step. Crotch-walkers have been caught taking many sorts of goods out of stores this way, including small television sets. Crotch-walked goods are retrieved by female detectives after all males have left the security office.

Amateur shoplifters are those legions of housewives, office-workers, teen-agers and subteens, foreign visitors and others who from time to time are moved to steal. Shoppers faced with long lines at the cash registers, for example, may become shoplifters at the moment they decide they will neither wait nor put back the merchandise. Or they may steal to square a grudge they have against a store because it did not make a return or adjustment to their satisfaction. Most adult amateurs can afford what they steal even at the time they do it; one man nabbed for lifting a pair of $7 gloves at a downtown store had $600 in his wallet. "Mostly these are just people who want something for nothing," says one store's security chief. "They let greed take over."

In both city and suburban stores more teen-agers are picked for shoplifting than any other age group. This does not mean necessarily that they are the largest group among amateur shoplifters. Teen-agers are not yet as practiced as adults in smoothing over the outward signs of dishonesty, so they often give themselves away. Store detectives also admit that they preselect the incoming customers they will watch—and since teenagers are conspicuous, they are most often under surveillance, while older and more respectable-looking shoplifters will get more unobserved operating time.

Amateur shoplifters often carry large handbags and umbrellas into which items can be dropped. Mothers sometimes use their children as accomplices, and baby carriages to haul out stolen goods. A mother with a child old enough to walk may send him off to pick up an item, then tuck it under the baby in the carriage. Some women roam stores with empty baby carriages.

There is an élite among amateur shoplifters. The members of this group are distinguished by greater skillfulness than most amateurs possess. They are sometimes called "shadow professionals." They steal for themselves or for members of their intimate circle on a regular basis but do not steal for a living. Their techniques are honed and individualized. Stores can suffer losses from shadow professionals as damaging as those from professionals.

Shoplifting is something of an acquired taste among shadow professionals, and most of them have been emboldened by successive undetected forays. The very model of a first-class shadow professional is a 26-year-old assistant to a New York foundation executive. JoAnn is clean-featured and clear-skinned, with striking gray eyes and a bouncy walk. She enjoys talking about her shoplifting. "My job routine used to be very dispiriting, very dull," she explains. "I would come in on the subway in the morning, trudge out to the sandwich shop at 12:30, trudge back at 1:30 and work until 5, get on the subway and go home to my guy in Brooklyn. What a bore. Well, the routine is still the same—except that now I bring a sandwich in wax paper which I gobble down in a minute and then I spend my lunch hour going around lifting stuff we need.

"The first thing I took was a bottle of soy sauce I needed for a Polynesian chicken dish I was going to make for company. It was just the spirit of the day—I was looking at it, turning it around like a housewife—and I dropped it into my handbag. So simple.

"I really mean it when I say it's turned into something that makes me look forward to my lunch hour. On the subway in the morning I think, 'What can I lift today?' 'Where will I go?' I plan dinner; usually I can pick up most of what we need. We're saving for a trip to Europe this summer, and it seems silly to spend good money for food when we could be sticking it in our savings account. It's funny—all the girls have little cupboards at the office, and mine is always filled with things like lettuce heads and lamb chops.

"There isn't much that won't go in a purse: a split of champagne; a nice goldplated flashlight I found in a gift shop on Madison Avenue; Argyle socks for when it gets cold; a copy of Hemingway's short stories in hardcover. It all goes in the bag—plonk, plonk, plonk. I have gotten so that I honestly feel I have 360-degree sensory perception. I can be facing a shelf and *know* whether somebody is behind me watching. If I get bad signals, I put the item back.

"There's an esthetic to this: I always end my trips by dropping in the bag either a can of Beluga caviar or a bottle of Macadamia nuts. It's like my signature at the end of working hard on a painting that comes out well.

"When I'm on the subway at night now I don't have to sit there like a glum bunny waiting for the stops to go by. I take out the stuff, piece by piece, look it over, gloat a little. Then when I'm home I perform the same routine for my guy—an unveiling of the new line.

"So now I have a craft. It is more rewarding in some ways than my job. It gives me something to look forward to—on the train in the morning, at lunch, on the way home. You could say it makes my day."

By far the easiest of all shoplifters to spot are the heroin addicts who sweep into midtown to make a desperate grab for enough merchandise to pay for their daily habit. They can be seen on most any day loping with eyes bright, or dull, depending on how long it has been since their last fix, through the aisles of all the large stores in Manhattan. Two years ago Macy's reported that only 5 per cent of its apprehensions were addicts, but today the figure must be higher. A majority of addict-shoplifters also seem to be high-school students.

In the big stores' security offices, where unlucky shoplifters are brought, sometimes half a dozen addicts are gathered at once, heads lolling, arms flung up bare for the detectives to inspect the red-and-blue bumps along their length. Heroin seems to stretch their limbs out as well as their veins; so many of them are spindly tall. The conversations between them and the detectives don't change much from store to store.

"How many bags [of heroin] you taking a day, son?" asks a detective of a 16-year-old who says he is enrolled at Morris High School. "Three bags? Six? Ten?"

"Just five."

"Five-dollar bags?"

"Nope; two-dollar kind."

"You tell your mother about this?"

"Nope."

"Why not?"

"It's a hard thing to tell her."

"And she doesn't see your arms messed up like that?"

"I keep my sleeves rolled down."

"Even in the summer?"

"Yeah."

"So you're not gonna even ask for help. You're just gonna O.D. [overdose] out on her. Sure—you think you can break the needle and throw it away. But you never will unless you go back to South Carolina where it's clean and get out of the garbage here. Otherwise you know what's gonna happen? Same thing that happens to nine out of ten of you guys. Some morning you're gonna be an O.D. case out on the street. They'll pick you up and drop you in the trash can. You'd be better off shooting up an overdose now—otherwise one of your buddies who wants your kit is gonna bust your head while you're nodding anyhow."

The boy jerks his head up, eyes wide, as if he sees something charging at him from out of the wall. "Oh no? It ain't got no power over me . . ." It ain't got no power over me . . ." His head lolls again. "It ain't . . . got no power . . ."

Most stores use a mix of mechanical and human counter-weapons against shoplifting. On the mechanical side, the most common device is still a mirror. It may be the no-nonsense convex disk mirror which the shopper feels eyeballing down on him from an upper corner. Or it may be a more stylish adaptation, like the lavish use of mirrors at Lord & Taylor, sections of which are one-way see-throughs, that serve the double function of detection and of giving a spacious air to the selling floors.

Mirrors of the disk type are of dubious value. "Merchants tend to forget," says Robert Curtis, a consultant to the President's 1968 Crime Commission, "that while it's true they may be able to look up in the mirror and see what a person is doing, the shoplifter can just as well look up and see the merchant staring at her. If she sees he's looking, she won't steal. And since *she* and only she knows the exact moment at which she's going to steal, she will be watching in the mirror when it counts. It will be plain lucky if the merchant chances to look up at the same moment."

The most elaborate detection system in general use is closed-circuit television. In its main store, Macy's has 48 cameras peering about which are monitored from a fabulous communications center, darkened and electronics-choked like a military command post. Twelve screens in a wraparound console show the scenes the cameras record. When a person shows up on one of them doing something suspicious, the nearest detective or uniformed guard is directed to the spot by two-way pocket radio, while the surveillance is continued by the crew which mans the center every minute the store is open. The cameras can be directed by remote control to zoom in on a scene to pick up detail.

As at Macy's, few stores bother to hide their cameras. Some even add dummy units on the theory that the honest shopper doesn't mind cameras and that the would-be shopper should be made as uneasy as possible.

A recent electronic innovation of interest to many security chiefs is a plastic wafer which is attached to merchandise so that it can normally be removed only by a special machine at the cashier's desk. If the wafer remains on merchandise as it is carried out of the department under a wired exit portal, a transistor implanted in it sets off flashing lights and buzzers. In Manhattan the device, under the trade name KnoGo, is being used by Alexander's in its men's department. The chief virtue of the system is that it keeps goods in the store. It would be difficult to prove in court that a shopper who went out of a certain department with unpaid-for merchandise had theft on his mind, but at least the goods will either be paid for or returned.

All persons who set off KnoGo must be treated with great caution no matter what they seem to be hiding, because the mechanism is temperamental and on occasion will send signals without being provoked by wafers. One afternoon a teen-age boy set off the alarm at two different exits. He voluntarily submitted to search, but nothing was found. He left, but was brought back an hour later by his irate mother who could be heard hollering behind a closed door for the next 30 minutes at the security supervisor. If that was all she did, he would have been relieved; false-arrest suits by ordinary citizens commonly find sympathetic jurors.

At Alexander's, KnoGo is only an experiment on the part of the store's security director, a white-haired, serene and finely dressed man named Arthur Riley. He is known as the chief innovator in his business and also as its best shoplifter catcher. His detectives are reported to have apprehended 18,000 persons in the chain's eight stores last year, a total approached only by the much larger force at Macy's. Security at Macy's salutes Art Riley by posting a dictum of his over the door to its sprawling offices: If You Didn't See It, It Didn't Happen. This rule is impressed upon all detectives because of the fear of false-arrest suits. "Mr. Riley always reminds us," says one of his detective trainees, "he'd rather have us pick up three cases in a week and make them all stick than pick up 33 cases and lose even one of them."

Despite the new electronics, the department stores continue to defend against shoplifters chiefly with plainclothes detectives who mix in with shoppers. Discounters like Korvette and Klein's must keep more detectives on the floor than "full-service" retailers to compensate for the lack of salespeople and the accessibility of goods. On a busy day Alexander's has 25 detectives circulating at its Lexington Avenue store. The figure for Klein's is slightly lower, but it is made up for by a large force of uniformed guards. Some stores like Bloomingdale's and Saks work hard at not projecting a forbidding image, so they almost never use uniformed guards on the floor. Other high-quality stores, like B. Altman, think nothing of ringing the place with guards at heavy shopping periods. "It's a form of saber-rattling," says security-consultant Saul Astor. "They want to do whatever they can to influence that moment at which a person decides to steal or not to steal."

The really awesome force of detectives and guards is at Macy's; it totals 200 men and women, some of whom reportedly step out of secret doors in pillars to nab shoplifters. They are trained to form on short notice into tactical detachments which can sweep the store of undesirables in several minutes. (Tactical groups are used by professional shoplifters, too: A team of four well-dressed girls working Manhattan stores last year would move into a department and one girl would occupy the salesgirl, another would be ready to distract any other sales person who came over, the third would stand lookout for any security types coming into the area, while the fourth girl helped herself to merchandise.

All store detectives are in their looks and actions one with the customers they mix with. In a bargain basement they will be vaguely scruffy. In an old-line department store they will be well-turned-out and staid. In a *boutique* they are sharply mod. It does not occur to most people that the authority of arrest can be vested in a gum-chewing girl in bell-bottom slacks and sweatshirt, with long hair hanging straight down, and with the rounded cheeks and wide blue eyes of a J.V. cheerleader. But that is the kind of girl who is one of a downtown store's best detectives. When a dignified older man she had picked up was asked in the security office why he was smiling, he answered, "Believe me, nothing's funny—it's just that this girl looks like my own daughter."

In some stores detectives have free choice as to where they prowl. Special areas like Alexander's Crystal Room have a detective posted to keep the store's most expensive coats from walking out. In other large stores like Macy's, detectives circulate in one department only. "We pass a suspicious shopper on from one surveillance post to the next," says Jim Kerin, an ex-F.B.I. man who is chief of security at the biggest store in the world. "All our people have pocket radios and they just call ahead to the next place the individual is heading." Kerin makes it clear that what constitutes a suspicious individual in the eyes of his detectives is not necessarily the one who looks suspicious to the untutored shopper. "You take a guy who comes in here in a grimy pair of overalls," he explains. "Now to your eye he might look disreputable. But to us he's just a Con-Ed man in on his lunch hour to buy his wife a birthday present."

Once detectives pickup a "case" as they call a shoplifter (they call themselves "D's") they must follow the person without losing sight even for an instant. In order to make a charge stick, a detective will normally not pick up the person until she goes out a door to the sidewalk. What is done then is close to a formula at most stores; at Alexander's the detective who is following behind the shoplifter makes a sign to the guard at the door. The guard follows six steps behind the detective. When the person gets outside, the detective catches him gently by the arm with one hand, shows a badge with the other and whispers, "Excuse me, but I think you forgot to pay for something." The person will almost always come. If not, the guard is there for strong-arming.

Under a recent amendment to the State Banking Law, lobbied for intensively by retail merchant groups, it is now legal for store security employes to pick up a shoplifter in the store who has been seen to conceal goods on her person—even if she has not left the premises and in theory might still pay. Apprehensions made under the law will not bring convictions from most judges, but it does keep shoplifters who realize they have been seen from dumping the merchandise.

XUM

Store detectives can be deputized by the city if they meet tough police qualifications. In that case they can make a police arrest of a shoplifter just as a regular policeman would. All of Macy's detectives are deputized and they go through the full procedure of formally booking and fingerprinting an accused individual. But most stores do not use deputized detectives because they would rather have employes on the city payroll instead of their own go through the lengthy booking procedure. So the normal store pickup is made as a "citizen's arrest."

If a decision is made to prosecute, the police are called and the accused is taken to the station house where a police arrest is made on the basis of the store detective's statement of the act he witnessed. If the individual is a resident of the city, he is normally released under his own promise to appear in court when called—except in the evening, when the case goes straight to night court.

"What most people fear during the act of shoplifting," says security-consultant Curtis, "is not that they will be punished—they don't think that far ahead. What they fear is just that they'll get *caught*. That means shame and embarrassment and the stripping off of the label that reads, 'Respectable Citizen.' It is just as if you are driving along and see a cop pull up alongside you. Your instinct is not to worry that you'll be punished; you worry that you'll be pulled over."

An airline stewardess picked up with 10 unpaid-for items in an East Side store remembers that "the worse part of it was when I was sitting in the security office waiting for them to fill out forms. A man came into the office—I think he was the boss—and he looked at me sitting there for a minute. Then he said, 'Uncross your legs and sit up like a *lady*.' I felt like some kind of filth."

As a first offender the girl was let go. She is rare among shoplifters in that she did not steal even once as a child. "Why should I have?" she asks. "My father was glad to buy me anything I wanted. He's a banker, you know." Her face clouds. "Oh, gosh, if they had told my father he would have been destroyed. I am his perfect angel."

Some shoplifters, especially if they are men, seem to wither after they are caught. Paul Hamilton is a tall fellow of 30 whose inherently good features should make him as handsome as a screen idol. But he has a gray pallor. When he smiles he seems to be smiling at something revolting. At least that is how he has been smiling since he was picked up outside Alexander's with a cashmere coat over his arm he had not paid for. Because the coat sold for a bit more than the figure below which Alexander's does not prosecute first offenders, Hamilton was not let off with the usual lecture. After he had answered all the questions and had his money counted in the security office, he waited for a patrol car to take him to the local precinct to be fingerprinted and charged. "Humiliating. They (the policemen) put handcuffs on me and led me out with all the people staring. Even before they came my adrenalin was going and my stomach was acting up bad. A black kid, maybe 12 at most, was sitting there, too. He was trying to be nice to me; he came over and said, 'Geez, mister, you okay? You look terrible.' And he was so calm."

Hamilton has a degree in piano from a first-rank conservatory. He could not break in anywhere as a soloist and he did not want to teach, so he took a job as a clerk in a Wall Street brokerage house. His bonus was not large this past Christmas because of diminished volume and falling prices in the marketplace. But he bought an expensive dress for his wife to wear when they went out on New Year's Eve. He also had saved enough for the cashmere coat at Alexander's. Then a sudden illness in the family depleted that money.

"I was looking at my wife trying on the dress—she's a beautiful girl—and I remember thinking how great it was on her. And then I thought, damn, I'd like to look nice when we go out. I really want that coat."

Hamilton bought a penknife before he went into Alexander's, but he was so jittery that he cut his thumb and his index finger as he cut the tags off the coat. The detective who was watching him said, "The guy was like a Roman candle to me, he was so full of nerves."

After he was caught, Hamilton went back to his job during the month before his arraignment at Criminal Court. In that month he could not bring himself to tell his wife what had happened. On the morning of the arraignment, he and the detective arrived separately at 9 o'clock. Macy's and Gimbel's keep a detective in residence at Criminal Court to expedite their cases by having them called ahead of others. Alexander's does not, so the affair takes all day. Except for the lunch hour, Hamilton sat stiffly upright in a hardwood pew of the court, picking his fingernails with other fingernails, his large feet together. At 4:06 he was arraigned after three minutes of buzzing between prosecutor, judge and his Legal Aid counsel. The trial was set for a month later. "I begged the lawyer," Hamilton says,—" 'Can't they just say I'm guilty and get it over with? I can't stand any more waiting.' "

But no judgments are passed at an arraignment, so Hamilton went home to wait; the trial has since been postponed again. If he is convicted at the trial, he will almost certainly get a suspended sentence as a first offender. He still could not manage to tell his wife what happened even though she and their two children knew something was wrong. "I just can't tell her until I get this settled in my own mind," he had said at the arraignment. Three weeks later they separated.

Psychiatrists and security chiefs are in many cases not convinced that the people who are caught shoplifting should go to jail or even be prosecuted. For one thing they question the effectiveness of punitive measures. They point to Macy's, where *all* acts of shoplifting, no matter how small, are normally prosecuted but where the inventory shortage problem remains as bad as or worse than at more lenient stores. When Bob Curtis was the security chief at Lord & Taylor some years ago, he instituted a program which guaranteed that shoplifters who agreed to seek professional help would not be prosecuted. Curtis says that psychiatric problems were found to underlie most of the shoplifting acts. He feels that many of the patients were helped to understand their problems better and did not repeat; at least they dropped out of the records of local stores to a far greater degree than other shoplifters who were let go or prosecuted.

As for the kind of problem that might lead a disturbed person to shoplift. Dr. Ralph Banay, president of the Medical Correctional Association, points to the case of a woman who regularly stole dresses she did not need. Psychiatric treatment disclosed that her thefts of the dresses represented an unconscious effort to get on an equal footing with an older sister who was considered much prettier than she. When she was helped to understand that she did not need to compete with her sister, the motivation for shoplifting vanished. "People like this have violated rules, but they are not criminals," says Dr. Banay. "We should have facilities to treat them. I don't know why we are so hesitant to address ourselves to their need and often profound disturbance."

In some stores security officers attempt their own form of rehabilitation on the spot—especially if the offender is a teen-ager. Many of the younger people treat their own seizure and questicning as a joke: Q. "Where were you born?" A. "In a hospital." One of the security men most adept at stripping away the notion that there's anything to joke about is a detective named Frank Quadrino. He grew up and still lives in the Red Hook section of Brooklyn, and he has a fierce sense of right and wrong that would have been splendidly in place in an old-time New England pulpit.

On a Saturday afternoon a boy named Larry who had bought one LP record and slipped another in the same bag is led into Quadrino's office by a black detective from Jamaica. Larry is from a good family and a good high school in Brooklyn. When he is brought in he is all bravado. The apprehension was made before he left the store because he seemed to have caught sight of the detective and was doubling back to the record department.

Now he is seated in an unhomey chair in the gray cinderblock interrogating area of Alexander's security office. At Macy's the security area is painted a blaring yellow; the idea is to make people want to cooperate when they are questioned so they can get away from that color.

"How do you know I wasn't going to pay for the record?" the boy asks. "You can't *prove* I wasn't going to pay for it."

"Funny thing you'd already put it in the bag and resealed it," answers the detective, who is starting to fill out forms. He asks for the boy's name and address. There is a moment when the boy seems to consider whether to make up something. The moment passes, and he settles on bona-fide information. It is best he decides that way; the detective has sensed that hesitation hundreds of times and he generally can tell a wrong name and address when he hears them. Larry lives not very far from Frank Quadrino, who has been listening behind his newspaper while the detective makes out the papers.

"This is just for your records, isn't it?" Larry asks. "It's not for my school or anything?" The detective nods but it is not clear to what.

"Listen," the boy says. "I'll just pay for the record now and that'll settle it. Okay? Look—I got plenty of money." He pulls out $9 and some change.

"Sit down."

Once the paperwork is done, Frank Quadrino puts down his newspaper and takes over. He leans over the boy, who is slumped in the chair chomping gum. Quadrino has bright black eyes which he focuses on the boy. He starts off calmly—asking what the boy wants to be (an aircraft designer), whether he ever took anything before (a fishing lure), what his father's profession is (accountant).

"Listen, Larry, you come from a good home. Right? Your parents love you. They put money in your pocket whenever you need it. Right?" Quadrino himself ponders that good fortune for a moment. "So tell me why did you do something like this that could bring shame on their house and wreck your life before it barely starts?"

The gum-chewing stops. Larry gulps and blinks. "I . . . I have a friend and he does it all the time; he says it's easy . . ."

"A friend?" Quadrino is incredulous. "What kind of friend is it that would invite you into this kind of trouble?" Quadrino leans forward, his eyes burning, and Larry presses back against the cement blocks. "Because of this friend you could end up having a police record until the day you die. You try to get into college, join the service, apply for a job, and each time you've got to tell them you have a record. That you're a *thief*. How far do you think you can go on that recommendation?

"Let me tell you something else: Not only will you have that record until the day you die—you'll still have is even AFTER you die. It will be right there in the police files. They never, never destroy it."

The flood comes, Larry is racked with sobs. You cannot hear the shoppers outside and for a few moments that is the only sound there is. Then Quadrino steers him gently out of it, lets the boy see, bit by bit, that he will be given mercy. He will not have a police record until eternity. His parents will not even be called on the phone. Larry swears he will never steal again, agrees effusively that it is a stroke of good fortune that he has been caught now rather than later. It is over; he gets up and starts to wobble out.

But Quadrino shoots a question from behind: "And what about all that pot that floats in the breeze on Kings Highway? You in that scene because your *friends* say it's groovy?"

Larry shakes his head fiercely. "I don't smoke pot, I don't even smoke cigarettes."

"Keep it that way." Quadrino nods and motions him out.

At the end of the day, after Frank Quadrino has dealt with 30 shoplifters—two-thirds of them under 18—he sits in the chair they had been sitting in and says, "It's wrong in a way what happens to them. We can lecture them and call their parents and maybe the parents will raise hell—the family name has been shamed and all that. But sometimes this same father who is screaming at the kid is bringing home maybe a couple of hundred dollars in office supplies from where he works. Maybe he puts a $50 dinner on the expense account which has nothing to do with business. To my mind that's at least as bad as stealing one lousy record. But to him what he does is O.K. Then when his kid does take something he goes wild. He can't understand how his kid could steal. Here in America we live in an odd society."

THEY ALSO FEEL THE PINCH

Small stores are as plagued by the shoplifting problem as the big ones. Even the easygoing hippie types in the all-for-love Village shops become rapidly phobic when any shopper acts at all strangely. A liquor-store proprietor on the East Side assigns a man to hurry around replacing bottles on the shelves after purchases have been made; then, by glancing down the even rows, he knows at once when a bottle is gone.

The manager of the Columbia University Bookstore has had to put a full-time detective on the floor because losses have become heavy in the last few years.

A drugstore manager in the East Thirties watches a customer come in late in the evening, identifies him before the door swings shut as one who will be up to no good. The manager talks about moving to Florida—while the man shuffles around at a back counter. "He'll take some Bufferin and maybe some Contac," the manager says. "I wouldn't bother him; these guys can pull a knife. Is it worth getting ripped for a bottle of aspirin?" Three minutes later the man, looking down, walks out, "Good night, sir," the manager calls. "Good night," the man mutters.

THE UPPER MIDWEST REGIONAL EDUCATIONAL LABORATORY

Mr. MONDALE. Mr. President, the need for a shift in this country's priorities is clear. We can no longer afford to spend billions for space voyages and doomsday weapons while leaving many human needs unmet. Explosive problems like poverty, hunger, poor education, racism, and pollution cause tremendous waste of our natural human resources, and must be aggressively attacked now. If we do not act, any other expenditures will likely come to nothing.

The problems we face in education are particularly important, largely because they are at the heart of many of our other problems.

We cannot continue in education as we have in the past. The present deficiencies in our educational efforts can only become more severe as our society grows more complex, and as the educational level required for full participation rises higher and higher.

If we are to avoid the repercussions throughout society which our educational failures will inevitably produce, we must make the entire educational establishment the target of the same vigorous and creative development efforts which we lavished on space exploration and weapons technology. Educational programs must receive a much larger share of the available funds. In addition, a much greater effort must be devoted to long-range development programs which will assure our schools the capacity to meet the demands of the next decades.

We cannot wait for every answer before moving ahead to solve the many problems and support the many programs which we understand now. But, while I greatly fear an emphasis on research which is used to mask a lessened commitment to move ahead on what we now know, I do feel that education has a desperate need for more and better research.

We need to know what actually happens to a student as he progresses through our schools. We need to know precisely how a student learns, and what we can do to help him learn faster. We need to know how to insure that education will quicken the curiosity, not deaden it.

Already we have evidence of the rewards which concentrated research and development can bring. The educational laboratories authorized by Elementary and Secondary Education Act of 1965 are producing the kinds of results we demand. Indian education, for example, is showing some signs of concrete improvement in areas where the laboratories have been involved, as was evident from testimony before the Senate Subcommittee on Indian Education.

One of these laboratories, the Upper Midwest Laboratory in Minneapolis, is doing some very important pioneer work in Indian education and in both public and parochial education in the inner city. Their program is precisely the kind of advanced comprehensive research and development which will bring us the greatest long-term benefits.

UMREL's program has a single focus: Design and development of scientifically engineered educational environments which are suitable for use in school districts across the country. All factors in the education environment—curriculum materials, teacher and administrator behavior, room arrangement—are analyzed to reveal their relationship to the students' academic performance, and these factors are then rearranged to better facilitate and encourage academic success.

UMREL began this program with the sound premise that our school systems will not change overnight. Consequently, when they set up their experimental classrooms in two inner city urban schools and on an Indian reservation, they deliberately stayed with the school buildings, the class sizes and the teachers already in the system. Then with a carefully designed teacher training program, they converted these ordinary elements into a new type of instructional system concentrating on the development of the individual student.

An exhaustive examination of what actually happens when this system is installed in an elementary school is underway, and data is coming in on the effectiveness of the particular classroom arrangement now in use.

To handle the enormous amount of information on the various facets of school operation generated by an investigation like this, UMREL has designed a unique data collecting system called the Personal Progress Data Form—PPDF—which can be interpreted by a computer, but which the teacher can also use. Detailed data on curriculum, reinforcing events, performance time, and subject matter can be analyzed and compared in many ways, both for individuals and for groups

In all laboratory efforts they follow a careful process of functional analysis, deficiency analysis, analysis of alternate systems, and, finally, selection of design and implementation of a prototype system.

The Upper Midwest Laboratory, along with the other laboratories, is developing some real improvements in education, doing the kinds of work we desperately need. Unfortunately, we have not been giving these laboratories the support they need to carry out the complicated and important job we expect of them. They are funded strictly on a year-to-year basis, and are forced to recruit highly trained and experienced professional staff from a variety of scientific disciplines—men who are in great demand—without even the minimal guarantee that their organizations will be in business 1 year later.

The work we need from these laboratories requires concentrated and dedicated efforts which cannot be planned and carried out 1 year at a time, especially while keeping watch for changes in the Federal wind which may gravely affect funding status. How far toward the moon would we have gone if we had required NASA to negotiate a new contract every year?

In an independent appraisal of the educational laboratories, the noted scholar, Dr. Francis S. Chase of the University of Chicago, came to similar conclusions: The educational laboratories are giving us what we need, but they must have better and more long-term support to live up to their promise.

I feel we can no longer afford to give only one-tenth of 1 percent of our total educational funds to research and development, as we did in 1969, while we allocate 15 percent of our defense expenditures to research and development activities. As Commissioner Allen has said, research must be brought out of the periphery of educational endeavor and into the mainstream where it belongs. We can start by giving these laboratories more money, and longer contracts to work on these difficult problems.

They have demonstrated they can do the job, and they are giving us the scientifically provable results we demand. Concrete action to back up our commitment to education is long overdue.

DEATH OF FORMER REPRESENTATIVE STEPHEN PACE, SR., OF GEORGIA

Mr. TALMADGE. Mr. President, Georgians were saddened by the passing on Sunday of former Representative Stephen Pace, Sr., of Americus, Ga. Steve Pace served in the U.S. House of Representatives from 1937 to 1951, representing the Third Congressional District of Georgia for 14 years.

Steve Pace came to Congress with extensive experience in State government, having served in the Georgia House of Representatives from 1917 to 1920 and in the State senate in 1923–24. He was a lawyer by profession and also over the years active in promoting agricultural progress in Georgia. In his later years, he was especially concerned with the growing and vitally important peanut industry.

Steve Pace was a fine gentleman and an outstanding Georgian. His service was marked by distinction and dedication to the best interests of the people of Georgia and the Nation. A devoted and hardworking representative, he was respected by his colleagues. I counted Steve Pace as one of my best friends, and I am thankful for the warm association I had with him and his family over many years. His presence will be sorely missed, and my wife Betty joins me in mourning his passing. We extend our deepest sympathies to his wife and the family.

RELOCATION ASSISTANCE SHOULD INCLUDE COST RESULTING FROM HIGH INTEREST RATES

Mr. MURPHY. Mr. President, the Department of Public Works of the State of California has testimony presented to the House Committee on Public Works on S. 1, H.R. 14898, and related bills on relocation assistance. I particularly want to call the attention of Members of Congress to the concluding remarks which are addressed to an important problem. The State of California urges the reimbursement to property owners for losses due to the present high interest rates on homes. As a former member of the Public Works Committee, I strongly supported the relocation assistance provision of the Federal-Aid Highway Act of 1969. In addition, I supported S. 1, the Uniformed Relations Assistance and Land Acquisition Policies Act, which passed the Senate on October 27, 1969.

I, too, hope that the House bill will include provisions to take care of the situation resulting from the high interest rates. I ask unanimous consent that excerpts from the statement of the State of California, which I endorse, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> We should like to conclude our statement with a very important and crucial problem and a proposal to remedy it. It is a situation which has been brought about by the present-day nationwide economic situation and is predominately a problem in the highway program. As you know, the construction of a highway requires the acquisition of many parcels of properties from one distant point to another. All of the parcels must be acquired before the project can be commenced. California has experienced resistance from some home owners and other property owners in the acquisition of these parcels because of the loss of favorable financing. Property owners who are being displaced are being faced with the economic situation that requires them to obtain financing for a replacement dwelling at interest rates much higher than that being paid on the acquired dwelling. California believes that this is unfair and that the property owner should not have to bear the burden of this loss because of the economic circumstances prevailing when his property is acquired.
>
> We believe that in the highway acquisition field an additional payment should be made to such property owners computed on the basis of a schedule which relates to (1) the increase in the interest rate, (2) the remaining term of the original mortgage, and (3) the amount of the unpaid balance of the old mortgage. Such payment should also take into account the average length of time that property owners own their property and should be paid only when the owner has acquired his new residence. Such a payment should be administered at the discretion of the acquiring agency when financing conditions are such that the prevailing interest rate is substantially higher than the mortgage interest rates on the existing loans.
>
> Governor Reagan intends to request the California Legislature to pioneer legislation to resolve this pressing hardship and inequity, and legislation will probably be introduced at the State level next week on this subject. We strongly urge that this Committee and the Congress make this problem a part of its consideration of the relocation assistance law and provide for federal participation in reimbursement for this badly needed type of payment.

SECRETARY HICKEL'S NEW POLLUTION CONTROL RULES SHOULD GO MUCH FURTHER

Mr. PROXMIRE. Mr. President, last week, Secretary of the Interior Walter J. Hickel announced new regulations designed to implement President Nixon's message on the environment. Among other things, the new regulations will impose a system of "cost recovery," which will require those industries that feed their wastes into waste treatment facilities built by the Federal Government to share part of the operating costs. The industrial share will be in proportion to the amount of waste discharged into the system.

Mr. President, I congratulate President Nixon for proposing this approach and Secretary Hickel for implementing it. Such an approach is essential if we are to make significant strides toward cleaning up our environment. However, the Nixon-Hickel plan does not go nearly far enough. It adopts the pay-as-you-pollute idea, which I originally proposed last fall, but on a very limited scale.

The bill which I introduced last November would establish effluent charges on a nationwide scale, for all industrial wastes discharged into our lakes, rivers, and streams. My bill, S. 3181, is entitled the Regional Water Quality Act of 1970. It would set up a system of effluent charges for all industry, and establish a series of regional water management associations to administer the program. The plan would provide industry—all industry—with an incentive to cut down on its waste, thereby to reduce the cost of doing business. At the same time, my proposal would bring in the $10 billion over the next 5 years that President Nixon has said will be needed to fight water pollution.

The effluent charge approach has the virtue of simplicity—the less you pollute the less you pay. It has the virtue of fairness—all industrial polluters will be covered, and the cost of waste disposal will be regarded simply as a legitimate cost of production. Perhaps most important, effluent charges have the virtue of effectiveness—they work. In cities where they have been tried, both here and abroad, the decline in pollution and the improvement in water quality has been remarkable. From Otsego, Mich., to Springfield, Mo., to the Rhur Valley, Germany, the results have been the same: Effluent charges work, often beyond all expectations.

This January, President Nixon's state of the Union message supported the concept underlying effluent charges. Although the term "effluent charge" did not appear, the President said:

> The price of goods should be made to include the costs of producing and disposing of them without damage to the environment.

This is the gist of the effluent charge approach. By tacking on to all other costs of production a charge for the waste byproducts discharged into the environment, industry—striving to keep its costs to a minimum—would have an incentive to reduce its waste discharges to the lowest possible level.

Unfortunately, the regulations proposed by Secretary Hickel fall considerably short of the lofty goals of the state of the Union message. Charging for waste which is routed into waste treatment plants, built with Federal money, in the future, is a far cry from making the price of goods "include the cost of producing and disposing of them without damage to the environment." First, only treatment plants built with Federal money would be covered. Second, the rule applies only to new plants—those industries discharging wastes into existing plants would be exempt. And third, the rule will have an impact only upon those industries that make use of these facilities—industries that divert their waste byproducts elsewhere would presumably not be subject to the rule.

Mr. President, our lakes, rivers, and streams are a public resource of tremendous value. We now realize that we cannot continue to allow the unfettered use of these resources. Like any other scarce resource, we must allocate the privilege to use these waters with great care, and those who do make use of them should expect to pay for the privilege. There is nothing unique about this; government has always allocated scarce public resources among worthy applicants. The

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Federal Communications Commission decides between competing applicants for use of the airwaves. The Civil Aeronautics Board allocates air routes among commercial airlines. The Department of Agriculture regulates the rate at which timber may be cut, and charges for each tree felled. Water is one of the few resources which have not, until now, been so protected. We can no longer afford such a luxury.

Mr. President, is it not a bit incongruous that the administration is willing to charge for the use of its waste treatment facilities, but hesitates to impose a charge for the use of our public waterways? Surely our waters are a far more valuable commodity.

The new Interior Department regulations are a step in the right direction, and I applaud the administration for making a start. But it still has a long way to go.

I ask unanimous consent that a Department of the Interior news release on this subject be printed in the RECORD.

There being no objection, the news-release was ordered to be printed in the RECORD, as follows:

Secretary Hickel Proposes New Pollution Control Rules Implementing President Nixon's Environment Message

Secretary of the Interior Walter J. Hickel announced today he is implementing President Nixon's Environmental Message with proposed new water pollution controls—including cost recovery for cleanup of industrial wastes, and comprehensive river basin plans to assure efficient use of Federal funds.

"As the President pointed out, abating some of the pollution in a waterway is a waste of money if new pollution comes in to take its place and old pollution continues," Secretary Hickel said. "We have not done enough to see that the cleanup is coordinated.

"Design and operation of local plants often are inefficient. In some areas, industries are getting a free ride, and the wastes they pour into a municipal system are not treated adequately."

The proposed new rules would apply to new construction grants to help communities build new treatment plants.

In the President's message to Congress for a four-year, $10 billion program to provide modern municipal waste treatment plants in the nation, he proposed to "institute major reforms . . . by administrative action" to ensure that new Federal-aid money would be wisely invested.

Secretray Hickel is proposing new amendments to Title 18 of the Code of Federal Regulations to carry out this mandate for administrative action. Interested persons are being invited to submit comments within 45 days after the proposed new rules are published in the Federal Register.

The proposed new rules would require that:

Comprehensive river basin-wide programs for pollution abatement must be developed, and new treatment works would have to fit in with such programs, as well as with metropolitan and regional plans, to be eligible for Federal aid.

In evaluating new applications, the Commissioner of Interior's Federal Water Pollution Control Administration may demand detailed data on the entire river basin's sources of pollution, volume of discharge from each source, character of effluent, present treatment, water quality effect and other items.

No new Federal grant would be made to any system designed to treat industrial wastes only. If some industrial wastes are to be treated as part of the system's operations, industry would have to pretreat those wastes to ensure they would not interfere with efficient operation of the community system.

A system of "cost recovery" would be required if some industrial wastes are to be treated in a new plant built with federal aid. Such cost recovery by the municipality would assess the industries a share of the operating costs, and costs of amortizing the debt, in proportion to their contributions to the total cost of waste treatment.

State water pollution control agencies must inspect new federally-aided facilities for efficiency and economy at least once each year for the first three years of operation, and periodically thereafter, under standards set by FWPCA.

Design of any new federal-aid treatment plant would have to be approved in advance as economical, efficient, and effective under FWPCA requirements.

Design of any new federal-aid treatment plant would have to be approved in advance as economical, efficient, and effective under FWPCA requirements.

"President Nixon's message stressed that both new legislation and new administrative action would be needed to improve the quality of our waters," Secretary Hickel said. "These proposed new rules are aimed at meeting the specific goals he outlined for administrative action.

"The job ahead will be costly. We want to ensure that the Federal funds invested in the cleanup will be spent effectively and fairly," the Secretary said.

Since the construction grant aid program began in 1956, some $1.5 billion has been awarded to some 9,600 municipalities and sanitary districts to support construction of $6.6 billion in new and expanded facilities to treat wastes.

ENVIRONMENT: RHETORIC OR COMMITMENT

Mr. MONDALE. Mr. President, the present methods of production of electric power contributes to our environmental crisis.

There seem to be detrimental factors in every major method of producing electricity. Nuclear powerplants discharge radioactive materials and cause thermal pollution. Fossil fuel plants foul the air with their smoke. Hydroelectric powerplants alter the natural courses of rivers.

But we must have electricity, and have it in increasingly larger amounts. So we must constantly look for new and better ways to produce it.

One technique being explored is called "magnetohydrodynamics," or MHD. Experiments show that this process may be capable of creating electricity in such a manner that it will not be accompanied by pollution.

Russia and Japan have moved ahead with major investments to develop MHD projects. One Russian pilot plant was estimated to have cost as much as $100 million.

A presidential panel of academic and industrial specialists recommended to the President last summer that we spend at least $2 million annually for MHD research. The new budget, however, proposed only $400,000 for MHD research.

While I am glad that the President was willing to request funds for the project, it is disappointing that a more sizable appropriation was not sought.

We have heard much about the administration's campaign to improve our environment, but we have not seen a willingness to commit any significant resources to combat pollution.

Conversely, the administration was willing to request $314 million for fiscal year 1971 toward the development of the SST—or nearly 800 times as much as MHD research will receive. This appears to be yet another example of our misplaced priorities.

Two articles concerning MHD published recently in the National Observer and the New Republic discussed the possibilities of this method and the shortage of funding to develop it.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The National Observer, Feb. 9, 1970]

Magnetohydrodynamics—Concern Over Pollution Lifts Hope for New Power Generating Plan

EVERETT, MASS.—Billowing smoke from coal-fired generators enrage air-pollution fighters. Nuclear-powered plants discharging heat into water stir the opposition of ecologists. And even hydroelectric-power enthusiasts seem close to being outflanked by conservationists.

Perhaps there isn't any way to produce electricity so as not to make anybody mad. But to the gratification of certain researchers here, President Nixon last week proposed in his budget that the Federal Government renew efforts to perfect a promising method that theoretically would offend only the most ardent environmental purists.

The technique is called "magnetohydrodynamics," or MHD for short. And for more than a decade, Dr. Arthur R. Kantrowitz, director of Avco Corp's Everett Research Laboratory here, has been extolling its virtues.

How MHD works can best be described by comparing it with more conventional energy-generating units. The latter burn fuel and air to make steam that is expanded in a turbine to produce mechanical power. This power is transmitted through a shaft to turn an electric generator. The actual electric power is produced by the motion of a copper wire armature moving through a magnetic field. A nuclear plant operates in a similar fashion with the reactor replacing the furnace-boiler system.

In MHD operation, hot combustion products of fuel are seeded with potassium and become, in effect, the "armature." These hot gases move at high velocity through a magnetic field where electric power is generated directly. Thus, power is produced by a one-step process as opposed to the more conventional three-step method.

Then, the products of combustion, the sulfur dioxide and the oxides of nitrogen, are not transmitted into the atmosphere as many power plants do now. Instead, these pollutants are retained and processed for commercial use by a chemical process that is an inherent part of the MHD power system.

All of this remains theoretical, of course. The truth is, very high combustion temperatures of the MHD process actually produce more polluting oxides, not fewer, than more conventional generating methods. The hope is that the very abundance of these pollutants would make reclaiming chemicals from them profitable.

Sitting somewhat impatiently in his second-floor office in Avco's spanking new research-laboratory building, Dr. Kantrowitz points out mementos highlighting his work with MHD. One is a small, gray model of wood and wire, a souvenir of the first MHD unit at Avco more than a decade old.

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Another is a photograph of a model of an MHD complex designed by Russia, where a 75-megawatt pilot plant is supposed to go into operation this year. "I estimate the cost of that is $50,000,000 to $100,000,000," he says wistfully.

Japan, too, has started a national MHD project. West Germany also has a government-sponsored MHD project with funding being increased at the rate of 25 per cent a year.

For now at least, these foreign developments seem much larger than U.S. efforts so far. President Nixon proposed that in the fiscal year beginning July 1, MHD research contracts be negotiated for $400,000 worth of work. The contracts would be let by the Office of Coal Research (OCR), whose function is to find new ways to increase coal consumption. Large-scale MHD generators probably would use coal for fuel.

Earlier a Presidential panel of academic and industry specialists studied the current status of MHD development and recommended last summer that Mr. Nixon ask Congress to authorize spending of $2,000,000 annually for more research about the technique. The panel's report said such research efforts by the power-generating industry had slackened in recent years perhaps because it was difficult to predict the benefits of large-scale MHD plants.

"Whatever the reasons," the report to the President said, "the panel does not expect MHD work to continue at an appreciable and useful level unless the Government provides the major support. . . ."

Actually about $16,000,000 has been expended to date on MHD research in this country, about half of it coming from utilities led by the American Electric Power Co., Inc., of New York City and Avco and half from the Department of Defense for Air Force work. With these funds, a number of small MHD units were constructed, some in the Boston area and others at the Arnold Engineering Development Center in Tullahoma, Tenn.

—HARRIS SMITH.

[From the New Republic, Jan. 24, 1970]

HOW MUCH, HOW SOON FOR ANTI-POLLUTION?

Anti-pollution is the fashion. What we need to know is how much money the Administration (and the corporations) will invest in it. A little known—and little-funded—Interior Department agency, the Office of Coal Research (OCR), has in its files data on a half dozen or more techniques that promise to eliminate major environmental pollution. But OCR has never got more than $12 million and until recently no one in Interior or the White House has been disposed to ask for more. OCR's technologies remain undeveloped.

Take magnetohydrodynamics. MHD is a way of converting coal and other fossil fuels to electricity almost directly, without intervening boilers, turbines or generators. It is about 50 percent more efficient than conventional coal-fired generating plants—which, in turn, are about 50 percent more efficient than nuclear plants. MHD would significantly reduce the "thermal pollution" created by most present power generation (with the exception of hydroelectric plants, which make up only a small percentage of the total and which sometimes create their own kind of environmental damage). Thermal pollution is the heating of water in streams, lakes or the ocean, often with severe detriment to the balance of life.

MHD also offers great promise for reducing air pollution. Because it is more efficient, it burns less fuel per kilowatt hour than other power-generating techniques; you get less pollution from producing the same amount of power. The fuel for MHD must be "seeded"; that is, an ionizable substance must be added to it to make hot gases electrically conductive. The seed must be removed from the leftover gases, a necessity which becomes a virtue because pollutants can be removed at the same time.

A major source of air pollution—second only to automobiles—is the fuel-burning industrial installations, primarily power plants. Almost without exception, they give off sulfur oxide, and a fine, abrasive ash. Although the sulfur oxides or the particles alone *may* not be harmful to health (there's no conclusive evidence), in combination they are highly destructive to lung tissue, according to HEW's National Center for Air Pollution Control. Sulfur oxides, alone, are harmful to plant life. (The acrid sulfur oxides produce the foul taste in your mouth in highly air polluted areas.) HEW under the Air Pollution Control Act, has set "criteria" for the amounts of these two pollutants that can be emitted from industrial plants. But the criteria, applied by state and local governments, are flexible enough to "meet local needs." HEW's enforcement powers are minimal; the amount of money available here is in inverse proportion to the enormity of the problem.

But the criteria *plus* the techniques now in OCR's files could get the job done, if the technologies can be turned into commercial hardware. Then, instead of depending for clean air on corporate willingness to obey the law (and the willingness of state and local government to enforce it) the corporations might find it in their interest to adopt the new technologies voluntarily, because of their greater efficiencies.

MHD is not the only technique OCR has in mind. A process for dissolving raw coal in anthracene solvent, which would carry off all the potentially polluting materials, is another. The leftover would be almost pure carbon—in a form that could be extruded, ground, melted or handled in numerous other ways. Diesel-electric locomotives and perhaps diesel trucks could burn this clean substance. But once again, the potential would be greatest for power production, especially in congested urban areas such as New York City.

There are several ways, some pioneered by OCR and others by Interior's Bureau of Mines, to convert coal into producer or pipeline gas. If coal can be converted to pure methane—or pure hydrogen or pure carbon monoxide—leaving the pollutants behind in the coal residue, then the gas can be burned with little harm to the environment, in almost any kind of fuel-burning installation and with minimal conversion costs.

The Russians plan to have a part-MHD, part-conventional, plant in commercial operation in 1970; the Japanese are also advancing rapidly in this technology. The President's Office of Science and Technology last June recommended a full-scale MHD research program, as did the Interior Department's own Energy Policy Staff a year earlier. Support for MHD in the scientific community is almost unanimous. Yet, not a penny for MHD was left by the Budget Bureau in OCR's fiscal 1970 budget request. Efforts by Montana Senators Lee Metcalf and Mike Mansfield to get money for MHD into the 1970 Interior appropriations bill failed. The 1971 budget OCR submitted to Interior officials included a miserly $400,000 for MHD, which was then entirely eliminated by a budget officer. The two Montana Senators asked that the money be reinstated. And last month, the Minerals, Materials and Fuels subcommittee of the Senate Interior Committee, chaired by Senator Moss of Utah, held hearings on MHD, at which scientists gave the new technology strong endorsement. So now the Interior Budget, as it goes to the Budget Bureau, will contain "somewhat more than" the $400,000 earlier asked, though less than the $2-million suggested by OST.

Meanwhile, with electrical needs doubling every 10 years, the electric utility industry has indicated through the Edison Electric Institute that it will make some contribution to MHD, at least for research into "peaking" or emergency plants. HEW and the Atomic Energy Commission may also ante up some funds. Meyer Steinberg, a scientist with AEC's Brookhaven National Laboratory, has suggested that giant MHD plants burning coal be built at mine-mouth in thinly populated Western coal states (including Utah and Montana), the power produced to be transmitted to population centers via "superconductors" or other ultramodern "electrical superhighways." It is possible that AEC is motivated by its awareness that nuclear plants are a serious contributor to environmental damage through thermal pollution and difficult-to-dispose-of radioactive wastes. Or the well-funded AEC ($2 billion since World War II to develop nuclear power) may see MHD as a technique applicable to nuclear fuels. AEC's entry could make MHD go, if the President gets solidly behind environmental quality.

Of course, technology alone won't keep our environment clean. Scientists are coming to regard the formerly innocuous carbon dioxide as a pollutant, at least in urban "microenvironments." In these areas, higher levels of CO_2 will soon begin to cause rotting of the mortar in urban buildings. Burning fossil fuel *always* creates carbon dioxide, and the final solution to the CO_2 problem will have to be reduced burning of fuels. Moving industrial plants into thinly populated areas would help. But what would help more is fewer people and a lower per capita rate of consumption, including fewer automobiles or prohibitively high tolls for their admission into urban areas.

—RICHARD H. GILLULY.

NOMINATION OF JUDGE CARSWELL

Mr. DOLE. Mr. President, the opposition to Judge Carswell has been very vocal—if misleading—in attempting to convince the Senate that the experts and the professors are on their side.

The truth is, the people on their side are largely those so-called experts and other who view the Constitution as a document to use to instigate social reform, not those who view it as the keystone of our Republic.

It may surprise many of Judge Carswell's opponents that the White House has received a number of letters and wires supporting the constitutional arguments in the President's letter to the Senator from Ohio (Mr. SAXBE) regarding the appointment of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court.

President Nixon contended that his constitutional duty could be frustrated if the Senate should withhold consent for other than strong or special reasons. The President said that such a case had not been made against Judge Carswell.

Messages of support for the President's position have come from James William Moore, Sterling professor of law, Yale University; Erwin A. Elias, professor of law, Texas Tech University; Michael J. Vaughn, assistant professor of law, Baylor University; Edward C. Banfield, professor of government, Harvard University; Howard Penniman, professor of government, Georgetown University; and James M. Brown and Edward A. Potts, professors of law, George Washington University.

I ask unanimous consent that the messages be printed in the RECORD.

There being no objection, the messages were ordered to be printed in the RECORD, as follows:

The President,
The White House,
Washington, D.C.

Dear Mr. President: I was pleased with your statement to Senator Saxbe that your choice of Judge Carswell should not be frustrated because of philosophical or ideological differences concerning your nominee, especially where his confirmation would aid in restoring a balance to the Supreme Court; which I believe the electorate approved. This position still leaves the Senate with large and proper powers to reject a nominee for lack of integrity and for other reasons stated by Hamilton in the Federalist, such as favoritism in the President, personal attachment and the like. None of these reasons stated by Hamilton is applicable to Judge Carswell. I am pleased that you continue in your steadfast support of Judge Carswell and I trust that your sound constitutional position will in the end be vindicated by the good sense and conscience of the Senate. I have the honor to remain your obedient supporter.

James William Moore,
Professor of Law, Yale University, New Haven, Conn.

Silver Spring, Md.,
April 3, 1970.

The President,
The White House:

Your letter of Presidential-senatorial roles and appointments is correct. Washington Post misuses Federalist 76 by ignoring paragraph preceding the one quoted. Senate not intended to substitute its choice for those of President as seems to be goal of opponents of Carswell confirmation.

Howard Penniman,
Professor of Government, Georgetown University.

The President,
The White House,
Washington D.C.:

We the undersigned respectfully take this means to indicate our support for the nomination of Judge Carswell and our concurrence with the deep concern expressed by you in your letter of March 31, 1970 to Senator Saxbe.

Erwin A. Elias,
Professor of Law, Texas Tech University, Lubbock, Tex.
Michael J. Vaughn,
Assistant Professor of Law, Baylor University, Waco, Tex.

President Nixon,
The White House,
Washington D.C.:

Every Senate has endeavored to weaken the powers of the Presidency and every President to preserve and strengthen them. Your present struggle is in this great tradition and those who want strong effective national government must pray for your success.

Edward C. Banfield,
Professor of Government, Harvard University.

April 3, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: In our judgment your letter to Senator Saxbe accurately reflects the intent of the Constitution with respect to the Presidential power of appointment to the Supreme Court with the advice and consent of the Senate. The Washington Post editorial of April 2, 1970, quoting the Federalist Paper No. 76 neglected to cite the sentence immediately preceding the one quoted, which in part reads "... it is not likely that their sanction (the Senate) would often be refused, where there were not *special and strong* reasons for the refusal." (Emphasis added.) This is precisely what we read you letter to say.

In the Federalist No. 76 Hamilton discusses three possible methods for appointment of ambassadors, public ministers and judges of the Supreme Court. He describes the rationale by which the compromise process was reached establishing the method prescribed by the Constitution under which the President nominates, and, with the advice and consent of the Senate, appoints. In discussing the selection by the President, Hamilton says, "Premising this, I proceed to lay it down as a rule, that one man of discernment is better fitted to analyze and estimate the peculiar qualities adapted to particular offices, than a body of men of equal or perhaps even of superior discernment."

He further states, "He will have FEWER personal attachments to gratify, than a body of men who may each be supposed to have an equal number; and will be so much the less liable to be misled by the sentiments of friendship and of affection. A single well-directed an, by a single understanding, cannot be districted and warped by that diversity of views, feelings, and interests, which frequently distract and warp the resolutions of a collective body." Having argued the superior wisdom of one man making the appointment, Hamilton goes on to justify the compromise by which the nomination must be approved by the Senate and states, "In the act of nomination, his judgment alone would be exercised; and as it would be his sole duty to point out the man who, with the approbation of the Senate, should fill an office, his responsibility would be as complete as if he were to make the final appointment. There can, in this view, be no difference between nominating and appointing." Hamilton further observed that, "It is also not very probable that his nomination would often be overruled." This expectation has been borne out by the fact that the Senate has withheld its consent, to nominees to the Supreme Court, in only three instances in this century.

The Senate has the positive duty to determine whether the nominee's character befits the office. The Senate should, of course, make this judgment with respect to Judge Carswell. We believe, however, that you have correctly stated the traditional constitutional relationships of the President and the Congress, and that the consent of the Senate should be refused only when, in the words of Hamilton, there are "special and strong reasons for the refusal." The Senate should not attempt to substitute its *subjective* judgment as to this or any other nomination.

Very respectfully yours,

James M. Brown,
Professor of Law.
Edward A. Potts,
Professor of Law and Associate Dean, the National Law Center, the George Washington University.

MORRIS ABRAM WARNS OF DETRIMENTAL EFFECTS OF U.S. INACTION IN HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, three crucial human rights treaties now lie before the Senate of the United States—the Convention on the Political Rights of Women, the Convention on Forced Labor, and the Convention on the Prevention and Punishment of the Crime of Genocide.

These treaties reaffirm the principles on which this country was founded and which are guaranteed in the Declaration of Independence and the Constitution. Their ratification is essential if this country is to actively participate in developing an international law of human rights.

It is important at this time that we ask ourselves how the U.S. failure to ratify these treaties has affected this vital effort. The answer is crystal clear: The inactivity of the United States in this area has been a severe handicap to progress in securing international protection of human rights.

Mr. Morris B. Abram, a distinguished New York lawyer and former president of Brandeis University, eloquently brought forth this crucial point in testimony before the Senate Foreign Relations Committee on September 13, 1967. Mr. Abram's extensive experience as the U.S. representative to the UN Commission on Human Rights gives his excellent testimony additional force.

It was clear 2½ years ago that Senate ratification of these treaties was a matter of the utmost importance. Mr. Abram's compelling remarks are therefore even more significant today, in April 1970, in view of the absence of Senate action in the vital field of human rights since September of 1967.

Mr. President, I ask unanimous consent that excerpts from the testimony of Mr. Morris B. Abram before the Committee on Foreign Relations be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From the Testimony of Morris B. Abram

Mr. Chairman, the question before this Committee goes beyond the three conventions under consideration. This question is whether our country is to operate with a conception of the treaty power that is suitable for the realities of the rapidly shrinking world we inhabit. It is whether our policies are to be responsive to the objective facts of the increasing interdependence of nations, and the relationship between the conditions of freedom, economic and social progress, and international peace and security. It is whether our policies will reflect the recurrently demonstrated truth that the effects of the suppression of liberty, of race and sex discrimination, of poverty and illiteracy, tend to overflow borders and affect adversely other countries and the world-at-large.

The question is also whether the ideals which inspired the authors of our Declaration of Independence and our Constitution, that human rights and freedoms are the rightful heritage not only of Americans but of all men, is valid for us today; whether the American tradition of espousing the cause of the oppressed, or promoting the fundamental values of human rights, not only at home but abroad, is still an essential element of our national policy. It is whether we still adhere to, or whether we intend to renege on, the commitment we made when we joined the United Nations, to cooperate with other nations "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion," and in solving international economic and social problems.

Mr. Chairman, if we did not expect to carry out this commitment seriously, why did we ratify the UN Charter? If we did not intend to join in measures for implementing this undertaking, of which the most crucial is the adoption and the ratification of conventions, why did we endorse the inclusion in the Charter of this human rights purpose? Do we want the contemporary world-wide effort to extend the rule of law in the field of human rights to succeed or, by standing aloof from it, are we prepared to be a witness to its demise—as our failure to join the League of Nations contributed to the demise of that noble effort. For it is a fact of today's reality that when the United States, the world's strongest power and leading democracy, stands aloof from an international undertaking, that undertaking has little chance to succeed.

* * * * *

I contend, if as I believe to be the case, our participation in the human rights convention system will make even a modest contribtuion to bringing about a more decent world—by encouraging other countries to accept the standards of the conventions as binding obligations, by generating forces within these countries in support of their observance, by influencing the conduct even of nations which do not adhere to the conventions (for people tend to demand rights which others enjoy)—our failure to ratify cannot be justified. To prejudice our national image—by allowing ourselves to be included among only eight Members of the 122 UN Member States which have failed to ratify any of the three conventions makes little sense. To be included—we who lay claim to the position of leadership of the Free World—among states which have failed to participate in the principal means available to the world for developing international standards in the field of human rights, I submit, is a national embarrassment and indignity.

(Mr. Chairman, international cooperation for human rights—meaning primarily, treaty agreements in this field—is no longer an academic question; it is a practical necessity. I urge that, in pursuance of our national interest, our government resume the position of world leadership in the human rights field we occupied in the early years of the United Nations) and to this end, that the Foreign Relations Committee recommend to the Senate to ratify all three conventions now under consideration.

Thank you.

STRICT CONSTRUCTIONISM

Mr. ERVIN. Mr. President, the Wall Street Journal of March 19, 1970, carried an article by Arlen J. Large entitled "'Strict Constructionism'—With a Wink."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 19, 1970]

"STRICT CONSTRUCTIONISM"—WITH A WINK

(By Arlen J. Large)

Senator HART. What do you understand what the President means when he said he is looking for and thinks he has found in you a strict constructionist?

Judge CARSWELL. I don't have for you a pat answer, because I don't think it is pat answerable.

Because it comes up these days in connection with Supreme Court appointments, there's keen interest in what is meant by the term "strict constructionist." Everyone generally understands it means somebody who construes the words of the Constitution more or less literally, and doesn't make up a lot of far-out interpretations.

But, in practice, just how does that work out?

A CYNICAL FINDING

Because the Executive and Legislative branches of Government also must act within the Constitution, an examination of their manner of construing that document might give a clue to the meaning of "strict construction." There are strong grounds for a finding that's lamentably cynical:

If you want to do something badly enough, you construe it as Constitutional, even if you must construct an argument that is strictly far-out.

You can buy Louisiana from Napoleon, fight undeclared Asian wars, bust down a dope peddler's door and pass a national law letting teen-agers vote. The crucial question is whether such activities are desirable on their merits; if deemed so, you then assemble yourself a Constitutional rationale.

As Congress currently explores the farther reaches of its Constitutional powers to regulate voting, those powers are being construed very broadly indeed.

The Constitution itself is invitingly murky. Would-be voters for U.S. Senators and Representatives must have "the qualifications requisite for Electors of the most numerous branch of the state legislatures"—which presumably fix those qualifications.

Such words underlie the traditional view that the states—not the Federal Congress—are in charge of voting. Because of that tradition, when it was deemed desirable to forbid the states to deny the vote to Negroes, to women and to poll-tax non-payers, words had to be added to the Constitution.

But one of these Constitutional changes offered Congress a loophole that it only recently had begun to exploit. The 100-year-old Fifteenth Amendment, on Negro voting, says, "Congress shall have the power to enforce this article by appropriate legislation." In 1965, lawmakers relied on that in abolishing literacy tests and other state-decreed voting barriers in the South. The Voting Rights Act contained another provision allowing Spanish-speaking Puerto Ricans in New York to escape that state's literacy test. The Constitutional basis was the Fourteenth Amendment's requirement that states give each citizen "equal protection of the laws."

The Supreme Court ruled in 1966 that Congress indeed had such power to override a state's election law. It was one of several post-1965 court decisions opening new vistas of Federal authority over voting, and the Nixon Administration, which claims to cherish "strict construction," is cheering Congress on.

BANNING LITERACY TESTS

Both a sense of equity and the political imperatives of wooing Southerners led to the President's proposal for a statute outlawing literacy tests in the 12 non-South states that still have them, even if there's no allegation of deliberate discrimination against Negro voters. Both the House and Senate have agreed to a nationwide ban on literacy tests in the voting rights bill now in the final stages of enactment.

The Administration also cites Warren Court rulings as the basis for sweeping away state requirements that bar new residents from voting in Presidential elections. This also has been enthusiastically, received in Congress. Sen. Barry Goldwater, who last year thought a full-dress Constitutional amendment would be required, swung around to a simple statutory remedy mainly because he decided the other method would take too long.

The Arizona Republican told colleagues: "Once the policy decision is made to cure the problem by means of a statute, rather than an amendment to the Constitution, I have no difficulty in finding that it is well within the authority of Congress to pass such a statute." Among other things, Sen. Goldwater cites the power of Congress "to secure the rights inherent in national citizenship."

While agreeing that Congress can pass laws banning state literacy and residence requirements, Attorney General John Mitchell's lawyers construe things more strictly when it comes to lowering the voting age. That, the Administration insists, must be done by Constitutional amendment. But such unlikely allies as the conservative Sen. Goldwater and the liberal Edward Kennedy of Massachusetts contend that if Congress can act on literacy and residence it can act on age, too. A determined majority of the Senate has agreed; the House has yet to decide.

Arguments for free-and-easy lawmaking have superficial appeal. If it's unjust to keep illiterates from voting, the state tests should be junked and a Federal law is the fastest way. Nobody seriously argues that a man who moves from Iowa to Florida becomes unqualified to judge candidates for the national office of President; there's no defense for archaic state residence laws that deny U.S. citizens a Presidential ballot, and a Congressional remedy is easily at hand. Only a handful in Congress now is arguing openly that 18-year-olds shouldn't vote. If the issue has been settled on its merits, why fool with the tedium of a Constitutional amendment?

The motives, moreover, of the self-proclaimed strict constructionists are open to question. Most of them are from the South, where for years blatant denial of the vote to blacks was shielded behind the high Constitutional doctrine of state control of voting. Southern respect for every jot and tittle of the Constitution conveniently overlooked Section 2 of the Fourteenth Amendment, which provides that states denying the vote to their citizens "shall" lose a proportional number of U.S. House seats. But the construction Congress itself put on this requirement was strictly negative; the provision was never invoked, simply because the lawmakers didn't want to, and the Constitution thus has been amended by deliberate oversight.

And that, of course, is the danger of Constitutional corner-cutting. A Congress determined to pass do-good laws on questionable Constitutional authority is likewise free to enact do-bad laws; definitions about which is which will depend on who has more votes. Presidents who are free to pick and choose among their Constitutional powers are going to wink at the right of habeas corpus (Lincoln), put citizens of a particular ancestry in detention camps (FDR), send soldiers to an undeclared war in Korea (Truman), or in Vietnam (Eisenhower, Kennedy, Johnson, Nixon).

SENATOR ERVIN'S WARNING

"When the Constitution of the United States is nullified by those in authority because of their impatience or because of their zeal to do what they consider to be advisable . . . liberty in America has no chance to survive; because then we will have a government of men and not a government of laws."

So warned Sam Ervin during the Senate's voting-law debate. The North Carolina Democrat is among the more consistent "strict constructionists." While following the traditional Dixie gospel about state control of voting, he raises the same prickly Constitutional objections to some things ardently wanted by fellow conservatives: Official school prayers, pre-trial preventive detention of accused criminals, "no-knock" authority for narcotics agents to raid suspected drug peddlers, crackdowns on GI war dissenters.

In disputes over such things as no-knock authority, it comes down to which strict constructionist you believe—the Attorney General or Sen. Ervin. At the moment it seems more Senators and Representatives believe Mr. Mitchell, and no-knock authority probably will become Federal law. Then it will be up to the Supreme Court, should a test case arise, to decide whether an official break-in by Federal narks fits the definition of unreasonable searches and seizures forbidden by the Constitution.

If there are any would-be "strict constructionists" on the Court then, they'd best look within themselves for guidance on what that label really means. Their co-equal brethren downtown and on Capitol Hill don't seem to know, either.

SPACE TECHNOLOGY AIDS FIGHT AGAINST POLLUTION

Mr. YARBOROUGH. Mr. President, an article published recently in the Houston Chronicle contains an interesting report of how space technology is helping in the fight against pollution. Infrared and microwave sensing techniques developed by NASA have recently been used by a newly formed Houston firm to detect oil

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pollution flowing from the leaking well in the Gulf of Mexico. These same techniques have been used to trace the flow of hot water—thermal pollution—into Galveston Bay. With this assist from space technology, it will be possible to chart the flow of many pollutants through bodies of water. Hopefully, the knowledge we can gain from this type of work can teach us how better to stop the pollution of the waters on the earth's surface.

Mr. President, I ask unanimous consent that the article entitled "Houston Firm Uses Space Skills To Check on Pollution," published in the Houston Chronicle of March 22, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Houston Firm Uses Space Skills to Check on Pollution

(By Arthur Hill)

A new Houston firm, believed to be the first of its kind in the nation, has used sensors developed through space program technology to chart pollution in Galveston Bay and the Gulf of Mexico.

The firm has cameras, film, electronic and computerized equipment that heretofore has been used only experimentally by NASA and a few academic institutions.

The new company is Remote Sensing, Inc., with offices at Hobby Airport.

Its president, Bobby D. Hile, is certain that airplane-borne sensors can help fight pollution, but he expects it will be a struggle to convince others of that viewpoint.

As a demonstration, RSI recently mapped the extent of the Chevron Oil Co. oil spill south of New Orleans. Several flights have also been made over the Houston Ship Channel and Galveston Bay.

Hile has pictures showing ships releasing large quantities of oil into the Ship Channel and industries dumping chemical wastes into that waterway. Other sensors show the extent to which heated water is flowing into the bay.

One of the firm's instruments is a 500-pound camera that can peer into the open hold of a ship from an altitude of 6000 feet.

The pollution flights were not paid for by anyone concerned, so RSI was impartial, Hile said.

"We did it simply to check out our instruments," he said.

RSI uses equipment that "sees" the ground at wave lengths beyond the range of the human eye with instruments, for example, that work in the infrared and microwave regions of the spectrum.

Some pollution can be seen from above by the eye—and by standard film, for that matter—but reflection from the Sun obscures most of it, Hile said.

In the Chevron oil spill, it appeared to the unaided eye that a line of barges was holding back much of the oil, but the infrared sensors showed a vast quantity flowing past the barges, escaping the special oil-skimming booms.

Hile estimated that RSI spent over $10,000 in four flights over the spill, two on March 11 and two on March 13, at both low and high altitudes.

In the Chevron spill, Hile said, RSI sensors found that the oil wouldn't penetrate the rip tide, an area of heavy sedimentation on the delta. The reason is still unknown, Hile said.

"What we are trying to tell the people right now is that if they are really interested in the leakage and the things that really occur, there should be some monitoring situation set up to do this.

"If it goes out to sea, they are in good shape. If it happens to head toward land, you have got to start cleaning up. If you don't monitor where that stuff is, how are you going to know where to clean it up, or whose it is?" Hile asked.

The same applies to the Ship Channel and Galveston Bay, he said. Infrared is especially good for showing the extent of hot water discharge, he added.

Five of the 15 employes at RSI, including Hile, are what Hile calls "NASA dropouts." The Manned Spacecraft Center pioneered the development of remote sensing techniques.

The firm has three professional pilots and two planes, a fan-jet Falcon and a twin-engined Cessna 337, both crammed with equipment.

Hile called the evidence of pollution he found in the Ship Channel and the bay "disgusting."

"And if you live where I do, down at League City, it's enough to make you give up drinking water if you study this long enough."

RSI's first assignment, however, has nothing to do with pollution.

The Kansas State Highway Department wants them to look for old mine shafts, so that rights-of way can be plotted away from dangerous ground.

Hile believes the temperature in the shafts will be quite a bit warmer at this time of the year than the surrounding terrain, which should make it easy for the sensors to locate the hidden tunnels.

TRIBUTE TO SECRETARY OF TRANSPORTATION VOLPE

Mr. ALLOTT. Mr. President, Nation's Business for April 1970, contains an excellent article entitled "John Volpe's Drive To Keep America Moving." The article serves as a fine tribute to the tireless efforts of Secretary Volpe, who is certainly one of the most enthusiastic and energetic Cabinet members to serve in Washington in many years.

I believe that the Secretary in the course of the article makes many valid points. The Nation's Business story also paints a picture of Mr. Volpe as a principled man with strong political loyalties.

As a further tribute to the work he is doing, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

John Volpe's Drive To Keep America Moving

The three-year-old Department of Transportation has been likened to the brash new kid on the block: highly visible and easy to dislike.

"I'll admit we're highly visible," says John A. Volpe, the second man to serve as Secretary of Transportation, "and I'll concede that transportation has not kept up with the times."

A what-are-you-going-to-do-about-it chorus comes from the choleric commuter caught in rush hour traffic, the frustrated businessman bogged down at an overwhelmed airport, the ghetto worker trying to get to a suburban job via an outmoded city transit system, and the nostalgic soul who yearns for the heydey of the passenger train.

"Intermodal transportation, that's the answer," snaps the feisty Mr. Volpe. "Modes of transportation that are interdependent. A total balanced transportation system. You can't depend on the automobile alone anymore. You've got to get rid of the imbalance."

Many people have their own pet answers to the transportation question, so selling this idea of a balanced system is harder than it sounds.

To sell it, Mr. Volpe jets continually over the country, pushing this campaign as hard as he did the ones that three times put him in the Governor's chair in Massachusetts; showing the same drive that took him from hod carrier to owner of a huge construction company.

"You've got to make the people realize what's at stake," he says. "You've got to get them behind you."

At stake for mobile America is the continuation of that happy circumstance of getting where it wants to go, when it wants to.

"Transportation has to receive from the people the same commitment they give to education," Mr. Volpe exclaims. "You're really talking about people—people who have to be able to move safely, to get to work, to produce and sell."

And he believes that after a year in office he has a head start now on whipping problems whose scope is shown by the torrent of statistics he quotes.

In 1969, the restless American drove more than a trillion miles, in 107.4 million motor vehicles, over the one linear mile of pavement his country now has for every square mile of land. And he flew 66 million more seat miles per day on commercial air carriers and 4,000 more hours each day in general aviation than he did the year before. Not to mention the mileage he piled up on buses, trains and shipping of all description, all now covered in part by Transportation agencies.

THE GOOD WITH THE BAD

What particularly makes Secretary Volpe optimistic is the progress in Congress on two bills he considers essential. One, now in the final passage stage, is a 10-year, $15 billion plan to improve the nation's airports and air traffic systems; the other, a 12-year, $10 billion program to aid urban public transit, has won Senate approval.

"The President was making a trip on Air Force One when I called to tell him the House had passed the airport bill, 337–6," Mr. Volpe chortles. "He thought he had a bad connection. He couldn't believe the size of the vote."

If Mr. Volpe has had his moments of exhilaration so far, he's had his bad times, too. Such as the battle of the Everglades, or airplanes vs. alligators.

"I don't think I have spent as much time on any other single project," ruefully admits the Secretary about this squabble between conservationists and government officials over location of a new international airport for Miami.

"Alligators 26–0," is the way Washington wags put the outcome.

"Now, look," Mr. Volpe exclaims. "The President was dead serious when he talked about protecting our environment. And so am I. I can tell any city or state official looking for funds from us that no road or airport or transit system is going to be built that doesn't take the environment into consideration.

"I'm not one of those who believe we've raped the country by building roads. That just isn't so. But we can pay more attention to trying to save this grove of trees, or this parkland. Maybe we weren't as careful before. But I hate to think of the paralysis that would have faced this country without the interstate highway system."

The 43,000-mile interstate grid, now nearing completion, is a prime example for Mr. Volpe of the worth of transportation—and of planning. He was involved personally in the interstate's planning as first federal highway administrator, under President Eisenhower, who okayed the project.

"That was the biggest public works project in world history," says Mr. Volpe. "And I don't think any of us ever realized just what it was going to mean to the economics of this country. I mean the way industry moved out to expand because now it had the

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roads to move its goods from the new, bigger sites."

MAN ON THE MOVE

Secretary of Transportation seems a natural title for Mr. Volpe, who says he turned down the first post President Nixon offered him (he won't say what it was). He's a man on the move, whether from one luncheon to another (he usually arrives just as coffee is served; his record is five luncheons in a day) or from one goal to another.

The 61-year-old son of an Italian immigrant, Mr. Volpe is a self-made man who drives himself and is impatient with non-drivers.

He can kid himself, as he does about his height ("the reason I'm short is because I started as a hod carrier and that hod was heavy") but his visible public image is that of intense seriousness.

Mr. Volpe didn't exactly start at the bottom in seeking elective office. His first try—he won—was for the Governorship. He had made a huge success out of a construction company he started during the Depression, and had served as the appointed public works commissioner of Massachusetts.

His three terms as Governor were not successive. He was defeated once.

"I got beaten because I lost one vote out of every precinct," he explains. "I should have worked harder. I guess I overlooked some details."

To make sure he doesn't overlook any details in his current job, Mr. Volpe lugs as many as five briefcases home to Washington's "White House Annex," the Watergate Apartments, where many in the Nixon Administration live. (It helps, he says, that he and Mrs. Volpe prefer a quiet home life to the big social bashes of the capital.)

And when he's on a trip, which is three or four times a month, he takes with him big "briefing books" about every city, every state into which he's going—and what his Department is doing there.

"The briefing books are the bible," explains an aide. "He absorbs facts. And he doesn't want to be wrong."

KEEPING HIMSELF GOING

Secretary Volpe will bone up on the smallest detail, frequently sipping his favorite energy-builder, hot tea and honey. He's a weight watcher, who eats lightly and considers a graham cracker a big snack. He's also a physical health bug.

"Every minute I give to exercise I figure gives me that much more time to devote to my job." He goes at it with a vengeance: Up at 6:30 a.m. and onto his special exercise bicycle, then maybe a bit of shadow boxing.

One thing he likes about the new building in Southwest Washington his Department is moving into is that it is big enough for him to lay out a jogging track on the roof.

As does any executive who has a pell-mell pace, the Secretary has his own recipe for relaxation: "I take a hot whirlpool bath at night and I sleep like a baby. I take a cold whirlpool bath in the morning and I'm ready to roll."

To make sure he's ready to roll on the road as well as at home, he carries with him everywhere a 28-pound whirlpool unit that attaches to any hotel or motel tub.

Mr. Volpe feels his trips across the country can make a major contribution to the transportation success story he hopes will be written during the Nixon Administration.

"You know the federal government only assists cities and states," he says. "The local units of government have to contribute their share and they have to initiate the requests for help in financing the programs they want. What I hope to do is make people realize they have to think 'total transportation,' not just an immediate road or airport or some new buses."

He adds pointedly: "Any city of over a half-million in this country has a transportation problem. It had better look ahead."

CAN'T WIN 'EM ALL

A tireless campaigner for President Nixon, Mr. Volpe feels the President has shown a deep appreciation for the role of transportation.

"He'll listen to any argument you make," the Secretary says. He won't deny that he's made his share of arguments.

"Of course," he says of one he lost, "I thought I had a really tight budget when I submitted it, but the President came back and told me to take out another $125 million."

For fiscal 1971, Transportation has asked for new spending authority of $11.2 billion, a 42 percent increase over fiscal 1970, including $2.9 billion to finance expanded grants for urban transportation. It doesn't expect to spend this much in the 12 months starting next July, however. Actual outlays are expected to be $7 billion to finance programs as diverse as building a new ice cutter for the Coast Guard and highway beautification. created three years ago by President Johnson, pulling together a number of independent agencies and transferring some outfits involved with transportation from other Cabinet departments.

One of these was the Coast Guard, moved over from Treasury. That the newest Cabinet office suddenly had Coast Guard air transportation available for official trips is still a tender spot at old line departments. Their Secretaries (excluding Defense) travel mostly by commercial plane.

"I think I've got everybody in the Department thinking total transportation now," says the Secretary. "Not just aviation or highways or railroads." (His Department overseas the Alaskan railway and two other federally owned railroads.)

Much of the Secretary's first year was spent formulating what could be called a transportation policy.

"I think it was easier for me than it would have been for anyone else," he says without egotism. "After all, I had the background. I was the first federal highway administrator and was public works commissioner for Massachusetts. As Governor, I dealt with the problems of aviation and shipping, too."

SAFETY FIRST

Mr. Volpe says his first priority on taking office was "safety—air safety, automobile safety.

"I think I soon discovered that urban transportation was right up there, but safety was first."

His Department oversees the Motor Vehicle Safety Act and has decreed that a long list of items such as safety shoulder straps and head rests must be standard on new automobiles.

"Were going to save 10,000 lives a year when the air bag and collapsible bumper are perfected," he says.

The air bag is an experimental device that would activate huge rubber balloons on impact, so that the driver would be cushioned. Mr. Volpe recently announced that the auto industry will be required to begin using it in 1972.

The collapsible bumper is another impact device designed to cut down injuries or deaths.

"We're going to have to reduce the number of people killed every year—55,000," Mr. Volpe says.

Not all safety ideas advanced by his Department have met with wholehearted acclaim and some have been ridiculed.

"You have to do what you think is right," he says.

And that's why he feels cities must look to rapid transit, despite the voter unhappiness caused by proposals for bond issues to raise matching local money.

HE HAD RATHER SWITCH?

"When you talk about rapid transit," Mr. Volpe says, "it doesn't mean rail exclusively. Maybe express buses will do the job—special bus lanes up freeway median strips. If a guy driving bumper to bumper at 10 miles an hour sees a bus going by at 60, maybe he'll figure it's smarter to switch.

"I've learned this—as a businessman, a Governor and now as a Cabinet officer. A city which doesn't develop a means to move large numbers of people effectively and efficiently from where they are to where they want to go is a city of obsolescence.

"I told the National Automobile Dealers Association they didn't have to worry about selling cars if their cities got rapid transit. If some of these cities don't look ahead, the people won't be able to get to the showrooms to buy cars, anyway."

As Mr. Volpe, comfortable in a rumpled red sweater and busy editing speeches with a big, felt-tipped pen, flies around the country in a Coast Guard jet, he is conscious of area-by-area differences of opinion on transportation needs.

For many parts of the country, motor transport is the only mode.

In metropolitan areas, there is agonizing over mass transportation (the Secretary notes glumly that 235 local transit systems went out of business in the last few years).

There is tremendous competition for funds—for roads, airports, buses, high speed transit on rails.

Secretary Volpe sees as the great hope for rapid mass transit the tracked air cushion vehicle, capable of any necessary speed up to as much as 250 miles an hour.

"It's coming, and it will be a success," he predicts. To back up the theory, the Department is going to build a 20-mile test track at Pueblo, Colo.

Rapid transit also is good medicine for social ills, the Secretary thinks.

"If you can move people from the inner city to the outlying areas where the jobs are, you can't help but solve some of these social problems. And if you can move people from the suburbs into the city, you can solve some of the problems of the city decaying as a center of commerce."

There is nothing like a bustling downtown to get Mr. Volpe's adrenaline pumping. He'll mentally size up the problems any building under construction will give the builder. And the costs.

Watching a tower go up in Atlanta, he ruefully remarked: "And just think he [the builder] doesn't have to figure in snow stoppages."

PAST, PRESENT, AND FUTURE

Mr. Volpe sold all his interest in his construction business to a brother on being confirmed to the Cabinet. Several of his projects were under way in Washington when he walked into the room where a Senate committee was considering his nomination. The signs all read, "John A. Volpe Construction Co."

By the time he walked out, his workmen had done a rush paint job on their own. The signs all said; "Volpe Construction Co."

Mr. Volpe has been touted as a possible Senate race opponent against Democrat Edward M. Kennedy. He scoffs at this suggestion.

"Sure, I've heard those stories. But I am not a candidate for any elective office. Period."

This hasn't, however, dimmed his enthusiasm for Republican politics. He's always willing to duck in on a G.O.P. meeting wherever and whenever he can. One reason is that he genuinely enjoys political meetings, especially the mingling with people.

"I can go like 60 for a week or 10 days, but then I have to have a long weekend," he explains.

When he gets a chance, he likes to lie in the sun on a beach and every once in a

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while get in a hand of bridge. A devout Catholic, he goes to mass every day, wherever he is.

As every Administration official does, Mr. Volpe knows there is a time limit on his Washington years. He keeps it in mind.

"We've got to double our transportation capacity in the next 20 years," he says. "Think of that. In 20 years we've got to match all of history. When I get through, I'd like to feel I have developed a balanced transportation system. America is going to grow, we know that. But the way it grows is what's important. And transportation will determine in a big way where we are at the end of the decade."

SALVATION: IT IS POSSIBLE

Mr. MONDALE. Mr. President, one of the most interesting articles that I have read recently on the environmental crisis is one written by Barry Commoner in the April 1970 issue of the Progressive.

The entire issue, entitled the "Crisis of Survival," is devoted to the subject of the environment and is worth reading.

The article by Commoner, who has been referred to as the "Paul Revere of Ecology," is especially incisive and thoughtful. Commoner makes a strong case for the fact that our environmental problems have been the direct result of our use of technology as the basis of increased production and high financial return.

Commoner states that "the continued success of our economic system and the stability of the political framework which supports it" depends on our ability to take into account the hidden social costs of new technologies as well as simple profit and loss considerations.

There is a very real danger that if we allow unrestrained technological change for a competitive financial return at the expense of the integrity of the natural ecological system, we will become hooked on items such as inorganic fertilizers and synthetic insecticides.

As serious as thing are, Commoner sees the seventies as a period of grace:

> A decade which must be used for a vast pilot program to guide the coming reconstruction of the nation's system of productivity.

Mr. President, I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SALVATION: IT'S POSSIBLE

(By Barry Commoner)

(NOTE.—Barry Commoner is director of the Center for the Biology of Natural Systems at Washington University. He wrote "Science and Survival," available in Viking Compass paperback.)

With startling suddenness environmental pollution has jumped to the top of the agenda of public concern. A short time ago the condition of the environment was largely a subject for discussion among scientists; although some of us did venture from our laboratories to alert the public and legislators to the problem, until recently the response was one of polite attention, but little demand for remedial action. Now, suddenly, things are different: Environmental pollution is a major public concern.

The immediate reasons for this concern are not difficult to detect, for they assail our senses every day: Our eyes smart with smog; our ears throb with the noise of automobiles, aircraft, and construction tools; we are assailed by the odors of polluted waters and the sight of mounting heaps of rubbish.

Less apparent than the *fact* of pollution is what can be done about it. The problems are enormous in size: Cities are running out of places to dump garbage, and a lake as large as Erie has been nearly totally polluted. The problems are bewildering in their complexity: If we expand sewage treatment facilities, the effluent nourishes aquatic plants and we only intensify the pollution caused by rotting masses of algae; if we incinerate garbage, we intensify air pollution; if we attempt to control smog by means of exhaust devices which reduce waste fuel emission, we worsen the pollution caused by nitrogen oxides.

The degradation of the environment in which we live has become a pervasive, intractable, discouraging problem. It clashes noisomely with the magnificent progress of the age, with the marvelous competence of our new machines, with the rising productivity of our factories and our farms, with the new inventions that have revolutionized communications and management.

Why has a society which is so enriched by the progress of technology now become so impoverished in the quality of the life which that technology supports? What are the causes of this dismaying phenomenon? What lessons can be learned from the environmental crisis that might help us survive it?

Consider this thesis, which, I believe, may provide some useful insights into these problems:

Environmental pollution is not to be regarded as an unfortunate, but incidental, by-product of the growth of population, the intensification of production, or of technological progress. It is, rather, an intrinsic feature of the very technology which we have developed to enhance productivity.

Our technology is enormously successful in producing material goods, but too often is disastrously incompatible with the natural environmental systems that support not only human life, but technology itself. Moreover, these technologies are now so massively embedded in our system of industrial and agricultural production that any effort to make them conform to the demands of the environment will involve serious economic dislocations. If, as I believe, pollution is a sign of major incompatabilities between our system of productivity and the environmental system that supports it, then, if we are to survive, it is the productivity system that must yield first place to environmental preservation, however severe and challenging to our social concepts that revised priority may be.

All living things, including man, and all human activities on the surfaces of the earth, including all of our technology, industry, and agriculture, are dependent on the great interwoven cyclical processes followed by the four elements that make up the major portion of living things and the environment: carbon, oxygen, hydrogen, and nitrogen.

All of these cycles are driven by the action of living things: Green plants convert carbon dioxide into food, fiber, and fuel; at the same time they produce oxygen, so that the total oxygen supply in our atmosphere is the product of plant activity. Plants also convert inorganic nitrogen into protein, a critical foodstuff. Animals, basically, live on plant-produced food; in turn they regenerate the inorganic materials—carbon dioxide nitrates, and phosphates—which must support plant life. Also involved are myriads of microorganisms in the soil and water.

Altogether, this vast web of biological interactions generates the very physical system in which we live: the soil and the air. They maintain the purity of surface waters and by governing the movement of water in the soil and its evaporation into the air regulate the weather. This is the environment. It is a place created by living things, maintained by living things, and through the marvelous reciprocities of biological evolution is essential to the support of living things.

The environment makes up a huge, enormously complex living machine—the ecosphere—and on the integrity and proper functioning of that machine depends every human activity, including technology. Without the photosynthetic activity of green plants there would be no oxygen for our smelters and furnaces, let alone to support human and animal life. Without the action of plants and animals in aquatic systems, we can have no pure water to supply agriculture, industry, and the cities. Without the biological processes that have gone on in the soil for thousands of years, we would have neither food crops, oil, nor coal. This machine is our biological capital, the basic apparatus on which our total productivity depends. If we destroy it, our most advanced technology will come to naught, and any economic and political system which depends on it will founder. Yet, the major threat to the integrity of this biological capital is technology itself.

One example is the fact that much of our present water pollution problem is not caused by inadequate utilization of the present technology of sewage disposal, but rather the very success of that technology. Present sewage treatment procedures were designed to relieve the burden of organic wastes on the self-purifying biological system of surface waters, by converting these wastes to supposedly innocuous inorganic products, such as nitrate and phosphate. This sewage treatment system is quite successful in achieving its aim. The system is failing, however, because its inorganic products are themselves reconverted to organic materials by the green plants that participate in the aquatic biological system, thereby frustrating the initial aim of the treatment process. This accounts for much of the mass of rotting algae which fouls the water and beaches of Lake Erie.

To make present sewage treatment technology ecologically sound will require, at the least, the introduction of tertiary treatment stages to protect the ecosystem of surface waters (almost no plants of this type are now in operation), and ultimately, a wholly new type of system that returns organic waste to the soil so as to protect the declining quality of our soils. Much of the modern pollution problems derives from the effects of phosphates on algal overgrowths, and nearly all of the phosphate enters surface waters from municipal sewage treatment plants because of the widespread use of phosphate-rich detergents. For that reason, we must add to the cost of rolling back water pollution the economic consequences of remaking the detergent industry, so that phosphate can be eliminated from its products.

Another example of new problems created by what seem to be technological achievements is provided by modern agricultural technology, which is largely based on replacing the dwindling natural supply of plant nutrients in the soil by the massive use of inorganic fertilizers, especially nitrogen. These fertilizers greatly increase the immediate crop yields; but at the same time, the impoverishment of soil organic matter, by alterning the physical character of the soil (especially its porosity to oxygen), sharply reduces the efficiency with which the added fertilizer is taken up by the crop.

As a result, unused nitrogen fertilizer drains out of the soil into rivers and lakes, where it joins with the nitrate imposed on the water by the effluent of sewage treatment plants, causing overgrowths of green plants and the resultant organic pollution. The drainage of nitrogen from fertilizer has already destroyed the self-purifying capability of nearly every river in Illinois, and the same process is at work in many other parts of the nation. In the Midwest and California,

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fertilizer drainage has raised the nitrate level of drinking water supplies above the safe limit recommended by public health authorities.

A third example which is—surprisingly—closely related to the previous ones is the matter of air pollution caused by automotive exhaust fumes. This problem originates with the production of nitrogen oxides by gasoline engines. Released to the air, these oxides, upon absorption of sunlight, react with waste hydrocarbon fuel to produce the noxious constituents of smog. This problem is the direct outcome of the technological *improvement* of gasoline engines: the development of the modern high-compression engine. Such engines operate at higher temperatures than older ones; at these elevated temperatures the oxygen and nitrogen of the air taken into the engine tend to combine rapidly, with the resultant production of nitrogen oxides.

The present smog control technique—reduction of waste fuel emission—by diminishing the interaction of nitrogen oxides with hydrocarbon wastes, enhances the level of airborne nitrogen oxides, which are themselves toxic. In the air nitrogen oxides are readily converted to nitrates, which are then brought down by rain and snow to the land and surface waters. There they add to the growing burden of nitrogen fertilizer. What is surprising is the amount of nitrogen oxides that are generated by our automotive traffic: They account for more than one-third of the nitrogen contained in the fertilizer currently employed on U.S. farms.

As a final example of the intrinsic failure of a technology which bears a considerable responsibility for the present pollution of the environment, look at the current status of the insecticide problem. Recent reports from Asia, Africa, and Latin America show that, with awesome regularity, major outbreaks of insect pests have been *induced* by use of modern contact-killing insecticides, because such insecticides kill the natural predator and parasitic insects which ordinarily keep the spread of insect pests under control. At the same time there is now increasing evidence that synthetic insecticides are responsible for declining populations of birds and fish. Because of such hazards, and the still poorly understood danger to man, DDT is being withdrawn from most of its uses.

I have cited these examples to illustrate the point that major problems of environmental pollution arise, not out of some minor inadequacies in our new technologies—but because of the very success of these technologies in accomplishing their designed aims. A modern sewage treatment plant causes algal overgrowths and resultant pollution *because* it produces, as it is designed to do, so much plant nutrient in its effluent. Modern, highly concentrated, nitrogen fertilizers result in the drainage of nitrate pollutants into streams and lakes just *because* they succeed in the aim of raising the nutrient level of the soil. The modern high-compression gasoline engine contributes to smog and nitrate pollution *because* it successfully meets its design criterion—the development of a high level of power. Modern synthetic insecticides kill birds, fish, and useful insects just *because* they are successful in being absorbed by insects, and killing them, as they are intended to do.

This raises an important question about new technology: Does it pay? Whether we ask this question in the direct language of profit and loss, or in the more abstract language of social welfare, the question is crucial. For, sooner or later, every human endeavor—if it is to continue—must pass this simple test: Is it worth what it costs? On the answer to this question depends the continued success of our economic system and the stability of the political framework which supports it.

It might appear that this question has already been answered. After all, power companies are eager to build plants for nuclear fuels rather than fossil ones; farmers rapidly adopt new insecticides, fertilizers, and machines. Apparently their cost accounting tells them that the new technologies yield the best available margin between income and costs. I should like to suggest, however, that these calculations are not complete—that certain costs have not yet been taken into account.

For example, what are the true costs of operating a coal-fired power plant in an urban area? The obvious costs—capital outlay, maintenance, operating costs, taxes—are well known. These costs are always less than the income derived from selling the power, given the requirements of our system of investment. But we have recently discovered that there are other costs and have even begun to put a dollar value upon them.

We now know that a coal-burning power plant produces not only electricity, but also a number of less desirable things: smoke and soot, oxides of sulfur and nitrogen, carbon dioxide, a variety of organic compounds, and dissipated heat. Each of these is a *non*-good and costs someone something. Smoke and soot increase the householder's laundry and cleaning bills; oxides of sulfur increase the cost of building maintenance; for organic pollutants we pay the price—not only in dollars, but in human anguish—of some number of cases of lung cancer.

Some of these costs can be converted to dollar values. The U.S. Public Health Service estimates the overall cost of air pollution at about $60 per person per year. A reasonable assessment of the portion of the $60 cost caused by power production from fossil fuels is about $20. This means that we must add to the cost of such power production for each urban family of four, about $80 per year—an appreciable sum relative to the annual bill for electricity.

The point of this calculation is obvious: The *hidden* costs of power production, such as air pollution, are *social* costs; they are met, not by a single producer, by many *consumers*. To discover the true cost of electric power we need to look for, and evaluate, all the hidden, social costs represented by environmental pollution—the dirty linen, so to speak. When we discover these hidden costs, we find that they degrade the biological capital—pure air—on which the lives and livelihood of the people depend.

We cannot escape from a profound truth of modern technology—for all its goods, we pay *some* price in hidden costs. These costs are a serious challenge to the social value of our new technology and the economic system which is based upon it. For the economic consequences of the hidden costs of environmental pollution attributable to modern technology are not trivial. It has been calculated that if the U.S. paper industry were required to meet present water-pollution standards, the industry would need to spend $100 million for each of ten years. The total profit in the paper industry is $300 million per year, so that, as a minimum, the bill represented by the pollution caused by the paper industry, if paid, would reduce the industry's profit by one-third for ten years.

The total cost of bringing water pollution control up to present standards has been calculated at $100 billion over the next ten to twenty years. The total economic loss from air pollution has been estimated at $11 billion annually. These sums loom large in the national budget. More important, for certain industries they may represent amounts which are so large relative to their profits as to constitute a serious threat to an industry's stability—if it were required to pay the full bill for the hidden costs of operation.

Environmental pollution represents a major social cost incident to the operation of our productive enterprises, a cost arising from the nature of the technology on which these enterprises are based. How, then, can we account for this pervasive relationship between technology and pollution? One answer to this question is that at least some of the environmental failures which are so characteristic of modern technologies are the end result of a response to economic pressure.

Let me illustrate this point by a fairly simple, but enlightening, example. For many years, dairy farming in the state of New York has been based on a particular breed, the Holstein cow. This animal was well suited to the small-scale irregular terrain of the local pastures. It efficiently grazed these fields, producing a direct economic return in the form of milk. At the same time, the Holstein cow helped considerably to maintain the capital investment represented by the farmer's pasture land, for its wastes contributed to the organic content of the pasture soil, maintaining its fertility in a natural manner. In such soil, soluble soil nutrients, such as nitrates, retain their naturally low levels and drainage of excess nitrate does not sufficiently stress the biological cycle of surface waters to cause water pollution. This is an ecologically balanced system capable of maintaining, indefinitely, a given level of productivity in the form of milk, and exacting little or no social cost in the form of pollution.

However, the rate of economic return from this system of dairying is low, relative to competitive forms of investment of the land and capital involved. Naturally the farmers were interested in ways of increasing the direct financial return from their dairy operations. This has taken the form of scientific efforts to breed a new strain of Holstein, capable of increased yields of milk per unit of feed. These efforts have met with success, and New York dairies now have available to them such high-yield Holstein breeds. As it happens, however, genetic selection for milk yield appears to be closely linked to the size of the animal. As a result, the new Holstein breeds are not only more productive, they are also considerably larger and heavier than their forebears.

For evident reasons, a large, heavy cow is not as agile as a smaller one, and farmers find that the new Holstein cows, unlike the original breed, are not as good at negotiating their hilly pastures—and are therefore unable, in that environment, to obtain sufficient nutrition by their own efforts. This biological difficulty can be solved—by an *economically* acceptable solution—by bringing the feed to the cow, which is then confined to a feedlot where its clumsy weight is no longer a handicap.

Thus, the Holstein has become, in effect, a kind of highly productive milk machine. But this machine, like other forms of technology, breaks the natural cycle of environmental processes. For now the cow no longer deposits its waste usefully over the pastures, but drops it instead in a restricted feedlot. Here, the waste constituents, such as nitrogen, can no longer become naturally incorporated into the soil. Instead, they overburden the soil's assimilatory capacity and nearly all of the nitrogenous material leaches through the soil into surface waters—where it becomes a pollutant.

At the same time, the pasture lands, now deprived of the organic matter of the cows' wastes, begin to decline in their fertility. Their productivity can be maintained by using inorganic fertilizer, which is now so cheap and easily spread as to compete favorably with manure. But, as already indicated, while this expedient is an effective way to maintain the immediate productivity of the land, it does so at the expense of a major *social* cost—added pollution of surface waters.

This example, though small in its scale, clearly shows how a technological change motivated by the demand for competitive financial return may succeed in this aim—but at the expense of the integrity of the natural environmental system—with the resultant generation of new *social* costs, in the form of pollution.

A livestock animal produces much more waste than human beings, and the waste produced by domestic animals in the United States is about ten times that produced by the human population. Much of this waste production is confined to feedlots—in 1966 more than ten million cattle were maintained in feedlots before slaughter, an increase of sixty-six per cent over the preceding eight years. This represents about one-half of the total U.S. cattle population. Because of the development of feedlot techniques—much of it in the Midwest—the United States is confronted with a huge waste disposal problem, one considerably greater than the human sewage which we are attempting to handle with grossly inadequate treatment. The result is predictable—massive, still unresolved, pollution problems exists, especially in the surface waters of the Midwest.

As a necessary concomitant to this development, the United States has been forced to adopt, on an equally massive scale, chemical fertilization of the land, which is now deprived of the natural organic fertility of the animal wastes produced by cattle that once browsed on farmlands. In the period 1945–1968, the use of nitrogen fertilizer in the United States increased about fourteenfold. This vast change has occurred for sound economic reasons. Since 1945 the cost of farm labor, land, and machinery has risen about fifty to sixty per cent; but in that time the cost of fertilizer has *declined* about twenty-five per cent. Moreover, intensive use of fertilizer, especially of nitrogen, provides a quick return on the farmer's investment; a fertilizer investment made in the spring is quickly reflected in the return from the crop in the fall.

I have emphasized these agricultural problems because they most directly reveal our dependence on the natural systems which constitute the environment. These examples also show explicitly that environmental pollution is caused by the violation of the integrity of natural environmental systems and illustrate the seriousness of the immediate social costs of the resultant pollution. However, these agricultural problems also illustrate a much graver consequence of technological intrusions on the environment—a threat to the very survival of the biological systems which sustain us.

For example, one consequence of our increasing dependence on the massive use of inorganic nitrogen fertilizer may be the loss, perhaps irretrievably, of certain species of soil microorganisms which in nature sustain the fertility of the soil by converting the nitrogen of the air to soil-organic nitrogen. If this should happen, any effort to restore the dwindling organic content of the soil and return to a balanced soil-water system will become difficult, and in some areas, impossible. We would then be *forced* into increasing dependence on inorganic fertilizer, with its attendant water pollution; like a drug addict, we would be "hooked" on a continued self-destructive course.

We face a similar crisis in the control of insects. It has become increasingly clear that we will soon need to abandon our reliance on synthetic insecticides and restore the natural control of insect pests by their insect enemies. However, as the massive use of persistent insecticides—such as DDT—continues, some species of these useful insects may face extinction, so that biological control may be difficult, and perhaps impossible, to reestablish. We would then be forced to rely on synthetic insecticides—and be "hooked" on them.

In each of these examples it is evident that we have been driven to disrupt the integrity of the natural environment under the impetus of demands for competitive economic returns from a given productive process. And in each case, the new technology has not, in fact, yielded an unequivocal improvement in the ratio of productivity to cost of production because of the pervasive social cost of the resultant environmental disruption: pollution and, perhaps ultimately, our very survival.

These examples reflect a faith, now common in our society, that a technological advance which results in an improvement in the yield of a particular desired product is an undiluted social good. In a sense, this faith is justified. The modern automobile, or the nuclear reactor, is indeed a technological triumph. In each is embodied the enormous insights of modern physics and chemistry, and the exquisite skills of metallurgy, electronics, and engineering.

Our success is in the construction of these machines; our failure is in their operation. For, once the automobile is allowed out of the factory, and into the environment, it is transformed. It then reveals itself as an agent which has rendered urban air carcinogenic, burdened human bodies with nearly toxic levels of carbon monoxide and lead, embedded pathogenic particles of asbestos in human lungs, and contributed significantly to the nitrate pollution of surface waters. Similarly, the design and construction of a nuclear reactor epitomize all the skills of modern science and technology. However, once it begins to operate, it threatens rivers and lakes with its heated waters and human bodies with radiation.

We have already paid a large price for such illusions. For the advantages of automotive transportation, we pay a price in smog-induced deterioration and disease; for the powerful effects of new insecticides, we pay a price in dwindling wildlife and unstable ecological systems; for nuclear power, we risk the biological hazards of radiation; by increasing agricultural production with feedlot operations and fertilizers, we worsen water pollution.

Because of our illusions we have become unwitting victims of environmental pollution. Most of the technological affronts to the environment were made not out of greed but ignorance. We produced the automobile that envelops our cities in smog—long before anyone understood its harmful effects on health. We synthesized and disseminated new insecticides—before anyone learned that they also kill birds and might be harmful to people. We produced synthetic detergents and put billions of pounds into our surface waters—before we realized that they would not be degraded in disposal systems and would pollute our water supplies. For a number of years we spread radioactive fallout across the globe—before we learned that the resulting biological risks made it too dangerous to continue. We have unwittingly killed thousands of sheep in testing our chemical weapons and have triggered unanticipated earthquakes with our nuclear tests.

We have, in sum, blindly assaulted the integrity of the environmental systems that support us, and unwittingly risked our very survival.

This is some of the tragic destruction that lies hidden in the changing environment—costs that do not appear as entries in the balance sheets of industry and agriculture. These are some of the great debts which must be paid if the environment is to be saved from ultimate destruction. The debts are so embedded in every feature of the economy that it is almost impossible to calculate them.

What can we do to avert the environmental crisis?

I have tried to describe the nature of the environmental crisis, and to illuminate, from what we now know, its fundamental causes. In brief, we are in a crisis of *survival;* for environmental pollution is a signal that the ecological systems on which we depend for our life and our livelihood have begun to break down and are approaching the point of no return.

My own estimate is that if we are to avoid environmental catastrophe by the 1980s we will need to begin the vast process of correcting the *fundamental* incompatibilities of major technologies with the demands of the ecosystem. This means that we will need to put into operation essentially emissionless versions of automotive vehicles, power plants, refineries, steel mills, and chemical plants. Agricultural technology will need to find ways of sustaining productivity without breaking down the natural soil cycle, or disrupting the natural control of destructive insects. Sewage and garbage treatment plants will need to be designed to return organic waste to the soil, where, in nature, it belongs. Vegetation will need to be massively reintroduced into urban areas. Housing and urban sanitary facilities will need to be drastically improved. All of these will demand serious economic adjustments, and our economic and social system will need to be prepared to make them.

I believe that we have, as of now, a single decade in which to design the fundamental changes in technology that we must put into effect in the 1980s—if we are to survive. We will need to seize on the decade of the 1970s as a period of grace—a decade which must be used for a vast pilot program to guide the coming reconstruction of the nation's system of productivity. This, I believe, is the urgency of the environmental crisis—we must determine, now, to develop, in the next decade, the new means of our salvation.

I was proud, and moved, recently to be termed "The Paul Revere of Ecology." To extend the metaphor a bit, what should we expect of President Nixon if he hopes to become the nation's first eco-President, or, if you like, "The George Washington of Ecology"?

The nation has been told by President Nixon that: "Through years of carelessness we incurred a debt to nature, and now that debt is being called." Here are some of the ecologically urgent actions that are within his power, as President, to take:

One—He can announce to the nation that we are, now, in a fight for environmental survival and declare a state of national ecological emergency.

Two—He can act to enable the scientific community to take the first steps toward environmental survival by releasing it from the paralyzing effects of the most severe cutbacks in research support in twenty-five years.

Three—He can find the immediate means to devote Federal resources to a simple, yet enormously meaningful, program: Let us declare that every piece of land not in actual use by its owners must be returned, until otherwise needed, to grass and trees; let us find the means to remove the abandoned buildings and junk piles from blighted city streets and restore the latter to nature's green.

Four—He can, in the name of ecological sanity, halt the development of the supersonic transport (SST)—an environmental horror which, if it is ever flown in the nation's airlanes, will expose a fourth of the nation to noise equivalent to that which surrounds our airports.

Five—He can avert the impending $250 million appropriation for the construction of the Florida Barge Canal, a project which in the considered opinion of ecologists will do more harm to the welfare of the state than any possible commercial value that it might yield.

Six—He can call a halt to the exploitation of oil deposits in Alaska, until the project devises—if it can—methods of drilling and transport that do not risk the future of the delicately balanced ecosystem of our—and Canadian—arctic territories. He can also hold in abeyance the further exploitation of

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offshore oil in California and elsewhere until the ecological risks are effectively mastered.

Seven—He can stop the war in Vietnam and halt the barbaric destruction of the ecological resources of that unfortunate land, not only by unprecedented destruction of its vegetation with weed killers, but the destruction of the land itself and of its people by the needless horror of war.

Eight—He can declare to the world what we in the scientific community have long known—that modern warfare, with its nuclear, chemical, and biological weapons—is totally incompatible with the continued life of mankind and take steps toward the permanent dismantling of the war machine that holds the whole world in terror.

These immediate actions, and the long-term massive effort to roll back pollution at its roots, amount to a wholesale reorganization of our national priorities. But if we are staggered by the magnitude and gravity of these undertakings, let us remember that we have indeed "incurred a debt to nature," a debt which must be paid if we are to survive.

The environmental crisis is a grim challenge. It also is a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature, but to live in it. We may yet learn that to save ourselves we must save the world that is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare, the very survival, of man.

AIR SERVICE TO SMALL COMMUNITIES

Mr. CANNON. Mr. President, beginning Friday, April 10, the Aviation Subcommittee of the Committee on Commerce will engage in a series of field hearings to look into the adequacy of scheduled air service to our smaller communities. It may be that our Western States suffer the most in this regard, but I am sure the problem is widespread.

I suspect the beginning of this problem was when the trunks shifted to jets, and dropped from their routes some of the smaller of our cities. These were inherited by our local service carriers, but when this group started to bring their jets into service, the same process started all over. I think we will find some of these stops must now rely on air taxi service.

The subcommittee plans to hold hearings in Montana, Utah, Nevada, Kansas, Washington, New England, and the District of Columbia.

We will be studying the local service carrier, the commuter carrier, and the air taxi, and we will take a look at the subsidy plans of the CAB.

But the basic responsibility for providing service to our smaller cities lies with the nine regional local service carriers who have been providing this service for more than 20 years, with the support of subsidy payments from the Federal Government. Airline service to these cities costs a great deal more than the carriers receive in revenues from passengers, mail, and freight.

Prior to 1967, these carriers were provided with sufficient subsidy payments to enable them to achieve profitable operations. Since then, however, they have sustained tremendous operating losses as a result of increasing operating costs and declining subsidy payments.

The nine regional local service carriers sustained a net loss of $48.5 million in 1969; this is on top of losses of $28 million in 1968 and $4.3 million in 1967. These losses over the past 3 years have completely eliminated the accumulated earnings of the regional carriers, leaving them with a combined earnings deficit of approximately $50 million after more than 20 years of public service. These are shocking figures when it is remembered that the Civil Aeronautics Board has determined that carriers of this class need to earn a profit of more than 8 percent per year on their investment in order to continue as a sound economic enterprise.

The reasons for this extraordinary situation are complicated and diverse. The first cause was the determination by the Civil Aeronautics Board in 1966 that the regional carriers should be able to withstand major subsidy reductions as their revenues increased—hence a subsidy reduction program was adopted which resulted in automatic subsidy reductions as revenues did increase. This program resulted in a reduction in subsidy payments from $72 million in the fiscal year 1966 to $48 million in fiscal 1969 with a further reduction due in the current fiscal year, although the CAB is now considering freezing the present level of payments for 1 year.

Ironically, the local carriers' cost increased at this time for several reasons, the most important being the sharp increase in operating costs which followed the 1966 airline strike. This inflationary spiral has continued unabated since 1966.

Also there was a general decline in traffic growth at smaller cities resulting partially from the trend of migration to the larger cities and from the loss of traffic due to an improved highway system.

Another factor affecting the local carriers was their acquisition of jet aircraft and their entry into longer haul markets. These, given time, have obvious profit potential. I am afraid, however, that the route expansion program of the CAB, while sound in principle, failed to recognize the time required to develop new routes and the impact of increased operating costs resulting from steady inflation.

These developments have placed our local service carriers in a critical position. Generally they have tried to endure this burden of deficit operations in hopes that their new routes would develop to the point where they could operate under the reduced subsidy levels produced by the current subsidy formula.

Many of my colleagues have received complaints from communities in their States about the deterioration of local airline service. It is not surprising, however, that a group of nine carriers which is sustaining a loss of $48.5 million per year is unable to provide the same quality of service as it once provided when they were making a reasonable profit on their operations.

Moreover, it is reasonably clear that a continuation of this drain on the carriers' financial resources will inevitably cripple their ability to provide improved local service in the future.

The question whether the present local carriers should continue to be required to serve very small cities or cities which have reasonably close proximity to other larger air terminals is one which deserves careful evaluation. There is also the question whether this service can be more economically provided by the so-called third level commuter carriers operating smaller aircraft with perhaps some assistance from the Government.

The regional local service airline industry of this Nation is an invaluable asset to our national transportation system and we must preserve it. After these hearings, the Aviation Subcommittee will be able to suggest to the Committee on Commerce what we think should be done to preserve this invaluable asset to our transportation system.

UNITED AIR LINES RESERVATION CENTER

Mr. ALLOTT. Mr. President, last week, United Air Lines announced the selection of Denver as a national headquarters for a $5.2 million electronics reservation system. The 200 additional employees to be hired at this center will create an annual payroll of between $3 and $4 million. It will increase United Air Lines total employment in the Denver area to more than 3,000 with wage earnings of nearly $40 million annually.

This further step by United is a vote of confidence in Denver and Colorado. We in Colorado have had only the finest of relations with United over the years, and we are obviously delighted at this decision to expand United's commitment in our State.

Once again, we salute United and welcome this new addition to a growing family of services which United is offering the people of America through its facilities in Colorado.

Mr. President, I ask unanimous consent that the text of an announcement made in Denver on April 2 regarding a reservations center be printed in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

UNITED AIR LINES NEW NATIONAL RESERVATION CENTER

Selection of Denver as headquarters for a nationwide electronics reservations system which United Air Lines has under development was disclosed today (April 2), by G. E. Keck, President.

Keck simultaneously announced acquisition of a 6.5 acre site in the Denver Technological Center where the company's national reservations center will be built. The $5.2 million complex housing computers and related equipment will be completed this fall.

"Geographic advantages and availability of qualified personnel pointed to Denver as the logical choice", Keck said. "The local concentration of communications facilities also was an important factor and of course United's long association with the city was considered."

Keck said about 200 clerical workers, technicians and reservations specialists would be stationed at the Denver center. He estimated the annual payroll at $3 to $4 million. This would increase United's total employment in the Denver area to more than 3000 with a yearly payroll of almost $40 million.

The company's construction program calls

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for a central computer building, administrative offices and a power plant. The computer building will have two levels providing total floor space of 70,000 square feet. Temperature and humidity will be controlled to assure optimum conditions for computer operations.

The power plant will house electrical generators driven by natural gas powered turbines. This will supply uninterruptable power with the added advantage of quiet operation and no air pollution. Pre-cast concrete aggregate will be used for all building exterior.

The buildings were co-designed by Lusk & Wallace and Carl A. Worthington & Associates, architects. Olson Construction Company is the general contractor. Electrical and mechanical installations will be made by Swanson & Rink in association with G. M. Wallace & Associates, Inc.

Keck said United is negotiating with International Business Machines Corporation for computers and other electronic equipment to be used for reservations control and the maintenance of passenger name records. Installation and testing of some equipment will begin in August concurrent with partial occupancy of the new buildings. "We expect to have the new system in operation within a year," Keck said. "It is designed for orderly development in relation to progress in computer technology and communications."

Control of reservations on United flights has been centralized at Denver since 1948. The company's central processor site for its present Instamatic reservations system is at 38th and Popular Streets. During an interim period Instamatic and the IBM replacement system will be inter-connected.

The airline executive expressed gratitude to the Mountain Bell Telephone Company, the Public Service Company of Colorado and the Denver Technological Center for assistance in United's preliminary studies and planning.

Commenting on United's program George Wallace, President of the Denver Technological Center said, "We are particularly pleased by United's decision to locate its national reservations center here. This represents an important step for Colorado and its development as a central communications point for the nation. United's plans require a round-the-clock effort on our part. We are confident of our ability to provide the right environment for what may become the largest computer and communications center in the United States."

"MA THICKET" URGES PRESERVATION OF BIG THICKET OF TEXAS AS A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, Mrs. Ethel Osborn Hill of Port Arthur, Tex., is an amazingly young lady of nearly 92 years. She has been an active booster of the Big Thicket for most of those years, and is still going strong. Mrs. Hill has been honored with the title of "Ma Thicket" by her many friends and fellow Big Thicket conservationists. Just last year, her 91st, she spoke to over 2,000 people in various organizations and groups and told them of the glories of the Big Thicket and why it should be saved.

In a recent letter to me she said that she hopes to see something done to save the Big Thicket while she is still living to see it. She also pointed out that the Big Thicket project has been studied and discussed for over half a century and that we do not need more study; we need more action.

Mrs. Hill writes a regular newspaper column for the Tyler County Booster. A recent article, which she authored, gives her views on the direction we should take to preserve our precious natural heritage. I ask unanimous consent to have her article under the title "America Still Is" from a recent issue of the Tyler County Booster printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

America Still Is—One Woman's Opinion

(By Mrs. Ethel O. Hill)

America is digging out from snow drifts in some sections and in others are planting spring gardens. What a wonderful country. And a thing to be thankful for is that any citizen can live or move from place to place without asking permission from an overlord or be watched by secret police, as in the many countries of ths world today. Freedom is not dead in America, though I am strongly in favor of its being denied from those who daily abuse that freedom, the flag, the rules of decency, the government and the Constitution. If they don't like it in America they should go to some other country, like Russia. There they might really learn the value of America's freedom.

And as to freedom of choice, nature has a grand way of demonstrating it. If certain trees, plants or flowers decide to wait till summer to bloom, that's what they do. If some decide to come out to cheer the landscape in mid-winter, they do just that. On this January, freezing cold day, my yard is polka-dotted and embroidered with beautiful little white golden-eyed narcissus and a few glory-of-the-snow blooms, pink or white rain lilies have popped up, and right down again, all winter. And the evergreen fern has flourished continually. Two weeks ago when at my beloved cabin I saw the dogwood buds already swelling. Spring is on the way. Let us hope that world peace and harmony is thinking of blooming.

But with all this, we can't get away from many other phases of the country. Such as the wanton destroying of matchless natural resources and beauty. I see the heading of an article on the Big Thicket (my pet project for fifty years). The caption, in box car letters reads, "Big Thicket Park Project Needs More Study." How much more time than half a century is needed? And many groups and individuals seem to think that it is a perfectly new idea. Even that the thought originated with them and figuratively they "bust into print" shouting "hey, folks, listen to what I've just thought up. Let's have a park in the Big Thicket." Well, the Big Thicket is fast disappearing and could become either a huge swamp or a mammoth desert. It could end up as an immense site for manufacturers or orbiting sites for more ways to reach the moon, Mars, Saturn or other far away places with queer stones and dust. And where no life exists. Billions of dollars (taxpayer's dollars) are thus spent, and to heck with the old earth and its trees.

That seems to be the sentiment with those who have the privilege of spending the people's money. But congress can't see appropriating a few thousand dollars to save this wonderful bit of the forest primeval. Will the time come when children will ask, "Trees? What is trees?" It is said that in the future there will be no need for kitchens to be included in home buildings because there will be no cooking. We will subsist on nutrition pills, scientifically compounded, delivered by mail daily. Each family member will gulp down its quota of vitamins each morning and go on their daily routine. Imagine, never an apple pie baked in a home, or a batch of cookies, or a pot of good home-made soup. I'm glad I won't be here if that time comes. But like many other far-fetched plans, I don't believe it. I don't believe in ghosts either, but maybe?

Back to the Big Thicket park business. The first real survey was made in the early 1930's by a group of dedicated scientists, naturalists, agronomists, representing many high authorities from many universities in and out of the state. The results, published in a booklet "The Flora and Fauna of the Big Thicket" is now a collector's item. And in that book is urged the preservation of this great forest for future generations to come. But monied big businesses and wealthy individuals seem to have thought only of profit in money, not natural beauty. Even 50 years ago the plan favored by the original Big Thicket Association was to preserve certain beauty spots, and not hundreds of thousands of acres. Asking for 100 thousand acres, I mean the appropriation from our present economy-minded Congress was almost certain to kill the project to begin. It costs too many billions to get a handful of moon dust and rocks. Congress just can't do everything, you know.

When I try to envision the immensity of space, I think of Halley's comet. It appears every seventy-five years, going at a velocity of millions of miles per time unit, making as complete a circle as a sun or moon. Yet it takes that 75 years to complete. It appeared in an early decade of this century, visible for several nights and was an awesome sight. When I told my children that they might live to see it again, but I would not, my little daughter wept, saying, "But if you are not here who will wake me up at the right time of night to see it?" But at the rate I'm living and with the aid of our marvelous medical science, I just might live to see Halley's comet the second time.

SUPPORT FOR NOMINATION OF JUDGE G. HARROLD CARSWELL TO THE SUPREME COURT

Mr. GURNEY. Mr. President, further proof of the vast outpouring of support for Judge Carswell from the Florida bar is contained in a number of telegrams and a letter of endorsement from various bar associations from all over the State. I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Pensacola, Fla.,
April 3, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

The society of the bar of the First Judicial Circuit of Florida whose membership includes attorneys from Escambia, Santa Rosa Okaloosa and Walton Counties, has on two occasions in regular meetings unanimously endorsed Judge G. Harrold Carswell as a Justice of the U.S. Supreme Court and by resolution urged his confirmation. Action endorsing Judge Carswell was taken at our Jan. 22 meeting and again on March 19th. As members of the bar in the district in which Judge Carswell presided as District Judge the members of our society have had unlimited opportunity to observe the manner in which he has presided, and the fairness of his decisions. Judge Carswell presided over his court with dispatch, dignity and with an inherent sense of Justice. His courtroom manner has been firm but fair and his decisions have been deliberate and unquestionable intended by him to uphold the Laws and Supreme Court decisions of our Great Nation. He has always treated members of the bar appearing before with with courtesy and respect and accusations to the contrary that have been made came as a surprise to us all and are definitely unfounded. Speaking per-

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sonally I have known Judge Carswell since his appointment as United States attorney and it is my opinion that he was a competent attorney and is now a very able and astute jurist. He enjoys great respect from the members of the bar for his legal ability and his personal reputation is excellent. We wholeheartedly endorse our fellow citizen and distinguished Judge G. Harrold Carswell.

R. Brownlee Eggart,
President, Society of Bar, First Judicial Circuit of the State of Florida.

Sanford, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building,
Washington, D.C.:

I was distressed to hear a few moments ago on TV news that Harrold Carswell's opponents now have enough votes to return his nomination to the Judiciary committee. Harrold and I were admitted to practice before the Federal District Court in Tallahassee on the same day in 1949. I was well acquainted with him from 1949 through 1955. I know he is not a racist. For 13 years now, I have served as a Florida circuit judge. I, too, have been reversed by Appellate courts about 20 times. 20 reversals when a judge has considered more than 10,000 cases isn't bad. Why don't you get the number of cases Harrold has considered. Another good argument would be that most of a judges reversals occur because the lawyers prepare at the Appellate level but do not show the same courtesy to a trial judge.

Volie A. Williams, Jr.,
Circuit Judge.

St. Augustine, Fla.,
April 4, 1970.

Hon. Edward J. Gurney,
Washington, D.C.:

St. Johns County Florida Bar Association overwhelmingly endorses Carswell confirmation.

John J. Upchurch,
Secretary.

Stuart, Fla.,
April 4, 1970.

Senator Edward Gurney,
Senate Office Building, Washington, D.C.:

Martin County Bar Association considered G. Harrold Carswell eminently qualified to serve as an associate justice of U.S. Supreme Court and urges the U.S. Senate to confirm President Nixon's appointment of Judge Carswell.

Mallory L. Joson,
President, Martin County Bar Association.

Ocala, Fla.,
April 4, 1970.

Senator Edward Gurney,
New Senate Office Building, Washington, D.C.:

I am in strong support of you and our other congressmen who are supporting the confirmation of Judge G. Harrold Carswell as Justice of the Supreme Court and unqualifiedly endorse his appointment.

William T. Swigert,
President, Marion County Bar Association.

Live Oak, Fla.,
April 3, 1970.

Honorable Ed Gurney,
New Senate Office Building, Washington, D.C.:

Those closest to Judge Harrold Carswell have known him to be a man of the highest integrity, competency and ability. He has always been a man of even temperament and has rendered justice firmly and impartially.

The attorneys in the Third Judicial Circuit of the Florida Bar unanimously endorse his confirmation as a Justice of the U.S. Supreme Court.

C. Dean Lewis,
President, Third Circuit Bar Association of Florida.

Panama City, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building, Washington, D.C.:

The Bay County Bar Association supports the nomination of Judge Harrold Carswell to the Supreme Court of the United States and urges his hasty confirmation by the United States Senate.

Larry Bodiford,
Vice President.

Fort Pierce, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building, Washington, D.C.:

I personally feel that the best interest of the bench and bar will be enhanced by the appointment of Judge Carswell as a Justice of the U.S. Supreme Court.

Elsie M. O. Laughlin,
President of St. Lucie County Bar Association.

Brooksville, Fla.,
April 3, 1970.

Senator Gurney,
Washington, D.C.:

Florida County Judges Association supports confirmation of Judge Carswell to Supreme Court.

Monroe W. Treiman,
Executive Secretary.

Jacksonville, Fla.,
April 3, 1970.

Senator Ed Gurney,
Washington, D.C.:

I am a Negro businessman in Jacksonville, Florida. I believe in justice for all people I think Judge G. Harrold Carswell of Tallahassee, Fla., is eminently qualified to sit in the highest court of our land and I speak for thousands of my black and white friends and I urgently implore the Senate to confirm this man.

Willie R. Motley.

Tavares, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building,
Washington, D.C.:

I endorse nomination of Judge Carswell as does vast majority of our bar association members.

Christopher C. Ford,
President, Lake Sumpter Bar Association.

Dade City, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building,
Washington, D.C.:

The Pasco County Bar Assn. Dade City, Fla., today unanimously passed resolution supporting Judge G. Harrold Carswells nomination as a justice of the U.S. Supreme Court and urging you to take all action necessary to insure his confirmation.

A. P. Gibbs,
President.

Brooksville, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building,
Washington, D.C.:

Strongly urge your full support for confirmation of Judge Carswell.

Joseph E. Johnston, Jr.,
President, Brooksville Bar Association.

Fort Walton Beach, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building,
Washington, D.C.:

The reputation for honesty, legal ability and fairness processed by the Honorable G Harold Carswell demands his speedy confirmation as a justice for our highest court.

Hugh T. Handley,
President of Okaloosa and Walton Bar Association.

Fort Walton Beach, Fla.,
April 3, 1970.

Senator Edward Gurney,
New Senate Office Building,
Washington, D.C.:

The reputation for honesty, legal ability and fairness processed by the Honorable G. Harrold Carswell demands his speedy confirmation as a justice of our highest court.

Charles R. Timmel,
Municipal Judge, Town of Mary Esther.

The Bar Association of Tampa
and Hillsborough County,
Tampa, Fla., April 2, 1970.

Hon. Spessard L. Holland,
Hon. Edward J. Gurney,
Washington, D.C.

Dear Senator Holland and Senator Gurney: The Executive Board of this Association has adopted the following resolution in support of the nomination of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court:

The Executive Board of the Bar Association of Tampa and Hillsborough County endorses the nomination of Judge G. Harrold Carswell to the Office of Associate Justice of the Supreme Court of the United States and urges his early confirmation.

Copies of this letter are being furnished to the other members of the Senate.

Respectfully,
C. Lawrence Stagg,
President.

EXPLANATION OF ABSENCE OF SENATOR COOPER AND SENATOR COOK ON TWO YEA-AND-NAY VOTES

Mr. COOK. Mr. President, for myself and the senior Senator from Kentucky (Mr. Cooper), I desire the Record to show that on the rollcall votes on the amendments of the Senator from Delaware (Mr. Williams) and the Senator from Minnesota (Mr. McCarthy) we were absent on official business at the White House in the company of Mr. and Mrs. Ishmael Nash, of Whitesville, Ky., who were receiving, posthumously, the Medal of Honor for their son, Pfc. David P. Nash, who lost his life for his country in Vietnam on December 29, 1968.

THE YOUNG HAVE NO MONOPOLY ON YOUTH

Mr. PEARSON. Mr. President, our country is preoccupied with youth.

To be young or to appear young today is supposed to be the ultimate in achievement, and seldom do we hear a brave voice raised to state an unavoidable truth—we have all been young. Stated facetiously, there is not a man or a woman over 30 living today who has not also lived through those years under 30. Today's younger generation does not have a monopoly on youth—all of us have been there, some longer ago than others.

But today's younger generation feels that it does have a monopoly on knowing how the world should be run. We have forgotten many of the old axioms such as, "experience is the best teacher," and, most of the time, many of us over 30 react as if we feel that youth does have all the answers.

One man, at least, has had the intestinal fortitude to speak up for those of us on the dark side of 30. I invite the Senate's attention to an item published in the Kansas City Times of March 28. It is a reprint from the Denver Post and was written by Dr. K. Ross Toole, a professor of history at the University of Montana in Missoula.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

TIME TO STOP APOLOGIZING TO YOUTH

(By Dr. K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of any place except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square, and I am a professor. I am sick of the "younger generation," hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense. I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives; and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam, it is the abdication of its first responsibility, its pusillanimous capitulation to its youth and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right, by what accomplishments should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike the minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "Establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like 4-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need, (our generation and theirs) it is an expression of our disgust and disdain. Yet we do more than permit, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Society, "the Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur.

We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no chance. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right; we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middleclass selves, our worth and our hard-won progress. We need to use disdain, not mace; we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) and has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not beligerently but forthrightly.

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules.

Among the rules, even though it seems gratuitous, should be these:

Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

The disruption of any class, directly or indirectly, by voice or presence or the destruc-

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tion of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order. Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need (those of us over 30)—tax-ridden, harried, confused, weary and beat-up—to reassert our hard-won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

FEDERAL PAY LEGISLATION

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a thoughtful article from this morning's Wall Street Journal concerning the postal and classified employee's pay legislation now pending before the Congress.

The gist of the article is that it would be a serious error of judgment for the Congress to favor one group of Federal workers over another in making pay adjustments, because of the growing unrest among workers in all occupations and the likelihood of the postal strike spilling over into other agencies of the executive branch. That is an unpleasant thought, but one that should be kept in the forefront of our minds as we attempt to resolve this problem.

My statement last Friday concerning the Post Office Committee's willingness to enact any administration proposal for pay adjustments stipulated that classified workers must be included in the package. There are as many classified employees in the lower levels of pay as there are postal workers, and despite oratory to the contrary, the opportunities for advancement from those clerical and laboring levels in the classified service are really about as limited as they are in the postal service. What is fair for one is fair for all; and I think it would be folly to disregard the implications of rewarding postal workers at the expense of Defense workers, air traffic controllers, revenue agents, or any of the other very fine and very dedicated 1.3 million classified workers who are still on the job—and still waiting for their pay increases.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 24, 1970]

SPREADING MILITANCY: MAIL STRIKE COULD SPUR OTHER FEDERAL WORKERS TO RESORT TO WALKOUTS

(By Richard J. Levine)

WASHINGTON.—Three years ago a local official of the American Federation of Government Employes told a visitor that someday his union might be forced to strike the Social Security Administration headquarters in Baltimore, despite a strict law to the contrary.

At the time, the prospect of such a development seemed rather dim. But the illegal strike by postal workers that began last week and persisted yesterday may have changed all that. Now Federal officials are faced with the grim possibility that the widespread mail strike—the first major walkout against the Federal Government—could trigger strikes by other civil servants in the sprawling bureaucracy.

"Two hundred years of tradition has been shattered" by the mail strike, laments a top Labor Department official. He, like other Administration men, believes that the manner in which this hot issue is finally resolved will set important precedents—and will either encourage or discourage future strikes by other Federal employes.

This wide danger, now being perceived by the Nixon Administration, helps explain the increasingly tough stand the President is taking in the postal tie-up. Yesterday he ordered troops to move strike-bound mail in New York City and called for Justice Department action against any illegal picketing that might keep postal employes from returning to work.

Even if this Presidential pressure brings an early end to the mail strike the danger of other Federal employe strikes will be undiminished. One reason is simply that the postal workers now seem surer of winning generous raises than they would have been without a walkout. Such an outcome would probably fuel the militancy of other government workers.

Already presidents of nonpostal Federal employe unions are warning they may have trouble controlling their members. Kenneth Lyons, president of the National Association of Government Employes, which represents some 158,000 blue-collar and white-collar workers all through the Government, has told the White House he is being deluged by inquiries from local officers asking: "If the postal workers can do it, why can't we?"

MAN ON THE SPOT

Perhaps the man with the toughest problem is John Griner, president of the 315,000-member American Federation of Government Employes (AFGE), the largest union in the Federal Government. Mr. Griner, a vice president of the AFL–CIO, has taken a hard line against strikes. "It puts him in a horrible position if the Administration doesn't enforce the law," says one Government expert on labor relations. "He's got to have support."

Mr. Griner himself says he has no intention of abandoning his opposition to strikes by Government workers. But he insists "it's difficult to keep the postal strike from spilling over" into the AFGE jurisdiction, "especially in New York City," where the mail strike started last week.

One sign of the growing militancy of Uncle Sam's work force is the speed with which it has embraced unionism since 1962. In that year President Kennedy signed an Executive Order for the first time directing Government agencies and departments to recognize and bargain with unions.

At last count, some 1.4 million workers—52% of the Federal civilian work force—were represented by unions, up from only 670,000 eight years ago. Most of the recent recruits have been white-collar workers.

As the Federal-employe unions have grown they have become increasingly critical of the way the Government handles its labor relations. Union leaders have frequently attacked the Civil Service Commission for a "paternalistic" attitude.

On the key issue of wages, the Federal-employe unions can't engage in collective bargaining. To seek raises for white-collar and postal employes, the unions must lobby on Capitol Hill; for blue-collar workers, they must present their cases to independent wage boards that hand down binding decisions.

THE SYSTEM BREAKS DOWN

In the past, the postal unions and other Federal-employe organizations have enjoyed a cozy relationship with Congress. But in the current postal dispute the system broke down.

Indeed, the most immediate cause of the postal strike was the frustration of the letter carriers as they watched bills to boost their wages by anywhere from 5.4% to 11.1% become entangled in the Administration's battle in Congress to reorganize the postal system.

The Administration's postal reform bill would generally free the Post Office from Congressional control and set up a corporation-like body to run the mails. Under the bill, sent to Congress last May, the Post Office could set postal rates, borrow up to $10 billion for postal construction and modernization and bargain with postal unions over wages and working conditions.

Postal officials maintain that if the unions had been able to negotiate with postal management as they would under the reorganization proposal, the current work stoppage wouldn't have occurred. But some observers believe that with a postal corporation strikes might be more likely, since the onus of striking directly against the Government would be removed; the reform bill would specifically bar walkouts, however.

UNION OPPOSITION

At first, the bill's chances appeared slim. The postal unions opposed it because they feared loss of their influence on Capitol Hill. Both Gale McGee, the Wyoming Democrat who heads the Senate Post Office Committee, and Thaddeus Dulski, the New York Democrat who heads the House Post Office Committee, preferred other reform plans that would leave more control with Congress. In October, the House committee voted to reject the Administration proposal, apparently killing it.

However, the issue of a postal pay raise remained very much alive. A bill sponsored by Democratic Rep. Morris Udall of Arizona providing a general pay raise for postal wrokers was passed by the House on October 14.

The Udall bill would have provided postal workers an 11.1% pay boost in 1970. Equally important, it would have reduced to eight years from 21 years the time required to reach the top pay grade, which calls for $8,442 annually under current scales. And it would have established a commission that would propose future pay adjustments for all Government workers to keep their pay comparable to the private sector.

President Nixon subsequently announced he would veto the bill, maintaining that it was inflationary and that the new pay-setting machinery was cumbersome. The Senate then passed a less generous pay bill which would have provided increases of up to 7% for all white-collar and postal employes this year. But the unions wanted more.

Thus, by late last year there was a standoff. The unions, in effect, held a veto over the Administration's reform plans while the President had vowed to veto the House-passed pay bill.

Against this backdrop, James Rademacher, president of the National Association of Letter Carriers—the union that started the nationwide walkout by striking in New York—met with White House officials in December. Together, with the help of Mr. Udall, they roughed out a compromise package that included the Administration's reform plan, a 5.4% pay increase and a key promise that postal workers in addition would get any general percentage boost given to other Government workers in 1970 or 1971.

ADDING SWEETENERS

This compromise got nowhere at the outset. Congressional leaders were miffed that it was drafted "in secret" at the White House. And except for the letter carriers, the postal unions opposed the plan.

However, in a surprise vote two weeks ago, the House Post Office Committee approved a slightly modified version of the plan worked out at the White House for combining postal reform and a pay raise. One reason was the injection of sweeteners that made the measure more palatable to the postal unions. A key change: Inclusion of the reduction to eight years in the time needed to reach the top pay grade.

The Senate Post Office Committee then began work on similar legislation, and just when the strike hit there was a growing feeling in Congress that the whole package might have been enacted within about 60 days. Nonetheless, some postal union members were fed up with what they saw as constant, almost endless delays.

"Ironically," says Mr. Udall, "the militants in the big cities reached the flash point just at the time the ice was beginning to melt."

Besides the pay-raise delay, there were many other factors that led to the postal strike—factors with which Federal officials must contend if they are to prevent strikes by non-postal employees.

It is both significant—and ominous—that the mail strike began in New York City. There the postal workers had first-hand examples of the effectiveness of illegal walkouts by public employes. It was in New York that the AFL–CIO American Federation of Teachers used strikes to build the union and increase salaries. It was also in New York that the garbage workers walked out in 1968 and got results; today their top pay, reached after only three years on the job, is $9,871 annually.

Washington officials especially Labor Secretary George Shultz, have long talked of the need to come up with new procedures for averting public-employe disputes at the state and city level. Now that it is clear such disputes can lead to Federal-worker walkouts, more attention may be paid to helping state and city governments solve their labor-relations problems.

LISTENING TO COMPLAINTS

At any rate, AFGE President Griner believes the postal walkout will produce a new responsiveness within the bureaucracy to legitimate grievances of Federal workers. The strike, he says, will "cause department heads to listen more readily to some of our justified complaints."

While the AFGE and other federal-employe unions can't bargain over wages, they do sit down with management to negotiate such issues as working conditions, grievance procedures and training and promotion opportunities.

The Nixon Administration hasn't been unaware of or unresponsive to the growing restlessness in the civil service ranks. Last October President Nixon issued an Executive Order, which became effective Jan. 1, that replaced the 1962 Kennedy order governing the relationship between Uncle Sam and the Federal-employe unions.

The new order, among other things, established a Federal Labor Relations Council, headed by the chairman of the Civil Service Commission; the council decides appeals on such matters as what issues are subject to negotiation and what is a proper unit for union representation. The order also set up new procedures for resolving deadlocked negotiations.

But the order provides no machinery for resolving the postal strike because such walkouts are illegal and aren't supposed to occur.

The Executive Order and present laws does provide penalties for Federal-employe strikes—including fines and jail for workers and the loss of recognition and the automatic dues checkoff for unions.

Yet fines and jail or lifted recognition can't get the mail moving again. So Mr. Nixon, Postmaster General Winton Blount and Labor Secretary Shultz have avoided threatening such action. The lack of such talk, some labor experts fear, may embolden other Federal-employee unions to consider strikes against the Government.

POSTHUMOUS AWARD OF MEDAL OF HONOR TO PFC. DAVID P. NASH, OF KENTUCKY

Mr. COOPER. Mr. President, I join in the the statement of my colleague from Kentucky (Mr. COOK), in expressing pride that a fellow Kentuckian, David P. Nash, was today awarded posthumously the Medal of Honor. The medal was received from President Nixon by his father and mother, Mr. and Mrs. Ishmael Nash, Whitesville, Ky., with two of their sons in attendance. The citation to Pfc. David P. Nash, 19 years of age, gives eloquent testimony of his bravery. I ask unanimous consent that the citation and the criteria for the award be printed in the RECORD. The Nation has expressed as best it can, its appreciation of the service of David Nash, to his country.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Private First Class David P. Nash, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Private First Class David P. Nash distinguished himself on 29 December 1968 while serving as a grenadier with Company B, 2d Battalion, 39th Infantry, 9th Infantry Division in Giao Duc District of Dinh Tuong Province, Republic of Vietnam. When an ambush patrol of which he was a member suddenly came under intense attack before reaching its destination, he was the first to return the enemy fire. Taking an exposed location, Private Nash suppressed the hostile fusillade with a rapid series of rounds from his grenade launcher, enabling artillery fire to be adjusted on the enemy. After the foe had been routed, his small element continued to the ambush site where he established a position with three fellow soldiers on a narrow dike. Shortly past midnight, while Private Nash and a comrade kept watch and the two other men took their turn sleeping, an enemy grenade wounded two soldiers in the adjacent position. Seconds later, Private Nash saw another grenade land only a few feet from his own position. Although he could have escaped harm by rolling down the other side of the dike, he shouted a warning to his comrades and leaped upon the lethal explosive. Absorbing the blast with his own body, he saved the lives of the three men in the area at the sacrifice of his own. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Private Nash has reflected great credit on himself, his unit and the United States Army.

CRITERIA FOR AWARD

The Medal of Honor, established by Joint Resolution of Congress 12 July 1862 (amended by Act of 9 July 1918 and Act of 25 July 1963) is awarded in the name of Congress to a person who, while a member of the Armed Forces, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life about and beyond the call of duty while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party. The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life. Incontestable proof of the performance of service is exacted and each recommendation for award of this decoration is considered on the standard of extraordinary merit. Eligibility is limited to members of the Armed Forces of the United States in active Federal military service.

ENVIRONMENT: MAN'S ULTIMATE RACE WITH DEATH

Mr. MONTOYA. Mr. President, on April 22, Earth Day, a national environmental teach-in will be held across the Nation. This is the first continent-spanning, organized effort to fling back the tide of pollution and ecological imbalance which threatens humanity today. Recognizing the immediacy of our peril, it is a primary, belated effort to save man from himself. I endorse this environmental teach-in, and pray it will serve as a springboard for a no-nonsense, no-compromise attack across the Nation on pollution and polluters. Necessary laws are on the books, only awaiting the hand of proper enforcement. Each moment we delay compounds our peril. It is to our shame and the young people's credit that they are taking the lead in calling attention to our proximity to total disaster.

Many have indulged in antipollution rhetoric. Yet we have long known of this menace. Sitting on the Air and Water Pollution Subcommittee of the Senate Public Works Committee since 1965, I have seen and heard testimony and evidence that beggars capsulized description. We have put law after law on the books, yet the States, and too often the National Government, have been loathe to enforce them. Now there is no choice. It is a matter of survival or death for society.

Conservation groups, those marvelously dedicated and selfless organizations, have stood alone in the path of a juggernaut labeled "Progress at Any Price." People laughed at or ignored them. They called them "nature nuts." Well, those "nature nuts" were right all along. It was the rest of society, which chose to ignore them, that was in error.

When we fouled our waters with pesticides, human wastes, industrial filth, and a dozen other forms of garbage, society looked the other way. As millions of autos spewed lead into the air over our cities, we put it off as a threat that would never materialize in full. As our own garbage piled up around us in mountains, we made jokes about how we could utilize it for recreation or for artificial reefs to encourage fishing. Now we face extermi-

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nation and slow death by our own polluting hands because of what we have done to nature. Only swift realization and instant action will save us from the fruits of our own folly over the years.

There is $25 billion for Vietnam, but how much for clean air and water? There is money for weaponry, but how much for an end to pollution? There is cash for foreign aid, but how much for disposal of waste and sewage?

We must take punitive action against all polluters. If a factory is polluting a stream, lake or the air above it—enforce the laws on the books—immediately and without favoritism, foot-dragging or drawn-out negotiations.

If a municipality dumps sewage into any body of water, shut off all forms of Government aid to it. If autos are not built to control pollution by leaded gasoline, prohibit their licensing. If a company dumps filth by nonobservance of antipollution laws, make them pay every penny of the cleanup expense; then hit them with fines or closings that will make corporate teeth rattle.

Close the polluters. Make examples of them. But above all, let us act. Industry can come up with containers that disintegrate. Cities can build waste disposal and sewer treatment plants that will do the job.

Our young people who are conducting Earth Day are out in front. Others should have been out there setting the pace. Many have not. Where have the Governors of States been? Where have major organs of the Federal Government been? Behind and silent. Me-tooing and echoing. Doing little, if anything, on what is probably the worst immediate menace we all face.

Now that the young people have shown us the way, the rest of the Nation must become activist-minded. We must join hands with young people on our campuses and conservation organizations. The Sierra Club, National Audubon Society, Wilderness Society, Friends of the Earth, League of Conservation Voters, League of Woman Voters, Nature Conservancy, Environmental Defense Fund, and Izaac Walton League are our natural allies.

Mr. President, the quality of human life has been rendered loud lipservice recently, often by many who have turned it into a catch-phrase. Yet we must really ask ourselves whether we can do without the flashes of beauty, quiet and vastness which we have trampled upon so cavalierly for so long. We must fully realize that nature will turn upon us like a tormented beast and rend us limb from limb if we do not cease torturing her.

I fervently hope the environmental teach-in, Earth Day, on April 22, is successful in arousing tens of thousands of Americans to lasting action of the most substantial sort. My State of New Mexico has much to gain. We are one of the last places left in the Nation with first-class natural resources. Our air is still clean—relatively. Our water is still pure—relatively. Our land is free of garbage and junk—relatively. The teach-in lights our way. Let us follow the path.

THE GROWING USE OF DRUGS

Mr. MURPHY. Mr. President, I have been very much concerned with the growing use of drugs in the country. I received a letter from Richard and Fred Paolini who sent a copy of the San Francisco Examiner of February 16, which headlined a tragic death of their brother. Their brother, Nicholas G. Paolini, was 21 years of age and, according to the article, he was "big, good-looking, smart, and a gifted musician. He was a junior in business administration at the University of San Francisco where he had started on a baseball scholarship." He was an outstanding high school student before going on to San Francisco State; outstanding athlete, vice president of the student body and a solid-B student. Yet, as the article stated, this "Youth with everything chose death." Why, Mr. President, do our youngsters continue their infatuation with narcotics and drugs? The coroner's report for the youth indicated that he was on LSD. Certainly, this is a tragic way to end a promising life and I certainly extend my condolences to the family. I congratulate the family, however, for their wanting to make these facts known to as many people as possible so that other promising lives will not be snuffed out at such an early stage.

The brothers in their letter said:

> We shudder to think that there are some elected officials even considering the legalization of marijuana. We hope this article about our brother is read by these uninformed officials, for Nickie is a classic example of one who began with marijuana.

I ask unanimous consent that the article from the San Francisco Examiner be printed in the RECORD in the hope that this needless death will deter youngsters from any adventures with the drugs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco Examiner, Feb. 16, 1970]

YOUTH WITH EVERYTHING CHOSE DEATH

(By Larry Hatfield)

Nicholas G. Paolini at 21 should have had it made.

Big, good-looking, smart and a gifted musician, he appeared to have everything he could want.

He was a junior in business administration at the University of San Francisco, where he had started on a baseball scholarship. He went to USF after graduating from St. Ignatius High School where he was an All City baseball catcher and captain of the team, vice president of the student body, a football player and a solid-B student.

Nickie, as his friends and family called him, had a family who loved him if they never entirely understood him. "He was a very, very good boy," his father, Fedrico, said. "He was a loving son, a wonderful baby," his mother, Amelia, said.

But Nickie was hung up on drugs.

Wednesday, at 12 minutes after 9 in the morning, Nickie Paolini climbed to the 15th floor of a downtown office building, broke into a vacant office and jumped to his death.

A coroner's report indicated he was on LSD.

Nickie's family told his story to The Examiner this weekend in the hope it might save some youngster from following the same drug-tortured path Nickie did and save some other family the anguish they are suffering now.

"We've got to save the children," said the bereaved Mrs. Paolini, clutching a yellowed clipping of her youngest son's baseball exploits to her.

She and her husband, a retired fisherman, are bewildered at what happened to their son but it has convinced them that the government should spend more on meeting the drug problem and less on Vietnam and going to the moon.

"This government has to do something to save the other kids," said Mrs. Paolini through her tears.

A few days before Nickie's death, she had written a long letter to Governor Reagan urging action to meet the problem of drugs and youth. The letter was never sent and she and her husband doubt whether it would have done any good anyway.

"A JUNGLE"

"Everybody talks about it (the drug problem)," said Paolini, "but nobody does anything about it."

"We loved this country, we loved it so much," his wife said, remembering that she and her husband first came here in 1927. "Now I don't love it any more. It has taken my baby."

"It's a jungle," her husband said in the same rapid Italian-laced English. "We have to fight for saving the kids." Both grieving parents said the government should not go to Vietnam "to kill the kids" but should do something to keep them from killing themselves here.

They urged parents not to fall into the trap of believing their children are not taking or would not take drugs. "The parents are the last to know," said Nickie's father. "We found out our boy was no good anymore . . . too late. People should watch their children . . . help them."

BLAMES PROFESSORS

Nickie's oldest brother, Fred 35, a San Rafael real estate man, blames pot-smoking and "militant, left-wing" professors at the universities.

"The professors just barrage these kids with the heavy problems of the world," he said. "These kids are carrying all the problems of the world on their shoulders. It throws them."

Attempting to keep the bitterness out of his voice, Fred Paolini traced his little brother's fall into the drug world. It started with pot in his senior year in high school and went on to other drugs as he found "new friends" at USF.

"BRAINWASHING"

"He was very free about it . . . he defended it," he said, adding that Nickie was heavily influenced by the "people in Berkeley" who defend drug use and champion New Left causes. "It was like a crusade with Nickie. He'd say pot and LSD were the greatest things in the world. It was like a carbon copy. All these kids have a canned pitch and it's like a recording."

He said professors and others are "brainwashing" youngsters and "a lot of them aren't ready to take it."

His wife, Barbara, spoke of the family's quietly desperate efforts to help him. "He loved them all so much, he didn't want to hurt anybody. The minute (his father) tried to help, Nickie turned off."

She also said he had given up his music—he was a songwriter under contract to a Los Angeles agent—because his parents thought his associates in the music world were leading him to drugs.

MET FRIENDS

Two weeks ago, Nickie got a passport. He was going to his parents' homeland—"Maybe that's what I need to do," he had said—in a move his family hoped vainly would help. "As long as it takes to make him well," his father said of the length of his stay in Italy.

But whatever the hopes of both Nickie and his family, something else happened last Wednesday morning when he refused his father's offer of a ride to USF and went around with some of his new drug-world friends. An hour or so later, he was dead.

Those friends were not at the funeral mass Friday. Nickie's casket was carried by some of his old baseball teammates.

POSTAL PAY RAISES

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article in this morning's Washington Post relating to the problems of giving pay raises to our postal workers, and some aspects of the problem which the general public might not be familiar with. Mr. Murray Seeger has written a perceptive and, to my knowledge, an accurate report on the situation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PACT BY NIXON, UNION LEADER REBOUNDS TO EMBARRASS BOTH

(By Murray Seeger)

Early on the evening of Dec. 5, James D. Rademacher, the natty, articulate and ambitious president of the National Association of Letter Carriers, was secretly ushered into the White House to meet with aides of President Nixon.

To Rademacher's surprise, Mr. Nixon joined the conversation and suggested they be photographed together to record the meeting. At the subsequent conference, a deal was made that has now exploded into the nation's first post office strike to the deep embarrassment of both participants in the conference.

Rademacher left the White House convinced he had successfully bypassed Postmaster General Winton M. Blount and assured a sizable pay increase for the 200,000 members of his union as well as other workers in the Post Office Department.

Rademacher's position as the leader of the seven major postal unions seemed secure and it was possible he would be recognized as top leader of all the rapidly growing unions representing federal workers.

For Mr. Nixon, the evening's agreement, which became known a few weeks later, meant crucial labor support to get the embattled reform plan for the Post Office out of the House Post Office Committee, which had blocked it. He agreed to approve a sizable pay increase if it were tied directly to a bill taking the department out of his Cabinet and its chronic deficits out of the federal budget.

Now, four months after their meeting, the two have found out how badly they miscalculated.

Rademacher is fighting to survive as head of his union in face of opposition in major cities where letter carriers have defied return-to-work orders by him and the President.

Mr. Nixon has lost nearly all hope for getting a postal reform law from Congress this year as well as the postal rate increase he sought.

His hair-thin budget surplus for the current fiscal year and for the next one are jeopardized, because the apparent solution to the postal strike will be a big pay increase that in domino fashion will lead to approval of pay increases for 3.5 million other federal employees and military personnel.

The postal unions are the oldest and most firmly entrenched of the federal employee unions. Rademacher was the only postal union official to endorse The President's plan for reforming the Post Office Department. When this bold step did not produce the pay raise his members have been waiting for since October, Rademacher found key locals abandoning him.

One labor source, who declined to be identified but is generally sympathetic to Rademacher, saw the situation this way:

"Jim is about 100 yards behind his members instead of being out in front where a leader should be. He got too close to Nixon in this case and that's the wrong place for a labor leader to be."

GROWING MILITANCY

Both Mr. Nixon and Rademacher have been overrun by the sweep of militancy among all public employees. This movement has been most conspicuous at the city level, where strikes have been staged by every kind of worker from doctors to grave diggers—including firemen and policemen.

In 1958 there were 15 public employee strikes involving 1,720 workers. In 1968, there were 254 public employee strikes involving 201,800 workers.

While seven unions have national agreements with the Post Office Department and four others are recognized as bargaining agents, the letter carriers are considered the most politically effective.

This union is the only one with its jurisdiction almost entirely organized coast-to-coast.

The other union leaders resent Rademacher's solo dealing with the President. The campaign to get the postal reform bill became a tussle between Rademacher's union and the administration on one side and the six other unions on the other.

COMMITTEE IS SPLIT

As a result the House Post Office Committee was badly split.

A modified reform bill was approved by the House committee but has not been considered on the floor. A postal salary bill did pass the House and Senate in different forms but no action has been taken to put it into final form.

Rademacher, who was disappointed not to be named a vice president of the AFL–CIO in February, had been talking about taking his union into the new rival labor federation, the American Labor Alliance, whose chief members are the United Auto Workers and the International Brotherhood of Teamsters. His plans may be changed, too.

In New York the other day, members of Rademacher's union were calling their president "rat-maker" and shouting, "Let's throw him out."

IMPACT OF COST-OF-LIVING INCREASE ON LIFE STYLE OF THE AMERICAN FAMILY

Mr. MONTOYA. Mr. President, a well-known research organization, Leo J. Shapiro and Associates, Inc., of Chicago, Ill., in reporting results of a recent study it conducted on behalf of the Executive Fund Life Insurance Company of Omaha, Nebr., brought to my attention some findings that are sufficiently disturbing that they should be made public.

In this study, the research organization examined how the continued increase in the cost of living has affected the life style of the American family.

The research organization did not go into the very large areas of urban density, but confined their examination and studied 204 families closer to "Main Street, U.S.A.," in Birmingham, Ala., and Toledo, Ohio.

After reading the report, I am left with the conclusion that inflation and the erosion of the dollar are having the most disastrous effect on the way people live and on forcing middle-class Americans to abandon those inherited standards which we have come to identify with affluent America.

When one reads this study, one is driven to ask, What is affluence? and Who really now enjoys affluence?

I have extracted from the study some illustrative tables which show, indeed, that for the majority of American families inflation is an ever-present reality which intrudes on family life and which forces the heads of families to revise their way of life in order to survive the unabated increases in consumer costs. These tables are as follows:

How concerned are you about the cost of living?

	(204)
All respondents	100%
Very concerned	75
Somewhat concerned	19
Not too concerned	5
Not Reporting	1

About half of the homes felt that they had begun to do something about rising prices. Two kinds of responses were evident. Some families reported that they were trying to reduce expenditures by cutting down on what they buy, and the most frequent purchasing reductions were reported for food items. It appeared that these families had begun to distinguish between the "necessary" and "unnecessary" and were trying to restrict expenditures to necessary purchases. They described their effort in such terms as "buying necessities only," "budgeting," and "no more charging."

A second consumer strategy was an effort to shop more carefully. This did not consist so much of giving up or reducing consumption, but of finding ways to buy the same for less, for example, buying private label as opposed to branded items.

In addition to these two major strategies, it appeared that a small percentage of respondents were responding to inflation by attempting to increase their income, by working longer hours or taking an extra job. Another form of working more was to do jobs at home, your own sewing or home repairs.

Has your family tried to do anything yet about the cost of living?

	(204)
All respondents	100%
Have not tried to do something	48
Have tried to do something	52
All respondents who have tried to do something	100%
Cut down on buying (all mentioning)	38
Specifically on food	24
Watch prices	30
Buy necessities only	21
Eliminate charging	88
Budget	7

Work, take an extra job	6
Do-it-yourself, sew clothes, home repairs	1
Read consumer publications	2

On the whole, husbands and wives appear to be well coordinated in their response to inflation. They describe their approach to inflation in much the same terms. To the extent that differences in their efforts appear, they show that women more often than men are attempting to do without. This may reflect the larger role of the wife in day-to-day purchasing for the household. It may also reflect a feeling among women that they have exhausted opportunities to save by shopping more carefully and are thus beginning to curb their consumption. In contrast to their wives' greater effort to "cut down" men are frequently reported that their families were watching prices and that they were trying to increase their family's income.

[In percent]

	Men	Women
Total	(97)	(107)
All respondents	100	100
Have tried to do something about inflation:		
Yes	52	52
No	48	48
All who have tried to do something about inflation	52	52
Total	100	100
Cut down on buying (all mentioning)	34	41
Specifically on food	24	25
Watch prices	32	28
Buy necessities only	18	23
Eliminate charging	6	9
Budget	8	5
Work	8	4
Do-it-yourself, sew clothes, home repairs		
Read consumer publications	2	2

Within this context of discussion, the subject of life insurance was introduced. The question was asked, "Does the family need to increase its life insurance to restore protection eroded by inflation?" In answer to this question:

Fifty-three percent said yes.

Thirty-two percent said no.

Fifteen percent said they did not know or did not answer.

Husbands were more likely than wives to agree that life insurance should be increased because of inflation. This difference is consistent with the greater effort of women to reduce expenditures and with the contrastingly greater effort by men to increase their family's income.

[In percent]

	All	Men	Women
Total	(204)	(97)	(107)
All respondents	100	100	100
Need to increase life insurance	53	58	49
Do not need to increase life insurance	32	27	37
Not reporting	15	15	15

This contrast comes into even sharper focus among homes who say they are taking positive action against the rising cost of living. Among men who say that they are trying to do something about inflation, 62 percent agree that life insurance should be increased.

[In percent]

		Men	
	All	Doing something about the cost of living	Not yet doing anything about the cost of living
Total	(107)	(56)	(51)
All respondents	100	100	100
Need to increase life insurance	49	48	49
Do not need to increase life insurance	37	39	35
Not reporting	14	13	16

Overriding these differences, however, is the acceptance by major segments of the population of the proposition that inflation disturbs a family's life insurance protection and, therefore, justifies buying more life insurance. Although the context in which this subject was introduced during this interview may have aided affirmative response, the high level of that response indicates that life insurance is not a target for reducing expenditures.

For nearly 2 years we have been listening to plans and promises offered by the administration to halt inflation and to restore some semblance of stability to the average family's economic well-being. Instead of witnessing any realization of its plans and promises all we have seen is the opposite: In 1968 and 1969 the Consumer Price Index rose by more than 11 percent, and there is no indication that 1970 will see a reversal of this trend. The result is that families are descending into a lower standard of living and that their previous life styles are undergoing significant changes due to their inability to make both ends meet.

Families are placing great reliance on the advice of consumer publications, services, and organizations for guidelines on how to buy what they need at prices they can manage within their household budgets. One company is now mailing to hundreds of thousands of families a consumer service called Money Monthly, which offers advice on how to live better for less. This service reflects the prevailing desire throughout the country to find ways of escaping the pressure of high costs without descending into a lower standard of living.

There is one saving grace in this economic bind. It is the appearance of new and ingenious methods, developed and invented by various American companies, to reduce consumer costs by new techniques of distribution, new ways of packaging and new product development.

One such innovation has been brought into being by Executive Fund Life Insurance Co., which is offering life insurance of all forms through direct marketing methods. This form of direct selling reduces sales costs and makes it possible for the company to lower the premium costs.

Other companies are serving the traditional American markets with nonbranded or private brand goods, in which the sales price to consumers is lower than the well-advertised brand names, because the price does not have to include the cost of advertising.

But, despite the ingenuity of some American companies, the prevailing trend is toward progressively increased prices for all those goods and services which have come to be associated with the American standard of living. This is the aspect of American life which is now menaced by inflation, a condition I submit, which cannot be tolerated by the American people for too much longer.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous unanimous-consent agreement, the pending business will be temporarily laid aside and the Senate will now proceed to the consideration of Calendar No. 650, H.R. 11102, the hospital and medical facilities construction and modernization amendments of 1969, which the clerk will please report.

The BILL CLERK. A bill, H.R. 11102, to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Hospital and Medical Facilities Construction and Modernization Amendments of 1969".

TITLE I—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

PART A—EXTENSION OF GRANT PROGRAM

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

SEC. 101. (a) Section 601 of the Public Health Service Act (42 U.S.C. 219a) is amended—

(1) by striking out "next five" in paragraph (a) and inserting in lieu thereof "next ten";

(2) (A) by striking out "$70,000,000" in subparagraph (1) of paragraph (a) and inserting in lieu thereof "$100,000,000",

(B) by striking out "$20,000,000" in subparagraph (2) of such paragraph and inserting in lieu thereof "$40,000,000", and

(C) by striking out "$10,000,000" in subparagraph (3) of such paragraph and inserting in lieu thereof "$15,000,000"; and

(3) by striking out in paragraph (B) "and $195,000,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof "$195,000,000 for the fiscal year ending June 30, 1970, $160,000,000 for the fiscal year ending June 30, 1971, $170,000,000 for the fiscal year ending June 30, 1972, $180,000,000 for the fiscal year ending June 30, 1973, $190,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975; and".

(b) The amendments made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1970.

AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZATION GRANTS

SEC. 102. (a) Effective with respect to appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, such section is further amended—

(1) by striking out in paragraph (b) the following: "and for grants for modernization of such facilities and the facilities referred to in paragraph (a)";

(2) by adding after paragraph (b) the following new paragraph:

"(c) for grants for modernization of the facilities referred to in paragraphs (a) and (b), $75,000,000 for the fiscal year ending June 30, 1971, $95,000,000 for the fiscal year ending June 30, 1972, $105,000,000 for the fiscal year ending June 30, 1973, $115,000,000 for the fiscal year ending June 30, 1974, and $125,000,000 for the fiscal year ending June 30, 1975."; and

(3) by inserting "AND MODERNIZATION" after "CONSTRUCTION" in the section heading.

(b) Effective with respect to allotments from appropriations made under such section 601 for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended—

(1) by striking out "the new hospital portion of" the first time it appears in paragraph (1),

(2) by striking out the last sentence of paragraph (1), and

(3) by amending paragraph (2) to read as follows:

"(2) For each fiscal year beginning after June 30, 1970, the Secretary shall, in accordance with regulations, make allotments among the States for grants for modernization of the facilities referred to in section 601. Such allotments shall be made from the sums appropriated under paragraph (c) of section 601, and shall be made among the States on the basis of the population, the financial need, and the extent of the need for modernization of such facilities, of the respective States."

(c)(1) Section 602(e) of such Act is amended by (A) redesignating paragraphs (1), (2), and (3) thereof as paragraphs (2), (3), and (4), respectively, and by inserting at the beginning thereof the following new paragraph (1):

"(1) Upon the request of any State that a specified portion of any allotment of such State under subsection (a) for any fiscal year be added to any other allotment or allotments for such State under such subsection for such year, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that the aggregate of the portions so transferred from an allotment for a fiscal year may not exceed the amount specified with respect to such allotment in clause (A), (B), or (C), as the case may be, of subsection (b)(1) which is applicable to such State."

(2) Paragraph (1) of section 602(e) of such Act (redesignated as paragraph (2) by paragraph (1) of this subsection) is amended by striking out "Upon" and inserting in lieu thereof "In addition to the transfer of portions of allotments under paragraph (1), upon".

(3) Paragraph (2) of section 602(e) of such Act (redesignated as paragraph (3) by paragraph (1) of this subsection) is amended—

(A) by striking out "In addition to the transfer of portions of allotments under paragraph (1)" and inserting in lieu thereof "In addition to the transfers of portions of allotments under paragraphs (1) and (2)", and

(B) by striking out "; except that" and all that follows in such paragraph and inserting in lieu thereof a period.

(4) Paragraph (3) of section 602(e) of such Act (redesignated as paragraph (4) by paragraph (1) of this subsection) is amended by striking out "(1) or (2)" and inserting in lieu thereof "(1), (2), or (3)".

(5) The amendments made by the preceding provisions of this subsection shall be effective with respect to allotments from appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970.

(d) Effective with respect to allotments from appropriations made under such section 601 for fiscal years beginning after June 30, 1970, section 602(b)(1) of such Act is amended by—

(1) striking out "$25,000" and "$50,000" in subparagraph (A) and inserting in lieu thereof "$50,000" and "$100,000", respectively;

(2) striking out "$50,000" and "$100,000" in subparagraph (B) and inserting in lieu thereof "$100,000" and "$200,000", respectively;

(3) striking out "$100,000" and "$200,000" in subparagraph (C) and inserting in lieu thereof "$200,000" and "$300,000", respectively.

(e) Effective with respect to grants from such appropriations, so much of subsection (b)(1) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) as precedes subparagraph (A) as amended by inserting "or (c)" after "paragraph (b)".

PART B—OPERATION OF GRANT PROGRAM

PRIORITY OF PROJECTS

SEC. 110. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a) of such Act (42 U.S.C. 291c) is amended—

(1) by striking out "rural communities and areas with relatively small financial resources" in clause (1), and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities",

(2) by striking out "and" at the end of clause (2) and

(3) by adding after clause (3) the following new clauses:

"(4) in the case of projects for construction or modernization of general hospitals, to any general hospital (A) which is considered, under the first sentence of section 1861(l) of the Social Security Act, to have in effect a transfer agreement (with an extended care facility), or (B) with respect to which there is reasonable assurance that services of a long-term care facility will be available, either through a facility of the applicant for the project or a facility with which the applicant is affiliated (to the extent and in the manner determined in accordance with regulations), to patients of such hospital who no longer need care in such hospital but require the services of a long-term care facility;

"(5) in the case of projects for construction or modernization of outpatient facilities, to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary to be a rural or urban poverty area;

"(6) to projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization, particularly projects for facilities which will serve a defined population; and

"(7) in the case of projects for construction or modernization of facilities, to facilities, which will provide training in health or allied health professions;

"(8) in the case of projects for construction or modernization of facilities, to facilities which will provide to a significant extent, for the treatment of alcoholism;

"(9) to the extent deemed feasible by the State agency, to projects for facilities, to replace hospital facilities operated by departments of State, county, and local governments;".

AREAWIDE HEALTH PLANNING AGENCIES

SEC. 111. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended (1) by inserting after "the application has been approved and recommended by the State agency" the following: ", opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization (if any) which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located,"; and (2) by inserting "the application is for a project which" immediately before "is entitled".

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 112. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970—

(1) the first sentence of subsection (c)(1) of section 606 of such Act (42 U.S.C. 291f) is amended (A) by striking out "2 per centum" and inserting in lieu thereof "4 per centum" and (B) by striking out "$50,000" and inserting in lieu thereof "$100,000"; and

(2) paragraph (2) of subsection (c) of such section 606 is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1970".

FEDERAL SHARE

SEC. 113. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1969, paragraph (b) of the section of such Act redesignated (by section 201 of this Act) as section 655 is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, the Federal share shall, at the option of the State agency, be equal to the per centum provided under such subparagraphs plus an incentive per centum (which, when combined with the per centum provided under such subparagraphs shall not exceed 90 per centum) specified by the State agency in the case of projects that will provide services primarily for persons in an area determined by the Secretary to be a rural or urban poverty area and projects that offer potential for reducing health care costs through shared services among health care facilities, through interfacility cooperation, or through the construction or modernization of freestanding outpatient facilities."

XUM

DEFINITION OF HOSPITALS

SEC. 114. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (c) of the section of such Act redesignated (by section 201 of this Act) as section 655 is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

(b) Effective July 1, 1970, section 604(a)(3) of such Act is amended—

(1) by inserting "(A)" after "shall include", and

(2) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health professions personnel, and (B)".

CHANGE IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 115. (a) Sections 601(a)(2) and 602(b)(1)(B) of the Public Health Service Act (42 U.S.C. 291a, 291b) are each amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(b) Section 604(a)(4)(C) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities" and by striking out "such centers" and inserting in lieu thereof "such facilities".

(c) Section 604(a)(5) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(d) Section 609(b) of such Act (42 U.S.C. 291i) is amended by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility".

(e) Section 605(e) of such Act (42 U.S.C. 29(e)) is amended by—

(1) striking out "a diagnostic or treatment center" and inserting in lieu thereof "an outpatient facility", and

(2) inserting before the period at the end thereof "or which provides reasonable assurance that the services of a general hospital will be available to patients of such facility who are in need of hospital care".

(f) Paragraph (f) of the section of the Public Health Service Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) is amended—

(1) by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility",

(2) by inserting after "means a facility" the following: "(located in or apart from a hospital)", and

(3) by inserting after "ambulatory patients" the following: "(including ambulatory inpatients)".

(g) The amendments made by subsection (e) and paragraphs (2) and (3) of subsection (f) of this section shall apply with respect to applications approved under title VI of such Act after June 30, 1970.

DEFINITION OF FACILITY FOR LONG-TERM CARE

SEC. 116. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

INCLUSION OF COST OF ACQUISITION OF LAND

SEC. 117. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, so much of paragraph (i) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) as follows the semicolon is amended to read: "including architect's fees and the cost of the acquisition of land, but excluding the cost of offsite improvements."

GRANTS FOR EQUIPMENT

SEC. 118. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (l) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) is further amended by inserting before the semicolon "and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings".

TITLE TO SITE

SEC. 119. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (1) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) is further amended by striking out "for a period of not less than fifty years" and inserting in lieu thereof the following: ", for not less than the period specified in section 609 (or, in the case of a loan guaranteed under part B or a loan made under part C which is for a longer period, for not less than that longer period),".

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 120. (a)(1) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(2) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (1) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) The section of such Act redesignated (by section 201 of this Act) as section 655(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The amendments made by this section shall apply with respect to allotments (and grants therefrom) under part A of title VI of the Public Health Service Act for fiscal years ending after June 30, 1970, and with respect to loan guarantees under part B and loans under part C of such title made after June 30, 1970.

WAIVING OF RIGHT OF RECOVERY

SEC. 121. Section (3)(b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88–443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made prior to the enactment of this paragraph."

STATE ALLOTMENTS

SEC. 122. (a) Paragraph (1) of section 602(a) of the Public Health Service Act (42 U.S.C. 291b), as amended by section 102(b) of this Act, is amended to read as follows:

"(1) For each fiscal year beginning after June 30, 1970, the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated under subparagraph (1), (2), or (3) of paragraph (a), or under subsection (b), of section 601, for grants for construction of, respectively (A) public or other nonprofit facilities for long-term care, (B) public or other nonprofit outpatient facilities, (C) public or other nonprofit rehabilitation facilities, and (D) public or other nonprofit hospitals and public health centers. Each allotment shall be made on the basis of the population, the financial need, and the extent of the need for construction of the facilities for which grants from the allotment are to be made, of the respective States."

(b) Such section 602(a) is further amended by adding at the end thereof the following new paragraph:

"(3) If—

"(A) the allotment of any State under paragraph (1) for any fiscal year for grants for construction of facilities described in any one of clauses (A), (B), (C), and (D) of such paragraph is less than

"(B) the amount of the allotment for grants for construction of facilities described in such clause for the fiscal year ending June 30, 1970, as computed under this subsection (as in effect prior to the date of enactment of this paragraph) and subsection (b) (as in effect on and after such enactment),

then such allotment shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment to each of the remaining States under subsection (a) and the preceding paragraphs of this subsection for grants for construction of facilities described in such clause, but with such adjustments as may be necessary to prevent any such allotment of any of such remaining States from being thereby reduced to less than that amount."

(c) The amendments made by subsections (a) and (b) shall be effective with respect to allotments made from appropriations under section 601 of such Act for fiscal years beginning after June 30, 1970; except that (1) such amendments shall not apply with respect to allotments from such appropriations under subparagraph (1), (2), or (3) of paragraph (a) of such section for any such year unless the amount appropriated for such year under such subparagraph is greater than the amount appropriated thereunder for the fiscal year ending June 30, 1970, and (2) such amendments shall not apply with respect to allotments from such appropriations under paragraph (b) of such section for any fiscal year beginning after June 30, 1970, unless the amount appropriated for such year under such paragraph is greater than so much of the amount appropriated thereunder for the fiscal year ending June 30, 1970, as was available for allotments for grants for construction of hospitals and public health centers.

(d) Section 602(d)(1) of the Public Health Service Act is amended by (1) striking "for the next fiscal year (and for such year only)" and inserting in lieu thereof "for the next two fiscal years (and for such years only)", and (2) by striking out "purpose for such next fiscal year" and inserting in lieu thereof "purpose for such next two fiscal years".

COMPREHENSIVE PLANNING

SEC. 123. Section 604 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(c) On and after the date the Secretary notifies the State agency (designated in accordance with subsection (a)(1)) of any State that he has found and determined that there has been developed for such State pursuant to section 314(a) comprehensive State plans which are effective to carry out the provisions of such section and which are consistent with the purposes set forth in section 600, the State plan of such State shall be deemed not to meet the requirements of subsection (a) unless it is consistent with such comprehensive plans."

TITLE II—LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 201. Title VI of the Public Health Service Act is amended by redesignating part B as part E; by redesignating sections 621 through 625 (42 U.S.C. 291k–291o), and all references thereto, as sections 651 through 655, respectively; and by inserting after section 610 (42 U.S.C. 291j) the following new part:

"PART B—LOAN GUARANTEES FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"AUTHORIZATION OF LOAN GUARANTEES

"SEC. 621. (a) In order to assist public or other nonprofit agencies to carry out needed projects for the modernization or construction of public health centers and of public or other nonprofit hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1969, through June 30, 1975, may guarantee in accordance with this part to non-Federal lenders making loans to such agencies for such projects, payment when due of the principal of and interest on loans approved under this part. If any State so notifies the Secretary, the loan guarantee allotments of such State for the fiscal year ending June 30, 1970, and for the succeeding fiscal year may be utilized to guarantee loans with respect to any project for the construction or modernization of which commenced not earlier than June 1, 1968; but only if such project otherwise meets the requirements for approval of an application under section 623.

"(b) No loan guarantee under this part with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"LOAN GUARANTY ALLOTMENTS

"SEC. 622. (a) For each fiscal year, the Secretary shall determine the total amount of principal of loans which may be guaranteed under this part in such fiscal year. Such amount shall then be allotted among the States, in accordance with regulations, on the basis of each State's relative population, financial need, and need for modernization and for construction, respectively, of facilities referred to in section 621.

"(b) Any amount allotted under subsection (a) to a State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, for a fiscal year ending before July 1, 1975, and remaining unobligated at the end of each year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that, with the consent of the State, any such amount remaining unobligated at the end of the first six months of such next fiscal year may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amounts so reallotted to a State shall be available for the purposes for which made until the close of such next fiscal year and shall be in addition to the amount allotted and available to such State for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year ending before July 1, 1975, and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amounts shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that, with the consent of the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands, as the case may be, any such amount remaining unobligated at the end of the first of such next two fiscal years may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to any other of such four States which have need therefor. Any amount reallotted to a State under the preceding sentence shall be available for the purposes for which made until the close of the second of such next fiscal years and shall be in addition to the amounts allotted and available to such State for the same period.

"(c) Any amount allotted or reallotted to a State under this section for a fiscal year shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment for the next fiscal year.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a loan guarantee is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan for which a guarantee is sought under this part.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan for which a guarantee is sought in such application,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603 (a), such finding shall be made without regard to the provisions of clauses (1) and (3) of such section),

"(3) he finds that there is compliance with section 605(e),

"(4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(5) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e)(1) The United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee under this part, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOANS

"SEC. 624. The Secretary shall pay to each holder of a loan guaranteed under this part (but only if such loan was made for a private nonprofit hospital or other private nonprofit medical facility) for and on behalf of the hospital or other medical facility for which such loan was made, an amount equal to one-half of so much of the interest on the portion of the loan so guaranteed as does not exceed the amount of the interest payable on such portion at a rate of 6 per centum per annum, plus one-third of the remainder (if any) of interest payable on such portion.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1970, $400,000,000; the fiscal year ending June 30, 1971, $800,000,000; for the fiscal year ending June 30, 1972, $1,200,000,000; for the fiscal year ending June 30, 1973, $1,600,000,000; $2,000,000,000 for the fiscal year ending June 30, 1974; and $2,400,000,000 for the fiscal year ending June 30, 1975.

"LOAN GUARANTEE FUND

"SEC. 626. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation to enable him to discharge his responsibilities under any guarantee issued by him under this part and for payment of interest on the loans so guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital for the fund.

"(b) If at any time the moneys in the funds are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this part and for payment of interest on the loans so guaranteed, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund."

TITLE III—LOANS FOR CONSTRUCTION AND MODERNIZATION OF PUBLIC HOSPITALS AND OTHER PUBLIC MEDICAL FACILITIES

LOANS FOR CONSTRUCTION AND MODERNIZATION OF PUBLIC HOSPITALS AND OTHER PUBLIC MEDICAL FACILITIES

SEC. 301. Title VI of the Public Health Service Act is further amended by adding after part B (added by section 201 of this Act) the following new part:

"PART C—LOANS FOR CONSTRUCTION AND MODERNIZATION OF PUBLIC HOSPITALS AND OTHER PUBLIC MEDICAL FACILITIES

"AUTHORIZATION OF LOANS

"SEC. 631. (a) In order to assist public agencies to carry out needed projects for the construction or modernization of facilities referred to in paragraphs (a) and (b) of section 601, the Secretary is authorized to loan funds, in accordance with this part, to such agencies for the purpose of carrying out such projects.

"(b) No loan under this part to carry out any project may, when added to the amount of any grant or loan under part A with respect to such project, exceed 90 per centum of the cost of such project.

"ALLOCATION AMONG THE STATES

"SEC. 632. (a) The Secretary shall allot among the States the amounts available for each fiscal year for the making of loans under this part. The allotments under this part shall be made among the States on the basis of the population, the financial need, and the extent of the need for construction and modernization of the facilities referred to in paragraph (a) and (b) of section 601, of the respective States.

"(b) Any sum allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), and any such sum shall be in addition to the sums allotted to such State for such purpose for such next fiscal year. Any sum so allotted to a State for a fiscal year shall not (even though remaining unobligated at the close thereof) be considered as available for allotment among the States for the next fiscal year.

"APPLICATIONS

"SEC. 633. (a) For each project for which a loan is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by the State or a political subdivision thereof or by any other public agency. If two or more such agencies join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by clauses (1) through (5) of section 605(a) with respect to applications submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan sought under this part.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 632 to make the loan applied for,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603 (a), such findings shall be made without regard to clauses (1) and (3) of such section),

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(4) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments are reasonable and in accord with regulations.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"RECOVERY

"SEC. 634. If any of the events specified in clause (a) or clause (b) of section 609 occurs with respect to any facility for which a loan has been made under this part, before the termination of the period during which a loan made by the Secretary under this part is outstanding, the balance of any loan made by the Secretary under this part shall become immediately due and payable, unless the Secretary for good cause determines to waive the provisions of this section.

"GENERAL PROVISIONS FOR LOAN PROGRAM

"SEC. 635. Loans made under this part shall—

"(1) be repayable in equal periodic installments over a period of not to exceed twenty-five years,

"(2) bear interest at the rate of 3 per centum per annum, and

"(3) be secured by such evidence of financial obligation as the Secretary shall determine to be necessary or desirable to protect the interests of the United States against failure on the part of the borrower to repay the principal and interest on such loan in accordance with the terms thereof.

"REVOLVING LOAN FUND

"SEC. 636. (a) There is hereby created within the Treasury a separate fund (hereafter in this section referred to as the 'fund') for loans for the construction and modernization of the facilities referred to in paragraphs (a) and (b) of section 601. The fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this part. The total of any loans made from the fund in any fiscal year shall not exceed such limitations as may be specified in appropriation Acts. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849) for wholly owned Government corporations.

"(b)(1) The Secretary, when authorized by an appropriation Act, may transfer to the fund available appropriations provided under section 637 to provide capital for the fund. Amounts received by the Secretary as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets, of the fund, shall be deposited in the funds, in such amounts as may be authorized from time to time in appropriation Acts.

"(2) All loans, expenses, and payments pursuant to operations of the Secretary under this part shall be paid from the funds, including (but not limited to) expenses and payments of the Secretary in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"APPROPRIATION AUTHORIZATION

"SEC. 637. There are authorized to be appropriated to the Secretary over a period of five fiscal years, beginning with the fiscal year ending June 30, 1971, such sums as may be necessary for transfers to the revolving fund established under section 636, but not to exceed in the aggregate $750,000,000. Of the sums authorized to be appropriated under this section not more than $150,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1971.

"DURATION OF LOAN PROGRAM

"SEC. 638. No loans shall be made under this part after June 30, 1975."

AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 302. Section 302(c)(2)(B) of the Federal National Mortgage Association Charter Act is amended to read as follows:

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"(B) The Department of Health, Education, and Welfare, but only with respect to loans (i) made by the Commissioner of Education for construction of academic facilities, and loans to help finance student loan programs, and (ii) made under part (C) of title VI of the Public Health Service Act for the modernization of hospitals and other health facilities."

TITLE IV—GRANTS FOR CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 401. Title VI of the Public Health Service Act is further amended by adding after part C (added by section 301 of this Act) the following new part:

"PART D—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 641. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the construction or modernization of emergency rooms of general hospitals, there are authorized to be appropriated $20,000,000 each for the fiscal year ending June 30, 1971, and the next four fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 642. Funds appropriated pursuant to section 641 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of construction or modernization of emergency rooms of public or nonprofit general hospitals, including provision or replacement of medical transportation facilities. Such grants shall be made by the Secretary only after consultation with the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 643. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

TITLE V—EVALUATION OF HEALTH PROGRAMS

SEC. 501. (a) Title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"EVALUATION OF PROGRAMS

"SEC. 513. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act, the Mental Retardation Facilities Act, the Community Mental Health Centers Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151), for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act or any of such other Acts, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b)(1) Effective with respect to appropriations for fiscal years beginning after June 30, 1970—

(A) section 304(d) of the Public Health Service Act (42 U.S.C. 242b) is amended by striking out "; except that for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(B) section 309(c) of such Act (42 U.S.C. 242g) is amended by striking out "(1)", and by striking out ", and (2)" and all that follows down to but not including the period;

(C) section 314(d)(1) of such Act (42 U.S.C. 246) is amended by striking out ", except that, for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(D) section 314(e) of such Act (42 U.S.C. 246) is amended by striking out the last sentence;

(E) section 797 of such Act (42 U.S.C. 295h–6) is repealed; and

(F) section 901(a) of such Act (42 U.S.C. 299a) is amended by striking out the last sentence.

(2) Effective with respect to appropriations for fiscal years beginning after June 30, 1970, section 262 of the Community Mental Health Centers Act (42 U.S.C. 2688p) is repealed.

TITLE VI—AVAILABILITY OF APPROPRIATIONS

SEC. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress as amended), the Clean Air Act (Public Law 88–206), the Solid Waste Disposal Act (title II of Public Law 89–272), the Vocational Rehabilitation Act, as amended, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88–164, as amended), the Act of August 5, 1954 (Public Law 568, Eighty-third Congress, as amended), the Act of August 16, 1957 (Public Law 85–151), and title V of the Social Security Act shall remain available for obligation and expenditure until the end of such fiscal year .

Amend the title so as to read: "To amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the Hospital and Medical Facilities Construction and Modernization Amendments of 1969 is the best approach toward providing Federal construction assistance in overcoming the present problems associated with the Nation's health facilities. In brief, these problems are essentially twofold:

The extent of existing health facility capital needs, especially capital for modernization; and the need to encourage a better balance or mix of community health facilities, integrated in a functional sense.

The Nation presently needs an additional 85,000 acute care beds, 893 public health centers, 149,000 additional long-term care or extended-care beds, 872 outpatient centers and 388 facilities for rehabilitation, at a total cost of $6 billion at today's prices.

Mr. President, that is the need certified by State public health officers to the Department of Health, Education, and Welfare.

The Nation's gravest health facility problem in terms of cost is to modernize or replace health facilities containing some 455,000 acute and long-term care beds, at an estimated cost of $10.5 billion. Also of great importance, increased emphasis must be placed upon coordinated health planning leading to a better balance or mix of community level health facilities, capable of providing the full spectrum of facilities and services necessary to the continuity of patient care.

The bill properly addresses itself to this two-pronged problem by retaining those aspects of the existing health facility planning and construction program which have demonstrated their effectiveness in respect to these problems while, at the same time, changing and expanding the existing program in those areas where the need for such change and expansion has been clearly demonstrated.

In summary, the bill would extend the authority for 5 years for the grant program, provide new authority to administer a 6-year program of loan guarantees with interest subsidies, and loan guarantees for public facilities without interest subsidies. Another important feature is a 5-year program of low interest direct loans for public facilities. In addition, the bill contains new authority for direct Federal grants to assist in the construction and modernization of emergency rooms and transportation systems, as well as including several other overall provisions which would modify the existing program to deal more directly with specific health facility and health planning problems which have been clearly identified since the program's last extension.

The bill properly expands the Federal effort in dealing with the existing health facility needs through the creation of a 6-year, $400 million per year loan guarantee program, with Federal interest subsidies, which would assist privately owned nonprofit health facilities in both modernization and construction of additional health facilities. This method was selected after thorough consideration of all the facets connected with expanding the authority under the existing grant program to the extent necessary to have an appreciable impact on the Nation's health facility modernization and construction needs, which are over $16 billion. Further, the interest subsidy provision will tend to reduce or at least slow the rate of ever-increasing individual patient-day costs since the payment of interest on loans will in part be assumed by the entire Nation rather than the individual patient.

At the same time, the bill provides loan guarantee assistance for the construction and modernization of publicly owned health facilities, although without interest subsidies. The reason no interest

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subsidies were included for "publics" is that, unlike private, nonprofit health facilities, the "publics" do have certain equalizing capital formation advantages such as their revenue or tax base, as well as the incentive of the tax-free status of the interest earned on their bonds.

Because 28 percent of all hospitals are publicly owned and represent an almost equal percent of the existing hospital modernization needs, it was decided that a low-interest loan authorization of $750 million for 5 years was essential to help meet the needs of publicly owned health facilities. In many States the publicly owned hospital has traditionally fulfilled the medium-sized community health facility role which, by many, had been commonly considered the role of the private nonprofit hospital.

The bill provides the authority to administer a 5-year, $20 million per year program of direct Federal grants to assist in the construction and modernization of emergency rooms and transportation systems. This provision will have an affirmative impact upon the Nation's capability to deliver emergency health services to victims of highway and industrial accidents as well as other forms of mishaps.

Many people are seriously injured in automobile accidents each year and they die in many cases because it takes hours to get them into hospitals. Many other people are involved in emergency situations.

This provision is for the immediate treatment for many hundreds of thousands of people being injured in this country on the highways, and the 53,000 killed in one year, in addition to the millions of people who were injured.

The bill also covers other people who have need for immediate care and who have difficulty getting care.

The existing grant category entitled "diagnostic or treatment centers" would be retitled "outpatient facilities" and redefined to permit private nonprofit groups to be assisted in the construction of free-standing outpatient care centers. The existing law presently limits grant assistance under the diagnostic or treatment category to public agencies and to sponsors representing privately owned nonprofit general hospitals.

The bill would also permit, at the option of the State agency, increasing the Federal share up to 90 percent for projects which would assist in reducing the costs of delivering care through shared services, freestanding outpatient care centers, or provide services for persons in an urban or rural poverty area.

The priority for considering projects to be approved under the program would be revised to make the rural area priority permissive, that is, at the option of the State, as well as to giving special priority consideration to outpatient facilities which provide services for residents of low-income areas. Special priority consideration would also be given to projects which provide comprehensive health services to a defined population group—such as facilities for prepaid group practice available generally to all the residents or on any other basis in low-income areas—to projects which provide training for the health professions—including the allied health professions—to projects which have special significance for the treatment of alcoholism, and to the extent deemed feasible by the State agency, for projects to replace hospitals operated by State, county, and local governments. In addition, special priority would be given to general hospitals where extended care facilities are available to patients either as part of the general hospital, through a facility with which the applicant is affiliated, or through a transfer agreement under title XVIII of the Social Security Act.

Federal assistance would be available under the bill to assist in the purchase of a site upon which a health facility will be located as well as assisting in the purchase of equipment for health facilities without construction being associated with the project, and when the equipment will provide a new and needed community service.

The bill requires that the appropriate 314(b) areawide planning agency, where one exists, be provided an opportunity to consider all applications for assistance before such applications are approved.

In 1966, when this committee and Congress included comprehensive health planning in the partnership for health amendments, it was felt that the previous lack of planning and control in health services had resulted in fragmentation, unnecessary, and costly duplication, and virtually no unified attack on poor health care.

However, the present Hill-Burton statute does not require any coordination between State agency administering Hill-Burton programs and State agency responsible for comprehensive health planning.

If the State comprehensive planning agency is expected to carry out the legislative mandate to coordinate health planning within a State, Hill-Burton projects should at the very least be consistent with State comprehensive plans that are developed.

Presently, State plans providing public health services under section 314(d), including activities such as immunization projects, mental health programs, and the training of State and local health personnel, must be "in accordance with" the comprehensive health plans of each State.

This legislation provides that, once the Secretary of Health, Education, and Welfare determines that a State comprehensive health planning agency has developed an effective plan that does serve the purposes of the Hill-Burton program, the State Hill-Burton plan must be consistent with those plans developed by the State comprehensive health planning agency.

In conclusion, I believe the program authorized by this bill is badly needed. Our current national needs for hospital and other health facility construction and modernization are in excess of $16 billion. I feel that this bill will make a substantial contribution toward meeting this need and recommend approval by the Senate.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The clerk will state the committee substitute which is before the Senate.

Mr. DOMINICK. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The clerk will state the committee substitute which is before the Senate and which has been discussed by the Senator from Texas. The Senate is considering H.R. 11102.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Has the Senator from Texas yielded the floor?

Mr. YARBOROUGH. I yield the floor.

Mr. DOMINICK. Mr. President, if we adopt the committee substitute, is it then open to amendment?

The PRESIDING OFFICER. No further amendments would be in order.

Mr. DOMINICK. Mr. President, before we adopt the committee substitute, we had better amend the substitute, had we not, if we are going to do any of these things; is that the procedure?

The PRESIDING OFFICER. The Chair has only asked the clerk to report the committee substitute; not that the Senate agree to it.

The BILL CLERK. Strike all after the enacting clause and insert new language.

Mr. YARBOROUGH. Mr. President, I move that the committee substitute be adopted.

Mr. DOMINICK. On that matter, it is my understanding that the answer of the Chair to my inquiry was that if we adopt the committee substitute we have no chance to amend it.

Mr. YARBOROUGH. I withhold my request.

Mr. COTTON. Mr. President, is it in order for me to call up my amendment?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor, and it is in order for him to call up his amendment.

AMENDMENT NO. 576

Mr. COTTON. Mr. President, I call up my amendment No. 576 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> On page 43, line 6, strike out "June 1" and insert in lieu thereof "January 1".

Mr. COTTON. Mr. President, it is my understanding that this amendment is acceptable to the managers of the bill. When the committee considered the bill, there were two instances, one in Kentucky and one in my State, in which, because funds were exhausted, no grants for modernization and construction could be obtained under the previous bill, although they were declared eligible by the State authority. The instance in my State involves the Mary Hitchcock Memorial Hospital, and a project which provides essential hospital and construction and modernization in support of need for patient service; medical, nursing and other allied health education; and additional area-wide health needs. Mary Hitchcock is a regional referral center serving a wide area of northern New England—a metropolitan-type hospital located in a rural area. Comprehensive medical staff coverage is provided by specialists in all major branches

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of medicine and surgery, including staff from the Hitchcock clinic and clinical faculty members of Dartmouth Medical School. The hospital is heavily committed to education of health professions through its support of the undergraduate program at Dartmouth, its graduate medical education for over 80 interns and residents, and its essential education programs in professional nursing, practical nursing and several branches of medical technology.

Extensive remodeling and enlarging of its facilities were undertaken and application was made and approved by the State authorities, but there was no money available.

However, the hospital has proceeded with its own program. Although its money is not completely raised, it is attempting to raise the necessary amounts as it goes along. Its project will cost more than $11 million, and is of vital concern to all of the inhabitants of Vermont and New Hampshire, and of other States.

It is my understanding that, because their application had been made and approved, but could not be funded, it was the purpose of the committee to see that they could be eligible to apply for the loan guarantee program after the passage of this measure. For that reason, the date on page 43 was set back to June 1, 1968.

Unfortunately, however, in the case of this particular hospital—and I believe another very important facility in the State of Kentucky—they were misinformed or misunderstood the date when these repairs and expansion would commence. They actually began back in February that year, I believe. Therefore, my amendment simply strikes out the date June 1, 1968, and inserts January 1, 1968, as the cutoff date for application.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield to me so that I may make a unanimous-consent request regarding the privilege of the floor for staff members, without his losing the right to the floor?

Mr. COTTON. Of course.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Does the Senator yield for that purpose?

Mr. COTTON. Certainly.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that during debate on this bill (H.R. 11102) members of the staff of the Committee on Labor and Public Welfare be allowed on the floor without the usual limitation as to number. We have an unusual number of staff members necessary to be in attendance during the debate on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. DOMINICK. As the ranking Republican member on the Subcommittee on Health of the Committee on Labor and Public Welfare, it seems to me the Senator's amendment solves the problem in his State, and I presume the problem exists in other States as well. Although I know that the people downtown are not too happy about the retroactive idea, I am happy to accept the amendment for the minority.

Mr. YARBOROUGH. Mr. President, I am happy to accept the amendment.

Mr. COTTON. I thank both Senators. Having practiced law, I will not say anything more.

Mr. YARBOROUGH. The Senator from New Hampshire had such a convincing argument that he could convince both the majority and minority members on this amendment. After reading the report at page 39, I agree with the Senator from Colorado that, although the people downtown are not happy about this retroactive idea, we should accept the amendment.

Mr. BYRD of West Virginia. Mr. President, I thought we had long passed the day when convincing arguments would convince anyone.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

"TITLE VII—MARIHUANA

"CONGRESSIONAL FINDINGS

"SEC. 701. The Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

"HEALTH RESEARCH REPORTS

"SEC. 702. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using marihuana not later than ninety days after the date of enactment of this title.

"SHORT TITLE

"SEC. 703. This title may be cited as the 'Marihuana and Health Reporting Act.' "

Mr. DOMINICK. Mr. President, this amendment contains the text of S. 3190, the Marihuana and Health Act, which I introduced December 1, 1969. It is cosponsored by the Senator from Iowa (Mr. HUGHES), who is chairman of the Subcommittee on Alcoholism and Narcotics, the Senator from Illinois (Mr. SMITH), and our distinguished floor leader on the pending legislation, the Senator from Texas (Mr. YARBOROUGH).

My proposal is nearly identical to the existing law which requires annual reports on the health consequences of smoking cigarettes. It requires the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report to Congress on January 31, 1971, and annually thereafter, concerning current information on the health consequences of using marihuana.

Since uninformed use or experimentation with marihuana is increasing at such phenomenal rates, the amendment also provides that a preliminary report regarding current information on the health consequences of using marihuana shall be made to the Congress within 90 days.

The amendment is another in a series of legislative products generated by the hearings conducted by the Special Subcommittee on Alcoholism and Narcotics. On December 30, 1969, President Nixon signed Public Law 91-177, extending the Economic Opportunity Act. As Members of the Senate know, that act contains my drug rehabilitation program as well as an alcoholism program authored by Senator HUGHES. The legislation extending the authorization for community mental health centers also contains major changes in the provisions with regard to alcoholism and drugs, and became Public Law 91-211 on March 13, 1970.

While our special subcommittee is continuing its work, the evidence regarding marihuana has consistently led to one very strong conclusion—there is a great public need for an authoritative report on the health consequences of using marihuana.

INFORMATION GAP

There have been several significant developments since the Marihuana and Health Act was originally introduced, and I would like to bring them to the attention of the Senate.

On December 3, 1969, President Nixon sponsored a symposium on drugs for the Nation's Governors. In his address, the President said:

> I must say, when I started out, I thought the answer was more severe penalties. But, when you are talking about 13, 14 and 15 year olds, the answer is not more penalties, it is more information.

That, of course, is the purpose of my bill—reliable, authoritative information from a recognized source of the highest stature.

Some would have us believe that the issues surrounding the health aspects of marihuana are resolved. The fact of the matter is there still remain a great number of unknown health implications from marihuana experimentation. I will refer to these again in more detail in a moment, but first I want to take note of the fact that Secretary Finch was also at the

Governor's Conference. The Secretary pointed out that Government scientists are now making tests to determine whether marihuana has any detrimental effect on the human system. He then is reported to have said, "The fact is, we just don't know."

On December 18, 1969, U.S. Surgeon General Steinfeld appeared before the Senate Labor and Public Welfare Committee. I discussed my marihuana bill with him, and was delighted to receive his support. Let me read from the hearing record:

> Senator Dominick. Do you see any real roadblocks in this type of approach to at least getting information so that we can use it for public education purposes?
>
> Surgeon General Steinfeld. I not only don't see a roadblock, I think it is excellent. I think the annual reports on smoking and health have proved extremely useful, and I would hope a report on marihuana would be most useful in bringing information to the public and forming a broad foundation from which we can teach and launch new research.

Subsequently, Assistant Secretary Egeberg testified before our special subcommittee. His comment on the Marihuana and Health Act was as follows:

> My whole section of HEW is in favor of this.

Other witnesses testified in favor of the amendment. None opposed it. For purposes of legislative history, I ask unanimous consent that excerpts of representative testimony be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, funding of research programs on marihuana has been increasing substantially in recent years.

In testimony before a House committee last fall, Surgeon General Steinfeld said:

> With respect specifically to marihuana, NIMH, activities have been substantially expanded within the past few years in recognition of the rapidly increasing seriousness of the marihuana problem. This increase is reflected in the amount of funds obligated by NIMH for research grants and contracts in this field. In FP 1967, NIMH obligated $786,000 for marihuana research grants and contracts. Comparable figures for 1968 and 1969 respectively were $1,239,000 and $1,330,000.
>
> In FY 1970, if funds are available, the Institute proposes to obligate $2,550,000 to support grant and contract studies of marihuana, which means that there will have been a more than three-fold increase for support of these studies in the last four years. In addition, of course, the Institute conducts its own intramural research programs on marihuana.

When I introduced this legislation on December 1 of last year, I asked the Library of Congress to compile a list of federally financed marihuana research programs, and I placed that list in the Congressional Record. There were 67 projects active during the 3 fiscal years 1968, 1969, and 1970. The Federal money involved totals $10.7 million, but in some of these projects marihuana was only part of a larger study.

Significantly, in his drug abuse message of March 11, 1970, President Nixon announced he was requesting an additional $1 million for marihuana research for the remaining months of fiscal year 1970.

I also placed in the Record last year four different publications of the National Institute of Mental Health on the subject of marihuana: a question and answer brochure, two posters, and a 60-second TV spot.

I think the efforts of NIMH are to be commended. What concerns me, however, is the difficulty in finding out what sort of consensus is beginning to emerge from these millions of dollars in research.

There are two new publications by NIMH which are related, but do not reach the objective of my proposal.

A periodical entitled "Drug Dependence" began in the late summer of 1969. It contains original articles by professionals in the field of drug dependence, as well as abstracts of current literature.

A second publication, "Resource Book for Drug Abuse Education," was issued by NIMH in October 1969. It is part of the larger drug abuse education project of the Institute. Among its contents are suggestions for teachers, a model plan for setting up an education workshop, and numerous facts and articles on various drugs. It is an excellent publication and I commend it to every Senator. With reference to our debate today, I would call your attention to the following comment from that book:

> Marihuana is one of the least understood of all natural drugs, although it has been known for nearly 5,000 years. . . . All researchers agree that more knowledge of the physical, personal, and social consequences of marihuana use is needed before more factual statements can be made.

After a 7-month hassle with the Army, I placed in the Congressional Record of March 5, 1970, a report of Army marihuana research on 35 human volunteers at Edgewood Arsenal, Md., conducted in the late 1950's and early 1960's. When Assistant Secretary Egeberg appeared before our subcommittee on March 24, 1970, he was accompanied by Dr. Morton Miller of NIMH. I asked Dr. Miller about the Army research, and I think his response will be of interest to the Senate:

> Dr. Miller. The only thing that I am aware of is the information that was published in the *Congressional Record* as a result of your exchanges with the Army.
>
> Senator Dominick. Did you have any knowledge that this had gone on prior to the time of publication of this in the Record?
>
> Dr. Miller. Yes. We had through various sources had an inkling of this. Dr. Sim, one of the researchers at Edgewood, had made some statements at a recent conference which we partially supported about some of their findings, but I personally did not see anything like the full report until I saw the publication in the Record.
>
> Senator Dominick. In other words, you didn't really know in NIMH what was going on in the Army until this recent disclosure.
>
> Dr. Miller. Yes, sir, not to the extent it was disclosed.

Let me turn briefly to some of the evidence on use and the uncertainties about the health effects of marihuana.

EXTENT OF USE

When I introduced the Marihuana and Health Act, I commented at some length on the evidence before our subcommittee as to the extent of use of marihuana. In the interest of time, I will not repeat that today except to note the rather startling composition of the users, both regular users and casual experimenters.

The administration estimates that the number who have at least experimented with marihuana ranges from 8 to 10 million.

Age groups are not limited to college students, but extend from elementary school through junior high and high school and on into the adult population.

Social background is not limited to ghetto residents, but extends to business and professional people.

MARIHUANA ROULETTE

At the core of the public confusion about marihuana today are the widely varying reports we hear announced here and there around the country concerning the impact of marihuana on health. Unfortunately, the public is left with the impression that there is just one form of marihuana. This is not the case.

The principal active ingredient consists of a number of compounds called tetrahydrocannabinols—THC. The pharmacologic potency of any mixture of marihuana—from mild forms to the purest and most concentrated extract called hashish—depends upon the amount of THC which it contains.

Marihuana simply does not come labeled "Made in U.S.A." with the THC content carefully marked across the bottom.

Look at some of the variables which affect potency:

First. Location where grown.

Second. Growing conditions such as temperature, humidity, and soil composition.

Third. Methods of cultivation.

Fourth. Methods of preparation for use.

Fifth. Methods of storage.

But there are also variables in reaction, dependent on the user. The Director of the National Institute of Mental Health reported after a survey of high school and college use that 50 percent of those who tried marihuana experienced no effects. His explanation:

> This finding may be a function of at least four factors: (1) the agent may not have been potent, (2) frequently effects are seen only after repeated use, (3) the expectation of the user has a significant effect on what he experiences, (4) the social setting in which use takes place has an effect on the response.

The information submitted to our subcommittee by NIMH lists the following as one of the few proven facts about marihuana:

> Individuals react very differently to this drug, which is why you hear stories of extreme reactions, and stories of no reactions.

Let me dwell for a moment on one particular factor, the location where marihuana is grown. Evidence before the subcommittee indicates marihuana grown within the United States is generally of the relatively mild type. But this "homegrown pot," if you will, is not the marihuana generally being circulated for sale.

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President Nixon's Task Force on Narcotics, Marihuana, and Dangerous Drugs concluded in June 1969, that most of the marihuana sold and consumed in the United States is grown in Mexico. How much THC does it contain? We do not know, but we do know it is characterized as high potency.

Confirmation came at subcommittee field hearings last fall when a regional director of the Bureau of Narcotics and Dangerous Drugs testified:

> We have had a few large seizures from the Midwest, uncultivated marihuana harvested in Iowa and Nebraska. That is a small part of it. The main traffic, 99% of the marihuana in this country, comes from Mexico.

A medical doctor from Denver put it this way:

> Where the confusion lies is in the testing of different plans grown in different endemic areas with different soil and climate conditions . . .
>
> Today, hashhish is plentiful in our metropolitan city and in potency ranges up to 40 times as potent as our locally grown marihuana . . . Comparing a drug like hashish to locally grown marihuana is like comparing a firecracker to a stick of dynamite. Intoxicants as strong as hashish can and do cause panic reactions, acute anxiety states, and in those who have a borderline mental problem it can cause a frank psychosis. There are many questions unanswered about the drug we call marihuana.

Mr. President, as if there were not already enough variables facing the user, there is another. Marihuana not only will vary in its own potency, it may be mixed in an unrecognizable fashion with even more dangerous drugs, as shown by this exchange:

> Senator DOMINICK. Dr. Starkey, how does a young person who is being asked to experiment with drugs know what kind of marihuana is going to be given to him?
>
> Dr. STARKEY. The young person doesn't know whether he is getting DMT (a dangerous hallucinogen) mixed with marihuana or is getting hashish or a local grass.

According to the American Medical Association:

> *The strength of marihuana sold in this country varies widely.* It is almost always "cut" with tobacco or some other substance. *Sometimes other more potent drugs are added. It is impossible to know exactly what is being sold under the name of marihuana;* there is no quality control in the illegal drug business. This, plus uncertainty about one's own psychological reaction to it, makes marihuana experimentation risky.

In fact, there are so many variables affecting potency and reaction that marihuana research was severely hampered until synthetic THC was discovered in 1966. A consistent and precise quality of the natural drug was unavailable even to scientists prior to that date.

I want to emphasize we have been listening in our hearings to people who have approached the drug problem from all sides, including users. We have visited Synanon in California, and listened to former users now in Cenikor, a nonprofit organization for rehabilitation of drug abusers. The following exchange of Senator HUGHES with one user is representative of the responses we have had:

> Senator HUGHES. What would you say to any young adult or young person who is tempted at this point to smoke their first marihuana cigarette?
>
> Mr. LEVY. I would say, "Don't do it."

Personal experiences vary, but with odds like those noted above, one must ask whether the casual experimenter, as well as the regular user, is taking an unnecessary and substantial health risk.

Frankly, I think the need for an official Government report with the stature of the cigarette smoking report is amply demonstrated by the testimony which we received from a witness in field hearings. After describing a drug information program conducted in the school, this member of a special education department testified:

> One of the parents came to me after this had started and said, "I had a beautiful relationship with my daughter until you people put on that seminar. Now she is questioning me and my attitudes toward marihuana."
>
> Now parents feel very uncomfortable when kids challenge, and they challenge in an area where parents really aren't sure of themselves.

Parents are not the only ones who are not sure about marihuana. In fact, there is a great deal of uncertainty in the medical community.

I want to emphasize in the strongest sense the following caution issued by the National Institute of Mental Health this year:

> Statements being reported by students that the use of marihuana is "medically safe" are not supported by scientific evidence. It is hoped that research now underway may add to the little currently known about the effects of the use of marihuana.

To that, add these statements, also from NIMH:

> To be honest, scientists still don't know everything about the specific effects of marihuana.
>
> Today, research scientists are studying marihuana's effects on the brain, the nervous system, on chromosomes, and on various organs of the body. They're trying to find out why different people have different reactions to it. . . . Maybe it will turn out that there's no reason for it to be illegal. But nobody can be sure until all the facts are in. And until they are, it's a pretty bum risk.

Dr. James Goddard, former Commissioner of the Food and Drug Administration, appeared before the subcommittee. He lists the following health unknowns of marihuana:

> Does it affect the reproductive processes?
> Does it affect human chromosomes?
> Does long-term usage have harmful effects?
>
> What type of treatment will be most effective in rehabilitating chronic users?
>
> What conditions favor continuation of marihuana use as opposed to moving to hard drugs?

On January 25, 1970, an article written by Surgeon General Steinfeld on marihuana was published by the Washington Star. In it, he states:

> Further research in needed to elucidate both the short and long term physical and psychic effects of marihuana.

While the Steinfeld article was prepared in conjunction with proposed changes in the criminal laws regarding marihuana, I think it is also useful from the standpoint of our special subcommittee. It represents much of the thinking of the new Surgeon General regarding marihuana, and in particular, makes reference to a number of health issues. I ask unanimous consent that it be placed in the CONGRESSIONAL RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

SURGEON GENERAL REPORT—COMMITTEE ON MARIHUANA

Mr. DOMINICK. There remains an issue to which we obviously should address ourselves; that is, the fact that in January the Senate passed the Controlled Dangerous Substances Act with a provision for a Committee on Marihuana. The Committee would be appointed by the Attorney General and the Secretary of Health, Education, and Welfare, and would have a 2-year life.

However, that bill has run into considerable difficulty in the House. Jurisdictionally speaking, it has been split between the House committees. There is also more than the usual amount of controversy regarding its merits. It may be quite some time before it becomes law, if ever.

I am not opposed to creation of a Committee on Marihuana, but there is only a limited amount it can accomplish in 2 years and there is no need for it to be the sole approach of congressional concern.

Certainly the Surgeon General report required by my amendment is not incompatible with such a Committee even if the Committee is finally authorized.

A 2-year Committee standing by itself, however, has serious deficiencies.

Several million dollars have already been spent on marihuana research. More will be needed, and rightly so. But how do you convince 8 to 12 million people to stop using marihuana and wait 2 years for the Committee's report? We have acquired a substantial body of knowledge, and it should be compiled in layman's language and issued in 90 days. My amendment requires that.

But there is another side to the coin. Evidence is abundant that some of the real tough questions about the effects of marihuana probably cannot be answered in the next 2 years. What then under the Committee approach? Several medical witnesses stressed the difficulties we face in getting solid information. Indeed, a witness from the American Psychiatric Association spoke in terms of 5 years just to get "some" of these answers. This is the reason my amendment requires an annual report on the state of knowledge, just as we have on cigarette smoking.

There is another factor. The Committee on Marihuana has a much broader mandate to cover during its short life. It is directed to examine "all aspects" of marihuana. The collateral issues specified are a survey of the extent of use, the relationship of marihuana use to crime and juvenile delinquency, the social aspects of use, and the relationship between marihuana and the use of other drugs. This is fine, but it is a pretty broad sweep of the brush.

In contrast, my amendment uses a rifle shot approach. The report will be

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focusing only on the health consequences of using marihuana.

In my judgment, the Senate can approve the amendment which I offer today and the Committee on Marihuana and still be consistent.

If we are forced to choose between them, however, the statement of Dr. Yolles, Director of the National Institute of Mental Health, before a House committee is pertinent:

> There are few fields in which there have been so many competent and thorough investigations by committees and commissions over the years as there have been in the area of narcotics and dangerous drugs.
>
> I see no need to establish another committee or commission to study marihuana.
>
> In contrast to establishment of another commission, I would favor provisions to direct NIMH to conduct research and make a basic determination on marihuana.

CONCLUSION

To summarize, Mr. President, there is a desperate need to bring a sense of order to the marihuana debate.

As one of our witnesses so aptly stated regarding the many research studies underway about marihuana:

> Most of us know only that they exist, but don't know which one is in favor and which one is against this, that or the other thing.

My amendment requires a periodic compilation and judgment by health experts on the state of health knowledge from private and publicly financed research. As I said in December, what I am asking for is an authoritative decision—regularly updated—on whether marihuana can be given a clean bill of health.

In the January 25, 1970, article, Surgeon General Steinfeld responds, and I quote:

> Medically speaking, I *cannot* give it a clean bill of health.

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With continuing research and with interim reports to the Congress and the Nation, the Secretary and the Surgeon General can move forward to separate truth from fiction. Only a report with their imprimatur can meet the desperate need in this country for accurate, reliable and credible information.

In the meantime, evidence before our subcommittee to date points up too many variables, too many unknowns, too many risks, for anyone to be experimenting with marihuana.

I doubt very much whether there is any opposition to this amendment. It does not require the expenditure of any funds. It has the backing of health officials who testified before the committee, the Surgeon General, the Assistant Secretary for Health, and a number of independent witnesses who testified that this is something we badly need.

Time is of the essence and I hope the manager of the bill would agree to having this amendment added.

Exhibit 1

S. 3190—Marihuana and Health Act

(Representative testimony received by Senate Special Subcommittee on Alcoholism and Narcotics and full Senate Labor and Public Welfare Committee)

Dr. Jesse Steinfeld, Surgeon General: "I think it is excellent. I think the annual reports on smoking and health have proved extremely useful, and I would hope that a report on marihuana would be most useful in bringing information to the public and forming a broad foundation from which we can teach and launch new research."

Dr. Roger Egeberg, Assistant Secretary for Health & Scientific Affairs, HEW: "My whole section of HEW is warmly in favor of this."

Dr. Henry Brill, Chairman, Committee on Alcoholism and Drug Dependence, American Medical Association: "I think it is very important that we know the ongoing situation with respect to this epidemic (marihuana) as we would attempt to control any other epidemic, and I would feel that an updated report would be important for epidemiological purposes, for educational purposes, and with respect to control measures."

Dr. Louis West, Trustee, American Psychiatric Association, and Chairman, Department Psychiatry, USLA School of Medicine: "Well, I think this would be highly desirable. It would be more desirable if there were more data to include in the report. . . .

"I think probably in the next five years we will get some of the information we need on the long, regular use of marihuana, which simply is not available today, although I and some of my colleagues in a new research program around the country are attempting to develop such information. At the moment, I think the public should understand just how difficult it is going to be to get the kind of information we want."

Joseph Cochin, MC, Ph.D., Professor of Pharmacology, Boston University Medical School, and Chairman, Scientific Review Committee, Center for Studies of Narcotics and Drug Abuse, NIMH:

Senator Hughes. "Do you think (the Dominick bill) would be beneficial?"

Dr. Cochin. "Yes, I do, I think, though, provided it was based on carefully controlled studies and longitudinal studies. I think two years, as contemplated in the Dodd bill is too short a time to get an answer which would be meaningful."

Senator Hughes. "The Dominick bill recommends a preliminary report and annual report."

Dr. Cochin. "I think it would be a good idea."

Dr. Bernard Glueck, MC, Director, Institute of Living (a private psychiatric hospital), Hartford, Connecticut: "As I relate the provisions for a report from the Surgeon General, I would endorse this. It is badly needed information, and there is much too much misinformation in the area."

Dr. Max Fink, Professor of Psychiatry, New York Medical College: "I think there would be an advantage to having a Surgeon General's report. I think there might be a disadvantage if one set a time limit. . . .

"At least to the extent to which we have become involved with marihuana, the shortage of knowledge, the absence of information, particularly in chronic use, is so great that I do not know what such a commission could report at the present time. I think when the Surgeon General was asked to make a report on smoking, there were extensive studies available, and a committee of experts would go over these studies, hopefully, to bring out from the studies themselves what might be the essential truths. We do not have that body of knowledge or body of studies available. And, I would hope that if the Surgeon General were asked to do so that he might be given the funds with which to undertake these studies, or that this be a companion bill to S. 3562 in such a way that studies could be undertaken so that the Surgeon General could make an intelligent report annually."

Exhibit 2

[From the Washington Star, Jan. 25, 1970]

(By Jesse L. Steinfeld, M.D.)

(Note.—This is the text of a statement by Dr. Steinfeld before a meeting of the District of Columbia City Council on Jan. 16. It was a hearing on whether marijuana should be made legal and whether new ordinances are needed to alter drug penalties here.)

The complex problems of drug abuse in the United States are not restricted to a particular subgroup or minority, but can be found at all socio-economic strata—from the ghettos of the inner city to the plush environment of the suburbs. These problems do not respect any age limit. Increasingly the young represent a population at significant risk, and recently, a 12-year-old boy died in New York from an overdose of heroin.

There are, unfortunately, no scientifically reliable estimates of the extent of drug abuse, but examination of recent surveys suggests that the problem is mushrooming. As of Dec. 31, 1968, the Federal Bureau of Narcotics and Dangerous Drugs indicated that there were approximately 69,000 active opiate narcotic addicts in the United States. Admittedly, this represents a minimal estimate, since it is based solely on voluntary reporting by law enforcement agencies. Most authorities agree that the actual number of addicts is under-reported by a factor of two or three, which suggests that there may be as many as 180,000 narcotic addicts in the United States.

The number of non-narcotic drug abusers, including those dependent on barbiturates, amphetamines, hallucinogens, and the minor tranquilizers, has never been precisely determined.

Again, survey data suggest that at least 8–12 million Americans have experimented with the various preparations of the Indian Hemp plant or Cannabis sativa—the commonly available marijuana, and the more expensive hashish. On a worldwide basis, it is estimated that over 200 million individuals have tried marijuana. Indeed, next to alcohol, it is the most popular intoxicant in the world.

Marijuana is not classified medically as an addicting drug. Its sudden withdrawal in a habitual user does not produce adverse physical effects and does not result in tolerance; that is, increasing amounts are not required to produce the intended effect. In chronic users, however, psychological dependence may occur.

Cannabis sativa is a hardy weed which can grow to a height of 15–18 feet. Separate male and female plants can be easily distinguished by the casual observer. Hashish or "hash" is a golden yellow, sticky resin which is collected from the leaves of cultivated plants. It is five to eight times as potent as marijuana which consists of the flowering tops, leaves, and stems of unfertilized, non cultivated plants.

Chemical analysis has demonstrated that tetrahydrocannabinol (known at THC) accounts for the psychoactive potential of both marijuana and hashish. The THC content of the marijuana plant depends upon soil, temperature, and other climatic conditions, with plants grown in sunny, dry zones yielding the highest content of THC. THC has recently been prepared synthetically. The procedure, however, is difficult and precludes extensive clandestine efforts at mass production. At present, the illicit THC sold on the streets has been found to consist of mescaline or phencyclidine—both potent hallucinogens.

In this country, the most common form of usage is by smoking, and a deep, sustained inhalation is essential for the THC to be absorbed sufficiently to produce the desired effect. The experienced user may become intoxicated with a single puff of a high quality "joint," while novices may be unable to "turn on" with large doses of marijuana because of poor smoking technique. Marijuana is less frequently swallowed, but hashish is a favorite ingredient of many recipes, including the celebrated Alice B. Toklas brownies. Case reports of the effects of intravenous injection of marijuana and hashish are rare, and a definitive statement cannot be made.

The onset of action after smoking is within 10–20 minutes, and the effects may persist for three hours. Smokers may maintain the intoxicated state by intermittently inhaling additional material. Even following repeated administration, tolerance to marijuana does not develop, and cross-tolerance to LSD, mescaline, and other hallucinogens has not been demonstrated. In addition, withdrawal symptoms are not observed. Thus, marijuana and hashish do not have the addictive potential of the opiate narcotics (morphine, heroin, demerol, dilaudid, codeine) in humans.

The psychic effects generally begin with a feeling of relaxation and detachment. Audio-visual sensations are intensified, with color perception often the most affected. Illusions are common, but hallucinations are rare. Time perception is altered, usually manifested by a slowing of subjective time. Emotions are loosened, with euphoria being more common than dysphoria. Inappropriate laughing jags or crying spells have been described, while anxiety and feelings of suspiciousness are rare. Thought is dreamlike and fantasy-laden, but the person can "pull himself together" when necessary and perform adequately. Some individuals experience drowsiness and feelings of hunger; others feel unable to communicate properly.

The individual is often passive and withdrawn. However, as with all disinhibiting agents, he might behave in an unrestrained, emotional manner. While marijuana does not possess aphrodisiac properties, the prolongation of subjective time may alter the perception of an erotic experience.

The most frequent physical effect in marijuana is a conjunctival hyperemia (red eye). This is not due to an irritative smoke effect because it also occurs when THC is swallowed. Contrary to the popular belief, pupil size remains unchanged. While an increase in heart rate is regularly noted, blood pressure, respiratory rate, blood sugar level, and body temperature do not change significantly. Nausea, a dry mouth from decreased salivation, and a cough from the irritant effects of the smoke are often mentioned. Only some preliminary work on the cytogenetic effects of marijuana has been completed. The drug is, however, known to cross the placental barrier. No carcinogenic activity has been attributed to marijuana.

The complications of acute marijuana intoxication are infrequent, and usually consist of anxiety of paranoid states. Any individual, especially a novice, may become confused about the changes that he is experiencing. The loss of ego controls can result in delusional thinking, usually of a suspicious, paranoid nature. The patient may panic and injure himself or others. Spontaneous recurrences of the marijuana state ("flashbacks") have been described.

Again, let me repeat that reported instances of these adverse mental effects are rare.

The argument concerning escalation of the marijuana user to more dangerous drugs is not as simple as its proponents and opponents would have us believe. A majority of heroin addicts report that they began their illicit drug career with marijuana. Nevertheless, the great majority of marijuana smokers never expose themselves to opiates. It is the chronic, heavy user (the pothead) who tends to become overinvolved in other classes of drugs; the stronger hallucinogens, the hypnotics, the stimulants, and the narcotics. The pothead, whether from suburbia or the ghetto, is a vulnerable person with feelings of inadequacy, insecurity, immaturity and impulsivity. He is the one who tends to find his way to a heroin "habit."

The National Institute of Mental Health is funding a comprehensive marijuana research program designed to eliminate current gaps in our scientific knowledge. The program has the following stages:

1. Supply.

A. For the past two years, the natural marijuana plant has been grown as a cultivated crop by the University of Mississippi. Currently, nine different strains of Cannabis sativa have been planted. Harvesting of the annual crop will provide a significant natural source of both marijuana and THC.

B. Contracts with private chemical companies have been secured to provide for the synthesis of 22 pounds of pure THC. Plans call for labelling the pure THC with radioactive isotopes to enable biochemists to trace the mechanics of distribution, metabolism, and excretion.

2. Animal and human studies.

A. Examination of cytotoxic effects upon liver, brain, kidneys, and respiratory system will be studied after acute and chronic exposure to marijuana and pure THC.

B. Studies of the carcinogenic and teratogenic effects of both THC and marijuana are being pursued.

C. Behavorial aberrations with respect to learning, memory, perception, and psychomotor performance will be studied after acute and chronic exposure to marijuana and THC.

3. Epidemiology.

A. Social psychological surveys of marijuana users in the United States are necessary in order to determine group and individual factors which initiate, maintain, and reinforce drug-taking habits.

B. Similar studies in the Middle East and India, with natives in both regions used as control populations, would provide valid data for cross-cultural comparisons.

The history of marijuana control legislation is a matter of record, and I will not pursue it here. The major point I wish to make is that in the case of marijuana, legal penalties were originally assigned with total disregard for medical and scientific evidence of the properties of the drug or its effects. I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime.

Further research is needed to elucidate both the short and long-term physical and psychic effects of marijuana.

At present, the absence of valid scientific data should not lead to the assumption that long-term indulgence is harmless. As in the case of tobacco and alcohol, it is possible that there are serious consequences of chronic use that will only become apparent through careful studies.

I am particularly concerned about the potential effect of a reality-distorting agent on the psychological development of an adolescent user. We all agree that normal adolescence is a time of psychological turmoil, and that patterns of coping with reality developed during the teen-age period are significant in determining adult behavior. The repeated use of a drug that serves to alter reality during this critical developmental period is likely to seriously compromise the individual's future adjustment to our complex society.

It is unfortunate that continued, exaggerated emphasis on the supposed toxic effects of marijuana make it extremely difficult to tell people about the real demonstrated risks of drug abuse. If young people were convinced that efforts to reform the drug laws were sincere and based on scientific evidence, I feel confident they would be more receptive to and less cynical about information on possible harmful effects of drugs. There is no doubt that the scare techniques which have been used by some in the past have now been discredited. The lesson is quite clear: abusing known information is worse than denying our collective ignorance.

In my judgment, Mr. Chairman, even though marijuana is certainly not the horror it is alleged by some to be, it is a drug having a capacity to alter mood, judgment, and functional ability. I believe that until research on the long-term effects of marijuana and other forms of Cannabis is completed, use of the drug should continue to be controlled. *Medically speaking, I cannot give it a clean "bill of health."* But penalties for its use should be consistent with the danger and risk to the individual and society.

Mr. YARBOROUGH. Mr. President, I accept the amendment of the distinguished Senator from Colorado and commend him on his work and leadership in this field.

Although normally we might not add this title to a hospital bill at all, the problem is growing so rapidly and is so monumental that I think we should try to reach the problem wherever we can and in whatever measure we can attempt to reach the problem. In every city in my State where there is a gathering of any size, this problem is mentioned to me.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Iowa (Mr. Hughes) has been an outstanding leader in the field of narcotics. By necessity he is absent from the Senate today. However, he has prepared a statement in support of this amendment, and I ask unanimous consent that his remarks be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Hughes. Mr. President, the distinguished junior Senator from Colorado has been one of the hardest working and most dedicated members of the Subcommittee on Alcoholism and Narcotics, of which I am Chairman. I am personally appreciative of the long hours he has devoted to our committee hearings and to his independent study and investigation of the drug problem. The amendment he offers today is the product of extensive study and informed thought on the subject.

A year ago, government health authorities were estimating that six to 12 million persons in this country were using or at least experimenting with marihuana. Now the estimates range from twelve to twenty millions. There can be no question about the use of this hallucinogen being a matter of nationwide concern.

There is a great deal of confusion in the public mind—and among the professionals, as well—about the the effects of marihuana on human health. Some experts consider cannabis highly dangerous and psychologically addictive. Others consider it comparatively harmless.

While there is a dearth of authoritative research on the subject, the public prints are filled with a bewildering variety of opinions.

The average American who is trying to arrive at a common sense judgment about marihuana and its possible health hazards so that he can deal with its use in his community or his own family, has no one spot to which he can turn for reliable information.

This amendment would fill that information gap with official reports which would come from the governmental source qualified to speak most authoritatively on health matters—the Department of Health, Education, and Welfare.

By requiring the first report by January 31, 1970, the amendment emphasizes the importance and urgency which Congress places on the need for information in this area. The provision for annual reports thereafter will assure concerned citizens throughout the land of a continuing source of professional up-dated information on this vitally important subject.

Mr. President, I would like to commend

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the Senator from Colorado for introducing this amendment and for thus responding to a widely recognized public need.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 22, insert "may make loans to be sold and guaranteed and" immediately after "1975,".

On page 43, line 1, insert immediately before the period the following: *"Provided,* That when such loans made by the Secretary are sold on a guaranteed basis, the interest or other income thereon, notwithstanding the provisions of section 103(a) of the Internal Revenue Code of 1954, shall not be tax-exempt for income purposes under Federal law."

On page 43, line 1, insert immediately after the period the following new sentence: "The Secretary is authorized to make agreements with respect to servicing obligations held or guaranteed by him under this subsection and purchasing such guaranteed obligations on such terms and conditions as he may prescribe."

On page 45, line 21, insert "loan or" immediately after "a".

On page 49, line 4, insert immediately after the period the following new sentence: "With respect to guarantees of loans made by the Secretary under section 621, the Secretary shall pay that portion of the interest which he determines necessary to reduce the effective rate paid by the borrower to a rate comparable to the rates on other loans guaranteed by the Secretary under section 621.".

On page 49, line 13, strike out "$400,000,000" and insert in lieu thereof "$500,000,000".

On page 49, line 14, strike out "$800,000,000" and insert in lieu thereof "$1,000,000,000".

On page 49, line 15, strike out "$1,200,000,000" and insert in lieu thereof "$1,500,000,000".

On page 49, line 16, strike out "$1,600,000,000" and insert in lieu thereof "$2,000,000,000".

On page 49, line 17, strike out "$2,000,000,000" and insert in lieu thereof "$2,500,000,000".

On page 49, line 18, strike out "$2,400,000,000" and insert in lieu thereof "$3,000,000,000".

On page 49, line 25, beginning with the word "any", strike out all through the word "under" on page 50, line 1.

On page 50, line 1, strike out "so".

On page 50, line 4, insert "make loans pursuant to section 621 and to" immediately after "to".

On page 50, line 4, insert "other" immediately after "provide".

On page 50, line 4, insert "required" immediately after "capital".

On page 50, line 5, insert immediately after the period the following new sentence: "There shall be deposited into the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.".

On page 58, between lines 15 and 16, insert the following:

(b) The first sentence of section 302(b) of such Act is amended by inserting after the first semicolon the following: "and to purchase, service, sell, or otherwise deal in any loans made or guaranteed under part B of title VI of the Public Health Service Act;".

Mr. DOMINICK. Mr. President, during the process of consideration of this particular bill, we had rather extensive discussions in the committee. The discussions centered largely on the question of whether the Federal Government should initiate a new program which concerns the guarantee of loans to public hospitals, which we have never authorized before.

It became apparent, in the process of the discussions, that the difficulty was the need for our public institutions to receive funds, the tightness of the budget, the probable inability to get enough in the way of appropriations to provide direct loans in the volume that was needed.

Therefore, the committee initially agreed—with my exception—to go ahead on the guarantee of public loans to public hospitals. I kept searching for alternatives, because it seemed to me that by going this way, as I indicated in my individual views, we were embarking on a whole new course which could have a serious, disruptive effect on bond issues of other local entities, such as school bonds, and sewerage bonds, and that eventually could create a new type of bond which could further restrict the marketability of other Federal bonds to finance the debt of the Treasury.

Consequently, we came up with a new program to substitute for the so-called guarantee of loans to public institutions.

This is not easy to explain, but I think perhaps I can do it rather succinctly, and then, if I may, put in a prepared statement which will detail it more directly.

These amendments propose that the Federal Government shall establish a fund from which the Secretary of Health, Education, and Welfare will make a loan to a public hospital at a low interest rate. That public hospital, in turn, will issue the obligation representing that loan back to HEW, which will then increase the interest rate, guarantee the obligation and sell it to a private investor on a taxable basis.

By so doing, the Federal Government is in fact only financing the difference between the amount of interest paid by the public hospital and the amount paid by the Secretary of Health, Education, and Welfare in order to make this a competitive, marketable security in the private investment field. It will, therefore, save money, as far as we can see, for State and local governments which are seeking funds to expand their hospital care facilities; it will save money for the Federal Government; and it will provide a marketable security in the private market, which is a taxable security but which past experience indicates is competitive and can be marketed rather freely.

Most importantly, this amendment will provide loans at a lower rate of interest to the public facility than that provided under simple loan guarantees in the committee bill.

For that reason, and because I think it gives us an opportunity to provide much more in the way of funding to the hospitals which need it so desperately, I am offering this amendment as a substitute.

Let me, if I may for the record, try to outline the points that I think are important here.

This amendment will authorize the Secretary of Health, Education, and Welfare to purchase and sell, with its guarantee, obligations to finance construction and modernization of publicly owned medical facilities, provided, that when such loans are sold on a guaranteed basis the interest will be taxable for Federal income tax purposes.

It will authorize, in effect, payment of interest subsidies on such public medical facility loans sufficient to reduce the effective rate paid by the borrower to a rate equal to rates paid by private nonprofit borrowers under H.R. 11102.

It will authorize a loan fund out of which such loans will be made including payment of interest and into which will be deposited payments of interest and principal and moneys received from the sale of the loans or assets. This loan fund will also be used to pay interest subsidies on private nonprofit medical facility loans.

It will be used to increase the total annual authorization of public and private nonprofit loans from $400 million to $500 million.

It will authorize the Federal National Mortgage Association to purchase, service, sell or deal in such loans offered for sale by the Secretary of Health, Education, and Welfare under this part B of title VI of the Public Health Service Act.

We put in that last provision so that, in the event there should be any shortage in the market of private investors coming into this field, we would have the support of one of the existing agencies of Government to make sure that this would be a revolving fund, so that the money could be turned around in a year, or at a rather rapid rate.

At this point, I ask unanimous consent that the full statement I have prepared, together with accompanying documents, be printed in the Record.

There being no objection, the statement and attachments were ordered to be printed in the Record, as follows:

Statement of Mr. Dominick

Mr. President, the amendments I am proposing to H.R. 11102, as amended, offer an alternative method of providing loans for the construction and modernization of public hospitals and medical facilities. Quite simply stated, this program authorizes the Secretary of HEW to make loans to States and political subdivisions at a low rate of interest equal to the rate paid by private nonprofit borrowers under the Committee bill. The Secretary then sells that loan obligation or bond on the open market at a higher, market rate of interest, using the funds obtained to make additional loans. The only cost to the Federal government is the initial seed money to make the first loans and the difference between the interest paid by the public borrower to HEW and the higher interest paid by HEW to the private purchasers of public bonds. Much of these costs are offset by increased tax revenues because the interest paid by HEW to the private purchaser is taxable.

The Committee bill recognizes the pragmatic limitations of the grant program. Limited appropriations, rising construction costs and the rapidly increasing need for more and better health facilities in both rural and urban areas require some form of loan assistance from the Federal government.

The simplest means of providing that assistance is loan guarantees with interest subsidies, to offset current high interest costs. The Committee adopted this program for private nonprofit hospital construction.

Assistance is also needed, however, for construction and modernization of public hospital and medical facilities. The Committee bill proposes two solutions to aid public financing of hospital construction-loan guarantees, with no interest subsidies and low cost direct loans requiring annual appropriations for both principal and interest. I object strongly to loan guarantees for publics because they can create serious adverse effects in the public bond market for Federal, State and local governments and as proposed in the Committee bill are inequitable. Private nonprofit borrowers receive interest subsidies. As a result they receive significantly lower interest rates than those paid by public borrowers.

The direct loans are faced with the same practical limitations as grants. There are not sufficient Federal funds to provide the needed assistance for public hospital construction and modernization. Public authorities should receive $100 million to $150 million of assistance annually when compared to the $400 million originally proposed for private nonprofit construction and modernization. The fiscal year 1971 budget contains a proposal for $30 million for this program in anticipation of Congressional authorization.

My amendments propose a third alternative which would loan money to State and local governments at the same cost paid by private nonprofit borrowers under the Committee bill. This avoids the inequity inherent in the Committee bill. They avoid the adverse effects of the Federal government guaranteeing a tax-exempt public issue. They avoid the requirement of annual appropriations for the principal amount of funds to be loaned. The interest subsidy costs must be appropriated each year but these costs are substantially offset by increased federal tax revenues as the interest paid to the holders of the loans by HEW is taxable.

The main features of these amendments are:

1. To authorize the Secretary of HEW to purchase and sell, with its guarantee, obligations to finance construction and modernization of publicly owned medical facilities, provided, that when such loans are sold on a guaranteed basis the interest will be taxable for Federal income tax purposes.

2. To authorize, in effect, payment of interest subsidies on such public medical facility loans sufficient to reduce the effective rate paid by the borrower to a rate equal to rates paid by private nonprofit borrowers under H.R. 11102.

3. To authorize a loan fund out of which such loans will be made including payment of interest and into which will be deposited payments of interest and principal and moneys received from the sale of the loans or assets. This loan fund will also be used to pay interest subsidies on private nonprofit medical facility loans.

4. To increase the total annual authorization of public and private nonprofit loans from $400 million to $500 million.

5. To authorize the Federal National Mortgage Association to purchase, sell or deal in such loans offered for sale by the Secretary of HEW under this part B of title VI of the Public Health Service Act.

Under other provisions of the Committee bill the total authorized loans are allotted to each State on a need formula. The State Agency apportions the loans between private nonprofit facilities and public facilities. Loan applications are also approved by the State Agency and forwarded to the Secretary for approval. Approval of the Secretary is based on statutory requirements and not on a predetermined mix of public and private nonprofit loans. Generally speaking between 25–30% of the hospital beds nationwide are public. This percentage will vary from year to year and State to State.

Under my amendments, State and local governments are not required to give up their privilege to issue tax-exempt bonds. These bonds have been proven effective as a means of raising public revenues at low cost to the State and local taxpayer. Bonds or obligations offered to the Secretary of HEW would be identical to those offered on the public tax-exempt bond market. The interest will be lower but there are no strings attached for the public borrower. The investor purchasing the bonds or loan obligation from the Secretary waives his tax exemption. The State or local government does not waive its right to issue tax-exempt obligations. All privileges and options of the State or local governments are retained.

Congress retains its control on these programs by authorizing in Appropriations Acts each fiscal year the amount of loans the Secretary may make. Congress must also appropriate funds each year to cover the interest costs.

State and local governments generally borrow money through the issuance of tax-exempt bonds. IRS regulations exempt the holder from payment of tax on the interest.

Under the Committee bill a private nonprofit borrower, in addition to a federal guarantee of payment, receives an interest subsidy of ½ the first 6% and ⅓ of the amount over 6%. The current rate for such loans is 8½% to 9%. At 9% the subsidy is ½ of the first 6%, or 3%, and ⅓ of 3%, or 1%, for a subsidy of 4%. The borrower pays 5%.

A simple loan guarantee will not significantly reduce the rate on a prime municipal bond. The current rate is 6% to 6½%. This means that a private nonprofit borrower, in the same community, could borrow money at 4.7 to 5%, while the local government would be borrowing money at 6 to 6½% for construction and modernization of medical facilities. I know this was not the intent of the Committee. This result is inherent in the Committee bill, however, because of the yield spreads of 2–3% between the money market for private nonprofit borrowers and prime municipal bonds. My amendments provide that the Secretary of HEW shall charge the same rate of interest to public borrowers as the effective rate paid by nonprofit borrowers with the interest subsidies. Hospital bonds are generally long-term. High interest rates increase the debt service costs and could therefore effect a community's growth beyond a single generation. Under these amendments the loan is cheaper for the taxpayer.

Federal guarantees of tax-exempt public bonds can have adverse effects on this limited market. All factors being equal in the public bond market, federal guarantees will not significantly reduce the rates paid on prime, tax free State and local bonds. It will give them a favored position in an already limited market. This can mean higher rates for other bond issues for water, sewer, schools, etc.

In late 1969, State and local bonds, were drawing near record high yields. Prime and good bonds were paying as high as 6½% to 7%. Some issues were even higher. Commercial banks which had been purchasing large amounts of these bonds in past years, were liquidating holdings to acquire additional funds. These sales were competing with new issues. Many State and local governments could not sell their bonds at all because of legal limits prohibiting paying rates in excess of 6%. In all, almost 590 offerings were withdrawn totaling $2.9 billion. Overall, new long-term issues were down approximately $4.6 billion from 1968. I ask unanimous consent to insert a table at this point in the Record showing supply and demand for State and local securities for the years 1965 through 1969, prepared by Solomon Brothers & Hutzler from their 1969 Annual Review of the Bond Market.

TABLE XI.—SUPPLY AND DEMAND FOR STATE AND LOCAL SECURITIES

[Billions of dollars annual volume]

	1965	1966	1967	1968	1969 estimate
Total new money new long issues	12.0	10.9	14.2	16.1	11.5
Less maturities	5.3	5.9	6.4	6.9	7.4
Net increase in long-term debt	6.7	5.0	7.8	9.2	4.1
Plus net increase in short debt	.6	.7	2.0	.8	4.2
Change in total outstanding	7.4	5.7	9.8	10.0	8.2
Net increase in ownership:					
Nonbank institutions	–.3	.2	1.4	.7	1.1
Commercial banks	5.1	1.9	9.0	8.7	–2.0
Business corporations	.5	1.0	–.4	.4	4.7
Residual: Individuals and miscellaneous	2.1	2.6	–.2	.2	4.4
Total net change in ownership	7.4	5.7	9.8	10.0	8.2

February and March, 1970, have seen some easing of the pressures on this limited market and projections for 1970 are more encouraging. Under these conditions, it does not seem advisable to interject direct Federal intervention in this market. Such intervention, in addition, could create inequities and increased pressure on other State and local government bond issues.

Loan guarantees for State and local hospital bonds will immediately create pressures for the Federal Government to underwrite or whatever. This would nullify any advantage gained for hospital construction. This is not the best solution to State and local government financing.

There are other reasons for my objections to loan guarantees which are set out in my individual views in the Committee report on this bill. Those views also contain a letter from Secretary of Treasury, David M. Kennedy, and a formal statement by the Treasury Department which were presented at the hearings on this legislation.

The material follows:

THE SECRETARY OF THE TREASURY,
Washington, June 4, 1970.

Hon. ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR BOB: I am deeply concerned with the proposal by the House Committee on Interstate and Foreign Commerce that the Federal Government guarantee the payment to private investors of interest on obligations of public bodies which is exempt from Federal income taxation. Such a provision appears in the proposed new section 621(a) of the Public Health Service Act, which is incorporated in the Medical Facilities Construction and Modernization Amendments of 1969 (H.R. 11102) reported by the committee on May 20, 1969.

The report of the committee recognized that the Treasury Department opposes such

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Federal guarantees of tax-exempt obligations, and the report cited the arguments made against such guarantees in the 1962 report of the President's Committee on Federal Credit Program: (1) the cost in tax revenues to the Federal Government would generally exceed the benefits of tax exemption received by borrowers; (2) such federally guaranteed tax-exempt securities would be superior to direct Federal obligations themselves, and their increasing volume would adversely affect Treasury financing; and (3) the availability of increasing amounts of high-grade, tax-exempt issues would tend to attract funds from investors that should appropriately seek riskbearing opportunities. The House committee stated that it agrees with the substantial validity of these arguments but was of the opinion that competing considerations outweighed them. In light of the problems in the tax-exempt market and the undersirable precedent which would be set by acceptance of this legislation, I feel that I must recommend against this action.

Encouragement by the Federal Government of an additional volume of tax-exempt obligations will add to the present extreme pressures on the tax-exempt bond market and will tend to increase the interest rates which all State and local borrowers will be required to pay. The municipal bond market is especially vulnerable to such competition from Federal programs because of the limited nature of that market.

Moreover, as you know, there is currently a great deal of sentiment in the Congress and elsewhere for tax reform, including the problem of tax-exempt interest on municipal bonds. While it is a very complicated problem, which I will not attempt to discuss here, I am sure you would agree that the Federal Government should not be adding to the problem by encouraging an additional volume of tax-exempt bonds through the device of a Federal guarantee.

My concern with tax-exempt guarantees goes beyond the hospital financing program. There have been many recent proposals for Federal guarantees of municipal bonds for a wide variety of capital projects for health, education, transportation, housing, and other public facilities. The Treasury Department has successfully resisted this proposed method of financing new programs, and it would be extremely difficult to approve this financing device for one purpose and at the same time hold the line against its widespread use in other areas—which I am firmly convinced would not only be bad tax and debt management policy but would be a great disservice to the States and localities themselves.

As you know, we have under active consideration a number of proposals to assist States and localities, ranging from revenue sharing plans to specific assistance to high priority programs such as the financing of health facilities. Moreover, we are considering other means of alleviating pressures on State and local financing in the tax-exempt bond market, and I believe it would be counter to our efforts in this regard if new programs of guaranteed tax-exempts were authorized now.

Sincerely,

David M. Kennedy.

Treasury Opposition to Federal Guarantees of Tax-Exempt Obligations

The Department is opposed to Federal guarantees of tax-exempt obligations for four fundamental reasons: (1) such guarantees conflict with Federal debt management policy by creating a class of securities which the Federal Government is prohibited from issuing by the Public Debt Act of 1941; (2) such guaranteed obligations heighten competition for the limited funds available to state and local borrowers from high tax bracket investors and increase financing costs for other public projects for which Federal credit aid is not provided; (3) the tax exemption disproportionately benefits high income investors; and (4) tax exemption is an inefficient subsidy since the Federal tax revenue loss exceeds the interest savings of the borrower.

Federal guarantees of tax-exempt obligations create highly marketable debt issues substantially more attractive to many investors than Treasury bonds. The Federal guarantee would assure the investor against the risk of default, just as in the case of Treasury bonds. A very large amount of debt, with the credit risk largely or entirely underwritten by the Federal Government, is already outstanding, and the volume can be expected to grow. The diversion of the interest of many investors from direct Treasury issues to guaranteed issues has in itself created some serious new problems for debt management, even though the great bulk of this guaranteed debt is not so readily marketable as Treasury obligations and may entail significant servicing costs or other disadvantages. Moreover, guarantees for one purpose could lead to strong pressures to extend Federal guarantees to tax-exempt state or municipal bonds issued for other purposes, each perhaps clearly desirable in itself. Over $130 billion of state and local government obligations are outstanding today, with the total having risen by an average of more than $7 billion per year over the past decade, and by an even larger amount in recent years. And end to that upward trend is not yet in sight. Should any significant fraction of that growing total eventually have the benefit of a Government guarantee, in addition to tax exemption, the position of any Secretary of the Treasury charged with responsibility for the management of the Federal debt would quickly become—at the least—extremely difficult.

Encouragement by the Federal Government of an additional volume of tax-exempt obligations would also add to the heavy and growing pressures in the tax-exempt bond market. Assigning a Government guarantee to a portion of tax-exempt issues would assure them favored treatment in that market over the other obligations of State and local borrowers. The result would be to increase the interest costs of other such borrowers on nonguaranteed issues. The municipal bond market is especially vulnerable to such competition from Federal programs because of its limited nature.

There is currently a good deal of sentiment in Congress and elsewhere for tax reform, including the problems created by tax-exempt interest on municipal bonds. While this problem raises complicated issues which have not yet been resolved, it is not desirable that the Federal Government add to any inequities that may exist by encouraging an additional volume of tax-exempt bonds through the device of a Federal guarantee.

Exemption from Federal income taxation of interest on obligations issued by State and local governments involves a subsidy in the form of revenue loss to the Treasury. Not only is the amount of this subsidy not explicity accounted for in any budgetary way, but it represents an inefficient subsidy in that the savings in borrowing costs for the State and local governments are less than the revenue loss to the Federal Government resulting from the tax exemption.

Peter H. Dominick.

Continuation of Statement of Mr. Dominick

We are faced with this problem. If loan guarantees for State and local tax exempt bonds are not an acceptable means of loan assistance for public hospitals and direct loans are limited because of a limited Federal budget, how can we best offer loan assistance for construction and modernization of public medical facilities? The program proposed by these amendments simply authorizes the Secretary of HEW to make a direct loan to a public authority at low interest rates, equal to those paid by private non-profit borrowers with interest subsidies. The Secretary then sells the loan to private investors at the current market rate of interest.

These amendments also raise the total amount of loans which can be made annually, both private non-profit and public, from $400 million to $500 million. S. 2182 originally authorized $400 million of loans a year for private non-profits and $150 million a year for publics through direct loans. The Committee amendments added loan guarantees for publics to the $400 million annual authorization but did not increase the authorization proportionately.

I should also add that loan allotments will be made to each of the States on a need formula. Each State must then apportion its available loan money between private non-profit and public medical facilities. In addition to acute bed and general hospitals, these funds are available for construction and modernization of long term care facilities, rehabilitation facilities and "outpatient" facilities or community health centers.

The Administration is strongly opposed to loan guarantees for public facilities in both the House and Senate Committee bills. At the time of the hearings, they favored direct loans as the better of the two programs. The Administration fully supports the alternative proposed by these amendments. I ask unanimous consent to insert in the Record at this point, letters setting out that support from the Department of Health, Education, and Welfare, the Department of the Treasury, and the Bureau of the Budget.

The Secretary of Health, Education, and Welfare,
Washington, D.C. March 27, 1970.

Hon. Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: This is to advise you that we support your amendment to Title VI of the Public Health Service Act which would provide a capital financing mechanism to affirmatively assist the Nation's publicly owned health facilities in their new construction and modernization needs. The amendment will make it possible for the Department to increase its efforts in overcoming the existing backlog of health facility needs, while at the same time encouraging a community-level balance of types of health facilities. As you know, this proposal would permit the Secretary of Health, Education, and Welfare to purchase and sell, with a Federal guarantee, obligations to finance publicly owned health facilities provided that when such loans are sold on a guarantee basis they will not be tax exempt for Federal income tax purposes. The proposal would further authorize the payment of interest subsidies on such guaranteed taxable public health facilities loans sufficient to reduce the effective return paid by the borrowers to a rate comparable to rates paid by privately owned non-profit health facilities under H.R. 11002.

The proposal provides an effective alternative to the simple guaranteeing of loans floated by publicly owned health facilities. That is, within the parameters of sound monetary policy, it provides a degree of financial assistance to capital expansion or modernization for publicly-owned health facilities which would not be available under a program which contains only loan guarantees to the publicly-owned health facilities.

Accordingly, we support this provision.

Sincerely,

Bob Finch,
Secretary.

The Secretary of the Treasury,
Washington, D.C., April 2, 1970.

Hon. Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: I want to take this opportunity to confirm the Administra-

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tion's strong support for the amendments you intend to propose to the guaranteed loan provisions of the hospital construction bill, H.R. 11102, soon to be considered by the Senate.

Your amendments will provide an alternative method for financing the borrowings of public hospitals which avoids the problems, which you so ably discussed in the Report of the Committee on Labor and Public Welfare, associated with the Federal guarantees of tax-exempt obligations proposed in H.R. 11102. Your amendments would result in over-all savings to the Federal Government and the local public sponsor combined, as compared to guaranteed tax-exempt financing.

Your amendments will also assure equal benefits to public and privately sponsored facilities and will reduce the financing cost otherwise payable by public sponsors of such facilities under H.R. 11102.

I strongly urge that the amendments be adopted by the Senate.

Sincerely yours,

PAUL A. VOLCKER,
Acting Secretary.

BUREAU OF THE BUDGET,
Washington, D.C.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: We understand that you will be presenting for Senate approval amendments to the guaranteed loan provisions of the pending hospital construction bill (H.R. 11102) when the bill is considered on the Senate floor.

These amendments would:

(a) Authorize the Secretary of Health, Education, and Welfare to purchase and sell with a Federal guarantee obligations to finance publicly-owned medical facilities provided that when such loans are sold on a guaranteed basis they will not be tax-exempt for Federal income tax purposes;

(b) Authorize the Secretary to pay interest subsidies on such guaranteed loans sufficient to reduce the effective rate paid by the borrower to a level comparable to the cost for private non-profit hospitals under the pending legislation; and

(c) Increase the total annual guarantees of medical facility loans from $400 million to $500 million in order to provide additional funds for public institutions without requiring more heavily subsidized direct loans.

In our judgment, these amendments would provide a much better method of financing the construction of public hospitals than the provisions now in the legislation, by eliminating the proposed authority for Federal guarantees of tax-exempt obligations, and by reducing the net financing cost both to the Federal Government and to the local public agencies sponsoring the projects.

Accordingly, we strongly support adoption of these amendments.

Sincerely,

JAMES R. SCHLESINGER,
Acting Deputy Director.

Copies of this chart are available to each Senator on his desk.

Under the loan guarantee provisions for public institutions the public sponsor of the medical facilities would borrow from private investors at an interest rate approximating the interest rates determined in the market for comparable quality tax exempt obligations. The current average rate is approximately 6% for a comparable bond. This would result in annual debt service (principal and interest) payable by the public sponsor of $77,700 on a $1 million loan. Because of the tax exemption of the interest on the obligation issued by the public sponsor, the Federal Government would not receive any additional tax revenue. These figures appear in Column (A) of the chart.

Under the proposed amendments, the public sponsor would borrow directly from the Secretary of HEW. The Secretary would establish the interest rate on the loan at a rate comparable to the effective rate (gross interest rate less interest subsidy payable by the Secretary) paid by private non-profit borrowers on loans guaranteed as provided in the Committee bill. The Secretary would finance his lending activity by selling the Federal loan asset thus obtained on a guaranteed taxable basis. The Secretary would pay from appropriated funds the additional interest necessary to sell the loan at market interest rates. The current average market rate for comparable obligations is approximately 8.5%. This means the rate charged to the public borrower under the Senate bill would be 4.7%. The rate under the House bill would be 5.5%.

I feel it would be helpful to show specifically how these amendments would work by showing the comparative costs for a public borrower of $1 million through tax exempt bonds at the best current rate and under these amendments. I have prepared a chart showing the annual and total debt service costs on a $1 million loan assuming a current rate of 6% for prime municipal tax exempt bonds. These figures appear in Column (A). I have also compared those costs under the flat 3% interest subsidy rate in the House bill. These figures appear in Column (B). The figures under the Senate bill appear in Column (C). The chart further assumes a borrowing rate of 8½% for private non-profit hospitals. This is also the current rate obtainable on comparable federal obligations as would be sold by the Secretary under these amendments. I ask unanimous consent that this chart be printed in the RECORD at this point.

COMPARATIVE COSTS, PER $1,000,000 OF LOAN, OF FINANCING PUBLIC MEDICAL FACILITIES UNDER H.R. 11102 AS PASSED BY THE HOUSE, AS REPORTED TO THE SENATE, AND AS PROPOSED TO BE AMENDED BY SENATOR PETER H. DOMINICK

[Dollars in thousands]

	H.R. 11102 guaranteed tax-exempt financing[1]	Proposed amendment, guaranteed taxable financing[2]	
		House interest subsidy	Senate interest subsidy
	(A)	(B)	(C)
Annual debt service payment	[3] 77.7	[4] 97.1	[4] 97.1
Total debt service over 25 years	1,942.5	2,427.5	1,427.5
Annual debt service payable by project sponsor	77.7	74.1	68.2
Total over 25 years	1,942.5	1,852.5	1,705.0
Federal interest subsidy payment:			
Annual payment		23.0	28.9
Less: annual equivalent tax receipt		26.9	26.9
Equals: net annual cost or saving (—)		—3.9	2.0
Total 25 year net Federal cost or savings (—)		—97.5	50.0
Total cost to project sponsor and Federal Government:			
Annual payment	77.7		70.2
Total debt service over 25 years	1,942.5		1,755.0

[1] Guaranteed tax-exempt borrowing by public institutions with no direct Federal interest subsidy, as in House-passed and Senate-reported versions of H.R. 11102.

[2] Guaranteed taxable financing by means of Federal sales to private investors of loans to public institutions under the proposed amendment.

Assumptions:
  Guaranteed taxable rate=8.5 percent.
  Treasury borrowing rate=7 percent.
  Guaranteed tax-exempt rate=6 percent.
  Tax receipts=40 percent of taxable interest.
  Column (B): Federal share of interest=3 percent. Non-Federal share of interest=5½ percent.
  Column (C): Federal share of interest=3.8 percent. Non-Federal share of interest=4.7 percent.
  Loan maturity=25 years.
  Semiannual level payments.

[3] 6 percent.

[4] 8.5 percent.

If the interest subsidy proposal in the House-passed version of the bill is adopted, the proposed amendments would result in annual debt service payable by the public sponsor of $74,100 on a $1 million loan. The annual Federal interest subsidy would be $23,000, but because the loan would be sold on a guaranteed taxable basis, the Federal Government would receive additional tax revenues of $26,900. Under this approach, the annual savings, as compared to guaranteed tax exempt financing, to the Federal Government and the local public sponsor combined would be $7,500—$3,600 savings for the local sponsor, and $3,900 savings for the Federal Government. These figures appear in Column (B) of the Chart.

If the interest subsidy proposal in the Senate-reported version of the bill is adopted, the proposed amendments would result in annual debt service payable by the public sponsor of $68,500 on the $1 million loan. The annual Federal interest subsidy would be $28,900, but, because the loan would be sold on a guaranteed taxable basis, the Federal Government would receive additional tax revenue of $26,900. Under this approach, the annual savings, as compared to guaranteed tax exempt financing, to the Federal Government and the local sponsor combined would be $7,500—$9,500 savings for the local sponsor, and $2,000 net interest subsidy cost to the Federal Government. These figures appear in Column (C) of the chart. Over the 25 year life of the loan, the total savings to the public project sponsor under the House interest subsidy would be $90,000. Under the Senate bill interest subsidy rate, the savings would be $237,500. Under the House rate, the Federal Government would realize a net savings of $97,500. Under the Senate rate the total cost to the Federal Government would be only $50,000.

To further illustrate the impact of these amendments, the Secretary could loan $150 million for construction and modernization of public medical facilities under the Senate rates at 4.7% to the borrower and at a total HEW budget cost of $4,335,000. The additional tax revenues from reselling the loans at higher, but taxable interest would be $4,035,000. The net annual cost to the Federal Government would be $300,000.

As I previously indicated, my amendments would not limit in any way the privilege of State and local Governments to issue tax exempt obligations. This question was thoroughly discussed by the Senate during debate on the recent tax reform legislation. The State or local Government would issue its obligations on the normal tax exempt basis. They have the option of borrowing money from HEW at a lower cost, but there are no strings attached. The ultimate purchaser of the obligation from the Secretary of HEW waives his right to claim tax exemption in return for a higher rate of interest. The State or Local Government waives none of its rights. This is an important distinction.

Let me show, by way of a typical example, what is possible under my amendments. The City and County of Denver wants to modernize and expand Denver General Hospital. They apply to the State Hill-Burton Agency for assistance. They ask for ¼ of the cost in the form of a direct Hill-Burton grant. They want a Hill-Burton loan for ¼ of the cost of the project. Assuming their application and the bond issue are approved, they will receive a grant for ¼ of the cost. They can borrow ¼ of the cost from HEW, issuing their bonds, which are tax exempt, to the Secretary of HEW. The interest rate on these bonds is 4.7%. The City can then issue the balance of the bonds on the tax exempt market. The current interest rate is 6 to 6½%. The bonds issued to the Secretary of HEW and the bonds issued on the tax exempt market are identical. When the Secretary sells those bonds to a private individual or corporation, the purchaser will be required to waive his tax exempt eligibility. In return, he will receive a higher rate of interest. This rate would average 8½% to 9% currently.

The City gives up none of its options. The balance of its bonds are not affected by the Secretary's actions. The City will receive a lower net cost for its modernization project to the benefit of the taxpayers and patients in the City. Colorado, incidentally, is one of the States which places a 6% statutory interest rate on public borrowing.

I do not offer these amendments as panacea for the problems of State and local Government financing. They only offer a partial solution for the construction and modernization of public medical facilities. This type of loan is far better than direct Federal guarantees of tax exempt bonds. In addition, it overcomes the annual fiscal limitations of direct loans. The Committee has determined we should offer loan assistance for public construction and modernization of medical facilities. These amendments offer the most practical, reasonable and equitable way to accomplish that objective. They do so at lower cost to the State and local taxpayers and without direct Federal intervention in the tax exempt bond market.

I urge the Senate to adopt this alternative loan program. It is sound within its limited objectives. I do not offer nor support this type of program as a solution to all State and local financing. It is simply a better way to build public hospitals than Federal guarantees of tax exempt bonds and removes the uncertainty of availability of sufficient funds for direct loans to maintain the program year after year.

Mr. DOMINICK. I ask the distinguished Senator from Texas whether he would like me to go into this further, or whether, in his good judgment, he finds that this is a satisfactory approach to a very difficult problem.

Mr. YARBOROUGH. Mr. President, this matter has been worked on for many hours by the distinguished Senator from Colorado, with the staff of the committee. I know he has given it much thought, and he has worked with the people downtown on it, but I do have one or two questions.

I ask the distinguished Senator whether, on page 1 of the proposed amendment, line 6, the language "the Secretary may make loans to be sold and guaranteed" takes away the State initiating authority in this matter, whether it would make such loans subject solely to the will of the Secretary to make them, and whether the Secretary could stop all construction by declining to make the loan.

Mr. DOMINICK. No. Within the funding area, he will probably have to make allocations to the States, but he is going to be making the loans as they come in, presumably, on a first-come-first-served basis, but also on a monetary base which will reflect the incentive interest rate being paid by the private, nonprofit borrower.

Mr. YARBOROUGH. It is not the Senator's construction of these nine words he has added in that line of the amendment to mean that the Secretary is thereby given the authority just to decline to lend money?

Mr. DOMINICK. No. I see what the Senator means. Let me restate the answer.

It is my understanding that the State agency determines what the loans are going to be, just as it does under the present Hill-Burton program for grants. If they think this public facility is entitled or, within their overall State allocation, should have a loan, they approve and send that application in to the Secretary, and the Secretary then makes the loan. The Secretary simply approves the State action under the statutory requirements and makes the loan.

It is first approved by the State agency, as the Senator can see; and it must be within the overall State allocation which is established under the committee bill.

Mr. YARBOROUGH. My next question is, Do public hospitals, under this provision, fare as well as private hospitals?

Mr. DOMINICK. Yes; they fare as well. I would say no better. They fare as well because of the fact that we are subsidizing the interest rate to them. They fare better than they would under the simple loan guarantees proposed in the committee bill.

Mr. YARBOROUGH. Yes. In other words, they are not prejudiced to where they would have a more difficult time borrowing money than the private hospitals?

Mr. DOMINICK. No. I think actually they may have a slight advantage in that regard, because of the fact that, in the event the private market runs out, with a resale of these loans, we have a Government agency which is willing to take them on later, namely, HUD.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. KENNEDY. I commend the Senator from Colorado for this new approach and for his imaginative way of reaching the problem of financing public hospitals. I think all of us who have municipal hospitals in our States are aware of the crisis they are now enduring. Boston City Hospital lost its accreditation last January, and St. Louis City Hospital lost its accreditation last fall. The accrediting committee is now reviewing very strictly the accreditation of a number of public hospitals in different parts of the country, and I think there will continue to be a loss of accreditation by many hospitals, with all that such a loss can mean in terms of participation in social security programs and many other programs.

One of the questions that concerns me about the amendment offered by the Senator from Colorado is that if we establish this new financing program, are we not engaging in the proliferation of a financing device that has an unknown effect on the bond market and on the Federal budget?

I would be interested in the Senator's comments on this problem of proliferation, and whether he has had any opportunity to discuss it with members of other committees, such as the Banking and Currency Committee or the Joint Economic Committee. I know, for example, that the administration has proposed a similar sort of new financing mechanism to help deal with problems of the environment. The Senator's amendment is really a sort of public hospital urbank, and I know that there is bipartisan support for the urbank mechanism, at least on a broad-purpose basis.

Although I am very sympathetic to the Senator's approach, I wonder whether we may be generating a broad proliferation of this kind of program with consequences we have not yet foreseen.

Mr. DOMINICK. I appreciate the support of the Senator from Massachusetts. We took this up with the Senator from Wisconsin (Mr. PROXMIRE) and talked with him at some length about it. I understand from the staff he was satisfied when we got through.

I cannot tell the Senator whether there will be a proliferation of this type of program. We do not really know whether this is going to work as well in practice as it looks on paper, because we have never done it before on a large scale.

It has the advantage of not disturbing the municipal tax exempt bond issues, and that, I think, is very important. The committee approach might have had a devastating impact on that particular situation; because, under the committee approach, these bonds would have been preferred over sewerage bonds or school bonds or anything of that kind, and I think that would have been inadvisable. This amendment does not do that. This particular system might turn out to be one of the new programs which could solve some of the financial problems involved in direct appropriations.

I cannot tell the Senator whether it will proliferate beyond that. Certainly, I do not think we ought to expand it too far. But where we have an item of such need as we have here, as the Senator from Massachusetts and the Senator from Texas have pointed out—namely, the need of our publicly owned hospitals, outpatient facilities, clinics, and all these things which are sponsored by public agencies—I think it is worthwhile going forward with this approach.

Mr. KENNEDY. I thank the Senator.

I would hope that once this amendment is adopted, the appropriate committees in Congress will at least give some review to the overall impact of this kind of approach on the Federal budget. I think this sort of study and review would be useful. As I mentioned, the administration has offered a somewhat similar approach in the proposed Environmental Financing Agency. Comparable financing mechanisms have been used in other existing programs.

Let me emphasize, however, that I think the Senator is proposing an imaginative and creative approach, and I commend him for his initiative.

I think, however, that we should be—as I know the Senator from Colorado is—extremely sensitive to the overall impact of such programs on the budget.

For example, as I mentioned, an appropriate committee might undertake an investigation of all the various techniques by which the Federal Government—through a combination of devices like interest subsidies and other subsidies, loans, loan guarantees, and other methods—helps to finance public projects and private activities. We should try to assess the impact of these financial operations on the budget accounts of the Federal Government, on its fiscal

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policy, on national monetary conditions, and on the conduct of individual Federal programs.

I would that after such a study, the committee would report to Congress on whatever measures are needed to improve the overall effectiveness and accountability of this sort of Federal financial assistance.

Mr. DOMINICK. I think the Record should show that I would agree with the Senator from Massachusetts, that I do think we ought to look at the overall results which might occur if these programs proliferate. I happen to know that downtown, with the exception of the environmental situation to which the Senator has referred, they are anxious not to have these proliferate at this time. I think we should make the record clear that we, in Congress, do not intend to do that. We intend to take care of an immediate need with the most practical means we have.

I yield to the Senator from Texas.

Mr. YARBOROUGH. I ask the Senator if it is correct that the genesis of this amendment is that if these bonds were tax exempt and payment was guaranteed also by the Federal Government, it would give them an advantage over other tax exempt bonds, such as school bonds.

Mr. DOMINICK. The Senator is correct.

Mr. YARBOROUGH. And the purpose of lifting the tax exemption was that because of the guarantee and the lifting of the tax exemption, the fact that the Federal Government would pay for the excess amount of interest still would enable the hospital district or the charity hospital to get the money to build.

Mr. DOMINICK. The Senator is correct.

Mr. YARBOROUGH. I accept the amendment of the distinguished Senator from Colorado, and I commend him for his long and diligent work. His staff has told me how many hours they have worked with him and with the Treasury Department and with the offices downtown, in trying to get the money available for hospitals, but without destroying the imbalance that would result if we had a public authority with both tax-exempt bonds and bonds guaranteed by the Federal Government.

By this amendment, the Senator has taken away the duality of guarantees that might adversely affect part of the other bond markets.

Mr. DOMINICK. I thank the Senator from Texas.

Mr. DOMINICK subsequently said: I ask unanimous consent that the name of the Senator from California (Mr. Murphy) be added as a cosponsor of both of the amendments I have offered, which have been accepted, and that the names of the Senator from Vermont (Mr. Prouty) and the Senator from Maine (Mrs. Smith) be added as cosponsors of my second amendment, dealing with the loan program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I wish to associate myself with the remarks of the Senator from Colorado (Mr. Dominick). He has presented a most compelling analysis of the problems inherent in existing provisions of H.R. 11102, which include public medical facilities in the loan guarantee program. The Senator from Colorado has also outlined a proposal which eliminates these problems and provides for greater assistance to public hospitals. I am pleased to be a cosponsor of the Senator's amendment.

Simply put, the problem with the existing language of the bill is that we have tried to treat apples like oranges and in doing so we threaten to upset the apple cart.

Assume the oranges are the bonds of private nonprofit hospitals. Under the provisions of this bill they may be eligible for a Federal guarantee of the principal of the loan, plus a Federal subsidy of part of the interest.

Section 624 provides an interest subsidy of one-half of the first 6 percent of the interest plus one-third of the remaining interest of guaranteed loans. At prevailing rates of 9 percent for private hospital bonds, the Federal interest subsidy amounts to 4 percent bringing interest costs to borrower down to 5 percent per year.

As for the apples, the hospital bonds issued by municipalities, they too are eligible for a Federal guarantee of the principal. However, due to their tax-exempt status, they are excluded from the interest subsidy provisions of section 624.

All that a loan guarantee does for these bonds, which are selling now at interest rates of 6½ percent or more, is increase somewhat their marketability.

As for upsetting the apple cart, the municipal bond market, the introduction of a federally guaranteed tax-exempt issue would distort and add to present pressures on the market.

What the amendment of the Senator from Colorado does is to recognize the difference between apples and oranges and provide assistance for each.

As the Senator has explained, this amendment assures that public hospitals receive the same benefits offered under this legislation as private nonprofit hospitals.

It does this by authorizing an additional method of financing which will reduce the interest costs to public hospitals and which will not require either large initial budget outlays or Federal guarantees of tax-exempt bonds.

I believe the committee was correct in seeking to respond to the needs of public medical facilities. However, I disagree with the approach as contained in H.R. 11102. This amendment is much more responsive to our needs for medical facilities and the stability of the municipal bond market. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, as modified.

The amendment, as modified, was agreed to.

Mr. YARBOROUGH. Mr. President, I call up an amendment proposed by Senators Kennedy, Javits, and myself.

The PRESIDING OFFICER. The amendment will be stated.

Mr. YARBOROUGH. It was originally stated to be Senator Javits' amendment, but he is absent today, and I am offering it on his behalf.

The bill clerk proceeded to read the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 39, line 9, strike out "population, the financial need, and" and insert in lieu thereof "following factors: (i) the population, (ii) the square of the per capita income, and (iii)".

On page 39, line 11, strike out all that follows the word "respective" and insert in lieu thereof the following: "States. For purposes of applying the preceding sentence, the factor referred to in clause (i) thereof shall be assigned a value equal to the value assigned to the factor referred to in clause (ii) thereof, and the value assigned to the factor referred to in clause (iii) shall be assigned a value equal to one-half of the value assigned to the factor referred to in clause (i) or (ii) thereof."

Beginning on page 39, line 12, strike out all through page 40, line 9.

On page 40, line 10, strike out "(c)" and insert in lieu thereof "(b)".

On page 40, line 10, strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a)".

On page 40, line 13, beginning with the semicolon, strike out all down to, but not including, the period on page 41, line 4.

On page 41, line 5, strike out "(d)" and insert in lieu thereof "(c)".

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, this changes the so-called squaring formula. There was quite a debate in the committee. The Javits amendment was adopted over my objection and the objections of the distinguished Senator from Colorado and some of the other members of the committee. This is a compromise between the one we had in the bill originally and the one adopted in committee.

Mr. President, Congress is once again taking a fresh look at the Hill-Burton program so that we may insure that this program, so effective in the past, will continue to be an effective instrument in dealing with the needs of today. In the past 2 years we have heard much discussion, in connection with proposed allotment formulas, which was couched in terms of rural versus urban. I, for one, do not view the issue in those terms. While States vary, each State has both urban and rural areas and every State has both urban and rural areas in need of assistance in the area of medical facilities.

Our objective here must be to enact legislation that incorporates an appropriate allotment formula which will enable this Nation again to meet the priorities in the health facility field wherever they exist today. That was the approach and the philosophy of the Congress in initiating this program nearly a quarter of a century ago and it must be our approach today. This can only be done by making it possible to utilize the direct measurements of need that are now available to us.

In urging the Senate of the United States to face up to the challenge of the present and pass legislation that brings the allotment formula up to date, I do not propose that we abandon past precedents altogether. We all recognize that the matter of population in each State is important and that population must remain as one element in any allotment formula. Many Senators feel, and understandably so, that the formula should continue to recognize that all States are not equally wealthy and that the formula should continue to take this into account. I agree. But it would be most unfortunate if, at this critical time for health care in the United States, we in the Congress failed to provide the means whereby the information now available concerning need could be properly utilized. Accordingly, I would suggest, indeed I most fervently urge, that this body accept a formula that incorporates all three elements—namely population, per capita income squared, and need.

I ask unanimous consent to have a table printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

ALLOTMENTS TO STATES FOR CONSTRUCTION FUNDS[1] AUTHORIZED UNDER H.R. 11102 IN 1971, AS COMPUTED VIA 2 METHODS

State	Via present Hill-Burton formula	Via proposed formula
Total	$315, 000, 000	$315, 000, 000
Alabama	8, 974, 869	9, 099, 350
Alaska	900, 000	969, 610
Arizona	3, 164, 698	2, 958, 378
Arkansas	5, 218, 129	4, 541, 487
California	19, 474, 859	17, 943, 505
Colorado	3, 089, 782	3, 012, 202
Connecticut	2, 421, 270	2, 430, 354
Delaware	900, 000	1, 059, 696
District of Columbia	900, 000	910, 846
Florida	11, 077, 097	11, 968, 934
Georgia	9, 762, 761	9, 960, 669
Hawaii	1, 162, 626	1, 069, 477
Idaho	1, 474, 008	1, 382, 889
Illinois	10, 522, 076	12, 373, 120
Indiana	7, 090, 897	7, 893, 704
Iowa	4, 058, 026	4, 552, 059
Kansas	3, 596, 277	3, 905, 730
Kentucky	7, 339, 958	6, 336, 032
Louisiana	8, 336, 817	7, 448, 038
Maine	1, 949, 925	2, 022, 027
Maryland	4, 586, 928	4, 452, 166
Massachusetts	6, 284, 951	7, 335, 645
Michigan	10, 554, 414	9, 959, 387
Minnesota	5, 590, 009	4, 861, 472
Mississippi	6, 809, 811	6, 480, 848
Missouri	7, 471, 172	8, 224, 918
Montana	1, 349, 301	1, 420, 571
Nebraska	2, 216, 974	1, 917, 719
Nevada	900, 000	969, 704
New Hampshire	1, 239, 052	1, 543, 921
New Jersey	7, 195, 682	7, 718, 187
New Mexico	2, 161, 871	2, 032, 430
New York	17, 530, 886	20, 005, 521
North Carolina	11, 575, 217	11, 340, 108
North Dakota	1, 378, 734	1, 348, 720
Ohio	14, 676, 182	14, 396, 514
Oklahoma	5, 040, 896	4, 955, 747
Oregon	3, 037, 846	2, 620, 364
Pennsylvania	17, 041, 444	17, 017, 891
Rhode Island	1, 334, 325	1, 356, 344
South Carolina	6, 800, 172	6, 273, 526
South Dakota	1, 419, 529	1, 543, 815
Tennessee	9, 104, 830	9, 136, 150
Texas	20, 902, 056	21, 079, 032
Utah	2, 049, 070	1, 863, 640
Vermont	996, 616	1, 198, 585
Virginia	8, 443, 469	7, 700, 151
Washington	3, 978, 738	3, 847, 828
West Virginia	4, 243, 965	4, 153, 045
Wisconsin	6, 214, 058	5, 882, 185
Wyoming	900, 000	986, 241
American Samoa	550, 000	550, 000
Guam	550, 000	584, 391
Puerto Rico	8, 907, 727	7, 826, 613
Virgin Islands	550, 000	578, 524

[1] Includes funds for hospital and public health construction, long-term care outpatient facilities, and rehabilitation facilities (as proposed in H.R. 11102 for fiscal year 1971).

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I think the Senator is showing excellent political judgment on this. It is something that neither one of us particularly likes, but it is a little better than what we had before, and not as good as we had before the bill came out of committee. It is a good compromise.

Mr. YARBOROUGH. I concur in the description of the Senator from Colorado. It really involves what we call the rural versus urban formula—how much cities are going to get and how much rural districts are going to get. I do not think the Senator from Colorado and I are completely happy with the compromise formula, but it is better than the one on which we lost in committee.

Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. SAXBE. Mr. President, on behalf of the Senator from Illinois (Mr. Percy) I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 35, between lines 13 and 14, insert the following: (4) by adding after paragraph (2) the following new paragraph: "(3) which offers to patients not requiring hospitalization the services of physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services."

Mr. SAXBE. Mr. President, I ask unanimous consent that a statement on the amendment prepared by the Senator from Illinois (Mr. Percy) be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. PERCY. Mr. President, this amendment is a perfecting amendment which adds a third part to the definition of "outpatient facility" now in the bill. It provides that an "outpatient facility" is also a facility which offers to patients not requiring hospitalization: first, the services of physicians in various medical specialties; and second, a reasonably full range of diagnostic and treatment services.

The purpose of my amendment is to make absolutely explicit the provision in the bill authorizing the use of Hill-Burton funds for the construction of neighborhood health centers in both rural and urban areas. The range of services this type of center would have to provide would be specified by HEW in regulations. Such regulations have already been formulated by the Office of Economic Opportunity which funds several demonstration health center projects.

The guidelines developed for the services offered by health centers should be sufficiently flexible to preclude duplication of services which are readily accessible to patients through other health facilities in their community. Thus, while a comprehensive health center under OEO guidelines, for example, should provide psychiatric services, this requirement would be waived if a mental health facility were already located in the area served by the center.

Senator Yarborough, Senator Javits and the other members of the Senate Labor and Public Welfare Committee have rightfully recognized the need for freestanding outpatient facilities. Thus, they have included in the bill two provisions facilitating their construction with Federal funds.

The first provision permits a public agency, corporation, or association which does not own and operate a hospital to apply for construction money if they can provide reasonable assurance of hospitalization for their patients. The second provision provides that an outpatient facility can be located apart from a hospital as a free standing structure.

I commend my colleagues for their foresight and fine work. They have made a substantial contribution to the improvement of our health care system.

I am concerned, however, that the definition of an outpatient facility does not clearly indicate the intention of the committee to permit Federal funds to be allocated for comprehensive health center construction.

This definition stipulates that an outpatient facility is a facility located in or apart from a hospital: first, which is operated in connection with a hospital or second, in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State.

At first reading, this would seem to indicate that construction money would be available for hospital outpatient departments, some type of clinics, and perhaps group practice. This construction would, therefore, be encouraged. It is not clear from this definition that funds in the outpatient facility category could also be used for the construction of comprehensive health centers. There is no clarifying language to this effect in the report either.

Mr. President, for the past 2 years, I have introduced legislation that would allow Hill-Burton money to be expended for health center construction. Time and again in the course of those 2 years I have seen ample evidence of their need right in my own State of Illinois. In fact, as recently as February a health care crisis in Chicago which forced Cook County Hospital to close its doors to all but the most critically ill might have been averted had there been more operating neighborhood health centers.

I am, therefore, gratified at the committee's provisions for freestanding facilities in this bill and urge that my amendment be accepted to supplement their work.

Mr. YARBOROUGH. Mr. President, in order to be certain that we understand the definition of an outpatient facility and how they will be used, I accept the amendment, but let me say first that the committee concluded that legislation should be designed in such a way as to promote alternative means for the delivery of health care outside of the expensive acute inpatient setting, especially through the use of outpatient facilities. It was further felt that the outpatient facilities should not only be encouraged as an alternate to inpatient care, but should continue to be used as a method by which health care can be brought to urban and rural poor. The inaccessibility of health care for the disadvantaged has frequently been the result of the inordinately great distance for the patient to travel to the general hospital and as a consequence has maintained the effective health care available at a level slightly above emergency care.

The committee therefore concluded that the encouragement of outpatient facilities, including free standing outpatient care centers, would most appropriately meet this two-pronged problem of promoting, where appropriate, alternate means for the delivery of care, and providing accessible health care to the disadvantaged.

The encouragement of outpatient facilities takes essentially three forms. First, by making eligible for assistance under this category outpatient facilities of hospitals to the extent that they provide care for all ambulatory patients, including ambulatory inpatients. The existing law limited support for facilities under this category only to the extent that they provided care for ambulatory outpatients. Second, this bill will permit nonprofit groups who do not own and operate a nonprofit general hospital to receive assistance under the outpatient facility category for the construction of freestanding outpatient care centers, if adequate assurance exists that the services of a general hospital will be made available to patients using the freestanding outpatient care facility. Equally important, to encourage the construction of these facilities the bill permits that the State agency may increase the Federal share up to 90 percent of the project cost.

The committee intended that Hill-Burton funds be used for the construction of comprehensive, outpatient health centers. It is my understanding that Senator PERCY intends his amendment to make this more explicit. Thus, I have no objection to accepting his amendment.

Mr. DOMINICK. Mr. President, I want to say that, as I understand this change in the definition in the bill, the outpatient facility makes it more inclusive; is that correct?

Mr. SAXBE. That is true, and to make it explicit as to the services are reasonably acceptable.

Mr. DOMINICK. This is, really, an excellent amendment. I am all in favor of it, and I congratulate the Senator from Ohio and the Senator from Illinois (Mr. PERCY) for having prepared it.

The PRESIDING OFFICER (Mr. NELSON). The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. SAXBE. Mr. President, I have another amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

On page 24, at the beginning of line 19, strike out "$40,000,000" and insert "$70,000,000".

Mr. SAXBE. This amendment also originated with the Senator from Illinois (Mr. PERCY). It would increase the authorization for grants for the construction and modernization of outpatient facilities from $40 million to $70 million every year for the next 5 years.

Mr. President, I ask unanimous consent that a statement on the amendment, prepared by the Senator from Illinois (Mr. PERCY) be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

This amendment is designed to allocate more funds for the construction and modernization of freestanding neighborhood health centers in both rural and urban areas of our country. Justification for its adoption lies in the great need for such health centers as documented by the Department of Health, Education, and Welfare.

At the end of 1967, HEW estimated that 620 reasonably comprehensive health centers were required to provide medical care for 15.5 million poor. Two hundred and twenty of these centers were needed in rural areas and 400 in our cities. Today, there are approximately 25 million poor, most of whom live in doctor shortage areas. To deliver health care to them, about 1,000 such facilities are needed.

The authorization for outpatient facilities in the bill, while much improved from that accepted by the House, will not do the job. It is especially inadequate since some of the authorized funds will be utilized for the construction of facilities attached to hospitals which will service inpatients as well as outpatients.

The average construction cost of a health center providing most of the services outlined in the OEO guidelines for 25,000 people is approximately $1.5 million. If all of the money authorized for outpatient facilities were expended for these centers—and I do not recommend this—and the 90 percent reimbursement level in the bill were used, 29 health centers could be built each year for $40 million. That makes a total of 145 over the 5-year extension of Hill-Burton. Under my amendment, 51 facilities could be built each year with a total of 255 in 5 years.

If, on the other hand, the more usual Federal contribution of one-third construction costs were contributed, 78 centers could be built each year or 390 in 5 years with $40 million if private funds were available. With $70 million, however, 138 a year can be constructed with a 5-year total of 690. The difference is even greater if Federal appropriations are utilized for modernization or renovation of facilities.

The comprehensive ambulatory centers funded by OEO have proven an effective method of delivering health services to those who need them. Through preventive medicine and family planning services they can reduce hospital usage, freeing hospital beds for acute cases. For example, for the population served by the Columbia Point Neighborhood Health Center in Boston, the number of hospital admissions was by more than 50 percent in the first year of operation.

By utilizing ancillary personnel, these health centers can compensate for our shortage of physicians. Dr. Harold Wise of the Montefiore Hospital Neighorhood Health Center has informed me that he is able to service a population of 45,000 with only 25 doctors. Normally this would require about 60 physicians.

Finally, by being located within a community, these comprehensive facilities provide easily accessible treatment for individuals who might otherwise have to travel for miles to see a doctor.

Mr. President, the members of the Senate Labor and Public Welfare committee have done a fine job revising the Hospital Construction Act. My amendment would supplement what they have done by assuring the development of ambulatory health centers that provide a full range of services to individuals in rural and urban areas with low physician accessibility. I urge, therefore, that the Senate adopt it.

Mr. YARBOROUGH. Mr. President, let me say that the figure in the bill is too low.

I commend the Senator for offering the amendment to raise the amount.

We have an urgent need for 872 new outpatient centers. The average cost of construction for each center would be $1.5 million if each center serves about 25,000 people. Thus, the total need for funds is approximately $1.3 billion.

The committee bill authorizes $40 million per year or $200 million over 5 years. The amendment as offered by the Senator from Ohio (Mr. PERCY) would authorize $70 million per year or $350 million over 5 years.

The $350 million is only 27 percent of the estimated need. I believe that the need is so great that we should and can accept Senator PERCY's amendment.

Mr. DOMINICK. Mr. President, in the amount of money we are talking about, am I correct that they are direct loans, or are the amounts allocated to the State, the request to come from within that State for a portion of that allocation? Maybe the staff of the Senator from Texas could help us on that question.

Mr. YARBOROUGH. It is a grant program.

Mr. DOMINICK. It is a grant program, is that correct?

Mr. YARBOROUGH. It is a grant program. That is correct. The Senator is referring to whether it goes through State authority, first, or direct?

Mr. DOMINICK. Yes.

Mr. YARBOROUGH. It is a grant program but it goes through the State under comprehensive State planning.

Mr. DOMINICK. The amount of money provided for in this fund is allocated to the respective States in advance?

Mr. SAXBE. As I understand it, this is not allocated in advance. I might say, in that regard, that if there is anything we have learned from the medical testimony in the past year, it is that the more money we can properly expend in the outpatient clinics, the more we will protect the hospitals from the patients who can be handled and not put into a hospital to fill expensive beds.

Mr. DOMINICK. I would certainly agree with that. The more we can do in that regard, the better off we will be. I do not object to it. I was merely trying to clarify the situation in my own thinking. I see no objection to it, although I am sure that we will find some when we get to conference with the House.

Mr. YARBOROUGH. In answer to the inquiry of the distinguished Senator from Colorado, after doublechecking, we find that this is a form of grant to the States under the formula.

Mr. DOMINICK. I thank the Senator from Texas. That makes it even more palatable, so far as I am concerned.

The PRESIDING OFFICER (Mr. NELSON). The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BAKER. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. NELSON). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 30, line 5, delete the words "long-term care facility" and insert in lieu thereof the words "extended care facility".
>
> On page 30, line 11, delete the words "long-term care facility" and insert in lieu thereof the words "extended care facility".

Mr. BAKER. Mr. President, paragraph (4) of section 110 of the proposed hospital and medical facilities construction and modernization amendments would establish a priority for projects of general hospitals which give reasonable assurance that services of an extended care facility will be available.

It is my understanding that the intent of this section is to encourage the development of extended care services. The availability of an extended care facility has the advantage of insuring a continuity of health care by transferring patients from an acute care setting to an extended care facility. Additionally, it reduces the cost of care by using a setting less expensive than the acute hospital bed. For these reasons I am in support of the provision requiring that general hospitals be given priority consideration when they make adequate provision for an extended care facility, either as part of the hospital proper, through an agreement with an extended care facility with which they are affiliated, or through an agreement with an extended care facility executed pursuant to title XVIII of the Social Security Act.

I believe, however, that the language of paragraph 4 is confusing in its use of the phrase "long term care" instead of "extended care," which is a part of acute hospital care. Extended care facilities, unlike general long term care facilities, have been specifically identified under the medicare law. The phrase "extended care facility" is a term of art and is the phrase used throughout relevant portions of the committee report. Such facilities are intended to be an extension of the general hospital so that once the acute period of care is completed patients can receive continued medical supervision but to a lesser degree than would be required in the facilities of the general hospital.

I urge the adoption of this amendment to avoid the confusion that will arise if the language is not modified to conform to what I believe is the intention of the committee.

Mr. YARBOROUGH. Mr. President, there is some body of literature on the difference between long term facilities and extended care facilities. Is it the understanding of the Senator that one of those terms includes nursing homes and one does not include nursing homes? This is a matter of priority of grants. Long term facilities includes nursing homes.

Mr. BAKER. That is my understanding.

Mr. YARBOROUGH. Long term facilities would include nursing home care.

Mr. BAKER. Mr. President, the point I make in my amendment is that extended care facilities is a term of art which is used in the committee report. And this is an effort to make sure we fully understand the definitions of the term. It is precisely defined.

I am not sure really what the other term which we use means.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. DOMINICK. Mr. President, on page 35 of the committee print, starting on line 18, we have there the definition of facility for long term care.

It reads:

> Sec. 116. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 655 (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

It would, therefore, seem to me that the long term care wording used in our measure is more encompassing that the extended care facility which the Senator is proposing.

I do not mean to say I am totally right in this matter. I am merely putting it forth as a suggestion for the purpose of debate.

Mr. BAKER. Mr. President, may I ask the distinguished chairman of the committee and the distinguished Senator from Colorado if it is their view that the phrase "extended care facility" which I have described as a term of art and as used previously in the generic law would be included in the long term care as used in the bill.

Mr. YARBOROUGH. Yes. It is my understanding that is a lesser inclusion, that if we use long term facility, extended care facility would be included.

Mr. DOMINICK. That would also be my understanding.

Mr. BAKER. Mr. President, with that understanding as legislative history, and to make sure that we are not excluding the previous full coverage, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee substitute, as amended.

The amendment was agreed to.

Mr. NELSON. Mr. President, I rise to express my support for H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1969, as reported by the Senate Labor and Public Welfare Committee.

Since its creation in 1946, the Hill-Burton hospital construction program has provided $3.4 billion to support the erection of hundreds of hospitals in cities and towns in every region of America. The Hill-Burton program has served as an integral part of the Federal Government's commitment to improve the health care available to all citizens.

This legislation now before the Senate builds upon that foundation and offers a coordinated system of grants, loan guarantees, and loans to stimulate the construction and modernization of hospitals, long term care facilities, diagnostic and treatment centers, and rehabilitation facilities.

I want to take this opportunity to clarify the legislative history of the section of the bill which improves the coordination between the Hill-Burton program and comprehensive health planning at the State level.

It appears that the committee report does not sufficiently reflect the final action taken by the committee regarding section 123, which is as follows:

COMPREHENSIVE PLANNING

> Sec. 123. Section 604 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:
>
> "(c) On and after the date the Secretary notifies the State agency (designated in accordance with subsection (a)(1)) of any State that he has found and determined that there has been developed for such State pursuant to section 314(a) comprehensive State plans which are effective to carry out the provisions of such section and which are consistent with the purposes set forth in section 600, the State plan of such State shall be deemed not to meet the requirements of subsection (a) unless it is consistent with such comprehensive plans."

While the summary of this provision on page 4 of the report presents a clear interpretation of the committee's intent, it seems to me that references to section 123 on pages 13, 20, and 38–39 of the report do not.

I offer the following modifications to clarify the legislative history of this provision.

On page 13 of the report, in lieu of the last sentence in the paragraph on areawide health planning agencies insert:

> Furthermore, the Committee decided that the state Hill-Burton plan of any state must be consistent with the plans developed by the state comprehensive health planning agency once the Secretary of HEW determines that the state comprehensive planning agency has developed an effective plan that is consistent with the purposes of the Hill-Burton program.

On page 20 of the report, in lieu of the analysis of section 123 insert:

> This section provides that the state plan of any state must be consistent with such plans as have been developed by the 314(a) agency once the Secretary determines that the 314(a) agency has developed an effective plan that is consistent with the purposes stated in Section 600.

On pages 38–39 of the report, in lieu of section 604(c) insert:

> (c) On and after the date the Secretary notifies the State agency (designated in accordance with subsection (a)(1) of any State that he has found and determined that there has been developed for such State pursuant to section 314(a) comprehensive State plans which are effective to carry out the provisions of such section and which are

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consistent with the purposes set forth in section 600, the State plan of such State shall be deemed not to meet the requirements of subsection (a) unless it is consistent with such comprehensive plans.

Mr. SCOTT. Mr. President, I support H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1969. This legislation revises, extends, and improves the existing Hill-Burton program which I have supported since its inception.

As reported from the Senate Labor and Public Welfare Committee, this bill deals with four major programs: grants, loan guarantees, Federal loans and grants for construction, and modernization of emergency rooms. The estimated allocation to Pennsylvania for the next 5 years, authorized under H.R. 11102, totals $308,080,000. Of that amount, $132,500,000 is authorized for grants; $130,500,000 is authorized for loan guarantees; and $45,000,000 is authorized for direct Federal loans. Funds used to modernize emergency rooms are not allotted specifically to Pennsylvania, since they are awarded on a project basis rather than as a formula grant.

Title I of the bill authorizes a 5-year grant program to construct and modernize hospitals and public health centers. Beginning with the fiscal year 1971, Pennsylvania's estimated authorized allocation is $23,180,000 and over the 5-year period would be increased, by steps, to $29,400,000 in fiscal year 1975.

Title II establishes a new 6-year program of loan guarantees designed to assist in the construction and modernization of public or privately owned nonprofit health facilities. Pennsylvania will receive an estimated authorization of $26,100,000 during each of the 6 years.

Title III provides for a new 5-year program of direct Federal loans to construct and modernize publicly owned health facilities. Pennsylvania's estimated authorization allocation is $9,000,000 for each of the 5 years.

Title IV creates a new 5-year program to aid in the construction of modernization of transportation systems, communications networks and needed emergency rooms of general hospitals. The funds authorized under this program are to be awarded on a project-by-project basis.

Mr. President, anyone of us who has had the misfortune to spend some time in a hospital recently, knows that the crisis in health care is not imaginary but is very real, indeed. I would even venture to say that anyone who has seen an emergency ward in a big city hospital on a Saturday night got quite an eyeful. Hospitals are crowded and, in many cases, are not equipped with the most modern and up-to-date equipment. The bill now under consideration by the Senate is directed at these inadequacies, and I am hopeful that we can approve it, relatively intact.

The thrust of this legislation is directed at all the various types of hospitals and health care facilities—public, private, profit and nonprofit. There is no discrimination. All are in need and all will receive some form of assistance.

The programs involved here provide for outright Federal grants, loans underwritten by the Federal Government and direct Federal loans. So there is ample opportunity for participation by any groups interested in providing the best possible health care for the residents of their respective communities. The Federal Government has indicated its willingness to become a full partner in the battle for better health care. It is a battle which must not be lost. I urge the Senate to favorably consider and enact this much-needed legislation.

Mr. CRANSTON. Mr. President, I support H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1969. I believe the bill is responsive to the increasingly critical need for modernization and expansion of the Nation's medical and health care facilities. Since 1946, Hill-Burton grants have totalled approximately $3.3 billion. Today, however, the States have nearly 2,000 projects currently waiting for approval—that is, projects clearly demonstrated to be needed and now awaiting financial support—requiring $4 billion, of which the Federal share would be $1.6 billion. Of course, that need will not be met this year or next. But the pending bill will enable us to meet the most critical of these established needs.

The shortage of medical care facilities has been one of several major factors contributing to the unfortunate situation in which we find medical care costs constantly increasing, while quality of care is declining and adequate care is still not available to millions of urban and rural poor. I believe the bill's authorization of appropriations of more than $3.3 billion through fiscal 1975 for construction and modernization of hospitals and other health facilities would do much to move us toward providing physical facilities which are necessary to improve and preserve what is perhaps our most vital national resource—our citizens' health.

Since its inception in 1946, the Hill-Burton program has expanded to become the major vehicle by which Federal support is provided for public and nonprofit private hospital and other health facility construction. During this period the Federal Government has allocated Hill-Burton funds for California projects totalling $162.5 million, with State matching funds totalling $137.5 million.

Of the 383 Hill-Burton projects completed, under construction, or in various stages of planning in California, 177 are for general hospitals, 65 for long term care facilities, 74 for public health centers, 25 for rehabilitation centers, and 42 for diagnostic and treatment—that is, outpatient—centers.

Hill-Burton funds are presently available for direct grants for construction of public or nonprofit private hospitals and public health centers, long term care facilities, including nursing homes, and for outpatient and rehabilitation facilities.

The legislation now before us would further extend and improve the program in several important ways. First, a new 5-year, $2.4 billion program of Federal loan guarantees would be established to attract private capital to assist in the construction and modernization of public or privately owned nonprofit health facilities. In addition for privately owned nonprofit health facilities an interest subsidy would be paid by the Federal Government on guaranteed loans. This subsidy—half of the first 6 percent and one-third thereafter—is designed to assure private nonprofit health facilities of a less expensive source of financing which, it is hoped, will in turn have a restraining impact on the rate of increase in costs to individual patients. According to a recent article in the Atlantic Monthly, hospital costs have nearly doubled in the last decade, reaching a usual range of $72 to $110 per day.

Although publicly owned health facilities receiving guaranteed loans would not be eligible for the interest subsidy under this section, such public hospitals would also be eligible for a program of low-interest direct Federal loans. A total of $750 million over a 5-year period has been authorized to be appropriated for this purpose.

The new program of loan guarantees will be very important to California, as I am sure it will be to many other States. Beginning this year, the State government in California is terminating its involvement in funding health facilities construction and modernization by curtailing its provision of matching funds under the Hill-Burton grant program. Rather it has established a State mortgage insurance program, with State government guarantees but without interest subsidy, for loans obtained on the private market.

However, financing health facility construction by this method raises the cost of care for the consumer, since the high cost of servicing a loan in today's tight money market must be met by increased patient fees. We simply cannot afford to have this continuing upward pressure on patient charges at a time when daily hospital charges already range from $72 to $110.

On the other hand, a Federal grant program, which is financed out of general Federal tax revenues, spreads the cost of providing health facilities more equitably among the population. Similarly, the federally guaranteed loans with an interest subsidy paid by the Federal Government would be a financing method preferable to California's mortgage insurance program in terms of equitable distribution of costs.

In sum, California's withdrawal from participation in the matching grant provisions of the Hill-Burton program is most unfortunate, since this is the most equitable of the financing mechanisms now available. In the absence of State participation in the grant program, however, loan guarantees and Federal interest subsidies become even more important to California.

Second, an amendment adopted in committee which I cosponsored would provide for substantial strengthening of health planning efforts throughout the country by permitting State comprehensive health planning agencies to pass on State Hill-Burton plans after such time as the Secretary of HEW determines that

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the State comprehensive health planning agency has developed a plan which is consistent with Hill-Burton purposes and is effective to carry out the provisions of section 314(a) of the Public Health Service Act. This amendment would provide a viable role for State comprehensive health planning agencies in approving health facility construction and modernization.

Third, the bill recognizes that the pattern of health facility use in the United States today entails an over-utilization of high-cost hospital care and takes steps to encourage greater reliance upon and availability of less expensive and, in many ways, more medically appropriate methods of health care delivery. This situation is aptly presented in an excellent article in the current issue of the Atlantic Monthly in the following words:

> But more fundamentally, the present cost structure of the hospital seems to lead to a rather old-fashioned conclusion: no one should go there unless he absolutely has to. If a diagnostic procedure can be done on an ambulatory, outpatient basis, it should be; if a series of tests and X rays can be done outside the hospital, they should be. No one should be admitted unless his care absolutely depends upon being inside the hospital; no one should be admitted unless he requires the hour-to-hour facilities of the house staff, the nursing staff, and the laboratories.
>
> For decades, admission to the hospital was necessary because there was no other facility available. For a large segment of the population, care was either given in the hospital or not at all; and the hospital's clinic system was a poor compromise, with hordes of patients being brought in to wait hours—sometimes literally days—to have relatively brief tests performed.

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The ability to make outpatient services available on an increased scale is of enormous importance in light of the growing shortage of medical manpower and health facilities. We must find ways further to encourage the practice of preventive medicine through outpatient care. The growth of "third-party payers"—including the private insurance industry, and Government involvement through medicare and medicaid—has led to a situation in which most people find it easier to obtain and pay for hospital care than to obtain and afford outpatient or extended care services. This, in turn, has led to grossly inefficient use of hospital facilities by many people who could more appropriately and more inexpensively be cared for in either a long term care facility or on an outpatient basis.

H.R. 11102 would encourage provision of outpatient and extended care facilities as a less expensive alternative to inpatient care in a number of ways. Eligibility for Hill-Burton assistance would be extended to hospital outpatient facilities which care for ambulatory inpatients as well as outpatients, and to nonprofit groups to construct a free standing outpatient care facility if adequate assurances exist that the services of a general hospital will be made available to patients of such freestanding outpatient facility. The bill would permit an increase in the Federal share for such projects up to 90 percent of the cost.

The need for expansion of these types of facilities is exemplified by California's unmet need; according to the California State Hill-Burton plan, there is an existing need for an additional 192 outpatient centers and for modernization of 64 of the 175 existing centers.

Also important as an alternative to expensive general hospital care is the availability of adequate long term or extended care facilities. This bill would encourage such lower cost facilities by giving priority for Hill-Burton funds to hospitals which have made provision for an adequate extended care capability either as a part of the hospital proper, or through an agreement with an appropriate extended care facility not necessarily attached or contiguous to the hospital itself. Extended or long term care facilities, properly equipped, staffed and maintained, can offer skilled yet economical care to persons who are ill but who do not require the specialized services of a short term general hospital.

Regarding these provisions to aid in establishing additional outpatient and extended care facilities, I want to point out that other coordinate steps must be taken. Insurance coverage—both private and public—must be expanded to encourage more people to avail themselves of outpatient, extended care and home health care services. In other words, we must not only provide the necessary alternative facilities to high-cost hospital care, but we must also provide the means for people to take advantage of these facilities.

Fourth, the bill authorizes Federal matching grants of up to 50 percent of the cost of construction or modernization of emergency rooms in general hospitals and of transportation and communications systems. This provision is a response to the demonstrated strain which vastly increased usage has placed on these emergency facilities in recent years, particularly in the inner-city.

This provision would cover grants for procurement of helicopters and related equipment. In this regard, I have heard extensive testimony during the recently concluded hearings of the Veterans' Affairs Subcommittee, which I am privileged to chair, on the unprecedented role which helicopters have played in extending modern medical technology directly to the battlefield in Vietnam to save the lives of numerous wounded men who would not have survived earlier conflicts with such wounds.

This use of helicopters to provide lifesaving medical attention within minutes of the time of injury should be made equally applicable, with a concomitant great saving of lives, to civilian situations—such as traffic accidents. Such fast, exceedingly mobile emergency transportation would be particularly useful in remote country areas and in congested inner cities.

However, before expending Federal funds, we should insure that all available Federal and other publicly owned emergency equipment is being utilized to the fullest extent. Thus, I have been exploring the need for legislation to authorize the Department of Defense to encourage military bases to enter into sharing arrangements with civilian hospitals for the use of their extensive helicopter and communications equipment.

I understand that the Department of Defense plans to conduct several pilot programs of sharing such emergency evacuation equipment at Army bases. I intend to follow this development closely and to cooperate with the Department in seeking whatever legislative authority is necessary to continue the program on a permanent and expanded basis.

In addition to the civilian sharing of Federal facilities, according to the report to the President on DOD's Domestic Action Council activities during May–November 1969, a pilot project in Arizona supported by the Department of Transportation was initiated as a test of ways of adapting military aeromedical evacuation to civilian uses. The Arizona project is expected to continue through June 1970.

Finally, the bill would provide important authority within the direct-grant program to encourage the development of special innovative projects to improve the organization, delivery, and cost of health care. Such projects might include sharing of specific services or specialized equipment in order to reduce duplication. Also encouraged would be the construction of critically needed health facilities of all types in urban and rural low-income areas and, as I have already mentioned, the construction of free-standing ambulatory care facilities. Under this section, the Federal matching share for such innovation grants could be as high as 90 percent of the project cost.

Mr. President, the question of financing health facilities construction and modernization is inextricably linked to the need to reshape substantially our health care delivery system. It is impossible to discuss the one without getting into questions raised by the larger issue. Over the next few years we can expect to see some substantial and much-needed changes made in many of our present approaches. As chairman of the Veterans' Affairs Subcommittee, which is responsible for the oversight of the VA hospital and medical care system—the largest such single system in the world—and as a member of the Health Subcommittee, I have been exploring in depth the contribution which the VA health program can make to innovations in our methods of delivering health care, especially the training of paramedical and new types of health personnel. I intend to introduce implementing legislation along these lines very shortly.

In the meantime, we must continue to provide adequately for the construction and modernization of the facilities which are already in almost acute shortage in many areas of the Nation. I believe the bill now before us strikes a reasonable balance between hospital care and less expensive modes of delivering health care. The enactment of H.R. 11102 will help to meet our growing present shortages and will also contribute—especially through the provisions for assistance for outpatient and extended care facilities and for incentives for development of innovative projects—to efforts to find our way out of the maze of the massive health crisis which has beset us.

Mr. President, I again urge Senators

to support H.R. 11102 and wish to recognize the outstanding bipartisan leadership on this health bill and numerous others by the distinguished chairman of the Health Subcommittee (Mr. Yarborough), who is also chairman of the full Committee on Labor and Public Welfare as well as by the ranking minority member of the full committee (Mr. Javits) and the ranking minority member of the Health Subcommittee (Mr. Dominick).

Mr. President, I ask unanimous consent that the Atlantic Monthly article, to which I referred earlier, be printed in the Record. I hope that every Senator will read this disturbing, but informative account of "The High Cost of Cure."

There being no objection the article was ordered to be printed in the Record, as follows:

The High Cost of Cure: How a Hospital Bill Grows 17 Feet Long

(By Michael Crichton)

Until his admission to the hospital, John O'Connor, a fifty-year-old railroad dispatcher from Charlestown, was in perfect health. He had never been sick a day in his life.

On the morning of his admission, he awoke early, complaining of vague abdominal pain. He vomited once, bringing up clear material, and had some diarrhea. He went to see his family doctor, who said that he had no fever and his white-cell count was normal. He told Mr. O'Connor that it was probably gastroenteritis, and advised him to rest and take paregoric to settle his stomach.

In the afternoon, Mr. O'Connor began to feel warm. He then had two shaking chills. His wife suggested he call his doctor once again, but when Mr. O'Connor went to the phone, he collapsed. His wife brought him to the emergency ward of the Massachusetts General Hospital at 5 p.m., where he was noted to have a temperature of 108° F. and a white count of 37,000 (normal count: 5,000 to 10,000).

The patient was wildly delirious; it required ten people to hold him down as he thrashed about. He spoke only nonsense words and groans, and did not respond to his name. While in the emergency ward he had massive diarrhea consisting of several quarts of watery fluid.

The patient was seen by the medical resident, John Minna, who instituted immediate therapy consisting of aspirin, alcohol rubs, fans, and a refrigerating blanket to bring down his fever, which rapidly fell to 100°. He was in shock, with an initial blood pressure of 70/30 and a central venous pressure of zero. Over the next three hours he received three quarts of plasma and two quarts of salt water intravenously, to replace fluids lost from sweating and diarrhea. He was also severely acidotic, so he was given twelve ampuls of intravenous sodium bicarbonate as well as potassium chloride to correct his electrolyte balance.

The patient could not give a history. His wife, upon questioning, denied any history of malaria, distant travel, food exposure, infectious disease, headache, neck stiffness, cough, sputum, sore throat, swollen glands, arthritis, muscle aches, seizures, skin infection, drug ingestion, or past suicide attempts. His past history, according to the wife, was unremarkable. He had never been ill or hospitalized. His mother died at age fifty-five of leukemia; his father, at age fifty-nine, of pneumonia. The patient had no known allergies, and did not smoke or drink.

Physical examination was normal except for a slightly distended abdomen and a questionably enlarged liver, which could be felt below the rib cage. Neurological examination was normal except for the patient's stuporous, unresponsive mental state. The patient was cultured "stem to stern," meaning that samples of blood, urine, stool, sputum, and spinal fluid were sent for bacteriologic analysis. He was also given heavy doses of antibiotics, including a gram of chloramphenicol, a gram of oxacillin, two million units of penicillin; later in the evening, kanamycin and colistin were added to the list.

X rays of the chest and abdomen were normal. Electrocardiogram was normal. Hematocrit was normal. The white count was elevated, with a preponderance of polymorphonuclear leukocytes, the cells which increase in bacterial infections. Examination of the urine showed a few white cells. Platelet count and prothrombin time were normal. Measurements of blood sugar, serum amylase, serum acetone, bilirubin, blood urea nitrogen were normal. Lumbar puncture was normal.

An intravenous pyelogram (an X ray of the kidneys to check their function while they excrete an opaque dye) showed that the left kidney was normal, but the right kidney responded sluggishly. The excretory tubing on the right side seemed dilated. A diagnosis of partial obstruction of the right kidney system was suggested.

Because the abdomen was distended, six abdominal taps were performed in different areas by the surgical residents, Drs. Robert Corry and Jay Kaufman, in an attempt to obtain fluid from the abdominal cavity. None was obtained.

Dr. Minna's diagnosis was septicemia, or generalized infection of the bloodstream from an unknown source. As possibilities he listed the urinary tract, the gastrointestinal tract, the gallbladder, or the lining of the heart. He felt there was no good evidence for a central nervous system cause for the fever, and no good history of drug ingestion or thyroid problems to account for the fever.

This was essentially the conclusion of the neurological consultants who saw the patient later in the evening. They felt that Mr. O'Connor had suffered a primary infectious process with sudden outpouring of bacteria into the blood, and consequent fever and prostration. They felt the infection was somewhere in the urinary or gastrointestinal system, or perhaps even in a small area of the lungs. They felt that meningitis, encephalitis, subarachnoid hemorrhage, or other central nervous problems were unlikely.

A formal surgical consult, also later in the evening, reported that in the absence of muscle spasm or guarding of the abdomen, and in the presence of six negative taps, an acute abdominal crisis was unlikely.

Genito-urinary consultants examined the patient that evening and reviewed his kidney X rays. They felt that there was a probable partial obstruction of the right kidney, but they could not determine whether this was a recent or a slowly developing change. They found no evidence of infection of the prostate gland to explain the fever.

Mr. O'Connor was placed on the danger list and transferred to the intensive-care unit of the Bulfinch Building. At the end of his first twelve hours in the hospital, his fever had been reduced, but there was still no explanation for the fever itself.

Before continuing with Mr. O'Connor's hospital course, it is worth pausing a moment to consider the patient's initial symptoms and initial therapy. Mr. O'Connor presented with high fever and shock. Classically, the fever of unknown origin is a pediatric problem, and classically it is a problem for the same reasons it was a problem with Mr. O'Connor—the patient cannot tell you how he feels or what hurts. However, a high fever in a child is less worrisome than it is in an adult, for children have a much greater tolerance for fever. In adults, prolonged high fever is more likely to result in permanent brain damage and death.

The most common cause of fever for anyone, child or adult, is infection; the most common cause of fever of unknown origin is also infection. There are some unusual causes occasionally seen, such as malignancies, bleeding in the brain, drug ingestion, and outpouring of thyroid hormone, but for the most part, unexplained fevers are produced by unidentified infections.

It is now known that one can harbor an infection in a secluded part of the body, and the body will make very little response to it; however, if the infection spreads into the bloodstream, there may be a "shower" of bacteria, and a subsequent sudden rise in temperature. The shower is usually brief, lasting minutes or hours, and often ends before the temperature rises. This makes diagnosis difficult; if one wants to catch bacteria in the blood, one must draw a sample before the temperature spike, and not during it or after it.

It was thought that Mr. O'Connor was suffering from precisely this sort of situation: a sequestered infection producing episodic bursts of bacteria into the blood, with episodic fever. However, his fever was threateningly high. And thus a classic conflict in therapy arose. It is a conflict as old as Hippocrates. "For extreme diseases, extreme remedies," Hippocrates wrote. He also said: "For grave diseases, the most exact therapy is best." But obviously, an exact therapy depends upon a precise diagnosis, and here lies the conflict.

What is a diagnosis? The question is not as simpleminded as it first appears, for the notion of what constitutes an acceptable diagnosis has radically changed through the years. A diagnosis is drawn up on the basis of two kinds of knowledge: the physician's concept of disease processes, and his available therapies. Ideally, a diagnosis contains some sense of etiology—the cause of the disease—but for most of medical history etiology was either ignored or wrongly ascribed (as in "fever from excess of black bile").

In a modern sense, precise diagnosis is required because precise therapies are available. Yet the need for precise diagnosis is older; in Hippocratic time, this need was based on a prognostic, not a therapeutic, concern. Physicians were unskilled at curing disease, and therefore served mostly to predict the course of an illness which they could not influence. Robert Platt notes that "until quite recently . . . it did not matter whether your diagnosis was right or wrong. . . . Prognosis mattered rather more, especially to the doctor's reputation."

Hippocrates was deeply concerned with the prestige of the physician as related to prognostic acumen; much Hippocratic writing shows this preoccupation with prognosis: "Sleep following upon delirium is a good sign." "Those who swoon frequently without apparent cause are likely to die suddenly." "Labored sleep in any disease is a bad sign." "Spasm supervening upon a wound is dangerous." Hardening of the liver in jaundice is bad." "If a convalescent eats heartily, yet does not take on flesh, it is a bad sign."

These observations are still valid today. But we demand something further from diagnosis, as the range of therapies has increased. If a person swoons, for example, it is important to know whether he has aortic stenosis—and is likely to die suddenly—or whether he is hysterical, or diabetic, or has some other reason for fainting. In short, we want more precise diagnoses because we have more precise therapies.

Throughout medical history, physicians of every age have felt that they had precise, specific remedies, but few of these are still acceptable. As Berton Roueché notes, only three eighteenth-century drugs are still acceptable today: quinine for malaria, colchicine for gout, and foxglove (digitalis) for heart failure. All the other "specifics," as well as what Holmes termed the "peremptory drastics," have disappeared.

Even as recently as 1910, L. J. Henderson commented that "if the average patient visited the average physician, he would have a fifty-fifty chance of benefiting from the encounter." Much has happened since then; in fact, nearly every diagnostic test and therapeutic procedure performed on Mr. O'Connor during those first twelve hours has been developed since 1910. For clinically, diagnosis and therapy go hand in hand; increasing sophistication in either one demands sophistication in the other.

The proliferation of tests and techniques in this century is staggering. Consider the following list of tests performed on Mr. O'Connor, and the dates those tests were first described in clinically practical terms:

X ray: chest and abdomen (1905–1915).
White-cell count (about 1895).
Serum acetone (1928).
Amylase (1948).
Calcium (1931).
Phosphorus (1925).
SGOT (1955).
LDH (1956).
CPK (1961).
Aldolase (1949).
Lipase (1934).
CSF protein (1931).
CSF sugar (1932).
Blood sugar (1932).
Bilirubin (1937).
Serum albumin/globulin (1923–1938).
Electrolytes (1941–1946).
Electrocardiogram (about 1915).
Prothrombin time (1940).
Blood pH (1924–1957).
Blood gases (1957).
Protein-bound iodine (1948).
Alkaline phosphatase (1933).
Watson-Schwartz (1941).
Creatinine (1933).
Uric acid (1933).

If one were to graph these tests, and others commonly used, against the total time course of medical history, one would see a flat line for more than two thousand years, followed by a slight rise beginning about 1850, and then an ever sharper rise to the present time.

That is the meaning of technological innovation. It has struck medicine like a thunderbolt: far more advances have occurred in medicine in the last hundred years than occurred in the previous two thousand. There is no mystery why this should be so. Most research scientists in history are alive today; therefore most of the discoveries in history are being made today. But the consequences of this vast outpouring of information and technology have yet to be grasped. Major questions are raised in such widely diverse subjects as medical education and euthanasia.

What makes the case of Mr. O'Connor so interesting is the way it illustrates the vast web of technological advances which make diagnostic techniques and treatment today so radically different from what they were only thirty years ago.

Presumably, Mr. O'Connor had an infection. The treatment of infectious disease is considered one of the triumphs of modern medicine, crowned by the introduction of antibiotics. But as the bacteriologist René Dubos had pointed out, "The decrease in mortality caused by infection began nearly a century ago and has continued ever since at a fairly constant rate irrespective of the use of any specific therapy." He says, further, "These triumphs of modern chemotherapy have transformed the practice of medicine and are changing the very pattern of disease in the western world, but there is no reason to believe that they spell the conquest of microbial diseases."

In this light, consider Mr. O'Connor's antibiotic "cocktail," given shortly after admission. It was later the subject of some heated discussion when, during the first two or three days, he failed to improve. The use of antibiotics is more sophisticated now than it was twenty years ago, corresponding to a better appraisal of the benefits and limitations of the drugs. Generally speaking, the antibiotic cocktail, a mixture of drugs given before one has diagnosed the nature of the infection, is frowned upon.

The arguments against it are simple enough. For Mr. O'Connor, the mixture of antibiotics might not eliminate the primary site of infection, but it would certainly kill all free bacteria in the blood, thus making identification of the organisms impossible. Without identification, one cannot treat specifically, by matching the organism with the single most effective antibiotic. Further, the inability to identify the organism deprives doctors of an important clue to the location of the infection, since different organisms are more likely to infect different parts of the body.

The arguments in favor of the cocktail are equally simple: that Mr. O'Connor's fever was, in itself, dangerous and constituted a medical emergency. As they saw it, the first duty of the EW residents was to lower that fever by every possible means, even if this hampered further diagnostic efforts. As one resident said, "He could have died while we waited for the cultures to grow out."

It all comes back to Hippocrates: does one treat with a grave remedy, or a specific one? The MGH chose a grave remedy, a strong antibiotic cocktail. The residents did so with the full knowledge that it might impair further work.

Let us now see what happened to Mr. O'Connor.

DAY 1

Mr. O'Connor survived the night. The following morning his blood pressure was normal and his temperature was 99°, but he remained severely agitated and unresponsive. He was sedated with morphine, continued on intravenous fluids and electrolyte supplements. The oxygenation of his blood had been poor from the start, and he was continued on oxygen by face mask.

At eight in the morning the GU consult saw him and felt that he had peritonitis of the right abdomen, or infection of the saclike membrane which surrounds the abdominal contents. Evidence included tenderness and muscle spasm on the right side, and tenderness when his liver was tapped. Bowel sounds were decreased, suggestive of intraabdominal infection. There was tenderness to rectal examination, also suggestive of such infection.

At nine, Dr. Minna examined the patient again and agreed that the tenderness was impressive, particularly after a heavy dose of morphine. An X-ray study of the gallbladder was planned. At eleven, he was seen by the surgeons, who agreed that gallbladder infection was possible, even though bilirubin and amylase tests were normal. They advised waiting on surgery, however.

At noon, the gastrointestinal consult reviewed the barium enema, which was normal. They concluded that "we remain in the dark regarding diagnosis but would agree that bacterial sepsis secondary to a right abdominal lesion is the best bet." They suggested, however, that perforated small bowel, duodenal lesion, pancreatitis, and a number of other possibilities remained, and advised an upper GI series of X rays.

At approximately the same time, the attending physician on the wards, Dr. Kurt Block, noted that Mr. O'Connor presented "a very puzzling problem," with some findings suggestive of right-upper-abdomen pathology, but no clear indication of what it might be.

Later in the day the surgeons again saw Mr. O'Connor, but disagreed with earlier interpretations. They felt his abdomen had no peritoneal signs, and no localizing signs.

At eight in the evening, the neuromedical consult again evaluated Mr. O'Connor, and concluded that his condition still gave no hint of central nervous system disease. They felt that findings pointed to an abdominal problem.

That same evening, more abnormal results of tests came back from the labs. They had been taken the day of admission, and included an elevated uric acid of 17.1 and an elevated alkaline phosphatase of 37.6. The alkaline phosphatase was repeated, and was found to be still higher, at 61.0. Two other enzymes were also slightly high: the serum glutamic oxalocetic transaminase, or SGOT, was 123, and the lactic dehydrogenase, or LDH, was 540. Blood samples were immediately drawn for repeat determinations.

These two enzymes, SGOT and LDH, are measured as indexes of cell destruction. Cells normally contain them; if the cells die, they rupture and release their enzymes to the bloodstream. A rise in enzyme levels is thought to correspond moderately well with the degree of cellular damage, particularly when followed over several days. However, these enzymes are found in many kinds of cells, and thus an enzyme rise does not pinpoint precisely the area of destruction. For example, heart, skeletal muscle, brain, liver, and kidneys all contain SGOT; damage to any of them will produce an SGOT rise. In recent years, there has been a search for enzymes specific to certain tissues. Creatinine phosphokinase, or CPK, is usually considered more specific for heart damage.

DAY 2

At 3:30 a.m., Michael Soper, a medical resident, got back the new set of enzyme values. Everything was further increased: SGOT was now 640, LDH 1250, and CPK very high, at 320. He wrote: "I've never seen a CPK this high and don't know where it is coming from. Doubt it is solely of cardiac origin. Electrocardiogram tonight is unchanged."

At 7 a.m., on morning rounds, Mr. O'Connor's abdomen was again without localizing signs pointing to disease on the right side. All cultures were back from the labs; all were negative. It was decided to continue only penicillin and chloramphenicol, and discontinue all other antibiotics.

Later in the morning the patient was seen by the infectious disease consult, who concluded that the agitation and unresponsiveness were almost certainly secondary to gastrointestinal disorders and metabolic problems. The elevated enzymes could be the consequence of insufficient oxygen and shock, present at admission. However, they noted that the elevated alkaline phosphatase and elevated uric acid were unexplained. They suggested the possibility, previously unconsidered, of staphylococcal food poisoning.

Since no information could be obtained directly from the patient, his wife was closely requestioned about symptoms of thyroid disease, or long-standing diarrhea or other GI problems. The paregoric which the patient had taken on the day of admission was brought into the hospital and checked; it was, indeed, paregoric.

During this period the patient was examined by Dr. Leaf, the chief of medicine, and Dr. Federman, the assistant chief, as well as by a large number of other physicians, in an informal brainstorming session. Every conceivable diagnosis, including mushroom poisoning and cholera, was considered at this time.

The patient's condition remained unchanged.

DAY 3

Continued problems with oxygenating the patient's bloodstream produced a consultation by the respiratory unit, which advised drying the lungs as much as possible, nasotracheal suctioning, encouraging coughing, and close monitoring by arterial blood gases. The patient improved somewhat during the

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day, becoming less wild. That evening, for the first time, he responded to his name.

DAY 4

The patient was more alert. He was seen again by the surgeons, who felt his abdomen was still soft, without any indications for surgery. His dose of Valium, to contain his agitation, was reduced.

DAY 5

He was seen in the morning by the neurological consult, who felt that he was "still quite obtunded," confused, and disoriented. Nonetheless, his progress since admission was striking. He could answer questions. When asked where he was, he said, "The hospital," though he could not specify which one. When asked his name, he said, "John." He could state his age. He was taken off Valium entirely. His temperature continued to fluctuate in the range of 99° to 101°. Dr. Minna wrote: "He is better in all ways."

DAY 6

Lab values, back from the day before, continued to climb. CPK had now gone to 2900, the highest in the history of the hospital. There was still no explanation for these enzyme changes. The patient continued to improve in responsiveness, though his mental function was far from satisfactory. In answer to questions, he said that one plus one was "one," and two plus two was "five."

DAY 7

He was able to carry out verbal commands such as "squeeze my hand" and "open your eyes." However, for the most part he lay in bed with his eyes closed; he initiated little spontaneous activity, and never spoke except in reply to questions.

DAY 8

His Foley catheter was removed. He was able to urinate in the normal manner. He was more active mentally, and remembered his last name.

DAY 9

Blood cultures now revealed growth of a gram-negative bacillus, identified as bacteroides, probably of bowel origin. The patient was sufficiently improved that he could be questioned about toxins, drugs, mushrooms, work exposure, and possible ingestions of heavy metals; there was no evidence for any of these. He was seen again by the surgeons, who concluded that his abdomen was soft, with normal bowel sounds.

DAY 10

He was seen by the neurological consults, who observed mild provimal muscle weakness and suggested study of the electrical activity of the muscles, by electromyography. He was also noted to have mushy swelling of his extremities.

DAY 11

The patient's mental condition continued to improve. A repeat kidney X ray was read as normal.

DAY 12

There was continued improvement. Enzymes had dropped to near-normal levels. He had no temperature.

DAY 13

Barium enema was repeated, in the search for diverticulitis or other source of infection. None was seen.

DAY 14

Electromyography was normal. It was decided to discontinue his chloramphenicol antibiotic and see if he remained without fever.

DAY 15

Chloramphenicol was stopped. The patient did well, taking liquids by mouth.

DAY 16

On his second day off antibiotics, his temperature fluctuated in the range of 101° to 100° F.

DAY 17

The patient had an upper gastrointestinal series of X rays, which were normal. On his third day off antibiotics, the temperature began to spike again, to 102°. Tenderness and guarding of the right upper abdomen reappeared.

DAY 18

The surgeons concluded that the patient had cholecystitis, or infection of the gallbladder, which had probably begun initially as cholangitis, infection of the bile system. They also wondered, however, whether he might have a liver abscess. The patient was restarted on antibiotics.

DAY 19

Mr. O'Connor was transferred from the medical service to the surgical service as a preoperative candidate for exploratory abdominal surgery. His mental state continued to clear slowly.

DAY 20

The neurological consult saw him and agreed that his mental status was improving. The surgeons, however, found that his abdominal tenderness had disappeared with the antibiotics. X rays of the gallbladder showed no filling of the bladder sac, but the films were of poor quality. Radioactive scans of the liver and spleen were negative.

DAY 21

Scheduled operation was canceled in order to allow time for further preoperative studies. A repeated gallbladded X ray definitely showed no filling, although this time the films were of good quality. A celiac angiogram was scheduled.

DAY 22 AND DAY 23

The weekend. Specialized procedures such as celiac angiography could not be done, and further work on the patient was postponed until Monday.

DAY 24

Celiac angiography was performed. Under local anesthetic, a thin, flexible catheter was passed up the femoral artery in the leg, to the aorta, and finally to the celiac axis, a network of arteries coming off the aorta to supply blood to all the upper abdominal organs. A dye opaque to X rays was injected, and the vessels studied. No space-occupying lesion (tumor) was found, and the vessels were normal in appearance. The patient made a good recovery from the procedure.

DAY 25

The abdomen was soft and nontender. The patient felt well. He was still on chloramphenicol antibiotic. Enzymes were, by now, fully normal.

DAY 26

The patient had no fever and felt well. The surgical staff decided to stop antibiotics, and see if fever and symptoms recurred.

DAY 27

He was taken off antibiotics. Temperature and white-cell count remained normal. The patient himself was in good spirits.

DAY 28

There was no demonstrable worsening of the patient's condition on his second day off antibiotics. His wife expressed the opinion that his mental state was entirely normal once more.

DAY 29

His condition remained stable on the third day. He said he felt well. He had no fever and no elevation in white count.

DAY 30

His condition was still good; his abdomen was soft without tenderness. He said he felt well. It was now clear that he was not an operative candidate. Plans were made for his discharge the next day.

DAY 31

Discharged. His discharge diagnosis was fever of unknown origin with bacteroides septicemia. The opinion of the house staff remained that this patient had probably had bile-collecting-system infection.

Five days after discharge, he was seen in the surgical clinic by Dr. Monchik, who scheduled another set of gallbladder X rays for the future, and noted that if the patient had further trouble with infection, it would probably be necessary to remove the gallbladder. For the moment, however, the patient was fully well.

"To do nothing," said Hippocrates, "is sometimes a good remedy."

On the surface, Mr. O'Connor's hospital course seems proof of this ancient dictum of "watchful waiting." But this is not really so: had Mr. O'Connor received no treatment, he would almost certainly have died within twenty-four hours. He received vital symptomatic therapy (lowering his fever) as well as acute support of vital functions (assisted respiration). He was closely monitored by teams of physicians who were prepared to intercede in his behalf, supplying more assistance should his body require it.

He also received a vigorous diagnostic work-up, which did not produce as much information as one might like. His therapy was successful, but no physician at the hospital could claim, at discharge, that they really knew what was going on in his case. A diagnosis of cholangitis and cholecystitis was likely, but never demonstrated.

His hospital bill for a month of care was $6172.55. This is just a few dollars less than Mr. O'Connor's annual salary. But he did not have to worry about it; unlike that of most patients with some form of health insurance, Mr. O'Connor's coverage was essentially complete. His personal bill amounted to $357.00.

In this, as in many other things, Mr. O'Connor was a very lucky man.

The single most important problem facing modern hospitals is cost. This cost can be analyzed in a variety of ways, most of them confusing and unhelpful. But the following points are clear:

First, the cost of hospitalization has skyrocketed. The average MGH patient today pays *per hour* what the average patient paid *per day* in 1925. Even as recently as 1940, a privately patient could have his room for $10.25 per day; by 1964, it cost $50.10 per day; by 1969, $72.00 to $110.00 per day. This staggering increase is continuing at the rate of 6 percent to 8 percent per year. Each year for the past three years, the MGH has had to raise its charges. Nor is the teaching hospital unique in its financial squeeze. All American hospitals are raising their charges at this same rate.

Second, hospitalization cost has increased much more rapidly than other goods and services in the economy. Medical care is the fastest-rising item in the consumer price index in recent years, and per-day hospital cost accounts for the largest proportion of this increase. Physicians' fees have also been rising faster than other items in the consumer price index. However, hospital costs have nearly doubled in the past decade, while physicians' fees have increased 30 percent.

Third, the individual contemplating hospitalization no longer worries much, in a direct way, about cost. Third-party payment has led to a public apathy about hospital costs, and this is unwise, if for no other reason than the fact that most people have only one fourth to one third of their costs paid by insurance, a fact they discover late in the game.

Fourth, the often overlapping coverage of health insurance permits some patients to make money from their hospitalization, while welfare reimbursements are always less than the true costs of care. In this situation, the hospital makes ends meet by overcharg-

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ing private patients and their insurance companies to cover the welfare deficit—in the case of the MGH, roughly $10 a day overcharge.

Fifth, no single hospital stands alone in its financing problems, but rather is influenced by the activity or decline of other hospitals in the area. The decay of the Boston City Hospital, and its reduction in size to nearly half its earlier patient capacity, have created great pressure on other Boston hospitals to take up the slack, by accepting precisely those patients on whom the hospital loses money, namely, patients covered by welfare. The decline of Boston's municipal, tax-supported hospital is similar to the decline of other such institutions in other American cities. In each case, the reasons behind the decline are political and financial, but the consequences are always the same—to pass on costs to insured patients and make them augment insufficient tax funding for welfare. In the long run, of course, it all works out to the same thing: one can pay the money either in taxes or in higher health insurance premiums. But in such a situation, it is probably more efficient to choose one or the other—and the trend is toward universal health insurance in this country, unmistakably. Dr. John Knowles, director of the MGH, notes that Americans are required by law to arrange insurance for their cars; why should they not also be required to arrange health insurance for themselves?

Sixth, lest private health insurance seem a financial panacea, one should note that private companies are often irrational in their payment procedures. For example, for many years one could not collect for certain treatments, such as the setting of fractures, unless one were admitted to the hospital, at least overnight. Thus a person who might easily receive therapy in the emergency ward and be sent home had to be admitted in order to receive insurance coverage. This unnecessary admission raised the total cost of health care, and ultimately such increases are passed on to the consumer in the form of higher premiums. Some of these peculiar payment procedures have been changed, but not all.

Seventh, the American medical system in its full spectrum, from the private specialist's office to the municipal hospital wards, has never been able to structure the kind of competitive situation which encourages and rewards economies. Nor has American medicine tried. The American physician has been grossly irresponsible in nearly all matters relating to the cost of medical care. One can trace this irresponsibility quite directly to the American Medical Association.

For the past forty years, the American Medical Association has worked to the detriment of the patient in nearly every way imaginable; it is a peculiarity of this organization that it has also worked to the detriment of physicians as well.

Dr. James Howard Means has said: "Its ideology is very like that of the big labor unions . . . it has now set up a continuing political action committee quite like those of the fighting labor unions. Every attempt that has been made by liberally minded groups to improve medical care and make it more accessible . . . the AMA has attacked with every increasing truculence. . . . They forget perhaps that medicine is for the people, not for the doctors. They need some enlightenment on this point."

Their truculence has been expensive. In terms of the modern-day cost of medical care, we may cite the following points. Beginning in 1930, the AMA opposed voluntary health insurance, such as Blue Cross. In 1932, it opposed prepaid group-practice clinics. In 1933, it began a successful campaign to block the construction of new medical schools, and limit enrollment in those already in existence. We now have a shortage of doctors. More recently, the AMA spent millions—probably no one knows exactly how many millions—to fight Medicare, a program which resulted in health benefits to 10 percent of the population and vastly increased income of physicians. (Indeed, a good gauge of the AMA's shortsightedness can be gained by imagining the outcry from private doctors should anyone now try to repeal Medicare.) Further, the AMA has failed to take any strong stand on prescription pharmaceutical prices in this country, which nearly every objective observer regards as grossly inflated. And more insidiously, the AMA has permitted what may politely be called blind spots in health care. The *Journal of the American Medical Association* refused to print a government study of combination-antibiotic drugs which concluded that many of these expensive medications are either worthless or dangerous; the AMA has still failed to condemn cigarette smoking despite overwhelming evidence that this habit though profitable to certain industrial groups, is directly responsible for much disease, suffering, and medical expense in this country.

One can only conclude that the American Medical Association has not considered the interests of patients. On the basis of its record, it is opposed to both better and cheaper medical care. Its only commitment is to the doctor's bank account, and even then, it makes astonishing errors in judgment.

In 1967, in his inaugural address, Milford O. Rouse, the incoming president of the AMA, deplored the growing sentiment in this country that medical care was a right, not a privilege. His opinion was not well received by an angry public, and later presidents have been more circumspect in voicing their views. Nonetheless, it is customary for AMA presidents to travel about, speaking to groups of doctors, applauding what they call "the phenomenal growth of the health industry."

That growth cannot be questioned. Personal consumption expenditures for medical care rose from $7.5 billion in 1948 to more than $27 billion in 1965, and more than $50 billion in 1968. By 1975, it is expected to reach at least $100 billion. This is the sort of news to make a Wall Street broker squeal with delight. But medicine is a service, not an industry, and one really ought to look at it as a service.

In fact, the United States spends more of its gross national product (6.2 percent) on medical care than any other country in the world; it spends a larger absolute sum than any other country in the world. Yet on most objective standards of health—infant mortality, life expectancy, and so on—it is far from the leader.

Other countries are doing better, and most of them have some form of socialized medicine. The United States is extraordinarily backward in this respect. However, many American observers have looked at European socialized systems and have come away shaking their heads; and there is a widespread doubt whether any European system can be adapted to this country. Very likely, America will have to work out its own system. The combination of group insurance with a group-practice system seems a feasible, economical, and practical method, acceptable both to doctors and patients.

Without question, the notion of the doctor as a legitimate fee-for-service entrepreneur, making his fortune from the misfortunes of his patients, is old-fashioned, distasteful, and doomed. It is only a question of time.

Ultimately, however, it is not useful to lay blame, whether on physicians, health insurance administrators, politicians, or an apathetic public. For they all seem to share a common blindness, a total failure to understand why hospital costs are rising.

In 1967, the average cost of a hospital room in America increased 15 percent. The per-day room charge is the largest single item in the hospital bill. In 1969, the cost of a semiprivate room at the MGH was $70. Breaking this down, we find:

Utilities, housekeeping, maintenance, plus business offices ("hotel expense")	$6.96
Food and special diets	5.82
Nursing	18.42
Labs, records, house staff, X ray, and pharmacy	28.80
Overcharge (to cover welfare debts)	10.00
Total	70.00

Now this breakdown contradicts one of the oldest complaints about hospitals, as quoted in a national magazine: "My work puts me in contact with hotels and hotel management and I *know* that a good hotel can give you a beautiful room for $30 a day, with three meals, and make a profit and pay taxes. And yet any hospital, which doesn't pay *any* taxes, operates in the red for $65 a day. I say it must be poor administration."

If the analogy were true, the conclusion would be correct. But the hospital is not a hotel—and in any case, its "hotel" costs are quite reasonable at $6.96 a day; this is approximately half the cost of a decent motel room in Boston. The charge of $5.82 for food, or approximately $1.70 a meal, is equally reasonable, especially when one considers that as a restaurant the hospital must provide an extraordinary range of services, including some eight special diets.

The *true* hospital costs—the expenses incurred in a hospital but not in a hotel—are, on the other hand, very high. They account for 90 percent of the total per-day room charge. And the question, really, is whether these charges are reducible. No sensible businessman would bother to try to get his hotel costs below seven dollars a day; if there is to be a decrease in costs, it must come from the non-hotel charges.

These in turn largely reflect the increased technological capacity of the hospital. Mr. O'Connor's example is a case in point: most of the tests performed on him were not available in 1925, when he could have had his room for one twenty-fifth of what it cost him today. The maintenance of this new technological capability costs money; and to a large extent, in medicine as in education, law enforcement, sanitation, and a variety of other services, you get what you pay for. If you are going to enter a high-quality acute-care facility which has six employees (most of them nonphysicians) for every patient, and if you are going to pay these employees a decent wage, then your care will be expensive. (This is sometimes easier to see if it is taken out of the hospital setting. If a man had to hire six secretaries for an eight-hour day, at $2.50 an hour, it would cost him $144 a day. If a man had to hire two gardeners at $4 an hour, for a single eight-hour day, it would still cost him $64 a day.) If you are going to purchase technological hardware, maintain it, and keep it up to date, this costs money. If you are going to keep the hospital in continuous operation 24 hours a day, 365 days a year, this costs money.

All this becomes clear in the instance of a simple procedure such as a chest X ray. A private radiologist in his office will perform this for you at one half or one third of what the hospital charges. His charge largely reflects the fact that his unit can operate on an eight-hour day and a forty-hour week; other costs, such as equipment and supplies, are the same. In medicine today, as in every other industry people are more expensive than anything else. Sixty-three percent of the hospital budget now goes to the salaries and benefits of employees. And much of the rise in hospital costs is directly attributable to the demand of these employees that they not be forced personally to subsidize the health business by accepting wages incommensurate with similar jobs in other indus-

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tries. Their demands are justified; most of them are still underpaid. Their salaries will increase in the future.

One cannot, however, fairly claim that hospitals are superbly efficient. Especially in a teaching hospital, attention to the medical, nonhotel costs is less central than one would like to see. One can argue endlessly about whether too many tests are ordered. But certainly, when physicians who order these tests don't know what patients are charged for them, eyebrows must go up. Doctors tend to operate on a "spare-no-expense" philosophy, which will, eventually, need to be tempered.

But more fundamentally, the present cost structure of the hospital seems to lead to a rather old-fashioned conclusion: no one should go there unless he absolutely has to. If a diagnostic procedure can be done on an ambulatory, outpatient basis, it should be; if a series of tests and X rays can be done outside the hospital, they should be. No one should be admitted unless his care absolutely depends upon being inside the hospital; no one should be admitted unless he requires the hour-to-hour facilities of the house staff, the nursing staff, and the laboratories.

For decades, admission to the hospital was necessary because there was no other facility available. For a large segment of the population, care was either given in the hospital or not at all; and the hospital's clinic system was a poor compromise, with hordes of patients being brought in to wait hours—sometimes literally days—to have relatively brief tests performed.

There is hope that satellite clinics will help solve the problem; one study of a satellite clinic in Boston reported that there were fewer hospital admissions as a result of the clinic's work. In any case, alternative facilities must be found, because it is unlikely that hospital costs will ever go down. The best anyone can hope to do is stabilize them somewhere in the neighborhood of $100 a day. This makes the hospital an expensive place; but it has its uses, and indeed will be an economically tolerable place, if it is used appropriately.

Mr. MURPHY. Mr. President. As a member of the Health Subcommittee, I urge the enactment of H.R. 11102, the Hospital and Medical Facilities Construction and Modernization Amendments of 1969. This measure would extend for 5 years the Hill-Burton program of grants for hospital construction and modernization, establish a new program of Federal loan guarantees and direct loans for health facilites, and provide for a new program of project grants for the construction or modernization of emergency rooms of general hospitals, communication networks, and transportation systems.

The bill before the Senate today builds on the successful Hill-Burton program. Since its enactment in 1946 up through June 30, 1969, $3.41 billion have been expended. These Federal funds have been more than doubled by State and local matching dollars equaling $7.8 billion. The total national effort of $11.9 billion has resulted in the construction or expansion of 10,171 projects. These projects have provided 442,000 inpatient care beds in hospitals and nursing homes and have provided 2,888 outpatient facilities, such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

For my State of California, the Hill-Burton program through June 30, 1969 has helped to construct or modernize 409 projects resulting in 20,895 inpatient beds, 139 outpatient facilities. Federal funds of $157.8 million were more than quadrupled by $648.4 million in local and State funds in California.

While great progress has been made, much remains to be done. The estimated need reveals the magnitude of the task ahead and the importance of extending the Hill-Burton program, if we are to meet the urgent health needs of our people.

We are told that there is a need today for 85,007 acute-care hospital beds, 893 public health centers, 872 diagnostic and treatment centers, and 164,430 additional long term beds. The estimated cost of meeting these needs is $5.3 billion. National needs for modernization are particularly great, with estimates indicating that there are 455,130 hospital beds needing such modernization at a price tag of $10.5 billion. Thus, the need for modernization is almost double that of new construction.

Mr. President, I am particularly pleased that the amendment offered by the Senator from New York (Mr. JAVITS), which I cosponsored, changing the present allocation grant funds for new construction of health facilities, was adopted by the Labor and Public Welfare Committee. The present grant program, with the exception of the funds for modernization, allocates funds to the States based on population and per capita income squared. It is my understanding that the rationale for the formula when the program was enacted in 1946 was that: First, there existed no actual measurement of health facility need and second, it was generally felt that rural America had the greatest need for hospitals. Therefore, the Hill-Burton Act squared the per capita income factor in the formula. This had the effect of directing funds to the poor rural States where the need at that time was the greatest.

It has been more than two decades since we enacted the original formula and I believe it is presently clear from the health need measurements, which are available now, that the country's health needs have also changed. It is my judgment that the formula should reflect these changes and these new needs. Thus, the Javits-Murphy amendment, as reported to the Senate, rightly eliminates the squaring of per capita income.

It can be demonstrated that there is a need for a formula change by examining what has happened since the Hill-Burton program was enacted in the eight States with the highest per capita income as contrasted with the States with the lowest. During the past two decades, for example, the eight States with the lowest per capita income have made great strides. In 1948, the eight lowest per capita income States averaged 2.61 beds per 1,000 population. By 1966 these States made dramatic gains averaging 3.93 beds per 1,000 population. During the same period, the eight highest per capita income States, averages showed no improvement. Thus, in 1948, these eight highest per capita incomes States averaged 3.92 per 1,000 citizens and in 1966 the figure remained the same.

For my State of California, the need for the formula change is even more dramatic. In 1948 California had 3.92 beds per 1,000 in population. By 1966, California had fallen behind the average of the eight lowest per capita income States recording only 3.5 hospital beds per 1,000 population. Interestingly enough, this figure only matched the national average of beds per 1,000 population of all the States in the early years of the Hill-Burton program.

The administration recommended and supported the formula change, as Under Secretary Veneman testified before the Health Subcommittee:

> This change will direct today's funds toward today's needs just as the original formula did for the needs of 20 years ago.

I am disappointed with the floor formula change, but I understand the realities. Unfortunately, the Senate took a very parochial view. Once again it seems to me that individual gains and losses rather than the merits prevailed.

I also offered an amendment on behalf of Senators JAVITS and HUGHES and myself to add alcoholism as one of the priority areas for States to consider under the Hill-Burton program. I have been interested in alcoholism for some time. Alcoholism is the fourth major health problem in our Nation. It afflicts 5 to 6 million Americans. In my State of California, there is estimated to be 1 million alcoholics. On September 26, 1969, I testified before the Special Subcommittee on Alcoholism and Narcotics describing the magnitude of the problem. I ask unanimous consent that the full text of the statement be printed following my remarks.

In 1967, I coauthored with Senator JAVITS, S. 1508, the Alcoholism Care and Control Act of 1967, authorizing a comprehensive program for the care and control of alcoholism. We were successful in having parts of this comprehensive alcoholism bill incorporated in the regional medical bill, now Public Law 90–574, in 1968. Last year, I coauthored two more measures on the subject of alcoholism—S. 1997, the Alcoholism Care and Control Act of 1969, and the administration's bill, S. 3121, which would include alcoholism under the community mental health program. I was pleased that a new grant program for alcoholism was included as part of the Community Mental Health Centers Amendments of 1969, S. 2523. The House-Senate conferees recently reached final agreement on this measure.

I am also pleased that the bill before us authorizes a new program of project grants for construction and modernization of emergency rooms of general hospitals, communication networks, and transportation systems. There has been growing use of emergency rooms across the country, and in many parts, the emergency room has become the primary contact of our citizens. Figures indicate that use of emergency rooms has doubled and tripled in recent years. Also this section authorizes assistance for adequate communication and transportation systems. The speed and the quality of the response can be the difference between life and death.

I also support title V of the bill, which provides for a 1 percent set-aside in health programs for health evaluation purposes. I have been a strong advocate of closer monitoring and evaluation of all Federal programs, and I believe this is a desirable feature.

Mr. President, our Nation faces health care problems of great complexity and magnitude. President Nixon, Secretary Finch, and Dr. Egeberg have all expressed grave concern with what many feel has already reached crisis proportions. In fact, Secretary Finch and Dr. Egeberg, in assessing the Nation's health care challenge, opened a recent report to the President with these words:

> This nation is faced with a breakdown in the delivery of health care unless immediate and concerted action is taken by government and the private sector.

I believe that the bill before the Senate today holds great promise in attacking many of our urgent problems. Today's tight money market has caused capital financing problems for hospitals as they attempt to bring their facilities up to date. The bill before us extending the grant program and providing for additional sources of revenue through direct loans, interest subsidies, and guaranteed loans should help in this respect. We also have the problem of utilization of costly inpatient facilities because frequently less expensive facilities providing long-term care, outpatient service, and rehabilitation are not available. The bill's provisions giving special priority to general hospitals where extended care facilities are available to patients either as part of the hospital or through a nearby facility, and the bill's provisions increasing grants for these specialized facilities hopefully will reduce the pressures on acute-care hospitals and at the same time bring about great economy and efficiency in the delivery of health care.

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Also we have had the problem of unnecessary duplication of facilities. To help prevent this, the bill provides that the Federal share may be increased at the option of State agencies by 20 percent for those projects which would assist in reducing the cost of delivering care or otherwise improving the capabilities of delivering health facilities. An example would be a hospital providing on a shared basis with another hospital. Another major problem to which the bill addresses itself is the lack of health facilities in urban and rural poverty areas where the local resources are simply not available. The bill would permit the Federal share of projects' cost to be up to 90 percent for projects having a potential of reducing health care cost or projects serving poverty areas.

I was also pleased to cosponsor the Dominick amendment adopted today requiring a report in 90 days and annually thereafter on the health consequences of marihuana. Because of the dearth of knowledge on the subject I believe this most important. This study is similar to the one required for cigarettes.

Mr. President, I have merely touched on some of the highlights of the bill. I do believe that the bill is an effort to face up to some of the issues confronting the Nation in the health area and seeks to find new approaches for resolving some of our health care problems. Over the years, Hill-Burton has been recognized for its many achievements in hospital planning and construction. By renewing and expanding the program, there is every reason to believe that the program will reach even greater heights in the years ahead.

Mr. President, I ask unanimous consent that statistics showing California's need for Hill-Burton be printed in the RECORD.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

Mr. Chairman and my distinguished Colleagues, I would like to take this opportunity to welcome the Subcommittee to the great State of California and to tell you how much I appreciate the attention this Subcommittee has given to two of the most pressing and important problems which face the future of our nation today.

At yesterday's hearings, the focus quite properly was placed on the dangerous destruction resulting from the presently widespread—and still spreading, may I say—use of drugs and narcotics.

Today your agenda will focus attention on witnesses whom I am certain, will reiterate what most of us already know and understand: the evil, moral and physical erosion and general destruction caused by alcoholism.

Alcoholism is a major health problem, both in our state of California and the entire nation. It is so serious that it is now the nation's fourth leading health problem. Only heart disease, mental illness and cancer rank ahead of alcoholism.

Alcoholism is clearly a most tragic disease, and I am sure that many of us have seen at first hand the destruction and destitution it can cause. It is estimated that there are five to six million Americans afflicted with this disease and that a minimum of 250,000 are added to the ranks each year.

In California one million individuals are estimated to have an alcohol problem. The state already leads the country in this disease and alarmingly their numbers are increasing at a rate more rapidly than the state's population. By 1971 it is estimated that the number will increase to one million, three hundred thousand.

The cost of alcoholism in terms of dollars is astronomical and a luxury we can no longer afford, but the cost in terms of human suffering is even greater, and gives all the more urgency to the determination of this Subcommittee to find answers where we have only encountered problems in the past.

We have no way of knowing the number of lives lost, dreams shattered, talents destroyed, families broken, marriages ended, and successful careers crushed because of alcoholism. There is no way we can completely compute the total of destruction brought about each year by this dread disease.

We do have estimates of what alcoholism costs in America. American indusrty, for example, which until the late forties refused to recognize the "problem with alcohol" now realizes the tremendous dollars lost each year as a result of alcohol-associated absenteeism and reduced worker efficiency. At long last—they began to realize the real problem that must be faced and somehow resolved. For instance, it is estimated that the cost to industry is well over two billion dollars yearly and two hundred American companies have now instituted programs aimed at coping with the problem. A more updated figure in California places the cost to California industry within the state at $750 million.

Lately we have heard a great deal about crime in the streets and rampant lawbreakers. Mr. Chairman, I point out that there is a tremendous amount of evidence connecting excessive drinking and the resulting drunkenness with the crime rate. The National Crime Commission reported that in 1965 one out of the three arrests, or a total of two million persons, were arrested for misdemeanors on drunkenness. Certainly the cost to the American taxpayers for the arrest, trials, and for the detention periods in jail must run into millions of dollars more each year.

With the already too great burden on our courts and law enforcement officers, we must find some way to relieve this burden and, indeed, we would if we could discover the means to prevent alcoholism, or even reduce it, or begin to provide alternate methods of dealing with men afflicted and affected by this disease.

Accidents on our highways cost the country nine billion dollars annually.

Prior to this year, I was a member of the Senate Public Works Committee which helped to write some of the legislation dealing with highway safety problems. Appalled as everyone is with the astronomical costs in connection with these problems—I supported this safety legislation which was primarily addressed to improving the safety of roads and vehicles. At the same time I was, and remain, concerned about what we sometimes refer to as "the nut behind the wheel," for when a driver has been drinking he threatens the safety not only of himself and those riding with him but also the sober and unsuspecting motorist on the road.

The Public Health Service has estimated that alcohol contributed to—or is associated with—the cause of fifty per cent of fatal motor vehicle accidents.

In California alone, I understand that forty-six thousand people were injured and fifteen hundred killed as the result of driving under the influence of alcohol.

Such unnecessary carnage on our highways must be stopped. I personally urged the State Legislatures to get tough in this area—for it is clear that when a driver is drinking he is both dangerous to himself and to his fellow citizens.

In California, alcoholism is the tenth leading cause of death. For individuals in the most productive ages of 20 through 40, one-third of all death results from alcohol.

And this is another point, Mr. Chairman, that I would like to emphasize because I do not believe it is generally known or understood by the American public, and that is that the life expectancy of an alcoholic is usually ten to twelve years below the general average.

As a member of the Senate Subcommittee on Health, I have a deep interest in alcoholism and its ill effects—a subject which I think has been neglected too long in this country. And I was pleased to have co-sponsored with Senator Javits and others, S. 1508, a bill aimed at initiating programs for the care and control of alcoholism. Naturally, as a conferee on the regional medical program to which this alcoholism program was added, I was pleased that several parts of S. 1508 were included in the final measure. The nation thus started to do what we must do—

deal with the growing, unbearable, and costly problem. Building on this beginning, I again this year joined Senator Javits in introducing S. 1997—the Alcoholism Care and Control Act of 1969. This bill I hope will do much to advance the nation's methods of treatment and cure of alcoholism.

It would establish a division of alcoholism and alcohol problems within the National Institutes of Mental Health. It would provide incentive grants for the construction, staffing and operation of treatment and preventive programs. And it would provide grants for public education which are so badly needed. It would authorize purpose grants for training and material development. It would provide scholarship grants to meet critical manpower shortages in the area—specialists who have a complete understanding of the problems and first-rate training in how to cope with them. It would establish regional centers for research in alcoholism.

Thus, I urge this Subcommittee to take early and favorable action on S. 1907. As we all know the stakes are very high in this nation's battle against alcoholism. The total cost to my State of California each year is a staggering one billion dollars, and I think there are better ways in which we could spend this money.

For Los Angeles County—where we are today holding these hearings, a 1964 study showed alcoholism costing $27 million. It is now believed that the cost to the county would approach $50 million.

So, Mr. Chairman, Los Angeles County, the State of California and the nation appreciates the efforts that you and the other members of this Subcommittee are putting forth in attempting to focus the national spotlight on these two pressing subjects—drug addiction and the horrible disease of alcoholism. And I must hope that as a result of your efforts and the efforts of this Committee we may soon be able to show positive advance and the prevention and treatment in both.

CALIFORNIA: TOTAL HILL-BURTON PROJECTS APPROVED BY TYPE OF FACILITY, JULY 1, 1947–NOV. 30, 1969

Type of facility	Number of projects	Beds provided	Total cost (thousands)	Federal share (thousands)
Total	413	21,215	$666,119	$162,036
General hospitals	205	17,519	486,334	116,051
Long-term care facilities [1]	60	3,292	61,600	14,412
Mental hospitals	10	331	7,388	2,340
Tuberculosis hospitals	1	73	1,025	298
Diagnostic or treatment centers (outpatient)	37		39,375	10,255
Rehabilitation facilities	25		35,168	9,356
Public health centers	75		35,229	9,324

[1] Includes skilled nursing homes, long-term care units of hospitals, and chronic disease hospitals.

Source: Health Services and Mental Health Administration Health Facilities Planning and Construction Service, Office of Program Planning and Analysis.

CALIFORNIA: HILL-BURTON PROJECTS APPROVED FOR GENERAL HOSPITALS AND LONG-TERM CARE FACILITIES, FISCAL YEARS 1965-69

Fiscal year	Number of— Projects	Number of— Beds provided	Total cost	Federal share
General hospitals:				
1965	9	954	$27,464,259	$7,247,657
1966	8	740	24,829,652	6,339,676
1967	9	896	28,388,145	6,960,088
1968	6	1,002	41,966,750	7,877,364
1969	14	1,563	58,778,829	14,262,877
Total	46	5,155	181,427,635	42,687,662

Fiscal year	Number of— Projects	Number of— Beds provided	Total cost	Federa. share
Long-term care facilities: [1]				
1965	2	482	$12,565,287	$3,067,531
1966	2	130	3,426,439	1,025,845
1967	4	110	3,304,077	559,052
1968	1	42	1,167,474	259,485
1969	7	302	5,109,980	1,334,537
Total	16	1,066	25,573,257	6,246,450

[1] Includes skilled nursing homes, long-term care units of hospitals, and chronic disease hospitals.

CALIFORNIA: EXISTING AND NEEDED INPATIENT AND OUTPATIENT FACILITIES,[1] AS REPORTED IN HILL-BURTON STATE PLAN FOR 1969 FISCAL YEAR

Category	Number existing: Total	Number existing: Conforming [2]	Number existing: Nonconforming [2]	Total needed [3]	To be added	To be modernized
Facilities:						
General hospitals	534			362	3	61
Long-term care facilities [4]	1,271			934	35	56
Tuberculosis facilities	32			29		15
Public health centers:						
Primary	96			96		26
Auxiliary	119			119		61
Diagnostic or treatment centers (outpatient)	178			366	189	62
Rehabilitation facilities, comprehensive	16			19	3	1
Beds:						
General hospitals	67,902	56,614	11,288	67,757	3,670	8,778
Long-term care facilities [4]	89,356	77,886	11,470	82,233	2,843	6,237
Tuberculosis facilities	2,613	1,453	1,160	2,078		878

[1] Excludes Federal facilities.

[2] Represents classification by the State agency as conforming or nonconforming to minimum standards relating to construction and patient safety.

[3] Represents the total number of facilities and beds needed over the next 5 years. Bed need based on 3 factors: utilization experience; population, projected 5 years; and an optimum occupancy rate.

[4] Includes skilled nursing homes, chronic disease hospitals, and long-term care units of hospitals.

Note: While many of the "service areas" delineated by the State agency for planning health facilities need additional beds, some areas currently have "excess" beds. Thus, State totals of existing beds and facilities plus those to be added may exceed the total estimated need.

Source: Health Services and Mental Health Administration, Health Facilities Planning and Construction Service, Office of Program Planning and Analysis.

CALIFORNIA: GENERAL HOSPITALS AND LONG-TERM CARE FACILITIES, 1966 AND 1969 [1]

Type of facility	1966	1969	Percentage change
General Hospitals:			
Total existing beds	62,290	67,902	+9.0
Conforming beds	48,350	56,614	+17.1
Beds to be added	1,071	3,670	+242.7
Beds to be modernized	9,959	8,778	−11.9
Long-term care facilities [2]:			
Total existing beds	69,246	89,356	+29.0
Conforming beds	54,747	77,886	+42.3
Beds to be added	878	2,843	+223.8
Beds to be modernized	5,539	6,237	+12.6
Population used	17,749,000	18,793,000	+5.9

[1] As reported in Hill-Burton State plan for 1966 and 1969 fiscal years. 1966 plan reflects 1964 amendments and the revised procedures for evaluating facilities and determining beds needed and beds requiring modernization.

[2] Includes skilled nursing homes, long-term care units of hospitals, and chronic disease hospitals.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time the question is, Shall the bill pass?

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum. It is our intention to ask for the yeas and nays on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today the Senate is debating what I believe will be the single most important piece of Federal health legislation that will come before the 91st Congress—the Hill-Burton Amendments of 1970.

Twenty-four years ago this summer, as the Nation was winding down its Military Establishment at the end of World War II, President Truman signed into law the Hill-Burton Act to promote hospital construction in the United States. The act had been conceived during the early years of the war by the Senate Subcommittee on War Time Health and Education. After its enactment, it became one of the most popular and successful pieces of matching Federal grant legislation in the Nation's history. In large part, the success of the act in its early years was attributable to the imagination and foresight of the original subcommittee in assessing the major health needs of America a generation ago. Since 1946, the Hill-Burton Act has been periodically extended, but without the sort of major reorientation that has become increasingly necessary in recent years. Today, the Senate is challenged to demonstrate the same foresight and perception for present day America that our predecessors demonstrated in 1946.

Perhaps the most obvious unmet need has been the urgent crisis of our municipal hospitals. Today, as the hearings before the Senate subcommittee made clear last June, one of the most desperate aspects of our current health crisis is the deplorable condition of the big city hospitals in the Nation's major met-

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ropolitan areas. In part, the serious needs of these hospitals are bypassed by the Hill-Burton Act, because funds made available for hospital construction under the act have been allocated in accord with a formula that fails to distribute the money to areas of greatest need.

At the time the Hill-Burton Act was signed into law, there were no precise measures of the need for hospital construction in the Nation. The best available measure was the need for health facilities—greatest in areas of low per capita income. As a result, the original legislation—unchanged since the beginning—allocated hospital construction funds to the States on the basis of a formula whose sole factors were: First, population, and second, per capita income squared. The second aspect of the formula is the so-called squaring factor, the factor that has been the subject of increasingly intense controversy in recent years.

To be sure, the original Hill-Burton formula, with its squaring factor, generated a significant development of new health facilities in areas where they were obviously needed in the early years of the act. Today, however, we know that per capita income is no longer the best or most reliable measure of the need for health facilities. Yet, more than a decade after far more accurate measures of need had been developed, we in Congress have continued to permit construction funds to be distributed in accord with an obsolete formula that fails to recognize the contemporary need.

The consequences have been alarming. Too often, scarce Federal funds for hospital construction have been poured into areas with little need. Too often today, we see vast new community hospitals full of empty new beds in rural and suburban areas, while city hospitals, built at the turn of the century or even earlier, struggle to provide health care in deplorable conditions to those of our citizens who can least afford it.

Any one of us who visited a municipal general hospital in recent years knows the intense problems they face in seeking to spread the benefits of our medical revolution to all our people. In my own State, Boston City Hospital is an eloquent and depressing tribute to the short sightedness of Federal, State, and local governments in providing health care to their people.

Last January, Boston City Hospital lost its accreditation, and the hospital was plunged even deeper into its crisis of health care. Although the accreditation is likely to be regained this spring, the problems of the hospital obviously cannot be resolved that quickly. The most immediate need is for new sources of funds, and new methods of financing health care. This is the approach the Senate Subcommittee on Health has sought to develop in its amendments to the Hill-Burton Act, which the Senate is debating today. One of the principal reasons that this legislation has now come to the Senate floor, with so many useful innovations in Federal financial assistance for health facilities, is that problems like those of Boston City Hospital are common to every State.

Indeed, in many respects, the obsolete Hill-Burton formula stands as the symbol of our failure to meet the needs that have arisen in almost all parts of the Nation. It is no secret that a principal reason for the administration's proposal to abandon Hill-Burton formula grants was the conviction that the existing formula was unfair and that it failed to recognize the obvious health needs of the Nation.

The "ideal" formula for allocating Hill-Burton construction funds would be, in my opinion, a formula based on three factors: First, population; second, per capita income; and third, need for health facilities. Under such a formula each of the factors would be weighted equally. Unfortunately, the Senate committee established a compromise formula, under which funds would be allocated under the old formula for fiscal year 1970, and under the "ideal" formula for funds appropriated in subsequent fiscal years in excess of the amount appropriated for 1970. In effect, the committee proposed a "grandfather clause" to insure that no State's Hill-Burton construction funds would be reduced beneath their present level.

More recently, Senator JACOB JAVITS and I have attempted to devise a more satisfactory compromise, one that takes greater account of existing need, even for present appropriations. The formula we are proposing is based on the three factors of the "ideal formula," with two modifications:

First, we retain the squaring of per capita income; second, we weigh the three factors in the following manner: 40: 40: 20; based on population, per capita income squared, and need for health facilities.

With due consideration for the circumstances and the political realities of the problem, I believe that this formula represents a major step forward toward our goal of providing a fair distribution of health funds in areas where they are needed most.

In addition to what I feel is a satisfactory resolution of the formula issue, there are also a number of other highly significant provisions worth noting in the committee bill.

The committee has proposed major new programs of loan guarantees to public and nonprofit private health facilities. In the case of public facilities, a program of direct loans at low interest rates is also established. In the case of private health facilities, the loan guarantees are also accompanied by a substantial Federal interest subsidy. These provisions represent a major response by the committee to the need for greater Federal assistance for health facilities at a time increasing Federal budget stringency. We know that the funds available for direct Federal grants simply will not do the job. Therefore, the committee has sought new methods of financing that do not rely on the direct grant route.

It may well be that better and more appropriate methods of financing can be devised. The amendment of the Senator from Colorado (Mr. DOMINICK) will be an imaginative mechanism to enable HEW to sell federally backed obligations to finance public hospital construction and the construction of other public health facilities. The great virtue of this approach is that it enables new Federal financial assistance to be made available to local governments without taking the rather serious step of providing Federal guarantees for tax exempt bonds.

Last year, one of the major issues in the tax reform bill was the need to develop new methods of Federal financial assistance to State and local governments. I and a number of other Senators supported the proposal of the House Ways and Means Committee to provide a Federal interest subsidy to State and local governments willing to forgo the privilege of issuing tax exempt bonds. Unfortunately, the merits of this proposal were lost in the storm of criticism that met other provisions in the House bill, which would have imposed a direct Federal tax on previously tax exempt State and local obligations. I therefore welcome the new approach to financing health facilities that Senator DOMINICK is proposing. As I have already indicated, my only reservation is that we in Congress are now tending to create a problem caused by the proliferation of Federal agency bonds to support desirable public services. We have given too little attention to the implications of these new methods of financing on the overall Federal budget and on other Federal programs. I am hopeful, therefore, that Congress will see fit to conduct a general study of this problem, so that we may have the advantage of a coordinated approach to these problems wherever they exist.

In another major series of provisions, the bill provides new incentives for the development of a wide range of innovative health facilities and programs. It establishes a special program of project grants for the construction and modernization of emergency rooms in general hospitals, including the development of modern transportation systems and communication systems for use in connection with the emergency facilities.

In addition, the bill creates a series of new provisions to encourage the development of outpatient facilities. These facilities have enormous potential for bringing better preventive care to our citizens, and thereby easing the heavy burden we currently place on our acute care facilities. A highly significant project of this type has already been launched by Boston City Hospital. The bill also provides new incentives for projects which seek to reduce the cost of health care through the use of shared facilities and free-standing outpatient care facilities, including neighborhood health centers.

Finally, the bill provides substantially increased Federal funding for health projects in urban and rural poverty areas. One of the greatest tragedies of our vaunted health system in America is the inadequate health care we provide for our citizens who live in poverty. We know that the sickness of the poor is the shame of America, but for too long

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we have closed our eyes to this critical problem. In cities like Boston and throughout the Nation, the only "doctor" known to millions of the Nation's poor is the cold and delapidated emergency room of the urban municipal hospital.

Now, at last, in major health bills like Hill-Burton, Congress is finally facing up to its responsibility in many basic areas, and I am hopeful that our State and local governments will join us in a new partnership to end our long neglect of these vital problems.

Mr. President, before concluding, I wish to commend the distinguished chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare (Mr. Yarborough) for the extraordinary work he has done on this major piece of health legislation. I think all of us are aware of the enormous demands that have been placed upon our hospitals and medical centers throughout the country in recent times. There have been great efforts by many medical personnel and administrators to amend the formula for allocating construction to include the element of need. This matter, of course, has been worked out today in a satisfactory way. I think the chairman is to be commended.

Our good friends on the other side of the aisle have also provided very valuable help and assistance on this question. This is an extremely important and significant piece of health legislation. One of the greatest social needs we face in this country is to provide assistance and help to our hospitals and other health facilities in all parts of the country. This measure will make an extremely helpful contribution to meet that need.

I extend my commendation to the chairman of the Subcommittee on Health (Mr. Yarborough) for his fine work.

Mr. YARBOROUGH. Mr. President, I commend the Senator from Massachusetts for his statement. I concur with him that this is one of the most important health measures that Congress has had before it. This is an extension of the Hill-Burton Act. This is the biggest hospital construction act ever to be passed by Congress. Many of the features have been extended for 5 years, and there is a provision for 6 years in connection with the loan guarantee program. This is a $5 billion program, at $1 billion a year spread between grants, direct loans, and guarantees. In addition, we have the amendment, which was worked over in committee and offered on the floor of the Senate.

In total, we have a bill for grants and authorizations that will cover some $6 billion in grants, loans, and guarantees over the next 5 years for the construction and modernization of hospitals and outpatient clinics. We have treated renovations and the building of new hospitals in a different way than in the past. We think this will release more money than has been used in the past and that it will be a stimulus to the needs of hospitals and outpatient clinics and in the renovation of hospitals.

The Senator from Massachusetts, in his able and perceptive explanation, mentioned the hospital in Boston. I had visited that hospital in his State at his invitation in my capacity as chairman of the subcommittee. I commend him, as a member of the committee, for the great work he has done in connection with every one of these measures. He has been active in connection with each of them. We have had a number of measures this year, including the migratory health bill, the rubella bill, the bill for vaccination or inoculation for German measles, and other bills that have been passed by the Senate but not passed by the House. We hope the House will move on them soon.

Mr. President, there is a great need in this Nation for this type of bill. This need has been noted throughout the country, including a feature article in the Wall Street Journal. This is a health bill of far-reaching consequences in an area of great need, where we have a great shortage of hospital beds.

I wish to thank the distinguished Senator from Colorado (Mr. Dominick), the ranking minority member on the Subcommittee on Health, for the great work he has done on this bill. This has been a bipartisan effort, as shown by the way we were able to work out the amendments in harmony, in order to give hospitalization to the people of this country.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. Mr. President, I wish to underline the observation made by the chairman of the committee. On these health measures we have had genuine bipartisan support. I think the work and contribution of the Senator from Colorado (Mr. Dominick) in connection with his amendments has been extremely significant, useful, and important.

The assistance of the Senator from New York (Mr. Javits) in developing an alternative to the formula which all of us could embrace deserves mention. I think we are realistic enough to know that when you begin to change a formula that affects each State, it is difficult to reach conclusions which are fair and equitable.

I think it is a tribute to our Republican friends that we have been able to develop this piece of landmark legislation. It is also a great tribute to the chairmanship of the Senator from Texas, because it is due to his leadership that we have been able to achieve such remarkable progress.

I appreciate the comments of the Senator from Texas.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. Mr. President, I wish to join the Senator from Massachusetts in congratulating the Senator from Texas on his management of the bill. I know it has not been easy in the circumstances in which he finds himself, to get through the hearings, and then to the floor of the Senate, and to get amendments worked out as well as they have been worked out.

I wish to take this opportunity to congratulate and thank the staff on both the minority side and the majority side. I think they have done a fine and excellent job on this matter. Certainly I know that without them it would have been almost impossible for us, as Senators, to work out details on the suggestions that have been made for amendments.

Again let me join with the Senator from Texas in saying I think this is an extremely important bill and I think it has great merit. We are going to have some struggle in the conference with the House in getting the Senate position adopted, but it would seem to me there is enough flexibility still left in our bill, and certainly on the House side for a change, to be able to work out something that will be helpful to all of us.

If I may once again, I should like to end by expressing my thanks to the staff and to the Senator from Texas for his cooperation.

Mr. YARBOROUGH. I thank the Senator from Colorado. I join him in commending the staff. I think both the majority and minority staff members have been of inestimable value in working out this bill, particularly the general counsel of the Committee on Labor and Public Welfare, Mr. Jack Forsythe, who makes health bills his special field of work. He is not only general counsel for the committee, but also counsel for the subcommittee in addition.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask for the yeas and nays on the question of passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Nelson). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from New Jersey (Mr. Williams), and the Senator from Ohio (Mr. Young), are necessarily absent.

I further announce that the Senator from Missouri (Mr. Eagleton), the Senator from Tennessee (Mr. Gore), the Senator from Washington (Mr. Magnuson), and the Senator from Rhode Island (Mr. Pell) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from New Jersey (Mr. Williams), the Senator from Ohio (Mr. Young), the Senator from Missouri (Mr. Eagleton), the Senator from Tennessee (Mr. Gore), the Senator from Washington (Mr. Magnuson), and the Senator from Rhode Island (Mr. Pell), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Idaho (Mr. Jordan) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Alaska (Mr. Stevens) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from New York (Mr. Javits), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy), the Senator from Idaho (Mr. Jordan) and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 116 Leg.]

YEAS—79

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—0

NOT VOTING—21

Anderson
Bennett
Burdick
Eagleton
Goldwater
Goodell
Gore
Harris
Hughes
Javits
Jordan, Idaho
Magnuson
McCarthy
Mundt
Pell
Percy
Ribicoff
Russell
Stevens
Williams, N.J.
Young, Ohio

So the bill (H.R. 11102) was passed.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended.

Mr. MANSFIELD. Mr. President, the expert and expeditious handling of the measure extending the all-important Hill-Burton program can be attributed solely to the distinguished chairman of the Senate Labor and Public Welfare Committee, the senior Senator from Texas (Mr. Yarborough). Senator Yarborough once again demonstrated his expertise in successfully guiding this extremely important bill. Its unanimous adoption by the Senate speaks well for his great legislative skill. May I say that no Member of this body exceeds Senator Yarborough when it comes to asserting effective legislative ability. The Senate and the entire Nation is in his debt.

Joining Senator Yarborough in offering a meaningful and worthwhile presentation of this measure was the distinguished Senator from Colorado (Mr. Dominick). His knowledge of the needs and resources in this vital area are well known. He deserves our heartfelt commendation for his assistance in bringing his always thoughtful views and cooperation to the Senate.

Both Senator Kennedy and Senator Saxbe are also to be commended for their contributions to the discussion. Senator Saxbe, on behalf of Senator Javits, presented thorough and helpful views and offered most important amendments.

The Senate as a whole is to be commended for the swift but thorough manner in which it disposed of this measure. I am deeply grateful.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2363) to confer U.S. citizenship posthumously upon L.Cpl. Andre L. Knoppert.

The message also announced that the House insisted upon its amendment to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Celler, Mr. Rodino, Mr. Rogers of Colorado, Mr. McCulloch, and Mr. Poff were appointed managers on the part of the House at the conference.

EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 755, H.R. 14705.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows: A bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, line 4, after the word "of", strike out "1969" and insert "1970"; in line 8, after "Sec. 101.", strike out "Definition of Employer", and insert "Conforming Amendment"; after line 9, strike out:

(a) Section 3306(a) of the Internal Revenue Code of 1954 is amended to read as follows:

"(a) Employer. For purposes of this chapter, the term 'employer' means, with respect to any calendar year, any person who—

"(1) during any calendar quarter in the calendar year or the preceding calendar year paid wages of $800 or more, or

"(2) on each of some 20 days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one individual in employment for some portion of the day."

(b) (1) Section 6157(a) (1) of such Code (relating to payment of Federal unemployment tax on quarterly or other time period basis) is amended to read as follows:

"(1) if the person—

"(A) during any calendar quarter in the preceding calendar year paid wages of $800 or more, or

"(B) on each of some 20 days during the preceding calendar year, each day being in a different calendar week, employed at least one individual in employment,

compute the tax imposed by section 3301 for each of the first three calendar quarters in the calendar year, and".

On page 3, at the beginning of line 1, strike out "(2)" and insert "(a)"; after line 5, strike out:

(c) (1) The amendments made by subsections (a) and (b) (1) shall apply with respect to calendar years beginning after December 31, 1971.

At the beginning of line 9, strike out "(2)" and insert "(b)"; in the same line, after the word "subsection", strike out "(b) (2)" and insert "(a)"; on page 4, line 3, after "Sec. 103." strike out "Definition Of" and insert "Agricultural Labor"; after line 17, strike out:

(b) The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 1971, for services performed after such date.

After the amendment just above stated, insert:

(b) (1) Section 3306(c) (1) of such Code is amended to read as follows:

"(1) agricultural labor (as defined in subsection (k)) unless performed in the employ of a person (other than a crew leader as defined in section 3121(o)) who during the calendar year or preceding calendar year had 8 or more individuals in his employ to perform services which constitute agricultural labor (as so defined) during each of at least 26 calendar weeks;". (2) Section 3306(b) of such Code is amended—

(A) by striking out "or" at the end of paragraph (9);

(B) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and

(C) by adding after paragraph (10) the following new paragraph:

"(11) remuneration paid in any medium other than cash for agricultural labor.".

(c) The second sentence of section 3121(o) of such Code is amended by striking out "this chapter and chapter 2" and inserting in lieu thereof "this chapter, chapter 2, and chapter 23".

(d) The amendments made by subsection (a) and subsection (b)(2) shall apply with respect to remuneration paid after December 31, 1971, for services performed after such date; and the amendments made by subsection (b)(1) and subsection (c) shall apply with respect to services performed after December 31, 1971.

On page 6, line 7, after the word "paragraph", strike out "(12)" and insert "(13)"; in line 13, the word "law;" strike out "except that, with respect to service for an institution of higher education to which section 3309(a)(1) applies, the State law may provide the extent to which compensation based on such service shall not be payable for the period from the end of the institution's regular spring semester, quarter, or other term until the beginning of the institution's next regular fall semester, quarter, or other term, and" and, in lieu thereof, insert "except that, with respect to service in an instructional, research, or principal administrative capacity for an institution of higher education to which section 3309(a)(1) applies, compensation shall not be payable based on such service for any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such period) to any individual who has a contract to perform services in any such capacity for any institution or institutions of higher education for both of such academic years or both of such terms, and"; on page 9, after line 10, strike out:

"(4) in the case of an institution of higher education, by an individual employed in an instructional, research, or principal administrative capacity;

"(5) in a facility conducted for the purpose of carrying out a program of—

"(A) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

"(B) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

And, in lieu thereof, insert:

"(4) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, by an individual receiving such rehabilitation;

On page 10, at the beginning of line 5, strike out "(6)" and insert "(5)"; at the beginning of line 10, strike out "(7)" and insert "(6)"; on page 13, line 8, after "(d)", strike out "The" and insert "(1) Subject to the provisions of paragraph (2), the"; after line 13, insert:

(2) Section 3304(a)(6) of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) shall not be a requirement for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971.

On page 14, line 17, after the word "compensation", insert "or in the Virgin Islands"; on page 17, after line 5, insert a new section, as follows:

SEC. 106. COVERAGE OF EMPLOYEES OF HOSPITALS AND INSTITUTIONS OF HIGHER EDUCATION OPERATED BY POLITICAL SUBDIVISIONS OF STATES

(a) Section 3304(a) of the Internal Revenue Code of 1954 (as amended by sections 104, 121(a), and 206 of this Act) is further amended by adding after paragraph (11) (as added by section 206 of this Act) the following new paragraph:

"(12) each political subdivision of the State shall have the right to elect to have compensation payable to employees thereof (whose services are not otherwise subject to such law) based on service performed by such employees in the hospitals and institutions of higher education (as defined in section 3309(d)) operated by such political subivision; and, if any such political subdivision does elect to have compensation payable to such employees thereof (A) the political subdivision shall pay into the State unemployment fund, with respect to the service of such employees, payments (in lieu of contributions), and (B) such employees will (except to the extent otherwise provided in paragraph (6)(A) in the case of employees in an instructional, research, or principal administrative capacity) be entitled to receive, on the basis of such service, compensation payable on the same basis, in the same amount, on the same terms, and subject to the same conditions as compensation which is payable on the basis of other service subject to such law;".

(b) The amendments made by subsection (a) shall apply with respect to certifications of State laws for 1972 and subsequent years; except that section 3304(a)(12) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not be a requirement for the State law of any State prior to January 1, 1975, if compliance with such requirement would necessitate a change in the constitution of such State.

On page 20, line 13, after "(b)", strike out "The" and insert "(1) Subject to the provisions of paragraph (2), the"; after line 16, insert:

(2) Paragraphs (7) through (10) of section 3304(a) of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) shall not be requirements for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971.

On page 28, at the beginning of line 11, strike out "with first attention to domestic workers in private households."; in line 17, after "30," strike out "1970" and insert "1971"; on page 29, at the beginning of line 6, strike out "training programs and courses for persons occupying or preparing to occupy positions" and insert "programs and courses designed to train individuals to prepare them, or improve their qualifications, for service"; on page 30, line 23, after "30," strike out "1970" and insert "1971"; on page 32, line 2, after "30," strike out "1970" and insert "1971"; on page 35, line 9, after the word "contains", strike out "the provisions specified in paragraphs (6), (7), (8), (9), (10), and (11) of subsection (a)"; and insert "each of the provisions required by reason of the enactment of the Employment Security Amendments of 1970 to be included therein,"; on page 36, line 15, after the word "of", strike out "1969" and insert "1970"; on page 46, line 12, after the word "of", strike out "1969" and insert "1970"; on page 47, line 12, after "(c)", strike out "Section 3304(a)(11) of the Internal Revenue Code of 1954 (as added by section 206) shall not be a requirement for State laws with respect to any week of unemployment beginning before January 1, 1972" and, in lieu thereof, insert "Section 3304(a)(11) of the Internal Revenue Code of 1954 (as added by section 206) shall not be a requirement for the State law of any State—

"(1) in the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1971, with respect to any week of unemployment which begins prior to July 1, 1972; or

"(2) in the case of any other State, with respect to any week of unemployment which begins prior to January 1, 1972"; on page 48, at the beginning of line 3, insert "(a)"; after line 13, insert:

(b) For purposes of section 6157 of the Internal Revenue Code of 1954 (relating to payment of Federal unemployment tax on quarterly or other time period basis), in computing tax as required by subsections (a)(1) and (2) of such section, the percentage contained in subsection (b) of such section applicable with respect to wages paid in any calendar quarter in 1970 ending before the date of the enactment of this Act shall be treated as being 0.4 percent.

On page 49, line 25, after the word "section", strike out "2012" and insert "2003"; on page 50, line 11, after "(iv)", strike out "subchapter II of"; in line 12, after the word 'section", strike out "2012" and insert "2003)"; in line 13, after the word "States" strike out "Code)" and insert "Code,"; on page 54, at the beginning of line 24, insert "Sec. 902."; on page 56, at the beginning of line 25, strike out "April" and insert "July"; on page 58, line 21, after the word "of", strike out "1969" and insert "1970"; on page 59, line 4, after the word "of", strike out "1969" and insert "1970"; and after line 14, insert:

(b) Section 903a()(1) of the Social Security Act is amended to read as follows: "(1) If as of the close of any fiscal year after the fiscal year ending June 30, 1972, the amount in the extended unemployment compensation account has reached the limit provided in section 905(b)(2) and the amount in the Federal unemployment account has reached the limit provided in section 902(a) and all advances pursuant to section 905(d) and section 1203 have been repaid, and there remains in the employment security administration account any amount over the amount provided in section 901(f)(3)(A), such excess amount, except as provided in subsection (b), shall be transferred (as of the beginning of the succeeding fiscal year) to the accounts of the States in the Unemployment Trust Fund."

Mr. LONG. Mr. President, first, I should like to ask that the distinguished Senator from Minnesota (Mr. MCCARTHY) be notified that the bill is now before the Senate. I would also like to ask that the distinguished Senator from Connecticut (Mr. RIBICOFF) be notified that the bill is now before the Senate, because those two Senators might be interested in offering amendments to the bill. Any other Senator who may have a par-

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ticular interest in it should also be notified.

Mr. President, this is a rather significant bill and I hope that if Senators care to offer amendments they will do so tonight, so that we may proceed to a vote on them and move expeditiously with this measure.

The bill before us today, if enacted, will represent the most significant legislation to amend the unemployment compensation program since its enactment in 1935 as part of the Social Security Act. Senators will recall that similar legislation was approved by both House and Senate in 1966, but was not enacted into law because of the inability of both houses to resolve their differences in conference.

The bill before us today would extend the coverage of the unemployment compensation program to more than 4 million additional jobs; establish a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improve the financing of the program; and make other changes to strengthen the Federal-State unemployment compensation system.

The bill is a good one—it does not go as far as some persons would like, and it goes further than others would like, but on the whole it represents a reasonable compromise supported by virtually every witness testifying before the Committee on Finance.

The bill was given careful and thorough consideration by the committee. Three days of hearings were held in March, involving 368 pages of testimony, in addition to the extensive work done in connection with unemployment compensation in 1966.

Now, Mr. President, I would like to highlight some of the major features of the committee bill.

COVERAGE

About 58 million jobs today are protected by our unemployment compensation system. About one-half of the 16.6 million jobs not now covered are in State and local governments. Most of these jobs would not be affected by the committee bill. The bill would, however, extend coverage to up to 4.4 million of the 16.6 million jobs not covered under present law.

It might be well to point out that if one excludes from the area of coverage State and local government, the bill then extends coverage to about one-half of those who are presently left out.

So the bill does go a long way toward providing coverage to those who are not now covered.

Employees of nonprofit organizations represent the largest single group affected by the committee bill. Under the bill, States would be required to extend coverage to 2.2 million jobs in nonprofit organizations. The bill does not require extension of coverage to all jobs in nonprofit organizations. First, nonprofit organizations would need to be covered only if they employed four or more persons in 20 weeks during the year. In addition, coverage would not have to be extended to the employees of a church or religious organization, to clergymen or members of religious orders, to elementary and secondary schools, to handicapped individuals receiving rehabilitation, to individuals receiving Government-assisted work relief and work training, or to inmates of correctional institutions employed in a hospital connected with the institution.

About five-sixths of the 2.2 million jobs covered in nonprofit organizations are in hospitals and institutions of higher education. The bill also requires that States provide unemployment insurance coverage to 940,000 jobs in State hospitals and institutions of higher education. The Committee on Finance added an amendment to the House bill requiring States to permit the employees of a county or municipal hospital or institution of higher education to be covered, at the option of the governmental unit, under an agreement to make payments in lieu of taxes. Up to 436,000 jobs are affected by this committee amendment.

In its provisions requiring extension of coverage to employees of nonprofit organizations, the House bill specifically excluded clients of sheltered workshops. The committee deleted this exclusion because we felt it appropriate and desirable to extend coverage to clients of sheltered workshops if they become unemployed.

The House bill also excluded faculty, research, and administrative personnel in institutions of higher education from its coverage requirements. The committee bill deletes the exclusion, but contains an additional provision to assure in Federal law that these additional employees are not to be considered unemployed if they have a contract to resume work after the summer vacation.

The committee bill, like the House bill, extends coverage to 190,000 agricultural processing workers. In addition, however, the committee bill extends coverage for the first time to employees of large farms. Under the committee amendment, farm employers who have eight or more employees in each of 26 different weeks during the year would be brought under the program and their employees would become eligible for unemployment compensation benefits. The committee amendment is intended to extend coverage to those large farms which most nearly present a stable year-round employment situation comparable to that of business and industry. The provision would not affect the typical family farm or a farm employing more than eight workers for only a brief harvesting season.

The committee felt it desirable to limit the newly provided coverage so that we may gain administrative and cost experience before considering extension of coverage. Thus the committee bill would exclude the employees of a crew leader from coverage under Federal law, even if the crew leader had eight or more employees in at least 26 weeks. The committee wished to limit the provision to those agricultural employees whose employment experience most closely resembles that of industrial employees; coverage of migratory labor might well present difficult administrative problems, and it might prove costly.

Even though the committee bill would affect only 2 percent of farm employers in the Nation, it would extend coverage to almost one-fifth of agricultural employees.

The committee bill, like the House bill, extends coverage to 210,000 additional jobs by amending the definition of "employee" to bring it closer to the definition used in the social security program. Under this provision, coverage would be extended to traveling and city salesmen, and agent and commission drivers engaged in the distribution of certain products. Another modification in the definition of employment in both the committee bill and the House bill would provide coverage under Federal law for the first time to 160,000 U.S. citizens employed abroad by American employers. Employment in Canada would be excluded, since reciprocal arrangements already exist with that country.

The committee deleted a provision of the House bill which would have required all States to cover employees of small firms—those which employ one or more employees in each of 20 weeks or which pay wages of $800 or more in a quarter. The effect of the committee amendment would be to retain the text of present law, which applies only to employers who have four or more workers in their employ during 20 weeks of the year.

The committee felt that the House provision would add a substantial burden of additional tax expenses and bookkeeping costs to small retailers. In addition, many employees of small firms are part-time workers who would not be able to qualify for unemployment benefits. Twenty-eight States already cover firms smaller than required by Federal law, covering 1.4 million workers. The committee felt that coverage of these small firms and their employees should continue to be left to the judgment of State legislators.

PROVISIONS REQUIRED TO BE INCLUDED IN STATE LAWS

The committee accepted the provisions of the House bill imposing four new requirements on State unemployment compensation laws.

First, State laws would have to prohibit the so-called "double-dip" which in some States allows a worker to draw benefits in 2 successive benefit years following a single separation from work.

Second, a State could not deny compensation to a worker undergoing training with the approval of the State agency.

Third, States would not be permitted to deny or reduce benefits because a claimant lives or files a claim in another State or in Canada. States would have to participate in arrangements for combining wage credits in order to assure the prompt and full payment of compensation in such situations.

Fourth, though nothing in the bill would affect the State's right to disqualify an individual from receiving his benefits if he voluntarily quit his job, the bill would prevent a State from wiping out entirely his wage credits, which he might use at some later time if he qualified for benefits.

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FEDERAL-STATE EXTENDED BENEFIT PROGRAM

The committee bill, like the House bill, would establish a new permanent program to pay extended benefits during periods of high unemployment to workers who exhaust their basic entitlement to regular unemployment compensation. These extended benefits would be paid workers for not more than 13 weeks, and only during an "extended benefit" period. Such a period would exist on either a national or State basis beginning in 1972 if unemployment rises above a particular point defined in the bill. States would have to enact suitable legislation by 1972.

Though States would not be required to have an extended benefit program until 1972, the bill makes special provision permitting a State to adopt a program, with Federal matching, before 1972. Any State whose unemployment has risen above the level specified in the bill could legislate an extended benefit period between 2 months after enactment of this bill and January 1, 1972. If the bill were to become law in May of this year, an interim period of 17 months could be covered by the State.

The Federal Government and the States would share equally in the extended benefit program costs, both after January 1, 1972, and in any State program established before that time.

FINANCING

Under present law, employers pay a net Federal tax of 0.4 percent on the first $3,000 paid employees during a calendar year. The committee bill, like the House bill, would increase the net Federal tax rate from 0.4 percent to 0.5 percent beginning with wages paid in the current calendar year. The taxable wage base would be increased from $3,000 to $4,200 beginning with calendar year 1972.

OTHER PROVISIONS

There are a number of other provisions in the bill, Mr. President, which provide for judicial review of the Secretary of Labor's decisions and which strengthen Federal and State administration of the unemployment compensation program.

I refer my colleagues to the appropriate sections of the committee report for detailed information about these provisions.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that they be regarded as original text for the purpose of amendment, reserving the right of any Senator to amend in both the second and first degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 575

Mr. WILLIAMS of Delaware. Mr. President, I call up amendment No. 575.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD is as follows:

At the proper place insert the following new section:

SEC. . (a) Section 22A(b)(1) of the Second Liberty Bond Act (31 U.S.C. 757c–2) is amended to read as follows:

"(b)(1) Retirement and savings bonds shall be issued only on a discount basis, and shall mature either ten years or twenty years from the date as of which issued, as the terms thereof may provide. Such bonds shall be sold at such price or prices and shall be redeemable before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe, except that the issue price of such bonds, and the terms upon which they may be redeemed at maturity, shall be such as to afford an investment yield of 6 per centum per annum, compounded semiannually. The denominations of such bonds shall be such as the Secretary of the Treasury may from time to time determine and shall be expressed in terms of their maturity values. Not more than $3,000 in maturity value of such bonds issued in any one year may be held by any one person at any one time."

(b) Notwithstanding any provision of subsection (a) of section 22A of the Second Liberty Bond Act, the Secretary of the Treasury shall, beginning not later than July 1, 1970, issue United States retirement and savings bonds authorized by section 22A of such Act in such amounts (subject to the limitations imposed by section 21 of such Act) as may be necessary to permit individuals to purchase such bonds in the amounts permitted under subsection (b)(1) of section 22A of such Act (as amended by subsection (a) of this section).

Mr. WILLIAMS of Delaware. Mr. President, the purpose of this amendment is to establish a new type of savings bond which will be sold on a discount basis, with maturity dates of either 10 years or 20 years from the date of issuance. The bonds would bear interest at the rate of 6 percent compounded semiannually.

Under the existing law series E bonds pay 5 percent interest. Yet large investors can buy a regular Government bond with the same maturity bearing interest of 7¾ percent. At one time Government bonds were bearing 8¼ percent interest; but these latter bonds were not available in denominations below $1,000 and in some instances the minimum is $10,000.

It is my contention that small investors are entitled to higher interest rates than they are getting now.

This proposal would not interfere with the sale of series E bonds, which are limited to $10,000. A man and his wife could buy $20,000 worth of those series E bonds. They could continue to do that even if this amendment were enacted. It does not interfere with that issue of savings bonds, but the proposal in this amendment sets up a new type of bond which would be available in amounts up to a par value of $3,000 a year. It means that no individual could buy more than $3,000 of these two issues of bonds; that is, $3,000 of the 10-year bonds and $3,000 par value of the 20-year bonds.

On a discount basis a 10-year bond with a par value of $100 would be priced at around $55, and a 20-year bond with a par value of $100 would be priced at $31 to $32.

Thus, the total investment that any one individual could make in these two types of bonds would be less than $2,700 a year, which clearly confines it to the very small investors.

I have said I would have no objection if the amount were lowered as long as we protected the very small investor, but it does not seem fair to me that small investors are being asked on the basis of patriotism to buy Series E bonds at 5 percent interest rates, while at the same time a man with a minimum of $10,000 can today get 8 percent interest if he holds a Government bond of similar maturity; or he can buy outstanding bonds which are listed on the Exchange which are still being sold in denominations of $1,000.

It boils down to the point that if a man has $1,000 he can get 7 to 7½ percent. If he has $10,000 he can get 8 percent, but if he has only $100 or $500 he can get only 5 percent from the Government.

That is completely in reverse of the principle established many years ago when we paid the small investor one-quarter percent to one-half percent more than was being paid to large investors. I think the time is long overdue when we should reverse this procedure.

As I stated, these bonds would be limited to investors in amounts not to exceed $3,000 worth of each issue of bonds a year, which would confine that investment to the very small investor.

I do not see how in the interest of fairness anyone can object to this proposal. It is not a question of whether or not we like high interest rates. We already have high interest rates. A man with a substantial amount of money can invest and get high interest rates. The only man being denied the benefit of high interest rates is the very small investor.

I do not see how any Member of the Senate could oppose a proposal such as this. I think it is long overdue. In the interest of fairness this amendment should be adopted by the Senate.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. May I associate myself with the eloquent and well-reasoned remarks of the Senator from Delaware, who is one of the, if not the, country's foremost authorities on the fiscal integrity of the United States.

This is a field in which we should now direct our attention to a specific inequity which resulted not by prearrangement but because of the extraordinary performance of the money market and the cost of credit in the United States in the last several years.

As I have traveled around the country, it has distressed me to see advertisements by savings and loan institution, commercial banks, and other institutions offering interest on Golden Passbook Savings and a variety of deposits that run 5, 6, 7, and sometimes more than 7 percent for the very large investor. I recall one advertisement on the west coast, if my memory serves me correctly, which guaranteed 7½ percent on certificates of deposit in denominations of no less than $1,000.

The point is, as the Senator from Delaware has stated, that the small saver and small investor in the United States is not a party to the high rates of interest received. Savings bonds and Government bonds are the exact place where that opportunity should be offered to the small investor.

I commend the Senator from Delaware for his proposal. I support it.

Mr. WILLIAMS of Delaware. I thank the Senator.

Another point that should be made is that under existing law, while the small investor is getting the small rates of interest he usually pays the high interest rates under any system because he often borrows from finance companies.

XUM

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Does the Senator desire the yeas and nays on his amendment?

Mr. WILLIAMS of Delaware. Yes.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I want to point out one other strong argument in favor of this amendment. As the Senator from Tennessee pointed out, we cannot say enough about this amendment in the interest of fairness, but I want to emphasize another argument. We are confronted with a serious inflation today. Inflation is a serious threat in this country. We are seeing substantial wage increases at all levels of industry and government. If we could initiate a realistic and attractive savings bond program for small savers we could siphon into savings much of this money now going into the consumer spending stream of America. This would be one of the greatest benefits we could get from such a savings bond program. That argument alone makes this a more attractive savings bond program.

Under this proposed program, conceivably a man could buy one $100 10-year bond and one $100 20-year bond each month by having about $87 to $87.50 a month deducted from his salary. If he continued to buy these for 10 years, beginning in 10 years, as those bond matured, he would, as he cashed them, increase his income by $100 per month for a 20-year period. Such a program could be utilized by an individual to increase his retirement income. That is why they are called retirement bonds and savings bonds. I think it is long past the time when we encourage individuals who are 45 and 55 years of age to lay aside something for their retirement which would be a supplement for their social security or retirement payments.

Any one of these arguments would justify support of my proposal. While we do not have a letter either opposing or supporting this amendment I feel confident the administration itself would support it.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. I would like to associate myself with the remarks of the distinguished Senator from Delaware. I think he has touched on a very valid reason for supporting the amendment, which is the fact that it is anti-inflationary. As he has pointed out, this is the sort of spendable income more than any other source that contributes substantially to inflationary pressures. If we could give greater encouragement for people to make investments in savings bonds, in small amounts, it would serve two useful purposes to our Government: First, it would help finance the Government, and, second, we would take money out of the spending stream which would do much to relieve pressures which are already of such concern to us.

So, in paying the small extra amount of interest that the Senator from Delaware has proposed be paid under his amendment, we will give encouragement that will put less pressure on our economy and thereby return a significant benefit to all the people, particularly those on fixed incomes, those on pensions, those on annuities, whatever the case may be, even those on social security.

If we can reduce the total buying pressure that is applied through the dollars that go into the marketplace, then we will be helping those very persons whose concerns should be uppermost in our minds.

I am proud to associate myself with the remarks of the distinguished senior Senator from Delaware. I support the amendment.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. In just a moment.

I point out, Mr. President, that we have a nationwide savings bond program operating under the Treasury Department, and its personnel throughout the country are drawing salaries all the way from $10,000 for the lower-grade clerks up to $28,000 a year—this for selling these low-yielding series E bonds to the people. Congress, in raising salaries over the years, has increased their salaries substantially. I do not think that, as a government, we can condone having these high-paid employees promoting a savings bond program which they themselves will admit is not fair today and cannot be justified by anyone. I do not think anyone in the Government will attempt to justify the low rate of 5 percent interest being paid to these small savers.

I think this is a long overdue correction, and I certainly hope it will be approved.

I yield to the Senator from California.

Mr. MURPHY. I thank my distinguished colleague. I should like to say that, as always, the suggestion made by the distinguished Senator from Delaware makes absolute, complete good sense. It is something that should have been done long ago. The reasons why it should be done now the Senator has expressed far better than I could express them, and I heartily endorse his proposal, and associate myself once again with an effort of my distinguished colleague from Delaware who has through the years performed such great service to this Nation in these particular areas, as well as other areas concerning the general welfare.

Mr. WILLIAMS of Delaware. I thank my colleague.

Yes, I strongly recommend this as a measure to combat inflation as well as a step toward equity. I say this as one who a year or two ago was a sponsor of the measure which initiated the 10-percent surtax on the basis that we needed the revenue and that at the same time it would siphon some of the money out of the spending stream by paying a greater percentage of the cost of operating the Government.

The Government is borrowing money on which to operate today. Much of it is short-term money, and we are paying as high as 8-percent interest. But here is an opportunity to borrow money at 6-percent interest, on a 10-to-20 year basis at a time when we are paying substantially higher interest on larger amounts.

It can be argued, "Why not raise this yield beyond the 6 percent?" I think the 6 percent is adequate, because there is an advantage which the man buying these savings bonds has that the larger bond buyer does not have; and that is, that the savings bond buyer will receive tax deferment on the interest accumulated until they mature 10 or 20 years hence. That would offset some of the discrepancy between the 6-percent bond and the 7½ or 7¾ percent received by the larger investor.

It has a further advantage in that at all times, just as in the case of series E bonds, the principal is 100 percent protected, and the investor can always get his principal plus some interest back. Those advantages would be perpetuated under this new type of bond.

This 6 percent is no more than fair, and I think it would be one of the most important steps we could take to combat the inflationary spiral.

Mr. President, I am ready to yield at this point and vote on the measure.

Mr. LONG. Mr. President, the Senator has offered amendments of this sort to major revenue bills in previous Congresses. I have opposed them and I have been voted down, and I have dutifully gone to the House of Representatives and asked the House to accept the Senate amendments on such occasions. I remain pretty much of the same opinion as in the past; and I believe the RECORD will fully reflect the reasons why I have felt that this type of amendment should not be agreed to.

However, in view of the fact that the Senate agreed to this type of amendment on other occasions, I do not feel that there is any purpose to be served by engaging in any extended debate of the matter.

So, with a mild protest, I am prepared to permit the matter to come to a vote.

Mr. WILLIAMS of Delaware. I am ready to vote.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I anounce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. GORE), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Idaho (Mr. JORDAN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Kentucky (Mr. COOK and Mr. COOPER), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 71, nays 4, as follows:

[No. 117 Leg.]

YEAS—71

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cotton
Cranston
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—4

Long
McCarthy
McGovern
Nelson

NOT VOTING—25

Anderson
Bennett
Burdick
Cook
Cooper
Curtis
Eastland
Goodell
Gore
Harris
Hruska
Hughes
Javits
Jordan, Idaho
Magnuson
Mundt
Pell
Percy
Ribicoff
Russell
Saxbe
Stennis
Talmadge
Williams, N.J.
Young, Ohio

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. LONG. Mr. President, I should like to announce that it is the plan to have further rollcall votes today. I hope that Senators will stay here, because we hope to abbreviate debate on amendments and we hope to vote on the bill this evening.

Mr. SPARKMAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Alabama proposes an amendment, at the appropriate place, insert the following:

SEC. —. (a) Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c) (relating to exempted securities) is amended by adding at the end of paragraph (2) the following: "or any security consisting of an obligation evidenced by any bond, note, debenture, or other evidence of indebtedness issued by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, which is payable from payments to be made in respect of property or money which is or will be used, under a lease, sale, or loan arrangement, by or for industrial or commercial enterprise, if under section 103(c) of the Internal Revenue Code of 1954 (exclusive of section 103(c)(7) thereof) gross income does not include interest on such bond, note, debenture, or other evidence of indebtedness;".

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security consisting of an obligation evidenced by any bond, note, debenture, or other evidence of indebtedness issued by any one of the foregoing governmental units which is payable from payments to be made in respect of property or money which is or will be used, under a lease, sale, or loan arrangement, by or for industrial or commercial enterprise, if under section 103 of the Internal Revenue Code of 1954 (exclusive of section 103(c)(7) thereof) gross income does not include interest on such bond, note, debenture, or other evidence of indebtedness;".

(c) The amendments made by this section shall apply with respect to securities consisting of obligations evidenced by any bonds, notes, debentures, or other evidences of indebtedness sold after January 1, of 1967.

Mr. SPARKMAN. Mr. President, this amendment is offered on behalf of myself and my colleague (Mr. ALLEN), as well as my good neighbor, the Senator from Tennessee (Mr. BAKER).

This is an amendment that we offered back when the tax reform bill was up. It was accepted in the Senate and taken to conference, but the conference did not agree on the amendment itself, but did agree that since it was something that they thought could be handled administratively, they would refer the matter to the Securities and Exchange Commission. That was done.

The amendment has to do with local development funds. We exempted the local development funds from taxation up to a maximum of $5 million. Then, after that was done, it was our thought and I believe our understanding that consideration by the Internal Revenue Service and approval by the Internal Revenue Service would be all that was required; but following that, the Securities and Exchange Commission came in administratively and took over the matter of certifying or approving the bonds.

Now, Mr. President, the amount is usually so small that it is simply not economical for the smaller communities to go through the Securities and Exchange Commission. In addition to that, there is a long, drawn out wait, redtape, and costly proceedings. The matter was taken up with the Securities and Exchange Commission, following the report by the conference committee, and then Chairman Budge of the Securities and Exchange Commission wrote a letter in which he recognized the difficulties that we had pointed out; but he did not feel he could withdraw the requirement for certification.

I believe that he has indicated and did say, if I recall it correctly, that it was a matter for legislative action. That being the case, we thought that the proper thing to do would be to reoffer it in order to seek the legislative action that the chairman referred to in his letter.

Mr. BAKER. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. BAKER. I have joined in sponsorship of the measure with the distinguished Senator from Alabama, and I urge that it be accepted and adopted by the Senate.

This is an illustration of a situation in which I believe there are results that no one ever intended. Under the vagaries of the law and the ability to interpret in different ways in a logical manner the same language to reach the end result, the small communities and the small authorities devoted to civic and industrial improvements, especially in the rural areas of the country, have been hamstrung in their efforts by the elimination of their principal fiscal tool.

I assign no blame. I agree that the Securities and Exchange Commission, by the generic law that established it, has not only the right but also the obligation to look at this matter. I believe that the Senate and the Congress as a whole never intended this result but, rather, intended that industrial development bonds and securities of this type should not be regulated.

We have now exhausted the administrative remedy and it is time to do what Congress must do on occasion, and that is to clarify the basic intention of the Congress. The basic intention is that we have to limit authority in this way by not requiring complex, costly preissuance clearance by the Securities and Exchange Commission.

I think the facts that the Senate adopted this amendment in the previous session and that, according to my information at least, it is generally acceptable to the Members of the other body militates strongly in its favor at this time.

Mr. SPARKMAN. Mr. President, I thank the Senator from Tennessee. I think he has correctly stated the situation.

As a matter of fact, formerly all of the industrial development bonds were tax free. It was only about 2 years ago that the proposal was made to remove that tax-free status. It was then that there was worked out on the floor of the Senate and in the conference committee an exemption for the limitation of $5 million. It certainly was not our intention at that time that the Securities and Exchange Commission should step in at all.

XUM

Mr. BAKER. Mr. President, the Senator from Alabama is due an especial vote of gratitude for his recognition of the fact that prior to this enactment there were abuses of this provision, I believe, and that those of us who advocate the continuance of tax-free bonds of some types join with him in agreeing to a limitation.

All we have now is the device available only for small development by large and small communities. This underscores the necessity for it. This is their only way of financing.

Mr. SPARKMAN. The Senator is correct. With reference to the statement of the Senator, it is my understanding that the other body will be receptive to this proposal.

The chairman of the House Ways and Means Committee has stated all the way through this principle that we are arguing for here. The chairman of the House Ways and Means Committee wrote the Chairman of the Securities and Exchange Commission along the lines of the recommendation of the report of the conference committee and pointed out to him that they thought that it ought to be done, but that they felt it could be done administratively.

Mr. BAKER. Mr. President, I tried to call the distinguished chairman of the House Ways and Means Committee a few minutes ago to advise him of our action in this respect. I was told that he was before the House Rules Committee.

Mr. SPARKMAN. Mr. President, I do feel we are safe in assuming that the other body will be favorable to the reception of this provision.

Mr. LONG. Mr. President, the Senate has passed the measure once. The Senator offered an amendment and I agreed to accept it, when we were acting on the tax reform bill. The House at that time would not agree to it, as the Senator has outlined.

If the Senator has reason to believe that the position of the chairman and the members of the House Ways and Means Committee who will meet with us in conference on this matter might have changed, I would be glad to explore the matter again and see if we can prevail upon them to agree with us. On that basis, I would be willing to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama (Mr. SPARKMAN).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the yeas and nays on the McCarthy amendment when it is offered.

The PRESIDING OFFICER. Is there objection? Without objection, it will be in order to ask for the yeas and nays on the McCarthy amendment when it is offered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCARTHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 17, line 13, strike out "206" and insert "121(a)".

On page 17, line 11, strike out "104, 121(a), and 206" and insert "104 and 121(a)".

On page 17, line 12, strike out "(11)" and insert "(10)".

VIZ: On page 6, line 7, strike out "(13)" and insert "(12)".

On page 17, line 15, strike out "(12)" and insert "(11)".

On page 18, line 13, strike out "3304(a)(12)" and insert "3304(a)(11)".

Beginning on page 36, line 18, strike out all through page 37, line 19, and insert in lieu thereof the following:

"AGREEMENTS WITH STATES

"SEC. 202. (a) (1) The Secretary is authorized on behalf of the United States to enter into an agreement with any State or with the agency administering the State law of such State, under which such State agency will make, as agent of the United States, payments of extended compensation in accordance with this title and will otherwise cooperate with the Secretary and with other State agencies in making payments of such compensation.

"(2) Each agreement under this title shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

"(3) Any agreement under this title with a State or the State agency administering the State law of such State shall provide that payment of extended compensation shall be made, for any week of unemployment which begins in the individual's eligibility period, to individuals who have exhausted all rights to regular compensation under the State law and who have no rights to regular compensation with respect to such week under such law or any other State unemployment compensation law or to compensation under any other Federal law and are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada. For purposes of the preceding sentence, an individual shall be deemed to have exhausted his rights to regular compensation under a State law (A) when no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period, or (B) when his rights to such compensation have terminated by reason of the expiration of the benefit year with respect to which such rights existed.

"(4) Any agreement under this title with a State or with the State agency administering the State law of such State shall provide that the terms and conditions of State law, except where inconsistent with the provisions of this title, which apply to claims for regular compensation and to the payment thereof shall apply to claims for extended compensation and to the payment thereof.

"(5) Any determination by a State agency with respect to entitlement to compensation pursuant to an agreement under this title shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law of such State, and only in such manner and to such extent."

On page 37, line 21, strike out "The State law" and insert "Any agreement under this title with a State or a State agency administering the State law of such State."

On page 38, line 5, strike out "such law" and insert "the State law".

On page 38, line 12, strike out "State law" and insert "agreement".

On page 38, line 15, strike out "such law" and insert "the State law".

On page 39, line 24, strike out "under the State law".

On page 39, line 25, insert "(as determined under the State law)" immediately after "benefit year".

On page 42, line 8, strike out "Determinations" and insert "Agreements entered into under this title shall provide that determinations".

On page 42, line 13, strike out "There" and insert "Agreements entered into under this title shall provide that there".

On page 42, line 14, strike out "one-half" and insert "100 percent".

On page 42, line 15, strike out "sharable" and insert "reimbursable".

On page 42, line 16, strike out "sharable" and insert "reimbursable".

On page 42, line 22, strike out "Sharable" and insert "Reimbursable".

One page 42, line 25, strike out "sharable" and insert "reimbursable".

On page 43, line 6, strike out "Sharable" and insert "Reimbursable".

On page 43, line 9, strike out "sharable" and insert "reimbursable".

On page 43, line 21, strike out "There" and insert "Agreements entered into under this title with a State or a State agency shall provide that there".

On page 44, line 9, insert "which is a party to an agreement entered into under this title".

On page 45, beginning on line 5, strike out "under those provisions of the State law which satisfy" and insert "in accordance with".

On page 46, strike out lines 5 through 12, and insert in lieu of the matter stricken the following:

"EXTENDED UNEMPLOYMENT COMPENSATION IN ABSENCE OF STATE AGREEMENT

"SEC. 206. (a) If an individual files a claim for extended compensation with respect to a State with which there is no agreement under this title which applies to the weeks of unemployment concerned, the Secretary, in accordance with regulations prescribed by him shall, to the maximum extent practicable, make payments to such individual in like manner, to the same extent, and under the same conditions, as payments of extended compensation would have been payable to such individual if such State had entered into an agreement with the Secretary under this title.

"(b) For the purpose of providing extended unemployment compensation to individuals described in subsection (a), the Secretary may utilize the personnel and facilities of such Federal and State agencies as he may find appropriate. The Secretary may delegate to officials of any such agencies any authority granted to him under this title whenever he determines such delegation to be necessary in carrying out the purposes of this title, and may pay or reimburse such agency for the total cost of extended unemployment compensation paid under this title and for expenses incurred in carrying out the purposes of this title.

"(c) Any individual referred to in subsection (a) whose claim for extended unemployment compensation has been denied shall be entitled to an opportunity for a fair hearing before an impartial tribunal in accordance with regulations prescribed by the Secretary. Any final determination by the Secretary with respect to entitlement to extended unemployment compensation under this section shall be subject to review by the courts in the same manner and to the same extent as is provided in section 205(g) of the Social Security Act with respect to final decisions of the Secretary of Health, Education, and Welfare under title II of such Act.

"(d) Expenses incurred in carrying out this section shall be paid from the extended unemployment compensation account."

Beginning on page 46, line 13, strike out all through page 47, line 25, and insert in lieu of the matter stricken the following:

"EFFECTIVE DATE

"SEC. 207. (a) The provisions of this title shall take effect upon enactment, but no extended compensation shall be payable pursuant to this title with respect to any week of unemployment which begins prior to the end of the 60-day period which commences on the date of enactment of this Act."

On page 48, line 26, strike out " '$4,200' " and insert in lieu thereof " '$4,800' ".

On page 57, lines 4 and 5, strike out "before April 1972, to one-fifth, and in the case of any month after March 1972, to one-tenth," and insert ", to one-fifth,".

On page 58, line 3, strike out "$750,000,000" and insert "$1,500,000,000".

On page 58, line 6, strike out "one-eighth" and insert "one-fourth".

Mr. McCARTHY. Mr. President, the bill which is now before the Senate proposes that after 1972, 13 weeks of extended coverage be extended to all those who qualify under the terms of the act. The triggering procedure of the formula is already written into the bill which is before the Senate.

The administration spokesmen suggested we might want to do something about providing 13 weeks of extended coverage between now and 1972.

The committee bill provides that after 1972 the cost of the extended coverage will be borne 50 percent by the Federal Government and 50 percent by the State governments.

The argument was that we had to put this matter off for 2 years in order to give the States time to make changes in their laws and to make adjustments so they could finance their part of the cost, and that we might do the same at the Federal level.

In my judgment, if 13 weeks of extended coverage is necessary, and I thought it was in 1966, and long before that, when we passed emergency unemployment compensation bills, that we should apply the provision for 13 weeks extended coverage between 1970 and 1972.

My amendment does provide for such coverage. It provides, however, that beyond 1972 the 13-week extended coverage would continue to be paid for out of Federal funds without the States making any contribution.

The argument for the provision in the interim is the need for such payments by those who are unemployed during this period. But the more basic argument is that this kind of unemployment, when it runs on the average of more than 26 weeks, is unemployment which arises from sources outside the State and the economies of the States, and becomes reflective of the condition of the national economy. It reflects the failure on the part of the Federal economic policy or the Federal financial policy, so that consequently the cost of that extended program should be borne by the Federal Government as an unusual and special burden.

The amendment also provides for an increase in the base upon which the rate of unemployment tax is imposed in order to provide adequate funds to meet the cost of this extended benefit program. This is the substance of my amendment. It is not much different than we did in the emergency program which we passed in 1961 and in 1958. Whenever a critical unemployment situation arose, the administration came up and asked us to pass the emergency legislation. I hope we are not again on the verge of an emergency unemployment situation but there are threatening signs and it would be the better part of wisdom on the part of the Senate to anticipate these conditions and adopt this amendment establishing an extended benefit program by the enactment of this legislation and providing financing over this 2-year period and beyond. It seems to me that all the arguments of history and tradition in the past, and the immediate needs of the projection of this kind of program in the future argue for the adoption of this amendment. To raise the base to $4,800 with the rates proposed would be adequate to meet the scope of the anticipated program.

I have nothing further to say at this time and I reserve the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, the committee considered this proposal and rejected it. It is true the administration first asked for 100 percent financing, but the Ways and Means Committee rejected this proposal in favor of 50-50 Federal-State matching.

If this amendment were agreed to I am sure it would jeopardize the bill. There was no bill in 1966 because the House refused to consider the various Senate amendments.

Even without this amendment a State could, on its own option, come under the extended benefit program before 1972. For example, if unemployment in that State rose above the level specified in the bill its legislature could act, and there would be 50 percent Federal matching funds before 1972, just as after 1972. In other words, the States do not have to wait until the bill is triggered on a national level at the 4.5-percent point of unemployment. If unemployment goes beyond that in any State the Governor and the State legislature could take action and trigger this in at any time they wish.

The McCarthy amendment also raises the taxable wages from $4,200 to $4,800, which is approximately a 15-percent increase in the tax base as compared to the committee bill. The committee bill has already gone pretty far in that respect by going from $3,000 to $4,200.

Also, this proposal under the McCarthy amendment was opposed by all employer groups testifying before the committee.

Mr. President, I hope this amendment is rejected so that we can be sure we will pass the remainder of the bill, which is very much needed.

Mr. McCARTHY. Mr. President, I cannot understand a position that after 1972 we are going to be concerned about the unemployed of this country, but not between 1970 and 1972. As far as the position of the employer groups is concerned, they have opposed almost every effort to improve the unemployment compensation program since it was first enacted 35 years ago.

These are really no new arguments. They are no new considerations. I cite the fact that back in 1961, the last time we acted on emergency unemployment compensation, we did provide for full

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Federal financing. So it is in order for the Senate to consider it. We should not be intimidated on the basis of what the House has done to it in the past. It seems to me that the Senator from Delaware is suggesting preliminary surrender to the House.

The amendment he offered was rejected by the House in conference many times. Yet he did not get up here and say, "I will not offer my amendment because the House has rejected it." Now when another amendment is offered, he says we should not bother to do it because the House has rejected it in the past.

I do not expect any real consistency here, but I think for a period of 30 minutes we should have some consistency.

Mr. WILLIAMS of Delaware. Mr. President, I realize that consistency is a jewel of the Senate.

Mr. McCARTHY. It is a shortlived virtue, but I think for 30 minutes it should be maintained.

Mr. WILLIAMS of Delaware. When my amendment dealing with savings bonds was offered before it was passed by the Senate and accepted by the House. It was not put into effect by the administration because it was discretionary authority. This amendment is mandatory.

Under the pending bill it is not a question of waiting until 1972. Any State in the Union can trigger the provisions of this bill into effect any time the Governor or the legislature of a State wants to act after the unemployment rate in that State exceeds 4.5 percent. I cannot conceive that the Governor and the legislature would refuse to take care of the unemployed in their State and instead expect the Federal Government to force their action.

Mr. McCARTHY. It would be mandatory. The principle in the bill is extended from 1972 back to 1970, and this would make it possible to make the benefits available once the bill became effective, by providing for full Federal financing.

The other argument is that full Federal financing is still the most economical way to do it. Despite the condition of the Federal budget, to have a joint Federal-State extended benefit program is a more expensive way of meeting this cost than by having the Federal Government do it.

Mr. President, I have nothing further to say. I yield back my time on the amendment.

Mr. WILLIAMS of Delaware. I yield back my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Minnesota. The yeas-and-nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN (after having voted in the negative). On this vote, I have a live pair with the Senator from New York (Mr. Javits). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote and state that if I were at liberty to vote I would vote "nay."

Mr. MANSFIELD. On this vote I have a pair with the Senator from Georgia (Mr. Talmadge). If he were present and voting, he would vote "nay." I have already voted in the affirmative. I withdraw my vote and state that if I were at liberty to vote, I would vote "yea."

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Mississippi, (Mr. Stennis), the Senator from New Jersey (Mr. Williams), and the Senator from Ohio (Mr. Young), are necessarily absent.

I further announce that the Senator from Tennessee (Mr. Gore), the Senator from Rhode Island (Mr. Pell), and the Senator from Georgia (Mr. Talmadge), are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris), the Senator from Connecticut (Mr. Ribicoff), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Idaho (Mr. Jordan), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senators from Kentucky (Mr. Cook and Mr. Cooper), the Senator from California (Mr. Murphy), and the Senator from Ohio (Mr. Saxbe) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Idaho (Mr. Jordan), the Senator from South Dakota (Mr. Mundt), and the Senator from Illinois (Mr. Percy) would each vote "nay."

The pair of the Senator from New York (Mr. Javits) has been previously announced.

If present and voting, the Senator from New York (Mr. Goodell) would vote "yea."

The result was announced—yeas 30, nays 45, as follows:

[No. 118 Leg.]

YEAS—30

Allen
Bayh
Byrd, W. Va.
Case
Cranston
Dodd
Eagleton
Gravel
Hart
Hartke
Inouye
Jackson
Kennedy
McCarthy
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Sparkman
Stevens
Symington
Tydings
Yarborough

NAYS—45

Aiken
Allott
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Church
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Long
Mathias
McClellan
McIntyre
Miller
Packwood
Pearson
Prouty
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Griffin, against.
Mansfield, for.

NOT VOTING—23

Anderson
Bennett
Burdick
Cook
Cooper
Goodell
Gore
Harris
Hughes
Javits
Jordan, Idaho
Magnuson
Mundt
Murphy
Pell
Percy
Ribicoff
Russell
Saxbe
Stennis
Talmadge
Williams, N.J.
Young, Ohio

So Mr. McCarthy's amendment was rejected.

Mr. McCARTHY. Mr. President, I send to the desk an amendment and ask that it be read.

Mr. LONG. Mr. President, does the Senator desire that the yeas and nays be ordered?

Mr. McCARTHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. McCARTHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 7, line 15, strike out "3311" and insert in lieu thereof "3312".

On page 11, line 17, strike out "3311" and insert in lieu thereof "3312".

On page 36, between lines 10 and 11, insert the following:

PART E—BENEFIT REQUIREMENTS

Sec. 151. Certification and requirements.

(a) Chapter 23 of the Internal Revenue Code of 1954 is amended by inserting after section 3310 (added by section 131(b)(1) of this Act) the following new section:

"Sec. 3311. Benefit Requirements.

"(a) Certification.—On October 31, 1972, and October 31 of each calendar year thereafter, the Secretary of Labor shall certify to the Secretary each State whose law he finds is in accord with the requirements of subsection (c) and has been in accord with such requirements for substantially all of the 12-month period ending on such October 31 and that there has been substantial compliance with such State law requirements during such period. The Secretary of Labor shall not withhold his certification to the Secretary unless, after reasonable notice and opportunity for hearing to the State agency, he finds that the State law is not in accord with the requirements of subsection (c) or has not been in accord with such requirements for substantially all of the 12-month period ending on such October 31 or that there has been a failure to comply substantially with such State law requirements during such period. For any State which is not certified under this subsection on any October 31, the Secretary of Labor shall within 10 days thereafter notify the Secretary of the reduction in the credit allowable to taxpayers subject to the unemployment compensation law of such State pursuant to section 3302(c)(4).

"(b) Notice to Governor of Noncertification.—If at any time the Secretary of Labor has reason to believe that a State may not be certified under subsection (a) he shall promptly notify the Governor of such State.

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"(c) Requirements.—

"(1) With respect to benefit years beginning on or after November 1, 1971—

"(A) the State law shall not require that an individual have more than 20 weeks of employment (or the equivalent as provided in subsection (4)) in the base period to qualify for unemployment compensation;

"(B) the State law shall provide for an individual with 39 weeks of employment (or the equivalent) in the base period, benefits in a benefit year equal to at least 26 times his weekly benefit amount;

"(C) the State law shall provide that the weekly benefit amount of any eligible individual for a week of total unemployment shall be (i) an amount equal to at least one-half of such individual's average weekly wage as determined by the State agency, or (ii) the State maximum weekly benefit amount (exclusive of allowances with respect to dependents) payable with respect to such week under such law, whichever is the lesser.

Any weekly benefit amount payable under a State law may be rounded to an even dollar amount in accordance with such State law.

"(2) The State maximum weekly benefit amount (exclusive of allowances with respect to dependents) shall be no less than 50 percent of the Statewide average weekly wage most recently computed before the beginning of any benefit year which begins after October 31, 1971.

"(3) In determining whether an individual has 20 weeks of employment, there must be counted as a week, any week in which the individual earned at least 25 percent of the Statewide average weekly wage.

"(4) For the purpose of subsection (c)(1)(A), the equivalent of 20 weeks of employment in a State which uses high-quarter wages is total base period wages equal to five times the Statewide average weekly wage, and either one and one-half times the individual's high-quarter earnings of forty times his weekly benefit amount, whichever is appropriate under State law; and for purposes of subsection (c)(1)(B), the equivalent of 39 weeks of employment is total base period wages equal to at least 78 times an individual's weekly benefit amount.

"(d) Definitions.—

"(1) 'benefit year' means a period as defined in State law except that it shall not exceed one year beginning subsequent to the end of an individual's base period.

"(2) 'base period' means a period as defined in State law but it shall be fifty-two consecutive weeks, one year, or four consecutive calendar quarters ending not earlier than six months prior to the beginning of an individual's benefit year.

"(3) 'high-quarter wages' means the amount of wages for services performed in employment covered under the State law paid to an individual in that quarter of his base period in which such wages were highest, irrespective of the limitation on the amount of wages subject to contributions under such State law.

"(4) 'individual's average weekly wage' means an amount computed equal to (A) one-thirteenth of an individual's high-quarter wages, in a State which bases eligibility on high-quarter wages paid in the base period or (B) in any other State, the amount obtained by dividing the total amount of wages (irrespective of the limitation on the amount of wages subject to contributions under the State law) paid to such individual during his base period by the number of weeks in which he performed services in employment covered under such law during such period.

"(5) 'Statewide average weekly wage' means the amount computed by the State agency at least once each year on the basis of the aggregate amount of wages, irrespective of the limitation on the amount of wages subject to contributions under such State law, reported by employers as paid for services covered under such State law during the first four of the last six completed calendar quarters prior to the effective date of the computation, divided by a figure representing fifty-two times the twelve-month average of the number of employees in the pay period which includes the twelfth day of each month during the same four calendar quarters, as reported by such employers."

(b) The table of sections for chapter 23 of such Code is amended by adding after the item relating to section 3310 (added by section 131(b)(1) of this Act) the following:

"SEC. 3311. Benefit Requirements."

Sec. 152. Limitation on Credit Against Tax.

(a) Section 3302(c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) If the unemployment compensation law of a State has not been certified for a twelve-month period ending on October 31 pursuant to section 3311(a), then the total credits (after applying subsections (a) and (b) and paragraphs (1), (2), and (3) of this subsection) otherwise allowable under this section for the taxable year in which such October 31 occurs in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced by the amount by which 2.7 percent exceeds the four-year benefit cost rate applicable to such State for such taxable year in accordance with the notification of the Secretary of Labor pursuant to section 3311(a)."

(b) Subsection (c)(3)(C)(i) of section 3302 of such Code is amended by substituting the term "4-year" for the term "5-year".

(C) Section 3302(d)(5) of such Code is amended to read as follows:

"(5) 4-Year Benefit Cost Rate.—For purposes of subsection (c)(4) and subparagraph (C) of subsection (c)(3), the 4-year benefit cost rate applicable to any State for any taxable year is that percentage obtained by dividing—

"(A) One-fourth of the total compensation paid under the State unemployment compensation law during the four-year period ending at the close of the first calendar year preceding such taxable year, by

"(B) The total of the remuneration subject to contributions under the State unemployment compensation law with respect to the first calendar year preceding such taxable year. 'Remuneration' for the purpose of this subparagraph shall include the amount of wages for services covered under the State law irrespective of the limitation of the amount of wages subject to contributions under such State law paid to an individual by an employer during any calendar year beginning with 1972, up to $4,300; for States for which it is necessary, the Secretary of Labor shall estimate the remuneration with respect to the calendar year preceding the taxable year."

On page 48, line 26, strike out the dollar figure appearing therein and insert in lieu thereof "$4,300".

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, will the Senator from Minnesota yield so that I may ask the distinguished majority leader about the program?

Mr. McCARTHY. I yield to the Senator from Michigan.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. I thank the Senator from Minnesota for yielding so that I may ask the distinguished majority leader if he can advise us what the program is for the rest of the day and the rest of the week.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. I will be delighted to respond to the question of the acting majority leader and state that there will be at least one and very likely more rollcall votes on the pending bill.

I understand that the Senator from Minnesota (Mr. MONDALE) has an amendment. And there may be others.

The Senate should dispose of the pending business this afternoon.

Tomorrow the Senate will return to the consideration of the Carswell nomination, and vote at 1 p.m.

After that, it is the intention of the joint leadership to take up Calendar 761, Senate Joint Resolution 190, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Following the disposition of the resolution, it is the intention to take up the postal and Federal pay increase bill—again, tomorrow afternoon. That measure will be reported this afternoon.

On Thursday, the Senate will return to the unfinished business, which has been laid aside temporarily, Calendar No. 745, Senate Resolution 211, the so-called Brooke-Cooper resolution.

If we dispose of that this week, it is anticipated that next week we will turn to the consideration of Calendar No. 712, S. 1148, a bill to amend the Revised Organic Act of the Virgin Islands; Calendar No. 733, S. 721, a bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes.

Then, the Senate will consider the Kennedy bill, Calendar No. 760, S. 2846, a bill to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood; and the broadcasting bill, Calendar No. 747, S. 3637, a bill to amend section 315 of the Communications Act of 1934 with respect to equal time requirements for candidates for public office, and for other purposes.

Then we will proceed to Calendar No. 564, H.R. 9477, an act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

Mr. GRIFFIN. I think the Senate has enough to do.

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. I thank the distinguished majority leader.

Mr. MANSFIELD. With this colloquy the Senate is on notice.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2595) to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

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The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

EMPLOYMENT SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 14705) to extend and improve the Federal-State unemployment program.

Mr. McCARTHY. Mr. President, this amendment establishes national standards for unemployment compensation benefits, essentially what the Senate adopted back in 1966.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCARTHY. Any Senators who were here before 1966 do not really have to listen, because I am sure they will remember what they did in 1966. Those who came in later might want to know what we did and what this amendment proposes to do.

In that year, the House passed a bill similar to the one before the Senate today, but containing no provision setting minimum Federal standards for State unemployment compensation benefits. The bill reported by the Finance Committee in 1966 required State programs to meet these minimum benefit standards in order for employers in the State to receive the full 2.7-percent Federal tax credit:

First, any worker would have to be eligible for benefits if he had 20 weeks of employment—or its equivalent in terms of wages—in the 1-year base period;

Second. Unemployment benefits would have to be equal to at least 50 percent of a worker's average wages, up to a maximum benefit of not less than 50 percent of the average wage in the State; and

Third. Any worker with 20 weeks of employment in the 1-year base period would have to be provided at least 26 weeks of unemployeemnt benefits.

On the Senate floor, the third standard was changed to require States to provide at least 26 weeks of benefits to any worker with 39 (rather than 20) weeks of employment in the 1-year base period.

The amendment I offer today sets benefit standards similar to those which were passed by the Senate in 1966. Specifically, it would require State programs to meet these minimum benefit standards in order to receive the full 2.7-percent Federal tax credit:

First, any worker with 20 weeks of employment in the 1-year base period would have to be able to qualify for unemployment benefits.

Second, unemployment benefits would have to be equal to at least 50 percent of a worker's average wages, up to a maximum benefit of not less than 50 percent of the average wage in the State.

Third, any worker with 39 weeks of employment in the 1-year period would have to be able to qualify for at least 26 weeks of unemployment benefits.

This would result in some increase in benefits paid under extended benefits program and would require a slight increase in the taxable wage base. It would have to be raised from a base of $4,200 to $4,300, a minimum increase.

If anyone has any questions about the effect of the amendment on particular States, I can cite those effects. If there are no such questions, I state simply that it would have some effect on 30 States which at the present time are not paying their benefits equal to the national standard proposed in this amendment.

Mr. President, this amendment provides standards essentially the same as the Senate acted upon affirmatively in 1966. It seems to me that the arguments which were good then are even better now.

Mr. CURTIS. Mr. President, it would be my hope that this amendment would be rejected. It is perhaps the crucial issue in the entire legislation. The question is, Shall we have Federal standards in our unemployment compensation systems?

As the matter now stands, the unemployment compensation systems are State systems. They have worked well. In times of national emergency, Congress has acted to supplement our regular programs and it has been handled well. It has been a program which has existed—some of them—for 30 years. It has been a program close to the people. It can be adapted to the needs of an area or of a State. If we adopt Federal standards in one category, it is just a matter of time until we will have to have complete Federal standards.

Now I want to call attention to the fact that the States have made progress in raising their benefits.

In the years 1968 and 1969, 43 of the 52 jurisdictions having unemployment compensation laws increased their benefit levels. That is a pretty good record.

In the 2-year time just passed, 43 States have increased their benefit levels. Is that not an argument for nationalization of the unemployment compensation program?

Also, as to what the States have done, I invite the attention of the Senate to the fact that if we choose the years 1957 to 1959 as 100 percent, for measure, the average weekly benefit paid by States has increased 84 percent.

From the period 1954 to 1968, high wages have increased 74 percent and consumer prices 30 percent. Great progress has been made by the States in paying an adequate level and in moving ahead on it. There is no need for Federal standards. Federal standards, if adopted, will mean uniformity all over.

I might point out that if Federal standards are adopted as to the amount that must be paid, the Federal rule cannot be carried out unless they also adopt a Federal standard as to duration. It can further be obviated by a State unless the Federal Government imposes standards of eligibility. Thus, once we start a program of Federal standards, it is the beginning of the end of State unemployment compensation systems. It is the beginning of their total federalization.

Now the States are permitted and do respond to the needs of the times.

Eleven States—Alaska, Connecticut, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Nevada, Ohio, Rhode Island—currently provide for dependency allowances paid in addition to regular unemployment compensation. These allowances have the effect of paying extra amounts of benefits in recognition of the higher nondeferrable expenses of unemployed claimants with families. Four of these States—Illinois, Indiana, Michigan, Ohio—have a "variable maximum" form of dependency benefit. In these four States the extra amounts paid for dependents vary with the individual's earnings, while in the remaining seven a fixed amount is added to an individual's base benefit amount. Because Federal benefit standards generally call for a given benefit amount exclusive of allowances for dependents, such a standard effectively viscerates dependency allowance provisions in State laws.

Thus, this will be to their disadvantage in some States. Certainly we do not want, by the imposition of the Federal standards to lessen the benefits that are paid under some States; yet, that is what will happen if the McCarthy amendment is adopted.

Again I remind Senators that in the past 2 years, 43 of the 52 jurisdictions have raised their benefits. There is no way that we can enter into a program of Federal standards without going all the way and having Federal rules and laws covering every facet of it. It is a program that has worked well. There is no need for federalizing it. If we adopt this, and insist upon it, it will mean, perhaps, no unemployment compensation in this Congress or perhaps for some time. We will jeopardize the chance to extend unemployment compensation to a great number of people who will be benefited by the bill.

I submit that, in the brief discussion here on the floor, a case has not been made for complete federalization of unemployment compensation systems. That is what this will lead to. A case has not been made for failure on the part of the States. The contrary is true. Since the very beginning, they have moved forward. Many other States will follow.

I hope that the amendment will be rejected. It was considered by the Finance Committee and was rejected.

I urge support of the committee's position.

Mr. WILLIAMS of Delaware. Mr. President, in considering the unemployment insurance legislation, the Senate Finance Committee wisely rejected a proposal for Federal benefit standards. The determination as to the amount of benefits to be paid for a week of unemployment has, from the program's beginning, been left to the discretion of the individual State legislatures. Unless and until there is clear evidence that the State legislatures are willfully negligent in their exercise of that discretion, they should retain it.

Benefits are, of course, the heart of the unemployment compensation program, the reason for all the other provisions. Benefits should certainly be adequate. A general principle since the

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program's inception has been that the benefit should generally represent half the wages it is replacing, subject to a maximum so that the highest paid members of the labor force will not receive an undue proportion of the program's resources.

In his unemployment insurance message to Congress last July, President Nixon stated that not more than 20 percent of the insured workers should have their benefits determined by the maximum rather than by their own wages. He also recommended that this goal be achieved by voluntary State action rather than by Federal compulsion.

Both the goal and the approach to achieving it are reasonable.

There are great differences between our States in those characteristics of covered workers which are relevant to the payment of benefits. Average wage levels differ, as does the distribution of wages above and below the average. Some States have much more seasonal patterns of employment and unemployment than others.

So long as the State has full responsibility for the determination of benefit amounts, it can reflect these State characteristics in its formula. A Federal standard applicable to all States cannot.

Currently, 22 States provide workers with 50 percent of their own wages up to a maximum weekly which represents 50 percent or more of the average weekly wage in covered employment.

In 1966, when this subject was last considered by the Senate, only 15 States provided 50 percent of individual wages up to 50 percent of the State average. At the other end of the scale, there were 17 States where the 1965 maximum was less than 40 percent of average wages, contrasted with only 10 States today.

Therefore, the Senate should not add Federal benefit requirements to this bill—and run the risk of the same kind of stalemate that occurred in 1966.

In his testimony before the Finance Committee, Secretary Shultz described various steps being taken by the Federal Department of Labor to improve State laws as necessary. These steps seem to be producing results. That being the case, Federal benefit standards should not be made a part of the pending legislation.

I hope the amendment will be rejected.

Mr. McCARTHY. Mr. President, repeating the argument, the fact is the present level of benefits is too low, because of State limitations on benefits, but this situation would be significantly improved by my amendment.

It is significant to note that most States already have benefit formulas providing benefits equal to at least 50 percent of a worker's average wages. However, all States place a limitation on weekly benefits, and it is this limitation that in 30 States prevents workers from actually receiving benefits half as large as their average wages. Thus in the last quarter of 1969, 47 percent of the unemployment benefit claimants in the Nation qualified for maximum amounts allowable under State laws.

This rather clearly indicates that for many employees, the unemployment insurance compensation is not related to their previous wages. So we ought to move forward to raise the level of benefits at least in this very limited way.

The bill provides at least four new Federal standards, with respect to the argument of the Senator from Nebraska that this would be a foot in the door and that if we were to accept one Federal standard we would accept them all.

Mr. President, that argument does not stand up on the record. We are accepting Federal standards in the bill reported by the committee.

What we are proposing is really very modest. It simply says that all States should meet certain standards insofar as unemployment compensation is concerned with reference to eligibility, duration, and level of benefits.

There is still great flexibility between one State and another or between one State and all other States. This does not take away flexibility whatsoever insofar as there are honest and genuine economic differences between States.

With reference to the argument of the Senator from Delaware, it is like saying that we need so much moisture, but that it is better to have it by rain than by irrigation.

Mr. President, I have been a Member of Congress for 22 years. I have seldom heard a Member get up and say that the payments we make to the wheat farmers in Nebraska ought to be different from those in another State. I have not heard them say that the mail carriers ought to be paid less in the rural areas than in the city areas. However, when we come to unemployment insurance compensation, they say that we cannot impose the same standards in different States.

We are not proposing a high standard, but a minimum standard. I think that these standards are clearly within reason and within the potential of the American economy to respond to.

I hope that the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the role.

Mr. GRIFFIN (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from New York (Mr. JAVITS). If he were present and voting, he would vote "yea." I have voted "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. GORE), the Senator from Rhode Island (Mr. PELL) and the Senator from Georgia (Mr. TALMADGE), are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from California (Mr. CRANSTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Idaho (Mr. JORDAN) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE), is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. JORDAN) and the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The pair of the Senator from New York (Mr. JAVITS) has been previously announced.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

The result was announced—yeas 29, nays 47, as follows:

[No. 119 Leg.]

YEAS—29

Bayh
Byrd, W. Va.
Case
Church
Dodd
Eagleton
Gravel
Hart
Hartke
Inouye
Jackson
Kennedy
Long
Mansfield
McCarthy
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Stevens
Symington
Yarborough

NAYS—47

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Mathias
McClellan
McIntyre
Miller
Murphy
Packwood
Pearson
Prouty
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—23

Anderson
Bennett
Burdick
Cranston
Fulbright
Goodell
Gore
Harris
Hughes
Javits
Jordan, Idaho
Magnuson
Mundt
Pell
Percy
Ribicoff
Russell
Saxbe
Stennis
Talmadge
Tydings
Williams, N.J.
Young, Ohio

So Mr. MCCARTHY's amendment was rejected.

Mr. MILLER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CURTIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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Mr. MONDALE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there is going to be another rollcall vote very shortly. There may very well by a rollcall vote on final passage. I urge all Senators to stay close to the chamber.

Mr. MONDALE. Mr. President, I send to the desk an amendment and ask unanimous consent that its reading be dispensed with and that it be printed in the Record.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4, line 24, strike out "(other than a crew leader as defined in section 3121(o))".

On page 5, strike out lines 15 through 18.

On page 5, line 19, strike out "(d)" and insert in lieu thereof "(c)".

On page 5, line 22, strike out "amendments" and insert in lieu thereof "amendment".

On page 5, line 23, strike out "and subsection (c)".

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I understand that the distinguished Senator from Minnesota has yielded to me to present an amendment, which I send forward at this time, and ask unanimous consent that his amendment be temporarily laid aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I ask particularly the attention of the Senator from Louisiana and the Senator from Delaware, because I have discussed this matter with them.

The **PRESIDING OFFICER.** The amendment offered by the Senator from Florida will be stated.

The bill clerk read the amendment, as follows:

On page 4, line 24, immediately after "(k))" insert: "unless performed by an individual other than an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(11) of the Immigration and Nationality Act, and".

Mr. HOLLAND. Mr. President, the act referred to in the amendment is the act under which the Secretary of Labor can allow agricultural workers to be brought into the United States for temporary harvesting purposes.

The definition of "agricultural labor" in the bill is so broad as to apparently not exempt them, though they are aliens, and though they, at least in my State, would not be qualified to receive compensation benefits.

I understand from the Senators from Louisiana and Delaware that they agree there is no intent to include that type of labor within the purview of this act, and I have offered this amendment to make it clear that this type of labor would be excluded.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I will, but let me make one more statement. This matter is important in my State, because, under the Secretary of Labor's orders, we have been allowing the import of about 9,000 workmen from the British West Indies to cut sugarcane every year. Americans will not do that kind of labor, on their knees, in the muck, with hand machetes. It would amount to a very considerable amount collected by way of taxes, but without workers being qualified to collect compensation payments.

I hope the amendment will be accepted.

Mr. LONG. Mr. President, this is a problem that the committee did not consider. The Senator from Florida directed the matter to our attention. We have looked into it. In my judgment and in the judgment of the senior Senator from Delaware (Mr. Williams), the amendment of the Senator from Florida is eminently justified. For the most part, these people would not be eligible to receive benefits. It serves no purpose to put a tax on their employer if no benefit is to flow from it.

On that basis, I would be willing to agree to the amendment, take it to conference, and see that it receives the consideration to which it is entitled.

I regret that we did not know about this matter when we considered the bill in executive session, but perhaps that is one of the losses we sustained when the Senator's former colleague, Senator Smathers, who was one of the ranking members of the Committee on Finance, decided to retire from the Senate, and thereafter there was no Senator from Florida on that panel.

With that knowledge, we will be willing to make the adjustment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I concur in the remarks of the chairman of the committee. Had this matter been called to the attention of our committee, we would have accepted it. I am perfectly willing to accept the amendment.

Mr. HOLLAND. I thank my distinguished friends. I ask for a vote on the amendment.

The **PRESIDING OFFICER** (Mr. Bellmon). The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Several Senators addressed the Chair.

Mr. MONDALE. I yield to the Senator from Massachusetts.

STRATEGIC ARMS CONTROL

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished minority leader, the able senior Senator from Pennsylvania (Mr. Scott), be added as a cosponsor of Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The **PRESIDING OFFICER** (Mr. Bellmon). Without objection, it is so ordered.

Mr. BROOKE. I am especially pleased that Senator Scott is lending his valued support and leadership to this important initiative. Together with the welcome additions of the junior Senator from Kansas (Mr. Dole) and the junior Senator from Pennsylvania (Mr. Schweiker). Senator Scott's decision brings the total number of cosponsors of Senate Resolution 211 to 46. I know that the action of the minority leader will have special weight in this body, for he is known to have given the issue long and deliberate study.

It is particularly noteworthy that Senator Scott's action, coupled with the affirmative votes of several noncosponsors on the Foreign Relations Committee, provides a clear majority of the Senate who have announced publicly that they support this vital resolution. Thus, even before the final vote, which we hope will come shortly, a firm majority of Senators has expressed support for the resolution.

Tomorrow morning the National Security Council will resume preparations for the impending strategic arms limitation talks. It is most important that, as the President and Council convene, they will know that the Senate will support a bold initiative in these historic negotiations. The majority of the body, by endorsing Senate Resolution 211, has now made clear that they hope the President will propose a mutual suspension of further deployments of strategic offensive and defensive weapons by both the United States and the Soviet Union.

I trust that the President will give due consideration to this expression of Senate advice, and that the Soviet Union will be receptive to this constructive proposal. Enlightened leadership on both sides can enhance the mutual security on which the fate of us all depends. I commend the gracious minority leader for providing a clear Senate majority for a modest resolution devoted to this goal.

I thank the distinguished Senator from Minnesota (Mr. Mondale) for yielding to me for this purpose.

EMPLOYMENT SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 14705) to extend and improve the Federal-State unemployment program.

Mr. MONDALE. Mr. President, the amendment I have offered is cosponsored by the Senators from California (Mr. Murphy and Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from New York (Mr. Javits), the chairman of the Committee on Labor and Public Welfare (Mr. Yarborough), and the Senator from Massachusetts (Mr. Kennedy). It is designed to guarantee that migratory farm labor as well as other types of farm laborers will be included within the coverage of unemployment compensation.

I submitted a statement for the consideration of the Finance Committee urging inclusion of farmworkers under unemployment compensation program. I ask unanimous consent that it be inserted in the Record at this point in my remarks.

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There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WALTER F. MONDALE

Mr. Chairman and members of the Committee, I thank you for the opportunity to present testimony on H.R. 14705, the Employment Security Amendments of 1969. I urge that this bill be amended by extending coverage to farmworkers.

Farmworkers are now excluded from our Nation's unemployment compensation scheme. They are similarly excluded, or at best only minimally included, in practically every major piece of social and worker benefit legislation that we have ever enacted into law. Congress created, and has perpetuated, a system that treats farmworkers as second class citizens with respect to legal protections most Americans take for granted:

Sometime in the second half of 1970, a State employment security agency will pay a worker who has become unemployed the 50 billionth dollar in unemployment insurance benefits which have been paid since the unemployment insurance payments began in 1936. Farmworkers have not received a single penny of the $50 billion.

In 1969 alone, more than 4 million persons received over 2 billion dollars in unemployment insurance payments, but no farmworkers received benefits in 1969.

Workers in some 58 million jobs, 77 percent of all jobs in the United States, are protected by an unemployment insurance program against total loss of wages during spells of unemployment. H.R. 14705 would cover 4.5 million additional jobs, bringing the total coverage to 84 percent of all jobs. Another 10 percent of all jobs are uncovered State and local government jobs. Every major job classification in private industry is covered by unemployment insurance, except farmwork. But, farmworkers remain excluded.

Regrettably, the House Bill before you perpetuates the exclusion of 1.3 million jobs in agriculture. Clearly, the exclusion of certain workers from a program in which the preponderance of their fellow workers share, is inequitable, discriminatory, unjustified, and a contradiction of this Nation's commitment to justice and dignity.

There is presently no rational basis for the continued exclusion of farmworkers. The history of administration of this universal social insurance program demonstrates that previously raised objections have no merit. At one time this admitted inequity was justified on the theory that farm employers would have difficulty in maintaining records and filing reports. But this has evaporated in the face of reporting requirements pursuant to Social Security legislation and the Fair Labor Standards Act. Where coverage under that legislation exists, administrative burdens have not been cited as preventing adequate administration of the law.

Also, some contended that exhorbitant costs made coverage impossible, and at best justified more studies and research. We now have the studies and research into the cost of farmworker coverage to farm employers and the State unemployment insurance funds. As early as ten years ago research was completed showing costs which at the highest are not particularly greater than in other industries, and some of the studies indicated costs that are far less than those experienced by many other industries. In fact, it has been argued, coverage under this act may save the farmer money by increasing the stability of the work force and reducing the costs of recruitment and turnover.

The purpose of unemployment compensation is to provide an orderly method of offsetting the effects of unemployment to the individual and the community. It enables nondeferable living expenses to be met without having the recipient rely on meager savings or community welfare or charity; consumer purchasing power is preserved. Since benefits are paid by State unemployment agencies, the unemployment insurance system keeps the unemployed in touch with job opportunities.

The migrant agricultural worker clearly needs the benefit of a program directed toward these objectives. Most often the migrant worker is unemployed through no fault of his own; weather, crop conditions, oversupply of labor created through faulty recruiting and market information difficulties, and crop mechanization that creates geographical gaps in work opportunities.

My proposal is not a partisan effort. Members of both parties have supported coverage for farmworkers. President Nixon urged limited farmworker coverage in his Message to the Congress of July 8, 1969. Senator George Murphy, a member of the Migratory Labor Subcommittee, has recommended coverage. The ranking Republican and Democrat members of the House Ways and Means Committee argued, in vain, for coverage in Committee sessions. Governor Ronald Reagan of California has appealed to the Congress to extend unemployment insurance coverage to full-time farmworkers, and Secretary of Labor Shultz spoke strongly for large farm employer coverage in his testimony before you earlier this month. I hope this progressive, bipartisan commitment to justice for farmworkers will be extended to other fields.

Finally, Mr. Chairman, and members of this distinguished Committee, I say "Let's do it". Let's not leave ourselves in the irrational position of having again to say to the people that work so hard to harvest our crops, that "we are going to perpetuate your second class citizenship". Let's not even put ourselves in a position of going only part way by extending coverage to only a few farmworkers.

Let's not perpetuate the second class treatment of our fellow Americans. Our Nation is rich and bountiful in promise and potential. No great sacrifice is involved in granting full unemployment insurance coverage to farmworkers. Let's do it.

Mr. MONDALE. The committee version of the pending bill extends unemployment insurance protection to farmworkers where an employer has eight or more workers for 26 weeks. However, the bill also exempts workers who are working under a crew leader by excluding crew leaders from the newly recommended definition of farm employers. Many migratory farm laborers work under a crew leader. Moreover, in my judgment, if the committee bill language is accepted, those workers who do not now have crew leaders will either be required to quickly get them, or will be assigned crew leaders. This may serve to exempt a substantial segment of farmworkers from the unemployment compensation coverage recommended by the committee in order that farm employers could avoid the tax required to fund the unemployment compensation program.

This amendment that I now propose is a modest and conservative one. It does not extend the coverage for migratory labor beyond the limits otherwise recommended by the committee for farm labor. This bill is a modest proposal that will cover roughly only about 20 percent of farm labor, and only 2 percent of this Nation's farms, which are the larger concerns. By extending coverage to farmworkers, the bill is a first step to extend unemployment compensation to the poorest segment of the American working force; namely, farmworkers and migratory workers.

Mr. President, this amendment enjoys bipartisan support. It is supported by the Secretary of Labor. Its provisions have even been supported by Governor Reagan of California and others who, I think quite rightly, join in the basic assumption that of all workers, the migrants are the most poorly treated in American life.

Ten years ago, there was a moving documentary film called "Harvest of Shame."

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from California.

Mr. MURPHY. I joined with the Senator from Minnesota as a cosponsor of this amendment. Unfortunately, in many States, migratory labor is badly treated. I point out that that is not so in the State of California. I would also point out to my distinguished colleague that some of the documentary movies which have been made leave a great deal to be desired in treatment of the facts and the truth of the matter.

However, in dealing with this particular segment of labor, there is no question in my mind, nor in Governor Reagan's mind, that these people should be included, and I am pleased to join with my distinguished colleague from Minnesota in this amendment, which I think at long last will help this particular group which are so important to the agriculture business, not only in California but in 28 other States in the Union.

Under the definition and under the language of the amendment, as my colleague has pointed out, it will affect only about 20 percent of the some 230,000 of these migratory laborers who are so important. I enthusiastically endorse the amendment, and urge my colleagues to heed the voice of one who has been studying this problem for many years—about 30 years—and says that this is a good amendment, and a step in the right direction. It extends aid to people who have needed it for a long time, and who I am glad to say receive it under the State provisions of the State of California.

I thank my distinguished colleague.

Mr. MONDALE. Mr. President, I am ready to go to a vote on this amendment. But first, I am happy to yield to my senior colleague from Minnesota.

Mr. McCARTHY. Mr. President, I think it is important to note that the bill without this amendment leaves the way open for genuine abuse, even with reference to those agricultural workers we are trying to cover; simply by the device of appointing a crew leader, the whole thrust of the legislation, which would extend coverage at least in a limited way to agricultural workers might be entirely frustrated.

Mr. MONDALE. The Senator is absolutely correct. As a matter of fact, this legislation appears to provide a financial incentive to the farmer who might require crew leaders for all farmworkers who do not now have them. Under the committee bill, there is no additional expense connected with the compensation of employees of a crew leader. The bill, without my amendment, simply avoids

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any coverage whatsoever for employees of crew leaders, and by a ruse farm employers might avoid all farmworker coverage.

Mr. McCARTHY. We might even exclude some already covered, and some we seek to cover in this legislation.

I think if we were to do that, by exempting those with crew leaders, it would set a very bad precedent that farmworkers and those who live by the land are somehow second-class citizens, and should not be subject to coverage or protection as far as the operation of the law is concerned.

I support the amendment of my colleague from Minnesota.

Mr. MONDALE. I thank my senior colleague for his support. Perhaps more than any other Member of the Senate, he has specialized in efforts to reform, modernize, and make more meaningful the unemployment compensation laws of this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. WILLIAMS of Delaware. Mr. President, the committee bill would exclude the employees of a crew leader from coverage under Federal law, even if the crew leader had eight or more employees in at least 26 weeks. The committee feels that administrative and cost experience should be gained from the coverage of agricultural business before coverage of additional agricultural employees is considered. Coverage of migratory labor might present administrative and cost problems which it would be preferable to avoid in this initial extension of coverage to agricultural employment.

The committee bill already extends the coverage to 233,000 agricultural workers. The committee felt in the case of migratory labor that we were not sure just how it would work. For example, these migratory workers would be working for a few months, say, in Florida and a few months later they may be in Georgia or North Carolina, and later would be working up the coast. They would work in six or eight States. They might pay taxes in those States, but when the workers were to draw benefits, from which State would they get the benefits? This is one reason why we felt that the committee and the administration needed to study the problem a little more before we could perfect legislation, and for that reason we rejected it at this time, with the understanding that the administration was going to study this matter further and try to come back with a solution as to how it actually could be applied. Frankly, the committee does not understand how it could be applied at the present.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I think the people who are interested in migratory labor should be commended, but we are faced with some real problems here. Our unemployment systems are State systems.

The last rollcall vote reaffirmed, as the distinguished Senator from Delaware has pointed out, that part of the services are performed in one State, then they go to another State and gather fruit or vegetables or perform whatever labor is necessary, and then on to the third State. Who carries the cost of unemployment compensation?

Many problems need to be worked out—administrative problems—and it requires careful study and should be presented to a committee so that they could call in some witnesses and make sure that what is proposed is the most practical way to do it.

While the amendment is well intentioned, I feel that it should not be adopted because of the administrative problems.

Mr. WILLIAMS of Delaware. I concur in what the Senator from Nebraska has said.

I do not argue on this amendment on its merits. A good argument could be made as to the merits. I do not question for a moment the sincerity of those who sponsor the amendment, and they certainly have a problem. Frankly, it is a problem to which our committee did not have a solution. We do not have it now, and we do not know how we can make it work. That is why I say we have to oppose taking this step at this time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. As the Senator knows, in this bill we make the first effort to extend coverage to agricultural labor. We extend coverage in this bill to 2 percent of agricultural employers, but we reach almost one-fifth of agricultural labor. In doing so, we proceed with those in the agriculture business whose activities most closely approximate the way a business is conducted. We cover the larger agricultural operations, and we think that this coverage is feasible and administratively possible. We will gain a great deal of experience with that, to see how further we can extend coverage to what extent we should extend it to others.

We say in the committee bill that where one has eight employees and they work for him as much as 26 weeks, those people are covered. We did not try to cover migratory workers. We thought it would be very difficult and complicated and would create all sorts of administrative difficulties.

This amendment would create much more complexity and much more difficulty of administration. There are other ways we could broaden coverage of agricultural labor under this bill, beyond that which is covered under the committee bill. For example, it would be much easier to reduce the number of employees from eight to six, or to reduce the number of weeks from 26 to 20, and cover many more people.

These people migrate from one State to another. In some cases they might be in a State for a number of weeks, and if you try to collect the tax in one State so that benefits can be paid, you would have to trace the person from State to State to determine one's entitlement. The crew leaders, after all, are migrants themselves, moving from place to place. They are poorly qualified to keep records on those who work under their supervision.

For these reasons, we do not think that this is where we should start with covering agricultural labor. In this bill we make a reasonable start.

The House did not cover any agricultural labor. They just left them out. We will be doing well in conference to persuade the House to accept what the committee has agreed to, without trying to get the House conferees to go along with something that presents serious administrative problems.

It seems to me that we have made the right start in the right area with agricultural labor, and that the committee bill would extend coverage where it is most feasible and can be best administered. Then, having had some experience, we can consider this problem later. Otherwise, we may find that while we have covered 30,000 migrant laborers, because of the administrative hurdles involved, we have put a tax on their employment without them being able to benefit.

Mr. WILLIAMS of Delaware. That is what we were afraid of in committee. Nothing in the House bill dealt with agricultural labor. The committee bill extends it to 233,000 agricultural workers. We were fearful that if we included migratory labor, in a measure which we did not know how to administer, and we could not suggest how it could be administered—the administration was unable to tell us how it could be administered—we would lose the whole package.

That is the reason why we were afraid to put this in at this time, and why we are afraid to accept it now.

Mr. LONG. The Senator has made a good point, and it should be kept in mind: This is virtually the same bill that died in conference 4 years ago. The Senate put a lot of ambitious amendments in that bill in the 89th Congress, and the Senate was determined in that matter, but the House simply stood fast and nothing happened.

I would hope that we would take pride in sending to conference a bill that would extend uemployment compensation insurance coverage to up to 4.4 million additional workers, and not jeopardize the bill with this amendment, which we believe would present an enormous administrative problem in extending coverage to some 40,000 workers. In my judgment, we probably could not work it out in conference, anyway.

I hope we would get on with this bill and extend coverage to the 4.4 million people who have been denied it altogether too long, and not tie up this bill in a deadlock between the House and the Senate in conference.

Mr. WILLIAMS of Delaware. I support the argument of the chairman. I hope that this amendment will be withdrawn, with the promise on the part of the chairman and myself and other members of the committee that we are sympathetic to the problem and that we would give it careful study and try to see if we could work out a solution. Perhaps it could be done and incorporated at a later date.

As I said before, frankly, in commit-

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tee we objected to this not on its merits, but just on the basis that we did not know how it would work. These migrant workers will be working in four or five States during the year, and if their employers contribute to the unemployment fund of four or five States, which State is going to pay the unemployment compensation? And if they have different rates of unemployment compensation in the different States, under what basis will it be paid?

It is a mathematical problem which we did not know how to solve, and that is why we hope the amendment will not be accepted at this time.

Mr. LONG. I voted for the McCarthy amendment, but the Senate voted that down by a 2-to-1 margin. If we had Federal standards, perhaps the States would better be able to administer what the Senator seeks to do with this amendment about crew leaders and their labor. Without any type of Federal standards, there is a lack of uniformity which can present a virtual administrative impossibility, in the mind of this Senator.

Mr. ALLOTT. Mr. President, I should like to ask the Senator from Minnesota a couple of questions about his amendment since I have not had a previous chance to study it. I feel that it might be helpful to clarify the Record on one or two points.

First, is the bill now before the Senate presently applicable to the territories and if so, which ones?

Mr. MONDALE. I would ask the chairman of the Finance Committee, the Senator from Louisiana, to respond to that question. I would say it is not applicable.

Mr. ALLOTT. Let me say that I have just inquired privately of the Senator from Louisiana, chairman of the committee, and he says that it is not applicable to any of the territories. I am sympathetic to the concerns of the distinguished Senators from California and Minnesota, although I shall not support it for the reasons which the chairman and the ranking member of the committee have stated.

Mr. President, the reason for my question about the applicability of the Territories is because of the alien labor situation in the Virgin Islands. There are approximately 15,000 noncitizen workers employed in the Virgin Islands. Those of us on the Interior and Insular Affairs Committee have tried to find some remedies to this situation. The main support for services now in the Virgin Islands, however, comes out mostly from the British Virgin Islands and other British islands around there, and from some of the French islands.

The Senator can see that I would be very much concerned about the amendment if it did apply to those aliens and noncitizens where employers would be paying the employment tax for those noncitizens.

Since I have been assured that this does not apply to the Virgin Islands, nor to the other territories in which the situation prevails, the problem does not apply. However, I wanted to be sure, in case the amendment should pass, that it did not apply to our territories or to the aliens who work in them.

Mr. LONG. I might say to the Senator that I believe the amendment offered by the distinguished senior Senator from Florida and accepted by the Senate just before the Senator from Colorado entered the Chamber should completely clarify the matter. It excludes this sort of alien labor from the coverage provided by the committee bill.

The PRESIDING OFFICER (Mr. Gravel). The question is on agreeing to the amendment of the Senator from Minnesota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from New Jersey (Mr. Williams), the Senator from Ohio (Mr. Young), the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. Gore), the Senator from Rhode Island (Mr. Pell) and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. Harris) and the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Idaho (Mr. Jordan) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is detained on official business.

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from Utah (Mr. Bennett). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Idaho (Mr. Jordan). If present and voting, the Senator from New York would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 36, as follows:

[No. 120 Leg.]

YEAS—42

Aiken
Baker
Brooke
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dodd
Dole
Eagleton
Gravel
Griffin
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Kennedy
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Prouty
Proxmire
Randolph
Schweiker
Stevens
Symington
Yarborough

NAYS—36

Allen
Allott
Bellmon
Bible
Boggs
Byrd, Va.
Cannon
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Long
Mathias
McClellan
Miller
Packwood
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Anderson
Bayh
Bennett
Burdick
Goodell
Gore
Harris
Hughes
Javits
Jordan, Idaho
Magnuson
Mundt
Pell
Percy
Ribicoff
Russell
Saxbe
Stennis
Talmadge
Tydings
Williams, N.J.
Young, Ohio

So Mr. Mondale's amendment was agreed to.

Mr. YARBOROUGH. Mr. President, we have before us today for consideration the most significant bill pertaining to unemployment compensation since the program was originally enacted in 1935. Since it was first enacted, unemployment compensation has provided income for millions of American workers during periods of unemployment; however, there are presently over 16 million jobs that are unprotected by either State or Federal unemployment compensation. The bill before us today would extend coverage to 4.4 million of these jobs.

Among the workers who will be covered by this bill are agricultural workers who are employed by farms having eight or more employees. It is estimated that 233,000 farm jobs will now be protected by unemployment compensation. This represents a major breakthrough in the area of agricultural labor.

In addition to agricultural labor, the bill extends coverage to the employees of nonprofit organizations, State hospitals, and State institutions of higher learning. These employees have previously been excluded from unemployment compensation and by virtue of this bill, approximately 3.2 million jobs would now be covered.

Under this bill, unemployment compensation coverage is extended to U.S. citizens employed outside the United States by American employers. This means that approximately 160,000 jobs previously unprotected will now be covered. Furthermore, this bill would require States to extend to each political subdivision of the State the right to cover employees of county and municipal hospitals and institutions of higher learning. Under this provision, approximately 436,000 county and municipal employees could become eligible for unemployment compensation.

I wish to commend the distinguished

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chairman of the Senate Finance Committee, Senator Long, and the other members of this committee, for their excellent work in producing this measure. This bill represents an excellent example of what Congress can do to ease the burden of our people. I urge all of my colleagues to give this measure their fullest support.

Mr. BYRD of West Virginia. Mr. President, I am glad to support H.R. 14705, a bill which would extend and improve the Federal-State unemployment compensation program. This legislation represents the most significant improvements in the unemployment compensation program since it was enacted during the 1930's as part of the Social Security Act.

I supported this meritorious legislation in 1966, when this matter was last considered. It was unfortunate that, at that time, the House and Senate conferees could not resolve their differences and send to the President, for his signature, this needed legislation. It is my hope that the conferees will be able to speedily resolve any of the current differences.

Mr. President, this bill is the product of one of the most intensive reviews of the unemployment compensation program since its enactment. I commend the distinguished chairman of the Committee on Finance, Mr. Long, and the members of his committee, for presenting to the Senate legislation which will go a long way toward making the Federal-State unemployment compensation system more responsive to the needs of present-day workers. The value of this program has been demonstrated by experience.

Today, approximately 58 million jobs, including those of Federal employees, ex-servicemen, and railroad workers, are now protected by the unemployment compensation system. This bill will extend coverage up to an additional 4.4 million jobs. It will provide additional American workers with insurance against economic disaster due to the loss of employment. The program—providing payments to the unemployed as it does—provides the additional benefit of stabilizing the economy to guard against recession.

Mr. President, it is important that in a program such as this one, which provides billions of dollars in benefits, abuses by the recipients be carefully watched and prohibited. This legislation will strengthen and tighten the administration of the unemployment compensation program. It will provide guidelines that will make certain that the idle unemployed are genuinely unemployed. It will protect those workers who have earned its benefits.

I am glad that this legislation goes further than the House bill in providing additional coverage to faculty, research, and administrative employees of institutions of higher learning. It would also require States to permit employees of a county or municipal hospital or institution of higher education to be covered at the option of the governmental unit, which would make payments in lieu of taxes. This legislation would remedy the inequity which now exists that prevents the hardworking employee of a nonprofit hospital from receiving the same benefits of his colleague in the profit-making hospital.

Among other significant provisions of this bill, it will establish a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high employment. It will provide States, with a needed procedure for obtaining independent and impartial judicial review of adverse determinations by the Secretary of Labor, when threatened with the loss of certification of their State program. Improvements in the financing of the program have been added.

Mr. President, basically what this bill does is to provide the needed legislation in further protecting our workers with insurance from economic disaster due to the loss of employment, and through this to stabilize the economy to guard against recessions. I intend to support this effort.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. Gore), the Senator from Rhode Island (Mr. Pell), and the Senator from Georgia (Mr. Talmadge) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota Mr. Burdick), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Georgia (Mr. Talmadge), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), and the Senator from Ohio (Mr. Young) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Idaho (Mr. Jordan), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Idaho (Mr. Jordan), the Senator from South Dakota (Mr. Mundt), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 121 Leg.]

YEAS—77

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—0

NOT VOTING—23

Anderson
Bayh
Bennett
Burdick
Goldwater
Goodell
Gore
Harris
Hughes
Javits
Jordan, Idaho
Magnuson
Mundt
Pell
Percy
Ribicoff
Russell
Saxbe
Stennis
Talmadge
Tydings
Williams, N.J.
Young, Ohio

So the bill (H.R. 14705) was passed.

Mr. LONG. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that in the engrossment of the bill the Secretary of the Senate be authorized to make necessary technical and conforming changes, particularly with regard to the Holland amendment which was agreed to on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I further ask unanimous consent that the bill be printed as passed with amendments of the Senate numbered.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. GORE, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, passage of the unemployment compensation measure is a fine tribute to the distingushed Senator from Louisiana (Mr. LONG), the able chairman of the Committee on Finance. His clear and persuasive presentation of the bill was essential to its swift and unanimous approval by the Senate. He is to be highly commended for this achievement.

Joining the able chairman was the distinguished senior Senator from Delaware (Mr. WILLIAMS). His splendid cooperation and assistance enabled the efficient disposition of the measure. It was characteristic of his many years of public service.

Notable also were the contributions of the distinguished senior Senator from Minnesota (Mr. McCARTHY) and his able and distinguished colleague (Mr. MONDALE). Their comments, their views, and the amendments they proposed added immensely to the discussion and to the high caliber of consideration enjoyed on this measure.

I am grateful to the entire Senate for the cooperation of all Members on the legislative program today.

LABOR DISPUTE BETWEEN CERTAIN RAILROAD CARRIERS AND CERTAIN OF THEIR EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 761, Senate Joint Resolution 190.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, there will be no action on this joint resolution tonight, but it will be the pending business after the conclusion of the vote on the Carswell nomination tomorrow. This measure, in turn, will be followed by the postal and Federal pay raise bill. So we have a pretty heavy schedule for tomorrow.

SUPREME COURT OF THE UNITED STATES—ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Am I correct in assuming that there is an order entered for the Senate to convene at 10 o'clock tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Has the time been equally divided for those 3 hours?

The PRESIDING OFFICER. That has not been done.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be divided on the same basis—equally between the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguishd Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS IN EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate recesses tonight, it recess in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no morning business tomorrow until sometime late in the afternoon; and, after the prayer, we will go directly into the Carswell nomination.

Mr. President, I ask unanimous consent that Senate Resolution 211 be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3689—INTRODUCTION OF AN IMPROVED COLD WAR GI BILL TO ESTABLISH A NEW LOAN PROGRAM TO ASSIST VETERANS IN OBTAINING A PRIVATE PILOT'S LICENSE AND TO ESTABLISH AN IMPROVED VETERANS FARM COOPERATIVE TRAINING PROGRAM

Mr. YARBOROUGH. Mr. President, I send to the desk for appropriate reference a bill which would amend the cold war GI bill by making workable and viable two veterans programs, which are now provided for in part but not as adequately as other educational provisions in the GI bill. This bill would establish a modified improved veterans farm cooperative training program and would create a new loan program which would assist veterans who are interested in flight training to obtain a private pilot's license.

VETERANS FARM COOPERATIVE TRAINING PROGRAM

Experience during the last few years has clearly demonstrated that the present veterans farm training program has failed to encourage young veterans to pursue a career in farming. Since the enactment of the present program in 1967, only approximately 400 veterans have taken farm training in contrast to 785,000 veterans who participated in the farm training programs provided under the World War II and Korean conflict GI bill.

The causes of the poor participation by veterans in farm training are: First, the low allowance rates, and second, the unrealistic requirements of the present program. With the passage this year of H.R. 11959, as amended by the Senate, Congress made substantial progress toward eliminating the first cause by raising the allowance rates by 35 percent. However, this is only a partial solution. For this program to be successful, it is essential that the farm training program be revised to meet the needs of the young veteran who is struggling to start his farm and support his family. The present farm training program does not meet these needs.

The most objectionable feature of the present farm training program is that it puts too much emphasis on classroom work and not enough on actual on-the-farm training. Under the present program, a veteran is required to take a minimum of 12 classroom hours of instruction each week for 44 weeks of any 12-month period. There is no provision for on-the-farm training. It is almost impossible for a veteran who is trying to work and support his family to carry this heavy a weekly classroom workload.

On April 29, 1969, I introduced a bill, S. 1998, which was intended to revise the farm training by substituting for the present program a new program similar to one created by the Korean conflict GI bill. Instead of emphasizing only classroom work, my bill would have created a balanced program with particular emphasis on individual on-the-farm instruction. The bill I introduce today, which is essentially the same as S. 1998, contains the following significant features:

First, the classroom instruction requirement is lowered to a minimum of 200 hours per year, with a minimum of 8 classroom hours each month;

Second, the individual on-the-farm instruction which was a major part of the farm training program under the Korean conflict GI bill is reinstated. The bill would require not less than 100 hours of individual instruction each year, at least 50 hours of such shall actually be on the farm; and

Third, it eliminates the onerous requirement of the Korean program that the veterans own or control a farm to take the training.

The Subcommittee on Veterans Affairs of the Labor and Public Welfare Committee held thorough hearings on S. 1998 during June and August of 1969. During these hearings, testimony in favor of S. 1998 was presented by such respected farm organizations as the National Farmers Union, the National Grange, and the Minnesota Farmers Union. S. 1998 also was supported by the American Vocational Association which is composed of 10,000 agricultural education specialists. The evidence presented to the subcommittee clearly pointed out that: first, there is a need for this program as a means of training replacements for those farmers who have died, retired or quite farming; second, there

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are many veterans who would like to take this training if the requirements were more realistic; and third, the burdensome classroom requirements not only discourage veterans from taking the training but severely hinder the State education agencies from establishing farm training programs.

Mr. C. W. Dalbey, State supervisor of agricultural education, Iowa State Department of Public Instruction, who testified on behalf of the American Vocational Association, pointed out the flaws in the present program and its impact on veterans who might want to take farm training by saying:

> The present requirement of 12 hours per week of classroom work with no requirement of on-farm supervision is impractical. The average young man eligible for this training program cannot spend 12 hours per week away from his young family and his farming business. This is an excessive load of classroom work in any one-week period.
>
> Further, the new program does not provide for on-the-farm instruction and supervision which was a very valuable part of the training and educational program of the World War II and Korean War veterans programs.

He also testified to the results of a survey made by the American Vocational Association of 21 State supervisors of agricultural education concerning the present farm-training program. In response to the question "Do you feel there may be more interest if a program somewhat similar to World War II and Korean war program, combined classroom and on-farm instruction be made available?" Mr. Dalbey testified that all 22 State supervisors answered this question "Yes." During this survey 21 State supervisors were asked the question: "Do you feel the present law satisfactory?" 20 State supervisors answered "No" to this question. Because of the importance of this testimony, I ask unanimous consent that it be printed in the RECORD upon the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. During the hearings, Mr. Edwin Christianson, of the Minnesota Farmers Union, testified as to the need for an effective veterans farm training program as a means of providing replacement farmers. He pointed out that in Minnesota, alone, it has been estimated that there will be a need for 3,375 young farmers to replace those farmers who die, retire, or otherwise leave farming. He also stated that in Iowa there will be a need for 2,700 farm replacements a year and 950 replacements a year in Nebraska. Agricultural colleges simply cannot meet this demand for farmers.

Mr. President, I request unanimous consent that Mr. Christianson's testimony be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, in a memorandum prepared for the conferees on H.R. 11959, Mr. Christianson outlines the great potential that exists for the new farm-training program which I introduced. According to the estimates by agricultural education experts, in 12 States there are potentially 19,000 veterans who would take this training if the requirements were reasonable. Mr. President, I ask unanimous consent that this memorandum be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. YARBOROUGH. My bill, S. 1998, was approved unanimously by the Senate Subcommittee on Veterans' Affairs and by the full Senate Labor and Public Welfare Committee and was incorporated as part of title I of H.R. 11959. This bill passed the Senate by a vote of 77 to 0.

In conference, the House conferees were unwilling to accept the new farm program because they stated they believed there was no need for it. Because of the urgent need for an increase in allowance rates, I was willing to allow the farm program to be dropped from H.R. 11959 in order to avoid an impasse on this important bill.

Despite the overwhelming evidence concerning the need for this new farm program presented to the Subcommittee on Veterans' Affairs during its original hearings on my bill, I believe it would be helpful in emphasizing the urgent need for this bill to repeat it here.

Mr. President, the future of farming as a vocation in the United States is dependent on whether young men choose to make it their life's work. Unless we have strong farm-training programs such as the one I am proposing today, farming as a family vocation is doomed to fade into history. The bill I introduce today would be a great step forward toward revitalizing rural America.

Mr. President, I ask unanimous consent that the testimony of Mr. John W. Scott, master of the National Grange, which was presented to the Subcommittee on Veterans' Affairs during the hearings on S. 1998 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

LOAN PROGRAM TO ASSIST VETERANS IN OBTAINING A PRIVATE PILOT'S LICENSE

Mr. YARBOROUGH. Mr. President, with the ever-increasing volume of air travel in the world, there is a pressing need for commercial pilots. There are many veterans who are interested in pursuing a career in commercial aviation but are unable to finance the cost of obtaining a private pilot's license which is a necessary prerequisite to obtaining a commercial license. Under the present flight training program, a veteran can receive financial assistance in obtaining his commercial license; however, it is up to him to pay the cost of his private license. Many veterans simply cannot afford private pilot's license training. Furthermore, the high interest rates that banks presently charge make it practically impossible for a veteran to obtain a loan to pay for this training.

The bill that I am introducing today would provide a way for veterans who are seriously interested in flying to finance their private pilot's training. This bill establishes a low-interest loan program, the principal features of which are:

First, a veteran wishing to pursue a course in flight training could obtain from the Veterans' Administration a direct loan in amount not to exceed $1,000 or 90 percent of the cost of tuition and fees of a private pilot's license training program:

Second, such loans shall bear interest at the rate of 6 percent per year; and

Third, such loans shall be repayable in equal monthly installments over a period not to exceed 3 years. These payments shall commence within 1 year after the veteran obtains his private license. In the event the veteran, after receiving the loan, fails to enroll in a flight training program or fails to satisfactory complete his training, the payments shall begin immediately.

This loan program is designed to aid the young veteran who is serious about flying. It is not a giveaway program which would encourage the taking of flight training for amusement. It is a serious decision for a young man to undertake a $1,000 obligation, and I frankly believe that only serious young men will use this program.

I first introduced this measure in January of 1969. My bill was included by Senate amendment as a part of title I of H.R. 11959, which was passed by the Senate by a vote of 77 to 0. During the conference between the House and the Senate, the House conferees would not agree to accept this program. Because of the importance of obtaining the 35-percent increase in the education and training allowances without delay, the Senate conferees agreed to temporarily drop the needed program from the bill. However, I still believe that this is a valuable and needed program, and I shall continue to work for its passage.

Mr. President, I ask unanimous consent that the testimony of Mr. Robert F. Monroe, deputy chief, policy and technical planning division, Aircraft Owners and Pilots Association, which was presented to the Senate Subcommittee on Veterans' Affairs of the Senate Labor and Public Welfare Committee during the hearings on my original bill, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the names of the following Senators be included as cosponsors of the bill that I am introducing today.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> Senator Alan Cranston of California; Senator Quentin N. Burdick of North Dakota; Senator Peter H. Dominick of Colorado; Senator George McGovern of South Dakota; Senator Walter F. Mondale of Minnesota; Senator Frank Moss of Utah; Senator Jennings Randolph of West Virginia; Senator Fred Harris of Oklahoma, and Senator Edward Kennedy of Massachusetts.

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Exhibit 1

Statement of C. W. Dalbey, State Supervisor of Agricultural Education, State Department of Public Instruction, Des Moines, Iowa, Representing American Vocational Association

Mr. Dalbey. I am C. W. Dalbey, State supervisor of agricultural education from Iowa, representing the more than 45,000 members of the American Vocational Association. The membership of AVA consists of approximately 10,000 agricultural education personnel including State supervisors, teacher educators, and classroom teachers. Vocational agriculture enrolls approximately 500,000 high school students, 10,000 post-high-school students, and 400,000 adults and young farmers.

Vocational agriculture has had considerable experience with the veterans on-farm training program of World War II and the Korean war. This training program made a terrific impact upon the gross production of agriculture and its beneficial effect to the efficiency in forming of many individuals accepting the training.

We in agricultural education have been much concerned along with veterans and other interested persons that the Veterans' Educational Assistance Act as it pertains to veterans' training on the farm is not applicable to the young man who is doing full-time farming and involved in a sound operation as a farmer.

The present requirement of 12 hours per week of classroom work with no requirement of on-farm supervision is impractical. The average young man eligible for this training program cannot spend 12 hours per week away from his young family and his farming business. This is an excessive load of classroom work in any 1-week period.

Further, the new program does not provide for on-the-farm instruction and supervision which was a very valuable part of the training and educational program of the World War II and the Korean war veterans program.

The present act has requirements which appear to be structured to encourage enrollment in regular college classes which are not synonymous with full-time farming. Unless the young man is willing to class his operation as part-time and attend a college nearby, it does not fit his operations. In the majority of the States, the age of farmers is high. The need for efficient farmers in the period ahead is going to be serious. In our State the average age of farmers is above 50 years of age and we consider this a serious item as we look ahead to those who are going to be involved in the full-time operation of farms in Iowa.

We should lend every encouragement in the way of sound educational programs to encourage efficient farmers to operate the farms of the future in our States. There is a close correlation between the farm income of our Midwestern States and the total population support. We cannot tolerate low farm income and inadequacy in agriculture if we are going to progress as a nation, as a State, or as a county.

We propose changes in the structure of the present veterans' program to more nearly meet the needs of the operating, full-time young farmer. We recommend a revision in the program to the structure operated under the Korean war veterans situation. This involves 50 hours of classroom work per calendar quarter and 25 hours of on-the-farm individual and group instruction in the same period. This arrangement permits the operation of two classes per week for classroom instruction and individual followup instruction on the farm to meet the problems of the individual farming program.

Problems vary widely between dairy farmers, crop farmers, and specialized farming operations. This calls for individualized types of instruction to meet their needs in order that they secure the highest return from their farming operations. Farming is highly competitive and profit margins are generally low. We need the maximum of efficiency among our young farmers as we look ahead.

Our committee, composed of George Cochran, State supervisor of Minnesota, Doyle Beyl, State supervisor in Wisconsin, and myself, State supervisor of Iowa, conducted a survey in a number of States to determine the interest in the program under its present structure.

Under this question: "Do you feel there may be more interest if a program somewhat similar to World War II and Korean war program, combined classroom and on-farm instruction be made available?" 22 States answered yes, and not one State answered in the negative. This indicates the complete disagreement of the present program among the States we surveyed.

Among the various States and nationwide checking, there is indication of very little instruction for veterans on the farm in the United States. Perhaps we in Iowa are the largest of any State, and we have found it very difficult to start veterans classes under the present structure of the program.

When we asked the State supervisors of agricultural education in 21 States on the quesion: "Do you feel the present law satisfactory?" 20 answered in the negative and one State answered in the affirmative. We feel this gives you an indication of the thinking of these men who were involved in the sponsoring of the veterans agricultural training of World War II and the Korean war. We think the agriculture of the Nation and its importance in the total economy demand that this be given utmost consideration by Members of Congress as they look ahead in the veterans training program.

In Iowa the income from farming represents $3.75 billion, which amounts to over $12 billion in the total economy of our state, which is roughly 30 to 90 percent of the total State economy. We cannot afford to let down on our assistance to farm people in making their farming programs efficient, practical, and sound. It means profit in the pockets of all people in our States and Nation.

We sincerely urge you to give consideration to amending this law to make it more practical as it relates to operating farmers. These young men are just as deserving of this training as any other young man of the veteran's status. They should not be denied this education because of the impractical features of the present law.

We feel that the veterans law is entirely too structured toward college-bound students. I have been rather alarmed here this morning about the emphasis placed here on college students. College-bound people and college graduates represent a very small portion of our population. Only 10 percent of the high school graduates nationally, and 12 to 14 percent in our State, receive college degrees.

We thank you for this opportunity to present our feelings and convictions on this important legislation.

We are supporting S. 1998 by Yarborough. We think this will help clear up the problem. I think we need to realize that the emphasis on college doesn't represent many people, and even though college is important, we find that this 80 to 90 percent of the people, or at least 80 percent of the people who aren't involved in college degrees are causing a lot of our problems. I think we need to look ahead as we structure this veterans program.

Thank you for this opportunity, Senator Cranston.

Senator Cranston. Thank you very much. I have a question that Senator Yarborough wished me to address to you.

First, would you agree that education in agriculture and farming is more essential than ever in operating an agricultural enterprise under modern circumstances?

Mr. Dalbey. I would. Of course, our State is a strictly agricultural State. I was in the banking and loan business one time, and it convinced me that the operation of these farms in these various counties have a lot to do with the economy on Main Street. In most of our counties in Iowa, the income from farming exceeds the gross retail sales in the county.

Our economy is almost directly tied to agriculture, and as agriculture goes in our State, and most of the Midwestern States, so goes the general economy.

The population—if you will check the population of Iowa, Nebraska, and South Dakota, the population in the State is in comparison to the farm income. In the State of Wyoming, with about 10 percent of farm income of Iowa, supports about 10 percent of the population of Iowa.

I think if you will check this out, unless it is an outside subsidized State, agriculture is very important.

One time a fellow could farm if he couldn't do anything else. The opposite is true now. It is a highly efficient business. It requires skills, training, and lots of knowledge, and certainly a lot of economic knowledge.

Senator Cranston. A second question from Senator Yarborough.

Do you think the lack of farm training for veterans is a contributing factor to the advancing age of the average farmer in our declining rural population?

Mr. Dalbey. In the Vietnam situation, not enough of them are available. We have been surprised in the vocational school area that we have 120 veterans signed up for this program in one four-county area.

So there are more back there than we realize. The State supervisors haven't been able to push this as they should because of the shortage of vocational agriculture teachers.

We need to get the young people down on the farms. The age of farmers is creeping up rapidly. It is difficult to rent some land in Iowa because there are not farmers available.

Senator Cranston. In your prepared statement, you express the view that the present farm cooperative program does not provide for on-the-farm instruction and supervision.

Are you referring there to a requirement that you think ought to be in the law, or lack of authority for such on-the-farm instruction and supervision?

Mr. Dalbey. This is an important point. Individual farm operations vary widely. Some are hog farms. Others are grain, and so forth.

Senator Cranston. You refer to the survey of 20 States regarding required?

Mr. Dalbey. Legislation is required there, because the present law doesn't require it. It is in Senator Yarborough's bill.

Senator Cranston. You refer to the survey of 20 States regarding the present and proposed revisions of the cooperative program. Could you indicate whether California is one of the States surveyed and provide for the record a breakdown of the survey information you gave us?

(The information referred to may be found in the files of the subcommittee.)

Mr. Dalbey. I just went through those, and California is one of them.

Senator Cranston. Regarding the farm co-op program, which you supported, there are several questions I would like to ask you. The thrust of them is to determine exactly what provision of S. 1998 you see as a key to

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opening up the farm cooperative program and which might or might not be necessary at this point.

First, in California, agriculture students above the secondary level enroll in a junior college, State college or the University of California campus, which maintains its own farm on which the student works and learns.

Why is it necessary that a veteran has to own or control his own farm which such opportunities are available?

Mr. **Dalbey**. The previous provision in there, "own a control a farm," which means control the operation as a tenant. There is another aspect that could be added.

We think the person should control in some way the farm in order to properly benefit from the training. If the manager has complete control of the operation, the student cannot use what he learns in class. He should have some control.

However, there is another aspect of this thing that we need to consider, and that is for the young man who is going to work with someone else in agriculture, and they are getting to be a rather sizable proportion of these young men, because large industry is involved in agribusiness, and this could be something which could be added.

I don't know whether that answers your question or not.

Senator **Cranston**. What if a young man wants to go into agriculture, but has not inherited a farm, and has no farm he controls?

Mr. **Dalbey**. He should not be denied the training.

Senator **Cranston**. In agriculture, continuing mechanization requires new mechanical techniques. Can't the student learn these techniques better on a college experimental farm than on the family farm? In this circumstance, why is it necessary that the young man receive half of his individual instruction on the farm he individually owns?

Mr. **Dalbey**. We find our farmers in most States are very close to what is new. If a new corn-planter is introduced or a new picker, those are practically always available within a relatively short driving distance. It isn't only the universities that possess this equipment. In fact, the commercial concerns out in the area are the first owners. So they do have access to this equipment.

Senator **Cranston**. Since many of the farms in California are in permanent, rather than annual crops, the future farmers may have a farm of several hundred acres planted in, say, olives or figs, but may want to receive training in other crops, such as citrus or wine grapes.

Do you think it should be required that he have training in olives or figs when he wants to grow something ele?

Mr. **Dalbey**. I don't think he should have supervised training in a program he is not interested in.

Senator **Cranston**. Another question in this general area. Increasingly complex skills are required of the farmworker as agriculture becomes more scientific and more complex. The child of today's migratory worker may aspire to be a farm manager or a specialist in a specific field of farming, particularly on a corporate farm.

Doesn't the requirement, again, that he own his own farm prevent the farmworker from using his veterans benefits to get the training he needs to get a decent job in agriculture, and possible remove him from the migrant stream?

Mr. **Dalbey**. I believe this. We have to provide every opportunity to these young people. One of the important problems in the States is the way capital is being pulled together, not only in farming, but in all segments of the economy. We have got to open this training to the young people.

I realize it isn't in the bill exactly, but could be added.

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Senator **Cranston**. Given the advantages of relocating core city slum dwellers, many of whom came from farms originally, and know something about farming, back into an agricultural economy, isn't the training in techniques necessary to be a successful farmer a good idea for the interested veteran, even though he may not have been fortunate enough to have inherited a farm?

Mr. **Dalbey**. In our State, and yours, and in many other agricultural States, the number of people being employed in agri-business other than farming is jumping rapidly. We have jumped from 260,000 to 270,000 in our State alone during the past 2 years.

We are going to employ a lot of people who were not reared on the farm who are actually interested in something of this type.

Look at the greenskeepers on the golf course. Some of them are drawing as high as $30,000 a year. They need agricultural training.

Senator **Cranston**. Let's suppose there is a veteran who has newly planted a vineyard or citrus grove, but will probably receive no income from the endeavor for 5 years.

He could hardly be expected not to seek outside income during the slow-growing period, nor could he expect under normal circumstances to receive a satisfactory income by the end of this course, as is required in the legislation.

Shouldn't we provide also for veterans who want to go into permanent crops, not just those planted and harvested annually?

Mr. **Dalbey**. Absolutely. No question about it.

Senator **Cranston**. Thank you very much. I appreciate your being here.

EXHIBIT 2

STATEMENT OF REUBEN L. JOHNSON, LEGISLATIVE DIRECTOR, NATIONAL FARMERS UNION, PRESENTING THE STATEMENT OF EDWIN CHRISTIANSON, VICE PRESIDENT, NATIONAL FARMERS UNION AND PRESIDENT OF MINNESOTA FARMERS UNION

Mr. **Johnson**. Mr. Chairman, I apologize for not having been able to spend more time at the hearings.

In view of the late hour, and so that I won't infringe on your lunch hour, with your permission I will just file this statement.

Senator **Cranston**. You have that permission.

(The prepared statement of Mr. Christianson follows:)

"PREPARED STATEMENT OF EDWIN CHRISTIANSON, PRESIDENT OF MINNESOTA FARMERS UNION

"We wish to commend the members of this Subcommittee for their interest in this legislation and to stress its importance to family farm agriculture in the nation.

"In farming today, there is a greater premium than ever before on management ability and skill in adapting new methods and technology and in using farm capital. The future will be even more demanding in our opinion.

"Yet, our nation's high school vocational agricultural classes and the agricultural departments of our universities and colleges are training only a fraction of the young farm replacements which will be needed in the years immediately ahead.

"Studies have shown that only about half of those earning agricultural degrees in college actually remain in farming—many of them end up in related agri-business activities. So, we are not only short in the number of men graduating from agricultural schools, but only a part of them continue in actual farming.

"The GI farm training classes have a record which is particularly significant. A survey in our state of Minnesota showed that in 1960 most of the veterans who had taken farm training under the GI law in 1954 through 1966 were still in farming. A follow-up study of the cases of 3,179 veterans indicated that six to eight years after completion of training nearly 84 percent of the men were actively farming and another 3 percent were in related agri-business fields. The same study showed that, on the average, these men had increased their net worth by about 58 percent per farm and had shown a gain in the farm capital of about 54 percent per farm.

"The farming States and the Nation as a whole are going to need large numbers of young replacement farmers in the next ten years.

"In Minnesota, educators have calculated that about 3,375 farm replacements will be needed each year to succeed farmers who retire, die or leave farming. The estimates take into account the expected trend in the reduction in farming units and the consolidation of farms into large units. An Iowa State University study has indicated the need for about 2,700 farm replacements a year and a study by the University of Nebraska has projected the need for about 950 farm replacements a year.

"But, in contrast to the projected need of 3,375 young farmers a year in Minnesota, our agricultural schools are graduating only about 1,000 a year and only part of them are going into fulltime farming.

"A workable farm training program under the G.I. bill could be very important in filling the educational gap in Minnesota and elsewhere.

"We have a large potential in Minnesota for farm training classes. There are about as many veterans of service in the armed forces since 1955 as there were in the aftermath of the Korean hostilities and World War II.

"Nationally, some 780,000 veterans used their G.I. educational eligibility for farm training—and about 30,000 did so in Minnesota.

"Now, according to the best estimates by our educators in this field, we have a potential in Minnesota of about 5,200 veterans who would avail themselves of farm training under the G.I. bill if a realistic program along the lines of the post-Korean program were available.

"Because the regulations are now completely unrealistic, there is only one farm training class in operation. It is at Alexandria, Minnesota, and it has some 20 students.

"There are applications pending from 11 other schools—Middle River, Willmar, Montevideo, Madison, Worthington, Jordan, Blue Earth, Waterville, St. James, Hayfield and Detroit Lakes. They would each have about 30 to 35 students each.

"In addition, we understand that there are about 30 other schools which might serve as centers for such training classes and would have 20 to 30 students each.

"The hindrance to formation of these classes is that the young farmers cannot farm full-time and still engage in the equivalent of the full-time college studies, which is in effect the result of the requirement that 12 hours a week must be spent in classroom training under the program. It is true that the Congress has acted to allow students to attend on a three-quarter time or half-time basis with a proportionate reduction in the educational assistance allowances. This amendment, however, has not served to take care of the problem.

"We believe that S. 1998 take some constructive steps towards developing a program in which there could be widespread participation. It provides flexibility for the State approving agencies in designing the programs.

"It is particularly significant, we think, that the bill reduces the number of classroom hours to 200 per year or not less than 8 hours per month and that it restores and recognizes individual on-the-farm instruction as part of the program.

"The bill is realistic in providing that the farming activity of the trainee and the G.I. farm training, together, will occupy the full time of the eligible veteran. It also will emphasize instruction in management and technological advances which are applicable to the farming operation of the trainee.

"We are convinced that if S. 1998 becomes law, as it now reads, it will encourage the formation of numerous farm training classes in Minnesota and all across the farming areas of the nation.

"In conclusion, we want to stress that it is discriminatory and unfair that young men who interrupt their educational or farming careers to serve the nation in the military forces cannot use their G.I. educational eligibility for farm training.

"Almost 500,000 veterans have used the 'Cold War' G.I. bill for college work since 1967, about 175,000 have used the program for on-the-job training, but virtually none have been able to use the program for agricultural training.

"It is the clear purpose of the G.I. bill in 'aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.'

"It is time now for the Congress to restore equal educational opportunity to veterans who choose to farm.

"We want to acknowledge the important leadership which Senator Yarborough and the members of this Committee have given in the past and urge again that you make the needed effort to gain the program improvements which are vital if the program is to be meaningful to agricultural people."

Senator CRANSTON. I would like to ask you a couple of questions.

Mr. JOHNSON. All right, sir.

Senator CRANSTON. I appreciate very much your being here and your willingness to proceed in this fashion.

We have been discussing this morning, without an opportunity for you to listen in, the detailed requirements in the present law and S. 1998 regarding opportunities for veterans to get training on farms.

Why is it necessary that a veteran own or control a farm? That would seem to me to eliminate opportunities for those who just don't have the luck of inheriting a farm and yet would like to learn enough about farming to make that their career.

Mr. JOHNSON. Mr. Chairman, I suppose that, looking back into the development of agriculture education in the beginning, in Vocational Agriculture and the Extension Service we developed what we called a "project procedure." A boy, or a girl, would develop their program of education around a project, a calf or a garden, or a plot of corn, or some kind of a project which would actually give them work experience, and would go along with their classroom education.

It is pretty difficult to teach agriculture in the abstract, sir, and this tradition prevailed when the Smith-Hughes legislation was passed, and vocational agriculture was introduced into our high schools together with the youth organization, the Future Farmers of America.

Having been a teacher of vocational agriculture, and an adviser to an FFA chapter, I must say that I feel the project approach to training in agriculture is certainly one that provides the student with an incentive and with an interest that rarely prevailed in the other courses presented in the high schools where I taught.

There is absolutely no reason why training should not be available to people in agriculture other than the farm operator group. It seems to me there is a need for this. Through some of the programs in the past—I was thinking especially of programs in World War II—we had Federal funds and we brought in people and taught them how to weld and do equipment repair and a number of things that the vocational agriculture department could do, in addition and above the regular program of in-school and out-of-school instruction.

The aim of the program, as we see it, is to give people who are interested in making a career in agriculture an opportunity to get a start, and somewhere in this statement here it is pointed out here that in the State of Minnesota, in 1960 most of the veterans who had taken farm training under the GI law from 1954 to 1966 were still in farming.

It seems to me this is the objective we want to seek, and unless a trainee has some hold on a piece of land that would give him an opportunity to enter farming, chances are he may never be able to utilize this training, and that would be a tragic thing if that should develop.

I believe that some of the Labor Department's programs relating to helping workers find employment in agriculture might be a place where this training could come from.

As I pointed out here earlier, the Departments of Vocational Agriculture at an earlier time set up special programs for various kinds of people, without regard to whether they were farm operators. That is a possibility.

Senator CRANSTON. Aren't there increasing opportunities in the large corporate farms now for what amount to professionals to come in and participate in the operation?

Mr. JOHNSON. Well, sir, most of the corporate managers that I am familiar with are college trained these days. That doesn't preclude a young man from coming into a managerial position, but in these kinds of situations where, actually, you are training for managerial positions in a corporate farm structure, I would say that the local administrators of the program might be given leeway in terms of making a determination as to whether this trainee actually had the potential or the opportunity to eventually move into that kind of a position.

I would not object in this legislation to giving the local administrator, State and local administrators, some leeway to take care of these kinds of people that they felt actually were in an operative capacity who had an opportunity for further advancement to come in and take this kind of training.

I am thinking about a State like Minnesota, where we don't really have a corporate invasion, yet, of agriculture. These are family farms, and I think in this regard, Senator, that your State of California is unique.

Senator CRANSTON. What is your view of the requirements for training specific crops which can apply to somebody who has no interest in those, but wants to learn about certain other crops?

Mr. JOHNSON. Well, sir, my experience has been in this regard that unless a young man had contacts in an area where this other crop was grown, there would not be much interest in producing a crop that he isn't familiar with and that is not produced in the area of his residence.

Senator CRANSTON. I think that covers it adequately. Thank you very much for being with us. I appreciate your coming back a second day.

Thank you very, very much.

Mr. JOHNSON. Thank you.

Senator CRANSTON. We now will stand in recess until 9:30 tomorrow morning in this same room. Thank you all very much.

(Whereupon, at 1:05 p.m. the subcommittee recessed, to reconvene at 9:30 a.m. the following day, Thursday, June 26, 1969.)

EXHIBIT 3

MINNESOTA FARMERS UNION,
St. Paul, Minn., March 6, 1970.

As a member of the conference committee on H.R. 11959, we urge you to work for acceptance of the Senate provisions regarding the establishment of an Institutional-on-Farm Training program comparable to that available following World War II and the Korean conflict.

While there is only scattered participation in the cooperative farm training program under existing law, due to the basic impracticality of the program, the situation would be altogether different if the farm training provisions of the Senate bill are accepted.

There is a great potential for an Institutional-on-Farm training program, as can be seen from a spot check of educational agencies in these states:

B. E. Gingery of the Nebraska Department of Education estimates a potential of 2,500 veterans in a farm training program such as that contemplated in the Senate bill.

Dr. Lloyd Phipps of the University of Illinois Department of Education and G. Donovan Coil of the Illinois Department of Public Instruction concur in projecting participation by about 1,500 men.

Odell Barduson of the Minnesota Department of Education projects participation by about 5,200 veterans in a farm training program.

E. W. Gustafson, state supervisor for agricultural education in South Dakota, anticipates the formation of about 40 classes, with an average enrollment of 25 each, a total of 1,000.

James E. Dougan of the Ohio Department of Education indicates a potential participation of approximately 500 to 600 in his state.

J. M. Campbell, supervisor of agricultural education in Virginia, estimates that about 250 would enroll in an Institutional-on-Farm training program.

Hooker M. Coen, commissioner of the Mississippi Veterans Affairs Commission, estimates a potential of 250 to 500 farm trainees.

Frank R. Adams, coordinator in the Tennessee Division of Veterans Education, indicates a potential of perhaps 400 or 500 under the existing program, but declares that the number would be "much larger in the event legislation was enacted similar to the legislation enacted for Korean veterans."

Wayne Asche, Chief Supervisor of Agricultural Education in the Indiana State Vocational Education section, estimates the potential farm enrollment at 877.

Laurin P. Gordon, executive secretary of the Wisconsin Education Approval Board, reports that there are about 100 in training under the current program and would be at least 1,500 if the Senate provision were adopted.

C. C. Eustace, State Supervisor of Agricultural Education in the Kansas Department of Education, believes that Kansas would have a potential enrollment of 2,400 men in farm training, assuming a good program is available.

Elwood Mabon, coordinator in career education in the Iowa Department of Public Instruction, estimates a possible 3,000 to 3,500 peak participation in farm training centered at the state's 16 technical schools. Currently, one school has a GI farm training program in operation with six classes and a total of some 140 men participating.

Currently, there are about 411 men in the cooperative farm training program nationally and the Veterans Administration has projected that this number could go to 1,000 men by 1974.

The VA has also projected that if the Senate farm training provisions were available, there would be an additional participation of 1,400 men monthly in the nation by 1974. From the evidence cited above, the VA projections are completely unrealistic, since a potential of 19,000 men is indicated just in the states listed.

For all practical purposes, at present, it is almost impossible for young veterans to use their GI educational eligibility for farm training. It is high time that the Congress acted to remedy this discriminatory situation.

Even if, as some say, participation in a Korean-type farm training program would turn out to be negligible, nothing would be lost by having the enabling authority on the statute books.

But we contend, and we feel we are on sound ground, that the participation would be large, and if the authorization is not forthcoming from Congress, much would be lost because many thousands of young men whose educational career was interrupted for military service will not be able to choose agriculture as the field in which they wish to improve their skills.

We therefore urge you to work for acceptance of the Senate provisions on farm training in the final compromise version of H.R. 11959. Such a course would be most helpful to the people in Rural America.

Respectfully,

EDWIN H. CHRISTIANSON,
Vice President, National Farmers Union.

EXHIBIT 4

PREPARED STATEMENT OF JOHN W. SCOTT, MASTER OF THE NATIONAL GRANGE

Mr. Chairman and Members of the Subcommittee: I am John W. Scott, Master of the National Grange, with offices at 1616 H Street, N.W., Washington, D.C.

The National Grange is a rural-urban family organization with 7000 community Granges located in 40 of our 50 states. Although the majority of our members would not receive any direct benefit from legislation now being considered by this subcommittee, they do have a keen interest in the improvement of rural living, extending the advantages of better education to rural people and equal opportunity, especially for our veterans, to earn advancement in their chosen profession of agriculture.

In our judgment, the enactment into law of S. 338, to amend section 1677 of title 38, United States Code, to increase the rates of educational assistance allowance paid to veterans under such sections, specifically section 1682(a) of title 38, United States Code; and S. 1998, a bill to amend section 1682(d) of title 38, United States Code, so as to modify the requirements for the farm cooperative program under such section, is not only in the best interest of members of the National Grange, but more importantly, is in the best interest of the nation.

The National Grange has been disappointed in the participation in the education and training programs established by the "Cold War" G.I. bill. Records of the Veterans Administration show that only 20 percent of those eligible for benefits had claimed them, compared with 50 percent of World War II veterans and 42 percent of the veterans of Korea. We believe that one of the reasons for the low participation is the fact that the level of assistance provided has not kept pace with the fast-rising cost of education.

The number participating in cooperative farm training programs has shown a greater drop due, we believe, to the restrictive requirements of the present law regarding the number of classroom hours per year necessary for participation in the program. S. 1998 reduces the number of classroom hours to 200 per year, or not less than 8 hours per month and, most importantly, it restores and recognizes individual on-the-job farm instruction as part of the instruction program.

The hindrance to formation of new classes, which is an indication of the participation in the program, is that the young farmer veterans cannot farm full time and still engage in the equivalent of full-time college studies, which is, in effect, the result of the requirement that 12 hours a week must be spent in classroom training under the present program. It is true that provisions of the present law allow students to attend on a three-quarter-time or half-time basis, provided that the student takes a proportionate reduction in the educational assistance allowance.

This amendment has not taken care of the problem. We have pointed out that full subsistence allowance does not meet present-day educational costs, let alone help finance farm management, therefore the returning veteran cannot attend full time and still manage a farm or an agriculture establishment. He cannot attend part time, due to low subsistence allowance and still manage an agricultural enterprise. The net result is that he does not participate in the educational or training programs that are provided for returning veterans. Thus he is deprived of the educational opportunities available to the non-veteran and our society is deprived of a well-trained and educated farmer to continue the production of our food and fiber.

In our judgment, S. 338 and S. 1998 take constructive steps toward developing programs in which there would be widespread participation. S. 1998 provides flexibility for the State approving agencies in designing the programs, thereby improving the attractiveness to returning veterans and encouraging farm veteran participation.

In addition, S. 1998 is realistic in providing that the farming activity of the trainee and the G.I. farm training, together, will occupy the full time of the eligible veterans. It also will emphasize instruction in management and technological advances which are applicable to the farming operation of the trainee.

The clear purpose of the G.I. bill is "aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country". We therefore want to stress that it is unfair that young farm boys who have interrupted their educational or farming careers to serve the nation in the armed forces cannot use their G.I. educational eligibility for on-the-farm training.

The Veterans Administration advises us that nearly 500,000 veterans have used the "Cold War" G.I. bill for college work since 1967, about 175,000 have used the program for on-the-job training, but virtually none have been able to use the program for on-the-job agricultural training.

American agriculture needs and demands young farmers trained in management and new farming skills *now* and the future will be even more demanding. The returning veteran, untrained, unskilled in modern farming technology, will soon find that farming has passed him by. He needs and deserves to be trained in the vocation of his choice and we need him in American agriculture to replace the older farmers who are at or beyond the retirement age.

In conclusion, we want to stress the importance of enactment into law of S. 338 and S. 1998. Sec. 2(a) of S. 338 would bring education benefits closer to the actual costs of higher education and S. 1998 would bring about the necessary changes that will encourage young returning farm veterans to stay on the farm and, at the same time, gain the education necessary to compete in modern agricultural production and marketing.

We wish to thank the Chairman, Senator Yarborough, and members of this Committee for their leadership in the field of veterans' education and urge that you continue the necessary effort to gain the program improvements which we consider vital if the programs are to be meaningful to agriculture and rural America.

Mr. Chairman, we would appreciate our statement being made a part of the record of this hearing.

Thank you.

EXHIBIT 5

PREPARED STATEMENT OF ROBERT E. MONROE, DEPUTY CHIEF, POLICY AND TECHNICAL PLANNING DIVISION, AIRCRAFT OWNERS AND PILOTS ASSOCIATION

I am Robert E. Monroe, Deputy Chief of the Policy and Technical Planning Division of the Aircraft Owners and Pilots Association (AOPA).

AOPA was formed in 1939 to provide a means through which individual pilots and aircraft owners could combine their efforts to make flying safer, more useful, more economical and more pleasant. Our membership approximates 150,000 and includes over 22% of the active civil pilots who account for the ownership of over 70% of the active general aviation aircraft in the United States.

We appreciate the opportunity to present our views regarding S. 338 which would improve the opportunities for veterans to undertake flight training as an aid to their vocational pursuits.

Veterans should be able to take educational courses which not only prepare them for employment in the field of aviation but which also would provide them with aeronautical skills that will enhance their earning capacities in other vocational fields. S. 338 will help to achieve this objective.

Transportation is the lifeblood of commerce and no business of any substance is free from its constraints. There is great merit in helping a veteran to acquire the ability to fly, even though he may not use that ability as his primary means of earning a living, but will use it to enhance the productivity of his primary vocational pursuit. Like being able to read, speak or write effectively, the ability to travel expeditiously and at will is often a vital ingredient to successful business activity. The use of aircraft in regular business activity is increasing steadily and rapidly. Farmers, foresters, engineers, architects, merchandisers, educators, clergymen, salesmen, business administrators and a host of others in a wide variety of vocational pursuits have found that airplanes and aeronautical skills have enlarged their professional productive capacities.

The loan feature of the bill, to enable veterans to practically manage the hurdle of financing the private pilot certificate requirement, is most important. Veterans undertaking training generally are strapped for funds and need this kind of assistance if they are to be able to accomplish their training objectives within a reasonable period of time and derive the maximum benefit from the training undertaken.

Veterans have earned and are entitled to the kind of vocational assistance which meets their requirements. We strongly urge that S. 338 be enacted.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that this bill be printed in the RECORD at this point.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD, as requested.

The bill (S. 3689) to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans to veterans to help

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meet the expenses of obtaining a private pilot's license where such veterans intend to pursue a flight training program under such chapter, and to improve the farm cooperative training program authorized under such chapter, introduced by Mr. Yarborough (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1677 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) (1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight-training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed 3 years commencing—

"(A) upon the failure of the eligible veteran to obtain a private pilot's license within one year after the loan is made.

"(B) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license,

"(C) upon failure to complete satisfactorily such a course of training within eighteen months after enrollment in a course of training under subsection (a) of this section, or

"(D) one year after the veteran has completed his course of training under subsection (a) of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

Sec. 2. (a) Section 1682(d) of title 38, United States Code, is amended to read as follows:

"(d) (1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $141 per month, if he has no dependents; $167 per month, if he has one dependent; $192 per month, if he has two dependents; and $10 per month, for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(b) The amendments made by subsection (a) of this section shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by subsection (a) of this section.

THE NOMINATION OF GEORGE HARROLD CARSWELL TO THE SUPREME COURT

Mr. YARBOROUGH. Mr. President, the debate over the nomination of Judge Carswell for the Supreme Court has developed an unfortunate and an unwarranted overtone over whether a white southern conservative should be appointed.

The real basis for Judge Carswell's opposition is not whether he is a white southerner, but what kind of a white southerner he is. On the nomination of Justice Thurgood Marshall, I received letters opposing him because he was a Negro; I rejected all such opposition as unworthy. When Justice Abe Fortas was under attack, I heard criticism of him because he was a Jew; I rejected it as unworthy. Opposition is heard to Judge Carswell because he is a white southerner. I likewise reject it as unworthy. I reject all attacks based on race, religion, regionalism, or national origin.

Should Judge Carswell be rejected, I hope that President Nixon nominates another white southerner to the Court, because of the attacks on the last two nominees on that score. I respect the right of the President to nominate a person of his own political ideology. But erudite and learned men can be found in the South who are conservative. Some sit with us here every day. Senators John Sherman Cooper of Kentucky, John Stennis of Mississippi, and Sam Ervin of North Carolina, to name only three, are men of unimpeachable honor and integrity and of fine ability. All have been judges; Senator Ervin is often called the greatest constitutional lawyer in the Senate, and was a former supreme court justice in North Carolina.

I voted for confirmation of Chief Justice Burger, a conservative. I do not vote against men because of their political philosophy.

President Nixon can find able men of conservative bent and of his own political party from my home State of Texas. If Judge Carswell is rejected, I respectfully invite the President to examine proven judges of his own party in Texas. Chief Judge John R. Brown of the fifth circuit is a judge of great erudition and is recognized by lawyers of all political parties in my home State of Texas as being of top Supreme Court quality. Federal Judge Joe Estes of Dallas was a brilliant scholar in law school, and is an able judge who is of the President's party and is a stanch conservative. And we have brilliant law writers on the faculties of law schools in the South, and in Texas, who fit the President's search for a conservative on the Court. I invite the President to look to his own party in Texas; to its judges, lawyers, law teachers, and law writers.

It is unfortunate that the President, by the Carswell appointment, adds to the myth that all white southern conservatives are mediocre men, or are high-handed and intolerant toward lawyers of differing views when they are placed on the Court. As a white Texas lawyer who practiced in the courts of my State, State and Federal, for 20 years and was judge there for 5, I know it is not so.

I have received a number of letters from the faculty of the University of Texas School of Law concerning the nomination of Judge Carswell. Of these letters, one from Prof. Charles Alan Wright expressed support for the nomination of Judge Carswell. The following members of the faculty expressed their opposition to the nomination:

Prof. William O. Huie, Prof. Robert E. Mathews, Prof. Roy E. Mersky, Prof. Lino A. Graglia, Prof. David W. Robertson, Prof. James M. Treece, Prof. O. James Werner.

Prof. Joseph P. Witherspoon, Prof. Michael P. Rosenthal, Prof. Albert W. Alschuler, Prof. Robert W. Hamilton, Prof. Allen E. Smith, Prof. George Schatzki, Prof. Parker C. Fielder.

Mr. President, I ask unanimous consent

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that these letters from the faculty members of the University of Texas School of Law be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The University of Texas at Austin, School of Law,
Austin, Tex., March 24, 1970.
Hon. Ralph W. Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: I am aware that some of my colleagues have written you urging you to vote against the confirmation of Judge Carswell to the Supreme Court. I write to express a contrary view. My colleagues who oppose Judge Carswell do so on the basis of newspaper reports and on reading a scattering of his opinions. I doubt very much if they have read the full text of the hearings and of the majority and minority views in the Judiciary Committee. I have. I am quite certain that they have not known Harrold Carswell for eight years. I have.

I know Judge Carswell to be a man of keen intelligence and of great fair-mindedness. I am wholly satisfied that he has outgrown the views of his youth and that he is not a racist. I hope very much that you will vote to confirm his nomination.

Sincerely,
Charles Alan Wright.

The University of Texas at
Austin, School of Law,
Austin, Tex., March 18, 1970.
Re Judge Carswell.
Hon. Ralph Yarborough,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator: I realize that this letter may be quite superfluous. At the same time, you are doubtless getting pleas on behalf of Judge Carswell's confirmation and I would not want those who oppose it to appear indifferent or uninformed.

I have read most of the transcript of Hearings before the Judiciary Committee. They are both fascinating and distressing. Certainly the evidence of the judge's racial bias is disturbing enough, for the Supreme Court is bound to be reviewing issues of that type. I gravely doubt that Judge Carswell can rise above this. There is, in my opinion, no comparison either in fact or personality between him and Mr. Justice Black.

But even if he should be able to do so, it is inconceivable that he can ever attain the intellectual competence which is essential to participation in the work of the Court. I am utterly appalled at Senator Hruska's remark two days ago that there are many mediocre lawyers and they should be represented. That is so incredible a thought that one can hardly believe an educated person would utter it.

The testimony of Dean Pollak of the Yale Law School and of Professor Van Alstyne of Duke reveals unquestionably a judge of very small competence. Actually, Senator Hruska admits it by his very statement. But there is no place for inadequacy or even mediocrity on our highest court. Too much of America's future depends on high ability and deep wisdom. We just can't risk anything less.

There is a possibility, I fear, that less scrutiny will be given a second nomination than the first. I can understand the tendency of busy Senators, who sense a sincere anxiety to get along with other important tasks, to let this time-consuming issue pass by without the same attention as the first. Actually, however, it would be my conjecture that Judge Carswell's confirmation would be far more disastrous than Judge Haynsworth's would have been.

I expect that I need not have taken your time or mine to express these views, but as I have already said, I'd like them to add their bit to the scales on the side against confirmation.

Very truly yours,
Robert E. Mathews.

The University of Texas at Austin, School of Law,
Austin, Tex., March 18, 1970.
Hon. Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: As one involved in the teaching of law, I am deeply concerned about the quality of the law and of those to whom its administration is entrusted.

I am troubled by the nomination of Judge Carswell to the Supreme Court of the United States. President Nixon had promised to select a pre-eminent jurist for this position. In my opinion, Judge Carswell does not meet this test. His opinions are not notable in scholarship or craftsmanship, nor has he contributed significantly in any other way to the law. His record is inferior to that of other judges in his own circuit. Measured by the standards of the great men in the history of the legal profession in this country, Judge Carswell's attainments are mediocre. His appointment would break the tradition of distinguished Republican appointees to the Court.

If the United States Supreme Court is to retain its integrity and dignity, and if we are to inspire the young to consider the law as a worthwhile pursuit, membership on the Court must be reserved to abler men.

Sincerely yours,
Roy M. Mersky,
Professor of Law and Director of Research.

The University of Texas at
Austin, School of Law,
Austin, Texas, March 18, 1970.
Hon. Ralph W. Yarborough,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I am writing you in my individual capacity to urge you to vote *against* confirmation of Judge Carswell. I am a professor of law at The University of Texas.

I object to this nomination primarily because Judge Carswell is not qualified intellectually to serve on the United States Supreme Court. I have read a number of his opinions since he was elevated to the Fifth Circuit: they are totally indistinguished and, most charitably, they reflect only a limited capacity to comprehend the significance of the issues before the Court. Judge Carswell, in my view, is the weakest nominee for the Supreme Court during this century.

I also have grave doubts as to the sincerity of Judge Carswell's recent statements on racial issues in view of the disclosures about his prior views and acts. My primary objection to the nomination, however, is Judge Carswell's fundamental lack of qualifications for the important position to which he has been nominated.

Very truly yours,
Robert W. Hamilton,
Professor of Law.

Parker C. Fielder,
Attorney at Law,
Austin, Tex., March 17, 1970.
Hon. Ralph Yarborough,
U.S. Senator from Texas,
Senate Office Building,
Washington, D.C.

Dear Ralph: I am writing to express myself to you on the matter of the confirmation of G. Harrold Carswell only after long, deliberate and serious thought.

I have endeavored to give, and trust that I have given, due regard to the prerogatives of the President in appointments to the Supreme Court of the United States. His judgment in such a matter is entitled to the highest respect and presumption of propriety.

Nevertheless, the Senate does have a coordinate responsibility in the appointment process. While it may be that a Senator or the Senate should not refuse advice and consent lightly or for minor differences with the President, there may arise a situation in which the appointment is so ill-advised that the Senate must refuse to accept the Presidential judgment.

I am thoroughly and firmly of the opinion that the latter situation has arisen in the case of Mr. Carswell. I base my judgment entirely and with the greatest detachment I can muster upon his competence as a lawyer and a judge, measured by his professional and judicial record and by his testimony before the Senate Judiciary Committee.

It is my considered opinion that Mr. Carswell is not a fit person to sit upon the Supreme Court and that the President has erred in nominating him.

I therefore strongly urge you to vote to deny the confirmation of Mr. Carswell.

With continuing respect and warm regards, I am,

Sincerely yours,
Parker C. Fielder.

The University of Texas at Austin, School of Law,
Austin, Tex., March 3, 1970.
Hon. Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: The undersigned are members of the faculty of the University of Texas Law School, Austin.

Recent disclosures about the capacities and attitude of Judge G. Harrold Carswell have persuaded us that he should not be confirmed as a Justice of the United States Supreme Court. We therefore urge the Senate to reject this nomination.

The Supreme Court plays a uniquely powerful role in our nation. Whether a justice is a "strict constructionist" or an "activist," the issues coming before the Court require great strength of mind and sensitivity to injustice. Every nomination for the Court thus carries a heavy burden in this regard.

Measured by these standards, the nomination of Judge Carswell is clearly deficient. In the past he has demonstrated attitudes hostile to our black citizens. Admittedly, these occurred many years ago, but when such evidence appears in the record, there is an obligation to show that the attitude then reflected no longer exists. Justice Hugo Black had indeed been a member of the KKK some years before his nomination, but he had sufficiently demonstrated the insignificance of this by his conduct both before and after. Judge Carswell has not only made no such demonstration of a changed attitude, but the emerging evidence indicates that at least remnants of this attitude still linger.

Finally, as careful students of his judicial performance like Professor William Van Alstyne (who, incidentally, supported Judge Haynsworth's nomination) and Dean Louis Pollak of Yale, have concluded, the intellectual quality of Judge Carswell's opinions is far from distinguished.

This is not to deny the appropriateness of a justice from the South, but in these difficult days, strength of intellect and sensitivity to minority aspirations are indispensable for any appointment to one of the most

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powerful and demanding offices our society possesses. Measured by either of these standards, Judge Carswell fails.

Very truly yours,

Lino A. Graglia, Robert W. Hamilton, Roy M. Mersky, David W. Robertson, Michael P. Rosenthal, George Schatzki, James M. Treece, O. James Werner, Joseph P. Witherspoon.

The University of Texas at Austin School of Law,
Austin, Tex., March 18, 1970.
Senator Ralph W. Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I am taking this opportunity to urge you to vote *against* the confirmation of Judge G. Harrold Carswell when it comes before the full Senate. In my opinion Judge Carswell's qualifications for the Supreme Court are, viewed in the most charitable light, mediocre. Leaving aside questions of personal philosophy, the unique place the Supreme Court holds in our Government calls for men of especially outstanding ability and outstanding promise. Judge Carswell does not measure up in either of these respects.

Respectfully yours,
Michael P. Rosenthal,
Professor of Law.

(Organizational affiliation for identification only.)

The University of Texas at Austin, School of Law,
Austin, Tex., March 19, 1970.
Hon. Ralph Yarborough,
U.S. Senate,
Washington, D.C.

Dear Senator Yarborough: I am writing to encourage you to vote against the nomination of Judge G. Harrold Carswell as Justice of the United States Supreme Court. I have read many of Judge Carswell's opinions, and I regard Judge Carswell's work as totally undistinguished. His opinions lack the insight, thoughtfulness, style, and, most important, the concern for fairness that mark the work of a fine judge.

I firmly believe that the President of the United States should be able to select Supreme Court Justices who adhere generally to his own political philosophy. For that reason, I favored the confirmation of Chief Judge Haynsworth, although Judge Haynsworth's outlook on many problems was not at all in accord with my own. Judge Haynsworth was, I am convinced, a concerned and capable jurist. Judge Carswell, I am convinced, is not.

The Senate always has the right and the duty to insist that Supreme Court nominees be truly capable men, and I believe that it has a special right and a special duty to review the decisions of a President whose platform was based, in part, on the need to appoint better judges to the Supreme Court.

The Senate and the nation, in my view, are entitled to something better than the President has offered in this instance.

Sincerely yours,
Albert W. Alschuler.

The University of Texas at Austin, School of Law,
Austin, Tex., March 18, 1970.
Re nomination of Judge Carswell.
Senator Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: From what I have been able to learn from the newspapers, Judge Carswell is a man of only average intellectual ability, without personal distinction. While I don't think that either the court or the country will fall apart if his nomination is confirmed, I should think we could do better on our highest court.

Why don't you vote against him and give the president a chance to appoint a nominee of stature?

Yours very truly,
Allen E. Smith.

Austin, Tex.,
March 18, 1970.
Re nomination of Judge Carswell.
Senator Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I am writing to urge you to vote against the confirmation of Judge Carswell's nomination to the Supreme Court.

I have read several of the judge's opinions, including all of the opinions in the labor relations field—the field of my specialty—and it is my judgement that Judge Carswell is, at best, a lawyer and judge of weak mediocrity. At worst, he is a man of little or no depth, of no vision, of no creativity, and with little grasp of the nature of the judicial process.

In these times when the Supreme Court has become one of the most important institutions dealing with difficult and sensitive issues, it would be—in my judgment—a great disservice to the country for Judge Carswell to be elevated to the Supreme Court.

In light of the many eminent and qualified jurists, attorneys, and scholars who could be selected for this important post (I should add that many of these men reside in the South), I strongly urge you to vote against Judge Carswell's confirmation.

Sincerely yours,
George Schatzki,
Professor of Law,
The University of Texas.

The University of Texas at Austin, School of Law,
Austin, Tex., March 18, 1970.
Hon. Ralph W. Yarborough,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Ralph: From all I have read and heard about Judge Carswell, I have become convinced that he is a jurist of mediocre ability and I therefore hope that you will vote against confirmation of his appointment to the Supreme Court.

With warmest personal regards,

Sincerely yours,
William O. Huie.

Mr. YARBOROUGH. While many hundreds of messages from my home State, both favoring and opposing Judge Carswell are too numerous to reprint, I ask unanimous consent to print at this point in the Record an editorial from the San Antonio Express of today, Tuesday, April 7, 1970, titled "Nixon's Warped View of Court."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nixon's Warped View of Court

Once again, a political battle will decide who fills the vacant seat on the Supreme Court. And, once again, only losers will be left, no matter what the outcome.

The Senate will decide Wednesday whether G. Harrold Carswell shall have the seat. If Carswell's nomination is confirmed, he will forever have the mediocre seat on the court. If he is rejected, he will be one of the losers of a messy fight.

President Nixon, as he did for Clement Haynsworth, has put all his prestige on the line for Carswell. Petulantly, he says he has a right to have "his man" on the court. This narrow view would have the court serve as an extension of the executive arm—which it is not!

Carswell's lack of candor before the Senate Judiciary Committee was damaging. Carswell told two American Bar Association representatives that he was an incorporator of a segregated country club. The next day he swore that he had no such role. Confronted by documents, he changed his testimony and blamed a hazy memory.

After the Haynsworth debacle, all assumed that the next Nixon nominee would be throughly checked. Not so. Atty. Gen. Mitchell made the recommendation, but his screening again was faulty.

Somewhere there must be a jurist who is Republican, conservative, "constructionist," financially clean, judicially competent and available. Should the Carswell nomination fail, the President should search this man out.

Judge Carswell may be confirmed by a few votes. But he will be a loser if almost half the Senate opposes him. The President will have spent more of his prestige. The nation's confidence in the Supreme Court will have been sapped further. These frequent, debilitating squabbles should be avoided.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

THE CARSWELL NOMINATION

Mr. HART. Mr. President, tomorrow we shall vote on the nomination to the Supreme Court of Judge Carswell. It has been said that everything has been said that could be said, that all the issues have been discussed and rediscussed.

I rise, not to introduce a new element, but to bring to the attention of my colleagues very recent expressions from two sources on one of the elements that I think is of critical importance to our decision on the nomination. These are observations from sources outside the Senate, and of very recent date. Both of them bear, Mr. President, on the question of the credentials of the nominee.

I know of no Senator who is happy to stand up and suggest that a fellow lawyer lacks credentials. It is particularly uncomfortable for one such as I, who never served as a Federal district judge, never sat on a circuit court of appeals, and served only briefly as a U.S. attorney, inasmuch as I put in the Record two comments which are critical of Judge Carswell's capacity, and thus, in effect, rise to question his credentials.

But we are talking about the credentials that ought to be required of a person who is to sit on the Highest Court of this land. And uncomfortable though it may be, even his best friends have found it somewhat straining to wax eloquent on the extraordinary distinctions and gifts that are reflected in the record of public service of the nominee.

We are told, and I think in a measure it is correct, that this is a subjective judgment, although the figures on reversal and the balancing of opinions of distinguished law professors, law school deans, and gifted figures at the American bar have a measure of objectivity to them.

If any of my colleagues wonders whether the question of credentials is important, or whether mediocrity is a factor, let me read from a book just published by James V. Bennett, the longtime Director of the Federal Bureau of Prisons, whose service under four or five Presidents marked him as a nonpolitical figure. In fact, his experience would

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suggest that he is extraordinarily qualified to express this opinion, which is found in a book which has just come on the market, entitled "I Chose Prison." It is a Knopf publication.

One of the problems familiar to Jim Bennett in his experience with criminal jurisprudence was the role that judges play. On page 192, after a quotation from former Attorney General Herbert Brownell—and let me read first the statement of Mr. Brownell—

> All too often, a judge gets his job as a reward for political loyalty, and looks on the courthouse as a cozy rest home.

Jim Bennett tells us this:

> It is perhaps no exaggeration to say that, over the long haul, mediocrity in our courts is more corrosive than corruption.

That is the opinion of a man who fought crime for a long time in this country, and with great distinction. I bring it to the record tonight on the eve of this vote, not really with the thought to make life miserable for the nominee, but perhaps to be helpful if there is a colleague or two still wondering to what extent the lack of credentials should influence his vote tomorrow. Jim Bennett suggests the answer.

Mr. President, the second outside source which I should like to make available to my colleagues as we approach this vote is an editorial of Friday, February 3, 1970, from the Flint, Mich., Journal. It is captioned, appropriately, "Carswell Credentials Are Just Too Meager." It is a thoughtful analysis of the several elements that are central to the decision that confronts us tomorrow, but I think its caption suggests that it, too, shares the belief of Jim Bennett that the question of credentials overrides them all.

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This, in conclusion, is not the point which on the several occasions I have risen to speak has been the central issue in my mind. I have suggested that to appoint one to the Supreme Court, in the year 1970, about whom fair question can be raised as to his devotion to the principles of civil rights, is wrong.

Senators will recall that I cited President Nixon's Miami acceptance speech, in which he would seem to agree. There he said that those who have the responsibility for enforcing our laws, and our judges, who have the responsibility to interpret them, should be dedicated to the great principles of civil rights.

Only a very thin brew has been produced here by those who support this nomination to explain how this nominee fits President Nixon's description. The dilemma which confronts this country, as we seek to make one people, not a Nation divided black from white, suggests, I believe, that this is the central weakness in the nomination.

To name, at this time, to any high level Federal post a man whose views on racial equality are open to question would be a grave error. To make such an appointment to the Nation's highest tribunal, the very institution in which most black Americans have plausibly deposited maximum confidence, could bring about incalculably tragic consequences. I think, in the personal sense, it creates an apparent conflict of interest much more damaging than anything that Judge Haynsworth and his portfolio might have put on that Bench.

As I say, to me, this is the overriding reason which should persuade us not to consent by our vote tomorrow. But the Flint Journal and James V. Bennett, I think, would suggest that the question of the lack of credentials should be regarded as overriding.

To those who still think about the importance of the absence of credentials, I refer them again both to the editorial and to Mr. Bennett's conclusion that over the long haul it is no exaggeration to say that mediocrity in our courts is more corrosive than corruption. Anyone who has forgotten the rules of evidence should be reminded that evidence produced before the controversy has a very high degree of credibility. Mr. Bennett wrote this before the controversy over Judge Carswell developed.

Mr. President, I ask unanimous consent to have the editorial from the Flint Journal printed at this point in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Flint Journal, Apr. 3, 1970]

CARSWELL CREDENTIALS ARE JUST TOO MEAGER

When the Senate votes on Judge G. Harrold Carswell's appointment to the U.S. Supreme Court, the issue will be more than just the filling of one seat on the bench, as important as that step may be.

The decision of the Senate will set a strong precedent for future Senates when members consider the qualifications which they will investigate in exercising their power of advice and consent in judicial appointments.

If that had not been clear before, the message of President Nixon made it so when he wrote:

"What is centrally at issue in this nomination is the constitutional responsibility of the president to appoint members to the court and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of one person entrusted by the Constitution with the power of appointment."

(The President weakened his case by going on to claim the right "freely accorded to my predecessors," since the Senate has on several occasions rejected presidential nominees).

AN OLD ISSUE

The issue is an old one in our government as the legislative, judicial and administrative branches have battled to establish their position and authority in various fields.

The appointive power of the president has been in issue on a number of occasions, but seldom as much as in recent years. Refusal to confirm Justice Abe Fortas as chief justice and the rejection of Judge Clement Haynsworth for the post to which Carswell has been named are recent instances.

Originally challenged on far less substantial grounds, the rejection of Fortas finally rested on the nominee's lack of ethics. This point was enlarged and reinforced when Haynsworth, too, was defeated primarily on the grounds he was insensitive to the standards of conflict of interest and, again, lacking in judgment in matters of ethical conduct.

With the nomination by Nixon of Carswell, it was apparent that Atty. Gen. John Mitchell had taken these cases into consideration in his recommendation and avoided a further challenge in this area.

What then has the opposition against Carswell been based upon and why was this nomination, originally considered a shoo-in, gone down to the wire and demanded every ounce of political persuasion by Nixon and the Republican leaders?

There are two principal charges against Carswell.

First is that, while not a blatant racist, he is, at the least, insensitive to the problems of racial prejudice and, at the worst, incapable of grasping the political and social philosophy that considers racial prejudice a threat to the democratic process.

The second is that he is not of sufficient stature and does not have an impressive enough record to warrant raising him to the highest court in the land.

RECORD OF REVERSALS

The racial bias question first centered on a quotation of a very racist nature made many years ago by Carswell as a candidate for political office in Florida. The Flint Journal suggested that this was not sufficient reason to reject his nomination, since Carswell unequivocally repudiated that statement and apologized for having made it. (Negro columnist Carl Rowan takes this same position).

More serious, however, have been Carswell's activities in connection with a move to turn a public golf course into a private one to preserve its segregationist policy and his repeated reversal by higher courts on rulings he made in cases dealing with segregation, most of which were clearly in support of the Southern doctrine of segregation.

Sen. Robert P. Griffin of Michigan—who is in the center of the fight for the nomination—has taken a position that makes clear the dilemma of Carswell supporters. In defense of Carswell he has stated:

"Although I would have preferred a nominee with a more distinguished civil rights record, I do not believe Judge Carswell can fairly be considered an extremist or racist."

It is that same negative posture forced on supporters which has plagued the entire Nixon campaign for Carswell and has led to such damaging statements as Sen. Roman L. Hruska, R-Neb., implying that mediocrity deserves its place on the Supreme Court.

LACKLUSTER CAREER

More to the point, we believe, is whether or not the times and the needs of the nation did not demand from Nixon an appointment in which the racial question could not be raised legitimately.

With the question of Carswell's racial bias, at the very best a moot point, there remains the matter of the candidate's qualifications. Here, again, is that strange resort to negativism by his supporters.

Griffin justifies his position by saying it is not proven that Carswell will not be a great justice. In saying that, he cites opposition voiced against such previous appointees to the Supreme Court as Louis D. Brandeis, Chief Justice Charles Evans Hughes, Tom C. Clark, Hugo L. Black and Felix Frankfurter, all of whom served with distinction.

The point Griffin fails to raise is that those men had distinguished careers in government, on the bench or before the bar, in the academic world or in the Senate and were known widely as men of distinction, whether or not those opposing them agreed with their philosophies.

Carswell, a politically appointed minor judge, was unknown outside his particular circle, undistinguished in the judiciary, with a lackluster career and a very dismal record of having been reversed repeatedly by higher courts, not necessarily a touchstone of excellence but certainly one of the primary yardsticks in considering the qualifications of a member of the judiciary.

Nixon has put his party on the spot by his insistence upon the right to name any person he considers qualified to the court and not be questioned on the nominee's principles and philosophies.

If this were an appointment to an executive position he would have a far stronger argument. The right of the boss to pick his own lieutenants is well established.

NOT JUSTIFIED

Appointments to the Supreme Court must be viewed differently. In the words of Chief Justice Roger B. Taney, who served from 1836 to 1864, the court is "equal in origin and equal in title to the legislative and executive branches of the government," certainly putting an added burden on the President to choose wisely and an even greater demand upon the Senate to see that he does so.

It is our hope that a majority of the Senate will reject a man of whom Dean William Allen of the University of Michigan Law School has said there is "No reason whatever . . . to accept . . . such meager credentials."

Mr. GRAVEL. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Michigan (Mr. Hart) and with the remarks of the distinguished Senator from Texas (Mr. Yarborough), who preceded us both this afternoon.

I should like to address myself in one small measure to a statement made yesterday afternoon by the distinguished Senator from Virginia (Mr. Spong) while I occupied the Presiding Officer's chair.

We are essentially in the same situation, having voted for the President's nominee Judge Haynsworth and now having announced our positions to vote against the President's present nominee, Judge Carswell. It is interesting that two individuals, one from so far North and one from a community which is very much a part of Southern history, should follow a similar voting pattern.

I can attest to the problem that comes of geographic constraint, because I can frankly say that when I voted for Judge Haynsworth, after a great deal of introspection on my part, I received a great deal of criticism in my own State. I received a great deal of pressure before the final vote was cast.

So I know firsthand the emotions that race through my colleague's mind, and I know firsthand what he will be subjected to in the ensuing months in the geographic context of his own constituency with regard to this issue. I compliment him on his courage.

I would hope the record is made clear—and I am glad that the Senator from Texas made the statement—that if Judge Carswell's nomination is rejected, I hope the President will go to the South and select another jurist, but a man of some caliber, who will grace the Bench with honor and distinction. I do not feel that it is worthy of this body to reject or approve anybody based upon geographic considerations.

I would just like to give my own wrap-up of why I feel Judge Carswell's nomination should not be confirmed tomorrow, and add one slight item which gives me some distress.

There are three basic points why I hope tomorrow the Senate will reject Judge Carswell's confirmation, and one is based upon race matters. I think he should be forgiven the statements made some 20-odd years ago, but I think he has not made sufficient record, through act or deed, to give any indication—not even the slightest indication—that he has had a change of heart, a change of philosophy, or a change of viewpoint. In fact, in reading the record I feel that what actually has happened in this person is a greater sophistication, wherein the views are put forth in a more palatable fashion in somewhat polite society. Still, this sophistication does not disguise what I feel is a view and a philosophy that should not be allowed on the High Court—a racially based philosophy.

The second point at issue, of course, is the ethical question. I do not measure the ethics only in financial terms of personal reward. I think it is a point of ethics if a person who has power abuses power. I think that here, again, looking at the record of Judge Carswell and his conduct, the way he has handled people in his court, we have strong indication and adequate proof that he has usurped power in a fashion that, in my mind, reflects very poor judicial ethics.

The third question—one that has been adequately treated by my colleague most recently—is the issue of judicial stature. I cannot think of a better quotation that could be made than the fact that mediocrity can be a corrosive factor or instrument on anything that takes place—least of all do we want it in one of the most important instruments of our Government.

But the point that distresses me most is the point that has occurred since the Easter recess. When I declared myself prior to the Easter recess, it was based upon information that had been uncovered since the name was handed down to the Senate. I think information was brought forward of which the President had no knowledge. With the uncovering of this information, the President had a very simple choice and that was not to do anything; and if the Members of this body chose, they could return that nomination to committee for further investigation.

The President, after the Easter recess, chose an alternative position that was very simply to use the full force of his office to effect the confirmation of Judge Carswell's nomination. I think this will inure to the President's detriment. Certainly he has his choices, but the record was made and was revealed, and the choice was made by Judge Carswell and the administration to not have him come back to the Judiciary Committee for further investigation, for further statements. This was not the case with Judge Haynsworth; because, as he was under attack, he did come forward and give additional testimony.

I can liken this to a practice which is fairly familiar in judicial circles and which may speak a world of information when it is invoked. I think that Judge Carswell in this case, when confronted with accusations, has in a sense taken the fifth amendment. I think that a person wishing to hold that high office, in the interest of creating a sense of authority, creating a sense of sensitivity, creating a sense of responsiveness, should have come forward and treated these allegations and should not have retired in silence and relied upon the administration to push through the confirmation.

I hope that tomorrow the Senate will not confirm Judge Carswell's nomination, because I think it will not be in the best interests of the Court, and not in the best interests of the United States.

I yield the floor.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess, in executive session, until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. Hansen). The question is, will the Senate advise and consent to the nomination of Judge G. Harrold Carswell of Florida to be an Associate Justice of the Supreme Court of the United States?

Mr. BYRD of West Virginia. Mr. President, I thank the Chair.

As a reminder to Senators, there will be no morning business tomorrow until the vote on the nomination of Judge G. Harrold Carswell to be Associate Justice of the Supreme Court of the United States has been completed.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess, in executive session, until tomorrow morning at 10 o'clock.

The motion was agreed to; and (at 6 o'clock and 4 minutes p.m.) the Senate recessed, in executive session, until tomorrow, Wednesday, April 8, 1970, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 7, 1970:

DEPARTMENT OF THE INTERIOR

Fred J. Russell, of California, to be Under Secretary of the Interior.

HOUSE OF REPRESENTATIVES—*Tuesday, April 7, 1970*

The House met at 12 o'clock noon.

Rev. Charles Walker, the First Baptist Church, Jasper, Ga., offered the following prayer:

Our Father, we pause at the beginning of this day of work to acknowledge that Thou art our Creator and that we are Thy creation.

Accept our thanksgiving for the gifts of life and love and liberty. We are grateful for the exciting time in which we serve our Nation.

Help us to remember our vows we made to Thee and our pledges given to the people we represent. Give us wisdom and understanding that we may be honest with ourselves, with our people, and with Thee.

Grant that we may have the courage to stand for the right and the strength to overcome the temptation to waver.

Lift our eyes above today and above ourselves, that we may see tomorrow—that we may see the men who will be governed by our decisions.

In Jesus name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 31, 1970:

H.R. 15700. An act to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes.

On April 1, 1970:

H.R. 6543. An act to extend public health protection with respect to cigarette smoking and for other purposes.

On April 3, 1970:

H.R. 3786. An act to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; and

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 2306) entitled "An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes," with an amendment in which the concurrence of the House is requested.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

MARCH 24, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursant to the provisions of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on March 24, 1970, approved the following public building projects:

Alabama, Birmingham—Post Office, Courthouse (Alteration).

California, San Francisco—Federal Office Building, 49 4th St. (Alteration).

Florida, Orlando—Courthouse and Federal Office Building (Construction) and Post Office and Courthouse (Conversion).

Illinois, Chicago—Federal Correctional Center and Federal Parking Facility (Construction).

Illinois, Chicago—Post Office Annex (Alteration).

Kansas, Topeka—Property Management and Disposal Service Depot (Alteration).

Maine, Portland—Courthouse (Alteration).

Michigan, Detroit—Federal Building, Courthouse (Alteration).

Mississippi, Aberdeen—Post Office, Courthouse (Construction).

Missouri, St. Louis—Mart Building (Alteration).

North Carolina, Asheville—Post Office, Courthouse (Alteration).

North Carolina, Raleigh—Post Office, Courthouse (Alteration).

Ohio, Cincinnati—Post Office, Courthouse (Alteration).

Oregon, Portland—Courthouse (Alteration)

Pennsylvania, Philadelphia—Federal Building, 225 So. 18th St. (Alteration).

Pennsylvania, Philadelphia—Federal Building, 1421 Cherry St. (Alteration).

Pennsylvania, Philadelphia—Custom House and Appraisers Stores (Revision) (Alteration).

Virginia, Quantico—FBI Academy (Revision) (Construction).

Virginia, Richmond—Parcel Post Annex (Alteration).

Virginia, Richmond—Post Office, Courthouse (Alteration).

Washington, Auburn—General Services Administration Center (Alteration).

Washington, D.C.—Archives Building (Alteration).

Washington, D.C.—General Accounting Office (Alteration).

Washington, D.C.—Health, Education and Welfare North Building (Alteration).

Total—24 Projects.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

TRIBUTE TO REV. CHARLES WALKER

(Mr. LANDRUM asked and was given permission to address the House for 1 minute.)

Mr. LANDRUM. Mr. Speaker, it has been my very great pleasure today to have the honor of having in the House of Representatives as the Chaplain for the day the Reverend Charles Walker, minister of the First Baptist Church of Jasper, Ga., where Mrs. Landrum and our family have membership.

Mr. Walker has been very active in our community affairs over a long period of years. He is doing a great work in the service of our Lord.

I know his heart will be moved and he will be inspired to even greater activities by his association with this distinguished body, and I thank the Members for receiving him so cordially today.

APPOINTMENT OF CONFEREES ON S. 952, OMNIBUS JUDGESHIP BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 952) to provide for the appointment of additional District judges, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. CELLER, RODINO, ROGERS of Colorado, MCCULLOCH, and POFF.

ANNUAL REPORT OF CIVIL SERVICE COMMISSION FOR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–238)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

I have the honor to transmit herewith the Civil Service Commission annual report for Fiscal Year 1969. This report, which is made pursuant to 5 U.S.C. 1308, discusses the achievements of the Commission which have been designed to improve and upgrade Federal personnel management. I believe that these efforts have made a significant contribution toward enhancing the effectiveness and efficiency of the Federal Government.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1970.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

COMPOSITION OF FIRST DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

The Clerk called the bill (H.R. 15349) to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization rep-

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resentatives on the National Railroad Adjustment Board, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 15349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3, First, of the Railway Labor Act is amended by striking out "thirty-six members, eighteen of whom shall be selected by the carriers and eighteen" and inserting in lieu thereof "thirty-four members, seventeen of whom shall be selected by the carriers and seventeen."

SEC. 2. Subsection (b) of said section 3, First, is amended by inserting the word "voting" ahead of the words "representative on any division of the Board.".

SEC. 3. Subsection (c) of said section 3, First, is amended by adding the following at the start thereof: "Except as provided in the second paragraph of subsection (h) of this section," and inserting the word "voting" ahead of the words "representative on any division of the Board.".

SEC. 4. The second sentence of subsection (h) of said section 3, First, is amended by amending the last sentence thereof to read as follows: "This division shall consist of eight members, four of whom shall be selected and designated by the carriers and four of whom shall be selected and designated by the labor organizations, national in scope and organized in accordance with section 2 hereof and which represent employees in engine, train, yard, or hostling service: *Provided, however,* That each labor organization shall select and designate two members on the First Division and that no labor organization shall have more than one vote in any proceedings of the First Division or in the adoption of any award with respect to any dispute submitted to the First Division: *Provided further, however,* That the carrier members of the First Division shall cast no more than two votes in any proceedings of the division or in the adoption of any award with respect to any dispute submitted to the First Division."

SEC. 5. Subsection (k) of said section 3, First, is amended by inserting the words "except as provided in paragraph (h) of this section," after the words "*Provided, however,* That."

SEC. 6. Subsection (n) of said section 3, First, is amended by inserting the words "eligible to vote" after the words "Adjustment Board."

With the following committee amendment:

On page 2, line 8, strike out "sentence" and insert in lieu thereof "paragraph".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FINANCIAL ASSISTANCE FOR ICE AGE NATIONAL SCIENTIFIC RESERVE

The Clerk called the bill (H.R. 4172) to authorize the Secretary of the Interior to provide additional financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONCERNING APPROVAL BY ATTORNEY GENERAL OF TITLE TO LANDS

The Clerk called the bill (H.R. 15374) to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 15374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first seven paragraphs of section 355 of the Revised Statutes, as amended (40 U.S.C. 255; 33 U.S.C. 733; and 50 U.S.C. 175) are hereby repealed, and in lieu thereof there are substituted the following paragraphs:

"Unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States, public money may not be expended for the purchase of the land or any interest therein.

"The Attorney General may delegate his responsibility under this section to other departments and agencies, subject to his general supervision and in accordance with regulations promulgated by him.

"Any Federal department or agency which has been delegated the responsibility to approve land titles under this section may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

"Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of title or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency."

SEC. 2. The third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is repealed.

SEC. 3. Section 8 of the Act of March 1, 1911 (36 Stat. 962 (16 U.S.C. 517)) is amended by adding after "Attorney General" the words "or his designee".

SEC. 4. Section 5 of the Act of February 26, 1931 (46 Stat. 1422 (40 U.S.C. 258e)) is amended by deleting the words ", notwithstanding the provisions of section 355 of the Revised Statutes of the United States".

SEC. 5. Sections 4776 and 9776 of title 10, United States Code, are each amended by deleting the sentence: "In such a case, section 175 of title 50 does not apply."

SEC. 6. Section 6 of the Act of February 18, 1929 (45 Stat. 1223, as amended (16 U.S.C. 715e)) is further amended by adding the words, "or his designee" after "Attorney General".

With the following committee amendment:

Page 2, following line 19, insert the following:

"The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority."

The committee amendment was agreed to.

Mr. DONOHUE. Mr. Speaker, the bill H.R. 15374 would substitute revised language for the first seven paragraphs to section 355 of the Revised Statutes having to do with approval of land titles by the Attorney General. Under its provisions the Attorney General will be responsible for the approval of the sufficiency of titles to land acquired by the United States and he may delegate this authority to other departments and agencies. When he has delegated the authority to a department or agency, the authority is to be exercised in accordance with regulations promulgated by the Attorney General and is to be under his general supervision. The bill preserves an existing exception in the law permitting the Tennessee Valley Authority to settle land titles as to land acquired by it.

The bill, H.R. 15374, is a revised bill which embodies recommendations of the committee which resulted from hearings and studies by its Subcommittee No. 2 on legislation originally introduced in accordance with the recommendations of an executive communication from the Department of Justice. The earlier bill, H.R. 14119, would have granted the heads of all departments and agencies the authority to approve the sufficiency of titles to land acquired by that department or agency. The committee concluded that the Attorney General as the chief law officer of the United States should be charged with the primary responsibility for the approval of land titles. While it is clear from the executive communication and the testimony produced at the hearings on both bills that this authority can be properly exercised by other departments and agencies in many instances, the committee felt that there should be a determination of whether an individual department or agency in fact had the capability of exercising this authority or, has an actual need for such authority in terms of its operation. Accordingly, instead of making the grant of this authority by legislative determination, it was felt that the Attorney General would be in a better position to determine whether a delegation of the authority should be made. It was also felt that the Department of Justice would be in a better position to supervise the exercise of the authority if it was clear that the primary responsibility was lodged in the Attorney General.

After the introduction of the bill H.R. 15374 embodying the subcommittee's recommendations, a hearing was held on the bill on February 4, 1970. Representatives of the Department of Justice appeared at the hearing and stated that the Department had no objection to changes recommended by the committee and as embodied in the bill.

Section 355 of the Revised Statutes, which would be amended by this bill, is set out in three places in the United States Code—40 U.S.C. 255; 33 U.S.C. 733; and 50 U.S.C. 175—and prohibits the expenditure of funds upon land purchased by the United States for a construction site until the Attorney General

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has approved the title to that land. As has been noted this bill would continue to place the responsibility for the approval of land titles in the Attorney General and would further authorize the Attorney General to delegate this title approval responsibility to other departments and agencies subject to his general supervision and in accordance with regulations promulgated by him.

The basic provisions of section 355 were enacted in 1841—5 Stat. 469—and have remained in effect since that time. At the time of its original enactment and for a considerable time afterward, title work was a highly specialized legal function. Title opinions were based on abstracts prepared by the examining attorney. These abstracts not only involved a search of the title records but often required many extraneous investigations. The need for searches outside the records subsequently became limited due to the fact that in the first half of the 20th century, the various States improved their title recording requirements and facilities. In the same period, title companies began preparing and certifying abstracts for examining attorneys. More recently and particularly in the past 20 years, certificates of title and title insurance policies have largely displaced abstracts and eliminated much of the need for record searches. In its communication, the Justice Department observed that these developments have gradually changed much title practice so that it now has many of the aspects of administration rather than legal decisionmaking.

This bill provides for a realistic adjustment of Government procedures to meet modern conditions. The Departmen in the communication to the Congress noted that this improvement in the law will also result in certain economies to the Government. The proposal recognizes the fact that the assembly of title papers, curative work, closings and related title functions are already performed by the agencies. The considered use of the authority to delegate the functions of the Attorney General will have the effect of avoiding duplication which now exists as to some aspects of title processing by the Government. It is recommended that the bill, with the committee amendment, be considered favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

BARBARA ROGERSON MARMOR

The Clerk called the bill (S. 533) for the relief of Barbara Rogerson Marmor.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FRANZ CHARLES FELDMEIER

The Clerk called the bill (S. 614) for the relief of Franz Charles Feldmeier.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without projudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CORA S. VILLARUEL

The Clerk called the bill (S. 1775) for the relief of Cora S. Villaruel.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MICHEL M. GOUTMANN

The Clerk called the bill (S. 1934) for the relief of Michel M. Goutmann.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WU HIP

The Clerk called the bill (S. 1963) for the relief of Wu Hip.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TO CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON L. CPL. ANDRE L. KNOPPERT

The Clerk called the bill (S. 2363) to confer U.S. citizenhip posthumously upon L. Cpl. Andre L. Knoppert.

There being no objection, the Clerk read the bill as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lance Corporal Andre L. Knoppert, a native of the Netherlands, who served honorably in the United States Marine Corps from December 28, 1967, until his death on May 8, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GLORIA JARA HAASE

The Clerk called the bill (H.R. 12959) for the relief of Gloria Jara Haase.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

KIMBALL BROS. LUMBER CO.

The Clerk called the bill (H.R. 13740) for the relief of Kimball Bros. Lumber Co.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DOCUMENTATION OF THE VESSEL "WEST WIND" WITH FULL COASTWISE PRIVILEGES

The Clerk called the bill (S. 1177) to authorize the documenation of the vessel *West Wind* as a vessel of the United States with coastwise privileges.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 1124.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

JURISDICTION OF U.S. COURTS—NONAPPROPRIATED FUND ACTIVITY

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (S. 980) to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes, as amended.

The Clerk read as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346(a)(2) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.".

(b) The first full paragraph of section 1491 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.".

(c) Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694; 31 U.S.C. 724(a)), is amended by adding immediately before the period at the end thereof the following new proviso: "*Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of title 28, United States Code, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States."

SEC. 2. (a) In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the provisions of this Act shall also apply to claims and civil actions dismissed before or pending on the date of enactment of this Act if the claim or civil action is based upon a transaction, omission, or breach that occurred not more than six years prior to the date of enactment of this Act.

(b) The provisions of subsection (a) of this section shall apply notwithstanding a determination or judgment made prior to the date of enactment of this Act that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund instrumentality of the United States described in section 1 of this Act.

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Adams
Ashley
Ayres
Baring
Beall, Md.
Blackburn
Bolling
Brown, Calif.
Broyhill, N.C.
Cabell
Carey
Casey
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Conable
Daddario
Dawson
Dent
Dickinson
Diggs
Evans, Colo.
Feighan
Fulton, Pa.
Gallagher
Goldwater
Gray
Green, Oreg.
Hagan
Halpern
Hanna
Harsha
Hastings
Hébert
Horton
Johnson, Pa.
Kastenmeier
Kirwan
Lennon
Lowenstein
Lujan
Lukens
McCarthy
Miller, Calif.
Mollohan
Moorhead
Morton
Murphy, N.Y.
O'Hara
Ottinger
Philbin
Pollock
Powell
Reuss
Roe
Rostenkowski
St Germain
St. Onge
Scheuer
Schneebeli
Taft
Teague, Calif.
Tunney
Vander Jagt
Waldie
Whalley
White
Wiggins
Wilson, Bob

The SPEAKER. On this rollcall 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

JURISDICTION OF U.S. COURTS—NONAPPROPRIATED FUND ACTIVITY

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, having been on my feet at the time the bill was asked to be considered under suspension of the rules, and the quorum call having intervened, may I inquire of the Speaker if the gentleman who demanded the second was awarded the same and if he is opposed to the bill.

The SPEAKER. The Chair will state that the gentleman from New York demanded a second and the Chair put the unanimous-consent request, "without objection, a second will be considered as ordered," and the Chair did hesitate and pause before stating that a second would be considered as ordered. Under the circumstances, the Chair feels that the gentleman from New York demanded a second in proper order.

Mr. HALL. And a second has been ordered?

The SPEAKER. Exactly.

Mr. HALL. I thank the Chair.

The SPEAKER. The gentleman from Colorado (Mr. ROGERS) is recognized.

Mr. ROGERS of Colorado. Mr. Speaker, I urge the House to give favorable consideration to S. 980, as amended by the Committee on the Judiciary.

The enactment of this measure will remove a number of inequities that have arisen as the result of a loophole in the Tucker Act.

Under the Tucker Act, the United States has waived its sovereign immunity with respect to contract claims. However, the construction given to the Tucker Act by the courts has left a loophole, which creates inequities for some claimants. This loophole exists with respect to contracts entered into by those Federal instrumentalities which operate as nonappropriated fund activities. In short, under present construction of the Tucker Act, a plaintiff with a legitimate claim against a nonappropriated fund activity is not entitled to any judicial relief. S. 980 as reported by the Committee on the Judiciary is intended to close this loophole with respect to contracts entered into by post exchange types of operations conducted within the Department of Defense and the National Aeronautics and Space Administration.

In urging favorable consideration of this measure, let me emphasize that the bill as reported by the House Judiciary Committee differs significantly from the Senate version. Under the bill as passed by the Senate, the United States would waive its sovereign immunity with respect to contracts of all nonappropriated fund activities. Under the Senate version, any judgments against the United States would be paid by the Comptroller General and the nonappropriated fund activity would be required to reimburse the United States. However, the United States would be reimbursed only to the extent that reimbursement would not jeopardize the operation of the nonappropriated fund activity. As a result,

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under the Senate version, the taxpayers would be called upon to bear the financial burden in some cases.

Under the bill as reported by the House Judiciary Committee, there would be no cost to the taxpayers. Since our version of the bill applies only to post exchange types of operations—all of which have sufficient assets to pay their own way—we would not be drawing on tax funds.

Mr. Speaker, I believe that the amendments added to the Senate version by the House Judiciary Committee should eliminate any basic controversy concerning this measure. In the form that the bill was reported by us, it will remove a basic inequity. At the same time, it will create no additional tax burdens. Under these circumstances, I once again urge that it be given the approval of this House.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from South Carolina.

Mr. RIVERS. I just want to be sure that this would not give away the jurisdiction that the military has by reason of the cession of State land for its activities, because any time a military installation is in operation, the land is ceded to the Government and the Government has exclusive jurisdiction.

Now, in this case does it give the sovereignty in which the military installation is located the authority and the right to serve State papers on nonappropriated fund activities, purely based upon a contract?

Mr. ROGERS of Colorado. All this does is to give jurisdiction to the Federal court to entertain suits based on contracts against these exchanges.

Mr. RIVERS. Mr. Speaker, if the gentleman will yield further, the jurisdiction is exclusively in the Federal courts?

Mr. ROGERS of Colorado. Well, under present law you cannot sue these exchanges in either State or Federal courts. All this bill does is give jurisdiction——

Mr. RIVERS. To go into the Federal courts?

Mr. ROGERS of Colorado. To go into the Federal courts; that is correct.

Mr. RIVERS. Do you provide for punitive damages?

Mr. ROGERS of Colorado. Whatever may be authorized under the contract in the particular case would be used. All this does is give jurisdiction. Heretofore you could not even sue for any contract claim.

Mr. RIVERS. Mr. Speaker, based upon the explanation of the gentleman from Colorado, I can see no objection to the bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement and I want him to know that I read thoroughly the report of your committee. However, I would like to be assured by the gentleman and by the committee that if we go to conference on the amendments by the House Committee on the Judiciary which in its wisdom saw fit to apply, and which sets them forth so clearly in the second, third, fourth and fifth paragraphs on page 3 of the report, that is, the differences between the Senate-passed version and what you believe to be right; that we will stick to our guns in conference and insist upon the House version and amendments, because in my opinion they are most important.

They certainly are well taken, in the opinion of a nonlawyer, but as one who knows the commissaries and post exchanges of the military services. Can the gentleman give us such assurance?

Mr. ROGERS of Colorado. May I say to the gentleman from Missouri that I personally was never in favor of opening the floodgates, so to speak, to make the U.S. Government responsible for every officer's club and every other nonappropriated fund activity that would be covered by the Senate's version of the bill. In trying to resolve the problem, we spelled out, as the amendments will show, that we only intend the bill to apply to the Army and Air Force exchange services, Navy exchanges, the Marine Corps exchanges, the Coast Guard exchanges, and the exchange councils of the National Aeronautics and Space Administration. It was our view that all of that group are solvent and that such action should only be instituted against that group and no other. As far as I am personally concerned I will stick by that if we have to go to conference. However, I am hopeful that the Senate will accept our amendments and not make a conference necessary.

Mr. HALL. I appreciate the pledge given by the gentleman, Mr. Speaker, and I would like to ask the gentleman further wherein there is justice and equity in singling out only those that are able to pay their own way? Insofar as principle is involved it seems applicable only to those who have managed properly and have built up their company fund, or their central exchange fund, so to speak, would be relieved of sovereign immunity, whereas others who have been less well managed should be protected.

Mr. ROGERS of Colorado. May I say to the gentleman first of all that it is extremely difficult to find out where all these activities are that are covered by the broad Senate bill. We limited the coverage of the bill so that if any judgment was taken it would be taken against a solvent activity and would not cost the taxpayers anything. As I indicated we cannot afford to open up liability unless the money is to be paid by the people who are engaged in the business.

Mr. HALL. This brings up the very basic question of why open it up and remove sovereign immunity in the first place, if we are going to do it in a fractional manner.

Mr. ROGERS of Colorado. The reason for it is that we do not think that the exchanges which do the major portion of all this business should be immune from suit. They should at least be required to come into court and be responsible like any other function or business concern with respect to the contracts that they enter into.

Mr. HALL. Mr. Speaker, if the gentleman will yield for a final pair of questions, I would say, No. 1, will this be passed on to the military, and their dependents as the consumers from the post exchanges, commissaries, and so forth; and, second, by removing this sovereign immunity and allowing it to go to court, will the various States of the Union be allowed to impose taxes on such post exchanges and commissaries?

Mr. ROGERS of Colorado. First of all, I do not believe it will be passed on to any of the members of the military and their dependents. Second, the question of taxation by the local governments is not involved in this particular bill, nor does the fact that the exchanges are subject to suit make them subject to State taxation.

Mr. HALL. Can the gentleman say categorically that there will be no taxes by the various States of the Union against the Federal posts, camps or stations, and their post exchanges, commissaries, and so forth, as the result of this bill?

Mr. ROGERS of Colorado. Let me assure the gentleman that this bill does not change that situation in any manner whatsoever.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding.

Mr. FISH. Mr. Speaker, I rise in support of S. 980. This bill, as amended by the Judiciary Committee, should command widespread, if not unanimous support because, first, it helps correct a gross inequity in the law, second, there is no known opposition to the bill, and, third, it will not cost the taxpayers a single penny.

S. 980 deals with the concept of sovereign immunity. This longstanding rule of law derives from the old and hoary principle that the king, or sovereign, was not subject to the very laws he promulgated for his subjects. Specifically, the doctrine of sovereign immunity holds that a sovereign government may not be sued, whether in tort or in contract, by any of its citizens.

While a doctrine which holds that the government is above the law would seem out of place in the American democracy, the demise of this rule has come relatively recently in the history of the United States. Under the Federal Tort Claims Act of 1946, the United States was made liable for the torts of its agents and employees to the same extent a private person would be liable in like circumstances. This act has been judicially construed to cover nonappropriated fund activities as well as activities conducted with appropriated funds.

The Tucker Act, enacted in 1887, removes the protection of sovereign immunity from the United States for suits in contract. Although nonappropriated fund activities have been held to be instrumentalities of the United States and thus protected by sovereign immunity from suits in contract, the courts have held that they do not come within the ambit of the Tucker Act since the contract obligations are not paid out of appropriated funds.

S. 980, as it passed the other body, would close this loophole in the Tucker Act by permitting the aggrieved party to sue the U.S. Government where the gravamen of the complaint arises from a

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contract with a nonappropriated fund activity. Such activity would then have to reimburse the United States for any judgment paid.

To date three sets of hearings have been held on S. 980 and its predecessor in the 90th Congress, S. 3163. Of the numerous witnesses who appeared, all were unanimous in their support of this legislation. The witnesses included representatives of the American Bar Association, the Department of Defense, the judiciary, the law school faculties, and the practicing bar.

There is one change of substance which our committee made in S. 980 as enacted by the other body. We made S. 980 applicable only to the post exchanges of the military services and NASA, rather than to all nonappropriated fund activities. Since we know that these particular post exchange activities have very substantial assets capable of providing full reimbursement for any judgments paid by the United States, we can be assured that the program, if limited to them, will operate on a pay-as-you-go basis without cost to the taxpayers.

The committee amendment limits applicability of the waiver of sovereign immunity in contract claims to post exchanges. This is appropriate because we can be assured that these activities are capable of reimbursement to the United States.

In the version passed by the other body, the Congress is placed in the position of possibly appropriating funds to pay off liability incurred by activities for whose operations no Federal funds were appropriated.

In short, Mr. Speaker, the Judiciary Committee feels that an aggrieved party should have a right of action against the Government for damages arising out of contract disputes with post exchanges. This right, we are assured, can be granted without placing any additional burden on the taxpayer.

I, therefore, urge the passage of S. 980 as it is now before the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Iowa.

Mr. GROSS. I would like, if the gentleman would bear with me, to read two short sentences from the report that gives me concern. The sentences read:

> Nonappropriated fund activities are at present an anomaly of the law. When States have attempted to tax or regulate their activities these activities have successfully argued that they are immune from taxation and regulation as instrumentalities of the United States.

My question is, does this change the status of their present, or what appears to be, exemption from the law as to the payment of taxes to States and local subdivisions of the States?

Mr. FISH. This is a question that was put by the gentleman from Missouri to the chairman of the subcommittee during the course of this debate in which the response was that this bill would not change their tax status in any way. What we are accomplishing by this measure is giving jurisdiction to the Federal courts over suits in contract brought against these particular instrumentalities. As we understand it, S.980 would not extend State taxation jurisdiction over these same instrumentalities.

Mr. GROSS. So the gentleman makes the categorical reply that this bill does not change the status of the present law in that respect?

Mr. FISH. That is my understanding.

Mr. GROSS. Will the gentleman further comment on the fact that all agency reports contained in this report are apparently adverse to the bill? Perhaps their opposition has been corrected or taken care of by way of amendment, but the fact remains that the report shows that all the agencies, or practically everyone that has commented, has been opposed to the bill.

Mr. FISH. In response to the question of the gentleman from Iowa, I would say that, although some of these agency reports suggested certain amendments to the bill, all of them supported the purpose and the principal thrust of the proposed legislation. As the gentleman suggests some of the amendments were adopted by the committee.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. PIRNIE. In support of the comment made by the gentleman from Iowa, it seems as though that sentence was put into the report for a purpose, and the explanation that we have received here is adequate. I do not believe there is an intention to create any tax liability on these agencies.

Mr. FISH. That is perfectly correct. The gentleman is absolutely right. This bill waives sovereign immunity of post exchanges in contract suits only. It is not intended to confer jurisdiction to States for tax purposes.

Mr. PIRNIE. Why is tax liability referred to in the report?

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The one reason there is reference to it in the report is only to show that they are Federal instrumentalities. The gentleman from Iowa read that portion of the report. We used that language to show they are Federal instrumentalities, and as we pointed out in the previous paragraphs, they are not subject to suit. That is the reason.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield to the gentleman from Iowa.

Mr. GROSS. It is said they are instrumentalities of the Federal Government, without referring to the tax situation as it presently exists. That is what concerns some of us.

Mr. ROGERS of Colorado. May I again assure the gentleman from Iowa and other Members that the passage of this bill will not in any manner do anything other than confer jurisdiction upon a Federal court to decide a dispute that may exist between a litigant or a contractor with the exchange services. That is all it does.

Mr. ROGERS of Colorado. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill S. 980, as amended.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DONATION OF DAIRY PRODUCTS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2595), to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

The Clerk read as follows:

S. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended by adding at the end thereof the following:

"Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition."

The SPEAKER pro tempore. Is a second demanded?

Mrs. MAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. In this bill the same as H.R. 12588? I find no number listed.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. FOLEY. S. 2595 is identical with the bill H.R. 12588 except for one phrase in the Senate version of the bill: The application of the donated program is limited to the United States.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. The gentleman from Washington, (Mr. FOLEY) will be recognized for 20 minutes, and the gentlewoman from Washington (Mrs. MAY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, this bill would amend the priorities for disposition of dairy products under section 416 of the Agricultural Act of 1949 by permitting the disposition of dairy products acquired under CCC support programs to nonprofit school lunch and other nonprofit child-feeding programs, in the assistance of needy persons, and for charitable institutions, including hospitals, to the extent that needy persons are served, before it would be necessary for the CCC to attempt to dispose of these acquired stocks by sale.

No increase in Government expenditure is anticipated, and the bill will possibly preclude the necessity for the Government having to acquire dairy products at open market prices to complete donation programs. The House bill was heard by the Subcommittee on Domestic Marketing and Consumer Relations without opposition.

We have asked for the suspension of the rules to consider the Senate version of this bill which, as I just explained to the gentleman from Iowa, differs from the House version in one respect only, that is donations are authorized in the Senate bill now under consideration only within the United States and no authority would be given to the CCC to make any such priority donations abroad.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, I rise in support of this bill and also join the gentleman from Washington in explaining that we would like to suspend the rules and substitute the Senate version of the bill because we think the added words are definitely needed.

In explaining this bill to my colleagues, I would like to quote from the Under Secretary of the Department of Agriculture, Mr. J. Phil Campbell, in his letter to the Senate and to the House committees in support of the measure. Secretary Campbell explained that under the Agricultural Act of 1949, in section 416, there is a provision which provides for a priority of sales over donations in the disposition of food commodities that are acquired under our support programs. This section authorizes donations of such food commodities for nonprofit school lunch programs or to needy persons and other similar uses in order to prevent the waste of the commodities "before they can be disposed of in normal domestic channels without impairment of the price support program or sold abroad at competitive world prices."

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Dairy products, as we all know, have played an extremely important role in school lunch programs, in donations of food to needy persons, and other food assistance programs.

Usually supplies of our dairy products acquired under the dairy price support programs have been adequate for both sales and these food assistance uses. However, occasionally our CCC inventories of dairy products have for a certain period of time declined to such low levels that their use in some of these food assistance programs, where we have pledged to supply these dairy products, has had to be temporarily interrupted or completely curtailed, which certainly brings about an undesirable effect for the agency or the group that is expecting the dairy products for use in a feeding program that is ongoing.

So the enactment of S. 2595 would help to assure continuing supplies of our much-needed dairy products in our food assistance programs at less cost to the Government than would be the case if CCC inventories were completely exhausted through sales and other authorities were used—that authority is present—to buy supplies in the market at higher prices for program uses.

Under Secretary Campbell has indicated in his letter to the Senate and House Committees on Agriculture that because this is a continuing authority the Bureau of the Budget has advised there is no objection to the bill and that it should not result in higher costs.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentlewoman from Washington yield?

Mrs. MAY. I am glad to yield to the gentleman from Wisconsin for whatever time he may desire.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the gentlewoman's yielding to me.

I wish to commend the committee for bringing to the floor today this piece of legislation. It may not be one which attracts a great deal of attention, but it has tremendous importance so far as the dairy industry is concerned.

This one particular piece of legislation enables the use of dairy products in nonprofit child care feeding programs and hospitals and the like, and was a part of the comprehensive dairy act I introduced, along with a number of my colleagues, not long ago.

The action on the floor today in passing this bill will enable this program to operate effectively at less cost to the Government and without interruption.

I appreciate very much the leadership of the distinguished gentleman from Washington (Mr. FOLEY) and the distinguished gentlewoman from Washington (Mrs. MAY).

Mr. NELSEN. Mr. Speaker, today we are pleased to be considering an amendment to the Agricultural Act of 1949 which will not only help to guarantee an adequate supply of dairy products for the needy, but will also contribute to a healthy dairy industry and to governmental economy. This measure, H.R. 12588, is entitled to broad support.

As outlined in House Report 91-587, which accompanies the bill, section 416 of the 1949 act provides that food commodities obtained through price support operations, which cannot be disposed of in normal domestic channels without impairment of the price support program, or sold abroad at competitive world prices, may be donated by the Commodity Credit Corporation to the school lunch program and needy groups in the United States and abroad. The donations thus made possible have been most helpful in fighting hunger and malnutrition.

Occasionally, however, these general stipulations have meant that dairy product inventories have been depleted, resulting in the curtailment or temporary interruption of dairy food assistance programs. There is need to remedy this situation through this legislation to assure uninterrupted dairy product feeding programs.

According to the Under Secretary of Agriculture, Mr. J. Phil Campbell:

> Enactment of H.R. 12588 would help to assure continuous supplies of dairy products in the food assistance programs at less cost to the Government than would be the case if CCC's inventories were completely exhausted through sales and then other authority were used to buy supplies in the market at higher prices for program uses.

In other words, it would be cheaper to enact this legislation than to sustain Government purchases of dairy products on he open market to meet donation needs. Also, of course, our House Agriculture Committee does no anticipate any material increase in Government costs as a result of this legislation.

Mr. ZWACH. Mr. Speaker, I strongly endorse S. 2595 which would amend the Agricultural Act of 1949 with regard to the use of dairy products.

Passage of this legislation would give priority to the use of dairy products in nonprofit school lunch and similiar feeding programs. It would merely enable the use of dairy products acquired under the Commodity Credit Corporation support programs in ongoing feeding programs.

Dairy products have traditionally played a leading role in the school lunch, school breakfast, and other food assistance programs. These products have been used extensively by the Department of Agriculture in its efforts to eliminate hunger and malnutrition among the Nation's poor. While CCC inventories have normally been adequate for both sales and use in these programs, inventories have from time to time been depleted. In such instances the use of dairy products in some feeding programs has been curtailed or temporarily interrupted. Enactment of S. 2595 would assure an uninterrupted flow of dairy products for ongoing feeding programs.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Washington that the House suspend the rules and pass the bill S. 2595.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12588) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

STATEMENT BY THE PRESIDENT ON VETERANS' MEDICAL CARE

Mr. HALL. Mr. Speaker, I ask unanimous consent that the President's statement on veterans' medical care, delivered to the House on Friday last, may be printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The statement is as follows:

STATEMENT BY THE PRESIDENT ON VETERANS MEDICAL CARE, APRIL 2, 1970

For a number of years, the Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired.

Action must be taken now to insure that eligible veterans will receive the medical care they require.

When I appointed Donald E. Johnson to be Administrator of Veterans Affairs last June, I directed him to make a thorough review of the veterans medical care program: to identify the problems, analyze the causes, take such immediate corrective steps as appropriate, and recommend a total medical care program appropriate for future needs. He has completed that review, and today he reported his findings.

I am pleased that the Administrator and his new management team have taken a number of immediate administrative steps to improve the quality of the veterans medical care program. However, his review shows that additional funds are required immediately if the VA is to meet its obligations to veterans requiring medical attention. *Therefore, I have approved an increase of $50 million in the VA's medical care budget request for fiscal year 1971—which makes it $210 million more than the approved appropriation for fiscal year 1970—and have authorized the VA to seek from Congress an additional appropriation of $15 million for the remainder of this fiscal year.* These requests will enable the VA to improve medical care for all eligible veterans, particularly for those suffering from battle injuries.

This Administration is committed to providing quality medical care for every eligible veteran.

BACKGROUND OF THE PROBLEM

A 1968 law required the Veterans Administration to reduce its staff to the mid-1966 level. This deprived the VA's medical care program of several thousand workers in all categories of the health services professions at a time when the VA requirements for such personnel were growing steadily.

Last September, to meet this problem, I raised VA's personnel ceiling by 1,500, even though employment authorizations for other Federal agencies were then being reduced by 51,000. I also approved the VA's fiscal 1971 appropriations request for an additional 2,100 medical care employees.

Even more health services personnel will be required in the immediate future to meet the special problems presented by an increasing number of Vietnam Era dischargees and the increasing scope and complexity of health care delivery systems.

THE VIETNAM ERA VETERAN

Men and women with service in the Armed Forces since the onset of the Vietnam conflict are being discharged in steadily increasing numbers. The annual rate of separations grew gradually from 531,000 in calendar 1965 to 958,000 in 1969. In 1970 and 1971, the annual rate will climb well above one million.

Many of those now leaving the Service suffer from wounds received in combat and are discharged directly into VA hospitals. Currently 7% of the patients in VA hospitals and 9% of VA out-patient treatment cases are Vietnam Era veterans. These percentages are expected to rise during the next few years. Also, all Vietnam Era veterans are entitled to VA dental care in the year following separation from service. Due to the increasing discharge rate, the demands for such treatment have led to an abnormally high backlog. Additional funds are required to correct this situation.

Better battlefield care and faster evacuation of the war wounded have resulted in a high incidence of patients with multiple amputations and spinal cord injuries in VA hospitals. Special hospital centers, with more staff than usual, are required for the care and rehabilitation of these patients.

These new developments combine to impose greater than normal demands upon the professional staffs of VA hospitals and clinics and require both more personnel and an increased range of specialized skills.

SPECIALIZED MEDICAL PROGRAMS

As medical knowledge expands, the techniques for saving lives becomes more complex, more specialized, and more expensive. For several years, the VA has identified for separate funding and control a group of 23 "Specialized Medical Programs," including Coronary/Intensive Care Units, Hemodialysis Centers, Organ Replacement Centers, and Pulmonary Emphysema Units. These innovations in VA hospitals and clinics pioneer the latest advances in diagnosis and treatment.

The VA's efforts to make these programs available throughout its hospital system have been constrained by lack of funds. For example, there is presently an insufficient number of Coronary/Intensive Care Units in the VA hospital system. Such units reduce mortality in heart attack cases by 15 to 30 percent; every eligible veteran should have access to these life-saving facilities.

Administrator Johnson also has found that the VA has not had the funds to open and operate a sufficient number of Prosthetics Treatment Centers and Spinal Cord Injury Centers for severely wounded veterans from Vietnam.

These Specialized Medical Programs are not only important to the veterans who benefit directly from them, they are also important to America because the veterans medical care program consistently has been a leader in the development of innovations of great importance to our total health delivery system.

Concern for the nation's older veterans is an integral part of the VA's specialized medical care mission. These patients will require greater number of chronic care and nursing care beds as the veteran population continues to age.

OTHER PROBLEMS

Administrator Johnson has identified a number of other problems affecting the veterans medical care program. Most of these have been brought on by a combination of inflationary pressures and budgetary restrictions. These include a reduction in supporting services available in VA hospitals as compared to many non-governmental hospitals; deferrals in the purchase of replacement equipment; stretch outs of maintenance and rehabilitation projects; and curtailment of the construction program to modernize or replace outdated VA hospitals.

The VA's potential as a clinical training resource has been neglected. Fuller reliance on the VA's system of 166 hospitals for medical education purposes would not only improve the VA's position as a consumer of health services personnel—but would also help the entire nation meet its requirements in the health manpower area.

THE STEPS WE ARE TAKING

Solution of many problems related to the veterans medical care program will take time—even if we had all the necessary funds immediately.

We must, however, find early solutions to the more pressing problems which directly involve patient care. These include—

The need for increased staffs to serve existing Specialized Medical Programs, especially those concerned with care of wounded Vietnam veterans;

The need to open and adequately staff and equip more centers under these programs;

The need to bring the backlog of Vietnam veteran dental care cases within normal operating levels; and

The need to provide additional nursing care beds for older veterans.

The $15 million supplemental appropriation which I have authorized would be expended in April, May and June to clear up the excessive backlog in Vietnam veterans dental claims; improve the staffing of existing Specialized Medical Programs, especially the Spinal Cord Injury Centers and the Coronary/Intensive Care Units; carry out plans for taking hemodialysis units into the homes of veterans suffering from serious kidney ailments; and help meet increased costs of needed drugs and medicines.

The VA's budget request already submitted to Congress for the fiscal year to commence in July would provide extra staff to activate 121 additional bed units for Specialized Medical Programs and to open an additional 1,155 nursing care beds, a 28% increase in this program.

The new request for $50 million would be used to increase the staffs of VA hospitals and clinics; to improve further the staffing of the Spinal Cord Injury Centers and other important Specialized Medical Programs; to purchase seriously needed operating equipment; and to absorb rising drug and medical costs.

OTHER STEPS TO IMPROVE MEDICAL CARE

Beyond these requirements for additional funds, a number of steps have been taken to improve the veterans medical care program.

New Management Team—An entirely new top management team for the VA's Department of Medicine and Surgery, headed by Dr. Marc J. Musser has been appointed. This group has the talent, the initiative, and the outlook to develop and carry out needed improvements in veterans medical care.

Improved Management Controls—Streamlined management controls over the widespread operations of the VA, including its system of 166 hospitals have been established. By merging the fiscal audit, internal audit and investigation services, more frequent audits and faster investigations into complaints will be possible.

Improved Management of Hospitals—The management at each VA hospital is being evaluated, and a number of replacements in hospital directors, assistant directors, and chiefs of staff have already been made. Other personnel changes will be made as the need is demonstrated. A new program to upgrade the managerial skills of those in charge of the hospitals will make possible greater decentralization of appropriate authority to hospital directors. An executive recruitment and development program to provide for future hospital leaders will be undertaken and a program for simplification of paperwork procedures and other hospital administrative practices is underway.

Study of Future Needs—A comprehensive study of the future needs of the veterans medical care is continuing to insure that developing problems will be identified early and analyzed as to their significance to the program.

Closing Health Manpower Gap—The VA, in coordination with other interested agencies, will explore new approaches to the problem of closing the gap in the nation's critical health manpower situation. This will include studies to improve techniques of training health services personnel, improvements in health delivery systems, increased sharing of expensive and short-supply medical equipment by hosiptals in the same community, and the potential for the establishment of new medical schools in conjunction with VA hospitals.

COMMITMENTS TO FULFILL

To those who have been injured in the service of the United States, we owe a special obligation. I am determined that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires. This commitment will require more than dollars to redeem; it will require sound management of existing VA facilities, wise use of existing personnel and equipment, and—most importantly—sensitivity to the needs of our veterans, personal as well as medical. Administrator Johnson and his staff have a keen appreciation of these requirements. We, as a people, have commitments to our veterans, and we shall fulfill them.

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, I am most pleased with the President's message on veterans' medical care.

This was particularly applicable to our veterans of Vietnam.

It is well that President Nixon recognizes their service and the debt our Nation owes all of those who have served so honorably. It is appropriate that a grateful nation again bestows these benefits. In other wars our wounded came home to sounds of bands playing, confident that a grateful Nation would do whatever was needed.

It isn't quite that way in this dirty, undeclared war, no-win war, where some Americans, so called, have made service to country a thing to be ashamed of and veterans a group to be sneered at. Gradualism is the order of the day, devoid of will to win, and predicated on fear.

Many of our Vietnam veterans, the President points out, now leave the service still suffering from combat wounds and are discharged directly into VA hospitals. I trust the great military hospitals still "care for their own" to the maximum effect of hospital benefits.

As a result demands on VA hospitals and staffs are increasing constantly.

The President's recognition of this situation and his willingness to meet the situation head on, is ample proof that this administration will not let our veterans down. We can all be grateful for that.

Mr. SAYLOR. Mr. Speaker, both President Nixon and Donald E Johnson, the Administrator of Veterans' Affairs, are to be commended for coming to grips with the problems of our Nation's 166 VA hospitals.

Mr. Johnson and his staff have pinpointed VA's needs and made recommendations to fulfill them.

The President has taken steps to provide that important ingredient required to help transform plans into realization—money.

The $50 million additionl funds he has approved for VA's operations in the next fiscal year will make available to the VA in fiscal year 1971 about $210 million more than it had in fiscal year 1970.

The extra $50 million will be used to increase staffs in VA hospitals and clinics, for staffing spinal cord injury centers and other specialized medical programs, and to meet drug and medical costs.

The $15 million supplemental appropriation the President seeks will be spent in April, May, and June of this fiscal year and comes at a propitious time.

These funds will reduce the backlog of veterans needing dental treatment, help make hemodialysis units available in homes of veterans suffering from serious kidney ailments, and help meet crucial costs in other areas.

We here are all dedicated to the same aim—to see that those who have served this land of ours know that we are grateful.

The President's announcements are evidence of that gratitude.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. VANIK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 65]

Ashley
Ayres
Baring
Beall, Md.
Blackburn
Bolling
Brooks
Brown, Calif.
Broyhill, N.C.
Cabell
Casey
Chappell
Clark
Clawson, Del
Clay
Conable
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Eckhardt
Evans, Colo.
Feighan
Fraser
Fulton, Pa.
Gallagher
Goldwater
Green, Oreg.
Griffiths
Hagan
Halpern
Hanna
Hansen, Wash.
Harsha
Hastings
Hébert
Horton
Johnson, Pa.
Kirwan
Kuykendall
Landgrebe
Lennon
Long, La.
Lujan
Lukens
McCarthy
McMillan
Miller, Calif.
Mollohan
Moorhead
Morton
Murphy, N.Y.
O'Hara
Pepper
Pettis
Philbin
Pollock
Powell
Price, Tex.
Rees
Reifel
Roberts
Rodino
Roe
Rostenkowski
Scheuer
Schneebeli
Shipley
Stafford
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Vander Jagt
Waldie
Whalley
White
Wiggins
Wilson, Bob

The SPEAKER pro tempore. On this rollcall 347 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 514, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 24, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, the conference report which we bring before this Chamber today is on the bill, H.R. 514, which passed the House on April 23, 1969. The Senate did not take action on the bill until February of this year.

I want to state that the members of the Committee on Education and Labor of the House have been diligent on all occasions in moving the extension of the programs embraced by H.R. 514. We commenced hearings on this bill on January 15, 1969. It was our purpose in the Committee on Education and Labor, as the gentleman from Minnesota (Mr. QUIE) and I and others agreed in 1968 after the 1968 elections, that this would be the first order of business in 1969. That was the reason why we began early hearings on January 15, 1969.

Since the programs covered by H.R. 514 were due to expire on June 30, 1970, in order to obtain forward funding this year we desired the passage of H.R. 514 last year.

It is my hope that we will never have another occasion where an education bill of such great importance will be delayed almost to the point of its expiration and that we will always have timely appropriations.

I certainly want to compliment the distinguished chairman of the Committee on Appropriations (Mr. MAHON) for having a bill ready to bring to the House floor this coming week.

I certainly would have had great regrets if we had failed to get this conference report adopted before the House Committee on Appropriations had taken action on the education appropriation measure this year since I feel that the Education and Labor Committee was really diligent in its efforts to bring this measure out and get this conference report back early last year. Be that as it may, we have worked out a conference report with the cooperation of the minority and an outstanding number of the conferees on the majority side who worked day and night to bring this important measure to the floor of the House. I wish to compliment all of the majority members for the great contribution that they made in finding a solution to the differences between the House and the Senate and likewise compliment the minority conferees.The gentleman from Minnesota, AL QUIE, worked day and night to help find a solution and to bring about a meeting of the minds between the majority and the minority, and we did have sharp differences. I want to pay special tribute to the distin-

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guished gentleman from North Carolina (Mr. RUTH) for the courageous fight that he put up for the Stennis amendment.

As I stated, in my judgment, this is one of the most important conference reports that has ever been brought before this Chamber. This is about a $24.5 billion authorization in this bill for the next 3 years for the various titles of the Elementary and Secondary Education Act and about 75 percent of the funds are authorized for title I of that act. In my judgment this conference report will make a significant beginning in remedying more than one and a half centuries of unequal access to quality education.

The final version of this legislation, which we bring to the floor today, I wholeheartedly support although as in the case of most comprehensive legislation in the field of education it represents a compromise of differing points of view with respect to the best approach to take.

The conference bill contains many of the features worked out by the House both in committee and on the floor.

It will be recalled that the principal issues before the House last April when this bill was considered were first the length of the authorization. The committee had reported a 5-year bill.

In the final version that passed the House a 2-year extension was authorized.

The Senate-passed version of the bill provided for a 4-year extension.

The conference substitute provides for 3 years.

Second, the committee and the House last April debated the consolidation into one program, title II of the Elementary and Secondary Education Act of 1965, dealing with library books and textbooks and title III of the Elementary and Secondary Education Act dealing with supplemental educational centers and services with title III dealing with equipment and title V (A) dealing with guidance and counseling of the National Defense Education Act of 1958.

On this feature of the House-passed bill the conference report represents a compromise. H.R. 514 as reported by the conference consolidates into title III of the Elementary and Secondary Education Act the provisions of title V (A) of the National Defense Education Act.

This is a suitable combination of Federal education programs.

Guidance and counseling support is now authorized in title III of the Elementary and Secondary Education Act.

The merger of the two to this extent eliminates the separate authorizations which may have been considered by some as unnecessary duplications.

For those who have championed the concept of consolidation it makes a logical step forward in this direction.

It provides State educational agencies which now administer title III programs with greater flexibility in the use of funds appropriated for title III and for guidance and counseling activities.

Mr. Speaker, aside from technical differences the conferees were confronted with approximately 92 basic conference differences to reconcile between the version of H.R. 514 and the version which passed the Senate.

Mr. Speaker, on a number of occasions the conferees of the House receded to the Senate on Senate additions to H.R. 514 which might suggest to the casual observer that the House conferees were taking new Senate authorizations in conference which the House had no opportunity to thoroughly examine in committee and to debate.

However, it must be remembered that the Senate had added into H.R. 514 several authorizations which had previously passed the House of Representatives in separate bills.

In this regard, H.R. 514 contains authorizations similar to H.R. 13304, the Gifted and Talented Children Educational Assistance Act; H.R. 13310, the Children With Specific Learning Disabilities Act of 1969; and H.R. 13630, the Vocational Education Amendments of 1969.

Mr. Speaker, at this point I believe my colleagues can have a clearer picture of conference action if I enumerate the program authorizations contained in H.R. 514 and therefore I include in the RECORD at this point a table reflecting conference action on authorizations by program:

H.R. 514—AUTHORIZATIONS

ESEA	Existing fiscal year 1970 authorization	Fiscal year 1970 appropriations	Conference agreement fiscal year 1971 authorization	Fiscal year 1971 original appropriations request	Conference agreement fiscal year 1972 authorization	Conference agreement fiscal year 1973 authorization
I. Education of disadvantaged children:						
Part A—basic grants:						
(1) Maximum authorization using $3,000 in fiscal year 1970, 1971 and 1972, and $4,000 in fiscal year 1973	$3,620,500,000	$1,396,975,000	$3,620,500,000	$1,300,000,000	$3,906,300,000	$5,564,000,000
(2) Utilizing $2,000 in all years			(2,442,404,241)		(2,638,340,356)	(2,875,799,988)
(3) Utilizing $3,000 in all years			(3,620,500,000)		(3,906,300,000)	(4,257,898,303)
Part B—Special incentive grants (estimate)	50,000,000	0	123,200,000	0	123,200,000	223,200,000
Part C—Urban and rural grants (estimate)			453,900,000	0	496,700,000	862,300,000
II. Books and library materials	200,000,000	50,000,000	200,000,000	0	210,000,000	220,000,000
III. Supplementary centers and services	550,000,000	116,393,000	550,000,000	116,393,000	575,000,000	605,000,000
Guidance, counseling and testing (NDEA title V)	30,000,000	17,000,000		0		
V. Strengthening State and local educational agencies:						
Part A—State departments	80,000,000	29,750,000	80,000,000	29,750,000	85,000,000	90,000,000
Part B—Local educational agencies			20,000,000	0	30,000,000	40,000,000
Part C—Planning and evaluation			10,000,000	0	15,000,000	20,000,000
VI. Education of the handicapped totals [1]	320,000,000	100,000,000	365,500,000	95,000,000	430,000,000	486,000,000
Part B—State grants	200,000,000		200,000,000		210,000,000	220,000,000
Part C—Centers and services	29,000,000		36,500,000		51,500,000	66,500,000
Part D—Personnel training	59,000,000	100,000,000	69,500,000	95,000,000	87,000,000	103,500,000
Part E—Research	19,500,000		27,000,000		35,500,000	45,000,000
Part F—Instructional media	12,500,000		12,500,000		15,000,000	20,000,000
Part G—Learning disabilities	(1)		20,000,000		31,000,000	31,000,000
VII. Bilingual Education	40,000,000	25,000,000	80,000,000	10,000,000	100,000,000	135,000,000
VIII. Dropouts	30,000,000	5,000,000	30,000,000	15,000,000	31,500,000	33,000,000
Nutrition and health	(2)	0	10,000,000	0	16,000,000	26,000,000
Adult education	80,000,000	50,000,000	200,000,000	55,000,000	225,000,000	225,000,000
Public Law 874	725,000,000	505,400,000	727,200,000	425,000,000	814,200,000	911,200,000
Puplic Housing	(3)		286,900,000	0	286,900,000	286,900,000
Public Law 815	80,000,000	15,167,000	80,000,000	19,949,000	80,000,000	80,000,000
Public Housing	(3)		107,400,000	0	107,400,000	107,400,000
Vocational Education Act Amendments total [4]	135,000,000	25,880,000	160,000,000	0	185,000,000	
Programs for disadvantaged	40,000,000	20,000,000	50,000,000	0	50,000,000	
State Residential schools	15,000,000	0	15,000,000	0	15,000,000	
Work-study	35,000,000	5,000,000	45,000,000	0	55,000,000	
Curriculum development	10,000,000	880,000	10,000,000	0	10,000,000	
Part F of EPDA (Teacher training)	35,000,000	(4)	40,000,000	(4)	45,000,000	
Teacher Corps			[5] 44,000,000			
Total (utilizing maximum authorizations for Title I ESEA)	5,848,500,000	2,336,565,000	7,148,600,000	2,066,092,000	7,717,200,000	9,915,000,000

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[1] The Conference Committee has agreed to the Senate Authorization of $12,000,000.

[2] The Conference Committee has agreed to the Senate Authorization of $,2000,000 for fiscal year 1970.

[3] The Conference Report does not contain the provisions of the House bill authorizing the inclusion of children in public housing in the impact aid programs to be effective in fiscal 1970. The cost of the inclusion of children in public housing is projected at the fiscal year 1971 level, since data necessary for computation of additional increases are unavailable.

[4] Not earmarked.

[5] Presently, $56,000,000 is authorized in fiscal year 1971 for the Teacher Corps. The Senate amendment which the Conference Committee has agreed to increases the authorization by $44,000,000 to $100,000,000.

[Millions of dollars]

Elementary and Secondary Education Act	1971 authorizations			1972 authorizations			1973 authorizations		
	House	Senate	Conference report	House	Senate	Conference report	House	Senate	Conference report
Title I:									
Part A—Basic grants estimates ($3,000 factor fiscal year 1971 and 1972; $4,000 fiscal year 1973)	$3,620.5	$3,620.5	$3,620.5	$3,906.3	$3,906.3	$3,906.3		$5,564.0	$5,564.0
Part B—Special incentive grants (estimates)[1]	50.0	123.2	123.2	50.0	123.2	123.2		223.2	223.2
Part C—Urban and rural grants (estimates)[1]		453.9	453.9		496.7	496.7		862.3	862.3
Title II: Books and library materials	200.0	200.0	200.0	200.0	210.0	210.0		220.0	220.0
Title III:									
Supplementary centers and services	550.0	550.0		550.0	575.0			605.0	
Consolidation[2]	1,000.0		550.0	1,000.0		575.0			605.0
Title V:									
Grants to strengthen State Departments of Education	80.0	80.0	80.0	80.0	85.0	85.0		90.0	90.0
Part B—Grants to local Education agencies		20.0	20.0		30.0	30.0		40.0	40.0
Part C—Planning and evaluation		10.0	10.0		15.0	15.0		20.0	20.0
Title VI: Education of the handicapped total[3]	326.0	365.5	365.5	320.5	430.0	430.0	38	486.0	486.0
Title VII: Bilingual education	40.0	80.0	80.0	40.0	100.0	100.0		135.0	135.0
Title VIII:									
Dropouts	30.0	30.0	30.0	30.0	31.5	31.5		33.0	33.0
Nutritional health[4]		10.0	10.0		16.0	16.0		26.0	26.0
Adult education	80.0	200.0	200.0	80.0	225.0	225.0		225.0	225.0
Public Law 874	725.0	727.2	727.2	812.0	814.2	814.2		911.2	911.2
Public Housing[5]	286.9	286.9	286.9	286.9	286.9	286.9		286.9	286.9
Public Law 815	80.0	80.0	80.0	80.0	80.0	80.0		80.0	80.0
Public Housing[5]	107.4	107.4	107.4	107.4	107.4	107.4		107.4	107.4
Vocational Education Act amendments total:[6]	135.0	160.0	160.0	135.0	185.0	185.0			
Teacher Corps[7]		44.0	44.0						
Totals	7,310.8	7,148.6	7,148.6	7,678.1	7,717.7	7,717.7	38	9,915.0	9,915.0

[1] The Senate Amendment authorized revisions in pt. B and a new program in pt. C effective in fiscal year 1970. The conference agreement retains the Senate amendment; thus for fiscal year 1970 an estimated $73,200,000 is authorized for pt. B, whereas $50,000,000 is presently authorized and an estimated $356.9 for fiscal year 1970 is authorized for the new programs in pt. C.

[2] In the House bill the consolidation includes titles II and III of ESEA and titles III–A and V-A of NDEA. In the conference report the consolidation includes only title III of ESEA and title V-A of NDEA.

[3] Title VI—Education of the Handicapped:

[Millions of dollars]

	1971 authorizations			1972 authorizations			1973 authorizations		
	House	Senate	Conference report	House	Senate	Conference report	House	Senate	Conference report
Part B—State grants	$200.0	$200.0	$200.0	$200.0	$210.0	$210.0		$220.0	$220.0
Part C—Centers and services [a]	[b] 29.0	36.5	36.5	17.0	51.5	51.5		66.5	66.5
Part D—Personnel training [c]	59.0	69.5	69.5	57.0	87.0	87.0		103.5	103.5
Part E—Research [d]	19.5	27.0	27.0	19.5	35.5	35.5		45.0	45.0
Part F—Instructional media [e]	[f] 12.5	12.5	12.5	[f] 15.0	15.0	15.0	[f] 20.0	20.0	20.0
Part G—Learning disabilities	[g] (6.0)	20.0	20.0	[g] (12.0)	31.0	31.0	[g] (18.0)	31.0	31.0

[a] In the House bill authorizations in this category were provided by amendment to pt. B, title VI (regional resource centers) and pt. C, title VI (centers and services for deaf-blind youth).

[b] This figure includes $12,000,000 presently authorized for fisca. year 1971 in Public Law 90–538.

[c] In the House bill authorizations in this category were provided by amendment to Public Law 85–926 (grants for teaching in education of the handicapped children), Public Law 88–164, sec. 501 (training of physical educators and recreation personnel) and pt. D, title VI, dissemination.

[d] In the House bill authorizations in this category are provided by amendment to Public Law 88–964, sec. 301 (research and demonstration projects in education of handicapped children), and sec. 502, research and demonstration in physical education, and recreation for mentally retarded and other handicapped children.

[e] Public Law 85–905 which is repealed by the conference report authorized identical sums for instructional media.

[f] As authorized by Public Law 85–905, as amended.

[g] Amounts proposed to be authorized by H.R. 13310 which passed the House Oct. 6, 1969.

[4] The Senate amendment includes an authorization of $2,000,000 for fiscal year 70, the conference report retains this provision.

[5] The conference report does not contain the provisions of the House bill authorizing the inclusion of children in public housing in the impact aid programs to be effective in fiscal 1970. The cost of the inclusion of children in public housing is projected at the fiscal year 1971 level, since data necessary for computation of additional increases are unavailable.

[6] Vocational Education Act:

[In millions of dollars]

	1971 authorizations			1972 authorizations			1973 authorizations		
	House	Senate	Conference report	House	Senate	Conference report	House	Senate	Conference report
Programs for disadvantaged	(40)	50	50	(40)	60	60			
State residential schools	(15)	15	15	(15)	15	15			
Work-study	(35)	45	45	(35)	55	55			
Curriculum development	(10)	10	10	(10)	10	10			
Part F, EPDA (teacher training)	[a](35)	40	40	[a](35)	45	45			

[a] Authorizations for vocational education programs shown in the House column were contained in H.R. 13630 which passed the House on Dec. 16, 1969.

[7] Presently, $56,000,000 is authorized in fiscal year 1971 for the Teacher Corps. The Senate amendment which the conference committee has agreed to increases the authorization by $44,000,000 to $100,000,000.

I know some people feel concern that some of the funds have not been expended most effectively. I share those concerns. I want to see every dollar wisely expended to assure a high-quality education for all. The beauty about this legislation is that it reaches the children of the central cities and the rural areas, preschool children and dropouts, children of families who without special help would be denied full educational opportunities. Without these programs, by reason of geography or economic conditions many persons would be a drain on our society, in many instances for their entire lifetimes.

Mr. Speaker, I have watched this important piece of legislation work in the rural areas, loading up preschool children in buses in the morning and taking them to centers. It has worked out wonderfully well. This legislation has done more than any other piece of legislation ever enacted by this Congress to slow down the dropout rate in our elementary and secondary schools. All you have to do is to look at the four volumes of evidence gathered by our committee in hearings last year on H.R. 514. I know there have been some Members who would like to brush aside the most comprehensive hearings that the committee ever conducted on this legislation. But the facts are here; let me insert at this point a recent survey of achievements in the States under title I:

SURVEY OF ACHIEVEMENTS IN STATES UNDER TITLE I

A. West Virginia State Department of Education.—Remedial reading is a high priority need of educationally deprived children and W. Va. schools. Objective test results in fiscal year 1969 show gains in reading achievement of target pupils ranging from .8 of a year to 2.5 years for an average gain of approximately 1.3 years.

B. Missouri State Department of Education.—St. Louis City: In grades 6–8, in eleven schools with 2,626 Title I students, the mean gain based on achievement tests was 1.4 years. These same children had in years before averaged about eight months gain.

C. Louisiana State Department of Education.—During the 1968–69 school year a total of 101,957 children were involved in title I, ESEA reading programs in Louisiana at a total cost of $3,993,081. During this 9 month period there has been an average grade level improvement of 1.3 in 56 of Louisiana's 66 school systems participating in Title I reading programs.

D. Connecticut State Department of Education.—Standardized reading test results for 5,219 children who received title one program services showed a reading rate of gain per year of 1.1 years based on national normative data.

E. California State Department of Education.—In the past year in the California ESEA title I program, 27,500 students, or 14 percent, made 1½ or more years' gain in remedial reading programs; 97,000, or 50 percent, made gains of 1 to 1½ years; 51,500, or 27 percent, made gains of 7 months to 10 months per 10-month school year; 18,210, or 9 percent, could not be classified as to specific rate of gain. Prior to ESEA title I, the average rate of gain for these students was 6 months per 10-month school year.

F. Arkansas State Department of Education.—

(1) In the Hughs School District, 200 children, working daily in two reading labs using two special teachers and two teacher aides, showed gains in reading from 1 to more than two years in 9 months.

(2) In Pulaski County School District, the average gain last year for title I students who received special help in reading was 2½ grade levels in 9 months.

(3) In the Tyronza School District, children are showing reading gains of from 1 to 3.7 grades in 9 months, as a result of special reading laboratories financed under title I.

G. Ohio State Department of Education.—In the Title I reading programs conducted during school year 1968–69, in which 121,369 children were served, 63 percent achieved more than 1.0 grade level improvement, and 34 percent achieved more than 1.5 grade level improvement.

Mr. Speaker, for many years I have advocated, personally, longer authorizations. This 1-year authorizing time does not make good commonsense. We must let the local school agencies know in advance the amount of money that they will receive and let them know and have confidence that there is an authorization. To my way of thinking the conferees have done a wonderful job. It is my hope that the conference report will be adopted unanimously.

Mr. COLMER. Mr. Speaker, once again, in the pending conference report on the Elementary and Secondary Education Amendments of 1969, the Congress is asked to place the stamp of its approval on an unfair and hypocritical policy of applying educational guidelines differently in different sections of the country.

Once again this House is being asked to approve the arbitrary withholding of Federal tax moneys to force compliance with bureaucratic edicts on how particular local schools are to be run.

Once again the House is being asked to endorse the busing of children, in some States but not in others, to achieve racial balance, although that practice is contrary to the expressed sense of Congress.

Once again the House is being asked to kill the neighborhood school in some States but not in others.

Earlier this year the Senate passed the so-called Stennis amendment to this bill. It enunciated a policy that guidelines established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with segregation without regard to the origin or cause of such segregation.

Senator Ribicoff, a former Secretary of the Department of Health, Education, and Welfare, had the courage and the sense of fairness and justice to concede that the policy of enforcing desegregation only in the South was hypocritical. He supported the Stennis amendment, and it was in the bill passed by Senate.

But the conferees have added language to the amendment that makes it meaningless, just as the conferees on the Department of Health, Education, and Welfare appropriation bill did to a similar House-passed amendment earlier this year.

If this provision of the conference report prevails, the unequal, unfair, and, in some ways, absurd application of title VI of the Civil Rights Act of 1964 will continue. Segregation in Atlanta or New Orleans or Charlotte or any other southern city will continue to be de jure segregation and subject to that act, while segregation in Detroit or Chicago or Cleveland or any other northern city will be called de facto segregation and not subject to the act. Neighborhood schools may continue to flourish in the North, but in the South the Washington bureaucracy, supported by the courts, has decreed their destruction.

Mr. Speaker, this action of the conferees on the education bill is not entirely surprising, although, I must confess, it is par for the course in this matter of enforced integration in all legislative and court procedure. It will be recalled, in this connection, that the House changed the bill reported out by the House Judiciary Committee in extending the punitive voting rights bill aimed at my great section of this country and provided that the act apply to all States of the Union and not just seven Southern States. This was in line with President Nixon's recommendation. But, the Senate also emasculated that House-passed bill and revived the old 1965 act, I repeat, aimed and applicable only to the seven Southern States, with one meaningless amendment. That bill will shortly come up on a conference report.

If history repeats itself, the House will reverse itself and adopt the Senate version. And again, the hypocrisy that prevailed in the other body on both the elementary education and the voting rights bill will follow. Mr. Speaker, I feel keenly hurt by this unfair practice on the part of the Congress. I was very much interested in this voting rights bill, as well as the elementary education bill. If I may be pardoned for a personal reference, I devoted many hours both in the Rules Committee and on the floor of the House toward having the President's version of the voting rights bill, rather than the punitive antisouthern bill, adopted by the House. I do not exaggerate when I state that I talked with a minimum of 100 Members of the House, from all sections of the country, for a policy of fairness in making the law applicable to all States. I now make the statement that not one of my colleagues disagreed with this doctrine of fairness. However, I regret that the power exerted by minority groups on both the House and the Senate was such that I fear that the Voting Rights Act will suffer the same fate when we vote on the conference report as did the Stennis amendment in the conference.

But, Mr. Speaker, whatever happens to the Stennis amendment here today, I do wish to extend my public appreciation to my colleague for the job he did in the Senate. It at least alerted the public to the double standard prevailing in the enforcement of so-called civil rights legislation.

Mr. Speaker, it is time to end this hypocrisy.

Mr. ALBERT. Mr. Speaker, shortly the House will take final congressional action on H.R. 514, the Elementary and Secondary Education Amendments of 1969. This legislation is a tribute to the initiative and workmanship of the distinguished chairman of the House Committee on Education and Labor, my dear personal friend, the gentleman from Kentucky (Mr. Perkins). Under his wise leadership and steadfast diligence the Committee on Education and Labor has brought forth, and the 91st Congress has passed, a prodigious array of legislation. Last year we enacted a 2-year extension of the antipoverty program without crippling amendments and passed one of the truly great health and labor bills of all time, the coal mine safety statute. With the passage today of a 3-year elementary and secondary education measure, I believe it is fair to say that no committee of this, or any previous Congress, has ever exceeded the efforts of the committee headed by the gentleman from Kentucky in the production of progressive humanitarian legislation.

In all of these areas the initiative for these measures came from within the Education and Labor Committee rather than from the executive branch of the Government. As I have pointed out on earlier occasions, in the case of both antipoverty and coal mine safety, the initial proposals in these fields were offered by the gentleman from Kentucky, long before the Republican administration was prepared to submit any recommendations to the Congress. Even after public hearings were underway, the administration was exceedingly tardy in presenting its views for consideration. The final legislative product in both cases was solely the product of congressional expertise and determination.

The same holds true in the case of the elementary and secondary education amendments. H.R. 514 to extend the Elementary and Secondary Education Act of 1965 was introduced by Chairman Perkins on the very opening day of the 91st Congress, January 3, 1969. Hearings commenced on January 15 but Secretary

Finch was not prepared to testify until March 10, the last day of the hearings. The Education and Labor Committee promptly cleared H.R. 514 on March 18 and it was passed by the House on April 23.

At every step of the legislative process, Chairman Perkins has had to doggedly fight the efforts of the administration to reduce the duration and scope of this measure. When the smokescreen of verbiage raised by administration spokesmen has been cleared away, their objections to the proposals of the gentleman from Kentucky have always turned on the basic proposition that the administration was more interested in saving a few dollars today than in insuring the educational birthright of the Nation's children in order that this Nation might enjoy a more healthy, harmonious, and prosperous tomorrow.

H.R. 514 will assure effective Federal support for the education of the disadvantaged, impacted school aid, library and textbook programs, the education equipment program, support for education of handicapped children, continued support for guidance and counseling activities, supplemental educational centers and services, grants to State educational agencies for improvement of their leadership role in education matters, extension of expiring portions of the National Defense Education Act, and other critically important education authorizations.

My congratulations to the gentleman from Kentucky (Mr. Perkins) and his colleagues on the Education and Labor Committee for a job well done.

Mr. PERKINS. Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Speaker, I support the conference report, and urge my colleagues to also support it.

I would say to my colleagues that it is not everything that was in the House bill, and it is not exactly the way we wrote it in the House bill. However, I believe it was a good compromise, and it definitely was a compromise between the House and the Senate versions.

The Senate had a 4-year extension, and the House had a 2-year extension. We compromised on 3 years.

The Senate provided for an automatic extender for another year, and we provided that there would be an automatic extender only if neither the House nor the Senate reported a bill out.

And in that regard the chairman of the committee, the gentleman from Kentucky (Mr. Perkins), indicated in the conference that he would see that we would have a bill up before us the end of the 3-year extension.

I would ask the chairman, the gentleman from Kentucky (Mr. Perkins), if that is not correct; that he made such an assurance that we would have a bill before the House for action prior to the extension of this act?

Mr. PERKINS. Let me say to my distinguished colleague from Minnesota that I personally feel—and if I remain as chairman of the committee, and if my colleagues go along with me—that we certainly will have a bill at an early date. We should not wait until the eleventh hour. We should commence hearings, in my judgment just as soon as the census data is available. In that way we can do a better job if we do not have to work under pressure. It is my hope and my intention to bring a bill to the House floor before the expiration of this law which would be 3 years hence.

Mr. QUIE. I would also say to the gentleman from Kentucky that, as the gentleman mentioned in his comments, we visited in the fall of 1968 and agreed to bring up the bill as the first item of business in our committee, an extension of the Elementary and Secondary Education Act of 1969. We reported such a bill in April 1969 and that would have been ample apportunity for the other body, if the other body had completed their work, as they should have, so that last year the Committee on Appropriations could have provided the forward funding that is authorized. The gentleman from Kentucky anticipates that if he is the chairman of the committee, that he will have the same expeditious and early action in order that there will be forward funding, and assurances to the school districts of what they will be receiving at that time.

Mr. PERKINS. Mr. Speaker, let me compliment the distinguished gentleman from Minnesota for his statement. That was the purpose of the meeting we had in November of 1968. We wanted to get a bill to the floor early in 1969 because of the forward funding provisions and the expiration date of June 30 of this year. We did our duty, and met our responsibilities but the other body did not act as expeditiously as we acted.

Mr. QUIE. Mr. Speaker, I thank the chairman, the gentleman from Kentucky (Mr. Perkins) and because of his assurances I feel assured that this is a 3-year extension of the Elementary and Secondary Education Act, and not a 4-year extension, as could be the case if the House did not take action, because I doubt that the Senate is going to act without our prodding.

There was one provision of the House bill that I very strongly favored and, in fact, was one who was instrumental in writing it. A substitute was included which was accepted on the House floor to the bill, coming out of the committee, and that was the consolidation of four titles in the ESEA laws and the National Defense Education Act.

It was to consolidate title V and title III from the NDEA and title II and title III of the ESEA and the Senate conferees did not go along.

However, we did consolidate title V of the NDEA and title III of the ESEA.

Despite the fact that I personally am disappointed that more of the House-passed education bill is not found in the final bill agreed upon in conference, I support adoption of the conference report.

There are two specific matters which require clarification. One is the possible ambiguity of the language in the enlarged title III of ESEA with respect to the participation of private school pupils in counseling and guidance programs funded under that title. In a nutshell, it is the intention of the conferees—as would have been perfectly clear if we had followed precisely the action of the House on H.R. 514—that private school pupils and teachers participate in guidance and counseling programs arranged under title III as expanded by the consolidation with title V(A) of NDEA exactly as they would in any other title III project.

The House-passed bill combined titles III and V(A) of NDEA with titles II and III of ESEA in a single new consolidated program with assurances that private school pupils and teachers would share in the benefits of the program as they presently do under ESEA. Unfortunately, title V(A)—counseling and guidance—of NDEA and title III—instructional equipment—of NDEA were enacted years before a method had been worked out for the inclusion of nonpublic school pupils; this would have been corrected by the House action.

The conference, however, adopted only a partial consolidation of these programs—folding title V(A) of NDEA into title III of ESEA without all of the inconsistent provisions eliminated from the two titles. However, since Senator Pell has made essentially the same statement in the course of the Senate discussion of the conference action, I think that there should be no problem of interpretation for the program administrators. The States gain the advantage of not having to supply matching funds for counseling, guidance, and testing programs, and private school pupils and teachers benefit by being included in these programs in the same manner as under the existing title III of ESEA.

While this is a very limited type of consolidation, it eliminates some duplication of effort and certainly is a step in the right direction. Hopefully, we can next act to join similar titles in NDEA and ESEA authorizing funds for instructional equipment and text materials, thus completing the House action of last year on H.R. 514.

The second matter may present more difficulty. This is the matter of the Senate-approved language requiring school districts receiving ESEA title I funds for disadvantaged children to maintain in title I schools, with State and local funds, a level of services comparable to that found in schools of that district which do not receive title I funds.

The purpose, very simply, is to assure that State and local funds provide services for disadvantaged children, more nearly equal to those available to children attending schools in more favored sections of the school district. Title I funds should result in increased compensatory services above what is normally available for all children in a school district.

I am confident that the law required this even before the Senate added any specific language, because the law requires that Federal funds not be used to replace State and local funds. To me it is a self-evident proposition that where we see within the same school district a level of services and a level of expenditures in favored schools far above the level in schools attended by large numbers of low-income pupils, we are seeing a form of discrimination. It is also evident to me that where title I funds merely make up the difference in the way

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such schools are treated they in fact replace State and local funds. The whole purpose of title I is to concentrate and increase efforts on behalf of disadvantaged children because these children need more help than their more fortunate peers. Unless comparable services are provided before the application of title I funds in the schools serving concentrations of poor children this purpose is defeated.

Mr. Speaker, although the data now available is fragmentary and in some cases outdated, it appears that schools serving poor children very often do not provide services comparable to schools in more fortunate areas within the same school district. This is apparently a national problem which is found in large cities of the North just as often as in the cities and counties of the South.

Right here in Washington, D.C., only a few years ago, we found a range of expenditures per pupil in elementary schools from $393.97 in a ghetto school to $600.96 in a school serving a high-income area.

The latest data I have seen from the State of Mississippi suggests a situation no better—and not much worse—than that in Washington, D.C. The Mississippi figures show differences of expenditure from State and local funds between title I schools and nontitle I schools ranging almost as high as 2 to 1. They also show that even with the addition of teachers hired with title I funds, the pupil-teacher ratio generally is higher in the more favored schools. Following this statement there are two tables showing the figures I have discussed.

The Senate language was addressed to these types of situations, which can be found all over the Nation, with respect to schools within the same school district. My guess is that any enterprising newspaper reporter in virtually any State or city can develop the same type of information, so I am not pointing my finger just at the Nation's Capital or the State of Mississippi where such figures happen to be available. In many places they are rather carefully disguised. The important thing is that we do whatever we can under the law to help correct these situations.

The conference committee spent a great deal of time on this new Senate language because it is recognized that the comparison of services between one school and another present some difficulty.

The bill reported by the conference committee, in section 109, provides that "State and local funds will be used in the district" of a local educational agency "to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas of such district which are not receiving funds under this title."

The purpose of this language is to assure that title I funds are being used for compensatory education, not for educational programs that the school district provides in other nontitle I schools. To assure that title I funds are being spent over and above local and State funds, the Office of Education has asked school districts to provide State educational agencies with details concerning their title I and nontitle I schools. The language reported by the conference is intended to reinforce the Office of Education's request.

Unless the services offered in each school, taken as a whole, are compared against the services offered in a nontitle I school, the achievement of comparability cannot be ascertained. "Services," as defined by the Office of Education, covers the wide range of elements which make up elementary and secondary education. Since teachers' salaries make up 70 to 80 percent of a school district's budget, these, of course, would need to be taken into consideration. So, too, would the number of paraprofessional personnel employed by a title I school, the instructional materials and books available in project area schools, the curricular offerings, and other similar services. Details concerning all these services will be submitted by local educational agencies to their State educational agency, on or before July 1, 1971, so that they may develop plans for achieving comparability between project areas and nonproject areas by fiscal year 1973.

WASHINGTON, D.C.—TOTAL INSTRUCTIONAL EXPENDITURE PER STUDENT, ELEMENTARY SCHOOLS

Title I target schools [1] (low 5)	Nontarget schools (high 5)
$393.97	$600.96
423.06	544.93
425.72	528.02
428.68	518.59
432.06	511.18

[1] Includes title I funds.

MISSISSIPPI—1967-68 SCHOOL YEAR

[County school systems—Instructional costs per Pupil—State data]

Average for title I target schools [1]	Average for Nontarget schools [1]	Pupil/teacher ratio [2]	
		Target schools	Nontarget schools
$155.35	$286.05	1:27	1:18
170.84	263.71	1:25	1:25
175.44	324.71	1:23	1:18
183.10	301.73	1:27	1:23
187.80	239.01	1:27	1:23

[1] State and local funds only.
[2] Includes Title I teachers.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Minnesota (Mr. QUIE) has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. QUIE. One thing that bothers me with the education bills we are passing, and that is the authorizations are so far beyond the amount we will realistically appropriate and we are holding out some false hopes, especially to that group, and the committee on full funding talk of the comparison of appropriations and full funding, and they will be able to talk about this a long time.

In fact, in 1973 the Senate amendment which we adopted would include children from families with incomes of $4,000 or less.

As you know, we are not full funding all the children from $2,000 income families or less, to say nothing of the $3,000 incomes, as provided in the present law. Going to $4,000 could be realistic if we were doing it to equalize the programs in various parts of the country.

But as in the present law, $3,000 figure will not go into effect until the $2,000 income family children are fully funded.

So the funding of children in that level between the $3,000 and $4,000 will not be funded at all until those from families below $3,000 are fully funded.

So I hope that the educators of the country will realize that we might just as well have put into this act such sums as Congress appropriates with no authorization limit and we will have the some kind of realism to it. I do not feel it is important enough to make an objection to the conference report. We have set unrealistic authorization levels before and I think they know it down at the White House and they know it down at the Budget Bureau and they know it in the U.S. Office of Education, and I believe the school systems of the country know it.

I wish we could be more realistic in the kind of figure we set, but that has not been the case in the past, and we have not changed our ways.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding. I wish to join with him in his statement, by all means, and particularly join in support of the analysis he is making of the funding at the authorization level provided for in the conference report.

Mr. Speaker, I trust the action of the House today will be to adopt the conference report on the Elementary and Secondary Education Act Amendments of 1970. As one who had the honor of serving on the conference committee, I am satisfied that the position of the House has been essentially upheld. It is for that reason that I signed the conference report, but in so doing I also want to make clear my misgivings about some of the features of this report.

There is, for example, the provision that the 1970 census data may not be used prior to July 1, 1972, in determining the formula allocation for title I. A delay of this kind I do not support. But the conference was unwilling to accept the use of new data as soon as available. In addition, Mr. Speaker, there is the fact that the consolidation amendment of the House was emasculated by the conference committee. The new provision simply combines title III of ESEA, as amended, with title V–A of the National Defense Education Act. There is also a further consolidation of title III NDEA with section 12 of the Arts and Humanities Act of 1965. These are good as far as they go but this does not do all that the House passed version did.

In addition, the conferees took a step backward in reserving for the Commissioner 15 percent of the funds for title III, to fund applications outside of the State plan. This I did not support as a conferee, and I regret the conference committee action.

There are in title V certain added features which I do not believe sound. There has been added a new part C of title V for comprehensive planning and a new part D to provide for a National Council on Quality of Education. These

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I did not believe were necessary, but they were nonetheless adopted by the conference.

The provisions regarding impact aid in the report will make changes in these laws more difficult in the future. This is unfortunate.

The extension of the existing authority for cancellation of student loans in the National Defense Education Act plus broadening it to include cancellation for service in the armed forces was not in my judgment a proper decision of the conference. I must say, Mr. Speaker, that the Senate version went far beyond this and thus the House conferees did maintain to some extent at least the House position in this regard.

Thus, there are some features of the conference report with which I am not satisfied, but as I have indicated on balance I believe the conference report is good. There are many features in the report which are very good. These include such things as the provision for comparability which was adopted by the Senate and which was not contained in the House version. This will be an important step in the right direction, but I am sorry that the conference committee delayed the effective date for this section for all practical purposes until July 1, 1972.

The conference report also contains a new provision which makes more public and available Federal aid applications at the local and State level. The House provision on bonuses for teachers and schools with high concentrations of educationally deprived children is contained in this conference report.

There are some additions to the Teacher Corps authorization which are important and sound. These include a provision for a Student Teacher Corps, for the use of Teacher Corps enrollees in working with Indian children and with correctional institutions. These are important additions to the present Teacher Corps program. The adoption of the Student Teacher Corps concept is particularly pleasing. This idea was embodied in the report of the Campus Task Force and I introduced the legislation in the House as H.R. 13133.

Last but not least, Mr. Speaker, I want to support the action of the conference committee in modifying the so-called Stennis amendment. The modification was resisted for a long time by the Senate conferees but was, I believe, a necessary change in the Stennis amendment language. The conference agreement provides that uniformity in applying the law shall apply to de jure segregation wherever found and that such other policy as may be provided pursuant to law relating to de facto segregation shall be applied uniformly wherever found. This distinction between de facto and de jure segregation is absolutely essential and is consistent with the statement of President Nixon on school desegregation.

Thus, Mr. Speaker, with the literally hundreds of different provisions found in both the House and Senate versions, I believe the House position has essentially been upheld. This extends the act for 3 years instead of the 2 years passed by the House but is a compromise with the 4 years passed by the Senate. There is a start toward consolidation of existing categorical grant programs which is important and was a part of the House version. There have been adopted from the Senate version a number of very good provisions. I urge adoption of the conference report.

Mr. QUIE. There is one provision that we adopted in conference that was in the Senate and not in the House bill, and that was for an additional amount, up to 30 percent, where there is a concentration of disadvantaged children. I believe that including school districts in this provision where there are 20 percent or more of the children counted under title I is not exactly a concentration, but I strongly support the principle because, it seems to me, the problems of disadvantaged children in the school districts where there are extremely high percentages of such children are much greater than in the schools where there is a lower percentage of disadvantaged children. If we can go at all by the report of Prof. James Coleman, the greatest influence on a child, the greatest cause of improvement in educational results is what that child brings from home or what the child next to him brings from home. Therefore, disadvantaged children are much better off if they are attending a school where a high percentage of the children are advantaged. It seems to be a greater influence than equipment, facilities, or even teachers.

However, where a very high percentage of children in school are disadvantaged, they do not receive the benefit from the presence of advantaged children sitting next to them, stimulating them and motivating them, and this provision will enable us to begin expanding funds and concentrating our efforts to reach those children who are disadvantaged. We have found from our studies in the Committee on Education and Labor that it will take substantial increases of money for the disadvantaged children to receive the same opportunity for educational quality that the advantaged children have, just because of what they bring from home and their attempts there.

The other parts of this bill I pretty well agree with, with one exception, and that is it is my feeling that the forgiveness feature of the National Defense Educational Act student loan program, which was inaugurated to stimulate an increase in the number of young people going into the teaching profession, just has not worked. It has not produced a greater percentage of the young people in our colleges who are going into the teaching profession.

If it had worked, we still would not want to extend it. We must bear in mind that we have about saturated the number of teachers needed that we have produced out of our institutions of higher education. Extension of the forgiveness feature in the conference report to include veterans as well under the terms of the National Defense Education Act I think is unwise. But I do not feel we should be greatly concerned about that, because the Education and Labor Committee will report sometime this year an extension of amendments to the higher education legislation, and at that time I am hopeful we can remove the forgiveness feature entirely in order that grants to students not come in as forgiveness of their loan, but that they be made only to students who are in need at the time they attend college, so that all loans be repaid.

To the poor students an interest subsidy might be provided, but in the end all loans would be repaid.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I take this time to clarify some legislative history.

Mr. Speaker, the conference report on H.R. 514 contains in section 109 the so-called comparability of services provision. This new requirement states that, before receiving title I funds, a school district must be providing services in project areas which, taken as a whole, are at least comparable to services being provided in the other areas of the district.

In conference, I opposed this provision which was in the Senate bill, but not in the House bill. The reason for my opposition lies not with the principle of requiring an equitable distribution of local resources before use of title I funds in poverty schools. Rather my opposition stems mainly from the methods which have been proposed to implement this principle.

On February 26, 1970, the administration issued guidelines enforcing this provision. Besides the presumptuousness in issuing guidelines on a provision passed by only one House of the Congress, I have grave concern with the methods proposed in those guidelines for determining "comparability of services." In particular, I am concerned with the requirement that the "salaries of principals, teachers, consultants or supervisors, other instructional staff, secretarial and clerical assistants" in project area schools be "equal to or greater than" the salaries of such personnel in nonproject area schools.

This means that if an area of a city has higher-paid teachers and secretaries because of transfer rights due to seniority, and most communities have such a system, it would be penalized for the salaries of these personnel. The schools in that area would have to make do with fewer teachers, librarians, counselors, secretaries, et cetera, because they were paid more than their counterparts in the ghetto. Or alternatively the school district would have to require a distribution of these older personnel throughout the city. Such a requirement would go to the very heart of collective bargaining agreements of many years standing and would bring complete chaos to our local school systems.

In order to clarify the congressional intent in accepting this amendment, I would like to direct my colleagues' attention to Senator PELL's remarks on the Senate floor on March 24. Senator PELL stated quite clearly that in determining comparability "salaries of instructional staff are to be considered only to the extent that salaries are a measure of services available to students." He further stated that "salary increments based on

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length of service are not intended to be a measure of the service available."

This statement accurately reflects the conference's agreement. In no way do we intend that salary increases of teachers or staff members due to seniority be considered in determining comparability; and any guidelines already issued or to be issued to the contrary, are illegal and in violation of congressional intent.

It is further the sense of Congress that in determining comparability, the Commissioner may not take into consideration increases in salary due to additional degrees held by a teacher, where seniority is the principal reason for assignment of such teachers to a particular school.

Finally, nothing in this provision is to be construed as authorizing or instructing the Commissioner to order a local school board to transfer teachers in contravention of their seniority rights, where a seniority agreement exists between teachers and their local school board, in order to overcome imbalance of expenditures in the respective schools in such school district.

I wonder if I may ask the chairman of the committee if this is a correct reflection of the point of view of the members of the conference committee.

Mr. PERKINS. I think it is a correct reflection of the Senate conferees' view of the matter. It was never intended that the seniority principle be ignored. Let me state that the Senate amendment unlike the House bill contained a provision applicable to title I of the Elementary and Secondary Education Act which required as a condition to receiving Federal funds that the local educational agency provide assurance that State and local funds would be so used as to provide services in areas to be served by programs and projects under title I at least comparable to services from such funds provided in areas which are not so served.

The conference report requires local educational agencies to provide assurance that State and local funds will be used in the district of such agency to provide services which taken as a whole are comparable to services being provided in areas of the school district of the agency which are not receiving funds under title I. It requires local educational agencies to report on or before July 1, 1971, and each subsequent year on their compliance with the requirement. The conference settlement contains a further proviso that any finding of noncompliance shall not affect the payment of funds to any local educational agency until the fiscal year 1972.

During the course of the conference it was found that the Department of Health, Education, and Welfare had issued a guideline on the subject of comparability which raised questions with respect to the meaning of comparability. The language of the conference report as I have stated requires State and local funds to be used in the district of an agency to provide services in title I project areas when such services are considered as a whole are at least comparable to State and local services in nonproject areas. By the phrase "as a whole" the conferees intend that all the services available to students must be taken into consideration—books, equipment, and instructional staff.

Mr. PUCINSKI. By "services" we then mean the textbook materials and the educational aids and all other services of education but not whatever additional funds for salaries may be required by school A as against school B simply because of seniority rules?

Mr. PERKINS. We certainly do not intend to violate any seniority rules.

Mr. PUCINSKI. I think we had better nail this down.

Mr. PERKINS. All right.

Mr. PUCINSKI. Where we have another school that has teachers who do not have the seniority and are on a lower rate scale and we have another school where teachers have exercised their seniority and are receiving higher wage scales but are not necessarily better teachers, the mere fact that we have a higher salary schedule traceable to seniority is not going to require a school superintendent to take away funds from one school, funds being spent for services, and transfer them to another school to obtain equity?

Mr. PERKINS. No, it is not the intent to transfer simply on the basis of seniority, but it is intended on the other hand that comparable services from State and local sources should go into the low-income school district.

Mr. PUCINSKI. For services?

Mr. PERKINS. For services.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I think the gentleman from Illinois is absolutely incorrect. The intention of the conference was to include salary as well as services and as well as textbooks. There was an attempt in the conference to prohibit consideration of the salaries in considering comparability of services, but the conference refused to go along with that. There was even an attempt to write in that we should not include differences of salary because of seniority, but this was not accepted as a change in the language of the law. So it is clearly meant in services that, since 70 or 80 percent of the service costs include salary, we must include salary as a service.

There can be some consideration on the part of the Office of Education for the problems that exist for some schools where the most senior teachers attempt to work and because of seniority there is a difference in cost. There are some teachers who are paid extra for some things they do in order to get around merit pay and they tend to be in the better schools. But the intent is to get the same kind of services with the same kind of quality teachers.

Mr. PUCINSKI. The gentleman from Illinois is not wrong. The gentleman is quoting the distinguished chairman of the conference from the other body.

We had better get this straight here, so that we know what we are talking about.

Mr. QUIE. He is wrong, too, if his remarks are to be interpreted as excluding salaries from the determination of comparability. The conferees rejected that notion.

Mr. PUCINSKI. Unless there is unanimity of thought here we are going to throw every school system in this country into complete chaos.

The chairman of the Senate conferees said on the floor of the Senate that salaries of instructional staff are to be considered only to the extent that salaries are a measure of services available to students. He further stated that salary increment based on length of service is not intended to be a measure of the service available.

Unless we accept that language, if we try to put any other language in this bill, I am afraid many Members who would like to support this conference report will not be able to do so; so we had better have some agreement here.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, when title I of the Elementary and Secondary Education Act was passed it was the expectation this would be compensatory education on top of what was being expended.

Mr. PUCINSKI. Correct.

Mr. QUIE. I have figures from the District of Columbia. Today one target school, including title I funds, is spending $393.97 per child. In a nontarget school in the District of Columbia—and therefore they do not have any title I funds—the amount is $600.93.

What this means is that title I is only used to try to bring the services in the title I schools up. That means we will not get the results out of title I. That is why we have not in the past.

Mr. PUCINSKI. Unless we agree to the language of the distinguished chairman in the other body, let me tell the Members of the House what the net effect would be if we accept the viewpoint of the gentleman from Minnesota.

Let us assume we have one school that has a budget of $150,000, and $100,000 is used for teacher salaries. Let us assume we have another school that has a budget of $200,000, but because the teachers enjoy seniority rights, because they have been in the system longer, the payroll budget of that school is $150,000.

If we accept the rationale of the gentleman from Minnesota, since salaries are nonnegotiable, we would have to reduce services in school B. We would have to eliminate a librarian or a gym teacher or other services to bring the two schools to a dollar-volume comparability even though the fact the senior teachers get paid more does not mean necessarily that they are better teachers or that their students are getting a better education.

Unless we confine this to services, not salaries based on seniority, we are going to force schools all over the country to reduce services in order to bring in the parity the gentleman discusses.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the chairman, because this subject has to be clarified.

Mr. PERKINS. I believe I should tell the Members of the House that we postponed the effective date of this comparability section, which is presently being discussed, for a period of 2 years. We wanted to make certain that services distributed comparably among the wealthy schools and the poorer schools, and at the same time provide school districts a reasonable time within which to make necessary adjustments.

Mr. PUCINSKI. Mr. Speaker, on another matter, the conference report on H.R. 514 contains a major amendment to the impact aid laws—inclusion of children residing in federally assisted public housing. I am pleased that both the House and Senate accepted the proposal which I first suggested to bring additional help to our Nation's school systems. Although this amendment was in the House bill as well as the Senate bill, the conference committee unanimously accepted the Senate version.

In order to clarify congressional intent in accepting this version I would like to direct my colleagues' attention to the colloquy between Senators PELL and EAGLETON on the Senate floor on March 24. This discussion made crystal clear that there would be two ways of funding this provision. Either "a" and "b" children would be fully funded and then the remainder of the appropriation would go to the public housing section, or the Appropriations Committee could put in a separate line item for the funding of this section regardless of the level of funding for "a" and "b" children.

Because of technical difficulties with the language, I would like to affirm these statements of the Senators and emphasize that the conference committee did not mean to favor one method over the other. They are on an equal footing and the Appropriations Committee can freely choose one method or the other.

The SPEAKER pro tempore. The time yielded to the gentleman from Illinois has expired.

Mr. PERKINS. Mr. Speaker, I yield myself 1 minute.

As the gentleman from Minnesota stated, title I funds should be expanded on top of the regular programs in target schools. If there is a school district where 40 or 50 percent of the pupils in average daily attendance are within the low-income level, the whole school system can be upgraded with title I fund.

We specified that in 1965, and we elaborated on it in 1966.

The SPEAKER. The time of the gentleman has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 2 additional minutes.

In my area we have consolidated some of our rural schools, and there has been some criticism of it. But if the Members would go down there and see the good work that has been accomplished because of the consolidation, then the membership would agree with it 100 percent. So I say to you, since we postponed for 2 years the effectiveness of the comparability section, I feel this matter will be ironed out and there will be no real problem. In time then we will assure that the poorer schools receive the same amount of State and local money as do the wealthier schools in the same school district.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. What the effect of the language will be in this 2 years is that the local schools will have to begin reporting on the comparability of services and then reporting on the comparability of expenditures between the schools. Many schools have been trying to pass this over. Now there will be demands to find out whether there is comparability of services between schools serving high concentrations of poor children and more favored schools in a district. This will be the kind of an amendment it will be.

Mr. MONTGOMERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. ALBERT). Does the gentleman from Kentucky yield for that purpose?

Mr. PERKINS. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Speaker, who actually controls the time on this bill, and how much time is there on this conference report?

The SPEAKER pro tempore. The gentleman from Kentucky has control of the time and he has 23 minutes remaining.

Mr. MONTGOMERY. There was 1 hour.

One other parliamentary inquiry. Would a motion to recommit this conference report be in order?

The SPEAKER pro tempore. No, it is not.

Mr. MONTGOMERY. What would the vote be on, then?

The SPEAKER pro tempore. The vote will be on agreeing to the conference report.

Mr. MONTGOMERY. I thank the Speaker, and I thank the gentleman for yielding to me.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield to me?

Mr. PERKINS. Yes. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I want to get one thing straight here. Due to the language, the wording by the chairman of the other body, it says salaries of principals, teachers, consultants, and supervisors or others of instructional staff in determining comparability shall not be counted. Do these reflect the correct thinking of the conferees?

Mr. QUIE. No, it does not. Since salaries represent up to 80 percent of school expenditures it would not even be possible to ignore them in determining comparability of services, and the conferees specifically rejected a motion to exclude salaries.

Mr. PUCINSKI. The answer to that question, I think, is paramount as to whether or not this conference report is to be adopted.

Mr. PERKINS. Let me say that the language in the comparability section, if you read it, states that the services provided a poorer school must be comparable to a wealthy school in the same school district. In considering comparability you take services as a whole and not item by item.

Mr. PUCINSKI. But that is not what they said.

Mr. PERKINS. But that is what the conference report states.

Mr. PUCINSKI. They said salary increments based on length of service are not intended to be a measure of service available. Can we get a simple yes or no answer to that?

Mr. PERKINS. Let me say to my distinguished colleague that he and I have discussed this matter in detail, and may I remind him that the effective date was postponed for 2 years.

Mr. PUCINSKI. It merely postponed the problem.

Mr. PERKINS. School districts need not report under the comparability section until July 1, 1971, and need not comply until fiscal year 1972. We postponed the effective date to allow school districts an opportunity to bring themselves in compliance. No one wishes to upset or interfere with systems which provide salary increments based on length of service.

Mr. PUCINSKI. Mr. Speaker, the chairman knows the guidelines that were handed down on this by the U.S. Office of Education and he knows that all of it is counted, including seniority. You know that.

Mr. PERKINS. That is correct. But school systems, for general education purposes, have 2 years in which to make adjustments. It does not mean that services in wealthier schools will be reduced. What it will mean—and I am sure the gentleman will agree that it is for the good—it will mean that a greater effort must be made at the State and local effort to provide services in poor rural schools and in urban ghettos.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, one final question.

Mr. PERKINS. I yield to the gentleman.

Mr. PUCINSKI. On the question of parental involvement the conference report provides that the Commissioner shall set up rules and regulations promulgated with respect to the maximum feasible participation of parents in the operation of the school program.

I just want to know one thing. Does the language now contained in this conference report mean that policies and procedures, as well as programs and projects must be planned and developed and be operated in consultation with and with the involvement of parents? In other words, is all of this going to create the same problem as we have in the poverty program where we have similar language requiring maximum feasible participation of residents of the community? Is this going to require elections and all sorts of people breathing down the neck of the school principal in trying to run his school? Does this provision mean that we will see the same problems in operating our schools that we witnessed in the poverty program?

I would like for the chairman of the committee to answer that question.

Mr. PERKINS. Let me first answer your question and then I shall yield to the distinguished gentleman from Minnesota for further response.

It was the view of the House conferees that Senate language requiring community involvement in education programs be rejected. We deleted all of that type of language, and there was a consider-

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able amount of it, except as it pertained to parents. I cannot see any objection to parents being involved in school programs. In too many instances parents do not take the interest in school programs that they should. The only purpose for keeping this language in the conference report is to stimulate greater parental involvement. I am not convinced that it would serve this purpose; however, the other body did not want to drop this language. I was perfectly willing to drop it but the other body stood firm.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. I would say that the interpretation of the gentleman from Illinois (Mr. Pucinski) that involvement would not mean that they would have to have elections like in community action agencies and where the parents might request that they be allowed to run the program. This is not at all what we intended. What we meant when we accepted the Senate language is that they should be involved to the extent that they could give advice to the people involved, know what is going on in the programs, and serve on committees of the local school if they wanted to assist in the decisions with reference to the kind of programs which the gentleman from Illinois mentioned.

Mr. PUCINSKI. Can they hold up the programs? If there is no agreement from this group, can they hold up the program?

Mr. QUIE. There is no intention to hold up the program.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Speaker, it is to be noted that the conference committee retained the so-called Stennis amendment, named for its author, the distinguished Senator from my State, Hon. John C. Stennis, a great American who recognizes that education of our people is a must if our Nation is to long endure.

The provisions of the Stennis amendment are as follows:

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

Sec. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Mr. Speaker, following this provision, the conferees added the following language:

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

We all know that since the Brown case was decided by the Supreme Court in 1954, laws providing for segregation have been unconstitutional and of no force and effect. No, of course, "de jure" means "by law"; and since such laws no longer have any force or effect, there is no "de jure" segregation.

The conferees knew this, of course, but not wishing to repeal the policy statement of the Stennis amendment they retained that language, while adding section 2 (b), which I again quote:

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

With this they apparently satisfied some members of the conference but did no damage to the Stennis amendment.

Actually, Mr. Speaker, the words "whether de jure or de facto" were added to the original Stennis amendment in the same way. They were harmless and unnecessary; but by adding them the Senator picked up some votes.

Mr. Speaker, now we turn to other provisions added by the conferees. I quote:

(c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

(d) It is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

Now a reading of title VI of the Civil Rights Act of 1964 will show that this provision, too, is virtually meaningless so far as schools are concerned, for all public schools are desegregated as that term is defined in title IV of the same Civil Rights Act of 1964.

In view of these facts, you may ask why we oppose such additions. It is because we are fearful that these additions will be misconstrued by the Department of Health, Education, and Welfare and perhaps by some Federal judges. To those who might be tempted I say of course the conference could have stricken the Stennis language; instead the conference kept it and added language which brought agreement but did no violence to the Stennis provisions. It happens in conference all the time.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, the statement of the managers on the part of the House provides definite assurances that schools with high concentrations of children from low-income families may receive special grants.

In addition, I note that programs of vocational education are to be expanded under this legislation.

These two features of this bill—as embodied in the conference report—are of particular significance in the education of our elementary and secondary school children—in areas where there are high concentrations of children from disadvantaged backgrounds.

A crisis confronts our public schools where black students, Spanish-speaking students, and other disadvantaged groups are involved.

My older son is a junior high school teacher in Berkeley, Calif., and my younger son is a high school English teacher in Richmond, Calif. They are both dedicated young men seeking to help answer the needs of our less fortunate youth in complex, integrated classrooms. My older son, Michael, writes as follows:

A new month, a new semester. The school year, now half over, continues tomorrow. My reactions to teaching (and almost everything else) change constantly. Mostly, it's a futile gesture. The public schools, as presently constructed, financed and administered, are barely scratching the surface of the enormous problems facing the nation's young people. Black students in general, and black as well as Mexican males in particular, lag far behind their white and Oriental counterparts. The problem is that many of these students will leave the school system with inadequate skills to meet the demands of modern America's complicated labor market. The job is far too expensive for the local communities to deal with under our present systems of taxation. The state administration is taking on an increasing share of the burden, but its tax base remains insufficiently broad. What we need to begin to realize is that education is as important to the strength and stability of this nation as national defense, and that until we are willing to give education as much of our resources and attention as we presently do to our military situation, we will continue to experience deterioration from within.

I'm not really depressed about the situation. Perhaps I should be. I get a lot of satisfaction out of teaching and seem not to experience many of the problems so commonplace in the lives of a fair percentage of my fellow teachers. But, at the same time, I believe that unless the government begins to move more forcefully in this area very soon, we may find that solving the problem without an internal upheaval, violent in nature and unpredictable in its repercussions, is not possible. Not a pleasant prospect.

I would conclude from this firsthand experience that special measures, possibly working with black and Mexican students on a 1-for-1 or 1-for-2 basis, may be essential in those schools where such problems exist—in order to prepare these young Americans from disadvantaged backgrounds to become useful citizens in our society.

My younger son who spent 2 years in a Swiss public high school, and who now teaches English at the Richmond, Calif., High School, has set forth his views in the following paragraphs:

Among other topics of discussion, we debated at length the future of education in this country. Certainly the inner city school situation is reaching a crisis situation. What is required is a recognition that the young people of this country are not being reached by either the curriculum or the teachers. The recent cut in appropriations by the Nixon administration may be helpful in the short run, but its implications for the future are ominous.

My present salary just barely supports me and I'm receiving what must be recognized as a higher earning than most of my colleagues. But salaries are not the real point. Every day in my classes, I see students that will soon be out of school without any real preparation for the jobs they must seek out. We must come to recognize the young

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> people as this nation's most valuable resource. That education has been ignored so long *by the community* (primarily) must be seen as a major flaw in democracy. Certainly the example of a country like Switzerland, where unemployment is non-existent, must have glaring implications.

I would conclude from his observations that greater emphasis must be placed on vocational education in order to prepare a larger segment of our youth for gainful employment.

In the case of both of these statements directed to me by my sons, I feel that in a large sense the Congress has recognized the problem and the need. However, it is obvious that the problem is not being solved and the need is not being met. Accordingly, the charge is directed at us and at the Office of Education to initiate further action, and implement legislative programs which have been established.

This vital task must be performed promptly and wisely. Certainly, there is no occasion for partisan differences between us. The very survival of our civilization depends upon the quality of education which is made available to our young people today. The solutions to the problem cannot be postponed—because, if postponed, the young people will no longer be young and the consequences which we are endeavoring to avoid will then no longer be avoidable.

Mr. GROSS. Mr. Speaker, will the gentlemen yield?

Mr. PERKINS. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Where in the report, or is there any place in the report where the figures are pulled together with respect to the cost of this legislation as it left the House and as it now stands as a result of the conference?

Mr. PERKINS. The estimated total authorization in the conference report for fiscal year 1971 is $7,148,600,000. For fiscal year 1972, is $7,717,200,000. For fiscal year 1973, it jumps to $9,915,000,000.

The total estimated authorization in the House bill for 1971 was $7,310,800,000.

In the conference report it is a little less, that is, $7,148,600,000. In the House passed bill for 1972 it was $7,678,100,000; under the conference report it is $7,717,200,000. The House bill did not propose a fiscal year 1973 authorization. The conference report contains the Senate figure which is $9,915,000,000.

Mr. QUIE. Mr. Speaker, will the gentleman yield on that?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. One of the reasons why the conference report seems to be less than the House figure is that we included two titles of NDEA in our consolidation.

Mr. PERKINS. That is partially correct.

Mr. QUIE. This only included one. Therefore one title is not in that. Therefore it is dropped. It really comes out to about the same in 1972 and 1973 between the conference report and the House figure.

Mr. PERKINS. That is correct but also the House bill contained the $1 billion annual authorization for the consolidation, while also extending titles II and III of ESEA with separate authorizations. Further, the Senate bill contained certain programs which the House considered as separate legislation; such as the Vocational Educational amendments and the Learning Disabilities Act.

Mr. GROSS. If the gentleman will yield for another question: Do I understand the impacted school aid is extended in the conference report to 1973, or is it to 1974? Which is it?

Mr. PERKINS. It is extended through fiscal year 1973.

Mr. GROSS. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I now yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in opposition to the conference report of the Elementary and Secondary Education Act. Mainly because the majority of the conferees of both the House and the Senate have seen to it that one section of the bill will apply to only one region of this great Nation of ours.

When the bill went to conference it contained an amendment authored by Senator JOHN STENNIS. This amendment was not an edict, a law, or a rule. It was very plainly and simply a statement of policy. A statement of policy that said public schools throughout the United States should be treated equally and fairly and all such schools should take steps to end segregation whether de facto or de jure.

I ask my colleagues what is wrong with this amendment, this statement of policy? It is quite evident that the courts need some direction in this matter. They need to know whether this Congress wants to end all segregation or just segregation in the South. The Stennis amendment as originally written would have pointed the way for the courts as well as the executive branch.

Is it so wrong to want equal treatment for all in all parts of the Nation? This is the philosophy that has been so eloquently espoused by a goodly number of Congressmen and Senators in their drive to pass so-called civil rights legislation. Is not segregation segregation no matter where it occurs or under what circumstances?

Mr. Speaker, I would like to share some statistics with my colleagues. These are not new facts, but they are facts that many tend to want to forget or never admit in the first place. I hope the Members will listen because I believe they will find the statistics interesting.

In the State of California, over 77 percent of the black students attend public schools that are majority black. In Illinois the figure is 86.4 percent; Indiana, 70 percent; Maine, 72.8 percent; Michigan, 79.4 percent; Missouri, 75.4 percent; New York, 67.7 percent; Pennsylvania, 72.5 percent; and Wisconsin, 77.5 percent. Of course, in fairness, I would be quick to point out that the figures are as high or higher in the South. But the fact still remains that the same conditions prevail in the North as prevail in the South. Surely, if it is wrong in the South, it is equally wrong in the North.

My colleagues from the North say their segregation is caused by neighborhood patterns. Were not these patterns caused by their constituents refusing to allow Negroes, Cubans, Indians, Mexicans, and Spanish-Americans to purchase homes in certain areas of the cities and towns of the North? And was not this refusal backed up in part by State and local government through ommission or commission? And does this not mean in effect that de facto segregation in the North was really a result of a form of de jure segregation?

Let me refresh your memory on the Stennis amendment. It reads as follows:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of local educational agencies of any State without regard to the origin and the cause of such segregation.

That is very plain, very simple, and very straightforward language that spells out the desire of the Congress to end all forms of segregation on a nationwide basis. But after the conference committee got through with the amendment it came out saying, in my opinion, that de jure segregation would continue to be illegal, but we are only going to look into de facto segregation. Now, I ask you, what kind of reasoning is that?

The Stennis amendment called for one uniform policy, that means one policy, by its very name, coming from the Latin word "unus" for one. It is a uniform policy—one policy. However, the conference committee seeks to provide two separate policies.

It is puzzling to me how the conferees can reconcile their standing for desegregation of the public schools in the South and maintaining segregation in areas outside of the South. That is exactly what is done by the conference report. They freeze into law segregation that exists outside the South by protecting de facto segregation.

They say, "Southland, you are de jure and have one type of segregation and these laws will apply to you. But in the North, there is de facto segregation, and the laws will not apply to them."

At least the conferees admitted that de facto segregation was wrong when they said we will look into it. But evidently they were unwilling to go all the way in the name of fairness and say not only is it wrong, but we think it should be the policy of the United States to end all patterns of de facto segregation.

Earlier I mentioned the Stennis amendment was needed in order to give direction to the executive branch and the courts, and more specifically the Department of Justice and Department of Health, Education, and Welfare. As an example, the Justice Department has been involved in more than 100 lawsuits since 1968 concerning public education. Only seven of these suits were filed outside the South and only two of these seven have been filed since 1969. Does this sound like a record of equal enforcement of laws throughout the country? I say no. What it does exhibit is the discriminatory use of laws allegedly passed to end discrimination.

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Mr. Speaker, I would point out to my colleagues that there is no halfway form of segregation. Under the laws of this great Nation there is no degree of segregation that is considered illegal while allowing another degree of segregation to be legal. You either have segregation or you do not have it no matter what the cause. It is as plain as the difference between night and day. There is no middle ground, there is no gray area. It is my contention that there is flagrant segregation in the North, and if it is illegal in the South, then it is illegal in the North.

I would like to pose a question to my colleagues. If it is all right to bus students and unitize schools in the South to end patterns of segregation, why should the same policies not be followed in other parts of the Nation to end segregation there? Could it be when this shoe of nondiscrimination is on the foot of some of my colleagues, it begins to pinch? Could it be that some of my colleagues want the people of the South to do as they say, but not as they do? I think it is time we all took a good, long, hard look at ourselves in the mirror and ask if we really want to be fair about this matter or do we only want to pay lip service to equality at the expense of the South?

Mr. Speaker, only last week my very distinguished colleague, Bill Colmer, stood in this well and asked the question:

> When is the South going to be allowed to rejoin the Union of the States?

I would like to ask the same question in a different way. When is the North going to decide it is a part of the union of the States and the laws passed in this Chamber should apply to the North in the same manner and degree they apply to the South?

Mr. Speaker, the Congress is about to pass on a national school desegregation policy. The policy laid down should not only be sound, but it must be without conflict, contradiction or confusion, and most important of all it must and should be uniform. It would be a great disservice for the Congress to leave the matter in the state of uncertainty that now prevails about what Congress did and did not provide and/or intend in the policy about to be adopted.

If we are not going to be clear, concise, and fair in developing our policies, then we should never develop the policy in the first place. For this reason, I respectfully urge defeat of the conference report.

Mr. MONTGOMERY. Mr. Speaker, I would like to ask the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. Perkins) to explain to me what paragraphs (b) and (c) do to section 2 of the Stennis amendment—what effect this actually has on the Stennis amendment which said that integration would be enforced throughout the land and then you added (b) and (c) to it. What does (b) and (c) mean, I would like to know?

Mr. PERKINS. Let me say to my distinguished colleagues that the conferees on the House side did not go along with the Stennis amendment, but we have some meaningful substitute as a statement of policy to it. At least I feel that way. You and I both know that the 1954 Supreme Court decision in a case, originating in Kansas, Brown against Board of Education, said that discrimination on account of race could no longer be tolerated and that the schools could no longer continue a policy of maintaining separate schools for whites and blacks. What we have provided in the conference report is set forth clearly in the statement of the managers and I quote:

> The Senate amendment provided that it is in the policy of the United States that guidelines and criteria established under title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The House bill contained no comparable provision. The conference agreement provides that it is the policy of the United States that such guidelines and criteria dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation. It provides that such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found. It is stated that nothing in the section can be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

The SPEAKER pro tempore (Mr. Price of Illinois). The time of the gentleman from Mississippi (Mr. Montgomery) has expired.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Georgia (Mr. Landrum) 5 minutes.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman.

Mr. BEVILL. Mr. Speaker, I would like the Record to show that I concur with the statements made by the gentleman from Mississippi (Mr. Montgomery) with regard to the Stennis amendment.

Mr. LANDRUM. Mr. Speaker, just a few years ago, less than a decade, as a matter of fact, the burning issue in this Congress was whether or not to have Federal assistance to education at the elementary and secondary level.

We overcame the obstacles to that question. We adopted provisions providing Federal assistance. I am glad we did. I helped to the limit of my very limited ability to do that because I felt that this Nation had a very vital interest in the public education program and the children of this Nation. I still feel that way today.

But I am greatly concerned by the action that the conferees have taken in the field just discussed briefly by the gentleman and friend, proceding me here, the gentleman from Mississippi (Mr. Montgomery) and by the distinguished chairman of the committee, and my friend, the gentleman from Kentucky (Mr. Perkins). As a matter of fact, we do not have de jure segregation any more. As the distinguished chairman has just said, the Supereme Court in Brown against Board of Education outlawed de jure segregation. There is no segregation any more by law. Yet the conferees set up in paragraph (b) of the amendment to the so-called Stennis policy amendment a provision which I fear could very well say to the courts that this Congress recognizes, or wants the courts to recognize that there is still de jure segregation. The fact of the matter is that the only segregation that exists in this country today is de facto segregation, and that that segregation occurs principally because of the housing patterns of this Nation. Its greatest impact is in the large cities, in the metropolitan areas.

The only way that has been suggested by our leaders to overcome this is by a method referred to as busing. That is, taking children out of their home community, destroying the neighborhood school, and sending them away somewhere else.

This bill, this authorization does nothing to prevent busing. It takes away all efforts to prohibit busing. And yet just as a decade ago the burning issue of this Congress was whether or not we would have Federal assistance to education, the burning issue today in this Congress and in this Nation is busing these schoolchildren.

As a matter of fact, according to the newspapers, the Gallup poll on the subject shows the Nation 8 to 1 against the busing policy.

The neighborhood schools must be preserved. They will not be preserved if in the administration of this law paragraph (b) added by the conferees to the Stennis policy amendment is observed, because experience has taught us that those over in Health, Education, and Welfare charged with the administration of laws such as these are going to say that because one section of the country once had segregation by law or de jure segregation, that despite the outlawing of that or the overruling of that by the Supreme Court, you still have it, and, therefore, we are going to enforce one policy there and another policy in another part of the country.

I have tried, and I know most Members here have tried to be a national legislator. I think that is what we are. I think that is our full responsibility. I think every law, every act passed here ought to apply to every section of the country, to every citizen of the country alike, without exception. I accept integration as a matter of fact. It is an accomplished fact. It has been accomplished by law. We do not like some of the inconveniences of it, but we still observe the law and accept it. We want everyone educated. I hope this House of Representatives will go on record as saying we want these laws administered so that our children, of all races, of all communities, of all situations in life will be educated, and we do not want these laws administered so that the neighborhood school policy can be destroyed by its administration.

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The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERKINS. I yield an additional minute to the gentleman from Georgia.

Mr. LANDRUM. I thank the gentleman. I am grateful for his generous treatment. I know that I am not a member of the committee. But I feel strongly that you are doing a most unwise thing with this report in telling the courts that you recognize or want the courts to recognize that there is still de jure segregation.

Enforce this law in all sections of the country alike and Members will hear no quarrel or complaint from any section such as ours.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, if we enforce this throughout the whole United States, there will be fewer Members of Congress who will be pushing this segregation on us. They do not want it and they will not have it and their people would remove those Representatives and they know it.

Mr. LANDRUM. Please stop forcing me or trying to force me and those who have common interests to be provincial legislators. Let us be what we are charged with being. Let me have the responsibility to be a national legislator. Let me legislate so it will affect the people in Chicago and Detroit and Atlanta alike. Do not force me to be a provincial legislator.

Mr. Speaker, we ought to send this back to the committee.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY. Mr. Speaker, at this time I would like to inquire of the distinguished chairman of the committee or members of the conference on the part of the House about an explicit change which appears as a result of the action on the conference to affect ESEA, concerning the effect of title III of ESEA and title V(A) of NDEA, where we consolidated these titles; that is, title V(A) with title III. I believe it to be the clear intent of the conferees that the consolidation provided in the conference report will be a complete consolidation of the benefits now in title III and title V(A) and those will continue to be available on a broad basis to all students.

The conferees agreed to a consolidation of programs now authorized by title III of ESEA—supplementary educational centers and services, which also includes authorization for guidance, counseling, and testing of students—and with title V(A) of NDEA—guidance, counseling, and testing of students. The House bill contained a consolidation of four programs all of which would have provided the broadest flexibility to those administering the various programs so that all students eligible to receive assistance under one program would be entitled to participate fully in all other consolidated programs. It is the clear intent of the Senate conferees that the consolidation provided in the conference report be a complete consolidation so that the benefits of title III and title V(A) would be available to all students.

It is the intent of the conferees since title V(A) and title III of ESEA are to be consolidated in one operational program with all students eligible to receive assistance under title III ESEA having full entitlement to receive assistance of guidance, counseling and testing programs under title V(A) NDEA. Section 303(b)(4) of the report is clear authority for the consolidation of guidance, counseling and testing programs with supplementary educational programs as set forth in (2) and (3) of section 303.

Mr. PERKINS. The gentleman is absolutely correct, and I hope at the State level that the intent is carried out.

Mr. CAREY. Mr. Speaker, I thank the chairman of the committee.

Mr. Speaker, I listened to the remarks by my distinguished colleague, the gentleman from Georgia (Mr. LANDRUM), and others. It does seem to me we tend to stress this portion of the bill which relates to desegregation to a disproportionate degree.

The conference report does no greater violence to any basic concept of this bill. We may be losing sight to a degree of the improvements for all of this country that are in this bill, the major improvements in the additional term of funding, and in the notion that consolidating some of these titles will cut down redtape and harassment, if you will, between Washington and local school districts. That has been somewhat a bone of contention between Washington officials and the State school officials.

In other words, I think we are overstressing the minor points of difference between the Senate and House conferees as we come back to the House we must not ignore the fact that this bill is widely supported by all sections of the country, the South and the North, for the education of our children. I recall when we discussed this bill previously that we got into personalities and certain Members were disappointed when a certain school official was appointed. We do not have that kind of contention today.

I urge the support of the conference report.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, I congratulate my colleague from Mississippi (Mr. MONTGOMERY) and support his remarks.

Mr. PERKINS. Mr. Speaker, I yield my remaining time to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I think it is only fair to point out, contrary to what has been said here earlier, that there is nothing in this bill which authorizes or requires the busing of any youngsters to overcome racial imbalance. This bill only provides that where the Court has already ruled on de jure segregation, those rules shall be applied uniformly throughout the country. The Supreme Court has not ruled on de facto segregation. I am confident that when it does, it will sustain the neighborhood school systems.

I am confident that when and if the Supreme Court takes up the question of neighborhood schools, it will recognize the fact that the American people are opposed to busing children for the purpose of overcoming racial imbalance by a base of 8 to 1. Those are the results of the most recent Gallup poll which showed the people opposed to busing by a margin of 8 to 1.

The weight of recent lower court decisions leans toward sustaining neighborhood schools and against busing to overcome racial imbalance.

So there is nothing in this bill which says schools have to bus children to overcome racial imbalance.

Mr. ABERNETHY. Mr. Speaker, this conference report should be rejected. The matter should go back to conference with a directive to restore the so-called Stennis amendment.

Mr. Speaker, the request that we of the deep Southern States make of this Congress is very fair. We know that integration is now a fact. We fully understand that both Federal law and court decisions make such a fact of life. We only feel that its application in our area should be the same as in other areas and vice versa.

It simply is not fair to apply the law in one way to the North and West and in another way to the South. It really amazes me that some Members of Congress insist upon, work for, and fight for that which is not uniform throughout the country.

I shall not go into the statistics of school segregation in cities from Boston to Los Angeles. The record has already been filled with such. They are undisputable. Northern and western cities are filled with entirely black, as well as entirely white, schools. One Member of this body from a Western State who deplores southern segregation as much, if not more, than any other Member, is a resident of a city that is filled with racially segregated schools. Yet, he has made numerous speeches on this floor demanding the breakdown of neighborhood schools in the South and crosstown transportation in order to bring about racial balance.

Mr. Speaker, everyone knows that neither the Congress nor the executive branch, and I would say not even the courts, are applying the rules to each and all alike.

I hope this conference report will be voted down and sent back to the conference committee. I shall so vote, and I hope you will do the same.

Mr. COHELAN. Mr. Speaker, I am pleased to endorse the conference report for the ESEA authorization bill. This measure is of great importance to our Nation's schools. I hope that this body will be able to take deliberate and thoughtful action, and at the same time move with great speed.

This report represents a tremendous effort on the part of the conferees to come to grips with the many problems of education. I commend my colleagues for a job well done in this area. It is obvious that they have attacked the problem with great care and responsibility. The authorization levels realistically indicate the magnitude and scope of the burdens of our educational system, and at the same time they represent a

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realistic attempt to find solutions to these problems.

I would like to take a minute, Mr. Speaker, to remind my colleagues just what it is that we are doing today and to reiterate several points that I have many times before in this House. Education of our Nation's youth is the issue of the 1970's. It is an issue of the highest domestic priority and national urgency. The problem of education today is approaching the crisis level; the need to increase the Federal share for education is obvious and borders on the critical. We must focus in on the entire issue now—and we must focus on education with a commitment and a resolve never before demonstrated.

We are witnesses today in our society of an almost total dissatisfaction and alienation of a large segment of our people. I am convinced that the basis of this lies in the basic weaknesses of our schools. Statistics indicate a distinct relationship between the deficiencies in the public schools and the problems of poverty, unemployment, reduced earning power in later years, and social aberration.

And what about the crisis in our student population? We are concerned about the steady rise in student violence and protests, of the increase in the use of drugs, of the rise in the juvenile crime rate, of the high percentage of school dropouts. The whole concept of the generation gap is worrisome and a source of great concern. None of us like to feel or care to admit that we are not in communication with our younger citizens. If we continue to ignore this problem we have no defense against those who have a "copout" or "dropout" philosophy. If we continue to give greater priority to defense spending, to the war in Vietnam, to space explorations while ignoring the problems of education we should not be surprised at the disastrous results. This bill, in my opinion, represents a healthy trend in a constructive direction.

I am convinced that a conscious effort to meet the needs of our educational system is a positive step toward solving some of our social ills. Immediate action to increase the Federal contribution to education is imperative and I am pleased that this conference report furthers this objective.

I again commend my colleagues in conference for their great efforts made in this matter. They have made an honest attempt to deal with the problems of our educational system and now can do no less than accept this report.

I was particularly pleased to see that the conference recognized the importance of extending the ESEA authorizations for a 3-year period. It is essential to educational planning that there be sufficient time to plan programs, curricula, to secure supplies, equipment, teachers, and other school personnel.

The total ESEA authorization is $25 billion over a period of 3 years. I will not attempt at this time to reiterate the various provisions of this legislation. This was ably done by my colleague and chairman of the House Education and Labor Committee, Congressman CARL PERKINS. But there are a few comments that I would like to make at this time.

First, the conference quite correctly moved to clarify the ambiguities of the Stennis amendment. Although I find de jure and de facto segregation equally abhorrent, I feel that the Department of Health, Education, and Welfare should not be curtailed in their enforcement of the provisions of the Civil Rights Act of 1964 and thus the conference clarification was necessary. Second, as I previously mentioned, the level of funding in this legislation was commensurate with the demonstrable need. Also, I was pleased to see the prohibition against using title I funds to supplant State and local revenues which will go into effect in fiscal year 1972. This prohibition will assure that the funds in title I will be used for the undereducated.

In conclusion, Mr. Speaker, I urge my colleagues here in the House to give swift and overwhelming approval to this conference report. By this action the Congress will once again acknowledge its responsibilities to the educational system and needs of our Nation.

Mr. DONOHUE. Mr. Speaker, I wish to again express my convictions in support of the conference report on H.R. 514, the Elementary and Secondary Education Act Amendments of 1969. The conferees from both Houses have expended a great deal of effort, and the result in my opinion is a progressive but prudent piece of legislation.

The various titles have been discussed in great detail before, and I need not dwell on them. The major thrust of the bill is to commit the Federal Government to the achievement of the goal of quality education in America.

One of the most important provisions of the bill will authorize funds for a number of the programs for a period 3 years. As you know, Mr. Speaker, I have expressed to this body on many occasions my conviction that this extended period of authorization will provide stability and a potential for rational planning so badly needed by school officials across the country. Although many of us have advocated 5-year periods of authorizations, we cannot help but be pleased to note this encouraging first step toward encouraging more rational school decisions by assuring a substantial, reasonably fixed level of Federal aid.

Also, Mr. Speaker, I heartily support the amendments which will extend the coverage of impact aid programs to those districts with large school populations residing in federally financed low-rent housing.

Other important titles of the bill will provide the elementary and secondary schools of our country with funds to extend library resources, strengthen dropout prevention programs, and assist handicapped persons and those in need of vocational education.

No one doubts, Mr. Speaker, that these are times in which Federal dollars should be committed only with the greatest of care. We know that we must set priorities in our expenditures. But there is no more prudent investment than one in education, which is, in substance, an investment in the future of our Nation.

I therefore urge the swift and overwhelming approval of the conference report.

Mr. FLOWERS. Mr. Speaker, with much reluctance, I have today cast my vote against the conference report on H.R. 514, the Elementary and Secondary Education Act amendments. In taking this action, I would like to make it clear that I am not opposing Federal aid to education on principle. The record clearly reflects that I supported this same measure when it first came to a vote in this House on April 23, 1969. Indeed, I am hopeful that the Education and Labor Committee will soon again bring legislation broadly beneficial to education to the floor of this House so that I may continue my support of such worthwhile programs.

My vote against this conference report, Mr. Speaker, is rather a protest of the action taken by the conference committee in the substantial alteration of the language in section 2 of the bill which has, on occasion, been called the Stennis amendment. I am greatly disturbed that the members of this conference committee saw fit to distort so completely the obvious import and intent of the Stennis amendment. What has been brought back to us in this conference report as section 2 (a), (b), and (c) can do nothing less than confuse and confound and will likely write into law the exact opposite of the proposition originally intended. While engaging in rhetoric about de facto and de jure segregation, is the real issue not clear to the North, East, and West—you can go ahead with yours the way it always has been but the boot of oppression will remain on the South.

Are we to conclude that freedom of choice is the law of the land everywhere but in the South? Is forced busing undesirable everywhere but in the South? Is the neighborhood school concept valid everywhere but in the South?

Mr. Speaker, I don't know how today's action will be received by others, but I am not going to be fooled by cute distinctions as to what segregation might be founded in neighborhood housing patterns and what might have begun as a matter of law. There is no such thing as de jure segregation anymore—the Supreme Court has long since taken care of that, and it is no longer the issue. The issue is simply this: Are we going to have a single national policy on education, with single national standards, or are we not? I voted against the conference report on H.R. 514 today because of the language added in conference to the Stennis amendment. In my opinion, it tends to establish a dangerous procedent of regional legislation which should not be acceptable to any Member of the Congress of the United States.

Mr. ROYBAL. Mr. Speaker, in extending my enthusiastic support for the passage of the conference report on H.R. 514, the Elementary and Secondary Education Act amendments, I am delighted to participate in this significant action by the Congress to assure that all the Nation's youth will be afforded an equal opportunity to realize their full educational potential.

This $25 billion, 3-year authorization is of vital concern to every parent, every

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teacher, every student, and every citizen interested in the future of our country—for it establishes a clear congressional recognition that education is an issue of the highest domestic priority and national urgency.

If adequately funded in the legislative appropriation process, H.R. 514 holds out the promise of effective Federal support for education of the disadvantaged, for the impact aid program so important to our major metropolitan centers like Los Angeles, for library and textbook programs, special equipment and education of handicapped children, and guidance and counseling activities, as well as for such other essential programs as bilingual education, supplemental educational centers and services, and grants to the State agencies for improvement of their educational leadership capabilities.

In my opinion, these are all vital programs that urgently need the wholehearted cooperation and active support of all levels of government, Federal, State, and local.

Because the 91st Congress has assumed the lead in beginning the difficult process of reordering our national priorities to focus more directly on the many domestic challenges facing the United States today—such as the present educational crisis—I am proud to have taken part in this congressional initiative, and I intend to continue these efforts in the future.

We, in Congress, are starting to insist that the real needs of 20th-century urban America be recognized, and that the Nation's resources be reallocated accordingly to meet those needs.

We also understand that there can be no more fundamental an investment in the country's future than providing full educational opportunity for all our citizens.

But, the growing cost of providing such an educational environment in heavily populated urban areas, like Los Angeles, where there is an ever-increasing demand for more schools and teachers has placed an impossible strain on existing funding capacities.

The hard fact is that local and State governments simply do not have the financial and tax revenue resources with which to do the job that is required.

Without substantial Federal financial assistance our major metropolitan centers would be unable to support adequate school systems under current conditions.

H.R. 514 is the Federal Government's affirmative response to this critical situation. It represents the willingness of the Congress to shoulder its fair share of the fiscal burden of education in the United States, and thus help meet this basic responsibility of our society.

The SPEAKER pro tempore (Mr. PRICE of Illinois). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 58, not voting 60, as follows:

[Roll No. 66]

YEAS—312

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collins
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frelinghuysen
Friedel
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Wampler
Watkins
Watts
Weicker
Whalen
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—58

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Bennett
Bow
Brinkley
Brock
Burke, Fla.
Burleson, Tex.
Caffery
Chappell
Collier
Colmer
Cramer
Crane
Daniel, Va.
Dowdy
Edwards, Ala.
Flowers
Flynt
Fountain
Frey
Fuqua
Gettys
Griffin
Gross
Haley
Hall
Henderson
Jarman
Jones, N.C.
Landrum
Long, La.
McMillan
Mann
Martin
Michel
Montgomery
Nichols
O'Neal, Ga.
Passman
Patman
Poage
Price, Tex.
Rarick
Rivers
Roberts
Rogers, Fla.
Satterfield
Saylor
Sikes
Stuckey
Teague, Tex.
Thompson, Ga.
Waggonner
Watson
Whitten

NOT VOTING—60

Ashley
Ayres
Blackburn
Blatnik
Brown, Calif.
Broyhill, N.C.
Cabell
Clark
Clawson, Del
Clay
Conable
Cunningham
Daddario
Dawson
Dent
Dickinson
Diggs
Eckhardt
Edwards, La.
Miller, Calif.
Feighan
Fulton, Pa.
Fulton, Tenn.
Green, Oreg.
Grover
Hagan
Halpern
Hanna
Hastings
Hébert
Horton
Johnson, Pa.
Kee
King
Kirwan
Kuykendall
Lennon
Lujan
Lukens
Evans, Colo.
Mollohan
Morton
Philbin
Pike
Pollock
Robison
Roe
Rostenkowski
Schneebeli
Staggers
Taft
Teague, Calif.
Tunney
Vander Jagt
Waldie
Whalley
White
Wiggins
Wilson, Bob
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.
Mr. Philbin with Mr. Grover.
Mr. White with Mr. Lujan.
Mr. Lennon with Mr. King.
Mr. Hanna with Mr. Del Clawson.
Mr. Staggers with Mr. Horton.
Mrs. Green of Oregon with Mr. Ayres.
Mr. Daddario with Mr. Morton of Maryland.
Mr. Dent with Mr. Fulton of Pennsylvania.
Mr. Feighan with Mr. Conable.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Miller of California with Mr. Robison.
Mr. Ashley with Mr. Lukens.
Mr. Blatnik with Mr. Halpern.
Mr. Clark with Mr. Johnson of Pennsylvania.
Mr. Mollohan with Mr. Cunningham.
Mr. Pike with Mr. Hastings.
Mr. Rostenkowski with Mr. Vander Jagt.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Cabell with Mr. Blackburn.
Mr. Brown of California with Mr. Clay.
Mr. Kee with Mr. Pollock.
Mr. Kirwan with Mr. Whalley.
Mr. Tunney with Mr. Teague of California.
Mr. Waldie with Mr. Diggs.
Mr. Roe with Mr. Dawson.
Mr. Evans of Colorado with Mr. Schneebeli.
Mr. Eckhardt with Mr. Taft.

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Mr. Hagan with Mr. Broyhill of North Carolina.

Mr. Wiggins with Mr. Zwach.

Messrs. **JARMAN** and **McMILLAN** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just adopted on H.R. 514.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FIFTEEN-PERCENT RAILROAD RETIREMENT ANNUITY INCREASE

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 892 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 892

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority members of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Interstate and Foreign Commerce beginning on line 22, page 7 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 892 provides an open rule with 1 hour of general debate for consideration of H.R. 15733 to amend the Railroad Retirement Act. The resolution also provides that it shall be in order to consider without the intervention of any point of order the committee amendment beginning on page 7, line 22, of the bill. Points of order were waived against this section of the bill because it would be nongermane.

The purpose of H.R. 15733 is to provide a temporary increase in railroad retirement monthly benefits of 15 percent, subject to certain offsets, and a temporary change in the method of investment of the funds in the retirement account, together with provisions for an overall study of the retirement system, and a report to the Congress 1 year prior to June 30, 1972, the expiration date of the temporary benefit increase and investment modification.

Benefit increases are restricted to a maximum of $50 for employee annuities and $25 for spouse and survivor annuities. Where the beneficiary is also in receipt of social security benefits, the 15-percent increase will be reduced by the amount of the increase received by the beneficiary under the social security amendments enacted last December, but the offset will in no case operate to reduce the increase below $10 monthly in the case of employee annuities and $5 monthly in the case of spouse and survivor annuities.

In general, persons who are receiving railroad retirement benefits alone are in greater need than are persons who are receiving both railroad retirement and social security benefits. The offset features of the legislation permit larger percentage increases for those persons receiving only railroad retirement. If it were not for this offset, it would be necessary to reduce the percentage increase of benefits in order to keep the costs of the bill from being excessive.

For the 2½-year period for which benefit increases are provided in the bill, it is estimated that the costs will total $350 million. It is estimated that the additional income to the railroad retirement account from the change in method of computing interest will provide $200 million by July 1, 1972.

It will be necessary for legislation to be enacted before July 1, 1972, to deal with the problem of the expiring benefit increases provided. The study called for by the bill would be made by the Railroad Retirement Board and should take into account the necessity of providing benefit increases on a permanent basis.

Mr. Speaker, I urge the adoption of House Resolution 892.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 892 makes in order for consideration of H.R. 15733 under an open rule with 1 hour of general debate.

The purpose of the bill is to increase by 15 percent, the retirement annuities paid to retired railroad employees. The bill also authorizes the change in the investment method of the funds in the retirement account in order to insure a higher return. Both these provisions are temporary in nature and would expire on June 30, 1972.

Benefit increases are limited to a maximum of $50 for employee annuities and $25 for spouse or survivor. If the beneficiary is also receiving social security benefits, which were increased by Congress last December, his railroad benefit increases can be reduced to as little as $10 as an offset against a double increase.

Mr. Speaker, I introduced a bill, H.R. 15494, earlier this year to amend the Railroad Retirement Act to allow the 15-percent increase. In my opinion, this piece of legislation is mandatory inasmuch as the retirement benefits of railroaders should be increased to the same level as those received by social security recipients. I strongly favor this legislation and urge its passage.

The need for the bill is stated simply: the continued rise in the cost of living.

Congress recognized this fact several months ago when it provided a 15-percent increase in social security benefits.

The bill also authorizes changes in the investment policies of the retirement fund. The bill requires that each month the Secretary of the Treasury shall determine the highest investment or yield on interest-bearing U.S. Government obligations. The railroad retirement fund shall then be assured such a return on its investments in governmental securities—the type of securities the fund is required to invest in exclusively.

Both the annuity increase and the assured investment return provisions of the bill are temporary in nature; each expires on June 30, 1972. Prior to that date, a study of the railroad retirement system is to be undertaken and completed by the Railroad Retirement Board, and a report is to be made to the Congress on or before July 1, 1971.

The estimated cost of the benefit annuity increase through June 30, 1972, is $350 million. The additional income due to the change in investment policy is estimated at $200 million.

There are no minority views. The administration opposes the bill, as evidenced by letter from the Bureau of the Budget, the Treasury Department, and two of the three members of the Railroad Retirement Board.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15733, with Mr. NIX in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

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The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, this bill was reported unanimously out of the Committee on Interstate and Foreign Commerce. It provides in general for a 15-percent increase in railroad retirement benefits, together with a modernization of the method of investment of funds held in the railroad retirement account.

There is an exception to the full 15-percent benefit increase in the case of those beneficiaries who are receiving both railroad retirement and social security benefits. The 15-percent benefit increase is reduced by the total of increases that the beneficiary received under the social security amendments that just took effect this year, but the reduced railroad retirement increase may not be less than $10 monthly in the case of an annuitant, and $5 monthly in the case of a wife or a survivor. It was necessary to put in this provision in order to keep the costs of the bill down, and by following this pattern, we were able to provide a larger overall increase for those receiving railroad retirement benefits alone, and in general these are the neediest persons.

Historically, Mr. Chairman, railroad retirement benefits and social security benefits have had parallel increases. In other words, whenever social security benefits have been raised railroad retirement benefits have also been raised by an equivalent amount. Last December, as a result of there being an actuarial surplus in the social security fund, the Congress provided a 15-percent increase in social security benefits, without a corresponding rise in taxes. This means as a practical matter that we must increase railroad retirement benefits by an equivalent amount, but the situation is complicated because, due to steadily declining payrolls, the railroad retirement system is today operating at a slight actuarial deficit, computed at approximately $23 million a year, which is a little less than one-half of 1 percent of taxable payroll.

I know I need not detail for the House the need for an increase in benefits for railroad retirees because the steady increase in cost of living in recent years has severely hurt these people who are living on relatively small fixed incomes. The problem of financing this increase, however, is a difficult one, since currently all railroad employees are paying toward their retirement benefits over 9½ percent of their monthly wages up to $650, and without any change in existing law, these rates are scheduled to increase to over 10½ percent in the future.

For this reason, Mr. Chairman, the committee has limited the duration of this benefit increase to 2 years, and has provided a new means of investment of the railroad retirement account, and has provided for a thorough study of the railroad retirement system, to be conducted by the Raiload Retirement Board, with recommendations to be made to the Congress for restructuring the entire program, with these recommendations to be made by July 1, 1971, thereby giving us a year in which to take action before these benefit increases, and new method of investment of the retirement fund, expire.

The railroad retirement fund today consists of approximately $5 billion, all of which is invested in obligations of the United States, or in obligations guaranteed as to principal and interest by the United States. The special obligations in which the fund is invested bear interest at a rate equal to the average rate paid on all long-term interest-bearing Federal obligations. The bill provides for reinvestment of the fund in obligations bearing interest at a rate equal to the highest rate payable on any long-term Government obligation outstanding at the time of investment. This constitutes a subsidy to the retirement fund, but there is nothing new about this.

When the railroad retirement system was established in 1937, the program assumed an enormous unfunded liability. All employees then on the payroll of railroads were given free credit toward retirement, up to a total of 30 years for all service performed for railroads before 1937. In addition, all persons receiving pensions from railroads were transferred over to the railroad retirement system, with the liability of the railroads transferred to the new program. This free credit and transfer of railroad pensioners has cost the system over $5 billion so far, which is being paid for primarily by taxes paid by current employees, few of whom benefit in any regard from this free credit given for pre-1937 service.

Because of this policy, the railroad retirement system has always had somewhat preferential treatment granted it in the investment of the fund. The interest rate on investment is guaranteed at at least 3 percent, which was above the rate payable on long-term Government obligations for a considerable period of time.

In 1963, due to a rise in Government interest rates, the Congress passed legislation increasing the interest rate paid on investments of the railroad retirement fund so as to equal the average interest rate payable on long-term Government obligations. This bill would change that policy, to make investments of the fund and interest at the highest rate payable at the time the investment is made.

The retirement board estimates that for the 2½-year period of benefit increases covered by the bill, the costs would equal $350 million and the increased income arising out of the change in the method of computing interest would raise $200 million, leaving a deficit of $150 million.

Obviously, the fund cannot stand such a drain for a prolonged period of time, so the legislation we have reported will force this committee during the 92d Congress to take another look at the railroad retirement system for the purposes of revising it substantially so as to provide an adequate level of benefits, together with adequate financing for the system.

The committee was unanimous in ordering the bill reported, and we urge its passage.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding to me.

In general I go along with the statements he has made. I appreciate the committee taking this action. I have here a sheaf of letters from railroad retirees asking for some sort of equitable action. I did not make my often-made point about waivers of points of order under the rule, because I thought it was important that we get this bill up for action and discussion. However, that portion of page 7 of the bill starting with line 22 that is waived because it pertains to the use of funds in an authorizing bill, in general establishes as section 9 that the retirement board itself will make this study to which the gentleman has referred.

Mr. STAGGERS. Yes, sir.

Mr. HALL. Again I have no particular fault to find with that, because if I ever knew two parallel and concomitant sources of retirement income that needed equalizing and just methods worked out, they are the railroad retirement vis-a-vis social security. However, I am really concerned with paragraph 6 of the charge to the Railroad Retirement Board and then the backdoor, the completely wide open raid on the taxpayers' treasury in the sentence that follows.

Charge No. 6 of the mandate to the Board says:

> Such other matters relating to the railroad retirement system as the Board considers necessary.

That is in addition to the five specific charges.

Then the bill itself continues:

> For purposes of such study the Board is authorized to appoint and fix the compensation of such experts and consultants as the Board deems necessary.

Now, any way you read that, Mr. Chairman, that is an open ended, backdoor raid on the Treasury, without limitation. In other words, they could appoint any number of special consultants they wanted to and they could pay them up to $500 a day for example, instead of the current unconscionable, but now usual $100 a day consultant fee if the Board in its action by a majority deemed it necessary.

Does not the distinguished gentleman feel as though we ought to put some limitation on these experts and consultants in order to get this job done?

I am asking the gentleman this question because I know the gentleman so well to believe that an unconscionable rate like this seldom comes out of the gentleman's committee and I just wondered what happened.

Mr. STAGGERS. This will have to be approved by the Appropriations Committee. Therefore, I am certain there will be a check made on it.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, the gentleman well knows that that is the standard answer. However, when the Appropriations Committee comes up here they say, "Well, the Congress authorized it and we have to fund it."

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This is where we get in trouble with continued mounting debts, this is the basis for spiraling inflation.

Therefore, I would express the hope that the gentleman would express a willingness to accept an amendment to at least make this in accordance with the custom and the facts as they exist at this time, and place a specific limitation thereon.

Mr. STAGGERS. I would not be adverse to accepting a specific amount. However, I cannot speak for all of the members of the committee, as the gentleman well knows. When we had this up for discussion we had faith in the Retirement Board and in the Appropriations Committee, to the effect that it would be handled judiciously and within the bounds of reason. It does not entail that much money, I am sure, but I am not adverse to accepting an amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, these are people who are technical experts and consultants. I am very familiar with the Rand Corp. and the Livermore Laboratories and all of the devices employed to get around paying specialists at the civil service rate. I know the difficulty of hiring specialists as consultants in quantities sufficient to get a good job done by any branch or department of Government. But I think we are actually denying our own responsibility when we leave it completely open ended, because a few short years ago we would have never thought we would be paying $75 and $100 per day, plus travel and other expenses for consultants. However, we are doing that regularly.

Mr. STAGGERS. Yes. As I said before, I would not be adverse to such an amendment. But, normally, it would seem to me that they would only appoint to the Board the necessary number to take care of the situation. They might appoint a lot less than we give them authority to appoint. If we were going to limit them, I would suggest a limit of nine members, while they might only want three. However, it is a question of whether they can do the job expeditiously because the Retirement Board is going to do the job itself.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, in the gentleman's own language as contained in the bill they could hire 100 consultants. That is my point.

They—the retirement board—could hire that many and more, based upon the language contained in the bill.

Therefore, I would hope that the gentleman's statement stands, to the effect that he would accept some reasonable limitation.

Mr. STAGGERS. This is only for 1 year. We limit this, as you know. It is for 1 year that a study will be made, and a report will be furnished to the Board and to the Congress. I would be hopeful that, perhaps, they would not have to go outside their own organization. But, we did give them permission if they had to have them. However, I would hesitate as to the number to be stipulated as to whether it be three or nine as the limit beyond which they could not go. However, perhaps they will not need any, but, we give them the authority to hire necessary experts. I am hopeful they will not have to hire any. We know that they are a responsible Board, and certainly, the Appropriations Committee is going to have to take a look at it.

Mr. SPRINGER. Mr. Chairman, railroad retirement is difficult to understand and even more difficult to explain. Probably every Member has received mail suggesting changes of one kind or another in the benefit structure. The calendar of the Interstate and Foreign Commerce Committee contains bills of every description on the subject. Some would give full retirement to railroad employees once they have served 30 years in the system. Others would drop the entitlement age to 60. Whatever change you have ever heard suggested there is a bill for it somewhere. And with each suggestion the committee or the individual Members must acquaint themselves with the facts and the difficulties involved in bringing about any change in the benefit structure.

It must be pointed out that railroad retirement is much more like social security than it is like a corporate retirement system. In fact, it can be said to antedate social security. Putting the railroaders under social security only was seriously considered, but the people then in railroad employment wanted their own system. Recognizing that not every railroad employee was going to spend his entire career in railroading and might very likely earn some credits in both systems, an arrangement was written into the law which connected the two. A very complicated schedule of payments back and forth results in great gains for the railroad retirement fund and also necessitates compensating adjustments in benefits when both funds become involved.

Since railroad employment has declined it has become increasingly difficult to maintain the required actuarial balance in the fund. In 1963, the fund had become so far out of balance that a major realinement of benefits and taxes was necessary. The resulting demand upon the present employees was very heavy even though Congress tried to soften the blow by making the increase gradual. Today, an employee must put in 9.55 percent of his first $650 pay each month. A young man just starting a 30-year career in railroading would have a most satisfactory pension under this system, but it does not make room for similar upward adjustments for people already retired or just now about to.

Congress has felt that raises in social security benefits required a somewhat similar adjustment in railroad retirement benefits. A few years ago the 7-percent raise in social security resulted in a raise in railroad retirement which required increased taxes on employees to meet that 7-percent raise, and even with the increase in taxes it was not possible to do it without limitations on benefits, particularly where both systems were involved with the same retirees.

In thinking about railroad retirement it is very easy to see the desirability of expanded benefits and hard to understand that even a small change will put the fund in danger. A straight increase of 15 percent with the benefit formulas just as they are would drain the fund by an additional $132 million a year. To make up the deficit, and it must be made up, another increase in employee input of one-half of 1 percent is required. Soon employees would be contributing about 11 percent of salary to the fund. This the committee felt was too much.

The bill we are considering today would provide 15-percent increases for railroad retirees with certain limitations. The increases cannot be more than $50 for retirees or $25 for survivors or a spouse. Neither can they be less than $10 and $5 respectively. To cover these increases the bill changes the formula for figuring interest on the Government obligations held in the fund. It has been described as requiring the highest interest rate instead of the average rate which is now used. This is probably a dangerous oversimplification if not completely misleading. Suffice it to say that that method of handling the fund would require the Government to give it preferential treatment in the return on its holdings. That is not new. The fund was given preferential treatment at the beginning by putting a 3-percent floor on the interest rate. When this was done the interest rate did in fact drop below that percentage, and the difference had to be made up out of general funds.

The final decision of the committee was that the raise must be provided now but under a temporary arrangement. The time has come to look to a complete overhaul of the railroad retirement system. It cannot be put off. What is done here is not a satisfactory answer for the long haul. The bill, therefore, makes the change in the financing despite the protestations of the money people. Their main objection is the precedent it will set. It need not set a precedent, and we do not intend that it shall set a precedent which will affect all other trust funds. But for a short while it seemed to be about the best answer we could devise.

The gentleman from Missouri (Mr. HALL) may I say raised a very pertinent point. I had not thought about it for one simple reason, and that is that I have dealt with the Railroad Retirement Board for 20 years, and they are the most conservative Government organization that I have ever known anything about. They are tight—I want to say this frankly, and of course I will revise my remarks, but they are the tightest bunch that I know of that exist so far as money is concerned. They actually figure everything down to the penny. They are a small organization. Before us they have been the most conservative in their estimates on what they have done. Practically all of their actuarial work has been done by the railroad retirement itself. They have employed almost no outsiders.

When we had this thing up it never occurred to me that there really was going to be much if anything done by anybody on the outside. The actuarial work—and when you get into the thing, the actuarial work itself, it looks to me as though they have competent help down there to do it. But they said they thought that they

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probably needed to get an independent view on this, and they might have to have somebody come in from the outside. But I do not think they have any idea of going out and hiring at random, because that is their job, it is in the actuarial field, and really what the basic problem is is a sort of sorting out really of what has happened.

They made one mistake in all the 20 years that I have been associated with them, and that was when they had this increase up a few years ago of a 2-percent payroll tax with reference to retirees, they made a mistake in the number of retirements. Everybody was agreed, we were agreed, the railroads were agreed, labor was agreed that the number of persons who would retire was only going to be 30,000 and, as a matter of fact, it turned out the number of retirements was almost 50,000. So they did miss it way off and that is the reason we had to give in with some kind of supplementary appropriation bill which we finally did get through. But this thing never occurred to me that there was going to be any outside help or any great amount of outside help.

I am usually like my friend and distinguished colleague from Missouri, very careful about this $100-a-day stuff. But that is the way I viewed it when we heard the testimony. In the Board itself, they have done all their work through the years, and I do not ever remember them ever having hired anybody outside that I knew anything about. That is the reason I think we did not do what the gentleman had in mind.

XUM

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. HALL. The gentleman's assurance is very pleasing, and with his statement along with the legislative record that has been made on the floor here, and with the assurance of the chairman that probably no outside help will be needed, I think this is a good record which I am delighted to hear.

I am glad to hear about the railroad retirement board itself doing the work. I know that they do. I want to recall the fact that I prefaced my remarks saying that I am in favor of this bill within equity and justice to other retirement plans that we have. I want to reemphasize that again.

The gentleman would admit with me that there is a built-in possibility here of maybe a future retirement board, if something should come to pass like a disaster this year within the time limits of this study that the committee in its wisdom has set up, where they could do almost anything.

I have had a great deal of experience in the hiring of outside help as a late personnel officer in the executive branch and in dealing with the Department of Defense today. They had not needed this much authorization when they set up a regular system of laboratories and outside consultants to avoid limitation on pay of "inhouse" types of research. I think this is not necessarily bad, and I certainly do not want to limit the function of the board.

The staff has spoken to me since my colloquy with the distinguished chairman, the gentleman from West Virginia. I see a need for this item 6 referred to as a rather open catch-all to deal with taxation within the wisdom of the board, in addition to the five specific charges that the committee has made.

All I want to do is to strike out the period and insert a comma and add "but not to exceed $100 per day, and essential expenses."

Surely, the committee could accept such a simple amendment and then we will not have an open-door raid on the Treasury. I hope it is agreeable to the gentleman, in spite of his good legislative record.

Mr. SPRINGER. I thank the gentleman for his words.

Mr. POFF. Mr. Chairman, I submitted testimony to the Committee on Interstate and Foreign Commerce in support of legislation to increase railroad retirement annuities by 15 percent. I will support the bill under debate. I will because in many parts it is a good bill and because it is the only bill likely to be passed by the Congress in this field this year.

Here are some of the good features:

First. It requires no increase in railroad retirement taxes beyond those already built into the law. Already, the rate is 9.55 percent of the first $650 of monthly compensation, and that rate will rise under the old law to 10.65 percent by 1987. Compared with the benefits available, the tax rate is already high enough, and it would be unreasonable to raise those rates further.

Second. The new law will permit the money in the retirement fund to earn bigger dividends. Under the old law, that money can be invested in Government bonds paying the average interest yield of all marketable Government securities. Under the new law, the money will be invested in Government bonds paying the highest interest rate. The additional earnings help to make it possible to avoid retirement tax increases.

Third. The new law authorizes an exhaustive study of the entire railroad retirement system. The findings of such a study hopefully will make it possible to make the changes necessary to eliminate the present operating deficit—about one-half of 1 percent of taxable payroll—and strengthen the stability of the fund for the benefit of future retirees.

Fourth. The new law will grant retirees and their survivors what is called a 15 percent increase in their benefits. The increase will be made retroactive to January 1, 1970, the same date the social security increases enacted last year became effective.

However, what concerns me about the new law is that the benefits increase will not be 15 percent across-the-board. For instance, the retiree who has earned both railroad retirement and social security retirement benefits will not get a 15 percent increase in both. On the contrary, his railroad retirement benefit increase will be reduced by the amount of his social security benefit increase. This is a modern-day form of the old dual benefits restriction which was removed from the law several years ago. I predict much unhappiness with this feature of the new law. Understandably, retirees who have earned both types of benefits will feel that they are entitled to increases authorized for both types.

One of the reasons given for the new restriction is that there are fewer railroad workers today and, thus, less money going into the retirement fund. It is true that there are fewer railroad workers. Twenty years ago, there were about 1,400,000 active railroad workers; today, there are less than 665,000. But that is not the fault of the workers, either active or retired, and active workers today are paying higher tax rates on more of their monthly wages than ever before.

I intend to vote for this bill, but I do wish that the committee could be persuaded to correct this feature of the legislation before it goes to the President's desk.

Mr. ROTH. Mr. Chairman, the legislation before us, H.R. 15773, represents the second time that this Congress has had the opportunity to work its will on railroad annuities. The current legislation provide a well-dressed 15-percent increase in railroad annuities and should not be confused with the earlier legislation—Public Law 91-215, H.R. 13300—which provided no more than for the continuance of the supplemental annuities which are paid to certain long-term railroad retirees. In no sense of the word did the previous legislation put one more penny in any annuitant's pocket.

The need for an increase in railroad annuities is obvious. Last week the 25 million people who get social security benefits had their checks increased by 15 percent and later this month they will get a second check representing the retroactive increase due them for the months of January and February. In the past increases in railroad annuities have followed the pattern set by social security. In fact it has been necessary because of the close relationship between the two programs. Under the law as it now stands some railroad annuitants have had their annuities increased by 15 percent as a result of the provision which guarantees annuitants at least 110 percent of the amount they would have been paid under the social security program.

This 110-percent guarantee is in effect an automatic increase for about 90 percent of all survivor annuitants and about 10 percent of retired worker annuities, over one-fourth of all annuitants. There is no doubt in my mind that the remaining 70 percent or so of the annuitants should also receive increases.

Although the legislation before us, H.R. 15733, has my wholehearted support, I was unhappy to read in the report of the Committee on Interstate and Foreign Commerce that the financial status of the railroad retirement system is such that a 15-percent across-the-board increase in annuities is not possible now and that the bill calls for a temporary 15-percent increase with a dollar limit on the maximum increase. This unhappiness, however, was somewhat diminished when I learned that the restrictions on the 15-percent increase would have no effect on providing every annuitant with a 15-percent increase, either through the annuity alone or through the annuity and the social security increase.

It is my understanding that the $50 limit on worker annuities and the $25 limit on survivor annuites will have no effect on any annuity before June 30, 1972, when the provision would expire. It would, however, have some effect on worker annuities starting about 1973, but would never have any effect on survivor annuities. And, while these provisions would have no effect on the amounts paid to annuitants, they do serve a purpose in that they are a reminder that a change in interest rates on the investments of the railroad retirement system, as proposed by the bill, is no long-range solution to the financial problems of the program.

The long-range financial condition of the railroad retirement system is a fact of life which we must face. I would hope that the study called for by this bill would result in recommendations for a workable solution to the problem so that we will never again be faced with legislation for a temporary increase in railroad annuities. However, I do not consider this increase to be temporary in fact even if it is to be such in law. Before the increase is scheduled to expire, June 30, 1972, the recommendations called for by the bill will have been received and I believe acted on in a way to prevent any decrease in annuities and to provide whatever increases are called for in the light of the then existing conditons.

Mr. Chairman, H.R. 15733 was reported unanimously by the committee. There can be no quarrel with the need for this legislation. It is unfortunate, however, that fiscal and actuarial considerations conspire to becloud the amount of the increase and its permanence. I am convinced, though, that the committee has acted wisely in reporting a bill such as they did and I wish to commend it for the originality shown in devising a pragmatic solution to a difficult problem.

I urge adoption of the bill before us and hope that this body will follow the lead of the committee and adopt it without a dissenting voice.

Mr. MACDONALD of Massachusetts. Mr. Chairman, as one who introduced the legislation now before this body that would increase railroad retirement annuities, I rise today to urge enactment. In recent years, railroad retirees living on fixed incomes have found it increasingly difficult to make ends meet in the face of rising prices.

In the past, railroad retirement benefits have been adjusted to keep pace with social security benefits. The legislation before us today, H.R. 15733, basically provides for a 15-percent increase in annuities. This parallels the increase of 15 percent in social security benefits that went into effect at the beginning of this year.

The need for enabling railroad retirees to keep abreast of inflation is basic. They, along with other retired groups, worked long years in service to the Nation's economy—and contributed during those long years to the retirement plans that are now their sole means of support.

Those who have retired on fixed incomes—and, as we know, on incomes that are usually so restricted that they tax the ingenuity of the recipients in making ends meet—are the hardest hit by price increases. They are also, in their exposed position, the most sorely inconvenienced by the labor disputes that curtail essential services and in many cases are followed by higher prices.

Indeed, retired persons forced to live on the narrowest of financial margins tend to be the most adversely affected by the general turmoil of rapid social change. This is because they simply do not have the resources to adjust to the new conditions, much less take advantage of them.

Income more than a bare minimum for survival proves flexibility to adjust to changing conditions. This flexibility is usually taken for granted by persons still in their prime earning years, retirement day, usually thought to be a day for celebration, is all too often a day to face reality—and in too many cases it is a grim reality.

As the days of retirement grow into months and years, and as prices and essential expenditures mount while adjustments come fitfully or not at all, the retiree can justifiably question the basic equity of his plight. During his years of employment he worked both for his and his family's present and future well-being. In good faith, retirement plans were established and supported by the worker with part of his current earnings.

Secure retirement became a goal of national policy with benefits for all Americans, retired or still at work. It has been established that the economic security of all is enhanced by the economic security of those who have passed the age of active employment. Sound retirement policies not only reduce the burden on families of the retired. They also act to stabilize the purchasing power of an important segment of the economy—a fact of importance to the work force currently employed as well as to the businessmen who are the employers. Adequate retirement income also is essential to the human dignity of those who by their efforts helped lay the foundations for today's business and employment opportunities. They do not ask for anything they did not honestly earn.

Mr. Chairman, no group should be singled out to unfairly bear the burden of rising prices. The Congress cannot ignore the burden that is being placed on annuitants of the railroad retirement fund. This group, whose occupation involved hazardous and arduous work under often difficult conditions, was placed under a separate retirement system, independent from the social security plan that covered most other working Americans. After making adjustments for the one group, Congress must act in behalf of the other. To do nothing to preserve basic fairness would be to decide that unfairness should prevail.

It is notable that the equity sought here has been evident to those closest to the persons affected. In the hearings on the legislation all railway labor organizations agreed that the bill was necessary. In addition, representatives of the railroads concurred. As Mr. Lester P. Schoene, counsel for the Congress of Railway Unions, put it in his testimony:

> Not only as a matter of justice and equity should these beneficiaries receive the increase that is provided by this bill, but labor and management in the railroad industry are in accord in supporting this bill.

Mr. Chairman, our colleague on the other side of the aisle, Representative POFF, of Virginia, who also testified in behalf of the bill, observed correctly that—

> These older Americans should not have to live in constant dread of what tomorrow may not bring.

And he added:

> They should not have to come perennially to us, hat in hand, and beg to be heard.

Of course, they have been heard, and they did not have to beg to be heard—that is one of the strengths of our system. But if they, because of our inability to act, have to beg for what they have rightfully earned, then our system will have failed them.

The bill before us today has been thoroughly studied by the Commerce Committee, which has unanimously urged its enactment. I, both as a member of that committee and as a concerned American, ask that every Member of the House now give this measure their fullest consideration and support.

Mr. HARSHA. Mr. Chairman, I rise in full support of H.R. 15733, the legislation to provide a 15-percent increase in railroad retirement annuities and I urge my colleagues to immediately approve this bill.

As we are all aware, the cost of living continues to climb and retired workers depending upon fixed incomes are suffering because of this. It is particularly unfortunate because these people planned for their futures by contributing to the retirement program during their working years. Once this plan became available to them, they did all that they could to protect themselves from severe monetary problems later in life. Under the law they must depend upon the Congress to improve their benefits, when economic conditions create undue hardships for them, and I feel that it is imperative that the Congress fulfills its responsibility and approves this increase in the railroad benefits.

Unfortunately, this legislation does contain offset features, which permit those who are under only the railroad retirement program to receive larger percentage increases than those who are receiving both railroad retirement and social security benefits. The committee has reported the bill in this way because of the general feeling that those who are receiving only the benefits from the railroad retirement program are in greater need than are persons receiving benefits from two plans. The committee's report indicates that full increases cannot be given to all recipients because of the limited funds available from the railroad retirement account. It goes on to say that if it were not for the offset feature, it would be necessary to reduce the percentage increase of benefits in order to keep the costs of the bill from being excessive.

I regret that this is so, for I feel that if employees have contributed to both retirement programs, they should be able to receive benefits from both programs without being penalized and I expressed these feelings to Chairman STAGGERS during the committee's consideration of this legislation. However, in light of the need for an increase in benefits and in view of the committee's concern for maintaining the strength of the railroad retirement account, I feel that H.R. 15733 should be approved, despite the inclusion of the offset provisions.

I am pleased to see that this legislation does include the authorization for a study of the railroad retirement system and for a change in the method of investing the account funds. Both of these provisions should work to strengthen the system, by seeing that optimum returns are received for the money that the workers and the railroads contribute and by obtaining recommendations for possible revisions of the present program, to provide adequate financing for the system in the future and an adequate level of annuities for the beneficiaries.

The increases provided by this legislation are retroactive to January 1, 1970, and I feel that this is a proper and necessary feature of the bill. The retired workers have had to wait for quite a while for congressional approval of the increases in their benefits and during this time the cost of living has continued to spiral. When the social security amendments were enacted recently, they became effective on January 1 and it is only fair that the railroad workers be given equal consideration.

Again, I want to express my complete support for the immediate enactment of this legislation. It is a well-deserved and long-overdue improvement in the railroad retirement program.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following paragraph:

"(3) The annuity computed under paragraphs (1) and (2) of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 15 per centum but not by more than $50. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $10."

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended by inserting "without regard to section 3(a) (3) of this Act" after "of such individual's annuity" and by inserting "as in effect before 1970" after "or pension" and by inserting at the end thereof the following paragraph:

"The spouse's annuity computed under other provisions of this section shall be increased by 15 per centum but not by more than $25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $5. The two preceding sentences shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse's annuity, as provided in the first sentence of this subsection."

(b) Section 2(i) of the Railroad Retirement Act of 1937 is amended by inserting "without regard to the last paragraph of such subsection (e)" after "subsections (e) and (h) of this section".

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following subsection:

"(n) The annuity computed under other provisions of this section shall be increased by 15 per centum but not by more than $25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual's social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below $5."

SEC. 4. (a) The provisions of this Act shall be effective with respect to annuities accruing for months after December 1969 and with respect to pensions due in calendar months after January 1970. For the purposes of this Act, (i) any increase in an individual's social security benefit based on recomputations other than for the correction of errors after the first adjustment, or derived from legislation enacted after the Social Security Amendments of 1969, shall be disregarded, and (ii) the increases, offsets and reductions provided for herein, shall apply before any reduction in an annuity on account of age.

(b) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 15 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity. All survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 in cases where the employee died before the month following the month in which the increases in annuities provided by section 1 of this Act are effective shall be increased by the same amount they would have been increased by this Act if the employee from whose joint and survivor annuity the survivor annuity is derived had been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective. All widows' and widowers' insurance annuities which began to accrue before the month following the month in which increases in annuities provided by section 1 of this Act are effective and which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937, are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall be increased by the amount by which the spouse's annuity would have been increased by this Act had the individual from whom the annuity is derived been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective: *Provided, however,* That in cases where the individual entitled to such a pension or annuity (other than an individual who has made a joint and survivor election) is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further,* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5.

(c) For the purposes of this Act, the amount of a social security benefit computed under the Social Security Amendments of 1967 shall be deemed to be an amount equal to 87 per centum of such benefit computed under the Social Security Amendments of 1969, and the amount by which an individual's social security benefit was increased by reason of the Social Security Amendments of 1969 shall be deemed to be 13 per centum of such individual's social security benefit as computed under the Social Security Amendments of 1969.

SEC. 5. The fifth sentence of subsection (c) of section 15 of the Railroad Retirement Act of 1937 is amended by striking out the word "average" and substituting the word "highest" and by striking out the word "all" and substituting the word "any".

SEC. 6. The said subsection (c) is further amended by inserting after the fifth sentence thereof the following: "The Secretary of the Treasury shall not any time after April 1, 1970, retain as investments for any portion of the accounts any of such special obligations bearing an interest rate less than the then current rate determined in accordance with the fifth sentence of this subsection. The special obligations issued to replace the obligations retired by the application of the preceding sentence shall have maturities fixed at not less than three years from the date of issue of such special obligations.".

SEC. 7. The said subsection (c) is further amended by striking out from the present sixth sentence thereof the phrase "preceding sentence" and inserting in lieu thereof "fifth sentence of this subsection", and by changing the word "may" to "shall" the first time it appears in the present seventh sentence of said subsection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, after line 8, insert the following:

"SEC. 8. (a) The first four sections of this Act, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1972. Annuities accruing for months after June 30, 1972, and pensions due in calendar months after June 30, 1972, shall be computed as if the first four sections of this Act, and the amendment made thereby, had not been enacted.

"(b) The amendments made by sections 5, 6, and 7 shall cease to apply as of the close of June 30, 1972, and the computation of interest on amounts credited to the Railroad Retirement Accounts invested or reinvested after June 30, 1972, shall be made under section 15(c) of the Railroad Retirement Act as if such amendments had not been enacted.

"SEC. 9. The Railroad Retirement Board is authorized and directed to make a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis. Such study shall take into account (1) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under the Social Security Act, (2) the necessity of revising benefits under that system to meet increases in the cost of living, (3) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under the system, (4) the possibility of restructuring benefits under that Act to transfer coverage of various classes of beneficiaries to the social security system, (5) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act, and (6) such other matters relating to the railroad retirement system as the Board considers necessary. For purposes of such study, the Board is authorized to appoint and fix the compensation of such experts and consultants as the Board deems necessary."

AMENDMENT OFFERED BY MR. HALL TO COMMITTEE AMENDMENT

Mr. HALL. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL to the committee amendment:

Page 8, line 18, strike out the period, insert a comma and add "but not to exceed $100 per day, and essential expenses."

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HALL. Mr. Chairman, I will not belabor the subject. I have discussed it adequately in the markup, in the reading, and the general debate on the bill.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the distinguished gentleman from West Virginia.

Mr. STAGGERS. I have no objection to the amendment, and, on behalf of others who are present and myself, I accept it.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. SPRINGER. I have no objection to the amendment.

Mr. HALL. I thank the gentlemen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri to the Committee amendment.

The amendment to the Committee amendment was agreed to.

The Committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NIX, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts, pursuant to House Resolution 892, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 379, nays 0, not voting 51, as follows:

[Roll No. 67]

YEAS—379

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Colmer
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—51

Ashley
Ayres
Blackburn
Brown, Calif.
Broyhill, N.C.
Cabell
Clark
Clawson, Del
Clay
Conable
Cunningham
Daddario
Dawson
Dent
Dickinson
Diggs
Evans, Colo.
Feighan
Fulton, Pa.
Gettys
Green, Oreg.
Hagan
Halpern
Hanna
Hastings
Hébert
Horton
Johnson, Pa.
Kirwan
Kuykendall
Lennon
Lujan
Lukens
Miller, Calif.
Mollohan
Morton
Philbin
Pollock
Roe
Rostenkowski
Schneebeli
Taft
Teague, Calif.
Tunney
Vander Jagt
Waldie
Whalley
White
Whitten
Wiggins
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.
Mr. Philbin with Mr. Hastings.
Mr. White with Mr. Whalley.
Mr. Lennon with Mr. Schneebeli.
Mrs. Green of Oregon with Mr. Ayres.

XUM

Mr. Daddario with Mr. Conable.
Mr. Dent with Mr. Horton.
Mr. Feighan with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Teague of California.
Mr. Ashley with Mr. Lukens.
Mr. Gettys with Mr. Blackburn.
Mr. Clark with Mr. Fulton of Pennsylvania.
Mr. Mollohan with Mr. Cunningham.
Mr. Rostenkowski with Mr. Morton.
Mr. Hanna with Mr. Del Clawson.
Mr. Cabell with Mr. Broyhill of North Carolina.
Mr. Brown of California with Mr. Clay.
Mr. Tunney with Mr. Pollock.
Mr. Kirwan with Mr. Lujan.
Mr. Waldie with Mr. Diggs.
Mr. Roe with Mr. Halpern.
Mr. Evans of Colorado with Mr. Kuykendall.
Mr. Hogan with Mr. Dickinson.
Mr. Whitten with Mr. Taft.
Mr. Vander Jagt with Mr. Wiggins.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time in order to announce a change in the legislative program. After conferring with the distinguished chairman of the Committee on Ways and Means and the distinguished chairman of the Committee on Rules, it appears that the committee will not report today the rule on H.R. 16311, the Family Assistance Act of 1970. This bill will probably come up on Wednesday of next week.

I would like also to advise Members, after conferring with the minority leader, the distinguished chairman of the Committee on Rules, the distinguished chairman and the ranking member of the Committee on Interstate and Foreign Commerce, that a rule will be sought on House Joint Resolution 1124, concerning the railway labor dispute, tomorrow, and if the rule is granted tomorrow morning, that rule will be called up tomorrow afternoon; a procedure which will require a two-thirds vote.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader yield?

Mr. ALBERT. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. In other words, the family assistance legislation will be programed next week—if I understood correctly, probably Wednesday. Does that mean on Thursday, the last bill listed on the whip notice will come up on Thursday of this week?

Mr. ALBERT. Probably it will be considered on Thursday. We do not know of anything else that might come up this week. Of course, committees are working on other matters that are rather urgent, as the gentleman knows.

Mr. GERALD R. FORD. I thank the majority leader.

RESOLUTION ADOPTED BY THE GEORGIA JAYCEES—PROPER PERSPECTIVE ON SCHOOLS

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, it is with particular pride and appreciation that I commend the attached resolution to the attention of our colleagues within the Congress. Adopted by strongly motivated young men of action, the Georgia Jaycees, the resolution addresses itself with unerring accuracy and logic to a proper perspective on schools.

On January 26, 1970, in this Chamber, I proposed a "people to people" educational campaign to enlist aid from outside the South in behalf of equity for southern school systems. The help we sought and still seek is for equal treatment within the Union of States toward preventing the transformation of our schools into factories for social experiment and reform, through busing quotas and other devices; quality education and scholastic achievement alone, we say, must remain the sole justification for institutions of classroom learning. Schools must never be permitted to become vehicles for racial balance and quotas.

Our public school systems were born by local men and women and nurtured in crossroads, hamlets, communities, and cities of this great country. These schools were extensions of the personalities, backgrounds, and standards of the founders and great personal sacrifices have been made to sustain the little red schoolhouse in critical times. Compassionate men and women have often volunteered their services when money was unavailable for salaries.

The property owner has borne the major financial burden to educate children of all races by payment of ad valorem taxes. Trustees come from among the most enlightened and concerned citizens of the area.

No wonder local people are stung and angered by wanton judicial takeover of their own institutions.

To understand people is to know that schools are dear to the hearts of parents. Here are where their most precious possessions live and learn, grow and make lifelong friends. Neighborhood schools are community centers, recreational centers, places of friendly competition, and sources of local pride.

People will rake and scrape and finance to the hilt in order to move into a neighborhood served by a good school. Their children's protection, security, welfare, peace, chance for advancement, and happiness are real and earnest issues.

Many of us in public office believe in local control over local affairs. In this regard, we share the conviction that freedom of choice is a constitutional prerogative, and people power—when informed and united—does not go unnoticed on the political scene.

The resolution follows:

RESOLUTION

Whereas, the Federal Judiciary has recently set forth the concept that a mathematical racial balance of faculty and students must be maintained in the public school systems; and

Whereas, this concept will force school systems to classify and locate people according to their race in order to achieve a mythical racial balance; and

Whereas, it is strongly felt that the bussing of children to areas in which they do not live for the purpose of obtaining a mathematical racial balance is a denial of individual dignity, worth and equality, and is a denial of the constitutional rights of these children to the freedom of choice of attending a school in close proximity to their homes; and

Whereas, we believe that the implementation of a mathematical racial balance of teachers and pupils will be utterly chaotic and will prevent the continued growth of quality education; and

Whereas, school children and teachers, by federal courts orders, are being regimented and moved about like pawns on a chessboard to achieve an unlawful objective in direct contradiction to the position taken by the United States Congress and the President of the United States.

Now, therefore, The Georgia Jaycees does unanimously oppose the bussing and transferring of school children and teachers for the purpose of accomplishing a mathematical racial balance of faculty and students in the public school systems and deplore the absolute disregard of the Federal Judiciary in creating a chaotic condition by requiring mass transfers of teachers to the detriment of a quality education being obtained by innocent children.

Be it further resolved that the Georgia Jaycees favors an unitary school system accomplished by the children having a freedom of choice of attending schools in close proximity to their homes without regard to achieving mathematical balances based on race, creed or color.

Be it further resolved that the Georgia Jaycees does urge the President of the United States, the United States Congress, and the Supreme Court of the United States to take necessary actions and steps to seek a reversal of this concept as set forth in a decision of the Fifth Circuit Appeals Court of the United States and that copies of this Resolution be forwarded to them requesting their immediate attention and action in order to avoid the continued disruption and a complete breakdown of the public education system.

Be it still further resolved, that we, as Georgia Jaycees, individually and collectively, encourage and endorse a Jaycee "People to People" effort designed to inform and alert the Citizenry of America of this great threat to our public schools, asking that individuals and groups call upon their elected officials to

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defeat and reverse the disastrous edicts and directives under which our schools are presently governed.

FRANK I. BAILEY,
President, Georgia Jaycees.

Attest:

W. WHEELER BRYAN,
Legal Counsel, Georgia Jaycees.

Motion duly made, seconded and adopted this the 22 day of February, 1970.

BANK OF HEFLIN, ALA., HELPS TO EASE TIGHT-MONEY SITUATION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, mail that I receive from my constituents indicates that inflation and the ever-rising cost of living is one of the issues which concern them most. Those who are hit hardest are the small farmer, the blue collar worker, and the elderly who must live on a fixed income. Everyone, however, is affected to some degree by inflation.

We have heard a great deal lately about what the Federal Reserve Bank and other Government agencies are attempting to do about the high interest rates. Large banks such as Irving Trust and Bank of America received nationwide headlines when they recently reduced their prime interest rates by one-half of 1 percent.

Other banks are also helping to ease the tight-money situation. One of these is the Bank of Heflin, located in Heflin, Ala. The president of the bank, Mr. Robert Pope, recently wrote to me to explain the actions of the bank in reducing the interest rates. His letter expresses the feelings of a great many banking executives in my congressional district and I would like to insert it in the RECORD at this point:

BANK OF HEFLIN,
Heflin, Ala., April 2, 1970.

Hon. BILL NICHOLS,
Congressman, Fourth Congressional District of Alabama, Longworth Building, Washington, D.C.

DEAR BILL: I deeply appreciate your call concerning the actions taken by our bank last Thursday, March 26th, when we announced that effective April 1st, the prime rate would be reduced from 8% to 7½%.

This bank as you know, is located in a predominantly agricultural area, some 85 miles west of Atlanta and 80 miles east of Birmingham. The city of Heflin has a population of approximately 3,000 and this bank has total assets of $14 million. We, like most banks, have enjoyed a period of growth in the last decade, particularly within the past six years. Since 1964, for example, our total resources have increased from $4 million to $14 million. Our customers have made this possible and we realize they are the reason for our existence. And even though we are situated in a sparsely populated area and our bank is small by most standards, we are as proud of our customers as Irving Trust Co. and Bank of America are of theirs. We, therefore, attempt to orient all of our activities around them and to serve them as best we can.

It is my opinion that the public has been subjected to unjustifiable and exorbitant rates since last June. It was then that the Federal Reserve Board clamped down on the nation's money supply and major banks increased their prime rate to 8½%. The objective for these actions was to fight inflation and cause some restraint on spending. But now, almost 10 months thereafter, we still have these high interest rates, high prices, credit squeeze on mortgage funds, tight money and inflation. And there have been many victims of the policies of restraint other than bank borrowers—municipalities, private corporations and the Federal Government have paid interest rates that have soared to historic highs. Economic theory advanced by some of the nation's greatest economists and particularly the President's Council of Economic Advisors, has not worked. Ask the saver, the pensioner and those on fixed incomes. I think they will agree.

It was gratifying to me last month, as I'm sure it was to millions throughout this nation, when several banks across the country cut their rates to 8%; but disappointing in that their actions were not followed by some of the major banks at that time. Now, however, since Irving Trust Co. of New York and Bank of America have announced their roll back, it is hoped that their lead will be promptly followed. This cutback is a step in the right direction, but does not go quite far enough.

There have been indications recently of a significant trend for the lowering of rates. Firstly, money market rates have been dropping for almost two months, secondly, the Federal fund rate has dropped below the prime rate and; thirdly, loan participation and commercial paper have decreased considerably. This reveals a trend but even though these rates have been reduced, the inflationary psychology which has been so prevalent in our economy for so long, has not really been defeated.

We considered all of these factors and arrived at the conclusion that a reduction in interest rates was necessary to relieve credit tensions and to encourage and to promote local retail service and building trade.

I would only hope that the action taken by several banks, ours included, throughout this country would cause other banks to follow our lead and to influence and encourage the members of the Federal Reserve Board to roll back their discount rates to relieve the tight money situation that plagues this nation. As bankers should be more responsive to the needs of customers, so should the Board be more sensitive to the needs of the bankers; and in the defense of the overwhelming majority of bankers, we are caught in the middle between government policies and customer demands and more than often, find it almost impossible to meet the needs of both. If the Board fails in its duty to respond to a reduction in the discount rate, then the banks must take the initiative to ease the credit squeeze. When and if this action should be taken, it is my opinion that there would be less inflation and more economic stability.

Now I feel that there will be bankers who will say we were unwise to take this action. They will argue that the cut was premature—and others will say—extraordinary demand for credit will continue to outweigh a restrictive supply of funds—others that since the money supply is lower than ever a reduction does not make sense—still others will say that the economy might not yet be ready for the cut, but I feel that it was in the public interest to roll back the rates and we did because we felt that it was the right thing to do.

Thank you for giving me the opportunity for an expression of my views and with kindest personal regards to you and your staff, I remain.

Respectfully yours,

ROBERT R. POPE,
President.

INFLATIONARY IMPACT OF PIPELINE RATE INCREASE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I want to call to the attention of Congress what I regard as a serious gap in the current efforts to curb inflation—the apparent inability of the Federal Power Commission to keep natural gas rates subject to its jurisdiction from spiraling out of control.

One of the most important tools the Federal Government can use in the fight against inflation is its power to enforce the Federal regulatory agencies that have the responsibility to fix utility prices. As we all know, the Federal Power Commission regulates the prices at which natural gas producers and natural gas pipelines sell gas for resale in interstate commerce. Perhaps more than any other single Federal agency, the FPC could play a direct and important role in curbing inflationary increases in prices for a basic utility service—natural gas. The major impact that the Federal Power Commission could have on inflation is illustrated by the fact that, in the budget proposed for the Commission for fiscal 1971, it was indicated that there were pending before the Commission rate increases in excess of $400 million as of the end of November 1969, or more than three times the amount pending in the year before. These rate filings represent increases in the cost of gas to local utilities that sell gas at retail to consumers. The cost of gas purchased from interstate pipelines is by far the largest single item of cost to a local gas utility. Keeping the interstate gas cost at noninflationary levels—which only the FPC has the power to do—is therefore of manifest importance to the battle against inflation.

The lack of effective gas rate regulation in recent months is a major blow to the Nation's gas consumers. In the State of Georgia, the Southern Natural Gas Co., which is subject only to FPC regulation, supplies gas to municipal and public utility distributors operating in that State. Southern now has pending before the Commission two proposals which together have increased its rates by some $40 million a year. Of this increase, about $20 million is being borne by Georgia consumers. Compared with rates previously allowed, this is about a 25-percent hike overall—in some instances the new rates being 50 to 60 percent higher than the previous rates.

When the Southern rate increase was filed, the Commission indicated it would attempt to expedite the proceeding; now, more than 6 months after the filing, the full amount of this increase is being collected subject to refund. In fact, the Commission Staff has stated that it will be July 1 before it can produce its evidence in the case; they say they do not have the manpower to do better. Both the Commission's lawyer and the examiner assigned to the case have strenuously urged Southern's customers to enter into

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"settlement" negotiations as the only means of expediting a decision in the case. In other words, the suggestion is made that the consumer's right to just and reasonable rates should be decided by compromise—not on the basis of the pipeline's cost of doing business, but on the basis of the pipeline's bargaining power. The pipeline can collect the higher prices until the case is concluded, and knows that the Commission is not going to decide the case within the foreseeable future. Accordingly, it is under no compulsion to settle the rate dispute, unless it can do so on its terms. If the customers agree to settle for higher rates to avoid a full-blown hearing, they have no real hope that the Commission will ever order a rate reduction if the pipeline's actual earnings prove to be excessive.

Perhaps because of the large number of pipeline rate increase cases, the Commission apparently has all but abandoned the continuing pipeline rate surveillance program described in its annual reports to Congress. The Commission staff is thus making no real effort to find out what returns the regulated pipelines are actually earning. If they are, that vital information is not made public. In fact, in the Southern case, it has ruled that the rate of return which the pipeline had actually earned on its interstate sales is not even relevant.

Nor is the Southern case the only one in point. There are, or have been during the past few years, substantial gas pipeline rate increases which affect every major metropolitan area in the United States. Very sizable increases have been approved already as the result of "settlements, with no evidence of what return the companies are actually receiving for jurisdictional sales.

Now, how did all of this come about? In part, of course, the rate-increase activity at the FPC reflects cost inflation. No one quarrels with the fact that a regulated industry should be able to recover the costs legitimately incurred by it in providing service to the public. Thus, some rate increases could be anticipated. It is the noncost elements that are inflationary—the excessive profits and "adjustments" to book costs—that make it impossible to even tell what rate of return a pipeline is earning on its regulated sales.

However, requests for higher and higher profits seem almost to be encouraged by the Commission. In speech after speech, the Commission has practically invited the companies subject to its jurisdiction to apply for rate increases. One of the first appearances the new Chairman of the Commission made after his appointment last June was at the public utility section of the American Bar Association. There he spoke informally on rate of return "problems" of utilities, not consumers. He spoke in October to the American Gas Association financial forum, when he again emphasized the need for rates of return high enough to "attract" capital from more profitable—and riskier—ventures. In fact, in his first press conference, the Chairman of the Commission was quoted as saying:

> We had the Kennedy round of tariff negotiations . . . What we need now is a "Nassikas round" of gas rate increases.

Hopefully he was misquoted. However, it seems clear that instead of speaking out on the need to curb inflation, the Commissioners have done exactly the opposite. The companies subject to their jurisdiction have been quick to respond—with record high rate filings.

Most recently, one of the Commissioners has even suggested—in a speech—that the producer prices which it has been attempting to regulate ever since 1954 should be free of Federal price regulation because of the alleged failure of regulated rates to avoid a gas shortage. This statement was made in spite of the almost incredible fact that, as yet, regulated rates for producers have never been made effective. Regulated rates for gas producers have instead been the subject of almost continuous litigation, stays, and postponement after postponement of Commission action.

Moreover, one would think that, if in fact a shortage of gas has developed—because of burgeoning demand—there would be more reason for close scrutiny of the price to be paid. Not one speech has been made on the importance of keeping the gas rates at a level which will provide reasonable but not inflationary profits to producers and pipelines, or the need for even closer scrutiny if a gas shortage is developing.

As all of you know, the oil and gas producers and gas pipelines regulated by the FPC have their own spokesmen and their own press. They do not need a government assistance program to present their case to the public. It is the consumers who need a government voice to speak in their behalf.

Now I do not mean to suggest that the rate increases upon rate increases pancaking before the FPC are all because of the Commissioners' speeches. The natural gas companies—the major oil producers and natural gas pipelines—are the ones seeking the higher rates and placing them into effect. The Commission has been, and is, understaffed, and this may be the fault of those who must appropriate money for its proper enforcement. For fiscal 1970, the agency's total budget was $16,400,000, which was supplemented to meet Government pay increases. The budget proposed for 1971 is $18,450,000, which represents a small increase that probably will be absorbed in large part by additional pay increases. Given the huge impact of FPC actions on inflationary increases in gas rates, some upward revision of this budget may be required. At a time when an all-out effort is being made to control inflation, the expenditure of essential funds to control unnecessary increases in utility rates would be money well spent. But simply appropriating more money is not the answer. Some assurance is needed that these expenditures will be used to adjudicate the rate proceedings now piling up, and which have priority under the act. If its own staff is not large enough to handle the job, perhaps the Commission should be encouraged to supplement it with consultants or other temporary help.

Whatever budget is provided, however, the Commission should be required to spend it in deciding the pending rate cases, and not on speeches that deliberately undercut the work done by its staff.

Application of the jawbone technique to encourage rate increase filings, rather than to discourage them, is not only detrimental to the war on inflation, but is also detrimental to the quasi-judicial functions of the Commission. An administrative agency must not only be free of bias or prejudgment, but must appear to be so. It would be a scandal if a judge made a speech about a case or an issue while it was being litigated in his court. The same thing holds true for Commissioners. Regulation by press release is also totally unfair to parties with issues before the Commission, or on appeal from a Commission order. A Commission decision can be appealed if some party feels he is being denied his rights on the basis of the law and the record of the proceeding. A speech, on the other hand, cannot be appealed or rebutted. When a new commission takes over and makes speeches undercutting orders of its predecessors, some of which may be on appeal, the practice becomes especially tawdry.

The appropriate place for the Commissioners to speak is in their decisions. With the huge backlog of matters pending before the FPC, they have plenty of opportunity to express themselves fully on all important issues and they will render a public service by doing so.

In line with these remarks, I am urging that those reviewing the proposed budget for the FPC seriously consider increasing that budget to the extent necessary to permit the Commission to adjudicate pipeline rate cases pending before it in a timely fashion. I would also urge, however, that any appropriation for that Commission contain the clear admonition that it be utilized in deciding pending rate cases and not on speeches that simply beget additional problems. The small amount of money needed to maximize the effectiveness of regulation can pay a healthy return in the battle against inflation and will be recovered several times over by means of the lower rates to gas consumers.

POSSIBILITY OF NEW OUTBREAK OF KOREAN WAR LOOMS LARGER

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, attempts by the administration to damp the flames of war in Southeast Asia and remove American presence from that area are possibly being offset right at this moment by plans in North Korea for a resumption of the Korean war.

At the very worst, there seems a distinct possibility that North Korea will mount all-out attack on South Korea within the next 12 months. At the very least, there will in all probability be another "incident" such as the *Pueblo* or the EC-121, and such an incident may come at any time and possibly within the next 2 weeks.

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It was a grim coincidence, if it can be called a coincidence, that was overlooked by all but a few, that just 1 week before President Nixon's November 3, 1969, speech outlining plans for orderly withdrawal of the United States from Vietnam, North Korea gave open and ominous indication of its determination to force Communist rule upon the south.

I refer to the October 27, 1969, advertisement in the New York Times, for the first volume of the biography of North Korean Premier Kim Il-Sung. The ad was headlined "Korea Has Produced the Hero of 20th Century."

The book was published by a Japanese press; I have a copy of volume I and have carefully gone over it, as well as the chapter headings in the books still to come. Chapter 5 in volume III is entitled "We Can Never Hand Down a Divided Fatherland to Our Posterity," and chapter 7 in the same volume refers to "The Great Leader of the 40 Million Korean People." This is even more indicative; you get 40 million Koreans only by counting both North and South. This 40 million figure is used constantly by the North Korean press and radio.

The frequency of border incidents have been climbing in number and intensity, and I have noticed over the past few months that broadcasts from Pyongyang radio are more and more hysterical and frantic in their denunciation of United States and South Korean "provocations" along the border. North Korea has already humbled the United States by the *Pueblo* and the EC-121 incident. It seems more than likely that the next strike will be along the border, in the form of a major attack against a U.S. outpost, with possible kidnaping of American soldiers to be charged with "espionage" and "violations of the armistice agreement" or some other trumped-up charge.

We cannot afford to overlook traditional Korean cultural concepts in trying to predict what North Korea will do, and to me these are the most significant and threatening of all. I spent from October 1945 to July 1946 in Korea as deputy property custodian of the U.S. military government, and I can assure this House that these concepts are not to be treated lightly.

In Korea, the 60th birthday, the hwangap, traditionally marks the end of an individual's first life cycle and the beginning of his second. To a Korean, his life goals should be achieved by age 60. Kim Il-Sung will be 60 in 1971; the time to fulfill his life goal is rapidly running out.

It was no surprise, for example, to the South Koreans, that the attack on the EC-121 came on April 15, 1969—April 15 is Kim's birthday. To the Western mind, this method of policy planning may be irrational, but it *is* irrational for the West to ignore its meaning in the Orient.

Probably, on balance, the recent hijacking of the Japan Air Lines plane by a group of radical Japanese students embarrassed North Korea, and was more of a nuisance than anything else. It drew attention to them at a time when they were probably preparing some other form of international crisis.

I find it significant that Peking's policy toward North Korea is now changing, in place of the formerly rather tense atmosphere. Red Chinese Premier Chou En Lai is now in North Korea. Technically, North Korea supports Russia in its border quarrel with China, but South Korean intelligence believes Kim's preference is for Peking.

We must remember one very important and never-changing fact. No matter how much Peking and Moscow may differ they still want the United States pushed completely off the Asian continent. They see us preparing to withdraw from Vietnam and they just might want to gamble with completing the job, by giving Kim Il-Sung free rein to try it in Korea.

One thing is for certain: Kim is a vain and egocentric dictator, who by and large has been ignored and left out of the Communist pantheon of leaders and demigods. Those both in this country and abroad who are pressuring President Nixon for immediate withdrawal from all foreign commitments had better consider the implications of what could happen, and what it will mean, if Kim tries to overshadow the memory of Ho Chi Minh.

SELF-APPOINTED CULTURAL CZAR GEORGE PLIMPTON

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, early this morning a member of my staff received a long distance telephone call from Mr. George Plimpton, of New York City. Mr. Plimpton, self-appointed cultural czar of the fully federally subsidized American literary anthology program, was obviously emotionally upset regarding my recent disclosure that his government program was doling out $750 for seven letter poems, to wit—lighght—that do not even spell a word. Plimpton shouted obscenities and vulgarities at my staff aide and repeated through the telephone conversation that my office will pay the consequences for criticizing his program. He refused to reveal the nature or circumstances of this threat. Mr. Speaker, this shocking irrational behavior by a Federal grantee graphically illustrates the arrogrance that permeates the whole arts and humanities program. If Mr. Plimpton believes for one minute that he is going to harass my office and shout threats he is in for a big surprise. It is quite obvious that socialite George Plimpton, the critic, cannot stand valid criticism of his misdirected program. If he cannot stand the heat that he generated then he should resign.

I include herewith an excerpt from one of my recent newsletters:

DON'T LET GEORGE DO IT

> A cultural clique, financed by the American taxpayers, is operating clandestinely within so-called literary circles of this nation. The scheme was initiated in 1966 when the National Foundation for the Arts appropriated $55,000 to New York society playboy and jet-setter George Plimpton to play the role of this country's cultural czar. With his dictatorial power, Plimpton is allowed to hand-pick his own panel of judges who in turn select the prose and poetry that are published in the federally subsidized anthologies that he edits. At the present time two volumes have been published and a third is due this June. Plimpton's literary lackies are currently editing volume IV. So far his preposterous program has tapped the public treasury for $200,000.
>
> A glance at the Plimpton operation reveals a selfish and sinister pattern of support to the same individuals and magazines. The chosen few receive $500 to $1000 for their work by a mere nod of George's handmaidens. In the first volume published, six of the twenty-nine winning poems came from the magazine *Paris Review*, which to no one's surprise is edited by none other than our George Plimpton. The double-dealing does not stop here. Two authoresses for example, one in poetry and one in prose, each were awarded top prizes in both Volumes I and II, and then appointed by Plimpton as judges for what will appear in Volume III. Continuing this bizarre shake-down, Plimpton also appointed his pal and protege, Philip Roth, author of the shocking and scarlet novel entitled *Portnoy's Complaint* as a judge.
>
> The pompous panel's selections, which are spiced with four-letter words, range from the ridiculous titles of "A–15" and "A–18", which were written by the same author in successive years, to the sublime essay praising the black militant Malcolm X. However, the topper of this tomfoolery is the awarding of a prize to Aram Saroyan, son of the noted American author William Saroyan. His "masterpiece" may well be recorded in history as the most expensive printed material ever thrust upon the unsuspecting American taxpayer. The poem consists of only seven letters! For the edification of those who are footing the bill, I reprint the entire poem which resulted in the expenditure of $750 in federal funds, or $107.14 per letter. The poem:
>
> "lighght"
>
> My staff contacted Plimpton in New York to inquire whether there had been a typographical error, because it does not even spell a word. He eagerly assured us that there was no misprint—That was the poem!
>
> In the soon-to-be-released Volume III, the "culturally deprived" American public will be exposed to the literary talents of part-time U.S. Senator and full-time poet Gene McCarthy. McCarthy tapped the federal treasury for $500 for poetically describing his Indiana campaign experiences during his ill-fated 1968 quest for the Presidency. Generous George coincidentally was an avowed and avid supporter of McCarthy's bid.
>
> This brazen project is merely *one* element of the National Foundation of the Arts and Humanities. Congress will consider additional legislation shortly which will increase the funding for the Foundation 100 per cent to $40 million. Unfortunately, the Education and Labor Committee has granted approval to this tampering of the federal till over my lone negative vote. Ironically at the same time there is no money in the school milk program for next year, Veterans' burial benefits are being reduced, and the agricultural conservation program will be cut back, all because of a tight budget. These programs and many others are of a much higher priority of national interest, so the Congress should not approve the full $40 million earmarked for this program. I will therefore offer an amendment to reduce the spending level of that agency below last year.
>
> Culture should not be spoon-fed to an effete elite at the expense of the general public. There exists in this country a thing called free enterprise. If seven-letter poems turn on some people, then they should pay for the joy rather than force our hard-working taxpayers to subsidize their cultural taste.

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PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

The **SPEAKER** pro tempore (Mr. PRICE of Illinois). Under a previous order of the House, the Chair recognizes the gentleman from Wisconsin (Mr. SCHADEBERG) for 15 minutes.

Mr. SCHADEBERG. Mr. Speaker, I received yesterday a most disturbing letter from the Reverend Morton A. Hill, a member of the Presidential Commission on Obscenity and Pornography. Reverend Hill has, as you may know, taken a vocal dissenting role in the direction which the Commission appears to be taking. He has often pointed out that the congressional mandate requires the Commission to make its study relevant to dealing effectively with traffic in obscenity and pornography, and that the Commission has been taking the tack of determining whether or not pornography should be prohibited.

In the recent letter from Reverend Hill, he relates a specific example of how the Commission has been avoiding its mandate, and how it has, instead, been engaging in determinations as to the validity of obscene material. He states that the Commission recently hired 21 men between the ages of 21 and 23, 17 of whom were unmarried, and paid them $100 each to expose themselves to what was termed "hard, hard core" pornography for a period of 90 minutes a day for 2 weeks. These young men were then fitted with devices designed to measure the seminal emission which resulted from a viewing of the smut. Under permission of the House, previously granted, I will place the letter from Father Hill in the CONGRESSIONAL RECORD at this point, along with two newspaper reports concerning his dissent, and the reaction of William B. Lockhart, dean of the University of Minnesota Law School, Chairman of the Commission.

NEW YORK, N.Y.,
April 2, 1970.

Hon. HENRY C. SCHADEBERG,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SCHADEBERG: At a meeting of the Presidential Commission on Obscenity and Pornography Tuesday, March 24, I learned for the first time that the Commission has been deliberately exposing students to pornography as part of its research into "effects." I believe this is barbaric.

William B. Lockhart, chairman of this Commission, testified before the Senate Appropriations Committee last June (Senate Hearings; Treasury, Post Office and Executive Office Appropriations; H.R. 11582, 91st Congress, First Session, Fiscal Year 1970, page 1052): "The Commission, although recognizing the importance of the experimental procedure, *cannot arbitrarily expose some people to pornography* and observe the later consequences . . ." (my emphasis)

At the Commission meeting, a Dr. Reifler, under contract to the Commission, reported on an experiment sanctioned by Dr. Lockhart.

Twenty-one young men between the ages of 21 and 23, seventeen of whom were unmarried, were paid $100 each to expose themselves for two weeks, for a period of 90 minutes a day, to what was termed "hard, hard core" pornography. We were informed that they were then fitted with devices to measure seminal emission.

I asked Dr. Lockhart, during the report, if he were aware that such an experiment is in violation of Divine Law, and why he had not consulted with the three clergymen-commissioners (who represent the three major faiths) before such an experiment was undertaken. He replied that such consultation would have been "unconstitutional."

I felt obliged to leave this meeting, and will not be bound by the "confidentiality" or secrecy, which Dr. Lockhart requested at the beginning of the Commission's life, and to which the Commission assented.

Dr. Lockhart's reply to a reporter who questioned him about the aforementioned experiment, was, "We are simply making the study on pornography Congress asked us to make." (*New York Daily News,* March 31, 1970)

I have been refused funds for the preparation of a minority report, and Commissioner W. C. Link and I have conducted public hearings throughout the country, at our own expense, because until March 24 the Commission had consistently refused to conduct public hearings. They will, because of our efforts, now conduct two public hearings.

May I vigorously suggest that a Congressional investigation be initiated to probe the workings of this Commission, on which the American public has spent some $1,900,000. The Congress, the public, and I might add, many of the Commission members themselves, should surely be apprised of what is transpiring here.

Respectfully,
REV. MORTON A. HILL, S.J.

[From the New York News, Mar. 31, 1970]

PRIEST CALLS SMUT EXPERIMENT A DIRTY SHAME

(By Judson Hand)

A crusading Jesuit from Manhattan and a law school dean who teaches Sunday school in Minnesota clashed yesterday over an experiment paid for by the taxpayers, to determine how 21 young men react to 90-minute doses of hard-core pornography.

The Rev. Morton A. Hill, S.J., called the experiment "barbaric," and demanded that Congress investigate the Presidential Commission on Obscenity and Pornography, which conducted it.

Hill is a member of the 18-member commission and William B. Lockhart, dean of the University of Minnesota Law School, his antagonist, is its chairman.

CONDUCTED BY EXPERTS

"We are simply making the study on pornography Congress asked us to make," said Lockhart, reached in his office at the university. "Our experiments, including the one Father Hill mentioned, are conducted by experts in various fields. Further than that, I will not comment at this time."

Lockhart said he attends United Church of Christ services regularly and teaches Sunday school to 100 adults.

Hill, who is president of the Manhattan-based Morality in Media, Inc., charged that, in the experiment, young men were being "used like animals in a laboratory."

TWENTY-ONE PAID $100

He said that in the study, which was sanctioned by Lockhart, 21 young men, four of whom were married, were paid $100 to expose themselves for 90 minutes a day during a two-week period to "hard, hard-core pornography. The volunteers were then fitted with mechanical devices to measure seminal emission, he said.

Hill said he first learned of the experiment in a closed meeting of the commission last week.

$1.5 MILLION BUDGET

"These experiments violate the law of God, divine law," he said, and he asked why he and two other clergymen on the panel had not been consulted about the experiment. He said Lockhart replied that such consultation might have been "unconstitutional." Hill stormed out of the meeting.

The outspoken Jesuit has also complained that no detailed written report has been furnished to him on how the commission is spending its budget of more than $1.5 million and he has demanded that the commission hire a writer to help prepare a "minority report" representing the views of commission members to take a harder line on possible action to curb dirty literature.

The minority report, Hill said, would be based on evidence collected by him and the Rev. W. C. Link, a Tennessee Methodist, who conducted their own public hearings in eight cities throughout the nation.

"Some of the reports on these hearings run up to 500 pages," he said, "and they show how overwhelmingly the public is opposed to the waves of pornography that are sweeping the nation."

[From the New York Post, Mar. 30, 1970]

EROTIC EXPERIMENT

(By Jack Anderson)

WASHINGTON.—A fiery Jesuit priest stalked out of a secret meeting of the President's Pornography Commission last week because it conducted erotic experiments on students without consulting the three theologian members.

The Rev. Morton A. Hill, a crusading smutbuster from New York City, exploded with righteous wrath as he listened behind closed doors to a discussion of the effects of pornography on 21 male volunteers.

His outburst came in the middle of a vivid description of the bizarre, 14-day sex study. A researcher told how obscene pictures and other pornography had been parceled out for 90 minutes each day to the students who got $100 for their cooperation.

As the details became more bawdy, Father Hill could contain his outrage no longer. Scowling darkly, he demanded why the three theologians on the Commission hadn't been consulted about the experiments.

"These experiments violate the law of God, Divine Law!" thundered the white-haired priest, looking for all the world like an angry, blue-eyed Biblical prophet.

Commission Chairman William B. Lockhart, dean of the Minnesota University Law School, snapped back that for all he knew, such consultation might have been "unconstitutional."

Father Hill continued to boil as the researcher went on to explain explicitly how sexual stimulation of the students was measured.

Finally, he could take no more and stormed out of the meeting without another word.

Note: The Jesuit has consistently protested that the 18-man Commission should hold public hearings. He and a clergyman colleague, the Rev. W. C. Link, a Nashville Methodist, have held nine of their own public hearings around the country.

Father Hill also complained to this column that no detailed written notice had been furnished him on how the Commission is spending its whopping $1.5 million budget. A $200,000 national survey on smut was undertaken, for example, without consulting in depth with Father Hill's legal panel or Dr. Link's smut traffic panel.

A Commission spokesman confirmed that the meetings are held in secret but said two meetings will be open to the public in May in the wake of the clergyman's demands. The Commission's work deals, in part, with the Danish attitude toward pornography as it might apply to the United States. In Denmark, public exhibits of sexual intercourse are permitted.

Mr. Speaker, I resent most deeply this attitude of the Commission; its human experimentation; and what I consider to be an inappropriate use of Federal funds. The Commission was formed by Congress

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to help us deal with the problems posed by the wide distribution of pornographic materials. It was not given the mandate to make guinea pigs of young men, or to tell us whether or not pornography should be made legal. As a matter of public policy, and as a result of the thousands and thousands of letters received by Members of Congress from irate recipients of unwanted smut material, we formed the Commission to assist us in getting the job done.

The direction which the Commission is taking, contrary to the expressed intention of Congress, is leading us down a road which society is not prepared to go and should not go. Funds were not appropriated for the purpose of spending $2,100 on individual experimentation. The question which we asked the Commission to assist us in answering was not what the physical reaction is, but how to protect the integrity of the individual and his moral standards and his sense of decency from the onslaught of this corrupting material that is offensive and damaging to the spiritual nature of man. As evidenced by the hundreds of bills which have been introduced to limit the dissemination of obscene materials, Congress has never asked the Commission to deal with natural effects pornography has on the physical man. Rather we asked the Commission to assist us in proposing constitutional means by which the material can be kept from persons who are revolted by the concept of beastial sexuality in man as conveyed in hard core pornography.

The time has come for Congress to demand that the Commission cease acting in secrecy. That it stop spending our tax dollars in experiments based on the premise that man is nothing more than a bundle of animal reactions and that physical effects of pornography are the basic consideration for attempts to measure its effects.

Congress and the rest of the Nation is awaiting the final report of the Commission before it continues with legislation. I know personally the extent of expectation from having solicited support from the administration, the FBI, and the Justice Department, as well as other Members of Congress, for my legislation to create a select committee to study organized crime's involvement in pornographic enterprises. In all of the official responses, reference was made to the existence of the committee and to the need to wait until the final report. But, if the final report does not follow the mandate of Congress, then 1 year of necessary study and $1.9 million will have been wasted.

When I requested information from the Commission into what it was doing to recommend legislation designed to halt the growing influence of organized crime in the production and dissemination of obscene materials, I was told that a study was being made. As to what had been done so far, I could receive no information.

Subsequently, a young man who works for a criminal institute of one of the Nation's leading law schools, and who is under contract from the Commission to study crime's involvement, contacted me and set up an appointment. However, I learned that the Commission's work in this area was most sketchy, and that my personal investigation had turned up more information than he had obtained.

Thus, at the same time that an important aspect of the problem, curtailment of organized crimes interest in the dissemination of pornographic materials, was yielding little, the Commission is spending unauthorized funds to subject persons to this material to determine what if any physical effects it has on them.

I have evidence of another instance where the mandate of Congress has not been followed. In Los Angeles the Commission has been conducting a survey into the effects of pornography. To get participants in the experiment, they have placed advertisements on the walls of the pornography shops in the region, stating that anyone desiring to be of assistance should contact the Commission. Can you imagine what sort of assistance could be gathered from the frequenters of pornography shops to help a Commission which is funded to recommend ways to control the industry?

Can you imagine the type of legal entanglements involved if we should base legislation on the kind of experimentation carried out by this Commission? I can well imagine the constitutional test which will be recommended to replace the current test as applied by the Supreme Court. Based upon the experiments, a specific piece of sexually oriented material will be allowed or prohibited according to the physical reaction of a "reasonable" man. In each of our courts there could be a professional "pornography tester" to whom the material will be shown. This individual would be equipped with scientific devices. If his reaction to the pornography reaches a certain level, then it must be declared illegal. If the reaction falls below the level determined to be the legal community standards, the material will be legal.

Of course, it might be hard to find a reasonable man to use as the tester. What about the effects upon adolescents? Should we not also subject the material to the youth of our land? We could establish a board of examiners, or perhaps use the same procedures for selecting a jury and establish a review board of one's peers who would be tested.

And what about testing women? I am sure members of the Women's Liberation would protest the discriminatory practice of testing only men and insist the women be represented on the board of examiners.

This would, of course, not be the final answer. A purveyor of obscene materials might well take a case to the Supreme Court stating that the reaction standards as applied in a specific community were unconstitutional and must be overturned.

I apologize to the Chair for engaging in this discussion, which might seem out of order in these Halls of Congress, where language of a higher order is the rule but I am impelled in the name of common decency to alert my colleagues to the seriousness of the problem.

We have appropriated nearly $2 million for the work of this Commission. It is evident to me that the Commission has abandoned all pretexts of following congressional mandate. In my estimation the Commission has misused the funds provided it in several instances and certainly is not approaching the problem of pornography from a reasonable or morally acceptable premise.

The Nation is anxiously awaiting the report of the Commission. I sincerely hope Congress will not be assaulted with a report which it never intended to be produced. Unfortunately much influence will be gained by the views of the Commission in its final report and it will be extremely difficult to draw the controversy into context.

Mr. Speaker, Congress must make its own investigation. This House should report out my House resolution which would set up a special committee of the House to look into organized crime's relationship to this entirely offensive industry. Only if we know what the business is can we hope to control it. Like Mark Twain's remark about the weather—"Everyone talks about the weather but no one does anything about it." So with this smut industry. Everyone talks about it, but Congress, the only body representing the people equipped to do anything about it, does nothing.

I agree with the Reverend Hill with whom I had several conversations, the Commission on Pornography, funded by this body to the tune of $1.9 million of this Nation's taxpayers' dollars has not carried on its work in keeping with the intent of Congress. Let's face the issue ourselves. Face it squarely and do something about it. Our constituents not only deserve it, they have a right to expect it.

Mr. ROUDEBUSH. Mr. Speaker, I feel that it is my duty to join my colleagues in participating in this special order of business.

It was shocking for me to learn that members of the Presidential Commission on Obscenity and Pornography have been deliberately exposing students to pornography as part of its research.

The American taxpayer has paid nearly $2 million for this committee to study the problem of pornography and obscenity.

What has the committee done?

Twenty-one young men between the ages of 21 and 23, 17 of whom were unmarried, were paid $100 each to expose themselves for 2 weeks for a period of 90 minutes a day to what was termed "hard, hard core" pornography.

One committee member, the Reverend Morton A. Hill, of New York City, called on the Commission to hold hearings throughout the country in order to find out the grass roots thinking about pornography.

The committee refused Father Hill's request.

But Father Hill is not a person who can be turned away easily.

He carried on hearings of his own.

He visited city after city.

He held hearings in Indianapolis.

He held hearings here in Washington.

I testified before Father Hill.

Father Hill is to be commended for his

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work. But the Commission has refused to give Father Hill funds to file a minority report.

I associate myself with the remarks of Congressman SCHADEBERG and join him in asking for a full congressional investigation of the actions of this Commission.

A LANDMARK DECISION BARRING INDIGNITIES AGAINST AN AMERICAN BECAUSE OF HIS NATIONAL ORIGIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, the Equal Employment Opportunities Commission has handed down a landmark decision which, in my judgment, may finally put an end to those scurrilous ethnic jokes in America and the insidious practice of harassing Americans because of their ethnic origin.

In an unprecedented decision against an employer, the Commission held in case No. CL 68-12-431 EU, that "the Commission cannot regard the tolerance of ridicule of national origin as either a common or allowable condition of employment."

This case came about when the complainant, who came to this country from Poland after World War II, filed a complaint with the Commission that his rights under the Civil Rights Act had been violated by constant harassment by his fellow employees because of his national origin.

The Commission held that reasonable cause exists to believe that the employer violated title VII of the Civil Rights Act by permitting shop harassment of the foreign-born employee because of his national origin.

The Commission held further that:

> Tolerance by first-line supervisors of ridicule of national origin cannot be condoned as common or allowable condition of employment.

Mr. Speaker, I shall place in the RECORD at the conclusion of my remarks the entire Equal Employment Opportunities Commission decision.

This particular worker began working in the crane repair shop at the employer's steel mill in 1957 as a production employee.

The Commission's report states that beginning in 1965, eight years after he began working for this employer, he allegedly was subjected to continuous harassment from fellow employees.

He became a butt of "Polish" jokes among other shop employees who laced other witticisms with vulgar "Polish" names and generally derogatory remarks about his ancestry.

The Commission found other harassment directed at this immigrant worker took physical form in the following actions:

Driving a vehicle at him only to stop short of striking him.

Throwing objects at his feet.

Lighting welding torches near his face.

Assigning him jobs beyond his physical capacity.

Requiring him to sweep out the plant while other employees rested.

In their defense, the employees involved denied the charges of harassment, asserting that this immigrant worker himself had called fellow workers vulgar names and had repeatedly accused them of mistreating him. Even one of the charging party's own witnesses testified that he was hypersensitive.

The telling of "Polish" jokes was common in the shop, the witness related, and other employees of Polish descent took such jests good-naturedly.

But the Commission held that—

> The Commission cannot regard the tolerance of ridicule of national origin as either a common or allowable condition of employment. The charging party's fellow employees knew or should have known of his sensitivity, and the telling of such "jokes" constitutes disparate treatment violative of the Act, assuming the remarks were made with the implied consent, approval or knowledge of Respondent employer.

The Commission stated further:

> In light of the evidence presented here, we deem it reasonable to conclude that Respondent employer, at least on the primary level of supervision, was aware of the complained of incidents. We are aware of the fact that at least two of the employees accused by Charging Party of harassing him were of Polish descent themselves. We find it unremarkable that persons of Polish descent have engaged in discrimination against a foreign-born fellow employee.

Mr. Speaker, I believe that this is a landmark decision. It is historic and will affect millions of Americans in their day-to-day conduct with their fellow Americans.

Through this decision, the Commission restores dignity to all Americans regardless of their ethnic background and, surely, through this decision, the Commission serves official notice as a national policy that discrimination because of national origin will not be tolerated any more than racial or religious discrimination.

Moreover, the Equal Employment Opportunities Commission brings into the open what many of us have known for many years privately, that, tragically, there exists in this country ethnic discrimination.

It continues to be a serious social problem, just as serious as the problem of racial discrimination or religious discrimination, but unfortunately a good deal more difficult to detect or prove.

I know well the indignities and the suffering of this brave person who brought these charges before the Commission.

The Commission cannot divulge the name of the individual or his employer because under Commission rules an effort must be made to try to mediate this situation and abate the practices which the Commission found illegal. If the practices cannot be abated, then the Commission can ask the U.S. Attorney General to seek appropriate action under title VII against the employer which includes injunctive relief against the practices and indignities suffered by this worker.

Mr. Speaker, there are millions of immigrants who have come to this country since the turn of the century including Italians, Poles, Slovaks, Irish, Germans, and various others who have found their way into the plants of America.

They know well, perhaps better than most of us, the indignities that they frequently suffered if they had a strange or difficult name, or if they did not speak the language.

These are the people who built America.

These are the people who made this country what it is today.

These are the people who through their hard work brought to this continent a concept of human dignity.

But we know the indignities that they suffered; the ridicule; the exploration, because they were "foreigners."

As Thoreau once said, they suffered those indignities in "silent desperation" because there was nowhere to turn for help.

And the fact remains that even at this late date, it is not uncommon to hear an American of Italian descent referred to as a "Wop," an American of Irish descent referred to as a "Mick," an American of Polish descent referred to as a "Polack," an American of German descent referred to as a "Kraut," and all the other appellations and undignified and shameful names that we call many of our fellow Americans.

Even Bob Hope continues to call Americans of Polish descent "Polacks" when he should know better.

So I believe this decision is most important and most timely, because this decision focuses at once on the undeniable fact that America, this great, wonderful, beautiful Republic of ours, is an inspiring mosaic, a mosaic of people of many nationalities, many religions, many races.

This historic decision brings into the open the ethnicity of America.

I hope that this decision will be carefully followed and carefully read. I hope this decision will help focus a national policy on the fact that we Americans cannot condone the indignity of ridiculing anyone—whether it is because of his race, his religion and now because of his national origin. For indeed it has been this diversity of national origin, brought to the shores of America from many lands, which has made this country so different from all other social orders.

We have people who have come here from all over the world, bringing with them the richness of their cultures, bringing with them the richness of their spirit, bringing with them the richness of a belief in the dignity and the humanity of man.

My subcommittee has been holding hearings for some months on the Ethnic Studies Center bill. During these hearings we discovered the tremendous amount of Americans who know practically nothing about their fellow Americans, people who work together and live together in the same communities and yet know so little about each other.

We have also found in these hearings that one of the great problems of America today is that while this Nation is a

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magnificent mosaic of many people, many cultures, many religions, many races, there has been over the years a consistent effort to homogenize us into a single monolith. This may very well be the source of all the trouble in this country today.

We have tried to deny our ethnicity.

We have tried to deny the fact that each of us is just a little bit different from each other.

We have tried to conceal the fact that we are a nation of many nationalities, many cultures.

We have tried to deny the fact that there is no conflict between a person being proud of his national origin, his ethnic background, and yet be a proud, loyal, patriotic, dedicated American, loyal to the principles of the United States.

And so again I say, Mr. Speaker, that this is a landmark decision because it brings out into the open something that so many of our American citizens have suffered in silent desperation.

The person who brought this action was a brave individual—and I wish I had his name, I wish I could identify him, this person who was brave enough to go before the Equal Employment Opportunities Commission and file a formal complaint and seek redress in the orderly process of a quasi-judicial proceeding, rather than to seek his redress through violence or anarchy.

And I say that so long as the Equal Employment Opportunities Commission moves in this direction, recognizing that all Americans, regardless of their race, color, creed, sex, or age, are entitled to equal treatment as dignified citizens, we are strengthening the fibers of this Republic.

I suggest that this decision has brought to the Equal Employment Opportunities Commission a new dimension of respect for, indeed, the Commission has recognized the strength of America lies in her ethnic groups and they are entitled to equal rights as citizens.

The strength of America is not in belittling each other and not harassing those of us who are less fortunate than others, but rather through bringing about a mutual respect.

I should think that this decision would be of particular concern and interest to the large body of Latin Americans who today are our largest "forgotten minority" in this country and who continue at the bottom of the economic ladder because of language difficulties and because of unfamiliarity with American customs. People who have come here and want to work and make their contribution for the growth of this great Republic, but who find themselves the butts of scurrilous jokes and the kind of antagonisms and the kind of indignities that this one worker had to suffer in this plant.

I am sure that across this country there are millions of our senior citizens who remember well the indignities they suffered in a factory simply because they did not speak the language or because they had a name that was difficult to pronounce.

I hope the decision of this Commission will spread across this land and I hope all Americans will realize we are a Nation committed to the equality and the dignity of our fellow men. Just because a man is of foreign extraction, or because he has a name that is difficult to pronounce, or because perhaps he does not speak the language as well as the rest of us, is no reason to believe he is any less an American. He is entitled to the full protection of the laws of our land and he is entitled to share in the glory of this Republic.

I think the Equal Employment Opportunities Commission in this landmark decision has given a whole new dimension and meaning to the glory of being an American.

The Commission's decision follows:

CASE No. CL 68–12–431EU

Reasonable cause exists to believe that employer violated Title VII by permitting shop harassment of foreign-born employee because of national origin. Tolerance by first-line supervisors of ridicule of national origin cannot be condoned as common or allowable condition of employment. 108.12

Reasonable cause does not exist to believe that union violated Title VII just because shop steward was among those engaged in unlawful harassment. Steward was acting in capacity as employee, not as steward, when discriminatory acts occurred. Moreover, union took steps to end harassment, including grievance in charging party's behalf. 108.21

Charging party, who was born in Poland, entered the U.S. in 1956 and began work in the crane-repair shop at the employer's steel mill in 1957. As a production employee, he was represented by the union, whose membership elected him steward for the crane shop.

Beginning in 1965, he allegedly was subjected to continuous harassment from fellow employees. He became a butt of "Polish" jokes among other shop employees, including those also of Polish descent, who laced other witticisms with vulgar "Polish" names and generally derogatory remarks about his ancestry. Other harassment directed at charging party took physical form:

Driving a vehicle at him only to stop short of striking him.

Throwing objects at his feet.

Lighting welding torches near his face.

Assigning him jobs beyond his physical capacity.

Requiring him to sweep out the plant while other employees rested.

In their defense, the employees involved denied the charges of harassment, asserting that charging party himself had called fellow workers vulgar names and had repeatedly accused them of mistreating him. Even one of charging party's own witnesses testified that he was hypersensitive. The telling of "Polish" jokes was common in the shop, the witness related, and other employees of Polish descent took such jests good-naturedly.

"The Commission cannot regard the tolerance of ridicule of national origin as either a common or allowable condition of employment. Charging Party's fellow employees knew or should have known of his sensitivity, and the telling of such 'jokes' constitutes disparate treatment violative of the Act, assuming the remarks were made with the implied consent, approval or knowledge of Respondent Employer.

"In light of the evidence presented here, we deem it reasonable to conclude that Respondent Employer, at least on the primary level of supervision, was aware of the complained of incidents. We are aware of the fact that at least two of the employees accused by Charging Party of harassing him were of Polish descent themselves. We find it unremarkable that persons of Polish descent have engaged in discrimination against a foreign-born fellow employee."

OIL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, a year ago I introduced the identical bills, H.R. 10799, H.R. 10811, and H.R. 10801, which would gradually phase out the inequitable oil import quota system over a 10-year period. See the CONGRESSIONAL RECORD, volume 115, part 8, page 11085. In an earlier speech I explained in detail the reasons why this program, so costly to the consumer, should be eliminated. See the CONGRESSIONAL RECORD, volume 115, part 6, page 8184. These bills are cosponsored by 53 of my colleagues.

I am pleased to announce that I have today reintroduced this legislation with an additional 12 cosponsors. They are: Mr. BRADEMAS, Mr. CAREY, Mr. CLAY, Mr. FASCELL, Mr. FRASER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. HOWARD, Mr. O'HARA, Mr. REES, Mr. SCHEUER, and Mr. STOKES.

This increased support, Mr. Speaker, reflects the growing concern over the President's failure to take any action to reduce the effects of the quotas which, his own Cabinet Task Force on Oil Import Control has found, cost the American consumer $5 billion annually.

The quota system, which I have opposed since its creation in 1959, has created a special hardship in New England and the Northeast. But as serious as the problem facing our region is, Mr. Speaker, we must recognize that this is no mere regional problem.

If there were any doubts about this in the past, surely there can be none today. The recent Canadian decision, so detrimental to consumers in the northern Midwest, dramatically illustrates this. And the even more recent decision by most of our major oil companies to raise gasoline prices by a cent a gallon across the Nation provides further proof that we are facing a national problem. I might add at this point that the gasoline price hike is further indication of the majors' arrogant disregard for the needs of the consumers. It also suggests to me that an investigation is warranted by the Antitrust Division of the Justice Department.

Because I am convinced, as I have said, that we are facing a truly national problem, and also because of my disappointment at the failure of the executive branch to exercise the initiative needed to bring about reform, I have concluded that there is an urgent need for much greater congressional leadership on this issue.

I am pleased to announce today, Mr. Speaker, that my good friend and colleague, HENRY S. REUSS, of Wisconsin, has agreed to join me in calling for the creation of an informal bipartisan House Committee on Oil Import Reform. This committee will serve as a clearinghouse for the gathering and dissemination of its members' views in this field, and provide a useful forum for considering the views of task force members, other Federal officials, and members of the public and industry. Ultimately, this committee should serve as a vehicle to make known our united position to the public, the Congress, and the executive departments. Mr. REUSS and I have today sent out a letter soliciting the membership of our colleagues.

I should also acknowledge, at this point, the growing voices for oil import reform that are being heard in the other body from regions beyond the Northeast. I want to commend Senator HARTKE and his colleagues who last week introduced Senate Resolution 382, which calls upon the President to implement the majority report of his Cabinet task force. Mr. REUSS and I have today announced our intention to introduce a similar resolution in the House, in a letter seeking the support of all our House colleagues.

I hope that all those who care about justice for the consumer will join me in these efforts.

PAY RAISE FOR POLICE AND FIREMEN NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, last session when I introduced legislation authorizing a pay raise for policemen and firemen in the District of Columbia, I felt this pay raise was warranted and very much needed in light of the increased cost of living in this area.

Now, after the passage of several months and hearings before Subcommittee No. 3 of the House District of Columbia Committee on this and similar proposals, I am more than ever convinced that prompt action by Congress is of the utmost importance if we are not to lose many experienced and valuable firemen and policemen. The steadily increasing cost of living has stretched their budgets thin. Because they have families to support, homes to keep up, and taxes to pay, these men are being forced to choose between their dedication to law enforcement or firefighting and their consideration for their families. In view of the vital areas of public service with which we are dealing, it is doubly important that competent personnel be encouraged to seek these positions and to remain in them by providing them a decent living.

I am pointing out these facts as I expect that in the very near future, the Members of the House will be called upon to vote on this pay raise legislation.

During the several months since the introduction of my bill and those similar, and the action taken thereon by the Senate and by the House District Committee, I have been made aware that certain inequities exist in the pay scales contained in these bills. In testimony by representatives of the policemen and firemen's associations and in discussions with and letters from individual policemen and firemen, several specific inequities have been clearly brought to light.

In response I have today introduced a clean bill which corrects these problem areas in the pay scales and will result, I believe, in fair treatment of firemen and policemen of all ranks, which is essential if we are to maintain good morale within those departments and to provide the necessary incentives for promotion and acceptance of increased responsibility.

In the interest of fairness, the Congress should speedily enact the District of Columbia firemen and policemen pay raise bill.

SUPREME COURT PERMITS STATES TO END WELFARE CADILLAC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 20 minutes.

Mr. RARICK. Mr. Speaker, yesterday those of us who have labored long and hard to return sanity, through Americanism, to our Government were heartened by yet another milestone of progress.

I refer to the historic decision of the Supreme Court in the Maryland welfare case of Dandridge against Williams, in which the Court by a 5 to 3 majority conceded that the Congress, not the Court, has the constitutional power to legislate. Thus, we have seen returned to the people, through their duly elected Representatives in this body, the power to place a limit on the extent to which the nonproductive minority of our citizens have the power to continue to "pick the pocket" of the great majority of working Americans.

I use the word "power" advisedly, because the Court has terminated the leftwing poppycock that there is some vague constitutional right to this type of thievery. What is left is the power of the people to set a top limit, consistent with human decency, to the extent to which they will be required to subsidize the shiftless—but far from voteless—reliefers and such exploiters of the underprivileged as the National Welfare Rights Organization.

For the benefit of Members and others who have occasion to peruse the RECORD, I include in my remarks the 18 pages of decision by which the American people advanced one step forward to constitutional government. I also include the 42 pages of whining dissent from the welfare bloc on the Supreme Court.

[In the Supreme Court of the United States, No. 131.—October Term, 1969]

EDMUND P. DANDRIDGE, JR., ET AL., APPELLANTS, v. LINDA WILLIAMS, ET AL., ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

(April 6, 1970)

Mr. Justice Stewart delivered the opinion of the Court.

This case involves the validity of a method used by Maryland, in the administration of an aspect of its public welfare program, to reconcile the demands of its needy citizens with the finite resources available to meet those demands. Like every other State in the Union, Maryland participates in the federal Aid to Families with Dependent Children (AFDC) program, 42 U.S.C. § 601 *et seq.*, which originated with the Social Security Act of 1935.[1] Under this jointly financed program, a State computes the so-called "standard of need" of each eligible family unit within its borders. See generally, *Rosado* v. *Wyman, ante*. Some States provide that every family shall receive grants sufficient to meet fully the determined standard of need. Other States provide that each family unit shall receive a percentage of the determined need. Still others provide grants to most families in full accord with the ascertained standard of need, but impose an upper limit on the total amount of money any one family unit may receive. Maryland, through administrative adoption of a "maximum grant regulation," has followed this last course. This suit was brought by several AFDC recipients to enjoin the application of the Maryland maximum grant regulation on the ground that it is in conflict with the Social Security Act of 1935 and with the Equal Protection Clause of the Fourteenth Amendment. A three-judge District Court, convened pursuant to 28 U.S.C. § 2281, held that the Maryland regulation violates the Equal Protection Clause. 297 F. Supp. 450. This direct appeal followed, 28 U.S.C. § 1253, and we noted probable jurisdiction, 396 U.S. 811.

The operation of the Maryland welfare system is not complex. By statute[2] the State participates in the AFDC program. It computes the standard of need for each eligible family based on the number of children in the family and the circumstances under which the family lives. In general, the standard of need increases with each additional person in the household, but the increments become proportionately smaller.[3] The regulation here in issue imposes upon the grant that any single family may receive an upper limit of $250 per month in certain counties including Baltimore City, and of $240 per month elsewhere in the State.[4] The appellees all have large families, so that their standards of need as computed by the State substantially exceed the maximum grants that they actually receive under the regulation. The appellees urged in the District Court that the maximum grant limitation operates to discriminate against them merely because of the size of their families, in violation of the Equal Protection Clause of the Fourteenth Amendment. They claimed further that the regulation is incompatible with the purpose of the Social Security Act of 1935, as well as in conflict with its explicit provisions.

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[1] 49 Stat. 620, as amended, 42 U.S.C. §§ 301–1394.

[2] Maryland Ann. Code, Art. 88A, § 44A *et seq.* (1969).

[3] The schedule for determining subsistence needs is set forth in an Appendix to this opinion.

[4] The regulation now provides:

"B. *Amount*—The amount of the grant is the resulting amount of need when resources are deducted from requirements as set forth in this Rule, subject to a maximum on each grant from each category:

"1. $250—for local departments under any 'Plan A' of Shelter Schedule

"2. $240—for local departments under any 'Plan B' of Shelter Schedule

"Except that:

"a. If the requirements of a child over 18 are included to enable him to complete high school or training for employment (III–C–3), the grant may exceed the maximum by the amount of such child's needs.

"b. If the resource of support is paid as a refund (VI–B–6), the grant may exceed the maximum by an amount of such refund. This makes consistent the principle that the amount from public assistance funds does not exceed the maximum.

"c. The maximum may be exceeded by the amount of an emergency grant for items not included in a regular monthly grant. (VIII)

"d. The maximum may be exceeded up to the amount of a grant to a person in one of the nursing homes specified in Schedule D, Section a.

"3. A grant is subject to any limitation established because of insufficient funds." Maryland Manual of Dept. of Social Services, Rule 200, § X, B, at 23, formerly Md.

In its original opinion the District Court held that the Maryland regulation does conflict with the federal statute, and also concluded that it violates the Fourteenth Amendment's equal protection guarantee. After reconsideration on motion, the court issued a new opinion resting its determination of the regulation's invalidity entirely on the constitutional ground.[5] Both the statutory and constitutional issues have been fully briefed and argued here, and the judgment of the District Court must, of course, be affirmed if the Maryland regulation is in conflict with either the federal statute or the Constitution.[6] We consider the statutory question first, because if the appellees' position on this question is correct, there is no occasion to reach the constitutional issues. *Ashwander* v. *TVA,* 297 U.S. 288, 346–347 (Brandeis, J., concurring); *Rosenberg* v. *Fleuti,* 374 U.S. 449.

I

The appellees contend that the maximum grant system is contrary to § 402(a) (10) of the Social Security Act, as amended,[7] which requires that a state plan shall "provide . . . that all individuals wishing to make application for aid to families with dependent children shall have the opportunity to do so, and that aid to families with dependent children shall be furnished with reasonable promptness to all eligible individuals."

The argument is that the state regulation denies benefits to the younger children in a large family. Thus, the appellees say, the regulation is in patent violation of the Act, since those younger children are just as "dependent" as their older siblings under the definition of "dependent child" fixed by federal law.[8] See *King* v. *Smith,* 392 U.S. 309. Moreover, it is argued that the regulation, in limiting the amount of money any single household may receive, contravenes a basic purpose of the federal law by encouraging the parents of large families to "farm out" their children to relatives whose grants are not yet subject to the maximum limitation.

It cannot be gainsaid that the effect of the Maryland maximum grant provision is to reduce the per capita benefits to the children in the largest families. Although the appellees argue that the younger and more recently arrived children in such families are totally deprived of aid, a more realistic view is that the lot of the entire family is diminished because of the presence of additional children without any increase in payments. Cf. *King* v. *Smith, supra,* at 335 n. 4. It is no more accurate to say that the last child's grant is wholly taken away than to say that the grant of the first child is totally rescinded. In fact, it is the *family* grant that is affected. Whether this per capita diminution is compatible with the statute is the question here. For the reasons that follow, we have concluded that the Maryland regulation is permissible under the federal law.

In *King* v. *Smith, supra,* we stressed the States' "undisputed power," under these provisions of the Social Security Act, "to set the level of benefits and the standard of need." *Id.,* at 334. We described the AFDC enterprise as "a scheme of cooperative federalism," *id.,* at 316, and noted carefully that "[t]here is no question that States have considerable latitude in allocating their AFDC resources, since each State is free to set its own standard of need and to determine the level of benefits by the amount of funds it devotes to the program." *Id.,* at 318–319.

Congress was itself cognizant of the limitations on state resources from the vary outset of the federal welfare program. The first section of the Act, 42 U.S.C. § 601, provides that the Act is "For the purpose of encouraging the care of dependent children in their own homes or in the homes of relatives by enabling each State to furnish financial assistance and rehabilitation and other services, *as far as practicable under the conditions in such State,* to needy dependent children and the parents or relatives with whom they are living to help maintain and strengthen family life and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection . . . ." (Emphasis added.)

Thus the starting point of the statutory analysis must be a recognition that the federal law gives each State great latitude in dispensing its available funds.

The very title of the Act, the repeated references to families added in 1962, Pub. L. No. 87–543, § 104 (a) (3), 76 Stat. 185, and the words of the preamble quoted above, show that Congress wished to help children through the family structure. The operation of the statute itself has this effect. From its inception the Act has defined "dependent child" in part by reference to the relatives with whom the child lives.[9] When a "dependent child" is living with relatives, then "aid" also includes payments and medical care to those relatives, including the spouse of the child's parent. 42 U. S. C. § 606 (b). Thus, as the District Court noted, the amount of aid "is . . . computed by treating the relative, parent or spouse of parent, as the case may be, of the 'dependent child' as a part of the family unit." 297 F. Supp., at 455. Congress has been so desirous of keeping dependent children within a family that it amended the law in 1967 to provide that aid could go to children whose need arose merely from their parents' unemployment, under federally determined standards, although the parent was not incapacitated, 42 U. S. C. § 607 (1964 ed., Supp. IV).

The States must respond to this federal statutory concern for preserving children in a family environment. Given Maryland's finite resources, its choice is either to support some families adequately and others less adequately, or not to give sufficient support to any family. We see nothing in the federal statute that forbids a State to balance the stresses which uniform insufficiency of payments would impose on all families against the greater ability of large families—because of the inherent economies of scale—to accommodate their needs to diminished per capita payments. The strong policy of the statute in favor of preserving family units does not prevent a State from sustaining as many families as it can, and providing the largest families somewhat less than their ascertained per capita standard of need.[10] Nor

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Manual of Dept. of Pub. Wel., Part II, Rule 200, § VII, 1, at 20.

In addition, AFDC recipients in Maryland may be eligible for certain assistance in kind, including food stamps, public housing, and medical aid. See, *e.g.,* 42 U.S.C. § 1396 *et seq.* (1964 ed., Supp. IV); 7 U.S.C. §§ 1695–1697. The applicable provisions of state and federal law also permit recipients to keep part of their earnings from outside jobs. 42 U.S.C. §§ 630–644 (1964 ed., Sup. IV); Md. Manual of Dept. of Social Services Part II, Rule 200, § VI, B(8) (c) (2). Both federal and state law require that recipients seek work and take it if it is available. 42 U.S.C. § 602 (a) (19) (F) (1964 ed., Supp. IV); Md. Manual of Dept. of Social Services, Rule 200, § III(D) (1) (d).

[5] Both opinions appear at 297 F. Supp. 450.

[6] The prevailing party may, of course, assert in a reviewing court any ground in support of his judgment, whether or not that ground was relied upon or even considered by the trial court. Compare *Langnes* v. *Green,* 282 U.S. 531, 538, with *Story Parchment Co.* v. *Paterson Parchment Paper Co.,* 282 U.S. 555, 567–568. As the Court said in *United States* v. *American Ry. Exp. Co.,* 265 U.S. 425, 435–436: "[I]t is likewise settled that the appellee may, without taking a cross-appeal, urge in support of a decree any matter appearing in the record, although his argument may involve an attack upon the reasoning of the lower court or an insistence upon matter overlooked or ignored by it. By the claims now in question, the American does not attack, in any respect, the decree entered below. It merely asserts additional grounds why the decree should be affirmed." When attention has been focused on other issues, or when the court from which a case comes has expressed no views on a controlling question, it may be appropriate to remand the case rather than deal with the merits of that question in this Court. See *Aetna Cas. & Su. Co.* v. *Flowers,* 330 U.S. 464, 468; *United States* v. *Ballard,* 322 U.S. 78, 88. That is not the situation here, however. The issue having been fully argued both here and in the District Court, consideration of the statutory claim is appropriate. *Bondholders Committee* v. *Commissioner,* 315 U.S. 189, 192, n. 2; H. Hart & H. Wechsler. The Federal Courts and the Federal System 1394 (1953). See also *Jaffke* v. *Dunham,* 352 U.S. 280.

[7] 64 Stat. 550 (1950), as amended 76 Stat. 185 (1962), 81 Stat. 881 (1968), 42 U.S.C.A. § 602(a) (10).

[8] 42 U.S.C. § 606(a) (1964 ed., Supp. IV) provides:

"The term 'dependent child' means a needy child (1) who has been deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home and (2) who is (A) under the age of eighteen, or (B) under the age of twenty-one and (as determined by the State in accordance with standards prescribed by the Secretary) a student regularly attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment." The Act also covers children who have been placed in foster homes pursuant to judicial order or because they are State charges. 42 U.S.C. § 608.

[9] U. S. C. § 606 (a), *supra,* no. 8, formerly c. 531, § 406, 49 Stat. 629 (1935), as amended, c. 836, § 321, 70 Stat. 850 (1956). See also S. Rep. No. 628, 74th Cong., 1st Sess., 16–17 (1935).

[10] The Maryland Dept. of Social Services, Monthly Financial and Statistical Report, Table 7 (Nov. 1969), indicates that 32,504 families receive AFDC assistance. In the Maryland Dept of Social Services, 1970 Fiscal Year Budget, the department estimated that 2,537 families would be affected by the removal of the maximum grant limitation. It thus appears that only one thirteenth of the AFDC families in Maryland receive less than their determined need because of the operation of the maximum grant regulation. Of course, if the same funds were allocated sub-

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does the maximum grant system necessitate the dissolution of family bonds. For even if a parent should be inclined to increase his per capita family income by sending a child away, the federal law requires that the child, to be eligible for AFDC payments, must live with one of several enumerated relatives.[11] The kinship tie may be attenuated but it cannot be destroyed.

The appellees rely most heavily upon the statutory requirement that aid "shall be furnished with reasonable promptness to all eligible individuals." 55 42 U.S.C. § 602(a)(10) (1964 ed., Supp. IV). But since the statute leaves the level of benefits within the judgment of the State, this language cannot mean that the "aid" furnished must equal the total of each individual's standard of need in every family group. Indeed the appellees do not deny that a scheme of proportional reductions for all families could be used which would result in no individual's receiving aid equal to his standard of need. As we have noted, the practical effect of the Maryland regulation is that all children, even in very large families, do receive some aid. We find nothing in 42 U. S. C. § 602(a)(10) that requires more than this.[12] So long as some aid is provided to all eligible families and all eligible children, the statute itself is not violated.

This is the view that has been taken by the Secretary of Health, Education, and Welfare, who is charged with the administration of the Social Security Act and the approval of state welfare plans. The parties have stipulated that the Secretary has, on numerous occasions, approved the Maryland welfare scheme, including its provision of maximum payments to any one family, a provision which has been in force in various forms since 1947. Moreover, a majority of the States pay less than their determined standard of need, and 20 of these States impose maximums on family grants of the kind here in issue.[13] The Secretary has not disapproved any state plan because of its maximum grant provision. On the contrary, the Secretary has explicitly recognized state maximum grant systems.[14]

"When States are unable to meet need as determined under their standards they reduce payments on a percentage or flat reduction basis.... These types of limitations may be used in the absence of, or in conjunction with, legal or administrative maximums. A maximum limits the amount of assistance that may be paid to persons whose determined need exceeds that maximum, whereas percentage or flat reductions usually have the effect of lowering payments to most or all recipients to a level below that of determined need."

See also Department of Health, Education, and Welfare, Interim Policy Statement of May 31, 1968, 33 Fed. Reg. 10230 (1968); 45 CFR § 233.20(a)(2)(ii), 34 Fed. Reg. 1934 (1969).

Finally, Congress itself has acknowledged a full awareness of state maximum grant limitations. In 1967 Congress amended 42 U.S.C. § 602(a) to add a subsection 23:

"[The State shall] provide that by July 1, 1969, the amounts used by the State to determine the needs of individuals will have been adjusted to reflect fully changes in living costs since such amounts were established, and *any maximums that the State imposes on the amount of aid paid to families will have been proportionately adjusted.*" (Emphasis added.)

This specific congressional recognition of the state maximum grant provisions is not, of course, an approval of any specific maximum. The structure of specific maximums Congress left to the States, and the validity of any such structure must meet constitutional tests. However, the 1967 amendment does make clear that Congress fully recognized that the Act permits maximum grant regulations. [15]

For all of these reasons, we conclude that the Maryland regulation is not prohibited by the Social Security Act.

II

Although a State may adopt a maximum grant system in allocating its funds available for AFDC payments without violating the Act, it may not, of course, impose a regime of invidious discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment. Maryland says that its maximum grant regulation is wholly free of any invidiously discriminatory purpose or effect, and that the regulation is rationally supportable on at least four entirely valid grounds. The regulation can be clearly justified, Maryland argues, in terms of legitimate state interests in encouraging gainful employment, in maintaining an equitable balance in economic status as between welfare families and those supported by a wage-earner, in providing incentives for family planning, and in allocating available public funds in such a way as fully to meet the needs of the largest possible number of families. The District Court, while apparently recognizing the validity of at least some of these state concerns, nonetheless held that the regulation "is invalid on its face for overreaching," 297 F. Supp., at 468—that it violates the Equal Protection Clause "[b]ecause it cuts too broad a swatch on an indiscriminate basis as applied to the entire group of AFDC eligibles to which it purports to apply. . . ." 297 F. Supp., at 469.

If this were a case involving government action claimed to violate the First Amendment guarantee of free speech, a finding of "overreaching" would be significant and might be crucial. For when otherwise valid governmental regulation sweeps so broadly as to impinge upon activity protected by the First Amendment, its very overbreadth may make it unconstitutional. See, *e. g.*, *Shelton* v. *Tucker*, 364 U.S. 479. But the concept of "overreaching" has no place in this case. For here we deal with state regulation in the social and economic field, not affecting freedoms guaranteed by the Bill of Rights, and claimed to violate the Fourteenth Amendment only because the regulation results in some disparity in grants of welfare payments to the largest AFDC families.[16] For this Court to approve the invalidation of state economic or social regulation as "overreaching" would be far too reminiscent of an era when the Court thought the Fourteenth Amendment gave it power to strike down state laws "because they may be unwise, improvident, or out of harmony with a particular school of thought." *Williamson* v. *Lee Optical Co.*, 348 U.S. 483, 488. That era long ago passed into history. *Ferguson* v. *Skrupa*, 372 U.S. 726.

In the area of economics and social welfare, a State does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some "reasonable basis," it does not offend the Constitution simply because the classification "is not made with mathematical nicety or because in practice it results in some inequality." *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61, 78. "The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific." *Metropolis Theatre Co.* v. *City of Chicago*, 228 U.S. 61, 69–70. "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it." *McGowan* v. *Maryland*, 366 U.S. 420, 426.

To be sure, the cases cited, and many others enunciating this fundamental standard under the Equal Protection Clause, have in the main involved state regulation of business or industry. The administration of public welfare assistance, by contrast, involves the most basic economic needs of impoverished human beings. We recognize the dramatically real factual difference between the cited cases and this one, but we can find no basis for applying a different constitutional standard.[17] See *Snell* v. *Wyman*, 281 F. Supp. 853, aff'd, —— U.S. ——. It is a standard that has consistently been applied to state legislation restricting the availability of employment opportunities. *Goesaert* v. *Cleary*, 335 U.S. 464; *Kotch* v. *Board of River Port Pilot Comm'rs*, 330 U.S. 552. See also *Flemming* v. *Nestor*, 363 U.S. 603. And it is a standard that is true to the principle that the Fourteenth Amendment gives the federal courts no power to impose upon the States their views of wise economic or social policy.[18]

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ject to a percentage limitation, no AFDC family would receive funds sufficient to meet its determined need.

[11] 42 U.S.C. § 606 (a), n. 8, *supra*.

[12] The State argues that in the total context of the federal statute, reference to "eligible individuals" means eligible applicants for AFDC grants, rather than all the family members whom the applicants may represent, and that the statutory provision was designed only to prevent the use of waiting lists. There is considerable support in the legislative history for this view. See H. R. Rep. No. 1300, 81st Cong., 1st Sess., 48, 148 (1949); 95 Cong. Rec. 13934 (1949) (remarks of Rep. Forand). And it is certainly true that the statute contemplates that actual payments will be made to responsible adults. See, *e.g.*, 42 U. S. C. § 605. For the reasons given above, however, we do not find it necessary to consider this argument.

[13] See Department of Health, Education, and Welfare, Report on Money Payments to Recipients of Special Types of Public Assistance, Table 4 (NCSS Report D-4 1967). See also Hearings on H.R. 5710 before the House Committee on Ways and Means, 90th Cong., 1st Sess., pt. 1, at 118 (1967).

[14] Department of Health, Education, and Welfare, State Maximums and Other Methods of Limiting Money Payments to Recipients of Special Types of Public Assistance 3 (1962).

[15] The provisions of 42 U.S.C. § 1396b (f), also added in 1967, 81 Stat. 898, are consistent with this view. That section provides that no medical assistance shall be given to any family which has a certain level of income. The section, however, makes an exception, 42 U.S.C. § 1396b (f)(1)(B)(ii):

"If the Secretary finds that the operation of a uniform maximum limits payments to families of more than one size, he may adjust amount otherwise determined under clause (i) to take account of families of different sizes."

These provisions have particular significance in light of the Administration's initial effort to secure a law forcing each State to pay its full standard of need. *See Rosado* v. *Wyman*, *supra*.

This recognition of the existence of state maximums is not new with the 1967 amendments. In reporting on amendments to the Social Security Act in 1962, 76 Stat. 185 (1962), the Senate committee referred to "States in which there is a maximum limiting the amount of assistance an individual may receive." S. Rep. No. 1589, 87th Cong., 2d Sess., 14 (1962).

[16] Cf. *Shapiro* v. *Thompson*, 394 U.S. 618, where, by contrast, the Court found state interference with the constitutionally protected freedom of interstate travel.

[17] It is important to note that there is no contention that the Maryland regulation is infected with a racially discriminatory purpose or effect such as to make it inherently suspect. Cf. *McLaughlin* v. *Florida*, 379 U.S. 184.

[18] See Developments in the Law—Equal Protection, 82 Harv. L. Rev. 1065, 1082–1087.

Under this long-established meaning of the Equal Protection Clause, it is clear that the Maryland maximum grant regulation is constitutionally valid. We need not explore all the reasons that the State advances in justification of the regulation. It is enough that a solid foundation for the regulation can be found in the State's legitimate interest in encouraging employment and in avoiding discrimination between welfare families and the families of the working poor. By combining a limit on the recipient's grant with permission to retain money earned, without reduction in the amount of the grant, Maryland provides an incentive to seek gainful employment. And by keying the maximum family AFDC grants to the minimum wage a steadily employed head of a household receives, the State maintains some semblance of an equitable balance between families on welfare and those supported by an employed breadwinner.[19]

It is true that in some AFDC families there may be no person who is employable.[20] It is also true that with respect to AFDC families whose determined standard of need is below the regulatory maximum, and who therefore receive grants equal to the determined standard, the employment incentive is absent. But the Equal Protection Clause does not require that a State must choose between attacking every aspect of a problem or not attacking the problem at all. *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61. It is enough that the State's action be rationally based and free from invidious discrimination. The regulation before us meets that test.

We do not decide today that the Maryland regulation is wise, that it best fulfills the relevant social and economic objectives that Maryland might ideally espouse, or that a more just and humane system could not be devised. Conflicting claims of morality and intelligence are raised by opponents and proponents of almost every measure, certainly including the one before us. But the intractable economic, social, and even philosophical problems presented by public welfare assistance programs are not the business of this Court. The Constitution may impose certain procedural safeguards upon systems of welfare administration, *Goldberg* v. *Kelly*, *ante*. But the Constitution does not empower this Court to second-guess state officials charged with the difficult responsibility of allocating limited public welfare funds among the myriad of potential recipients. Cf. *Steward Mach. Co.* v. *Davis*, 301 U. S. 548, 584–585; *Helvering* v. *Davis*, 301 U. S. 619, 644.

The judgment is reversed.

APPENDIX

[The following was the schedule for determining subsistence needs, exclusive of rent, at the time this action was brought. Maryland Manual of Department of Public Welfare, pt. II, rule 200, schedule A, 27]

	I	II	III	IV	V
	Monthly costs when—				
Number of persons in assistance unit (include unborn child as an additional person)	No heat or utilities included with shelter	Light and/or cooking fuel included with shelter	Heat with or without light included with shelter	Heat, cooking fuel, and water heating included with shelter	Heat and all utilities included with shelter
1 person living:					
Alone	$51.00	$49.00	$43.00	$40.00	$38.00
With 1 person	42.00	41.00	38.00	36.00	35.00
With 2 persons	38.00	37.00	35.00	34.00	33.00.
With 3 or more persons	36.00	35.00	34.00	33.00	32.00
2 persons living:					
Alone	84.00	82.00	76.00	72.00	70.00
With 1 other person	76.00	74.00	70.00	68.00	66.00
With 2 or more other persons	72.00	70.00	68.00	66.00	64.00
3 persons living:					
Alone	113.00	110.00	105.00	101.00	99.00
With 1 or more other persons	108.00	106.00	101.00	99.00	97.00
4 persons	$143.00	$140.00	$135.00	$131.00	$128.00
5 persons	164.00	162.00	156.00	152.00	150.00
6 persons	184.00	181.00	176.00	172.00	169.00
7 persons	209.00	205.00	201.00	197.00	193.00
8 persons	235.00	231.00	227.00	222.00	219.00
9 persons	259.00	256.00	251.00	247.00	244.00
10 persons	284.00	281.00	276.00	271.00	268.00
Each additional person over 10 persons	24.50	24.50	24.50	24.50	24.50

Note: Modifiction of standard for cost of eating in restaurant: Add $15 per individual. Other schedules set the estimated cost of shelter in the various counties in Maryland. See id., schedule B—plan A, 29; schedule B—plan B, 30. The present schedules, which are substantially the same appear in the Maryland Manual of Department of Social Services, pt. II, rule 200, at 33, 35.

CONCURRING

Mr. Justice Black, with whom The Chief Justice joins, concurring.

Assuming, as the Court apparently does, that individual welfare recipients can bring an action against state welfare authorities challenging an aspect of the State's welfare plan as inconsistent with the provisions of the Social Security Act, 42 U.S.C. §§ 601–610, even though the Secretary of Health, Education, and Welfare has determined as he has here that the federal and state provisions are consistent, cf. *Rosado* v. *Wyman*, — U.S. — (1970) (Black, J., dissenting). I join in the opinion of the Court in this case.

Mr. Justice Harlan, concurring.

I join the Court's opinion, with one reservation which I deem called for by certain implications that might be drawn from the opinion.

As I stated in dissent in *Shapiro* v. *Thompson*, 394 U.S. 618, 658–663 (1969), I find no solid basis for the doctrine there expounded that certain statutory classifications will be held to deny equal protection unless justified by a "compelling" governmental interest, while others will pass muster if they meet traditional equal protection standards. See also my dissenting opinion in *Katzenbach* v. *Morgan*, 384 U.S. 641, 660–661 (1966). Except with respect to racial classifications, to which unique historical considerations apply, see *Shapiro*, at 659, I believe the constitutional provisions assuring equal protection of the laws impose a standard of rationality of classification, long applied in the decisions of this Court, that does not depend upon the nature of the classification or interest involved.

It is on this basis, and not because this case involves only interests in "the area of economics and social welfare," *ante*, at 14, that I join the Court's constitutional holding.

DISSENTING

Mr. Justice Douglas, dissenting.

Appellees, recipients of benefits under the Aid to Families with Dependent Children program (AFDC), brought this suit under 42 U.S.C. § 1983 to declare invalid and permanently enjoin the enforcement of the Maryland maximum grant regulation, which places a ceiling on the amount of benefits payable to a family under AFDC. They alleged that the regulation was inconsistent with the Social Security Act and that it denied equal protection of the laws in violation of the Fourteenth Amendment. I do not find it necessary to reach the constitutional argument in this case, for in my view the Maryland regulation is inconsistent with the terms and purposes of the Social Security Act.

The Maryland regulation under attack, Rule 200, § X, B, of the Maryland Department of Social Services, places an absolute limit of $250 per month on the amount of a grant under AFDC, regardless of the size of the family and its actual need.[1] The effect of this regulation is to deny benefits to additional children born into a family of six, thus making it impossible for families of seven persons or more to receive an amount commensurate with their actual need in accordance with standards formulated by the Maryland Department of Social Services, whereas families of six or less can receive the full amount of their need as so determined. Appellee Williams, according to the computed need for herself and her eight children, should receive $296.15 per month. Appellees Gary should receive $331.50 for themselves and their eight children. Instead, these appellees receive the $250 maximum grant.

In *King* v. *Smith* U.S. 309, 318–319, this Court stated: "There is no question that States have considerable latitude in allocating their AFDC resources, since each State is free to set its own standard of need and to determine the level of benefits by the amount of funds it devotes to the program." That dictum, made in the context of a case which dealt with Alabama's "substitute father" regulation, does little to clarify the limits of state authority. The holding in *King* was that the Alabama regulation, which denied AFDC benefits to the children of a mother who "cohabited" in or outside her home with an able bodied man, was invalid because it defined "parent" in a manner inconsistent with § 406(a) of the Social Security Act, 42 U.S.C. § 606(a) (1964 ed., Supp. IV). The Court rejected the State's contention that its regulation was "a legitimate way of allocating its resources available for AFDC assistance." 392 U.S., at 318. Thus, whatever else may be said of the "latitude" extended to States in determining the bene-

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[19] The present federal minimum wage is $52–$64 per 40-hour week, 29 U.S.C. § 206 (1964 ed., Supp. IV). The Maryland minimum wage is $46–$52 per week, Md. Code Ann., Art. 100, § 83.

[20] It appears that no family members of any of the named plaintiffs in the present case are employable.

[1] In certain counties the applicable maximum grant is $240 per month. All of the appellees in this case are residents of Baltimore City, where the $250 month maximum grant applies.

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fits payable under AFDC, the holding in *King* makes clear that it does not include restrictions on the payment of benefits which are incompatible with the Social Security Act.

The methods by which a State can limit AFDC payments below the level of need are numerous. The method used in *King* was to deny totally benefits to a specifically defined class of otherwise eligible recipients. Another method, which was disapproved by Congress in § 402(a)(10) of the Social Security Act, 42 U.S.C. § 602(a)(10) (1964 ed., Supp. IV), was to refuse to take additional applications pending a decrease in the number of recipients on the assistance rolls or an increase in available funds. The two methods most commonly employed by the States at present, however, are percentage reductions and grant maximums. See National Center for Social Statistics, Social and Rehabilitation Service, U.S. Dept. of Health, Education, and Welfare, Report D–3, Tables 2, 3 (October 1968). Grant maximums, in which payments are made according to need but subject to a stated dollar maximum, are of two types: individual maximums and family maximus. Only the latter type is at issue in the present case. Percentage reductions involve payments of a fixed percentage of actual need as determined by the State's need standard.

The authority given the States to set the level of benefits payable under their AFDC plans stems from § 401 of the Social Security Act, 42 U.S.C. § 601 (1964 ed., Supp. IV), which states the purpose of the federal AFDC appropriations as "enabling each State to furnish financial assistance and rehabilitation and other services, *as far as practicable under the conditions in such State* . . . ." (Emphasis added.) It is significant in this respect that the Court in *King* referred only to a State's determination of the level of benefits *"by the amount of funds it devotes to the* [AFDC] *program."* 392 U.S., at 318–319 (emphasis added). The language of § 401 and the language of the Court in *King* both reflect a concern that the Federal Government not require a state legislature to appropriate more money for welfare purposes than it is willing and able to appropriate. The use of the matching formula in § 403 of the Act, 42 U.S.C. § 603 (1964 ed., Supp. IV), supports this deference to the fiscal decisions of state legislatures. The question of a State's authority to pay less than its standard of need, however, has never been expressly decided.

Assuming, *arguendo,* that a State need not appropriate sufficient funds to pay all eligible AFDC recipients the full amount of their need, it does not follow that it can distribute such funds as it deems appropriate in a manner inconsistent with the Social Security Act. The question involved here is not one of ends, it is one of means. Thus the United States Government, in its Memorandum as Amicus Curiae in *Rosado* v. *Wyman,* decided this day, *post,* at ——, stated:

"Maximums, whether so many dollars per individual or a total number of dollars per family, have an arbitrary aspect lacking from ratable reductions, since their application means that one family or individual will receive a smaller proportion of the amounts he is determined to need under the state's test than another family or individual. Where percentage reductions are used, the payment of every family is reduced proportionately . . . . [T]his aspect explains why Congress might wish to distinguish between maximums and ratable reductions as a means of reducing a state's financial obligation and, at least inferentially, to disfavor the former." *Id.*, at 6–7.

The District Court, in its initial ruling that the Maryland regulation was inconsistent with the Social Security Act, relied primarily on § 402(a)(10) of the Act, which provides that "all individuals wishing to make application for aid to families with dependent children shall have opportunity to do so, and that aid to families with dependent children shall be furnished with reasonable promptness *to all eligible individuals.*" (Emphasis added.) This provision was added by the Social Security Act Amendments of 1950, 64 Stat. 549. The House Committee on Ways and Means, where the provision originated, explained its purpose as follows:

"Shortage of funds in aid to dependent children has sometimes, as in old-age assistance, resulted in a decision not to take more applications or to keep eligible families on waiting lists until enough recipients could be removed from the assistance rolls to make a place for them. . . . [T]his difference in treatment accorded to eligible people results in undue hardship on needy persons and is inappropriate in a program financed from Federal funds." H. R. Rep. No. 1300, 81st Cong., 1st Sess., 48 (1949).

In the court below, the appellants relied upon this legislative history to argue that the "eligible individuals" to whom aid must be furnished are the applicants for aid referred to in the beginning of the provision, and not the individual members of a family unit. I find nothing in the Act or in the legislative history of § 402(a)(10) which supports that argument.

The purpose of the AFDC program, as stated in the Act, is to encourage "the care of dependent children in their own homes or in the homes of relatives by enabling each State to furnish financial assistance and rehabilitation and other services, as far as practicable under the conditions in each State, *to needy dependent children and the parents or relatives with whom they are living* to help maintain and strengthen family life . . . ." Social Security Act § 401 (emphasis added). The terms "dependent child" and "relative with whom any dependent child is living" are defined in § 406 of the Act, 42 U. S. C. § 606 (1964 ed., Supp. IV).

The aid provided through the AFDC program has always been intended for the individual dependent children, not for those who apply for the aid on their behalf. The Senate Committee on Finance, in its report on the Social Security Bill of 1935, stated this purpose in the following terms:

"The heart of any program for social security must be the child. All parts of the Social Security Act are in a very real sense measures for the security of children. . . .

"In addition, however, there is great need for special safeguards for many underprivileged children. Children are in many respects the worst victims of the depression. . . .

"Many of the children included in relief families present no other problem than that of providing work for the breadwinner of the family. These children will be benefited through the work relief program and still more through the revival of private industry. But there are large numbers of children in relief families which will not be benefited through work programs or the revival of industry.

"These are the children in families which have been deprived of a father's support and in which there is no other adult than one who is needed for the care of the children. . . .

"With no income coming in, and with young children for whom provision must be made for a number of years, families without a father's support require public assistance, unless they have been left with adequate means or are aided by friends and relatives. . . . *Through cash grants adjusted to the needs of the family it is possible to keep the young children with their mother in their own home, thus preventing the necessity of placing the children in institutions.* This is recognized by everyone to be the least expensive and altogether the most desirable method for meeting the needs of these families that has yet been devised." S. Rep. No. 628, 74th Cong., 1st Sess., 16–17 (1935) (emphasis added).

Prior to 1950, no specific provision was made for the need of the parent or other relative with whom the dependent child was living. Although this underscores the fact that the payments were intended to benefit the children and not the applicants who received those payments, the exclusion from the federal scheme of provision for the need of the caring relative operated effectively to dilute the ability of the AFDC payments to meet the need of the child. To correct this latter deficiency, the 1950 Amendments allowed provision for the needs of this caring relative. The Report of the House Committee on Ways and Means stated:

"Particularly in families with small children, it is necessary for the mother or another adult to be in the home full time to provide proper care and supervision. Since the person caring for the child must have food, clothing, and other essentials, amounts alloted to the children must be used in part for this purpose if no other provision is made to meet her needs. . . .

* * * * *

"To correct the present anomalous situation wherein no provision is made for the adult relative and to enable the State to make payments that are more nearly adequate, the bill would include the relative with whom the dependent child is living as a recipient for Federal matching purposes. . . ." H.R. Rep. No. 1300, 81st Cong., 1st Sess., 46 (1949).

This amendment emphasizes the congressional concern with fully meeting the needs of the dependent children in a given family; and it would seem to negative the necessity of those children sharing their individual allocations with other essential members of the family unit.

There is other evidence that Congress intended each eligible recipient to receive his fair share of benefits under the AFDC program. The Social Security Act Amendments of 1962 provided that a state AFDC plan must "provide for the development and application of a program for [services to maintain and strengthen family life] *for each child* who receives aid to families with dependent children. . . ." 42 U.S.C. § 602(a)(13) (1964 ed.). The 1967 amendments, which extended this program of "family services" to relatives receiving AFDC payments and "essential persons" living in the same home as the child and relative, retained the emphasis on providing these services to *"each* appropriate individual." Social Security Act, §§ 402 (a)(14), (15), 42 U.S.C. §§ 602(a)(14), (15), (1964 ed., Supp. IV). The Senate Finance Committee Report on the 1967 Amendments stated:

"Under the Social Security Act Amendment of 1962, an amendment was added to title IV requiring the State welfare agency to make a program for each child, identifying the services needed, and then to provide the necessary services. This has proven a useful amendment, for it has required the States to give attention to the children and to provide services necessary to carry out the plans for the individual child. . . . [T]he committee believes that it is essential to broaden the requirement for the program of services for each child to include the entire family. The committee bill would require, therefore, that the States establish a social services program for each AFDC family. Thus there will be a broadened emphasis to include a recognition of the needs of all members of the family, including "essential persons." S. Rep. No. 744, 90th Cong., 1st Sess. 155 (1967).

These "family services" provisions are helpful in interpreting the words "all eligible individuals" in § 402(a)(10) of the Act for they reveal Congress' overriding concern with meeting the needs of each eligible recipient of aid under the AFDC program. The resources commanded to meet those needs, as well as the definition of those individuals eligible to receive this aid, have expanded over the years. At first, only financial assistance was available. Now "family services" programs have been added.[2] In each case, however, the concern has been with meeting the needs of each eligible recipient.

A further indication that the phrase "all eligible individuals" as used in § 402(a) (10) refers to the individual beneficiaries of aid, and not those who apply for and receive the payments, lies in the provisions of the Act which concern the computation of federal payments to the States. Social Security Act § 403. These payments are presently computed in relation to the State's contribution to individual recipients, with federal payment of five-sixths of the first $18 a month per recipient of state expenditure, and further payment up to a maximum of $32 a month per recipient. There is no limitation on federal payments based on family size in the present provisions, nor has there ever been such a limitation in previous versions of the Act.

Section 403(d)(1) of the Act imposes a limitation on federal payments to States as respects children whose eligibility is based upon the absence from the home of a parent. Under this section, the number of AFDC children under age of 18 for which federal sharing is available cannot exceed the ratio of AFDC children eligible because of an "absent parent" to the total child population of a State as of January 1, 1968. Appellants have argued that this limitation somehow indicates congressional approval of the maximum grant concept. The District Court below properly rejected that contention. The Report of the House Committee on Ways and Means indicates that the purpose of the limitation is to keep federal financial participation "within reasonable bounds" and to "give the State an incentive to make effective use of the constructive programs which the bill would establish." H.R. 544, 90th Cong., 1st Sess., 110. Keeping federal participation "within reasonable bounds" was tied to the fact that the "absent parent" category of AFDC recipients was the one which was growing most rapidly. *Ibid*. This provision, however, relates only to federal contributions to a State's AFDC program, and does not authorize the State's termination of aid to any of the children who would otherwise be eligible for aid because of an absent parent. Representatives Mills explained the purpose of this limitation to the House in the following terms:

"Finally, Mr. Chairman, the bill would add a provision to present law which would limit Federal financing for the largest AFDC category—where the parent is absent from the home—to the proportion of each State's total child population that is now receiving AFDC in this ctaegory. This provision, we believe, would give the States an additional incentive to make effective use of the constructive programs which the bill would establish. Moreover, this limitation on Federal matching will not prevent any deserving family from receiving aid payments. The States would not be free to keep any family off the rolls to keep within this limitation because there is a requirement in the law that requires equal treatment of recipients and uniform administration of a program within a State. . . ." 113 Cong. Rec. 10670 (August 17, 1967).

In sum, the provisions of the Act which compute the amount of federal contribution to state AFDC programs are related to state payments to individual recipients and have consistently excluded any limitation based upon family size. The limitation contained in § 403(d)(1) of the Act affects only the amount of federal matching funds in one category of aid, and in no way indicates congressional approval of maximum grants.

The purpose of the AFDC provisions of the Social Security Act is not only to provide for the needs of dependent children, but also "to keep the young children with their mother in their own home, thus preventing the necessity of placing the children in institutions." S. Rep. No. 628, 74th Cong. 1st Sess., 17 (1935). Also see Social Security Act § 401. As the District Court noted, however, "the maximum grant regulation provides a powerful economic incentive to break up large families by placing 'dependent children' in excess of those whose subsistence needs, when added to the subsistence needs of other members of the family, exceed the maximum grant, in the homes of persons included in the class of eligible relatives." 297 F. Supp., at 456. By this device, payments for the "excess" children can be obtained.

"If Mrs. Williams were to place two of her children of twelve years or over with relatives, each child so placed would be eligible for assistance in the amount of $79.00 per month, and she and her six remaining children would still be eligible to receive the maximum grant of $250.00. If Mr. and Mrs. Gary were to place two of their children between the ages of six and twelve with relatives, each child so placed would be eligible for assistance in the amount of $65.00 per month, and they and their six remaining children would still be eligible to receive the maximum grant of $250.00 *Id*., at 453–454.

The District Court correctly states that this incentive to break up family units created by the maximum grant regulation is in conflict with a fundamental purpose of the Act.

The history of the Social Security Act thus indicates that Congress intended the financial benfits, as well as the other benefits, of the AFDC program to reach each individual recipient eligible under the federal criteria. It was to this purpose that Congress had reference when it commanded in § 402(a) (10) of the Act that aid families with dependent children shall be furnished to "all eligible individuals." [3]

The Court attempts to avoid the effect of this command by stating that "it is the *family* grant that is affected." *Ante*, at —. The implication is that, regardless of how the AFDC payments are computed or to whom they apply, the payments will be used by the parents for the benefit of all the members of the family unit. This is no doubt true. But the fact that parents may take portions of the payments intended for certain children to give to other children who are not given payments under the State's AFDC plan, does not alter the fact that aid is not being given *by the State* to the latter children. And it is payments by the State, not by the parents, to which the command of § 402(a) (10) is directed. The Court's argument would equate family grant maximums with percentage reductions, but the two are, in fact, quite distinct devices for limiting welfare payments. If Congress wished to design a scheme under which each family received equal payments, irrespective of the size of the family, I see nothing that would prevent it from doing so. But this is not the scheme of Congress under the present Act.

Against the legislative history and the command of § 402(a) (10), the appellants cite three provisions of the Social Security Act as recognizing the validity of state maximum grant regulations.

The first of these provisions is § 402(a) (23) of the Act, 42 U.S.C. § 602(a) (23) (1964 ed., Supp. IV), which provides:

"A State plan for aid and services to needy families with children must . . . provide that by July 1, 1969 the amounts used by the State to determine the needs of individuals will have been adjusted to reflect fully changes in living costs since such amounts were established, and any maximums that the State imposes on the amount of aid paid to families will have been proportionately adjusted."

This section had its genesis in an Administration proposal to require States to pay fully the amounts required by their standard of need, and also to make cost-of-living adjustments to that standard of need by July 1, 1968, and annually thereafter. House Committee on Ways and Means, Hearing on H.R. 5710, 90th Cong., 1st Sess., 59 (1967); House Committee on Ways and Means, Section-by-Section Analysis of H.R. 5710, 90th Cong., 1st Sess., 118–119 (1967). The bill which emerged from the House as H.R. 12080, however, did not include any provision relating to an increase in benefit levels or adjustments to standards of need. See Senate Committee on Finance, Hearings on H.R. 12080, 90th Cong., 1st Sess., 109–144 (1967). A provision requiring a cost-of-living adjustment in the standard of need by July 1, 1969, and annually thereafter was added to the House bill by the Senate Finance Committee, and this provision also required that "any maximums . . . on the amount of aid" be proportionately adjusted. S. Rep. No. 744, 90th Cong., 1st Sess., 293 (1967). An amendment of the bill was proposed in the Senate which would have required a positive increase in AFDC payments, but that amendment was rejected. 113 Cong. Rec. 33560 (Nov. 21, 1967). The Senate-House Conference Committee adopted the Senate AFDC cost-of-living provision, omitting only the requirement for annual updating of need standards after July 1, 1969. H.R. Rep. No. 1030 (Conference Report), 90th Cong., 1st Sess., 63 (1967).

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[2] The benefits distributed under the AFDC program include "financial assistance and rehabilitation and other services." Social Security Act § 401. The term "aid to families with dependent children" is itself defined in § 406 (b) of the Act, as "money payments with respect to, or . . . medical care in behalf of or any type of remedial care recognized under State law" in behalf of independent children, the relatives with whom they live, and other "essential persons" residing with the relative and child.

The services provided by the Act for AFDC recipients include "family services" and "child-welfare services." "Family services" are defined by § 406 (d) of the Act, as "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." "Child-welfare programs" are defined by § 425 of the Act, 42 U.S.C. § 625 (1965 ed., Supp. IV), as "public social services which supplement, or substitute for, parental care and supervision for the purpose of (1) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, (2) protecting and caring for homeless, dependent, or neglected children, (3) protecting and promoting the welfare of children of working mothers, and (4) otherwise strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities." In addition, § 402(a) (15) of the Act requires the State AFDC plan to provide for the development of a program for each appropriate relative and dependent child receiving aid under the plan, and other "essential persons" living with a relative and child receiving such aid, "with the objective of—(i) assuring, to the maximum extent possible, that such relative, child, and individual will enter the labor force and accept employment so that they will become self-sufficient, and (ii) preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life. . . ."

Section 432 of the Act, 42 U.S.C. § 632 (1964 ed., Supp. IV), provides for the establishment of work-incentive programs for AFDC recipients which include the placement of recipients over the age of 16 in employment, "institutional and work experience training for those individuals for whom such training is likely to lead to regular employment," and "special work projects for individuals for whom a job in the regular economy cannot be found." See also Social Security Act § 402 (a) (19).

The State must also provide foster care in accordance with § 408 of the Act. Social Security Act § 402 (a) (20). And whenever the State feels that AFDC payments may not be used in the best interests of the child, it may provide for counseling or guidance with respect to the use of such payments and the management of other funds. Social Security Act § 405, U.S.C. § 605.

[3] Note 1, *supra*.

Nowhere in any of the hearings, committee reports, on floor debates, is there shown a congressional intent to validate state maximum grant regulations by the provisions of § 402(a)(23). Rather, the legislative history shows that Congress was exclusively concerned with increasing the income of AFDC recipients. If Congress had not required cost-of-living adjustments in state-imposed grant maximums, the States could easily nullify the effect of the cost-of-living adjustments for many AFDC families by retaining the grant ceilings in force before the adjustment was made. Congress was, to be sure, acknowledging the existence of maximum grant regulations. But every congressional reference to an existing practice does not automatically imply approval of that practice. The task of statutory construction requires more. It requires courts to look to the context of that reference and to the history of relevant legislation. In the present context, the reference to maximum grants was necessary to preserve the integrity of the cost-of-living adjustment required by the bill. No further significance can legitimately be read into that reference.

Appellants also rely on § 108(a) of P.L. 87–543, 76 Stat. 172, a provision of the Public Welfare Amendments of 1962 that amended § 406 of the Act. This amendment, which has since been superseded, authorized "protective payments" to an individual other than the relative with whom the dependent child is living. The problem which this amendment was designed to cure was that some payees were unable to manage their funds so that the dependent children received the full benefit of the AFDC payments. Hearings on H.R. 10606 before the Senate Committee on Finance, 87th Cong., 2d Sess., 17 (1962). The House bill required "a meeting of all need as determined by the State" as a condition to including "protective payments" within the definition of "aid to families with dependent children." The Senate Finance Committee changed that requirement, however, by an amendment which authorized federal funding of "protective payments" if the state-determined need of individuals with respect to whom such payments were made was fully met by their assistance payment and other income or resources. The Senate Committee explained this provision as follows:

"The effect of this provision is to make it possible for protective payments to be made in behalf of certain ADC recipients in States in which there is a maximum limiting the amount of assistance an individual may receive. These are the cases in which the statutory maximum does not prevent need from being met in full according to the State's standards." S. Rep. No. 1589, 87th Cong., 2d Sess., 1 U.S. Code Cong. & Adm. News, 1956 (1962).

This reference to a state-imposed maximum can hardly be interpreted as a congressional approval of a family maximum grant. If anything, it implicitly disapproves the concept by withholding federal payments with respect to individuals receiving "protective payments" when a maximum grant operates to prevent these individuals from receiving the full amount of their state-determined need.

The final statutory provision relied upon by appellants is § 220(a) of P.L. 90–248, 81 Stat. 821, which added to the Medical Assistance Title of the Act a new § 1903(f), 42 U.S.C. § 1396b(f) (1964 ed., Supp. IV). This section limits federal financial participation in medical assistance benefits to those whose incomes do not exceed 133⅓% of the highest amount of AFDC assistance paid to a family of the same size without any income or resources. This section, however, also provides: "If the Secretary [of Health, Education, and Welfare] finds that the operation of a uniform maximum limits payments to families of more than one size, he may adjust the amount otherwise determined . . . to take account of families of different sizes." The purpose of this provision was to allow qualification as medically indigent of those individuals who would have qualified but for the operation of an AFDC grant maximum, and thus prevent the extension of the operation of grant maximums into the Medical Assistance Title. Congressional rejection of grant maximums in the Medical Assistance Title does not infer their approval in the context of the AFDC provisions. Quite the contrary would seem to be the case.

In all of the legislative provisions relied upon by the appellants, the congressional reference to maximum grants has been made in the context of attempting to alleviate the harsh results of their application, not in a context of approving and supporting their operation. The three statutory references cited by appellants and discussed above are clearly inadequate to overcome the long history of concern manifested in the AFDC provisions of the Social Security Act for meeting the needs of each eligible recipient, and the command of § 402(a)(10) of the Act to that effect.

Appellants tender one further argument as to the compliance of the Maryland maximum grant regulation with the Social Security Act. That argument is that the Department of Health, Education, and Welfare has not disapproved of any of the Maryland plans which have included maximum grant provisions, and that this lack of disapproval by HEW is a binding administrative determination as to the conformity of the regulation with the Social Security Act. That argument was thoroughly explored by the District Court below in its supplemental opinion. The District Court accepted the claim that HEW considers the Maryland maximum grant regulation not to be violative of the Act, but held:

"In view of the fact, however, that there is no indication from administrative decision, promulgated regulation, or departmental statement that the question of the conformity of maximum grants to the Act has been given considered treatment, we believe that the various actions and inactions on the part of HEW are not entitled to substantial, much less decisive, weight in our consideration of the instant case." 297 F. Supp., at 460.

HEW seldom has formally challenged the compliance of a state welfare plan with the terms of the Social Security Act. See Note, Federal Judicial Review of State Welfare Practices, 67 Col. L. Rev. 84, 91 (1967). The mere absence of such a formal challenge, whatever may be said for its constituting an affirmative determination of the compliance of a state plan with the Social Security Act, is not such a determination as is entitled to decisive weight in the judicial determination of this question.

On the basis of the inconsistency of the Maryland maximum grant regulation with the Social Security Act, I would affirm the judgment below.

Mr. Justice Marshall, whom Mr. Justice Brennan joins, dissenting.

For the reasons stated by Mr. Justice Douglas, to which I add some comments of my own, I believe that the Court has erroneously concluded that Maryland's maximum grant regulation is consistent with the federal statute. In my view, that regulation is fundamentally in conflict with the basic structure and purposes of the Social Security Act.

More important in the long run than this misreading of a federal statute, however, is the Court's emasculation of the Equal Protection Clause as a constitutional principle applicable to the area of social welfare administration. The Court holds today that regardless of the arbitrariness of a classification it must be sustained if any state goal can be imagined which is arguably furthered by its effects. This is so even though the classification's under- or over-inclusiveness clearly demonstrates that its actual basis is something other than that asserted by the State, and even though the relationship between the classification and the state interests which it purports to serve is so tenuous that it could not seriously be maintained that the classification tends to accomplish the ascribed goals.

The Court recognizes, as it must, that this case involves "the most basic economic needs of impoverished human beings," and that there is therefore a "dramatically real factual difference" between the instant case and those decisions upon which the Court relies. The acknowledgement that these dramatic differences exist is a candid recognition that the Court's decision today is wholly without precedent. I cannot subscribe to the Court's sweeping refusal to accord the Equal Protection Clause any role in this entire area of the law, and I therefore dissent from both parts of the Court's decision.

At the outset, it should be emphasized exactly what is involved in determining whether this maximum grant regulation is consistent with and valid under the federal law. In administering its AFDC program, Maryland has established its own standards of need, and they are not under challenge in this litigation. Indeed, the District Court specifically refused to require additional appropriations on the part of the State or to permit appellees to recover a monetary judgment against the State. At the same time, however, there is no contention, nor could there be any, that the maximum grant regulation is in any manner related to calculation of need.[1] Rather, it arbitrarily cuts across state-defined standards of need to deny any additional assistance with respect to the fifth or any succeeding child in a family.[2] In short,

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[1] The Court is thus wrong in speaking of "the greater ability of large families—because of the inherent economies of scale—to accommodate their needs to diminished per capita payments." Those economies have already been taken into account once in calculating the standard of need. Indeed, it borders on the ludicrous to suggest that a large family is more capable of living on perhaps 50% of its standard of need than a small family is on 95%

[2] Because of minor variations in the calculation of the subsistence needs of particular families, and because the maximum grant varies between $240 and $250 per month, depending upon the county in which a particular family resides, the cutoff point between families which receive the full subsistence allowance and those which do not is not precisely families of more than six members. In practice, it appears that the subsistence needs of a family of six members are fully met. The needs of the seventh member (*i.e.*, the fifth or sixth child, depending

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the regulation represents no less than the refusal of the State to give any aid whatsoever for the support of certain dependent children who meet the standards of need which the State itself has established.

Since its inception in the Social Security Act of 1935, the focus of the federal AFDC program has been to provide benefits for the support of dependent children of needy families with a view toward maintaining and strengthening family life within the family unit. As succinctly stated by the Senate Committee on Finance, "[t]he objective of the aid to dependent children program is to provide cash assistance for needy children *in their own homes.*"[2] In meeting these objectives, moreover, Congress has provided the outlines that the AFDC plan is to follow if a State should choose to participate in the federal program. The maximum grant regulation, however, does not fall within these outlines or accord with the purposes of the Act. And the Court by approving it allows for a complete departure from the congressional intent.

The phrase "aid to families with dependent children," from which the AFDC program derives its name, appears in § 402(a)(10) of the Act, 42 U.S.C. § 602(a)(10), and is defined in 42 U.S.C. § 606(b) as, *inter alia*, "money payments *with respect to* . . . dependent children." (Emphasis added.) Moreover, the term "dependent child" is also extensively defined in the Act. See 42 U.S.C. § 606(a). Nowhere in the Act is there any sanction or authority for the State to alter those definitions—that is, to select arbitrarily from among the class of needy dependent children those whom it will aid. Yet the clear effect of the maximum grant regulation is to do just that, for the regulation creates in effect a class of otherwise eligible dependent children with respect to whom no assistance is granted.

It was to disapprove just such an arbitrary device to limit AFDC payments that Congress amended § 402 (a)(10) in 1951 to provide that aid "shall be furnished with reasonable promptness *to all eligible individuals.*" (Emphasis added.) Surely, as my Brother DOUGLAS demonstrates, this statutory language means at least that the State must take into account the needs of, and provide aid with respect to, *all* needy dependent children. Indeed, that was our assessment of the congressional design embodied in the AFDC program in *King* v. *Smith*, 392 U.S. 309, 329–330, 333 (1968).

The opinion of the Court attempts to avoid this reading of the statutory mandate by the conclusion that parents will see that all the children in a large family share in whatever resources are available so that all children "do receive some aid." And "[s]o long as some aid is provided to all eligible families and all eligible children, the statute itself is not violated." The Court also views sympathetically the State's contention that the "all eligible individuals" clause was designed solely to prevent discrimination against new applicants for AFDC benefits. I am unpersuaded, however, by the view that Congress simultaneously prohibited discrimination against one class of dependent children—those in families not presently receiving benefits—and at the same time sanctioned discrimination against another class—those children in large families. Furthermore, the Court's interpretation would permit a State to impose a drastically reduced maximum grant limitation—or, indeed, a uniform payment of, say, $25 per family per month—as long as all families were subject to the rule. Thus, merely by purporting to compute standards of need and granting some benefits to all eligible families, the State would comply with the federal law—in spite of the fact that the needs of none or very few dependent children would thereby be taken into account in the actual assistance granted. I cannot agree that Congress intended that a State should be entitled to participate in the federally funded AFDC program under such circumstances.

Moreover, the practical consequences of the maximum grant regulation in question here confirm me in the view that it is invalid. Under the complicated formula for determining the extent of federal support for the AFDC program in the various States, the federal subsidy is based upon "the total number of recipients of aid to families with dependent children." 42 U.S.C. § 603(a). "Recipients" is defined in the same provision to include both dependent children and the eligible relative or relatives with whom they live. There is, however, no limitation upon the number of recipients per family unit for whom the federal subsidy is paid to the States. Thus, when a maximum family grant regulation is in effect, the State continues to receive a federal subsidy for each and every dependent child even though the State passes *none* of this subsidy on to the large families for the use of the additional dependent children.

Specifically, in Maryland, the record in this case indicates that the State spends an average of almost $40 per recipient per month. Under the federal matching formula, federal funds provide $22 of the first $32 per recipient, with anything above $32 being supplied by the State.[4] However, the Federal Government provides a maximum of $22 for every dependent child, although none of that amount is received by the needy family in the case of the fifth or sixth and succeeding children. The effect is to shift a greater proportion of the support of large families from the State to the Federal Government as the family size increases. Indeed, if the size of the family should equal or exceed 11, the State would succeed in transferring the entire support burden for the family to the Federal Government, or even make a "profit" in the sense that it would receive more from the Federal Government with respect to the family than the $250 maximum which is actually paid to that family. It is impossible to conclude that Congress intended so incongruous a result. On the contrary, when Congress undertook to subsidize payments on behalf of *each recipient*—including each dependent child—it seems clear that Congress intended each needy dependent child to receive the use and benefit of at least the incremental amount of the federal subsidy paid on his account.

A second effect of the maximum family grant regulation further demonstrates its inconsistency with the federal program. As administered in Maryland, the regulation serves to provide a strong economic incentive to the disintegration of large families. This is so because a family subject to the maximum regulation can, merely by placing the ineligible children in the homes of other relatives, receive additional monthly payments for the support of these additional dependent children.[5] When families are receiving support which is concededly far below their bare minimum subsistence needs, the economic incentive which the maximum grant regulation provides to divide up large families can hardly be viewed as speculative or negligible. The opinion of this Court does not even dispute this effect.[6] The Court answers by saying that the family relationship "may be attenuated but it cannot be destroyed" Yet it was just this kind of attenuation that, as the legislative history conclusively demonstrates,[7] Congress was concerned with eliminating in establishing the AFDC program. The Court's rationale takes a long step backwards toward the time when persons were dependent upon the charity of their relatives—the very situation meant to be remedied by AFDC.

Despite its denial of the principle that payments should be made with regard to all eligible individuals and its conflict with the basic purposes of the Act, the Maryland regulation is nevertheless found by the Court to be consistent with the federal law because the existence of such regulations has been recognized by Congress. To bolster this view, the Court argues that the same conclusion has been reached by the department charged with administering the Act. On neither score is the Court convincing.

With regard to the position of the Secretary of HEW, about all that can be said with confidence is that we do not know his views on the validity of family maximum regulations within the federal structure.[8] The rea-

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upon whether one or both parents are within the assistance unit), as defined by the State are met, if at all, only to a very small extent. In the usual situation, no payments whatever would be made with respect to any additional eligible dependent children.

[2] S. Rep. No. 165, 87th Cong., 1st Sess., 6 (1961). (Emphasis added.)

[4] More technically, the Federal Government supplies five-sixths of the overall amount spent per recipient up to $18, plus one-half of the amount from $18 to $32,, to a total of $22. See 42 U.S.C. § 603.

[5] For example, in the case of the appellee, Mrs. Williams, if she were to place two of her children over 12 years of age with relatives, payments of $79 per month would be paid with respect to each child. Thus, a total of $408 per month, or $158 above the maximum, would be available for the support of Mrs. Williams and her eight children. Similarly, if appellees Mr. and Mrs. Gary were to place with relatives two of their children who are between the ages of 6 and 12 years, each child would be eligible to receive $65. Hence Mr. and Mrs. Gary and their eight children would receive support in the amount of $380 per month, or some $130 above the family maximum.

[6] The State has contended that the economic incentive to disintegration of large families which the maximum grant regula-provides is merely speculative. However, serious doubt is cast upon this view by the stipulation of facts entered in the District Court which states in part that, despite the strong desire to keep their families together, appellees in this case were having great difficulty in doing so because of the limitations on their grants.

[7] In S. Rep. No. 628, 74th Cong., 1st Sess., 17 (1935), the original goals of the AFDC program are stated as follows: "With no income coming in, and with young children for whom provision must be made for a number of years, families without a father's support require public assistance, unless they have been left with adequate means or are aided by friends and relatives. . . . Through cash grants *adjusted to the need of the family* it is possible to keep young children *with their mother in their own home,* thus preventing the necessity of placing children in institutions. This is recognized by everyone to be the least expensive and altogether most desirable method for meeting the needs of these families that has yet been devised." (Emphasis added.) See also H. R. Rep. No. 615, 74th Cong., 1st Sess., 10 (1935).

These goals remain the same today. See 42 U.S.C. § 601. See generally Note, Welfare's "Condition X," 76 Yale L. J. 1222, 1232–1233 (1967).

[8] In various briefs submitted both to this Court and to other courts in analogous litigation, the Secretary of HEW and the Solicitor General have taken the occasion to label family maximum grant regulations as "arbitrary," oppressive of large families, as resulting in "patently different treatment of individuals," and having received, at least inferentially, the disfavor of Congress. See, *e.g.*, Memorandum for the United States as

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son is simple—he has not been asked. Thus, contrary to our admonition given today to the district courts in considering cases in this area, that whenever possible they "should obtain the views of HEW in those cases where it has not set forth its views," *Rosado* v. *Wyman, ante,* at —, the Government was not invited to file a brief in this case. Perhaps the reason is that this Court is fully versed in the complexities of the Federal AFDC program. I am dubious, however, when the Court explicitly relies on the failure of the Secretary to disapprove the Maryland welfare scheme. For if anything at all is completely clear in this area of the law it is that the failure of HEW to cut off funds from a state program has no meaning at all. See *Rosado* v. *Wyman, supra,* at — (DOUGLAS, J., concurring).

Finally, the Court tells us that Congress has said that the Act permits maximum grant regulations. If it had, this part of the case would be obvious; but, of course, it has not. There is no indication Congress has focused on the family maximum as opposed to individual or other maxima or combinations of such limiting devices. [9] and, to the extent that it could be said to have done so, as my Brother DOUGLAS fully demonstrates, it was in the context of disapproving all maxima and ameliorating the harshness of their effects. See also *Rosado* v. *Wyman, supra,* at —. These slender threads of legislative comment simply cannot be woven into a conclusion of legislative sanction. Cf. *Shapiro* v. *Thompson,* 394 U.S. 618, 638–640 (1969). Furthermore, it is fundamental that in construing legislation, "we must not be guided by a single sentence or member of a sentence, but [should] look to the provisions of the whole law, and to its object and policy." *Richards* v. *United States,* 369 U.S. 1, 11 (1961). We concluded in *King* v. *Smith, supra,* after an extensive review of the AFDC program, that Congress "intended to provide programs for the economic security and protection of *all* children" and did not intend "arbitrarily to leave one class of destitute children entirely without meaningful protection." 392 U.S., at 330. (Emphasis in original.) That reasoning is likewise applicable to the instant case, in which the maximum grant regulation excludes consideration of the needs of a certain class of dependent children in large families. It is apparent, therefore, that Maryland's maximum grant regulation is not consistent with the Social Security Act, and hence appellees were entitled to the injunction they obtained against its operation.

Having decided that the injunction issued by the District Court was proper as a matter of statutory construction, I could affirm on that ground alone. However, the majority has of necessity passed on the constitutional issues. I believe that in overruling the decisions of this and every other district court that has passed on the validity of the maximum grant device,[10] the Court both reaches the wrong result and lays down an insupportable test for determining whether a State has denied its citizens the equal protection of the laws.

The Maryland AFDC program in its basic structure operates uniformly with regard to all needy children by taking into account the basic subsistence needs of all eligible individuals in the formulation of the standards of need for families of various sizes. However, superimposed upon this uniform system is the maximum grant regulation, the operative effect of which is to create two classes of needy children and two classes of eligible families: those small families and their members who receive payments to cover their subsistence needs and those large families who do not.[11]

This classification process effected by the maximum grant regulation produces a basic denial of equal treatment. Persons who are concededly similarly situated (dependent children and their families), are not afforded equal, or even approximately equal, treatment under the maximum grant regulation. Subsistence benefits are paid with respect to some needy dependent children; nothing is paid with respect to others. Some needy families receive full subsistence assistance as calculated by the State; the assistance paid to other families is grossly below their similarly calculated needs.

Yet, as a general principle, individuals should not be afforded different treatment by the State unless there is a relevant distinction between them, and "a statutory discrimination must be based on differences that are reasonably related to the purposes of the Act in which it is found." *Morey* v. *Doud,* 354 U.S. 457, 465 (1957). See *Gulf, Colorado & Santa Fe Ry.* v. *Ellis,* 165 U.S. 150, 155 (1897). Consequently, the State may not, in the provision of important services or the distribution of governmental payments, supply benefits to some individuals while denying them to others who are similarly situated. See, *e.g., Griffin* v. *County School Board of Prince Edward County,* 377 U.S. 218 (1964).

In the instant case, the only distinction between those children with respect to whom assistance is granted and those children who are denied such assistance is the size of the family into which the child permits himself to be born. The class of individuals with respect to whom payments are actually made (the first four or five eligible dependent children in a family), is grossly underinclusive in terms of the class which the AFDC program was designed to assist, namely *all* needy dependent children. Such underinclusiveness manifests "a *prima facie* violation of the equal protection requirement of reasonable classification," [12] compelling the State to come forward with a persuasive justification for the classification.

The Court never undertakes to inquire for such a justification; rather it avoids the task by focusing upon the abstract dichotomy between two different approaches to equal protection problems which have been utilized by this Court.

Under the so-called "traditional test," a classification is said to be permissible under the Equal Protection Clause unless it is "without any reasonable basis." *Lindsley* v. *Natural Carbonic Gas Co.,* 220 U.S. 61, 78 (1911).[13] On the other hand, if the classification affects a "fundamental right," then the state interest in perpetuating the classification must be "compelling" in order to be sustained. See, *e.g., Shapiro* v. *Thompson, supra; Harper* v. *Board of Elections,* 383 U.S. 663 (1966); *McLaughlin* v. *Florida,* 379 U.S. 184 (1964).

This case simply defies easy characterization in terms of one or the other of these "tests." The cases relied on by the Court in which a "mere rationality" test was actually used, *e.g., Williamson* v. *Lee Optical Co.,* 348 U.S. 483 (1955), are most acurately described as involving the application of equal protection reasoning to the regulation of business interests. The extremes to which the Court has gone in dreaming up rational bases for state regulation in that area may in many instances be ascribed to a healthy revulsion from the Court's earlier excesses in using the Constitution to protect interests which have more than enough power to protect themselves in the legislative halls. This case, involving the literally vital interests of a powerless minority—poor families without breadwinners—is far removed from the area of business regulation, as the Court concedes. Why then is the standard used in those cases imposed here? We are told no more than that this case falls in the area of economics and social welfare," with the implication that from there the answer is obvious.

In my view, equal protection analysis of this case is not appreciably advanced by the *a priori* definition of a "right," fundamental or otherwise.[14] Rather, concentration must be placed upon the character of the classi-

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Amicus Curiae, *Rosado* v. *Wyman,* No. 540, 1969 Term; Brief of Robert H. Finch, Secretary of Health, Education, and Welfare as Amicus Curiae, *Lampton* v. *Bonin,* 299 F. Supp. 336, 304 F. Supp. 1384 (D. C. E. D. La. 1969); Brief of Robert H. Finch, etc., *Jefferson v. Hackney,* 304 F. Supp. 1332 (D. C. N. D. Tex. 1969). Hence the views of HEW on the precise issue presented in the instant case are, at the very best, ambiguous and quite possibly the opposite of what the Court ascribes to it.

[9] The maximum may be expressed in terms of a flat dollar amount, as a percentage of the individual's budgetary deficit (*i.e.,* the difference between need and other income), or in both ways. A system of individual maximums may, or may not, be combined with a family maximum, or, alternatively, a family maximum may be imposed in the absence of individual maximums. See generally Department of Health, Education, and Welfare, State Maximums and Other Methods of Limiting Money Payments to Recipients of Special Types of Public Assistance (1968); Sparer, Social Welfare Law Testing, 12 Prac. Law (No. 4) 13, 21. In addition, there are differing methods by which family maximums may be realted to other resources available to the family. Some States, including Maryland, subtract available resources from the state-calculated need; in other jurisdictions, available resources are subtracted from the family maximum. See, *e.g., Dews* v. *Henry,* 297 F. Supp. 587 (D.C.D. Ariz. 1969), involving litigation with respect to the Arizona family maximum.

[10] The lower courts have been unanimous in the view that maximum grant regulations such as Maryland's are invalid. See *Dews* v. *Henry, supra; Westbury* v. *Fisher,* 297 F. Supp. 1109 (D.C.D. Me. 1969); *Lindsey* v. *Smith,* 303 F. Supp. 1203 (D.C. W. D. Wash. 1969); *Kaiser* v. *Montgomery,*—F. Supp.— (D.C. N.D. Cal. 1969). See also *Collins* v. *State Board of Social Welfare,* 248 Iowa 369, 81 N.W. 2d 4 (1957) (family maximum invalid under equal protection clause of state constitution); *Metcalf* v. *Swank,* 293 F. Supp. 268 (D.C. N.D. Ill. 1968) (dictum).

[11] In theory, no payments are made with respect to needy dependent children in excess of four or five as the case may be. In practice, of course, the excess children share in the benefits which are paid with respect to the other members of the family. The result is that support for the entire family is reduced below minimum subsistence levels. However, for purposes of equal protection analysis, it makes no different whether the class against which the maximum grant regulation discriminates is defined as eligible dependent children in excess of the fourth or fifth, or, alternatively, as individuals in large families generally; that is, those with more than six members.

[12] Tussman & tenBroek, The Equal Protection of the Laws, 37 Calif. L. Rev. 341, 348 (1949).

[13] See generally Developments in the Law—Equal Protection, 82 Harv. L. Rev. 1065, 1076–1087 (1969).

[14] See generally Van Alstyne, The Demise of the Right-Privilege Distinction in Constitutional Law, 81 Harv. L. Rev. 1439 (1968). Appellees do argue that their "fundamental rights" are infringed by the maximum grant regulation. They cite, for example, *Skinner* v. *Oklahoma,* 316 U.S. 535 (1942), for the proposition that the "right of procreation" is fundamental. This statement is no doubt accurate as far as it goes, but the effect of

fication in question, the relative importance to individuals in the class discriminated against of the governmental benefits which they do not receive, and the asserted state interests in support of the classification. As we said only recently, "In determining whether or not a state law violates the Equal Protection Clause, we must consider the facts and circumstances behind the law, the interests which the State claims to be protecting, and the interests of those who are disadvantaged by the classification." *Kramer* v. *Union School District,* 395 U.S. 621, 626 (1969), quoting *Williams* v. *Rhodes,* 393 U.S. 23, 30 (1968).[15]

It is the individual interests here at stake which, as the Court concedes, most clearly distinguish this case from the "business regulation" equal protection cases. AFDC support to needy dependent children provides the stuff which sustains those children's lives: food, clothing, shelter.[16] And this Court has already recognized several times that when a benefit, even a "gratuitous" benefit, is necessary to sustain life, stricter constitutional standards, both procedural [17] and substantive,[18] are applied to the deprivation of that benefit.

Nor is the distinction upon which the deprivation is here based—the distinction between large and small families—one which readily commends itself as a basis for determining which children are to have support approximating subsistence and which are not. Indeed, governmental discrimination between children on the basis of a factor over which they have no control—the number of their brothers and sisters—bears some resemblance to the classification between legitimate and illegitimate children which we condemned as a violation of the Equal Protection Clause in *Levy* v. *Louisiana,* 391 U.S. 69 (1968).

The asserted state interests in the maintenance of the maximum grant regulation, on the other hand, are hardly clear. In the early stages of this litigation, the State attempted to rationalize the maximum grant regulation on the theory that it was merely a device to conserve state funds, in the language of the answer, "a legitimate way of allocating the State's limited resources available for AFDC assistance." Indeed, the initial opinion of the District Court concluded that the sole reason for the regulation, as revealed by the record, was "to fit the total needs of the State's dependent children, as measured by the State's standards of their subsistence requirements, into an inadequate State appropriation." 297 F. Supp., at 458. The District Court quite properly rejected this asserted justification, for "[t]he saving of welfare costs cannot justify an otherwise invidious classification." *Shapiro* v. *Thompson, supra,* at 633. See *Goldberg* v. *Kelly, supra,* at—.

In post-trial proceedings in the District Court, and in briefs to this court, the State apparently abandoned reliance on the fiscal justification. In its place, there have now appeared several different rationales for the maximum grant regulation, prominent among them being those relied upon by the majority—the notions that imposition of the maximum serves as an incentive to welfare recipients to find and maintain employment and provides a semblance of equality with persons earning a minimum wage.

With regard to the latter, Maryland has urged that the maximum grant regulation serves to maintain a rough equality between wage earning families and AFDC families, thereby increasing the political support for—or perhaps reducing the opposition to—the AFDC program. It is questionable whether the Court really relies on this ground, especially when in many States the prescribed family maximum bears no such relation to the minimum wage.[19] But the Court does not indicate that a different result might obtain in other cases. Indeed, whether elimination of the maximum would produce welfare incomes out of line with other incomes in Maryland is itself open to question on this record.[20] It is true that government in the United States, unlike certain other countries, has not chosen to make public aid available to assist families generally in raising their children. Rather, in this case Maryland, with the encouragement and assistance of the Federal Government, has elected to provide assistance at a subsistence level for those in particular need—the aged, the blind, the infirm, and the unemployed and unemployable, and their children. The only question presented here is whether, having once undertaken such a program, the State may arbitrarily select from among the concededly eligible those to whom it will provide benefits. And it is too late to argue that political expediency will sustain discrimination not otherwise supportable. Cf. *Cooper* v. *Aaron,* 358 U.S. 1 (1958).

Vital to the employment-incentive basis found by the Court to sustain the regulation is, of course, the supposition that an appreciable number of AFDC recipients are in fact employable. For it is perfectly obvious that limitations upon assistance cannot reasonably operate as a work incentive with regard to those who cannot work or who cannot be expected to work. In this connection, Maryland candidly notes that "only a very small percentage of the total universe of welfare receipients are employable." The State, however, urges us to ignore the "total universe" and to concentrate attention instead upon the heads of AFDC families. Yet the very purpose of the AFDC program since its inception has been to provide assistance for dependent *children*. The State's position is thus that the State may deprive certain needy children of assistance to which they would otherwise be entitled in order to provide an arguable work-incentive for their parents. But the State may not wield its economic whip in this fashion when the effect is to cause a deprivation to needy dependent children in order to correct an arguable fault of their parents. Cf. *Levy* v. *Louisiana, supra; King* v. *Smith, supra,* at 334–336 (DOUGLAS, J., concurring); *Doe* v. *Shapiro,* 302 F. Supp. 761 (D. C. D. Conn.) 1969), appeal dismissed, 396 U. S. 488 (1970).

Even if the invitation of the State to focus upon the heads of AFDC families is accepted, the minimum rationality of the maximum grant regulation is hard to discern. The District Court found that of Maryland's more than 32,000 AFDC families, only about 116 could be classified as having employable members, and, of these, the number to which the maximum grant regulation was applicable is not disclosed by the record. The State objects that this figure includes only families in which the father is unemployed and fails to take account of families in which an employable mother is the head of the household. At the same time, however, the State itself has recognized that the vast proportion of these mothers are in fact unemployable because they are mentally or physically incapacitated, because they have no marketable skills, or, most prominently, because the best interests of the children dictate that the mother remain in the home.[21]

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the maximum grant regulation upon the right of procreation is marginal and indirect at best, totally unlike the compulsory sterilization law which was at issue in *Skinner*.

At the same time the Court's insistence that equal protection analysis turns on the basis of a closed category of "fundamental rights" involves a curious value judgment. It is certainly difficult to believe that a person whose very survival is at stake would be comforted by the knowledge that his "fundamental" rights are preserved intact.

On the issue of whether there is a "right" to welfare assistance, see generally Graham, Public Assistance: The Right To Receive; the Obligation To Repay, 43 N. Y. U. L. Rev. 451 (1968); Harvith, Federal Equal Protection and Welfare Assistance, 31 Albany L. Rev. 210 (1967); Note, Welfare Due Process: The Maximum Grant Limitation on the Right To Survive, 3 Ga. L. Rev. 459 (1969). See also Universal Declaration of Human Rights, Art. 25.

[15] This is essentially what this Court has done in applying equal protection concepts in numerous cases, though the various aspects of the approach appear with a greater or lesser degree of clarity in particular cases. See, *e. g., McLaughlin* v. *Florida, supra; Rinaldi* v. *Yeager,* 384 U. S. 305 (1966); *Carrington* v. *Rash,* 380 U. S. 89 (1965); *Douglas* v. *California,* 372 U. S. 353 (1963); *Skinner* v. *Oklahoma, supra.*

For an application of this approach to several welfare questions, see Note, Equal Protection as a Measure of Competing Interests in Welfare Litigation, 21 Me. L. Rev. 175 (1969).

[16] See also *Rothstein* v. *Wyman,* 303 F. Supp. 339, 346–347 (D. C. S. D. N. Y. 1969); *Harvith, supra,* n. 28, at 222–226.

[17] See *Sniadach* v. *Family Finance Corp.,* 394 U.S. 337, 340–342 (1969) (relying on devastating impact of wage garnishment to require prior hearing as a matter of due process); *Goldberg* v. *Kelly,* 397 U. S. ——, —— (1970); "Thus the crucial factor in this context—a factor not present in the case of the blacklisted government contractor, the discharged government employee, the taxpayer denied a tax exemption, or virtually anyone else whose governmental largesse is ended—is that termination of aid pending resolution of a controversy over eligibility may deprive an *eligible* recipient of the very means by which to live while he waits."

[18] Compare *Shapiro* v. *Thompson, supra,* at 627, striking down one-year residency requirement for welfare eligibility as violation of equal protection, and noting that the benefits in question are "the very means to subsist—food, shelter, and other necessities of life," with *Kirk* v. *Board of Regents* — Cal. App. 2d ——, ——, 78 Cal. Rptr. 260, 266–267 (1969), appeal dismissed, 396 U. S. 554 (1970) upholding one-year residency requirement for tuition-free graduate education at state university, and distinguishing *Shapiro* on the ground that it "involved the immediate and pressing need for preservation of life and health of persons unable to live without public assistance, and their dependent children."

These cases and those cited n. 17, *supra,* suggest that whether or not there is a constitutional "right" to subsistence (as to which see n. 14, *supra*), deprivations of benefits necessary for subsistence will receive closer constitutional scrutiny, under both the Due Process and Equal Protection clauses, than will deprivations of less essential forms of governmental largesse.

[19] See Department of Health, Education, and Welfare, Report on Money Payments to Recipients of Special Types of Public Assistance, Table 4 (NCSS Report D–4, 1967).

[20] The State of Maryland has long spoken with at least two voices on the issue of the maximum grant regulation. The Department of Public Welfare has taken the position, over a number of years, that the regulation should be abolished and has made several proposals to that effect. In so doing, the Department has taken the position that its proposals would not set welfare benefits out of line with household incomes throughout the State. See, *e.g.,* Minutes of State Board of Public Welfare Meeting, September 26, 1958, printed in the Appendix in this case, at 130–132.

[21] Indeed, Rule 200 IX A(2)(b)(5) of the Manual of the Maryland State Department

Thus, it is clear, although the record does not disclose precise figures, that the total number of "employable" mothers is but a fraction of the total number of AFDC mothers. Furthermore, the record is silent as to what proportion of large families subject to the maximum have "employable" mothers. Indeed, one must assume that the presence of the mother in the home can be less easily dispensed with in the case of large families, particularly where small children are involved and alternative provisions for their care are accordingly more difficult to arrange. In short, not only has the State failed to establish that there is a substantial or even a significant proportion of AFDC heads of households as to whom the maximum grant regulation arguably serves as a viable and logical work incentive, but it is also indisputable that the regulation at best is drastically *over-inclusive* since it applies with equal vigor to a very substantial number of persons who like appellees are completely disabled from working.

Finally, it should be noted that, to the extent there is a legitimate state interest in encouraging heads of AFDC households to find employment, application of the maximum grant regulation is also grossly *underinclusive* because it singles out and affects only large families. No reason is suggested why this particular group should be carved out for the purpose of having unusually harsh "work incentives" imposed upon them. Not only has the State selected for special treatment a small group from among similarly-situated families, but it has done so on a basis—family size—which bears no relation to the evil that the State claims the regulation was designed to correct. There is simply no indication whatever that heads of large families, as opposed to heads of small families, are particularly prone to refuse to seek or to maintain employment.

The State has presented other arguments to support the regulation. However, they are not dealt with specifically by the Court, and the reason is not difficult to discern. The Court has picked the strongest available; the others suffer from similar and greater defects.[22] Moreover, it is relevant to note that both Congress and the State have adopted other measures which deal specifically with exactly those interests the State contends are advanced by the maximum grant regulation. Thus, for example, employable AFDC recipients are required to seek employment through the congressionally established Work Incentive Program which provides an elaborate system of counseling, training, and incentive payments for heads of AFDC families. See generally 42 U.S.C. §§ 630–644.[23] The existence of these alternatives does not, of course, conclusively establish the invalidity of the maximum grant regulation. It is certainly relevant, however, in appraising the overall interest of the State in the maintenance of the regulation.

In the final analysis, Maryland has set up an AFDC program structured to calculate and pay the minimum standard of need to dependent children. Having set up that program, however, the State denies some of those needy children the minimum subsistence standard of living, and it does so on the wholly arbitrary basis that they happen to be members of large families. One need not speculate too far on the actual reason for the regulation, for in the early stages of this litigation the State virtually conceded that it set out to limit the total cost of the program along the path of least resistance. Now, however, we are told that other rationales can be manufactured to support the regulation and to sustain it against a fundamental constitutional challenge.

However, these asserted state interests, which are not insignificant in themselves, are advanced either not at all or by complete accident by the maximum grant regulation. Clearly they could be served by measures far less destructive of the individual interests at stake. Moreover, the device assertly chosen to further them is at one and the same time both grossly underinclusive—because it does not apply at all to a much larger class in an equal position—and grossly overinclusive—because it applies so strongly against a substantial class as to which it can rationally serve no end. Were this a case of pure business regulation, these defects would place it beyond what has heretofore seemed a borderline case, see *e.g., Railway Express Agency, Inc.* v. *New York,* 336 U.S. 106 (1949), and I do not believe that the regulation can be sustained even under the Court's "reasonableness" test.

In any event, it cannot suffice merely to invoke the spectre of the past and to recite from *Lindsley* v. *Natural Carbonic Gas Co.* and *Williamson* v. *Lee Optical Co.* to decide the case. Appellees are not a gas company or an optical dispenser; they are needy dependent children and families who are discriminated against by the State. The basis of that discrimination—the classification of individuals into large and small families—is too arbitrary and too unconnected to the asserted rationale, the impact on those discriminated against—the denial of even a subsistence existence—too great, and the supposed interests served too contrived and attenuated to meet the requirements of the Constitution. In my view Maryland's maximum grant regulation is invalid under the Equal Protection Clause of the Fourteenth Amendment.

I would affirm the judgment of the District Court.

WIDE SUPPORT FOR FOREIGN BANK BILL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, H.R. 15073, the bill to control the use of foreign secret bank accounts for illegal purposes, was favorably reported unanimously from the Banking and Currency Committee.

Strong support for this important bill has come from all over the country. The Longview Daily News, one of Texas' finer newspapers, printed an editorial on March 3, 1970, calling attention to the bill's wide support.

The editorial follows:

Patman Bill Is Favored

U.S. Rep. Wright Patman, First Texas District, has received editorial support from The New York Times for his bill designed to circumvent foreign secrecy barriers in matters affecting banking and securities, taxes and international trade.

Congressman Patman, who is chairman of the House Banking Committee, thinks there is "a billion-dollar leak in the U.S. Ship of State," through the medium of secret foreign bank accounts. "So important is this device as a prime tool of organized crime and also as a heavy drain on our international balance of payments," says Rep. Patman, "that strong sentiment is building up around the country to support my bill (H.R. 15073) to control the use of secret foreign bank accounts."

An example of the support being given the Patman measure is reprinted below from The New York Times of Feb. 26, where is appeared under the heading "Errors and Omissions":

The Department of Commerce reports that the United States sustained a $7-billion deficit in its balance of payments in 1969—the biggest liquidity deficit on record. There is one huge and innocent looking item in those figures—"errors and omissions." During the first three-quarters of last year these errors and omissions totaled $3.2 billion of funds leaving the United States.

There is no record of where this money went or what it was used for. Much of it doubtless went into purchases of Eurodollars. But Robert Morgenthau, the former United States Attorney for the Southern District of New York and newly appointed Deputy Mayor, charges that much of this unrecorded outflow of money is going into secret Swiss numbered bank accounts and into other bank accounts abroad, where it is used to evade United States taxation and security regulations.

The American underworld increasingly uses secret accounts abroad to hide from the tax authorities and the police. However, as Mr. Morgenthau stated before the House Banking Committee, foreign bank accounts are being used "to an ever-increasing extent . . . by persons holding positions of responsibility and power in the business and financial worlds to cheat on taxes, to trade in securities in violation of our securities laws, to trade illegally in gold, to perpetrate corporate and other frauds and to hide the fruits of other white-collar crimes."

To control crime via foreign bank accounts Chairman Wright Patman of the House Banking Committee—with the help of the United States Treasury, the Internal Revenue Service, and the Justice Department—has produced a bill designed to circumvent foreign secrecy barriers. The bill would require American banks to maintain records on foreign transactions by their depositors and to make photocopies of checks or other transfer instruments.

The bill would also require persons involved in certain types of international financial transactions to file reports on their activities. This reporting requirement is essential if law violators using foreign accounts are to be caught—and others scared away from such practices. Failures to report have been extremely important in getting convictions against crooked financiers, businessmen, and labor racketeers here at home.

Curiously enough, however, the Treasury

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of Social Services prohibits the referral for employment of AFDC mothers who are needed in the home. And the unsuitability of many AFDC mothers has been well chronicalized in Maryland Department of Social Services, Profile of Caseloads, Research Report No. 5, at 6 (1969). See also Carter, The Employment Potential of AFDC Mothers, 6 Welfare in Review, No. 4, at 4 (1968).

[22] Thus, the State cannot single out a miniscule proportion of the total number of families in the State as in need of birth control incentives. Not only is the classification effected by the regulation totally underinclusive if this is its rationale, but it also arbitrarily punishes children for factors beyond their control, and overinclusively applies to families like appellees' that were already large before it became necessary to seek assistance. For similar reasons, the argument that the regulation serves as a disincentive to desertion does not stand scrutiny.

[23] Likewise, the State, with the encouragement of Congress, see 42 U.S.C. §§ 602 (a) (21), 610, has developed extensive statutory provisions to deal specifically with the problem of parental desertion. See generally 3 Md. Code Ann., Art. 27, §§ 88–96. And Congress has mandated, with respect to family planning, that the States provide services to AFDC recipients with the objective of "preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life." 42 U.S.C. § 602 (a) (15).

has at the last minute withdrawn its support of the Patman bill. Treasury spokesmen explain that the Administration line has changed and the White House confirms that this is so. The Treasury says that it now has a task force working on the problem.

The switch in the Administration's position on the Patman bill came after a meeting between Treasury officials and representatives of the biggest American banks. The banks took the position that the required record-keeping would impose a great hardship on them and would interfere with United States commerce. High financial stakes are involved for United States banks. The flows of money abroad and back to this country are enormous. In 1968 purchases of American stocks and bonds by Swiss banks and brokers totalled $6.3 billion, and sales of United States securities amounted to $5 billion.

Anyone who thinks this is a business limited to the gnomes of Zurich does not know the facts. American banks have migrated abroad and are major competitors of Swiss, German, British and other foreign banks in their own territories. Six United States banks now have branches in Switzerland and insist that they have the right to secrecy, like Swiss banks, under Swiss law. In Nassau, eighteen branches of American banks have already been opened.

This is a dangerous and uncontrolled situation that should be curbed through passage of the Patman bill before it gets worse. Instantaneous worldwide communications and the rapid internationalization of business and finance are threatening to lead to a growth of crime and decay of public and business morality of huge proportions.

The Administration should get behind the legislation it helped to draft. And United States banks that are opposing this legislation would be wise to reconsider the ultimate effect on their own reputations and business if they become parties, whether out of ignorance or out of greed, to the growth of white-collar crime.

Mr. Speaker, a rule for the consideration of this bill is expected soon. If granted efforts will be made to get the bill considered on this floor within the next 2 or 3 weeks.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1967 the United States produced 2,483,840,000 pounds of carbon black. This represented over 60 percent of the world total.

THE TIDE OF JUNK MAIL RISES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the public is being buried under an ever-growing tide of junk mail. Yet the President has just proposed that the public pay an increased share of the bill for the pleasure of receiving this unwanted glut.

In his message sent to Congress this past Saturday discussing a pay increase for postal and other Federal employees, President Nixon asked for an increase in first-class postal rates from 6 cents to 10 cents, a jump of 66⅔ percent. At the same time, the President asked for only a 5-percent increase in the rates for third-class bulk mail, which is commonly referred to as "junk mail," and a 15-percent rise in fourth-class parcel post rates.

Mr. Speaker, what we do not need is more clutter in our mailboxes. Pay increases for postal employees and reduction of the postal deficit are both long overdue. But to pay for these items by taxing the public while lending preferential rates to large bulk mailers is a betrayal of the public trust granted to the Post Office.

Milton Friedman, the Chicago economist, argued recently, in a letter to the Wall Street Journal, that the present provision restricting private enterprise from carrying first-class mail, unless it also carries full U.S. postage, be repealed. His suggestion would strip the U.S. Post Office of its best-paying class of service but his point is well made. Very quickly private enterprise would demonstrate which categories of mail are more than paying their way.

Mr. Speaker, once again the President has made a proposal which will favor large business interests to the detriment of the average consumer. The Congress, in its desire to provide an immediate and fair pay hike for postal workers, must not allow itself to be stampeded into increasing first-class postal rates, at least not to the extent the President has proposed. Instead, we must demand that the senders of junk mail foot their share of the bill. This would not only be fair but might help to stem the tide that threatens to drown us all.

BOMBINGS MUST BE STOPPED

(Mr. QUILLEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. QUILLEN. Mr. Speaker, I strongly condemn the recent bombings which have resulted in deaths of several persons and the destruction of many thousands of dollars worth of property in this country.

For this reason, I have joined a number of my colleagues in the House in sponsoring legislation, which I believe is appropriate in bringing the problem of misuse of explosives under control.

I feel Congress, if these senseless and most outrageous bombings are to be thwarted, must provide the legal groundwork under which our courts can operate.

The bombings, which have ravaged this Nation in recent weeks and brought about a reign of terror over some parts of the country, must be terminated immediately.

Mr. Speaker, this legislation must be dealt with on an emergency basis. It has become apparent to me that Federal intervention is the only conceivable way in which to bring the problem under control. We must see that legislation is enacted to effectively handle the problem.

The bill deserves the immediate consideration of Congress if we are to put a stop to the rash of bombings we have witnessed.

INTER-PARLIAMENTARY UNION ACTS ON STUDENT UNREST

(Mr. McCLORY asked and was given given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, it was my privilege as a U.S. delegate to attend the 58th Inter-Parliamentary Union Conference held last week in Monaco. At this meeting, the Educational, Scientific, and Cultural Committee upon which I serve as vice chairman, received a report from Kanichi Nishimura, a member of the House of Councillors of Japan—corresponding to our Senate—on the broad subject of "The Student in the University and Society of Today."

Senator Nishimura's report is the most comprehensive study of this subject which has come to my attention. It impressed those Parliamentary Representatives attending the recent IPU Conference—Representatives from Eastern European countries, and from the Western free world, as well as from the developing nations.

I inserted the text of Senator Nishimura's report in the CONGRESSIONAL RECORD issues of March 16 and March 17, 1970, for the edification of my colleagues as well as of the general public.

Subsequently, I composed a draft resolution in attempting to identify this perplexing and worldwide problem and with a view toward suggesting some steps which we as lawmakers might take. The draft resolution was presented at the Inter-Parliamentary Union Conference. The chairman of the committee, Madame Hedwig Meerman of West Germany, named a five-man Drafting Committee of which I became the chairman, and which also included: Mr. David Anderson, member of the Canadian House of Commons; Mr. Mohta of the Indian Parliament; Mr. van Dik, member of the Lower House of the Dutch Parliament; and Mr. Ginting from the Indonesian Parliament. We were assisted in our work by Secretary-General Nishimiya of the Japanese Parliament. The result of our efforts was a resolution patterned after the draft which I had prepared and which was adopted unanimously by the Educational, Scientific, and Cultural Committee of the Inter-Parliamentary Union.

I am pleased to include a copy of this resolution for the benefit of my colleagues who have a particular concern in the problem of student unrest:

THE STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY

The 58th Inter-Parliamentary Conference: Noting that student unrest in the universities of many nations has become a worldwide phenomenon of increasing concern,

Aware that the problems of students and reform of higher education systems have individual characteristics in each country and university but, at the same time, possess many aspects which are common to all countries,

Aware also that student unrest does not exist in a vacuum but reflects a deep social unrest affecting much of our world today,

Dedicated to the development of institu-

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tions and effective parliaments which enable necessary changes in society to be brought about through peaceful and democratic processes,

Recognizing that the United Nations General Assembly has designated 1970 as International Education Year and as a time to take stock of the situation with respect to education and training in their countries:

1. Encourages universities to take into account the aspirations of young people to restudy their role in society and in their educational institutions and to insure that their studies and requirements are relevant to the problems and needs of a changing world;

2. Urges all parliamentarians to make individual efforts through whatever means possible to maintain lines of communication with youth, to seek their views and to encourage their constructive participation in solving the problems of society;

3. Requests National Groups, through their Parliaments and political parties, to seek new ways to get youth involved in significant participation, consistent with democratic processes, in the solution of local, national and international problems;

4. Considers education a fundamental human right which carries a corresponding responsibility to insure to others their individual rights to an education;

5. Condemns violence and destruction in the expression of thoughts and views;

6. Earnestly requests all Governments to:

(a) Carry out fundamental studies, not only of the university systems but of their educational structures in general, to enable them to cope with the remarkable changes in society and possible future developments;

(b) Urge all sectors of the academic community to work together in the exercise of their authority and responsibility to reach more effective structures for the administration of their institutions;

(c) Encourage co-operation between universities of the various nations;

(d) Co-operate in the efforts of international organization, including the United Nations and Unesco, to improve educational systems and opportunities for youth throughout the world;

7. Appeals to all National Groups to participate actively in the observance of International Education Year during 1970.

Mr. Speaker, in the course of the next few days I expect to transmit to the chairman of our U.S. delegation, Senator SPARKMAN, of Alabama, a full report of the activities of the Educational, Scientific, and Cultural Committee for inclusion in his report to the Congress of our last Inter-Parliamentary Union meeting.

IMPROVED MEDICAL CARE FOR VETERANS

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I am pleased to applaud the intiative of the President, the Administrator of Veterans' Affairs, and those in Congress who have worked to improve medical care for veterans.

President Nixon's announcement of approval of $50 million in additional funds in the Veterans' Administration's medical care budget for fiscal year 1971 is welcome news. So is his proposal to add $15 million to this year's budget.

This new money will be used for dental care for Vietnam veterans, for additional staffing for spinal cord injuries, to purchase much needed operating equipment, and to absorb rising drug and medical costs.

These funds will boost VA's operating funds to $210 million more than last fiscal year.

The additional $50 million will help provide larger staffs to serve existing specialized medical programs, especially for the care of our wounded Vietnam veterans.

The funds also help make available more nursing care beds for our older veterans.

The action by President Nixon is evidence of his intent to provide the utmost in service to those gallant men and women who have served this great Nation.

MEDICAL STANDARDS FOR BLACK LUNG BENEFITS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there follows the text of a letter addressed to me from Robert M. Ball, Commissioner of Social Security, concerning the medical standards to determine payment of black lung benefits under title IV of the Federal Coal Mine Health and Safety Act. The proposed standards are being circulated for comment, and I believe their publication in the CONGRESSIONAL RECORD will facilitate suggestions prior to these regulations being frozen in final form:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., April 3, 1970.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: Enclosed is an advance copy of the regulations being promulgated under Section 411(b) of Title IV of the Federal Coal Mine Health and Safety Act.

These regulations prescribe medical standards for determining whether a miner is totally disabled or his death was due to pneumoconiosis for purposes of payment of black lung benefits under this Act.

The standards have been worked out jointly by the Social Security Administration and the Public Health Service, after consultation and discussion with a number of advisory groups and individuals, including medical specialists and representatives of employer and employee interests in the industry. Upon forthcoming publication of these regulations in the Federal Register, suggestions for modifications or additions from interested parties will be considered on the basis of comments received by the Commissioner of Social Security by May 15, 1970.

Additional regulations for the implementation of the benefit provisions in Part B, Title IV of the Act will be published soon.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE [REGULATIONS NO. 10 ADDED]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969 ———)

Title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173, provides for payment of benefits to coal miners who have contracted pneumoconiosis from work in the Nation's underground coal mines and are disabled thereby, and to the widows of such miners. Section 411(b) of the Act provides that the Secretary of Health, Education, and Welfare shall by regulation prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. There are, accordingly, promulgated below, Regulations No. 10 of the Social Security Administration, 20 CFR Part 410, which at the present time contain two subparts: Subpart A (Introduction, General Provisions, and Definitions) and Subpart D (Total Disability or Death Due to Pneumoconiosis).

Because of the provision in section 411(b) of the Act requiring that such standards be promulgated and published in the Federal Register not later than the end of the third month following the month in which Title IV was enacted, the Secretary of Health, Education, and Welfare finds that notice of rulemaking and public procedure thereon are impracticable. Therefore, these regulations will be effective upon their filing with the Office of the Federal Register.

Consideration will be given, however, to any data, views, or arguments pertaining to said regulations for the purpose of suggesting modifications or additions thereto, which are submitted in writing in triplicate not later than May 15, 1970, with the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201.

SUBPART A—INTRODUCTION, GENERAL PROVISIONS, AND DEFINITIONS

Sec.
410.101 Introduction
410.110 General definitions and use of terms.

§ 410.101 *Introduction*

The regulations in this Part 410 (Regulations No. 10 of the Social Security Administration), relate to the provisions of Part B (Black Lung Benefits) of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as enacted December 30, 1969, and as may hereafter be amended. The regulations in this part are divided into the following subparts according to subject content:

(a) Subpart A contains provisions relating to definitions and the use of terms.

(b) Subpart B relates to the requirements for benefits, filing of claims for benefits, and duration of benefits.

(c) Subpart C contains provisions regarding dependents of entitled miners and widows.

(d) Subpart D provides standards for determining total disability and death due to pneumoconiosis.

(e) Subpart E relates to the payment of benefits, benefit rates, adjustment of benefits, and overpayments and underpayments.

(f) Subpart F relates to procedures for determinations and review of determinations with respect to benefits, and representation of parties.

§ 410.110 *General definitions and use of terms.*

For purposes of this part, except where the context clearly indicates otherwise, the following definitions apply:

(a) "The Act," means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), as enacted December 30, 1969, and as may hereafter be amended.

(b) "Benefit" means the black lung benefit provided under Part B of Title IV of the Act to coal miners and to surviving widows of miners.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Social Security.

(e) "Administration" means the Social Security Administration in the Department of Health, Education, and Welfare.

(f) "Appeals Council" means the Appeals Council of the Bureau of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(g) "Hearing Examiner" means a hearing examiner in the Bureau of Hearings and Appeals of the Social Security Administration.

(h) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(i) "Underground coal mine" means a coal mine in which the earth and other materials which lie above the natural deposit of coal (overburden) is not removed in mining. In addition to the natural deposits of coal in the earth, the underground mine includes all land, buildings and equipment appurtenant thereto.

(j) "Miner" or "coal miner" means any individual who is working or has worked as an employee in an underground coal mine, whether he works under the surface performing functions in extracting the coal or above the surface at the mine preparing the coal so extracted.

(k) "The Nation's underground coal mines" comprise all underground coal mines as defined in paragraph (i) of this section located in a State as defined in paragraph (l) of this section.

(l) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and prior to January 3, 1959, and August 21, 1959, respectively, the Territories of Alaska and Hawaii.

(m) "Employee" means an individual in a legal relationship (between the person for whom he performs services and himself) of employer and employee under the usual common-law rules.

(1) Generally, such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the means by which that result is accomplished; that is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the results, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common-law rules.

(2) Whether the relationship of employer and employee exists under the usual common-law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

(n) The "Social Security Act" means the Social Security Act (49 Stat. 620) as amended from time to time.

(o) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in the Nation's underground coal mines, and includes anthacosis, silicosis, or anthracosilicosis arising out of such employment.

(p) A "workmen's compensation law" means a law providing for payment of compensation to an employee (and his dependents) for injury (including occupational disease) or death suffered in connection with his employment.

(q) Masculine gender includes the feminine, and the singular includes the plural.

SUBPART D—TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

Sec.
410.401 Basis for total disability standards.
410.402 Total disability defined.
410.403 Evaluating total disability under § 410.401(b).
410.404 Evidence of pneumoconiosis.
410.405 Determining medical equivalence.
410.406 Evidence of origin of pneumoconiosis.
410.407 Cessation of disability.
410.415 Death due to pneumoconiosis.
410.421 Provisions incorporated by reference.

§ 410.401 Basis for total disability standards.

This subpart establishes the standards for determining whether a coal miner is totally disabled due to, or died from, pneumoconiosis, as defined in § 410.110(o) of this part. The standards prescribed herein for total disability are, so far as applicable, the same as or closely comparable to those applied to determine the existence and continuance of a disability for purposes of Title II of the Social Security Act, which are contained in Subpart P of Part 404 of this chapter.

§ 410.402. *Total disability defined.*

A miner is under a total disability due to pneumoconiosis if:

(a) He is suffering or suffered from a chronic dust disease of the lung which:

(1) When diagnosed by chest roentgenogram, yields one or more large opacities (greater than one center in diameter) and would be classified in Category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization; or

(2) When diagnosed by biopsy or autopsy, yields massive lesions in the lung, that is, shows the existence of progressive massive fibrosis; or

(3) When established by diagnosis by means other than those specified in (1) and (2) above, would be a condition which could reasonably be expected to yield the results described in (1) or (2) above had diagnosis been made as therein prescribed: *provided*, however, that any diagnosis made under this clause shall be in accordance with generally accepted medical procedures for diagnosing pneumoconiosis.

(b) He is unable to engage in any substantial gainful activity by reason of pneumoconiosis, which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

Where the requirements of paragraph (a) of this section are met, the finding that a miner is under a total disability is established by irrebuttable presumption.

§ 410.403 *Evaluating total disability under § 410.402(b).*

(a) Total disability may not be found for purposes of this part unless pneumoconiosis is the impairment involved. Whether or not pneumoconiosis in a particular case constitutes a disability, as defined in § 410.402(b), is determined from all the facts of that case. Primary consideration is given to the severity of the individual's pneumoconiosis. Consideration is also given to such other factors as the individual's age, education, and work experience. Medical considerations alone can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 410.402(b), and is listed in the appendix to this subpart or the Secretary determines his impairment to be medically the equivalent of a listed impairment (see § 410.405).

(b) Pneumoconiosis which constitutes neither a listed impairment nor the medical equivalent thereof likewise may be found disabling if it does, in fact, prevent the individual from engaging in any substantial gainful activity. Such an individual, however, shall be determined to be under a disability only if his pneumoconiosis is the primary reason for his inability to engage in substantial gainful activity. In any such case it must be established that the individual has a respiratory impairment because of pneumoconiosis, demonstrated on the basis of an MVV and an FEV_1 which are equal to or less than the values specified in the following table or by a medically equivalent test (see § 410.405):

Height (inches)	MVV (MBC) equal to or less than L./Min.	FEV_1 equal to or less than L.
57 or less	52	1.4
58	53	1.4
59	54	1.4
60	55	1.5
61	56	1.5
62	57	1.5
63	58	1.5
64	59	1.6
65	60	1.6
66	61	1.6
67	62	1.7
68	63	1.7
69	64	1.8
70	65	1.8
71	66	1.8
72	67	1.9
73 or more	68	1.9

It must be further established that, because of such impairment, he is not only unable to do his previous work or work commensurate with his previous work in amount of earnings and utilization of capacities but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For the purposes of the preceding sentence, work "exists in the national economy" with respect to any individual, when such work exists in significant numbers either in the region where such individual lives or in several regions of the country. Thus, isolated jobs of a type that exist only in very limited number or in relatively few geographic locations shall not be considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. Accordingly, where an individual remains unemployed for a reason or reasons not due to his impairment but because he is unsuccessful in obtaining work he could do; or because work he could do does not exist in his local area; or because of the hiring practices of employers, technological changes in the industry in which he has worked, or cyclical economic conditions; or because there are no job openings for him or he would not actually be hired to do work he could otherwise perform, the individual may not be considered under a disability as defined in § 410.402(b).

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of pneumoconiosis of the level of severity specified in paragraph (b) of this section and, considering his age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

(d) When used in this section for evaluating "total disability," the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of medical impairment.

(e) When used in this section for evaluating "total disability," the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

§ 410.404 *Evidence of pneumoconiosis.*

(a) A finding of the existence of pneumoconiosis may not be made in the absence of:

(1) A chest roentgenogram showing the existence of pneumoconiosis classified as Category 1, 2, 3, A, B, or C, according to the International Labor Organization (1958), International Labor Organization (1968), or Union Internationale Contra Cancer/Cincinnati (1968) Classifications of the Pneumoconioses (if the chest roentgenogram is classified as Category Z, it should be reclassified as Category O or Category 1 and only the latter accepted as evidence of pneumoconiosis); or

(2) An autopsy showing the existence of pneumoconiosis, or

(3) A biopsy (other than a needle biopsy) showing the existence of pneumoconiosis. Such biopsy would not be expected to be performed for the sole purpose of diagnosing pneumoconiosis. Where a biopsy is performed for other purposes, however (e.g., in connection with a lung resection), the report thereof will be considered in determining the existence of pneumoconiosis.

(b) The roentgenogram, to conform to accepted medical standards, should represent a posterior-anterior view of the chest, and such other views as the Administration may require, taken at a distance of 6 feet between the X-ray tube and the X-ray film on a 14 x 17 inch X-ray film.

(c) A report of autopsy or biopsy shall include a detailed gross (macroscopic) and microscopic description of the lungs or visualized portions of the lungs. If an operative procedure has been performed to obtain a portion of a lung, the evidence should include a copy of the operative note and the pathology report of the gross and microscopic examination of the surgical specimen.

If an autopsy has been performed the evidence should include a complete copy of the autopsy report.

§ 410.405 *Determining medical equivalence.*

(a) An individuals' impairment shall be determined to be medically the equivalent of an impairment listed in the appendix to this subject only of the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision made under §§ 410.403(a) and 410.407(a) as to whether an individual's impairment is medically the equivalent of an impairment listed in the appendix to this subpart, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence.

(c) Any decision as to whether a medical test is medically equivalent to the test decribed in § 410.403(b) shall be based on appropriate medical evidence, including a judgment furnished by one or more physicians designated by the Secretary, relative to the question of the medical equivalence of such test.

(d) A "physician designated by the Secretary" shall include a physician in the employ of or engaged for this purpose by the Administration, the Railroad Retirement Board, or a State agency authorized to make determinations of disability.

§ 410.406 *Evidence of origin of pneumoconiosis.*

(a) If a miner was employed for 10 years or more in the Nation's underground coal mines and is suffering or has suffered from pneumoconiosis, it will be presumed, in the absence of evidence to the contrary, that the pneumoconiosis arose out of such employment.

(b) In any other case, a miner suffering or who has suffered from pneumoconiosis must submit the evidence necessary to establish that the pneumoconiosis arose out of employment in the Nation's underground coal mines.

§ 410.407 *Cessation of disability.*

(a) Where it has been determined that a miner is totally disabled under § 410.402(b), such disability shall be found to have ceased in the month in which his impairment, as established by the medical evidence, is no longer of such severity as to prevent him from engaging in substantial gainful activity.

(b) Except where a finding is made as specified in paragraph (a) of this section which results in an earlier month of cessation, if a miner is requested to furnish necessary medical or other evidence or to present himself for a necessary medical examination by a date specified in the request and the miner fails to comply with such request, the disability will be found to have ceased in the month within which the date for compliance falls, unless the Secretary determines that there is a good cause for such failure.

§ 410.415 *Death due to pneumoconiosis.*

(a) A miner's death will be determined to have been due to pneumoconiosis if the miner suffered from a chronic dust disease of the lung which meets the requirements of §410.402(a); or

(b) If a deceased miner was employed for 10 years or more in the Nation's underground coal mines and died from a respirable disease, it will be presumed, in the absence of evidence to the contrary, that his death was due to pneumoconiosis. Death will be found due to a respirable disease when death is ascribed to a chronic dust disease, or to another chronic disease of the lung. Death will not be found due to a respirable disease in those cases in which the disease reported does not suggest a reasonable possibility that death was, in fact, due to pneumoconiosis (e.g., cancer of the lung, disease due to trauma, pulmonary emboli); or

(c) Under circumstances other than those in paragraphs (a) or (b) of this section, the claimant must submit the evidence necessary to establish that the miner's death was due to pneumoconiosis and that the pneumoconiosis arose out of employment in the Nation's underground coal mines.

§ 404.421 *Provisions incorporated by reference.*

The standards and procedures set out in sections 404.1501(c), 404.1507, 404.1523, 404.1524, 404.1525, 404.1526, 404.1527, 404.1528, 404.1529, 404.1530, 404.1531, 404.1532, 404.1533, and 404.1534 of Part 404 of this chapter apply, so far as applicable, to claims for black lung benefits, except as otherwise provided in this subpart.

APPENDIX

A miner with pneumoconiosis, as evidenced in §410.404 of this part, plus one of the following sets of medical specifications, may be found to be under a total disability, in the absence of evidence rebutting such finding:

(1) Airway obstruction demonstrated on spirogram by MVW and FEV_1 equal to or less than the values specified in the following table:

Height (inches)	MVV (MBC) equal to or less than L./Min.	FEV_1 equal to or less than L.
57 or less	32	1.0
58	33	1.0
59	34	1.0
60	35	1.1
61	36	1.1
62	37	1.1
63	38	1.1
64	39	1.2
65	40	1.2
66	41	1.2
67	42	1.3
68	43	1.3
69	44	1.3
70	45	1.4
71	46	1.4
72	47	1.4
73 or more	48	1.4

(2) Total vital capacity equal to or less than the values specified in the following table:

Height (inches)	*V.C. equal to or less than* (L.)
57 or less	1.2
58	1.3
59	1.3
60	1.4
61	1.4
62	1.5
63	1.5
64	1.6
65	1.6
66	1.7
67	1.7
68	1.8
69	1.8
70	1.9
71	1.9
72	2.0
73 or more	2.0

or

(3) Diffusing capacity of the lungs for carbon monoxide less than 6 ml./mm. Hg./min. (steady-state methods) or less than 9

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ml./mm. Hg./min. (single-breath methods) or less than 30% of predicted normal (all methods—actual value and predicted normal for the method used should be reported); or

(4) Arterial oxygen saturation at rest and simultaneously determined arterial p CO$_2$ equal to, or less than, the values specified in the following table:

	Percent
30 mm. Hg. or below	93
31 mm. Hg	93
32 mm. Hg	92
33 mm. Hg	92
34 mm. Hg	91
35 mm. Hg	91
36 mm. Hg	90
37 mm. Hg	89
38 mm. Hg	88
39 mm. Hg	88
40 mm. Hg. or above	87

(5) Cor pulmonale with right-sided congestive failure as evidenced by peripheral edema and liver enlargement, with:

(A) Right ventricular enlargement or outflow tract prominence on X-ray or fluroscopy; or

(B) ECG showing QRS duration less than 0.12 second and R of 5 mm. or more in V and R/S of 1.0 or more in V and transition zone (decreasing R/S) left of V.
or

(6) Congestive heart failure with signs of vascular congestion such as hepatomegaly or peripheral or pulmonary edema, with:

(A) Cardio-thoracic ratio of 55% or greater, or equivalent enlargement of the transverse diameter of the heart, as shown on teleroentgenogram (6-foot film); or

(B) Extension of the cardiac shadow (left ventricle) to the vertebral column on lateral chest roentgenogram and total of S in V or V$_2$ and R in V$_5$ or V$_6$ of 35 mm. or more on ECG.

Dated:

——— ———,
Commissioner of Social Security.

Approved:

——— ———,
Secretary of Health, Education, and Welfare.

AMENDING FEDERAL AID HIGHWAY ACT OF 1970

(Mr. FALLON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FALLON. Mr. Speaker, I am introducing today the Federal Aid Highway Act of 1970. This bill is in its present form a simple bill which extends the completion date for the Interstate System to 1978 and extends the authority for continuing the primary, secondary, and urban systems for 1972 and 1973. The far-reaching effects of this legislation as it will finally emerge, however, are not simple.

There are many subjects related to the highway program which will be explored in depth by the Committee on Public Works during hearings which are scheduled to begin on April 21 and extend over a considerable period of time. Some of these subjects may be appropriate to report out this year—some may not.

Some of the reports which were required to be completed under the 1968 Highway Act have not yet reached the Congress. They are expected to contain information essential to the proper drafting of final legislation. Likewise the 1970 estimate of the cost to complete the Interstate System has not yet reached the Congress; therefore, the bill I am introducing today includes amounts which at this date reflect the best information we have available.

The committee will pay particularly close attention to a number of programs which have been started under previous highway legislation and which should be examined as to their effectiveness. Numbered in this group are the safety, beautification, and topics programs. Newer items such as a bridge replacement program and an examination of the results of the functional classification studies will also receive considerable attention.

There were some elements of the 1969 Highway Act which will again be taken up by the committee. You will recall, Mr. Speaker, that the House passed that legislation in the first session of this Congress but it was not acted upon by the other body. These elements include a study of the railroad-highway grade crossing problem and authorization for negotiations to be undertaken with the Canadian Government toward the paving of the Alaska Highway.

A realinement of the Federal-aid system will be examined along with the possibility of creating a new metropolitan system of Federal-aid highways. This latter may well involve a program of highway-oriented mass transit.

The committee will look into all of these items which I have mentioned, Mr. Speaker, although we will not confine ourselves to them alone. We will report out a good and a comprehensive highway bill this year which will have been evolved from detailed deliberations of all facets of the highway program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Green of Oregon (at the request of Mr. Ullman), for April 7 to 10, on account of official business.

Mr. Gettys, for Tuesday, April 7, 1970, after 3:30 p.m., on account of official business.

Mr. Hanna (at the request of Mr. Albert), for today through April 14, 1970, on account of official business as delegate to Asian Development Bank meeting in Seoul, Korea.

Mr. Vander Jagt (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Lennon (at the request of Mr. Albert), for today and the rest of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Schadeberg, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Pucinski for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Landgrebe), to revise and extend their remarks and to include extraneous matter to:)

Mr. Conte, today, for 10 minutes.

Mr. Hogan, today, for 5 minutes.

Mr. MacGregor, today, for 5 minutes.

(The following Members (at the request of Mr. Daniel of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Rarick, for 20 minutes, today.

Mr. Culver, for 60 minutes, on April 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor, immediately following remarks of Dr. Hall on President's message on Veterans' medical care.

Mr. Colmer, immediately following the remarks of Mr. Perkins today on the elementary and secondary education conference report.

Mr. Albert to extend his remarks immediately preceding vote on conference report on H.R. 514.

Mr. Roudebush (at the request of Mr. Schadeberg) following the special order of Mr. Schadeberg.

(The following Members (at the request of Mr. Landgrebe), and to include extraneous matter:)

Mr. Quillen in five instances.
Mr. Derwinski in two instances.
Mr. Pettis.
Mr. Duncan in two instances.
Mr. Springer.
Mr. Mize.
Mr. Bray in three instances.
Mr. Thompson of Georgia.
Mr. Burton of Utah in five instances.
Mr. Goldwater.
Mr. Broyhill of Virginia in two instances.
Mr. Scherle in three instances.
Mr. Kyl.
Mr. Devine.
Mr. Hosmer in two instances.
Mr. Steiger of Wisconsin.
Mr. Wyman in two instances.
Mr. Collins in four instances.
Mr. Whitehurst.
Mr. Steiger of Arizona in two instances.
Mr. Michel in two instances.
Mr. Rhodes.
Mr. Eshleman in two instances.
Mr. Schwengel in three instances.
Mr. Smith of New York.
Mr. Morse.
Mr. Nelsen in two instances.
Mr. Brotzman.
Mr. Minshall in four instances.
Mr. Ashbrook.
Mr. Zwach.
Mr. Berry.
Mr. Sandman.
Mr. Hunt.
Mr. Brown of Michigan.
Mr. Brown of Ohio.
Mr. Roudebush in 3 instances.
Mr. Gude.
Mr. Halpern.
Mr. Edwards of Alabama.
Mr. Bush.
Mr. Cramer.
Mr. Gross.
Mr. McClory.
Mr. Quie.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. HAMILTON in 10 instances.

Mr. LONG of Maryland.

Mr. EDWARDS of California in three instances.

Mr. TEAGUE of Texas in six instances.

Mr. BOLAND.

Mr. NICHOLS in two instances.

Mr. MILLS.

Mr. WHITE in two instances.

Mr. RARICK in four instances.

Mr. GONZALEZ in two instances.

Mr. WRIGHT in two instances.

Mr. PATTEN.

Mr. HAWKINS in four instances.

Mr. HUNGATE in three instances.

Mr. FULTON of Tennessee in four instances.

Mr. ICHORD in two instances.

Mr. BROWN of California in five instances.

Mr. GALLAGHER in two instances.

Mr. CORMAN.

Mr. RIVERS in two instances.

Mr. FASCELL in two instances.

Mr. KASTENMEIER.

Mr. RYAN in three instances.

Mr. ANDERSON of California.

Mr. JONES of Tennessee.

Mr. PICKLE in five instances.

Mr. FRIEDEL in three instances.

Mr. KLUCZYNSKI.

Mr. FOUNTAIN in two instances.

Mr. CULVER.

Mr. CHARLES H. WILSON.

Mr. BYRNE of Pennsylvania.

Mr. DULSKI.

Mr. O'HARA.

Mr. FLOWERS in three instances.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on April 6, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 16612. To amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 8, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1879. A communication from the President of the United States, transmitting amendments to the requests for appropriations transmitted in the budget for fiscal year 1971, to implement pollution abatement objectives (H. Doc. No. 91–300); to the Committee on Appropriations and ordered to be printed.

1880. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Commodity Credit Corporation, Department of Agriculture for the fiscal year ended June 30, 1969, pursuant to 31 U.S.C. 841 (H. Doc. No. 91–301); to the Committee on Government Operations and ordered to be printed.

1881. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a report listing appropriations that have been apportioned on a basis which indicates a necessity for supplemental estimates of appropriations to permit pay increases granted pursuant to law, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

1882. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Labor "Trade adjustment activities" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

1883. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Labor for "Grants to States for unemployment compensation and employment service administration" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

1884. A letter from the director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies for the quarter ending March 31, 1970, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1885. A letter from the Administrator, Small Business Administration, transmitting the third monthly report on the implementation of the business loan and investment fund, pursuant to section 301 of Public Law 91–151; to the Committee on Banking and Currency.

1886. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

1887. A letter from the Commissioner of Social Security, Social Security Administration, Department of Health, Education, and Welfare, transmitting an advance copy of the regulations being promulgated under section 411(b) of title IV of the Federal Coal Mine Health and Safety Act; to the Committee on Education and Labor.

1888. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Government Printing Office for fiscal year 1969, pursuant to 44 U.S.C. 309; to the Committee on Government Operations.

1889. A letter from the Comptroller General of the United States transmitting a report on the management of industrial plant equipment kept by the Department of Defense for possible future use; to the Committee on Government Operations.

1890. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Affairs.

1891. A letter from the Chairman, Federal Council for Science and Technology, Executive Office of the President, transmitting a copy of the annual progress report of the Committee on Water Resources Research, entitled, "Federal Water Resources Research Program for Fiscal Year 1970"; to the Committee on Interior and Insular Affairs.

1892. A letter from the Assistant Secretary of the Interior, transmitting a list and one copy each of laws enacted by the Legislature of the Virgin Islands in its 1969 sessions, pursuant to section 9(g) of the Revised Organic Act of the Virgin Islands of the United States; to the Committee on Interior and Insular Affairs.

1893. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed grant agreement with the University of Pittsburgh for a research project relative to developing a simulator for predicting air quality in coal mines, pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

1894. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings regarding dockets No. 314–C and 99, *the Peoria Tribe of Indians of Oklahoma;* docket No. 317, *the Kickapoo Tribe of Kansas,* Plaintiffs, v. *The United States of America,* Defendant, pursuant to the Indian Claims Commission Act of August 13, 1946, as amended; to the Committee on Interior and Insular Affairs.

1895. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Community Mental Health Centers Act to repeal the requirement of grant approval by the National Advisory Mental Health Council; to the Committee on Interstate and Foreign Commerce.

1896. A letter from the Chairman, Federal Power Commission, transmitting the annual report of the Commission for the fiscal year July 1, 1968–June 30, 1969; to the Committee on Interstate and Foreign Commerce.

1897. A letter from the treasurer, American Chemical Society, transmitting the annual report of the society for 1969 and a copy of the audit for the year ended December 31, 1969, pursuant to section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

1898. A letter from the Postmaster General, transmitting a copy of the Department's Revenue and Cost Analysis Report for fiscal year 1969, pursuant to 39 U.S.C. 2331; to the Committee on Post Office and Civil Service.

1899. A letter from the Secretary of State, transmitting a draft of proposed legislation to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS: Select Committee on Small Business. Report on the allocation of radio frequency spectrum and its impact on small business (1969) (Rept. No. 91–982). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security annual report 1969 (Rept. No. 91–983). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 1124. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees (Rept. No. 91–984). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 16769. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 16770. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 16771. A bill to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 16772. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interests, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

H.R. 16773. A bill to prohibit commercial flights by supersonic aircraft within the United States until the Secretary of Health, Education, and Welfare finds and reports that such flights will not have detrimental physiological or psychological effects on persons on the ground; to the Committee on Interstate and Foreign Commerce.

H.R. 16774. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 16775. A bill to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures; to the Committee on Public Works.

H.R. 16776. A bill to amend the Internal Revenue Code of 1954 to disallow any personal exemption with respect to children (born after 1971) in excess of two in a family, and for other purposes; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 16777. A bill to terminate the tobacco price support program; to the Committee on Agriculture.

By Mr. COLLIER:

H.R. 16778. A bill to provide that, after January 1, 1971, Memorial Day be observed on May 3 of each year and Veterans Day be observed on the second Monday in November of each year; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. Brademas, Mr. Carey, Mr. Clay, Mr. Fascell, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Howard, Mr. O'Hara, Mr. Rees, Mr. Scheuer, and Mr. Stokes):

H.R. 16779. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16780. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 16781. A bill Welfare and Pension Plans Act; to the Committee on Education and Labor.

H.R. 16782. A bill to authorize the Federal Trade Commission to set standards to guarantee comprehensive warranty protection to the purchasers of merchandise shipped in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 16783. A bill to promote fair competition among prime contractors and subcontractors and to prevent bid peddling on public works contracts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out; to the Committee on the Judiciary.

H.R. 16784. A bill to amend the Internal Revenue Code of 1954 to extend the child care deduction to men who are not married; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey (for himself, Mr. Perkins, Mr. O'Hara, Mr. Hathaway, Mr. William D. Ford, Mr. Meeds, Mr. Burton of California, Mrs. Green of Oregon, Mr. Hawkins, Mr. Gaydos, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Brademas, Mr. Carey, Mrs. Mink, Mr. Scheuer, Mr. Stokes, Mr. Clay, and Mr. Powell):

H.R. 16785. A bill to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. DANIELS of New Jersey (for himself, Mr. Rodino, Mr. Gallagher, Mr. Minish, Mr. Helstoski, and Mr. Howard):

H.R. 16786. A bill to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health, and for other purposes; to the Committee on Education and Labor.

By Mr. EVINS of Tennessee:

H.R. 16787. A bill to amend title II of the Social Security Act to provide that a minor in the legal custody of an individual or couple shall be considered the "child" of such individual or couple for benefit purposes; to the Committee on Ways and Means.

By Mr. FALLON (for himself and Mr. Kluczynski):

H.R. 16788. A bill to authorize appropriations for the fiscal years 1974 through 1978 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. GERALD R. FORD:

H.R. 16789. A bill to amend the Tariff Act of 1930 to provide for the duty-free entry of certain hollow reinforcing bars; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 16790. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUNGATE:

H.R. 16791. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

By Mr. JONES of Tennessee:

H.R. 16792. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. MIKVA (for himself, Mr. Bolling, Mr. Brademas, Mr. Burton of California, Mr. Daddario, Mr. Fraser, Mr. Gibbons, Mr. Gilbert, Mr. Hamilton, Mr. Koch, Mr. Lowenstein, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal):

H.R. 16793. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Anderson of California, Mr. Bolling, Mr. Brademas, Mr. Burton of California, Mr. Daddario, Mr. Fraser, Mr. Gibbons, Mr. Gilbert, Mr. Hamilton, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Lowenstein, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal, Mr. Symington):

H.R. 16794. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Anderson of California, Mr. Bolling, Mr. Brademas, Mr. Burton of California, Mr. Daddario, Mr. Gibbons, Mr. Gilbert, Mr. Hamilton, Mr. Helstoski, Mr. Lowenstein, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal, and Mr. Symington):

H.R. 16795. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. Tiernan, Mr. Baring, Mr. Leggett, Mr. Ottinger, Mr. Delaney, Mr. Chappell, Mr. Scheuer, and Mr. Anderson of California):

H.R. 16796. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL of Massachusetts:

H.R. 16797. A bill to permit certain employees of a State or political subdivision thereof to elect coverage under the Federal old-age and survivors insurance system, as self-employed individuals; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 16798. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care system by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperation local, State, or regional health care delivery systems, enlarging the scope of the national health survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 16799. A bill to amend the Internal Revenue Code of 1954 to provide that the spouse of an individual who derives unreported income from criminal activities, if such spouse had no knowledge of such activities or such income, shall not be liable for tax with respect to such income; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 16800. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 16801. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 16802. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 16803. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 16804. A bill to provide Federal financial assistance to Opportunities Industrialization Centers; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself, Mr. Brademas, Mr. Bingham, Mr. Brown of California, Mr. Daniels of New Jersey, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Horton, Mr. Koch, Mr. Meeds, Mr. Moorhead, Mr. Obey, Mr. Ottinger, Mr. Podell, Mr. Pollock, Mr. Powell, Mr. Rees, Mr. Rosenthal, Mr. St. Onge, Mr. Udall, Mr. Whitehurst, and Mr. Wolff):

H.R. 16805. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curriculums, the training of educational personnel, and research and demonstration projects; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 16806. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 16807. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 16808. A bill to amend the Public Health Service Act to extend for 1 year the programs of assistance for training in the allied health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16809. A bill to amend the Community Mental Health Centers Act to repeal the requirement of grant approval by the National Advisory Mental Health Council; to the Committee on Interstate and Foreign Commerce.

H.R. 16810. A bill to authorize an additional Assistant Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.R. 16811. A bill to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATSON:

H.R. 16812. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to preserve the ratio between counties receiving upland cotton acreage allotments for 1970; to the Committee on Agriculture.

By Mr. WATTS:

H.R. 16813. A bill to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 16814. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 16815. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. Bingham, Mr. Daddario, Mr. Fraser, Mr. Gilbert, Mr. Halpern, Mr. Harrington, Mrs. Helstoski, Mr. Koch, Mr. Leggett, Mr. Lowenstein, Mr. Meeds, Mr. Moorhead, Mr. Moss, Mr. Ottinger, Mr. Podell, Mr. Vanik, and Mr. Vigorito):

H.R. 16816. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts, which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 16817. A bill to create a National Coastline Conservation Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURKE of Florida:

H.R. 16818. A bill to increase the penalties for the illegal use or possession of explosives; to the Committee on Judiciary.

H.R. 16819. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully posses them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 16820. A bill to authorize the U.S. Commissioner of Education to make grants to or contracts with public educational and social service agencies for the conduct of special educational programs and activities concerning the use of drugs; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 16821. A bill to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 16822. A bill to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. KEE:

H.R. 16823. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 16824. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES:

H.R. 16825. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so as to place entitlement to benefits for husbands and widowers (including medicare benefits) on the same basis as benefits for wives and widows; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.J. Res. 1155. Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROBISON:

H.J. Res. 1156. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. MacGREGOR:

H. Res. 903. A resolution creating a select committee to conduct an investigation and study of all the circumstances surrounding the commercial operations of U.S. copper producers and copper markets; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAMBERLAIN:

H.R. 16826. A bill for the relief of Tirifo Vasof; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 16827. A bill for the relief of Jose Posada; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 16828. A bill for the relief of Kelly Shannon; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 16829. A bill for the relief of Pakkiam P. Chinnaraj; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 16830. A bill for the relief of Mrs. Fae Egan; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 16831. A bill for the relief of Ching Yae Lim; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 16832. A bill for the relief of Sgt. Franklin A. Carpenter, U.S. Air Force; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

431. By the SPEAKER: Petition of the Lawrence Veterans Council, Lawrence, Mass., relative to impartial hearings for military men; to the Committee on Armed Services.

432. Also, petition of the Military Order of the World Wars, Washington, D.C., relative to the use of loyalty oaths; to the Committee on Internal Security.

433. Also, petition of Edith Lester, Torrance, Calif., and others, relative to redress of grievances; to the Committee on Post Office and Civil Service.

434. Also petition of the Florida State Cabinet, Tallahassee, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science nd Astronautics.

435. Also, petition of the City Council of Titusville, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

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EXTENSIONS OF REMARKS

CLAUDE BERNARD SCIENCE JOURNALISM AWARDS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 7, 1970

Mr. FANNIN. Mr. President, the National Society for Medical Research has honored an Arizona writer for "responsible science reporting which has made a significant contribution to public understanding of basic research in the life sciences, including medicine."

Mr. Julian DeVries of the Arizona Republic received an award for his medical column entitled, "New Book's Claims to Science Invalid."

His work was judged by a distinguished panel of judges from the medical and medical-journalism world. A spokesman for the society congratulated all the award winners on the high caliber of science writing evident in their work.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

MEDICAL SPOTLIGHT: NEW BOOK'S CLAIMS TO SCIENCE INVALID

(By Julian DeVries)

A book entitled "Ordeal of the Animals," by Mel Morse has been published by Prentice-Hall of Englewood Cliffs, N.J. The 212-page, indexed volume sells for $5.95.

The blurb on the back of the dust jacket states in part: "Mr. Morse has carefully discriminated between valid and invalid experimentation methods . . ."

The writer of the blurb and the author of the book should have synchronized their typewriters on that one. A reading of the book will show that the only discrimination exhibited by the author is against scientific research.

Morse's allegations regarding the use of animals in medical research are without foundation, as anyone who would take the trouble to check could establish.

For example, the author writes that most animals used in research are stolen pets. This is untrue.

Scientists use especially bred animals of known genetic background in their research. Randomly chosen animals, such as pets, stolen or otherwise, make poor—in fact worthless—experimental material.

Also, the book charges that animal experiments often are unnecessarily repeated.

Experiments are, in fact, repeated but not unnecessarily. Checking and rechecking is the backbone of scientific method. Researchers must be absolutely certain that sought-after results will be uniform always.

Further, Morse alleges that animal experiments involving pain are carried out without benefit of anesthesia. He charges also that housing, feeding and postoperative care of experimental animals are grossly cruel and inadequate.

Obviously, Morse has failed to look in on some of the modern experimental laboratories or to check with any of the reputable scientific journals or those who write for them.

Inquiry would have brought forth the fact that no established medical journal in the United States will accept for publication any manuscript containing data derived from animal experiments if the editors have reason to believe, or even suspect, that the animals in question were mishandled in any way.

Further, Morse, had he wished to do so, could have discovered that positively no federal research grants are awarded to any scientist or institution without an on-site inspection of laboratory and animal facilities and methods, plus a careful screening of the scientists themselves.

Federal laws governing animal research are extremely rigid and detailed, and are strictly enforced.

Another indication of the author's lack of scientific knowledge is shown in his suggestion that scientists use tissue cultures instead of live animals in their experiments. Tissue cultures, of course, have their place in the laboratory, but they cannot by any stretch of the imagination substitute for the living animal itself.

Antivivisectionism, the case Morse's book pleads, may have been a valid cause in the experimental era before the turn of the century, but today modern methods and laws have rendered it obsolete.

REBELLION, SURE—TO SLAP DOWN THE SLOBS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ROUDEBUSH. Mr. Speaker, Donald Johnson, the Administrator for the Veterans' Administration, has brought my attention to an outstanding article published March 22, 1970, in the Cedar Rapids, Iowa, Gazette.

I found this article by Prof. K. Ross Toole one of the most enlightening and commonsense observations of the contemporary scene that has come to my attention in recent months.

I commend the following article to all Members of Congress:

REBELLION, SURE—TO SLAP DOWN THE SLOBS

(By K. Ross Toole)

(NOTE.—The author is a faculty member at the University of Montana, holds a Ph.D. from UCLA and formerly was director of the Montana Historical Society, director of the Museum of the City of New York, director of the Museum of New Mexico and a rancher in Montana. His treatise, written originally as a letter to a brother, is reprinted from the Billings Gazette.)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal" square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from seven to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

SOFT TOUCH

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled head-on, a racial problem which no nation on earth in the history of mankind had dared to do.

It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what is right, by what accomplishment should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, became the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash.

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

TOLERANT

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the

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minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four year olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment.

Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need (our generation and theirs), it is an expression of our disgust and disdain.

Yet we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors.

Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the minds, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

UNORIGINAL

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages.

Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs? Shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "the establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked up a number of wonders.

We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy.

But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur.

We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not!

Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's, "The Anatomy of Revolution", or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long and wonderous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

INCOMPETENT

An old and scarred member of the wars of organized labor in the U.S. in the 1930s, recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag."

But they can, because we let them, destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it.

We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now rely on the police, Mace, the national guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not Mace; we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, business men, workers and politicians.

The vast majority of our children from one to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves.

Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp-down, a "new" policy.

It simply means that faculties should stop playing chicken, that demonstrators should be met not with the police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

BOOT 'EM OUT

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly, by voice or presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is one of the oldest rights and necessities of the university community.

The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is in violation of the court's order.

Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need (those of us over 30), tax ridden, harried, confused, weary and beat-up, to reassert our hard-won prerogatives.

It is our country too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

AIR WAVE POLLUTION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 7, 1970

Mr. FANNIN. Mr. President, few aspects of American life have become more alarming than the growing trend toward permissiveness, pornography, and pollution.

In the case of one licensee before the Federal Communications Commission, all these elements are wrapped in one.

I am referring specifically to the Pacifica Foundation and the stations which it operates around the Nation.

Mrs. Shirley Scheibla, Washington editor for Barron's magazine, has detailed some of the actions of this group and the apparent difficulty the FCC staff has encountered in keeping track of the financial "angels" who are behind this river of filth which is allowed on the public airways.

I note that hearings will begin on April 21 to determine the fitness of this applicant in relation to Washington, D.C., remaining as an available educational FM radio channel. I hope that in the hearings it will be possible to develop the pertinant information as to who supplies the finances for this operation and to examine closely the motives behind the perpetration of this verbal pornography.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From Barron's, Apr. 6, 1970]

AIR WAVE POLLUTION—THE PACIFICA FOUNDATION HAS BROADCAST IT FOR YEARS

WASHINGTON, D.C.—On April 21 the Federal Communications Commission will open hearings on competing applications for this city's last available educational FM radio station. The proceedings should attract nationwide attention, if only because one of the applicants is the ultra-leftist Pacifica Foundation. Though Pacifica has been highly controversial ever since FCC licensed it to operate its initial radio station 20 years ago, this will be the Commission's first hearing involving the Foundation, which now has five. It began launching its fifth, in Houston, early this month, and its right to continue to operate hangs upon the outcome of the Washington case.

According to FCC files and the Congressional Record, programs broadcast recently over wholly-owned Pacifica stations have featured regular news commentaries by identified Communists and Black Panthers, tapes made by Radio Hanoi, Red Chinese propaganda and advocacy of blowing up police stations and fire houses. Hence the case willy-nilly involves official clarification of fundamental issues of public policy. For one thing, it raises the question of whether such programming is in the public interest, which the Commission, in the licensing of broadcasters, is supposed to serve. Is it proper to ban cigaret advertising because smoking might be detrimental to health, but continue to license Pacifica stations which time and again have allegedly advocated mass violence and murder? Is such programming protected by the Constitutional guarantee of freedom of speech and/or the legislative ban on censorship?

The hearings may result in a tightened FCC definition of an educational broadcaster. They also may focus public attention on the failure of the Commission to investigate the financial backing of applicants once they qualify as "educational."

The case already has shown how little the agency does to keep track of over 7,600 stations now operating under license. The FCC has no monitoring staff; a complaints branch of exactly five full-time people handles complaints involving all of them. It also has revealed how matters of great import referred to the Justice Department sometimes fail to reach the top authorities. Thus, while the Pacifica case involves allegations of subversion and incitement to riot, Deputy Attorney General Richard R. Kleindienst told Barron's that nothing involving Pacifica has been brought to his attention.

By the time the Pacifica case proceeds from the hearings before a trial examiner and reaches the full Commission, the term of one of its most liberal members, Kenneth Cox, will have expired. Thus, Pacifica also is likely to supply an indication of whether a new Republican majority will reverse the liberal bias which the agency has displayed to date in broadcasting licensing. The case also will indicate how far FCC's ultra-liberal commissioner, Nicholas Johnson, can go without disqualification.

The record indicates that the FCC should have considered most of these questions in a public hearing and acted on them long ago. FCC's complaint files bulge with letters and telegrams—some dating back years—from citizens voicing alarm over Pacifica's programs and beseeching the Commission to act. On June 2, 1969, Mrs. Hans K. Ury of Berkeley wrote the FCC about the role she said KPFA played in the so-called People's Park riot. According to her letter, KPFA broadcast appeals by Max Scheer, editor of the underground publication, Berkeley Barb, for reinforcements to go to the site to battle the police.

The complaint prompted an FCC letter of inquiry to the station, which drew this response from station manager Alfred Silbowitz: "Mrs. Ury's allegations are without foundation. Station personnel at no time encouraged listeners to oppose the police or to go to the scene of the news event that was being covered." The files indicate no further action by the Commission, although a wire from Martin Rabkin to the FCC indicated that KPFA was ordered by the Berkeley police to stop its live, on-the-scene broadcasting of the riot.

A letter to the Commission from David Bolender of Long Beach alleges that on March 7, 1969, a member of the Black Panthers said over KPFK that Los Angeles police kill black babies and exhorted his audience to kill the Los Angeles police. Again, Harvey S. Frey, M.D., of Los Angeles wired the Commission, "I request that you obtain and save a tape of the program, 'Black Is Beautiful,' broadcast by KPFA on February 16, 1969. The statements made by the host of the program at about 5:50 p.m. constitute in my mind a direct incitement to riot, murder and robbery."

Complaint files on Pacifica's New York station, WBAI, are even thicker. On April 7, 1968, Robert Potter of Clifton, N.J., wrote that after the death of Martin Luther King, WBAI carried a speech which urged listeners "to blow up power plants, police stations and water stations in retribution for the death of our leader." That same month, Herman H. Kahn of New York expressed concern about a WBAI broadcast of a news report from Moscow consisting of verbatim quotations of Pravda and Izvestia concerning the assassination of Dr. King. Mr. Kahn said it was "a thinly veiled call to arms, riot and revolution. . . . I was told in advance about this broadcast by Negro friends who advised that a telephone chain squad was formed to urge Negroes throughout the metropolitan area to tune to this station. . . . If ever there was a call to riot, this was it. If ever there was a shout of fire in a crowded theater, this was it."

William B. Ray, Chief of the FCC Complaints and Compliance Division, replied to Mr. Kahn that the Commission must not censor, and that expressions of views which involve no clear and present danger of serious substantive evil come under the protection of Constitutional guarantees of free speech.

Senator Jacob K. Javits (R., N.Y.) forwarded to the Commission a letter from M.I. Thomas, president of Tempco of Passaic, N.J., which said that on January 10, 1969, WBAI broadcast programs of Black Panthers, including Mrs. Eldridge Cleaver, in which "they spoke at length on the reasons for eliminating certain members of the Negro community who did not conform to their standards of militancy. The elimination in the context of the discussion was a clear synonym for murder, and I cannot help but be concerned about its effect upon a large and perhaps unsophisticated radio audience. I note that the station Folio (program guide) presents these Black Panther programs on a regular basis, and it is possible that this poison is being broadcast with alarming frequency."

Robert V. Cahill, legislative assistant to the FCC chairman, wrote Senator Javits: "If Mr. Thomas has reason to believe that station WBAI has failed on an overall basis to present opposing viewpoints on any such issue and will furnish specific factual evidence, the Commission will make appropriate inquiries."

All Pacifica stations, including WBAI, readily acknowledge that they regularly broadcast programs by homosexuals for homosexuals. When one listener requested time under the fairness doctrine to present his case against homosexuality, WBAI responded to FCC that "the tone and content of his literature has not indicated to us that he would be able to contribute constructively to a discussion of the general issues." FCC apparently let the matter drop.

On December 26, 1968, Lester Campbell, a former teacher of Afro-American History at a junior high school in New York, read a blatantly anti-Semitic poem over WBAI. Over the same station on January 23, 1969, Tyrone Woods, representing Concerned Parents and Students of Bedford-Stuyvesant, said, in part: "What Hitler did to six million Jews is nothing in terms of what has been done to black folks over hundreds of years. . . . As far as I am concerned, more power to Hitler. Hitler didn't make enough lampshades out of them."

The poem was dedicated to Albert Shanker head of the United Federation of Teachers, and brought a prompt protest to FCC from the Federation's director of public relations, Dan Sanders. Representative Emanuel Celler (D., N.Y.), himself Jewish and chairman of the House Judiciary Committee, said the Constitutional guarantee of freedom of speech does not allow WBAI to ignore "the clear and present danger in permitting anti-Semitic views to be sent over the air."

Swamped with other complaints, FCC investigated and found that WBAI afforded adequate opportunity for the presentation of opposite viewpoints, though there is no evidence in the public files that such viewpoints actually were broadcast. The Commission took no further action in the case.

Francis X. Worthington, chief of the Civil Section of the Internal Security Division of the Justice Department, told Barron's that in his opinion, incitement to riot is not actionable unless a broadcast advocates a specific time and place for a riot. Asked if he believed the Department could prosecute for a broadcast advocating blowing up police stations, he said he did not believe so unless it said which police station and when. He explained that he based his opinion on the U.S. Supreme Court decision in the Yates case. In that case the high tribunal ruled advocacy of violence legal if it is "divorced from any effort to instigate action toward that end."

FCC's new chairman, Dean Burch, asked if he felt FCC could move against broadcasters who carry programs advocating blowing up police and fire stations, replied, "Of course we can; that's against the law."

FCC need not rely on complaints to realize that Pacifica presents highly controversial programs. The Foundation has filed with the Commission examples of its programming,

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which include the following: "From the Center: On China. Although the People's Republic of China refused to send a representative to the Pacem in Terris II Convocation in Geneva, their view was forcefully expressed by Paul T. K. Lin, associate professor of history at McGill University in Canada. This tape is one in the series produced by the Fund for the Republic project, the Center for the Study of Democratic Institutions, Santa Barbara, Calif. . . .

"Washington Confrontation. A weekly series in which a panel of journalists interview politicians, political figures, civil servants and other Washingtonians. Panelists are Seymour Hirsch, author of Chemical and Biological Warfare; Andrew Kopkind, U.S. correspondent for the New Statesman and a contributing editor of Mayday (Barron's, January 12); James Ridgeway, also of Mayday, and Lee Webb, Washington correspondent of Ramparts. . . .

"Colin Wilson: Human Evolution and the New Psychology. Mr. Wilson discusses the natural sciences and their effect on psychology, touching on LSD and other mind-changing drugs. The talk was delivered in San Francisco at the Esalen Institute lecture series."

According to the Congressional Record of February 8, 1966, Pacifica stations broadcast parts of tapes produced by Radio Hanoi, made copies and then turned them over to the FBI. They reportedly urged the United States to withdraw from Vietnam and suggested ways for American soldiers to avoid serving there.

A broadcast of Radio Hanoi monitored by the U.S. government reported on an interview North Vietnamese Minister of State, Xuan Thuy, gave to Robert Rinaldo of Pacifica in Paris in 1968. According to the monitored version of August 14, 1968, the interview carried this statement by Minister Thuy: "In South Vietnam under the leadership of the NFLSV, the Liberation armed forces and people have won ever greater victories in their fight against the U.S. aggressors and their lackeys. At present, they are stepping up the People's War and launching continuous attacks to annihilate a great number of puppet troops and to wrest back real power to the people so that the United States will find it impossible to continue its war of aggression and materialize its neo-colonialism in South Vietnam."

Some Congressmen who have told the Commission they do not believe it is in the public interest to license Pacifica stations have received scorching letters from Max D. Paglin, FCC executive director, telling them that it is not appropriate to comment on "pending adjudicatory matters."

Commissioner Nicholas Johnson refers to Pacifica in a new book he has written, How to Talk Back to Your TV Set. On pages 212-213, he says: "Many communities have the blessing of community-supported non-commercial stations. The Pacifica Foundation operates radio stations WBAI in New York, KPFA in Berkeley and KPRK (sic) in Los Angeles. It has recently begun a new station in Houston."

Last December Commissioner Johnson told the Senate Communications Subcommittee, "I have never received in my office, to my knowledge, a letter from anyone complaining about a Pacifica program." However, FCC files contain a letter dated August 19, 1968, addressed to Mr. Johnson from Michael I. Neidich of 302 McCall Avenue, West Islip, N.Y., who identifies himself as "Electronic Engineer, MIT '60." Mr. Neidich wrote in part, "I would like to register a complaint concerning FM radio station WBAI in New York City . . . My children of impressionable age have access to my FM receiver, and at 7 a.m., they should not be subjected to the vocabulary which so often emanates from this station. . . . I can only interpret the programming of WBAI a direct affront to the good people who are the lifeblood of our nation, and I cannot see how you can allow them to continue."

The files also contain a letter of September 16, 1968, addressed to Mr. Neidich and signed by Mr. Johnson, in which the Commissioner said, in part, "One problem in dealing with this type of concern is that the Commission may not censor programs unless they are clearly obscene. And as you know the legal standards for obscenity are not completely clear."

Several members of Congress have asked for an exhaustive FCC investigation of Pacifica and for an opportunity to present their information on the foundation to the Commission during a hearing. They have been curtly told that they should have filed a formal petition within a stated time period. Though the Commission has not so informed them, they could appear as witnesses (for the competing applicants) at the April hearing.

A former FCC member flatly states: "Pacifica is the most outstanding case in point demonstrating the Commission's liberal bias in licensing." The foundation's first license was for KPFA in Berkeley back in 1949. At that time the station was affiliated with a university and won an "educational" rating. Thereafter, according to Congressional testimony, all new Pacifica stations automatically were classified as "educational" without the need for a university affiliation or other qualification for such status. The classification meant that Pacifica stations did not have to disclose their financial backing to the FCC.

In 1954 Pacifica acquired a license for a second Bergeley station, KPFB. According to Commissioner Cox: "When Pacifica sought a second station in the Berkeley area to fill a gap in its coverage the Commission itself suggested . . . that the Foundation could perhaps qualify for an educational FM channel . . . . In many cases the only aspect of the station's operations which has educational overtones is that the facility is used to train students in broadcast techniques."

In 1954 the Commission also announced a proposed rule which would have denied a radio license to anyone who was a Communist or not of good moral character .Pacifica blasted the proposal as an unconstitutional extension of regulatory power. In 1960, with the rule-making proceeding still pending, FCC awarded Pacifica still another station, WBAI in New York City.

By 1962 FCC dropped the proceeding, without adopting the anti-Communist rule. The following year the Senate Internal Security Subcommittee held extensive hearings on alleged Communist influence in Pacifica. Despite many startling disclosures, the subcommittee never issued a report, and no action resulted.

On January 22, 1964, FCC renewed Pacifica's licenses for its stations in Berkeley and New York and, without a hearing, gave it a new license for an educational station in Los Angeles. The decision said nothing about how any of the stations happened to qualify for educational status. It did say, in part, however: "Under the public interest standard, it is relevant and important for the Commission to determine in certain cases whether its applicants, or the principals or its applicants, for broadcast licenses or radio operator licenses, are members of the Communist Party or of organizations which advocate or teach overthrow of the Government by force or violence. . . . The Commission therefore has followed a policy of inquiring as to Communist Party membership in these radio licensing situations where it has information making such inquiry appropriate. Because of information coming to the Commission's attention from several sources, the Commission requested information from Pacifica Foundation on this score. On the basis of information obtained from Government sources, the Foundation, and our own inquiry, we do not find any evidence warranting further inquiry into the qualifications in this respect of Pacifica Foundation."

Though FCC today still quotes from that portion of the decision in answering complaints on Pacifica, there is nothing to show the findings of that inquiry in the public files of the agency. At the request of Barron's an FCC official looked into FCC's confidential files and said they also contained nothing on the matter. Several officials who were with FCC at the time of the inquiry said they received no report on it.

On November 11, 1963, The New York Times reported, "Directors of the Pacifica Foundation decided yesterday against filling out questionnaires submitted by the Federal Communications Commission on possible Communist affiliations. . . . The FCC had called for sworn answers from the foundation's executive members, directors, officers and general managers on whether they had ever belonged to the Communist party or any organization teaching or advocating forcible overthrow of the Government.

But still the complaints about Pacifica programs poured into the Commission. When the foundation applied for renewal of its California licenses, FCC wrote it that the complaints raised questions as to whether "you have conformed to your own program supervisory policies and procedures on which FCC relied in granting your prior renewals."

Pacifica replied that because of some changes in personnel there had been deviations from Pacifica policies and procedures, but that it had sent a memorandum to all personnel and volunteers to make sure they did not recur. An FCC official says the agency failed to check up on whether the memorandum was enforced, and there is nothing in the public files of the Commission to indicate such a check. Pacifica continued to win license renewals without hearings.

Pacifica was discussed at a one-day hearing last December, chiefly on the subject of obscenity, before the Senate Communications Subcommittee. Commissioner Cox testified that FCC doesn't know where Pacifica gets its funds. At this point, Senator Edward J. Gurney (R., Fla.) asked, "Don't you think it would be a good idea if you found out the sources of funds for the Pacifica stations, particularly in view of your testimony that Pacifica broadcasts Communistic material as well as other stuff?"

Commissioner Johnson seems to know more about Pacifica's finances than Commissioner Cox. In March 1969 he said that Pacifica stations are not primarily supported by public grants or private foundations. "The stations are sustained by contributions from the listeners in their respective communities." Their ability to survive, according to Mr. Johnson, proves they are serving the public.

However, information on file with the FCC in connection with Pacifica's Houston application, and stamped, "Received September 30, 1969," indicates that J. R. Parten pledged $10,000 to Pacifica for construction of its Houston station. According to information on file with the Internal Revenue Service, Jubal R. Parten is a director of the Fund for the Republic.

The Fund initially was created with a contribution of $15 million from the Ford Foundation. At the 1963 Senate hearings, Catherine Cory Gumpertz, then a Pacifica vice president, testified that Pacifica's KPFA had received support from the Ford Foundation. (She also acknowledged having been a Communist.) She disclosed that Pacifica had received a contribution from Consumers' Union Foundation.

IRS information also shows that the term of Hallock Hoffman as the Fund's secretary-

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treasurer expired in November 1969. According to Pacifica's application for the Washington station, Mr. Hoffman is chairman of the board of Pacifica. It also lists him as a senior fellow of the Center for the Study of Democratic Institutions. (Though the application doesn't show it, the Center was set up by the Fund for the Republic.)

Recent newspaper reports indicate that the Center asked for the resignations of five of its most liberal fellows, including Mr. Hoffman, in the wake of continuing criticism of its board chairman, U.S. Supreme Court Justice William O. Douglas.

Despite the evidence that Pacifica broadcasts propaganda, its tax-exempt status rests upon its articles of incorporation which state, "The purposes of this corporation shall be:

"(a) To establish a Foundation organized and operated exclusively for educational purposes . . . and no substantial part of the activities of which is designed to carry on propaganda. . . .

"(e) In radio broadcasting operations to promote the . . . public presentation of accurate objective, comprehensive news on all matters vitally affecting the community. . . ."

Among those charged with carrying out those lofty obligations are some of the stars of the 1963 Senate hearings on Pacifica. In 1963 Dorothy Healey was identified as both a Communist and a regular commentator for Pacifica, and the foundation still lists her as both in its program guide. An appendix to the Senate hearings noted a sharp contrast between KPFK's glamorous description of her and the facts as revealed in public records, which show she "has dedicated her lifetime to the furtherance of the international Communist conspiracy . . . dedicated to the overthrow of the United States by force and violence."

In Congressional testimony, Stephen M. Fischer, current Pacifica vice president (and assistant to the publisher of Scientific American), denied any knowledge that the Communist Party is a conspiracy to overthrow the U.S. government, although he admitted having been a Communist in his youth.

At the time of the 1963 hearings, Steve Murdock was acting editor of People's World, West Coast organ of the Communist Party, U.S.A. In testimony before the House Un-American Activities Committee 10 years earlier, he had been identified as a member of the Communist Party. The July 13, 1968, issue of People's World said, "Steve Murdock, political writer for the People's World, will be heard in a commentary over KPFA at 7 p.m. . . . Murdock will be heard every two weeks during the summer."

During the 1963 hearings, William Mandel was identified as a frequent writer for the Communist Daily Worker who took the Fifth Amendment when asked if he had ever been engaged in sabotage or espionage against the U.S. At the time Pacifica emphasized that he was a regular broadcaster but not a commentator. Today, it lists him as a regular commentator and "authority on the USSR."

Henry Elson, Pacifica secretary, apparently is too young to have figured in the 1963 hearings. People's World has identified him as a former University of California student who was active in the Resistance and later served as attorney for Wayne Greene, a Negro charged with attempted murder, assault on a police officer and possession of a firebomb.

Donald Ray Gardner, development manager for Pacifica in Houston, currently is under indictment for alleged failure to report to the armed forces for induction. Julius Lester, a Pacifica program producer, has stated in an article in the National Guardian that he is trying to follow in the footsteps of Lenin, Mao and Castro.

The program guide for KPFK lists Elaine Browne as a regular commentator; it identifies her as "Deputy Minister of Information, Black Panther Party of Southern California."

Nevertheless, Commissioners Johnson and Cox, in a joint dissent, have said the decision to hold a hearing on Pacifica (for the first time in 20 years) is "disgusting" and constitutes harassment.

While the Commission refused to order a hearing on Pacifica's application for the Houston station, it said that the grant of the Houston broadcasting permit will be conditioned upon the outcome of Pacifica's Washington application. Meantime, Pacifica has completed construction in Houston and begun broadcasting under "test authority" last February 24. It may continue to do so until final disposition of the Washington case by the FCC, which is expected to take about a year. According to the March 7 issue of The Peace Times, the Pacifica Houston station is giving the (New Left) Moratorium office eight half-hour programs beginning in March.

FCC Chairman Burch, who has been on the job only a few months and still lacks a majority, says he expects the Commission to approach the problem of subversion on a case-by-case basis. But he cautions that in trying to prevent subversion, the agency must guard against harming the very freedom it tries to save. "We can't deny a license just on the basis that an applicant appears to be subversive," he adds. The chairman says he also plans to look into the definition of educational broadcasting. High time.

THE 45 MINUTES MAKE NIXON THE MAN OF THE HOUR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. DUNCAN. Mr. Speaker, our Nation's mail service now has been restored, and a great deal of the credit for the calm, yet firm handling of this perilous situation must be given to President Nixon.

A crisis of major proportions to the economy and to all U.S. citizens could have occurred had mail been stopped throughout the country. However, the President's firm resolve that the mail must be continued, expressed in both his words to the American people and his actions in New York City, averted this crisis, and an atmosphere much more conducive to a reasonable resolution of the postal employees' grievances, has been restored.

I insert two editorials discussing the President's handling of this situation in the RECORD:

[From the Baltimore (Md.) Sun, Mar. 24, 1970]

MOVING THE MAIL

Postal employees bound not to strike by constitutional oath, by statutory law, by labor-management contracts and by an *ad hoc end-the-strike* agreement of their freely elected leadership have nevertheless paralyzed the New York city and other post offices. Moving to fulfill the pledge already given in line with what he rightly sees as his constitutional duty, President Nixon is mobilizing supplementary work forces from the military to restore essential services. So far this grave and drastic action is limited to New York, the country's nerve center in key aspects of the national life. It will be extended to other points where mail collapse requires it.

In his brief television message the President took care to emphasize that the majority of postal workers were on the job nationally. The loyal and unflappable Baltimore force has been a model for other postal employees and will certainly be followed even more widely now. Mr. Nixon announced that the Justice Department was obtaining court injunctions against any picket interference with returning workers. He reminded all again of the elaborate procedures available for peaceful settlement and repeated, what has always been clear, that when the strike was over, negotiations could immediately reopen. But he warned that the ultimate authority lay with Congress; and he restated his advocacy of a basic overhaul of the postal system along lines laid out in pending legislation.

Very properly, Mr. Nixon did not stop with the details of this first strike in the 200 years of our postal history. With wholly appropriate solemnity he stated that a strike by a few thousand to coerce the duly chosen executive and legislative representatives of the whole people put at risk "the survival of a government based upon law." It does, and thousands of mailmen will heed their leaders' latest back-to-work plea and so avert further manifestations of the President's clear resolve to defend government and law.

THE 45 MINUTES MAKE NIXON THE MAN OF THE HOUR

(By Jerry Greene)

WASHINGTON, March 21.—President Nixon seized upon the dramatic tension growing from the postal strike to serve notice to the people that he is indeed the nation's leader, calm and confident at the moment of his greatest crisis since inauguration.

The effectiveness of his startling performance cannot be known before Monday—his deadline for striking letter carriers to return to work, or for government delivery of the mail troops.

But in the President's surprise appearance at a press briefing shortly before noon today Nixon let a country disturbed and upset already by increasing mail service stoppages know that as President he was assuming personal responsibility at a point of seeming impasse between union members and a lethargic, hesitant Congress.

Nixon stepped smartly to the end of the plank to face this challenge of economic chaos. He left himself no easy way out, no possibility of backing away. It was something the country had a right to expect of a President in the way of leadership in time of trouble, but never before so clearly demonstrated in this administration.

Today's show at the White House was truly astonishing, for as if to hold the alarming postal stoppage to its proper perspective—a trouble to be taken in stride and without panic—Nixon opened the press conference to unrestricted questions on a global range of subjects.

MANNER AND STYLE POLISHED

The whole thing was weird from beginning to end, yet the President's manner and style were as polished as if he had rehearsed and planned the production days ahead of time.

This almost screwball operation simply wasn't the sort of spur-of-the-moment deal one would expect of Nixon; it was a throwback to the days and methods of Lyndon Johnson—who used the technique frequently and without too much success.

More than the usual number of Saturday morning reporters showed up at the White House today for the scheduled 11 a.m. briefing by Press Secretary Ron Ziegler. There was hope, but no real expectation, that the White House might have something to say about the postal strike. As recently as last night administration spokesmen were indicating that the President would keep out of the mess as long as possible.

Ziegler is late more often than not with his press briefings; few displayed anything more than normal irritation when the hour approached noon and he had not appeared. Then abruptly the press was summoned to the secretary's office to hear the equally abrupt announcement: "Gentlemen, the President will do the briefing today."

About 30 or 40 reporters were present—up to 300 attend the regularly scheduled affairs—and were herded quickly into Nixon's oval office to stand in a semi-circle around the President's desk. He had not held a press conference since Jan. 30; such functions with Nixon have been elaborate, well-placed, televised live.

Five minutes later Nixon strode into the room and took a position back of his desk chair. He said he had a few announcements—another innovation for Nixon—after which he would receive questions.

The announcements came quickly, emphatically like hammer blows on a gong, each a statement of high importance, each a headline in itself, spelling out a program for what must be one of the most critical weeks of his presidency.

Neither by voice nor manner did he appear to attach more importance to one announcement than another. He banged them out: We have means to deliver the mail. We will use the means to deliver the mail. At his press conference tomorrow, Secretary of State William Rogers will tell Israel the U.S. won't sell more jet planes now but will when and if Russia beefs up arms shipments to the Arabs. On Tuesday the President will seek to spell out clear school integration guidelines. On Wednesday he will ask legislation to permit federal help in a drive against terror bombing.

SESSION LASTS 45 MINUTES

These were his announcements; he had a lot to say about them and he allowed substantial time for questions. This session lasted 45 minutes, a full 15 minutes longer than any of his previous press conferences.

Oddly enough, Nixon's penchant for orderliness was showing even in this impromptu staging. He rattled off first what he would do Monday, what would come Tuesday and, finally, he spoke of the antibomb message to be sent to Congress on Wednesday.

Then the President bounced from topic to topic in this anything-goes act, dropping a plug for Judge G. Harrold Carswell in the Supreme Court confirmation fight, expressing belief the increased fighting in Laos wouldn't interfere with his schedule for troop cutbacks in Vietnam, predicting reelection of Sen. George Murphy (R.) in California.

HE SEES INFLATION WANING

Nixon proclaimed there would be no recession because he wouldn't let one happen; he is confident the fire has been taken out of inflation. If the Russians are in the mood, agreement can be reached on arms limitation at the Salt talks.

The President will work a near-miracle if the 10,000-word integration position paper on Tuesday can clear out confusion, set a firm, one-voice course for the administration and please anybody, black or white, North or South. But he is going to try. We are advised that the racial policy pronouncement has undergone more agonizing reappraisal in the White House than any document yet to bear the Nixon signature.

Such attention is entirely proper, for in no other area has the administration been under such heavy fire—and no other domestic problem can match the racial issue in potency and in importance.

This was an impressive exhibition of leadership at the White House today at a time when it was never needed more.

MINI-MILLS PROVIDE SERVICE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 7, 1970

Mr. FANNIN. Mr. President, one of the current environmental problems facing the Nation is what to do about scrap autos.

Presently there are many areas of the Nation in which the economics of the freight business does not permit the shipping of junked autos to recycling mills for processing.

I would like to call attention to the valuable work being done by many mills in the Nation engaged primarily in the recovery of value from automotive scrap.

One of these mini-mills, the Allison Steel Manufacturing Co., is located in the Phoenix, Ariz., area and is able to process some 6,000 automobiles per month. I am informed that there are some 40 similar operations across the Nation.

Mr. President, I would like to commend these businesses for the work they are doing and insert in the RECORD an article from Iron Age magazine describing their service.

There being no objection the article was ordered to be printed in the RECORD, as follows:

DON'T PUT UNITED STATES IN THE SCRAP BUSINESS, SENATE GROUP URGED

(By K. A. Kaufman)

Scrap dealers and the secondary metals industry are concerned that a proposed law to encourage recovery and recycling of waste products may put the U.S. in competition with them.

Representatives of both industries endorsed objectives of the bill in testimony before a Senate public works subcommittee. But both also expressed some reservations.

Leon J. Coslov, president of Tube City Iron and Metal Co. and president of the Institute of Scrap Iron and Steel, Inc. said, "Our association supports the basic goals of S2005, although we differ on some specific portions of the bill itself."

He expressed concern over a provision giving the Secretary of Health, Education and Welfare the authority to make grants to states or municipalities for construction of solid waste disposal and resource recovery facilities.

"We see in this the possibility of Federal and state funds being used to construct scrap processing facilities, thereby bringing government entities into competition with private industry," Coslov said.

As an alternative, he suggested the government provide incentives to the private sector to promote recycling. This would be much more effective and less costly, he maintained.

M. J. Mighdoll, executive vice president, National Association of Secondary Material Industries, also indicated concern over that section.

He told the subcommittee the phrase "construction of . . . resource recovery facilities" opens the door to possible local government competition. Therefore, it is "fraught with dangers," he said.

He urged placing safeguards in the bill protecting industry from harmful competitive and duplicative practices.

The association "vigorously supports" the basic objectives of the legislation, particularly the provision relating to improvement of research in the field of solid waste reutilization, he concluded.

SOME SENSIBLE LIMITS NEEDED

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. MICHEL. Mr. Speaker, no one will question that the crime rate, the easy availability of pornographic material, and the growing use of drugs by our young people are three of the major problems facing us on the domestic scene. A literal floodtide of words have been written and spoken on these problems, a good portion of those words setting forth what many observers consider to be the responsibility of society in seeking to find some answers.

An editorial appearing in the March 30, 1970, edition of the Peoria Journal Star raises some thought-provoking points about the limits of society's obligations to adults and about adults' obligations to society. I recommend it to my colleagues and place it in the RECORD at this point:

SOME SENSIBLE LIMITS NEEDED

(By C. L. Dancey)

Popular "progressive" doctrine in America today seems to be flying at full speed in two completely opposite directions—and on a collision course.

One of these doctrines is that it is none of society's business what "consenting adults" do to themselves, so long as they do not inflict their abuses, forcefully, on others.

By this doctrine, the use of drugs is a private matter and none of society's business. Pornography, perversion, and rampant moral abuses are simply nobody's business, and certainly not the business of government or society, so long as the actors are "adults" doing their "own thing."

The surprising thing is that the proponents of this philosophy, simultaneously, seem to be the people who also promote the philosophy that if and when such "adults" become basket cases, hopeless wrecks, or just plain total losses in caring for themselves, it is society's duty to look after them. Society has an ever-present obligation to "pick up the pieces."

Society is supposed to finance the expanding mental hospital facilities for those who have thus disintegrated their nervous systems. Society is supposed to provide the drug cure centers. Society is supposed to take care of their illegitimate offsprings. Society is supposed to feed and clothe them as total parasites when they fail to make any contribution of their own that brings in food and shelter.

TWO NOBLE IDEAS

Both are "noble" ideas, but they don't go together.

If the status of adulthood involves total personal responsibility, and what one does is no longer society's business as long as it is a private and personal situation—there is no claim either way. This is total freedom, including the freedom to starve to death, so to speak, or otherwise destroy yourself.

If on the other hand, the ultimate responsibility for the mental health and physical well being of adults is the responsibility of society, society must have an interest in prevention.

In no other way can such a responsibility be met.

Prevention is the only broadly effective approach to the major problems of health, and it is where we have had preventive medicine that we have made the greatest strides against disease.

Prevention is the only really broadly effective approach to the major catastrophes such

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as fire, and it is where we have had extensive controls and doctrines for fire prevention that we have made the greatest strides against such disasters.

Prevention is the only really broadly effective approach to the problems of crime, and it was by crime prevention practices that the broadest of social changes came to society—and by the rising up of the principle that prevention is forbidden and one can only act after the disaster has occurred that crime has again begun to sky-rocket year by year.

DOUBLE STANDARD

Ultimately, the pursuit of this double standard of "freedom" until you've become helpless or in need and then a right to a parasitic status can only end in one thing. It already represents in practice the massive subsidization by the public of immorality, etc., at an ever expanding cost both in social values and in money.

In the end, we are going to wind up facing the problem of this paradox so harshly, that we will be obliged to go one way or the other.

We shall either decide "to hell with them" and the consequences be on their own heads, as a doctrine of total adult independence. Or we shall decide on a scientistic government with broad powers, indeed, over its citizens "for their own good."

The twin doctrines of a total individual freedom to abuse oneself as an adult and the right to become a permanent parasite on your fellowman in the process while continuing to perform the abuses that render you such cannot live forever side by side.

Not unless we recognize them as general principles within a sane area of conduct while society does have the right and obligation to step in where the excess becomes beyond all reason.

Reasonable limits could be maintained as to both the individual's freedoms and his claims on society. But absolutes as to his independence of society and yet of society's total obligations to care for him won't work.

If we are going to deal in absolutes, it is going to have to be one or the other—not both.

The present popular, if somewhat primitive, penchant for dealing in absolutes is what really ought to go by the board.

We ought, instead, to get sensible about the limits of society's obligations to "adults" and about adults' obligations to society.

We ought to recognize that there are limits to both.

The trick is to make those limits as reasonable as possible.

NETWORK NEWS BIAS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RHODES. Mr. Speaker, now that the initial furor raised by Vice President AGNEW's assertions of bias in the news media has died down, we hear one after another quiet voice of reason coming out in support of what the Vice President said.

The recent interview of Howard K. Smith of ABC–TV was most significant, because here a person directly involved with network newscasting admitted candidly that there is a liberal bias to much news reporting, both on television and in the press. Now we see newspapers from many different parts of the country supporting editorially Mr. Smith's statements—all lending further credence to what the Vice President was telling us last fall.

I insert one of these editorials from the Arizona Republic, in the RECORD:

NETWORK NEWS BIAS

Commentator Howard K. Smith's candid admission that there is a pro-liberal network news bias, resolves the argument raised by Vice President Spiro Agnew in his widely quoted speech several months ago.

Agnew cited the bias, said that it distorted the political debate necessary in a democracy, and criticized the "unelected elite" which day after day presents its own narrow interpretations as the only ones with merit.

The network newscasters and officials—in short, that "unelected elite"—protested vehemently.

They accused the vice president of advocating censorship . . . even though he went out of his way to say that he opposed censorship. They warned that the entire free press was under assault from the government (but they neglected to make the vital distinction between the press and a government-regulated monopoly). And they piously denied every allegation of bias.

And then came along Howard K. Smith . . .

Smith, for many years one of TV's most prominent commentators, is by his own admission left-of-center—a "semi-Socialist." He supports the liberal position on most major issues.

But Mr. Smith is also deeply concerned that the preponderous of a uniform dogmatic liberal bias on network radio and TV is bad for television and for the nation. And so, in a remarkable recent article in TV Guide, he spoke out in protest.

This strong bias, he said, conforms to a rigid liberal "party line" in which network newsmen are primarily interested in pleasing each other and the editors of the New York Times and the Washington Post. This leads network newsmen to oversimplify the news. It leads them to take knee-jerk positions on the Vietnam war, racial conflicts, and the policies of LBJ and Richard Nixon.

These newsmen, many of whom are intellectually shallow, "cling to the tag 'liberal' . . . even though they've forgotten its content," Smith said. They concentrate on militant blacks and New Left zanies. They depict irrational radicals as perfectly normal protesters. And, in their own irrational hatred of Richard Nixon, they are trying to assassinate him politically the way they helped assassinate LBJ politically.

Smith's confession is of enormous significance.

It required rare intellectual honesty and courage.

Network rebuttals, to both Vice President Agnew and newscaster Smith, have been singularly weak and inapposite. Basically, they boil down to the assertion that network newsmen are not all liberals because they represent a variety of geographical backgrounds, and they don't conspire with one another to predetermine what news should be emphasized and how.

What a pitiful rationale!

Liberalism, like conservatism, anarchism, communism, fascism, and any other ism, is not a geographical setting, but a doctrine, a series of positions or policies to which one subscribes to a greater or lesser degree. And there is no need for liberals to conspire when what Howard K. Smith calls their "set of automatic reactions" tells them intuitively the doctrinally "correct" position to take on every given issue from Red China to Rhodesia to the Black Panthers.

Indeed, William F. Buckley once amusingly described these reactions by saying: "Drop a little itching powder in Jimmy Wechsler's bath and, before he has scratched himself the third time, Arthur Schlesinger will have denounced you in a dozen books and speeches, Archibald MacLeish will have written 10 heroic cantos about our age of terror, Harper's will have published them, and everyone in sight will have been nominated for a freedom award."

The issue is not whether there is a network news bias. There is, emphatically. And as Sen. Barry Goldwater (an early victim of that bias) noted, it—not Vice President Agnew's speeches—constitutes the most serious threat to freedom of the press. The question now is what the networks intend to do to rectify an imbalance that gives a distorted picture of world and national events.

TESTIMONY OF MR. A. K. McCALLA BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. JONES of Tennessee. Mr. Speaker, on March 18 my lifelong friend, Mr. A. K. McCalla, testified before the House Appropriations Subcommittee on Agriculture. The purpose of his testimony was to urge an increased appropriation for Watershed Development and River Basin Planning.

As youngsters Mr. McCalla and I were members of the 4-H Club together, and a generation later our children were also in 4–H together. He lives in Millington, Tenn., in my district, and he is one of our outstanding farmers.

At present Mr. McCalla serves as chairman of the Shelby County Conservation District. He is the immediate past president of the Tennessee Association of Soil and Water Conservation Districts. In 1968 the Progressive Farmer named him as Tennessee's Man of the Year in service to agriculture, and last year the Tennessee Conservation League named him Conservationist of the Year.

His testimony before the subcommittee was presented in behalf of the Shelby County, Tenn., Conservation Board of which he is an outstanding member. Because the information he cites is of importance to all Americans, I insert his testimony in the RECORD at this point:

STATEMENT OF A. K. MCCALLA

A growing concern with problems of land, water and environmental quality as they affect development in the merging rural and urban areas of Shelby County, Tennessee, has prompted the Shelby County Conservation Board to urge your continued support of adequate funds for watershed development and river basin planning. The people of Memphis and Shelby County, and the adjoining counties of Tennessee and Mississippi, are becoming acutely aware of water and air pollution, mushrooming residential and industrial building patterns, exodus of people from the farm, and the social problems of race and poverty stemming from unwise and unplanned exploitation of natural resources.

We believe the drainage pattern which has four separate streams that rise in the surrounding upstream rural areas and flow through the rapidly developing urban areas of Memphis and Shelby County typify the interrelationship of rural and urban resource problems.

Erosion and flooding in the upstream rural areas cause crop, pasture, and other damages that impair personal incomes of farm families. Sediment entering the streams fills channels, silts up reservoirs and spews out and destroys crops along the flood plains.

The streams cross State lines, county boundaries, and flow through city limits with their burden of pollution and constant threat of flooding. These problems of the surface waters become worse as they enter the city, threatening the health of people, their homes, stores, churches, schools and trailer parks.

Looking backward it is plain that these problems have been creeping up on us for many years. But people in the downstream areas are only now beginning to realize and understand how their future is tied directly to decisions being made in Fayette, Hardeman and Tipton Counties in Tennessee, as well as DeSoto, Marshall and Benton Counties in Mississippi.

The Shelby County Conservation Board has recognized the interlocking nature of erosion, land abuse and sediment production in the rural upstream areas with pollution, floods and idle flood plain lands of the downstream urban areas. It is presently sponsoring a river basin type study by the United States Department of Agriculture. This Chickasaw-Metropolitan Surface Water Management Survey will be completed this year. It involves the Wolf and Loosahatchie Rivers, Nonconnah and Horn Lake Creeks. The study covers parts of Shelby, Fayette, Hardeman and Tipton Counties in Tennessee, and DeSoto, Marshall, Benton and Tippah Counties in Mississippi. Shelby County is bearing $75,000 of the cost of the study.

As one result of the study Memphis now has, for the first time since its founding 150 years ago, positive flood data including predictions of future floods to guide its development on the Wolf and Loosahatchie Rivers and Nonconnah Creek. This data from the Chickasaw Survey is being used by the Memphis and Shelby County Planning Commission, the city engineer, county engineer, and real estate and development firms. It is warning away those who otherwise would have dared to build in the path of floods. The county is acquiring the floodways along the streams for parks and greenways.

Located at the focal point of these surface water problems, urbanization at Memphis becomes their magnifier. Nearly every kind of land and water conservation problem is concentrated, intensified and extremely expensive to solve. They can only be solved by starting in the rural areas at the head of streams. This is the last glimmer of a chance the city has to cure its resource problems. It calls for rural community development, small watershed planning and implementation, erosion and sediment control measures on individual farms, better disposal systems for garbage and solid waste, improvement of the rural landscape and better economic conditions to allow opportunities for rural people to share in the cultural and recreational assets of the nation.

These problems and needs must be met quickly and forcefully before further development multiplies their cost beyond the financial ability of local, state and Federal governments.

The Nonconnah Creek Watershed project, an outgrowth of the Chickasaw study, is also being sponsored by the Shelby County Conservation Board, the city of Memphis and soil conservation districts in Tennessee and Mississippi counties. It is now being planned by the Soil Conservation Service. Eighty thousand dollars ($80,000) of the planning costs are being borne by Shelby County, Memphis and the Tennessee State government. Nonconnah Creek Watershed lies between the older part of Memphis on the north and the expanding Whitehaven and International Airport area on the south. Its flood plain lies along Interstate 40 expressway in an area bursting at the seams with industrial and commercial development. The city and county have given it priority because of the crucial flooding, pollution and erosion problems.

There are at least six other watershed projects in the Wolf and Loosahatchie drainage basins that need to be planned and implemented. Development of these projects would not only solve most of the most prominent rural conservation problems, but are prerequisite to future downstream improvements that may be recommended.

Shelby County has already indicated firmly its willingness to share in watershed planning and water resource development costs. Within the past four years it has spent nearly a million dollars on the projects above, and on a water-based recreation project centered around a new lake at Casper Creek. The state of Tennessee and the city of Memphis are helping out with the job.

But we cannot do the whole job by ourselves, especially in the upstream rural areas with low financial capability. We must have the continued and accelerated commitment of the Federal government. So we are asking this committee to give strong support by making substantial increases in the U.S. Department of Agriculture budget. We especially need increased support for river basin planning, watershed planning and implementation, and technical assistance to soil conservation districts. This kind of support will benefit directly the Mid-South areas of west Tennessee and north Mississippi, and indirectly the national welfare.

We appreciate very much the privilege of testifying before your Committee.

CAPITOL HILL TOASTMASTERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HOSMER. Mr. Speaker, one of the most relevant organizations in America today is Toastmasters International. In an era when the ability to communicate with clarity is a vital ingredient for success in almost every field of endeavor, thousands of men and women are receiving valuable speech training in a nationwide network of more than 3,000 Toastmasters chapters.

The first Toastmasters Club was organized 46 years ago in Santa Ana, Calif. From a humble beginning in the basement of the local YMCA, Toastmasters has grown to international prominence with more than 70,000 members throughout the world.

Capitol Hill is home base for one of its most active and respected local chapters. Founded less than 3 years ago, Capitol Hill Toastmasters quickly established a unique national reputation. With this in mind, I take special pleasure in calling attention to a recent article from Changing Times magazine lauding the distinctive contributions Toastmasters International continues to make toward the improvement of the spoken arts in America.

The article follows:

[From the Changing Times, April 1970]

TOASTMASTERS CLUBS TAKE THE TERROR OUT OF SPEECHMAKING

The thought of speaking before an audience throws you into a panic. When the boss asks your opinion, you become tongue-tied and embarrassed. You find it hard to present your ideas clearly and cogently.

If this description fits you, maybe you should get acquainted with Toastmasters International, an organization that seeks to develop the speaking and leadership skills of its members in a relaxed, clublike setting.

Toastmasters clubs are far from new. The first one was organized in 1924 and for many years met in the basement of the Santa Ana, Cal., YMCA. Today, there are more than 3,400 clubs in 47 countries. All told, there are about 70,000 members at any given time, and, through the years, approximately 1,000,000 men have joined Toastmaster clubs and participated in the programs.

AN EVENING OF TALK

An individual Toastmasters club is likely to have 20 to 40 members who meet every week or every other week, usually in a restaurant or hotel with both dining and meeting facilities. Most meetings are held in the evening, around 6:30 or 7 o'clock, although some clubs hold breakfast or luncheon meetings. A typical meeting runs something like this:

Before the meal guests and prospective members are introduced to members of the club. After dinner the meeting is called to order and a short business session takes place. Although the meeting itself is presided over by the club president, members take turns chairing the business sessions. This is to help develop their knowledge of parliamentary procedure. The business session may be played straight, or from time to time, hecklers may try to disrupt the proceedings.

Next comes Table Topics—informal off-the-cuff talks that take about two minutes apiece. Members may speak on subjects of their own choosing; or topics, generally involving current events, may be assigned on the spot. The idea is for a man to learn to think on his feet with minimal preparation. Guests and prospective members are not required to take part in any of the speaking exercises unless they would like to.

After the Table Topics, members settle back to listen to four or five prepared talks on subjects selected by the speakers. Each speaker is introduced by the Toastmaster of the meeting, and an evaluator is assigned to assess his efforts. The talks are timed and last five to seven minutes. An "ah counter" keeps separate tabs on the number of "ahs," "uhs," gasps, gurgles and other oratorical lapses committed by each speaker.

An evaluation session is held after all the speakers are finished, and prizes or trophies are awarded to the best speakers as determined by a vote of the members (a booby prize may be given, too). A typical meeting lasts about two hours.

The basic Toastmasters "course" for each member is a carefully-thought-out series of 15 required speaking projects and three optional ones. His assignments become progressively more difficult, following a program outlined in the basic Toastmasters manual.

After his maiden Ice Breaker speech a member learns such things as how to organize a speech; how to make it challenging, persuasive and interesting; how to use the voice and body to the best advantage; how to clarify meaning and weed out verbiage; how to respond to various kinds of audiences; how to be a better listener.

More advanced speakers tackle projects that deal with the judicious use of humor, organizing and running different kinds of meetings, and coping with noisy waiters, balky public address systems, collapsed lecterns, hecklers, missing speakers and other adversities.

Members work at their own pace, although they are expected to attend all meetings. When they feel they have mastered one assignment, they are scheduled for the next available speaking slot. It takes most members from two to three years to go through the two-part Communication and Leadership programs. Once he has completed them, a member receives his Able Toastmaster certificate.

THE CLUBS & THE MEN

MEMBERS of Toastmasters clubs are encouraged to take part in various public-service activities, such as speakers' bureaus and public speaking programs for youngsters.

Each Toastmasters club operates independently along guidelines set by Toastmasters International. The clubs are nonprofit and are open to any man who has reached 18.

A recent profile of the "typical" member of a Toastmasters club indicates that he is 39 years old and has attended college. He's probably a professional man, such as a doctor or a lawyer, or a manager or supervisor, the owner of a business or a salesman.

Dozens of large companies, conscious of the value of articulate leaders, encourage men at all levels to take part in Toastmasters programs. Some companies include the program in their training courses, pay membership costs and provide facilities for meetings.

Dues and initiation fees vary from club to club but average about $25 a year, approximately half of which is used by the parent organization to develop training programs and publish texts and monthly copies of the *Toastmaster* magazine. Costs for meals or rental of meeting facilities are shared by the members.

District and regional speaking contests are held, and winners compete in an annual national contest that meets every year in a different city.

If you think a Toastmasters program could help you become a better speaker, attend two or three sessions as a guest before you apply for membership. To get information about the nearest club, call your chamber of commerce or write to Toastmasters International, 2200 N. Grand St., Santa Ana, Cal. 92711.

A BILL TO ALLOW A DEDUCTION FOR ADOPTION FEES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. MICHEL. Mr. Speaker, I am today introducing legislation to allow a deduction for adoption fees so that they may be treated in the same fashion for income tax purposes as are medical expenses for childbirth.

In many cases, adoptive parents incur the same expenses as do natural parents but our present tax law makes no provision for those adoptive parents even though they are assuming a responsibility equal to that of a natural parent. It may be that approval of my bill would encourage parents to adopt children when they might otherwise be reluctant to do so because of the adoption fees, which vary widely in all sections of the country.

The legislation follows:

A bill to amend the Internal Revenue Code of 1954 to treat adoption fees in the same manner as medical expenses for income tax purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 213(a)(1) of the Internal Revenue Code of 1954 (relating to allowance of deduction for medical, dental, etc., expenses) is amended by inserting "plus any adoption fees (as defined in subsection (e)(5)) paid during the taxable year" before "exceeds 3 percent".

(b) Section 213(e) of such Code (relating to definitions) is amended by adding at the end thereof the following:

"(5) The term 'adoption fee' means an amount (not otherwise deductible) paid by the taxpayer to an agency or organization in connection with, and for the purpose of, the adoption of a child by the taxpayer."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1970.

JEFFERSON DAVIS BELONGS IN HALL OF FAME

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. FULTON of Tennessee. Mr. Speaker, nearly 11 decades have passed since our Nation was torn apart by the horrors of a Civil War.

Exactly 109 years ago this month, April, the first shot in that grim and bloody struggle was fired on Fort Sumter.

It was a war that pitted brother against brother, divided families in their loyalty, and took a toll of lives which have never been matched in all our other wars.

The reconstruction years that followed the close of the Civil War left seeds of bitterness which are still evident today. However, as President Nixon said during his successful campaign for the Presidency, "Let us join together." Once every 5 years nominations are made to the Hall of Fame at New York University. In 1970 such nominations will be made.

The President of the Confederacy, Jefferson Davis, was not only a leader in a cause—even a lost cause—but his accomplishments to our Nation and to the history of our country are unquestioned. Jefferson Davis was not only a graduate of the U.S. Military Academy, but he served with distinction in our military service. As a Member of Congress, a U.S. Senator, and a Secretary of War, he distinguished himself. All of us are indebted to him for his role in the establishment of the Smithsonian Institution here in Washington.

His qualities of leadership and dedication have been praised by the late President, Gen. Dwight D. Eisenhower, and by President Woodrow Wilson.

It is my hope that this outstanding figure in our Nation's history will be honored and that Jefferson Davis will be named to the Hall of Fame. It is long since passed that the bitterness and division brought about by Civil War be erased. Such a move would, in my opinion, help bring about our President's appeal, "Bring us together."

An editorial in the Nashville Banner on March 27 effectively presents the reasons why Jefferson Davis warrants a place in the Hall of Fame for Great Americans:

[From the Nashville Banner, Mar. 27, 1970]

OPPORTUNITY IS NOW: JEFFERSON DAVIS BELONGS IN HALL OF FAME

Qualifications considered—among them love for and service to his country—justice no less than affection and admiration on the part of those acquainted with his story seconds the nomination of Jefferson Davis to the Hall of Fame. Elections to that institution at New York University are made once every five years, and this is the year.

Long before he was president of the Confederacy, Jefferson Davis was a great American in achievements redounding to the national good. A graduate of the Military Academy, he was an army officer of brilliant stature. He became a member of Congress, a distinguished Senator, a Secretary of War. A designer and builder of great structures, he was a leading factor in establishment of the Smithsonian Institution.

He strived to hold his country together, but gave courageously of himself and his genius of leadership when duty called in behalf of the Southland and a conviction in which he believed. Of his character in that crisis and subsequent to Appomattox, history says of him:

"With constance and courage unsurpassed he sustained the heavy burden laid upon him by his people. When their Cause was lost—with dignity he met defeat, with fortitude he met imprisonment and suffering, with entire devotion he kept the faith. In nobility of thought and in grandeur of spirit he endeavored to direct the sentiments of his stricken people with the words: 'Let me beseech you to lay aside all rancor, all bitter sectional feeling, and take your places in the ranks of those who will bring a consummation devoutely to be wished—A reunited country.' " Then he added the meaningful prophecy, "The past is dead, its hopes and aspirations; before you lies the future, a future of expanding national glory, before which all the world will stand amazed."

Two great American Presidents have paid special tribute to his memory. Said Dwight D. Eisenhower: "Having long held the conviction, a conviction reinforced by my reading of Hudson Strode's biography of Jefferson Davis, that the President of the Confederacy was one of our outstanding antebellum Americans, I have been impressed by the worth of both his military and civil service to the nation, and have admired his selflessness, courage and dedication to America . . . He nobly tried to do what he thought right."

Said Woodrow Wilson: "He (Davis) had the pride, the spirit of initiative, the capacity in business which qualify men for leadership, and lacked nothing of the indomitable will and impervious purpose to make his leadership effective. He moved direct, undaunted by and peril, and heartened a whole people."

At his passing in 1889, the New York World said of him editorially, "He was a man of commanding ability, spotless integrity, and controlling conscience. He was proud, sensitive and honorable in all his dealings and in every relation of life. A great soul has passed."

A great soul deserves remembrance—both in history, and in those public places where citizens congregate to note the figures and events deemed noteworthy in the national annals. Certainly Jefferson Davis was one of these.

He warrants a place in the Hall of Fame for Great Americans.

H.R. 16488

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. WHITEHURST. Mr. Speaker, I have introduced H.R. 16488 with three cosponsoring members of the American Revolution Bicentennial Commission to amend the joint resolution establishing the Commission. The bill will enlarge ex officio membership in the Commission, authorize hiring experts or consultants, and provide for control and protection of logos and symbols certified by the Commission. The bill has been referred to the Committee on the Judiciary.

Mr. Speaker, I also want to express my appreciation and admiration of the fine leadership Dr. J. E. Wallace Sterling has been providing as ARBC chairman. Dr. Sterling, Executive Director M. L. Spector, and the entire ARBC staff have noticeably moved forward the efforts of the Commission.

The celebration 6 years from now of the 200th anniversary of this great Nation is no small task. The initial planning decisions of the Commission will have a profound effect on the event's success. Congress can help. This Commission has seen the results of past inactions. I urge Congress give full cooperation in passing this bill.

MONEY FOR HOSPITAL CONSTRUCTION STILL TOO LITTLE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. OBEY. Mr. Speaker, several weeks ago, during debate on the postveto HEW-Labor appropriation bill, I spoke on the House floor regarding the crisis which our States face because the final appropriation bill which passed on the recommendation of the President contained insufficient funds for hospital construction and modernization.

At that time I inserted in the RECORD for the benefit of my colleagues a comparison, based on tentative figures, of the funds each State would receive under the $254.4 million originally appropriated by the Congress for hospital construction and the $172.7 million appropriation passed after the President's veto.

I have been informed that State officials have just been told by the Department of Health, Education, and Welfare the exact amount of money which they will receive under the postveto bill.

In some cases there are relatively minor changes in the amount of money each State will receive from the figures released earlier. Unfortunately, the final totals have not changed, and I am sure many of you have already been contacted by hospital officials in your districts who had been expecting but will not now receive badly needed Hill-Burton funds for the 1970 fiscal year.

Mr. Speaker, I insert the final State figures below:

FISCAL YEAR 1970 ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES

State	Total	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities
Total	$172, 200, 000	$27, 100, 000	$54, 200, 000	$63, 600, 000	$18, 200, 000	$9, 100, 000
Alabama	4, 350, 943	317, 305	1, 510, 750	1, 780, 497	494, 927	247, 464
Alaska	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
Arizona	1, 656, 199	200, 000	545, 401	642, 784	178, 676	89, 338
Arkansas	2, 554, 781	206, 354	879, 575	1, 036, 624	288, 152	144, 076
California	10, 238, 841	1, 297, 308	3, 348, 943	3, 946, 903	1, 097, 125	548, 562
Colorado	1, 755, 543	317, 455	538, 619	634, 790	176, 453	88, 226
Connecticut	1, 497, 679	383, 570	417, 276	491, 782	136, 701	68, 350
Delaware	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
District of Columbia	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
Florida	5, 796, 957	610, 853	1, 942, 393	2, 289, 210	636, 334	318, 167
Georgia	4, 903, 527	420, 996	1, 678, 878	1, 978, 644	550, 006	275, 003
Hawaii	762, 436	200, 000	200, 000	212, 436	100, 000	50, 000
Idaho	883, 241	200, 000	244, 769	288, 472	100, 000	50, 000
Illinois	6, 123, 740	1, 316, 083	1, 800, 648	2, 122, 161	589, 898	294, 950
Indiana	3, 988, 147	737, 224	1, 217, 594	1, 434, 997	398, 888	199, 444
Iowa	2, 350, 760	486, 734	698, 149	822, 804	228, 715	114, 358
Kansas	2, 030, 019	385, 022	616, 114	726, 121	201, 841	100, 921
Kentucky	3, 665, 450	330, 824	1, 248, 944	1, 471, 945	409, 158	204, 579
Louisiana	4, 250, 683	453, 614	1, 422, 146	1, 676, 073	465, 900	232, 950
Maine	1, 078, 682	200, 000	329, 100	387, 861	107, 814	53, 907
Maryland	2, 358, 744	272, 269	781, 464	920, 996	256, 010	128, 005
Massachusetts	3, 966, 314	1, 097, 837	1, 074, 353	1, 266, 181	351, 962	175, 981
Michigan	5, 785, 780	980, 980	1, 799, 580	2, 120, 898	589, 548	294, 774
Minnesota	3, 101, 058	526, 188	964, 386	1, 136, 580	315, 936	157, 968
Mississippi	3, 315, 171	200, 572	1, 166, 535	1, 374, 823	382, 161	191, 080
Missouri	4, 094, 288	685, 654	1, 276, 663	1, 504, 613	418, 239	209, 119
Montana	818, 782	200, 000	215, 181	253, 601	100, 000	50, 000
Nebraska	1, 214, 719	200, 000	380, 051	447, 909	124, 506	62, 253
Nevada	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
New Hampshire	781, 445	200, 000	200, 000	231, 445	100, 000	50, 000
New Jersey	4, 311, 839	1, 013, 574	1, 234, 325	1, 455, 895	404, 697	202, 348
New Mexico	1, 160, 105	200, 000	359, 596	423, 802	117, 805	58, 902
New York	10, 603, 987	2, 555, 538	3, 014, 449	3, 552, 685	987, 543	493, 772
North Carolina	5, 972, 147	646, 726	1, 994, 572	2, 350, 707	653, 428	326, 714
North Dakota	823, 436	200, 000	217, 317	256, 119	100, 000	50, 000
Ohio	7, 684, 355	929, 259	2, 530, 039	2, 981, 783	828, 849	414, 425
Oklahoma	2, 643, 383	310, 071	873, 914	1, 029, 953	286, 297	143, 148
Oregon	1, 624, 095	228, 785	522, 596	615, 907	171, 204	85, 603
Pennsylvania	9, 807, 233	2, 012, 177	2, 919, 544	3, 440, 834	956, 452	478, 226
Rhode Island	810, 289	200, 000	211, 282	249, 007	100, 000	50, 000
South Carolina	3, 420, 560	334, 052	1, 156, 014	1, 362, 423	378, 714	189, 357
South Dakota	850, 895	200, 000	229, 921	270, 974	100, 000	50, 000
Tennessee	4, 757, 268	615, 259	1, 551, 339	1, 828, 334	508, 224	254, 112
Texas	10, 972, 317	1, 299, 261	3, 622, 926	4, 269, 806	1, 186, 883	593, 441
Utah	1, 136, 577	200, 000	350, 784	413, 416	114, 918	57, 459
Vermont	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
Virginia	4, 498, 586	606, 121	1, 457, 875	1, 718, 182	477, 605	238, 803
Washington	2, 267, 889	392, 457	702, 420	827, 839	230, 115	115, 058
West Virginia	2, 290, 219	349, 048	727, 042	856, 857	238, 182	119, 090
Wisconsin	3, 362, 670	528, 842	1, 061, 376	1, 250, 886	347, 711	173, 855
Wyoming	750, 000	200, 000	200, 000	200, 000	100, 000	50, 000
American Samoa	51, 175	1, 978	18, 426	21, 716	6, 036	3, 019
Guam	375, 000	100, 000	100, 000	100, 000	50, 000	25, 000
Puerto Rico	4, 577, 046	450, 010	1, 545, 731	1, 821, 725	506, 387	253, 193
Virgin Islands	375, 000	100, 000	100, 000	100, 000	50, 000	25, 000

Note: Basis of Allocations, per Statutory Formula: Total population, as estimated by the Bureau of the Census: (1) Provisional Estimates of the United States, July 1, 1969 (series P–25, No. 430, Aug. 29, 1969); (2) American Samoa, Guam, Puerto Rico, and Virgin Islands, Provisional Estimates as of July 1, 1968, (unpublished data). Allotment percentages for fiscal year 1970, as determined by the Surgeon General Sept. 30 1968.

TEST FOR THE NATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the real issue of the postal strike extends far beyond the postal employee's just demand for better pay and attention to their legitimate grievances.

The question comes down to the right of any group of persons to disregard laws designed to safeguard this Nation, at the risk of disastrous consequences to the lives of all its citizens.

As a perceptive editorial from the New York Times points out, this "test for the Nation" had to be met forcefully, to demonstrate that "Government cannot and will not surrender to the exercise of outlaw force by civil service employees or any other group."

I commend President Nixon's actions in meeting this test, and insert this editorial in the RECORD:

[From the New York Times, Mar. 22, 1970]

TEST FOR THE NATION

The outrageous repudiation by striking postal employes in New York and other major cities from coast to coast of the back-to-work agreement made by their union leaders confronts the nation with a test from which it cannot shrink. President Nixon gave the only right response by announcing at once that he would meet his constitutional responsibility to see that the mails go through.

The United States cannot do without mail service; this communications network is indispensable to the efficient functioning of the total economy and to the lives of 200-million Americans. But even more important than the damage a continuation of the illegal postal tie-up would inflict on every citizen is the necessity for a demonstration, once and for all, that the Government cannot and will not surrender to the exercise of outlaw force by civil service employes or any other group.

The fabric of community has worn exceedingly thin under the hammer blows inflicted on society by organized groups and by individual terrorists, united only in a belief that the abuse of power will enable them to bend the majority to their will. The postal employes do not belong in that company. This is their first strike in nearly two centuries, and it would not have come now without a full share of blundering by the Administration and Congress.

Yet the irresponsibility of their actions after the elected officers of their unions had entered into a compact with Secretary of Labor Shultz—one that assured responsible consideration of their grievances in an atmosphere free of coercion—makes it plain that these postal workers have become captives of the suicidal notion that any group in control of a vital service can bring the public to heel by misusing that control.

That notion has received too much support already through the long appeasement of municipal workers engaged in illegal strikes in New York and other metropolitan centers. It must not get a foothold in the Federal service if either orderly government or the rule of law is to prevail anywhere in America. The President showed a proper recognition of that reality with his firm declaration yesterday that there would be neither negotiations nor concessions in a "climate of intimidation."

The problem for the nation created by the postal workers' defiance is one that menaces all of organized labor. It symbolizes in most acute form the flight from authority that has caused rank-and-file rebels to upset one out of every eight agreements negotiated in good faith by their leaders—a development that strikes at the integrity of the bargaining process.

Less than three weeks ago Congress had to jam through a stopgap law to prevent a nationwide railroad strike resulting from a similar exercise of membership intransigence in private industry. Now President Nixon is left with no choice except to mobilize Army or National Guard units to deliver the mail, a course that would have been made unnecessary if the postal employes had followed their leaders and ratified the Shultz truce formula.

It is still not too late for George Meany, as president of the A.F.L.-C.I.O., with which most of the postal employes are affiliated, to address a personal plea to the strikers in the name of the entire labor movement. Given the mood of the postal employes, such an appeal might prove as fruitless as those already made by the chiefs of the postal unions. But Mr. Meany is a man of courage and the stakes are enormous for labor as well as the country.

The policy of wisdom and of sanity for the postal workers is to return to work by tomorrow and thus clear the way for immediate action by the White House and Congress on all the issues of wages and future security that concern them. But, if they persist in their folly, the President cannot delay in making good his commitment to get the mail through. More than the mail depends on that; the future of a government based on law is in the balance.

TASK FORCE STORY WINS SODA AWARD

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. PATTEN. Mr. Speaker, one of the authors selected for writing "Task Force '70" stories on the major problems facing New Jersey, was Ralph Soda, legislative correspondent of the Home News, of New Brunswick, N.J.

One of the most respected and talented newspapermen in the entire Nation, Mr. Soda will receive a citation of merit for his outstanding work in the "Task Force '70" project.

I am proud and happy to insert an article announcing the award, which appeared in the Home News on April 3, 1970:

TASK FORCE STORY WINS SODA AWARD

Citations of Merit will be awarded by the N.J. Conference of Mayors, to Ralph Soda of The Home News, and members of the Associated Press and other New Jersey reporters for "outstanding journalism" in the creation of a series of statewide "Task Force '70" stories published earlier this year.

Soda, legislative correspondent for The Home News, did an in-depth report on the garbage crisis in New Jersey for the Task Force '70 project.

The news series, which ran for six weeks in New Jersey and other states, dealt "in searching depth" with many problems confronting the state's 567 municipalities, said Mayor Carmen J. Armenti of Trenton, president of the Conference of Mayors, in announcing the awards.

The awards, to be made at Princeton University May 20 at the annual meeting of the mayors, include citations to those who cooperated "in an outstanding team effort to produce the series," said George Zuckerman of Asbury Park, executive director of the conference. The awards will cite the individuals for "Outstanding and meritorious service in the advancement of good government."

Taking part in the awards ceremonies will be Gov. William T. Cahill, President Robert Goheen of Princeton University, national and state governmental leaders and some 400 mayors and guests from all parts of New Jersey.

Zuckerman said the series, which marks a unique experience in cooperative journalism, included 19 state newspapers, working with the Associated Press to produce a "comprehensive report on many of the problems plaguing municipal leaders in New Jersey communities, large and small." The subject included a host of problems confronting mayors of the state.

The series was described by one state leader as "a liberal education not only for elected officials, but for the general public as well."

THE PRESIDENT'S SCHOOL DESEGREGATION POLICIES RECEIVE ACCLAIM

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BROWN of Ohio. Mr. Speaker, President Nixon's recent statement on school desegregation policies has received wide acclaim from thoughtful Americans who recognize that the pathway to achieving truly equal education for all American children is not easy.

The Baltimore Sun is one of these newspapers that has spoken up in support of the President's message. I wish to call it to the attention of all of my colleagues:

[From the Baltimore Sun, Mar. 25, 1970]

SCHOOL POLICY

President Nixon has set forth in painstaking detail an admirable statement of national policy on racial desegregation in the public schools. He reaffirms basic points that often are lost to sight in the day-to-day discussion of this difficult subject. Thus at the start he reiterates his personal belief that the 1954 decision of the Supreme Court, declaring school segregation unconstitutional, "was right in both constitutional and human terms."

Mr. Nixon acknowledges, moreover, that some men and women have interpreted various statements and actions of his administration as a backing away from the principles of the 1954 decision. "We are not backing away," he says. "The constitutional mandate will be enforced."

All this may seem elementary, 16 years after the court's decision, but its reiteration now helps to underscore the point that there can be no turning back on this issue, and that all the nation must face forward and move ahead, recognizing problems for what they are and conceding that no easy or perfect solutions are in sight.

Good faith, as Mr. Nixon says, is of utmost importance. As he notes, the federal courts have left a substantial degree of latitude within which specific desegregation plans can be designed. But, he says, "this does not mean that the court will tolerate or the administration condone evasion or subterfuge; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and

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through a plan designed to be responsive to the community's own local circumstances. This matter of good faith is critical."

When there is acceptance of the fact of federal law and when there is good faith effort to comply with it, such questions as busing, de facto segregation arising from housing patterns, and massive educational improvements can be dealt with. Some of Mr. Nixon's proposals are noteworthy, such as greater federal aid to "racially impacted" schools (an advance from the broader "federally impacted" formula), an insistence that racial segregation of teachers must be ended, a wide search for new teaching methods and a candid recognition that school desegregation is a problem for the East, North and West as well as the South.

The important thing is to keep the nation, and the numerous sectors of the federal government, on the right course. Mr. Nixon has laid down a policy for which his administration now can properly be held to account.

RESULTS OF DISTRICTWIDE POLL OF THE 16TH CONGRESSIONAL DISTRICT IN PENNSYLVANIA

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ESHLEMAN. Mr. Speaker, I have recently announced the results of a districtwide poll taken of my 16th Congressional District in Pennsylvania. I include that announcement and the poll results in the RECORD at this point:

RESULTS OF DISTRICTWIDE POLL OF THE 16TH CONGRESSIONAL DISTRICT IN PENNSYLVANIA

WASHINGTON.—Congressman Edwin D. Eshleman today announced the results of the district-wide poll he distributed several weeks ago.

Eshleman mailed approximately 135,000 questionnaires to every household in his 16th Congressional District at the end of January. Since that time he has been receiving and tabulating the returns from his mailing.

In making his announcement, Eshleman made some general comments about the poll.

"I was very much pleased with the response of my constituency on this questionnaire.

"About 30,000 people sent back a completed card which is a return of 22%. When compared to the national average of a 10–15% response, I think that the people of the 16th District showed their concern for and interest in the issues of the day.

"A number of people indicated some question about the use of only 'Yes' and 'No' responses on issues so complex. The reason for limiting the choice was to offer each respondent the same choice on complex subjects as I have on the House floor—either a 'Yes' or a 'No'.

"The results of the poll are for the most part quite well defined which would seem to show that the 16th District has some very definite ideas about the questions asked. I was particularly interested in the overwhelming endorsement given President Nixon's Vietnam policy since two different groups were saying 'No' on that query. Both those people who want an immediate withdrawal and those who want an acceleration of the war effort were responding in the negative to the first question."

The results of the tally done of the Eshleman poll by an independent tabulation service were as follows:

[In percent]

(1) Do you support President Nixon's Vietnam peace plan?

Yes	83.6
No	13.3
No response	3.1

(2) Are you favorably impressed with the overall first year performance of the Nixon Administration?

Yes	75.0
No	22.8
No response	2.2

(3) Do you think more tax dollars should be spent to combat air and water pollution?

Yes	81.6
No	15.5
No response	2.9

(4) Do you favor returning a percentage of Federal tax money to state and local governments for use as they see fit?

Yes	60.3
No	35.7
No response	4.0

(5) Do you believe that the national news media give you a fair and accurate picture of national events and government activities?

Yes	29.9
No	66.2
No response	3.9

(6) Do you think that our present welfare system provides enough assurance that those who can work do work?

Yes	11.5
No	86.0
No response	2.5

(7) Do you believe that the problem of drug abuse is a serious threat in your community?

Yes	77.1
No	20.7
No response	2.2

(8) Would you favor a requirement for all Federal officials, including Congressmen and Senators, to make public all sources of income?

Yes	75.1
No	22.6
No response	2.3

(9) Do you agree with the President's assessment that inflation is presently our number one domestic problem?

Yes	78.0
No	19.8
No response	2.2

(10) Do you believe there must be stiffer Federal regulations to protect consumer interests?

Yes	79.8
No	17.2
No response	3.0

MEDICAL CARE FOR VETERANS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ZWACH. Mr. Speaker, the Veterans' Administration medical care budget that President Nixon earlier this year submitted to the Congress for fiscal year 1971 is for $1,702,000,000. This is a record sum, and would have represented the most money ever appropriated for this purpose. But the President has now gone beyond this unprecedented funding. He has just proposed an additional $50 million increase in VA's medical care budget for fiscal year 1971. Earlier, he authorized the Veterans' Administration to seek an additional $15 million for this current fiscal year, and to the $1,542,000,000 already appropriated for this fiscal year President Nixon added another $91 million to help cover salary increases for VA's doctors and nurses and hospital personnel.

The veterans' medical care program is one in which we must never economize or sell our disabled veterans short. President Nixon realizes, as do all Americans, that anything we do for our veterans is an investment in human beings, an investment that has always paid dividends to all America.

THE PRESIDENT'S SCHOOL LEADERSHIP WELCOME

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BROTZMAN. Mr. Speaker, President Nixon's recent message on school integration is being praised for many reasons and from many quarters—including some who confess to being former skeptics of the administration's school policies.

One of the prominent voices convinced by the President's message is the Denver Post. A recent Post editorial discusses the President's "welcome leadership" in this area, saying that the message shows "a President who has taken more trouble than any of his predecessors to really study all the facets of this complex puzzle, and who is determined to exert Presidential leadership to move the issue off dead center and solve it."

I insert this editorial in the RECORD:

[From the Denver Post, Mar. 25, 1970]

NIXON SCHOOL LEADERSHIP WELCOME

Any American concerned with seeing our nation make real progress on solving the problems of school segregation will be heartened—and probably surprised—by the quality of President Nixon's long message on this subject.

It is a first-rate analysis of the realities of the problem. There is also a helpful review of actions of the Supreme Court and lower courts.

But most important, the President outlines an approach to solving the problem which, while it won't satisfy everyone, is balanced, fair-minded and, quite possibly, practically creative.

Despite the questionable past antics of the Justice Department, Nixon insists his administration "won't back off" on enforcing school desegregation in de jure cases like most of those in the South and some in the North. He repeats farther on in the message that he won't tolerate subterfuges and evasions in compliance with court desegregation orders.

But the key to the message is his approach to tackling the far greater problem of de facto (neighborhood) segregation. He insists that the ". . . alternatives are not limited to perpetuating racial isolation . . . (or) mas-

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sively disrupting school patterns" (by busing children to schools outside their neighborhood). Nixon opts, instead, for the concept of a student at a segregated school getting "some of his education in his 'home base' school and some outside it."

Denverites will recognize a practical application of this concept in the present "cultural arts" program and Superintendent Robert D. Gilberts' "school complex" proposal. And it just may be that this is an idea whose time has finally come.

All-out integrationists doubt such part-time integration will be effective, but the only way to find out is to give the thing a thorough trial.

And prospects of giving it a thorough trial are much enhanced by Nixon's proposal to divert $500 million from other domestic programs in fiscal year 1971 to finance such innovative school integration programs and to improve the quality of education in segregated and low-achieving schools.

We're reserving final judgment on the financing proposal until we see where the money would be taken from, but the President's willingness to back his approach with $500 million next fiscal year and $1 billion the year after does convince us, at least, that he's serious.

Frankly, we have been highly unimpressed with the President's past performance on school desegregation. We have doubted his dedication to really solving this problem, rather than merely playing politics with it.

The picture that emerges from this message is of a President who has taken more trouble than any of his predecessors to really study all the facets of this complex puzzle, and who is determined to exert presidential leadership to move the issue off dead center and solve it.

He will be judged, of course, by the results he gets. But nothing could be more needed, and welcome, than his effort to lead constructively.

THE PRESIDENT'S PROPOSAL FOR A NATIONAL FOUNDATION ON HIGHER EDUCATION

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BROWN of Michigan. Mr. Speaker, the President's proposal for a National Foundation on Higher Education is truly exciting. For too long, the Federal Government's efforts to aid institutions of higher education have been narrowly categorical and unnecessarily fragmented. Creation of a single agency to assist institutions in the attainment of quality can do much to improve higher education across the country.

The unrest of our Nation's campuses tells us there is some disagreement with the way our institutions currently view their function. There is a great need for institutional self-evaluation and institutional reform. The National Foundation on Higher Education can prove the catalyst for institutional innovation in these areas. The result can only be a stronger higher education system.

The President set forth three goals for the foundation:

First. To provide a source of funds for the support of excellence, new ideas, and reform in higher education, which could be given out on the basis of the quality of the institutions and programs concerned.

Second. To strengthen colleges and universities of courses of instruction that play a uniquely valuable role in American higher education or that are faced with special difficulties.

Third. To provide an organization concerned, on the highest level, with the development of national policy in higher education.

These goals are of primary importance to the future of our Nation, for our Nation depends, to a large extent, on its institutions of higher education.

I can only add my voice to the President's in endorsing these goals and stressing their urgency.

IT IS OUR COUNTRY, TOO—IT IS TIME TO RECLAIM IT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. MORSE. Mr. Speaker, perhaps one of the most aggrieved casualties of the so-called generation gap in today's society is the over-30, educated and concerned American who has believed in and fought for the liberal traditions of his country and wants to see it continue to build on the already considerable progress it has made in the battle against its most threatening problems—poverty, discrimination, injustice. He is often one who has known war and does not like it; he has seen the mistakes of his own society and wants to change it; and he has made an investment in his country and wants to protect it.

Today he is in a quandary. He meets, he knows, or he works with young people and he understands that most of them are good, well-motivated, and concerned citizens who will carry on the causes which his generation has taken up but not yet finished. At the same time, however, he is denounced by a small segment of youth who have arrogated the self-styled responsibility to "purify" the United States and refashion it in their own image. He is assigned the blame and made to feel guilty for all the failures of society—failures which he has long since recognized and fought to change. He is accused of fostering values which are materialistic, reactionary, and bigoted. And he is getting weary and worried and angry.

Recently, one of the "over 30," Dr. Ross Toole, a university professor who teaches history, is the father of seven children, was reared in the depression and fought in the war and who is a self-styled "liberal square," wrote an essay in which he gives eloquent expression to his concern about the younger generation.

He is one of those legitimately worried Americans I have described. He is not reactionary. He is not a bigot. He neither believes in nor advocates police action to suppress campus demonstrations, or tougher laws and police raids to halt the use of drugs. Rather, he has a stake in American society and, perhaps more than anything else, he deeply resents the wholesale and unthinkingly doctrinaire denunciation of everything American by those who foster anarchy and revolution, usually with an arrogance born of ignorance and a total disregard of the consequences of their actions for themselves as well as for others.

Professor Toole is speaking to all of us—to the others of his generation as well as to the vast majority of young people—who have, in a sense, capitulated to aggressive youth and abdicated their own responsibility to protect both themselves and society from the aggressive and disrupting and often dangerous tactics of a small segment of American youth. He speaks to the many who have been forced to the periphery of a society which is becoming increasingly—not always beneficially—youth-centered. His message is, "It's our country too—it's time to reclaim it."

Professor Toole says simply that he is tired of being blamed, maimed, and contrite, in the face of the arrogant tyranny of some militant children. He argues:

> It's time to live in an adult world where we belong . . . We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.
>
> Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled head-on a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.
>
> It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Dr. Toole is taking a chance. By speaking from his heart against those, whatever their age or ideology, whose object is to destroy the basic foundations of our society and undermine the rule of law, which is the cornerstone of this Republic, he runs the risk of alienating an intelligentsia which has often taken up the cause of militant youth without sufficient thought as to the consequences of their support. Too many of us have permitted legitimate and necessary concepts such as law, rules, and order to become code words for suppression. They are not.

Professor Toole's essay is an extraordinarily perceptive comment on contemporary society and I know that it will be welcomed as a reasonable and informed statement, clearly written from the heart as well as the mind, by all of us who want, desperately, to see America survive. We know that constructive change is the only way to guarantee that survival—we know because we have effected that change in our own lifetimes. We must not permit a continuation of such effective and constructive change to succumb to anarchy, violence, or tyranny. We—all of us, young and old—have too much to lose.

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Mr. Speaker, I include Dr. Toole's article at this point in the Record:

[From the Boston Sunday Globe, Mar. 22, 1970]

A Professor Speaks to the "Over-30's": "It Is Our Country Too—It Is Time To Reclaim It"

(By Dr. K. Ross Toole)

(Note.—Prof. Toole, who has been laid up with a heart problem, wrote the accompanying essay as a letter to his brother John, a Missoula, Montana, businessman. John sent copies to friends with children. One of the copies got into the hands of the editor of the Billings Gazette who printed it.

(That was a month ago. Since then, Prof. Toole has given permission so that it has been reprinted by papers in Denver, Chicago, San Francisco and a lot of other places. Letters have poured in to Prof. Toole—and, says his wife, "he's having a lot of fun reading them in his sick room. He's begun to analyze them, too.")

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

"It's time to call a halt: time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it.

We do not owe them our souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled head-on a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, the psyche, the raison d'etre of the young.

Since when have children ruled this country? By virtue of what right, by what accomplishment should thousands of teenager's wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: he is the product of 3000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

THE HEART OF THE PIE

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that the minority threatens to tyrannize the majority and take over.

I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed up, middleaged and angry member of the so-called "establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four year olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has drastically obtracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises?

It is not the police we need, (our generation and theirs) it is an expression of our disgust and disdain. Yet we do more than permit it, we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs?

And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into the world? Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain in our potty, middleaged way, that what they seek, we sought; that it is somewhere but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it.

We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things. We have, all our lives, taken arms against our sea of troubles—and fought effectively.

WIN-OR-BURN MENTALITY

But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought, because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevarra becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse Tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS and the student militants.

I have yet to talk to an "activist" who has read Crane Brinton's, "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine Adams or even Marx or Engles. And I have yet to talk to a student militant who has read about racism elsewhere and-or who understands, even primitively, the long and wonderous struggle of the NAACP and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930s recently remarked to me, "these 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antideluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in its place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas,

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steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middleclass selves, our worth and our hard-won progress. We need to use disdain, not mace, we need to reassess a weapon we came by the hard way, by travail and labor, firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But, the most practical and most effective place right now, is our campuses. This does not mean a flood of angry edicts, a sudden clamp down, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expell (strangely unused) has been the legitimate recourse of universities since 1209.

WE MUST HAVE RULES

More importantly it means that as freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22.

But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it—in advance—is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequences of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence, armed or otherwise, the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

MAJOR BLAME: FACULTIES

2. The disruption of any class, directly or indirectly, by voice of presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts. This does not constitute provocatism. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissible age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts.

If buildings are occupied, the court enjoins the participating students. It has the awful power to declare them in contempt. If violence ensues, it is violation of the courts' order. Courts are not subject to fears, not part of the action.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgastic self condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed-up with nonsense. We need (those of us over 30)—tax ridden, harried, confused, weary and beat-up—to reassert our hard won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it, and we live it. It is time to reclaim it.

"CONSTRUCTIONISM" IS NOT MEDIOCRITY

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, numerous Members of Congress and of the press have had a field day with Senator ROMAN HRUSKA's offhand remark about "mediocrity" and the Supreme Court. William F. Buckley, in his superb and unmatched style, has written a timely, factual response to these outlandish comments. I heartily recommend it to my colleagues:

[From the Evening Star, Apr. 6, 1970]

"CONSTRUCTIONISM" ISN'T MEDIOCRITY

(By William F. Buckley, Jr.)

Our intelligentsia have had a wonderful time with the offhand remark of Sen. Roman Hruska to the effect that if it is true that Judge Carswell is a "mediocre" legal mind, then maybe he would be especially useful to the Supreme Court.

That of course is a natural for Art Buchwald, who is amusing in his treatment of such matters, and Herblock, who will be savage. It will be wonderful fodder for the next 6 speeches of John Kenneth Galbraith, and the next 600 of Arthur Schlesinger.

Fair enough. But it is worth while to make a couple of points before it becomes settled doctrine that the Nixon administration sees mediocrity as the apogee of the curve.

1) What Sen. Hruska obviously intended to say was that the Warren Court got itself a reputation for legal virtuosity among those people who applauded its decisions: which decisions were not popular, for the most part, with the people of the United States.

Therefore, if in order to redress the balance on the court it becomes necessary to name to it someone who does not inhabit the peaks where the air is pure, why maybe we'd be better off stopping half way up the mountain where there is a little more oxygen.

The thinking is the exact equivalent of Lincoln's on hearing that Gen. Grant drank whisky.

2) It is true that the Warren Court became extremely popular with American liberals. It is also true that it was popular precisely because the court reached conclusions that were ideologically congenial to these gentleman.

As a matter of fact, the shrewdest legal minds in the land were utterly appalled by the quality of a great many of the decisions of Earl Warren and his epigoni.

Altheus Mason of Princeton, for instance, although greatly sympathetic to the decision reached in Brown vs. Board of Education, tore his hair at the legal reasoning that led to it. Learned Hand, whose mind was anything but mediocre, went up to Harvard to say of Mr. Warren and his constitutional combo that they appeared to think of themselves as a third legislative chamber.

Edward Corwin was considered probably the top constitutional expert in the land, and his opinion of the Warren Court was that it was inexpressibly slovenly.

And it wasn't only outsiders. A professor from Notre Dame amused himself—and his readers—by publishing a pastiche of comments about the legal reasoning and conclusions of the majority of the Warren Court. It read like calls from the John Birch Society for the impeachment of Earl Warren, and consisted of excerpts from the dissenting opinions of members of the Supreme Court about the work of their honorable colleagues.

At one time or another Earl Warren was accused by his colleagues of historical ignorance, self-contradiction, logical fatuity, a failure to grasp elements of the argument, legal sciolism, and double parking.

In other words, the Warren Court is greatly appreciated by its admirers mostly because it came to the right conclusions, from their point of view.

And inasmuch as people tend to believe that what they believe in is the profoundest achievement of the human mind, they simply deduced that the judges who gave them those conclusions were the most brilliant of men. Of course, it does not follow.

3) The meritocratic argument that the brighter you are the better off you are guiding the affairs of state is something the liberals ought to feel just a little uncomfortable about, when they consider their total situation. After all, they do believe—do they not?—that a man should be tried by a jury of his peers? Why not by a jury of Ph.Ds?

They were extremely enthusiastic about Harry Truman, were our friends who are laughing at the idea of putting a mediocre judge into the Supreme Court. Mr. Truman was, by most accounts, a very good president. By no one's account was he ever more than a mediocre mind.

And 4), if mediocrity means that when you read the Constitution and the Constitution says two plus two equals four, and you therefore rule that two plus two equals four, rather than rule that it depends on whether you had an underprivileged educational background, then precisely what we need is a little more mediocrity; and I for one hope Mr. Carswell overwhelms the court with it.

COVERAGE OF THE WORKING POOR UNDER FAMILY ASSISTANCE ACT

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SANDMAN. Mr. Speaker, one of the most innovative and significant aspects of the Family Assistance Act is the extension of coverage to the working poor. The present welfare system excludes those who work regularly but at low wages. This often creates situations where some who work may have less income than others who do not.

It is estimated that among the population covered by the Family Assistance Act there are 1.1 million family heads who work fulltime, and still suffer the affliction of poverty.

Today, no State provides assistance under AFDC for a family headed by a father who works fulltime—even though the family may be living in poverty. Only 25 of 54 jurisdictions provide assistance for families headed by unemployed fathers. As a result, a father often finds that he can provide better for his family by not working at all or by only working part time. Often, he finds that he must desert his children so that they can receive the food and clothing necessary to sustain them.

Both as a matter of equity and family stability, the working poor should be included in the welfare system.

A LETTER FROM THE ASSISTANT SECRETARY OF METROMEDIA, INC.

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. STEIGER of Arizona. Mr. Speaker, the following is a letter received from Thomas J. Dougherty, assistant secretary of Metromedia, Inc.:

METROMEDIA, INC.,
Washington, D.C., March 24, 1970.

Hon. SAM STEIGER,
House of Representatives,
Washington, D.C.

DEAR MR. STEIGER: On March 4, 1970, you appeared on the Floor of the House and spoke about the interests of Emprise, Inc. Buffalo, New York, in various enterprises throughout the United States. During the course of your speech, you stated that Emprise owned the Ice Capades. Your statement, as printed in the *Congressional Record*, appeared under the heading "Emprise: A Lesson in Corporate Calumny."

The Washington Post edition for Saturday, March 7, 1970, printed portions of your statement, utilizing the title that appeared in the *Congressional Record*. Immediately upon reading the *Post* on Saturday morning, I called your office and spoke to Mr. Paul Rosenblatt, your Administrative Assistant, to advise him that you had made a grievous error in your speech. I advised Mr. Rosenblatt that Ice Capades is a wholly-owned subsidiary of Metromedia, Inc., which is a publicly-held company with in excess of 10,000 stockholders. I might note, parenthetically, that there are included amongst our stockholders a vast number of pension funds established by some of the most respected corporations in America, several well-known mutual funds and various banking institutions of unquestioned integrity. I further informed Mr. Rosenblatt that I see our Company's stock transfer sheets each month and that I knew of my own knowledge that Emprise did not own as much as 1% of the stock of Metromedia. A further investigation of the stock records of our corporation during the following week disclosed that no stock is held in the name of Emprise, Inc. or either Jeremy or Max Jacobs.

I might point out also that The Washington Post on March 14, 1970, carried a story quoting Jeremy Jacobs, where he states, "[Neither] Emprise, nor any member of our family, has any connections [sic] with Ice Capades, except for the fact that we may be the concessionaire whenever they appear."

Metromedia, Inc. has owned Ice Capades since May 1963. Ice Capades is recognized as the largest and most respected ice touring show in the United States. Each show is designed as an attraction for the family group. Obviously, its inclusion in a story of alleged corruption is extremely harmful to the excellent reputation which Ice Capades enjoys and it is exceedingly detrimental to the thousands of stockholders who have invested their money in our Company. We would hope, therefore, that in the interests of fairness you will correct the Record by the inclusion of an additional statement which indicates that neither Emprise nor its principal stockholders have any ownership interest or association with either Ice Capades or its parent company, Metromedia, Inc.

Should you need any further reference with regard to the integrity of our Company,

I am certain that many of your colleagues can attest to that integrity, since we operate radio and television stations in several of the major cities in the United States. We are, of course, engaged in many other legitimate businesses, of all which are described in our latest Annual Report, a copy of which is enclosed.

I would appreciate being advised what action you take on this request.

I am taking the liberty of forwarding a copy of this letter to Mr. Martin Zad, Executive Sports Editor of The Washington Post, for his information.

Very truly yours,
THOMAS J. DOUGHERTY,
Assistant Secretary.

Mr. Dougherty also advised my office that Lou Jacobs formerly had at least a 7-percent interest in the ice show but has had no ownership since 1963 when it was acquired by Metromedia. It is my pleasure to enter these corrections.

U.S. POLICY IN SOUTHEAST ASIA

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HUNT. Mr. Speaker, the Foreign Relations Committee of the other body is currently giving us another rundown on the world situation and, I might add, if the remarks of one prominent Member of that body are any indication, the outcome seems headed to run down the United States.

He suggests that the United States still has time, but not much, to arrange for a sellout in South Vietnam and that we should accept Communist domination of Indo-China—North and South Vietnam plus Laos and Cambodia—though not advocate it, as a fact of life. Of course, these facts, like art, are conceived in the eyes and mind of the beholder and it appears, much to the consternation of the gentleman, that his underlying gripe is that he does not have the authority of the President to implement what he conceives the policy of the United States should be with respect to the nations of Southeast Asia.

It is the gentleman's contention that Vietnam never really mattered to the security of the United States and he has enlisted a small, vociferous, and often violent army of believers in his cause. The fact of the matter, however, is that the Presidents of the present and recent past history have not seen eye to eye with the gentleman in the pragmatic exercise of their constitutional authority, confronted as they were and still are with the realities of the situation.

As for the myths of which the distinguished gentleman speaks, they are like facts, what he has made them out to be. The only hitch is that he still does not have the authority commensurate with his beliefs to impose his Southeast Asia policy on the President. Idealism can be advanced by the most convincing logic, and indeed, the division in our country today is characterized by persons of all persuasions whose depth of belief is equal to that of the gentleman who purports to have the only true and meaningful solution to U.S. policy for Southeast Asia. He is not the only eminent scholar in the field of foreign affairs, but he is the only one with a forum of such prestige and influence as to further deepen the division in this country and prolong any settlement of the conflict in Vietnam. The "disaster of great proportions to American foreign policy in Asia" might very well be the caption for the position which the gentleman enunciates. If the North Vietnam regime ever sought a highly influential ally among our own people, or a persuasive propaganda tool, it must certainly find consolation in the gentleman's proposed policy for which he has long been the leading advocate.

COULD CARSWELL BE WORSE THAN OTHERS?

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BERRY. Mr. Speaker, one of the Senators from my State of South Dakota has announced that he will not vote for confirmation of Judge Harrold Carswell in spite of the fact that probably 75 percent of the voters in South Dakota feel as columnist John Chamberlain feels. The article follows:

COULD CARSWELL BE WORSE THAN OTHERS?

(By John Chamberlain)

WASHINGTON.—I am no student of the judicial opinions of Judge G. Harrold Carswell, but it amuses me to think that any lower court justice in the land could be deemed unfit to mingle on the Supreme Court bench with some of the alleged great brains that have been confusing the legislative function with the judicial for lo! these many years.

Quite privately I have long been convinced that one of the qualifications for a modern Supreme Court justice in the age of the Great Society must be that he is unable to read. How, save on the basis of functional illiteracy, can one explain the eight-to-one decision in the Mrs. Madalyn Murray school prayer case of 1963?

Justice Tom Clark, who wrote the majority opinion which effectively made voluntary prayers or Bible-reading in the schools illegal, could hardly have had Article One of the Bill of Rights clearly before him when he spoke for the Court. What this First Amendment to the Constitution says, quite explicitly, is that "Congress shall make no law respecting the establishment of a religion." Well, Congress never has tried to establish a national church; Congressmen, even the mediocrities among them, have been able to read.

The first amendment, however, conveys no hint of an instruction to states and the local communities about legislating on religious matters. (When the Bill of Rights was adopted some state actually had what amounted to local states churches.) Presumably Articles Nine and Ten of the Bill of Rights, which defend rights "retained by the people" and "reserved to the states," leave it entirely up to the local voters in the local communities to do as they please about school prayers provided, of course, that individuals are not coerced into praying against their will.

If words mean what they obviously say, eight Supreme Court justices should have been sent back to school for remedial reading instruction after the "Mad Murray" decision.

Then there is the case of Justice William O. Douglas, who has just come out with a book called "Points of Rebellion." Douglas, as a judge, is sworn to uphold the Constitution, the established fundamental law of the land. This has not stopped him from writing this astounding passage: "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution."

In my innocent way I had always thought the way to change out basic laws is prescribed in the Constitution which Justice Douglas is supposed to be protecting. The fundamental constitutive document of our republic has been amended 25 times, proving that it can be done when the urge to depart from the older established law is compelling. Should not one assume that any right-minded Supreme Court justice would insist that "revolution" is not to be supported in preference to amendment by anyone speaking as a member of the high bench?

You can't very well advocate illegality out of one side of your mouth and presume to be taken seriously as a defender of the law when you sit on the cases brought before your court.

Let me say it again that I am not a competent judge of G. Harrold Carswell's legal acumen. To make a proper study of his record I would have to take a month off from my work as a commentator on affairs. Since I am under contract to deliver a certain number of columns to editors each week, no such time is available to me.

However, I do have time to look at individual court opinions and to refresh myself on the wording of the Bill of Rights. I would be willing to gamble that Judge Carswell couldn't do worse than five or six of the justices who have been legislating for us from the high bench for years. And I am sure that Judge Carswell would never, in his right mind, write a book condoning revolution when the amending process is open to those who want to change the law.

Some of our senators, speaking in defense of Carswell, have said the Supreme Court might benefit by the addition of a representative of "mediocre citizens." This is hardly the most felicitous way to put it. What we do have the right to expect is that judges should at least be able to understand English.

EDUCATOR OF THE YEAR

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. NICHOLS. Mr. Speaker, one of Alabama's outstanding educators has recently been named "Educator of the Year" by Kappa Phi Kappa educational fraternity. I would like to appraise the Congress of the high caliber of educational leadership which has been achieved in my State. Dr. Harry M. Philpott, esteemed president of Auburn University is most deserving of this significant honor. Although Dr. Philpott has held the reins as President of this fine institution for only a few years, his leadership and outstanding contributions to the betterment of education are well recognized.

I might point out that in a time when discord is rampant and becomes the order of the day on many college campuses across America, Dr. Philpott is highly respected and his counsel is solicited by both students and faculty alike at Auburn University.

The enclosed article, which appeared in the Birmingham Post-Herald bespeaks the esteem and affection which my State holds for this career educator. I would like to commend this article to the attention of my colleagues:

"TOP EDUCATOR" IS DR. PHILPOTT

(By Jim Goodwin)

Educators in Alabama must promote the necessary mechanisim and participate in the rewriting of the basic constitution of Alabama, Dr. Harry M. Philpott said as he accepted the award as Alabama's "Educator of the Year," presented by the Kappa Phi Kappa Friday.

The award was made to Dr. Philpott, Auburn University president, for his contributions to the betterment of education in Alabama and for his work as chairman of the Alabama Education Study Commission.

"In the revision of the Alabama state constitution, certain things pertaining to education should be changed," said Dr. Philpott.

"As educators," he said, "some of the things we have to do are outmoded constitutionally and these things must be done away with if we are to have an effective and an efficient school system."

"We need an objective analysis of the tax structure of Alabama. We need to have a study made, preferably by outside experts, and determine where we have equity and inequity, to determine the way to support the kinds of programs that we need and also to make such recommendations as are necessary to change this," Philpott said.

EQUALIZE TAXES

"It is not going to help the state of Alabama to say, as politicians have said, that 'if I am elected there will never be another tax, another new tax in the State of Alabama,' and they say, 'I am for quality education, and I pledge to improve the quality of education in the state of Alabama'," he said.

"The very least they can do, if they are going to pledge no new taxes is to say we are going to take a look at the taxes we have and we are going to equalize them a little bit better," Dr. Philpott said.

The constitution, according to Dr. Philpott, should provide for annual sessions of the legislature and "we need to have those sessions as far as the school people are concerned in January, so we know what we are going to be dealing with the following year."

"These are just some of the things that the Alabama Education Study Commission talked about and some of the things that will require legislative and political action.

"In the opinion of the commission, there are more school districts in the State of Alabama than we should have," Philpott said.

In the area of educator responsibility, Dr. Philpott said, "We are going to have to be more vigorous in our experimental programs."

URGES PRIORITIES

"Priorities must be established for our educational programs," he said, "and there will never be a time when we are going to have enough money to do the things that should be done in education. One of the big jobs we, as educators, are going to have in the next decade is to decide what is most important and what is less important among all of the good things that we could do."

He said educators "have a present danger of educational decisions being made by people who will not have educational responsibility and accountability for those decisions. We need to get before the American public the fact that if we are going to have quality education, ultimate decisions in matters affecting schools will have to be made by those people who will be held accountable for the decisions.

"The courts need to recognize this and whether it be an agency from Washington that is here today and gone tomorrow or whether it be a judge, the accountability will rest with us in education ultimately as to what happens and the other folks are going to be forgotten," he said.

SECRETARY HICKEL TELLS PARTICIPANTS IN ENVIRONMENTAL AWARENESS WEEK SYMPOSIUM AT KANSAS STATE UNIVERSITY HOW CONCERNED YOUNG PEOPLE CAN HELP FIGHT POLLUTION

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. MIZE. Mr. Speaker, Secretary of the Interior Walter Hickel, a native of Kansas, was the principal speaker at the Environmental Awareness Week Symposium at Kansas State University, Manhattan, Kans., Monday, April 6. His address, one of the famous Landon Lecture Series at the university, was tied in with the symposium, and was further evidence of how thoroughly dedicated this administration is to the task of improving the quality of our environment.

Secretary Hickel explained to the students and others about special programs developed by the Department of Interior to enlist the services of young people in the all-out battle to stop pollution. He explained the role of SCOPE—Student Councils on Pollution and Environment, and ECO—Environmental Control Organization.

What Secretary Hickel told the symposium at Kansas State is of interest to young people across the country. Under leave to extend my remarks, I wish to bring this important message to the attention of my colleagues:

REMARKS OF SECRETARY OF THE INTERIOR WALTER J. HICKEL AT ALF LANDON LECTURE SERIES, KANSAS STATE UNIVERSITY, MANHATTAN, KANS., APRIL 6, 1970

I never would have dreamed, as the son of a western Kansas tenant farmer, that the clear skies and sparkling streams of Kansas would be in danger in my lifetime.

Even on the hottest summer day you could look up at those skies, breathe deeply and be refreshed.

Or scoop up a drink of safe, sweet water with your hand.

But in a few years Kansans may not be able to enjoy these same carefree pleasures.

Talk of permanent destruction of the environment is not the idle threat of an alarmist.

It is fact. And it is frightening.

Smog is no longer a phenomenon peculiar to California.

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Polluted water is no longer just a hazard on the Hudson or the Chesapeake.

All of mankind is plunging headlong into an environmental emergency.

And yet many people still refuse to face it.

It is not always easy to recognize the warning signals.

They are as subtle in some places as cancer symptoms—but they are no less deadly.

It's a terrible paradox—air and water and land—the very elements which attracted our ancestors from the east—are being threatened by our efforts to build a vigorous society.

We are beginning to realize that the best things in life are not free. If we don't pay the cost to protect them, we shall lose them.

A spreading blanket of toxic air—the most dangerous elements of which are invisible—is encircling the globe. And scientists have found both smog and DDT in the snow layers of Antarctica.

Our rivers, the life system of the land, are becoming a death system for the oceans.

Millions of tons of pollutants and pesticides are being poured into the sea, threatening to destroy man's greatest source for future food and oxygen.

Manhattan, Kansas, is a long way from the ocean.

But even here, we must become far more concerned about the quality of this essential element of the life system.

They say Kansans are realists, like our "show me" neighbors in Missouri.

I hope that if you remember nothing else from my remarks today, you will remember my warning that pollution is not just something politically popular to talk about.

It is a worldwide threat of the highest magnitude.

The question before us is this: "Can we remold our mental attitudes and retool our industry fast enough to do something about it?"

I believe we can.

My belief—and it is mainly a statement of faith, not of fact—is based on faith in the heart of the future—the university campus.

The young people of this country have risen to the moment.

They have challenged the very foundations of our value system.

They ask, "Can we afford to consume everything we can afford to buy?"

I have met with hundreds of students in recent months, and these young people want to know:

"What right have we—in the time-span of a few generations—to use up a majority of the irreplaceable natural resources which it took millions of years to produce?"

They ask, "What will be left for our children? And for their children in turn?"

They talk about the "environmental ethic"—the right of plants and animals to continue to exist in ecological balance.

These are serious questions. And I am serious about trying to answer them.

What concerns me as an official responsible to you and all Americans, is how the input from the concerned young people can have a meaningful impact on the centers of governmental activity.

Life is changing so fast in the seventies that we can no longer tolerate the old pace of a good idea fighting its way through established channels.

A good idea today can be out of date in a year, or even a few months.

To fight this "bureaucratic breakdown" in the Department of the Interior, we have taken several steps.

Last month I set up in my office a "Task Force on Environmental Education and Youth Activities." This coordinating body will serve as a clearinghouse and creative center for a number of functions.

It will give us immediate access to a new program called "SCOPE"—Student Councils or Pollution and Environment.

SCOPE is a unique experiment in government-student relations.

Students are being invited to participate directly with the government on an emerging national issue of immense proportions.

The Federal Water Pollution Control Administration in the Interior Department has established SCOPE committees in each of its nine regions across the nation.

These committees will serve as a channel through which students can contact federal officials, and secure technical information developed by federal agencies.

Through SCOPE we are showing government that it pays to listen—as well as talk!

We are developing methods to insure that student suggestions, and their views on environmental problems—and program priorities—can reach us directly.

Since meeting with representatives from each of the nine regions, I have decided to expand this program from FWPCA, into a wider framework.

We are exploring the possibilities of expanding it to an interdepartmental organization. In this way it could have an impact on all the federal agencies working on pollution problems.

Already the SCOPE representatives are serving as part of a highly motivated, public "early warning system."

When pollution is spotted—or major projects are launched without regard for the environment, SCOPE is notifying the authorities.

And now, as I travel around the country, I am meeting with the regional SCOPE groups to discuss regional concerns.

Today will see the first of those meetings, with the SCOPE group here at Kansas State.

Pollution will only be eradicated when the government and the public work together on it as a team.

I am encouraged that the student community is responding.

We look forward to combining the enthusiasm and fresh ideas of youth with the technical competence, and enforcement capacity of the federal government.

We also have many young people who want to take a *full time* role in the environment battle.

Because the crisis we face is much deeper than just pollution. It has to do with the entire way men live.

For this reason, I have called for creation of a National Environmental Service Force, patterned roughly after the Peace Corps.

. . . In fact, a few editors have already called this proposed organization the "Environmental Peace Corps."

I have received hundreds of letters from young doctors, undergraduates, engineers, high school students, biologists and architects.

These are eager young people who want to *participate.*

We are suggesting that this group take the formal name of Environmental Control Organization, or "ECO" (E-CO).

The idea is to place young talent in those areas of the nation needing study and help the most.

Spontaneous groups on the grass roots level have already sprung up across the country.

And I believe ECO members can provide leadership for those willing efforts which often need direction.

At the secondary education level, ECO could help fill the gap in schools which do not have the trained personnel to meet the mushrooming demands of environmental education.

The scientists, lawyers and social scientists who participate could lend their skills to the community leaders in a given region to evaluate, plan and execute new approaches to ecological problems.

Educated, and educating others in environmental problems, these Americans are determined to find solutions—with or without governmental involvement.

This makes this situation both an opportunity—and an obligation—for the Administration.

The opportunity:

At a time when we are beginning to realize the deteriorating condition of our environment, the Administration can acquire invaluable aid—in terms of commitment, knowledge, and sheer manpower—to bring about a reversal in ecological trends.

Some are highly skilled and others are only beginning.

But the task at hand has a broad range of needs.

The obligation:

Most of these individuals are "apolitical," or even "antipolitical."

The environmental crisis may well present our last chance to bring significant numbers of potential future leaders *back* into the political process.

Government *can* and *must prove* that it can respond, and encourage youth involvement.

We are finding that a highly developed society such as ours demands a whole new breed of professional—a person who can study *both* ecology and economics—and biology and philosophy.

We need people who are broad enough in their exposure to have balanced judgment.

These must be people who are ready to do exhaustive research and wide field work—and who are fascinated by nature and the needs of man.

There is a lot of talk heard today about students and the environmental movement.

In fact, you can even get an argument from some that the "Environment Bag"—as some of my *younger* staff people refer to it!—is a "sellout."

A sellout of the issues of the day.

For example, you may have heard that a group of students demonstrated against me, when I spoke a few weeks ago at Princeton.—Although more than a thousand Princeton students later signed a petition of apology.

During my speech, I was interrupted with shouts like,

"What about racism and black liberation?"

My attitude about these protests, and others, is this:

As Secretary of the Interior, a clean environment for all Americans is *my responsibility—and my commitment.*

For example, I want to make sure that as we get our black Americans *out* of the ghettos. . . .

That they have somewhere worth getting *in to.*

By no measure does the environmental crusade conflict with man's struggle for equal treatment and justice.

It is *complimentary* to any attempt to improve the quality of an individual's life. It is forcing us to realize that there is really only one race—the human race.

America is a crusading nation.

Recently I addressed the American Petroleum Institute and I told them:

"The oil industry—like much of today's industry—stands in danger of becoming the monster of American society.

"This is a crusading nation . . . and the crusaders are up in arms."

The enemy is becoming clearer to the people . . . it is those who foul the nation's air and water . . . and those who stand in a position of authority to do something about the destruction of our resources—but who do nothing.

I am challenging you—as you are challenging government—to respond to national and world needs.

Industry does not produce just for its own good.

They don't make cars just because they

enjoy making cars . . . nor does any manufacturer produce a product without knowing he has a market for it.

They produce because you want—and often need—what they produce.

You are challenging government to regulate broadly and prosecute those who pollute—and I am moving to meet that challenge, as you can see in our recent request for a Grand Jury investigation into oil pollution in the Gulf of Mexico.

My challenge to *you*, is to crusade not only against the sins of the past, which you can blame on the older generation, but to also crusade to safeguard the *future* by changing our priorities and even our life-styles.

Do not fall for the temptation to write-off government and business. There are elements in both groups who are determined to find ways of doing things.

Many of us are search for how to streamline clumsy bureaucracy. We are fighting daily to create a country in which man's surroundings are not sacrified for his technological advance.

At stake are the most precious ingredients for sustaining life.

Air you can not only breathe without choking but which refreshes and invigorates.

Clean water to drink and swim in, and *natural water*, the womb of the delicate balance of nature.

Land that is not only the producer of our food and energy, but which restores the soul of man through its beauty and intricate marvels.

But make no mistake—if the people leave the job to government—and if they do nothing *but* protect—it will not be done.

It will take positive achievement and a *commitment* on the part of every American.

My deepest wish is that my native State of Kansas lead the way in producing a new generation with a new set of values.

A generation dedicated to caring for the Earth and all the people in it. I am confident you will respond to this great challenge of the hour.

PRESIDENT NIXON'S MESSAGE ON HIGHER EDUCATION PROGRAMS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SCHERLE. Mr. Speaker, the farsighted message the President sent to the Congress this week for the comprehensive reform of higher education programs will be recognized as one of the outstanding achievements of his administration. Not only does this message set a course for the future role of the Federal Government in assisting our Nation's students, but it also establishes a partnership between Government and the colleges and universities which can benefit all the people of the country. The message calls for the establishment of a National Foundation for Higher Education which will have as its purpose the support of excellence, innovation, and reform in institutions of higher education.

In the area of student financial aid, the message proposes a realistic system of Federal assistance to the poorest students which will help make higher education available to all who can gain from it regardless of income. This provision recognizes that in a time of fiscal stringency the Federal Government should make its support available to the most needy, since those who are relatively well-off may find alternate methods of assistance from non-Federal sources. To complement these provisions, the message also calls for the creation of a program to assist the States in establishing career education programs, particularly in junior colleges and community colleges, and provides $100 million to carry it out. This recognition of the need for a viable vocational component in postsecondary education has long been lacking, and I congratulate the President for it. I urge all my colleagues to study carefully the reforms contained in the President's message on higher education and join in supporting this effort.

NIXON'S MESSAGE ON SCHOOLS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. DERWINSKI. Mr. Speaker, the President's recent message on education attracted predictable analysis and commentary. One of the most thoughtful and penetrating editorials on the President's message was in the Chicago Today, Saturday, March 28, which I place into the RECORD at this point:

NIXON'S MESSAGE ON SCHOOLS

It would be hard to disagree with much of what President Nixon said in his message on education this week. His theme was the need to achieve quality education for children of all races within the integrated framework demanded by law. Forced desegregation by busing, in areas where housing patterns constitute de facto segregation, is not necessary in Mr. Nixon's view.

The message spells out good aims. One difficulty in analyzing it, tho, is the vagueness of certain terms which may mean more or less than the listener takes them to mean. Phrases like "local control," for instance, have taken on a secondary meaning; sometimes they can be read as nice ways of saying segregation. Much depends on how the administration itself defines these terms and how literally it means to carry them out.

That is true particularly of Mr. Nixon's position on neighborhood schools and local school boards. He said they should have the principal voice in forming compliance plans, so long as they act within the Constitution. If that means exactly what it says, we couldn't agree more. Yet school boards that have done all they could to resist integration could agree, too, and to go right on resisting it.

Much of what Mr. Nixon said on this point needed to be said. For example: "Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult society has failed to achieve for itself."

This is a recognition that racially separted housing patterns are not the responsibility of school systems, and that schools shouldn't bear the burden of readjusting them along with their immense job of educating children. It is welcome, and so is Mr. Nixon's pledge that his administration will explore ways of encouraging other institutions besides schools to do their part.

His message was short on specifics and figures [except for the 1.5 billion dollars to be spent on improving education in racially impacted areas, and that hardly seems adequate]. Still, this is one area where we'll have to follow Atty. Gen. John N. Mitchell's advice and watch what the administration does, not what it says. That's the only sure way to be sure what is meant by the blurred, ambiguous terms now used in talking about schools and segregation.

SCHWENGEL PRAISES RUMSFELD FOR OEO REORGANIZATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SCHWENGEL. Mr. Speaker, last year we "lost" one of our ablest colleagues. Fortunately we "lost" him only in a relative sense, inasmuch as President Nixon tapped him for an extremely important job. I refer, of course, to Don Rumsfeld, Director of the Office of Economic Opportunity.

Those of us who had the opportunity to work with Don here on the Hill had, and continue to have, the highest regard for his abilities.

He was particularly effective in the field of congressional reform. In appointing him Director of OEO, the President called on him to undertake still another reform project. The President asked him to take over an agency that had in many respects become discredited by poor management, and in some cases was guilty of clearcut misuse of Federal funds. Don set out to put OEO programs on a soundly managed basis, and to restore some credibility to its efforts.

Mr. Speaker, I feel that Don has come a long way in achieving that goal. Today I received a letter from him outlining a major effort in the reorganization process. The letter, together with the regulations which it describes, are abundant proof of the real progress that is being made at OEO, and I would like to insert them in the RECORD at this point for the benefit of my colleagues.

I do not necessarily sleep better at night knowing Don is directing the Office of Economic Opportunity, but I do feel confident that my constituents are going to get a better return on their tax dollar because he is there. Also, those who are supposed to be benefited by the OEO programs are much more certain to receive meaningful assistance rather than shallow promises.

The material follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., April 6, 1970.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR FRED: Since coming to the Office of Economic Opportunity early last summer, a great deal of my time and the time of my senior staff has been spent in the reorganization of the Agency. This reorganization was undertaken so that the Office of Economic Opportunity could more adequately respond to its new mission.

However, reorganization is not, of course, the sole answer to the running of a more efficient and effective program. Many of the policies and procedures in the Agency needed to be changed or more stringently enforced and a number of new procedures needed to be instituted. Inadequate administrative control had led in many instances to poor project management and at times misuse of federal tax dollars. Over the years criticism has been leveled against the Agency for mismanagement and I have found some of the criticism to be valid.

Therefore, after appropriate study and review I have issued new instructions intended to tighten various administrative procedures of the Office of Economic Opportunity. I have been informed that the effect of these instructions will be to assure one of the most stringent grant and contract review procedures in the Federal government.

For your information, I have enclosed a set of these instructions along with a summary. If you have questions regarding these new procedures, Mrs. Carol Khosrovi, Associate Director for Congressional and Governmental Relations, will be pleased to discuss the matter with you.

Sincerely,

DONALD RUMSFELD,
Director.

NEW POLICY TO BAN CONFLICTS OF INTEREST ANNOUNCED

Stringent new instructions aimed at preventing conflicts of interest and tightening the administration of contracts and grants by the Office of Economic Opportunity were announced today by Director Donald Rumsfeld.

In the past few months, the Agency has conducted an office-by-office review of hundreds of contracts and grants made in recent years. The Agency-wide survey revealed extensive deficiencies in the review and monitoring of contracts and grants as well as a widespread lack of proper management. Based on this experience a new policy governing the handling of grants and contracts has been prepared. The conflict of interest instruction is one of a series of 11 instructions implementing the new policy.

The purpose of the instructons is to assure fair competition among prospective contractors. The intent is not to exclude any contractor from competing for the opportunity to do business with the agency but to establish sound and consistent management practices and a thorough review based on full information before the award of contracts. The Agency seeks to avoid the occurrence of any factor that would give any firm an unfair advantage.

The new conflict of interest instruction provides that for one year after an employee leaves the Agency, no sole source contract may be awarded to a firm that employs him in a senior position. An exception to this rule may be granted only by the Director. In the case of competitive bids, no contract may be awarded to a firm that employs in a senior position a person who has left the Agency within the previous year, without the approval of the Deputy Director.

The instruction also:

Provides for the maintenance of records of former personnel who have joined prospective contractors or grantees.

Says a firm bidding for contracts will be asked to disclose whether it is seeking to hire former Army staff people in senior positions and how much such an employee would participate in the contract; and whether any present Army employee or his family has a substantial financial interest in the firm.

Requires prospective grantees to identify any former OEO employee who has left the Agency within the year prior to the grant application, who has a financial interest in or is employed by the grantee, by its delegate agency or by a subcontractor.

Other new instructions:

Establish project review boards to examine proposed grants and contracts with the exception of certain routine refundings of operating grants. This means that, in contrast to past practice, a grant or contract cannot be approved without review at a high level.

Insure that only designated Agency officials shall commit or obligate the Government under a contract or grant. Violations will constitute cause for disciplinary action.

Require that project managers prepare a written evaluation of a contractor's performance within 60 days of contract expiration. These evaluations will be considered in the awarding of future contracts. No such system has operated in the past.

All project requests for $2,500 or more will be reviewed by the Office of the General Counsel.

The new instructions apply to projects approved by the Washington headquarters office. New instructions will be issued to the Regional Offices and to Community Action Agencies funded through the Regional Offices in the near future.

REPORTING AND REVIEW PROCEDURES FOR PREVENTING CONFLICTS OF INTEREST IN CONTRACTS AND GRANTS

1. PURPOSE

To establish reporting and review procedures for preventing conflicts of interest in contracts and grants.

2. GENERAL

Because many Agency employees develop a unique expertise in the poverty field, they are in demand for employment by organizations that contract with or receive grants from the Office of Economic Opportunity. Even though a Federal law may not be violated by employment in such organizations, it creates the possibility of, or at least the appearance of, misuse by such employees of their influence with their former colleagues.

3. CONTRACT AWARD LIMITATIONS

For a period of one year from the date of termination of employment with the Office of Economic Opportunity, no contract shall be awarded without competition to any organization which employs in the capacity of officer, director, or other senior management position a former Office of Economic Opportunity regular employee or a special employee who served Office of Economic Opportunity for a total of more than 60 days during the 365 days prior to the termination of his Office of Economic Opportunity employment. A special Government employee is an employee appointed to serve not more than 130 days during the 365 days following his appointment. Special Government employees are so designated by the Personnel Division at the time of their appointment. An exception to this requirement may be granted only by the Director. No contract shall be awarded as a result of a competitive procurement to a firm employing in any of the above capacities a former regular employee or a special employee of the Agency to whom the above restriction applies without the prior written approval of the Deputy Director.

a. *Reporting Information.*—In order to maintain current information on former employees employed by Agency contractors, the Personnel Division shall include in the Exit Clearance Form (OEO Form No. 73) a requirement that the departing employee reveal the name of his next employer, if known, and his position with that employer. The Personnel Division shall then submit this information to the Procurement Division, which will be responsible for establishing an index of firms employing former Agency employees. This index shall be expanded by periodic inputs from other staff officers, such as the Office of General Counsel, as to the current employment status of former employees.

Contract negotiations shall check this index before entering into negotiations and shall secure the advice of the General Counsel as to whether a potential conflict of interest exists if a former employee is employed as officer, director, or other senior management position by a contractor being considered for a contract award.

b. *Contract Reporting.*—The following shall be inserted in all Office of Economic Opportunity solicitations of $2,500 or more:

"Offerors shall state as part of the proposal:

"(1) Whether or not it is now negotiating with a regular or special OEO employee for employment; and, if so, specify the name of the individual(s) and the position(s) for which considered:

"(2) Whether or not it now employs as a regular employee or consultant a former regular or special OEO employee whose employment with OEO terminated within the past 365 days; and if so, specify the name of the individuals(s) and the position(s) held:

"(3) Specify the names of any present OEO employees or their spouses or minor children known to have a substantial financial interest in the offeror's organization. A financial interest shall be considered insubstantial if it amounts to less than $5,000 in the market value *and* less than one (1) per cent of the organization's outstanding stock or other securities, and the OEO employee or spouse or minor child is not active in the management of the organization.

"(4) If either (1) or (2) is answered in the affirmative, specify whether any such individual(s) shall participate in the performance of any contract that may result from this solicitation and the extent of such participation.

Contractors are advised that the foregoing disclosure request is for informational purposes in order to protect former employees against potential conflict of interest situations.

The fact that a contractor employs or contemplates employing a former OEO employee shall not prejudice that contractor's competitive standing, provided that the employment or proposed employment is not contrary to the public interest and that the relationship is consistent with the Federal law and OEO conflicts of interest regulations."

The Director of the Procurement Division shall instruct his negotiators and contracting officers to report to the General Counsel any affirmative responses to the above disclosure requests.

c. *Grant Reporting.*—Because the conflicts of interest problem is not restricted to the procurement field, but also is found in the employment of former regular and special employees of the Agency by grantees, delegate agencies, and subcontractors to such organizations, each grant application form shall include a form containing the following clause:

"The Grantee, as part of its application for a new grant or for a refunding, shall identify any former regular or special OEO employee whose employment with OEO terminated within 365 days prior to the date of grant application, who (1) is employed by the grantee, its delegate agency, or a subcontractor who performs work for the grantee or delegate agency under a subcontractor of $25,000 or more; or (2) who owns or has a financial interest in the grantee or its delegate agency; or (3) who is in any other way involved with the grantee or its delegate agency in his private capacity. The grantee shall specify as an attachment to its application the names of such individuals and their position, degree of financial interest, or other relationship with the grantee or delegate agency. The grantee shall also identify any present or former employee of the Office of Economic Opportunity who is negotiating for employment with the grantee, any delegate agency or subcontractor to any such organization."

Agency personnel receiving grant applications shall forward any information received as a result of this paragraph to the General Counsel for consideration.

WESLEY HJORNEVIK,
Deputy Director.

PROJECT REVIEW BOARDS FOR PROPOSED GRANTS AND CONTRACTS

1. PURPOSE

To establish a procedure for the detailed review of procurement requests and proposed headquarters grant actions by Office of Economic Opportunity officials at an early stage in the review process.

2. GENERAL

There shall be established a Project Review Board in each of the following headquarters offices:

a. Office of Health Affairs.

b. Office of Legal Services.

c. Office of Operations.

d. Office of Planning, Research, and Evaluation.

e. Office of Program Development.

f. VISTA.

No other headquarters office shall initiate procurement requests or grant actions, except for normal procurements of supplies and services for Agency administrative needs which are the responsibility of the Office of Administration. However, the expertise of staff offices shall be utilized by program offices in procuring goods or services where staff office expertise is relevant.

3. ORGANIZATION

a. The permanent Chairman of each Project Review Board shall be the Deputy Assistant or Deputy Associate Director of that Office, or such other appropriate person selected by the Assistant/Associate Director of the Office and approved by the Deputy Director of the Agency.

b. Each Assistant/Associate Director shall name, in addition to the permanent Chairman, a minimum of ten individuals in his Office who, based on seniority, experience and judgment, are authorized to sit on the Project Review Board for that Office. Changes in the composition of the Project Review Board may only be made by the Assistant/Associate Director.

c. In addition, each Board shall include two members from the Office of General Counsel and two members from the Procurement Division, of the Office of Administration chosen by the General Counsel and the Chief of the Procurement Division, respectively.

d. The Office of Program Development shall include in its Board membership a senior member of PRE and the Office of Planning, Research and Evaluation shall include in its Board membership a senior member of OPD.

e. For each project, or group of projects, to be reviewed, the permanent Chairman shall schedule metings and call together those individuals most competent to review the project/projects under consideration. For such meetings, a quorum shall consist of five members, which must include the Chairman and a member from the office of General Counsel. Whenever a procurement request as against a grant package is being reviewed, the Chairman should make every effort to include a member from the Procurement Division.

4. SCOPE

a. Each Project Review Board (Board) shall consider all projects including refundings, renewals, modifications and overruns with a projected cost of $50,000 or more. If an initial project request is for less than $50,000 but will ultimately involve more than that amount, it must be approved by a Project Review Board. However, *refundings* of the following operating projects need not be reviewed by Project Review Boards:

(1) Office of Legal Services operating grants funded under Section 222 of the Act;

(2) Office of Health Affairs comprehensive health center operating grants funded under Section 222 of the Act;

(3) Office of Operations Indian operating grants funded under Section 221 and 222 of the Act; and

(4) Office of Operations migrant operating grants funded under Title III B of the Act.

b. The Board's review of a procurement request or proposed grant action should include but not be necessarily limited to such factors as:

(1) Whether the requirement is part of the agency's operating plans, including the Research and Demonstration Plan, the Training and Technical Assistance Plan and Evaluation Plan.

(2) Whether the requirement should be fulfilled by grant or by contract.

(3) Whether the requirement can be met through less costly methods than awarding a contract or making a grant (i.e., can it or should it be done in-house?).

(4) Whether other Federal agencies or other Agency offices are contracting or making grants for the same or similar requirements.

(5) Whether the requirement is capable of performance.

(6) If appropriate, whether the justification for noncompetitive procurement is adequate.

(7) Whether the Office of Economic Opportunity cost estimate for the effort is valid.

(8) What the prior history of the requirement has been.

(9) Whether, in pilot or demonstration projects, an adequate evaluation design exists.

(10) Whether the statement of work adequately defines the requirement.

(11) The past performance history of the proposed grantee or contractor, if applicable.

(12) Whether adequate evaluation criteria and point factors have been established.

5. PROCEDURE

a. Proposed contracts

Project requests shall be submitted to the Project Review Board after sign-off by the Activity Finance Officer, but prior to submission to the Office of General Counsel and prior to submission to the Assistant/Associate Director of the program office for formal approval.

b. Proposed Grants

(1) The project request shall be submitted to the Project Review Board at the time the project is being seriously considered for funding. It is not possible to define this point with certainty for all grants, but it should occur after a prospective grantee, or group of grantees, has been identified, and before any steps have been taken by Agency personnel which in any way commit the agency to a particular grantee or work program. This may or may not be after a formal funding request or application has been received. Thus, the project request must be submitted to the Board at an early enough stage so as not to preclude alternative prospective grantees and work programs.

(2) Whenever possible, more than one project request of a particular category or type should be submitted to the Board at the same time.

(3) Proposed grants submitted to the Board shall contain full documentation justifying the method of selection of the prospective grantee.

(4) Formal legal by the Office of General Counsel and formal approval and sign-off by the Assistant/Associate Director of the initiating program office shall occur after approval by the Project Review Board. However, initiating office personnel are encouraged to consult with the Office of General Counsel at early stages in the development of a project.

c. Other

(1) Agency personnel presenting the project request to the Board shall furnish to the Board members, at least two days in advance of the meeting, a copy of the proposed statement of work or work program and all other information pertinent to making a decision one the requirement. The initiator of the project request and, if necessary, his superior, shall appear personally before the Board.

(2) If a formal funding request or grant proposal has been received, and it is not too lengthy to be reproduced conveniently, a copy should also be furnished to the Board members. In the case of grant refundings, the complete grant files for previous grant actions need not be furnished, however, copies of previous highlight memos and significant memos and other documents, including evaluation reports, shall be furnished.

(3) If the Board determines, it may request that additional information or supporting documents be presented at a later meeting of the Board for further consideration.

(4) Detailed minutes shall be kept of all meetings, including the recommendation of the Board, and shall be signed and dated by the permanent Chairman of the Board. The minutes shall form a permanent part of the project file.

WESLEY HJORNEVIK,
Deputy Director.

AUTHORITY TO COMMIT OEO UNDER CONTRACTS AND GRANTS

1. PURPOSE

This Instruction establishes authority to commit OEO under a grant or contract.

2. AUTHORITY

Within the Office of Economic Opportunity, the authority to execute, amend, revise or to otherwise commit or to obligate the Government under a contract, grant or interagency agreement has been delegated by the Director to specific individuals under written delegations of authority.

The authority to commit the Government is the exclusive responsibility of those individuals. Any other employee who attempts to exercise such authority shall be subject to disciplinary action. In addition, any such employee may be pecuniarily liable to the contractor or grantee who relied upon the employee's unauthorized representation.

WESLEY HJORNEVIK,
Deputy Director.

REVIEW OF PROCUREMENTS (GRANTS AND CONTRACTS) BY THE OFFICE OF GENERAL COUNSEL

1. PURPOSE

This instruction provides for review of procurement grants and contracts by General Counsel prior to final action.

2. PROCEDURES

a. All project requests (grants and contracts) for $2,500 or more, whether new initiatives or refundings, shall be submitted for legal review to the appropriate branch of the Legal Division of the Office of General Counsel. Where Project Review Board approval is required, legal review shall take place only after approval by a Project Review Board.

b. Office of General Counsel review will be prior to sign-off by the Assistant/Associate Director of the responsible program office. The Director of the Procurement Division will not process any procurement requests for contracts that do not contain sign-offs by the Office of General Counsel and the Assistant/Associate Director of the proper office. No request for proposals (RFP) or other solicitation shall be issued, and no resulting contract shall be executed for $2,500 or more, without legal review by the Office of General Counsel.

c. Likewise, the Assistant/Associate Director of each program office may not sign off on a procurement request or grant package that does not contain a sign-off by General Counsel.

WESLEY HJORNEVIK,
Deputy Director.

EVALUATING CONTRACTOR PERFORMANCE

1. PURPOSE

This instruction assigns responsibilities and establishes procedures for evaluating the performance of contractors.

2. RESPONSIBILITY

Office of Economic Opportunity Project Managers shall be responsible for evaluating contractor performance and preparing a statement of contractor performance for the Agency's permanent records at the expiration of a contract.

3. PROCEDURES

A statement shall be prepared by the Project Manager within 60 days following the expiration of a contract. It shall be approved by the Assistant/Associate Director of the program office and addressed to the Director of the Procurement Division, Office of Administration. The Procurement Division will be responsible for maintaining a permanent file of such contractor evaluations. Such files shall be used by the Procurement Division in assembling bidders lists, and contractor evaluation files shall be made available, upon request, to the Chairman of technical review panels when a particular contractor is a competitor for a new Agency contract.

Attached hereto is a form of proposed contractor evaluation statement.

WESLEY HJORNEVIK,
Deputy Director.

CONTRACTOR EVALUATION STATEMENT

In evaluating a contractor, Project Managers shall give consideration to, but not be limited to, the following criteria:

1. Performance under the contract as compared with the statement of work, including quantity, quality, and timeliness of work done;

2. Relationship of contractor's personnel to OEO and other parties involved in the performance of the contract. Did the contractor's personnel conduct themselves in a professional and businesslike manner with high standards of conduct? Did they respond in a constructive way to problems and difficulties as they arose? Was there stability in the leadership and personnel assigned to the contract or were there numerous changes?

3. Did the contractor report on progress in a timely and thorough manner as called for by the contract?

4. Did the contractor perform within the cost structure of the contract?

5. To what extent was the final product of the contractor, including data and conclusions, of utility to the agency?

6. How would the Project Manager rate the contractor's overall performance?

Excellent; satisfactory; if less than satisfactory, explain why.

Would he recommend that the contractor be used again? If not, why not?

REVIEW OF TECHNICAL PROPOSALS

1. PURPOSE

To establish headquarters procedures for the effective review of proposals received in response to negotiated, competitive solicitations.

2. REVIEW PANEL

Each Assistant/Associate Director reporting directly to the Director shall establish a review panel to review technical proposals received in response to negotiated, competitive solicitations. In the discretion of the Assistant/Associate Director, the review panel may be permanent or ad hoc. He shall designate a chairman of each panel who is familiar with the requirement but not necessarily from the office initiating the procurement. The chairman shall appoint the panel members, giving due consideration to appointing some members from outside of the requiring office including whenever possible individuals from outside of the Office of Economic Opportunity; and appointing, where possible, individuals who are not under the direct employment supervision of the chairman. The chairman shall insure that his presence on the panel poses no actual or apparent conflict of interest with respect to any of the organizations submitting proposals; and he shall insure the same for each panel member by inquiring personally of them, including whether such member is negotiating for employment with any organization which has submitted a proposal. If an actual or apparent conflict of interest exists, the chairman shall disqualify such person, be it himself or any proposed member, or refer the matter to the General Counsel before any reviews are conducted by the individual involved.

3. REVIEW OF PROPOSALS

a. Requests for Proposals (REP) shall contain the evaluation criteria upon which the proposals will be evaluated. The criteria shall not be later modified by the Agency without a formal modification to the RFP. If a point factor is applied to the evaluation, it also shall be contained in the RFP.

b. As a general rule, the panel will receive only the technical proposals. However, if requested by the chairman, with good reasons therefor, the contracting officer, may make the cost proposals available to the panel.

c. In reviewing the proposals, it is appropriate for the panel to conduct personal interviews with key personnel of the offerors submitting acceptable proposals, provided that a representative of the Procurement Division is present during such interviews. During such interviews, or at any time prior to award of the contract, no offeror shall be given information relative to the requirement that is not also made available to all other offerors. In no event, during this period, should any offeror be told the number offerors, the identity of offerors, prices or ranges of costs or the Government's cost estimate.

d. The goal of the panel is to assist the contracting officer in determining those offerors which have offered proposals that are technically responsive to the RFP and which are acceptable to perform the technical aspects of the procurement; and to give ranking in order to preference, based upon the criteria of those firms deemed acceptable.

4. COMPETITIVE RANGE

Based upon the recommendations of the panel and other information available to him, the contracting officer will determine those offerors which are within a competitive range for negotiations. Such determination will consider price, technical and other factors. The attached document (Selection of Offerors for Negotiation and Award) presents a discussion of the meaning of competitive range for use by panel members. The panel and the contracting officer should bear in mind that the requirement for negotiation does not mean that a firm which is considered to be in a competitive range and is negotiated with must be awarded the contract if it submits the lowest price or cost proposal.

Rather, after negotiations have taken place, the Office of Economic Opportunity will accept the proposal that is most advantageous to the Government. Therefore, a proposal lower in price or cost need not be accepted if the Office of Economic Opportunity determines that its technical requirement is better fulfilled by an offeror which offers a higher price as long as its technical proposal is considered to be more advantageous to the Government. Furthermore, frequently the RFP provides that an award may be made without negotiations. This may occur where the offeror's proposal is lowest in price and is technically acceptable to OEO, and further provided that the contracting officer has determined that the offeror's price is fair and reasonable.

5. CRITERIA FOR PROPOSAL REVIEW

It is recognized that it may not be feasible to establish uniform criteria for every procurement requirement. Consequently, it is the responsibility of each Assistant/Associate Director to insure the development of meaningful evaluation criteria so that each proposal is evaluated on a fair and equal basis. Attached to this instruction is a document entitled "Suggested Evaluation Scheme" which each program office may wish to consider in developing its criteria for review of proposals.

6. SPECIAL CIRCUMSTANCES

If a proposed contract over its projected life, including contemplated extensions, is estimated to exceed one million dollars, the panel to review the proposal will be selected by the Deputy Director, and the report of the panel will be submitted to him for review.

7. EVALUATION REPORT

The evaluation report shall be signed by the chairman and each panel member and shall constitute a permanent record in the procurement file. The report should reflect the voting of each member on each proposal; a general response to each proposal by each member; a detailed response to each proposal by each member in support of the general response; and a listing of the ranking of the technical proposals resulting from the combined voting of all the members based upon the evaluation criteria contained in the RFP. The report should list all proposals which are technically non-responsive, those which are technically unacceptable, and those which are acceptable in the order of rank.

WESLEY HJORNEVIK,
Deputy Director.

MEMORANDUM

Subject: Selection of Offerors for Negotiation and Award (FPR 1-3.805-1, -2)

All purchases and contracts, whether by formal advertising or by negotiation, must be made on a competitive basis to the maximum practicable extent. Thus, even when we procure by negotiation, it is incumbent upon negotiators with the assistance of panel evaluation members to make selection of the offeror and the award on the most competitive basis practicable. The fact that it is a negotiated procurement does not eliminate the need for competition.

Negotiation and competition imply a series of offers and counter-offers until a mutually satisfactory agreement is concluded by the parties. The provisions of FPR 1-3.805-1 and -2 (see attachment) are an integral part of this process. The former provision requires for fixed price contracts, that "after receipt of initial proposals written or oral discussions shall be conducted with all responsible offerors who submitted proposals within a competitive range, price and other factors considered . . ."

1. ". . . *Within a competitive range, price and other factors* considered . . ."

Determining which proposals fall within a competitive range will depend upon the particular circumstances of each negotiation. Thus, any number of realistic evaluation factors can be used to determine the bounds of this range. Price alone is often controlling. But, it should be noted that the competitive range is not necessarily merely a price range, but may encompass technical capability and other relevant factors as well. (E.g., 45 Comp. Gen. 417)

In all cases it is important that the factors leading to the establishment of a competitive range be meaningful and realistic and in no way arbitrary. Of course, decisions as to which firms are and which firms are not within a competitive range is a matter of administrative discretion. However, this discretion should be exercised in a reasonable manner, since the Comptroller General will

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reverse such a determination where it was shown to be made arbitrarily. (See Comp. Gen. dec. B-158042, March 30, 1966).

Recent decisions of the Comptroller General illustrate the scope of the regulation. For example, in an award of certain ADP equipment to the only contractor whose equipment performed well in a live bench mark test, the Comptroller General pointed out that even in such a case discussion should have been conducted with other offerors within the competitive range: "To give effect to the statutory and regulatory requirement for discussions and for such discussions to be meaningful, failure to pass a bench mark test should not automatically preclude the necessity for further discussions. When the application of a mandatory bench mark test requirement results, as in this case, in leaving one proposer, and its price is, initially at least, substantially in excess of a price of another proposer we believe the spirit and intent of [the regulation] would not be served without further discussion to determine whether the other proposal can be improved to meet the bench mark requirement." (Comp. Gen dec. B-161483, July 14, 1967) In one case, negotiation only with the firm submitting a proposal which was "distinctly superior" to all other proposals was held not proper because the regulation requires discussions with all responsible offerors submitting competitive proposals. (Comp. Gen. dec. B-158686, September 2, 1966). In another instance the Comptroller General noted that there was "ample justification in the record for concluding that, in the absence of negotiation [with a certain proposer], there was a lack of competition both as to price and in technical aspects of [the award]. We find it difficult to understand how a current contractor may have its technical proposal . . . categorized, not as unacceptable but as inferior, . . . without affording such an offeror at least an opportunity of discussion and explanation especially when its cost proposal represents significant savings to the Government." (45 Comp. Gen. 426).

Perhaps the clearest statement of the factors determinative of a competitive range was made by the Comptroller General when he stated that a proposal is within a competitive range *unless it is either so high in cost or so inferior technically "as to preclude any possibility of meaningful negotiation with [the] offeror."* (emphasis added) (45 Comp. Gen. 417, 47 Comp. Gen. 252).

2. *"Written or Oral Discussions shall be conducted with all responsible offerors . . ."*

Generally, the methods of conducting negotiations are quite flexible. The primary purpose is to obtain the best deal for the Government, price and other factors considered. Where discussions are held pursuant to the quoted regulation, it is important that they be meaningful and useful. As a rule, these discussions should take place face-to-face and the factors upon which the evaluation of the proposal is being made should be specifically discussed, with opportunity for the proposer to explain his proposal and to refute any alleged deficiencies.

There are two restrictions on this process, however, which are quite important. FPR 1-3.805-1(b) provides that "whenever negotiations are conducted with more than one offeror, no indication shall be given to any offeror of a price which must be met to obtain further consideration since such practice constitutes an option technique which must be avoided. Likewise, no offeror shall be advised of his relative standing with other offerors as to price or be furnished information as to the prices offered by other offerors".

Where the discussions result in revisions in a particular proposal, "all offerors selected to participate in such negotiations . . . shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations."

Finally, FPR 1-3.805-1(d) provides that when during the negotiations "a substantial change occurs in the Government's requirements or a decision is reached to relax, increase, or otherwise modify the scope of the work or statement of requirements, such change or modification shall be made in writing as an amendment to the request for proposals, and a copy shall be furnished to each prospective contractor. Oral advice of change or modification may be given if (1) the changes involved are not complex in nature, (2) all prospective contractors are notified simultaneously (preferably by a meeting with the contracting officer), and (3) a record is made of the oral advice given. In such instances, however, the oral advice should be promptly followed by a written amendment verifying such oral advice previously given."

The Comptroller General decisions interpreting these requirements indicate that federal buyers normally have a large degree of flexibility in complying with the discussion requirement. It is important that discussions be a meaningful attempt to get the best deal for the Government. And they must be fair to the proposers: "One further matter requires comment on our part, and that is that [one proposer] was permitted to refute or explain away the areas of deficiency in its initial survey, but [another proposer] was not given the same opportunity. . . . The contracting officer . . . could have and should have conducted discussions with [the latter proposer], concurrently with [the former], concerning its non-responsibility, in an effort to obtain a second responsible offeror so that competition could have been established. (Comp. Gen. Dec. B-161448 pp. 10–11, Feb. 7, 1968).

A recent decision of the Comptroller General has also emphasized the importance of amending the RFP where, during negotiations, a substantial change occurred in the government's requirements or decision is made to modify the scope of work. (See Comp. Gen. dec. B-161405, October 2, 1967).

The import of these and similar decisions on the conduct of negotiations by OEO is obvious. We must be especially careful to comply with the discussion requirements of the cited regulation. In every case, therefore, it is incumbent upon buyers to make a prompt determination after the receipt of all proposals as to who are responsible proposers and what is the competitive range. Meaningful discussions should subsequently take place with those proposers that the determination indicates fall within the scope of the requirement.

Where discussions are not held the documents in the files should accurately reflect the reasons for this omission. For example, one of the enumerated exceptions in the regulation may fairly be applicable to the situation. (See attachment, 1-3.805-1(a)(1) to (5)). Or, it might be established that there was no other responsible bidder, (but note Comp. Gen. decision above which required discussions attempting to obtain a second responsible offeror) or that no responsible bidder was within the competitive range. In all instances, however, these factors and findings should be carefully documented.

The discussion requirement of FPR 1-3.805-1 is not strictly applicable to negotiations in cost reimbursement type contracts. We believe, however, that the intent of the discussion requirement should be carried out in such negotiations also to the maximum extent practicable. The fundamental difference will be that price alone is not determinative in establishing a competitive range, since an award of a cost reimbursement type contract is primarily dependent upon the technical competence of the contractor. The key here is which contractor can most adequately fulfill OEO's needs.

SUGGESTED EVALUATION SCHEME

1. Does the Proposal Respond to and Meet the Requirements of the Work Statement? (20 points maximum)

In responding to this question the proposals should be compared to the work statement for consistency of goals, objectives, purposes of compliance with OEO requirements, as well as specific requirements of the work statement. Does the proposal reflect understanding of the training requested?

Scale

0–7 points—1 rating: indicates that several requirements of the work statement are missing or have been ignored.

8–15 points—2 rating: indicates that all the requirements of the work statement have been included.

16–20 points—3 rating: indicates that all the requirements of the work statement have been included and met with exceptional balance and creativity.

2. What is the Quality of Staff and Consultants? (200 points maximum)

It is important to review carefully the resumes of staff and consultants, not only for academic qualifications, but for length and variety of experience in similar tasks. The resumes should clearly demonstrate relevant training and experience.[1]

0–7 points—1 rating: indicates that staff is weak both academically and experientially.

8–15 points—2 rating: indicates that staff has academically superior qualifications with little experiential training.

16–20 points—3 rating: indicates that staff has both superior academic and experiential qualifications.

3. What is the Quantity of the Staff Specialists and Consultants?

This question reflects a numerical pattern as well as a staffing pattern. Is the staffing pattern clear and does it include the amount of time each staff member will contribute to the program? Are there enough staff full time to deliver the services requested? Are the consultants or specialists committed to enough time to effectively deliver the services? (15 points maximum)

Scale

0–5 points—1 rating: indicates limited quantity in both number of staff and time devoted to training.

6–10 points—2 rating: indicates sufficient quantity in both number of staff and time devoted to training and adequate consultant use.

11–15 points—3 rating: indicates more than sufficient quantity in both number of staff and time and number of consultant time.

Should information necessary to a responsible determination of this question require information contained in the pricing section, contact the contracting officer for release of such information.

4. Administration Provided by Contractor? (15 points maximum)

This question essentially addresses itself to the contractor's performance and management capacities. The important questions to be asked deal with contractor's ability to carry out the program. If he is a past contractor, his past work should be examined to focus on whether he in fact carried out the proposed activities, whether he reported clearly and timely, whether he dealt with training funds competently. Further, some review should be made of any existing consultant reports, site visits and evaluations which may have been made. Prior problems in administration, community relations or manpower utilization, or other areas should have been resolved and new approaches to these problems reflected in the proposal.

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[1] You are to evaluate proposals on the basis of what is requested in a RFP. If one offeror furnishes information not requested by the RFP, contact the contracting officer who will request similar information of the other offerors.

Further consideration needs to be given to the contractor's ability to maintain and attract staff for the development of a stable professional group. What evidence is there that he can deliver required services on time? Will the contractor be able and willing to develop harmonious smooth relationships with OEO and SEOO staff, where necessary, and to consult and work with various groups?

Another aspect of administration which should be considered if appropriate under the RFP, is the willingness of the contractor as shown in the proposal to employ and develop non-professionals and minority group members. Is evidence presented that such persons are being employed and upgraded as a regular part of the contractor's operation?

Scale

0–5 points—1 rating: indicates limited capacity and/or limited experience in carrying out the administration of the contract.

6–10 points—2 rating: indicates prior good performance or an indication that good performance would be received.

11–15 points—3 rating: indicates prior excellent performance or that excellent performance would be received.

5. What is the Contractor's Knowledge of and Experience With OEO and the Subject Matter Being Procured?[2] (10 points maximum.)

Consideration should be given to the understanding of OEO concepts in relation to the requirement being procured.

This question really asks whether the applicant and his staff are "beginners" or "veterans" in the area of the requirement and whether the proposed activity actually falls within their area of expertise.

Scale

0–3 points—1 rating: indicates no prior knowledge of or experience with OEO by the majority of the contractor's staff or by the company.

4–7 points—2 rating: indicates prior knowledge of and some limited experience with OEO and subject matter being procured.

8–10 points—3 rating: indicates prior knowledge of and vast experience in OEO and subject matter being procured.

6. What is the Contractor's Knowledge of and Experience With Population and Geographical Area Being Serviced?[3] (10 points maximum).

This question addresses itself to the knowledge and experience the contractor and his staff have with poverty workers, paraprofessionals and resident low-income workers as well as knowledge and experience with the geographical area to be served. Do they know the people and the communities? Have they worked in comparable circumstances and situations with like poeple? If so, how did they do? If not, how might they do from information indicated in the proposal?

Scale

0–3 points—1 rating: no prior experience with the population or in the geographical area.

4–7 points—2 rating: some experience with the popualtion and the geographical area.

8–10 points—3 rating: considerable experience with the population and the geographical area.

7. How does the Over-All Design of the Proposal "Shape-up"? (10 points maximum).

This is essentially a broad "feeling-type" question. What is your "gut" feeling about the whole proposal? Does it sound and read as though it will accomplish the task for which intended? Althought specific criteria for the answer to this question are not given, the importance of the evaluator at least giving an over-all rating to the proposal and contract is of valuable importance.

0–3 points—1 rating: it just won't work.

4–7 points—2 rating: fair to average.

8–10 points—3 rating: "it all hangs together and feels good."

COMPETITIVE PROCUREMENTS

1. PURPOSE

This instruction establishes the Office of Economic Opportunity's policy for competitive procurement of supplies and services.

2. BACKGROUND

Government policy and procurement regulations require that all procurements be on a competitive basis to the maximum extent practicable. This is based upon established experience that (1) competition is an effective technique in obtaining lower prices; (2) competition stimulates and maintains the private sector's interest in OEO programs and does not eliminate otherwise qualified sources of supply; (3) competition affords OEO a broad base upon which it can appraise more than one solution or approach to a problem and, thus, arrive at the most favorable manner for a fair and equal opportunity to satisfy Agency requirements. Only through the most meticulous planning can there be achieved satisfactory compliance with the requirement for competitive procurement. However, due to the sometimes unique and difficult to define nature of the supplies and services that the Office of Economic Opportunity procures, at times it is necessary to consider exception to the requirements for competition.

3. PERIOD OF CONTRACT

The Agency has authority to enter into contracts for periods up to two years using a particular fiscal year's appropriation. It also is possible to enter into contracts for a basic term of up to two years with an option to extend the contract. No contract, however, shall run with extensions for more than three years without being completed. Only the Deputy Director may grant exceptions to this policy.

Before contracts are entered into for a basic term of more than one year, or for one year with options to extend, the Project Review Board or other reviewing authority when Board review is not required, shall determine that such a procurement will best serve the interests of the Agency. The Project Review Board, or other reviewing authority, shall determine that an adequate evaluation of the contractor's effort will be instituted so that an option will not be exercised or that the contract will not proceed beyond a reasonable, fixed period, without a detailed review of the contractor's performance in order to establish that continued performance or the exercise of the option is proper. Moreover, before an option is exercised the contracting officer must establish from historical pricing or other cost information that the contract price is the lowest that is obtainable and that due to the experience gained by the contractor in the previous period of performance, the Agency will not realize full cost and performance benefit from the contractor's initial experience unless another period of performance with the same contractor is permitted.

4. PROCEDURE

a. *Circumstances That May Permit Noncompetitive Procurement.*—exceptions to the competition requirements may be submitted for consideration to the Office of Economic Opportunity Contracting Officer under the following types of circumstances:

(1) A prospective contractor has submitted an unsolicited proposal in a relatively unexplored area which cannot be divulged to the contracting public in sufficient detail to permit competitive proposals because it is not feasible to define the work desired without divulging technical data which is contained in the unsolicited proposal and which is subject to proprietary restriction.

(2) The supplies or services or substantially equivalent supplies or services can be obtained within the time required and for reasonable prices from only one person or firm because of exclusive or predominate capability by reason of experience, specialized facilities or technical competence. In this case it is not sufficient justification merely to show that a particular firm may do a better job, or is more capable because of certain named personnel, or is more experienced due to its prior association with OEO, or is able to deliver more expeditiously. As to delivery, it should be a rare occasion that the time of delivery is so urgent that it justifies a noncompetitive procurement on the basis that only one firm can deliver within the time required.

b. *Method of Approval of Noncompetitive Procurement.*—It is important to observe that the circumstances set forth above are only possible reasons for noncompetitive procurement. The factual existence of any of the foregoing situations will not automatically give rise to the approval of a noncompetitive procurement. The Chief of the Procurement Division, as Contracting Officer, and his duly designated contracting officers are vested with the authority to determine whether or not a particular procurement should be competed. A Procurement Request for a noncompetitive procurement shall be submitted with an attachment signed by the initiator's supervisor, to the Project Review Board setting forth a complete justification for such a request citing this Instruction and its relevant part along with a statement as to the possibility whether the effort, if awarded, will be extended in subsequent years. The justification shall include information substantially in accordance with the attached form. It shall be the responsibility of the Project Review Board to examine the factual basis for a noncompetitive procurement and to set forth as part of its recommendations to the program office chief whether or not the effort should be competed. After the last program official has approved a Procurement Request calling for a noncompetitive procurement and before transmission to the Procurement Division, such a request shall be submitted to the General Counsel for review as to legal sufficiency. Noncompetitive procurements in the estimated amount of $250,000 or more will be approved by the Deputy Director.

5. RESPONSIBILITIES OF PROGRAMS AND CONTRACTING PERSONNEL

a. It is imperative that no action be taken by Office of Economic Opportunity personnel that may affect the integrity of the competitive procurement process. Office of Economic Opportunity personnel shall not deal with contractors in a manner that presumes a noncompetitive situation without first obtaining the approvals outlined above.

b. Further, they shall not divulge to a particular contractor information that may give that contract an unfair competitive advantage.

c. The following information, if given out at all, must be given to all potential offerors:

(1) The Office of Economic Opportunity cost estimate of the work to be performed;

(2) Prior Office of Economic Opportunity cost or technical experience on the same or similar work;

(3) Key proposal evaluation factors;

(4) Any other information not made a part of the official solicitation which places an offeror in a preferred position of knowing what the Office of Economic Opportunity is seeking in a cost or technical proposal.

d. In short, all Governmental personnel

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[2] This factor should be used only where prior OEO experience is considered *essential* to satisfactory performance.

[3] Use only if appropriate to consideration of RFP.

engaged in the procurement process shall conduct business dealings with contractors in a manner above reproach in every respect.

6. BIDDERS LIST

In order to insure the broadest feasible competitive base, solicitations shall be sent to the maximum number of qualified sources consistent with the nature of and the requirement for the supplies and services being procured. Office of Economic Opportunity personnel shall not use bidders lists in a manner that restricts potential sources of supply, nor shall Office of Economic Opportunity personnel make advance determinations as to an offeror's capability by limiting the distribution of solicitations only to selected sources.

7. REMEDIAL EFFORTS

It is the responsibility of program officials to state program requirements in a manner that encourages competition on the broadest possible base. If a noncompetitive procurement is permitted for a particular effort, the responsible program officials shall, in conjunction with the Procurement Division, take immediate steps to state future program requirements in a manner that will permit competition. A renewal of a noncompetitive contract will be allowed only in the rarest circumstances.

WESLEY HJORNEVIK,
Deputy Director.

JUSTIFICATION FOR NONCOMPETITIVE PROCUREMENT

(This form must be submitted to the Project Review Board for justification of noncompetitive procurement.)

1. Fully express the circumstances which operate to make competitive negotiation impractical or not feasible;

2. Explain the exclusive or predominant capability the proposed contractor possesses which meet the requirements of the procurement; and

3. Show the degree of consideration that has been given to other sources in the field and the reasons why they lack the capability which the proposed contractor evidences.

a. What capability does the proposed contractor have which is important to the specific effort and which makes it clearly more desirable than another firm in the same general field?

b. What prior experience of a highly specialized nature does the contractor possess which is vital to the proposed effort?

c. Does the contractor have a substantial investment of some kind which would have to be duplicated at Government expense by another source entering the field?

d. If schedules are involved, why are they critical and why can the proposed contractor best meet them?

e. Is the effort a continuation of previous effort performed by the proposed contractor?

f. Does the proposed contractor have personnel considered predominant experts in the particular field?

g. Is competition considered precluded because of the existence of patent rights, copyrights or secret processes or proprietary data?

USE OF CONTRACTS AND GRANTS

1. PURPOSE

It is the purpose of this instruction to set forth criteria which should be of assistance in determining whether to use a grant or a contract to carry out a particular activity of the Agency.

2. POLICY

It is essential that there exist a consistent and rational use of grants and contracts. Those responsible for choosing between grant and contract methods are obligated to exercise the choice responsibility; and not for the purpose of evading Federal procurement rules, personal services prohibitions, or similar legal requirements. It is one of the responsibilities of Project Review Boards to determine the appropriateness of the form of transaction being recommended, be it contract or grant. In determining whether a contract or grant should be used as the financing mechanism to fund a particular activity of the Agency, the following criteria are to be considered. If circumstances arise where the application of these criteria is not clear or where special factors suggest a choice other than that called for in the criteria, the decision as to whether a grant or contract shall be used will be made by the General Counsel.

a. *Use of grants.*—When a proposed activity has one or more of the following characteristics, it normally will be financed by a grant:

(1) The principal intent is to allow considerable discretion and initiative within the framework of OEO policy by the non-federal agency that will perform the activity.

(2) The non-federal agency that is to carry out the activity is a state or local government or agency thereof, or a private nonprofit organization that has a quasi-governmental character.

(3) The activity has a continuing aspect rather than being a one-time effort and if successful is likely to be continued for an additional period of time.

(4) A non-federal matching contribution is required by law.

b. *Use of contracts.*—When the proposed activity has one or more of the following characteristics, it normally will be financed by contract:

(1) The matter is clearly classifiable as procurement for the Office of Economic Opportunity needs. Usually there will be detailed requirements defining what the Office of Economic Opportunity is procuring.

(2) The principal intent is to preserve a dominant initiative for the Office of Economic Opportunity in deciding on the scope and nature of the work.

(3) The activity is to be carried out by a private, profit-making organization. (This does not preclude the use of contracts when the activity will be performed by a private non-profit agency).

(4) The intent is to obtain competitive bids or proposals for the work to be performed.

(5) Because of the nature of the work, the agreed performance depends upon certain mutual promises to be made by the Office of Economic Opportunity and the agency performing the work.

3. SPECIFIC APPLICATION

Notwithstanding the criteria set forth above for grants and contracts, all requirements for training, technical assistance, and evaluation shall be funded by contract. Any exceptions must be approved by the Deputy Director.

WESLEY HJORNEVIK,
Deputy Director.

PROHIBITED SUPPORT CONTRACTS FOR PERSONAL SERVICES

1. PURPOSE

This Instruction sets forth Office of Economic Opportunity policy and procedures related to procurement of support services utilizing non-Government personnel.

2. REFERENCES

a. Federal Personnel Manual Letters No. 300-3 (December 12, 1967) and No. 300-12 (August 20, 1968).

b. Bureau of the Budget Circular No. A-76, sec. 4(b) (August 30, 1967).

3. BACKGROUND

The Civil Service Commission and the General Accounting Office require Federal agencies to perform their functions by using Government employees rather than by utilizing support contracts to obtain the personal services of non-Government personnel. This rule is designed to protect the integrity of the Civil Service System, prevent circumvention of personnel ceilings and budget limitations on administrative expenses, and avoid the risks inherent in delegating the discretion and authority placed in Government agencies to persons not directly responsible to the Government. In addition, executive agencies cannot contract out certain basic management functions that are necessary to retain control of the conduct and content of Federal programs. These functions include the selection, orientation and direction of Government employees, assignment of organizational responsibilities, and final decisions on the planning of programs, establishment of goals and priorities, and evaluation of the performance of Federal employees, contractors and grantees.

4. POLICY

The Office of Economic Opportunity must strictly observe the above prohibition against obtaining personal services through support contracts. This rule does not prevent the Office of Economic Opportunity from properly contracting for a variety of professional and technical services in support of the Agency's programs that require the use of non-Government personnel. Contracts should not, however, be made by the Office of Economic Opportunity when such a degree of control and supervision over the contractor's employees is desired that the contract would create what is tantamount to an employer-employee relationship between the Government and contractor personnel or when contractor personnel are desired for the performance of non-delegable Federal functions.

5. PROCEDURE

The Legal Division, Administrative Affairs Branch of the Office of General Counsel shall be consulted whenever during the proposal, drafting, negotiation, administration or performance of a contract any possibility appears that, because of the existence of any of the elements enumerated in the following section, such contract might violate this prohibition. Before any Office of Economic Opportunity Headquarters contract for support services is awarded, a written determination shall be made by the Contracting Officer, after consultation with the program office requesting the contract, the Office of General Counsel, Legal Division, Administrative Affairs Branch, and the Office of Administration, Director of the Personnel Division, that it does not violate the rule against support contracts for personal services. For procurements delegated to the Regional Offices, the Regional Contracting Officer shall consult with the Regional Program Administrator, Counsel, and Personnel Officer before making such a determination.

6. INDICIA OF PROHIBITED SUPPORT CONTRACTS

a. *Direct Government Control and Supervision.*—This is the classic test of an employer-employee relationship. It is indicated where:

(1) *Approval is exercised by Government personnel over the individuals to be furnished by the contractor.*—Office of Economic Opportunity cannot specify, suggest, or approve in advance the persons to be hired by a contractor, but may in rare cases, where the position involved is crucial to the success of the entire program, retain power to disapprove a clearly unqualified person. This limited approval power should not be used as a disguised method of selecting the personnel desired to implement a contract. Nor should Office of Economic Opportunity retain the right to require dismissal of individual contractor employees, except in rare cases for flagrant misconduct endangering the success of an entire program. If performance is unsatisfactory because of unqualified or deficient personnel, the contractor may be warned and if the situation is not remedied the contract may be terminated for default. This prohibition is particularly

important in case of evaluation contracts, where the value of the contractor's effort is in large measure related to the independence of his selection of evaluators.

(2) *A Government supervisor assigns tasks and schedules to contractor employees from time to time during the performance of the contract.*—The Contract "Statement of Work" should be drafted in sufficient detail so that the contract will be self-operating to the maximum extent feasible, thus avoiding the need for continual supervision by Office of Economic Opportunity personnel. Additional or changed tasks, when necessary, should be assigned to the contractor in general terms by the Office of Economic Opportunity Contracting Officer. Assignments of specific jobs and schedules among its employees should always be made by the contractor.

(3) *The Government reviews the performance of individual contractor employees.*—The Office of Economic Opportunity should evaluate interim or final performance by the contractor on an overall basis.

b. *Performance by Contractor Employees of "Federal Functions."*—This is indicated when:

(1) *The work involves the exercise of personal judgment and discretion on behalf of the Government.*—Contractor employees should not sign official documents which normally require the signature of a Government officer or render decision on whether or not a project should be funded, continued, or terminated. Final responsibility for all management decisions must clearly rest with Office of Economic Opportunity officials.

(2) *Contractor employees perform tasks normally performed by Government employees.*—If Contractor personnel are desired for the performance of tasks that the Office of Economic Opportunity also uses its own employees to perform, it is likely that the proposed contract is for illegal staff supplementation. If Contractor personnel are desired for the performance of tasks carried out by Government employees in other Federal agencies, the proposed contract is also suspect. When such tasks are to be carried out on a long-term basis, the likelihood that Contractor personnel would be utilized illegally increases.

c. *Other Key Indicia*—

(1) *The Contractor provides no end product to OEO.*—When all that is desired from a Contractor is the furnishing of a certain number of man-days of Contractor employee services to Office of Economic Opportunity, the proposed contract should be closely scrutinized to see if it violates the personal services prohibition. A fixed level of effort in terms of man-days, however, may and should often be provided for in a contract as a minimum standard of performance when a genuine end product is being furnished by a Contractor.

(2) *Contractor employees work on Government sites or in Government offices with Government-furnished property.*—The Office of Economic Opportunity should not provide office space, secretarial assistance, or office equipment to a Contractor employee. Such an employee is more likely to come under the control and supervision of Office of Economic Opportunity personnel, and may be asked to or may appear to perform Federal functions.

WESLEY HJORNEVIK,
Deputy Director.

PROJECT MANAGEMENT

1. PURPOSE

The purpose of this Instruction is to set forth Office of Economic Opportunity policy governing the use and application of Project Management as it applies to both contracts and grants within the headquarters office of the Office of Economic Opportunity.

2. DEFINITIONS

Project Manager.—A project manager is a designated individual within the Office of Economic Opportunity assigned the responsibility and delegated the authority for the centralized management of a particular headquarters project of the Agency.

3. OBJECTIVE

The purpose of this directive is to strengthen the effectiveness of headquarters project management so that Office of Economic Opportunity can plan, direct and control projects in order to insure that they possess the performance capabilities required by approved program plans and within the resources allocated to specific projects.

4. POLICY APPLICATION

a. *Selection of the Project Manager*—

(1) A Project Manager should have sufficient grade and organizational stature within the Agency to effectively carry out his responsibilities in dealing with contractor or grantee personnel operationally responsible for the project. The grade should be commensurate with the magnitude of the task.

(2) It is mandatory that a Project Manager have a high degree of technical, professional, business and managerial competence, supplemented whenever possible by recent experience and training in the special requirements of project management.

(3) A Project Manager shall be carefully selected on the basis of his general intelligence, judgment and proven willingness to make decisions. He should become the visible center of project authority and information, with his career affected by his performance.

b. *Role and Authority of the Project Manager*—

A Project Manager shall be responsible for the successful accomplishment of his project. He shall exercise executive authority over the planning, direction, and control of the approved project. Specifically a project manager shall:

(1) Be able to develop in a professional way project statements of work, procurement requests, non-competitive procurement justifications, when necessary, proposal evaluation schemes, proper cost estimates and suggested source lists. For proposed grants the Project Manager shall be able to develop clear statements of purpose, performance standards and timetables and an effective monitoring schedule.

(2) Present proposed projects to Project Review Board.

(3) Be able to forecast program difficulties with sufficient time to develop alternate solutions.

(4) Project dollar needs in advance so as to respond to annual budget cycles, if appropriate.

(5) Avoid overruns by constant attention to economy.

(6) Insure attention to reliability and quality during performance.

(7) Report on the progress of his project in accordance with contract or grant terms.

(8) Identify explicit progress milestones together with an appropriate information system in order to maintain project control.

(9) Prepare, in the case of contracts, a contractor performance evaluation statement at the termination of a contract.

(10) Provide leadership and direction to those junior staff members assigned to the Project Manager as aides in the management of particular projects. The project manager shall be responsible for the manner in which aides carry out their duties on a given project and shall be responsible for their growth and development as potential project managers.

WESLEY HJORNEVIK,
Deputy Director.

PREPARING CONTRACT STATEMENTS OF WORK

1. PURPOSE

This Instruction establishes responsibilities and prescribes procedures for preparing contract statements of work.

2. PROCEDURES

The preparation of a specific, clear statement of the work desired to be carried out by an OEO contractor is the responsibility of the program office submitting a Procurement Request. The statement of work should be submitted as an attachment to a Procurement Request (PR) in a form that can be inserted without change in a Request for Proposals (RFP), and with only minor changes in a final contract resulting from that RFP. Information that need not be given to firms submitting proposals on the contract, but which must be communicated to the Project Review Board, such as the justification for the proposed procurement or the level at which it is to be funded, past history of contracts of this type, reasons for requesting noncompetitive procurement, if appropriate, should not be included in this statement of work, but should be submitted as a separate attachment to the PR. A statement of work for an RFP will normally contain the following elements:

a. *Background.*—This portion of the statement of work is designed to set forth briefly for the information of offerors the magnitude and objectives of the OEO program for which the procurement is desired, the general purposes of the proposed contract, and other information that may give firms an insight into the program area in which they will be submitting proposals. In many cases the purposes of this section can be served by attaching to the RFP OEO guidelines, instructions, or brochures explaining the methods and purposes of the program and the regulations under which it operates. Such materials also can be identified in the RFP but made available to offerors at designated places.

b. *Detailed Requirements.*—This section should usually begin as follows:

"The Contractor *shall* provide the necessary qualified personnel, facilities, materials, and services (including travel and per diem) required to furnish ____________ (name of product or services desired)."

The product or services to be provided should be stated in sufficient detail that if the contractor deviates from what he promises to deliver, OEO can hold the contractor accountable to exactly what the agency contracted for. Some of the specific items that should be set forth in the contract are the following:

(1) The exact number and locations of sites where work is to be performed.

(2) The exact number of items to be delivered, or man-days of services to be delivered, for each separate task. Man-days should reflect the total requirement to accomplish the desired result, and not available dollars.

(3) The exact number and dates of reports that are to be submitted by the contractor. It is important to note that reports should not be requested more frequently than is absolutely necessary.

(4) Whether travel and per diem for contractor employees is to be included in the contract price. When this amount can be estimated as a known factor by the program office, and will be a very substantial portion of the contract amount, it should be made known to offerors in the RFP and cost proposals should be judged solely on other variable factors.

(5) If site training, technical assistance, evaluation, or other visits are required, the number, frequency, and length of such visits.

(6) If surveys or field testing is required, the number of sites at which surveys or field tests shall take place, the length of each survey or test, and the number of persons to be surveyed or tested at each site.

(7) If training is required, the number of training sessions, their location, length, number of participants, and whether the contractor shall provide travel and per diem for participants.

(8) If materials are to be developed, the exact type and number of such materials, the dates for submission of each, whether draft copies must be submitted to OEO for approval, the target group for such materials, and whether the contractor will be required to print and distribute the materials or whether he need only submit prototype copies for OEO's own printing and distribution.

The above list is, of course, only illustrative of the many specific items that may be necessary in a particular RFP.

c. *Schedule of Performance.*—A detailed chronology of target dates for completion of performance of sub-tasks under the contract should be provided in the Statement of Work. Such dates may be firm or estimated, depending on the circumstances. If justifiable delays are encountered, the target dates may be changed only by contract modification. Milestones are absolutely necessary in work statements, and are vital to maintaining project control once a contract has been let.

d. *Level of Professional Efforts.*—This serves two different functions, on in an RFP and another in a signed contract:

(1) Because it is often difficult to accurately specify in a more tangible way the magnitude of services to be performed, most RFPs should contain an estimate of the levels of professional effort required to perform the tasks stated therein. This estimate will greatly assist firms in submitting accurate cost proposals and the level of qualification of the staff necessary to perform the task.

(2) By putting into a fixed price contract the minimum professional level of effort that will be provided by a contractor, OEO can hold a contractor to a certain level of performance even if the end product it desires is difficult to define qualitatively. In a cost-reimbursable contract, OEO will only pay for actual time worked by contractor employees, but an estimate should still be in the contract as an indication of the scope of services the contractor is expected to provide.

Levels of professional effort may be stated in terms of man-hours, man-days, man-months, or man-years, as appropriate. They may be stated in the aggregate or be broken down into professional subcategories, such as "Project Director—one man-year, 2 Training Specialists—6 man-months each, 3 Education Specialists—3 man-months each."

In conclusion, if a RFP is to be a document which communicates the maximum feasible amount of information to enable offerors to determine whether or not they wish to bid, the statement of work must be a clear, well drafted and precise statement of OEO's requirements.

WESLEY HJORNEVIK,
Deputy Director.

MARYLAND SOLDIER KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. LONG of Maryland. Mr. Speaker, Army Sp4c. Paul T. Burrier, a fine young man from Maryland was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

PAUL T. BURRIER DEAD IN VIETNAM—ARMY SPECIALIST, FOURTH CLASS WAS KILLED NEAR CAM RANH BAY

The Department of Defense announced yesterday the death in South Vietnam of Army Spec. 4 Paul T. Burrier, 21, of Catonsville.

He was killed in action on March 31 near his home base of Cam Ranh Bay, the Pentagon said.

CATONSVILLE HIGH GRADUATE

Specialist Burrier was a graduate of the Catonsville Senior High School. For two years he had also attended the University of Maryland, where he majored in political science on the Catonsville campus.

He enlisted in the Army in July, 1968, and left Baltimore for Vietnam in late August, 1969.

Although he wrote often from Vietnam, he was "quiet about the war," his relatives said.

LIFE SCOUT

He was a life scout in the Troop 307 in Catonsville, where he was also a member of Salem Lutheran Church.

His other hobbies included chess and rifle-shooting.

He is survived by his parents, Mr. and Mrs. Paul S. Burrier and a sister, Mrs. Susan Causey, all of Catonsville.

TEN WAYS LAWYERS CAN HELP THE CAUSE OF PEACE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HUNGATE. Mr. Speaker, the March 1970 Missouri Bar Journal contains an article by Charles S. Rhyne, president of the World Peace Through Law Center, entitled "Ten Ways Lawyers Can Help the Cause of Peace." I think this article, which follows, should be of general interest:

TEN WAYS LAWYERS CAN HELP THE CAUSE OF PEACE

(By Charles S. Rhyne)

An idea can be more powerful than an atom. Especially is this true of an idea whose time has come.

The time of a world peace system built out of law will arrive in our day if we of the law profession assume adequate leadership. By providing leadership in making the time of peace under the law arrive we will lift the hearts and hopes of all peoples. We will also provide for all peoples a new faith in their future for the eons of time stretching out before them.

To avoid misunderstanding, let me say that I do not contend that a World peace structure built out of law will cure all the ills of man. Imperfect human beings run nations and conduct international contacts and they are certain to have disputes. Law rules can only lessen their number and provide for their peaceful decision.

While a law system is not perfect, it is still the best concept yet conceived by the mind of Man for conduct of relations among men and nations.

I believe that lawyers of many nations must work together to build peace with law, and do so with the widest vision of a common humanity. The world's people are acting and thinking more and more as one. Much greater international cooperation is necessary today than in the past. Especially is this true of the overriding desire for a new world peace system which will end forever the archaic ancient ritual of deciding disputes between nations by the sacrifice of human lives.

How do we or the law utilize our capacity to achieve and maintain a human condition of world peace? I believe there are 10 specific things lawyers of the world can do for this universal cause.

First, we must drive home to all mankind the fact that the peacemaking machinery of the world is archaic and inadequate for today's world and requires a fundamental change in the way order is maintained. We must spell out plans and programs to supply the fundamental change which is required by strengthening law into a peace framework capable of creating a peaceful world order with justice and security.

Second, we must rededicate ourselves to our common cause and commitment to peace by continuing to perfect our worldwide cooperative organization and the World Peace Through Law Center. A million-strong lawyer-judge peace army can be a mighty force.

Third, we must use computers and other electronic marvels to their full potential to speed up the processes of lawmaking transnationally.

Fourth, we must bring the power and prestige of lawyers and judges more directly to bear in a massive effort to involve the public in—and mobilize public opinion behind—plans and programs to strengthen peace through law. Our special talents and training, which give lawyers a unique ability to create understanding among peoples to replace disagreement, are not yet fully utilized in this great endeavor.

Fifth, we must constantly urge upon the United Nations, regional organizations and national governments every treaty, every institution, every idea, plan or program which will add to the law and the law framework of the world. This concentrated effort can and will in time bring into existence a World Law System, a World Court System, and a peaceful world order with justice.

Sixth, we must clearly identify our peace through law program in the hearts and minds of all peoples as the means whereby they can achieve their eternal dream of world peace with justice. Public opinion is a mighty force. A sense of the necessity of their support must penetrate the people's awareness of our plan. With the power of public opinion behind our mission it will become the recognized imperative of our day.

Seventh, in our focus upon world trade and world aid for developing nations let us be at the forefront in devising plans and programs to carry out mankind's desire to share fairly among all men, women and children the enormous productivity, the wonders of technology and science, of our era. The gap between the rich and the poor must be closed. Let us help lead that crusade also as its achievement will create the social and economic stability required for order with justice under the rule of law.

Eighth, each of us can discharge part of our responsibility to help build a world peace edifice out of law by asking our government officials to accept one or more existing international treaties. There is not one nation whose peoples cannot but benefit from accepting one or more of the many existing treaties to which they are not now a party. Every lawyer or judge can help advance peace by this very simple but very essential personal action.

Ninth, in personal relations between lawyers—both in our own countries and internationally—our contributions toward understanding and peace can be great. In the law we share a common concept, a common language and a common life endeavor. Working together we can make plans and programs which will translate a towering ideal into achievement of the most desired dream of all peoples since the dawn of recorded history. No greater joint enterprise can command the endeavors of any profession than the cause of peace.

We must not over-promise, as ours is not an easy road to peace. Our plan cannot be accomplished in a few months or even a few years. It is not a plan for the short-winded or for those looking for an instant accomplishment from which world peace will spring

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full blown. We must use concentrated effort to build a peace structure out of law, treaty upon treaty, law upon law, transnational legal institution upon institution. That the task is complex, difficult and long-range should not deter or discourage but should be taken as a challenge to spur us on the extraordinary effort which is required.

Tenth, we should give our utmost effort to achieve agreement on concrete plans and proposals which we can urge upon the United Nations, regional organizations and governments to expand transnational law and increase the use and number of international legal institutions devoted to peaceful settlement of disputes under the rule of law.

When the rule of law exists throughout the world, then and only then can any man, woman, or child live or travel any place on the face of the earth, or into the vistas of endless space, in freedom, in dignity, and in peace.

HANG OUR HEADS IN SHAME

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, there is a very, very old joke with the punchline of—"Yes, but what have you done for me lately?" Doubtlessly, most of the Members know the story because we, ourselves, have often been the victims of such an attitude.

But my purpose in rising today is to call attention to a gross ingratitude being paid by us—all of us; this Nation—to a body of men—and women too—to whom all of us owe debts which can never be discharged adequately. I refer, of course, to our veterans.

It is no secret to us, those of us who live daily with the letters and telephone calls from constituents pleading for help for a son, a husband, a father who has been disabled or incapacitated in his military service to his Nation and now faces the bleakest of futures.

It is no secret to us that in recent months aid and services for veterans have even declined drastically; and this disturbs me greatly. I do not know whether to attribute this trend to callousness or ignorance; but regardless, we must do all within our power to reverse this trend.

Apropos of this situation, John S. Knight, distinguished journalist and newspaper executive, whose organization recently assumed ownership of the Philadelphia Inquirer and the Philadelphia Daily News, in my constituency, has demonstrated this same concern in his weekly news column which appears in the Knight newspapers.

I wish to commend Mr. Knight for his public service in bringing this plight to the attention of the citizenry and, hopefully, to the administration.

So that my colleagues can share these lucid and pertinent facts, the article follows:

NEGLECT OF VIETNAM VETS AN ALL-AMERICAN SHAME

(By John S. Knight)

Are the people of America failing to honor our servicemen returning from Vietnam?

Do they appreciate the sacrifice of these young men who fought in a war brought on by the miscalculations of their nation's leaders?

Is adequate tribute being paid to those who have suffered so much while we at home make no sacrifices whatsoever?

Plain-spoken Lt. Gen. Herman Nickerson Jr., retiring Marine commander in Vietnam, says he is "disappointed in the silent majority" for not honoring Americans who have lost life and limb in Vietnam.

"There are relatively few places," the general added, "where they waved flags and honored our servicemen as they did in the great days when the boys came home as heroes. They're not interested in the exploits of our young men. Maybe we're getting to be pretty blase about the whole thing."

NO BANDS, PARADES

The general's indignation is shared by others. As one Veterans Administration official remarked, "the guys who fought in World Wars I and II found gratitude and the traditional hero's welcome when they came home. These guys get no bands, no parades, not even a flicker of interest."

This shabby lack of attention is bad enough. But a more severe indictment can be drawn against the treatment of wounded veterans in government hospitals.

Prompt use of the helicopter, intensive battlefield medical care and the Army's modern evacuation procedures save thousands of wounded men who would have died in an earlier war.

Unhappily, this superb medical treatment on the field of battle is not duplicated on the home front. When wounded veterans are ultimately assigned to Veterans Administration hospitals for long-term treatment, the story changes.

In Miami, doctors have charged that veterans suffer a "tragic lack of care" because the VA hospital is "grossly understaffed."

Dr. Stewart Wolf of the University of Oklahoma says "there is real danger that the administration and Congress are about to see veterans' hospitals revert to the mediocre status of the 1920s and 1930s when tired physicians and political jobholders provided the care for the defenders of our country."

And Dr. Ernest H. J. Bors of the VA hospital in Long Beach, Calif., blames lack of people for the deterioration in the care of paraplegics. "We don't have the hands to do the job," says Dr. Bors. "It boils down to a matter of the budget."

Donald E. Johnson, newly appointed head of the VA, insists that veterans still receive top quality care—"care second to none."

Yet most of the evidence is to the contrary.

A GRUESOME TOLL

The cruel nature of the Vietnam war—booby traps, jungle ambushes, mines and hidden spikes—has taken a gruesome toll of combat troops. More than a quarter of a million Americans have been wounded in Vietnam, with about half of them requiring hospitalization.

Correspondent Don Oberdofer reports that an Army study of 1,000 men separated from the service for disability discloses that 28 per cent were amputees, 25 per cent suffer from paralysis of extremities and 14 per cent have "impairment of sense organs."

These are much higher percentages than in previous wars. The rate of blindness is triple that of World War II.

President Nixon and the Congress have an imperative responsibility to upgrade the quality of care being given to wounded veterans in government hospitals.

Words such as "economy" and "budgetary considerations" strike a discordant note when applied to the obligation we owe to young men whose lives and bodies have been shattered in the service of their country.

SAD COMMENTARY

The fortunate ones—those who returned sound of mind and body—can abide the neglect as they move almost invisibly through civilian life.

They don't talk much, but the distrust within them runs strong and the bitterness lies deep.

As 25-year-old Wally McKay, a much-decorated Marine veteran, has remarked: "I just keep my mouth shut about the war. If anybody asks me about Vietnam, I just refer them to the library."

Mike Sergieff, an ex-sailor, put it this way: "I didn't expect to be treated like a hero when I got home. But I didn't expect to be ignored."

The tragic neglect of our Vietnam veterans is a sad commentary on present day society, steeped in greed and devoid of compassion.

We should hang our heads in shame.

ANNOUNCEMENT OF EULOGY FOR FORMER CONGRESSMAN LEONARD WOLF

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. CULVER. Mr. Speaker, I am sure that every Member of this body who knew him was as saddened as I to learn of the recent and most untimely death or our former colleague Leonard Wolf. He ably represented the Second District of Iowa from 1959 to 1961 and since that time was associated with many campaigns to alleviate the world's hunger problems. At the time of his passing he was director of the American Freedom From Hunger Foundation.

I would like to take this opportunity to announce that I will obtain a special order on Thursday, April 9, for the purpose of eulogizing Mr. Wolf. I invite Members to participate with me on this occasion.

BOONDOGGLE DELUXE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GROSS. Mr. Speaker, columnist Jack Anderson has discovered what some of us in the Congress have known now for quite a while—that the international giveaway organizations the U.S. Government has fostered and financed so lavishly in recent years are nothing more than monumental boondoggles.

Mr. Anderson reports in his column of April 7, 1970, on the latest chapter in the boondoggle that operates under the name of the Asian Development Bank. I suggest that he might find much the same story, or worse, in the operations of such institutions as the African Development Bank, the World Bank, the International Finance Corp. and the rest of these slush funds.

I offer the column for insertion in the RECORD at this point.

BOONDOGGLE DE LUXE

(By Jack Anderson)

A secret inquiry into the Asian Development Bank, supported by the American taxpayers to the tune of $200 million, has produced evidence of a galloping boondoggle.

The inquiry was conducted behind closed doors by Rep. Otto Passman (D-La.), the crusty arch-foe of foreign aid, who dropped out of the fourth grade, studied accounting while he scratched out a living, and developed a fierce attachment for every dollar he ever earned. He now treats the taxpayers dollars with equal tenderness.

Breathing flame from both nostrils, he blistered the bank's U.S. representative and a gaggle of Treasury Department officials for not taking better care of the taxpayers' $200 million.

Before the hearing ended, the exasperated Passman was moved to exclaim: "I think this is the most mismanaged outfit I have ever had anything to do with! . . . Gentlemen, you are taking this country for a ride!"

The Asian Development Bank was founded in 1966 to provide loan assistance to underdeveloped nations. Passman discovered, instead, that most of its funds are tied up in investments and that almost half its profits are squandered on overhead. Here are some of his secret findings:

SECRET SCANDAL

Although the bank has assets of about $452 million, loans have been approved for less than $140 million. The bank, whose purpose is to grant development loans, seems more interested in seeking investment opportunities.

In more than three years of operation, the bank has disbursed only $9.3 million against the loan commitments, but has spent $11.6 million for administrative expenses This shocking disproportion can be justified, in small part, by the extra expense of getting organized.

The bank has 438 people on the payroll, not counting the top executives. The Export-Import Bank, with six times its assets, has only 364 employees.

Last year, the Asian Development Bank reported $12.9 million in profits. Less than 2 per cent of this came from interest, the rest from investments. About 40 per cent of the profits, $5.6 million all told, was eaten up by administrative expenses. In contrast, the Export-Import Bank spends only 5 per cent of its profits for overhead.

The Asian bank, whose loan money is supposed to be used strictly to develop poor nations, has been granting personal loans to its staff.

The U.S. representative, Bernard Zagorin, told Passman that the bank had invested about $100 million in American securities. Yet despite this unused $100 million, the bank recently borrowed $15 million.

ENTERTAINMENT EXPENSES

By now, Passman was incredulous. "Why," he demanded, "would it be necessary to float bonds and pay 7 per cent interest on $15 million when you had approximately $100 million on hand that you didn't need for immediate use?"

Zagorin explained lamely that "it is felt necessary to get the international money markets familiar with the bank and the bank's operations."

When Passman began to dig into the bank executives' entertainment expenses—euphemistically referred to as the "representation allowance"— he found it had increased over the past year from $24,000 to $44,000. He asked why.

"Because," said Zagorin, "more than half of the $44,000 is for the office of the presidency and for official receptions and so forth."

"He is really living high on the hog, is he not?" snapped Passman.

"We included a lot of the official conferences hosted by the president," mumbled Zagorin.

HEATED EXCHANGE

When he began inquiring into the bank's loans to staff members, however, perhaps the most heated exchange of the hearing ensued.

Passman: "Are you making any loans to your staff members?"

Zagorin: "Yes, sir."

Passman: "Could you furnish for the record the amount of each loan? . . . We want to know the amount of loans, the rate of interest during calendar year 1969."

Zagorin: "Mr. Chairman, I cannot give it to you by name, nor the specific loan."

Passman: "Why can't you?"

Zagorin: "Because the president of the bank (Japan's Takeshi Watanabe) will not disclose that information to me for this purpose."

Passman: "What if you did not get any more money? Let me say this to you. You are telling me that the president of the bank, to which we have pledged $200 million, will not permit this committee . . . to have the names of the staff members who borrowed money from the organization . . . You will get this information for the committee, or you will not get any money."

The bank, which wants an additional $100 million from the American taxpayers, is expected to tell Passman what he wants to know.

HARBOR COLLEGE ECOLOGIST SEES END TO POLLUTION, OVERCROWDING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ANDERSON of California. Mr. Speaker, when we consider man and the environment, not all is bleak. The advancements made in improving our surroundings and making the earth more habitable have been rapid. Our knowledge concerning the causes and cures of our troubled environment has increased tremendously. We must continue to study, to learn, and to act. Yet, we must do so with a greater sense of urgency. For studies indicate that under existing vehicular emission control standards, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle.

Although some authorities are predicting that, within 30 to 50 years, life as we know it on this planet will cease to exist, Dr. Ellen Erchul, a professor at Harbor College, in Harbor City, Calif., sees a silver lining among the clouds.

I insert in the Record the following article, which appeared in the March 25, 1970, edition of the San Pedro News Pilot, revealing the optimism of Dr. Erchul.

Harbor College Ecologist Sees End to Pollution, Overcrowding

(By Gayle Palmer)

In this era of vastly increasing crime, pollution of water and air, over-population and imbalanced economy, there is a threat to one of the ideals held most dear: "America the Beautiful." Conservationists hold that the causes are all inter-related.

Crime and dirt in the cities are driving people back to the country. Increasing population in concentrated megalopolises create contamination of waters. Exhaust fumes from jet planes and cars combined with industrial waste are poisoning the atmosphere. And, the demand for better living of the burgeoning upper middle-classes all add to the crisis.

The few remaining paradise areas of the United States are being crucified according to such groups as the Sierra Club, the John Muir Society, the Audobon Society, the National Geographic Society and various auto and travel associations.

Many of these organizations have valid reasons to challenge the progression of society. But much of the damage is a result of their own doing. One bureau in the western states, a chamber of commerce, has long advertised the beauty of its state to entice visitors. Many visitors came and saw and were convinced. They decided to stay. But they had to have a place to live.

The once-advertised beauty has slowly dwindled to make way for a place to build and live.

Once remote and historically quaint Park City, Utah, for example, now is an attraction for thousands of skiers each winter. Much of the natural beauty is permanently destroyed because it is a popular resort.

Millcreek Canyon outside Salt Lake City was caught in the web of migration. The canyon, on the west slope of the towering Wasatch Mountain range, has lost much of its charm because of an expanding suburbia.

So many of the nearly 3 million members of the LDS faith and others as well have clustered around the monument to Brigham Young who said "This is the Place," it's difficult to see the white marble statue in Emmigration Canyon because of all the new homes.

Utah is not the only western wilderness area to be devastated by the advance of ecologism.

The California redwoods are still as beautiful, but not as many that once beautified the green and golden state. The proposed Mineral King project in the southern end of the Sequoia National Park has blasted out mountains. The thundering Snake River's "Hell's Canyon" in Idaho is in danger of being tranquilized by dams for water supply for cities and farms to grow produce to feed the cities. Wildlife is suffering from the pollution created by man to expand his environment.

This sounds like a dismal state of affairs. The end of the impossible dream.

"Quite the contrary," a San Pedro sociology professor counters. "Within another 10 years we will have resolved a lot of problems in this direction."

She is Dr. Ellen Erchul of 2286 Sparta Drive and a professor in the social sciences at Harbor College.

"We have had the know-how for at least 10 years but until now we have done very little about it. Because of the startling and acute danger of pollution and all its accompanying factors recently brought to public attention, we must and will have to take our plans off the drawing board and put them into practical application," she said.

"We will have to have a meeting of the minds between physical, biological and sociological concepts and work together as a unit. This coordination is long overdue. In the past, each of us who have specialized in our own fields have gone off on our own tangents. And, you can see what a mess we're in."

The sociology expert first put the word "ecology" on "the board" in her classes a decade ago and students began to become aware of the term but not alarmed enough to take it seriously. Now, the young generation of deep thinkers are beginning to do something about it, she said.

"After all, the oncoming generations are going to inherit the world after we're gone. They are becoming aware of their responsibilities in dealing with the concentration of population as an economic entity and the resultant pollution and its related consequences.

"I have every faith in the oncoming generations because they will profit by the mistakes of our own haphazard planning and lackluster system of social disorder."

Dr. Erchul firmly believes that the new gen-

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erations will preserve what's left of the once natural beauty of Western America.

"We have been far too careless in the past without necessarily intending to tear down our once beautiful countryside," she contends. "Our ancestors and present older generations have been thinking too much of protecting our purse strings than protecting our society and its natural surroundings.

"Future generations will become more knowledgeable about preservation while, at the same time, applying their knowledge about keeping America beautiful."

The professor, who has been a social teacher and social worker 38 years, cautions against the "shock value" of converting the "don't cares" into "do cares."

"This simply isn't true in our concern. While little has been done to correct this situation, our young people know what's happening. Educating them into action will be more beneficial than frightening them into action."

The Harbor College social authority added that there is sufficient space left in the United States without contaminating its ecology. The answer is, as she sees it, to reorganize our social structure and build new cities with their tandem industry within the open spaces. This system is working not only in Europe with its long history of overconcentration of population, but in the Eastern United States, as well.

"There will be better planning and better distribution of utilizing our natural resources when we decentralize the metropolitan areas as we now know them," she envisions.

Scientists already have confirmed the theory of converting the atmospheric inversion that causes smog over the urban areas into pure, clean air.

"Here in Los Angeles we know that we can syphon-in the sea breeze by a simple process of reducing the atmospheric pressure," she said. "But it would require a long, hard process with the cooperation of industry. This requires money, and that gets back to the old theory of unloosening the purse strings."

In the past, science has lost the personal contact with people, Dr. Erchul inferred.

"We are realizing now that to be scientific, you must also have value judgment. We have used up much of our resources because we did not use individual responsibility in developing our westward expansion. The almost extinction of the buffalo is a good example."

Dr. Erchul was brought up in the "land of the Thousand Lakes" in Northern Minnesota and appreciates the "loveliness" of nature. She is a member of the Sierra Club and other conservationist groups and still maintains her desire to preserve the land as it once was.

"I traveled around the world and saw the beauty in the cities because of well-advanced planning. Hong Kong is a good example. There isn't one utility pole there even though it has one of the highest population concentrations in the world," she marveled. "Every possible utility scheme is hidden from view underground."

The professor met her husband, John, who is a research chemist in the Harbor Area, while they were teaching in another of nature's wonderlands at International Falls, Minn. They moved to Southern California in 1940 and have lived in San Pedro since 1961.

Although a lover of nature she became interested in sociology during World War II as a receptionist for the Travelers Aid Society at the Los Angeles Union Station.

In summing up her observations, Dr. Erchul said:

"This is still a pretty good country in spite of some of the young people and their ideologies. This will be their country some day to look after.

"And I'm extremely optimistic about their future."

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VFW VOICE OF DEMOCRACY WINNING ESSAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. TEAGUE of Texas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States sponsors a voice of democracy program in which high school students are asked to write a broadcast script. All five winners of this year's contest on "Freedom's Challenge" were guests of honor at the VFW Congressional Dinner and received a personal congratulation from President Nixon. I would like to include the essay of the fourth-place winner, Bonnie Brewster of Bridgewater, Mass. A 17-year-old Cardinal Spellman High School student, Bonnie is vice president of the National Forensic League and of the oratorical society, and hopes to pursue a career in the communications arts and English. The VFW should be commended for their sponsorship of such a fine program. After reading this essay, I think you will agree that we all can take pride in the patriotism and faith in America displayed by this young student. The essay follows:

FREEDOM'S CHALLENGE

(By Bonnie Brewster)

"I have died in Vietnam
But I have walked the face of the moon.

I have beat down my enemies with clubs
But I have built courtrooms to keep them free.

I have built a bomb to destroy the world
But I have used it to light a light.

I have outraged my brothers in the allies of the ghettos
But I have transplanted a human heart."

Closing the cover of today's Time Magazine, 1969, I recall the words of a favorite novel which speak to me of yesterday.

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of uncertainty, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair."

So wrote Charles Dickens, 1869.

And it is the best of times—fantastic achievement is now and always will be our path—the corridors of space loom infinite and inviting through the explorations of Apollo 11 and 12, modern medicine has thrown open the window for new hope through continuing research, and now, as never before, the doors of higher education stand open to all who seek admittance.

It is the worst of times. There are killers lurking among us—wars rage taking their toll upon humanity, air pollution and water pollution threaten extinction of life, while rioters plague university campuses and city streets.

Why? . . . and how? . . . in such an age of wisdom, can man be so foolish?

We as human beings have been given such a capacity to love and to give—and yet, we continue to hate and to take and to demand.

I speak today of Freedom's Challenge—that challenge which I believe, in the best of times, seems disciplined, loving and selfless men *build* and develop *life* for a newer and brighter world, while, in the worst of times, sees selfish, undisciplined, slavish men destroying any semblance of earthy harmony and—ultimately—destroying their very freedom.

Remember when the first step was taken on the moon, and astronauts Aldrin and Armstrong, looking down on their small world, described it as a mere "pinpoint" where *imposed* barriers, boundaries, and "gaps" no longer existed. Through the revelation that this giant step gave to mankind, I ask you, has any time, any era, ever been such a season of light?

In Sydney Carton, Dickens saw that it was the courage and spirit of each individual that salvaged the world. Carton lived with compassion and love for his fellow beings, for a universal justice—even to his death on the guillotine.

Let's all try to live every minute projecting this freedom of our best times onto the kaleidoscope of the worst times. Let's bring the baptism of liberty, the spring of hope, to those prisoned times which are ever born in the winter of despair.

These times present the challenge which I realize as a spoiled patriot, and as an unspoiled patriot. I, as an individual, try to live this challenge in my refusal to lapse into the apathetic and "comfortable" life, in my refusal to condone slavery and slaughter and suffering and starvation, and in my refusal to recognize those who strike out against peace among men. It is in my refusal that I do accept Freedom's Challenge. I am humbled, but I am proud—I am an American.

ANNUAL REPORT OF THE COMMITTEE ON INTERNAL SECURITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ICHORD. Mr. Speaker, the Committee on Internal Security recently marked the first anniversary of its creation by the House of Representatives. As chairman, I now want to call the attention of my colleagues and the public to the availability of the first annual report of the Internal Security Committee. The report reviews the committee's legislative and investigative operations during 1969. Rather than attempt a restatement of the contents, I am attaching for inclusion in the RECORD the complete table of contents. I also submit herewith the text of my remarks contained in the foreword, as an expression of my position with regard to the responsibilities, policies, and objectives of the committee.

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FOREWORD

On January 29, 1969, I was elected chairman of the House Committee on Un-American Activities by the House of Representatives. An organizational meeting of HCUA was held on February 6, 1969, at which time action was taken on routine procedural resolutions. I presented to the committee the new chief counsel, Donald G. Sanders, and made several operational announcements. That was to be the last meeting of HCUA, which had been a standing committee of the House since 1945.

Twelve days later, on February 18, the House approved by a vote of 306 to 80, H. Res. 89 which I had introduced a few weeks earlier to abolish HCUA and simultaneously to create the House Committee on Internal Security.

In my years of service on HCUA, beginning in 1963, I progressively moved toward the belief that a new emphasis, a new direction, was essential in the field of internal security. I felt this could be most effectively accomplished by a fresh, clear, and straightforward statement of objectives in the light of contemporary conditions. HCUA had served its purposes, but revolutionary concepts which swept across our land in the last decade necessitated a different concept of approach. I envisioned a modern committee, with a pragmatic mandate, a meaningful name, a restructed staff, and purposeful investigations, enabled thereby to make legislative considerations realistically commensurate with an atmosphere of increasingly pervasive defiance of law and open threats to alter our form of government by other than democratic processes. A resolution to effectuate these ideas which I first introduced in the House in January 1967 and which was identical with H. Res. 89 was never brought to a vote in the 90th Congress. At the time of my election as HCUA chairman in January 1969, I reiterated my intention to press for the establishment of the House Committee on Internal Security in order to make the most beneficial contribution to the Nation's internal security. During the debate on February 18, 1969, I explained:

"This resolution if adopted would give the Committee on Internal Security jurisdiction over revolutionary groups which would work toward the change or the alteration of our institutions and systems of government through revolutionary means outside the democratic process. It is not concerned with change through the democratic process which is, of course, inherent in our system of government. But every democratic government has the responsibility to take the necessary steps to preserve and protect itself from unlawful subversion.

* * * * *

"I think what has happened is that the House Committee on Un-American Activities has been caught—not only the House Committee on Un-American Activities, but the House of Representatives itself—has been caught up in a battle between two extreme views in this country, the extreme view on the one hand that people with unorthodox political thoughts, political ideas or political ideologies, should be taken out and eradicated and in some way disposed of, and the equally absurd view on the other extreme holding that Congress has no business legislating or investigating in the very important field of subversion. As I stated before, this is the basic right of every democratic government. Subversion is as old as the history of organized society and the threat may be one form of ism today and a different one tomorrow."

It was with a deep sense of gratitude to my many colleagues who supported H. Res. 89 that I designed new policies and procedures to suit the times and the mandate of HCIS.

In this first annual report of the House Committee on Internal Security I want to restate the committee's responsibilities and the areas in which it is mandated by the House of Representatives to conduct its activities.

First, the committee was granted authority to investigate organizations which seek to overthrow or alter the form of government of the United States or any State by force, violence, or any unlawful means as distinguished from change through the democratic process. This would include organizations, whether or not a part of the international Communist conspiracy, which seek a violent revolution.

Second, the committee was given authority to investigate organizations which incite or employ acts of violence to obstruct or oppose the lawful authortiy of the Federal Government in the execution of any law of the U.S. affecting internal security. This could include organizations which, while not seeking violent overthrow of the Government, nevertheless employ violence in defiance of law, such as the Ku Klux Klan has in the past.

Finally, the committee has oversight responsibility relative to the administration of any law pertaining to the above areas of authority. Thus the committee will assist the Congress in the exercise of three well-established congressional functions: *legislative, investigative,* and *oversight*.

The question whether the investigative power should be institutionalized in a standing committee is a legitimate one. But I can carry on no meaningful dialogue with those who contend a committee of Congress should have no power to investigate and disclose the facts about such activities. In order for the Congress to legislate with intelligence and reason, it must have access to facts. The power to investigate is an indispensable predicate for the development of such facts.

Congress has not only the right, but also the duty, to keep itself informed of subversive activities so that its members may be able to legislate wisely, effectively, and promptly.

Against that background, on February 20, 1969, the then newly constituted Committee on Internal Security held its first meeting and adopted a resolution approving the study and investigation in depth of revolutionary violence within this Nation.

In a statement to the committee, I said at that time:

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our Government or its administration by other than constitutional processes. Recent investigations of this committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion."

The same statement is just as valid at the outset of 1970 as it was in the winter of 1969.

For the past year the Nation has been witness to continuing violence in the streets, on campuses, and in classrooms and corridors of secondary schools. We have read the searing headlines of mass murders for "kicks" by drug-using "hippie" cultists. Bombings, arson, shootouts with police in our major cities, coupled with massive demonstrations—peaceful and otherwise—against the policies and authority of government have been publicized throughout the world. In truth, the television screens, newspapers, and radio stations of America have presented the people of this country with what amounts to a psychedelic kaleidoscope of uncontrolled, undisciplined, and irresponsible behavior by militant elements of our youth and frustrated minority groups.

In my statement of February 1969, I called the committee's attention to the fact that any such study "will obviously require the most painstaking and thorough inquiry and understanding of the extent, character, and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum."

On March 6, 1969, the first specific full scale investigation as part of an in-depth study of revolutionary violence was authorized and subsequently I declared that the policy of the House Committee on Internal Security would be to exercise meticulous care to avoid any interference with academic or other freedoms in the course of our investigation.

I stated in a release to the press:

"Our concern is with the nature and extent of what may be organized, unlawful subversion. It is not our purpose or intent to restrict any of our established freedoms in any way. Neither is it our desire to punish. Trials and punishment are for the courts. And, at the same time, it is not our intent to enforce existing laws. These are responsibilities of the executive branch of Government. We merely want to find out the facts.

"Our goal in this effort will be to investigate, report, and recommend. And we are supremely confident the people of this country will support this effort to ascertain the facts to the end that the legislative process may be facilitated and the interests of democratic government enhanced."

On the basis of preliminary staff studies, the committee then resolved that the first comprehensive investigation should be devoted to the origin, character, objectives, activities, and other facts relating to the Students for a Democratic Society, with particular reference to:

"(1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and

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the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or of any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

This investigation progressed and on May 14, 1969, the committee authorized hearings to be held. The results of investigative hearings conducted between early June and mid-December dealing with SDS in its wide range of activities are summarized in the following report.

While most of our investigations and hearings were focused on the Students for a Democratic Society—up to and including their recent splintering into greatly weakened factions—the committee staff has paid careful attention to the development and activity of other organizations which may threaten America's internal tranquillity and security.

For example, on October 8, 1969, the committee ordered an investigation into the activities of the Black Panther Party and the Progressive Labor Party with guidelines similar to those for the investigation of SDS carefully enumerated.

Hearings on the Black Panther Party commenced on March 3, 1970.

Of particular concern to the committee is the increasing evidence that the New Mobilization Committee to End the War in Vietnam—popularly referred to as New Mobe—is being manipulated by prominent "old left" Communists. The New Mobe leadership quite candidly pride themselves on having captured—in the name of peace-seeking—an impressive number of this Nation's idealistic and sincerely motivated young people to be used in the near future for the advocacy of other causes which are part and parcel of the Communist plans for debilitating our great Nation.

On November 4, 1969, I placed in the *Congressional Record* a study compiled by the research staff of the committee on the so-called Fall Offensive of the New Mobe, and on December 10 the committee ordered an investigation of the New Mobilization Committee to End the War in Vietnam.

At that time, we pointed out that the findings of the committee staff "raised serious questions about the true nature and objectives of the New Mobe. The investigation which the committee has ordered will separate the grain from the chaff."

The staff study disclosed a significant Communist presence within the leadership of the New Mobe, including members and partisans of the Communist Party, U.S.A., the Trotskyist Socialist Workers Party and Young Socialist Alliance. The committee investigation of New Mobe is in progress, and initial hearings are scheduled for April 1970.

On the legislative front, the committee reported out a bill which will strengthen the security of our Nation's defense facilities. This major piece of legislation, H.R. 14864, evolved from H.R. 12699, introduced on July 9, 1969. During hearings numerous witnesses presented their views. More than 50 amendments were proposed and considered. Not less than 30 were adopted and incorporated into the clean bill, H.R. 14864, which will provide an explicit legislative base for the maintenance of three basic and necessary national security programs for the purpose of safeguarding, first, selected industrial facilities essential to the defense of the United States against espionage, sabotage, and acts of subversion; second, classified information released to contractors; and, third, vessels and waterfront facilities. By a vote of 274 to 65 the bill was passed by the House on January 29, 1970; it has been referred to the Judiciary Committee of the Senate. I am hopeful that this significant and vital legislative proposal will be enacted into law in 1970. Details concerning the measure will be found in the first chapter of this Annual Report.

A subcommittee of HCIS conducted hearings on H.R. 959, "Obstruction of Armed Forces." This bill, still pending with the subcommittee, was drafted to prohibit and prescribe penalties for certain misconduct intended to prejudice the interests of our Armed Forces during periods of armed conflict abroad.

The report concludes with a review of the status of recent contempt citations.

As we move into 1970 and a new decade, I sense an air of confidence in America's responsible citizenry. Citizens and governmental officials in the last few months have become more concerned about the dangers of revolutionary violence and, in many respects, they are developing more effective ways and means of curbing the threat. Although the level of violence and dedication to subversion is still high and may yet reach greater proportions, we must resolve to contend with such by means of even and studied determinations, rather than by convulsive, ill-considered reaction. As we devise measures to secure the blessings of liberty for all our people, we must at the same time build for future generations a heritage of reason and justice. The work of this committee will be guided by these considerations.

RICHARD H. ICHORD,
Chairman.

MARCH 26, 1970.

THE POSTMEN RING OUT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. O'HARA. Mr. Speaker, the recent postal strike has brought home vividly to the American people the plight of the underpaid postal worker. I have recently had called to my attention a statement by postal employees of Macomb County, Mich., expressing their support of the carriers' strike. I include this statement, as carried in the Macomb Daily, at this point in the RECORD:

THE POSTMEN RING OUT

Twenty-three years of postal service and never did I dream that the only way to be recognized and compensated for our service would be for postal employes to walk out against our government. It truly is a sad day for us as employes and citizens to have such a dark day being weighted against us.

Believe me, it hurts, but since New York letter carriers moved, it was inevitable that postal employes all over the nation would follow.

Wages are being mentioned foremost, but there are many inequities that should be settled now that we are on the move. A labor management contract that is meaningful is also of prime importance. Fringe benefits have to be improved. Postal employes pay seven per cent of their salary for their retirement plan.

We pay more than 70 per cent towards the government-sponsored hospitalization plan that we have. The government also sponsors life insurance and we pay a part of that, too. The starting salary of postal employes is $6,176 with a top of $8,442 after 21 years of service.

There are annual increases of $206 for the first seven years and then there is a three-year wait before the next five steps and the increase is still only $206 each step.

This is no longer an issue of clerks and letter carriers. Here in Mount Clemens it is the postal employees of the Mount Clemens post office who are withholding their services in sympathy with the New York letter carriers.

You cannot call this a movement of "hot heads" or of "militant youth" when you have employes with 20 and 30 years of service asking to be treated as human beings and citizens.

We are entitled to all the equal rights of the Constitution. Cooler heads are prevailing. We have had employes for years who have wanted this to happen. We are not proud of this sad state of affairs.

We feel that the blame has to be put directly to the Congress and administration both past and present.

The many promises of better legislation, the inequities in the meager pay bills that were passed and the threat of veto by the President if a particularly good bill was voted out of Congress has given rise to our feelings.

Postal employes have only been able to "exist" in this economy of today. We can no longer just "exist."

We ask the public (our patrons) that they try to understand our needs and perhaps join with us by writing to our senators, representatives and the President in our support.

MOUNT CLEMENS POSTAL EMPLOYES.

MILTON HOLMES—A REAL CONSTRUCTIVE LEADER

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. FRIEDEL. Mr. Speaker—

> Somehow you never forget what poverty and hatred can do when you see its scars on the face of a young child.

So spoke President Lyndon B. Johnson in the course of one of the most deeply felt, and deeply moving addresses ever delivered by an American President. The date of March 15, 1965, on the occasion of a joint session of the Senate and House of Representatives.

Thanks to the inspired leadership of President Johnson and his predecessor President John F. Kennedy and the efforts of the Congress, our Nation addressed itself to often vexing problems in attempting to resolve conflicting race relations, in coping with unfair discrimination, and in removing one of the causes for needless violence. Yes, we have come a long way, but we must go further in creating a favorable climate for both the black and white citizen.

However, to achieve the desirable goals we seek, we must necessarily have the cooperation of the people and I am indeed happy to be able to report that in

Baltimore City, we do receive such cooperation. That we were successful is due mainly to the creative leadership of Mr. Milton Holmes, project director of the Target City youth program in Baltimore, Md.

Few things have given me more pleasure than to be able to obtain approval of the funding for one of the Target City youth programs proposed by Mr. Holmes. As chairman of the Joint Committee on Printing, I obtained committee approval and urged favorable action by the Department of Health, Education, and Welfare for such a worthwhile endeavor to train people for employment in the printing industry and I am pleased that $924,000 was provided for this project.

To train and help our youth is one of the most meaningful and necessary endeavors in today's world. We are indeed fortunate in having such enlightened leaders as Mr. Milton Holmes to work with the underprivileged. May others take inspiration from his life and work.

The Baltimore Afro-American recently called attention to his accomplishments and I include that brief article at this point in the Record. Much has been said about the deficiencies in our poverty programs but too little is said about dedicated men like Milton Holmes who make these programs work. I know that my colleagues in the Congress join with me in commending him for his achievements.

The article follows:

Target City Leader

Milton Holmes is project director of Target City Youth Program, a Community Action Agency project designed to provide constructive and productive past-times for youth in the area.

In addition to his paid assignment, Mr. Holmes is a moving force in the Maryland Society of Social Welfare, in the Maryland Society of Training Directors, Baltimore City Apprenticeship Information Advisory Committee, and the Board of Directors, Baltimore Urban Coalition.

As conceiver and founder of the Target City Youth Program, Mr. Holmes has placed more than 300 former unemployed black males in jobs with added dignity.

In addition, 48 women, (mostly welfare recipients) were trained and placed in clerical and secretarial related positions.

A former resident of Turner Station and a graduate of Dunbar High School, Mr. Holmes attended the Howard University School of Engineering and the Hampton Institute as a cadet in the U.S. Air Force. He is presently enrolled in the George Washington University Graduate School of Business and Public Administration.

He and his wife, the former Miss Louise Tyler, have five daughters.

OPENING DOORS TO OPPORTUNITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SPRINGER. Mr. Speaker, the Reverend Leon H. Sullivan is the successor to Martin Luther King. No black in America has had the impact of Reverend Sullivan. He has the same constructive approach and is proving it today in Philadelphia and all over the country where his influence is being felt. The Reverend Leon Sullivan is scoring victory after victory in campaigns to bring the underprivileged more profitably into the profit system. He is truly opening the doors to opportunity for blacks. I append herewith an article which appears in the April issue of Nation's Business on Reverend Sullivan, "Opening Doors to Opportunity," and hope, Mr. Speaker, that all of my colleagues will read it.

It was the privilege of myself, Senator Richard Schweiker, and Senator J. Caleb Boggs of the other body to testify in behalf of Reverend Sullivan's bill for the funding of Opportunities Industrialization Center, Inc., which was created in 1964 to provide job training to disadvantaged black people in Philadelphia. My own community of Champaign-Urbana, Ill., has had an opportunities center for over 2 years. The community raised over $100,000 last year and is in the process of raising another $100,000 to implement the program conceived by Reverend Sullivan. It worked in Philadelphia; it is working in Champaign and over 90 communities throughout the country.

Mr. Speaker, I am hopeful that this bill will pass the House and Senate and be signed into law before we adjourn this year.

Mr. Speaker, Reverend Sullivan is nationally recognized among all groups as the outstanding black in America today, who is trying to bring home to his people the motto: "Build, brother, build." He is recognized nationally, and Nation's Business of April 1970 has an excellent article on his distinguished record and his many accomplishments. Nothing is more needed to show how we can help the underprivileged in our country.

The article referred to follows:

Opening Doors to Opportunity

"For my people," says the Rev. Leon H. Sullivan, "I want ham and eggs on earth instead of milk and honey in heaven."

He has been working wonders in moving his people toward that goal. And more's to come.

Dr. Sullivan, a Negro, is the founder of Opportunities Industrialization Center, Inc., created in 1964 to provide job training to disadvantaged Philadelphia black people and to give them a crack at a variety of industrial jobs which had long been beyond their reach.

There are now some 90 OIC centers throughout the country, from Montgomery, Ala., to Seattle, Wash., and San Jose, Calif., to Roanoke, Va.

Last year alone, 20,000 men and women, generally untrained and unschooled, and mostly black, went through OIC training. They now hold jobs in a wide range of skills. Many would still be in menial jobs—or on welfare—except for this opportunity to better themselves.

It is estimated that these people, and others who have gone through OIC before them, have added $40 million in new income to the national economy and, just as importantly, have reduced by $10 million the annual cost of welfare and other assistance to cities, states and the federal government.

Most men would be satisfied with such an accomplishment. Not Leon Sullivan, a product of extreme West Virginia poverty who thrives on setbacks and challenge. He told Nation's Business:

"We now have about 35,000 people in OIC training around the country. My aim is 100,000 in a year and by 1980 I hope we will have trained two million in all."

Not so many years ago, if you mentioned Dr. Sullivan to a Philadelphia businessman, you were apt to be told you were talking about the city's No. 1 radical, out to destroy the free enterprise system.

Mention him today and you'll find he's been embraced by the Philadelphia business community for his contributions in the field of Negro employment.

ROAR OF THE "LION OF ZION"

Dr. Sullivan's activities during the early Sixties were hardly of a kind to endear him to businessmen. The "Lion of Zion," as the hulking, six-foot-five-inch pastor of Zion Baptist Church sometimes is called, decided to take on those he felt were denying decent jobs to Negroes.

At his request more than 400 Negro pastors called on their parishioners to stop buying from 29 Philadelphia firms accused of hiring bias.

Job opportunities opened.

Dr. Sullivan had made a name for himself but he soon realized he had won only a partial victory. Thousands of jobs were waiting to be filled in Philadelphia, but few of the city's 100,000 jobless—mostly Negroes—were equipped to fill them.

It was here that the OIC concept was born. Leon Sullivan was determined to train the people so they could take the jobs. A Philadelphia philanthropist donated a six-story building.

The city let Dr. Sullivan take over an abandoned, rat-infested jail. He prowled Philadelphia scrounging unused, unwanted equipment—tools, electronics gear, a computer, a whole chemistry lab.

Businessmen began to grasp the idea that this radical man of the cloth was not out to destroy the free enterprise system but to help his people enjoy some of its fruits. Dr. Sullivan said at the time:

"The benefits of the free enterprise system weren't filtering to my people. We were getting crumbs. I decided we should get some of the bread instead."

Almost from the outset OIC was a success. Contrary to what was said, there were men and women on welfare who wanted steady jobs instead of the dole. They came by the hundreds to sign up.

In the beginning, skeptical employers agreed to gamble on OIC trainees. After a while these same employers actually began asking for OIC workers. The word got around Philadelphia that it was good business to do business with Leon Sullivan.

The pressure that Dr. Sullivan was applying was black power all right, but not the type you generally imagine. He has pointed out many times:

"I say that black power without green power and brainpower is no power."

FINDING THEIR WAY

The kind of people who came to Dr. Sullivan's training center might have discouraged a lesser man. Some could not find their way on a bus or read or write. He taught them reading and writing but called it communication and computation so they would not be ashamed. Men who had been lifting garbage cans found they could adapt to a lathe machine. Women domestics became skilled keypunch operators.

Racial tensions ebbed and flowed in the City of Brotherly Love, but Leon Sullivan kept urging: "Build, brother, build; not burn, baby, burn." More and more of his people trained and more and more of them got jobs. In Philadelphia alone almost 10,000 have been trained and placed in useful, rewarding employment.

Dr. Sullivan is not content to take on one project and rest on his laurels. Rest is not in his lexicon and the 47-year-old pastor is constantly on the search for new ways to uplift his race.

At about the time the OIC program was catching hold, Dr. Sullivan decided to take

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another bold step, this one into the world of business investment. To his 5,000 parishioners one Sunday he announced the start of the 10–36 Plan. He asked for 50 members of the congregation each to put up $10 a month for 36 months—about the price of a good television set—to launch an investment cooperative program.

"At that time there was not a single apartment building of any size, worthy of the name, which was owned by black people in all Philadelphia," he recalls.

There also was not a single shopping center, factory or bank developed or owned by Negroes.

Instead of 50 volunteers Dr. Sullivan got 200. That was in 1962. By 1965 there were 400 participants. Today, there are 6,000, including outside contributors.

In 1964, the 10–36 Plan bought a $75,000 apartment building. A year later ground was broken for a million-dollar garden apartment complex, the first of its kind and size developed and owned by black people in Philadelphia's history. There soon were 400 people on the waiting list to move in.

In 1967, work began on a $2 million shopping center called Progress Plaza. It now has 10 stores owned by black entrepreneurs. Because the project was a gamble, and to give it stability, six large establishments were invited to "anchor" the $1.3 million mortgage.

Two banks, a Bell Telephone office, a Marriott restaurant, a Florsheim shoe store and an A&P supermarket are doing business in Progress Plaza today.

All are managed by Negroes.

"When the A&P food store chain signed a million-dollar 20-year lease it was the largest agreement ever made with a black group in the history of America," according to Dr. Sullivan.

MORE PROGRESS AT THE PLAZA

Things were really happening. The Ford Foundation gave the Zion Nonprofit Charitable Trust (as the 10–36 Plan was legally named) a $400,000 grant to build an Entrepreneurial Training Center at Progress Plaza. Operating day and night, the school has turned out hundreds of black managers and entrepreneurs for Philadelphia.

Later, another Ford grant helped set up a National Economic Developmental Center which trains Afro-American economic developers for other cities around the country.

One spring day in 1968 Dr. Sullivan put in a phone call to Mark Morton, vice president and general manager of General Electric's huge Missile and Space Division at Valley Forge, Pa. He casually invited him to breakfast. The two men had come to know each other when the Negro pastor was scrounging around for equipment for his OIC operation.

Over coffee and toast Dr. Sullivan asked Mr. Morton: "What do you need to start an aerospace company?" The GE executive already was aware of his host's go-for-broke approach but this one took him slightly aback. He said he would have an answer in a week.

At their next meeting Dr. Sullivan hung on every word as Mr. Morton spelled out the complexities of launching an aerospace firm from scratch. Finally, he asked, "But where do I get a guy to run it? And what must he know? Just give me the qualifications and I'll find the man."

Mr. Morton put his staff to work to draw up the qualifications that an aerospace company manager should possess. Among the staffers was Benjamin W. Sallard, 39, a highly-talented production manager with a promising career at GE. Mr. Sallard is a Negro.

Shortly after receiving the GE staff study, Dr. Sullivan invited Mr. Sallard to his home. The latter assumed the visit was necessary to clear up some points in the report. Dr. Sullivan peppered him with questions. Mr. Sallard was completely unaware that he actually was being interviewed to head up the nation's first black-managed aerospace company.

Not long afterward another of Leon Sullivan's dreams began to take shape and Progress Aerospace Enterprises, Inc., a maker of parts and components in the aerospace field, was established. True, it had no money, no plant, no equipment, and only one employee—Ben Sallard.

But Dr. Sullivan had been busy behind the scenes and soon this was corrected—with a $2,575,000 contract from General Electric. GE's involvement was visible all over the place. As Mr. Morton was to say later:

"PAE must succeed; it's already taken a half-dozen of our best people, and the ones Rev. Sullivan couldn't hire are working for PAE as consultants."

Soon there were other contracts, from Boeing, Philco-Ford, Westinghouse and the National Aeronautics and Space Administration. Another Sullivan enterprise had been successfully lifted off the launching pad.

CLOTHES-MAKING, TOO

At about the time Dr. Sullivan was scurrying around to get PAE organized and productive he was engineering the birth of still another project, Progress Garment Manufacturing Enterprises.

Working closely with the International Ladies' Garment Workers Union and the Villager Corp., one of America's largest makers of women's garments, and with the help of the Singer Corp., he was able to announce in August, 1968, the opening of Philadelphia's first Negro-owned-and-operated garment factory. By the end of the year it was producing clothing, appropriately labeled "Ten Thirty-Six Fashions."

One of Progress Garment's major purchasers today is Sears, Roebuck & Co. Of this arrangement Dr. Sullivan says:

"Mr. [Arthur] Wood, the president of Sears has become one of my strongest supporters. He has taken a personal interest in what we are trying to accomplish and he has become a close friend."

Though perseverance and prayer have had a lot to do with Dr. Sullivan's success, many of his ideas would have died aborning without funds. There have been grants from foundations and outright gifts of cash but, in the end, the federal governmnt has put up the big money.

OIC's budget across the country amounted to $23 million in 1969 with a substantial portion of this coming from the Office of Economic Opportunity and the Departments of Labor and Health, Education and Welfare.

To achieve Dr. Sullivan's goal of 100,000 trainees a year in OIC centers will, he says, require an outlay in the neighborhood of $300 million. Dr. Sullivan is confident OIC, which is now being run by a professional staff but which still gets plenty of its founder's time, will receive the money. Ultimately, he thinks, OIC will become the major component of technical training in this country.

From the taxpayer's standpoint the government's contribution to OIC manpower training is a sound investment. Dr. Sullivan can show that OIC will train a worker for $1,300 on an average, or about one-third what the federal government normally pays in this area.

GOING NATIONAL

As more and more centers began operations Dr. Sullivan realized he no longer could deal with the business community on a city by city basis. He would have to involve industry on a national scale.

The basic goals had not changed, however. People needed jobs, and industry and business needed workers. It was a question of putting the two ingredients together, but on a much grander scale.

"I decided, then, to organize a national advisory council composed of the top industrial leaders of America," Dr. Sullivan remembers. "And I set my sights at the very top."

He did not have to go far. The Scott Paper Co. is headquartered in nearby Chester, Pa., and there he put his proposition to Thomas McCabe, then chairman of the board.

"If anyone could reach the top executive industrial leadership it was Mr. McCabe," Dr. Sullivan wrote in his autobiography, "Build, Brother, Build."

Mr. McCabe agreed to help and soon was on the telephone calling his friends, some of the biggest names in American industry. The late Gerald Phillippe, board chairman of General Electric, would serve as chairman of OIC's National Industrial Advisory Council. Joining him were William M. Allen, president of Boeing; Joseph A. Dallas, vice president of Du Pont; John T. Dorrance, chairman of the board of the Campbell Soup Co., and many others.

In February, 1968, the council gathered in Philadelphia for its initial meeting. One newspaper called it "the most formidable and influential group of business leaders assembled in the recent history of Philadelphia, at one place at one time."

George Champion, former board chairman of the Chase Manhattan Bank and a strong supporter of OIC, said: "This is the most extraordinary and exciting program I have ever seen. The business community of America must help it to succeed."

And J. Paul Austin, president of Coca-Cola, exclaimed, "It ought to be duplicated across America."

AFIRE WITH SELF-RESPECT

President Lyndon Johnson toured the Philadelphia OIC facilities in June, 1967, and talked with many trainees. As he was leaving he said:

"What I have seen is not just a training program. I have seen men and women whose self-respect is beginning to burn inside them like a flame."

OIC, conceived as a means of helping Philadelphia's disadvantaged blacks, draws neither a geographical nor a color line today. Some 80 per cent of the trainees in San Jose, Calif., are Mexican-Americans. Sixty per cent of those in Roanoke, Va., are white.

Many Indians attend OIC training in Oklahoma City. A new center is planned in Kentucky's hill country for poor whites.

New jobs and new outlooks replace despair for most men and women who move through OIC training. One man's experience, although not typical, tells the story.

"He came into my basement office in the church one day," Dr. Sullivan recalls. "He was not long out of jail—15 years for grand larceny. He had tried to get a job but his prison record was against him. All he wanted from me was a handout.

"I gave him a dollar and said, 'This won't last you long. What you need is a job.' I encouraged him to try OIC.

"One of the biggest industries in Philadelphia took a chance on him after he completed his training as a machinist. That was more than three years ago. Today, he is a foreman and a respected man in the community."

Many other Americans have gained respect through Dr. Sullivan's efforts coupled with their own. And Dr. Sullivan hopes the story will be repeated among non-Americans, too.

He is trying to get similar job training programs for the unskilled started abroad, and already the governments of Kenya, Ethiopia, Algeria and the Dominican Republic have asked him to help them do so.

NEW JOBLESS: THE HIGHLY PAID OUT ON THE STREETS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GOLDWATER. Mr. Speaker, one of the major problems now besetting hundreds of thousands of Americans is the effect that defense and aerospace reductions are having on their jobs. My congressional district in southern California, is composed of thousands of these dedicated Americans. An article published in the March 19 issue of the Los Angeles Times contains an excellent summary of the effect that these cutbacks have had on one engineer. I believe that his story is typical of many of these people who now find themselves unemployed as a result of these cutbacks.

Their story is important and I believe that this article should be read by all of my colleagues here in the House:

NEW JOBLESS: THE HIGHLY PAID OUT ON STREETS

(By Robert A. Rosenblatt)

What happens when your income drops from $327 a week to $65?

"We eat hamburgers and chili beans," says A.G., a 57-year-old engineer with a master's degree who hasn't worked since October.

"My wife and I changed functions. She goes to work every day. I stay home and take care of the house and the children."

For A.G. and thousands of others, the aerospace industry cutback is a full-scale depression. Hired two years ago, he was laid off by McDonnell Douglas Corp., a St. Louis-based firm that dismissed 15,000 Southern California workers in 1969.

During 13 years in the industry, A.G. worked at four companies on a variety of missile and space program jobs. He was transferred to Houston once during an economy move but never was laid off.

Now he's out on the street and desperately looking for work.

NEW ECONOMIC PHENOMENON

A. G. is part of a new phenomenon in the post-World War II economy—the suddenly growing ranks of the highly educated, highly paid who have lost their jobs.

Layoffs traditionally hit the man carrying a lunch pail, not the man with a briefcase.

However, American industry's growing sophistication produced a highly educated, professional work force. Modern companies have an ever growing number of white collar jobs. When layoffs come, they hit large numbers of these employes.

A. G.'s income is $65 a week in unemployment insurance benefits, and he is nearing the end of the eligibility period.

Letters and resumes to more than 100 companies as far away as South Africa, and 8,000 miles of car trips around California, haven't produced a job.

A CHANGED HIRING SCENE

The boom and bust aerospace industry is deep in a down part of the business cycle with little relief in sight. In previous slack times, layoffs at one company were balanced by hiring somewhere else.

"People could move from one job to another and keep their homes and families in the same area," recalls Frank Smith, director of industrial relations at Northrop Corp., Beverly Hills, which has sliced 1,600 workers from its West Coast payrolls this year.

A slimmed down defense budget, curtailment of the space program, and a slackening of orders for civilian aircraft hit the industry all at once.

Commercial aircraft development, and subcontracting jobs for military contracts are expected to put some people back to work in Southern California. But industry sources agree that these improvements won't offset recent cutbacks, at least in the near future.

Even for workers who are willing to leave the state for another aerospace job, the picture is gloomy. Boeing Co., Seattle, has laid off 12,000 in the Puget Sound area, plus 3,000 elsewhere. Since Jan. 1, Grumman Corp., Bethpage, N.Y., has been planning to trim its 32,500-man work force to 27,500 by the end of the year. About 8,000 employes at the Ft. Worth, Tex., and Pomona plants of General Dynamics Corp. lost their jobs in a cutback that started in mid-1969.

The British government reports a huge upsurge in applications from aerospace engineers who emigrated to the United States during the "brain drain" of the past decade.

"Sure, I'll pick up and move in a minute if somebody offered me a decent job," says a $20,000-a-year administrator laid off by North American Rockwell Corp., El Segundo, in February. The company dismissed 17,000 workers last year, and another 5,000 will be jobless by April 1. About 30% of the jobless are engineers, and 10% are managers.

LEAVING INDUSTRY

The former administrator says, "I would be willing to take a pay cut to $16,000 or $18,000 a year, but nobody is offering any work."

He's ready to leave the industry. "I was going to lease some land and run a boarding stable for horses, but the property didn't become available." He also applied unsuccessfully for jobs managing a resort and working on industrial development for a Chamber of Commerce.

One engineer is running a gas station, another writes for a financial magazine, and several have taken civilian jobs in South Vietnam.

Three of every five aerospace people applying to one Los Angeles-based employment agency are asking for jobs outside the industry.

"Hundreds of them want to be salesmen in the engineering field or handling technical products," said one job counselor. "They feel it's a chance to get big money and have more job security."

But, he warns, "These jobs aren't so easy to get. A man has to have the right background and personality to be a good salesman."

Many unemployed professionals are job hunting in government agencies at the state and city levels. Others are signing up for federal civil service examinations.

"My main interests now are job security and a decent wage even if it's not as much as I was getting before," says a former contract planner at North American Rockwell.

He has applied for management jobs at the Post Office, the Internal Revenue Service and the Los Angeles County Engineering Department.

Aerospace firms are holding job fairs, where representatives of businesses ranging from computer manufacturing to grocery retailing can pick up packages of resumes and get a line on the skills now available.

Hiring has been spotty, with no trends apparent on how aerospace professionals will be absorbed into the economy.

In aerospace itself, some hiring is going on, to take care of normal attrition but the new jobs are mostly restricted to specialties such as structural engineers.

TIES TO SOUTHLAND

An exodus from the southern California area has not yet begun. Most of the unemployed are going through their savings and cutting expenditures for everything but necessities while they search for work.

"It's very difficult to relocate people," says an employment agency executive. "Their kids are in school, they have 5% loans on their homes, and they like living in California. People don't want to pick up and move. They don't want to face an 8.5% or 9% loan for a home somewhere else. Many of them say the cities in the East are too crowded and uncomfortable."

Some aerospace workers are getting jobs in the computer and computer peripheral equipment industries, reports Leo May, technical manager at VIP Agency, Inc., Los Angeles.

"People who can qualify, such as circuit designers, can make the transition," he said.

Jobs are also available at firms making electronic components—semiconductors and integrated circuits—but the positions usually require moving from Southern California, May said.

Applications at VIP, which specializes in professional and technical people, are up 50% in four months.

"There's a tremendous pool of skills available," says May. "People being laid off now are very good men. But it's really tough to move them into jobs outside the aerospace industry.

"It's easy to convince an out-of-work engineer to go to a nonaerospace company. But often, it's hard to convince the commercial company to take him. Aerospace pays a high dollar."

MANY OVERTRAINED

Marge Selman, an employment agency president, says, "Normally we have any number of positions open with salaries between $17,000 and $25,000. Today we have all the qualified candidates and not many positions."

High salaries and narrow job skills make many aerospace personnel virtually unsuitable for other technical jobs.

"We got 400 responses to a simple, blind ad for a junior industrial engineer," says an executive with a large Southern California company outside the aerospace field. "It was a case of generals applying to do a private's work. They were overtrained and overpaid for the job we have in mind." He hasn't hired anyone yet.

A. G. is caught in this dilemma. He has worked on ultra-sophisticated missiles and moon shot equipment, wrestling with the problem of shielding the communications system from electromagnetic interference (radio waves, atmospheric problems or signals from another part of the system).

"I worked damned hard to build up my knowledge and to give my family a good standard of living," he says bitterly. "Now nobody wants me. All I ever get is moral encouragement. Employers say they are impressed with my credentials, but they won't give me a job."

"I'm tired and nervous, and I just don't know where to turn."

HARD ROW TO HOE

A. G. is barely coping with economic slump. His wife formerly worked part-time when the family wanted something special like an expensive vacation. Since A. G. lost his job, she works full time as a clerk and typist, contributing her full salary to help pay for food and meet monthly mortgage expenses.

Their savings are gone and A. G. says, "I just don't know what I'll do when the unemployment checks stop coming. We barely pay all the basic bills now."

"I'll go anywhere to get a job. You can't imagine how bad it is until something like this happens to you. You lose all your dignity and pride as an intelligent person."

The vice president of a small consumer-

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oriented electronics firm says he's sorry to see so many jobless engineers, but insists they can't help his company.

"We aren't shooting off any spaceships here. These guys worked on magnificent projects. We need nuts and bolts people. People from aerospace won't fit in here."

Kaye Kiddo, corporate manpower administrator at Lockheed Aircraft Corp., Burbank, is very worried about the industry's attraction for young people.

"Each time we go through one of these convulsions, the image of the industry as a good place to work tarnishes a little. Enrollment in the engineering schools goes down, and the brighter kids go into other professions."

NIXON AND THE POOR

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. KYL. Mr. Speaker, Richard Nixon is increasingly being seen as a President whose actions speak louder, and more convincingly, than the words of his critics. In a perceptive column entitled "Nixon and the Poor," Roscoe Drummond explains how the President "is saying less and doing more to remove the blight of poverty in the United States than his predecessors."

The column enunciates six areas, encompassing family assistance, education, housing, and spending on social programs where the President's leadership is promising relief and hope to poverty-stricken citizens in the United States. I commend this column to the attention of my colleagues:

NIXON AND THE POOR

(By Roscoe Drummond)

WASHINGTON.—Don't try to pin a cliche-label on Richard Nixon. It won't stick.

He displeases the extreme right. He infuriates the extreme left. And he makes it impossible for either conservatives or liberals to decide whether he is really their man.

He isn't. He is a mixture of both and a captive of neither. His actions are a mixture of both, and on balance they defy all the old-style political labels.

It isn't deliberate. It's the way Richard Nixon as a person thinks and acts. He simply doesn't measure his policies or his actions with the yardstick of liberal or conservative, political right or political left.

Obviously there are numerous Nixon actions which please conservatives.

There is his priority goal of holding inflation, his determination to cut spending to keep a balanced budget after so many years of deficit spending, his plans to decentralize government, his tougher line on crime and violence.

But just when the politicians or the columnists think they have got the President neatly ticketed, he embarks on a series of measures which fit quite a different label—if any at all.

Central to so much the President is doing is the issue of poverty, the end of which he sees as the key to racial justice, better education, better housing.

This is why Mr. Nixon is not neglecting the poor.

This is why the first activist Republican President since Teddy Roosevelt is saying less and doing more to remove the blight of poverty in the United States than his predecessors.

Here are some of the things he is doing:

1. The Nixon-proposed family assistance program, which is a significant stride toward a guaranteed annual income, goes further to reduce poverty than anything undertaken in the most innovative years of the New Deal. It will be passed by Congress this year, and it will be the capstone of the Nixon record. Few realize that its early effect, together with food stamp assistance, will be to lift some 7,000,000 low-income people above the official poverty-level of $3,400 yearly for a family of four.

This is an antipoverty measure with a sweep. It extends financial assistance to about 12,000,000 more than now covered. It requires recipents to take job-training programs and go to work where work is available. It provides an incentive to get off welfare by enabling recipients to earn more while graduated reductions in welfare payments take place.

2. Richard Nixon is asking Congress to guarantee that the children of poor parents get the means to have a college education. "No qualified student who wants to go to college," he says, "should be barred by lack of money. That has long been a great American goal. I propose that we achieve it now."

3. At the same time the President is pressing Congress to take further steps so that ownership of public housing can be more easily attained by low-income people. Rents are to be cut, and no down payments for federal housing administration loans are to be required.

4. Mr. Nixon is not waiting for the end of the fighting in Vietnam to cut military spending so that more money can be available for acute domestic needs. The defense part of the federal budget is lower today than at any time since 1951. More than 40 percent of the total '71 budget now goes to social programs and the human resources percentage of the budget is 21 percent higher than 1969.

5. The President's revenue-sharing plan is designed not alone to decentralize government but to help the states provide more adequate social services.

6. President Nixon isn't stopping here. At his direction the Office of Economic Opportunity will devote itself primarily to innovating and testing new programs to reduce poverty so that they can be proved out before applied on a larger scale.

There is no thundering rhetoric from the White House on a "war against poverty," but it is already evident that action is exceeding promises.

NIXON ON SCHOOLS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. DEVINE. Mr. Speaker, from all parts of the Nation and from all segments of the press have come words of praise for the President's recent statement on school desegregation.

Typical is one from the liberal Los Angeles Times which calls the President's program "the most constructive possible at this time."

Attached is the entire editorial from that paper, of March 23. I commend it to my colleagues:

PRESIDENT'S SCHOOL PLAN SOUND

Issue: What are the consequences, for Los Angeles and the country, of the President's school desegregation statement?

"The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple," Mr. Nixon said in his statement on schools Tuesday.

". . . Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive."

We believe that the President has presented a program for action which is, on the whole, the most constructive possible at this time.

If the President's proposals are followed in full by his Administration, the courts, Congress and local school boards, the country will have put itself on a sound footing for making real progress toward both racial equality and better education.

Mr. Nixon's program is, to be sure, a compromise. But it represents the most in the way of movement toward school desegregation that most Americans will support now. With popular assent, significant and steady progress can be made; without the backing of public opinion, progress would be more doubtful.

It would be a mistake to suppose that this program, if carried out, would be a retreat on the matter of school desegregation.

On the contrary, it represents an advance in several respects:

Mr. Nixon has stated unequivocally that his Administration will move against all de jure segregation, North and South—segregation imposed or abetted by government power.

Racial balance in teacher assignments must be achieved in all school districts.

School administrators in all parts of the country must remove all vestiges of discrimination in educational quality—things, like class sizes, length of session, textbooks, buildings.

The President has asked Congress for $500 million in the coming year and $1 billion in the next to help school systems under court order to desegregate, to give special aid to inferior segregated schools, and to finance innovative techniques for bringing children together for interracial experiences.

School boards will be encouraged to devise effective desegregation policies.

Mr. Nixon again stated his opposition to massive busing to achieve desegregation and to imposition of strict formulas for achieving racial balance, although a school district could integrate by using if it desired. Where segregation is truly de facto—the result of residential housing patterns only—the President would not take governmental action to desegregate schools.

We in Los Angeles should not suppose, however, that because the President opposed massive busing and singled out Superior Judge Alfred Gitelson's decision here as "probably the most extreme judicial decree so far," we can return in forgetfulness to the old ways.

For the President, like the courts, said that a school board's good faith toward desegregation is an essential; and both President and courts have been unequivocal about eliminating de facto segregation. Judge Gitelson presented impressive evidence to show that in Los Angeles the school board was guilty of both bad faith and de facto segregation. If applied to Los Angeles, the President's proposals would probably bring about some significant changes, at least in district boundaries and teacher assignments.

The important word here, as throughout the President's program, is "if." Mr. Nixon left some aspects of his proposal vague. But if he carries out in full the intentions he expressed, the nation will have, The Times believes, a reasonable program of action toward both school desegregation and better education which all Americans can, and should, support.

OEO TRAINING PROGRAMS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SMITH of New York. Mr. Speaker, a recent article in the Washington Post describes an OEO-supported community action agency in Alabama that has adopted a novel approach to the problem of inadequate housing for the poor.

The organized community action program—OCAP—of Pike, Bullock, and Coffee Counties trains poverty-level men in the building trades. While in training, these men actually construct homes which are then sold to the poor. The buyers of the homes pay only for the materials used in the construction and are aided through special FHA loans.

Of course all vocational programs offer the advantage of job training and the possibility of moving up the ladder. This particular program has the added advantage of providing new homes for poor residents of the three-county area.

What is equally interesting to those of us concerned with the plight of the poor and their housing needs is that the local community action agency has been experimenting with prefabrication, a form of construction which could have a major impact on the housing crisis in general.

This case of the poor housing the poor is a fine example of how the projects of the Office of Economic Opportunity can teach the poor to help themselves and each other. It also shows how a little imagination can be used to double the effectiveness of our job training programs. For this reason, I would like to place in the RECORD the Post article which discusses this very worthwhile program:

OEO PROGRAMS PROVIDE HOUSING, BUILDING TRADES TRAINING

(By Bruce Galphin)

SMUTEYE, ALA.—Moving around in Pearl Cox's cabin is a bit like running an obstacle course. Bedding and belongings of Mrs. Cox and her husband, daughter and seven grandchildren fill the two-bedroom home.

Patches cover only some of the holes in the walls and floor. As a final sign of hostility, the sagging, unpainted wood dwelling has a low porch roof that cracks the head of an unwary visitor.

But what most bothers Mrs. Cox, an elderly, frail woman, is the fact that there are no closets. Clothes must be hung on nails in the wall.

All that is about to change. Any day now, the whole family will move down the road here in rural Bullock County a few miles north of Troy to a new three-bedroom house. "The closets alone be worth it," says Mrs. Cox.

DAUGHTER'S HOUSE

The prefabricated house actually will belong to Mrs. Cox's daughter, Mattie Lee Rodgers, whose job at a cotton mill is the family's principal source of income.

Given the size of the family she supports, Mrs. Rodgers is officially poor under the OEO poverty index. She could have no hope of buying a house under conventional financing methods.

But under an experimental project of the Pike-Bullock-Coffee County Organized Community Action Program, Mrs. Rodgers will own her home. And thanks to a combination of programs for the poor, her notes will run only $19 a month.

It is a case of the poor housing the poor.

OCAP's Low Income Housing Program, the only one of its kind, operates under a $100,000-a-year budget from OEO and local sources. It trains poverty-level men in building trades, pays them $1.60 an hour while they learn, then sells the houses the trainees build to the poor.

LABOR DONATED

Buyers pay only for materials—an average of $6,000 per house—and the minimal price of rural land. The labor, worth roughly $4,000 on the local market, is donated.

FHA provides special 33-year loans, and mortgage payments are subsidized under a federal program that gears assistance to the recipient's income and family size.

Low Income Housing Director Floyd L. Andrews, a former teacher who can discuss construction with the familiarity of a contractor, does not claim that the LIH pilot project offers a universal solution to the housing shortage. Other approaches may be more practical in other communities, he said.

Another pilot program called "sweat equity," in which the recipients themselves build the houses, is receiving much attention in poor rural areas like Greene County, Ala. But "sweat equity," Andrews observed, requires several families to be free to work on each other's homes over an extended period.

And in a large city, neither it nor the trainee-built homes may offer a practical solution.

PREFABRICATED HOUSING

But the local OCAP program has been experimenting successfully with a form of construction that is expected in the next few years to have a major impact on the housing industry: prefabrication.

Low Income Housing trainees have built some frame and some cinder block houses, but all of the recent ones have been masonite-walled Kingsberry Homes hauled in by truck. Roof and exterior walls go up in a day, although the prefab houses require about as much interior finish work as a conventional house. Finishing includes wood paneled walls, a wall furnace, and modern kitchen and bath.

LIH gets higher marks for building houses than for training builders. Of 36 trainees surveyed after more than a year of operation, only about half were working in the building trades.

Eight could no longer be located, and eight others had taken different kinds of jobs. Two were physically unable to work, and one was in prison. The highest wage any reported was $2.15 an hour.

But 28 houses have been built in the first year and a half of operation, and work soon will get under way on another 10. All are occupied or spoken for, and each represents a dramatic upgrading in housing standards for the new owners.

TAXPAYERS: A TRYING SIMPLICITY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HUNGATE. Mr. Speaker, we have all seen the TV program which asked "Gee, what can I complain about now to the IRS?" The tax returns have been simplified so that if you learned how to file one last year, you will not know this year. The New York Times carried an article that outlines exactly how easy the present form is to use and understand. The article follows:

[From the New York Times, Apr. 5, 1970]

TAX FORM: PROBLEMS START ON LINE 15b

It was bound to happen. The new tax return—designed to make the annual tax chore simpler—has, at least at the outset, caused some problems.

The problems appear to begin on line 15b of Form 1040—the form all taxpayers must use this year. (The card form familiar to low-income taxpayers has been eliminated.)

Many taxpayers who have already filed, have noted their deduction and exemption total on line 15b of the new form, which is a mistake.

The mistake is a natural one since this is the only one that seems to offer a place to set down this total on Form 1040. However, this total is not noted on Form 1040. It is listed on Schedule T, which may or may not become part of the tax return, depending on the taxpayer's circumstances.

In cases where the taxpayer need not file Schedule T, he nevertheless uses it to work out his total tax. In the process, he puts total deductions on the Schedule T work sheet on line 2 and his exemptions (times $600) on line 4.

The figure he derives as his total tax on Schedule T will appear at line 18 and the total is then transferred to his Form 1040, also at line 18.

Line 15b of Form 1040 is used to show something entirely different. The figure shown there should include deductible sick pay, moving expenses, employe business expenses and payments to retirement plans by the self-employed.

The total for these items is subtracted in figuring adjusted gross income, which is the figure used to determine the limitation on deductible medical expense and the taxpayer's limit on charitable deductions.

As a result of the erroneous handling of deductions and exemptions on line 15b, errors in the computation of medical expenses and possible charitable contributions may have incurred.

If you have made this mistake, you may follow one of two possible avenues. You may pick up at the district tax office an amended form numbered 1040X, or you can wait for the Government to pick up the error and let Uncle Sam make the adjustment.

There are other areas that deserve particular attention before the April 15 deadline. Just a couple of weeks ago, for example, Assistant Secretary of the Treasury for Tax Policy, Edward Cohen, noted that there were problems with the retirement income credit to which an estimated 2 million taxpayers are entitled.

The complexity of this feature of the tax law has always posed problems and Mr. Cohen estimates that perhaps a third of the people entitled to claim the credit had lost out because they found it too difficult to deal with.

The new tax kit contains a special Schedule R, which may help this year, although a wag notes that it is providential that those who claim the credit are retired and thus have the time to devote to the matter.

Here's a rundown on how to claim the credit prepared by the Research Institute of America.

First, on Schedule T, enter on line 6 the regular tax (without the surcharge) computed on the taxable income shown at line 5. Next, on Schedule R, enter the regular tax computed on Schedule T. Then fill out Schedule R to determine the tentative retirement credit as limited by the regular tax minus foreign tax credit or credit for tax free covenant bonds. The tentative credit is entered on Line 12.

TENTATIVE CREDIT

Then, back to Schedule T. Enter on line 7, the tentative credit worked out on Schedule R. This reduces the regular tax in order to arrive at the 10 per cent surcharge on line 9. Back to Schedule R.

Enter the surcharge on line 13 and compute the correct final retirement income credit limited by the full tax (regular plus surcharge).

Finally, back to Schedule T. Enter on line 11 the correct retirement income credit.

These steps may seem confusing and perhaps they are, but they will help the taxpayer get the highest possible retirement credit while the surcharge is in effect.

Taxpayers who reached 72 or were older last year please note: for you, earned income will not reduce the maximum sum subject to the credit.

If you have rental income, don't neglect it in the retirement income credit calculation. It is one of the specified types of retirement income eligible for the credit.

Even though income averaging offers an important way to save taxes, many taxpayers are reluctant to use it. They are worried about the possibility that the revenue agent will get involved in an examination of past returns in the so-called "base years."

This fear appears to be unfounded. Sidney Kess, partner of Main Lafrentz & Co., regularly talks to certified public accountants and lawyers regarding taxes in connnection with tax refresher courses he gives for the American Institute of Certified Public Accountants and for the Practicing Law Institute.

Thousands of these men who annually file over half a million returns for clients report that agents almost never look at the earlier returns when a taxpayer averages.

Averaging works for the man who suddenly moves up in the world—the interne or resident who goes into private practice; the returning veteran; the actor who has starved then appears in a smash hit and becomes important.

If a man's wife goes back to work when the children are grown, the couple may become a candidate for averaging due to this quantum jump in income.

Roughly, a taxpayer who earns more by a third in a single year than he averaged over the previous four years may save taxes by averaging.

Since taxpayers who are even more successful in succeeding years are permitted to average again and again, they should check this consideration with each passing year.

IMPORTANT VARIATION

Here is an important variation on the averaging concept. If man and wife both have incomes and the two incomes are roughly equal until 1969 when one or the other strikes it rich, the averaging process should be figured on both a joint and separate return basis.

Another major plus for the self-employed: If a man lost money in 1968 in his business he would be able to carry the loss back several years.

Let's say his income shot way up in 1969. He should consider averaging because he might do very well indeed.

The effect of the loss spread back over several years could be to wipe out income in some or all of his base years.

Again, heavy medical expenses in the base years which are terminated by a death in the family may have led to a substantially higher taxable income in 1969. Averaging is again worth considering.

We live in a mobile society and the tax law recognizes the costs of moving as a deductible expense—under certain conditions.

Two tests must be satisfied. There is the distance test which holds that the new work location must be at least 20 miles farther from the old home than the old work location is from the old home.

This seems confusing to be sure. But if you add up the mileages in your own circumstances it will become immediately clear whether you qualify.

For example, if the distance between your old residence and former job is seven miles, then location of your new job must be at least 27 miles from your old residence.

The other test concerns time. To deduct unreimbursed moving expenses—reimbursed moving expenses are of course non-deductible—you must be employed full time at the new job location or in the general vicinity for 39 weeks during the 12 months following the move.

UNIVERSITY OF SOUTHERN CALIFORNIA TAKES GIANT STRIDES UNDER TOPPING

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HAWKINS. Mr. Speaker, because of my personal association with the University of Southern California, and the fact that it is located in the heart of my district, I have followed with keen interest its activities and role in our community. The university's impressive accomplishments under the guidance of Dr. Norman Topping are effectively delineated in the acompanying article from the Los Angeles Times under the byline of William Trombley. I am proud to insert it in the RECORD for the attention and edification of my colleagues:

[From the Los Angeles Times, Apr. 5, 1970]

UNIVERSITY OF SOUTHERN CALIFORNIA TAKES GIANT STRIDES UNDER TOPPING

(By William Trombley)

Several weeks before the University of Southern California won its 12th Rose Bowl game last Jan. 1 the institution received an honor many of its officials prize much more—election to the prestigious Assn. of American Universities.

This association includes the nation's most powerful universities, public and private, and selection was regarded by USC administrators as recognition of success in the long, hard struggle to attain academic excellence.

No one had a better right to be pleased that Dr. Norman Topping, who in 12 years as USC president has built a financially threadbare and academically undistinguished institution into a first-rate university.

When Topping took over in September, 1958, USC "hadn't changed a great deal" from his medical student days of the 1930s, he recalled in a recent interview.

ENDOWMENT WAS SMALL

Some of the professional schools such as dentistry, medicine and pharmacy, were well-known and highly regarded, but at the heart of the university—its undergraduate and graduate education and research activity—little progress had been made.

The physical plant was inadequate, the endowment was small and fund-raising efforts had been generally unsuccessful. There was relatively little research activity in the sciences and in engineering. Large numbers of students attended the university only part-time and even many faculty members were part-timers.

Surveying this rather bleak academic scene, Dr. Topping appointed a commission of trustees, administrators and faculty members to come up with a master plan for future developing. In May, 1961, they did so.

Graduate education and research were to be emphasized, especially in engineering and the sciences, where substantial federal funds were beginning to become available.

Faculty salaries would be increased, to attract and hold good people. There would be new graduate schools of business administration, public administration and international affairs and the existing graduate schools of education and engineering would be upgraded sharply.

Students were to be drawn from a wider geographical area (until the mid 1950s more than 70% came from Los Angeles); more would be full-time students, living on or near campus.

Nine years later, a short time in the life of a university, most of these goals have been reached.

"We are now at a point where we have only some tag ends of the master plan to gather up," Dr. Topping said.

These are some of the major accomplishments:

More than $60 million worth of new buildings have been constructed, including the von KleinSmid Center for International and Public Affairs and the Frank R. Seaver Center for solid state sciences.

ONE "B" RATING

Faculty salaries have risen to the point where USC is rated "A" or better in all but one professorial rank by the American Assn. of University Professors. Only in the rank of full professor does USC draw a "B" rating from AAUP.

Graduate enrollment has been increased to about 55% of the university's overall enrollment of about 20,000.

Research support from the federal government has increased from $2 million to $28 million in 10 years.

Each year's freshman class is brighter than the last, as measured by test scores, and represents a wide range, economically, geographically and racially.

Most of this could not have been done without Topping's accomplishments as a fund raiser.

"Without Dr. Topping I think there's a very serious question whether this university could even have continued in existence," said Dorothy W. Nelson, dean of the law school.

USC has raised more than $155 million since the master plan was announced in 1961. Endowment is still low in comparison with other large private universities but has quadrupled—to about $35 million—during Topping's presidency.

Although the annual operating budget has increased from $18.5 million 11 years ago to $80 million in the current year, USC is "the only major university in the United States not to have run a deficit in any year," according to Carl Franklin, vice president for business and finance.

Two grants from the Ford Foundation totaling $14 million were instrumental in USC's progress in the last decade. Both were matched by the university on a three-for-one basis.

In addition, a $7.5 million grant from the National Science Foundation made possible many of the developments in the sciences and in engineering, especially in solid state science.

LOW RESEARCH FUND

Seventy-five new faculty members have been hired in this area in the last five years, according to Dr. Z. A. Kaprielian, dean of the school of engineering, who said these new professors have "given some visibility to the university."

When Kaprielian came to USC from Caltech in 1958, there was "zero research funding" in his field of electrical engineering, the dean said. This year USC professors of electrical engineering have attracted about $4 million in research grants, four times more than their crosstown rivals at UCLA.

"Why, this is almost a decent university now," said the versatile, outspoken Dr. Richard Bellman, who holds a triple professorship in mathematics, medicine and electrical engineering.

"This used to be a joke school—the NYU of the West Coast," Bellman said. "People came here to play football or because it was a good way for a ballplayer to get to the major leagues. The only time the university got any publicity was when somebody died from (fraternity) hazing."

But things have changed.

"Topping just decided that this was going to be a first-rate university," Bellman said. "He got the money and he got good people."

USE OF COMPUTERS

Bellman, who is interested in the use of computers to solve problems in education, medical care and other large systems, believes USC has been able to be innovative in this area because it has been catching up with other schools.

"This is one of the advantages of being behind," Bellman said, "An established place like Caltech or Harvard is not all that eager to have a new man come in and set up a large research project."

Not all of the improvement has been in science and engineering. Sam T. Hurst came from Auburn University to lead a revival in the School of Architecture and Fine Arts.

When he arrived eight years ago the school had a part-time faculty, part-time students and the curriculum was largely directed toward the immediate hiring needs of Los Angeles architectural firms.

Now, Hurst said in a recent interview, "We have mostly full-time faculty and we have many fewer 'moonlighting' students. The whole orientation of the school is more theoretical, with a stronger intellectual base. We believe that students who pay us tuition should not be getting from us what they could be getting by working in an architect's office."

The school of law has moved to make legal studies more relevant to contemporary social problems, sometimes to the discomfort of the university's administration and trustees.

"Law faculty and law students want to become involved with real problems," Dean Nelson said. "They don't want to be isolated from the system, studying appellate court decisions. They want to see the legal problems people have in real life—in juvenile court and traffic court, the trouble poor people have with certain kinds of contracts."

However, all this must be done "on the basis of precise scholarly work and study," the dean said. "We can't become politically involved."

SEPARATION DIFFICULT

Sometimes it is difficult to maintain this separation.

For example, USC was instrumental in starting the Western Center on Law and Poverty, which provides legal services for poor people in Los Angeles as part of the national "war on poverty."

At least one USC law professor has joined a law suit brought by the Western Center against the Los Angeles Police Department, alleging harassment and mistreatment of the city's black population.

This suit has irritated Police Chief Edward M. Davis and has caused him to be less than cooperative in some recent dealings, USC officials believe.

This in turn has annoyed some members of the university administration and Board of Trustees who wish they had less of an activist as dean of the law school.

MORE RELEVANT

But Dean Nelson's efforts to make legal studies pertinent to contemporary problems already have brought her, and the school, a national reputation and most experienced campus observers think it unlikely that any effort will be made to replace her.

In another attempt to bring university resources to bear on current problems USC has established a Center for Urban Affairs, which will offer bachelor's, master's, and Ph.D. degrees to specialists in the problems of large cities.

"We are a large university in the heart of a vast urban area," President Topping said. "We are completely aware that urban problems are major problems that must be solved and that a university can't be an ostrich and stick it's head in the sand."

A search is still under way for a director for the Urban Affairs Center but in the meantime several new programs have been started.

CITY PROBLEMS

One of the most interesting is the Urban Semester, in which 50 students spend all of their time studying the pleasures and problems of the city. They use Los Angeles as a laboratory, returning to campus for intensive seminar discussions of what they have seen and learned.

The Urban Semester not only brings undergraduates in contact with urban problems but provides them with an integrated course of study, answering in part the complaints of many contemporary students who object to the usual fragmented curriculum of four or five unrelated courses.

Another concentrated program in biological and environmental studies known as the Biology Semester will begin next fall.

Topping believes programs like these will "entice more of our brightest young people into helping solve what we see developing as a horrible situation" in education, housing, environment and other big-city problems.

While USC has been making great progress in the sciences and engineering and in most of its graduate and professional schools during the past 10 years, the same cannot be said of the liberal arts.

The College of Letters, Arts and Sciences, which includes most of USC's 9,000 undergraduates, faces a number of serious problems.

Physical facilities are inadequate. Founders Hall, where more humanities departments are housed, is badly overcrowded and plans for a new building are vague.

James McBath, professor of speech and coach of the USC team that won the televised "College Bowl" two years ago, said his department has only 1,520 feet of office space for 32 full and part-time faculty members.

The library is another source of complaints, particularly from professors and students in the humanities and social sciences.

With more than 1.3 million volumes the library is large enough—larger for instance, than those of Brown University, MIT or Vanderbilt—but faculty members complain that the collections are spotty and the service is terrible.

LIBERAL ARTS

Many liberal arts departments are understaffed, even though they must teach courses that are required of all undergraduates.

Faculty salaries in these departments are lower than in the sciences and engineering and lower than liberal arts salaries at other leading private universities.

As a result, many faculty members leave USC—about 10% per year, compared to a national average of 5% to 6%.

However, USC administrators say the faculty turnover problem is exaggerated. They claim the university has lost very few professors it really wanted to keep.

"There is a widespread feeling among faculty in the College (of Letters, Arts and Sciences) that the money is available, but that the pie has been sliced so that the professional schools have been at the head of the cafeteria line and the college has been at the end," said McBath, who is chairman of the University Senate.

IMBALANCE TOLD

"And just as important as the fact of this imbalance is the deep belief among faculty that it has happened."

Students complain even more loudly.

"This has been a potentially great university for the past 10 years but we are frankly facing a crisis period right now," said Mark Savit, a 20-year-old senior from Los Angeles who is vice president of the USC Associated Students.

"We need money for the liberal arts and we need it soon or we'll be a group of professional and quasi-vocational graduate schools with a rotten core."

Student Body President Fred Minnes, a 21-year-old senior from Marin County, said "bright, academically talented kids come here but they transfer out."

Savit said this happens because USC offers little in the way of independent study or honors programs for its best students and because the campus is politically apathetic.

"We have a lot of encouragement for people in athletics, but we don't offer much of anything for academic achievement," he said.

Indirectly, concern over the quality of undergraduate education led to USC's only major student turbulence of recent years.

Last Oct. 25, Homecoming Day, about a dozen students picketed the dedication ceremonies for Heritage Hall, a new $2.3 million athletic department facility, carrying such signs as "Where does USC rank in academics?" and "$2.3 million for academics."

DEMONSTRATION

Later the demonstrators carried their protest to Alumni Park, where thousands of alumni were picnicking before the USC-Georgia Tech football game.

Apparently this was too much for a few alumni who, perhaps under the influence of the liquid refreshments they had consumed with lunch (although USC is supposed to be a dry campus), began to tear up the picket signs and push, shove and punch the demonstrators, some of whom pushed, shoved and punched back.

The altercation lasted only a few minutes and no one was seriously injured but as the story spread across the campus during the weekend its proportions grew.

On the following Monday morning several hundred students gathered for a protest rally and 150 of them marched into Topping's office.

They demanded the firing of the dean of students and chief of campus police, who they said had refused to stop the alumni from attacking students. They also demanded a public apology by the university and the establishment of a "No. 1 priority for academics."

DEMANDS REJECTED

Topping refused to acede to the demands, though he said: "I regret very much that there was an overreaction by some of the alumni. I don't even know who they were. I regret very much their overreaction and their inability to control their tempers."

That afternoon a fact-finding hearing, conducted before a capacity audience of 450 in Hancock Auditorium, persuaded most listeners that no serious injuries had resulted from the scuffle and that students, as well as alumni, had struck some of the blows.

The incident has faded into the background, but, according to Mark Savit, "It politicized the student body to a considerable extent."

"This is still a largely conservative student body," Savit said. "We have a lot of vocationally inclined students and a lot of insulated people who do not see the outside world as influencing them—kids who want to coast through, get their diploma and go to work for dad."

Topping agreed that humanities and social sciences have fared less well than science and engineering in the last decade.

XUM

XUM

FEDERAL MONEY

"But this has been true everywhere, not just at USC," he said. "There has been federal money and other research money for science and engineering and now there is starting to be some for social science, but the humanities have been the forgotten children."

He said he expected "a greater emphasis in the next few years" on humanities and social sciences, including higher faculty salaries, more endowed faculty chairs, a better library and more scholarships and other student financial aid.

Formal announcement of a new academic master plan, concentrating on the College of Letters, Arts and Sciences, is expected to be made after the Board of Trustees meets April 24–26 in Palm Springs.

The man expected to lead the revival of Liberal Arts at USC is Dr. John R. Hubbard, vice president for academic affairs and provost.

FROM TEXAS

Hubbard, a 50-year-old Texan, describes himself as a European historian who "fell from grace" and entered college administration in 1953, when he became dean of Sophie Newcomb, the women's college at Tulane University.

Prior to coming to USC last summer, Hubbard directed the U.S. government's AID education program in India for four years.

He is enthusiastic about the possibilities at USC.

"All the resources are in this area—intellectually, the vitality of the place plus the raw wealth," he said. "If you can't build a really distinguished institution in this milieu you just ought to turn in your suit."

USC must have "at the central core a really distinguished liberal arts college," Hubbard believes. "I have pledged as my first concern the pursuit of that objective."

Hubbard has appointed as vice-provost Dr. John E. Cantelon, for many years a popular professor of religion and campus chaplain.

In an interview, Dr. Cantelon agreed that science, engineering and the professional schools dominate the USC campus, at the expense of the liberal arts, but he said he is encouraged by the sharp improvement in the quality of students in recent years.

"When you start with a kind of negative image USC had for so many years—a sort of combination football, rah-rah school and country club, it's tougher to attract the best students," Cantelon said. "But the tide is beginning to change. Election to the Assn. of American Universities is recognition of an academic renaissance that has been about 10 years coming."

Cantelon said USC now needs "the investment in humanities that we've had in science. We've got to realize that our most important product is humane human beings."

Another important appointment was that of Dr. Robert H. Linnell, a chemist and former administrator of the National Science Foundation, as dean of the College of Letters, Arts and Sciences.

CRISIS OVER

The appointments of Hubbard, Cantelon and Linnell have been well received by the liberal arts faculty. "There is a general feeling that the academic leadership crisis is over," said McBath.

But now faculty members and students are waiting to see if the administration and the Board of Trustees will be able and willing to raise the money needed to improve the liberal arts college.

Thomas P. Nickell Jr., vice president for planning, pointed out that it is easier to raise money for such things as the medical school than it is for the liberal arts college.

"People die of cancer and not of history," Nickell said.

However, Nickell insisted "we have always raised money for LA&S (the College of Letters, Arts and Sciences) and we can raise the money they need now."

To do it he is asking for two additional fund raisers, for the liberal arts college alone, in the next budget.

Some students and faculty members wonder if the university really wants to improve the liberal arts college.

Even more than most similar governing boards, the USC Board of Trustees is composed of wealthy, conservative, Republican businessmen. Many people on campus believe the trustees are suspicious of the liberal arts and will be reluctant to support them financially as well as they have science, engineering and the professional schools.

"I think the trustees are leary of the ramifications of having a decent college," said Savit.

"At one meeting we had, a trustee said it was hard to raise money for the liberal arts because political activism and violence come from that sector.

"Considering SC's apathetic record, that comment almost made me sick to my stomach, but I think that's the way a lot of trustees think."

CONSERVATIVES

An administrator who prefers to remain anonymous put it this way: "There are implications in becoming a great university. It means brighter, more troublesome students and brighter, more troublesome faculty. There are implications that a conservative governing board might not necessarily approve."

On the other hand, he said, "This has been going on for three or four years. It's an evolutionary thing and so far they have left us pretty much alone."

Topping denied that the board will drag its feet in supporting improvements in the humanities and social sciences.

"People who say that are talking from no knowledge," he said heatedly. "The board is not that way at all."

GHETTO AREA

He said the trustees have given strong support to the Western Center on Law and Poverty, the center for Urban Affairs and a health center in Watts, all activities that might be regarded as controversial.

"I don't think any board likes to see the institution where they have concern . . . get into political activity of any kind," Topping said. "But I have no doubt whatsoever that this board will support our efforts to improve the LA&S college and our work on urban problems."

If this turns out to be true, then the next 10 years should be as rewarding for USC as the last 10.

"Our image is changing fast," said Dean Sam Hurst. "We are still considered a conservative, inbred, sports-loving, academically soft institution . . . I don't think that's true any longer, at least not much of it is true.

"The attitudes and actions of the trustees will be crucial to the future. The question is whether the more liberal student body and faculty will run too far ahead of the more conservative trustees and, if this happens, how the administration will handle the problem."

SOIL CONSERVATION SERVICE, PIONEERS IN ENVIRONMENTAL QUALITY

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. WRIGHT. Mr. Speaker, for many years I have been involved along with others in the often thankless struggle for soil and water conservation and for environmental quality. I therefore take some comfort in the fact that at long last this basic cause is becoming a popular issue.

Some prominent figures who just a few years ago avoided this unglamorous subject like the plague are now striving with one another for the right to claim the title of "Mr. Clean."

Student groups throughout the Nation have discovered the word "ecology" and are beginning demonstrations in the name of the new god. Burying automobiles may even become more popular than burning draft cards, and everybody will admit that it is a lot more spectacular.

I want to point out, however, that some of the most capable people who have made the greatest contribution toward pollution abatement and a high quality environment are now in danger of being relegated to a backseat while more vociferous groups monopolize the spotlight. One group which has been a true pioneer in this vital field is the Soil Conservation Service and the 3,000 soil and water conservation districts across the Nation with which it is closely affiliated.

I make this point, Mr. Speaker, because these conservationists are some of my closest friends and because I have been their devoted supporter for many years. I also make this point because the greatest pollutant in the country today is still sediment, a product of soil erosion.

This, however, is nothing new. The late Hugh H. Bennett, who was the first Chief of the Soil Conservation Service, testified before the committee on Rivers and Harbors, House of Representatives, 79th Congress, first session, on bills for the control of water pollution in November of 1945. Let me quote you something Chief Bennett said before that committee nearly 25 years ago:

> The Soil Conservation Service is in full agreement with the efforts to control pollution of America's streams and other waters, the subject now being considered by this committee. There is little doubt that pollution of the Nation's streams and lakes is one of the most serious obstacles to the beneficial utilization of our invaluable water resources. It is our feeling, however, that the various kinds of stream pollutants have not been brought completely into proper perspective. In our opinion, erosion silt—the soil washed from farm and ranch lands—is by far the most important stream pollutant in terms of its widespread effect, the monetary damage it causes, and its influence on the health and well-being of our people. Without in any way minimizing the serious and detrimental effects of pollution by sewage and mining and industrial wastes, we should like to emphasize the fact that erosion-produced silt is our worst water pollutant.

It is clear that the Soil Conservation Service people are no Johnny-come-latelys in the pollution fight. According to one estimate I have seen, the amount of sediment kept out of streams by just one conservation practice—establishing permanent cover with grass or trees—is staggering. In the last one-third of a century, the silt which this one conservation measure has kept out of the streams would otherwise displace a volume of water equal to a 10-year supply for all U.S. households. So while everyone is talking about pollution, the Soil Conservation Service and conservation district leaders are and have been doing something about it.

I would like to itemize some of the ways soil and water conservation work reduces pollution.

SEDIMENT

Call it silt or mud if you would like, but sediment is the largest pollutant by volume of our streams, lakes, and harbors. It is also the carrier for other pollutants, sewage wastes, infectious agents, insecticides, pesticides, and chemical wastes often "hitch a ride" on soil particles held in suspension in water. And sediment can also increase the cost of purifying water.

More than 30 years of conservation work has greatly reduced the washing of soil from rural lands. But during that same 30 years, our Nation has gone through a period of unprecedented urban growth.

Developers have stripped the sod and trees from the land, new roads and industries have been built and other new sources of sediment uncovered. There is still a big job ahead of convincing people that conservation is not just a rural job for the farmers. Conservation methods that reduce sediment pollution on farms can also be used to fight the problem in nonfarm areas.

CHEMICALS

Many conservation measures reduce the need for pesticides and herbicides. Crop rotations are used to conserve and improve the soil—and to fight insects, weeds, and diseases. Certain plants kill nematodes, so a rotation to include these crops can help control them without the use of chemicals.

Other pests may live through the winter in stalks left standing in the fields. By mulching the old stalks, their homes are destroyed and the need for chemical control is reduced.

Conservation farming reduces runoff and erosion—and the likelihood of fertilizers and chemicals washing into streams and lakes. Obviously, if there were no soil erosion, the amount of chemicals washing into the streams would be negligible.

DUST

Wind-blown soil from the "Dust Bowl" of the Plains States once darkened the sky over Washington, D.C., and other eastern cities. The clouds of dust blew from land that had been mismanaged and overused. Conservation programs, using grass, tree windbreaks, wind stripcropping, and better management have eliminated dust storms of this magnitude.

SMOKE

Burning woodlands, prairies, and crop residues once sent natural plant nutrients up in clouds of smoke that blanketed the countryside for weeks at a time. Now, thanks to enlightened conservation methods, this source of air pollution has been almost eliminated.

SOUND

A growing problem is irritating sound or "noise pollution."

SCS soil surveys and other land use information help zoning officials plan alternate land uses around noisy airports. Parks, lakes, and industries can often be located in such areas where the noise level is too high for hospitals, schools, or homes.

Highway noises create an irritating level of sound. A sound barrier of trees, similar to a windbreak, can be used to beautify the view and muffle traffic noise.

ALLERGENS

Pasture maintenance, vegetation of idle land and crop rotation are among conservation practices which help control ragweed, goldenrod, and other sources of allergens.

Along with many others who support the soil and water conservation movement, I am disturbed. While all this public clamor about pollution and the environment is going on, I find that the agency which for many years has been a leader in the pollution abatement field, continues to work with reduced funds and people.

In my State alone, the Soil Conservation Service now has 100 fewer people than it did 4 years ago and 150 fewer than it had on January 1, 1964.

So I suggest that if we are really serious about fighting pollution, we strengthen instead of weaken the soil and water conservation movement.

MUTUAL FUNDS VITAL TO DEVELOPING NATIONS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, inspired by sources which have so far proven impossible to identify with certainty, some members of the working press in this country are engaged in a genuine vendetta against mutual funds which includes scurrilous, personal attacks upon those of us in Congress who recognize the valuable service performed by these institutions in furnishing the only effective avenue for channeling one's savings in relatively small amounts to diversified equities which offer some prospect of hedge against the rampant inflation of our times.

At the very moment when the stock exchanges and the brokerage houses are compelled by sharply rising overhead expenses to turn their backs upon the small investor, a few newsmen like Jack Anderson are indulging in verbal rhetoric which, like that of certain other minute segments in our society, is intended to destroy a highly respectable and beneficial American institution which serves the small investor very well.

Of course, many less strident voices in the financial press take a different view, but as Vice President AGNEW has recently pointed out in relation to other national issues, somehow these voices of moderation do not get as much public attention as the strident few. That is why on January 28, 1970, I inserted in the CONGRESSIONAL RECORD an example of the moderate voices on the subject of mutual funds from Barron's in which a professor at the University of Rochester concludes that the presently proposed mutual fund "reforms" would do more harm than good.

In the March 10, 1970, issue of American Banker there appears another example of a clearly disinterested but well-informed observer speaking out in moderate tones in defense of the mutual fund as a financial institution and describing the important economic function it performs for the public. This article is especially interesting because it appears in the official periodical of the American Bankers' Association, which is sometimes considered unfriendly to the mutual funds, and also in that it was written by a banker in our sister nation below the border, thus furnishing a refreshing perspective on this subject. The article is entitled "Mutual Funds Vital to Developing Nations" and is written by Agustin Vega, director, Banco de la Ciudad de Mexico, S.A. I insert this article in the RECORD at this point:

[From the International Banker, Mar. 10, 1970]

MUTUAL FUNDS VITAL TO DEVELOPING NATIONS

(By Agustin Vega)

At the meeting of the Inter-American Economic and Social Council in Venezuela in February of this year, there was discussion about President Nixon's plans for financial aid to Latin America and his requests for U.S. Congressional authorization for various specific fund allocations.

Among President Nixon's funding requests was $30 million to encourage the development of stock markets in Latin America. Specific reference also was made to the need for creating adequate instruments for the development of these markets, such as investment banks and the establishment of other private financial intermediaries including mutual funds which have operated successfully in the Brazilian capital markets.

The mutual funds seem to be emerging as the most important of the private nonbanking intermediaries in the developing nations. Though the Latin American experience is recent, this type of investment medium has consistently experienced rising growth. With total assets of about $150 million in 1969, mutual funds have performed their basic functions as intermediaries of financial resources through the acquisition and sale of their own securities and those of industrial, commercial, banking and service companies, most of which are listed on existing stock exchanges.

There is a close relationship between the development and behavior of the mutual funds and the securities exchanges. The effectiveness and prospects of each depend on the effectiveness and prospects of the other.

An open and liquid securities market is vital to the development of mutual funds and the mutual funds further investment transactions through the stock market. They can activate the role and the orientation of the development of securities markets.

The mutual funds do not yet account for a large share of the capital markets in Latin America but, as evidenced by their growth, they will assume an increasing role. They constitute one of the most useful and convenient instruments for mobilizing internal capital resources as these countries develop their commercial economy and progress to financial adulthood.

Mutual funds are a vital instrument for the promotion and collection of popular savings. They perform the important role of stimulator and allocator of personal savings to industrial and service corporations. They offer entrepreneurs alternative sources of financing. Additionally, mutual funds provide the small investor with more diversified holdings and liquidity than they could possibly achieve by acquiring individual stock holdings.

These developments will encourage the stock market to become a financial channel of decisive importance. In turn, this will require the stock market to transform its own mechanism and create more specialized instruments for the mobilization of popular savings that otherwise would lie idle under the mattress.

There have been several attempts in Latin America to channel popular savings into the financial market. These efforts, however, have not fulfilled expectations, partly because of the lack of financial education and partly because the sales techniques in use did not provide the potential investors with a clear and precise idea of their money's fate nor a distinct image of themselves as owners of something tangible.

Mutual funds stand out, therefore, as a most valuable means for the mobilization of savings. Their operating principles are simple and easily understood by savers and, with a dynamic sales plan, they can act with agility and effectiveness among small and medium-sized investors. The situations maintained by mutual funds in areas other than Latin America make outstanding examples. In the U.S.A., mutual funds are the most dynamic institutions within the stock market.

They number more than 500 and manage over $50 billion. European capital markets have seen increasing acquisition of mutual fund stocks by their citizens over recent years, giving their own markets liquidity and transactions volume never before experienced. In Western Europe, there are more than 350 mutual funds with about 3.5 million share-holders and total assets close to $4.5 billion.

In spite of the impressive growth of mutual funds in Latin America, there remain vast opportunities for the future. Such opportunities are reflected in the high volume of savings that leave Latin America for investment elsewhere and which constitute a major potential market for national mutual funds.

When the significance of the departing capital was recognized, the Latin American countries began to institute policies to encourage national savings to be invested locally. Venezuela, for example, set up a Committee to study ways to develop its capital market; Brazil began to create instruments to revitalize its stock market and thereby channel its citizens' savings into its own economy. There are many similar examples.

Between 1956 and the present, a very modest $45 million has been collected by Mexican mutual funds.

This amount is far below what the conditions of the population and the national economy would indicate. 60% of the Mexican population is under 20 years of age and these young people are mainly concerned with attaining a good economic position as quickly as possible. Mexico also has a middle class of some size whose incomes more than cover their living expenses and who should be provided with a selection of investment possibilities. There is also an increasing number of young executives with incomes that grow each year. These are all potential investors.

If we examine the actual conditions of operations of mutual funds in Mexico, it will be realized that the presence of new mutual funds, far from creating unfavorable competition, would actually contribute to more liquid and professional stock markets in which they could all evolve. Until now the mutual funds have sold their shares without great difficulty and almost without any promotion.

Surely a well planned and organized strategy by the mutual funds would allow the collection of larger internal resources, the generation of income, the avoidance of capital out-flow and the promotion of the concept of saving. In this way the mutual funds would act as an effective complement of total investment.

The economic evolution of the Mexican nation is also pertinent. We have had 36 years of continuous growth, 15 years without a devaluation and, in 1968, a gross national product greater than those of either Sweden or Australia and greater than any other country in Latin America in the same year. Mexico's per capita income places it among the leaders of the developing nations. The government's financial program is progressive and has a growth orientation which increases each year.

In view of the progress, stability and prospects of the Mexican economy, it is apparent that the Mexican securities market has an important future if the rate of national economic growth is to continue. Statistics of countries close to us illustrate this point. If we study the structures of their securities markets, it can be observed that the percentage of common stocks traded in those markets is in comparison with the Mexican, as follows: 86% in Argentina, 87% in Brazil, 55% in Colombia, 92% in Chile, 64% in Peru and in our country 9%.

In conclusion, the growing importance of institutional investment for countries like Mexico is in their being one of the best sources of long term financing, obtaining resources from the saving sector and investing them in the stock market, widening its possibilities of being a fountain of capital for the corporations. The mutual funds constitute, at present, the most adequate way to strengthen the stock market of countries like Mexico, giving them a healthy development and providing them with more liquidity.

TELEPHONE PIONEERS OF AMERICA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BRAY. Mr. Speaker, on Friday, April 17, 1970, I will have the honor of attending a special luncheon in Indianapolis, at the Western Electric Co., to honor Mr. Willis L. Reed, of Indianapolis, who has completed repair on 1,000 talking book machines for the blind. Mr. Reed is a member of Telephone Pioneers, the world's largest voluntary association of industrial employees. Many of the association's 77 chapters work on the talking book program as one of their community service projects, but few have achieved the record set by Mr. Reed, who is a life member of Shadeland Chapter No. 77, in Indianapolis.

The following items give the Telephone Pioneer story, and also the work done by the pioneers on the talking books program:

The Telephone Pioneer Story

The Telephone Pioneers of America is the world's largest voluntary association of industrial employees. It is composed of men and women who have served 21 or more years in the telephone industry throughout the United States and Canada.

The first Telephone Pioneers were literally the people whose experience dated back to Alexander Graham Bell days. They had charted the course of a vital, new industry.

Today's Pioneers still have a strong feeling for the history and traditions of the business. But "pioneer" is a forward-looking word. They try to live up to their name by building a diversified and expanding program for action.

While enjoying the social side of their organization, they also search for other activities through which to express and extend fellowship. Pioneers find this "something more" in discussion courses which stretch the mind and bring out hidden talents, and in taking to heart the timeless idea that the people who get the most out of life are those who find significant ways to help others.

In Pioneering there is a common ground for people in all phases of telephone work. Accountants, secretaries, assemblers and engineers plan together for a social reunion. Repairmen, switchboard operators and vice presidents share their talents in projects of community usefulness and in many educational activities. Together they keep retired employees in touch not only with the latest developments in the business but also with their lifetime friends. Shut-ins, the ill and bereaved receive special attention from Pioneer associates.

Established in 1911 with 700 members, the organization now numbers over a quarter-million and it is growing rapidly. About 60 percent are active members (those now employed in the industry) and 40 percent are life members (those who have retired). While most Pioneers come from Bell System ranks, others are from independent telephone companies in the United States and the independent and government companies in Canada.

Pioneers are proud of their organization. They welcome this opportunity to share their story with you—the story of what they do and their hopes for the future.

PIONEERING IN ACTION

The Pioneer motto is Fellowship, Loyalty and Service—a motto which unifies the great diversity of individual interests and talents.

It is through the Pioneer program that these words really come to life. For here is the interaction of people—enjoying each other's companionship, working and learning together, being of service to members and to the community, bring experience and time-honored tradition to the challenges of a fast-changing world.

Pioneer activities are conducted through local chapters, councils and clubs, which together number well over 1,000 units. These centers of activity span the continent from the Gulf of Mexico to Hudson Bay, from the Atlantic Coast to the Pacific.

FELLOWSHIP ACTIVITIES

The lively social life of Pioneering has always been one of its most popular attractions.

A kaleidoscope of social events fills the calendar. Dinners and dances, theater parties, weekend outings, travel tours, picnics, costume balls, boat rides, sports tournaments, fashion shows—the keynote is variety. There are annual reunions with hundreds of members and weekly gatherings of small groups in a Pioneer lounge.

Sharing recreation and fellowship with younger employees makes it all more fun. The families of Pioneers are also very much a part of the social scene—participating with an enthusiasm that rivals that of the members themselves.

Sociability is only one face of Pioneer fellowship. Warmth and sincerity are expressed in many ways: personal visits, telephone calls, cards and letters—hundreds of thousands.

TALKING BOOKS

Talking Book Machines are portable record players especially designed for the Blind, Visually and Physically Handicapped. They are provided to the blind by the Division for the Blind and Physically Handicapped, Library of Congress, Washington, D.C.

Any person who is certified by a doctor, or competent authority such as a nurse, social worker, librarian, teacher, clergyman, or any other professional person as being legally blind, visually limited or physically handicapped is eligible to request a Talking Book Machine. Persons in Indiana make application to Talking Book Machine Service at the Indiana School for the Blind, 7725 North College Avenue, Indianapolis, Indiana 46240. The Talking Book Machine may be kept by the person to whom it is loaned as long as the disability lasts, without charge.

If the machine is in need of repair, mailing labels are furnished so that the machine may be returned postage free. Upon receipt of the machine an immediate replacement is made and there are no charges for repairs or parts.

Talking Book records are furnished by the Indiana State Library, 140 North Senate Avenue, Indianapolis, Indiana 46240. Books are assigned out for the usual 30-day period and are subject to renewal, if necessary, and cover subjects such as, history, biography, travel, science, religion, sports, drama, mysteries, westerns, science fiction, and children's books, both fiction and non-fiction. Periodicals include American Heritage, Changing Times, Ellery Queen, Harpers, Holiday, New Outlook, True, Sports Illustrated, Jack and Jill, Reader's Digest, and News Week.

The repair and maintenance program with which Shadeland Chapter Pioneers are involved began on April 18, 1961. The Western Electric Radio Amateur Club was alerted to the need for assistance in repair of the Talking Book Machines and cooperating with the Shadeland Council of Telephone Pioneers began repairing Talking Book Machines and radios for the blind.

During the early years, the volunteers encountered some difficulties in storage, pickup, and delivery of the units. Subsequently, arrangements were made for a repair bench at the Indiana School for the Blind where the Pioneers continue to repair and maintain the units.

Telephone Pioneers have been described as the most outstanding but unheralded groups of volunteers doing work in behalf of the blind. These generous and energetic volunteers in Indianapolis began by picking up the machines at the homes of the users and if not immediately repairable arranged for a replacement unit, took the units to their homes for repair, and then delivered them to the users when they were restored to working condition. At the present time, the Pioneers have no direct contact with the users. The machines are returned to the Center at the Blind School and the volunteers meet there for regularly scheduled work sessions to repair all machines that are in need of maintenance.

Other councils and chapters in the state have done and are doing repair work on the units, but, because of the centralized workshop made available at the Blind School, Shadeland Pioneers are able to repair more units than some of the other groups.

Within recent months, a Center has been established for the repair of the Cassette Tape Recorders now being issued to the blind through the Library of Congress. Shadeland Pioneers are involved in the repair and maintenance of those units for this region. The Chapter has provided testing equipment, in addition to that provided by the Library of Congress, for both the Talking Books and the Cassette Tape Recorders.

A VOTE FOR THE DISTRICT OF COLUMBIA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GUDE. Mr. Speaker, an editorial in the Sunday Star on April 5 commends the League of Women Voters for its campaign to gather signatures on petitions urging voting representation in Congress for the District of Columbia. This worthy project is being conducted throughout the country in an effort to show that many Americans care about second-class citizenship in our Nation's Capital.

It has been almost a year since President Nixon sent his message to Congress asking approval of a constitutional amendment to provide voting representation for the District. In that message, he said:

> It should offend the democratic senses of this nation that the 850,000 citizens of its Capital, comprising a population larger than eleven of its states, have no voice in the Congress.

Many bills have been introduced to change this state of affairs, and it is time hearings were held to consider them. I am hopeful that the drive undertaken by the League of Women Voters will succeed in demonstrating the commitment of Americans in all our States to full participation by District citizens in the Federal legislative business that uniquely affects their lives.

The editorial follows:

A VOTE FOR D.C.

From all reports, the League of Women Voters' campaign to gather more than a million signatures on petitions urging voting representation for the District of Columbia is in full swing in states from Virginia to Hawaii.

Congress—to whom petitions are no novelty—may never before have seen the match of this one. The thousands of signatures which members will receive on May 6 will be those of their own constituents. And we trust that, beyond the names, the members will be made fully aware of the truly extraordinary response of interest which this appeal has produced throughout the nation. Hawaii, mentioned above, has gone so far as to express its support through an official action of the state legislature. The news columns, elsewhere in today's Star, record other details.

Next Thursday, Mayor Washington and Council Chairman Hahn will initiate the Washington area's own part of the drive with a proclamation, touching off scheduled activities to extend through April 22. A great many organizations and individuals have taken on the task of circulating petitions. Students of the Federal City College, to cite one example, have voted to cancel other student activities this month in order to work within the central city on the drive.

Nonpartisan education on political issues is the most familiar of the League's many good works—and in this instance it is the professional politicians themselves who need educating. We urge every citizen of the community to join in the appeal, for this city desperately needs voices in Congress to speak—and vote—in its behalf.

CAPITAL PUNISHMENT: A GIANT STEP BACKWARD

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. KASTENMEIER. Mr. Speaker, I am as deeply concerned as President Nixon is about the recent wave of bombings in our metropolitan areas. Punishment for those who perpetrate such acts must be severe. However, I cannot agree with the Presidential recommendation that the death penalty for bombers be imposed if a fatality should occur.

The assumption on which capital punishment is based, that it acts as a deterrent to crime, has been proven false. For example, in 1961, Congress enacted the death penalty for hijacking airplanes. As we know, this utterly failed to suppress this practice which has continued with greater frequency. Since 1961, a total of 61 U.S.-flag carriers have been hijacked.

In civilized nations, modern penology is moving away from the use of capital punishment. For the past 2 years, no executions have taken place in the United States. In our desire to punish the bombers, let us not fall back upon the use of such a barbarous form of retribution.

Mr. Speaker, an editorial in the April 1 Washington Post succinctly presents the arguments against the death penalty, and I commend it to the attention of my colleagues:

CUT OFF THEIR HEADS

There can hardly be disagreement with President Nixon about the seriousness of the danger created by the recent bombings and bomb threats in metropolitan centers. No doubt he is right in saying that many of them "have been the work of political fanatics," and that "they must be dealt with as the potential murderers they are." But he contributes nothing, we think, to deterrence or prevention of the danger by proposing the death penalty for bombers if a fatality occurs.

Even for murderers, the death penalty is being abandoned in civilized societies. The fallibility of human judges argues vehemently against a punishment so irreversible. Experience has shown beyond all serious question that fear of a death sentence does nothing to keep desperate, insensate and wicked men from committing the most dastardly of crimes. Obviously, such men ought to be confined until they are no longer menaces to public safety. But to extinguish their lives is to display on the part of the community a disregard for the sanctity of human life which may in itself be an encouragement to murder and violence.

The President said that his proposals were not designed to displace state and local authority but simply to assist such authority in the effort "to combat the multiplying number of acts of urban terror." Nevertheless, they do intrude upon an area reserved to the states in the American federal system. There is valuable assistance that the federal government can render through the crime detection and investigation facilities of such agencies as the FBI, and of course this assistance should be freely extended when requested by the states. But there is little need to enlarge the area of federal authority over criminal law. Bombing, like arson and murder, is a crime in every state of the union.

We see some sense in enlarging the existing penalty, as the President suggested, for the transport of explosives across state lines for unlawful purposes. And we think there should be stringent controls on the sale and distribution of explosives. Talk of the death penalty, however, seems more an expression of outrage, or hysteria, than a practical way of curbing a serious peril.

IN SUPPORT OF CONFIRMATION OF JUDGE G. HARROLD CARSWELL

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. CRAMER. Mr. Speaker, as a Member of the House, I of course will not have an opportunity to vote to confirm the President's nomination of the Honorable G. Harrold Carswell. I would unhesitatingly vote "aye" if I could. I therefore want to take this occasion to again express my unqualified and wholehearted support of Judge Carswell and to state my hope that the Senate's vote tomorrow will not only confirm Judge Carswell but will also give our President the vote of consent he deserves in his nomination of the judge. Judge Carswell is a distinguished American, an experienced jurist, a man of high integrity, and a close, personal friend. As a fellow Floridian, I have had the privilege of knowing the judge well, observing him firsthand, and I most sincerely attest to the superior quality of his character, his ability, and his principles.

I earnestly believe that if those who appear to be in opposition to his nomination knew Judge Carswell personally, and would estimate his fitness for the Supreme Court on the basis of his personal merits and ability, and of the man personally, as well as his experience, the opposition would find their criticism without foundation. The record clearly shows a total lack of any concrete evidence which could be determined as adverse to the judge's confirmation, and there is certainly no justification for nonconfirmation.

Judge Carswell, as I know him, is a man of impeccable honesty and integrity. He is a young man, vigorous in the discharge of his duties, and warmly human in his relationships with his fellow man. He is, moreover, both a distinguished American and an outstanding citizen. These qualities are evident in both his personal life and in his long record of public service.

I state this from a personal knowledge and long acquaintance with Judge Carswell. I recommended him for U.S. attorney in 1953, for U.S. district court judge in 1958, for the Fifth Circuit Court of Appeals in 1969, and for the U.S. Supreme Court in 1969 when President Nixon was considering all alternatives in attempting to fill the Fortas vacancy.

Judge Carswell will be an excellent Supreme Court Justice and the fact that he is a strict constructionist of the Constitution will add needed balance to the Court. I am proud to state my unqualified support for Judge Carswell—for his nomination by the President and for his confirmation by the Senate as a Supreme Court Justice. I do so of my own personal knowledge, having known the man over the years and having personal knowledge of his high standing with the bar, the bench, and the community.

THE AMERICAN PEOPLE SUPPORT AND DESERVE EFFECTIVE, RESPONSIBLE, AND CONSTITUTIONAL ANTICRIME LEGISLATION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, I am proud to join today in sponsoring the Pretrial Crime Reduction Act because I genuinely believe that this measure has the potential for actually affecting the rising tide of crime in the United States today. This problem has continually grown more and more serious in recent years. Our citizens have grown increasingly insecure and concerned about what appears to be a continually declining state of personal security. Life within our Nation's cities, for example, is now almost universally discussed in terms of personal safety before any other consideration is given thought. Whether some of the excessive insecurity is unwarranted or not, the point is that crime statistics show more and more crimes being committed and a reaction among the public of more and more panic.

One consequence of crime, which in turn leads to a higher level of public dissatisfaction, is the tremendous burden which the great volume of cases puts on our Nation's courts. It is becoming virtually impossible to guarantee that an accused individual will receive anything approaching a speedy trial under the current circumstances. Statistics show that it actually takes 3 to 24 months from the time an individual is indicted until he is tried. Caseloads in Federal and State courts have risen at a rate far greater than the rate at which the courts' ability to deal with them has progressed. The public has naturally displayed a high degree of concern at what appears to be a crippled and wheezing court system which is not able to dispense justice at a rate equal to that at which the criminal dispenses violence. This state of affairs has led many individuals to the false conclusion that the courts are a cause of crime when in fact the troubles in our courts are actually an effect of crime.

The most disturbing consequence of this kind of faulty reasoning is an unrelenting and myopic desire on the part of many political leaders, including the present administration, to blow the effects of crime out of the water with great force, taking little or no care to avoid side damage which, in the long run, could be far more odious. I refer to the frightening spate of legislative proposals which, in their political expediency, are an affront to our Constitution and the Bill of Rights and do virtually nothing to attack the root causes of crime. One cannot cure measles with pancake makeup; one can only disguise the effects. The executive branch's current romance with the idea of "preventive detention" is a misaimed barrage not merely against a criminal whose guilt has not been proven, but against the fundamental guarantees of our society against imprisonment without due process of law and a trial by jury before any guilt can rightfully be assigned. The administration's scheme is also a dangerous affront to the eighth amendment which protects a citizen against excessive bail. I do not take lightly this proposed junking of the presumption of innocence and this far-reaching tampering with the foundations of this country's model judicial system.

"Law and order" is a phrase which has gathered many varied interpretations in recent times. Be these as they may, I view nothing with greater dismay than the prospect of seeing the politically expedient grab onto law and order as an excuse to systematically dismantle the liberties which form the core of everything we value in our free society. Because the right to commit crimes is definitely not one of these liberties, however, I recognize the critical need for us to act decisively in helping our Nation's court system to function effectively, while at the same time doing whatever is necessary to responsibly attack the myriad causes of crime in America. While the fight against crime will and should be carried on locally, we at the Federal level must be willing to lend a helping hand. I am persuaded that the Pretrial Crime Reduction Act constitutes such constructive and needed assistance.

The provisions of this measure which set time limits for speedy trials and offer Federal assistance to courts in their attempts to adhere to these limits, call for increased penalties for crimes committed while on bail, provide useful and necessary pretrial service agencies to aid judges in supervising defendants released on bail and allow for immediate revocation of parole for those parolees and probationers who commit crimes of violence are all well-directed and constructive steps which can have a decidedly positive effect on the present crime situation. I, therefore, support this measure and express the hope that many of my colleagues will agree that it constitutes a logical and well-directed step toward actual problem solving in the matter of crime and is worthy of our support.

Our goal should not be a repressive state brought on by those who would rather induce a false sense of tranquility by clubbing the effects of crime indiscriminantly; rather, it is our obligation to work within the boundaries of justice and liberty to create a viability within our court system that enables the judicial process to perform with thoroughly adequate efficiency. The legislation introduced today will do much to strengthen, streamline, and protect due process of law instead of tragically wrecking it.

XUM

A LESSON IN ECONOMICS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. PETTIS. Mr. Speaker, I feel certain that all of our colleagues who have been exposed to the magic and euphoria of the welfare state philosophy will enjoy the rather pertinent little allegory that was published in the March 7 edition of the California Farmer. It is entitled "A Lesson in Economics" and though I might have been tempted to add a paragraph in which the little red hen was offered a $500,000 subsidy for not baking bread, I believe that the writer, Gaylord Sutherland, of Muskegon, Mich., makes his point very well. This excellent article, the text of which follows, was brought to my attention by one of my thoughtful constituents, Barney Jewett, of Ontario, Calif.:

A LESSON IN ECONOMICS

Once upon a time there was a little Red Hen, who scratched about and uncovered some grains of wheat. She called her barnyard neighbors together, and said: "If we work together and plant this wheat, we will have some fine bread together. Who will help me plant the wheat?

"Not I" said the cow.

"Not I" said the duck.

"Not I" said the pig.

"Not I" said the goose.

"Then I guess I will," said the Little Red Hen, and she did.

After the wheat started growing, the ground turned dry, and there was no rain in sight. "Who will help me water the wheat?" asked the Little Red Hen.

"Not I" said the cow.

"Not I" said the duck.

"Not I" said the pig.

"Not I" said the goose.

"Then I will," said the Little Red Hen, and she did. She watered the ground, and the wheat grew tall into golden grain. "Now" she said, "who will help me reap the wheat?"

"Not I" said the cow.

"Not I" said the duck.

"Out of my classification" said the pig.

"I'd lose my Aid to Dependent Children" said the goose.

"Then I will" said the Little Red Hen, and she did.

When it came time to grind the flour—

"Not I" said the cow.

"I'd lose my unemployment compensation" said the duck.

When it came time to bake the bread—

"That's overtime for me" said the cow.

"I'm a drop-out" said the duck. "I never learned how."

"I'd lose my welfare benefits" said the pig.

"If I'm the only one who's helping, that's discrimination" said the goose.

"Then I'll do it myself" said the Little Red Hen, and she did. She baked 5 loaves of fine bread, and held them up for her neighbors to see.

"I want some" said the cow.

"I want some" said the duck.

"I want some" said the pig.

"I demand my share!" said the goose.

"No!" said the Little Red Hen. "I can rest awhile, and eat the 5 loaves myself."

"Excess profits!" cried the cow.

"Capitalistic leech!" quacked the duck.

"Company fink" grunted the goose.

"Equal rights!" screamed the goose.

They hurriedly painted a picket sign, and marched around the Little Red Hen singing lustily: "We Shall Overcome." And you know, they did.

When the farmer came to investigate the commotion, he said "You must not be greedy, Little Red Hen. Look at the oppressed cow. Look at the disadvantaged duck. Look at the underprivileged pig. Look at the less fortunate goose. You are guilty of making second-class citizens out of them."

"But . . . but," said the Little Red Hen, "I planted the wheat, and I watered it, and I reaped the grain. I ground the flour, and I baked the bread. I earned this bread!"

"Exactly," said the farmer. "That's the wonderful free enterprise system. Anybody in this barnyard can earn as much as he wants. You should be happy to have this freedom. In other barnyards you would have to give all 5 loaves to the farmer. Here you give 4 loaves to your suffering neighbors, and keep one for yourself! You should be grateful."

And so, they all lived happily ever after, including the Little Red Hen, who smiled and smiled and clucked and clucked: "I am grateful. I am grateful. I am grateful."

But her neighbors wondered why she never baked any more bread.

ONE OF THE FIRST GARY CORPSMEN, 5 YEARS LATER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. PICKLE. Mr. Speaker, today Sgt. Kenneth Pace is a man respected among some of the toughest guys around—the paratroopers of the 82d Airborne at Fort Bragg. Today, he trains young men to jump into space, trusting their training, their parachute, and their faith.

But 5 years ago, Sergeant Pace took his very first plane ride. He walked out of a jail cell and onto a plane taking him, along with the other members of the first group to enter, to the Gary Job Corps Center at San Marcos, Tex.

It has been awhile since Kenneth Pace left Gary to enter the Army, but he has never forgotten what he learned there. In fact, he remembers so well that he took the time to write Dr. O. J. Baker to congratulate the Gary staff on their 5-year anniversary recently.

The letter is simple and to the point—and it is written by a scared kid that once had nowhere to go, but who found himself and manhood at the same time. Sgt. Kenneth Pace is a living tribute to the Job Corps program—and to himself. I am sure he would not mind reprinting his letter which he printed in a firm hand on ruled notebook paper.

The letter follows:

MARCH 3, 1970.

DEAR DR. BAKER: It was five years ago today that I walked out of a jail cell at 4:00 a.m. in the morning headed for Gary Job Corps. I remember it, as if it were only yesterday.

Everything seemed to be changing as I walked 5 miles home in 16 degree weather. The last words I heard from the police officer was, make something out of yourself Ken! I walked in my house at 5:30 a.m. tired, weary and full of misery. At 8:00 a.m. I rose from my bed to get dressed for my first plane ride and set my mind about the Job Corps.

A new life I thought, to myself, what would it be like. When arriving in Dallas, newsmen swarmed the plane of us, headed for Gary Job Corps. They asked mostly what did we think about it all, and our plans. Most everyone really didn't know what to say.

I can remember saying just to do my best if people will let me.

When arriving at Austin Airport, people from Gary met us and made us feel welcome right away. That's when I realized the people of Job Corps were sincere about us and their challenge to teach us not only a trade, but a new and better way of life.

In the year and half I spent at Gary I developed an understanding of every person and walk of life.

Now a soldier, I can truly say if it were not for the people at Gary, training me not as a soldier, but as an individual, I could not have made it as easy as I have in the Army.

I very seldom land with an airplane now as I jump from them. Being a Paratrooper, is also a very experiencing and exciting task. Many times as I enter an aircraft I remember my first plane ride and what it brought me too.

I regret not being able to be at Gary on your fifth birthday as I planned. Being a soldier, duty calls for me here at Ft. Bragg.

Sir, I'm away from the Job Corps only in distance, but inside, I'll always remain a Corpsman and continue to express the many good deeds the Job Corps has done to everyone who ask about it.

In closing, I only felt it necessary to let you and the rest know how still today, it feels to have been one of the first Corpsmen to try and help set a goal for the many young men and women of our Great Nation to get ahead.

May God Bless and I Salute All of you and the Job Corps.

Sgt. KENNETH E. PACE,
U.S. Paratrooper,
82d Airborne Division.

FORT BRAGG, N.C.

PROGRESS IN ABATING AIR POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. DINGELL. Mr. Speaker, the March 20, 1970, issue of Science magazine carried an editorial entitled "Progress in Abating Air Pollution." So that my colleagues may have an opportunity to be familiar with the views of Science magazine, I include the text of the editorial at this point in the RECORD:

PROGRESS IN ABATING AIR POLLUTION

(By Philip H. Abelson)

An optimist can at last see signs of progress in overcoming air pollution. The ponderous machinery of government is beginning to move, and segments of industry are behaving as if they realize that they cannot go on increasingly polluting the atmosphere. An important example is the automobile manufacturers who are taking action against the nuisances they were creating. Emission of hydrocarbons by new cars in California this year will be only about 23 percent that of earlier, uncontrolled models. The California standards will apply nationwide in the next model year. General Motors has committed itself "to take the automobile out of the smog problem altogether." The federal government has begun to assume leadership. Recently Secretary Finch issued a schedule for reducing the permissible limits of pollutants from automobiles. By 1975 the emission of hydrocarbons is to drop to about 5 percent of that of uncontrolled vehicles.

Progress has already been made in diminishing the emission of carbon monoxide. Next year's models will emit about a third as much as uncontrolled automobiles. Control of nitrogen oxides has lagged behind, but California standards require a partial abatement in the 1971 model year. The federal standards for 1975 call for a substantial change—a drop to about 15 percent of present levels. A striking feature of the abatement of motor vehicle pollution is its price. The improvements incorporated in the 1971 models will cost no more than $48 per vehicle.

In terms of tonnage of emitted pollutants, the automobile ranks first. However, in overall damaging effects, sulfur oxides from burning of fuels seem most serious. This is especially true in the area east of the Mississippi and north of the Ohio, where sulfur-bearing coal is a principal fuel. In that region, major metropolitan areas have been gambling with catastrophe. An unusual weather pattern with a persistent inversion could result in many deaths. In November 1966, the New York metropolitan area came close to such an event. The experience caused authorities in the area to issue regulations calling for progressively improved control of sulfur oxides. In abating its air pollution, New York in effect limited the sulfur content of fuel to 1 percent. As a result, the concentration of atmospheric sulfur oxides is now less than half what it was in 1966. During 1971 the permissible sulfur content of fuel for most installations will drop to 0.37 percent. This will reduce pollution further. It will also have substantial economic consequences. Fuel will cost more. It will consist mainly of natural gas, purified residual oil, and clean fuel oil.

The United States cannot afford to import enough low-sulfur oil to meet its energy needs. In many regions it will be necessary to use coal which typically contains 2 to 3 percent of sulfur. Only a small fraction of the reserves contains as little as 1 percent. It is possible to remove some of the sulfur from coal by mechanical means, but most cannot be eliminated except by costly chemical processing. In major installations abatements of pollution arising from the burning of coal will require cleansing of stack gases. At a recent congressional hearing,* four processes were described that have reached the stage of commercial application. They are all capable of sharply reducing the concentrations of sulfur oxides emitted by major electric power generating stations. The consumer, naturally, will have to pay more for his electricity from 6 to 10 percent more, according to present estimates.

In view of the health hazards and other costs of pollution this seems a small price to pay. With this new technology the major polluters can lower their emissions of sulfur oxides, and they should be required to do so expeditiously.

INFORMATION SYSTEMS AND THE MANAGEMENT OF RESEARCH

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GIAIMO. Mr. Speaker, on Monday, March 23, our colleague, the gentleman from Connecticut (Mr. Daddario) addressed the opening session of a 3-day Info-Expo 70 gathering of the Information Industries Association. This association is young but rapidly growing, for it represents the dynamic new field of information services, including everything from printed matter to computer based, instant retrieval, technical information libraries, and factfinding services.

In his address, Congressman Daddario proposed the creation of a governmentwide information system which would bring modern day management techniques to our vast governmental research and development effort. He called attention to the great problems we face as Members of Congress who must make decisions on funding levels for future programs with no more than historical information on the status of these programs a year or 18 months ago.

I agree with the sentiments expressed by our distinguished colleague. We in the Congress must have information immediately available on the present status, not last year's, of the programs whose futures we must consider. In light of this, I include Congressman Daddario's outstanding address at this point in the Record in hopes that it will stimulate action by this body to meet our need for current information:

Information Systems and the Management of Research

(Remarks of Representative Emilio Q. Daddario)

This country has seen a tremendous growth in the support of research and development since 1950. Federal expenditures alone have increased from slightly over a billion dollars in 1950 to a peak of more than 17 billion dollars in fiscal 1968. There has been a decline since that time. During these two decades science and technology have furnished us the ability to walk on the moon, light our houses with electricity from nuclear power or instantly destroy most of the human life on our planet.

During the 50's and the 60's, we talked a lot about centralizing Federal science activities in the United States. But at the same time we have created new agencies to deal with the goals and objectives of our society, and these new agencies have seen fit to support their own basic research programs. Instead of contracting into one or two superagencies, our pluralistic system for the funding of research has further proliferated.

As we enter the decade of the 70's we find ourselves faced with a gigantic task in efficiently and effectively managing this research and development enterprise. Many thoughtful observers to the scene maintain that our pluralistic system can no longer just "grow like Topsy". They maintain that we must develop a new management system to effectively channel our research and development efforts into those activities generated by the problems and challenges facing our society.

What are the characteristics of such an effective management system? At the Federal level there should be strongly defined policy making centers in both the executive and legislative branches. Clearly delineated lines of authority must flow from these policy making centers all the way down to the individual scientist working in his laboratory. And at the Federal level there must be increased efforts to properly coordinate our multifaceted research efforts. There must be coordination between the disciplines to assure balanced research programs. Problem oriented research must be effectively related to existing disciplinary support. Within the individual mission agencies, balanced programs must be put forth in the context of both the agency's requirements and related programs outside the agency. We need to coordinate the planning function in such a way that overall national requirements are not lost sight of while attaining specific agency objectives.

Coordination is not merely an activity to prevent unnecessary duplication of effort. It is not just an exchange of information at the problem-oriented, disciplinary or subdisciplinary levels in order to prevent obvious duplication. It is a much more complex problem and requires more subtle remedies than we have utilized up to the present time.

The present system of managing research is unsatisfactory, at least at the Federal level. Let me take a moment to discuss how the executive and legislative branches of government deal with research and development at the present time.

Within the executive branch an assortment of departments and individual agencies pursue their objectives and the associated research and development activities with minimal overview from the Bureau of the Budget and the Office of Science and Technology. No meaningful overall ordering of priorities in R & D, or even within academic science, occurs at the present time. This state of affairs is emphasized at the present substantial cutbacks in support for research and development. These cutbacks have not occurred with any overall plan in mind, and no one in the Federal government really knows precisely what is going on. I will come back to this point later on.

Numerous proposals have been made for reform. Our Subcommittee on Science, Research and Development has generated some of these proposals and given serious consideration to many others. Proposals for a Department of Science analogous to those found in some other countries have been made before, and will no doubt be made again.

In the legislative branch the situation in regard to the management of science, research and development is even worse. Because of its fragmented committee structure and the tremendous demands on the time of the individual Members, Congress does not at the present time get an overview of the Federal involvement in research and development. The annual Bureau of the Budget special analyses are useful, but they are a collection of agency totals and do not furnish any basis for action.

Proposals have been made many times in the past for legislative reorganization to attack this problem. Some have suggested a Joint Congressional Committee with no legislative authority, to set all of our efforts in science, research and development in perspective. This joint committee, perhaps modeled on the Joint Economic Committee, would require an annual report on the "state of science". This report would attempt to review the accomplishments of the previous year, and to outline plans and goals for the future within the context of individual agency programs.

The Science, Research and Development Subcommittee shares this concern over the inadequacy of present organizational forms for the management of research and development to meet the demands of society. The Subcommittee has undertaken an exhaustive study of the utilization of Federal laboratories, and recommended what we think are substantial improvements in this regard. We have proposed a substantial program of institutional grants to strengthen the funding of academic science. Legislation on this subject now awaits Floor action in the House.

A comprehensive evaluation of the structure of the National Science Foundation resulted in significant changes in its Organic Act in 1968, as reflected in P.L. 90-407. The issue of Technology Assessment is becoming an increasingly critical one as we observe the massive effects which science and technology are having on our physical and social environment. Our comprehensive study of Technology Assessment is resulting in legislation which will be introduced shortly.

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* Testimony by James R. Garvey, President Bituminous Coal Research, Inc. to Joint Committee on Atomic Energy, 25 February 1970.

Last year our Subcommittee held extensive hearings on the subject of Centralization of Federal Science Activities. We expect to have specific recommendations ready in the near future concerning a substantial reorganization of science, research and development activities supported by the Federal government. Following these specific proposals, we are planning in depth hearings on national science policy in July of this year.

In looking back over these accomplishments, as well as viewing our current activities, I find a common problem which we have faced in almost all of our activities. It is the one I referred to earlier: No one really knows what is going on right now.

Let me give you an example of what I mean. For years we have foreseen the need to structure the NSF in such a manner as to permit it to assume an increasingly larger proportion of the responsibility for the support of academic science, especially basic research. Over the past few years we have seen a slackening of commitment on the part of various mission agencies to basic research. The result has been increased pressure upon the NSF to support many research projects being cut off by the mission agencies. But increased funds have not been made available to the Foundation, and we have seen the war in Vietnam and the demands for the solution of social problems receive higher priorities in the Federal budget.

Our Subcommittee addressed this problem last week in hearings on the fiscal 1971 NSF authorization bill. Before a solution can be worked out to this problem of research projects being transferred to the NSF, we need to quantify the problem. That is, we need to get from the Federal agencies an answer to the following question: "For fiscal 1970 and fiscal 1971 what academic science activities will end because of budget reductions in your agency?"

This sounds like a simple question to ask of any outfit that uses an up-to-date information system with nano-second switching times and gig-bit memories. But what answer did we receive? Well, 1968 data was available and complete. 1969 data was beginning to be available, and some agencies were able to provide it. With regard to 1970 and '71 data we were asked to wait a couple of years.

We would be more than happy to wait, except that our executive sessions for the purpose of marking up the Science Foundation bill should be completed *this* week. The substantive decisions which we, as Congressmen, must make on this 1971 budget cannot wait a couple of years.

The information systems which we presently use in research management may be excellent repositories for historical information, but they have not been as useful as they should be in furnishing information for policy decisions. What we need is a "real-time management information system" for coordination and management of the Federal science research and development enterprise. I should like to describe some of the desirable characteristics in such a system, and ask you in the audience—being experts in the field—to think about such a system and tell me if it is practical.

But before describing it, I should like to point out another reason that we need such a system. It would be nice if we did not limit it just to research, but could put information on development projects into it as well. It would be desirable to interrelate in this system information on basic and applied research and development.

Two weeks ago I presented some ideas on the management of research and development before the Armed Services Committee, in the context of its inquiry into independent research and development at industrial firms. At that time I stated that the current proposal for the Defense Documentation Center to establish a data bank on independent research and development activities had obvious merit. But I went on to say that an organization such as the Science Information Exchange, which is the Federally funded agency responsible for collecting, storing and retrieving technical and fiscal information on all unclassified government supported research, seemed a more logical place for these data. It could then serve the entire Federal government and not just the Department of Defense. We should also attempt to avoid duplication of information storage systems, just as we attempt to avoid unnecessary duplication of research activities.

The information system which seems desirable from my perspective in the Congress should be, as you say in the trade, a real-time one. We need today's information—not that which was put in the data bank during the last update eight or twelve months ago—for making decisions. Furthermore, we need the results of information which the middle manager in government would consider proprietary. We need the summation of his tentative decisions on the support of individual research projects, his tentative decisions regarding areas of research which will receive emphasis, quality judgments which might insult individuals or institutions, and fiscal information concerning salaries, subcontracts and other sensitive areas. Note that I stated we need the summation of this information for our purposes, not the individual bits and pieces.

This information system should be one which is useful to the middle manager who must generate the data. One hears more and more complaints from such people that they are "working for the computer". Generation of requirements not already in being should be avoided, and the impedance mismatch associated with inserting and extracting information should be minimized.

The information system should be useful to the middle manager in his own daily routine. He should control the input data, erase its memory, and make the decisions on output for his own uses. This information system should be a substitute for, rather than an addition to, his present record keeping activities.

Protection must be ironclad for the proprietary data in memory, if the system is to function effectively. For example, tentative decisions to support a particular research proposal should not be accessible on an individual basis to the legislative branch or to high level executive branch personnel. Totals, however, would be available. Appropriate controls could likewise be worked out concerning quality rankings, budgetary data and certain other sensitive items.

I should like to amplify my remarks on the "impedance matching" of the middle manager to the information system. As I understand it, our present system is hierarchical in nature to a degree which would make any medieval monarch proud to call it his own. Data input is accomplished by generating a requirement at the highest echelon, and standard forms are sent down through the chain of command. These are filled out from "hard copy" which is often generated specifically for this purpose, key punched by clerical employees, and inserted into memory. "Proofs" are then sent back for review by the middle manager who generated the data, and corrections are fed back into the system. Periodic updating is depended on to keep the information current.

The middle manager who wishes to utilize the information in the data store puts in his request, and gets a print-out at some later time.

There is a widespread feeling that the information in the system is for "someone else", not the middle management official who generates the data and manages the research and development programs. Furthermore, there is a reluctance to trust the accuracy of the information, because of its degradation during the input process. Finally there are subtle pressures to not use the system because of the cost of the hard copy output and the bother of going through channels.

I should like to propose for consideration a real-time information system which would overcome some of these drawbacks. Let me at the outset acknowledge that peripheral problems might arise if such a system as I propose were implemented. It is basically an in-house system, one for the use of the Federal government in managing its resources devoted to research and development. I realize that there may be demands for this information in the private sector, and that controversy over procedures for making it available might arise. I am happy to see that the Association is working on these problems of reconciling proprietary rights and the public interest in such matters.

The details of implementation I would leave to you, the experts in such matters. But I am confident that if you decide my suggestions will not work, or will be too expensive, you will come up with an even better system that will solve the problems which we all recognize.

This ideal system would be government wide in scope.

It would include both research and development activities.

It would contain both technical and fiscal information.

It would contain both "hard" and "soft" data useful in the decision-making process. For instance, tentative budget levels, quality judgments, and decisions to support, continue, or end projects would be included, even though subject to abrupt changes and revisions.

The information would be inserted, erased, updated, and to some extent extracted directly by the responsible middle management official, for example, the appropriate project scientist or program officer. He would perform these functions within broad guidelines in a manner which he sees fit.

In order to insure real-time characteristics a certain flexibility in input format and completeness would be necessary. For example, a typical research proposal to the NSF might be inserted with an appropriate title, abstracts, fiscal and manpower information. But suppose a particular proposal did not contain a suitable abstract. I would say that it is more important to go ahead and put in what is available—that is, leave out the abstract—since generating one from the text of the proposal could be too time consuming for the responsible but very busy program officer at the NSF.

I cannot give you a judgment regarding how to reduce these suggestions to a practical operating system, but I can make a few observations.

Direct access by responsible middle management personnel would require satellite input/output stations with visual display, and perhaps hard copy capability, "down the hall" from the middle management user.

Decentralized decision making on what is to be in memory would be necessary. That is, control over the content of certain "addresses" should be vested in those middle management officials who generate the information and who are the predominant users.

It would be nice to have the capability for

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making a direct query of responsible middle management officials, putting their response directly into the system.

Let me explain what I mean by this. The question which I referred to earlier on academic science activities ending during a certain time period because of budget reductions could very well *not* be answered from existing information in such an ideal system. But why not have blank spaces in the addresses associated with each grant or contract, so that the program officer could furnish the information directly to the data bank in response to a phone call. The scenario might go something like this. A congressional inquiry is relayed to our information system, and an appropriate blank space set up in which to put the answer in the addresses associated with each grant or contract. The question is relayed to each agency, which in turn passes the question on to the individual project scientists or program officers. The project scientist or his secretary then goes to the nearest satellite input station, pushes the appropriate buttons for each grant or contract for which there is an affirmative answer. A null answer automatically appears in all other grants and contracts. The results are appropriately summed and the answer is available within a day.

In conclusion let me emphasize my belief that sound management practices are necessary if the U.S. is to continue its preeminent position in science and technology. We have done well in the past, but changing requirements call for changed organizational forms and administrative procedures.

We observe that changes are already in process in both the executive and the legislative branches of government. New demands for Technology Assessment, environmental quality, transportation, housing and other areas must be met. Pressures are building to reorganize our present governmental structure for the support of research and development in order to meet these needs.

Criticisms of the shortcomings in our present system of support for research and development, and desire on the part of the Congress and the public for an overview of our activities in this regard, assure us of further changes. We must take the necessary steps now to assure a dynamic and viable system for the management of Federally sponsored research and development in the future.

The basic ingredient for an effective and more efficient management of our scientific research and development is an information system which can furnish on a real-time basis that data basic to the decision making process. I would challenge you who have the necessary expertise and insight to provide us with such a system.

U.S. FOREIGN TRADE POLICY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RODINO. Mr. Speaker, some public issues seem to go on and on, without visible change from one administration to another. It is beginning to appear that such is the case with national trade policy and trade legislation growing out of the last series of Kennedy round negotiations. The Congress wisely failed to act upon the former administration's foreign trade proposals that included the abolishment of ASP. The same treatment deserves to be accorded the Nixon administration's trade bill. One very good reason can be found in the manner in which the executive branch has failed to make available to the Congress essential information included in a 1966 Tariff Commission study on the probable damage to the U.S. chemical industry of abolishing the American selling price. The following article from Chemical & Engineering News aptly describes the administration's unreasonable and unjustified position:

Nixon Keeps Lid on ASP Repeal Impact Study

(By Louis A. Agnello)

Freedom of information—the public's right to know what its government is doing and why—has become something of a stock issue in Presidential campaigns of recent times. It was particularly so in the 1968 campaign with Presidential aspirant Nixon taking pot shots at Johnson's information policies and pledging himself to an "open" administration.

President Nixon's "open" administration is now in its 15th month. But if there has been any lifting of the information floodgates during that period, the signs are not readily apparent. A chemical case in point is the Nixon Administration's refusal to make available the 1966 Tariff Commission study of the probable effects on the U.S. chemical industry of the removal of the American Selling Price (ASP) system of customs valuation. The long-standing feud between the industry and the White House Office of Special Representative for Trade Negotiations (STR) over STR's continued refusal to release the report surfaced again earlier this month when Ronald A. Lang, executive secretary of the Synthetic Organic Chemical Manufacturers Association (SOCMA), demanded that STR make the report available before Congress begins its trade deliberations next month. Labeling the report "probably the single most important document in the present debate over ASP," Mr. Lang accuses STR of suppressing the commission's findings "because they could prove embarrassing in light of the ASP side agreement STR entered into during the Kennedy round of trade negotiations.

[Under the 1967 side agreement in question, EEC, the U.K., and Japan agreed to cut their chemical tariffs an additional 30% if the White House could prevail upon Congress to do away with ASP—the controversial system under which duties on benzenoid chemical imports are assessed on the basis of their U.S. selling price.]

Submitted to STR by the commission in October 1966, the commission's report has yet to see the light of day despite repeated efforts by the domestic industry, labor leaders, members of Congress, and newsmen to pry it loose. At first STR contended that the commission's conclusions were "not meaningful, and indeed hardly intelligible, without access to the confidential business information" relied upon by the commission and which the commission was prohibited by law from releasing. Later STR took the position that even the commission's conclusions contained confidential business information—which was hardly consistent with what it said initially or with then Special Representative for Trade Negotiations William M. Roth's own description of the commission's findings. "The commission advised whether particular concessions would or would not have an 'adverse effect' on domestic producers, i.e., whether 'this concession would or would not result in increased imports that would have significant effect on employment, profit levels, use of productive facilities, or on one or more of these economic factors," Mr. Roth said.

All this, of course, transpired under the information policies of the Johnson Administration that candidate Nixon assailed so vigorously during the 1968 campaign. True to his word, President Nixon has revamped the information policies of his predecessor. STR still won't release the report. But now the reason is that the report is "privileged Executive Branch communication."

There can be little question of the "relevancy" of the commission's report to full consideration of the Administration's proposal to repeal ASP which is now pending in Congress. Moreover, neither the present Administration nor its predecesssor has yet offered a reasonable justification for refusing to release the nonconfidential portions of the report.

EDITORIAL COMPARES CARSWELL WITH DOUGLAS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ROGERS of Florida. Mr. Speaker, the Senate will tomorrow, April 8, vote on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court. A timely editorial of April 1, 1970, deserving of attention, appeared in the Sun-Sentinel newspaper, Pompano Beach, Fla. I wish to insert that editorial at this point in the Record for the benefit of my colleagues:

Confirm Carswell, or Impeach Douglas

(By William A. Mullen)

The Old Testament philosophy of an eye for an eye and a tooth for a tooth may not have popular appeal in these kindly days when "human rights" are considered to be transcendent over property rights, irrespective of the intent or menace presented by the claimant of human rights against a fellow man seeking to protect his property rights.

There is, however, room for the "even-Steven" theory, no matter how much it may be opposed by an element which wants everything its own way, but which can see no justification in the other side gaining even the flimsiest of concessions.

It is on these grounds that there is merit to the proposition by Sen. Harry S. Byrd Jr., D-Va., that if the Senate fails to endorse Circuit Judge G. Harrold Carswell as an associate justice of the United States Supreme Court, then impeachment proceedings against Associate Justice William O. Douglas would be in order.

Indeed, the case against Mr. Justice Douglas has more substance than do the suppositions against Judge Carswell.

The Carswell antagonists reach far back into the past to pounce upon assertions that were in keeping with their times, to condemn the jurist until doomsday as a "racist," never willing to be forgiving because he has not renounced the sin of common sense to join their cause.

And when the racism allegation is refuted by Negroes or attorneys who otherwise might be regarded as the chattel of the liberal camp, then it is claimed that such endorsement results from pressure. The charge, of course, comes from a source that is intolerant and intransigent insofar as conflict of opinion is concerned, and a practitioner of pressure.

Coupled with the racism fabrications against Judge Carswell are the contentions that he does not measure up to the caliber of the type of appointee who should sit on the nation's highest bench.

There, we think, the Carswell foes have overplayed their hand and, regardless of how the battle is resolved, there should be a

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definite attempt to ensure that the court measures up to the standards which the Carswell foes say are lacking in the President's nomination.

If personal conduct, respect for the court and intellectual responsibility are the criteria set by the Carswell opponents and claimed to be beyond his capabilities, then the same measurements must be applied to Mr. Justice Douglas as an incumbent who must be regarded as no longer fit to rule from the land's highest court.

Judge Carswell may be accused of mediocrity, which has not been proved. But he is not responsible for wild decisions that gave the edge to criminals in misguided overprotection of individual rights.

Judge Carswell may be accused of ineptness, but he is not an oftwedded and oft-divorced marital gadfly in position to rule unwisely against school prayers, on the matter of pornography, or law as it applies to American tradition.

Judge Carswell may be accused of not having written landmark decisions in singular prose during his long tenure in the courts. On the other hand, he has not written for sex-oriented publications involved in any case coming before his court. Nor has he written a book conceding the revolution may be necessary for dissidents to register their displeasure and to effect their desired upheaval.

If what he is falls short of being philosophically and intellectually qualified for the Supreme Court, then either our mores are all wrong, or Mr. Justice Douglas has no place in fabricating the law of the land.

And if the anti-Carswell liberal senators will not apply their exacting yardstick to such an incumbent; if they refuse to endorse Judge Carswell on separate and unequal terms, then they will have forfeited their privilege to advise and consent upon presidential nominations to the U.S. Supreme Court.

BYELORUSSIAN ANNIVERSARY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HALPERN. Mr. Speaker, March 25 commemorated the 52d anniversary of that brief moment in 1918 when the Byelorussian National Council declared their independence from the Russian State.

The Byelorussian American Association's national headquarters is located in my congressional district, and I join with them in the fervent hope that these people attain their long-sought independence from Russian rule. Speeches and remarks by Members of Congress have served to remind the Russian people that we here in American still recognize their plight and are mindful of their unfailing great strength and never-ending hope for freedom.

In these tremulous times, when freedom's candle flicker more and more faintly in so many parts of the world, I would like to remind my colleagues of the Byelorussian people's long struggle for their freedom and their land.

Since the beginning of the 13th century, these courageous people have strained against repeated shackles of tyranny and bondage to preserve their sense of national honor and unity. They were content with the simple and mean existence of the farmer on a vast and frigid land of 80,000 square miles which extends from the eastern borders of Poland to the Western approaches of Moscow. In 1795, their land was overrun by the Moscovites. When the czarist regime tried to obliterate all traces of nationalistic feeling among the Byelorussians, these rugged people resisted, finally seizing upon the chaotic conditions at the outbreak of World War I as a desperate opportunity to establish their own national independence.

The first all-Byelorussian Congress met much like the founders of our own country met, to establish a new nation free from the burdens and bondage of a stranglehold possessor nation. They adopted a resolution endorsing the right of nations to self-determination and overwhelmingly called for the establishment of a democratic government to shape the destiny of this new nation.

But the powerful Red army, sensing a threat to their interests, forcibly disbanded the Congress and attacked the new republic. The Byelorussians fought valiantly for nearly a year, only to finally fall under the heel of the Communist State. Their land was made a part of the Soviet Union, but these peoples indominable spirit could not be crushed.

Today the Byelorussians still tend to their farms and simple customs in the heart of Russia. But they have not lost the hope for freedom nor the love of their land, and they live with the destiny of their little nation ever foremost in their minds and hearts. The Byelorussian national headquarters here in America strives to keep this spirit alive, to sustain the hope of their people. And today, on the behalf of this lost nation that scarcely uttered its first breaths before being crushed, I offer my fervent prayer that one day soon the words of their declaration of independence will again ring true and these people will again be free to create the covered destiny of their nation, Byelorussia.

THE UNITED STATES AND RHODESIA: WHERE DO WE STAND ON APARTHEID?

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. REUSS. Mr. Speaker, the following editorial from the Milwaukee Journal of March 22, 1970, examines the United States' first Security Council veto in the 25-year history of the United Nations—a move which should make every American ask the disturbing question: "Where do we stand on apartheid?":

Our First UN Veto

The United States cast its first Security Council veto in the 25 year history of the United Nations over the touchy question of Rhodesia.

The practical reasons are hard to deny. The African-Asian resolution called for cutting all ties—political, economic, social, etc.—with the rebel, racist run country, which broke with Great Britain earlier this month and declared itself a republic. The resolution condemned Britain for not using force to bring Rhodesia to heel.

Charles Yost, our ambassador to the UN, explained the support of the resolution would condemn American citizens in Rhodesia to isolation with no recourse to help. There are significant US economic interests at stake. The United States had an obligation to oppose condemnation of Britain.

The psychological effects of the veto on American relations with black Africa, however, may be serious. The recent closing of our consulate in Rhodesia becomes a meaningless gesture in the struggle against apartheid. The veto perils much of the goodwill won by Secretary of State Rogers on his 16 day tour of Africa. It makes suspect the Nixon administration's profession of a new US interest in the African continent.

As Diallo Telli of Guinea, secretary general of the Organization of African Unity, told Rogers in Addis Ababa; Rhodesia, South Africa and the Portuguese colonies "are the negation of everything that stands for human dignity."

This moral judgment is correct. How long can this country dodge the issue?

HOW TO BE SERIOUS AND FUNNY AT THE SAME TIME

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GALLAGHER. Mr. Speaker, one of the great pleasures of the Washington scene is the opportunity to read Art Buchwald in the Washington Post. His columns are consistently funny and, equally important, always strike directly to the heart of important problems.

A particular example was his recent column on the difficulties of utilizing credit card firm's computers while the mail strike was underway. While Mr. Buchwald creates a fantasy in which computers completely exceed the grasp of humans and spew out long lists of "deadbeats" in spite of unmechanized and ineffective attempts to make them understand the fact of the mail strike, a very serious problem does exist in real time. That is the inability of credit card holders to reach a human being in large automated firms.

Mr. Speaker, on March 3 of this year, I introduced H.R. 16266 and H.R. 16267 which provide that if a creditor refuses to make correction, or at least humanly acknowledge receipt of a consumer complaint, the consumer is relieved of the liability under discussion, and to forbid creditors from reporting disputed accounts to credit bureaus as delinquent. And I called for the inclusion of both of those provisions in the credit industry control bill now being considered by the Consumers Affairs Subcommittee, when I was its leadoff witness on March 17, 1970.

Mr. Speaker, I am pleased to insert Mr. Buchwald's column in the Record at this point. Mr. Buchwald's style is very funny and it does not take away from his unique contribution to point out that for thousands of credit card holders, the subject under discussion is no laughing matter. The column follows:

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MAIL STRIKE IS FRUSTRATING CONSCIENTIOUS COMPUTERS

(By Art Buchwald)

NEW YORK—There have been many repercussions over the mail strike. The most serious is that in a computer age, it's hard to explain to a computer what a mail strike is all about.

All large companies bill by computers and when the bills are paid, the computers check them off. For a week now it's been impossible for computers in New York to send out bills, or to receive money for outstanding debts. Therefore, the computers who are not concerned with the postal workers' grievances have become more frustrated and have been venting their anger on the list of people stored in their machine.

I was in the office of one of the major credit card companies in New York last week and the manager was in the computer room trying to talk to the computers.

The teletype of one computer kept printing: "Where is the money? Where is the money?"

Another computer was printing: "James is a deadbeat, Jincks is a deadbeat, Jist is a deadbeat, Johnson is a deadbeat, Jones is a deadbeat, Juniper is a deadbeat.

A third computer was teleprinting: "Attention! Attention! The credit of all people whose last name begins with 'A' through 'L' has been canceled."

The manager kept running from computer to computer teleprinting, "Rescind That Order," but the computers were working much faster than the manager.

I watched him feed into one machine, "There is a postal strike! Do not do anything drastic until it is over."

The machine immediately responded, "I am not concerned with postal strike. If people don't pay their debts, they must be punished."

The manager rushed to the next machine which was printing, "King is a deadbeat, Klotz is a deadbeat, Klutz is a deadbeat."

The manager typed out, "They are not deadbeats. They're victims of an act of God."

The machine printed back, "I do not believe in God. Lachman is a deadbeat, Lengel is a deadbeat, Longworth is a deadbeat."

"Please," the manager teletyped, "Don't come to any conclusions while the mails are not working."

"You're going soft," the machine teletyped back. "If you're not careful, you'll be a deadbeat, too."

The manager was in tears. "I can't stop them," he said. "We've trained them to be so efficient that they won't accept any excuses. At this rate they're going to mark every one who has a credit card lousy. We'll be out of business."

"Why don't you pull the electric plug on the computers?" I suggested.

"It's no good. They can work on auxiliary power. There's no way of stopping them."

A computer was teletyping, "The following people should be immediately arrested and all property confiscated—Paine, Peace, Potter, Plunkett, Pruneau, Punter, Raskin, Roberts, Rogers . . ."

The manager typed back, "No, No, No, No. They're innocent."

The computer typed, "Get your filthy hands off the keys of my teleprinter."

The manager was white. "I have no choice. To save the company, I'll have to push the self-destruct button."

"You're going to blow up the computers."

"It's either them or us." He broke the glass on the wall, and pushed the red button.

There was a thunderous explosion followed by smoke. When the smoke cleared, I looked around. All the computers seemed to be working. One started teleprinting, "As I was saying before I was interrupted, Mayfield is a deadbeat, Minton is a deadbeat, Morgan is a deadbeat, Mullins is a deadbeat . . ."

OPEN THE DOOR WIDER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. NELSEN. Mr. Speaker, George E. Carlson, chairman of the board of the Minnesota Rubber Co., based in Minneapolis, Minn., has provided me with a thoughtful position paper stressing the need for a national comprehensive high school program. Mr. Carlson, who draws this conclusion in his capacity as chairman of the education committee of the National Fluid Power Foundation, makes a most compelling case for broadening the school program below the college level to include instruction in practical trades and other nonacademic subjects.

Certainly, many of us agree that there is a great need for more emphasis on vocational and technical education in this country. In fact, it was because of this need here in the Nation's Capital that I authored the legislation which created the Washington Technical Institute.

So I am pleased to draw Mr. Carlson's comments to the attention of my colleagues, and include his essay at this point in the CONGRESSIONAL RECORD:

OPEN THE DOOR WIDER

Many of our students in our present junior and senior high schools are wandering about in an academic no-man's land. There is a lack of programs educating them to earn a living and become responsible citizens. Most of today's students are unhappy, frustrated and discouraged. This unrest must be stopped with a practical educational challenge.

Many students are violently opposing the pattern of life that formed this country. Followers of radical groups protest against our existing educational system with campus havoc. Frustrated students revert to drugs and crime. Drop outs are not challenged to seek out a goal in life because they have not been properly prepared by our present educational structure.

We quote *Dr. Malcolm Moos*, President of the University of Minnesota: "You ain't seen nothing yet—wait until you see their successors."

WHO IS TO BLAME?

Our schools are teaching as though 90% of our students should be professionals and college trained.

The Ohio census disclosed that only 7½% of industry's employment opportunities required a college degree. Yet, 81% of all the youths in their schools were enrolled taking a college preparatory program. Government reports show that 70% of our 82,000,000 employed are workers and craftsmen.

THE STATISTICS OF SCHOOL FAILURES

From government reports: Only 7½% of all students who enter the first grade will graduate from college. Of all those who graduate from high school, only 18% will complete college studies. There is no consideration for the 82% who will not graduate from college.

COMPULSORY ACADEMIC EDUCATION ONLY

Every state *compels* students to attend school until they are 16 years old. When they graduate from elementary school at sixth grade, or 12 years old, they must enroll in junior and senior high school. The program offered is exclusively academic and college oriented only. This lack of choice creates most of our youth problems. They become discouraged and drop out. (Presently, our drop out rate is the highest percentage on record, and still rising.) Many high school graduates, too, tell us they are fed up and distrust further after-high-school education of *any kind* because of the academic emphasis.

OTHER CONTRIBUTING FACTORS

We have neglected to keep pace with the needs of our earlier maturing youth. Our accelerated environment has made the teens the decision making years, not the twenties. They are making lifetime decisions earlier than we expect. Our present educational system does not teach what they need to know early enough, especially a sense of responsibility and the ability to work.

Many of today's welfare recipients and unemployed are the product of the same neglect. Contributing to our problem is our lack of vocational training. Consider the fact that we had 500,000 in vocational training compared to Germany's 1,200,000 comprehensive school students. (From latest reports.)

EDUCATION COSTS

Our school system is the largest industry in the world with 46,000,000 students at a total tax expenditure of 64.7 billion dollars in 1968, or $1348.00 per student annually. We are spending more money annually on education than do all the other countries in the world combined. The student cost of attending college is soaring. It becomes more difficult to go to college. More high school students will look for, and need a practical educational program.

The experts agree:

Carnegie Commission in their March 2, 1970 report stated: "We do not believe that each young person should of necessity attend college. Quite the contrary. Many do not want to and will not attend, and it can not be shown that all young people will benefit sufficiently from attendance to justify their time and the expense involved. Inequality of opportunity must not continue to sap the strength of our nation."

Mr. E. R. May, Dean of Harvard University said this month, in March 1970—"Harvard maps big changes in curriculums to open doors in vocational training."

Brown University is also changing its program.

Mr. Robert Finch, Secretary of Health, Education and Welfare at the National School Principals' Convention in February, 1970: "The high schools are in a stage of breakdown whose symptoms are too clear—violence, drugs, dropouts, incredibly mobile and unhappy students of this dilemma."

The Federal Office of Education: "High school programs must be revised to reach the students that are not reached by academic programs only."

Dr. John Rankin, former president of M.I.T.—"We have to do something for our youth as public education should not only touch on general education, but certainly should include teaching of subjects covering practical life and trades."

Dr. C. M. Woodward, past president of Washington University: "Put the whole boy or girl to school—his hand and heart as well as his head."

Mr. Archie Moore, past world champion boxer: "A boy can—ABC, if we teach him how early enough to learn by doing."

THE PROVEN SOLUTION

The proven solution is a *comprehensive high school program*. Vocational training is combined with a full academic program to create a comprehensive high school. The student has his choice of a complete academic schedule, or part academic with vocational training. Either way, he has the necessary credits for college upon graduation. These schools offer training, such as: Tool and die, machinist, auto mechanic, hydraulic, electronic computer, nursing, cooking, sewing, cosmetology, stenography, drafting, bookkeeping, comptometer and many more.

BENEFITS AND POTENTIALS

The student receives the necessary skills for immediate employment upon graduation if he can not, or will not go on to college.

The value in attaining a skill provides the incentive to remain in school.

Industry's acceptance has been overwhelming—81% of the comprehensive high school graduates are successfully employed in the trade they've studied. Many are recruited by industry before graduation.

Journeyman status is obtained by many graduates after just one year in the field.

Dropouts have been reduced substantially in all these schools. A comprehensive school in Pennsylvania reports a reduction from 28% to 4%.

Students have a greater desire to go on to college for further training in engineering and technical skills. (The enrollments in these courses have been decreasing at an alarming rate which has college faculties and industry worried.)

This program gives every person a chance to fulfill his personal goals and earn a living regardless of his background, especially the blacks, ghetto residents and other minority groups. We have found the student will attend any school when he knows he will receive practical training for steady employment.

HOW AND WHERE

The comprehensive school has, and can be, tailored to meet the needs of the community. The vocational and academic divisions are located in the same building when the school is large enough. Some in additions to present buildings; others use separate vocational buildings centrally located to serve the needs of three or four high schools in a comprehensive effort. Some of the present vocational school facilities have been successfully converted to comprehensive high school operation.

When a student enrolls in junior high school he is assigned certain periods in the vocational division to allow experimenting in various trades. He receives counseling guidance to find the trade which best fits his ability. He then proceeds with his four year training program.

The program is basically economical. The saving in support costs alone makes it worthwhile. The unskilled person and his family will be removed from welfare. Complete plans for implementing this program are available.

Many school bond issues have been rejected lately but every bond issue incorporating this comprehensive high school program has been passed with a good margin.

In most cases, the comprehensive school has a 16 hour day. Classes are offered to all the residents of the community—students, adults and dropouts.

The comprehensive high schools have been operating successfully in many communities from coast to coast. A few are—Cleveland, Ohio; Kansas City, Kansas; Denver Colorado; Kenosha, Wisconsin; Erie, Pennsylvania; Camp Springs, Maryland and Millville, New Jersey. The Newton, Massachusetts public schools have one technical school serving two comprehensive schools under a grant made by the Ford Foundation. (A complete list of many more is available.)

Thirteen suburban school districts on the western perimeter of Minneapolis have announced plans to build two schools to serve as a vocational division for their thirteen comprehensive high schools.

Many of these school districts in the states that are operating now are expanding the operation as fast as money is available; the program is spreading.

PUBLIC OPINION FAVORS COMPREHENSIVE HIGH SCHOOL PROGRAMS

Polls taken by newspapers, regional reports and government reports indicate endorsement as follows:

	Percent
Parents	94
Voters	78
High school students	57
Industrial manufacturers	89
Union membership stating that it is the school's responsibility	76

This practical program needs the help of people like you with exerience and knowledge. We feel this program should become a national concept. Our only goal . . . helping solve the problems of today's youth.

How can you help? Let us know.

—GEO. E. CARLSON.

TERRORIZING THE GREEK PRESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. EDWARDS of California. Mr. Speaker, when an unconstitutional, totalitarian military junta grabbed power in Greece in April 1967, one of its first acts was to close down the 15 Athens newspapers.

When the press was allowed to resume publication, the most prominent conservative publisher, Mrs. Eloni Vlachou, defiantly refused to publish the junta's handouts, closed her papers, was placed under house arrest, and later escaped to make her way to England. The remaining papers operated under a cloud of censorship and harassment.

Only one, the Ethnos, dared to test the claim of the junta that it recently had restored partial freedom of the press. In the last week we have witnessed the result: The top five editors of Ethnos were arrested, tried by a military court, and sentenced to prison terms of up to 6 years. Their crime? They published an article by a former Member of Parliament, Ionnis Zigdis, calling for a return to democracy. Thus it was that Ethnos, founded in 1913 and closed only once before in its history—during the Nazi occupation—was forced to go out of business.

Our own policymakers have often been insensitive to the moral and political implications of United States association with the repressive junta. In the view of many, the junta could not survive without the implicit and explicit support it receives from American military figures in NATO and the Pentagon. It is a situation which should make the Statue of Liberty weep.

For nearly 3 years tragedy has followed tragedy in that ancient land. It may yet not be too late for us to change our course. I hope we do.

Under leave to extend my remarks in the RECORD, a series of articles describing the Ethnos tragedy follows:

[From the New York Times, Apr. 5, 1970]

GREECE: STUDIES IN COURAGE

Greek democrats continue to fight back against the spreading tyranny of the ruling army junta with a stubborn courage that leaves free men everywhere heavily in their debt. Ten of 34 distinguished Athenians on trial for sedition by a military court have now repudiated earlier confessions, saying these were extracted by brutality and torture.

As a result of this brave refusal to follow the regime's carefully prepared courtroom script, the military tribunal has refused to hear any more statements by defendants alleging torture and has ordered Greek newspapers not to print any such charges. Thus another remnant of press freedom and another fixture of fair trial procedure disappear in Greece.

Press freedom was also quashed in a second military trial being held simultaneously in Athens. The editor of the newspaper Ethnos was sentenced to five years in prison and fined $8,300; a former Cabinet minister was sentenced to four-and-a-half years. Ethnos had published an interview in which the ex-Minister called for restoration of democracy.

The most dramatic moment in either trial came when former Premier Panayotis Canellopoulos, testifying for the 34, warned the ruling colonels that their ever-increasing repression made a revolutionary upheaval inevitable.

ATHENS JAILS SIX FOR PUBLISHING ELECTIONS PLEA

ATHENS.—A military court sent an opposition politician and five newspaper executives to jail today on charges of spreading false rumors. Another politician promptly called the sentence an attempt to "terrorize the press" and a shame for the Greek army.

The court convicted former Industry Minister Ioannis, Zigdis, three publishers and two editors of the newspaper Ethnos of spreading false rumors and propaganda. The case stems from publication of an interview in which Zigdis called for a return to democratic rule. The court sentenced the six men to prison terms ranging from 13 months to 5 years.

"These sentences are part of an effort to terrorize the press, which is now operating in a state of merely theoretical freedom," former Foreign Minister Evangelo Saveroff said in a statement to foreign newsmen.

"Newspapers are no longer accepting articles by myself or other politicians. This proves that the efforts have brought fruit."

The Ethnos trial ended early today in the same courthouse where another military tribunal was trying 34 persons on charges of trying to overthrow the government of Premier George Papadopoulos. These charges carry possible death sentences.

The six men were each fined $6,600. The newspaper that carried the interview with Zigdis, lost its right to tax-free newsprint for five months.

Halamaras gave Zigdis 4½ years, Ethnos Chief Editor Ioannis Kapsis five years, Publisher Constantinos Kyriazis four years, Assistant Publishers Achilles Kyriatis and Constantinos Nicolopoulos three years and Managing Editor Constantinos Economidis 13 months.

GREEK PAPER SUSPENDS AFTER EDITORS ARE JAILED

ATHENS.—The daily newspaper Ethnos stopped publication today for an indefinite period because its publishers and top editors were convicted and imprisoned yesterday for violating martial law.

The staff was advised of the shutdown after the paper went to press today for the last time.

The decision to stop publishing was made by the imprisoned publishers in consultation with their lawyers.

The employes felt they could no longer run the paper on their own without someone being responsible for its editorial content, as the law requires.

An announcement tacked to a board in the paper's secondfloor editorial room advised the 100 employes: "After today's decision of

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the copublishers, as of Saturday, the paper suspends publication indefinitely."

There was no immediate government comment on the paper's decision to suspend publication.

Convicted and jailed were the Constantine Nicolopoulos, Achileas Kyriazis, his brother Constantine, chief editor John Kapsis and managing editor Constantine Economides, and excabinet minister John Zigdis.

In an interview published by Ethnos on March 24, Zigdis called for a national unity government to replace the army-backed regime.

Ethnos, founded in 1913, had suspended publication only once before in its history—during the Nazi occupation of Greece from 1941 to 1944.

The paper had become an outspoken critic of the present Athens regime since press censorship was lifted in November.

[From the New York Times, Apr. 3, 1970]

Effort To Terrorize Press Laid to Athens

ATHENS, April 2.—A former Foreign Minister of Greece, Evangelos Averoff-Tossizza, accused the military-backed regime today of trying to "terrorize" the Greek press through harsh court-martial sentences on journalists.

The former minister deplored the heavy prison terms and fines imposed by a special military tribunal on three publishers and two editors of the Athens daily Ethnos for printing an interview that urged restoration of democracy in Greece.

Ethnos, the only defiantly antiregime daily of the ten printed in Athens, may have to shut down this week following the sentencing of its executives to terms ranging from 13 months to five years. Fines totaling $45,000 were imposed on the debt-ridden paper.

The Ethnos executives sentenced were Yiannis Kapsis, the editor; Constantine Economides, the managing editor, and the publishers, Constantine Kyriazis, Achilles Kyriazis and Constantine Nikolopoulos. Also fined and sentenced was Ioannis Zigdis, a former Cabinet minister who gave the interview.

PRESS FREEDOM CALLED NOMINAL

The newspaper, which was founded in 1913, has been put out by its junior staff since March 24, when the publishers and editors were arrested on charges of "spreading false reports likely to cause anxiety to citizens."

Mr. Averoff-Tossizza said: "The heavy sentences passed on Ethnos are related to nothing except to the attempt to terrorize the press while maintaining nominal press freedom."

"I am deeply sorry that those degrading sentences were imposed by men wearing the honored uniform of Greek officers, who have always been on the forefront of the fights for freedom."

Mr. Averoff-Tossizza, Foreign Minister from 1956 to 1963 added, "I am even more grieved because the present tactics—which may change the appearance of the newspapers though not the proud Greek spirit, appear to condemn the efforts of those who had wished for a gradual, normal evolution, painless to all."

None of the other Athens dailies commented today on the Ethnos verdict.

OTHER TRIAL CONTINUES

Meanwhile, at another Athens trial, 28 witnesses testified for the defense of 34 Greeks charged with having attempted to topple the "political system and existing social order."

One defense witness, a former Supreme Court judge, said it was absurd to try the defendants under a 23-year-old antisedition law that was intended to protect democracy from "the sort of things that is happening in Greece."

Another witness, Mrs. Amalia Fleming, the Greek-born widow of Sir Alexander Fleming, discoverer of penicillin, said the bombs the defendants are accused of having exploded were in fact firecrackers meant as an "acaustic protest" against the regime.

The military court adjourned until tomorrow, when it will continue to hear defense witnesses.

Jurists Protest Trial Bar

GENEVA, April 2.—The International Commission of Jurists said today that the Greek authorities had "once more publicly demonstrated their indifference to the rule of law" by barring foreign observers from a military court now trying 34 persons on charges of subversion.

Two representatives of the commission, a private agency, were among the foreign lawyers who protested Monday that they had been denied access to the Athens courtroom.

[From the New York Times, Apr. 3, 1970]

Defiant Greek Editor—Joannis Kapsis

ATHENS, April 2.—Joannis Kapsis will be unable to address the Overseas Press Club in New York tomorrow on Present-Day Working Conditions for Greek Journalists, as he had been invited to do.

The Athens military court spoke first and exhausted the topic early today when it sent Mr. Kapsis to jail for five years for printing in Ethnos, his defiant newspaper, an interview calling for the restoration of democracy in Greece.

What infuriated the 41-year-old editor was that for the last five months he had been nettling the country's military-backed regime with defiant double-meaning headlines and cartoons, yet the military judges convicted him for having printed an interview with someone else.

The latest, if not the last, installment of "Let There Be Freedom," one of Mr. Kapsis' historical novels, appeared in Ethnos today as he began his sentence.

It was uncertain whether the newspaper, whose circulation had risen from 17,000 to 42,000 in the last few months, could survive the imprisonment of its three publishers and two chief editors and the fines of the equivalent of $50,000 that the military court imposed. The men were all arrested nine days ago.

ARRESTS NOT UNEXPECTED

The possibility of arrest was something Mr. Kapsis and the management of Ethnos had lived with for months. Mr. Kapsis, with Constantine Kyriazis, the copublisher who took the most active role in setting editorial policy, had turned Ethnos into the only Athenian newspaper defiantly hostile to the military-backed regime.

Mr. Kapsis, a sturdily built man with steel-blue eyes and graying hair who gives the impression of having an inexhaustible supply of energy, took over as editor in chief last fall after the regime had proclaimed "freedom of the press."

When Mr. Kapsis speaks of freedom of the press it is with passionate conviction. With the backing of Mr. Kyriazis, he began probing the legal limits set for the press in Greece. His first defiant headline became a classic in Greek journalism. Spread across the front page in three-inch-high letters, it read: "More Democracy." Above it in tiny print was: "Chancellor Brandt Pledges—."

Many Athenians would open their copies of the newspaper asking, "What are they up to today" Sometimes it would be a quip or a cartoon. Other days it would be something like the text of the International Press Institute report on the problems of the Greek press or the United States Senate Foreign Relations Committee's hearing on Greece with words such as "torture" or "dictatorship" replaced by telltale dots.

Mr. Kapsis has been in journalism almost all his adult life. His father, Pantelis Kapsis, was a journalist who fled to Greece as a refugee from Asia Minor in 1922. One of his son's best-selling historical novels was "The Lost Fatherland," about the mass migration of Greeks from the Turkish coast of the Aegean.

The son was born in Athens in 1929 and studied at the American-run Athens College. He started with Ethnos in 1929 as a translator of dispatches from foreign news services.

Spotted as a bright young man, he worked his way up through the ranks. By the time he reached the editorship, there was not a job on the paper he could not do.

Mr. Kapsis finds nothing unusual in a 20-hour workday and has a reputation of pitching in and doing any job that needed doing to get the paper out. He writes almost as quickly as he talks and does both effectively.

ACCUSER OF PAPANDREOUS

Politically, Mr. Kapsis was a follower of the late George Papandreous's Center Union and was a close friend of his son, Prof. Andreas Papandreous, the expatriate former minister who leads the Panhellenic Liberation Movement.

Mr. Kapsis deplores communism and speaks with angry eloquence of the fate of the press under Communist regimes.

When the military seized power in Greece three years ago, Mr. Kapsis was arrested, but was released after nine days. He was detained by security police again for 24 hours last summer.

He had made a special application for a passport to address the Overseas Press Club. Although Greeks arrested for any reason are usually barred from leaving the country, he had high hopes of getting out. "He was looking forward to the trip with boyish enthusiasm" a colleague said.

His wife, Eleftheria (the name means "freedom"), holds down a bank job as well as making a home for their sons, aged 15 and 10. She and her eldest son, Pantelis, watched the two-day court-martial until the verdict came at 1:30 this morning. "He's in jail by mistake," she said.

"When I was arrested," Mr. Kapsis told the military judges, "it was a complete surprise. I said to myself: 'Gosh I must have forgotten to pay the taxes again!' "

Two officers of the press section of security police told the court believed Mr. Kapsis was behind all this "antinational propaganda."

"He is an exceptionally capable journalist," one of them said.

This unwelcome praise was reflected in Mr. Kapsis's sentence, the heaviest of the six defendants.

Ioannis Zigdis, the former minister who gave the interview, was sentenced to four and a half years. Mr. Kyriazis received four years and his two co-publishers, Achilles Kyriazis and Constantine Nikolopoulos, three years each. The managing editor, Constantine Economides, was sentenced to 13 months.

[From the Christian Science Monitor]

(By S. Christopher)

ATHENS.—One of Greece's oldest dailies has suspended publication indefinitely because it ran afoul of the Army-backed regime.

Its three copublishers and two of its top editors have been sentenced by a court-martial to stiff jail terms ranging from 13 months to 5 years.

Ethnos, an afternoon daily, is the seventh Greek newspaper to cease publication since the military coup in Greece three years ago this month.

The Athens morning daily Kathimerini and afternoon Mesimvrini of conservative Eleni Vlachou closed down shortly after the April, 1967, coup. So did the Athens daily Eleftheria of liberal Panos Kokkas. Both Mrs. Vlachou and Mr. Kokkas have since escaped to Europe where they presently live in exile.

Also closed since the revolution are the

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Communist Augi, the leftist Dimokratiki Allagi, and the centrist Athenaiki.

Against the seven closed, two new dailies have sprung up—the Nea Politeia and Simerina, both progovernment.

LIBERAL CENTER BACKED

Ethnos started publication in 1913 as a staunch supporter of Greece's leading modern statesman, Eleftherios Venizelos. Since then it has mostly supported the liberal center. It was one of the few Greek newspapers to suspend publication during the Nazi occupation.

The newspaper's publisher's and editors were charged with violating a criminal law springing from the recent press law and a military decree. On trial with them was John Zigdis, former minister of industry and Center Union Party deputy.

Specifically the six men were accused of disseminating false news, of inciting fear among the citizens capable of undermining confidence in government authority in the armed forces, and in the currency and of propogating unpatriotic propaganda.

The charges arose out of an interview with Mr. Zigdis which appeared in Ethnos March 24 under the heading "Government of national unity." The interview was featured as the first in a series giving answers from the political world to questions on the latest Cyprus crisis and suggesting possible solutions.

After its appearance Ethnos copublishers Kostas and Achilles Kyriazis and Nicholas Nikolopoulos, editor-in-chief John Capsis, managing editor Constantine Oikonomidis, and Mr. Zigdis were promptly arrested and brought before a five-man court-martial.

According to the law the publishers of a newspaper and the managing editor are liable to prosecution on such charges. But nontheless Mr. Capsis also was arrested.

The military on the bench handed down sentences even harsher than those demanded by the prosecution. Mr. Capsis was given five years' imprisonment, the publishers received terms of from three to four years, and Mr. Zigdis 4½ years. The octogenarian and ailing Mr. Oikonomidis, one of the oldest working journalists in Greece today, received 13 months.

All the defendants also received fines. Finally, the duty-free newsprint privileges of Ethnos were suspended for five months.

REMARKS INTERPRETED

The essence of the opinion expressed by Mr. Zigdis in the interview was this: "The recent tragic events on Cyprus show that the Greeks on Cyprus are threatened by fratricidal division. The bonds which unite Cyprus to Greece are being put to the test. Cyprus, now more than ever before, needs the affection, guidance, and assistance of Greece, all of which can best be extended through a political government. It is therefore recommended a government of national unity [in Greece] through the return to democratic order."

The defendants, their attorneys, and prominent witnesses vainly contended that the remarks of Mr. Zigdis constituted opinion and not news, and that the law refers only to news. They presented excerpts from many newspapers which they argued were presented as news and might inspire fear and loss of confidence. Managing publisher Kostas Kyriazis took the sole responsibility for the interview.

Mr. Oikonomidis stated that he was in no way involved with the story. So did Mr. Capsis and the other two publishers.

Said Mr. Zigdis in his testimony, "The charge is in no way connected with the administration of justice. It aims at scaring John Zigdis and the Greeks. It even does no justice to the regime since it pictures it as trembling."

The prosecution had different views. "Freedom of the press should not be confused with irresponsibility," said the prosecutor, and he then went on to argue that the interview was news and not opinion.

He based his conclusions mostly on the deposition of police officers and of some little-known individuals. He took the view that both the paper and Mr. Zigdis had sought to belittle the present government.

After announcement of the sentences one journalist commented: "This is not justice but vindictiveness against the regime's most outspoken newspaper and the free press."

JOHN J. RHODES REPORTS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RHODES. Mr. Speaker, periodically I send a newsletter to my constituents in the First Congressional District of Arizona regarding current congressional activities. I am including the report of March 23, 1970, at this point in the RECORD for the benefit of those who may be interested:

JOHN J. RHODES REPORTS

ENVIRONMENT

In his State of the Union address last January, President Nixon voiced the concern of millions of Americans. "In the next ten years," the President said, "we shall increase our wealth by fifty percent. The profound question is—does this mean that we will be fifty percent richer in the real sense, fifty percent better off, fifty percent happier?" Or, will we as a people be choked by traffic, suffocated by smog, poisoned by water, deafened by noise, terrorized by crime and corrupted of spirit?

The true wealth of this country cannot be measured in economic terms. Among other things, the well-being of all Americans is directly related to the quality of our air, our land and our water. For too long we have ignored the adverse effects that a burgeoning population and a rapidly changing technology have had upon our way of life. Today, the problem of pollution has become a matter of national concern and, belatedly, occupies stage center.

On February 10, President Nixon sent to the Congress a special message on the environment. This was one of the longest and most comprehensive messages received by the nation's lawmakers from the White House. It outlined a 37-point environment program, including 23 specific legislative requests and 14 new measures to be taken by administrative action. I was pleased to cosponsor the introduction of this legislation in the House of Representatives where hearings are now in progress.

Briefly, the President's program consists of five major sections dealing with water pollution control, air pollution control, solid waste management, parklands and public recreation, and organization for action. The Chief Executive has already taken several steps in this latter category by creating a Council on Environmental Quality and a Cabinet Committee on the Environment.

The challenge to our environment has produced a certain bandwagon phenomenon that can either be the needed impetus for constructive action or the catalyst for unwise and irresponsible proposals. Just as we cannot afford to sacrifice our precious natural resources to an unbridled economic growth neither can we naively ignore the demands of 250 million Americans for food, housing, transportation and recreation.

Because of our large and increasing population, the day of absolute environmental purity may be past. However, the conservation challenge of the seventies requires that we seek a reasonable balance between the demands of our technology and the preservation of our environment.

President Nixon has presented a sound and realistic program to the Congress which seeks to achieve this balance. But the challenge cannot be met by the federal government alone. It is for this reason that the President has called for a major national effort which would enlist the support of private industry, state and local governments and, most importantly, individuals to combat the assault upon our environment. It is a cause worthy of our dedication.

DEFENSE SPENDING

To hear some people tell the story, this Administration is spending unprecedented amounts for military purposes with the result that domestic needs are being seriously shortchanged. The budget is tight, it is said, because of tremendous increases in defense spending benefiting no one but the infamous "military-industrial complex."

Let's separate fiction from fact: the fact is that President Nixon's Budget for this year reduces the percentage of funds spent for national defense to the lowest level since 1950. The fact is that the President's Budget reveals a major shift in national priorities. For example, under the two previous Democratic Administrations (1960–1968) defense spending was *increased* by 75%. For the current three-year Budget period (1968–1971) defense spending has been *cut* by 10%, freeing funds for important domestic needs. For the record, total spending for national defense is estimated to drop to $73.6 billion in 1971; $5.8 billion below 1970 and $7.7 billion below 1969.

A good part of this savings has come about through the reduction of waste and inefficiency in the Department of Defense. Secretary Laird has seen his task as one of insuring that every tax dollar invested in national defense is spent wisely. As a result, no part of the Defense Budget has been exempt from his cost-cutting pencil.

In a move that should have been taken years ago, the Secretary has announced the closing of 371 obsolete and unnecessary military bases and other military installations at a projected savings of approximately $914 million. This brings to 718 the total number of base closings since the Nixon Administration took office just over a year ago. Military bases in Arizona, incidentally, have not been affected by these cutbacks. Williams Air Force Base will experience a net gain in personnel, primarily pilot instructors, in order to augment its flight training program. The Army Intelligence School will be moved from Fort Holabird in Baltimore, Maryland to Fort Huachuca before the end of this year.

It is clear that these reductions in the level of defense spending, even in the midst of an expensive war, are warranted. It is equally clear that this country cannot safely indulge itself in the indiscriminate cutting of funds necessary to our national defense. Many persons today are apparently in favor of a wholesale dismemberment of America's defense capability. This Administration has rejected that course of action, while continuing to scale down military expenditures at a pace consistent with our national security.

LAOS

In recent weeks it has been darkly hinted that the United States is deeply involved in a "secret war" in Laos; that our present involvement in that country is merely the opening scenario to "another Vietnam."

On March 6, President Nixon set the record straight. "The total number of Americans directly employed by the U.S. government in Laos is 616. In addition, there are 424 Americans employed on contract," making a total of 1040. U.S. personnel in Laos has not been increased during the past year and no such

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increase is planned. American air operations in Laos, a matter of public record for five years, have been continued.

The United States has provided logistical and air support at the request of the Royal Laotian Government. This government was established in 1962 when fourteen nations, including Communist China and North Vietnam, signed the Geneva Accords providing for the "neutralization" of Laos. Before the ink had dried on these documents, the North Vietnamese began violating them.

Air operations in Laos are of utmost importance to help save the lives of American soldiers in Vietnam who are threatened by the continued infiltration of troops, weapons and supplies through the Laotian corridor into South Vietnam. However, ground combat troops are not contemplated. In short, there is no "secret war" in Laos but only an ill-starred attempt to discredit the Administration's policy in Vietnam.

LABOR BILL

The national consequences of long-term work stoppages are becoming more serious and intolerable. Ours is a complex and interdependent economy in which work stoppages in certain industries can seriously affect the health, safety and welfare of millions of innocent Americans. At the same time, our institutional machinery for the settlement of labor disputes is woefully inadequate.

The railroad industry, operating under temporary legislation for 37 days, is a case in point. All emergency procedures have been exhausted and it looks as though Congress, for the third time in seven years, will be required to legislate a labor contract in order to avoid a nationwide rail shutdown. Congress is ill-equipped for this task and should address itself to the larger problem of how to avoid similar work stoppages in this and other major industries in the future.

What is needed, in my opinion, is a separate and permanent procedure for the determination of disputes which the parties themselves, after exhausting all other procedures, are unable to resolve. On February 18, I introduced legislation that would expand our machinery for dealing with such disputes. The bill would establish a United States Court of Labor-Management Relations which would serve as a backstop in the collective bargaining process and protect the public interest against the devastating consequences of a protracted work stoppage in industries affecting the general welfare, health or safety.

On February 27, the President sent a message to Congress recommending the enactment of emergency strike legislation restricted in application to the transportation industry. Of course, the consequences that would accompany any nationwide transportation shutdown would be most serious. Other industries, however, have a similar importance to our economy and I believe that legislation addressed to the problem of work stoppages should be broader in scope. Hopefully, these important measures will receive the close attention of the 91st Congress this year.

CHANGE OF ADDRESS

If there are any changes that should be made in your name or mailing address, I would appreciate it if you would tear off the address on the brown envelope and return it to me with the applicable changes indicated thereon. (Congressman John J. Rhodes, 2312 Rayburn House Office Building, Washington, D.C. 20515).

VISITORS

Phoenix—W. J. Eden, Charles Martin, Emral Ruth, Bill Davis, J. C. Wetzler, Arthur M. Lee, C. A. Clements and Margaret, John M. Hazelett, Verne McCutchan, Stephen W. Pogson, Allan B. Starr, Dan Scarponi, Louis C. Reynolds, Mr. and Mrs. Merton E. Marks, Charles B. Harrison, Mike McCormick, R. E. McCullar, Robert T. Moore, Stephen Morris, Clayton Lorenzen, O. F. Whelan, Roger Ernst, J. A. Riggins, Jr., George F. Miller, Armando de Leon, Honorable John D. Driggs, Chuck Simmers, Robert Esterbrook, John Hart Oliver III, Dan Mardian, Mr. and Mrs. Joe L. Keyes, Mr. and Mrs. Roy H. Lotterhos, Mr. and Mrs. A. E. Bayne, Harold L. Perry, Gordon Marshall, Mr. and Mrs. Peter Kiewit, Jr., William F. Mahan, R. N. Young, Steve Zozaya, Chick McDowell.

Mesa—John H. Tedrick, F. A. Stone, Sam Q. Ball, Scott S. Parker, LaMar Shelley, Jana and Mary, James W. Colasanti, Duncan Scott.

Tempe—Dave Pilcher, Wade Lacy, Shirley A. Lacy, and Kathy S. Lacy, Merwin Deever, Lauren Freedman, Carl Shipley, M. D. Burdick, Ken McDonald, James E. Stieber, Dick Neuheisel.

Scottsdale—John Armstrong, E. H. Peplow, Jr., E. F. Suarez, Joe Prekop, Ralph W. Elsner, Charles Montooth, W. L. Lockhart, Louis Sullivan, Alvin Wood, William V. Donaldson, Honorable B. L. Tims.

Tucson—Al McGinnis, Donald G. Shropshire, Harold E. Kosanke, M.D., Robert Anderson, Benjamin F. Davis, Richard B. Arrotta, Clifford V. Levy, J. Jeffrey Matthew, Richard Hukey.

Chinle—Mr. and Mrs. Justin LaFont, Mr. and Mrs. Gerald LaFont.

Chandler—Marshall Humphrey.

Wellton—C. C. Tabor.

Globe—Louis P. Horrell, Steve Bixby.

Casa Grande—Al Nader.

Mayer—Brad Stewart.

Coolidge—Marvin Caudill, Nelson Grace.

Paradise Valley—Jack W. Coursey.

St. Johns—Darwin D. Grant, Keith Shreeve, Merwin D. Grant.

Yuma—Robert E. Thompson, Tom Choules.

Guadalupe—Frank S. Luera.

Sacaton—Burdette Morago.

Sedona—Duane D. Miller.

Payson—T. L. Meredith.

Clifton—Fred J. Fritz.

Kearney—Joe Mortimer.

GREYHOUND CORP. PROMOTES AMERICANISM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. McCLORY. Mr. Speaker, two honors have come to the Greyhound Corp. for its public-service efforts in behalf of the Nation's schoolchildren, as well as civic organizations and private individuals.

The Freedoms Foundation at Valley Forge, Pa., has awarded Greyhound its third George Washington Honor Medal in succession for its 1969 Americanism activities.

And Public Relations News, the international public relations weekly for more than 200,000 executives around the world, has selected Greyhound's longstanding patriotism program as one of the 25 best public relations efforts of the last quarter century.

Keystone of this fine company's program is a 24-page, 9-inch-square, full-color brochure entitled, "This Land of Ours." The public-service brochure was introduced during the 1967 4th of July holiday, and has been reprinted three times. To date, more than half a million free copies have been given out.

The booklet says patriotism is not "short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." The booklet continues:

> No man can take from me my share of America, for it is my birthright. But—and this is the message in *This Land of Ours*—I can give it away. I can lose it through indifference, through laziness, through ignorance.
>
> Joint ownership means joint responsibility. So we dare not only glory together in our country's triumphs. We must endure together its problems as well. We must guide it with reason, defend it with vigor, nourish it with great care.

"This Land of Ours" continues in this vein—a notable effort to instill in our Nation's youth a love and respect for this great land of ours.

In addition to the patriotism brochure, Greyhound has offered schools throughout the country, as well as civic groups and private citizens, a brochure, Amazing America, containing patriotism-inspiring four-color photographs of the beauty of our country. More than 200,000 copies have been given out free of charge in the last 2 years, and 50,000 additional copies are being printed now.

Mr. Speaker, Greyhound's Americanism activities also include distribution of a 1-minute public service TV film based on the patriotism brochure that was sent 100 TV stations for repeat usage. And a patriotic/travel show, complete for a 92-piece marching band—for use by high school and college groups—was introduced 2 years ago and used throughout 1969. It is also being redone this year.

It is significant that, at last count, more than 50,000 letters of commendation—from schoolteachers, from parents, from the children themselves—have been received by this Illinois company.

This is an effort that well deserves being called to the Nation's attention.

LAYPROCON

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. MILLS. Mr. Speaker, those of us who live and work in Arkansas are in the midst of a study of a recommended new State constitution and we have a new tool to help us study the proposals of the constitutional convention.

The Garland Chapter of Phi Alpha Delta Law Fraternity at the University of Arkansas, of which I am an honorary member, has organized a team of students to take its study of the constitution, a study which tries to present an accurate picture without either supporting or opposing adoption of the proposed constitution, to meetings throughout the State. Through those meetings and through cooperation with various media, the project known as LayProCon seeks to present an accurate picture of what the new constitution proposes to the Arkansas electorate.

For the benefit of everyone interested I am inserting at this point in the RECORD a report on the project published in the Arkansas Lawyer:

"LAYPROCON"—ARKANSAS'S ANSWER TO DARBY O'GILL AND THE LITTLE PEOPLE

The Arkansas Constitutional Convention completed its monumental task on February

10, 1970. Final judgement on its work—the proposed 1970 Arkansas Constitution—is reserved for the Arkansas voters at the November, 1970 polls.

As pointed up in the editorials, the intervening nine months afford all voters the opportunity to make a comprehensive study of the new document.

To assist in this study, the Garland Chapter of the Phi Alpha Delta Law Fraternity of the University of Arkansas has developed a particularly interesting orientation program—Project "LAYPROCON". Mr. J. Steven Clark, President of the Garland Chapter, undertakes to spell out Project's procedures and aims in the following article:

This year St. Patrick's Day will be especially significant to a group of 70 or so students at the University of Arkansas Law School. The reason is a project known as "LayProCon." "LayProCon" stands for Learn About Your Proposed Constitution. It is a public service project initiated this Spring semester by the Brothers of Garland Chapter of Phi Alpha Delta Law Fraternity.

The purpose of the project is not to advocate acceptance or rejection of the proposed constitution, but rather to explain the provisions of this most important document. The idea originated as the result of concern among these law students that the Arkansas populace didn't fully understand many of the provisions of the proposed document such as the county council, right to work, and the voting age provisions. The goal of the project is to assist the citizens of Arkansas in becoming aware of the advantages and the drawbacks of the various provisions. This information will allow them to exercise an informed judgment in voting to accept or reject the proposed document based on its merits. "LayProCon" will not provide all the answers, but it will answer many of those questions posed.

The project will begin March 15th with a program on KTHV Channel 11's "Face the State" originating from Little Rock. Also the week of March 16th through the 22nd will be designated "LayProCon Week" by an official proclamation issued by Governor Winthrop Rockefeller. In addition, civic organizations throughout the state as well as being invited to be a part of the program at the Arkansas Meat Processors and Locker Association's state convention in Little Rock.

The basic plan of the project is to send 5 member-teams out across the state throughout the Spring. The men composing these teams will be law students who are residents of the respective areas they will be visiting. The state has been divided into 14 geographical areas centered around the state and private supported universities, colleges, and junior colleges. These teams will spend a three-day weekend in each of these areas speaking to as many groups as possible. The weekend will be high-lighted by a public forum held at the visited institution plus radio and television appearances. The dates the teams will be in each area are as follows: March 20, 21, 22—Arkansas State University; April 17, 18, 19—Harding College, Henderson State College, Ouachita University, and University of Arkansas at Little Rock, Philander Smith College, Shorter College; April 24, 25, 26—Arkansas College, State College of Arkansas, Hendrix College, and Arkansas Tech, College of the Ozarks; May 8, 9, 10—Arkansas A&M, Southern State College, and Westark Junior College; and May 15, 16, 17—University of Arkansas.

In order to prepare the participants for their involvement in the project four "LayProCon" Training Sessions have been set up. These session will be led by Dr. Robert A. Leflar, President Constitutional Convention; Miss Kay Colett, Government instructor University of Arkansas; and the Benton and Washington County Convention delegates. The Sessions will be used to provide those participants in the project with insights and reasons as to why the convention enacted certain provisions and how they differ from other provisions suggested and the 1874 constitution. Each of the participants will have had a minimum of 10 hours instruction dealing with the proposed constitution.

The project has already received state-wide publicity of its efforts in a front page article in the January 24th issue of the Arkansas Gazette plus a similar story circulated by the Associated Press to all Arkansas newspapers. Also "LayProCon" was featured on a special presentation on KARK Channel 7 television in Little Rock concerning its efforts. In addition, Garland Chapter has received complete backing from the national organization of Phi Alpha Delta and a letter of commendation from Congressman Bill Alexander for its efforts.

If you know an organization that would like to have a speaker either during the visit of one of the teams to that area or at any other time, please contact Steve Clark, President Phi Alhpa Delta Law Fraternity, University of Arkansas Law School. Every effort will be made to provide those speakers requested. As the Spring rolls around, remember that this is one year Darby O'Gill and his Little People will have competition from Arkansas's own "LayProCons."

AMERICAN COLLEGE THEATER FESTIVAL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. QUIE. Mr. Speaker, for the second straight year a Lea College production has been selected to compete in the second annual American College Theater Festival under the auspices of the John F. Kennedy Center.

The original production of "The Sound of Bread Breaking," will be the opening performance of the festival to be presented at 7:30 p.m. on April 27 at the University Center Theater of George Washington University here.

This original play by Dr. Kenneth Regenbaum, director of the Theatre Arts Co. of Lea College on Lake Chapeau at Albert Lea, Minn., uses music and audience interaction to describe the early events in the life of Mohandas Gandhi. The play traces the development of his philosophy and the beginning of the militant, nonviolent movement that liberated India.

This production is one of the 10 national finalists in nationwide competition among college theater groups.

John Cromwell, one of the regional judges and himself a noted director, said after viewing the Lea College production that he was "spellbound by the sheer truth of a compelling and facinating performance of a truly inspired production. It would be a great pity if this truly original effort were denied exposure nationally."

What is even more unusual about this production is that it is enacted by students, many of whom have never previously acted on any stage, from a new college that caters entirely to the so-called "late-bloomers."

I congratulate the Lea College Theater Arts Co. on its distinction in becoming one of the national finalists in this competition; in particular its director, Dr. Regenbaum, for writing and producing an exceptional play.

The following list of students comprise the staff:

Courtney Jackson, Philadelphia, Pa.; Joseph Lee, Washington, D.C.; Ron Dominguez, Forest Hills, N.Y.; Craig Eastlund, Albert Lea, Minn.; Charles Boentgen, Pennsauken, N.J.; Judy May, Philadelphia, Pa.; Carl Apollo, Monsey, N.Y.

Jim Nelson, Elgin, Ill.; Ehren Qual, Albert Lea, Minn.; Reginald Witherspoon, Philadelphia, Pa.; George Lindenberg, New York City; Linda Dawson, St. Paul, Minn.; Ann Wick, Hayward, Minn.; Barbara Witter, East Orange, N.J.

Mark Weinstein, Boston, Mass.; Bill Birkett, Wabash, Ind.; Judith Alonson, Yonkers, N.Y.; Sherleen Britten, Schenectady, N.Y.; Lynn Bentson, Lakeville, Minn.

Michael Mamber, New York City; Chris MacEachen, Hyde Park, N.Y.; Mike Weidman, Milwaukee, Wis.; Vin Gorman, Rye, N.Y.; and Barry Bergie, Albert Lea, Minn.

PRAYER

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RIVERS. Mr. Speaker, on March 12, 1970, I held my annual luncheon in honor of our illustrious Speaker. On this occasion, the invocation was given by the Reverend John A. Hamrick, president of the Baptist College at Charleston. This prayer was so appropriate and so beautiful that I wanted to be able to share it with the other Members of this body, so I asked Dr. Hamrick to provide me with a copy in order that I might place it in the CONGRESSIONAL RECORD. I have now obtained that copy and it follows herein:

PRAYER

INVOCATION OFFERED BY JOHN A. HAMRICK, PRESIDENT OF THE BAPTIST COLLEGE AT CHARLESTON, TO A MARCH 12, 1970 LUNCHEON, GIVEN BY CONGRESSMAN L. MENDEL RIVERS TO HONOR JOHN W. MCCORMACK, SPEAKER OF THE HOUSE

We are so deeply grateful for these United States, for those who conceived this Union and for those who perpetuate it.

For the sacrifice that have been made and are being made today to keep men free.

For the House of Representatives that is our greatest assurance of government with the consent of the governed.

For the Speaker of the House, John McCormack, who exercises leadership in a day when it is not only most difficult and demanding to lead, but in a day in which it is essential to have right leadership.

For our host, L. Mendel Rivers, who in humility seeks wisdom and who carries it out with fearless courage and unashamed boldness.

We invoke thy blessings upon this group of leaders from many walks of life upon whom so much depends for the future of our world.

We pray that thou wilt grant us the wisdom, courage, and leadership that our day demands.

Not only that our Nation may survive with strength, but that it shall provide the greatest opportunity for living the world has ever known. Amen.

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HOUSE OF REPRESENTATIVES—*Wednesday, April 8, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O worship the Lord in the beauty of holiness: fear before Him, all the earth, for He shall judge the world with righteousness.—Psalm 96: 9, 13.

O God and Father of mankind, who hast preserved us as a nation and hast given us this good land for our heritage, grant unto us, who lead the people of this country, an unfailing and unfaltering devotion to Thee and to the welfare of our citizens.

Give us insight to see clearly what must be done to meet the needs of our countrymen, feeding the hungry, strengthening the weak, establishing justice, and building good will.

With this insight give us the inspiration to do it Thy way until justice and righteousness shall rule our Nation and peace and good will shall reign in the hearts of all nations.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14705) entitled "An act to extend and improve the Federal-State unemployment compensation program, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. GORE, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas;

S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; and

S. Con. Res. 49. Concurrent resolution providing for congressional recognition of the Goddard Rocket and Space Museum.

PERSONAL ANNOUNCEMENT

Mr. HORTON. Mr. Speaker, yesterday, the House passed the conference report on H.R. 514, the Elementary and Secondary Education Act. I was unavoidably absent because of necessary business in my district. Had I been here, I would have voted for the conference report.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1124, FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 904, Rept. No. 91–985), which was referred to the House Calendar and ordered to be printed:

H. RES. 904

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. COLMER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 68]

Abernethy
Adair
Ashley
Biaggi
Bingham
Blackburn
Blatnik
Bow
Brotzman
Brown, Calif.
Cabell
Camp
Carter
Chisholm
Clark
Clawson, Del
Clay
Cramer
Cunningham
Dawson
Dent
Dickinson
Diggs
Dorn
Dowdy
Downing
Fallon
Feighan
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gray
Green, Oreg.
Gude
Hagan
Halpern
Hanley
Hanna
Hastings
Hawkins
Hébert
Heckler, Mass.
Holifield
Hutchinson
Johnson, Pa.
Kirwan
Kuykendall
Kyros
Lennon
Lujan
Lukens
McEwen
Mayne
Miller, Calif.
Mizell
Mollohan
Montgomery
Morse
Morton
Obey
O'Hara
Ottinger
Philbin
Pollock
Powell
Pryor, Ark.
Rivers
Rosenthal
Rostenkowski
Ruppe
Ruth
Scheuer
Schneebeli
Shriver
Slack
Stafford
Stokes
Symington
Taft
Teague, Calif.
Tiernan
Tunney
Ullman
Whalley
White
Wiggins
Wilson, Bob
Young
Zablocki

The SPEAKER. On this rollcall 339 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REQUEST TO CONCUR IN SENATE AMENDMENTS TO H.R. 4249, VOTING RIGHTS ACT AMENDMENTS OF 1970

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4249), to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and devices, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Voting Rights Act Amendments of 1970".

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

"TITLE I—VOTING RIGHTS".

SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words "five years" wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words "ten years".

SEC. 4. Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: "On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968."

SEC. 5. Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended by (1) inserting after "section 4(a)" the following: "based upon determinations made under the first sentence of section 4(b)", and (2) inserting after "1964," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968.".

SEC. 6. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new titles:

"TITLE II—SUPPLEMENTAL PROVISIONS

"APPLICATION OF PROHIBITION TO OTHER STATES

"SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

"(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

"RESIDENCE REQUIREMENTS FOR VOTING

"SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

"(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for, such officers because of the way they may vote;

"(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

"(c) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

"(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

"(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"(h) The term 'State' as used in this section includes each of the several States and the District of Columbia.

"(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

"JUDICIAL RELIEF

"SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"SEPARABILITY

"SEC. 205. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 303. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 304. As used in this title the term 'State' includes the District of Columbia.

"EFFECTIVE DATE

"SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971."

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendments and that they be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York to dispense with further reading?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VOTING RIGHTS EXTENSION BILL

(Mr. CELLER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CELLER. Mr. Speaker, H.R. 4249, the voting rights extension bill, was approved by this body on December 11 of last year. The measure was amended and approved by the other body on April 2 of this year. I have devoted the past several days to an intensive study and review of the provisions of the measure as it was approved by the Senate. It may help all Members if I take this time to set out its major provisions. First, the Senate version contains two provisions which are similar to provisions contained in the version of the bill approved by the House. These are:

First, a nationwide ban on literacy test and similar devices. The Senate version imposes this ban 5 years, until August 6, 1975, on all areas not presently subject to the literacy test prohibition under the Voting Rights Act. The House version banned such tests until January 1, 1974.

Second, establishment of a uniform ceiling on residency requirements imposed by the States for voting for President and Vice President of the United States. The Senate version reduces the maximum residency requirement from 60 days provided by the House to 30 days, and also gives citizens the right to register and vote by absentee ballots.

In addition, the Senate version of H.R. 4249 contains three provisions which were not contained in the bill which the House approved last December. They are as follows:

An extension of all of the provisions of the Voting Rights Act of 1965 for an additional 5-year period—this is identical to the bill which the House Judiciary Committee favorably reported initally.

A supplemental trigger provision which extends the remedies of the Voting Rights Act to additional areas of the country based on 1968 election results. This is the so-called Cooper amendment which may bring within the coverage of the Voting Rights Act of 1965 certain counties in New York State as well as counties in California, Idaho, and elsewhere.

Finally, the Senate version would reduce the voting age to 18 in all Federal, State, and local elections.

Mr. Speaker, I have said on the floor before, and I repeat again, that my paramount interest lies in the simple and prompt extension of all of the provisions of the Voting Rights Act of 1965. The records of our subcommittee hearings, Civil Rights Commission reports, and the history of litigation over the past 5 years all testify to the substantial progress thus far achieved under the act as well as the fragility of that progress. The Voting Rights Act, by all accounts, has been the most successful and effective civil rights enactment of the Congress. Its goals have not been fully achieved as yet and I am convinced that an additional period is required to bring about the realization of full and unfettered participation of all our citizens in the voting process.

I have expressed on previous occasions my own personal reservations about the power of Congress to affect residency requirement for voting and to ban literacy tests generally as voting qualifications. I do believe, however, that reasonable men may differ as to the constitutional authority of the Congress to legislate in these areas. In any event, I am persuaded that adequate recourse exists for prompt and complete judicial determinations concerning these issues.

I have also expressed my qualms and misgivings about a statutory reduction in the voting age. Unlike many Members, I do hold doubts as to the wisdom of extending the franchise to teenagers. I recognize, of course, that many Members of the Congress do not share these qualms. Aside from my objections on the merits, I also hold reservations about the constitutional authority of the Congress to amend voting age requirements in State and local as well as Federal elections. I do not understand that the provisions in the Constitution in article I, section 2; article II, section 1; the 17th amendment; or the 14th amendment empower the Congress to lower or raise the age qualification of voters in State, local, or Federal elections. Nor do I find decisions of the Supreme Court that hold or intimate that the Congress, by legislative fiat, may declare nationwide voting age requirements.

Despite these reservations and concerns, to which, as you know, I have given vent in recent weeks, I am now, firmly and finally, of the opinion that we must brook no obstacle to the extension of the Voting Rights Act of 1965. That extension is of such paramount national importance that it must be effectuated as promptly as possible and at a minimum of risk.

Mr. Speaker, I am persuaded that the provisions of the Senate amendment can be subjected to prompt and thorough court challenge. I am also persuaded that a final court decision on the validity of the statutory voting age reduction will be rendered sufficiently in advance of primary and local elections occuring in 1971 to avoid calamity and chaos in our electoral processes.

In short, I believe that the public interest will best be served if the House accepts the Senate amendments.

Mr. McCLORY. Mr. Speaker, it is my hope that the House will concur in the Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965.

As we know, the other body amended the House bill to restore many of the original provisions. In other words, the Senate has provided for a 5-year extension of the Voting Rights Act as passed in 1965. In addition, this section of the act was expanded to apply to any State or county with a literacy test where less than 50 percent of the voters were registered or voted in 1968. Beyond that, the Senate amendments gave assurance that persons would be able to vote for President and Vice President after establishing residency of 30 days.

Mr. Speaker, these added provisions affecting voting rights are consistent with recommendations of the administration, and I know of no reason why they should not be acquiesced in by the House.

Mr. Speaker, a further amendment adopted by a vote of 64 to 17 in the other body granting, by legislation, the right to vote to all citizens 18 years of age and older. This amendment, which assures that our young citizens 18, 19, and 20 years of age will be authorized to vote, was set forth in the following language:

> No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

Consistent with this prohibition is the finding on the part of the Congress that the denial of such vote to citizens who are 18 years of age or older would abridge their constitutional rights and would deprive them of due process and equal protection of the laws as guaranteed to them under the 14th amendment to the Constitution.

Mr. Speaker, in supporting the 18-year-olds amendment, I am aware that some have raised questions regarding the constitutionality of lowering the voting age by legislation. This was the principal argument used in opposing this amendment in the other body. However, I have satisfied myself that this argument must yield to the broad authority contained in section 5 of the 14th amendment which grants the right to the Congress to enforce "by appropriate legislation" the equal protection of the laws.

It is recognized that some States today authorize citizens of 18, 19, and 20 years of age to register and to vote, and it is my conviction that the Congress may constitutionally provide an equal right to all other citizens of the 50 States to enjoy this same right and privilege.

My position is supported by the case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), in which the Supreme Court held that the power of Congress under section 5 of the 14th amendment to enact legislation prohibiting enforcement of a State law is not limited to situations where the State law is unconstitutional. The test

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as to the power of Congress in such a case is whether the Federal statute is "appropriate legislation," that is, legislation "plainly adapted to the end of implementing the 14th amendment and consistent with the Constitution.

Mr. Speaker, in any analysis of the issue of the constitutionality of lowering the voting age it must be stated at the outset that the Constitution grants to States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Representatives and Senators.

The States, however, in establishing voting qualifications, must obey all of the other provisions of the U.S. Constitution, including the amendments. The 14th amendment with its equal protection clause, has played an especially large role in constitutional litigation. See *Carrington* v. *Rash,* 380 U.S. 89 (1965), in which the Supreme Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces; *Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966), where the Court held that a State could not impose a poll tax as a condition to voting and Kramer against Union School District where the Court held that a State could not withhold the franchise from residents in school district elections merely because they owned no property or had no children attending the district schools.

The 14th amendment's guarantee of equal protection of the law prohibits any State from creating "invidious" discriminations between classes of citizens. State legislatures can discriminate within the framework of equal protection if they can show that the discrimination is founded upon a rational and permissible State policy.

With regard to the issue of voting age, it may be argued that the Federal courts would sustain the States' "discrimination" against all voters under the age of 21 on the ground that this represented a rational and premissible State policy, that is, that all those under the age of 21 are lacking the judgment and maturity to enable them to intelligently exercise the franchise.

In the Morgan case, the Supreme Court explicitly recognized that Congress had the power to legislate beyond the initial dictates of the equal protection clause, especially in the area of suffrage.

The issue in the Morgan case was the constitutionality of section 4(e) of the Voting Rights Act of 1965. The section provides that, in effect, any person who has completed the 6th grade in a Puerto Rican school could not be denied the right to vote in any election because of his inability to pass a literacy test in English. The section obviously conflicted with New York State's uniform English literacy test.

The Supreme Court held that Congress has broad power to weigh the facts and make its own determination under the equal protection clause and that where there was a reasonable basis for legislation by Congress in this area, then the legislation will be sustained. As the court stated in Morgan:

> Thus our task in this case is not to determine whether the New York literacy requirement . . . violates the Equal Protection Clause . . . Without regard to whether the Judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement . . . could Congress prohibit the enforcement of the State law by legislating under Section 5 of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.
>
> By including Section 5, the founders sought to grant to Congress, by a specific provision applicable to the 14th Amendment, the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18.

In *Ex parte Virginia,* 100 U.S. 339, 345 decided 12 years after the adoption of the 14th amendment, the Supreme Court held that congressional power under section 5 had the same scope as that under the necessary and proper clause. The Court stated with regard to the section 5 power:

> Whatever legislation is appropriate, that is, adopted to carry the objectives the amendments have in view, whatever intends to enforce submission to the prohibitions they contain, and to secure to all persons enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of Congressional power.

The issue, therefore, before the Supreme Court in the test of congressional power to lower the voting age to 18 by statute, will be the same as it was in Morgan, that is, whether the congressional action is "appropriate legislation" under section 5 of the 14th amendment. In Morgan the Court held that section 4(a) of the Voting Rights Act was appropriate legislation to enforce the equal protection clause. The Court said:

> Section 4(e) . . . enables the Puerto Rican minority better to obtain perfect equality of civil rights and the equal protection of the laws. It was well within Congressional authority to say that the need of the Puerto Rican minority for the vote warranted Federal intrusion upon any State interests served by the English literacy requirements. It was for Congress . . . to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

In other words, with respect to granting the vote to 18-year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court would have upheld State laws setting the voting age at 21.

Mr. Speaker, the Department of Justice, in two memorandums supporting two other amendments to the Voting Rights Act of 1965, cites the Morgan case as authority for congressional action—rather than constitutional amendment—for (a) outlawing literacy tests nationwide and (b) eliminating State residence requirements in elections for President and Vice President. If the Congress can constitutionally legislate in these two areas of voting qualifications, there can be no doubt that the Congress can constitutionally lower the voting age nationwide to permit citizens between 18 and 21 to vote.

PERMISSION TO FILE REPORT ON H.R. 4 TO MODERNIZE U.S. POSTAL ESTABLISHMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Post Office and Civil Service Committee have until midnight tonight to file a report on the bill (H.R. 4) to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York.

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object—and I do not intent to object, but I make the reservation only to seek information—is this the legislation that involves not only the 6-percent pay increase for all Federal civilian employees, but also the 8-percent raises for postal employees and postal reorganization? In other words, what does this bill involve?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, this bill, H.R. 4, is the bill that was passed by our committee. In substance H.R. 4 has the package of salary increases, it has the rate commission, and it takes the Post Office out of the Cabinet. This has nothing to do with any raises such as the 6-percent increase passed by the Senate.

Mr. GERALD R. FORD. This is the so-called reform or reorganization legislation?

Mr. DULSKI. As adopted by the full committee a few weeks ago.

Mr. GERALD R. FORD. May I seek a further question of the chairman of the committee. I have heard that the Committee on Post Office and Civil Service intends, tomorrow or today, to act on the 6-percent pay increase for Government employees across the board. Is that correct?

Mr. DULSKI. That is not in this. This has nothing to do with that. This is on postal reform, on the bill passed by our committee a few weeks ago.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation.

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, in order to clarify the situation, the chairman of our committee has emphasized the point that H.R. 4 is the bill passed by the committee before the work stoppage in the Department and, as such, does not di-

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rectly relate to any developments that were involved in the negotiations between the Post Office Department and the unions.

Mr. DULSKI. The gentleman is correct.

Mr. DERWINSKI. Mr. Speaker, I withdraw my reservation.

Mr. OLSEN. Mr. Speaker, reserving the right to object—and I shall not object—I want to compliment the distinguished chairman of the Post Office and Civil Service Committee for the expeditious request he has just made. He is in the process of doing the job of our committee, and I thank him.

Mr. DULSKI. I thank the gentleman.

Mr. OLSEN. Mr. Speaker, I withdraw my reservation.

Mr. GROSS. Mr. Speaker, further reserving the right to object, it is not intended, is it, may I ask the gentleman, to attempt to call up this bill tomorrow, H.R. 4 as amended by the substitute?

Mr. DULSKI. No. This is just a request to file a report, because some gentlemen had minority views. We thought if this were a short session today we would have until midnight tonight to file a complete report for both the majority and the minority views on the bill passed by our committee some weeks ago.

Mr. GROSS. I thank the gentleman. Mr. Speaker, I withdraw reservation.

Mr. UDALL. Mr. Speaker, reserving the right to object, I believe the House membership might be interested in knowing—and the chairman of the Post Office and Civil Service Committee can confirm it, because there have been discussions going on—of a tentative plan to handle in the Post Office and Civil Service Committee tomorrow morning the 6-percent, across-the-board pay raise agreed to by the administration and the various postal employee unions. We have talked with the distinguished chairman of the Rules Committee and are trying to work out a program under which the bill will be before the House tomorrow afternoon for the 6-percent, across-the-board pay increase. Is this the chairman's understanding of the tentative arrangement we are attempting to work out?

Mr. DULSKI. The gentleman is correct.

Mr. Speaker, I repeat that this has nothing to do with any pay raise. This request relates to H. Res. 4, reported by our committee, and will give the Members an opportunity to file minority views.

Mr. UDALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO SIT TODAY DURING GENERAL DEBATE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MOOD DRUG ADVERTISING

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I believe there is no question that we are in a crisis as to the use of drugs in our Nation today.

I am calling on the pharmaceutical industry, and sending letters to them officially today, as well as to the major television networks, asking that the use of mood drug advertising be restricted on television.

As Members know, we see ads each day on television showing a harried housewife, for instance, pop a pill in her mouth and all of a sudden become a Cinderella, and when her husband comes home dinner is all prepared. Then the next thing we will see a man who cannot get to sleep, because he is too tired, and he pops a pill in his mouth and he has a great night of sleep.

Then, in the morning when he wakes up he does not feel quite like going to work, so to change his mood he pops a pill in his mouth and goes out and conquers the world. Of course, this has created in the minds of young people all over this country an acceptance of the use of drugs and pills in this Nation. I think there is no question about it. We have seen this spread all over our land. I think, if the six or seven major companies who produce these pills will restrict their advertising on television, this will be a first step toward doing away with the acceptance of pill taking by young people in this Nation. I hope they will do it voluntarily.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. COLMER. Mr. Speaker, I call up House Resolution 904 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 904.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 904.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority, to the very able and distinguished gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

Mr. Speaker, as the reading of the resolution by the Clerk indicates, this is an open rule providing for 1 hour of general debate on the joint resolution that is at the desk. This means, of course, that any germane amendments may be offered to the joint resolution to be considered. This is a matter, Mr. Speaker, which I do not think requires a great deal of discussion. It is something that has been hanging around here now for several months. The question involved is whether or not the Congress is going to take action in order to avoid a paralyzing railroad strike on Friday night.

Mr. Speaker, this matter, as I say, has been hanging around for a long time. The Congress on a previous occasion extended the time limit so as to avoid a strike. That action was taken some 35 days ago, I believe. So now, after having delayed and delayed this matter, we come to the point as to whether we are going to have a strike, and as I indicated a moment ago paralyze the Nation, or whether we are going to attempt to stop it here.

Frankly, Mr. Speaker, I do not like this type of legislation. I would like very much to see the Congress some day and in the not too distant future come to grips with this question generally, rather than awaiting confrontations such as the one facing us Friday, so that we would have permanent legislation whereby these matters could be solved in advance and not wait to take expedient action as each crisis develops.

I am confident that this can be done. But I think we all realize the facts of life. Members of Congress who are somewhat politically inclined—and I know of none that are not—just do not want to face up to the issue.

I would hope that the appropriate committee would take some action on this in the not too distant future.

Now, Mr. Speaker, what is the problem here? The problem is that three of the four unions affected agreed upon a settlement. One union dissented and has threatened this strike. The information presented before your Rules Committee this morning was that there were 43,267 of the union members from the four unions who voted to ratify the memorandum of understanding, after long consideration. There were 2,203 union members of the one dissenting union who disagreed. In other words, this not only affects the general public, which should always be of prime consideration, but it also affects some 43,000-plus union people who would be thrown out of work if this strike should materialize. So you have here a very substantial majority of approximately—well, let us see; that would be approximately 20 times as many of the union members who agree as against the dissenters, a very small minority of the group.

Now, this resolution at least permits amendments and I understand some amendments will be offered. I do not know what the House in its wisdom will see fit to do, but I do want to emphasize that there should be no effort—and I am sure that there will be no effort—on the part of Members to filibuster. I use this term for the want of a better expression, because filibusters, of course, in the House I learned many years ago just do not operate.

But if this action by the Congress were

permitted to drag along beyond Friday night we would find ourselves in a considerable predicament. I am sure we would find, if the wheels of industry were stopped by this small group, that it would not be palatable among the people of this country as a whole.

Further, Mr. Speaker, this action does not settle this issue and other issues that might arise in the future. In effect, this is merely an extension, a further extension of the time when the railroads cannot be closed down. This situation would continue until January 1971, according to the testimony before the committee, and at that time we would be right back where we are today if the matter were not agreeable to the bargaining parties concerned.

Also, Mr. Speaker, I just want to emphasize this one thing. Have we come to the point where it requires the unanimous vote of all union men to settle an issue? Here we have, as I pointed out a moment ago, a very small minority that is holding up the settlement which has been agreed to by a very substantial majority of the union men themselves.

Finally, Mr. Speaker, the Nation's ox is in the ditch, and we will have to take some affirmative action here in order to stop this strike.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 904 provides a 1-hour open rule for the consideration of House Joint Resolution 1124. There are minority views attached to the report, and I understand there will be a number of amendments offered.

I commend the members of the staff who prepared this report. I think the first two pages, reviewing the background of this situation, are excellent. Very briefly, on March 5, 1970, Congress extended the ban on a strike until April 10—Public Law 91-203—in the hope that the parties could through further negotiation settle the dispute voluntarily. The parties have been uable to agree.

The committee's sole concern has been to avert a catastrophe which would result if a nationwide railroad strike were permitted to occur. They believe that any further delay in resolving the controversy would be most undesirable. The entire memorandum of understanding, Mr. Speaker, will be subject to renegotiation commencing on September 1, 1970.

Mr. Speaker, I concur in the able remarks made by the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) and urge the adoption of the rule.

Mr. COLMER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ROONEY of New York). The question is on the resolution.

The resolution was agreed to.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1124) with Mr. MATSUNAGA in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for one-half hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for one-half hour.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require. I shall be as brief as I can and will review the incidents that led up to bringing this resolution to the House today.

Most of the Members here will remember that on March 4 we passed a resolution making any strike on the railroads illegal for 37 days. I would like to go back just a little bit to bring us to that point.

This legislation was recommended to the Congress by the President on March 3 in order to prevent a nationwide railroad strike. Our committee held hearings on March 4 and it became apparent that we could not conclude hearing all the witnesses in time for the House to consider the President's proposal, and since legislation had to be adopted on March 4, we revised the proposal to freeze the status quo until April 11 in order to give the parties time to negotiate further, and to provide time for the Congress to consider alternatives, and to conclude the hearings.

This revised resolution was passed and signed into law on March 4, but further negotiations between the parties were fruitless. Therefore, on March 23, 24, and 25 we held further hearings on the President's proposal, hearing all the parties directly involved in the dispute. At the close of the hearings the parties went into further negotiations, but they also proved fruitless and so yesterday, April 7, the committee went into executive session to consider the President's proposal.

The Senate Committee on Labor and Public Welfare has also considered this proposal, and has reported to the Senate a resolution identical to the resolution which we reported except for one whereas clause which has no substantive effect.

The vote in the committee was 15 to 12, indicating that this is a controversial matter still.

HISTORY OF THE DISPUTE

This controversy involves four unions, representing the machinists, boilermakers, electricians, and sheet metal workers, totaling approximately 48,000 employees.

In November 1968, the unions served the notices required by section 6 of the Railway Labor Act on the Nation's railroads. The negotiations were not successful and a nationwide strike was called by the unions in October of 1969. Pursuant to section 10 of the Railway Labor Act, President Nixon appointed Emergency Board No. 176 to study and report on the dispute, and that Board's report was submitted November 2, 1969.

Following the report of the Emergency Board, further negotiations were conducted by the parties, and on December 4, 1969, a memorandum of understanding was entered into.

This memorandum of understanding was submitted for ratification by the membership of all the unions involved. The machinists, electricians, and boilermakers ratified the agreement. The sheet metal workers refused ratification. Of the approximately 6,000 sheet metal workers employed on the Nation's railroads, 2,203 voted against the memorandum of understanding, and 1,267 voted for it. Since the unions had agreed among themselves that unless all ratified the agreement, none of them would be considered to have ratified, the agreement set forth in the memorandum did not go into effect.

After rejection of the provisions of the memorandum, further negotiations continued on the basis of the recommendations made by the Emergency Board, but were unsuccessful, and in January of this year, the unions, being free to strike, since all procedures of the Railway Labor Act had been exhausted, called a strike on one railroad, the Union Pacific. The railroads announced that if one railroad was struck, a nationwide lockout would occur, so the unions sought an injunction against the lockout.

The U.S. District Court for the District of Columbia enjoined both the strike and the lockout for 10 days, subsequently extending the injunction for an additional 10 days. On March 2, the court issued a preliminary injunction against a strike of the Union Pacific or any selected carrier, whereupon the unions called a nationwide strike to take place at 12:01 a.m. on Thursday, March 4.

President Nixon recommended to the Congress legislation to prevent this strike, by placing into effect, as if ratified by the parties themselves, the memorandum of understanding of December 4, 1969, which I referred to earlier.

PROVISIONS OF THE BILL

The provisions of the bill are quite simple. It states that the memorandum of understanding which I referred to earlier which was entered into on December 4 shall be immediately put into effect. One of the provisions of that memorandum was to the effect that upon the date of notification of ratification of the memorandum there would be an immediate wage increase for mechanics of 7 cents an hour, and the resolution provides that the date of enactment of the resolution shall be treated as the date of ratification. This means that the memorandum of understanding will govern wages and working conditions for the members of the four unions involved just the same as though they had ratified the agreement through collective bargaining.

XUM

ISSUES INVOLVED IN THE DISPUTE

This entire controversy has boiled down to one issue involving one union. That issue is the application of the incidental work rule at running repair work locations. Running repairs are conducted on equipment which is in service, and the memorandum of understanding provides that where a particular job requires the services of more than one craft or class of employees, and the work of one craft is only incidental to the overall job, then the incidental work may, if a member of the other craft is not available, be assigned to a different craft.

Under the agreement, it is specified that work shall be considered as incidental when it involves the removal or displacing or the disconnecting or connecting of parts and appliances such as wires, piping, covers, shielding, and other appurtenances from or near the main work assignment in order to accomplish that assignment.

Three unions have agreed to this provision, but the sheet metal workers feel that this jeopardizes their jobs and work assignments.

The carriers' representative has stated to the committee that he puts a price of 17 cents an hour on this incidental work rule. I would assume from this that he would feel that the 68-cent-an-hour wage increase provided by this agreement should be reduced by 17 cents if the incidental work rule is removed.

The conflict here seems to be almost irreconcilable, and since we cannot afford a nationwide railroad strike with our young men in combat in Vietnam, the only thing the Congress can do at this point is to consider some legislative solution to this problem and vote it up or down.

XUM

LABOR ACT

The Railway Labor Act, since its enactment in 1926, has governed all labor relations in the railroad industry.

This act sets out in considerable detail the procedures which must be followed in all matters involving disputes between carriers and their employees; the making and maintenance of agreements concerning rates of pay, rules, and working conditions; and the interpretation and application of collective bargaining agreements.

Unless the procedures set out in that act are followed in the case of collective bargaining disputes, strikes and lockouts are illegal and may be enjoined by the courts.

Although the Railway Labor Act procedures have been exhausted in the current dispute which is the subject of this legislation, a review of the provisions of the act may be helpful at this point.

When a proposal is made to make, amend, or revise an agreement between labor and management, direct negotiations must be initiated by a written notice by either of the parties at least 30 days prior to the date of the intended change, and a conference must begin within the 30 days provided in the notice. These conferences may continue from time to time until a settlement or deadlock is reached. During this period and for 10 days after termination of the conference, the act provides the "status quo will be maintained and rates of pay, rules, or working conditions shall not be altered by the carrier." It will be noted that during this period, which may be as little as 40 days, but may extend considerably beyond the time, there is no right to strike, and management may not change rates of pay, rules, or working conditions.

If the parties do not settle their problem in direct negotiations, either party may request the services of the National Mediation Board in settling the dispute, or the Board on its own motion may proffer its services to the parties. In the event this occurs, the status quo continues in effect, with a prohibition against strikes or changes in pay, rules, or working conditions while the Board retains jurisdiction. The Board engages in mediation, which may last for an indefinite period. When the best efforts of the Board have been exhausted without a settlement, the law requires that the Board urge the parties to submit the dispute to arbitration. If mediation fails and the parties refuse to arbitrate, the Board notifies both parties in writing that its mediatory efforts have failed, and for 30 days thereafter no strike is permitted and no change may be made in rates of pay, rules, or working conditions.

Upon the completion of this final 30 days, if in the judgment of the National Mediation Board the dispute threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board may notify the President of the existence of this situation. The President may thereupon, in his discretion, create an Emergency Board to investigate and report regarding the dispute. The report must be submitted within 30 days from the date of appointment of such Board, and for that period, and for 30 days thereafter no change shall be made by the parties to the controversy in the conditions out of which the dispute arose.

It will be noted that even under the most expeditious possible procedure, under the terms of the Railway Labor Act, the rights of management to make changes in rates of pay, rules, or working conditions, and the rights of labor to strike, are suspended for statutory periods totaling not less than 130 days, plus whatever time is required by the National Mediation Board in attempting mediation of the dispute—averaging over 50 days.

In this case, the President appointed Emergency Board No. 176, and as I pointed out earlier, the 30-day moratorium on strikes expired in December of last year. This act, together with its detailed procedures, is followed in all negotiations involving changes in work rules and rates of pay in the railroad industry. Unfortunately, in recent years emergency board after emergency board has pointed out the lack of true negotiations between the parties prior to the establishment of an emergency board.

I need not detail for Members the history in recent years, where the Congress had to settle a threatened nationwide rail strike by legislation in 1963, came very close to having to settle by legislation a threatened airline strike in 1966, had to impose a legislative settlement on a dispute involving the machinists and railroads in 1967, and now we have facing us again the necessity of settling a dispute that the parties themselves are unable, or are unwilling, to settle themselves through collective bargaining.

If it were not for the Vietnamese situation, I would have used all the powers I have at my command as chairman of the committee to prevent this legislation from even being considered; however, with our men in combat, I do not think this should be done, so have introduced the President's legislation, and have provided as prompt consideration of the President's proposal as was possible, so that the House now has an opportunity to vote a bill up or down.

Personally I propose to vote against the bill.

As I said, if it were not for our boys fighting in Vietnam, this resolution would not be before the House. I think all of us are taking up this resolution with a great deal of distrust. I believe it is a backward step. I believe that we are backtracking on the steps by which we became a great and mighty nation under freedom, with men building and bargaining to work out their interests. We are starting back down the trail to mediocrity, back toward the place where our ancestors served in partial slavery.

We had a resolution before this body in 1967 in which we forced compulsory arbitration on the unions and on the railroads. The same thing occurred in 1963. And now this bill. This bill is only a starter, because this breeds more and more of these irreconcilable conflicts as we go along, and I am afraid this is what is going to happen in the future. When we pass this joint resolution, it will be the beginning for others.

I have heard the cry so much before our committee, "We cannot afford a railroad strike." Well, I disagree with that. I believe that a day or two of a strike in this country would not create such a crisis as many have been talking about. This Nation has been faced with crises of one sort or another for 200 years and we have survived every one of them. I believe that if there were a strike for a day or so these men would want to get back together with the railroads, and they would want to get back together and come to some settlement. This involves such a small area of disagreement.

Men have set themselves firmly and said, "We will not yield. We will not give." I say that all men being free, as I am, labor and management, the two of them together have built America into a great nation, and they both, labor and management, ought to be free and equal. They ought to be able to sit down at a table and bargain equally. If they cannot reach an agreement, they should then say, "We will put it to voluntary arbitration," and not resort to compulsory arbitration by our Government saying, "You shall do this. You must do something else."

But it now seems that there is no alternative before us today.

I can say frankly, as I said to the Rules Committee, if it had not been for our boys fighting in Vietnam, I would have done everything in my command to see that this bill did not come to the floor today. In all fairness, being chairman of the committee, I thought the committee ought to have the time to work its will in a democratic process. The vote was 15 to 12 to bring it to the floor.

In the committee several amendments were offered. All of these amendments were defeated. I understand some of them will be offered today. I believe, in order to make it a better bill, that probably one or two of them should be in the bill, but that is something that remains to be seen as we proceed.

There are those who say we will have disaster if we have a strike, and I say I do not believe that, but I believe under the circumstances today when we have our boys from America fighting on foreign soil, they ought to be able to have those things brought to them which they need in order to equip and sustain them.

Mr. Chairman, that completes my statement at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think all of us realize as we come here to the floor that this is not what this committee wanted to be faced with. Certainly the Members of this body did not want to have to settle a matter between labor and management upon which they failed to agree. Why, therefore, is it necessary that we be here with legislation this afternoon which in effect settles this matter? We do this for one reason and one reason only: Unless something is done by this body and the other body and signed by the President by midnight Friday, we will have a railroad strike, and that has, may I say, some very important implications and a very severe impact upon this economy.

I have before me the report which accompanied this bill to the floor in the other body from which I will read to show what would happen unless this committee did bring this legislation here today.

Coal, which is an important item in this economy—73 percent is carried by rail.

Northwest grains, 68 percent is carried by rail.

North Central grains—in my own region—75 percent is carried by rail; 84 percent of lumber is carried by rail; 73 percent of cotton is carried by rail; 90 percent of auto bodies and parts is carried by rail; 90 percent of hogs is carried by rail.

Mr. Chairman, I could go into the detailed impact of this on the economy, which I will not do, but let us just take, for instance, what would happen to those people who have to get from the suburbs into the cities. In the city of Chicago, 350,000 people would be unable to be transported in a 24-hour period; in New York, 522,000; in Boston, 32,000; in Philadelphia, 250,000; and in San Francisco, 23,000.

What would this mean to our national defense picture? Eight hundred and fifteen carloads are originated daily, or 49.5 percent of the total defense freight volume which is carried by rail. One-half of all of our national defense items—and I am sure this is what our distinguished chairman was talking about a moment ago when he mentioned the national defense aspect and what would happen in Vietnam if the trains did not run—815 carloads a day, 150 cars of munitions, specialized rail cars of Titan III Minuteman and Polaris missiles, 159 cars of bulk high octane fuel, nuclear ship refueling in shielded containers, in depressed center flat cars, military-owned flatcars in forces of readiness and strike command.

Twenty-five cars of sulfuric acid.

What about mail? We have heard the distinguished chairman of the Committee on Post Office and Civil Service on a bill just a few minutes ago, which he is attempting to bring to the floor of the House as soon as he can.

Seven hundred seventy-five carloads of mail originating daily, including 215 cars and 560 piggyback, and 90 percent of the bulk mail originating daily, including 75 million pieces of various kinds of mail.

In agriculture, 10 percent of manufactured food and 12 percent of unmanufactured food. There would be only 2 or 3 days of supplies of perishable fruits and meats on hand, which would not be carried thereafter.

The trapping of 10,000 cars of refrigerated shipments and 200 cars of livestock.

I could go into minerals here, and the State of Alaska, to give a picture of what would happen if we were to have a rail strike on Friday.

May I say that this legislation today is substantially different from that which was brought before this House in 1967. In 1967 the brotherhoods had agreed to nothing. Neither had management. In other words, they were at a plain impasse between the brotherhoods and management, and there was no agreement of any kind.

Members will remember the Morse legislation of 1967, which provided for a board of arbitration which would then settle the matter, and that would be the final settlement. There was, in essence, forced arbitration under the 1967 legislation.

Where are we with this bill? Now there are 19 railroad brotherhoods; 15 of these are not involved in any way.

There are four brotherhoods involved in this legislation.

What happened? Labor and management sat down with the four brotherhoods. The 134 standard railroads in this country sat down. They arrived at an agreement between the negotiators. There was one negotiator authorized to negotiate for all four of the labor unions. There was one negotiator authorized to negotiate for the 134 standard railroads. They arrived at an agreement. Then representatives of each of the four concurred and initialed the agreement. Each one of the unions initialed the agreement to show that, insofar as these negotiations were concerned, they were satisfied.

Then what happened? They sent the negotiated agreement back to the unions for ratification. The constitution of the sheet metal workers does not require ratification but it was part of this arrangement. Three of those unions approved it by a substantial vote. One of the four unions turned it down by a vote of 2,200 to 1,100, roughly. This was the sheet metal workers having about 6,000 members in railway employment.

So, in essence, 2,200 in the labor movement are going to force a strike on 598,000 employees. There are about 600,000 railroad employees.

This is, in effect, is where we are today.

Three of the unions are satisfied.

When the negotiator for all four of the unions appeared the second time before our committee we asked him, "What is the solution?" He said, "I do not know what the solution is, but I guess if you are going to move in this you will have to come up with this legislation"—which is here before us today. This is what the union negotiator said.

Now, you have three unhappy unions for the simple reason that they have already settled this matter but they are not getting the increases provided in it because the settlement is not final. So you do have three of the brotherhoods that are not happy, because they negotiated the final settlement and are satisfied with it but are not getting increases by virtue of the fact that you did not get any final settlement with the fourth union. So you do have three unhappy unions because they are not getting the money that they negotiated in good faith for, and I suppose you have another unhappy union because they did not get what they wanted.

Now, what is the hang-up? What is the problem involved with the one union? Is it this: In the negotiations, in which there was a lot of money involved in the way of raises and pay and so on, and there was a lot of give and take, for what the railroads offered, the negotiators agreed as a part of the negotiations that incidental work could be done by other crafts than, we will say, the sheet metal workers. For instance, if you had a job in which sheet metal workers were involved and you had a minor matter involved in it, you could bring someone from the outside, from outside of that craft, in and finish up the job. That does not mean you could do it in matters in which sheet metal workers alone are qualified to work, but you could have others do incidental work.

The reasons why the railroads wanted that and the reason why they negotiated it with all these unions was simple: It was because they wanted to get an exchange for what they gave in the way of increased wages with some kind of improved efficiency. That is what they say. The sheet metal workers say that some people may be thrown out of work.

That is not my belief, because if you look at the newspapers—and the chairman has made it plain—there is a demand for sheet metal workers all over the country. So I do not think anybody will be thrown out of a job because of this. However, that is what the sheet metal workers say they fear.

The other three unions agreed to the incidental work rule. The sheet metal workers did not. This is the only hangup in this whole problem. If it had been agreed on, we would have had this matter negotiated and we would not be before you today.

I think our distinguished chairman, together with the Secretary of Labor, did everything that anybody could humanly do to bring this matter to a head and get a settlement. Not only did our distinguished chairman have both of them in his office to talk it over to see if he could do it, but also he had the Secretary of Labor—and I was with him on one occasion when he was in his office—to see if there was any way that we could get the matter settled. I think we had both parties before our committee on three separate occasions. I believe I can remember three separate occasions in which we had a confrontation in front of the committee between the respective parties in an effort to see if we could exert all of the influence we had upon both of these parties to try to bring them together.

So may I say to you that anything that could be done has been done in order to try to get this matter settled. May I say that our distinguished chairman has taken the leadership in this, and he has certainly put out every effort that I know of that a man could in order to try to bring these two parties to an agreement. He has been, I think, in the exercise of this effort, about as evenhanded as anyone could be. I have worked as closely with him as anyone. And I know there are other members of the committee who have done the same thing. So it is reluctantly that we brought this matter before you, but we brought it in because we did not think there was any other solution unless you wanted to have a strike at midnight Friday night which would tie up this country and I think put us in the kind of a snarl that would raise a huge outcry from the public because we had not done our job in the Congress in trying to get this matter settled. I do not think the people of this country are going to stand still for a railroad strike which would throw 600,000 people out of work and in addition stop the rail system in this country, which is something this economy could not stand.

Mr. Chairman, I think that more or less sums it up as I see it. For this reason we have brought this legislation to you. We have thought it through from every angle. I have the feeling that if three of these brotherhoods accepted this and negotiated it, then they believed it was fair and that we are right in coming before you and asking that you apprve this or make it binding upon all the parties and settle this matter so that we will not have a railroad strike on Friday night.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to our colleague the gentleman from Texas (Mr. ECHARDT).

Mr. ECKHARDT. Mr. Chairman, it is not fashionable any more to be conservative. It is the new style to be pragmatic on the right. It is not fashionable to be liberal but to be pragmatic on the left.

Mr. Chairman, the resolution now pending before us here is not conservative in the sense that it conserves tried and tested methods of achieving labor-management accord. It is not conservative in that for the first time in American history it proposes to put a labor-management term agreement into effect between parties, including a congressionally dictated reopening clause. It is not liberal. It is not fashioned to protect the liberal principle of protecting the rights of free collective bargaining. It is not liberal in that it takes away the 7 cents per hour for mechanics between the period of December 17 and the time of the passage which will be about 4 months. Now, this is not what the three unions ratified and agreed to. They were thinking they were going to get for their mechanics 7 cents an hour from December 17, the date of ratification. Yet, what we would do is write into law, in spite of their agreement, a waiver of 4 months of pay which these three unions that did in fact ratify, but over and above what this House Joint Resolution 1124 as it comes from the committee. It is an extremely improvident piece of legislation from the standpoint of long-term public good. By temporarily avoiding the present crisis, it sets the stage for future ones. Let me show you how it does this:

We are not just enacting an agreement for wages and working conditions. We do more than that. We provide a termination clause in which we crystallize into statutory law the method of reopening and the method of reopening must again get us into the same old trap of nationwide bargaining. The only body that can reopen for the union is an association of all the shop craft unions. The only group that can reopen for the companies is an association of all the railroads involved.

Now, there is no dispute between Santa Fe and its employees with respect to work assignments. Why cannot the union reopen with respect to Santa Fe and settle on their own terms as to what management and labor are willing to agree upon? We heard the representative of the sheet metal workers come before us and say that the Santa Fe provision was acceptable to him. Why should we bind them all in a common straitjacket until January 1, 1971? That is what we do if we enact this legislation as it is proposed here.

Now, Mr. Chairman, at the proper time I should like to offer a substitute for this approach.

The difficulty with the situation we have here today is that the pattern of collective bargaining is nationwide, so that Congress has taken upon itself the duty of settling every labor dispute at the ultimate termination date of the period during which no strike can occur.

Mr. Chairman, there have been a good number of bills passed by this Congress concerning emergency strike legislation, but in every one of those recent bills we have done nothing more than extend the no-strike period for an additional period of time, something like 30 or 47 days, or we have extended it for such time and then provided that somebody is going to look at the actual issues involved in the dispute, and decide the issue by what is called "compulsory arbitration" or "mediation to conclusion," but at least somebody looks at the merits of the labor dispute. Here we would in Congress create a contract when no contract exists without considering the merits of the matter.

The CHAIRMAN. The time of the gentlemen has expired.

Mr. STAGGERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I should like to say that there are two questions that I think should be considered in this respect. The only possible precedent for legislation of this type is a case by the Supreme Court arising out of a dispute that happened in 1916 between the railroads and their labor unions, and at that time there was written into law a standard 8-hour day, but there Congress was dealing with the specific issue involved, and it used its knowledge and its expertise and applied that knowledge to the specific facts of the dispute, and provided the 8-hour standard day, applying it for only 30 days to existing contracts. But existing contracts could be opened immediately.

Now, I would suggest that we follow that constitutional precedent in the case of Wilson against New, and that we put into effect only as an interim stay of a strike—and incidentally it would prevent a strike—the provisions that came closest to agreement, but that we provide for immediate reopening under the Railway Labor Act, and we provide that that reopening could be by any of the involved parties against single railroads; that the dispute not be molded into a national forum.

There could not be a strike, practically speaking, under the processes of the Railway Labor Act for at least 9 months under the amendment which I will offer.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. STAGGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, had come to no resolution thereon.

AUTHORITY FOR SPEAKER TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER. Pursuant to the order heretofore granted, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 8 minutes p.m.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of Union for the further consideration of the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 1124) with Mr. MATSUNAGA in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose, the gentleman from West Virginia (Mr. STAGGERS) had 14 minutes remaining and the gentleman from Illinois (Mr. SPRINGER) had 16 minutes remaining.

The Chair now recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I feel compelled to make a few comments on this legislation since I have the dubious honor of being the author or sponsor of House Joint Resolution 1124.

Mr. SPRINGER. Mr. Chairman, would the gentleman from Ohio yield?

Mr. DEVINE. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, may I say that the legislation which is pending before us at the present time is legislation which the distinguished gentleman from Ohio (Mr. DEVINE) introduced. The chairman of the committee, Mr. STAGGERS, and I introduced the same legislation as House Joint Resolution 1112, which was changed to postpone the strike for 37 days. That legislation therefore expired, and the distinguished gentleman from Ohio (Mr. DEVINE) reintroduced the legislation. That is the legislation pending before us today.

Mr. DEVINE. Mr. Chairman, I thank the gentlement for his statement.

Mr. Chairman, I do not believe many of us particularly relish the idea that we are called upon to resolve what amounts to a labor dispute; to substitute our judgment for that of free collective bargaining. However, in the public interest we are from time to time compelled to take a position on matters of this nature.

Just to refresh the recollection of my colleagues for a few moments, there are 19 brotherhoods connected with railway labor, but all 19 are not involved. There are only four—the shop craft unions—that are involved. These are made up of the machinists, the boilermakers, the electricians and the sheet metal workers.

All legal remedies have been exhausted, and that is why we are here today. We granted a 37-day moratorium to see if they could resolve their differences, and it apparently has not become possible for them to do so.

Let me read to you from a letter from the Department of Labor dated April 1, which was following the moratorium that we granted, and it says in part, as follows:

> A lengthy meeting was held March 30 with the Secretary of Labor. New ideas for settlement have been tried and earlier ideas brought forward again. These efforts have not resolved the dispute. All parties have pledged to keep trying, but no further means, short of legislation, seem to remain.

That is why we are here.

Quoting further from the letter:

> These negotiations began in December 1968. The workers are still waiting for wage increases retroactive to January 1, 1969 and the railroads still do not know their costs for this intervening period. Bargaining for 1970 with other unions is being delayed for resolution of this matter. The Secretary feels further delay is inequitable and inadvisable.

In addition, the following efforts were made by the Department of Labor:

LABOR DEPARTMENT'S EFFORTS TO RESOLVE THE SHOPCRAFT DISPUTE SINCE THE ENACTMENT OF PUBLIC LAW 91–203

March 5, 1970. Assistant Secretary Usery had several telephone conversations with Messrs. Hiltz, Winpisinger, and NMB Member Ives to arrange negotiating session for Friday, March 6. He received assurances from the unions that they would continue their efforts to end wildcat stoppages.

Friday, March 6, 1970. Joint meeting was held at the Department of Labor with representatives of the carriers and representatives of three of the four shopcraft unions. Mr. Winpisinger advised Mr. Usery that the Sheet Metal Workers would not participate in mediation efforts by Department of Labor and that their position would be announced publicly. Mr. Usery sent a telegram to Sheet Metal Workers President Edward Carlough expressing disappointment that the union had declined to participate in the meeting and reaffirmed the Administration's desire to bring the dispute to a mutually acceptable conclusion.

Tuesday, March 10, 1970. Mr. Usery had telephone conversations with Mr. Winpisinger and National Railway Labor Conference Vice Chairman Quarles. No new proposals were offered but Mr. Usery discussed with the parties possible means of encouraging Sheet Metal Workers to participate in the new talks. Department of Labor was advised that some wildcats continued through March 9 and caused problems at some locations. Mr. Usery asked carriers for further data on such strikes.

Wednesday, March 11, 1970. Mr. Usery had a telephone conversation with Mr. Hiltz and a meeting with Mr. Winpisinger in an attempt to arrange negotiating sessions for Thursday, March 12, or Friday, March 13. He was advised that representatives of the Machinists, Electrical Workers, and Boilermakers and Blacksmiths would be out of town attending meetings relating to local wildcat stoppages.

Thursday, March 12, 1970. Mr. Usery met privately with Mr. J. W. O'Brien, Vice President of Sheet Metal Workers to discuss possibility of resuming negotiations, including the use of an outside mediator. Mr. Usery was unable to get an affirmative reply to suggestions, but discussions were frank and friendly. Sheet Metal Workers' position remains unchanged and Mr. O'Brien further advised the Assistant Secretary that on March 11 the Sheet Metal Workers withdrew authority for Winpisinger to represent them in negotiations. Telephone conversation with Mr. Hiltz confirming that the Sheet Metal Workers have notified the carriers that only an authorized representative of the Sheet Metal Workers will negotiate in their behalf. Telephone conversation with Mr. Ives to discuss these developments.

Friday, March 13, 1970. In a telephone conversation, Mr. O'Brien advised the Department of Labor that it is absolutely necessary that he attend Sheet Metal Workers Executive Council meetings March 16 through 20. Further, unless railroads come up with a proposal better than that which was rejected, additional meetings will not accomplish anything.

March 17, 1970. Mr. Usery sent telegrams to negotiators for both sides advising that a meeting has been scheduled for the next day and urging that they attend.

March 18, 1970. Sheet Metal Workers representatives did not attend negotiating session and advised Mr. Usery that their position regarding mediation by any representative of the Administration has not changed. Further, the Sheet Metal Workers reiterated their belief that additional meetings will be futile unless there was a substantial change in the offer to settle.

March 30, 1970. At the suggestion of Chairman Staggers of the House Committee on Interstate and Foreign Commerce, Secretary Shultz convened a meeting of the parties to reevaluate various proposals and to consider new proposals. Invitations to this meeting were extended to Senators Yarborough and Javits and Congressmen Staggers and Springer. Mr. Robert O. Harris, Staff Director of the Senate Labor and Public Welfare Committee attended.

Although there was a lengthy and full discussion of the issues no substantive progress was made at this meeting.

We should keep in mind that we are forcing these four labor unions to accept something that is unpalatable to them. The four negotiators of the shopcraft unions voluntarily entered into a memorandum of agreement—all four of them—no dispute. Three of them took it before their brotherhoods, and it was ratified. The fourth negotiator, Mr. O'Brien, went before his sheet metal workers, and they failed to ratify it—although the constitution of the sheet metal workers did not require ratification.

The vote that was taken is interesting. There are over 6,000 members of the Sheet Metal Workers Union. The vote was 2,203 not to accept the agreement, and 1,267 to accept the agreement.

Therefore, less than 1,000 members have decided in effect that 600,000 railroad workers would be out on strike because these members failed to follow through or ratify an agreement entered into by their negotiator and other shop craft unions.

Now, this business of compulsory arbitration is of course repugnant to all of us. But we cannot run away from a word when the public interest is involved, and in view of the fact we are not legislating here permanently.

I think that we should turn to page 2 of the committee report and read the first three lines of the last paragraph where it says: "and in view of the fact that the entire memorandum of understanding"—and that is what we are ratifying in effect here today by adopting this legislation—"will be subject to renegotiation commencing September 1, 1970,"

Look at your calendar—September 1970 is less than 5 months from now. We are spanning that gap, filling the void, and keeping the railroads running. I think we are in effect doing the responsible thing by bringing this before the House to resolve it so that midnight Friday the wheels of railroad transportation will not die.

Mr. STAGGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. TIERNAN), a member of the committee.

Mr. TIERNAN. Mr. Chairman and Members of the House, we have had quite a bit of mention of the fact that three of the four unions involved in this dispute, that is the membership of those three unions, have ratified the agreement. But a very significant point is left out when they mention ratification. The memorandum of agreement which was agreed to by the parties, both management and the union, was that the date of ratification would be December 17.

On that date three of the unions, as previous speakers have indicated, did ratify the memorandum of agreement. But one of the unions, the sheet metal workers union, did not ratify the memorandum of agreement.

The important thing in this resolution, gentleman, here before us today, if you will look at the last three lines, is this:

> And that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

So what you are doing is saying to these workers of the other three unions that no matter what you have agreed to in the past, and although you accepted the representations of your representatives in negotiation with the management, we, Members of the Congress, are saying by this resolution that the date of ratification is the date the President of the United States signs it into law. That means that for the period of time from December 17 to the time that the President signs this resolution, those employees, the great bulk of the employees that were represented and whose representatives bargained in good faith and brought that agreement back to their membership—and those employees ratified that agreement—they are going to be penalized—the time from December 17 to the date that this resolution is signed.

I think you here today should know and understand that because I think it is an extremely important point. Later when there will be an opportunity to offer amendments, an amendment will be offered. At that time, gentlemen, I plead with you to consider the difficulty of these employees who bargained in good faith and who did ratify that agreement and said, "We do accept that agreement that was entered into by our representatives with the representatives of the railroad."

The next point is, what we are doing here is to put down as a very small thing that we are only affecting 2,000 and some odd number of employees of the sheet metal workers. But, in reality, what we are doing, gentlemen, is taking the first step down a very hard road. Because if we can say to them that we have a national emergency on our hands with regard to a railroad strike, then let me ask you whether you will be able to say, "No," when we are faced with a national emergency with regard to a strike of the airlines and with regard to a strike of the teamsters and with regard to the strikes of some other organized groups of workers in America?

The people who represent the unions and the employers will look at us today and say, "We do not have to worry about bargaining. We can go to our friends in the Congress." Whether it is management or whether it is a union, they will say, "You write the contract. You force the contract on us and we will accept it." I do not think anybody wants to do this. But this is the first step toward it; this is a precedent.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. ADAMS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman and members of the Committee, at the appropriate time I plan to offer an amendment to House Joint Resolution 1124 which would provide that we handle this pending strike in exactly the same manner as the Congress handled it in 1967, when we were threatened with a strike by the machinists. In effect, this would provide for a special board so that the parties may go back into their collective-bargaining processes and allow the special board to make a decision as to what they think is best under the circumstances. That, in time, would then be referred back to the floor of the Congress. This would be mediation to finality. This would mean that we would have a board of three members who would consider the merits of the particular pending strike based on a memorandum of understanding of December 4.

They would have 5 days to negotiate and to attempt to make a settlement. If within 5 days this was not settled, then the special board would be appointed and that board would then have 30 days to mediate this particular pending strike.

In 1967, when we settled a strike in that manner, and which the Congress approved, we had 90 days in which the board could consider the merits of the case. Because of the urgency of this particular situation, I have shortened the time for the special board's consideration to 30 days in this particular instance.

The wording of the amendment is exactly the wording, 98 percentwise, as that which was offered to the Congress in 1967.

What the amendment would do is simply this:

First, it would keep the Congress from writing a contract. It would keep us from saying that this is an agreement, and though there was an agreement by three out of four unions, it was not a total agreement; so by law there was not an agreement. It would keep the Congress from saying that this is the contract that we write.

Second, it would say to the board of three people, at least the board of three people, that here are the facts of the case. What do you think is fair for the American people? Based on that, give us your recommendation. That special board would make its report to the Congress and we will be given an opportunity to vote on it, just as we did when another strike of this nature was settled.

It seems to me that this offers the best chance to do that which is fair and equitable within the limits of collective bargaining and mediation efforts. It certainly would keep us out of the business of writing a contract, which would be an unusual proceeding.

It would establish again this element of mediation to finality. But it worked before; it settled a strike. It can work again. I think it is highly desirable as compared to the alternatives that we would be faced with by House Joint Resolution 1124.

I take it we all agree that we cannot have a national transportation strike. The American people and the interests of the public require that we do not allow a strike of this nature to take place. I merely say this is a better approach to adopt the same kind of procedure we did 3 years ago, by which we sent this controversy back to further mediation, and then they did make a recommendation to the Congress. I think that would be a highly desirable approach.

When the time comes, I do plan to offer such an amendment, and I hope I may have your support.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OTTINGER), a member of the committee.

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the legislation before us. I do not think Congress ought to be in the position of intervening in labor disputes under any circumstances, whether we call it compulsory arbitration or whether we call it negotiation to finality. Whatever Congress does in this regard involves our undermining the collective bargaining system. The management of the railroads is never going to bargain in good faith so long as they know they can go to the Congress and get the solution they desire.

Here we do not have even arbitration. The resolution before us does not even provide that. As we realize, there is only one union that refused to settle, but that union and its members have rights, and they have the right to collectively bargain freely until they can reach a satisfactory conclusion with management. What we are doing here today or even what was proposed by my good friend and colleague, the gentleman from Texas (Mr. PICKLE) involves Congress preempting the collective bargaining proc-

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ess, undermining it so we will never get a satisfactory resolution.

Mr. Chairman, passage of House Joint Resolution 1124 will set a dangerous precedent. What is required to avert disruptive strikes and lockouts is evenhanded pressure on both labor and management. In 1966 and 1967 I sponsored legislation authorizing receivership as a last resort for settlement of disputes involving the safety and heath of a substantial part of the population, or severe disruption of the economy. Year after year we are faced with emergency stopgap measures such as the bill before us today, and the time is long overdue for passage of legislation to protect the public interest and terminate this type of last-minute congressional intervention in labor disputes on a case-by-case basis.

Mr. Chairman, I think we ought to reject this legislation and reject this role for the U.S. Congress.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), a member of the committee.

Mr. DINGELL. Mr. Chairman, this is the first time in my recollection that this body has ever been called upon to write the terms of the contract in a dispute between the parties. It is a principle and a practice and a precedent that to my mind is infinitely worse than the step of establishing compulsory arbitration.

I would point out to my colleagues I intend to offer at an appropriate time an amendment which would allow the parties to put into effect those terms of the contract upon which they have already agreed and to allow the parties to select arbiters to act upon their behalf to decide for those portions which they cannot resolve. Those two arbiters would select a third, and the three arbitrators would decide the issues before them and would resolve only the contractual questions that remain yet to be resolved.

I believe this to be a much more desirable way to prevent a strike and resolve the issues remaining unresolved. It is a much more fair and much more constitutional way. It is a much surer way to resolve the questions. It is a much better precedent. I would hope this body would support my endeavor to do this. I offered an amendment when this legislation was before the Committee on Interstate and Foreign Commerce, when that distinguished body had this matter under consideration, and it is briefly discussed in the minority views in the report before us.

I would point out this is not compulsory arbitration since the union has already agreed the matter should be arbitrated and it simply sets up a means whereby the parties can arbitrate and resolve only those the matters yet unresolved between them. In that spirit I hope my colleagues would support this kind of approach.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I rise in support of an alternative to House Joint Resolution 1124 in the form as proposed by Representative DINGELL. I do this because other recourse has been effectively denied the shopcraft unions.

The courts on March 2 ruled that a single carrier could not be struck. The Congress declared that a strike could not be imposed on all carriers, and the President's proposal imposes a settlement on those that have rejected the terms of such settlement. In the words of the workers "they have run out of branches of government."

The alternative is a reasonable one which would end the threat of a nationwide strike while allowing the matter to be submitted to binding arbitration. If this were done we would not then be in the position of setting the terms of bargaining agreements in private industry. House Joint Resolution 1124 is not a way out—it is a compulsory settlement forcing workers to labor under conditions which they already rejected by democratic vote of the membership. We should avoid this dangerous course and accept the amendment to be offered by Mr. DINGELL.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 2, beginning in line 7, strike out "the date of enactment of this resolution" and insert in lieu thereof the following: "February 19, 1970"

The CHAIRMAN. The gentleman from Washington is recognized in support of his amendment.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I am sure, speaking as chairman of the committee, there would be no objection on this side to the amendment. There would be no objection.

Mr. ADAMS. Mr. Chairman, since both the Chairman and the Ranking Minority Members have indicated their agreement, I will simply explain the amendment and my general position on this bill. I will state that by this amendment we are trying to work out a date of effectiveness for wages that would apply under the agreement. I believe we have this in hand now. The wages would be given for the incidental work rule effective as of February 19.

I intend to support the amendments to this bill which are going to be offered, for the reason that I believe this bill establishes the bad precedent of the Congress making an agreement between the parties. I have offered this particular amendment to try to perfect the contract as best as possible, to make it fair for the men who are involved.

I regret that the Congress is involved in this type of operation. I would say this: I believe by doing it we can assure ourselves that we will bring up a railroad strike in the future. Railroad management has now found that by bargaining nationally a national strike is created; when a national strike is created, a national emergency is created. Then Congress will settle the matter.

In this particular case I believe the Members should know that individual unions tried to go to individual railroads and to strike them indivdually, so that there would not be a national strike. They were prevented from doing so by a court order.

The next set of strikes that come up, if they do come up in that fashion, would not create a national emergency.

One of the amendments which has been suggested by the gentleman from Texas (Mr. ECKHARDT) has this as a part of it. I hope the committee will carefully consider it, because otherwise we can expect a dispute when the September 6 notices open for the shop crafts. Notices have already opened for the clerks. Notices have already opened for the maintenance-of-way employees.

The result of this is that during the next 6 months to a year there is going to be a series of these disputes. If management is assured of the fact that they can make a last offer and then do nothing further then there will not be any settlement and we are going to get the strike back here again.

The suggestion which many of us made last time was to create the condition of an artificial strike. We have not attempted to make those amendments to this legislation, because it has come up too quickly and it was too difficult in the period of time we had to work out all those details.

Instead, the gentleman from Michigan (Mr. DINGELL) has offered an amendment and explained it, and the gentleman from Texas (Mr. ECKHARDT) has offered an amendment and explained it, which are temporary palliatives to try to do the best we can to avoid putting men to work under a law that says, "You must work."

I will close by saying I do not know what will happen if someone says, "I will not work under it," because I am not at all certain the Congress has the constitutional power to say, "This will be the contract between two parties." There is a grave constitutional question involved in that. We discussed this at length in the committee.

Many of us would have preferred that there be a different type of solution offered by the administration.

I hope the amendment I have offered will be agreed to, because it does make this bad precedent more fair. It gives the men their wages back at least to February 19. I should like to go back to December, but if we can at least get an agree-

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ment on this date, and the other body will agree to it, I believe this is more fair and will prevent wildcat strikes.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee.

Mr. STAGGERS. I wanted to mention that it is understood the other body will have a similar amendment presented on the floor, and this amendment would make the two resolutions coincide. I know the gentleman, like myself, would like to go all the way back to the date originally reached—December 17, 1969. But looking at the realities, that this is being put forward in the other body, I believe this will make the bill match, and this is what should be done.

Mr. ADAMS. I thank the chairman for his statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That with respect to the carriers represented by the National Railway Labor Conference and the employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; and the International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, the memorandum of understanding dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and December 17, 1969, shall be deemed the 'date of notification of ratification' as used in this memorandum of understanding.

"SEC. 2. (a) With respect to the carriers represented by the National Railway Labor Conference and the employees represented by the Sheet Metal Workers International Association (hereafter in this section referred to as the 'parties'), the provisions of the final paragraph of section 10 of the Railway Labor Act as heretofore extended by law shall be extended until 12:01 o'clock ante-meridian of the 30th day after enactment of this resolution with respect to the dispute referred to in Executive Order 11486 of October 3, 1969.

"(b) There is hereby established an Arbitration Panel, hereafter referred to as the 'Panel', for the purpose of rendering a final and binding decision on the dispute. The Panel shall consist of three members to be appointed as follows:

"(1) One Panel member shall be designated by the National Railway Labor Conference;

"(2) One Panel member shall be designated by the Sheet Metal Workers International Association; and

"(3) One Panel member shall be appointed by the two Panel members designated under paragraphs (1) and (2) of this subsection. If the Panel members designated under paragraphs (1) and (2) of this subsection are unable to agree upon the third member, then the following procedure shall be followed to select the third Panel member: (A) A list of five names shall be requested from the Federal Mediation and Conciliation Service, (B) the two Panel members shall begin consideration of this list, alternately, with the right to strike any name, except that the last name remaining upon the list shall be the third Panel member unless there is prior agreement upon designation of a Panel member. A coin shall be used to decide who has first consideration of the list.

"(c) The Panel shall make its decision not earlier than 15 days and not later than 30 days from the date of enactement of this joint resolution. The decision of the Panel shall be final and binding upon the parties."

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, as I have indicated, this is a reintroduction of an amendment substantially identical to that offered by me in committee yesterday. It avoids, I think, two things that are highly undesirable. One is compulsory arbitration, since the unions involved have agreed that they would be content to arbitrate the issues between them. Two, it obviates the necessity of this Congress engaging in what I regard as almost a certainly unconstitutional practice. I refer to the device of legislating the content of an agreement between two persons not necessarily in agreement with the terms thereof. I would point out that adoption of this amendment has the advantage not only of obviating court tests certain to come, but it very probably will also obviate the finding of unconstitutionality and a certain-to-be series of wildcat strikes, which I am satisfied will follow the enactment of the legislation now before us unless this amendment is adopted.

I would point out, further, Mr. Chairman, the amendment very simply says that those matters agreed to by all parties are in effect as if the agreement had been signed and ratified and had gone into effect, but it establishes a panel to be chosen, one member by the railroads, one member by the union affected, and one member by the two of them. In the failure of the two union and management panel members, the selection would be from a list of names submitted by the Federal Mediation and Conciliation Service and selected through a process of the striking of names between the parties until they had arrived at an agreement on the selection of the third panel member. Thirty days after the appointment of the panel the finding of the panel would be final and would be binding on the parties as if agreed to by law.

Opportunity would here be afforded to all parties to present their cases, to make their wishes heard, and to have a fair and judicial determination made with regard to the questions in controversy, something that I must tell you very clearly has not transpired to date either in the committee or the Congress itself. And, I say this recognizing that the Congress has acted to the best of its ability under very difficult circumstances to assure fairness to all parties.

Mr. Chairman, I believe that this approach will result in a settlement of the issue and some disagreements which will be raised and accepted by the parties involved. Further, I believe it obviates the possibility of passing a law which in my opinion at least is unconstitutional and a very bad situation from the standpoint of policy.

I think it does something else which is of great importance and that is it affords this Congress an alternative which we desperately need. The legislation was written in haste and I believe is fundamentally ill conceived.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank my good friend for yielding.

There is one thing I do not understand but which I think, perhaps, the gentleman from Michigan can explain and that is this: How does his amendment differ from compulsory arbitration? Does not this impose a settlement?

Mr. DINGELL. I can tell my friend that the unions would be happy to arbitrate in this matter and under these conditions and therein in my opinion the question of compulsory arbitration is obviated and eliminated.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. SPRINGER. May I say to my colleagues that this amendment which has been introduced by my distinguished colleague from Michigan was introduced and was defeated in the committee, if my recollection is correct, 18 to 9. I will stand corrected if that is wrong. However, I believe that was the figure. Not even many of those who are in sympathy, if I may say so, with the gentleman from Michigan voted for this amendment because it is very unfair to the three labor brotherhoods who have already settled their grievances.

What this in effect will do is to put into statutory form the agreement which those three unions have already agreed to, but leave it wide open by setting up this arbitration board for the sheet metal workers in which case they almost invariably will come out with a higher figure than the others which have already been negotiating in good faith between labor and management.

Mr. DINGELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SPRINGER. I shall yield to the gentleman when I get through.

In effect, what you are doing is giving another additional preferential step to the brotherhood which has not agreed to anything and then you will put this provision into effect after the agreement which has been entered into by the other three brotherhoods which have acted in good faith. I think all of you can see the unfairness of allowing this kind of thing, of future arbitration by the board with reference to the sheet metal workers, when you have already a settlement with the other three brotherhoods. What they hope to get out of it is to get a better settlement than has already been negotiated by the three other unions. In other words, if you adopt this amendment, you will be gaining one friend but will be making three enemies. You will make a friend of the sheet metal workers but you will make three enemies of the other brotherhoods which have gone through a negotiation if the gentleman's amendment prevails. That is what will happen.

I present this to you as being unfair and that is the reason I think so many of the distinguished gentleman's col-

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leagues on his side saw the unfairness of this kind of proposition at this stage of the legislation and this is the reason it was voted down by a vote of 2 to 1.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Michigan.

Mr. DINGELL. I am sorry that my good friend from Illinois is so much in error with reference to this amendment. I would point out, first of all, that it does not do what my colleagues from Illinois would have us believe at all. Second, it does say that the questions which have not been resolved will be arbitrated—not all the questions, not the wage questions, but only the unresolved questions on work rules.

I would state to my very dear friend, the gentleman from Illinois, that there is a story in the Bible told by the good Lord Himself where a landlord hired people to labor in his vineyards. Some labored from early in the morning until late at night, and some did not. And the landowner met them and had no complaint, and gave them all the sum of one dinarii, and to one who complained he was told "Was that not the sum agreed upon?" And he said, "Yes, it was." And he was told to be silent, and not to express any further complaint.

So we are telling the unions that what they agreed upon is binding upon them. This has to be resolved, but nobody should be permitted here to reopen it. It is after all, their own agreement. If the unions are adversely affected, it is by their free and voluntary agreement.

Mr. SPRINGER. May I say that I am only in partial agreement to what the gentleman said, and I believe that I have given as fair consideration to it as I could before I arose here to speak. I did not make a mistake with reference to this. I believe I stated it correctly to the Members of the House, and that was the reason that we were opposed to it in the committee, and that is the reason it was beaten two to one in the Committee before. I hope that the committee will vote down the amendment.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, the recollection of the gentleman is the same as mine. In addition to being grossly unfair to the three unions, that negotiated in good faith and to finality, it gives preferential treatment to the sheet metal workers.

I believe if we pass this amendment, instead of having just one union holding out the next time we are faced with this controversy, we would have all the unions holding out because the logical thing is that this Congress would go along and give them another bite on the apple. In setting up this special board we are, rather than encouraging them to get together and suggest that arbitration does work, we would actually, if we were to pass this amendment, be encouraging all the unions to hold out, and they will do so together with the realization that the Congress would show them preferential treatment and set up a special board instead of arbitration.

Mr. SPRINGER. I believe the gentleman has stated exactly what I have had in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT:

Strike out on page 2 all after lines 1 and 2 and insert in lieu thereof the following:

"SEC. 1. For the purpose of interim settlement of the dispute growing out of the proposals served by the several unions functioning through the Employees' Conference Committee on the railroad carriers represented by the National Railway Labor Conference on or about November 8, 1968, and the proposals served by the said carriers on representatives of the said unions on or about November 26, 1968, it is provided that the Memorandum of Understanding, dated December 4, 1969, other than the provisions headed "Effect of This Agreement," shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act except as further provided herein.

"SEC. 2. This Act is for the purpose of establishing by law interim rules governing wages and other conditions of employment between the said carriers and the said unions pending their settling their differences by ordinary collective bargaining processes and such rules shall remain in effect until January 1, 1971, except as hereinafter provided in this section. When and if agreement is reached between any carrier and any railroad settling the matters in dispute between them, these interim rules shall cease to be in effect with respect to such parties.

"SEC. 3. Subject to the internal rules of each organization, the National Railway Labor Conference, or any of its members railroads, or the Employees' Conference Committee, or any of its member unions, may each serve upon the other or upon any member organization of the other a notice or proposal for the purpose of changing the provisions, or any of the provisions, put into effect by these rules, in accordance with the provisions of the Railway Labor Act at any time after the effective date of this Act. These rules shall preclude resort to either strike or lockout in the same manner and to the same extent as if they constituted a contract which provided for reopening in such manner.

Mr. ECKHARDT. Mr. Chairman, this amendment does the absolute minimum by congressional fiat that is necessary to avoid a strike, but it at the same time leaves the maximum flexibility for collective bargaining.

In its first provision it provides that for the purpose of interim settlement of a dispute, the proposal tentatively agreed upon on December 4 shall have the same effect as though entered into by agreement between the parties under the Railway Labor Act. In this respect it is exactly like the administration's proposal—it applies to all four unions and not to three—but to all four unions.

But it is conditioned by section 2 which provides that this act is for the purpose of establishing by law interim rules governing wages and other conditions of employment between said carriers pending the settlement of their own differences.

These rules have exactly the same effect as the provisions of the administration's bill, except that negotiation is not hindered and is not delayed. The parties may serve notice immediately to settle a dispute with respect to those matters that the sheet metal workers have not come to a resolution on because of the failure of ratification.

Now let me tell you why I think this is psychologically important. I am speaking from some experience in labor relations—experience of approximately 20 years.

The thing that prevents persons from going on wildcat strikes is that they have something going—they have something negotiating at the time—and there is something happening. There is some possibility of a resolution in accordance with their views. But you freeze negotiations and you provide ratification by legislative fiat from now until September, and you close off this matter in a contract until January 1, 1971, and you create the maximum temptation for wildcat strikes.

Now this amendment is not widely different from the administration's proposal. But it does one other important thing and I want to submit this for your consideration.

If we continue to operate in the manner in which we do—if we continue to provide that these parties may negotiate as a great body representing all unions within the crafts on the one side and on the other side as a body of persons representing all of the railroads—if we do this, we create a veritable nuclear force on both sides which is so threatening to the public interest that neither side can use these weapons. The union cannot use a national strike effectively without bringing public opinion down on their heads, and the Congress will then respond. The railroads cannot use a national lockout.

What this amendment would do is to make it so that when you come to the Congress to solve your disputes, we are going to break up your little game of tight national bargaining. We are going to say to you—we will put into effect, not as a contract but as an interim created status quo, just as we continue that status quo under existing agreements, the closest point to agreement which was reached. But we are going to permit immediate opening against any railroad. We are going to break up this national complex that makes it impossible today for the strike threat to result in a settlement.

If we go with the administration proposal, we simply invite the railroads from here on out to engage in the same type of hard bargaining that has existed in the past.

When they come to the end of the road, they tell us, "Write our contract for us."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SPRINGER. Mr. Chairman, may I pay recognition to my distinguished colleague from Texas. He is probably the most distinguished labor lawyer in this

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body. He has considerably modified the amendment that he presents here today from what he presented yesterday, but it does mean the same thing. There is no substantial change in that amendment, which was defeated in the committee by a vote of 16 to 8, or 2 to 1. Several Members on his own side who, I am sure, are ideologically in sympathy with him, voted against him on that amendment.

I think there is a very real reason for that. What you are attempting to do here is to freeze the contract but yet leave the negotiation open. I would say, in very direct opposition to the conclusion that my distinguished colleague has arrived at, that the most logical thing to conclude is that it would encourage wildcat strikes, slowdowns, and everything you could possibly conceive of. His interpretation I am sure is made in good faith.

That is the kind of amendment, in my opinion, that throws the matter wide open to the point at which we would be in chaos. The gentleman has said that this is only a small change. May I say to my distinguished colleagues that this is a very, very wide change, not only in what it does, but philosophically in what is accomplished in this legislation. In my opinion, this is the amendment that would do the most damage to the possibility of getting labor and management together on negotiations the next time around; it would be exactly the amendment which the gentleman from Texas has proposed.

I hope that in view of the overwhelming vote against the amendment yesterday by those on the committee that this amendment would be voted down.

Mr. ADAMS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. Mr. Chairman, I would like to point out that a vote of only 16 to 8 is not overwhelming with the numbers that are available on this committee. All the colleagues of the gentleman from Texas (Mr. ECKHARDT) who are of similar persuasion supported him on this for the very reasons that he has stated. This was the least harmful way we could see to move out of this situation on a short-term basis. And I want to state in answer to the gentleman from Illinois who has just spoken that we will have back these unions and railroad management in the fall or next year because of what we are doing today, because we have allowed railroad management to know that there cannot be a strike, that economic weapons cannot be used, and that the matter will eventually be settled by Congress each time.

In the opinion of many of us that alternatives to this are, as mentioned by my colleague, the gentleman from Texas, to break down the national bargaining and have individual bargaining by individual unions with the management of particular railroads, because that is how the Railway Labor Act was originally conceived. This is also how Taft-Hartley was originally conceived. We would have other competitive modes so that when the two parties used their economic weapons, the two parties were subject to the penalties of either not working or not making profits while somebody else was doing the business, and therefore the two of them would have pressure on them to settle. When we have no competitive mode, because all are on strike then the economic pressures never apply to the two parties. Instead, the public is injured before either of the two parties has any pressure placed on it at all. Therefore, we think there should be individual bargaining. That would be done by this amendment.

The other alternative, of course, is to establish an artificial strike, which many of us suggested at the time the last railroad strike was before this Congress. By this we say to management as well as to the men: All right, if you are going to put the men under injunction and prevent them from having additional wages, we then will say to management they cannot raise corporate salaries and we will impound their profits during that period of time and there will be no mergers and no dividends. So they will have a little pressure on them too. If we do not do that, we will get the result we have had three times in the last few years, of having management say they will go so far and no further and thus break down any bargaining.

Mr. Chairman, I yield now to my friend, the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I would like to say in answer to my distinguished colleague, the ranking minority member of the committee, that I can assure him as well as I can understand law, that this amendment is as binding against a strike for a period of time, which would practically speaking be about 9 months, as the proposal that was made originally. It is not selling out the bargaining process. The bargaining process would continue. I feel assured that much of the dispute relating to work assignments could be settled by the ordinary processes of collective bargaining. There could be agreement with some of the railroads. There is no reason why all of the railroads should be put into a procrustean bed with a single representative of all railroads.

That is all I am seeking here. It would stop a strike, it would continue the discussion, and it would settle the matter perhaps piecemeal, and I think ultimately completely, but it would absolutely avoid in my opinion the wildcat strike in the interim, because I am assured that even the protesting unions would welcome the opportunity to have legislation of this type which would at least give them an opportunity to continue their insistence in a peaceful manner rather than on a picket line.

Most laborers do not want to picket. They put themselves out of jobs and they put others out of jobs. But give them a chance to try to come to an agreement during a period of time when we bind them to prevent them from striking.

Mr. ADAMS. Mr. Chairman, I might just conclude by saying that in this particular strike wages are not in dispute. What is in dispute is an incidental work rule between these four unions and management. Management put a price on that, and the amendment offered by the gentleman gives management what it bought, which is the incidental work rule during this interim period, but it also keeps this bargaining process alive. As has been pointed out and as the testimony showed, some of these railroads have been able to agree with all the parties on an incidental work rule.

Mr. WATSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Texas, the author of this amendment, for whom I have the highest regard, a question or two.

I believe we will all agree that the parties to this contract have been negotiating for about a year or a year and a half.

What, under the terms of your amendment, would prompt the parties to reach an agreement, which they have not reached over the period of some 18 months?

Actually, would not the amendment have the effect of encouraging them not even to negotiate further, for the simple reason that they have already gotten what they have negotiated now pegged down, so that they can continue to approach it on a piecemeal basis by negotiations with individual railroads, which, in my judgment, would create, as the gentleman from Illinois said, quite a catastrophic situation.

What, under the terms of your amendment, would prompt the disputing union to come to any reasonable voluntary terms?

Mr. ECKHARDT. I thank my colleague for that thoughtful question. I know he has put a great deal of thought into this subject because of his questions on the committee.

There are two things which would prompt action under these circumstances.

One is it would break loose the situation of the unit bargaining of the union on the one side and the unit bargaining of all railroads on the other side. For instance, it would be relatively easy for the machinist group to negotiate a contract today with Santa Fe. Once devising a pattern, no doubt they would ask for the same pattern elsewhere.

The other thing which would create a breaking of the impasse is that at least there would be the possibility of a strike which would not shut down the entire railroad industry. We would restore the same normal relationship between employees and management that exists elsewhere in industry; that is, the union acting with the ultimate strike threat behind it and management acting with its power to say "No."

I assume that this process would resolve the work assignment question. I believe it would.

Mr. WATSON. I appreciate the gentleman's explanation, but I still fail to see anything under the terms of the amendment which would prompt this union to reach an agreement. They have not reached an agreement over a period of some 12 or 18 months.

I should have thought during the 37-day period which the Congress passed by resolution earlier, before the Easter recess, if they were honestly interested in

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negotiating this matter and avoiding this congressional action they would have moved in and tried to do something about it.

I believe the gentleman will agree with me that the facts reveal even after the Congress passed a 37-day extension to allow this union to try to negotiate this matter to finality, the president of the union took a very adamant attitude about it and even refused to discuss the matter with the Secretary of Labor.

Now, under the threat of congressional action before April 11, midnight Friday, this union, I believe the gentleman will agree, has absolutely done nothing toward resolving the conflict.

Mr. ECKHARDT. If the gentleman will permit me a very brief answer to a long question——

Mr. WATSON. Does the gentleman not agree they have done nothing even under the threat of congressional action during the past 37 days?

Mr. ECKHARDT. I do not see any reason why the railroads should yield an inch, when we are in the phase of passing their proposal into law. There must be a situation in which both parties have a possibility of losing something to get negotiation.

Mr. WATSON. We seem to lose sight of the fact that this agreement the memorandum of December 4 last year—was not only agreed to by the negotiator for the four unions—and the crafts subsequently individually approved it—but also was agreed by the negotiator for the sheetmetal workers. I believe the gentleman will further agree that the matter was submitted to the sheetmetal workers, and I believe there was a vote of 2,200 to 1,100 or something like that. They turned it down, and actually the constitution of that craft itself did not require the submission of this arbitration agreement to the craft.

So I hope the gentleman's amendment will be defeated.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SPRINGER. Mr. Chairman, I believe under the rules, this shifts back and forth.

The CHAIRMAN. The Chair has been endeavoring to do that.

Mr. MOSS. I believe that rule has been followed.

There have been two points I have been impressed with this afternoon, Mr. Chairman. The great emphasis on the fact that three out of four unions ratified this agreement and therefore we should disregard the rights of the fourth; but we could conceivably have a condition where nine unions were involved and five out of the nine would ratify and the other four, representing a far larger number of employees, would have failed to ratify. However, the principle which is embodied in the resolution being urged upon the members of this Committee today, applied in that instance, would force the majority to go to work because a majority of the numbers of the unions had ratified.

It is very bad law; it is very bad precedent. What we are doing here, if we adopt House Joint Resolution 1124, is we are ordering into effect a contract between private parties. And make no mistake about it. We are not providing any interim step, any factfinding, any method of arbitrating as we have in previous cases. This could well be an engraved invitation to the railroad industry to bring its disputes to the Congress of the United States because it is rapidly gaining experience in resolving them. Each time, however, it follows a different formula. Back in 1962 we appointed a special board. In 1967 we decided to arbitrate to finality. And now we, in a shorter span of time intervening, have decided to mandate a contract or to ratify it on behalf of these individuals. I do not think it is good to do this when we have alternatives available to us which preserve the integrity of collective bargaining and yet protect the Nation from an immediate work stoppage on the railroads.

Now, the other point I want to emphasize, Mr. Chairman, is that much was made of the impact upon national defense and upon the economy of this Nation if a work stoppage occurs. If that were the only alternative we had, either adopting this resolution or having a work stoppage, then the situation would be different, but there is a different alternative. Two of them have been offered here this afternoon. One of them has been rejected, and a very modest and moderate one, well reasoned, has been offered by the gentleman from Texas (Mr. ECKHARDT). It would immediately order into effect as interim law the rules which had been agreed upon and permit bargaining to continue, and to continue beween the employees and the employers in the units in which they are employed rather than enforcing a national pattern, which can only bring these issues before us every few years.

Believe me, gentlemen, I have said in this well before in discussing this same issue that it would be coming back again, and I predict next year that we will have the same issues back before us, if we adopt the solution that is proposed in the resolution without the amendment of the gentleman from Texas (Mr. ECKHARDT).

I strongly urge that we preserve this very important principle in American labor relations and adopt the Eckhardt amendment to the resolution.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. MOSS. I am very happy to yield to the gentleman.

Mr. OTTINGER. I rise in support of the Eckhardt amendment. I think it preserves the collective bargaining process, and it will insure that we do not get this kind of a situation with the Congress of the United States resolving disputes by imposition in the future.

Mr. BROTZMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, if what this body wants—and there are 134 standard railways—if you want 134 strikes, then there is just that much possibility of that many coming back, depending upon whose district it goes through. If you come to an impasse, you will be in here yourselves asking this committee to "please settle the strike on my railroad." Now, is that what this body wants? That is exactly what the Eckhardt amendments does.

Those that are on the Santa Fe and if there is a strike involving the Santa Fe, every Congressman on the Santa Fe will be in before our committee saying, "Please will you take up our legislation and get ours settled on the Santa Fe."

Those on the Illinois Central from Chicago to New Orleans will be in here, if they pick out that railroad to strike, saying, "Please help us with this because we cannot move any goods from New Orleans to Chicago or from Chicago to New Orleans; do something about settling the strike on our railroad."

That is exactly what you are going to be faced with if you adopt the Eckhardt amendment.

What they are seeking to do is to fragmentize the thing to a point where everyone who has a railroad in his district will be coming to our committee to seek some kind of solution to the particular problem with which they are faced.

This is the reason why the Eckhardt amendment is so dangerous to the bill.

It does not in any way, may I say to my colleagues, resemble the legislation which is pending before you. The entire effect of the Eckhardt amendment is different from the thrust and impact of the legislation which we have brought from the committee.

I hope I have made it clear enough to the Members of this body so that we understand what will happen to the various districts if you adopt the Eckhardt amendment. I hope it will be voted down now as it was voted down in the Committee on Interstate and Foreign Commerce. It was voted down by a vote of 16 to 8 or 2 to 1 for the very reasons that I am pointing out at this time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Texas (Mr. ECKHARDT).

Mr. Chairman, I would point out to my good friend from Illinois who is one of our most able Members in this body that he has demonstrated rather conclusively that he has not read or does not understand either the content or the effect of the amendment which has been offered by the gentleman from Texas.

The effect of the amendment offered by my good friend from Texas is simply to stop the national rail strike from occurring. That is precisely what we seek to do today. It is our purpose and intent, to prevent there being a railroad strike national in scope.

The amendment would go further than this. It would permit and indeed encourage something that we very much want, and that is a continuation of collective bargaining by and between the parties so that the issues here may be resolved fully and completely by the parties.

I believe if that is carried forward effectively and satisfactorily, and if there is encouraged more openness to such negotiations through adoption of the Eckhardt amendment, the parties will go forward to resolve the differences between them.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Texas.

Mr. ECKHARDT. There is just one thing I would like to add here.

In the case of Congress of Railway Unions, et al., against National Railway Labor Conference, and others, C.A. 358–70, in the Federal District Court of the District of Columbia, the court held that whipsaw strikes, the type that my distinguished colleague from Illinois (Mr. SPRINGER) mentioned here, are not legal or permissible.

The only way that individual strikes could exist to accomplish a bargaining objective would be as a result of genuine failure to come to agreement with respect to such things as work assignments or other matters in contest between labor and management.

Mr. DINGELL. Mr. Chairman, I would point out something else here. It is in my own memory unique that this body should be writing contracts. I have spoken of the doubtful constitutionality, and I am satisfied that many of my colleagues do understand that the writing of contracts between parties by the Congress is very probably in open defiance and violation of the Constitution, and probably is an act by this body without due process of law. But I would also point out something else: There appears to be a lack of feeling, I think, in the minds of some about the consequences of our writing of a contract for unconsenting parties. I believe the protection of law and of the Constitution, and, indeed, the principles of fair play are directed at the least influential groups and individuals in our society as well as the greatest and most numerous.

I wonder how many of my colleagues who were so careless and unconcerned over the writing of a piece of legislation whose "whereas" clauses say it is only a small minority of the workers concerned who are involved, would have trouble if we were to set a precedent and write contracts by and between the Government and General Motors for the procurement of trucks; or if we were to write the contracts by and between the Federal Government and the unconsenting railroads for the carriage of goods and services, and do so by legislation.

I believe perhaps the lack of tenderness and sentimental concern that is felt here by some of my colleagues who express so light a concern over the rights of a number of thousands of honest American workers would perhaps be more fully and completely outraged in those circumstances.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 40, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Strike out all after the resolving clause and insert in lieu thereof the following:

"That (a) There is hereby established a Special Board for the purpose of assisting such brotherhoods and carriers (hereafter in this section referred to as the 'Parties') in the completion of their collective bargaining and the resolution of the remaining issues in dispute.

"(b) The Special Board shall consist of three members one member to be selected by the employees, one by the employer involved, and one member appointed by the President and such member shall be chairman. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

(c) The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

(d) If agreement has not been reached within five days after the appointment of the Special Board, the Special Board shall hold hearings to determine whether the memorandum of understanding dated December 4, 1969, (1) is in the public interest, (2) is a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the provisions of the memorandum of understanding dated December 4, 1969.

(e) The Special Board shall make its determination by a vote of the majority of the members on or before the thirty-fifth day after the appointment of the Special Board, and shall incorporate the memorandum of understanding dated December 4, 1969, with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable settlement within the limits of the collective bargaining and mediation efforts in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Board to the President and the Congress.

(f)(1) If agreement has not been reached by the parties upon the expiration of the period specified in subsection (h) the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, but not after December 31, 1970, as the Board shall determine to be appropriate. The Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.)

(2) In the event of disagreement as to the meaning of any part or all of a determination by the Special Board, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the Board for clarification of its determination, whereupon the Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Board, be made with or without a further hearing.

(g) The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits concerning the determination of the Special Board.

(h) The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the parties as defined in subsection (2), so that no change except by agreement shall be made prior to 12:01 antimeridiem on the thirty-sixth day after the appointment of the Special Board by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such dispute arose.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SPRINGER. Mr. Chairman, reserving the right to object, may I inquire of the gentleman if this is the same long amendment that was offered in the committee?

Mr. ECKHARDT. It is the same amendment that was offered in the committee, and there is no basic changes in it.

Mr. SPRINGER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. ECKHARDT)?

There was no objection.

Mr. PICKLE. Mr. Chairman, this is an amendment which you would refer to as mediation to finality.

This would provide for the appointment of a special Board to consider the merits of the case before us and to ask for its recommendation. It keeps the Congress from writing a contract—something we have not done before except perhaps in an unusual or limited sense. It keeps the Congress from establishing a precedent, perhaps that we ought to avoid, if there is some other way to do it.

This amendment would provide for a special board of three members—one to be appointed or selected by the employees involved, one by the employer and one member to be appointed by the President to serve as the Chairman.

This special Board would have 35 days to consider this particular case that has been pending before the American people for months and months. After the Board was appointed the parties would have 5 days to reach an agreement before the special Board would begin its deliberation.

If the parties have not in 5 days, however, reached an agreement, the special Board would have 30 days to hold hearings and to make recommendations to Congress.

This is exactly the same amendment, word for word, by and large, which the Congress adopted nearly 3 years ago when we settled the strike at that time by the machinists.

What we are doing here is saying that this is a better approach than Congress writing a particular contract. This amendment will keep Congress out of the business of writing a contract and at the same time it preserves the elements of collective bargaining by sending the dispute to a mediation board where some type of compromise could be reached.

This amendment did not pass in the committee. In effect, it suffered the same type of result the other amendments have, not based on the merits in themselves, but based on the very sharp division by those who would not want any kind of settlement that resembled compulsory arbitration. I recognize that there are some who would not want to vote for any kind of means to settle this dispute. This amendment does provide for exactly the same procedure that we adopted 3 years ago. My friends on this side of the aisle adopted this procedure, and I would remind the chairman on the Republican side that this is what his group and his friends voted for 3 years ago. I am asking that it be done again.

I want to say to my friend that if I felt there was some other way, I would try to advance it. But we are at a point where I think we are either going to adopt House Joint Resolution 1124 exactly as recommended by our committee, or else we are going to adopt this procedure of mediation to finality.

I wish we had permanent legislation on the books. Some of us have been asking for it for years; yet, we have never gotten to first base, and it is high time that we stop these ad hoc solutions of pending strikes.

Mr. WATSON. Mr. Chairman, will the gentleman yield at that point?

Mr. PICKLE. I yield to the gentleman from South Carolina.

Mr. WATSON. I take this opportunity to commend the gentleman in the well for his desire all along to get some permanent legislation so that we will not have to face these issues on an ad hoc basis as we have over the past several years. As I stated in the committee, and as I have stated privately—and I urge all my colleagues to read carefully the amendment offered by the gentleman in the well in the CONGRESSIONAL RECORD later on—I think the amendment provides a very good framework or a genesis for some permanent legislation, and I am going to join the gentleman from this day forth in trying to press forward to get some permanent legislation in this field so as to avoid these ad hoc situations.

I commend the gentleman for it. But, of course, I am sure we need to study this proposal. You can tell by the length of it, its various ramifications, that we need to study it, to have hearings on it. I will press forward with him in trying to get this so we might use it as a vehicle for some permanent legislation so as to avoid the present problem we unfortunately now have.

Under the exigencies of the circumstances we must move forward with what we have, and unfortunately we will have to object to the gentleman's amendment. But I do applaud him, and I commend to everyone in the House a reading of the gentleman's amendment. Hopefully, we can get together and push forward for some permanent legislation.

Mr. PICKLE. I appreciate the gentleman's comment about the measure calling for permanent legislation which I have introduced. That particular bill is H.R. 8446. I do hope that Members will refer to it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. PICKLE. Mr. Chairman, I wanted to comment 1 minute further along the lines the gentleman from South Carolina has mentioned. I have introduced a bill which provides a choice of procedures, and which I think is generally conceded to be the best approach to try to settle these strikes. This bill would give the President several alternatives to follow in order to prevent strikes. One of the alternatives would allow the establishment of a special board, which I am recommending in this particular amendment. It would also allow seizure, a provision which, in unusual situations, would give the Government authority to take charge and actually run the railroads. Also the bill would give the President the discretion to ask for congressional remedies. These alternatives would be given to the President to use at a point in time early enough to encourage the parties to engage in meaningful collective bargaining.

It would give to the President the power at any given point to put into effect some of these alternatives which would keep the parties guessing and let them know that they will be held to account. I hope the Members will look up this bill and give it some thought.

During the hearings the representatives of those involved—management, labor, and the Department of Transportation—said that it was time we should adopt permanent legislation.

In conclusion, may I say this. Either we are going to accept the resolution which is before us which puts into effect what they say is an agreement when there was not a total agreement—only three out of four unions agreed—or else we are going to adopt this particular amendment, which would provide for mediation to finality. It would appoint a special board that would make a recommendation to the Congress, and if the parties did not agree to it within 35 days after the appointment of the special board, then the recommendation would have the same effect as though arrived at by agreement of the parties. I think this approach is highly desirable.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say to the Members that my distinguished colleague, the gentleman from Texas, is to be commended for his dedication and perseverance in pushing for legislation which would avoid these periodic, one-shot solutions to deadlocked negotiations.

I think the gentleman is to be commended, but may I say this amendment was most carefully considered in the committee, and the amendment was defeated by 17 to 9, with two voting "present."

Why was it defeated? I think there were sound reasons why the amendment was not adopted. In effect, it is almost the same kind of bill we had 3 years ago when President Johnson sent down his recommendations. In that case it did recommend arbitration and set up a board. There was a reason why in that instance we had to do it, because management and labor had in no way agreed. In this particular instance here, three of the four unions have already negotiated to finality. There is not any problem of having a board appointed to negotiate for them. They have negotiated. They are satisfied with the present arrangement and they are willing to accept it. We have just the one in doubt. Why would it be necessary now to appoint an arbitration board to throw all these four unions back into the hopper and then have one representative from labor and one representative from management and then have a Presidential representative in this board to go all over this argument and then have this come back down. I am as sure of this as of anything, that it would be back before our committee again, and we would be out on the floor again with this same legislation if the language of my distinguished colleague from Texas were adopted.

So I think there were sound reasons why in the committee they saw fit, by a margin of 17 to 9, with two voting "present," not to adopt the gentleman's amendment. But I know the gentleman has given a great deal of thought to it, and he is very sincere and earnest. However, I think it is very unwise at this point to accept his amendment.

I might say for my colleagues who might want to know what has happened in the other body, I have the figure on it now, that it passed with only the February 19 amendment, which is now part of our bill, in the other body by a vote of 88 to 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

The CHAIRMAN. The Clerk will read the preamble.

The Clerk read as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

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Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation service: Now, therefore, be it

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the preamble be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1124) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, pursuant to House Resolution 904, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title:

S.J. Res. 190. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

FINAL SETTLEMENT OF RAILWAY LABOR-MANAGEMENT DISPUTE, 1970

MOTION TO RECOMMIT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CARTER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion tc recommit.

The Clerk read as follows:

Mr. CARTER moves to recommit the joint resolution (H.J. Res. 1124) to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. ASHBROOK. Mr. Speaker, I withdraw my point of order.

So the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate joint resolution—Senate Joint Resolution 190.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S. J. RES. 190

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the memorandum of understanding, dated December 4, 1969, permits the service of notices or proposals for changes under the Railway Labor Act on September 1, 1970, to become effective on or after January 1, 1971; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that Febuary 19, 1970, shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1124) was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file reports on S. 3253, to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969, and H.R. 15207, to provide for a modification of the project for Denison Dam—Lake Texoma—Red River, Tex., and Okla., authorized by the Flood Control Act of 1938, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL ENVIRONMENTAL INFORMATION BANK

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, several of my colleagues and I have today introduced legislation to establish a National Environmental Information Bank within the Smithsonian Institution.

Joining me as cosponsors of this important environmental quality proposal are my colleagues Mr. BLATNIK, Mr. FEIGHAN, Mr. KARTH, Mr. MCCLOSKEY, Mr. MOSS, Mr. NEDZI, Mr. PELLY, Mr. ROGERS of Florida, Mr. SAYLOR, and Mr. VANIK.

It is my view that enactment of our proposal would provide the final piece of environmental quality machinery needed by the Federal Government.

The Council on Environmental Quality

established under Public Law 91–190 provides the President with a strong unit to advise him directly on environmental policy questions and to assist the President in reporting to Congress on the status of environmental policies and programs.

It is my hope that the Congress in the near future will approve legislation along the lines of House Joint Resolution 1117 to establish a Joint Committee on Environment and Technology. Such a joint committee would afford the Congress the ability to exercise strong and continuing oversight on environmental matters falling within the purview of the Federal Government, as well as activities of State and local governments and private entities.

However, there remains a need for the creation of a unit which would serve as a central depository for environmental data and which would have the capability of scientifically and objectively analyzing legislative and operational proposals in the light of the available environmental information.

The national environmental information bank would fulfill this objective.

After a good deal of thought, the conclusion was reached that the Smithsonian Institution would be the entity best suited to operate the proposed information bank.

The Smithsonian is not a typical, mission-oriented Federal agency with special vested interests. Because of the extraordinary position of the Smithsonian in the Federal and National communities, it serves the role of the honest broker forging communications links between the Federal, public, and private sectors of the Nation.

As a national scientific organization devoted to natural history, the Smithsonian is without peer in this country, and the underpinnings of ecology and ecological assessments are systematics and taxonomy, the Smithsonian as a national center for systematics and toxonomic research is a logical choice for this undertaking.

The Smithsonian's natural history collections, combined with a staff of scholars that span the spectrum of scholarship from astrophysics and molecular biology through ecology, history, and the arts, collectively provide an intellectual environment that is ideally suited for the assessment of the cultural as well as the biological manifestations of our changing ecosystems.

In summary, the Smithsonian Institution was designated as the administrative agency because it is essentially a nonpolitical organization with a highly competent staff of scientists from the various disciplines. It already has demonstrated capability in the evironmental data area in the scientific information exchange which it operates. It is trusted by the scientific community and it is removed from the usual pressures faced by the operating agencies of the Federal Government. This trust and this freedom from operating pressures will enable a Smithsonian-based center to provide broad, prompt dissemination of environmental data and analyses to all levels of our society.

The role of the Council on Environmental Quality will not be adversely affected by creation of the National Environmental Information Bank. Rather, the bank will enhance the ability of the Council to meet its responsibilities since the bank is instructed to provide the Council with information with respect to the impact of operational and legislative proposals and "the Council shall recommend ways and means of assuring that the impact of such proposals will enhance the quality of the environment." Thus, the Council—not the bank—would retain the role of making policy recommendations.

I am advised that the environmental data banks that exist today have, for the most part, two serious defects. They do not incorporate effective systems for eliminating the flow of erroneous or useless environmental data, thereby encouraging the "GIGO" kind of operation—garbage in and garbage out—and, second, these organizations have little responsibility for developing systems for the conversion and collation of environmental data to synthesize useful information for assessing or evaluating the ecological consequences of environmental manipulation.

What is urgently needed, and what our bill would create, is a national center for the collection of ecological models for predicting the ecological changes that may occur as a result of natural or manmade perturbations in the environment. The proposed national environmental information bank would be responsible for bringing together not only the standard environmental data but also biological, sociological, economic, historical, and other kinds of information as appropriate with the objective of, first, providing the basis for ecological systems analysis of selected environmental situations already in existence, and second, synthesizing predictive models of proposed projects that necessitate substantial intervention in or manipulation of the environment.

The center which we propose would not compete with or necessarily supplant such existing data exchanges as the National Oceanographic Data Center—NODC; the Environmental Sciences Services Administration—ESSA; and the Science Information Exchange—SIE. Instead, our proposed center would provide for the first time a blueprint containing information requirements and specifications that the data exchanges I have mentioned, as well as others, could respond to in collecting environmental data in their respective domains. The center would use the data gathered as the raw materials or building blocks for developing systems for measuring, evaluating and predicting the impact of changes in the environment—natural or manmade on living organisms, including man.

Creation of a national environmental information bank would for the first time provide our society with a mechanism for developing what can be called a set of coefficients of environmental enhancement. These coefficients would be incorporated in any formulation, equation or model for planning major projects that would permit us to measure and evaluate the ecological "quality" assets or liabilities that would accrue from any given project, and on the basis of such information make a considered and rational judgment with regard to the actions to be taken.

The text of the bill follows:

H.R. 16848

A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Information Bank within the Smithsonian Institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Environmental Policy Act of 1969 (P.L. 91–190) is amended by adding at the end thereof the following new title:

"Title III

"National Environmental Information Bank

"Sec. 301. This title may be cited as the National Environmental Information Bank Act".

"Sec. 302. For the purposes of this title—

"(1) The term 'Board' means the Board of Regents of the Smithsonian Institution.

"(2) The term 'Commission' means the National Environmental Information Bank Commission established by this title.

"(3) The term 'Information Bank' means the National Environmental Information Bank established by this title.

"(4) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"Sec. 303. (a) There is hereby established in the Smithsonian Institution a National Environmental Information Bank.

"(b) It shall be the function of the Information Bank to serve as the central national depository of all information, knowledge, and data relating to the environment. In order to carry out such function, it shall be the duty of the Board to collect and receive for deposit in the Information Bank all available information, knowledge, and data relating to the environment. Such information shall be collected and received from both national and international sources, and the President is authorized to enter into such treaties and agreements with other nations, with the United Nations, and with other international organizations as may be necessary to collect and receive such information, knowledge, and data from international sources.

"(c) In carrying out its duties with respect to the Information Bank, the Board shall establish and maintain such facilities as may be necessary, including, but not limited to, buildings, computers, and data processing and other equipment. The principal headquarters of the Information Bank shall be located within the District of Columbia. The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Board to use, without reimbursement, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title, and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Information Bank.

"(d) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall supply to the Information Bank all information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be supplied to the Information Bank as soon as possible after it becomes known to such department, agency, or instrumentality.

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"(e) In the administration of all Federal programs resulting in financial assistance to any foreign nation or to any State, political subdivision, or other public or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, or entering into such contract, shall take action as may be necessary to ensure that all information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will, as soon as possible after it becomes known, be made available to the Information Bank.

"(f) (1) It shall also be the function of the Board through the use of all necessary resources, including but not limited to, predictive ecological models and the Information Bank, to analyze legislative and major operational proposals of the departments, agencies, and instrumentalities of the executive branch of the United States Government as to their probable impact on the environment, and to provide the Council with information with respect to such proposals and the Council shall recommend ways and means of assuring that the impact of such proposals will enhance the quality of the environment. Such recommendations together with the information furnished the Council by the Board under this subsection shall be made a part of the public record of these proposals.

"(2) It shall also be the function of the Board through the use of all necessary resources, including but not limited to, predictive ecological models and the use of Information Bank, to analyze proposals submitted to it by the joint committees of Congress, by the committees of each House of Congress, and by States and their political subdivisions as to their impact on the environment and to provide the committees, the States and political subdivisions, with information with respect to such proposals. Such information shall be made a part of the public record of such proposals.

"(g) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall submit all legislative and major operational proposals to the Board for its analysis and for the recommendations of the Council in accordance with subsection (f) (1) of this section, and no such legislative proposal shall be submitted to Congress, and no such major operational proposal shall take effect, until such recommendations have been obtained and made part of the public record as required by this subsection.

"Sec. 304. There is hereby created the National Environmental Information Bank Commission. The number, manner of appointment, and tenure of the members of the Commission shall be such as the Board may from time to time prescribe. The Board may delegate to the Commission any function or duty of the Board with respect to the Information Bank. The Board may make rules and regulations for the conduct of the affairs of the Commission and the operation of the Information Bank, and to the extent and, under such limitations as the Board deems advisable, the Board may delegate to the Commission the power to make such rules and regulations.

"Sec. 305. (a) The Board is authorized to accept for the Smithsonian Institution gifts of any property for the benefit of the Information Bank, or for the purpose of carrying out the Board's functions under this title.

"(b) Legal title to all property (except property of the United States) held for the use or benefit of the Information Bank or the Board shall be vested in the Smithsonian Institution. Subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, the Board is authorized to sell, exchange, or otherwise dispose of any property of whatsoever nature held by it, and to invest in, reinvest in, or purchase any property of whatsoever nature for the benefit of the Information Bank or for the benefit of the Board for the purpose of carrying out its functions under this title.

"Sec. 306. In carrying out its functions under this Act, the Board shall cooperate to the fullest extent possible with the Council by providing statistical data and other information necessary in connection with the annual report of the Council required under section 201 of this Act, and in the development of long range programs for the enhancement of the environment.

"Sec. 307. (a) The information, knowledge, and data in the Information Bank, and the services of the Board in carrying out its functions under this title, shall be made available on request without charge—

"(1) to Congress and all the agencies of the legislative branch of the Federal Government.

"(2) to all States and political subdivisions thereof, except that, in any case where the Board determines that the service requested is substantial, the Board may require the payment of such fees and charges as it determines necessary to recover all, or any part of the cost of providing such service.

"(b) The information, knowledge, and data in the Information Bank shall be made available to private persons and entities—

"(1) upon payment of such fees and charges as the Board establishes as necessary to recover the cost of providing such services, and

"(2) subject to such terms and conditions as the Board determines necessary to protect the interests of the United States.

"Sec. 308. (a) The Board may appoint and fix the compensation and duties of a director of the Information Bank, and his appointment and salary shall not be subject to the provisions of title 5 governing appointment in the competitive service, classification, and pay. The Board may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Information Bank, and (2) to carry out its functions under this title.

"(b) The Board may delegate to the Secretary of the Smithsonian Institution, as well as to the Commission, any of its functions pursuant to subsection (a) of this section."

AIRCRAFT SECURITY

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRIEDEL. Mr. Speaker, recently, as we all know, one of our truly fine airline pilots was viciously and senselessly gunned to death while in the performance of his important duties. The magnitude of the personal loss cannot be understated and I know the hearts of all Americans go out to the family and loved ones of 1st Officer James E. Hartley. However, in our horror at this deed we must not lose sight of the larger significance of this tragedy. U.S. commercial aviation cannot have this happen again. While I appreciate that the Department of Transportation and the Federal Aviation Administration are grappling with this problem of aircraft security I wish to associate myself, as chairman of the Subcommittee on Transportation and Aeronautics, with the urgency expressed in a recent letter from Robert L. Tully, first vice president, Air Line Pilots Association, to Secretary of Transportation, the Honorable John A. Volpe, and under unanimous consent I include this letter at this point in the Record:

Air Line Pilots Association,
Washington, D.C., April 6, 1970.

Hon. John A. Volpe,
Secretary, Department of Transportation, Washington, D.C.
Mr. John A. Shaffer,
Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

Gentlemen: Your promptness and courtesy in meeting with representatives of the Air Line Pilots Association relative to aircraft security is appreciated.

The recent incident that resulted in the death of one of our pilots is a tragic example of a situation that, in my opinion, has been perpetuated by a permissive society. This type of incident is neither peculiar or restricted to airborne vehicles. The operators of buses and taxi-cabs in this and other cities will attest to this. Individuals who engage in this type of activity are, to a great degree, a by-product of liberalism. We as air line pilots, will continue to direct our efforts towards safety; however, in areas such as this, our effectiveness is limited by factors beyond our control.

Predictions indicate a tremendous growth in air commerce. Commercial aircraft with a seating capacity in excess of four hundred are a reality. A commercial aircraft capable of exceeding the speed of sound will be placed in service in the near future. The traveling public who utilize the air carriers are entitled to every consideration as related to safety; not to mention the individuals and property over which these aircraft are operated.

The Boston incident should cause an awareness of the potential hazard existing today. While this incident was tragic, little imagination is needed to visualize the holocaust that would result should a large aircraft such as the Boeing 747 slam into a densely populated area. Every precaution must be taken in our effort to preclude such a tragedy. We dare not do less.

While many of the suggestions to solve this problem have merit, supportive action by Congress and affected Federal Agencies is necessary to achieve any lasting success. Individuals who engage in air piracy are criminals and should be handled in a swift, firm and severe manner. The desire and what sometimes appears to be a obsession, to guarantee and protect the constitutional rights of the criminal have resulted in acquittals, light penalties and/or no prosecution at all. This liberalized and overly protective attitude results in abrogating the rights of the law-abiding citizens.

Recognizing the limitations as to the scope of your office, by copy of this letter to the office of President Nixon, Members of Congress, the State Department, the Justice Department and the Federal Bureau of Investigation, we impore this administration to act with all urgency.

The Air Line Pilots Association will be pleased to participate in any effective program designed to deal with this problem.

Sincerely,

Robert L. Tully,
First Vice President.

NURSING HOME CONDITIONS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I commend the distinguished gentleman from Arkansas, Hon. David Pryor, for his compassionate and diligent study of conditions surrounding the nursing home industry in the United States. By doing this, he has performed an important service for 20 million elderly Americans and for their concerned sons and daughters.

I endorse Mr. PRYOR's resolution to create a Select Committee on Nursing Homes and Homes for the Aged. It is clearly needed, as recent tragic events have shown. It is unfortunate that only our colleague's determination and the death of 32 people in an Ohio nursing home fire must glaringly bring to light the poor conditions which have long existed in some of our Nation's nursing homes.

Such conditions have occurred in many cases because of the tremendous expansion which has taken place in this industry in the past 15 years. In 1954 there were only 6,539 nursing homes in the United States—today just 16 years later, the number has jumped to 24,000.

Partially responsible for this expansion are medicare and medicaid programs. Nursing homes are guaranteed Federal funds under these programs. In 1969 more than $1.6 billion were paid to nursing homes under medicare and medicaid. With such financial assurances it is no wonder that the industry experienced such rapid development. The industry became known as a "glamour" industry on Wall Street because of Federal guarantees. Last year alone, nearly 40 companies sold $340 million worth of nursing home stock to the public.

Sadly enough, though, standards and regulations for nursing homes have not kept up. Nursing home employees do not necessarily have to be licensed and many do not receive even minimum training. Uniform standards do not exist. What is considered a nursing home in one State is not in another. Even in homes which reputedly have high standards—such standards are often minimum. The Harmar House Convalescent and Retirement Home in Marietta, Ohio, was considered a "good" nursing home. Thirty-two people died there because someone had purchased highly inflammable carpeting—carpeting which gave off billows of black smoke when a fire occurred. If the Harmar House nursing home was supported by Hill-Burton funds this would not have occurred. Hill-Burton support requires a flame spread test for carpets. The Harmar House is privately owned. Such tests are not required for privately owned nursing homes in all States.

Nor is the quality of care in nursing homes uniform. Recent newspaper articles concerning conditions in nursing homes tell of drug abuse, poor food, filth, unscrupulous physicians, and of loneliness and boredom.

Like the rest of the health service industry, nursing homes have health manpower problems. Mr. PRYOR has told us of a nursing home which employed three aides to care for 90 sick and aged people.

Costs to the patient and his family are high. Charges are made for everything—from bibs to shampoo. Such costs are in addition to monthly room rentals.

Increased funds for the support of nursing homes are not the only reason for the industry's rapid growth. Simply speaking—we have more elderly people in the United States today. Older people play a less important role in the life of their families and are no longer secure in the knowledge that someone related to them will care when illness strikes.

Recent medical advances have extended the lives of the elderly—but they still get ill, more frequently and more seriously than young people. It takes them longer to recover from these illnesses and they need more treatment and medication.

Hospitals have no room for these people. This type of care is expensive and often inappropriate. Conditions are too crowded and they do not have the facilities or staff for extended care.

As the general chairman for the Villa Scalabrini Development Fund, I was one of those in the Chicago community responsible for establishing the Italian Old People's Home in Melrose Park, Ill.—Villa Scalabrini.

I know for a fact what can be accomplished with a little thought, effort and imagination in the area of nursing home care. Villa Scalabrini stands today as an outstanding example of a modern facility which provides compassionate care for its residents. It has provided not only physical care, but spiritual comfort and a refuge of peace and happiness for elderly persons during the last 18 years of the Villa's existence.

I agree with my colleague, Congressman PRYOR, that changes must be made in the nursing home industry, and they must be made now. Tomorrow may be too late. Uniform standards must be established, regulations must be upheld, and skilled professionals must be trained and employed. Nursing homes should be places to live—not mere shells of existence.

The distinguished gentleman from Arkansas (Mr. PRYOR) is to be commended for the work he has started. It is important and necessary. His recommendations are vital but only the beginning of what must be an extensive probe into the problems and conditions of the American nursing home industry.

FURTHER LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, first I advise the House that we are not going on with any further legislative business today and we hope and expect to have up tomorrow S. 3690, the Federal Employees Salary Act of 1970. This will be under a rule which will require a two-thirds vote similar to that on the resolution today.

Mr. GERALD R. FORD. May I ask the distinguished majority leader is it the leadership's anticipation that any other legislation on the whip notice will be considered subsequent to that either tomorrow or the next day?

Mr. ALBERT. May I say to the gentleman that if we get that bill up and passed, I think we can put over the one remaining bill that is left.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. The distinguished majority leader said the postal pay bill. Does the gentleman say that this will be limited to postal employees?

Mr. ALBERT. No; postal, Federal, and other employees—an across-the-board 6-percent bill.

Mr. GROSS. I thank the gentleman.

MAINE SUGAR INDUSTRIES, INC., SEEKS ADDITIONAL LOAN

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, less than a year ago I called attention to the fact that Maine Sugar Industries, Inc., had asked the Commerce Department for a reduction of over $1 million in debt service on MSI's $8,745,300 loan from the Economic Development Administration. I said at that time that I had no objection to the Commerce Department's action on this request if it represented nothing more than an attempt to insure repayment of its loan. I recalled the doubts that I had expressed many years ago about the wisdom of locating a beet-sugar factory in Maine and the ill-advised EDA involvement in this project which would tend to cause unemployment in the long-established sugar industry in New England.

I have now received a preliminary prospectus dated March 11, 1970, for 3 million shares of common stock of Maine Sugar Industries, Inc. At page 9 of this document, under the subtitle "Conditions of the Public Offering," I note that MSI is now asking the Economic Development Administration to pay, pursuant to its guarantees, $1,800,000 each to Chase Manhattan Bank, N.A. and Morgan Guaranty Trust Co., trustee and to add such $3,600,000 payment to EDA's second mortgage loan of $8,745,300 to the Aroostook Development Corp., and to further agree that the payments by the company to Aroostook for interest and principal, which payments, in turn are paid by Aroostook to EDA, on the sugar plant at Easton, Maine, shall be based upon tons of beets sliced and raw cane sugar processed by the plant at Easton, Maine, and certain other conditions.

In other words, EDA is begin asked to pay $3,600,000 of the working capital loans of MSI and to bring MSI's total indebtedness to EDA up to $12,345,300, plus whatever other sums may be added due to the deferment by EDA of principal and interest repayments. EDA lays out $3,600,000 in cold cash and adds $3,600,-

XUM

000 to MSI's I O U with the further agreement that repayment shall be based on tons of sugar produced. If the plant doesn't run, EDA does not get paid.

Years ago I criticized the EDA grant to Maine Sugar Industries and called it "a colossal waste of the taxpayers' money." In the CONGRESSIONAL RECORD of July 13, 1966; August 11, 1966; September 26, 1966; and April 11, 1967, I presented in detail financial and other facts to illustrate the folly of this project in view of the existing, unused capacity of the two sugar refineries in my district in Boston. In May of last year, I again reviewed this material in testimony in behalf of my bill, H.R. 9958, to amend section 702 of the Public Works and Economic Development Act of 1965, identical to legislation I introduced in the 90th Congress.

Perhaps more eloquent than any review of the facts I might recite is the following statement which appears in bold type on page 2 of the MSI prospectus:

> A purchaser of the common stock being offered hereunder is cautioned that due to the company's weak financial condition, lack of working capital, absence of a positive cash flow, defaults on loan and lease agreements, the fact that there is no assurance that the proceeds from said public offering will be raised and since there is no escrow provision with respect to a specified amount of proceeds, he may lose his entire investment.

I would have thought that my long concern with this project and my attempts at securing remedial legislation would have been of some benefit not only to the Economic Development Administration but also to other departments and agencies as well. Apparently my hopes in this regard were ill founded for now I have learned that the Small Business Administration has compounded EDA's dismal record by entering into a $27.4 million lease guarantee commitment to Old Dominion Sugar Corporation for the erection of a new cane sugar refinery in Portsmouth, Va. This latest outrage has only recently been reviewed before the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas under the chairmanship of my able colleague, the gentleman from Illinois (Mr. KLUCZYNSKI). I await with interest the report which his subcommittee will issue as a result of hearings on February 19 and 25, but a number of points elicited in testimony before the subcommittee have already come to my attention and are worthy of mention here.

First, the $27.4 million commitment is the largest such guarantee in SBA history—and is larger in itself than the total of all 79 previous guarantees issued by the agency. It was issued despite the existence of a regulation limiting such guarantees to $9 million.

Second, proponents of the Virginia refinery apparently based their expectations on its success on advice to the effect that sugar users in the five-State area the refinery intends to serve need an additional source of supply. I am advised that existing refineries in Baltimore, Md., and Savannah, Ga., are operating substantially below top capacity and could easily fulfill any additional demand should it develop in the area. Testimony indicated that there has never been a shortage even during the prolonged longshoremen's strike in 1969.

Third, an acknowledged expert from the investment banking field, who is experienced in sugar industry financing, testified, based on material submitted to him, that the proposed new refinery would have to realize 4½ percent on sales even to pay its rent—a rate of return which few established sugar companies receive. In this connection sugar industry executives projected a 5-year loss of over $8 million for this ill-advised venture.

To make matters worse I understand that the actual machinery and equipment for the new plant and the engineering for it are to be supplied by Tate & Lyle, Ltd., of London, England, the largest sugar company in the world. Just as the owners of Maine Sugar Industries chose to spend funds on equipment made in Germany, we now find that advocates of the new refinery are equally anxious to append other Government money abroad.

In closing I quote again from the Maine Sugar Industries, Inc., preliminary prospectus dated March 11, 1970. On page 3 I find the following:

> It (Maine Sugar Industries, Inc.) has experienced substantial losses from the past two years' operations totaling approximately $10,694,521 with the result that it has a negative current position, its current liabilities substantially exceeding current assets. The Company is presently unable to meet its financial obligations as they come due and is in default under several of its loan and lease agreements.

This prompts me to ask two questions: First, how many times is the U.S. taxpayer going to be called upon to bail out Maine Sugar Industries, Inc.; and second, if the Old Dominion Sugar Corp. project is ultimately approved, how long will it be before an obituary similar to the one I have just read is published or written for it.

PUERTO RICAN VIETNAM HERO

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Puerto Rico (Mr. CÓRDOVA) is recognized for 5 minutes.

Mr. CÓRDOVA. Mr. Speaker, the following account of gallantry and intrepidity in the Medal of Honor citation posthumously awarded on April 7, 1970, for Sp4c. Hector Santiago Colón, U.S. Army, speaks for itself. There is little more that I could add except that Sp4c. Santiago Colón is the third Puerto Rican soldier thus to honor his name in military action during the Vietnam conflict.

The citation follows:

> The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Specialist Four Hector Santiago-Colon, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:
>
> Specialist Four Hector Santiago-Colon distinguished himself by conspicuous gallantry and intrepidity at the cost of his life on 28 June 1968 while serving as a gunner in the mortar platoon of Company B, 5th Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile) in Quang Tri Province, Republic of Vietnam. On this date, while serving as a perimeter sentry, Specialist Santiago-Colon heard distinct movement in the heavily wooded area to his front and flanks. Immediately he alerted his fellow sentries in the area to move to their foxholes and remain alert for any enemy probing forces. From the wooded area around his position heavy enemy automatic weapons and small arms fire suddenly broke out, but extreme darkness rendered difficult the precise location and identification of the hostile force. Only the muzzle flashes from enemy weapons indicated their position. Specialist Santiago-Colon and the other members of his position immediately began to repel the attackers, utilizing hand grenades, anti-personnel mines and small arms fire. Due to the heavy volume of enemy fire and exploding grenades around them, a North Vietnamese soldier was able to crawl, undetected, to their position. Suddenly, the enemy soldier lobbed a hand grenade into Specialist Santiago-Colon's foxhole. Realizing that there was no time to throw the grenade out of his position, Specialist Santiago-Colon retrieved the grenade, tucked it in to his stomach and, turning away from his comrades, absorbed the full impact of the blast. His heroic self-sacrifice saved the lives of those who occupied the foxhole with him, and provided them with the inspiration to continue fighting until they had forced the enemy to retreat from the perimeter. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Specialist Four Hector Santiago-Colon has reflected great credit upon himself, his unit and the United States Army.

INTRODUCES BILL TO CREATE A NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am today introducing a bill to create a National College of Ecological and Environmental Studies. The college would be administered by the National Science Foundation and would be funded with "seed" money from Federal funds. The bulk of the cost would, however, be provided by the private and commercial sectors of the country.

Students who would participate in the college will be a select group of science and engineering undergraduates. They would be selected by the board of directors chosen by the director of the National Science Foundation.

Mr. Speaker, the merit of this legislation is realized in the recognition that very few of our colleges and universities include environmental studies as a part of their course offerings. It is imperative that concern for the problems of our environment be studied at the university level.

On April 22, the date of the National Environmental Teach-in on college campuses and in many high schools, I and many of the Members of this body will speak to students throughout the country about the environmental crisis which this Nation faces. While the teach-in provides a means to exercise dissatisfaction with present environmental conditions, it is important to react positively as well. A National College of Ecological and Environmental Studies, such as this bill would establish, will provide our young people a means to be fully educated about the problem and make significant, constructive contributions toward restoration and preservation of our natural environment.

Mr. Speaker, I ask that this bill be printed at this point in the RECORD.

H.R. 16847

A bill to establish a National College of Ecological and Environmental Studies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established within the National Science Foundation a National College of Ecological and Environmental Studies (hereafter in this Act referred to as the "college").

(b) The purpose of the college shall be to encourage the pursuit of ecological and environmental studies and vocations by recognizing outstanding scholarship and potential of undergraduate science and engineering students.

SEC. 2. The college shall be administered by a Board of Directors (hereafter in this Act referred to as the "Board") consisting of 12 members who shall be appointed by and who shall serve subject to the direction (and at the pleasure of) the Director of the National Science Foundation.

SEC. 3. (a) The Board shall—

(1) select annually a number of outstanding undergraduate science or engineering students who have displayed interest in ecological or environmental studies, and

(2) provide by grant or contract with institutions of higher education (or other public or non-profit private organizations) for the attendance of such students at short term institutes or seminars at which the students so selected and professionals in the disciplines of ecology, environmental studies, and related fields may interchange knowledge and materials.

(b) Students attending institutes or seminars shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 4. The Board is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the college. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

SEC. 5. (a) There are authorized to be appropriated $100,000 for the fiscal year ending June 30, 1971, and for each of the four succeeding fiscal years to carry out this Act. Sums appropriated under this subsection shall remain available for expenditure until June 30, 1975.

(b) The aggregate amount expended by the Board from sums appropriated under subsection (a) shall not at any time exceed 33⅓ percent of the aggregate amount of gifts (including gifts of property, valued at fair market value) received by the Board under section 4.

NATIONAL ENVIRONMENTAL TEACH-IN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, 2 weeks from today on April 22, there will be a national environmental teach-in on college campuses all over this country and in many high schools as well.

The youth of America demands to be heard on this very real and urgent problem of environmental degradation. The youth of America wants to participate in the process and have an affect on the judgments that must be made in bringing about a proper ecological balance to the growth of our Nation.

It is important that we listen to what our young people have to say on this issue for it will be their demands for goods and services in the not too distant future that will influence changes in industry, education, and our society as a whole. If we are to be smart managers we must have the vision necessary to comprehend the true purpose of this national teach-in—a need to communicate.

At the University of Michigan last month a 4-day environmental teach-in was conducted which indicated some of the problems that are inescapable in the performance of such an affair.

As I view the intentions of the teach-in leadership, I understand their intrinsic desire to have me—all of us—hear and feel their dislike and repudiation of the past neglect of our environment. Regardless of our actions over the past few years to correct these problems, these young people want to be sure that we continue aggressive policies and changes that will render a quality environment for their inheritance.

Many of their suggestions will be thoughtful and sincere and will warrant consideration. Yet, the general nature of the teach-in, will smother much of the good, solid thinking of many students. The University of Michigan teach-in, though well planned, was splintered with conflicts of purpose once it was underway, consequently hurting its validity and the conscientious hard work of its leaders.

This kind of interference is frustrating and leads to a useless feeling on the part of students who really have worthwhile thinking to contribute. We need to encourage the students who have the scholarship to offer constructive thought and who desperately desire to contribute organized thinking to the leaders of our society.

Presently, these young Americans do not have an organized communications system to accomplish this purpose. The teach-in has provided a means to exercise this need to communicate. I believe there is a better means for these young Americans to communicate and I feel we should establish an organized forum as a better means without inhibiting the creativity of these students.

Therefore, I am introducing legislation today that will create a National College of Ecological and Environmental Studies under the direction of the National Science Foundation.

The term "college" as used in this legislation identifies a select group of undergraduate science and engineering college students who would be recognized for their outstanding scholarship and potential for the purpose of encouraging these students to pursue careers and further studies in the fields of environment and ecology as well as to provide a forum in which to receive their ideas and suggestions for action that could be taken by the Government, commercial, and private sectors of our society to restore an ecological balance to our environment. The legislation offers:

An opportunity for students to exercise their intellects in an organized atmosphere of conferences and problem-solving seminars;

An opportunity for the private and commercial sectors of society to exemplify their interest and concern over youth involvement in environmental problem solving by providing at least two-thirds of the cost of the program; and

A new role for Government leadership by providing "seed" money to ignite the program—$100,000 per year—and utilize the input of these intellectual forums.

Organized and funded in this fashion, the input of these intellectual forums can be utilized by the Federal Government. But the Government could not inhibit the growth or the content of the program since the strength and longevity of the program would be dependent upon the moneys contributed by the private and commercial sectors of our society.

The quality and the quantity of the activities of this College would emanate from the interest of the students themselves with the guidance of the Board of Directors and would be dependent on the financial structure provided by the private and commercial sectors.

This legislation does not specify any mandate nor does it set criteria for results. It allows for the free and original thinking on the part of bright young students who want to participate and who should be encouraged to participate in the intellectual process of selecting, defining, and solving national problems relating to the environment and ecology.

The members of this College would be selected by the Board of Directors chosen by the Director of the National Science Foundation.

As chairman of the Republican Task Force on Earth Resources and Population which has studied for the past 10 months the complexities of this problem of environmental degradation, depleting natural resources, and population growth, I can understand the concern of our young people over these problems. It is their future that is at stake and it is their generation that will bear most of the burden of our mistakes.

Environmental quality is an international problem. President Nixon has pledged a national effort of restoration. Young Americans are due consideration in what they have to offer in solving this urgent problem. We not only need to enlist their intellects but also their enthusiasm and willingness to be involved. We must encourage them to continue this involvement beyond their younger years. Environmental problems will never end. The future will demand dedicated environmental managers of various sciences and engineering disciplines.

This legislation is unique in several ways but its merits do not lie in just its uniqueness. Its total merit is realized in recognizing that our social structure lacks an organized nonpolitical youth forum where needed communications could be channeled in solving the problems of an extremely fast changing world.

FREE-WORLD-FLAG SHIP ARRIVALS TO NORTH VIETNAM

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the figures for the number of free-world-flag ship arrivals to North Vietnam during the first quarter of 1970 are now available. I am encouraged that they reveal a 50-percent reduction in the level of traffic as compared with the first quarter of 1969.

This past March witnessed the arrival of four more free world ships—three British flag and one Somali registry—bringing the total so far this year to 14 arrivals. Over the period of January, February, and March of 1969 the number of such arrivals stood at 28.

The administration is to be commended for its efforts to date to dry up this source of supply to the enemy and I would strongly urge that it continue to make every effort to end this traffic so long as North Vietnam persists in its prosecution of the war in the South.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of china clay in the world. In 1967 the United States produced 3,973,143 short tons of china clay. The United Kingdom was second producing 2,935,000 short tons.

A RESPONSIBLE POSITION

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Minnesota (Mr. MACGREGOR) is recognized for 10 minutes.

Mr. MACGREGOR. Mr. Speaker, the single word which best describes President Nixon's recent comprehensive statement on school desegregation is "responsible." No one who reads this statement can miss the central point: the President will not stoop to formulas or oversimplification in dealing with this highly complex problem.

A wise man once said:

> The essence of intelligence is the ability to make distinctions.

By this test, the President's statement displays high intelligence, indeed, for it draws critical distinctions which too many have missed.

Most importantly, it distinguishes between officially imposed, de jure segregation and de facto school segregation resulting from patterns of housing. It draws further distinctions between various Supreme Court decisions on both these topics and between the decisions of various other Federal courts. The statement also distinguishes between what has been made clear in the law at this time and what requires further clarification. All of these distinctions constitute significant contributions to the public understanding of a most difficult issue.

The highly responsible nature of the President's approach is also evident in his determination to go beyond mere rhetoric. He says:

> Words often ring empty without deeds. In Government, words can ring even emptier without dollars.

But one can detect the ringing of no empty words in this message. For the deeds are present and so are the dollars—some $1.5 billion of them over the next 2 years to ease the transition to desegregated and high quality education.

When the President calls for "compassionate balance" in approaching this problem, his call is highly credible. For compassionate balance is precisely what characterizes the President's statement. Because it is a responsible statement it will produce a responsible reaction—and that is precisely what the Nation needs most as we seek more light and less heat on school desegregation.

COAST GUARD RESERVE PHASEOUT

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the budget submitted by the President for fiscal year 1971, contains a request for $10 million to phase out the selected Coast Guard Reserve. The President's message with respect to the proposed Federal Economy Act of 1970, includes a statutory proposal to terminate the Selected Reserve.

I am strongly opposed to this proposal. Since the administration contends the the proposed phasing out is an economy measure, I will begin my analysis of the proposal in that area first.

In his message with respect to the proposed Federal Economy Act of 1970, the President states:

> First full year savings are approximately $25 million.[1]

In fiscal year 1970 the Coast Guard requested $26.6 million for reserve training, the fiscal year 1971 budget includes $10 million just to phase out the Selected Reserve. It seems to me the difference is about $16.6 million and not $25 million as the President contends.

Phasing out the Selected Coast Guard Reserve will significantly curtail the effectiveness of the Coast Guard to respond in case of war or national emergency. For the mission of the Coast Guard in time of war or national emergency I turn to the testimony of the Coast Guard Commandant, Adm. Willard J. Smith, speaking before the Subcommittee on Coast Guard, of the House Merchant Marine and Fisheries Committee in 1969. Admiral Smith said of the Coast Guard:

> It has grown to become a multipurpose uniformed service, capable of performing a vast variety of water connected missions.[3]

Some of the missions Admiral Smith named were, search and rescue, aids to navigation, merchant marine safety, maritime pollution control, and port security. Speaking of port security the admiral said:

> In times of national emergency or war, the emphasis is placed on preventing loss through sabotage or other subversive acts while still maintaining a high-level of port safety.

The Coast Guard Reserve is already trained in the area of port security and provides training to entire reserve units in specialties such as explosive loading and dangerous cargomen.

I contend this type of training is unique to the Coast Guard and that they alone would be able to provide trained personnel to meet the need in case of a war or national emergency. Consider also the fact that entire Reserve units could be recalled and deployed to major port areas. The fact that Coast Guard reservists are trained as units increase their operating efficiency.

The fact is, Mr. Speaker, that the Coast Guard has already trained these personnel—the program is operative—the costs for the training have already been paid. There can be no doubt as to the need in case of a war or national emergency. If the Selected Coast Guard Reserve is phased out, another branch of the Armed Forces will have to train new personnel to assure the kind of defense we would require in an emergency. New programs would have to be instituted at an additional cost to the Government. The additional expenditure of funds to duplicate existing programs is far from being economical. Unless personnel are trained to perform the port security mission, there will be a serious gap in our military readiness.

Let me turn for a moment to testimony Admiral Smith gave in 1969 before a subcommittee of the House Appropriations Committee. In response to a question on Reserve callups similar to those made by the National Guard, Admiral Smith said in part:

> I think a good example of that is a thing such as the hurricane that recently hit the gulf coast where I think if we had had some Reserve units that we could have called on at that time that these people would have been more than willing to step in and help and contribute. I think it would be an asset to their morale to be occasionally contributing in a positive way rather than always in a purely training status.[4]

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[1] CONGRESSIONAL RECORD, February 26, 1970, page 5093.

[3] Hearings before the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation of the Committee on Merchant Marine and Fisheries, House of Representatives. Ninety-first Congress. Page 7. First session. See also page 12.

[4] Hearings before a subcommittee of the Committee on Appropriations, House of Representatives. Ninety-First Congress. Part I. Page 258. First session.

We can conclude from Admiral Smith's statement that reserve personnel could be utilized in times of disaster and not only in time of a war or national emergency.

Testifying before the House Armed Services Committee in connection with fiscal year 1971 Selected Reserve strength authorizations, Admiral Smith said:

> With respect to the possibility of Reserves being called we note that the call-ups made since World War II have not included the Coast Guard.[5]

Using the reasoning that the Coast Guard Reserve has not been called up since World War II, as justification for phasing the program out is analogous to canceling one's automobile insurance simply because he has not had a claim for the past 20 years—or of doing away with the fire department simply because our fire prevention measures have become more effective.

The Reserve—any Reserve component—provides an insurance against future need. In short, if the Reserve does not exist—they cannot be called up. In view of the stated need for port security personnel, the administration's economic argument is of questionable validity. We must also consider the fact that Coast Guard reservists could be utilized for emergencies other than military in nature.

Any of the reasons which I have cited are sufficient for continuation of the Selected Coast Guard Reserve, but I want to make a brief additional analysis of some of the new problems which will arise if the program is phased out.

The Selected Reserve contains both officers and enlisted men who have continued to reenlist and serve once their original military obligation has been completed. They are serving toward a retirement after 20 years of Reserve service. What are their alternatives? Are they to transfer to another Reserve component? Will they complete their training through correspondence courses? How will they be allowed to complete their 20 years—or I should ask, Will they be allowed to complete 20 years?

Second, what about the reservists who only recently completely active duty for training? Will they be discharged "for the convenience of the Government" while having completed only a portion of their obligated military service? Will they again be subject to the draft? Will they be called up for extended active duty? Certainly, there are many questions which remain unanswered.

It seems to me the Federal Government has a commitment to these men—that contract will be changed if the Selected Reserve of the Coast Guard is phased out.

Finally, Mr. Speaker, I am most concerned about the actions which have already been taken by the Coast Guard to phase out the Selected Reserve. Specifically, reserve recruiting has been discontinued and reserve training is being phased down.[6]

The Congress has the constitutional responsibility to raise and maintain an Army and Navy. Because the President has failed to include a request for sufficient funds to operate the Coast Guard Selected Reserve during fiscal year 1971—the Coast Guard is already moving to phase out the program.

It seems to me that if the President and the Coast Guard phase out the reserve—the Congress will have no prerogative as to whether the program should or should not have been phased out. The action will already have been accomplished.

The President contends the proposal is an economy measure, however, after making an economic analysis I find the administration faces a strange dilemma. If another branch of the Armed Forces does not train personnel to perform a port security mission we will have a serious gap in our ability to respond in case of a war or national emergency. If, on the other hand, new training programs are instituted, it will be an additional expense and the economic contention is not valid. Second, what alternatives will individual reservists be given toward completing either their initial military obligation or service toward retirement?

Mr. Speaker, I will introduce a proposal which will provide sufficient funds for the Selected Coast Guard Reserve to operate at a fiscal year 1970 level. Second, I call upon the Coast Guard to halt action to phase out the program until the Congress makes the final decision.

YOU HAVE TO GET THEIR ATTENTION BEFORE YOU CAN INFLUENCE THEM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. SIKES. Mr. Speaker, 28 years ago, the Voice of America took to the airways to tell America's story abroad. In 1953, President Eisenhower set up the USIA, an agency independent of the State Department, to broaden our capabilities of winning friends and influencing people in other countries. During the intervening years, America's popularity abroad has waxed and waned: today, the American image, I am sorry to say, is not what it ought to be. This matter has been discussed many times in the Appropriations Committee and on the floor of the House. Today, I do not intend to argue whether the fault lies with the U.S. Information Agency, with the Government policies it defends, or with the growth of nationalism and other forces in the world beyond our control. Yet one thing is certain. We cannot hope to influence people whom we do not even try to reach.

Promoting understanding between the people of the United States and the people of other countries is given by Public Law 402—the Smith-Mundt Act of 1948—as the purpose of the U.S. information program. To reach most people, you must talk to them in their own native languages. Yet it is a fact that the Voice of America is not broadcasting in some of the world's most important languages. You have to get people's attention before you can influence them. You cannot get their attention if you speak a language which they do not understand.

We do not even broadcast in Japanese, although Japan is the third nation on earth in terms of gross national product and one of the largest in population. This year Japan produced more goods and services than Germany and France combined. It may be that our current difficulties with the Japanese over Okinawa, over bases, and over trade polices could be helped if more Japanese understood us.

The VOA, because of budget problems, was even forced to eliminate a Japanese language feed, which transmitted material to be picked up and rebroadcast by Japanese broadcasting stations. Our foreign broadcasting effort is dangerously behind that of the Soviet Union and Communist China in volume. In many respects it is well behind Great Britain also. Indeed, the Voice of America is outbroadcast in hours by the United Arab Republic—Egypt.

Radio Moscow, supplemented by the so-called radio peace and progress and other broadcasts from the non-Russian Union republics of the U.S.S.R., carries 1,920 hours of programs for foreign listeners every week, in 82 different languages. VOA broadcasts only 848 hours per week in 36 languages and this is about to be reduced. At the present time, VOA is broadcasting to the Chinese, the world's most populous nation in only one language—Mandarin. Russia, on the other hand, broadcasts to China in Uighur, Mongolian, Shanghai dialect and Cantonese, as well as Mandarin. I can but ask, are we not deficient in our efforts to communicate with these people? Communist China broadcasts 1,469 hours weekly, in 38 languages, the United Arab Republic for 1,001 hours in 33 languages and the British Broadcasting Corporation for 730 hours in 39 languages. In other words, the United States is fourth, both in number of hours and in the number of languages broadcast.

I am concentrating on radio broadcasts because they constitute our primary means of reaching people directly, rather than through foreign intermediaries. Unlike other USIA activities, direct broadcasts do not depend upon the cooperation of foreign governments. Since the 1967 Arab-Israel war, for example, VOA broadcasts have become our only effective means of reporting on American policy and world events to people of the Arab world, in the nations of Egypt, Iraq, Syria, and Algeria. After the coup of last fall, USIS was also virtually put out of business in Libya.

Since USIS offices in these nations

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[5] Statement of Admiral Willard J. Smith, Commandant, U.S. Coast Guard, before the House Armed Services Committee, in connection with fiscal year 1971 Selected Reserve strength authorizations. February 1970.

[6] Hearings before the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation of the Committee on Merchant Marine and Fisheries, House of Representatives. Ninety-First Congress, Second Session, Page 32.

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were closed, the VOA became the only fast, direct line of communication between our Government and Nation and the Arab governments and people. This imposed upon the Voice of America an awesome task and responsibility.

And how are we doing with our Arabic programs? Before the 1967 war the VOA received about 100,000 letters a year in response to Arabic broadcasts. The audience in Arab countries was estimated at 2 million weekly with a high percentage of college students. Today the audience is hard to estimate. But it is not difficult to see that the resources we put into Arabic broadcasts are inadequate. Britain surely does not have greater interests in the Near East than does the United States; yet the BBC broadcasts 10 hours a day in Arabic, compared to 6 for the VOA. More important, the staff of the BBC Arabic Service is about three times as big as the staff of VOA Arabic. Overall, the programing effort of the BBC External Services is much greater than that of the VOA.

Let us look at Africa, where Secretary Rogers and Assistant Secretary Newsom have been trying to make friends and mend fences. It is a continent which suffers not only from frequent changes in government but also from severe communications limitations. Listening to foreign broadcasts is common. What sort of a job is the Voice of America doing there? I am told that it broadcasts in just four languages: English, French, Arabic, and Swahili, of which only the last is native to the continent. Meanwhile, the U.S.S.R. beams programs to Africa in 15 languages, including 11 native tongues. Radio Cairo, whose propaganda is certainly not geared to serve the interests of the United States, broadcasts to Africa in 20 languages.

Language is one of the most politically explosive issues on the Indian subcontinent. The quality of English spoken there, even among the elite, is falling off. Russia broadcasts in 14 languages native to Pakistan and India. The VOA now broadcasts in four: Hindi, Urdu, Bengali, and Tamil. Due to measures of economy—false economy, in my opinion—the Voice is about to eliminate its program in Tamil, spoken by some 60 million people, mostly in the area around Madras. Meanwhile, the Indian government has demanded that we close five USIS centers which have been doing their best to promote understanding between the United States and the world's most populous democracy.

Of all the countries which we need to reach most urgently, the Soviet Union is certainly the first. Half of the population of the U.S.S.R.—now more than half if our demographers are right—is made up of non-Russian peoples. The Voice of America broadcasts in six languages spoken there, besides Russian, and this is a good thing, although the Ukraine, which has a population and resources comparable to France, deserves more than 1 hour a day in Ukrainian. So far, however, we have ignored the Turkic-speaking peoples in the strategically significant area of Soviet Central Asia, bordering on China. The Moslems of the U.S.S.R., most of whom speak Turkic languages, now number some 35 million. Their birth rate is 2½ times that of the Russians. Far from being assimilated, they have maintained their religious, cultural, and national traditions, despite Communist attempts to eradicate them. The Voice of America should be broadcasting in Uzbek, in Tatar, in Azeri and perhaps in Kazak, Turkmen, Tadzhik and Uighur.

Who else but the Voice of America can carry the American story—be it policy justification or information—to the world accurately and dependably and under our control? The answer is nobody, because except by the electronic medium of radio we have no other way of reaching a large proportion of the people of the earth.

The Voice of America should do the best job it possibly can in English as well as in other languages. English is our language. It is far and away the most important international language. The President, Members of Congress, Americans from all walks of life can speak over the Voice of America directly to some 800,000,000 English-speaking people outside this country. But people who have learned English are a small minority in most countries and most people who use it as a second language can get more out of broadcasts in their native tongues.

Radio broadcasts are our only effective means of reaching people in countries with governments unfriendly to the United States. They cross boundaries in spite of hostile governments. They go over the head of hostile leaders directly to the people. They constitute a prime means of keeping people friendly elsewhere—not only the government officials and the elite but also the masses. I say that we should not abdicate the airways to Moscow, Peking, and Cairo. I say that we should not be content with fourth place. The Voice of America should speak to people in their own languages. And every effort should be made to see that the VOA is the best international broadcaster in the business. It should have larger and better quarters, more transmitters, more people, and more money.

The greatest force for opening closed minds and closed societies is the free flow of ideas. Since we cannot always arrange exchanges in societies closed to us, such as China and many of the Arabic areas, we must do much more to insure that ideas and truth do reach the people of those nations. And the only practical way available today is by radio. For that reason we should enlarge and strengthen the radio arm of our Government, the Voice of America, and give it the wherewithal to talk to the peoples of the world in their own languages as well as English and with programs of adequate length.

The United States of America, if it will enlarge the Voice of America, can have an instrument to deepen and broaden worldwide understanding and leading hopefully to a more stable and peaceful world. I consider this a very urgent priority.

THE F-111, THE ONLY COMPLETELY MODERN PLANE IN OUR INVENTORY, DESERVES ANOTHER LOOK

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. SIKES. Mr. Speaker, recently I had the gratifying experience of receiving a letter—a long and quite detailed letter—from a constituent, Mr. C. C. Widaman, who is very actively engaged in a test program involving the F-111. This program is being carried on at Eglin Air Force Base in my district.

The letter is at the one time so expert in its analysis, so important to all of us here in the Congress and to the decisionmakers in the Department of Defense, and so uncontrived in its presentation of the facts, that I have sent that letter to the Secretary of Defense for his study and consideration.

Mr. Speaker, I will take the time allotted to me to read my letter to the Secretary because I believe the subject is important at this particular time and because all of us here will be called upon in the near future to make decisions which can be rendered somewhat easier by reason of the expressed concern of a man who is both a dedicated employee of his company and a dedicated American.

It is my intention both to read my letter to the Secretary and to have printed in the RECORD at the conclusion of my remarks the letter that I have received from my constituent. Please note in particular the appended record on aircraft destroyed in accidents. It places the F-111 in an entirely new and improved light.

The material follows:

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: At this critical time in the deliberations concerning the future of the F-111, deliberations which must lead to judgments both in your Department and in the Congress, I wish to draw your attention to a letter that I have received from a constituent. I consider the letter to be an important one for three reasons: first, the writer can obviously be classified as an expert in his field; second, the information which his letter contains is of very particular import at this time; third, perhaps most importantly, it is a letter of such spontaneity as to give the message it conveys a very special credibility.

My correspondent, Mr. C. C. Widaman, is, as he describes himself, a member of "a small but effective contingent of contractor personnel . . . directing and implementing an extensive . . . flight test program. The flight test program is one, Mr. Widaman says, that is directed for the most part to the F-111's penetration aids, electronic countermeasures, weapons-airplane compatibility, and weapons delivery accuracy. The letter also points out that although the activities enumerated comprise the principle purpose of the test program in which Mr. Widaman is engaged, the program by its very nature reveals a much broader spectrum of the capabilities of the F-111 than those being specifically studied.

I personally am very much impressed with the description given of the F-111's Penetration Aids System which makes note of the fact that where conventional fighter-bombers require integrated formation tactics in order to penetrate enemy defenses, the F-111 penetrates these defenses by flying autonomously at low altitude, following the terrain, and slipping under ground-surface radar screens. And it appears from information gained during the testing that the relative loss rate is three times greater for conventional fighter-bombers than for the F-111 with its high speed, terrain following capability and the self-contained penetration aids.

Similar impressive information is presented with respect to the extraordinary capability of the F-111 in the launching, firing, or ejection from the F-111 of virtually all types of ordnance. While I cannot speak from the standpoint of expertise on the subject, Mr. Widaman states it to be his belief that the F-111 is the only airplane that has successfully and repeatedly launched weapons from a weapons bay at speeds in excess of Mach 1.0.

I will not enumerate all of the special, sometimes unique, capabilities and actual performances of the F-111 as set out in the letter. They are all there to be read and considered. Certainly they constitute an impressive endorsement of the only fully modern aircraft in our inventory today.

Knowing you as I do I am wholly confident that this rather remarkable expression of confidence in the F-111 will be read by you in the same spirit with which I sent it to you: an always abiding determination that this country have the weapons that its military forces require, and the best weapons available.

With all good wishes, I am,

Sincerely,

Bob Sikes.

Fort Walton Beach, Fla.,
March 12, 1970.

Hon. Bob Sikes,
First District, Florida,
Washington, D.C.

Dear Bob: For the past several months I have observed much adverse publicity concerning the future of the F-111 program, and on this date came the public announcement that F-111 production would be limited to 556 articles. As a citizen and constituent of your district, I am writing you this letter in the hope that you will elect to take some action on the floor of Congress that will help set the record straight regarding at least those facets to which this missive addresses itself. I feel that you and others who are dedicated to a free and defensive country and are looking out for the national interests of its people must not let unfortunate political harangue or unqualified rationale by the uninformed obscure the fact that the F-111 is a credible weapon system and that it must be given continued considerations in our defense posture. The investment in the F-111 to this point has been sound. We are now at the point where it will begin to pay dividends. This is not the time to sell it short. The following will illustrate some of the dividends of which I speak. It is based on first-hand knowledge resulting from involvement in very pertinent F-111 flight test activity that has been conducted at the Armament Development Test Center, Eglin AFB, Florida.

Over the past four years a small but effective contingent of contractor personnel has been directing and implementing an extensive Category I flight test program. The contractor group, working in concert with the myriad of dedicated military and civil service personnel of the test center, comprise a team of outstanding capabilities. During this test period, more than 600 data flights have been conducted by the contractor for purposes of development and performance certification of many facets of the F-111 weapon system. The most significant of these flight test activities have evolved around, but has not been limited to, the penetration aids, electronic countermeasures, weapons-airplane compatibility, and weapons delivery accuracy. In the next few paragraphs, I would like to address the results of these test activities to you.

Since late 1965 there have been 265 data test flights conducted over the Eglin ranges for evaluation of the Penetration Aids System. The F-111 penetration aids consists of several subsystems whose basic function is to give the airplane protection against attack from enemy ground and airborne weapons systems. These subsystems give warning and provide automatic countermeasures against enemy radars and missile-equipped interceptors. Evaluation of the performance of these systems demands a tremendously complex text support capability. This support involves two primary functions; first, to create a realistic tactical environment and, secondly, to enable the recording of accurate quantitative test data so that system capability can be analyzed and evaluated. This support environment, available only at Eglin AFB, consists of tactical radars, radar and phototheodolite for aircraft space-position data, a central time correlation system, and a multitude of special ranges for conducting the test flights.

Results of these tests utilizing such support and an equally sophisticated onboard data recording system have verified the capability of the F-111 Penetration Aids System in detecting and displaying the presence and operating characteristics of tactical type radars as well as providing countermeasures against these radars. Another facet of this penetration system has repeatedly performed the prescribed function of detecting jet-engine interceptors and missiles, and dispensing decoy countermeasures. Conventional fighter-bombers require integrated formation tactics in order to penetrate enemy defenses, whereas the F-111 penetrates enemy defenses by flying autonomously at low altitude, following the terrain, and slipping under ground-surface radar screens. It has been forecast that the relative loss rate is three times greater for conventional fighter-bombers that do not enjoy the high speed, terrain following, and the all-important self-contained penetration aids capabilities of the F-111.

The above-noted penetration capability is for naught if the ordnance and the airplane are not compatible, hence the requirement to establish and certify a family of weapons suitable for fulfilling the operational mission of the airplane. In the course of some 290 weapon-airplane compatibility data test flights at Eglin, almost 2000 ordnance items of various types and configurations (conventional bombs, nuclear shapes, missiles, rockets, dispenser, racks, pylons, tanks) have been launched, fired, or ejected from the F-111 aircraft at varied wing sweep angles and altitudes up to 50,000 feet, and at speeds up to 2.0 Mach number. With few exceptions, these drops have validated empirical and wind tunnel weapon separation data. The variable sweep wing and the large family of munitions which the airplane can carry makes it a tremendously potent weapon system—one capable of covering an extensive range of operational requirements. It is the only airplane that I know of that has successfully and repeatedly launched weapons out of a weapon bay at speeds in excess of 1.0 Mach number, and its high speed weapon launch capabilities at sea level is uncontested by contemporary fixed wing aircraft.

The Fire Power Control System provides the F-111 with a highly accurate means of navigation and bombing for either visual or blind conditions. A key feature of this facet of our flight test activities has been to evaluate and demonstrate these capabilities. The Eglin bombing ranges are equipped to provide highly accurate data as to space-position of the aircraft versus time; and, the space-position of the munition versus time from weapon release point to target impact.

Ballistic range and onboard data results from 55 flights to date show that exceptionally satisfactory bombing accuracies were obtained in both visual (optical sight) and all-weather (radar) modes of operation. In the optimum delivery mode (clear day and undefended), it has been determined that the F-111 bombing accuracy is two times better than that of any other conventional fighter-bomber. In an all-weather or night delivery mode, navigation accuracy is important in finding the target. The F-111's navigation accuracy is greater than twice that of conventional fighter-bombers.

Since World War II the Army Air Corps, and later the Air Force, has sought the ability to bomb at night and in all-weather conditions to preclude the movement of enemy troops and supplies. It took until the early 1960's for technology to provide a solution of this night/all-weather bombing gap. By this time, enemy defenses had become so sophisticated that the ability to penetrate became an issue. And this, a penetration gap, was added to the already existing night/all-weather bombing gap. Again, the technology of variable sweep aerodynamics, afterburning turbo-fan engine, fully self-contained and autonomous penetration aids and terrain following radar, all converged to provide the high speed, low level, penetrator to fill these gaps. The F-111 represents the Air Force's only all-weather fighter-bomber and its only true penetrator against a sophisticated defense.

In my opinion the above technological developments and flight test activities have successfully demonstrated the advanced electronic penetration aids capability of the F-111; the F-111's ability to carry and deliver a broad spectrum of ordnance (for example, as many as 24 M-117 bombs—19,000 lbs.) which is two to three times that carried by present day conventional fighter-bombers; and, the extreme accuracy of its navigation-bombing system. These capabilities give the F-111 its remarkable effectiveness of delivering ordnance around the clock and in all-weather conditions.

Most of the recent publicity has been prompted by the accident which occurred at Nellis AFB. As a result of that accident the contractor has been compelled to conduct unprecedented fleet inspections and test procedures to insure against a similar type failure in the future. I feel it is pertinent to state that the subject discrepancy was in the nature of an adverse metallurgical-manufacturing phenomenon and not one of design deficiency or poor quality control. As such, it is felt that the phenomenon that precipitated the material failure and subsequent accident has a significantly low probability of occurring again. The contractor has agreed to an unprecedented demonstration of the airplane's structural integrity by proof loading each and every airplane manufactured to the maximum load it is expected to encounter under flight conditions. Normally, this is done only on one test article which suffices for the entire fleet. In consequence, I feel proof testing each and every airplane to this extreme to be an over-response to the problem and that a well selected sample of airplanes for such testing would suffice. Further, this approach would seem technically reasonable based on the excellent safety record which the F-111 has enjoyed. Enclosed are some Air Force accident data which you may peruse at your leisure. In essence, these data state the safety record of the F-111 and its contemporaries in the Century Series. From this data you will see that the F-111 accident rate has been less than half that of the Century Series average. It is unreasonable and discouraging to think that an airplane with such a safety record should be constrained and jeopardized relative to fulfilling its intended mission.

It is particularly alarming when one reflects on how badly the free world needs an airplane with the capabilities of the F-111.

In the foregoing I have attempted to keep the material specific, yet in unclassified layman terms. As you know, qualitative data are available through channels to those who need to know.

Thank you very much for your interest

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and indulgence in this subject. We are looking forward to seeing you in Northwest Florida soon.

Respectfully,

C. C. WIDAMAN.

TOTALLY DESTROYED AIRCRAFT AT 50,000 FLIGHT-HOURS

F-100	25
F-101	14
F-102	15
F-104	29
F-105	17
F-106	8
F-111	*13

* Does not include the F-111A crash on 22 December 1969 at Nellis AFB (it occurred after 50,000 hours), but does include 2 Navy F-111B's and 2 F-111A's listed at missing in Southeast Asia.

The above numbers refer only to aircraft totally destroyed in accidents. However, at the 50,000 flight hour mark, F-111's had been involved in fewer major accidents than any aircraft in the Century Series.

"Major accidents" include those in which aircraft were destroyed and those in which aircraft sustained substantial damage.

A BILLION FOR DEFENSE AGAINST CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PEPPER. Mr. Speaker, on March 17, 1970, I had the honor of testifying before Subcommittee No. 5 of the House Committee on the Judiciary in support of my bill, H.R. 15949, which would authorize $1 billion for the Law Enforcement Assistance Administration for the fiscal year ending June 30, 1971.

My conviction that $1 billion is necessary to continue and to expand this program results from the direct testimony of literally hundreds of witnesses who have appeared before the Select Committee on Crime, which I chair, during our hearings last year and this year in cities across the Nation.

Thus far, we have held seven hearings away from the Capitol, in communities often very different in their social, cultural, ethnic, and economic patterns. The members of this committee have had a unique opportunity to meet and talk with concerned citizens and key officials in cities of the east coast, the west coast, the Midwest, and the South.

Wherever we have gone we have found dedicated and able officials and citizens, well aware that crime is, indeed, one of our greatest domestic problems, and bristling with sound ideas for applying practical solutions to the problem of crime in their own backyards. Yet, we found these officials and citizens constantly expressing their frustration over their inability to translate these ideas into meaningful action against crime.

Mr. Speaker, they are ready; they are willing; but they are not able. The financial muscle simply is not there. Nor will it be there if the Congress agrees to do no more than meet the administration's request for less than a half billion dollars for LEAA in fiscal 1971.

Congress acted responsibly and wisely in 1968 when it enacted truly landmark legislation that provided Federal financial resources for the first time to States and localities to aid in their law enforcement and crime control efforts. Since then we have been involved in the intricate planning process and, last year, in the first tentative experiment with action funds. We would be shortsighted in the extreme if we failed to recognize that now is the time for the massive input that Congress envisaged in 1968.

In my testimony I pointed out some of the problems revealed in the early operation of the funding program. We must provide more funds for the high-crime cities and provide a flexible formula of matching grants, taking into consideration the ability of the States and cities to bear their share of the costs.

Mr. Speaker, I would like to call my remarks before the subcommittee to the attention of my colleagues and urge their support of the fullest possible funding of this vital anticrime assistance program:

STATEMENT OF THE HONORABLE CLAUDE PEPPER, CHAIRMAN, SELECT COMMITTEE ON CRIME OF THE U.S. HOUSE OF REPRESENTATIVES, BEFORE THE SUBCOMMITTEE NO. 5 OF THE JUDICIARY COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, MARCH 17, 1970

Mr. Chairman and members of the Subcommittee, it is indeed a great pleasure to appear before you this morning. Because of your full schedule, I will try to keep my remarks as brief as possible.

I have introduced H.R. 15949 to bring before this subcommittee my strong personal belief that we must make massive infusions of federal funds available to state and local criminal justice authorities.

I appear today in my capacity as a member of the Congress but also to express the sentiments of colleagues of both parties on the Select Committee on Crime who share the sense of urgency that has led me to propose a one-billion-dollar appropriation for the Law Enforcement Assistance Administration for fiscal 1971.

This funding is embodied in the bill before you. The one billion dollars is the minimum amount we can afford to spend on what we all agree is the nation's gravest domestic concern. Such a dramatic infusion of Federal funds would make it abundantly clear to the American people that there is as much cash as there is rhetoric in the national commitment to prevent and control crime.

As you perhaps are aware, the Select Committee on Crime, which this Body created some ten months ago, has conducted field hearings across the country. The seven members began without preconceived notions or doctrinaire solutions. We went to listen and learn, and the message we bring back to Washington is that the American people demand a solution to the problem of crime and are willing to pay for it. In every city we visited, whether it was Boston, Mass.; Omaha, Nebraska; or Columbia, South Carolina, the people have asked for our help. We were told of the need for more and better trained policemen, expanded court facilities, improved correctional facilities. The Congress must be prepared to help pay for these expensive but absolutely necessary programs.

I propose that of the one billion dollars I have recommended, $650 million be disbursed by LEAA through its established procedures and $350 million be designated as added discretionary funds, to be spent by LEAA in the manner in which it presently makes direct grants.

In this way, we would ensure that the States continue to receive block-grants proportional to their population, while at the same time making available a substantial sum to be spent in the nation's high crime areas, the large cities.

However, it would be a grave error, I believe, to channel all LEAA funds into high crime areas. That is why, with $650 million dollars at its disposal, LEAA could continue to help less crime-ridden areas develop programs to keep their crime rate low. It would be both unwise and dangerous for us to neglect fighting crime in areas where the problem has not become epidemic and to concentrate solely on areas where it has. With $650 million available under the present grant system, LEAA could maintain a needed flow of funds to all areas of the country.

But at the same time, the $350 million that I propose be given to LEAA for discretionary expenditure would be the added weapon that is needed to fight crime in high crime areas. These funds would in large measures be available to our large cities, which must cope with a highly disproportionate incidence of crime. Our cities need help, they are crying for help, and the Congress must respond. If our cities are to survive as the economic, social and cultural centers of the nation, we must give them every tool we can to help them fight crime.

And so, Mr. Chairman, I maintain that the $480 million requested by the Administration for LEAA is simply inadequate to meet the challenge. It is insufficient even to begin to fulfill the Administration's pledge to give the war on crime the highest priority and it is insufficient to meet the demonstrated needs of the country.

In his testimony before this body last week, the Attorney General maintained that LEAA could not effectively spend more than $480 million in fiscal 1971. Yet it is no secret that LEAA officials themselves felt they were capable of utilizing effectively and fairly $650 million under the present funding system. This is what they requested of the Bureau of the Budget and this is what we in the Congress should give them. In addition, I feel we must also provide them with $350 million more for discretionary grants, which are not processed through state planning bodies.

I would remind you that the Attorney General himself predicted that the federal government's commitment would probably reach a billion dollars annually in the near future. I maintain that the time to make that commitment is now, not at some later date when the problem has grown worse. A billion dollar commitment now, today, will save other billions in the years to come. It is an investment we cannot afford not to make.

Understandably, LEAA funds to date have concentrated on the needs of law enforcement. But we all recognize that the solution to the nation's crime problem lies not only in the hiring of more policemen, or the building of more jails, of added courtrooms or improved correctional facilities. The solutions lie in a comprehensive program that recognizes that law enforcement, the courts, and the jails and reformatories are all integral and inseparable parts of a complex criminal justice system.

To accomplish these objectives, I believe that certain statutory changes as well as funding increases are required for LEAA's future operations.

The term law enforcement" should be broadened to include the courts, corrections, probation, parole, rehabilitation and related social services in addition to the present definition of police efforts.

I further recommend removing the prohibition against funding programs that ask for more than one-third of the grant for personnel costs.

We would all agree that ideally a police department should attract the highest caliber of personnel, preferably persons with college training and backgrounds in criminology.

Yet, very soon a city in my State hopes to make application to LEAA for funds to materially upgrade its force by providing for lateral entry from other departments and seeking college trained personnel. In exchange, the department would offer significantly higher salaries.

The LEAA application may be turned down because funds in excess of one-third of the program cost for personnel may be required.

But I am almost certain that even if the one-third limitation is removed, LEAA will nevertheless turn down this exciting opportunity on the grounds that it does not have enough funds. Can we not provide LEAA with enough money to finance a breakthrough in police recruitment and personnel management? I propose that we give LEAA the funds to make a real beginning in changing our out-dated police personnel practices.

I propose that we give it the money to make these and other breakthroughs in the common objective of controlling and preventing crime. We should not allow those who tell us today that they cannot use additional money to blame us tomorrow for not providing them with the funds to do the job.

I also take issue with those who say that the courts, correction and probation services are generally state functions. In innumerable instances, this is simply not the case.

In my own District, for example, the county government administers an 11-story jail filled to over-capacity, a county home for delinquents, a dilapidated Youth Home for detaining juveniles, a barracks-like stockade and a Metropolitan Court with an ever-increasing case backlog problem. Most of the 27 municipalities in the Metropolitan Miami area also provide city courts and maintain police departments of varying size.

Nearly all of these local units of government are strapped to maintain, let alone upgrade, their courts and police forces.

When the Attorney General states that community matching money for LEAA programs is reaching a breaking point, I can understand the reasons why.

There are simply not enough funds available on the local level for undertaking expensive new programs. It is not a question of need, it is a question of money. Therefore, I suggest that the Committee consider a flexible matching fund ratio based on the ability of a state or city to contribute.

President authority provides 75 percent Federal and 25 percent local contribution for organized crime and civil disorder control; a 50–50 split on construction of new buildings and facilities and 60 percent Federal and 40 percent local funds for the remainder of the fundable programs.

We may well consider it in the best interest of the objectives we seek to judge an application for improving the courts, the police or correctional facilities not on the basis of local matching contribution but on the basis of need and ability of local unit of government to pay. If it is clearly demonstrated that a program is sound though the funds may be lacking under a matching fund formula, then LEAA should be flexible enough to make up the difference through a larger Federal share.

We should not, for example, turn down an application for funds to fight organized crime simply because a state is able to pledge only 15 or 20 percent matching funds though 25 percent may be required.

I also suggest that an appeal procedure be established that would permit cities to bypass State Planning Agencies and request Regional LEAA consideration of a program if the State fails to act favorably on an application within 90 days.

I agree with the statements of others before this Committee—notably the Attorney General—in claiming that there is not enough expertise on the Federal, state and local level to plan for the efficient expenditure of LEAA funds.

If cities in my own District are examples, of the nation as a whole—and I believe they are—then there is not enough knowledge among local officials of how to submit fund applications or even what funds are available.

As a service to small and medium size cities, LEAA should consider providing field personnel through its regional offices to advise municipalities on the drafting of applications.

All of this requires a lot of money—a good deal more than the Administration has seen fit to request at this time.

In his statement to the Committee, the Attorney General said: "I think the day is gone when cities were independent political fiefdoms, running their affairs without any consideration for the areas and even the states they dominate."

This could perhaps equally be said of the relationship of the States to the Federal Government. For it is for Congress to search out the means to assure that a citizen will be just as safe in life and property in Portland, Oregon, as in Portland, Maine.

THE PUBLIC WELFARE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, today Senator MONDALE's Special Subcommittee on the Evaluation and Planning of Social Programs has reported favorably legislation which addresses itself to the vital need to understand and evaluate more scientifically the social progress and the unmet social needs of the American people. As the House cosponsor of Senator MONDALE's proposal, I am delighted by this significant action in the other body.

Last July I was privileged to testify before the subcommittee in support of S. 5, which I had introduced as H.R. 9483. Entitled "The Full Opportunity Act," this measure would establish a Presidential Council of Social Advisers to devise a system of social indicators to be used in evaluating national policies and to assist the President in the preparation of an annual social report to the Congress. It would also establish a Joint Committee on the Social Report composed of Members of Congress from both bodies to study this report and to make recommendations to the Congress. The Council, the social report, and the Joint Committee on the report would parallel the present structure we have for determining our economic progress through the President's Council of Economic Advisers, the economic report, and the joint committee on that report.

I would like to draw your attention also to an important addition to this bill offered by Senator JAVITS and included in the committee report, establishing within the Congress an Office of Goals and National Priorities Analysis which would "conduct a continuing nonpartisan analysis of national goals and priorities" and would provide Congress with the information necessary for making more enlightened decisions on matters of national policy. It is my opinion that this amendment fills a need that has long been felt by Congress in assessing our priorities and coordinating them with the legislative proposals at hand. This would provide analysis for the Congress in a manner similar to the financial analysis of the General Accounting Office.

I would like to insert a copy of the legislation, as reported by Senator MONDALE's subcommittee, in the RECORD. I commend this bill to my colleagues and ask that they join me in sponsoring what may prove to be a most effective tool for systematically evaluating our social needs and directions and for formulating responsive public policy.

The bill follows:

A bill to promote the public welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and National Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education, and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs is such areas as health, education and training rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the joint committee created by section 104.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities

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of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination of such States and localities information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) The Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activites; and

(4)(1) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and others as needed to fulfill its duties and functions enumerated in section 103(c); and

(2) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

JOINT COMMITTEE ON THE SOCIAL REPORT

SEC. 104. (a) There is established a Joint Committee on the Social Report, to be composed of eight Members of the Senate, to be appointed by the President of the Senate, and eight Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by five members and the minority party shall be represented by five members and the minority party shall be represented by three members.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of all matters relating to the social report; and

(2) as a guide to the several committees of the Congress dealing with legislation relating to the social report, not later than April 1 of each year to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the social report, and from time to time make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

(c) Vacancies in the membership of the joint committee shall not affect the power of remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the services, information, and facilities of the departments and agencies of the Government and private research agencies.

(c) There is hereby authorized to be appropriated for each fiscal year the sum of $425,000, or so much thereof as may be necessary, to carry out the provisions of this section to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

TITLE II—NATIONAL PRIORITIES

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public polices and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national priorities report and copies of such report shall be furnished to the Committees on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national priorities, of the Federal programs in annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 per day; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b)(1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Bureau of the Budget will furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) The Director, Assistant Director, and employees of the Office of Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national priorities report and on such other reports and duties of the Office as it deems advisable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

HORTON STRESSES NECESSITY OF RAILROAD ANNUITY INCREASE

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HORTON. Mr. Speaker, the need for increased railroad annuities was very evident in the minds of my colleagues yesterday, when the House passed H.R. 15733, the Railroad Retirement Act, by a vote of 379 to 0.

I unavoidably missed the vote because I was on necessary business in my district. Had I been here, I would have certainly cast my vote in favor of such an increase.

The bill provides a 15-percent increase in railroad retirement benefits and modernizes the method of investment of funds. The bill also stipulates that a study of the railroad retirement system is to be undertaken by the Railroad Retirement Board and a report is to be made to the Congress on or before July 1, 1971.

The necessity for the bill is very simply the increase in the cost of living. Congress realized the fact that the people hardest hit by inflation are those on fixed incomes, when we increased social security several months ago.

It would certainly be unjust to increase social security and do nothing about railroad retirement. The purpose of H.R. 15733 is to extend to those on railroad retirement the same benefits received by others under social security. Historically, railroad retirement benefits have risen whenever social security did.

For many years, I have felt that these increases should be automatic so that our senior citizens would be spared the constant and real fear of a shrinking fixed income. In 1967, I introduced legislation which would provide for automatic increases in the levels of both railroad retirement and social security based on periodic changes in the national standard of living.

Mr. Speaker, H.R. 15733 will benefit many railroaders in my district. There is no question in my mind that this is the equitable treatment railroad retirees deserve, and I am therefore most pleased that my colleagues passed this measure.

MISSILE RACE MORATORIUM

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was pleased to read in this morning's New York Times that President Nixon's policy advisory committee to the Arms Control and Disarmament Agency has recommended that the United States propose to the Soviet Union an immediate and mutual halt to missile deployment while the arms talks are in progress. The General Advisory Committee of ACDA is headed by New York banker and former diplomat John J. McCloy and is comprised of distinguished representatives of the business, labor, and scientific communities as well as former Government officials.

The committee's recommendation closely parallels the thrust of the Brooke-Cooper resolution now pending in the other body. That resolution calls on the President to propose to the Soviets an immediate suspension on the further testing and deployment of strategic weapons. The resolution now has the support of 54 Senators, the most recent being the distinguished minority leader.

A similar resolution aimed at a mutual cessation of multiple-warhead-missile testing was introduced in this body last year by myself and the gentleman from California (Mr. COHELAN) and is cosponsored by one-fourth of the House membership.

It is my fervent hope that the President will see fit to adopt this approach as we enter the second round of arms talks with the Soviets in Vienna on April 16. Should we fail to reach a limitation agreement at those talks there will likely be a dangerous new spiral in the arms race that will drain away billions of dollars without providing us with any additional security. That is why it is so crucial that we seize upon this opportunity while there is still time; it may be the last chance we will ever have to check the mad momentum of the arms race.

At this point in the RECORD I include the New York Times article:

NIXON PANEL ASKS MORATORIUM NOW IN MISSILES RACE

(By John W. Finney)

WASHINGTON, April 7.—A prestigious Administration advisory committee has recommended that the United States propose to the Soviet Union an immediate moratorium on further deployment of strategic weapons when the talks on control of arms resume in Vienna next week.

The committee, which serves as a policy adviser to the Arms Control and Disarmament Agency, was appointed by President Nixon with the Senate's consent and is composed of representatives of business, labor and the scientific community, as well as former government officials.

With only one dissenting vote, the committee reportedly decided at a recent meeting that the United States should propose to the Soviet Union an immediate and mutual halt to further deployment of strategic weapons while they attempt to work out an agreement on control of strategic arms.

M'CLOY IS CHAIRMAN

As part of such a halt, according to disarmament specialists who have seen the recommendations, the committee proposed an immediate suspension of the testing of multiple warheads for offensive missiles.

The committee's chairman is John J. McCloy, the New York banker who served as a disarmament negotiator in the Kennedy Administration. Among its other members are Dean Rusk, former Secretary of State, William W. Scranton, former Governor of Pennsylvania, Cyrus R. Vance, former Deputy Secretary of Defense, William C. Foster, former director of the disarmament agency, and James R. Killian Jr., former Presidential scientific adviser.

The Senate Democratic Policy Committee meanwhile told the President that he could count on Democratic Congressional support if he chose to propose such a mutual halt to the Soviet Union. At a meeting today, the policy committee adopted a resolution endorsing an immediate mutual freeze of weapons deployment and stating that Senate Democrats would support the President if he took the initiative in proposing it.

As he approached critical decisions on the United States position in the talks with the Soviet Union, President Nixon finds himself under pressure from several directions to propose an immediate suspension on the deployment of both offensive and defensive weapons.

The talks resume on April 16. In preparation for them, the President will meet with the National Security Council tomorrow to draft the United States negotiating position.

KISSINGER'S SUGGESTIONS

The White House press secretary, Ronald L. Ziegler, gave an insight into the Administration's approach today when he referred to past briefings by Henry A. Kissinger, the President's National Security Adviser, in which Mr. Kissinger suggested that the Administration wanted to go into the talks not with a set position but rather with a series of adjustable proposals that could be adapted to meet the Soviet Union.

But it is just such a flexible, noncommittal approach that the President now finds himself being urged to abandon in favor of a proposal under which the United States would seize the diplomatic initiative by recommending right at the outset of the talks an immediate halt to the deployment of strategic weapons. The last-minute advice is coming from within the Administration, from Congress and from the scientific and Academic communities.

The Senate later this week is exepcted to adopt a resolution calling upon the President to propose to the Soviet Union an "immediate suspension" of deployment of strategic offensive and defensive weapons. Privately, some prominent Republican Senators have called upon the President to urge his adoption of the Senate proposal.

Senator Hugh Scott, the Senate Republican leader, today became the 51st co-sponsor of the Senate resolution, originally introduced by Senator Edward W. Brooke, Republican of Massachusetts, and amended by Senator John Sherman Cooper, Republican of Kentucky. With more than a majority of the Senate cosponsoring the resolution, it seemed certain of adoption on Thursday or Friday.

A similar proposal for an "interim halt" in deployment of strategic weapons came last week from a panel of scientists and arms-control specialists convened by the American Assembly of Columbia University.

COMMITTEE IS INFLUENTIAL

But the recomendations that may have the greatest influence upon the President—though they are not binding—are those coming from the General Advisory Committee of the Arms Control and Disarmament Agency.

In outlining its concept of a moratorium, the committee was said to have proposed a freeze on the further deployment of offensive missiles as well as on defensive antiballistic missiles. Thus the Soviet Union would stop further deployment of its large SS-9 intercontinental missiles while the United States would defer deployment of its Safeguard antiballistic missile system.

In addition, under the committee's recommendations, the two sides would agree to halt further construction of missile-carrying submarines. This step would particularly apply to the Soviet Union, which has begun a substantial submarine program in an apparent attempt to offset the United States advantage in missile-carrying submarines.

The committee also proposed that the two sides agree that they would make no changes in their antiaircraft systems, particularly by installing new radars, during the suspension. The purpose would be to make sure that neither side, under the guise of improving antibomber defenses was developing antimissile defenses.

The underlying purpose of the proposed halt, as stated by the committee, would be to bring about a pause in the nuclear arms race while the two sides attempt to work out a permanent agreement limiting their strategic weapons arsenals.

AIR TRAFFIC SAFETY

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. DINGELL. Mr. Speaker, in recent days the chilling problem of air traffic safety throughout the Nation has been brought into public view by the so-called sickout of a substantial portion of the 8,500 professional air traffic controllers employed by the Federal Aviation Administration. While the number of controllers who are participating may be open to question, depending upon whose figures you believe, there certainly is no question that the Nation's commercial aviation system has been severely disrupted in the last week.

My purpose here is to ask the question I have heard no one ask: Why has this occurred. As an example, the first time that the controllers voiced their concern over air traffic safety took place in the summer of 1968 when they started going, as it were, strictly by the FAA safety manual concerning the number of miles that separate airliners in flight. The result was a massive slowup of traffic in and out of the Nation's major airports—a rude but dramatic way of alerting the public to the fact that something was wrong.

At the time I remember being surprised that the air traffic controllers had to take such a drastic step to bring the air traffic safety problem to the public's attention. This seemed to me to be the FAA's responsibility, and, when the facts came out that substantiated the controllers' contentions, I felt that the FAA had somehow been derelict in not informing the public about these conditions.

The controllers' self-styled "Operation Air Safety" in the summer of 1968 did suceed in spotlighting the problem. For instance, a severe shortage of controllers was revealed; while aviation operations increased by 80 percent at FAA-run facilities in the years 1963–68, the number of controllers was increased by less than 8 percent during the same period. To cover for the shortage, the FAA was found to be using the dangerous expedient of working controllers up to 60 hours a week.

Another revelation was that controllers largely were working with outdated equipment—150-mile-per-hour radar for 650-mile-per-hour jets, as one controller put it—or used military radar that adapted poorly to commercial aviation usage.

In short, Mr. Speaker, a potentially dangerous situation was brought to light.

I bring up this background information because it bears directly upon what I intend to say here on the floor about the present controversy.

It is questionable just how much has been done to improve working conditions for the controllers or safety on our airways. Congress is moving forward with enactment of a multimillion-dollar air safety and airport construction bill. But what has the FAA done?

While we have heard optimistic statements voiced by Secretary of Transportation John Volpe and FAA Administrator John Shaffer, the events of last week are sufficient for one to make the inquiry: Is something still wrong with the FAA? The controllers' "sickout" obviously was not merely staged by a small minority of dissidents, as they have been categorized. Nor do I believe it was precipitated by a fight for survival by Patco, as has been suggested.

Something is wrong when upward of 3,500 intelligent, highly motivated and well paid men leave their jobs to protest the conditions under which they work, something has to be wrong. The question is: What?

Is it true, as the New York Daily News suggested editorially on March 26, that the FAA "has been long on promises and short on performance as regards hiring and training enough personnel to handle the intricate and nerve-taxing work of directing air traffic from the Nation's airport control towers?"

In its analysis of the controversy on March 29, the New York Times suggests that the dispute "perhaps as much as anything is a contest of wills between Mr. Shaffer and F. Lee Bailey, the Boston lawyer who became executive director of Patco last year after serving as its general counsel." The Times also sees much of the conflict resulting from "a personal battle between Messrs. Bailey and Shaffer."

Mr. Speaker, I would hate to think that this unfortunate slowdown, with its resulting discomfiture to the flying public and to the Nation's commerce, had been caused largely by a personnel battle. I would hope that a high ranking official, such as the Administrator of the Federal Aviation Administration, would be above such motivations. I hope that the New York Times has it wrong and that this slowdown has been caused by something of more substance than a mere contest of wills. Yet, I suspect that this is, unfortunately, the case. Mr. Shaffer has said as much himself. "The struggle is for their loyalty," he is quoted as saying.

In fact, while I am somewhat acquainted with the basic outlines of this controversy, there are many questions about it to which I do not pretend to have the answers. And I am not alone in my ignorance. For instance, the New York Daily News has suggested "an in-depth probe of the FAA."

I think this is a good idea. My preference would be for an indepth series of hearings to be held by the Transportation Subcommittee of the Committee on Interstate and Foreign Commerce. This subcommittee, with its vast expertise in the field, should be able to quickly get to the heart of what is wrong between the FAA and the controllers.

There are many questions that need to be answered. In general, how well has the FAA followed the mandate given it by Congress with respect to air traffic safety? In its December 5, 1969, report on the Airport and Airways Development Act, the Senate Committee on Commerce points out that—

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> There are administrative remedies available to correct, without legislation, many of these problems.

Meaning those held by air traffic controllers.

> For example—

The committee points out—

> the FAA should immediately abolish the practice of allowing inexperienced controllers to control traffic without direct and constant supervision by an experienced controller.

Has the FAA adopted this suggestion? I think the Congress should know.

What is the FAA doing about providing adequate rest periods for controllers in high density traffic areas? What is it doing about allowing controllers to transfer from high density locations to centers and towers of lower density, after considerable service at the former location, without being reduced in grade?

Many questions of this nature have been raised by an admirable document released on February 1, 1970, by the Department of Transportation. Titled the "Air Traffic Controller Career Committee Report," it is the result of a committee appointed last August by Secretary Volpe to inquire into various aspects of the air traffic controller career. The committee, headed by Dr. John J. Corson of Princeton University, has produced a brilliant study that should be examined by everyone concerned with aviation in the United States.

Certainly the questions raised by the Corson committee should be subjects of inquiry by the Aviation Subcommittee. In fact, I would hope that Dr. Corson would be one of the first witnesses called because of his broad range of independent expertise on the subject.

There are operational questions, questions that bear upon the relationships between FAA officials and individual controllers, that also need to be answered.

For instance, there was a controller in Indianapolis who went on a local television show after last September's collision of a DC-9 and a small private plane and told the audience that he was working with inadequate equipment. He was fired—why?

Are the three controllers at Baton Rouge, La., being involuntarily transferred because they have consistently reported unsafe conditions at this facility?

I believe that the subcommittee should explore questions of this nature because, uniquely, there do not seem to be any real economic issues in this dispute. Nor do there seem to be any points of great difference involved in this controversy. I have heard and read Mr. Shaffer's testimony on the air traffic control problem, and he seems to agree with practically all the points brought up by the controllers. Their demands for early retirement, rotation between high and low density facilities, more aggressive recruiting, area pay differentials, and better equipment have been publicly recognized or endorsed by the FAA.

Given this stance and with the imminent enactment of the Airport and Airways Development Act by Congress, which will provide the funds to do the job, it is a wonder that this controversy ever errupted. But the fact that it did, with its resulting pains to both passengers and airline companies, should not be ignored by the Congress. An unpleasant situation must be exposed to the light of investigation.

In the Washington Post of March 29 I was disturbed when I read a story quoting individual controllers in this area. One of them was quoted as saying:

> For years we've been looking for improvement, and all we've gotten is promises. The Administration promised to give priority to controllers. But we got Mr. Shaffer who has done nothing but create an atmosphere of distrust.

Is there an "atmosphere of distrust" at the FAA? Have relationships between FAA officials and a key group of employees deteriorated to such a low point?

And, even more important, what will happen in the aftermath of the current controversy. How will the Government handle the controllers who participated in the "sickout"?

I would be personally hopeful that the Government will maintain a judicious attitude of sympathetic understanding toward these controllers—and for every practical reasons. As a steady airline passenger, as are most Members of Congress, I do not want to see an "atmosphere of distrust" between the FAA and the controllers grow worse than it already appears to be. I do not want to see the agency attempt to play off one group of controllers against another. I do not want to see unwise measures taken to increase both the controversy and the hazards before us.

In summation, Mr. Speaker, we have before us a situation which cries for early investigation by the Congress. We need to know whether the airways are safe. Is air safety equipment of all types sufficiently modern and adequate to the task? Are the FAA rules and the FAA air safety manual adequate to the demands of today's air traffic, and are they being properly enforced and carried out? Is there sufficient equipment to handle adequately the safety of the American traveling public? Are the working conditions and the hours of the air traffic controllers within the bounds of the requirements of air safety? Is the relationship of the FAA and the traffic controllers of the sort which the safety of the American traveling public requires? Are the requirements and findings of the Corson committee valid and are they being properly and promptly implemented? Is Mr. Shaffer, the Administrator of the FAA, doing an adequate job of employee-management relations, and is he taking steps necessary to assure to the highest degree safety to the American traveling public? Are complaints and recommendations of controllers with regard to safety questions being properly handled and fairly reviewed by the FAA and the administration under Mr. Shaffer? The Government has before it a controversy of major importance not only to the safety of the American traveling public, but also to good Government administration.

In resolution of this controversy, careful factfinding will be required and large grievances must be taken into account. It is my hope that the administration will follow a careful course. If this is not done, the Congress must independently seek to ascertain the facts and, if necessary, by legislative action work out this situation.

Mr. Speaker, I include the text of a commentary by Clayton Fritchey as carried in the Washington Evening Star of April 6, 1970, entitled "Two Egos Delay Settlement of Controllers' Sick-out," at the conclusion of these remarks:

TWO EGOS DELAY SETTLEMENT OF CONTROLLERS' SICK-OUT

(By Clayton Fritchey)

Both the postal workers' strike and the walkout (or sick-out) of the Professional Air Traffic Controllers Organization could have, and should have, been avoided, but outside of that they don't have much in common. Unlike the airline situation, the mail shutdown did not center on individuals or personalities. It was a spontaneous explosion, sparked by prolonged governmental neglect, with neither Congress nor the Administration responding to the just complaints of postal workers who had been denied even a small raise of 5 percent, despite a low wage scale starting at $6,176 a year.

Many public officials, both executive and legislative, were involved on the government side, and the mailmen (over 700,000) were represented by half a dozen unions. So the problem was much larger and more diffuse than the one which resulted in PATCO's small union (7,500 members) tying up air travel.

While government neglect is also a factor in the controllers' sick-out much of the blame in this case can be traced to the willful, high-handed, public-be-damned attitude of two egoistic opponents who are bent on putting each other down, namely: F. Lee Bailey, the theatrical criminal lawyer, who is executive director of PATCO, and John Hixon Shaffer, the blustery head of the Federal Aviation Administration, which is locked in combat with the controllers it hires.

Even a cursory examination of the situation indicates the differences between the union and FAA could have been resolved if there had been any will to do so on the part of Bailey and Shaffer, for the difficulties are relatively minor compared to those in the mail strike. After all, many controllers already make from $17,000 to $25,000 a year, so the usually difficult problem of pay is not the vital issue.

The statements of both Bailey and Shaffer are charged with the kind of inflexibility which has led to the public interest being subordinated to a feud, rather than vice versa. Bailey, for instance, led off by saying, "It's beginning to look like a long haul, but eventually the FAA will have to buckle." Shaffer, in turn, said, "These people have been misled by a handful of men whose actions have been characterized by a thirst for power and an utter disregard for the law."

With good cause, the controllers have been complaining for years of overwork and fatigue because the FAA failed to train enough men to handle American's rapidly expanding air traffic. Some improvements have been made in working conditions, but relations between the union and FAA have deteriorated since Shaffer was appointed by Nixon.

"The new administration," says one union member, "promised to give priority to controllers. But we got Shaffer, who has done nothing but create distrust." The chairman of the union. Michael Rock, adds, "Controllers have lost all faith in Shaffer."

The key issue in the immediate dispute has been Shaffer's transfer of three PATCO members from an FAA control tower in Baton Rouge, La. to other cities, which, in the eyes of PATCO, is a union-busting move. Bailey and other union officers want to let the issue be resolved by the Federal Mediation Service, but Shaffer has opposed this, and hence the airlines were shut down while force was substituted for mediation.

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Shaffer's view is that the sick-out is illegal and there is nothing to negotiate. As for the controversial transfers, Shaffer brusquely says, "There'll be a lot more of this around the system. We're going to have more mobility." In his modest way, he adds, "I intend through my demonstrated leadership to bring them (the controllers) around to my side—or bring them back to the FAA, I should say."

Shaffer is also quoted as saying, "I've got the best job in Washington—better than Nixon's." He is entitled to be proud of his place, but he shouldn't confuse it with the presidency. The Chief Executive has recommended mediation and binding arbitration for the transportation industry as a whole, and so he should lose no time in directing Shaffer to embrace this principle in settling his conflict with PATCO.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. WIGGINS (at the request of Mr. GERALD R. FORD), for the week of April 6, on account of official business as a member of the Select Committee on Crime.

Mr. GUDE (at the request of Mr. GERALD R. FORD), for today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANDGREBE) to revise and extend their remarks and include extraneous matter:)

Mr. CÓRDOVA, for 5 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mr. BUSH, for 5 minutes, today.
Mr. CHAMBERLAIN, for 5 minutes, today.
Mr. MACGREGOR, for 10 minutes, today.

(The following Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CORBETT.

Mr. MCCLORY to revise and extend following Mr. CELLER on H.R. 4249.

(The following Members (at the request of Mr. LANDGREBE) to revise and extend their remarks and include extraneous matter:)

Mr. BROWN of Ohio in two instances.
Mr. GUBSER.
Mr. HORTON in three instances.
Mr. NELSEN.
Mr. MCKNEALLY.
Mr. HOGAN.
Mr. ZWACH.
Mr. MIZE.
Mr. PELLY in two instances.
Mr. SCHADEBERG.
Mr. WYMAN in two instances.
Mr. CHAMBERLAIN in two instances.
Mr. KLEPPE.
Mr. SCHERLE.
Mr. MILLER of Ohio in five instances.
Mr. DELLENBACK in three instances.
Mr. SCHWENGEL.
Mr. CONTE.
Mr. HALL.
Mr. KEITH.
Mr. GUDE.
Mr. BUSH.
Mr. BELCHER.
Mr. FULTON of Pennsylvania in five instances.
Mr. FREY in two instances.
Mr. DERWINSKI in two instances.
Mr. LLOYD.

(The following Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous matter:)

Mr. ANDREWS of Alabama.
Mr. WILLIAM D. FORD in three instances.
Mr. PUCINSKI in six instances.
Mr. MOLLOHAN in five instances.
Mr. WOLFF in three instances.
Mr. MATSUNAGA.
Mr. GILBERT.
Mr. KYROS.
Mr. GONZALEZ in two instances.
Mr. PODELL.
Mr. CHARLES H. WILSON.
Mr. GREEN of Pennsylvania.
Mr. PATTEN.
Mr. TEAGUE of Texas.
Mr. WALDIE in two instances.
Mr. CULVER.
Mr. EVINS of Tennessee in two instances.
Mr. SCHEUER in three instances.
Mr. O'NEILL of Massachusetts.
Mr. STOKES.
Mr. FOUNTAIN in two instances.
Mr. HELSTOSKI.
Mr. ANDERSON of California.
Mr. TIERNAN.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas; to the Committee on Agriculture.

S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

S. Con. Res. 49. Concurrent resolution providing for congressional recognition of the Goddard Rocket and Space Museum; to the Committee on Science and Astronautics.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 514. An act to extend programs of assistance for elementary and secondary education, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2363. An act to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert; and

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 514. To extend programs of assistance for elementary and secondary education, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, April 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1900. A letter from the president and the national executive director of the Girl Scouts of America, transmitting the 20th annual report of the Girl Scouts including an audited financial statement for the fiscal year ending September 30, 1969, pursuant to section 7 of the act of incorporation (H. Doc. No. 91–302); to the Committee on the District of Columbia and ordered to be printed, with illustrations.

1901. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 30, 1969, submitting a report, together with accompanying papers and an illustration, on Manteo (Shallowbag) Bay, N.C., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted April 17 and September 26, 1963 (H. Doc. No. 91–303); to the Committee on Public Works and ordered to be printed, with an illustration.

1902. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes; to the Committee on Armed Services.

1903. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the prevention and control of air pollution at Federal facilities, pursuant to section 111(b) of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

1904. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign

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vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. H. Res. 904. Resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. (Rept. No. 91–985). Referred to the House Calendar.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 780. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oreg., and for other purposes; with amendments (Rept. No. 91–986). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9854. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes; with amendments (Rept. No. 91–987). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 4. A bill to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes; with amendment (Rept No. 91–988). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 15207. A bill to provide for a modification of the project for Denison Dam (Lake Texoma), Red River, Tex. and Okla., authorized by the Flood Control Act of 1938, and for other purposes; with amendments (Rept. No. 91–989). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of the Congress of the United States from the State of Illinois from 1933 to 1969; with amendments (Rept. No. 91–990). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 16833. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims Case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket No. 349, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 16834. A bill to provide that, after January 1, 1971, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the second Monday in November of each year; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 16835. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday, and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. GILBERT:

H.R. 16836. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 16837. A bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPE:

H.R. 16838. A bill to amend the Internal Revenue Code of 1954 with respect to the additions to the reserves for bad debts of certain agricultural and livestock credit corporations; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 16839. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 16840. A bill to amend title 38 of the United States Code to increase from $3,200 to $4,000 the annual income amount which a veteran with dependents may have in order to qualify for the minimum non-service-connected disability pension; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 16841. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. REUSS (for himself and Mr. Hanley):

H.R. 16842. A bill to amend the Federal Water Pollution Control Act as amended, and for other purposes; to the Committee on Public Works.

By Mr. STRATTON:

H.R. 16843. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. Dulski, Mr. Corbett, Mr. Olsen, Mr. Daniels of New Jersey, Mr. Nix, Mr. Hamilton, Mr. Charles H. Wilson, Mr. Brasco, Mr. Button, and Mr. Hogan):

H.R. 16844. A bill to increase the pay of Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Tennessee:

H.R. 16845. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 16846. A bill to transfer responsibility for the Coast Guard Reserve to the Secretary of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. BUSH (for himself, Mr. Bell of California, Mr. Carter, Mr. Coughlin, Mr. Esch, Mr. Frey, Mr. Gubser, Mr. Hastings, Mr. Hogan, Mr. Horton, Mr. Lukens, Mr. McCloskey, Mr. Mosher, Mr. Pettis, Mr. Pollock, Mr. Railsback, Mr. Reid of New York, Mr. Steiger of Wisconsin, Mr. Weicker, Mr. Whitehurst, Mr. Winn, and Mr. Wydler):

H.R. 16847. A bill to establish a National College of Ecological and Environmental Studies; to the Committee on Science and Astronautics.

By Mr. DINGELL (for himself, Mr. Blatnik, Mr. Feighan, Mr. Karth, Mr. McCloskey, Mr. Moss, Mr. Nedzi, Mr. Pelly, Mr. Rogers of Florida, Mr. Saylor, and Mr. Vanik):

H.R. 16848. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Information Bank within the Smithsonian Institution; to the Committee on House Administration.

By Mr. EILBERG:

H.R. 16849. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

By Mr. GREEN of Pennsylvania (for himself, Mr. Barrett, Mr. Byrne of Pennsylvania, Mr. Nix and Mr. Eilberg):

H.R. 16850. A bill to encourage the State to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 16851. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. MILLER of Ohio (for himself, Mr. Cleveland, Mr. Coughlin, Mr. Derwinski, Mr. Obey, Mr. Myers, and Mr. Tunney):

H.R. 16852. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 16853. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. Edwards of California, Mr. McCloskey, Mr. Brown of California, Mr. Charles H. Wilson, Mr. Rees, and Mr. Hanna);

H.R. 16854. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542), to include the Eel, Klamath and Trinity Rivers as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H.R. 16855. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. McKNEALLY:

H.J. Res. 1157. Joint Resolution proposing an amendment to the Constitution of the United States permitting the right to read from the Holy Bible and to offer nonsectarian prayers in the public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

By Mr. BOGGS:

H.J. Res. 1158. Joint resolution authorizing the President to proclaim the second week of March 1971 as Volunteers of America Week; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 1159. Joint Resolution proposing an amendment to the Constitution of the

United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELCHER:

H.R. 16856. A bill for relief of M. Sgt. George H. Jennings, Jr.; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 16857. A bill for the relief of Soon Ho Yoo; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 16858. A bill for the relief of Joseph A. Coan; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 16859. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 16860. A bill for the relief of Song Han Kyou; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

349. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to insuring continued operation of the U.S. Coast Guard Reserve, which was referred to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

436. The SPEAKER presented a petition of the Florida State Chamber of Commerce, Jacksonville, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system, which was referred to the Committee on Science and Astronautics.

SENATE—*Wednesday, April 8, 1970*

(Legislative day of Tuesday, April 7, 1970)

The Senate, in executive session, met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia.

The Chaplain, the Rev. Edward L. R. Elson, D.D., offered the following prayer:

O Thou supreme judge, to whom men and nations are accountable, help us to walk uprightly, to work diligently, to contend fairly, and to judge wisely here that in the final judgment we may not be found wanting. Help us this day and every day to be obedient to conscience, the silent sentinel of the soul, and to be guided by the inner light of Thy truth. May Thy spirit sustain us without blemish or regret to the end. Then in Thy mercy grant us a safe lodging, a holy rest, and peace at the last. Through Him whose name is above every name. Amen.

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DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 8, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed, with the time to be taken equally out of both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a number of votes today—and I ask the distinguished minority leader to confirm this, because we have discussed this matter jointly. After the Carswell nomination is disposed of, the Senate will proceed to the consideration of Calendar No. 761, Senate Joint Resolution 190, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees; and that will be followed, hopefully, after its disposition this afternoon, by Calendar No. 767, S. 3690, a bill to increase the pay of Federal employees.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. I should like to point out that today will be one of the most important days in this session of the Senate.

I hope that all Senators and attachés will be particularly careful to be here because, as has been said, we have not only a vote on the confirmation of the nominee to the Supreme Court, but we have also the extremely difficult problem of what to do on settlement of the railroad labor dispute. We also have the Federal employee pay raise bill and that, in turn, will be a prelude to what I hope will be a further carrying out of the agreement reached among the heads of the various postal unions and the administration, whereby, as the first step in the act of good faith, the administration agrees to support the postal pay raise which will be before us today; and, in turn, the administration and the union leaders have agreed that before there shall be any additional pay raise to the postal unions as distinguished from the general pay raise, there will be a tie-in with postal reorganization and reform, which is a very much needed development, in my opinion, and a bonanza, if it is properly structured, in that we can save the budget about $1 billion a year.

Therefore, I think, if we are going to keep the faith all around, it should be remembered that the pay raise bill today, which applies to virtually all Federal employees, is only step No. 1 in a good faith commitment which involves two more steps, a further postal raise, a restructuring of the postal organization into a new kind of unit and, of course, the final phase, how to pay for it. That is the responsibility of the administration and Congress. The President has spoken out on that. We will have our opportunity here to work out the way in which it is to be paid.

Essentially, the money will have to be found for the fiscal 1971 budget, but if certain postal rates are approved later, then other budgets will, more or less, take care of themselves as regards this problem, but there will be a shortage in the fiscal 1971 budget unless we find some way to make it up.

I do thank the majority leader for yielding to me.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as in legislative session, that the Journal of the proceedings of Tuesday, April 7, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. BIBLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. How much time does the Senator require? Is his speech on Judge Carswell?

Mr. BIBLE. Yes; it will not be too long.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Nevada or, if the Senator needs it, more time.

Mr. BIBLE. I do not know whose time I shall speak on. I believe it will be apparent in a few moments, though.

I think I would ask the Senator from Michigan to allow me 5 minutes to proceed.

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the Senator from Nevada.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized for 10 minutes.

Mr. BIBLE. Mr. President, as the debate on President Nixon's nomination of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court nears its end, I want again to state my position on the nomination.

Some time ago, the press in my State of Nevada asked me for a statement. That was on February 17, if my memory serves me correctly. I responded that unless disabling evidence developed bearing on the nominee's judicial qualifications, I intended to vote for confirmation. I expressed the view that Judge Carswell's experience as a trial judge, and his extensive background in the day-to-day application of the law should be genuine assets. I also stated that as a strict constructionist of the law, this nominee would bring needed balance to the deliberations of the Supreme Court.

Generally, I applaud the actions the Supreme Court has taken over the past 20 years to define and effectuate constitutional rights. However, I have long felt, and said so many times, that some of its decisions—particularly in the area of criminal law—have gone too far, and have unnecessarily impeded the processes of law enforcement and criminal justice all across the land. I feel that the addition of a thoughtful conservative is needed to enable the Court to take a more balanced view of this and other problem areas.

Mr. President, I have studied the testimony before the Judiciary Committee, the committee's report—including the individual views—and I have followed both sides of what has been a long and exhaustive debate. In the Senate's best tradition of free and open debate, the nominee's life and work have been spread on the public record and broadcast across the land—as it should be.

I have weighed the evidence. I have carefully evaluated the arguments for and against the nominee, and I came away from the task satisfied that the President's nomination should be confirmed.

On the question of his qualifications, I join those of our colleagues who have pointed out that the Senate has on three prior occasions unanimously confirmed Judge Carswell's appointment as a U.S. attorney, a U.S. district judge, and as a U.S. circuit judge.

In 1953 the nominee was appointed U.S. attorney for the northern district of Florida—with unanimous Senate approval. In 1958, after some 5 years of service in that office, he was appointed U.S. district judge for the northern district of Florida—and was again unanimously confirmed. In June 1969—less than 1 year ago and after some 11 years on the trial bench—he was elevated to his present position on the U.S. Court of Appeals for the Fifth Circuit. Again with the unanimous approval of the Senate.

On each occasion, the nominee's qualifications and record were carefully considered, and on each occasion he received the Senate's unanimous endorsement. At no time was any question raised as to his qualifications, his honesty, or his integrity.

Judge Carswell comes before the Senate on this nomination with the support and full confidence not only of the President of the United States. Eleven of his fellow judges on the Fifth Circuit endorsed his appointment, as have 50 of the 58 active Federal district judges and seven of the retired district judges in the Fifth Circuit. He has been found qualified for appointment by the Standing Committee on the Federal Judiciary of the American Bar Association, and there has been an impressive demonstration of support by attorneys who have practiced regularly in Judge Carswell's court.

Mr. President, these are impressive credentials. I view previous judicial experience as a positive factor in support of any nominee for the Supreme Court. One may certainly disagree with certain of this judge's decisions. Indeed, it would be amazing if a judicial career as extensive as this one raised no disagreement. On the record as a whole, I am satisfied that Judge Carswell is a man of honesty and integrity, and that his 17 years of public service in the law qualifies him to be a member of the Supreme Court.

Throughout my deliberations on this nomination, I have been very much aware that a good deal of the opposition to Judge Carswell has come from those concerned over civil rights. The charge has been made and broadcast across the Nation that this judge is a racist. And the charge has alarmed many thoughtful citizens, including citizens in my State.

I would not be supporting this nomination if I thought there was any substance to this charge. I have felt it to be my obligation to assess equitably all of the evidence of record, and I do not believe Judge Carswell can be fairly considered an extremist or a racist. A conservative and strict constructionist, yes. A racist, no.

These charges apparently had their roots in words spoken more than 20 years ago at a time when segregation was rampant across much of the Nation.

The distinguished Senator from Delaware set this in perspective in his statement last week reminding us that at about the time of the Carswell speech the Senate voted overwhelmingly against desegregation of the Armed Forces. Who today would want his fortunes to depend on that vote? And by the same token, why should this nominee—who has publicly repudiated his words—be vilified at this late date?

I think our colleague hit the mark when he asked how many Members of the Senate have made speeches, cast votes, or done something during the past 25 years that he would not be too proud of today.

Indeed, I have reviewed a number of historical writings in connection with my consideration of this nomination—words spoken or written by Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, and Harry S Truman. Based on certain of their utterances, I daresay some might raise a question whether these great Americans would be suitable for appointment to the Court.

I say again, Mr. President, I have carefully weighed the evidence. The case sought to be made against the nominee has been good headline material, but it is not persuasive. In my judgment, the most credible evidence—that provided by his colleagues on the bench and others who have been close to the nominee and his work over the years—effectively rebuts the racist charge. Respected jurists such as Judge Bryan Simpson and Judge Robert A. Ainsworth, Jr., of the Fifth Circuit are acknowledged by opponents of the nomination as eminent constitutional lawyers who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing. Both recommend Judge Carswell very highly. Judge Simpson has described the nominee as a man of "superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds." In his letter to the Judiciary Committee, Judge Simpson states that Carswell is a man of judgment with an openminded disposition to hear, consider and decide important questions without preconceptions, predilections or prejudices. On the basis of long experience with the nominee and his work, Judge Simpson states that he "always found him—Carswell—to be completely objective and detached in his approach to his judicial duties."

Judge Ainsworth's endorsement is equally laudatory, and the record is replete with many other comparable endorsements by knowledgeable judges and lawyers.

Throughout the debate we have been told repeatedly that the President could have selected any one of a number of better qualified men for this appointment. Many Senators obviously feel this way, and on any given day 100 Senators might well be able to produce 100 different recommendations. However, I think such argument loses sight of the role of the Senate in these matters. It is neither the right nor duty of this body to nominate Supreme Court Justices. That is the right and duty of the President of the United States. Our task is to advise and consent. Certainly, the Senate never hesitates to advise. And we have withheld our consent at times. In my judgment, however, our refusal to consent should never be based on a desire to seek out a nominee more to our liking. Only when we are convinced a nominee is clearly lacking in the required abilities, qualifications, and personal integrity, or when we feel the stature of the High Court is clearly at stake should we take the drastic step of rejecting the President's selection.

The Senate should never become a rubberstamp. I reject out of hand the argument that careful consideration in prolonged Senate debate and rejection of a nominee impinges on the appointing authority of the President. At the same time, I also reject the argument that the Senate's right to advise and consent should be applied in such a manner as to bind the President's selection to the will of the Senate.

We are not here to bargain for another, perhaps better nominee. We are here to consider the qualifications of the present nominee. Our consideration should be directed to the nominee's legal

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and judicial qualifications and to his ethical conduct—not to his political or legal philosophy. Only a serious lack of experience and qualifications, or a very damaging breach of ethical conduct, can give grounds for rejecting the nominee.

I have looked very closely without finding these disqualifying elements. I have gone through all of these exercises of judging a man and agonizing as each of us does. In looking at those qualifications, I find nothing that, in my judgment, disqualifies him. I find him qualified, and I fully intend to vote for his confirmation.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. BIBLE. I yield.

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from Nevada for what I think is a very excellent statement.

It was a very thoughtful statement, a well-reasoned statement. And whether one agrees with his conclusions or not, the senior Senator from Nevada has made an excellent contribution to the debate and the dialog.

In doing so, I wanted to comment that he certainly has earned the respect of the Members of the Senate on both sides of the aisle.

Mr. BIBLE. Mr. President, I thank the distinguished Senator from Michigan very much. I want to say that I think we all have to use objective judgments on these matters. We all judge the problems a little differently. However, I do not want the RECORD to show that I always vote on a nonpartisan basis. I have on occasion voted on a strictly partisan basis, and I have been proud to do so. I do draw a line when it comes to judicial nominations. I do not view appointments to our courts as partisan issues.

In this case which involves a man's reputation and the Supreme Court, I am very satisfied with the judgment which I have finally reached. Although I did reach it a little earlier, it has not been disturbed.

I quarrel with no one as to how he reaches his decision.

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, there has been talk in the newspapers and other quarters criticizing some Republicans because they are not supporting their President on what many people see as a political issue.

I think what the distinguished senior Senator from Nevada has just said about the grave responsibility and the role of the Senate in advice and consent on something as important as that of an appointment as a Supreme Court Justice points up that any Senator on either side who would cast his vote on a political basis on something as important as this would not be fulfilling his responsibilities.

Whatever they might do on other legislative issues, legislation can be amended, repealed, or changed.

Certainly, it seems to me that on the nomination of one of the nine justices of the Supreme Court, an independent third branch of the U.S. Government, we have an obligation that cannot have any party loyalty involved on either side of the aisle. I think that is an important consideration. It is a greater obligation than almost any other vote we cast in the Senate, in my humble opinion.

Mr. BIBLE. Mr. President, I appreciate the sentiments of the Senator from Michigan.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 3 minutes?

Mr. BAYH. I yield to the Senator from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

TRIBUTE TO SENATOR BIBLE

Mr. MANSFIELD. Mr. President, first, may I say that as far as the distinguished senior Senator from Nevada is concerned, he has the affection and respect of all of us on both sides of the aisle. He always votes as he thinks best. He is a man of independent judgment, and I say that would apply to all other Members of this body as well. But at this time I wish to pay special tribute to the Senator from Nevada (Mr. BIBLE).

CRIME IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, whatever is done about the nomination of Judge Carswell today, we do hope the courts will enforce the law and that the perpetrators of crime will be punished.

I am sorry to inform the Senate that two of our pages in the last 2 weeks have been assaulted, mugged, and in one instance, robbed. The first would have been robbed if he had not been fleet of foot. He was able to get away. It happened in the vicinity of the Capitol. One of the pages had his clothes torn and lost $10 after being roughed up.

The joint leadership has directed a letter to the U.S. attorney asking for an investigation of these matters because we feel it is encumbent on us to protect those who work here as well as the people of the District of Columbia as a whole.

I think it is a tragedy and a shame that within the shadow of this Nation's Capitol incidents of this kind can be inflicted on youngsters who are far away from home, carryng out responsible duties in relation to the conduct of the Senate.

I intend to see that something is done about it. One of the things I would like to see done right now is for the House to name its conferees—the Senate already has done so—so that the District of Columbia crime bill can be given the most expeditious consideration.

This is not my first confrontation with a situation of this kind because, as the Senate well knows, two Montanans, one a young Marine from Fishtail, Mont., the other Harry Gelsing, from Helena, Mont., both entirely innocent, were gunned down in this capital of the United States of America.

I think it is about time that this question of crime is shifted—shifted away from rhetoric and into action. I think it is about time that the law is enforced, and that criminals are apprehended and that crime is punished. If we go on in this way much longer I think the Republic will stand on very, very shaky foundations.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, I would like to associate myself with remarks of the distinguished majority leader. I could not agree with him more than I do.

I think it is high time that the Senate and House conferees get together.

Mr. MANSFIELD. The Senate is ready.

Mr. HANSEN. I am well aware of that. I think it is high time that they get together on the District of Columbia crime bill.

I listened to the Martin Agronsky television show a few days ago and I was appalled at the lack of understanding and some lack of interest or enthusiasm for the District of Columbia crime bill. One of the persons on the panel, Carl Rowan, a very distinguished columnist, in my opinion, and a person who is ordinarily well informed on most issues seemed to reflect the feeling that there is some racial bias in this District of Columbia crime bill. Nothing could be further from the truth.

The facts are that most of the victims of crime in the District of Columbia are black people. If the statistics I read are correct, three out of every five persons who are assaulted, robbed, mugged, or otherwise attacked, are black people.

Further, as his comment reflected, I think there is some lack of understanding on that particular issue. He questioned, Why does not the Congress pass a law trying to stamp out crime in Phoenix, Ariz.? To which James Kilpatrick in effect said, precisely for this reason: It happens that the responsibility for law enforcement in the District of Columbia is the exclusive responsibility, and the form of government of the District of Columbia is the responsibility of Congress. That is precisely what the facts are.

To those who try to say that we are getting too tough with too many people—and I refer to civil rightists and the entire group of people who feel that way—all I can say is the victims of these crimes, as the distinguished Senator, my distinguished leader, so well knows, are black people. When I say "my distinguished leader" I do not mean to imply that I am a Democrat; I have great respect for the senior Senator from Montana, and I believe he does an admirable job of laying down the work and laying out the program to control the Senate.

It is in that frame of reference I used the appellation that I did.

It is high time people understood that the good, decent, and law-abiding citizens—and that is about 95 percent of the people in this country—are sick and tired and fed up with the whole breakdown of

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law and order. I think part of that responsibility has to be laid at the door of the courts. We have made it possible for every wrongdoer to take advantage of the law, in the way of getting out on bail, being released, being able to recommit crimes, one time after another simply because we have gotten mixed up with a lot of different ideas, and one is that if you are tough on crime you are against black people, and that certainly is not true.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Wyoming.

Again, I want to reiterate that these youngsters who serve us so well come from long distances, live under unusually difficult circumstances, put in long hours, and I think they are entitled to a good deal of consideration.

I think the law is meant to apply to all people. I do not care what their color happens to be. I do not care what their ethnic background is. And I do not care what their religion may be or the status of their financial condition. This Republic is based on law and on its just application. That means it must apply to all of our citizens equally.

Again I state that the joint leadership has directed a letter to the U.S. attorney asking for a complete investigation of these two incidents, just as there was requested by the Senator from Montana a complete investigation of the Lesnik and Gelsing incidents. As far as the former incident is concerned, the culprits were apprehended, tried, convicted and sentenced. As far as the Gelsing affair is concerned, that investigation is still underway. I hope it, too, is completed with the guilty ones convicted and punished. In short, all criminals must be apprehended and punished and the tools and enough law enforcement officers must be provided for the job. I hope the District crime bill is enacted into law just as soon as possible.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska (Mr. HRUSKA) has 74 minutes remaining and the Senator from Indiana (Mr. BAYH) has 79 minutes remaining.

Mr. HANSEN. Mr. President, will the Senator yield to me?

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to express my appreciation to my good friend, the junior Senator from California. We are in executive session in the Committee on Interior and Insular Affairs this morning and I am needed there to try to help resolve some problems that concern the natives of Alaska.

Mr. President, I have but one question to ask today: What is candor? I ask it because perhaps the decision as to whether this body will confirm Judge G. Harrold Carswell for a seat on the Supreme Court rests on whether or not he has been candid in his dealings with the Senate Judiciary Committee.

Webster's new 20th Century Dictionary, published in 1968, says candor is "openness."

As its first definition it refers to "openness of heart; frankness, sincerity, honesty in expressing oneself."

Second, it defines candor as "a disposition to treat others with fairness, freedom from prejudice or disguise."

The question then, regarding the judge is, Did he deal with the committee in the openness of his heart, frankly, with sincerity and honesty?

What are the charges? First, we are told that when Judge Elbert Tuttle decided not to testify on his behalf Judge Carswell should have asked for Judge Tuttle's letter on his behalf to be withdrawn from the Judiciary Committee. But should he have?

After the first unfair and rather scurrilous charge against Judge Carswell made headlines, the fact came out that Judge Carswell was never informed by Judge Tuttle as to why he had decided not to testify. Even more important, it is clear that it was not Judge Carswell's place to seek to have the letter withdrawn. And finally, Judge Tuttle himself did not ask to have it withdrawn. There is no lack of candor here. At most, there is confusion, largely on the part of Judge Tuttle.

The second charge implies that Judge Carswell read in detail the night before he testified, the articles of incorporation of the country club that he helped reorganize. We know now, however, that despite the rumors printed in the Washington Post as fact, this is not the case. Judge Carswell was shown the papers briefly the night before, but in another context. There was no reason for him to look to see how he was identified in them.

Are we to assume that Judge Carswell read the articles of incorporation closely the night before, then came to the committee, knowing it had access to those papers, and deliberately lied to it? It strains the credulity—even of those who might want to believe the worst. It is obvious to any fairminded person that in his testimony Judge Carswell was still searching his memory, still trying to remember just what he had signed 14 years earlier.

Mr. President, in all candor, who here could have done better?

Mr. President, in their efforts to defeat any candidate President Nixon might put forth who does not meet their philosophical standards, the President's political enemies have gone to great lengths to make mountains where no molehill exists.

So the real question we have to ask today is, Where does the lack of candor lie?

Mr. President, I would like to know: Are those who are charging mediocrity being frank, open, forthright?

Are they free from prejudice, free from disguising their real purpose?

Mr. President, are those who are charging racism being candid? Are they disposed to treat Judge Carswell with the same fairness they treat other Members of this body who have been involved in all-white organizations or who have had restrictive covenants on their homes?

Are they being candid, Mr. President? Are they free from prejudice and disguise? Are they frank? Are they sincere?

Mr. President, I cannot answer these questions. But those who seek to deny him a seat on the Supreme Court can.

I would hope, Mr. President, that they would rise to the occasion. I would hope that every Member of this body would observe the kind of candor he demands from Judge Carswell.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CRANSTON. Mr. President, I yield myself such time as I may need.

There were many, many reasons that led me to the conclusion that I could not support Judge Carswell for the Supreme Court vacancy. It was with regret that I came to that conclusion, for I would like to support the President, I would like to support his nominees, I would like to support a southerner, I would like to support a strict constructionist and a conservative on that Bench, if that is the will of the President in submitting nominations to this body. And I believe he could, with ease, find a southerner, a strict constructionist, a conservative, who could win unanimous, or virtually unanimous, support from this body. But he has failed to do so in the case of Judge Carswell.

Among the many matters that gave me concern in considering this nomination was the record in regard to Judge Carswell's racial views as manifested in his past.

There was the 1948 speech, now not famous, but notorious, expressing his segregationist views and asserting that they would be forever held throughout his life.

I recognize that many men undergo changes. However, the subsequent record shows that Judge Carswell did not undergo any change in regard to those views. There was never any evidence in any facet of his life of any change until he was confronted with that speech in the course of the consideration by the Senate and the country of his qualifications for service on the Supreme Court.

I am greatly disturbed that one part of that evidence of no change in his views shows that while he was U.S. attorney, sworn to uphold the law, he participated in a scheme to avoid the law of the land as laid down by the Supreme Court. That is the golf course incident, where he was an incorporator of a golf course. The story appears on page 352 and page 353 of the hearings held by the Judiciary Committee.

The device of selling a public facility to a private corporation for the purpose of avoiding the integration of that public facility was being used by diehard segregationists throughout the South.

A description of this actual operation makes plain the fact that the private club was a true sham.

The sequence of events were as follows:

First. A public golf course which had been supported by taxpayers' dollars—black and white—was threatened with integration.

Second. A private club was set up in the corporate form—profit or nonprofit.

Third. The city officials sold or leased for $1 the golf course to the private club.

Fourth. At this point the heretofore public facility was now a private club with all the restrictions of a private club.

Fifth. In order to make sure that the private club retained all of the attributes of the previously segregated public facility, the facility was open to all whites and closed to all blacks.

That, I believe, is a fair description of the scheme that Judge Carswell participated in as an incorporator.

Judge Carswell's performance, when quizzed on his part in all this by the Judiciary Committee, was hardly reassuring as to his qualifications and capacity. A study of the facts in the case and the committee transcript can lead to only two conclusions.

The most charitable conclusion is that he has a terrible memory, so terrible that I wonder how he could perform adequately in any court. How, for example, could he sit on the bench and remember the precedents well enough to make a fair and wise ruling in the heat of a trial on the admissibility of evidence? If his memory was so faulty on a matter of vast importance to himself personally, who could rely on his memory on matters of great importance to them personally?

The least charitable conclusion is that he was not candid with the committee, that he was not straightforward about his actual deeds.

Either conclusion adds to the case against Judge Carswell.

The evidence is overwhelming that Judge Carswell is not a man of talent, not a distinguished man who would bring grace and greatness to our highest court. The word "mediocre" has affixed itself so firmly to Judge Carswell, and has become so large a part of the debate over the qualities requisite for service on the Supreme Court, that a constituent of mine, complaining that he cannot get his kids to study any more, says, "I think they are aiming for the Supreme Court."

This morning the Washington Post, in a fine editorial, made this comment:

> For this place, at this time, the court and the nation need not just a run-of-the-mill man, but a very good man, very strong man, a very wise man, a man who has or soon will have widespread respect and admiration, won not so much by the way he votes but by the force of his intellect and his personality.

I have been most disturbed by Judge Carswell's showing of bias and hostility to civil rights attorneys and civil rights litigants while serving as a district court judge.

My staff and I, between us, have spoken personally with 10 civil rights attorneys who appeared before him. They were Shelia Rush Jones, Ted Bowers, Leroy Clark, John Lowenthall, Earl Johnson, Jerome Borstein, James Sanderlin, Reece Marshall, Maurice Rosen, and Tobias Simons. Some are black; some are white.

The overwhelming opinion of these civil rights attorneys—an opinion expressed, in one way or another, by every one of them—is that he demonstrated bias when they were before him on civil rights cases.

They report that he had a reputation among those working on civil rights matters before him in his court of being anti-civil rights and antiblack. It was said by many of them that they had the feeling the moment they entered his court that he was prejudiced against them. One of them said it was like being in a court where there were two opposing counsels and no judge present. I believe that the courtroom bias shown by Judge Carswell was violative of canons 5, 10, and 34 of the Canons of Judicial Ethics.

The evidence to the contrary on the matter of his prejudice regarding civil rights is based solely, in the words of President Nixon's letter of March 31, first, on a letter from a World War II shipmate of Judge Carswell; second, on the testimony of one professor; and third, on Judge Carswell's belated repudiation of his own notorious segregation speech.

It is noteworthy that President Nixon did not mention the now discredited letter of Charles F. Wilson. Yet, the Committee on the Judiciary and Senate supporters—including some key supporters of the Judge—at one time in the past based a great part of their case for Judge Carswell on that Wilson letter.

Finally, Mr. President, I should like to read from an article published in this morning's issue of another fine newspaper, the New York Times. The article is entitled "The Hypocrisy of Power," and is written by the eloquent and analytical James Reston. He made the following statements this morning on the editorial page of the New York Times. I shall read two excerpts from his column:

> Behind all the questions of politics, ideologies and personalities in the Carswell case lies the larger issue of public confidence and trust in the institutions of the nation. This is the issue President Nixon overlooked. That trust does not exist now. The authority of the Government, of the church, of the university, and even of the family is under challenge all over the Republic, and men of all ages, stations and persuasions agree that this crisis of confidence is one of the most important and dangerous problems of the age.
>
> The President recognizes it in theory. The Attorney General is determined to restore discipline by every means at his command. The Congress reminds us every day that liberty cannot survive without authority, but the gap between their moral lectures and their political actions is wider than the Mississippi Valley.
>
> The central issue in this country is whether we are to settle our disputes by legal and peaceful means or by illegal coercion and violence; whether our institutions, in short, are to deserve our respect or merely to demand it, without deserving it.
>
> If you doubt that this is the central issue, all you have to do is look around.

Reston concludes his articles as follows:

> If a conservative Administration is not going to earn as well as demand respect for the institutions of America and put up distinguished men for the highest court in the land, who is?

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, before the debate ends and the voting begins, I would like to say a few kind words about Judge G. Harrold Carswell.

Too often in the last few days the judge's supporters have been so busy defending him against the innuendos, half-truths, and misstatements and misleading conclusions that we have not remembered that there is much merit to the judge, and much to be said in his favor.

Let us first point out that despite the desperate searching and combing of his past for signs of moral turpitude, unethical conduct or racial bias, not one single thing of substance has been found.

Mr. President, Judge Carswell is obviously and beyond a doubt a good man, a good American, an ethical and moral man.

Mr. President, Judge Harrold Carswell has been a lawyer in private practice, a U.S. District Attorney, a Federal circuit judge, and a Federal district judge. He is an experienced man and a competent man and a qualified man, else he would not have been appointed to succeedingly higher positions, else this body would not have confirmed him three times.

Mr. President, Judge Carswell is a patient man and a strong man and a man sure of his own conduct. Only this kind of a man could sit by patiently, quietly and endure the vilification and humiliation some have sought to bring on him in order to further their own aims.

Mr. President, he is a man who believes in the equality of the races.

There is an interesting concept these days that a judge must always rule in favor of a minority, unless he is willing to be judged a racist.

Judge Carswell has resisted that temptation. But he has ruled, for instance, to desegregate Florida's barber shops, he has ruled in favor of civil rights groups on many occasions.

The interesting thing is, he also wrote a letter of strong recommendation for a black attorney, and for this act of ordinary decency and recognition of competence, both he and that attorney have been pilloried and accused of doing something for motives that were less than honest.

Mr. President, I ask, who is better fit to sit on the Supreme Court—the man who wrote the letter of commendation or those who attempt to smear him with it?

Mr. President, Judge Carswell is a decent man, an upright man, a moral man, and a qualified man.

I recognize that at this late hour Judge Carswell's fate is in the balance. We all recognize that perhaps one Member of this body will determine whether or not Judge Carswell will become a member of the U.S. Supreme Court. We recognize the right of Senators to differ. We recognize our responsibility under the Constitution concerning the advice and consent process.

I recognize, as a Republican, that since the inception of the Carswell nomination, the arguments have been about 99 percent political and 1 percent factual; and I would hope that, in the event Judge Carswell's nomination is not confirmed by this body today, President Nixon would withhold any further nominations

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until after the November election. Let him take his case to the American people, give them the facts, Republicans and Democrats and independents, and let the American people decide by a referendum in November whether or not the Court should have balance.

The question is no longer G. Harrold Carswell. It has not been G. Harrold Carswell, in this body, for at least a month. The question is how to defeat President Nixon, how to embarrass President Nixon, and above all, and even more importantly in the minds of those liberals who oppose him today on this floor and across the country, is how to prevent having balance on the Supreme Court. They do not want to change the Court. I would add that President Nixon ran on a platform of balancing the Court. He will make that effort today, and he will make it again if necessary. But I would recommend again to the President that if the nomination of G. Harrold Carswell is rejected, he withhold any further nomination until after the November elections.

We have heard a great deal of talk in this Chamber about those who oppose Judge Carswell. We have read, heard, and have seen a lot in the media, because there has been a calculated effort by those who oppose and by many in the liberal press and the media to paint him a racist, a man of mediocre ability, and unfit to sit on the Supreme Court. The facts do not bear it out, but a case has been made. The case has been made day after day on network television. The case has been made day after day in newspapers like the Washington Post and the New York Times. This is their right. As liberals, they have a right to judge a man, to endorse and to recommend anyone they wish without regard to the public interest.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. I yield the Senator from Kansas 5 additional minutes.

Mr. DOLE. Let me point out a few facts that have not been brought to the attention of the American people. I hearken back to the advertisement which appeared in the Washington Post. One would think the earth had caved in because 457 liberal lawyers and law professors said they opposed Judge Carswell. I would ask the same question the junior Senator from Michigan asked the other day on the floor: I wonder how many of these 457 voted for President Nixon. Perhaps one, perhaps two, perhaps three. Probably none.

But let me go one step further. There are approximately 4,500 law professors in America. There are approximately 300,000 practicing attorneys in America. As I am told, there are 126 practicing attorneys whose names appear in this advertisement which has been widely heralded on this floor as proof that Carswell is unfit. That represents three-tenths of 1 percent—three-tenths of 1 percent—of all the attorneys in America; and I would say—I might be contradicted—that perhaps not one of these voted for President Nixon in November 1968.

Yes, there has been much talk about those who oppose Judge Carswell, but very little attention, unfortunately, in the media about those who support G. Harrold Carswell, about the 57 judges who know him best, who signed a telegram to the President; about the 24 attorneys general who yesterday, in a telegram to the President, indicated their support of G. Harrold Carswell—23 State attorneys general, including the one from Kansas, the one from Vermont, the one from Pennsylvania, the one from Delaware, and others.

Mr. President, I ask unanimous consent to have the telegram printed at this point in the Record.

There being no objection the telegram was ordered to be printed in the Record, as follows:

WILMINGTON, DEL.,
April 7, 1970.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: A quick telephone survey of the State Attorneys General of the United States reveals that the following support your nomination of Judge Carswell to be a Justice of the Supreme Court of the United States.

Jeffords, Vermont; Woodall, Montana; Johanneson, North Dakota; Blankenship, Oklahoma; Mydland, South Dakota; Turner, Iowa; Summer, Mississippi; Meyer, Nebraska; Dunbar, Colorado; Faircloth, Florida; Brown, Ohio; Bolton, Georgia; Martin, Texas; Frizzel, Kansas; Gallion, Alabama; Nelson, Arizona; Gremillion, Louisiana; Barrett, Wyoming; Buckson, Delaware; Sennett, Pennsylvania; Romney, Utah; Robson, Idaho; and Sendak, Indiana.

Not every Attorney General could be reached on such short notice, however, those who support you by this telegram represent all areas of the United States and both major political parties. 39 Attorneys General were contacted and 11 took no position. Of the 28 who took a position 24 in number or 85 percent support you in this matter.

HON. DAVID P. BUCKSON,
Attorney General, State of Delaware.

Mr. DOLE. So I would say, Mr. President, the die is cast. I am not certain whether the vote will be 51 to 45 or 49 to 48, but I would guess that one of those figures may prevail. In the one event, he will be rejected. In the other event, for the first time in history, the Vice President would decide whether or not a judge sits on the U.S. Supreme Court.

Let me say, in fairness to Judge Carswell, that he has been the subject of heated debate; he has been the subject of innuendo, of half truths, of misstatements. I would hope that when the vote is cast today, the Senate would, upon reflection, recognize the right the President has—yes, with the advice and consent of the Senate—but recognize the right the President has to appoint members of the Supreme Court.

In the event the nomination is rejected, let me repeat that I would suggest to the President that he make no further nomination; that he take his case to the people; that the people decide, perhaps by referendum indirectly in November, whether or not there should be balance on the Court, because that is the question. The question is not the nomination of G. Harrold Carswell, because there is nothing in the record—not one thing in the record—that could lead us to believe his nomination should be rejected.

I yield the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CRANSTON. I will be restrained and not comment on many matters——

Mr. DOLE. The Senator has not been restrained before.

Mr. CRANSTON. I would like to say, on one point, that neither I nor anyone else opposed to Judge Carswell look for a judge who would always rule pro-civil rights. We ask a judge who will judge civil rights cases on their merits, who will not prejudge, but who will enter into the case looking for the facts and for what the law requires him to do. It is our concern that Judge Carswell has a record indicative that he would not do that which leads me and others to oppose him.

Mr. DOLE. That is a fine statement to make as to what we should look for in a Justice, and I certainly share it. I would also say, as a lawyer, that I assume the Senator would also give the judge credit for knowing what the precedents were, what the Supreme Court had ruled, and what may be the law at that time.

I would guess that there are some who do not want a judge—they want a legislator on the U.S. Supreme Court. They want the U.S. Supreme Court to become a supreme legislative body. They do not want a judge. They do not want someone to read the Constitution and interpret it. They want someone to expand it and extend it. That is the issue today.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. If I may, I yield myself whatever time I may need. I should like to continue briefly the colloquy with the Senator from Kansas.

I indicated a number of times in the course of this debate, and so have others opposed to Judge Carswell, that we are quite prepared to support a strict constructionist and a conservative who would be a Justice and not a legislator on the Court.

This leads me to comment upon one other point made by the distinguished Senator from Kansas. I would differ with him in the feeling that if the Carswell nomination is defeated, the President should then wait until after the election to make a new nomination. We should have a full Court. It is my feeling and my hope and my prayer that if the Carswell nomination is rejected—and I also hope and pray that it will be—that the President will then come forward with a nominee I can gladly and wholeheartedly support, a nominee any other Senator can gladly and wholeheartedly support, and that we can resolve the differences which have become so deep, and make plain our desire to support the President and to support a man of quality and capacity for the Court. I believe that he can find a southerner, a strict constructionist, a conservative who fits that description—a man whom I, for one, and others opposed to Judge Carswell could happily support for nomination to the Supreme Court—long before the election.

Mr. DOLE. I happen to believe that there may be such a man. As the Senator from Delaware, Mr. WILLIAMS, said

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a week ago, there are better men than those of us who represent our States. There probably are better candidates for the U.S. Supreme Court than Judge Carswell. Perhaps such a man could be found. But I gave my own opinion; it may not have any weight. It seems that we have been a long time without a ninth judge on the Supreme Court. We have had extended debate, if not a filibuster, on the floor of the Senate with reference to Judge Carswell. I would guess the same accusers could dredge up something against the next nominee. Why not wait until after November? Perhaps then there would not be quite the problem we have today in the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day the above order was modified to provide for the Senate to convene at 9:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR THURMOND AND SENATOR TYDINGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the Chaplain has delivered the prayer, the Senator from South Carolina (Mr. Thurmond) be recognized for not to exceed 25 minutes; and, following that, the Senator from Maryland (Mr. Tydings) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. HRUSKA. Mr. President, I yield 20 minutes to the Senator from Kentucky (Mr. Cooper).

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 20 minutes.

Mr. COOPER. Mr. President, just over a week ago, I stated publicly that I would vote to confirm Judge Carswell to be an Associate Justice of the Supreme Court. I made the statement after reading the report of the Committee on the Judiciary, the record of the hearings, and some of the opinions which were rendered by Judge Carswell and which were cited in the record which is before the Senate. I came to the conclusion that I would vote for Judge Carswell's confirmation.

Since that time, however, I have been so amazed by the nature of the attacks upon Judge Carswell, which do not reflect the record of the hearings, but made, perhaps, by some persons who have never seen the hearings, let alone read them, that I have felt I could not vote against Judge Carswell without being guilty of the bias and prejudice which has been so freely charged against him.

While it is a late hour, I want to provide as succinctly as I can my reasons for supporting Judge Carswell.

I assume, and I believe, that the primary quality of an appointee to the Supreme Court is integrity and common honesty. I know that an appointee must have judicial competence in addition, and I will address myself to that proposition later, but I assert that the primary attribute of a judge must be his integrity and honesty.

While the cases differ, I announced in the Senate in 1968 that I would vote against Justice Fortas to be Chief Justice and, in 1969, I voted against Judge Haynsworth because I had found in the record concrete, open evidence of their failure to obey the judicial canons of ethics. In sharp contrast, there is no proof in the record to challenge the honesty or ethical conduct of Judge Carswell except the argument—very thin when the facts are closely examined—that he was evasive or attempted to mislead the committee upon his connection with Capital City Country Club transaction.

His basic honesty and integrity as a man and in the trial of cases is attested in the record by judges of the district court, judges of the circuit court of appeals—courts on which he has served—by lawyers, and by outstanding citizens such as former Gov. Leroy Collins, men among whom he has lived and worked.

Mr. President, I ask unanimous consent that there be printed in the Record a list of the members of the circuit court of appeals supporting his nomination and a copy of the telegram sent by the district judges of the fifth circuit to the President supporting Judge Carswell.

There being no objection, the list was ordered to be printed in the Record, as follows:

Circuit Court of Appeals Judges

Walter Gewen, Griffin Bell, Homer Thornberry, James Coleman, Robert Ainsworth.

David Dyer, Ryan Simpson, Lewis Morgan, Charles Clarke, Joe Ingraham, Warren Jones.

District Judges of the Fifth Circuit

April 3, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The undersigned United States District Judges of the Fifth Circuit endorse your nominee, Circuit Judge Harrold Carswell, as being well qualified to serve as Associate Justice of the Supreme Court.

Respectfully,

Seybourn H. Lynne, Clarence W. Allgood, Frank H. McFadden, Frank M. Johnson, Jr., Daniel H. Thomas, Virgil Pittman, Winston E. Arnow, David L. Middlebrooks, Jr.

Joseph P. Lieb, William A. McRae, Jr., George C. Young, Charles R. Scott, Ben Krentzman, Charles B. Fulton, William O. Mehrtens, C. Clyde Atkins.

Ted Cabot, Joe Eaton, Sidney O. Smith, Jr., Newell Edenfield, Albert J. Henderson, Jr., William A. Bootle, J. Robert Elliott, Alexander A. Lawrence.

Elmer Gordon West, Herbert W. Christenberry, Edward J. Boyle, Sr., Lansing L. Mitchell, James A. Comiskey, Ben C. Dawkins, Jr., Edwin F. Hunter, Jr., Richard J. Putnam.

William C. Keady, Orma R. Smith, William Harold Cox, Dan M. Russell, Jr., Walter L. Nixon, Jr., Joe Ewing Estes, Leo Brewster, Halbert O. Woodward.

Ben C. Connally, Allen B. Hannay, Raynaldo G. Garza, James L. Noel, Jr., Joe J. Fisher, Adrian A. Spears, Dorwin W. Suttle, Jack Roberts.

Ernest Guinn, Guthrie Ferguson Crowe, Harlan H. Grooms, Emett C. Choate, George W. Whitehurst, Frank A. Hooper, T. Whitfield Davidson, Robert E. Thomason, Allen Cox.

Mr. COOPER. These judges, the Florida Bar Association and many lawyers have testified to the committee, to the Senate, and the country that Judge Carswell is a competent judge and they have recommended him for confirmation to the Supreme Court.

Mr. President, I would say at this point that the recommendations of the lawyers and judges who know him, who have been in his court, who have observed his work professionally and who have tested the bias or prejudice or lack of it, must be entitled to weigh and respect unless there is a biased belief in the Senate of the United States and among deans and faculties of law schools against these men, that because they live in the district of Judge Carswell, or because they come from the South, they cannot give a true and unbiased recommendation of Judge Carswell.

No one challenges his lifelong record of integrity, except some members of the Committee on the Judiciary and some members of the bar, deans and faculties of some law schools, who do not know him, and had not practiced before him, with the exception of a miniscule few who testified before the committee.

His lifelong record integrity is important. It stands to support a judge in time of sudden attack. If a judge is basically honest and possesses the integrity which is joined with conscience, it will prevail against the human bias and emotions which test a trial or appellate judge. It sets aside in my mind the efforts to discredit Judge Carswell.

Unable to make a case of unfaithfulness to the Canons of Judicial Ethics which many had ignored in the cases of Fortas and Haynsworth, the fight against him shifted to the arguments that he is not competent to be an Associate Justice of the Supreme Court, that he is prejudiced and biased toward our black citizens and, as I have noted, to the claim of evasiveness before the Judiciary Committee. In the last case, all of the facts adduced in the hearings have

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not been stated in the debate by those who oppose him.

As to his competence, he has had more experience, and a very varied experience as a U.S. district attorney, as a trial district judge and as a member of the circuit court of appeals than any judge now sitting on the Supreme Court prior to appointment with the exception of Chief Justice Burger. The record shows that as a district judge he presided in approximately 4,500 cases. About 2,500 were criminal and 2,000 were civil. In a letter to the chairman of the committee, it is stated that 7,000 to 8,000 motions and judgments were ruled upon by Judge Carswell, and it is a fair judgment, I believe, that perhaps one-fourth of these could have been subject to appeal. The fact that only 44 appeals from his decisions were made in 2,500 criminal cases and I understand 63 civil appeals attest to the fact that lawyers who practice before him believe that his decisions were fair and were rooted in the law. Lawyers appeal cases when the presiding judge is recognized as a poor judge, but this was not the case with Judge Carswell.

It is said, and correctly so, that Judge Carswell was reversed in 40 percent of his civil cases, as compared to the average of 20 percent reversals of other judges of the fifth circuit, and that he was reversed in eight decisions of his criminal cases. This is not necessarily conclusive as to his competence considering the large number of cases he tried and considering the evolving status of civil rights law since the Brown decision, and the Civil Rights Acts enacted by the Congress. Do the dissenting opinions of Justices Frankfurter, Holmes, Harlan, and Potter prove them to be mediocre judges? I do not think so.

The views of deans and faculties of law schools are entitled to respect, but they have had little experience in the courts, and in the trial courts where a multiplicity of issues arise.

In the Fifth Judicial District, the overwhelming majority of district judges of the circuit court of appeals, the Florida bar and the appropriate committees of the American Bar Association have believed that his decisions were fair and rooted in the law.

What then stands in the way of his approval? It is a charge that the patently racist speech he made in 1948, at the age of 28, as a candidate for the Georgia Legislature, still directs him and that he is biased and prejudiced. He has repudiated unequivocally this racist statement of 1948. But inquiry has been made, and properly so, whether the prejudice that animated his 1948 speech continues to direct Judge Carswell. I must say, in reading the record, that I have found nothing to support such a claim. The claim itself has been expanded and exaggerated to extremes which are not supported by the facts brought before the Senate.

The chief argument that Judge Carswell is prejudiced, is racially biased, rests upon two propositions. The first concerns his participation in the incorporation of a country club in Tallahassee, Fla., in 1956. The second is that his decisions in cases heard by him, were racially prejudiced.

I shall deal with the country club case first. The dissenting views of committee members and the speeches of his opponents do not lay before the Senate all of the facts concerning the country club case. The Tallahassee Country Club, a private club, was conveyed to the city in the depression years of the thirties.

Under a clause in the deed, it was reconveyed to the private club in 1956, when it was failing financially. The Capital City Country Club, Inc., was formed. A citywide drive was promoted to achieve a membership of 300 to 350. Judge Carswell became a subscriber and was listed as an incorporator and a nominee-director to serve until the club's first annual meeting. Later the property was conveyed to another club—a nonprofit club which Judge Carswell joined in 1963–66 so that his sons could play golf. He resigned from the club in which he had been an incorporator a few months afterward.

The charge is made that Judge Carswell participated in the establishment of the Capital City Country Club for the purpose of excluding black members and circumventing the decisions of the courts. While that may have been the purpose of some, Judge Carswell said again and again that he did not do so and that he never discussed such a purpose with anyone. Former Gov. Leroy Collins, and a former Director of Community Relations—dealing with the problems of minority citizens to which he was appointed, I believe, by the late President Kennedy—and there is no more respected, unbigoted man in our country than Leroy Collins, who became a subscriber like Judge Carswell, and he too testified before the committee that he had no purpose of discrimination in joining the club.

The critics that seemed to abandon the substantive issue of racial discrimination in regard to the country club and quickly shifted to an effort to prove Judge Carswell was evasive, and attempted to mislead the committee about the fact that he was an incorporator of the Capital City Country Club Inc. It is true that Judge Carswell had seen some photostatic copies of papers tendered him by Mr. Charles Horsky and Mr. Ramsey the evening before the commencement of hearings, showing him an incorporator and that his first response to a question by Senator Hruska was that he was not an incorporator. But in statement after statement the first day of the hearings and in the first session of the hearings as well as in the second day, Judge Carswell said he was an incorporator, that the records would indicate the position that he held and he asked the committee to place in the record of the hearings the complete records of the country club deed and transaction, and that these official records would accurately describe his complete connection in this matter.

This statement appears on page 49 of the hearing record, when he said to the chairman:

> Judge Carswell. Yes, sir; I would like to make this one statement: Whatever the records show about that, of course, is the highest and best evidence. I testified here purely from memory.
>
> No. 1, I had absolutely no discussion with anyone at any time about this matter having anything to do with discriminatory practices, if there were any.
>
> No. 2, what I have to say about the matter is that whatever the records show and whatever capacity it may be listed that I am in, whether it be director, president, incorporator, or potentate, as I tried to suggest earlier, I had no conversations with anyone about any activities of that organization in any manner at all.
>
> Now, what the details of the corporate transactions are as to when one was formed and what name appears on what piece of paper, those records would be the best evidence. I respectfully request that I be afforded the opportunity to get them in the record as fast as they get here, and they are already on the way.

I am rather surprised that none of his opponents in the Judiciary Committee placed in the record the statement I have just read, which Judge Carswell made during the course of these hearings.

Whatever the cause of his first answer before the committee, whether because of confusion between his status in the two clubs, or the desire to await the accurate records which he had requested, I think it absurd to believe that Judge Carswell was consciously and deliberately misleading the committee when the story had been published in the newspapers, when the records were public and published for all to see and when he himself was saying to the committee, that he desired that the complete public documents be placed in the record of the hearing. The documents were placed in the hearing record and they make up a rather voluminous record amounting to 43 pages.

The final charge is that Judge Carswell showed bias in the cases he heard and determined.

I consider the analysis placed in the record by the Senator from Nebraska (Mr. Hruska) on pages 311 to 319, the best reasoned and fairest analysis of the civil rights cases tried by Judge Carswell.

I may say that while I have not read all of these opinions, I have read the opinions which have been questioned by those who oppose his nomination. I would agree he was not an innovator or leader in the field of civil rights; yet in fairness to him it must be reported for the record in this debate that:

He was the first to enter orders directing school desegregation in Florida.

He ordered desegregation of a barbershop located in a hotel, and I believe he was the first to enter such orders of such a facility and properly so, following the Civil Rights Act of 1964.

While this case is termed not important by critics, I am informed that it was the first case decided in the United States dealing with a barber shop located in another public facility. I remember that during the debate on the Civil Rights Act of 1964, interpretation was provided that the Civil Rights Act would cover such a facility even if it were located as a part of another building rather than as a separate enterprise. The point is, he was the first who followed that interpretation.

He issued, and without delay, desegregation orders of airport facilities.

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In a recent case, *Robinson* v. *Coopwood*, 292 Fed. Supp. 926, he joined in a decision in the circuit court of appeals reversing the decision of the district court and holding under the first and 14th amendments that local officers could not require unreasonable notice—and the notice here was only 1 hour of demonstrations and marches undertaken to protest the denial of civil rights.

Considering his record in the trial of 2,500 criminal cases, in which questions of civil liberties arise constantly, considering the few appeals from his 2,000 civil cases and the full record of his decisions in civil right cases, I do not believe that it can be said that they show an inherent bias or prejudice against the civil rights of minorities.

The PRESIDING OFFICER. The time of the Senator has expired

Mr. COOPER. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. ALLOTT. I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, I can only say that I approached this case exactly as I did the Fortas case and the Haynsworth case. I did not announce my decision until after reading the hearings and a great number of the cases cited and reading, if not hearing, the speeches of the chief supporters and opponents of Judge Carswell.

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I am aware that his statement in 1948 offends our black fellow citizens as it offends me. But if the spirit is not harbored by him, and I believe the evidence shows that it is not, then, as I said in the commencement of this statement, I would be prejudiced and biased if I should allow anything other than the facts to control and direct my decision to vote for or against Judge Carswell.

It is upon these grounds that I have made my decision to vote for his confirmation.

Mr. CRANSTON. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield to the Senator from California on his time.

Mr. CRANSTON. I wish to say that I differ with the Senator only with great reluctance because he is one of the most admired and respected Members of this body. That admiration and respect is held on both sides of the aisle, and I would add my personal affection for the truly great Senator from Kentucky.

I was distressed when I read in the newspapers that Senator COOPER had taken the position he has taken in this matter, primarily because in his statement the Senator said that no questions had been raised regarding violations of the Canons of Judicial Ethics. I wonder if the Senator was aware that I had raised questions in that regard?

Mr. COOPER. I did not hear the Senator.

Mr. CRANSTON. I wondered if the Senator was aware that I had raised questions of violations of the Canons of Judicial Ethics by Judge Carswell.

Mr. COOPER. I read of the Senator's concern about a letter written in support of Judge Carswell by Mr. Charles Wilson, a lawyer now in the employ of the Government. If the Senator has raised questions specifically about violations of certain canons, I would like him to tell me what they are.

Mr. CRANSTON. Canons 5, 10, and 34 of the Canons of Judicial Ethics say, among other things, that a judge should be temperate, attentive, patient, impartial, and courteous to counsel, especially to those who are young and inexperienced.

Quite apart from the matter of the letter from Charles F. Wilson, my staff or I talked with 10 civil rights attorneys, black and white, who appeared in Judge Carswell's court in Florida. All 10 recounted to me experiences in his court tantamount to—and I charge they amount to—violations of the Canons of Judicial Ethics.

Among other things, these 10 people unanimously told me or my staff that Judge Carswell had paid no attention to them, that he seemed to have prejudged their cases, that he turned his back on them when they were presenting their cases, that he lost his temper, and that his voice rose. One told me that he felt he was not in a court where there was a judge present, but where he was facing two attorneys who were on the other side.

It would seem to me to be very plain that this raises very serious questions in regard to the judicial conduct required by the Canons of Judicial Ethics. I am sure the Senator agrees with me that ethics relate not only to money matters, as in the case of Judge Haynsworth, they relate to other matters and touch upon other interests.

No money matter has been brought to the Senate's attention in terms of any negative charges regarding Judge Carswell, but ethical questions relating to other matters have come to the attention of the Senate. They have certainly come to the attention of the Senator from California.

These ethical questions do not necessarily reach Judge Carswell's decisions in civil rights cases. My comments—indeed my judgment—goes directly to the behavior of Judge Carswell while on the bench or in chambers when civil rights matters were before him.

Mr. COOPER. Let me respond to the distinguished Senator by saying I agree with him fully that questions of conduct are not related solely to money matters. But I must say money matters are very important. But to get to the question of the Senator from California, I have read the statements——

Mr. CRANSTON. Mr. President, may I understand that the time of the Senator from Kentucky is being charged to his side, as he asked that my time be charged to my side?

Mr. COOPER. Yes.

I have read the statements in the record dealing with those charges. I believe at least four witnesses testified to the fact that Judge Carswell was not courteous to them; more that he was rude and oppressive to them. It is very interesting that one witness testified that Judge Carswell granted the relief he sought for his clients but continued to say he just did not like Judge Carswell. As to the others the Senator has interviewed, I would have to consider their testimony, and give to it the weight it properly should have, in relation to the fact that dozens of lawyers and judges testified personally, or through their associates that Judge Carswell was courteous and fair to lawyers and litigants before him.

The American Bar Association Committee, after its investigation, testified to and approved Judge Carswell's competence, integrity, and judicial temperament. Judicial temperament, of course, would concern directly the question of conduct, demeanor, and fairness on the bench, and also lack of bias and prejudices.

Mr. TYDINGS. Mr. President, will the Senator yield on that point?

Mr. COOPER. Yes, in just a minute. One other point: One lawyer addressed a letter to the committee which is in the record. I think it is one of the most sensible and reasonable ones bearing on the Senator's point. He said that at times Judge Carswell showed irritation, but the irritation arose when these lawyers continued to persist in raising questions on legal points upon which he had ruled.

Lawyers know that is a common occurrence particularly by very aggressive lawyers before the court.

I have practiced in the Federal district courts and before the circuit courts of appeals. I have observed judges who seemed to be discourteous to lawyers, to district attorneys, and officers of the court, but they were not actually discourteous but strict judges.

I considered after reading the evidence, that the charges have slight weight as bearing upon his judicial temperament. One would have to strain at the record in this case to find a reason to attack Judge Carswell's judicial temperament and, as I have said, his integrity.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, will the Senator yield to me, on our time?

Mr. COOPER. Yes. I yield.

Mr. TYDINGS. I would like to ask the Senator from Kentucky, since he mentioned the American Bar Association committee, whether or not he was present in the Chamber about a week and a half ago when three of us, including the Senator from Massachusetts (Mr. BROOKE) and the Senator from Maryland (Mr. MATHIAS), engaged in a colloquy about the mechanics of the American Bar Association endorsement.

Mr. COOPER. Yes.

Mr. TYDINGS. Was the Senater here?

Mr. COOPER. I was not in the Chamber. I read the RECORD. I would know the procedures even if I had not read it.

Mr. TYDINGS. Does the Senator realize that the American Bar Association Committee, for reasons with which I am not familiar, gave their endorsement or approval not only before reading the record, but before hearing any of the testimony of those who testified in the hearings before the Senate Judiciary Committee? Does the Senator know that?

Mr. COOPER. Yes; I know that, and

then I know that later, after the hearings were concluded, the committee affirmed its first recommendation.

Mr. TYDINGS. Does the Senator know that the full testimony of John Lowenthal, professor of law at Rutgers, who was one of those attorneys involved in civil rights cases before Judge Carswell, was not before the American Bar Association Committee when they gave their original endorsement?

Mr. COOPER. No; I do not know that.

Mr. TYDINGS. Does the Senator know that he asked them for 1 day to make a complete written statement, and they would not even wait for him?

Mr. COOPER. I do not know what occurred between the Bar Association Committee and Mr. Lowenthal. He testified before the Senate committee and I know that it is reported in the hearings that the American Bar Committee interviewed leading lawyers who had practiced before Judge Carswell, and were acquainted with him.

Mr. TYDINGS. Certainly, the leading lawyers, the blue ribbon lawyers in the top law firms. But they did not interview any of the lawyers who had represented poor clients, or black clients, or civil rights clients before Judge Carswell.

How does the Senator account for the fact that we have a telegram here, signed by 35 black lawyers in the State of Florida, two of whom were judges, one a former assistant U.S. attorney, and one a former assistant attorney general of the State of Florida, who stated that they were steadfastly opposed to the Carswell nomination because of his antagonistic attitude toward black and civil rights litigants? What sort of analysis is that of the American Bar Association?

Mr. COOPER. The Senator is challenging their analysis, and I am sure there is some merit to what he says. The committee ought not to make a decision until the records were closed. But the committee did make a second decision confirming its first recommendation. Does the Senator know whether any of the lawyers he has referred to tried cases before Judge Carswell?

Mr. TYDINGS. I have statements in here from seven Florida lawyers who tried cases before him, and from two who are now judges.

Mr. COOPER. How many?

Mr. TYDINGS. Seven. The point is, the American Bar Association checked with the top lawyers of the top firms who appeared before Judge Carswell, without any type of examination in depth, and once the ABA Committee was on record, without having heard the testimony, they did not have enough courage to reverse themselves.

Does the distinguished Senator realize that in the Florida State law school in Judge Carswell's own hometown, a majority of the full-time faculty said he was unfit to go on the Supreme Court? How could the American Bar Association ignore the law school in his own hometown?

Mr. COOPER. The Senator will have to address his question to the American Bar Association.

Mr. TYDINGS. I was just pointing out that the American Bar Association endorsement, does not have much weight, because of the manner in which it was derived.

Mr. COOPER. As the committee was required to give an opinion as to his competence, his integrity and his judicial temperament, does the Senator say that they were dishonest in what they said about him?

Mr. TYDINGS. I say that their judgment was poor, that their examination was incomplete, and that they could not possibly render a fair decision, without examining the facts and interviewing counsel who appeared before him, other than a few lawyers from the top law firms.

As the distinguished Senator well knows, having been a judge and a practicing lawyer himself, in every community there are certain lawyers who are, generally speaking, at the top of the bar association social echelon.

But when you consider a man for the the Supreme Court, you ought to consider more than just the word of one or two lawyers or one or two judges who sit with him. How is it that the American Bar Association Committee did not even bother to interview Judge Tuttle, the former chief judge of his circuit? Why did they not call him before their committee when they reviewed their decision?

Mr. COOPER. I do not know. Perhaps they——

Mr. TYDINGS. I mean, he is the distinguished former chief judge of the circuit, a distinguished former chairman of the Georgia State Republican Committee, a fair man. How is it they did not call on Judge Wisdom?

Mr. COOPER. As to the Senator's rhetorical questions, let me say this, and I can make my case: The Senator can ask why did they not call X, Y, and Z from now until 1 o'clock, but the record shows that the American Bar Association Committee did—now, listen to me, please, because it is in the record—that its members did inquire of lawyers in Florida who practiced before him and knew his record. In addition, there are a number of statements in this record written by lawyers saying that they have been in his court when civil rights cases were being tried, and they found him unbiased and fair toward clients and litigants.

Let me finish please. Furthermore—Judge Carswell's opponents did not comment in their speeches in the Senate on the full record. I believe in fairness that the whole story should be told. There was no comment on the critic's part that Professor Moore, one of the distinguished teachers at Yale Law School, or Professor Ladd, a former dean of the Iowa Law School, had worked with Judge Carswell in the establishment of an integrated law school at Florida State University. Both said he was unprejudiced and unbaised. The Senator did not report this to the Senate.

Mr. TYDINGS. But neither of them had ever tried a case before him.

Mr. COOPER. His critics did not place in the Record the full facts, and I think they should have.

One further statement, and I shall close. It is my understanding from the Congressional Record—and I do not say these things personally, becasue I respect the judgment and the motivations of the Senator from Maryland and of Senators who oppose Judge Carswell—the Senator from Indiana (Mr. Bayh) had written the president of the Florida Bar Association, Mr. Mark——

Mr. TYDINGS. Mr. Hulsey.

Mr. COOPER. Mark Hulsey, Jr., a man the Senator from Maryland said was one of the finest lawyers in this country.

Mr. TYDINGS. He is; and he is a personal friend of mine.

Mr. COOPER. And asked Mr. Hulsey to comment on the various civil rights cases that Judge Carswell had tried, and upon his judicial temperament. The Senator from Indiana did not put the response of his inquiry in the Record.

Mr. TYDINGS. The testimony of Mr. Hulsey is to be found right here in the hearings transcript.

Mr. COOPER. Oh, his testimony is in the hearings, but the Senator from Indiana who had written Mr. Hulsey, did not place the answer in the Record.

Mr. President, I ask unanimous consent that Mr. Hulsey's reply of February 17, to Senator Bayh, which had previously been placed in the Congressional Record by the distinguished senior Senator from Florida (Mr. Hollings) be included in the Record at this point.

There being no objection, the reply was ordered to be printed in the Record, as follows:

The Florida Bar,
Office of the President,
Jacksonville, Fla., February 17, 1970.

Re nomination of Judges G. Harrold Carswell for Associate Justice of the U.S. Supreme Court.

Hon. Birch Bayh,
U.S. Senator,
Washington, D.C.

Dear Birch: I regret that an unexpected travel schedule has prevented an earlier reply to your letter of February 3, 1970.

You have asked for my rebuttal on the statement made on behalf of the National Conference of Black Lawyers and the testimony of Professor William Van Alstyne. While it is now probably moot, I hope it will give you cause to reflect again on the entire subject and vote to confirm Judge Carswell when the matter is considered by the full Senate.

As I indicated to you earlier, it is certainly ironic that Judge Carswell is charged with being a racist. My experience with him and his reputation in the Northern District of Florida are just to the contrary.

The statment made by the National Conference of Black Lawyers is replete with mistaken assumptions and premises. It argues rather than states facts. Understandably, the National Conference would have difficulty in being objective.

The testimony of Professor Van Alstyne is a different matter. His credentials are impressive. Conspicuous by its absence is his lack of trial practice. Professors are qualified to critique. Appellate decisions but it takes the trial lawyer to evaluate the trial Judge. Professor Van Alstyne expected your committee to give his criticism of Judge Carswell greater weight because he supported Judge Haynsworth. Apparently, he did not appreciate the difference between the atmosphere in the trial arena and the serene Appellate Court.

No useful purpose will be served by a complete rehash of the various causes cited. In passing, however, I will comment on them:

1. *Due* v. *Tallahassee*. The real issue in this

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case was when is a summary judgment proper and also what states grounds for relief under the Civil Rights Act.

2. *Singleton* v. *Board.* This mootness issue was scarcely raised below. The issue boiled down to credibility. A trial judge who saw the parties thought one way, the Appellate Court disagreed.

3. *Dawkins* v. *Green.* The District Court found there was no material issue of fact to be resolved and granted summary judgment. The Circuit Court disagreed.

4. *Steele* v. *Board.* This case was remanded because of a new decision, *U.S. and Linda Stout* v. *Jefferson County Board of Education,* rendered by the Fifth Circuit *after* the District Court Order.

5. *Augustus* v. *Board.* The Fifth Circuit Court of Appeals held it was error to grant a motion to strike the allegations relating to the assignment of teachers, principals and other school personnel because this was not a matter that had "no possible relation to the controversy". The Circuit Court also stated that:

"In the exercise of its discretion, however, the district court may well decide to postpone the consideration and determination of that question until the desegregation of the pupils has either been accomplished or has made substantial progress."

Thus, it appears that the Circuit Court recognized that the issue of assignment of school personnel was not one that must be decided immediately, it was only an issue that must not be disposed of by a motion to strike.

Professor Van Alstyne did mention the *Brooks* and *Pinkney* cases as being favorable to civil rights plaintiffs. Other civil rights cases where the Judge's action was sustained include:

Robinson v. Coopwood, 415 F. 2d 1377 (1969).

Baxter v. Parker, 281 F. Supp. (1968).

Steele v. Taft (July 19, 1965).

Ball v. Yarborough, 281 F. 2d 789.

Knowles v. Board of Instruction of Leon County, 405 F. 2d 1206.

Presley v. City of Monticello, 395 F. 2d 675.

Professor Van Alstyne said he did not know Judge Carswell. Perhaps if he had known him in Tallahassee, had heard him cursed, had listened to the harassing telephone calls and practiced law in his Court, he would not have been so quick to condemn him.

I appreciate very much your asking for my comment. Please call on me again if I may be of service to you.

Sincerely yours,

MARK HULSEY, Jr.

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Mr. TYDINGS. The Senator from Maryland introduced Mr. Hulsey to the committee.

Mr. COOPER. I close by saying that in my view, the complete record, and these cases do not support the critical statements that have been made by the opposition, statements which have been repeated in the news media, and they had the right to repeat them, and use them in editorials.

Mr. TYDINGS. Will the Senator yield for one further question?

Mr. COOPER. I yield.

Mr. TYDINGS. I would like to ask the Senator another question.

If the Senator had been a member of the Committee on the Judiciary, and had been initially predisposed to be neutral——

Mr. COOPER. I have been neutral.

Mr. TYDINGS. Had he had a personal friend of his who was the president of the Florida bar, whom he introduced, as I introduced Mr. Hulsey, and that friend testified in favor of Mr. Carswell, and then late one afternoon the Senator had had a young lawyer working for the Department of Justice come down to see him and give him the following set of facts, I ask the Senator whether he could maintain that neutral position.

This was the situation: I had never heard of the young lawyer, and had never set eyes on him. He was a graduate of a major law school in the East. As a matter of fact, he was on the board of editors of that school's law review.

While awaiting the bar examination results, he served as a law clerk to various lawyers who were serving in the South on a voluntary basis, generally for 7 days or 2 weeks, to defend voter registration workers who were being arrested for various reasons and who were being harrassed in various areas of some States, including northern Florida.

The young lawyer then proceeded to tell me of his first experience with Judge Carswell. Bear in mind, now, that up to that date I was neutral.

He said that his first case was one involving some seven or eight voter registration workers who were engaged in registering black sharecroppers in the vicinity of Tallahassee. Of the group, a majority were Floridians and blacks.

The particular case in issue involved a farm, unposted, located on a public road. The aunt of one of the registration volunteers lived on the farm. The voter registration workers went on the farm, endeavoring to register the black sharecroppers——

Mr. COOPER. Is this case not in the record?

Mr. TYDINGS. Some of it, but not the circumstances involved. What I want to get across to the Senator is the fact that this Justice Department man, risking his job, came to me and told me a story. I want to relate it all to the Senator and ask how, after hearing this and then bringing in the witnesses and having them testify, the Senator could, in my position or any other neutral position, not feel that Judge Carswell was completely lacking in judicial temperament.

The story is one that was not unusual in that time period. The manager of the farm accosted the workers and inquired why the young workers were on private property. They said it was not posted. They offered to get off. But they were not allowed to get off. They were arrested.

When they went before the local court, the local court refused to permit them out-of-State counsel. Finally, they were thrown into jail, where their physical well-being was threatened.

The young law clerk, Mr. Knopf, worked some 12 or 14 hours on a writ of habeas corpus petition to get them their just due—namely, to get them released and brought before Judge Carswell's court.

The Senator knows what a writ of habeas corpus is. If Senator X is being held by somebody improperly, or a Member of the House of Commons has been thrown into the Tower of London improperly or if anyone were incarcerated illegally, each would have the right to file the writ and expect to be released by court order. But that is not what happened in Judge Carswell's court. He turned down that long, well-prepared writ of habeas corpus and told the young man he had to find another special forum. Finally, he found the forum, and when he prepared his paper, he was told it did not have as much material as the original one. Then he was brought into the judge's chambers.

The bar association committee would not wait 1 day to get his statement. What is Mr. Knopf's recollection? The judge was so belligerent, so outspoken in his hostility to voter registration drives and out-of-State lawyers representing the workers, that Mr. Knopf was fearful he was going to be thrown into jail. The judge said, "I'm not going to honor your case. I'm not going to hear you. You don't have a case."

Finally, they prevailed upon him to sign a writ of habeas corpus. And what does the judge do? He immediately remands the case back to the local court, denies them the right of a hearing, denies them a stay pending appeal. When the sheriff releases the workers, he immediately throws them back into jail.

How can any fair-minded lawyer, on the basis of that sort of testimony, stay neutral, I ask the Senator?

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. May I have 2 minutes?

I will answer the rhetorical question. The Senator has painted a very vivid and dramatic picture of wrongdoing. I have read the account in the record. But the Senator does not finish the record. The end of this story is that Judge Carswell granted the relief asked for, and the action was later approved by the courts.

Mr. TYDINGS. That is not the end of it.

Mr. COOPER. It is the end of it.

Mr. TYDINGS. He signed the writ of habeas corpus——

Mr. COOPER. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, a point of order. Will the Chair inform me who has the floor?

Mr. COOPER. I yield to the Senator from Tennessee. I know other Senators wish to speak.

I have studied the Senator's rhetorical questions, and they are in the record. People have hung on these statements—some hearsay, some of them contradicted—as reasons for being against this nominee.

Mr. HRUSKA. Mr. President, I yield 3 additional minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BAKER. Mr. President, do I correctly understand that the Senator from Kentucky has yielded to the Senator from Tennessee?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. COOPER. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky for yielding so that I may do two things.

First, I wish to praise him for an eloquent statement in defense of the nomination of Judge Carswell to the Supreme

Court of the United States, and to point out that it is more than just the ordinary observations of any of us who are peers in this group on a Presidential nomination. The statement comes from one who, as the Senator from Maryland has pointed out, is universally respected in this body, who has been a distinguished attorney in the Commonwealth of Kentucky, who has been a jurist of that State and an active trial judge, who has been in the forefront of Republicanism in the South, in Kentucky, and in surrounding States and areas, and who was educated in the East, who has a wide vision of all the issues that confront this troubled Nation and have confronted it since virtually after the close of the Civil War.

I commend him on his scholarly approach to his determination of how his vote will be cast on this issue.

Then I observe, Mr. President, that in the last 20 minutes or so prior to my putting this point of order, it has been impossible for me to tell who had the floor and to determine whether or not the debate was on this record or upon representations allegedly made to the Senator from Maryland. I do not know.

I make a second point: I was in the vanguard, in the forefront, of those who opposed the nomination of Justice Fortas to become Chief Justice of the United States. I stood on this floor long hours and long days opposing that nomination on the ground of the Justice's insensitivity to financial matters, to the canons of legal ethics, to his judicial career, pointing out the inadequacy, in my view, of the observations of the American Bar Association about Justice Fortas. I must comment, in closing, that I do not recall that the Senator from Maryland had any such caustic and critical remarks to make about the American Bar Association's review procedures at the time we were trying to prevent the nomination of Justice Fortas. I ask only for equal treatment at this time.

I thank the Senator from Kentucky for yielding.

Mr. COOPER. I want to say, as I said before, that my judgment is based on the record.

Before I close, I would like to say that as a border State representative, and as one who before he came here was a lawyer and a judge in a small community, that we dealt with civil rights matters before they became urgent throughout the country.

I am very glad that throughout those years I have voted and have done everything I could to insure the equal rights of all our citizens before I came to the Senate and during my service here. But I do not want to be biased or prejudiced against another man against the nominee unless there is cause for such bias. I have not found it in the facts in the record. I yield the floor.

Mr. CRANSTON. I yield 1 minute to the Senator from Maryland.

Mr. TYDINGS. Mr. President, first on the point raised by the Senator from Tennessee with respect to whether or not I was critical of the American Bar Association review of the Fortas nomination, the Senator will see in the RECORD that several evenings ago, in a colloquy with Senator COOPER, I pointed out that I think the American Bar Association's procedures in respect to Judge Fortas' nomination were as weak as they were with respect to the Carswell nomination. I do not think the American Bar Association should endorse candidates for the Supreme Court of the United States unless they perfect their procedures so that they examine completely the record of the nominees in the same manner in which they examine the records of nominees for the district and circuit courts.

Mr. BAKER. If the Senator will yield, since he made particular reference to me, I will comment that I agree with him. I think the American Bar Association has not done an especially good job in reviewing this nomination.

My point is that at the time of the Fortas nomination—not in this debate, but at the time of the Fortas debate—I heard no such criticism of the American Bar Association by so many who supported Justice Fortas, including the distinguished Senator from Maryland.

Mr. TYDINGS. I might add, we were never able to vote on Mr. Justice Fortas because the filibuster was successful.

Mr. BAKER. I must point out that we debated the issue for 22 days.

Mr. TYDINGS. Yes, we debated.

Mr. BAKER. So there was no shortage of time to have brought up that point.

Mr. TYDINGS. As to the point made by the distinguished Senator from Kentucky (Mr. COOPER), let me say that my quarrel with the conduct of Judge Carswell was his refusal, at the time Judge Carswell finally signed the writ of habeas corpus, to allow these young men, these workers, to be released from jail. Instead, he immediately remanded the case to the State court at once on his own motion, without any request from the State, without notice, without a hearing, and without granting a stay pending an appeal. He remanded it at once, so that the sheriff could arrest the young men and put them right back in jail. He denied them even the right to a hearing on the issue of the remand. That is what is so patently unfair and, in my judgment, so biased and prejudiced.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum with the time to be taken out of both sides equally.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLOTT. Mr. President, a roll call of members of the Supreme Court who have distinguished themselves on the bench would show that many were the subject of attack when nominated to compare with that launched against the nomination of George Harrold Carswell to be a Justice of the U.S. Supreme Court.

My remarks will be directed to two of these objections as to his qualifications.

The first is that in a portion of a speech which he gave about 21 years ago, while running as a candidate for the Georgia State Legislature, he is quoted as stating that segregation of the races is proper. On this point, Judge Carswell has already stated specifically that he renounces the words themselves, and the thoughts they represent, as abhorrent.

Another basis for opposition is that he is not of that greatness of stature required of a Supreme Court Justice, and that his opinion writing is "pedestrian."

Such objections are not new in our history. Many nominees with such a background have served with distinction and honor, and have made important contributions to the Court's history and development.

A notable example is John Marshall Harlan, who sat on the Court from 1877 to 1911. He was the object of an attack on his integrity which parallels that made on Judge Carswell. As a younger man, Harlan had been a slaveholder, an opponent of the Emancipation Proclamation, a bitter foe of the Civil War Amendments and a severe critic of Federal civil rights legislation. In running for Congress in 1859, at the age of 26, Harlan campaigned as a devoted defender of property rights in slaves, supported the Dred Scott decision, and expressed the view that Congress had the authority and should pass laws for the protection of slave owners in the territories. In 1863, at the age of 30, Harlan ran for Attorney General of the State of Kentucky on a platform which included the defense of slavery. As Attorney General of the State, he took positions which reflected his convictions and political views about Negroes. Harlan was, moreover, violently opposed to the 13th amendment and urged his State not to ratify it.

However, beginning in 1871, at the age of 38, Harlan began to change his political views. About this time, he moved from the Democratic Party to the Republican Party, becoming that party's candidate for Governor. In his campaign, he championed the war amendments whose ratification he had once opposed, and gave his support to Negro civil rights. Because of this shift in views, Harlan came under fire from his former democratic associates who branded him as a "political weathercock," and charged that he was advocating "social equality" between whites and Negroes. Harlan denied this charge during the campaign, asserting that "social equality can never exist between the two races in Kentucky." He said that while he favored full legal equality of Negroes with whites, distinctions had to be drawn. In this connection, he expressed the view that in the public schools it was obviously "right and proper" to keep "white and blacks separate."

In 1877, President Hayes looked for a successor to Justice David Davis who had resigned from the Court to become U.S. Senator from Illinois. Hayes, determined to appoint a "southern man," selected Harlan and sent his name to the Senate. In the hearings on his suitability, it was said that a man who opposed all the late constitutional amendments would be dangerous to trust on the Bench. It was also claimed that Harlan was a political opportunist, and there were other allegations challenging his integrity. The Senate Judiciary Committee was troubled as to whether Harlan's prior statements would impair his fidelity to the war amendments and the Reconstruction Acts of Congress. Finally, after his nomination had remained in committee for 41 days, it was reported favorably, and Harlan was confirmed by the Senate.[1]

This was the same Harlan who dissented from the "separate but equal" doctrine established in *Plessy* v. *Ferguson,* 163 U.S. 537 (1896), and it was this dissent which the Supreme Court, in effect, adopted in 1954 in the school segregation cases—particularly the Brown against Board of Education case.

Speaking in 1896, Justice Harlan said:

> Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. . . . The arbitrary separation of citizens on the basis of race . . . is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds. (163 U.S. at 559, 562.)

As has been pointed out in the debate, the nomination of John J. Parker to the Supreme Court in 1930 also involved an incident such as has been raised respecting Judge Carswell's nomination.

There were, it may be recalled, two main objections to Judge Parker's appointment. One is better known—his so-called "red jacket" or "yellow dog" contract decision, from which it was claimed that he betrayed a judicial bias in favor of powerful corporations and against union organization. The other principal objection to him came from the National Association for the Advancement of Colored People. It was alleged that when Judge Parker ran for Governor of North Carolina in 1920, he said:

> The participation of the Negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina.[2]

Walter White, for the NAACP, declared that Judge Parker's statement was an "open, shameless flouting of the 14th and 15th amendments of the Federal Constitution," and that no man who entertained such ideas "is fitted to occupy a place on the bench of the United States Supreme Court."[3]

The Senate Judiciary Committee reported the nomination adversely. The Senate, after lengthy debate, voted against confirmation, 41 to 39. In this case, the Negro opposition was based on a single speech made by Judge Parker when he was about 30 years old in the midst of a political campaign conducted about 10 years prior to the nomination. As the Senate debates showed such opposition was well organized, 72 Cong. Rec. 8337–8339 (May 5, 1930)—as it has been here. Here, as in the case of Judge Haynsworth, there has been a well organized campaign to smear and besmirch the character and integrity of a man. Although Judge Parker went to great lengths to show that he never intended to deny the individual Negro any of his civil rights, and that his statement, taken out of context, had been grossly misinterpreted, apparently this single incident was enough to swing a few crucial votes against him, losing the confirmation.

If there was any single decision respecting a nomination to the Supreme Court which the Senate was later to regret, it was its rejection of Judge Parker. For years thereafter, he continued to serve with highest distinction as chief judge of the Court of Appeals for the Fourth Circuit. In many cases, he defended justly and impartially the black man's rights as the Constitution and the laws of Congress intended. I do not think that this body would want to repeat the grievous mistake which it made 40 years ago. A similar injustice would have deprived the Nation of the distinguished services of John Marshall Harlan.

I believe that this body has recently made a mistake comparable to the rejection of Judge Parker; and I am referring to the nomination of Judge Clement Haynsworth.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **HRUSKA.** Mr. President, I yield 3 additional minutes to the Senator from Colorado.

Mr. **ALLOTT.** Mr. President, another major objection to Judge Carswell's nomination to the Supreme Court is that his opinions do not reflect sufficient legal scholarship and insight to suggest that he is qualified to sit on the Court—in short, that his opinions are too "pedestrian," and that he displays no great talent for expounding the law.

Mr. President, I want to say this about "pedestrian" opinions and about court opinions. I certainly would not, if I were a judge, feel in the least downgraded if the Supreme Court, as it has been constituted in the last 10 years, reversed me many times.

I have seen Senators stand on the floor of the Senate, and I have read magazine and news editorials from people who have no legal background, but who talk about the mediocrity of this man's decisions and talk about the pedestrian quality of his ability.

No one is better qualified to evaluate a judge's ability than are the judges with whom he sits or the great preponderance of the lawyers who appear before him.

It is not difficult to find a dissatisfied lawyer who has lost a case and is willing to say anything about the judge who tried it. So, the remarks made on the floor a while ago about the dissatisfied lawyers who have appeared before him carry no weight with this lawyer who practiced law for 25 years before he came to the U.S. Senate. I know courts and I know lawyers and I know the great emotion that can arise from these conflicts.

Some seem to think that ability depends more upon flowery language than upon clear thought and the ability to analyze the Constitution and to analyze the precedents—an ability which has unfortunately been lost in the Supreme Court in the last 10 years.

All of these qualities go to make a great Justice of the Supreme Court.

> Greatness in the law is not a standardized quality, nor are the elements that combine it.

Some judges may excel in analysis; some in a view forcefully expressed over a long period on the bench; some may speak with brilliance; some may reflect special experience in a given field; some may write incisively and with unusual clarity; as Chief Justice Fuller described Justice Lamar's contributions, some are "especially valuable at the conference table"; and some, like Chief Justice Taft, may leave their mark in modernizing the judicial machinery.

Further, there is a tremendous diversity in writing style, not only among the nine Justices in any one term but in the marked changes displayed by their opinions over a period of years. There are a few exceptions to be sure—such as those opinions written by Cardozo, Holmes, or Frankfurter, but these are rare, by no means true of the vast majority of Justices whose performance has also been rated highly in retrospect.

Significantly, no one has suggested that Judge Carswell shirks his work, or that he lacks industry or that his opinions are unclear. These are exceedingly important attributes of a Justice on the Court.

Rather it is said that his opinions lack the luster, the literary polish, perhaps the scholarly analysis which mark the writing of some judges.

Here again, history demonstrates how unfair such an objection can be.

One case that comes to mind, in particular, is David Davis, who was nominated to the Supreme Court by President Lincoln in 1862. Davis had played an important role in Lincoln's campaign strategy in 1860, and remained close at hand as his adviser. His appointment was viewed as a reward for his service. Davis was a modest man, however, and harbored doubts about his fitness for the Supreme Court Bench. On his arrival in Washington, he admitted to his wife:

> Writing opinions will come hard to me. I don't write with facility.[4]

Yet in a few years, it was Davis who was to write the landmark decision for a unanimous Court in Ex Parte Milligan, 4 Wall. 2 (1866), that even in wartime Congress lacked the power to provide military trials for civilians in areas where the civil courts were still func-

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[1] See, Document, *The Appointment of Mr. Justice Harlan,* 29 Ind. L. J. 46 (1953); Westin, *John Marshall Harlan and the Constitutional Rights of Negroes: The Transformation of a Southerner,* 66 Yale L. J. 637 (1957).

[2] Harris, *The Advice and Consent of the Senate* (1953), p. 129.

[3] *Ibid.*

[4] *The Justices of the United States Supreme Court* (Friedman & Israel, Editors), Vol. II, p. 1048 (1969).

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tioning. In this decision Justice Davis wrote (4 Wall. at 120–121):

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Now it may be granted that some legal scholars might describe this unadorned language as "pedestrian"; others, on the other hand, might view the same language as undeniably forceful. But for a man who did not write with facility, this was the kind of blunt language that marked out plainly the rights of our citizens, in war and in peace, when the constitutional guarantees of indictment and jury trial were involved.

Another example may be cited. It is Morrison R. Waite, seventh Chief Justice of the United States. It has been said of him:

> Most agree on the 'mediocrity' of his talents, his commonplace style of expression, and his limited legal experience.[5]

Yet, it is also said that "this quiet, dutiful Justice, who drew up more than a thousand opinions in 14 years on the Court, may have created a body of law with deeper ultimate effects than that of more spectacular incumbents whose views and personalities have taken the fancy of publicists and reformers from time to time." Ibid. It was this Justice—who had been dubbed with "mediocrity"—that Harlan Fiske Stone later described as "the greatest Chief Justice after Taney." Ibid. Now what were the qualities he displayed in his writing? Merely "clarity, succinctness and directness." Id., 1244. We could use other Justices of this caliber on the Court today so that those who read an opinion can readily understand what it means.

So, too, speaking of Justice Brewer, who served on the Court from 1890–1910, it has been said that "the literary caliber of his writings was often pedestrian and the ideas conventional, but the sheer stream of output" placed "his productivity somewhere near the top of Supreme Court Justices."[6] It was Justice Brewer's opinion for a unanimous Court in 1895 in the *Debs* case (158 U.S. 564) that laid down principles that still control in protecting the public against the obstruction of interstate commerce and the free passage of the U.S. mails.

On the basis of these precedents, I challenge Senators to predict with any assurance what history will record as a "pedestrian" opinion. We need only take stock of our own manner of speaking and writing to realize that there is no one way to expound a position—and this is as true in this Chamber as it is in the courtroom. Flowery language may have its place. It is no prerequisite to sound judicial thought and decision.

Many other cases may be cited to prove the point that objections such as I have just discussed respecting Judge Carswell's fitness for the position of Justice are wholly unworthy of our consideration.

Finally, I may recall Justice Holmes' opening passage in his great work, The Common Law, where he said:

> The life of the law has not been logic; it has been experience.

So, too, as we in this Senate body now prepare to vote on Judge Carswell's nomination, we will do well to consider the Nation's long experience with other Justices whose decisions are now the law of the land. On the basis of this experience, we may properly cast our vote in favor of Judge Carswell's nomination.

Mr. President, I urge the Senate not to make the mistake that has already been made once in the last year, not to make the mistake that was made with Justice Parker, but to confirm Judge Carswell, who, I think, will make an outstanding Justice without any of the prejudices that some Senators on the floor of the Senate and the people in the news media and other places have attributed to him. He will make a great Justice.

Mr. HRUSKA. Mr. President, I believe that more time remains on the other side. I suggest that perhaps some time might be taken at this time by the opponents.

Mr. BAYH. Mr. President, I yield 3 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, as we come to the close of this debate, one thing we know very well, and that is that the arguments which have been made from the highest quarters that the Senate's responsibility are somewhat less than that of the President, have fallen on deaf ears, because in the debate they stated that the merits of Judge Carswell are made on this record and made with reference to the segregationist speech in 1948, but that he has the ability to rate a Supreme Court judgeship.

I deeply felt that when this question was raised by the President in his letter to the Senator from Ohio (Mr. SAXBE) and by our minority leader who quite properly desired to make every argument that he thought was pertinent on his side of the case that what should be our responsibility under the Constittuion and under the prerogative of the Senate was being attacked.

I think this is critically important to the future of our country. The fact is that we do have a right, in my judgment, to judge the capacity of Judge Carswell.

At the very least, in my judgment, the defense does not try to tell us anything about the fact that he is a judge of unusual ability. They tell us that he may turn out to be a judge like Justice Black. However, I do not think we ought to be called upon to do this on the basis of a record supported so very completely by legal scholars and judges, by liberal as well as conservative members of the bar.

To me, the most single impressive piece of evidence of this question of competence, quite apart from the other issue which has been raised, is the eloquent and moving statement of Bruce Bromley, Samuel I. Rosenman, Francis Plimpton, and Bathuel Webster, of the New York bar—four of the most eminent lawyers in the country—backed by 450 distinguished lawyers and the heads of law schools of the United States.

They say in their statement:

> We believe that, in the exercise of that duty, the Senate should confirm an appointment to the Supreme Court only if the nominee is of outstanding competence and superior ability. Judge Carswell does not, in our opinion, meet that test.

That seems to me to be ample basis for any Senator of the United States to vote against confirmation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield 1 additional minute to the Senator from New York.

Mr. JAVITS. Mr. President, this is a great aspect of the making of a President, as far as the President of my party is concerned. If this nomination is turned down, it will be the second of the two nominations for the same position which will have been rejected.

The fact that this is not any retaliatory activity on our part is made very clear by the way we acted on the nomination of Justice Burger.

We have the right to consider every nomination that is sent to us until we get one that is worthy of being a Supreme Court Justice.

It is my judgment that that kind of action on the part of the Senate will make a better President. Also, the Senate will have asserted its constitutional authority and its prerogative.

For that reason, I hope that the Senate will reject the nomination.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, if I were to vote "aye" for the confirmation of Judge Carswell as an Associate Justice of the Supreme Court, it would go against the grain of many things that I have worked and fought for throughout my lifetime.

When we consider a man's qualification to assume this high office. It has been said that if a man does not have compassion by the age of 21 and if a man does not have wisdom by the age of 50, there is not much hope. This must be especially true when we consider a man's qualification to assume this high office.

I think that in this case it is our responsibility to look deeply into the life of the man who is a nominee of the President and determine whether in our individual judgment we can see fit to confirm his nomination to the Supreme Court.

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[5] *The Justices of the United States Supreme Court, supra*, p. 1243.

[6] *Id.*, at p. 1520.

Justice Brewer, writing in his best "Pedestrian" style, said in the *Debs* case (158 U.S. at 598–599):

> A most earnest and eloquent appeal was made to us in eulogy of the heroic spirit of those who threw up their employment, and gave up their means of earning a livelihood, not in defence of their own rights, but in sympathy for and to assist others whom they believed to be wronged. We yield to none in our admiration of any act of heroism or self-sacrifice, but we may be permitted to add that it is a lesson which cannot be learned too soon or too thoroughly that under this government of and by the people the means of redress of all wrongs are through the courts and at the ballot box, and that no wrong, real or fancied, carries with it legal warrant to invite as a means of redress the cooperation of a mob, with its accompanyings acts of violence.

Mr. President, first of all, I simply cannot lightly dismiss the speech that was given on August 13, 1948, by G. Harrold Carswell. I simply cannot dismiss this speech as the rash words of a young man because I think at the age of 28 it is time we be held accountable for our thoughts and words. After all, G. Harrold Carswell by that date had served in the U.S. Navy leaving the service as a lieutenant senior grade. He had returned to his home, he was a practicing lawyer, he was married, and he was the head of his family. He had had the opportunity in the Navy to see that men must fight and die together, whether they be black or whether they be white, side by side, when fighting for the freedom of all of our people. He had worked under an Executive order issued by the President of the United States to remove discrimination in the armed services.

Yet, he went back to his home community apparently feeling that it was all right for men in the Navy to fight and die together, black and white, but it apparently was not all right to go back home and work together and have equal opportunity for gainful employment. To fight for freedom for all the people was all right, but to fight for the right to have a job and to have equal employment opportunities apparently was not all right. Because in his speech of August 13, 1948, at the age of 28, when he was a candidate for the State legislature of the State of Georgia, G. Harrold Carswell looked upon equal opportunities in this way: he considered a fair employment practices commission a "foolish measure," not to be tolerated by him as a candidate for the State legislature; he considered civil rights programs as "civil wrongs programs," and he said that he would yield to no man in white supremacy, and that he "shall always be so governed."

Let me quote some of his exact words from the speech that he gave to the American Legion and that he caused to be reprinted in a Georgia newspaper:

> Foremost among the raging controversies in America today is the great crisis over the so-called Civil Rights Program. Better be called, "Civil-Wrongs Program."
>
> I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.
>
> If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limits of my ability.
>
> I yield to no man as a fellow candidate, or as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

Mr. President, if this speech had been given with the same sentiments expressed about the Jews, or about the Catholics, or about Protestants, there is no question in my mind that the Department of Justice, if they had known of the speech never would have dared to put forward this G. Harrold Carswell name as a nominee for the Supreme Court. Yet those words were said about blacks, about Negroes. The Attorney General said that it is unfortunate that because of it Judge Carswell is criticized. The Attorney General excused this speech because of its being given in the heat of a political campaign. I think it was unfortunate the speech was ever given. I think it is unfortunate that the Justice Department in its research on this nominee did not discover the speech. I think it unfortunate we could ever take so cynical an attitude that we could excuse anything that is said because it is said in the heat of a political campaign. A political campaign is the forum where potential public servants are saying what they stand for and believe in, and by what standard they will be judged. Judge Carswell just simply cannot duck the impact of those words. I simply cannot forget them, as much as I have tried. Millions of Americans will never be able to forget them, and they will look, of course, at his words, actions, and decisions to see whether or not in the intervening years his has repudiated these racist sentiments.

It would have been a much different story if we could have found words by which he denounced what he had said before or by his subsequent pattern of actions he clearly showed he has renounced what he once held so dearly. But I cannot find such words and I cannot find such a pattern of action until, as a candidate for nomination to the Supreme Court he was confronted with the speech and, of course, then he denounced the speech, as he should have.

I cannot support the nominee because of several other reasons. I cannot support him because of the times in which we are living. I believe we have today a crisis of confidence in American institutions, and our first order of priority at every level of government should be to restore confidence in the established great institutions of this country.

If Judge Carswell were confirmed I think it would not contribute to confidence in our institutions. The extremists are saying that the system is not working, that the institutions are stacked and rigged, and that you do not have a chance if you are black, or underprivileged if you are not backed by powerful and well financed interests.

If we were to put a man with this stain on his record on the Supreme Court, we simply hand a hatchet to those extremists who are trying to wreck the system, a hatchet which undercuts the ground of those who have begged and pleaded with minorities all over the country to have faith in the system and to work with the system, that the system is responsive, fair, and just.

We must understand that the problem of the moderate leadership is to try to convince people to seek justice in the courts and not on the streets. I am fearful that if affirmative action were taken today, we would be adding one more piece of ammunition to those who say the system is not working.

Furthermore, I feel excellence in leadership is required in all three branches of Government—the executive, the legislative, and the judicial. I think there are certain standards that must be established for Associate Justices of the Supreme Court and these include wisdom, compassion, and understanding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, will the Senator yield me 3 additional minutes?

Mr. BAYH. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, these standards include wisdom, compassion, and understanding. The standards must also include, in my judgment, superior scholarship, legal distinction, and adherence to the principle that justice and equality before the law is guaranteed to all Americans. I find Judge Carswell to be deficient in meeting these reasonable and imperative standards.

Lastly, the responsibility of the Senate has been the subject of considerable discussion. It deserves mention here as I explain my position. I think the President has aptly put it when, in a discussion with him about Judge Haynsworth, he said, and rightly so, "A Senator has the responsibility to vote his own conscience and his own judgment."

We have that responsibility, particularly in confirming nominees to a third branch of government, the judiciary. The electorate has control over the executive and the legislative branches of Government. Those two branches through combined efforts appoint and confirm the judiciary in the federal system. We, the President and 100 Senators, have the power to put a man on the Court for life. We must take that power exceedingly seriously. It is in lieu of the votes of tens of millions of citizens whose decisions elect the other two branches. We in the Senate must vote our own conscience and judgment, exercising our judgment in light of all the new information we have which was not available to the Department of Justice or the President at the time of their nomination.

Mr. President, it is not a matter of liberalism or conservatism with me and I am sure it is not with my colleagues who feel as I do. We had no question or problem in confirming Chief Justice Burger and we will not have in the future when someone else is nominated to the Court who does not present to the country and the Senate the problems that this nomination does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, I yield 1 additional minute to the Senator from Illinois.

Mr. PERCY. Mr. President, we must look at the pattern of personal decisions of G. Harrold Carswell, including his Tallahassee golf course decision. In my own birth city of Pensacola, Fla., the preceding year, an order by the court had been issued against it to desegregate the municipal golf course. Following this, various attempts to circumvent or subvert the law were made throughout the South. Yet, G. Harrold Carswell, at a time when he was U.S. attorney, sworn to uphold the Constitution and the law of the land, participated as a shareholder and director in a scheme which would keep segregated the municipal golf course of Tallahassee.

When I look at his decisions as a Federal district judge in voting rights cases, in writ of habeas corpus cases, in school desegregation cases, and the number of reversals he has had time after time, many unanimously, by the court of appeals I can only say thank heaven for the process of appeal and reversal that put justice to work in place of the decisions that were rendered by Judge Carswell.

For these reasons I cannot vote, and it is with great reluctance that I say I cannot vote, to confirm the nomination of Judge Carswell. It is with great reluctance because the Nation can ill afford the Fortas, Haynsworth, Carswell succession; reluctance because the man himself must have suffered in the light of the debate over his nomination; reluctance in opposing the President, the leader of my own party. Yet the final test must always be what a man believes is right in his own judgment and in his own conscience. I have concluded that I cannot vote for Judge Carswell. To do so would be to betray my own convictions.

Mr. BAYH. Mr. President, I yield 3 minutes to the distinguished Senator from Idaho (Mr. Church).

Mr. CHURCH. Mr. President, the Senate is about to pass judgment on the appointment of Judge Carswell to the Supreme Court of the United States. I think it is altogether fitting that we reflect for a moment upon the moving tribute of one of the supreme jurists of our time, Judge Learned Hand, himself a man who did not suffer mediocrities gladly, paid to Mr. Justice Cardozo shortly after Justice Cardozo's death in 1938. Of Cardozo, Judge Hand wrote:

> In all this I have not told you what qualities made it possible for him to find just that compromise between the letter and the spirit that so constantly guided him to safety. I have not told you, because I do not know. It was wisdom: and like most wisdom, his ran beyond the reasons which he gave for it. And what is wisdom—that gift of God which the great prophets of his race exalted? I do not know; like you, I know it when I see it, but I cannot tell of what it is composed. One ingredient I think I do know: the wise man is the detached man. By that I mean more than detached from his grosser interests—his advancement and his gain. Many of us can be that—I dare to believe that most judges can be, and are, I am thinking of something far more subtly interfused. Our convictions, our outlook, the whole makeup of our thinking, which we cannot help bringing up to the decision of every question, is the creature of our past; and into our past have been woven all sorts of frustrated ambitions with their envies, and of hopes of preferment with their corruptions, which, long since forgotten, still determine our conclusions. A wise man is one exempt from the handicap of such a past; he is a runner stripped for the race; he can weigh the conflicting factors of his problem without always finding himself in one scale or the other. Cardozo was such a man; his gentle nature had in it no acquisitiveness; he did not use himself as a measure of value; the secret of his humor—a precious gift that he did not wear upon his sleeve—lay in his ability to get outside of himself, and look back. Yet from this self-effacement came a power greater than the power of him who ruleth a city. He was wise because his spirit was uncontaminated, because he knew no violence, or hatred, or envy, or jealousy, or ill will. I believe that it was this purity that chiefly made him the judge we so much revere; more than his learning, his acuteness, and his fabulous industry. In this America of ours where the passion for publicity is a disease, and where swarms of foolish, tawdry moths dash with rapture into its consuming fire, it was a rare good fortune that brought to such eminence a man so reserved, so unassuming, so retiring, so gracious to high and low, and so serene. He is gone, and while the west is still lighted with his radiance, it is well for us to pause and take count of our own coarser selves. He has a lesson to teach us if we care to stop and learn; a lesson quite at variance with most that we practice, and much that we profess.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Florida (Mr. Holland).

Mr. HOLLAND. Mr. President, as one who, for years in his early political life, supported the poll tax and later saw its inequities and did as much as any American to do away with it, I cannot agree with the Senator from Illinois and others who do not think a young man can, as he gains a little stature, change his mind. I could not be here to try to deceive my brother Senators. I think this young man is a fine young man, a good judge, a clean one, and not a racist.

I note the statement of Mr. Mark Hulsey, president of our bar association, in a very recent letter, in which he states:

> As I indicated to you earlier, it is certainly ironic that Judge Carswell is charged with being a racist. My experience with him and his reputation in the Northern District of Florida are just to the contrary.

Then he goes on to say:

> Professor Van Alstyne said he did not know Judge Carswell. Perhaps if he had known him in Tallahassee, had heard him cursed, had listened to the harassing telephone calls and practiced law in his Court, he would not have been so quick to condemn him.

In addition to Mr. Hulsey, the present president of the Florida State bar, the record shows that the following recent, former presidents of the State bar are actively supporting Judge Carswell, namely: Mr. Marshall Criser, of West Palm Beach; Mr. Delbridge L. Gibbs, of Jacksonville; Mr. Fletcher G. Rush, of Orlando; Mr. J. Lewis Hall, of Tallahassee. Furthermore, the record shows a tremendous endorsement of Judge Carswell by numerous sitting judges in Florida as follows:

First. All members of our Florida State Supreme Court.

Second. All members of the District Court of Appeals for the Northern District of Florida and other individual members of the two other district courts of appeals.

Third. A large number of our circuit judges. I placed in the Record myself the endorsement of Judge Carswell by 38 of our Florida circuit judges and my colleague, Senator Gurney, has placed others in the Record.

Fourth. Both of the sitting Federal district judges of the Northern District of Florida and all six sitting Federal district judges of the Southern District of Florida.

Fifth. Also appearing in the printed Record is the endorsement by the Governor and all six of the statewide elected cabinet members of Florida.

Sixth. The endorsement of 50 sitting Federal district judges in the entire fifth judicial circuit of the Nation, including the six States of Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida, and seven of the retired district judges of that area.

Seventh. The endorsement of the present eminent deans of the law schools of Florida State University at Tallahassee, and of the University of Florida at Gainesville, as well as the endorsement of the eminent former dean of the law school at FSU, Dr. Mason H. Ladd, who was formerly the dean at Iowa State Law School.

Eighth. The endorsement of 11 of the sitting associates of Judge Carswell on the circuit court of appeals.

All of these men whom I have mentioned, most of whom sit in high judicial positions, know Judge Carswell and know him well, just as the two Senators from Florida know him well.

The question which will soon be submitted to the Senate on the confirmation of Judge Carswell will give to all Senators the opportunity to show whether they have confidence in sitting judges and other high officials who know Judge Carswell well and in many instances intimately, and in their brother Senators who are members of the Senate Judiciary Committee and had the chance to see Judge Carswell, hear him, and appraise his answers to their questions.

I am sure, also, the fact that former Gov. Leroy Collins of Florida, who is known throughout the Nation as being anything but a racist, testified as to his support of Judge Carswell and as to his conviction based upon intimate knowledge and association of years with Judge Carswell that Judge Carswell is not a racist.

I note in the record strong statements made by the Senator from Indiana (Mr. Bayh), and the Senator from Maryland (Mr. Tydings), as to their estimate of Governor Collins. I will note them briefly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLAND. I ask for 1 more minute.

Mr. HRUSKA. I yield the Senator from Florida 1 additional minute.

Mr. HOLLAND. Senator Bayh stated:

> I would like to say for the record . . . that of all the public servants I have had the good fortune to become familiar with, I know of no man I respect more than the witness who is presently before us.

Senator Tydings said:

> Gov. Leroy Collins of Florida, in my judgment, is one of the great public servants of this generation. I would like for the record to make that comment for my brother members of this committee . . . "My every experience with Governor Collins has shown me that he is a man of the highest integrity and, a great American."

And Governor Collins says, based on his longtime record, which certainly is not that of a racist, that Judge Carswell is known to him to be not a racist. It will be interesting to see whether my brethren

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from Indiana and Maryland show by their votes their intimate confidence in Governor Collins, as expressed in the record from which I have quoted.

Mr. President, speaking for myself, I simply say that I hope the Senate will, in its judgment, confirm the appointment of Judge Carswell, whom I believe to be eminently qualified and a decent, humane, commonsense American.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, in today's New York Times there appears a letter to the editor written by Francis William O'Brien, professor of constitutional law, of Rockford College.

Mr. O'Brien refers to the criticism against Judge Carswell, and recalls similar criticism in the case of the late Louis Brandeis, nominated by Woodrow Wilson in January 1916 and confirmed after several weeks of debate.

He points out that the New York Sun wrote that Brandeis was "utterly and even ridiculously unfit." The New York press called the nomination "an insult to members of the Supreme Court." A petition signed by 55 Bostonians, including the president of Harvard University, asserted they did not believe Mr. Brandeis had the judicial temperament and capacity which should be required of a judge of the Supreme Court. The American Bar Association charged that the "reputation, character, and professional career" of the nominee proves he is "not a fit person to be a member of the Supreme Court."

Nevertheless, Mr. Justice Brandeis was confirmed by the Senate and served with great distinction for 21 years. I think this is a good time to point this out.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CRITICS OF COURT CHOICE

TO THE EDITOR:

The criticism leveled against Judge Carswell recalls that made against Louis Brandeis, nominated by Woodrow Wilson in January 1916, and confirmed several weeks later after much bitter debate. The New York Sun wrote that Brendeis was "utterly and even ridiculously unfit." The New York Press called the nomination "an insult to members of the Supreme Court." Opposition was also voiced by The Boston Transcript and The New York Times.

Former President Taft, Chief Justice from 1921 to 1930, suffered "a fearful shock" in learning of the Brandeis nomination.

A petition signed by "Fifty-five Bostonians" urged the Senate to reject Brandeis. The distinguished list included A. Lawrence Lowell, President of Harvard, and Charles Francis Adams.

Among other objections, the petitioners asserted that they did not "believe that Mr. Brandeis has the judicial temperament and capacity which should be required in a judge of the Supreme Court" and that his "reputation as a lawyer is such that he has not the confidence of the people."

The American Bar Association lent its lungs to the swelling chorus of dissent. "A painful duty," the lawyers lamented, compelled them to charge that "the reputation, character and professional career" of the nominee proves that he is "not a fit person to be a member of the Supreme Court." Among those who signed this petition were seven past presidents of the Bar Association.

In spite of such formidable opposition, Brandeis won confirmation and served for 21 years on the high tribunal. Many knowledgeable students of the Court would rank him alongside of the two or three most distinguished Justices of this century.

FRANCIS WILLIAM O'BRIEN.

Mr. HATFIELD. Mr. President, in a short time, I shall vote against the nomination of Judge G. Harrold Carswell to the Supreme Court. I do this as a result of my study of the hearing record, my listening to and participation in debate here on the Senate floor, my discussions with my colleagues, and my consultation with others interested in this matter. I also have discussed this in conversations with my constituents in Oregon.

When I sent a message to the President, asking that he withdraw the nomination, I did so in hope that he would avoid this divisive vote today. In my opinion, the Court, and the entire judicial process, suffers as a result of this vote.

As is sometimes the case with matters of great public interest before this body, the particular question—as each of us sees it—gets obscured in rhetoric. Supporters and opponents both fill the air with innuendo, inference, and allusion. When this is viewed by our constituents, the Senate gains nothing in the eyes of the country when it strays from the pertinent points regarding Supreme Court nominations.

Currently, we are in a time unique in our country's history. Questions are being raised regarding our basic institutions, and our judicial system has been subjected to new pressures, with which it was not designed to cope. Recent events in Chicago and New York are evidence of these strains, and we must focus our attention on shoring up our judicial system in all respects.

These unique times require men uniquely qualified for service in the U.S. Supreme Court. Nominees must represent the best that is within our judicial system. Certainly there are conservative judges and strict constructionists who fulfill the requirement of excellence.

In this issue, a central concern should be the Supreme Court as an institution. The old adage, "without purse or sword," means that the Court must stand alone, and that the public is the guardian of its sanctity. The responsibility of the Senate should be to guard against unwarranted attacks on the Court, be they from those who think it too "liberal," or from those who see it as "irrelevant," in the jargon of the far left. We should not give ammunition to those who fault our judicial system.

We should examine a nominee in this light: first, considering only the pertinent questions, and second, not adding to the discord already directed at the Court.

I have said this as a prelude to my comments regarding the Carswell nomination.

I ask unanimous consent that, at that point in my remarks, a copy of my message to the President be printed, for it sets out my basic reasons for opposing the Carswell nomination.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I shall vote yes on the motion to recommit the nomination of Judge Carswell to the Judiciary Committee and I am prepared at this point to vote the nomination up or down.

I write you as one of your early supporters for the Presidential nomination and as one who has remained publicly uncommitted on Judge Carswell. I write also as reflecting my own evaluation of the mood of the Senate and the thinking of many of my close colleagues.

You and I share the common goal of restoring the needed balance to the Supreme Court. We share a common concern about the need to restore confidence in our entire judicial process. I was a strong supporter of Chief Justice Warren Burger and would welcome the nomination of a man of his stature.

I stand ready to support a nominee from any geographical area of the country. Just as every section should be open for consideration for an appointment, so should any nominee represent the best in professional excellence and personal integrity. There are men within the Southern States who represent these composite traits and who do justice to the best and to the future of that region.

As I spoke very recently with my constituents and with many others from throughout the country, I have become more deeply concerned with the crisis of confidence that confronts our governmental process. In all such discussions I continually urge the full utilization of our constitutional and judicial process in seeking the orderly redress of grievances. Yet, the name of G. Harrold Carswell has become a symbol of the despair, distrust, and disillusionment that beguiles our admonitions to work peacefully within our democratic institutions.

You and I share the commitment to promote a national reconciliation between the polarized factions in our land. We can do no better than to give our words the ring of authenticity by granting to our institutions the assurance of complete credibility.

Therefore, I respectfully urge you to withdraw the nomination of G. Harrold Carswell.

Sincerely,

MARK O. HATFIELD.

Mr. HATFIELD. Mr. President, to those who say that Judge Carswell has been victimized, I say only that a judge's reversal rate, compared to that of his fellow judges from his judicial circuit, stands alone, without comment from his supporters or opponents.

To those who say we need a conservative judge on the Court, I merely ask that he be one of the best conservatives in the country. We owe this much to the institution of the Supreme Court.

To those who say that Judge Carswell has no racial prejudices, I ask that they improve on their past demonstrations on this floor to show that he professes the degree of racial tolerance needed on the highest court in the land. I share the sentiments of some of my colleagues that he appears to have shown no demonstrable change from his earlier derogatory statements. We owe this much to those who have relied on unbiased courts for the redress of their grievances.

To those who say that the Senate

would oppose any southerner, I say let us examine the best that the South offers, and not merely consider the present nominee as the best from that geographic area. As I have said earlier, just as any geographical area should be eligible for consideration, so should that nominee represent that which is best from that area. We owe this much to the new, emerging South we all respect.

To those who say this is a partisan issue, and that Republicans always should support the President, I say that the U.S. Supreme Court is not a partisan arm of the Government. It is a coequal branch with this body, the legislative, and with the executive. Partisan politics should not be considered, either in support or opposition of a nominee. We owe this much to our country.

Those in the executive and legislative branches of our Government are involved in decisionmaking for relatively short times, and are subject to periodic review by the electorate. A Supreme Court Justice, however, is appointed for life, and his influence can be far reaching and long lasting.

In conclusion, let me issue a plea to all who follow this matter. This would include the administration, the entire Senate, and the country as a whole.

Let us consider nominees who represent the best in our judicial system. Let us consider men from any philosophical viewpoint and from any geographical area. Let us consider the merits alone, and not enter the rhetoric race. Let us focus instead on the central issue: Is he the best qualified person to sit on the highest court in the land? And how will he affect the stature of the highest court in the land?

As I have stated earlier, the Carswell nomination has become a symbol of the despair, distrust, and disillusionment that beguiles our admonitions to work peacefully within our democratic institutions. The Supreme Court symbolizes the hope of justice through due process of law. It is the embodiment of the trust which our Nation places in the effectiveness of our judicial system. It must symbolize to all Americans, therefore, the highest and the very best that our democratic system has to offer. It deserves unmatched excellence in its nominees. If our judicial system is to be worthy of the respect and support which is essential for it to function, then it must be led by those individuals who can best represent these ideals. It is the responsibility of this body to insure that our courts are worthy of such faith.

Mr. MATHIAS. Mr. President, the Republican Party has contributed to the quality of service on the Supreme Court through respected men, such as William Howard Taft, Charles Evans Hughes, and Oliver Wendell Holmes. The State of Maryland has contributed to the quality of service on the Supreme Court through respected men such as Thomas Johnson and Roger Brooke Taney. The excellence to which these men aspired and, in large measure attained, must, of necessity, be a benchmark in considering appointments to the Supreme Court. To acquiesce in a lesser standard of quality would be unfaithful to the present, unfair to the future, and a reproach to the past.

In the current debate there has been some question as to the constitutional limit of senatorial discretion in the confirmation of Justices to the Supreme Court. Alexander Hamilton commented on this question in the Federalist No. 76 when he said:

> To what purpose then require the cooperation of the Senate? I answer that the necessity of their concurrence would have a powerful, though in general a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to preventing the appointment of unfit characters.

Thereafter enumerating the possible reasons by which a President might be tempted to make an unsuitable appointment. It is notable that throughout most of the 20th century the Senate's exercise of its duty of confirmation has been, as Hamilton predicted, "a silent operation." On only 13 previous occasions in this century has there been enough controversy to require a rollcall vote in the Senate on appointments to the Supreme Court and on only two of those occasions has the nominee been rejected. I wish with all my heart that in the instant case the Senate could passively concur and that this would be "a silent operation." The nature of the case and the nature of the times will not permit the Senate to be silent and it should not be silent.

To the President the Constitution gives the power of nomination. To the President and the Senate, it gives the power of appointment. Between nomination and appointment lies the key phrase, advice and consent. The Senate, basing its response on investigation and debate, shall give its advice on the nominee and shall consent—or withhold the same—to the appointment.

The Senate is thus forced to address itself to that quality of the nomination which Alexander Hamilton has characterized as "fitness."

As I observed in the report of the Senate Judiciary Committee on the nomination of Judge Carswell, I regret to see decisions of a sitting judge scrutinized individually so that there would be some apparent invasion of the principle of judicial independence. I do not, however, feel that the Senate either can or should be precluded from a broad overview of a nominee's judicial record as one of the factors in ascertaining "fitness." It has been pointed out during this debate that over half of the opinions rendered by Judge Carswell which were subject to appellate review were reversed. While there might be considerations which could be used to explain this high rate of judicial error, they seem inadequate when it is considered that Judge Carswell's rate of judicial error is more than twice as high as that of the average U.S. district court judge. While such a relatively high rate of judicial error may be tolerated at lower court levels where further appeal provides a remedy, it is a rate of error which casts considerable doubt upon the appropriateness of his nomination to the Court of last resort.

I have studied some of Judge Carswell's opinions and conclude that many of them can be considered routine and unexceptional. This would be expected from the calendar of a U.S. district court judge. In fairness and candor, it must be said that most of Judge Carswell's opinions which are available in published form cannot be considered to be incorrect. None of them, however, seem to belong in the great tradition of Anglo-American jurisprudence in which judges over the years have contributed to the growth and understanding of the law. Some of them are marked by basic errors. I am appending hereafter a memorandum prepared at my request which sets forth some of the illustrative cases which emphasize these points; and I ask unanimous consent that the memorandum be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. There is a scholarly side of the law and there is a human side of the law. I hope that I am not blind to either. In an attempt to make some judgment on both aspects of Judge Carswell's fitness, I requested an opportunity to meet and talk with him. This request was made to the Justice Department and to others who were vitally interested in Judge Carswell's nomination. I regret that this request was not acknowledged until less than 24 hours before the vote.

I am not insensitive to the impact of this vote on Judge Carswell as a man. I am very much aware of the sentiments of many American who would like to see Judge Carswell appointed to the Court in spite of the misgivings that I have enunciated. I feel very deeply the obligation that I owe to the President of the United States to respect his judgment and his leadership. It is, therefore, with a very deep sense of sadness that I feel that my oath as a Member of the U.S. Senate requires me to vote against confirmation of G. Harrold Carswell to be an Associate Justice of the Supreme Court.

EXHIBIT 1

MEMORANDUM

To begin with, there is a series of cases in which Judge Carswell refuses to grant hearings on habeas corpus petitions in the face of federal statutes and higher judicial authority to the contrary. The case of *Harris v. Wainwright*, 399 F.2d 142 (5th Cir. 1968) is reasonably typical.

In that case, the indigent petitioner had a past record of mental illness serious enough to warrant commitment. He sought to attack his state court conviction collaterally on the ground, *inter alia*, that he had been incompetent to stand trial at the time of his conviction. (There had been no pre-trial psychiatric examination, despite petitioner's history.) He brought his first collateral attack in the state courts; he was not represented by counsel at this proceeding, nor was he himself produced. The court simply denied the petition.

He then sought federal habeas in Judge Carswell's court. Carswell did not even appoint counsel to represent this indigent, mentally ill petitioner. He did not order a hearing, as required by federal statute (28 U.S.C. § 2255). He simply denied the petition summarily, stating that petitioner had been represented by "able" counsel at trial and that "the alleged constitutional defect simply does not exist."

The Court of Appeals unanimously reversed and remanded to the district court to reexamine the issue. The Court of Appeals held that defendant's allegations of incompetency raised a federal constitutional issue, which Carswell should have known, since he had relied on that rule to the detriment of another petitioner in a prior case, *U.S. v. Levy,* 232 F. Supp. 661 (1964). Very similar cases are *Meadows* v. *United States,* 282 F.2d 942 (1960) (claim of incompetency by a petitioner previously discharged by the Army as a psychoneurotic) and *Dickey v. United States,* 345 F.2d 508 (1965) (claim of incompetency by petitioner alleging a previous head injury). These repeated denials without hearing by Carswell in very similar cases followed by unanimous reversals backed by Supreme Court authority suggest a persistent determination to refuse hearings without any apparent legal basis.

In a similar vein, see *Barnes v. Florida,* 402 F.2d 63 (1968) where Judge Carswell denied a writ of habeas corpus without a hearing despite allegations of coercion of a guilty plea and inadequacy of counsel (whom petitioner allegedly saw for only a few minutes prior to trial). Judge Carswell was unanimously reversed by the Court of Appeals. Still another case is *Baker v. Wainwright,* 391 F.2d 248 (1968) where a petition for habeas corpus was again denied without hearing despite an allegation that petitioner was not granted counsel on appeal in a criminal case. Again, the Court of Appeals reversed, citing a Supreme Court decision, *Entsminger v. Iowa,* 386 U.S. 748 (1966) where the Court declared: *"As we have held again and again* an indigent defendant is entitled to the appointment of counsel on his first appeal."

This section states: "Unless the motion and files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall . . . grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. . . ."

Judge Carswell seems very quick to denominate cases as "frivolous". Such language permeates a number of his opinions. In a recent case, for example, he denied bail pending appeal in a free-speech, contempt case. No indication was adduced that petitioners were dangerous, but Carswell apparently thought the bail issue was frivolous. He was reversed and directed to grant bail by a unanimous per curiam opinion, *Dawkins v. Crevasse,* 391 F. 2d 921 (5th Cir. 1968).

The fact that some of Judge Carswell's criminal law decisions have not been reversed does not indicate that they were correct. A significant number of them may not have been appealed because Carswell has made it difficult to effect an appeal. When Carswell rules against an indigent petitioner, he often denies him the right to proceed further in forma pauperis; see *e.g., Baxter v. State of Florida,* 295 F. Supp. 1164; he does not appoint counsel; and he frequently denies bail. To be sure, the Court of Appeals can—and sometimes does—reverse these orders; but a great many indigent petitioners simply cannot overcome these hurdles and get the case up for review.

Judge Carswell's unwillingness to apply the law in a manner favorable to criminal defendants seeking their freedom can be contrasted with his reluctnace to limit an employer by enjoining future violations of the Fair Labor Standards Act. Despite past violations and what the Court of Appeals described as "a history . . . of delay and obstruction to the investigation of reliance on spurious legal defenses, Judge Carswell denied an injuction, *Mitchell v. Blanchard,* 168 F. Supp. 689. This decision was reversed unanimously. 727 F.2d 574, and the order denying the injuction was declared "not supportable."

In quite a different field of law, one might refer to *Polar Ice Cream v. Andrews,* 208 F. Supp. 899 (1962), *reversed* 375 U.S. 361 (1964). That case involved a Florida regulation of the supply and distribution of milk. The challenged regulations required that a Florida company like Polar pay to his local Florida suppliers the premium Class I price of 61¢ for all Class I milk which Polar sold in his Pensacola market, regardless of where he bought the milk, provided that the local Florida suppliers could provide him with the amounts he needed. The effect of the regulation was to make it uneconomical for Polar to pay the premium price for milk from out-of-state producers so long as such milk could be purchased from his local Florida suppliers. Instead, out-of-state producers could only sell to Polar for the less-remunerative uses at prices which apparently would not even cover their costs of production. Polar challenged the regulations as constituting a burden on interstate commerce by, in effect, limiting out-of-state producers from competing for the lucrative Class I business in Polar's Florida market.

Judge Carswell upheld the Florida regulations. He first announced a general standard of highly dubious applicability to a case such as the one before him: i.e., "in order to justify a pronouncement that a legislative act is unconstitutional the case must be so clear as to be free from doubt." He then declared—in very general, conclusory terms—that the regulations did not burden interstate commerce. Nowhere in his opinion is there any appreciation of the actual economic effects of the regulations and their impact on the feasibility of interstate sales to Polar.

The Supreme Court reversed unanimously, finding that the burden on commerce was clearly evident. In reaching the result, the Court declared that the principles laid down in an earlier Supreme Court case, *Baldwin v. Seelig,* 294 U.S. 511 (1935): "justify, indeed require, invalidation as a burden on interstate commerce." Judge Carswell had dismissed the *Baldwin* case because the surface facts were different without recognizing that the *principle* set forth in *Baldwin* (and other cases) seemed plainly applicable to overturn the Florida regulations. Leaving aside the enunciation of a seemingly erroneous legal standard, Judge Carswell's opinion reveals, not a difference of policy or philosophy, but a failure to probe beneath the surface to expose the underlying principles of existing precedents and the economic effects of regulatory schemes such as those in the *Polar* case. In this connection, one might also note another regulatory case decided by Judge Carswell and reversed on appeal, *First National Bank v. Dickinson,* 274 F. Supp. 449, reversed, 400 F. 2d 548, affirmed, 90 S. Ct. 337 (1969).

In *John P. Maguire Co.* v. *Herzog,* 2 CCH Bankruptcy Law Rep. ¶ 63,355 (5th Cir. 1970), an officer of insolvent corporation used some of its assets to prefer corporate creditors to whom he was also personally liable by indorsement or guaranty. Thereafter, the corporation filed petition for an arrangement under Chapter XI of the Bankruptcy Act and the officer went into straight bankruptcy and received a discharge. Another of the corporation's 175 creditors then sued the corporate officer for misappropriation of corporate assets, contending that his claim was exempt from the bankruptcy discharge by an exception in the Bankruptcy Act for debts "created by his . . . misappropriation . . . while acting as an officer." In an opinion by Carswell the creditor's claim was ruled within the exception. There was no indication that Judge Carswell realized the full import of his ruling. Instead of preserving a corporate asset for the benefit of corporate creditors, he ruled that the act of the corporate officer in preferring some corporate creditors entitled another corporate creditor to prefer himself. In reaching this seemingly odd and unprecedented result, there was no inquiry into whether the exception should be available only to the corporation or its liquidator rather than to a single corporate creditor. There was no inquiry into whether Ga. Code Ann. § 22–709 upon which the action is based (and which forbids officers of insolvent corporation to use their powers for obtaining personal preference or advantage) should be available only to the corporation or its liquidator. In fact, there was not even a reference to the Georgia statute in the opinion.

In *Dawkins* v. *Green,* 285 F. Supp. 772 (1968), *reversed,* 412 F. 2d 644 (1969), Judge Carswell gave summary judgment to defendants, before any evidence was heard. The plaintiffs in this action had sought to enjoin certain defendant public officials from enforcing criminal statutes against the plaintiffs, alleging that the defendants were acting in bad faith, in that they were using the machinery of the criminal law in order to punish plaintiffs for their exercise of First Amendment rights. In moving for summary judgment, defendants filed affidavits, setting forth various facts, but on the critical issue of "bad faith," the officials simply denied so acting. Carswell's grant of summary judgment pointed to these affidavits and emphasized that plaintiffs had not filed counter-affidavits. Carswell's ruling seems plainly wrong. As the Court of Appeals pointed out in unanimously reversing him, summary judgment cannot be based on affidavits containing conclusory assertions that simply repeat the pleadings. This procedural doctrine is universally applied in the federal courts. For a similar case, see *Due* v. *Tallahassee Theatres,* 333 F. 2d 630 (1964) where Judge Carswell is again reversed by a unanimous Court of Appeals.

Running through these procedural cases as well as the criminal law—habeas corpus opinions is a tendency to dismiss cases summarily without giving adequate opportunity to explore the facts of the case. Similiar tendencies exist in tort cases where Judge Carswell is reversed for resolving as matters of law issues that should have been submitted to the jury as questions of fact. See *Shirey* v. *L. & W. R.R.,* 213 F. Supp. 574 (1963), reversed 327 F. 2d 549 (1964); *Atlanta & S.A.B. R.R.* v. *Chilean Nitrate Sales Corp.,* 277 F. Supp. 242 (1967), reversed, 415 F. 2d 393 (1969).

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Nebraska has 5 minutes remaining, and the Senator from Indiana has 12.

Mr. BAYH. Mr. President, I yield myself 8 minutes.

Mr. KENNEDY. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAYH. Mr. President, on the 26th of March I received a letter that had been written 3 days earlier by Arthur E. Sutherland, who was a law clerk of the late Honorable Oliver Wendell Holmes. At that time, as some of us might remember, they were not called clerks, they were called secretaries. But I thought that it would be appropriate to share the contents of this letter with the Senate, because of the message it conveys, at this particular moment in our decisionmaking progress. It reads:

> DEAR SENATOR BAYH: Some friends have suggested to me that an expression of opinion concerning the appointment of Judge Harrold Carswell to the Supreme Court, might appropriately be made by former Secretaries of Justices of that Court. As such a Secretaryship, for Justice Oliver Wendell

> Holmes, Jr., was my high privilege in 1927-1928, I write this letter.

I admit to just a slight tremor in my voice when I realize that here is a man who was the clerk to Justice Oliver Wendell Holmes in the year of the birth of the Senator from Indiana—some time ago.

Mr. Sutherland continues:

> While I am reluctant to express an adverse opinion concerning any member of the federal judiciary, I feel obligated in good conscience to say that I consider Judge Carswell's appointment a regrettable mistake.
>
> The country is entitled to see chosen for its Supreme Court the best prospective Justice to be found on the American Bench or among other American lawyers. On the evidence before the Senate Judge Carswell unfortunately falls short of that rank. His appointment should not be confirmed.
>
> Respectfully yours,
>
> ARTHUR E. SUTHERLAND,
> *Member of the Law Faculty, Harvard University, Cambridge, Mass.*

Investigation shows, Mr. President, that in addition to the facts related in the letter, here is a man almost 70 years of age, a man who is a member of the Republican Party, and a man who can easily be considered a distinguished and highly reputable conservative legal mind. I have read this letter, here in the final moments of the debate, because it seems to me that it symbolizes, really, a voice from the past, describing the past greatness of our country, a past greatness which all too many of our younger citizens have overlooked and do not fully appreciate.

Today, the past, indeed, is prolog; and there is not a Member of this body who is not reminded all too often how tenuous the present is.

Mr. KENNEDY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. RIBICOFF). The Senate will be in order. The Senator from Indiana will suspend. Senators will please take their seats. Conversations will cease in the Chamber. Senators will please cease their conversations and take their seats.

The Senator may proceed.

Mr. BAYH. Today indeed is a tenuous moment for each and every one of us. Each of us in this body has a rare privilege that, in my judgment, cannot be surpassed, in our efforts and our opportunities to serve our country, and I think it is this call that compels us to risk the rigors of political life.

The unique thing about this great opportunity to serve in the U.S. Senate is the fact that, as great as this responsibility, this honor, and this opportunity are, and as long as we may serve in this body, seldom does the vote of one Senator or the effort of one individual Member of the U.S. Senate directly affect the outcome of the broad scope of history. Opportunities for individual contribution to the common destiny are really rare.

Today we have such an opportunity. Today we have the opportunity, not just to vote for ourselves, not just to vote for the Senate, but, in deed, we have the opportunity to speak for future generations, and to set them an example.

Today we have the opportunity to tell our children and their children that the advice and consent responsibility given to us by our Founding Fathers nearly two centuries ago still has meaning today. It is just that—a responsibility, which the U.S. Senate is not going to shirk. We have the opportunity, and will accept it, of reminding our children that their forefathers had courage, just as ours did. We have the opportunity to say what we believe is important—not just for the Senate and the Court, but for the country.

Perhaps the greatest opportunity of all, which surpasses the duty that we have as Senators to shore up the advice and consent provisions and responsibilities that are ours, is the opportunity we have to speak to the young and to the old, to all ages, so eloquently described by the Senator from Illinois a moment ago—to speak to those across this country who are asking questions that cause one to have deep concern about the future stability of this country. I ask anyone who wants a capsulization of this problem to look, in the recent issue of Newsweek, at an article written by Stewart Alsop which deals forthrightly with this question. The article states that it is not overly dramatic to suggest that America is at a crossroads, because increasingly large numbers of our young people are wondering if our society has what it takes. Do we have the courage? Do we have the determination that we are going to make tomorrow a little better than it is today?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield myself 2 additional minutes.

It seems to me, Mr. President, that in addition to determining who is going to sit on the Supreme Court of the United States, we have the opportunity with this vote to say to the prophets of doom who say that America is about to tumble of its own weight that this system still is, in the words of Abraham Lincoln, the best last hope of all mankind. We have the opportunity to say that this Senate and this country is still seeking excellence, to say that a better America will be the result of our combined efforts.

We have the opportunity to say, in a very personal way, that we are determined to demand the best of ourselves and the best of this body. We are now in a position of saying to the members of our respective parties, whoever they may be, whether at the precinct level or on the highest rung of the ladder, that we want to do better, that we want to make this great Nation, as great as it is, even better tomorrow.

Mr. President, I think the Senate will make the right determination. We will then have the opportunity to get the best man we can find, the best conservative, the best strict constructionist, the best Southerner, and in the future the best Northerner, the best Westerner, the best man who can make the greatest contribution on the highest judicial bench, the court of last resort for each American citizen.

The VICE PRESIDENT. Who yields time?

Mr. DOLE. What time remains, Mr. President?

The VICE PRESIDENT. Five minutes.

Mr. DOLE. Do the opponents have any time remaining?

The VICE PRESIDENT. They have 2 minutes remaining. Who yields time?

Mr. BAYH. I yield the remainder of my time to the distinguished Senator from Massachusetts.

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, we are now just some 8 minutes before the vote will be taken on this very important matter. I do not know that any more arguments on either side of this issue can be made at this late hour. I think that all of our colleagues, Democrat and Republican, conservative and liberal, have studied the record and have made their decision. Frankly, I do not think that anything that I may say or that anyone else may say at this late hour will change any of the votes of any other Members of this body.

I believe I should say that in making this decision, all of us remembered our great responsibility in the matter of advice and consent to the President's nomination for the Supreme Court of the United States. Many arguments have been made about the qualifications, about credibility, about racial views, and about a myriad of other things concerning this man. I have spoken out in opposition to him. It is somewhat of an unnatural role for me, because all my lifetime I have preferred to be for something rather than against something. It is a very painful duty for me to be so strongly opposed to this man's nomination. I do not know him. I have no personal animosity against him. I wish him well and his family well.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the balance of the 5 minutes to the Senator from Kansas.

The VICE PRESIDENT. The Senator from Kansas is recognized for 5 minutes.

Mr. MURPHY. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. DOLE. Mr. President, this is the Court of last resort for G. Harrold Carswell. This is the end of an ordeal for G. Harrold Carswell. It has been said day after day in this Chamber, judge him by today's standards and judge us not at all. That has been the message loud and clear day after day.

The Senator from Indiana stated the opponents argument a few minutes ago. He said we should confirm the best man we can find. I would remind the Senator from Indiana the power to nominate still resides with the President of the United States, whether he be Republican or Democrat—a power that, of course, the Senate should not take lightly. We have a great responsibility in the advice and consent process. But today—in fact, in a few minutes—we will decide the fate of Judge G. Harrold Carswell.

I would guess that whatever the Senate may do, Judge Carswell will survive. Whatever the Senate may do, our country, of course, will survive, and President Nixon will survive.

But let me say a word to my fellow Republicans, because I believe that the issue now is approximately 99 percent politics and 1 percent factual. This is the second nomination we are considering for this vacancy in a matter of months. First, the Haynsworth nomination was rejected. He was insensitive. Now we are told Judge Carswell is mediocre and a racist. But let me say, with all the earnestness I can muster, as a junior Member of this body, the fate of G. Harrold Carswell does not rest on the other side of the aisle. The fate of G. Harrold Carswell rests on this side of the aisle. We will make the decision as our votes will make the difference.

I would remind my Republican friends—I quarrel with no one; I question no one's motives—but remind my friends on this side that Richard Nixon was elected President in November 1968, and that with that election came the right and duty to nominate Justices of the Supreme Court. That right has been once denied; perhaps soon twice denied, we have the responsibility, as Republicans; it is our responsibility, not the responsibility of the Senator from Indiana—and I do not question his motives. Let me repeat, in conclusion if this nomination should be rejected, I suggest to the President of the United States take his case to the people and that he leave the seat vacant until November. It may be easier to change the Senate than the U.S. Supreme Court—in fact it may be a prerequisite.

The VICE PRESIDENT. Who yields time

Mr. DOLE. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I respectfully request that the Sergeant at Arms be directed to clear the Chamber of all excess personnel, which does not include Representatives from the other body, fellow parliamentarians from France, I believe, or attachés who have official business on the floor.

Mr. SCOTT. Mr. President, I ask unanimous consent that the attachés attached to my office may be permitted to remain who have business in the Chamber.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I make a similar request relative to my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, if exceptions are to be made, let us have exceptions for all the staff. I ask unanimous consent that any staff member of any Senator who is present in the Chamber may be permitted to remain on the floor. [Laughter.]

Mr. MANSFIELD. Mr. President, I object.

The VICE PRESIDENT. Objection is heard.

Pursuant to the unanimous consent request, the Chamber will be cleared of all unnecessary personnel, except those mentioned in the unanimous-consent agreement.

The Sergeant at Arms is directed to carry out this order.

The Chair would mention to the galleries that, due to the tremendous interest in this vote, there will probably be great attention on the part of everyone to follow it closely. The Chair would caution the galleries, please, to be courteous and let the vote proceed without demonstrations.

XUM

The question is, Will the Senate advise and consent to the nomination of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court of the United States?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON) is necesarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Utah would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "yea."

On this vote, the Senator from Utah (Mr. BENNETT) is paired with the Senator from Rhode Island (Mr. PELL). If present and voting, the Senator from Utah would vote "yea" and the Senator from Rhode Island would vote "nay."

The yeas and nays resulted—yeas 45, nays 51, as follows:

[No. 122 Ex.]

YEAS—45

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Murphy
Pearson
Randolph
Russell
Saxbe
Scott
Smith, Ill.
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—51

Bayh
Brooke
Burdick
Cannon
Case
Church
Cook
Cranston
Dodd
Eagleton
Fong
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—4

Anderson
Bennett
Mundt
Pell

The VICE PRESIDENT. On this question, the vote is 45 yeas and 51 nays. The nomination is not agreed to.

[Loud demonstrations in the galleries.]

Mr. MANSFIELD. Mr. President, if there are any further demonstrations in the galleries, I shall ask that the galleries be cleared.

Mr. CURTIS. Mr. President, I ask that the galleries be cleared.

The VICE PRESIDENT. The galleries will be cleared. The Sergeant at Arms will enforce the order.

Mr. MANSFIELD. Mr. President, I ask that the Chamber be cleared of all unnecessary personnel.

The VICE PRESIDENT. The Chamber will be cleared. The Sergeant at Arms is instructed to carry out the order. The galleries will be cleared.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the action of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I suggest that the galleries be cleared.

The VICE PRESIDENT. The Sergeant at Arms has been instructed to clear the galleries and the floor of all unnecessary personnel.

Mr. MANSFIELD. Mr. President, I wish to take this opportunity to thank each and every Member of this body on both sides of the aisle who contributed to the consideration of this nomination. Those who were in the forefront particularly may be singled out for their forthright and forceful presentations. I speak of those on both sides of the issue.

Notable, for example, was the effort of the distinguished Senator from Nebraska (Mr. HRUSKA). Clearly, he demonstrated the same strong and able advocacy on this matter that has characterized his many years of public service. The Senator from Mississippi (Mr. EASTLAND), the able and distinguished chairman of the committee and the rest of the members of the Committee on the Judiciary all handled themselves in such a manner as to assure a debate of the highest order.

The Senator from Indiana, the Senator from Massachusetts (Mr. BROOKE), the Senators from Michigan (Mr. HART and Mr. GRIFFIN), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), and many others deserve the highest commendation of the Senate. Their cooperative efforts were responsible for providing such a high-level discussion. We are most grateful.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into legislative session.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 980) to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes;

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; and

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2363. An act to confer United States citizenship posthumously upon Lance Corporal Andre L. Knoppert;

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes; and

H.R. 514. An act to extend programs of assistance for elementary and secondary education, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; and to the Committee on the Judiciary.

H.R. 15733. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes; to the Committee on Commerce.

THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

The Senate resumed the consideration of the joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

ORDER OF BUSINESS

Mr. RUSSELL. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. The Sergeant at Arms will clear the floor of all unnecessary personnel.

Mr. BYRD of West Virginia. Mr. President, I ask that the floor be cleared of all attachés.

The VICE PRESIDENT. The Chair directs the Sergeant at Arms to clear the floor of all attachés.

Mr. BYRD of West Virginia. And that there be no exception.

The VICE PRESIDENT. The Chair directs the Sergeant at Arms that there will be no exception to the order to clear the floor of all attachés.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gravel). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess for the purpose of awaiting the arrival of the distinguished Senator from Alabama (Mr. SPARKMAN), who will introduce our guests. In the meantime, we will have an opportunity to meet our parliamentary colleagues from the Senate of France.

Mr. SCOTT. M. le President, d'accord.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and it is so ordered.

At 1 o'clock and 22 minutes p.m. the Senate took a recess until 1:25 p.m.

Thereupon the Senate reassembled when called to order by the Presiding Officer (Mr. GRAVEL).

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Alabama (Mr. SPARKMAN).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

VISIT TO THE SENATE BY MEMBERS OF THE DELEGATION FOR ECONOMIC AFFAIRS AND PLANNING OF THE FRENCH SENATE

Mr. SPARKMAN. Mr. President, we have a distinguished group visiting us today in the Capital City. They are going to have lunch with us in the Committee on Foreign Relations in a few minutes. They have been visiting in the Chamber and they were here during the time that the rollcall vote was taken, so they have seen the Senate in action.

These gentlemen are Senator Gaston Pams, Senator Maurice Sambron, Senator Robert Laurens, Senator Raoul Vadepied, Senator Jean Errecart, Senator Michel Chauty, Senator Guy Schmaus, and Senator Pierre Le Marios. We are delighted to have these gentlemen with us.

[Applause, Senators rising.]

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, a brief biographical sketch of each of these gentlemen.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHIC NOTES ON THE MEMBERS OF THE DELEGATION FOR ECONOMIC AFFAIRS AND PLANNING OF THE FRENCH SENATE

GASTON PAMS—CHIEF OF THE DELEGATION

Senator of Pyrénées Orientales (Gauche Démocratique).

Chairman of the Civil Aviation Budget Committee.

General Counsellor of Pyrénées Orientales.

Born on November 22, 1918 (Mr. Pams is an agriculturist). He has been elected to Senate in 1959, reelected in 1965. Mr. Pams is the Mayor of Argelès-sur-Mer.

MAURICE SAMBRON

Senator of Loire Atlantique (Républicain Indépendant).

Vice-President of the General Council of Loire Atlantique.

Born on July 22, 1898 (Mr. Sambron is an industrialist). He has been elected in 1965 and is now Vice-President of the Chamber of Commerce of Saint-Nazaire. Mr. Sambron is the Mayor of Pont-Chateau (Loire-Atlantique).

ROBERT LAURENS

Senator of l'Aveyron (Républicain Indépendant).

Born on September 27, 1910 in Lacroix-Barreze (Aveyron). (Mr. Laurens is an agriculturist). A deputy of the National Assembly from 1951 to 1955 he has been elected to the Senate in 1956. He is the Mayor of Lacroix-Barreze.

ROAUL VADEPIED

Senator of Mayenne (Union centriste des Démocrates de Progrès).

General Counsellor of Mayenne.

Born on July 7, 1908 in Chatres-la-Foret (Mayenne). (Mr. Vadepied is an agriculturist). He has been elected in September 1965 and is the Mayor of Evron.

JEAN ERRECART

Senator of Pyrénées Orientales (Union centriste des Démocrates de Progrès).

General Counsellor of Pyrénées Orientales.

Born on July 1909 in Orègue (Basses-Pyrénées). (Mr. Errecart is an agriculturist). He has been elected in 1958, 1959 and reelected in 1965. A former member of the Second Constituent Assembly. A former member of the National Assembly (1946–1951). He is the former Vice-President of the General Council of Pyrénées Orientales (1955) and the Mayor of Orègues.

MICHEL CHAUTY

Senator of Loire-Atlantique (Unaffiliated).

General Counsellor of Loire-Atlantique.

Born on February 1, 1924 in Cholet (Loire-Atlantique). (Mr. Chauty is a salesman). He has been elected in September 1965 and is the Mayor of Saint-Herblain.

GUY SCHMAUS

Senator of Hauts-de-Seine (Communist).

Born on July 7, 1932 in Paris (Mr. Schmaus is a metal worker). He has been elected in 1968.

PIERRE LE MAROIS

Secretary of the Delegation, member of the Senate Administrative Staff.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE CARSWELL—THE CONSTITUTIONALLY MANDATED FUNCTION OF THE SENATE TO ADVISE AND CONSENT

Mr. BAKER. Mr. President, the Senate has now worked its will on the question of the nomination of Judge G. Harrold Carswell to the Supreme Court. As I have previously indicated, I chose to support the nomination because I believe that Judge Carswell would have

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served ably and fairly as a member of the High Court.

I am sure that all of us who chose to support Judge Carswell regret that a broader consensus could not have emerged in support of the nomination. I am just as sure that those who felt compelled to oppose Judge Carswell regret that they had to do so.

As we all are aware, four of the last five nominations to the Supreme Court that have been submitted to the Senate by Presidents Johnson and Nixon have become embroiled in serious controversy, and the Senate has failed to confirm each of these nominations.

Throughout this period of time there has been considerable discussion as to the role of the Senate in the performance of its constitutionally mandated function to advise and consent. Dispute has arisen with regard to the limits of authority of the Senate in confirming or rejecting a nomination of the President. Clearly the responsibility for formation of a third coequal branch of our Government is a responsibility shared by both the executive and legislative branches.

But a serious question remains concerning the role of the Senate vis-a-vis the President. I believe it would be most appropriate and helpful for those of us in this body to reflect on these questions. Accordingly, I expect to make my own views known in the very near future and am hopeful a number of my colleagues will join in a discussion of the question as to what is the responsibility and the duty of the Senate in the matter of advice and consent. I believe the importance to the Republic is too great and the significance of the nomination yet to be made is too important to us and to the country to continue to flounder in a sea of uncertainty.

As to our role, I believe that now is the time for a colloquy on the propriety, the quality, and the extent of the jurisdiction of the Senate in advice and consent on nominations of this sort, and I hope that such a colloquy will occur before the next nomination is submitted to this body by the President of the United States. In a word, I hope we will set the ground rules before the next distinguished jurist is submitted to our tender mercies.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield on that point, without losing his right to the floor?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. Mr. President, today I have sent the following telegram to the President of the United States:

> Do not yield one centimeter in your desire to nominate strict constructionists to the U.S. Supreme Court and other Federal courts. You have pledged to the American people that you would seek to restore a balanced view to the Supreme Court and it has twice been demonstrated that there are those who are zealously determined that you will not fulfill that pledge. They no longer can dictate the President's choice, but they have twice successfully used the Senate to frustrate the will of the President and the people.
>
> The people of America indicated their support of your approach to this matter in 1968 and they will tire of seeing frustrated your efforts to restructure the Supreme Court philosophically.
>
> The people know what the real gut issue is, to wit, a moving away from the activism of the Warren court and a return to judicial reasoning based on strict construction of the Constitution and the laws.
>
> ROBERT C. BYRD,
> *U.S. Senator.*

I thank the Senator for yielding.

Mr. BAKER. I thank the Senator from West Virginia.

Mr. McGEE. Mr. President, will the Senator yield for 1 minute to me on that same point?

Mr. BAKER. I yield.

Mr. McGEE. Because of charges floating around on all sides about politics or regionalism on this matter, as one Senator who did vote against the nomination of Judge Carswell, I hope the President does not decide against nominating a conservative, Southern, strict-constructionist, Republican. I think it is important that the President exercise his prerogative to nominate a man like that for the High Court. I think the real issue here was that it was felt there were stronger judges who met those criteria in the South than this particular nominee—a very fine man, but not of the stature that the times would seem to require.

Mr. BAKER. I am most grateful for the remarks of the distinguished Senator from Wyoming.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. AIKEN. Am I to understand that the Senator from Wyoming can suggest now a candidate for the Supreme Court from the South?

Mr. McGEE. The question is, Could any of us suggest a nominee from the South?

Mr. TYDINGS. Mr. President, will the Senator yield on that point?

Mr. BAKER. Mr. President, a point of order. May I inquire who has the floor?

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. McGEE. Mr. President, I thought I had been yielded to. Did I do violence to that?

Mr. BAKER. No; I inquired only so that I might more fully understand. I yielded to the Senator from Vermont, who, I think, completed his inquiry. I am happy to yield to the Senator from Wyoming, and then to the Senator from Maryland, but I wanted to make sure, because I have a few additional remarks to make.

Mr. McGEE. The Senator from Vermont had propounded a question to me. I have just recently returned from a trip to Louisiana where Judge Ainsworth was highly recommended to me. Others have suggested Judge Wisdom. I do not know. I am not a jurist. Therefore, I do not range through the professional trade. I just think it important that the President should have the freedom to adhere to a nomination of a very conservative stripe to go on the Supreme Bench, but we think there must be a man of higher caliber than this nominee.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. TYDINGS. That same question arose in the Judiciary Committee and has arisen on the floor of the Senate. The answer is that there are a great many distinguished lawyers and judges in the South who have unquestioned ability, competency, and judicial temperament, men such as Judge Ainsworth and Judge Wisdom of Louisiana, Judge Tuttle of Georgia, Judge Johnson of Alabama, Judge Stephen O'Connell, former chief justice of the State of Florida and now chancellor of the University of Florida, Judge Simpson of Florida, Judge Hoffman of Virginia, Judge Craven of North Carolina, and our own Senator SAM ERVIN of North Carolina.

Judge Carswell does not even compare with men of such stature and ability.

If I may use an analogy, if one's son or child were merely undergoing a physical examination, that person would not be overly concerned with which doctor is to examine the child; but if his child were dying and were undergoing surgery, he would want the best doctor available. The Supreme Court is the last court of review in this country. We want the best men on that Court, whether he is a Northerner, a Southerner, a Vermonter, or a Marylander, wherever he is from. There are many conservative jurists—who qualify for the Court. Judge Carswell does not.

I hope I have responded to the Senator from Vermont.

Mr. AIKEN. Mr. President, I am very sorry I did not have at least one of these names earlier, but I never was able to get one that would be satisfactory to certain people from the North. Apparently, men like Judge Carswell are good enough to be judges or officials in the South, but they are not fit to be judges or officials in certain parts of the North. Judge Carswell was good enough for Dogpatch, but not good enough for Gotham.

Mr. BAKER. I thank my colleague. I do not wish to be unduly facetious when I say I am reassured to know that the Senator from Maryland has given us a list of distinguished Southern jurists whom he would appoint to be Justices of the Supreme Court; I am happy to know that if one of those gentlemen were to be appointed to the Supreme Court of the United States by the man who was elected President, the fair inference given just a minute ago was that the Senator from Maryland would vote to confirm that nomination. I will certainly keep that in mind if I am queried by the President on further nominations, which I doubt that I will be.

Mr. TYDINGS. Does the Senator recall that when a Governor of Mississippi was appointed to fill a position on the circuit court and he was opposed by civil rights groups, that the Senator from Maryland not only spoke for the nominee in committee but spoke for him on the floor of the Senate and voted for him, because he was a man of ability and fairness?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAKER. I am glad to yield.

Mr. AIKEN. Did the Senator from Maryland support or oppose the nomina-

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tion of Judge Carswell when he was up for approval a year ago?

Mr. TYDINGS. Unfortunately, that was not a rollcall vote.

Mr. AIKEN. Or has he just found out all these things about him?

Mr. TYDINGS. To be candid, the Senator from Maryland was not at the hearing of the Judiciary Committee nor was he present in the subcommittee of the Judiciary Committee to hear testimony on Judge Carswell's nomination. I think the nomination went through by a "no objection" procedure. The Senator from Maryland took no position on Judge Carswell before. My first real knowledge of Judge Carswell came in the Judiciary Committee hearings.

I think the Senator's point is well made: Why did not the Senator from Maryland or why did not the Judiciary Committee examine the qualifications of Judge Carswell carefully when he was nominated to the fifth circuit? That is a question which I cannot answer. I think it is a question that the members of the Judiciary Committee ought to face up to.

Mr. AIKEN. I believe he was approved three times by the U.S. Senate for a judgeship. I will not take any more time. It just seemed to me like the attitude was, "well, he is good enough for the South, but he would not be a good judge for the North."

Mr. BAKER. Mr. President, I have said it once before in the 3½ years since I have been here. I did it then with great trepidation. I am not sure I was right to do it then, but I am going to say it again. I came to this body with the belief that no distinction was made between peers and equals as between Senators from the North and Senators from the South. I have been rapidly coming to the conclusion that this is not always the case. I begin to think that notwithstanding my consistent support for significant civil rights matters, often at great political cost to me, I am, first of all, a "Southerner" just as Justice Carswell was.

We speak of minority groups in the United States, and my sympathy is boundless for them and their deprivations, but may I point out that, in the jargon of present politics, if we want to avoid "polarization," for goodness' sake, let us not go to the point of polarizing 70 million Southerners by encouraging in them the belief that they are not first-class citizens of this country.

I agree that some grounds can be found for the Carswell controversy, as suggested by the Senator from Maryland. I want to believe and do believe that opponents were not motivated by malice and were motivated only by the results of searching scrutiny of this nominee. I agree that every single one of my colleagues here is motivated by the highest principles in judging whether he will cast his vote for or against the nomination of a given nominee. I agree that each is willing to consider these things on the basis of the merits rather than partisan politics. I will stake them to all those things, and still the danger signal that by our action and conduct, whether we mean it or not, we are polarizing one-third of the population of these United States into the belief that there is an anti-Southern bias in the U.S. Senate.

I do not believe there is, but I counsel my colleagues, in good faith and good conscience, to guard against that just as much as they guard against the selection of an unfit man for the Supreme Court of the United States; because if we do not, we will be foreordained to relive the bitterness of the last 100 years.

Mr. JAVITS. Mr. President, will the Senator yield for a housekeeping request?

Mr. RUSSELL. Mr. President, I would like to ask the Senator a question.

Mr. BAKER. I yield to the Senator from Georgia.

Mr. RUSSELL. I merely want to say I do not believe all the people of the South believe they are treated equally in the U.S. Senate. I cannot agree with the Senator's assumption as to that. I would like to see whatever evidence he can produce to show that they are.

Mr. BAKER. Mr. President, I am afraid I did not phrase my remarks accurately then, because what I meant to say was, even assuming that that was the case, even assuming that there is no partisan politics, even assuming that there is no anti-southern bias, even assuming there is no retention of a Civil War attitude toward the South—even assuming all these things, even granting all of these things, in good faith, to all of my colleagues, there is still growing up the feeling in the country that there is an anti-southern bias, and believe me, as I stand here under my oath as a Senator, I warn my colleagues that it may be the most dangerous thing we confront in the United States today, with 70 million people concerned about this very fact.

Mr. MANSFIELD. Mr. President, can we get on with the pending business? I cannot see what good comes from post mortems. We do have some important legislation, including legislation managed by the Senator from Wyoming, in addition to the pending resolution. The vote has been cast.

Mr. BAKER. Mr. President, with deference to my majority leader, may I simply say this: I had finished my brief remarks, consisting of a page and nine lines, before going on to another subject, and other Senators had engaged me in colloquy.

Mr. McGEE. Mr. President, will the Senator yield me 2 minutes? I will take this out of my pay bill time.

Mr. MANSFIELD. Very well.

Mr. BAKER. In my statement, I pointed out that I hold no malice for any person who voted either way in this matter. I yield to the Senator from Wyoming.

Mr. McGEE. I thank my colleague, and I want to reemphasize what he has just said about the importance of avoiding situations resulting from any actions of this body which might contribute to isolating any section of the country. I think it is desperately important that we not contribute to that, but I think that is probably a two-way street, in one sense: I think the burden is on all of us to make sure that we keep this thing level, and in balance, and nonsectional, and the extent to which we may be convinced that sectional differences still exist ought to move us to work even harder to remove such distinctions.

I think that is the real point. It is going to take all of us; it is not going to take just the Northerners to try to slow down on that. It is going to take all the Senators in this body. I might add, if the candidate today had come from Detroit or San Francisco or Seattle, it would not have affected my vote. I think the issue still ought to be the need of the Bench, and the President ought to have his conservative southern Republican judge on the Supreme Court.

Mr. BAKER. Mr. President, I intend to say just this, and yield no further on this point, in the interest of time——

Mr. RUSSELL. Mr. President, I think the President will be a bear for punishment if he appoints another southern conservative, although I hope he does.

Mr. BAKER. May I repeat, just for the sake of clarity on this subject, I have no criticism of any Senator for voting against Harrold Carswell. I have no criticism of any Member of this body who felt he should not be confirmed. That was not the purpose of my remarks. The purpose of my remarks was that we are charged with many responsibilities, and one of them should be to avoid the appearance that there was an antisouthern bias against the confirmation of Judge Carswell.

THE NIXON DOMESTIC POLICY

Mr. BAKER. Mr. President, on March 9 Mr. Bryce N. Harlow, counselor to the President, addressed the Congressional City Conference of the National League of Cities on the domestic policy and program of President Nixon. The well stated remarks of Mr. Harlow discuss in some detail the history of the Federal-State-local government interrelationship. He also analyzes the wisdom of and need for the domestic program submitted to the Congress by the President.

A major part of the President's program is the proposal for enactment of Federal revenue sharing. I introduced the legislation submitted by the President on September 23 of last year and was joined in cosponsorship by 33 other Members of this body. As Mr. Harlow indicated in his remarks before the National League of Cities, this measure is now languishing in committee.

On March 24 I had the opportunity to discuss the concept of revenue sharing before the National Association of Counties Legislative Conference. I stated at that time that I am firmly convinced that a majority of both Houses of Congress favor enactment of this proposal and would vote accordingly. Unfortunately no hearings have to this date been scheduled before either the Ways and Means Committee or the Finance Committee.

I believe that when over one-third of the Members of this body join in cosponsorship of major legislative proposal, fundamental fairness requires that the measure be taken up and the Senate allowed to work its will. For this reason I call upon the distinguished chairman of

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the Finance Committee (Mr. Long) to initiate hearings on the revenue sharing proposal which was submitted by President Nixon and which I introduced over 6 months ago along with 33 other Senators.

I ask unanimous consent that the remarks of Mr. Harlow to the National League of Cities and my statement before the National Association of Counties be reprinted in full at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Remarks by Bryce N. Harlow, Counselor to the President, National League of Cities, Congressional City Conference, Washington Hilton Hotel, Monday, March 9, 1970

Mayor Curran, Mayor Lugar, other distinguished mayors, councilmen, and other officials, last August 8, President Nixon, just back from abroad, presented on national television some radically new proposals.

They concerned how government should deliver its services.

They also concerned the sharing of those responsibilities among federal, state and local governments.

The President told us why he took this unusual step. He said:

"I have chosen to do so . . . because these proposals call for public decisions of the first importance; because they represent a fundamental change in the Nation's approach to one of its most pressing social problems; and because, quite deliberately, they also represent the first major reversal of the trend toward ever more centralization of government in Washington, D.C. After a third of a century of power flowing from the people and the states to Washington it is time for a New Federalism in which power, funds and responsibility will flow from Washington to the states and to the people."

And that—by request of your League—is my subject this morning. Let's call it, "President Nixon's New Federalism."

Now, I have been around a long time—certainly long enough to learn that despite all the histrionics I can muster, merely by mentioning one of the least titillating expressions of all time, "federalism," I have probably turned off 90 percent of this audience.

The issue of federalism has been trotted out in every political campaign since Delaware joined the Union. It has been turned upside down, inside out, rejuvenated, discarded, praised and criticized so many times that hardly anyone cares to hear any more about it. And yet, it is a subject about which virtually everyone, and especially mayors and councilmen, profoundly DO care, or surely *ought* to care.

The only reason I might aspire to piquing your interest is your hope that somewhere I might touch on answers to one or two of the three questions about which you high professionals care the most.

These questions:

(1) How much federal money can your cities get?

(2) Exactly when will the check arrive?

(3) Through how many hands in national and state governments must the check go before it reaches your treasury?

Well, I do hope at least to insinuate answers to one or two of these questions. But, to find them I fear you'll have to sift carefully through a good deal of verbiage yet to come.

One other general comment.

My wisdom about the primary elements of the topic under discussion falls some short of awesome. Therefore, I will not lecture on the crisis of the cities, in which you so critically participate, or catalogue the bewildering variety of federal grants-in-aid, or attempt to unravel the complexities of the present federal interrelationships. Neither will I attempt a grim assessment of the eroding tax bases upon which many of your governmental entities precariously totter. These stories you know far better than I—and, if not, I am determined not to be the first to break the sad news that the Federal Santa Claus has lost his credit card. I figure it is hard enough as it is to get good men and women like you to take on the heavy burdens of mayors and city councilmen.

What I do propose to discuss is what I fancy I know a little about—and that's what the President believes about "New Federalism," what has formed the basis for Administration philosophy on the subject, and what we envisage for the future of federalism.

Necessarily this discussion must be political in the best sense of the word. *Necessarily,* I say, because a *"new"* federalism has to mean changing the structure of the different levels of government—hardly an easy task inasmuch as each is responsible to an electorate, and none is changeable unless the elected leadership urges it and the electorate consents.

To evaluate this "New Federalism" and its prospects, let's first recall the political events that brought us to where we presently are.

For a half-century the dominant trend has been to escalate the responsibility of the central government. There are many reasons why. One is the crushing national demands of this era—four wars and a terrible depression. Clearly, only the central government could adequately respond. Another was the federal progressive income tax. As you folks painfully know, this pre-empted much of the effective taxing power, and with it governing power, from states and cities to the central government.

Also along the way there was a greatly heightened sense of social responsibility among Americans. There was a growing feeling that some government—most felt it had to be the central government—should do more to attack these problems. At the same time, a national furor over civil rights undermined reliance on state action because of the fear that Governor X of State Y might deal unfairly with blacks and other minorities. And so, we all grew accustomed, if not addicted, to the idea that the more important the problem, the more it required national action. Gifted persons who might well have applied their energies to other levels of government flocked to the central burst of activity, at once strengthening the national and weakening the state and local. The combination of such factors created a driving physical and emotional force for centralism and this exploded finally into dozens of massive new national action programs midway through the 1960's.

Now let's divert a moment to recall what this powerful trend did to partisan political activity.

One great strength of our two-party system, you know, is that one party instinctively and invariably ferrets out weaknesses in the other party's key issue. Both parties then polarize their differences, and then to our common delight we fight it out.

In the period I am now traversing the Democratic Party, by and large, took the side of accelerating the activities of the central government. Republicans, generally, were by instinct and philosophy skeptical of more government action at any level and stood for leaving most responsibilities with the states and localities. As I am poignantly aware, Democrats dominated the Executive and legislative branches of the national government for most of this era, largely, I suppose, because they had the favored political posture on federalism for those times. Centralism was what the people wanted. And they got it in spades!

But times and people do change. Just as central government activity was peaking in the mid-1960's, reaction set in. Again, there were several reasons.

For one thing, the central establishment just couldn't do all the tasks assigned to it. And dealing with it became discouragingly frustrating. The bureaucracy began to swallow initiative poured in from the top, inhibit that bubbling up from below, and to distort much of what little emerged.

Most of all, the national government simply got bloated. Many of the most ardent centralists came to feel oppressed and even endangered by the federal frankenstein. After a while "power to the people" became a new rallying cry.

And so came a new examination. People found that many of the old reasons for bad mouthing state and local action didn't wash well anymore. State and local governments had expanded their services, too. Even during the era of centralism they had proved their resourcefulness. A framework of federal and state civil rights laws reduced the concern that state and local services might be delivered in a discriminatory way.

Finally, state and local officials, watching federally collected revenues pour into the national coffers each year while state and local tax bases eroded, put aside internecine squabbling. In effect, you folks ganged up on the national establishment to get back some money and with it some decision-making authority.

In part because of this changing attitude toward responsibility among our governments, the American people in 1968 elected a President and a party which had with some consistency over the years expressed a skepticism toward increased central action and a preference for state and local action.

Now, I am not claiming that all Democrats are monarchists or that Republicans are always patsies for governors, mayors and councilmen. The fact is, as all of us know, early proposals for federal revenue sharing came from Democrats as well as Republicans. Also, some of the best studies on the need for overhauling grants-in-aid have been conducted by Democratic chairmen of Congressional committees.

What I fondly hope I *have* done, though, is to review the interaction of the attitudes of the major political parties with the coursing currents of federalism during the last four decades. I have done this for the purpose of making an important political, but not partisan, point—the point that President Nixon's election made fundamental changes in the federal structure at least possible, if not likely. I say this for two reasons: first, because public opinion and good reasoning demand it; and second, our new President believes in and comes from the party identified with the emerging shape of what we call New Federalism.

Against this background let's evaluate how well the President's proposals can translate expectations into action.

The President's address of last August 8 outlined a broad four-part program of reform. These were conceived together, and I stress that they are designed to support one another. They were:

(1) *Revenue sharing*—this, to provide fiscal relief for hard-pressed state and local governments confronting the necessity for frequent and often painful tax increases;

(2) *Family Assistance Program*—this, to replace the failing welfare programs with a national system for aiding low-income families with children;

(3) *Reform of Manpower Training Programs*—this, to permit establishment of comprehensive state and local programs oriented to the needs of their clients.

(4) *Redirection of OEO*—this, to maximize

its great potential for social program innovation.

I will not elaborate now on these proposals. I understand they are to be fully discussed with you this afternoon by the Cabinet officers directly concerned.

But here's the point—from these proposals and other Administration actions these first 14 months emerge three unifying ideas as to the future of federalism:

(1) *Pragmatic decentralism*—This will be the direction of our attitude toward federalism. Our domestice policy rejects the centralist dogma that for so long has run so strongly. Difficult though it will be, our thrust will be to lead the nation in a new direction which will give greater attention to the role that states, cities and counties can plan, actually play, and *ought* to play in meeting public needs. This "pragmatic decentralism" focuses primarily upon the delivery question; namely, how best to deliver the public services which the citizen requires of his various government. Revenue sharing is the keystone of our effort to apply this policy immediately.

The second thematic idea is concentration on basic system reform—In a message to Congress last October 13, setting out his legislative program, the President said:

"We were elected to initiate an era of change. We intend to begin a decade of government reforms such as this nation has not witnessed in half a century . . . If ours is not to become an age of revolution then it must become an age of reform. That is the watchword of this Administration: Reform."

The fact is, we have launched a host of massive reforms in areas for which the central government holds the major responsibility. Examples are welfare reform, draft reform, tax reform, postal reform, manpower reform, reform of the entire grant-in-aid system. For the big things the national government must do, we are determined to step up in a big way and do a big job; for areas primarily the responsibility of state and local governments, we will deliberately take a subordinate role.

The third unifying idea is more effective implementation of government policy. This is the business of improved management and tighter coordination of government activities. Success here determines whether our good intentions can in fact lead to good results. Very shortly—before this week is out—you will see an important new initiative in this area.

For President Nixon, I assure you that "New Federalism" will continue to have top priority. There will be continuing encouragement of "pragmatic decentralism." There will be more executive action and legislative proposals for broad reform of the central government. There will be continuing improvement of its management. Already the President has appealed to the nation on national television and conducted cabinet meetings outside of Washington in an effort to highlight his proposals. He has personally appealed to the governors to get hard behind revenue sharing which now languishes before the Congress. He directed me to make the same personal appeal to you today.

My guess is that Congress is likely to respond favorably though slowly to the President's major proposals. Welfare reform is even now beginning to move through the House of Representatives. Revenue-sharing seems still to be on the back burner, but it will be tough on Congress to ignore or reject this idea whose time has clearly come.

I think we should all understand that, if the President's program is approved substantially as proposed, it will very powerfully influence intergovernmental finances even during the next five years. In this period, the Administration's welfare reform, food stamp, revenue sharing and public transportation proposals *alone* are designed to channel some $50 *billion* into meeting needs of the poor and alleviating the fiscal crunch on state and local governments.

Finally, the public debate about federalism in the 1970's ought to take on a different character. There should be more agreement about which big national problems require big central government efforts. One reason is, there should be a greater inclination to allocate to state and local governments a decision-making role for activities that do not demand a primary central effort.

Also, public awareness is bound to grow that there is a limit to the number of tax dollars which citizens are willing to devote to governmental action. In 1929 government expenditures at national, state and local levels came to about 10 percent of the dollar value of the nation's production. This fraction rose to about 20 percent in 1940, to about 30 percent in 1960, and is about 35 percent this year. President Nixon has expressed his concern about moving a much higher percentage of our nation's output into the hands of governmental tax collectors.

A limit on federal resources will force a more discriminating attitude toward priorities, and it cannot help but devolve more responsibility upon the private sector. And while we may find more agreement about the responsibilities of the national government, we may be in for very extended discussions about the proper allocation of responsibilities between state and local governments. This discussion will intensify as "pragmatic decentralism" pours added resources and added responsibility from the national level into levels closer to the people.

At least for the time being, I sense broad agreement among the major political parties and among representatives of the various layers of our federalism about the major themes of President Nixon's "New Federalism." Working together, I believe—and I do hope you also believe—that we will successfully remodel our governments to meet the exciting requirements of the 1970's.

Remarks of Senator Howard H. Baker at the National Association of Counties Legislative Conference on March 24, 1970

I appreciate very much the opportunity to discuss the concept of federal revenue sharing, a subject in which I have been interested since I first ran for political office several years ago. I believe that I can accurately state that we may—and I emphasize the word "may"—be at that point in time when the Congress will move to enact this proposal. This hope has arisen primarily for two reasons. First, and of great significance, was the agreement reached by governors, mayors and county officials in late 1969 on the question of assuring cities and counties an adequate portion of revenue sharing funds by agreeing to a guaranteed state pass through provision.

Second, and of equal importance, was the fulfillment of the commitment made by President Nixon during his campaign by including the concept of revenue sharing within his new federalism program and by sending to the Congress the requisite legislation. On September 23 I introduced the Administration's proposal and was joined in cosponsorship by 33 other Senators.

Without going into great detail on the particulars of this legislation I will recite briefly its major elements. The amount of monies to be shared will be a stated percentage of personal taxable income with one sixth of one percent to be authorized for fiscal year 1971. The rate will escalate until it reaches one percent of personal taxable income for fiscal year 1976 providing a yield of approximately $5 billion per year. The funds will be distributed from the federal Treasury to the 50 states and the District of Columbia with each state receiving an amount based on its share of the national population adjusted by the state's own revenue effort. While the distribution will be primarily on the basis of population, the net result of the application of the state distribution formula to available funds will provide some premium to those states that exercise their best efforts to provide for their own requirements and also some premium to those states that have a greater fiscal need.

A portion of the money allocated to each state will be required to be distributed to all general purpose local governments, including cities, counties, and townships. The amount passed through in each state will be the percentage of total local government general revenues to the sum of all state and local general revenues. The amount which an individual unit of general local government will receive is that percentage of the total local share that its own revenues bear to the total of all local general revenues in the state.

Finally, the states and their localities will be given complete freedom in the use of their revenue shares except for the usual public auditing, accounting and reporting requirements on all public funds. In other words, this will be money with no strings attached and may be used as operating capital or for whatever purpose local officials so desire.

There have been two basic points raised in opposition to the enactment of revenue sharing. First, it has been said that the responsibility for spending revenues should not be separated from the responsibility for raising them. While this has been a basic philosophical tenet of our country which cannot be completely rejected, I believe that for the most part the fair implication of its application to revenue sharing is that those who advance it simply do not trust state and local government officials to spend the money as wisely as can those of us in Washington. To the extent that this is their argument, I reject it. While I am not certain that all of the money will be used wisely, neither am I certain that all direct federal spending, or indeed that all private expenditure, is sensible.

I do believe that the ultimate amounts that the Congress will be willing to appropriate for revenue sharing will depend on how effectively the funds are used. This is one of the major reasons that we have a reporting requirement in the bill, so that Treasury can keep the Congress informed as to where the money is going. The ultimate success of revenue sharing, therefore, will depend on the ability of state and local governments to make the most efficient and judicious use of these funds. I for one am convinced that the potential and ability for effective management of social and public systems are extremely high at the local level.

The second argument advanced against the enactment of this concept is that no major new spending program should be instigated in a tight budget period. Of course, I think all would recognize some validity in this argument. I point out, however, as I have said, that this program begins very nominally with only one sixth of one percent, or about $500 million being authorized for fiscal year 1971. Further, President Nixon's budget message recommends a postponement of the first payment because of our budgetary and inflationary problems.

At the same time I think that the Congress must recognize that the fiscal argument for revenue sharing is compelling. State and local governments are confronted with an unrelenting fiscal pressure with no letup envisioned. For this reason I strongly urge the enactment of this concept and the enactment now.

I am firmly convinced that a considerable majority of both houses of Congress favor enactment of this proposal and would vote accordingly. I am less sure that a majority of the members of the House Ways and

Means Committee and the Senate Finance Committee, particularly the chairmen and ranking members, are of a similar view. If revenue sharing is to become a reality in 1970, then clearly a major effort and commitment from county officials is an absolute necessity. I urge you to call upon your Congressmen and Senators and to exert your best efforts with enthusiasm to obtain passage of this proposal.

THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Mr. JAVITS. I ask unanimous consent that staff assistants be permitted on the Senate floor during the consideration of the railroad resolution.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending joint resolution.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask that the attachés on both sides of the aisle notify the Members, who they think might be interested, that this matter is now before the Senate, and could be acted upon quite quickly, that there will be a rollcall vote, and there will also be at least one amendment proposed by the manager of the bill.

The **PRESIDING OFFICER.** The attachés will do so.

Mr. JAVITS. And that it may result in some discussion. Any Senator who wishes to debate it should be apprised of the fact that it may move very quickly.

Mr. President, I am also advised that members of the staffs of Senators who may desire their assistance on the floor are still being barred from the floor. There is no reason for it now, so I ask unanimous consent that, at the request of any Senator to the appropriate officials of the Senate, such staff members of the Senator whom he requires to assist him may be admitted to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we are all now aware of what our situation is. We face an imminent railroad strike on April 11, 1970, at midnight, this Friday, unless the parties come to an agreement regarding the new terms and conditions of employment which will be retroactive to January 1, 1969, as that is the date upon which such an understanding must take effect. If they cannot come to an agreement, Congress must act, based upon the principle which it has already adopted, that the country must be able to operate.

In short, if a strike cannot be avoided by agreement of the parties, it must be forestalled by national action. The reason is the same as that which motivated us roughly 37 days ago in adopting a resolution, Senate Joint Resolution 180, which stayed a strike for that period of time.

Mr. President, may I say, first and foremost, that it should be very gratifying to the country that that resolution was complied with to the letter by the parties; that there was neither a strike nor a lockout; but that, as honorable Americans interested in the future of the whole relationship between labor and management and their relationship to the United States, the will of Congress, approved by the President, was carried out. I am very hopeful that, with the same spirit, exactly that will happen as a result of this resolution and that whatever we decide finally here and in the House and is signed by the President, if it calls for the men to continue on the job, establishing terms and conditions of employment, they will do so. To me, that is the most critical aspect of the subject under discussion.

The factual situation, to which I would like to refer briefly, carries over almost exactly as it did from the action we took in adopting the first resolution. The parties have discussed the matter between them. An effort has been made by the Department of Labor to mediate subsequent to the action of Congress, but we have had no luck in that, and the 37 days are about to expire. The previous resolution became law on March 5, 1970, and expires at midnight Friday. We are just about where we were on March 5 in respect of settlement. So a brief repetition of the facts should suffice as we have gone over them before.

The parties negotiated, as of January 1, 1969, for some 15 months and were unable in all that time to arrive at a binding agreement. The parties to the negotiation were four so-called shop craft unions: the machinists, the electrical workers, the boilermakers, and the sheet metal workers union. The membership of these unions employed on the railroads is, in round figures, 48,000, of which the sheet metal workers have 6,000. That is to be compared with the total employment on the railroads of the United States of approximately 600,000. So it is to be understood that this kind of strike could affect a vastly greater number of employees than have been the parties to this negotiation.

Mr. President, the negotiators for the parties did agree, and on December 4, 1969, signed a memorandum of understanding. In the case of the Sheet Metal Workers Union as well as in the case of the other three unions this agreement was subject to ratification by the membership. A vote was duly taken of its membership, and the agreement was rejected by a vote of approximately 2,200 to 1,200. That is an important figure, because the point has been made time and time again that, based upon the rejection by roughly 2,200 sheet metal workers, the whole railroad system of the United States may very well be tied up.

I might say parenthetically, as the ranking minority member of the Committee on Labor and Public Welfare, that this is a very serious reflection upon the inadequacy of the laws of the United States to cope with national emergency situations created by strikes or lockouts, an inadequacy to which I have called attention many times in legislation submitted, in pointing out the imminence of crisis or the danger of crisis, and the fact that we are naked in terms of preparation for it. Yet, this situation has persisted to this day, and here is a very dramatic, a very vivid illustration of what can happen.

The memorandum of understanding of December 4, 1969, gave certain increases in compensation to the workers, and an excellent summary of those provisions is contained at page 17 of the committee's report, including retroactive increases in pay going back as far as July 1, 1969. It had a very special provision regarding what was called a particular work rule, an incidental work rule. For the information of the Senate, the work rule dealt with who does the work upon a job in a "running repair" location which involves the other crafts—for example, electrical work or machinist's work—if, incidentally, it involves sheet metal workers. Is it done by the particular craft doing the main job, or must the sheet metal worker be called in? Heretofore, the latter was the case. Under the new memorandum of agreement, the former would be the case.

An effort was made to compensate the parties in order to deal with this incidental work rule. The method of compensation chosen was—though it was not marked for that purpose and should not be considered a condition in any way—but, in any case, it appears that a 17-cent-per-hour increase over the pattern given to members of other unions was the quid pro quo to getting this buttoned up.

Mr. President, as I said earlier, it was not approved, and therefore did not take effect; and the reason for failure to ratify, we were informed in the testimony, was this very work rule.

On February 19, 1970, a date which I ask the Senate to keep in mind since it is involved in an amendment to be offered later, the three unions which had ratified the agreement offered to enter into it without the Sheet Metalworkers. The railroads, however, refused. As is now well known, the unions called a strike for March 6, 1970. The strike call was preceded by legal proceedings, as this matter was thrown into court by virtue of the proposal of the shop craft unions to strike one or more railroads, on a sectional basis, rather than all the railroads. That concept was enjoined, both as to a strike and a lockout—that is, some railroads being struck and others locking out the workers—by the U.S. District Court for the District of Columbia, which finally issued an injunction on March 2 against a partial strike—that is, a strike of a selected carrier. As a result, a national strike call was put into effect by these unions; and unless we had acted, which we did on March 5—or, at least, it was signed on March 5—the strike would have taken effect.

Under these circumstances, the President, on March 4, 1970, asked the Congress for immediate action. His proposal, which was introduced by the Senator from Michigan (Mr. GRIFFIN) as Senate Joint Resolution 178, and which is embodied in the resolution which is now before us, was to make effective the so-called memorandum of understanding which had been agreed to by the negotiators for all sides on December 4, 1969, and ratified by a majority of all the employees concerned, although not the membership of the sheet-metal workers. Naturally, many Members of the Senate were reluctant to take such drastic action on 1 day's notice.

Accordingly, on March 5, 1970, the Committee on Labor and Public Welfare reported out, and the Senate passed a resolution extending the status quo for an additional 37 days, until April 11, 1970. The purpose of that law was twofold. First, to give the parties additional time to attempt to settle their dispute voluntarily; and second, to give us more time to study the President's proposal as well as other possible legislation to end the dispute and protect the Nation.

Unfortunately, the parties have still not been able to resolve their dispute. Neither the Department of Labor, nor the able chairman of the House Interstate and Foreign Commerce Committee have been able to get the parties together. So it is now necessary for us to act once again to protect the Nation.

The Committee on Labor and Public Welfare has, of course, given the most careful consideration to what is the best course of action for us to follow at this juncture. One point which emerged clearly from our hearings and which has guided the committee in reporting the resolution now before us is the necessity for avoiding any further delay in finally resolving this controversy.

The current dispute had its genesis 17 months ago in November 1968, when the four shopcraft unions served notices under section 6 of the Railway Labor Act for contract changes to become effective January 1, 1969. At a hearing on April 2, 1970, representatives of the administration, the carriers and the employees were emphatic in urging the committee not to delay final resolution of the dispute any further. They informed us, and I certainly have no reason to doubt it, that the patience of the employees has simply worn to the breaking point during the past 15 months. At this point, the employees have coming to them about $500 in back pay alone. It was the unanimous opinion of the witnesses that any further delay in resolving the dispute, to permit further negotiations or arbitration of the controversy, would result in widespread wildcat strikes or other action that would paralyze the railroad systems of the country.

Notwithstanding this testimony at the hearing on April 2, 1970, and in executive session on April 6, 1970, the committee did explore most thoroughly the possibility of some form of arbitration or mediation to finality of the dispute along the lines of the law enacted to settle the 1967 shopcraft dispute. It was the unanimous opinion of the committee that the type of arbitration or mediation to finality provided for in 1967 to resolve labor disputes on the railroads was not appropriate for this particular dispute.

The Senate is entitled to know our reasons.

First, this is not at all like the customary labor-management dispute. Three of the unions involved and the railroads are perfectly satisfied with the memorandum of understanding and have no wish to jeopardize their rights under it. It is only the fourth union, the sheet metal workers, which is concerned about the incidental work rule. It was brought out most clearly in the hearings before the committee that the incidental work rule was the quid pro quo for the payment of an additional 17 cents in wages by the carriers. Since the work rule applied to all the workers, although it perhaps affected the sheet metal workers most adversely and the 17 cents was likewise payable to all the workers, it would have been most unfair to the railroads to permit the agreement to go into effect for the three unions which had ratified, and submit the work rule issue to arbitration, insofar as the fourth union was concerned. On the other hand, a proposal to arbitrate the work rule and the 17-cent increase, even prospectively, insofar as all four unions were concerned, was completely unacceptable to the three unions which had ratified the memorandum of understanding, since they did not wish to jeopardize their right to receive any part of the additional 17-cent increase.

Second, following the same procedures used in 1967 would have, at the very least, involved some further delay in the workers receiving increases due to them. As I have noted above, we were strongly advised by all the parties concerned that the patience of the workers has already worn to the breaking point, and that if any further delay occurred before the agreement was implemented, it would be impossible to prevent widespread wildcat strikes and other forms of employee action which would have resulted in paralyzing the country's railroad system. Under these circumstances, the parties advised that it was necessary for us to promptly enact some substantive resolution to resolve the dispute.

Third, and what finally turned out to be the decisive reason before the committee was that new notices under section 6 of the Railway Act may be served as early as September 1, 1970, for changes to become effective on or after January 1, 1970. Thus, in a few months, the whole package would be subject to renegotiation.

Under the circumstances, the committee came to the conclusion that it was fruitless to resolve the idea of arbitration or mediation to finality, and made clear that that was the main point upon which it based its views by writing into the resolution an additional "Whereas" which I should like to read to the Senate, because it is important as bearing upon this question:

> Whereas, the memorandum of understanding, dated December 4, 1969, permits the service of notices or proposals for changes under the Railway Labor Act on September 1, 1970, to become effective on or after January 1, 1971;

So that the date is so imminent that, as I say, it is fruitless to us to proceed in any other way.

Also, to the same point, we took into consideration the fact that the parties should be free to negotiate prospectively about anything, including the very matter which was settled for this particular time, until the end of this year, in the memorandum of understanding.

So, we wrote as follows in the report:

> In recommending this legislation, the committee is not in any way passing on the merits of the dispute over the incidental work rule. The committee's sole concern has been to avert the catastrophe which would shortly ensue if a nationwide railroad strike were permitted to occur. In that connection, the committee was advised by representatives of the administration, of the railroads, and of the three shop craft unions which have ratified the memorandum of understanding that any further delay in resolving this controversy would be most undesirable.

These reasons led the committee, unanimously, to reject arbitration, or simply a further delay in the resolution of this dispute, and to embrace the President's proposal to put into effect the memorandum of understanding, as agreed to by the negotiators for all the parties on December 4, 1969. Needless to say, no member of the committee is entirely pleased with this approach. It does require the sheet-metal workers to accept a proposal which its membership has refused to accept.

In that connection, I want to emphasize that in reporting out this resolution, the committee has taken no position whatever on the merits of the dispute on the incidental work rule. I myself suggested that provision for a study of the work rule be included in the resolution, in order to help the parties in their future negotiations concerning it. By an 8-to-7 vote the committee rejected my proposal. Those who voted against it did not do so because of views on the merits of the work rule, but simply because they did not wish to inject the Government prematurely into the next round of negotiations. That next round will begin in September 1970, and the record should be clear that the parties at that time will be free to reexamine the work rule issue, as well as any other matters with a view to making changes, effective on or after January 1, 1971.

Hence, this resolution, although it does mandate an agreement against the wishes of the sheet-metal workers, can properly be regarded as a short-term measure.

Mr. President, I need not go over the facts and figures as to the national paralysis effect of a railroad strike in this country. It would be manifested in a very few days. And the national economy would tend to decelerate very quickly and might grind to a halt. It certainly would be very badly damaging.

Mr. President, I ask unanimous consent that the letter under date of March 4, 1970, from the Secretary of Transportation to the chairman of the Committee on Labor and Public Welfare concerning the details of the issuance of an emergency order be printed in the RECORD together with the analysis of the Chairman of the Council of Economic Advisers,

XUM

XUM

similarly addressed, dated March 3, 1970.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 4, 1970.
Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in support of the President's proposal, which is presently before your Committee, to avert the nationwide stoppage of rail service which is threatened to begin after midnight tonight.

As Secretary of Transportation, I am particularly concerned about the profoundly harmful impact such a stoppage would have on public health and welfare, on the defense effort, and on the national economy.

Other modes of transportation can hardly assume more than a small fraction of the transportation capability provided by the nation's rail network. With our country so dependent on rail service, a nationwide stoppage would affect virtually every segment of the economy.

A nationwide stoppage would leave more than 50,000 communities without rail service. Immediately affected would be bulk movements of perishables and other foodstuffs, intercity and commuter passenger service, major chemical industries and coal mining. If the stoppage continues for more than a few days, the impact would spread to the entire auto industry, construction, grain elevators, paper mills, and defense-oriented industries. Water purification and sewage processing could be seriously hampered because of the growing lack of chemicals normally carried by rail.

Rail transportation is an integral part of the industrial production process. A nationwide stoppage of rail service would have a spreading or cumulative effect greater than the immediate impact on particular industries which rely heavily on rail service. Coal is an example. Three-fourths of all coal moves by rail and is used not only for personal consumption and export, but is used also by producers of electrical energy and other commodities such as iron, steel, and other metals, and stone and clay products. These in turn are used in the production of other goods such as automobiles and most manufactured products.

This spreading effect would lead to a decline in Gross National Product of over 13 percent within 30 days, according to an estimate by the Council of Economic Advisors. This figure is nearly four times the quarter-to-quarter drop in Gross National Product during the 1957–58 recession. It is estimated that six to seven million persons would become unemployed within 30 days of a nationwide stoppage of rail service.

At my request, the Federal Railroad Administrator has assembled the following data, which illustrate clearly the importance of the railroads to our economy and the impact which cessation of rail service would have.

OVERVIEW OF RAILROAD IMPORTANCE

American railroads operate 210,000 miles of line serving more than 50,000 communities. During 1968, the rail system moved over 755 billion ton-miles of freight—approximately 41 percent of the total intercity freight movement. Over 13 billion passenger miles were provided in 1968—about 9.2 percent of the total passenger movement by common carriers. Rail commuter lines, concentrated in New York, Philadelphia, Boston, Chicago, and San Francisco, serve some 600,000 commuters daily. Transportation services performed by the railroads in 1968 produced $10.8 billion in gross revenues, moved 28,231,000 freight car loads, and transported 295,600,000 passengers.

The economics of transportation make railroads the most important mode in the movement of high density, bulk commodities such as coal, grain, ore, and lumber. Most agriculture products are heavily dependent on rail transportation; and manufactured goods rely on it to a significant degree. In areas without access to water transportation, rail is the only economically feasible alternative for the movement of bulk traffic. The percentage of major commodities moving by rail are:

	Percent
Coal	73
Northwest grains	68
North Central grains	75
Lumber	84
Cotton bales	73
Auto bodies—parts	90
Hogs	90

DETAILED IMPACT DATA

1. Railroad industry

600,000 employees affected.

1,820,000 freight cars stopped including *some 360,000 under load en route,* 600,000 empties en route, 350,000 placed for loading, 350,000 placed for unloading and balance setting empty.

30 million dollar loss in revenues daily.

2. Rail passenger service

Intercity.—311,600 daily revenue passengers.

Commuters.—Work day ridership—illustrations:

Chicago	350, 000
New York	522, 000
Boston	32, 000
Philadelphia	250, 000
San Francisco	23, 000

3. Defense shipments

815 carloads originated daily or 49.5% of total Defense freight volume including:

150 cars of munitions.

Specialized rail car shipments of Titan III, Minuteman, Polaris missiles.

159 cars of bulk, high octane fuel.

Nuclear movements in shielded containers and depressed flat cars.

Military-owned flat cars ("force in readiness" and "strike command").

25 cars of sulphuric acid.

4. Mail

775 carloads originated daily including:

215 cars, 560 Piggyback.

90% of bulk mail originating daily including 75 million pieces of various types of second and third class publications and small catalogs and small packages.

Two million parcels in regular parcel post service.

5. Agriculture

Manufactured food equals 10% of total daily rail tonnage movements (140,000,000 tons) (annual).

Unmanufactured food equals 12% of daily total rail tonnage movements (168,000,000 tons) (annual).

Only two-three day supply of perishables, fruits and meat on hand.

Trapping of 10,000 cars of refrigerated shipments and 200 cars of livestock.

6. Minerals

Suspension of rail movement would cut off almost all supply of primary aluminum, copper, lead and zinc.

Would cut off 68% of all coal going to electric power utilities.

75% of all coal going to coke and gas plants.

79% of all coal going to industrial plants.

7. State of Alaska

Would cut 80% of interline traffic received via water from American railroads.

Including 20 cars of perishables per day.

Including 60 cars of construction supplies per day.

In summary, Mr. Chairman, I believe these data confirm the President's judgment that a nationwide stoppage of rail service must not be permitted to take place. I urge the Congress to take prompt and favorable action on the President's proposal.

Sincerely,

JOHN A. VOLPE.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, March 3, 1970.
Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR YARBOROUGH: The impact of the threatened railroad strike can be divided into effects on broad economic aggregates and impacts on selective sectors of the economy most dependent upon rail transportation. Most of the data presented here represent rough estimates, but the order of magnitude is believed to be reasonable. Source data used in the preparation of this letter were obtained from Government agency reports on the economic impacts of a possible rail strike and from telephone conversations with agency representatives.

I. OVERALL IMPACT

In view of the nature of our national transportation system, the economic impact of a nationwide rail strike, however short in duration, would be of serious proportions. The railroads in 1968 produced $10.8 billion in gross revenues, moved 28,231,000 freight carloads and transported 295,600,000 passengers. Railroads accounted for 41 percent of total intercity freight movement and 9.2 percent of total passenger movements by common carrier.

The proposed rail strike would immobilize 8,820,000 freight cars, including 600,000 empties enroute, 350,000 under load enroute, 350,000 placed for loading, 350,000 placed for unloading, and the balance sitting empty.[1]

(a) Impact on employment

We estimated that a total of 1.5 million persons would be unemployed by the end of the first week. The railroads are directly responsible for the employment of approximately 600,000 employes. In addition to these, by the end of the first week an additional 600,000 people employed in mining would be out of work and approximately 300,000 in other related industries. By the end of one month, the Federal Railroad Administration estimates the rail strike could idle up to six million people.

(b) Impact on GNP

Our current estimate of GNP for the fourth quarter of 1969 is $952 billion. GNP would be reduced at an annual rate of approximately $12 to $15 billion in the first week of a strike. A rough estimate of the impact of the strike on GNP by the end of the fourth week is between $50 and $60 billion. (These data are all at annual rates.)

(c) Impact on external trade

The impact of the strike on external trade would be serious. Most of our exports of chemicals, automobiles, and heavy machinery are transported to dockside by rail. All of our coal and grain is shipped by rail. A prolonged strike could have lasting effects on the balance of payments if unfulfilled foreign coal contracts led foreign customers to look favorably upon alternative sources of supply.

II. SECTORAL IMPACTS

The impact of the threatened railroad strike is serious in some areas.

1. Agriculture

Most food and feed products now operate in a "pipeline system." Therefore, a rail strike would have an immediate impact. For example, chain stores maintain a 2–3 day supply of fresh vegetables and meat. They maintain a two-week supply of manufactured goods in the warehouse and a one-week supply in the store. This assumes a normal buying pattern and not hoarding, which could result from a strike.

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[1] Source: Federal Railroad Administration.

On the other hand, livestock and milk are shipped almost entirely by truck. About two-thirds of the fresh fruit and vegetables travel by truck. USDA shipments of food for school lunch programs and welfare programs would be severely curtailed because they are handled mostly by rail on a continuing buy-ship type of pipeline operation. In 1969, the equivalent of about 110 rail carloads were shipped each day.

Livestock feeders, dairy and poultry men carry about one week's supply of feed grains. About 60–70 percent of the feed grains are currently shipped by rail. The percentage of feed grain shipped by rail would be considerably greater for the northeast and western states. Grain processors normally carry an inventory sufficient to last 3–4 days, then shutdowns would occur.

The export market for grain would be severely affected after 8–10 days. Loses in export markets are hard to recover because customers may develop other long-term contracts.

The possibility of substitution with other modes of transportation is not promising. Air freight is of little significance at the present time. Water carriers book shipments several months in advance and are presently frozen in except for the lower Mississippi. Trucks are about at capacity on the west coast where rail is crucial. Currently there are about 100,000 refrigerated freight cars to be replaced.

2. Public Welfare

Public welfare would be threatened by a railroad strike in several ways. Food shortages that would appear almost immediately are discussed as part of the strike's impact on agriculture. In addition to these, we may identify the following:

(*a*) Potentially most disruptive is the effect on the electric power industry which derives over 50% of its energy from coal. Much of this coal is carried by rail. There are probably substantial inventories of coal at power plants, but there are 21 utility systems providing about 40 percent of the Nation's power requirements that would have seriously low supplies in less than 60 days, some in less than thirty.

(*b*) In 1968, an average of approximately 700,000 people availed themselves of commuter rail services daily. These commuters are located in five cities: New York, Chicago, Philadelphia, Boston, and San Francisco. This would add considerably to traffic congestion problems in these cities.

(*c*) *Mail*: On the average 800 carloads of materials originate daily from the Post Office Department. This includes 90 percent of all bulk mail, two million parcels in regular parcel post service, and 2,500 catalogues.

3. Mining

There exists very sparse coal storage facilities at the mines. Since most shipments are made by rail, within one week it is expected that a rail strike would halt production and idle workers in the coal mining and coal handling industries. Due to numerous work stoppages last year, production lags demand, and coal users have lower than normal inventories. The impact of a stoppage in coal mining could be felt rapidly by user industries. Similar storage conditions exist in other extractive industries and it is believed they would also be seriously affected within one week.

4. Copper fabricated products

An estimated 95 percent of refined copper is shipped by railroad. Copper fabricators currently maintain inventories of 2 to 8 days due to the price of merchant copper and the short supply of producer copper. Copper fabricators would then cease operating within one week to ten days.

5. Steel mill products

Approximately 50 percent of total steel products are shipped to consumers by rail. Little of this output could be diverted to trucks and in view of the limited storage capacity available it seems unlikely that production could continue for more than two weeks after the beginning of the strike.

6. Automobiles

The automobile manufacturing industry is dependent on railroads at several stages of its operations. Large volumes of raw materials are shipped by rail. More than half of all completed vehicles and a large volume of parts and subassemblies is also shipped by rail. It is believed that automobile production would be affected almost immediately and that within two weeks automobile plants would begin to cease operations.

7. Basic chemicals

The most important products in this category are chlorine and alum, used widely in water purification. Inventories of 30 days are usually maintained but frequently these fall to 10 days or less. Most of the volume of these chemicals is shipped by rail but it is feasible to substitute truck delivery if available.

The remainder of the industry is closely woven together. Many chemicals are used in the production of other chemicals and since over 60 percent of the product is shipped by rail it is believed that the industry would be seriously affected within one month.

8. Textile mill products

The industry is dependent upon a continuing supply of chemicals, manmade fibers and cotton. These products will become unavailable within two to three weeks after the beginning of a rail strike.

III. ALTERNATIVES

According to the best estimates that we have been able to make, no more than 10 percent of the volume currently shipped by rail could be diverted to other modes. In specific instances where handling requirements can be met only by the railroads, no shipments of output would be possible.

Sincerely,

PAUL W. MCCRACKEN.

Mr. JAVITS. Mr. President, the joint resolution we bring to the Senate is under all the circumstances the most reasonable course for Congress to pursue at this time to protect the Nation and to resolve this dispute.

It has the support of the administration and of the three unions which have ratified the memorandum of understanding.

While I know that the sheet metal workers are understandably unhappy with it, any other proposal would make either the carriers or the other three unions just as unhappy and unsatisfied.

It just is not possible to do something which will be pleasing to all parties in the dispute.

We have made the Hobson's choice, and that is to put into effect the memorandum of understanding actually agreed to by the negotiators for all parties—including the unions—which has been ratified by an overwhelming majority of the employees concerned, and jurisdically by three of the four unions, which I urge the Senate to approve at this time.

This is especially true in view of the short time in which this memorandum will have effect.

Mr. President, finally there are two points which the chairman of the committee and the committee asked me to report on. And I report as an agent of the committee for the reason that I am the ranking minority member and this is an administration measure, brought in essentially by the administration, and it is my duty to handle it on the floor, as I am doing.

We have been discussing one aspect of this resolution which has caused us a little concern. And in due course, the managers of the bill on both sides will submit to the Senate—although it is not a committee amendment—what we believe represents a fair resolution of an item of difficulty which has arisen respecting the resolution.

We will submit to the Senate an amendment to the resolution which will deal with this subject. The subject, Mr. President, is the issue of retroactivity of 7 cents an hour provided in the memorandum of understanding to which I have referred.

This 7 cents an hour, as stated in item 3(d) of the memorandum of understanding summary contained on page 17 of the committee report, reads as follows:

> Effective as of the date of notification of ratification of the agreement, 7 cents per hour applicable to mechanics only.

The date of notification actually given by the three unions which did formally ratify it was December 17, 1969.

Our resolution, although it was not the subject of any material debate, eliminates that issue of retroactivity and provides that the date of enactment of this resolution—which we have before the Senate—shall be deemed to be the date of notification of the ratification as used in the memorandum of understanding. In other words, when the President of the United States signs the resolution, the 7 cents an hour will take effect. Technically and legally, that is sustainable because it is a fact that the carriers and the unions bargained for this increase based upon ratification and the taking effect of the so-called incidental work rule. The rule has not taken effect. And therefore the carriers have the right to say, "We are not going to pay anything until it takes effect."

On the other hand, the unions have the right to argue that they did everything in good faith that they were supposed to do and that along toward the middle of February when the matter had to be thrown into court, and from then on they could have, if they were desirous of doing it, gone out on strike. Also, on February 19, 1970, the three unions which ratified the agreement offered to enter into it without the participation of the Sheet Metal Workers.

We have discussed the matter. The Senator from West Virginia (Mr. RANDOLPH), the manager of the bill on the majority side, the Senator from Wisconsin (Mr. NELSON), who took an interest in the problem, other members of the committee and I have discussed the problem.

We have come to the conclusion that the fair way to resolve the matter is to let the issue of retroactivity take effect at the time the matter was out of the

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hands of the parties, and that date is February 19, 1970, shortly after it was first thrown into court, and when the three unions which had previously ratified offered to enter into the agreement without the Sheet Metal Workers.

From the point of view of rough justice, that would split it about 50–50 on one side and the other. I think that is the fair way to resolve the matter.

We hope very much that this will be accepted by the workers and the carriers and the other parties concerned. And we have reason to believe that it will be.

After the opening statement is made by the Senator from West Virginia (Mr. RANDOLPH), I will offer the amendment.

Mr. President, I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I join the able ranking minority member of the Labor and Public Welfare Committee in bringing this legislation to the Senate.

As the ranking majority member of the committee, I endorse personally and officially the factual and excellent statement of the Senator from New York.

I think it is important for me to underscore, not only as the Senator indicated, the unanimity within the committee, but also to call attention to the fact that the committee is composed of 10 Democrats and seven Republicans, and that all members participated in the rollcall on the unanimous recommendation to send this legislation to the Senate for discussion and determination today.

Mr. President, I believe it is important also to emphasize that all of the members of the Committee on Labor and Public Welfare believe in collective bargaining. For, in one way or another all of them have so stated. What we are doing today is not violence to the concept of collective bargaining; rather, this measure is an effort by the Senate and the House to join in providing the seemingly most feasible and equitable solution to keep the rail system of the United States in operation. This country's rail system provides direct employment for approximately 600,000 persons. It is, therefore, along with waterways transportation, the mode of transportation in this country which moves to a greater degree the high-density bulk commodities from one point of this country to another.

Mr. President, I think of this matter of the importance of the continuing operation of the railroads as being of paramount importance to the well-being of the people and the economy of this Nation. I know that stoppage of rail operations would bring catastrophic consequences to the State of West Virginia.

Nationally, and in my home State, these consequences would strike hard at both labor and management and at governments at all levels. Our largest West Virginia product, bituminous coal, principally is moved by rail, and this is true of all coal-producing States. In fact, over 73 percent of the coal produced is shipped by rail. Consequently, a shutdown of the mining industry in the State of West Virginia, resulting from an inoperative rail system, would be tragic for even a few days.

I refer to the comment included in our report on page 11 under the classification of "Mining." It is stated:

> There exists very sparse coal storage facilities at the mines.

This is true, and I know it personally.

> Since most shipments are made by rail . . . it is expected that a rail strike would halt production and idle workers in the coal mining and coal handling industries. Due to numerous work stoppages last year, production lags demand, and coal users have lower than normal inventories. The impact of a stoppage in coal mining could be felt rapidly by user industries. Similar storage conditions exist in other extractive industries and it is believed they would also be seriously affected within one week.

Perhaps one would say I speak from a provincial standpoint, but I do not really address this problem provincially, because the coal moves to the eastern markets, such as those in New York and New Jersey, and to Midwestern and Great Lakes areas. It is vitally important to the continuance of a sustained economy in our metropolitan areas that coal be available there to help sustain their huge energy requirements—especially as relates to electricity.

In West Virginia alone, upward to 40,000 coal miners would be made unemployed alone, with the many railroaders who would be idled. Not only would the mines cease to produce within hours after our rail systems ceased to operate, but steel and chemicals would also be nonproducing industries, too, within a short period. This, of course, would cause a deterioration of our economy, adversely affecting business and commerce.

This, Mr. President, is my comment in reference to the importance of the rail industry not only to the Nation, but particularly, as I have indicated, in the State of West Virginia.

As the able Senator from New York has said, three shop craft unions with total membership of approximately 42,000 ratified the agreement. The Sheet Metal Workers International Union, with approximately 6,000 workers who are members of that organization, did not ratify. However, it is important for us to realize that even though the Senate committee unanimously brought this resolution to the floor, it is not a weakening of the process of collective bargaining. It is a recognition by responsible men within the Committee on Labor and Public Welfare, regardless of party, of the collective bargaining results achieved, in spite of the refusal of a small segment to agree—a very small segment. We have an obligation to the people of the United States to see that our country is not placed in a straitjacket by the demands and the recalcitrance of a few.

From the standpoint of the 10 majority members of the committee and the seven minority members of the committee there was unanimity on this point. So, I do not speak of division as to party because there is a bipartisan support for the measure which is the pending business. It is significant that Senate Joint Resolution 190 has been reported by the Senator from New York (Mr. JAVITS). With the problems that could affect our economy by a strike at midnight tonight, there is every reason to believe that the Senate will support this resolution overwhelmingly. I trust the rollcall will be unanimous.

Mr. JAVITS. Mr. President, I am very appreciative, both personally and as one who reported the bill at the direction of the committee, for the splendid analysis of the situation by the distinguished Senator from West Virginia (Mr. RANDOLPH), and the tremendous help he has been in endeavoring to resolve this dispute, using his enormous influence in the industrial field concerned, to bring about a settlement and viewing this, as he has already said, as a last resort with no alternative open to us.

Mr. President, I am about to propose the amendment I have described. Before I do so I wish to suggest the absence of a quorum. Again I would urge attachés of the Senate to advise Members we will have a vote very shortly, that we will have third reading very shortly, and that this is the time for them to be here if they wish to propose any amendments or engage in debate on the floor of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from West Virginia (Mr. RANDOLPH), and the chairman of our committee, the Senator from Texas (Mr. YARBOROUGH), I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The BILL CLERK. The Senator from New York, for himself and Senators RANDOLPH and YARBOROUGH, proposes an amendment on page 3, lines 4 and 5, to strike "the date of enactment of this resolution" and insert "February 19, 1970."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. What is the date stricken?

Mr. JAVITS. The date stricken is the date of enactment of the resolution. This amendment gives a little retroactivity. I might say it deals with an item of 7 cents an hour for mechanics. The retroactivity was supposed to be back to the middle of December 1969, but because of the situation in which the parties found themselves, this could not take effect.

The committee version eliminated retroactivity. As we felt the fault was not that of all the workers, but that what had happened was due to a small number of the workers, relatively speaking, we thought the best thing to do was to split the difference, which we have done.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. It is my understanding that the three unions which had agreed previously, as far as they were concerned, had their retroactivity for back pay go a little farther.

Mr. JAVITS. There are various items of pay which go back farther, but the particular 7-cent item to which I referred would have been effective from the middle of December, if this agreement could have been consummated. We also thought it unwise to try to differentiate between the three other unions and the sheetmetal workers union. We thought it would create hard feeling and undue complications.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. The Senator has mentioned the 7-cent item. I think the record should show that the cost of the retroactive feature offered in the amendment will be only approximately $180,000 to the rail industry.

Mr. JAVITS. I would wish to say only that we are talking about an order of magnitude. We did our best to ascertain that figure. It is in that order of magnitude, according to the best the staff could ascertain it, but we would not wish to be bound by that figure. I do this without committing any party, which could walk out in the next 5 minutes and denounce me, or anybody else. We have checked around. Generally speaking, it seems a fair disposition of what could be a new controversy among the parties, as far as mention of them is concerned, both on the carriers' side and the workers' side. For that reason we commend it to the Senate.

Mr. President, I have no requests for time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, I am very sorry that I just came on the floor. I wish I had been on the floor to hear the explanation of the Senator from New York, but I am a little at a loss to understand why this amendment would be offered.

As I understand the bill as reported, it would put into effect the agreement that both the unions and management agreed. The only thing is that, as I understand it, the membership of one of the unions did not ratify it. Why would we in Congress adopt an amendment which would go beyond that, if that is what the amendment does?

Mr. JAVITS. It does not; as a matter of fact, it goes somewhat shorter than the agreement. Let me explain why.

I think the Senator is absolutely right in wanting to know. I am sorry he was not here, but I often find myself in the same position.

If the Senator will look at the memorandum of understanding, on page 17 of the committee report, item 3D reads:

> Effective as of the date of notification of ratification of the agreement, 7¢ per hour applicable to mechanics only.

If all the four unions had agreed at the time this matter fell apart, it would have been the middle of December 1969 that such a notice was given to the carriers. That particular provision would then have taken effect the middle of December 1969.

The three unions actually notified the carriers that they had ratified it. The fourth obviously did not. Hence, legally, that could not be effected.

So when the matter finally went into court, which was shortly before February 19, 1970, that was the first time within which the issue, as it were, was taken out of the hands of the parties, and they were compelled not to strike, by court order or congressional mandate signed by the President, because when the court order expired, which was a 10-day run, we passed a law for 37 days. Also, I think it is relevant that February 19, 1970, is the date the three unions which had ratified the agreement offered to enter into it without the Sheet Metal Workers.

Now, in our proposal to the Senate, we eliminated that retroactivity and had it take effect, but notwithstanding the words of the agreement, we had it take effect as of the time the President would sign the resolution now pending before the Senate, or some similar resolution.

That was seen, when the committee discussed the amendment yesterday, as unfair to a great many of these workers who stood ready, willing, and able to perform their part of the contract, and were prevented from doing so by the one union.

That situation obtained from the middle of December to the middle of February. Thereafter, everyone was prevented by the courts and Congress; and naturally, in discussing the thing, as a matter of equity, though not as a matter of law—because as a matter of law they were unable to give the notification of ratification, and they would have been unable to do so until now—but as a matter of equity, we finally decided to split it down the middle. Instead of just saying 50 percent, we tried to pick some logical basis for it, and the logical basis was the date of February 19, which turned out to be roughly 50 percent.

I made some preliminary soundings with both unions and management, and though I am unable to represent that they agree, we do not believe we will have any trouble with it, and apparently it is preferable to leaving the matter in as a new item of bargaining, which we would be doing if we did not deal with it in this resolution in some way or arriving at such a drastic solution that we would again have to deal with wildcat strikes; and, even as it affected the Sheet Metal Workers Union, as the order of magnitude involved was something like $280,000, we decided to make this rough measure of justice.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Is the Senator from New York familiar with what is happening in the other body with respect to this particular provision?

Mr. JAVITS. We have informed the other body with respect to what we are doing, and my hope and guess is that they may be doing much the same thing.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the name of the junior Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of the amendment to Senate Joint Resolution 190 just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we have really tried. We have made the announcement a number of times. We have had a number of quorum calls. We have really tried to bring Members to the floor who had any interest in this legislation, wished to amend it, or wished to debate it. We consider it a critically important measure, Mr. President, dealing with a very large part of the economy of the country over the past few months, and still very important; and it is important as a precedent. I emphasize this, Mr. President, before we have third reading, so that anyone who wishes to say anything may do so.

But we have had no intelligence of anyone having any interest in the bill who wishes to speak, and as far as I am concerned, as the manager of the bill, I am ready for third reading if the Senator from West Virginia is.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. What the able Senator from New York says is true about our efforts to inform all Senators of the vote on the pending resolution. I also call attention to the fact that the leadership has announced, not only yesterday but even the day before, that this resolution would be before the Senate following the vote on the Carswell nomination.

Mr. JAVITS. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. The joint resolution (S.J. Res. 190) is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from California (Mr. Murphy) is necessarily absent.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) would each vote "yea."

The result was announced—yeas 88, nays 3, as follows:

[No. 123 Leg.]

YEAS—88

Aiken
Allen
Allott
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Baker
Mansfield
Packwood

NOT VOTING—9

Anderson
Bayh
Bennett
McCarthy
McGovern
Mundt
Murphy
Pell
Russell

So the joint resolution (S.J. Res. 190) was passed, as follows:

S.J. Res. 190

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the memorandum of understanding, dated December 4, 1969, permits the service of notices or proposals for changes under the Railway Labor Act on September 1, 1970, to become effective on or after January 1, 1971; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that February 19, 1970, shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

Mr. JAVITS. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, the preamble is agreed to.

Mr. MANSFIELD. Mr. President, the emergency legislation dealing with the threatened railroad strike was handled in a most expeditious manner today in the Senate under the guidance of the senior Senator from New York (Mr. Javits). As the ranking minority member of the Labor and Public Welfare Committee, Senator Javits has contributed greatly to our understanding of the problems involved and the importance of the measure. We are indebted to him for his hard work and careful attention to the needs of the Nation and the labor force in this instance.

To be commended also for his diligent and thoughtful work on the measure is the Senator from West Virginia (Mr. Randolph). The always thorough and knowledgeable presentation of his views, and his effective legislative skill are as always most welcome and contributed greatly to the competent handling of the bill.

The entire Labor Committee of the Senate, its chairman and the Senate as a whole are to be commended for the efficient and expeditious handling of this proposal.

ORDER FOR ADJOURNMENT UNTIL 9:30 TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the approval of the Journal, the distinguished Senator from Wyoming (Mr. Hansen) be recognized for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Then, following the remarks of the Senator from Wyoming (Mr. Hansen), I ask unanimous consent that the previously granted request to allow the Senator from South Carolina (Mr. Thurmond) to proceed for not to exceed 25 minutes and the previously granted request to allow the Senator from Maryland (Mr. Tydings) to proceed for not to exceed 30 minutes, be allowed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland (Mr. Tydings), there be a morning hour for the conduct of morning business with a time limitation of 3 minutes for each Member.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING THE SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Gore Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations be permitted to meet during the session of the Senate tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL PAY LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 767, S. 3690.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. S. 3690, to increase the pay of Federal employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

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SENATE JOINT RESOLUTION 192—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO THE OFFERING OF VOLUNTARY PRAYER OR MEDITATION IN PUBLIC SCHOOLS AND OTHER PUBLIC BUILDINGS

Mr. SCOTT. Mr. President, I introduce today a new joint resolution proposing a constitutional amendment to permit voluntary prayer in our public buildings, and especially our public schools. I do so in the hope that the introduction of a new resolution at this time will renew effectively congressional interest in this issue which has so long been a matter of great public concern. I am sorry to say that requests by myself, and others, for Senate hearings on this question in the last session of Congress failed to draw a favorable response. The introduction of the new bill I am offering today will provide, I hope, the incentive that is needed now to pursue this matter successfully. My resolution is offered as confirmation of my own personal support in this effort.

Mr. President, I believe my resolution strengthens and improves language which previously has been proposed. My resolution does so in two ways.

First, it mentions specifically "schools" as among those public buildings in which voluntary prayer would be permitted. To mention only public buildings without this additional clarification would, I feel, leave the question of intent open to some doubt.

Second, I recognize that some regard even voluntary prayer as something requiring formal procedure. Therefore, I have drafted my resolution to permit "meditation" as a substitute for voluntary, nondenominational prayer. By so doing, my resolution addresses itself to the basic issue in a manner which still permits the greatest possible flexibility for a divergence of religious belief. Individual or group prayer or meditation on a voluntary basis need not be formalized or institutionalized, but at the same time, such activities should not be penalized. It is with this uppermost in mind that I offer my new resolution.

Mr. President, the people of my Commonwealth of Pennsylvania have been especially outspoken on this issue. They have petitioned the courts for years, and despite setbacks there, have in some communities recently reinstituted voluntary prayer. In at least one school, the exercise centers on the daily prayer from the CONGRESSIONAL RECORD, a reminder of the fact that we, as national leaders in Congress, begin each daily session with the opportunity for prayer. It is this same opportunity for prayer which my resolution would make available to others, and particularly to the Nation's schoolchildren who otherwise are denied a privilege we in Congress take for granted.

Mr. President, I believe in the separation of church and state. I do not believe in the separation of children from the opportunity for prayer or meditation. I believe that public hearings, including attention to the voluntary nature of this amendment, could do much finally to resolve this question, and I offer my resolution for this purpose.

I urge that it be given early and favorable consideration.

Mr. President, I introduce the joint resolution for appropriate reference on behalf of myself, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Texas (Mr. TOWER), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 192), proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I want to commend the distinguished minority leader for his speech today in support of public prayer, and for his resolution, offered today, to allow prayer in public schools.

This fight was formerly led by his predecessor as minority leader, the late Senator Everett Dirksen, and I am glad to see my senior colleague offering his leadership abilities to this important issue.

As a Senator who is a cosponsor of Senate Joint Resolution 6, Senator Dirksen's "school prayer amendment," I share Senator SCOTT's disappointment that hearings have not been held on the Dirksen amendment. I feel the Scott constitutional amendment is a better, stronger proposal, and deserves serious consideration by the Judiciary Committee and the full Senate.

It is important to me that Senator SCOTT has specifically included meditation as a substitute for voluntary, nondenominational prayer, because he thus makes it clear that those of us who support prayer in public schools do not want to impose any form of institutionalized religion. However, I feel strongly that those who wish to include prayer in the education of our young people are not prohibited from doing so.

This is an important issue to many persons in Pennsylvania. I commend Senator SCOTT for his initiative in representing these Pennsylvanians, just as I commend him for his leadership in the Senate, on behalf of public prayer. It is a privilege for me to be a cosponsor with him on this measure.

Mr. GOLDWATER. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. GOLDWATER. I should like to ask the Senator a question: Is this similar to the amendment offered by the late Senator Dirksen?

Mr. SCOTT. Yes. I may say that it is closely similar. It is modeled on that amendment, and now specifically includes the words "schools and public buildings," and the addition of the word "meditation" as a form of prayer, so that prayer does not necessarily have to be vocal.

Mr. GOLDWATER. I thank the Senator very much. Would he consider me as a cosponsor of his resolution?

Mr. SCOTT. I would be very happy to have the Senator as a cosponsor and, Mr. President, ask unanimous consent that the name of the Senator from Arizona (Mr. GOLDWATER) be included in the resolution as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, will the Senator from Pennsylvania consider me also as a cosponsor of his resolution?

Mr. SCOTT. I would be very happy to have the Senator from Arizona (Mr. FANNIN) as a cosponsor and, Mr. President, I ask unanimous consent that the Senator from Arizona (Mr. FANNIN) be added as a cosponsor of the resoluion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, if the Senator from Pennsylvania will yield to me, with the understanding that he does not lose his right to the floor, I should like to make a brief statement in support of the resolution he has just offered.

Mr. SCOTT. I am happy to yield to the Senator from Texas.

Mr. TOWER. Mr. President, I am pleased to cosponsor the resolution introduced by my distinguished colleague from Pennsylvania, Senator SCOTT, which calls for an amendment to the Constitution specifically allowing voluntary, nondenominational prayer in schools. I believe that everyone should voluntarily have the right to engage in religious observance. Of course, the State should not support or "establish" a religion in a partisan, denominational way. It is difficult, indeed, to see how a rule which permits a child to join in a prayer, if he so desires, establishes a religion. The men who wrote our Constitution did not feel that a state religion could be established so easily. They were aware of the principle enunciated in the first amendment and did not think that a prayer to open the first Congress or a motto on our coins—"In God We Trust"—violated that amendment.

Nor is there any reason to believe that the Founding Fathers felt that voluntary prayer in a public school was an evil to be prevented by the first amendment. Thus, we are seeking by a new amendment to restore original constitutional meaning.

It is a fact that we are predominantly a religious people. The history of our founding shows that our whole social and political system reflects certain Judaeo-Christian concepts of law and right. In our hectic, modern life there is often too little time for our children to get the religious training which has been an important part of American life since our Nation's beginning. As the public school becomes a larger part of our children's lives and consumes more and more of their time, it becomes increasingly important that the school provide them with the opportunity to pray to their God if they wish. It would be inexcusably shortsighted to spend millions of

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dollars so that our schools may develop the minds and bodies of our children while denying those schools the right to give students the voluntary opportunity to develop their spiritual selves.

The framers of our Constitution and Bill of Rights were deeply religious men who intended the first amendment to be a protector of religion, not a destroyer of it. If we allow the first amendment to be construed to deny the right of children to voluntarily enter into prayer, we frustrate the intent of the men who drafted that amendment. I see no reason why we should not allow free public expression of the religious belief which is so rooted in our history.

I am pleased to join with Senator SCOTT in calling for an amendment to our Constitution to specifically allow religious expression in schools either through voluntary, nondenominational prayer or through periods of meditation.

I submit that it was the intent of the framers of the first amendment to guarantee freedom of religion and not freedom from religion.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from Texas. I am very honored to have have him as a cosponsor of the bill.

GENERAL REVISION OF THE PATENT LAWS—AMENDMENTS

AMENDMENTS NOS. 578 AND 579

Mr. SCOTT. Mr. President, the United States has made great strides in the fields of technology and science in recent years. Much of the credit for these advances must be given to the American patent system which has stimulated and encouraged innovation and invention. To insure that the patent system continues to play this vital role, it is necessary to periodically revise and update the patent laws. To this end, the distinguished Senator from Arkansas (Mr. McCLELLAN), chairman of the Subcommittee on Patents Trademarks, and Copyrights, introduced S. 2576, for the general revision of the patent laws.

It is my privilege to serve on this subcommittee and to work with the chairman and other members of the subcommittee to bring about needed revision in our patent laws.

I rise today to submit two amendments to S. 2756. Although I will submit substantial explanatory and supporting data at the conclusion of my remarks, I am taking this opportunity to briefly explain the purpose of my amendments. The amendment (No. 578) proposed to sections 261 and 271 deals with patent license provisions and is intended primarily to implement recommendation XXII of the report of the President's Commission on the Patent System. The American Bar Association, the American Patent Law Association, the Philadelphia Patent Law Association, and the Pittsburgh Patent Law Association approve in principle legislation intended to implement recommendation XXII. Moreover, the American Patent Law Association supports the specific language I am introducing today.

The amendment (No. 579) proposed to section 301 is intended to make it clear that the patent laws shall not be construed to preempt the right of the courts under State or Federal law to decide issues with respect to enforcement of contracts involving rights to intellectual property such as trade secrets, technical know-how, and unfair competition. The principles embodied in my amendment are supported by the American Bar Association, the American Patent Law Association, the Board of Governors of the Philadelphia Patent Law Association, and the Pittsburgh Patent Law Association. The specific language of my amendment is supported by the American Patent Law Association.

I believe these amendments address themselves to extremely important questions in the patent law field. There is merit to their underlying principles. It is for this reason that I propose them to S. 2756. However, I harbor no pride of authorship in the specific language and stand ready to examine alternative approaches to meet the needs to which my amendments are addressed. It is my hope, however, that these amendments will serve to further stimulate thought and discussion on the action needed in these important areas.

In order to further illuminate the need for these amendments, I ask unanimous consent that the following materials be printed at the conclusion of my remarks: Detailed explanations of the amendments to sections 261 and 271; a detailed explanation of the amendment to section 301; that section of the Report of the President's Commission on the Patent System dealing with recommendation XXII; a letter from the Honorable Merl Sceales, chairman of the Section of Patent, Trademark and Copyright Law of the American Bar Association, discussing recommendation XXII; a letter from the Honorable Philip G. Cooper, president of the Philadelphia Patent Law Association, discussing recommendation XXII; a lengthy memorandum prepared by the American Patent Law Association on "the need for legislative clarification of the law relating to patent license provisions"—summary and full memorandum.

The **PRESIDING OFFICER.** The amendments will be received and printed and will be appropriately referred; and, without objection, the material will be printed in the RECORD, as requested.

The amendments (Nos. 578 and 579) were referred to the Committee on the Judiciary.

The material ordered to be printed in the RECORD, reads as follows:

RE SECTIONS 261 AND 271 (RECOMMENDATION XXII)

The amendments proposed to Sections 261 and 271 of S. 2756 are intended primarily to implement Recommendation XXII of the Report of the President's Commission on the Patent System. The net effect of those amendments, with regard to patents or applications for patent, would be to:

A. Re-arrange Section 261(b) to make clear, in the first paragraph, a patent (or a patent application) owner's right to assign or license his patent (or application) exclusively, and in the second paragraph to limit the license to: (1) specified fields of use covered by the patent (or application), (2) specified geographical territories, (3) exclusive or non-exclusive practice of the invention, and/or (4) any desired number of licenses as he may please.

B. Add new subparagraph 261(e) so as to specify that an assignor cannot challenge the validity of the patent he has assigned unless he first returns the price paid and bases his attack on grounds not available at the time of the assignment.

C. Add a new subparagraph 261(f) to stipulate that no party to a license can contest validity of a licensed patent unless he (1) first surrenders all future benefits and (2) then or thereafter settles all past obligations due under the license.

D. Add new Section 271(f) and 271(g) to provide a statutory basis for the following licensing practices, as follows:

(f) (1) the granting or prohibiting of certain fields of use of the (patented) invention, and permitting or prohibiting one or more of the primary functions of the patent, namely the right to exclude others from making, using or selling the (patented) invention.

(2) the granting of a license which contains a provision excluding or restricting any conduct reasonable under the circumstances.

(g) (1) the granting of non-exclusive cross licenses and the granting of a license containing a provision requiring the grant back of a non-exclusive license under improvements on the licensed invention.

(2) the granting of a license which requires a royalty fee or price:

(i) of any amount, however paid, on any desired royalty base;

(ii) computed on any basis convenient to the parties;

(iii) covers a single patent or a single package consisting of a multiple number of patents; or

(iv) which differs from that agreed to with other parties.

Section 271(f) (1) would make it just as legal to license less than all of the right to exclude others from making, using and selling the subject matter patented (35 USC 154) as it is to license the entirety of the right. It would assure continued freedom of the patent owner to license for a term less than the remaining term of the patent, license to make and use without licensing sale, license to make use and sell in specified sizes or for specified purposes or fields, etc.

The Supreme Court sustained a limited field license in *General Talking Pictures* v. *Western Electric Co., Inc.*, 305 U.S. 124 (1938). Other decisions on the subject are collected in Oppenheim, Federal Antitrust Laws (1968), pp. 706–8. In *Atlas Imperial Diesel Engine Co.* v. *Lanova Corporation*, 79 Fed. Supp. 1002 (D. Del., 1948), the court sustained a license to a patent to engines which was limited to a specified maximum size.

Limited licenses have, at least until recently, been considered legal in the same respect as unlimited licenses. They are useful in many situations. For example, the Government takes at least a license to make, have made, and use for Government purposes in connection with inventions made during the course of Government financed research. Many antitrust decrees provide for compulsory licenses under all the patents of the defendant for certain limited purposes such as "to make use and vend lamps, lamp parts or lamp machinery". *U.S.* v. *General Electric Co.*, 115 F.Supp. 835, 848 (D.N.J., 1953).

Under the proposed statute there would be no inquiry as to the "reasonableness" of the particular portion of the total patent right to exclude that is offered for license or is licensed—any more than there is inquiry as to the "reasonableness" of the price a patent owner proposes to charge or charges for a license or whether a refusal to license at all is "reasonable".

The proposed language would not make legal those contracts or combinations that go beyond the grant of a limited license and restrain trade. Conduct such as occurred in

Hartford-Empire Co. v. *U.S.*, 323 U.S. 386 (1945), where limited licenses were part of an overall combination to restrain trade, would continue to be illegal.

Section 271(f) (2) would continue the right of the patentee to include in licenses such reasonable terms as are necessary to secure the full benefit of the invention and patent grant. For example, 35 USC 287 provides for a limitation on recoverable damages for patent infringement unless certain notice is on the patented articles. Under the proposed language a license requirement to this end would be legal. Similarly, a common form of license royalty is a percentage of the sales price. To secure the full benefit of the invention and patent grant with such license arrangement, the patentee should be entitled to receive necessary data as to what is sold by the licensee so as to determine that the royalties are correctly paid. The proposed language would assure that such provisions are free from challenge under the antitrust or any other laws.

The proposed language would not legalize agreement provisions that are not reasonable to secure the patent owner the full benefit of the invention and patent grant. For example, it would still be improper for a license to require that the licensee abstain from making or selling products that compete with the patented product. See *National Lockwasher Co.* v. *George K. Garrett Co.*, 137 F(2d) 255 (3d Cir., 1943). Also, limitations on the patentee, such as occurred in *United States* v. *Besser*, 96 Fed. Supp. 304 (E.D. Mich., 1951) (Aff'd. 343 U.S. 444 (1952)) and *United States* v. *Krasnov*, 143 Fed. Supp. 184 (E. D. Pa., 1956) (aff'd. 355 U.S. 5 (1957)), do not secure to the patent owner the full benefit of his invention and patent right in a reasonable manner and would continue to be invalid.

Section 271(g) deals with a number of common arrangements that up to now have been considered generally legal but have been recently questioned to at least some degree.

Paragraph (g) (1) enables the patentee to cross license and also to insist on a nonexclusive license back. If the patentee is to grant a license it is only equitable that the licensee be prepared to reciprocate. This consideration had led the courts to approve nonexclusive grantbacks even in antitrust decrees rendered after proven violations of the Sherman Act. See, e.g., *United States* v. *National Lead*, 332 U.S. 319, 359 (1947).

Paragraph (g) (2) (1) continues the present law that the amount of royalties is purely a matter of private bargaining. In *American Photocopy v. Rovico, Inc.*, 359 F(2d) 745 (7th Cir., 19), the court held, in overruling a preliminary injunction, that excessive royalties were a patent misuse and antitrust violation. After trial on the merits it was concluded that there was no misuse. 257 Fed. Supp. 192 (N.D. Ill., 1966) and 384 F(2d) 812 (7th Cir., 1967.) While the effects of this decision are now largely dissipated, it is believed appropriate to have a statutory provision that will avoid future such holdings.

Paragraph (g) (2) (ii) continues the present law that consideration need not be measured by the extent of use of the patented invention. Minimum royalties, for example, are a proper and very useful way to handle license fees. Although such royalties were specifically held valid in *Automatic Radio Mfg. Co.* v. *Hazeltine Research*, 339 U.S. 827 (1950), questions have been raised and the matter is believed best clarified by statute.

Paragraph (g) (2) (iii) makes it clear that the principle of paragraph (g) (2) (ii) applies to the analogous case where an arrangement involves a plurality of patents or patent claims and the royalty charge is not segregated as to any particular patent or patent claim.

Paragraph (g) (2) (iv) deals with differing royalty fees or purchase price figures. In *LaPeyre v. FTC*, 366 F(2d) 117 (5th Cir., 1966), and a number of other cases involving the same facts, dissimilar royalty rates were found to offend Section 5 of the Federal Trade Commission Act or the Sherman Act. These cases rest on an exceptional fact situation not likely to be repeated. Paragraph (g) (2) (iv) would make certain that the *LaPeyre* and companion cases are limited to their particular facts. A patent owner is not and should not be in the position of a public utility. The Congress has consistently and properly refused to enact compulsory licensing statutes. An endless number of considerations affect the royalty rate or purchase price to be arrived at as a matter of private bargaining, including the particular field of use by the licensee, the licensee's sales volume, the extent the licensee grants a license back, and many others. Paragraph (g) (2) (iv) assures that this bargaining can continue.

RE SECTION 301

There is at present in S. 2756 a Section 301 which sets forth the traditional provisions that the Federal patent laws do not preempt contractual or other rights or obligations not in the nature of patent rights, imposed by State or Federal law on particular parties in connection with inventions or discoveries, whether or not subject to the Federal patent statutes. In view of recent judicial decisions which cast a shadow of doubt on the propriety of entering into contracts for the protection of trade secrets, technical know-how, and the like, and which suggest that such private contracts are preempted by the patent laws, it is recommended that this point be legislatively clarified by rewording Section 301 along the following lines:

This title shall not be construed to preempt, or otherwise affect in any manner, rights or obligations not expressly arising by operation of this title whether arising by operation of state or federal law of contracts, of confidential or proprietary information, or trade secrets, of unfair competition or of other nature.

In the absence of such a provision in the statutes it may be presumed that any body of technical knowledge, which by its very nature normally would constitute patentable subject matter, would be subject to application of the federal patent laws. But this would be unfair and unreasonable if the subject matter consisted of information that is available in the prior art or which, no matter how valuable it may be commercially, lacks the element of unobviousness required for it to be eligible for patent protection (e.g. a literature study to determine from the prior art the best process route to a certain item of manufacture, and a plant design based thereon; a computer program based upon preexisting know-how; exact product simulation of form, color, size, etc.). In the absence of protection for such subject matter in the patent laws there is, nonetheless, a critical need for protection that should be available through the private law of contracts or the law of torts. Section 301 will fulfill that need and assure that the patent laws are not improperly applied so as to exclude such protection in situations where contract or tort law is indicated.

The need for Section 301 is important to the independent or relatively small researcher or developer of technical know-how and to large companies as well. At any level of operations the property rights which may be affected by that provision are of tremendous importance in the development and use of American technology. For example, a common occurrence are agreements entered into between domestic and foreign entities which involve, among other things, the transfer of technological information—important details of a process or product for which the recipient is willing to pay substantial sums of money. In 1968 the United States' technological balance of payments for agreements to exchange such technical information credited our country with 1½ billion dollars. In the absence of a law such as Section 301 provides such technical agreements might be outlawed as being preempted by the patent statutes. But the patent laws would afford insufficient protection for the subjects of those agreements as they may consist almost exclusively of non-patentable technical know-how. Thus, the net effect would be to put an end to the exchange of information and payments therefor now represented by those agreements, for in the absence of adequate protection few persons or companies would want to chance disclosing their know-how and few would want to pay for acquiring know-how that anyone may duplicate with impunity.

REPORT OF THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

XXII

The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision or imposed a condition on a licensee, which has (a) a direct relation to the disclosure and claims of the patent, and (b) the performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the "rule of reason" shall constitute the guideline for determining patent misuse.

There is no doubt, in the opinion of the Commission, of importance to the U.S. economy of both the U.S. patent system and the antitrust laws. Each is essential and each serves its own purpose within the framework of our economic structure. However, conflicts between the two have arisen. But this does not mean that the two systems are mutually exclusive, that a strong patent system is a threat to the antitrust laws, or that the latter cannot be effectively enforced so long as a patent system grants limited monopolies.

On the contrary, the two systems are fully compatible, one checking and preventing undesirable monopolistic power and the other encouraging and promoting certain limited beneficial monopolies. In this way, each may easily achieve its objectives in a strong economy.

The Commission, therefore, does not favor any proposal which would weaken the enforcement of the antitrust laws or which would curtail in any way the power of the courts to deny relief to a patent owner misusing the patent he seeks to enforce. However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.

No useful purpose would be served by codifying the many decisions dealing with patent misuse into a set of rules or definitions permitting or denying enforceability of patents in given circumstances. The risk of unenforceability is too great and such a codification is wholly unnecessary. All that the Commission believes to be required is explicit statutory language defining, for the purpose of assignments and licenses, the nature of the patent grant heretofore recognized under the patent statute or by decisional law. This is, the right to exclude others from making, using and selling the patented invention.

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The mere exercise, conveyance or license of these conferred rights should not in itself constitute misuse of a patent. A patent owner should not be denied relief against infringers because he either refused to grant a license or because he has exercised, transferred or licensed any of the conferred patent rights himself. This should not include immunity of even these conferred patent rights from the antitrust laws when the patent owner becomes involved in a conspiracy to restrain or monopolize commerce, or when the patent is itself used as an instrument for unreasonably restraining trade.

There are also a number of conditions and provisions long associated with the transfer or license of rights under patents which must be distinguished from the exclusive right to make, use and sell conferred by the patent grant. Among these are improvement grant-backs, cross licenses, package licenses, patent pools, no contest clauses, and many others which are simply matters of private contract, ancillary to the conveyance or license of a patent right. As such, these conditions and provisions must be judged, along with other purely commercial practices, under the antitrust laws and the patent misuse doctrine. The Commission does not recommend immunization of any of these other provisions or conditions from either the antitrust laws or the application of the misuse rule.

This recommendation also makes it clear that a patent may not be used to control commerce in subject matter beyond the scope of the patent. For example, it could not be considered "reasonably necessary" to secure full benefit to the owner of a machine patent that he attempt to control any of the commerce in an unpatented raw material to be used in the machine. Neither could it be held that such an attempt had a direct relation to the machine claims in his patent. By the same standards, the patent owner could not control commerce in one of the unpatented elements of his combination invention where his claims are to the whole combination.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., November 5, 1970.

Re: S. 2756 For the general revision of the patent laws.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Patents, Trademarks, and Copyrights, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: As Chairman of the Patent, Trademark & Copyright Section of the American Bar Association, I am enclosing a brief prepared by members of our Section which illustrates why it is of the utmost importance to include Recommendation XXII of the President's Commission on the Patents System as a Section of the above bill or in any revision thereof. The brief sets forth legislative language which paraphrases Recommendation XXII, and this language has been approved by our Section and the House of Delegates of the American Bar Association.

The executive branch of the government, as represented by the Department of Justice and the Judicial branch in decisions by the Courts involving both private litigation and litigation in which the Department of Justice has been involved, have created great uncertainty in the law with respect to patent licensing. We submit that the legislative branch should now take the lead, fortified as it is, by Recommendation XXII of the Presidential Commission to provide a statutory expression of a standard to aid business men, private inventors and the general public in the patent licensing area.

We have, of course, noted the position of the Department of Justice, as indicated in a letter to you from assistant Attorney General McLaren, which appeared in the Congressional Record. It should not be left to the Justice Department to establish the law of patent licensing case by case, as proposed by Mr. McLaren. This would be an abdication in this area of the rights and duties of the legislative branch.

The difficulty with the reasoning of the Justice Department is that it always has its sights set on the big company. It completely overlooks "the little man from Little Rock." There are many individuals and small companies who have patents, and often the best and only way for them to benefit from the patent system is to license their patents. Very few companies, for example, would take a non-exclusive license from an individual, since in practically all cases, the licensee company must spend several hundred thousand dollars to redesign and test the product to meet the commercial demands of the market. This a company is not willing to do if competitors are also licensed, particularly upon the same terms and in the same field of use.

A statutory provision defining the metes and bounds of patent licensing, such as is proposed in the attached brief, would protect these little men by providing guidelines under which they can operate. The big company can survive under the approach proposed by the Justice Department. The little man cannot, and he needs a statutory mandate under which he can be advised that he is proceeding legally.

We could have included numerous other examples of cases in the attached brief where the decisions of the Courts have left the law of patent licensing in a confused state. However, we appreciate that your time and that of your committee is limited and believe our short brief clearly illustrates the problem and points up the necessity for legislation in the patent licensing field.

I trust the enclosed will be of help to you.

MERL SCEALES,

Chairman.

A NEED EXISTS FOR ADDITIONAL STATUTORY PROVISIONS IN PROPOSED PATENT REFORM LEGISLATION

I. INTRODUCTION

There is much uncertainty in the law of patent licensing and legislative clarification is needed. The confusion in this area of the law was noted by the President's Commission on the Patent System which reported:

> . . . uncertainty exists as to the precise nature of the patent right. . . .

This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.[1]

As a suggestion for reducing the confusion and bringing some certainty to the law of patent licensing, the President's Commission offered Recommendation XXII which stated:

> The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision or imposed a condition on a licensee, which has (a) a direct relation to the disclosure and claims of the patent, and (b) the performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the "rule of reason" shall constitute the guideline for determining patent misuse.[2]

Recommendation XXII was translated into proposed legislation as Section 263 of the Dirksen bill S. 2597 (90th Congress). Section 263 of the Dirksen bill, which Section has been approved by the American Bar Association,[3] states:

> 263. Transferable nature of patent rights
>
> (a) Applications for patent, patents, or any interests therein may be licensed in any specified territory, in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and
>
> (b) A patent owner shall not be deemed guilty of patent misuse because he agreed to contractual provisions or imposed conditions on a licensee or an assignee which have:
>
> (1) A direct relation to the disclosure and claims of the patent, and
>
> (2) The performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant.
>
> (c) In determining the reasonableness of such provisions or conditions under this section, the courts shall, in each case, consider all factors involved in the exploitation of the patented invention and the economic effect of such provisions or conditions.

The most recent patent reform legislation, McClellan S. 2756 (91st Congress) does not, however, include a provision like Section 263.

Either Section 263 of Dirksen S. 2597 (90th Congress) or a similar section is needed in patent reform legislation to encourage the licensing of patents by rendering more certain the law governing such transactions.

II. REPRESENTATIVE PROBLEM AREAS

Some of the principal areas where the law relating to patent licensing is uncertain are: "field-of-use" licensing, royalty collection following patent expiration, package licensing, nonexclusive licenses containing differing royalty rates, grant-back covenants, and setting of royalty rates.

A. "Field-of-use" licenses

There is present confusion in the law as to whether or not a patent owner may limit the licensed use of his invention to a designated apparatus, process or field of business activity. More particularly, while it has been believed since the 1938 decision of the Supreme Court in *General Talking Pictures Corp.* v. *Western Electric Co.*[4] that a patent owner can limit his license under the invention to a particular field (such limitation commonly being referred to as a "field-of-use" limitation) it now appears that the Department of Justice plans to challenge the legality of "field-of-use" licenses in certain instances where they are issued to a plurality of licensees.[5] Patent owners are thus placed on the horns of a dilemma in as much as they cannot with any certainty grant "field-of-use" licenses. To grant such licenses would be to invite an action from the Justice Department.

B. Collections of patent royalties following patent expiration

A further area of concern to patent owners involves the legality of charging a royalty the payment of which is to be spread over a term of years which exceeds the life of the licensed patent.

In 1964 the Supreme Court in *Brulotte* v. *Thys Co.*[6] held that a license of a single patent which required payment of royalties for a period beyond the expiration date of the patent was an unlawful extension of the patent monopoly and therefore a misuse of the patent.

In 1969 the Supreme Court in discussing the *Brulotte* case has stated:

> Recognizing that the patentee could lawfully charge a royalty for practicing a patented invention prior to its expiration date and that the payment of this royalty could be postponed beyond that time, we noted that the post-expiration royalties were not for prior use but for current use, and were nothing less than an effort by the patentee to extend the monopoly beyond that granted by law.[7]

Footnotes at end of article.

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This is confusing and statutory clarification is needed.

C. Package licensing

The problem of post-expiration royalties discussed in Section II B is also of concern in the licensing of several patents to a single licensee (such licenses being commonly referred to as "package" licenses). Patent owners are presented, in view of the Supreme Court decisions, with the problem of determining whether a package license is unenforceable if the royalty provision does not provide for a decrease in the royalty rate should any of the licensed patents expire during the life of the license agreement. The practice of charging a royalty rate which does not diminish during the life of the agreement, even though some of the licensed patents may expire, was early approved in *Automatic Radio Co. v. Hazeltine Research Co.*[8] Apparently this practice is still permitted in the tenth circuit, as evidenced by *Well Surveys, Inc. v. Perfo-Log, Inc.*[9] while it is in trouble in the third circuit. More particularly, the third circuit in *American Security Co. v. Shatterproof Glass Corp.*[10] 268 F.2d 769 (3d Cir. 1959) found patent misuse in a license clause which continued the full royalty rate "to the expiration of the last to expire of any"[11] of the patents licensed under the agreement. The confusion is further amplified by a statement in majority opinion of the *Brulotte* case, supra, which distinguished the *Hazeltine* case, supra, by pointing out that not all of the patents involved in the *Hazeltine* case were to expire during the period of royalties. Further, as was pointed out in a footnote to the majority opinion in the *Brulotte* decision, the review petition filed in the *Hazeltine* case:

> did not . . . raise the question of the effect of the expiration of any of the patents on the royalty agreements.[12]

Statutory clarification is needed.

D. Nonexclusive licenses containing differing royalty rates

Recent decisions have held that the owner of a patent could not charge different royalty rates to licensees under the same patent.[13] Because of these decisions there is doubt as to the legality not only of a patent owner charging different royalty rates in situations where licensees are involved in the same "field-of-use" but also in those situations where the licensees are involved in different "fields-of-use."

Clarification on the law with regard to the setting of differing royalty rates for licensees of the same patent is needed.

E. Grant-back covenants

While it has been believed that a "grant-back" provision in a patent license (such a provision being one which requires that the licensee assign or license back to the licensor any patent or improvement in the products or the processes of the licensed patent) is a legal and valid provision under the doctrine announced in *Transparent-Wrap Machine Corp.* v. *Stokes & Smith Co.*,[14] at least as long as such grant-back provisions were not linked with any other anticompetitive activity,[15] it now appears that the Justice Department contemplates challenging license agreements containing particular types of grant-back clauses.[16] In order to have any certainty as to whether or not such provisions may be lawfully included in license agreements, statutory clarification of the legality of such provisions is needed.

F. Royalties

The law is also unclear as to the extent to which the patent owner and his licensee are free to set a mutually agreeable royalty rate. Particularly, while the Supreme Court in the *Brulotte* case[17] noted that a patent empowers the owner to exact royalties as high as he can negotiate with the leverage of that patent, the recent case of *American Photocopy Equipment Co.* v. *Rovico*[18] held that a patent owner should be denied a preliminary injunction against infringement of his patent because in the court's opinion the patent had been misused as the royalty rate was exorbitant and oppressive. How can an attorney advise his client as to whether or not a royalty rate is exorbitant and oppressive?

Statutory clarification is needed.

III. STATUTORY TREATMENT OF THE ABOVE PROBLEMS

Only Section 263 of the Dirksen bill S. 2597 (90th Congress) and the 91st Congress' version thereof. S. 1569, has treated any of the problems discussed above, with which the public is concerned on a day-to-day basis.

To enact patent reform legislation without a provision such as Section 263 of the Dirksen bill so that the law can develop on a "case by case" basis will simply prolong the uncertainty for an undeterminable period.

Prolongation of the uncertainty will most certainly be a disservice to the Patent System, and ". . . produce confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses"[19] as was observed by the President's Commission to study the Patent System.

Therefore, it is requested that Section 263 of the Dirksen bill S. 2597 (90th Congress) be incorporated into McClellan bill S. 2756 (91st Congress) and any subsequent patent reform legislation.

FOOTNOTES

[1] Report of the President's Commission on the Patent System, U.S. Government Printing Office (1966), p. 37.

[2] Id at p. 36.

[3] CONGRESSIONAL RECORD, vol. 113, pt. 22, p. 30370.

[4] 305 U.S. 124, 59 S.Ct. 116 (1938).

[5] Address by Richard W. McLaren, PTC Research Institute of George Washington University (June 5, 1969), 161 U.S.P.Q. No. 11, p. II; and address by Roland W. Donnem, Michigan State Bar Convention, Trade Regulation Report (October 7, 1969) pp. A-4 and A-5.

[6] 379 U.S. 29, 85 S.Ct. 176 (1964).

[7] *Zenith Radio Corporation* v. *Hazeltine Research, Inc.*, ——— U.S. ———, 89 S.Ct. 1562 at 1583 (1969).

[8] 339 U.S. 827, 70 S.Ct. 894 (1950).

[9] 396 F. 2d 15 (10th Cir. 1968), *cert. denied* 393 U.S. 951. See *McCullough Tool Co.* v. *Well Surveys, Inc.*, 343 F. 2d 381 (10th Cir. 1965), *cert denied* 383 U.S. 933.

[10] 268 F. 2d 769 (3d Cir. 1959).

[11] Id at 777.

[12] 379 U.S. 29 at 32.

[13] *Laitram Corp.* v. *King Crab, Inc.*, 244 F. Supp. 9 (D.C. Alaska 1965), motion for new trial denied, 245 F. Supp. 119 (1965); *U.S.* v. *United Shoe Machinery Corp.*, 110 F. Supp. 295 (D.C. Mass. 1953); *Peelers Company* v. *Wendt*, 260 F. Supp. 193 (D.C. Wash. 1966); and *Barber Asphalt Corp.* v. *La Fera Grecco Contracting Co.*, 116 F. 2d 211, (3d Cir. 1940).

[14] 329 U.S. 637, 67 S.Ct. 610 (1947).

[15] *U.S.* v. *General Electric*, 80 F. Supp. 989 (D.C. N.Y. 1948), *U.S.* v. *General Electric*, 82 F Supp. 753 (D.C. 1949); *U.S.* v *Alcoa*, 91 F. Supp. 333 (S.D. N.Y. 1950); and *Kobe, Inc.* v. *Dempsey Pump Co.*, 198 F. 2d 416 (10th Cir. 1952).

[16] Address cited note 4 supra.

[17] 379 U.S. 827, 70 S.Ct. 894 (1950).

[18] 359 F. 2d 745 (7th Cir. 1966), *cert denied* 385 U.S. 846.

[19] The Report of note 1 supra at p. 36.

THE PHILADELPHIA PATENT
LAW ASSOCIATION,
Philadelphia, Pa., January 28, 1970.

Hon JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In the belief that you are in full accord with the statement in the recent Presidential Executive Order 11,215 establishing the President's Commission on the Patent System that:

> ". . . the patent system . . . has contributed materially to the development of this country by furthering increased productivity, economic growth, and an enhanced standard of living and has strengthened the competitiveness of our products in world markets; . . ."

The Board of Governors of the Philadelphia Patent Law Association is writing to you concerning a matter deeply affecting this patent system.

The constitutional mandate granting to authors and inventors, for limited times, "the exclusive right to their respective writings and discoveries" was made with the knowledge that this right would enhance the public good by encouraging inventors to invent. Without the protection afforded by the patent system an invention could be copied and the market stolen by an unscrupulous manufacturer with ready facilities. With the patent system an inventor is encouraged to improve existing products to the public benefit. The limited right is not monopolistic at all. In the words of the late Mr. Justice Roberts:

> ". . . a patent is not, accurately speaking, a monopoly. . . . An inventor deprives the public of nothing which it enjoyed before his discovery, but gives something of value to the community by adding to the sum of human knowledge . . ."

An inventor can use the patent right in several ways. He may use it to protect himself in the manufacture and sale of the invention or he can license another to do this for him in return for a suitable royalty. Thus the right to grant licenses frequently becomes the real thing of value which the inventor receives. To the extent that his right is unnecessarily limited, the incentive to compete is likewise reduced.

The basic right of a patentee to license his invention has been guaranteed from the earliest times. Nevertheless, the Courts have, over the years, successively limited the scope of his right to grant licenses, some of these decisions finding their basis in the Antitrust laws. But each decision, the good and the bad, has been purchased at the considerable expense of Court litigation. The law has been written by the Courts rather than by the legislature. As you stated in your speech introducing your Patent Bill S. 2756, the Department of Justice is urging a continuation of this technique in the belief that "any necessary development or clarification of the law in this area could be obtained as a part of the Department's antitrust enforcement program."

Further, according to an article which appeared in the Wall Street Journal for Wednesday, January 7, 1970, the Justice Department has formed a new staff unit in its Antitrust Division to concentrate on cases "involving restrictive practices in the licensing of patents and technology." The article continues to point out that "In recent months, the department has filed antitrust suits challenging agreements not to contest the validity of patents; agreements dividing sales or use of territories for patented products, and restrictions on the sale of certain drugs in generic, or bulk, form."

The continuing attempt to write patent law in the Courts can not only result in burdening industry with the cost of defending itself but also the resulting uncertainty will discourage others from participating in what has been for many years their inherent right. Today no one in industry knows what customary licensing procedure will next be subject to attack or what penalties will be invoked against him for doing what has been, for years, common practice. The United States Supreme Court itself has participated in this situation. In a dissenting opinion, the late Mr. Justice Frankfurter protested that the Court was repudiating a legal principle that "was woven into the fabric of our law and has been part of it for now more than seventy years." (Mercold v. Mid-Continent.)

There is thus an urgent need for Congress to express in clear and unmistakable terms the fair bounds and limits within which industry may be free to operate.

This conflict between the patent system and the antitrust laws was recognized by the President's Commission on the Patent System. Their report recognized that "the two systems are fully compatible", but that ". . . uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule." Recommendation 22 of the Report then stated that the licensable nature of patent rights should be clarified in the patent Statute.

In view of the urgent need presented by this situation, a special Committee on Antitrust and Misuse was formed within the Philadelphia Patent Law Association, instructed to study the entire situation and to submit appropriate recommendations to the Board of Governors. Many meetings have been held by this Committee. It has studied the action taken and statements submitted by other Patent Law Associations. It subsequently submitted strong recommendations to the Board of Governors urging the Board to take appropriate action to approve its recommendations and to submit corresponding views to those most concerned with the hope that Congress will, in the revised patent Statute now under consideration, clarify the rights of licensors and licensees in a manner which will, for once and for all, establish their proper metes and bounds and minimize the harassment that will necessarily result from legislation by Court decisions. Accordingly, the Board of Governors, at a meeting held on January 15, 1970 unanimously adopted the following Resolution:

Resolved, that the Board of Governors of the Philadelphia Patent Law Association adopts the findings of its Committee on Antitrust and Misuse which approves in principle the recommendations submitted to the Senate Committee by the American Patent Law Association (APLA) in regard to Recommendation No. 22 of the President's Commission.

A copy of the proposed statutory language which has been submitted by the APLA is enclosed for your convenience. We and our Committee on Antitrust and Misuse enthusiastically endorse the recommendation of the APLA that a provision of this type be included in the revised Patent Act for the reasons outlined in this letter. Because of the importance of this matter, our Committee is continuing to study the specific wording of the APLA proposal. Should we have recommendations to make or any changes in the specific wording to propose we will submit these to you promptly.

Very truly yours,

PHILIP G. COOPER,
President.

Enclosure.

PROPOSED STATUTORY LANGUAGE

With respect to Recommendation No. 22 of the President's Commission, we previously have placed the Association on record with the Senate Committee as favoring the following proposal:

1. Change the heading of Section 261 of S. 2756 to read—Transferable and Licensable Nature of Patent Rights.

2. Amend the first and second sentences of Section 261(b) in S. 2756 to read as follows:

Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing, and in like manner exclusive rights under applications for patent and patents may be conveyed for the whole or any specified part of the United States.

An applicant, patentee, or his legal representative may also at his election, license or otherwise waive any of his rights under Section 154 or Secton 281 of this title in whole or in any part thereof, by exclusive or nonexclusive arrangement with a party of his selection.

3. Add subparagraphs (f) and (g) to section 271 of S. 2756 as follows:

(f) No patent owner shall be guilty of misuse or illegal extension of the patent rights because he has entered into, or will only enter into,

1. An arrangement granting some rights under the patent but excluding specified conduct, if the conduct excluded would be actionable under Section 271 and Section 281 of this title: or,

2. An arrangement granting rights under the patent that excludes or restricts conduct in a manner that is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant.

(g) No patent owner shall be guilty of misuse or illegal extension of patent rights because he has entered into or will only enter into an arrangement of assignment, license or waiver of some or all of his rights under Section 154 or 281, for a consideration which includes:

(1) A non-exclusive exchange of patent rights;

(2) A royalty, fee or purchase price;

(i) In any amount, however paid or measured, provided that any amount paid after the expiration of a patent is based solely upon activities prior to such expiration:

(ii) Not measured by the subject matter of the patent or by extent of use by the other party of the rights assigned, licensed or waived;

(iii) Not computed in a manner that segregates the charge for any particular patent, or for any particular claim or claims of one or more patents:

(iv) Differing from that provided in some other arrangement.

MEMORANDUM ON THE NEED FOR LEGISLATIVE CLARIFICATION OF THE LAW RELATING TO PATENT LICENSE PROVISIONS

SUMMARY

Encouraging innovation is the principal objective of the patent system. Patents do this, first, by encouraging invention, or the investment in inventive efforts thus, patents provide a lead time for the patent owner against competitors who would copy the invention and enjoy a free ride on the research and development investment. Second, patents facilitate the marketing of inventions. Often the useful dimensions of an invention exceed the interests or capabilities of the patent owner to develop, produce or market it. The patent owner must then be able to use his patent to secure what he lacks in the means to market.

The patent is a form of monopoly, albeit a temporary and specially-created one and therefore is an automatic anathema to some antitrust theorists. Nevertheless, the patent "monopoly" brings a form of innovative competition that no antitrust law can provide. This is, in effect, competition in value, as distinguished from price (although the patented product must still compete in price with its available alternatives).

The patent owner is entitled to keep all others from practicing his invention. Or he can sell the patent or license others to use it. A licensing arrangement must hold prospects of profit for both parties and, accordingly, must be adapted to an existing business situation. However, the patent owner is entitled to attach only those terms to his license that are reasonably related to the scope of his patent grant. Otherwise, his patent can be held unenforceable as a patent misuse; or the patent owner can be held in violation of the antitrust laws, subjecting him to severe penalties—including a prison sentence, heavy fines, and treble damages to those his acts have injured. *The need is therefore apparent for reasonable certainty in the laws relating to patent licensing if patents are to be used effectively in bringing new products and processes into maximum use and fostering innovative competition.*

In several important respects, the applicable law is so unsettled as to hamper legitimate licensing activities. This arises from diversities in holdings of our courts. Equally disturbing for the future is the unrealistic attitude of the Department of Justice, due in part to a lack of appreciation of the practical problems of licensing and operating under licenses. Representatives of the Antitrust Division with increasing frequency are threatening actions against patent owners who engage in licensing practices well within the scope of their patent grant and for a proper purpose but which the Division considers opposed in theory to a concept of antitrust.

Patents, by statute, have the "attributes of personal property." The owner of personal property other than patents enjoy, among the attributes of ownership, the right to dispose of all or part of his property whenever, wherever and to whomever he chooses. And in disposing of it he is not called on to prove that what he is doing is legal or even reasonable. The patent owner, in disposing of his patent property, should enjoy the same presumption of legality and reasonableness concerning his transactions.

There is need for legislative clarification in several specific areas of patent licensing. These include:

1. Field-of-use licensing

A patent owner is entitled to all uses of his invention. Some uses, such as those beyond his ability or interest to develop and market, he may choose to license to others. Such a license is not restrictive but merely conveys less than the total right belonging to the patent owner. However, the Department of Justice insists that such a license is restrictive, and there is increasing danger that our courts, which heretofore have upheld such practices, will fall victim to this pressure. The President's Commission on the Patent System, appointed by President Johnson, concluded that the field-of-use license, like the license for a particular territory (which is specially sanctioned by present statute), should receive statutory approval.

2. The right to license (*or not to license*)

Strange as it seems, the right of a patent owner to license parties of his choice has been challenged. A White House Task Force on Antitrust Policy has urged that if a patent owner licenses his patent at all he must license all comers who are financially responsible and of good reputation. At least one court decision has spoken similarly. While the use of patents beyond their proper scope is clearly wrong, and the interdiction of antitrust or the defense of patent misuse becomes appropriate, the insistence that the patent owner must license all qualified parties if he licenses anyone is clearly an unwarranted extension of antitrust philosophy. The lack of appreciation for the facts of business life is endangering the important prerogative of the patent owner to select his licensees.

3. The freely negotiated royalty

A federal court has held that a royalty, acceptable to some sixteen other licensees, was excessive and *per se* violation of the antitrust laws. While the Supreme Court has repeatedly held that a patent owner is entitled to whatever royalties the parties negotiate, there is now judicial support for questioning the royalty terms of any license. This intervention by a court to determine *ex post facto* that a royalty does not suit the court's idea of reasonableness and amounts to price fixing is more than unwarranted. Moreover, in

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most instances an arrangement that later proves an undue burden on the licensee will be adjusted for the good business reason that it impairs the sale of the product and the generation of royalties for the patent owner.

4. Royalty differential between nonexclusive licensees

A series of court decisions in related cases have held different charges to different licensees to be a *per se* antitrust violation. These decisions may or may not portend a judicial trend against the freedom of the patent owner to charge different royalties to different licensees. This judicial uncertainty is compounded by the report of the aforementioned White House Task Force on Antitrust Policy, on which the Department of Justice has commented with apparent favor. The Task Force would have each license under a patent to be on terms "neither more restrictive nor less favorable" than every other license—even though the licenses be for different products or purposes, and even though the benefits of the license may vary widely among several licensees.

5. The royalty base

The complexities in the practice of some product and process patents sometimes make it difficult or impossible to measure the use of the patent for determining royalties. On such occasions the parties agree on some conveniently determinable parameter as a measure of use. It would seem inappropriate for the courts to interfere with such arrangements, and in fact decisions have been generally reasonable. Nevertheless, there is uncertainty which a clear legislative provision would alleviate.

6. Royalty for the package license

Where a prospective licensee wants to do something that in its totality is covered by a group of patents, some of which may not be used all the time or which may be alternatives to others, the entire group of patents may be licensed. If the patent owner does not coerce his licensee into accepting and paying for unwanted patents, antitrust problems are usually avoided. But in establishing a royalty he may encounter problems. Usually, no breakdown of royalty is made for individual patents because the extent of their use cannot be predicted when the license is negotiated. But when the patents begin expiring the right of the patent owner to continue to receive the full royalty is sometimes questioned. The reduction in value of the remaining patents as each patent expires would in most instances be impossible to determine fairly. If the original agreement contemplating the continuance of royalties until the last significant patent has expired was reached in arms-length bargaining without coercion, it should remain in force as the parties intended.

7. Royalty payment after expiration of patent

A single Supreme Court decision has raised doubts in the minds of some as to the validity of a license calling for payment of royalties after expiration of the patent but for activities carried out while the patent was alive. Installment payment of royalty is usually a concession to the licensee and should not be a source of loss or litigation to the patent owner.

The President's Commission on the Patent System observed the patent owner's plight in the matter of permissible patent license provisions:

> However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.

This, indeed, is true.

The Department of Justice is becoming increasingly active in critical surveillance of patent licensing. While the Department favors a case-by-case development of the law (with the Department initiating or participating in litigation to is own end), such development would inevitably be expensive—both for the patent owner and the public. Moreover, the resulting law could well be misdirected, because it would have its origins in aggravated and unrepresentative fact situations.

The interests of patent owners and the public call for legislative clarification of some of the major problems now in such an uncertain state. Especially, these interests need safeguards against case law making *per se* antitrust violations of some of the practices so important to innovation through patents.

Memorandum on the Need for Legislative Clarification of the Law Relating to Patent License Provisions

INTRODUCTION

When the patent system is viewed in terms of its constitutional objective of encouraging useful innovation, patent and antitrust concepts may touch but they shouldn't tangle. However, there is mounting evidence of inconsistency and confusion in the courts and a disturbing trend in the Department of Justice concerning the terms that may be incorporated in patent licenses without invoking the sanctions of antitrust.

The importance of this development lies in the fact that the licensing of patents, and the freedom to adapt the license to the business situation facing the patent owner and his prospective licensee, are often indispensable to the full utilization of the patent for the benefit of both the public and the patent owner.

It is the purpose of this Memorandum on behalf of the American Patent Law Association to outline some of the problems of patent license provisions and to suggest areas in need of legislative clarification.

THE ROLE OF PATENTS IN INNOVATION

There are two distinct but important roles of patents in the innovative process one widely recognized and the other too often ignored. Both are embraced within the constitutional requirement that the patent system "promote the progress of useful arts." [1]

The first is the incentive to invent, or—more commonly—to support inventive efforts. Of course, a few gifted individuals invent as a reflexive response to a problem or challenge. They may have little regard for the economics or marketability of their inventions but simply invent for the satisfaction of exercising their creative talents. For them the patent system may provide little personal incentive to invent (although patents may afford the only means for bringing their inventions into use for the benefit of the public, as will be developed below).

But the ofttimes risky investment in research, development, design, manufacturing and marketing activities in the context of the innovating unit, be it an individual or corporate group, could hardly be justified if the results could always be freely copied by those having no such investments to recover. The innovator of a marketable product needs a *lead time* during which he can deny competitors a free and profitable ride on his investment in the innovation. This is what the patent system gives him in return for disclosing details of the invention in a patent—provided his invention can qualify as sufficiently different from what has been done before to merit a patent.

From this limited lead time of seventeen years, sometimes called the patent "monopoly," the patent owner has an opportunity to recover his expenses, earn a profit and possibly invest in other innovative adventures—so long as the public is satisfied his product is worth buying at the price he charges. It is the *prospect of patent coverage* that justifies much investment in research and development leading to new products, new plants, new employment opportunities and genuine progress in the useful arts.

The second role of patents in innovation concerns the ability to market. At the patent's expiration, anyone can use the invention free of the patent. In the meantime, public disclosure of the invention in the patent often stimulates others to invent improvements or make quite different inventions, building on the ideas in the patent.

While public disclosure of the invention in the patent is therefore a contribution in itself, the full range of benefits contemplated by the patent system are not realized until the patented invention is embodied in a product or service available to the public. The right to exclude others from practicing an invention is hollow, indeed, both from the standpoint of the patent owner and the public, if the patent owner lacks the money, talent, organization or facilities to bring the invention to market. It is therefore essential that if the patent owner decides to market the invention *he be able to use his patent* to secure what he lacks in the means to market.

This is particularly important where the invention is capable of application outside his regular field of interest or competence. In such event he needs to use his patent in a business arrangement that will give incentive to those of his choosing who are expert in other fields and can handle the special problems of development, manufacturing and marketing.

These two elements, *the incentive to invent* (or support inventive efforts) and *the ability to market*, are the heart of a patent's contribution to "innovation." They are sequential but inseparable, and recognition of this duality will be seen as important in resolving patent antitrust conflicts in the area of patent licensing.

THE CONTRIBUTION OF PATENTS TO THE ANTITRUST OBJECTIVE

To the extent the patent owner has the exclusive right to prevent others from making, using and selling the invention claimed in the patent, he does, indeed, enjoy a monopoly—albeit a temporary one. But the temporary monopoly of the patent takes nothing from the public, for the patent *by law* covers only that created for the first time by the inventor.

Because a monopoly of any kind is anathema to the antitrust theorist, the monopoly of the patent has given rise to the erroneous idea that patent and antitrust concepts are endlessly opposed. The patent monopoly is regarded as an intrusion on the principle of free and unfettered competition.

In truth, however, the utilization of the temporary patent monopoly brings an entirely new dimension to the free competition sought by the antitrust laws. This new dimension arises from the necessity for competitors to find their own routes to successful products, a process that in its stepwise implementation brings new and better or cheaper products to the market. Indeed, there is no stronger incentive to invent, or to invest in efforts to invent, than a successful, patented product in the hands of a competitor. This can properly be called *innovative* competition—or competition in *value*, as distinguished from price—a form of competition not secured through application of any of the antitrust laws.

PATENTS, PROFITS AND PROPHETS

If the support of inventive efforts leads to grant of a patent, or if a patent is otherwise acquired, the problem of the patent owner is how to use the patent for profit. The patent may cover a manufactured article, a device or machine, a chemical compound or combination of compounds, a process for making something, or a method for doing something. If practicable, the patent owner usually chooses to make and sell the patented

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Footnotes at end of article.

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product himself or use the process in his own plant.

However, if in his business judgment he decides the best opportunity for profit lies in granting licenses to others, he must proceed with the utmost care. First, he must choose as his licensees only those who, by their good reputations or capabilities, will bring credit to his invention. In licensing his patent for practice by others he is parting with a portion of the exclusive privilege his patent gives him, and licensed activities that would demean the invention would inevitably lessen the value of his remaining rights under the patent.

Second, he must fashion the patent license to the business situation he faces. Obviously, the arrangement must hold prospects of profit for both parties. But in taking into account the business interests involved, the patent owner can properly include in the license only those provisions reasonably related to securing for him the legitimate benefits of the patent grant—which confers the right to exclude others from making, using or selling the patented invention. If the license goes farther, the validity of the arrangement can be be called into question because the patent has been employed beyond its lawful scope. The patent owner has, in other words, "misused" his patent.[2]

Patent misuse is a defense against a charge of infringement and may relieve the infringer of liability. Although the patent may be valid, the patent owner loses his right to enforce it so long as the misuse continues and the consequences have not been corrected. If the misuse can be shown to have adversely affected competition, or to have been part of a plan to restrain or monopolize trade, the acts of misuse may rise to a violation of the antitrust laws. The phrase "antitrust laws" includes Sections 1 and 2 of the Sherman Act and Sections 3 and 7 of the Clayton Act, with the Federal Trade Commission Act sometimes included.[3]

While patent misuse is actionable only as a defense to a suit for infringement or a related suit for breach of a license, activities believed to constitute antitrust violations can be enjoined by a court on the basis of action by the Department of Justice, acting in the name of the United States Government, or on the basis of action by injured private parties. The penalties for antitrust violations can range from heavy fines to prison sentences (where a criminal violation is made out), and private parties who have been injured by the illegal acts can sue for treble damages.

Increasingly, the patent owner who licenses his patent needs the gift of prophecy. In tailoring his license to the business situation existing *at the time of licensing*, he and his prospective licensee must foresee not only how the courts and Department of Justice might interpret the license provisions, but also how changing business circumstances might affect such interpretations.

As will be demonstrated below, the state of the decisional law is unsettled in the extreme. But of equal importance is the threatening posture of the Department of Justice. The recently-announced establishment of a Patent Unit within the Antitrust Division of the Department of Justice underscores concern over some of the policies that seem to be emerging in the patent-antitrust area.[4]

Speaking in Washington on June 5, 1969, Assistant Attorney General McLaren, in charge of the Antitrust Division of the Department of Justice, outlined the guiding philosophy of antitrust enforcement in this area as follows: [5]

> In considering whether to attack a particular licensing provision or practice, we ask ourselves two fundamental questions. First, is the particular provision justifiable as *necessary* to the patentee's exploitation of his lawful monopoly? Second, are less restrictive alternatives *available* to the patentee? Where the answer to the first question is no, and to the second yes, *we will consider bringing a case challenging the restriction involved*. (Emphasis added.)

The Department of Justice is therefore not only concerned with whether a given practice in a given situation in fact constitutes an antitrust violation, but whether the particular licensing arrangement was "necessary," or whether there might have been other ways of putting the patent to use that would have imposed less "restriction" on the licensee.

More will be said below about use of the word "restriction" in the patent license context. It is important to understand, however, that the Department of Justice is using the term to describe that portion of the patent grant which the patent owner has chosen *not* to license.

If the patent owner can deny access of all others to his invention, it would seem appropriate that he be entitled to control the degree to which he relinquishes his exclusive rights, *so long as the license provisions are within or reasonably ancillary to the patent grant*. No gift of prophecy could possibly anticipate the outcome of a test of a licensing arrangement, made in a given business context at a specific point in time, against the subjective criteria of "necessity" and "availability of alternatives" applied at some future time. One is led to conclude that only the failure of the arrangement would prove its legality.

THE DISPOSITION OF PATENTS AS PERSONAL PROPERTY

It should not be taken as the position of the American Patent Law Association that all the patent license provisions discussed herein should always be permitted to stand in all circumstances. Even the most innocuous terms can be applied in a predatory manner to achieve, through conspiracy or individual action, results that are anticompetitive, clearly beyond the scope of the patent grant and inimical to progress in the useful arts. But to adopt the test proposed by the Department of Justice, or to permit the declaration of *per se* illegality of license provisions which, in their proper application, can bring innovative advances more rapidly into public use and actually create competition in the process, is to defeat the principal objectives of both the patent and antitrust laws.

Considerations of the public interest involved in patent licensing permeates this entire discussion. Another important factor to examine, however, is the nature of the rights of the patent owner. The present statute declares that "patents shall have the attributes of personal property." [10] As will be shown, much of the agitation from antitrust theorists today would lead to a clear derogation of this concept.

There is no dispute that a principal attribute of personal property is the owner's right to the benefits of ownership, use and disposition. Of course, the law will impose limitations on the right or apply sanctions against the owner where the public is injured by the exercise of the right. But acts of ownership, use and disposition which are themselves legal will not be interdicted merely because they *may* lead to illegal or undesirable consequences. *The owner of private property enjoys, in effect, a presumption that his acts in exercising his rights of ownership, use and disposition are legal.* He does not have to demonstrate their legality or test them by a rule of reason. The burden of establishing that his conduct was illegal or against the public interest is on the party asserting it. Indeed, our society could function in no other way.

Patents are a species of personal property. An important attribute of patent property should therefore be the patent owner's right to the benefits of ownership, use and disposition. Of special concern here is the right of disposition. Certainly, a normal incident of patent ownership should be the right of the patent owner (1) to retain the entire patent property for his own use, or (2) to dispose of all or part of it whenever, wherever and to whomever he chooses. It should not be presumed at the outset that, in exercising his patent right of disposition, the patent owner is going to misuse it. Or, simply because he *might* misuse it, he should not be automatically foreclosed from disposing of his patent on terms that are in themselves perfectly legal. Even one charged with a crime enjoys a legal presumption of innocence; the act of disposing of all or part of a patent right should carry no less favorable a presumption.

Nevertheless, the Department of Justice and some judicial decisions would deny the owner of patent property the same benefits and presumptions accorded owners of other forms of personal property. To implement its bias, the Department avails itself of a ready access to the courts (through bringing suits or filing amicus briefs) in cases it selects as most potentially destructive on their facts to the licensing practices it wishes to outlaw. In addition, the Department is utilizing other forms of attack, such as direct pressure, public announcements by Department representatives on the banquet circuit, threats of suits, and consent decrees, to force its views on patent owners who do not wish to serve as test cases for new antitrust theories.

What is the practical effect of this unfortunate situation on the patent owner trying to put his patent to work?

THE PATENT OWNER'S DILEMMA

A patent is not like a commodity that can be priced and placed on the shelf for sale, like a loaf of bread. In "merchandising" or licensing a patent, many factors must be considered, some arising from the interests of the patent owner and some from interests of the potential licensee. By a process of negotiation, each party represents its interests and strengths in arriving at an arrangement satisfactory to both which is within legal bounds today and, hopefully, will remain so for the life of the agreement.

Among the factors considered, many of which give rise to some form of expression in the license, are the following:

Cost of the development to the patent owner and licensee.

Anticipated volume of sales.

Patent owner's product line and market position.

Need for exclusivity.

Territory.

Availability of substitutes not under patent.

Number of patents involved.

Scope of invention v. scope of patent coverage.

Ease of circumventing patent.

Need for licenses under patents of others.

Relative value of invention in different fields of use.

Capability of licensee to serve all fields of use.

Need for lead time.

Need for further technical development.

Need for market development.

Need for investment in production facilities.

Financial responsibility of licensee.

Expected savings from use of invention.

Need for technical assistance from patent owner.

Need for use of trade secrets.

Availability to licensee of later improvements by patent owner.

Fair royalty.

Base for royalty determination.

Protection against later licenses at lower royalties.

Footnotes at end of article.

Exchange of licenses in lieu of royalty.

Non-exclusive rights to patent owner on improvements by licensee.

Right to grant sublicenses.

Detectability of infringement.

Willingness of patent owner to enforce patent against unlicensed infringers.

Willingness of patent owner to defend licensee against infringement suits brought by others.

Conditions for terminating the license.

Before examining individually certain specific licensing problems, it will serve the better understanding of the impact of antitrust to consider how easily, in the exercise of sound business judgment, a patent owner can fall victim to a whole conglomerate of antitrust problems in licensing his patent. Here is the plight, ficticious but representative, of the A Company:

Company A is small manufacturer of electrical switches based in Los Angeles. Its sales are confined to switches for use in buildings in the Los Angeles area. The company owns a patent on a switch which was developed at a cost of $70,000 and three years' effort. It believes the switch can be adapted for other uses but considers expansion undesirable because of lack of capital, development personnel and manufacturing capacity, as well as the increased costs of marketing in remote areas. It does, however, want to retain the exclusive right to the switch in the building field in the Los Angeles area.

In order to reach other markets, Company A decides to license the patent at a royalty of 5%, giving each licensee the exclusive territory he demands in which to sell and service switches, and limiting each to the sale of switches for use in buildings.

The manufacturer in the Detroit area would like to develop the patented switch concept for use in automobiles. However, in order to recover the estimated $100,000 required for the development, he asks for an exclusive license in the automotive field. A royalty of 2% is established as reasonable in view of the development costs and the low profit margin from large volume sales to automobile manufacturers.

Back in Los Angeles, a competitor of Company A, who manufacturers switches for use in aircraft as well as buildings, asks for a non-exclusive license for selling to the building trade and an exclusive license for the aircraft industry. The license for the building trade is refused, because the company wants to retain the exclusive right in its home territory. But the exclusive license for the aircraft field is granted at a 10% royalty rate. This figure contemplates the high profit margin but low sales volume of switches for the aircraft industry.

At this point the company consults its attorney to prepare the various agreements. The attorney is convinced that the business judgment is sound, all terms are reasonable, and the arrangements will move the invention to markets throughout the United States at the earliest possible time, with responsible financial backing and business skill in each of the markets served. But the attorney nevertheless advises that (1) it has jeopardized the enforceability of the patent in all markets, including its own market in Los Angeles, by refusing to license its Los Angeles competitor in the building field after licensing others elsewhere in the same field,[6] (2) it has invited an antitrust suit, because the Justice Department has declared it is looking for a situation where a patent license divides fields of use among companies that would otherwise compete,[5] (3) it has opened itself to private antitrust and treble damage claims from its competitors as well as those of its licensees,[7] and (4) it has provided ingredients of a defense of patent misuse by charging different royalty rates under the same patent.[8,9]

This example illustrates a gamut of licensing problems facing today's patent owners. Company A is small and incapable of extending its market outside its home area. But the magnitude of the invention's contribution is no less because of the patent owner's size. Therefore, if Company A is denied the right to license individually the various fields of use of the invention, and on terms that will encourage the licensee to proceed with manufacturing and marketing of a quality product, a significant portion of the patent grant will not be used, and the public will not benefit from the invention in the unlicensed fields not served by Company A.

Moreover, the right to charge different royalty rates for different uses of the invention is important because of the different relative values and sales volumes of the products involved. And if, having licensed the manufacture and sale of building switches in areas not served by Company A, it must then license its backyard competitor, a more prudent course would be to refuse to license anyone in the building field—a decision certainly not in the interests of Company A or the users of switches outside Los Angeles.

THE NEED FOR LEGISLATIVE CLARIFICATION

It is appropriate now to examine certain of the specific license provisions that under actual or threatened attack. These are:

Field-of-use licenses.

The right to license (or not to license).

The freely negotiated royalty.

Royalty differential between non-exclusive licensees.

The royalty base.

Royalty for the package license.

Royalty payment after expiration of patent.

In order to appreciate the justifications that demand at least the application of a test of reasonableness before these licensing provisions are categorically rejected as patent misuses or *per se* antitrust violations, brief fact situations will introduce each provision.

1. Field-of-use license

Company B is a large manufacturer of hardgoods of many types but has limited facilities for chemical research and development, except with specific reference to adjunctive supplies for its hardgoods. The company achieves a breakthrough in a chemical process which leads to the development of a new line of materials for use with its hardgoods. It also recognizes vast possibilities for the invention in other fields foreign to its corporate interests and capabilities.

The problem facing Company B is how to make the broadest use of the process without itself departing significantly from its primary business. It recognizes that several areas of application are sufficiently distinct in themselves (paper, pharmaceuticals, novelties, cosmetics) that no single company could exploit the technology to its fullest. It therefore chooses to grant exclusive licenses in a number of fields of use. Several licensees invest considerable money in adapting the basic technology to their particular fields and bring the public new products that differ significantly from the old ones.

In an atmosphere that would discourage or hold illegal the field-of-use license, this program of patent utilization simply would not be possible.

Among the ways a patent owner can divide his patent-given rights, two are most important: by geographical territory and field of use. Although in disfavor with the Department of Justice, the territorial division is specifically sanctioned by statute and enables the patent owner to license his patent in the whole or any part of the United States.[10] It is common to refer to this form of division of the patent right as a territorial "restriction." Since semantics are sometimes important, it should be noted that the territorial division is not a restriction at all but only the grant of rights under the patent for a portion of its territorial scope. The word "restriction" implies an agreement with respect to the rest of the territorial scope, and *no such agreement can properly (or even logically) be implied from the territorial license.*

The license for use or for sale or resale in a specified field of use rests on precisely the same principle as the territorial license. It involves the grant of less than the patent owner's total right to exclude others from any and all uses of his patented invention. As will be noted further below, semantics have become important here.

There is no assurance that an invention will be neatly proportioned in its applicable scope to the technical or marketing capabilities or interests of the patent owner, whether the owner be an individual, a small company or a large company. Company B illustrates a situation where exclusive field-of-use licenses can be the single, most effective way of exploiting an invention to the fullest for the benefit of the public as well as the patent owner. In fact, the situation is a classic example of the operation of the patent incentive to encourage investment in innovation, for here the parties making the investment (the licensees) are assured of basic patent protection before they start. They can therefore commit funds more generously and undertake a more comprehensive program of development than might otherwise be the case.

Those who oppose licenses to specific fields of use within the patent grant ignore the fact that such licenses, when translated into marketed products, often provide the public with alternatives that would not otherwise be available—at least until the patent has expired. If a patent owner distributes field-of-use licenses to various producers of different kinds of products, each licensee, in adapting the invention to his particular product line, introduces a new use of the original invention. On the other hand, if the patent owner limits utilization of the patent only to his line of merchandise, the public may not have the opportunity to enjoy the maximum potential of the patented invention. While the patent owner must retain the option to license or not to license, if he chooses to license he should not be absolutely foreclosed from licensing less than his full patent right.

The same principle works in the area of copyrights. A novel is usually published first in hard-cover book form. But prior to publication as a book, it may be serialized in a magazine. The magazine publisher receives an exclusive right only for that limited purpose. Thereafter, the book may be licensed separately for adaptation as a play for the living stage, or for motion pictures, television or other limited uses, including publication of a paperback edition. These licenses of less than the copyright owner's total right, like the field-of-use license, afford the public a variety of options and opportunities to enjoy the work in different formats.

It was pointed out earlier that the benefit to the patent owner from a licensing arrangement must be within or ancillary to the scope of the patent grant. Accordingly, license terms *solely* for the benefit of the licensee, such as giving him the right to restrict the patent owner in this practice of the invention [11] or to veto additional licensees,[12] may understandably encounter difficulties as outside the grant. But, obviously, a license is a two-party negotiated agreement and must offer prospective advantages for the licensee. Legitimate concerns of a licensee which the patent owner may properly consider in negotiating terms of the license include such as the following, all of which can best be served by a field-of-use license: [13]

A prospective licensee may want to commit himself under the license only for a particular product or technological area in which he has a problem, but prefer to avoid

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commitments in speculative areas where he is unable to make a satisfactory evaluation or has no interest.

The licensee may be able to obtain a lower royalty rate in a field where the patent owner is not using the patent, because in such fields the licensee would not be competing with the patent owner.

A licensee may prefer a sliding scale of royalty payments to ease the expense of his early period of marketing or to reduce the royalty burden as his volume increases. Where the licensee is practicing under more than one but not all the fields of the patent's use, the field-of-use license provides the necessary flexibility in the arrangement.

The licensee may be able to obtain a lower total royalty or lump-sum requirement for a paid-up license if the license is limited as to field.

If the license calls for periodic payment of a minimum royalty to keep the license in force, the licensee may prefer separate licenses for each field so he can cancel individual licenses where he is unable to meet the minimum without disturbing the licenses in his more successful fields.

The licensee may prefer separate field licenses so he may later assign the licenses with the business of each field, whereas a single license would be indivisible.

It would seem undeniably within the scope of the patent grant for a patent owner who could rightfully exclude *all* others from practicing his invention for *any* purpose whatsoever to part with a portion of that exclusivity corresponding to a given field of use. It should be readily apparent that *the field-of-use provision, like the permissible territorial limitation, is really not restrictive.* While grant of a license for a particular field could be coupled with a restriction, the typical field license standing alone is nothing more than permission to make, use or sell in a defined segment of technology. It neither expressly nor impliedly authorizes or denies any right of the licensee with respect to any *other* technological area within the patent's scope. The licensee can operate in other fields of the invention on precisely the same basis and subject to the same consequences for infringement as anyone else, without regard for whether or not he is a licensee under some other field covered by the patent.

Here, semantics have become important. The Department of Justice sees no difference between a license containing a positive prohibition against sales in a particular field and a patent license limited to a particular field; it would condemn both as illegal divisions of markets.[14] It regards the fact that in most instances the licensee in fact does not stray into the unlicensed area as evidence of a tacit agreement to divide the market. Here the Department of Justice is reading the facts to prove what it wants to prove, in total disregard of business reality: the licensee usually stays within the licensed field because that is where his interests lie or because he simply doesn't wish to be sued for infringement. Indeed, the patent owner doesn't need his licensee's *agreement* not to infringe. The patent itself is sufficient.

Implicit in the position of the Department of Justice is the necessary presumption that the licensee, absent his license to the limited field, would promptly infringe outside that field. By renting a farmer's oxen, the Department is saying, one by implication agrees not to covet the farmer's wife! Maybe so. But by licensing a field of use, *the licensee makes no promises with respect to other fields within the patent's scope.*

There is a paradox in the Department's position. While it urges that field-of-use patent licenses are just as illegal as efforts at market division where no patents are involved, it would sanction such licenses where the patent owner was *reserving to himself* a portion of the total field covered by the patent.[8] It would seem that if the licensee is *impliedly* agreeing to stay out part of the patent's field in one case, he is doing so in the other. So if business justification exists in one case, the justifying facts should at least be considered in the other.

Moreover, an agreement to divide markets between competitors constitutes a *per se* violation of Section 1 of the Sherman Act.[15] If field-of-use licenses are equated to division of market agreements then they, too, must be *per se* antitrust violations. On what basis, then, can the Department of Justice find some field-of-use licenses justifiable and others not?

Before this broader attack on field-of-use licensing, the primary objection of the Department of Justice in this area seemed to be the field-of-use license in which the field was divided among licensees who would otherwise compete.[5] Such an objection implies the mechanical application of valid antitrust principles but without considering the rationale and justification for the practice in the patent context. A field-of-use licensing program can be well within the scope of the patent grant and should yield to antitrust only if coupled with anticompetitive acts that remove it beyond that scope and into the province of antitrust.

So, too, is a licensing program limiting resale of patented products purchased from the licensor to specified fields or to specified classes of customers. The argument has been made that such practices are analogous to controlling resale *prices* of patented products. On the theory that the first sale of a patented product removes it from the scope of the patent grant, the control of resale prices is considered a misuse of the patent.[16]

The critical distinction, however, is that *the patent extends to all uses of the patented product,* and hence the analogy to price control is inapposite. Indeed, the patent owner's control over use of his patented product, to the extent he chooses to exercise it, is part of the essence of his right. And no valid reason appears why this right should not follow the product in its first sale by his licensee, assuming notice to the purchaser. The patent right has not yet been exhausted.

The Department of Justice is clearly committed to the destructive extension of antitrust principles in this aspect of patent licensing. On the other hand, President Johnson's White House Task Force on Antitrust Policy, in a report released and commented on favorably by Assistant Attorney General McLaren,[5] recommended that patent owners be denied the right to grant exclusive licenses *except as to specific fields of use.*[9] The patent owner would be required to apply to the Federal Trade Commission for certification that such a license was necessary to the commercial utilization of the invention.

The courts have been more solicitous. In 1938 the Supreme Court expressly sanctioned the field-of-use concept in the *General Talking Pictures* case.[17] Since then, license to *use* in a specified field or to *sell* to customers for use only in specified fields has been widely upheld.[16] Adverse decisions have, of course, resulted where the field-of-use provision was coupled with means which in total import violated antitrust principles.[18] [19]

The example of Company B shows the type of problem facing the corporate patent owner. But the situation of the private inventor, research company or university can readily be envisioned as even more difficult, for they must often rely exclusively on licensing to bring their inventions into public use. They must literally sell out to a large company capable of exploiting all the major fields of use of the invention, or in shaping a licensing program run the considerable risk of exposing their patents to the vagaries of court decisions or the pressures of the Department of Justice.

The President's Commission on the Patent System, appointed by President Johnson, singled out such licenses as a particular object of concern. Recommendation XXII of the Commission states:[20]

> The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interest therein may be licensed *in the whole or in any specified part, of the field of use* to which the subject matter of the claims of the patent are directly applicable . . . (Emphasis added.)

This Recommendation has not been included in patent bills submitted by the Administration or by Senator McClellan, apparently because of opposition from the Justice Department.[21]

The patent statute now permits the licensing of a patent or patent application in "the whole or any specified part of the United States." It is submitted that the statute should provide also for the licensing of the patent or patent application for the whole or any specified *use* to which the invention can be applied. It seems clear, as the President's Commission recognized, that the detriment to the public from categorically forbidding either the territorially-limited or field-of-use far outweighs any risks in sanctioning these established practices.

2. The right to license (*or not to license*)

Company C owns a patent and manufactures and sells products covered by its patent. The company is of modest size and through its relatively small sales organization is unable to reach all the geographical areas in which its product would find a market. From among its dozen competitors it selects four whose marketing ability and reach will supplement its own and give adequate coverage of the neglected areas. These companies are anxious to add the product to their lines because they see opportunities, through sales and advertising efforts, for profitable expansion. Similarly, Company C, by licensing these four companies, seek a return by way of royalties from sales it could not make itself. Although competitors not favored with a license have requested one, Company C has declined because further licensing would so dilute the market as to make it unprofitable for any of the licensees as well as for Company C. The Department of Justice hears from a rejected competitor and presses Company C to license it. The company complies but wishes now it had refused to license anyone.

It would seem unnecessary at this stage of our nation's commercial development to raise the question of the patent owner's right to license or not to license. However, the Department of Justice has in fact exerted pressure on patent owners to grant additional licenses. Moreover, a recommendation of the White House Task Force on Antitrust Policy would require a patent owner granting one license under his patent to grant *all* financialy qualified and reputable applicants a license under terms "neither more restrictive nor less favorable" than the first license.[9]

The Task Force engages in an inconsistent dichotomy. It acknowledges that a patent confers on the patentee "the right to exclude others from the field covered by the patent" and declares allegiance to the antitrust "goal" of preventing use of a patent beyond its scope. But then it concludes:[22]

> That goal will be served by denying the patentee the right to confine use of the patent to a preferred group and requiring that *if the patent is licensed it shall be open to competition in its application.* (Emphasis added.)

If the patent statute gives the right to exclude, it is clearly within the scope of the grant to deny licenses altogether or, equally, to deny additional licenses after the first. But the Task Force would automatically cancel the remaining right of the patent owner not to license solely for the reason that he did

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license once before. *The Task Force at once acknowledges the proper limitation of antitrust sanctions to matters beyond the patent's grant and the determination to penetrate the grant in the name of antitrust.*

It is revealing that one dissenting member from the Task Force's Report was of the opinion that they had "given too little attention to the patent field" to embark on such recommendations.[23] These, indeed, appear to be accurate observations.[24]

Further evidence of the uncertainty facing the licensing patent owner is a recent court decision. The patent owner had already licensed his patent and put his invention into public use, but the court had this to say in *dictum* about his refusal to grant the defendant a license: [6]

An owner of a patent cannot assert his rights under the law and Constitution if such owner refuses to make use of a patent, or to license a patent so that it may be of use to the public, *or refuses to license an applicant when it has already granted a license to the applicant's competitor.* (Emphasis added.)

It is of interest to compare the language with that of a decision of the *same court* (different judge) rendered four months earlier: [25]

Plaintiff has no duty to grant a license to defendant under the patent in suit, merely because defendant has requested such a license. *A patent owner has the right to grant a license to some, as he chooses, without granting a license to others.* (Emphasis added.)

The selection of licensees is an important undertaking. As indicated earlier, activities reflecting discredit on the invention, such as a poorly conceived sales approach or inadequate servicing of the product after sale, can in fact harm the rights remaining with the patent owner. The Task Force would meet the problem by requiring compulsory licensing only of parties who are financially responsible and of good reputation. Obviously, this is not enough. It must remain the right of the patent owner to select his partners by criteria in addition to solvency and reputation.

When the patent owner negotiates a license, he is committing himself for the life of the license, which typically is for the life of the patent. With the shifting and unpredictable positions of the courts and the continuing threats from the Department of Justice, it is becoming increasingly difficult to plot a reasonable and yet "legal" course in licensing (or not licensing) patents. Legislative intervention to clarify the right to license or not to license is surely in order.

3. The freely negotiated royalty

Patent owner D licensed sixteen companies who were eager to practice the technology of the patent. Royalty and other terms were essentially the same for each licensee, following hard negotiations for the first license. One company declined to accept a license because it regarded the royalty as too high. Several years later it began producing and selling the patented product, and D promptly sued for infringement. The infringer's defense was that D should not be permitted to enforce his patent because the royalty it charged licensees was so exorbitant and oppressive as to violate the antitrust laws. The court agreed, and an extensive and successful licensing program was placed in jeopardy.

That a court would intervene in the business judgments of parties who freely negotiated a given royalty in a licensing arrangement would seem to stretch the imagination. But the above situation is taken from real life. The Court of Appeals for the Seventh Circuit did in fact hold in 1966 that a royalty found to be "exorbitant and oppressive" could be a *per se* violation of the antitrust laws on the theory that prices could effectively be fixed by requiring such a royalty.[26] On remand for determination of whether the royalty here was in fact "exorbitant and Oppressive," the District Court concluded it was not.[27] But the proposition stands as precedent, at least in the Seventh Circuit.

Prior to the foregoing decisions the Supreme Court had spoken unequivocally on the right of the patent owner to negotiate any royalty acceptable to a licensee. In 1926 the Court said: [28]

Conveying less than title to the patent or part of it, the patentee may grant a license to make, use and vend articles under the specifications of his patent for any royalty . . .

Again, in 1964 the Supreme Court reaffirmed this position: [29]

A patent empowers the owner to exact royalties as high as he can negotiate with the leverage of the patent monopoly.

A thoroughly reasoned decision in the Ninth Circuit in 1957 reached the same conclusion, stoutly defending the right of a patent owner to set his royalty (while holding against him for patent misuse on other grounds): [30]

To say that the mere amount of money due and payable for the grant of a license is subject to judicial review would render each and every agreement made subject to court approval.

Where royalty is excessive the problem is usually self-adjusting. It means simply that the parties did not comprehend the nature of the market or underestimated the competition. Once the agreement is signed, both parties want the product sold. If excessive royalty forces the selling price to uncompetitive levels, it would be a rare and short-sighted patent owner who would not be willing to reduce the royalty in exchange for larger sales volume and, ultimately, greater royalty income.

A royalty freely agreed to by the parties in what they initially conceive to be their mutual interests should be left to the parties for further negotiation if their mutual interests are no longer being served. The threat of judicial reformation of royalty provisions or, worse, of judicial determination that a royalty established by mutual agreement is *ex post facto* an antitrust violation should be laid to rest by statute.

4. Royalty differential between nonexclusive licensees

Company E produces a patented chemical and sells in bulk to industrial users for reprocessing into other products and in finished form to individual customers for their use. Royalty is set in each market to account for the high volume purchases of the industrial user and low volume purchases of the individual customers, both in keeping with competition in each field.

As in the above situation and the earlier examples of Company A and Company B, business realities often demand different royalty rates among licensees under the same patent.

Despite many court decisions clearly holding the patent owner entitled to any royalty or financial arrangement he can negotiate (on the theory that he does not have to license anyone), where two or more licensees paying different royalties under the same patent enter the picture the patent owner's position is less certain. A judicial trend may or may not be indicated in the most recent decisions close to the point, but varying leasing rates for the same patented machines have been held to violate Section 2 of the Sherman Act, Section 5 of the Federal Trade Commission Act, and to be a patent misuse.[8] In those cases different rentals (royalties) were held to be anticompetitive in effect, even though allegedly based on the proportion of labor saved by use of the patented machines.

Moreover, a principal recommendation of President Johnson's White House Task Force on Antitrust Policy would require all subsequent licenses to be on terms "neither more restrictive nor less favorable" than the first license.[9] Mr. McLaren has alluded to this recommendation in public addresses but says he is "not at this time" taking a position of approval or disapproval.[5] A more recent statement by a Department of Justice representative, however, approves different royalty rates for different uses if the patent owner freely licenses all uses.[14]

Despite the compelling business justifications for such arrangements, patent owners are understandably concerned over the uncertainty of differential royalties. This, too, needs legislative clarification.

5. The royalty base

Oil well drilling Company F licenses a patent on a method for treating the formation to increase oil production. The method involves use of chemicals already employed in the drilling process for other purposes. It is not feasible for the company to install special equipment to monitor use of the old chemicals for the new purpose. The parties agree that royalty will be determined on the basis of average improvement in oil production each month over a predetermined level.

Ideally, royalty under a patent is based on the number of patented products produced or sold. But frequently the patent covers a process or a part of a machine or composition instead of the final product. In such event the royalty to which the patent owner is entitled may be based on some unpatented, measurable parameter.

In complex situations, however, such as that facing the Company F, a less responsive or even non-responsive basis is appropriate. For example, in the manufacture of television and radio sets involving many patents, royalty based on total sales has been upheld.[31] The rationale advanced by the Supreme Court is the convenience of the parties and the absence of coercion by the patent owner. Other decisions where royalty is paid regardless of whether all of a large number of patents are used rest on the premise that the licensee is paying for the privilege to use them.[32, 33]

While decisions raising the issue are usually reasonable on the facts, litigation on the point has in every case put the party defending the practice to great pains and expenses. A simple legislative affirmance of the right to base royalty, fee or purchase price for a patented invention on any mutually agreeable parameter, absent coercion by the patent owner, would alleviate one troublesome aspect of patent litigation.

6. Royalty for the package license

Municipality G. operates a sewage treatment plant. Different conditions of temperature, solids content and other properties of the sewage require different treatments to achieve separation of the solids. The municipality takes a license under a group of patents which together offer advantages in treating the municipality's sewage under most of the conditions encountered. Some conditions require practice of one combination of patents, other conditions require another combination. Since all the patents relate to a single ultimate purpose, namely, the treatment of sewage, and since it was not possible to separate the patents as to importance, the license agreement calls for payment of royalties until the last-to-expire of the licensed patents.

There are two central aspects to the licensing of a group or "package" of patents of special interest here. The first is the legality of the package license; the second is the validity of an agreement that states a single royalty for use of any one or more of the licensed patents, such royalty to continue so long as any of the licensed patents are alive.

Footnotes at end of article.

The owner of a valuable patent is theoretically in a position to coerce a potential licensee into accepting a license under other patents of lesser or no value. It has been held that a party who *seeks* or *voluntarily* accepts a package license does not thereby impose antitrust or patent misuse liability on the patent owner.[21], [22] But where the *patent owner* insists that the license include more patents than the licensee wants, and the patents cover more than a single product, the courts have held the package to constitute an illegal tying arrangement.[24] Where a single product is involved, a mandatory package may be permissible,[25] although ultimately this question will depend on whether tying arrangements are held to be *per se* violations of the antirust laws or subject to a rule of reason.[26] Fairly clear and objective criteria have thus been spelled out for determining the legality of a package license.

But the second aspect of package licensing is more troublesome. Given the judicial approval for *voluntary* package licensing and the business realities leading to the practice, it would follow that a royalty established during negotiations contemplates the value of the *total package* and carries no implication of the value of the individual patents. In fact, particularly in a situation like that of Municipality G exemplified above, it is manifestly impossible to assign such values. Moreover, in many cases, the patents cover alternate ways of doing the same thing, or features that are mutually exclusive and cannot be used together in a single product.

The problem of royalties does not become acute until some of the patents in the package begin to expire. At that time, assuming the licensee is still practicing under one or more of the patents in the original package, should the royalty be reduced as each patent expires? If so, by how much? If not, is the licensor guilty of extending the monopoly of the expired patents?

The division of the inventions between the various licensed patents, where all relate to the same product or product line or process, is often for the administrative convenience of the Patent Office. And the initial royalty and license are based on the totality of the subject matter to which the licensee desired access. It would therefore seem reasonable in such instances to permit royalty payments to continue so long as any patent in the original package that is being used remains unexpired.

The courts are in conflict. In the Tenth Circuit the practice of permitting royalties to continue has been approved,[27] as it was earlier by the Supreme Court.[28] But in the Third and Sixth Circuits the same practice has been held a patent misuse.[24] [28]

The pragmatic effect of the diversity of opinions in the courts leaves the patent owner defenseless against the prospective licensee who negotiates a royalty for a group of patents when he really wants access to only one. After negotiating for the package, he then asks for a license under a single patent and insists on a *pro rata* reduction in royalty under pain of a charge of misuse or illegal tying.

If the parties are unable or disinclined to agree to a royalty breakdown at the inception of the license, absent a package based on coercion, and if at least one significant patent is still alive and being practiced, the full royalty should continue as agreed upon. Needless and expensive litigation could be avoided by statutory acknowledgement of this practical resolution of the problem.

7. *Royalty payment after expiration of patent*

Patent owner H licenses a small, capable company under an important patent. It was anticipated at the negotiations that fairly substantial sums would have to be invested by the licensee to develop the product for market. Accordingly, no initial payment was required by H, but royalties were set at a compensating level. The product was duly developed and marketed, with success. However, unforeseen events caused a financial crisis in the company, and it was unable to maintain its royalty commitments. H agreed to accept payment of *back* royalties over a period of years, which extended beyond expiration of the patent. All royalties were based solely on activities under the patent before it expired.

A 1964 Supreme Court decision in *Brulotte v. Thys Co.* held that a license requiring payment of royalties after expiration of the last-to-expire of a group of licensed patents was an attempt at projecting the patent monopoly and hence a misuse.[29] Uneasiness with the arrangement exemplified above stems from the allegation in Brulotte that payments were simply being spread over an extended period. The Court, however, found "intrinsic evidence" that post-expiration payments were for post-expiration activities. There can be little dispute that the court reached the proper conclusion on its interpretation of the facts.

A patent owner should be free to negotiate the best royalty terms he can get, so long as the royalties are tied to activities taking place *during the life of the patent*. If the licensee under the patent is unable to carry the royalty burden, payments based on use of the patent during its life should be permitted to extend over whatever period the parties agree is tolerable, even though the payments continue after the patent expires.

While the Supreme Court did not expressly rule out installment payment of royalty, the Brulotte case has been interpreted by some to mean that any payment of royalties beyond the patent's expiration would be a misuse. Whether through inadvertence or by design, the Court has left doubt in the minds of many as to the legality of post-expiration installment payments. This question could be settled by legislative approval of post-expiration payment of royalties accrued during the life of the licensed patents.

RESOLUTION OF THE PATENT-ANTITRUST "CONFLICT"

Reference was earlier made to the dual nature of the innovation the patent system is intended to provide. The elements of innovation were seen to be (1) the incentive to invent (or invest in invention), and (2) the ability to market. This duality rests on the premise that a patent has done less than its job if it is not put to work—either by the patent owner or his licensee.

Too often the apparent conflict between the patent and antitrust concepts is resolved by examining whether striking down the patent owner's licensing arrangements would impair the operation of the incentive to *invent*. Professor Donald F. Turner, former Assistant Attorney General, has made precisely this point when he contends that "antitrust does not retard technological progress."[30] As a result, the impact of antitrust on the patent system is only measured by its impact on *one* of the two essential ingredients of innovation.

Certainly there could be an extreme reached in antitrust enforcement where the incentive to *invent* would be clearly affected. But before that point, the innovation fostered by the patent system could be severely impaired through unduly limiting the right of the patent owner to secure the ability to market his invention by licensing his patent.

The need for legislative rapprochement between patents and antitrust was advanced in 1966 by President Johnson's Commission on the Patent System. In its report, an integrated analysis of the entire patent statute was presented and recommendations made for change.[31] Despite its primary mission to examine the state of the patent laws, the Commission saw the problems facing the patent owner in a menacing antitrust climate and presented the following as its Recommendation XXII:

> The licensable nature of the rights granted by a patent should be clarified by specifically stating in the patent statute that: (1) applications for patents, patents, or any interests therein may be licensed *in the whole, or in any specified part of, the field of use* to which the subject matter of the claims of the patent are directly applicable, and (2) a patent owner shall not be deemed guilty of patent misuse merely because he agreed to a contractual provision or imposed a condition on a licensee, which has (a) *a direct relation* to the disclosure and claims of the patent, and (b) the performance of which is *reasonable under the circumstances* to secure to the patent owner the full benefit of his invention and patent grant. This recommendation is intended to make clear that the *"rule of reason"* shall constitute the guidelines for determining patent misuse. (Emphasis added.)

It must be noted, however, that this well-reasoned approach by the President's Commission, while conceptually sound, is not without difficulty. It was earlier pointed out that patents, by statute, have the "attributes of personal property." As such, the terms of disposition of patent property, where the terms are in and of themselves legal, should at least carry a *presumption* of reasonableness. But a "rule of reason" would place the patent owner at the procedural disadvantage of first having to *prove* the reasonableness of his license provisions if they were ever challenged. The concept of reasonableness would more fairly be embodied in a *"rule of presumptive reasonableness,"* under which the burden of proving unreasonableness would fall where it belongs on the party asserting it.

Nevertheless, the Commission demonstrated an underlying appreciation of the patent owner's plight. This is further evident from another observation in the Commission's report. After noting that it did not favor weakening enforcement of the antitrust laws, it noted:

> However, uncertainty exists as to the precise nature of the patent right and there is no clear definition of the patent misuse rule. *This has produced confusion in the public mind and a reluctance by patent owners and others to enter into contracts or other arrangements pertaining to patents or related licenses.* (Emphasis added.)

* * * * *

Whether patents will remain a healthy force for progress or become a vestigial appendage depends in large measure on what patent owners are entitled to do with them. This Memorandum does not contend for the legitimation by statute of practices heretofore generally condemned under antitrust. It does, however, urge resistance to the insistent efforts of the Department of Justice and a tendency in some courts to extend the interdiction of antitrust to practices clearly within the patent grant.

Patents, and matters involving patents, have no constant advocate as does antitrust. The Antitrust Division of the Department of Justice is heard in the courts, where it initiates litigation or submits briefs, and in business, to which it announces areas of patent licensing that will be the subject of future challenge.

In the absence of a counter-force on behalf of the patent system, the recourse of those determined to preserve the patent incentive in its total concept, so inextricably bound to the right to license, is to seek legislation upholding the practices that need support against the unbridled club and clout of antitrust.

Footnotes at end of article.

XUM

FOOTNOTES

[1] Article I, Section 8.

The Congress shall have power . . . To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

[2] *Motion Pictures Patent Co. v. Universal Film Mfg. Co.*, 243 U.S. 502 (1917). See also elaboration of theory in *Morton Salt Co. v. Suppiger*, 314 U.S. 488 (1942).

[3] *Sherman Act, Section 1* (15 U.S.C. 1): Contracts, combinations or conspiracies in restraint of interstate or foreign trade or commerce are illegal. *Sherman Act, Section 2* (15 U.S.C. 2): Persons who monopolize, or attempt to monopolize, or conspire to monopolize any part of interstate or foreign trade or commerce are guilty of a misdemeanor, (subjecting them to criminal sanctions). *Clayton Act, Section 3* (15 U.S.C. 14): It is unlawful to sell or lease commodities, whether patented or unpatented, on condition that the purchaser or lessee will not deal in the products of the seller's or lessee's competitors where the effect may be to substantially lessen competition or tend to create a monopoly. *Clayton Act, Section 7* (15 U.S.C. 18): No corporation can acquire the stock or assets (generally interpreted as including patents and interests in patents) of another corporation where the effect may be to substantially lessen competition or tend to create a monopoly. *Federal Trade Commission Act* (15 U.S.C. 41 et seq.): Federal Trade Commission can issue cease and desist orders against unfair methods of competition and against violations of Sections 3 and 7 of Clayton Act but so far has taken little action in matters involving patents.

[4] *The Wall Street Journal* (Midwest Edition), January 7, 1970, page 16.

[5] Assistant Attorney General Richard W. McLaren, *Patent Licenses and Antitrust Considerations*. Address before The Patent, Trademark and Copyright Research Institute of The George Washington University (June 5, 1969), 161 U.S.P.Q. No. 11, p. II.

[6] *Allied Research Products, Inc. v. Heatbath Corp.*, 161 U.S.P.Q. 527, 530 (N.D. Ill. 1969).

[7] *Clayton Act, Section 4*. 15 U.S.C. 15.

[8] *Peelers Co. v. Wendt*, 260 F.Supp. 193 (W.D. Wash. 1966); *La Peyre v. Federal Trade Commission*, 366 F. 2d 117 (5th Cir. 1966); *Laitram Corp. v. King Crab, Inc.*, 245 F.Supp. 1019 (D. Ct. Alaska 1965).

[9] Antitrust and Trade Regulation Report, No. 411, Special Supplement, Part II, May 27, 1969: *White House Task Force Report on Antitrust Policy*, page 22.

[10] 35 U.S.C. 261.

[11] *McCullough v. Kammerer Corp.*, 166 F. 2d 759 (9th Cir. 1948).

[12] *United States v. Krasnov*, 143 F.Supp. 184 (E.D. Pa. 1956), affirmed 355 U.S. 5 (1957).

[13] T. L. Bowes: *Forum Contribution*. Idea 12:1129 (1968-9).

[14] Bruce B. Wilson, Special Assistant to the Assistant Attorney General, *Patents and Antitrust: The Legitimate Bounds of the Lawful Monopoly*. Address before The Patent Law Association of Pittsburgh, November 19, 1969.

[15] *White Motor Co. v. United States*, 372 U.S. 253 (1963).

[16] Raymond C. Nordhaus and Edward F. Jurow: *Patent-Antitrust Law*, at 265. Jural Publishing Co. (1961, Supp. 1968); *The Ansul Co. et al. v. Uniroyal, Inc.*, 163 U.S.P.Q. 517 (N.D. N.Y. 1969).

[17] *General Talking Pictures Corp. v. Western Electric Co.*, 305 U.S. 124 (1938).

[18] H. Thomas Anstern: *Fish Traps, Indians, and Patents: The Antitrust Validity of Patent License Restrictions on Sales Price, Field of Use, Quantity, and Territory*. U. of Pittsburgh Law Rev. 28:181, 188 (1966).

[19] J. G. Jackson and E. L. Jackson: *Use Limitations in Patent Licenses*. Idea 12:657 (1968-9).

[20] *Report of the President's Commission on the Patent System*, U.S. Government Printing Office (1966).

[21] Senator McClellan's statement accompanying introduction of S. 2756. Congressional Record, August 1, 1969, page S. 8952.

[22] *Supra* Note 9 at 4.

[23] *Supra* Note 9 at 26.

[24] *Supra* Note 9 at 27.

[25] *Bela Seating Co., Inc. v. Poloron Products, Inc.*, 160 U.S.P.Q. 646 (N.D. Ill. 1968).

[26] *American Photocopy Equipment Co. v. Rovico, Inc.*, 148 U.S.P.Q. 631 (7th Cir. 1966).

[27] *American Photocopy Equipment Co. v. Rovico, Inc.*, 257 F. Supp. 192 (N.D. Ill. 1966); affirmed, 384 F. 2d 813 (7th Cir. 1967).

[28] *United States v. General Electric Co.*, 272 U.S. 476, 489 (1926).

[29] *Brulotte v. Thys Co.*, 370 U.S. 29 (1964); 143 U.S.P.Q. 264, 266 (1964).

[30] *Stearns et al. v. Tinker and Rasor et al.*, 116 U.S.P.Q. 222, 235 (9th Cir. 1957).

[31] *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 89 S. Ct. 1562 (1969); 161 U.S.P.Q. 577.

[32] *Supra* Note 16

[33] *Automatic R.* [illegible] *g. Co. v. Hazeltine Research, Inc.*, 339 [illegible] 827 (1950).

[34] *American Security Co. v. Shatterproof Glass Corp.*, 268 F. 2d 769 (3rd Cir. 1959), *cert. denied*, 361 U.S. 902.

[35] *International Mfg. Co. v. Landon, Inc.*, 336 F. 723 (9th Cir. 1964).

[36] *Northern Pacific Railroad Co., v. United States*, 356 U.S. 1 (1958).

[37] *Well Surveys, Inc. v. Perfo-Log, Inc.*, 396 F. 2d 15 (10th Cir. 1968), *cert. denied*, 393 U.S. 951; *McCullough Tool Co., v. Well Surveys, Inc.*, 343 F. 2d 381 (10th Cir. 1965), *cert. denied*, 383 U.S. 933.

[38] *Rocform Corp. v. Acitelli-Standard Concrete Wall, Inc.*, 367 F. 2d 678 (6th Cir. 1966).

[39] Donald F. Turner: *Patents, Antitrust and Innovation*. Univ. of Pittsburgh Law Rev. 28:151 (1966). See also Gerald Kadish: *Patents and Antitrust: Guides and Caveats*. Idea 13:83 (1969).

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. McGEE. Mr. President, I send to the desk a series of amendments to the bill to provide for purely technical correction as reported. I ask unanimous consent that these perfecting amendments be agreed to.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 2, lines 15 and 16, strike out "and rules for the payment of retroactive compensation".

On page 2, line 20, strike out "(1) in" and insert in lieu thereof "in (1)".

On page 2, between lines 22 and 23, insert the following new subsection:

"(d) (1) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the United States Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this section are hereby authorized to be increased by the agencies employing such officers and employees by amounts not to exceed the increases provided by this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(2) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices."

On page 3, line 21, insert "h" before "(b)".

On page 4, line 1, after "under", insert "section 2(a) of".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the amendments are agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a series of pay schedules reflecting the increases made by this bill and the various statutory system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL SCHEDULE—ANNUAL RATES AND STEPS

[6 percent increase effective Jan. 1, 1970]

Grade	1	2	3	4	5	6	7	8	9	10
GS-1	$4,125	$4,262	$4,399	$4,536	$4,673	$4,810	$4,947	$5,084	$5,221	$5,358
GS-2	4,621	4,775	4,929	5,083	5,237	5,391	5,545	5,699	5,853	6,007
GS-3	5,212	5,386	5,560	5,734	5,908	6,082	6,256	6,430	6,604	6,778
GS-4	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608
GS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510
GS-6	7,294	7,537	7,780	8,023	8,266	8,509	8,752	8,995	9,238	9,481
GS-7	8,098	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528
GS-8	8,956	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647
GS-9	9,881	10,210	10,539	10,868	11,197	11,526	11,855	12,184	12,513	12,842
GS-10	10,869	11,231	11,593	11,955	12,317	12,679	13,041	13,403	13,765	14,127
GS-11	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
GS-12	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
GS-13	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
GS-14	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
GS-15	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
GS-16	26,547	27,432	28,317	29,202	30,087	30,972	31,857	32,742	33,627	34,512
GS-17	30,714	31,738	32,762	33,786	34,810					
GS-18	35,505									

XUM

POSTAL FIELD SERVICE SCHEDULE

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10	11	12
PFS-1	$4,794	$4,954	$5,114	$5,274	$5,434	$5,594	$5,754	$5,914	$6,974	$6,234	$6,394	$6,554
PFS-2	5,182	5,355	5,528	5,701	5,874	6,047	6,220	6,393	6,566	6,739	6,912	7,085
PFS-3	5,602	5,789	5,976	6,163	6,350	6,537	6,724	6,911	7,098	7,285	7,472	7,659
PFS-4	6,056	6,258	6,460	6,662	6,864	7,066	7,258	7,470	7,672	7,174	8,076	8,278
PFS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510	8,728	8,946
PFS-6	7,077	7,313	7,549	7,785	8,021	8,257	8,493	8,729	8,965	9,201	9,437	9,673
PFS-7	7,650	7,905	8,160	8,415	8,670	8,925	9,180	9,435	9,690	9,945	10,200	10,455
PFS-8	8,269	8,545	8,821	9,097	9,373	9,649	9,925	10,201	10,477	10,753	11,029	
PFS-9	8,940	9,238	9,536	9,834	10,131	10,430	10,728	11,026	11,324	11,622		
PFS-10	9,645	9,967	10,289	10,611	10,933	11,255	11,577	11,899	12,221	12,543		
PFS-11	10,717	11,074	11,431	11,788	12,145	12,502	12,859	13,216	13,573	13,930		
PFS-12	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478		
PFS-13	13,227	13,668	14,109	14,550	14,991	15,432	15,873	16,314	16,755	17,196		
PFS-14	14,695	15,185	15,675	16,165	16,655	17,145	17,635	18,125	18,615	19,105		
PFS-15	16,328	16,872	17,416	17,960	18,514	19,408	19,592	20,136	20,680	21,224		
PFS-16	18,138	18,743	19,348	19,953	20,558	21,163	21,768	22,373	22,978	23,563		
PFS-17	20,152	20,824	21,496	22,168	22,840	23,512	24,184	24,856	26,528	26,200		
PFS-18	22,390	23,136	23,882	24,628	25,374	26,120	26,866	27,612	28,353	29,104		
PFS-19	24,875	25,704	26,533	27,362	28,191	29,020	29,849	30,678	31,507	32,336		
PFS-20	27,636	28,557	29,487	30,399	31,320	32,241	33,162	34,083				
PFS-21	30,714	31,738	32,762	33,786	34,810							

RURAL CARRIER SCHEDULE

[6-percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10	11	12
Fixed compensation	$2,978	$3,136	$3,294	$3,452	$3,610	$3,768	$3,916	$4,084	$4,242	$4,400	$4,558	$4,716
For each mile up to 30 miles of route	109	111	113	115	117	119	121	123	125	127	129	131
For each mile of route over 30	25	25	25	25	25	25	25	25	25	25	25	25

VETERANS' ADMINISTRATION, DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10
Physicians and dentists:										
Assistant chief medical director	$35,505									
Medical director	30,714	$31,738	$32,762	$33,786	$34,810					
Director grade	26,547	27,432	28,317	29,202	30,087	$30,972	$31,857	$32,742	$33,627	$34,512
Executive grade	24,671	25,493	26,315	27,137	27,959	28,781	29,603	30,425	31,247	32,069
Chief grade	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
Senior grade	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
Intermediate grade	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
Full grade	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
Associate grade	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
Nurses:										
Director of nursing	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
Assistant director grade	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
Chief grade	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
Senior grade	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
Intermediate grade	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
Full grade	9,881	10,210	10,539	10,868	11,197	11,526	11,855	12,184	12,513	12,842
Associate grade	8,519	8,803	9,087	9,371	9,655	9,939	10,223	10,507	10,791	11,075
Junior grade	7,294	7,537	7,780	8,023	8,266	8,509	8,752	8,995	9,238	9,481

FOREIGN SERVICE SCHEDULE

[6 percent increase effective Jan. 1, 1970]

	1	2	3	4	5	6	7	8	9	10
FSO-1	$33,609	$34,729	$35,505							
FSO-2	26,358	27,237	28,116	$28,995	$29,874	$30,753	$31,632			
FSO-3	20,888	21,584	22,280	22,976	23,672	24,368	25,064			
FSO-4	16,760	17,319	17,878	18,437	18,996	19,555	20,114			
FSO-5	13,618	14,072	14,526	14,980	15,434	15,888	16,342			
FSO-6	11,245	11,620	11,995	12,370	12,745	13,120	13,495			
FSO-7	9,450	9,765	10,080	10,395	10,710	11,025	11,340			
FSO-8	8,098	8,368	8,638	8,908	9,178	9,448	9,718			
FSS-1	20,888	21,584	22,280	22,976	23,672	24,368	25,064	$25,760	$26,456	$27,152
FSS-2	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
FSS-3	13,618	14,072	14,526	14,980	15,434	15,888	16,342	16,796	17,250	17,704
FSS-4	11,245	11,620	11,995	12,370	12,745	13,120	13,495	13,870	14,245	14,620
FSS-5	10,088	10,424	10,760	11,096	11,432	11,768	12,104	12,440	12,776	13,112
FSS-6	9,045	9,347	9,649	9,951	10,253	10,555	10,857	11,159	11,461	11,763
FSS-7	8,115	8,385	8,655	8,925	9,195	9,465	9,735	10,005	10,275	10,545
FSS-8	7,276	7,519	7,762	8,005	8,248	8,491	8,734	8,977	9,220	9,463
FSS-9	6,525	6,743	6,961	7,179	7,397	7,615	7,833	8,051	8,269	8,487
FSS-10	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608

Mr. McGEE. Mr. President, it does not seem necessary to dwell at great length on this bill. All of us have been living with it—the circumstances that produce its requirements and the details that are embodied in its language.

To put it very quickly and to the point, this is a clear, unemcumbered 6 percent pay increase retroactive to last December 27, 1969.

In the terminology of negotiations by the administration and the postal unions during the recent impasse over postal matters, the 6 percent would apply to all Federal employees, not just the postal employees alone.

The Senate will recall that during the critical days of the crisis, the Senate and the House conferees laid down two criteria.

Those two criteria sent to the negotiators were first, that any pay adjustment must be across the board in the retroactive sense for all Federal classified as well as postal employees, and second, that it be made retroactive to not later than January 1, 1970.

These two conditions were followed and this bill reflects the sense of the Senate Post Office and Civil Service Committee which voted unanimously on these terms.

We held a 1-day hearing on the terms to make sure that we did not misunderstand each other, either downtown, in the Post Office, with the negotiating unions, or here in the Senate of the United States.

Postmaster General Blount, and the Assistant Director of the Bureau of the Budget both confirmed that there are no strings attached to the bill. It is not tied to postal reorganization or any other factor with respect to postal legislation.

There are no conditions with respect to its financing tied to any subsequent legislation. Both spokesmen for the administration made it very clear that the funds necessary for the paying of the retroactive 6 percent would be obtained from existing funds, first, by taking $1.2 billion out of the surplus currently scheduled in the budget report of the President and, second, by stepping up the scheduled collection for gift, estate, and inheritance taxes.

The President is satisfied that this will be sufficient to cover this segment of the increase.

Mr. President, I stress again that this is tied in no way to anything down the road ahead of us in regard to postal reorganization. That is completely separate.

We are waiting now for recommendations of the President. But those are yet to come.

There is no relevance between those and this particular settlement.

In this context, the Senate committee added three provisions to the bill that were not negotiated or negotiable really by the negotiators themselves.

One of these clues into the formula the legislative employees on both sides of the Hill.

The reason for that was that we felt that even though they were left out at Christmas time, the sheer cost of living increases require that it is certainly warranted now.

This addition of the Hill employees increases the price tag by $6.8 million. That is $6.8 million in a total bill that the President tells us will cost $2.5 billion for a full fiscal year.

Thus, we felt in the light of the sweep of this measure that it would be a serious mistake and a great inequity to leave out the legislative employees here on Capitol Hill.

The second inclusion in the bill is to correct an oversight for staff employees of living ex-Presidents, former President Lyndon Johnson and former President Harry Truman.

The cost of correcting this oversight is $16,000 in each case.

It is not retroactive. It simply corrects the law from this date. It means that a former President, for his five employees, will now get $96,000 a year rather than $80,000 a year.

The last category that we have added to the bill, and we did this after carefully weighing the judgment of the Senate in an earlier act, is to add the judges of the District of Columbia courts to the new pay scale that was intended to be theirs a year ago.

Again, through error they were inadvertently omitted from the original 1967 pay authorization. We debated this at great length in this body. I think my friend from Virginia was one of those discussing its implications at that time as well as the distinguished Senator from Ohio (Mr. YOUNG).

In any case, because it was passed by the Senate unanimously at that time, and there is now a bill in the House of Representatives. But, we felt it was the better to restore these district judges to the intent of the Senate's action, in 1967, and this is included in the bill.

Those are the three additions to the bill that the committee voted on, without a single dissenting vote on any issue. It was the unanimous conviction of all that the time for this action was long overdue.

We likewise were mindful of a kind of sense of urgency here because of the strains of the recent impact on the Nation's workfront. Therefore, this committee moved expeditiously and with dispatch in an attempt to arrive at what in its judgment is a very sound, fair, and equitable retroactive pay adjustment measure.

Mr. BYRD of Virginia and Mr. FONG addressed the Chair.

Mr. McGEE. Mr. President, I yield briefly to the Senator from Virginia and then I shall yield to the Senator from Hawaii.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. I thank the Senator. My question is purely for information. I have received mail from time to time asking what benefits ex-Presidents receive. I judge from the Senator's comment a moment ago that each ex-President is permitted five employees and that under the new bill the total compensation will be $96,000.

Mr. McGEE. $96,000.

Mr. BYRD of Virginia. I am wondering what other benefits, if any, former Presidents receive.

Mr. McGEE. I cannot answer that question completely at this time. They get a $25,000 pension. They have an office. I cannot go beyond that which is in our jurisdiction in this case, and that is the clerk-hire funds, which take care of a former President. I am sure he gets other allowances but I am not fully aware as to the substance of all of those allowances.

Mr. FONG. Mr. President, I rise to support S. 3690, a bill to increase the pay of Federal employees. At the outset I would like to commend the distinguished senior Senator from Wyoming for the prompt reporting of this bill to the Senate and for his leadership in seeing that our Federal employees receive fair compensation for work given to the Federal Government.

I would like also to associate myself with the very fine remarks made by the distinguished Senator on the bill.

The Senate will recall that on December 12 of last year it passed a Federal pay bill, H.R. 13000, that would have brought Federal employee salaries up to comparability in two stages—the first stage with a maximum of 4 percent for lower-salaried employees effective January 1, 1970 and the second stage, coming on July 1, 1970. Unfortunately, that bill has languished in a House-Senate conference ever since Senate passage.

Today, with the administration's strongest endorsement, we are asking the Senate to consider another pay bill in lieu of H.R. 13000. I sincerely believe this new bill is much fairer to all Federal employees.

The basic provisions of S. 3690 were agreed to last week by administration and postal employee representatives. It provides a 6 percent across-the-board salary increase for Federal employees paid under all of the statutory salary systems—namely, postal field service, the general schedule of classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service. It also includes employees paid under other salary systems except wage board employees in the legislative, executive, and judicial branches of the Government. The 6 percent increase would also apply to military personnel under provisions of Public Law 90–207.

Affected by this bill will be approximately 2.1 million Federal civilian employees. Also, because of the provision in Public Law 90–607 all of the 3.2 million military personnel will receive an increase comparable to those given the Federal general schedule employees. Because this pay increase will be effective only for the last half of fiscal year 1970 the cost for 1970 will be $600,000,000 for Federal civilian employees and $600,000,000 for the military. The full year cost in fiscal 1971 will be approximately $2.5 billion—$1.3 billion for the civilian payroll and $1.2 billion for the military.

Presently, the annual Federal payroll for all 6,500,000 Federal employees—civilian white collar and blue collar and the military—total approximately $49 billion.

The Federal Government, during the 11 years that I have been in the Senate, has been a very fair employer. Since 1960, Congress has enacted four different Federal pay laws. The percentage pay increases for general scheduled employees in each of the applicable years were: 1960, 7.5 percent; 1962, 5.5 percent; 1964, 4.1 percent; 1965, 4.69 percent; 1966, 4.21 percent; 1967, 5.27 percent; 1968, 7.18 percent and, in 1969, 7.7 percent. Postal employees in several years received higher salary increases and last year received a lesser percentage increase. The total average salary increases received by Federal employees since 1960 is approximately 45.9 percent. These increases were made to keep Federal employees salary comparable with salaries paid in private industry. I cite these figures only to show that the Congress has tried to live up to its responsibility and pledge to give Federal employees comparability with their counterparts in private industry. Now we are urging again that Federal salaries be taken up to the latest comparability figures as provided us by the BLS.

I believe the basis for this 6-percent figure was the comparability survey conducted by the Bureau of Labor Statistics in early 1969. That survey showed that

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as of June 1969. Federal employee salaries were lagging approximately 5.75 percent behind those of private industry. I believe also that in the talks between the administration representatives and those of the postal employees consideration was given to the fact that the retroactive date of December 27, 1969, was 6 months behind the survey date and private industry salaries had increased during those ensuing months. The December 27, 1969 date was a compromise with which the administration could live in its budget squeeze. The 6-percent pay increase to December 1969, is very fair both as to amount and effective date.

I shall only briefly recall for the Senate the fact that in 1962 the Congress went on record as setting the primary guiding principle for Federal salaries to be comparability with private industry. This principle was adopted to stem the loss of high-skilled Federal workers to private industry and to also attract promising young people to careers in the Federal service.

Although Federal salaries continue of necessity to follow by a few months those paid in private industry the purposes for which the comparability principle was adopted have been largely realized.

My experiences with Federal employees have completely justified the salary increases which have been enacted since adoption of the comparability principle in 1962. These increases have helped in the recruitment and retention of our loyal, dedicated, and intelligent Federal employees.

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The 6-percent pay increase for these employees which I am strongly supporting will continue to help in this fight to obtain and keep the hundreds of thousands of Federal workers necessary to keep the wheels of this Government working in all 50 States, here in Washington and throughout the world where the U.S. Government is represented.

The 6-percent pay increase your Committee on Post Office and Civil Service recommends to the Senate by a unanimous vote taken yesterday meets that standard of comparability.

The bill includes a provision extending this 6-percent increase to employees of the U.S. Senate and the House of Representatives subject to the controls of Senators presently in the law.

It also has a general limitation provision that no salary increased by this bill shall exceed that of executive pay level 5, which is $36,000.

The committee also approved an increase in the lump sum available for staff hire of former U.S. Presidents from the present $80,000 to $96,000—an increase of $16,000. This was done to keep in line with the general cost-of-living increases enacted in 1968 and would be written into permanent law.

We also include in this bill salary increases for the District of Columbia judges who because of inadvertence were left out of the increases given all other Federal judges last year. The Senate has already twice approved these increases but these bills have been pigeonholed in the House.

I firmly believe this bill is fair and just. It keeps the pledge made by the Congress in 1962 to keep Federal employee salaries on a par with those paid in private industry for substantially similar work.

I strongly urge my colleagues to approve this bill.

Mr. McGEE. Mr. President, I want to take special note here of the strong leadership and cooperation of the ranking minority member of the Committee on Post Office and Civil Service, Senator Hiram Fong. He has had untiring energy and the greatest patience in this matter. As he would be quick to testify, this has been a painstaking operation over many weeks. It has been a rather difficult time. I want to commend him for the perspective in which he has cast the whole question of pay increase.

This measure is not just a little matter that has taken place here on this day in April 1970. It reflects a long-term commitment, a long-range obligation, and a breakthrough in terms of coming to grips with the matter of comparability.

Most important, the fact that it was negotiated at all is the significant breakthrough in a new procedure at the Federal Government level—that of collective bargaining. If it works—and it is working—we may have, indeed, an effective and tough new formula for resolving future labor-management difficulties at the Federal Government level.

So again I commend my colleague from Hawaii for his patience and untiring efforts.

Mr. FONG. I thank the Senator from Wyoming for his very kind words. It was due to his leadership that we were able to produce the bill presently before the Senate. Several weeks ago we went into conference with Members of the House on H.R. 13000. The House conferees were intent on pushing a salary bill through. Because of the very strong position taken by the Senator from Wyoming the Senate conferees resisted that effort and insisted that the conference wait until the negotiators representing the postal unions and the administration arrived at a conclusion before proceeding further. It was because we waited until the negotiators reached an agreement that we have this bill giving all Federal employees a 6-percent increase retroactive to December 27, 1969.

It was due to the fine leadership of the Senator from Wyoming that we have this bill today. I commend him for his very fine leadership in the Committee on Post Office and Civil Service.

Mr. McGEE. I thank my colleague for his generous remarks.

Mr. RANDOLPH. Mr. President, I wish to commend the chairman of the Committee on Post Office and Civil Service (Mr. McGee) and the ranking minority member of that committee (Mr. Fong). I think it is important to indicate that all members of the committee voted affirmatively on rollcall, to report this legislation to the Senate.

This measure is an important step in our efforts to provide needed salary increases for all Government employees. Our committee has moved expeditiously to bring this bill to the floor, so that the first phase of the negotiated agreement between the administration and the postal unions can be implemented.

I wish the Record to reflect that even though we are covering increases in several categories of Federal employees, I feel strongly that certain employees at lower levels within the Government—I use as an example the letter carriers who have had a beginning salary of $6,176, and who will now, under this measure if it is enacted into law, receive an annual starting salary of $6,548—are entitled to more. Within the very near future we must give attention to a restructuring of these lower pay scales.

Mr. President, that is an inadequate salary. Even with the approximately $400 increase, it is a salary which will not permit the letter carriers or other postal employees in that salary level to rear their families and educate their children and to maintain a moderate standard of living.

I realize the cost of the legislation is substantial. I am conscious also of the desire of the administration and of the unions themselves and the Committee on Post Office and Civil Service to arrive at some agreement which would be acceptable to all parties. It is my belief that the Senate should act affirmatively on this bill.

Mr. CURTIS. Mr. President, will the Senator yield to me?

Mr. RANDOLPH. I yield.

Mr. CURTIS. What is the total annual cost of this bill on a full-year basis?

Mr. RANDOLPH. I believe it is approximately $2.5 billion on an annual cost basis.

Mr. McGEE. That includes the military.

Mr. RANDOLPH. That includes the military.

Mr. CURTIS. Will the Senator break those figures down as to postal and other civil service workers and the military, approximately?

Mr. McGEE. Mr. President, the Senator from Hawaii just did that. Perhaps the Senator could yield to the Senator from Hawaii so he could give that information to the Senator.

Mr. RANDOLPH. It is $372 million for the postal workers, about $900 million for the other civil service workers, and about $1.2 billion for the military.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. ELLENDER. I thought this bill applied to postal employees only. When were the others included? I regret that I was not present when the debate on the pending bill started. I have been holding hearings. I would like to know what employees are covered in the bill, aside from the postal employees.

Mr. RANDOLPH. Mr. President, I will ask the chairman to respond to our able colleague, but before doing so, and because I desire to take my chair or really leave the floor, because, after the Carswell nomination vote I remained here to handle the resolution relating to the rail strike for the Senator from New York, and I have commitments to keep, I want to reemphasize strongly that the salary which is in the category of that of the letter carriers, as I have indicated—and I refer to the beginner's pay of $6,548, which is approximately $400 more than the present pay—is inadequate.

I repeat, for a good citizen who is capable, it is inadequate for that citizen to keep his household together properly, to educate his children, and to participate in acts of citizenship other than just the doing of his job.

He must be more than a person who, even though he has contact with the public in the category of the letter carrier, a man who just goes to work in the morning and comes home at night, and tries to live within that salary range. He must, for all intents and purposes, be a citizen who can respond to all the wholesome responsibilities as well as, of course, the advantages of our American system of life.

I hope that the chairman of the committee and all the members of the committee, at least in degree, agree with me that it is not enough to talk about comparability, although I understand comparability. It is not enough just to discuss formulas. It is important that we realize that we cannot get away from the figure which I have stated as the very low income which is now paid to Federal workers, not only in the postal service but also, in degree, to certain segments of our classified clerical workers.

Mr. McGEE. Mr. President, the Senator from West Virginia is one of the members of the committee who does his homework. He made a great contribution during these hearings in reminding us all that, once we had arrived at the settlement, we were still lagging, that we have a commitment, under the Pay Act of 1962, to try to bring the salaries of all Federal employees up to their equivalents in the private sector, and that we have been negligent in doing so. We have been dragging behind. The Senator has been very helpful in establishing the urgency of that fact.

I address myself now to the question of the Senator from Louisiana. The present bill includes not only the postal workers, but all the classified Federal employees. The reason the latter are included was that the hearings in the Senate on the original postal pay bill, way back in October, demonstrated, completely and disturbingly, that the lower pay grades of the classified service, in particular, were at least as ill paid as postal grades 5 and 6, and that there was equity that was long overdue them.

In terms of comparability, to which Congress is required by law to respond the Bureau of Labor Statistics figures on comparability last July 1—not this next July, but July 1, 1969—would have required an across-the-board pay raise of 5.75 percent. This one goes, now, back to December 27, roughly 6 months later than July, in order to set it at 6 percent.

The final point is that the 6-percent retroactive increase was negotiated in free collective bargaining between the administration management spokesmen and the postal unions. But the criteria for those negotiations were laid down by the Senate and the House conferees on the old pay bill from last fall—namely, that they should be retroactive to at least January 1, and that they should include the Federal classified employees.

Mr. ELLENDER. And that is to apply to what class of employees?

Mr. McGEE. This would be all classes, now. But the Senate bill at Christmas time would have been scaled down from grades 5 and 6 to 10, down 1 percent per grade.

Mr. ELLENDER. I am referring to the bill we are now considering.

Mr. McGEE. Yes. This one goes back and covers all grades with the same percentages.

Mr. ELLENDER. How about the employees whose salaries we raised in the executive department recently, up to, I believe, $35,000?

Mr. McGEE. It includes none of the executive grades. It does not include Senators, either.

Mr. ELLENDER. And neither legislative employees, I hope?

Mr. McGEE. It includes legislative employees, on the ground that——

Mr. ELLENDER. Which grades of legislative employees?

Mr. McGEE. Legislative employees in both the House of Representatives and the Senate. It leaves it up to the individual Senator whether he applies it to his staff. That is not compelled.

Mr. ELLENDER. When are these additional employees added to the bill?

Mr. McGEE. This was in the bill unanimously reported by the Senate committee after hearings.

Mr. ELLENDER. I understood this morning that when this bill would be taken up later in the day that the only salaries to be considered would be those of the postal employees.

Mr. McGEE. No; that is not correct. This bill was negotiated. This was the result of the labor-management negotiations freely negotiated over these several tortuous days. We came out of that negotiation with two stages of agreement. One stage was that there should be a 6-percent retroactive pay adjustment to last December 27 for all Federal classified employees and the postal service, all of them; and the second stage has to do with what is yet ahead of us, and not involved in this bill in any way—namely, other adjustments in the postal structure, at this point tied to postal reorganization and postal reform.

Mr. ELLENDER. How about the employees of all the special committees that were created by the Senate?

Mr. McGEE. All legislative employees are included.

Mr. ELLENDER. So that a legislative committee employee, let us say the Senator's assistant, who is now paid, I think, $34,000——

Mr. McGEE. $31,317 if he is paid the maximum.

Mr. ELLENDER. He would receive a 6-percent increase?

Mr. McGEE. He would get about $1,800 more, on a permanent basis, unless the Senator said no or the chairman denied the increase.

Mr. ELLENDER. And that applies to all employees of all committees?

Mr. McGEE. That would apply to all legislative employees on the Hill, on both sides.

Mr. ELLENDER. But insofar as the employes of Senators are concerned, the Senator must consent to the increase?

Mr. McGEE. The Senator has to make his own determination.

Mr. ELLENDER. But this applies to all committee employees automatically?

Mr. McGEE. That is automatic.

Mr. ELLENDER. So that where we have employees earning anywhere from $18,000 to $31,000, they get a 6-percent increase?

Mr. McGEE. Yes. Actually, the minimum is $1,000, not $18,000. The feeling of the committee was that since that time, there had been a rise in the cost of living that actually exceeded 7 percent, so that this was only an attempt to stay even with where they were before the last adjustment had been made.

Mr. ELLENDER. Mr. President, I regret that all of the employees mentioned in this discussion are included in the bill. I would cheerfully vote to increase the salaries of postal employees in the lower brackets. I would also vote to increase the salaries of civil employees in the lower brackets. I cannot see, my way clear to vote to increase the salary of those who are now receiving $25,000 to $31,000 by $1,500 to $1,800 and allow an increase of only $300 to $400 for those who really need an increase.

Mr. CURTIS. Mr. President, I shall have an amendment, which I shall send to the desk in a few moments. My amendment will be strike from the bill all pay raises except for the postal and the military. How the military is handled in the pending measure I do not know, whether it is by reference or by actual language. Nevertheless, I want it clear that I am not advocating a denial of a pay raise for the military.

Frankly, I do not like the postal pay raise. I believe that when the postal employees went on strike, they were in violation of law, and they should be put in jail, and I am disappointed that high officials of this Government ignored the law and sat down and negotiated with them. But that is past. We have got a mess on our hands, and we have to do something about that.

But we have a bill before us including increases for some people around this building and the office buildings, who will get an $1,800 a year increase because a letter carrier in a great city cannot live on what he earns.

Mr. President, at the time this Congress reduced taxes, the national debt was $10 billion more than it was a year before. I opposed that bill, because to me the idea of borrowing money to reduce taxes represented rank irresponsibility.

The national debt has increased $3 billion since that date, and here we are with a bill to raise the salaries of all Government employees across the board. And it does not end there. $2.5 billion is not the end of it—it adds to the retirement costs, under a system that is not funded. It is sheerest irresponsibility.

As I say, I shall offer an amendment that will cofine this bill to the postal workers. I shall not undertake to deny the military a pay increase. Within the last 20 minutes, a lady from Nebraska left my office. She had been called to Washington to receive the Medal of Honor that her son was not here any longer to receive. How did he lose his life? He threw himself down on a hand grenade and saved the lives of three of his buddies.

Mr. President, this is wartime. We are going farther and farther in debt every day. If anybody working for the Government does not want to sacrifice to save this country from collapse, he has a remedy. He has the right of resignation.

Mr. President, I do not deny that there are perhaps people under the ordinary civil service who need a pay raise. This is not a selective pay raise. We are operating under a deficit. We are in war. If a pay raise is to be considered at all, it should be a selective one to take care of those situations in which the pay is not enough for the people to live respectably, and that is where it should end.

I am astounded at what has happened since these men went on strike in New York. I pick up the paper and I read that George Meany has settled the pay raise schedules. Where is the great Senate of the United States? Where is Congress? Are we mice or are we men? The Constitution says that Congress shall establish post offices and post roads, and that means that we must take the responsibility for carrying out the service.

No one had a right to enter into an agreement and bind Congress. We are establishing a precedent here that we will live to regret. All that has to be done is to pick out some segment of Government employees, have them go on strike, and all the rest will get a free ride, and our own staffs will enjoy a pay raise of $1,000 to $1,800.

I am not impressed about the arguments of comparability. There is one basic fact: There is no money in the till. We do not have the courage to tax the people to pay the bills for the day-to-day operation of this Government.

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I said these things with respect to the last tax bill. We were faced with inflation and all sorts of problems. I thought that the surtax should be extended and that the investment credit should end, and that would have brought in several billions of dollars. Lo and behold, we passed a bill that gave all that revenue away.

I know that what I am saying here will be disappointing in many bureaus and agencies. I know that those people will remember. I also know that the people back home are working so hard to pay their expenses and their taxes that they probably will not remember it. But I have to live with myself.

Mr. President, I send an amendment to the desk, and I ask for the yeas and nays on it.

The yeas and nays were ordered.

The assistant legislative clerk proceeded to read the amendment.

Mr. **CURTIS**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I already have explained what it would do.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, line 3, strike out "Federal" and insert in lieu thereof "Postal".

On page 2, strike out lines 1 through 11 and insert in lieu thereof:

(2) Schedules referred to in paragraph (1) of this subsection are as follows: The Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543 (a), respectively, of title 39, United States Code.

On page 2, beginning with line 23, strike out through line 24 on page 3.

On page 3, line 25, strike out "Sec. 4" and insert in lieu thereof "Sec. 3".

On page 4, lines 2 and 3, strike out "section 5335 of title 5, United States Code, or".

On page 4, line 22, strike out "Sec. 5" and insert in lieu thereof "Sec. 4".

On page 4, beginning with "or" in line 25 strike out through "Columbia" in line 1 on page 5.

On page 6, lines 5 and 6, strike out "or the municipal government of the District of Columbia".

On page 6, strike out lines 7 through 22.

On page 6, line 23, strike out "Sec. 8" and insert in lieu thereof "Sec. 5".

On page 6, in lines 23 and 24, strike out "(other than section 7)".

On page 7, in lines 1 and 2, strike out "(other than under such section)".

Amend the title so as to read: "A bill to increase the pay of Postal employees".

Mr. **McGEE**. Mr. President, will the Senator yield?

Mr. **COTTON**. Mr. President, will the Senator yield?

Mr. **CURTIS**. I yield to the Senator from Wyoming.

Mr. **McGEE**. Mr. President, I thank the Senator from Nebraska for yielding to me for a comment or two about his very thoughtful remarks.

He has properly dwelt upon the implication present in the minds of some that some kind of action was taken in negotiations downtown that binds Congress. I want to assure the Senator that no action was taken that binds Congress. Congress first, in the appropriate committees, decided that one of the new ways to achieve management-labor settlements without strikes at the Government level was to set up free and unfettered collective bargaining processes. We thought this was a way to approach it. This was undertaken.

We set forth the two basic conditions under which those negotiations should proceed. One was that whatever pay was negotiated would be retroactive to January 1 or earlier, and that it would apply across the board to all classified employees. This was imposed by Congress. The negotiators and the administration were bound by this act of Congress. Congress was not bound by an action that came out of the negotiations. The whole process was the reverse.

I should like to address myself to the Senator's second point, that because of the problem of the deficit, because of budgetary problems, we indeed ought to look at our fiscal souls and be a little more cautious. Let me say that the Senator from Hawaii (Mr. FONG), the ranking minority member of this committee, and I had a very long conversation with the President on this matter. He feels very strongly also on that point. But in the course of our conversation, in the course of our hearings on this specific proposal, the President expressed the belief that he can come up with the necessary two and a half billion dollars without new taxes. He defined it in this way: $1.2 billion from the surplus that his budget scheduling had envisaged and the remainder from stepping up the timetable on estate taxes and inheritance taxes, I think it was.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **McGEE**. I should like to finish one or two points with respect to the Senator's amendment.

Mr. **WILLIAMS** of Delaware. What surplus are we talking about?

Mr. **McGEE**. I am using the President's figures and the President's recommendations. I think he was talking about a $1.3 billion surplus that he had in his budget message to Congress.

Mr. **WILLIAMS** of Delaware. I note that the national debt, in yesterday's Treasury report, was $13.25 billion higher than it was a year ago, and we have been running behind at an average rate of $800 million per month. I am wondering what surplus, because we are told we are going to need an increase in the national debt of approximately $10 billion to finance the imaginary surplus.

Mr. **McGEE**. I cannot answer the Senator's question. The Senator should put that to the administration. This is the administration's point in regard to financing this extra commitment.

Mr. **WILLIAMS** of Delaware. The Senator from Wyoming was speaking so strongly for the administration all throughout the day that I thought he had the answer.

Mr. **McGEE**. That answer is not my prerogative. That answer is the prerogative of the President of the United States. He draws up the budget recommendations to Congress, and I am respecting the budget he submitted to Congress.

I would say, in conclusion, to the Senator from Nebraska that the Senate passed its own pay bill last Christmas, December 12, across the board, in an attempt to respond to the President's sense of urgency about the problem, but not to go as far as the House went, which had a much larger pay increase, which would have cost a great deal more, and they did not know how they would finance it.

The administration felt they could finance the smaller Senate bill. When that fell by the wayside, due to a great many other developments—it had nothing to do with what the Senate did—we were confronted by this crisis; and in cooperation daily with the administration, we have tried to work out a modest adjustment with which the administration can live and yet which approaches equity.

Mr. **CURTIS**. May I ask the Senator a question?

Mr. **McGEE**. Yes.

Mr. **CURTIS**. The lettercarriers in the great cities aroused sympathy all over the country. What is going to be their annual increase in wages?

Mr. **McGEE**. Under the bill, it would be $375 a year.

Mr. **CURTIS**. Employees of the Senate will get up to $1,800. That is not a modest increase. It is merely a vehicle which has taken advantage of the situation in the Post Office where some people went on strike where they should not have.

Mr. **McGEE**. Let me say to the Senator in that regard that the strike was not only illegal, but it was also unsanctioned by the union leaders. It was a wildcat strike circumstance. It was negotiated in an effort to try to head off massive strikes. The one group that did not strike or walk off in any form was the Federal employees. They, too, had been granted an across-the-board pay adjustment last December in the Senate's pay bill.

The committee unanimously felt that it would be wrong if we had gone the route the Senator is proposing and just pay the postals retroactively who were involved, some of them, in the walkouts; whereas those who played the game under the law got the same allowance at that time.

Mr. CURTIS. You will continue to pay these people who violated the law? You are going to give them a raise in pay? Is that what you are going to do?

Mr. McGEE. I am saying that the unions who had trouble in the walkouts and the other sympathetic walkouts, and so forth, which got out of hand——

Mr. CURTIS. I am asking the Senator, if that Government employee who violated the law and went on strike is going to be rewarded with a pay raise?

Mr. McGEE. The administration wrote in the negotiations in return for other concessions an amnesty for those out on strike. That was the negotiators' decision.

Mr. CURTIS. The negotiators are not voting on this bill today. I am asking the committee, are you keeping on the payroll all the strikers and giving them a pay raise?

Mr. McGEE. They are not on our payroll. They are on the payroll of the Post Office Department. We are not touching them.

Mr. CURTIS. But we have charge of the purse strings. We are charged with operating the postal service. My question is, Are you going to keep the strikers on the payroll and reward them with a pay raise?

Mr. McGEE. We have left that judgment to the Postmaster General and the personnel administrators downtown. We are respecting the negotiated settlement. It was a fair settlement. It was not one-sided. It was a giving and a taking on both sides.

Mr. CURTIS. Was anyone there to represent the people? They have to pay the bill. Here is the thing, as was mentioned, our debt has gone up $3 billion since the Congress reduced taxes. We are all having to tell our impacted school districts that they cannot have any money. One school district that has an enrollment of 80 percent of children of the military in my State is closing. We are informing other people that there is no money because of a financial crisis. And here, this great committee—I have a profound respect for every individual on that committee——

Mr. McGEE. I gathered that.

Mr. CURTIS. I think the Senator is making a terrible mistake. What I mean is, there is nothing personal about it. I respect the Senator's views, but I think he is making a terrible mistake in bringing in a bill that will raise the salaries as much as $1,800 a year.

I do not defend their actions in striking but, as I understand it, we give them a $375 a year raise now. Is that correct?

Mr. McGEE. The Senator's bill would reward those who went out on strike. This bill rewards all Federal employees, including those who obeyed the law.

Mr. CURTIS. No, no. That is not correct at all. All I do is strike from the bill some of the provisions in the bill. I strike out everything but the postal service because there appears to be an emergency.

Mr. McGEE. For the other Federal workers?

Mr. CURTIS. Certainly not on Capitol Hill.

Mr. McGEE. Our hearings on the classified employees showed that the classified employees were at least as deeply involved at the poverty level as were the postals. Our attempt is not to discriminate or select out for that. This is an adjustment in the cost of living, not a reward for better service. The Bureau of Labor Statistics made it clear in its testimony to us that last July 1, everyone in public service in the Federal Government needed a 5.7 percent salary adjustment to keep even with the rising cost of living—just even. That was last July 1.

Mr. CURTIS. How about the people back home? How much do they need?

Mr. McGEE. This is an attempt to equate the workers with those in the private sector back home.

Mr. CURTIS. It is a poor equation.

Mr. McGEE. It may be, and the Senator may be right in saying that. We have done the best we can from the statistics provided us by the Labor Department.

Mr. CURTIS. Why do they not tie it to the agricultural price index?

Mr. McGEE. The Senator will have to ask the Bureau of Labor Statistics that. We are not quarreling with that. We have simply done the best we could here. We have worked with the President, the Postmaster General, the postal unions, and the members of the committee, to make sure that we came out with something that was fair and not wild, and something that would not put the President in a serious situation. They are agreed on all sides on that score.

Mr. COTTON. Mr. President, who has the floor?

Mr. McGEE. The Senator from Nebraska has the floor.

Mr. COTTON. I have been asking the Senator to yield.

Mr. CURTIS. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I would like to say to the Senator from Nebraska that there is much merit in his proposal and I would support it if he would add just one more provision. That provision is that for a period of 1 year, beginning July 1, the next fiscal year, congressional salaries shall be suspended 25 percent for that 1 year period.

I believe that the postal employees are entitled to a substantial raise. I regret what they did, but I also think of the untold thousands who did not strike and who were faithful to their obligations and to their oaths.

However, I think that the employees in our various offices are getting enough. I would go along with the distinguished Senator from Nebraska in saying that they should not share in this increase. I am bound to say that I think that those who work for the committees and in other capacities on the Hill do not need another raise at this time.

I would go along with the Senator in saying that we would be wise not to vote for an increase across the board through the whole government.

The finest example we could set for the people of this country and for the great unions of this country would be to say that we recognize that what the Senator from Nebraska just a moment ago said with such eloquence is true—that we are at war and that we must make sacrifices. The Congress of the United States, in my opinion, is not receiving a cent more salary than the responsibilities of this office justify. But the Congress of the United States for a period of 1 year should be willing to suspend 25 percent, one-fourth, of their salaries and let that money go back to the Treasury.

If we were willing to do this, we could very well then do exactly what the Senator from Nebraska suggests. We could stop including everyone in a sweeping raise. And we could do only what is vitally necessary and be firm and say no to the others.

I think Congress should be given an opportunity to say, "We are going to limit expenditures and the constant jumping of salaries throughout the Government, and we are going to show our sincerity and our good faith by being the first to make the sacrifice."

And when the time comes, our salaries can be restored. We can give raises if we have finished the war in Vietnam and if we have stopped the demands on this Government and checked the fever of inflation.

Mr. President, I make this as a perfectly serious proposal. I wish the Senator from Nebraska would include that in his amendment. If he is willing to do this, then I will be happy to support his amendment. If he does not, then I cannot support him.

Mr. CURTIS. Mr. President, if I may reply to that, my amendment is not a substitute. The distinguished Senator from New Hampshire would be perfectly in order to attach the amendment he proposes to the bill at any point. If he does, I shall vote for it. I will help him get a rollcall vote. I voted against the pay raise on two or three rollcalls. I voted against the financing of that nefarious commission that started all this mischief. I voted against a continuation of that commission which will hound us again 4 years from now.

However, I will still vote for the Senator's measure. There is no particular reason why it needs to be added to my amendment. And I would have no objection if he were to add it. I would vote for it.

Mr. COTTON. Mr. President, the Senator knows perfectly well that if such an amendment were offered by the Senator from New Hampshire by itself that it would have no chance of passing whatsoever.

The Senator knows perfectly well that he is offering an amendment that would save a great deal of money for this Gov-

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ernment, in a time when we need, as he has so well expressed, to husband our resources.

If my proposal were joined with his, I think it would have a chance of passing.

That is why I hope that the Senator from Nebraska would make his amendment a really effective amendment that we could support and that would leave us in the situation of being able to take care of the emergency with which we are confronted.

If we did it in that way and took our own temporary cut, I believe it would do a great deal to help us in the weeks and months ahead.

Mr. CURTIS. Mr. President, I think the Senator is correct. And I hope that he offers such an amendment to the bill. It could be considered in one package. I will support it and help him get a rollcall vote.

Mr. WILLIAMS of Delaware. Mr. President, I commend the Senator from Nebraska (Mr. CURTIS) for the amendment he has offered.

Speaking of the financial position of our Government, it would be well to point out that on March 26 our Government came within $400 million of hitting the $377 billion ceiling. On that date our national debt was $13.250 billion higher than it was a year ago on that same date. I refer to that date because while this report came out yesterday there is a 2-week delay in receiving the report.

Mr. CURTIS. Mr. President, I suggest that amount was about $3 billion greater than when we passed the tax relief bill. Is that correct?

Mr. WILLIAMS of Delaware. Perhaps I do not have the figures. It should be pointed out that this high level is immediately prior to the receipt of the large revenues on April 15. Our debt always peaks about this time of year.

Based on the current operation, as nearly as we can foresee, our debt this fiscal year will be from $8 billion to $10 billion higher than it was a year ago. We are running behind at better than $800 million a month, on a 12-month average.

We hear much talk about surpluses. The only reason we hear about surpluses is that people who make references to surpluses are counting trust funds as normal revenue of the Government. The railroad retirement fund is counted in order to give an imaginary surplus. The civil service retirement fund is counted also. The social security trust fund is included and that fund is composed in its entirety of taxes from the employee and the employer. It consists of not a dime of Government money and not a dime can be spent by the Congress or the President working together to pay the normal operating costs of our Government. We are trustees only. However, the accumulations in those trust funds are counted as though they were normal revenues of the Government in order to report to the people an imaginary surplus.

When this practice was started by President Johnson I said it was done for one purpose and that purpose was to deceive the American people as to the true cost of operating the Government. I make the same statement now, that we are following the same accounting system under this administration. It is wrong.

It is time that we started to tell the American people the truth about our huge deficits which are causing the inflation in this country. That is why these postal employees and others have a hard job to meet the cost of living. It is because we, in Congress, are spending far more than is being taken in. We are not telling them the truth. Congress has passed a bill which was labeled "Truth in Packaging and Lending." I hope some day we get a little more truth in government.

The time is long past due when Congress should recognize that we cannot spend this Government into prosperity on borrowed money any more successfully than can a drunkard drink himself sober.

Mr. CURTIS. Mr. President, I thank the distinguished Senator.

I would like to have the attention of the manager of the bill as well as every other Senator, because I am about to make a unanimous-consent request that, in effect, is a technical waiver of a rule. I want to be very candid about it.

I took the floor before the amendment was drawn. I asked for an amendment that would limit the pay raise to the postal workers and the military. The copy of the amendment which I sent to the desk would not have preserved the pay raise for the military. The copy that I hold in my hand would do that.

Mr. President, I ask unanimous consent, notwithstanding the fact that a rollcall has been ordered, that I be allowed to modify my amendment to make it conform to the statement I made when I offered the amendment.

Mr. McGEE. Mr. President, reserving the right to object, I wish to ask the Senator, for purposes of clarification, whether the only change in the modification is that he inadvertently omitted the military.

Mr. CURTIS. That is correct.

Mr. McGEE. I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I wish to ask a question. I regret that I had to step out of the Chamber when the Senator was explaining his proposal. I am very interested in what I did hear, but I did not hear all of it.

In the Senator's amendment is there any limit on the size of the salaries to which the increase would apply? I wish to ask the Senator if that is taken into consideration.

I had contemplated that this increase was for the low-paid postal workers, the ones particularly that I read about in the newspapers, the ones who are getting as little as $6,000 or $7,000 a year and living in the big cities, and who really need a raise.

I voted against an increase in Senate salaries last year and one other pay bill because I thought it set an example that was unfortunate in view of the fiscal situation of our country. I wonder whether the Senator has considered a minimum salary range, above which there would be no increase? An increase for those receiving up to $30,000 and $35,000 is uncalled for, and for the same reason I opposed the increase in Senate salaries.

Mr. CURTIS. I feel whatever is done in connection with civil service should be done in another bill, and it should be selective. This bill, by the very circumstances, had to be reported. About the only way the Senator from Nebraska could do anything was to strike out the general civil service.

To be frank with the Senator, if my amendment were adopted, it would not limit the pay raise to the lower paid in the postal service. I would favor such a thing, but under the rush circumstances in which we are proceeding, I have not been able to work out such a scale. It cannot be chopped off. It has to be worked out carefully.

Mr. FULBRIGHT. I am interested in a bill that would include those persons receiving under $25,000. They are the ones in tight circumstances. Actually, the most deserving are those who receive around $6,000, $8,000, $10,000. That is where the case was made, and that is why there is so much sympathy in connection with this bill. I think we made a mistake under the philosophy on which we raised our own salaries. Until the war is over, we owe it to everyone to deny raises to everybody at that level.

Mr. CURTIS. Mr. President, may I have a ruling on my request?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears no objection, and it is so ordered.

The amendment of Mr. CURTIS, as modified, is as follows:

On page 1, line 3, strike out "Federal" and insert in lieu thereof "Postal".

One page 2, strike out lines 1 through 11 and insert in lieu thereof:

(2) Schedules referred to in paragraph (1) of this subsection are as follows: The Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543 (a), respectively, of title 39, United States Code.

On page 2, beginning with line 23, strike out through line 24 on page 3.

On page 3, line 25, strike out "Sec. 4" and insert in lieu thereof "Sec. 3".

On page 4, lines 2 and 3, strike out "section 5335 of title 5, United States Code, or".

On page 4, line 22, strike out "Sec. 5" and insert in lieu thereof "Sec. 4".

On page 4, beginning with "or" in line 25 strike out through "Columbia" in line 1 on page 5.

On page 6, lines 5 and 6, strike out "or the Municipal Government of the District of Columbia".

On page 6, strike out lines 7 through 22.

On page 6, line 23, strike out "Sec. 8" and insert in lieu thereof "Sec. 5".

On page 6, in lines 23 and 24, strike out "(other than section 7)".

On page 7, in lines 1 and 2, strike out "(other than under such section)".

At the end of the bill add the following new section:

Sec. 6. Any reference in section 8 of the Act of December 16, 1967 (Public Law 90-207) to the General Schedule contained in section 5332 of title 5 United States Code, shall be considered a reference to the Postal Field Service contained in section 3542(a) of title 39 United States Code.

Amend the title so as to read: "A bill to increase the pay of postal employees".

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Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask another question.

Mr. CURTIS. I yield.

Mr. FULBRIGHT. Why cannot the Senator incorporate into his proposal a level above which the increase does not apply?

Mr. CURTIS. I think it is a task that would have to be worked out by a committee. Arbitrarily, let us suppose the figure is placed at $10,000. Would we deny a raise to the man who makes $10,000 and give a raise to someone who makes $9,990? That is the sort of thing that is involved. There is involved the tapering off, and to write a workable amendment on the floor is most difficult. I have no quarrel with the objective.

Mr. FULBRIGHT. I think it is very unfortunate in view of what the Senator from Delaware has said—and he certainly knows more than most of us about the statistics of our finances; I agree with what he said—it is unfortunate to again give raises in the higher brackets, just as it was to raise our own salaries.

Mr. CURTIS. I yield the floor.

Mr. FONG. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Nebraska.

The distinguished Senator from Nebraska proposes to raise salaries just for the postal workers and for the military, leaving out 1.3 million people in the general classification program. Let me go into some history of the salary increases and the reasons why the Senate and the Congress adopted the principle of comparability.

As of today, we have approximately 740,000 postal employees. Of the 740,000 postal employees, only 193,000, at the height of the strike, went out on a wildcat strike. The other 500,000 or more employees remained loyal to the Government and remained on their jobs.

Besides the 740,000 postal employees, we have 1,300,000 general schedule employees.

Besides those two categories, there are also 700,000 blue-collar Federal workers. The blue-collar workers have an adjustment in their salaries almost every year because, under present law, their salaries are set by local wage board surveys. These wage board employees receive wage increases when there are increases in the private sector of their communities.

In other words, after a wage survey is made by the local wage board in a particular community, if the wage board finds salaries of comparable workers in industry have increased by 5 or 6 percent, that increase is given to the blue-collar workers. Therefore, as far as the blue-collar workers are concerned, they have pay comparability with private industry employees.

Of the 70 million employees in the United States, approximately 2,800,000 are with the Federal Government. So it can be seen that the Federal Government is a very small employer in the total employment picture in the United States.

If we also look into the employment picture of the States and municipalities, all the municipalities and States, together with the Federal Government, employ approximately 16 percent of the labor force. In other words, 81 percent of the labor force is in private industry.

As long as I have been on the Committee on Post Office and Civil Service, which has been for the past 11 years, that committee has been struggling with the problem of equalizing the salaries of our Federal employees with those paid in industry. So in 1962 we enacted the comparability principle for our white-collar employees. It passed the Congress and is now law. We have told Federal employees that we will pay them what is paid comparably in industry. In other words, a secretary in the Government service will be paid the same salary as a secretary in private industry.

So we have approximately 3 percent of the work force in the Nation, comprising 2,800,000 Government employees, following the 67 or 65 million employees in private industry. We adopted the comparability principle because we felt Government employees' salaries should be equated with those paid in private industry.

How does the Government arrive at the principle of comparability? In the early part of each year the Bureau of Labor Statistics makes a national survey of salaries paid in private industry. Those figures are not worked on until probably June to September. The figures come to the Congress in November or December. In 1969 when the figures were gathered and the equation was worked out, the Civil Service Commission finally told the Committee on Post Office and Civil Service in December that, as of July 1, 1969, approximately 6 months before, the salaries of Federal employees were 5.7 percent behind those paid in industry.

So it was our duty, if we were to follow the comparability statute which we passed in 1962 to give those employees a 5.7-percent increase in salary. We did not do that in H.R. 13000. The Senate, in its wisdom, because of the tight financial situation, gave a 4-percent increase to all employees below the $10,000 figure, 3 percent to those between $10,000 and $15,000, 4 percent to those between $15,000 and $20,000, and 1 percent to those making $21,000. The House conferees would not accept the Senate bill.

Much has been said as to why we should limit this increase to those of a certain salary, that is, those who make $8,000 or $9,000, or below. That was one of the problems that the committee worked on when we were trying to decide what we should do with salaries in the higher categories.

Because Congress would not for many years raise the salaries of those in the upper grades, the salaries were compressed. As a result of that compression, we were losing valuable men to private industry. So President Johnson, in his wisdom, convened the Kappel Commission to look into executive, judicial, and legislative salaries. It arrived at the conclusion that the Federal Government was losing to industry very valuable employees who were in the higher categories of pay. Because we had in previous years given lump sum raises to all employees, we were making the salaries of those who were in the upper categories lag far behind those of industry.

Because of that situation, we adopted the principle of comparability, and we now have a very fine system as far as comparability is concerned.

So we were told by the Bureau of Labor Statistics that, as of July 1969, in almost every category in the Federal salary scale, we were 5.7 percent behind the salaries paid in industry, not only for those in the postal service but also for those in the general schedules.

In 1967 we passed a bill, now known as Public Law 90–207, which ties military pay to that of the general schedule, and it says in substance that if there is an increase in the general schedule, there must be an equivalent increase in military pay.

The amendment which was presented by the distinguished Senator from Nebraska gives to the military, but denies to the general schedule classified employees, an increase in salary.

The BLS figures show that the classified employees in general, like the postal employees, are also behind in their salary schedules, and the amendment which has been offered by the distinguished Senator from Nebraska is an unfair amendment because it rewards one group of employees just because a portion of that group of employees went on strike, and does not compensate that group which was loyal to the Government.

When the conferees of the Senate and the House of Representatives met in conference to discuss the pay bill, H.R. 13000, they came out with a unanimous agreement that any pay bill should embody the following principles:

First, that a bill must give retroactivity to January 1, 1970.

Second, that if an increase was to be given, the increase must be across the board, to the postal service employees and the general schedule employees.

In conformity with guidelines set by the conferees of the House Post Office and Civil Service Committee and those of the Senate Post Office and Civil Service Committee, the negotiators came out with this agreement, providing 6 percent across the board for all employees retroactive to December 27, 1969.

Mr. President, the distinguished Senator from Wyoming and I had breakfast with the President 2 weeks ago and it was the opinion of the President that this was a fair settlement, and in conformity with that feeling, the President has sent a message to Congress urging passage of a bill which would provide a 6-percent increase across the board to all Government employees, except that the agreement did not, of course, include the legislative salaries. But the committee unanimously decided that legislative employees also should be included.

When we ask for an increase in salaries for our Government employees, we are also cognizant of the fact that whenever we increase Government employees' salaries by a few percent, it means billions of dollars. We know that every increase of 1 percent in the salaries of our Government employees means an expenditure of $424 million. Multiply $424 million by 6 percent, and you get an in-

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crease of approximately $2.5 billion. This is a tremendous sum. But we should not take it out on the Government employees and say, "You Government employees work for less pay than your counterparts in industry." We should give to our employees what is fair, and our employees are now lagging behind their counterparts in industry by at least 6 months.

I think the amendment offered by the distinguished Senator from Nebraska is not a fair amendment. The bill which is before the Senate is a very fine bill, a bill which has been endorsed by the postal administrators, the administration, the President, the postal unions, and the members of the Post Office and Civil Service Committee, who have gone over it with a fine toothed comb.

I say that the amendment should be rejected.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield.

Mr. McGEE. I say this partly with tongue in cheek, but I have a new title for a speech which the Senator from Hawaii would probably join me in delivering, and that is, "How to Play Post Office Without Ever Getting Kissed."

We have been involved in this business for a great many weeks, and all we are getting out of it is lumps. It has been a painful as well as a painstaking process. But I echo the Senator's thought that we have come out with something fair and equitable in this regard.

I wanted to raise a point or two about the amendment of the Senator from Nebraska that the Senator from Hawaii has already touched upon. One of them is that, as I read the amendment, first it has the limitation of rewarding those groups who blew their stacks and walked off the job illegally. He is limiting the raise to postal employees and to the military, which brings me to the second blind spot in the amendment.

We cannot raise the military without raising the classified Federal employees, because of the limitations that Congress has imposed on itself under Public Law 90–207. Military pay raises are tied to Federal employee pay adjustments; therefore, I would be interested to hear how the Senator from Nebraska intends to get around that.

Mr. CURTIS. That is very simple. It is the last act of Congress that prevails. One Congress cannot pass a statute that binds a future Congress. We can raise the military any time we want to, without raising civilian salaries.

Mr. McGEE. Then you are amending the Armed Services Pay Act of 1967. The next thought that I wanted to express in regard to the presentation of my colleague from Hawaii was that at this point, at this late date, to tamper with a judgment that has, we think, been considered with cool heads from all angles, would be to jeopardize the chances for the mechanism of a new collective bargaining process that I think if successful would do more to head off further explosions from these sources than any other factor.

Mr. FONG. Especially when the barganing is in conformity with equitable principles.

Mr. McGEE. It has not been excessive in any way. If the military is kept in, as the Senator from Nebraska suggests, we are retaining an increase of $1.2 billion. If the postals are kept in, with a 6-percent retroactive increase, we are retaining another $400 million. That means we are taking out of the bill about $900 million, under the Senator's amendment, for the classified employees. We just do not think this is the way to make this adjustment, in view of the rising costs during the last year.

To keep the matter in perspective, they are still negotiating downtown, and will be negotiating the rest of this year, on the selective process of rewarding the meritorious in terms of real need. This 6 percent was a retroactive adjustment to try to keep pace with the comparability and the cost-of-living pressures that have descended on all, regardless of what level they find themselves in.

So I hope the amendment of the Senator from Nebraska will be defeated.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I might ask the chairman a question?

Mr. FONG. I yield.

Mr. GOLDWATER. Is there some way the committee might give heed to the suggestions made by the distinguished Senator from Arkansas relative to some limitation on this increase? I can understand the need of the lower paid postal employees, but I cannot understand the need of the $25,000 or $30,000, or even the $15,000 civil servant, for a 6-percent increase at this time. I would hope we could confine this adjustment to the area where it is really needed.

As I have said time and again, I blame, in large measure, the plight of the lower paid postal employees on their own unions, because never, during the years I was here before, did I feel that they came in with a package that represented equal pay for the postal employees. They are always lagging about 2 years behind, and I think the blame can be placed upon their unions.

I would hope, because of the rapid increase in the cost of living which is continuing and not abating, the danger that this measure will add to inflation, and the danger that inflation will lead to a downright depression in this country, which will destroy the spending ability of all Americans, that we could take a look at the suggestion of the Senator from Arkansas that we place a ceiling on this increase.

I am thinking, for example, of general officers and admirals. I am thinking of our assistants, who receive very high salaries, I might say. I do not think they are in need of a 6-percent increase, and I would hope that, either through a modification of the amendment of the Senator from Nebraska or a decision by the committee to amend the bill, this could be accomplished.

Mr. McGEE. The Senator from Arizona has made a very thoughtful pursuit of that point, along the lines suggested by the Senator from Arkansas in the earlier colloquy.

I might say that the committee deliberated a long time on that point, in terms of where a good cutoff possibility might lie, or whether we had better just give a monetary adjustment across the board, let us say $750 per individual, which would thus help the lower ones more than the upper ones.

We got into such complications on that, in carrying it out in terms of the negotiations, that it seemed that the fallout from those consequences did not make enough difference to go that route.

Likewise, on that same point, the whole emphasis on the 6 percent was geared into the comparability factor. Underway right now are the separate negotiations unrelated to these to try to adjust these other compensating factors.

I would hope that we could consider in the context in which all of this has come that the least complicated and least loaded way in terms of unfairness to individuals is still to go the 6-percent across the board on all of the levels now. We in the Senate do not have to give it to our employees. That is our decision. I did not give it to mine the last time, and I am not going to stampede into that. That is our prerogative. So we do not have to go that route.

I think it is meritorious that we weigh this and that we ought to strive to come up with some kind of formula soon down the road we are trying to pick our way along right now, where we can give good consideration and real thought to some possible adjustments along the line that the Senator suggests. I just do not believe that it now, at this stage, belongs in this particular adjustment.

Mr. GOLDWATER. I can understand the Senator's reluctance to change at this late date. However, my concern—and I am not sure whether this is also the concern of the Senator from Arkansas—is expressed by the very word he has repeatedly used—"negotiation." It is against the law to strike against the Government. I have a very strong feeling that the people who strike against the Government should be dismissed from the Government. The Senator is talking about negotiations. If this across the board goes, this is just the beginning, in my humble opinion. We would have recognized the right of the Federal employee to strike against his Government, against the law of the United States.

We have not punished anybody for doing this. This is the opening wedge for every union in this country to demand unearned wage increases. The postal employee we are talking about has earned an increase. I do not think my administrative assistant, with all due respect to him, has earned an increase. I do not think the assistants downtown who are earning $20,000, $25,000 and $30,000 a year have earned an increase. But this is not going to stop. Working people all over this country are again demanding, as the Teamsters are demanding, unearned wage increases. The only result of this is unearned price increases, and the very people we are trying to help here today are the ones who wind up behind the eight ball again.

I have seen statistics recently that show that the man who had been receiving these increases over the past 5 years merely breaks even with what he was making 5 years ago because of the cost of living increase. This disturbs me greatly, and it is the prime reason why I suggested that we pay attention to what the Senator from Arkansas has suggested, that we do put a ceiling on this. At least it indicates to the people of this country that we are not going hog wild, that we are not bending to the pressures of George Meany and a postal union and a threat from other governmental unions.

I would hope, even though I know the committee has had a hard job and has worked long and quickly on this, that we could incorporate some cut-off level in this. I do not think the committee has had any demand from the higher salaried employees. Has it?

Mr. McGEE. No. We have not been lobbied by any of the higher salaried employees, that I know of. I have not been. I cannot speak for the others.

Mr. GOLDWATER. I would certainly hope that during the course of the discussion the chairman could get together with his committee and decide. If he wants a suggestion, why not double what the Labor Department says is a minimum earning for a family—I think it is about $4,400—and let us do better than that and say $9,000? Anything above that we do not increase.

Mr. McGEE. I think this has real merit. I think it would take more in the way of study and hearings than to skim this off the surface on the floor this afternoon. We have been up and down that one several times.

I should like to say, in response to the Senator from Arizona that there is no cave-in here to labor or to George Meany. The Senator will find, when the record of these negotiations has been made public, that the labor negotiators were very responsible. These were not the ones who were walking out. These were the ones who advised against it. The management people tell me that it has been a very tough but responsible give and take. That is what collective bargaining is all about. We really believe that the greatest thing at stake right now is not even that total in dollars. It is the chance for success of this now, that that will do more to establish the credibility of labor-management relations in Government, where the strike is illegal, and do more to head it off in the future, than to patchwork this thing right now because of the bind we are in.

It is our genuine conclusion that we have a better chance to succeed the way we have recommended here in the proposed legislation—mindful as we are of the problem it poses for us in terms of the higher echelon groups. If those are added together, I am told we are still talking about a handful of dollars in comparison with the total of $2.5 billion.

Mr. GOLDWATER. Even a handful of dollars is important now.

I was interested in listening to the Senator from Delaware recite the plight of the dollar in this country, and he did not include one item that I am sure he has the figures on—the plight of the civil service retirement fund.

Does the Senator have that information?

Mr. WILLIAMS of Delaware. I understand it is a deficit of approximately $40 billion to $50 billion on an actuarial basis. It is nearer $60 billion.

Mr. GOLDWATER. I am told, further, that if this is not met by 1980, there will be no retirement for us younger people. [Laughter.]

Mr. McGEE. Last year, Congress provided a permanent formula for taking care of it. We are no longer back where we were with that problem.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. If the Senator from Arizona needs it that badly, he can have mine.

Mr. GOLDWATER. I will take it.

Mr. FONG. Did we not have a problem about 5 years ago, when we gave an increase to the lower grade postal employees and did not increase the others? We found that the lower grade employees were making more than the supervisors.

Mr. McGEE. The Senator is correct. In fact, it used up whatever difference there was between those with greater repsonsibilities than we had allowed for. That is why we are in trouble. There was no January 1964 pay increase for the high-level employees, because the ceiling had been reached.

Mr. FONG. And did we not find, before we enacted that pay raise bill, that those in the upper grades were really farther behind on comparability than those in the lower grades?

Mr. McGEE. Much farther behind.

Mr. FONG. Did we not find that those in lower grades were almost comparable to those in private industry but those in the upper grades were very far behind?

Mr. McGEE. That is true.

Mr. FONG. If the increase is just given to the lower grade employees we will find that the upper grade employees will lag farther behind than they were before.

Mr. McGEE. The Senator is correct. And then they will do what was suggested by one of our colleagues this afternoon—they will go out and find something else. This is what we are trying to slow down or prevent. We believe we need these people, and we are trying to hold those with proven competence in the leadership role.

Mr. FONG. Is that not why the Kappel Commission recommended that the salaries of Representatives, Senators, and top executive levels be increased, so that those who were just below them could have their salaries increased, and we could keep them in Government?

Mr. McGEE. That is correct. That was the whole purpose of the Kappel Commission report.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. I think there is a great deal to be said about the fact that there are few jobs—no question about it—in which the employees are being excessively paid. There is no question about it. Some adjustments ought to be made. How those adjustments can be made, is the question. But, by and large, I would say that the majority of the employees of the Federal Government are either modestly paid or in many instances underpaid.

The suggestion was made here to limit an increase to those making up to $9,000. That sounds good at first blush, but that would exclude the air traffic control employees, and that would create a problem. I think that essentially their complaint is money more than it is over work. I think they do a good job while they are at their posts. I do not approve of what they did, any more than I approve of anyone engaging in a wildcat strike against the Government. I have always said that when you strike against the Government, you strike against yourself.

When I was Governor of the State of Rhode Island, I was threatened two or three times, and I know the strong position I took at that time. You have to take a strong position and not tolerate that.

I think that here a mechanism has been adopted that in the future will be very helpful. I realize that in the process anyone could get up and point out a half-dozen or perhaps more than that where certain employees are really going to receive too much money when we give them the 6-percent increase. There is no question about that. But, by and large, I am afraid that if we begin to try to make every adjustment on the Senate floor in every particular case, we will destroy the whole purpose of the bill. That is one thing we have to consider here. I am not too happy that some people will get a 6-percent raise, but, on the other hand, that is only a handful. There is a great multitude of Federal employees who are being underpaid and they do have a grievance which has to be met.

Mr. STEVENS. Mr. President, the point the Senator from Arizona made was adequately argued in committee. It would be recalled that President John Griner of the American Federation of Government Employees, stated that the spread of 6 percent over the existing grades would be a more equitable fashion. I am inclined to believe that that would have been the best way if we were the negotiators, but we did not negotiate. The Postmaster General and the Government Employees Union came before the committee and explained that this was the product of the crucible of labor-management negotiations.

I commend the Senator and the ranking minority member for their efforts to make this a meaningful session. It is still going on. We still have the problem of comparability to settle; but I, for one, oppose the amendment that has been offered, and I would hope that we would be able to go ahead and have our input to the labor-management negotiations, as the Senator did during the time it was going on through the conference committee representatives, but we can also recognize that we can avoid strikes and slowdowns by getting meaningful representation to the union and the people who represent the Government employees.

Mr. McGEE. I want to thank the Senator from Alaska, who has been one of the hardest working members of the committee.

Mr. FULBRIGHT. Mr. President, I want to ask a question. The Senator said that his committee had considered an across-the-board raise instead of a percentage raise. That, it seems to me,

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might go a good way toward meeting the observation the Senator from Arizona made, and with which I am in sympathy.

Supposing we authorized a $500 across-the-board raise. That would certainly not be so much out of line with those making $30,000 as with those making $8,000 or $9,000. That would actually be about 6 percent of $8,000, or $480, I believe, which would accomplish it to some degree.

I just think it is impracticable, somehow, to use this formula at this late date. What is impracticable about authorizing a $500 raise? That would be meaningful for those who get $7,000 or $8,000. It would not be too much for the man making $30,000.

Mr. McGEE. We weighted that. It was not practical, in our judgment——

Mr. FULBRIGHT. Why not?

Mr. McGEE. For the simple reason that the formula arrived at, of 6 percent, was to adjust to rising costs of living, and that ahead is the negotiation to compensate for the inequities. That is what is being talked about downtown right now. Therefore, we felt, in view of what is going on there now, that we were prepared to address ourselves to the formula that was arrived at in one of the two settlements; namely, 6 percent retroactive, and that was the reason we finally rejected the flat formula, flat sum of money, and the complications it would impose. It would throw out of whack the negotiations going on now, in terms of trying to make that adjustment downtown.

Mr. FULBRIGHT. It seems to me that is not so simple, procedurally, as the 6 percent. We could go on and negotiate in addition to that. We assume it is, in a sense, just a temporary raise, to meet a kind of emergency.

I just wish to reiterate that I think it is bad psychology when the country is undergoing the greatest inflationary movement it has had in many years. It is as serious, I read, as back to the Civil War, to engage in further wage rises and at the higher level particularly. I am reluctant to vote for that. I think I shall vote for the amendment of the Senator from Nebraska, in the hope that at least this increase could be limited temporarily. I recognize, of course, that there are other things, particularly the air traffic contollers, who might well deserve as much or more consideration.

I would prefer, if it were possible, to incorporate the idea of an extra, limited increase in the higher brackets, just for the same reason I thought it was wrong for us to increase Senators' salaries.

Mr. McGEE. Mr. President, I am ready to vote.

Mr. CURTIS. Mr. President, I shall not detain the Senate for more than 2 minutes. I invite the attention of the Senator from Arizona and the Senator from Arkansas to the fact that to vote for my amendment is the way to reach the objective that is sought.

We are in a crisis over the postal pay. It seems that we must do something on postal pay. By deleting from the bill the general civil service, then the committee will have time to work out an amendment that deals with the problem of low-paid individuals not receiving enough to get along under present prices.

Let us consider what we are doing today.

According to the statement of the committee, we are giving the letter carriers in a great city a $375-a-year raise, and our administrative assistants up to $1,800.

Oh, I have heard about the great glories of negotiations, and the glories of comparability.

Let us have a little comparability within the Government.

Now any of those who know conditions in their own States have serious question about this business of comparability. Certainly there is nothing comparable about Government wages, nongovernment retirement pay, farm income, or the great masses of people who work for a living in our small communities.

Here is something else we are doing in the bill. We are raising the page boys in the Senate to a greater total amount than we are giving to the letter carriers in the cities who are supporting a family.

I love every one of those page boys. I hope the day will come when they will have a place here in the Senate. I think they will do a better job. But we are asked, in the name of comparability, to vote for a bill that will give the page boys in the Senate a $394.20 increase and the letter carriers will be getting a $375 increase. Oh, the glories of comparability. They sound good, if we never look at the figures. But, they are as phony as a $3 bill.

Mr. President, I have left in my amendment the raises for the postal service because we are in a situation that we have to meet. Let me say that no postal worker in the State of Nebraska struck or asserted his right to strike. I shall always praise them for that.

I have also included the military because we are in a time of war and they are sacrificing for us. Furthermore, no one in the military can resign.

Mr. President, let us meet what has to be met today; namely, the postal crisis.

I do not want to offer an amendment against the military. As I say, they cannot resign, and they are rendering a tremendous service to our country in their sacrifices for us.

It does not mean that the door is closed to the general civil service. The committee can report a bill and take into account the fine suggestions made here. Do not be mistaken, $800 million is the first price tag. It affects fringe benefits, it affects group hospitalization costs, it affects life insurance costs, and it affects the retirement pay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. LONG) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "nay."

The result was announced—yeas 8, nays 77, as follows:

[No. 124 Leg.]

YEAS—8

Cook
Curtis
Dominick
Fulbright
Goldwater
Hansen
Mansfield
Williams, Del.

NAYS—77

Aiken
Allen
Allott
Baker
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Dodd
Dole
Eagleton
Eastland
Ellender
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—15

Anderson
Bayh
Bennett
Bible
Ervin
Hartke
Inouye
Kennedy
Long
McCarthy
Mondale
Mundt
Murphy
Pell
Russell

So Mr. CURTIS' amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 190) to pro-

vide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I have not yet drawn it up but I wish to offer an amendment to change the 6 percent which appears at line 12 on page 1 to $400, which would have the effect of giving approximately 6 percent. At $7,000 it would be $420. I am told by the staff that the cost of this proposal would be approximately the same as the current bill.

Since the Senate rejected the amendment of the Senator from Nebraska which limits the increase to the postal service and the military, I now assume there is no possibility of restricting its application. I think it would be much wiser to strike out the 6 percent at line 12 on page 1 and to insert in lieu thereof $400. That would be across the board and everyone would get $400. This would preserve the absolute relationship between all employees. It would not violate the principle we discussed a moment ago about giving 6 percent only to those up to $10,000.

No supervisor would get less than his underlings. I think this is a much more equitable way to approach it.

Furthermore, in view of the dire condition of the Federal Government, and as long as the war continues inflation will continue, and I see no prospect of it ending. I think it is the height of improvidence and unwise to engage in further substantial increases in salaries. I regret the Senate set the example in raising our own salaries. I voted against it on the same principle.

Comparability is applicable only in a relatively small number of employees of the Government, Furthermore, the Government is not comparable in the way it conducts its business to that of private enterprise.

I offer my amendment at this time.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 1, line 12, strike out 6 percent and insert in lieu thereof $400.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, the point made by the Senator from Arkansas is a very worthwhile point and we have on some occasions in the past made adjustments according to that formula.

The committee weighed very carefully this proposal, which would tamper with the negotiated formula already torturously worked out in free collective bargaining. We felt that the benefits to be gained by going the route that the Senator proposes would have more fallout complications than would make it worthwhile.

Furthermore, the formula aggravated the problem we have been trying to work out at least since 1965, of trying to keep separate in meaningful ways which have been worked out in great detail in hearings, the differences in wage returns for those with higher and more responsible positions.

This is a carefully dovetailed kind of operation.

Lastly, the negotiations under way right now downtown, where the negotiators have been meeting since 3 o'clock, are looking precisely to this formula down the road. We believe that if we were to tamper with this formula this evening, it would blow the negotiations that have been achieved between the administration and the interested groups; that it would not be responsible legislation in this bill at this time. We think the proposal has merit for weighing in future proceedings. So we recommend against it at this time.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FULBRIGHT. Can the Senator tell us what percentage of postal employees would get as much under this amendment as they would get under the bill?

Mr. McGEE. I did not hear the last part of the Senator's question.

Mr. FULBRIGHT. What percentage of the posal employees would get as much under my amendment as they would get under the bill? I refer only to the postal employees.

Mr. McGEE. The postal employees only would get more——

Mr. FULBRIGHT. No. I am asking about the percentage of the postal employees. Would not a very large percentage get just as much under my amendment as they would under the bill?

Mr. McGEE. Yes.

Mr. FULBRIGHT. What percentage?

Mr. McGEE. About 95 percent.

Mr. FULBRIGHT. The 95 percent of all postal employees would get just as much under this amendment as under the bill presented. All that would be done would be to avoid giving these large increases on a percentage basis to those making $25,000 or $30,000 a year. Does the Senator agree?

Mr. McGEE. What the amendment does is tear down the work of the committee that has been going on for 5 years, trying to get a new salary structure that is relevant in terms of different levels of responsibility. I just do not think this is the bill or the place or the method to unravel what has been worked together so intricately.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Would not this proposal wreak havoc with the comparability formula?

Mr. McGEE. Indeed, it would throw out of kilter the whole comparability formula, which we have been trying to achieve ever since we passed that bill.

Mr. FULBRIGHT. How could that be when 95 percent would get approximately the same under my amendment as they would under the bill? How does that wreak havoc?

Mr. FONG. It wreaks havoc because the Senator would limit it to those who are drawing perhaps $6,000 or $7,000 a year, but for all those who are drawing more than $6,000 or $7,000 a year, there would be no increase which in turn would cause a severe compression problem.

The Bureau of Labor Statics informed us that, as of July 1, 1969, all Government employee salaries were 5.75 percent behind that of industry in salaries.

In 1962 we adopted the principles of comparability. We said that Government employees should have comparable wages with their counterparts in industry. This amendment would wreak havoc with the comparability philosophy and wreak havoc with the whole concept.

Mr. FULBRIGHT. How is comparability arrived at? Is it a computer estimate?

Mr. FONG. The Bureau of Labor Statistics makes national salary surveys and gathers information from all industry to see if the pay in private industry jobs is comparable with the same jobs in Government.

Mr. FULBRIGHT. Who says that?

Mr. FONG. The Bureau of Labor Statistics.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. SYMINGTON. I was interested in the remarks made by the distinguished Senator from Arkansas with respect to the various wars we are now fighting. He mentioned the fact he had voted against the increase in Senate salary. So did I. A few minutes ago I was looking at the tickertape, and noted there is now a plan to build 10,000 homes in Vietnam for families of South Vietnamese military.

My distinguished colleague, Senator EAGLETON, pointed out the other day that in our town of St. Louis, with 665,000 people, we built last year exactly 14 single unit houses.

It seems to me, as day after day on this floor we continue to approve all these adventures abroad, which are costing the taxpayers of the United States over $100 million a day—Europe, the Middle East, the Far East—we might give some consideration to what the problems of the people of this country are back here at home. Only last year $6 of every $100 of take-home pay in the United States was taken away from our people, all of it through inflation, most of it because of the heavy price of these ventures.

Is it not about time that we stopped worrying so much about the importance of babysitting and gendarming the rest of the world, and started paying more attention to the problems of our own people here at home?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield the floor.

Mr. MILLER. Mr. President, I would like to ask either the manager of the bill, the Senator from Wyoming, or the Senator from Hawaii a question about comparability. As I understand the proposition before the Senate, the proposal is

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to try to take care of a problem resulting from increases in the cost of living, and for the time being a 6-percent increase is deemed to be what must be done. If we apply this 6 percent to the various scales under the comparability doctrine, naturally we can expect that some of the higher-paid employees are going to have more than a $400 increase, because they had more than a $400 increase in their cost of living. If we confine it to a $400 increase, it is going to have an impact upon the philosophy or the doctrine of comparability which is supposed to be supported by the cost-of-living increase.

I ask if this is not what we are really deciding.

Mr. McGEE. That is precisely the point. That is what is jeopardizing the law passed in 1962. The committee was commissioned to work toward comparability in the public service, to try to entice and hold competent individuals in Government.

The move now by this amendment in the bill today would jeopardize the comparability efforts that have now gone on for 8 years.

Mr. MILLER. Then, when the Senator from Wyoming stated that the amendment has some merit, I take it he was stating it had merit when we look at some possible revisions in the pay scales later on?

Mr. McGEE. That is right.

Mr. MILLER. But it does not have merit in the concept of the increase in the cost of living that we are trying to cover?

Mr. McGEE. When we have a fixed increase, we always take in those at the lower end of the scale and then go higher up. It was the conclusion of the committee that taking the flat figure would create new problems and that the fallout complications would cause more problems than would be solved by such a provision.

Mr. MILLER. It just seemed to the Senator from Iowa that to mix in a flat increase with a problem having to do with an increase in the cost of living does not fit. If we had no increase in the cost of living, and we were merely trying to equalize, especially in some of the lower brackets, I could understand this idea of a flat increase. But that is not what our problem is, and that is not what we are here about.

Mr. McGEE. That is right.

Mr. MILLER. I thank the Senator.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. YOUNG of North Dakota. I think a far more important consideration for us today is that Mr. Blount, the Postmaster General, Mr. George Shultz, the Secretary of Labor, Mr. George Meany, the head of the AFL–CIO, and the representatives of the postal workers' unions all agreed on the 6 percent. If we change the formula now, we will upset everything, and have to start all over again where we were about 2 weeks ago when we had the strike. This would present a very serious situation.

Mr. MILLER. The Senator, in my judgment, is absolutely correct. But I would suggest that the reason they settled on this is because the problem is that of a cost-of-living increase, and that is the reason we have to have a percentage increase. Otherwise, we are going to destroy the very purpose for which this legislation has been introduced.

Mr. FONG. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. FONG. Also, this 6 percent was within the area of the 5.7 percent comparability percentage which the Bureau of Labor Statistics said we should have given to the Government employees as of July 1, 1969.

Mr. MILLER. I am very happy that the Senator made that point. That is right on the target.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. CHURCH. Mr. President, I have no expectation that the amendment offered by the distinguished Senator from Arkansas will be agreed to. I recognize the difficulty entailed, due to the negotiations that have taken place and the delicacy of the present situation.

Nevertheless, I shall support the amendment, and I shall support it for just one reason: I think a grave mistake was made at the commencement of this Congress. To begin with, it was made by the President of the United States when he accepted a 100-percent increase in his salary. From that time forward, he lacked any moral basis upon which to urge others not to insist upon very substantial increases in pay. The mistake was compounded, in my judgment, when Congress authorized a 42-percent increase in congressional salaries, and extended a comparable increase across the board to cover all top executive officials of the Government.

This denied to Congress a moral basis upon which to urge the country, in a time of war and insistent inflationary pressures, to pull in its belt and restrain the tendency to insist upon more and more pay.

Now we have a bill which undertakes to increase all Federal pay, not just for postal workers, but for the classified civil service and the armed services as well, and once again it is based upon a percentage increase, which is not directed toward those employees who need it most, toward those who are hurt most by the inflation, those who are receiving the lowest pay, but will give the largest increases to those who are earning the most pay. High-salaried employees who are earning $25,000 and $30,000 will be getting $1,500 and $1,800 increases in pay. Those who need it the most, at the bottom of the pay scale, will be getting the least, say, $300 or $350.

I think the problem we face in this country is the way we keep serving ourselves, with those at the top always taking the biggest slice. If there ever was a time to stop this, it is now. I know it is hard. We failed earlier in the case of the topmost Federal executives, and now it is very difficult to face up to the need. But the need nevertheless exists.

If we were to adopt the amendment offered by the Senator from Arkansas, we would spend as much money, but we would utilize that money on those people who are getting $4,000, $5,000, or $6,000 a year, and trying to pay their grocery bills with it. We would give the relief where the relief is really needed, and we would stop the process of fattening the pocketbooks of those who do not need it, most of whom are not even asking for it, up at the top of the salary scales of the Government.

I shall support the amendment because it is addressed to those who need the added money most.

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from North Carolina (Mr. ERVIN), and the Senator from Louisiana (Mr. LONG) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "nay."

The result was announced—yeas 21, nays 64, as follows:

[No. 125 Leg.]

YEAS—21

Allen
Church
Cook
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Fulbright
Goldwater
Hansen
Hollings
Mansfield
McGovern
Nelson
Stennis
Talmadge
Thurmond
Williams, Del.
Young, Ohio

NAYS—64

Aiken
Allott
Baker
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Dodd
Dominick
Eastland
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson

XUM

Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Packwood
Pastore

Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.

Sparkman
Spong
Stevens
Symington
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—15

Anderson
Bayh
Bennett
Bible
Ervin

Hartke
Inouye
Kennedy
Long
McCarthy

Mondale
Mundt
Murphy
Pell
Russell

So Mr. Fulbright's amendment was rejected.

Mr. GRIFFIN. I ask for third reading, Mr. President.

Mr. HARRIS. Mr. President, there is a group of employees who are not covered by this bill because their salaries are determined by different procedures. They are the one-fourth of the Federal employees who are referred to as wage board employees.

Back in October of 1968, my former colleague, from Oklahoma Senator Monroney, offered an amendment which was adopted and is now law. It provides for a much more equitable method for setting the salaries of these employees, who up to that time had certainly been inequitably treated. The difficulty, however, has been that the Civil Service Commission and the Department of Defense have moved unconscionably and intolerably slow in the implementation of that section of the law referred to as the "Monroney amendment."

In that regard, I ask unanimous consent to have printed at this point in the Record an article published in the Daily Oklahoman of Monday, March 9, 1970, pointing this out.

There being no objection, the article was ordered to be printed in the Record, as follows:

WAGE BOARD PAY SCALE AT TINKER AIR FORCE BASE POSES ONE BIG HEADACHE

(By Kathy Christie)

WASHINGTON.—Reluctant Pentagon and civil service commission officials are wrestling with results of a just-completed wage board pay survey for Tinker Air Force Base.

As they see it, the survey will result only in inequities in pay scales for blue collar workers. They readily admit that an amendment by former Oklahoma Senator A. S. (Mike) Monroney that became law back in October, 1968 has given them nothing but bureaucratic headaches. They'd dearly like to have it taken off the books.

Unlike employees under the classified grade system whose pay scales are fixed nationally, the pay of wage board employees is based on the going-pay rate in the local economy for similar work.

Prior to enactment of the new law a little over a year and a half ago, federal job positions for which no comparison could be found in private industry in the area were merely lumped with jobs in other fields on the same general skill level, and an average was established.

However, the Monroney amendment requires the government to seek comparative pay rates outside of the local area if there are not comparable jobs in local private industry.

So, for example, to set wage board pay for aircraft mechanics at Tinker Air Force base, the surveyors now have to reach beyond the normal 50 mile radius to Tulsa's large aircraft industries in order to find comparable private pay.

In doing so, they likely will come up with a salary level for aircraft mechanics which is higher than other workers in the same grade levels will be receiving.

Civil Service Commission Chairman Robert Hampton in testifying last year on wage board pay legislation before the House Post Office and Civil Service Committee said that the amendment would "if carried to its full potential . . . pose a threat to the entire prevailing rate concept."

More recently Hampton said that the law "is vague and very difficult to administer. He said, "There can be no practical application of the law . . . no way to apply it in theory and maintain it" in setting local wage board pay rates.

Raymond J. Braitsch, who heads the Department of Defense wage fixing office, said the new out-of-area wage survey will affect those Tinker employees in grades W–9 and above "who are concerned with accomplishment of the mission of the organization" such as "aircraft overhaul and repair specialists."

It would not affect carpenters, plumbers and the like, he said.

Although the legislation was enacted over a year and a half ago, "its requirements were not ironed out until about four months ago," Braitsch said.

He said that "about 40 areas" are being surveyed for special requirements, and some locations which had been recently surveyed under previous regulations were being resurveyed.

Braitsch said that the report for Tinker was among the first in the nation to be completed, but added, "I don't expect that a new schedule based on the data will come for weeks or possibly even months." He said the problem was in interpreting the law and establishing correct legal procedures.

It took 14 meetings of the National Wage Policy Committee to work up guidelines for coordinating the new out-of-area survey rules, and extended negotiations between DOD, the principal surveying agency, and employee unions to reach agreement on initial instructions.

Even after all the hassling, officials say there are still more than a few wrinkles yet to be smoothed out.

"It's a mess, just rife with inequities," Braitsch said. "The Department of Defense and the federal government were generally opposed to this (amendment) from the beginning." However, he said the amendment had been "tacked on to an 'unvetoable' bill."

There is unanimous agreement among knowledgeable government officials that the new survey for special category jobs could conceivably result in federal employees receiving a higher wage scale in Oklahoma City than those holding down the same occupation in Tulsa, where the private industry pay scale had been surveyed.

What the new out-of-area survey requirements boil down to, is a large headache that the government officials will just have to live with—at least for a while.

Although there are several legislative proposals to ease or change the new system, relief seems to be a good way away.

Mr. HARRIS. Mr. President, this article details the fact that the Chairman of the U.S. Civil Service Commission, Mr. Robert H. Hampton, has not favored the Monroney amendment and that the Department of Defense has not favored it, either. While there are disclaimers that they have dragged their feet in carrying it out and providing fairness for this group of employees, I think that those statements are suspect because of the great delay in the implementation of that amendment.

I would say to the Senate that the Committee on Post Office and Civil Service, under the chairmanship of the distinguished Senator from Wyoming (Mr. McGee), has been very helpful and very interested in the special problems of these employees. The staff of that committee has asked the Civil Service Commission to move with dispatch on carrying out the Monroney amendment, and very recently has received a letter from the chairman of the Commission which sets forth the Civil Service Commission position with regard to these employees. I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection the letter was ordered to be printed in the Record, as follows:

U.S. Civil Service Commission,
Washington, D.C. February 10, 1970.

Mr. David Minton,
Committee on Post Office and Civil Service,
Washington, D.C.

Dear David: I have your letter of January 22, 1970, concerning the application of the Monroney Amendment and the wage board situation at Tinker.

Before I respond to the questions raised by Senator Harris' Legislative Assistant, let me assure you that we have not been dragging our feet in the implementation of the Monroney Amendment. It is true that the former Administration opposed this law; it is equally true that I am not in favor of it because I believe that it is contrary to the whole principle of establishing pay rates on the basis of rates prevailing in private industry in the local area. Nevertheless, the Commission recognizes that it has a responsibility for the implementation of the Monroney Amendment. We do not believe that we have been remiss in that responsibility.

Beginning with the enactment of the Monroney Amendment on October 12, 1968, staff began immediately to develop implementing instructions. It was not easy. The wording of the law is not precise and therefore can be interpreted in a number of ways. Because of this it took 14 meetings of the National Wage Policy Committee before the first instructions were issued. When the Department of Defense undertook to apply these instructions, it raised some basic questions which required three more meetings of the National Wage Policy Committee before satisfactory answers were developed. The last meeting of the Committee was August 15, 1969.

Since that time, the Department of Defense, which is the lead agency in the majority of the wage areas, has been obtaining information needed to make the necessary determinations on the principal types of positions for application of the Monroney Amendment.

While no wage schedule has yet been issued under the provisions of the Monroney Amendment, it appears that the Oklahoma City wage area will be the first. We understand that Defense has identified the principal types of positions for which Monroney Amendment rates will be established and is at this time developing the survey coverage necessary to establish the wage schedules. Even so it will probably be March or April before the data are secured and the schedules issued.

With this general background in mind, I will respond to the questions raised by Senator Harris' Legislative Assistant concerning the Tinker situation. My responses will be numbered to correspond to the number of the questions in the letter.

1. Two surveys have been completed at Tinker since the Monroney Amendment was enacted. The first was issued on January 9, 1969, but was effective on October 30, 1968,

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The second was issued on October 27, 1969, and was effective November 2, 1969.

2. The Monroney Amendment will be applied retroactively to both these surveys as soon as necessary survey data are obtained.

3. We have no information on what the amount of the wage increases may be under the Monroney Amendment.

4. I have responded to the status of the Monroney Amendment earlier in this letter.

5. As indicated earlier, Defense is now in process of developing the survey coverage to apply the Monroney Amendment at Tinker. It will be about March or April, however, before the data are received and the schedule is issued.

If you have further questions, please let me know. I am returning Mr. Dage's letter for your files.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Mr. HARRIS. With the aid of an able legislative assistant, Gary Dage, I have been among those who have continued to press for equity for these employees who have been left behind. This past weekend I met in Oklahoma City with Mr. W. T. Knight, who is an executive council member and legislative director of AFGE Local No. 916 there, and other members of that local and other wage board employees, in the Oklahoma City area. I ask unanimous consent that their names be printed at this point in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION GOVERNMENT EMPLOYEES

1. W. T. Knight—Exec. Council Member and Legislative Director of A.F.G.E.-Local 916.
2. Jerri Smith.
3. N. J. Nance, President, Local 916-A.F.G.E.
4. Timothy Greene, Vice Pres., Local 916-A.F.G.E.
5. Grace Harris.
6. James T. Harris.

Mr. HARRIS. As stated in the letter from the Chairman of the Civil Service Commission, to which I referred earlier and had printed in the RECORD, the Civil Service Commission has reported that the Department of Defense has been running a survey in the Oklahoma City area, under the Monroney amendment, and they do expect that the employees in that area will be the first to be covered by the survey. I think that survey is objectionable in that it is being carried on in counties which really do not have positions in private industry comparable to Federal Government positions in the Oklahoma City area and does not, for example, include jobs and salaries paid in Tulsa County. I have been contending very strongly that that situation should be corrected and that the surveyed counties ought to include Tulsa.

Furthermore, I think it is imperative that the Department of Defense and the Civil Service Commission move with dispatch to complete the implementation of this law. It is over a year now since the Monroney amendment went into effect. Despite that fact they continue to object to its application, and they continue to make comments—as the article to which I referred earlier shows—that there are going to be all sorts of difficulty in implementing that amendment.

Mr. President, that amendment is the law. These employees are entitled to a great deal more consideration on the part of the Federal Government than the unconscionable delay we have recently seen.

I would ask the distinguished Senator from Wyoming, who has done such an excellent job in regard to the bill presently before the Senate—and I commend him and other members of the committee for their efforts, and I support them—first, if he has any report as to what we might do to get the Department of Defense and the Civil Service Commission to move a little more rapidly in regard to wage board employees?

Mr. McGEE. First, may I say to the Senator from Oklahoma that I met with two delegations in Kansas City from Tinker Air Force Base in Oklahoma City and from Tulsa, when I was in Kansas City meeting on problems recently with Federal employees. I am mindful of the urgency of the problem the Senator has described. The next order of priority in the Senate Post Office and Civil Service Committee is to begin hearings on the wage board matter. We believe that the opening of hearings will serve the proper purpose of speeding up what has been a very long process. I think, in fairness, it is a real can of worms in some ways in terms of interpreting some of the instructions.

Mr. HARRIS. Will S. 1958, the bill which I have introduced and which has the support of the AFGE nationally and locally in my State, will that be one of the measures which the Post Office Committee will take up?

Mr. McGEE. That is one of the measures on which we will be sitting and ordering hearings in regard to its terms.

Mr. HARRIS. Does the distinguished Senator believe that the hearings will help clear up any difficulties that there are in the so-called Monroney amendment, or at least move the executive department and the Civil Service Commission along finally to get implementation of the law?

Mr. McGEE. I would say we are confident that it will, without being belligerent about it.

Mr. HARRIS. I am very much pleased to hear that, and I know that the wage board employees will be also. I commend the distinguished Senator for what he is doing in regard to those employees, as well as those covered by the bill now before the Senate.

Mr. McGEE. I should have injected—I overlooked it—because the schedule has been thrown off by this postal crisis, and we have been going at it night and day for 3 weeks, now that we do have one other priority that we will be working on and ordering hearings on, and that is the issue of pornography in the mails; but that we must do simultaneously, although there is no connection between the two.

FEDERAL PAY LEGISLATION

The Senate continued with the consideration of the bill (S. 3690) to increase the pay of Federal employees.

Mr. CURTIS. Mr. President, I have an amendment at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be stated.

The bill clerk read the amendment as follows:

> On page 2, line 23, after the word personnel insert "other than personnel whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives."
>
> And on page 3, strike out lines 9 through 12.

Mr. CURTIS. Mr. President, I shall not detain the Senate.

This amendment would remove from the pay raise bill the employees of House and Senate, our offices, and the committees. It would not affect the Government Printing Office or the Library of Congress.

I point out that under the bill brought in here, to do justice to the postal carriers supporting families in great cities, it would give them $375 a year raise, but would also give the page boys in the Senate $394.20 a year raise. It would also give raises to our own staff of up to $1,800.

Mr. President, that is my case.

Mr. McGEE. Mr. President, just for the RECORD, no Senator in this body, under this bill, is required to violate his own conscience in terms of paying his own employees.

The RECORD should show that.

Any Senator who does not want to pass this allowance on to his employees should exercise his conscience in terms of the rest of the Hill employees.

The formula on 6 percent is an attempt to adjust to the increase in the cost of living since a year ago. It is not an attempt to pad anyone's salary.

Mr. President, I think we have had enough of words this afternoon on this subject.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I rise in support of the amendment of the Senator from Nebraska.

For the life of me I cannot understand what we are doing here.

We are trying to take care of the postal employees who need a raise, which has been worked out. Yet, in addition to that, we are giving a raise to Federal employees. Then we are going to add on, without any hearings or anything else, except, as I understand it, just a verbal request of one of the Members of this body, the Hill people.

Mr. President, I believe that we got into enough trouble around here recently when we raised our own salaries. I do not think we should do anything about raising Federal employees' salaries as well.

Mr. FONG. Mr. President, according to the Bureau of Labor Statistics, if our employee was worth $10,000 last year, he is entitled to a 6-percent raise this year if he was comparable in salary to those in private industry last year.

Now the figures given to us indicate that our employees are 5.7 percent behind those of private industry, as of July 1, 1969.

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This increase is a $2.5 billion increase, which represents 6 percent across the board.

So far as the employees in the legislative branch are concerned, that will be $6,800,000 out of the $2,500,000,000.

If the employees in the postal service and the employees in the general schedule classification deserve a 5.7-percent increase, then the employees of our departments, the employees who are working for us and the employees on our staffs, if they were worth the salaries they were paid last year, they are entitled to the 6 percent this year.

Mr. MOSS. Mr. President, I might point out an additional feature, that this is not a mandatory increase. It still remains within the discretion of each Senator and Representative as to what he will do. But that amount of money will become available——

Mr. MANSFIELD. If the Senator from Utah will allow me to interject there, it is mandatory so far as the committees are concerned.

Mr. MOSS. That is true, but not the personal staffs of Senators and Representatives.

Mr. GOLDWATER. Mr. President, I do not ask this facetiously but, had not the postal workers struck, would the committee have made this recommendation?

Mr. McGEE. That is a difficult question to answer, for me or for anyone else. We addressed ourselves to the question of the pay bill last December but we had not gone to conference to negotiate with the House, who did have it in. It is conceivable that this could delay the postal adjustment 2 or 3 days, or whatever it might take to go to conference on this, but it was not in our bill because we were addressing it to a condition existing last December, at the President's request.

Mr. GOLDWATER. Again, I do not ask this facetiously, but I am afraid, because I have heard the word "negotiate" used so often today, that it seems with the passage of this bill, we will no longer be the determiners of the wage structure of the Federal Government, that we will have given this over to the unions of the United States.

The PRESIDING OFFICER (Mr. Eagleton). The question is on agreeing to the amendment of the Senator from Nebraska.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from North Carolina (Mr. Ervin), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. Mondale), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), and the Senator from Nevada (Mr. Bible) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from California (Mr. Murphy) is necessarily absent.

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from California (Mr. Murphy). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from California would vote "nay."

If present and voting, the Senator from Utah (Mr. Bennett) would vote "nay."

The result was announced—yeas 19, nays 67, as follows:

[No. 126 Leg.]

YEAS—19

Allott
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Fulbright
Goldwater
Hansen
Hatfield
Hruska
Jordan, Idaho
McClellan
Pearson
Spong
Talmadge
Thurmond
Williams, Del.

NAYS—67

Aiken
Allen
Baker
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dodd
Eagleton
Eastland
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Holland
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Stennis
Stevens
Symington
Tower
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—14

Anderson
Bayh
Bennett
Bible
Ervin
Hartke
Inouye
Kennedy
Long
Mondale
Mundt
Murphy
Pell
Russell

So Mr. Curtis' amendment was rejected.

Mr. YARBOROUGH. Mr. President, I am pleased to support S. 3690, a bill to increase the pay of Federal employees and military personnel.

This legislation will provide 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems—the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration, and the Foreign Service—and employees paid under other salary systems in the legislative, executive, and judicial branches of the Government. The 6-percent increase will also apply to our military personnel.

The pay increase is made retroactive to the first day of the first pay period which began on or after December 27, 1969.

This legislation is based on the Federal salary comparability provisions of the Salary Reform Act of 1962 which attempts to adjust the wages of Federal employees to levels generally comparable with private industry.

This is a clean pay bill with no strings attached. There are no provisions in this bill for the administration's postal corporation tie-in or for President Nixon's proposed 4-cent increase of first-class letter mail from the present 6 to 10 cents. There are absolutely no strings attached to this pay raise. By voting for this pay raise no one is bound expressly or impliedly or in any manner whatsoever, to vote for a tearing up of the Post Office Department.

As the ranking senior member of the Committee on Post Office and Civil Service, I have been in the forefront of the fight for the comparability pay raise in this Congress as well as in the past Congresses. While I support at least the 6-percent increase proposed before the Senate today, I believe the bill does not go far enough in postal pay but it is a positive step to correct the injustice our dedicated, loyal public servants have endured too long. This increase is both justified and necessary.

Mr. President, I strongly urge Senators to join me in support of the bill.

Mr. BYRD of West Virginia. Mr. President, I shall cast my vote for S. 3690, the Federal Employees Salary Act of 1970.

This legislation provides a 6-percent across-the-board salary increase for most Federal employees. I am happy to note that military personnel and postal workers are also included.

Every day, our constituents place new demands upon our Government. In order to remain a strong country, our Government must attract into public service, the most qualified people available. A rapidly moving technological society can afford only the best in governmental leadership. This legislation will help to close the gap remaining between the wages of Federal employees and their counterparts in the private sector, who with similar skills, receive much more in monetary compensation.

Mr. President, these salary increases are for people who need pay increases. The lower and middle income American is always hit the hardest by the rising cost of living. Last year, I voted against legislation which doubled the salary of the President of the United States. I voted against increasing the salaries of the Vice President, Members of Congress, judges, and Cabinet members.

The real needs of the postal workers have at last been recognized. Today, in some areas, those on welfare receive more money from the Government, than do postal workers.

This bill will also provide a 6-percent increase for our military personnel. This will be money well spent, for I—as have other Senators—have received many letters from hard-pressed military families who are unable to keep up with the rising cost of living under current military allowances. We owe much to these families, many of whom have personally carried the heavy burden of our involvement in Southeast Asia. The least we can do for these brave Americans, who are sent to Vietnam, is to give them the peace of

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mind that their families are more adequately provided for.

Mr. President, passage of this bill must not be construed to mean that strikes against the U.S. Government will be excused or even tolerated. Thousands of postal workers and Federal air traffic controllers have clearly violated statutes forbidding strikes against the Government.

During my 18 years of service in the U.S. House of Representatives and the U.S. Senate, I have consistently worked for and voted for adequate and proper salaries for our Federal employees. Federal employment is a position of trust, and a high sense of duty is owed by civil servants to the citizens of our Nation. But, the law is clear: Title V, section 7311, of the United States Code says:

> An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia.

Mr. President, the penalties for such strikes are a fine of not more than $1,000, or imprisonment for not more than 1 year and a day, or both. Those who struck knew what they were doing. Each Federal employee is required to sign an affidavit on which this prohibition to strike against the Federal Government is clearly stated.

We cannot allow this flagrant violation of Federal law to go unnoticed. The growing trend, throughout the Nation, of indifference to the laws of our land cannot be overlooked by the Government itself. The enforcement of these laws cannot be subject to political expediency. If one group is permitted to strike against the Government, and granted amnesty, then other groups may do the same. The inevitable result would be the destruction of our form of government.

While I am certainly sympathetic toward the grievances of the air controllers and the postal workers—and I know of the difficult conditions under which they work—the American public must be assured of air transportation and mail service throughout the country. Concern for the benefits of a few, must not jeopardize the well-being of the Nation.

Mr. President, so far as I know, no postal employee in my State of West Virginia participated in the postal strike. I commend these fine men, they are a credit to their State and their Nation. The Congress has responded to this trust by providing more adequate compensation for our Federal workers. Public service should not mean financial sacrifice. This bill will go a long way in correcting previously existing inequities, and I am glad to be able to support it.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from North Carolina (Mr. Ervin), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Minnesota (Mr. Mondale), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Bible), the Senator from North Carolina (Mr. Ervin), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Utah (Mr. Bennett) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from California (Mr. Murphy) is necessarily absent.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) would each vote "yea."

The result was announced—yeas 84, nays 1, as follows:

[No. 127 Leg.]

YEAS—84

Aiken
Allen
Allott
Baker
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Ellender

NOT VOTING—15

Anderson
Bayh
Bennett
Bible
Ervin
Hartke
Inouye
Kennedy
Long
McCarthy
Mondale
Mundt
Murphy
Pell
Russell

So the bill (S. 3690) was passed.

Mr. MANSFIELD. Mr. President, with the passage of this measure, the distinguished senior Senator from Wyoming (Mr. McGee) has earned the highest commendation of the Senate. As chairman of the Committee on Post Office and Civil Service, he has exhibited a keen interest in and strong devotion to the needs and problems of all Federal workers. The Senate is deeply grateful.

The Senate is grateful as well for the strong cooperative efforts of the distinguished Senator from Hawaii (Mr. Fong). As the ranking minority member, his assistance and support were vital to the committee and to the swift and efficient action on this proposal today.

Notable too were the contributions of the distinguished Senator from Nebraska (Mr. Curtis), the distinguished Senator from Louisiana (Mr. Ellender), and others. Their views, as always, were most thoughtful and highly valuable.

Our thanks go also to the able and distinguished Senator from Arkansas (Mr. Fulbright) for his contribution. His always thoughtful views were appreciated and added considerably to the high quality of the debate.

Again, I wish to thank Senator McGee, Senator Fong, and the entire Post Office and Civil Service Committee for their diligent attention and hard work on this measure. The Senate as a whole is also to be commended for its cooperative efforts on this measure. Those efforts enabled final disposition today.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3183—REFERRAL TO COMMITTEE ON COMMERCE; S. 2802—REREFERRAL TO COMMITTEE ON PUBLIC WORKS WHEN REPORTED BY COMMITTEE ON COMMERCE; S. 2802—ADDITIONAL COSPONSORS

Mr. RANDOLPH. Mr. President, I ask unanimous consent that S. 3183, pending before the Committee on Public Works, be rereferred to the Committee on Commerce for consideration by that committee in conjunction with similar proposals dealing with coastal zone legislation before the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, this matter has been discussed by the Senator from Maine (Mr. Muskie), the Senator from Delaware (Mr. Boggs), of the Committee on Public Works, and the Senator from South Carolina (Mr. Hollings), of the Committee on Commerce. It is my understanding that this procedure also has the approval of the chairman of the Committee on Commerce (Mr. Magnuson).

Mr. President, I ask unanimous consent to have printed in the Record at this point a statement by the Senator from South Carolina (Mr. Hollings) and a letter from the Senator from Delaware and the Senator from Maine addressed to the Senator from South Carolina describing the agreement.

There being no objection, the statement and letter were ordered to be printed in the Record, as follows:

Statement of Senator Hollings

On behalf of the Committee on Commerce and its Subcommittee on Oceanography I am pleased to say that we shall accept the re-referral of S. 3183. We shall include it among the coastal zone management bills on which we are now holding hearings and in the other deliberations of the Committee. We agree that any legislation reported on this subject will be referred for a period of time to be agreed upon to the Committee on Public Works for consideration of rivers and harbors and pollution aspects of the legislation. We shall welcome having the Committee on Public Works participate with us when representatives of the Administration are heard.

March 19, 1970.

Hon. Ernest F. Hollings,
U.S. Senate,
Washington, D.C.

Dear Fritz: Pursuant to conversations by the staff of the Committee on Public Works and the staff of the Senate Commerce Committee regarding pending Coastal Zone legislation, Senator Boggs and I are pleased to cooperate with your request for referral of S. 3183 to the Commerce Committee to be considered with S. 2802 and S. 3460.

We understand that the unanimous consent agreement for re-referral of this legislation will indicate that any legislation reported on this subject will be referred for a period of time to be agreed upon to the Senate Committee on Public Works for consideration of rivers and harbors and pollution aspects of that legislation.

Further we understand that Joint hearings will be held on this legislation with the Committee on Public Works at the time you hear Administration witnesses.

We are also pleased that the Senate Commerce Committee will consider at an early date Senator Muskie's proposed legislation relating to Marine Sanctuaries.

Please let us know when you want to engage in a floor colloquy regarding re-referral of S. 3183.

Sincerely,

Edmund S. Muskie.
J. Caleb Boggs.

Mr. RANDOLPH. Mr. President, I further ask unanimous consent that S. 2802, pending before the Committee on Commerce, be automatically referred to the Committee on Public Works, when reported by the Committee on Commerce. This would be for a period of 30 legislative days, for consideration of those aspects of that legislation which relate to matters normally within the jurisdiction of the Committee on Public Works, particularly with reference to rivers and harbors improvements and water quality aspects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I am gratified that the Committee on Commerce and the Committee on Public Works continue to work with harmony and cooperation on these environmental quality matters in which we share jurisdictional interests.

Mr. BOGGS. Mr. President, I concur in the request of the distinguished Senator from West Virginia (Mr. Randolph) that S. 3183 be rereferred to the Committee on Commerce. This bill to establish a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarines and coastal zone was introduced on November 25 by the distinguished ranking minority member of the Committee on Public Works (Mr. Cooper) Senator Randolph, and myself. This is an administration bill. In order to give the Commerce Committee, which is holding extensive hearings into the coastal zone management, the benefits of the administration thinking in this matter, we have concluded that it would be wise for them to consider this very important bill.

It is our understanding that any bill dealing with the subject that is reported by the Committee on Commerce will be referred to the Committee on Public Works for additional consideration.

May I at this time ask unanimous consent that the names of the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senator from Tennessee (Mr. Baker), the Senator from California (Mr. Murphy), and the Senator from New York (Mr. Javits) be added as cosponsors of S. 3183.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

ADDITIONAL COSPONSORS—SENATE RESOLUTION 383

Mr. HARRIS. Mr. President, last Thursday I introduced for myself and the distinguished senior Senator from Kansas (Mr. Pearson) Senate Resolution 383, which if adopted would express the sense of the Senate that affirmative steps by the United States are needed to defuse the dangerous situation in Indochina, and further that a comprehensive multinational conference of all interested parties which could consider ways to neutralize the whole area would be the most promising form of action that could be taken.

I am pleased to ask unanimous consent that the names of the distinguished senior Senator from Ohio (Mr. Young), the distinguished senior Senator from Michigan (Mr. Hart), the distinguished junior Senator from Wisconsin (Mr. Nelson), the distinguished junior Senator from Iowa (Mr. Hughes), and the distinguished senior Senator from Hawaii (Mr. Inouye) be added as cosponsors of this resolution at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, all Americans are eager to see peace restored in this area immediately. I think it is important that the Senate exert its influence toward this goal by adopting such a resolution.

If, as a New York Times editorial has recently suggested, "it is futile to talk of sanitizing the two crucial border states while the war continues in South Vietnam," then such a conference considering Indochina as a whole would provide the only means of achieving a real solution.

I again urge a positive and immediate U.S. response to the recent French proposal for a Geneva conference. A State Department spokesman has said that the administration is exploring this possibility in private. Both the Times in its editorial of April 5 and the Washington Post on April 4 suggest that the administration may still fear that a multinational conference concerned with the whole area would lead to neutral governments in South Vietnam as well as Laos and Cambodia. We must be realistic in our foreign policy, working toward what is possible and ignoring the supposed advantages of alternatives which cannot be achieved.

The two editorials which I have mentioned present clearly many of the issues and key factors in the current Indochina crisis, and I commend them to the attention of the Senate. I ask unanimous consent that they be printed in the Record.

There being no objection the editorials were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 5, 1970]

Escalating for Peace

France's proposal for a new international conference to deal with the "indivisible" problems of Vietnam, Laos and Cambodia offers the Nixon Administration another chance—perhaps a last chance—to move from confrontation to negotiation in Indochina before a wider war engulfs the entire area of the former French colonial empire.

Administration officials have reacted with caution to the French suggestion so far. Secretary of State Rogers told the Senate Foreign Relations Committee the other day that the United States wants to encourage neutralism and avoid a wider war in Cambodia. The Administration has indicated similar objectives in Laos, while clinging to an apparent goal of preserving a friendly anti-Communist Government in Saigon.

But, as the French have noted, it is futile to talk of sanitizing the two crucial border states while the war continues in South Vietnam. In both Cambodia and Laos the initiative rests with the Communists whose superior military forces menace weak and unstable local governments.

If Hanoi chooses to press its advantage in either place, Washington will be confronted with a desperate choice—either to intervene against the wishes of large numbers of Americans and contrary to the sound tenets of the Nixon Doctrine or to accept passively a new threat to the flanks of American troops in Vietnam.

Any move to intercede with proxy forces—whether Thai troops in Laos or South Vietnamese in Cambodia—would only complicate a bad situation. Such interventions, already attempted on a limited scale, are unlikely to prove decisive. They could, however, inflame traditional local rivalries and more deeply involve the United States in local feuds that are none of this country's proper concern.

The Communists, as Senator Fulbright has observed, "cannot drive us out of Indochina. But they can force upon us the choice of either plunging in altogether or getting out altogether." The best hope for avoiding a wider war lies in recognizing the limitations of Vietnamization and responding positively to France's call for a wider "peace escalation."

[From the Washington Post, Apr. 4, 1970]

Issues of a Geneva Conference

The idea of a general Geneva-type conference on Indochina has now picked up an international sponsor, France, and the support of a mixed group of United States Senators, including Messrs. Fulbright and Harris and (for not quite the same reasons) Pearson and Murphy. This is in addition to the private sympathy, so far not reflected in policy, of assorted officials inside the Executive Branch. Elements in Vietnam, Laos and Cambodia who prefer the risks of "neutralization" to those of continued war also favor the idea. Has its time come?

According to the Nixon administration, the answer seems to be no. One must say "seems to be" because the administration, despite the fact that the Geneva-conference approach has been lying around for years and has been actively discussed for weeks, is still seeking refuge from public comment on grounds that there has not been time to "analyze" the (French) proposal. It could be that the administration has tactical reasons for cultivating a negative pose: it may hope thereby to get a better price for an eventual decision to attend. We do not pretend, however, to have evidence that this is so.

The real crunch seems to be that a Geneva conference could only produce a neutralized South Vietnam acceptable to Communists and non-Communists alike, while the administration's goal is to sustain an independent non-Communist regime. "Vietnamization" is its effort to endow that regime with the resources and will to support itself, in good part. The administration's solicitude for Saigon—its concern to protect Mr. Thieu and Mr. Ky not only from their military adversaries but from their political rivals—was amply demonstrated in the case of Tran Ngoc Chau; a South Vietnamese Deputy with Communist contacts, he was sentenced to 10 years in prison last month for pro-Communist activity, while the American Embassy calmly watched. It goes without saying that Hanoi and Moscow and Peking would not attend a conference to prop up that kind of regime. (Hanoi might easily decide, it must be admitted, that no conference could assume as good a result as simply waiting for Mr. Nixon to draw down American troops past the point of no return.)

In order to avoid a bruising and fruitless collision on the conference issue between a cautious administration and its impatient critics, it probably will be necessary to broaden considerably the discussion of it. Two points need special attention.

First, what is the value to the United States of a Thieu-Ky Communist government in Saigon, or something like it and what price in battle losses and domestic division is worth paying for it? Second, what is the damage to American credibility, with all that means to world stability, and what is the damage to American self-confidence, with all that means to domestic stability, if it comes to appear on a wide scale that the United States has turned tail? There is also the immediate question of whether the American public, eager to have its boys come home, would stand still for the slowdown or halt in troop withdrawals that would almost certainly have to be a part of a decision to negotiate an over-all settlement.

The summoning of a Geneva conference, then, must be considered not just in terms of its anticipated outcome in the neutralization of Indochina, South Vietnam included. It must be weighed for its suitability as a diplomatic and political vehicle for carrying the United States, with international company, out of an involvement that it may be unable to extricate itself from alone.

XUM

ADDRESS BY SENATOR MONDALE AT STATEWIDE INDIAN YOUTH COUNCIL ANNUAL MEETING

Mr. HARRIS. Mr. President, last Saturday the distinguished Senator from Minnesota (Mr. Mondale) spoke to the Oklahomans for Indian Opportunity statewide Indian youth council annual meeting in Norman, Okla.

His message was highly knowledgeable, challenging, and inspirational.

I think that the deep understanding and forceful advocacy of Senator Mondale—as on this occasion—has given many American Indian youth the kind of hope and encouragement they need to continue their remarkable efforts on behalf of American Indians, young and old.

I ask unanimous consent that Senator Mondale's speech be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech Delivered by Senator Walter F. Mondale

It is a pleasure to see so many Indian youth here—and to know that, despite what some white people want to believe, Indians are alive.

The white man has done his darndest to make you think that you are dead, that Indians do not exist. The Indians of Oklahoma especially have been targets of this kind of thinking. Here you are the state with the second largest Indian population in the country and, because you have no reservations, people tend to forget that Indians with Indian problems and Indian frustrations are very much alive here.

Over the years the white man has done his best to bring about the end of Indian Americans. But somehow the Indians kept coming back.

The Great White Father in Washington started with a policy of extermination. He practiced it with episodes that would make the My Lai incident look like a coffee party. But it didn't work. Indians kept coming.

The government then tried a policy of isolation. It took the productive Indian lands for white settlement and left for the Indians that which was poor, unfertile and unsuitable for living, let alone farming. The government then forced the Indians—many of them descendants of yours from the Five Civilized Tribes—out of Georgia, Mississippi, and Alabama and herded them across the Mississippi River like animals. Those that survived settled here in land which they were told they could have (as so many treaties stated it) "as long as the moon rises, the grass is green, the rivers flow, and the sun shines."

But then the white man changed his mind and decided to divide up Indian lands and give each Indian his own little unproductive plot to die on. But it didn't work. Indians kept coming.

The white man was confused. He had reduced the number of Indians, he had deprived them of their lands, he had broken their spirit, he had isolated them on wasteland reservations—yet they still continued to survive. So he launched his final plan—he would beat the Indian-ness out of the Indians. If they refused to die, he would tell them they weren't Indians, that there was nothing in their heritage or culture that should be saved, that they should, in effect, becomes Apples—Red on the outside, but White in the inside. The white man called it assimilation.

So orders went out from Washington that all male Indians must cut their hair short, even through many believed that long hair had spiritual significance. Children were forbidden to speak their native tongue in school, even if that was the only language they knew. In school they studied history and learned that the goldminers who seized Indian lands and killed whole bands of families were "heroes," and the Indians defending their family and property were "savages," and that everytime the cavalry won it was an heroic feat and everytime the Indians won it was a massacre.

Many Indians were hauled off to boarding schools where anything "Indian"—dress, language, religious practices, even outlook on life—was uncompromisingly prohibited. But it didn't work—and it still isn't. Indians keep coming—and they are Red all the way through.

You can guess how dumbfounded the white man was at this point. All his plans to rid the world of those terrible Indians had gone awry. Why had they failed? Why did the Indian insist and persist in remaining an Indian?

The white man thought he knew the answer. It was because Indians were dumb, stupid and lazy. They weren't smart enough to learn the white man's ways. So to prove his point he sent out researchers to do studies and surveys and reports.

And the researchers came back and said:

Yes, the average educational level for all Indians under Federal supervision is five school years;

Yes, dropout rates for Indians average 50 percent, twice the national average;

Yes, Indians fall progressively further behind the longer they stay in school;

Yes, the average Indian income is $1,500, 75 percent below the national average;

Yes, the unemployment rate among Indians is nearly 40 percent—more than 10 times the national average;

Yes, 50,000 Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties and even abandoned automobiles;

Yes, 40,000 Navajo Indians are functional illiterates in English;

Yes, a white child has a better chance of living to age 45 than any Indian baby has of living to its 1st birthday.

But the researchers also said No, the Indian is not dumb; No, there is no difference in native intelligence between the Indian population and any other race; No, there is nothing in the Indians' internal makeup which makes him lazier, more stupid, or less intelligent than anyone else.

The white man was shocked! Something must have gone haywire. So he sent out the researchers again and again and again, and they made study after study after study. But they all reached the same conclusion: the Indian race had the same percentage of gifted, bright, average, dull and retarded children as any other people.

Some researchers haven't given up their studies. As of January of this year, for example, there were 64 research projects going on concurrently at the Pine Ridge, South Dakota, reservation. The combined cost in academic salaries alone would feed all the hungry children on the reservation.

But some people, including white men (believe it or not), started thinking. Could it be, they asked themselves, that the Indian doesn't want to change? Could it be that something else in society should be changed instead? Could it be the Indian is an Indian, and will always remain so?

Some Indians, like Bill Penseno of the National Indian Youth Council, began talking:

"The problem is not with the Indians, he told the Senate Indian Education Subcommittee. "The problem is with the institutions that service Indians . . . The institutions that serve Indians were created by man. The Indians were created by God. Surely the institutions are more amenable to change than the people."

And some non-Indians, like the late Senator Robert F. Kennedy, listened—and began talking themselves:

"We must stop blaming the Navajo and other Indian children for their failure in education," he said. "We must realize it is the educational system we have created that is at fault. The Indian child needs pride in his forbears, his heritage, tradition, culture, history and background. There can be little respect for one's own culture if another culture is forced on you."

So a number of people began looking at the main tool of assimilation, the educational system, and they realized that a public school not only taught skills, but the value system of the dominant society. It exemplified the so-called melting pot theory. Put in children of diverse backgrounds, give them "mainstream America" teachers and textbooks, stir diligently and they will come out with the same skills and values as everyone else. It worked for the children of immigrants, it should work for the Indians.

But as anthropologist Anne M. Smith points out, it didn't work and couldn't work, for a very good reason: the immigrants looked at the values and success-oriented goals of mainstream America and said, "It is good." The Indians looked at that same mainstream in light of their own value systems and said, "It is polluted."

I remember so well the words of Miss Margaret Nick, a beautiful and articulate Alaskan native, as she spoke to our Indian Education Subcommittee in Fairbanks.

"One thing I know," she said: "is that if my children are proud, if my children have identity, if my children know who they are and if they're proud to be who they are, I think this is what education means. Some people say that a man without education might as well be dead. I say, a man without identity, if a man doesn't know who he is, he might as well be dead. That is why it's a must that we include our history and our culture in our schools before we lose it all. We've lost way too much already. We have to move now."

The solution, as forward-thinking people like Senator and Mrs. Harris have been advocating for some time, is cultural pluralism—permitting the Indian to learn the skills of society while at the same time not only permitting, but encouraging him to retain his Indianness.

There are some instances of this happening now—the Rough Rock Demonstration School on the Navajo Reservation being the prime example—but there are too few instances. At Rough Rock, an all-Navajo school board encourages the "Navajoness" of the students. Culturally sensitive curriculum materials prepared by the Navajos themselves are in use. Bilingual teaching techniques are used. Indian teachers and aides dominate the school. While the students learn Navajo, they also learn English—and at a faster pace than when they were reprimanded for speaking their native tongue.

There is no other school in the country which has so encouraged cultural pluralism. Most schools that are doing anything have a halfway approach—an Indian History unit, a part-time class in Indian culture and traditions, an after-school Indian club, etc. When these are honest efforts to eliminate prejudices and instill pride and dignity, they are good. But when they are token, half-hearted efforted efforts because it is the "in thing" to do, they are bad. I believe it has to be the responsibility of Indian students like yourselves to keep the schools honest. Oklahomans for Indian Opportunity must forever be on guard to protect Indian interest in the schools, to see that myths are replaced by facts.

This isn't an easy job, as I am sure you are well aware. For example, I think we have a promising Indian Education program in Minnesota, headed by Mr. Will Antell, an able and dedicated Chippewa. But, despite the gains we have made, we have to be ever-alert to schools unconscious adding anti-Indian materials to their curriculum. A couple years ago our Indian Education office began a sweeping inventory of history textbooks being used in elementary schools. The survey resulted in the elimination of a number of anti-Indian books. But just when we were beginning to feel satisfied over that job, the states Library Services Institute for Minnesota Indians learned last month that metropolitan school systems were using books which ridiculed sacred ceremonials and cultural traditions.

I know from my work on the Senate Indian Education Subcommittee that you Oklahoma students do not face any easy task. The Subcommittee's hearing at Twin Oaks in February 1968 documented a number of problems of Indians in the public schools. The Carnegie Corporation's report, "Who Should Control Indian Education," contained a less-than-optimistic picture of progress in its case study of the problems of getting an Indian elected to the all-white board of the all-Indian White Eagle School near Ponca City.

People are beginning to recognize that *cultural difference does not mean cultural inferiority*, that one can build on the strengths of Indian culture rather than try to destroy it, that Indians deserve control over the education of their own children.

Almost 200 years ago the leaders of Virginia, after signing a treaty with six Indian nations, offered to educate six of the chief's sons.

The chiefs were thankful for the offer, but they rejected it, noting that they had tried white man's education before.

Well, what was wrong with it? The white leaders ask.

According to the chiefs, their children had come back from white man's schools "bad runners, ignorant of every means of living in the woods; unable to bear the cold or hunger; they knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors or counselors; they were totally good for nothing."

Perhaps, the Indians said, the governors would like to send a dozen white children to be educated with the Indians.

"We will take great care of their education," promised the chiefs. "Instruct them in all we know, and make men of them."

The white governors didn't take the Indians up on their offer, apparently thinking the Indians had little to offer. For 200 years non-Indians have felt that way. But now, the times they are a-changing. Whites are beginning to see the many good things in the Indian's way of life. They are beginning to learn they can learn something from the Indian. It's about time!

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Reports on Reapportionments of Appropriations

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Trade adjustment activities," for the fiscal year 1970, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Grants to States for unemployment compensation and employment service administration" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding certain American Indian tribal claims (with accompanying papers); to the Committee on Appropriations.

Proposed Legislation To Authorize the Long-Term Chartering of Ships by the Secretary of the Navy

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the management of Government industrial plant equipment kept for possible future use, Department of Defense, dated April 7, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of the Girl Scouts of the United States of America

A letter from the President and National Executive Director, Girl Scouts of the United States of America, transmitting, pursuant to law, the twentieth annual report of the Girl Scouts for the fiscal year ended September 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of the Postmaster General

A letter from the Postmaster General, transmitting, pursuant to law, a revenue and cost analysis report of the Department for fiscal year 1969 with an accompanying report); to the Committee on Post Service and Civil Service.

Prospectuses Proposing Construction or Alteration of Public Buildings for Post Office Department Use

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses proposing construction or alteration of certain public buildings for use by the Post Office Department (with accompanying papers); to the Committee on Public Works.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FULBRIGHT (by request):

S. 3691. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. Cranston):

S. 3692. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett) (by request):

S. 3693. A bill to amend section 3(d) of the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 3694. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 3695. A bill for the relief of Irena Jardzioch; to the Committee on the Judiciary.

By Mr. MOSS:

S. 3696. A bill to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants, or stenographic reporters, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

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By Mr. MONDALE (for himself, Mr. Burdick, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Mansfield, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio):

S. 3697. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Mondale when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. Schweiker, Mr. Tower, Mr. Mansfield, Mr. Randolph, Mr. Dole, Mr. Fannin, and Mr. Goldwater):

S.J. Res. 192. A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear earlier in the Record under the appropriate heading.)

S. 3691—INTRODUCTION OF A BILL TO AMEND THE FOREIGN SERVICE ACT OF 1946, AS AMENDED

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers.

The bill has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Secretary dated March 23, 1970, to the Vice President and the explanation of the proposed bill.

The PRESIDING OFFICER (Mr. Ribicoff). The bill will be received and appropriately referred; and, without objection, the bill, letter, and explanation will be printed in the Record.

The bill (S. 3691) to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers, introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 631 and 632 and the headings thereto of the Foreign Service Act of 1946 (22 U.S.C. 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"Sec. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"Sec. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

Sec. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or become a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

The letter and explanation, presented by Senator Fulbright, are as follows:

The Secretary of State,
Washington, March 23, 1970.

Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. Vice President: Enclosed is a draft bill "To amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers."

The bill would lower the mandatory retirement age for career ministers from age 65 to 60. However, such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The bill would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The bill also provides for a gradual implementation of the change in order that affected officers may have time to make necessary adjustments.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. After it has been determined that a career minister past age 60 will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers in class 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed. A detailed explanation of the bill is enclosed.

The Department has been informed by the Bureau of the Budget that there would be no objection from the standpoint of the President's program to the enactment of this legislation. We would appreciate early consideration of this proposal.

Sincerely yours,

William P. Rogers.

EXPLANATION

The proposed legislation would lower the mandatory retirement age for career ministers from age 65 to age 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. Also, the Secretary would retain the authority to extend the service of any officer for up to five years beyond mandatory retirement.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

There should be some delay in putting such a change into effect in order to provide the affected officers time to make necessary adjustments. The period of delay should take into account both the legitimate career expectations of officers now serving as career ministers and the Service's need for an early effective date of the new regulation. The attached draft legislation specifies that for officers age 60 or over at the time of enactment, the effective date would be set midway between the date of enactment and the date the officer concerned reaches 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outerlimit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

The proposed legislation also includes two technical changes. The first would permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age. Present wording in the law prevents them from earning retirement credit past the birthday on which they reach such age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

The second technical change would make explicit what has long been done in practice, namely, to require the retirement of officers serving after mandatory retirement age either as a result of a Presidential appointment or of an extension by the Secretary. Such retirement would take place at the end of the month in which such service was completed.

COMPARATIVE

EXISTING LEGISLATION	PROPOSED LEGISLATION
FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS [OR CAREER MINISTERS]	FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS
SEC. 631. Any Foreign Service officer who is a career ambassador [or a career minister], other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall [upon reaching the age of sixty-five,] be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years.	SEC. 631. Any Foreign Service officer who is a career ambassador other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service *at the end of the month in which he reaches age sixty-five* and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. *Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.*
PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS [OR CAREER MINISTERS]	PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS
SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador [or a career minister] shall [, upon reaching the age of sixty,] be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years.	SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service *at the end of the month in which he reaches age sixty* and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. *Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service.*
	EFFECTIVE DATE—SECTION 2 OF BILL
None.	*Sec. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.*
	Retirement schedule
None.	*(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;* *(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the*

S. 3692—INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED.

Mr. MURPHY. Mr. President, I rise to introduce a bill as an amendment to the Agricultural Marketing Agreement Act of 1937, to permit the inclusion of canning pears.

The basic purpose of this legislation is to enable pear producers in the States in which pears for processing are primarily grown to enter into a multi-State marketing agreement if they elect to do so. The Agricultural Marketing Agreement Act of 1937 is the cornerstone of the self-help program through which farm producers work together essentially at their own expense in order to obtain more orderly and stable production and marketing of their products. It now covers a number of commodities including pears for fresh shipment.

Canning pears are produced in a number of States, with most of the production centered in California, Oregon, and Washington. Through State programs, pear producers in the Pacific coast States have attempted to work together for some years particularly in industry promotion. It appears clear that through a regional order the pear producers would be able to work together much more efficiently both in their efforts to promote the processed product and also in other respects such as research and study relating to the production of pears. The bill I have introduced is actually enabling legislation which simply would make it possible for some suitable program to be adopted at a later date.

There are a number of special features in this bill which are designed to meet reasonable concerns which have been expressed:

First. A substantially similar bill, H.R. 2690, has already been approved by the House Agriculture Committee and is awaiting action on the House floor. In the committee hearings, the pear producers have made it clear that they will assume the cost of any assessments levied if a program is adopted and, therefore, no cost will fall upon the pear canners.

Second. The pear producers in a given State must by a two-thirds vote approve any marketing order before it can become applicable to pears produced in that State. Moreover, they are given the right, once an order has been adopted applicable to them, to elect to terminate its application to them by a similar vote. This is to make certain that no one State, more populous than others involved in

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last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) *On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.*

(4) *Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.*

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a proposed order, would possibly dominate the others.

Third. It is explicitly clear that no program adopted can be made applicable to the canned or otherwise processed pears.

Fourth. Pear processors are given representation up to one-third of the total membership of the administrative committee which must recommend to the Secretary of Agriculture and administer any program. This representation is particularly significant since the Secretary of Agriculture requires a two-thirds vote of the committee for approval of any program or amendment.

I believe that this legislation is in the best interests of the public as well as the pear producers because it is a democratic way of enabling those involved in pear production to help themselves, at their own expense, achieve more stability and order in the production and marketing of their products. This approach is essential to the survival of the independent farmer who produces pears and who is so important to our society.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3692) to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended, introduced by Mr. Murphy (for himself and Mr. Cranston), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (a) in the first sentence thereof.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso.

(3) Section 2(3) of the Act is amended by inserting "such marketing research and development projects provided in section 8c(6)(I)", immediately after "establish and maintain".

(4) Section 8c(7)(C) of the Act is amended by inserting "or pears," immediately after "a marketing order applicable to grapefruit" and by replacing the period following "in such order" with a colon and adding "*Provided,* That in a marketing order applicable to pears for canning or freezing the representation of processors shall not exceed 33⅓ per centum of the total membership of such agency."

(5) Section 8c(19) is amended by adding at the end thereof the following: "For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66⅔ per centum except that in the event that producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State."

S. 3696—INTRODUCTION OF A BILL TO PROVIDE FOR TEMPORARY OR INTERMITTENT EMPLOYMENT OF CERTAIN EMPLOYEES

Mr. MOSS. Mr. President, I introduce a bill to amend title 5 of the United States Code to revise the law governing the method whereby the Federal Government procures the personal services of experts and consultants on a part-time or intermittent basis, and to increase the allowable per diems paid therefor to present-day economic realities.

Under present law, such services can be procured by the Federal Government only in accordance with authorizations contained in individual appropriation bills or other specific statutory provision. Section 3109 of title 5 of the United States Code so conditions agency power. This situation has produced a number of undesirable results including lack of uniformity among the agencies, inadequate and disparate rates of per diem paid, and most important, disposition of qualified experts to refrain from proffering their services to the Government. The net effect is a situation operating to the Government's disadvantage calling for remedial legislative relief. My bill provides for this necessary relief.

Experience under present law has clearly demonstrated that the appropriations process is a cumbersome, inadequate, and generally undesirable method under which to procure these types of services. Several years ago, the House Committee on Appropriations, Subcommittee on General Government Matters, requested the Bureau of the Budget to conduct a study in the hiring of experts and consultants on a part-time basis. The Budget Bureau found that dozens of separate authorizations were, in fact, contained in other statutes which permit differing per diem payments. In its report to the committee's chairman, the Budget Bureau concluded that there exists no uniformity as to the conditions under which these services are, and should be, obtained.

Based on these findings and conclusions, the Budget Bureau recommended an amendment to Federal law: First, to provide general authority for the employment of experts and consultants, or firms thereof, without the need for additional authority in appropriation or other acts; second, to provide for Presidential regulation of the conditions under which both types of expert and consultant services may be procured and paid for; and, third, to provide that all authorizations in other statutes for obtaining expert and consultant services be subject to Presidential regulations unless specifically exempted by legislation.

Experience has also clearly demonstrated the need to increase payable per diems for such services to present-day economic realities. The longstanding suspicion that present rates almost guarantee that the Government will not get first-rate people in its hiring of temporary experts and consultants was recently borne out by a nationwide poll conducted by the National Society of Professional Engineers. This organization, consisting of some 67,000 members, all of whom are qualified by academic training and demonstrated ability to have become licensed under one or more of the various State engineering registration statutes, conducted a survey last year from among its membership engaged in private engineering practice. These individual professionals were requested to indicate per diem payments according to their types of clients—Federal Government clientele, State government clientele, local government clientele, and private clientele.

By an overwhelmingly large margin, the majority of these licensed engineers charge and are paid rates exceeding those generally allowed by the Federal Government. This is true not only with respect to private clients, but also with respect to State and local governments.

A similar condition undoubtedly prevails in other fields as well. The Bureau of the Budget report to which I referred earlier, based on the Bureau's study, recommended raising per diem rates payable to individual experts and consultants as a means of obtaining the temporary services of the highly qualified individuals which the Federal Government needs.

My bill provides that an agency may procure the temporary or intermittent services of experts, consultants, or stenographic reporters, or an organization thereof, by contract for a period not in excess of 1 year. It provides that the services thereby procured, as well as any procured under any other provision of law, must be obtained under such conditions and regulations as the President may prescribe and, except where a higher rate is specifically authorized by law or regulation, at rates of pay for individuals not to exceed the rate for GS-18 of the General Schedule. And in connection with the rate bearing relationship to GS-18, the Bureau of the Budget had previously recommended that the total amount as thus calculated with respect to these services should include allow-

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ance for annual leave and Government fringe benefits.

Finally, my bill would exempt, for this purpose, application of appropriate provisions of present law governing appointment in the competitive service, advertising requirements other than in the case of an organization of stenographic reporters, and the classification and General Schedule pay rate sections.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 3696) to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants, or stenographic reporters, and for other purposes, introduced by Mr. MOSS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3697—INTRODUCTION OF CLEAN LAKES ACT OF 1970

Mr. MONDALE. Mr. President, 2 weeks ago Congress adopted the Water Quality Improvement Act conference report, clearing the way for the enactment of a comprehensive program to improve the deteriorating condition of our waterway. Its passage marked the culmination of a long struggle to strengthen the Federal Water Pollution Control Act.

I was especially pleased by this action because the conference report retained the clean lakes research provision originally introduced by Senator BURDICK and me in 1966. It will enable the Federal Government to undertake basic research or to make grants for studies into the cause and prevention of lake pollution.

This is an important first step in what I hope will be a concerted campaign to restore the thousands of lakes which are jeopardized by pollution.

But we need to move immediately beyond research and study and begin implementing programs to restore and preserve these lakes.

Many of the Nation's small fresh water lakes are deteriorating. Some of these lakes are in such desperate condition that they cannot wait for the research processes set up by the recently-passed clean lakes provision.

It is to this problem that I am addressing my new legislation.

The bill I am introducing today is an extension of the program just approved by the Congress. It is in line with the conclusion reached by the 1967 House Committee on Government Operation's report "To Save America's Small Lakes" which stated:

> A twin-pronged approach to the problem of accelerated eutrophication would seem desirable—an expanded program of basic research to add to the limited knowledge about the eutrophication processes and their effective and economical control, plus immediate action in the form of demonstration projects utilizing present knowledge and skills.

The new clean lakes bill would establish a coordinated program of increased waste treatment and lake cleansing utilizing the latest technology. It is aimed at rehabilitating the lakes which are in particularly poor condition.

I am concerned about the hundreds of lakes which already have been fouled by man's carelessness; lakes which have been used as a convenient dumping area for municipal, industrial and agricultural wastes.

Municipal sewage is increasing, filled with phosphorous materials from detergents or human wastes. In many instances, it is dumped untreated into nearby lakes.

Industries find it expedient to locate adjacent to lakes where they can pump their chemical-filled discharges.

Lakes also suffer from agricultural runoffs. Overflows contaminated with pesticide, herbicide, and fertilizer residues wash into the lakes. Siltation adds to the load.

Unlike moving rivers, lakes have no flushing system to purge themselves of these burdens.

The unrelieved surge of nutrients into these lakes causes the waters to be enriched past their capacity. The problem becomes one of eutrophication—the aging of lakes.

The elements added to the lakes by sewage and runoffs act as fertilizers of aquatic growth, causing a veritable population explosion of algae. These plants have a self-generating cycle and create an increasing demand on the oxygen in the water, thus killing desirable bacteria which work naturally to cleanse the water.

Meanwhile, lakebeds fill with sludge and debris, and the marine life chokes and dies.

A recent survey by the University of Minnesota indicated that the State's once-sparkling lakes are gradually taking on a new color—green. The study identifies sewage seeping from inadequate disposal systems of lakeshore homes as the main source of pollution. It also notes that runoff of fertilizers from farmland and nutrients from cattle feedlots reduce the water quality of many lakes. Municipal sewage is dumped directly into the waters of 34 major recreational lakes studied.

The problems are not endemic to the 11,500 lakes in Minnesota which are in excess of 10 acres. Many of the more than 100,000 fresh water community lakes in the Nation are being victimized by the same problems.

Our lakes have too often been forgotten in the rush to improve our environment. Since lakes are so essential to our way of life and represent such an irreplacable resource, it is obvious that they cannot be neglected.

Yet, unless restorative measures are taken soon, many of our priceless lakes will be irretrievably lost.

The bill I am introducing today recognizes the desperate plight of these lakes and provides for a plan to reclaim these waterways.

There are four major points covered in this new Clean Lakes Act.

First, the bill authorizes an increase in the Federal grant now available under section 8(b) of the Water Pollution Control Act for treatment works which are located near or adjacent to a lake and which discharge treated wastes into the lake or tributary waters. The increase would be to a maximum of 65 percent of the costs, if the State pays at least 20 percent of the costs. To be eligible for this increase, enforceable water quality standards must be established and the works be consistent with the plan for the implementation, maintenance, and enforcement included in the standards. These works must discharge only treated water, and industries hooking up to the municipal system must provide pretreatment of their wastes. The bill authorizes an annual appropriation of $150 million for fiscal years 1972, 1973, 1974, and 1975 for the purpose of funding these increased grants.

Second, the bill directs the Secretary of the Interior to provide technical and financial assistance to the States and municipalities in carrying out a comprehensive program of pollution control. This would include the use of harmless chemicals to destroy unwanted supplies of algae that accelerate the aging process of lakes, the dredging of lake bottoms to remove decaying sludge and other noxious pollutants, the recovery of overgrowth of algae and trash from the surface, and the improvement of lake shores. The bill authorizes up to 80 percent Federal grants for this program from a total appropriation of $900 million over a 4-year period beginning in fiscal year 1972.

Third, the bill authorized the use of experienced Federal water resource agencies such as the Bureau of Reclamation and the Corps of Engineers, to help carry out this program under agreements with the States.

Fourth, the bill provides measures to enforce water quality standards for lakes subject to this program. These measures include penalities and injunctive relief.

I believe we must take these steps if we are to save these troubled waters.

There are several techniques which can be employed to clean the lakes.

Obviously, we can move to upgrade the waste treatment facilities to cut back the flow of nutrients into their waters. This is a preventive procedure. There are other direct measures to be used to rid the lakes of pollution.

Chemicals are being developed which attack algae forms, but do not harm the fish life of the lakes. Copper sulfate has been used in the past to control algal blooms for a short period of time. Experiments are also being conducted with alum, which sinks surface sediments, and with lime, which attacks the acidity in some "bog lakes." Recent research efforts at the Cincinnati Water Research Laboratory resulted in the discovery of a virus which is parasitic, specifically to blue-green algae.

Dredging and surface screening operations have proven successful in clearing lakes of sludge, weeds and other undesirable contents.

It was heartening to read last week in the Washington Evening Star of a special treatment for the Snake Lake in Wisconsin which was less costly than dredging or screening. This consisted of literally flushing the lake's waters into a nearby earth area. There the foul water was strained through a natural filter of sand to seep back into the lake bed. The project, administered by the University of Wisconsin and the Wisconsin Department of Natural Resources through a grant from the Upper Great Lakes Regional Commission, has appar-

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ently been a success. The cost was $10,000 to pump the lakes 21 million gallons.

I am hopeful that we can correct these problems for the benefit of future generations. Lakes provide not only a source of water but offer recreational outlets, scenic sites for homes, and spiritual uplifting.

Our lakes are a priceless commodity. To delay action in cleaning our lakes is to risk losing them. We cannot afford to do this.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 3697) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement, prepared by the Senator from North Dakota (Mr. BURDICK), be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The statement of Mr. BURDICK is as follows:

STATEMENT OF SENATOR BURDICK

Mr. BURDICK. I am pleased to join the Senator from Minnesota as a co-sponsor of the new Clean Lakes bill.

I well remember that Senator Mondale and I first introduced Clean Lakes legislation nearly four years ago.

We felt that while considerable attention was being paid to the water quality in our rivers, many of the Nation's lakes were deteriorating because of the lack of a Federal program. At that time we proposed a comprehensive program aimed at revitalizing these lakes through the prevention, removal and control of pollution. We originally sought to do this through Federal grants establishing pilot projects in connection with State or municipal agencies. This work was designed to develop new or improved methods to control lake pollution.

With the enactment of the Water Quality Improvement Act of 1970, we have completed the first step. This Act includes a provision for Federal grants for basic research into the cause and cures of lake pollution.

It is my understanding that the latest proposal by the Senator from Minnesota would go one step further. Is that correct?

Mr. MONDALE. That is correct. The new Clean Lakes bill is aimed at saving many of the lakes throughout our Nation which need restorative action now. The bill would authorize the use of our latest technology in a program to stop lake pollution through the expansion of waste treatment facilities, and also to implement a program of lake cleaning through such methods as surface screening, dredging, use of harmless chemicals and flushing.

Mr. BURDICK. Is there evidence that these techniques can be successful?

Mr. MONDALE. There are a number of projects being undertaken by those interested in saving our lakes, and they report success. It is obvious that what works for one lake will not necessarily work for another. The flushing treatment which has proved successful in Wisconsin is designed for smaller lakes which have become filled with slime. On the other hand, there are indications that lakes clogged with weeds and marine growth can be cleared through a harvesting process. There are different techniques for different problems, and there is sufficient evidence that they work to warrant projects to clean up our polluted lakes.

Mr. BURDICK. The Clean Lakes bill proposes to use such Federal agencies as the Bureau of Reclamation and the Corps of Engineers.

Mr. MONDALE. Yes. I believe this gives our government an excellent opportunity to turn the expertise of its agencies toward remedying pollution. In many instances, Federal projects have contributed toward pollution and the destruction of our natural resources. Lake restoration would seem to be a particularly constructive project for these agencies.

ADDITIONAL COSPONSORS OF BILLS

S. 3388

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT) I ask unanimous consent that, at the next printing the name of the Senator from Delaware (Mr. BOGGS) be added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 3484

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3484, the Marine Environment and Pollution Control Act which I introduced February 19.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3491

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 3491, the Mined Lands Restoration and Protection Act, which I introduced February 23.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3505

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) I ask unanimous consent that, at the next printing, the names of the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the Senator from Utah (Mr. MOSS), the Senator from North Dakota (Mr. BURDICK), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), the Senator from Montana (Mr. METCALF), the Senator from Alaska (Mr. GRAVEL), the Senator from Idaho (Mr. JORDAN), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Alaska (Mr. STEVENS), and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of S. 3505, to amend the Land and Water Conservation Fund Act.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S. 3619

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), and the Senator from New Hampshire (Mr. MCINTYRE), be added as cosponsors of S. 3619, to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 61

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Minnesota (Mr. MCCARTHY), I ask unanimous consent that, at the next printing, the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights of men and women.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

SENATE RESOLUTION 384—RESOLUTION REPORTED TO AUTHORIZE ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 384); which was referred to the Committee on Rules and Administration:

S. RES. 384

Resolved, That the Committee on the Judiciary hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $20,000, in addition to the amounts and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 211

Mr. BROOKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. SYMINGTON), the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. BOGGS), and the Senator from Nevada (Mr. BIBLE), be added as cosponsors of Senate Resolution 211, seeking agreement with the Union of Soviet Socialistic Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

Mr. MANSFIELD. Mr. President, re-

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serving the right to object, what total does that make now?

Mr. BROOKE. I think that makes 50 cosponsors, 55 altogether who have indicated in one way or another their support for this resolution.

Mr. MANSFIELD. Fifty-five. I am delighted. I withdraw any objection.

Mr. BROOKE. I thank the distinguished majority leader.

The PRESIDING OFFICER (Mr. Saxbe). Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

NUCLEAR ARMS CONTROL

Mr. DODD. Mr. President, I have decided to cosponsor Senate Resolution 211 because I believe it represents both a safe and reasonable approach to the problem of arms control and arms limitation.

I want to compliment the junior Senator from Massachusetts on his initiative in this matter.

I consider the resolution to be prudent because, obviously, it will be to the advantage of the Soviet people and the American people, both, if we can place some kind of limit on the extremely costly and dangerous race in nuclear weapons.

I also consider the resolution safe because, as amended, it makes it clear that the suspension of further deployment of offensive and defensive nuclear systems will be, I quote, "subject to national verification or such other measures of observation and inspection as may be appropriate."

National verification, in my understanding, involves verification by means of satellites and other existing intelligence resources. I am pleased that the wording of the resolution takes note of the fact that national verification by itself may not be adequate and that it may have to be supplemented by direct observation and inspection.

This is of critical importance because, clearly, there has to be an assurance that any agreement reached would at least make it exceedingly difficult for the Soviet Union to cheat.

Ours is an open society, where cheating on any such agreement would be inconceivable. Theirs is a closed society, whose entire record suggests that they would be prepared to cheat if they ever thought it would be to their advantage and that they could get away with it.

This makes it imperative that we pay particular attention to the problem of verification.

There is another observation I would like to make.

I am supporting this resolution in the hope that the Soviet Union will agree to a prompt cessation of the further deployment of nuclear weapons systems.

There are some who say that there is a rough condition of parity between the overall nuclear strength of the Soviet Union and our own overall strength.

There are others who say that, everything considered, the Soviets already enjoy a significant superiority over the United States in strategic nuclear weapons.

What cannot be challenged is that the Soviet nuclear assembly lines have for the past 4 years operated at a tempo which far exceeds the most pessimistic estimates of our intelligence community.

Four years ago, in July 1966, when we decided to freeze our ICBM strength at the arbitrary figure of 1,054, the Soviet Union had 250 ICBM's. In the latter part of 1969, according to hard intelligence, the U.S.S.R. had more than 1,300 ICBM's in place or going into place. These included a growing force of the giant SS-9 missiles, each of which is capable of delivering several 10-megaton warheads.

While Moscow's 100 older missile-firing submarines cannot begin to compare with the Polaris, the Soviets have for some time now been building Polaris-type submarines. If Admiral Rickover is correct in estimating that they can produce such submarines at the rate of 10 to 12 a year, then by 1972 or 1973 they will have a Polaris fleet as large as our own. And if, in the interim, their missile assembly lines have continued to function at the rate of recent years, their ICBM strength might be well past the 2,000 mark. This would give the Soviets a frightening and indisputable superiority in strategic nuclear weapons.

At that point, the United States would have to reconsider its entire strategic posture.

In cosponsoring Senate Resolution 211, therefore, I want to emphasize that I think there is a time limit tied to the acceptance of the proposed freeze by the Soviet Union.

This year we can agree to such a freeze because, while there would be risks, the risks would be at an acceptable level. But if the Soviet nuclear buildup continues, then 1 year or 2 years or 3 years from now, we may not be able to agree to such a freeze.

President Nixon has already made it clear to the Soviet Union that we are prepared to enter into either a compromise agreement or a systems by systems agreement on the limitation of nuclear weapons.

I feel that the passage of Senate Resolution 211 by the Senate would greatly strengthen the hand of the administration in future negotiations.

I earnestly hope that the Soviet Government will accept the wisdom of entering into such an agreement now rather than postponing action until an agreement becomes impossible.

Under President Kennedy and President Johnson and now President Nixon, the United States has repeatedly demonstrated that it is prepared to walk the extra mile and more in the quest for meaningful agreements in the field of arms control.

Today, we stand at a critical point in the nuclear arms race. Whether there can be any agreement is now up to the Soviet Union.

SENATE RESOLUTION 382

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts (Mr. Kennedy) be added as a cosponsor to Senate Resolution 382 expressing the sense of the Senate that the President of the United States should implement the findings of his Cabinet Task Force on Oil Import Controls.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 8, 1970, he presented to the President of the United States the following enrolled bills:

S. 2363. An act to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert; and

S. 2595. An act to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

GENERAL REVISION OF THE PATENT LAWS—AMENDMENTS

AMENDMENTS NOS. 578 AND 579

Mr. SCOTT submitted two amendments, intended to be proposed by him, to the bill (S. 2756) for the general revision of the Patent Laws, title 35 of the United States Code, and for other purposes, which were referred to the Committee on the Judiciary and ordered to be printed.

(The remarks of Mr. Scott when he submitted the amendments appear earlier in the Record under the appropriate heading.)

NOTICE OF HEARING ON ELECTORAL REFORM

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, Thursday, and Friday, April 15, 16, and 17, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the subject of electoral reform.

ANNOUNCEMENT OF HEARINGS ON MEAT INSPECTION BILLS

Mr. JORDAN of North Carolina. Mr. President, I would like to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry will hold hearings on Thursday, April 16, beginning at 10 a.m., in room 324 of the Senate Office Building, on three bills dealing with meat inspection. The bills are S. 3512, S. 3592, and S. 3603.

ADDITIONAL STATEMENTS OF SENATORS

POSTHUMOUS AWARD OF MEDAL OF HONOR TO SGT. RAY McKIBBEN, OF FELTON, GA.

Mr. TALMADGE. Mr. President, yesterday at the White House, the President of the United States conferred the Medal of Honor posthumously to 21 American soldiers for conspicuous gallantry above and beyond the call of duty in combat in Vietnam.

Among those receiving the posthumous award was Sgt. Ray McKibben of Felton, Ga. The Medal, the highest military honor the Nation can confer upon its brave men, was received by Sgt. McKibben's wife, Mrs. Anna McKibben. I was privileged and honored to be present at the White House for these ceremonies.

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Sergeant McKibben, in an act of extreme heroism, gave his life in Vietnam. He paid the supreme sacrifice, and all the Nation and all the free world is indebted to him and to all the young men of America who are fighting so bravely in the frustrating war in Vietnam.

Mrs. Talmadge joins me in extending our sympathies to Mrs. McKibben and the family.

I ask unanimous consent that the citation accompanying Sergeant McKibben's Medal be printed in the RECORD.

There being no objection the citation was ordered to be printed in the RECORD, as follows:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Sergeant Ray McKibben, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Sergeant Ray McKibben distinguished himself by conspicuous gallantry and intrepidity in action above and beyond the call of duty while serving as team leader of the point element of a reconnaissance patrol of Troop B, 7th Squadron (Airmobile), 17th Cavalry operating in enemy territory near Song Mao in the Republic of Vietnam on 6 December 1968. Sergeant McKibben was leading his point element in a movement to contact along a well-travelled trail when the lead element came under heavy automatic weapons fire from a fortified bunker position, forcing the patrol to take cover. Sergeant McKibben, appraising the situation and without regard for his own safety, charged through bamboo and heavy brush to the fortified position, killed the enemy gunner, secured the weapon and directed his patrol element forward. As the partol moved out, Sergeant McKibben observed enemy movement to the flank of the patrol. Fire support from helicopter gunships was requested and the area was effectively neutralized. The patrol again continued its mission and as the lead element rounded the bend of a river it came under heavy automatic weapons fire from camouflaged bunkers. As Sergeant McKibben was deploying his men to covered positions, he observed one of his men fall wounded. Although bullets were hitting all around the wounded man, Sergeant McKibben, with complete disregard for his own safety, sprang to his comrade's side and under heavy enemy fire pulled him to safety behind the cover of a rock emplacement where he administered hasty first aid. Sergeant McKibben, seeing that his comrades were pinned down and were unable to deliver effective fire against the enemy bunkers, again undertook a single-handed assault of the enemy defenses. He charged through the brush and hail of automatic weapons fire closing on the first bunker, killing the enemy with accurate rifle fire and securing the enemy's weapon. He continued his assault against the next bunker, firing his rifle as he charged. As he approached the second bunker his rifle ran out of ammunition; however, he used the captured enemy weapon until it too was empty, at which time he silenced the bunker with well-placed hand grenades. He reloaded his weapon and covered the advance of his men as they moved forward. Observing the fire of another bunker impending the patrol's advance, Sergeant McKibben again singlehandedly assaulted the new position. As he neared the bunker he was mortally wounded but was able to fire a final burst from his weapon killing the enemy and enabling the patrol to continue the assault. Sergeant McKibben's indomitable courage, extraordinary heroism, profound concern for the welfare of his fellow soldiers and disregard for his own personal safety saved the lives of his comrades and enabled the patrol to accomplish its mission. Sergeant McKibben's conspicuous gallantry and intrepidity in action at the cost of his life above and beyond the call of duty are in the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

PIONEERS IN BIOLOGY ARE UNRAVELING RIDDLE OF LIFE

Mr. SCOTT. Mr. President, I am pleased to announce to the Senate that Donald C. Drake and Patricia McBroom, of the Philadelphia Inquirer, have been honored by the National Society for Medical Research for their article entitled, "Pioneers in Biology Are Unraveling Riddle of Life," published in the Philadelphia Inquirer on March 7, 1969.

Mr. Drake and Miss McBroom received honorable mention citations through the National Society for Medical Research's annual Claude Bernard Science Journalism contest for their profound perceptiveness of the basic issues and challenges that face science and medical research in these times.

I ask unanimous consent that this award-winning article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PIONEERS IN BIOLOGY ARE UNRAVELING RIDDLE OF LIFE: CRACKING CODE OF CELL HERALDS MAJOR BENEFITS

(By Donald C. Drake and Patricia McBroom)

Nobel laureate Dr. James D. Watson told the people gathered around him at a cocktail party in San Diego that the time had come for molecular biology to do something nice for society—like finding a cure for cancer, hereditary diseases or mental retardation.

The characteristically brash statement by the famed Harvard University biologist pointed up to important facts:

Nothing much of a practical nature has come from molecular biology so far.

An awful lot is about to.

If anyone should know how ripe the field of biology is for the plucking of practical fruits, this biologist with the startled eyes and restless eyebrows should.

Dr. Watson and Francis Crick started the biologic revolution 15 years ago when they deciphered the structure of the master genetic chemical DNA (deoxyribonucleic acid) and set the stage for astounding growth in the field of genetics.

The reason it is only now that molecular biologists are beginning to think in terms of fighting diseases is because prior to the Watson-Crick discovery a profoundly deep ignorance of the life process thwarted scientists in their attempts to make order out of it all.

Just as it takes a school child months to gather basic information about the alphabet, words and sentences before he can start reading a book, so it has been with the molecular biologists.

ARTIFICIAL ENZYME

For the past 15 years they've been doing their homework. Now it appears that they are about to start producing.

In recent years, discoveries have been coming at a quickened pace.

It's only two months since scientists at Merck, Sharp & Dohme and Rockefeller University simultaneously announced the artificial creation of an enzyme, an essential biochemical that makes the life process possible.

One year earlier, biochemists at Stanford University manufactured the DNA core of a virus and, as far as some romantics are concerned, virtually created life in a test tube.

Before that, scientists announced the artificial synthesis of insulin, an important hormone for using sugar which some diabetics lack.

Dr. Robert W. Holley of Cornell University achieved a major breakthrough by cracking the code for one form of the genetic material RNA (ribonucleic acid).

In Chicago, scientists achieved the artificial construction of an RNA strand.

SHARP FRUSTRATIONS

The work, though breath-takingly important and well publicized, was greeted with apathy by most people because no potent medicine or magic bullet was forthcoming.

This is one of the disheartening communication problems that has confronted these scientists, who would very much like to share the excitement of their work but are unable to because it is so difficult to explain.

Their frustration is something akin to that of a baseball fan who has just witnessed a beautiful play and has no one to talk to but his wife who doesn't know the difference between a home run and an infield fly.

The world of the molecular biologist is the cell.

Cells are to the human body—or all other forms of life for that matter—what bricks are to houses.

The average human body is made up of 10 trillion cells. There are about 100 different types. The heart is composed of heart cells. Bones are made of bone cells. And the liver is fashioned from liver cells.

Unlike bricks, however, cells are not static hunks of matter but rather are dynamic biochemical factories that are continually manufacturing protein, the building blocks of all living tissue.

The cells manufacture the thousands of enzymes that are needed to accelerate chemical reactions. Hormones are produced by gland cells. Cells even make copies of themselves for growth, replacement or repair.

At the basis of all this, and hence of the life process, are four chemicals called nucleotides or bases: adenine, guanine, thymine and cytosine.

The bases are a four-letter alphabet strung out in a sequence along a strand of DNA.

They spell out three-letter words called codons.

These words or codons, in turn, form sentences called genes.

FOCUS OF RESEARCH

The sentences tell the cell what protein to make and the type of protein determines whether it will be a heart cell, liver cell or what have you.

Factory workers, if you will, called messenger RNA, make copies of the sentences and carry the instructions out of the cell's nucleus or center into an assembly room called the cytoplasm of the cell.

Here other workers called ribosomes read the instructions, which tell the ribosomes how to make the specific proteins needed by the cell and the entire organism.

The proteins are made of an assortment of amino acids, arranged in a specific sequence, again like the letters in a word.

They are very long words involving hundreds of thousands of letters or amino acids.

Cells have in effect two alphabets—bases to spell out genes and amino acids to spell out proteins.

Understanding this very complicated process—which has been greatly simplified here—has dominated the research efforts of thousands of laboratories throughout the world for the past 15 years, ever since the great breakthrough was achieved by Dr. Watson and Crick, on DNA structure.

This work, undoubtedly one of the greatest scientific discoveries man has ever made, formed the basis of modern biology, which may one day lead to the control of disease and perhaps life itself.

Though many questions still remain unanswered, scientists now have a sufficiently firm understanding of the process to start thinking of manipulating the life process and hence of conquering disease.

That's why Dr. Watson felt free to say at the meeting of the American Cancer Society in San Diego that he felt the time had come for molecular biologists to start thinking in terms of human illness rather than limiting themselves to laboratory experimental models of single-cell organisms.

The simplified version of the life process presented here required an immense amount of laboratory work to establish.

MAJOR QUESTION

One of the major breakthroughs after the Watson-Crick discovery was made by Dr. Marshall Nirenberg, of the National Institutes of Health, who explained and demonstrated the codon theory. This explained that three bases coded or ordered the manufacture of a single amino acid.

Subsequently Dr. H. Gobind Khorana at the University of Wisconsin made a protein, an RNA molecule, with a specific repeating triplet of bases.

Other scientists cleared up a major question that had plagued researchers:

Since all cells—whether they be heart cells, liver cells or skin cells—contain the same DNA and hence the same genetic instructions, researchers had wondered, for instance, why a liver cell made only liver protein and a heart cell made only heart protein.

The explanation achieved over the past few years was that only a small percentage of the genes in any given cell are active. Most of them are repressed.

For instance, in a heart cell only the heart-related genes are active while all the rest are repressed. In a liver cell with the exact same DNA, all the liver genes are active while all the other genes, including the heart genes, are inactive.

DRAMATIC POTENTIAL

Two years ago, another major question was answered at Harvard University by Dr. Walter Gilbert who isolated a gene repressor and discovered what it was made of.

Even for one not familiar with biology, it takes little imagination to realize the potential of this discovery—especially when one remembers that the cancer process is nothing much more than uncontrolled cell growth, or, more specifically, protein manufacture.

For unknown reasons, not enough genes in cancer cells are repressed. Unlike healthy cells that will multiply only a limited number of times, the cancer cells don't know when to stop. If scientists could fabricate the proper repressor and inject it into a cancer patient, perhaps it would be possible to stop cancer cells from multiplying and hence halt the disease.

Compared to our crude, block-busting methods of fighting disease with wide-acting drugs, this would indeed be disease control on its most sophisticated level.

But this is in the future.

Other molecular biologists and chemists are attacking the problem from a different angle but on the same cellular level.

PROCESS SABOTAGED

A little more than a year ago, newspapers front-paged a story out of Stanford University where Dr. Arthur Kornberg announced that he had synthesized the DNA core of a virus.

The major thrust of most stories was that the California scientist may very well have created life out of inert chemicals, but the importance of the discovery lay not in the possibility of test-tube life but in a better understanding of the disease process.

It is believed that viruses cause disease by entering the nucleus of healthy cells and sabotaging the protein manufacturing process by turning on and off certain genes. When this happens, the cells start manufacturing more viruses instead of their normal proteins.

Dr. Kornberg's work raised the possibility of artificially making do-good viruses that could be sent into cells infected by harmful natural viruses where they would act like doctors on the genes.

The Merck-Rockefeller enzyme synthesis announced only two months ago opened yet another way to attack disease.

An enzyme is one of those proteins that is made in the cell by lining up hundreds of amino acids in a specific sequence.

Enzymes are something like a biochemical oil—they speed up chemical reactions, which would be impossible without them.

Several diseases are caused by a deficiency of one or more enzymes—just as diabetes is characterized by a deficiency of the hormone insulin—and the possibility of curing such diseases with artificially made enzymes is very real.

Perhaps of more immediate importance, knowledge of how enzymes are made and what they do may give the drug makers a very precise way to test drugs.

Under current methods, drug manufacture is largely a comparatively crude hit-or-miss procedure whereby thousands of drugs are blindly given to animals and added to test tubes containing disease-producing micro-organisms with the hope that something good will happen.

AUTOMATIC SHUTOFF

Unfortunately, such drugs may affect many enzyme processes instead of just the one causing the problem. The result: comparatively impotent drugs with many side effects.

If biochemists could manufacture entire genes and find a way to get them into cells and make them function, it conceivably could be possible regenerate limbs for amputees or repair damaged organs rather than transplanting them.

In January, scientists at the Carnegie Institution of Washington announced that they had chemically isolated and purified specific genes, which would be a first step in manufacturing them artificially. But, synthesis is still probably 10 years away at least.

Perhaps a simpler way to start cells multiplying would be to turn the genes responsible for cell proliferation back on. Normally these genes are turned off once their job is done.

For instance, the cells that go to make up a heart stop multiplying after the heart has been formed and has reached maturity. The cells will continue to make the proteins necessary for organ function but the genes responsible for its growth must be shut off or the heart would become monstrously large.

The fact that every cell contains all the genetic information for the organism though most of the genes are shut off was dramatically demonstrated by scientists who forced an intestinal cell from a frog to produce a live tadpole just as though it were a fertilized egg.

The process, called cloning or vegetative reproduction because the method has long been used by plant growers, conceivably could be used with humans, though many weighty problems would have to be solved first.

If this could be achieved, it would be possible to make an exact replica of yourself by cloning one of your cells.

On another level, biologists have combined human and non-human cells to form hybrid varieties.

Doctors have also forced women to superovulate—that is to release several eggs into the oviduct instead of a single one—and harvest the eggs.

Combining this accomplishment with the harvesting of sperm cells, which is already widely practiced for artificial insemination, scientists are now able to fertilize female eggs with male sperm in test tubes.

IMMENSE POWER

This landmark step, announced last month by British scientists, offers hope some day of implanting fertilized eggs in the womb of an infertile woman.

The doom and gloom types like to point to such work as an example of where science is running amuck and urge that the public keep an eye on these evil scientists.

Certainly we should keep up with scientific advances. Just as the physicists gave us nuclear bombs to play with, the biologists could give us a more terrifying toy, but to dwell on the horrors that are possible seems to be a pessimistic way of looking at these developments.

Though cloning and test-tube fertilization seem more dramatic and important than talk about obscure things like DNA, RNA and all the rest, the great prospects for biology and human betterment lie in this obscure world of the esoteric.

It cannot be denied that these fast-breaking biologic breakthroughs are giving man an immense power, power over life.

It's equally true that power, any kind of power, can be used for good or bad.

But the decision on direction will not be made by the scientists so much as by society as a whole.

THE VIETNAM SUSPICIONS

Mr. SYMINGTON. Mr. President, yesterday's Wall Street Journal, in an editorial entitled "The Vietnam Suspicions," analyzes with some perception the uneasy mood that exists both in Washington and the country over present and future policies in Southeast Asia.

The Subcommittee on U.S. Security Agreements and Commitments Abroad will soon release a sanitized version of its closed hearings on Laos, conducted some 5 months ago. That record, in part, deals with the dangers of a past administration policy in Laos which permitted military involvement and escalation to be wrapped in official secrecy; and thus to grow without the benefit of proper public discussion.

Those of us who worked to have that secrecy dropped—as it was with the President's March 6 statement on Laos—hope the unhappy lesson of Laos secrecy will not be lost on this administration as it designs its policy toward Cambodia.

Perhaps it is wise to recall again President Nixon's November 3 statement:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

THE VIETNAM SUSPICIONS

One of the more disturbing effects of the Vietnam war has been its exposure of a tendency to delusion in high places.

Against commonly available wisdom, some of the most powerful men in America in the past decade were able to convince themselves that a modern technological army could be

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effective in a guerrilla war in an underdeveloped country; that the attempt to protect unclear U.S. interests in Indochina were worth horrendous and irrecoverable costs to the U.S., and most important of all, perhaps, that Americans could predict and control events actually beyond all influence and even sometimes, understanding.

Much of this delusion, we are persuaded, has been brought under control with the Nixon Administration; at the same time, a disturbing legacy of deep popular suspicion remains. With events in Cambodia and Laos beginning to press new dilemmas on President Nixon, we are bothered to think that though he does seem to perceive the need to avoid delusion, he may not be paying as much attention to the problem of suspicion as it deserves.

Surely the suspicion that top level policymakers may not be in touch with the realities of the Indochina situation remains a powerful factor in popular attitudes towards the war. It is true, of course, that the President's initiation of the troop withdrawals last year and his later appeals to the silent majority had the effect of quieting much of the public criticism of the war. But this dramatic result should not be allowed to conceal the depth of the underlying mistrust.

The politically powerful misgivings over Washington's ability to extricate the U.S. from the war continues to be evident in, among other things, the extraordinary move of the Massachusetts legislature to challenge the Constutionality of the war. The suspicions are also reflected in public opinion polls which recently have shown an ominous shift towards immediate withdrawal, despite the seeming soundness and responsibility of the President's Vietnamization policy.

Indeed, if the course he has chosen has succeeded in winning him some support and a period of tranquility at home, Mr. Nixon remains highly vulnerable. He dare not let the public think he has rekindled a long-term U.S. commitment to defend South Vietnam—even if measures which create such an impression also seem in all rationality the only alternative to a Vietnam disaster. To do so would awaken the panicky suspicions that he has fallen, like his predecessor, into the old delusions.

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If that should happen again on a wide scale, the personal political price Mr. Nixon himself will pay may only be exceeded by the agonies which will befall an America already deeply troubled by a widespread sense of lost confidence in Government. This might well happen even if the decisions involved prove ultimately advantageous to the traditional policy goals in South Vietnam.

Typically, the current events in Indochina are ambiguous enough to feed a certain amount of optimism. Some analysts, for example, see a potential advantage to the U.S. in the rise of Cambodian generals more anti-Communist than Sihanouk; and the stepped-up North Vietnamese action in Laos, they say, may reflect a greater than expected success of the Vietnamization program in South Vietnam.

And yet, unfair as it may be, the present mood of the public and the nation's vulnerability to it means that the President simply is not as free as he once might have been to experiment with these changes or even to stand pat and wait for their possible benefits to develop.

Do those who have a voice in Vietnam policy fully understand this? Secretary of State Rogers' reported testimony to the Senate Foreign Relations Committee that the Administration plans to keep the lowest of profiles in Cambodia was a reassuring move. On the other hand, the President's explanation of our involvement in Laos had a less credible ring, and the suspicions were hardly eased by the later exposure of embarrassing errors in it.

Senator Fulbright, who has in the past been moved by displays of Administration candor, was not reassured enough by Secretary Rogers' secret testimony to cancel a speech fearful of disaster from continuation of the policy of Vietnamization. And though continuation of troop withdrawals at the present rate or better might end the suspicions once and for all, high level military men are reported pressing for a slowdown.

Right now, these may seem insubstantial reasons for worry. Yet, perhaps because we are touched by a bit of the Vietnam suspicions ourselves, we cannot ignore them easily. For we find it hard to escape the feeling that the President may soon face the still mercifully postponed choice between humiliating disaster abroad and new and surpassing domestic trauma. If he does not fully weigh the power of the popular suspicions in his thinking now, his capacity to handle that future agony is not comfortable to ponder.

DOES OIL OWN THE INTERIOR DEPARTMENT

Mr. PROXMIRE. Mr. President, Evans and Novak, the noted columnists, detailed in this morning's Washington Post the subservient role the Interior Department has played to the oil industry in regulating production from Federal offshore oil leases.

The Interior Department has, in effect, become an active participant in the oil industry's scheme to maintain high oil prices by insulating themselves from the law of supply and demand.

Despite the law which requires the Interior Department to control oil production from Federal oil leases, the Interior Department has not done so. It has abrogated its responsibility to the State of Louisiana which has market demand proration laws.

Market demand proration laws permit the oil companies to tell the States how much oil they will buy that month and then the State only allows that much oil to be produced. In effect, it permits the oil companies to set the price for oil at whatever level they chose because there is never any excess oil in the market to drive down the price. These laws effectively insulate the oil industry from any adverse effects that might result from competition.

There are approximately 500,000 barrels a day excess production on Federal offshore oil leases that cannot be produced because the Interior Department has sold out to the price-fixing scheme of the oil industry. This oil could be produced today if the wells were allowed to operate at their maximum efficient rate, rather than being artificially limited to protect the high domestic oil prices.

Because the oil industry has caved in to the oil industry pressures, the American taxpayers are not getting full value when these Federal oil leases are put up for bid. If the oil companies bidding on these leases knew they could produce oil from these leases at their maximum efficient rate rather than at the lower level permitted by market proration laws, they would bid more for these leases. These leases would be worth more to the oil companies because they could get a faster return on their capital investment.

The most important adverse effect, however, of allowing the oil industry's price-fixing scheme to apply to Federal oil leases is that it costs the American consumers billions of dollars more for oil and gas than it should. This sellout by the Interior Department has allowed the oil companies to just recently raise retail gasoline prices by 1 cent a gallon, which will cost the American consumers an additional $800 million a year. It is a highly inflationary price increase at a time when every Government agency ought to be doing everything it could to dampen the inflationary fires eating the foundations of our economy, but I guess this does not apply to the Interior Department's relations with the oil industry.

Now, rather than the oil import program in conjunction with these State market proration laws costing the American consumers $5 billion a year, the cost is about $6 billion a year. Why? Certainly not national security. That argument was put to rest by President Nixon's own Task Force on Oil Import Control and by Barry Shillito the Assistant Secretary of Defense who is in charge of making sure our Armed Forces have adequate oil supplies. The only answer is—the political power of the oil industry.

We, as elected representatives of the American people, not the oil industry, must take steps to curb the enormous power of the oil industry which is injuring our Nation's economic health.

I ask unanimous consent that the Evans and Novak article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Louisiana Allowed To Keep Oil Prices High by Production Limit on Federal Land

An internal memorandum given by the Interior Department to the Senate antitrust subcommittee proves that under a long-standing "tacit arrangement" the state of Louisiana itself limits crude oil production—that is, holds it down—in wholly owned federal offshore lands in the Gulf of Mexico.

Oil experts have long known that Louisiana and other states adjacent to the outer Continental Shelf—owned outright by U.S. taxpayers—play a major role in limiting oil production (thus creating artifically high prices) from the fantastically rich Continental Shelf.

But the Interior Department internal memorandum dated May 26, 1966 (sent last week to Sen. Philip Hart of Michigan, chairman of the antitrust subcommitee now investigating federal oil policies) spells out for the first time how pervasive that role is. It tells how federal oil-and-gas supervisors of the Interior Department are relegated to second-class status in regulating the mechanics of production on federal tidelands. The memo states:

> "The Louisiana (oil and gas) commissioner does not consult with the (federal) supervisor, is not required to do so under the present tacit arrangement, and the effect is that the supervisor at New Orleans has little or no control and is in effect placed in a subservient position in his relationship with the state."

The astonishing thing about this "subservient" status of the U.S. government is that the Outer Continental Shelf Lands Act of 1953, which conveyed title of the offshore lands to the federal government, was supposed to give Washington total regulatory control over production. During the debate on that highly controversial bill, former Sen. Price Daniel of Texas, no enemy of the oil industry flatly stated that "the federal government will set up its (own) system of allowables"—that is, levels of production.

At stake here are millions of dollars in profits from crude oil sold at an artifically high price by the simple mechanism of applying state-imposed production limits on state-controlled wells, called prorationing, to federally owned wells.

This policy of creating artificial scarcity of crude oil (which translates into higher prices for gasoline and oil at the local service station) was specifically noted in the report early this year by President Nixon's Cabinet task force on oil import control.

The majority of that commission, headed by Secretary of Labor George Shultz, argued persuasively for switching from the present import-quota system to a tariff system. The majority said that "substituting a tariff for the present quota should make clear the futility of attempting to maintain prices by restricting production."

In other words, with no quota barrier blocking imports, domestic producers would simply be inviting higher imports the more they restricted their own production.

Although the Shultz-led majority report was rejected by Mr. Nixon, it estimated that operating wells in offshore federal lands today have an "excess capacity" of at least 500,000 barrels a day—enough to reduce the price of gasoline and oil to hard-pressed consumers.

Moreover, the May 26, 1966, Interior Department memorandum leaves no doubt that production limits ordered by the states (Louisiana is the most important) are designed far more to maintain high prices of crude oil at the wellhead than for "conservation"—the high-sounding word used to justify production controls.

The memo, for example, states that in holding production down the states are "clearly concerned with monetary advantages"—which is not to be confused with advantages to the oil-and-gas buying consumer.

At issue here is a matter of fundamental politics, rising far above parochial interests of the Interior Department, which can only be resolved by the President. Lyndon Johnson, from the offshore oil state of Texas, did nothing despite the hard questions raised during his administration in the May, 1966, memorandum. Nor is there any indication that President Nixon, whose new constituency embraces the oil Southwest, will assert federal control in the interest of all the taxpayers.

But that may be shortsighted. With inflation a major political concern, a presidential decision ending arbitrary controls and requiring production of the 500,000 barrels a day of "excess capacity" in federally owned offshore lands could mean lower gasoline prices for every automotive owner in the nation. It would also end the offshore oil outrage and assert what the 1953 law intended—real U.S. control of oil production from wells owned not by giant oil companies but by all the people of the U.S.

USIA RESTRICTIONS ON FOREIGN BROADCASTERS

Mr. MURPHY. Mr. President, sometimes it would seem that the many freedoms that exist in America and are so often taken for granted by all of us are now being taken for granted by some foreign aliens in residence. I refer specificially to recent situations that exist between the USIA and foreign correspondents as reported in the April 6 Los Angeles Times.

Certain foreign broadcasters assigned to duty in the United States to report the news have criticized the U.S. Information Agency, whose facilities are made available to them at no cost, for censoring their films before they leave the United States.

This is an incredible situation, Mr. President. The USIA lets these foreign correspondents use their film equipment and technicians, maintained, I might point out at the taxpayer's expense. And now the correspondents who have the privilege to enjoy all of America's freedoms begin to criticize the USIA because they cannot film anti-American propaganda. These foreign "news" casters can, however, always film anti-American interviews when paying for private facilities. But why should the American taxpayers have to pay for the facilities for these particular foreign correspondents to use to depict America in an unfair and untrue reflection.

It is a shocking state of affairs when the United States should be expected to foot the bill for unobjective, anti-American propaganda. I am afraid that our foreign friends, these correspondents, have begun to overextend themselves as far as American freedoms are concerned and have lost sight of the fact that in no other country in the world could they expect to take such liberties in their news reporting.

I ask unanimous consent that the full article first appearing in the Chicago Daily News and reprinted in the Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN BROADCASTERS HIT USIA RESTRICTIONS—MANY USING FACILITIES OF GOVERNMENT SEE TIGHTER RESTRICTIONS UNDER NIXON REGIME

WASHINGTON.—Foreign broadcasters assigned to this country charge the U.S. Information Agency—which provides them with studio facilities—monitors and sometimes censors their work.

Most of the correspondents interviewed said the restrictions on their operations have been tightened under the Nixon Administration.

A USIA spokesman defended the agency's right to protect the country from distortions, but denied its policies amounted to censorship.

The most recent complaint was made to the USIA by Klaus Hendricks, a correspondent for the Dutch radio and television network, AVRO.

Like a number of foreign broadcasters with small budgets, Hendricks has been permitted the use of the USIA studio and technical facilities in downtown Washington, free of charge, to produce features, documents, interview shows and commentaries.

If the correspondents were to hire cameramen or rent a network studio, the costs would range from several hundred dollars to more than $1,000 a day.

VERBAL AGREEMENT

So, under a verbal, informal agreement with the correspondents, the USIA provides free facilities, partly as a courtesy and because some other countries do the same for American correspondents. Some of the foreign broadcasters also suspect it is a way in which the USIA can keep an eye on what is being said about America.

Hendricks has been doing a documentary on Ellis Island, which before it was closed was the reception center for thousands of immigrants who came to this country in the 19th and early 20th centuries. It was also a detention center for aliens who could not gain entrance and who were deported.

Hendricks got his film segments for his show from the National Broadcasting Co. which produced a program on Ellis Island when it was closed a year or so ago. NBC got much of its film from the Library of Congress.

DEPORTATION SCENE

Henricks said he took his film to the USIA studio to dub in his narration, and agency officials watching it balked at one segment which showed police rounding up aliens for deportation during the "Red scare" in the country following the Soviet revolution in 1917.

"There were 72 feet which showed a deportation scene," said Hendricks. "There was no sound, but it showed police coming to get people in their houses, and taking them to Ellis Island. Then it showed the aliens leaving, while smoke was coming from the mouth of the Statute of Liberty."

Hendricks said USIA officials refused to assist him in making the film unless he deleted the segment. Hendricks refused and appealed to Sidney Fine, in charge of USIA's Western Europe operations.

DOCUMENTATION ASKED

Hendricks said he explained the film segment came from the Library of Congress and had already been shown by NBC. He said he intended to say, in his narration, that despite the hope that Ellis Island meant for most, it had also been used for political deportations.

"Fine said it was unduly critical of America and the Communists would take advantage," Hendricks said. "He also told me it would not help relations between the United States and Holland."

Hendricks said Fine demanded documentation of the deportations, including the names of people deported. And he suggested that because it happened 60 years ago, it was irrelevant anyway, Hendricks said.

"I told him it was part of history and for that matter he could object to stories on slavery or the Indians." Hendricks said. "He said he would object to such stories."

Hendricks said he understood that under the verbal agreement with the USIA, foreign broadcasters were not to use tax-supported studios to attack the United States.

"If we do something particularly controversial, like an interview with a radical who is an enemy of the government, we do not use the USIA studios," Hendricks said.

"But their objection to the film of Ellis Island is going to far," he added. "I've decided to do the film anyhow and pay for private facilities. I have worked in East Germany and Hungary and did a lot of documentary stuff using government facilities and there was no problem."

Fine referred questions to Eugene Rosenfeld, a USIA public information officer.

"We know more about Ellis Island than Hendricks does," Rosenfeld said. "He exaggerated the number of people who were deported. What his film did wasn't really part of the spirit of this agreement.

"This is a government facility. Why should we be our own executioner? His film goes out, finishes on the scene of police rounding up and knocking around a bunch of Wobblies."

The "Wobblies," were members of the International Workingmen of the World (IWW), a radical left movement around the turn of the century.

CENSORING DENIED

Rosenfeld said the USIA did not censor Hendricks because he "has a perfect right to get his film done elsewhere. There was no attempt to censor; we simply wouldn't do it."

Pasi Rutanen, correspondent for the Finnish television network, who has been using the USIA facilities for more than three years, said he has heard from colleagues of other attempts to prevent programs critical of the United States.

Recently, he said, a correspondent's attempt to do an interview show was refused because the agency did not like the guest. Rutanen did not recall who the guest was.

"There are indications it is getting tough," Rutanen said. "They are taking a second look at the people using the facilities and they make tapes and transcripts of the shows. I don't have any proof, but I have the feeling after talking to people at the agency—especially the technical people—that if we talk too freely, if we are too critical, we will not be able to use the studio."

WARNING ON BIAS

Goran Byttner, a Swedish broadcaster, said he was told by USIA officials last March "if I am too biased, I must count on difficulties finding studio facilities. It was a very elegant way of putting it. I have had no trouble, but then I do not use the USIA facilities for documentaries. It is all right with me if they want to read what I saw. I worked in Eastern Europe and they did the same thing there.

"I can understand that Congress could cause trouble for the USIA if we use government facilities and we are hostile. If I paid for the facilities, it would be a different matter."

Peter Pagmamenta, of the British Broadcasting Corp., said it is understood and agreed to by correspondents that the USIA facilities should not be used unless "it is in the interest of the United States."

"Other countries are not as generous in making studios available," he said.

Willebrord Nieuwenhuis, another Dutch correspondent, has used the USIA sudios for four years.

"I accepted the gentleman's agreement that we should not use the studios to embarrass the United States. Obviously the bureaucrats are frightened, and I can understand this. They once asked me to cut out some segments of a film I was doing on American ghettos, because they showed a bare-breasted woman.

"Over the last year, they have become more frightened than ever," he added.

DEPARTMENT OF JUSTICE BAIL STUDY REFUTES NEED FOR PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, I am pleased that the Law Enforcement Assistance Administration of the Department of Justice has released its study on bail reform and the operation of Washington's criminal courts. This study was commissioned by the Department of Justice many months ago, after the Department had proposed its preventive detention legislation. The study promises to be the first thorough statistical analysis of the operation of the criminal courts of Washington. It should be extremely helpful to the Congress in evaluating the pleas of necessity which have been presented on behalf of preventive detention.

It also promises to provide much needed information on the weaknesses which exist in the criminal court system. I have always been confident that a thorough and objective examination of Washington's criminal courts will show that preventive detention is not the answer to the crisis which now faces criminal law enforcement. Whether this is such an objective and thorough study and whether it lives up to its promises only a close reading will disclose.

It is to the credit of the Law Enforcement Assistance Administration that it continued the study until completion and then released it, despite the fact that it proves to be very damaging to the Department of Justice's case for preventive detention.

I regret that before this study was released the Department tried to slip its preventive detention proposal through Congress by hiding it under a misleading title of the District of Columbia Crime Bill. This extraordinary approach toward the legislative process suggests to me that the Department had advance warning that its own study would not support the claims it has made on behalf of preventive detention.

Having failed to slip preventive detention through Congress before the study was released, the Department has now put itself into the strange posture of attacking its own study even before it has had a chance to read it. There can be no other explanation for the most peculiar press statement the Department hurriedly issued along with the report. It is a relatively short statement, but it reminds me of the old North Carolina saying, "Figures sure don't lie, but the reverse isn't always true."

Just one example of the peculiar logic of the Department's "analysis" of its report should suffice. The study found that the overall re-arrest rate of persons released on bail was 11 percent. After some mumbo-jumbo, the Department then transforms this into a recidivist rate of 40 percent. It then attempts to multiply this figure by claiming that arrests are made in only 29 percent of reported cases, and that only half of all crimes are reported. If one multiplies as the Department suggests, we get a re-arrest rate of about 250 percent—in other words, 250 percent of persons arrested are rearrested before trial.

This is the sort of nonsense the Department's own study warned against at the very start of the report—

> The reader is particularly cautioned against a casual use of the averages reported in this executive summary, since the richness of the narrative supporting material in the court records and the judgmental decisions of persons in the administration of justice require an interpretive summary to accompany each result. The reader is urged to probe deeply in the body of the report to assure proper interpretation and use of the numerical results presented here.

The Department's attempt to twist the report to its own ends is based on the illogical argument that because more crimes are committed than the police know about, and because not all crimes we know about result in arrests, therefore the people who are arrested must be committing six times as many crimes as the records show.

The Department is not satisfied with an unconstitutional preventive detention bill which imprisons persons without trial for crimes they might commit in the future. The Department now tries to justify its bill by saying, in effect, that we should imprison persons without trial to prevent other people from committing crimes in the future we do not even know about.

The reason why the Department is vainly trying to discredit its own study is clear. The Department recognizes that an objective, nonpolitical analysis of the need for preventive detention is extremely dangerous to the future of its legislation. Even a first reading of the report demonstrates this.

The study shows that, overall, 17 percent of all persons charged with a felony and released on bail are rearrested, but only 7 percent are rearrested for a second felony. When these persons are considered according to the distinctions of "violent-nonviolent" crimes made by the Department of Justice preventive detention bill, only 5 percent of those originally charged with a violent crime are rearrested for another violent crime. In the "dangerous-nondangerous" category, another artificial class created by the Department of Justice bill, only 5 percent of those originally charged with a dangerous crime are rearrested for a second dangerous offense.

It must be stressed that these figures are for arrest only, and arrest is not the equivalent of a determination of guilt. It is only a determination by the police that there is probable cause to arrest. The conviction rate for persons accused of robbery and detained before trial—and this is the most favorable rate for the administration's purposes—is 66⅔ percent. Applying that conviction rate against the rearrest figures, we get true recidivism rates of 6 percent for all felonies, less than 4 percent for "violent" crimes, and less than 4 percent for "dangerous" crimes.

In practical terms, this means that under the Department's preventive detention scheme, a judge will have to find the one person out of every 16 who will recommit a felony, the one person out of every 25 who will commit a second so-called violent crime, and the one person out of every 25 who will commit a second so-called dangerous crime. I have no confidence that a mere mortal judge can perform such a feat of prophecy.

It is also significant that the Department of Justice, while apologizing for the results of its study, fails to recognize one of its most meaningful conclusions. The study clearly shows that speedy trial alone would eliminate almost completely the small number of crimes committed by persons on bail. The study proves conclusively that our task is not to enact an unconstitutional and unwise preventive detention law, but to insure that the constitutionally guaranteed right of speedy trial for all criminal suspects becomes a reality.

The frantic attempt by the Department of Justice first to sidestep its own study, and now to disavow it, demonstrates beyond cavil that only the political benefits of the "law and order" slogan can justify this fundamental negation of America's constitutional traditions. I hope that no citizen or Member of Congress, whatever his party, will be misled by these tactics.

Mr. President, the entire report is far too lengthy to reprint in the CONGRES-

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sional Record, but there is an "Executive Summary" which will be helpful to Members of the Senate. I ask unanimous consent that it be printed in the Record in full at this point, but I would like to add the admonition that the full import of these findings can only be understood after a careful reading of the underlying data and analysis contained in the full text.

There being no objection, the executive summary was ordered to be printed in the Record, as follows:

Executive Summary

Several prior studies of criminal activity during pre-trial release have developed figures ranging from 7.0 percent reindictments for persons indicted on felony charges to 70 percent rearrests of persons charged with robbery. Subjective judgments have been offered in support of the high end of the range. This study was charged with discovering what a thorough analysis of all written court records would disclose. Raw data relating to 712 defendants in the District of Columbia Criminal Justice System in a sample period in 1968 were collected, evaluated, and analyzed. From this sample, 11.7 percent of the defendants who were released were subsequently rearrested on a second charge while on pre-trial release.

The Criminal Justice System is a highly structured and complicated one, in which judgment plays a dominant role. The description in Chapter III of procedures and problems of collecting data may be of particular interest to those about to begin analysis in the System. For those who wish to consider the extent to which data might be analyzed in relation to dangerousness, Chapter IV offers what should be a useful introduction. Prediction devices developed by others and described in Chapter III offer insight into the problems of prediction, but these devices offer little hope in the near future for a practical tool for the prediction. Some of the data and our analyses, the meat of the report are in Chapter VII.

These data from the District of Columbia, were for weeks 1, 7, 22, and 24 in calendar year 1968. The first half of 1968 was chosen as the latest period available for which all or nearly all of the court cases would be completed. The District of Columbia was chosen because it was an integrated court system under Federal jurisdiction, it had been applying the Bail Reform Act of 1966 extensively (compared with other jurisdictions), and it was convenient to the analytical staff.

Use of the data in this report for deliberations in pre-trial release must be tempered by its limitations. In the District of Columbia, there were an average of 5600 criminal offenses per month reported and 1600 arrests. Many crimes are being committed for which criminals are not apprehended and brought into the courts. A number of persons on pre-trial release are undoubtedly among them. There are no sound data from which to determine how many are in this group.

Our data are based upon a variety of sources in the Criminal Justice System, namely, D.C. police, U.S. Attorney (prosecutor), courts, bail agency, and the jail. The data collection form that was developed essentially follows the flow of a case through the court system, from first action by the prosecutor to sentencing.

In the selected four weeks, 910 defendants were listed on the rolls of cases; analysis showed that only 712 of those defendants were actually charged with felony or misdemeanor offenses for initial arrests during those four weeks. Of those defendants, 401 were released prior to trial, and 47 of those persons were subsequently rearrested on a second charge or charges (11.7%). For purposes of this report, people on pre-trial release who are *rearrested* are called *recidivists*.

Extensive data were collected on each of these defendants and cases; some 50,000 items of information were placed in the memory of a time-shared computer system. These data provide a basis for analysis of factors related to different facets of the pre-trial release question.

Analyses were conducted to find correlations between a variety of socio-economic factors and the offenses. Also analyses were made for subclasses of criminal activity categorized according to the FBI classification system and of felony-misdemeanor interactions. Robberies in the sample were analyzed in even greater detail. A recidivist rate was developed based on number of rearrests per unit of time defendants were on pre-bail release.

Some of the more significant relationships discovered follow. The reader must be aware that the results quoted in the following paragraphs are for a *limited* data base collected in the first half of 1968. These results *may not* be representative of the current situation or even of the 1968 time period.

1. In this sample of 712 defendants, we were able to trace thoroughly 401 who received some form of pre-trial release.

2. Of these 401 persons on pre-trial release (extended to include pre-sentence and pre-appeal releases), 47 were rearrested giving a recidivist rate of 11.7 percent.

3. Almost two percent, (13) of the 712 defendants, entered the system twice in separate incidents during sample weeks. Of these 13, only 2 were on pre-trial release at the time of their second involvement.

4. At presentment or initial hearing (initial pre-trial release determination), the sample contained 217 felony defendants, 437 misdemeanor defendants, and 58 defendants who were "no papered" or otherwise disposed of before presentment. A total of 654 were eligible for pre-trial release consideration.

5. For the 217 felony defendants eligible, our records indicate that the following kind of releases were initially set: 52 percent on money bond, 10 percent on personal bond, 23 percent on personal recognizance, and 15 percent unknown or denied (there were 13 homicide felony defendants who could be detained as capital offenses).

6. For the 126 felony defendants actually released, 26 percent were on money bond, 18 percent on personal bond, 54 percent on personal recognizance, and 2 percent unknown.

7. Comparisons were made to show differences between felony defendants and two categories of felony defendants in proposed legislation: (1) dangerous—including robbery, burglary, arson, rape, and narcotics, and (2) violent—including all dangerous plus homicide, kidnapping, and assault with dangerous weapons. Of the felony defendants (126) released prior to trial, 68 percent were in the violent category, 41 percent in the dangerous category.

8. Twenty percent of the 126 felony defendants, 21 percent of the 86 violent defendants, and 33 percent of the 52 dangerous defendants were rearrested while in pre-trial release.

9. Felony defendants were rearrested for misdemeanors (7%) about as often as for felonies (7%); whereas misdemeanants were arrested for misdemeanors about four times (7%) as often as for felonies (2%). Violent offenders were rearrested twice as often for nonviolent offenses (10%) as for violent offenses (5%). Dangerous offenders were arrested for nondangerous offenses almost 2½ times (15%) more frequently than for dangerous offenses (5%).

PERSONAL CHARACTERISTICS

10. For the sample, representative averages of personal factors analyzed were: age—25.3 years; education level—10.4 years; years resident of community—18; percent employed—56; living with parents or relatives—60 percent; and defendants indicating they had previous record—38 percent.

11. No single personal characteristic appeared as an outstanding indicator of recidivism although felony defendants (excluding those charged with robbery) were older.

RECIDIVIST INDEX

12. A recidivist index was developed for the sample, indicating approximately one rearrest for every 1,000 days a defendant is on pre-trial release.

13. Although our data are limited, the recidivist index showed (1) an increased propensity to be rearrested where the release period extends more than 280 days; (2) an increased propensity of persons classified as dangerous under the proposed legislation to be arrested in the period from twenty-four to 8 weeks prior to trial; and (3), a somewhat larger propensity to be rearrested while awaiting sentence or appeal after trial.

The reader is particularly cautioned against a casual use of the averages reported in this executive summary, since the richness of the narrative supporting material in the court records and the judgmental decisions of persons in the administration of justice require an interpretive summary to accompany each result. The reader is urged to probe deeply in the body of the report to assure proper interpretation and use of the numerical results presented here.

For illustration: One can deduce from statements 6, 7, and 8 in the above summary that if the "dangerous" criterion (as defined in this report) has been fully applied to the sample defendants, then 52 fewer releases and 17 fewer recidivists would have resulted. Thus, the total number of recidivists would have been reduced by one-third (47 decreased to 30), a significant reduction. Yet because *recidivism* in this study denotes *rearrest* only—a released defendant as a suspect for a later crime—the above analysis does not provide direct information on the number of fewer crimes that would actually have been committed or fewer convictions resulted.

The data collected cannot alone solve all of the difficult policy questions which must be resolved. We hope the data and methods presented in this report are useful in resolving the issues. Additional questions can be asked of the data, and other hypotheses tested—a full tabulation of many additional combinations within the time frame and resources available was not feasible.

THE DISTRICT OF COLUMBIA CRIME BILL

Mr. BROOKE. Mr. President, the District of Columbia crime bill, S. 2601, which passed the House and the Senate, is now on its way to a conference committee. There has been much discussion on certain sections of the bill. It passed the Senate by a voice vote without much opportunity for careful scrutiny. Certain provisions raise grave constitutional questions, which William Raspberry's column of April 5, 1970, points out. His column entitled "District of Columbia Crime Bill Is a Can of Worms," pays tribute to the Senator from North Carolina (Mr. Ervin) for his careful legal analysis of various provisions of the bill.

I ask unanimous consent to have Mr. Raspberry's column of April 5, 1970, printed in the Record.

I hope the conference committee will review the bill with these criticisms in mind.

There being no objection, the article

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was ordered to be printed in the Record, as follows:

District of Columbia Crime Bill Is a Can of Worms

(By William Raspberry)

District of Columbia residents owe a very large debt of gratitude to North Carolina's Sen. Sam Ervin for exposing the D.C. crime bill for what it is: "An affront to constitutional principles and to the intelligence of the people of the United States."

It is an affront because, under the guise of a war on crime, it seeks to foist off on District residents some of the most repressive legislation devised since Hitler came up with no-knock searches and preventive detention.

But it is also an affront because of the incredibly underhanded way its sponsors have attempted to push it through.

Predictably enough, not many members of Congress have read all 439 pages of the bill. But those who know what the bill contains, because they wrote it, have been less than candid in describing its provisions.

Only recently, for example, was it generally known that the bill includes a provision that a citizen who sues a policeman for false arrest must pay the accused officer's lawyer, even if the citizen wins the case; or that a person convicted for the third time of tampering with a gum ball machine would face a mandatory life sentence.

In the name of crime fighting, Sen. Ervin has pointed out, the bill represents a number of steps "back into the dark ages."

One instance: "When a juvenile is before the Juvenile Court, the burden of inquiring into the suitability of the child for rehabilitation now properly rests squarely on the Court and the administrative machinery it has made available for that purpose.

"However, without justification, the bill would shift that burden to the child. How a child of 15 can be expected to prove that he can be rehabilitated is beyond understanding."

Almost as offensive as what the bill contains is the way its backers have tried to sneak it through.

Obviously, as Sen. Ervin points out, few legislators are likely to wade through all 439 pages of the bill. The more probable approach is to scan the index for the most controversial proposals.

One searches the index in vain for "Preventive Detention," however. That highly controversial segment travels incognito under the name "Codification of Title 23."

The suspicion is that someone wasn't eager to have the question of preventive detention debated, a suspicion that is heightened by efforts to have a preventive detention law enacted before all the facts are in.

The Justice Department commissioned a study by the National Bureau of Standards and the Law Enforcement Assistance Administration to determine how much aid, therefore, the degree to which preventive detention is needed. The results of that study, due March 31, probably will be released in a few days.

But despite the fact that the Justice Department ordered the study in the first place, it chose not to wait for its results before launching a major push for enactment of preventive detention legislation.

Other serious questions have been raised by the Washington Area Economic and Civic Organization (WAECO), an interracial group that has been exploring local issues.

WAECO wonders, for instance, why Associate Deputy Attorney General Donald Santarelli was the only witness called to testify on preventive detention. (And even Santarelli avoided the obvious constitutional questions).

Why, asks WAECO, was no judge, no pokesman for the American Bar Association, no constitutional lawyer called to comment on such problems as these:

Any defendant who wishes to avoid pretrial detention will need to testify in his own behalf. But the bill provides that his testimony may be used against him later.

A pretrial "verdict" of probable guilt—a prerequisite for preventive detention—will almost certainly prejudice a jury when the defendant comes to trial.

But if preventive detention is the most widely discussed segment of the bill, it is by no means the only troublesome one.

Wiretap authority would be expanded to the point where, Ervin insists, "the police could bug confessionals to listen in to the priest and the penitent."

Mandatory sentences would deprive a judge of the discretion so vital to the ideal of fitting punishment to crime.

A juvenile suspect waived to adult court could never be tried thereafter in a Juvenile Court, no matter what his age or the charge against him—no matter even if he were found innocent of the charge on which he was waived.

These and other problems with the bill give credence to Sen. Ervin's characterization of it as "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented with."

One hopes the hearings will be sufficiently candid and open that members of the Senate will at least know the contents of the garbage pail.

TWO OUTSTANDING ARKANSAS POETS

Mr. FULBRIGHT. Mr . President, in recent weeks two outstanding Arkansas poets, both internationally recognized, have died.

On February 19, Edsel Ford, who had won numerous poetry awards and whose poetry had been published in hundreds of publications, died in Little Rock.

March 26, Rosa Zagnoni Marinoni, Arkansas' poet laureate, died in Fayetteville. My family and Mrs. Marinoni were friends for 50 years. She was a beautiful and gifted woman who contributed much to lift the spirit of her fellow men.

Among the poems published by Mr. Ford was a volume entitled "Return to Pea Ridge." He grew up on a farm just across Little Sugar Creek from the Pea Ridge National Military Park in Arkansas. His poem entitled "Return to Pea Ridge" appears on a plaque at Pea Ridge National Park Visitors Center:

Return to Pea Ridge

Spirits remembered are not spirits dead . . .
Now in this peaceful place I pause to name
Each man who fell unknown, each man who bled
His way to glory. Theirs was not the blame,
But, driven by some inner source of pride,
Each must have known while dying in this lea
His sacrifice would somehow fit the wide
And widening pattern of a destiny.
How cold that other March time must have been!
How bleak those wooded fields in the attack!
I stand now where a thousand nameless men
Laid down their lives in war, and, looking back,
I know I must remember—I must give
A name to every one, that he may live.

One of Mrs. Marinoni's last poems was written after Mr. Ford's death and in his memory:

February 23d

The sky was weeping.
The whole world was gray.
Beneath a canopy on an Ozark hill
A crowd of mourners formed a dark mass,
Fringed by black silhouettes.
The silver casket, draped with yellow roses,
Seemed to glow.
Some distance away,
A robin pecked the withered grass
Where a bright crocus jutted.

They said a poet had died . . .
But in the wind that tore the last brown leaves
From winter trees,
I heard his clear voice sing;
And well I knew the poet still lived
Within the hearts of those who heard his song
And felt the vibrant clasp of his strong hands.

The death of these two notable Arkansans is a considerable loss, but they leave a treasury of fine poetry which will live for many years.

Mr. President, I ask unanimous consent to have printed in the Record an article about Mrs. Marinoni, published in the Arkansas Democrat, and an editorial, published in the Northwest Arkansas Times.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the Arkansas Democrat Mar. 27, 1970]

Mrs. Rosa Marinoni, Well-Known Writer and Poet Laureate

Fayetteville—Mrs. Rosa Zagnoni Marinoni, a writer of international stature and Arkansas' poet laureate since 1953, died at age 82 Thursday at her home here.

The author of 12 volumes of poetry and more than 1,000 short stories, Mrs. Marinoni was probably Arkansas' most prolific writer, and according to several literary authorities, she was among the best.

Mrs. Marinoni was a frequent contributor to newspapers and periodicals across the country, and many of her works have been translated for foreign publication.

The Arkansas Democrat recently published one of her works regarding the death of her understudy and friend, Edsel Ford, and the North Little Rock Times published one of her poems the day of her death.

DIED IN HER SLEEP

Relatives said Mrs. Marinoni apparently died in her sleep. She was found Thursday morning in the Italian-style home she called "Villa Rosa," two blocks from the University of Arkansas campus.

It was the home she shared with her husband, Antonio Marinoni, until his death in 1944, and with her second husband, L. A. Passarelli, until he died.

She married Mr. Marinoni shortly before he became the first head of the Romantic Language Department at UA. Her second husband worked in the same department at the university.

Mrs. Marinoni was born Jan. 5, 1888, in Balogna, Italy, and came to the United States with her family 10 years later. Her father was a newspaper correspondent sent by three European newspapers to cover the Spanish American War.

NO FORMAL STUDY

Mrs. Marinoni never formally studied English. The simple and fluent language that characterized her verse was mastered through observation and practice.

Ercil F. Brown of North Little Rock, who edits the "Latchstrings" column in the North Little Rock Times, said "there is no ques-

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tion" that she was the best poet ever published in the column.

Mrs. Marinoni led the drive to have Oct. 15 declared "National Poetry Day" in Arkansas.

The movement was carried a step further in 1969 when the state House approved a resolution making Oct. 15 of each year "Rosa Zagnoni Marinoni Day" as well.

The resolution said that Mrs. Marinoni was "poet laureate in the hearts of untold thousands in this great state and in the world."

POETRY FOLLOWED RULES

Brown said that Mrs. Marinoni's poetry was usually structured, and "followed the rules."

He added that her greatness was that "she could write for anybody—the lowly or the mighty."

Mrs. Marinoni was a close fried of Edsel Ford, who died Feb. 19 in Little Rock. Ford was another poet of international recognition and he had been a protege of Mrs. Marinoni.

OTHER POSITIONS

Besides her position as poet laureate of Arkansas, Mrs. Marinoni was poet laureate of the Ozarks and of the Arkansas Federation of Women's Clubs. She was founder of the Northwest Arkansas branch of American Penwomen and the University-City Poetry Club.

Surviving are a son, Paul A. Marinoni Sr. of Fayetteville; a daughter, Mrs. Maria Melton of Faytteville, eight grandchildren and six great-grandchildren.

Funeral will be Monday morning at St. Joseph's Catholic Church in Fayetteville.

[From the Fayetteville (Ark.) Northwest Arkansas Times]

ROSA

Rosa Zagnoni Marinoni, grande dame of Arkansas letters and the state's poet laureate since 1953, died at her home—Villa Rosa, just a few steps east of the University campus—this week.

We're not apt to see her like again.

Mrs. Marinoni's energies, guile, charm, talent and enormous sense of human dignity helped make her a woman of extraordinary accomplishment. She was a teacher, a businesswoman, an artist, a poet, a writer, a speaker, an administrator, a guide on foreign tours, a suffragette, a patron and a matriarch. She was also an accomplished connoisseur of life.

Few, indeed, are those whose sense of purpose and strength of character enable them to overpower the eccentricities and whims of fate that would alter their chosen course or change their life design. Rosa was one who would frown at fate and make it a better world. She leaves behind an impressive list of contributions to her friends and her community. She is author of a dozen books and hundreds upon hundreds of poems and stories; she founded the University Poetry Club; she has helped and encouraged countless young writers and artists, and she has given generously of her time on behalf of the humanities.

Rosa also showed by ample demonstration that a sense of culture and a grace of living can be, and should be, part of life in these hills of our home. That, surely, is one of her finest legacies. Arkansas and the Ozarks are better places for having had her as a friend.

SUPPORT OF S. 952, OMNIBUS JUDGESHIP BILL, SENATE VERSION

Mr. TOWER. Mr. President, I wish to draw attention today to the pending conference action on S. 952, the omnibus judgeship bill. The tremendous growth of the State of Texas in all areas since the last judgeships were created is only part of the need for passing the Senate version of this legislation. Our State has added literally millions of people to its population in the last few years. Furthermore, the incidence of court action has far outstripped the population growth. New judgeships in Texas and around the Nation are urgently needed.

As an example, I will cite the figures from the northern district of Texas, a district which is fairly representative of the rest of the State. Since 1961, when the last judgeship was added in the northern district, the population of this district has increased over 500,000, to around 5 million, and is increasing at the present rate of about 70,000 yearly. The district covers more than 95,000 square miles and is divided into seven divisions. The area is served by only five judges. The caseload increase since 1961 has been over 50 percent. Citing 1960 and 1969 figures, this breaks down as follows: civil cases from 739 to 1,261; bankruptcy cases from 212 to 583; and criminal cases from 396 to 553. These figures do not include nondocketed prisoner petitions. There are currently pending in the area 440 civil cases involving multiple parties, 91 cases for injunctive relief, 45 patent, trademark, and copyright cases, 30 common disaster cases, 57 criminal cases, 84 multiple issue mail fraud, conspiracy, fraudulent claims cases, and 56 other type cases.

Mr. President, the situation is similar in nearly every other section of Texas. These figures show that we must have the extra judgeships that were provided in the Senate version of S. 952. The Federal judiciary likes to pride itself on efficiency of operations with its streamlined, simple set of rules, and the method of case assignment. If we are to continue to maintain that efficiency, and it is the primary responsibility of the Congress that we do so, we must provide the additional judgeships to assure that the judiciary keeps pace.

I urge the Senate conferees to push for quick resolution of the differences in the House and Senate bills, but to remain resolute in their support of the number of judgeships approved by the Senate. There is a strong argument that can be made for an increase even above the Senate level the number of additional Federal judgeships. The agreed-upon figure was a compromise one. There should be no further compromise on this subject. I hope that we can secure the necessary number of judgeships at the earliest possible date.

PLUMBERS SIGN AGREEMENTS FOR INDUSTRIALIZED HOUSING—REMARKS OF PETER T. SCHOEMANN

Mr. PROXMIRE. Mr. President, at the 15th National Legislative Conference of the AFL–CIO Building and Construction Trades Conference here in Washington last month, the general president of the United Association of Plumbers and Pipe Fitters, Peter T. Schoemann discussed some of the key problems in housing construction.

He announced that first agreements had been signed with companies who are constructing housing and plumbing in factories. Work will be performed within the factories by members of the United Association.

If others follow his lead, a real revolution can take place in the industry. Prefabricated housing was 30 percent of the single family units built last year. Some believe that half of all housing will be factory built by 1975, exclusive of mobile homes.

I think it is quite clear from President Schoemann's remarks that he and United Association not only understand the possibilities of such a change in construction methods but that they have taken constructive action and are an integral part in the movement to increase the quantity of housing construction.

One of the oldest myths about housing construction in this country is that the pitifully bad performance in meeting our housing needs is due in substantial degree to the restrictions of the craft unions. This is an old canard which is used as an excuse and a shibboleth by those in the industry and in Government housing agencies to justify their bad record of performance.

The facts are that while the construction trades are involved in the building of central city office buildings and commercial establishments, they have been only marginally involved in housing construction. The best estimates are that about 80 percent of the housing units in this country are built by nonunion labor.

Second, in case after case where large-scale building under union auspices is involved, "project agreements" which provide for the use of new materials and methods have been negotiated.

Third, vast numbers of alleged restrictions have really been restrictions by producers rather than the unions. Plastic pipe in plumbing is one example. Although the unions are not perfect, they have been criticized for many restrictions which are either mythical or where producers of specific products are the key groups pressing for restrictions.

Fourth, the really major problems which plague housing production are directly the fault of the Federal Reserve System, the policies of the Treasury Department, and the acts of some of the key financial institutions in the economy whose restrictions on credit, whose restraint over the money supply, and the institution of policies which foster higher and higher interest rates have brought a disastrous condition to the housing industry.

This country needs at least 2.25 million new housing units a year. We are now starting about 1.3 million a year, or at least 1 million less than we need.

The greatest housing needs are for low- and moderate-income groups. But it is now true that half of the families in this country cannot afford to buy a new house. They are priced out of the market. That is the tragic state of affairs.

It is possible that if the cost of money can be held within bounds, we can meet our housing needs. It is possible that industrialized housing, properly used, can help meet the problem.

Mr. Schoemann and the agreements he and his union have negotiated with

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industrialized builders of housing certainly point the way.

I ask unanimous consent that the text of Mr. Schoemann's speech be printed in the Record. I hope it will be widely read by those who have assigned the wrong reasons for the lack of housing construction in this country.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address of General President Peter T. Schoemann

This afternoon I want to discuss with you two of the most critical and perplexing problems that face America as we begin this new decade.

These problems are the acute and increasing shortage of two of the basic needs of the people of our great country—jobs and houses. Both of these shortages are complicated by the problems of race relations and economic opportunities for members of minority groups. And these shortages directly affect the interests and aims of the United Association and the welfare of our members and their local unions.

The general officers of the United Association—Martin J. Ward, the Assistant General President, General Secretary-Treasurer William T. Dodd, and myself as your General President—have been very concerned with these problems. We have devoted much of our time and energy over the past months to seeking new answers, charting new directions—and redirections—to meet the challenges they present.

I want to bring you up-to-date on what we have been doing to provide leadership to solve these problems within the framework of our free society. And I want to call upon each of you to work with all your general officers so that we can jointly meet the responsibilities of the United Association in these areas.

Let me say that all of us in this room are in the labor movement because we believe that it offers us the best opportunity to make a contribution to building a better society. Because we believe it is the way to give our citizens a greater measure of security and dignity to which they are entitled. We believe that the strong must help the weak become strong, so that together we can build the kind of America that we all want.

We must never forget that the basic values that we cherish cannot be divided up so that some of us have them and others do not. We cannot have progress for our members, unless all Americans share the ability to advance.

One of the most important, unfinished jobs on the agenda of the American labor movement is the problem of providing decent houses for all of our citizens. This is especially a problem which concerns the unions in the bulding and construction trades—and the United Association is in the forefront of these organizations.

For more than a generation adequate housing has been America's greatest unmet need. In the depth of the great depression, President Franklin Delano Roosevelt called attention to the plight of the one-third of our nation that was "ill-housed, ill-clothed, and ill-fed."

Today, in the midst of undreamed-of wealth, the scandal continues. The goal of a "decent home and suitable environment for every American family," promised by Congress in 1949, seems to be slipping ever farther from our grasp.

On a per capita basis, we are building less housing today than we were in 1925, and almost one out of every two American families is priced out of the new housing market.

For too many families today, sunlight and air are a luxury. Too many children share their overcrowded quarters with rats and vermin. Too many substandard residences are the homes of the dropouts, the left-behinds, the left-outs, the poverty-stricken, the minorities. Too many homes are the breeding ground for crime. Too many neighborhoods are ready to explode in violence and riot.

I could go on and on about the housing problem. But I can also sum it up in a word: the housing industry is sick. Traditionally, it has been a leading contributor to the social and economic health of our nation. Today its sickness weakens our entire national economy.

Month after month after month, we read about a decline in the number of housing starts. If the rate in January continued throughout 1970, we would build less than a million, two-hundred thousand houses this year. The government has set our minimum needs at an average of 2.6 million units a year. We are building less than half of the nations' bedrock housing needs.

New starts may soon fall below an annual rate of one million. If this happens, the country will start losing shelter units. Every old house that is torn down will cause a net shrinkage in the amount of housing available.

And prospects for the future remains dim. Ten years from now—at the end of the seventies—44 million more Americans will need roofs over their heads.

Our housing sickness stems from two sources: First, the nation is not building the homes we need.

Second, low and middle-income families cannot purchase homes under the exorbitant financing rates now in effect. Today's high interest rates make it necessary to pay more for financing than for the home itself. The government's tight money policies are at the root of this problem. Interest rates resulting from artificial monetary restraints are at the highest level in 100 years.

Rising cost of land is another important factor that inflates the price of houses.

But the United Association is doing more than talking about the housing shortage. We are trying to do something about producing more houses, and at least attempting to hold the current price level, if not reducing prices.

In two important actions we have signed first agreements with companies constructing housing and plumbing in factories. As a result of these agreements, our work will be performed by U.A. members.

We have taken these actions because we are looking to the future. We can see that we are at the beginning of a new phase in the construction of houses in the United States: the fabrication of housing components and modules in factories.

Last year prefabricated homes accounted for 30 per cent of the single-family units built.

This was an increase from 25 per cent in 1968, when 225,000 prefabricated units were marketed. The Home Manufacturers Association expects that at least half of all housing will be factory built by 1975. These figures do not include mobile homes.

It is obvious, then, that factory built housing poses problems that we must face squarely.

For many of our local unions, factory built housing presents a new opportunity to organize and gain control of work in the home construction field.

A first step in extending our jurisdiction to this new industry was made in November, when Assistant General President Marty Ward, General Secretary-Treasurer Bill Dodd, Executive Vice President Joe Walsh and myself, as your responsible general officers joined wtih a like representation of Carpenters and Electrical Workers to represent the workers of Prestige Structures, Inc. of Charlotte, Michigan. Since that time we have signed five other Tri-Trades agreements with builders of low-cost, factory housing.

Prestige Structures, Inc., and the companies who have already entered into collective bargaining agreements with the three trades, as well as others who may do so in the future, will be permitted to display the new Tri-Trades Union label to identify these structures as union built homes.

George Romney, Secretary of Housing and Urban Development, predicted that the contract, which is designed as a model for the whole modular factory-built housing industry in the United States and Canada, could create a million new construction jobs.

The Prestige Homes agreements—and all of those that will come after it—provide that all on-site work will be performed by the appropriate union under area building trades conditions and at prevailing pay rates.

When I signed this agreement, I told reporters that the United Association had given considerable thought to deviating from the usual methods of constructing a building. We realize the significance of this agreement, and also its necessity.

If we fail to move into this industry in its infancy, we might lose this work forever—to non-union workers, to union members belonging to other craft unions, or to industrial unions.

However, we have responded to changing conditions, and we will not be left behind as the world moves forward.

This important first step was followed in February with another pace-setting agreement.

In a press conference at the headquarters of the Department of Housing and Urban Development, the United Association took a second step to increase the volume of available homes. By entering into an agreement with American Standard, Inc.—the largest manufacturer of plumbing fixtures and fittings in the world—the United Association gave its approval to producing plumbing units in a factory using the labor skills of U.A. members.

U.A. members will both fabricate and assemble a plumbing system developed by American Standard. The system is called "The Component Plumbing System." It includes the piping, fixtures, and fittings for bathrooms, kitchens, and laundry rooms as used in modern American homes. These will be distributed through American Standards' normal dealer network, and each unit will bear a specially developed UA union label, showing that it has been made in a factory by our members.

This agreement, as well as in the Tri-Trades agreements, provides for employee classifications in addition to the traditional journeyman and apprentice designations.

Rates of pay and fringe benefits for employees will be negotiated locally and will be based on area economic conditions. These conditions will include rates of pay and fringe benefits existing in classifications requiring comparable qualifications.

These actions are a demonstration that the United Association continues to move with the times. It is a continuation of our past policies of permitting the use of new materials, new equipment, new methods of installation, or new tools. We have done these things despite popular beliefs to the contrary.

The record shows that we are attempting to do our share. We understand that the need for volume housing production is too critical to be ignored. But we demand similar action among those elements of our society who are most responsible for the shortage of homes. We call upon the money lenders, the land speculators, the government administrators to take similar bold action to resolve the critical problem of providing homes for all Americans.

Now I want to turn to the other serious problem I mentioned. In addition to houses, the nation is calling upon us to provide economic opportunities for minorities through membership in our unions.

In a society that is becoming increasingly divided between the races, between city and suburb, between haves and have-nots, our responsibility increases. The nation is looking to us for leadership in providing solutions to these confrontations.

We must not turn our back upon our nation's needs. We can and we must assist the neglected citizen find a way to climb up the economic ladder to enjoy the bounty of America.

In 1965, we initiated an affirmative action program to enlist minority applicants in our apprenticeship programs. That challenge has been met successfully, as attested by the Apprenticeship Outreach programs that are now operating in 50 cities. In my address to you in 1968, I set forth a program of affirmative action and the reasons for the necessity of recruiting minority applicants in our apprenticeship programs.

At that time, I said that we were making a beginning, and the time would come in the future when we would have to do more. That time has now come. I call upon all of you—every local union and its officers—to commit your resources to the unfinished work that must be done.

The Building and Construction Trades Department, which met in Atlantic City in December, set forth an expanded program of minority employment in the building and construction trades.

This is the department's present policy position: "We make the flat and unqualified recommendation to local unions throughout the United States that for a stated period of time they should invite the application of qualified minority journeymen for membership in their respective local unions and should accept all such qualified minority journeymen provided they meet the ordinary and equally administered requirements for membership.

"We also recommend that the local unions and the local councils explore and vigorously pursue training programs for the upgrading of minority workers who are not apprenticeship age. Such programs should be developed in such manner as to prevent undercutting the established apprenticeship program. The recommendations which have been previously made on model cities should furnish an appropriate guideline for development of these journeymen training programs.

"We are convinced that the goal of increasing Negro and other minority worker participation in the building and construction trades can be accomplished with due regard to the rights of the existing work force. We think such an approach is preferable to unthinking actions which tend to pit one part of the population against the other."

We believe that this approach is also preferable to the unsound or unlawful government measures that would impose a quota system upon us. The General Officers of the United Association are unalterably opposed to any quota system, whether it is called a "Philadelphia Plan" or some other form of bureaucratic verbiage.

To implement the policy of the Building and Construction Trades Department, which we helped to formulate, the United Association has negotiated with the National Constructors Association to amend the national agreement. We have incorporated a program to train minority workers in labor shortage areas and to find jobs for them on NCA projects. The agreement was signed by me as General President of the U.A. and by Philip S. Lyon, President of NCA.

This program is now part of the national agreement and is administered by six trustees—three from the UA and three from the NCA. Union trustees are myself, Brother Ward and Brother Dodd. Management trustees are J. T. Woods, Jr., E. D. Hoekstra, and Gordon Jones.

The program is financed by a Labor Department grant of around $1.4 million over an 18-month period.

Five hundred workers will be trained under the program which will involve 33 major construction companies.

Those selected for training will be men who have been working in the piping field without benefit of related training, who are beyond normal apprenticeship age, and who may have less scholastic preparation than the normal apprentice. They will be recruited within a geographic area where construction jobs are about to start. Journeymen trainees will be hired at the location only after the union, the company, and the Labor Department investigate and determine that a shortage of skilled manpower exists.

To be eligible, all individuals must be physically fit and have had experience and educational background sufficient to be granted a minimum of 18 months' credit for previous experience in the trade.

Enrollees will be given a maximum of 120 hours of orientation before going to work. On-the-job training will be provided by skilled journeymen, and about 200 hours of related classroom instruction will be required each year.

All trainee-workers will be paid local wage rates. Wages will approximate those paid apprentices and will depend on the level of experience at which a man is rated.

Secretary Shultz told reporters that the agreement is "a major forward step to train workers and to get more minorities into the construction trade."

He added, "President Schoemann and his union have taken the lead among international building trades unions to provide both on-the-job training and related classroom instruction to develop journeymen training for minority workers across the country.

"Members of the Plumbers and Pipefitters Union, who are among the highest skilled workers in America, should take justifiable pride in opening opportunities for everyone regardless of race."

I want to repeat: This agreement is now part of the national contract and all our local unions are bound by its terms just as they are bound by the terms of the other provisions of the national agreement.

Further, we recommend to every local union that they conclude similar agreements on a local level among the contractors who are not a party to the National NCA agreement.

This is not merely a charitable or altruistic gesture. We need these craftsmen in many areas of the country. We cannot supply needed manpower for many construction jobs. Nearly every week, the General Office is involved with contractors who need skilled craftsmen and looking to us to discharge our obligations under our contracts. In too many instances, we have to tell them that the men they ask for are not available.

In the decades ahead, the demands for our members' skills will increase. Pollution control, houses for our citizens, a new industrial plant to meet the needs of rapidly growing population—all of these will combine to strain the UA's resources to provide manpower to build the America of tomorrow. We must start to plan today to meet these needs if we are to discharge our responsibilities and maintain our influence in the nation.

There will be some who say that we can't meet these challenges. But there have always been men of little faith. I emphasize that we must commit ourselves to these tasks. The labor movement is the only force that has the resources and the philosophy to do these practical jobs.

We have the sense of social and moral responsibility. We have the devotion, the dedication, and the determination. We realize that we can influence the future—can influence whether it will bring the bright promise of progress and human fulfillment or misery and disaster.

I for one have unlimited faith in the capacity of free men if they know the problem and if they have the leadership to guide them. We who are the elected representatives of the members of the United Association have to do more and to get more people thinking about these problems, thinking about the alternatives. Out of that greater understanding, we will forge the means to move forward together to build the America we all dream of.

LORNE GREENE, OUTSTANDING TELEVISION PERSONALITY OF 1969

Mr. MATHIAS. Mr. President, recently, I had the privilege of attending the 62d annual banquet of the Advertising Club of Baltimore, the "Frolics of 1970." Mr. I. H. "Bud" Hammerman II, the executive chairman, presided over this annual civic event in which the entire business community of Baltimore participates. The dinner honored the club's outstanding television personality of 1969: Lorne Greene, actor and star of "Bonanza." It also gave the Advertising Club and its president, Mr. William E. Fornoff, an opportunity to present Mr. Howard I. Scaggs, honorary president, a gift for his service until last June as club president.

All who have seen Mr. Greene on his television series "Bonanza" know he is a competent actor.

But I was pleased to find that he is also a thoughtful speaker. Television is fired on from many sides these days. Mr. Greene answered many of the criticisms convincingly in his analytical address. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Lorne Greene

I'm sure many of you have seen something good on television recently. But have any of you heard something good *about* television recently?

Nicholas Johnson's told us that network has not given enough voice to activism and dissent. Vice President Agnew has told us that network television has given too much voice to activism and dissent.

Senator Pastore has seen in network television a lack of self-censorship. The Smothers Brothers, who lost their TV show, say they were terribly censored by network television.

Some of you may have read a few weeks back that Mayor Lindsay of New York accused television of playing a role in causing drug addiction among children by showing commercials for tension-relief products.

On the front page of the New York Times, alongside this provocative thought of the Mayor's, was a photograph of some New York City mothers and their young children. They were lined up in the street getting pails of water from a city fire hydrant. Their apartment house had been without water for two weeks—and without heat since Christmas.

Despair, disillusionment, hopelessness. This is the stuff of drug addiction. These things are present in Mayor Lindsay's backyard . . . in the backyard of all our great cities. Television did not put it there. But once again, television is the handy whipping boy for another social ill. Name a problem. Someone will point to TV as the culprit.

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Are you against "instant analysis and querulous criticism?" The public was asked to speak up on this issue. Do you know what's happened?

If a television network today tags on some analysis after covering a news event, it gets a bushel of critical mail saying "Shame, shame," and worse.

Conversely, if a network judges an event to need no immediate news analysis, it gets a bushel of critical mail saying "why not—you've been intimidated."

Personally, I like to hear how knowledgeable people interpret things. I thought this was a traditional function of the press in America. I've met many of the top newsmen. Any of them worth their salt—and that's most—can analyze what they're covering a lot better than I can. Particularly on short notice.

I've paid my dime for their paper. I've tuned my TV set to their station. I'm entitled to their conclusions. I might not agree with them. I'll make up my own mind whether they're querulous. But they are the professionals in their business, not me. I'm only the boss down on the Ponderosa.

People's feelings about television are emotional, not reasoned. It's a highly personal medium. A fixture in 59 million American homes. People react differently to it because people, in their great variety are different. How do you please them all, all those conflicting tastes and opinions?

Television's not perfect. It has never claimed to be. It can and should thrive on meaningful criticism. But one vital truth seems to constantly escape critics and those who nod yes to all the criticism. They want to remake television to fit their own image of what the medium should be. Folk singer Bob Dylan hit it in the lyrics of a song he wrote called "Maggie's Farm":

"Well, I try my best
To be just like I am
But everybody wants you
To be just like them."

I happen to think there's a lot right with television instead of wrong with it. And I suspect that it is satisfying somebody—even if it only happens to be the overwhelming majority of the people who own television sets. We cannot define public tastes in terms of our own personal preferences and project them as the standard for the majority.

For 22 years America has lived with television. No medium before or since has become so deeply a part of our normal living pattern. It gives most of us our news, most of our entertainment and, according to some observers, a great many of our attitudes and beliefs.

I know one entertainment program intimately. I've been involved with "Bonanza" for 11 years now. It's reaching some 31 and-a-half million people a week in this country, and an astounding 400 million additional viewers in 82 countries around the world.

Naturally, my feelings are biased. But for a show to endure this long, and to reach this many people, speaks well for its universal entertainment quality. If, beyond entertaining, "Bonanza" is shaping any attitudes and beliefs among its international audience, I'd like to think these intangibles are honesty, integrity, reliability, and conviction. This is what "Bonanza" is all about—besides entertainment.

Rarely, however, do television's critics mention entertainment for its own sake. A lot of intellectual snobbishness is behind this. To admit liking television just isn't chic among many of my friends, and I'm sure many of yours. The drums are beaten for cultural programing—serious drama, dissertations on the problems of the world, specialized music, massive doses of news and information.

Television, of course, supplies all of this, although apparently not in the quantities each special interest faction would like. A mass medium, responsible to a total audience, high-brow and low-brow alike, just isn't going to do enough to satisfy any one group. But it has more balance than many people imagine, or care to admit. Approximately 25 per cent of the total NBC Television schedule, for instance, is composed of news and informational programming.

The medium may appear to be dominated by shows like "Bewitched" and "Bonanza" and "Carol Burnett" because that's what most of the public prefers. But the aesthete who claims that he can't find anything worth watching is not looking.

There are thousands of network and local programs to choose from every television season. There is change and variety. There is an increasingly robust educational television service. There is something for everybody. And when television moves in to cover a moon voyage, a national political convention and election, or a Presidential speech, it does stimulate universal interest.

And credit some of those so-called "popular" entertainment shows with a lot more than eye-appeal. Their mind-appeal shouldn't be dismissed.

"Laugh-In," aside from its fun and tremendous popularity, may be teaching us to laugh at ourselves and our ingrained prejudices. It has proven that comedy doesn't have to be some innocuous thing that produces laughter but must have nothing to do with the real issues of living.

Johnny Cash and Glen Campbell, by the force of both television and their attractive personalities, may be popularizing a side of American music—not to mention values and a region of America—for too long considered corny.

For all that is said about it, television has brought people, for the first time in history, face to face with the variety and reality of life.

Anthropologist Margaret Mead calls television a shatterer of myth, a medium through which "the whole world can participate simultaneously in events about which it is impossible to lie."

We've been fond of some of our myths and we reject some of the things we see. But the sights and shocks of the world which television confronts us with—wars, rioting, starvation, prejudice—will not disappear unless we are aware of them, and concerned enough to do something about them.

If television seems too bland to you, remember that somebody else considers it too bold. If you think television is a pacifier and a tool for escape, remember that others consider it an agitator. For the very reason that it is all things to all people—as it should be—I think it's a success. And I've been proud to be a small part of it.

REVERSION OF OKINAWA TO JAPAN

Mr. HOLLINGS. Mr. President, on April 7, my colleague from South Carolina (Mr. THURMOND) presented a fine statement regarding the problem surrounding the reversion of Okinawa to the Government of Japan. Unfortunately, due to the pressing business before the Committee on Post Office and Civil Service, I had to be present at their executive session and could not be on the Senate floor at that time. I wish to associate myself with the remarks and analysis made by Senator THURMOND on this vital issue and the colloquy which resulted with the Senator from Virginia (Mr. BYRD).

Although the Senate on November 5, 1969, by a vote of 63 to 14, approved Senator BYRD's amendment regarding the understanding entered into by the President of the United States and the Prime Minister of Japan concerning article III of the Treaty of Peace with Japan that it shall not take effect without the advice and consent of the Senate, I felt it necessary to communicate with the President in that I did not believe that the joint communique issued on the question of Okinawa was absolutely clear as to the Senate's role in this matter. The President replied to my correspondence in January 1970, indicating that the executive branch would maintain close contact with the legislative branch, including the appropriate form of congressional participation. Such participation would of course, give this body an opportunity to approve or disapprove, which is fundamental to the entire issue.

I believe Senator THURMOND has provided an extremely beneficial service to the Senate by analyzing this complex issue.

EXPROPRIATION OF AMERICAN-OWNED PROPERTIES ABROAD

Mr. TOWER. Mr. President, in December of last year, the Senator from Louisiana (Mr. LONG) called our attention to the unpleasant experience of an American mining company in Mexico. As I recall, he characterized the actions of Mexico toward the sulfur operations of Gulf Resources & Chemical Corp. as "creeping expropriation." The means by which this is apparently to be accomplished are first the placing of restrictions on the company's operations, thereby forcing it to seek a purchaser of Mexican nationality, and second, the subsequent refusal of the Government to follow the procedures found acceptable to it in the Mexicanization of other sulfur companies. Being aware of the growing concern of many of us over the expropriation of American-owned properties abroad, I have followed the Gulf Resources case with interest.

Unhappily, I must report that no relief for the company is in sight and that little effort is being made by the Mexican Government on the company's behalf. On the contrary, the issue is clouded by evasions and counterclaims.

To view these events in proper perspective, we must be aware that almost 20 years ago Gulf Resources was issued a concession contract by the Mexican Government to produce sulfur in the State of Veracruz. The legality and validity of such concessions, and Gulf's vested rights thereunder, have never been seriously questioned. With pioneering effort and the expenditure of large sums of money, Gulf created in the remote jungle of the Isthmus of Tehuantepec an industry employing more than 500 persons, nearly all Mexican nationals, and providing housing, utilities, medical care and schools which otherwise would not be possible.

During its operating history, more than 80 percent of Gulf's sales dollar has been paid as salaries, royalties, and taxes or reinvested in the Mexican economy. All this was done in the good faith belief by Gulf that its concession contract would be honored and that expropriation could not be a serious threat.

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I question whether Gulf has received the full benefit of its bargain with Mexico. True, no concession has been cancelled nor have its sovereign powers been used to destroy any vested right; it may well be that the same result has been accomplished by indirect means. To me there seems to be little difference between the exercise of sovereign power to repudiate contract rights and the imposition of restrictions which make it impossible to realize the purpose for which the contract was intended. Whether it be expropriation or sovereign interference, the result is the same—Gulf cannot continue its sulfur operations nor can it sell its properties to a Mexican investor, even for salvage value.

I find small comfort in the fact that, technically, the letter of international law may have been honored. In the final analysis only one conclusion clearly emerges: Gulf has been deprived of its concession rights without compensation.

There have been attempts to cloud the issue by accusations and counterclaims that Gulf is free to operate its properties and that the Mexican Government will not obstruct any proposed sale which complies with Mexicanization laws. But the damage to Gulf already has been done. As a result of the restrictions imposed early last year, the confidence of Gulf's major customers has been destroyed so that continued operations no longer are economically possible; and no responsible Mexican investor will negotiate to purchase the properties in such a hostile atmosphere.

The Mexican Constitution states that private property shall not be expropriated except for reasons of public use upon payment of indemnity. I fail to see why there cannot be just compensation for the harmful result of discriminatory restrictions which have the same effect as expropriation. Unless direct and immediate relief is forthcoming, Gulf's properties ultimately will revert to the Mexican Government at the expense of the more than 19,000 public stockholders of Gulf who will have seen the assets of their company reduced by some $13 million.

VETERANS' MEDICAL CARE

Mr. DOLE. Mr. President, on April 2, 1970, President Nixon announced he would seek $65 million in additional funds from Congress for the Veterans' Administration medical program—$15 million for the remainder of this fiscal year and $50 million added to the budget request for fiscal year 1971.

Mr. President, I commend the President and the able Administrator of Veterans' Affairs, Hon. Donald E. Johnson, for their recognition of the importance of providing a full range of medical services for our veterans.

Unfortunately, at the very time that the needs were increasing, budgetary limitations made it impossible to respond. Furthermore, there have been changes in the types of wounds suffered by our veterans, while we have been able to save their lives through better battlefield care and faster evacuation, we have not yet dealt adequately with the great number of patients with multiple amputations and spinal cord injuries.

Being a veteran who benefited greatly from Veterans' Administration medical care and having visited numerous hospitals where those with multiple injuries are attempting to adjust to their new condition, I wholeheartedly endorse the President's commitment "that no American serviceman returning with injuries from Vietnam will fail to receive the immediate and total medical care he requires."

An article written by Sandra Blakeslee, graphically describing the plight of the Vietnam veteran, was published in the New York Times of Friday, April 3, 1970. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRIPPLED VETERANS FIND HOSPITALS CROWDED AND ATTITUDES AT HOME AMBIGUOUS

(By Sandra Blakeslee)

"The only time the American people ever see a Vietnam casualty is when he's got blood running out of him on the Cronkite program. After that, he's forgotten."

The man who said that speaks from personal experience. His name is Max Cleland and he had both his legs and his right arm blown off near the Sanh, South Vietnam, 23 months ago.

At that time, a long and arduous journey began for Captain Cleland. From a field emergency station in Vietnam he was taken to a hospital in Japan, then to a military hospital in the United States, where he received formal discharge from the Army, then on to a Veterans' Administration hospital and, finally, home.

More than 13,000 other Vietnam veterans, whose wounds have been severe enough to merit a military discharge, have made that same journey—some disabled for life, many in pain and perhaps most in varying stages of depression and confusion.

Not all of their troubles stem from their wounds, however. There are some things about the war in Vietnam, many experts on veterans' affairs say, that make these wounded men different from American soldiers smashed up in previous wars, that make readjustment to civilian life more difficult.

They show up on three fronts—on the battlefield, during the wounded man's stay in a military and veterans' hospital, and back home as he strives to live with his disability.

Going home often means encountering ambiguous or hostile attitudes toward the war in parlor discussions about its "worth" or "morality" attitudes to which the injured veteran is acutely sensitive.

In a veterans' hospital, according to most experts, the young man will still get good clinical care but will find facilities seriously understaffed, underfunded and overcrowded—conditions that President Nixon moved to alleviate yesterday by approving a $6.5-million increase in the V.A.'s budget.

On the battlefield, the chances are good that the young man will have been one of the increasing number of soldiers who are experiencing and surviving more severe, permanently disabling wounds than ever before. In Vietnam, 81 per cent of those hit are surviving their wounds compared to 74 per cent in Korea and 71 per cent in World War II.

12.4 PERCENT FULLY DISABLED

The Veterans Administration classifies disabilities on a percentage scale. Only 4.4 per cent of World War II wounded were 100 per cent disabled (for conditions such as multiple amputation, paraplegia or blindness.) In Korea the figure was 6.7 per cent. In Vietnam 12.4 per cent of the wounded thus far have received 100 per cent disability ratings.

The wounds suffered in this war are more devastating for two reasons. Combat is close up, guerrilla-fashion. Also, the enemy weapons are more prone to maim a man than not, weapons such as the high-powered AK-47 rifle, rockets, mortars, claymore mines, booby traps and punji stakes.

At the same time, more lives are being saved because of greatly improved medical evacuation techniques, starring the helicopter. During World War II it took an average of 10.5 hours for a man to reach medical attention. In Vietnam it takes an average of 2.8 hours and can take as little time as 20 minutes. All of this means that the wounded entering American military and V.A. hospitals are more battered than in previous wars.

"Some patients who in earlier conflicts would have died on the battlefield and been counted among killed in action, are now reaching hospitals alive," says Lieut. Gen. Hal B. Jennings, Jr., Surgeon General of the Army.

The V.A. and military hospital systems are having a tough time coping with the crush. Frequently military hospitals are forced to shuttle men on or out quickly because of the demand for bed space. The V.A. hospitals, by their own admission, have deteriorated in the last five years.

Dr. Beverly Oliphant, an intern with the Veterans Administration Hospital in Washington, speaking for the House staff, said recently: "Our facility has acres of beautifully kept lawns watered by a newly installed sprinkling system; there are newly paved parking lots and a new 9-foot chain-link fence, and its facade smiles on the rest of the city while inside it harbors a festering sore."

The Veterans Administration, with 1,000 fewer beds available this year than last because of short funds, has fallen back on nursing homes to pick up the caseload spillover. In 1965, 168 nursing homes were so used; in 1970, nearly 7,500 are.

Because of budget restrictions in the last three years, the V.A.'s 166 hospitals remain staffed at 1966 levels, or at least 10,000 people short. As a result, $20-million worth of facilities are not in use because there is no one to staff them. Staff ratios at V.A. hospitals are 1.5 per patient, compared to 2.6 per patient at most voluntary hospitals. Sometimes only one registered nurse cares for 80 patients at night.

PAY FOR VA PHYSICIANS

In addition, tight budgets have left pay for V.A. physicians at an average of 20 to 25 per cent below that of physicians in university hospitals. No funds are available to provide air-conditioning in 66 older V.A. hospitals. And the number of beds in spinal cord injury units has been reduced at a time when the ratio of paraplegics and quadriplegics is eight times that of World War II.

But beyond any shortcomings of the hospitals, the war seems to continue exacting a psychological price after the wounded veterans go home. Captain Cleland, who today drives his own car and plans to enter state politics from his home town, Lithonia, Ga., described his return from the war in an interview.

"You have to defend what you did, explain it," he said. "But the veteran can't communicate the actual feeling of being there, the trauma, the draining that goes on personally. You come back 13,000 miles to a country that can't understand anything that you've done. There's no aura in your being in the military. There's an onus around your uniform."

At recent hearings held by Senator Alan Cranston, Democrat of California, who heads a subcommittee on veteran's affairs, Captain Cleland elaborated:

"To the devastating psychological effect of getting maimed paralyzed or in some way un-

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able to re-enter American life as you left it, is the added psychological weight that it may not have been worth it, that the war may have been a cruel hoax, an American tragedy that left a small minority of American males holding the bag."

"SOMEONE HAS GOT TO EXPLAIN"

The fighting man in past wars came home to brass bands filled with the sense that his sacrifice and that of his buddies were worthwhile, according to Dr. Robert Jay Lifton, a psychiatrist at Yale's School of Medicine who has studied the psychological impact of the war.

But Vietnam is different, he and many other experts agree. The stresses of guerrilla warfare bring on an unusually strong state of psychic numbing, they say, and hostility toward the war at home often leads to a deep sense of betrayal, of having been manipulated. "The Vietnam veteran serves as a psychological crucible of the entire country's doubts and misgivings about the war," Dr. Lifton said.

One 19-year-old marine said not long ago: "I think any other war would have been worth my foot. But not this one. One day, someone has got to explain to me why I was there."

Not all of the hospital experiences of wounded veterans are depressing or discouraging. There are 180 military hospitals around the country. The wounded serviceman is sent, on his first stop home, to the one nearest his family or to the one where the best care is given for his particular injury or condition.

Many veterans say that the time spent in the military hospital can be helpful to a wounded man, surrounded as he is by friends in similar straits.

A few weeks ago Jack Farley, a 27-year-old Army captain from Massapequa, N.Y., who lost his right leg from above the knee, told a visitor to the officers' amputee ward—affectionately called "The Pit"—at Walter Reed Army Medical Center in Washington how this group support works.

"Every now and then you find a guy who's really sorry for himself," he said, "a guy laying up sorry." He turned to a friend in the room. "Remember Carpenter? Lost a foot. He would cry a lot, even after weeks here. He always wanted to stay in bed. One day some other amputees got together and threw him out of his wheelchair and watched him crawl back. Did it three times in an hour and a half. It's kind of cruel, but it straightened him out."

AVERAGE STAY SIX MONTHS

The average stay in a military hospital for a seriously wounded man is six months. During that time, the serviceman is "processed for disability," that is, a medical board decides if he should stay for treatment for ultimate return to active duty or if he should be discharged to his home or to a V.A. hospital for further care.

If he is to go on to a V.A. hospital, the wounded man is treated until he reaches "optimum hospital improvement," or until he is sufficiently stable to be moved on. He is discharged or retired from service at this juncture.

Between 1966 and 1969 admissions in military hospitals rose by 134,000, reflecting the buildup in Vietnam, while the number of military medical personnel rose by 10,000. The Army today has 7,100 full-time physicians serving 1.5 million men. The Veterans Administration by comparison, has 5,186 full-time physicians serving 27 million veterans.

Once the military hospital has served its function to "heal you up" one veteran said, "you become pretty much a case of paperwork." Hospital care, in the words of another, becomes "sheer boredom intersperced with periods of stark terror."

The Vietnam veteran who goes to a V.A. hospital for further treatment of his wounds, such as for fitting of artificial limbs, is placed in with all other patients and suddenly loses the sense that he is special, said Dr. Philip Rowens, previously with a large V.A. hospital in New England.

"He feels neglected, unloved and indeed even insulted that he is no longer singled out for his heroic acts, for his supreme sacrifice," Dr. Rowens said.

It is at this point that the V.A. pulls out all stops to try to help the wounded servicemen through its vocational-rehabilitation branch. This office, operating on an ample budget with headquarters in Washington and 57 regional offices, had 19,000 veterans under some form of training in fiscal 1969.

The wounded servicemen begin to receive visits from V.A. educational and vocational counselors while they are in the hospital if not before. It is the counselors' duty, an administrator said, to tell patients what benefits are available to them and to let them know that they are not alone.

Some of the young men in V.A. wards face extremely difficult decisions. "Let's face it," one V.A. psychologist said, "many of these kids were never God's gift to the academic world. They joined the Army to delay making a decision on what to do with their lives. And now they are in a real fix."

The V.A. offers training in some 30,000 occupations. It pays the disabled veteran full tuition and book fees plus a living allowance if he wants to go to college. Such benefits are available for nine years from the time of his military discharge.

"The Congress has never stinted funds in this respect," said Dr. Joseph Samler, head of the V.A.'s rehabilitation-vocational counseling services.

Once back in society, the wounded veteran must sometimes also contend with simple physical barriers to his mobility. One paraplegic veteran who went to Madison Square Garden recently found seven steps blocking his entry and had to wait, his pride hurt, for policemen to lift him up the steps.

JUDICIAL REFORM ACT—AN ABA ENDORSEMENT

Mr. TYDINGS. Mr. President, on October 15, 1965, shortly after I became chairman of the Subcommittee on Improvements in Judicial Machinery, I stated on the floor of the Senate that, although on the whole the general caliber of the Federal judiciary has been extremely high, "the problem of the unfit judge is a serious challenge to our judicial system." At that time I announced that the subcommittee was going to undertake an extensive study of the problems caused by disabled judges and by judges whose conduct fails to meet the standards of good behavior required by the Constitution.

On February 15, 1966, the subcommittee held its first exploratory hearings on the sensitive subject of judicial fitness. Among the witnesses that first day was Bernard G. Segal, now president of the American Bar Association, and at that time chairman of its standing committee on judicial selection, tenure, and compensation. Mr. Segal's testimony and that of the other witnesses, Judge John Biggs and Joseph Borkin, author of The Corrupt Judge, helped to dramatize the need for the study that the subcommittee had initiated and to give it direction.

Subsequently, in 1966, the subcommittee inquired into the manner in which the States deal with the unfit judge. These hearings concentrated on the New York Court of the Judiciary and the California Commission on Judicial Qualifications, both of which have had success in dealing with these sensitive problems.

On February 28, 1968, after much further discussion, research, and analysis, I introduced the Judicial Reform Act, S. 3055, 90th Congress, second session. The primary feature of the act is the establishment of a permanent Commission on Judicial Disabilities and Tenure composed of five Federal judges and patterned after the successful California Commission on Judicial Qualifications. This Commission would be empowered to effect the retirement of disabled judges and to recommend the removal by the Judicial Conference of Federal judges who violate the constitutional standard of good behavior. Closely related to the removal provisions of the act are provisions dealing with judicial conflicts of interest and requiring financial disclosure by Federal judges.

During 1968 the subcommittee heard 6 days of testimony on the specific provisions of S. 3055. Those hearings produced important suggestions for improvements in the legislation, improvements that were incorporated in the revised act, introduced on March 12, 1969. The act is cosponsored by a distinguished bipartisan group of Senators: Senators Allen, Bellmon, Eagleton, Goodell, Hatfield, Hollings, Kennedy, Magnuson, Mondale, Muskie, Packwood, Pell, Scott, Stevens, and Yarborough. I invite our other colleagues to join us in sponsoring this important legislation.

Although the Judicial Reform Act has had a long history, recent events have made its provisions seem particularly relevant. In the past year and a half, the judiciary has suffered the strain of controversies surrounding the appointment of Justice Fortas to be Chief Justice and his resignation some 9 months later; the advent of the Chandler case from the 10th Circuit to the Supreme Court calendar; and the struggles in the Senate over the nominations of Judge Carswell and Judge Haynsworth to the Supreme Court. Each of these controversies demonstrated, in its own particular way, critical problems of judicial temperament and conduct.

Sensitive to these problems, the American Bar Association last year began its own extensive inquiry into standards of judicial conduct. Moreover, the American Bar Association's section on judicial administration and its standing committee on judicial selection, tenure, and compensation both undertook studies of the provisions of the Judicial Reform Act.

On February 24, 1970, acting upon the report of the section on judicial administration, the house of delegates of the American Bar Association overwhelmingly endorsed the key provisions of the Judicial Reform Act.

The action of the American Bar Association received significant and favorable editorial comment throughout the country. I ask unamious consent that these representative editorials be printed in the Record.

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There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 2, 1970]

THE UNFIT JUDGE PROBLEM

The American Bar Association has given a welcome boost to the efforts of Senator Tydings to cope with the problem of disability and misconduct on the federal bench. Lawyers as well as Congress are traditionally reluctant to face the fact that judges, no less than other men, sometimes lose their capacity to work and occasionally bring disrepute upon their courts. Of course judges who accept bribes or violate the law may be impeached, but that crude and virtually obsolete procedure does not reach the lesser cases of misbehavior and gross incompetence.

We have long favored Senator Tydings' proposal which would let the judicial system handle its own unfit members. His judicial reform bill would set up a commission of five federal judges to investigate complaints about official conduct of the federal bench. It could dismiss any such complaint or order a hearing and make recommendations to the Judicial Conference of the United States. If the conference should find it necessary to relieve the judge of his responsibilities because of disability or misconduct, an appeal could be taken to the Supreme Court.

Over the years during which this problem has been under discussion no one has come up with a better approach. Indeed, any proposal that might invite the President of Congress to meddle with the status of disabled and unfit judges would be open to possible grave abuses. The Tydings bill is well guarded against abuses as well as being in line with the division of judicial, executive and legislative responsibilities in separate branches. It is entitled to more serious consideration than the Senate has given it to date.

[From the Tampa (Fla.) Times, Feb. 26, 1970]

RELIEVING UNFIT JUDGES

The house of delegates of the American Bar Association should be commended for passing this week a resolution in support of legislation for dealing with federal district judges who are accused of being unfit or disabled.

This support should help persuade many presently hesitant U.S. senators to vote for a judicial reform bill sponsored by Senator Joseph Tydings, D-Md., and 12 other senators.

The Constitution provides that federal judges are to hold office during "good behavior," which normally means for life. The only way of removing a corrupt judge is by impeachment. Under that procedure, the House of Representatives must bring charges, after which the Senate acts as a court and tries the case. This method is so cumbersome that it has been employed only eight times in history and resulted in only four convictions. Furthermore, impeachment is limited to misconduct and cannot be used in cases of physical or mental disability.

The Tydings bill would establish a commission of five federal judges to investigate complaints about the official conduct of any judge in the federal system. The obviously frivolous or lunatic allegations would be weeded out. But complaints that appeared to have possible merit would be thoroughly reviewed, with the accused judge given an opportunity at a formal hearing to defend his conduct.

The procedure is designed to encourage unfit judges to retire or mend their conduct. At any rate, the commission would be authorized to make a recommendation to the Judicial Conference of the U.S., whose decision would be subject to review by the U.S. Supreme Court.

On the whole, the nation can be proud of the caliber of its federal district judges. But it is most essential to recognize that even a few senile, alcoholic or unethical judges can poison the stream of justice.

Congress should act promptly and favorably on this judicial reform measure. To ignore the problem is not to solve it.

[From the Lansing (Mich.) Journal, Mar. 11, 1970]

REVIEW LAW NEEDED ON FEDERAL JUDGES

A problem long overlooked in the U.S. federal bureaucracy is the matter of who judges the federal judges in cases of alleged misconduct or in situation where physical or mental incompetence becomes a factor in a jurist's ability to perform his duties.

At the present time the only means available is the impeachment route, a cumbersome and difficult way to get results.

With the approval of the House of Delegates of the American Bar Association, a bill has been introduced in Congress which would establish a commission of five judges, appointed by the chief justice of the Supreme Court, to examine complaints and make recommendations which would be subject to supreme court review. Final assent of the President would be required for removal of a federal judge.

It is expected that the commission would deal primarily with judges whose age or some form of disability constituted an impediment to continued service. Disciplinary machinery for misconduct cases also would be included. Unfortunately, the bill is now tied up in a U.S. Senate subcommittee.

While legitimate misconduct cases are rare, better machinery is needed to deal with such situations as well as developing a means to encourage the removal or retirement of judges who have become incapacitated by illness or slowed by age.

Michigan recognized this problem two years ago and moved to correct it. The electorate approved a constitutional amendment in 1968 allowing for establishment of a State Judicial Tenure Commission.

The commission has the authority to investigate citizen complaints on lack of qualification of judges and make recommendations to the state supreme court. The supreme court has the authority to then suspend, remove or retire a judge.

The Michigan commission also can deal with the touchy problem of urging older judges to retire if it appears they cannot keep up with their work loads.

Proper administration of justice demands that judicial incompetence must be exposed and corrected and not simply allowed to continue because of tradition. It is even more important at the federal level.

Hopefully, the bill now in the U.S. Senate, will be given priority consideration to help bring about an overdue reform.

[From the Memphis (Tenn.) Commercial Appeal, Mar. 15, 1970]

ON REMOVING JUDGES

One missing element in the otherwise overstuffed federal bureaucracy is an effective, relatively simple procedure for the removal of judges guilty of misconduct or impaired by physical or mental disability. Not many occasions arise when judges have to be compelled to leave the bench, but nevertheless there ought to be a recognized procedure to remove them—equitably, but with dispatch.

That lawyers think so, too, can be found in the overwhelming approval by the House of Delegates of the American Bar Association of the Judicial Reform Act, a bill mired up at subcommittee level in the Senate. It would set up a commission of five judges, appointed by the chief justice, to examine complaints and to make recommendations, subject to Supreme Court review and ultimately presidential assent before taking effect.

The commission would deal primarily with judges whose age or disability constituted an insuperable impediment to continued service, but at least the disciplinary machinery would be there for the rare cases of judicial misconduct.

The proposed procedure would appear to be a reasonable alternative to the cumbersome impeachment process, the only means now available for the removal of a federal judge and so seldom invoked that it can be regarded as moribund.

[From the Albuquerque (N. Mex.) Journal, Feb. 27, 1970]

ABA BACKS TYDINGS BILL

The American Bar Assn. at long last has endorsed legislation providing for removal of federal judges guilty of misconduct or suffering physical or mental ability.

Specifically the ABA's House of Delegates voted to support in principle the Judicial Reform Act sponsored by Sen. Joseph Tydings of Maryland. It was the first time since 1940 the ABA has officially approved specific recommendations on the removal of judges.

Judicial misconduct may not be widespread but the public's confidence in the federal judiciary has been undermined somewhat in the last year or so. This is largely the result of the disclosures last year of Abe Fortas' wheelings-and-dealings and offside activity by other Supreme Court justices.

The Constitution provides for impeachment of federal judges for "treason, bribery or other high crimes and misdemeanors." But impeachment is a long, involved process which rarely has been used.

For instance, a few years ago the 10th U.S. Circuit Court of Appeals which has jurisdiction over New Mexico used a different method to "remove" a federal judge in Oklahoma.

The Circuit Court's Judicial Council stripped the judge of all his duties and authority on grounds he "is presently unable or unwilling to discharge (his job) efficiently."

That order, signed by four judges including New Mexico's Judge Oliver Seth, effectively prevented the Oklahoma jurist from trying any more cases—but allowed him to retain his title and five-figure salary.

Tydings' bill, which faces some trouble in Congress, would provide a better method of removing federal judges, including those whose ability has been impaired by senility.

We believe the measure would be improved if it included a provision for mandatory retirement of all federal judges at a specified age as is required of other federal employes.

[From the Greeley (Colo.) Tribune Republican, Mar. 12, 1970]

EASING OUT THE UNFIT

No really effective provision exists for getting rid of federal judges who have become infirm through age or are otherwise unfit to continue on the bench. Impeachment, with a trial before the Senate, is now provided for. By this means a judge found guilty of corruption may be removed. This does not, however, meet the situation of incompetence caused by physical disability.

That failing has now been given attention by the American Bar Association. In response to a strong plea by Sen. Joseph D. Tydings of Maryland, the ABA's House of Delegates has approved—though only "in principle"—of a reform plan.

Under this proposal, which is embodied in proposed legislature, a commission of five federal judges would investigate complaints about official conduct, and, if it thought proper, recommend removal of the offending judge. If the Judicial Conference of the United States agreed, and if dismissal was upheld by the Supreme Court, the recommendation would go to the President.

The reform plan also gets at the matter of physical or mental disability. In such cases, should a judge decline to retire voluntarily, the commission of judges would recommend to the President that he be removed.

Some past cases show the need for a definite way to oust an incompetent judge. One involved a man so deaf that he could not follow an oral argument, and so blind that he could not read a written statement. In this case unofficial pressure finally persuaded the judge to resign.

The proposed reform has—and it could not otherwise be supported—adequate built-in safeguards. This does not mean that it is home free: as Tydings noted, even with ABA support it will be hard to get the bill through the Senate. While the occasions requiring the removal of a federal judge are few, a practicable system should be available when it is needed.

[From the St. Louis (Mo.) Globe-Democrat, Mar. 16, 1970]

American Bar Group Okays Judicial Reform

Approval by an American Bar Association group of a proposed law providing for removal from the federal bench of judges found guilty of misconduct and those suffering physical or mental disabilities is an important step in paving the way for enactment of such a law.

The ABA's support may help to override the expected powerful opposition of a number of federal judges who have indicated they will attempt to block the measure.

The bill, now being considered by a subcommittee of the Senate Judiciary Committee, would create a commission of five federal judges to investigate complaints about federal judges and make recommendations to the Judicial Conference of the United States.

If a dismissal was sustained by the Supreme Court, the Judicial Conference would recommend such action to the President. The President would then have the power to oust the Judge.

If a federal judge was found to be physically or mentally incapable of performing his job, he would be given an opportunity to resign. If he did not, the commission would recommend to the President that the judge be removed from office.

This kind of law should have been enacted many years ago. At present the only way a federal judge may be removed is by impeachment, a method which is seldom used because is has been found to be too cumbersome and ineffective.

[From the Bluefield (W. Va.), Telegraph, Mar. 12, 1970]

Federal Judge Plan

The only method of removing federal judges for any reason now is through impeachment. Terming this method an ineffective "mockery," Senator Joseph Tydings of Maryland has introduced a bill to remove from the bench any federal judge found guilty of misconduct. He has 12 co-sponsors, but his biggest break-through came when the American Bar Association's House of Delegates approved the measure and voted to seek its passage.

A number of powerful judges are against the bill, Tydings told the ABA in a personal appeal. Even with ABA support, he said it would be difficult to get the bill through the House and Senate. With ABA support, the bill may have a chance.

It would set up a five-man commission of federal district and circuit judges appointed for four-year terms by the Chief Justice of the United States to hear complaints brought against federal judges. The commission would be empowered to remove any judge found guilty of misconduct. Few thoughtful judges should object to such a procedure, which would provide a needed safeguard against unfit judges remaining in office for life.

[From the Milwaukee (Wis.) Journal, Mar. 7, 1970]

Better Federal Bench

Life tenure for federal judges, including the privilege of opting to retire on full pay, has its merits as a way of raising the odds on a stable and independent judiciary. It has the occasional defect of locking in a judge who has become physically or mentally incompetent or whose moral conduct is unworthy of the bench.

If such a judge won't retire or resign, there is no practicable way to remove him. The only way provided by the Constitution is impeachment (accusation) by the House and trial by the Senate, but that is customarily reserved for only the most outrageous cases, hence almost never used. Its last successful use was in 1936. Trying to use it in every ordinary case would only waste Congress' time.

The situation cries for a workable remedy. Sen. Tydings (D-Md.) has been leading a drive to legislate one. The central feature of his proposed judicial reform act is the establishment of a permanent commission—five judges appointed by the chief of justice—to study complaints and recommend appropriate removals. The actual removing power would be the Supreme Court's. Even that might require some voluntariness, but a judge presumably would feel forced to remove himself if the Supreme Court told him to.

Tydings has just won the probably crucial backing of the House of Delegates of the American Bar Association for his plan. That ought to tip the scales for enactment. Proper manning of the federal bench is of the highest public importance.

[From the Norwich (Conn.) Bulletin, Mar. 7, 1970]

Incompetency Among Judges

There is no regular provision for getting rid of federal judges who have become infirm through age or are otherwise unfit to continue on the bench.

Efforts to correct this oversight, therefore should be pushed with some urgency.

There is a provision for impeachment, with a trial before the Senate. By this means, a judge, found guilty of corruption, may be removed, but this does not meet the situation of incompetence caused by physical disability.

That failing now has been given attention by the American Bar Association. In response to a strong plea by Sen. Joseph D. Tydings of Maryland, the ABA's House of Delegates has approved—though only "in principle"—of a reform plan.

Under this proposal, embodied in a bill now before the Senate Judiciary Committee, a commission of five federal judges would investigate complaints about official conduct and, if it thought proper, recommend removal of the offending judge.

If the Judicial Conference of the United States agreed, and, if dismissal was upheld by the Supreme Court, the recommendation would go to the President.

The reform plan also gets at the matter of physical or mental disability. In such cases, should a judge decline to retire voluntarily, the commission of judges would recommend to the President that he be removed.

Some past cases show the need for something definite to oust an incompetent judge.

One involved a man so deaf he would not follow an oral argument, and so blind he could not read a written statement. In this case, unofficial pressure finally persuaded the judge to resign.

The proposed reform has—and it would not otherwise be supported—adequate built-in safeguards. This does not mean it is home free for as Tydings noted, even with ABA support, it will be hard to get the bill through the Senate.

However, it certainly is a sound measure that should be approved without undue delay.

MORRIS ABRAM SETS FORTH THE CRUCIAL NEED FOR SENATE RATIFICATION OF THE POLITICAL RIGHTS OF WOMEN AND FORCED LABOR CONVENTIONS

Mr. PROXMIRE. Mr. President, the failure of the Senate to ratify the Genocide Convention has drawn substantial criticism from many outstanding legal scholars. The criticism is certainly well taken—this treaty is a crucial link in the chain that we must forge to insure international protection of human rights. The failure of this country to sign the Genocide Convention should be a matter of grave concern to us all.

However, in our efforts to secure Senate ratification of this treaty, we should not forget that there are other significant conventions which lie awaiting action by the U.S. Senate. I refer specifically to the Convention on Forced Labor and the Convention on the Political Rights of Women.

Mr. President, there is no justification for our inaction in this vital area. Our failure to assert our moral leadership is inexcusable. We have nothing to lose from Senate ratification of these treaties, and we have everything to gain.

Mr. Morris Abram, a distinguished New York lawyer and a man of outstanding experience in the field of human rights, has spoken forcefully on many occasions of the crucial need for U.S. action on these treaties. I ask unanimous consent that excerpts from his testimony of September 13, 1967, to the Committee on Foreign Relations be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Mr. Chairman, if the abolition of slavery in its various manifestations is an acknowledged objective of our foreign relations, and a matter of genuine international concern—because it is an evil which breeds social and political tensions and which, moreover, can have a harmful impact on the sales of American products within our country and in foreign markets—it is difficult for me to understand why this reasoning does apply equally to the evil of forced labor. It is relevant to recall, in this connection, that even the 1926 Slavery Convention, which we ratified long before the existence of the United Nations, called (in Article 5) for all necessary measures to prevent forced labor from developing into conditions resembling slavery—indicating that already then, over 40 years ago, we acknowledged by treaty the similarity of the two evils.

I believe, also, that the Political Rights of Women Convention meets the test both of constitutionality and national interest—in that it is both an important objective of our foreign relations and a matter of genuine international concern. Clearly, genuine economic and social progress is difficult of attainment, especially in the developing countries—to which we send quantities of aid—if half the population is deprived of status and dignity, of the right to vote and to hold public office. Moreover, as pointed out by one witness before the Subcommittee, the withholding from women of civil and political rights, the regarding of them as household

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possessions, is an obstacle to the progress of family planning—a crucial means for defusing the population explosion, which is perhaps the most critical problem that faces mankind today.

We practice no forced labor in our country. Our women enjoy political rights on a par with men. The standards of these conventions are entirely consistent with our own practices; they are a projection internationally of our own human rights principles and commitments. We should rejoice that they have become part of the growing body of international law in the field of human rights. We should have been the first to ratify them, rather than still be haggling about vague and fictitious dangers lurking in them.

I believe there exists in some circles a vague fear of the consequences that might flow from opening ourselves up to criticism from foreign powers. It is not clear whether what is feared is deserved or undeserved criticism. In either case, the fear is mistaken. For if the fear is that we may be criticised for national conduct falling below the standards in these conventions—for reinstituting conditions of slavery or practicing forced labor or depriving our women of their political rights—should not external criticism be welcomed? But this eventuality is obviously academic, since we have every reason to be secure in and proud of our standards in the areas covered by these conventions.

On the other hand, if it is feared that the conventions might be used as a peg for subjecting us to *undeserved* criticism, this reveals an unwarranted under-estimation of our capacity to defend ourselves in international forums. The truth is that by becoming a party to these conventions we would not give our "enemies" any propaganda weapon that they do not already have, and that we are not capable of effectively resisting. As an open society, with our practices widely discussed in our own as well as the world information media, we risk nothing. The risk lies rather with the communist and other closed societies, against which our ratification would provide us with a legal and moral handle to prod for *their* delinquencies.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 8, 1970]

BANK TELLERS FOIL HOLDUP TRY

Two bank tellers foiled an attempted holdup yesterday by an armed man who forced a cab driver to take him to the drive-in window of a Southeast Washington bank branch, police reported.

The cab pulled up to the window at the National Capital bank at 316 Pennsylvania Ave., SE at about 12:15 p.m., police said.

The passenger in the rear seat placed an envelope into the tray with a note threatening the cab driver and demanding $5,000 in cash, according to bank officials.

When the teller, Devora Devaughn, noticed that the passenger was displaying a gun, she screamed and another teller rushed to her window, police reported.

He said he pushed Miss Devaughn to the floor and fell beside her. When the two tellers stood up, the cab had driven off, police said.

The cab driver told police the gunman fled from his taxi in the 600 block of E Street.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Grocery store, 2928 Georgia Ave. NW, was robbed about 2:10 p.m. Monday by three youths, two of whom entered the store. The pair approached the clerk at the cash register and one of them demanded money, indicating the gun concealed under his coat. The cashier handed them the bills and the youths ran north in the 2900 block of Georgia Avenue.

Andrew Braxton, of Washington, was held up about 7:30 p.m. Monday by three youths who confronted him at 12th Street and Pennsylvania Avenue SE. One of them brandished a .38 caliber revolver and ordered Braxton to hand them his money. The youths grabbed the bills and fled on foot.

Agnes Coran, of Washington, was beaten and robbed of a large amount of money about 3:05 p.m. Monday. A man approached her from behind as she was walking in an alley at the rear of the 2800 block of Alabama Avenue SE and beat her to the ground. Snatching her pocketbook containing the money and personal papers, the assailant fled from the alley.

Raymond Hager, of 1615 27th St. SE, was held up about 1:30 p.m. Monday by two young men who knocked on his door and asked for old newspapers. Hager told them he had some papers and the pair followed him inside. Then one of them said, "This is a holdup. Give me your money." After forcing Hager to give them his cash and money orders, the pair ran from the front door.

Bonie Sue Dill, of Washington, was held up about 6:55 p.m. Sunday by seven boys described as 9-year-olds who surrounded her in the 200 block of 3d Street NE. One of them drew a pistol and held her at bay while the others grabbed her pocketbook containing money and papers. The boys then fled north on C Street NE.

Mary Rouse, of Washington, was beaten and robbed about 7:40 p.m. Monday by three youths who attacked her at 55th and Blaine Streets NE. Grabbing her and beating her in the face, the youths took her purse containing a large amount of money, a diamond ring and wedding band.

Eugene Hollingsworth, of Washington, was held up about 8:45 p.m. Monday not far from his home at 8th and E Streets NE. Three juveniles surrounded him, one of them wielding a long club. "Come on, give us your money and you won't get hurt," they told Hollingsworth and forced him to give them his wallet. The trio escaped north on 8th Street.

Peter L. Moore, of Washington, was robbed of a large amount of money about 1:20 p.m. Monday in front of a building in the 2600 block of 33d Street SE. A young man stopped Moore and warned, "Give me the money. Don't move." Removing the cash from his billfold and several checks made out to the Fairfax Pharmacy, the man ran west on Erie Street.

Joseph List, of Washington, was beaten and robbed by two youths who attacked him at 1st and V Streets NW about 2:30 p.m. Monday. Striking from the rear, the assailants beat List in the face and head, then fled with his wallet containing money and papers and his wristwatch.

William L. Cole, a driver for Jacobs Moving Co., was robbed at 1:15 p.m. Monday by an armed holdup man who confronted Cole in the 6300 block of New Hampshire Avenue in Chillum while Cole was eating lunch in his parked truck.

Larry Whitted, of Washington, was robbed and beaten about 4:30 p.m. Saturday while he was collecting for his newspaper route. Three youths attacked him in the 1300 block of Bryant Street NE, beat him to the ground and dragged him to the rear of the block. "Give us your money. We know you got some cause we been watching you collect," the youths told Whitted. Taking his wallet full of cash and his school meal tickets, the assailants fled west on Bryant Street NE.

Esther McNeal, of Washington, was robbed of a large amount of money by three 12-year-olds who approached her from behind as she was walking the 1400 block of 7th Street SE about 1:05 p.m. Monday. They forced her to give them her pocketbook, then ran west into the 1300 block of U Street SE.

Dorothy H. Hall, of 2722 Connecticut Ave. NW, was robbed about 5:05 p.m. Friday by two men who followed her into the elevator in her apartment building. One of them grabbed her around the neck and wrested her pocketbook from her. The men let her off the elevator where she later recovered the purse without the money.

Robert Auker Hess, of Washington, was robbed about 9:45 p.m. Monday by two men, one carrying a gun in his pocket, who confronted him near his home in the unit block of Bryant Street NW. One of them asked for the time, then his companion said, "This is a holdup," and took Hess's wallet containing bills, a check and papers. Demanding Hess's keys, the youths fled south into an alley in the block.

Willie Allen, of Washington, was held up about 8:05 p.m. Monday by two men who approached him in the 1700 block of East Capitol Street NE. "Okay, Pop, we want it," one of them told Allen and pulled out a revolver. While the gunman kept Allen at bay, the other man searched his pockets and removed the bills and papers from him. The pair escaped in an alley heading south from East Capitol Street.

Hazel E. Hutchin, of Washington, was robbed of a large amount of money by three men who approached her on the Safeway parking lot at 6th and H Streets NE and asked if she needed any help. When she replied no, the trio grabbed her pocketbook containing cash, a bank book and papers, then fled north in an alley toward I Street.

David Wade, of Washington, was robbed about 3:40 p.m. while he was vending in his ice cream truck at 17th and A Streets NE. Three youths approached him and one of them, brandishing a gun, said, "Give up the scratch." Wade handed them his money and the trio ran north on 17th Street.

Mayo Best, of Washington, a deliveryman for the Old Colony Laundry, was held up about noon in the 3700 block of Ely Place SE. A man brandishing a revolver forced Best to hand over his money and fled north on 37th Place.

Thomas Simpson, of Lanham, a routeman for Bergmann's Laundry, was held up at 9:20 a.m. as he was entering his truck in the 4300 block of Dubois Place SE. A man approached him from the rear, placed a handgun in his back and said, "This is a stickup." Taking the bills from his pockets, the gunman ran east in the 4300 block of Dubois Street.

Ralph Warren, of Hyattsville, a driver for Thompson's Dairy, was held up about 12:15 p.m. Monday as he was delivering in the 600 block of Hamilton Street NW. A young man asked Warren for a quart of orange juice. When he turned to get the juice, the man pointed to the gun in his pocket and threatened, "Give me all your money or I will blow your head off." Taking a large amount of bills, the gunman fled west on Hamilton Street.

Kenneth Lauziere, of Hillcrest Heights, an employee of Cafritz Hospital, 1310 Southern Ave. SE, was beaten and robbed about 9:40 a.m. Saturday while he was working at his desk inside the hospital. Someone approached him from behind, beat him over the head with an unidentified object and knocked him unconscious. When Lauziere regained consciousness, he discovered the money had been taken from his pocket.

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STOLEN

Two television sets, an adding machine, a typewriter, a Waring blender, and a movie camera, with a total value of $800, were stolen between 1:30 p.m. Thursday and 2:30 p.m. Monday from the home of Pearl Alexander, 4851 Indian La. NW.

An IBM Electric typewriter was stolen from a classroom at Catholic University sometime between 7 a.m. March 31 and noon April 4.

Two radio-phonographs, a stereo tape-player, a stereo cassette tape deck, two record players and a stereo set, with a total estimated value of $500, were stolen sometime between 9 and 11 p.m. Monday from Waxie Maxie's Record Shop, 3933 South Capitol St. SE, after a hole was chopped in the roof.

A cash box and an assortment of liquor were stolen between 11:30 a.m. Saturday and 8 a.m. Monday from a metal cabinet in the rear office of the Majestic Distilling Corp., 7826 Eastern Ave. NW after some ceiling tiles were removed.

A stereo tape deck was stolen sometime between 2 p.m. March 26 and 8 p.m. Monday from a car belonging to Rep. Silvio Conte (R-Mass.). The tape deck was stolen from Rep. Conte's car while it was parked in the Cannon House Office Building garage.

An electro-printer machine was stolen between 5 p.m. Monday and 9 a.m. yesterday from an office at McCabe Hall at American University.

Assorted tools from the supply cabinet, a $1,000 electric hand drill, two sets of drills and brackets, a pair of pliers, three micrometers, a set of taps and dies, a tool box, an attache case, six gallons of cement, several knives, six hammers and paste polish from the auto body shop were stolen between 3 p.m. Monday and 8:15 a.m. yesterday from Phelps Vocational School, 26 Benning Rd. NE. A factory installed air conditioner was damaged when the burglars tried to remove it from a car in the shop.

A white bank bag containing $519.15 was stolen from the rear of the Hub Vending Co. office at 3742 10th St. NE sometime between 6:30 p.m. Saturday and 9 a.m. Monday.

STABBED

Marshall Macarth Callier, of 1652 West Virginia Ave. NE, was treated at Rogers Memorial Hospital for stab wounds he suffered about 6:05 p.m. Monday during a fight in his apartment with a woman. Callier told police the woman grabbed a knife and cut him on the arm during the struggle.

ASSAULTED

Francis Thomas, of 3032 Stanton Rd, SE, was treated at Hadley Hospital for back injuries and a wrist wound she suffered about 8 p.m. Monday when she was beaten in the head and knocked to the floor by a man who attacked her in her home. When she tried to get up, her assailant kicked her in the arms and back.

William T. Wilson, of Washington, a Marine, was shot in the arm about 9:20 p.m. Sunday during a fight with three men, one armed with a handgun, in the unit block of V Street NW.

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OREGON LEAGUE OF WOMEN VOTERS ENDORSES DIRECT ELECTION OF PRESIDENT

Mr. HATFIELD. Mr. President, all of us are familiar with the fine work done by the League of Women Voters across the country.

In my State, the group has worked for so many worthy causes that I cannot begin to list them. As a State legislator, as Governor, and as Senator, it has been my pleasure to work in concert with the league on many projects.

I speak today, Mr. President, because of letters I received recently from the Oregon and Portland chapters of the League of Women Voters. Their presidents, Mrs. Wanda Mays, of the Portland chapter, and Mrs. Polly Casterline, of the Oregon group, both have studied the issue of direct election of the President and Vice President. Letters from them both endorse this proposal.

As one who long has advocated election reform and sponsored legislation to achieve this end, I take particular pride in these letters.

Mr. President, I ask unanimous consent that the two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE LEAGUE OF WOMEN VOTERS
OF OREGON,
Portland, Oreg., March 16, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: The League of Women Voters of Oregon strongly urges you to support the direct popular election of the President and Vice-President of the United States. We request your support of this bill not only by voting for it when it reaches the Senate floor, but also urge you to use your influence on the members of the Judiciary Committee to get this very important piece of legislation out of Committee.

The League of Women Voters of Oregon believes that the direct popular vote for electing the President and Vice-President is essential to representative government. We support the replacement of the out-moded Electoral College method with one that will be more responsive to the will of the people and which also will correct such defects as the faithless elector, non-election of candidate with popular vote, and the present contingent election provision.

It is imperative that Senate Joint Resolution 1 be passed soon to give each State opportunity to ratify the proposed amendment in time for the 1972 presidential election.

Again, the League of Women Voters of Oregon urges your support in this matter.

Sincerely,
MRS. GEORGE CASTERLINE,
President.

LEAGUE OF WOMEN VOTERS
OF PORTLAND,
Portland, Oreg., March 25, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: When the electoral reform bill calling for the direct election of the President, now pending before the Senate Judiciary Committee is reported back to the Senate, we hope your vote will be "YES".

The League of Women Voters, after two years of study and research, reached a national consensus supporting the national direct popular vote method to elect the President and Vice President. The League believes that the direct popular vote method is essential to representative government and should include provisions for a national run-off election in the event no candidates have received 40% of the popular vote. We also support uniform national voting qualifications and procedures for presidential elections.

Your support of the direct election of the president will be appreciated. Thank you for your courtesy.

Very truly yours,
MRS. C. W. MAYS, JR.,
President.

OUR HIGHWAY ENVIRONMENT

Mr. DOLE. Mr. President, today we have reached a point where the enhancement and preservation of our environment has become a critical issue in our society. Visual environment is vital to this overall concept. Congress established policies to deal with highway environment through the passage of the Highway Beautification Act in 1965. Yesterday I noted in the Wall Street Journal the courageous steps that Secretary John A. Volpe is taking in stopping "freeways that adversely affect our environment." I commend the Secretary for his strong stand.

He is not without opposition. The Wall Street Journal revealed:

> Francis C. Turner, head of the Transportation Department's Federal Highway Administration and a career Federal highway builder, makes no bones about disagreeing with the scope of his boss's new policy. But he also recognizes that with Mr. Volpe squarely on the side of many freeway opponents, there is no turning back.

Congress passed the Highway Beautification Act in 1965. Title I of the act dealt with the removal of billboards along our Nation's highways.

There are two reasons why the highway beautification program has not succeeded.

First, some of the people on the bureaucratic level have fought against the leadership provided by Congress and the Department of Transportation. Second, the position of Highway Beautification Coordinator has never been filled with a man of sufficient leadership qualities to solve the many problems which face any administrator dealing with environmental questions. Congress did not anticipate all the problems nor all the solutions, but it did establish a policy, and that policy is as valid today as when we passed the act in 1965. We must control the blight on our Nation's highways, and we must recognize the property rights of all our citizens while we do it.

The position of Highway Beautification Coordinator has been vacant for almost 1 year. The administration should immediately fill this position with a man who has sufficient experience and knowledge to understand the problems, and who is motivated enough to want to solve the problems connected with highway environment. We want a man who will administer the law and the policies established by Congress and the Department of Transportation. We do not need an empire builder who fights with the administration and would like to establish conflicting policies. We need a leader who will get on with the job and remove the unwanted signs.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 7, 1970]

HALTING HIGHWAYS: VOLPE STIFFENS STAND ON ROADS THAT DISRUPT HOUSING, SCENIC SITES; TRANSPORTATION OFFICIAL BARS MANY PROJECTS IN PARKS AND HISTORIC URBAN AREAS; NEW ROUTES PUSH COSTS UP

(By Albert R. Karr)

WASHINGTON.—The Government's modest attempts to limit highways that tear up homes or mar scenery appeared destined for scuttling when long-time road champion

John A. Volpe took over as President Nixon's Transportation Secretary.

But instead Mr. Volpe is emerging as an even stronger opponent of disruptive highway projects than his predecessor, Alan Boyd, who launched the Government's curb-the-freeway drive. In decisions affecting highways from Texas to New Hampshire, Mr. Volpe is stopping projects that conservationists say would damage parks or sites of historical interest.

In San Antonio, the Secretary has delighted conservationists but irked Republican Mayor Walter McAllister and Texas highway officials by halting a road due to cut through two parks and by suggesting an alternate route. Mr. McAllister insists "there's no justification" for this change of plans now, and the state highway men have offered instead to complete the original plan without any Federal money. But Secretary Volpe spurns that proposal. The unbuilt part of the road has come to be known as "the Volpe gap."

FRANCONIA NOTCH FIGHT

In New Hampshire, Mr. Volpe has blocked construction of a 15-mile segment of Interstate Highway 93 that would have cut through picturesque Franconia Notch. Conservationists, displaying "Save the Notch" bumper stickers, have fought the project for several years; among other things, they fear the construction would damage the already crumbling rocks profile that forms the Old Man of the Mountain, a scenic high point of the Notch. The Granite State's GOP governor, Walter Peterson, is trying to get the Secretary to reverse his decision, but apparently in vain.

"Freeways that adversely affect our environment cannot be built," Mr. Volpe declares.

The secretary is also insisting that any highway projects that would demolish houses be held up until decent replacement housing is assured. Now, he predicts, road planners will "think a great deal more seriously about going through areas that involve taking houses."

These moves are alarming roadbuilders, who expected a clear path when Mr. Volpe joined the Nixon Cabinet, while winning praise from a number of freeway enemies.

Francis C. Turner, head of the Transportation Department's Federal Highway Administration and a career Federal highway builder, makes no bones about disagreeing with the scope of his boss's new policy. But he also recognizes that with Mr. Volpe squarely on the side of many freeway opponents, there is no turning back.

MORE DISPUTES LIKELY

Anthony W. Smith, president of the National Parks Association, expresses pleasure at the Secretary's move "in refusing to approve highway proposals that would adversely affect park, recreational and surrounding areas." The Rev. Theodore M. Hesburgh, president of Notre Dame University and head of the U.S. Commission on Civil Rights, whose investigations have shown urban highways as one cause of minority-group unrest, calls Mr. Volpe's housing-replacement policy "forward-looking and long overdue."

Mr. Volpe will probably go much further in the months ahead to halt or relocate freeways designed to push through communities, parks or historical sites. While his department would prefer that state highway planners settle disputes on their own, the Secretary sees perhaps a dozen more in which he'll probably have to intervene. Some of these could involve highways affecting the Tinicum Marshes and Wildlife Refuge in Philadelphia, Minnehaha Park in Minneapolis and historical sections of downtown Charleston, S.C.

"I'm saying (to highway planners) that either they come up with decisions on their own to save the environment and help people or we might well have to take the project involved off the freeway system," he says.

While the states actually design the highways in the interstate system, the Federal Government pays up to 90 percent of the cost. Hence it can call off disputed projects or press for changes.

MISSING A DEADLINE

What's more, Federal officials expect state highway planners to proceed more cautiously on future projects. Many roads just won't be attempted, they say, because of the costs and complexities raised by the new restrictions on routes.

"I wouldn't anticipate much pressure from states to build new highways in metropolitan areas any more," says an official of the Bureau of Public Roads, a Transportation Department unit.

Because of various controversies, Highway Administrator Turner predicts that some 150 miles of interstate highways, probably costing more than $2 billion, will not be finished by the current 1974 deadline—if they're built at all.

Partly because of these delays, the cost of the interstate highway program is climbing and the time set for finishing it keeps lengthening. Mr. Volpe is expected to ask Congress to extend until 1978 the mammoth highway trust fund and the taxes going into it to pay for the interstate roads; this arrangement is now scheduled to run out in 1972. Cost of the program is now estimated at about $63 billion, up from the $41 billion projected when it began 14 years ago.

Volpe intervention is not the only reason highway plans are being upset. Despite the pro-highway stands of Mayor McAllister and Gov. Peterson, many other state and local officials are insisting that urban freeways not be built as planned or not be built at all.

Gov. Francis W. Sargent of Massachusetts has declared a moratorium on most road-building in the Boston area, pending a new study of highway needs and social and environmental consequences. He says a planned "inner belt" linking Cambridge and Boston with an existing highway network might not be necessary. Mr. Volpe, his predecessor, thinks the road is needed, but he isn't about to pressure Gov. Sargent to build it.

Responding to opposition from five Cleveland-area communities, Ohio Gov. James A. Rhodes has ordered that a segment of Interstate 290 not be built through their region and may have it deleted from the interstate system. Local opposition to a segment of Interstate 278 in Newark, N.J., forced cancellation of the stretch of road. Town officials in East Hartford, Conn., oppose an interstate segment there.

In New York City, officials have taken two major expressway programs off the highway planning map. Seattle has rejected a Washington State Highway Department road package because it included a second wide freeway cutting a north-south swath through the narrow city.

"The question in some urban areas now isn't what route but whether to build any route," says Gov. Daniel J. Evans of Washington.

SPREADING OPPOSITION

These reappraisals reflect a wave of public reaction against urban freeways. The opposition has intensified in recent years, reflecting the fact that states tackled the easier rural segments of the interstate system first and then later began trying to push freeways through built-up city and suburban areas. Now white suburbanites are joining black ghetto dwellers to protest roads, saying they are ugly, use valuable land, tear up homes, stores and parks, split neighborhoods and add to pollution and noise.

In a number of places, though, the local citizenry is deeply split over highway decisions. In San Antonio, many husbands favor the planned route through the two parks; many of their wives, including members of the San Antonio Conservation Society, support the Volpe-proposed alternative, which would cut through a wealthy community but would take only about four homes there. While some influential Republicans favor the original route, others oppose it. And some of Sen. John Tower's aides pushed for that plan, they heard from the conservationists and backed off.

Indicative of the local complications that can arise in a dispute over one leg of the proposed Baltimore freeway system. Originally it was to cut through the middle-class Negro neighborhood of Rosemont. A design team then proposed going through a white cemetery instead; a predictable howl followed. A leading alternative now is a route through a different, largely black residential enclave, taking 67 homes, says a Maryland Roads Commission official. Still, says a planner, "There's tremendous community opposition."

Here in Washington, resistance to roads is evident at the Government's top levels. High Nixon Administration officials have begun attacking the highway trust fund, calling it an excessive commitment to roads that has prevented allocation of funds for critical mass transit needs. Top White House domestic affairs staffer John Ehrlichman repeatedly urges Mr. Volpe to make antihighway decisions whenever necessary, the Secretary says.

NEW ORLEANS PROJECT KILLED

So far, his decisions have dealt mostly with threats to parks and scenic beauty. Last summer Mr. Volpe vetoed an interstate riverfront roadway through New Orleans, siding with historic-preservation buffs who contended it would mar the city's famed French Quarter. Mr. Boyd had ordered design changes to minimize such effects but stopped short of canceling it.

The Secretary has also given opponents of continued freeway building in Washington partial backing in their protest over displacement of housing and damage to scenic and historical attractions; he has recommended that some segments be restudied or rerouted.

His mandate that no roads be built without firm assurance of replacement housing could mean that highway planners may throw in the towel on some projects, considering the cost of finding new homes. Some 50,000 persons a year are uprooted from their homes by new highways. Replacement-housing problems have snarled highway projects in Charleston, W. Va., and Philadelphia, among other places.

There is ample evidence that the rising concern over the social and environmental effects of highways is making roadbuilding considerably costlier. A dispute over the proposed Richmond Parkway on New York's Staten Island, which was to penetrate a scenic area flanked by parks, camp and a golf course, has brought a proposed rerouting that's expected to cost $42 million, against $30 million for the original route. Baltimore's freeways now are tagged at $800 million, against $300 million when they were to be shorter and when prices were lower.

POLLUTION IN EUROPE

Mr. MATHIAS. Mr. President, every day, each of us receives more evidence that we are destroying our environment through carelessness and abuse. Moreover, the immediacy of the problem was painfully apparent to anyone driving along the Potomac after the recent storm.

The demand for Congress to enact legislation to save the environment is well founded. President Nixon has taken the initiative in his message to Congress on environmental quality. I have supported his efforts by cosponsoring the seven bills submitted by the administration and by introducing several other pieces of legislation.

But we should not forget that the consequences to the environment of technological progress, human carelessness, and governmental myopia are not native to the United States. The European community faces the same crisis as our Nation. In fact, this year has been proclaimed European Conservation Year, recognizing the warnings of Dr. Hans Palmstierna, Sweden's environmental expert. He stated:

> I am afraid a real disaster may have to occur before people really will realize the utter necessity of environmental control.

I commend the Morning Herald of Hagerstown, Md., for publishing an article which calls our attention to the international nature of the pollution problem.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pollution in Europe Both Concerns and Baffles Leaders

London.—The picturesque Oeresund Straight between Denmark and Sweden is known as "the sewer."

Last June, an estimated 40 million fish died in the Rhine.

No salmon have been found in the Thames for 200 years.

Most living things have disappeared from the lakes and many rivers of northern Italy.

The Seine is gray, greasy and repellent.

Europe sits in an ever-widening mess, her rivers befouled with human and industrial wastes, her coastlines blotched by oil slicks and sewage, the skies over her cities poisoned by civilization's gases.

The governments are aware of the growing menace, but they are largely baffled or intimidated by the skyrocketing cost of cleanliness, the rising tide of population and automation and the ever-increasing demand of industry for more water.

The sheer magnitude of the problem inhibits some of the smaller countries and Dr. Hans Palmstierna, Sweden's environmental expert, says gloomily: "I am afraid a real disaster may have to occur before people really will realize the utter necessity of environmental control."

The year 1970 has been proclaimed European Conservation Year and there appears to be a new sense of urgency. The North Atlantic Treaty Organization has set up the Committee on Challenges of Modern Society to stimulate action by member governments. The Council of Europe, with a score of members, is organizing a series of conferences to spur action on an international scale.

The majestic Rhine, so prominent in fable and military history, touches Switzerland, France, Germany and Holland on its way to the North Sea. It has been called "Europe's biggest sewer" and it is growing dirtier.

More than 7,500 municipalities deliver raw sewage into the Rhine and its tributaries. Five French potassium works in Alsace dump seven million tons of salt into the Rhine annually.

And yet, when the Rhine reaches Holland, it supplies half of the drinking water consumed by the Dutch after passing through Holland's industrialized region.

Georges Housiaux, Belgian president of the European Consultative Assembly's working group on water pollution, says the bacteria count of Rhine water near its origin in Switzerland's Graubuenden Valley is 10 per cubic centimeter. By the time it reaches Holland the count has soared to 1,500,000 per cubic centimeter.

Joseph Addison England's 17th century essayist once wrote that every true Englishman believed the Thames was "the noblest river in Europe." But when a few four- or five-inch fish were hooked in London last summer it was a picture for all the papers.

No other angler had reported a bite on the London banks for 50 years. The salmon which once frolicked the Thames have shunned the noble river for 200 years. Tourists find it a muddy smelly stream pocked in its lower reaches by floating rubbish.

The oxygen content of the Thames water, a measure of its health, frequently sinks to zero during the summer.

There are 20,000 miles of main rivers in Britain and for a quarter of that distance they are badly polluted. The Trent River, where Isaac Walton once fished, is one of the worst. At Nottingham, one-third of the river is said to be composed of effluent from sewage plants.

What is recognized as Britain's most noxious river, the Tame, is one of the Trent's tributaries. It carries away the industrial effluent and sewage from the factory city of Birmingham and three other West Midland burroughs—15 million gallons of it every day. Nothing lives in the gray, opaque Tame.

Foreigners think of Denmark as a model of cleanliness, but seamen sailing the Oeresund say "you can smell your way to Copenhagen."

The smell comes from two big bubbles of brown foul-smelling water two miles off the Danish capital. This is where Copenhagen unloads its sewage at the rate of 50,000 tons of organic matter a year. It has been doing it for centuries.

From Hamlet's Kronborg Castle at Elsinore to Koege 35 miles south of Copenhagen, many of the inviting beaches have signs: "No bathing." The sewage and waste water problems of Copenhagen are so immense that parliament exempted the capital from recent new laws designed to curb pollution.

The government has set up an anti-pollution council to produce recommendations for fighting all forms of pollution land, sea and air. The government already has enacted strict measures to ban the use of DDT and control pesticides, insecticides, fertilizers and other chemicals.

Relying for many years on subsoil water for drinking, Denmark has been reckless with its streams, lakes and offshore waters. Hardly a stream or lake is unpolluted; many are completely dead. Many streams smell of sewage and numerous fjords around the country are unfit for bathing.

Norway, with 96 per cent of its 135,000 square miles virgin land, uncultivated and unpopulated, did not consider water pollution much of a danger until last summer when a small chemical plant south of Oslo dropped about four gallons of cyanide into a sewer.

In the resulting clamor reports of pollution came in from all over the country. Fish in mountain lakes were reported dying. Fish in some of the fjords were said to be dangerous to eat because of mercury and other poisons they had absorbed. A nationwide campaign was started to register all sources of pollution and put a stop to it.

Sweden, in 1967, established a special government department for environment protection after scientists warned of air and water pollution. The government has brought forward a large package of laws to protect the environment.

Unsatisfactory sewage disposal plants are being improved with the help of government funds. Wood industries were induced by the government to install new equipment after it was found lakes and streams were polluted by mercury and other waste products.

The "Blue Danube" has never been what it was cracked up to be in poesy and song. Health officials have warned repeatedly against bathing in the river near Vienna and Linz, where the bacteria count has been found to be 500 million to the cubic centimeter of water. Upstream from these cities the count was only 1,900 to the cubic centimeter.

Austria is full of lakes and mountain streams, and they are in trouble too, due largely to the growth of tourism. Sewage from hotels and camping sites usually is directed right into the lakes.

Professor Reinhold Liepolt, head of the Federal Water Research Station in Vienna, came up with the idea of building sewage rings around lakes to keep sewage out of the lakes. One was installed around Zeller Lake in Salzburg Province and fish have returned to the lake. They are being planned for other lakes.

Near Paris, 40 rose flamingos in a private zoo died in the water of a brook. The owners blamed pollution from a factory. Fish have died by the thousands in other French streams. The United Nations Educational, Scientific and Cultural Organization estimates that six million tons of pollutants go into French rivers every year.

In Paris alone, more than a million cubic yards of used water enters the Seine each day and 25,000 tons of suspended matter is added yearly.

Italy has 5,000 miles of Mediterranean and Adriatic coast and more than 3,500 miles of it is in a degraded state from sewage, industrial wastes and refuse from ships. Oil slicks disfigure about a quarter of the coastline and are regarded as the most serious form of pollution. Almost all rivers in northern Italy have lost their fish and the blight is spreading to central and southern Italy as industry moves south.

Switzerland began taking steps many years ago to keep her lakes and rivers limpid and blue for the tourists. They are still blue, but not so limpid. What pollution there is comes mostly from households and the country spends $250 million a year to maintain 300 waste and sewage plants with 50 more under construction and 100 planned.

The Soviet press writes indignantly about the pollution of lakes and rivers, particularly when it kills off the sturgeon which produce one of Russia's prime export products, caviar. Tons of the fish have died in the past several years, "inflicting a large amount of damage on the national economy," one paper said.

West Germany's industrial Ruhr area has both the worst water and air pollution in the country. The Duisburg chamber of industry and conference boasted recently that only 251,000 tons of industrial grime settled on the area in 1968 compared to 312,000 tons in 1963.

More than $600 million has been spent fighting air pollution in Northrhine—Westphalia in the past 15 years, but a state official admitted "it will never be possible to make the air over the Ruhr anywhere near as clean as over the Bavarian Alps."

Britain too has spent millions of dollars and government scientists now say that London will never again have a "killer smog" like the one in 1952 which killed 4,000 persons. There are still high concentrations of sulphur dioxide in the air at times however.

Italy is preparing stiff regulations to control air pollution from heating, factories and automobiles, and Belgium has set up 300 air pollution control stations. New measures will establish protected zones and regulate various fuels.

Oil floating in from the sea adds to the griminess for Britain and other maritime countries of Europe. Britain is particularly

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sensitive because of its experience with the Torrey Canyon, a tanker which ran aground off southern England and dumped 100,000 tons of oil into the sea in 1967.

The beaches of Cornwall and Brittany, in France, were massively polluted.

MEETING OUR NATIONAL HOUSING GOALS

Mr. HATFIELD. Mr. President, I have brought before Senators on many occasions the severe problems facing Oregon's timber industry due to a lack of demand for wood products. The timber industry which is vital to Oregon's economy is imperiled with a near state of depression due to the growth of inflation and tight monetary policies affecting housing and especially in view of the fact that Oregon supplies a fifth of the softwood and nearly half of the softwood plywood used for America's homes.

It is most reassuring to note the administration's understanding of the ramifications of our economic policies on the housing and timber industries and that lack of mortgage money is one of the most pressing restraints on housing. I call attention to the remarks by President Nixon on January 21, 1970 in the National Association of Home Builder's statement of policy:

> Yesterday I met with Secretary Romney, Louis Barba, and officials of the National Association of Home Builders to discuss the crisis situations we are facing in the housing of our people. The continuing decline in housing production, the outflow of funds from savings institutions supporting the housing market, and the drying up of traditional mortgage sources are contributing to a serious housing shortage which is of grave concern to our national well being. Housing and the industry which provides it are bearing a disproportionate burden of both current inflationary pressures and the anti-inflation measures instituted to restore price stability. As a result, a major national resource—the productive capability of our private home building industry to meet our national housing need—is being greatly threatened.
>
> The decline in housing production must and will be stopped. The private sector and all levels of government must take the steps necessary to assure that the nation's housing needs are more fully met now.
>
> There are no easy answers to the housing problem, and a full solution will require time. Extraordinary and unprecedented steps have already been taken. These include extensive direct support to the mortgage market through the Federal National Mortgage Association and the Federal Home Loan Bank Board. In addition, the Department of Housing and Urban Development has authorized issuance of mortgage-backed securities fully guaranteed by the government and has released $1,150 million of funds to provide special assistance in the financing of housing production for low and moderate-income families.
>
> The need now is to go beyond these steps—to change basic attitudes and reexamine old patterns of activity—so that we can reach more quickly the full solutions we seek.
>
> The first step is for all sectors of our economy—business, labor, consumers, and all levels of government—to be fully aware of the nature of this crisis, and for each of them to address itself vigorously within its sphere of responsibility toward adequate solutions. The need to regain early control over inflation is paramount, and voluntary steps to restrain unnecessary spending can play a vital role. In this connection, I have firmly committed the federal government to do its part.
>
> In order to maintain a surplus in the budget, I have cut federal spending to the minimum possible levels this year and next. Some needed federal programs simply will have to be postponed, so that we live within our means. This will help free resources for housing. I urge the private sector to follow this example by also postponing avoidable expenditures and increasing savings.
>
> Some time ago I cautioned business and labor against continuing to base price and wage decisions on the expectation of continued inflation. Those who do are bound to lose. The sooner this is realized the better off they—and the nation as a whole—will be.
>
> Lack of mortgage money is perhaps one of the most pressing immediate restraints on housing. Needed housing must and will be financed and built. All financial institutions—commercial banks, mutual savings banks, savings and loan associations, life insurance companies, pension funds, and trust funds—should recognize the investment opportunities that will exist in this field over the years ahead. They should seek now to move affirmatively into a better position to capitalize on these opportunities.
>
> I pledge that this Administration will take every possible step to solve this most serious housing problem consistent with the overriding need to contain inflation. The housing of our people is and must be a top national priority.

Further, the President's report of April 1, 1970, on national housing goals announces the measures that are being taken to alleviate the crisis by maintaining and expanding mortgage credit at more reasonable interest rates. The President is hopeful that these steps will encourage an increase in housing production by the summer of 1970.

Not only is Oregon's economy affected by lack of new housing starts but it is a national need and responsibility to meet our housing goals. I would concur with the President's January 21 statement that the housing of our people is and must be a top national priority. Every citizen has a right to adequate housing. Supplying housing is the number one social issue for it directly relates to the race issue, the ghetto problem, and the disturbances in our streets.

LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. JACKSON. Mr. President, on February 25, I was joined by the ranking minority member of the Committee on Interior and Insular Affairs, the Senator from Colorado (Mr. ALLOTT) in my sponsorship of S. 3505, a bill to amend the Land and Water Conservation Fund Act of 1965. S. 3505 would amend this act by providing a minimum annual appropriations authorization of $300 million for the purposes of the fund. This amounts to a full 50 percent greater funding authorization to the Land and Water Conservation Fund Act.

Mr. President, I feel it is incumbent upon Congress to move expeditiously in the enactment of this legislation if we hope to provide present and future generations of Americans with an opportunity to participate in quality recreation in a quality environment.

It was my privilege to have sponsored the 1965 act, together with the 1968 amendment to that act which provided the State and Federal recreational agencies with a guaranteed annual income of $200 million through fiscal year 1973. Since 1965, the fund has made available almost $635 million to the States for park and recreation land acquisition, development and planning, and to the Federal Government for recreation land acquisition. The investiture of these funds was successful in providing millions of acres of additional recreational properties. However, the demand for recreation has been increasing at such a tremendous rate that it has far outstripped the present supply of funds to meet that demand.

This fact was elaborated upon by the President in his state of the Union message, in which he stated:

> As our cities and suburbs relentlessly expand, those priceless open spaces needed for recreation areas accessible to their people are swallowed up—often forever. Unless we preserve these spaces while they are still available, we will have none to preserve.

In his recent message on environment the President proposed new legislation to possibly increase the fund. Secretary Hickel's letter of February 10 to the President of the Senate submitted the legislation recommended by the President. Its intent is to increase the fund above the $200 million level currently authorized by accelerating the sale of surplus property, the receipts from which now go into the fund. Although I applaud the goal of increasing the fund, I believe the method unnecessarily proposes a complicated and uncertain formula that may increase the fund by a small amount or might result in no increase at all depending on the sale of surplus Federal real estate in any given year.

In an effort to increase the amount of money available to the States and the Federal Government for park and recreation purposes, and at the same time provide the participants of this program with a real degree of certainty as to just how much money would be available to them each fiscal year, Senator ALLOTT and I have sponsored S. 505, which provides a minimum amount of $300 million a year for the remaining life of the land and water conservation fund.

Mr. President, I regard it as highly significant that every member of the Senate Interior Committee has now asked to cosponsor this legislation. This action is, I believe, indicative of the deep feeling by the members of the committee that steps must be taken in the near future to provide the necessary funds for acquisition and development of desperately needed park and recreation lands.

Land is a finite resource, and as such will become more valuable as demand for this resource intensifies. We have already lost many opportunities to acquire land throughout the Nation which by today's cost standards represented real bargains. The longer we wait the more difficult and costly it will become to secure the necessary lands to insure that the American public will be able to enjoy high quality outdoor recreation.

U.S. PASSENGER FLEET—THE BROKEN LINK

Mr. MATHIAS. Mr. President, daily the inactive list of U.S. flag passenger liners grows. At present, there are only 13 in operation. While it would seem that a strong commercial force is required, a pattern of retreat has developed. In addition to arguments of a symbolic and commercial nature, there is a need to consider our defense requirements. Our policy of maintaining both a nuclear and conventional response capability requires that ships, wholly owned by our country, be available.

Dr. Robert A. Kilmarx, Director of Soviet Seapower Study, Center for Strategic and International Studies, Georgetown University, argues persuasively for a reexamination of the present legislation relating to our passenger fleets.

I ask unanimous consent that his article, published in the April 1970 edition of Navy-The Magazine of Sea Power, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

U.S. PASSENGER FLEET—THE BROKEN LINK

(By Robert Kilmarx)

In the 1950s, when the strategic concept of "massive retaliation" was the order of the day, and conventional forces were relegated to a distinctly secondary place, America's passenger fleet was strong and many elegant liners plied the trade routes. In the 1960s when the shift was made to a flexible strategic force, with the emphasis being placed on non-nuclear response, the very ships necessary to transport that response were, in increasing numbers, being laid up, or deactivated.

It is a grim, and dangerous paradox that when we did not plan to use them there were over fifty U.S. flag passenger liners in operation, but now, when we are very much in need of them there are only 13; and in a few years there very likely will be none.

First to become idle was the American Export-Isbrandtsen Lines liner *Atlantic* in October 1967. She was joined in August–November 1968 by the *Constitution* and *Independence*. Then Moore-McCormack laid up the *Argentina* and *Brasil* in September of 1969. Finally, in November, the majestic *United States* was placed on the inactive list. Today, they lie lifeless at out-of-the-way piers in Baltimore, Jacksonville and Newport News, their hope for future use at best uncertain.

The *Independence* and her sister liner the *Constitution* sailed lucrative routes to Europe and to the Mediterranean during their heyday; the *Independence* carried 1080 passengers and a crew of 580—the passenger list was usually full. Now, only a crew of two live aboard. Her withdrawal from service came at a most inopportune time, occurring just as Soviet penetration of the Mediterranean by political, economic, military and psychological means was going into high gear. This is not an isolated situation, quite the contrary, it has been a sad pattern of commercial retreat when a strong posture was needed.

FEW OPERATING

The only U.S. flag passenger ships still operating in the east coast are the Grace Line's *Santa Rosa* and the *Santa Paula*, each of which can carry only about 300 passengers, and four smaller ships capable of handling 125. Part of the reason these ships are able to operate lies in the fact that they are not truly "luxury liners," although they are most comfortable, since they carry cargo as well as people. Even such combination ships have had problems, for they too are required by law to adhere to specific routes.

Cruise shipping, which would seem to be the answer, is impossible on a full time basis, for without a definite route schedule ships are not eligible for government subsidy, and without subsidy they can not remain economically feasible. Hence, great liners tied up at piers.

On the west coast the story is the same, although one ship, the Matson Lines *Lurline* operates without subsidy—the only American flag vessel to do so from either coast. Oceanic Steamship Company, a Matson subsidiary, still sails two combination ships to Australia and American President Lines has three combination ships operating from the west coast. The sands of time are running out, however; these ships have not been operating on a year round basis and one has already been sold.

NO PROVISION

The future holds out little hope for improvement since President Nixon's proposed legislation for our Merchant Marine, which may soon be enacted, does not contain any provisions directly relating to the U.S.-flag passenger ship industry. To the Administration passenger ships pose a disturbing dilemma, for management feels that they have become an economic liability. To continue their operation is only to sustain intolerable losses—counting government subsidy, the losses in 1968 totaled $60 million. These losses have been produced by high operating costs and the failure to achieve parity with foreign competitors through operating subsidy, as well as the lack of suitability for cruising, under existing statutes. Nothing short of amendment of the 1936 act, which established the present subsidy structure will resolve the problem and there is strong political opposition to such a move in some quarters. The result is that the United States, at a time when it needs passenger ships not only for commercial, and "show-the-flag" reasons, but for very valid defense reasons, finds itself locked into a system whose change would create great political problems.

As important as labor and other operational costs, as well as statutory restrictions have been in producing the problem, by far the most devastating onslaught to America's passenger fleet has come from the country's commercial aviation—which transports people for less money more quickly. That "quickly" is not necessarily a virtue is obvious in the cruise trade, but still must be considered on a point-to-point liner.

Fewer than 15 per cent of all travellers on the North Atlantic route went by air in the 1950's. Since then, with the availability of jet aircraft the figures have reversed—and are even worse—passenger ships on this route now carry only a 7 per cent share of this travel market.

NATIONAL NEED

Clearly, without commercial justification, the only basis remaining to continue the operation of passenger ships would be a national need declared by the federal government, to insure that sealift is at hand to transport our armed forces in case of a future conflict.

Arguments about the contribution of the U.S. flag passenger ships to the United States' image abroad, to our national prestige, to our balance of payments or to other less tangible values of state apparently have not proved persuasive enough to bring change. There is, however, one argument that must be persuasive enough if we are to fulfill our defense requirements—these ships are necessary to move troops and the materials those troops need.

The Department of Defense, however, has not come to the passenger fleet's aid and has not offered military justification for insuring the availability of these ships and their replacement in the years ahead. This is attributable primarily to the still prevalent belief, inherited from Secretary McNamara's administration, that air transport can satisfy anticipated requirements supported by limited sealift that may be obtained from the Military Sea Transportation Service, the National Defense Reserve Fleet (NSDF) and chartered foreign vessels.

The subsidiary concept of "effective control" of foreign flag vessels, that are not U.S. owned, only chartered was fostered by McNamara while Secretary of Defense and unfortunately, its ghost still haunts the corridors of Congress and the Pentagon. This, despite the overwhelming evidence that the tenuous ties of a charter arrangement do not meet the sound needs of defense planning. The validity of the argument against "effective control" receives daily reinforcement from the actual experience of the Viet Nam war. It is also worth remembering that when in 1967 the Suez Canal was closed airlift measures were not sufficient and cries went out for help from foreign vessels.

These experiences make it clear that there are absolute defense needs which can only be met by ships wholly owned by, and available to, the United States to meet the contingencies of mobilization at whatever level they occur.

The U.S. passenger fleet, with its capability to move troops is a definite part of this picture, and its increasing malaise a subsequent weakness in the defense network. The threatened demise of the U.S. flag commercial passenger ship industry puts a difficult burden on Department of Defense planners. For a while they may count on the U.S. passenger ships now tied up at U.S. docks—most of them are in good condition and have been adequately maintained. The ships, however, are aging. The *United States* and *Independence* are about 20 years old. The *Argentina* is even older having served as a troopship in World War II before undergoing conversion to a liner starting in 1947. Should the industry conclude there is no future possibility of a profitable commercial market for their utilization they may end up as floating hotels or in the Reserve Fleet, or attempts may be made to sell them abroad. In any case, they would not be readily available in an emergency.

NO REPLACEMENTS SEEN

No replacements are in sight. The Maritime Administration seems disposed to permit their passing, looking to the day when further subsidies for passenger ship operations would not have to be paid. Also the Maritime Administration does not seem inclined to grant construction subsidies for replacements, and ship purchases from abroad with subsidy are illegal.

The Military Sea Transportation Service will not provide the answer in the 1970's. Only three transport ships (TAPS) are presently operational in MSTS. There are about 18 additional TAPS in the Maritime Administration Reserve Fleet, or in the process of being transferred from MSTS. After having been employed in carrying Allied troops, these 3 ships are also to be deactivated after the Viet Nam war to join the NSDF, this means they would not be ready for 90 to 120 days. Their reactivation would require extensive warning time in case of a future crisis—time that will not exist. The experiences of Viet Nam revealed that many National Defense Reserve Fleet ships were in worse condition than expected and crew shortages and subsequent delays also have been a continuing problem. There is no reason to think things would be easier in the future. The aging NSDF is a disappearing asset (it is now about 25 years old). By 1978, it may be no more. The interests of the Military Sea Transportation Service for fol-

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low-on vessels, too, have run into major problems, partly because of budgetary constraints and industrial concern about government competition.

At the same time as the passenger capability has dropped our amphibious forces have been hard hit. Active amphibious sealift ability has been markedly reduced because of budgetary cutbacks. A number of the U.S. Navy's LWAs, LPAs, LSDs and LSTs are being deactivated or scrapped during the fiscal years '70–'71. The Navy's amphibious sealift capability, therefore, is being reduced from two marine expeditionary forces to about 1 and one-third. It will be some time before new LHAs are available, thus the danger exists of a major gap in quick reaction, amphibious sealift performance, as well as follow-on seaborne logistic support, especially to areas of the world where port facilities might not be adequate. There it might be essential to have barge-type ships, with roll on-roll off capability, carrying 800 to 1000 troops or more with organic equipment.

MAIN "TRADES"

The sealift capability from many of the new commercial containerized ships also is restricted because of their non-self-sustaining characteristics. They are designed primarily for the major trade routes and not for carriage to underdeveloped countries. Even with the incorporation of defense features, as is planned, their role may be markedly restricted unless guided by a comprehensive Department of Defense sealift program for the 1970's.

One of the problems is adequate DOD sealift planning: planners apparently have not effectively tackled some key issues of strategic mobility. As Vice Admiral Lawson P. Ramage told the Naval War College on 6 February, 1969, ". . . I have been appalled in recent months to discover how many senior officers of all services particularly those who are intimately concerned with forward planning, have no real conception of the problems of moving troops and equipment to the objective area."

A number of Pentagon military planners agree that some measure of sealift is essential, but they worry about where it may come from in the years ahead and cannot estimate how much will be required with high confidence.

AIRLIFT INADEQUATE

In spite of the availability of C–141 and C–5 air transports, the adequacy of an "airlift only" doctrine in the new military strategy is seriously questioned by many knowledgeable military spokesmen. Contingencies that can be envisaged might call for the employment of U.S. military forces under circumstances in which the landing of troops by air and their marriage to unit equipment in the theater might not be feasible. Insuperable problems may arise because of the vulnerability of the aircraft and of the landing sites, or their lack of availability; problems of overflight rights and the requirements of supporting logistic bases in nearby territory may arise. The very magnitude and character of required operations may preclude airlift alone.

A further reason for concern is the inadequate support in Congress for forward floating deployment of military equipment. Approval for Fast Deployment Logistic ships was never obtained, and the danger even exists that the forward base supplies that have been used up in the Viet Nam war will not be replaced. The problem will be compounded as more of our forces are withdrawn from the Far East and Europe.

There seems to be ample justification for the comments about sealift contained in President Nixon's foreign policy statement. When he was discussing NATO strategy in his statement, "Strategy for Peace" last month, he included the following, "Questions have been raised concerning whether, for example, our logistic support . . . our airlift and sealift capabilities are sufficient to meet the needs of the existing strategy." The answer to these questions may be "not sufficient" but the difficulty may turn out to be the strategy.

COUNTER REACTIONS

Since the operational meaning of a particular strategy is dependent upon capabilities, constraints such as these are alarming—are symptomatic. They could markedly limit not only our willingness to defend our allies but even our capabilities, if the will could be found. In the case of some of our allies and friends, such constraints could help to create counter-reactions. They could be forced to decline to act in their own defense with inadequate means. They may accommodate to threats so that hopeless defense efforts would not be necessary. Some might even turn to the Soviets for assistance.

The fact that the Soviet Union now is at least equal and probably will become superior in some measure in strategic offensive nuclear warfare capabilities puts an increased burden on the current credibility of conventional forces, supported by sealift. These should not be wanting. Serious danger exists that the Soviets, mindful of the changing military balance and suffering from ideological hardening and unstable, weak political leadership, may seek unanticipated opportunities for quick international political gain, when no response from the United States is expected. For the Soviet Union is turning more to an external global policy, while U.S. priorities are turning inward.

Flexible response in many contexts could thus become a hollow shell. The prospect of denial of conventional military options to the President in future contingencies and the political price that may have to be paid for such denial should be cause for great concern. Insufficiency even in sea transport can undermine a successful "Strategy for Peace."

MIDDLE EAST LOBBIES

Mr. HATFIELD. Mr. President, one aspect of the Arab-Israeli conflict that has drawn little attention in this country is the lobbying techniques and groups representing the various sides of the Middle East question. Not only are there efforts by the official representatives of the respective countries involved, but there are numerous interest groups which try to influence policy having to do with issues in the Middle East.

The New York Times of April 6, 1970, contains an article written by Robert H. Phelps describing many of the people, within as well as without public life, connected with this question.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDEAST LOBBIES: UNEVEN MATCH

(By Robert H. Phelps)

WASHINGTON, April 5.—Days before the official announcement, one of the first copies of the Nixon Administration's statement turning down Israel's request for more jet fighters was delivered to Max M. Fisher, the Detroit industrialist.

His mission: to explain to Jewish leaders around the country that the President had based his decision on Israel's intelligence reports showing continued Israeli military superiority over Arab enemies and to assure them that Israel would get more planes when really needed.

The gray-haired millionaire, who gave more than $107,000 to Republican candidates in 1968, does not have the best credentials with the predominantly Democratic Jewish community. But the response to the jet-sale rejection was muted, in marked contrast to the strongly critical statements that had followed previous Nixon Administration moves.

The fact that Mr. Nixon, like other Presidents, finds it necessary to take such preventive action is a tribute to the pro-Israel lobby, one of the most potent in the Washington sub-government. While there is also a pro-Arab lobby, it is much smaller and weaker.

The foundation stones of the pro-Israel lobby are an embassy that is generally considered the best run in Washington and scores of Jewish organizations, which have large amounts of manpower, money and zeal.

Whether the influence of the Israeli Government amounts to control of some American Jewish organizations is a subject of debate in the United States and Israel.

The pro-Israel lobby utilizes a complex of devices, ranging from knowledge of how to make maximum use of the American press to political pressure through Congress to secret exchanges of military intelligence.

"They are articulate, they are organized, they are terribly public relations oriented and they are smart," a State Department official commented admiringly of the pro-Israel lobby.

On the Arab side, the embassies are understaffed and generally do not understand the American mind; the old-line Arabists in the State Department are still there but have been outflanked; American scholars and religious groups with Middle East ties continue to speak, but their audiences are small.

The most powerful forces sympathetic to the Arabs—oil, banking, airline and shipping interests—work quietly behind the scenes, pulling back quickly when their activities are detected.

The oil companies are major contributors to organizations staffed by strongly pro-Arab Americans. These organizations include the American Friends of the Mideast, which, since its exposure as an indirect recipient of Central Intelligence Agency funds, has cut its budget more than half, and American Near East Refugee Aid, Inc., which is devoted to raising funds for Palestinian refugees.

Dr. John H. Davis, director of American Near East, who is a former Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, is probably the best-known American who is an outspoken supporter of the Arab cause. But he has a difficult time raising funds.

Under such circumstances friends of Israel have won the hearts of the American people, the votes of Congress and usually, but not always, the mind of the President, no matter who he is.

Asked why their message is so well received, Israeli Embassy officials point to the guilt feelings of Christians who cannot forget Hitler's murder of millions of Jews, respect for little country that "made the desert bloom," delight in Israel's David vs. Goliath role, admiration for its position as a democratic outpost in a vast autocratic domain, and fear of growing Soviet power in the Middle East.

The Arabs do not find American ground so fertile. There is compassion, especially among religious groups, for the millions of Arab refugees, but fund-raising efforts struggle to keep going. There is sympathy for the Arab cause among black militants, disturbing to Jews who have supported civil rights. There is a questioning of American Middle East policy among students of the New Left. And there are attempts by some anti-Semites on the ultra right to portray anything involving Jews as a Zionist plot.

XUM

None of these groups is broad-based enough to have much effect on Government policy.

Most significant from the Arab point of view are businessmen and Government officials concerned over the $1.6-billion American investment in Middle East oil and worried that the United States might be forcing Arab countries into the hands of the Soviet Union.

AMBASSADOR RABIN A SYMBOL

The Israeli Embassy staff, working out of plain, cramped quarters in its yellow-brick chancery, is dedicated to the single-minded purpose of winning maximum American support.

The Ambassador, blunt-speaking Lieut. Gen. Yitzhak Rabin, is more than just the head of the delegation; he was the Chief of Staff of the armed forces during the Arab-Israeli six-day war of June, 1967, and is now a symbol.

He tours the country tirelessly averaging about a dozen public appearances a week.

Instead of giving big parties, as the Arab Embassies do, General Rabin invites a few well-placed Senators or Administration officials to his unpretentious modern white villa in an upper middle class neighborhood for a quiet dinner.

"That's the way you really get things done," a Congressional observer said.

A stream of reading material pours out of the embassy. After every important event, a "pink sheet"—a mimeographed back-ground paper giving the Israeli viewpoint—is mailed to 10,000 to 12,000 Americans in important positions. Businessmen, Congressmen, Government officials and Jewish leaders are on the mailing list.

LITERATURE AND FREE TRIPS

There are booklets on 32 special subjects, such as farming and archeology; a "Land of the Bible" newsletter for clergymen; and even comic books for children.

Free trips to Israel are offered to hundreds of Americans; public officials, veterans leaders, labor union officials, newsmen, even radical left students.

"Once they visit us, they become 'ambassadors'," an embassy officer explained.

In the last two years the Israelis have given all-expenses-paid one-week trips to Israel to governors, including John A. Volpe of Massachusetts, who is now the Secretary of Transportation, James A. Rhodes of Ohio, and Claude R. Kirk Jr. of Florida.

The Israelis can offer more than free tickets on El Al Israel Airlines. They bargain with the fruits of their world-renowned intelligence system.

There are the Russian-built radar station, captured from Egypt, MIG engines and other equipment, that the American military is eager to examine. Beyond that, however, the American Central Intelligence Agency knows that the Israeli network of informers extends through Eastern Europe, deep into Russia and over South America.

While there have been times when the Israelis were believed to have falsified information on Soviet arms shipments to Egypt, the C.I.A. is known to have been impressed by the Israelis' intelligence performance.

"The C.I.A. doesn't take amateurs into its confidence," a former intelligence official commented.

The Pentagon has a deep respect for the Israeli military forces, and the three Israeli military attachés receive candid briefings.

Of the Arab embassies, only six of the dozen have maintained full diplomatic status here since the six-day war.

The Kuwaiti Embassy, with lots of oil money to spend, sends out booklets and other literature, but much of the material reargues 20-year-old issues.

The Jordanian Ambassador Abdul Hamid Sharaf, who was educated at American University in Beirut, is generally considered the most effective spokesman for the Arabs because, as one American official put it, "he never loses his cool and argues on the basis of what is good for the United States."

REALIZES SUCCESSES LIMITED

The handsome 30-year-old envoy takes his case to the Senate Foreign Relations Committee as well as to the State Department. He finds his most sympathetic audience in colleges. But Sharaf realizes his successes are limited.

The most sensitive issue regarding the Middle East lobbies concerns the extent to which American Jewish organizations might be controlled by the Israeli Embassy.

Such control would raise the question whether the organizations should be registered as foreign agents, and would throw their tax-exempt status into doubt because of involvement in political activities.

Two provisions of a 1952 treaty of friendship specifically say that the Israeli Government is not given the right to engage in political activity in this country.

Nevertheless, the Administration and many politicians believe that the Israelis do exert effective control over some American Zionists.

WORRIED ABOUT DEMONSTRATIONS

Thus, in February, when President Nixon became concerned that demonstrations against President Pompidou of France might become worse during his visit to New York City, the White House sought and obtained the Israeli Embassy's aid.

Leonard Garment, the President's special consultant for the arts and civil rights, who works with Mr. Eisher as liaison with the Jewish community, called the embassy and asked for help.

Shlomo Argo V, who as Minister is the embassy's second-ranking officer, called the New York Consulate, which in turn called American Jewish leaders.

An Administration official was asked whether it was not strange for the United States Government to call a foreign embassy to ask for help to control American citizens. He replied: "The question is naive."

During the same period, Rep. Bertram L. Podell, Democrat of Brooklyn, telephoned the embassy and asked for aid in his campaign for a boycott by Congressmen of Mr. Pompidou's address to a joint session of the House and Senate. Mr. Podell said the Israelis had turned him down.

There is some evidence that the Pompidou demonstrations were inspired in Israel.

The first word of the demonstrations was carried by The Jewish Telegraphic Agency in a dispatch from Jerusalem on Jan. 18 that said:

"The Cabinet was informed today that some American-Jewish organizations may stage demonstrations of solidarity with Israel during the forthcoming visit of France's President Georges Pompidou, to the United States . . . Some leaders of American-Jewish organizations, after speaking with Israeli representatives, became convinced that a show of solidarity was necessary, the Cabinet was told."

A check of news dispatches on file in the libraries of The New York Times, The Associated Press and United Press International shows that the first article printed in the United States referring to possible demonstrations was on Jan. 3—nearly two weeks after the dispatch from Israel.

The Israeli Embassy has repeatedly denied any attempt to control American Jewish organizations.

SYMPATHY FOR ISRAEL

Almost all American Jewish groups are sympathetic to Israel, although there are varying attitudes toward Zionism—the movement supporting Israel as a spiritual and cultural homeland for Jews.

The American Jewish Committee, which concerns itself with the status and security of Jews all over the world, is officially non-Zionist, although there are many Zionists among its 43,000 members.

The American Israel Public Affairs Committee, a lobbying group financed by contributions from individuals, is a down-the-line supporter of Israel. I. L. Kenen, the soft-spoken vice chairman of the Committee, is referred to by Congressmen as the "Israel lobbyist." When he worked for the Israeli Government he registered as a foreign agent. He stopped registering in 1951.

The power of Mr. Kenen's organization lies in the political impact of the 5.8 million Jews in the United States. Their vote is significant in four big states—New York, Pennsylvania, Illinois and California. In addition, Jewish campaign contributions are vital to Congressional, state and local, as well as Presidential candidates.

A Western Senator said there were only one or two thousand Jews in his state, "but they all contribute to my campaign."

Some of the most important help that Jews render to candidates is not money but work as staff men, drawing up campaigns, writing speeches, composing television commercials and deciding on strategy.

Such political strength can be translated into action, as it was when a half-dozen projects for Israel were added to the 1969 foreign aid bill as the result of lobbying by Mr. Kenen's Committee, by Hadassah—the Women's Zionist Organization of America—by Orthodox rabbis and by other Jewish groups.

Because the Jewish vote has run 70 per cent or more Democratic since the 1930's, the Nixon Administration has been less subject to pressure from that direction.

The Republican National Committee is working hard to get a bigger slice of the Jewish vote. It is paying Warren Adler, a Washington public relations man, $25,000 a year as a special consultant on Jewish affairs.

FULBRIGHT WORRIES ZIONISTS

Jewish political power impels most Senators and Representatives to take a pro-Israel stand, but there is one man the Zionists worry a great deal about. He is Senator J. W. Fulbright, the Arkansas Democrat who is chairman of the Foreign Relations Committee.

Mr. Fulbright was the only man in Congress who praised the Administration's decision to reject, at least temporarily, the request for more jets.

Nor can American Zionists forget that it was Mr. Fulbright who conducted an investigation into the Foreign Agents Registration Law in 1963. The inquiry showed that funds donated for Jewish philanthropies were sent to Israel, then funneled back to the United States for propaganda.

Senator Jacob K. Javits, Republican of New York, is widely considered a spokesman for Israeli causes. But Arabists in the State Department and Congressional experts agree that Mr. Javits is not only knowledgeable about the Middle East, but also eminently fair.

Mr. Javits is probably the best-known Jew in Congress. The Jew with the highest position in the Administration is Henry A. Kissinger, the President's Special Assistant for National Security Affairs. Pro-Arab sources report that Mr. Kissinger studiously refrains from taking sides on Middle East questions.

If Jews are confident of support in Congress and at least neutrality in the White House, they have always felt uneasy about the State Department. For years Pro-Israelis have complained that State's Middle East section has been packed with officers who, because of their years of experience as diplomats in Arab countries, have favored the Arab cause.

Many of the important posts are still held by Arabists. But when Mr. Rogers took over as Secretary of State he named Joseph J. Sisco, an expert on the United Nations and unidentified with either the Israelis or the Arabs, as the overseer of Middle East Affairs.

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The Department still maintains close contact with the most powerful of the groups in the United States sympathetic to Arabs—the big businessmen.

The most influential are David Rockefeller, chairman of the Chase Manhattan Bank; John J. McCloy, former president of Chase Manhattan; and Robert B. Anderson, former Secretary of the Treasury and a director of Dresser Industries Company, which has oil interests in Kuwait and Libya.

"They are the Establishment," a pro-Arab observer noted. "They can see the Secretary of State, the President—anyone—almost any time."

Mr. Rockefeller is briefed before his trips abroad and reports to the State Department on his return. He describes his role as not to take sides but to be a reporter for the Government.

"I don't have a one-sided role in this thing," he explains. "But it's useful for the President to know what I hear. I'm just a citizen concerned about the situation in a part of the world that's in danger."

TALKED WITH NASSER

Last Dec. 9, Mr. Rockefeller, in an unannounced visit with the President, reported on his one and a half hour talk with President Gamal Abdel Nasser of the United Arab Republic.

Two weeks later, when word of the secret White House meeting was published, 700 letters of protest descended on Mr. Rockefeller in his office on the 17th floor of the Chase Manhattan building in lower Manhattan. There were crank phone calls. He was denounced in Congress. Depositors threatened to close their accounts and a few did.

The Protests upset the mild-mannered Mr. Rockefeller, who subsequently endorsed direct negotiations between Israel and the Arab states—a fundamental demand of the Israelis. He plans a trip to Israel this year.

The protesters invariably charged that Mr. Rockefeller was more concerned about American business interests in the Middle East than in justice for Israel.

INTERESTS IN MIDDLE EAST

The Chase Manhattan has extensive interests in Arab countries. The bank will not disclose these interests, but there are ties with many oil companies as well as branch banks.

It is not well known, however, that Chase Manhattan is also the leading bank for Israel in the United States, although this business is far less than the bank's stake in the Middle East. Since May, 1951, Chase Manhattan has been the only fiscal agent for Israeli bonds and handles other banking matters for Israel.

In any event, there is little doubt that what Mr. Rockefeller and other businessmen tell the Government amounts to an argument for a more even-handed policy in the Middle East.

Mr. Rockefeller is not alone in learning the risks of talking about the Middle East situation. So deep are emotions on both sides, Arab as well as Israeli, that one State Department source commented:

"It is impossible to please anyone unless you are 300 percent for their side."

IMPACT OF THE NEW SOCIAL SECURITY INCREASES

Mr. WILLIAMS of New Jersey. Mr. President, approximately 25½ million men, women, and children on the social security benefit rolls are receiving checks this month which include the 15-percent increase in benefits enacted by the Congress last December.

On a national scale, the increase will:

Raise the monthly benefit by $345 million, or

Raise the total for the year by $2.5 billion.

Raise the average monthly benefit from $170 to $196. For my home State of New Jersey, the rise in benefits will:

Increase monthly benefits for retired workers from $106 to $122; for retired males, from $124 to $142; and for retired females, from $92 to $106;

Increase average monthly benefits for a retired couple from $192 to $220;

Increase the benefits for a widow (or widower) from $95 to $109; and

Increase annual social security benefits by an estimated $150 million dollars.

Such statistics are gratifying, in particular, for members of the Senate Special Committee on Aging.

In our hearings and studies on the "Economics of Aging," we have attempted to alert the Nation to the importance of social security as a mainstay of retirement income, still in need of additional upgrading despite the very welcome increase of 15 percent. As chairman of that committee, I will continue to present the case for additional reforms, including a mechanism for automatic adjustments in benefit levels to keep pace with changes in productivity, fair treatment for working wives and widows, increases in minimum benefits, and some use of general revenues.

The major purpose of social security reform, of course, is to give help to persons who have earned protection against economic insecurity in retirement. But, as indicated in the Washington Post of April 6, there is another dividend: higher benefits provide a useful infusion of buying power into our economy.

Mr. President, the Associated Press story which appeared in the Post is an excellent account of the economic impact of the new social security benefits. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RISE IN SOCIAL SECURITY SEEN AS AID TO ECONOMY

A 15 percent boost in Social Security benefits took effect last week adding $4 billion a year to consumer buying power and firming up the nation's defenses against a recession.

The increase in old age and disability payments to 25.5 million recipients is retroactive to Jan. 1. The three-month back payments will all be mailed in April, adding more than $1 billion to this month's regular benefit checks.

White House economists are counting on this infusion of new disposable income, followed at midyear by the end of the 5 percent income tax surcharge, to shore up the demand for new cars and other consumer goods.

The Budget Bureau's chief economist, Asst. Director Maurice Mann, said the changes "are modest shifts but enough to provide some important support to the economy."

"The swing in the government's fiscal position comes at a time of slight softening in the economy," Mann told an interviewer.

"It is not an over-stimulation that might revive inflationary pressure, but it is enough to stabilize the economy and prevent it from sagging seriously."

The Social Security checks for March, now being mailed, will add some spring zip to the country's spending power. They will carry the retroactive 15 percent increase for March, an additional $345 million payout.

An extra mailing will take place in the week of April 20, bringing the retroactive benefit increase for January and February, Social Security Commissioner Robert M. Ball has announced.

The increase in benefit payments, signed into law Dec. 30, will total $4.2 billion this year and move up to $4.4 billion in 1971 as new names are added to the roll of beneficiaries, Ball said.

The average monthly benefit will rise from $170 to $196 for a retired couple, and from $254 to $292 for a widow with two children.

There will be no offsetting rise in the Social Security payroll tax until Jan. 1, 1971. Present law calls for an increase then from 4.8 percent to 5.2 percent each on employees and employers. President Nixon has proposed that the $7,800 wage base on which the tax is levied be increased to $9,000 at that time. The House Ways and Means Committee is studying this and other proposed changes.

FUTURE HOMEMAKERS OF AMERICA

Mr. DOLE. Mr. President, some individuals seem to be going out of their way lately to point up real or imagined shortcomings, dangers, and ominous characteristics of today's youth. Elders have been viewing young people with apprehension since before Socrates' time, but, somehow, the very great majority of each young generation achieves responsible adulthood in spite of these dire viewings and predictions. One likely reason for the high percentage of productive adults who enter society from each generation of youngsters is the large number of organizations which are devoted to preparing them for the responsibilities which lie ahead.

One organization, the Future Homemakers of America, has established a particularly impressive record in helping high school girls look forward to the challenges of home economics in adult life.

This is National FHA Week in America, and throughout the country more than 600,000 members in 12,000 local chapters are marking 1970 as the 25th anniversary of the establishment of the national organization.

I received a letter and an article from Miss Karon Hosley of Kincaid, Kans., Kansas State FHA songleader, explaining FHA Week and the significance of FHA in the lives of many young Americans.

Mr. President, I ask unanimous consent that Miss Hosley's article be printed in the RECORD, so that the Senate may know fully of FHA's contribution to our country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KANSAS ASSOCIATION OF
FUTURE HOMEMAKERS OF AMERICA,
Topeka, Kans.

NATIONAL FHA WEEK—APRIL 5–11, 1970—25 YEARS OF STERLING OPPORTUNITY

1970 is the 25th anniversary of the establishment of Future Homemakers of America as the national organization for home economics students in junior and senior high schools throughout the United States, Puerto Rico, the Virgin Islands, and some American schools overseas.

Future Homemakers of America was founded June 11, 1945, as an incorporated, self-supporting, non-profit organization, co-sponsored by the U.S. Office of Education and the American Home Economics Association.

Membership in FHA is voluntary and is open to any junior or senior high school student who is taking or has taken a home economics course.

The national organization is made up of the chartered State Associations which are made up of local chapters. State supervisors of home economics education or members of their staffs serve as FHA State advisers. High school home economics teachers serve as advisers to local chapters.

Future Homemakers of America as an organization is an integral part of the secondary school's home economics program, providing opportunities for students to have additional experiences in planning and carrying out activities related to the science of homemaking with particular emphasis on the dual role of homemaker and wage earner.

The overall goal of Future Homemakers of America is to help individuals improve personal, family, and community living, now and in the future. The FHA National Program of Work is designed to work toward that goal.

Twelve national officers (youth) are elected each year at the Annual National Meeting. They make up the National Executive Council and are responsible for the plans and policies of the organization. An adult National Advisory Board gives guidance to the Executive Council.

There are 604,000 members of FHA in 12,000 local high school chapters.

National Headquarters are located in the U.S. Office of Education, Washington, D.C. 20202.

XUM

ELDERLY SUPPORT S. 3154, THE URBAN MASS TRANSPORTATION ASSISTANCE ACT

Mr. WILLIAMS of New Jersey. Mr. President, during recent hearings conducted by the Senate Special Committee on Aging, it has been forcefully pointed out that transportation is a major problem confronting many older Americans, particularly for the infirm and the low-income elderly.

In February the Senate took significant action in meeting this problem with the passage of the Urban Mass Transportation Assistance Act, a bill which I sponsored.

Recently the Housing Subcommittee of the House Banking and Currency Committee conducted hearings on this legislation and other related measures. During these hearings, persuasive testimony—presented by William Fitch, executive director of the National Council on the Aging; Arthur Kling, chairman of the board of the Kentucky Association of Older Persons; and Norman Seaton, chairman of the Retirees Council of Region 8 of the United Auto Workers of America—underscored the significance of the transportation problem for elderly persons.

Mr. President, because of the importance of this subject and the vital information provided at this hearing, I ask unanimous consent that these three statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM FITCH, EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON AGING, ACCOMPANIED BY ARTHUR KLING, CHAIRMAN OF THE BOARD, KENTUCKY ASSOCIATION OF OLDER PERSONS, AND NORMAN SEATON, CHAIRMAN OF RETIREES COUNCIL, REGION 8, UNITED AUTOMOBILE WORKERS OF AMERICA, BEFORE THE SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY. CHAIRMAN: WILLIAM A. BARRETT

Mr. FITCH. Mr. Chairman, and distinguished members of your committee, my name is William Fitch. I am Executive Director of the National Council on the Aging, and with me to share in our brief presentation this afternoon are Mr. Arthur Kling, Chairman of the Board of the Kentucky Association of Older Persons; and Mr. Norman Seaton, who is the Chairman of the Retirees Council of Region 8 of the United Automobile Workers of America.

We very much appreciate this opportunity to come before your committee to represent a very special segment of the population that I am sure you know has been too often overlooked and neglected but have a great deal of concern and interest in the support and passage of your bill.

I have a rather unusual privilege. When I arrived at the hearing this afternoon I was presented with a letter to you from Harrison Williams.

Mr. BARRETT. Oh, yes.

Mr. FITCH. He has indicated that he would like to associate himself with the point that we shall be making this afternoon and asked permission that the letter and the enclosure be included in the record.

Mr. BARRETT. That will be done without objections, and so ordered.

Mr. FITCH. Fine. Thank you.

(See Exhibit One.)

Mr. FITCH. I very much appreciate this opportunity. Working in the field of aging as we have, with the National Council on Aging, for so long, we have watched and studied the problems of these individuals. We have seen them overlooked. I cannot imagine anything in the field of the aging that has as much significance as improvement in transportation for our older persons.

Nothing could document it more, I believe, than the report that we have just submitted to the Office of Economic Opportunity, based on some 50,000 questionnaires that were completed about older persons living in deprived circumstances.

Our report, and very accurately, is called "The Golden Years—A Tarnished Myth." It is a report prepared for the Office of Economic Opportunity by the National Council on the Aging. It is called "Project FIND", the friendless, the isolated, the needy, and the disabled.

In this report there is one whole section devoted to transportation. I would like to read just one paragraph that seems to summarize it, and with your permission I would like to have the section actually taken out of the report and included in the record. I think it is the kind of documentation that you will find helpful.

(See Exhibit Two.)

Mr. BARRETT. That may be done without objections.

Mr. FITCH. This introductory paragraph says:

"The frequency of transportation which is expressed as a major problem of the elderly poor was probably one of the most surprising findings of Project FIND. In some of the target areas transportation appears indeed to be a major problem, since not only food but health and medical care, church attendance, cultural activities, recreation and social contacts depend on adequate transportation facilities.

"In many rural areas public transportation has disappeared, the bus having given way to the private automobile. For persons able to afford cars and to drive them, the disappearance of public transportation may not seem too important. But when reduced income or impaired physical ability makes driving a car impossible, mass transportation becomes a necessity. It is usually the elderly who suffer most from this lack. And even where mass transportation is available, as in the cities, the cost of the fare is a problem for the poor, and the cost of taxis is prohibitive.

"For persons who are incapacitated to walk to a bus, train or a subway system presents a problem, particularly if stairs are involved."

This report will give the statistics that should be considered when the planning of the mass transportation goes into its next phase.

Mr. BARRETT. You have that worked out, do you not?

Mr. FITCH. Yes. I will have this taken out and put in the record.

A procedure I would like to follow in my presentation is a little contrary to the usual testimony. Most of the experts in the field of aging go on record as telling what they think older persons want and feel. We would like to reverse the trend today.

I have brought two very distinguished older persons here who can tell it like it is, and so with your permission I would like, first, to call on Mr. Arthur Kling, Chairman of the Board of the Kentucky Association of Older Persons.

Mr. KLING. Thank you, Mr. Chairman, and members of the committee.

My name is Arthur S. Kling, and as Mr. Fitch testified, I am Chairman of the Kentucky Association for Older Persons.

I am also Chairman of the Advisory Committee of the Greater Louisville Council of Senior Citizens Clubs which for the past two and a half years has been active in making a study of the mass transportation problem in our own city.

In addition, I served for the past seven years as a member of the Board of the United Appeal. I am presently on the Health and Welfare Council Committee on Planning for the Aged, and I am Chairman of an organization, a branch of the Health and Welfare Council Committee on Planning for the Aged, and I am Chairman of an organization, a branch of the Health and Welfare Council, known as the Senior Information and Referral Service.

This is a new experiment which attempts to channel the needs of older persons to the various private and philanthropic agencies around the city and country.

I want to point out first that what we are facing in Louisville is not a matter of rapid transit. We are facing a problem of transit, period, mass transit. It appears, and I can quote directly the President of our Louisville Transit Company, that in from two to three years they will have to go out of business.

Last year their traffic fell off 9.4 percent. I got this figure just yesterday from the vice president of the Louisville Transit Company. I asked him what the prospects are for this year, and he said probably about the same amount.

So that the patronage of the bus company is rapidly declining. It is becoming economically an untenable arrangement.

Now, this poses not only an economic problem but a social problem as well, as Mr. Fitch just said. Many of our senior citizens are older persons and are virtually under house arrest by reason of the fact that they do not have readily available transportation facilities. The interval between the buses is becoming constantly greater. In some cases in Louisville it is an hour and a half to two hours between buses, not out to the suburbs, but to a point two or three miles from the central part of the city.

These people not only are facing poor service, but it is costly. It now costs about 40 cents each way, so that 80 cents a roundtrip out of the pocket of a person on public assistance, which in our state is $94, the highest, means a real expenditure to get to a health clinic, to a doctor's office, to some sort of facility which they need.

I would like to point out something which is very interesting. Due to the changes in our pattern of merchandising and distribution of services, a very significant change in the topography of our cities has occurred.

I looked it up just last night. In an area in which there were 37 drug stores 57 years ago—and I go back 50 years because at that time I was a salesman selling to drug stores—there are now 7 drug stores left.

In an area in which there were 5 drug stores, a little suburb of Louisville, there is none left. In another area there are 7 left out of 14, and this is an affluent area of our city.

The same thing has happened to grocery stores. Where there were 11 independent grocery stores on one highway, there is now one left. There are five chain stores and my wife has to take a bus to get to any one of them, whereas formerly she could walk up to the corner and had the choice of three grocery stores at our nearest corner, about a thousand feet away.

To buy a spool of thread there is only one place on Bargetown Road, a street that extends about three and a half miles. This is in a shopping center where there happens to be a department store. But at no other place can you buy a spool of thread.

The same thing has happened to doctors' offices. The doctors now have abandoned their neighborhood offices. They moved into the medical centers, and you have to take a bus or car to get to them. Very often you have to cross an arterial highway, with a great deal of traffic, to get to the doctor's office.

The same way with the movie.

In every aspect of our life we are concentrating upon the mass retailer of services, not only of goods but of doctors' services and things of this sort. So that our older people are deprived by virtue of not being able to get around.

I belong to one of the larger senior centers downtown, and we have an anonymous fund for people who cannot afford the cost of bus fare, and each month I contribute a certain amount to this, and a number of other people do, just to enable people to get out of their homes, to get some recreation and meet with their peers and to get some fresh air.

In my opinion this is, as I said, not only a problem of economics, it is a problem of the social wellbeing of a great many of the persons in our communities.

I might say that some of the remarks that I have made apply to the poor in our cities. I am also on the Employment Committee of the Mayor's Human Relations Council in the City of Louisville. We made studies and find that poor people cannot get to work because the bus lines do not go very often, or do not travel often enough to the industries which are now on the fringes of our cities. There are no industries being built up in Louisville. They are all going to the outskirts. And sometimes to travel six or seven miles requires an hour and a half to two hours on a bus because of the infrequency of bus service, because of transfers, and this sort of thing.

So I plead with you, gentlemen, to incorporate in your bill, if it is not already incorporated—and I have had no opportunity to study it—some provisions which will enable the cities to provide service at low cost, reasonable cost to the older persons and the poorer persons of our community.

I want to say in closing that due to our efforts there was passed yesterday in the General Assembly of Kentucky a mass transportation Act which we sponsored and which the Mayor, recently elected Mayor, Mayor Frank Burke, made one of his major planks in his platform.

This mass transportation bill will authorize our city to set up a transportation authority. We see no reason why it should not pass the Senate just as speedily. It passed the House 83 to nothing.

However, this Act cannot become a reality without help from the Federal Government and state agencies, and therefore I plead with you gentlemen, with your committee, to make the older citizens of our community known to your colleagues.

Thank you.

Mr. FITCH. Thank you, Arthur.

Mr. Chairman, there is evidence of senior power being organized around the country. What we are really hoping to see is senior power organized around constructive effort. I think this is a good example.

We have one of the better exponents of Senior Power right here. He is Norman Seaton, who is the Chairman of the Retirees Council of Region 8, of the United Automobile Workers of America.

Norman.

Mr. SEATON. Well, I also, Mr. Chairman and members of the committee, appreciate this opportunity of appearing here today.

I might also add that I am representing here today as the Chairman of the Structuring and Organizing Committee of the United Automobile Workers over 225,000 retirees.

I would also like to add to this that this bill will benefit many millions in our United States. As to the retirees in our country, not only do we believe in helping them just because we have a labor movement—we don't have a movement that just thinks of labor and retirees only. We believe in whatever you do for the community, you work with the community to help them, and that is our program. Our guiding principle has always been that labor will continue to be, and progress only with the total community and not at the expense of the community.

The problem we have mostly all over the United States, in the last meeting that I attended where we had 25 representatives, representing all our retirees, is the transportation problem, which is why we would like to see this bill S. 3145 passed.

In Baltimore, alone, where I make my headquarters at times, a bill has been passed by the Council, the money has been passed by the voters for the appropriation of the bill, and we are going to build a center in the center of this city, a retirees center, which is going to cost $3 million and a million dollars to furnish it. The problem has been—and there has been a lot of discussion about it by some of our Councilmen in Baltimore—what are we going to do after we have this center built? How will the people get there?

We have two problems with transportation. One of them is we see a bus every half hour, maybe three-quarters of an hour. A lot of our retired people not only don't have the time to stand and wait an hour, a half hour, but they are not able to do it. A lot of them are very ill in some way. They have some handicap in their walking. And a lot of them—we have two things to worry about. If they stand on the corner any length of time, then they don't know whether their pocketbook is going to be snatched away or what is going to happen to them. A lot of them stay away from churches. They stay away from clubs, the social clubs that we have.

The last report we have with the Golden Age Club, in Baltimore alone, which represents some 300 Golden Age retirees, the attendance has fallen off, and of course the retirees are at the club at 10 o'clock in the morning and they leave at 3 o'clock in the afternoon, and the reason is because it is a transportation problem. And any time you talk about any part of this program, it always runs into transportation. And the retirees and the elderly and the handicapped are the ones who are penalized.

We have retired in this country, I have heard many hundreds of thousands that are on what you call the disability pension, and we have many millions of retirees whose income is very low. And I do not have to tell you gentlemen that. You know it. Some of the Social Security payments are very, very low, and we often wonder—knowing it is pretty hard to even use some of this money for transportation, we often wonder how do they get along otherwise as far as keeping themselves and paying their rent and buying some food.

It is our hope that this bill that is before your committee for consideration—as was said some time ago by another gentleman here, at least it is a step in the right direction, and it is something where even if we get it started, then we can worry about improving on it in the future.

And I would like this committee to give some consideration to this bill.

Thank you.

Mr. FITCH. Thank you, Norman.

One of the problems that has not come out here, but one that is also pressing in on some of the older persons is the fact that more and more automobile insurance becomes more difficult to get.

Only last week in my office a gentleman whose wife has been his sole means of getting around because she can drive has been informed that she will not be able to have her automobile insurance renewed. His agent said within the past year only four applications from persons over 60 had been approved.

This is changing the whole way of life for many of these older persons. Many of them probably could continue to drive, many of them able to, but many of them realize that there will come a time when they may not be able to. And without the transportation almost all the things we talk about are meaningless—a center, the recreational facilities, even some of the retirement communities. They just become isolated unless there is available transportation.

At a meeting that I attended last night in Newark, New Jersey, where some 200 persons were meeting to consider programs and services for older persons, they were unanimous in saying that they wanted you to know that they were totally in support of your bill.

Many of them wished they had known about the hearings and many of them may still forward reports and additional information for the record.

I am sure that when your bill comes before the House, that you can be assured of a great deal of support among the older persons across the Nation.

I can only say that although the Golden Years, being "a tarnished myth", is true at the moment, there is a great hope in the legislation before your committee. The National Council on the Aging is concerned about the problems of the aging, and you can count on our support, together with the support of older persons across the Nation.

Transportation is, I think, their No. 2 problem, next to income in the later years.

Thank you, Mr. Chairman.

Mr. BARRETT. Mr. Fitch, you have heard me say we will probably start to mark-up this bill on Wednesday.

Mr. FITCH. Yes.

Mr. BARRETT. Do you have any specific recommendations to make that might be beneficial to the aged?

Mr. FITCH. I would like very much to be able to get the consensus of some of the

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other organizations working in the field and put something in the record before next Wednesday for you.

Mr. **Barrett**. Would you do that?

Mr. **Fitch**. I would be pleased to.

Mr. **Barrett**. Glad to have it.

Mr. **Fitch**. Thank you.

Mr. **Barrett**. Mr. Widnall.

Mr. **Widnall**. Thank you, Mr. Chairman. Mr. Fitch, I would like to compliment you on your testimony, and that of your two assistants, so to speak, who are sitting with you at the table. I think that you have pointed up some things in connection with the problems of the senior citizen which have not had too much disclosure in the past, and a lot of people are really quite unaware of the problems as they have been developing.

The problem of transportation is certainly very, very serious for them. I have seen it in the area in which I live with the narrowing down of the ability to get around. I know that as we have moved into a more affluent society for the young people with lots of money going for the high speed cars and for everything else where they can go by car one block or two blocks, there has been a constant downgrading of the transportation for those who need it the most and whose demands are the most simple, really, and that is the elderly citizen in the community.

I think we have very much of an obligation to do our best to be helpful in this area.

I would like to add this, though, that the problem is not just the senior citizen on many of these things. The exact same problem exists for almost every citizen. And in the change in our society, a lot of things that are done for bigness, growth, so-called progress, a lot of the greatest things in our society have disappeared.

And much of the friendliness that used to exist has disappeared also in the zest for greater profit, greater this, that and the other thing.

We have got to do a lot together in order to solve some of these problems. I am sure that the Chairman is very mindful of this, and the members of our committee, and we appreciate your suggestions, your criticisms and anything you can submit to us.

Thank you.

Mr. **Fitch**. Thank you very much. I would like to add just one postscript.

It almost defeats everything we are trying to do, to keep older persons involved in the later years and trying to help them lead useful and meaningful lives. Transportation may very well determine whether these are meaningful years or lonely years without purpose.

Mr. **Barrett**. Thank you Mr. Fitch, Mr. Kling, and Mr. Seaton.

Very fine statements, very interesting, very human type statements. We are certainly glad to have your testimony.

Exhibit 1: Excerpt on Transportation From Report on Project Find

(Submitted by Mr. Fitch)

TRANSPORTATION

The frequency of transporation difficulties expressed as a major problem of the elderly poor was probably one of the most surprising findings of Project FIND. In some of the target areas transportation appears, indeed, to be a major problem, since not only food, but health and medical care, church attendance, cultural activities, recreation and social contacts depend on adequate transportation facilities.

In many rural areas public transportation has disappeared, the bus having given way to the private automobile. For persons able to afford cars and to drive them, the disappearance of public transportation may not seem so important. But, when reduced income or impaired physical ability makes driving a car impossible, mass transportation becomes a necessity. It is usually the elderly who suffer most from this lack.

Even where mass tranportation is available, as in the cities, the cost of the fare is a problem for the poor, and the cost of taxis is prohibitive. For persons who are incapacitated, the walk to bus, train or subway system presents a problem, particularly if stairs are involved.

FREQUENCY OF TRANSPORTATION PROBLEMS

Overall, about one-third of the poor respondents reported having transportation difficulties; about one-fifth of the near poor so reported. Of these, 41% of the poor and 30% of the near poor said that they had difficulties with transportation often or very often; 23% of the poor and 19% of the near poor had trouble occasionally. Thus, only about 37% of the poor and about one-half of the near poor who reported having transportation difficulties find these problems not to be major.

The reasons given for lack of transportation are usually "cannot afford transportation" (91% of those lacking transportation often or very often), and "public transportation is not very good" (67% of those lacking transportation often or very often).

Amount of income appears to be very important in the degree of difficulty experienced. Very small amounts of income added to that of persons living at the poverty line appear to result in considerable alleviation of transportation problems. Indeed, the most striking aspect of the table which follows is the substantial improvements in transportation which are indicated just at the point of the poverty line. Thus, fewer couples with incomes of $2,000–2,499 than those with incomes of $1,500–1,999 report difficulties often or very often. This is even more striking in the case of single persons reporting difficulties often or very often at the $1,500–1,999 level as compared to the $1,000–1,499 level. Similarly, the percent of those reporting difficulties rarely rises appreciably for either couples or individuals with incomes over the poverty line.

TABLE 57.—INCOME IN RELATION TO FREQUENCY OF TRANSPORTATION PROBLEMS

[Percentage distribution for individuals and couples]

Income	Often and very often		Occasionally		Seldom or never	
	Couples	Individuals	Couples	Individuals	Couples	Individuals
0 to $499	37	49	21	21	41	31
$500 to $999	38	45	21	23	40	33
$1,000 to $1,499	38	45	22	23	40	31
$1,500 to $1,999	35	31	18	21	47	47
$2,000 to $2,499	29		19		52	
$2,500 to $2,999	24		14		62	

Transportation problems appear most acute past the age of 79, presumably because persons under 79 are generally more agile and able to manage. Again, it is useful to note the difference in frequency of transportation problems between the poor and the near poor in the same age groups.

TABLE 58.—AGE IN RELATION TO FREQUENCY OF TRANSPORTATION PROBLEMS

[Percentage distribution of replies for poor and near poor groups]

Age	Often and very often		Occasionally		Seldom or never	
	Poor	Near poor	Poor	Near poor	Poor	Near poor
65 to 69	39	29	20	17	40	54
70 to 74	41	28	21	21	38	51
75 to 79	41	27	23	19	36	54
80 to 84	47	32	24	17	37	52
85 to 89	44	35	19	19	36	46
90 and over	39	30	23	30	38	40

As shown in other consumer and service needs, race seems to be a factor in the existence of transportation problems, though the difference between racial groups is less great than that between the poor and the near poor within racial categories.

TABLE 59.—RACE IN RELATION TO FREQUENCY OF TRANSPORTATION PROBLEMS

[Percentage distribution of replies for poor and near poor groups]

	Often and very often		Occasionally		Seldom or never	
	Poor	Near poor	Poor	Near poor	Poor	Near poor
White	39	29	22	18	38	54
Negro	44	30	21	11	26	58
Other	43	8	18	13	39	78

Higher education appears to have some positive relationship to ease of transportation. This again is probably related to the fact that higher education means higher income, and income seems to be the important factor here.

Males seem to have a slightly less severe transportation problem than women among the poor. Among the near poor, the advantage is even more pronounced. Increased income seems to help males ease transportation problems relatively more than females. However, more income helps both sexes noticeably.

TABLE 60.—SEX IN RELATION TO FREQUENCY OF TRANSPORTATION PROBLEMS

[Percentage distribution of replies for poor and near poor groups]

	Often and very often		Occasionally		Seldom or never	
	Poor	Near poor	Poor	Near poor	Poor	Near poor
Male	39	26	20	17	41	57
Female	41	31	23	21	36	48

Likewise, married women have fewer problems than unmarried. However, increased income seems particularly beneficial from the point of view of transportation for single persons. While 42% of poor singles with transportation difficulties had them often or very often, only 25% of near poor singles reported difficulties that frequently. Similarly, while only 38% of poor singles with difficulties reported them seldom or never, fully 61% of near poor singles so described their difficulties.

TABLE 61.—MARITAL STATUS IN RELATION TO FREQUENCY OF TRANSPORTATION PROBLEMS

[Percentage distribution of replies for poor and near poor groups]

	Often and very often		Occasionally		Seldom or never	
	Poor	Near poor	Poor	Near poor	Poor	Near poor
Married	37	28	20	18	43	53
Single	42	25	20	15	38	61
Widowed	42	30	23	20	34	51
Divorced	40	33	19	22	41	45
Separated	42	33	23	10	35	56

Community reports regarding transportation

Reports from the communities describe the transportation problems of FIND respondents in more human terms than the cold statistics. One of the project reports from an urban area says:

"Transportation services designed specifically for the aging are grossly limited. One of the most often provided services of the FIND Aides was in transporting elderly persons to services or transporting services to them. Other than public buses, the fare for which will soon be raised from 20¢ to 25¢, the only stable and substantial transportation service is from private taxis. The American Red Cross provides this service on a limited basis, if a volunteer is available. The service of the Red Cross is geared toward transportation during disasters and for welfare recipients through appropriate referrals when the welfare recipients are in need of transportation to medical clinics, private physicians, or medical facilities. They can generally accommodate only 5 persons per day."

In one Project FIND area the problem of transportation proved to be so great that station wagons were secured to aid in carrying out the project. The project director wrote:

"There are 907 square miles in the County and there are only four station wagons owned by the CAA. These are kept busy carrying semi-invalid clients to physicians, clinics, and hospitals. There are many senior citizens without any transportation except that which is provided by the CAA, relatives, or neighbors."

In one sparsely populated rural area where the local Community Action Agency secured some government surplus vehicles, transportation or escort services to doctors, banks, stores, etc., was the one direct service most frequently given, with 3,560 such trips recorded during the project's duration.

In another area a team captain in a summary report to the project director wrote:

"It appears that a lack of transportation is the single most important item that affects the older group. Lack of transportation keeps them from shopping at shopping centers so they could take advantage of lower prices. They have to buy from neighborhood stores and drug stores which charge more for their products and thereby the small amounts of their incomes cannot be stretched to a full advantage.

"Lack of transportation also keeps them from going to city and county health clinics for doctor and medications at a reduced cost.

"A large proportion of the people who need surplus commodities are unable to receive them because they cannot get back and forth to the distribution points."

In another local project the need for transportation was so great that an attempt was made to purchase cars and buses for the program by collecting trading stamps (2,200 books of stamps for a car).

How the problems of transportation affect people's lives is indicated in the following quotations from reports:

"Mr. L. lives with his wife in an isolated area. He is a double amputee. He had become used to one artificial leg when the other leg had to be amputated. He needs to go four times a week to a physical therapist about ten miles away. Whoever takes him must be strong enough to manage the wheelchair, which is top-heavy and easily tips over. When he is ready for the second prosthesis he will have to go several times to a city thirty miles away for a cast and fittings. He can spend two weeks in the hospital there to start getting used to the new balance, but thereafter physical therapy must continue, as his muscles at age 63 will require much retraining.

"Mr. W., age 67, is trying to support himself and his wife. The only job he can get is during a split shift. The bus schedule is inadequate and he must wait an hour for a bus twice a day, making his work day intolerably long.

"Mr. and Mrs. M. own their little home in suburban area, but he will probably be unable, because of his age, to get his driver's license renewed next month, and she does not drive. Most of their neighbors are elderly, too, and the few ablebodied people work during the day. There is almost no one there to rely on, and no public transportation. The M's worry about themselves and about the neighbors whom Mr. M. has been helping with transportation."

By any standards of measurement and interpretation, transportation is one of the great problems of the elderly, especially the elderly poor.

EXHIBIT 2: LETTER FROM SENATOR WILLIAMS TO CHAIRMAN BARRETT, MARCH 11, 1970

HON. WILLIAM A. BARRETT,
Chairman, Subcommittee on Housing, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, I have already testified on the bill before your Committee today. My purpose at that time was to discuss the major thrusts and provisions of the legislation. At this point, I wish to associate myself with the very important point which will be made by Mr. William Fitch of the National Council on the Aging and his associates here today.

The point is simply this: That transportation inadequacies cause widespread, intense, and—in some cases—worsening hardship among older Americans. As Chairman of the Senate Special Committee on Aging, I have heard, again and again, about such problems. They occur in both urban and rural areas. They cause many difficulties among a group of Americans who suffer from general economic insecurity and many demands upon their fixed incomes.

I therefore commend the National Council on the Aging for making its presentation to you today, and I ask your permission to have included in your hearing record two additional exhibits—attached to this letter—dealing with the transportation problems of the elderly.

With thanks for the many courtesies you have extended.

Sincerely,
HARRISON A. WILLIAMS, Jr.,
Chairman.

RIGHT-TO-WORK LAWS

Mr. DOLE. Mr. President, Kansas is one of 19 States which have enacted what are known as right-to-work laws concerning compulsory labor union membership.

These laws stand as firm expressions of individual rights and exercise of State authority in a field which has, to a considerable degree, been preempted by Federal power under the influence of powerful labor unions.

In the Washington Star of March 11, David Lawrence analyzed recent statistical information on labor contracts and trends in the collective bargaining field.

Mr. President, I ask unanimous consent that Mr. Lawrence's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMPULSORY UNIONIZATION ISSUE

(By David Lawrence)

The latest survey shows that nearly 83 percent of the union contracts made with companies nowadays provide some requirement either for membership in the union or dues paying on the part of the employee.

The Bureau of National Affairs, Inc., which has just completed a comprehensive study, says that the most prevalent form of union security is the "union shop," which requires all employees to join the union after 30 days on the job and to maintain membership as a condition of employment.

Eighty-six percent of the contracts cited in the survey call for the deduction of union dues from pay envelopes; in 9 percent of the contracts, employees who do not become members are required to pay service fees equal to the amount of union dues.

Hiring provisions—for example, requiring only that preference be given to workers living in the area or to those with prior experience in the industry—are found in 17 percent of the contracts. But agreements expressly stipulating that union members be hired are almost nonexistent, as these are illegal in companies subject to the Taft-Hartley Act.

In construction and other skilled trade unions, the labor union office supplies the worker when an employer begins a building project in a new area or expands his working force. As a practical matter, a building contractor who operates under a union contract usually asks the union office to send out carpenters, plumbers and other skilled craftsmen for jobs that open up.

This is where union leaders run into conflict with the government's efforts to impose racial quotas on hiring of new employees. Labor leaders complain that the government is trying to force them to take into their unions—and into construction jobs—unqualified Negroes.

Labor unions for the most part conduct their internal affairs amicably, though frequently there are bitter contests between rival candidates for office inside a union which stir up ill feelings. Officials of labor unions have found over the years that they can be re-elected only if they push steadily for wage increases. In a sense they are prompted by what may be called "labor union politics."

Employers recognize often that the union leaders would at times welcome some outside panel to pass judgment on their demands because strikes are costly and occasionally do not yield the anticipated benefits.

Labor unions have steadily grown in size until today the membership is approximately 19 million. The entire labor force is estimated at about 82 million. The unorganized labor population, however, is largely in rural districts and in occupations in which it would be difficult to effect organization.

Broadly speaking, labor union leaders feel that over the years they have benefited by collective bargaining, and that they have in many cases prevented the passage of legislation unfavorable to their own interests.

The power of the national labor union has grown extensively in recent decades. When a strike is called, an entire industry can be shut down because the local unions obey the orders of the leaders of the national union with which they are affiliated. Workers in the skilled trades are almost completely unionized. They have a monopoly in virtually all the manufacturing industries.

Nineteen states have what are known as "right-to-work" laws. These prohibit any labor union from compelling a worker to join a labor organization as a means of getting a job or remaining in a job. The labor groups, however, have managed to prevent the spread of such laws to other states.

What is surprising, of course, is that with all the talk about "liberalism" and "individual rights," a worker in numerous industries must join a union after 30 days in order to keep his job. The employer, moreover, has agreed to the mandate. The courts have never ruled against this obvious invasion of individual rights.

The argument usually heard is that the nonmembers can hardly bargain by themselves and that the labor union represents the only organized body which can conduct collective bargaining negotiations. But the compulsion nevertheless remains, and it is this factor which has led to the development of a National Right-to-Work Committee, which carries on a continuous crusade against any form of compulsory unionization.

NEED TO RETAIN ACP

Mr. MONDALE. Mr. President, in recent weeks I have received a number of letters protesting the elimination of authority to continue the agricultural conservation program in the 1971 agricultural budget. I hope we can restore this highly effective, low cost, and popular conservation program.

In my State of Minnesota 18,746 farms participated in the program last year, 28,806 participated in 1968, and a total of 92,983 participated in the program at least once in the last 5 years. Approximately $10 million in conservation practices were performed on the 18,746 farms in 1969 with the Government share of the costs paid by the ACP program $5 million.

By far the most important conservation practice undertaken in Minnesota was the establishment of permanent cover, six thousand farms in 76 counties established permanent cover on 105,619 acres in 1969 with the Government making cost-sharing payment of $1,342,255 to the cooperating farmers.

In my State of Minnesota, over 1,000 farmers in 50 counties planted trees or shrubs for forestry and erosion prevention purposes on over 6,000 acres, with the Government sharing the cost of these plantings in the amount of $141,000.

Another 1,016 farmers in 84 counties established reservoirs for agricultural uses, with the ACP program sharing the cost to the extent of $386,000.

Mr. James T. Shields, executive director of the Minnesota Conservation Federation, wrote me a few weeks ago about the close cooperation between the ASCS committees and the Minnesota Conservation Department, Division of Game and Fish. He reported that over 17 percent of the total ACP payments in Minnesota in 1968 were made for conservation practices primarily beneficial to wildlife.

The preliminary 1969 report indicates that 1,865 farmers in 81 Minnesota counties planted wildlife food plots last year, averaging about 5 acres per farm, with the Government sharing the cost to the extent of $78,972, or about $40 per cooperating farm. Some 712 farms established or improved shallow water areas and wildlife ponds in cooperation with the Minnesota Department of Game and Fish and received ACP cost-sharing payments of $233,000.

The average payment per farm in Minnesota for all ACP practices performed in 1968 was a modest $186 and in 1969, $269.

Our experience with the ACP program and the cooperation between the county ASCS committees and the State Department of Conservation in Minnesota is not an isolated case. I am told that similar cooperative relationships exist in most States with the result that some 277,000 farmers in the United States in 1969 established permanent cover or planted shrubs and trees for forestry purposes and to prevent erosion. These permanent conservation practices covered 4,300,000 acres, with the ACP program cost-share payments amounting to over $42 million.

After reviewing the wide range of conservation practices encouraged by the ACP program in my own State of Minnesota and in the entire United States, I think this country gets more benefit from the $185 to $200 million ACP program funds spent each year than for many other Federal expenditures. I urge that authorization for the continuation of this highly beneficial program be continued in the 1971 agriculture budget.

Mr. President, I ask unanimous consent to have printed in the RECORD a portion of a recent address by Edwin Christianson, president of the Minnesota Farmers Union and vice president of the National Farmers Union, concerning the agriculture conservation program.

Mr. Christianson, speaking to the 68th annual NFU convention, said:

> If the $195 million ACP appropriation is killed, then you endanger about $600 million in conservation work.

Also, I ask unanimous consent that several letters in support of this program and a series of tables which summarize the effectiveness of the ACP also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS OF EDWIN CHRISTIANSON

The President of the United States recently sent a message to Congress advocating some budget reductions, $2 billion in all, which he said could be saved because these were "sacred cow" programs of importance only to some special interest groups.

In this list of recommended savings, the President included the elimination of the ACP program in 1971, the termination of the special milk program in schools, nurseries and camps, and the inclusion of the Federal Crop Insurance program administrative costs in the rate structure paid by farmers.

"These are not special programs for vested interests, but programs which are of value and benefit to everyone in our society.

"It is inconsistent in our opinion to stir the hopes of the hungry and poorly-nourished that hunger is going to be wiped out and then to seek to end the school milk program which has been such a mainstay in our national child nutrition effort.

"It is unfortunate to cast reflections upon the Federal Crop Insurance program, when in truth, it is as important to agricultural lenders, bankers, main street businessmen and cooperatives as it is to the producer himself. Federal Crop Insurance is an important protection of the cash investment of the farmer in his crops—and important to everyone who has a stake in any of the inputs which the farmer uses in production.

The Agricultural Conservation Program (ACP) is another example of how the public might get an unfortunate impression from the President's remarks.

For a long time, farm people and particularly those of us in Farmers Union have been concerned about the land, water, forest and wildlife resources of our nation.

We have had to fight some difficult battles for enough appropriations for ACP, for Soil Conservation Services, for Great Plains conservation, for watersheds and flood control.

So, we are delighted when the public finally starts to take an interest in the environment. We welcome the great wave of public discussion of the quality of our environment and hope that the new federal programs to safeguard the environment will become a reality.

But, we must disagree when the President of the United States or any other policy-making official proposes to set back the entire pollution control effort by recommending the elimination of federal funds for the ACP program.

People who are familiar with pollution problems, recognize sediment as the No. 1 pollutant in our nation.

Nothing is more important than sediment control to reduction of the run-off of fertilizers, farm chemicals and pesticides in surface waters than the ACP program.

Now perhaps some might say that the ACP program pays farmers to do something which they ought to be doing on their own anyway.

It is not that simple. The government only makes cost-sharing assistance available on conservation practices with a lasting value, practices from which the farmer received no immediate return, and practices which he could not undertake without this assistance.

The government offers cost-sharing up to 50% and the farmer supplies the materials and the labor. Farmers are investing about $2 in labor and materials for each dollar of assistance from the government. So, if the $195 million ACP appropriation is killed, then you endanger about $600 millions in conservation work.

Recently, a National Inventory of Soil

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and Water Conservation needs was made public. It indicated that 59% of our national cropland, 66% of the range-land, 68% of the pasture land and 71% of the commercial forest land are in need of conservation treatment.

It may be true that some of this work could be put off, but don't forget that we are falling behind in soil conservation even at present rates—and that we will fall further behind if we cut out the ACP program.

If we choose to delay this conservation work now, it is going to cost much more in the future.

It is relatively cheap to control erosion if you do it at the initial source—on the farm and range lands of the nation.

You can keep soil in its place on the farm with a relatively modest expenditure. The soil specialists feel it takes an expenditure of only 3 to 5 cents a cubic yard to control the sediment on the land.

But, just let erosion take its toll—and when you get downstream and start to dredge it out of the lakes and waterways, it is going to cost you $1 per cubic yard. You are going to have a loss of topsoil on the farm—and it is going to cost you 20 times more downstream to repair things than it would have to maintain the soil where it belonged.

So, we cannot help being dissappointed to hear all the big talk about environmental programs coming out of Washington and the White House and then to hear a recommendation which would cut the heart out of the conservation effort.

The whole problem of stabilizing the soil is crucial to the whole controversy about pesticides and chemical and fertilizer runoff. It is only if you have a serious erosion and run-off, that you are going to have a significant movement of pesticides and chemicals off the farm.

SHAFER, MINN.,
March 13, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MONDALE: I am very distressed over the recent budget proposals recommending the dropping of the Agriculture Conservation Program funds. This worthwhile project has provided assistance to farmers and the public in general in conserving natural resources, pollution abatement and sediment control. I cannot understand the idea of administering money for pollution abatement on the one hand and dropping a good conservation practice at the same time.

I sincerely hope that you do everything in your power to maintain and increase funds for ACP.

Sincerely,

DEWEY ROUSH.

JACOBSON, MINN.,
March 14, 1970.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SIR: I would just like to write to you and express my sincere belief in the different farm programs, in my simple way.

I'm a small dairy farmer on 164 acres. I know how much the gov't programs mean to me and the rest of the farmers here in Aitken Co. and all over the Nation.

I would like to urge you very strongly to support especially the Agriculture Stabilization program which is in Congress at present for consideration. The A.C.P.

I am very sure if the A.C.P. is discontinued, the other programs like the Soil and Water Cons program and also the R.C.D. in our areas will be falling to wayside very shortly. These programs are very much dependent on the A.C.P. cost sharing.

Also if the farmer is not protected by the A.C.P. by cost sharing on many different practices, many of us will soon be out of business also.

We are losing the family farmer in my opinion very fast, dangerously fast. I'm beginning to think and I also feel our Senators and Congressmen should think what will be the outcome of this in the next 5 years. I'm afraid our farm commodities are going to be very short and very high in price for the consumer.

I am sure you Mr. Mondale do understand the farm problems, but there are so many that are so ignorant about our farm problems in Washington, and all over the Nation.

Sincerely,

VUPKE NORDBURG.

ZIMMERMAN, MINN.,
February 28, 1970.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I understand the President intends to cut out the Federal Agricultural Conservation Program (ACP).

I am a forester for the State of Minnesota, and part of my job is to make needs and compliance checks on ACP forestry practices. I am convinced that without the cost sharing incentive, the amount of forestry and wildlife projects would fall off drastically. I deal personally with the applicants, and a large percentage of them can't afford these extra projects without help. We must keep this program to continue to improve our private woodlands, wildlife habitat and field erosion problems.

Cut more spending from military spending, and leave this program alone.

Sincerely yours,

BRIAN L. GARVEY.

REDWOOD FALLS, MINN.,
March 4, 1970.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing in regard to the reported efforts of the Nixon administration to kill A.C.P.

Men, in general, tend to exploit, rather than conserve which is why the administration contention that soil conservation practices should be privately carried out is absurd to say the least.

I contend that the time is here for compulsory soil conservation practices because our cropland is an irreplaceable national resource, which may have to be used for longer than can be seen ahead. Had we continued to exploit our timber resources, as was done in northern Minnesota, there would not be a forest left standing in the country. This analogy, while not perfect, is a legitimate one and makes a valid point.

The need for increased soil conservation practices out here is becoming more obvious every year. Higher places on rolling cropland are largely devoid of topsoil. Land of this type should be terraced. Grass waterways for runoff should be constructed. Ponds to impound waste runoff from feedlots must be built to lessen pollution of our streams. Shelter-belts to prevent wind erosion and to protect wild life must be planted.

Farmers in general have neither the resources nor the will to carry out these practices without assistance. Furthermore, if cropland is to be considered an irreplaceable national resource, it should be more in the public interest to spend this one-fifth of a billion dollars for A.C.P than for the S.S.T. for example, which is not vital to this generation, much less to future generations. This should be a matter of high priority.

Sincerely,

ROBERT J. BUCKLEY.

1969 AGRICULTURAL CONSERVATION PROGRAM SUMMARY OF PARTICIPATION AND ASSISTANCE BY COUNTIES

PART F—STATE MINNESOTA

County	Participating farms					Pooling agreements					
						Regular practices			ECM practices		
	Regular (1)	Once in last 5 years (2)	ECM only (3)	ECM and regular (4)	ECM acres served (acre) (5)	Agreements (6)	Farms (7)	Cost—shares (dollars) (8)	Agreements (9)	Farms (10)	Cost—shares (dollars) (11)
Aitkin	201	608				1	8	7,200			
Anoka	204	614									
Becker	327	1,351									
Beltrami	297	859									
Benton	208	719									
Big Stone	20	616				3	14	1,639			
Blue Earth	131	2,849				1	2	1,118			
Brown	148	1,003				6	13	12,278			
Carlton	141	559									
Carver	127	455				1	2	1,045			
Cass	221	695									
Chippewa	161	563									
Chisago	201	708									
Clay	362	959									
Clearwater	250	799				1	18	8,000			
Cook	2	6									
Cottonwood	105	859				1	5	420			
Crow Wing	126	374									
Dakota	174	200				1	3	4,370			
Dodge	145	738				12	58	13,645			
Douglas	297	1,316									
Faribault	86	1,351				1	2	968			
Fillmore	240	1,350				1	2	1,507			

1969 AGRICULTURAL CONSERVATION PROGRAM SUMMARY OF PARTICIPATION AND ASSISTANCE BY COUNTIES—**Continued**

PART F—STATE MINNESOTA—**Continued**

County	Participating farms				ECM acres served (acre)	Pooling agreements					
						Regular practices			ECM practices		
	Regular	Once in last 5 years	ECM only	ECM and regular		Agreements	Farms	Cost—shares (dollars)	Agreements	Farms	Cost—shares (dollars)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8	(9)	(10)	(11)
Freeborn	275	1,128				3	22	6,617			
Goodhue	194	1,040				6	14	11,735			
Grant	244	661									
Hennepin	93	437									
Houston	207	947				2	4	5,497			
Hubbard	184	523									
Isanti	175	705									
Itasca	146	756									
Jackson	126	1,332									
Kanabec	134	740				2	4	4,690			
Kandiychi	270	1,563				14	33	3,819			
Kittson	344	812				11	33	2,350			
Koochiching	183	389									
Lac qui Parle	171	1,693									
Lake	24	58									
Lake of the Woods	100	294									
Le Sueur	124	1,013									
Lincoln	176	744									
Lyon	132	955									
McLeod	118	824				1	3	217			
Mahnomen	150	438									
Marshall	798	1,575				2	4	585			
Martin	114	1,364									
Meeker	186	1,082									
Mille Lacs	232	741									
Morrison	298	1,327									
Mower	170	882				9	38	11,910			
Murray	83	1,468									
Nicollet	199	871				3	11	6,943			
Nobles	66	1,181									
Norman	391	1,117									
Olmsted	145	1,083									
West Otter Tail	384	1,723									
Pennington	322	982					12	30	4,627		
Pine	302	1,007									
Pipestone	102	752					1	2	4,508		
West Polk	409	1,277					5	16	1,002		
Pope	269	968					1	4	2,353		
Ramsey	3	26									
Red Lake	149	583					8	23	8,002		
Redwood	224	1,619					2	8	1,155		
Renville	593	1,038					7	15	2,449		
Rice	209	786									
Rock	84	433									
Roseau	417	1,167					12	28	2,264		
South St. Louis	158	436									
Scott	128	670									
Sherburne	236	672									
Sibley	116	858					1	3	381		
Stearns	393	1,402					1	3	6,153		
Steele	246	1,318					3	11	1,032		
Stevens	169	882									
Swift	271	1,226									
Todd	304	1,660									
Traverse	232	565				2	4	548			
Wabasha	159	688									
Wadena	183	603									
Waseca	130	631				1	2	3,150			
Washington	231	865									
Watonwan	13	804									
Wilkin	268	848				1	4	298			
Winona	286	1,126				1	3	6,300			
Wright	167	1,675									
Yellow Medicine	275	1,421				4	19	7,303			
East Otter Tail	506	1,578									
East Polk	209	849									
North St. Louis	173	551									
State total	18,746	82,983				144	468	158,078			

PART G—STATE MINNESOTA

County	Low-income farmers		Regular ACP						
	Number	Cost-shares (dollars)	Net assistance before SCI (dollars)	Amount of SCI (dollars)	Gross assistance to farmers (dollars)	Amount transferred to SCS (dollars)	Amount transferred to other agencies (dollars)	Amount for program services (dollars)	Total gross assistance (dollars)
	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Aitkin	11	10,736	57,967	1,120	59,087	2,294	398		61,779
Anoka			47,761	1,190	48,951	2,000	266		51,217
Becker			70,046	2,601	72,647	3,510	690		76,847
Beltrami	68	20,901	75,243	2,303	77,546	2,529	456		80,531
Benton			49,544	1,081	50,625	2,097	402		53,124
Big Stone			15,278	732	16,010	2,605			18,615
Blue Earth			42,635	571	43,206	3,757			46,963
Brown			66,186	630	66,816	4,100			70,916
Carlton			45,765	685	46,450	1,915	361		48,729
Carver	1	2,500	24,788	724	25,512	1,888	200		27,600

PART G—STATE MINNESOTA—Continued

County	Low-income farmers		Regular ACP						
	Number (12)	Cost-shares (dollars) (13)	Net assistance before SCI (dollars) (14)	Amount of SCI (dollars) (15)	Gross assistance to farmers (dollars) (16)	Amount transferred to SCS (dollars) (17)	Amount transferred to other agencies (dollars) (18)	Amount for program services (dollars) (19)	Total gross assistance (dollars) (20)
Cass			78, 093	261	78, 354	1, 572	150		80, 076
Chippewa			31, 891	866	32, 757	2, 885			35, 642
Chisago			36, 984	1, 606	38, 590	1, 709	341		40, 640
Clay			57, 195	3, 448	60, 643	4, 269			64, 912
Clearwater	1	6	64, 721	1, 440	66, 161	2, 082	390		68, 633
Cook			2, 981		2, 981		41		3, 022
Cottonwood			41, 202	981	42, 183	3, 313			45, 496
Crow Wing			35, 752	796	36, 548	1, 421	345		38, 314
Dakota			49, 151	1, 223	50, 374	3, 261	400		54, 035
Dodge			57, 258	794	58, 052	3, 633	125		61, 683
Douglas	4	52	47, 531	1, 599	49, 130	2, 381	375		51, 866
Faribault			39, 665	315	39, 980	2, 982			42, 962
Fillmore			93, 925	1, 569	95, 494	6, 000	375		101, 869
Freeborn			104, 921	1, 088	106, 009	4, 150	80		110, 239
Goodhue			96, 661	1, 449	98, 110	5, 608	500		104, 218
Grant			25, 449	2, 001	27, 450	2, 479	496		30, 425
Hennepin			22, 095	612	22, 707	1, 387	280		24, 374
Houston	3	124	57, 169	1, 852	59, 021	3, 101	225		62, 347
Hubbard			49, 355	1, 141	50, 496		313		50, 809
Isanti			46, 290	1, 092	47, 382	1, 739	300		49, 421
Itasca			38, 696	789	39, 485	596	419		40, 500
Jackson			35, 727	729	36, 456	3, 535			39, 991
Kanabec			41, 500	608	42, 108	1, 854	377		44, 339
Kandiyohi			60, 652	1, 882	62, 534	4, 015	240		66, 789
Kittson			72, 117	1, 672	73, 789	4, 224			78, 013
Koochchng	2	26	36, 700	823	37, 523	984	330		38, 837
Lac qui Parle			35, 713	1, 437	37, 150	3, 795			40, 945
Lake			8, 427	121	8, 548	521	104		9, 173
Lake of the Woods			24, 095	606	24, 701	1, 313	240		26, 254
Le Sueur			33, 658	597	34, 255	2, 376	40		36, 671
Lincoln			39, 825	816	40, 641	3, 089			43, 730
Lyon			48, 983	428	49, 411	3, 934			53, 345
McLeod			23, 666	766	24, 432	2, 486	125		27, 043
Mahnomen			39, 880	1, 094	40, 974	1, 436	320		42, 730
Marshall	2	28	138, 371	6, 520	144, 891	6, 446	120		151, 457
Martin			37, 597	580	38, 177	3, 653			41, 830
Meeker	3	72	31, 002	1, 039	32, 041	2, 904	200		35, 145
Mille Lacs	1	135	62, 935	1, 355	64, 290	2, 038	225		66, 553
Morrison			98, 427	1, 049	99, 476	4, 126	787		104, 389
Mower			57, 428	678	58, 106	5, 335	120		63, 561
Murray			38, 094	296	38, 390	3, 818			42, 208
Nicollet			69, 204	1, 663	70, 867	3, 211	80		74, 158
Nobles			27, 888	282	28, 170	3, 355			31, 525
Norman			65, 892	3, 479	69, 371	3, 617			72, 988
Olmsted			52, 108	733	52, 841	4, 582	600		58, 023
West Otter Tail			53, 070	3, 648	56, 718	3, 281	500		60, 499
Pennington			75, 505	2, 096	77, 601	2, 981			80, 582
Pine			68, 511	1, 832	70, 343	2, 237	605		73, 185
Pipestone			45, 243	499	45, 742	2, 897			48, 639
West Polk			61, 220	3, 742	64, 962	5, 577			70, 539
Pope			40, 021	2, 154	42, 175	2, 699	100		44, 974
Ramsey			1, 819		1, 819	141	28		1, 960
Red Lake			50, 990	1, 111	52, 101	2, 237			54, 338
Redwood			92, 804	894	93, 698	4, 597	120		98, 415
Renville			57, 267	2, 332	59, 599	5, 080			64, 679
Rice			47, 013	1, 394	48, 407	3, 239	200		51, 846
Rock			33, 011	187	33, 198	2, 884			36, 082
Roseau	5	71	113, 063	2, 298	115, 361	4, 605	375		120, 341
South St. Louis			45, 660	791	46, 451	1, 773	355		48, 579
Scott			33, 096	763	33, 859	2, 314	363		36, 536
Sherburne			46, 332	1, 513	47, 845	2, 283	457		50, 585
Sibley			40, 977	402	41, 379	3, 092	250		44, 721
Stearns			128, 463	2, 017	130, 480	6, 017	600		137, 097
Steele			59, 236	1, 048	60, 284	2, 729	60		63, 073
Stevens			41, 264	1, 139	42, 403	2, 452			44, 855
Swift			33, 085	1, 975	34, 060	3, 757	60		38, 877
Todd			59, 181	2, 062	61, 243	3, 831	300		65, 374
Traverse			27, 472	2, 173	29, 645	2, 625	25		32, 295
Wabasha			65, 375	972	66, 347	4, 644	500		71, 491
Wadena	3	379	62, 916	848	63, 764	2, 124	300		66, 188
Waseca			39, 533	751	40, 284	2, 648	160		43, 092
Washington			37, 741	1, 327	39, 068	1, 915	351		41, 334
Watonwan			16, 703	331	17, 034	2, 199			19, 233
Wikin			42, 474	2, 732	45, 206	3, 505			48, 711
Winona			79, 547	1, 707	81, 254	4, 297	640		86, 191
Wright	2	64	40, 590	778	41, 368	3, 588	120		45, 076
Yellow Medicine			69, 724	2, 162	71, 886	3, 940			75, 826
East Otter Tail	6	65	93, 222	3, 514	96, 736	1, 640	300		98, 676
East Polk			51, 930	1, 545	53, 475	2, 882	150		56, 507
North St. Louis			37, 628	1, 572	39, 200	2, 067	495		41, 782
State total	112	35, 159	4, 643, 773	120, 121	4, 763, 894	266, 707	19, 250		5, 049, 698

Note.—Those farmers who established eligibility for increased rates of cost-sharing under the special provision for low income farmers.

MINNESOTA

PRELIMINARY—TABLE 2.—SUMMARY OF THE 1969 AGRICULTURAL CONSERVATION PROGRAM

SEC. 1—PARTICIPATION AND PAYMENTS

Item	Unit	Regular ACP	Naval stores program	ECM F-4	Total regular, NSCP and ECM
Participating farms	Number	18, 746			18, 746
Farms participating at least once during 1965–69	do	82, 983			82, 983
Cost-shares	Dollar	4, 643, 773			4, 643, 773
Small cost-share increase	do	120, 121			120, 121

Item	Unit	Regular ACP	Naval stores program	ECM F-4	Total regular, NSCP and ECM
Amount transferred to SCS	Dollar	266, 707			266, 707
Amount transferred to other agencies	do	19, 250			19, 250
Amount used or to be used for program services	do				
Total gross assistance	do	5, 049, 698			5, 049, 698
Average per farm	do	269			269
Participating low-income farmers [1]	Number	112			112
Cost-shares for low-income farmers [1]	Dollar	35, 159			35, 159
Pooling agreements:					
Counties	Number	37			37
Agreements	do	144			144
Farms	do	468			468
Cost-shares	Dollar	158, 078			158, 078

[1] Those farmers who established eligibility for increased rates of cost-sharing under the special provision for low-income farmers.

MINNESOTA

SEC. 2.—CONSERVATION PRACTICES—REGULAR

Practice name	Practice Number	Number of counties	Number of farms	Units	Extent	Cost-shares	Percent of State total	Average rate per unit
Permanent cover	A-2	76	6, 031	Acre	105, 619	1, 342, 255	28. 92	12. 71
Increased acreages of rotation cover	A-3	41	1, 476	do	35, 498	294, 193	6. 34	8. 29
Contour stripcropping	A-5	41	244	do	8, 349	31, 211	. 67	3. 74
Field stripcropping	A-6	21	47	do	3, 694	7, 579	. 16	2. 05
Trees or shrubs for forestry purposes	A-7	50	631	do	5, 364	103, 039	2. 22	19. 21
Trees or shrubs to prevent erosion	A-8	50	460	do	916	37, 842	. 81	41. 31
	A-8			Acres served	22, 069			1. 71
Improvement of cover for soil protection	B-1	8	12	Acre	195	2, 011	. 04	10. 31
Reservoirs for agricultural uses	B-7	84	1, 016	Number	1, 048	386, 307	8. 32	368. 61
	B-7			Acres served	74, 327			5. 20
Timber stand improvement	B-10	24	48	Acre	505	6, 392	. 14	12. 66
Permanent sod waterways	C-1	68	830	do	1, 251	267, 320	5. 76	213. 69
	C-1			Acres served	21, 309			12. 54
Permanent cover on dams and other problem areas	C-2	35	97	Acre	248	3, 836	. 08	15. 47
	C-2			Acres served	1, 848			2. 08
Terraces	C-4	36	119	do	2, 006	85, 469	1. 84	42. 61
Diversion terraces, ditches, or dikes	C-5	43	226	do	3, 851	78, 733	1. 70	20. 44
Erosion control dams storage type	C-6	12	50	Number	47	74, 741	1. 61	1, 590. 23
	C-6			Acres served	5, 006			14. 93
Erosion control dams other	C-6	8	14	Number	14	10, 287	. 22	734. 79
	C-6			Acres served	375			27. 43
Mechanical protection of inlets or outlets	C-7	50	378	Number	638	231, 048	4. 98	362. 14
	C-7			Acres served	36, 080			6. 40
Streambank or shore protection	C-8	13	23	do	736	10, 798	. 23	14. 67
Permanent open drainage	C-9	55	866	do	51, 198	158, 671	3. 42	3. 10
Underground drainage	C-10	43	1, 887	do	44, 111	489, 221	10. 53	11. 09
Shaping or land grading to permit drainage	C-11	8	145	do	7, 292	22, 325	. 48	3. 06
Winter cover	D-1	37	1, 000	Acre	71, 119	104, 093	2. 24	1. 46
Stubble mulching	E-1	36	1, 425	do	152, 013	77, 549	1. 67	. 51
Contour farming	E-2	19	51	do	1, 738	2, 930	. 06	1. 69
Wind erosion control operations	E-3	3	274	do	30, 427	22, 820	. 49	. 75
Home gardens	E-5	11	31	do	24	599	. 01	24. 96
County conservation practices	F-2	5	69	Acres served	1, 170	13, 585	. 29	11. 61
Practices to meet new conservation problems	F-3	18	656	do	34, 228	184, 303	3. 97	5. 38
Wildlife food plots or habitat	G-1	81	1, 865	Acre	9, 394	78, 972	1. 70	8. 41
	G-1			Acres served	145, 569			. 54
Shallow water areas for wildlife	G-2	67	662	Number	1, 181	175, 573	3. 78	148. 66
	G-2			Acres served	13, 809			12. 71
Wildlife ponds	G-3	25	50	Number	49	58, 511	1. 26	1, 194. 10
	G-3			Acres served	1, 109			52. 76
Other wildlife practices	G-4	7	13	do	1, 671	990	. 02	. 59
Conservation practices to enhance natural beauty	H	73	1, 286	do	12, 388	280, 570	6. 04	22. 65
Total regular		90				4, 643, 773	100. 00	

THE POLITICS OF OCEANS

Mr. HOLLINGS. Mr. President, yesterday Dr. Edward Wenk, Jr., former executive secretary of the National Council on Marine Resources and Engineering Development and now professor of engineering and public affairs at the University of Washington, presented a talk on "The Politics of the Oceans" before the National Association of Broadcasters in Chicago.

Dr. Wenk spoke eloquently of the importance of the oceans to the United States and of the recent history of oceanic affairs in the United States. He pointed out that "it was the Congress rather than the executive branch that exercised the leadership of seeking not only more intensive study but also more productive use of the sea." But despite the clear definition of the benefits to be extracted from the oceans to meet our needs and aspirations, our oceans programs are funded on a base "equal only to the interest on the investment in space."

Dr. Wenk said:

> Where are we today? We certainly aren't moving. A superlative guidance system cannot compensate for deficiencies in thrust.

Despite the congressional leadership of the last 10 years, and despite the fact that our ocean programs have probably studied more than any other subject in the past with countless reviews, Dr. Wenk expressed his concern that the Advisory Council on Executive Organization would do the President a disservice. He said:

> I am concerned that the Ash Council will inadvertently do him a disservice in not giving the attention to the oceans they deserve, simply because there has not been political pressure to act. . . . The management of marine agencies could be accomplished now by accepting the Stratton Commission recommendations.

Mr. President, we await the recommendation of our Federal civil oceanic and atmospheric affairs. Let us hope that he takes the opportunity to strengthen those programs, by taking the best step that has been offered to date, the creation of an independent National Oceanic and Atmospheric Agency.

I ask unanimous consent that Dr. Wenk's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE POLITICS OF THE OCEANS

(By Edward Wenk, Jr.)

Members of the National Association of Broadcasters, I am singularly honored by this platform and by your invitation to address this distinguished audience. And I am pleased to have received an assignment to discuss "Oceanography." I realize that the term "oceanography" stimulates rich and enjoyable images for most of us: A seductive blue-green background; playful schools of brilliantly colored fish; sunsets mirrored in emerald-cool tropical waters; earnest sailboats tacking in Long Island Sound or a grizzled mariner in oilskins victorious over a howling gale. In a technological age, additional excitement may be generated by visions of research submarines with Owlish eyes and fantastic mechanized arms at work on the previously inaccessible sea bed.

This audience has seen these photogenic portraits often. As men close to communications media, I can imagine your asking "what's new?"

I intend to answer that question. But to do so means that we must leave behind these romantic images that the oceans are benign.

This address is going to be concerned with the politics of the oceans.

You may be tempted to reject that notion on the grounds that the fish don't vote. What's new is putting people in the oceans. And what is news is that like other human endeavors—there is trouble in paradise.

After years of neglect of our maritime legacy, we began a short decade ago to relate the oceans and the entire marine environment to the social and economic goals of man. And as we made progress in research tools to comprehend the sea and in taking steps for its wise and effective use we have begun to enter a familiar domain of human affairs—that of conflict.

In the short time available in this address I shall try to portray a broad spectrum of uses of the sea; discuss some projections for the year 2000; and to outline some of the issues before the nation.

These issues comprise the politics of the oceans.

The fact that they may have been lost in the noise level is itself a symptom of the problem that, largely hidden, these conflicts not only continue unresolved, but the opportunities to advance this nation to a more durable relationship with our maritime environment may be delayed with serious losses to us and to all mankind.

Recent photographs of the earth from space reveal that the predominant terrestrial feature is the blue of the world's ocean. These pictures confirm what every geographer knows—that the earth is a water planet—that its 330 million cubic miles of ocean cover 70.8 per cent of the earth's surface.

Other statistics on the sea are impressive in terms of its size and content, its ability to absorb energy from the sun and thus energize weather and climate. Its potential sources of food, fuel and minerals are incalcuable; and with our contemporary scientific and technical muscle we can now accomplish things on, in, or under the sea that we have longed aspired to accomplish but have been denied because of the strenuous and hostile nature of the marine environment.

With this frontier stretching out ahead of us, we should recall the eloquent question of the British philosopher, Thomas Huxley, when he visited our West one hundred years ago, he said "I cannot say that I am in the slightest degree impressed by your bigness or your material resources as such. The great issue about which hangs the terror of overhanging fate is what are you going to do with these things?"

What are we going to do with the vast ocean?

How relevant is the sea to meet the disparity between a burgeoning world population and the food supply; to furnish energy and minerals for a voracious appetite of an industrial society; to provide sanctuaries along the coastline for the swelling crowds that seek an escape from the scars of urban living—a population which, incidentally, fouls with pollutants the very waters that it seeks so aggressively for recreation?

And how can the seas foster national understanding and cooperation and become a new avenue toward world order rather than another theater of world conflict?

The sea is a major source of food, particularly protein. Man now harvests about 65 million tons a year; and expanded with care so as not to deplete stocks, productivity of ocean fisheries is estimated to be at least 5 to 20 times larger than today's catch. Add to this opportunity the potential of chemical processes that can convert whole fish to protein concentrate—and meet the tragic permanent disability of underfed populations when children suffer from lack of protein through the age of five. FPC could meet this problem at a cost of perhaps one cent per child per day.

Offshore oil and gas production now accounts for 16 per cent of the world's supply. This development could well triple in the next ten years and increase by a factor of six by the year 2000. With almost 10,000 oil wells already in production, the number could increase by 1,000 a year.

Scientific exploration has indicated that large areas of the seabed are covered with marble-sized nodules of manganese, copper, nickel, and cobalt. In some areas the concentrations become a pavement. While this production now is only in the experimental stages, exploitation of these minerals is assured by the year 2000.

And the sea continues to be a great commercial highway of maritime trade. While prosaic and racked with frustrations among its participants, shipping is of key importance to this nation and to all industrialized nations. U.S. bound commerce has doubled every 20 years. Today it is almost 500 million tons. It will grow well over a billion tons in the year 2000. And by then worldwide shipping will have at least quadrupled to 8 billion tons. Oil, chemicals, and ore can be carried by ship far cheaper than by any other mode. The cost per ton-mile is roughly 1/10 of that by rail, and roughly 1/100 of that by air. This explains why almost every nation has begun its industrial growth around the ports and harbors which have become gateways for its raw materials.

That coastal margin is where "the action is."

This band which stretches 17,000 miles along our coasts and Great Lakes is not only an area where the land and water meet; it is the region where the people and the water meet. The 30 states which border the Oceans and Great Lakes contain 75% of our nation's population and more than 45% of our total population lives in the counties which border the coastline. Almost all of the major megalopolises now projected for year 2000 are in the coastal zone.

Shipbuilding, maritime commerce and the fishing industry of course, could have only developed in the coastal zone. Our naval strength and seaward thrust for offshore oil and gas must be based there. Many industries find it advantageous to be close to ocean transport, labor, and produce markets. And with their growing leisure time and disposable income, the American people increasingly seek the aesthetic pleasures of the coastal zone—its climate and opportunities for swimming, sport fishing, and boating.

In compressing more and different activities into a limited geographical area, it is only natural to find conflicts growing among uses, between those who wish to develop industry, who wish to live, swim, fish, and sail along the Coast, and those who unwittingly dump municipal and industrial wastes into convenient estuarian sinks. Everybody wants "to do his thing" along the Coast, and neither the space nor the ecology can support all these activities.

Dredging and filling of wetlands impairs the capacity of estuaries to support fish and wildlife. Wastes have turned rivers into open sewers and have caused withdrawal of large shellfish areas because of health hazards. Limitations imposed by extensive private ownership have reduced public access to beaches at a time when a population demands more recreational opportunities. Along the East Coast, only 3% of the coastline is accessible to the public.

It takes an oil spill off Santa Barbara or a tanker wreck in Halifax or Land's End, England, or Tampa Bay, or Australia, or San Juan, Puerto Rico, for people to first appreciate how important the coastal regions are to their lives, how delicate is their ecology, how vulnerable they are to accidental damage.

We have only begun to appreciate the potential of the sea:

Only a small fraction of the fishery stocks off our coasts are being fully developed; and with a growing domestic consumption of fish products, only one-third are provided by U.S. fishermen; their catch has remained static while the world catch has more than doubled in the last ten years. Where will our industry be 30 years hence when the world catch is 3 times the present volume? Will our voice be heard at the international conference table when quotas are negotiated?

At present, only 6 per cent of our own international maritime traffic is carried in U.S. flagships. What will our status be in the year 2000 when total world shipping increases by a factor of 4 or more?

And how will we preserve wildlife sanctuaries and deal with the wastes of an affluent society because we erroneously assumed the ocean had an infinite capacity to absorb and dilute any volume and lethality of pollutant?

A few poets and prophets spoke and sang of their visions of the importance of this undersea world to mankind, but it was the scientific community about 11 years ago that—seriously concerned about the feeble financial support for oceanographic research—called the attention of the government to its deficiencies. This deficiency has been under continuous scrutiny ever since.

It was the Congress rather than the Executive branch, however, that exercised the leadership of seeking not only more intensive study but also more productive use of the sea.

The most significant landmark in the development of oceanography—and I would rank it more important in the last decade than any single act of scientific discovery—was the enactment of the marine resources and engineering development legislation in 1966. For the first time in our national history, we had a mandate to employ the seas more effectively. Recognizing that eleven Federal agencies were involved, the act assigned the President responsibility for energizing this disparate effort and leading the Nation to fulfill this marine promise. And it provided him a cabinet-level, policy planning council to help set goals and priorities, coordinate the Federal effort and develop momentum.

This action inadvertently reinforced some of the drumbeating for a crash program in oceanographic research that began to be generated after the Thresher disaster in 1963. In considering massive development of a capability for search and salvage, some of the aerospace industry took fliers in innerspace. And entrepreneurs began to exploit the long-range investment potential of the oceans by suggesting short-range profits on the basis of untold wealth on the bottom of the sea. Neither exaggeration was warranted.

However, we had made great strides in fashioning new research tools—underwater TV, submersibles, buoy networks—and expanding our oceanographic fleet and cadre of oceanographers to decipher the mysteries of the sea. The marine sciences council defined clearly and realistically what benefits can be extracted from the ocean to meet our needs and aspirations—for a wholesome environment, for economic well-being, and to satisfy nutritional deficiencies for less developed peoples, funding under the council has increased every year. But in comparison to the space program it is miniscule—equal only to the interest on the investment in space.

But by a stroke of misfortune, this momentum to move ahead occurred at the same time scientific research across the board was being cut. In the competition for funds, Federal agencies began to practice bureaucratic judo. And under the continuing pressures to control inflation during the last six months, official advocacy has been stilled.

Where are we today? We certainly aren't moving.

It's like having a handcrafted auto and a carefully drafted roadmap toward some long awaited destination, only to have the vehicle ambling along becuse of too little gas in the tank and a lot of quarreling passengers in the car with no one steering.

XUM

What's the problem?

First, we have experienced no dramatic threat—real or imagined—such as the Soviet, October 1957 space shot that galvanized the American space program into the largest, most complex technological project the world has ever known. And second, we have lacked any special interest or well-mobilized public interest lobbying for action. It would seem that in the absence of either crisis or political pressure, pure logic won't move this program to meet the opportunities ahead.

And the reason logic alone won't do it is because the retarding forces are exhausting the energies of the few political and scientific leaders who have dedicated themselves to advancing this nation's destiny in the sea.

Let me give you a few examples.

The Administration and the Congress now have a stand-off on the question as to whether the Federal government is well enough organized to provide the leadership necessary to this program. When the Congress assumed initiative to strengthen our oceanographic efforts ten years ago it tried valiantly to give a fragmented, unsteady enterprise some sense of unity and momentum.

In three administrations Congressional recommendations to move ahead have been repeatedly resisted and opposed by the Executive branch!

Congress's first legislative efforts were vetoed in 1963 by President Kennedy on recommendation of the Budget Bureau. Its next wave of effort in 1966 was successful in establishing both a charter and improved governmental apparatus, but over the Bureau's objections. When President Johnson signed the Marine Science Act into law, he asked Vice President Humphrey, as chairman of the cabinet-level Marine Council, to get on with the job. During the Johnson Administration boats were rocked and torpedoes launched despite the stubborn resistance of a ponderous and multi-headed bureaucracy. The Council was able in its first three years to function as a creative activist body. It sharpened goals and priorities to accomplish the social objectives listed earlier; it helped oceanography come of age.

XUM

But Congress never intended that as a final solution. It also provided for a Presidential Commission to study what Federal organization was needed in the long run. That Commission was chaired by Dr. Julius Stratton, former President of M.I.T., and composed of distinguished citizens from industry, banking, education, law, science, state and federal government. It included the incoming president of the American Bar Association, the founder of a major oil company and a Florida publisher and owner of a number of radio stations. With only three oceanographers, it can hardly be called self-serving.

The Stratton Commission said that while the council performed well as a steering mechanism for the government, it was inadequate for the job ahead because—like in a rocket—a superlative guidance system cannot compensate for deficiencies in thrust. They recognized that apart from the Navy, many other Federal agencies were involved: Coast Guard; Bureau of Commercial Fisheries; Corps of Engineers; geological survey; Environmental Science Services Administration; National Science Foundation; National Oceanographic Data Center; Federal Water Pollution Control Agency; Maritime Administration; five bureaus in the State Department and others. The piecemeal missions did not add up to a coherent national doctrine or program. In the competitive struggle of the Washington environment, experience proved that only a strong operating agency could meet the future needs. So, over fifteen months ago, they proposed consolidating many of the pieces scattered around the Government into a national ocean and atmospheric agency. They said we need one strong agency, not ten feeble civilian components. They said the new consolidated agency would:

Undertake coastal planning and urgent ecological research, including the coasts, Great Lakes and Arctic;

Foster harvesting of untapped fishery resources, and help rehabilitate our industry;

Take steps to reduce pollution from massive oil spills and to insure safety of life and property;

Plan and undertake systematic rather than ad hoc exploration of the sea;

Develop modern systems for environmental observation and prediction;

Foster efficient distribution of oceanographic data;

Strengthen international cooperation and continue to provide U.S. leadership, such as for the decade of ocean exploration;

Undertake necessary engineering research to improve our civilian marine technology; and

Develop an "early warning system" so as to anticipate inadvertent injurious effects of technology.

In May 1969, five months after coming into office, President Nixon requested his Advisory Council on Executive Organization under Mr. Roy Ash to study this proposal. By September, Mr. Ash responded to a Congressional inquiry by noting that he was about to study whether to study the Stratton Report.

No one knows how often the Ash Council has met to discuss the oceans, or who they talked to. They apparently never talked to any member of the Stratton Commission. It is known that they are largely staffed by Bureau of the Budget and if the past is any portent of the future, the Ash Council may well reflect some of the opposition to oceanography that has characterized the Bureau's little publicized position for ten years.

Preliminary findings of the Ash Council have become known because they have quietly endeavored through Administration staff to lobby for Congressional support. On the grounds of administrative tidiness not to set up any new agency regardless of justification, the Ash Council initially recommended this entire maritime enterprise be turned over to an Assistant Secretary of the Interior! Now the Department of Interior is the *only* civilian agency that this year requested from Congress *less* money for oceanographic affairs than last; they are closing some of their oceanographic laboratories and laying off staff.

There is an ancient adage that where "thy heart lies thy purse lies also." Interior's willingness to support a well-knit maritime "exterior" activity is at least subject to reasonable doubt. In the past, assistant secretaries of interior have had difficulty coordinating even their five bureaus that deal with the sea, much less a larger organization. The secretary himself has had his hands full of oil spills, so much so that he has not had the time to fulfill a responsibility to improve the Federal Government's emergency plan to deal with oil containment after a spill—based on the Santa Barbara experience. The department has yet to develop programs for coastal environmental research that the President announced as vitally needed seven months ago.

In fact, President Nixon has repeatedly stated he is interested in this Nation's maritime future. He gave clear financial support to a major five point program last October that extended goals and fulfilled promises of the Johnson administration, especially focused on maintaining quality of the oceanic environment.

I am concerned that the ash council will inadvertently do him a disservice in not having given the attention to the oceans they deserve, simply because there has not been political pressure to act. They are likely to wait out an issue ready for action in the important but uncertain future of recommendations to reorganize for all environmental problems. The management of marine agencies—to provide better performance, meet the public need and provide a podium for leadership—could be accomplished now by accepting the Stratton recommendations. If a new environmental department eventually emerges, NOAA could be transferred there comfortably.

The only known opposition is that to be expected from Cabinet officers who would lose agencies to NOAA. Yet in testimony before Senator Hollings opposing NOAA, they admitted they had not read the Stratton report!

If this nation is to lead the world in effective use of the sea and coastal zone, a high-level spokesman is needed in the executive branch. So far, agreement on this next major step has not been a partisan issue. The democratic chairmen of the cognizant committee and subcommittees—Senator Magnuson, Senator Hollings, Congressman Lennon—have publicly supported legislation to create NOAA. So have republicans such as Rogers Morton, John Anderson, Bob Wilson, Thomas Pelly, Charles Mosher, George Bush, Norris Cotton, Mark Hatfield, John Tower, and George Murphy.

But in his environmental message in February, the President did not mention the oceans, notwithstanding claims by White House staff that he would deal with the Stratton proposal. Committees in both Houses have delayed action, they say, to extend further courtesy to the President to take a position. They say they are losing patience.

In the present paralysis of official action we face another growing conflict between executive and legislative branches. We may seriously erode the progress of the last four years.

This is a time of fiscal stringency. In the short term this consolidation would assure "more bang for the buck." The three presently uncoordinated oceanographic fleets could be operated as one. Computerized data from different agencies could be made compatible.

We do not need a crash program. But with all these passengers in this slow moving car, we need someone to steer.

Let me conclude by some words of wisdom by one of our elder statesmen—Oliver Wendell Holmes—aimed in his day at the ship of state. They seem so applicable to our present condition of marine science affairs. Said Holmes, "We must sail, sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor."

Indeed we are drifting! The world community has responded to U.S. leadership beginning in 1966 to use the seas for the benefit of mankind. They are watching for a credible action to assure that continued interest. Fortunately, neither they nor we consider the budget as the only indicator of support. In the case of the ocean, literally the medium can be the message.

Enactment of the bills before Congress to establish NOAA are the medium.

This field is too limited to sustain a protracted debate between the two branches.

It is time for the people to speak. It is time for the executive branch—and in this administration—to take this opportunity to join with the Congress, to realize the yet untold engagement of the people and the sea.

RUTH THOMPSON, LATE A REPRESENTATIVE FROM MICHIGAN

Mr. GRIFFIN. Mr. President, I regretfully call the Senate's attention to the death of Ruth Thompson, who for a number of years represented Michigan's Ninth District in the House of Representatives.

Former Representative Thompson died Sunday, April 5, and funeral services are being held today in her hometown of Whitehall, Mich.

Miss Thompson was born in Muskegon County, Mich., in 1887. She graduated from Muskegon Business College in 1905, and studied law while working in a law office from 1918 to 1924.

She was admitted to the Michigan bar and served as registrar of the probate court of Muskegon County for 18 years. She was judge of probate for Muskegon County from 1925 to 1937, then elected to the Michigan House of Representatives in 1939, where she served until the outbreak of World War II. Ruth Thompson came to Washington during the war, worked for the Social Security Board, the Labor Department, and the Adjutant General's Office. After the war she served in the U.S. Headquarters Command in Germany, and in Denmark. When she returned to the United States, she served as a member and chairman of the Michigan State Prison Commission for Women for 4 years before being elected to the 82d, 83d, and 84th Congresses.

Mr. President, Miss Thompson was my predecessor in service as the Representative from Michigan's Ninth District. The people of that district and the State have lost a distinguished public servant.

LET US PERSEVERE IN SAVING THE BIG THICKET AS A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, for many years concerned citizens have called for action to save the Big Thicket. Interest in the Big Thicket and its protection is not a recent thing, it is not a new cause among those who love nature. This is a continuing battle, but the necessity for a timely victory becomes more urgent as mans' destructive forces ravage more and more and of this once great, but now limited, wilderness.

An eloquent plea for the Big Thicket National Park appears in a recent article in the official publication of the Texas Garden Clubs, Inc. It was written by Mrs. Charles Griggs, the conservation chairman of this fine organization. Mrs. Griggs captured the beauty and wonder of the Big Thicket when she wrote:

> To meander through the Thicket is to see miles of wildflowers and crystal clear bubbling brooks; towering majestic, primeval, impenetrable forest; layers and layers of seemingly hundreds of tints and shades of green. This is a place to stand in awe, a place to feel the infinite—a place we cannot allow to be destroyed.

This is indeed a moving statement, inspired by contemplation of the infinite glories of this great gift of nature.

Mr. President, to share this article in its entirety with Senators, I ask unanimous consent that the article, entitled "Our Big Thicket Today—A Shattered Tragedy," published at pages 8–9, in volume 18, of the March–April issue of the Lone Star Gardener—1970—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR BIG THICKET TODAY—A SHATTERED TRAGEDY

(By Mrs. Charles Griggs)

Once upon a time (as late as a hundred years ago), the Big Thicket covered three million acres. Today, fewer than 300,000 acres remain, and conservationists claim the existing forest is disappearing at the rate of 50 acres a day.

Here, as everywhere in our country, the wilderness is eroding. What remains survives in isolated and glorious patches on mountainsides and remote islands, in dark swamps and deserts. For every strip that is left, there are competing claims. The back country may look serene, but there is little security.

What is left of our Thicket is located in parts of five southeast Texas counties—Polk, Tyler, Hardin, Jefferson and Liberty. Here we find a unique wooded area famous for its vastness. It is an alluvial basin of deep porous, moisture-bearing, sandy clay soil. This is responsible for the luxuriance and variety of its vegetation. It is a biological crossroad, as flora and fauna of the arid Southwest meet and mingle with that of moist Eastern woodlands. Plants from the Arctic Zone thrive along with tropical species. Due to the proximity of the Gulf, there are rarely hard freezes. Ferns (28 species) often grow man high, and the lowlands are dense with giant palmetto. There are more than a thousand species of flowering plants, twenty species of orchids and a thousand varieties of fungi, the latter *not yet classified*. The botanical wonder is furthered with rhododendrons, azaleas, masses of wild honeysuckle, dogwood, great magnolias and wild wisteria growing in profusion everywhere they are allowed peace.

To meander through the Thicket is to see miles of wildflowers and crystal clear bubbling brooks; towering majestic, primeval, impenetrable forest; layers and layers of seemingly hundreds of tints and shades of green. This is a place to stand in awe, a place to feel the infinite—a place we cannot allow destroyed.

The fauna is equally imposing. Three hundred species of birds nest in the Thicket among others, the ivory-billed woodpecker, long thought extinct.

As for the wildlife there are deer, squirrels, turkeys, black bear, puma, panther, red fox, wildcats, wild pigs that grow to three or four hundred pounds, coons, possum, skunk, otters, bobcats, cougars, rattlesnakes, copperheads and water moccasins. Domestic animals have gone feral in the Thicket—cats, goats, cattle and even a herd of jackasses. "The poachers have just about killed all the alligators," according to a Thicket guide, "but there are probably a few left where even those fellows don't like to go."

This same guide claims that only a forty-acre tract along a stream called Beech Creek, bordered with eighty-foot-tall magnolias and beech trees, is the true surviving Big Thicket.

Conservationists everywhere agree with the slogan of the Lone Star Sierran: "Not blind opposition to progress, but opposition to blind progress," and under this banner we must join ranks—if we want to save any of the Thicket at all.

Words from our co-fighters:

Mr. Dempsey Henley, as President of the Big Thicket Association: "Texas has never been concerned about conservaton. We have only ten percent of our natural environment left. We are ten to fifteen years late, and yet the Big Thicket people are totally without ecological conscience," and he mentioned the forty or fifty acres laid to waste every time the saltwater they pump out of an oil field accumulates and the realtors with their everspreading subdivisions.

There is much local opposition to both a National Park and a monument, although the U.S. Park Service insists there will be more available jobs through tourism than through both oil and forestry.

Stan Staton, outdoors writer for the *Houston Post:* "I could suggest a real crusade for those interested in the forest—Save the Hardwood Trees."

A solid stand of pine, which is the ultimate goal of forest management, federal and private, *Is a Biological Desert*.

One lumber company recently sprayed its hardwood trees with a defoliant, and in the process, killed an entire rookery containing hundreds of birds, egrets, herons and their young. Another lumber company used a hormone spray from helicopters on their 7,000 acres. There is not one hardwood tree left—Nor any birds.

Other dead hardwood trees disclose a little chipped place at the base. This is caused by a tree injector, which—in a nutshell—is a needle capable of delivering a lethal dose of poison to a mighty oak.

Senator Ralph Yarborough, D-Texas, feels that the 35,000 acres, suggested as a monument by Texas Forestry Association, is totally inadequate for ecological reasons, and in his bill S. 4, introduced to the 91st Congress, he asked for a National Park with at least 100,000 acres. He also implores organizations of any kind or any place "to sign resolutions to save our Big Thicket." (Texas Garden Clubs, Inc., did so in the Spring of 1969.)

Gene Marine, whose book *America the Raped* is must reading for anyone interested in saving this planet: "An engineering mentality permeates our whole way of life, devastating the American continent. This is not confined to dam and highway building."

"It is no longer a luxury item to save our environment," declares Eugene P. Odum, Professor of Zoology and Director of University of Georgia Institute of Ecology. "It is a scientific necessity. Right now we need to hold the line so that our great natural resource is not frittered away for the quick gain. We need to hold the line until we have time to come up with an overall plan."

Dr. Donald J. Weissman, Professor at University of Texas, Austin, talking about interdependence in nature: "The man with the axe comes, then the rain comes, washing the humus away, then the insects go, then the birds and the animals. Nature will again unify, but can man survive in this changed environment?"

The most precious fighter for the Big Thicket, or any other course her valiant heart feels called upon to champion, is little Mrs. Ethel Hill, Woodville. Ninety-three years young, she travels around on buses to give lectures. "I get so mad," she says, banging her cane on the floor, "that when I die, there will be nothing left but a cinder." But what a glorious cinder! She puts us all to shame.

Justice William Douglas in his angry book, *Farewell to Texas,* tells of a bulldozed road in the Thicket. "On the edge of the road, dozens of magnolias lay freshly cut, not cut for flooring, for paneling or railroad ties—they were cut for sheer destruction, and the trunks lay rotting."

Jerry Flemmons, *Fort Worth Star Telegram* travel writer: "Conservationists have failed to have anyone listen to them for three decades, and the U.S. Park Service argues it is too late to save larger pieces of the Thicket." He continues: "If this is true, perhaps a monument is more apt. After all, a monument is a tribute to a dead issue or a lost cause, which seems to be the fate of Texas' Big Thicket."

Hopefully, there are scientists who theorize that through careful protection, the Thicket would come back to original state. The climate, which man has not yet totally destroyed, created the Thicket, and, *once again can do it*.

If one gets an old guide—a man who has lived in and loved the Big Thicket—it is possible to walk to the Witness Tree, a big magnolia, said to be a thousand years, old, that marks the corner where Liberty, Polk, and Hardin Counties meet. The tract, hardly more than a crack in the forest wall, is overgrown with red oak, sweet gum saplings and hedged with broomstick pine. This was the real Thicket—and this is what they want to set aside for the monument. The forest floor is swamped with fallen trees, brush and briar, and sprinkled with holly, dogwood, gum, oak, hawthorne, maple, trailing vines and Spanish moss. You can hear but not see crows, cardinals, white-eyed vireo, warblers and Carolina wrens. There is no sky, no sun, no sense of direction. A mile and a half away there is a grassy clearing with a fifty-feet-high, four-feet-in-diameter grey stump full of woodpecker holes. This stump is the Witness Tree. "They poisoned it three years ago," says the guide. "I can show you the holes they bored to put in the poison. There isn't any mystery to it—they did it for a warning." "They" are the folks that don't want the monument.

Before it is too late, we must stop and consider what loss of natural environment will mean: animals—from deer to robin, need food and cover, clean waters and room to roam. If they are to survive, spaces for wildlife cannot be treeless subdivisions, cannot be factory sites of drained marshland, cannot be streambeds for sewage or speeding lanes for powerboats.

All this directly involves our own well being—as the perennial quest of man is to renew his spirit on sea and sky, on trees and flowers; to recapture a not-so-long ago happier era, when "cloudy blue" didn't mean smog or pollution, but made one think of forget-me-nots and woodsmoke, of bluebells and summer distances.

Let us persevere in saving the Big Thicket. Then we may, like Apollo XI, proudly proclaim: "It is a short step for man, but a giant leap for mankind."

WHAT'S AHEAD IN THE ASIA-PACIFIC AREA

Mr. FONG. Mr. President, on Friday, April 3, it was my privilege to be guest speaker for the International Night sponsored by the West Honolulu Rotary Club. As Hawaii is a mid-Pacific State with intense interest in the future of this vast area, I chose as my topic "What's Ahead in the Asia-Pacific Area."

Since this is a subject of considerable interest to all Americans, I ask unanimous consent that the text of my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT'S AHEAD IN THE ASIA-PACIFIC AREA

President Kea, Chairman Au, Founder Dr. Lee, Consuls General, Honored Guests from the East-West Center, Ladies and Gentlemen, Friends: It is a real pleasure for me to be here tonight to break bread with such distinguished company and to take part in the West Honolulu Rotary Club International Night, always one of the highlights of your yearly activities.

After receiving your kind invitation to speak, I did a little research on Rotary Clubs. Although I have long known that Rotary is an international organization, I must confess I was amazed to learn there are more than 14,000 clubs and over 660,000 members in some 140 countries or territories. The sun never sets on Rotary International!

That Rotary should win worldwide respect and adherence is the finest tribute that can be paid to the guiding concept of your clubs: "Service to Others."

It is a tribute to all Rotarians whose high ethical standards in business and profession and whose service to their community, nation and world carries out the Rotary ideal year after year, decade after decade, with exemplary success.

I should like to add my own commendation to Rotary members not only for the tangible and visible services you perform to help others but also for your magnanimous spirit which transcends barriers of language, customs, and distance in a truly international effort to serve your fellow men.

Somehow it seems highly appropriate that the most internationally active Rotary club should be here in Hawaii, the crossroads of the Pacific, and the multi-racial land of Aloha, of brotherhood, and love.

On this International Night in Hawaii, it seems highly appropriate to talk about international events and particularly to take a look at what is ahead in our own Asia-Pacific area.

In a 30 minute talk, I can hardly do justice to all the efforts being made and all the progress under way in the many countries of Asia and the Pacific, to all the forces at work, and to all the possibilities that lie ahead. So if I fail to mention a country that deserves mention or an event that is important, I want to assure you that it is not for lack of interest; it is for lack of time.

Events of the past decade have brought home to all of us the cold reality that we live in a world not of our choosing and not entirely of our making. For Americans, the delusion immediately after World War II that the United States could shape the world has dissipated. Experience has taught us the hard lesson that even the most productive and most affluent nation does not control all the major decisions and major events on this planet.

A few examples from the recent past illustrate that decisions made outside the United States are profoundly affecting the course of events in Asia and the Pacific.

London and *Paris* made the decisions to withdraw from their defense outposts in Asia and the Pacific, thereby greatly altering the Free World posture there.

Hanoi made the decision to occupy Cambodian soil with tens of thousands of troops, eventually precipitating the present crisis in Cambodia.

Moscow and *Peking* made the decisions to stiffen their eyeball-to-eyeball confrontation along their common border, raising the specter of all-out war, only now held off by discussions between the two.

Hanoi made the decision to escalate its military push into Laos, gravely threatening the Laotian government and arousing concern as to how far the North Vietnamese would penetrate.

Moscow made the decision against reconvening the Geneva Conference so that a peaceful settlement in Laos could be worked on.

Knowing that the United States alone does not control events in Asia, our policy must be based on a realistic view of the real world. This is what President Nixon is doing.

In his recent foreign policy statement, President Nixon said the central thesis of his Guam doctrine is that "the United States will participate in the defense and development of allies and friends, but that America can not—and will not—conceive all the plans, design all the programs, execute all the decisions, and undertake all the defense of the free nations of the world."

At the same time, the President emphatically declared: "We have no intention of withdrawing from the world."

President Nixon's pledge is most reassuring to those of us in the Asia-Pacific area, for we know some in Congress and in other places of influence call for the United States to get out of Asia and the Far East and stay out. If we follow their advice, we would revert to isolationism, a Fortress America concept.

Fortunately, President Nixon knows better than to fall into that trap. He has been to most of the countries in this Hemisphere, both in an official capacity and as a private citizen. He knows Asia's people and Asia's problems. No other President has matched his depth of understanding of the massive forces at work in Asia.

But many other Americans have forgotten that our Nation has been deeply involved in Asia and the Pacific from the early days of our Republic. As long ago as 1784, Yankee clipper ships visited the port of Canton, China. Just before the Civil War, Commodore Perry opened Japan to the outside world. At the turn of the century, America acquired the Philippines from Spain, Hawaii by annexation from the Republic of Hawaii, and Alaska by purchase from Russia.

Years of trade and commerce with Asian lands, our governance of the Philippines, World War II in the Pacific, the U.S. occupation of Japan, and the war in Korea further enmeshed America's destiny with Asia. Vietnam is the latest chapter in U.S.-Asian history that dates back two centuries.

With Alaska and Hawaii now States, America is firmly anchored in the Pacific, and our future policy cannot overlook this geographic fact of life. Because of Hawaii's statehood, U.S. boundaries in the mid-Pacific are 2500 miles closer to the Far East than our mainland West Coast. And the U.S. border in Alaska is within two miles of Asia!

To abandon Asia and the Pacific would be to abandon our two westernmost States—and this is unthinkable!

America's presence in this area and our stand against armed aggression are giving Asian nations the time they so desperately need to strengthen their economies, modernize their systems of government, effect badly needed reforms, and build their national identities and independence.

Asian leaders recognize the vital importance of continued American presence in their part of the world. Singapore's Prime Minister Lee Kuan Yew said, "What Southeast Asia needs is a climate of confidence, continuing security, and stability in which constructive endeavor can become rewarding. It also needs to have the spirit of success." He said America is giving Asia the "breathing space" it needs.

President Marcos of the Philippines counseled that the United States should hold "a nuclear umbrela" above small countries and allow them to develop while encouraging training of indigenous troops to fight aggression and subversion directed against their own country.

Just before Prince Sihanouk of Cambodia was deposed, he candidly admitted that if the United States retired completely from Southeast Asia, "we would be obliged, despite ourselves, to become satellites of China. That is, if the Vietnamese Communists permit it, because it seems that they consider Cambodia, just like Laos, their own 'game preserve.' "

Prince Sihanouk also declared that if the United States withdraws from South Vietnam and a Viet Cong-dominated coalition regime takes over, eventually Southeast Asian countries would come under Chinese and North Vietnamese domination. "There will not be much bloodshed," he said, "but we will no longer be ourselves, we will become the Czechoslovaks of Asia."

Last December, Singapore's Foreign Minister Rajaratnam asserted the consequences of an American defeat in Vietnam, accompanied by retreat from the Asian continent, would be "disastrous."

So it goes, in country after country in Asia and the Pacific, America's presence is valued and America's assistance and interest are sought.

This is why the Nixon doctrine, enunciated at Guam last July, received such widespread approval in the Asia-Pacific Basin among nations striving to build nationhood, to retain independence, and to become more self-reliant.

President Nixon reaffirmed his Guam Doctrine in his New Strategy for Peace, saying clearly for all to hear: "we remain in Asia. We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia."

And, while nations of Asia understandably do not want to be caught in any whip-saw between Big Powers, they recognize that the U.S. presence in Asia is essential for the foreseeable future. They further know the United

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States is not coveting their territory—as the Communists so obviously are.

America's credentials on that score are good. After World War II, we granted independence to the Philippines, keeping our word to the brave people of those Islands.

And, instead of occupying Japan indefinitely, the United States granted Japan sovereignty in less than seven years, just long enough for Japan to get back on her feet economically and politically. In 1953, we returned the Amami Islands to Japan and in 1968 the Bonins, including Iwo Jima. Many had questioned whether the United States would also return Okinawa, which we had won in World War II and which is so important strategically to us. Late last year, as you all know we did agree to return Okinawa to Japan. Afterwards, Prime Minister Sato said: "For territory lost in war to be regained in peace is a rarity in world history."

By contrast, for fifteen years Japan has sought to negotiate with the Soviet Union for return of the Habomai and Shikotan Islands and the two southernmost Kurile Islands, Kunashiri and Etorofu. But Moscow refuses to talk about it.

Return of land is not the only evidence of U.S. generosity and fair play. Since World War II, the people of the United States have provided $137½ billion in grants and loans to other nations. Another $5 billion are in the pipeline. In addition, $9 billion in estimated donations to overseas areas have been made by churches and foundations in America. Private individuals have contributed untold millions on top of that. Such massive financial aid has no parallel in history!

Having shared so much of our resources for so long, it is only natural that the American people now seek a reduction in foreign aid, so that we can apply more to our own urgent domestic problems.

This then, is a brief sketch of the backdrop against which we look at what's ahead in Asia and the Pacific.

Uppermost in our minds, of course, is Vietnam. President Nixon has begun withdrawal of U.S. troops, with a total reduction in authorized strength of 115,500 scheduled by April 15. As the casualty lists show, South Vietnamese forces are bearing an increasingly larger burden of their own defense. Vietnamization of the war continues and pacification of additional areas in South Vietnam proceeds.

A recently captured Viet Cong document concedes that the South Vietnamese have made significant strides in gaining control in the vital Mekong Delta area. And, although the war is disrupting Vietnam's economic and political life, progress is being made in many areas: in education, in food supplies which are now more varied and nutritious, and in producer and consumer goods which are expanding the people's social and economic horizons. Two weeks ago, South Vietnam's National Assembly gave final approval to a sweeping land reform bill designed to eliminate tenant farming and give privately-owned land to the peasants who farm it. This is a significant step and, if promptly and effectively implemented, will reduce a major source of discontent among the people.

Just when U.S. withdrawal of combat forces can be completed and when peace will come to Vietnam are two very big question marks. Much depends on Hanoi, on the speed with which Vietnamization can be accomplished, on events in Laos and Cambodia, and on more distant developments such as the Sino-Soviet border dispute, which if it heats up, might lead to curtailing of Russian and Chinese war supplies for Hanoi.

With North Vietnam escalating its military attack on Laos and with North Vietnamese and Viet Cong troops refusing to leave Cambodia, the situation in these two countries is indeed cause for concern that the Vietnam war will be widened to plague all of Indo-China. The situation is extremely fluid and there are many crucial questions unanswered.

How well will Laos be able to fend off North Vietnam's advances?

Will Cambodia have to suffer the continued presence of Communist troops on its soil, who might be used to restore Prince Sihanouk to office? Will the new regime in Cambodia repeal the ban on hot pursuit by South Vietnam and U.S. forces against the Reds' privileged sanctuaries in Cambodia?

What will be the response of the United States to these new developments?

What will Communist China and the Soviet Union do? Will they support Hanoi in broadening the war to Laos and Cambodia and step up their arms and equipment to North Vietnam? Will they want to aid and abet Hanoi in widening its sphere of influence in Southeast Asia, where both the Soviet Union and Communist China are rivaling each other and North Vietnam for ascendancy?

Until we get a glimmer of the answers to these and many other pertinent questions, we really cannot speak with precision about the immediate future of South Vietnam, Laos, and Cambodia.

Since up to now there is no evidence that either Moscow or Peking is interested in peace in Southeast Asia, it looks very much as if the Soviets and the Chinese will continue their intransigent attitudes and continue supporting armed aggression in neighboring lands.

Both Russia and China signed the 1954 Geneva accords calling for independence for Vietnam, Laos, and Cambodia and the 1962 Declaration calling for neutrality in Laos.

Yet Russia supplies the overwhelming bulk of the war materiel for North Vietnamese forces attacking South Vietnam and Laos and using Cambodia as a military base. The war's end could come quickly if the Soviets would stop the flow of war supplies to Hanoi and try to influence North Vietnam to negotiate in Paris.

China, too, is supplying Hanoi and, in addition, is training and equipping guerrilla forces in Laos, Thailand, Cambodia, Burma, Malaysia and the Philippines aimed at overthrowing present governments and replacing them with Communist regimes.

Actually, it is Communists who are fomenting war of Asians against Asians. It is Communists who are denying peace to Asia.

The independent nations of Asia and the Pacific are well aware of these facts of life. And they are wide awake to the significance of the Soviet occupation of Czechoslovakia in 1968 and her intensified border dispute with Communist China. They have seen how Soviet military power has been used against Russia's neighbors, even though they are fellow Communists!

It is little wonder the free nations of Asia turned down the Kremlin's proposal last year for a collective security system under Soviet auspices. Thus rebuffed, Soviet leaders doubtless will try to extend their influence in less overt ways. Moscow can be expected to continue vying with Peking and the United States for a major role in the Asia-Pacific arena.

Looking at Communist China, we see a nation now trying to recover from the turmoil and upheaval of the three-year Cultural Revolution, whose excesses disrupted China's economy and isolated China to the point that she was practically bereft of friends in the international community. When border tensions with her powerful northern neighbor increased, China found herself in desperate straits indeed.

In view of the Soviet Union's nuclear superiority and threats to China's nuclear installations, China decided to talk at the conference table rather than to prolong armed confrontations with Russia. At the same time, China made tentative gestures to come out of her shell and deal with the rest of the world. By autumn last year, China's interest in trade negotiations had revived and foreign business was sought. China also agreed to resume the Warsaw talks with the United States, and these got under way in January.

Meanwhile, President Nixon took several steps underlining America's willingness to improve relations with Communist China. American tourists, museums, and others are now permitted to make noncommercial purchases of Chinese goods without special authorization. American passports are being validated for travel to China "for any legitimate purpose."

The Nixon Administration also has given permission to subsidiaries of American firms abroad to engage in commerce between mainland China and third countries.

These are small, but we hope meaningful, steps toward rapprochement with mainland China. As President Nixon said, "sooner or later Communist China will be ready to reenter the international community."

We do not expect instant friendship or a swift turn-around. But I do believe that, in China's own self-interest, her leaders will gradually forego self-isolation for China in favor of trade and commerce and a modus vivendi with other nations. As her present leaders are aged, a change in leadership in China will probably occur in the 1970's. Mao's successors may prove to be less revolutionary and rigid and more pragmatic and adaptable.

As we look ahead in Asia, we see another country emerging into political as well as economic leadership—Japan.

Primarily concerned since 1945 with rebuilding its economy and developing its new government, Japan has made a truly remarkable comeback, now ranking as the third industrial nation in the world, surpassed only by the United States and the USSR. During this time, except for its vigorous drive for trade around the world, Japan's role abroad has been very low key.

But in the 1970's and beyond, Japan will probably undertake leadership responsibilities overseas. Prime Minister Sato has already told his people. "The countries of the world expect Japan, the only advanced industrial state in Asia, to help the developing countries in Asia to stand on their own feet, and it is clear that our country has the responsibility to act in a positive way commensurate with its power."

Already Japan is matching U.S. contributions to the Asian Development Bank, trading heavily with Asian nations, taking part in Asia's largest political grouping, the Asian and Pacific Council, and is a member of the Indonesia and India aid consortium.

Certainly, Japan has the technical and capital resources to help her Asian neighbors in their own economic development. Japan may well quadruple her Gross National Product in the 1970's.

In political and military matters, however, Japan must take care not to arouse old fears of Japan's earlier imperialism.

With a diminished U.S. military posture in Southeast Asia and in Okinawa, Japan will undoubtedly have to strengthen her own self-defense forces. A nuclear capability for Japan appears unlikely, however, despite the prospect that neighboring China may develop an ICBM this year. Foreseeing a triangular nuclear stalemate among the United States, the USSR and Communist China, Japan may decide nuclear arms are unnecessary for her.

Nevertheless, a much larger role for Japan in the affairs of Asia and the Pacific seems destined. I believe this will definitely be in the interest of peace in the Far East.

What role India, with her 550 million people, and Pakistan, with her 121 million people, will play in Asia in the 1970's is far from clear at this time. India is presently preoccupied internally with problems of political factionalism, unrest and revolt in certain areas, lagging industrialization, a race be-

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tween food and population, and boundary disputes.

It is also unclear whether India will move toward a role of political leadership in Asia or adhere to the Nehru policy of neutralism, non-alignment, and non-involvement. So it is difficult to assess the future impact of India in Asia.

Pakistan, too, is preoccupied with internal problems of political stability. This year elections are scheduled for a constituent assembly to draft a new constitution, and a dozen parties are competing for votes. While the political situation has been fluid, Pakistan's economy has been performing well, growing about 10 to 12 per cent a year in the 1960's. In her west wing, Pakistan attained food self-sufficiency last year, but still needs grain imports for her east wing.

In view of Pakistan's special relations with Communist China, her improved relations with the Soviet Union, and continuing relations with the United States, Pakistan may find this triangulation inhibits a leadership role with other Asian and Pacific nations. We shall have to wait and see.

Taiwan, however, will continue to play an important leadership role in the Far East. The Republic of China has demonstrated clearly its ability to stand on its own feet and for several years has not received economic aid from the United States. I understand Taiwan now conducts a technical assistance program of its own in 27 other countries. This is a real achievement!

A number of other countries in Asia show economic strength. The Republic of Korea, Thailand, Singapore, and Malaysia have doubled their Gross National Product in the last decade. Korea's annual growth rate of 15 per cent may be the highest in the world! Australia, with the fifth highest per capita income, will probably double her Gross National Product in this decade.

Singapore continues its uninterrupted march toward prosperity, industrializing at about 12 per cent a year and creating urgently needed new jobs. To offset economic losses from Britain's defense pull-out, Singapore recently announced it is making its huge naval dockyards available to Soviet naval ships on the same commercial basis offered to other countries.

Hong Kong's economy advanced about 12 per cent last year and exports rose about 25 per cent. Foreign investments continue to flow into Hong Kong.

Malaysia had a five per cent increase in GNP, with exports up ten per cent last year. Industrialization is rising by about ten per cent a year.

In the Philippines, GNP has been growing by more than six per cent, and the nation registered gains in road construction and schools, in agricultural production, mining, and manufacturing.

In Indonesia, the economy staged a remarkable recovery from the chaos of the Sukarno era. In 1969, the rupiah was stabilized, the cost-of-living rise was slowed, and runaway inflation was brought under control.

Undoubtedly, part of their economic progress is attributable to the huge U.S. spending for the Vietnam war. Tourism in many countries has enjoyed a boom as GI's on leave and on R & R from Vietnam travel in the Far East. U.S. ships are repaired in Singapore, canvas shoes are made in Hong Kong, equipment is produced in Japan, plywood manufactured in South Korea—all for the war effort. Also, Asian goods have been bought by U.S. domestic industries fulfilling military contracts.

An end to U.S. involvement in Vietnam and an end to the war mean a reduction in war-stimulated spending in Asia and the Pacific. But it appears the affected Asian countries are taking steps to offset these losses. And American as well as Asian investors show no discernible loss of confidence in the economic future of the Asia-Pacific region.

On the contrary, the pace of interregional investment is accelerating. Last year Hong Kong capital was invested in Taiwan, Singapore, Indonesia and Australia, as well as in the United States and Europe. In turn, American companies were opening at the rate of one a month in Hong Kong, with investments mounting to more than $150 million by late 1969, about 12 per cent above 1968.

Despite the May riots in Malaysia, U.S. business firms went ahead with establishing a tire-manufacturing plant, a chemical herbicide plant, and petroleum refinery expansion, all requiring multi-million dollar investments.

Notwithstanding the restrictions on foreign investments in Japan, American investments total about one billion dollars. In Singapore, Americans have invested well over $150 million. In India, U.S. investments aggregate about $281 million; in Taiwan over $34 million; and in South Korea $70 million. In fact, U.S. private investment in the Far East totals well above $2.5 billion, with a similar amount invested in Australia alone!

It is apparent businessmen see the end of the war in Vietnam and the growing economies of nations of Asia and the Pacific offering a golden opportunity to develop large numbers of new customers. They see the next big market area is not Latin America or Africa, but Asia and the Pacific Basin, home of half the world's population, the site of the world's third largest economy, the most natural trading partner for the U.S. West Coast and Hawaii, and a region already far ahead of Latin America and Africa in modernizing their economies.

Economic improvement in Asia and the Pacific means more than just better business opportunities. In many countries, it means that the man on the city streets or in the paddy fields is at last receiving a chance to gain a fair share of his country's rising national output, and prosperity. A region for centuries populated only by the very rich and the very poor now shows signs of establishing a middle-income class.

Economic democratization could well lead to political democratization, although this is by no means certain. The two have occurred together in Japan and South Korea, and there are signs this is happening elsewhere.

Along with rising nationalism through internal economic development, there is a willingness in Asia to cooperate on a regional basis. The Asian Development Bank and the Association of Southeast Asia Nations are giving Asians a new sense of confidence in their ability to cope with the future and chalk up even greater gains.

Astonishing improvements in agriculture also give Asians new hope for the decades ahead. There is a "green revolution" under way with miracle wheat and miracle rice. Lands whose people since time immemorial have lived under the threat of famine and mass starvation can see the day coming when they will be able to feed all their people.

It is not, however, so simple a matter as just planting these new high-yield seeds into the ground and reaping the bonanza. Fertilizer is needed, irrigation works must be installed in dry areas, new farming techniques must be learned, and new strains must be developed to withstand the rigors of varying weather conditions, such as the monsoons in India.

In addition, government farm programs and land reforms are needed to give peasants a fair deal in the market. Otherwise, large landowners can increase their output, depress the market price for the small grower, and the peasants find themselves no better off than before.

So we see, in looking at what's ahead for Asia and the Pacific, the picture is a mixed one. There are huge question marks in Southeast Asia, Communist China, and the Soviet Union. Yet heartening economic progress is gaining momentum, and technological and agricultural break-throughs portend even greater advances in the years to come. Hopefully, political democracy will be an important by-product of economic democratization.

There is no question but that, as Asia's nations improve their agriculture and their industries, incomes will rise; standards of living for the average family will improve; an enormous market for exchange of goods and services will be created; international trade, travel, and communications will mushroom; and gradually barriers of language and customs will crumble as people come to know and deal with one another.

Technological advances in communication and transportation will bring new services to the Asia-Pacific Basin and, bit by bit, distances and differences will shrink. There are exciting proposals to use manmade satellites for voice communications. The University of Hawaii, for example, has a concept whereby various universities in Asia and the Pacific can be linked to each other by satellite and instruction and information exchanged throughout the entire network.

In Alaska, a research program is under way using a NASA satellite to put sick residents of remote areas in speedy voice contact with doctors, hospitals, or other health agencies in the nearest community. Isolated communities in almost every nation in the vast Asia-Pacific region have a need for prompt diagnosis and medical advice.

In transportation, supersonic aircraft will reduce travel time over the vast reaches of the Pacific and Asia and give us all a greater feeling of proximity.

As East and West make friends with one another through business and travel, through education and all the other fields, I believe we will be laying the foundation on which we can build a real Pacific community, with common goals and mutual objectives in an atmosphere of peace.

Under President Nixon, America will not abandon the Asia-Pacific area. Ties of history, friendship, trade, and a deep desire for peace will keep America playing an important role there. It will be a different, but constructive, role based on partnership with Asian and Pacific peoples.

I envision it as a partnership open to all, including the Soviet Union and Mainland China, provided they respect the territorial integrity and right of self-determination of other nations. Should the Communists persist in their present role of supporting wars of aggression and, in the case of China, fomenting internal subversion, there is all the more urgency for non-Communist nations—through their own efforts, through regional arrangements, and through U.S. and other assistance—to strengthen their economies and their governments.

I do not minimize the disparities that exist and the animosities that must be overcome. But I do believe that some day, all men must acknowledge the central truth that we are all members of the human family . . . with basic aspirations very much the same no matter what race, what color, what culture, what religious faith we may be.

When all is said and done, the human family round the world seeks an opportunity to earn its way through life; sufficient income from its labors to provide food, shelter, clothing, and other necessities; a real voice in its own government; a status of dignity and respect; and hope for the future.

As long as we remember these basic aspirations of all mankind, we shall progressively shrink the distances and differences that separate and divide us. On this fundamental understanding, we can build not only a Pacific community, but a world community, of nations that can live in peace.

You who are Rotarians know this is possible. For on a smaller scale, you are patiently and diligently fostering international friendship, understanding, and good will . . . the building blocks of a world community at peace.

As you persevere and as America and our friends in other lands persevere with stamina and endurance in behalf of fair and just

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relations, we shall turn the wheels of progress and advance the cause of peace for all mankind.

Thank you, goodnight, and Aloha.

KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. PERCY. Mr. President, in October, Congress approved the final Federal appropriation for the construction of the Kennedy Center for the Performing Arts. In so doing, we made a wise investment in the continued development of the arts in this country.

Mr. Julius Duscha recently published an article in the Washingtonian analyzing the role of the Kennedy Center in promoting the performing arts and stimulating new approaches to them. I ask unanimous consent that the article, entitled "The Kennedy Center: Cultural Bonanza or White Marble Elephant?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE KENNEDY CENTER: CULTURAL BONANZA OR WHITE MARBLE ELEPHANT?

(By Julius Duscha)

The three thousand words that follow are dedicated to the quite unfashionable proposition that the John F. Kennedy Center for the Performing Arts will succeed. It will become a world-famous center where the best in music, opera, ballet, theater, and film will be presented and where new ideas and new approaches to the performing arts will be tried.

The center, however, will never be self-supporting. No one involved in the construction of the building or in the planning for its programming and other activities has ever expected the center to pay its own way.

And why should it? Municipal auditoriums and baseball and football stadiums have seldom made money; yet they have been lavishly supported by state and local governments.

Success is more than just making money. For the Kennedy Center, success, should be measured in terms of the excellence of its programming, the boldness of its efforts to encourage new developments in the arts, and the willingness of the center's Board of Trustees to develop such ancillary activities as a conservatory of music, a national theater company, national ballet and opera companies, and a really good symphony orchestra.

To help pay for such programming and activities, the Kennedy Center will need help from both private and federal sources. A relatively few million dollars a year will probably be enough, and if the center's leadership turns out to be as good as it now seems to be, there is every reason to believe that Congress and private philanthropy will make sure the center succeeds. It is certainly more deserving of subsidy than, say, the oil millionaires or the factory farmers.

The leaders of the Kennedy Center come to their jobs with first-rate credentials. Roger L. Stevens, chairman of the center, is a successful Broadway producer and theater owner who understands both the practicalities and the potential of the theater. Stevens is largely responsible for raising the more than $20 million in private funds that have been contributed to the center. Without his interest and work, the center would never have been built. Once the center is in operation, Stevens probably will take on the added duties of theatrical advisor.

General director of the center is William McCormick Blair, Jr., an associate of the late Adlai Stevenson, a respected lawyer, and like Stevens a man of imagination and flair.

George London, the operatic and concert singer, is the center's artistic administrator. He is well known in Europe and the United States and is highly respected throughout the musical world.

London is working under Julius Rudel, conductor and general director of the New York City Opera, who is the Kennedy Center's musical advisor. The forty-nine-year-old Rudel, born in Vienna and now an American citizen, is internationally recognized as one of the great conductors and outstanding leaders of the musical world.

The only publicly announced programming for the center is its plan to open in September 1971 with a festival of music and drama to be highlighted by a new work by Leonard Bernstein and by a festival of great American orchestras.

It is still chic to argue at Georgetown or even Bethesda cocktail parties that (a) the Kennedy Center should never have been built; (b) if it had to be built it was put in the wrong place; (c) there should have been three or four smaller buildings rather than one huge, 630-foot-long structure; (d) the whole thing smacks of official culture; and (e) who needs it in these days of pop art and free-form entertainment?

However smart these arguments may sound when mixed well with martinis, they are irrelevant in 1970. The center is almost two-thirds completed. Enough Federal and private money is available to finish construction at an estimated total cost of $66.4 million.

The question that ought to be occupying the self-appointed leaders and guardians of the performing arts in Washington and elsewhere in the country is how best to use Edward Durell Stone's marble building on the banks of the Potomac.

The facilities will rank among the best in the world. In the center of the building will be a 2,300-seat Opera House designed for productions ranging from opera and ballet to musical comedy. On one side of the Opera House a 2,700-seat Concert Hall is being built, and on the other side the 1,100-seat Eisenhower Theater for drama is taking form. Above it will be a 500-seat theater primarily for film but also for lectures and chamber music. On the same roof-terrace level as the film theater will be space for receptions, band concerts, and meetings as well as room for an art gallery and restaurant facilities.

Each of the three major halls will have the finest in stage equipment, acoustics, and soundproofing. The seating capacity of the Opera House, for example, has been held down so that it will be an optimum size for singers. Behind both the Opera House and the Eisenhower Theater will be rehearsal halls.

A grand foyer—with floor-to-ceiling windows rising six stories and providing a dramatic view of the Potomac, Roosevelt Island, and the Virginia skyline—will connect the three principal auditoriums. They will be separated by a Hall of States and a Hall of Nations leading from the center's entrance plaza on the side of the building opposite the river. Beneath the center is a three-story garage with room for 1,600 cars.

Encased in white marble—a gift from Italy in memory of John F. Kennedy—and surrounded by soon-to-be-bronzed steel pillars, the Kennedy Center is already becoming as familiar a part of the Washington skyline as the nearby Lincoln Memorial—which some felt it would overshadow, but doesn't—and the Washington Monument.

The center's location, controversial since it was selected by Congress in 1958, has turned out to be as good a spot as could have been found. The center will be easily accessible from Rock Creek Parkway, Virginia Avenue, and the Inner Loop Freeway, which connects with the Theodore Roosevelt Bridge. If the center had been located near downtown, as the merchants there wanted it to be, it would now be facing the same problems as the rest of the center city at night. It will be a long time before Washingtonians go downtown the way they used to after dark.

Okay, so the building may turn out to be beautiful and may even get a few kind words from Wolf Von Eckhardt and Ada Louise Huxtable, but doesn't everyone know that the real problem with a cultural center only begins once the palace for the performing arts is finished? How in the world is anyone going to keep this newest monument solvent? Congress doesn't like ratholes, even when they are surrounded with Italian marble.

Remember what happened to the mere $13 million Atlanta Memorial Arts Center? The Atlanta Municipal Theater was in deep financial trouble soon after it began its productions in the fall of 1968. Don't forget either the problems of the $35 million Los Angeles Music Center, which must rely on substantial subsidies from private sources. And even baseball fans know of the struggles of the $175 million Lincoln Center in New York, where deficits run to $11 million or so each year.

But the Kennedy Center will have important advantages over the centers in Atlanta, Los Angeles, and New York. It is in the nation's capital and will be truly a national center. It will command the attention of the President, the Congress, and the country. The millions of tourists who come to Washington each year will be attracted to the center not only because of its location and newness but also because of the mystique of the Kennedy name.

As a national institution, the Kennedy Center should expect to get operating money from Congress. The center's Board of Trustees should make it clear from the very beginning that Federal operating money will be needed and expected. Rep. Frank Thompson (D-N.J.), responsible for getting the legislation establishing the center through a balky House of Representatives in 1958, says, "I expected then and I expect now that the center will operate at a deficit. But that doesn't bother me in the least. I think the government has an obligation to make it run because in a sense we will have a national workshop here."

Yes, but who wants some Congressman from Pocatello telling us tastemakers what we should present at the Kennedy Center? This question is about as irrelevant as the continuing discussion over whether the center should have been built.

Congress and the Federal government are already hip deep in the Kennedy Center. The center would never have been built without Congressional approval and appropriation of Federal funds. The center is in fact a unit of the Federal government. Although it operates under the guidance of a forty-five-man Board of Trustees representing a wide variety of cultural and political strains in the country, the center is a part of the Smithsonian Institution. The construction of the center is being supervised by the General Services Administration. Of the $66 million cost, $23 million is being met by Federal grants and another $23 million by Federal loans. The loans are being used for the parking garage, which will be available by day to Federal employees and others who work near the center, and which presumably will earn enough money to pay off the loans.

But no one on Capitol Hill has put on a hard hat and supervised the construction of the center. Nor are members of Congress likely to become artistic directors for the center. The legislation which created the center laid down guidelines spelling out the center's purposes as a national institution to enhance the performing arts. It is the center's Board of Trustees and not Congress that will make the ultimate decisions about what the center does and how it responds to national interests, and the thirty private citizens on the board are appointed by the President for ten-year, politically-safe terms. The other fifteen members are government officials who serve as long as they hold their jobs.

Members of the board include such Washingtonians as businessman Floyd D. Akers and lawyer Ralph E. Becker; Broadway types such as Richard Adler, Robert W. Dowling, and Richard Rodgers; such friends of the Kennedys as K. Lemoyne Billings, Arthur M. Schlesinger, Jr., and William Walton; and of course Sen. Edward M. Kennedy and Mrs. Stephen E. Smith, sister of the late President. Mrs. Aristotle Onassis is an honorary chairman of the board.

Mrs. Onassis, widow of the late President, has not shown much interest in the center since her remarriage, although several years ago she did get involved in the center's programming plans. For example, she tried to get Leonard Bernstein to take on the job of artistic director for the center.

Mrs. Onassis also made a last-minute effort in 1964 to try to change the center's location from Foggy Bottom to a site on the Mall near the National Gallery of Art, but by then plans for the center were too far along to change them without causing a sharp rise in costs. It is generally thought that Walton, who has always opposed the center's Foggy Bottom site as well as the concept of a cultural center, persuaded Mrs. Onassis to try to change the location.

There also have been disagreements on the board between some of the grand-design oriented members and the more practical directors, such as Stevens and Becker, who have been immersed in the project since its beginnings and have insisted that the board take one step at a time, concentrating all its energies first on raising money for the building, and then moving on to the even more difficult problems of finding money to pay for programming.

The board, in fact, is just now getting into programming matters, which are likely to be far more controversial than the tough but more mundane problems of putting together enough public and private money to construct a building. There is general agreement among board members, however, that the center must do a great deal more than just provide dull nights out for tired and bored businessmen, members of Congress, and Cabinet members and their socially ambitious and overdressed wives.

James E. Allen, Jr., U.S. Commissioner of Education, who by virtue of his office is a member of the board, is now conducting some preliminary studies of the kind of programming the center might do to attract ghetto youngsters—and their parents—as well as others who might otherwise never think of going to a cultural center.

S. Dillon Ripley, II, the secretary of the Smithsonian Institution and an ex officio member of the board, is also interested in the educational aspects of the center's programming. Ripley's detractors think he would like to take over the Kennedy Center, should it fail. At the very least, it is thought that Ripley's ambitions are to run the educational programs of the center. "But never underestimate the energies of Dillon Ripley," one member said in discussing the disagreements over programming that are expected on the board.

Although Mrs. Onassis shows little interest in the center, Ted Kennedy and Jean Smith are interested and do attend Board meetings. Bill Blair makes certain that the Senator and Mrs. Smith are kept informed on all developments as they occur and is quite solicitous of them and their involvement in the center.

John F. Kennedy himself was never particularly interested in the performing arts or in other cultural activities. But if the center had not been designated by Congress early in 1964 as the official memorial to John F. Kennedy in the District of Columbia, it probably never would have been built.

What is now the Kennedy Center was originally the National Center of the Performing Arts. Authorized by Congress in 1958, the National Center was to have been built entirely with private funds on a seventeen-acre site in Foggy Bottom put together by the Federal government. (Most of the land was already Federal property.) But until the center was renamed for John F. Kennedy and Federal funds were made available, private contributions proved hard to get. "The assumption was that this was a Federal project that didn't really need private money," Roger Stevens has noted.

Ironic, too, was the decision by the center's trustees last year to name the theater after President Eisenhower, another non-theatergoer and non-culture-lover who happened to sign the original bill providing for a National Center of the Performing Arts. But it is certainly useful for fund raising and other purposes to have a bit of bipartisanship injected into the center's nomenclature.

Although the Kennedy name has helped far more than it has hurt the center, there are still plenty of Kennedy-haters around and at times the name has carried some disadvantages with it. In the spring of 1968, for example, when it became clear that additional Federal funds would be needed to complete the center, Roger Stevens decided to wait a year before asking Congress for the money because of the heat then being generated by the late Robert F. Kennedy's campaign for the Democratic presidential nomination. When Stevens finally brought a request for an additional $7.5 million in Federal funds before Congress in 1969, he got the money but he also was criticized by some members for waiting to go to Congress until practically all the available funds were already committed to construction contracts, in effect giving Congress no choice but to ante up the needed money.

About $20.4 million of the center's funds are from private sources and foreign governments. A total of $9 million has been contributed by foundations and $5 million by corporations. All but $2.5 million of this $20.4 million has been raised. The largest private gift came from the Ford Foundation, which donated $5 million. The Rockefeller Foundation gave $1 million, the Old Dominion Foundation $500,000, and the Joseph P. Kennedy, Jr., Foundation $500,000. Almost 400 industrial and business firms have made contributions. Only $2 million in private contributions has come from residents of the Washington area. One of the largest contributions in the Washington area came from the Hattie M. Strong Foundation.

Italy donated all of the marble needed for the exterior and the interior of the building, a gift valued at $1 million. From Austria will come a huge crystal chandelier for the center's Opera House. The Danish government will decorate and furnish the north lounge of the Opera House. The German government is donating bronze panels for the center's entrance area. Ireland is giving a crystal chandelier for the presidential lounge of the Opera House. From Japan the center will receive a red and gold silk curtain for the Opera House. Norway is donating eleven crystal chandeliers for the center's Concert Hall. Sweden is giving fourteen crystal chandeliers for the center's grand foyer.

The delays in the construction of the center have resulted, however, in a doubling of the original cost estimates. In a decade the center's price tag has increased from $31 million to $66.4 million. Most of the increase can be attributed to inflation, but some is due to faulty estimating. The steel work, for example, cost over $2 million more than originally estimated because of just bad arithmetic. Another $1 million was added to the costs when jets were allowed into National Airport and more soundproofing materials had to be built into the center, which is just off the final approach pattern to the airport.

It would have been nice to have had the center in operation for the last decade, but delay in its construction and opening has meant that Stevens and his aides can benefit from the mistakes and lessons of the Lincoln Center, the Atlanta Center, and the Music Center in Los Angeles. And the principal lesson to be learned from the troubles of the existing centers is the importance of starting slowly and of making certain that money is in hand before commitments are made for attractions, programs, and festivals with interesting artistic possibilities but murky commercial outlooks.

Stevens is very much aware of the importance of having money in hand before committing the center to big programming ideas. When pressed for details on the center's plans for noncommercial attractions, Stevens replies, "If people want public service operations, they've first got to find a way to pay for them."

Stevens also is determined that the center not take on the financial problems of such organizations as the Washington National Symphony. If the National Symphony presents its concerts at the center instead of at Constitution Hall, this does not mean that the center will provide an economic umbrella for the Symphony's money problems.

During its first year or two the Kennedy Center will rely heavily on established commercial attractions in all of its halls. There will be some noncommercial programming such as the American College Theater Festival, which the Friends of the Kennedy Center sponsored last spring at Ford's Theater, and a tent theater on the Mall, and probably a similar jazz festival.

Although Stevens says he has commitments for a million dollars or so in operating capital, there is not yet money in sight for ambitious programming that would make it possible for the center to sponsor an opera company or a national theater company. In the meantime, Stevens believes that it is of the utmost importance for the center to make a good beginning with commercially sound attractions, and when money is forthcoming, to go on from there to experimental and riskier ventures.

In the first years, for instance, the Opera House will be used for opera and ballet no more than six months of the year. The Metropolitan Opera and distinguished European companies will perform in the Opera House. The rest of the year it will be available for musical comedies either on their way to Broadway or touring after a successful New York run.

"The musical comedies will be commercial and money-making ventures," George London acknowledges, "but this is defensible artistically, too, because the musical at its best is the great American lyric form."

In addition to housing the National Symphony, the Concert Hall probably will be the site of the many concerts by well-known musical artists now presented by Patrick Hayes and others in Constitution Hall and Lisner Auditorium.

In the Eisenhower Theater, six months of each year will be given over to Broadway plays, and the other six months will be available for such noncommercial programming as the College Theater Festival.

The film theater will be used largely for experimental work, and it is expected that George Stevens, Jr., the son of the eminent director, a filmmaker in his own right and director of the American Film Institute, will be in charge of the film programming.

What about pop culture, rock music, and off-Broadway kinds of productions? "If Janis Joplin wants to play the Kennedy Center, we would be happy to book her in," Roger Stevens says, "but I don't really think the Kennedy Center is the place for *Oh! Calcutta!*"

"Our main concern will be with good things," London says in summing up his approach to programming. "If it's new it isn't necessarily good. Art has to have discipline. Sure, we're going to play it close to the vest, because we also want to stay alive. But the sky's the limit if we have the money."

Impresario Patrick Hayes thinks that too many Washingtonians are concerning themselves only with what the center is going to do in its first year or two rather than looking at the center in the perspective of ten to forty years. Within such a period, for example, Hayes sees the center as becoming the home of a great conservatory of music.

There are, of course, critics of the center's leadership, and one of the most articulate is Ralph Black, manager of Washington's National Ballet and a former manager of the National Symphony.

"Six months opera, six months musical comedy," comments Black. "I think that's just tragic. I'm not opposed to musicals, nor am I a snob about them. I just don't think the Opera House should be a Broadway house. I don't have any question that it can be filled with artistic works. You're building audiences today."

Another critic is Richard Pearlman, the manager of the Washington Opera Society and a former stage manager for the Metropolitan Opera, who asks, "What could be more dead end than bringing musicals to the Kennedy Center? Artistically musicals are at a dead end in this country."

Rather than staging Broadway musicals at the Kennedy Center or even presenting opera in a familiar setting and a traditional way, Pearlman believes that the center should experiment by perhaps trying to combine opera, Broadway, and rock in a new kind of musical and by "scraping off the barnacles from existing operas to see what is really there" instead of "just grinding out sausages from a machine and thinking that a production is all right as long as no one falls off the stage."

However critical men like Black and Pearlman may be of the center, they and almost everyone else in Washington looking for a showcase for singers, dancers, musicians, or actors want to get on one of the center's stages. Black, for example, has had a long argument with Stevens over whether the National Ballet ought to be the resident ballet company at the center. But Stevens has stuck to his 1968 decision making the American Ballet Theater of New York the resident company. It will play at the center for a few weeks in both the spring and the fall.

The New York City Opera is expected to be named the resident opera company for the Kennedy Center. Julius Rudel, conductor of the City Opera, is already the center's musical advisor. But Pearlman, like Black, thinks his group should be the resident company because it is actually headquartered here while the New York City Opera, like the American Ballet Theater, remains a New York-based company and will be in residence in Washington only a few weeks of every year. Artistically, of course, the New York groups are superior to the Washington companies.

Washingtonians look on the center as their own bauble, but Stevens, Blair, and London continue to emphasize its national character. And they are right. The center would not have been built without $46 million in Federal funds collected from all the taxpayers, not just those in the Washington area. Only five percent of the $20.4 million raised so far from private sources has come from Washingtonians.

"Everybody will want to play in the place," Patrick Hayes says. "The magnificence and beauty of the center will attract people. And given a good show, people will storm the doors."

There is apprehension about the center among such people as Scott Kirkpatrick, the manager of the National Theater, and Tom and Zelda Fichandler, who have built the Arena Stage into a nationally known theater. And what about Constitution Hall and Lisner Auditorium? Will they be dark and deserted once the Kennedy Center opens?

The National Theater and the Kennedy Center will be competing for Broadway shows. But the National, with its 1,700 seats and excellent acoustics, will still be a formidable competitor for plays with the 1,100-seat Eisenhower Theater. Those 600 extra seats each night will look awfully good to the producer of a hit. The Kennedy Center's Opera House undoubtedly will drain away musicals from the National. But the affluent Washington area ought to be able to support more than one theater for Broadway productions. Furthermore, the Kennedy Center will be in the Broadway business no more than half of each year.

As for the Arena, it has developed a loyal audience by presenting old and new plays which often are not directly competitive with Broadway. The noncommercial attractions at the Kennedy Center will be more directly competitive with the Arena, but again there would seem to be room for such competition.

Constitution Hall and Lisner will not be as busy as they are now, but Patrick Hayes, for one, believes that both will be heavily booked within five years of the opening of the Kennedy Center. Hayes thinks that the cultural boom of the post-World War II years will continue and that the Kennedy Center will by no means be able to handle all of it. And as for Sol Hurok and others who bring expensive attractions to the United States from abroad, Constitution Hall will still look good with its 3,800 seats compared with the 2,700 seats in the Kennedy Center's Concert Hall or the 2,300 seats in its Opera House.

The Kennedy Center itself also ought to turn a lot more Washingtonians into theatergoers and concertgoers. The newness of the center and the mystique of the Kennedy name will be as attractive to Washingtonians as it will be to tourists. Conscious of the large amount of Federal money that has already gone into the center and the need for additional Federal funds to help meet operating deficits, Stevens, Blair, and London seem determined to make good on the center's slogan: "The Kennedy Center is for everyone."

Tickets will be made available at low prices to students and others who cannot afford the regular scale. Special programs will be put on for school audiences. The center's three major halls are equipped for live television broadcasting and for filming and taping.

The Kennedy Center will, of course, have its troubles and frustrations. Its deficits will be decried in the halls of Congress. Rival impresarios will accuse the tax-free, subsidized Kennedy Center of unfair competition. And the center will surely be picketed from time to time by confrontation-prone, pop-culture militants.

There may be plain old structural and logistical problems, too. Some people are still worried over the sufficiency of the center's soundproofing. The self-park garage also could result in jarring traffic jams, but Roger Stevens believes there will be enough entrances onto Rock Creek Parkway, Virginia Avenue, and the Inner Loop to empty the garage in the fifteen minutes the engineers who built it claim it will take. Staggered curtain times will be used so that more than 6,000 persons won't be converging on the place at the same hour.

All new buildings and all ambitious new projects encounter problems when getting under way, and there will be troubles for the Kennedy Center. But by being in the nation's capital and by already having the Federal government deeply involved, the center's chances for success and for continued Federal financial support are excellent. And this is why it will become one of the world's leading cultural centers.

REPORT OF COMMITTEE FOR ECONOMIC DEVELOPMENT

Mr. JAVITS. Mr. President, the Committee for Economic Development, comprised of distinguished members of the business and academic communities has issued a comprehensive policy report recommending a federally supported program to provide a national minimum income and endorsing the administration's Family Assistance Act as a "very important first step forward in revising the present welfare system."

The statement sets forth a number of basic principles that the committee feels should underlie an equitable system of welfare. Among its recommendations are the following: First, that working single-person families and working childless couples should be included in any new federally aided programs designed to benefit the poor; second, that a program of income incentives to work should be made a basic component of any new welfare system, coupled with positive measures to increase opportunities for private or public employment for those able to work; third, that requirements for training or work be a part of any income maintenance system only if a proper manpower program is developed to make such a requirement meaningful and that certain safeguards be built into the structure; fourth, that neither training nor work should be made a condition for continuance of public assistance to women heads of households; and fifth, that there be established a federally supported national program of day-care centers enabling mothers receiving public assistance to augment their incomes through training and jobs. The committee views "as practical and realistic" the administration's minimum of $2,400 in cash and food stamp benefits.

Mr. President, I believe that Senators should have these and other recommendations in mind as they consider the administration's family assistance plan, which I have cosponsored. Accordingly, I ask unanimous consent that pertinent excerpts from the report of the Committee for Economic Development, entitled "Improving the Public Welfare System," be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

THE SCOPE OF THIS STATEMENT

This statement concentrates on one segment of the welfare problem. It is concerned primarily with the improvement of those programs coming under the category of public assistance, which extend direct payments to people on the welfare rolls. These programs comprise mainly the federally-financed categories of Old-Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children, as well as the general assistance category financed by state and local governments. We believe that the improvement and reform of these programs is of the utmost urgency because of the pressing need to alleviate the deprivation of millions of poor Americans in the most direct and efficacious way available. By itself, however, such a revision obviously cannot eliminate the problem of poverty in this country.

This study, centered on the development of a national system of direct payments to the poor, does not treat of a vital and broad array of social services provided by innumerable private and public welfare agencies. Such services include family counselling, physical and mental health assistance, child guidance, and legal aid, to name just a few. Though a substantially higher proportion of the financing of these services, where provided by public agencies in particular, will undoubtedly move to the federal level, the administration of the programs will preferably remain at the local level. In a prior statement we have pointed out that the local agency is "in a better position to provide services beyond the monthly welfare check" and could become "the advocate of those welfare recipients who believe they are not being properly treated by the system." [1]

To be truly effective, reform of the welfare system must be accompanied by measures that will provide the poor with the requisite education and training which will open the doors of opportunity to jobs offering adequate compensation. There is little question that the public school system has failed to serve those at the bottom of the economic and social ladder, with the result that the disadvantaged cannot command the modicum of education required in the nation's evolving job market.[2] These problems are being studied by a CED Subcommittee on Education for the Urban Disadvantaged.

Insofar as training for specific job skills is concerned, the nation faces a task of very great magnitude. While training opportunities in major remedial programs number in the low hundreds of thousands, the need numbers in the millions. These and associated concerns will be examined in a forthcoming statement on the problem of urban poverty and jobs now being prepared by another CED subcommittee.

Federal programs affecting the poor include not only those designed specifically for their assistance through direct or in-kind payments or through various services, but also such programs as Social Security that serve the board spectrum of the population. (Figure One shows only that portion of such funds going to those below the poverty threshold.) The total amount of all this assistance to those officially defined as living in poverty will come to an estimated $29.7 billion in fiscal 1970. Cash payments under public assistance programs by the federal government will amount to $3.9 billion, plus a similar amount by state and local governments. Income maintenance and supplementation, coupled with improvements in education and manpower policy, should provide a much needed new mechanism for the improvement of the "welfare" segment of this array of programs. But the elimination of poverty in the United States will require coordination and improvement throughout the entire structure of federal programs affecting the poor.[3]

Changes anywhere within the structure of assistance to the poor will increasingly have effects elsewhere. The interrelationship of the public assistance system and the Social Security system, for instance, is demonstrated by the decrease in the number of those technically described as poor brought about by the 15 per cent across-the-board increase in old-age insurance benefits. Further improvements in Social Security payments could have a similar effect, reducing the number of those receiving public assistance. Likewise, improvements in Medicare health programs, providing greater coverage and protection than is now afforded, could prevent families from falling into the public assistance category because of crushing expenses resulting from medical emergencies. At the same time, the establishment of an income supplementation program would have consequences elsewhere in the structure by bringing into existence what, in effect, is a second system of unemployment compensation. As pointed out by the Council of Economic Advisers, income maintenance and supplementation would "greatly [reduce] the danger that poor people who had not been covered by unemployment compensation would be seriously injured by an increase in unemployment, or that workers with large families would find themselves in difficult straits in periods of temporary unemployment." [4]

AID TO THE POOR IN FEDERAL PROGRAMS [1]

[Billions of dollars]

	1970 (Fiscal)	1971 (Fiscal)
Social security	10.0	[2]9.9
Welfare:		
Public assistance	3.9	4.5
Family assistance plan		.4
Nutrition:		
Food stamps	.6	1.3
Child nutrition	.5	.6
Health:		
Medicare	2.4	2.6
Medicaid	2.1	2.3
OEO programs	.1	.2
Employment:		
Manpower development	1.0	1.2
Unemployment insurance	.6	.6
Employment service	.2	.3
Work incentives	.1	.2
Education and youth:		
Disadvantaged children	1.1	1.2
Educational opportunity grants	.1	.2
Other	.5	.6
OEO programs	.5	.5
Housing:		
Public housing and rent supplements	.3	.4
Model cities and other	.2	.3
Other:		
Veterans Administration	3.0	3.0
Other HEW programs	1.3	1.3
Other agencies	.5	.6
Other OEO programs	.5	.5
Indian affairs	.1	.1
Rural poverty	.1	.1
Total	29.7	32.9

[1] The poverty threshold used in calculating this table is $3,400 annual income or less for a family of 4.

[2] The increase in the level of social security payments has lifted many persons above the poverty threshold, hence the drop from 1970 to 1971 in total payments to the poor.

Sources: U.S. Bureau of the Budget and Office of Economic Opportunity.

NEED FOR RESEARCH

For all these reasons, this Committee believes that the reform of the welfare system, as proposed in this statement, is only the beginning of long and searching studies that will have as their purpose the development of an integrated approach to the problem of poverty in the United States.

Very little indeed is known about the factors that lead people in and out of poverty, or the determination of the most appropriate methods to provide genuine help to those in deepest poverty.

Little public or private philanthropic money has yet been made available for studies of these questions. Less than one-tenth of 1 per cent of the billions now being spent for welfare programs, for example, is spent for research. Consequently, little is known about such vitally important matters as why the numbers on assistance keep rising. While there are many theories about the reasons for this increase, as noted later in this statement, no data available from responsible public sources can identify the basic causes. Nor is it known with certainty to what extent higher welfare payments or better job opportunities are the reasons for the migration from the South into the northern cities; or to what degree the lower criteria for eligibility, the efforts of the welfare rights organizations, an increase in benefit levels, or other factors account for the sharp increase in the case load.

Rarely has so costly a program operated with so little hard data. A major evaluation and research component is clearly needed. Badly lacking are yardsticks to measure the relationships of employment, education and training, health, housing, law enforcement, adequate income, social skills and attitudes, discrimination, stability of family unit, public transportation, recreational and cultural facilities, schools, and hospitals. We believe that such measurements, by giving a clearer and fuller picture of the problem as a whole, will ultimately help develop and evaluate alternative approaches to the elimination of poverty.

SUMMARY OF RECOMMENDATIONS

Following are the recommendations made by this Committee in seeking ways to extend public assistance to *all* Americans living in want—a goal having high priority among the many goals being sought by this nation.

Barred from participation in the welfare system, without access to whatever benefits it does confer, are millions of Americans living on a subsistence level. The major group excluded from receiving public assistance are those who participate in the labor force, even though only part-time or at very low levels of pay. Such a disqualification in itself is not only unjust but also works against the establishment of a sound national policy that might eventually lead to the eradication of poverty. We recommend a federally-supported program to provide a national minimum income with eligibility determined solely on the basis of need, whether need results from inadequate earnings or inability to work. Also, we recommend specifically the inclusion of working single-person families and working childless couples in any new federally-aided programs designed to benefit the poor.

We believe that the assurance of a minimum income must be coupled with arrangements that provide strong incentives to work for all who are capable to work or of being trained for work. We urge that a program of income incentives to work should be made a basic component of any new welfare system, coupled with positive measures to increase opportunities for private or public employment for those able to work.[5] The measures needed for accomplishing this will be discussed in the aforementioned statement on poverty and jobs under preparation by a CED Subcommittee on Problems of Urban Poverty.

The question arises whether, in addition to income incentives, a training or work requirement for those who are able to work is either a desirable or practicable feature of an income maintenance program. As a matter of principle, we believe that those who are able to work should work, and that even though such a requirement is difficult to apply, the principle should not be abrogated on that account. We recommend the incorporation of a requirement for training or work for the able-to-work as an integral element of any income maintenance system provided that a proper manpower program is developed to make such a requirement meaningful and that safeguards are built into the organizational and appeals mechanisms to assure individual dignity and rights.

In developing a national manpower and training program, we believe that special attention must be given to the problem of women who head households. This involves a consideration of whether the family's and society's longer-range interests are better served in individual instances by the presence of a mother in the home or by additional family income acquired through outside work. We believe that neither training nor work should be made a condition for continuance of public assistance to women heads of households.[6]

However, in order to facilitate jobholding where this is desirable, we recommend the establishment of a federally-supported national program of day-care centers that will enable mothers receiving public assistance to augment their incomes through training and jobs. We also urge the development of

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a federal program to assist with the construction of day-care centers.[7]

Furthermore, we strongly urge that the age of eligibility for inclusion in any such day-care program be extended down to include two-year-olds, and that the program should be broad in concept so that instead of being merely custodial in nature the centers provide an educational experience and enrichment for young children along the lines of Head Start.

Since the evidence indicates that the number of children is much higher in poor families than among affluent families, we are concerned that family planning assistance be made available equally to all regardless of income. We strongly urge that more money be provided, both to government and private agencies, so that family planning programs can be expanded in order to ensure that information is easily and readily available to all families.

As we have stated, we believe that a uniform national approach to the problem of welfare is essential to the reform of the system. We view as practical and realistic the proposal that the level of federal income maintenance be set to provide a minimum of $2,400 for a family of four at the present time.[8] The $2,400 figure for a family of four could consist of $1,600 in cash allotments with the remainder being provided through the Food Stamp Program, which we believe offers promise as a practical means for supplementing the nutrition of the poor. We approve the use of the Food Stamp Program as additional to the welfare cash allotment and believe that it should be extended for the immediate future to all who qualify for income supplementation. However, we recommend that it be subject to periodic review and evaluation in order to ascertain whether the efficiency of the program can be improved and also whether cash payments might not better achieve the objectives of the program.[9]

Because the addition of the Food Stamp Program to the cash allotment has the effect of reducing the incentive for earnings, some changes would be required to preserve an adequate work incentive. We recommend that in combining welfare cash and food subsidy programs for income maintenance, the incentive element be set so that the recipients retain an adequate percentage of earnings (centering around approximately half of earnings) above a minimum allowance (such as $720 a year) up to an appropriate cutoff point.

Inasmuch as a minimum income of $2,400 for a family of four hardly provides a subsistence level of living, we believe that a priority claim against future available federal funds should be invoked to raise total assistance to more acceptable levels. Furthermore, as the minimum income is raised toward a more realistic level, regional distortions very likely will begin to occur. Therefore, we recommend that as the minimum income level rises, consideration be given to adjustments for cost differentials where appropriate between various regions of the country and between urban and rural communities.

A corollary of a truly uniform national system of public assistance based on income maintenance is that the federal government not only assume an increasing share of the necessarily increasing cost, but that it eventually undertake the entire burden. As an objective to be attained as soon as fiscally feasible, we recommend that the federal government undertake a substantially higher proportion of the financing of public assistance with a phased take-over by the federal government of state and local public assistance costs over the next five years as the goal.[10]

Furthermore, we recommend that as the federal government takes over responsibility for financing public assistance payments, it likewise assume a commensurate responsibility for administering such assistance in order to assure efficiency as well as to provide all recipients equitable, uniform treatment.[11]

It should be remembered that for the able-to-work, welfare is available only in the absence of a suitable or job training. The present procedures for investigating and determining the qualifications of individuals for public assistance programs are not only demeaning but also cumbersome, costly, and time-consuming. The present system should be replaced by a far simpler and more direct method of certification by affidavit, which has now been adequately tested but which should be subject to periodic review. We support the certification method of determining welfare eligibility for both federal and state portions of the system.

Present methods of certification and payment are particularly onerous, needless, and wasteful where the aged, blind, and disabled are concerned. We recommend that the administration of the assistance programs for the aged, blind, and disabled be handled within the Department of Health, Education, and Welfare by federal payments in a manner similar to that used for Social Security payments.

We are most concerned that adequate job and wage standards for determining initial and continuing eligibility of persons for public assistance be included in the training-job component of any proposed welfare system. We recommend that a specific safeguard for the federal level be included to insure the following:

a. Uniform local administration in determining eligibility in conformance with standards set by federal law, particularly those specifying wages and other conditions pertaining to a suitable job.

b. Prevention of punitive actions by local administrators in the termination of eligibility of local recipients.

c. Establishment of machinery for appeal of local administrative decisions, concerning eligibility outside the administering local department, with details of these procedures clearly stated to each recipient.

FOOTNOTES

[1] *Reshaping Government in Metropolitan Areas,* a Statement on National Policy by the Research and Policy Committee, Committee for Economic Development, New York, February 1970, p. 53.

[2] See Memorandum by Mr. John A. Perkins, p. 64.

[3] See Memorandum by Mr. Robert R. Nathan, p. 64.

[4] Economic Report of the President (Washington, D.C., 1970), p. 64

[5] See Memorandum by Mr. George C. McGhee and by Mr. Robert R. Nathan, p. 65.

[6] See Memorandum by Mr. Donald S. Perkins, p. 65.

[7] See Memorandum by Mr. John R. Perkins, p. 66.

[8] See Memorandum by Mr. George C. McGhee, and by Mr. Robert R. Nathan, p. 66.

[9] See Memorandum by Mr. Charles Keller, Jr., p. 67.

[10] See Memorandum by Mr. George S. McGhee, p. 67.

[11] See Memorandum by Mr. John A. Perkins. p. 67.

AMENDMENT OF RAILWAY LABOR ACT—BILL PLACED ON CALENDAR

Mr. BYRD of West Virginia. Mr. President, a message from the House has been received on H.R. 15349, an act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

Inasmuch as this matter has been cleared on both sides, I ask unanimous consent that the bill go directly on the Calendar.

There being no objection, the bill was read twice by its title and placed on the Calendar.

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. If there is no further morning business, the Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The Senate resumed the consideration of the resolution.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, the Senate will adjourn until 9:30 tomorrow morning, and immediately after disposition of the reading of the Journal, the Senator from Wyoming (Mr. HANSEN) will be recognized for not to exceed 45 minutes. He will be followed by the senior Senator from South Carolina (Mr. THURMOND), who will be recognized for not to exceed 25 minutes. He will be followed by the senior Senator from Maryland (Mr. TYDINGS), who will be recognized for not to exceed 30 minutes.

Thereafter a period for the transaction of routine morning business will ensue with statements therein limited to 3 minutes, following which the unfinished business will be laid before the Senate.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 9, 1970, at 9:30 a.m.

REJECTION

Executive nomination rejected by the Senate April 8, 1970:

SUPREME COURT OF THE UNITED STATES

George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court of the United States.

EXTENSIONS OF REMARKS

QUESTIONNAIRE: HOW ARE YOU DOING?

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. LONG of Maryland. Mr. Speaker, last month I sent a questionnaire to my constituents in Baltimore and Harford Counties to find out generally how they were getting along and what the Federal Government could do to help them. My questionnaire endeavored to learn whether, in the wealthiest area of the most prosperous Nation in the world, and after 9 years of uninterrupted economic growth, the people really do feel prosperous and really do feel they are better off now than they used to be. The results were quite telling, and I should like to include both the questionnaire and the results in the CONGRESSIONAL RECORD today so that my colleagues can have the benefit of my constituents views:

QUESTIONNAIRE: HOW ARE YOU DOING?

Gaining or losing ground?----------------
Can you live on your income? Yes---- No----
Save money regularly?---- Occasionally?----
Falling deeper in debt?----------------
Better or worse off than five years ago?----
Explain: ------------------------------
Source of income: Job---- Pension----Social Security---- Veterans benefits---- Investments---- Other:----------------------
Living arrangements: Own your home?---- Rent?---- Other:----------------------
Health: Good---- Fair---- Poor---- Age:---
Sex: Male----- Female----- Married?-----
How many people do you support?----------
How many in family working?----------
What's your biggest worry in life?----------
Will you be able to finance your children's education? ------------------------
What aspect of the present tax system do you most resent?----------------------
When do you retire?---------- Will you have enough to live on?----------------------
What problems most concern your neighbors? ------------------------------
How can your government help you?-------

RESULTS

BATTLE OF THE BUDGET: WINNING OR LOSING?

"How are you doing," I asked my constituents recently. Over 5,000 people answered: Of these, 42 percent are losing ground, while only 17 percent are gaining. Money problems are the single biggest worry. "Each week at the grocery store I fight inflation the only way I know—by purchasing the least expensive items," says one man. Another writes, "Let my wife trim your budget. She makes pennies talk." A Dundalk resident: "We are not poor enough to warrant aid and not well off enough to live comfortably." Many did not answer my questionnaire; let us hope that means they are doing better than those who did. For the tabulation of my 5,000 responses, see below:

SUMMARY OF RESPONSES

Over 40 percent are worse off than 5 years ago.

One in five is falling deeper in debt.

Two in five will not have enough to live on when they retire, and one in three will be unable to finance education of children.

Nearly everyone worries about money in one form or another.

Tax rates, waste of tax money, property taxes and tax loopholes for the wealthy ranked highest among tax gripes.

How can the Federal Government help:

Fifty-one percent want lower taxes on property and incomes and a closing of tax loopholes for the wealthy.

Forty-three want controlled spending and a balanced budget.

Thirty-eight percent want an end to inflation.

Twenty-eight percent want an end to "giveaways."

Thirteen percent want pollution control.

Eleven percent want wage and price controls.

Eleven percent want more law and order.

Eight percent want an end to the war in Vietnam.

WHAT IS RIGHT WITH THE U.S.A.?

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. FRIEDEL. Mr. Speaker, the Maryland Improvement Contractors Association, formed in Baltimore, Md., in 1962 to promote the highest business standards in the home improvement industry and to advance and espouse civic causes aimed at a better community, has concluded an essay contest devoted to the theme: "What Is Right With the U.S.A.?"

According to William Lobe, president, the project was conducted on the premise, "America isn't perfect, but can you name a better place"

Three prizes were awarded. In addition, 15 entrants cited for honorable mention, received "Heritage of Freedom" booklets containing the Declaration of Independence, Constitution, Bill of Rights, and Gettysburg Address.

The essay contest committee included William Lobe, president; Milton Bates, retiring vice president; Morton Ehudin, incoming vice president and contest chairman; Fred Stoddard, retiring treasurer; Jack Levin, incoming treasurer; Don Santillo, secretary; Philip Baron, chairman of the board; and Paul Caplan, Richard W. Goswellen, William H. Klarner, William F. Beck, J. Robert Foit and William W. McIntyre, board members.

The winner of first prize is Mrs. Angeline Cipolleti Krout, 103 Ridgely Road, Glen Burnie, Md. 21061. Her winning entry follows:

WHAT IS RIGHT WITH THE U.S.A.?

America! What a beautiful word! It portrays space, history, freedom, bravery, and hope.

Space—here in the United States there are four time zones. One cannot fly across the country without marveling at the breadth and width of this tremendous land.

History—here in this great land the people cherish deep-rooted traditions of democracy which go back beyond the birth of our nation. America has a history full of splendid stories of patriotism and public spirit.

Freedom—America has free men who possess the precious inheritance of liberty and just laws.

Bravery—her free government fits a brave and free people.

Hope—where else can the child of an immigrant who enters the first grade of primary school, speaking not a word of English, graduate from high school as valedictorian, and then go on to a useful career in the business world?

Some people proudly say that their forefathers came in the famous little ship, Mayflower. Yet, cannot the immigrants who arrived in steerage also be proud? America needed them—and they responded to the need. And America took the foreigner to its heart.

I think of my father, as a young man, working the poor, stony acres of an Italian farm. Then, at sundown, plodding home to his dinner of black bread, cheese, and weak wine. And several hundred miles away, a young, dark-haired girl dreaming of a faraway land where she might meet her future husband.

So, to America they came; they met, married, and began a new life. This, indeed, was the land of promise. They found that the people in America do not suffer from a lack of material resources, and are not subjected to the pressure of over-population. Here people count, whereas in some countries they count people. And so, they put out of their minds the "old country" and embraced the new.

The marvelous resources and growth of America have developed an unfortunate tendency in some people to overstate, overdraw, and exaggerate. It seems strange that there should be so strong a temptation to exaggerate in a country where the truth is more wonderful than fiction.

Yes, there is so much that is right with America. Its people have the capacity to love our country, to work so as to make it strong and prosperous, to support honest government, to obey righteous laws, to pay our taxes fairly into its treasury, to treat our fellow-citizens as we like to be treated ourselves.

However, it is not enough to make the United States prosperous and progressive, and then to stop. We can never have a contented America unless the other nations are prospering with us. And so, the work before us is to set our own country as a good example, to help bring freedom to those who long for it, to help the ill, the hungry, and the illiterate.

And isn't this what we are doing? That's what's right with the U.S.A.

RESULTS OF MICA ESSAY CONTEST ON "WHAT IS RIGHT WITH THE U.S.A.?"

Winner of First Prize: Mrs. Angeline Cipolleti Krout, 103 Ridgely Road, Glen Burnie, Md. 21061.

Winner of Second Prize: Mrs. Howard E. Allsop, Route 2, Emerald Valley, Sykesville, Md. 21784.

Winner of Third Prize: Mrs. Anne Albaugh, 3101 Ferndale Avenue, Baltimore Md. 21207.

HONORABLE MENTION

Christina Baldwin, Millersville, Md., 21108. Martin Spalding High School.

Mitch W. Plowden, 1918 Orleans St., Baltimore, Md. 21231.

Ken Dashiell, 1400 Fuselage Avenue, Baltimore, Md. 21220.

Donald L. Donahoe, 404 S. Elrino Street, Baltimore, Md. 21224.

Miss Phyllis Engers, 943 Brunswick Street, Baltimore, Md. 21223.

Thomas F. Farrell, 4011 Crowson Street, Baltimore, Md. 21218.

Mrs. Beverly K. Fine, 6531, Copperfield Road, Baltimore, Md. 21209.

Mrs. Edward A. Heinzerling, 7 Rolling Greens Court, Lutherville, Md. 21093.

Mrs. Jeanette Kauffman, 32-A Westway North, Baltimore, Md. 21221.

Mrs. Louis Kozlakowski, Sr., 4306 Seidel Avenue, Baltimore, Md. 21206.

Maurice A. Luby, 2903 Hiss Avenue, Baltimore, Md. 21234.

Francis X. Markley, 1313 Stevens Avenue, Baltimore, Md. 21227.

Mrs. Rose G. Snyder, 2122 Suburban Greens Drive, Timonium, Md. 21093.

Philip P. Thomas, PO Box 1338, Salisbury, Md. 21801.

Melanie Uhl, 1752 Swinburne Avenue, Crofton, Md. 21113.

SENILE OR SUBVERSIVE—DOUGLAS MUST GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RARICK. Mr. Speaker, amid the crescendo of political screams arising from the leftists who are loudly attempting to prevent what they regard as loss of control of the Supreme Court, comes another voice of reason with regard to that body.

The Richmond News Leader comments editorially on the latest misconduct of Justice William O. Douglas, and concludes that whether his actions are due to senility or something more sinister, he has far exceeded the bounds of the "good behavior" which is the limit of his term of office.

For the information of Members, I include the editorial in my remarks.

[From the Richmond (Va.) News Leader, Apr. 3, 1970]

The Sins of Justice Douglas

A few weeks ago, Random House published a slim volume entitled *Points of Rebellion*, a treatise attacking the American Establishment and most of the nation's institutions. Had the book been written by Jerry Rubin or Dave Dellinger, its publication might have been greater by no more than a bored yawn, but in this case the author was none other than U.S. Supreme Court Justice William O. Douglas.

The book tells a great deal more about Justice Douglas than it does about rebellion. The Justice never has been regarded as one of the better writers of our time; he uses all the weary cliches—the cattle barons, the Puritan ethic, the highway lobby, and the military industrial complex—as he equates the American Establishment with George III and condones the young revolutionaries' attempts to topple this establishment.

In fact, from his aged viewpoint at 72, everything that is young is good, and everything that is old is bad. He views the law and order issue as dangerous and quotes a statement attributed to Adolf Hitler, circa 1932: "The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger . . . We need law and order." That statement, by the way, has been proved to be a sheer fabrication of the New Left; Adolf Hitler never said any such thing.

There is more in the same vein, much more. Justice Douglas sees repression in every function of the government, presumably excluding the Supreme Court: "Every phone in every Federal or State agency is assumed to be bugged." The police are always wrong: "A speaker who resists arrest is acting as a free man." He becomes shrill: "We have become virtually paranoid. The world is filled with dangerous people. Every trouble maker across the globe is a Communist." He views capitalism with suspicion: "The interests of the corporation state are to convert all the riches of the earth into dollars."

If the Establishment will not consent to a voluntary restructuring to favor the blacks, the young, and the revolutionaries, Justice Douglas believes the result will be violence. "Violence has no constitutional sanction"—thank heaven for that—"and every government from the beginning has moved against it. But where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response." Justice Douglas does not say who he thinks elected those spokesmen in the first place.

These are but a few of the statements made in *Points of Rebellion*. Others criticize the CIA, the Pentagon, the universities, the FBI, and Congress, and all are equally abusive in their attacks on these groups. The controversy raised by his treatise has extended far and wide. *The Chicago Tribune* has taken Justice Douglas' rantings as proof that the Justice has gone "gaga" and should be removed from the bench. *The National Observer* reviewer facetiously recommended the book especially to "those who are so upset about the intellectual qualifications of Judge Carswell."

If *Points of Rebellion* were Justice Douglas' only mistake, he might be forgiven the vagaries of an old man, but he has committed numerous other indiscretions of great concern to Congress. For lesser sins, Justice Abe Fortas was forced to resign; for much lesser alleged sins, Judge Clement Haynsworth was refused a Supreme Court post. Once the Senate disposes of the Carswell nomination, the House Judiciary Committee may be persuaded to recommend that impeachment proceedings be initiated against Justice Douglas. Supreme Court Justices hold their posts "during good behavior," and *Points of Rebellion* offers yet more proof, if any were needed, that this *enfant terrible* of the Federal bench has been anything but good.

STATE EMPLOYMENT SECURITY PROGRAM

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. FULTON of Tennessee. Mr. Speaker, for more than three decades now, our State departments of employment security have formed the backbone of our governmental efforts to provide jobs and training for the Nation's unemployed.

During this time many approaches to augment, and at times seemingly to supplant, the employment security program have been authorized by the Congress and have met with varying degrees of success or failure.

Nonetheless, throughout this time the employment security program administered at the State level has continued to function while, too often, receiving too little of the credit which was due for a job well done and, conversely, too often receiving too much of the blame for the job which was not done through no fault of the State employment security programs.

In the meantime, the employment security program has been studied, restudied, criticized, and recriticized many times, until it might seem to the casual and pedestrian observer that there was very little right and a great deal wrong with this program.

This, of course, is not the case. The employment security program has functioned well throughout its history. At times it has been able to do as much as it wished and at times it has not performed as well as some might have desired. However, I think in general the program has performed ably within the guidelines and restrictions which have been imposed upon it by the Congress.

However, the caustic criticism which has been leveled at the employment security program has given rise to a great deal of frustration on the part of many of those who are associated with it at the working level in our State governments. Some of this frustration was voiced recently by Mr. William K. Cook of the Tennessee Department of Employment Security, in an essay entitled "Manpower—A People to People Program."

Mr. Cook's essay has been entered into a contest which is yet to be judged. However, I was fortunate enough to receive a copy of the essay and request unanimous consent to have it reprinted in the RECORD.

Whether or not one agrees with the points raised by Mr. Cook, the fact remains that his is a voice of experience speaking from the working level of the employment security program. Whether or not one agrees with all the points raised by Mr. Cook is not so important as the fact that the points which he raises are well enunciated and all worthy of very serious consideration. Therefore, I commend this essay by Mr. Cook to the attention of my colleagues:

Manpower—A People to People Program

Terrence, The Self Torturer—"I am a man and nothing human can be of indifference to me."

In hearings on pending comprehensive manpower bills by the Select Subcommittee on Labor (House Committee on Education and Labor) during October 1969, Jack Conway, testifying as a member of the Committee for Community Affairs criticized the Administration bill on the grounds that it was wrong to "turn back" to relying on the State employment service agencies as the chief instrument of national manpower policy, Stating that most of the progress in the manpower area in the last decade had been made outside the framework of the employment service, Conway contended the employment service has not yet proved its capability.

During the past ten years, sentiments such as these have been echoed by so many that it is hardly a startling statement any more. In national conferences, the latest fads in so-called "Human Resource Development" programs begin with the promise that at last a panacea has been found for the abysmal failure of Employment Security to function effectively.

Patiently and somewhat bewilderedly, Employment Security has done serious soul searching and sought to identify its shortcomings. Meanwhile, each of the nouveau-experts, in turn, exposes his solutions, spends the public billions, and when success fails to materialize, announces with regret that

XUM

Employment Security has once more managed to foil the genius of their blueprints.

The sixties are gone—a decade of the greatest effort the world has ever known to abolish human misery because of lack of opportunity in employment is now history. Where do we go from here? Shall we continue to "right face, left face, and about-face" as the seventies generation of human resources development messiahs unleash their gospels on those still waiting promised deliverance; or shall we (the Employment Security) finally get fed up with being the sacrificial goat and take a more militant stand?

First, let's set the record straight. Employment Security has a clear record of dedicated service to the American public. Only with the entry of other agencies into the activities normally a part of the Employment Security system has their capability been seriously questioned. Moreover, the viewpoints of those opponents of the state-operated Employment Security system are highly questionable because of its effect on their basic pursuits. Take a look at these positions:

Organized labor and like-minded careerists of the Department of Labor maintain that Employment Security must be federalized on the presumption that States are not capable of administering the public employment service.

Private employment agencies deplore the services offered by Employment Security to qualified job seekers who bring fat placement fees in the tight labor market.

Poverty agencies, do-gooders, and the array of private, non-profit, special-interest groups are keenly competing for the privilege of solving the employment problems of people. Their focus is on the particular group of clients represented and the basic assumption is that Employment Security should surrender program resources to their more capable hands. Central to the complaints is that Employment Security is employer oriented and lacks empathy for the poor and underprivileged.

Related disciplines, e.g., Education, interpret the entry of Employment Security into manpower training as poaching on their heretofore exclusive domains. While recognizing that remedial manpower training programs are necessary because the traditional solution has failed the disadvantaged, Congress has surrendered to pressure of powerful lobby groups and subordinated the execution of programs to the same groups who created them in the first case. Of course, Employment Security then must shoulder the blame because program recipients do not meet the qualifications of employers and are therefore unemployable.

This essay is not intended to be acrimonious or polemical. It is written with the strongest conviction that the time has come for Employment Security to tell it like it is. It is in the best interest of the people of the United States that we do. For more than three decades Employment Security has served the people of this country. They have done it with a small portion of the unemployment insurance taxes levied under the Social Security Act. The billions of dollars appropriated by Congress to solve the problems of poverty have gone toward the establishment of duplicative agencies who have used a great part of the funds in overhead and administration.

Those resources that have been placed in the hands of Employment Security as the deliverer of manpower services are so hamstrung by dissident prime sponsors and the particulars of memoranda of understanding between federal agencies that it is remarkable that anything is accomplished for those who desperately need what these programs intend. A flagrant example is the Concentrated Employment Program (CEP) which is administered by the Department of Labor under joint agreement with the Office of Economic Opportunity. This agreement provides for contracting with the Community Action Agency as prime sponsor but specifies that the prime sponsor will subcontract with the State Employment Service for delivery of manpower services. This duplicates the overhead of Employment Security, and the problems generated through these circuitous channels defy description, much less satisfactory solution.

It is now time that Employment Security is given back to the people to whom it belongs. Moreover, the tools must be taken out of the hands of well-meaning amateurs and given to the trained corps of manpower professionals who have dedicated their lives to public service with Employment Security.

In our indignation over the muck-raking and power play of private interest groups, let us honestly recognize and admit that the highly structured State-Federal system governed by a set of minute rules in the Employment Security manual has not adequately served the needs of the poor or marginally qualified job seeker. Not because the Employment Security professional did not want to but because the system did not fit this goal. The referral of the best qualified applicant and the validation process of placement was the requirement of the system not the invention of Employment Security local offices.

This, too, would be a good time to ask whether the Employment Security Automated Reporting System (ESARS), cost accounting, and cleverly contrived management systems will bring the needed focus on people or continue the dehumanizing trend of relating applicants to computer cards. These features offer a more responsive service to people only if they are implemented as a people-oriented tool. Truly, the new Federalism must be the means of getting the programs back to the people rather than manipulation to substitute federal guidelines for local initiative. There is no doubt but what State and local governments will make mistakes, but the present state of chaos in manpower programming is no proof that greater wisdom and competence is assembled in the legislative halls and bureaus of Washington, D.C.

No group in this Nation is more aware of the employment problems of the poor and disadvantaged than Employment Security. Certainly, based on professional competence accumulated as a result of years of education and training, no other group is more qualified to serve the people. Thus, the only barrier is the *will* and the *means*.

The *means* must come from an enlightened Congress who will not be misled by opportunists or private interest.

The *will* is only in the hearts of those who have kept the faith through years of experimentation and fragmentation of resources.

These dedicated Employment Security employees are the people—they are ready to serve their fellow man! Their service to the people will be consistent with the great dignity God has endowed man and will be administered with compassion and respect for the people who are this great Nation, the United States.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

SELECTIONS FROM THE ENVIRONMENTAL HANDBOOK—II

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BROWN of California. Mr. Speaker, the recently published "Environmental Handbook" contains a wealth of valuable material on many phases of the topic which garners so much public concern these days—environmental quality.

Over the next few days I shall be inserting selections from the "Handbook," which was edited by Garrett DeBell and published by Ballentine Books.

The articles inserted today come from that part of the "Handbook" entitled "The Meaning of Ecology."

THE HISTORICAL ROOTS OF OUR ECOLOGIC CRISIS

(By Lynn White, Jr.)

A conservation with Aldous Huxley not infrequently put one at the receiving end of an unforgettable monologue. About a year before his lamented death he was discoursing on a favorite topic: Man's unnatural treatment of nature and its sad results. To illustrate his point he told how, during the previous summer, he had returned to a little valley in England where he had spent many happy months as a child. Once it had been composed of delightful grassy glades; now it was becoming overgrown with unsightly brush because the rabbits that formerly kept such growth under control has largely succumbed to a disease, myxomatosis, that was deliberately introduced by the local farmers to reduce the rabbits' destruction of crops. Being something of a Philistine, I could be silent no longer, even in the interests of great rhetoric. I interrupted to point out that the rabbit itself had been brought as a domestic animal to England in 1176, presumably to improve the protein diet of the peasantry.

All forms of life modify their contexts. The most spectacular and benign instance is doubtless the coral polyp. By serving its own ends, it has created a vast undersea world favorable to thousands of other kinds of animals and plants. Ever since man became a numerous species he has affected his environment notably. The hypothesis that his fire-drive method of hunting created the world's great grasslands and helped to exterminate the monster mammals of the Pleistocene from much of the globe is plausible, if not proved. For six millennia at least, the banks of the lower Nile have been a human artifact rather than the swampy African jungle which nature, apart from man, would have made it. The Aswan Dam, floating 5000 square miles, is only the latest stage in a long process. In many regions terracing or irrigation, overgrazing, the cutting of forests by Romans to build ships to fight Carthaginians or by Crusaders to solve the logistics problems of their expeditions, have profoundly changed some ecologies. Observation that the French landscape falls into two basic types, the open fields of the north and the *bocage* of the south and west, inspired Marc Bloch to undertake his classic study of medieval agricultural methods. Quite unintentionally, changes in human ways often affect nonhuman nature. It has been noted, for example, that the advent of the automobile eliminated huge flocks of sparrows that once fed on the horse manure littering every street.

The history of ecologic change is still so rudimentary that we know little about what really happened, or what the results were. The extinction of the European aurochs as late as 1627 would seem to have been a simple case of overenthusiastic hunting. On more intricate matters it often is impossible to find solid information. For a thousand years or more the Frisians and Hollanders have been pushing back the North Sea, and the process is culminating in our own time in the reclamation of the Zuider Zee. What, if any, species of animals, birds, fish, shore life, or plants have died out in the process? In their epic combat with Neptune have the Netherlanders overlooked ecological values in such a way that the quality of human life in the Netherlands has suffered? I cannot discover that the questions have ever been asked, much less answered.

People, then, have often been a dynamic element in their own environment, but in the present state of historical scholarship we usually do not know exactly when, where, or with what effects man-induced changes came. As we enter the last third of the twentieth century, however, concern for the problem of ecologic backlash is mounting feverishly. Natural science, conceived as the effort to understand the nature of things, had flourished in several eras and among several peoples. Similarly there had been an age-old accumulation of technological skills, sometimes growing rapidly, sometimes slowly. But it was not until about four generations ago that Western Europe and North America arranged a marriage between science and technology, a union of the theoretical and the empirical approaches to our natural environment. The emergence in widespread practice of the Baconian crede that scientific knowledge means technological power over nature can scarcely be dated before about 1850, save in the chemical industries, where it is anticipated in the eighteenth century. Its acceptance as a normal pattern of action may mark the greatest event in human history since the invention of agriculture, and perhaps in nonhuman terrestrial history as well.

Almost at once the new situation forced the crystallization of the novel concept of ecology; indeed, the word *ecology* first appeared in the English language in 1873. Today, less than a century later, the impact of our race upon the environment has so increased in force that it has charged in essence. When the first cannons were fired, in the early fourteenth century, they affected ecology by sending workers scrambling to the forests and mountains for more potash, sulfur, iron ore, and charcoal, with some resulting erosion and deforestation. Hydrogen bombs are of a different order: a war fought with them might alter the genetics of all life on this planet. By 1285 London had a smog problem arising from the burning of soft coal, but our present combustion of fossil fuels threatens to change the chemistry of the globe's atmosphere as a whole, with consequences which we are only beginning to guess. With the population explosion, the carcinoma of planless urbanism, the new geological deposits of sewage and garbage, surely no creature other than man has ever managed to foul its nest in such short order.

There are many calls to action, but specific proposals, however worthy as individual items, seem too partial, palliative, negative: ban the bomb, tear down the billboards, give the Hindus contraceptives and tell them to eat their sacred cows. The simplest solution to any suspect change is, of course, to stop it, or, better yet, to revert to a romanticized past; make those ugly gasoline stations look like Anne Hathaway's cottage or (in the Far West) like ghost-town saloons. The "wilderness-area" mentality invariably advocates deep-freezing an ecology, whether San Gimignano or the High Sierra, as it was before the first Kleenex was dropped. But neither atavism nor prettification will cope with the ecologic crisis of our time.

What shall we do? No one yet knows. Unless we think about fundamentals, our specific measures may produce new backlashes more serious than those they are designed to remedy.

As a beginning we should try to clarify our thinking by looking, in some historical depths, at the presuppositions that underlie modern technology and science. Science was traditionally aristocratic, speculative, intellectual intent; technology was lower-class, empirical, action-oriented. The quite sudden fusion of these two, towards the middle of the nineteenth century, is surely related to the slightly prior and contemporary democratic revolutions which, by reducing social barriers, tended to assert a functional unity of brain and hand. Our ecologic crisis is the product of an emerging, entirely novel, democratic culture. The issue is whether a democratized world can survive its own implications. Presumably we cannot unless we rethink our axioms.

THE WESTERN TRADITIONS OF TECHNOLOGY AND SCIENCE

One thing is so certain that it seems stupid to verbalize it: both modern technology and modern sciences are distinctively *occidental*. Our technology has absorbed elements from all over the world, notably from China; yet everywhere today, whether in Japan or in Nigeria, successful technology is Western. Our science is the heir to all the sciences of the past, especially perhaps to the work of the great Islamic scientist of the Middle Ages, who so often outdid the ancient Greeks in skill and perspicacity: al-Râzî in medicine, for example; or ibn-al-Haytham in optics; or Omar Khâyyâm in mathematics. Indeed, not a few works of such geniuses seem to have vanished in the original Arabic and to survive only in medieval Latin translations that helped to lay the foundation for later Western developments. Today, around the globe, all significant science is Western in style and method, whatever the pigmentation or language of the scientists.

A second pair of facts is less well recognized because they result from quite recent historical scholarship. The leadership of the West, both in technology and in science, is far older than the so-called scientific revolution of the seventeenth century or the so-called industrial revolution of the eighteenth century. These terms are in fact outmoded and obsecure are true nature of what they try to describe—significant stages in two long and separate developments. By A.D. 1000 at the late twelfth century by the harnessing 20 years earlier—the West began to apply water power to industrial processess other than milling grain. This was followed in the late twelfth century by the harnessing of wind power. From simple beginnings, but with remarkable consistency of style, the West rapidly expanded its skills in the development of power machinery, laborsaving devices, and automation. Those who doubt should contemplate that most monumental achievements in the history of automation: the weight-driven mechanical clock, which appeared in two forms in the early fourteenth century. Not in craftsmanship but in basic technological capacity, the Latin West of the later Midle Ages far outstripped its elaborate, sophisticated, and esthetically magnificent sister cultures, Byzantium and Islam. In 1444 a great Greek ecclesiastic, Bessarion, who had gone to Italy, wrote a letter to a prince in Greece. He is amazed by the superiority of Western ships, arms, textiles, glass. But above all he is astonished by the spectacle of waterwheels sawing timbers and pumping the bellows of blast furnaces. Clearly, he had seen nothing of the sort in the Near East.

By the end of the fifteenth century the technological superiority of Europe was such that its small, mutually hostile nations could spill out over all the rest of the world, conquering, looting, and colonizing. The symbol of this technological superiority is the fact that Portugal, one of the weakest states of the Occident, was able to become, and to remain for a century, mistress of the East Indies. And we must remember that the technology of Vasco da Gama and Albuquerque was built by pure empiricism, drawing remarkably little support or inspiration from science.

In the present-day vernacular understanding, modern science is supposed to have begun in 1543, when both Copernicus and Vesalius published their great works. It is no derogation of their accomplishments, however, to point that such structures as the *Fabrica* and the *De revolutionibus* do not appear overnight. The distinctive Western tradition of science, in fact, began in the late eleventh century with a massive movement of translation of Arabic and Greek scientific works into Latin. A few notable books—Theophrastus, for example—escaped the West's avid new appetite for sicence, but within less than 200 years effectively the entire corpus of Greek and Muslim science was available in Latin, and was being eagerly read and criticized in the new European universities. Out of criticism arose new observation, speculation, and increasing distrust of ancient authorities. By the late thirteenth century Europe had seized global scientific leadership from the faltering hands of Islam. It would be as absurd to deny the profound originality of Newton, Galileo, or Copernicus as to deny that of the fourteenth century scholastic scientists like Buridan or Oresme on whose work they built. Before the eleventh century, science scarcely existed in the Latin West, even in Roman times. From the eleventh century onward, the scientific sector of occidental culture has increased in a steady crescendo.

Since both our technological and our scientific movements got their start, acquired their character, and achieved world dominance in the Middle Ages, it would seem that we cannot understand their nature or their present impact upon ecology without examining fundamental medieval assumptions and developments.

MEDIEVAL VIEW OF MAN AND NATURE

Until recently, agriculture has been the chief occupation even in "advanced" societies; hence, any change in methods of tillage has much importance. Early plows, drawn by two oxen, did not normally turn the sod but merely scratched it. Thus, cross-plowing was needed and fields tended to be squarish. In the fairly light soils and semi-arid climates of the Near East and Mediterranean, this worked well. But such a plow was inappropriate to the west climate and often sticky soils of northern Europe. By the latter part of the seventh century after Christ, however, following obscure beginnings, certain northern peasants were using an entirely new kind of plow, equipped with a vertical knife to cut the line of the furrow, a horizontal share to slice under the sod, and a moldboard to turn it over. The friction of this plow with the soil was so great that it normally required not two but eight oxen. It attacked the land with such violence that cross-plowing was not needed, and fields tended to be shaped in long strips.

In the days of the scratch-plow, fields were distributed generally in units capable of supporting a single family. Subsistence farming was the presupposition. But no peasant owned eight oxen; to use the new and more efficient plow, peasants pooled their oxen to form large plow-teams, originally receiving (it would appear) plowed strips in proportion to their contribution. Thus, distribution of land was based no longer on the needs of a

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family but, rather, on the capacity of a power machine to till the earth. Man's relation to the soil was profoundly changed. Formerly man had been part of nature; now he was the exploiter of nature. Nowhere else in the world did farmers develop any analogous agricultural implement. Is it coincidence that modern technology, with its ruthlessness toward nature, has so largely been produced by descendants of these peasants of northern Europe?

This same exploitive attitude appears slightly before A.D. 830 in Western illustrated calendars. In older calendars the months were shown as passive personifications. The new Frankish calendars, which set the style for the Middle Ages, are very different: they show men coercing the world around them—plowing, harvesting, chopping trees, butchering pigs. Man and nature are two things, and man is master.

These novelties seem to be in harmony with larger intellectual patterns. What people do about their ecology depends on what they think about themselves in relation to things around them. Human ecology is deeply conditioned by beliefs about our nature and destiny—that is, by religion. To Western eyes this is very evident in, say, India or Ceylon. It is equally true of ourselves and of our medieval ancestors.

The victory of Christianity over paganism was the greatest psychic revolution in the history of our culture. It has become fashionable today to say that, for better or worse, we live in "the post-Christian age." Certainly the forms of our thinking and language have largely ceased to be Christian, but to my eye the substance often remains amazingly akin to that of the past. Our daily habits of action, for example, are dominated by an implicit faith in perpetual progress which was unknown either to Greco-Roman antiquity or to the Orient. It is rooted in, and is indefensible apart from, Judeo-Christian teleology. The fact that Communists share it merely helps to show what can be demonstrated on many other grounds: that Marxism, like Islam, is a Judeo-Christian heresy. We continue today to live, as we have lived for about 1700 years, very largely in a context of Christian axioms.

What did Christianity tell people about their relations with the environment?

While many of the world's mythologies provide stories of creation, Greco-Roman mythology was singularly incoherent in this respect. Like Aristotle, the intellectuals of the ancient West denied that the visible world had had a beginning. Indeed, the idea of a beginning was impossible in the framework of their cyclical notion of time. In sharp contrast, Christianity inherited from Judaism not only a concept of time as nonrepetitive and linear but also a striking story of creation. By gradual stages a loving and all-powerful God had created light and darkness, the heavenly bodies, the earth and all its plants, animals, birds, and fishes. Finally, God had created Adam and, as an afterthought, Eve, to keep man from being lonely. Man named all the animals, thus establishing his dominance over them. God planned all of this explicitly for man's benefit and rule: no item in the physical creation had any purpose save to serve man's purposes. And, although man's body is made of clay, he is not simply part of nature: he is made in God's image.

Especially in its Western form, Christianity is the most anthropocentric religion the world has seen. As early as the second century both Tertullian and Saint Irenaeus of Lyons were insisting that when God shaped Adam he was foreshadowing the image of the Incarnate Christ, the Second Adam. Man shares, in great measure, God's transcendence of nature. Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends.

At the level of the common people this worked out in an interesting way. In antiquity every tree, every spring, every stream, every hill had its own *genius loci*, its guardian spirit. These spirits were accessible to men, but were very unlike men; centaurs, fauns, and mermaids show their ambivalence. Before one cut a tree, mined a mountain, or dammed a brook, it was important to placate the spirit in charge of that particular situation, and to keep it placated. By destroying pagan animism, Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects.

It is often said that for animism the Church substituted the cult of saints. True; but the cult of saints is functionally quite different from animism. The saint is not in natural objects; he may have special shrines, but his citizenship is in heaven. Moreover, a saint is entirely a man; he can be approached in human terms. In addition to saints, Christianity of course also had angels and demons inherited from Judaism and perhaps, at one remove, from Zoroastrianism. But these were all as mobile as the saints themselves. The sprits in natural objects, which formerly had protected nature from man, evaporated. Man's effective monopoly on spirit in this world was confirmed, and the old inhibitions to the exploitation of nature crumbled.

When one speaks in such sweeping terms, a note of caution is in order. Christianity is a complex faith, and its consequences differ in differing contexts. What I have said may well apply to the medieval West, where in fact technology made spectacular advances. But the Greek East, a highly civilized realm of equal Christian devotion, seems to have produced no marked technological innovation after the late seventh century, when Greek fire was invented. The key to the contrast may perhaps be found in a difference in the tonality of piety and thought which students of comparative theology find between the Greek and the Latin churches. The Greeks believed that sin was intellectual blindness, and that salvation was found in illumination, orthodoxy—that is, clear thinking. The Latins, on the other hand, felt that sin was moral evil, and that salvation was to be found in right conduct. Eastern theology has been intellectualist. Western theology has been voluntarist. The Greek saint contemplates; the Western saint acts. The implications of Christianity for the conquest of nature would emerge more easily in the Western atmosphere.

The Christian dogma of creation, which is found in the first clause of all the Creeds, has another meaning for our comprehension of today's ecologic crisis. By revelation, God had given man the Bible, the Book of Scripture. But since God had made nature, nature also must reveal the divine mentality. The religious study of nature for the better understanding of God was known as natural theology. In the early Church, and always in the Greek East, nature was conceived primarily as a symbolic system through which God speaks to men: the ant is a sermon to sluggards; rising flames are the symbol of the soul's aspiration. This view of nature was essentially artistic rather than scientific. While Byzantium preserved and copied great numbers of ancient Greek scientific texts, science as we conceived it could scarcely flourish in such an ambience.

However, in the Latin West by the early thirteenth century natural theology was following a very different bent. It was ceasing to be the decoding of the physical symbols of God's communication with man and was becoming the effort to understand God's mind by discovering how his creation operates. The rainbow was no longer simply a symbol of hope first sent to Noah after the Deluge: Robert Grosseteste, Friar Roger Bacon, and Theodoric of Freiberg produced startingly sophisticated work on the optics of the rainbow, but they did it as a venture in religious understanding. From the thirteenth century onward, up to and including Leibnitz and Newton, every major scientist, in effect, explained his motivations in religious terms. Indeed, if Galileo had not been so expert an amateur theologian he would have got into far less trouble: the professionals resented his intrusion. And Newton seems to have regarded himself more as a theologian than as a scientist. It was not until the late eighteenth century that the hypothesis of God became unnecessary to many scientists.

It is often hard for the historian to judge, when men explain why they are doing what they want to do, whether they are offering real reasons or merely culturally acceptable reasons. The consistency with which scientists during the long formative centuries of Western science said that the task and the reward of the scientist was "to think God's thought after him" leads one to believe that this was their real motivation. If so, then modern Western science was cast in a matrix of Christian theology. The dynamism of religious devotion, shaped by the Judeo-Christian dogma of creation, gave it impetus.

AN ALTERNATIVE CHRISTIAN VIEW

We would seem to be headed toward conclusions unpalatable to many Christians. Since both *science* and *technology* are blessed words in our contemporary vocabulary, some may be happy at the notions, first, that, viewed historically, modern science is an extrapolation of natural theology and, second, that modern technology is at least partly to be explained as an occidental, voluntarist realization of the Christian dogma of man's transcendence of, and rightful mastery over, nature. But, as we now recognize, somewhat over a century ago science and technology—hitherto quite separate activities—joined to give mankind powers which, to judge by many of the ecologic effects, are out of control. If so, Christianity bears a huge burden of guilt.

I personally doubt that disastrous ecologic backlash can be avoided simply by applying to our problems more science and more technology. Our science and technology have grown out of Christian attitudes toward man's relation to nature which are almost universally held not only by Christians and neo-Christians but also by those who fondly regard themselves as post-Christians. Despite Copernicus, all the cosmos rotates around our little globe. Despite Darwin, we are *not*, in our hearts, part of the natural process. We are superior to nature, contemptuous of it, willing to use it for our slightest whim. The newly elected governor of California, like myself a churchman, but less troubled than I, spoke for the Christian tradition when he said (as is alleged), "when you've seen one redwood tree, you've seen them all." To a Christian a tree can be no more than a physical fact. The whole concept of the sacred grove is alien to Christianity and to the ethos of the West. For nearly two millennia Christian missionaries have been chopping down sacred groves, which are idolatrous because they assume spirit in nature.

What we do about ecology depends on our ideas of the man-nature relationship. More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one. The beatniks, who are the basic revolutionaries of our time, show a sound instinct in their affinity for Zen Buddhism, which conceives of the man-nature relationship as very nearly the mirror image of the Christian view. Zen, however, is as deeply conditioned by Asian history as Christianity is by the experience of the West, and I am dubious of its viability among us.

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Almost at once the new situation forced the crystallization of the novel concept of ecology; indeed, the word *ecology* first appeared in the English language in 1873. Today, less than a century later, the impact of our race upon the environment has so increased in force that it has charged in essence. When the first cannons were fired, in the early fourteenth century, they affected ecology by sending workers scrambling to the forests and mountains for more potash, sulfur, iron ore, and charcoal, with some resulting erosion and deforestation. Hydrogen bombs are of a different order: a war fought with them might alter the genetics of all life on this planet. By 1285 London had a smog problem arising from the burning of soft coal, but our present combustion of fossil fuels threatens to change the chemistry of the globe's atmosphere as a whole, with consequences which we are only beginning to guess. With the population explosion, the carcinoma of planless urbanism, the new geological deposits of sewage and garbage, surely no creature other than man has ever managed to foul its nest in such short order.

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MEDIEVAL VIEW OF MAN AND NATURE

Until recently, agriculture has been the chief occupation even in "advanced" societies; hence, any change in methods of tillage has much importance. Early plows, drawn by two oxen, did not normally turn the sod but merely scratched it. Thus, cross-plowing was needed and fields tended to be squarish. In the fairly light soils and semi-arid climates of the Near East and Mediterranean, this worked well. But such a plow was inappropriate to the west climate and often sticky soils of northern Europe. By the latter part of the seventh century after Christ, however, following obscure beginnings, certain northern peasants were using an entirely new kind of plow, equipped with a vertical knife to cut the line of the furrow, a horizontal share to slice under the sod, and a moldboard to turn it over. The friction of this plow with the soil was so great that it normally required not two but eight oxen. It attacked the land with such violence that cross-plowing was not needed, and fields tended to be shaped in long strips.

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What did Christianity tell people about their relations with the environment?

While many of the world's mythologies provide stories of creation, Greco-Roman mythology was singularly incoherent in this respect. Like Aristotle, the intellectuals of the ancient West denied that the visible world had had a beginning. Indeed, the idea of a beginning was impossible in the framework of their cyclical notion of time. In sharp contrast, Christianity inherited from Judaism not only a concept of time as nonrepetitive and linear but also a striking story of creation. By gradual stages a loving and all-powerful God had created light and darkness, the heavenly bodies, the earth and all its plants, animals, birds, and fishes. Finally, God had created Adam and, as an afterthought, Eve, to keep man from being lonely. Man named all the animals, thus establishing his dominance over them. God planned all of this explicitly for man's benefit and rule: no item in the physical creation had any purpose save to serve man's purposes. And, although man's body is made of clay, he is not simply part of nature: he is made in God's image.

Especially in its Western form, Christianity is the most anthropocentric religion the world has seen. As early as the second century both Tertullian and Saint Irenaeus of Lyons were insisting that when God shaped Adam he was foreshadowing the image of the Incarnate Christ, the Second Adam. Man shares, in great measure, God's transcendence of nature. Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps, Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends.

At the level of the common people this worked out in an interesting way. In antiquity every tree, every spring, every stream, every hill had its own *genius loci*, its guardian spirit. These spirits were accessible to men, but were very unlike men; centaurs, fauns, and mermaids show their ambivalence. Before one cut a tree, mined a mountain, or dammed a brook, it was important to placate the spirit in charge of that particular situation, and to keep it placated. By destroying pagan animism, Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects.

It is often said that for animism the Church substituted the cult of saints. True; but the cult of saints is functionally quite different from animism. The saint is not in natural objects; he may have special shrines, but his citizenship is in heaven. Moreover, a saint is entirely a man; he can be approached in human terms. In addition to saints, Christianity of course also had angels and demons inherited from Judaism and perhaps, at one remove, from Zoroastrianism. But these were all as mobile as the saints themselves. The sprits in natural objects, which formerly had protected nature from man, evaporated. Man's effective monopoly on spirit in this world was confirmed, and the old inhibitions to the exploitation of nature crumbled.

When one speaks in such sweeping terms, a note of caution is in order. Christianity is a complex faith, and its consequences differ in differing contexts. What I have said may well apply to the medieval West, where in fact technology made spectacular advances. But the Greek East, a highly civilized realm of equal Christian devotion, seems to have produced no marked technological innovation after the late seventh century, when Greek fire was invented. The key to the contrast may perhaps be found in a difference in the tonality of piety and thought which students of comparative theology find between the Greek and the Latin churches. The Greeks believed that sin was intellectual blindness, and that salvation was found in illumination, orthodoxy—that is, clear thinking. The Latins, on the other hand, felt that sin was moral evil, and that salvation was to be found in right conduct. Eastern theology has been intellectualist. Western theology has been voluntarist. The Greek saint contemplates; the Western saint acts. The implications of Christianity for the conquest of nature would emerge more easily in the Western atmosphere.

The Christian dogma of creation, which is found in the first clause of all the Creeds, has another meaning for our comprehension of today's ecologic crisis. By revelation, God had given man the Bible, the Book of Scripture. But since God had made nature, nature also must reveal the divine mentality. The religious study of nature for the better understanding of God was known as natural theology. In the early Church, and always in the Greek East, nature was conceived primarily as a symbolic system through which God speaks to men: the ant is a sermon to sluggards; rising flames are the symbol of the soul's aspiration. This view of nature was essentially artistic rather than scientific. While Byzantium preserved and copied great numbers of ancient Greek scientific texts, science as we conceived it could scarcely flourish in such an ambience.

However, in the Latin West by the early thirteenth century natural theology was following a very different bent. It was ceasing to be the decoding of the physical symbols of God's communication with man and was becoming the effort to understand God's mind by discovering how his creation operates. The rainbow was no longer simply a symbol of hope first sent to Noah after the Deluge: Robert Grosseteste, Friar Roger Bacon, and Theodoric of Freiberg produced startingly sophisticated work on the optics of the rainbow, but they did it as a venture in religious understanding. From the thirteenth century onward, up to and including Leibnitz and Newton, every major scientist, in effect, explained his motivations in religious terms. Indeed, if Galileo had not been so expert an amateur theologian he would have got into far less trouble: the professionals resented his intrusion. And Newton seems to have regarded himself more as a theologian than as a scientist. It was not until the late eighteenth century that the hypothesis of God became unnecessary to many scientists.

It is often hard for the historian to judge, when men explain why they are doing what they want to do, whether they are offering real reasons or merely culturally acceptable reasons. The consistency with which scientists during the long formative centuries of Western science said that the task and the reward of the scientist was "to think God's thought after him" leads one to believe that this was their real motivation. If so, then modern Western science was cast in a matrix of Christian theology. The dynamism of religious devotion, shaped by the Judeo-Christian dogma of creation, gave it impetus.

AN ALTERNATIVE CHRISTIAN VIEW

We would seem to be headed toward conclusions unpalatable to many Christians. Since both *science* and *technology* are blessed words in our contemporary vocabulary, some may be happy at the notions, first, that, viewed historically, modern science is an extrapolation of natural theology and, second, that modern technology is at least partly to be explained as an occidental, voluntarist realization of the Christian dogma of man's transcendence of, and rightful mastery over, nature. But, as we now recognize, somewhat over a century ago science and technology—hitherto quite separate activities—joined to give mankind powers which, to judge by many of the ecologic effects, are out of control. If so, Christianity bears a huge burden of guilt.

I personally doubt that disastrous ecologic backlash can be avoided simply by applying to our problems more science and more technology. Our science and technology have grown out of Christian attitudes toward man's relation to nature which are almost universally held not only by Christians and neo-Christians but also by those who fondly regard themselves as post-Christians. Despite Copernicus, all the cosmos rotates around our little globe. Despite Darwin, we are *not*, in our hearts, part of the natural process. We are superior to nature, contemptuous of it, willing to use it for our slightest whim. The newly elected governor of California, like myself a churchman, but less troubled than I, spoke for the Christian tradition when he said (as is alleged), "when you've seen one redwood tree, you've seen them all." To a Christian a tree can be no more than a physical fact. The whole concept of the sacred grove is alien to Christianity and to the ethos of the West. For nearly two millennia Christian missionaries have been chopping down sacred groves, which are idolatrous because they assume spirit in nature.

What we do about ecology depends on our ideas of the man-nature relationship. More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one. The beatniks, who are the basic revolutionaries of our time, show a sound instinct in their affinity for Zen Buddhism, which conceives of the man-nature relationship as very nearly the mirror image of the Christian view. Zen, however, is as deeply conditioned by Asian history as Christianity is by the experience of the West, and I am dubious of its viability among us.

Possibly we should ponder the greatest radical in Christian history since Christ: Saint Francis of Assisi. The prime miracle of Saint Francis is the fact that he did not end at the stake, as many of his left-wing followers did. He was so clearly heretical that a general of the Franciscan Order, Saint Bonaventura, a great and perceptive Christian, tried to suppress the early accounts of Franciscanism. The key to an understanding of Francis is his belief in the virtue of humility—not merely for the individual but for man as a species. Francis tried to depose man from his monarchy over creation and set up a democracy of all God's creatures. With him the ant is no longer simply a homily for the lazy, flames a sign of the thrust of the soul toward union with God; now they are Brother Ant and Sister Fire, praising the Creator in their own ways as Brother Man does in his.

Later commentators have said that Francis preached to the birds as a rebuke to men who would not listen. The records do not read so: he urged the little birds to praise God, and in spiritual ecstasy they flapped their wings and chirped rejoicing. Legends of saints, especially the Irish saints, had long told of their dealings with animals but always, I believe, to show their human dominance over creatures. With Francis it is different. The land around Gubbio in the Apennines was being ravaged by a fierce wolf. Saint Francis, says the legend, talked to the wolf and persuaded him of the error of his ways. The wolf repented, died in the odor of sanctity, and was buried in consecrated ground.

What Sir Steven Ruciman calls "the Franciscan doctrine of the animal soul" was quickly stamped out. Quite possibly it was in part inspired, consciously or unconsciously, by the belief in reincarnation held by the Cathar heretics who at that time teemed in Italy and southern France, and who presumably had got it originally from India. It is significant that at just the same moment, about 1200, traces of metempsychosis are found also in western Judaism, in the Provençal *Cabbala*. But Francis held neither to transmigration of souls nor to pantheism. His view of nature and of man rested on a unique sort of pan-psychism of all things animate and inanimate, designed for the glorification of their transcendent Creator, who, in the ultimate gesture of cosmic humility, assumed flesh, lay helpless in a manger, and hung dying on a scaffold.

I am not suggesting that many contemporary Americans who are concerned about our ecologic crisis will be either able or willing to counsel with wolves or exhort birds. However, the present increasing disruption of the global environment is the product of a dynamic technology and science which were originating in the Western medieval world against which Saint Francis was rebelling in so original a way. Their growth cannot be understood historically apart from distinctive attitudes toward nature which are deeply grounded in Christian dogma. The fact that most people do not think of these attitudes as Christian is irrelevant. No new set of basic values has been accepted in our society to displace those of Christianity. Hence we shall continue to have a worsening ecologic crisis until we reject the Christian axiom that nature has no reason for existence save to serve man.

The greatest spiritual revolutionary in Western history, Saint Francis, proposed what he thought was an alternative Christian view of nature and man's relation to it; he tried to substitute the idea of the equality of all creatures, including man, for the idea of man's limitless rule of creation. He failed. Both our present science and our present technology are so tinctured with orthodox Chirstian arrogance toward nature that no solution for our ecologic crisis can be expected from them alone. Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and refeel our nature and destiny. The profoundly religious, but heretical, sense of the primitive Franciscans for the spiritual autonomy of all parts of nature may point a direction. I propose Francis as a patron saint for ecologists.

The Limits of Adaptability

(By René Dubos)

Let me state why I believe that the health of the environment in which man functions is crucial for his well-being in the here and now and for the quality of life in the future.

The phrase "health of the environment" is not a literary convention. It has a real biological meaning, because the surface of the earth is truly a living organism. Without the countless and immensely varied forms of life that the earth harbors, our planet would be just another fragment of the universe with a surface as drab as that of the moon and an atmosphere inhospitable to man. We human beings exist and enjoy life only by virtue of the conditions created and maintained on the surface of the earth by the microbes, plants, and animals that have converted its inanimate matter into a highly integrated living structure. Any profound disturbance in the ecological equilibrium is a threat to the maintenance of human life as we know it now. Admittedly, there are scientists who claim that it will soon be possible to alter man's genetic code so as to make it better suited to whatever conditions may arise in the future. But I do not take them seriously. Indeed I believe that any attempt to alter the fundamental being of man is a biological absurdity as well as an ethical monstrosity.

Man has a remarkable ability to develop some form of tolerance to conditions extremely different from those under which he evolved. This has led to the belief that, through social and technological innovations, he can endlessly modify his ways of life without risk. But the facts do not justify this euphoric attitude. Modern man can adapt biologically to the technological environment only in so far as mechanisms of adaptation are potentially present in his genetic code. For this reason, we can almost take it for granted that he cannot achieve successful biological adaptation to insults with which he has had no experience in his evolutionary past, such as the shrill noises of modern equipment, the exhausts of automobiles and factories, the countless new synthetic products that get into air, water, and food. The limits that must be imposed on social and technological innovations are determined not by scientific knowledge or practical know-how, but by the biological and mental nature of man which is essentially unchangeable.

Some recent experiences appear at first sight to provide evidence that the immense adaptability of man is much greater than I suggest. For example, people of all races have survived the horrors of modern warfare and concentration camps. The population continues to grow even amidst the appalling misery prevailing in some underprivileged urban areas. The other side of the coin, however, is that continuous exposure to biological stresses always results in biological and mental alterations that mean hardships for the future. For example, people born and raised in the industrial areas of northern Europe have survived and multiplied despite constant exposure to smogs made worse by the inclemency of the Atlantic climate. But the long-range consequence of this so-called adaptation is a very large incidence of chronic pulmonary diseases. The same trend can be recognized in this country.

Social regimentation and standardization is compatible with the survival and multiplication of biological man, but not with the quality of human life. Step-by-step, people become tolerant of worse and worse environmental conditions without realizing that the expressions of this tolerance will emerge later in the form of debilitating ailments and what is even worse, in a form of life that will retain little of true humanness.

Experiments in animals and observations in man leave no doubt that environmental influences exert their most profound and lasting effects when they impinge on the organism during the early phases of its biological and mental development. In consequence, it can be anticipated that the deleterious effects of the present crisis will not reach their full expression until around the end of the present century, when today's children have become young adults. A very large percentage of these children will have been exposed from birth and throughout their formative years to conditions that will almost certainly elicit maladaptive responses in the long run—not only organic diseases but also, and perhaps most importantly, distortions of mental and emotional attributes.

We are naturally concerned with the unpleasant effects that the environmental crisis has for us in the here and now, but these are trivial when compared with the distant effects that it will have on the human beings who are being exposed to it throughout their development. Although I have emphasized—because of my professional specialization—the disease aspects of environmental insults, I do not believe that these are the most important. The mind is affected by environmental factors just as much as the body. Its expressions can be atrophied or distorted by the surroundings in which it develops, and by the hostile stimuli to which it has to respond.

The increase in the world population is one of the determinants of the ecological crisis and indeed may be at its root. But few persons realize that the dangers posed by overpopulation are more grave and more immediate in the U.S. than in less industrialized countries. This is due in part to the fact that each U.S. citizen uses more of the world's natural resources than any other human being and destroys them more rapidly, thereby contributing massively to the pollution of his own surroundings and of the earth as a whole—let alone the pollution of the moon and of space. Another reason is that the destructive impact of each U.S. citizen on the physical, biological, and human environment is enormously magnified by the variety of gadgets and by the amount of energy at his disposal.

American cities give the impression of being more crowded than Asian and European cities not because their population density is greater—it is in fact much lower—but because they expose their inhabitants to many more unwelcome stimuli. Much of the experience of crowding comes not from contacts with real human beings but from the telephones, radios, and television sets that bring us the mechanical expressions of mankind instead of the warmth of its biological nature.

The Tragedy of the Commons

(By Garrett Hardin)

At the end of a thoughtful article on the future of nuclear war, Wiesner and York[1] concluded that: "Both sides in the arms race are . . . confronted by the dilemma of steadily increasing military power and steadily decreasing national security. *It is our considered professional judgment that this dilemma has no technical solution*. If the great powers continue to look for solutions in the area of science and technology only, the result will be to worsen the situation."

I would like to focus your attention not

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on the subject of the article (national security in a nuclear world) but on the kind of conclusion they reached, namely that there is no technical solution to the problem. An implicit and almost universal assumption of discussions published in professional and semipopular scientific journals is that the problem under discussion has a technical solution. A technical solution may be defined as one that requires a change only in the techniques of the natural sciences, demanding little or nothing in the way of change in human values or ideas of morality.

In our day (though not in earlier times) technical solutions are always welcome. Because of previous failures in prophecy, it takes courage to assert that a desired technical solution is not possible. Wiesner and York exhibited this courage; publishing in a science journal, they insisted that the solution to the problem was not to be found in the natural sciences. They cautiously qualified their statement with the phrase, "It is our considered professional judgment . . ." Whether they were right or not is not the concern of the present article. Rather, the concern here is with the important concept of a class of human problems which can be called "no technical solution problems," and, more specifically, with the identification and discussion of one of these.

It is easy to show that the class is not a null class. Recall the game of tick-tack-toe. Consider the problem, "How can I win the game of tick-tack-toe?" It is well known that I cannot, if I assume (in keeping with the conventions of game theory) that my opponent understands the game perfectly. Put another way, there is no "technical solution" to the problem. I can win only by giving a radical meaning to the word "win." I can hit my opponent over the head; or I can drug him; or I can falsify the records. Every way in which I "win" involves, in some sense, an abandonment of the game, as we intuitively understand it. (I can also, of course, openly abandon the game—refuse to play it. This is what most adults do.)

The class of "No technical solution problems" has members. My thesis is that the "population problem," as conventionally conceived, is a member of this class. How it is conventionally conceived needs some comment. It is fair to say that most people who anguish over the population problem are trying to find a way to avoid the evils of overpopulation without relinquishing any of the privileges they now enjoy. They think that farming the seas or developing new strains of wheat will solve the problem—technologically. I try to show here that the solution they seek cannot be found. The population problem cannot be solved in a technical way, any more than can the problem of winning the game of tick-tack-toe.

WHAT SHALL WE MAXIMIZE?

Population, as Malthus said, naturally tends to grow "geometically," or, as we would now say, exponentially. In a finite world this means that the per capita share of the world's goods must steadily decrease. Is ours a finite world?

A fair defense can be put forward for the view that the world is infinite; or that we do not know that it is not. But, in terms of the practical problems that we must face in the next few generations with the foreseeable technology, it is clear that we will greatly increase human misery if we do not, during the immediate future, assume that the world available to the terrestrial human population is finite. "Space" is no escape.[2]

A finite world can support only a finite population; therefore, population growth must eventually equal zero. (The case of perpetual wide fluctuations above and below zero is a trivial variant that need not be discussed.) When this condition is met, what will be the situation of mankind? Specifically, can Bentham's goal of "the greatest good for the greatest number" be realized?

No—for two reasons, each sufficient by itself. The first is a theoretical one. It is not mathematically possible to maximize for two (or more) variables at the same time. This was clearly stated by von Neumann and Morgenstern,[3] but the principle is implicit in the theory of partial differential equations, dating back at least to D'Alembert (1717–1783).

The second reason springs directly from biological facts. To live, any organism must have a source of energy (for example, food). This energy is utilized for two purposes: mere maintenance and work. For man, maintenance of life requires about 1600 kilo-calories a day ("maintenance calories"). Anything that he does over and above merely staying alive will be defined as work, and is supported by "work calories" which he takes in. Work calories are used not only for what we call work in common speech; they are also required for all forms of enjoyment, from swimming and automobile racing to playing music and writing poetry. If our goal is to maximize population it is obvious what we must do: We must make the work calories per person approach as close to zero as possible. No gourmet meals, no vacations, no sports, no music, no literature, no art. . . . I think that everyone will grant, without argument or proof, that maximizing population does not maximize goods. Bentham's goal is impossible.

In reaching this conclusion I have made the usual assumption that it is the acquisition of energy that is the problem. The appearance of atomic energy has led some to question this assumption. However, given an infinite source of energy, population growth still produces an inescapable problem. The problem of the acquisition of energy is replaced by the problem of its dissipation, as J. H. Fremlin has so wittily shown.[4] The arithmetic signs in the analysis are, as it were, reversed; but Bentham's goal is still unobtainable.

The optimum population is, then, less than the maximum. The difficulty of defining the optimum is enormous; so far as I know, no one has seriously tackled this problem. Reaching an acceptable and stable solution will surely require more than one generation of hard analytical work—and much persuasion.

We want the maximum good per person; but what is good? To one person it is wilderness, to another it is ski lodges for thousands. To one it is estuaries to nourish ducks for hunters to shoot; to another it is factory land. Comparing one good with another is, we usually say, impossible because goods are incommensurable. Incommensurables cannot be compared.

Theoretically this may be true; but in real life incommensurables *are* commensurable. Only a criterion of judgment and a system of weighting are needed. In nature the criterion is survival. Is it better for a species to be small and hideable, or large and powerful? Natural selection commensurates the incommensurables. The compromise achieved depends on a natural weighting of the values of the variables.

Man must imitate this process. There is no doubt that in fact he already does, but unconsciously. It is when the hidden decisions are made explicit that the arguments begin. The problem for the years ahead is to work out an acceptable theory of weighting. Synergistic effects, nonlinear variation, and difficulties in discounting the future make the intellectual problem difficult, but not (in principle) insoluble.

Has any cultural group solved this practical problem at the present time, even on an intuitive level? One simple fact proves that none has: there is no prosperous population in the world today that has, and has had for some time, a growth rate of zero. Any people that has intuitively identified its optimum point will soon reach it, after which its growth rate becomes and remains zero.

Of course, a positive growth rate might be taken as evidence that a population is below its optimum. However, by any reasonable standards, the most rapidly growing populations on earth today are (in general) the most miserable. This association (which need not be invariable) casts doubt on the optimistic assumption that the positive growth rate of a population is evidence that it has yet to reach its optimum.

We can make little progress in working toward optimum population size until we explicitly exorcize the spirit of Adam Smith in the field of practical demography. In economic affairs, *The Wealth of Nations* (1776) popularized the "invisible hand," the idea that an individual who "intends only his own gain," is, as it were, "led by an invisible hand to promote . . . the public interest."[5] Adam Smith did not assert that this was invariably true, and perhaps neither did any of his followers. But he contributed to a dominant tendency of thought that has ever since interfered with positive action based on rational analysis, namely, the tendency to assume that decisions reached individually will, in fact, be the best decisions for an entire society. If this assumption is correct it justifies the continuance of our present policy of laissez-faire in reproduction. If it is correct we can assume that men will control their individual fecundity so as to produce the optimum population. If the assumption is not correct, we need to reexamine our individual freedoms to see which ones are defensible.

TRAGEDY OF FREEDOM IN A COMMONS

The rebuttal to the invisible hand in population control is to be found in a scenario first sketched in a little-known pamphlet[6] in 1833 by a mathematical amateur named William Forster Lloyd (1794–1852). We may well call it "the tragedy of the commons," using the word "tragedy" as the philosopher Whitehead used it:[7] "The essence of dramatic tragedy is not unhappiness. It resides in the solemnity of the remorseless working of things." He then goes on to say, "This inevitableness of destiny can only be illustrated in terms of human life by incidents which in fact involve unhappiness. For it is only by them that the futility of escape can be made evident in the drama."

The tragedy of the commons develops in this way. Picture a pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons. Such an arrangement may work reasonably satisfactorily for centuries because tribal wars, poaching, and disease keep the numbers of both man and beast well below the carrying capacity of the land. Finally, however, comes the day of reckoning, that is, the day when the long-desired goal of social stability becomes a reality. At this point, the inherent logic of the commons remorselessly generates tragedy.

As a rational being, each herdsman seeks to maximize his gain. Explicitly or implicitly, more or less consciously, he asks. "What is the utility *to me* of adding one more animal to my herd?" This utility has one negative and one positive component.

1. The positive component is a function of the increment of one animal. Since the herdsman receives all the proceeds from the sale of the additional animal, the positive utility is nearly $+1$.

2. The negative component is a function of the additional overgrazing created by one more animal. Since, however, the effects of overgrazing are shared by all the herdsmen, the negative utility for any particular decisionmaking herdsman is only a fraction of -1.

Adding together the component partial utilities, the rational herdsman concludes that the only sensible course for him to

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pursue is to add another animal to his herd. And another; and another. . . . But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all.

Some would say that this is a platitude. Would that it were! In a sense, it was learned thousands of years ago, but natural selection favors the forces of psychological denial.[8] The individual benefits as an individual from his ability to deny the truth even though society as a whole, of which he is a part, suffers. Education can counteract the natural tendency to do the wrong thing, but the inexorable succession of generations requires that the basis for this knowledge be constantly refreshed.

A simple incident that occurred a few years ago in Leominster, Massachusetts, shows how perishable the knowledge is. During the Christmas shopping season the parking meters downtown were covered with plastic bags that bore tags reading: "Do not open until after Christmas. Free parking courtesy of the mayor and city council." In other words, facing the prospect of an increased demand for already scarce space, the city fathers reinstituted the system of the commons. (Cynically, we suspect that they gained more votes than they lost by this retrogressive act.)

In an approximate way, the logic of the commons has been understood for a long time, perhaps since the discovery of agriculture or the invention of private property in real estate. But it is understood mostly only in special cases which are not sufficiently generalized. Even at this late date, cattlemen leasing national land on the western ranges demonstrate no more than an ambivalent understanding, in constantly pressuring federal authorities to increase the head count to the point where overgrazing produces erosion and weed-dominance. Likewise, the oceans of the world continue to suffer from the survival of the philosophy of the commons. Maritime nations still respond automatically to the shibboleth of the "freedom of the seas." Professing to believe in the "inexhaustible resources of the oceans," they bring species after species of fish and whales closer to extinction.[9]

The national parks present another instance of the working out of the tragedy of the commons. At present, they are open to all, without limit. The parks themselves are limited in extent—there is only one Yosemite Valley—whereas population seems to grow without limit. The values that visitors seek in the parks are steadily eroded. Plainly, we must soon cease to treat the parks as commons or they will be of no value to anyone.

What shall we do? We have several options. We might sell them off as private property. We might keep them as public property, but allocate the right to enter them. The allocation might be on the basis of wealth, by the use of an auction system. It might be on the basis of merit, as defined by some agreed-upon standards. It might be by lottery. Or it might be on a first-come, first-served basis, administered to long queues. These, I think, are all the reasonable possibilities. They are all objectionable. But we must choose—or acquiesce in the destruction of the commons that we call our national parks.

POLLUTION

In a reverse way, the tragedy of the commons reappears in problems of pollution. Here it is not a question of taking something out of the commons, but of putting something in—sewage, or chemical, radioactive, and heat wastes into water; noxious and dangerous fumes into the air; and distracting and unpleasant advertising signs into the line of sight. The calculations of utility are much the same as before. The rational man finds that his share of the cost of the wastes he discharges into the commons is less than the cost of purifying his wastes before releasing them. Since this is true for everyone, we are locked into a system of "fouling out own nest," so long as we behave only as independent, rational, free-enterprisers.

The tragedy of the commons as a food basket is averted by private property, or something formally like it. But the air and waters surrounding us cannot readily be fenced, and so the tragedy of the commons as a cesspool must be prevented by different means, by coercive laws or taxing devices that make it cheaper for the polluter to treat his pollutants than to discharge them untreated. We have not progressed as far with the solution of this problem as we have with the first. Indeed, our particular concept of private property, which deters us from exhausting the positive resources of the earth, favors pollution. The owner of a factory on the bank of a stream—whose property extends to the middle of the stream—often has difficulty seeing why it is not his natural right to muddy the waters flowing past his door. The law, always behind the times, requires elaborate stitching and fitting to adapt it to this newly perceived aspect of the commons.

The pollution problem is a consequence of population. It did not much matter how a lonely American frontiers man disposed of his waste. "Flowing water purifies itself every ten miles," my grandfather used to say, and the myth was near enough to the truth when he was a boy, for there were not too many people. But as population became denser, the natural chemical and biological recycling processes became overloaded, calling for a redefinition of property rights.

HOW TO LEGISLATE TEMPERANCE?

Analysis of the pollution problem as a function of population density uncovers a not generally recognized principle of morality, namely: *the morality of an act is a function of the state of the system at the time it is performed.*[10] Using the commons as a cesspool does not harm the general public under frontier conditions, because there is no public; the same behavior in a metropolis is unbearable. A hundred and fifty years ago a plainsman could kill an American bison, cut out only the tongue for his dinner, and discard the rest of the animal. He was not in any important sense being wasteful. Today, with only a few thousand bison left, we would be appalled at such behavior.

In passing, it is worth noting that the morality of an act cannot be determined from a photograph. One does not know whether a man killing an elephant or setting fire to the grassland is harming others until one knows the total system in which his act appears. "One picture is worth a thousand words," said an ancient Chinese; but it may take 10,000 words to validate it. It is as tempting to ecologists as it is to reformers in general to try to persuade others by way of the photographic shortcut. But the essence of an argument cannot be photographed: it must be presented rationally—in words.

That morality is system-sensitive escaped the attention of most codifiers of ethics in the past. "Thou shalt not . . ." is the form of traditional ethical directives which make no allowance for particular circumstances. The laws of our society follow the pattern of ancient ethics, and therefore are poorly suited to governing a complex, crowded, changeable world. Our epicyclic solution is to augment statutory law with administrative law. Since it is practically impossible to spell out all the conditions under which it is safe to burn trash in the back yard or to run an automobile without smog-control, by law we delegate the details to bureaus. The result is administrative law, which is rightly feared for an ancient reason—*Quis custodiet ipsos custodes?*—"Who shall watch the watchers themselves?" John Adams said that we must have "a government of laws and not men." Bureau administrators, trying to evaluate the morality of acts in the total system, are singularly liable to corruption, producing a government by men, not laws.

Prohibition is easy to legislate (though not necessarily to enforce); but how do we legislate temperance? Experience indicates that it can be accomplished best through the mediation of administrative law. We limit possibilities unnecessarily if we suppose that the sentiment of *Quis Custodiet* denies us the use of administrative law. We should rather retain the phrase as a perpetual reminder of fearful dangers we cannot avoid. The great challenge facing us now is to invent the corrective feedbacks that are needed to keep custodians honest. We must find ways to legitimate the needed authority of both the custodians and the corrective feedback.

FREEDOM TO BREED IS INTOLERABLE

The tragedy of the commons is involved in population problems in another way. In a world governed solely by the principle of "dog eat dog"—if indeed there ever was such a world—how many children a family had would not be a matter of public concern. Parents who bred too exuberantly would leave fewer descendants, not more, because they would be unable to care adequately for their children. David Lack and others have found that such a negative feedback demonstrably controls the fecundity of birds.[11] But men are not birds, and have not acted like them for millenniums, at least.

If each human family were dependent only on its own resources; *if* the children of improvident parents starved to death; *if*, thus, overbreeding brought its own "punishment" to the germ line—*then* there would be no public interest in controlling the breeding of families. But our society is deeply committed to the welfare state,[12] and hence is confronted with another aspect of the tragedy of the commons.

In a welfare state, how shall we deal with the family, the religion, the race, or the class (or indeed any distinguishable and cohesive group) that adopts overbreeding as a policy to secure its own aggrandizement? [13] To couple the concept of freedom to breed with the belief that everyone born has an equal right to the commons is to lock the world into a tragic course of action.

Unfortunately this is just the course of action that is being pursued by the United Nations. In late 1967, some thirty nations agreed to the following:[14]

"The Universal Declaration of Human Rights describes the family as the natural and fundamental unit of society. It follows that any choice and decision with regard to the size of the family must irrevocably rest with the family itself, and cannot be made by anyone else."

It is painful to have to deny categorically the validity of this right; denying it, one feels as uncomfortable as a resident of Salem, Massachusetts, who denied the reality of witches in the seventeenth century. At the present time, in liberal quarters, something like a taboo acts to inhibit criticism of the United Nations. There is a feeling that the United Nations is "our last and best hope," that we shouldn't find fault with it; we shouldn't play into the hands of the arch-conservatives. However, let us not forget what Robert Louis Stevenson said: "The truth that is suppressed by friends is the readiest weapon of the enemy." If we love

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Footnotes at end of article.

the truth we must openly deny the validity of the Universal Declaration of Human Rights, even though it is promoted by the United Nations. We should also join with Kingsley Davis[15] in attempting to get Planned Parenthood-World Population to see the error of its ways in embracing the same tragic ideal.

CONSCIENCE IS SELF-ELIMINATING

It is a mistake to think that we can control the breeding of mankind in the long run by an appeal to conscience. Charles Galton Darwin made this point when he spoke on the centennial of the publication of his grandfather's great book. The argument is straight-forward and Darwinian.

People vary. Confronted with appeals to limit breeding, some people will undoubtedly respond to the plea more than others. Those who have more children will produce a larger fraction of the next generation than those with more susceptible consciences. The difference will be accentuated, generation by generation.

In C. G. Darwin's words: "It may well be that it would take hundreds of generations for the progenitive instinct to develop in this way, but if it should do so, nature would have taken her revenge, and the variety *Homo contracipiens* would become extinct and would be replaced by the variety *Homo progenitivus*."[16]

The argument assumes that conscience or the desire for children (no matter which) is hereditary—but hereditary only in the most general formal sense. The result will be the same whether the attitude is transmitted through germ cells, or exosomatically, to use A. J. Lotka's term. (If one denies the latter possibility as well as the former, then what's the point of education?) The argument has here been stated in the context of the population problem, but it applies equally well to any instance in which society appeals to an individual exploiting a commons to restrain himself for the general good—by means of his conscience. To make such an appeal is to set up a selective system that works toward the elimination of conscience from the race.

PATHOGENIC EFFECTS OF CONSCIENCE

The long-term disadvantage of an appeal to conscience should be enough to condemn it; but has serious short-term disadvantages as well. If we ask a man who is exploiting a commons to desist "in the name of conscience," what are we saying to him? What does he hear?—not only at the moment but also in the wee small hours of the night when, half asleep, he remembers not merely the words we used but also the nonverbal communication cues we gave him unawares? Sooner or later, consciously or subconsciously, he senses that he has received two communications, and that they are contradictory: (i) (intended communication) "If you don't do as we ask, we will openly condemn you for not acting like a responsible citizen"; (ii) (the unintended communication) "If you *do* behave as we ask, we will secretly condemn you for a simpleton who can be shamed into standing aside while the rest of us exploit the commons."

Every man then is caught in what Bateson has called a "double bind." Bateson and his coworkers have made a plausible case for viewing the double bind as an important causative factor in the genesis of schizophrenia.[17] The double bind may not always be so damaging, but it always endangers the mental health of anyone to whom it is applied. "A bad conscience," said Nietzsche, "is a kind of illness."

To conjure up a conscience in others is tempting to anyone who wishes to extend his control beyond the legal limits. Leaders at the highest level succumb to this temptation. Has any president during the past generation failed to call on labor unions to moderate voluntarily their demands for higher wages, or to steel companies to honor voluntary guidelines on prices? I can recall none. The rhetoric used on such occasions is designed to produce feelings of guilt in noncooperators.

For centuries it was assumed without proof that guilt was a valuable, perhaps even an indispensable, ingredient of the civilized life. Now, in this post-Freudian world, we doubt it.

Paul Goodman speaks from the modern point of view when he says: "No good has ever come from feeling guilty, neither intelligence, policy, nor compassion. The guilty do not pay attention to the object but only to themselves, and not even to their own interests, which might make sense, but to their anxieties."[18]

One does not have to be a professional psychiatrist to see the consequences of anxiety. We in the Western world are just emerging from a dreadful two-centuries-long Dark Ages of Eros that was sustained partly by prohibition laws, but perhaps more effectively by the anxiety-generating mechanisms of education. Alex Comfort has told the story well in *The Anxiety Makers;*[19] it is not a pretty one.

Since proof is difficult, we may even concede that the results of anxiety may sometimes, from certain points of view, be desirable. The larger question we should ask is whether, as a matter of policy, we should ever encourage the use of a technique the tendency (if not the intention) of which is psychologically pathogenic. We hear much talk these days of responsible parenthood; the coupled words are incorporated into the titles of some organizations devoted to birth control. Some people have proposed massive propaganda campaigns to instill responsibility into the nation's (or the world's) breeders. But what is the meaning of the word responsibility in this context? Is it not merely a synonym for the word conscience? When we use the word responsibility in the absence of substantial sanctions are we not trying to browbeat a free man in a commons into acting against his own interest? Responsibility is a verbal counterfeit for a substantial *quid pro quo*. It is an attempt to get something for nothing.

If the word responsibility is to be used at all, I suggest that it be in the sense Charles Frankel uses it.[20] "Responsibility," says this philosopher, "is the product of definite social arrangements." Notice that Frankel calls for social arrangements—not propaganda.

MUTUAL COERCION MUTUALLY AGREED UPON

The social arrangements that produce responsibility are arrangements that create coercion, of some sort. Consider bank-robbing. The man who takes money from a bank acts as if the bank were a commons. How do we prevent such action? Certainly not by trying to control his behavior solely by a verbal appeal to his sense of responsibility. Rather than rely on propaganda we follow Frankel's lead and insist that a bank is not a commons; we seek the definite social arrangements that will keep it from becoming a commons. That we thereby infringe on the freedom of would-be robbers we neither deny nor regret.

The morality of bank-robbing is particularly easy to understand because we accept complete prohibition of this activity. We are willing to say "Thou shalt not rob banks," without providing for exceptions. But temperance also can be created by coercion. Taxing is a good coercive device. To keep downtown shoppers temperate in their use of parking space we introduce parking meters for short periods, and traffic fines for longer ones. We need not actually forbid a citizen to park as long as he wants to; we need merely make it increasingly expensive for him to do so. Not prohibition, but carefully biased options are what we offer him. A Madison Avenue man might call this persuasion; I prefer the greater candor of the word coercion.

Coercion is a dirty word to most liberals now, but it need not forever be so. As with the four-letter words, its dirtiness can be cleansed away by exposure to the light, by saying it over and over without apology or embarrassment. To many, the word coercion implies arbitrary decisions of distant and irresponsible bureaucrats; but this is not a necessary part of its meaning. The only kind of coercion I recommend is mutual coercion, mutually agreed upon by the majority of the people affected.

To say that we mutually agree to coercion is not to say that we are required to enjoy it, or even to pretend we enjoy it. Who enjoys taxes? We all grumble about them. But we accept compulsory taxes because we recognize that voluntary taxes would favor the conscienceless. We institute and (grumblingly) support taxes and other coercive devices to escape the horror of the commons.

An alternative to the commons need not be perfectly just to be preferable. With real estate and other material goods, the alternative we have chosen is the institution of private property coupled with legal inheritance. Is this system perfectly just? As a genetically trained biologist I deny that it is. It seems to me that, if there are to be differences in individual inheritance, legal possession should be perfectly correlated with biological inheritance—that those who are biologically more fit to be the custodians of property and power should legally inherit more. But genetic recombination continually makes a mockery of the doctrine of "like father, like son" implicit in our laws of legal inheritance. An idiot can inherit millions, and a trust fund can keep his estate intact. We must admit that our legal system of private property plus inheritance is unjust—but we put up with it because we are not convinced, at the moment, that anyone has invented a better system. The alternative of the commons is too horrifying to contemplate. Injustice is preferable to total ruin.

It is one of the peculiarities of the warfare between reform and the status quo that it is thoughtlessly governed by a double standard. Whenever a reform measure is proposed it is often defeated when its opponents triumphantly discover a flaw in it. As Kingsley Davis has pointed out,[21] worshippers of the status quo sometimes imply that no reform is possible without unanimous agreement, an implication contrary to historical fact. As nearly as I can make out, automatic rejection of proposed reforms is based on one of two unconscious assumptions: (i) that the status quo is perfect; or (ii) that the choice we face is between reform and no action; if the proposed reform is imperfect, we presumably should take no action at all, while we wait for a perfect proposal.

But we can never do nothing. That which we have done for thousands of years is also action. It also produces evils. Once we are aware that the status quo is action, we can then compare its discoverable advantages and disadvantages with the predicted advantages and disadvantages of the proposed reform, discounting as best we can for our lack of experience. On the basis of such a comparison, we can make a rational decision which will not involve the unworkable assumption that only perfect systems are tolerable.

RECOGNITION OF NECESSITY

Perhaps the simplest summary of this analysis of man's population problems is this: the commons, if justifiable at all, is justifiable only under conditions of low-population density. As the human population has increased, the commons has had to be abandoned in one aspect after another.

First we abandoned the commons in food gathering, enclosing farm land and restrict-

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ing pastures and hunting and fishing areas. These restrictions are still not complete throughout the world.

Somewhat later we saw that the commons as a place for waste disposal would also have to be abandoned. Restrictions on the disposal of domestic sewage are widely accepted in the Western world; we are still struggling to close the commons to pollution by automobiles, factories, insecticide sprayers, fertilizing operations, and atomic energy installations.

In a still more embryonic state is our recognition of the evils of the commons in matters of pleasure. There is almost no restriction on the propagation of sound waves in the public medium. The shopping public is assaulted with mindless music, without its consent. Our government is paying out billions of dollars to create supersonic transport which will disturb 50,000 people for every one person who is whisked from coast to coast three hours faster. Advertisers muddy the airwaves of radio and television and pollute the view of travelers. We are a long way from outlawing the commons in matters of pleasure. Is this because our Puritan inheritance makes us view pleasure as something of a sin, and pain (that is, the pollution of advertising) as the sign of virtue?

Every new enclosure of the commons involves the infringement of somebody's personal liberty. Infringements made in the distant past are accepted because no contemporary complains of a loss. It is the newly proposed infringements that we vigorously oppose; cries of "rights" and "freedom" fill the air. But what does "freedom" mean? When men mutually agreed to pass laws against robbing, mankind became more free, not less so. Individuals locked into the logic of the commons are free only to bring on universal ruin; once they see the necessity of mutual coercion, they become free to pursue other goals. I believe it was Hegel who said, "Freedom is the recognition of necessity."

The most important aspect of necessity that we must now recognize, is the necessity of abandoning the commons in breeding. No technical solution can rescue us from the misery of overpopulation. Freedom to breed will bring ruin to all. At the moment, to avoid hard decisions many of us are tempted to propagandize for conscience and responsible parenthood. The temptation must be resisted, because an appeal to independently acting consciences selects for the disappearance of all conscience in the long run, and an increase in anxiety in the short.

The only way we can preserve and nurture other and more precious freedoms is by relinquishing the freedom to breed, and that very soon. "Freedom is the recognition of necessity"—and it is the role of education to reveal to all the necessity of abandoning the freedom to breed. Only so, can we put an end to this aspect of the tragedy of the commons.

FOOTNOTES

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ENERGY

(By Garrett De Bell)

All power pollutes.

Each of the major forms of power generation does its own kind of harm to the environment. Fossil fuels—coal and oil—produce smoke and sulfur dioxide at worst; even under ideal conditions they convert oxygen to carbon dioxide. Hydroelectric power requires dams that cover up land, spoil wild rivers, increase water loss by evaporation, and eventually produce valleys full of silt. Nuclear power plants produce thermal and radioactive pollution and introduce the probability of disaster.

We are often told that it is essential to increase the amount of energy we use in order to meet demand. This "demand," we are told, must be met in order to increase or maintain our "standard of living." What these statements mean is that if population continues to increase, and if per capita power continues to increase as in the past, then power generation facilities must be increased indefinitely.

Such statements ignore the environmental consequences of building more and more power generation facilities. They ignore the destruction of wild rivers by dams, the air pollution by power plants, the increasing danger of disease and disaster from nuclear power facilities.

These effects can no longer be ignored, but must be directly confronted. *The perpetually accelerating expansion of power output is not necessary.*

It is assumed by the utilities that the demand for power is real because people continue to purchase it. However, we are all bombarded with massive amounts of advertising encouraging us to buy appliances, gadgets, new cars, and so on. There is no comparable public service advertising pointing up the harmful effects of over-purchase of "convenience" appliances that increase use of power. Public utilities aggressively advertise to encourage increasing use of power. For instance, Pacific Gas and Electric advertises: "Beautify America—use electric clothes dryers." The unbeautifying results of building more power plants is, of course, not mentioned.

For the lopsided advertising, public utilities use public monies, paid in by the consumer. This is allowed by the regulatory agencies on the theory that increasing use of power lowers the per unit cost, which is beneficial to the consumer. However, the consumer is also the person who breathes the polluted air and has his view spoiled by a power plant. Therefore, this sort of advertising should be prohibited.

But perhaps it is unrealistic to expect the power companies and the appliance and car builders to call a halt, to flatly say, "This is where we stop. The limits have been reached even exceeded." The limits can, and must, be set by the consumer. It is the consumer, ultimately, who must decide for himself what appliances he needs and which he can forego. The producers of power and power-using appliances will feel the pinch but they will, ultimately, cease to produce that which will not *sell*.

We *can* control our population and thus decrease our per capita use of power. Population may be stabilized, and use of power reduced to what is necessary for a high quality of life. But population control will take time. We can begin now by ceasing to use power for trivial purposes.

Power use is presently divided about as follows in the United States: household and commercial, 33 percent; industrial, 42 percent; transportation, 24 percent. We must decide which uses, within each category, improve the quality of peoples' lives sufficiently to justify the inevitable pollution that results from power generation and use.

HOUSEHOLD AND COMMERCIAL

The term "standard of living" as used by utility spokesmen in the United States today generally means abundant luxuries, such as the following, for the affluent: electric blenders, toothbrushes and can openers, power saws, toys and mowers, dune buggies, luxury cars and golf carts, electric clothes dryers and garbage grinders, air conditioners, electric blankets and hair dryers.

Are these necessary for a high quality of life? We must realize that a decision made to purchase one of these "conveniences" is also a decision to accept the environmental deterioration that results from the production, use and disposal of the "convenience." Hand-operated blenders, toothbrushes, can openers and saws, clotheslines, blankets, bicycles, and feet produce much less pollution than the powered equivalents.

We can make the ecologically sensible decision to reject the concept of increasing perpetually the "standard of living" regardless of the human or ecological consequences. We can replace the outmoded industrial imperative—the "standard of living" concept—by the more human "quality of life" concept.

Many of us feel that the quality of our lives would be higher with far less use of energy in this country. We would be happy to do with fewer cars, substituting a transportation system that can make us mobile without dependence on the expensive, polluting, and dangerous automobile. We would be happy to see the last of glaring searchlights, neon sings, noisy power mowers and private airplanes, infernally noisy garbage trucks, dune buggies, and motorcycles. The quality of our lives is improved by each power plant not constructed near our homes or recreation areas, by each dam not constructed on a river used for canoeing. Quality of life is a positive ethic. Peace and quiet and fresh air are positive values; noisy smoking machines are negative ones.

INDUSTRY

Industry has been rapidly increasing its use of energy to increase production. An *Electrical World* pamphlet cheerfully describes this trend as follows:

"Industry's use of electric power has been increasing rapidly, too. The index of consumer use of electricity is kilowatts-per-hour. Industry's use is measured as the amount used per employee. Ten years ago, American industry used 24,810 kilowatt hours per year for each person employed. Today, the figure is estimated at 37,912. As industry finds more ways to use power to improve production, the output and wages of the individual employee rise."

Since unemployment is a problem and

power use causes pollution, perhaps automation which uses energy to replace workers isn't a very good idea. Of course we could have full employment, a shorter work week, and less power use if we just wouldn't bother producing things that don't really improve the quality of life—pay for, and that complicate our lives.

TRANSPORTATION

If you wanted to design a transportation system to waste the earth's energy reserves and pollute the air as much as possible, you couldn't do much better than our present system dominated by the automobile. Only by following the advice of the popular science journals, placing in every garage a helicopter (using three times as much gasoline per passenger mile as a car) could you manage to do greater environmental damage.

Compared to a bus, the automobile uses from four to five times as much fuel per passenger mile. Compared to a train, it uses ten times as much. Walking and bicycling, of course, require no fuel at all.[1]

Switching from the system of automobilism to a system of rapid transit, with more bicycling and walking in cities, would reduce fossil fuel consumption for transportation by a factor of almost 10. As transportation now accounts for 24 percent of the fuel expended, a saving of even 50 percent in this category would be helpful in reducing the rapid consumption of fossil fuels. Added benefits would be fewer deaths and injuries by automobiles, which have much higher injury rates than any form of public transportation; the liberation of much of the cities' space presently dedicated to the automobile; and less smog.

The term "standard of living" usually seems to apply only to Americans, and usually just to the present generation. It is important to think of all people in the world, and of future generations. The question must be asked whether it is fair to the rest of the world for the United States to use up such a disproportionate share of the world's energy resources. Even looking solely to United States interests, is it the best policy to use up our allotment as fast as possible?

If the whole world had equal rights and everyone burned fuel as fast as the U.S., the reserves would be gone very soon. The U.S. per capita rate of use of fossil fuels is from ten to a hundred times as great as the majority of people (the Silent Majority?) who live in the underdeveloped countries.

Each person in India uses only 1/83 as much power as an American. India now has 500,000,000 people or 2½ times the population of the U.S. Yet since each person uses so much less power, India's total power use is only 1/33 of that of the U.S. Its fair share would be 2½ times as much power as the U.S. The same argument, with somewhat different figures, holds for China, Southeast Asia, Pakistan, the Middle East, South America and Africa.

Not only does the burning of fossil fuels produce local pollution, but it also increases the carbon dioxide-to-oxygen ratio in the atmosphere. This occurs because each molecule of oxygen consumed in burning fuels results in the production of a carbon dioxide molecule (CH_2O plus O_2 yields CO_2 plus H_2O). This has the doubly adverse effect of taking oxygen out of the atmosphere, and putting carbon dioxide in, in equal amounts. The latter effect is of most concern to us because the CO_2 percentage in the atmosphere is minute compared to the huge reservoir of oxygen. While the atmosphere contains 20 percent oxygen, it has only 0.02 percent CO_2. Thus, fuel combustion reducing the O_2 concentration by only 1 percent would simultaneously increase the CO_2 concentration *tenfold.*

Each year the burning of fossil fuels produces an amount of carbon dioxide equal to about 0.5 percent of the existing carbon dioxide reservoir in the atmosphere. Of this production, half stays in the atmosphere, resulting in a 0.25 percent increase in atmospheric CO_2 per year. Of the other half, some becomes bound up with calcium or magnesium to become limestone, some becomes dissolved in the sea, and some is stored as the bodies of plants that fall to the deep, oxygen-poor sediments of the ocean and do not decompose.

If no CO_2 were being disposed of by the physical and biological processes in the ocean, then the CO_2 concentration of the atmosphere would increase by twice the present rate, because all of the CO_2 produced each year would remain in the atmosphere.

Burning all the recoverable reserves of fossil fuels would produce three times as much carbon dioxide as is now present in the atmosphere. If the present rate of increase in fuel use continues, and the rate of CO_2 dispersal continues unchanged, there will be an increase of about 170 percent in the CO_2 level in the next 150 years (which is the minimum estimate of the amount of time our fossil fuels will last). If the fuels last longer, say up to the "optimistic" 400 years that some predict, we will have that much more CO_2 increase, with the attendant smog and oil spills.

Scientists are becoming worried about increasing CO_2 levels because of the greenhouse effect, with its possible repercussions on the world climate. Most of the sun's energy striking the earth's surface is in the form of visible and ultraviolet rays from the sun. Energy leaves the earth as heat radiation or infrared rays. Carbon dioxide absorbs infrared rays more strongly than visible or ultraviolet rays. Energy coming toward the earth's surface thus readily passes through atmospheric carbon dioxide, but some escaping heat energy is absorbed and trapped in the atmosphere by carbon dioxide, much as heat is trapped in a greenhouse. This effect of carbon dioxide on the earth's climate has, in fact, been called the "greenhouse effect." Scientists differ in their opinions as to the eventual result this will have on our climate. Some believe that the earth's average temperature will increase, resulting in the melting of polar ice caps with an accompanying increase of sea levels and inundation of coastal cities. Others feels that there will be a temporary warming and partial melting of polar ice, but then greater evaporation from the open Arctic seas will cause a vast increase in snowfall, with an ensuing ice age.

Many people believe that green plants can produce a surplus of oxygen to compensate for that converted to CO_2 in burning fuels. This is not true. A plant produces only enough oxygen for its own use during its life plus enough extra for the oxidation of the plant after death to its original building blocks (CO_2 plus H_2O). Whether this oxidation occurs by fire, by bacterial decay, or by respiration of an animal eating the plant, has no effect on the ultimate outcome. When the plant is totally consumed by any of these three means, all of the oxygen it produced over its life is also consumed. The only way a plant leaves an oxygen surplus is if it fails to decompose, a relatively rare occurrence.

The important point is that fossil fuel combustion results in a change in the ratio of carbon dioxide to oxygen in the atmosphere, whereas use of oxygen by animals does not. This point is not generally understood, so two examples are discussed below.

First, since 70 percent of the world's oxygen is produced in the ocean, it has been forecast that death of the plankton in the ocean would cause asphyxiation of the animals of the earth. This is not the case because oxygen and carbon dioxide cycle in what is called the carbon cycle. A plant, be it a redwood tree or an algal cell, produces just enough oxygen to be used in consuming its carcass after death. The ocean plankton now produce 70 percent of the oxygen, but animals in the ocean use it up in the process of eating the plants. Very little of it is left over. The small amount that is left over is produced by plankton that have dropped to the oxygen-poor deep sediments and are essentially forming new fossil fuel.

If the plankton in the ocean were all to die tomorrow, all of the animals in the ocean would starve. The effect of this on the world's oxygen supply would be very small. The effect on the world's food supply, however, would be catastrophic. A large number of nations rely significantly on the ocean for food, particularly for high-quality protein. Japan, for example, is very heavily dependent on fisheries to feed itself.

"Eco-catastrophe" by Paul Ehrlich, reprinted below, stresses the danger of poisoning plankton, and puts the emphasis where is belongs, on the effect on animal life.

Second, fears about reducing the world's oxygen supply have been expressed in reference to the cutting down of large forest areas, particularly on the topics, where the soil will become hardened into bricklike laterite and no plant growth of any sort will be possible in the future. It will be a disaster if the Amazon rain forest is turned into laterite because the animals and people dependent on it could not exist. But this would have no effect on the world's oxygen balance. If the Amazon Basin were simply bricklike laterite, the area would produce no oxygen and consume no oxygen. At present the Amazon Basin is not producing surplus organic material. The same amount of organic material is present in the form of animal bodies, trees, stumps, and humus from year to year; therefore no net production of oxygen exists. The oxygen produced in the forest each year, which obviously is a large amount, is used up by the animals and microorganisms living in the forest in the consumption of the plant material produced over the preceding year.

In summary, I suggest that one goal of the environmental movement should be the reduction of total energy use in this country by 25 percent over the next decade. By doing this, we will have made a start toward preventing possibly disastrous climatic changes due to CO_2 buildup and the greenhouse effect. We will so reduce the need for oil that we can leave Alaska as wilderness and its oil in the ground. We will be able to stop offshore drilling with its ever-present probability of oil slick disasters, and won't need new supertankers which can spill more oil than the *Torrey Canyon* dumped on the beaches of Britain and France. We will be able to do without the risks of disease and accident from nuclear power plants. We won't need to dam more rivers for power. And perhaps most important, we can liberate the people from the automobile, whose exhausts turn the air over our cities oily brown (which causes, 50,000 deaths a year) and which is turning our landscape into a sea of concrete.

Many of the steps needed to reduce energy consumption are clear. We can press for:

1. Bond issues for public transit
2. Gas tax money to go to public transportation, not more highways
3. Ending of oil depletion allowance, which encourages use of fuel
4. More bicycle and walking paths
5. Better train service for intermediate length runs
6. A reverse of the present price system for power use where rates are lower for big consumers. Put a premium on conserving resources. Give householders power for essen-

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[1] Driesbach, R., *Handbook of the San Francisco Region*. Environmental Studies, Palo Alto, California, p. 322.

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tial needs at cost with heavy rate increases for extra energy for luxuries.

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DANGEROUS CHANGES OF U.S. POLICY TOWARD ISRAEL

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. FRIEDEL. Mr. Speaker, there is disquieting evidence that the Nixon administration is embarking on a new course of diplomacy in the Middle East which, instead of enhancing world peace, will only serve to jeopardize it. The President's refusal to honor the sale of Phantom jets to Israel and recent pronouncements by the State Department with respect to American commitments in this area could well provoke an escalation of Arab-Israeli tensions and ultimate global confrontation between the major powers involved on both sides.

Decades of frustration demonstrate the elusiveness of fashioning a constructive foreign policy let alone a solution for restoring harmony in this part of the world. But while all heads of state seek some means of permanently defusing the explosive combatants, the balance of power the United States has struggled to achieve must not be abandoned.

In this regard, Anthony Hartley, editor of Interplay magazine and the author of "A State of England" has written a very pertinent analysis of our present posture in the Middle East, pointing out the folly and risks in shifting our course away from total support for our great ally, Israel. I think it appropriate that Mr. Hartley's discussion, appearing in the March 1970 issue of Commentary magazine be printed in its entirety in the RECORD. The article follows:

THE UNITED STATES, THE ARABS, AND ISRAEL

(By Anthony Hartley)

To what degree has the Nixon administration changed American policy in the Middle East? This question must be asked with increasing urgency in Jerusalem and, with a rather more hopeful note, in Cairo and Damascus. For it has become clear in recent months that the administration is gestating a new plan to cope with the Middle East crisis; indeed, the partial results of a birth—which, if not prodigious, was at any rate enigmatic—were communicated to the public in the Secretary of State's speech of December 9. Significantly enough, the proposals enumerated by Mr. Rogers for the conclusion of a peace between Israel and Egypt had already been communicated to the Soviet Union in October. Later in December they were supplemented by a similar American plan for peace between Israel and Jordan. A new Nixon policy for the Middle East crisis (if it is new) is therefore now out in the open. How much of a change does it represent—how much of a change, indeed, is possible—in comparison with the policies of the Johnson administration?

Before trying to answer this question, it might be well to summarize what has been proposed. In his speech of December 9, Mr. Rogers grouped his suggestions around three basic points. These provided that:

(1) "There should be a binding commitment by Israel and the United Arab Republic to peace with each other, with all specific obligations of peace spelled out. . . ."

(2) "The detailed provision of peace relating to security safeguards on the ground should be worked out between the parties under Ambassador Jarring's auspices, utilizing the procedures followed in negotiating the Armistice Agreements under Ralph Bunche in 1949 at Rhodes. . . . These safeguards relate primarily to the area of Sharm el-Sheikh controlling access to the Gulf of Aqaba, the need for demilitarized zones as foreseen in the Security Council resolution, and final arrangements in the Gara strip."

(3) "In the context of peace and agreement on specific security safeguards, withdrawal of Israeli forces from Egyptian territory would be required."

Also contained in the Secretary's speech was a vaguely worded proposal for Jerusalem to become "a unified city," a point subsequently repeated in the Jordan peace plan. This latter differed from the Egyptian proposals only in admitting the possibility of frontier changes—"insubstantial alterations required for mutual security"—presumably because Israel's frontier with Jordan before June 1967 was so illogical as to encourage border incidents.

In all this, at first sight, there is nothing very new. The United States has always accepted the ambiguously drafted Security Council resolution of November 1967 which called for the withdrawal of Israeli forces from conquered territory. It has always been in favor of peace negotiations between Arabs and Israelis and of some arrangement which would provide for the security of all concerned. (The Secretary's remarks about Jerusalem *were* novel, but, although they seem to have excited the strongest reaction on the Israeli side, their lack of concrete detail makes them a relatively minor element in the whole scheme.) However, a careful reading of the proposals and of Mr. Roger's speech does suggest that a shift of emphasis has taken place. Far greater stress has been placed on Israeli withdrawal and far less on subjects like freedom of navigation and recognition of Israel's existence as a state than was the case, for instance, in President Johnson's speech of June 16, 1967. Nor is there any mention of a great-power guarantee of the resulting settlement. On the other hand, coupled with the plan for the first time is an offer to restore diplomatic relations with those Arab states that had broken them off in 1967.

The entire context in which the new proposals have been put forward is such as to create a feeling of disquiet among supporters of Israel. "Our policy is and will continue to be a balanced one" may seem a reasonable statement of the part America should play in the Middle East crisis, but, to an Israeli, it must inevitably give the impression that while the Soviet Union will continue to support its Arab clients, American assistance to Israel is likely to be less forthcoming than in the past. Arms sales are, of course, the chief case in point. Where is Israel now to obtain arms if not from the United States? A U.S. embargo on arms to both sides could be defined as "balanced," but its effect would be to produce a serious imbalance on the spot.

It could therefore be maintained that there has been a shift, both in the verbal expression of American policy toward Israel, and in its spirit. At the time of the Six-Day War, the State Department's declaration of neutrality had to be withdrawn under pressure from the White House. It is hard to imagine any such incident occurring today. In June of 1967, Richard H. Rovere could write from Washington: "No one here thinks that we could have avoided some kind of military involvement if the war had gone on for more than a week or two, or if there had been at any point a period of a few days in which the outcome was in doubt." It would be foolhardy to be quite so categorical about the Washington of President Nixon. The change may be one of emphasis, but it exists. What has brought it about?

The Nixon administration's attitude toward the Arab-Israeli conflict must first of all be seen against the background of American public opinion. If one thing has been made clear over the past three years, it is that Americans increasingly desire to cultivate their own garden and not to be involved in intervention overseas. Weariness of global power, reaction to an apparently endless struggle in Vietnam, a consciousness of the urgency of domestic problems—all these have combined to build up a high level of resistance in the public mind toward any step that might lead to new military commitments. Such a mood was bound to affect unfavorably Israeli expectations of American support. President Nixon's political antennae would have been functioning at a low level indeed if they had not told him that, with the war in Vietnam still continuing, any involvement in the Middle East—quite apart from its intrinsic dangers—would be highly unpopular at home. The present introspective mood of the American people has meant a tendency to turn away from problems of foreign policy or to try to settle them on terms that will lessen the demands made on the United States. The perennial crisis between Israel and the Arab states is no exception.

In the view of the State Department, of course, America's interests have always provided excellent reasons for not pushing support of Israel too far. In fact, it might be said that Mr. Rogers' "balanced" policy simply represents a logical extension of the traditional State Department position. The very existence of the Arab-Israeli dispute, combined with the fact that the United States has not been able to disassociate itself from Israel in Arab eyes, has caused a profound deterioration of America's position in the Arab world; it is perfectly understandable, therefore, that the State Department, like the British Foreign Office before it, should wish to be rid of the problem at any cost. Now, the most convenient way to achieve this aim is to put pressure on Israel—an operation for which the United States possesses the necessary leverage—rather than on the Arabs, whose intransigence cannot be affected by Washington and who, in any case, can rely on the Soviet Union for support. If such a policy does not hold out much hope of actually bringing about an agreement, one might argue that it would at least improve America's image in the Arab world, ease the position of the so-called "conservative" Arab regimes (Lebanon with its banks, Saudi Arabia and the Gulf sheikdoms with their oil), and render them less liable to overthrow by coup d'etat in the Libyan manner. Moreover, the argument might continue, such a policy would lessen the danger of a confrontation with the Soviet Union in the Eastern Mediterranean—an area where it is becoming increasingly difficult for American military forces to operate. If the Arab-Israeli dispute cannot be ended—and this, no doubt, would

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be the first objective of American diplomacy—then something could be done to salvage American economic interests in Arab countries. Those interests are real (they include annually, according to the *Economist*, $1.7 billion in earnings), and their spokesmen—oil men, airline companies, and so forth—have been making their voices heard in Washington. As against them, support of Israel has little to offer by way of material gain.

The Nixon policy in the Middle East, therefore, operates on two distinct levels. First, it is an attempt to prevent the United States from being drawn into another Arab-Israeli war. Precisely because, in 1967, America could not have avoided "some kind of military involvement if the war had gone on for more than a week or two," it has seemed urgent to the new administration to assume a somewhat more distant attitude toward the conflict. For although the Soviet Union cannot want the destruction of Israel, if only because its continued existence assures Russian preponderance in the area, no one can be certain of Moscow's control over Arab client states supplied with Russian arms and encouraged by Russian support. The direction of Soviet policy in the Middle East has been simultaneously to avoid a direct clash with the United States and to extract the maximum profit from the situation. If the Russians were forced to choose between these two objectives, it is hard to say which path they would decide to follow and what the consequences of that decision might be. It is clearly the aim of President Nixon's policy to avoid confronting them with any such agonizing choice.

Secondly, the shift toward the Arab position discernible in Mr. Roger's speech of December 9 is designed to do what can be done to improve the American position within the Arab world—an area which now includes North Africa as well as the Middle East. Here again there are reminiscences of earlier British policies, aptly described some years ago by a high Foreign Office functionary who remarked that he was on the side neither of Israel nor of the Arabs, but of the Iraq Petroleum Company.

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At present, American policy toward Israel is being influenced by considerations which may always have been present in the minds of those directly concerned with United States foreign policy, but which under President Johnson were subordinated to the kind of domestic political considerations that have traditionally swayed Democratic administrations in their dealings with Israel. President Nixon is said to have written off the vote of the Northeastern seaboard and is unlikely to get political support from the New York Jewish community whatever he does. He can, therefore, afford to listen to the advise of those professional policymakers who have always felt that the United States was overidentified with Israel. Moreover, after the Six-Day War, there is in Washington an increased awareness of the dangers intrinsic to the Middle East and, after Vietnam, a reluctance to be drawn into them.

The foregoing description of the new shape of American Middle East policy suggests that it is inspired by much the same spirit of prudent *Realpolitik* as presides over many of the new administration's activities. Yet it is not enough to wish to be realistic, especially since, in the past, a good deal of so-called "political realism" has turned out to be merely the taking of short-term views. In order to change a policy one must first be sure that it can be changed, that the material available is not so intractable as to leave little opportunity for the construction of viable alternatives. Otherwise, there will be a risk of generating policies which neither produce the results expected of them nor have the advantages of what they are supposed to replace: courses of action usually possessing some form of historical justification for their existence. In fact, the new American policy in the Middle East is by no means as hard headed a piece of *Realpolitik* as it is intented to appear. It bears, indeed many of the characteristics of hasty improvisation on the part of policy planners who feel that they should do something, but have little idea of what that something ought to be. It is hence open to criticism on several counts. In what follows I have intentionally neglected to deal at length with the moral and emotional factors—they are in themselves numerous and compelling—which would argue for continued American support of Israel. But even leaving out of account the moral side of the question, I believe there are serious flaws running through the assumptions on which the Nixon policy is based, and that it is by no means certain that American interests will best be served by a demonstration of impartiality intended to placate the Arabs.

A critique of the Nixon policy in the Middle East might begin with a discussion of two assumptions on which it appears to rest. The first one is that Arab nationalists will in fact be duly appeased by an American shift toward their point of view. The second is that stability in the area will be increased if the United States takes up a position more distant from that of Israel and closer to that of the Russians and their Arab clients than has been the case in the past.

The first assumption is demonstrably very risky. The rulers of Saudi Arabia, Kuwait, Lebanon, Tunisia, and Morocco will very probably be glad to have some evidence that the United States is taking into consideration their need to show that they are not allied to the ally of Israel. But the number of these "conservative" Arab states is rapidly dwindling, and those that remain seem destined sooner or later to follow Libya down the path of revolutionary nationalism. As for the Arab nationalist movement itself, its leaders will be satisfied with nothing short of the total disappearance of Israel, and the only way the United States could compete for their good will would be by throwing the Israelis over entirely, by consenting in effect to the reconquest of Palestine by the Arabs. Although it is clear that no American government could adopt such a policy it is equally clear that nothing short of this type of total abandonment of the Israelis is likely to appease the forces unleashed by Arab nationalism. As long as Israel exists, so long will the part played by America in its creation be remembered. America is identified with Israel because, so Arab nationalists think, Israel is a Western country encouraged and sustained by other Western countries, among which the United States is the most powerful. America will continue to be identified with Israel because in Cairo or Damascus, "American imperialism" provides a convenient alibi for the failure of the Arab countries themselves to destroy their enemy. So powerful and useful a myth is not to be countered with a few diplomatic concessions. The Arabs believe it unlikely that the United States would ever force the Israelis to evacuate Egyptian and Jordanian territory, and this too is taken as evidence that behind the State Department's enticements lurks the unregenerate protector of the Jewish state.

The United States, in short, is stuck with the consequences of Israel's existence just as the British were during the decline of their hegemony in the Middle East. There is a parallel here between Britain's attempts to cut loose from its responsibility for the establishment of a Jewish state in Palestine and America's present effort to improve its image in the Arab world. The British failure to achieve anything useful by such gestures as Sir Anthony Eden's 1955 proposals for Israeli territorial concessions to the Arabs suggests that the United States will not gain much by similar tactics today. Solutions intended to persuade Arab nationalists to moderate their maximum demands really deceive nobody, especially since the Soviet Union is prepared to point out at every turn how much further it is willing to go in the Arab interest.

The second assumption behind the recent change in American policy is that movement by the United States toward the Arab (and the Russian) position in the four-power talks at present going on in New York will help to stabilize the local situation, making war less likely and diminishing the risk of a confrontation involving America and Russia. Of course, if the Secretary of State's proposals really were to lead to the conclusion of a peace between Israel and Egypt and Jordan, or even to the imposition of a peace on the combatants by the four powers (France, Great Britain, Russia, and the United States), then this assumption would clearly have been justified. But does anyone expect either of these happy events to take place? The Arab countries, no doubt, desire an Israeli withdrawal from the territories conquered in June 1967, but, whatever individual statesmen may believe in their heart of hearts, no Arab government can afford to pay the price: a sincere recognition of Israel's continued existence as a state. Without such recognition, on the other hand, there is no inducement whatsoever for the Israelis to abandon strategic positions which they have won in battle and which they regard as major cards in their arduous game of poker with Cairo and Damascus.

As for the Russians, they certainly do not want any settlement in the Middle East which would deprive them of their role as the protectors of the Arabs or make it possible for the United States to stage a comeback in the area. Of all the parties directly concerned in the Arab-Israeli dispute only America wants a compromise solution. The Arabs and Israelis each want their own solution—the destruction of Israel or its acceptance as a permanent feature of the landscape. The Russians simply want the dispute to go on and the chasm it has hollowed between the United States and the Arabs to remain unbridged. In these circumstances it seems improbable that Mr. Rogers' proposals will actually bring peace to the Middle East. Even within the State Department they are regarded more as a means of appeasing Arab opinion than as an instrument through which the main problem can be solved.

But if the Middle East policy of the Nixon administration is not going to bring the present (admittedly unsatisfactory) situation to an end, then will it at least lessen the risk of a war, which might come to involve Russia and America, and enhance the stability of the uneasy balance of power which now exists? Roughly speaking, this balance consists, on the one side, of the Arab states supported by Russia and limited in their actions by Israeli military power, but also by a well-founded suspicion on the part of the Russians that when the chips are down the United States will be found backing Israel. On the other side stands Israel, backed to some degree by America, and restrained in its military response to Arab provocation, not so much by the power of the Arabs themselves as by that of their Russian protector. This is an equilibrium which is recognized by all parties, and which found symbolic expression in the meeting at Glassboro between President Johnson and Premier Kosygin after the Six-Day War. It is a balance of power with which all parties are by now familiar—a not unimportant point since political behavior in crisis tends to be a matter of conditioned reflexes.

On the basis of these facts it could be argued, contrary to the State Department's position, that should the Russians or Arabs gain the impression that American support of Israel in a crisis might be in doubt, the balance of power would be seriously affected in such a way as actually do increase the chances for renewed hostilities. Furthermore, the United States at present has some influence in Jerusalem which it exerts to moderate the use of Israel's undoubted military superiority. But if it were to become apparent to Israel's leaders that they could not rely on American support in a pinch, then they might be tempted once again to undertake a preventive war—a counsel of despair, no doubt, but better from the Israelis' point of view than waiting while their international position deteriorates and arms become harder and harder to obtain.

Thus the new course set by the Nixon administration does not seem very likely either to restore American influence in the Arab world or to increase peace and stability in the Middle East; with regard to the latter aim, indeed, it might well prove to be counter-productive. It becomes a bit difficult, therefore, to see what it *can* achieve. The motives which have led Mr. Rogers and the State Department to their present policy have been discussed above. They are perfectly clear and quite respectable. It is in its estimate of the freedom of maneuver open to the United States in the Middle East that President Nixon's administration, like other governments before it, has erred. The difficulties and disappointments to which American policy in the Middle East has been and will continue to be subject will not be diminished by taking an unrealistic view of the possibilities. If, as I have suggested, the United States cannot hope to do much about restoring its influence in the Arab world, then it must do what it can to build an alternative policy.

What might such an alternative policy be? In terms of power politics alone, there are a number of arguments for continuing the policy followed by the Johnson administration during and after the Six-Day War—arguments which have nothing to do with the Jewish vote or even with the emotional ties between Israel and the United States. Some of these arguments have already been mentioned, but it is worth repeating them here in a slightly different form, since, once put together, they add up to a coherent and, it might be claimed, more realistic view of America's role in the Middle East than that adopted by the Nixon administration.

(1) Whatever concessions the United States may make to Arab nationalist feeling, it cannot carry those concessions to the point of conniving at the destruction of Israel. It will, therefore, always be outbid for Arab affections by the Soviet Union, which operates under no moral or political restraints on this aspect of its policy and is, of course, hostile to Zionism for internal reasons. As for the "conservative" Arab regimes whose life might be made marginally easier by American appeasement of Arab opinion, the chances of their survival offer no firm basis for policy.

(2) Support of Israel insures the existence of at least one Middle Eastern country friendly to the United States—a country endowed with a stable and efficient system of democratic government, with a high level of technological capability, and with considerable military strength. From the point of view of power politics, this is not an asset to be despised, especially when the general deterioration of the American position in the Mediterranean is taken into consideration.

(3) Support of Israel is essentially an "offshore" operation, one not likely to require the commitment of American troops on Middle Eastern soil. Given the availability of weapons, the Israelis are quite capable of looking after themselves. On the diplomatic side, the United States would also have to hold its own against the Russians, but this should not be more difficult than it was, say, at the time of the Six-Day War. It is worth noting that the one successful American attempt to influence events in the Arab world—the Eisenhower doctrine—did involve the landing of troops in Lebanon. The Eisenhower doctrine was indeed the first occasion on which the United States undertook a generalized responsibility for the stability of a particular area, the first occasion on which the "world policeman" was seen on his beat. A commitment to Israel would be considerably less difficult to maintain.

(4) I have already argued that firm American support of Israel, far from increasing international instability, is more likely to lessen it by preserving a local balance which depends essentially on everyone's actions being predictable. It might be added that, in dangerous international situations, the status quo is often preferable to movement. America, in particular, as a status quo power, has more to lose than to gain from a fluid international situation, and the Middle East crisis provides no exception to this rule. It was sound political instinct that led President Johnson, in his speech of June 19, 1967, to emphasize the need for "recognized and secure frontiers" rather than to raise the question of an Israeli withdrawal from the conquered territories—a concession only conceivable within the framework of what now appears to be an unattainable general settlement. Even an unsatisfactory and unjust status quo gives statesmen more to work with than a totally mobile environment. It is not the least disadvantage of Mr. Rogers's new plan that it tends to unsettle the one fixed point in the situation accepted by all parties: the present armistice lines.

No doubt, the existence of Israel and of the Arabi-Israeli strife is a stumbling-block in the path of America diplomacy. It would not be too paradoxical to say that, in terms of power politics, the United States has every reason for wishing that Israel had never come into existence, while the Soviet Union has every reason for wishing it to remain as an obstacle to reconciliation between America and the Arabs. Yet Israel is there, and its presence does impose a choice upon American policymakers—a choice which ultimately cannot be evaded by talk of "balanced" policies. This, of course, does not mean that the United States should not counsel the Israelis to moderation in the use of their military power, to generosity and humanity in their relations with the Arabs who live in the occupied territories, and to concern for the Arab refugees. No friend of Israel would wish other advice to be given. But it does mean that America should firmly maintain its commitment to Israel's future and should not call in doubt the solidity of its support by pitching too high its demands for compromise on the part of Israel.

Finally, it was almost certainly not Mr. Rogers' intention to suggest that the Nixon administration is any less committed to the continued *existence* of Israel than was its predecessor. In his message to a conference of American Jewish leaders in January, moreover, the President stated that America does not intend to "impose the terms of peace"; and, after all, Israel is also getting delivery of fifty Phantoms and may get more now that France has sold Mirages to Libya. If, however, the Nixon policy for the Middle East does not herald any fundamental change, it is difficult to see what point there was in putting it forward. If, on the other hand, it does imply an alteration large enough to have an impact on the situation, then it is easy to see why the Israelis are worried. But perhaps neither of these interpretations is wholly true. It can more accurately be said that there has been a real change in American policy, but that the facts of the siutation will continue recalcitrant in their refusal to fall into the patterns desired by the State Department. This is not precisely a flattering verdict on a carefully planned exercise in diplomacy, but it is one that has often fallen on the efforts of other countries to cope with the problems of the Middle East. In failing to solve those problems America will simply be joining the majority of those who have had anything to do with the area. It remains, however, a matter of some concern that abortive plans, conceived without sufficient regard for brute fact, should not be allowed to make matters worse than they already are.

Postscript: From mid-January, when the preceding pages were written, to early February, evidence of indecision within the administration continued to present itself. A report in the New York *Times* that Israel would be allowed to purchase 25 more Phantoms and 80 Skyhawk fighters was instantly pooh-poohed by the State Department. After a meeting in Cairo of Egypt, Jordan, Syria, Iraq, and the Sudan, the United States was implicitly warned that further military aid to Israel might endanger the position of American oil companies in the Middle East, while the Russians, for their part, mustered to the side of their Arab clients with a letter from Premier Kosygin to President Nixon, President Pompidou, and Prime Minister Wilson; this letter hinted strongly that, should more American arms be promised for delivery to Israel, the Soviets stood ready in turn to supply Egypt with the new Mig–23 fighters. In the meantime, President Nixon had more or less reaffirmed the Secretary of State's "balanced policy" by declaring at his press conference of January 30: "We are neither pro-Arab nor pro-Israel. We are pro-peace"—a statement a good deal more enigmatic than that of the British Foreign Officer quoted above.

All these developments, however, still leave unanswered the question asked at the beginning of this article: "To what degree has the Nixon administration changed American policy in the Middle East?" Strong overtones of in-fighting can now be discerned among different branches of the government, with the State Department stressing the concrete American interests in the area (above all, oil), and the White House displaying a greater consciousness of the domestic political implications of its position toward Israel; perhaps, after all, President Nixon has not despaired of the New York vote. But he must now also be aware that the Russians have put themselves publicly in the position of having to reply in kind to new American deliveries of aircraft to Israel. In the event, much will depend on how far Moscow is willing to go toward involving itself in the Arab-Israeli confrontation. Providing Egypt with Mig–23's would be a striking gesture, but one with few practical consequences unless pilots were supplied as well—a move that would bring the Soviet Union into the front line of the Arab-Israeli conflict and would risk precipitating a sharp crisis in relations with the United States.

Under the present circumstances, it is, in my opinion, more important than ever that American policy should not show any indecision in its support of Israel. Should the Nixon administration decide, as a result of the threats implicit in Premier Kosygin's note, not to send further aircraft to Israel, then the Israelis might reasonably draw the conclusion that the Soviet Union possesses a right of veto over the supply of advanced weapons from their one remaining source. And in that case, what would remain but the policy of despair—to provoke a military confrontation as soon possible? If, on the other hand, the aircraft are promised for delivery, it is more likely that the Soviet Union will refrain from direct military involvement (i.e., sending pilots and technicians with the MIG–23's), especially if it should be made clear that such involvement would bring about a sharp American reaction. At this level of international crisis, American oil interests in Arab countries and even Mr. Roger's conversations with Moroccan or Tunisian leaders are of secondary importance.

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President Nixon's declaration of impartiality solves nothing, and it certainly will not prevent the United States from having to make an eventual choice. In the final analysis, as I have already noted, that choice will in any case be assumed by the Arabs to be pro-Israel. The Soviet Union, in addition, is evidently convinced that there is now a sporting chance that America will accept the imbalance in the Middle East already brought about by the French sale of Mirages to Libya; the possible consequences of such an attitude are unpleasant to contemplate. At the time of the Six-Day War, Russia hesitated to intervene directly in the Arab-Israeli struggle, and its hesitation was in large measure traceable to the firm position adopted by the United States. A similar clarity of policy today is the only course likely to prevent further escalation in the Middle East.

HELEN GREENBERG—A CIVIC LEADER

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. CORMAN. Mr. Speaker, I rise today to share with you and my colleagues a tribute to an outstanding person—my friend and a community leader—Mrs. Helen Greenberg of Van Nuys, Calif.

I first got to know this remarkable woman during the 1952 election campaign when I was area chairman for 10 of 40 precincts in the 22d Congressional District of California, the district I now have the honor to represent. Although Helen had a string of civic accomplishments to her name then, she was so new to politics that, according to her friends, she "thought a precinct was a police station." Nevertheless, with her characteristic willingness to tackle anything, Helen had taken on the responsibility of overseeing the activities of precinct workers in all 40 of the district's precincts.

Largely as a result of the enthusiasm that Helen stirred up wherever she went, fresh life was breathed into the Democratic Party structure throughout the entire San Fernando Valley. Her political activities since 1952 culminated in a longstanding objective when, a short time ago, she opened the San Fernando Valley's permanent Democratic headquarters.

This same enthusiasm and success were evident in all of her civic undertakings. She won the gratitude of the valley when, by her efforts, two lovely parks in Van Nuys were preserved before the area's rapid growth gobbled up all the open space.

Helen Greenberg's participation in the affairs of the Van Nuys Women's Club, the B'nai Brith Women's Division, the PTA, the Los Angeles County Human Relation Commission, among others, brought honor to her as well as to the organizations. How right were the words written about her in her high school graduation yearbook—that she would be "a friend to all, for she has a heart to resolve, a head to contrive and a hand to execute."

On April 17 I shall join with all of Helen Greenberg's friends and family to honor her at a dinner in Van Nuys. It will be a rare pleasure to pay tribute to this remarkable person. Many of us attending the dinner are grateful beneficiaries not only of her friendship but of her effective and active support. But, I believe that the greatest beneficiary of her friendship, resolve, intelligence, and executive ability is the San Fernando Valley, where her family came as one of the first settlers of Van Nuys in 1911.

A BUSINESSMAN LOOKS AT THE NEW FEDERALISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. DERWINSKI. Mr. Speaker, major corporate executives have developed a very necessary interest in the field of public affairs since governments at all levels, directly or indirectly, have a definite influence upon the formation of corporate policies. Therefore, I was especially interested to note the very timely and penetrating commentary by Mr. Blaine J. Yarrington, president of American Oil Co., in an address at the 10th Annual Washington Conference on Business-Government Relations held here in Washington on March 23.

American Oil Co. has been a leader in progressive corporate public affairs programs and I believe that the views of Mr. Yarrington pertaining to new federalism merit thoughtful review.

A BUSINESSMAN LOOKS AT THE NEW FEDERALISM

(B. J. Yarrington)

This is a time when it would seem that the nation has more problems than it can number, much less solve. Some of them are really symptoms, rather than problems in themselves. Some others, though, are much more basic, and it's to this second group that we have to devote the major part of our national attention and effort.

One such elemental domestic problem, in my view, is the growing conviction among our citizens that they have lost control of their government. The size and complexity of the job overawes the ordinary voter-taxpayer. More than that, he feels that the forces controlling his life are distant and inaccessible. Most significant, he believes that these forces are becoming less accountable to him, and less responsive to his wishes.

What is apparent is a growing sense of frustration among the people whom government is designed to serve. Often this shows up in the political life of the country as an apathy at the polls. But what's happening, of course, is that a certain rage continues to build up against the "system." A man sees his tax money being spent on things he's opposed to, or he feels that it's being wasted. He can't seem to find a responsible person or agency. He sees no way to make himself an effective force in Washington; even state government seems immovable to him.

So when the explosion comes—and come it does, eventually—the target is likely to be nearby. It's likely to be some local institution where a taxpayer does still feel he retains direct control. He can still vote down a city bond issue to build a badly needed sewer system; he can still refuse his local school district an increase in its educational levy to pay better teacher salaries.

And if he feels sufficiently frustrated, sufficiently powerless, this is just what he does. It doesn't solve his problem; in fact, it makes it worse. But he does it just the same.

To my mind, the answer—or at least the first step leading to an answer—is to return more authority and more direct responsibility to state and local levels of government. An insurance executive, J. Henry Smith of Equitable, put the propositon recently in these words: "The major problem is how to keep the state and local governments from becoming the small and unimportant junior partner in the relationship. To prevent this from happening, a deliberate policy must be initiated to encourage the growth of local institutions so that they will be strong enough to be independent of the federal government and wise and mature enough to work constructively *with* the federal government. . . ."

This pretty well describes my concept of this thing we hear called the "new federalism." The principle of decentralization of power is at the heart of the matter, and simultaneously there must be an infusion of financial strength into our state governments so that they can adequately take on their new responsibilities.

All very well, we agree. An individual ought to have closer control of how his tax money is spent, and the new federalism is a way of moving in that direction. But what's the businessman's interest in this? What stake does a corporation like American Oil have in the outcome?

In the first place, my company—like any other corporation—needs the kind of economic and political climate in which we can continue to produce goods, provide jobs, pay taxes, and—not at all incidentally—make a reasonable profit. This seems to us more likely to continue in an atmosphere of shared responsibility among the levels of government.

We've not been captured by the delusion that this or any other proposal is going to drastically reduce the cost of government. Certainly the governing of 200 million people will continue to be a very costly process. And if we ask—as we do in the theme of this session today—"Where is the money coming from?", we recognize that a great part of it will come from the taxes that we and other corporations pay.

So our stake, in this sense, is very direct.

There are, I'm sure, a number of political has-beens in the ranks of American businessmen who still believe that all would be well and life would be beautiful if only government would leave us alone. I've divorced myself from this kind of thinking, as I think most responsible businessmen have. We see instead the need for working constructively with government—and we regard the cost of government as something quite as necessary as the cost of building plants and meeting payrolls.

At the same time I feel very strongly—as a businessman as well as an individual taxpayer—that in return for my money I should have as effective and efficient a government as I can get.

For a dollar's worth of taxes, a person or a corporation ought to get a dollar's worth of good government. It's a simple premise—and not at all original. But it's essential.

For every dollar in taxes, a dollar's worth of responsible government—a dollar's worth of fair, equitable treatment—a dollar's worth of equal protection under the law—a dollar's worth of fair administration of the law.

This is the atmosphere that allows a business to prosper and to produce the tax revenue with which government can provide its services. And it's really the main thing a business corporation has a right to ask. With it, you can be sure that we will get on with our primary job of contributing to the economy

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through producing goods and providing employment for people.

What confronts the advocates of the new federalism today, then, is the need to find specific ways of making it work so that citizens and corporations can both make their best respective contributions to the national life.

I don't pretend to have any clear, structured answer. Particularly I'm not of that school—also rather Neanderthal—that believes utopia would emerge if only government were run the way business is run. They're two different animals, for one thing—and for another, I've seen too many instances in which the much-vaunted efficiency of the corporation was little more than a myth.

But perhaps a businessman can offer some help by pointing to some of the parallels that do exist between corporate and governmental institutions. Then, if it appears that business has made progress with solving common problems, perhaps our solutions can be adapted to use in the new federalist approach.

Parallel One: Government, especially at the state level, is subject to competitive pressures very much like those that beset the corporation. States seek new industry and new residents as we seek new customers, and for much the same reason: They produce the revenue needed if we continue to exist. And just as the business offering the best service at the lowest cost is likely to attract the most customers, so should a state consider carefully how well it is competing with other states on these two factors. While it's true that a low tax rate is a substantial incentive to an industry looking for a place to build a new plant, it's also true that things like good roads and waterways are essential. Unless a state can provide these and other necessary services, low taxes alone won't attract revenue-generating industry.

Parallel Two: Both corporations and governments, as they grow and mature, tend to become rigid and overburdened with tradition. Each retains unnecessary activities and unproductive jobs through inertia. Each must eventually face the time when something has to be done to end the stagnation—and often that something has to be a deep-cutting and broad-scale change in organizational structure.

Let me cite an example. Years ago, when I first joined American Oil, I was working as a clerk in St. Joe, Missouri. The first time I looked at a map showing our St. Joe sales district, I was amazed. Here was what must have been the strangest shaped piece of marketing territory ever devised—a strip all the way west to the Colorado border, but only a few miles wide. Yet, at the time, it made real sense. The strip followed the railroad west, which meant that a salesman covering the district could take the train, get off at the towns where we had bulk stations, do his work, and take the next train for another town. The bulk stations themselves were dotted along the railway in order to get better delivery of products. So the thin line worked very well in its day.

But can you imagine a major oil company trying to market its products today with the same kind of organizational structure? We've had to adapt our organization many times to answer the new needs of a changing environment and the constant pressure of competition. I'd say we've become, in a sense, experts on change . . . and this is true of every business that has survived and prospered.

The principle is one which I believe governments, especially state and local governments, will have to embrace if the new federalism is going to fulfill its potential. It's true that the faces in government change, through election or patronage, but the structures are often as archaic as that old sales district along the railroad track. To appreciate the point, ask yourself how many times there have been consolidations of political territories in your state—with the exception of school districts? I suggest some serious consideration will have to be given to this kind of structural renovation.

Parallel Three: Both government and corporations can benefit from a sound and carefully planned decentralization of authority. Again, using my own company as an example, we have recently gone through a major change that very substantially increases the authority of field management to make decisions and to control the money needed to implement them. More power now resides at the local level, where the action is.

It's immediately obvious, of course, that this action is similar to the principles of new federalism—a shifting of authority away from the center. In both there is a common factor that is tremendously important: The decentralization of authority has to be accompanied by a workable system of accountability. This is especially true in dealing with finances. It means that in government, the responsibility for *spending* money is best linked to the power that is responsible for *raising* it.

I see this as the major objection to a system of straight tax-sharing, in which a specified share of the income taxes collected by the federal government would be distributed to state and local governments with no strings attached. The plan, along with a somewhat similar plan of making block grants to states, has much to recommend it. It would serve the interests of our "new federalism" by contributing to a new vitality and independence for state and local governments. It would give the most creative and innovative state and local officials some extra financial elbow room. As a long advocate of tax sharing, Walter Heller, says: "Unlike the present grants-in-aid, the tax-shared revenue would yield a dependable flow of federal funds in a form that would enlarge, not restrict, their options." Even so, I believe that this type of financial decentralization *has a serious flaw:* its lack of any sound, easily visible system of accountability to the taxpayer who must provide the revenue in the first place.

Whether tax-sharing as such is the final answer, certainly there is a need to strengthen the financial position of state and local government. In times of economic growth, our progressive income tax makes certain that revenue bounties are heaped upon the federal government. State and local tax systems, based as so many are upon property levies, are comparatively unresponsive to economic growth. To the contrary, an affluent society seems to provide the states with less money and more problems. As Heller points out: "Washington collects more than two-thirds of the total federal, state, and local tax take; yet nearly two-thirds of government public services (leaving aside defense and social security programs) are provided by state-local government."

A financial "new federalism" certainly seems necessary in circumstances like this. Yet there is still another problem that we had better face realistically: Much of the need for money to provide state and local services arises from the needs of urban citizens, particularly the urban poor. At the same time, many state governments remain ideologically agrarian—oriented to the farm and the small community. Such states may have difficulty convincing the public that they are the best instrumentalities for receiving and spending large sums devoted to urban problems.

Lawrence Mayer, writing in *Fortune*, puts it even more bluntly: "Many people experienced in the ways of government," he says, "basically don't trust states and localities to enforce proper controls, avoid corruption, spend money on the most necessary or promising projects, channel outlays to urban areas where the need is greatest, or give due regard to the rights of minorities and labor unions."

Whether justified or not, states are living today with this kind of reputation. Yet a great deal is going on in some states to overcome the inherited burden. A good many governors today are younger, better educated, more issue-oriented than their political forebears. State legislatures tend to be more alert to human problems. And both administrators and legislators are blessed with skilled, knowledgeable professional staffs, with access to such aids as data processing and modern budgeting and planning tools.

Illinois is an excellent example of a state that is making real progress in reaching more efficient levels of budgeting and finance—and a very considerable share of the credit for this must go to my colleague on this panel, John McCarter, Jr. Through his efforts, and with the support of Governor Ogilvie and the legislature, Illinois is developing needed mechanisms of self improvement. And that I regard as a primary requirement if a new federalism is to be successful.

There are, in fact, two principal conditions I believe are essential to its success, and both involve changes in the way things are now being done.

First—on the part of government—I see the need to reorganize structurally on the State and local levels. The systems under which these units are governed are all too often archaic, weighted down with the accumulation of years of tradition and privilege, just not adapted to the needs of today. To borrow a metaphor from the oil business, before we begin pumping extra money back to these units, we'd better see what shape the pipeline is in. And if it's about to come apart at the seams, we'd better fix it.

Here's a situation in which business expertise could prove extremely valuable. We can—and I'm sure we'd be very willing to—provide people with administrative and management experience to serve on study commissions. Certainly an outside opinion is important when a governmental unit, or any organization, sets about to examine its own structure and then to make the changes necessary in order to operate more efficiently.

Second—mainly on the part of business—I see the need to change some prevailing attitudes toward government. The time is long gone when simplicity ruled and it was quite logical and feasible for a businessman to regard all government as an ogre, intent on ruining him through unwarranted interference in his activities.

We're in a different climate today—a complex and confusing climate—in which roles of people and institutions are changing. I will always be a strong advocate of the view that the private sector should be as free from government control as the needs of society will permit. At the same time, I also recognize that the needs of society in the urbanized, computerized, fast-paced 1970's are different from what they have been in the past.

Look at environmental conservation as one example. Industry is called upon to spend many hundreds of millions of dollars on facilities to improve the quality of our air and water. But in our economy, industry can go only so far without help of some kind. The company that is willing to spend more for conservation equipment faces the hard economic fact that its competitor, with less social conscience, may spend less—and consequently be able to cut prices and win customers.

Here is where business must welcome some kind of government action—possibly incentives through tax credits, or possibly through regulation to make sure that all competitors are placed on an equal footing. However it's done, it's a necessary part of survival for the corporation that does care about its social responsibilities.

Structural changes, and new attitudes toward the business-government relationship: These are, in my view, the requisites that will have to be met in order to make the new

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federalism a viable and useful part of our national life.

I hope we do meet them—and I believe that there are enough enlightened minds in business management today that corporations are ready and eager to do their part in meeting them.

Thank you.

REPORT FROM CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. ESHLEMAN. Mr. Speaker, I recently sent a newsletter to my constituents in Pennsylvania's 16th District. I include the contents of that newsletter in the RECORD at this point:

STUDY IN CONTRAST

Not too long ago, a scene in the Federal Court House in Chicago showed an odd contrast. In one room the Conspiracy Seven trial saw and heard radical defendants cursing the United States. At the same time, just down the hall in another room, forty new citizens proudly took a pledge to support and uphold the Nation's institutions and ideals. One group, believing liberty to be license, obviously has dedicated itself to tearing down America. The other group, believing liberty to be opportunity, was eager to begin the job of building new lives as citizens of the world's greatest country.

PRESIDENTIAL PRESENTATION

I am pictured at the right handling President Nixon three petitions from the 16th District. (Picture not reproduced in the RECORD.) These petitions indicated that the silent majority from our area back the President's objectives in Vietnam. Mr. Nixon has said that the continued support of the American people will be necessary to assure a quick and just peace in Southeast Asia. I feel confident that he will continue to get that backing from the Pennsylvania Dutch country.

A TAX FACT

Congressman George Goodling, our next door neighbor, has his own definition for taxation. "Taxation," he says, "is the art of picking the goose to secure the maximum amount of feathers with the minimum amount of squawking." If the letters I have been receiving recently from some of you are a reliable indicator, the goose has just about had it. He has been picked clean and is squawking loudly. The tax cut enacted by Congress last year should be of some help by next year, but I can appreciate that future relief does not pay bills right now.

POINT TO PONDER

From Edmund Burke: "Whenever a separation is made between liberty and justice, neither, in my opinion is safe."

POLLUTION WAR POINT

The great fight to save our environment may prove to be one of the most significant crusades in the history of the country. But in our eagerness to curb pollution, we must not allow ourselves to become victims of political expediency. This point was best made by a White House assistant in what I think is a timely warning. "The President knows that great goals are not enough. He recognizes that there must be realistic means to reach those goals. We must control the despoilers of America—the polluters of our land, our water and our air—while keeping the despoilers of democracy from turning new government controls into tax-wasting rackets."

VISITING VOLUNTEERS

The young people shown in the picture on the left visited my Capitol Hill office a couple of weeks ago. They are serving with the Mennonite Voluntary Service Center in the District of Columbia. Washington is, of course, a city of many serious problems, and these young people are to be commended for trying to help find solutions to those problems, particularly the tragedies growing out of human need. The 16th District is represented well within the group. Those pictured are Helen Kraybill, Eva Beidler, Betty Good, Harvey Zeager, Leon Brubaker, Herbert Mutt and Nelson Good. My research assistant, Bob Walker, also is shown. (Picture not reproduced in the RECORD.)

WELFARE REFORM

There is general agreement that our welfare system has to be changed. No one likes it and the disenchantment is not difficult to understand. The welfare recipient is frozen into a cycle of poverty perpetuation. The hard-pressed taxpayer, who foots the bill for welfare, sees his dollars wasted as abuse after abuse further cripple a basically bad program. It is these considerations which are foremost in my mind as Congress approaches a vote on welfare reform. While I am not totally sold on the Family Assistance Plan first proposed by the Nixon Administration as a replacement for the present welfare disaster, I cannot help but think that the new program is a substantial improvement over the old. I do not like the idea that acceptance of the Family Assistance income formula may seem to legitimize dependency, but I cannot help but feel that the part of the plan which ties welfare to work will produce favorable results. The number one goal in any welfare reform must be to assure that incentives exist to make a person contribute something to society rather than merely take a handout from society. In other words, a free chance—not a free ride.

ECLIPSE AD

This month as many of us in Pennsylvania Dutch country looked at one of nature's wonders, so did many Washingtonians. However, the sky observers around the Nation's Capital were greeted by something a little different from what we saw in Lancaster, Lebanon and Lower Dauphin Counties. Just as the moon was beginning to cover the sun, a small plane flew overhead towing a sign which read, "Eclipse Sponsored By Bob Peck Chevy."

THE QUEST FOR EDUCATIONAL QUALITY

In an American's mind, a school is one of the focal points of any community. The reason for this image is that the school is the outward symbol of the importance we place on educating our children. Education is among the great American faiths. So strong is our faith in the value of formal training for all youth that we have supported it not only with our dollars, but with our dreams.

In recent years, we have watched sadly as some of the meaning has been lost from that faith in education. Many things have contributed to a creeping wave of disillusionment—the breakdown of the educational process in several of our large cities, the acknowledged drug problem among great numbers of our students, the radical movements on many college campuses which seem aimed at destruction rather than hope, and that uneasy feeling that somehow, somewhere, something went wrong in our schools. For awhile, we passed it all off as a temporary aberration brought on by some readily identifiable factors like overcrowded classrooms, teacher shortages and a lack of proper funds. But then we found that even as these so-called temporary factors were dealt with, the situation continued to deteriorate. Federal money, fancy new programs, and liberalized learning atmospheres have not cured education's ills. There is an igredient missing.

Quality is the ingredient that must be added to our educational endeavors if the American faith in public schooling is to be revived. The stress on quality got lost in our enthusiasm for reaching great educational goals during the last decade. Now, even after unprecedented spending for education, the schools are beginning to collapse in a crisis of non-achievement. The programs of the 1960s did not produce notable results. Why? Because we trusted a philosophy which led us to believe that learning is a matter of pouring tax dollars into hastily concocted programs with high-sounding names. You cannot buy education. Money only buys the things which go into teaching and learning. The price of quality education comes much higher. It is hard work and there can be no substitutes.

No one is more aware of that need for hard work than our educators. The good teacher knows that fancy programs cannot match the value of excellence in instruction. They also know that excellence in instruction is impossible when the schools become targets for political exploitation, when expensive experimentation replaces learning as the number one consideration, or when undisciplined chaos engulfs their classrooms. The problems are real, the solutions are difficult, and hard work is the only answer. Many educators are in the forefront of the effort to reclaim quality in education, and their contributions toward that goal should be heeded and congratulated.

It seems likely that any search for quality will summon a new look at some old educational fundamentals. For instance, many teachers have become convinced that the ability to read must be stressed above all else. While such a position is not so difficult to understand, it does harken back to the days of readin', ritin' and 'rithmetic. Yet, there is clear evidence that the failure of students to achieve is directly related to their lack of reading skills. Therefore, it does seem logical that quality education should have as one of its prime goals the development of this basic skill of reading. Toward that end the "Right to Read" program has been advocated by the Nixon Administration.

Getting back to stress on some of the basics like reading would be quite a change in our schools. Programs of the immediate past, particularly those funded by the Federal Government, often have emphasized social adjustments, behavioral patterns and other immeasurable aspects of education. A redirection of federal energies could help in bringing about an overall shift in educational thinking.

But, there are educational questions that may require more than a restoration of time-tried fundamentals. Yet, quality schools in the future will demand that these questions be answered, and therefore federal involvement in the field cannot ignore them. How do we deal with the growing problem of drug abuse among teenagers? What can be done about the breakdown of discipline within some schools? What is a good teacher, and how do we assure that only good teachers are in all our classrooms? What kind of curriculum will best prepare the Nation's youth to meet the challenges of the years ahead? Finding answers will require inquiry into educational practices and creation of some new approaches to the learning process. An important federal contribution could be provision of the apparatus and resources to do this job of research and development.

President Nixon has recommended to Congress that a major effort be made in the area of research and development in education. He has suggested formation of a unit within the government that will help determine what works and what does not work in the teaching and learning business. While implementation of this proposal would be

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no guarantee of vastly improved educational quality, it might prevent billions of dollars from being poured into ill-conceived programs.

The research and development idea has its critics. Almost immediately, the proposal came under fire from those who favor ever-increasing federal expenditures for education without evaluation of the effectiveness being purchased. Within twenty-four hours after the announcement of President Nixon's plan, the powerful education lobby led by the National Education Association claimed that his request represented a backtracking on the national commitment to better schools. Thus the lobby seemed to confirm suspicions that its prime objective is a simple matter of getting more federal money only.

If we could be certain that mere quantities of money buy school quality, the goals of the lobbying effort might be better understood. But, much of the evidence of the past decade indicates otherwise. The evidence points to a need for some evaluation of educational effectiveness. Hopefully, the findings of such research would permit us to use federal tax dollars more wisely toward giving American young people the best schools in the world.

The real issue at stake in the quest for quality is regaining the public's faith in educational excellence. It certainly is not a matter that will be resolved completely on the federal level, nor should it become strictly a federal consideration. We discovered long ago that the best schools are usually those which are the pride of a particular community. Good education is a matter of community interest and community direction. That pattern can be supplemented by federal activity, but should never be weakened or replaced by federal involvement.

S.A.V.E.

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. STEIGER of Arizona. Mr. Speaker, Arizona is the home of S.A.V.E., Inc.—Sportsmen Against Vandalism Everywhere—to improve sportsman-landowner relations in order to preserve the scenic beauty of the outdoors and insure that adequate lands are available for various recreational activities. From my knowledge of its goals, it is an organization that deserves the support of all concerned over these increasing problems.

I include the following:

S.A.V.E.—SPORTSMEN AGAINST VANDALISM EVERYWHERE CAMPAIGN

The SAVE Campaign came into being in Arizona in 1963. The originator, Mr. Robert Hirsch, was an Arizona Varmint Caller. The slogan originated at that time, with the distinctive stop sign emblem and the SAVE Kit coming later. The idea of the SAVE Campaign was to combat the vandalism-littering problem; to reduce it to promote a better Sportsman-Landowner relationship between the users of these lands in pursuit of their sports, hobbies, vacations, recreation, and other outdoor activities and the owners and administrators of public and private lands.

It was through the promotion and efforts of the Arizona Varmint Callers Association, Inc. (AVCA), that aims and objectives of the SAVE Campaign have bourne fruit to date. In 1963, the SAVE Campaign was judged 2nd Place in a National competition in a public relations program. It has also won a number of awards since.

The 25¢ SAVE Kit has been the main source of revenue to carry out the SAVE Campaign. The SAVE Kits, Posters, and Signs, plus word-of-mouth have spread the SAVE message across the nation. Over 20,000 SAVE Kits and over 30,000 SAVE Posters and SAVE Signs have been distributed to date, by interested Sportsmen and Sportsmen groups. The SAVE Buttons have sprouted as bolo ties, earrings, key chains, etc. The SAVE Emblem is now a common sight on Arizona registered vehicles as well as on out-of-state vehicles in surrounding states.

The SAVE Campaign, to date, has been a rallying point for those who want to do something about the vandalism-littering blight on our lands and recreational facilities and along our highways and byways. The SAVE Campaign has been a monument to the Arizona Varmint Callers Association (AVCA), other Sportsmen, Sportsmen groups, and State Agencies who have contributed endless hours to its cause and endeavors; and to corporations that have provided financial support. This has been no small task, with the general disinterest in this blight.

The Arizona Varmint Callers Association, Inc. (AVCA), realizing that they neither have the manpower nor the funds to perpetuate and promote the SAVE Campaign in a national program, has taken its name off the SAVE Emblem, released the SAVE Campaign and its copyrighted Emblem and Slogan to SAVE, Inc. Save, Inc. was formed for the purpose of perpetuating and promoting the SAVE Campaign, and spreading the SAVE message throughout this nation.

SAVE, Inc. is a non-profit educational organization formed in the State of Arizona to carry out the aims and objectives of the SAVE Campaign and to conduct its business. At this time, the SAVE, Inc. directors, officers, and committees are selected from statewide and national affiliated organizations and groups in the State of Arizona. Here is a sampling of costs nationally—over $500,000,000 is needed each year of your and my tax monies for vandalized areas of recreation and their facilities in this nation—as well as litter clean up on these areas, too. The National Forests budgets 2.5 million dollars each year for vandalism-littering acts. The National Parks and Monuments budgets 1.5 million dollars each year for this blight (since hunting is not allowed on these areas, it is hard to blame the hunter for these acts).

UTAH—One Ranger's area has over $500.00 each week in vandalism damage ($26,000.00 annually). Speaking of forests, Weyehauser Lumber Company in the state of Washington has a vandalism-littering expenditure of over $150,000.00 annually on their lands and are considering the closure of their free camping areas or charging for their use.

Here is a sample of what it costs state highway departments due to vandalism and littering problems. State of Washington—$500,000.00 annually. Arizona—$250,000.00 annually. Maricopa County Highway Department replaces between 500–800 highway signs each month at an average cost of $15.00. Over $10,000.00 annually. They are spray painted, knocked down, chopped up, and shot up (each bullet hole costs an average of $35.00). Each piece of litter picked up from the highway costs ten cents.

It costs the Taxpayers of Arizona for Easter week-end vandalism in their Buckskin State Park over $1,200.00. Sprinkler heads, $25.00; towel dispensers in cabanas, $50.00; trees (3), $125.00; manhours of rangers, $1,000.00 worth—plus more repairing and painting to be done when legislature appropriates more funds (tax monies).

I hope that you understand why we can no longer afford or tolerate this evil and drain of our tax monies. This UN-necessary EVIL is a waste of your and my tax monies that could have been put to better use for more recreational areas and facilities in our great outdoors.

1. The aims and objectives of the SAVE Campaign and its program is to educate the Sportsman and the general public to cooperate with private land owners and Public Domain Administrators in good outdoor manners in pursuit of their outdoor activities, for the following purposes:

a. To prevent the wide spread of more locked gates to public and private lands or areas.

b. To prevent the spread of more "No Trespassing" and "No Hunting" signs to users of the great outdoors in pursuit of outdoor activities.

c. To reopen lands and areas to the general public that have been closed in the past.

d. To get users of these lands and areas to identify themselves to owners or other administrators, indicate the purpose of their visit, and ask permission to use the area.

e. To teach the general public and users of public and private lands or areas to respect the rights of, and cooperate with, owners while using their lands.

2. The SAVE Campaign consists of the following to get the SAVE message across and to reach the goals of its aims and objectives:

a. Distributing SAVE Kits, posters, and signs to interested parties.

b. Supplying or placing SAVE posters and signs in heavily used recreation areas.

c. Supplying or placing SAVE barrels in heavily used recreation areas for trash disposal.

d. Conducting clean-ups along streams, lake sides, highways; clearing and making hiking or survival trails on public and private lands.

e. Last, but not least—The most important part of the SAVE Campaign is the reimbursement of expenses incurred for appearing as a prosecution witness to an act of vandalism in court upon defendant's conviction. (SAVE has done this in two cases which have been submitted to date). One was for two men shooting holes in a steel stock or water tank and the other was for leaving a littered campsite in a forest area.

WHAT CAN YOU AND I DO TO HELP TO COMBAT VANDALISM?

You and I are the most important persons in the fight against vandalism; here are a few simple rules. If everyone follows them, this problem can be licked!!

1. Be sure your personal behavior is above reproach. Let landowners know you're on their side. Treat their lands and improvements with the same respect you would expect a visitor to do in your home.

2. Set a high standard for children to follow. They are our hope for the future and they usually assume all adult actions, right or wrong, are the correct thing to do.

3. Go ahead and criticize a member of your own party if he does something you both know is wrong . . . he may be angry at first, but later he will respect you for speaking up.

4. Get a SAVE Kit! Display the emblem, wear the button, and pass on the SAVE Message!!

5. Promote and participate in the SAVE Campaign to the best of your ability.

6. Finally: If you witness an act of vandalism, help protect your rights by doing whatever you can to help enforcement officers. Write down immediately all facts, such as license number and vehicle description, description of criminal (that's right—criminal), location, description of act, and any other information that may be helpful. Turn this over to any official that you can find, whether he is a game manager, sheriff, or city policeman. If you don't find an officer before reaching home, call or write the proper authority and present the information you have collected. Be willing to sign a complaint

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or testify in court against vandals. You will be almost assured of a conviction. These offenses, though serious, are legally classified as "misdemeanors" and unless the officer is a witness, his hands are tied without your help.

Without your help and cooperation, all the SAVE posters, buttons, signs, decals, and other publicity won't mean much to combat this blight. The real need is to let the small percentage of vandals know that the rest of us are watching his actions and outdoor manners, good or bad, and will not tolerate his bad manners any longer. By wearing the SAVE Button, displaying the SAVE Emblem, and following the above rules, you will truly be helping to SAVE your outdoor heritage!!!

For a SAVE kit (as well as for more information about the SAVE Campaign), send a 25 cent donation to the following address. Any club, or its officers, can receive SAVE Kits in lots of 50 or more for a 20 cent donation each, and can keep the 5 cent for the club treasury for handling SAVE Kits.

Make checks payable to SAVE, Incorporated for SAVE Kits or a donation to SAVE, Incorporated, Sportsmen Against Vandalism Everywhere, P.O. Box 7155, Phoenix, Arizona 85011.

NOTES

1. SAVE, Incorporated chartered in Arizona on May 13, 1969.

2. Release and license signed on August 16, 1969.

SCHOOL BOARDS WIN VICTORY OVER SCHOOLCHILDREN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HAWKINS. Mr. Speaker, I regret that I must brand President Nixon's school desegregation message as grossly distorting the facts facing American education and encouraging foot dragging by school board officials seeking excuses for racist policies.

The message is an infamous retreat from the enlightened progress of the 1960's. It is a complete shift from desegregation to separate and unequal schools. Let us face the fact: President Nixon is not offering to mount an all-out attack on the inferior schools in minority communities and he has submitted no plan for meaningful integration. That leaves disadvantaged black children caged in the ghettos with poverty and illiteracy permeating their lives.

Likewise, I must disagree with President Nixon's treatment of the Los Angeles school case in which the message completely ignored the law and the long history of official administrative segregation policies of the local school board.

The court found the Los Angeles School Board guilty of officially segregating schoolchildren contrary to law and specifically the State board of education guidelines. President Nixon completely concealed the facts with vague generalities about the cost of busing and why racial quotas are bad.

Other distortions and inconsistencies which should be pointed out include these: The President recommended spending a part of a billion and a half dollars in the next 2 years to improve minority schools. Yet, a few weeks earlier, he vetoed an appropriation bill passed by this Congress to provide a substantial part of this amount as being inflationary.

The President says the law prohibiting de jure segregation must be upheld but he opposes busing and offers no alternative for complying with the law he says must be upheld. Even the community school concept seems more inviolate to him than the constitutional right to equal education opportunity.

The President's desegregation message says "let's spend more money on compensatory education" but a few weeks ago in his education reform message he said such programs "he inherited from his Democratic predecessor were not paying off."

Most confusing of all in the President's message were his general remarks that we should not expect the schools to bear the burden of social reform. Admittedly, housing and employment as well as education are vital factors in segregating us into two societies. To suggest, however, that American education can wait on integrated housing and equal job opportunities is suicidal in view of the administration's policies of retreat in these other domestic programs and in civil rights in general. The President's message might have relieved school boards but it certainly did not help schoolchildren.

NEED LEGISLATION TO STRENGTHEN ANTIBOMBING LAW BY INCREASING PENALTY PROVISIONS AND EXPANDING SCOPE

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. CRAMER. Mr. Speaker, I stated publicly some time ago my intention to introduce legislation to strengthen the antibombing provisions of the present law—Public Law 86-449; title 18, United States Code, section 837—having cosponsored the present provisions in the 86th Congress while a member of the House Committee on the Judiciary, and realizing that apparently the penalties set forth are not adequate to provide the necessary deterrent, as evidenced by the number of bombings which have occurred in recent weeks.

There is no place in America for bombing and burning, as has become the pattern of conduct for the revolutionaries in recent weeks. The burning of the bank building in Santa Barbara, Calif., after counsel for the Chicago 7 William Kunstler, made a fiery revolutionary speech on the Berkeley campus, the bombing of the courthouse building in Cambridge, Md., and the accidental explosion of the apartments of the revolutionaries in New York, together with the numerous bomb threats and the pattern of bombings that occurred in three different places several months ago after being forestated, is clear enough evidence that stronger medicine is needed to provide the necessary deterrent to stop these destructive, planned revolutionary tactics.

Last Thursday, at 11:30 p.m., in my hometown of St. Petersburg, Fla., a window was broken, and a Molotov cocktail placed in a building that houses solely and exclusively a law office. There happened to have been a witness, fortunately, who saw this occur on Seventh Street and First Avenue North. This was Thursday night, April 2, of last week, the same day the press announced the indictment of 12 members of the Weatherman faction of the SDS under the Cramer Antiriot Act. It did not cause too much damage in that it was dropped between a wall and a bookcase, and the fire department was immediately called because of the witness who saw it happen. Now, whose building is this or what is housed in this building? It is the law offices of Ramseur, Bradham, Lyle, Skipper, and your speaker, Mr. CRAMER.

As many Members of this body know, I cosponsored the antibombing legislation many years ago to cover any and all bombings by any and all groups who practice revolution, including the use of bombs and explosive materials. As I say, I am today, after lengthy study, introducing further strengthening amendments to this act. No one in America can be permitted to use anarchy and revolutionary tactics to destroy public and private property. When the suggested reason for such bombings is that the law is being enforced, that is, the trial and conviction of the Chicago 7 and the trial of Rap Brown, the need for Congress to act becomes even more imperative. The Congress, of necessity, overwhelmingly passed the Cramer Antiriot Act in an effort to put an end to anarchy in America. Congress must take this further step and bring an end to planned bombings and property destruction. This is part of a national conspiracy to disrupt and destroy our very court and trial system. It must be recognized as such and brought to a halt.

It is ironic but true that the justification for the Cramer Antiriot Act was largely the action of Rap Brown and Stokely Carmichael who in 1966-68 were leading the rioters and revolutionaries throughout this country, including the riots in Washington and the looting and burning of some 42 buildings in the Nation's Capital, much of which still remains decimated. I fully support the actions of the Justice Department in pressing for convictions of the Chicago 7 and, more recently, for 12 of the Weatherman faction, the revolutionary element of SDS, misnamed "Students for a Democratic Society," for having led violent disruptions in Chicago in October of 1969. I trust these prosecutions will be equally pursued as was the case of the Chicago 7 trial. Likewise, I trust that the 12 who were indicted and who have fled will also be fully prosecuted under the Federal statutes making it a crime to flee from prosecution—title 18, United States Code, chapter 49, sections 1073-1074. I am calling upon the Justice Department to fully prosecute under these statutes: "Flight to avoid prosecution or giving testimony," and "flight to avoid prosecution for dam-

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aging or destroying any building or other real or personal property."

I had suggested publicly, and to the Department of Justice, that the penalties under the antibombing law should be substantially increased. It was shortly thereafter that this matter was discussed at a White House leadership meeting, following which the President announced his support of strengthening amendments.

I am therefore today joining in the introduction of the legislation submitted by the President and the Justice Department. I trust that the Congress will act expeditiously on this much-needed legislation.

My proposed legislation would increase the maximum penalties for the illegal transportation of explosives in interstate commerce to a fine of up to $10,000 or imprisonment of up to 10 years. For personal injury resulting from an explosion, such penalties would be doubled and, if death resulted, a life sentence or the death penalty could be imposed. The bill would further increase to a maximum of $10,000 or 10 years the penalty for the willful making of false bomb threats.

My bill specifically includes anyone found guilty of aiding or abetting the commission of a bombing crime. This provision was deemed necessary when the Congress acted on the previous antibombing legislation and I believe it is essential for the full implementation of the intent and purpose of the current legislation. It is particularly necessary, I believe, in view of the fact that some of the Chicago 7 were permitted to go free in that they had to be tried under the conspiracy statutes rather than under the Antiriot Act. If the provision of aiding and abetting had been applied, it is quite possible that they too would have been convicted. Therefore, I believe it essential to include aiding and abetting in the further antibombing proposals.

The scope of the present law would be broadened by expanding the definition of "explosive" to include such incendiary devices as Molotov cocktails. In addition, the following would be designated as new Federal crimes: malicious bombing of Federal premises, unauthorized possession of explosives in Federal buildings, malicious bombing of businesses and commercial establishments and possession of explosives with knowledge or intent that such explosives will be transported or used in violation of any other provision of this legislation.

The most recent rash of malicious bombings, resulting in loss of human lives, personal injuries, and destruction of public and private property, as well as the near epidemic bomb threats, are ample evidence that the present law must be strengthened to put the bomber and the would-be bomber on notice that his despicable crime will earn him a punishment to more nearly match the crime he perpetrates. I again urge the Congress to act expeditiously on this vitally important and urgently needed legislation.

I have previously called upon the Justice Department to thoroughly investigate—which I understand they are doing under the present Antibombing Act—the bombings that have taken place, and threats of bombings, in recent months.

Mr. Speaker, I am asking that similar action be taken with respect to the bombing that took place in my law office on April 2. I am asking that the incident be investigated, in cooperation with the local police, because no one should be permitted to carry out such acts. I certainly am not intimidated by such action on the part of anyone, if this is the bomb-planter's intention.

THE "COMMITMENT GAP": CHALLENGE TO VOLUNTEERISM

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1970

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to call to the attention of my colleagues a recent address which is a most thoughtful discussion of the role of volunteers in American society.

This address, delivered by Clifton R. Wharton, Jr., president, Michigan State University, was delivered on February 7, 1970, at the 12th Annual Scoutleaders Recognition Dinner in Detroit, Mich.

The text of the address follows:

THE "COMMITMENT GAP": CHALLENGE TO VOLUNTEERISM

(Speech of Clifton R. Wharton, Jr., president, Michigan State University)

I am delighted to be here tonight to help pay tribute to the thousands of dedicated men and women who are voluntarily involved in the Boy Scout movement. The first day of National Boy Scout Week and this, the 60th anniversary of scouting in the United States, is a proper time to examine your role as volunteers in the community. It is also fitting to consider the challenges facing you, the Scout leaders, who seek to make your communities better places in which to live.

The Boy Scouts of America is one of the real success stories in the history of the volunteer movement. The twin forces of voluntary citizen participation and leadership training have built the movement in the years since 1910–11. I need not recount for you this history of success, even though I salute you for it. Dwelling on past accomplishments will not prepare you for the immediate and future endeavors already begun. But they should strengthen you to carry on.

Any address to a group involved with youth as you are would be negligent if it did not mention the "generation gap." This "gap" is most often described as though the older generation is wholly positive and the younger generation wholly negative. Youth are seen by their elders as being "against everything," seeking to change or even destroy all existing structures and institutions. And the young people see those of us over 30 as being responsible, through either inaction or hypocrisy, for all the ills in our society.

Some say the "generation gap" is inevitable, part of the life cycle through which we all must pass. Others say it is a result of permissive upbringing of this younger generation—too much television, too much free time and an overabundance of the material goods produced by our affluent society.

COMMITMENT GAP

But I did not come here to rehash old arguments or cliches, or to give a clinical analysis of the conflict between the generations. Rather, I would like to discuss with you another "gap," what I call the "commitment gap." Put quite simply, I believe the majority of our youth today at universities are making a greater commitment of their resources toward the solution of the problems of the wider society than their elders make or have ever made.

We are not aware of the depth of this commitment by our youth because it involves the use of their greatest resource—the use of their time, which is so difficult to measure or appraise. And too, we ignore it because it is positive and unspectacular, and for those reasons, does not attract the headlines.

Student volunteers who channel energies and talents into community services such as tutoring programs for ghetto children, work in jails and hospitals, and help for retarded youngsters don't often make the local newspaper. But this does not lessen the positive impact they are having on their fellowman.

The youth of today have a deep concern with the state of the world which they are about to inherit and we should realize that by 1985 half of our population will be under 25.

What is so wrong about wanting to build a better world?

Is it excessive permissiveness to respond to their criticism of past failures?

Are we in the older generation giving in too easily? Letting them walk over us? A professor at MSU recently made the perceptive observation that while history often records generation conflict, this is the first time that the older generation has agreed with much of the criticism offered by its sons and daughters.

The youth have become in many areas our national conscience—and we in the older generation respond with guilt feelings.

It was young people, both Black and white, who helped make the nation aware of racial discrimination and injustice in this country in the early '60s.

It was young people, students on our campuses, who focused attention on the U.S. involvement in the war in Vietnam.

And again it is young people today who are at the forefront in the fight against the forces which pollute our air and water.

STUDENT INVOLVEMENT

Our youth have chosen their goals and made their commitment. Today, on the nation's campuses, and especially here in Michigan, students are striving to re-emphasize the importance of the personal, human dimension of life. One of the chief ways they are doing it is through direct personal involvement in the social process.

Their concern for their fellow man and the quality of his life is matched by a willingness to commit themselves personally in helping to expedite change for the better. The numbers working to build our society is far greater than of those whose sole aim is to tear it down.

Regrettably, it was not until very recently that the potential untapped resources of the student have been recognized. It used to be that students were thought of as objects to be taught by us—the teachers. Only after they had been fully educated did we think they could take on responsibility or make contributions as mature men and women. They were told *what* to study, *where* to live, *how* to dress, and were rigidly instructed as to what activities they should become involved in. But today, students are increasingly accepted as not only capable but also vital parts of the decision-making processes at our nation's major colleges and universities, including Michigan State.

PUBLIC ATTENTION MISDIRECTED

But the public attention tends to go to demonstrations and violent confrontation, not to the sustained commitment and dedication which the youth have displayed in the positive aspects of community and university service.

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They do not have a master plan or program for the improvement of society. But who does? And who can say he has the answers to all or even a single one of the terribly complex problems we face in this country and in the world today? But young people have said "We will try." And they have begun to make that effort with the many resources at their command.

Today's high level of involvement in social issues is an outgrowth of the Civil Rights movement, a movement which was begun by four Negro college students at a lunch counter in Greensboro, North Carolina. The issue was one with which many college students identified. Many joined the sit-ins, the boycotts, the voter registration drives to promote racial equality. And some even lost their lives. This involvement by college students is significant because it was a voluntary commitment, a dedication of time, and talent and self which took them beyond the confines of their campuses for direct and sometimes brutal initiation to social injustice and resistance to change.

PEACE CORPS

There was also the Peace Corps. It was the first program designed with college-age youth in mind. It recognized the potential of the committed student and put it to work throughout the world. The success of the Peace Corps convinced many of us that college students constituted an exciting human resource that could effectively contribute to the betterment of the individual as well as to the benefit of the society.

The volunteer in community service is, of course, a hallmark of the American heritage. Volunteers populated our first colonies and made them thrive; volunteers lit the fires of the American revolution; and volunteers drafted our Constitution.

The days of the volunteer fire brigade and the barnraising gang are largely past. But so too are the days when citizens can do their part solely by writing an annual check to the Community Chest or donating a pint of blood to the Red Cross. No longer is this enough to soothe our consciences. Giving money to charities alone will not reduce charges of hypocrisy leveled by the younger generation that adults don't really care about the poor child who goes to school without breakfast every morning, or about the migrant farmer's child who can't read English because her parents speak Spanish. To borrow a phrase from the students, "Volunteerism is not a spectator sport. You've got to become personally involved, or it isn't real."

NUMBERS IN THOUSANDS

Today's college students care. They care enough to commit not just time and personal resources, they are willing to confront our problems face-to-face—problems which far too many of us choose either to ignore or to wish away. Their strength in numbers is as overwhelming as the variety of projects they have launched.

Just a few years ago, fewer than 5,000 students were engaged in volunteer tutoring programs. Now, more than 250,000 are involved, serving five to 10 hours a week, paying their own expenses, conducting drives to raise money when it is needed. A Gallup poll taken last year revealed that 71 percent of American college students said they would consider working as part-time volunteers in projects in their communities. Can their parents match that percentage?

In Michigan alone, there are more than 14,000 students active in volunteer work on some 40 campuses. This is the only state in the nation where college students have organized an active statewide organization.

At Michigan State University, it is estimated that 25 percent of the 40,000 students will be involved in a volunteer project to some extent at some time during this year. On the average, there are 1,000 Michigan State University students engaged on a regular basis in ongoing volunteer projects each term. Each of these individuals commits himself for a minimum of three hours per week for 10 weeks—that's 3,000 hours of volunteer time given to the community each week. If we assume a normal work week of 40 hours, then the average MSU volunteer devotes 7½ percent of his available time—his major resource—to such activities. If the typical adult were to follow the path of our youth, this would be equivalent to applying 7½ percent of our income to nation-building activities.

Remember, this is volunteer work—activity in addition to the hours of studying and paid employment on part-time jobs. Perhaps the magnitude of this volunteer effort toward building a better world becomes more apparent when measured against more familiar criteria. For example, 7½ percent of Michigan's personal income in 1970 would be about $2.8 billion—the equivalent of total state, local and federal expenditures for all types and levels of education. In short, student voluntary effort equals our sometimes reluctant and often involuntary support for the single most important governmental service we have. So we must ask, "Who is making the greater commitment? Where is the real *gap*?"

Michigan State was the first university in the nation to acknowledge formally the seriousness and worth of our students' voluntary efforts by establishing an Office of Volunteer Programs. Since that time, MSU's organization, which coordinates the student effort in the community, has been duplicated by more than half a dozen colleges across the nation. And most recently, the Office of Volunteer Programs won national recognition for its social action programs.

This year, for the first time, the Michigan Association of Student Volunteers, the state organization, will honor an outstanding student volunteer and an outstanding student volunteer program. The awards, to be presented at the annual governor's conference February 28–March 1, will go to a Michigan State University coed and to Marygrove College in Detroit. It is significant, I believe, that both of these awards go for work undertaken in an urban setting.

A NEW DECADE

A decade of student volunteer work has ended, and a new one has begun. The Civil Rights movement dramatized many of the injustices in our society. It activated our idealistic college youth for direct involvement in the process of social change. Today, there is a base of experience, knowledge and leadership from which we can make a concerted attack on the major crises facing this country—the problems of poverty and alienation and social discord in the nation's cities.

This is the direction and the challenge of the future, not only for students but for all citizens.

If we are to meet the challenge of the 70s we must bridge the commitment gap. We have the resources, but we have to demonstrate the will. The commitment and dedication of many of our young people must be spread to their parents, and in the future must be passed on to their sons and daughters. For we need a sweeping program of action dedicated to the total elimination of poverty, both rural and urban.

For you, the 6,400 men and women in this hall, there is no "commitment gap"—you devote many, many hours each week to our youth. My quarrel is not with you, nor is it with the others who volunteer their services for other important causes. My remarks are directed at the "inactive majority" in your neighborhood and among your friends who do not participate. But I speak to you because having pioneered in meeting past challenges, you are uniquely equipped to lead again. Each of you who can be proud that you have neither a "generation gap" nor a "commitment gap" must lead the way.

DETROIT AREA BOY SCOUTS

Few organizations could be better prepared to meet that challenge than the Boy Scouts in this the nation's fifth largest city. The Detroit Area Council has excelled in training 1,564 volunteers as unit leaders. There are more than 900 "commissioners" supervising troops throughout the metropolitan area—these are men who were once involved in scouting because of their sons, who have stayed on to become "big brothers" to a troop. I am told this is the highest percentage in the nation.

Nor has the inner-city been ignored. Some experimental ventures of the Detroit Area Council has reaped unexpected returns. This is the only location in the country where the Scouts bring summer camp to boys who can't get away. Detroit's Boy Scout Day Camp, which operated five days a week for eight weeks on Belle Isle, served more than 2,000 different boys. They learned all of the outdoor scouting skills, from archery, cooking and canoeing to building bridges. And it happened within walking distance of their inner-city homes.

In another effort, boys who had been in trouble at school and with the police, boys who thought they were "too tough" for Scouts, were encouraged to participate in Scouting activities. Of the 811 who tried it, 622 decided to join up. In other words, 76 percent of the troubled youths were channeled into more constructive citizenship.

The credit for these wonderful achievements goes to you, ladies and gentlemen, you the den mothers and scoutmasters, the adult leaders of the scouting program. Your work is characteristic of the new direction of the college volunteers. It requires an unstinting contribution of yourself to a number of young people; it involves a sincere interest in each one of them as an individual; it means recognizing that each boy has a set of unique talents and traits, and it involves a commitment to their development as good citizens. If you were not interested in each one, you could not help them.

LANSING VOLUNTEER EFFORT

I would like to cite one final example of an outstanding volunteer effort. This one, I believe, combines the best of both recent college student involvement and the Scouting tradition. There is a Boy Scout Troop at the Marvin E. Beekman Training Center in Lansing, a new school for trainable retarded young people. Working with the scoutmaster on an almost one-to-one basis with these young men in this troop are members of MSU's Alpha Phi Omega fraternity, the national service organization of college men who have been affiliated with the Boy Scouts of America. For several years, these students have worked patiently with their proteges—youngsters who by birth were severely handicapped and who never had the chance to ride a bike or read a book or participate in sports.

Just recently, these volunteers experienced the joy that rewards long, dedicated service. One of their handicapped Scouts passed all of the tests and became the troop's first Tenderfoot Scout. As you are all well aware, these are tests which most boys pass soon after joining. It had taken this boy two years. This hard-won success is a dramatic tribute to the dedication of today's volunteers and their faith in the essential humanity of all men.

It is this kind of commitment, the kind of constructive student activism, from which we all can learn. And the lesson is clear. If we are to succeed in solving our problems, *all* of us must become volunteers, each in his own way, each one dedicated to helping his fellowman—with a basic belief in the worth, the precious worth, of the individual being served.

GALLAGHER ANNOUNCES SUBCOMMITTEE INVESTIGATION OF PLAN TO TEST ALL AMERICAN CHILDREN FOR POTENTIAL CRIMINAL BEHAVIOR

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. GALLAGHER. Mr. Speaker, there appears to be a campaign against the human spirit in this Nation. One could chant the entire litany of lament for liberty today, but tomorrow one would find a completely new melody rising through the counterpoint. I do not contend, as some others do, that it is a part of a calculated and centralized effort to destroy freedom in America; its growth is too spontaneous and spores sprout in all segments of our society. Universities continue to experiment with behavior manipulation without the consent of the subject, commercial firms continue to exchange dossiers without giving the individual an opportunity to correct the facts, and the Congress is urged to pass, and indeed does pass, legislation which codifies the inchoate rantings of the era of Joseph McCarthy.

The failure of nerve and the lack of faith in America is endemic and interdisciplinary. In a time when we need our best minds to work on measures to expand human values, we find instead repressive proposals being spawned at every turn.

Mr. Speaker, I say this as introduction to a disclosure in the Washington Post of April 5, 1970. I regret to say that the information officer at the Department of Health, Education, and Welfare has confirmed that the Post was essentially correct in its story.

What was the story? I find it very difficult to frame comments, even thought I have studied many similar proposals during my 6-year investigation of invasion of privacy. Let me rid myself of my "writer's block" at this point by quoting the lead paragraph of the front page story:

> President Nixon has asked the Department of Health, Education, and Welfare to study the proposals of a New York psychiatrist that psychological tests be administered to all the six-year-olds in the United States to determine their future potential for criminal behavior.

I have been aware for some time of a number of similar studies taking place in universities and by individual researchers around the country. Yet, this is the first time I have seen it connected in such an influential context.

It is, however, very easy to see how people so burdened with great cares and the overpowering worries of our nuclear age might be tempted to take very seriously something to which is attached the mystique of science. Everyone recognizes that crime is an overriding domestic problem and it would be foolish indeed to deny our Nation the sophistication of advanced study. But to start with 6-year-old children is an appalling proposition when one considers the logical evaluation of this premise once it is accepted.

I would contend that the search for answers in this case has posed considerably more questions; questions which are exceedingly grave for the future of our Nation.

The outlines of the thoughts of Dr. Arnold Hutschnecker, who submitted the memo to the President and who also published an article in Look last year, can be adumbrated as follows:

First. Psychological testing of all 6-to 8-year-old children in the Nation.

Second. Psychological and psychiatric treatment for the individual who deviates from a norm.

Third. If this treatment were not effective, the individual would be sent to a special camp for "rehabilitation."

Fourth. "Mental health certificates" for all those who would possibly achieve a position of power.

Mr. Speaker, in 1965 my Special Subcommittee on Invasion of Privacy conducted hearings into the use of psychological tests by Federal agencies. At that time, we discovered that psychological tests were not a reliable way to predict individual human behavior, that they could work on isolating a large group of individuals who might possibly behave in one way, but they could not strictly focus on one person in that group.

Yet, here we have one of the most influential psychiatrists in the Nation proposing that a child's future should be dictated by what kind of a score he makes on a psychological test when he is 6 years old. And from this test result possibly torn from his mother's arms by Federal agents taking him to an American Dachou. This makes what to me is the ridiculous assumption that the personality is sufficiently formed at that time to validly assess the way it will develop.

I have little scientific basis for this statement, but it seems to me that the symbols which an individual would observe in an inkblot test and the words with which he would identify must come almost totally from his environment at the age of 6. I do not believe that conceptualization occurs in all individuals at such an early age.

It would, therefore, Mr. Speaker, be the tester's norm from which the individual was deviating. And even this assumes the immutability of development.

I am especially struck by two statements in the memo of Dr. Hutschnecker, as reported by the Washington Post.

If I played the popular parlor game of "instant psychoanalysis" I would comment on their possible motivation; but being confined to mere reportage, I will make a comment on their surface and leave depth study to those more qualified than I am.

First, he says: "attacking the problem at its very origin, by focusing on the criminal mind of the child."

I thought that the whole thrust of the memo was in discovering possible criminal tendencies in the mind of some children. This statement of Dr. Hutschnecker seems to imply that he regards the child itself as having a criminal mind, and, if this is true, what good will the massive psychological and psychiatric treatment do?

Second, Dr. Hutschnecker says that these programs have been effective elsewhere. To quote from his memo:

> There are Pavlovian methods which I have seen effectively used in the Soviet Union.

And so, Mr. Speaker, as the ultimate means to deal with crime in the United States, we are offered schemes which are alleged to be successful in the Soviet Union.

I would ask why we should stop with "Pavlovian methods?" Why do we not just go ahead and use the Russian's extremely successful totalitarian methods? Perhaps this is what was meant by those "rehabilitation camps." Perhaps banishment to Siberia is the ultimate domestic weapon to deal with those who deviate from a norm.

It may be, Mr. Speaker, that the reliability of psychological tests has improved dramatically since my hearings in 1965. I am, therefore, proposing a staff study investigation by our Privacy Subcommittee into all aspects of Dr. Hutschnecker's plan and I would hope that we would cooperate with that subcommittee investigation.

I would also expect to contribute some data to the staff study now underway at the Department of Health, Education, and Welfare, for should the proposal be implemented, each and every Member of the Congress will have to try to explain it to his constituents.

Mr. Speaker, I commend the Washington Post for bringing this plan to public attention and I insert the article at this point in the RECORD:

[From the Washington Post, Apr. 5, 1970]

CRIME TESTS AT AGE 6 URGED

(By Robert C. Maynard)

President Nixon has asked the Department of Health, Education, and Welfare to study the proposals of a New York psychiatrist that psychological tests be administered to all the six-year-olds in the United States to determine their future potential for criminal behavior.

Dr. Arnold Hutschnecker further proposed massive psychological and psychiatric treatment for those children found to be criminally inclined. He said such a program is a better short-term solution to the crime problem than urban reconstruction.

Teen-age boys later found to be persisting in incorrigible behavior would be remanded to camps, under the proposals submitted to the President last December.

The determination of criminal tendencies of children 6 to 8 years old would be made by psychologists using such tests as the Rorschach, which depends for its predictive insights on the reactions of the person being tested to a series of ink blot images.

Dr. Hutschnecker, a consultant to the former National Commission on the Causes and Prevention of Violence, advised the President of his proposals in a 1,600-word critique of the Commission's report after it disbanded at the end of last year.

Assistant to the President John D. Ehrlichman, in a memorandum to HEW Secretary Robert Finch on Dec. 30, said, "the President asks your opinion as to the advisability of setting up pilot projects embodying some of these approaches."

NO ANSWER YET

A spokesman for Finch said yesterday that no answer has been sent to the White House because the study of Dr. Hutschnecker's

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suggestions "requires considerable staff work," which is not complete.

Dr. Hutschnecker, formerly an internist, treated Mr. Nixon in that capacity when the President was Vice President in the 1950s.

The Violence Commission concluded that the solution to urban violence is urban reconstruction, creating an environment that would reverse the trend toward crime.

"No doubt," Dr. Hutschnecker told the President, "there is a desperate need for urban reconstruction but I would suggest another, direct, immediate and I believe effective way of attacking the problem at its very origin, by focusing on the criminal mind of the child.

"The aim is to prevent a child with a delinquent character structure from being allowed to grow into a full-fledged teen-age delinquent or adult criminal, Dr. Hutschnecker said.

"The sooner this destructive trend is recognized and reversed, the better the chances for the prevention of crime and the cure of the individual," he wrote.

ADVOCATED EARLIER

The early testing of children to detect deviant behavior has been advocated by the doctor before.

He wrote last year in Look magazine that high school and college students "should be obliged to undergo psychological testing." He argued then that aside from detecting mental illness in time to facilitate early treatment, such tests would serve the purpose of "weeding out psychopathic personalities before they reached positions of power."

In the magazine article, Dr. Hutschnecker urged "a kind of mental health certificate (that) would be required of all young people as a prerequisite for any job of political responsibility."

Dr. Hutschnecker bases his advocacy of psychological testing on what he believes to be the successful predictive achievements of such tests as those devised in the 1950's by Sheldon and Eleanor Glueck of Harvard University.

GLUECK TEST

Using a combination of social and psychological data, the Gluecks reported that they were able to predict over time that certain children would become youthful offenders as adolescents. Their test is one of those specifically recommended for universal administration in Dr. Hutschnecker's memo to Mr. Nixon.

"The government," Dr. Hutschnecker told the President, "should have mass testing on all 6 to 8 year old children." He said the Gluecks' test and the Rorschach ought especially to be considered, adding that he felt the need for more research "to determine the most effective and least costly method."

"These tests," the President was advised by his former physician, "could help detect the children who have violent and homicidal tendencies. Corrective treatment could begin at that time."

He advocates in his memo to Mr. Nixon corrective treatment by teams of young graduate students in psychiatry and psychology for children. He urges the President to establish day-care centers for pre-schoolers, after-school centers for older children and guidance counseling for those who show delinquent tendencies.

SOVIET SUCCESS

"The more disturbed, the more angry, rebellions, undisciplined and disruptive boys, especially those who show criminal tendencies, should be given aptitude tests to determine areas of interest which should be carefuly encouraged. There are Pavlovian methods which I have seen effectively used in the Soviet Union," Dr. Hutschnecker said.

Continuing with his message to the President, the New York physician says:

"For the severely disturbed, the young hard-core criminal, there may be a need to establish camps with group activities under the guidance of counselors, under the supervision of psychologists, who have empathy (most important) but also firmness and who can earn the respect of difficult adolescents.

"By governing themselves," he continues, these boys "would learn the meaning of responsibility and of adjusting to life in a group."

Dr. Hutschnecker said he believes his proposal should be treated as "a crash program" for which the government should "extend loans to a large number of students to enable them to become psychologists or psychiatrists."

Dr. Hutschnecker's memorandum is one of several addressed to the President that have landed in public print. Negro leaders and civil rights supporters expressed outrage recently at a memorandum by presidential counselor Daniel P. Moynihan which described economic conditions of Negroes as being better than many Negroes feel they are.

THE URBAN INDIAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BROWN of California. Mr. Speaker, until the now famous Alcatraz "invasion" last November, the most common characterization of the American Indian was that of the reservation dweller, the laconic "redman" living a proud but impoverished life on ancestral grounds.

Alcatraz helped change that view.

The American Indian people are among the most oppressed of all minority groups, and our society which literally raped them of their lands and their heritage is just beginning to realize the tragedy of the Indian people.

A major part of that tragedy is the place of the urban Indian. The one issue that Alcatraz has helped point out above all is the plight of the urban Indian—the man caught and compressed between two polemical cultures.

Recently, Jean Murphy of the Los Angeles Times wrote a deep and revealing series of articles on the role of the urban Indian. I recommend these articles to anyone who is interested in the direction of Indian policy, for as the articles make clear, the need is great for effective and viable programs to assist the urban Indians.

Earlier this year I introduced House Resolution 854 which calls for creation of a special select committee to study Indian policies—and pay particular attention to problems of urban Indians. The Los Angeles Times articles show why this committee is imperative.

I now insert into the Record the two articles by Jean Murphy:

[From the Los Angeles Times, Mar. 22, 1970]

The Urban Indian: Agonizing Transition From Old Ways to New

(By Jean Murphy)

(Note.—Ten years ago Los Angeles had an American Indian population of 12,000. Today, Indians in the metropolitan area number about 50,000 and constitute what is probably the city's fastest-growing minority group.

(The Indians who leave their reservations for Los Angeles face strange and awesome pressures on family life. Sometimes the family structure is maintained; often it breaks under the stress of unfamiliar urban demands.

(Yet the urban Indian and his family remain virtually unnoticed, almost unseen, the "forgotten Americans," as President Franklin D. Roosevelt called reservation Indians more than three decades ago.)

To the concrete prairie they come. The Sioux from South Dakota. The Navajo from New Mexico. The Ute from Colorado. The Hopi from Arizona. The Creek from Oklahoma and the Winnebago from Wisconsin.

Into Los Angeles they come from reservations and rural areas and towns in all parts of the country, creating here the largest population of American Indians in any U.S. city.

Within the metropolitan area, the migration has formed yet another significant minority group—a minority skyrocketing in numbers, shackled by problems, maturing in self-awareness, increasingly urgent in its demands, impelled by hope and anger.

How many urban Indians are there? Where are they? Who are they? What are their problems and their goals?

No one really knows.

The reservation Indian, to his resentment, has been studied and researched and observed until, as one said, "I feel like I'm just a statistic."

After the reservation Indian has made the agonizing transition to urban Indian, even statistics are scarce, shaky and often at conflict. Opinions of Indian leaders and Indian "experts" vary.

Interviews and documents reveal one fact clearly: the Los Angeles Indian, although he may be indefinable and partially invisible, is certainly not vanishing.

In 1960, the U.S. census listed 12,000 Indians in the Los Angeles area. In 1966, the State Advisory Commission on Indian Affairs estimated a population of 23,000 to 25,000. A 1967 study by anthropologist John A. Price, then at UCLA, reported about 27,000.

For 1970, the Bureau of Indian Affairs director in Los Angeles made "an educated guess" of about 40,000. Urban Indian leaders place the figure at between 50,000 and 60,000, one guessed as high as 75,000.

Whatever the exact number, it follows the growth pattern noted by the census between 1950 and 1960. In that 10-year period, urban Indians in California increased by 304% while Indians living in rural parts of the state increased by only 23%.

In the year ending June 30, 1969, nearly 1,000 Indians, including wives and children, moved to the Los Angeles area under the Bureau of Indian Affairs relocation program, according to D. L. Mahoney, BIA director here.

How many more came on their own? Again, no one knows.

One Indian leader willing to hazard a guess put the figure at 2,500.

The Indians, unlike Negroes and Mexican-Americans, do not tend to congregate in ghettos. Price found about half living in the central area with the rest widely scattered. They live in many communities including Bell Gardens, Cudahy, Inglewood, San Gabriel, Santa Ana, Venice, Mar Vista.

Whatever their numbers, their troubles—by their own admission—are fearsome and stem from the agony of trying to function in a complex new society with strange values while struggling to retain their cultural heritage. Many Indians, particularly those off the reservations, face frightening hurdles—from everyday dilemmas (how to take a bus, how to use a pay telephone) to acute problems of family disintegration, health, alcoholism and psychological adjustment.

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CLASSIFIED INSANE

Anthropologist Price tells of a newly arrived Navajo who could speak no English: He was "quite sick so he approached a woman wearing a white uniform walking down the street, who he thought was a nurse. The woman, a beautician, thought she was being attacked and had the man arrested. The police, who could not understand the man, placed him in a hospital where he was classified as an insane Mexican-American."

Some Indians have succeeded, but "for every guy who's made it, there are a whole hell of a lot who haven't," Fred Gabourie said. Gabourie is one who has made it. A Seneca, he "bummed around and was a stunt man." At 37, he went back to school and earned a law degree; he now practices law in Sherman Oaks and is active in the Indian rights movement.

Here is how Gabourie and other Indians paint the painful picture:

"I'd say that about 50% of the Indian families I see just dissolve," Mrs. Carmella Coffer said. A Pawnee and Pima, she is a social service aide with the County Health Department.

"We don't go through divorce procedures very often," she said. "The main reason (for family disintegration) is urban frustration—the big beautiful rat race—and if the man can't meet the pressures he maybe begins drinking and loses his function as head of the household. Pride often keeps the family from going on welfare and they go back home.

"And the kids—God, they're our problem. The kids enter school here and see what other kids are doing and pretty soon they're disrespecting the laws of the home, the school and authorities and they get into trouble."

"Indians are reticent about getting divorces," Gabourie agreed. "As families lose cohesiveness, they just split up. And as for juvenile delinquency, whose standards do we use? It's not fair."

"I know one boy who went to see a relative at school. He was arrested for loitering. Then he was arrested for jaywalking. He decided to go back to the reservation and he was arrested for hitchhiking," said an Indian woman lawyer who asked that she not be identified by name.

"But you can't make generalities," she continued. "Some adjust and blend well into the community and others are so thoroughly confused they don't know what to do."

She thinks the Indian drinking problem may be rooted in childbirth.

"My husband, a physician, believes a lot of it is due to neo-natal oxygen deprivation.

STARVED BODIES

"When the mothers suffer from malnutrition and poor medical care, their little starved bodies can't produce healthy babies. When the oxygen-deprived babies grow up and are subjected to stresses and pressures and find that alcohol is an anesthetic . . ."

"Probably 99% of all the trouble the Indians get into with the law stems from alcohol," Gabouri said. "The Indian was denied alcohol for so long (until 1954) that now he's saying, 'This is my right and I'm gonna drink it whether I like it or not.'

"The application of law is not the same. For example, on reservations a common drunk will be taken home and put to bed. The cop is the Indian's friend. But in the city he's jailed and charged."

Price's survey reported that "drinking alcoholic beverages was seen as the major problem among Los Angeles Indians; 32% (of 3,000 surveyed) said this."

"The Indian has never learned to harness alcohol," said Samuel Kolb, a millwright, a member of the Mission band of Rincon Indians and secretary of the Indian Center in Los Angeles.

The Indian comes to the city, seeking a better life than the ravaged reservations can provide, but "he doesn't know where to go or what to do. He has no, what you call, work background," Kolb said. Many turn to the Indian Center for food and clothes.

"Reservation Indians don't form the work pattern because they don't see Daddy going off to work," said Tim Wapato, an Entiat, a sergeant in the Los Angeles Police Department, president of Indian Welcome House and a leader of the Pan-Indian movement. "If parents aren't educated in the skills of the dominant society, then the kids aren't, either.

"I'd say the vast majority of Indians in Los Angeles are in the lower socio-economic class and live under conditions that are unlivable," Wapato said.

Explained Joe Vasquez, another Indian leader who is a Sioux and Apache and a member of the Los Angeles Human Relations Commission:

"They come off the reservation with a fifth grade education, no training, no knowledge of credit and money matters, no understanding of the hurried Americans in the massive jungle.

"I'd estimate that Indians in Los Angeles average $4,000 a year, with one-third way below par. And we think about 50% of their children drop out of school before finishing high school."

According to the Bureau of Indian Affairs director, Indians coming to Los Angeles under the bureau's relocation program—vocational training and employment assistance—fare better financially.

PERMANENT JOBS

"Most are in the $7,000 to $8,000 bracket," Mahoney said. The bureau places 15 to 25 Indians in permanent jobs each week; it has 250 to 500 young people in training at all times and, Mahoney said 75% to 80% make a successful adjustment to urban living.

The training is, however, generally limited to two years—a sore point among Indians. "Hell," said one activist, "we've got more damn welders and beauty operators and fewer teachers and doctors than we need."

Mahoney admitted that 15% to 20% of those applying for vocational training have college potential but that "there's not anywhere near enough scholarships. I wish there were many, many more."

One who went through the relocation program is a young Winnebago woman. With a year and a half of college behind her, she came to Los Angeles, was trained as an assembler and became a factory worker.

"I came because I didn't know what to do, to be," she said. "Now I know. I want to go back to school, study sociology and work with my own people."

Another government-trained Indian—he's not sure which branch of the government provided his training—is an Eskimo from a small village where his father was an ivory carver. The young Eskimo has fought both alcoholism and tuberculosis; he was trained as an ironer and spends his days in a hot laundry and his nights in a lonely room.

"I used to spend my nights in bars—I guess I've been in jail 75 times for plain drunk—but I think I've got the drinking licked now," he said. "But it's lonesome. Most of my friends are in jail a lot for getting drunk."

The alcohol program coordinator for Los Angeles County, Paul Hinshelwood, said that about 200 American Indians appear in county court every month on drunk charges. The rate of alcoholism is so high, Hinshelwood believes, that he is working for a residential treatment center for Indians only.

"They come to town with nothing. What else have they got to do but drink?" Hinshelwood asked.

"There is also some indication of an increase in drinking among Indian women," said Dr. Frank Pacino of the County Health Department.

Alcoholism is but one health problem of the Los Angeles area Indian.

MORE PROBLEMS

Dr. Pacino, whose district includes communities of Indians in Bell Gardens, Bell and Cudahy, has estimated that infectious respiratory diseases are five times higher among Indians in Los Angeles County than among other cultures; strep throat infections eight to 10 times higher; dysentery 17 times higher, and the infant mortality rate is 34.5 per 1,000 births, 12 points above the national average.

"Among the children, malnutrition, pneumonia and viral infections are common," he said. "And the life expectancy is only 45 years."

Even for Indians with good health, stability, education and skills, the shift to urban living is not easy.

Mrs. Eva Fontaine, who was council president for 17 Hopi tribes in Arizona, holds a degree in sociology from Arizona State University. She came to Los Angeles less than two years ago to serve as recreation leader with the Job Corps program.

"Everything is so busy, so impersonal here," she said. "And my children are very homesick. They're not accepted at school; the other children call them savages.

"I'll probably go back some day. On the reservation, you know what life is and you appreciate life more."

TRIBAL CHAIRMAN

Edward Olivas, a Chumash from the Santa Ynez reservation near Solvang and chairman of his tribal council, agreed. Olivas, who recently left his post as director of the Joint Venture poverty program in Pacoima to join the State Department of Human Resources Development, was brought to Los Angeles as a child but returns as often as possible to his reservation where he works to improve conditions.

"It's very difficult to earn any kind of a living on the reservation but it's better there in the fresh air. It's closer to nature, it's not crowded, the earth is there.

"It depends on your values but I think I know the real values now and I think it's better there than here where it's dog eat dog and you don't have a chance."

[From the Los Angeles Times, Mar. 23, 1970]

The Urban Indian—Wanted: Slice of the American Dream

(Note.—The family life of American Indians moving off the reservations into Los Angeles undergoes new and fearful pressures from "the concrete prairie."

(The fledgling Pan-Indian movement, urban Indian organizations and self-help programs are dedicated to easing the strains on family structure.)

(By Jean Murphy)

There were no Indians until the white man came. There were only many tribes—of woodsmen of the Eastern forests, of hunters of the Plains, of seed gatherers and desert dwellers, of Northern fishermen, Navajo shepherds and Pueblo farmers.

"We were called Indians by some dumb honky who thought he landed in India," one of California's angry red men said.

Many were also given their individual names by white missionaries and teachers who were unable to pronounce their tribal names. Names, they say, are the only thing the white man has ever given them.

TRIBAL DIFFERENCES PERSIST

"There's still as much difference between members of different tribes as there is between Scotsmen and Russians," said D. L. Mahoney, director of the Bureau of Indian Affairs in Los Angeles. "The only thing they

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have in common is the name Indian, and the white man gave him that."

"On the contrary," insisted a Rincon, "there is growing feeling of oneness and Indianness."

"We are changing and moving at last," added a Chumash.

"Unity is our theme," said one urban Indian leader.

Some leaders of the Pan-Indian movement here admit that ancient tribal loyalties are still a divisive factor. ("I'm a Sioux and he's a Creek and he can't tell me what to do.")

But they are struggling toward unification of urban Indians in an effort to ease their problems of education, health, employment and emotional adjustment. And they are tackling the white man's bureaucracy.

There is evidence that they are making progress after years of frustration.

Two organizations, formed within the past year, have just received their first grants.

One is the United American Indian Council, which has brought together diverse groups in a dream for a multi-purpose family service center. The other is the Urban Indian Development Assn., dedicated to bringing Indians into "the American economic mainstream."

The UIDA, set up as a nonprofit organization by seven Indian businessmen to open the doors of economic opportunity for other Indians, has obtained $50,000 in federal funding through the Economic Development Agency.

"UIDA will provide the know-how and help obtain business loans," said its president, Eugene Stewart, a Creek from Oklahoma who is a Los Angeles insurance man. "We think there are many Indians here who would like to see up their own businesses. We have very high hopes"

IDENTITIES RETAINED

The hopes are that UIDA will help the Indian move out of his "intangible and invisible economic ghetto" and become a "valuable member of the community. Independent and contributing, to . . . the general population while at the same time maintaining unique and cultural actions and identities as an American Indian."

A Creek, A. David Lester, is leaving his post with the National Congress of American Indians to assume the directorship April 1 of UIDA. Offices are located at 1541 Wilshire Blvd.

The United American Indian Council, fighting for Los Angeles' first comprehensive Indian center, has obtained "seed money" of $6,000 through USC to institute a medical clinic.

"It may not sound like much but it's $6,000 more than we've ever had before," said Tim Wapato, UAIC president.

UAIC's ultimate goal is about $3 million, according to Joe Vasquez, its building fund chairman. The center will provide job training and referral, medical services, housing information, educational, scholarship, recreational and cultural programs, a meeting site and a place the Indian can identify with."

Although Indians are eligible for services available to other citizens, "we need a separate facility because we have been made separate," Wapato said. "The newly arrived Indian does not and will not associate with the white population at large. Besides, he has no knowledge of existing facilities."

"Why should the Indian have to assimilate if he doesn't want to," demanded Fred Gabourie, an Indian attorney. "There has to be one big building. Only then will the Indian people here be unified. But we've never gotten one red stinking cent from the city or the county."

WELCOME HOUSE

The UAIC, while trying to raise building funds, has asked the city for use of an interim building to house both the present Indian Center Inc., 3446 W. 1st St., and Indian Welcome House, 2601 W. 8th St. Wapato, a sergeant with the Los Angeles Police Department, is president of Welcome House and Vasquez, a member of the Los Angeles Human Relations Commission, heads Indian Center Inc.

The two organizations, the only permanent Indian facilities in the Los Angeles area, are able to offer only minimum services to those in trouble or need. Both are housed in small, dilapidated buildings.

"It's ludicrous that a city of this size has really nothing while Chicago, with only 12,000 Indians, has a real center," Wapato said.

The UAIC represents, according to Wapato, 20 of about 35 Indian groups functioning in the metropolitan area. There are athletic, social, religious, tribal and student organizations, each attempting to fill special needs.

WELFARE WORK

One is the Many Trails Indian Club, comprised of about 100 members and headed by Joe Whitecloud, a Pueblo from New Mexico. Created to keep traditional singing and dancing alive among urban Indians, the club also engages in social welfare work.

"We're not set up to do social work," said its secretary, Mrs. Gabourie, "but we run around and raise money for people in trouble."

Another active group, also without permanent facilities of its own, is the American Indian Athletic Assn. Its 500 members, from age 14 up, play basketball, softball and football.

"Our purpose is to keep older Indians out of bars and to get the younger ones interested in sports," said Vernon Yarber, a member of its board of directors and "a 5/16 Chickasaw."

BUMPER-STICKERS

An angry group is the Los Angeles chapter of United Native Americans, possibly the youngest and smallest and probably the most militant of the organizations. Its members have participated in the Alcatraz take-over, the "attack" on Ft. Lawton and have picketed the Bureau of Indian Affairs here.

Its bumper stickers proclaim: Custer Had It Coming, Stop the War on Indians and Impeach Hickel.

"UNA has been branded miltant because we dare to speak out and tell the white race how we feel," said its Los Angeles president, Mrs. Stella Montoya, an Apache and a student at Cal State L.A. "It is the 'militants' who dare to take action in order to bring attention to the injustices our people are experiencing.

"We hope that in due time all Indians will speak out. Only then will we be heard.

"It is the Indian opportunist who hurts our cause for he speaks against so-called militancy but when the opportunity and funds arrive, he, the opportunist, is first in line. If it is militancy to speak out and bring attention to injustices, then militant we are," she said.

"Essentially, you don't find militant type individuals among Indians," said BIA director Mahoney. "There are no active militant groups in Los Angeles."

"No," one Indian leader conceded bitterly. "We tried militancy in 1876."

Vasquez, an Apache and Sioux, believes that "real militancy is not the answer."

Other Indian leaders agreed—even though virtually all castigated the Bureau of Indian Affairs and the white man's mistreatment of the Indian.

"I have to live with this (white) man," one explained.

"Politically is how we're going to make it as Indian people," Wapato said. "But just because we're not marching in the streets doesn't mean that we're not aware of our needs."

The reservation Indian, he added, "doesn't particularly care to integrate culturally but, economically, he'll have to."

Stewart agreed that "the Indian wants to make it economically but keep his culture and heritage."

Even the student group at UCLA, where about 100 Indians are enrolled under special programs, is non-militant. "They seem more interested in attaining middle-class standards for themselves than in anything else," said a UCLA spokesman.

WORKING FOR CHANGE

"No, we're not militant," said Raymond Spang, a Northern Cheyenne from Montana and a council member of the UCLA American Indian Students Assn. "But we're bucking the administration for more recognition and we want an Indian studies department. We're also working for changes in our High Potential Program (the special program for 61 promising Indian students who lacked academic entrance requirements); we want more students and we need more student input of ideas and dynamics."

UCLA's American Indian Cultural Program is trying to play a more meaningful role in the life of urban as well as student Indians.

"We hope to move into the community," said Emmett Oliver, a Quinault from Washington who is serving as the program's interim director. "Some of our students have undertaken a study of urban Indians and I'm attempting to contact high school students in Los Angeles."

Oliver also is working for establishment of a national advisory committee on Indian education and for a national Indian arts and crafts program on the UCLA campus next fall.

CAMPUS ACTIVITY

At USC, campus activities are limited to a course on "North American Indian Culture Before and After the Reservation Period." About 100 students are enrolled in the course, but a USC spokesman said there are no figures available on the number of Indians studying at the university.

In the long range, political and economic "self-help and self-realization," accompanied by retention of their cultural identity, is the hope of urban Indian leaders.

Said Vasquez: "I see a lot of progress—in the future."

However, the leaders are still seeking other Indians to help them lead.

"We have people around with qualifications," Wapato said, "but some of them are hiding in the woodwork."

"A lot of successful Indians—engineers and judges and attorneys—are still invisible. We need them to assist us," Stewart added.

"Those who have made it should offer a helping hand," Gabourie insisted.

"We Indian people should stick together."

THE 18-YEAR-OLDS SHOULD BE PERMITTED TO VOTE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. BUSH. Mr. Speaker, I have long felt that the 18-year-olds should be permitted to vote. My experience in visiting many campuses all over the United States is that the average 18- and 19-year-old today is, because of improve-

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ments in our educational system, better able to make sound judgments than I was when I was 19.

I have carefully looked at the voting patterns in Georgia and Kentucky, where 18-year-olds are already enfranchised, and have found nothing radical about them. The Honorable William O. Cowger on February 17, 1970, before the Senate Judiciary Subcommittee on Constitutional Amendments, related his experience with this voting group in his State, Kentucky. This testimony reveals a great deal about these young people and I would like to share it with you by inserting it in the RECORD at this time:

TESTIMONY OF WILLIAM O. COWGER, THIRD DISTRICT, LOUISVILLE, KY., BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, SENATE JUDICIARY COMMITTEE, FEBRUARY 17, 1970

Mr. Chairman: I appreciate the opportunity to be here and to convey to your committee my feelings and the Kentucky experience with the 18 year old voting age.

I think it is necessary to preclude any discussion by defining about whom we speak. Of the approximately twelve million people, age 18 to 21, who are barred from voting, are responsible young adults who are heads of households and families, farm, factory and office workers, servicemen and women and college and university students. This age group matured, both physically and mentally, faster than we, and most certainly earlier than the period in which the minimum voting age was set at 21.

Within this frame of reference, we have given the young adult most of the responsibilities, but very few of the rights of their maturity.

I believe a major cause of the young adults' unrest is the refusal of the established segments of our society to recognize youth's ability and willingness to participate in selecting our nation's leadership.

We wonder why they are discontent.

They wonder why they are second class citizens.

However, support for their cause grows among the general public, educators, political circles, fraternal, civic and professional groups. They still need a unifying force which I believe we, the Congress, should and must provide.

This issue is not a new subject. It has been noted that there have been proposals before the Congress since 1942 to extend the voting franchise to young adults between the ages of 18 and 21.

Election laws are a state function under the present broad guidelines of the United States Constitution. Only Georgia and Kentucky allow 18 year olds to vote. Alaska has a 19 year voting age and Hawaii a 20 year voting age. Presently other states are considering legislation and more are studying the issue. Before we could effect a constitutional change, we can be assured more states will lower the age. Incidentally, on next February 15 the voting age in Great Britain drops from 21 to 18. The British young people are allowed marriage without parental consent at 18, and 18 year olds are allowed to serve on juries, enter into contracts and secure passports. This is a patch-work method of giving full citizenship to our young adults. As each state makes, or considers change, impetus is added to the necessity to take federal action on this subject.

Kentucky's General Assembly enacted a bill in 1954 which submitted to the electorate the question of amending the state's Constitution to permit voting by 18 year olds. In November of 1955 our voters ratified the amendment, by a two to one margin, with no active campaign having been staged either for or against ratification.

Our law basically states . . .

"Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere . . ."

Since this age group began to participate in our state's political picture there has been no move organized to raise the age.

Through reports that I have heard we have reason to believe that the voting habits of this age group are not very different from those of the rest of the voting population other than, perhaps, a larger percentage of the group exercises their right to vote.

A study made of students at the University of Kentucky between 1956 and 1960 and which included groups voting in the 1956 and 1960 national elections allows these observations:

The 1960 election aroused considerably greater interest among them than was typical in the state.

Student voting and registration fluctuated greatly depending upon the importance of the election.

The students paid particular attention to the issues on the ballots.

The students strongly reflected the influence of their families both in allegiance to parties and to candidates.

Kentucky politicians, of whom it may be said, rarely agree on anything, almost unanimously agree in their approval of letting 18 year-olds vote. During the 1968 campaign political figures in both parties in our state were asked for their viewpoints.

Our Governor said, "Today's youth is endowed with knowledge and maturity entitling them to a constructive part in helping shape the future of the nation."

Governor Nunn also worked, as a member of the Republican Platform Committee, for the approval of lowering the voting age nationwide.

Our Lt. Governor, Wendell Ford, the state's top elected Democrat, said, "The young people have acted in a responsible manner." He has worked to involve more young people in political affairs.

Former Governor Burt Combs stated, "I've found young people have fewer prejudices, preconceptions and misconceptions than older people do." He also said they are more likely to act as they feel is in the national interest.

From my own experience and observations these young adults add to the momentum of politics in both parties. They add vitality, energy, new ideas and a moving force. During the four years that I served as Mayor of Louisville, Kentucky, it was my privilege to work with many groups of young people concerning problems affecting the whole community. As a matter of fact, we established a Youth Commission, recognizing the importance of our young people as a moving force in the community.

Educators in my District, the people who know and see the best in these young adults, seem to unanimously favor the lower voting age. A sampling of other people in the community favors lowering the national voting age about two to one.

Mr. Chairman, without qualification, I can from experience absolutely endorse a unified nationwide program of allowing 18 year-olds to vote.

I would like to conclude by inviting any question the committee may wish to ask about Kentucky's young adults.

CONNERSVILLE INDUSTRIALIST WANTS TO STREAMLINE HEALTH CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include this excellent account of a new health-care institute which is attempting to apply the logic and expertise of industrial management to provide better health care at less cost.

The program is being planned and implemented largely through the money and the industrial know-how of Sam N. Regenstrief, Connersville, Ind., industrialist.

I call to the attention of my colleagues this account of one attempt to streamline health care:

[From the Indianapolis Star Magazine, Mar. 1, 1970]

STREAMLINING YOUR HEALTH CARE

(By Fred D. Cavinder)

(Research by the Regenstrief Institute may revolutionize just what the doctor orders.)

Remember when your aunt waited five hours to get to see her doctor? He sent her out for special blood tests, to technicians for X-rays, to specialists for a battery of diagnostic tests.

Recall how she had to mark time six weeks before getting in the hospital for surgery? Remember her dissatisfaction? So many things seemed inefficient, some people were too rushed to be courteous and warm. Her doctor was so short of time and long on work that his visits to the hospital were like the fringe of a small tornado.

And why, everybody asked, doesn't somebody do something about such health care problems?

Somebody is.

The Indianapolis-based attack on health care problems is perhaps one of the largest steps in medicine since Hippocrates. The job being tackled seems mammoth, but its scope is exceeded by the hope it stirs.

Steps toward revolution in health care are being taken by the Regenstrief Institute for Health Care, an organization in its infancy which is the first of its kind in the world.

The Institute, guided now by three doctors and a handful of workers, occupies quarters in Marion County General Hospital. Already studies done by the Institute have proven their worth. But in an estimated 2½ years, the Institute will occupy an entire floor—the top level—of the proposed five-story, $8 million Regenstrief Health Center, a diagnostic and outpatient facility which will serve both General and the Indiana University hospitals.

The fledging Regenstrief Institute hopes to:

Apply for the first time the logic of industrial management to the equipment and some of the people in medicine.

Create training programs which can bring new kinds of people—often people without extensive medical training—into health care.

Use technology in new ways and create new machines to help automate areas of health care where less expensive mechanization can do the work of costly human labor. The end aim is better health care at less cost.

With such an almost limitless approach,

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the fringe benefits the institute may provide are equally limitless.

Creation of new health care techniques could make it a major arena for training doctors and nurses. Findings could some day prompt your doctor to completely reorganize his office procedure (and maybe cut your aunt's waiting time down to minutes).

Technological advances and discoveries may make it possible to create mobile units for "electronic house calls" in rural areas where technical medical aids are scarce. Revolutionary health care procedures might make possible thousands of neighborhood health centers providing inexpensive, thorough diagnostic tests which could save doctors hundreds of man hours.

"We will start with the little things," says Dr. Raymond H. Murray, director of the Regenstrief Institute. "And as we become experienced in making changes, we'll become involved in bigger problems. Sometimes a little change will make an enormous difference."

Cries for an enormous difference are coming from all sides. Campaigns are being waged by hospitals, doctors, health insurance companies, national organizations and the Federal government to increase the availability of medical care and decrease the cost.

Fortune magazine recently characterized medical care as inferior, wasteful and inequitable, a system which has failed to accommodate to technology, population growth, rising costs and rising expectations. What is called for, the magazine suggested, is better management of health care. This is exactly what the Regenstrief Institute plans.

The catalyst for the institute is Vienese-born Sam N. Regenstrief, president and chairman of the board of Design and Manufacturing Corporation at Connersville.

Among the vital ingredients he provides is money—$2 million from the Regenstrief Foundation to be used with a $6 million bond issue to create the Regenstrief Health Center. He also has industrial know-how and confidence in it. An expert in manufacturing and industrial production techniques, Regenstrief is certain they can be applied to medicine.

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Regenstrief, a graduate of Emmerich Manual Training High School in Indianapolis and Indiana University, has faith in technology. As evidence, one of his holdings is a firm whose business it is to find new ways to use new technology and materials.

About a year ago Regenstrief, concerned over health care problems, determined to try technology and industrial management as a solution and founded the institute, first headquartered at the Indiana University Medical Center.

"Cost is going out of reach," says Regenstrief. "If we can improve the technology of medicine, reduced medical costs can be achieved. One of the big problems is how to improve the coordinating of medical services to give the doctors more time to oversee medical care."

To do this, one foremost goal of the Institute is to devise diagnostic equipment which can be operated by semi-skilled workers. Now a patient visits the doctor, relates symptoms, and is given tests. The Institute hopes to show that diagnostic tests before the office visit may be more efficient and less costly. The Institute also proposes to discover, through experimentation, what jobs technicians might take over from nurses, what jobs nurses might take over from doctors, all to leave the harassed physician with more time to perform his task—diagnosis and treatment.

"Our medical care system is very good," says Dr. Murray, "but we have to find ways to make it more efficient so more patients can receive good health care. We must extend the doctor's reach and enable him to do a broader job."

Reaction to the Regenstrief Institute project has been enthusiasm from doctors, nurses and patients who have long suffered the bottlenecks of health care, says Murray.

Four studies have been launched by the Institute. Two of them have been completed and are undergoing careful analysis. A third study, still in progress, already has prompted procedural changes in health care and uncovered unsuspected cases of illness.

James Greene, a cultural anthropologist from Raleigh, N.C., conducted a basic survey in the Indianapolis inner city to see what citizens want in health care, how they react to illness, what their attitudes are toward institutions.

Neighborhood health centers (there are four in Indianapolis) are not as well known as might be expected, the survey revealed. But the people who use them in the inner city like them better than any other form of health care service—doctors, clinics or hospitals. Although medical care in hospitals was considered good, the survey showed that people are irritated by transportation problems in getting there, long waits for service, occasional rudeness by some non-professional hospital personnel.

The study may lay the basis for experiments in training personnel, expanding neighborhood health services, making medical examinations, hospital admittance and treatment more efficient.

Another study conducted by the Institute was detailed dissection of what goes on in a clinic between doctor and patients, in test laboratories, in X-ray facilities. Called systems analysis in industry, this probe precisely describes routines so that possible changes can be evaluated.

From it may some day stem new office procedures, different arrangements of machines and personnel, elimination of wasteful techniques. At General Hospital Out Patient Medicine Clinic, for instance, the study already has prompted the changing of some examination hours from the afternoon to the morning. It was found that more time was needed in the afternoon for treatment.

A study closely related to the systems analysis is what industry calls a time-motion study. "We want to find out how patients and doctors spend their time in order to make the doctor's time more effective and the patient's wait shorter," says Dr. Murray. "In other words, we're looking for bottlenecks." Ways to eliminate the bottlenecks is one of the Institute's missions.

Perhaps the most massive continuing study by the Institute is called the multiphasing screening project, a method which already has proven of medical value. In it volunteer patients at the General clinic are put through a battery of diagnosic tests, without regard to their specific symptomatic complaints. Included are 15-part blood tests, done on General's automatic blood-test machine, X-rays, thorough physical examinations and other tests.

Frequently, disclosure of various symptoms on a visit to a doctor will cause him to order tests. However, if the patient fails to mention, for instance, any eye problems, eye examinations might not be given. Similarly, the health care "routine" probably would not include tests to uncover unsuspected gout, calcium problems and other afflictions.

The multiphasic screening, however, is designed to detect many possible ailments, including those the patient doesn't know he has.

"We've already picked up a number of cases of undetected glaucoma,' 'says Dr. Murray.

Now, such screening is fairly expensive. The Institute hopes to first, prove the value of screening, then innovate devices and techniques for making it economical. Findings of the Institute would serve as guides for any facility wishing to improve its health service.

"We want to emphasize that the things we're learning are not only for General Hospital clinic, but in any health delivery service and maybe for doctors' offices in some cases," says Dr. Murray.

Neighborhood health centers already are finding the multiphasic screening valuable.

A similar program has been directed at Martindale and Morgan health centers by Robert DeFrantz of Flanner House, administering 25 diagnostic tests. Results of the tests are sent to physicians for evaluation.

Although the aim is slightly different—the health centers are checking people who feel they are well, Regenstrief Institute is checking people with some symptoms of illness—the results are comparable and impressive. At the health centers unsuspected ailments are uncovered about 60 per cent of the time.

Begun at Morgan Health Center in September, 1967, the screening uncovered 21 cases of cervix cancer in the first 900 women tested. Use of the screening program is heavy—in December the two centers tested 975 persons.

The Regenstrief Foundation helped provide some of the equipment used. And the program supports one of the theories of the Regenstrief Institute—that unskilled persons can be trained to run diagnostic machines

"Four of them were mothers in the neighborhood and five were on welfare," says DeFrantz of his workers. Now they have an important role in uncovering unsuspected disease.

Neighborhood health centers also are using aides to do jobs like weighing patients, taking blood pressure, preparing patients for examinations, helping with routine lab work and helping doctors conduct examinations. Since inner city residents in Greene's survey testified that they like the neighborhood health centers, it's reasonable to assume they like work done by the trained aides.

Their work frees the doctors and nurses for more attention to treatment. Since the system relieves job pressure in many areas it reduces the mad pace and lack of personal attention which infects some health care facilities—the very things some inner city residents objected to in some hospital situations.

The Regenstrief Institute plans to expand on this concept open the possibility that the unskilled can be used in medicine, providing them with jobs and a prideful role in the community and improving health care. It may be necessary to design new machines to make this possible, Murray indicates.

To ferret out problems and solutions the Regenstrief Institute needs space and equipment. Both will be provided on the fifth floor of the planned Regenstrief Health Center.

Dr. Murray estimates that the Institute eventually will use 10 doctors, 10 to 15 nurses, 4 or 5 social workers and a number of health care aids in its research and investigations. One section of the planned institute will include moveable walls and equipment. Using them, the Institute can actually design a clinic. Bringing in volunteer patients from the hospitals they can evaluate the efficiency of the design, alter it, even scrap it and start anew in a search for more efficient and effective way to treat patients.

"We're looking to the time we will take new systems out to try elsewhere, in neighborhood health centers, in rural areas, and even in private practice," says Dr. Murray.

One of his dreams is a multiphasic screening wagon carrying sophisticated technical equipment. It could travel into rural areas, help doctors in remote regions, give on-the-spot diagnostic tests.

"We want to involve students in all our activities," says Dr. Murray. With this in mind, the Institute is expected to be a teaching aid for the I.U. Medical Center, a place where budding doctors can observe the latest techniques in health care.

The organization of the health center will be geared to the Institute. Findings on the top floor will be sent down to the health care facilities. The combination should make the health center one of the most up-to-date and innovating in the world.

"We are sure that innovations in industry and in many other fields can be used to improve the delivery of health care," says Regenstrief of the reality of technology in modern life. "The people need more health care and we've got to get it to them."

P-O-W-E-R—PRISONERS OF WAR EVERYONE'S RESPONSIBILITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RARICK. Mr. Speaker, those of us who advocate ending the war in Vietnam by prompt victory in the American tradition are keeping faith with our fighting men.

As a former prisoner of war in Europe, I know all too well the desolate feeling of loneliness in imprisonment. However, those of us held prisoner in Europe never experienced total despair. We were confident that our countrymen at home supported us 100 percent; that we were not forgotten and that the leaders of our Government would never rest until we were freed and restored to our homeland. We knew that never in the history of the United States had Americans ever been deserted by their country.

We could hear the sounds of military action from our troops, the distant rumblings of artillery, the frequent bombing of the enemy in his base of operations, and we knew America had the will and the positive leadership to win. But most of all our morale was bolstered with the confidence that we would never be abandoned or deserted by our country. As prisoners of war in Europe, we were always heartened and reassured by the knowledge that freedom was only a matter of time.

How much more dismal and grim the condition of our men held captive in North Vietnam. They can detect no evidence of attack on their captors. They hear no falling bombs, no advancing artillery, no evidence of impending rescue. Their only contact with the outside world is through enemy propaganda. And in that propaganda they hear and see films of leaders of their own country, supporting the position of the enemy and referring to their activities as war crimes.

Those of us who ourselves have been prisoners of war know only too well what it must mean to have the enemy tauntingly tell today's American prisoners that they have been abandoned—sold out—by their countrymen. And that is precisely what the enemy is today telling American fighting men held in Hanoi—together with quotations, film clippings, radio tapes, and the like supplied by Hanoi's "Dear American Friends" and made by irresponsible Government officials here.

Unless we end the hostilities in Vietnam in such a manner that we can physically recover all of our men—and this means victory—we can expect that little pieces of news of their identity and welfare will leak out from time to time for years, when it serves the Communist purpose.

They are used as trading material by the enemy's "dear American friends" in this country.

If we withdraw or surrender in Vietnam, neither these imprisoned fighting men nor their loved ones will have any hope. They are entitled to the same measure of devotion from their government and countrymen which they demonstrated in loyalty performing their duties in combat.

That is why the full page advertisement—paid for by American patriots—in today's Evening Star is of vital importance. To keep faith with our fighting men, we must—and we can—end this war with victory—and do so this spring.

The loudest and most certainly voiced solution—immediate withdrawal—is advocated by those who know the least about war.

Our trained and experienced military commanders, those experts whose profession is ending wars, have scarcely been heard.

Mr. Speaker, on May 1, 1968, at the request of 28 distinguished retired officers, I filed with the Clerk of the House their petition for redress of grievances.

Retired from active duty, and free to speak, their voices are worth listening to. They represent a cumulative total of more than 600 years service. They volunteer their advice which is not only professional but entirely unselfish, prompted only by love of country.

I am reminded of the admonition which was delivered with the presentation of the petition:

> This petition, we hope, will go just a little way toward attaining the victory of peace and overcome just calmly writing off our dead and maimed heroes and prisoners for nothing—as we did in Korea.

We should give weighted consideration to their experience and expert advice. It makes sense to listen to Dr. Werner Von Braun, rather than college freshmen or Dr. Benjamin Spock, on questions of space travel, but no one proposes to call Dr. von Braun to treat a sick child.

These officers tell us that the way to bring peace in Vietnam is to end the war by winning it. They say unanimously that our Armed Forces can do this, with conventional weapons, within 6 to 8 weeks. All that is required is to free our fighting men from the political restrictions which forbid victory.

Had President Johnson followed their advice then, the war in Vietnam would have been over 14 months ago. If President Nixon follows their advice now the war will be over this year. And we will be able to bring home, not only our soldiers, but also our prisoners of war.

Mr. Speaker, I include in my remarks the advertisement to which I alluded, together with the petition to which I referred and the article from the March 1968, issue of the magazine Science & Mechanics:

[From the Washington (D.C.) Evening Star, Apr. 7, 1970]

PRISONERS OF WAR—EVERYONE'S RESPONSIBILITY

Statements by members of General Abram's staff as reported in Paul Scott's Washington News-Intelligence Report, February 20, 1970.—"It's a court martial offense for an officer to abandon his fighting men of the field of battle, and that is just about what we are planning to do by withdrawing American fighting men from South Vietnam without first obtaining the release of U.S. prisoners.

"If this strategy becomes a policy of 'leaving behind' American prisoners, it could have a disastrous long-range effect on the morale of American servicemen throughout the world."

There exist certain cold, hard facts that the American public must know.

First and foremost, the Administration has no plan to effect the safe return of our men now held as War *Criminals* by the North Vietnamese, the Laotian Communists, and the Viet Cong.

The Administration has notified key members of its party that over 200,000 of our troops are to be withdrawn in September of this year, even though it is patently obvious that the government of South Vietnam is in no manner prepared to take over the war.

At this point, all efforts to assign a priority to the matter of the safe return of these men at the Paris Peace Talks have been to no avail. Recommendations that for every percentage of our troops withdrawn an equivalent percentage of the Prisoners to be released have been totally ignored.

The enemy has been advised that we will withdraw *unilaterally* and that we have no desire to impose our will or win the "war."

Against this background, *"A Petition for Redress of Grievances by Retired Officers of Rank and Experience,"* has been submitted to the Congress—and ignored. The Petition stressed the Constitutional duty of the Congress to declare war: for the Chief Executive to mobilize our armed forces according to the recommendation of the Joint Chiefs of Staff; that the military commanders in the field be allowed to win the war; *and that every person in public office or military command whose loyalty to the United States and the Constitution is by their acts shown to be diluted by other loyalties inimical thereto, such as World Government or Limited World Government, be promptly cashiered or impeached as provided in the United States Constitution.*

In a similar vein, another group of outstanding officers, now retired, and including former members of the Joint Chiefs of Staff and two who were former Chairmen of the Joint Chiefs of Staff, expressed their views in a lengthy article, pointing out that we could win the war in a matter of weeks—with conventional weapons *if we had the will to do so!*

This petition was circulated endlessly by *Conservative Viewpoint* and has amassed a very substantial number of supporters.

Yet we have been told by the Administration that the only alternative is unilateral withdrawal and—in effect—desertion of our sons now held prisoner.

Yes, we as a nation are tired of this "undeclared-war-we-are-not - allowed - to - win" *but we are not so tired that we would desert our own flesh and blood to be tried as War Criminals!*

President Nixon must come to realize that Americans will hold him personally responsible for the loss of our soldier-sons, now held as "Prisoners of War."

Neither President Kennedy nor President Johnson withdrew unilaterally, nor did they desert our Prisoners of War.

This is now "Nixon's War." Future historians will hold little sympathy for the first

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President to preside over our defeat, and as for a President who deserts his men on the field of battle, they will hold none at all.

Particularly when the "Fifth Rate" power (North Vietnam) had told the world the men would be tried as War *Criminals* in what amounts to communist "people's courts."

No American worthy of the name dares stand idly by and watch this happen. The "prisoners of War—Everyone's Responsibility," must be more than an acronym.

Concerned Americans must convince the President that he will be supported in whatever steps are necessary to secure their safe return.

President Nixon is aware that an endless parade of Generals and Admirals—including numerous former members of the Joint Chiefs of Staff—know full well that we can achieve victory in a matter of weeks—IF we have the will to win. Once unmuzzled, these military men of rank and experience had no hesitation to make their views known. Yet, for reasons that are withheld from the American people, we not only do not seek victory, but notify the enemy of our intensions to implement a unilateral withdrawal.

Whether or not our citizens can convince the President that there is the "Third Alternative," meaning victory, is debatable. *There must be no question but what our citizens can convince the President that he cannot desert our soldier-sons, now held by the Viet Cong, the North Vietnamese, and the Laotian Communists as well. All have announced that these men will be tried and then sentenced, not as Prisoners of War, but as War Criminals!*

Our people must rise up with one voice, and make our feelings known. President Nixon must know that he will be held personally responsible for the safe return of our POWs.

President Nixon has proven more prone to listen to Henry Kissinger than to his military advisors. It is questionable whether he can be swayed toward seeking victory. However, there are certain concrete steps that *he can and should take,* rather than sacrifice the Prisoners of War now held by our implacable enemy.

First: President Nixon must notify the world that we will not consider deserting even one of our men now held by the enemy.

Second: Notify Hanoi that all POW's must be delivered to a predetermined location at a certain date and hour.

Third: Notify Hanoi that if this unconditional ultimatum is not met, Haiphong Harbor will be closed without further notification. Furthermore, that it would remain closed for the "duration."

Fourth: One week later, and with no further notification, close all rail from China—and keep it closed for the "duration."

Fifth. One week later, and with no further notification, destroy all power plants in and around Hanoi.

Sixth: One week later, and with no further notification, destroy all marshaling yards, again, for the "duration."

Seventh: One week later, and with no further notification, flood the rice fields.

Eighth: One week later, and with no further notification, destroy all works of man north of the demilitarized zone.

The previously outlined steps would be specifically designed to break Hanoi's "will." If we do not take these steps, or whatever steps are necessary, we will live in shame the rest of our lives and President Nixon will be remembered as the man who presided over our first defeat, complete with a dishonorable retreat from the field of battle, and the desertion of our soldier-sons held prisoner by an enemy whose specialty is inhuman torture.

Prisoners
Of
War
Everyone's
Responsibility

Americans have the power to influence their President.

The President has the power to obtain the POW's release.

Will you use *your* power, to help broadcast this message?

Americans have the power to influence their President—the President has the power to obtain the POW's release—use your power!

[From the Congressional Record, Oct. 23, 1969]

Petition for Redress of Grievances by Retired Officers of Rank and Experience

Whereas we who have served our country long and faithfully are grieved and shocked at the manner in which the war in Vietnam is being conducted, wasting our blood and treasure without hope of victory, and

Whereas experienced professionals all agree that the control of the conduct of the war cannot be successfully concluded from Washington by civilian politicians not fitted by training or experience, and some of doubtful devotion to this country, and

Whereas many of our greatest former military leaders have publicly stated in Science & Mechanics Magazine of March 1968 that this war can be won in 6 or 8 weeks or less:

Therefore, we respectfully petition the Government of the United States, in accordance with the First Amendment of the Constitution of the United States of America, for a redress of these grievances:

1. That the Congress assert its constitutional right and duty by declaring war against North Vietnam.
2. That the Chief Executive mobilize our armed forces according to recommendations of the Joint Chiefs of Staff.
3. That the military commander in the theatre of war be given the responsibility and authority for its rapid and victorious conclusion.
4. That the U.S. Government inform all nations concerned that we are at war with North Vietnam and will consider any assistance in whatever form given to that country as an act of war against the U.S.A.
5. That the Government of the United States secure the services of the 600,000 Free Chinese Armed Forces for the prosecution of the war, as offered by Free China.
6. That P.L. 87–297, The Arms Control & Disarmament Act, be instantly repealed.
7. That every person in public office or military command whose loyalty to the United States and its Constitution is by their acts shown to be diluted by other loyalties inimical thereto, such as World Government or Limited World Government, be promptly cashiered or impeached as provided in the United States Constitution.
8. That the criminally insane policy of relaying our strategic and tactical plans for conduct of the war in Vietnam to the communist controlled Security Council of the United Nations be stopped instantly.

Signatures to Petition

Gen. Clifton B. Cates, USMC (Ret.) Former Commandant, U.S. Marine Corps.

Gen. Edwin A. Pollock, USMC (Ret.), Battalion Commander, landing on Guadalcanal, Commanding General, 2nd Marine Division, Commanding General, 1st Marine Division in Korea, 1962–1963, Commanding General, Marine Corps Recruit Depot, Parris Island, S.C., Commandant, Marine Corps Schools, Quantico, Virginia, Commanding General, Fleet Marine Forces, Pacific, Commanding General, Fleet Marine Forces, Atlantic.

Lt. Gen. P. A. del Valle, USMC (Ret.), Commanding Artillery, Guadalcanal, Commanding Artillery, 3rd Amphibious Corps, Guam, Commanding, 1st Marine Division, Okinawa, Inspector General, U.S. Marine Corps, Director of Personnel, U.S. Marine Corps.

V. Adm. Ralph W. Christie, USN (Ret.), Commander Submarines, Southwest Pacific, W.W. II.

Lt. Gen. Ralph J. Mitchell, USMC (Ret.), Commander, Marine Air SOPAC, W.W. II, Commander, Air SOPAC, W.W. II, Commander, Air SOLS, W.W. II, Commander, Air NORSOLS, W.W. II.

Lt. Gen. James P. Riseley, USMC (Ret.), Forty-one years of military service; last troop command, 1 Prov. Corps, Army and 3rd Marine Division in Japan, 1954–55.

Lt. Gen. George E. Stratemeyer, USAF (Ret.), Commanding General, Far East Air Forces under General of the Army, Douglas MacArthur.

Maj. Gen. Charles A. Willoughby, AUS (Ret.), Asst. Chief of Staff, G–2, to General of the Army, Douglas MacArthur.

R. Adm. Chester Ward, USN (Ret.), Former Judge Advocate General of the Navy.

R. Adm. Joseph H. Nevins, Jr., USN (Ret.), Principal Command: Commanding Amphibious Attack Group with Marines embarked in Sixth Fleet.

R. Adm. John G. Crommelin, USN (Ret.).

Brig. Gen. Hanson R. Thyng, USAF (Ret.), Air Defense Command.

Brig. Gen. William C. Lemly, USMC (Ret.). Last Command: Marine Air Defense Command One, Marine Air Wing Two, Okinawa, Ryukyus.

Brig. Gen. Eugene S. Bibb, AUS (Ret.).

Brig. Gen. Robert Lee Scott, Jr., USAF (Ret.); Former Director, Information, USAF; Fighter Commander for General C. L. Chennault in China 1942–43; Commanding Officer, 23rd Fighter Group in China, 388 combat missions; Fighter Ace with 13 confirmed victories in aerial combat. Author: "God Is My Co-Pilot" and a dozen other books; At present, Senior Vice-President American Triad Corp., Tacoma, Washington.

Brig. Gen. William L. Lee, USAF (Ret.), Commanded the 49th Bomb Wing in Italy during W.W. II and the 13th Force in the Philippines, 1954–56.

Capt. E. C. Beck, USN (Ret.).

Lt. Col. Charles Richardson, Jr., JAGC (Ret.).

Lt. Col. John L. Hitchings, AUS (Ret.), Flying instructor, W.W. I, Commanded Anti-Aircraft Group in S.W. Pacific, W.W. II.

Col. Charles Ellis, Cavalry AUS (Ret.), W.W. I, W.W. II, Comdg. 91st Cav., RCN Sqdn & 3 Task Forces W.W. II; Chairman, Nat. Def. Committee, Military Order of the World Wars.

Cmdr. Homer Brett, Jr., USNR (Ret.).

Capt. Frank Stoutenburgh, S.C., USN.

Col. H. A. Mathews, AUS (Ret.).

Capt. B. Y. Ramsey, Jr., USN (Ret.).

Lt. Col. Matthew P. McKeon, AUS (Ret.).

Capt. Medrick G. Johnson, USAF (Ret.).

Lt. John C. Williams, USN (Ret.), Thirteen letters of commendation in thirteen years commissioned service.

Brig. Gen. Richard B. Moran, USA (Ret.).

SIGNATURES OF CIVILIANS

Mr. Thomas Crompton, Commander, MacArthur Post, VFW.

The Honorable John G. Schmit, State Senator, California.

(Note.—General Cates, before signing the petition, deleted paragraph #5 and made the following comment concerning paragraph #1: "The time has come, in my opinion, to do one or two things. Either admit a defeat and execute a gradual withdrawal or declare war and prosecute it to the fullest. The latter is strongly recommended.")

We Can Win the War in 6 Weeks

(Note.—Why is the world's most powerful nation being frustrated in its attempt to defeat its relatively tiny Vietnamese foe? Science & Mechanics sent writer Lloyd Mallan to Washington to get the views of military experts on this question. His surprising and informative findings are reported here.)

(By Lloyd Mallan)

I spoke with a dozen top-ranking military officers, most of them at great length, as the

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basis for this exclusive article. Among these leaders are two former Chairmen of the Joint Chiefs of Staff, a famed Chief of Naval Operations, a retired Chief of Staff of the Army, two Vice Chiefs of Staff of the Air Force and the former Commander-in-Chief of the Strategic Air Command (SAC). Two of the dozen, still on active duty, cannot be named or even identified as to their military departments. The others are identified by their ranks and positions below:

1. General Maxwell D. Taylor, former Chairman of the Joint Chiefs of Staff.

2. General Nathan F. Twining, former Chairman of the Joint Chiefs of Staff.

3. Anonymous, General, U.S. Army.

4. Admiral Arleigh A. Burke, former Chief of Naval Operations.

5. General George H. Decker, former Army Chief of Staff.

6. General Frederic H. Smith, Jr., Former Vice Chief of Staff, Air Force.

7. General Thomas S. Power, former Commander-in-Chief, Strategic Air Command.

8. Lieutenant General Ira C. Eaker, former Vice Chief of Staff, Air Force.

9. Lieutenant General Arthur G. Trudeau, former Army Chief of Research and Development.

10. Major General Gilbert L. Meyers, former Deputy Commander of both the Second Air Division, Pacific Air Force, and the Seventh Air Force in Vietnam.

11. Brigadier General Henry C. Huglin, former U.S. Representative to the NATO Military Committee and Standing Group and presently Senior Military Scientist with TEMPO, General Electric Company's Center for Advanced Studies.

12. Anonymous, Brigadier General, U.S. Army.

If you are a parent with draft-age sons, if you are any draft-age male, if you are simply a decent American who desires all peoples of the world to live in peace and freedom—then you will be happy to learn that the war against North Vietnam can be irrevocably won in six weeks. It may also make you happy to know that Communist intimidations and aggressions in the free areas of Asia can also be struck a paralyzing blow in that same brief frame of time.

And once the war in the North is ended, the remaining Vietcong guerrillas in the South could be conquered within six months—their tactics of terror and murder reduced to sporadic individual acts of desperation. Eventually, these, too, would vanish under pressure from the free Vietnamese people.

The foregoing time-estimates for victory in Vietnam are based on serious, lengthy discussions with some of the most experienced and astute military strategists in this country. Not one of these military authorities knew in advance what the others had told me. Yet every one of them was in strict agreement with every other one. They were also unanimous in their confidence that neither Russia nor Red China would dare step in physically to confront us—if we did what we have to do for victory.

Here are their recommendations for a quick victory in Vietnam:

Officially declare a state of war against the Hanoi Government.

Immediately close the port of Haiphong, through which Hanoi receives at least 70 percent of her war supplies.

Invade the North above the 17th Parallel.

Swiftly destroy all targets of consequence, after first warning the North Vietnamese people to get out of the target areas.

Warn Red China and Russia that we are now legally at war with North Vietnam—and that any attempt to supply the North with arms would be answered militarily as an overt act of war against us.

Harsh as these measures may appear to be they are the only way abruptly to stop a war that may go on for another five, ten or more years—if it continues to be fought as at present.

The average person—no matter how well-informed he may be in other matters—cannot possibly know what goes on behind the scenes of Government. He cannot know the spurious political "reasoning" that determines why we are fighting a war in a weak-sister manner that is unprecedented throughout the history of military science—when we have the strength to squash North Vietnam in practically a single blow.

Feeling that the American public has an inalienable right to know why our Government is not doing just this, Science & Mechanics assigned me to the task of finding an answer. The task took three months of steady digging and interviewing for behind-the-scenes information.

My first bit of information was surprising; I tried the Pentagon and discovered that no military officer of either high or low rank was permitted to talk about why we are doing things the way we are in Vietnam. They are allowed to give you a "briefing" on the way things are going in the war, but they are not allowed to give you their personal criticisms—even "off-the-record." As one Public Affairs Officer in the Department of Defense explained it to me: "Even if you would not attribute your quotes to a specific officer, his name would be known after you published your article—because there would be a record here of the officers we cleared you with for interviews. That record is mandatory."

In other words, the press of this free nation does not have a right to inform the public about Government policies that could be wrong. I was effectively blocked by the Department of Defense at the very beginning—or so they thought. Since I happen to have a few old friends in the Pentagon who are willing to see me without the intervention of the DoD Public Affairs people, I went directly to one of them who had spent more than a year in Vietnam and was not long back in his new job. To make things "legal," I talked with him outside of the Pentagon. Although I cannot identify either him or the military department in which he works (otherwise he would be in deep trouble), I can say that he is a ranking officer with considerable experience. Here's what he told me:

"I can't understand the way we're fighting this war. We knew about the SAM (Russian Surface-to-Air Missile) sites at least five months before the first one was fired—and we did not knock them out for fear of killing Russians working on them! Now the SAMs are killing our boys. So now we attack those missile sites—after the enemy has had a chance to protect them with modern radar-controlled weapons.

"In fact, our slowpoke way of fighting this war has given the enemy the time and security to build up the most concentrated antiaircraft firepower in military history."

What would he suggest doing to win the war faster than we are now doing?

"Although the element of surprise is now gone," he answered, "the North could be paralyzed quickly with an all-out invasion by air, sea and land. Blockade all of Hanoi's harbors. We could do this effectively by filling some of our old Liberty Ships with cement, drive them on up there to the harbor-mouths and scuttle them—sink them in the shallow waters. Of course, they would have to be convoyed to their scuttling destination by our Navy and protected against enemy fire by both the Navy and our Air Force. But it can be done.

"I would also mine the Haiphong harbor. It would be comparatively easy to drop the mines from our aircraft. Hell, the enemy has mined the harbor at Saigon—and caused a lot of damage to our shipping. Why don't we do the same thing to North Vietnam?

"Meanwhile, an amphibious landing of our forces in the area surrounding Haiphong would be decisive. It would force Ho Chi Minh's hand. He would have to recall his troops from the South to fight for survival in his own homeland. And I might mention that our firepower is superior to that of the North Vietnamese Army. Another factor, an extremely vital one, in this kind of invasion is the psychological one. The people of North Vietnam would see that we meant business. It would shake them up. And Ho would be faced with internal dissent as well as with external military force.

"Add to this an invasion over the 17th Parallel and concentrated bombardment of every important target by air and sea—and the war in the North would be finished within six weeks."

"But how about the Vietcong in the South?" I asked. "Wouldn't they continue to fight their guerrilla war against Saigon?"

"They would—for awhile," he said. "But anyone who wants to fight effectively needs food as well as arms. Their major supply of both would be cut off with the defeat of Hanoi. Then you blockade the borders of Cambodia and Laos—and you cut off their minor sources of supply. The Vietcong couldn't last. They would just dry up and drop off the trees."

There remained a great big question: why are we not fighting the war in Vietnam the way it should be fought? I asked this of another officer, even higher in rank and broader in experience. Understandably he wants to remain anonymous. His answer was: "Politics, people who mistrust the military, naivete and fear resulting from misinformation. Another important quality involved is the concept of 'flexible response,' which was derived from the personal aspirations of a single individual."

This very high-ranking military officer then told me the following story:

"Just after the Air Force was disengaged from Army control and set up as a separate military department, the emphasis was being placed on air power. At the time, President Eisenhower saw the vital importance of building a powerful Air Force, second to none in the world. So the biggest portion of the Defense budget went into realizing this aim.

"General Maxwell Taylor, then Army Chief of Staff, resented this. He personally had two dislikes. Number one, with a vengeance, was the Air Force. Number two, with lesser intensity, was the Navy. He was the Army being neglected, losing the elite prestige it had held during all the years before. He tried persistently to persuade the President to build up the Army rather than the Air Force. His reasoning was that, if a shooting war ever again got started, there would be a huge vacuum if the Army were not supported.

"Ike wouldn't buy this reasoning. There are some enemy armies—the Red Chinese, for instance, with their multitudes of potential conscripts—that you cannot effectively fight with a land army. But you can destroy an enemy's capability to support an army with superior firepower from the air and sea; you knock out his means of communication, industrial production and food production. Thereby you paralyze not only an enemy's capability but his will to wage war. So who cares about the vacuum? You can't step into it anyway.

"Nevertheless, General Taylor continued to badger General Eisenhower about the need to fill that vacuum. He finally went to his friends in the Congress, asking them to put pressure on the President. Ike got mad. He called Taylor in and very firmly demanded that Taylor stop hitting away at the subject on Capitol Hill and elsewhere.

"General Taylor was silenced until a new President was elected. Then he went to JFK with his old pitch. He also proposed a new approach to warfare—because he wanted to get some Army troops into Vietnam. (During

Ike's Administration, a comparative handful of U.S. military advisors had been sent to Vietnam at the request for aid of the Saigon Government. And Ike had insisted that these advisors wear civilian clothes.) Taylor's new plan would be step one toward rebuilding the Army's prestige and power.

"He proposed the present system of minor escalations: hit an enemy, but not too hard, and stop and wait to see what he will do next. This was the theory of "flexible response." It is a slow-moving way to fight a war because it keeps you basically on the defensive. But it served its purpose for General Taylor.

"The idea appealed to President Kennedy and his intellectual advisers in the White House, Department of State and Department of Defense. Most of them mistrusted the military anyway. They thought that this would be a 'humane' way to show the enemy we were supporting the South Vietnamese Government—without any danger of an actual confrontation with Red China or the Soviet Union.

"After they bought the idea, General Taylor saw his Army gradually come to life again. The comparatively few American military advisers wearing civilian clothes in Vietnam under Eisenhower soon expanded to 16,000 troops in uniform under Kennedy. Because the 'flexible-response' technique actually bought time for the enemy to infiltrate more and more troops from the North into the South, the United States was forced to meet the challenge by sending an ever-increasing number of troops to Vietnam. As of right now (mid-November 1967), there are almost a half-million of our men in Vietnam, much more than half of them being troops of the U.S. Army. Little more than ten percent of them are Air Force and Navy personnel.

"So under LBJ, the war has escalated in terms of men and firepower. But both are restricted to a 'flexible response'—which is not so flexible after all, because it places us in an unscientific straightjacket of limiting our objectives. In the minds of those civilian Government intellectual advisers to the President, the phrase 'Limited War' has been equated with 'Limited Warfare.' And this is a no-win policy."

After listening to this story, I was stunned. It just couldn't be true that a tiny group of intellectual advisers could control the destiny of the most powerful nation on Earth. Whether or not they were sincere in their beliefs is beside the point. I decided to check out the story at its source: I phoned General Maxwell D. Taylor, now retired from the Army, at his home in Washington, D.C. He was at work and his wife gave me the phone numbers for his two offices. One of these was in the White House. It was late in the afternoon and I could not reach him. But next morning I caught him in at home. Here's how our brief conversation went:

"I'm Lloyd Mallan from Davis Publications in New York."

"Yes. What can I do for you?"

"One of our magazines *Science & Mechanics*, is trying to do an objective article on the war in Vietnam, from a military point of view. I wonder if you'd mind answering a few questions?"

"No. I'm not for quotation, thank you."

"Well, at least, can you give me some background information?"

"No. Just read (he laughed) . . . Just read the record. (A pause.) Call General (Earl) Wheeler. He's on duty. I'm not."

"I did try the Pentagon. They won't talk."

"Well (another laugh), they're the people that ought to talk. I'm just another private citizen, out here reading the newspaper."

That was it. But I was curious about his having an office in the White House, so I phoned to ask for his title. General Taylor wears two hats in the White House. He is Special Consultant to the President and a member of the President's Foreign Intelligence Advisory Board. Some "private citizen!"

My two anonymous military friends had earlier given me an excellent suggestion: try to get in touch with general officers of outstanding experience and insight, who are now retired. No Pentagon restrictions can prevent them from talking and being quoted by name. They suggested a few names to start and this led me to others. Altogether I interviewed nine generals and an admiral. All of them took valuable time away from other work to talk with me for periods of one to two-and-a-half hours.

I will now present their cases for a quick end to the war in Vietnam, trying to list them in the order of their position and rank, as well as alphabetically in these terms wherever possible.

Air Force General Nathan F. Twining is a former Chairman of the Joint Chiefs of Staff and the recipient of 27 medals from the United States and numerous foreign governments in recognition of his skill and courage. During World War II, among many other duties, he was respectively Commander of the Mediterranean Allied Strategic Forces and Commander of the 20th Air Force in the Pacific.

General Twining feels most strongly that "either we should hit the North of Vietnam with everything we've got, bring them to their knees fast—or get out. My own opinion is that we should declare a state of war and invade the North. Then we could legally blockade the harbor of Haiphong—and sink any foreign shipping that attempts to violate the blockade. Running the blockade would be a tacit act of war against us—and the Russians as well as Red China and any other nation supplying the North well know this."

He is not worried one bit about China or Russia coming into a war against us. He is only worried that the longer we wait to finish the job, the more strength we're allowing the enemy to build. "I would tell them all that we're changing our strategy, that as of right now we are starting a new war. I'd ask them to get their people out of important target areas—and then I'd lower the boom on them! We'd win that kind of a war real fast."

Regarding the desultory way we are now fighting in Vietnam and the way in which we give Hanoi sanctuaries to build strength by stating that certain targets are off-limit to our flyers, General Twining has this to say: "I played a lot of football in my day. You are in there to win the game, so you don't ever tell the opposing team when you are going to try a pass or make an end run. But this is exactly what we are doing in Vietnam. We even tell Ho that we have no intention of destroying either his economy or Government. Therefore he knows that there are vitally important targets we cannot destroy."

General Twining told me an exceptionally interesting inside story to illustrate how Russa and Red China have our Government's civilian advisers hoodwinked—and how these same advisers can impress their views upon the highest office in the land, unless at least one person with ranking authority bothers to investigate all sides of the issue. The issue in this case was the crisis in Lebanon, when the Russians were preparing to send in their tanks and armies to take over that small Middle Eastern nation. If the Kremlin could take over Lebanon, they would feel confident to attempt other coups among the **CENTO** (Central Treaty Organization) and even the **NATO** nations. President Eisenhower was worried about engaging us in a war with Russia if we took military steps to prevent a Kremlin invasion of Lebanon. Secretary of State John Foster Dulles was even more deeply disturbed because the President was depending upon his advice.

At two o'clock in the morning on the day of decision, General Twining received a phone call from the Secretary of State. The Chairman of the Joint Chiefs was asked to come over and discuss the situation from a military point of view. The Lebanese Government had requested American troops to thwart the Kremlin, but Dulles' civilian advisers had warned him that by making a show of force in Lebanon World War III would be started.

Twining found Dulles pacing the floor when he arrived. The Secretary's first words were: "Nate, I want you to advise me about this. Is there any real danger that the presence of our troops in Lebanon would cause the Russians and their allies to go to war against us?"

The Chairman shook his head, "Negative. Not a chance," he answered. "They know our response would be massive—and our power is superior to theirs."

"Are you *absolutely* sure of this?" asked Dulles.

"Nobody can be *absolutely* sure of anything," said Twinning. "But I am sure as anybody can be that it will not happen."

Dulles was still disturbed. "If that's the real truth, why are my advisers so worried?"

"I don't know," answered General Twining. "But maybe they misread the situation and underestimate our military strength—something that the Russians never do. But if you want, I'll phone the Chiefs of Staff and ask them to come over here and verify what I've just told you. They'll tell you, I'm sure, that the real danger to world peace would be to allow the Soviets to get away with this maneuver."

The Secretary of State smiled. "That won't be necessary, Nate. I've known you for a number of years and asked your opinions on many serious questions. You've never let me down yet. Go back home and go to bed."

Not long after that early morning meeting, more than 3,000 Marines were landing on the shores of Lebanon. Khrushchev, who had been loudly rattling his tanks and rockets, never sent a single weapon to stop them.

According to General Nathan Twining, John Foster Dulles was one Secretary of State who *wanted* to stay on top of military matters. He frequently consulted with the Joint Chiefs of Staff for information about current opinions and strengths. He understood that the validity and effectiveness of any foreign policy are dependent upon the military force ready to back it up.

This is something that the civilian intellectual advisers in the White House, State Department, and Department of Defense have yet to learn. Their naivete not only promotes the concept of "flexible response" in Vietnam but goes even farther afield with another concept: that of military parity. They feel that by reducing our own military power to the level of our next most powerful enemy, we will gain the confidence of that enemy to the point where he will be content with a status-quo deadlock. In other words the Government civilian intellectual advisors feel that the destiny of this nation is in *their* hands, that world peace can be maintained only by reducing American superiority in arms to a parity with Russian military strength.

As General Twining put it to me: "I was never afraid of our military superiority causing a war. I *knew* that we had no intention of using it in an aggressive way. It was there solely as a deterrent, to discourage any other major power who is a potential enemy from attempting acts of aggression."

One thing that bothers the former Chairman of the Joint Chiefs most is the misuse of airpower in Vietnam: "What is going on there now might someday reduce our Air Force to a small ineffectual fighting force—when we will most sorely need it! In Vietnam, the role of airpower is being played down. Research and development of new air-

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craft is practically at a standstill. And every thing in Vietnam is controlled from Washington—all the target-strike decisions are made here, none by commanders in the field—even down to the platoon level in the case of the Army and Marine Corps."

In full agreement with General Twining about the way the war in Vietnam is being mishandled is Admiral Arleigh A. Burke, the only man ever to hold the position of Chief of Naval Operations for three successive terms. During World War II in the Pacific, he became known as "31-knot Burke" because he pushed the destroyers under his command to their targets at just under boiler-bursting speed. The nickname is symbolic of how you win wars: strike fast, hard and with full force. Admiral Burke was a member of the United Nations Truce Delegation in Korea to negotiate with the Communists for a military armistice—so he is well-familiar with the sneaky and evasive tactics of the Reds. He has been decorated many times for "extraordinary heroism," for "exceptionally meritorious service to the Government of the United States" and for "exceptionally meritorious conduct." He has received three Distinguished Service Medals and three Legion of Merit awards.

At present, Admiral Burke is Director for the Center of Strategic Studies of Georgetown University. I spent more than two hours with him in his spacious oak-paneled office. Against the wall facing his desk are three flags: flanking each side of the centrally placed American Flag are the Navy Department Flag and his personal 4-star Flag as Chief of Naval Operations. A large ashtray on his desk is filled with pipes. Shortly after we shook hands, he picked up a pipe, filled it with tobacco—and then forgot to light it as we talked.

Well over six feet tall, he stood up and paced the room to emphasize his answers to my questions. There was an interesting contradiction in his quietly philosophical attitude as he made emphatic points.

When I asked him: "What would you do to win the war in Vietnam? his answer was instantaneous.

"I would put our entire nation on a war footing. Mobilize the Army, Navy and Air Force. Go into mass-production of Airplanes, take battleships out of mothballs (we are only just now beginning to use the "New Jersey"), I'd call up the reserves. Then I would attack the enemy on *all* fronts—and show him that we really *mean* what we are doing, that we *want* to win.

"Individuals always act on an emotional basis—not on the basic of logic. When an enemy sees that you *mean* to win, his emotional response will be to retreat. He may still try to harass you and come back at you on a small scale—but if you *convince* him that you are out to win he will physchologically know he is defeated. Provided you have superior war power—as we do.

"At no time in the entire history of warfare has a war been won through minor escalations. Yet this is what we are doing in Vietnam—using minor escalations. So the enemy *must* feel that he can hold out. His reasoning goes: We're not being hit as badly as we thought we would be. We can hold out this way long enough for the peace-doves in the United States to prevail.

"So we escalate ten percent at a time—and each time the enemy feels that he's not being hit so hard after all that we're not hitting him as hard as we *can* hit him, *if* we wanted to.

"Of course, if you go all-out to convince an enemy that you *really mean* to win, it may at the moment appear to cost more money. But it's much better to have more men and equipment than you need—than to have too little.

"This is where Mr. McNamara makes a sad mistake. He is basically interested in 'cost-effectiveness': 'Do I get the maximum value for each dollar I spend? And does this value represent the minimum necessary force to maintain our military strength?' But he is so much concerned with minute details that he cannot see the broad picture. He is lost in a murky morass of details—yet he is absolutely self-assured that he is correct.

"Only God and McNamara *know* they are right.

"In fact, the reason that Mr. McNamara was chosen as Secretary of Defense by the Administration was precisely because of his attitude—his interest in saving money—and not in saving lives or equipment. His is truly a political job—and not a military one. To him, war is a game of showmanship, often of salesmanship but rarely of a deep desire to win.

"Then there's the matter of body-counts. I believe this was Mr. McNamara's idea—to release counts on the number of enemy dead versus our own dead. But body-counts don't mean a thing—they're barbaric to begin with—because you don't *want* to kill people; you want to paralyze an enemy to the point where he is *convinced* that he *must* lose if he continues the war.

"We are not doing this today in Vietnam. And as a result, our own people are becoming discouraged, tired, disinterested and disenchanted. Many of them want us to pull out of Vietnam—and that would be fatal now.

"We can't pull out, because if we do, the Communists—and the world—would think we are weak. But nobody in the Pentagon—particularly Mr. McNamara—among the civilian planners ever asks the question: 'If we fail with our present attitude in Vietnam, what is our alternative to win the war?' We have no alternate plan.

"At the present rate of minor escalations of the war, we'll be in Vietnam for another five or six years—or more. Maybe we'll eventually contradict the known facts of military history and win. We probably will. But the cost in lives, equipment and money will have been tremendous."

"Well," I ask, "if we take your approach toward winning the war, how about the Soviet Union and mainland China? There are a lot of intelligently thoughtful people who feel that a third global war would be started if we invaded North Vietnam.

Admiral Burke nodded and smiled, "You're right. Many people who know nothing about military science are afraid of what Mainland China and the Soviets would do if we invaded North Vietnam—and I *would* invade the North as well as mine the harbors. Haiphong and all the rest. In the case of Red China, they have their own internal political problems. Besides, their logistics to support an expeditionary force in Vietnam would be *formidable*. Our Navy and Air Force could strike and destroy vital targets anywhere inside the great Chinese land mass, thereby cutting off supplies from the Chinese Army in Vietnam. As for the USSR, their logistics would be also formidable—and their economy might be so strained in these conditions that they would just say to themselves: 'It's not worth it. Let's pull out altogether.'

"These are alternatives that the Administration and many of our people never seem to consider."

"Admiral Burke," I said, "if you were given full command of the war in Vietnam, how long do you think it would take you absolutely to defeat the enemy?"

He smiled again. "Nobody really can know how long it will take to win a war. There are too many variables and individuals involved. But considering the time required to mobilize and deploy the required forces, I would guess at from eight weeks to three months. At any rate, it would be a *much, much* shorter time than the years it will take using our present rate of minor escalation."

Supporting Admiral Burke's thesis that the war in Vietnam, if properly fought, could be won quickly is four-star General George H. Decker, a former Chief of Staff of the U.S. Army. Among his many important assignments, General Decker has been Deputy Commander-in-Chief, U.S. European Command, Commander-in-Chief, United Nations Command; Commander, United States Forces in Korea; and Commanding General, Eighth United States Army. He is a soft-spoken, earnest and intelligent man—a thoughtful person who is not given to snap judgments. Before our interview began, he asked me to emphasize that he was not on a soap box to promote his ideas, but any answer that he gave to my questions would be carefully considered. I spent a full hour talking with him.

My first question was: "What can we do, that we are not now doing, to win the war in Vietnam fast?"

His answer was: "Invade the North and blockade the port of Haiphong."

"Wouldn't that actively bring Red China and Russia into the battle?" I asked, to see whether or not his answer would match the answers of Admiral Burke and General Twining.

It did: "I am not afraid of mainland China or Russia. We are the most powerful nation on Earth today. We might not be able effectively to inactivate the Chinese foot armies, but we wouldn't have to. If we destroyed their strategic targets—notably their nuclear development installations—they would be defeated. They know this and it could be a strong deterrent to their entering a war against us. People around the world would cheer if we knocked out Red China's future potential as a nuclear power."

My next question was: "Then why don't we invade North Vietnam and blockade Haiphong?"

He grinned. "We try to build the illusion that this is *not* our war, that we are cooperating with friends—which we are. That illusion would be destroyed if we formally declared war against the North. But although this is essentially an Asian war, it is actually our war—a war to protect our national interests. A Communist-controlled Asia would be a real threat to those interests. Yet unless we do declare war against the North, we cannot *legally* invade or blockade.

"We do not have to fire shots to blockade. We merely tell the Soviet Union, Red China, Britain—whatever nation is delivering supplies to Hanoi—to keep their ships out of the area, if they do not want them damaged or sunk. This would be an effective deterrent.

"We have to be credible. Because of our present position of weakness, neither Hanoi, nor the Soviet Union, nor Red China believes us. They do not believe that we are *determined* to win.

"China entering the war physically would be abhorrent to Hanoi because they would overrun the North. They would probably pretend that their armies were comprised of volunteers, as they did in Korea, but this would make no difference if we were *legally* at war with the North.

"How about the Vietcong in the South?" I asked.

"They would dry up on the vine," answered General Decker. "Without supplies from the North and/or the Soviet Union and Red China, they could not continue to fight. Right now they have trouble getting recruits from among their own Southern people. They have had to draw on the North for 'recruits.' "

"Then you do believe that the only answer to sure and quick victory is to go "all-out" to win right now?"

He nodded. "Now our stated policy is that we do not want to destroy the Government of North Vietnam. Invasion might do this—but not if we handled things as General MacArthur did in Japan. We could make a treaty with Hanoi and place restrictions on

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their aid to the Vietcong among other things. They would have to abide by that treaty, whether or not they wanted to, because we would police them."

"General Decker, would you mind elaborating a little more on why Red China would not enter a war against us if we invaded North Vietnam?"

"Well, there are a half-million Nationalist Chinese troops on the island of Taiwan. I saw them practice maneuvers—and they are excellently trained soldiers and airmen. They are eager to take a crack at the Red Chinese. In case of war, we, of course, would have to transport them to the mainland of China. But in the doubtful event that we are in a formal state of war with Red China, such a move would be routine.

"I don't know how nervous mainland China would be about this threat from Taiwan, but the threat is not inconsiderable—in a practical physical sense."

General Decker's personal attitude is, in summary: "We have never won the war in Korea—because of our methods. We are not winning in Vietnam for the same reason. If we are going to fight a war—we should fight it."

General George Decker should certainly know whereof he speaks. As Commander of all United Nations troops, including those of the United States, in Korea for two years his experience is firsthand.

Another officer with great firsthand experience is Air Force General Thomas S. Power, who not too long ago was Commander-in-Chief of the Strategic Air Command. In fact, as Vice Commander of SAC under General Curtis E. LeMay, he was responsible, along with his boss, for building the command into the world's most powerful strategic force. This was accomplished within six short years. Today, SAC remains the world's most potent force for peace, since no potential enemy of the United States would dare to challenge its power.

Apart from his combat duty of North Africa and Italy as a B–24 pilot with the 305th Bomb Wing, during World War II General Power was also Commander of the 314th (Very Heavy) Bomb Wing in the Pacific. He directed the first large-scale B–29 fire-bomb raids on Tokyo. He was also Commander of the Air Research and Development Command (now the Air Force Systems Commander). In 1959 he was presented the Air Force Association's H. H. Arnold award as "Aviation's Man of the year."

His decorations include the Distinguished Service Medal, the Silver Star, the Legion of Merit with one cluster, the Distinguished Flying Cross, the Bronze Star Medal, the Air Medal with one oak-leaf cluster, the Commendation Ribbon with one cluster, and the French Croix de Guerre with palm.

I asked General Power: "What would you do to end the war in Vietnam—fast?"

"First I'd close the port of Haiphong," he answered, "and then I would keep going until the works of man were literally destroyed. At any time along the way, the North Vietnamese could end the war—if they wanted to. All they have to do is say: 'We will stop the killing in South Vietnam. We will get out of South Vietnam.' And the war would end at that minute. They have complete control over ending the war."

"So if you were in command, what specifically would you do to convince Hanoi that their goal was futile?"

Without hesitation, General Power said: "I'd destroy the works of man in North Vietnam."

"You mean, all strategic targets" I asked.

"I mean *all* targets. *All* the works of man." He paused and then stated emphatically: "If you show them that you mean what you say, you're going to defeat them."

"Do you feel that they think we mean what we say right now?"

"Well, right now we're doing things in a very restrained and moral way—but in this way we lose the psychological impact. We cause the enemy to think he can survive, because someday we'll be forced to quit due to internal pressure.

"And of course all these damned fools here in this country who are creating the wrong image—one of weakness—cause Ho Chi Minh to think that he is going to win this war in Washington. And this is what keeps him going."

"How would *you* change his mind?"

"I think the thing to do is just increase the level of pressure on him—so that he'll be damned well convinced that these knotheads in the United States who are so loudly protesting for peace are not going to be able to stop our actions. Because those actions will be coming at him too fast for him to be encouraged."

"The worst thing you can do in a war is to fight it piecemeal—because then you encourage the enemy to keep going. And we're piecemealing the whole thing right now. I think we're winning, but very slowly. The enemy can't take all that pounding day after day and not be somewhat discouraged. But air power—and any other power—is not being used properly in North Vietnam. We're piecemealing it."

"One of the lessons we learned in World War II was: never go back to a target: In other words, you're going in to destroy it—so destroy it. For two reasons: one, it saves your life—you don't have to keep on going back into that flak again and again. But the second thing is: the psychological impact of destroying a target—all at once, for good. This has a tremendous impact. Now if the enemy survives an attack, this kind of gives him hope that he'll survive all attacks—which, psychologically, is bad."

"If our Government acted on your advice, how soon do you think the war would end?"

General Power paused. "It would depend upon the condition the North Vietnamese are left in. There's not too much in their country to begin with. But after all, they have to have something—they have to have food. So if you closed their ports and then *really* hammered them—that war would be over, but quick!"

"My only point is this—and this is a crude example: if we leave Ho Chi Minh sitting on a broken down orange crate with his bare butt sticking out of his ragged trousers while he looks over his whole country in ruins, then he would have to ask himself: 'Well, Little Man, was it such a good idea after all to invade the South?' "

"I think we ought to ask him if he'd like to be in that position."

"And if he *does* end up in that position, I think we ought to tell all other potential gangsters who are trying to grab countries, such as Thailand for instance: 'Take a look at Ho!' This is what can happen to you. This is no child's play. We're just not going to let you get away with aggression. And if you try, here's what will happen to you. That's the way I feel about the war in Vietnam."

Another Air Force General, Frederick H. Smith, Jr., has equally strong feelings about the way the war in Vietnam is being fought. General Smith was Vice Chief of the Air Staff under General LeMay. His other credentials include: Chief of Staff, Strategic Air Command; Commanding General Eastern Air Defense Force; Vice Commander, Air Defense Command; Commander, Fifth Air Force; Commander, United States Forces in Japan; and Commander, United States Air Forces in Europe. He has been awarded 14 major decorations, several of them with clusters, and is a keen, earnest student of military history.

How does General Smith feel about our present tactics in Vietnam?

"The war could continue for years if it is carried on at the present rate. We allow the North Vietnamese to get used to our bombing each time before we step it up. Then they get used to the step-up. And so it will go for a long, long time. Using this approach, at the very beginning we lost the element-of-surprise advantage that is vital to winning a war. That war would have been over in less than a year—if we fought it correctly at the beginning."

"Where would be the correct way to fight it?" I asked.

His answer matched the answers of every other knowledgeable military man I had spoken with: "Blockade or mine the port of Haiphong. At least seventy percent of all supplies to Hanoi come through Haiphong and ancillary ports. Once the ports are knocked out, the main supply-load would be placed on a couple of railroads from mainland China—which could easily be knocked out at strategic points.

"Then there are the dikes and canals in North Vietnam which feed the rice paddies. If we knocked them out, the people would soon be without food—and give up. Once they surrendered, we could supply them with food, of course, and help them rebuild their agriculture and industry."

I asked: "How soon would the war be over if we did as you suggest?"

"A couple, three months—maybe less," he answered immediately.

"Would this apply to the Vietcong in the South as well?"

"Well, they would be cut off from supplies because Hanoi was cut off. We could then go all-out to pacify the Vietcong—divide, 'splinter' them. When the Southern villagers saw that we meant business, when they *knew* that we were fighting for them, then they would not cooperate with the Vietcong—who get their support by intimidation and terrorism. The villagers really do not care for the Vietcong—but under the pressure of threat they really don't know what else to do but support and supply the Communist guerrillas."

The question of small nuclear weapons came up, since General Smith is an expert in this field. He does not recommend their use—but feels that if we did use them the war would be over in a week, without any radiation danger either to the people of Vietnam or of the world. As he put it:

"The radiation effects would be local, they would not spread if we used small two-tenths-of-a-kiloton bombs in air bursts. Only the dust kicked up would be radioactive and soon would be dissipated harmlessly to the atmosphere. A nuclear ground burst, of course, would create a 'hot spot' at the site of the explosion. But you could get away with air bursts for specific targets.

"The public, including the press in general, doesn't know the difference between tactical nuclear weapons of low yield and strategic weapons of megatonnage yield. They equate both—and our own Government has laid the foundation for this belief by years of 'abhorring' the use of nuclear weapons. Now this present Administration *cannot dare* to employ even the smallest tactical nuclear weapons. It would take a new Administration, using a solid educational program on the subject, to be able to build up to the use of small nuclear weapons.

"Of course, if we did employ these small 'nukes' there would be a big fuss kicked up by Russia and Red China. But neither would dare attack us. They would know that we meant business. The Russians would try to harass us in Europe, of course, as they did in the situation that caused the Berlin airlift—but they would not want to start a global war over our use of small nuclear weapons in Vietnam. Neither would China want to start such a war. They know that the odds would be against them. Peking is extremely sensitive to the well-trained half-million troops on Taiwan. Before employing any small tactical nuclear weapons, we could make a big

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show of getting those troops ready for an invasion of Red China; we could openly build their efficiency even further by giving them practice in war-games. We could have a number of landing barges sitting in the Taiwan harbors. This would intimidate the Red Chinese leaders—who would expect an invasion of their homeland if they entered the war against us in Vietnam. But I don't really advocate the use of nuclear weapons—except for their element of surprise and to clear out the Demilitarized Zone in Vietnam."

Regarding the so-called Demilitarized Zone, which is used as a staging area by the North Vietnamese Army, General Smith pointed out that a tremendous saving in time, American lives and equipment could be accomplished swiftly by the use of low-yield nuclear bombs. One 20-kiloton tactical nuclear bomb would be equivalent in its effect to 16,000 sorties of tactical aircraft each carrying two napalm-tanks under its wings. If Hanoi wants to fight dirty, he feels, so should we. But we can do it without any dirty fallout of radiation—even if we used tactical nuclear weapons.

Still another Air Force General, one with three stars this time, who is bitterly critical of the way that our Government is waging the war in Vietnam is Lt. General Ira C. Eaker. General Eaker is an oldtimer with considerable military experience and insights. He has assiduously kept himself current on all aspects of world affairs, and especially on the war in Vietnam. General Eaker was Vice Chief of the Air Staff under the famous and forward-looking General "Hap" Arnold, the man who founded and developed the science of air supremacy. General Eaker was Commander of the Eighth Air Force in England during World War II. Later, he became Commanding General of all U.S. Army Air Forces in the United Kingdom. Following this assignment, he was named Air Commander-in-Chief of the Mediterranean Allied Air Forces. He has also been Chief of the Air Staff.

One of General Eaker's many citations reads: "His contribution was of major importance in the successful prosecution of the war against the Axis."

As regards the prosecution of the war in Vietnam, I'll let General Eaker speak for himself:

"Without question, Ho Chi Minh is encouraged to continue his efforts against us by the Vietnam war-critics in this country. His continued aggression is now causing more than 2,000 U.S. casualties each week.

"Having a few of our people give aid and comfort to the enemy appears to be a price we pay for fighting an undeclared war. Such criticism of national policy was not tolerated in World Wars I and II—and it probably would be muted now if we were officially and legally at war.

"Our civilian leaders have also said that they do not wish to build up a war-psychology in this country. This might bring irresistible pressure upon them to use more force than they presently desire to employ. Well, they can't have it both ways. They can scarcely expect all-out popular support when they themselves are not sure whether we are really at war.

"The most serious form of dissent and criticism of our tactics in Vietnam is the constant expression, in some quarters, of a morbid fear that our effort there may bring Red Chinese or Russian forces into the conflict. This hand-wringing, craven attitude is an open invitation for such an intercession. If the Red Chinese become convicted that our national leadership is palsied with fear and can be deterred from our just purpose in Vietnam, they will certainly invade there as they did in Korea.

"The clearest lesson from fifty years of dealing with Communists must be this: negotiate only from strength and with firmness. Our leadership should now issue an unmistakable warning that any Russian or Chinese forces which invade South Vietnam will be destroyed promptly."

Among the many points made to me by General Eaker, the following are most pertinent to our quick success in Vietnam:

1. "After our determination to go to war, subsequent decisions involved the forces to be committed and the strategy and tactics to be employed. These have been made by our political leaders, sometimes without—or heedless of—military advice. These leaders made such frequent and leading proposals to the enemy to come to the peace table that Ho Chi Minh drew the natural conclusion that he was winning. At times our political leaders have appeared to be palsied by fear of world opinion, or what Russia and Red China would do. The Israelis recently demonstrated that these need not be controlling considerations."

2. "Our political leaders elected to fight a land war, where every advantage lay with the enemy, and to employ our vast sea and air superiority in very limited supporting roles only."

3. "Surpise, perhaps the greatest of the principles of war (confirmed by the Arab-Israeli conflict), was deliberately sacrificed when our leaders revealed our strategy and tactics to the enemy. For example, they told the enemy that he need not fear invasion of North Vietnam. Whether or not we ever intended to invade the North, we should have employed every ruse known to the military art to convince Ho Chi Minh that invasion was imminent."

4. "The enemy was told also that we would not bomb populated areas, heavy industry, canals, dams and other critical targets—and thus sanctuaries were established by us along the Chinese border and around Haiphong and Hanoi. This permitted the enemy to concentrate antiaircraft defenses around the North Vietnamese targets that our Air Force *was* permitted to attack—greatly increasing our casualties. Missiles, oil and ammunition were permitted to enter Haiphong harbor unmolested and without protest."

5. "Unified command in the war zone, a necessity for military success as demonstrated in World War II and Korea, has not been established in Vietnam."

6. "U.S. political leaders have said that we do not desire to eliminate a viable economy in North Vietnam. This is tantamount to foreswearing victory—since a prime essential for military success is a viable economy. If Allied leaders had pursued such a policy in World War II, Hitler and Tojo might now be in charge of Europe and the Pacific nations."

7. "The Vietnam war is costing Russia about one billion dollars a year (at the dubious Russian established rate-of-exchange). It is costing the Red Chinese even less. The United States is spending more than twenty-five billion dollars in Vietnam annually. And the Allies are suffering over ten thousand casualties a month, of which about seven-or-more thousand are Americans. The Kremlin and Peking obviously look upon Vietnam as a very profitable venture in the overall East-West conflict. They can be expected, therefore, to insure that it continues so long as it proves profitable."

8. "Our leaders have elected to remain on the defensive in Vietnam. If we had stayed on the defensive in Korea, we might still be fighting there. If the Israelis had remained on the defensive in the Arab War, they would not have won."

What is General Eaker's recommendation to end the war in Vietnam quickly? It is exactly the same as the recommendation of every other experienced military expert with whom I have spoken: invade the North, close Haiphong and destroy every target that permits Hanoi to continue carrying on the war against us in the South.

One of the most astute of the military experts I questioned is Lt. General Arthur G. Trudeau, former Army Chief of Research and Development. His earlier assignments of importance, to name only a few, include: Commandant, Army War College; Assistant Chief of Staff, Intelligence; Deputy Chief of Staff for Plans, Headquarters, United Nations Command and Far East Command; and Commanding General, Headquarters, First Corps, in Korea. At present, General Trudeau is President of the Gulf Research and Development Company, Gulf Oil Company. He has been awarded a dozen important decorations for heroism and distinguished service.

Regarding the "threat" of mainland China and the Soviet Union, he said: "Red China doesn't bother me. They won't enter the war. They have too many internal troubles. And to support a war today would be beyond their logistic capabilities. Soviet Russia would not overtly enter the war either. They might try to harass us in many ways—to divert our efforts and energies. But again, their logistic lines would be impossible for them to support a war against us in North Vietnam."

With that big bugaboo cleared away, General Trudeau then proceeded to analyze the war situation in Vietnam as it stands now: "Two years ago, we could have quickly defeated Hanoi. When you decide to apply force—as we have decided to do—then you must apply it once and on as massive a scale as possible.

"But the way we're doing it is like someone suffering from a long illness that gradually gets worse. The gradual development allows the victims to become accustomed to more and more pain—so he learns to bear it. While if he were in an accident and broke a leg, or suffered an even worse, more abrupt shock, his tendency would be to give up. It's an 'unbearing' situation—because he was not prepared for it. In warfare, the element of surprise shock is vitally important. And we have not used that element in Vietnam."

"Is there any possibility," I asked, "that we can still recover that advantage of surprise and shock. How would you do it now?"

General Trudeau was thoughtful for several moments. "What would I do to bring this element into being again—although now it's late and much tougher to achieve? One, I would close the port of Haiphong. Two, I would destroy the rail communications between Hanoi and Red China. Three, I would cross the Seventeenth Parallel and set up a land arm at two positions above the line to command passes and roads to the South.

"This would not be easy to do, but it's possible—if we controlled access to the sea, we could supply our troops by sea. It appears to me that we are already in control of the sea—if we wanted to make a point of it."

General Trudeau picked up a pencil and drew a map for me. He pictured the Chinese island of Hainon, on which Russian MIG fighters are based, safe from our bombs because we are afraid to irritate Russia and the Red Chinese. From the sanctuary of Hainon, the MIGs fly out to engage our tactical bombers and fighters. They've shot down far too many of our pilots as of this writing. But General Trudeau was not talking about control of the sea. "Our ships pass by this island at will right now. The Chinese have done nothing to stop us."

Next he drew the Vietnamese seacoast and indicated the positions of Haiphong, Vinh and a small mountainous area with a high point of 3,000 feet. The area is 150 miles north of the Seventeenth Parallel. He continued to draw in the Ho Chi Minh Trail and the roads that branch from it into Laos and Cambodia. Over these roads come a percentage of war supplies for the Vietcong from the two "neutral" countries. He indicated the position of a pass along the Ho Chi Minh Trail, which lies south of the roads and just below the 3,000-foot high-ground area. Finally, he penciled in the railroad from

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the Port of Haiphong to Longson on the Chinese Border, as well as another railroad that branched off from it at Hanoi to No Cay in China.

"Now," said General Trudeau, "if we make an amphibious landing of troops and settle them in on the high ground, they can control that pass and prevent supplies from going south to the Vietcong. Then we close Haiphong and destroy those railroads—to prevent supplies from China and anywhere else from reaching Hanoi. If we do this, the war will be over fast."

"How fast?" was my natural question.

He paused long and thoughtfully. "That's tough to answer. But let me put it this way: if we close off the enemy's supply lines as I suggest starting now, it would be a great big boost to the Democrats' convention next August. I am not saying that it would take that long for the war to end. I am just giving you a time-envelope so you can make your own deductions.

"Personally. I am a Republican—and I would hate to see the Democrats gain such a boost. They would win the election probably. But I would like to see them do this right now—for the good of our country. The security and survival of the United States must not depend upon partisanship. It must cut across all political considerations.

"The war in Vietnam is not merely an Asian war to give the South Vietnamese a chance to govern themselves. It is much bigger than that. It is a policy war to stop those behind *both* the Bamboo and Iron Curtains. It is aimed at preventing both Russia and Red China from gaining their stated objectives—which are to defeat their mightiest 'enemy,' the U.S.A.

"In this sense, it is a war of survival for us. And the sooner the people of the United States understand this, the healthier *and safer* we will be."

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As to closing the port of Haiphong, General Trudeau believes that the easiest way would be to sink the North Vietnamese barges that are continually clearing and deepening the port's shallow channels. The barges could be sunk from the air.

General Trudeau punctuated our interview with an indignant postscript.

"McNamara claims that Haiphong supplies only a small percentage—he says about fifteen percent—of war materials to Hanoi. He is simply *not* correct. A major source of supply is Haiphong. It's more like seventy percent."

Neither General Trudeau nor Admiral Arleigh Burke is alone in their censure of the Secretary of Defense. One very high military authority, who doesn't want to be named, told me: "Mr. McNamara has never made a major military policy, decision or forecast about the war in Vietnam that has been correct." Still another authority said of the Defense Secretary: "He reasons from a conclusion to a hypothesis."

A more bitter critic of the Secretary is Air Force Maj. General Gilbert L. Meyers, a man who has been intimately associated with the Vietnamese war. In fact, until about a year ago, he ran the air war both inside and outside of Vietnam. As Deputy Commander of the Seventh Air Force, he had the practical nuts-and-bolts job of not only managing the air strikes over the North but also of directing the Thailand-based B-52s in their bombing of the South. One of my Pentagon friends says of him: "Gil Meyers is the most knowledgeable man you'll ever find regarding the war in Vietnam."

General Meyers himself says of Secretary McNamara: "If you can't come up with a numerical figure that proves we're going to win, why he won't buy any plan or suggestion. He's always looking for evidence. And you just can't look at a war on a facts-and-figure basis. For example, Mr. McNamara uses a figure to show why we don't have to knock out Haiphong. He claims that in South Vietnam the Vietcong and the North's regulars need only a relatively small tonnage of supplies to continue the war. And that if we knock out Haiphong, they could still bring in that minimum amount of tonnage without any difficulty."

"Is that true?" I asked.

"*No,* it isn't true."

General Meyers continued. "I think the best description I've heard about the way Washington runs the war in Vietnam was General Eaker's. The sum and substance of his comment was that in the past, wars were fought by the civilians and managed by the professionals. But in this war, it's being fought by the professionals and managed by the amateurs."

General Meyers certainly has the professional background to speak out authoritatively. He is a fighter pilot with many important credits and 22 major decorations and medals. He was Commander of the First Fighter Group, the first jet fighter unit in the Air Force. For two years, during the Korean War, he was Director of Operations of the Fifth Air Force. Under his command, the 368th Fighter Group was the first Air Force unit to land in Normandy during World War II. More recently, before he was assigned to Vietnam, he was Commander of the USAF Tactical Air Warfare Center. His personal philosophy of life is: "Initiative and hard work will solve any problem." This is borne out by his survival of almost 60 tough combat missions on which he destroyed tanks and gun positions.

What does General Meyers think we should do to end the war in Vietnam quickly?

"You go after the lighters that unload the ships in Haiphong Harbor. The water is fairly shallow up there and the ships from Russia, China and Eastern Europe have to anchor some distance offshore—which means that the lighters have to travel a considerable distance. They can obviously be intercepted and destroyed by our Navy and some of them by air. I don't see any reason why we'd have to come in contact with the ships themselves—if we're afraid of angering the Russians and Chinese—in order to destroy their cargo.

"And I'd keep going after those lighters until the enemy ran out of them, could not build any more. Then there are other important targets I'd hit. There's the Command Headquarters in Hanoi. The Air Defense Headquarters are there too. These are the kinds of targets, for example, that we hit all the time in World War II. And all I'm suggesting is that we use the same kind of targets in North Vietnam."

"So why don't we?" I asked.

"Well, the question defeats me. Of course, in Washington, the big bugaboo they talk about is a fear that the Russians and the Chinese will come into the war. I think that's ridiculous Our civilian planners in Washington always refer to the 'increased risk.' Now, I'll admit that there would be some increased risk. But you have to qualify that risk. It's a one-in-a-thousand kind of thing—which is a heck of a lot different than if it were one out of two. Nobody has ever attempted either to qualify *or* quantify it. And as you well know, our Secretary of Defense is a great man for quantifications. He quantifies many other things. Why not this risk?

"Personally, I think that the greatest risk we ever took in the war was our initial attack against the enemy in the Gulf of Tonkin. If the Russians and Red Chinese wanted to come in against us, that was the time to come. Obviously, today, in Vietnam, we're in a much better position to fight the Russians and the Chinese if they decided to come into the war. But if they were afraid to come in against us earlier, why would they want to come in against us now? There are too many reasons against it.

"As far as Russia is concerned, she'd have to bring her troops in through Chinese territory—and obviously, the Chinese wouldn't let Russian troops come into her territory, I know. Sure, China would permit the Russians to support the war—just as she's doing now, with supplies and instructors. But Russia couldn't *really* do much about fighting us—not much more than she could do about our confrontation with her over the Cuban missiles.

"On the other hand, China is so occupied at home that she needs all the troops she's got just to maintain law and order within the country. So when you add these two facts together, I just don't see how there can be any chance at all of those people coming into the war against us.'

If we fought the war as General Meyers feels it should be fought, how long does he think it would take to victory?

"Well, I'm going to estimate this on the long side intentionally. It would probably be much shorter than this—but I'd say we'd have it over in six months, at the most."

Hypothetically, if General Meyers were given complete command of the situation, what would he do?

"In the air war, I'd hit the North with everything we had. And in the South, I would give Westmoreland the ground troops that he needs to win the ground war. He's never been given what he's asked for. And I know this, though it never comes out publicly. I know what he thinks; I've talked with him many, many times about this. What we're doing now violates every principle of warfare that we in the military have ever known. For comparison take the Israeli-Arab affair. Israel got there 'firstest with the mostest'—and the war was over in six days. That's because they went all-out.

"You can't win wars necessarily by killing people. You've got to *overwhelm* the enemy. And when you overwhelm him, you kill fewer people than you do by picking at him day after day—as we do now. This has been my feeling all along. And Westmoreland and the Army people certainly feel the same way about this as I do.

"But you never read this in our newspapers. This is why I feel so strongly about the situation. It really hurts me to see American people over there dying unnecessarily. You have to understand all the little details—how the targets are picked, for instance—to really know how closely this war is being run from the White House and the Department of Defense. Every target, of course, is cleared with the President. I don't think the general public knows this.

"Let me give you an illustration: when Lyndon Johnson was sick with his first operation a year ago, we didn't get any new targets. I'll give you the mans name who told me this, but please don't use it. (It was someone exceptionally high up in Government.) I met him in Vietnam on a visit. And I asked him: 'Why aren't we getting more air targets?' And he said: 'Gil, you've got to remember the President is sick—and nobody wants to bother him.' "

My final interview was with Brig. General Henry C. Huglin. General Huglin is a military-political scholar and a specialist in strategic warfare. He was Deputy U.S. Representative to the NATO Military Committee and Standing Group from 1959 to 1963. He is a graduate of the National War College and a member of the Council on Foreign Relations, New York, as well as the Institute for Strategic Studies, London. At present he is Senior Military Scientist with TEMPO, General Electric Company's Center for Advanced Studies.

General Huglin's is the objective scholarly approach. He feels that we're coming along fairly well now in the Vietnam War—but not well enough. He told me!

"I think that several years ago we should have put on a lot more concentrated pressure with our air strikes—and I think that would have helped to defeat the enemy. Right now I would like to see the port of Haiphong mined—or closed off. And I would like to see more overall pressure used against Hanoi.

"I also think that we would have had the results we were seeking if we hadn't had the dissent in this country that Hanoi has misread into thinking that they could hold on a little bit longer—until finally the dissenters would prevail."

"How about mainland China and the Soviet Union?" I asked him.

"I'm not worried a bit about them. Never have been.

"Why should Soviet Russia take us on over Vietnam, when she didn't take us on over Cuba—where she was directly concerned? And China—belligerent though she is verbally—has been extremely cautious in actual actions wherever our interests or commitments are involved. And rightly so. Because things are so much different now than they were during the Korean War—where we were relatively weak. We are so very much stronger now. And China isn't any stronger today than she was during the war in Korea. Politically, she's much weaker. The atom weapons that she may have don't make that much difference. And she's not about to give us an excuse to launch even conventional air strikes against key installations that we would choose to strike. Such as her nuclear research center or her transportation system—or anything.

"We wouldn't have to fight a land war with China. And I don't think we would choose to do it. So I don't think there ever has been any real chance of China coming into the Vietnam War—although, of course, a lot of people have been worried as hell about this. Many of these are really thoughtful people, not merely peaceniks. But they just don't assess the situation the way I think that the Chinese *have* to assess it—before taking any action."

Thus General Huglin, from the scholarly point of view, is in agreement with everyone else I interviewed regarding the tenuous "risk" we would be taking if we went all-out to win the war in Vietnam. So why don't we win it?

(EDITOR'S NOTE.—The foregoing represents a body of opinion which, we feel, deserves to be and should be heard by the American people, who for too long have been given piecemeal and confused reports on the causes, the meaning, and the conduct of our war effort in Vietnam. While we recognize it is our duty to give this opinion a medium of expression, we do not necessarily concur with the conclusions of these respected retired military leaders. We invite your attention to another article in this issue, in which a very wide range of views on the war are expressed by leaders in a variety of walks of life. We feel that only by weighing carefully all the informed opinions that are expressed on this matter, and judging them in the light of our own knowledge, can we firmly decide in our own minds on the wisdom, justice, and efficacy of our course in Asia.)

UJIMA VILLAGE: RESPONSIBLE COOPERATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. HAWKINS. Mr. Speaker, the Ujima Community Development Corp., as a nonprofit entity, is justifiably proud of its part in leading the way toward a better life for residents of the south central area of Los Angeles. Joining forces with men of foresight and economic prowess to build a new city within the inner city, Ujima Village exemplifies what black Americans can accomplish by collective, positive action through the pooling of their talents and resources for the benefit of myriad people inadequately housed and deprived.

The master plan for Ujima Village calls for a balanced residential, commercial, and industrial complex, welded together to provide the necessary amenities and adequate recreational facilities for its occupants. Also, 700 units of housing will be built on 35 acres of available land. This includes a community facility to service residents. There will be also a 10-acre shopping center for the convenience of the residents and the entire community.

Groundbreaking ceremonies were held on January 27, 1970, attended by Federal, State, county, and city officials, representatives of a cross-section of community organizations, and a large representation of community residents. The Assembly of the California State Legislature approved a resolution commending the Ujima Village project which I am proud to bring to the attention of my colleagues:

RESOLUTION, ASSEMBLY RULES COMMITTEE—CALIFORNIA LEGISLATURE

Relative to commending the Ujima Village Project

Whereas, Ujima Village, a 700-unit housing development, will be constructed on a 43-acre parcel of land as part of a complex in which there will be a post office facility, a shopping center, and an industrial area and recreation park, 6.7 acres of another parcel being owned by the Los Angeles Board of Education for the purpose of constructing an elementary school; and

Whereas, Groundbreaking for the first phase, 300 units of housing, took place on Tuesday, January 27, at 2:30 p.m., on the site on El Segundo Boulevard near Center Avenue in South Los Angeles; and

Whereas, The Ujima Community Development Corporation is an outgrowth of the housing committee of the South Central Los Angeles Improvement Action Council (IMPAC), which is the sponsoring organization and developer of Ujima Village, and which was founded in June 1968; and

Whereas, "Ujima" is a Swahili word meaning "responsible cooperation"; and

Whereas, Ujima Village will represent the joint efforts of some 40 community organizations, the federal government, major black and white businessmen, and such financial institutions as the Prudential Insurance Company of America, Broadway Federal Savings and Loan Association, the Bank of America, Golden State Mutual Life Insurance Company, the Bank of Finance, Winston Burnett Construction Company, and the Boise Cascade Company; and

Whereas, An acute shortage of housing in the Watts area communities turned the Ujima Communiy Development Corporation's sights to a parcel of land, 120 acres, known as the old "Tank Farm," which had lain vacant and barren at El Segundo and Avalon Boulevards for many years; and

Whereas, The multi-million dollar Master Plan for Ujima Village is bold and imaginative, and utilizes the total environmental design approach and calls for a balanced residential, commercial, industrial, and recreational complex, superbly welded together; and

Whereas, Ujima Village represents a mammoth undertaking of self-help in the inner city, and the "building not burning" aspect of the venture sets the pace for other black people to follow, and establishes a precedent throughout the United States; and

Whereas, The Ujima Community Development Corporation, as a nonprofit entity, is justifiably proud to lead the way towards a better life for the residents of the South Central area of Los Angeles; now, therefore, be it

Resolved by the Assembly Rules Committee, That the Members salute the Ujima Community Development Corporation, and its parent organization, the South Central Los Angeles Improvement Action Council (IMPAC) for their role in fostering understanding and brotherhood while improving housing conditions and the quality of life for thousands of people in the Watts area communities, and, thereby, setting a precedent for others to follow throughout the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Ujima Community Development Corporation.

Resolution No. 160 approved by the Assembly Rules Committee.

By EUGENE A. CHAPPIE.

AIR POLLUTION—AMERICANS POISONED BY FOUNDATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 7, 1970

Mr. RARICK. Mr. Speaker, it is becoming more and more a status symbol to be concerned about ecology—specifically about the dangers of the pollution of the environment by the activities of civilized man.

Pollution is an interesting word, and those fond of using it freely would be well advised to look it up in a dictionary. Its first meaning is to make morally impure, to defile. It has acquired a secondary meaning of making physically impure, of befouling, dirtying, or tainting.

It is fair to say that those of the left who plan to celebrate the birthday of Lenin on April 22 by deploring the physical pollution of nature—that is, by deploring civilization—are the chief proponents of the moral pollution of that same civilization.

Having due regard for the legitimate danger inherent in Government control over the content of radio or television broadcasts, it is striking that our air waves are truly and continuously polluted, under Government license, by the broadcast of obscene, seditious, and revolutionary propaganda matter.

It is striking that this activity is carried on with impunity and immunity by a tax-exempt "educational" outfit, funded principally by another tax-exempt foundation—the Center for the Study of Democratic Institutions.

The center has at least two claims to attention. One is that it is a step-child—or front—for the also tax-exempt Fund for the Republic itself an operation of the tax-exempt Ford Foundation. The second claim to fame is the outstanding chairman of an outfit loaded with Communists—Supreme Court Associate Justice William O. Douglas—whose most recent book advocates revolution.

The distinguished and respected Washington editor of Barron's, Shirley

Scheibla, is entitled to new laurels for the painstaking report written on the Pacifica Foundation and published this week. I include it in my remarks followed by a letter I received from the Federal Communications Commission in response to my opposition to the licensing of the Pacifica Foundation for a new noncommercial FM station at Washington:

[From the National Business and Financial Weekly, Apr. 6, 1970]

Air Wave Pollution—The Pacifica Foundation Has Broadcast It for Years

(The accompanying article was written by Shirley Scheibla, Barron's Washington Editor.)

Washington, D.C.—On April 21 the Federal Communications Commission will open hearings on competing applications for this city's last available educational FM radio station. The proceedings should attract nationwide attention, if only because one of the applicants is the ultra-leftist Pacifica Foundation. Though Pacifica has been highly controversial ever since FCC licensed it to operate its initial radio station 20 years ago, this will be the Commission's first hearing involving the Foundation, which now has five. It began launching its fifth, in Houston, early this month, and its right to continue to operate hangs upon the outcome of the Washington case.

According to FCC files and the Congressional Record, programs broadcast recently over wholly-owned Pacifica stations have featured regular news commentaries by identified Communists and Black Panthers, tapes made by Radio Hanoi, Red Chinese propaganda and advocacy of blowing up police stations and fire houses. Hence the case willy-nilly involves official clarification of fundamental issues of public policy. For one thing, it raises the question of whether such programing is in the public interest, which the Commission, in the licensing of broadcasters, is supposed to serve. Is it proper to ban cigaret advertising because smoking might be detrimental to health, but continue to license Pacifica stations which time and again have allegedly advocated mass violence and murder? Is such programing protected by the Constitutional guarantee of freedom of speech and/or the legislative ban on censorship?

The hearings may result in a tightened FCC definition of an educational broadcaster. They also may focus public attention on the failure of the Commission to investigate the financial backing of applicants once they qualify as "educational."

The case already has shown how little the agency does to keep track of over 7,600 stations now operating under license. The FCC has no monitoring staff; a complaints branch of exactly five full-time people handles complaints involving all of them. It also has revealed how matters of great import referred to the Justice Department sometimes fail to reach the top authorities. Thus, while the Pacifica case involves allegations of subversion and incitement to riot, Deputy Attorney General Richard R. Kleindienst told Barron's that nothing involving Pacifica has been brought to his attention.

By the time the Pacifica case proceeds from the hearings before a trial examiner and reaches the full Commission, the term of one of the most liberal members, Kenneth Cox, will have expired. Thus, Pacifica also is likely to supply an indication of whether a new Republican majority will reverse the liberal bias which the agency has displayed to date in broadcasting licensing. The case also will indicate how far FCC's ultra-liberal commissioner, Nicholas Johnson, can go without disqualification.

The record indicates that the FCC should have considered most of these questions in a public hearing and acted on them long ago. FCC's complaint files bulge with letters and telegrams—some dating back years—from citizens voicing alarm over Pacifica's programs and beseeching the Commission to act. On June 2, 1969, Mrs. Hans K. Ury of Berkeley wrote the FCC about the role she said KPFA played in the so-called People's Park riot. According to her letter, KPFA broadcast appeals by Max Scheer, editor of the underground publication, Berkeley Barb, for reinforcements to go to the site to battle the police.

The complaint prompted an FCC letter of inquiry to the station, which drew this response from station manager Alfred Silbowitz: "Mrs. Ury's allegations are without foundation. Station personnel at no time encouraged listeners to oppose the police or to go to the scene of the news event that was being covered." The files indicate no further action by the Commission, although a wire from Martin Rabkin to the FCC indicated that KPFA was ordered by the Berkeley police to stop its live, on-the-scene broadcasting of the riot.

A letter to the Commission from David Bolender of Long Beach alleges that on March 7, 1969, a member of the Black Panthers said over KPFK that Los Angeles police kill black babies and exhorted his audience to kill the Los Angeles police. Again, Harvey S. Frey, M.D., of Los Angeles wired the Commission, "I request that you obtain and save a tape of the program, 'Black Is Beautiful,' broadcast by KPFA on February 16, 1969. The statement made by the host of the program at about 5:50 p.m. constitute in my mind a direct incitement to riot, murder and robbery."

Complaint files on Pacifica's New York station, WBAI, are even thicker. On April 7, 1968, Robert Potter of Clifton, N.J., wrote that after the death of Martin Luther King, WBAI carried a speech which urged listeners "to blow up power plants, police stations and water stations in retribution for the death of our leader." That same month, Herman H. Kahn of New York expressed concern about a WBAI broadcast of a news report from Moscow consisting of verbatim quotations of Pravda and Isvestia concerning the assassination of Dr. King. Mr. Kahn said it was "a thinly veiled call to arms, riot and revolution. . . . I was told in advance about this broadcast by Negro friends who advised that a telephone chain squad was formed to urge Negroes throughout the metropolitan area to tune to this station. . . . If ever there was a call to riot, this was it. If ever there was a shout of fire in a crowded theater, this was it."

William B. Ray, Chief of the FCC Complaints and Compliance Division, replied to Mr. Kahn that the Commission must not censor, and that expressions of views which involve no clear and present danger of serious substantive evil come under the protection of Constitutional guarantees of free speech.

Senator Jacob K. Javits (R., N.Y.) forwarded to the Commission a letter from M. L. Thomas, president of Tampco of Passaic, N.J., which said that on January 10, 1969, WBAI broadcast programs of Black Panthers, including Mrs. Eldridge Cleaver, in which "they spoke at length on the reasons for eliminating certain members of the Negro community who did not conform to their standards of militancy. The elimination in the context of the discussion was a clear synonym for murder, and I cannot help but be concerned about its effect upon a large and perhaps unsophisticated radio audience. I note that the station Folio (program guide) presents these Black Panther programs on a regular basis, and it is possible that this poison is being broadcast with alarming frequency."

Robert V. Cahill, legislative assistant to the FCC chairman, wrote Senator Javits: "If Mr. Thomas has reason to believe that station WBAI has failed on an overall basis to present opposing viewpoints on any such issue and will furnish specific factual evidence, the Commission will make appropriate inquiries."

All Pacifica stations, including WBAI, readily acknowledge that they regularly broadcast programs by homosexuals for homosexuals. When one listener requested time under the fairness doctrine to present his case against homosexuality, WBAI responded to FCC that "the tone and content of his literature has not indicated to us that he would be able to contribute constructively to a discussion of the general issues." FCC apparently let the matter drop.

On December 26, 1968, Lester Campbell, a former teacher of Afro-American History at a junior high school in New York, read a blatantly anti-Semitic poem over WBAI. Over the same station on January 23, 1969, Tyrone Woods, representing Concerned Parents and Students of Bedford-Stuyvesant, said, in part: "What Hitler did to six million Jews is nothing in terms of what has been done to black folks over hundreds of years. . . . As far as I am concerned, more power to Hitler. Hitler didn't make enough lampshades out of them."

The poem was dedicated to Albert Shanker, head of the United Federation of Teachers, and brought a prompt protest to FCC from the Federation's director of public relations, Dan Sanders. Representative Emanuel Cellar (D., N.Y.), himself Jewish and chairman of the House Judiciary Committee, said the Constitutional guarantee of freedom of speech does not allow WBAI to ignore "the clear and present danger in permitting anti-Semitic views to be sent over the air."

Swamped with other complaints, FCC investigated and found that WBAI afforded adequate opportunity for the presentation of opposite viewpoints, though there is no evidence in the public files that such viewpoints actually were broadcast. The Commission took no further action in the case.

Francis X. Worthington, chief of the Civil Section of the Internal Security Division of the Justice Department, told Barron's that in his opinion, incitement to riot is not actionable unless a broadcast advocates a specific time and place for a riot. Asked if he believed the Department could prosecute for a broadcast advocating blowing up police stations, he said he did not believe so unless it said which police station and when. He explained that he based his opinion on the U.S. Supreme Court decision in the Yates case. In that case the high tribunal ruled advocacy of violence legal if it is "divorced from any effort to instigate action toward that end."

FCC's new chairman, Dean Burch, asked if he felt FCC could move against broadcasters who carry programs advocating blowing up police and fire stations, replied, "Of course we can; that's against the law."

FCC need not rely on complaints to realize that Pacifica presents highly controversial programs. The Foundation has filed with the Commission examples of its programming, which include the following: "From The Center: On China. Although the People's Republic of China refused to send a representative to the Pacem in Terris II Convocation in Geneva, their view was forcefully expressed by Paul T. K. Lin, associate professor of history at McGill University in Canada. This tape is one in the series produced by the Fund for the Republic project, the Center for the Study of Democratic Institutions, Santa Barbara, Calif. . . .

"Washington Confrontation. A weekly series in which a panel of journalists interview politicians, political figures, civil servants and other Washingtonians. Panelists are Seymour Hirsch, author of Chemical and Biological Warfare; Andrew Kopkind, U.S. correspondent for the New Statesman and a con-

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tributing editor of Mayday (Barron's, January 12); James Ridgeway, also of Mayday, and Lee Webb, Washington correspondent of Ramparts. . . .

"Colin Wilson: Human Evolution and the New Psychology. Mr. Wilson discusses the natural sciences and their effect on psychology, touching on LSD and other mind-changing drugs. The talk was delivered in San Francisco at the Esalen Institute lecture series."

According to Congressional Record of February 8, 1966, Pacifica stations broadcast parts of tapes produced by Radio Hanoi, made copies and then turned them over to the FBI. They reportedly urged the United States to withdraw from Vietnam and suggested ways for American soldiers to avoid serving there.

A broadcast of Radio Hanoi monitored by the U.S. government reported on an interview North Vietnamese Minister of State, Xuan Thuy, gave to Robert Rinaldo of Pacifica in Paris in 1968. According to the monitored version of August 14, 1968, the interview carried this statement by Minister Thuy: "In South Vietnam under the leadership of the NFLSV, the Liberation armed forces and people have won ever greater victories in their fight against the U.S. aggressors and their lackeys. At present, they are stepping up the People's War and launching continuous attacks to annihilate a great number of puppet troops and to wrest back real power to the people so that the United States will find it impossible to continue its war of aggression and materialize its neocolonialism in South Vietnam."

Some Congressmen who have told the Commission they do not believe it is in the public interest to license Pacifica stations have received scorching letters from Max D. Paglin, FCC executive director, telling them that it is not appropriate to comment on "pending adjudicatory matters."

Commissioner Nicholas Johnson refers to Pacifica in a new book he has written, How to Talk Back to Your TV Set. On pages 212-213, he says: "Many communities have the blessing of community-supported non-commercial stations. The Pacifica Foundation operates radio stations WBAI in New York, KPFA in Berkeley and KPRK (sic) in Los Angeles. It has recently begun a new station in Houston."

Last December Commissioner Johnson told the Senate Communications Subcommittee, "I have never received in my office, to my knowledge, a letter from anyone complaining about a Pacifica program." However, FCC files contain a letter dated August 19, 1968, addressed to Mr. Johnson from Michael I. Neidich of 302 McCall Avenue, West Islip, N.Y., who identifies himself as Electronic Engineer, MIT '60." Mr. Neidich wrote in part, "I would like to register a complaint concerning FM radio station WBAI in New York City. . . . My children of impressionable age have access to my FM receiver, and at 7 a.m., they should not be subjected to the vocabulary, which so often emanates from this station. . . . I can only interpret the programming of WBAI a direct affront to the good people who are the life-blood of our nation, and I cannot see how you can allow them to continue."

The files also contain a letter of September 16, 1968, addressed to Mr. Neidich and signed by Mr. Johnson, in which the Commissioner said, in part, "One problem in dealing with this type of concern is that the Commission may not censor programs unless they are clearly obscene. And as you know the legal standards for obscenity are not completely clear."

Several members of Congress have asked for an exhaustive FCC investigation of Pacifica and for an opportunity to present their information on the foundation to the Commission during a hearing. They have been curtly told that they should have filed a formal petition within a stated time period. Though the Commission has not so informed them, they could appear as witnesses (for the competing applicants) at the April hearing.

A former FCC member flatly states: "Pacifica is the most outstanding case in point demonstrating the Commission's liberal bias in licensing." The foundation's first license was for KPFA in Berkeley back in 1949. At that time the station was affiliated with a university and won an "educational" rating. Thereafter, according to Congressional testimony, all new Pacifica stations automatically were classified as "educational" without the need for a university affiliation or other qualification for such status. The classification meant that Pacifica stations did not have to disclose their financial backing to the FCC.

In 1954 Pacifica acquired a license for a second Berkeley station, KPFB. According to Commissioner Cox: "When Pacifica sought a second station in the Berkeley area to fill a gap in its coverage the Commission itself suggested . . . that the Foundation could perhaps qualify for an educational FM channel. . . . In many cases the only aspect of the station's operations which has educational overtones is that the facility is used to train students in broadcast techniques."

In 1954 the Commission also announced a proposed rule which would have denied a radio license to anyone who was a Communist or not of good moral character. Pacifica blasted the proposal as an unconstitutional extension of regulatory power. In 1960, with the rule-making proceeding still pending, FCC awarded Pacifica still another station, WBAI in New York City.

By 1962 FCC dropped the proceeding, without adopting the anti-Communist rule. The following year the Senate Internal Security Subcommittee held extensive hearings on alleged Communist influence in Pacifica. Despite many startling disclosures, the subcommittee never issued a report, and no action resulted.

On January 22, 1964, FCC renewed Pacifica's licenses for its stations in Berkeley and New York and, without a hearing, gave it a new license for an educational station in Los Angeles. The decision said nothing about how any of the stations happened to qualify for educational status. It did say, in part, however: "Under the public interest standard, it is relevant and important for the Commission to determine in certain cases whether its applicants, or the principals or its applicants, for broadcast licenses or radio operator licenses, are members of the Communist Party or of organizations which advocate or teach overthrow of the Government by force or violence. . . . The Commission therefore has followed a policy of inquiring as to Communist Party membership in these radio licensing situations where it has information making such inquiry appropriate. Because of information coming to the Commission's attention from several sources, the Commission requested information from Pacifica Foundation on this score. On the basis of information obtained from Government sources, the Foundation, and our own inquiry, we do not find any evidence warranting further inquiry into the qualifications in this respect of Pacifica Foundation."

Though FCC today still quotes from that portion of the decision in answering complaints on Pacifica, there is nothing to show the findings of that inquiry in the public files of the agency. At the request of Barron's, an FCC official looked into FCC's confidential files and said they also contained nothing on the matter. Several officials who were with FCC at the time of the inquiry said they received no report on it.

On November 11, 1963, The New York Times reported, "Directors of the Pacifica Foundation decided yesterday against filling out questionnaires submitted by the Federal Communications Commission on possible Communist affiliations. . . . The FCC had called for sworn answers from the foundation's executive members, directors, officers and general managers on whether they had ever belonged to the Communist party or any organization teaching or advocating forcible overthrow of the Government."

But still the complaints about Pacifica programs poured into the Commission. When the foundation applied for renewal of its California licenses, FCC wrote it that the complaints raised questions as to whether "you have conformed to your own program supervisory policies and procedures on which FCC relied in granting your prior renewals."

Pacifica replied that because of some changes in personnel there had been deviations from Pacifica policies and procedures, but that it had sent a memorandum to all personnel and volunteers to make sure they did not recur. An FCC official says the agency failed to check up on whether the memorandum was enforced, and there is nothing in the public files of the Commission to indicate such a check. Pacifica continued to win license renewals without hearings.

Pacifica was discussed at a one-day hearing last December, chiefly on the subject of obscenity, before the Senate Communications Subcommittee. Commissioner Cox testified that FCC doesn't know where Pacifica gets its funds. At this point, Senator Edward J. Gurney (R., Fla.) asked, "Don't you think it would be a good idea if you found out the sources of funds for the Pacifica stations, particularly in view of your testimony that Pacifica broadcasts Communistic material as well as other stuff?"

Commissioner Johnson seems to know more about Pacifica's finances than Commissioner Cox. In March 1969 he said that Pacifica stations are not primarily supported by public grants or private foundations. "The stations are sustained by contributions from the listeners in their respective communities." Their ability to survive, according to Mr. Johnson, proves they are serving the public.

However, information on file with the FCC in connection with Pacifica's Houston application, and stamped, "Received September 30, 1969," indicates that J. R. Parten pledged $10,000 to Pacifica for construction of its Houston station. According to information on file with the Internal Revenue Service, Jubal R. Parten is a director of the Fund for the Republic.

The Fund initially was created with a contribution of $15 million from the Ford Foundation. At the 1963 Senate hearings, Catherine Cory Gumpertz, then a Pacifica vice president, testified that Pacifica's KPFA had received support from the Ford Foundation. (She also acknowledged having been a Communist.) She disclosed that Pacifica had received a contribution from Consumers' Union Foundation.

IRS information also shows that the term of Hallock Hoffman as the Fund's secretary-treasurer expired in November 1969. According to Pacifica's application for the Washington station, Mr. Hoffman is chairman of the board of Pacifica. It also lists him as a senior fellow of the Center for the Study of Democratic Institutions. (Though the application doesn't show it, the Center was set up by the Fund for the Republic.)

Recent newspaper reports indicate that the Center asked for the resignations of five of its most liberal fellows, including Mr. Hoffman, in the wake of continuing criticism of its board chairman, U.S. Supreme Court Justice William O. Douglas.

Despite the evidence that Pacifica broadcasts propaganda, its tax-exempt status rests upon its articles of incorporation which state, "The purposes of this corporation shall be:

"(a) To establish a Foundation organized and operated exclusively for educational pur-

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poses . . . and no substantial part of the activities of which is designed to carry on propaganda. . . .

"(e) In radio broadcasting operations to promote the . . . public presentation of accurate objective, comprehensive news on all matters vitally affecting the community. . . ."

Among those charged with carrying out those lofty obligations are some of the stars of the 1963 Senate hearings on Pacifica. In 1963 Dorothy Healey was identified as both a Communist and a regular commentator for Pacifica, and the foundation still lists her as both in its program guide. An appendix to the Senate hearings noted a sharp contrast between KPFK's glamorous description of her and the facts as revealed in public records, which show she "has dedicated her lifetime to the furtherance of the international Communist conspiracy . . . dedicated to the overthrow of the United States by force and violence."

In Congressional testimony, Stephen M. Fischer, current Pacifica vice president (and assistant to the publisher of Scientific American), denied any knowledge that the Communist Party is a conspiracy to overthrow the U.S. government, although he admitted having been a Communist in his youth.

At the time of the 1963 hearings, Steve Murdock was acting editor of People's World, West Coast organ of the Communist Party, U.S.A. In testimony before the House Un-American Activities Committee 10 years earlier, he had been identified as a member of the Communist Party. The July 13, 1968, issue of People's World said, "Steve Murdock, political writer for the People's World, will be heard in a commentary over KPFA at 7 p.m. . . . Murdock will be heard every two weeks during the summer."

During the 1963 hearings, William Mandel was identified as a frequent writer for the Communist Daily Worker who took the Fifth Amendment when asked if he had ever been engaged in sabotage or espionage against the U.S. At the time Pacifica emphasized that he was a regular broadcaster but not a commentator. Today, it lists him as a regular commentator and "authority on the U.S.S.R."

Henry Elson, Pacifica secretary, apparently is too young to have figured in the 1963 hearings. People's World has identified him as a former University of California student who was active in the Resistance and later served as attorney for Wayne Greene, a Negro charged with attempted murder, assault on a police officer and possession of a firebomb.

Donald Ray Gardner, development manager for Pacifica in Houston, currently is under indictment for alleged failure to report to the armed forces for induction. Julius Leste, a Pacifica program producer, has stated in an article in the National Guardian that he is trying to follow in the footsteps of Lenin, Mao and Castro.

The program guide for KPFK lists Elaine Browne as a regular commentator; it identifies her as "Deputy Minister of Information, Black Panther Party of Southern California."

Nevertheless, Commissioners Johnson and Cox, in a joint dissent, have said the decision to hold a hearing on Pacifica (for the first time in 20 years) is "disgusting" and constitutes harassment.

While the Commission refused to order a hearing on Pacifica's application for the Houston station, it said that the grant of the Houston broadcasting permit will be conditioned upon the outcome of Pacifica's Washington application. Meantime, Pacifica has completed construction in Houston and begun broadcasting under "test authority" last February 24. It may continue to do so until final disposition of the Washington case by the FCC, which is expected to take about a year. According to the March 7 issue of The Peace Times, the Pacifica Houston station is giving the (New Left) Moratorium office eight half-hour programs beginning in March.

FCC Chairman Burch, who has been on the job only a few months and still lacks a majority, says he expects the Commission to approach the problem of subversion on a case-by-case basis. But he cautions that in trying to prevent subversion, the agency must guard against harming the very freedom it tries to save. "We can't deny a license just on the basis that an applicant appears to be subversive," he adds. The chairman says he also plans to look into the definition of educational broadcasting. High time.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., February 17, 1970.
Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.
Re: Docket No. 18634.

DEAR MR. RARICK: Your letter concerning the application by the Pacifica Foundation for a new non-commercial FM station at Washington, D.C., has been referred to my office for reply in accordance with Commission Regulations pertaining to pending adjudicatory matters.

As you may be aware, another application has been filed requesting the same facilities as Pacifica. Because of this mutual exclusivity, the law requires that both applications be designated for comparative hearing to determine which applicant would best serve the public interest. Established law and procedure require that determinations by an agency on the issues of an adjudicatory case must be based solely upon the testimony, evidence, and pleadings submitted by the parties and witnesses on the record of the proceeding. Accordingly, it would not be appropriate to comment on the merits of the matters raised by your communication.

May I assure you that the Commission will give full and careful consideration to the issues and the views of all the parties in the proceeding.

In accordance with Commission Regulations, your letter will be placed in a public file associated with (but not made a part of) the record in the proceeding.

Sincerely yours,
MAX D. PAGLIN,
Executive Director.

ALLAN W. OSTAR, EXECUTIVE DIRECTOR OF THE AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES, CRITICAL OF PRESIDENT'S PROPOSED REDUCTION IN HIGHER EDUCATION FUNDING—DISCUSSES PUBLIC RESPONSIBILITY AS WELL AS EDUCATION'S RESPONSIBILITY TO THE PUBLIC

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. RANDOLPH. Mr. President, Allan W. Ostar, the executive director of the American Association of State Colleges and Universities, is a knowledgeable and respected leader in higher education.

Speaking at Kent State University, he issues a warning that acceptance of the President's proposals which include sharply reducing Federal support for higher education and shifting a greater share of the burden of supporting higher education to the student would result in a reversal of our longstanding commitment to education and to its young citizens.

Ostar alleged that the recommendations would "wipe out all Federal support for construction of classroom and other academic facilities despite estimates that next year $2 billion in Federal construction support will be needed for public and private colleges and for community colleges."

The able educational leader called on Congress to give careful consideration to the proposals.

Mr. President, I ask unanimous consent that parts of Mr. Ostar's address, entitled "Challenge to Change," be printed in the RECORD.

There being no objection the portions of the address were ordered to be printed in the RECORD, as follows:

CHALLENGE TO CHANGE

(By Allan W. Ostar)

President White, members of the faculty, distinguished guests, ladies and gentlemen of the Class of 1970, and those unsung heroes who made it all possible—parents and spouses.

This is a proud moment for them. They, too, have been anxiously awaiting this day, and there ought to be a special certificate awarded to them at these ceremonies.

I do know something about your institution. My research also revealed that you do not like long commencement addresses. Brazilian Indians have a practical way to deal with long-winded speeches. The chief asks speakers at tribal meetings to deliver their speeches while standing on one leg. President White neglected to give me any such instructions, and so I will proceed with both feet planted firmly in midair.

I should like to pose 3 questions on basic issues facing higher education today. Simply stated, they are (1) Who should go to college? (2) What kind of education is relevant to the changing needs of the 70's? and (3) Who should pay for education?

The first question was answered by President Truman's Commission on Higher Education after World War II and again two weeks ago by the Carnegie Commission on the Future of Higher Education. Who should go to college? Everyone, both Commissions said . . . everyone with the ability and motivation should have the opportunity to go beyond high school. Abetted by the GI Bill of Rights, this clearly-stated national policy raised hopes and expectations that post-secondary education was not only possible but necessary for those looking for better jobs and a fuller life. For all the expectation and promise this policy embodied, it did not reckon with the tremendous population explosion and urban growth that followed. With it came burgeoning enrollments. The growth has continued, until today, for the first time we hear an increasing complaint—too many people are going to college. Earlier this year, the vice-president of the United States reflected this attitude publicly. Campus unrest has served to reinforce this attitude among those who find it a convenient excuse for withdrawing support for higher education while at the same time questioning its value. One of the cold, sharp facts we now face is that higher education no longer enjoys the almost universal regard it commanded a few years ago. It becomes increasingly difficult to convince state and national legislators of the importance of fully-funding college and university needs. As we enter the 70's, we face a new questioning—a public evaluation of higher education. Yet, at the same time, a public opinion poll published in *Life* magazine a few months ago showed that when asked for priorities in the use of tax money, Americans placed education at the top of the list.

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This isn't the first time we've been warned about too many people going to college. Just after World War II, a well-known economist sounded a similar alarm. He prophecied then that from the swollen college enrollment, we would reap an unemployed educated class, forced to take jobs beneath their training, driven to discontent and eventual revolt. If we had listened to his warnings, our national welfare would be in deep trouble today. England tried that road of limiting the percentage of young people going to college. Today the British are trying to reverse that pattern, realizing that the lack of highly-skilled, college-educated persons has been a major contributing factor to that country's lag in economic growth.

Now we are faced with the challenge of designing an educational program for an upcoming decade that promises to be marked by unbelievable change. In making college curriculum more relevant to these needs, we may wish to give credit for community service—to join in cooperative education with a wide range of enterprises off the campus. We undoubtedly will make greater use of new instructional technology, freeing time now spent by both faculty and student in merely transmitting facts. We can expect to be challenged increasingly by the question—are we making the best use of our resources? It is a legitimate question coming from legislators, parents, students. Do we know, for example, that by reducing the teaching load, the quality of instruction really does improve? How do we measure our effectiveness in higher education? By the number of PhD's on the staff, the number of books in the library? We are now being asked—are these valid ways to measure quality? What about the impact of the institution on the student, and vice versa? One thing we can count on—our colleges will have to answer more questions of this nature in the 70's than we did in the 60's.

At this moment, at what appears to be the culmination of 16 or more years of formal education, you may not appreciate a suggestion that these years are only the beginning of a life-time of learning. A wise man put it this way. "Man today lives on an escalator. He goes to sleep in one world and wakes up in another. He graduates from college in one world, but the worlds in which he must live are far different—and always changing."

Hopefully, your education has prepared you for life in a world that is changing with unbelievable speed. This world population, which was one and a half billion in 1900, now stands at three and a half billion. It is expected to double by the year 2000 and reach 10 billion within your lifetime.

Paul Ehrlich in his book *The Population Bomb* predicted that within this decade—unless the excess of births over deaths is radically reduced—this world is in for a major famine. While I am speaking this one sentence, four people will have died of starvation—most of them children.

Clearly the population explosion will make a radical change in our way of life. That old way of life to which we have become accustomed will become old much more quickly than it did for our parents. Unless we are able to cope with this change and learn to control it, the quality of our lives will deteriorate rapidly. And, as medical science lengthens our lives, we will have to decide whether—to paraphrase the cigarette commercial—we will be living longer and enjoying it less.

The changes which all men who are my age or older have lived through are greater than all the changes of the past put together. My daughters in high school have more knowledge now than I had when I was in college. You have more knowledge than most of us can hope to acquire during the rest of our lifetimes. But, at the same time, this knowledge will grow obsolete at an ever-increasing rate.

We have to acknowledge the psychological implications of the impact of such rapid change on existing values. The increased use of drugs on our college campuses, and in our high schools, may well reflect the need for mental crutches to help people cope with the pressures of social and technological change.

One further element of change is the increase in leisure time. A century ago, when men worked 70 hours a week, they lived about 40 years. Today, men work 40 hours a week and have a lifespan of 70 years. Inability to know what to do with our increased free time may result in boredom, alienation, and psychological problems just as serious as the physical problems caused by the 70-hour work week of a century ago.

Finally, there is the matter of educational obsolescence. How should we educate people for jobs that do not yet exist? What do we do about people who find—at age 35 or 40—that their skills are obsolete?

These changes—the population explosion, the explosion of new knowledge, the minimizing of natural barriers between nations through communications satellites and supersonic transports, the ever more precarious balance between war and peace, the expansion of leisure time, the problem of job obsolescence, the increased pace of just plain living—these are the challenges that face education, and face you.

We must now recognize that education is not a railroad line with a terminal point at the end. We can no longer afford to stop and get off whenever we feel we have gone far enough. To avoid human obsolescence and to help us cope with change, education must continue throughout our lifetimes.

A generation ago, the average American completed the eighth grade. Today he has completed 12 years of school. More than half of the high school graduates are now going on to college, and in California the figure is now about 80 per cent. Where does education go from here?

I predict that the next step will be a system of continuing education which will begin in nursery school and continue throughout our lifetimes. Actually, this process is well under way. More adults go to school than to major league baseball games. The score: school—25 million; baseball—22.5 million. You may be going to school six weeks out of every year for the rest of your lives!

You have perhaps 50 years of living ahead of you. Kent State University has provided you with a rich and valuable foundation to enable you to make the most of that 50 years. Take advantage of it. Use it. Put it to work and make it pay dividends. Don't stop now. Let it be the beginning of a lifetime of learning.

My last question holds the attention of every educator and student today: What is the public responsibility for education, and education's responsibility to the public?

State universities are dedicated to the principle that opportunity for higher education of the highest quality should be freely available to all who may benefit by it.

They are part of the great American tradition of public education which runs from the elementary school through college and graduate school.

Our public universities stand because far-sighted state legislatures long ago rejected the European notion that higher education should be only for the chosen few.

They continue to be supported by the people they serve to perform three primary functions:

1. teach in order to preserve and extend knowledge and provide the educated manpower needed by our society;

2. do research in the new frontiers of knowledge for the benefit of mankind; and

3. extend the resources of the institutions to the farms, homes, factories and communities.

The ability of not only our state universities, but all colleges, to meet their responsibilities, may be severely restricted however, as a result of the radical proposal advanced by the White House day before yesterday. This proposal coupled with the administration's budget request for 1971 would have the effect of sharply reducing federal support for higher education and shifting a greater share of the burden of supporting higher education to the student. For example, the proposed budget would wipe out all federal support for the construction of classrooms and other academic facilities. Yet State Coordinating Councils estimated that next year $2 billion in federal construction support will be needed for public and private colleges and for community colleges.

With the elimination of this one program—and it is one among many slated for extinction—colleges are faced with three choices: shut the door of opportunity in the face of thousands of qualified students; ask the states and communities to add to their already heavy commitment for the support of higher education; *or* require the students to make up the federal share through higher tuition and fees.

Under the administration's reduced request for funds, the NDEA student loan fund will result in 15,000 fewer students receiving assistance next year at a time when demand for higher educational opportunity by students from low income families has never been greater.

The administration has requested $60 million less for Educational Opportunity Grants than the colleges estimate they need to help qualified disadvantaged students get a college education. Funds for library books and instructional equipment have all but disappeared in the 1971 budget request.

Inflation is cited as the culprit for these sharp cutbacks in federal support for higher education. I am no economist, but I fail to see how the fight against inflation will be helped by shifting the cost of these programs to the students, and then asking them to borrow the needed funds on the private money market at a high rate of interest where money is already scarce, and the housing industry is almost at a standstill. The only way to really save money is to cut back on the number of students who may go to college. Not surprisingly, those who advocate this course of action and suggest that too many people are going to college, seem to be talking about the other fellow's children, not their own.

But perhaps the hardest hit of all by the administration's proposed new programs will be the middle income families—those with annual incomes of $10,000 and up. In the past, this group received help in the form of federally guaranteed student loans at subsidized interest rates. The debt incurred by students and their parents under this program was bearable as long as the colleges were able to keep their charges down through assistance from federal and other sources.

Reduction or elimination of direct federal aid to our institutions will result in higher than normal increases in tuition and fees. At the same time, interest subsidies for loans to middle income families will be eliminated.

The administration proposes to deal with these problems by creating a government-chartered corporation to make more loans available from the private money market. This will enable students from middle income families to borrow up to $2500 a year at an annual interest rate of 9¼% repayable over a 20-year period. A student completing four years of college would be faced with the prospect of paying up to $27,822, including interest, over a 20-year period for his education. If he goes to graduate or professional school, the debt would be that much higher since current federal assistance for graduate education and NDEA graduate fellowships apparently also would be curtailed or eliminated.

And if he is so unfortunate as to marry a college graduate, the happy couple faces the joyous prospect of starting out life together with a joint obligation of almost $56,000.

The marriage pledge will have to be revised to read "With these debts I thee endow." There are enough people here today who remember the quaint custom of marriage dowries. How does the idea of a dowry in the form of a debt strike you?

You parents, aunts, uncles and grandparents remember how you scrimped and saved to get together a down payment on a house and then spent the next 20 to 30 years paying off the mortgage. Just think about the idea of a college-educated married couple starting off life together with three mortgages—one for the husband's education, one for the wife's education, and one for the house, although with the first two to pay off, I don't see where there would be any money left for even a down payment on a house in today's market.

All this in the name of fighting inflation? Isn't one major cause of inflation the great increase in consumer credit, the buy now, pay later syndrome? I should think one of the most inflationary things we could do is to shift a substantial share of the cost of operating our colleges from society as a whole to the students and then requiring them to go heavily into debt to pay for it. And I repeat that the burden will fall most heavily on the already hard-pressed middle income families. The poor will continue to receive direct student financial aid, and the rich will be able to pay cash on the barrel head.

Oh, yes, there is another theory advanced in support of the proposal to have students pay more of the cost of their education. That is—you appreciate something more if you have to pay for it yourself, and, besides, it builds character. It is a pity that the children of the poor and the children of the rich will be denied this unusual opportunity to develop their characters.

Replacing education subsidies with a loan program for students amounts to a special tax on those who attend college and who are unable to finance their education without borrowing. The fact is that those who enjoy higher earnings as a result of having attended college pay for it many times over through increased taxes. And the rest of the nation which benefits by their increased skills and knowledge should help pay for it as well.

A good illustration are the benefits of the World War II and post World War II GI Bills. About 4.5 million veterans attended college under these programs at a cost to the federal government of roughly 12 billion dollars. The benefits to society in the form of increased income and increased availability of technological and professional skills acquired by the veterans results in an impressively large return on the government's investment. A good estimate is that just the return through increased federal taxes paid by the veterans amounts to $100 billion. That is a pretty good return on a government investment of $12 billion. In addition, society gained one million college-trained businessmen and managers, 750,000 engineers, 300,000 medical personnel, 200,000 scientists, and 400,000 teachers, just to cite a few examples. We do not know, of course, how many veterans would have gone to college and entered these professions without the GI Bills. But I think it is safe to assume that the number would have been far smaller if many of us had to incur a debt equivalent to a mortgage on a house in order to attend college.

Heavy reliance on loan programs would be particularly discriminatory in the case of women students. It is just as important to society for women to be educated to the maximum of their ability as it is for men, even though they may not have the earning power necessary to pay off a big debt.

It has been characteristic since the time the Pilgrims landed for each generation of Americans to provide the very best education it could for the generation that followed. Are we here prepared to make our mark in history by being the first generation of Americans to say to our children or to our neighbor's children, "This generation is not willing to bear the cost and responsibilities of providing educational opportunity to everyone who is capable of benefiting from it regardless of family income. You must now shoulder a major part of the cost of supporting our college. But, we'll tell you what we'll do for you—we will set up a federally sponsored loan bank so you can borrow the necessary funds—*at the going rate of interest, of course.*"

Every generation has sacrificed to provide educational opportunities for its young people. Are we now to say to the next generation, "We are going to look out for ourselves—if you want an education, hock your future and get it yourself"?

The entire economy benefits by having every qualified student receive all the education he can take, with the cost spread throughout society. Students in the United States already pay a greater share of the cost of their education than students in almost any other major country, and students in Ohio pay more than in most other states.

There is no substitute for adequate legislative support and low tuition to provide the maximum degree of educational opportunity necessary to modern society.

Those of us concerned with the financing of higher education are hopeful the Congress will take a long and hard look at the White House proposals just released, and consider carefully some of the implications I have discussed with you today. Acceptance of the proposals without major modifications will result in a reversal of our nation's long-standing commitment to education and its young people. Once the dedication is made, there will be no turning back.

BROTHER COPS AID BLINDMAN—PAY HIS BILLS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WOLFF. Mr. Speaker, the Shields—Nassau County is a social and fraternal association chartered and incorporated under the laws of New York State. Its basic purpose is to raise the image and elevate the status of the police officer in the eyes of the community.

Membership is composed of active and retired police officers of all ranks from patrolman to chief. Chaired by Stan Perlmutter, any police officer living and working in Nassau County is eligible for membership.

This active group has supported civic organizations. It has found the police officer engaged in more community projects than any other profession.

When morale of the police officer is weakened by the actions of those who do not have the well-being of the Nation in mind, it is the job of the association to remind the police officer of his oath to uphold the laws and to keep him mindful of his professional status. The Shields—Nassau County, moreover, believes the public must be aware of the professionalism and humanism of the police officer and must realize their morale is dependent upon the backing given their policemen.

In addition, the police officer must have the support and cooperation of the public. The public must then be made aware of the professionalism of the police officer the holder of an occupation with certain social standing.

This dedicated group, Mr. Speaker, performing so many roles is deserving of congressional acknowledgement. In light of the concern and accomplishments generated by this organization, I would like to extend my remarks to include a story in which the Shields—Nassau County helped one of their own.

The article follows:

BROTHER COPS AID BLIND MAN PAY HIS BILLS

He had been five years in the force and during that time had made more than 100 arrests, including one for murder and several for assault and robberies; he had disarmed men.

Then something happened to the 27-year-old married man.

"I went to work one day at the 73d Precinct and my eyes started to throb and burn; it felt as if there was something in them," he recalls.

WOKE UP BLIND

He went home from work that night hoping that whatever was in his eyes would work its way out while he slept. But next morning, when he awoke, his vision was gone in one eye and very weak in the other.

Acquafredda went to the eye department at Laxon Hill Hospital where doctors ran tests. They were unable to find anything wrong with his eyes.

The doctors believe Acquafredda's eyes were afflicted with a rare virus. It is thought to be the same virus that blinded singer Ray Charles when he was 5 years old.

NOW ON SICK LEAVE

Acquafredda is on sick leave from the police force. He has spent about half of the last 18 months undergoing tests at Lenox Hill.

The doctors who examined him were all eye specialists. Their fees are high and, because they are not covered by the police medical plan, Acquafredda has to pay them himself.

The Shields—Nassau County, an association of policemen living or working in Nassau, heard of Acquafredda's plight. They are trying to collect money to aid the almost blind man.

RAFFLES PLANNED

At a meeting last week they collected more than $500 for him. They intend to hold raffles on his behalf.

The Shields is dedicated to the improvement of the image and elevation of the status of police in the community. They do this by trying to show how much the policeman as an individual is involved in his neighborhood.

The Nassau Shields, organized about six months ago, have helped in a synagogue's fund-raising drive, in the mailing of Christmas packages to servicemen and in other charitable projects.

Their members are involved with Little Leaguers, Boy Scouts, Cub Scouts and other activities.

XUM

ADDRESS BY DR. IRA N. GABRIELSON

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. METCALF. Mr. President, again this year, Dr. Ira N. Gabrielson, board chairman of the Wildlife Management Institute and one of the deans of American conservation, opened the 35th North American Wildlife and Natural Resources Conference.

I take this means to call the attention of Senators to Gabe's remarks.

I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Ira N. Gabrielson

I am pleased to open this 35th North American Wildlife and Natural Resources Conference. This is the third of these international conferences to meet in Chicago. The last, the 19th Conference, convened in this same room in 1954. That meeting, like this one, was held shortly after the close of the first year of a new Republican Administration. In reviewing my comments then, I find that I said:

"The new administration has had a year to find itself and to establish a conservation program. In general, it can only be said that no constructive, progressive program for advancing conservation activities has yet been developed, and little interest has been shown by the two great departments responsible for the most important of our conservation estates in protecting the gains in the past."

I found it interesting to review these words written sixteen years ago. In contrast to the situation then, President Nixon has been in the forefront of the present great wave of environmental concern. Scarcely a day passes without some statement of official concern from The White House or one of the Executive offices. The President also has taken an encouraging approach to the attack on environmental ills by appointing to the new Council on Environmental Quality my good friend and one of our distinguished speakers this morning, Russell E. Train. This important new office is in good hands.

I also applaud the President for his initiative and for his promises that his Administration is about to launch an all-out-attack on the abuses of the American land. But in spite of these many heartening expressions, I remain apprehensive about the future. There have been some disturbing administrative decisions and there is a growing gap between talk and the significant factors of urgently needed action and the funding of programs.

For example, in the closing months of the previous Administration, the government, at the suggestion of the Bureau of the Budget and after long study, initiated an orderly system of increases in grazing fees on the national forests and public domain to bring the prices gradually up to fair market value. The first of these modest increases was adopted in 1969. The second step, scheduled to go into effect this year, was killed by Secretary Hickel. To save the Administration any political embarrassment from Hickel's precipitant decision, Agriculture Secretary Hardin was forced to go along.

This action probably originated with the Assistant Secretary of the Interior for Public Land Management, Harrison Loesch. In his first meeting with conservationists, Loesch flatly proclaimed his goal to roll back the grazing fee schedule.

As long as the ridiculously low grazing fees remain in effect, the American public will continue to be shortchanged. The Administration's decision favors the livestock minority over the larger interests of the public in this matter.

Another attempt to curry favor at public expense was embodied in the High Yield Timber Bill, the national forest cut-out and get-out proposal, which was endorsed by Secretaries Hardin and Romney.

Although it was amended in committee—to provide lip service to watershed protection, recreation and wildlife—its primary thrust was to give timber priority over all other national forest uses.

You may know by now that the House of Representatives refused even to consider this bad bill. It is not to its credit that the Administration supported the bill. The Forest Service can easily improve national forest management under existing authority without harming other forest values if given the money and manpower. The Administration shows no sign of seeking the funds, however.

Then again, the Administration has not shone brightly in its handling of the Music and Hualapai Mountains case in Arizona where the Interior Department initially denied state selection of 40,000 acres of recreation and wildlife lands. The Bureau of Land Management, with the support of the Arizona Game and Fish Department, rejected the first application—which was upheld by the former Secretary of the Interior, himself an Arizonan. It was common knowledge that the state intended to lease the lands to ranchers. State lands leased for grazing in Arizona give most privileges to the lessees and virtually none to the public.

With a new Administration in Washington, Arizona renewed its application. This time the Administration—again represented by Assistant Secretary Loesch—saw no need for foot-dragging. He ordered BLM to proceed with the transfers to the state.

Only the intervention of Congressman Henry S. Reuss's Subcommittee on Conservation and Natural Resources halted this giveaway. While the subcommittee action is not permanent, it will at least afford an opportunity for the affair to be investigated. Secretary Loesch also is involved in a similar case in Wyoming.

President Nixon's address before the National Governors Conference last month dealt largely with environmental problems. In general, the speech was an excellent summation of the conservation challenge in the critical days ahead.

The President noted that he had met with representatives of the conservation organizations. His impression was that "there is an irreconcilable conflict between economic growth and happiness . . . and a decent life," and that the goal of the conservationists seemed to him to be "to return man basically to his natural state . . ."

The President's statement causes me to fear that preservationist activities may have distorted the meaning of an old and honorable Republican word, "conservation"—even in the mind of our leading Republican.

I know few if any conservationists—even among the preservationist groups—who want to revert to the simple life eulogized by Thoreau and Rousseau, even if that was possible, which it isn't. What conservationists want is a decent environment—the same thing, I am certain, desired by the President.

We hope that President Nixon does not equate conservation either with outright preservation or with turning over to industry or special interest groups, public resources that have been husbanded for the public good. If the President's words are backed up by firm action and adequate funding, a good deal of the conservationists' long battle to reverse the degradation of the human environment will be won.

TRIBUTE TO DR. J. H. HULL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. ANDERSON of California. Mr. Speaker, for the past 23 years the Torrance Unified School District has been headed by Dr. J. H. Hull. The superintendent of the district since its inception, Dr. Hull will resign his post July 15, 1970. For his dedicated and outstanding service, he will be honored at a community appreciation dinner and retirement party on April 15. This event will mark the 23d anniversary of Dr. Hull's tenure as superintendent.

During Dr. Hull's years with the district, Torrance schools have graduated 20,716 high school students, the school system has grown from four to 41 schools, and enrollment has jumped from 2,000 to 34,000 students.

Dr. Hull received his undergraduate degree from the University of Redlands in 1930, and his masters degree in education administration from Colorado State College in 1932. In 1949, he was awarded his doctorate in education from the University of Southern California.

The retiring superintendent has served as both instructor and administrator on the secondary and the college level. He has held positions as instructor at Colorado Women's College, as high school principal in Pritchett, Colo., as superintendent of Prospect Valley centralized schools, and as a high school instructor in Corona City schools.

Prior to coming to Torrance to take the superintendency, the former naval lieutenant commander held the post of assistant superintendent of business and public relations of Corona City schools.

Since 1949, Dr. Hull has served as visiting lecturer in school administration at the University of Southern California and was visiting professor at Western State College in Gunnison, Colo., in 1962 and 1963. The University of Southern California named Dr. Hull the Delta Epsilon Lecturer in 1966.

Dr. Hull was awarded the American Educators Medal from the Freedom Foundation at Valley Forge in 1963.

A prolific writer, Dr. Hull has authored more than 50 articles which have appeared in such publications as the American School Board Journal, School Executive, School Business Management, Nation's Schools, Education Summary, School and Society, Journal of Secondary Education, the Education Digest and School Management.

His contributions to the community have been many. Dr. Hull is a member of the First Christian Church of Torrance, the Torrance Kiwanis Club, has served on the Boy Scout Council, was vice president of the Torrance National Little League twice and has chaired the heart fund drive in Torrance.

When he first took over the superintendency of the Torrance Unified School District, he encouraged the board to establish the Educational Council of Torrance. In addition, he was instrumental behind the formation of both the South

Bay-Harbor Industry-Education Council and the Southern California Regional Occupational Center.

His professional affiliations include membership in the American Association of School Administrators, the California Association of School Administrators, Society of Delta Epsilon, and Educare. Dr. Hull is currently a member of the Policies Commission of CASA and chairman of section III of CASA.

He appears in Who's Who in the West, Who's Who in American Education, Who's Who in California, Dictionary of International Biography, and Personalities of the West and Midwest. In addition, Dr. Hull has been nominated for the National Biography of Achievement and will appear in "2,000 Men of Achievement, 1970."

Doctor and Mrs. Hull are the parents of two children—a son, John, who is a freshman at the University of Redlands, and a daughter, Doris Ann, who is a junior at Torrance High School.

I would like to join with the community in expressing my appreciation to Dr. J. H. Hull. His presence will be missed but his achievements will remain as an inspiration to those who follow.

SUICIDAL PROCESS?

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. BELCHER. Mr. Speaker, in the "Letters to the Editor" column of the Tulsa World on March 8, 1970, there appeared a letter from one of my constituents, Mrs. J. E. Rutter of Bixby, Okla., reiterating some of the "freedoms" that some people in this country are beginning to take for granted.

I think this letter bears pondering by anyone who is genuinely concerned about the preservation of the true freedoms on which this Nation was founded. I include it in the RECORD following these remarks:

SUICIDAL PROCESS?

> Freedom to speak treason against our country. Freedom to assassinate our leaders. Freedom to riot and kill. Freedom to deface public and private property. Freedom to indulge in drug traffic. Freedom to exploit pornography. Freedom of religious sects to murder. Freedom to dodge the draft and country. Freedom to travel to revolutionary countries and take sides with the enemy. Freedom of the courts to the criminal. Freedom to disrupt classes in our schools. Freedom to form militant orders. Freedom to distort news. Freedom to divulge military secrets. Freedom to speak profanely and obscenely. Freedom of labor unions to dictate to our government. Freedom of the Communist Party to operate openly and freely against our structure. Freedom to destory our nation.
>
> Strange that these freedoms are the goals set by the Communist Party to destroy our nation. The Communists must be very proud to see their program working—freedom to kill freedom—and we, the American people, are contributing to their cause, in record time.
>
> MRS. J. E. RUTTER.
>
> BIXBY.

CONGRESSMAN CHAMBERLAIN'S 1970 QUESTIONNAIRE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the results of the thousands of responses to my annual questionnaire to Sixth District residents have been tabulated and I commend them to the attention of my colleagues.

Of particular interest, I believe, was the support shown for wage and price controls. This confirms the deep concern over the well-being of our economy and the degree to which people have become aroused by the cost of living.

Especially significant, too, in light of the strong concern about inflation, is the fact that 65 percent indicated they believed that a balanced budget was of great importance. I share this concern and President Nixon has demonstrated that he does also.

The questionnaire provided a special 11-part question allowing respondents to rate how Government spending priorities should be set. The direction here is decidedly toward greater efforts to control pollution—85 percent—and crime—80 percent—and for less spending for foreign aid—83 percent—and space exploration—65 percent. In addition, 49 percent wanted less for defense, and this the President has called for.

Since the House will soon be acting on the welfare reform bill I would also point out that the poll shows that a total of 68 percent agree that our welfare system should emphasize work as a condition for assistance and require job training when appropriate. This is the heart of the President's proposal to replace the present system and help people get jobs so they can get off the relief rolls.

In other reform areas, 82 percent agreed the President should be elected by direct popular vote; 65 percent stated they favored a phaseout of Federal farm controls within 5 years; and 58 percent said they would support sharing a percentage of Federal income tax money with State and local governments. Electoral college reform has been passed by the House and is now pending in the Senate. Congress will soon be considering the farm program and it is good to have this expression of sentiment. As for revenue sharing, I feel it offers a fresh approach that could serve to bolster our federal system and reverse the trend toward the concentration of power in Washington.

On three separate queries, 67 percent opposed easing minimum penalties for possession and use of marihuana; 54 percent did not favor draft deferments for college undergraduates; and 51 percent opposed lowering the voting age to 18. I detect a growing support for the 18-year-olds as compared to indicators in previous years.

On Vietnam, 63 percent said U.S. policy should be to withdraw troops as fast as Vietnam can assume its own responsibilities, while 20 percent believed American soldiers should leave by the end of 1970, and 11 percent called for immediate withdrawal.

Given the opportunity to rate President Nixon's performance, a total of 62 percent gave him good to excellent marks. Recalling the closeness of the 1968 election and the problems the President inherited, this certainly shows that a substantial majority feel he is doing well.

Better than 10 percent of the Sixth District's 140,000 postal patrons took time to send me their views, and I thank all who participated—especially the newspapers who printed my questionnaire as a public service. While all polls have their limitations, I still find this project of much help in representing the citizens of our district in Washington—and their continued response makes me feel they definitely like it too.

The results of the questionnaire follow:

CONGRESSMAN CHAMBERLAIN'S 1970 QUESTIONNAIRE

	Yes	No	No response
Do you favor—			
1. Wage and price controls to check inflation?	70	25	5
2. College undergraduate draft deferments?	42	54	4
3. Easing minimum penalties for possession and use of marihuana?	30	67	3
4. Electing the President by direct popular vote?	82	14	4
5. Sharing a percentage of Federal income tax money with State and local governments for use as they see fit?	58	35	7
6. Lowering the voting age to 18?	46	51	3

	Great	Some	Little	No response
7. of what importance is a balanced budget?	65	23	7	5

8. Federal spending in these areas should be—

	More	Less	Same	No response
Education	47	15	35	3
Pollution control	85	4	9	2
Defense	15	49	32	4
Crime control	80	3	15	2
Housing	37	24	35	4
Job training	41	20	35	4
Space exploration	7	65	26	2
Foreign aid	3	83	12	2
Highways	19	20	58	3
Mass transit systems	40	23	31	6
Food stamp program	21	39	33	7

	Percent
9. Federal farm controls should be—	
Phased out within 5 years	66
Continued substantially as is	20
Made permanent with increased subsidies	4
No response	11
10. Should our welfare programs—	
Emphasize work as a condition for assistance?	46
Require job training when appropriate?	15
Both of above	7
Provide benefits to all with incomes below the poverty level without any conditions?	27
No response	5
11. Which policy should the U.S. follow in Vietnam—	
Withdraw all our troops immediately	11
Withdraw all troops by the end of 1970	20
Withdraw troops as fast as South Vietnam can assume its own responsibilities	63
Send more troops and step up the fighting	2
No response	4
12. How do you rate President Nixon's performance?	
Excellent	26
Good	42
Fair	26
Poor	9
No response	3

WHO IS REALLY NO. 1

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. BROWN of Ohio. Mr. Speaker, when President Nixon bestowed the title of "No. 1" upon the University of Texas football team following its victory over Arkansas, fans of the other contenders for the honor quickly leaped to the defense of their choice. Loyal Penn State rooters have extolled the virtues of their undefeated team. Ohio State supporters speak of their team's excellent 2-year record. And, who can fault the fine performances given by Notre Dame and Southern California over the past several years?

But, however impressive the records of these and other teams around the country may be, I would like to call to attention the truly remarkable record of a football team which has compiled the best won-lost record over the entire decade of the sixties—Wittenberg University. Located in Springfield, Ohio, Wittenberg has consistently been among the leaders in Ohio college football.

From 1960 to 1970, under the leadership provided by the coaching of William Edwards and Dave Maurer, the Wittenberg Tigers have won 78 football games while losing only nine and tying one, for a winning percentage of .897. No other school in the country has been able to match this record of achievement.

I am pleased to insert the comparative records of Wittenberg University and the other nine schools which have compiled the best won-lost records for the 1960's, and the overall record of the Tigers. The record here truly speaks for itself:

WITTENBERG UNIVERSITY FOOTBALL—NO. 1 IN THE SIXTIES

The following list is a record of the top 10 college football teams who compiled the best won-lost records during the decade of the 1960's. The list is ranked according to percentage and does not include bowl game results.

WITTENBERG'S FOOTBALL RECORD FOR THE 1960'S

Year	Won	Lost	Tied	Percentage	Rank		
					Ohio Conference	AP	UPA
1960	8	1	0	0.889	3d (5, 1)		
1961	8	1	0	.889	1st (6, 0)		
1962	9	0	0	1.000	1st (6, 0)	2	9
1963	8	0	1	1.000	1st (6, 0, 1)	3	5
1964	8	0	0	1.000	1st (7, 0)	1	2
1965	6	2	0	.750	2d (4, 1)		
1966	8	1	0	.889	1st (4, 0)	V	19
1967	8	1	0	.889	4th (3, 1)	V	14
1968	6	3	0	.667	6th (3, 2)	V	V
1969[1]	9	0	0	1.000	1st (4, 0)	13	V

[1] Does not include Alonzo Stagg Bowl game victory.

TOP 10 COLLEGE TEAMS IN THE 1960'S

Rank team (1969 record)	Won	Lost	Tied	Percent
1. Wittenberg (9, 0)	78	9	1	0.897
2. Alabama (6, 4)	85	12	3	.876
3. Florida A. & M. (7, 1)	77	13	0	.856
4. West Chester (Pa.) (7, 2)	74	14	0	.841
5. Muskingum (5, 2, 2)	73	14	3	.839
6. Morgan State (6, 2)	70	14	0	.833
7. William Jewell (9, 1)	76	17	2	.817
8. Texas (10, 0)	80	18	2	.816
9. Arkansas (9, 1)	80	19	1	.808
10. Grambling (6, 3)	71	19	3	.789

GALLUP POLL SHOWS PARENTS 8 TO 1 AGAINST BUSING OF CHILDREN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PUCINSKI. Mr. Speaker, several years ago I received a great deal of criticism from liberal groups in the United States for my strong position against busing of school children to overcome racial imbalance.

I said then, and I say now, that this kind of artificial busing serves neither the best interest of the children bused or the community to which they are bused.

I said then, and I say now, that the way to overcome racial antagonisms in America is to make all schools good schools so that the fears and suspicions that divide our Nation would be without foundation.

I am pleased to include in the RECORD today the results of the Gallup poll which shows that parents voted by a lopsided margin of 8 to 1 their opposition to busing youngsters to overcome racial imbalance in the Nation's classrooms.

It is interesting to note that this opposition to busing arises not from racial animosity or insensitivity to the needs of children from minority groups, but rather from the belief that children should attend neighborhood schools.

The Gallup poll asked the following question:

In general, do you favor or oppose the busing of Negro and white school children from one school district to another?

Here are the views of parents nationwide:

	Percent
Favor	11
Oppose	86
No Opinion	3

Perhaps more startling is the response of Negro parents. When asked the same question, the weight of sentiment is found to be against busing.

The Chicago Sun Times carried the results of the Gallup poll in its Sunday edition and I include the article in my remarks today.

I believe my appraisal of the situation has been thoroughly sustained by an overwhelming majority of both white and black Americans.

The article follows:

[From the Chicago Sun-Times, Apr. 5, 1970]

GALLUP POLL: PARENTS 8 TO 1 AGAINST BUSING OF CHILDREN

(By George Gallup)

PRINCETON, N.J.—"We bought a house here so our children could be within walking distance of the high school. I'd blow my top if all of a sudden they had to be bused clear across town."

This comment, from a 40-year-old mother of three in Des Moines, reflects the views of many other parents interviewed in the latest Gallup survey on the issue of the busing of Negro and white children from one school district to another.

By the lopsided margin of 8 to 1, parents vote in opposition to busing, which has been proposed as a means of achieving racial balance in the nation's classrooms.

Opposition to busing arises not from racial animosity but from the belief that children should attend neighborhood schools and the busing would mean higher taxes. This is seen from a comparison of attitudes on busing with those on mixed schools.

Among white parents who express opposition to school busing, only one in four (24 per cent) says he would object to sending his children to schools where half of the children are Negroes.

These findings were obtained in a survey conducted March 13-16 in which parents were interviewed in person in all regions of the nation.

Evidence of the keen interest in the issue is the fact that 94 per cent of parents interviewed say they have heard or read about the busing of Negro and white children from one school district to another, a percentage which far exceeds that recorded for many other domestic issues.

All those who said they had heard or read about the issue were then asked this question:

In general, do you favor or oppose the busing of Negro and white school children from one school district to another?

Here are the views of parents, nationwide:

	Percent
Favor	11
Oppose	86
No opinion	3

When Negro parents are asked the same questions, the weight of sentiment is found to be against busing.

Southerners are most opposed to busing, but regional differences are not great.

Persons who describe themselves as "liberals" hold views that differ little from those who call themselves "conservatives."

A 51-year-old Compton (Calif.) housewife said: "I can't see people having to shell out a lot of money to bus kids around town. It's not a race issue with me; it just doesn't make sense."

A former educator gives another reason for opposing busing: "The time spent on a bus is completely wasted. If the same amount of time were spent in school or at home reading, children could cover at least a fourth more ground a year."

A 50-year-old Providence (R.I.) trucker is on the other side of the issue: "Busing would be the best thing for children in the long run. If whites and blacks get together in the schools, both will learn on an equal level and perhaps future relations between the races will improve."

WOOD FOR THE CONSTRUCTION INDUSTRY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. METCALF. Mr. President, for years, many of us have been concerned about the supply of, and demand for, the wood which is basic to our construction industry and to the economies of many towns in and near the woods.

This was the subject of an article entitled "The Habit of Waste," published in the March 2 issue of the Nation. The writer, Malcolm Margolin, points out that this is another complex area about which we actually know very little. He proposes establishment of "a high-level commission, a sort of Hoover Commission, to study the whole seedling-to-dump timber problem, to sort out fact from public relations propaganda, to collect for the first time adequate statistics, and finally to make recommendations."

As he says, a suggestion for more study "always tends to sound pale and timid, yet in this case it is the first and necessary step."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORESTS: THE HABIT OF WASTE

(By Malcolm Margolin)

"We had better worry about wood," warns *Pulp & Paper*, a trade journal, and statistics from the U.S. Forest Service are certainly ominous. They predict: two and a half times the current demand for pulpwood by 1985; well over twice the demand for all wood products by 2000; and millions fewer forested acres to grow it on.

We could, of course, simply use less wood. We could take advantage of substitute materials for home building—materials not being used because of a reactionary building industry and a jungle of obsolete building codes that only the most preposterous overuse of wood can satisfy. "We're still building houses the same way we did in the 1890s," notes Gov. Daniel Evans of Washington.

Or we could recycle paper, thus eliminating simultaneously a good part of the garbage, air pollution and conservation problems. If *The New York Times* were de-inked and recycled instead of being burned, that would save nearly 36 square miles of mature Canadian forest each year. Add just a few more cities on the East Coast to this recycling plan, and we would save something close to a national park's worth of standing timber a year. Yet a recent conference on recycling attracted what one journal called "widespread disinterest."

It is insane to suppose that if the public sits on its hands long enough, industry will lead the way to conservation of wood. The forest products industry is the fourth largest in American; and, typically American, it thinks only one brute thought: bigger! The very companies that yell "timber shortage" the loudest spend millions of dollars to develop "disposables"—throwaway evening gowns, tuxedos, tablecloths, and the like. For every scientist seeking to save wood, there are a hundred searching for new ways to waste it. Would you believe wooden pipes for conducting liquids underground?

When the Defense Department stops ordering pinewood ammunition cases, the loggers do not rejoice at the salvation of the Southern pine forests; they demand (and get) a House Small Business Committee conference to find out why. And last year when the price of lumber suddenly jumped 30 per cent and plywood nearly 80 per cent, Congress held three separate hearings to discuss, not how to decrease the demand but how to squeeze more timber out of the forests.

Congress might have examined that 1968–69 timber famine more closely. Why, for instance, wasn't the 20 per cent restrictive tariff on plywood imports dropped? Or why, during the crisis, did the industry's profit ratio double, climbing "beyond what should reasonably be expected," according to George Romney.

There were other oddities. The industry unanimously demanded that the National Forest increase the allowable cut on public lands by 10 per cent. At the same time, industry had purchased 26.6 billion board feet of national forest timber which they were not cutting—a backlog equal to twice the annual cut. "It's beginning to look like someone here is pulling our leg," commented Bert Cole, State Land Commissioner of Washington.

Finally there was the puzzling business of exports to Japan—2.23 *billion* board feet of prime Pacific Northwest logs in 1968, 35 per cent more than was exported in 1967, ten times what was exported in 1960. Fat, healthy logs were jamming the West Coast harbors within view of sawmills that had closed down for lack of supply. Yet Japan was so glutted with wood at this time that companies like Germain Lumber of Pittsburgh were actually forced to *import* plywood from Japan.

This adds up to something worse than collusion or a deliberate manipulation of the market. (Collusion, if it existed, could have been stopped by already existing laws.) The timber crisis indicated how extensive is the mismanagement and nonmanagement of the timber supply.

Where will the wood come from? Ask a logger or a forester, and you will get a very tempting answer: from intensified forestry. Weyerhaeuser is squeezing 33 per cent more lumber out of its forests by intensive cultivation methods. International Paper, Potlatch Forests, St. Regis and others use fertilizers and genetically improved "supertrees" to get 50 per cent to 60 per cent more wood per acre. And from legislation now being pushed through Congress (The National Forest Conservation and Management Act), the national forests will soon be enjoying *intensive cultivation* to increase yield by a whopping 66 per cent. It sounds marvelous—until you get out of your car, walk through the gates of Weyerhaeuser, International Paper, or any of the others, and take a look at the "Forests of the Future." The trees are arranged in straight rows precisely the same distance apart. They are all the same species, the same age, the same height and the same shape. They were selected from genetically improved stock to remove any imperfections that might give the trees individuality. These tree farms are sometimes fertilized, sprayed for insects and fungi, and are regularly thinned. They are wildlife deserts and have no more recreational value than do cornfields. In fact, that is the first association of every one who sees them: "wheat fields," "cornfields." Yet today nearly every logged-over acre of industrial timberland in the South and Northwest is artificially reforested in this manner—more than 1 million acres last year alone, about 1,600 square miles.

If tree farms were as visible as smog there would be an enormous protest; but they are mostly on private land, as far removed from the public eye as logging itself, and they are well padded by public relations lullabies. Except for industry, only the Sierra Club, the Wilderness Society, and a few others are aware of tree farms; and they have been waging an unsuccessful battle to preserve at least the publicly owned land from such a fate.

If this is what threatens America's remaining forests, the first question to ask is: are there alternatives? I have already touched upon a few: use of substitute materials, recycling of paper, stopping exports (which now account for 10 per cent of America's timber production). There are many more. American logging, milling and home-building practices were developed during an age when forests were plentiful, even a nuisance. The attitudes and technologies from this era still cling. In its progress from forest to its ultimate destination—the dump—we find wood outrageously wasted at every step.

To begin at the beginning, logging, especially on the steep slopes of the Northwest, is still exciting; but once the chain saws have stopped whining, the engines have stopped roaring and the donkey whistle is silent, what remains are hillsides littered with slash. Ten to 20 per cent of the volume is left behind, to be burned or buried. It could all be used. Portable chippers, skylining and ballooning (lifting whole trees with balloons as they do in Russia) make it possible and according to a Wilderness Society estimate would increase the national timber supply by 10 per cent.

Next comes the sawmill, where fat logs go in one end and skinny planks emerge from the other. Bark, which is about 10 per cent of the log, is burned or sold as mulch: it could be converted into bark board. Sawdust, which accounts for about 7 per cent of the log, could be halved with thinner blades. New methods and patterns of cutting Southern pine could increase output by another 8 per cent. Few mills have special equipment to process undersized or defective logs. And finally there are the thousands of marginal, small-town sawmills that stink up the air by burning ends, edgings and slabs instead of converting them into fiberboard, particle board, or pulp.

What I am describing are ways of applying *existing* technology. Why haven't they been applied? They are, unfortunately, economically marginal, or worse. Good forestry and good milling are simply not profitable—not when the price of lumber is artifically depressed by overcutting private land and by raiding the national forests. Deliberate action will be needed to bring them into harmony: perhaps a steep price rise, perhaps legislation to promote better practices, or maybe something sweeter like tax relief or subsidies to insure proper treatment of wood.

The next stage on the journey through the sawmill is past the grader. Although devices for grading accurately exist, it is still done haphazardly. A man glances at one side of a passing board and puts on the grade. The standards are set by industry, and they are entirely voluntary. Strong wood is occasionally misgraded (and misused) as weak. But a recent check by The Washington Post found that half the lumber bought from randomly selected dealers was "much weaker" than it was supposed to be. Architects and builders know this, and they automatically compensate, using 2-by-10s instead of 2-by-8s, etc. More accurate grading, the Western Forests Industries Association thinks, could reduce the amount of lumber used in the average house by 15 to 30 percent. Rep. John Dingell (D. Mich.) thinks that the waste from misgrading "could amount to as much as *25 percent of the total resource.*"

Then there is the matter of proper season-

XUM

ing, to make wood last longer and reduce the rate of replacement. The antiquarian Eric Sloane has compared the suburban house which sags, rots and sports termites after a single generation with the New England barn that lasts centuries—without paint or preservatives. The difference is in the seasoning.

It is impossible to estimate how many Yellowstones could be saved by recycling, using slash and sawmill leftovers, increasing milling efficiency, halting exports, grading properly, seasoning adequately and using alternate materials. Yet there is more to the subject. I have not even touched upon the attacks by hundreds of critics against numberless stupidities: the Jones Act, for example, which in effect forces Alaska to ship nearly all of its lumber to Japan; the telephone poles which devastate forests and scenery at the same time; power transmission lines that destroy more than 30,000 acres of forest a year; flood-control dams in areas where reforestation would not only control floods but would produce commercial timber; failure to use bagasse (sugar refinery refuse) instead of pulp for certain grades of paper; failure to encourage use of groundwood paper (which uses 90 per cent of a log) over finer grades (which convert only 50 per cent).

We steadily reduce our wild varied forests to mono-cultural tree farms; yet we allow 2 million logged-over acres in Southern Florida and millions more in nearly every state to be taken over by brush. If an Oregon landowners wants to strip his land of mature firs, cedars, hemlocks and larches, and replant with colonnades of genetically improved Douglas firs, he will benefit from millions of dollars worth of research, state nurseries, and the visitations of public foresters. But if he wants to rehabilitate his brushland, there is nothing he can do but buy the one book available on the subject. "And if this represents the state of the art," comments one of them, Bruce Starker, "I could have spent my money more effectively on an ax."

At the present rate of waste, we shall certainly have a timber crisis by the 1980s. We shall also see a large part of our forests brutalized by "intensive cultivation." Every one will blame the sad state of affairs on overpopulation, but they will be wrong. The real cause of that double disaster, timber famine and tree farms, will be the current gross mismanagement.

Various solutions have been put forth. They include price rises, price controls, federal or state regulation, tax reforms to promote efficiency, subsidies, and others more radical. Every one who views the situation would like to take the villain by the throat, but he is not to be found. The four largest timber producers combined control less than 10 per cent of the market. There is not one hole in the barrel but a thousand.

Whenever the industry itself speaks of the approaching timber famine, it casts the entire blame on three evils: the refusal of small landowners to let their land be logged; the withdrawal of timberland for national parks and wilderness areas; and the failure of the government to cultivate the national forests more intensively. In effect they have only one solution: we must cut more, and that is ridiculous.

Many individuals and groups have looked into aspects of the timber situation—they range from the Sierra Club to Ervin Peterson, former Assistant Secretary of Agriculture and now president of Sonic Jet Processes Corp.—and they usually come to the same conclusion. We need, at this moment, a high-level commission, a sort of Hoover Commission, to study the whole seedling-to-dump timber problem, to sort out fact from public relations propaganda, to collect for the first time adequate statistics, and finally to make recommendations.

The call for "more study" always tends to sound pale and timid, yet in this case it is the first and necessary step. Without such an authoritative, comprehensive study, critics of timber mismanagement are left with nothing but the current scatter-gun attack on a gigantic, fragmented industry that doesn't care, that never responds honestly, and that wastes, wastes, wastes, the very last of the wild forests.

TABULATED RESULTS FOR POLL CONDUCTED FEBRUARY 1970

HON. ROBERT J. CORBETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. CORBETT. Mr. Speaker, the constituents of the 18th Congressional District of Pennsylvania have completed the first of our two yearly polls of public opinion.

Our district embraces most of Allegheny County north of the city of Pittsburgh and is basically suburban, although it does have a considerable amount of industry. It contains a wide variety of economic, social and ethnic groups, and political registration between the two major parties is just about even, with a slight Democratic edge. In short, ours is a fairly representative cross section of America.

The total number of respondents was gratifyingly large and probably sufficient to constitute a referendum on each issue. The tabulated results with some commentary of mine are included below. I sincerely hope that many will find them illuminating as well as interesting. The tabulation follows:

1. Do you agree with Vice President Agnew's charge that news media are often partial and biased? Yes 87%, No 13%.

Vice President Agnew's criticism of the news media certainly struck a responsive chord. Many think his charges have already had a healthy effect on news coverage.

2. What is the single most important problem confronting the country today? (Check ONE only please)

(a) Air and water pollution, 17%.

(b) Crime and violence, 28%.

(c) Vietnam War, 21%.

(d) Inflation—rise of cost of living, 34%.

Obviously all four are serious problems. But, as our national resources and energies do have limits, we as a people will have to make the difficult choice of where to put our emphasis. Whereas inflation is the dominant issue today, only 5% voted for it in the June 1968 poll a year and a half ago. At that time crime and violence was held by 63% to be our number one problem.

3. Should wage and price controls be imposed to stop inflation? Yes, 62%, No 38%.

These results are almost the same as those in our October 1969 poll: 61% YES, 39% NO. Despite the fact that the Administration opposes controls and most economists doubt their effectiveness, two-thirds of the people seem willing to try them for relief from the upward spiral of prices—the issue selected in question 2 as the most important one confronting the country today.

4. Do you feel that your federal income tax rates (including the surtax) are higher today than they were in 1963? Yes 86%, No 14%.

I am very happy to report that the big majority here is wrong. Local, state, and social security taxes have gone down, and the 5% surtax is scheduled to expire on June 30. Please observe these facts:

Family with 2 children, gross income	1963	1964	1965	1969, with no surtax	1969, 5-percent surtax	1969, 10-percent surtax
$6,000	$600	$500	$450	$450	$466	$482
$8,000	976	840	772	772	811	849
$12,000	1,836	1,621	1,512	1,512	1,588	1,663
$15,000	2,616	2,326	2,172	2,172	2,281	2,389

5. Should we reduce the penalties for the use or possession of marijuana and increase the penalties for selling it? Yes 71%, No 29%.

The real villains in the marijuana peril are the pushers of the drug. Many respondents did not want the penalties for users reduced regardless of what penalties were enacted for pushers. This is a very valid point, but the question was framed like the bill before the House and Senate that we will have to vote on.

6. Would you vote for a stepped-up deployment of the antiballistic missile (ABM) system? Yes 43%, No 57%.

There are many arguments against the ABM. It would be immensely costly and its effectiveness is questioned. The proponents of the system say it would be better to have it and not need it than to need it and not have it.

7. Do you favor busing school children to achieve a better racial balance? Yes 7%, No 93%.

Busing of school children to bring about racial balance is simply unpopular. People object because of the costs, dangers, and because they think it would lower the quality of education.

8. Has the Supreme Court been too lenient in its decisions on pornography and obscenity? Yes 81%, No 19%.

Almost all the effective anti-obscenity laws have been struck down by the Supreme Court as infringing on freedom of speech. The Administration has submitted some proposals to keep pornography out of the hands of children, and the Senate has a bill that would empower local communities to establish their own standards of decency, but the outlook on both is uncertain. I have a fact sheet I will send to any who ask for it that explains the official procedure to keep unsolicited smut advertising from coming to your home.

9. What should be done about Vietnam? (Select only one):

(a) Withdraw immediately irrespective of consequences, 10%.

(b) Try to negotiate a settlement around present positions, 7%.

(c) Withdraw our combat troops as rapidly as the South Vietnamese can take over the responsibility (the President's Vietnamization policy), 67%.

(d) Invade and blockade North Vietnam, 16%.

It is evident that the great majority favors President Nixon's Vietnamization policy and that few people have much hope for a negotiated peace.

10. Do you think that a balanced federal budget should have top priority for the next fiscal year (July 1970–June 1971)? Yes 82%, no 18%.

These results show public awareness of the push of unbalanced budgets on the inflationary price spiral they singled out in question 2 as the most pressing problem today. Deficit spending definitely fuels inflation. The budget should and can be balanced, but to do so we will have to put some sacred cows on short rations.

11. Should the federal government be allowed to use wire tapping and electronic surveillance equipment under court direction to fight organized crime? Yes 92%, no 8%.

The key phrase here is "under court direction." Most of the opponents of wire-tapping were fearful of indiscriminate listening on private conversations, but before such surveillance could take place the police would have to prove to a judge the need for it, the same as a search warrant. Top law enforcement officials claim it would be most effective in stopping interstate traffic in narcotics, the indirect cause of much of our urban street crime.

12. How would you rate President Nixon's overall performance in office? Good, 55%; fair, 37%; bad, 8%.

Last October the ratings stood: 43% good, 46% fair, 11% bad. The shift toward the more favorable side in all categories in our district parallels the Gallup findings of early February that the President's popularity had increased markedly in the East over last September.

COMMUNIST TACTICS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. BYRD of Virginia. Mr. President, the March 1970 edition of the Scottish Rite News of Cleveland, Ohio, included a reprint from the grand secretary's bulletin concerning Communist tactics.

I ask unanimous consent that this reprint entitled, "Does This Sound Familiar," be printed in the Extensions of Remarks.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

DOES THIS SOUND FAMILIAR

In May of 1919 at Dusseldorf, Germany, the allied forces obtained a copy of some of the "Communists Rules for Revolution."

Fifty years later let us read the Rules, let us pause and think.

A. Corrupt the young; get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby:

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their leaders by holding them up to contempt, ridicule and obloquy.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster lenient and soft attitudes on the part of the government towards such disorders.

7. By specious argument, cause the breakdown of the old moral virtues, honesty, sobriety, continence, faith in the pledged word.

C. Cause the registration of all firearms on some pretext, with the view of confiscating them and leaving the population helpless.

If this is authentic of 1919—how strange in 1970. Or is it?

NATIONAL LIBRARY WEEK

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. KLEPPE. Mr. Speaker, National Library Week will be observed April 12 to 18, when national attention will be focused on the ever-increasing availability of knowledge through books.

North Dakota has once again entered the competition for having the best National Library Week program in America. In 1968, North Dakota received the national award and in 1969, North Dakota received runnerup to that same award. I am confident that North Dakota will once again receive national recognition in the competition, and commend the members of the State committee for their untiring efforts.

Last September, Dr. James E. Allen, Jr., Commissioner of the U.S. Office of Education, proclaimed the "Right to Read" as a goal for the 1970's. President Nixon has endorsed this goal, and will ask Congress for $200 million to be made available to public and nonpublic schools alike to assist them in using new and innovative programs to teach children to read. This is a purpose of the very highest priority, and a right which every young American is entitled to—the "Right to Read."

Andrew Carnegie said many years ago:

> It was from my own early experience that I decided there was no use to which money could be applied so productive of good to boys and girls who have good within them and ability and ambition to develop it as the founding of a public library.

The need for libraries as the central part of institutions of learning has been recognized since 1638, when John Harvard's gift of his books, as well as his money, led to his name being given to the first American college.

In the 20th century, the college libraries developed rapidly as instruments of teaching, as emphasis in instruction swung from textbooks through assigned sections of several books to free research in the available literature. Univerities have developed great libraries to support the research to which they are devoted.

A striking aspect of university library development has been the growth of the great State universities, particularly in the Middle West and Far West.

The North Dakota State University Library in Fargo was founded in 1889 and contains more than 190,000 volumes, with special collections in Red River and Bonanza farm material, Ransom County immigration society records, American Horticulture Society for Great Plains section records, and departmental libraries in chemistry and pharmacy.

The development of the University Library is of extreme importance to past, present, and future graduates of North Dakota State University. Their professors can only teach so much, and after they have done their best, the place to get knowledge is in the library. In the words of Thomas Carlyle:

> The true university of these days is a collection of books.

Books have been a tremendous source of knowledge and enjoyment to me, for as long as I can remember. Reading is one of the tools of my job as a Member of Congress. Reading refreshes the memory, broadens one's horizons, and provides a basis for contemplation of what the future holds with history as the teacher.

Helen Keller once described a book in words which I would like to share:

> Truly each new book is as a ship that bears us away from the fixity of our limitations into the movement and splendor of life's infinite ocean.

LIBERAL BIAS IN NETWORK TELEVISION

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. GOLDWATER. Mr. President, on Wednesday, April 1, the Arizona Republic published a most interesting editorial entitled "Sidetracking the Issue." Because it touches on the issues that the Vice President so poignantly brought out in Des Moines a few months ago, I ask unanimous consent that it be printed in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Apr. 1, 1970]

SIDETRACKING THE ISSUE

Instead of addressing themselves to the serious issues raised by Vice President Spiro Agnew in his speech criticizing the preponderant liberal bias in network television, spokesmen for the industry persist in trying to sidetrack the issue.

Take, as just the latest example, the recent remarks by NBC news broadcaster Chet Huntley in a speech before the George Polk Awards luncheon.

Huntley said that journalists have a right to use judgment about a news story, "to look at facets of it which may not be self-evident, to put it into context, to suggest to his readers or listeners to consider it from points of view which may not be obvious." No one would deny that right to journalists. And Vice President Agnew did not say or imply that anyone should. His entire speech in Des Moines was concerned with the one-sided picture that emerges from network TV because of the closed-shop the industry has erected against other than liberal commentators or reporters.

Mr. Agnew was right, as commentator Howard K. Smith, himself a certified liberal, admitted. What's more, any honest network newscaster knows he was right.

It is human nature to resist relinquishing whatever monopoly situation one enjoys. But it is less than honest to try to shift the focus of the debate from something Mr. Agnew said to something he did not say.

The TV brass, in an apparent effort to curry public sympathy, continues to equate its situation with that of newspapers, magazines, and books. There is no similarity.

TV is a government-regulated monopoly. Anyone is free to publish a newspaper, magazine, or book. But to operate on one of the few available TV channels, one needs government approval. Television channel allotments, in other words, are awarded by the government (i.e. the American public).

That is why, unlike the press, network TV should not be allowed to peddle its nostrums and biases to the exclusion of other ideologies. That is why the operating premise of the networks must be objectivity in all controversial matters. That is why there must be the widest possible range of respectable opinion, evenly balanced at least across that spectrum from liberal to conservative.

But all three networks have failed abysmally to provide that range of opinion. They have stacked the deck, even if unintentionally, in favor of the liberal ideology. As a result, the millions of Americans who depend on TV for news—and most Americans do depend on TV for news—receive a narrow, incomplete interchange of ideas and opinions.

This is an unacceptable situation. And that is what Mr. Agnew was talking about, not "muzzling the press," or "hamstringing journalists." He was talking about basic fairness, something the TV networks long ago abandoned in their pell-mell pursuit of the truth according to liberalism.

If TV officialdom is genuinely concerned with fairness, it should take positive steps to insure that the liberal ideology no longer dominates its networks. And if it intends to criticize Vice President Agnew, it should do so on the basis of what he actually said, not on the basis of what it would like the public to believe he said.

JUDGE CARSWELL VOTE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. FREY. Mr. Speaker, I am deeply disappointed over the rejection of Judge Carswell by the U.S. Senate. To me there were only two reasons why Carswell was not nominated. First and foremost he believed in the strict construction of the Constitution. Second, he was from the South.

I am sure that the President will again nominate another outstanding judge who believes in the strict construction of the Constitution. I am just as sure that these same people who voted against Judge Carswell today will again manufacture reasons to oppose him. I only hope that this will be one of the key issues in the upcoming campaign. The American people can then choose between those people who believe in the strict construction of the Constitution and those who believe in a different approach such as reflected in the Warren court. People will need little reminder that the Warren court started the stream of decisions which has resulted in such things as busing our children across counties to achieve some sort of artificial racial balance, allowing criminals more rights than their victims and permitting a tremendous increase in all forms of obscenity in this country.

THORNS ON THE PRIMROSE PATH

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. GOLDWATER. Mr. President, retired Army Lt. Gen. Arthur Trudeau spoke before the members of the Daughters of the American Revolution recently. He made his usual calm, thoughtful speech in which he outlined some dangers he sees in the current thinking, speaking, and activities of a portion of our citizenry.

I ask unanimous consent that the speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THORNS ON THE PRIMROSE PATH

Madame Regent Griswold, officers and members of the D.A.R. and distinguished guests, ladies (and gentlemen?), Fellow Americans: I am grateful for the opportunity to address your organization on this occasion. It is very timely, for in my considered judgment the appreciation and influence of your organization regarding today's problems is only exceeded by the patriotic dedication of its individual members. You have a significant role to fill in the molding of American public opinion which must be more active in shaping national policy of awesome importance, as there are thorns on the primrose path.

Since we will only be with you briefly I want to introduce Mrs. Trudeau, whose lineage stems directly from Thomas Stone of Maryland, one of the early signers of our Declaration of Independence.

The new theme of our government leaders is focused upon entering the decade of the seventies with emphasis upon fresh policies appropriate to meet the changing situation and challenge of our times. In other words, we should "get with it" by showing the world we have the courage and flexibility to lead in this decade of crucial change. President Nixon says this is the only course offering hope for peace in the world and meeting the deep-felt needs on the home front.

This theme, pegged to the 1970s as vitally important, comes through loud and clear in the President's recent foreign policy statement to the Congress. It is restated in strong terms by Secretary Laird in his posture paper to the Congress, setting forth this decade as one of transition which will be a major landmark in history.

I propose to review with you here some thoughts about the shift of policy for the seventies. You need not agree with my views but I hope you will agree that now is the time for all Americans to think about the matter and to establish more positive communication between the American public and our political leaders. Before we skip down the primrose path barefooted we should be aware of any thorns along the way.

The rationale for this new doctrine recognizes a feeling in the USA and abroad that the US should not be the world's policeman. It notes that domestic strains have resulted from the long conflict in Vietnam, with considerable uncertainty concerning the role of military power in our foreign policy. There is White House belief that what we have been doing for peace and our security has lost support abroad and in America; not that it was wrong in its day, but that this is a new day. Of course, even a sound decision executed with poor strategy can be made to look bad. Perhaps Vietnam is a case in point.

The making of cuts of great magnitude in the Defense budget means a number of things to me as a retired professional military officer who is now involved with the industrial base, which so vitally contributes to American military capability, progress and security. First, I am sure that some economies can be effected. The question is, where? Under this plan, there will be a reduction in force levels, modernization of military equipment will be deferred to some degree, and the research and development so vital in assuring that any real breakthrough in systems in our favor will face a selection-out of important possibilities. Since the previous administrations came up with few new systems in the 1960s, this means that the basic systems in use in 1980 will largely be those developed in the late 1950s plus some product improvement. A generation is too long to mark time in place today.

My concern is in the assessment of risks to our security resulting from the new strategy with its force reductions. In a world where the balance of nuclear power is so precarious, our area for miscalculation is very small indeed. Any falling below the level of credible nuclear deterrence or weakening of our general forces required to meet a lesser attack is surely unacceptable as a tradeoff in setting the stage for negotiations or for home-front goals. A mistake in this direction would make both our foreign and domestic goals irrelevant and our demise as a nation quite possible.

Of course, the new policy concept finds a warm response in initial American public opinion polls, for it directly envisions relief from casualties and costs in Vietnam and a feeling that home-front problems finally will receive adequate attention. In this seething and barbarous world, such easy and hoped-for conclusions are an opiate that fails to fathom the depth of the problems. The reaction of our free world allies is yet to firm up but a practical appraisal of their situation hardly warrants belief that they can and will ssume the full partnership defense role assigned to them by our new policy.

The attitude of the communists, who obviously are the major factor in any peace formula, poses a very large question mark indeed. Based upon past performance there is little to encourage belief that an era of real withdrawal finds favor with the Kremlin power clique, except perhaps as a tactical maneuver. This war for Southeast Asia would be terminated instead of escalated now if Moscow gave the word. We'd better base our policies on hostile capabilities instead of unfathomable intentions as the doves would have us do.

Secretary Laird has emphasized that his judgment of what the US needs for military capability begins by taking a hard look at the threat which the communists in Moscow and Peking continue to pose. It is in keeping with an appreciation of the fact that many patriots died to win our independence and freedom from tyranny, and many more have fought the food fight under liberty's banner ever since then. Liberty, priceless ingredient that it is, is getting more expensive every day.

Vigilance surely is the order of the day as we see evidence of the massive Soviet ICBM and ABM build-up, joined by an awesome array of conventional military power for land, sea and air operations. The Kremlin's increasing power and influence is evident in key areas worldwide like a surfacing octopus. All this as our US policy seems headed toward withdrawal from power positions in the political, psychological, technological and military arenas. I might add that new coolness toward American industry abroad signals an economic danger also, with the Kremlin's empire ambitions baited by the opening.

Let us not fool ourselves about the Soviet-led program for communist power. If this is the time for facing the facts, who can really still believe the old line that Soviet military build-up is a reaction based upon fear of the USA? It should be clear by now that international, national, party and personal ambitions motivate their firm and bold program for empire. It is only a question of whether the old Russian imperialism is using World Communism as a vehicle for world domination and destruction of the present order, or vice versa? Their military power, as with all dictatorships in history, is the main tool for control at home and among their essentially captive eastern European vassals, as the disciplining of Czechoslovakia recently made clear. Their trip down the primrose path to even the Communist concept of freedom faced the tanks of their Russian friends at the first turn and they were caught barefooted. For them it wasn't only thorns, it was curtains and their plight grows worse each day.

Despite Russian ascendancy in the missile field, including submarines lurking off our coasts, we have refused for eight years to build an anti-ballistic missile system that would greatly decrease damage from attack, save tens of millions of lives, and also greatly increase the credibility of our deterrent and retaliatory power. Nuclear parity, in truth, could only result in complete inferiority for us in meeting threats of conventional war and so-called "wars of liberation." I still say we are the world's greatest nuclear nudist colony. Today, we have few significant combat forces in the United States really ready to go and they will be fewer as we continue to disband those returning from Vietnam. Our depots are badly depleted, scarcely any new major weapons systems have been successfully deployed in recent years and new ones proposed are not to be funded. We have suspended our latest combat aircraft from operational use and are only now about to place a new one under development. Our Navy and Merchant Marine are at an all-time low in both tonnage and modernization. Don't just take my word. Stalwart Democrats like Senators Russell, Stennis and Jackson, and Republicans like Senators Goldwater and Tower, have gone on record to this effect and are fighting hard to preserve our power. So much for our military position, to say nothing at all about the other factors adversely affecting our international position, and the increasingly subversive and treasonable activities to which we are being subjected.

Even when we have the advantage, we seem to temporize. If we hadn't stood in Korea, Japan might be gone today. If we had carried the fight to victory beyond the Yalu and not given the Chinese forces sanctuary, we might not have had to be in Southeast Asia today. If we had adopted a bolder strategy in North Vietnam, we might not be faced with Laos today. And now, as they press forward toward Bangkok and the gates to Singapore and Rangoon with India in the distance, some people want us to run for cover. Some senators admit they "are scared to death" about the relative concern we express over Laos, but I question the validity of their strategic appraisal. Only because of our determined stand in Vietnam, 110 million Indonesians are back on our side, as well as Singapore, Malaysia and the Philippines, and Australia and New Zealand have gained time to build up their own regional defenses. Thailand stands sturdy as she has since Korea. Who mentions this accomplishment? Who has told you there are more Asians fighting for freedom in Vietnam than there were in Korea? And the sturdy Koreans are there, too. These are significant gains for the free world but we may be about to toss them away if the sweaty hand wringers and draft dodgers have their way. The routes to India are at least open from the east, even though the Suez is closed from the west. But all this gain and all our sacrifices can be lost quickly if we turn tail and run for cover now.

As the Paris talks drag on, remember the negotiations in Korea were fruitless and frustrating for two full years. The current ones could and probably will be worse. Certain members of Congress believe they can solve the problem by negotiation. That would be a great service to the country indeed and I hope the President will invite one or more of them to go to Paris and bring back the answer or at least prove the validity of their assertions. Even in the final three weeks of negotiations in Korea, as the armistice was about to be signed in July 1953, my own division, the 7th Infantry of 18,000 Americans, lost more in killed and more in wounded during Chinese attacks at Pork Chop Hill and throughout my sector than our total forces of 500,000 men have ever suffered in Vietnam in any similar period except during the Tet offensive of the summer drive, to say nothing of heavy Turkish, Ethiopian, Colombian, and Korean losses in troops then under my command. The key to war and peace is in the Kremlin, not in Hanoi—nor in Washington—but we refuse to face up to it and grow relatively weaker day by day. Is the American Eagle being replaced by an ostrich with its head in the sand—and a covey of doves?

With regard to Western Europe, the threat of future conflict remain serious and unresolved. The significance of the Russian seizure of Czechoslovakia is yet to be fully realized. She has opened a new gateway through Southern Germany. The failure of Western intelligence to evaluate correctly the Soviet design on Czechoslovakia doesn't augur well for the future, either. The Russian outflanking of Western Europe in the Mediterranean along the North African Coast, from Egypt to Algeria, now supplemented by a growing Russian fleet seeking bases in the Mediterranean and abetted by France's intransigence, has raised another threat of new and serious proportions. We must maintain a balance of power in conventional forces, strategic missiles and in space so favorable to the free world that the Soviet can't afford to launch an "atomic Czechoslovakia" against either our European allies or ourselves. Unfortunately for the free world, the elimination of the nuclear deterrent in the face of Communist conventional power would or will seal its doom. As for the Middle East, the Russian thrust to take over the Arab countries remains unabated and intensifying. While the rearming and reorganizing of the Arabs is proceeding under the direction of nearly 7,000 Soviet officers and technicians, in various countries, the conquest of eastern Africa and the Southern entrance of the Red Sea continues. Somalia, Ethiopia and the Horn of Africa are under increasing Soviet pressure. Therefore, access to the Gulf of Aqaba for the Israelis may soon be meaningless if Yemen falls to Soviet control.

With the gates to the Indian Ocean being threatened in the Red Sea to the west and Singapore to the east, access to the Persian Gulf and India is increasingly challenged. The Soviet build-up in this vast area is crucial. Distances between available airports and problems in flying over hostile or neutral lands even threaten to block air traffic between Europe and the Pacific. The availability of essential Middle East and Libyan oil to the free world (both Europe and the Far East), hangs in the balance. The life blood of Western Europe is Middle East oil. If Russia is permitted to seize control, it will within a decade, control the political as well as the industrial complex of the nations involved, to say nothing of the slavery to which the Arabs will be subjected.

Yet, despite all this, the indifference and even hostility of Britain and the United States toward South Africa, Rhodesia and the adjacent areas is such that our last route of access around the Cape of Good Hope to the so-called soft", but vitally important, underbelly of Asia lies unsupported and even boycotted in part. Last week we even closed our consulate in Rhodesia. How the Soviet must gloat over a U.S. policy that is of direct assistance to them based on our national meddling and misunderstanding of problems peculiar to the area! How Cecil Rhodes, who attempted to found an empire in the vital area of Africa south of the Tropic of Capricorn, would turn over in his grave if he could view the actions and attitudes of Britain and of some Americans who have benefitted by his scholarships!

Here in the Western Hemisphere is Cuba, armed to the teeth and subverting the countries of Latin America in a constant and deliberate manner. Even mobile missiles placed there could reach the southern arc of our country bounded by New Orleans, Nashville and Norfolk, at least. And your daily reading of unpleasant events in the lands of our neighbors to the south must certainly give you pause to reflect.

You can expect to see the will of the west tested again in Berlin, the Balkans, or the Middle East. You will recall the surge of the Visigoths through Western Europe in the fifth century, the Moors in the eighth, the hordes of Genghis Khan in the thirteenth, and the Ottoman Turks in the sixteenth, when they were turned back at the great naval battle of Lepanto in the Adriatic in 1513. Shall we see its counterpart off the Albanian coast in the twentieth? It could be.

Or will the Hills of Megiddo, the Armageddon of the Bible, ring again to the clash of combat in the Middle East as they did long before Christ was born? Whenever I think of the strategic importance of the Middle East, my mind turns back to a statement made by one of our diplomats over a hundred years ago that still may be prophetic.

In May of 1861, as our unfortunate war between the states was breaking out, Ambassador Cassius Clay at the Court of St. Petersburg, Russia, wrote to Secretary of State Seward in Washington, and I would like to quote one paragraph from his letter. He said, "Russia and the United States will each circumnavigate half the globe in opposite directions until they meet and greet each other in the regions where civilization first began."

He apparently recognized these two great focal points of coming world power. What he envisioned in the way of how we would greet each other remains for all of us to contemplate. But, certainly, the area he spoke of was in the Middle East, the Armageddon of the Bible.

And what is yet to unfold in the Kremlin's military power program? Their military technological development is a very high priority effort which only shows up as testing and deployment expose it. What about our wishful thinking regarding Soviet intentions compared to the probability that they are coming up with an orbital space system, which could pin down our deterrent and retaliatory forces? What other thorns can they strew along the primrose path to peace? What about the impact of mobile missiles and anti-ballistic missiles and better weapons for conventional forces? They already lead us in several advanced systems. Since their secrecy curtain is tight, why not accelerate our own efforts to be first with breakthroughs which could reestablish the credibility of our own deterrent power?

What about the kind of leaders in the Kremlin? As hardline professional communist party leaders, do they agree to SALT meetings because of internal program objectives and pressures, or is it another maneuver to gain political, psychological and perhaps strategic military advantage? Mr. Nixon's inaugural address stated that we shall have peace because the people of the world want it and the leaders of the world are afraid of war. Which leaders? An examination of Kremlin leadership and communist history makes me less than certain about this evaluation of the Soviet leaders. And Red China? Who knows?

In sum, I am concerned that our general purpose forces concept is being soft-pedalled, our deployment of missile defense is strongly contested by some men of considerable power and our relative deterrent power is being weakened as we game SALT in hopes of Communist cooperation. I urge support of the President in pursuing peace and facing up to our home-front problems, but let us not be carried too far or too fast in assuming cooperation from the Communist world. As the theme goes: the 1970s demand realism. But it might end up as illusion. We can't afford that. Let's get all the cards on the table—even the Joker.

Of course, the political pressures for priority of action here at home have been and are tremendous. The clear need for facing up to domestic problems combines with understandable political realities which become very persuasive.

However, in this contest for priorities and resources we currently have a very dangerous lack of public concern and understanding about the Communist threat due, in varying degrees, to ignorance, intent or indifference. In large measure this is due to a very effective program by the so-called liberal public information media and some politicians to twist or bury news of the Communist policy and power program, while slashing away at National defense needs. Their motivation may be based on sincere but naive thinking and theory but it certainly is a strong propellant coupled with the radical left for pacifist and subversive attitudes and theory to dominate U.S. public opinion and policy. The nectar of wishful thinking can be as dangerous as narcotics on the campus.

This dangerous lack of an alert public opinion regarding the Communist threat is also due to a failure on the part of those of us who must know the threat is real. Mr. Hoover and others have tried hard, but can't penetrate the polarized veil of the liberal press. Our efforts have lacked currency and effective presentation too often. We not only fail to take the initiative and put our opponents on the defensive, but we are very slow, at best, to even counterattack their vicious thrust. The information gap on this matter can be fatal as political pressure upon our leadership mounts for foreign withdrawal in the interest of domestic problems. This world is far too small today for such an easy solution to even serious domestic problems.

On this matter, the domestic demands pushing priority for home-front problems are well known and mostly genuine. There is surely a need for emphasis and resources to bolster law-and-order in the interest of public safety and peace. This may well be the primary domestic issue today. The fall-out from racial and civil rights turbulence is very real. Closely behind is the loss of direction, purpose and quality in our educational system. Add to this the need for attention to air and water pollution. Add further the clear need for progress along sensible lines for health programs, the obsolescence of our cities, and the severity of transportation and traffic problems, and we surely have need for action in the 1970s for improving the American scene.

I would like to make a few special comments about pollution since that has been dramatized recently by the President's emphasis. First, of course, there is the danger to health and public welfare involved in fumes and gases and oil slicks and industrial waste.

However, in my book, the worst pollution and poisoning of the American scene is of another type: the deliberate attempts to inspire hate of God and country by violence and vandalism, by narcotics and pornography, and by actions more bestial than the jungle cover hides. Groups like the Black Panthers are made into headline public images by our information media as they exploit racial fears and personal frustrations. The solution here, in part at least, should be to devote equal space and emphasis upon these criminal types to set forth clearly that their goal is the destruction of all order and law enforcement in our country. Their aim happens to be a historic objective of the Communist program dedicated to the revolutionary taking over of the means of production and the destruction of the private enterprise system. Here is a gang attacking law enforcement, from police through the courts system, with guns, violence, arson, and militant propaganda. Their base is fanning race war and getting front page publicity as the militant champions of our white and Negro citizens, most of whom are horror-stricken at such uncontrolled excesses. This is pollution of a vital area and should really rate our primary attention.

Another form of pollution I must note is the vicious besmirching of our military-industrial establishment. This activity to tar and denigrate the defenders of our nation is not a casual flare; it is purposeful and effective. In this area there is some basis for wondering about the asserted moral and righteous way in which this negative is hung upon our fighting men accused of unfortunate actions in heat-of-war cases.

In this connection, I have with sorrow noted the charges against General Sam Koster and his associates over the My Lai incident.

Only those who have seen and felt at first hand the carnage and confusion of the battlefield, can evaluate the fantastic emotional pressures that cause men to react in various and unexpected ways when death faces them at every turn—and behind their backs.

I consider the Army's reaction to the pressures of the public press and related subversive efforts to destroy our military capability very unfortunate indeed.

I find it had to subscribe to the dictum of those in power who fail their subordinates in times of stress. Loyalty is a two-way street—down as well as up.

The men who give their blood for our country deserve better treatment—and understanding.

I served on the War Crimes Tribunal in the Philippines after World War II, and efforts were apparent then, as now—and at Nuremberg—to destroy the concept of authority and command in battle. Nothing was harder than to ward off the charges of the emotionally unstable and some with more sinister purposes in order to keep in some balance the human equation and unbelievable pressures of the battlefield. This is quite apart from the ghastly treatment so deliberately accorded multitudes of human beings in the torture chambers of Europe or Siberia.

As a personal touch I can say that I find it very strange that the reputation and character of retired military officers are challenged simply because some are using a lifetime of experience and talent to advise critically important industries about our complex defense requirements. While we must admit to the frailty of any human endeavor, the smear of private industry for joining with our Defense Department in supporting our national policies and requirements is known to all of you, as is the dangerous impact it has upon public opinion, so important to our national security. It can only be pointed at the destruction of our ability to defend our own beloved country.

As a final comment let me cite President Nixon again in his inaugural address as he said, "We have endured a long night of the American spirit" . . . . adding that "our crisis most of all needs an answer of the spirit," which he suggests we find by looking within ourselves. Amen! I might say, "We enjoyed a long and bright day of the American spirit," for 175 years, but unless we can again energize it, we may be entering the twilight and toxic darkness of a Communist world.

The cries for freedom, equality and hope under God were major ingredients of the original American spirit. The efforts and papers of our founding fathers clearly show why these great men pledged their sacred honor, their possessions, and life itself for their beliefs. This is our heritage and great base for power from then until now.

Here I might remark that on George Washington's birthday, Sunday, February 22d, I found no emphasis in the leading Washington papers concerning him, honoring his role in our nation, setting forth his tremendous faith in God and his countrymen, or asserting the basic truths of human dignity and right. The headlines were devoted to a march of demonstrators on the Justice Department to complain about conviction of some inciters of riots in Chicago and to the usual demand for immediate U.S. withdrawal from fighting communists abroad. Oh, yes, there were some mention of George Washington as a gimmick in pushing sales pegged to his name each year here. I'll stop before Vice President Agnew feels I am competing with him in his courageous attacks on the problems of the day. Whatever the semantics, I am thankful for a leader who, at least, lets you know where he stands—and he stands tall in my book.

Let's revitalize this wonderful nation of ours with faith, not fear; with courage, not complacency; with selflessness, not selfishness; and with patriotism, not patronage. We must unify our nation. We cannot permit a raucous and rabid one percent to destroy us. We used to talk about the four freedoms; now they talk about four-letter words, and our character sinks lower day by day for succumbing to the filth around us. I fear the pollution of the mind and soul of man is more devastating today than the threat of any genetic change to the body.

The base for our politics in the 1970s cannot be materialism any more than it was in the 1770s. The vital ingredient is the spiritual base, and that we have if only we can revive that spirit in its great dynamic realism. Revive the power of prayer while there is time. You ladies know about this probably better than any other group of Americans.

While I regret all the unhappiness in this world, I refuse to be brainwashed by those who seek to instill in us a feeling of guilt by association for every maladjusted and unhappy person who exists or every unfortunate incident that occurs. Forget this guilt complex. Life will always be a struggle. The Man on the Cross said so 2,000 years ago, and we all need to listen to Him more. Let us return this nation and youth and schools to the mercy of the Creator. Let us build up pride and character by association—pride to be countrymen of leaders like Washington and Lincoln, Tom Marshall and Oliver Wendell Holmes, Teddy Roosevelt and Douglas MacArthur, Longfellow and Will Durant, Victor Herbert and Gershwin, Edison and Henry Ford, and a host of others, big and little, who lived (and a million who died, including many of my comrades) to give us the United States of America we honor today. Only by so doing can we avoid being impaled on the thorns along the Primrose Path.

Thank you, and keep your fine spirit alive!

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

UNCONSTITUTIONAL ROUTE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 8, 1970

Mr. BYRD of Virginia. Mr. President, the Norfolk Ledger-Star recently published an excellent analysis of the constitutional background of the current controversy over lowering the voting age to 18 by statutory action. The analysis was contained in an editorial entitled "Unconstitutional Route." The editor of the Ledger-Star is William H. Fitzpatrick.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Norfolk (Va.) Ledger-Star, Mar. 14, 1970]

UNCONSTITUTIONAL ROUTE

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.—Article 1, Section 2, Constitution of the United States.

Now that strikes us as language so plain as not to be misinterpreted.

It says that "each" state shall set the qualifications for voters for the legislature of that state, and that the same criteria shall be used to determine qualifications to vote for candidates for the House of Representatives.

Thus it is obvious that the states, and not the Congress, have the right and power to set the age of voters in the country.

Yet the Senate has voted to lower the voting age to 18 in national, state and local elections. The proposal will now go to House-Senate conference committee, and there is certain to be a court test of the legality of the whole proposition. For the amendment by Senator Mansfield, attached to the proposed five-year extension of the 1965 Voting Rights Act, has at least the grace to propose a quick test of the Constitutionality of the passage of a voting-age law.

Over in the House, Emanuel Celler, chairman of the Judiciary Committee, opposes the amendment because he opposes the lowering of the voting age. Mr. Celler says 18-year-old people are not knowledgeable or experienced enough to exercise the ballot. This is rather silly, in our view, because the average 18-year-old today is probably just as well qualified, from the view of education, to vote on the issues as was a 21-year-old in 1900.

Indeed, there is no question that lowering the voting age is not only proper in the Congress; it is altogether popular. The differences, such as they are, turn only on the method by which the change is to be brought about in the voting age.

In the Senate, an argument was made that a Supreme Court decision of 1966, *Katzenbach* v. *Morgan,* has already granted Congress the right to interpose in voting qualifications. This decision upheld the constitutionality of a provision of the Voting Rights Act of 1965 that abolished English literacy tests for Puerto Rican voters. The argument underlying all this is that Congress has the right to decide whether the States could impose unreasonable qualifications on voting.

The argument, in our view, is flawed. For *Katzenbach* v. *Morgan* stopped a State from doing a thing the court found unconstitutional as it was class legislation. But a literacy test based on one language over another is not at all the same thing as if the Supreme Court were to hold that any State that limited voting to those 21 or over was engaging in unreasonable qualifications for voting. The logic doesn't run; for if 21 seems an unreasonable age limitation to those 18, 18 may well seem an unreasonable age limitation to those who are 17. And so on. Where does the unreasonableness stop?

This newspaper supports the lowering of the voting age to 18, and supported efforts to lower it to 18 in Virginia. We support lowering it to 18 nationally, knowing no valid reason to suppose that the mere passage of time increases either understanding of the issues or ability to recognize the good candidate from the rascal. But the country would be better off if the change were made the way it ought to be made, and not another way just because at the moment it is the popular way.

"LATCH KEY" CHILDREN

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. DELLENBACK. Mr. Speaker, the following article, which appeared Tuesday morning in the Washington Post and that afternoon in the Star brought home to me the need for a comprehensive system of child care services which provide for "latch-key" children as well as preschoolers. "Latch-key" children are those, who like Pamela Marshall, return home from school every afternoon to an empty house to look after themselves until their parents come home from work. Tragically, in this case the home was not empty.

While the need for child care services for toddlers and older preschoolers whose mothers work has been generally recognized, many people still somehow assume that just because a child has reached kindergarten or first grade, that he has somehow crossed an invisible line that means he no longer needs close supervision. This is not the case at all. School age children, just as much as preschool children, need to be assured of a safe, healthful environment where their welfare is guarded.

The House Education and Labor Committee has been working for several months on a biparisan early childhood development and child care bill. Final committee action on this proposed legislation is hoped for sometime later this month. I will do everything possible to see that this legislation adequately provides services for the "latch-key" children—of all economic groups—who need them.

The articles follow:

[From the Washington Post, Apr. 7, 1970]

FAIRFAX GIRL, 11, SLAIN, WAS STABBED 26 TIMES

An 11-year-old Fairfax County girl was found stabbed to death yesterday afternoon in a bedroom of her family's second floor apartment at the Timberlane Park Apartments, 7316 Lee Hwy., near Falls Church.

The body of Pamela Gayle Marshall was found at 3:50 p.m. by her 14-year-old brother, Gary, and a 12-year-old neighbor girl who was Pamela's closest friend.

Police said the girl had been stabbed 26 times in the chest. She was found lying face up on her own bed, fully clothed in a blouse, skirt and raincoat.

Fairfax County detectives found no weapon in the apartment. Police said there were no signs of a struggle and no indication that the girl had been sexually molested.

Pamela, was last seen alive at 2:20 p.m. near Timber Lane Elementary School, where she was a member of the school safety patrol. Classes were dismissed early at 1:30 p.m. yesterday because of a county teachers' meeting.

The girl's mother, Carolyn, was at work when the murder occurred. After she was told what happened, she required treatment for shock at Fairfax County Hospital and could not be interviewed by police immediately.

Pamela's father, Kenneth, is serving in the military in California, according to police and neighbors.

Col. William L. Durrer, chief of the Fairfax County police, said his detectives had no idea whether the slaying might be connected to the stabbing deaths of two women and a 14-year-old girl in the suburbs since the beginning of the year. . . .

Pamela Marshall, like the three other victims, had blonde hair.

"Of course, we just don't know if this case might be connected to those," Col. Durrer said. "If we don't come up with something tonight, we will have to call the police in the other jurisdictions to see if there are any similarities."

Fairfax detectives were working all night questioning neighbors about the case.

Pamela Marshall was chubby and nearly 5 feet tall with long blonde hair. Two 11-year-old classmates described her as a "nice girl," who had few close friends because she was "so quiet."

Her sixth grade teacher, Paul Romig, said she was "a real good student . . . one of the better students in the class, who was well-liked by everybody." She was classroom secretary and played flute in the school band, Romig said.

Her family had lived for the past four years in the two-bedroom apartment in the modest, brick-and-cinderblock walkup apartment complex. On the balcony outside the Marshall apartment stand three bicycles and some picnic chairs.

Police said they had discovered no motive for the murder, although they said that $50 worth of silver coins apparently were missing from the apartment.

[From the Washington Star, Apr. 7, 1970]

NEIGHBORHOOD BOY CHARGED IN SLAYING OF FAIRFAX GIRL, 11

A 15-year-old neighborhood boy today was taken into custody and charged with murder in connection with the stabbing death of an 11-year-old Fairfax County girl yesterday afternoon.

The youth was ordered held in the Northern Virginia Regional Detention Center in lieu of $25,000 bond by Fairfax Juvenile Judge Franklin Dierhoi.

Commonwealth's Atty. Robert Horan said he would decide later if he will ask that the youth be certified as an adult for the trial. Until this decision is made, authorities will withhold the boy's name. No date has been set for a preliminary hearing because the boy does not yet have a lawyer.

The boy's parents attended the hearing this morning when their son, wearing worn dungarees and a dirty trench coat, was brought into the courtroom.

Albemarle County sheriff's deputies took him into custody after a clerk at the Charlottesville hotel where he was found notified them that he suspected the boy of being a

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runaway. Fairfax officials returned him to this area this morning.

Police said the boy was being held in connection with the death of pretty **Pamela** Gayle Marshall, whose body was found in her Timberlane Apartment home at 7316 Lee Highway about 3:45 p.m. yesterday by her 14-year-old brother, Gary, and another girl. Pamela was the daughter of Mr. and Mrs. Kenneth Marshall.

Her body bore multiple stab wounds, according to Officer Larry F. Wilkins, first policeman on the scene. No weapon was found.

The boy picked up in Charlottesville lived in the same apartment complex as the slain girl, police said. He has been described by neighbors as quiet spoken and "just a real nice boy." Police said he was seen leaving the apartment where the girl lived a short time before the body was discovered.

The girl, fully clothed in a skirt and blouse, apparently had not been sexually molested, police said.

Neighbors said the boy knew Pamela and her brother and seemed a model of deportment.

Neighbors at the garden-type apartments said Pamela, tall and slightly chubby, wore her hair long. They said she "was the quiet and sweet type—everybody liked her." All described her as "pretty."

Pamela, a 6th grader at nearby Timberlane School, was last seen alive by school friends about 2:30 p.m., police said.

Mrs. Marshall, treated briefly for shock at Fairfax County Hospital, works during the day as a secretary, neighbors reported.

Police said Mrs. Marshall was at work when her daughter was slain. Mrs. Marshall's husband is a serviceman stationed on the West Coast, police said.

Mrs. Marshall told police $50 in silver coins were missing from the bedroom she shared with her daughter in the ground-floor apartment.

Police cars were parked throughout the neighborhood as officers in pairs searched through buildings, basement storage rooms, and questioned neighbors about the missing youth.

One woman said Pamela was "one of the nicest little girls around here, that's all."

Fairfax County schools were dismissed early yesterday, as scheduled, at 1:30 p.m. Pamela, a school crossing guard at Timberlane Elementary School just two blocks away, was delayed in returning home because of her after-school duties.

Police Lt. W. T. Frakes said he is certain that the slaying had nothing to do with other recent stabbing deaths in the Washington metropolitan area.

E. W. "PIKE" SLOAN HONORED BY HARVARD

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. MINSHALL. Mr. Speaker, my good friend Edward W. Sloan, Jr., has an admirable record of civic pride, civic responsibility and civic achievement. These qualities have long been recognized by the Greater Cleveland area and the honors "Pike" Sloan has acquired over the years are impressive. The latest is the 1970 Business Statesmanship Award from the Harvard Business School Club of Cleveland.

I would like to include in the RECORD the editorial salute given on this occasion by the Plain Dealer of April 7:

HONOR FOR SLOAN

Edward W. Sloan Jr., a onetime Yale man, is the choice of the Harvard Business School Club of Cleveland for its 1970 Business Statesmanship Award. There is no more deserving recipient of the honor.

"Pike" Sloan, who is president of Oglebay Norton Co., has an unusually keen sense of civic responsibility. All through his long business career here he has been a hard worker for many good causes, particularly those having to do with education.

CONGRESS AND WILDCAT STRIKES

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. LLOYD. Mr. Speaker, the debate this afternoon underscores once again the vital need for change in our basic laws governing nationwide strikes. The chairman of the Rules Committee earlier this afternoon emphasized the importance of basic change. We are called upon this afternoon to pass stop-gap legislation, but what we really need is an early hearing on the legislation recommended by the Nixon administration which would bring railroads under the jurisdiction of Taft-Hartley and provide responsible remedies to apply to the situation with which we are faced today, with which we were faced in 1967 and with which we will continue to be faced if we fail to take the basic steps needed to protect the American people from the recurring impending threats of nationwide transportation tieups.

The public is ahead of the Congress in realizing that the public interest must have a more powerful role at the bargaining table of labor and management. The recent rash of work stoppages and slow-downs in both public and private employment are measures of the disrespect in which the public interest is held. An article written by David Lawrence, and published in the Washington Star yesterday, April 7, is in my view an accurate expression of the prevailing view in the United States today.

The article follows:

CONGRESS AND WILDCAT STRIKES

(By David Lawrence)

Hundreds of millions of dollars have been lost to the economy in recent days and more will be in the future unless Congress takes punitive and preventive action against wildcat strikes. Deliveries through the mails and by air have been delayed, and this has affected many business transactions and the shipment of goods. Now unauthorized strikes have produced further losses in the transportation of goods by truck in different parts of the country.

There was a time when collective bargaining was supposed to be an orderly method whereby unions negotiated with employers and approved contracts made. But rarely has there been so much disruption as exists today due to a complete disregard by workers of the acts of their own union officers and leaders.

Congress has been in session but has taken no action. Many businesses which are incurring damages are not going to be reimbursed, and it is possible that the concept of wildcat strikes has been encouraged, rather than discouraged, by the latest developments.

Even within the federal government, the employes have shown an indifference to statutes forbidding strikes. No measures have been passed to compensate businessmen for the losses they have suffered through delays in transportation caused by illegal strikes of government workers.

Perhaps "collective bargaining" should be defined by law to include penalties for those individuals who engage in wildcat strikes. For their acts amount, in effect, to a form of extortion. They will not sign agreements unless extreme demands are met.

In one of the current strikes, the excuse given is that the employes are "sick." Yet, it is commonly known that this is in most instances a circumvention. But there is no penalty imposed for the use of a "sickness" alibi in a wildcat strike against the government.

The right to strike has been upheld by the courts and has been generally accepted as a fundamental principle of labor relations But there is no right to destroy private property or interrupt the normal course of business without warning. Federal statutes could certainly provide that labor agreements should be for a fixed period and that discussions must be completed within a certain time before work stoppages are permitted. This at least would afford business an opportunity for substitute arrangements to be made.

Businessmen make contracts to deliver their goods on specific dates, and they do so on the assumption that transportation facilities will be available to them. But when strikes occur, they have no way of recovering their losses. In the case of illegal strikes by government employes, there certainly is an obligation on the part of the national government to recompense those citizens who are damaged by such work stoppages. The whole subject deserves immediate attention by both houses of Congress.

Estimates vary as to the amount of damage done by delayed mail in the letter-carriers strike, by the air-travel delays, and now by the wildcat strikes of the truckers. But it is safe to say that American business has suffered extensively in different parts of the country, and many products that depend on prompt transportation in order to maintain a regular flow of sales have had their deliveries seriously impaired.

The emphasis thus far has been on the mistakes of the government in handling its wage problems. Secretary of Labor Shultz expresses the belief that government officials, from city hall to the national capital, have been failing to deal efficiently with their workers. He says:

"Governments are not model employers, by a long shot. Not only the federal government but state and local governments have a lot to do in this area."

But what has emerged in the last few weeks are now acts of defiance and irresponsibility as the rank and file of many labor unions have ignored the appeals of their leaders. Even though agreements are reached with employers to begin negotiations, pleas to return to work have been ignored. The government itself has failed to enforce the laws which makes strikes by federal employes illegal, and wildcat strikes have increased instead of diminished, not only among federal employes but in unions which deal with industrial operations of the utmost importance.

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ROADS CITED AS IMPORTANT ENVIRONMENTAL FACTOR

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. SCHWENGEL. Mr. Speaker, Prof. Richard L. Handy of the Engineering Research Institute at Iowa State University has been instrumental in calling the public's attention to the role which roads play in our environment. The following summary explains the problem very well. Also, Professor Handy is proposing the establishment of a National Environmental Road Lab to work on this problem. The lab and its goals are explained in a recent article prepared by Professor Handy:

THE NATIONAL ENVIRONMENTAL ROAD LAB

(Established at the Iowa State University, Engineering Research Institute, Ames, Iowa.)

THE PURPOSE OF THE NATIONAL ENVIRONMENTAL ROAD LAB

Identify the multi-disciplined unpaved highway, road and street environment problems.

Solve the problems and combine the answers to eliminate the most problems simultaneously.

Apply these answers and develop the practical field usage at a reasonable cost.

Inform the various disciplined and highway authorities that practical solutions to various environmental road problems are known and are now available for field use.

Encourage the road and street officials to establish regular programs of road and street stabilization to abate the pollution, reduce accident potentials and generally improve the roads.

THE PROCEDURES OF THE NATIONAL ENVIRONMENTAL ROAD LAB

Pure research only as needed.

Liaison with agencies specializing in any ecological discipline affected by unpaved roads and streets.

Laboratory screenings and studies.

Economic analysis and statistical records.

Examine product feasibility, availability and cost.

Field trials with the cooperation of highway agencies.

Analysis of field trial results, methods and costs.

Evaluate the multi-disciplined objectives.

Evaluate sensitivity to physical road conditions and variations.

Special studies of additives for general purpose results.

Special studies of additives for specific or additional purpose results.

Re-examine field construction methods for efficiency and simplicity with common equipment.

Write sample material and construction specifications as a guide for use by road and street agencies, engineers, contractors and material suppliers.

Continually review existing materials and methods for improvements; additives for more encompassing results; simplified methods for ease of use and reducing costs.

Continually review the final objectives for more purposes and better public service.

Issue technical and research reports for full study use by other organizations and agencies.

Issue abstracts of technical and research reports each quarter or reasonable period.

Place great emphasis on writing and publishing a bi-monthly 2 to 4 page newsletter explaining unpaved road problems, how to cure them, how other agencies are relieving their problems, how improvement programs can be initiated, new material testing, new objectives, new additives, etc.

Distribute the newsletter as widely as possible to highway and other disciplined agencies and organizations in hopes that such continual attention will stimulate them enough to think in terms of *total environment improvement* and initiate a continuing program of positive action in their own jurisdiction.

Invite inquiries from individual agencies on specific matters, conditions and problems. Provide answers or referrals to other agencies for the best answers.

Provide public relations material to the highway and other disciplined agencies to help them in explaining the total environment improvement concept to the public and to foster the public support for such programs.

Provide technical papers and presentation programs for technical disciplined organization meetings.

Provide general papers and presentation programs for layman organization meetings.

Provide speakers for certain prime meetings, to emphasize the low cost-high benefit results of the total environment improvement programs.

Do everything possible to encourage the public officials and the public to accept and persue the total environment improvement concept.

THE PROPOSED FINANCIAL SYSTEM

The total program as stated will require financial assistance from a source other than the university. The university will contribute a wide variety of supporting personnel and services, along with the active guidance from other disciplined departments.

The financial needs are estimated on an annual basis for the three year period. Variations will exist as phases of the research, development and field trials are concluded. Such time schedules are impossible to anticipate.

Therefore, financial adjustments will be made as the work progresses to correspond with the most active and pressing phases at the moment, to achieve the final objectives.

APPENDIX I

Previous secondary road research at Iowa State University.

Publication lists are available on request. Subject areas include:

1940's

Electrical hardening of clays adjacent to aluminum friction piles.

Large organic cations as soil stabilizing agents.

1950's

Cement factors for sandy soils.

Soil stabilization with lime and fly ash, bituminous materials, lime, portland cement, large organic cations, polyacids, or lignin.

Trafficability of Alaska silts.

Mechanical stabilization of an Arctic bench.

1960's

Soil stabilization with chlorides, lignosulfonates, molasses, phosphoric acid, gypsum.

Soil-lime crystalline reaction products.

Evaluation of soil-aggregate-sodium chloride test roads.

Construction and evaluation of soil-cement, soil-lime-fly ash, soil-lime, and soil-organic cation test roads.

Shrinkage of soil cement.

Soil factors affecting rigid pavement pumping.

Stability of granular base course mixes.

Stability of granular base course mixes under repeated loading.

Soil stabilization with spoxy, polystyrene, furfuryl alcohol, resins.

Chemical stabilization of landslides.

Improvement of granular mixes with cement or bitumen.

Bearing tests with a spherical penetrometer.

Shear strength of Hawaiian latosals.

Lateral stresses in highway pavements.

In-situ test for shear strength and creep.

STAFF (TENTATIVE)

The staff consists of a Director, or permanent core group from several-key disciplines, and additional personnel and consultants as needed.

The Acting Director is a Professor of Civil Engineering, presently Director of the Soil Research Laboratory at Iowa State University (R. L. Handh). A Director will be named later. However, it is anticipated that Dr. Handy will still participate and remain associated with the lab.

The core group will include the following engineers and scientists, each of whom is well-recognized in his field, and most holding the rank of Associate Professor or above.

A highway engineer specializing in secondary road research, design and construction. (J. M. Hoover)

A traffic engineer and urban planner experienced in urban and secondary road planning. (S. Ring)

A soil engineer specializing in chemical soil stabilization research. (T. Demirel)

A botanist-ecologist specializing in developing new types of roadside vegetation. (R. Landers)

A structural engineer specializing in bridge design and research. (W. Sanders)

An hydrologist specializing research into runoff and drainage structures. (M. Dougal)

In addition to the core group, perhaps later to become part of the core, are a socio-economist, a landscape architect, and representatives of other pertinent disciplines.

Function	1970	1971	1972	3 years
Director (full time)	$25,000	$25,000	$25,000	$75,000
6 staff (50 percent time)	60,000	60,000	60,000	180,000
4 staff (25 percent time)	20,000	20,000	20,000	60,000
Graduate students (number)	(10)45,000	(15)67,500	(10)45,000	157,500
Clerical (number)	(2)10,000	(3)15,000	(3)15,000	40,000
Newsletter editor	12,000	12,000	12,000	36,000
Field and laboratory technicians	25,000	25,000	25,000	75,000
Total, salaries	197,000	224,500	202,000	623,500
65 percent overhead, 12 percent fringe	151,700	172,900	155,600	480,200
Subtotal	348,700	397,400	357,600	1,103,700
Equipment, materials and supplies	75,000	50,000	25,000	150,000
Printing, mailing costs, and postage	25,000	25,000	25,000	75,000
Travel, lodging and subsistance	25,000	25,000	20,000	70,000
Annual total	473,700	497,400	427,600	1,398,700

If this seems like a lot of money for three years of work which has a potential benefit for 1.8 million miles of unpaved roads and streets and their total environment, then let's compare some other costs:

A reasonable average cost of administration, engineering, inspection, grading, draining, paving and shouldering on a typical farm-to-market road is about $85,000 per mile. The annual cost of this total environment benefit program would be the same as 5.5 miles of such road improvement, or the . . . three year total would only produce 16.5 miles of such pavements!!

Today this Nation lives with and tolerates many dirty things: dirty water, dirty air, dirty food, dirty words, dirty people, dirty houses, dirty crimes, dirty drugs, dirty accidents, dirty automobiles, dirty roads, etc.

During the 1960's, we found out just how dirty we really are, so we started to clean ourselves up a bit. But, the more we cleaned, the dirtier we got. So, as a nation, we hit the panic button and began to find out "why". We shocked ourselves.

We found out a few things:

1. Many Americans felt that the good things in life are fattening, immoral, expensive, and cause pollution.

2. Many felt that pollution control was an emotional thing, and the enforcement of control measures was another bit of erosion of our individual rights.

B. The major pollutants of the big metropolitan centers received the spotlight of attention, but their control is very costly and will take years to achieve.

4. Equally dangerous pollutants of different types existed in the smaller urban, suburban and rural areas which can be controlled now at a very nominal cost, but which have been grossly ignored for lack of any public agency pushing for their control.

We also found out that:

1. Water pollution could be stopped at its source, and that dirty water can be treated and made safe for consumption.

2. Air pollution could be stopped at its source too, but that air cannot be purified after it is once polluted!

Smog from factory smokestacks and auto exhausts in the large metropolitan areas is the big target of air pollution control today.

But, what about our 104,000,000 automobiles in the United States creating dust pollutants from the roads, streets and highways over which they travel *1,060 trillion miles annually?

Dust in all of its diversified dangerous and destructive effects is barely recognized as any more than a common "nuisance."

So, you rightly ask the question: "If this road, highway and street dust is really the costly, destructive* and even deadly influence you describe, why haven't we heard about this seriousness before?"

The answer could be considered rather sad in this modern day of fast communication. It has several parts:

1. There are approximately 1,800,000 miles of unpaved roads, streets and highways in the United States today, and the vast majority of this mileage is on the "secondary road system" of the 3,043 counties in the country. This mileage serves the smaller urban, suburban and rural areas of the country.

2. With few exceptions of the very large metropolitan counties, the remaining counties and small towns have very small voices to attract attention, if indeed they are heard and even recognized at all.

3. The national and state highway and highway research organizations are so predominately made up of interstate and state highway oriented men, that secondary road matters are rarely, if ever in most instances, heard with more than the common courtesy of just listening while a fellow human being speaks.

4. The thousands of smaller towns have the same kind of trouble getting attention as the counties experience.

5. Most of the state highways are already paved in some manner—as are the larger city streets—and therefore the dust problem is not of importance to them, as such, they have little reason to know the real environmental pollution hazards of the unpaved streets and highways.

Is it any real wonder then that the federal agencies are not fully aware of the deadly impact of road dust as we know it to actually be?

During the 1960's, several new concepts were developed and accepted for positive action on a scale so large and wide, that they were formerly considered impossible to undertake. The financing alone was astronomical to say nothing of the vast network of administration involved to pursue the programs. For example:

1. *Socially.*—The ghettos and their underprivileged residents caused enough trouble to demand attention. The attack was launched.

2. *Economically.*—The low pay and low fixed incomes of the unskilled work force, the aged and the disabled caused enough sentiment to demand attention. The attack was launched.

3. *Pollution.*—Industrial and auto smog, along with public and private water pollution caused near panic in the metropolitan centers. The attack was launched, but it will take *years* to be really effective.

4. *Highway safety.*—The killing of 56,000 people annually on our highways and streets finally got the long overdue attention that it deserved. The attack was launched.

But these are only the big, glamorous and emotional subjects which we found could be done after all, if we would just take a new wide look, develop new philosophies and approach them with a new concept.

Meanwhile, our old "highway ghettos"—the vast unpaved mileage of secondary roads and town streets—continue to:

1. Destroy the pleasant and enjoyable use and living conditions of adjacent homes, private and public property.

2. Hasten the deterioration and destruction of the road users' automobile and devalue the adjacent owners' property, thereby causing a direct personal and public financial loss.

3. Pollute the air with as much as 100 times more solid air-borne particles than is found in the big city industrial air, where pollution is recognized. The health impairments are common, but the cause is rarely blamed on the dusty road. The same dust pollutes the creeks and streams, but it is rarely considered collectively as a factor in the final pollution of the major streams, rivers and lakes.

4. Kill 2.3 times as many people per vehicle miles of travel as the State (paved) highways do. Dust enshrouds the curves, turns, intersections, bridges, railroad crossings, other vehicles and even the school buses which stop in the traveled way. The loose surfacing material acts like a layer of ballbearings under the vehicles' tires, seriously reducing the driver's ability to have positive control during starting, stopping and turning. Maintaining such surfaces is often very costly and often impossible to hold for more than an hour or two in a reasonable condition.

Now, here is the horrible part of it all

Today, we have the knowledge, materials and ability to practically eliminate these unpaved secondary road and town street problems very inexpensively as compared to the cost of high type pavements!!

Then why don't we do something about it today?

Heaven knows that counties have tried, and we can almost say, "but who listens to us?" Though a complex chain of regulations and directives which stem from State highway oriented engineers, are passed onto the Federal agencies, refiltered back to the States, expanded beyond their intended scope and finally applied to the counties, we are all but prohibited from using these practices to improve the unpaved roads.

The old stereotyped philosophy that any road improvement must achieve the ultimate of standards regardless of cost, or else be left in its present condition until it can be constructed to standards is no longer acceptable to local highway officials and the general public. This idea will seriously prolong the needless hazards of unpaved roads.

We need a new philosophy and we have it

Let's be objective for a moment and forget about the past ideas and historic practices which no longer serve the best public interests. After all, they are not sacred and can be readily changed by the authoritative governmental agencies if they so desire. Let's see what is best for the public in the future. Remember all of the various hazards and dangers that are created by unpaved roads? With this thought in mind, we are fully justified in accepting and pursuing.

The total road environment concept

This expanded philosophy, or concept, will now let us make road fund expenditures for intermediate type stabilized surface improvements on many thousands of miles of unpaved roads immediately and at a relatively low cost. This work can begin now and actually show substantial environmental benefits—nationwide—as each month goes by! It is not intended to replace the regular road construction programs which eventually produce an "approved standard" paved road, but rather to supplement them with temporary improvements on the remaining roads for total environment benefits.

NATIONAL ASPHALT PAVEMENT ASSOCIATION INSTITUTE'S POLLUTION CONTROLS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. HOGAN. Mr. Speaker, I would like to bring to the attention of my colleagues, particularly those most concerned with the problems of our environment, a program instituted by the National Asphalt Pavement Association located in Riverdale, Md., in my congressional district.

This industry adopted a voluntary code of air pollution controls in 1965, well before the beginning of the current degree of public concern for an improved environment.

Mr. Speaker, we hear so much today about the necessity of Government "cracking down" on private industry for its share in the pollution of our natural environment, that I am pleased to be able to commend the asphalt pavement industry for taking the lead in helping to reverse the trend. The association has also established a task force to study water pollution, noise abatement, and land usage as well as further work on air pollution.

The National Asphalt Pavement Association has recognized the need for action—indeed, they recognized the need well before many knew of the immensity of the pollution problem. But the National Asphalt Pavement Association has also responded to the need. If more private industries follow their lead, there will be less need for governmental controls and expenditure of more Federal moneys.

THE RIGHT-TO-READ PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, it appears that someone in the administration has forgotten the three R's of education. They talk about reading but leave out the 'rithmetic. A right-to-read program is proposed but the dollars to create such a program are not requested.

The right-to-read program announced by Commissioner of Education Allen and supported by the President is a necessary educational improvement. Reading skills are the basis for all further education. Without this base being soundly formed in the early school years, children are condemned to fall ever more hopelessly behind in grade level.

But to develop the kind of right-to-read program which the administration is discussing takes dollars and those dollars are being withheld.

Robert Hartman, who was formerly on the staff of the Assistant Secretary for Planning and Evaluation at HEW, discussed this problem in a Washington Post article on March 18, 1970. The article follows:

FINANCING "THE RIGHT TO READ"

(By Robert W. Hartman)

In October, 1969, U.S. Commissioner of Education James E. Allen Jr., speaking before the Citizens Schools Committee of Chicago, announced a new educational target: The "Right to Read" was to become for the 1970s what the pledge to land a man on the moon was to the 1960s. In his speech, which marked the first positive statement about the federal role in education to come from the new administration, Allen pointed to the "10 million American children and teen-agers [who] have some significant reading difficulty" and who were thus "denied a right—a right as fundamental as the right to life, liberty and the pursuit of happiness."

The significance of Allen's remarks was that they committed the Nixon administration to a program of education support for disadvantaged youngsters who comprise an indecent proportion of the 10 million reading-retardates and whose whole education cannot very well be separated from the acquisition of reading skills.

Allen said curiously little about what the "Right to Read" program was going to do for money, but the administration's budget message could be expected to fill in the dollars. In February, the budget was released. Here are all the mentions of "Right to Read" in the combined 1,973 pages of the Budget, the Budget Appendix and the Special Analyses of the Budget.

"An increase of $5 million in grants to States will fund additional adult basic education projects and contribute to the "Right to Read' effort." (Budget, p. 143.)

"In 1971, States will be encouraged to use these grants [for supplementary services, school libraries, guidance, counseling, and testing and equipment] to fund 'start-up' costs associated with new educational models, especially in connection with the 'Right to Read' program." (Budget Appendix, p. 423.)

It was not until March 3 that the administration spelled out fully its goals in elementary and secondary education. In a "Message on Education Reform," the President explained that, generally, he would hold off spending for education until "we gain . . . confidence that our education dollars are being wisely invested." The "Right to Read" was singled out, however, as being a "critical area" in which "we already know how to work toward achieving" the goal. Given all this knowledge, the President moved right up to the front of the message (for the newspapers to copy), his pledge.

"*I propose new steps to help states and communities to achieve the Right to Read* for every young American. I will shortly request that funds totaling $290 million be devoted to this objective during Fiscal 1971."

It sure looked to some reporters like the President was talking about putting $200 million into this new program. The New York Times, in an otherwise brutal editorial, said:

"Yet only the $200 million funding of the reading campaign can be considered a realistic pledge." (March 4, 1970).

Buried deep down in the education message was the detail on the President's pledge.

"In the coming year, I will ask Congress to appropriate substantial resources for two programs that can most readily serve to achieve this new commitment—[school libraries and supplementary services].

"I will shortly ask Congress to increase the funds for these two programs . . . *to* $200 million. I shall direct the Commissioner of Education to work with State and local officials to assist them in using these programs to teach children to read."

In case the subtlety is beginning to overwhelm the reader and in case he is having trouble finding out exactly what is being promised under the "Right to Read," I will now present a short budget history and description of the programs being designated for "Right to Read" yeomanship.

First of all, the administration has been trying to consolidate several so-called "categorical" programs in elementary and secondary education "to give states more choice in use of funds" (Special Analyses of the Budget, p. 113). As the second column of the table below shows, the administration wouldn't mind if, in the process of giving the states greater choice, it could save a few dollars. In the spring of 1969, the new administration cut back these state-grant programs by about two thirds.

The last Congress, in its euphoric mood, tripled the President's request to over $300 million, a sum which was vetoed in January by Mr. Nixon. (See column 3).

APPROPRIATIONS

[In millions of dollars]

		Nixon vetoed		Final Nixon	
	Fiscal 1969	Fiscal 1970	Fiscal 1970	Fiscal 1970	Fiscal 1971
Title III (supplementary centers)	165	116	165	116	116
Title II (school libraries)	50	0	50	43	0
Guidance, etc	17	0	17	15	0
Equipment, etc	79	0	79	37	0
Total	311	116	311	211	116

On the very day that the President was announcing his enthusiasm about the "Right to Read" and promising to raise the 1971 budget request for Titles II and III *to* $200 million, his representatives in HEW were agreeing to support a level of expenditures for the categoricals in *1970 of $211 million*. In short, there is no question that the administration was going to have to raise its $116 million request for 1971 in any event. Why not say the increase is for the "Right to Read?"

Now we ask how does a cut of $11 million finance the "Right to Read" program? To answer this one requires that we look into the Title III and Title II programs that will carry the burden.

Both of these programs allot federal funds to state education authorities. These authorities, in turn, establish criteria for the reallotment of the funds to school districts. In any given year most of the Title III funds are used to continue the financing of projects begun in an earlier year. For example, in 1968, only one-third of the funds appropriated were discretionary—the rest continued funding old projects. Given the slowdown in this program in 1969–70, it might be expected that half of the funds will be available for new projects. The commissioner will be doing well if he can persuade state boards to allocate half of these new funds to "Right to Read." Thus, "Right to Read" might reasonably be expected to get one-quarter (half of half) of all Title III funds in 1971.

The library assistance program is also a state-grant program. Funds are allotted within states according to need, but the state's interpretation of need varies widely and there are enormous pressures to spread the funds around among all school districts. What share would go to the children having trouble reading? No one knows, but if one-quarter of Title II rebounded to their benefit, that would be an achievement.

The President will raise his requst for Title II and Title III together to $200 million. About one quarter of those funds might be for the benefit of the needy readers. That's $50 million. There are 10 million needy children, according to Commissioner Allen. So we promise the "Right to Read" at $5 per child per year.

Two or three years from now, some high administration officials will take the podium, point his pointer, and announce gravely that after pouring one-half billion dollars into the "Right to Read" program the federal government, sadly, has little to show for its efforts (this is precisely the line now taken on Head Start and Compensatory Education) and that the administration must reluctantly conclude that further research is necessary before any more money is poured down the rat-hole.

This scenario is absurd—but all too likely to happen. Commissioner Allen's idea—the creation of a symbol of the failure of our educational system and the embodiment of "a target which unites rather than divides"—was a good idea. If the federal government means business, it should be talking about providing at least the monetary equivalent of one reading specialist costing about $9,000 per 30-child classroom (i.e., $300 per student). If there are, in fact, 10 million reading-retardates, we should be talking about a program of $3 billion to achieve—or move toward—the "Right to Read." Perhaps this sum of money cannot be spent fruitfully in 1971, but at the administration's spending rate it will be 60 years before $3 billion is reached. High rhetoric and low budgets failed American education in the past—can we live with an encore?

PROTECTING THE NORTH COAST RIVERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WALDIE. Mr. Speaker, I am extremely pleased today to introduce a bill which would include the last remaining free-flowing river systems of the northern coast of California under the provisions of the Wild and Scenic Rivers Act of 1968.

These rivers, the Eel, Klamath, and the Trinity, support outstanding fish, wildlife, recreational, scenic, and historic values that are of great national importance and these values are imperiled and will be lost forever unless these rivers are preserved in their present free-flowing condition.

Mr. Speaker, the Corps of Army Engineers, the Bureau of Reclamation, and the California Department of Water Resources have proposed or are in the process of planning some 20 high dams on these river systems which will result in the destruction of the salmon and steelhead runs in these rivers, flood hundreds of miles of angling, camping, and hiking areas and hundreds of thousands of acres of prime forestlands now inhabited by deer, bear, and other wildlife.

My legislation would preserve these rivers by placing them under the protection of the Wild and Scenic Rivers Act of 1968 which states:

> Selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing conditions, and that they and their immediate environments shall be protected for the benefits and the enjoyment of present and future generations.

Mr. Speaker, the northern coast of California is magnificently rugged and mountainous country with the free-flowing rivers as the key to its environment. The Eel, Klamath, and Trinity River systems support salmon and steelhead trout runs, comparable in magnitude to those of the more famous Columbia River of Oregon and Washington.

Other important fishes dependent upon these streams are the American shad, sturgeon, cutthroat trout and candlefish. These fishes provide valuable and diversified sport fisheries.

That these fish and wildlife resources are threatened was amply demonstrated by G. Ray Arnett, director of the California Department of Fish and Game, who said on March 9 of this year:

> The plain fact is that we face difficult fish and wildlife problems with all major water developments proposed for the North Coastal Region because of the magnitude and characteristics of the resources involved and the size and the type of water developments planned, particularly their export feature.

The beauty and recreational value of the Klamath, Trinity, and Eel Rivers has long been attested by tenacious efforts of conservationists to preserve the riverside redwood groves in State and national parks. However, if these rivers are dammed and the waters stored by these killer dams exported, the long and hard fight to save the redwoods may be lost for it is the rivers that feed those groves of redwoods.

The Eel, Klamath, and Trinity River systems are the only free-flowing rivers that parallel major scenic roads. One can drive for hours along these roads and see the beautiful tumbling waters cutting through deep gorges and winding through beautiful valleys. Recreation along these river highways is bountiful—with fishing, camping, swimming, and boating. People from all over the State, including southern California, travel miles and pass up hundreds of reservoirs and lakes to enjoy these free-flowing rivers.

All this, Mr. Speaker, is endangered by the plans to dam these rivers and to export the stored water to the water deficient areas to the South.

Why these dams? The reason is apparently to funnel more water to areas of the State that are now either arid coastal plains, deserts, or valley lands, containing contaminants such as boron which are presently unusable for habitation or agriculture.

It is simply a matter of aiding the continued and quite dangerous consequences of unnatural growth in these areas at the cost of not only the north coast areas of origin, but the areas of receipt as well. Recent disclosures of the effects of smog on millions of trees in forests outside the Los Angeles basin should demonstrate that this area cannot support more population without augmented supplies of fresh clean air—not northern water.

Mr. Speaker, if the proposed dams are constructed they would replace beautiful free-flow streams with radically fluctuating reservoirs characterized by extensive mudflats where beautiful forests once existed.

An example of what happens to an area when a "killer" high dam is constructed is the Trinity Reservoir in Trinity County. When this project was proposed, the residents of the area were told of a beautiful lake with higher recreational use than the old river. The results of today are quite different. The reservoir receives little use because of ugly mud flats exposed when water is drawn out of the reservoir during prime use periods. The town of Lewiston below the main dam has turned into a ghost town and the salmon-steelhead fishery below the dam has declined drastically in spite of a hatchery. The project has created such problems to Trinity County that the local residents organized the North Coast River Association to combat other such projects.

Mr. Speaker, the proposed water development projects for the north coast are not flood control projects and would not provide residents along the sparsely inhabited stretches of these rivers protection against such storms as the ones that resulted in the tragic 1964 floods.

Proper flood plain zoning, levees, and flood evacuation procedures would save lives and property at a fraction of the cost of one dam and would allow the flood plains to continue to benefit from normal high water stages which have made the flood plain to the north coast rivers the most verdant and fertile in the State.

I would hope, Mr. Speaker, that congressional approval of this bill would not only save these precious rivers and the resources directly dependent on them, but would prompt the State of California and the Federal agencies to reassess their plans to tap the north coast rivers with a multibillion plumbing system and would instead force them to cooperate with southern California planners and officials who foresee the ecological impact of unchecked growth. I would hope, Mr. Speaker, that further studies would concentrate on planning for more orderly growth and such technologically feasible water augmentation methods as desalinization, water reuse, and development of existing ground water supplies.

I first announced my intentions to introduce this legislation at a meeting, jointly sponsored by the Sierra Club and the Committee of Two Million, a joint committee composed of members of the key conservation and sportsmen organizations in California, at the Sierra Club's national offices in San Francisco.

The response to that announcement by the public has been most gratifying and indicates the widespread concern for the preservation of this area and its rivers.

I am grateful to the Sierra Club staff and to the Committee of Two Million, for their tireless efforts and their cooperation in aiding the preparation of this legislation.

THE NEWEST CAMPUS HORROR STORY

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. McKNEALLY. Mr. Speaker, I am pleased to include in the RECORD the following article by Dr. Donald B. Louria, president of the New York State Council on Drug Addiction and author of "The Drug Scene" and "Overcoming Drugs." Dr. Louria is an outstanding authority on the drug problem and describes the painful, distressing, and fateful experience through which this Nation is passing as many of its youth turn to drugs. Dr. Louria's remarks are worthy of the careful attention of every Member of this House:

THE NEWEST CAMPUS HORROR STORY

The drug scene in this country is currently undergoing a frightening metamorphosis. Two years ago, some of us who follow the pattern of drug abuse in the United States predicted that the major problems in 1970 would be marijuana and stimulants of the amphetamine variety. This made sense. Marijuana was and still is an intrinsic component of youthful rebellion, and the stimulants were alleged to heighten sexual activity. At the time, it seemed unlikely that the use of heroin would expand profoundly. Today, the use of marijuana has indeed increased. But the number of heavy amphetamine users has not grown as forecasted. Instead, the new and tragic problem is the rise of experimentation with heroin.

The illicit use of opiates of the morphine-heroin variety started during the Civil War and continued through the first two decades of the 20th century. By the end of World War I, between 500,000 and 1.5 million persons in the U.S. were addicted to opiates. Following vigorous efforts to control distribution and reduce indiscriminate dispensing of opiate drugs, the number of known addicts reached its lowest point during World War II.

Immediately after the war, the supply of heroin increased and the number of "reported" addicts reached 60,000 in 1953. By 1968, with an improved reporting system, there was general agreement that the number of heavy users in the U.S., including those officially recorded and those not known to the police, was in the range of 100,000 to 150,000.

The abuse of heroin is no longer limited

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to deprived communities. It has spread with a vengeance to our affluent suburbs. For the most part, the suburban young people who are playing around with heroin are not becoming dependent on it. Of course, some of them *do* become addicts. In some well-to-do communities on the East and West coasts, preliminary data suggests that 5 to 10 per cent have had at least some experience with heroin or a similar drug.

As heroin experimentation grows, the number of young persons dying from overdoses or other complications also increases. In New York City, heroin-related fatalities are now the leading cause of death in the 15 to 35 age group. Between 1950 and 1965, there were some 2,500 heroin-related deaths (the maximum in any one year was 380). But in 1967, 650 persons died from heroin; in 1968 it was 730; and in 1969, over 900.

The average age of the habitual heroin user is decreasing. Four years ago, the mean age was between 27 and 28 years; now it is approximately 22 years. This is reflected in the heroin-related deaths. Of the 900 deaths in 1969, some 255 were teen-agers, and 55 were 16 years of age or younger. Nowadays, reports of heroin use by 8- to 12-year-old children are commonplace.

Heroin abuse is no longer exclusive to school dropouts. Use of the drug has spread to those remaining in school. This is, of course, extremely important from the epidemiologic point of view because the likelihood of contagion is vastly increased if the illicit user remains within the school environment.

Heroin is now a regular part of the repertoir of the drug subculture. Multiple drug use is currently the norm. A reasonable guess would be that, of those who use marijuana on more than a few occasions, at least 20 per cent will subsequently utilize more dangerous drugs, and perhaps 10 per cent will include heroin in their subsequent drug behavior patterns.

If heroin abuse continues at this rate, it won't be long before schools and colleges across the country will suffer from a very substantial heroin problem. Clearly, we as a society *must* intervene now. Education and rigid school regulations will help but, more important, the supply must be reduced. This means that no school campus can be a sanctuary for the heroin seller under the guise of academic freedom. Those who peddle heroin must be ferreted out and punished. For the major importers or distributors of heroin, there should be no leniency. Those who decry 20-year to life sentences for importers and pushers need only visit the morgue of the Office of the Chief Medical Examiner in New York City. Our laws for possession of some drugs are often too harsh but, in most states and at the Federal level, our laws relating to the major importer or distributor of heroin are too mild. As a society, we have an obligation to protect our teen-agers from early death due to heroin. To do so, it appears to me mandatory to make the risk-to-profit ratio so high that the major traffickers will either get out of the heroin business or, when caught, will be removed from society for a very long time.

PERSONAL EXPLANATION—H.R. 15733

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mrs. GREEN of Oregon. Mr. Speaker, I was unable to be present for the vote on H.R. 15733 yesterday because of official business. However, had I been present I would have voted in support of the bill.

Mr. Speaker, it is a matter of simple justice to the thousands of railroad retirees who, like all of those attempting to survive on fixed incomes in these months of cruelly rising inflation, desperately need even this modest increase in annuities and who have for so long looked to us hopefully and patiently for a measure of relief.

I congratulate the distinguished chairman of the Interstate and Foreign Commerce Committee for yet another piece of workmanlike legislation which manages at one and the same time to be humanely responsive to the needs of retired people and does so in a fiscally responsible way. With an eye to the future, necessary preliminary steps have been taken for ultimately putting the traditionally problematical system of our railroad retirement system on a sounder actuarial basis than that which is presently provided. I am pleased that this bill passed the House with an overwhelming majority.

STUDENTS FIND TRASH

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. SCHADEBERG. Mr. Speaker, as our entire society becomes more and more concerned with the protection of our environment, from Congress to business to individuals, I have stated quite often that pollution control must begin at home. No amount of legislation alone will be able to halt the onrush toward a destruction of the natural environment.

All citizens have a stake in controlling further destruction. The earth is the product of our Creator, and as tenants, it is our duty to protect its beauty for ourselves and for future generations. Congress must pass stringent laws, businesses must realize that pollution control is as important as the profit margin, and individuals must be aware that they will be required to make sacrifices.

Some of the leaders in the pollution war are the members of the young generation. More than anyone else, they realize that they will inherit the earth, and they want it to be clean.

In Beloit, Wis., students at Memorial High School have banded together to form the Environmental Contamination Opposition—ECO—Club. Some of their first activities concerned the difficult but most necessary job of assisting the Rock County Highway Department in clearing streams and highways of ordinary debris, left as residue by uncaring individuals.

The Beloit Daily News recently recognized the efforts of this organization. I am pleased to enclose a copy of the article, written by Jim Sweet, for the attention of my colleagues:

STUDENTS FIND TRASH

(By Jim Sweet)

The scene at the bottom of Coon Creek was enough to make you sick.

Where once water had run clean, a car engine, rusted from the water, was now blocking its path. Further upstream, the water was parted by the bell-shaped cone of a transmission housing, the crankshaft still attached.

Further examination into the stream turned up two record players, one with a record still in it. And next to that a television picture tube, still intact.

COVERED 5 MILES

It was the worst mess this reporter and his coworkers had seen all day.

About 20 members of the Environmental Contamination Opposition (ECO) Club of Memorial High School had started at 8 a.m. Saturday on a cleanup project in conjunction with the Rock County Highway Department.

Glen Mallu and Harold Mitchell, two county workers, accompanied us on the mission that lasted until 3 p.m., and saw us cover only five miles of paved road.

We started at the city limits of St. Lawrence Avenue and worked our way west. In a 2½-mile stretch, we filled two dump trucks with beer bottles and cans that had been thrown along the roadside.

We counted just seven soft drink containers.

When we reached Paddock Road, we worked our way south and found what we thought would be the worst trash that we would encounter.

SHOVELS REQUIRED

One 200-yard stretch of road was so bad that we had to use shovels to pick up the trash.

There were spots along the road where it appeared that someone had brought their trash out and burned it. The scene looked more like a city dump than a roadside.

But the worst was yet to come, when we came upon Coon Creek.

All in all, we had filled four dump trucks in five miles with most of the larger items saved and put on display at Memorial High School.

Durlin Harnack, head of the Rock County Highway Department, says he doesn't know yet what the cleanup operations will cost the county. "You can bet that it will be plenty," he commented.

TWO WORST ROADS

St. Lawrence Avenue is not the only road that was littered.

"Prairie Road and Afton Road are possibly the worst two roads in the county for this type of trash," Harnack commented last week.

Students who helped in the pickup were Kathy Anderson, Charlene Withrow, Sue Creacy, Martha Davis, Nancy Pineles, Sam Creacy, Russ Birkhart, Jim Petzrick, William Brantley, Prisha McCauley, Tim Ramsey, Ken Hammond, Joe Fjalstad, Jim Moriarty, Chris Page, Mark Fowden and Fred Tuck.

Teacher-advisers were Kathy LaPlant, Lloyd Page and Donna Gilbertson.

GLENVILLE—THE GREAT WAY TO THE FUTURE

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. BUTTON. Mr. Speaker, I would like to pay tribute to the citizens of the town of Glenville in Schenectady County, N.Y., in the 29th District on the occasion of the beginning of their sesquicentennial anniversary celebration as an incorporated town.

I am proud to represent the people of this lovely suburban town with its rich, historic Dutch tradition going back over 300 years. I especially commend the devoted citizens of Glenville who will be working tirelessly, under the chairmanship of Mr. Wayne Harvey, to mark appropriately this joyous occasion.

Much of Glenville, situated on the beautiful Mohawk River, still retains the charm of rural America, while Scotia, a thriving suburban village within the town, has graciously made the transition from farmland to suburbia.

I hope if my colleagues are in the vicinity, during the week of August 16, they will visit the stately Glen Sanders mansion and stop to admire the charming hamlets of Wolf Hollow and Alplaus nestled in the rolling hills of this lovely area.

An award-winning seal has been designed by Sheila Jweid to mark this historic event, and a prize-winning descriptive slogan, "Glenville—The Great Way to the Future" has been created by Pamela Niles.

EQUAL OPPORTUNITIES FOR CONSTRUCTION JOBS AND CONTRACTS IN REDEVELOPMENT PROJECT AREAS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, Richard G. Mitchell, administrator of the community redevelopment agency, city of Los Angeles, recently sent me copies of a statement of policy and goals and a model implementation agreement concerning employment of minority contractors and employees in community redevelopment agency programs.

The resolution and statement, according to Administrator Mitchell, update, and to a certain extent, broaden the agency's affirmative action program in accord with recent Federal legislation. The language was worked out in negotiations with the community council for justice in construction, a coalition of groups from the black community that is concerned with increasing the employment opportunities for minority contractors and individuals in all aspects of urban redevelopment in Los Angeles.

The agency itself has entered into the first implementation agreement with the council, and expects to make similar agreements with other representative minority organizations in the near future. In addition, since the majority of redevelopment projects in the city of Los Angeles are located in areas populated primarily by persons of lower income and by persons of social and ethnic minorities, the agency has emphasized such programs in the past and will continue to do so in the future. This I feel is in consonance with the public policy to encourage and assist economic growth and improvement for lower income persons and firms. It is only right that economic and employment opportunities be provided to the residents and firms located within the geographical area where the governmental projects are taking place and I wholeheartedly support such an approach.

I am now including in the RECORD the statement of policy and goals and a model implementation agreement for my colleagues' information.

The material mentioned above follows:

STATEMENT OF POLICY AND GOALS OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, CALIF., REGARDING EQUAL OPPORTUNITIES IN EMPLOYMENT AND BUSINESS CONTRACTS IN CONSTRUCTION IN REDEVELOPMENT PROJECT AREAS

I. INTRODUCTION

It is the intent of Federal, State, and Local laws that persons and firms, regardless of race, color, creed, religion, sex, or national origin, be given an equal opportunity and a fair share of jobs, contracts, and business opportunities. Particular implementation emphasis is placed on construction projects involving or resulting from the expenditure of public funds.

It is public policy to encourage and assist economic growth and improvement for lower income persons and firms. There has also been particular emphasis on economic and employment opportunities in governmental projects located in geographical areas in which racial or ethnic minorities and low income persons or smaller sized firms reside and do business.

In accordance with these public policies and in attempting to implement them, the Community Redevelopment Agency carries out active programs to encourage the involvement of racial and ethnic minorities and of persons and firms of lower income and smaller size in its projects. The Agency has emphasized such programs in the past and will continue to do so to the extent possible in accordance with local, state, and federal regulations and in accordance with the capability of individuals and firms.

II. EQUAL EMPLOYMENT OPPORTUNITY

A. Agency staff employment

It is the policy and practice of the Agency to provide and ensure equal employment opportunities in the Agency to all persons and to prohibit discrimination in employment because of race, color, religion, sex, or national origin. The Agency shall continue to promote and assure equal employment opportunity in each of its several departments and branches. This policy and practice applies and shall continue to apply to every level and category of employment within the Agency.

The salaried personnel of the Agency and the training and upgrading of such personnel shall at all times and at all levels be fairly treated and to the greatest extent feasible, shall be representative of minorities from the communities being served by the Agency.

B. Equal employment opportunity in construction

The Agency shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with construction in a redevelopment project area be given to lower income persons residing in the project area.

The Agency also shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with construction in a redevelopment project area be given to members of racial or ethnic minorities in proportion to the numbers of such members residing in the project area.

In order to accomplish this, it is essential that the Agency receive cooperation from residents within redevelopment areas and from groups and associations representative of low income persons and of racial and ethnic minorities. Problems exist in identifying and recruiting workers who are qualified for construction employment. The Agency will require construction contractors in redevelopment project areas to seek the assistance and cooperation of labor unions in achieving the goals established. If the goals established by this Agreement cannot be achieved because of discriminatory policies and practices of any labor union, the Agency agrees notwithstanding such discriminatory policies and practices if any, to use its best efforts to assist in overcoming any such discriminatory policies and practices in order to achieve the goals established by this Agreement.

III. PUBLIC AND PRIVATE CONSTRUCTION CONTRACTS IN REDEVELOPMENT PROJECT AREAS

A. General

The Agency shall require as part of all contracts for construction in redevelopment project areas, an affirmative action program for involvement of racial and ethnic minorities as employees, contractors, subcontractors, joint ventures, etc. The Agency shall also establish an evaluation and compliance program to determine the degree of implementation of the affirmative action program.

The Agency shall use its good offices and best efforts to assist small and minority group contractors to obtain financial assistance, from private sources and from public sources such as the Small Business Administration and the Department of Commerce to enable such contractors to participate in redevelopment programs.

The Agency shall seek out federal, state, or local programs or plans through which contractors may obtain surplus equipment on any other basis within the financial means of small contractors. If it is determined that such plans or programs exist, the Agency shall advise those interested and shall use its good offices and best efforts to assist contractors in obtaining such equipment.

The Agency shall encourage the formation, wherever possible, of joint ventures and the use wherever possible of subcontractors, in order to permit minority business firms to cooperate with others to maximize minority involvement and to assist in the training and the acquisition of experience for these minority firms.

B. Competitive bidding for public and private construction contracts

When the invitations to bid for public or private construction contracts are made available to the public at large, the Agency will also make certain that such information is, at the same time, brought to the attention of the community in which the redevelopment projects are to be carried out and to groups and organizations interested in such projects in that area.

The difficulty or inability of small and minority group contractors in securing bid bonds, performance bonds, and labor and material bonds for contracts to be awarded by competitive bidding have posed and do pose impediments to the obtaining of contracts by such contractors. The Agency therefore will propose and support changes in the bonding requirements of the United States Department of Housing and Urban Development, and in the bonding requirements of State law.

The Agency will propose legislation to authorize a reduction or elimination of the bonding requirements in terms of dollar amounts when in the determination of the Agency such reduction or elimination would serve the public interest, and the Agency will also propose legislative changes which would authorize builders' control or other similar techniques to be used in lieu of or in connection with bonds.

C. Public and private construction contracts awarded without competitive bidding

Local, State and Federal statutes, regulations, and policies permit many contracts to be awarded by the Agency without competitive bidding. Contractors of the Agency also

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are permitted to enter into subcontracts without competitive bidding. Private developers of land in redevelopment project areas are also permitted to enter into contracts without competitive bidding and the contractors for such developers are permitted to enter into subcontracts without competitive bidding.

It is the policy of the Agency that, to the greatest extent feasible, contracts awarded without competitive bidding for work to be performed in connection with each redevelopment project will be awarded to business concerns (including but not limited to individuals or firms doing business in the fields of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair) which are located in or owned in substantial part by persons residing in each redevelopment project area.

It is also the policy of the Agency that, to the greatest extent feasible, construction contracts awarded without competitive bidding for work to be performed in connection with each redevelopment contract will be awarded to each racial and ethnic minority business concern (as contractors, joint venturers, or subcontractors) in dollar value for each calendar year proportional to the percentage of each racial and ethnic minority residents in each redevelopment project area. This policy is adopted with the recognition that the attainment of such a goal may be limited by the availability and qualifications of racial and ethnic minority contractors.

The Agency shall foster and encourage, wherever possible, the formation of joint ventures between such minority business concerns and others and the use of such minority subcontractors in order to permit maximum involvement of minorities and enhance the training and experience of such minority business concerns.

IV. GENERAL

A. Future plans of the agency

It is the policy of the Agency to supply information and reports regarding future plans and programs of the Agency to the public as soon as their release is feasible and appropriate.

B. Agency contracts

Any and all contracts of the Agency are open to the public for inspection and particularly as pertinent to this Statement of Policy and Goals for the purpose of determining minority involvement.

C. Deposit of agency funds

It is the policy of the Agency to the greatest extent feasible and to the extent permitted by Local, State, and Federal laws, regulations, and policies to deposit Agency funds for redevelopment project areas with residents from racial and ethnic minorities in depositories owned or controlled by persons of such racial and ethnic minorities.

V. CONTRACTS WITH ORGANIZATIONS

It is the policy of the Agency to enter into agreements in substantially the form attached hereto implementing this Statement of Policies and Goals with groups and associations including but not limited to those representative of the redevelopment project areas, lower income persons, and racial and ethnic minorities.

AGREEMENT

This Agreement is made and entered into this —— day of ———, 19—, by and between the Community Redevelopment Agency of the City of Los Angeles, California ("Agency") and the ——— ("Community Organization").

The Agency and the Community Organization hereby agree as follows:

I. [§ 100] Parties to this agreement.

A. [§ 101] *The agency.*

The Agency is a public body corporate and politic exercising governmental powers and organized and existing pursuant to the Community Redevelopment Law of the State of California (California Health & Safety Code, Section 33000 et seq.).

The principal office of the Agency is located at 727 West Seventh Street, Suite 400, Los Angeles, California 90017.

B. [§ 102] *The community organization.*

The Community Organization is_________

____

The officers and ——— of the Community Organization are as shown on Exhibit "A" attached hereto and incorporated herein. The sponsors and supporting organizations of the Community Organization and their relationship to the Community Organization are as shown on Exhibit "B" attached hereto and incorporated herein.

The principal office of the Community Organization is located at ———.

For the purposes of this Agreement the Agency recognizes the Community Organization as an official organization representative of the ——— in the City of Los Angeles.

II. [§ 200] Purpose of agreement.

The purpose of this Agreement is to implement the "Statement of Policy and Goals Regarding Equal Opportunities In Construction Employment and In Construction Contracts In Redevelopment Project Areas" adopted by the Agency ———, 19— attached hereto as Exhibit "A".

The Community Organization has requested the execution of this Agreement to assist the Agency in ensuring existing and additional opportunities for the following persons and firms to obtain a fair share of jobs, contracts, and business opportunities in redevelopment projects:

This Agreement seeks to ensure stability of public and private construction in redevelopment projects without which private contractors cannot provide jobs and business opportunities.

This Agreement is not intended to be inconsistent with or prohibitive of Agency relationships and agreements with other persons and organizations.

The Agency agrees that it will not enter into agreements, adopt policies, or engage in activities which are inconsistent with this Agreement.

III. [§ 300] Agency responsibilities.

The Agency agrees to implement the Statement of Policies and Goals attached hereto as Exhibit "A".

The Agency will make an active effort to secure the contractors and personnel needed to accomplish the goals established by this Agreement.

The Agency agrees to advise the Community Organization of contractors experiencing difficulty in recruiting workers to meet the goals of minority employment.

The Agency shall forthwith devise and make as an enforceable part of all contracts an affirmative action program for involvement of minorities in construction as established in this Agreement. The Agency shall also devise and effectuate an evaluation and compliance program so as to determine the degree of implementation of the affirmative action program. Periodic reports concerning this program at intervals of no greater than every 30 days shall be made to the public and the Community Organization.

The Agency agrees to furnish the Community Organization with the categories of work and services to be performed on a contract basis in connection with public and private construction in redevelopment projects in the City of Los Angeles.

IV. [§ 400] Community organization responsibilities.

In consideration of the promises, covenants and conditions herein contained, the Community Organization and its sponsoring organizations hereby agree to cease and desist from any and all picketing and demonstrations against activities of the Agency concerning the subject matter of this Agreement so long as the Agency complies with the terms of this Agreement. This Agreement does not preclude the Community Organization, its sponsoring organizations, or any persons or entities connected with the Community Organization or its sponsoring organizations from taking any other actions or complaints in courts or to governmental agencies to enforce any rights which may exist or be created regarding the subject matter of this Agreement.

The Community Organization further agrees to assist the Agency in resolving questions which may in the future arise between the Agency and the community which is of concern to the Community Organization.

The Community Organization agrees to actively cooperate with the agency relative to maintaining open and fruitful lines of communication between the Agency and the community which is of concern to the Community Organization. Such cooperation shall include but not be limited to disseminating any and all Agency plans, programs, and equal job and business opportunity efforts among the people in such communities. The Community Organization also agrees to do any and all things necessary to maintain amicable relations between the Agency and such communities to the end that the programs and provisions contained in this Agreement will become and be maintained in reality.

It is incumbent upon the Community Organization to assist and cooperate with the Agency in achieving the purposes of this Agreement. The assistance to be provided by the Community Organization shall include but not be limited to identification and referral of workers to contractors. The Community Organization shall make every effort to refer persons who are unemployed. The Community Organization shall provide the Agency with a list of the names and addresses of the persons so referred.

The Community Organization agrees to compile, furnish and keep current for the Agency a list of Los Angeles persons and firms (from the community which is of concern to the Community Organization), which can under contract perform work or services or furnish materials and supplies in connection with public and private construction in redevelopment projects in the city of Los Angeles.

V. [§ 500] General.

A. [§ 501] *Title to land.*

Nothing in this Agreement shall constitute a basis for contesting the conveyance of, or title to, land.

B. [§ 502] *Information and conferences.*

The Agency shall in cooperation with the Community Organization for the community which is of concern to the Community Organization conduct conferences with persons and contractors in order to acquaint such persons and contractors with the Agency's programs and current contracting procedures.

C. [§ 503] *Termination.*

This Agreement is terminable by either party on 60 days written notice.

D. [§ 504] *Severability.*

If any part or provision of this Agreement, or the application thereof to any person or circumstance, is held invalid, the remainder of this Agreement, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this Agreement are severable.

E. [§ 505] *Effective date of this agreement.*

This Agreement shall become effective on the date when it has been signed by the Agency and the Community Organization.

In witness whereof, the Agency and the Community Organization through their officers duly authorized have hereunto set their hands and have dated this Agreement as of the date first above mentioned.

The Community Redevelopment Agency of the City of Los Angeles, California.

By——— ———.

The community organization.

By——— ———.

ZWACH TESTIFIES FOR MORRIS, MINN., RESEARCH CENTER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. ZWACH. Mr. Speaker, last week I had the pleasure of presenting testimony before the Agriculture Subcommittee of the Appropriations Committee on the need for additional support for the Morris, Minn., Soil and Water Research Center.

Today, we have a mandate from the administration and from the people to clean up our environment. This research center at Morris, Minn., has been and will continue to be engaged in studies into the causes and effects of lake and stream eutrophication. This center could well be the focal point for our entire thrust for a clean environment, since it is one of the few research facilities in our entire Nation. Before we can clean up our environment, we must have scientific facts on which to base our actions. This is the purpose of this Morris facility. I am sure that adequate funding will be provided for the expansion of its studies.

Mr. Speaker, I hereby submit for the RECORD, my testimony before the Subcommittee on Agricultural Appropriations:

STATEMENT BY HON. JOHN M. ZWACH

Mr. Chairman and members of the subcommittee: I am appearing before you on behalf of a very important research program that is essential to my District as well as a large part of the north central region of the United States. I am referring to the research that is being conducted by the North Central Soil Conservation Research Center at Morris, Minnesota. Their program, devoted to studies on soil and water conservation problems, is helping to supply answers to critical questions in the fields of soil erosion, soil management, water management and water quality.

I am particularly concerned about the way in which charges are being leveled at agriculture in terms of its contribution to the deterioration of our environment and the tendency for Departments other than the Department of Agriculture to become involved in agriculture's problem. Certainly agriculture must accept its full share of responsibility on this score, but I believe that an organization which is attuned to the nature of the problems confronting agriculture should be delegated the responsibility for developing the means to solve its problems. The Soil and Water Conservation Research Division of the Agricultural Research Service, USDA, has been conducting research on problems directly related to the processes that result in declining water quality for many years. As a consequence, a background of fundamental knowledge and expertise is available upon which to build an effective and efficient research program to develop the practices that are required to affect much needed solutions. It is particularly urgent that we do not let public concern over agriculture's contribution to the pollution problem in any measure detract from our willingness to support agricultural research.

The U.S. Department of Agriculture has compiled an enviable record in all phases of its research program. As a result of its efforts, farmland is no longer the major source of the sediment that pollutes our waters—new construction is the major source of silt today. Its research is helping to understand and develop solutions to problems associated with the accumulation of nutrients in surface and ground waters, pesticides and animal wastes. Almost five years ago the North Central Soil Conservation Research Center shifted part of its research effort to investigations on the influence of agricultural practices on the quality of water that runs off agricultural lands. This work, though limited, has given invaluable information on the contribution that agriculture makes to the nutrient buildup (eutrophication) of surface waters. We need to expand this work to obtain solutions to these and similar problems as soon as possible.

This Committee has appropriated a total of $400,000 to permit the building of an addition to the North Central Soil Conservation Research Center which will accelerate this important research endeavor. It is my understanding that the contracts for this building will be let in late fiscal year 1970. I want to urge this Committee to appropriate the funds necessary for annual operation of this expanded program (estimated $424,000) as soon as the facility is available.

NORTHWEST ORIENT: AN AIRLINE ON THE MOVE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. NELSEN. Mr. Speaker, soon more air transportation history will be recorded in our State by Northwest Orient, the home-based airline founded in Minnesota in 1926.

Donald W. Nyrop, president of Northwest Orient, recently announced that Northwest will begin scheduled service with the Boeing 747 between the Twin Cities of Minneapolis-St. Paul and New York City on July 1. In addition, on this same date Northwest will commence 747 service from Seattle-Tacoma to Tokyo. This will mark the first scheduled 747 service to operate out of the Twin Cities and from the Seattle-Tacoma gateway.

Minnesotans feel deep pride in the accomplishments of Northwest, our Nation's second oldest airline. Northwest Orient has always been a good neighbor in our State, providing employment for in excess of 6,000 Minnesotans. Northwest also means a total 1969 input to the economy of Minnesota of over $100 million.

Last December Donald W. Nyrop announced that Northwest Orient would merge with Northeast Airlines. This merger should bring many benefits to air travelers, the shipping public and to the postal service. Northwest under the terms of the merger proposal would be the surviving company.

It would seem that this proposal has particular significance in the sound development of our air transportation system. The sound management policies of Northwest are well known and would do much to strengthen the quality of air service in the present Northeast Airlines service area. Northwest has a good record of service to many smaller communities in the West and has demonstrated its competence in meeting the air service needs throughout the Northern States of the Union.

I bring this proposal to the attention of my colleagues, Mr. Speaker, because I believe that this merger proposal will serve to solve the financial difficulties experienced by Northeast Airlines and will go a long way toward promoting a balanced air transportation system for our country.

THE ROMANCE OF WHALING

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. KEITH. Mr. Speaker, although the days of whaling are long gone, the romance and adventure of this industry will remain forever an integral part of the American culture. Nowhere is the memory of this great industry more alive than in the district I am privileged to represent, which includes both Nantucket and New Bedford, the whaling capitals of the world in the years when whale oil lighted America's lamps.

Last month the Post Office issued an embossed envelope in commemoration of this great industry, and of its most famous chronicler, Herman Melville. At the issuance ceremonies in New Bedford, one of the most fascinating talks of the day was given by Everett Allen, assistant to the editor of the New Bedford Standard Times and an acknowledged authority in whaling lore.

For the benefit of my colleagues—and for all the RECORD's readers who love the sea and its history—I am including Mr. Allen's remarks:

REMARKS OF EVERETT S. ALLEN

In discussing what he called the honor and glory of whaling, Herman Melville wrote:

"There are some enterprises in which a careful disorderliness is the true method. The more I dive into this matter of whaling, and push my researches up to the very spring head of it, so much the more am I impressed with its great honorableness and antiquity; and especially when I find so many great demi-gods and heroes, prophets of all sorts, who one way or another have shed distinction upon it, I am transported with the reflection that I myself belong, though but subordinately, to so emblazoned a fraternity."

And so it is, an enterprise characterized by a careful disorderliness, "in which there are many demi-gods and heroes, prophets of all sorts." Now, you may ask, especially since we live in an age dedicated to the destruction of demi-gods and heroes and to the proposition that they all have clay feet, why should whaling produce any such?

Now, first you have to remember that, with the whalemen, home was usually off Hatteras, or Cornell, or at some mathematical way station of the world called Twenty-Forty, or 275 miles from Fort MacPherson at 57 below, where they were, knowledgeably in their own watery front yard, able to feed themselves three times a day, with or without weevils in their biscuits, doctor most ills and pray somewhat over their medical failures, repair anything that parted or carried away, and go about their business generally independent of the continents.

XUM

Understand then, what this means when the last blue line of land drops into the sea astern and there is no sound but bubbles under the forefoot and no frame of reference but a bowl of sky and a plateau of water, either of which may be friendly or otherwise, with or without reasonable warning.

The master of the vessel thus becomes omnipotent, that is, to blame for everything, not excluding the weather. He is judge, jury, diplomat, father and mother; he is arbiter, calculator, seer and administrator, doctor and minister and occasional searcher of souls, including his own. He does all of these things, according to temperament and ability well, reasonably well, adequately, or abominably. By the same token, his junior officers and the foremast hands are the subjects in this watery kingdom and they may know more or less than the master, and may accordingly accept their circumstance—which has no shoreside parallel, reasonably well, adequately, or abominably, with or without logic.

Finally, bear in mind that whalers were little ships for globe-girdling. The *Charles W. Morgan*—and many were smaller than she—was a 300-ton vessel, 105 feet long. By contrast, the battleship *Massachusetts* in Fall River is 35,000 tons and 704 feet long. Little ships require men of certain largeness.

So much for the general setting and this, of course, was why Mr. Melville made it plain that it would be difficult—it still is difficult—for a lubber to understand what goes on at sea and why. In the instance of whaling, this communications gap is compounded because, in many instances, the voyages were long, years long, long enough, one is certain, and hard enough as well, to alter the shape, the size, and the psychology of a man so much perhaps that he never could understand the ways, the governments, the colloquialisms, or the inadequacies of landsmen again.

For a few moments, I shall let these people—some of whom came aboard through the hawse pipe and worked their way aft, which is to say, started as seamen and became officers, and some of whom spent most of their time on the quarterdeck in command, tell you what whaling was like, and why Mr. Melville inevitably found in it both heroes, and a careful disorderliness.

John Abbott, age 17, foremast hand aboard the ship *Huntress*, who sailed from New Bedford, April 14, 1836:

"On August 3, a small black cloud was observed rising. It soon spread all over the horizon. There was hardly a breath of wind and we began to take in all sail. Soon we heard a roar and the captain ordered all sail to be clued up.

"The lightning flashed all over the hemisphere. It streaked down our main-topmast fore and aft stay and went off without doing any damage. It left something that appeared like a ball of fire on our main truck at the top of the mast, which stayed about three minutes and went off presently.

"The wind struck the ship. I was at the hellum (sic). The captain took hold with me and we put the hellum up and kept her off before the wind under bare poles. She went off 12 miles an hour and ran about four hours and it lulled a little. My hands were not a little bruised as they were exposed to the hale (sic) stones which fell as large as walnuts."

Welcome Tilton:

"Well, I was thirteen when I went before the mast in the schooner *Cohanet*. We went for humpback around the East Indies and by and by, we went for sperm in the South Atlantic. There was a good deal of laying (sic) around, nothing to do but holystoning and worse; it was a good deal like killing cows."

(I might explain that holystoning involved a large flat piece of sandstone, sometimes with a rope at each end, by means of which it was slid forward and backward along a vessel's wet deck. It was a device reasonably effective in curing boredom and avoiding mutiny, simply because it made men too tired for either.)

But, of course, whaling was not always like that and many found adversities in it, so demanding as to produce men like Welcome's brother, Will, who had himself been a whaleman in his first days of sea-faring. What was Will like?

He was in a 12-man bark off the Niger, a west African river, and against orders, the crew kept coming on deck after dark, which is a good way to get tropical fever. So most of them did. Will and the master did what they could for them, which wasn't much, and one by one, the bark's crew died until only Will and one other were left.

Then began what the account in the Vineyard Gazette—based on years-old conversations with Will—called "perhaps the madest voyage in history." Will and his shipmate had to decide whether to work the bark in toward the coast and abandon ship because there were only two of them to handle her, or whether to try to get her home. They refused to abandon, so they made sail and stood off.

What they stood off for was England—the two of them sailed the 12-man bark from Africa to England and one who knew Will personally, and heard the story from him, recalled, "Will said they didn't get much sleep and whereas they could set sail, they couldn't take it in, so every time it blew, they had to let whatever was set blow away, but anyway, they got there, although I suspect looking somewhat like the last run of shad at the end."

George Fred, Welcome Tilton's brother: I shall not go into the matter of his 3,000-mile trek across Arctic ice to seek help for the locked-in whalers, because it is well known, except to note that it took him from October to March, that he and the Eskimos he traveled with ate their dogs, one by one, and that he completed the journey by rowing across the Shelikoff strait to Kodiak Island, 37 miles, in a leaky punt, caulked with tatters of his skin clothing and the last remnants of his underwear, while the Eskimos bailed for life.

My father, Joseph Chase Allen, an authority on New Bedford whaling, wrote his biography; George Fred was, therefore, a frequent visitor at our house and what I remember about him is what he said about his first trip out aboard the *Union*, when he was 15. The skipper had assigned to him the lightest oar in the boat because he was thin (incidentally, he gained 65 pounds on this trip on salt horse, fish, beans and hard tack).

When his boat was lowered for the first time, George Fred said, "I was scared to death. We were going right direct for that 90-barrel whale, its flukes all flipping. Believe me, when the mate yelled "haul ahead," I was just a boy, but when the call came, "stern all," I was as good as any man in the boat."

They took the whale, of course, and since this episode concerned a man who knocked out professional prize fighter Joe Choynski in San Francisco; who was stabbed by an Italian in Buenos Aires; who as boatheader on the *Admiral Blake* had his boat smashed to splinters by an angry whale and who was saved from drowning by another ship near enough to pick him up—since all these things were so, going onto that ninety-barrel whale at the age of 15 may have been the first and last time that George Fred was afraid, and why he bothered to tell me about it.

In the volume "Captain's Papers," the recollections of Captain Ellsworth Luce West, as told to Mrs. Eleanor Luce Ransom Mayhew of Chilmark, Henry Beetle Hough wrote in the foreword, "Even the symbolic masterpiece of Herman Melville requires the complement or counterpoint of an unimaginative whaling captain's account of his profession, in which the insular Tahitis remain on the surface of the globe instead of assuming a place in the soul of man, and spermacetti is bailed directly from the 'case' of a whale, unmixed with angels."

It is an appropriate comment and especially in this instance. I talked with Captain West, who said, "Give me a dollar watch and I'll take anything anywhere," which is a candid, laconic, unemotional dismissal of most of the expensive and complicated navigational instruments that mankind has spent the last several centuries developing. It is a remark symbolic of his calm-self-reliance.

After bowhead in the Arctic, in the steam whaler *William Baylies*, as fourth officer, Mr. West recalled, "It was a bitter cold day, with a blinding snowstorm raging over the water. The whale was sighted from the masthead and immediately four boats were lowered, including mine.

"The whale breached (which is to say came up out of the water) just ahead of my boat, so we went onto him. I struck him, and he started rolling around. We were still trying to make fast when his rolling around threw me ten feet out of the boat into the icy water. The next thing I knew, the boat had capsized and everybody was overboard.

"We were all dressed in heavy furs, which made it difficult to swim. On top of that, water started freezing on our clothes and our bodies. We tried to hang onto the boat and I dove under six times, trying to cut the line to the whale. I couldn't do it. The whale went off with the boat. We hung onto ice pans and by and by, the other boats picked us up. My clothes were stiff, and my body from the waist down was numb. But after a few minutes below deck and several doses of Jamaica ginger, we were ready for the job again."

In 1942, in behalf of U.S. Navy Intelligence, I interviewed Captain West, in an effort to obtain navigational information on the South Pacific. Captain West had not been there for forty years, but the naval directive from Washington had stated, in effect, "If the available information is a half-century old, take it; it may very likely be something we don't have or our charts can't provide."

Captain West talked with me for two hours, and his recollections covered, with outstanding regard for detail, something like fifty islands and atolls, their channel depths at high and low water, whether there was fresh water ashore, their height above sea level, general weather conditions surrounding them and with sufficient accuracy so that the Navy eventually sent him a letter of commendation.

Hartson H. Bodfish, a man whose laugh was like gravel swirled in a bucket, who reached in his hip pockets for his jackknife and chewing tobacco like a Western gunfighter reaching for his Colt .44s: "Before the windup of the season, we ran into some trouble aboard the *Beluga*, mutiny. The first I had ever experienced. Mr. Lee, my second mate, had experienced some trouble with one of the Englishmen and had struck the man. Whereupon, the man had jumped up, grabbed a handspike and made for the mate, while a few others told him to go ahead and kill Mr. Lee.

"Matters didn't progress to the point of killing and Mr. Lee reported the incident to me. As master, it was not only up to me to straighten the matter out but to make some security against a repetition of the occurrence. The master of a whaleship was the law, not because he wanted to be, but because he had to be if any measure of success was to result from a voyage and so I took the matter in hand.

"I approached the mutinous group and

singled out the man who had tackled the mate, laying him out without any delay. One of his friends jumped in to help him, and, pulling a knife, stabbed me in the side, the blade going in between my lower ribs and the pelvic bone. If I hadn't seen it coming, that would have been the end of everything as far as I was concerned, but I jumped right toward him and the sweep of the knife was shortened and deflected.

"It stung more or less and riled me besides. I picked up a squeegee, which is a heavy variety of mop, and began to apply it where I thought it would do the most good. I literally mopped up those unruly lads. I think there were five on their beam-ends before the discussion ended. Then I ironed the man who used the knife and triced him up in the rigging for twenty-minutes. (I might explain that I cannot be certain what Mr. Bodfish did here, but tricing generally meant stringing up by the thumbs in the rigging, in such manner that every time the vessel rolled, one hung by them).

"At the end of that time," said Captain Bodfish, "he had experienced genuine contrition and promised to behave himself, so I let him down and turned him to with the crew. Then I went below, where I was laid up for ten days with my wound, but I will say this, that after that episode, I never had a better crowd at sea with me."

"This is as recorded by my father, in his volume "Chasing the Bowhead," written on the basis of extensive conversations with Captain Bodfish.

I found Captain Charles Chace hoeing in his garden for he was, as were many of the whalemen, amphibious by nature. He said, "Whales have streets to go in. From a patch of green water east of Barbados where I struck my first whale at 19, I've followed them for miles in a straight unerring course. I've seen a school of young bull whales off the coast of Africa hold a straight course for hours on end.

"Not in the way of bragging, but there's a lot to whaling. A big part of it is cooperation on the part of all hands. Then there's the knowledge of sailing, of boat handling and of the whale itself. And beyond that, there's premonition. As far as I'm concerned personally, I've lowered many a time knowing I wasn't going to get a whale—and I would have been just as certain at other times. And beyond all that, there's luck and I've always had plenty of that."

That's right. Charlie Chace was the top-notch master of the J. and W. R. Wing fleet. There were many reasons for it, but here is an example, in his own words ("Fishy", they called Charlie Chace, because he always found whales.) Listen to him speak:

"When you come up to strike a whale, remember what he looks like under water. If you can't see a whale underwater in your mind's eye, you're no good—because if you can't picture the shape of the body that you can't see, then you can't visualize his vital spots.

"The mate's boat was after a humpback. They were going to windward in a nasty chop that was wearing down the men at the oars. Every time they'd get within striking distance, the whale would sound. (Which is to say, submerge.) That went on for most half a day.

"Finally, I couldn't stand it any longer. I lowered my own boat; she was short-masted and long-gaffed and we were to windward. I came down the wind going fast and the next time that whale looked, we were head and head and he couldn't go down fast enough. I let him have it with the bomb gun and killed him right there. Of course you're not supposed to do things like that and the mate was mad and claimed I'd killed his whale. I told him neither him nor the whale would have lived long enough for him to have gotten it the way he was going."

And finally, let us consider Ben Cleveland: (and here I quote an eyewitness:) "In the spring of 1915, the *Charles W. Morgan* lay at the old tack works wharf in Fairhaven, where she had been laid up long before. I went and looked her over when the weather warmed up and I saw that she was bedraggled below and aloft, full of water because of a hole in her side, so that she lay on the bottom with quite a list and generations of hake (fish with white "whiskers") were making themselves at home in her cabin.

"That fall, it became known that Captain Ben, through unwise investments (he had been a whaling master since 1883, when he went out with the *Bertha*) had virtually gone broke. So Captain Ben showed up on the waterfront, looking for a ship because he had to go back to the sea, the only thing he knew, from which he had retired long since. He found the *Morgan*.

"War was on at the time and she was sheathed in what they called yellow metal and all of her lower rigging was hemp. Junk was worth its weight in gold and dealers offered to sheath her bottom with oak and soak it with copper paint because yellow metal wasn't available, and they also agreed to rig her throughout with wire, instead of the old hemp. With hemp, her lower shrouds were the size of a man's leg, and besides, it tightened and slackened with every patch of fog and the rising of the sun.

"Ben took them up on this and dragged her sails and other gear out of the sail loft where they had lain for years, rigged her—half her running rigging was sisal (which, I explain, was highly undesirable but necessary), painted her a little and provisioned her with nothing extra for nine months, planning to sail for Desolation Island, for sea elephant, which he had been killing there for half a life time.

"All the while Ben was fitting out, I haunted the docks and Ben offered me anything I might name if I would go with him, but I looked the old ship over and I doubted that she would ever come back. Besides, I had a young son to think about. (I might add, I was the son).

"Anyway, she sailed, with only ten gallons of white lead in her ships stores and a copy of Joe Lincoln's "The Post Master" on the cabin table.

"Ben's wife heard from him when he made the West Indies, where he came up to make repairs. The topsides of the old hooker were leaking badly and Ben had some sarcastic things to say about the shipyard in Fairhaven. From that time, there was no further word and none was expected because he was bound away for all normal ocean lanes.

"I got further word from the mate, McCoy, long after. They made Desolation, where they planned to send men ashore with tents and grub to kill and flense the sea elephants and watch the chance to boat them off to the ship. This was because the ship couldn't anchor, the holding ground being bad, and the wind blew a gale the heft of the time. But she would stand off and on and watch the weather and she would be on hand when the whale boats launched.

"But before they got very far with their plans, a French man-of-war showed up and ordered them to upstick and travel under the pains and penalties, and this they had to do, so they went sperm whaling and they struck luck, as we now know.

"But we didn't know then. And back in New Bedford, they figured that the *Morgan* would touch somewhere in the West Indies and report, only she didn't report. I hung out in Harry West's wharfinger's shanty on Pier Three, where the old salts congregated, and as the weeks passed and no word was received they began to shake their heads and mutter.

"They all knew what kind of shape the *Morgan* was in, and they figured that her chances were poor. Eventually, when I think it was near thirteen months, they gave up for lost.

"And then, by Judas, one moderate morning, she showed up, took a tow from a tug, and was alongside a short time later. I went down and boarded. What a sight!

"There was hardly a lick of paint on her topsides and her masts and yards looked as if they had been sandpapered and I guess it was prettily nearly so. McCoy said that sand blew off the land all the time at Desolation and they had no paint to put on them anyhow.

"Her boats were whole, but patched and they looked nearly as bad as the ship, but she was full of oil (The Evening Standard said it was worth $30,000) and there was even some oil in her cooling tanks and try-pots; old Ben was sitting on top of the world.

"I was around, clear up to the time that her oil was sold and I watched the whiskery old gauger, measuring the casks, chalking the contents in gallons on the heads and refusing to speak to anyone save Ben. I was there when the buyer came, and went around with Ben, taking samples of oil from the bung holes with a proof glass and now and then, when the buyer thought some oil was scorched, both he and Ben would take some on a shaving and taste it." Thus ends my father's account.

So ends, as they say in the log books, and what of it? Just this: When Ben Cleveland, driven back to whaling by financial misfortune went to sea on what proved to be a financially historic voyage, he was 71 and the *Morgan* was 76.

I submit that achievement and all else these whalemen have said to you today suggest something of what Mr. Melville had in mind when he referred to "great demigods, heroes, and careful disorderliness."

THE AMERICAN CITIZEN, CRIME, AND VIOLENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. ASHBROOK. Mr. Speaker, as he has done many times in the past, Director J. Edgar Hoover, of the FBI, again stressed the necessity for citizen concern and involvement in combating crime and violence in his monthly message appearing in the FBI Law Enforcement Bulletin for April. He stated:

> Much of the crime and violence in our society today occurs, I am sure, because not enough Americans pull their weight and not enough Americans devote measurable parts of their lives to further the existence of their homes and their Nation.

He ends his message by saying:

> In America, the rewards of citizenship are priceless, but the demands are high. If we do not meet the demands, there will be no rewards. To my mind, a real need in our country today is for all people to do their duty as citizens.

The seriousness of the situation and the urgent need for citizen concern was brought out in an article, "Guerrilla War, American Style," by Allan C. Brownfeld, which appeared in the April 2 issue of Roll Call, a weekly newspaper which circulates here on Capitol Hill. The radical and extreme nature of the violence-prone elements in our Nation today, as illustrated in the article, should be a real cause for alarm to all of us. Mr. Brownfeld, who has written and lectured on the new left, has kept close touch with the activities of those individuals and organizations which would destroy our way of life.

I insert at this point the statement of Director Hoover and the Brownfeld article, the combination of which should drive home to American citizens seemingly unaffected to date by the crime and violence the necessity of pulling their own weight:

MESSAGE FROM THE DIRECTOR

Citizenship, according to the dictionary, means the "duties, rights, and privileges of being a citizen." I think it is significant to note that in the definition duties come first. Unfortunately, in practice many of our citizens not only place duties last but some ignore them altogether.

Theodore Roosevelt once stated, "The first requisite of a good citizen in this republic of ours is that he shall be able and willing to pull his weight." A noted author once wrote, "Neither democracy nor effective representation is possible until each participant in the group—and this is true equally of a household or a nation—devotes a measurable part of his life to furthering its existence."

Much of the crime and violence in our society today occurs, I am sure, because not enough Americans pull their weight and not enough Americans devote measurable parts of their lives to further the existence of their homes and their Nation. They need to break away from the "what's in it for me" syndrome and help protect and preserve the freedoms which they take for granted. The full duty of a man as a free citizen extends beyond his own self-interests. Where selfishness prevails, benevolence and good will die.

Good citizenship is much more than a classroom subject; it is a vital, daily chore for all free people if they hope to remain free. It is a debt to the past and an obligation to the future. Good citizenship, like other worthy goals, is the fruit of personal commitment and involvement. It is a solemn contract between the individual and his government.

In the United States, a citizen is a part of his government, a system founded on the rule of law, not men. Its powers are derived from the consent of the governed. It is established on the principles of freedom, equality, justice, and humanity. These represent the rights and privileges of citizenship. But rights and privileges are inseparable from duties. Some basic duties of a citizen are to love his country, respect and obey its laws, participate in its affairs and operations, and defend it against all enemies.

In America, the rewards of citizenship are priceless, but the demands are high. If we do not meet the demands, there will be no rewards. To my mind, a real need in our country today is for all people to do their duty as citizens.

JOHN EDGAR HOOVER,
Director.

APRIL 1, 1970.

GUERRILLA WAR, AMERICAN STYLE

(By Allan C. Brownfeld)

Those who argued, when the New Left was beginning its activities, that a number of radical activists were seriously planning guerrilla warfare in the streets of American cities, were referred to as "alarmists." Often they were attacked as belonging to the "right wing," and those who intellectually or emotionally supported many of the valid criticisms presented by certain New Left spokesmen, totally overlooked the mounting danger from the avowed revolutionaries who have attached themselves to a movement which began in the most idealistic manner.

The self-proclaimed New Leftists who argue that the mass society is becoming depersonalized, that the university has made students into "numbers" rather than "names," that teachers are more concerned with their research than with their teaching—these critics have a great deal to say to the American condition in 1970. But, unfortunately, the nihilists seem to have taken the upper hand. Those who demand that society be destroyed have proceeded to take the first steps in, as they say, "bringing the war home." It is their goal to make virtual battlefields of the streets of New York, Chicago, San Francisco and other American cities. While most Americans remain ignorant of the danger, political violence has been mounting.

During one week in March a massive explosion killing two persons ripped through a $250,000 town house in Greenwich Village in New York. Authorities investigating the blast discovered that the building was being used as a "bomb factory" by members of the Weatherman faction of the Students for a Democratic Society. Later in the week time bombs exploded in New York City, wrecking the skyscraper offices of three of the nation's largest corporations. The bombers identified themselves afterward as "Revolutionary Force 9" in a message addressed to "Amerika" (a current fad in radical literature is to spell it with a German "k" to denote Facism). They said: "In death-directed Amerika there is only one way to a life of love and freedom: to attack and destroy the forces of death and exploitation and to build a just society—revolution." Also during this same week two allies of black militant, H. Rap Brown, were killed near Bel Air, Maryland, when explosives they were apparently transporting blew up in their car.

Even many New Leftists who do not participate in violence themselves find little wrong with the tactic. Arthur Waskow, long associated with the Institute for Policy Studies in Washington, D.C., stated that "There is more violence in the ROTC building existing than there is in blowing it up." And when a campus mob burned down its branch office at Santa Barbara, California, the Bank of America ran newspaper ads nationwide to denounce anarchistic violence. The underground press, such as Washington's Quicksilver Times, responded with its own ads, asking: "What is the burning of a bank compared to the founding of a bank?"

The current issue of Leviathan, a San Francisco based publication identified with the Revolutionary Action Movement, hailed the violence against ROTC offices, and draft boards, but complained: "We have not yet recognized the necessity of pursuing this strategy in a systematic, coherent, explicit way. Isolated, local attacks on various imperialist institutions do not in and of themselves add up to a real threat to the system's ability to carry on the war." Leviathan urges a sort of national target list of government installations, corporate headquarters and factories, publically identified and systematically attacked in order to bring the violence of Vietnam home to Americans.

There are, of course, many historical parallels for this kind of violence. One is that of the Narodniki, children of the mid-19th century Russian aristocracy then being bypassed by a rising bourgeois, who went to the people only to be scorned. The Narodniki then turned to violence and finally succeeded in killing Czar Alexander II, an act that brought on a repression so severe that it not only destroyed the remnants of the Narodniki but also the possibilities for a democratic Russia. The similarities are too great to be overlooked. One important difference, however, is that within our democratic society there are means through which change can be achieved. Radicals, however, believe that it is democratic institutions themselves which must be destroyed. In this sense, whatever follows will clearly be anti-democratic.

Many young people who originally entered the New Left because they opposed the violence of Vietnam have now embraced a violence of their own. This point was made by Professor Kenneth Keniston of Yale University Medical School's Department of Psychiatry: "For all his efforts to control violence, cataclysm, and sadism, the young radical continually runs the danger of identifying himself with what he seeks to control, and through a militant struggle against violence, creating more violence than he overcomes."

The young radical who seeks to avoid violence is, however, beset on every side by its advocates. Twenty-seven year old Robin Morgan, former child actress and a present leader in the Women's Liberation Movement, conveys this image in one of her poems: "I am pregnant with murder./ The pains are coming faster now./And not all your anesthetics/Nor even my own screams can stop them./My time has come."

The Black Panthers have become one of the most influential groups in the array of those disparate elements which hope, together, to destroy the American society. The Panthers' Minister of Education, George Mason Murray, extolled in these words the virtues of black "revolutionary culture:" "Our painters must show piles of dead businessmen, bankers, lawyers, senators, congressmen, burning up inside their stores, being blown up in cafes, restaurants, night clubs. Our music, rhythm and blues, jazz, spiritual music, must burst the eardrums of the whites who dare to listen to it. . . . Those are the battle cries of mad, crazy black men, and the screams are coming from the honkey's throat as he and his wife are strangled to death, and robbed, looted, then set afire, for a change."

Recent reports have made it clear that the Weatherman group of S.D.S. has now gone underground, in groups of four or five, to live out their revolutionary fantasies. Among the heroes of these groups are Sirhan Sirhan, the murderer of Senator Robert Kennedy, and Charles Manson, group leader of a band of alleged murderers of screen star Sharon Tate. Thomas R. Brooks points out that "Among these youngsters there are open jokes about assassinations, and a salivating over violence." One S.D.S. leader, Bernadine Dohrn said: "Dig it, first they killed those pigs (actress Sharon Tate and her friends), then they ate Dinner in the same room with them, then they even shoved a fork into a victim's stomach! Wild!"

Legislation will soon be before the Congress stiffening the penalties for such violence, especially the use of dangerous explosives. But our problem is too complex to be solved by legislation alone. There are those who are now planning a major campaign of guerrilla warfare against all of our institutions. They have no idea what they would replace such institutions with and are reminiscent of their hero, Professor Herbert Marcuse. During the period of the Weimar Republic in Germany Marcuse traveled across the country saying that the society was corrupt and must be destroyed. Whatever came next, Marcuse argued, would be better. Hitler came next and Marcuse came to California. Now he and his followers say this society is corrupt and must be destroyed and whatever comes next will be better. But we have been there before, and must now guard against such a repetition of disaster.

SUPREME COURT NOMINATION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. TIERNAN. Mr. Speaker, in light of the action of the other body this afternoon with respect to a nomination for

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the current Supreme Court vacancy, I urge the President to move quickly to restore confidence in the executive branch of the Federal Government by placing in nomination a distinguished and respected member of the Federal Bar to our Nation's highest court. A crisis exists only because the administration created it and I feel very strongly that the administration must now move to restore integrity and excellence to the process of selecting qualified nominees to the Federal bench.

If the President still wants a nominee from the South there are many eminent jurists and lawyers available who, in my opinion, would serve with distinction and honor on the Court. Two prominent southern judges presently serving in the Federal system who I believe would be more than acceptable are Judge John Minor Wisdom of the Fifth Judicial Circuit and Frank Johnson, Jr., U.S. district judge for southeastern Alabama. Both have considerable legal depth as well as excellent records as members of the Federal Judiciary.

In the Senate itself, there is potential for a distinguished Supreme Court nominee. I refer specifically to the eminent and highly respected senior Senator from the State of North Carolina. This distinguished Member would give to the Supreme Court a legal craftsmanship difficult to match in scholarly and practical application. It is a nomination that would find instant acceptability and would by itself strengthen the Court as a viable institution in these days of turmoil and rapid change.

I sincerely hope that the President will now act swiftly to repair the damage that has been done to the name of the Court over the last 2 years. We can no longer afford the senseless luxury of undistinguished Supreme Court selections.

VIETNAM

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. GREEN of Pennsylvania. Mr. Speaker, the war in Vietnam which has proven so costly in lives and money and morale to this Nation must unquestionably be brought to an end.

It is becoming apparent to many millions of Americans that continuance of the war is a deterrent to our long-range goals as a Nation. In recognition of our present plight, the City Council of Philadelphia unanimously adopted on March 5 the following resolution:

Resolution Memorializing the President and Congress of the United States To Act Immediately To End the Tragic Waste of American Lives and Resources in Vietnam

Whereas, The war in Vietnam is consuming $30 billion a year in public funds and has caused the deaths of over 45,000 American fighting men and countless more Vietnamese; and

Whereas, Apart from the war in Vietnam, the military expenditures of the federal government far exceed any rational defense needs of this country and tend only to serve to inflate American prestige abroad and to make American soldiers policemen for the world; and

Whereas, In an effort to bring an end to the arms race and to make possible the peaceful resolution of international disputes, it would be more meaningful to strive toward arms control and disarmament; and

Whereas, We earnestly request that our national priorities be realigned to give first preference to meeting the domestic needs of our own people in such fields as education, housing, health, public safety, transportation, environmental improvements and recreation, and to removing the injustices which are responsible for the widening divisions in our society; therefore

Resolved, by the Council of the City of Philadelphia, that we hereby memorialize the President and the Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Senators from Pennsylvania and Congressmen from Philadelphia, as evidence of the sentiments of this legislative body.

DIGNITY OF COURT UPHELD

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. MIZE. Mr. Speaker, the U.S. Supreme Court last week averted what could have become a major crisis in law enforcement with a no-nonsense unanimous opinion of first importance.

The High Court ruled that judges may deal severely with disruptive defendants at trial, even to the extent of gagging them or removing them from the proceedings, should such extreme measures prove necessary to preserve the dignity of the judicial process.

Mr. Speaker, this opinion should prove a warning to yippies, hippies, anarchists, common criminals, and others brought to trial that disruptive actions in court will not provide them with an opportunity to evade punishment for crimes. The sixth amendment to the Constitution provides an affirmative right to be confronted with accusers and the benefit of counsel. But those rights, the Supreme Court has ruled, may in very extreme cases be effectively waived by offensive conduct in court.

We have had the "Chicago Eight" trial, and the New York "Black Panthers" trial before us in the news. Americans had begun to wonder whether the adversary system had broken down. Fortunately for all citizens, the Court has now held that justice will be served, the accused will be brought to trial, and the trial will go forward to its proper determination of guilt or innocence.

Mr. Speaker, the Topeka Daily Capital of April 4 applauded this decision of the Supreme Court in its lead editorial, "Dignity of the Court Upheld." Under leave to extend my remarks in the Record at this point, I insert the editorial, which reads as follows:

Dignity of Court Upheld

The U.S. Supreme Court struck a blow for law and order when it ruled judges may deal severely with disruptive defendants in court.

The high tribunal upheld the power of trial judges to deal with unruly defendants by punishing them for contempt, removing them from the courtroom while the trial proceeds and as a last resort shackling and gagging them.

The unanimous decision involved a man who was convicted in 1956 of robbery in Illinois, but it obviously was a warning to Yippies, Black Panthers and other disorderly defendants.

The 7th U.S. Circuit Court of Appeals in Chicago had ruled that the Illinois man was denied his Sixth Amendment right to confront his accusers when a city judge, after warning the accused, had him taken from the courtroom and conducted part of his trial without him.

The high court held that the court of appeals erred in regarding the Sixth Amendment right as so absolute that it could never be lost through misconduct.

At the same time the Supreme Court said nothing that could be interpreted as questioning the right of Judge Julius J. Hoffman and other judges to shackle and gag defendants in extreme cases, as Hoffman had ordered for Black Panther leader Bobby Seale during the four-month trial of the Chicago Eight on federal riot charges.

The court also appeared to indicate a general approval, though carefully avoiding specifics, of the way Judge John M. Murtagh has handled 13 Black Panthers during intermittent and turbulent pretrial hearings in his New York trial court. The defendants, most of whom have been imprisoned on high bail for nearly a year, are accused of conspiracy to bomb public places and the high court has refused to intervene on their complaints of excessive bail.

The court's opinion pointed to a judge's power, when exercised consistently with state and federal law, to jail an unruly defendant for civil contempt and discontinue the trial until such time as the defendant promises to behave himself.

The only drawback to this method, as the court pointed out, is the chance that a defendant might conceivably, as a matter of calculated strategy, elect to spend a prolonged period in confinement for contempt in the hope that adverse witnesses might be unavailable after a lapse of time. The ruling said a court must guard against allowing a defendant to profit from his own wrong in this way.

By its decision, the Supreme Court, decided that our courts, which it termed Palladiums of liberty, cannot be treated disrespectfully with impunity. It was a wise decision.

INTERNATIONAL WOMEN'S SPORTS HALL OF FAME

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. STOKES. Mr. Speaker, since the golden age of ancient Greece when the Athenian maiden Hippodamiea successfully advocated the inclusion of women in the Olympic games, the "fairer sex" has assembled an extraordinary record of athletic achievement. It was Mary, Queen of Scots, who by her participation firmly established the game of golf as a major sport. And while horse-racing may be known as the Sport-of-Kings, history relates that it was Anne, Queen of England, who took this tiny, hodgepodge activity and elevated it to a position of prominence in the early 18th century.

It has been in the 20th century, however, that women have finally acceded to positions of major importance throughout the athletic world. Indeed, no history of sports in this century would be complete without mention of Lottie Dod, Eleanor Sears, Annette Kellerman, May Sutton, Hazel Hotchkiss Wrightman, Helen Wills Moody, Glenna Collett, Fannay Durack, Maureen Connolly, Gretchen Fraser, Andrea Mead Lawrence, Althea Gibson, Sonja Henie, Nancy Greene, Peggy Fleming, Debbie Meyer, and scores of others.

Next Monday, April 13, the International Women's Sports Hall of Fame will be dedicated in Cleveland as a fitting tribute to this enormous contribution which female athletes have made to the sports world. On this memorable occasion, three of the great women athletes of alltime will be installed as charter members of the Hall: Babe Didrikson Zaharias, the "Babe Ruth" of American female athletes—for golf; Gertrude Ederle, conqueror of the English Channel—for swimming; and Cleveland's own Stella Walsh for her unexcelled accomplishments in track and field.

Cleveland is very proud, Mr. Speaker, to have been selected as the site for this notable event. Special thanks are due to Mrs. Bertha Modrzynski of our city for the tireless efforts she has expended in organizing the day of festivities which will culminate at the first annual banquet Monday evening. I wish them the very best, and I am certain my colleagues do likewise.

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MILK CONTAMINATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. OBEY. Mr. Speaker, several months ago I introduced legislation, along with 10 other colleagues, to indemnify dairy processors if pesticid residues are found in their products.

Although under present law farmers are indemnified for milk which cannot be sold because it contains pesticide residues, this does not hold true for the creamery or cheese factory which may inadvertently use contaminated milk.

The processor does have the right to go to court to try to regain the losses he incurred, if he can determine the source of the contamination. But in this case, if the processor is successful, it is again the farmer who is liable for the losses.

A case which clearly illustrates the dilemma of the farmer and the processor came to the surface a few weeks ago when a circuit court in Wisconsin ruled that a dairy farmer was liable for $100,000 in damages because milk he shipped to a cheese factory was contaminated with the pesticide aldrin.

Although the farmer is eligible for indemnity payments for the milk which he had to dump while his cows were ridding their systems of the pesticide, he has been told that he must pay $85,000 to the cheese firm for losses which they incurred. And, not surprisingly, the farmer has said that he will probably have to sell his farm to pay off the judgment.

An $85,000 judgment is a tremendous burden for anyone, and certainly for a farmer whose profits are squeezed anyway between inflation and constantly increasing costs of production.

Mr. Speaker, the Congress decided when it first passed dairy indemnity legislation in 1964 that farmers should not be liable for milk contaminated by pesticides if those culprit pesticides were used properly and authorized for use by the USDA. Yet, here is the first—and probably not the last—instance where the farmer is ultimately liable for many thousands of dollars because of pesticide contamination.

This case has certainly set a frightening precedent for the dairy farmer who may find himself bankrupt overnight. And the processor will probably still suffer some economic losses in the long run.

The legislation which I introduced earlier this year would remedy situations just such as this. This legislation is important to thousands of dairy farmers and processors in every State in our Nation, and I am hopeful that the Congress can give it careful, but swift consideration.

The article appearing below explains in detail the case which I discussed above:

TAINTED MILK COSTS DAIRYMAN $100,000

(By David M. Skoloda)

VIROQUA, WIS.—Although a rarity in the state, the problem of pesticide residue in milk is dread by Wisconsin dairymen.

Recent apprehension stems from a Circuit Court judgment earlier this month against a Viroqua farmer.

Judge Peter G. Pappas, La Crosse, ruled that the farmer, Elden Traastad, must pay $84,511 to the Liberty Pole Cheese Co. Inc., Viroqua, to reimburse it for cheese the firm manufactured which was contaminated by Traastad's milk.

TESTING SINCE 1959

It is the first such judgment to be made against a Wisconsin farmer, according to Norman E. Kirschbaum, administrator of the State Agriculture Department's Food Division.

The department has been testing milk for pesticide residues since 1950. About 50 incidents have been documented since the first was discovered in 1964, but only a few have resulted in contamination of a product, a department official said.

In Traastad's case, the milk was contaminated after his cows ate feed tained with Aldrin, a soil insecticide. Traastad said he wasn't sure how the feed was contaminated but he suspected that rodents broke into bags of fertilizer which were treated with the pesticide and carried the mixture into his grain bin.

State Agriculture Department officials, however, believe that a hired man may have inadvertently mixed the fertilizer-pesticide with feed, perhaps believing that it was a feed additive.

LOSS OF $100,000

Whatever the cause, Traastad stands to lose more than $100,000.

In addition to the judgment, he had to dump about $24,000 worth of milk last summer while the cows were working the contamination out of their systems.

Traastad is accepting the judgment with resignation—so much so, in fact, that he didn't respond to a summons ordering him to answer the charge that he had committed a breach of warranty in selling the contaminated milk and was therefore responsible for the cheese company's loss. The company had asked for $95,000.

Why didn't he respond?

Traastad told a newsman last week: "It was only the truth. The milk came from this farm."

The 51 year old Traastad looked down a slope across a muddy drive to four block walls standing roofless in front of several silos. The barn burned two years ago, he explained, and he rebuilt the foundation and cut lumber to finish the building. But when the pesticide contamination was discovered he decided to await the outcome before proceeding on the barn. Now, he may not complete the barn, which would permit him to shift from Grade B to Grade A milk production.

RENTS SPACE IN BARNS

Since the barn burned, he said he had been renting space in neighboring barns to milk his herd of about 80 cows. Traastad also raises some beef cattle and plants about 22 acres of tobacco on his 600 acre farm south of Viroqua.

The barn was valued at $40,000, Traastad said, but he had only $8,000 insurance coverage. Other insurance, he added, will cover less than 10% on his losses on the milk he dumped.

Traastad is eligible for reimbursement by the Federal Government on the milk he had to dump, provided it was not his fault that the milk was contaminated. The program is administered by the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

There is no program however, to provide compensation for losses as a result of the suit, according to Kenneth Hoover, state ASC director.

The State Agriculture Department is urging dairy plants to develop private testing facilities so that they can catch contaminated milk before it is made into a product.

Meanwhile, Traastad said he would contact his Vernon County ASC office and perhaps an attorney regarding the matter. He says he probably will have to sell his farm to pay off the judgment.

JOHN GRIFFIN OF THE HONOLULU ADVERTISER WINS OVERSEAS PRESS CLUB NATIONAL AWARD

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. MATSUNAGA. Mr. Speaker, for nearly a decade, Hawaii has enjoyed the benefits of competitive news and editorial voices because of a joint operating arrangement between two excellent newspapers, the Honolulu Star-Bulletin and the Honolulu Advertiser.

The economic independence made possible by this arrangement has not only preserved editorial independence, but it has also served to strengthen and improve the already high level of editorial excellence of the two newspapers.

This is indicated by the recent Overseas Press Club national award for interpretation of foreign affairs, won by Honolulu Advertiser editorial page writer, John Griffin. This was the fourth national award for 1969 performance, and the 18th national award for Advertiser staff members since 1961.

In order to preserve the Advertiser and similar newspapers which would otherwise fail in 22 different American cities, and to keep alive free editorial voices which would otherwise be silenced, it is imperative that the Congress act favorably on the Newspaper Preservation Act. This pending legislation would permit a limited exemption from the antitrust laws so that newspapers in Honolulu, and in 21 other cities in the Nation, may continue to survive under existing joint operating arrangements. The Newspaper Preservation Act has already passed the Senate by a vote of 64 to 13, and extensive hearings have been held on the legislation by a House subcommittee of the Judiciary Committee. In the hope that its members and my colleagues will be impressed as I have been, I offer the two related news articles from the Honolulu Advertiser, "Griffin Wins National Award" and "Griffin's Award Broadens the Record," for the RECORD:

[From the Honolulu Advertiser, Jan. 20, 1970]

OVERSEAS PRESS CLUB CITES PACIFIC SERIES: GRIFFIN WINS NATIONAL AWARD

John Griffin, editorial page editor of The Advertiser, has won one of three national awards of the Overseas Press Club of America for newspaper or wire service interpretation of foreign affairs, the club announced yesterday.

All of the awards were for work done in 1969.

Griffin's was for his reports on Micronesia and islands of the South Pacific, which appeared in The Advertiser over a period of several weeks.

Top award for the best interpretation of foreign affairs went to Max Frankel of the New York Times. Griffin won a special citation of merit, as did John Kent Cooley of the Christian Science Monitor, for his reports from the Middle East.

An Associated Press reporting team—Peter Arnett and Horst Faas—and an anonymous Czech photographer won the club's highest honors.

Arnett and Faas won the George Polk Memorial Award for "best reporting in any medium requiring exceptional courage and enterprise abroad for their "Story of Company A," about a U.S. Army unit in Vietnam which refused a direct order to go into battle.

The unidentified Czech cameraman will receive the Robert Capa Gold Medal for "superlative still photography requiring exceptional courage and enterprise abroad" for the picture story, "A Death to Remember," which appeared in Look magazine.

Astronaut Neil Armstrong will receive a special Overseas Press Club President's Award for the first reporting ever from the moon.

They and the other winners will be honored at the club's April 3 awards dinner, to be headed by Mrs. Clare Boothe Luce.

Announcing the winners, Barrett Gallagher, New York magazine photographer and head of the awards committee, said: "The awards amount to professional recognition from the contenders' peers. This is why they are important."

The other winners are:

William K. Tuohy, Los Angeles Times, best daily newspaper or wire service reporting from abroad.

Horst Faas, Associated Press, best daily newspaper or wire service photographic reporting from abroad.

Steve Bell, American Broadcasting Co., best radio reporting from abroad.

Alexander Kendrick, CBS News, best radio interpretation of foreign affairs.

Don Baker, American Broadcasting Co., best TV reporting from abroad.

NBC–TV News, best TV interpretation of foreign affairs.

Christopher S. Wren, Look magazine, best magazine reporting from abroad.

Carl Rowan, Reader's Digest, and Norman Cousins, Look magazine, best magazine interpretation of foreign affairs.

Townsend Hoopes, McKay Co., best book on foreign affairs.

Paul Conrad, Los Angeles Times-Mirror, best cartoon on foreign affairs.

Television Magazine, Ed Stout Award for best article or report on Latin America.

Philip W. Whitcomb, Christian Science Monitor, E. W. Fairchild Award for best business news reporting from abroad.

Arnold C. Brackman, Morton, the Asia Award for the best article or report on Asia.

[From the Honolulu Advertiser, Jan. 21, 1970]

GRIFFIN'S AWARD BROADENS THE RECORD

The Overseas Press Club national award to The Advertiser's John Griffin for interpretation of foreign affairs—announced yesterday—was the fourth nationwide award for 1969 won by Advertiser staff members.

The other 1969 winners were:

Denby Fawcett—the Stanford University Professional Journalism Fellowship, for her war reporting on Vietnam.

Pat Hunter—Top national award of the Family Service Association of America, for her story on adoptions, "Fathers by Choice."

William Helton—The American Association for advancement of Science's. $1,000 top award, for one series of articles on noise pollution and another on oceanography.

Griffin's award was the second such Overseas award won by an Advertiser newsman, In 1961, Editor George Chaplin won the same citation for his series of articles, "Crisis in Southeast Asia."

Since 1961, members of The Advertiser staff have won 13 major national awards other than the five listed above.

They were:

1961—Women's Department staff, University of Missouri—J. C. Penney second-place award for best women's pages.

1962—George Chaplin, National Headliners Award for outstanding news feature.

1963—Editorial page writer Elliot Carlson, American Political Science Association Congressional Fellowship.

1964—Managing editor Buck Buchwach. American Political Science Association award for distinguished reporting of public affairs; Robyn Rickard, third place, Catherine O'Brien Award for women's page reporting-writing.

1965—Cartoonist Harry Lyons, Greenville Clark International Law Award for best editorial cartoon.

1966—Pat Hunter, University of Missouri-J. C. Penney Award for best women's page reporting.

1967—Pat Hunter, University of Missouri-J. C. Penney Award for best women's page reporting; Pat Hunter, American Medical Association's top medical journalism award, a five-member writer-cartoonist team, second place American Dental Association Science Writing Award, Harry Lyons, second and third places, Greenville Clark International Law Award.

1968—John Griffin, Alicia Patterson Fellowship for travel study and writing in the South Pacific.

In addition, Advertiser staff members won 42 of the 66 first-place statewide awards of the Honolulu Press Club from 1955 until the awards were discontinued in 1966.

FARM POLICY MAKES THE RURAL RICH RICHER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. CONTE. Mr. Speaker, I want to call the attention of my colleagues to a recent, excellent article by Mr. William Robbins published in the New York Times for Sunday, April 5, 1970.

The article paints a devastating picture of our current farm policies, and makes clear that they are widening the gap between rich and poor farmers. Mr. Robbins points out that we are spending more to subsidize middle-class and wealthy farmers than we do on a variety of national problems, such as hunger, housing, urban transportation, or air and water pollution.

In discussing farm subsidy problems, the article states that the so-called payment ceiling proposed by Secretary Hardin of $110,000 is expected to produce "an overall saving of no more than $10 million a year out of future farm subsidies, which will climb next year to about $3.7 billion." I have earlier expressed similar sentiments on this floor when I stated:

> It makes no sense to support the appearance of a subsidy ceiling without the substance." (*Congressional Record,* February 19, 1970, at page 4059.)

In contrast, Mr. Robbins quotes a distinguished former Under Secretary of Agriculture, John A. Schnittker, who has pointed out that $500 million could be pared from the farm subsidy program "without hurting the effectiveness of surplus controls."

Dr. Schnittker was referring to the proposal which he has supported and which I have proposed to the House Agriculture Committee to limit payments to no more than $5,000 per crop. For the information of my colleagues, I inserted a copy of my proposal in the CONGRESSIONAL RECORD, volume 115, part 15, page 20190.

As I have already indicated, Mr. Speaker, I intend once again this year to introduce an amendment to the forthcoming farm bill limiting these huge payments. I hope all those who have supported me the last 2 years, when my amendment on this subject has passed in this body, will continue to do so.

There are many other excellent points presented in Mr. Robbins' article. Perhaps the most compelling is his demonstration that there are many contradictions in present farm policy. For example, Mr. Robbins points out that, at the same time we were spending $3.5 billion on subsidies last year, the Interior Department's Bureau of Reclamation was spending $85 million for irrigation proj-

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ects to bring more arid land to production.

In short, Mr. Speaker, this wide-ranging analysis should alert all of us to a number of serious problems regarding farm policy that demand attention. I, for one, plan to expand the scope of my efforts to include a broader investigation of these matters.

The article referred to follows:

FARM POLICY HELPS MAKE THE RURAL RICH RICHER

(By William Robbins)

WASHINGTON, April 4.—Young Fred Salyer swung his little red and white monoplane through a bright California sky, looking down on the flat expanse of the San Joaquin Valley. His father had faced bankruptcy there in the early 'thirties. Now the land supports a thriving farm, with operations so extensive that only in an airplane can they all be checked in one day.

Three thousand miles away, on a muddy road leading to a sagging house in South Carolina, Thomas Washington looked out over his 67 sandy acres and summed up the result of a year's work. "Mister," he said, "there wasn't nothing left."

Both men are wards of the Department of Agriculture, but both get widely different benefits. The department pays the Salyer family nearly $1.7 million a year in subsidies; it pays Mr. Washington slightly more than $300.

Trips to the major agricultural regions of the United States, interviews with economists and Government officials and examination of official Government budgets and documents over several months show that the stories of Mr. Salyer and Mr. Washington are not unusual.

After three and a half decades and costs of billions of dollars the Department of Agriculture's farm programs continue to widen the gap between the rich and the poor.

"They have helped create a class of wealthy landowners while bypassing the rural poor—and that means 40 per cent of the poor people in this country," Dr. C. E. Bishop, agricultural economist and vice president of the University of South Carolina, said recently.

Meanwhile, the problems of the rural poor have spilled over into the cities, which are trying to cope with millions of displaced farmers and farm workers. But the records show that the Government continues to spend more on middle-class and wealthy farmers than it does on a variety of national problems such as hunger, housing, urban transportation or air and water pollution.

Congress has a new opportunity this year to alter the focus and change direction as legislation that authorizes the farm programs expires. But the bill now in the House Agriculture Committee follows the same course as the vehicles that have brought the programs from the 1930's to 1970.

Critics are sure to mount a determined attack when the bill reaches the House floor. But the farm-oriented Congressmen who control the committee shaping the legislation have been able to beat down revolts against rising farm outlays in the past and are expected to do so again, with only a few compromises. And no compromise is likely to be sweeping enough to change the pattern of the Department of Agriculture, which keeps growing bigger while the farm population is dwindling.

FEWER FARMERS MORE STAFF

Twenty years ago, when families living on farms totaled 20 million people, the department had appropriations of $1.5-billion ($2.3-billion in today's dollars) and a staff of 84,000. Today the farm population has dropped to about 10 million but the department's rolls have grown to 125,000, operating under appropriations of $7.4-billion. The actual payroll, as under appropriations of $7.4-billion. The actual payroll, as of last June 30, is substantially larger than estimate reported earlier in testimony before the House Appropriations subcommittee.

The department points to increasing responsibilities for food programs, which have been greatly expanded in reaction to a wave of national concern over hunger, and for rural housing and consumer affairs, but the biggest part of its funds is still budgeted for the old farm agencies.

Supporters of present farm policy contend that over the years the Government programs have created a highly efficient agricultural industry, the greatest in the world, with substantial benefits for consumers in the form of relatively low food prices. Critics acknowledge that the nation's farm industry in general is a monumental success, but they narrow the focus to the costs. They ask where the dollars go.

Some pay the Federal share of salaries for state and county agricultural and home extension services. The county agents' numbers, not officially included in the department's rolls, have grown from 6,796 in 1940 when there were six million farms to 10,282 today, when the number of farms has dropped to three million.

The service, which was started in 1911 but won its greatest acclaim for helping poor farmers in the Depression, now has agents who occupy themselves with teaching the care of hamsters to suburban children, lawn care to urban homeowners and investing to suburban wives.

In suburban Montgomery County, the county agent's staff has nearly quadrupled while a third of the county's cropland was being cut up into housing and industrial lots. It was a 4–H agent who counsels clubs of suburban children on puppy-training and pony-care projects, a horticulturist who coaches weekend gardeners, an agriculture agent who says he spends a quarter of his time on hobby farmers, and a home-extension woman who devotes most of her time to middleclass wives in exclusive communities.

The suburban pony club is operating without a pony.

However, two agents, working with low-income families, come closer to the old image of the county and home extension agents than most of those in rural communities do.

In Abilene, Kan., where blowing dust in the nineteen-thirties turned noonday into night, agriculture extension agents have long finished teaching farmers to hold the earth in place with cover crops, and women extension agents no longer need to teach the nutritional value of green vegetables. They have moved on to other things.

Recently, the home extension agent met at a dinner with one of the 32 clubs that are her major responsibility. The women, well-dressed and obviously middle-class, were headed by the wife of the local gas distributor and were gathered to see a service film on weight-watching called "The Oopsies." Other clubs were scheduled for programs on investing, air-conditioning, folk music, politics and famous women of Kansas.

In the same week, the agricultural agent's farm visits focused on some of Dickinson County's most successful farmers.

But while some of the Agriculture Department's money goes into that sort of thing, the biggest part of it is allotted to farm subsidies, paid to those who agree to limit their crop acreage and help relieve pressure on prices by controlling surplus.

There is little coordination between Government programs. The Agriculture Department spent $3.5-billion on subsidies last year, while the Interior Department's Bureau of Reclamation was spending $85-million a year for irrigation projects to bring arid lands of the West into production.

On Arlin Hartzog's farm in Parmer County, Tex., as on others across the country, both the crop-liming and crop-increasing programs were in action at the same time. Mr. Hartzog received more than $30,000 in Federal subsidies last year for limiting his acreage while the Government was helping him pay for an irrigation system that enables him to make up for the production of the land he had diverted.

The Government puts out millions in such farm counties in subsidy payments to control surplus commodities. But it does not require the counties to help people pushed off the land by the agricultural revolution produced in part by its research and farm programs.

Parmer County, whose farmers received $12-million in Federal payments last year, has no food program, although many of its hungry are farm workers like Reuben Gallardo, who lives with his family in a boxcar at Bovina.

NO AID FOR JOBLESS

Mr. Gallardo is unemployed part of every year, but for farm workers there is no unemployment pay, no compensation for accidents, no maximum to the hours they can be made to work without overtime pay, no minimum wage on most farms, and no right to have a union bargain to improve their lot.

Contradictions also exist within the subsidy system. Payments encourage farmers in places like the High Plains of the Texas Panhandle to plant cotton, a crop unsuited to the climate. Payments to farmers like Clarence Martin, who received about $14,000, brought Parmer County's total in cotton subsidies to about $2.5-million last year, while in the favorable California climate the Salyer farm could have equaled all of the Texas county's production, with or without a subsidy. Yet the Government paid the Salyer family $942,000 to limit its cotton acreage.

The Agriculture Department's agency that helps pay for irrigation systems and other practices that increase production is also linked, under what is called the Agricultural Conservation Program, to depletion of vast water resources. In the Salyer family's area it helps pay for piping and land-leveling in deep-well irrigation systems that are lowering the water table.

The big farmers in the area are not worried, however, because projects of the Bureau of Reclamation will provide a new supply, although, by law, its benefits are confined to 160 acres per farmer.

There is no prospect, however, of replenishing a vast water resource that is being depleted in the Midwest—the Ogallala pool, which has been accumulating for centuries under parts of Texas, Oklahoma, Colorado, Kansas and Nebraska. In Parmer County, Bruce Parr's wells have already grown weak and experts say his water will be gone before his son is ready to take over the farm.

Some say that in a generation many sections will be left dotted with ghost towns, but there is no Federal control to curb further tapping of the resource. In Yuma County, Colo., the Gates Rubber Company has more than 60 wells and is still drilling, while all around its 10,000-acre Big Creek farm the water is being used so lavishly that pastures are now being irrigated.

The Department of Agriculture now describes itself as a department of rural affairs. Besides meat inspection and other activities for the general consumer, its agencies handle food programs, protect forests, lend money for rural homes and farms, help develop water and sewer systems and soil-conserving watersheds, perform economic research, report on crops and markets, and direct extension service through state land-grant colleges and universities.

In its rural affairs role, its mission is the well-being of 55-million rural people. But most of its budget is spent on three million farmers, a big part of it on the million its officials call "serious commercial producers" the big farmers who produce most of the $50-billion a year in crops and earn most of the $16-billion a year in net farm income.

But 14 million poor people remain in rural areas after the flight of 20 million migrants to the cities.

The farm programs began in the early thirties when the Roosevelt Administration was floundering about in efforts to aid distressed farmers. There were nearly seven million of them then, most losing their shirts and a million losing their land. Surpluses were mounting as prices fell.

The farmer became stereotyped through the rich literature of the period as a man in patched overalls, bowed by debt and overwork, plodding behind a mule through eroded fields. He and his inevitably large family were undernourished though eating plentifully of heavy, overcooked meals.

Acreage controls and price supports were instituted to begin his economic rescue. Researchers at land-grant colleges stepped up their studies, county agriculture agents spread the word of their findings and women trained as home demonstration agents taught the farmers' wives about balanced diets that would end the widespread plague of pellagra.

The years since have brought a technological revolution on the farm. Instead of the man behind the mule, today's commercial farmer is more likely to be like Mr. Hartzog, a university trained planter who lives in a solid brick house set at the edge of the 1,300 acres he farms in Parmer County.

Mr. Hartzog, resting a muscular arm on the door of his pickup truck the other day, discussed at length the problems of the cities as well as the farms. The topic that stirred him most was farm subsidies.

"The payments are really a subsidy to consumers," he said. "They mean that the graduated income tax helps the average man pay for his food, and in this country that's the world's best bargain. But the farmer still earns less than other groups in the economy."

In general, what he said was supported by statistics. But these show that the income disadvantage fades among larger farmers.

STILL AWAITING COUPONS

As he suggested, the consumer has benefited, too. With the advances in technology spurred by the Department of Agriculture and brought to the farm by the extension agent, the American farmer has become highly efficient. As a result the average consumer pays 17 cents out of a dollar for his food and is left with more for other necessities and for luxuries than anyone else in the world.

But while technology and the farm programs have produced men like Mr. Hartzog, others like Mr. Gallardo, the Texas laborer, and Mr. Washington, the low-income farmer in South Carolina, have been left behind.

Mr. Gallardo is among the one-third of farm workers who are underemployed—a statistical way of saying that they are often unemployed—and at such times often hungry.

"The judge says we can't afford a food-distribution program," said Lorenzo Granada, a young poverty worker operating out of a dim little office off a side street in the village of Bovina, not far from the Gallardos' boxcar home. Mr. Granada, who haunts the local welfare office seeking funds to aid families like the Gallardos, said that the county costs would total about $380 a month.

County Judge Archie L. Tarter, head of the local government, a smiling affable man, told a visitor at the courthouse nearby in Farwell:

"I could see a lot of benefits in a food program. But you see our welfare system handles the problem for a lot less money. We could put up maybe $100 a month, though, if somebody else would set up a program."

The Department of Agriculture has promised to bypass the Parmer officials with food stamps, but the hungry are still waiting for the coupons.

Judge Tarter's farm, run by his two sons, received about $11,000 of the $12-million in Federal payments distributed last year to Parmer County's fewer than 1,300 farmers.

Mr. Gallardo and millions like him work at wages below poverty levels.

In South Carolina, the average farm laborer gets about $1 an hour when he works. But Thomas Washington would be hard-pressed to pay that for help on his 67 acres near Kingstree in Williamsburg County. Last year he tried to scratch a living from about two acres of tobacco, 20 acres of cotton, some corn and pigs.

Low wages paid to laborers on bigger farms are reflected in the prices men like Mr. Washington receive for their crops and thus in their income for their own labor.

"Mister, all I had left were debts," Mr. Washington said after detailing the $1,400 he had grossed from tobacco and about $800 for cotton, including a little over $300 in Federal payments.

He is one of more than a million low-income farmers who average less than $400 in Federal subsidies while the top 100,000, or less than 4 per cent of all three million farmers, receive more than a third of the subsidies. Payments for the latter group range from $5,000 to more than $4-million for the J. G. Boswell Land Company, which has farms in California and Arizona as well as land interests abroad.

Aside from the differences in subsidies, men like Mr. Washington get fewer benefits from other farm programs than the big farmers do. The Parmer County farm agent is a well-known visitor at Mr. Hartzog's farm. Mr. Washington does not know his county agent's name, and Mrs. Washington, like Mrs. Gallardo, has never been visited by a home economist.

Among the ammunition of those expected to attack the disparity between farm subsidies and aid for the poor when the new farm bill comes up for debate will be a study made by John A. Schnittker when he was Under Secretary of Agriculture.

CALLED FOR REDUCTION

Mr. Schnittker found that the biggest farm subsidies could be reduced, producing substantial savings for the budget. He says a total of $500-million could be diverted to rural development and projects for the poor without hurting the effectiveness of surplus controls.

But Mr. Schnittker, now a professor of economics at Kansas State University, also found, as he said recently: "The Boswells have powerful friends in Washington."

Orville L. Freeman, then Secretary of Agriculture, quietly buried Mr. Schnittker's report.

In an interview the present Secretary of Agriculture, Clifford M. Hardin, said he saw no early prospect of substantial reductions in the subsidy costs. He said:

"The payments have been capitalized in land prices and mortgage structures. With a sudden change you could force some farms out of business and bring on a general struggle for survival."

He expressed the hope that future programs would give farmers greater latitude in making their planting decisions and permit a transition from the payments system "under their own volition."

He did not explain how the transition would take place, although he has proposed a move away from strict application of crop allotments.

The Secretary said that among his greatest concerns were the problems of rural poverty and rural development. "We have to find ways to create jobs in the rural areas," he said. "We have to find ways and means of redirecting rural population, as it expands, into rural America and away from the cities."

The recent report by the Presidential committee, calling for unspecified amounts of Government spending on rural development, drew a cool reception, however, when it was presented to the Nixon Administration.

The bill now in Congress, described by Secretary Hardin as a "consensus" program, would reduce some of the largest payments but, if passed in its present form, would be expected to produce an over-all saving of no more than $10-million a year out of future farm subsidies, which will climb next year to about $3.7-billion.

Critics in Congress have gained strength and now stand a good chance of some further savings as well as some additional increases in food programs.

But when the speeches are over and the votes have been counted, the department of rural affairs is expected still to be a growing Department of Agriculture devoting the biggest part of its money and energy to a dwindling farm clientele.

BOYD SHANNON DAY, APRIL 26, 1970

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. CULVER. Mr. Speaker, at a time when serious questions are continually being asked about the fundamental nature of our society and the role of the individual in this democracy, it is indeed an honor and a privilege for me to be able to make a few remarks about a resident of Iowa's Second District who has served his community and his State as a model of both enlightened leadership and productive citizenship—in short, a model of true Americanism. There can be no question in the mind of any member of the Monticello community about the identity of the person to whom I am referring. He is Boyd Shannon, who is being honored with his own special "day" on April 26, 1970, for his 40 years of contributions which have touched virtually every person and aspect of life in Monticello.

In June, Mr. Shannon will retire after having served for 26 years as the superintendent of schools in Monticello. Prior to that time, he was the principal of the Monticello Community School. The fact that the school tripled in staff and enrollment during Mr. Shannon's educational career is an obvious testament to the leadership he provided.

Not content to devote his talents to the advancement of education alone, Boyd Shannon was an officer of the Iowa High School Athletic Association for 15 years and served as head of that organization. He was also an officer for 13 years on the Iowa High School Music Association, has been a member of the board of directors of the Monticello Development Corp. and the library board, and currently serves on the swimming pool board.

During his 29-year membership in Rotary Club, he served as secretary-treasurer of the Monticello Rotary Club and as district governor. For 38 years, he

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has been gate manager of the county fair.

All too frequently, we lavish our appreciation and awards on national heros but fail to give the same recognition to the community heroes who form the very backbone of our great Nation. Fortunately, this has not been the case with Boyd Shannon. In March of this year, during the television broadcast of the Iowa Boys State Basketball Tournament, Mr. Shannon became the fourth person to be designated as outstanding administrator for his contributions to the advancement of high school athletics. In February, he was named to the Monticello Hall of Fame and became the first person to receive that honor during his lifetime. A number of years ago, Shannon Elementary School was dedicated in his name, again an unusually high honor particularly when given during a man's lifetime.

And now April 26, 1970, has been designated as "Boyd Shannon Day" in order that the community of Monticello and the State of Iowa can express their appreciation for his multitude of contributions over a period of 40 years.

It is my pleasure to be one of a great many expressing our sincere gratitude to Boyd Shannon for the enormous impact he has had on our past and our present as well as the challenging example he has set for us in the future.

ANOTHER LOOK AT FIRE SAFETY FUNDING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. MIKVA. Mr. Speaker, one of my constituents, William Randleman, who is the editor of Fire Chief magazine, has brought to my attention a distressing fact: Since the Federal Fire Research and Safety Act was signed into law over 2 years ago, not one penny has been appropriated under its provisions.

When 12,000 Americans died last year in fires, it is unseemly at best that this Congress has not seen fit to fund even the preliminary National Study Commission which might well begin to lead the way to increased knowledge of fire prevention techniques.

At this time, I would like to insert into the RECORD two of Mr. Randleman's editorials, which I think clearly point up the importance of this Commission and of increased research into fire safety.

What is noteworthy about these editorials is not their originality—the plea for research funds is an old one—but how their logic has been overlooked for yet another year. They were written a year ago, and still we have seen no positive action.

When the bill currently pending before the Appropriations Subcommittee does not even include a consideration for the Fire Safety Commission, I think it is time for each of us to think again on that Commission's promise. I urge my colleagues to read Mr. Randleman's remarks:

FEDERAL FIRE ACT NEEDS ACTION

(By Bill Randleman)

"But much of what we have committed needs additional funding to become a tangible reality . . . In most cases, action has begun but has not been fully completed."

So said President Johnson in his State of the Union Message last month. He could have been talking about the Federal Fire Research and Safety Act, for his words describe most precisely the present condition of this piece of legislation.

The Act was signed into law on March 1, 1968 (Public Law 90–259). It was never funded. The House of Representatives killed the proposed appropriations.

In passing the Law, the 90th Congress recognized the need, but as with so many domestic programs, it was unwilling to appropriate funds.

We have a new Congress and a new President. Now is the time to urge action on Public Law 90–259. Now is the time to write, telephone, or wire your Congressman and your Senators.

Serving your community as fire chief, you know the need. You know the arguments—the pros and cons. Most fire officials today recognize that there are things that need to be done that simply cannot be done anymore at the local level. To solve some fire service problems requires more money than a municipality can muster. Research is necessary to find more efficient operational methods and prevention techniques.

One of your most convincing arguments, of course, will be the low cost. Compared to other appropriations, the cost of funding Public Law 90–259 is a pittance. Consider the cost of the proposed ABM systems, the billions we have spent on Vietnam.

But more important than the initial cost, is the savings to taxpayers that this small investment can bring for the future. A small investment now could save millions in future fire service costs and fire loss to property—not to mention the saving of lives.

As yet we aren't sure how the 91st Congress will respond to domestic needs and research-type programs. Wouldn't it be wise to urge the funding of one section of the Law at a time?

It would seem prudent to place our emphasis on Title II—the section dealing with setting up the study commission. If we can get the commission into operation we will have taken a large step in the right direction. And the report of the commission should help to prove the need for funds to implement Title I—the section dealing with research and safety.

Based on the original estimates of the cost of the commission (Title II), it could be funded for somewhere in the area of $½ million. Compared to the billions we spend on the space program, for example, this is a paltry sum. It seems that President Nixon is aware that we must "go forward together" at home as well as in outer space. In his Inaugural address he said:

"In protecting our environment and enhancing the quality of life; in all these and more, we will and must press urgently forward . . . however far we reach into the cosmos, our destiny lies not in the stars but here on Earth itself . . ."

WHO SHOULD MAN THE FIRE ACT COMMISSION?

(By Bill Randleman)

In our February issue we devoted this column to the pressing need for appropriations to fund the Federal Fire Act (Public Law 90–259), and urged fire chiefs to write their representatives.

Some progress is being made. At the time of this writing the Appropriations Committee of the House of Representatives has before it a request for approximately $750,000 to implement Title I (fire research and safety section), and $250,000 for Title II (the commission).

Title II of Public Law 90–259 establishes that the commission will be composed of 20 members, including the Secretary of Commerce and the Secretary of Housing and Urban Development. The remaining 18 are to be appointed by the President. Who should serve on the commission? This question has caused some discussion and controversy among fire service representatives.

Some believe that the commission should be made up largely of fire service people, while others feel that the purposes of the commission would be better served by a broad selection of eminent people including one or two distinguished fire service people to advise the commission on technical matters.

In order to determine what type of commission make-up would be best, we must first ask ourselves, just what do we expect the commission to accomplish? It seems that the overall objective should be this: To produce a report that will influence and inform the public and its legislators on the nation's fire service needs.

What type of commission could best serve this purpose? Wouldn't the public and our legislators be more likely to listen to a group of distinguished people who have gained eminence in other walks of life than to an esoteric "inside" group of fire service people? Wouldn't a group made up of, say, an ex-governor, a judge, a college president, a scientist, a businessman be more influential?

A commission of eminent people would serve as an "outside" agency, reporting on the fire service needs—somewhat in the same way that the AIA grading people do when they investigate your city. Aren't the city fathers more apt to recognize and respond to the city's fire protection needs when told of these needs by an outside investigative agency? The report of a commission of this make-up would be more easily accepted as an impartial and objective report than were it to come from a group of largely fire service people.

This type of commission would not limit the gathering of, or the sources of information. All groups and representatives of the fire service would receive ample opportunity to testify. And from this testimony the commission would develop its report.

David Gratz, Fire Chief, Silver Spring, Md., and Chairman of the IAFC Federal Committee puts it this way: "A commission overweighted with fire officials or representatives of fire service organizations could have a negative result. Not only would the fire service still be talking to itself, but the value of final recommendations might be substantially diluted by the charge that the commission was "stacked."

TESTIMONY OF JAMES N. DONOVAN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. GUBSER. Mr. Speaker, Mr. James N. Donovan, a member of the board of directors of the Western Electronic Manufacturers Association—WEMA—recently testified on the subject of uniform cost accounting standards before the Subcommittee on Production and Stabilization of the Senate Banking and Currency Committee. Believing that Mr. Donovan's statement will be of interest to readers of the CONGRESSIONAL RECORD, I am inserting it at this time:

TESTIMONY OF JAMES N. DONOVAN

Mr. Chairman and Committee members, I appreciate the opportunity to appear before you and present this statement on behalf of WEMA. I am James N. Donovan, treasurer for Varian Associates, an electronics firm headquartered in Palo Alto, California. I am also on the Board of Directors of WEMA, and I am here today as its spokesman on the proposed promulgation of Uniform Cost Accounting Standards to be used in defense procurement. I am accompanied by John Gilpin, chairman of WEMA's Government Affairs Committee, and Eben Tisdale, WEMA's Government Affairs Manager.

WEMA is a trade association consisting of 580 companies engaged in electronics and information technology in the western states of Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. Although WEMA members range from divisions of large companies to small business firms, the bulk of our membership is best defined as small-to-medium sized companies attempting to serve both government and commercial markets. Most WEMA companies are subcontractors, supplying sophisticated components or equipment of their own design for incorporation in the systems of prime contractors.

Typically, WEMA companies have some public ownership of their stock, and have their financial statements audited by a national Certified Public Accounting firm.

By virtue of our companies' innovative talents they often develop unique products. It is not unusual for even the smaller WEMA companies to obtain contracts for proprietary products for amounts in excess of $100,000.

In our evaluation of S. 3302 and our study of related documents such as the GAO report, we have tried to stick to one basic question. Would the benefits, if any, of this legislation exceed its adverse effects and thus be to the overall long run advantage of our country?

Our answer to this is definitely no. Whether or not UCAS is feasible is still not really clear, but we are convinced that S. 3302 does not meet the basic tests of any new legislation as to its necessity to solve current problems, nor its ability to make a constructive contribution to the U.S. defense mission.

One comment about feasibility. The GAO Report (page 22) has concluded that it is feasible to establish "Cost Accounting Standards." However, it is significant that the word "uniform" was dropped and that the subsequent comments qualify this conclusion to such a degree that the standards which they find feasible are faint shadows of the original intent of the Act which authorized the feasibility study. In any case, the GAO has completed its work and its report and while it is certainly a good source of information, it does not demonstrate the need for nor the wisdom of the passage of S. 3302.

What are the benefits claimed for Uniform Cost Accounting Standards? Testimony from an earlier House committee which was introduced in the Senate Hearings on this subject on June 18, 1968, made unsupported estimates of $2 billion savings. Related comments gave the impression that this saving would come about because UCAS would reveal and eliminate profits of this magnitude which were being hidden in contractors' costs. In its 18-month study the GAO didn't find the $2 billion, in fact it didn't find any measurable savings at all.

In this connection, it should be noted that ASPR Section XV contains rules for cost allowability as well as cost principles. It is apparent from earlier testimony and some of the questions in the GAO study that some people view UCAS as a means of reducing the prices of negotiated contracts by decreasing allowable costs. Even the most elementary analysis will demonstrate that such an approach has no validity. The renegotiation report for 1969 shows that total profits in renegotiable defense business totaled about $2.2 billion. This level of profit is marginal relative to the $48½ billion in renegotiable sales. With profits at this level it is naive to believe that prices can be reduced by $2 billion or $1 billion or any significant amount without destroying the industrial base.

It seems clear that the reasons originally advanced to support the need for UCAS were not valid.

We would all like to see lower prices to the government. Industrial engineers and cost analysts can tell you that the best way to do this is through more efficient operations and resulting low costs. This means constant efforts to weed out unnecessary costs, to offset increases in material and labor costs through greater productivity and to avoid the addition of any new costs that are not absolutely essential. That's why we are here today. Let me state it clearly.

If S. 3302 passes, our costs will go up and the prices of our products to the government will be increased. The same is true of the commercial products made in our divisions with both government and commercial business. That may be of no concern to you, but it certainly worries us.

In arriving at the above conclusion we went through a two-step analysis; first we envisioned what some of the UCAS standards might look like; and second, we evaluated the impact of several such standards.

For step one, we reviewed the GAO reports, both in final and draft form, to see what sorts of standards might be contemplated. We found four that were sufficiently well defined to permit further analysis:

1. Use of three overhead allocation bases (direct labor, materials and machine house)—GAO Report Chapter 3.

2. Separation of indirect costs into fixed and variable categories—GAO Draft Chapter 5.

3. Depreciation of fixed assets at (a) uniform rate per period of time, or (b) on the basis of usage—GAO Draft Chapter 5.

4. The charging of General and Administrative expenses on the basis of production costs rather than cost-of-sales—GAO Report Appendix III.

Here is some information to give you some feeling for our operations. My company makes a variety of science based products including power and special purpose (primarily transmitting) electron tubes, electronic instruments for chemical analysis, linear accelerators, vacuum equipment and mini computers. Our business is divided into 20 operating units, or divisions, each specializing in a homogenous product line. Seven of these divisions have significant military business, ranging from about 50% to about 80% of total divisional sales. These seven operate in 12 separate physical plants, have an aggregate of 17 cost centers and about 100 separate overhead pools. Essentially all overhead is distributed on the basis of direct labor. The following rough estimates were made by an accountant who is thoroughly familiar with the accounting system. They are indicative of the order of magnitude of the costs rather than precise estimates.

The accounting people required to do the company's *basis acounting job* for these seven divisions cost about $2 million per year, including fringe benefits and space costs.

They are supported by three computers for which they charged about $500,000 per year including operating costs and routine or maintenance programing. They pay extra for new procedures and programs.

Please note that I said the company's basic accounting job. This involves only the basic accounting records for the company, designed over a period of years in response to the needs of our operating management to provide the information our line managers need to operate successfully, and to produce informative reports for our shareholders, the financial community, and a host of government agencies. This does not include the special accounting that we presently perform for our government contracts.

Before I go on, I should say that we keep only one set of books, and those are the basic accounting records referred to above. Other accounting needs such as taxes, SEC registration data and government contract needs are filled by extracting the appropriate data from these basic records, plus supplementary data accumulated for special needs. The present effort for government contracts is substantial and adds 20% or $500,000 to the $2.5 million needed for our basic accounting. The costs of the 20% accounting load for DOD are spread over all the business in each of the seven divisions, and our commercial customers help subsidize the government in this area. In passing, I should also mention that we also employ about 10 contract administration people who devote essentially all of their time to government contracts. Their costs are handled in the same manner as the extra government accounting costs.

We estimate that the impact of the four previously listed UCAS principles would be as follows:

1. *Expand to three overhead allocation bases—direct labor, materials and machine hours.*—As indicated above, the accounting needs for our kind of business are adequately filled by the use of a single base, direct labor, plus minor allocations of subcontract purchasing costs to subcontracted material items.

This change would involve both one-time changeover costs and higher operating costs in the future. The changeover would require the development of new techniques for observing, recording, reporting and accumulating data for about 30 new overhead pools. This would be particularly difficult in the machine hour area because in general our business tends to use a large number of small machines and electronic test sets rather than giant automated equipment. This change would also require the rewriting of all our overhead computer programs. Our rough estimates for this one-time cost with a simple material pool (purchasing cost only) is about $100,000. As for continuing operating costs, we estimate an increase of about 10% in our overhead accounting effort which would be about $120,000 per year in total accounting costs. In terms of percentage, this one principle would add about 7% to our accounting costs for the first year and 4% thereafter.

2. *Separation of indirect costs into fixed and variable categories.*—Although we recognize the value of segregating fixed and variable costs for special analyses of our operations, the need is infrequent. We have also reviewed various techniques for "direct costing" which utilize such segregations, but have not found them appropriate for our operations. Segregation on a routine basis would not appreciably increase the usefulness of our accounting records to our management. In addition, we failed to see the advantage of dividing indirect cost into fixed and variable components for pricing purposes. It is our opinion that prices should include all overhead costs incurred by the company and that the management of the company not the government should have the prerogative to determine whether or not fixed charges would be under-recovered in the prices quoted in a specific contract.

As with the overhead pool changes in #1 above, this change would add both one-time change costs plus increased future operating costs. Segregation of fixed and variable costs would double the number of overhead pools (distribution percentages) from the projected 130 to 260. We estimate the one-time cost to accomplish this change at about $50,000, and that recurring accounting costs would be increased approximately $130,000 per year or another 4%.

3. *Depreciation of fixed assets at (a) a uniform rate per period of time, (straight-line) or (b) on the basis of usage.*—(a) The accounting problems of computing depreciation on a straight-line basis rather than the present accelerated basis would involve modest change-over costs for reprograming fixed asset computer records, perhaps $25,000. It would not increase operating costs.

However, such a change should be classified as a new cost disallowance rather than simply an accounting standard. Its real impact would be to erode profits by lowering the recovery of the depreciation costs of newer assets on all negotiated contracts. The GAO holds that equipment wears out on a straight line and that DOD contractors should use this rather than the schedules of the IRS, which is another part of the government and has its own mission. Our view is quite the opposite, DOD and IRS are separate agencies, but they are all part of the same government. When IRS, with Congressional approval, establishes depreciation schedules which are considered appropriate to the economy of the country, it is a strange, ambivalent government that would direct DOD to set aside these schedules in favor of their own.

(b) Usage as a basis for depreciation has a good deal of logic, especially when applied to taxicabs or trucks. Unfortunately factory equipment is not normally built with odometers, time clocks or revolution counters. It is especially difficult to estimate these costs because of the variety of recording equipment and methods that might be employed. The installation of automatic usage measurement devices would represent a large one-time cost plus modest continuing costs. The establishment of procedures for manual recording of machine time would have low installation costs, but significant continuing costs. We have looked at the costs and such techniques in the past and rejected them as not justifiable for our business.

We doubt that it would be practicable to install many automatic recording devices and that most of the costs would be for the establishment and operation of new procedures for the manual recording of the machine time for each product or batch of products. Accounting changes and reprograming to handle the accumulation and distribution of the new cost pools would be significant. In addition the operating costs for both the new recording and the new accounting are estimated to be about $50,000 per year.

4. *Charging General and Administrative expenses on a production base rather than cost-of-sales.*—This change would only add modest change-over and operating costs, but it would greatly increase contractor risks. The application of G&A to each product as it is produced would increase inventory valuations by significant amounts and thus defer the recovery of these costs until future years. To the extent that business volume declined, as it is apt to do in the defense sector, such costs might well be unrecoverable in the subsequent year and would have to be charged against operating profits by inventory write-offs.

Since such practices tend to inflate current profits by the deferral of intangible costs, CPA firms view them as irresponsibly liberal. Any company which followed this practice in its total business would face serious questions from the Securities and Exchange Commission and would be viewed with skepticism by the financial community.

It is simply bad business practice and has no place in accounting standards for contract pricing or any other use.

As I indicated before, it was difficult to evaluate the impact of these standards, but we felt that it was necessary to look at them at the operating rather than theoretical level. A logical next step would be to extrapolate from these four examples to some sort of estimate of the total impact of a full standards program which might run into hundreds of items. Unfortunately, our bases for visualizing the shape of possible standards are too weak for such an exercise. We do hope, however, that these few examples will give you a better idea of the operating-level concern about this bill.

I should also mention two rather obvious but important points:

First, companies smaller than mine, and that's the majority of WEMA members, do not have either the accounting talent nor the computer power available to us. Many have rudimentary accounting systems with only one overhead pool per location and do not record labor costs by product. Mandatory cost accounting standards would not be a matter of adjusting their cost reporting and distribution techniques, but would involve complete changes in their accounting systems. I sincerely hope that in evaluating this law you put aside the traditional oversimplified view that it deals with a sort of monolithic uniform "defense industry," and think of its impact on the thousands of smaller and medium sized companies who, as third or fourth tier subcontractors, supply the components and black boxes for the big weapons systems.

Second, please give consideration to the impact of S. 3302 on mixed businesses, i.e., those who make products for both government and commercial customers in the same plants. We have already alluded to the cost penalties to commercial products in such an environment. Fortunately most of these are offset by the economies of scale achieved through combining the volume of commercial and government business. Adverse changes to the government business involving either higher costs, increased disallowances or administrative controls can upset this delicate balance and cause such mixed businesses to become economically unsound.

At the risk of duplicating the testimony of other witnesses, I would like to comment briefly on some other aspects of the bill.

Cost accounting is a highly specialized professional field. As with many professions it is more art than science. It has developed along with our country's industrial capability and must continue to do so. It is not an area where government should step in and strangle with bureaucratic inflexible controls. As the GAO testified in 1968, its professional staff had very few problems in understanding the accounting system and principles of any company.

Our members view the government as one of many customers and one who usually buys less than half of their output. It is simply not conceivable to them that it is proper for any one customer to tell them how to do their cost accounting or any other function which cuts across their whole business.

There are problems in cost accounting for negotiated contracts, as there are in most human affairs. The GAO has reported the recollections of auditors in some 120 cases. Although the circumstances surrounding each case are so abbreviated as to preclude judgment as to the validity of the alleged abuses, let's assume they are entirely valid. Our review indicates that most of them are violations of present ASPR principles or of the company's accounting rules. This is bad, should stop, and presumably has because of the auditors' work. These cases, even without statistical evidence as to their frequency, provide sound arguments for good auditing and dealing with honest contractors. However, they provide no basis for the passage of S. 3302. Given the same type of administration and the same mix of dishonest contractors the abuses will be identical.

Little has been said about the cost of "new machinery" for UCAS. It is clear from the GAO Report that any standards-setting body has a complex and lengthy job requiring continuing research. We are not in a position to estimate the costs, but suggest that serious consideration of this cost factor proceed the establishment of any such new bureaucracy.

In view of the above it seems to us that the passage of S. 3302 is another case of overreaction. Some problems do exist and may be sufficiently prevalent to need significant corrective administrative actions. This can be accomplished by minor modifications to the Section XV Cost Principles and better administration by both the government and the contractors. It would seem reasonable, for example, that contractors with significant amounts of government business should routinely disclose their accounting principles and be required to adhere to them. However, nothing yet presented demonstrates the need for broad legislation of the type proposed.

A LITERATE AMERICA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PATTEN. Mr. Speaker, a literate America should be one of the Nation's main goals for the 1970's, for no other field has a wider and more important effect on our people and our Nation, than education.

I was shocked to discover—

That 25 percent of students have significant reading defects;

Our adult population contains over 3 million illiterates;

Almost 50 percent of unemployed youth—16 to 21—are classified as functionally illiterate;

A U.S. Armed Forces program disclosed that over 68 percent of young personnel have reading and academic ability that ranks under the seventh grade.

Mr. Speaker, these educational deficiencies are of deep concern to me, because they weaken the Nation, as well as limiting the individual. Society has often discovered that a poor education often leads to despair and crime.

As a strong supporter of Federal aid to education, I believe that the Government can and should provide active and vigorous leadership in helping to reach the goal of a literate America. Help could range from more financial aid, to better program coordination.

Vocational-technical programs should be expanded to provide the skills needed by industry, and community colleges are in urgent need of U.S. funds to help meet their rapid expansion.

Over 50 percent of our high school graduates enter college—which represents a substantial increase in the past 20 years—but I believe we should set and reach a goal of 70 percent by 1976, because the demand for higher education is growing tremendously.

Above all, Mr. Speaker, new ideas and new programs should be encouraged in education, where tradition has limited both achievements and goals. I believe that innovation should be rewarded and not merely studied. The future belongs to those who not only have imagination, but courage. With the help of the Congress, I am convinced that a literate America can be achieved in this new decade of hope.

WILL MAN DESTROY HIMSELF?

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. **PUCINSKI**. Mr. Speaker, the president of the Retail Clerks International Association, Mr. James Housewright, has written an excellent editorial comment on the entire problem of pollution.

Mr. Housewright's impassioned appeal for an effective program to deal with this entire problem deserves the widest attention and I am placing it in the RECORD today because I believe he so succinctly spells out not only the problem, but an effective course of action to deal with this problem.

Mr. Housewright deserves our highest gratitude for adding his prestigious and effective voice as president of the Retail Clerks Union to the battle against pollution.

His editorial comment follows:

WILL MAN DESTROY HIMSELF?

(By James T. Housewright)

By the year 2000 the Earth will have reached that period in time when air, water, and soil can no longer support mankind, according to one prominent biologist. The reason for this dire prediction is apparent air and water are fast becoming enemies of life, rather than its sustaining elements.

The Earth's increasingly polluted skies and stagnant streams have become death chambers for much of our sea life, our birds, animals, and plants. Many fear that man himself is destined for eventual extinction.

Two decades ago, only the bird watchers and the garden clubs voiced any significant public dismay over the loss of fresh air and pure water in our land. Today, however, the problems of pollution are sending cries of concern through the halls of Congress with the urgency of a falling bomb. The nation is finally awakening to the seriousness of its environmental problems.

Only recently has our government recognized that such problems exist. One of the first major anti-pollution laws passed was the Clean Water Act of 1969 which, incidentally, was enacted because organized labor teamed with conservation and scientific groups on its behalf. Unionists also gave their support to the Environmental Policy Act of 1969. Both laws are considered important milestones in the fight for clean air and water.

It is significant that the first measure signed into law in this decade was the Environmental Quality Act of 1970. The President of the United States explained its importance: "These must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never."

Already scheduled for consideration during the current session of the 91st Congress are a large number of bills aimed at curbing our environmental pillage.

Although the issue of pollution clean-up is as American as motherhood and the flag, and no Congressman would dare regard it otherwise, partisan politics may endanger real legislative progress this year. In Washington, as well as in many states, politicians are vying over who deserves the credit or gets the blame for delayed efforts aimed at getting pollution control efforts off dead center. As a result, environmental quality will be an important election issue, and we can expect a heavy smokescreen of official statements and proposed laws to cloud the real issues.

Meanwhile, many industries, municipalities, and even the Federal government itself continue to pollute the waterways, fill the air with noxious gases, and blight the land. The public fingerpointing and legal suits arising from this national disregard of our environment are just beginning.

Present legislation for pollution control is, at best, confusing. Its provisions are inadequate, and many of those that exist are not being properly enforced.

Although the individual citizen must not shirk his personal responsibility, carrying a litter bag and refusing to burn leaves in the back yard are not sufficient to solve the national problem. Industries and municipal waste disposal organizations—the biggest polluters—must be held accountable for their actions; they must be forced to clean up their operations, and they must be made to pay the costs incurred in pollution control.

But do not be deceived that this is something "somebody" should do something about. The most dedicated legislator and public administrator can go only as far in solving this national problem as his constituents will accompany him. Real and painful sacrifices in thought, time, effort, and money, not to mention unpleasant restrictions on our accustomed "freedom," will be the name of this game for years to come—perhaps for always.

Man, his industries, his technology, and his own waste and filth have created the pollution monster which now threatens life on this planet. We must accept the fact that pollution control is a real issue that demands immediate attention and firm action. This is the time for all Americans to unite in a concerted attack on all forms of environmental pollution. We cannot wait until mankind is literally choked and poisoned by his own "affluent society."

A TRIBUTE TO THE LATE MARTIN TANANBAUM

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PODELL. Mr. Speaker, the untimely death of Yonkers Raceway president, Martin Tananbaum on March 24, at age 54, left the memory of one of the most progressive and community-minded executives in the country.

Born January 8, 1916, Mr. Tananbaum was one of nine children of Harry and Minnie Tananbaum, immigrants from Poland. His father built a small textile business and raised his family in the Bronx. Martin graduated from DeWitt Clinton High in the Bronx at 16, and later attended Fordham University night school for 2 years and Brooklyn Law School for 1 year in the evenings. He left school after his father died in 1934 and worked in his father's business with his brothers until 1944 when he enlisted in the Air Corps as a cadet. In 1946, he returned to the family business in the garment district.

His dedicated work for charities and for civic organizations was well known and will long be remembered. The list of his activities is almost too numerous to mention. Mr. Tananbaum raised millions of dollars to help retarded children and for the City of Hope. He was chairman of the million dollar fund drive for the New York Cardiac Home. As a fellow of the universal brotherhood movement of the Jewish Theological Seminary, Mr. Tananbaum worked hard for that organization as well. He was chairman of the building committee of Temple Israel, a conservative synagogue in Great Neck, N.Y., and of the first annual Westchester Putnam Conucil B'nai B'rith Youth Service Award dinner last October.

For 10 years, Mr. Tananbaum was chairman of the board of advisers of the New York Mirror welfare fund and a director of the Young Men's Philanthropic League. He was a member of Share, Inc., a trustee of the United Givers Fund of Yonkers, vice president of the Garment Center Congregation, and a member of the Friars Club.

In October 1958 he was honored for his work on behalf of Israel at a dinner sponsored by the State of Israel bonds in the Bronx. The B'nai B'rith Sports Lodge of New York City in 1968, presented him its "Man of the Year Award," an honor well deserved.

Mr. Tananbaum was a controversial figure in New York State, but he did not shy away from the controversy. One of his first loves and enthusiasms was the politics of New York State. He was active in New York Democratic politics for many years, where he was not only well known, but loved, respected, and admired.

At the same time, Marty, as he was known to all, was a sportsman of the finest caliber. He is credited with having improved the strain of standard-bred horses in New York State. He blended foresight and action into the sport of racing and brought exciting action and quality to it.

His memberships, dedicated work, and interests provide some idea of the measure of the man who recently passed away. He was a fine friend, a devoted father, and a dedicated community worker. Men of all stations and from all walks of life honored Martin Tananbaum. To me, Marty was a close personal friend, whom I will never forget. I would like to have his memory enshrined here today, so we all may be aware of the type of man he was. His family, his friends, and his community will miss him.

TYRANNY BY PUNKS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WYMAN. Mr. Speaker, campus rebellion has long since exceeded proper limits. Any student who breaks into the president's office without permission should be expelled forthwith, much less occupy the office or steal papers or commit criminal trespass or larceny. Yet, this has not been done.

One permissiveness has led to another and all have culminated in today's state of anarchistic confrontation. It is wholly

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disruptive of the educational process as well as of morale among both the student body and the faculty.

In this connection, the following article by a professor of history at the University of Montana merits republication:

"I AM TIRED OF THE TYRANNY OF SPOILED BRATS": A MIDDLE-AGED PROFESSOR SPEAKS OUT ON CAMPUS REBELS

From a man who is "fed up with nonsense" comes a call for action by adults.

As a college professor, K. Ross Tolle is close to today's young people. He says "most of them are fine" but some are not—and "it's time to call a halt" to the destructive tyranny of a minority on college campuses.

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of anyplace except exurbia. I was nurtured in depression; I lost four years to war; I am invested with sweat; I have had one coronary; I am a "liberal," square and I am a professor. I am sick of the "younger generation," hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana, and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23—and I am fed up with nonsense. I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards—usually accompanied by a gift in cash or kind.

It's time to call a halt; time to live in an adult world where we belong, and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point, and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives—and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth. It has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history. It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth, and its sick preoccupation with the problems, the mind, psyche, the *raison d'être* of the young.

Since when have children ruled this country? By virtue of what right, by what accomplishment should thousands of teen-agers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years: He is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that minority threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and majority. I speak partly as a historian, partly as a father and partly as one fed-up, middle-aged and angry member of the so-called "Establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society—it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen; they will only shout down. They will not discuss but, like 4-year-olds, they throw rocks and shout.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks—urinating on our beliefs and defiling our premises? It is not the police we need—our generation and theirs—it is an expression of our disgust and disdain. Yet we do more than permit it; we dignify it with introspective flagellation. Somehow it is our fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, "speed," LSD and other drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but not here—and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

Society, "the Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up. Yet we have worked a number of wonders. We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things.

We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary; and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought—because man is what he is.

"WHY DO WE LISTEN TO VIOLENT TACTICIANS?"

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance, and instant gratification. That is not idealism; it is childish tyranny.

The worst of it is that we (professors and faculties in particular) in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Ché Guevara becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. They are the pattern-makers for the SDS [Students for a Democratic Society] and the student militants. I have yet to talk to an "activist" who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long and wondrous struggle of the NAACP [National Association for the Advancement of Colored People] and the genius of Martin Luther King—whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930s recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform, let alone revolt their way out of a paper bag." But they can—because we let them—destroy our universities, make our parks untenable, make a shambles of our streets, and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists, but simply because we have failed to keep that generation in its place, and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right; we have not exercised it.

To the extent that we now rely on the police, Mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not Mace; we need to reassess a weapon we came by the hard way, by travail and labor: firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from 1 to 20 are fine kids. We need to back this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clampdown, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly, it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22. But it can, and must, promulgate rules. It cannot function without order—and, therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught. It cannot permit the occupation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation, but there is no room for slobs, disruption and violence.

The first obligation of the administration is to lay down the rules early, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it, in advance, is the salient failure of university administrations in this age.

Expulsion is a dreaded verdict. The administration merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of violation of the rules. Among the rules, even though it seems gratuitous, should be these:

1. Violence—armed or otherwise—the forceful occupation of buildings, the intimidation by covert or overt act of any student or faculty member or administrative personnel, the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly, by voice or presence or the destruction of any university property, shall be cause for expulsion.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of any such institution. And the faculty should be informed, firmly, of this reassertion, before trouble starts.

This does not constitute provocation. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties, because they have consistently pressured administrators not to act.

HOW COURTS COULD SQUELCH VIOLENCE

Suppose the students refuse to recognize expulsions—suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then pass to the courts. If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order. Courts are not subject to fears, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate, and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need—those of us over 30: tax-ridden, harried, confused, weary and beat-up—to reassert our hard-won prerogatives.

It is our country, too. We have fought for it, bled for it, dreamed for it, and we love it. It is time to reclaim it.

VFW VOICE OF DEMOCRACY WINNING ESSAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. TEAGUE of Texas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States sponsors a "Voice of Democracy" program in which high school students are asked to write a broadcast script. All five winners of this year's contest on "Freedom's Challenge" were guests of honor at the VFW congressional dinner and received a personal congratulation from President Nixon. I would like to include the essay of the fifth-place winner, Pamela Edwards of Mitchell, Nebr. An 18-year-old Mitchell High School senior, Miss Edwards is president of the National Honor Society has served as class president and class secretary, is organization editor of the high school annual and coeditor of the high school paper. Among her numerous scholastic, musical, and sports awards, Miss Edwards has received a National Merit Scholarship Letter of Commendation. She hopes to study for a teaching career at the University of Nebraska. The VFW should be commended for their sponsorship of such a fine program. After reading this essay, I think you will agree that we all take pride in the patriotism and faith in America displayed by this young student.

FREEDOM'S CHALLENGE

(By Pamela Edwards)

Alexander the Great ascended the throne at twenty and conquered the known world by thirty-three. George Washington was sent at twenty-one to deal with the French and won his first battle as a colonel at twenty-two. Gladstone was in Parliament before he was twenty-two and at twenty-four was Lord of the Treasury. Luther was but twenty-nine when he nailed his famous thesis to the door of the cathedral at Wittenburg. Christ began His work at thirty.

These five young men met the challenge of their times and succeeded. Today, American youth also face an important challenge; one which has never been more apparent—the challenge of Freedom!

This is a challenge that must be met not only on an international basis, but also here at home. Too often we stare blindly as our armed forces leave for global trouble spots and fail to see a more subtle, but equally dangerous, threat to our homeland.

Freedom is endangered not only in Cuba, Czechoslovakia, and East Germany, but in New York, Los Angeles, and in Kansas City! It is a danger characterized by moral decay, apathy among our citizens, the growth of materialism, the decline of spiritualism, and "a failure to communicate."

We, who are left on the Home front, can be the most effective of the "Freedom Fighters". Our challenge is clear.

It is a ragged ignorant child in the Appalachian Mountains.

It is a hungry family, black or white, in our nation's big cities.

It is the thousands of men and women who never bother to vote, claiming: "My vote doesn't count anyway! Why should I vote?"

It is also the intolerance and hostility between many of our black and white citizens, the needless, and often deadly, violence which suddenly erupts from an otherwise peaceful demonstration, and the impatience of youth, striving for change, and finding themselves entangled in "the Establishment's" web of red tape.

Yes, our challenge is clear and it must be met!

Today's youth is better educated and more aware than any previous generation in the history of mankind and, as such, the expectations and responsibilities are so much the greater.

Our problems are many, but they are not insurmountable. Our nation has always been blessed with excellent leaders, but we can no longer deceive ourselves into thinking that our leaders or government can carry on entirely alone. We must begin now to effectively meet the challenge we face—not only as a nation, but as individuals.

The isolationism favored by many of our predecessors is no longer practical or possible. Involvement, whether on a personal or political scale, is not only a luxury for those who care to indulge in it, but rather, a necessity. What is needed is meaningful involvement and active constructive participation on all levels; whether it be local politics and activities or in personal relationships.

In this way we can begin to bridge the gaps in understanding and opportunity that threaten the future of our country; gaps between black and white, rich and poor, youth and age.

A short time ago the President of the United States, Richard M. Nixon, said in a speech concerning the war in Vietnam: "Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that." Mr. Nixon's statement is applicable not only to the Vietnamese war, but to the future of freedom in America and to the challenge freedom presents to each of us.

Who must step forward to face the challenge of freedom? Who must see that the challenge is met? "Only Americans can do that."

NEAR-MISS UNDER POSITIVE CONTROL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PUCINSKI. Mr. Speaker, Air Progress magazine recently carried a revealing article about a near tragedy involving two jet aircraft which could have claimed the lives of 59 people.

The disturbing fact about this near miss is that both aircraft were under positive radar control but neither aircraft received any warning that they were on a collision course, which could have resulted in disaster for both aircraft.

I have asked the Civil Aeronautics Board for a full report on this matter.

But I call this article to the attention of my colleagues to demonstrate again the hazardous conditions that prevail in our skyways and the urgent need for remedial action.

The Air Progress article follows:

NEAR-MISS UNDER POSITIVE CONTROL

The Air Line Pilots Association revealed details of a dramatic near-miss November 5 over Tannersville, Pennsylvania, in which the third pilot of a Boeing 737 is credited with saving 59 lives and two jets valued at more than $12 million. The 737 and a Seaboard World DC-8 were departing New York under radar control. The 737's second officer, L. P. Maher, saw the DC-8 climbing on a definite collision course, separation about a quarter-mile, visibility the same. "I shouted to our captain, flying instruments, and pointed out the traffic coming up on our windshield. He immediately took evasive action, making a steep, climbing, left turn. The aircraft came within 20 feet. I could clearly see the faces of the DC-8 crew," reported Maher officially.

Although both aircraft were under positive control, neither received any warning. None of the 737's 49 passengers were hurt, but two stewardesses were slightly injured. The DC-8 had also turned left and dived.

Capt. Ray A. Lemmon, flying the 737, talked briefly with the DC-8 pilot, Capt. Joseph C. Szaflarski, who estimated the planes cleared by about 50 feet. The Seaboard copilot flying the DC-8 had better visibility to see the 737, reacted immediately. Duration of the entire incident was four to five seconds, said the 737 copilot, V. A. Popelars.

DRUG ABUSE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. HELSTOSKI. Mr. Speaker, the growing use of drugs and narcotics by our youth must be of major and compelling concern to officials at all levels of government.

We must find ways and means of effectively fighting and overcoming the drug and narcotics epidemic. Failure to do so can bring about a condition that will make other ills of this era appear relatively minor.

The urgency of the problem is well explained in the following letter written to the editor of the South Bergen News of New Jersey by Mrs. Edna Eagan, president of the Parents Foundation Against Drug Abuse, an incorporated nonprofit organization of concerned parents in my home county of Bergen, N.J.

Mrs. Eagan is not a person who exaggerates. She deals in facts, and facts alone, and her letter should awaken all to the need for action. Mrs. Eagan is an outstanding citizen held in high esteem and respect by all who know of her good deeds and activities on behalf of her community, her county, her State, her Nation, and her fellow citizens.

In placing Mrs. Eagan's letter in the RECORD, I call very particular attention to one paragraph in it. It reads:

> The hour is late. The situation intolerable! The parents of this nation will be heard. The government must give this problem high priority if we are to survive as a nation. What good will it do to combat pollution in the air, rivers, streams, and lakes of this beautiful country if we ignore pollution of the mind, body and soul of its inhabitants?

Mrs. Eagan's letter follows:

RE DRUG ABUSE

The Parents Foundation Against Drug Abuse is an incorporated nonprofit organization composed of concerned parents from many communities in Bergen County, the majority of whom have children addicted to various drugs. For almost two years, members have gone out on speaking engagements to civic and religious groups, alerting the public to the alarming increase in drug addiction, unselfishly giving of their time for prevention and education. This is important, certainly, but what exactly has been done in concrete terms about the thousands of sick and confused youngsters who have been hopelessly enmeshed in the web of drug addiction for a long time? Can we, in good conscience, write them off as human garbage? Life is a precious commodity!

Many people have negative feelings about politicians in general. They have preconceived ideas and this is unfortunate. P.F.A.D.A., however, has been to Trenton and Washington to confer with various officials in relation to the drug situation. We also have testified before the Senate Subcommittee on Drugs in New York City; have cooperated in all areas of Bergen County, i.e.: Law enforcement agencies, probation department, the judiciary, and the Board of Freeholders. Efforts at combating this dark and terrifying menace by people in positions of power have, heretofore, been fragmentary and often nebulous. Not any more! We have sounded the alarm and compelled people to listen. We have finally achieved a breakthrough.

Our continued pleas, petitions, undying hope and positive action have resulted in an out-reach center in Hackensack which is doing a wonderful job helping more than 500 addicts and their families at present. This is just a small beginning.

Now, we are determined that everyone recognize the absolute necessity of a large hospital-type rehabilitation center in Bergen County which will isolate, through a proper civil commitment bill, the hard-core strung-out addict. This positive approach will protect the public from crime, cut down on the contagion of other youth, save the county and state millions of dollars and, above all, rehabilitate young people to a decent and respectable environment.

These youngsters are not criminals in the sense of the word, but they commit crimes of desperation to support a loathesome habit. To ignore this need is folly! We will have to build more and larger jails to accommodate the galloping increase in the number of persons apprehended and committed to jail.

When the boys in Vietnam come home in the near future, the problem will be compounded.

P.F.A.D.A. is currently cooperating with the National Concerned Citizens Against Narcotics Committee, which is headed by the Rev. Oberia Dempsey of New York City. It is against narcotics smuggling, traffic, addiction and crime. Many organizations, including our own, are making plans to march in Washington, D.C., on Tuesday, April 10, with Reverend Dempsey and the very dedicated Dr. Robert Baird of "Haven," a center which has been fighting drugs in New York City for many years. We ask all interested organizations for a written endorsement of our aims here in Bergen County and we invite concerned individuals as well as organizations to participate in our national march to Washington.

The hour is late. The situation intolerable! The parents of this nation will be heard. The government must give this problem high priority if we are to survive as a nation. What good will it do to combat pollution in the air, rivers, streams and lakes of this beautiful country if we ignore pollution of the mind, body and soul of its inhabitants?

If, by our own apathetic inertia, we allow drug addiction to climb at its dizzying rate, how long will it take this country to become not "The Land of the Free and the Home of the Brave," but a nation of mindless, aimless, and spineless robots. Now is the time for the 'Silent Majority' to make itself heard. Also it is time for all the people to cry out in unison, "Enough!"

Sincerely,

MRS. EDNA EAGAN.
President, PFADA.

A PROPOSAL FOR MAKING THE RECYCLING OF MATERIALS AN INTEGRAL PART OF THE MANUFACTURING CYCLE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. HALL. Mr. Speaker, Dr. Ward R. Williams, chairman of the division of humanities, Evangel College of Springfield, Mo., has set down a most profound proposal aimed at helping to solve what he describes as our twin problems of conservation and the protection of the ecological environment from pollution.

Dr. Williams, who has devoted a great deal of time and study to this effort, refers to his possible solution as:

> A proposal for making the recycling of materials an integral part of the manufacturing cycle.

I feel that he offers much food for thought. To those who are interested in the continuing problem of pollution, I suggest that they review Dr. Williams' contribution.

The paper follows:

A PROPOSAL FOR MAKING THE RECYCLING OF MATERIALS AN INTEGRAL PART OF THE MANUFACTURING CYCLE

In the past, many materials have been used and then reused in the manufacturing cycle, but only when this was immediately profitable to the manufacturer. When iron could be produced a few cents a pound cheaper from ore than from salvage, the salvage was allowed to accumulate, even though the total cost to the community, adding the cost of handling the salvage to the original cost of the commodity, was greater than if the salvage had been carried out by the original processor. In other words, private industry can reuse its wastes and discarded products more cheaply than governmental agencies, local, state, and national, are able to dispose of them. It will be cheaper for the public to pay a slightly higher price for the product, than to pay for the products, and then to pay again through local taxes, for their disposal.

Therefore the following suggestion is made:

Whereas the rate of consumption of our natural resources threatens to outrun the sources of supply, especially with the current rate of increase in the population; and

Whereas the welfare of the United States is threatened by the unsightly accumulation of discarded products (conspicuously that that of automobiles), and

Whereas the resources, equipment, and industrial skills of industry make it possible for industry to salvage materials more

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economically than can be done through tax-supported agencies.

Be it resolved that the processors and producers of manufactured products, especially automobiles, be required to salvage and reprocess a legally determined ratio of their previous products as a part fo the privilege of placing additional products on the market; and

Be it further resolved as a means to this end, that transportation rates as approved by the Interstate Commerce Commission (or its successors or other appropriate agencies) be allowed to be radically lower to permit the economical return of discarded products to the areas of their origin.

(Since most railroad and motor automobile transports make their return trip empty, it would be expected that these carriers could make a profit on a return load at a rate approximately 25% that of the original tariff: in an area where the delivery charge is $100, this would add $25 for the cost of the new car to finance the return of an older product.)

It is to be required that the materials be salvaged rather than simply disposed of: this is to conserve our resources and to prevent meeting the requirement by a cut-and-fill operation that loses the material to the economy.

The re-use of the metals is obvious, and to a limited extent has been carried on from the beginning of the industrial process. Fabrics can be recycles into the paper and carton industry. Glass can be pulverized and used as aggregate in concrete block. Plastics can be heat-and-pressure formed into building bricks.

There will be situations where the use of the material at the point of destination would be more economical than to require its return. In such cases, the unused cost of re-transportation could be applied to the cost of salvage and re-cycling, perhaps amounting to $25–$40 per automobile on the west coast.

This requirement of re-cycling becomes increasingly important as manufacturing processes move more and more into automation, enabling the machines to inundate the countryside with products that require less and less labor in their production. Re-cycling of the product would require the use of a considerable amount of unskilled and semiskilled labor; this is greatly needed at this time of emphasis upon urban renewal, and the use of human resources not now profitably contributing to the welfare of society.

The principle has a much wider application than just to automobiles.

Home construction.—The needed ratio of new units to obsolete units could be determined.

Roughly estimating, we probably need an increase of 25 per cent in the number of available units in the country as a whole, and could therefore work toward a ratio of salvaging an equivalent of 80 per cent of the floor area being created. Building permits would only be issued as the existing buildings to be demolished were specified as a condition of granting the permit.

At the present time, salvaging of buildings can produce 50 per cent to 100 per cent of the cost of the salvaging operation, which should run less than 10 per cent of the cost of constructing the building. Thus, a $100,000 building can be salvaged for $10,000, producing materials worth $5,000. If the ratio of salvaged area to new area is 4:5, the cost of requiring the salvage would be four per cent of the new building, which is less than the annual current increase due to inflation. This cost would be sharply less than the current costs of urban renewal processed through governmental agencies. (It might be possible to give credit toward city construction of the demolition of old buildings in rural and small town areas—thus cleaning up after those who have moved from the countryside to the cities).

Factory, commercial, warehouse, etc., construction could be assigned a similar ratio, based on need.

Paper and containers.—A ratio of used newsprint and cardboard containers could be assigned, perhaps recycling 25–40 per cent of the total product. This would greatly reduce the amount of contaminants now being placed in the air by burning in many areas of the country, as well as conserving resources.

Glass.—It will be more costly to reduce glass to aggregate than the value of the aggregate, yet glass in the form of non-returnable bottles is a major problem. Mechanical retrieval of glass is not difficult, and the cost of ultimate disposal of the glass could be built into the original cost of the glass. It should be noted that we are paying this cost now, but through taxes for disposal purposes, and these should be passed on to the user, through the manufacturer. Why should I be taxed to pick up another man's bottles?

As in all similar operations, credit should be given to the manufacturer for all products he removes from circulation and recycles. If a manufacturer of glass bottles sells 1,000,000 bottles in that area, with a 2 cent disposal charge levied against them, and is able to collect 1,000,000 bottles and reduce them to aggregate without cost to the government, he could have the $20,000 returned to him. If the bottles are shipped to Los Angeles, the agency there that destroys them could be paid the $20,000 (less the bureaucratic cost of transporting the money and counting the bottles out by weight!)

General metal products.—Manufacturers of metal products in general could meet their obligations by the purchase and re-cycling of salvage metal equal to 40–50 per cent of the weight of their new products. This would provide a steady market for the present salvage dealers, and make it profitable to keep our areas cleaned up.

Tires.—Their disposal would be partly coordinated with automobile salvage, but would need to be broader than this. The salvaging of two tires for every three produced might be a fair ratio. The re-cycled materials could be used in heavy-duty floorings, etc.

Plastics.—A great portion of the plastics are thermoplastics, and could be heat-formed into bricks or building blocks, and the cost (less the value of the product) could be assessed against the original tonnage of the product.

Tin cans.—A charge of one cent per can, transferable to whatever agency re-cycled the material, might be adequate. This would be about a 5 per cent charge against that part of the grocery bill which is marketed in cans, and a 2.5 per cent charge against oil marketed in cans. Considering the value of the salvaged material, it is doubtful whether this would be more than the present slightly lower cost of the canned product, plus the tax cost of disposing of the refuse.

Allied, but not a part of this suggested legislation, is the conversion of organic wastes into fuel.

Simple trash would probably need to continue to be disposed of by cut-and-fill in many areas.

I have no chemical solution to the problem of detergents, but feel that the soap industry could be charged for the necessary research to find the solution.

Industrial wastes need to be chemically converted to usable, or at the last inert compounds before disposal, and the cost to be borne by industry (naturally made a part of the cost of their product).

These suggestions place the cost where it belongs, rather than concealing the true costs as at the present time, when the consumer pays only for the product, and his neighbors are taxed to clean up after him.

CHESAPEAKE BAY ECOLOGY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. GUDE. Mr. Speaker, in January of this year, the Fish and Wildlife Service of the Department of the Interior published the National Estuary Study which includes, in volume 3, an excellent survey and study of the resources of the Chesapeake Bay. I commend this study to the attention of my colleagues, because it pertains to the hearings recently conducted by the Public Works Committee to explore the impact of the enlargement of the Chesapeake and Delaware Canal upon the ecology of the Chesapeake Bay.

For many months, I have been concerned about the effect of the diversion of fresh water from the bay through the canal which will result when the canal is widened and deepened to improve shipping access to the Port of Baltimore. The questions which have disturbed me are summarized in an article by Naomi S. Rovner, published in the Baltimore Sun on March 21, 1970, which follows by way of introduction to the Interior Department's study of the Chesapeake Bay. The canal enlargement is now about 80 percent completed, but there has not been adequate consideration by the Corps of Engineers of the environmental side-effects of the project on the salinity of the water in the upper bay, and the consequences of a change in salinity for the commercial fishing industry of Maryland or the recreational uses of the bay. I think the Interior Department's study of the bay is an excellent analysis of a great commercial and recreational resource that is in danger, unless we pause to study the problem of fresh water diversion and alternative solutions.

The material follows:

C. & D. Canal Work Poses Threat to Bay, Gude Warns

(By Naomi S. Rovner)

Washington, March 20.—Representative Gilbert Gude (R., 8th) warned today that completion of the Chesapeake and Delaware canal project might spell disaster for the ecology of the Chesapeake Bay. He angrily dismissed as "completely unsatisfactory" an Army engineer's report minimizing the pollution potential of the canal project.

The $100 million 10-year project to widen and deepen the canal is scheduled for completion in June, 1972. It is considered of critical importance to the economic stance of the port of Baltimore in the East Coast competition for containership traffic.

But Mr. Gude warned today that in their haste to complete the waterway. Army scientists may have overlooked the possible impact on the ecology of the Bay.

"The potential for environmental disaster is much greater with the C. & D. Canal enlargement than with the atomic reactor at the Calvert Cliffs," Mr. Gude declared.

WARNED BY SCIENTISTS

He said he was first alerted to the possible dangers by four Johns Hopkins University scientists, who noted that the canal project will require a massive diversion of fresh water from the Chesapeake Bay to the Delaware Bay with the resultant increase in the salinity of the Chesapeake.

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The Hopkins professors who alerted Mr. Gude to the potential dangers of the project were John C. Geyer, chairman of the department of geography and environmental engineering, Charles E. Renn, and M. Gordon Wolman, professors in that department, and Owen M. Phillips, chairman of the department of earth and planetary sciences.

The scientists had urged that further canal work be postponed until the proposed hydraulic model of the Chesapeake Bay is completed and the actual impact of the canal could be adequately tested.

HARM TO OYSTERS FEARED

But, Mr. Gude pointed out that the Bay model itself is not scheduled for completion until 1976—long after completion of the canal.

In a letter to the Eighth district Republican, Col. Edwin D. Patterson, deputy division engineer, admitted that the Army could not assess the significance of the new flow patterns, especially during dry periods. He wrote: "the effect of these flows during dry periods on the characteristics of Chesapeake Bay is not known at this time, and I agree with you that these could be checked out in the Bay model when it is completed."

To this, Mr. Gude said today: "the Army thinks the Bay model would be fine to study what's going to happen after it happens."

The congressman noted that one possible effect of the flow and the resultant high salt content of the Bay water, would likely be a new invasion of the oyster killing protozoan parasite MSX, which thrives only in water with a high salinity factor.

The Army letter described the total inflow caused by the canal as "not likely to be significant over the long term of seasonally varying fresh water inflows into the Chesapeake Bay."

EARLY IMPACT FEARED

Mr. Gude said that his concern, however, was over the damage which could be caused, for example to the oyster beds, in a single dry season. Statistically, viewed over a hundred-year period, the Bay could recover, but in fact, the immediate damage could be disastrous, he said.

The Marylander said he had hoped that the dangers of the canal would be explored in hearings on the Bay model authorization requests late last year, and had written his request to Representative George Fallon (D., 4th), the chairman of the House Public Works Committee and a powerful proponent of the canal project.

Mr. Gude said he would urge investigation of the problem at the "highest levels," before the project has gone beyond the point of saving the Bay.

CHESAPEAKE BAY, MARYLAND AND VIRGINIA

INTRODUCTION

Queen of our Nation's estuaries, the Chesapeake has provided man with food, wealth, an easy means of travel, and satisfaction for some 5,000 years. Long before Captain John Smith established his band at Jamestown Island, the Indians had reaped a rich harvest of fish and shellfish, had gathered shells for making trading wampum, had plied its seemingly endless waterways in their dugout canoes, and had no doubt appreciated the magnificence of this great Bay.

The imprint the Indians made was small indeed—so small that evidence of their long tenure is difficult to find. Far different have been their European successors. Great changes have been wrought. Changes are still being made. Yet amid these changes there are still many areas of the Bay that appear virtually untouched. Others look much like they must have in Colonial times. The Chesapeake estuary retains fragments of all the different eras that have occurred from the most primitive to the most modern.

Although the major uses of the Chesapeake have changed little, the techniques by which the uses are effected have undergone considerable modification. Often uses are in direct conflict with each other. However, the estuary is so vast and the uses are so varied that the Bay has accommodated most of them. In the past few decades, however, it has become increasingly apparent that even this vast area—some 2,816,000 acres with 4,600 miles of shoreline, four major rivers, 50 large tributaries and countless smaller ones—is being transformed. Some of these changes are hardly evident and others have profound effects, far from the locations being changed—and many are in the best interests of only a few people but at the expense of many.

Waterborne commerce has always been among the most important uses for the Chesapeake estuary—some 110 million tons of cargo are shipped through the Bay annually. The ports of Baltimore and Hampton Roads have stimulated the growth of major industrial complexes that surround them. Hampton Roads is a vital element in national defense and is among the most important of all our naval bases.

The ports of Baltimore and Hampton Roads, their satellite cities, and the others that have developed around the Bay supported 11 million people in 1960—a population expected to more than double in the next 40 years. An additional 3½ million people live within a day's drive from the Bay. The Chesapeake estuary is the southern anchor of the Atlantic coastal megalopolis that sprawls from Massachusetts to Virginia.

NATURAL RESOURCES OF THE BAY

In addition to providing a waterway, the Chesapeake estuary provides water to both run and cool the industries located on its margins. It has also provided a vast receptacle for the byproducts of both industry and man.

The Chesapeake is also providing, as it has since the first men arrived on its shores, a succulent harvest of seafoods. Almost 600 million pounds of fish and shellfish were reaped from Bay waters in 1966. The fishing industry is among the most colorful that presently exist on the Bay and provides a strong tie with the past.

Superimposed on the heavy commercial seafood harvest is an ever-increasing recreational fishery. It was recently estimated that fishermen spend some 2 million angler days annually fishing in the Bay. Countless others go crabbing and clamming for both fun and food. The marshes of the Chesapeake have provided prime hunting grounds for waterfowlers—initially making possible the survival of the settlers by providing food, later supplying market hunters. Now the marshes serve the sportsmen and bird watchers.

If you picture the Atlantic Flyway as a gigantic funnel, Chesapeake Bay is where the neck constriction begins. Most of the waterfowl produced on both sides of the James and Hudson Bays all the way up to Greenland funnel into the Chesapeake marshes on their southward migration. As a wintering area for waterfowl, the Chesapeake salt marshes have few equals. More than 75 percent of the wintering population of Atlantic Flyway Canada geese occurs on or near tide water, from Kent County in Delaware to Hyde County in North Carolina. The marshes and grain fields of the Delmarva Peninsula are particularly attractive to Canada geese and to grain feeding black ducks and mallards. In the early fall, home is the Susquehanna flats for huge flocks of American widgeon. Several species of diving ducks including the canvasback, redhead, ring-necked duck, and sometimes, scaup, winter on Chesapeake Bay from the Susquehanna flats south to the confluence of Bay and ocean at the tip of the Delmarva Peninsula. About half of the 80,000 whistling swans in North America winter on the estuaries of Chesapeake Bay and Currituck Sound. Much of the breeding area in the Atlantic Flyway is still wild and remote. It can be counted on to send hundreds of thousands of new birds winging down the flyway each fall. But good wintering areas, adjacent to preferred feeding grounds, are relatively scarce, and as human populations inevitably expand, the size, number, and quality of these wintering areas will diminish accordingly. At present, Chesapeake Bay provides some of the best and most heavily used waterfowl wintering habitat remaining in the Flyway. It is also home for muskrats, raccoon, white-tailed deer, rails, snipe and a host of other shore birds and song birds. It is imperative that this habitat be protected and where possible, enhanced while it is still possible to do so.

In addition to the fine beaches, spectacular marshlands, and scenic harbors, the Chesapeake estuarine area includes some of the Nation's most prized historical treasures. Jamestown Island, Colonial Williamsburg, old Annapolis, and indeed the Nation's Capitol are among them.

In former times, the Bay provided a way of life for those who lived on its shores. "The Land of Pleasant Living" was far more than a catchy phrase adapted for the Chesapeake. It was a reality. And it is being rediscovered by many of the millions who live in the area—and many who don't, but have found it worth the trip to see and enjoy.

Fisheries resources

Of the $30 million worth of fish and shellfish harvested in 1966, oysters made up almost half the value. Some 20.0 million pounds of oyster meats were produced. This is only one-quarter the amount produced in earlier times. In 1880, oyster production was 117 million pounds. In spite of substantial improvements in both the technology and science of oyster culture, the harvest trend has been one of almost continuous decline. Efforts to restore the productivity of oyster bottom are continuing. From the all-time low of 1,200,000 bushels in the 1962–63 season, production in Maryland rose to more than 3,000,000 bushels by the 1966–67 season and has remained at or near that level since.

The introduction of the escalator clam harvester to Maryland waters in the 1950's marked the real beginning of the Maryland soft clam industry. The escalator dredge made possible the mechanical harvest of clams from sub-tidal flats. Over 600,000 bushels were harvested in 1964 and 1965. In 1966, some 7.4 million pounds of these clams were taken, worth about $1.7 million. Recent declines in production have been the result of smaller demand for Maryland clams. Some soft clams are produced in Virginia. In addition to being eaten, clams are used for both bait and chum by striped bass fishermen. Clams are among the most successful striped bass baits. The hard clam is more common in Virginia waters, but the fishing in Maryland waters is healthy and growing. In 1966, about 0.6 million pounds were taken, worth $0.4 million. The potential for increase in harvest of hard clams is great. More economical and efficient ways to obtain them must be developed so that they may compete economically with the larger surf clams from ocean waters.

Among the most valuable and least known of the Chesapeake shellfish, the abundance and harvests of blue crabs have fluctuated erratically from one year to the next. During the past 50 years, landings have ranged from 25 to 97 million pounds. Even with a shortage of crabs in 1968 and 1969, production has been at an all time high through the current decade. The 95 million pound harvest made in 1966 was worth some $6.8 million, and a large harvest is predicated for 1970.

The recreational fishery for blue crabs is increasing yearly. The extent of this fishery is suggested by a 1963 Patuxent River study. During some 15,400 fishing trips the catch of crabs (46,500) almost equalled the catch of fish (58,000). Crabs were caught three times more quickly than fish.

The weight of fish landed from the Chesapeake has been almost triple that of shellfish. In 1966, 303.5 million pounds of fish were harvested, and 125.0 million pounds of shellfish. The value of the fish was only $7.3 million as compared with $22.2 million for the shellfish. An ever-increasing army of sport fishermen is spending more effort, time, and money fishing. In 1966, it was estimated that Bay anglers caught about 22 million pounds of fish. About $10 million in expenditures were generated by the fishery.

In addition to providing some 325 million pounds of fish directly to Chesapeake fishermen, the Bay serves as a gigantic nursery ground for fishes taken from North Carolina to Maine. The striped bass, weakfish, scup, summer flounder, and menhaden utilize the nutrient-laden estuary for growth, after which many migrate to the coastal waters of other States. An estimated 48 million pounds of striped bass were taken by anglers along the North Atlantic Coast in 1965. Many of these were caught in or originated from Chesapeake Bay. Further, the abundance of weakfish in New York waters has been related to the size of the Chesapeake Bay and North Carolina populations.

In both weight and value, menhaden catches exceed those of all other finfish. In 1966, about 243 million pounds, worth $3.9 million, was harvested from the Bay. Menhaden provide fish meal, oil, and bait for crabbers. Menhaden are completely dependent on estuaries during most of their first year of life.

Formerly, one of the most abundant food fish of the Chesapeake, the numbers of American shad have declined in recent years. In 1966, the Bay catch was 3.4 million pounds, worth about $0.3 million. Spring sport fisheries for American shad have developed in upper reaches of the Chickahominy, Mattaponi, Potomac, Rappahannock, Patuxent, the lower Susquehanna, and in Eastern shore rivers as well. The closely related but smaller alewife is also harvested during spring spawning runs. In 1966, 30 million pounds of alewives, valued at $0.5 million, were caught. The blueback herring and hickory shad are caught along with alewife. A unique recreational fishery exists for herring. Large dip nets are used to take the fish as they pass through restricted sections of small streams.

Striped bass is the most important food and sportfish from the Chesapeake estuary, six million pounds worth over $1 million, were taken by commercial fishermen in 1966. The sport catch probably equalled this. In addition to the some 12 million pounds harvested within the Bay, large quantities of stripers taken by sportsmen in coastal waters originated in the Chesapeake.

The trend in striped bass harvests, unlike most Bay fish, has been upward. It has been suggested that the increased fertility of the Bay may have been responsible for the rise in production. Whatever the cause, commercial striped bass landings, averaging less than two million pounds annually from 1890 to 1930, peaked close to three million pounds in the mid-1930's, almost six million pounds in the late 1940's, and near seven million pounds in the late 1960's.

Formerly among the most abundant of Chesapeake commercial and sport fish—55 million pounds were taken commercially in 1945—the croaker has almost disappeared. One million pounds were caught in the Bay in 1966. Cause for the decline has been attributed to severly cold winters and to predation by striped bass. Evidently, adult populations have not been able to recover to the point where they can produce sufficient numbers of juveniles to repopulate the Chesapeake estuary. Weakfish have also declined. In the Virginia part of the Bay alone annually commercial catches were over 10 million pounds prior to the 1940's. Since the 1950's, they have ranged from one to three million pounds. There has been a corresponding decline in weakfish taken by sport fishermen. These are only a few examples of the aquatic resources of the estuary. In addition to the fish, the marshes surrounding the Bay and the Bay waters too have provided a haven for waterfowl and other wildlife.

Waterfowl resources

The Atlantic Flyway has more than 32 million acres of wetland habitat and 96 percent of it is located from Maryland south. Only 4 million acres are of moderate to high value for waterfowl, and only 2½ million acres are salt-marsh, the type of high-quality waterfowl habitat found in the Chesapeake Bay. Estimates vary, but the bay area encompasses roughly one-third of a million acres of salt-marsh habitat of which about one-quarter of a million acres is of moderate to high value for waterfowl. Public owned wetlands in the Chesapeake Bay area total about 95,000 acres. Most of this habitat too, is high in quality and supports large populations of wintering birds. An additional 55,000 acres of quality marsh is owned and managed by approximately 380 private waterfowl hunting clubs. Thus, about 150,000 acres or approximately half of the salt-marsh in Chesapeake Bay is managed specifically for waterfowl and is likely to continue to be managed for this purpose in the foreseeable future.

In recent years, Chesapeake Bay has wintered approximatetly 550,000 ducks and 350,000 geese which provided an estimated 250,000 man-days of waterfowl hunting and 275,000 birds in the bag. Nearly 100,000 Canada geese, the king of waterfowl, are harvested on Chesapeake Bay, the queen of bays. The wily black duck, the colorful wood duck, and the sporting green-winged teal along with mallards, American widgeon, and when the season permits, several species of diving ducks make up most of the hunters bag in the bay area.

The tremendous morning and evening feeding flights of waterfowl along the eastern shore and in the southern part of the Bay provide an inspiring spectacle to casual travelers and visitors in this area. Several State and Federal waterfowl areas such as the Black Water National Wildlife Refuge in Maryland and Hog Island State Refuge in Virginia provide an opportuntiy for bird lovers to view, study, and photograph thousands of ducks and geese at relatively close range.

RESOURCE PROBLEMS

The Chesapeake estuary must be protected, conserved and restored so that the greatest number of people may be provided with the maximum amounts of useful fish and wildlife and related satisfactory recreational and aesthetic experiences that are compatible with other important uses of the estuary. Some of the other uses have resulted in permanent changes. The creation of ship channels, construction of wharves, industries, cities and suburban communities are all changes that have affected the estuary. Many of the changes have been harmful.

The estuary is continuum linking the land with the sea. It is affected by changes in both. Changes in ocean currents, water temperatures, and salinities influence the Bay waters. Changes that occur inland influence Bay waters and bottom and the life forms associated with them. For the full protection, conservation and restoration of the Chesapeake, all factors must be considered.

Erosion and siltation

The earth lost from the land to the Bay has hurt the farmers who need the soil for their crops, the shippers whose vessels must navigate shoaling channels, and the fishermen whose aquatic harvest is being stifled and lost. The Susquehanna River alone delivers some 600,000 tons of silt to the Bay annually, and about 2.5 million tons originate in the Potomac Basin. Silt deposition has reduced water depths 2.5 feet over a 32 square mile area at the north end of the Bay. Roughly one-half of the oyster grounds in the upper Bay have been destroyed or shifted downstream by sedimentation. Improved soil conservation practices have helped to reduce sediment loads in tributary streams, but greater efforts are needed to prevent erosion. It is the cities and suburban areas that are presently adding uncontrolled quantities of silt to estuarine tributaries. Erosion and sediment control measures should be developed and practiced by suburban developers, highway departments and other kinds of construction activities where quantities of soil are moved or exposed. Reducing the area and duration of soil exposure, protecting the soil with vegetation or mulch, and trapping the sediment in run-off water are all effective in reducing the amount of sediment that ends up on the Bay bottom. Reducing the volume of silt that enters tributary streams reduces the frequency for maintenance dredging in ship channels.

Shoreline erosion also contributes to the silt load. In the past 100 years, some 6,000 acres of Maryland shoreline have slipped into the Bay. The shoreline washed away is mostly privately owned. Some of it is worth up to $20,000 to $25,000 an acre. It is most distressing for the owners of waterfront to see it washed away. Nor does the silt stay put. In the shallow waters especially, the finer particles are continually deposited and resuspended by the action of tidal and wind-produced currents and the two-layered circulation pattern which creates a sediment trap in the upper estuary. Some may be redeposited in other shore areas, but much is washed into deeper water to create problems for aquatic life and for shipping.

The Maryland Department of Chesapeake Bay Affairs has created a Shore Erosion Control Division which helps in providing both technical and financial assistance. Efforts of this kind need to be strengthened.

Dredging and filling

Dredging is necessary to maintain and increase the marine commerce so vital to the economy of the entire Bay area. Baltimore, which handles an annual cargo of over 44 million tons valued at $2.2 billion annually, is among the three top ports in foreign shipping. Few other ports handle a greater tonnage of cargo than moves through Hampton Roads annually. Major shipping lanes include the 45-foot channel to Baltimore, and the Delaware and Chesapeake Canal and channel presently being deepened to 35-feet. Channels of lesser depth extend to Richmond on the James River, Fredericksburg on the Rappahannock, Washington on the Potomac, Havre de Grace on the Susquehanna, Salisbury on the Wicomico, and Crisfield on the Little Annemessex. In addition, there are more than 100 smaller navigation projects in the Bay and its tributaries.

Plans for construction of even larger tankers and container ships than those now in service mean that if the Bay ports are to maintain their strong position in marine commerce, existing channels must be further deepened. Maintenance dredging is needed for all of the channels to accommodate not only the sea-going freighters and tankers, but the commercial fishing vessels and the increasing numbers of pleasure craft as well. In Maryland alone, these number over 50,000.

Channel dredging in the Bay may have a

profound influence on water circulation patterns, salinities and aquatic resources. The expected increase in freshwater flow out of the deepened Chesapeake and Delaware Canal from 900 to 3,000 cubic feet per second will be reflected in higher salinities down-Bay. Completion of the hydraulic model presently being developed by the U.S. Army Engineers at Matapeake should help in determining the magnitude of the change in salinity.

Channel dredging has destroyed parts of some of the Chesapeake's most productive oyster beds by cutting swaths directly through them. The tons of muck removed from ship channels—the spoil—must be disposed of somewhere. All too often in the past, it has been dumped in the cheapest and most convenient location near the channel being dredged. In many cases, it did not take long before the spoil ended up back in the channel. The deposition of spoil from such dredging directly on top of oyster beds or so close that the silt smothers both the oysters and all other associated bottom life is also destructive.

The use of spoil as fill for low-lying areas and marshes can create valuable real estate. Haines Point and the waterfront parks that border the Potomac River at Washington, as well as the Washington National Airport, are largely constructed on mud dredged from the Potomac River. Spoil has also been used in the destruction of some of our most productive wetland habitat—habitat that is indispensable to our waterfowl populations. The marshes provide an important link in the food chain of aquatic life, and offers variety to the scenery—a naturalness that is becoming most important for our full appreciation of living. In the San Francisco Bay estuary, some 300 square miles of marshlands were destroyed before the value of these areas was fully appreciated. Hopefully, with the acceptance of the San Francisco Bay Plan created by the San Francisco Bay Conservation and Development Commission, the remaining marshland will be protected. The proper deposition of spoil is a most important aspect of any dredging project. The decision on how it is to be disposed of should be influenced not only by those concerned with the cost, but by the others, the fishermen, the hunters, and the recreationists who will also be affected.

Channel dredging must be held to the minimum actually needed for substantial amounts of boat traffic. All channelization activities should be reviewed by both State and Federal natural resource agencies as soon as they are considered in planning. The proper relocation of spoil must be considered as part of the project cost and not an extra amount being added to the project by special interest groups. The creation of additional marsh areas, desirable edges, protected bays, and islands could all be beneficial uses for disposal of spoil material if it could be stabilized for sufficiently long to establish protective plant cover. New methods must be created for utilizing spoil that will benefit fish and wildlife. The natural surroundings may be improved in some cases.

In Maryland, the loss of wetlands was estimated at 7 percent, and in Virginia 5 percent, during the period 1954 to 1966. It is further estimated that 18 percent of the Bay's present wetland habitats will be lost by the year 2000.

Insufficient access

Utilization of waterfowl and other wildlife resources on Chesapeake Bay is reduced because most of the wildlife resources are on the east side of the Bay and most of the people are on the west side. The problem is further complicated by the fact that most of the public recreation areas are also on the east side. There are relatively few public access or public use areas on the western shore of Chesapeake Bay adjacent to the Washington, D.C., Metropolitan Area. This is a major deficiency that should be corrected at the earliest possible date.

The lack of public access and public use areas on the west side of Chesapeake Bay is a lamentable situation located as it is practically on the front doorstep of the Nation's Capitol. A tremendous opportunity exists to acquire and develop a series of public waterfowling and waterfowl observation areas along the west shore estuaries where precious few exist at present. There is no better way to make wildlife conservation a truly meaningful term to suburban and inner city peoples of the greater Washington, D.C., metropolis area.

The need for access to the estuary was specifically pointed out in the recent report on landscape and recreation for the Potomac Valley. The need for public recreational facilities located on the shore of the Bay and its tidal tributaries is even greater. In summer, campgrounds are over-filled, public boat launching ramps are jammed with boaters, and marinas are choked with yachts. Both Maryland and Virginia plan to add to existing facilities. These efforts should be expanded and intensified.

There are also opportunities to retain much of the colonial flavor and to recapture parts of our history in such locations as Colonial Williamsburg, Jamestown Island, Mount Vernon, and some of the historic ante-bellum plantation on the north shore of the James River. It should also be recognized that many of the small waterfront communities, especially those on the eastern shore of Maryland and Virginia, should be encouraged to remain as they are. Scenic zoning, as suggested in the Potomac Valley report, could provide the opportunity to move back in time for generations to come. Such measures, when carefully planned and adhered to, could forever prevent the development of oil refineries such as that proposed at Piney Point in locations that should not be spoiled. They should also show where such industries could be sited.

Waterfront facilities, seafood restaurants, marinas, and a unique nautical Bay atmosphere has been extremely well-developed at Annapolis. Many other Bay ports could develop equally desirable facilities, on a smaller scale. For the larger ports, sections of shoreline could be devoted to such use. As the waters become cleaner, there will be far more interest in taking advantage of the open space they afford.

Pollution

Pollution has destroyed more than the recreational use and esthetic appreciation of the Bay. Pollution has caused extensive, if not irrepairable, damage to the oyster industry in localized areas. In a recent survey conducted by the Bureau of Sport Fisheries and Wildlife, a total of 42,255 acres of shellfish grounds were closed because of domestic sewage pollution. Loss of production from these areas were estimated at some 1.5 million pounds of shellfish, worth about $1 million annually. Also, the effluents from some industries, for example the pulp mill effluent on the York River at West Point, have a debilitating effect on oysters. Hampton Bar, located in the sewage polluted area of Hampton Roads, is one of the finest oyster growing areas in the Bay, but the shellfish are not safe for human consumption. The private oyster growers move these oysters from the polluted waters to clean waters of the Bay, where they purify themselves and become safe to harvest.

In addition to shellfish, some 254,000 acres of the Chesapeake estuary are less desirable to finfish because of pollution than they would be if unpolluted. Pollution offers a direct threat to anadromous fish such as American shad because when they migrate upstream to spawn and later move back downstream as spent fish or leave the river for the first time as juveniles they often must pass through some very seriously polluted river sections. The decline and almost complete disappearance of American shad from the Delaware River has been attributed to pollution. The portion of the James River from Richmond to Hopewell, the Rappahannock near Fredericksburg, the Potomac near Washington, and the Patapsco; all have serious pollution problems. Fish kills, especially of juveniles during summer, occur commonly.

Oil pollution is a serious threat. A single spill on the upper Bay cost the lives of 5,000 ducks. As ship traffic on the Bay increases to supply the needs of more and more people, new oil spills and greater destruction of waterfowl and their habitats can be anticipated. Industrial pollutants, pesticides, and human wastes flow into the Bay via several of the large water courses. The Anacostia, which flows into the Potomac River and then into the Bay is thought to be one of the filthiest rivers in the United States.

New power generating plants are being constructed along the shores of the Chesapeake estuary. Principal reason for their location on the shores of the estuary is to utilize the vast reserve of water for cooling. In the process, the Bay waters are heated. An exhaustive study on the effects of the newly constructed Potomac Electric Power Company plant at Chalk Point on the Patuxent River has shown that, although marine life will not be devastated by the addition of heated water to the river, there will be some localized problems. The effects of heated water from a newly constructed atomic powerplant of the Virginia Electric and Power Company on the James River have also been judged to be localized. The recently constructed hydraulic model of the James River, built for Virginia by the U.S. Army Corps of Engineers, was helpful in developing information on the probable dispersion of heated water. The larger model of the Bay should also be helpful in predicting the effects of future plants and possibly in suggesting the most suitable locations for such industries.

Pollution, pesticides, oil spills and noxious weed problems all serve to lower the wildlife carrying capacity of salt marsh habitats and in some cases to destroy waterfowl and other wildlife. All forms of pollution, pesticide poisoning, and oil spills could and should be eliminated or at least substantially curtailed. Action programs to eliminate or reduce these public menaces might well be initiated first and completed first on the Chesapeake Bay, one of the major playgrounds of the National Capitol Area. An all-out cleanup program for the Chesapeake Bay area might serve as a national and even international demonstration area, showing what can be accomplished by an enlightened public and a responsible Congress.

Control of pollution in the Chesapeake estuary will come as a result of extreme pressure. The recent pollution enforcement conference in Virginia concerning the James and York Rivers is a step in the right direction. With the exceptions of a few restricted and highly industrialized areas, the major pollution problem is from domestic sewage. Sewage treatment plants and methods for treatment are being improved, but with present rates of population growth, progress in this area has not been rapid. Heavy blooms of phytoplankton, caused by excessive nutrients from both sewage disposal and land drainage, have caused severe problems in localized portions of the Chesapeake estuary. In the Potomac, downriver from the District of Columbia, summer plankton blooms may become extremely dense. The amounts of oxygen consumed by these plants during the night or in cloudy weather is so great that fish can no longer survive. At such times, extensive fish kills occur. A chain reaction may occur since the decomposing bodies of the dead fish take more oxygen. The high silt concentrations in the Potomac River are thought by some to depress the growth of phytoplankton and reduce the fish kill hazard. The waters, especially those near metropolitan areas, have become aesthetically undesirable and hardly fit for any recreational use. The possibility of utilizing at least some of the sewage-produced enrichment is not entirely impossible. It was pointed out earlier that the highly enriched waters of Hampton Bar is among the finest oyster growing ground in the Bay. Further efforts are needed to explore methods for utilization of highly enriched waters, by shellfish or in other ways.

Two rooted aquatic weeds, both introduced from Asian countries, have caused severe problems in the low salinity or freshwater portions of the Chesapeake estuary. These are the Eurasian milfoil and the water chestnut. The Eurasian milfoil creates dense weed beds that take over the more desirable water weeds, suffocates or reduces that food available to oysters and clams, excludes fish from heavily weeded areas, and restricts and even prevents boats navigating through infested areas. An estimated 100,000 acres were affected in 1963. Chemical control measures with herbicides resulted in plant kills, but were expensive, and in some areas the rotting plants used up so much oxygen that other aquatic life was destroyed. A disease has attacked the plant, and by 1966 Eurasian milfoil had been reduced to occupy only about 50,000 acres and much of the milfoil there was in poor condition. The water chestnut is a floating aquatic that often completely covers the waters. In 1939, about 9,000 acres of the Potomac River and its tributaries were blanketed by this plant. Other Bay tributaries are also choked by water chestnut. Presently, the U.S. Army Corps of Engineers has almost eliminated this pest from the Potomac River.

All of the noxious conditions, plants, and animals in the Bay are not the result of man's activities. Some, such as the mosquitoes and poison ivy are natural to the area.

In the Chesapeake, probably the greatest deterent to aquatic recreation of any kind, especially swimming and water skiing, is the sea nettle or jellyfish. Sailing, fishing, clamming and crabbing are also discouraged by the hordes of nettles that become so abundant in summer month. Commercial fisheries, especially those in which nets are used are seriously hampered by these pests. Sea nettles and the closely related comb jellies or ctenophores are voracious feeders. They compete directly with larval fish and shellfish for food and devour the larvae as well. A sea slug has been discovered that preys on young jellyfish. Some fish also feed on them. Although the immediate outlook for control of sea nettles is not encouraging, the discovery that meat tenderizer is a most effective remedy for painful sea nettle-produced irritation should take some of the sting from this serious problem.

Natural enemies have severely reduced oyster production, especially in the past decade. Oyster drills have always been a serious pest and are largely responsible for confining natural reproduction to those waters of low salinity. The oyster diseases Dermocystidium and Minchinia have caused extreme mortalities, especially in the more saline southern parts of the Bay. The deepening of the Chesapeake and Delaware Canal which will increase freshwater outflow from the Chesapeake into the Delaware Bay from some 900 to 3,000 c.f.s. will increase the salinities and may provide more favorable conditions for oyster diseases and enemies.

Water resource developments

The amounts of freshwater reaching the Bay influence not only the oysters and their enemies and diseases, but also the rate at which bottom water from the Atlantic offshore from the Bay mouth moves into the Bay. These bottom currents are the currents that can transport larval menhaden, croaker, summer flounder, and spot to rich Chesapeake nursery areas.

These fish spawn offshore from Chesapeake Bay. The inshore movement of eggs and larvae depends on the inshore movement of subsurface currents. Bottom currents move into Chesapeake Bay from as far as 35 miles offshore. These inshore currents are strongest during periods of maximum freshwater discharge. The reduction of freshwater inflow into the Chesapeake Bay or the diversion of large quantities through the Chesapeake Delaware Canal could influence the quantities of fish larvae that reach the favorable growing areas within the estuary.

The diversion of freshwater through the Canal could profoundly influence migration patterns of shad. In migrating to north Bay spawning areas the fish may move via the Delaware River and Chesapeake and Delaware Canal rather than traverse the entire length of Chesapeake Bay. Some striped bass already use this route.

Since the Susquehanna River is the major freshwater source for the Chesapeake estuary and it is presently among the least utilized of all water sources in the U.S., we can expect that there will be increasing demands for water from Philadelphia and the New York City Area. Survival of young bass is better when the amounts of fresh water are greater.

The consequences of water diversions among the river systems within the estuary or beyond the Chesapeake basin should be clearly understood before diversions are planned. The hydraulic Bay model will be helpful in predicting hydrographic changes. This information will be useful to scientists in predicting biological changes.

Too much freshwater especially if it comes during the warm weather can be as harmful as too little. Rainfall-caused freshets, often associated with hurricanes, reduce salinities in upriver oyster grounds and have resulted in complete kills of oysters in those areas. Further—some deepwater areas of the Bay become devoid of oxygen during late summer months. At times these anerobic waters overlap and destroy deep-water oysters. During such periods, aerohydraulic pumps, now being used with some success in re-oxygenating reservoirs, could be useful in preventing anerobic conditions.

The effects on the estuary of water developments in all parts of the watershed should be thoroughly considered. Proposals for dams or other water control structures should include provisions for managing the salinities and bottom current patterns in estuarine areas. Salinities control oyster drills and diseases and directly affect survival of oysters. Bottom current patterns at the mouth of the Bay affect the recruitment of fish eggs and larvae into the Bay from the Atlantic Ocean.

Control of freshwater inflow to the estuaries is influenced by dams. The location of dams in esturaine tributaries is extremly important to Bay fish, especially the anadromous fish that must ascend freshwater streams for spawning. Probably the most important single factor in reducing shad runs in Chesapeake Bay has been the blocking of spawning and nursery areas by dams.

Spawning runs of shad formerly ascended some 300 miles up the James River, but dams at Richmond have eliminated them from this part of the River. Dams have also reduced shad runs on the Chickahominy, Rappahannock, and Susquehanna Rivers. At least three studies have been made to determine the feasibility of restoring runs to the Susquehanna River. The most recent of these concluded that most of the river was suitable for shad spawning and survival of young. Rivers such as the James, Rappahannock, and also the Potomac which has a natural barrier, could all provide good spring sport fisheries and increased runs of commercial fish. The amount of fishing that could be developed, proximity to numbers of people, and the costs would need to be considered on an estuary-wide basis to develop priorities for the construction of fish ladders that may be desirable.

The possibility of further blocking fish by water control structures in estuaries must also be considered. Proposals have been made from time to time for low level dams in the tidal freshwaters of the James and Potomac estuaries. As pollution become less of a problem, developments of this kind will receive more serious consideration. The effects of such structures on anadromous fish runs may be crudely predicted from the results of a smaller structure of this kind built at Walkers on the Chickahominy River. In this case, shad spawning both above and below the dam were seriously reduced, but river herring thrived in the reduced currents. One of Virginia's best shad rivers became a herring stream as a result of this dam. Therefore, the effects on fisheries of all proposed freshwater control structures in the estuaries should be given serious consideration.

Institutional relations

The governmental agencies, local, State, and Federal, that have developed for managing the resources is both imposing and staggering at first glance. In addition to local, county, and city organizations, each of the States has several agencies directly interested in the conservation and development of the Chesapeake estuary. In Maryland, these agencies include the Maryland State Planning Department, Department of Water Resources, Department of Chesapeake Bay Affairs, the Natural Resources Institute, Chesapeake Biological Laboratory, Department of Game and Inland Fish, Maryland Port Authority, State Department of Health, Department of Forests and Parks, Department of Economic Development, and the Board of Natural Resources. The Chesapeake Bay Institute and the Geological Survey of Johns Hopkins University also have a longstanding and direct interest in the estuary.

In Virginia, the Department of Conservation and Economic Development, Commission of Marine Resources, Commission of Game and Inland Fisheries, Virginia Institute of Marine Science, and State Water Control Board all are directly interested in the Bay. The Federal Government also has had a long and active role in the Chesapeake estuary. Military activities have been of paramount importance. Further, from the natural resource and recreational viewpoint, some military installations are located on parts of the most valuable Bay shoreline. When these areas are no longer needed from the military point-of-view, they will be most valuable for recreational and natural areas.

The U.S. Army Corps of Engineers has been involved in the Chesapeake Bay for some time. In addition, the Soil Conservation Service, Department of Housing and Urban Development, Federal Water Pollution Control Administration, Bureau of Outdoor Recreation, Bureau of Sport Fisheries and Wildlife, Bureau of Commercial Fisheries, Geological Survey, and the Office of Water Resources Research are also involved.

Three Interstate compacts have been created each of which has an important bearing on the natural resources of the Chesapeake. These are the Interstate Commission on the Potomac River (Maryland, Virginia, West Virginia, Pennsylvania, the District of Columbia, and Federal Government), the Potomac River Fisheries Commission (Maryland and Virginia), and the Atlantic States Marine Fisheries Commission (Maryland and Virginia and all other Atlantic Coastal States). An additional interstate compact for the Susquehanna River basin (Maryland Pennsylvania, New York, and the Federal Government), presently under consideration, needs only Congressional approval. If new amendments are passed by Congress, the Interstate Commission on the Potomac River

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will have added responsibilities concerning comprehensive water and land resources planning.

For years, the fishery biologists and oceanographers of both Maryland and Virginia have worked together on joint studies. Recently, this arrangement has been formalized by the creation of the Chesapeake Research Council which includes representatives from the Virginia Institute of Marine Science, Chesapeake Biological Laboratory, and the Chesapeake Bay Institute.

The Atlantic Estuarine Research Society, started in 1949, has been a Chesapeake oriented group. As professional biologists and oceanographers who meet twice each year, the group has strengthened the scientific understanding of Chesapeake Bay problems. The Chesapeake Bay Foundation, Inc., is a new conservation organization dedicated to preserve the environmental integrity of the Bay. The appearance of this new organization is significant in that it reflects an increasing citizen interest in the natural aspects of the Chesapeake.

The broad spectrum of activities that are supported by the Chesapeake Bay, the bewildering array of interests, and the conglomeration of local, State, Federal, and inter-state agencies that presently share responsibilities in the Bay area is astonishing. Many have suggested that there is a real need for a new approach to all of the problems.

In their 1969 Report to the Committee on Multiple Uses of the Coastal Zone of the National Council on Marine Resources and Engineering Development, the Corps of Engineers, and the Advisory Group to the Chesapeake Bay Study pointed out the need for a coordinated approach to Bay problems and suggested the establishment of specific task forces to provide for the development of a Bay plan. Central to this planning effort would be the hydraulic model of Chesapeake Bay. The need for comprehensive Bay planning is recognized by all.

Among the suggestions for a lead agency has been the development of a new interstate compact for planning and management of the Chesapeake as an entity. Such compacts have been successful in other river basins. California's San Francisco Bay Conservation and Development Commission, while not an interstate compact, has been successful in bringing together all of the different interests into a unified plan. The Chesapeake is more complex than San Francisco Bay, however, with direct involvement of the many Federal agencies and those of Maryland and Virginia, and the District of Columbia. Because of the Chesapeake and Delaware Canal, Delaware also would have an interest. The Potomac River, Susquehanna River, Potomac River Fisheries and the Atlantic States Marine Fisheries Commission would also be involved.

As an alternative to the creation of a new agency, the strengthening and more complete coordination of existing agencies has been suggested. Such a move could involve the restructuring and consolidation of existing agencies; Maryland has already implemented important changes in their governmental structure. These changes, when completed, will result in fewer agencies dealing directly with Chesapeake Bay problems.

Management of the fishery and wildlife resources of the Chesapeake estuary has been erratic. Until recently the needs for public recreation, open spaces, and environmental quality received almost no consideration at all. There have been conflicting interests and viewpoints from the early days. Beginning with the awards of the Crown charters to Lord Culpepper and Lord Baltimore in the early 17th century, Maryland and Virginia have differed on the location of their boundaries, shipping tolls, and fishing rights. These disputes have lasted for some 250 years. There are still differences to be resolved. Although there is no need for the adoption of standard regulations by either Maryland or Virginia, the states are so close, the fishery resources so similar, and the fishermen so much alike that there should be a basic similarity in fishery laws. Yet this is not the case. Certain fisheries, illegal in Maryland, such as purse-seining and using a patent dip in trotlining for crabs, are encouraged in Virginia. There are also differences in fish length limits, weight limits, and net types in each of the States. The differences in management of the blue crab in Virginia and Maryland have caused serious and sometimes heated controversies.

The numbers of young crabs produced in a given year are not closely related to the numbers of adult crabs that produced them. In extreme cases, an inverse relationship appears to exist. Small populations of adults often produce large populations of young while large populations of adults produce small populations of young. Obviously, a sufficient number of adults is necessary to provide for some progeny.

The average life span of a blue crab is only two years. If not harvested during that period, the crab dies naturally. Therefore, the supply of crabs available to the fishery in a given year depends largely on the success of reproduction or survival of young two years earlier. Managing this fishery has been aimed at harvesting as many crabs as economically feasible—while insuring for an adequate spawning reserve. There has been much controversy over the number of crabs needed for a spawning reserve.

During the fall, most of the gravid female crabs migrate toward the saline waters near the mouth of the Bay where spawning will occur. In winter, these crabs bed down in large concentrations, at which time they are heavily fished by Virginia crab dredgers. Maryland crabbers are understandably concerned about this fishery in which they do not participate and also feel that spawning stocks will be unduly reduced.

Fishery biologists have been unable to determine the full impact of this fishery on stocks of Bay crabs. When crab populations are low, the controversy heats up and often legislation is introduced for the purpose of conserving the crabs. Present research efforts include determining the abundance of young crabs so that the industry can prepare for the size of harvest they can expect. Also, there is a search for the combination of factors that determine the size of the population that will survive.

A concentration of effort by State, Federal, and academic agencies working together on biological, fishing industry, and economic problems from a Baywide point-of-view might establish the number of crabs needed to sustain the population. Maryland should be able to share in this fishery. The Maryland oyster industry would also be far more profitable if Maryland could buy seed oysters from Virginia. Establishment of the Potomac River Fisheries Commission was to help unify fishery management on the Potomac River.

There are not only differences in the fishery regulations between the States but also between State fishery agencies within the States. Fishery regulations for freshwater and for marine fishes differ.

A large share of the responsibility for the decline in oyster production has been brought about by man himself. In both Maryland and Virginia, the most productive oyster grounds were set aside for public use. There are 327,000 acres of public oyster bars in Maryland and 210,000 in Virginia. The less desirable grounds were leased to private oyster growers in Virginia. In 1920, harvests of oysters from Virginia's private and public oyster grounds were about equal. Because the private oyster growers employed efficient and effective management measures (the public grounds were virtually unmanaged), the harvest from private oyster grounds was six times that from the public grounds in 1954.

Management on the public oyster grounds has been prevented by a lack of funds and by the independent nature of the watermen themselves, who cling tenaciously to their old ways and their God-given, but rapidly diminishing natural resources. The unique fleet of Maryland skipjacks which formerly numbered over 1,000—only 50 are now left—must dredge while under sail. Although the restrictions are presently being relaxed, these laws have preserved one of the most picturesque—and certainly least efficient of all shellfish harvesting methods. It has been suggested that effective management of shellfish in the Potomac River alone would increase the value of harvest by $2.2 million.

Shortly after World War II, Maryland made a valiant effort to reduce the amount of fishing by limiting the numbers of fishermen who would be licensed to fish. The Maryland Management Plan was never fully implemented nor were the results evaluated.

Few of the fishery regulations have a sound biological or economic basis. There appears to be little logic in the selection of certain size limits for the different fish species. Culling of undersized fish from the catches by pound net, fyke net, or haul seine is both time consuming and wasteful because many of the fish released die before they are returned to the water.

Too—waterfowl regulations in the States of Maryland and Virginia are archaic and arbitrary. They are full of ambiguous terms and phrases that belong to a bygone era. The public's right to use public lands and waters is diminished. And the rules and regulations vary by drainages, counties and political sub-division, often without apparent reason or relationship to the wildfowl resources they purport to protect.

Both Maryland and Virginia should overhaul and modernize their fishery and waterfowl regulations. In all, there should be general agreement between States and separate State agencies on the laws.

Enforcement of the laws is often not consistent and sometimes not effective. In a recent five-year study on weakfish from pound net catches in the Virginia portion of the Bay, almost one-half of the catch was less than the legal length limit.

The rapidly growing sport fishery is overtaking the commercial fishery in some areas. In Maryland for example the catch of striped bass by sport fishermen exceeds that by commercial gear. Both Maryland and Virginia have devoted both time and effort to determine the amounts of angling, catches, and importance of the sport fishery. These efforts have been severely hampered because of inadequate funds. Too, such measures as provision of additional boat ramps, fishing piers, artificial reefs, and fishing beach access are needed on a larger scale than is presently possible.

Licensing all saltwater anglers and the sport crabbers could help to provide additional funds for the management and research that is presently needed. Too, such funds could be used to match available Federal funds. For the Chesapeake, saltwater fishing licenses could cost the same as for inland licenses but incorporate reciprocal fishing rights in the estuarine waters of each State.

Aquaculture has great potential for the Chesapeake estuary. The experimental rearing of oysters has met with some success. The principal need now is for the development of disease resistant strains. There is presently a sufficient amount of good oyster growing habitat in the Bay so that under the efficient and intensive management that could be applied by private operators and with a relaxation of the restrictions on shipment of seed oysters from Virginia to Maryland, the oyster industry could be substantially increased. The cost of increasing efficiency will be the loss of a colorful fishery, the skipjack dredges, and the traditional independence of Bay watermen.

Improvements are presently being made in holding and shedding blue crabs. Since the value of soft crabs far exceeds that for hard crabs, improvements in the efficiency of shedding operations will substantially increase the value of the fishery.

Summary and recommendations

Only a few locations in the Chesapeake estuary could be thought of as wilderness areas, but the Bay is still for the most part a great natural area. It is one of the few extensive natural areas that remain along the Atlantic Coast. The thriving industries around Baltimore and Hampton Roads and the industry of government at Washington, Richmond, and Annapolis have brought people to the vicinity of the Bay—in fact, some three and one-half million of them within a day's drive from the Bay and by the year 2000 there will be nine million more if predictions are accurate.

Increasingly large numbers of them look to the Bay for their fun—swimming, boating, fishing, hunting and for the pure satisfaction of getting a little further away from each other—and a little closer to a more natural setting. The harvest of finfish and shellfish, which also contribute to the quality of living near the Bay, and the fishing boats and watermen are all part of a complex that is changing.

Unfortunately, some of these changes are for the worse. The expected population increase will only accelerate the deterioration of the Chesapeake estuary unless vigorous steps are taken to reverse this trend.

Summarized below are some of the positive steps pointed out in this report that must be taken if the Chesapeake estuary is to continue to provide the needed environment for fish, wildlife, recreation, and esthetic satisfaction that it has in the past while also serving as the hub of a vigorous commerce. Some of these actions would be appropriate for initiation through efforts geared to and directed toward the preservation of its renewable natural resources.

1. Because of its proximity to the Nation's great cities and Capitol, as well as because of its size, importance in commerce, substantial harvests of fish and wildlife, and broad spectrum of recreational, historic, and esthetic values, the Chesapeake should be recognized as a primary target for Federal-State coastal zone and estuarine efforts.

2. A comprehensive plan for the Chesapeake estuarine resources and uses must be prepared to integrate local, State, Federal, and interstate needs.

3. Proper soil conservation measures should be encouraged, especially in new industrial, urban, and suburban developments to reduce destruction of the aquatic environment and the need for maintenance dredging.

4. Federal-State actions should be taken to reduce shoreline erosion on public as well as private lands.

5. Plans for all dredge and fill operations should be reviewed by the natural resource agencies affected who should have the right to veto those projects not in the total public interest. Development of a Bay plan should include specific recommendations for the location of shipping arteries. Too, new methods should be developed for the beneficial use of spoil material such as the creation of additional marshes or shoreline contours that would improve water circulation patterns.

6. Following completion of estuarine waterfowl marsh surveys, those marshes of highest priority should be protected by purchase, by zoning, or by use of tax incentives. Special efforts must be made to acquire marshes near suburban areas on the western side of the Bay for use of bird watchers as well as waterfowlers.

7. The need for access to waters of the Chesapeake estuary pointed out in the Potomac River Report is equally valid for the entire system. Access must include access to the Bay waters by boaters (harbors, marinas, launching ramps), campers, fishermen, swimmers, and hunters, and for those who only desire to spend some time near the water. There is far too little waterfront land in public ownership.

8. Plans for development of port cities should include adequate waterside parks and associated private facilities. Annapolis is an outstanding example of this kind of development.

9. Pollution abatement efforts must be accelerated and new methods developed to reduce and to utilize the high concentrations of nutrients that create undesirable conditions.

10. The locations for new industries should be carefully considered in the overall Bay plan. The locations should be designated so that they will provide a minimum conflict with other Bay uses.

11. Close coordination of local, State, Federal, and interstate agencies must be developed. Three methods of coordinating all interests have been proposed. These are: (a) coordination of all activities by a Federal agency, (b) creation of a new interstate commission for the Chesapeake estuary, and (c) strengthening and realigning State and Federal agencies to reflect present needs. The third alternative seems most appropriate for the Chesapeake estuary.

12. Laws concerning the fish and wildlife resources of the Chesapeake estuary are archaic. These should be completely reviewed and redeveloped. New State laws should be compatible for both States.

13. New funds are needed for recreational fishery programs. These should be obtained by a license for saltwater sport fishing.

14. Research programs need to be more responsive to present and future management problems. Some of the research should be geared to development of artificial propagation and Bay culture for fish and shellfish that presently have reproduction failures.

15. An attractive booklet or publication needs to be developed to describe the Chesapeake estuary and point out some of the problems and means by which these problems may be resolved.

PIOUS PICKPOCKETS AND TAX-FREE ARISTOCRACY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. RARICK. Mr. Speaker, today's mail is more than casually interesting, not for what is said but for who is saying it.

Our public welfare program is a total failure, and we all know it. We are about to consider legislation in that regard. Unfortunately, instead of correcting the evil which exists, we are about to compound it. Instead of lessening the burden on the working American, we are called upon to levy more and more taxes on him to support the nonworking elite in the style to which they would like to become accustomed.

When we talk about any kind of a tax increase, we are talking about money from the pocket of the working American. Any tax on business will be passed on to him by adding to the cost of what he buys. Any deficit spending will come from his pocket by increasing inflation. When we talk about more welfare payments, easier to receive, we are talking about more and more robbery of the important people in this country—the working American.

It is no great surprise to find the professional purveyors of the "social religion" invoking the power of government to tax the working American so that the welfare class can live in luxury. It is somewhat of a shock to find these religious quacks, operating from their tax-exempt sanctuaries, busily engaged in lobbying. It might even be considered by some old-fashioned Americans to be immoral for religious institutions to take the money donated to them for religious purposes—and then use that money for the purpose of lobbying and influencing Congress to impose more and more taxes on their members.

It should be of interest to all Members and to their constituents to know just who is behind this lobby, and I include in my remarks the communication received from the combined Catholics, Protestants, and Jews as well as that received from one of the newer fronts, the Urban Coalition Action Council, and a list of the individuals and other fronts involved in the latter. The council obviously is determined to impress Members with its participants, and it is only proper that the people should know their names as well—it is their money they are after.

The material follows:

U.S. CATHOLIC CONFERENCE,
Washington, D.C., April 7, 1970.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RARICK: You will soon be considering the recommendation of the Ways and Means Committee for enactment of HR 16311, the Family Assistance Act of 1970. On behalf of the Synagogue Council of America, the United States Catholic Conference and the National Council of Churches, we endorse the provisions of welfare reform contained in HR 16311.

Reform of this nation's welfare assistance system is a moral imperative which has strong support from our respective organizations. We believe reform of the system will be a significant contribution to the achievement of social justice for all citizens. The present system, in many respects, results in disruption of family life, and unnecessarily fosters dependency. It has resulted in many inequities and contributes to social unrest.

HR 16311 would move toward a humane system of income maintenance which would aid families while they are still intact, provide assistance to the so-called "working poor," and establish federal minimum standards for eligibility and benefits.

Our organizations have spoken out in favor of the type of welfare reform contained in HR 16311. We hope that HR 16311 will receive your favorable consideration.

Sincerely,

Bishop JOSEPH L. BERNARDIN,
General Secretary, United States Catholic Conference.

Dr. R. H. EDWIN ESPY,
General Secretary, National Council of Churches.

Rabbi HENRY SIEGMAN,
Executive Vice President, Synagogue Council of America.

THE URBAN COALITION ACTION COUNCIL,
Washington, D.C., April 7, 1970.

To Members of Congress.

From Lowell R. Beck, executive director.

Since you will soon be giving serious consideration to the problem of welfare reform, I urge you to read the enclosed statement, "Improving the Public Welfare System," just released by the Research and Policy Committee of the Committee for Economic Development (CED).

The CED is a private, nonpartisan organization of 200 leading businessmen and educators, which—after objective research and careful deliberation—recommends policies for dealing with issues of crucial importance to the Nation.

The enclosed statement was prepared by a CED subcommittee headed by Joseph C. Wilson, board chairman of Xerox Corporation. The names of the subcommittee members appear on page 5.

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CEDA: Committee for Economic Development of Australia, 343 Little Collins Street, Melbourne, Victoria.

IPES: Instituto de Pesquisas e Estudos Socials, Avenida Rio Branco, 156, Rio de Janeiro, Brazil.

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CEPES: Groupe National Français Comité Européen pour le Progrès Economique et Social, 29, Rue François 1er, Paris—VIIIe, France.

CEPES: Europäische Vereinigung für Wirtschaftliche und Soziale Entwicklung, 56 Friedrichstrasse, Dusseldorf, West Germany.

PEP: Political and Economic Planning, 12 Upper Belgrave Street, London, S.W. 1, England.

Keizai Doyukai (Japan Committee for Economic Development), Japan Industrial Club Bldg., 1 Marunouchi, Chiyoda-ku, Tokyo, Japan.

CED: Council for Economic Development, Economic Development Foundation, P.O. Box 1896, Makati, Rizal, Philippines.

SIE: Seminarios de Investigación Económica, Plaza del Rey, 1, Madrid—4, Spain.

SNS: Studieförbundet Näringsliv och Samhälle, Sköldungagatan 2, Stockholm O, Sweden.

CEDTT: The Committee for Economic Development of Trinidad and Tobago, P.O. Box 499, Port-of-Spain, Trinidad, W.I.

ESSCB: Ekonomik ve Sosyal Etüdler Konferans Heyeti, 279/8 Cumhuriyet Cad. Adli Han Harbiye, Istanbul, Turkey.

FOOTNOTES

[1] Voted to approve the policy statement but submitted memoranda of comment, reservation, or dissent, or wished to be associated with memoranda of others. See pages 63–67.

[2] Did not participate in the voting on this statement because of absence from the country.

[3] Non-trustee member, who took part in all discussions on this statement but does not vote on it.

JUDICIAL MEDIOCRITY VERSUS JUDICIAL EXCELLENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. FRASER. Mr. Speaker, the following words lifted from the New Yorker magazine's "The Talk of the Town" column of April 14, 1970, need no additional comment from me:

NOTES AND COMMENTS

A word about judicial mediocrity versus judicial excellence. A week or so ago, Senator Roman L. Hruska, of Nebraska, felt compelled to answer the charges of mediocrity brought against Judge G. Harrold Carswell, President Nixon's nominee to the Supreme Court of the United States, by remarking, "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers, and they are entitled to a little representation, aren't they? We can't have all Brandeises, Frankfurters, and Cardozos." This reminded us of some words written by Judge Learned Hand, himself one of the supreme jurists of our time (and a man who did not suffer mediocrities gladly), in appreciation of Benjamin Cardozo, shortly after Justice Cardozo's death, in 1938. We would like to share those words in these strange times:

"In all this I have not told you what qualities made it possible for him to find just that compromise between the letter and the spirit that so constantly guided him to safety. I have not told you, because I do not know. It was wisdom: and like most wisdom, his ran beyond the reasons which he gave for it. And what is wisdom—that gift of God which the great prophets of his race exalted? I do not know; like you, I know it when I see it, but I cannot tell of what it is composed. One ingredient I think I do know: the wise man is the detached man. By that I mean more than detached from his grosser interests—his advancement and his gains. Many of us can be that—I dare to believe that most judges can be, and are. I am thinking of something far more subtly interfused. Our convictions, our outlook, the whole makeup of our thinking, which we cannot help bringing to the decision of every question, is the creature of our past; and into our past have been woven all sorts of frustrated ambitions with their envies, and of hopes of preferment with their corruptions, which, long since forgotten, still determine our conclusions. A wise man is one exempt from the handicap of such a past; he is a runner stripped for the race; he can weigh the conflicting factor of his problem without always finding himself in one scale or the other. Cardozo was such a man; his gentle nature had in it no acquisitiveness; he did not use himself as a measure of value; the secret of his humor—a precious gift that he did not wear upon his sleeve—lay in his ability to get outside of himself, and look back. Yet from this self-effacement came a power greater than the power of him who ruleth a city. He was wise because his spirit was uncontaminated, because he knew no violence, or hatred, or envy, or jealousy, or ill will. I believe that it was this purity that chiefly made him the judge we so much revere; more than his learning, his astuteness, and his fabulous industry. In this America of ours where the passion for publicity is a disease, and where swarms of foolish, tawdry moths dash with rapture into its consuming fire, it was a rare good fortune that brought to such eminence a man so reserved, so unassuming, so retiring, so gracious to high and low, and so serene. He is gone, and while the west is still lighted with his radiance, it is well for us to pause and take count of our own coarser selves. He has a lesson to teach us if we care to stop and learn; a lesson quite at variance with most that we practice, and much that we profess."

CALENDAR OF THE SMITHSONIAN INSTITUTION—APRIL 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of the Smithsonian Institution for the month of April 1970. In addition to the regular calendar, I am also placing in the CONGRESSIONAL RECORD the schedule for the Smithsonian Film Theater which runs from April through June 1970. I am sure that my colleagues as well as the American people will find many events of interest in both the regular monthly schedule and the Film Theater series.

APRIL AT THE SMITHSONIAN

WEDNESDAY, APRIL 1

White House news photographers.—Exhibition of award-winning photographs from the Association's annual competition. Arts and Industries Building, through June 1.

Smithsonian film theatre.—A Short History of Animation. The story of animated cartoons, from magic lantern presentations to Mickey Mouse. 2 p.m., auditorium. Musem of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Paul Spehr, motion picture specialist, Library of Congress.

Informal concert.—Catherine Meints and James Caldwell, violas da gamba with harpsichord. One-hour performance of 16th and 17th century gamba music, 4:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

Botanical prints.—A sales exhibition of prints by California artist Henry Evans, offers a new series of Botanical Plants, a unique creative contribution to the American art scene. Mr. Evans' "Portraits" of plants are in numerous museum and library collections. National Museum of Natural History. Through June 30.

THURSDAY, APRIL 2

Smithsonian film theatre.—A Short History of Animation. Noon and 1:30 p.m. auditorium, Museum of History and Technology.

SATURDAY, APRIL 4

Art protis.—Tapstries From Czechoslovakia, represents a sinking new method of tapestry production. The method allows great flexibility on the part of the artist, who need not leave the execution of his design to the tapestry weaver. 47 hangings, designed by some of Czechoslovakia's leading artists. *Art Centrum,* the Czech cultural agency, is the organizer of the exhibition. Arts and Industries Building. Closing indefinite.

Explorations.—The Massachusetts Institute of Technology exhibition prepared in collaboration with the Smithsonian's International Art Program as the intended official American entry in the 10th Sao Paulo Biennial of 1969. A complex invention by Gyorgy Kepes, Director of MIT's Center for Advanced Visual Studies, and a number of Fellows of the Center and other contributors, "Explorations" will have a multi-media "information center" employing slides, films, and recorded sounds to provide the viewer with a sense of this nation and its art. The second part of the exhibition will be "a community of objects, environments, and events," many using artificial lights. At the National Collection of Fine Arts, through May 10.

SUNDAY, APRIL 5

Lecture.—Art of Hopes and Fears by Gvorgy Kepes, Massachusetts Institute of Technology, Center for Advanced Visual Studies. National Collection of Fine Arts, Lecture Hall, 4 p.m.

TUESDAY, APRIL 7

Lecture.—Famous Sites and Festivities of Kyoto, 1550–1700, by Professor Alexander Soper, New York University. 8:30 p.m., Freer Gallery of Art.

WEDNESDAY, APRIL 8

Oom Pah Pah Circus.—The wonderful world of *William Accorsi,* artist, craftsman, designer and toy maker extraordinaire. A kaleidoscopic panorama of handcrafted, hand-painted, limited-edition animals, Indians, cowboys, ringmasters, weightlifters, clowns and acrobats. Arts and Industries Building Museum Shop. Through June 30.

Smithsonian film threatre.—The Fabulous Funnies. This study of a great American institution, the comic strip, is half documentary tribute to cartoonists, half entertainment. Narrated by Carl Reiner, 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History.

THURSDAY, APRIL 9

Lecture.—Stabilizing Interactions and Molecular Organization of Simple Viruses: Dissociation and Reasociation of Nucleic Acid and Protein Constituents, by Dr. J. M. Kaper, Virus Research Lab. 3 p.m., Smithsonian Radiation Biology Laboratory, 12441 Parklawn Drive, Rockville, Md.

Smithsonian film theatre.—The fabulous Funnies. Noon and 1:30 p.m., auditorium, Museum of History and Technology.

FRIDAY, APRIL 10

Concert.—Madison Madrigal Singers and world premieres by Washington composers: Harold Clayton, Robert Parris, Robert Shafer, Robert Rodrigas, Frederick Weck, and Rob-

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ert Woolen. 8:30 p.m., Granite Gallery, National Collection of Fine Arts.

SUNDAY, APRIL 12

D.C. Art Association Annual Exhibition.—Paintings by the Association's 20 member artists. Through May 3, at the Anacostia Neighborhood Museum, 2405 Nichols Avenue, S.E.

Poetry reading.—Carolyn Kizer, Maxine Kumin, Stanley, Kunitz, Denise Levertov, Howard Nemerov, Ann Sexton, Louis Simpson, William J. Smith, A. B. Spellman, and Mark Strand. At National Collection of Fine Arts, Granite Gallery, 3 p.m.

MONDAY, APRIL 13

Concert.—Estro Armonico: Jaap Schroeder, violin; Veronika Hampe, viola da gamba; Anneke Uittenbosch, harpsichord. Music of Cima, Uccellini, Castello, Stradella, Corelli, Bach, and Couperin. 8:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

WEDNESDAY, APRIL 15

Informal concert.—Emerson Head, trumpet; George Etheridge, alto saxophone; with Charlton Meyer and Evelyn Garvey, pianists, in a program including contemporary music and the Torelli Concerto in D Major for Trumpet. 4:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre.—The Goat; Buster Keaton Rides Again. Excerpts from Buster Keaton's films showing his unique method of humor, and a profile of the famous comedian. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History.

THURSDAY, APRIL 16

Encounter.—*The Ounces and Pounds of Environmental Protection.* Panel discussion with audience participation. Program Chairman: Sidney R. Galler, Assistant Secretary for Science, Smithsonian. Panel members: Calvert Ross Bregel, Attorney at Law; Irven DeVore, Department of Social Relations, Harvard University, Michael Frome, Conservation Editor, *Field and Stream;* Carl H. Madden, Chief Economist, Chamber of Commerce of the United States; James A. Oliver, Coordinator of Environmental Programs, The American Museum of Natural History; and Rep. Frank Thompson, Jr., New Jersey. 8:30 p.m., Museum of Natural History Auditorium. Doors will open at 8 p.m. Sponsored by the Smithsonian Associates and directed by William Aron, Head, Smithsonian Oceanography and Limnology Program.

Smithsonian film theatre.—The Goat; Buster Keaton Rides Again. Noon and 1:30 p.m., auditorium, Museum of History and Technology.

FRIDAY, APRIL 17

Illustrated lecture.—Endangered Wildlife Research at Patuxent. Dr. Ray C. Erickson, Assistant Director in charge of wildlife studies at Patuxent and seven field stations throughout the country, will describe and illustrate the work being done at the Center. Sponsored by the National Parks Association, 8 p.m., Museum of Natural History auditorium.

Exhibition.—Stamps and Posts of Scandinavia. Denmark, Finland, Iceland, Norway, and Sweden will display their stamps, postal history material and associated objects through June 21 in the Hall of Philately, National Museum of History and Technology.

SATURDAY, APRIL 18

Merlin the Magician.—From New York City—Jack Adams and a magical trip through time with King Arthur's lovable friend and teacher, Merlin. Natural History Auditorium. Two performances only—1:30 p.m. and 3:30 p.m. Public ticket price: $1.50 for children and $3.00 for adults. Sponsored by the Smithsonian Associates in cooperation with the Division of Performing Arts.

Exhibition.—Elliott Erwitt: Photographs and Antiphotographs. A photojournalist presents a series of satirical candids. National Museum of History and Technology, through July 12.

WEDNESDAY, APRIL 22

Smithsonian film theatre.—Global Festival. Works of cinema art created by famed film producers in five nations employing unusual techniques. *Boiled Egg and String Bean,* from France; *Overture/Nyitany,* Hungary; *Dom,* Poland; *Bridges-Go-Round,* U.S.; *Glittering Song* and *The Hand,* Czech. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Gene Weiss, Assistant Professor, Film Division, University of Maryland.

THURSDAY, APRIL 23

Environmental think-out.—A Smithsonian venture in environmental education as a follow-up to E-Day, the national environmental teach-in April 22. A continuous film series in Hall 10 of the Museum of Natural History, and a daytime discussion series, conducted by Smithsonian staff scientists on such subjects as the nature of ecology, pollution and population problems, and choices for the future, in the Museum of Natural History Whale Hall. Details of the schedule will be available at the information desks at each entrance to the museum.

Concert.—An evening of 20th century piano music presenting in his premier performance in Washington *Pierre Huybregts.* The concert will include work by Debussy, Louel, Verneiren, Scriabin, Messiaen, and James Wilson. 8:30 p.m., Natural History Auditorium. Sponsored by The Smithsonian Associates in cooperation with His Excellency The Ambassador of Belgium and Mrs. Loridan.

Smithsonian film theatre.—Global Festival. Noon and 1:30 p.m., auditorium, Museum of History and Technology.

Lecture.—Glycolic Acid and the Inhibition of Photosynthesis by Oxygen, by Dr. Martin Gibbs, Brandeis University. 3 p.m., Smithsonian Radiation Biology Laboratory, 12441 Parklawn Drive, Rockville, Md.

FRIDAY, APRIL 24

Environmental think-out.—See April 23 entry for details.

SATURDAY, APRIL 25

Music from Marlboro.—Ruth Laredo, Piano; Jaime Laredo, violin; Raphael Hillyer, viola and Robert Sylvester, cello. *Dvorak:* Trio in E minor, Oj. 90, "Dumky"; *Kirchner;* Senate Concertante; and *Brahms:* Piano Quartet in G Minor. Op. 25. National Museum of Natural History auditorium, 3 p.m. Tickets $3.75, $2.75, and $1.75. Co-sponsored by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. For further information call 393-4433.

Last Saturday jazz.—The Elvin Jones Trio. National Museum of Natural History auditorium, 8 p.m. Tickets at $2.00 may be purchased at the door. Presented by the Smithsonian Division of Performing Arts in cooperation with the Left Bank Jazz Society. For further information call: JO 3-9862 or 581-3109.

MONDAY, APRIL 27

American College Theatre festival.—The Sound of Bread Breaking, a new play writer and directed by Kenneth Regenbaum, produced by Lea College on Lake Chapeau, Albert Lea, Minnesota. The play uses music, and audience interaction to describe the early events in the life of Mohandas Gandhi which led to the development of his philosophy and the beginning of the militant, non-violent movement that liberated India. University Center Theater at George Washington University, 7:30 p.m. Presented by the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts, and sponsored by American Airlines.

Environmental think-out.—See April 23 entry for details.

TUESDAY, APRIL 28

American College theatre festival.—The Sound of Bread Breaking. 2:00 and 7:30 p.m. See April 27 entry for details.

A Gap In The Generations, written and played by the Los Angeles City College theater company, under the direction of Jerry Blunt. The play evolved from the company's study of "commedia del Parte," the Italian Renaissance comedy style performed by strolling player companies that were forerunners of the theatre of Moliere and Minsky. Ford's Theatre, 7:30 p.m. Presented by the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts and sponsored by American Airlines.

WEDNESDAY, APRIL 29

Smithsonian film theatre.—Global Festival Continued. Film artists from around the world use animation and special camera effects to examine modern man's problems in a seriocomic manner. *The Top,* from Japan; *The Question,* Britain; *Neighbors,* Canada; *Ersatz,* Yugoslavia; *Hypothese Beta,* France; *Time Piece, A;* and *Boundary Lines,* U.S. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Glenn Harnden, Instructor, Department of Communications, American University.

American College theatre festival.—A Gap in The Generations, 2:00 and 7:30 p.m. See April 28 entry for details.

THURSDAY, APRIL 30

Smithsonian film theatre.—Global Festival Continued. Noon and 1:30 p.m. Museum of History and Technology Auditorium.

Radio Smithsonian

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m., on radio station WGMS (570 AM & 103.5 FM). The weekly Radio Smithsonian program presents music and conversation growing out of the Institution's exhibits, research, and other activities and interests. Program schedule for April:

April

5. *Orchestra Sinfonia di Como.*—The Como, Italy, orchestra, conducted by Italo Gomez. *The Hammer Collection.* Dr. Armand Hammer, physician, industrialist and founder of the Hammer Galleries in New York, speaks about his life, and the acquisition of numerous art treasures.

12. *Chesapeake Bay Center for Environmental Studies*—Dr. Frank Williamson, Director of the Center, in conversation about the role of a unique study center, and how it contributes to the preservation of the environment.

The Flowering Death.—An economic hardship faces the Japanese: little is known about why a species of bamboo is flowering, then dying, in the course of a years-long cycle.

19. *The Art of Barbara Holmquest.*—A discussion of piano construction and literature from the performer's standpoint. Privateers. The history and scope of privateering, detailed by Dr. Melvin H. Jackson, Associate Curator in the Division of Transportation.

26. *The Machine Left Behind.*—Techniques to identify human remains, as applied and described by Dr. T. Dale Stewart, senior physical anthropologist.

Archaeology Beneath the Sea. Dr. Michael Katzev, Assistant Professor of Classical Archaeology at Oberlin College, explains the methods used in underwater archaeology.

Radio Smithsonian is also heard on WAMU-FM (88.5) Tuesdays at 4:30 P.M.

The Smithsonian Associates

You are invited to participate directly in the Institution's far-reaching education and research activities by becoming a member of The Smithsonian Associates. Through numerous programs for members, The Associates

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provides infinitely varied opportunities to explore the arts, sciences, and humanities. Educational courses sponsored by The Associates, scheduled for April are: Basic Photography; Film Making; Washington, D.C.; Classes for Young People; Intermediate Photography; Oceanography; Botany; Antiques; Fabric Design in Africa; Intermediate Film Making; Identification of Minerals; History of Life; Color Photography; and Art: The Common Language. These courses are by prior registration only. For information call 381-6158.

Museum tours

National Collection of Fine Arts

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381-5188 or 381-6100; messages 381-5180.

National Zoo

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—two weeks in advance—CO 5-1868 Extension 268.

Museum of History and Technology

Free public tours of the National Museum of History and Technology during weekends are sponsored by the Smithsonian and operated by the Junior League of Washington. They will be conducted on Saturdays and Sundays through May 1970.

The tours begin at the Pendulum on the first floor, and each tour lasts for approximately one hour. Saturday tours begin at 10:30 and at noon, and at 1:30 and 3:00 p.m. Sunday tours begin at 1:30 and 3:00 p.m.

Tours are available to anyone who wants to join the docent stationed at the Pendulum at the above-specified times. However, if you would like to plan a special group tour, call 381-5542 to make arrangements.

National Portrait Gallery

Tours are now available for adults and children at 10:00 a.m. and 11:00 a.m. Presidential Portrait tours on Friday by appointment. For information on adult tours call 381-5380; for children's tours, 381-5680.

The Creative Screen

Five curators of film have joined for presentation of *Explorations* by planning programs of films, by young film makers, which will illustrate the concepts central to the Massachusetts Institute of Technology exhibition opening on April 4. At the National Collection of Fine Arts. Programs will be approximately one hour each and will be run only once on April 9, 11, 16, 18, 23, 25, 30. Call 381-5175 for details.

SMITHSONIAN FILM THEATRE

APRIL–MAY–JUNE 1970

Wednesdays at 8 P.M.—National Museum of Natural History auditorium, Constitution Avenue at Tenth Street NW.

Wednesdays at 2 P.M. and Thursdays at noon and 1:30 P.M.—National Museum of History and Technology auditorium, Constitution Avenue at Twelfth Street NW.

Each program consists of about one hour of films.

Open to the public. No reserved seats.

Presented by the Office of Public Affairs, Smithsonian Institution, Washington, D.C. 20560. Telephone (202) 381-5166.

VERY SELECTED SHORT SUBJECTS

Wednesday and Thursday, April 1 and 2

A short history of animation.—The story of animated cartoons, from magic lantern shows to Mickey Mouse. (Sixty minutes). Evening introduction by Paul Spehr, motion picture specialist, Library of Congress.

Wednesday and Thursday, April 8 and 9

The fabulous funnies.—This study of a great American institution, the comic strip, is half documentary tribute to cartoonists, half entertainment. Narrated by Carl Reiner. (Sixty minutes). Evening introduction to be scheduled.

WEDNESDAY AND THURSDAY, APRIL 15 AND 16

The Goat—Buster Keaton Rides Again.—Excerpts from Buster Keaton's films showing his unique method of humor, and a profile of the famous comedian. (Fifty-five minutes). Evening introduction to be scheduled.

WEDNESDAY AND THURSDAY, APRIL 22 AND 23

Global festival.—Works of cinema art created by famed film producers in five nations, employing unusual techniques. Boiled Egg and String Bean, from France; Overture/Nyitany, Hungary; Dom, Poland; Bridges-Go-Round, U.S.; Glittering Song and The Hand, Czechoslovakia. (Seventy-nine minutes). Evening introduction by Gene Weiss, assistant professor, film division, University of Maryland.

WEDNESDAY AND THURSDAY, APRIL 29 AND 30

Global festival continued.—Film artists from around the world use animation and special camera effects to examine modern man's problems in a seriocomic manner. The Top, from Japan; The Question, Britain; Neighbors, Canada; Eratz, Yugoslavia; Hypothese Beta, France; Time Piece, A, and Boundary Lines, U.S. (Seventy-five minutes). Evening introduction by Glenn Harnden, instructor, Department of Communications, American University.

MAINSTREAMS

Wednesday and Thursday, May 6 and 7

Water famine—the majestic, polluted Hudson.—Two productions illustrate mankind's historic dependence on water, and current problems on major rivers. (Fifty-six minutes). Evening introduction by Dr. William I. Aron, Director, Smithsonian Oceanography and Limnology program.

Wednesday and Thursday, May 13 and 14

Wild River.—A National Geographic Society film contrasts Idaho's wild Salmon River with the polluted Potomac and Hudson. (Fifty-five minutes). Evening introduction by Dr. David Challinor, Director, Smithsonian Office of International Activities.

Wednesday and Thursday, May 20 and 21

The Colorado River.—Major John Wesley Powell's exploration of the Colorado River a century ago is retraced in a film by Joseph Judge, who will be present to narrate each showing. (Fifty minutes). Evening introduction by Joseph Judge, senior editor, National Geographic Society.

Wednesday and Thursday, May 27 and 28

Our man on the Mississippi.—The mood of the Mississippi is captured in a film which follows the mighty river from source to delta. (Fifty-nine minutes). Evening introduction by E. D. Eaton, Associate Director, Office of Water Resources Research, United States Department of the Interior.

HANDS AND HEARTS

Wednesday and Thursday, June 3 and 4

American Folk Art—America seen by Currier and Ives—New England folk painter.—A trio of films survey folk art, and the contributions of Erastus Salisbury Field and Currier and Ives. (Fifty-eight minutes.) Evening introduction by Richard E. Ahlborn, curator, Smithsonian Division of Ethnic and Western Cultural History.

Wednesday and Thursday, June 10 and 11

The Cooper's Craft—Potters of the U.S.A.—A master cooper shows fine techniques of barrel-making. Eight potters discuss their work and philosophy. (Seventy minutes.) Evening introduction by C. Malcolm Watkins, chairman, Smithsonian Department of Cultural History.

Wednesday and Thursday, June 17 and 18

Gunsmith of Williamsburg.—A documentary on flintlocks, and traditions of gunsmithing. (Fifty-nine minutes.) Evening introduction by Craddock R. Goins, Jr., associate curator, Smithsonian Division of Military History.

Wednesday and Thursday, June 24 and 25

Festival in Washington—Pottery production of North Georgia—End of an old song.—Scenes of the 1968 Smithsonian folklife festival, and films about an old-time Georgia potter and a Carolina ballad singer. (Eighty-five minutes.) Evening introduction by Ralph Rinzler, director, Smithsonian Festival of American Folklife.

JUSTICE IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. EDWARDS of California. Mr. Speaker, the final curtain has not yet fallen on the tragedy of Greece. The administration has at its disposal enormous power—as yet unused—to influence the outcome by making it clear the United States disapproves of the brutally repressive measures of the military junta and that our continued aid to that country will be conditioned on a speedy restoration of civil liberties and return to democracy. In that vein, I include a Washington Post editorial of this date in the RECORD:

"JUSTICE" IN ATHENS

"Severity," said the Greek deputy premier, introducing the new press-control law, "is the mother of justice and freedom." He meant it. A court in Athens has just sentenced five newspapermen and a former government minister to prison terms up to 4½ years, plus fines. Their offense: publishing in Ethnos an interview in which an appeal was made for restoration of democracy. The interview was intended to "cause anxiety to citizens," the junta averred.

In another ongoing trial in Athens, 34 alleged members of a resistance group called Democratic Defense are accused of acts ranging from bombing to seditious propaganda. Many of the defendants used the forum to claim that, as prisoners, they had been tortured. One case was particularly bizarre: the wife of professor George Maghakis had alleged last year that her husband was being tortured. He was then produced from his cell and he denied the allegation. His wife was given a four-year sentence for making false charges. At the current trial, however, Maghakis declared he had made his early denial only to spare his wife harm.

The regime's epidemic use of violence against its political opponents has been documented meanwhile in a new book, "Barbarism in Greece," by James Becket. An American lawyer who devoted several years to his inquiry, he lists by name 426 Greeks who survived their ordeals, 12 who did not. The practices of the junta turn your stomach.

The grimmest part of the Greeks' tragedy, for Americans, is their own government's support of the junta through common membership in NATO. By intermittent word, gesture and deed Washington has indicated some disapproval but it has felt compelled by strategic considerations, such as the deterioration in the Mideast situation over the three-year span of the junta, to keep up its alliance commitments. If there is no realistic basis for expecting the administration to diminish its presence in Greece, then there is no conceivable justification to increase its presence, say, by resuming military assistance at the old pre-coup level. In addition, Mr. Nixon ought to let the Greek people know he supports their right of self-determination, too.

XUM

NATION, BY 8 TO 1, OPPOSES BUSING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. COLLINS. Mr. Speaker, education is vital and important to every mother and father in America. Today these parents want their schools to concentrate on building better quality education.

Everyone was interested in the George Gallup report of April 5. It shows that Americans of all types, in every section of this country, want to see an end to this system of school busing.

I include the report in the RECORD at this point:

NATION BY 8 TO 1 OPPOSES BUSING

"We bought a house here so our children could be within walking distance of the high school. I'd blow my top if all of a sudden they had to be bused clear across town."

This comment, from a 40-year-old mother of three from Des Moines, reflects the views of many other parents interviewed in the latest Gallup survey on the issue of the busing of Negro and white children from one school district to another.

By the lopsided margin of 8-to-1, parents vote in opposition to busing, which has been proposed as a means of achieving racial balance in the nation's classrooms.

Opposition to busing arises not from racial animosity but from the belief that children should attend neighborhood schools and that busing would mean higher taxes. This is seen from a comparison of attitudes on busing with those on mixed schools.

Among white parents who express opposition to school busing, only one in four (24 per cent) says he would object to sending his children to schools where half of the children are Negroes.

These findings were obtained in a survey conducted March 13–16 in which parents were interviewed in person in all regions of the nation.

Evidence of the keen interest in the issue is the fact that 94 per cent of parents interviewed say they have heard or read about the busing of Negro and white children from one school district to another, a percentage which far exceeds that recorded for many other domestic issues.

All those who said they had heard or read about the issue were then asked this question:

In general, do you favor or oppose the busing of Negro and white school children from one school district to another?

BUSING?

Parents—nationwide	*Percent*
Favor	11
Oppose	88
No opinion	3

When Negro parents are asked the same series of questions, the weight of sentiment is found to be against busing.

Southerners are most opposed to busing, but regional differences are not great.

Persons who describe themselves as "liberals" hold views that differ little from those who call themselves "conservatives."

A 51-year-old Compton, Calif., housewife said, "I can't see people having to shell out a lot of money to bus kids around town. It's not a race issue with me—it just doesn't make sense."

A former educator gives another reason for opposing busing: "The time spent on a bus is completely wasted. If the same amount of time were spent in school or at home reading, children could cover at least a fourth more ground a year."

A 50-year-old Providence trucking executive is on the other side of the issue: "Busing would be the best thing for children in the long run. If whites and blacks get together in the schools, both will learn on an equal level and perhaps future relations between the races will improve."

Also in favor of busing is a Columbia University history professor, who said: "Whites may not like the system, but it's absolutely essential if we're ever to upgrade the quality of black education. We're all just going to have to sacrifice, that's all."

MILWAUKEE BOY SCOUTS WIN AGRICULTURE DEPARTMENT'S GREEN SEAL CONSERVATION AWARD

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. REUSS. Mr. Speaker, the Milwaukee Council of Boy Scouts has received the U.S. Agriculture Department's Green Seal Conservation Award—the only one given each year in the seven-State Boy Scouts of America Region VII—for its cleanup and conservation projects in Milwaukee parks.

The Boy Scouts work has helped make Milwaukee a leader in cleanliness among the Nation's cities—as the following articles from the Milwaukee Journal and the Milwaukee Sentinel document:

[From the Milwaukee Sentinel, Jan. 26, 1970]

CITY TOPS AT CLEANING UP

Milwaukee's civic improvement activities have been named best in the nation by judges in the 1969 National Clean Up contest.

The city's scrapbook entry will receive a trophy for the highest degree of accomplishment shown by a city of more than 250,000 population. The contest is sponsored by the National Clean Up—Paint Up—Fix Up Bureau.

The award is scheduled to be presented Feb. 24 in Washington, D.C.

[From the Milwaukee Journal, Jan. 21, 1970]

CITY SELECTED AS FINALIST FOR BEAUTY AWARD

Milwaukee has been named one of the finalists for the annual Trigg Trophy, the national award it won last year for having the best beautification program in the country.

The award is presented by the National Cleanup Paintup Fixup Council. The winner will be announced Feb. 24.

Milwaukee was named a finalist among cities with more than 250,000 population. The selection was made on the basis of a scrapbook presented by the Mayor's Beautification Committee.

[From the Milwaukee Journal, Feb. 24, 1970]

CITY AND BELOIT GET AWARDS FOR BEAUTIFICATION

Milwaukee and Beloit won honors Tuesday in Washington for their city beautification programs.

Milwaukee was one of the top 10 large cities and Beloit one of the top 10 smaller cities in competition sponsored by the National Cleanup Paintup Fixup Council.

Philadelphia received the annual Trigg Trophy, the award for the best program in the country. Milwaukee received the top honor last year.

CHARLESTOWN, IND., HIGH SCHOOL BAND AMONG CHERRY BLOSSOM FESTIVAL UNITS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following account of the successful efforts of the citizens of Charlestown, Ind., in raising funds for a trip to Washington for the Charlestown High School Band. The band is to participate in the annual Cherry Blossom Festival parade.

The article reads as follows:

IT'S CHERRY BLOSSOMS FOR CHARLESTOWN BAND

The small community of Charlestown, has achieved what many of its citizens once considered an "impossible dream."

Yesterday, in the city's main square, the leaders of a two-month fund drive jubilantly announced that enough money has been raised to send the Charlestown High School's Band of Pirates to Washington, D.C., for the National Cherry Blossom Parade.

An exact total wasn't available yesterday afternoon, but spokesmen for the Optimist Club, which coordinated the drive, said the band's travel fund now amounts to more than the required, $9,100.

It all began last November, when the band was invited to march in the Cherry Blossom Parade April 11. The students wanted to go, but the high cost of transportation loomed as a major obstacle.

OPTIMISM DIDN'T DOUBT

"Everybody was happy when they first heard about it, but then they were downhearted when they heard the cost," Larry Bledsoe recalled yesterday after announcing the good news over the loudspeaker on the Charlestown Volunteer Fire Department's fire truck. "Many people said we couldn't do it, but a few said we can."

One of those who was sure "it could be done," was Harold Goodlett, president of the Optimist Club. Goodlett was given much of the credit yesterday for the fund drive's success.

After making up his mind that the community could raise the money. Goodlett enlisted the help of a number of other organizations. For the past two months, they have been sponsoring auctions, rummage sales, bingo games, bake sales and other events.

Mayor Irvin Frazier presided at two fish fries, and teen-agers held dances for the band's benefit.

Yesterday, the fund-raising continued. Women sold ham sandwiches and cakes in the main square. A rummage sale was in progress nearby. A dance was planned for the evening. Other activities are scheduled for later in the week.

TOURS SCHEDULED

Goodlett had to work yesterday and couldn't be on hand as the drive went over the top. But Bledsoe read a letter in which Goodlett said Charlestown had accomplished "what many thought was an impossible dream. . . . We have gone forward together."

Band director Barry Smith said the 74 band members will leave Standiford Airport the evening of April 10 aboard a Purdue Airlines jet piloted by flight instructors from Purdue University.

The parade begins the next day at 11 a.m. The Charlestown youngsters will march 27 blocks down Constitution Avenue. They will return home April 12.

XUM

While they are in Washington, the students will tour public buildings and monuments. They also plan to visit U.S. Rep. Lee H. Hamilton of Indiana's 9th District and watch a Washington Senators' baseball game.

Some Charlestown residents feel the town's effort on behalf of the band could have some far-reaching benefits for the community.

"What impresses me is the feeling behind this" one bystander commented. "It has really drawn people together."

"The drive involved almost everybody," Mayor Frazier commented. "It was a unified effort."

AUSTIN OFFERS IDEAL CONDITIONS FOR SMALL, TECHNOLOGICALLY ORIENTED BUSINESSES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PICKLE. Mr. Speaker, I am pleased to report that the city of Austin, the central metropolitan area in my district, has been proven to offer near utopian settings for the small, but highly complex businesses, that offer the technical support necessary for our space and science programs.

Dr. J. C. Sussbauer, of Washington, D.C., has compared Austin and Madison, Wis., for his doctoral dissertation in management at the University of Texas—with statistical proof of something I have known all along: Austin is a great place to live.

At this time, I would submit a release issued by the UT News and Information Service which highlights Dr. Sussbauer's report. After reading this material, anyone interested in moving to Austin can call my office for details. The release follows:

Austin, Tex.

Austin, Tex.—Austin has proved to offer near-optimum conditions for the creation of small, technologically oriented businesses.

That is the conclusion reached in research done by Dr. J. C. Sussbauer of Washington, D.C., for his doctoral dissertation in management at The University of Texas.

For purposes of definitional study of what goes into the making of an "entrepreneur" (Webster calls him "one who assumes the risk and management of business; enterpriser; undertaker"), Dr. Sussbauer used Austin as a sample city.

Of the 39 technical businesses that had been started in Austin in the period 1939–1968, he chose the 22 which met his criteria of still being in business and whose principal organizers continue to reside in the community. He did not include firms founded outside Austin that opened local plants during the period.

In extensive examination of the 22 companies, Dr. Sussbauer found that the factors affecting the creation of small technical businesses in Austin, and the life experience of the men who formed them, in many ways support the generalizations applying to such activity across the nation. Some, however, did not support such generalizations, and some were found to apply specifically in the Austin area.

The factors that remain generally applicable are:

The relatively early age (median age 34) at which technical business creators break away from larger firms to operate on their own.

The appreciably lower rate of failure of technical firms as opposed to that of all small businesses (especially during the high-risk initial five-year period).

The higher educational level, together with a variety of previous work experience, of the innovator.

The reasons behind the willingness to leave the security of big business connections. Most often the motivation was found to be each man's version of the old American dream of "being my own boss," coupled with a high degree of confidence in his own ability to sell the firm or himself if the need arose.

While one other general assumption about what goes into the nature of an entrepreneur (having a father who was self-employed) proved to be statistically true of the Austin group, still, individually, most of them felt that this had little or no bearing on their own decisions.

It was generally felt that the desirability of life-style of a community plays a large role in the decision to start a company rather than leave, and that the presence of a university is a factor in itself. But here an interesting fact came to light.

The researcher used Madison, Wis., as a comparative to Austin. Though widely separated geographically, the two cities are closely akin in size, tax structure and recreational facilities. Both are state capitals and the homes of large state universities. Yet Madison lags far behind as a site of entrepreneurial activity.

What makes the difference? There are several possibilities, Dr. Sussbauer suggests. A number of the men interviewed stated that a desire to live in Austin, often generated by years spent as students at the University, sparked their decisions. It is also true, Dr. Sussbauer reports that there was a definite spurt in the starting of small technical businesses in the decade of the 1960's. He feels that it is more than possible that the dramatic success of Tracor, Inc. (begun in 1962) started a chain reaction, both in inspiration to men on the brink of the decision, and to money sources to risk capital in such ventures.

Certainly the banking community has much influence on the creation of climate for such decision, he emphasizes.

The research indicates that Austin differs from the norm in another way. It is an accepted inference that most technical businesses will have entree to a governmental market at their inception. That is not true of Austin; only nine of the 22 firms had initial customers that could be construed as even indirectly governmental in nature.

Dr. Sussbauer found Austin's record in the nurturing of small businesses to be an enviable one. He feels that while such small businesses account for only a small portion of the gross national product, their value lies both in the survival of the individual in the face of conglomerate growth and in their frequent contributions to technological advancement.

SCIENTISTS SAY INCREASED AIR POLLUTION ALTERS WEATHER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. SCHEUER. Mr. Speaker, it was Mark Twain who said: "Everyone talks about the weather, but nobody does anything about it." Twain's comment, though true for the late 19th century, is fast being disproven today by the massive air pollution from factories and mills throughout the country. Again it was Twain who wrote of a meteorological phenomena—an eclipse—which frightened the pretechnological Britons in "A Connecticut Yankee in King Arthur's Court," little realizing that today's rampant pollution would create meteorological disturbances just as strange, and in some cases, just as frightening.

Steel mills in Gary, Ind., cause rainstorms 30 miles to the northeast in La Porte, Ind. Temperatures in New Haven, Conn., can be up to 2.4 degrees cooler than the surrounding area. It has become almost impossible to accurately predict the weather in some cities because of air pollution.

Many of us here in Congress who represent urban districts have become aware of this problem. Recently, a very interesting and informative article appeared in the Wall Street Journal on this subject, and I insert it in the Record for the benefit of my colleagues:

Changing Climate: Scientists Charge That Increased Air Pollution Is Altering the Weather—Gary's Smoke Sets Off Rain in LaPorte; Smog is Linked to Cooling Trend in World—Big Fog in Bald Eagle Valley

(By Richard D. James)

When people in LaPorte, Ind., want to schedule a picnic, they might do well to first check the production plans of the big steel mills in Gary, 30 miles to the northwest. The reason: When steel output goes up in Gary, more rain comes down on LaPorte. The precipitation is triggered by smoke from the mills, weather experts say.

Though scientists have long suspected dirty air might change the weather, they devoted little research to the subject until recently. But now stepped-up research indicates pollution is becoming so bad that it's altering the weather over hundreds of thousands of square miles of the United States and possibly the global climate as well.

"We're putting astronomical quantities of materials into the atmosphere, and there's no question it's affecting the weather," says Charles L. Hosler, a meteorologist and dean of the College of Earth and Mineral Sciences at Pennsylvania State University. "I'm afraid the changes are already greater than most people suspect, and there may be a threshold beyond which small changes in the weather could bring about a major shift in the world's climate."

HIGHER TEMPERATURES

Increased rainfall is just one effect of pollution on the weather. In some cases, the contamination actually reduces precipitation, Mounting evidence indicates, too, that dirty air helps raise cities' temperatures by preventing the escape of heat generated in the cities, prolonging their frost-free season as much as 60 days. It screens off sunlight and produces fog, hail and thunderstorms. And those who contend pollution is felt on a global scale say it has weakened trade winds, increased cloud cover and, in contrast to its effect in urban areas, lowered the earth's temperature.

The processes by which pollution changes the weather aren't fully understood, but scientists think they know generally what's happening. Man-made pollutants that are spewed into the sky each year—an estimated 160 million tons from the U.S. and 800 million tons worldwide—have loaded the earth's air with dust.

The turbidity, or dustiness, of the atmosphere in places with supposedly "clean" country air, such as northern Arizona, Yellowstone National Park and the Adirondack Mountains, has increased tenfold in the past decade, recent research has shown. Over the Pacific Ocean, the dustiness of the air increased 30% in 10 years, and the dust fall in central Asia, as measured by Russian scientists, is 19 times as great as it was in 1930.

The dust particles are often so small—much less than 1/25,000th of an inch in diameter—that they're invisible to the naked eye. But they are highly effective cloud-forming agents. They strong attract water vapor, which condenses and freezes on them, forming ice crystals. These, in turn, form clouds. If sufficient moisture is present, the cloud droplets grow and eventually fall as rain.

RAINY WEEKDAYS

Precipitation generated by pollution in this fashion isn't a freak occurrence. Researchers think it can happen any place where the air is dirty, and they have found several cases to support their theory. For instance, Belleville, Ill., 10 miles southeast—and downwind—of St. Louis, receives about 7% more rain annually than areas upwind of St. Louis where the air is cleaner. The added moisture falls mainly on weekdays, when pollution from automobiles and industry in St. Louis is heaviest. Belleville even gets more rain than St. Louis itself because the prevailing winds tend to blow the pollution away from the city. In the past 18 years, Belleville has had rainfall of at least a quarter-inch on 83 more days than St. Louis. All but one of those rainy days were weekdays; the other was a Saturday.

LaPorte, though, is by far the most dramatic example discovered so far. Its situation was documented recently by Stanley Changnon, a meteorologist with the Illinois State Water Survey, a state agency engaged in studying the area's water resources. Chicago's automobiles and factories, as well as the Gary steel mills, he explains, throw huge quantities of two rain-producing ingredients into the air—water vapor and the dust particles on which it can condense and freeze. Flying through the orange plumes of smoke streaming from stacks of the mills, researchers have found billions of ice crystals being formed.

Wind sweeps the polluted air southeastward. Many communities along the route feel the effects, but LaPorte bears the brunt. Between 1946 and 1967 it averaged 47.1 inches of precipitation a year. This was 19 inches or 47% more rain than fell at stations upwind of Chicago and the mills. There's no indication the pattern is any different now.

RISES WITH STEEL OUTPUT

Mr. Changnon considers it highly unlikely that the soaking the town gets is due to chance or to nearby Lake Michigan. For one thing, during the 1955–65 period LaPorte had 31% more moisture than nearby weather stations that also would feel any effect from the lake.

Two other facts are even more convincing. LaPorte's rain pattern generally matches the number of days of haze and smoke in Chicago, a rough indication of the air pollution level. And the town's rainfall rises and falls in concert with the area's steel output. "Peaks in steel production occurred seven times between 1923 and 1962, and all of these were associated with highs in LaPorte's precipitatiton," Mr. Changnon says.

Sometimes pollution has just the opposite effect. Clouds can become so over-seeded that no rain falls. This occurs when pollution generates so many dust particles that none of them can attract enough moisture to grow to raindrop size. One of the best-documented examples of this is in the sugar-producing area of Queensland, Australia. During the cane-harvesting season, the cane leaf is burned off before cutting and harvesting, casting palls of thick smoke over wide areas. Downwind of these areas, rainfall is reduced up to 25% from levels in neighboring regions unaffected by the smoke.

Vincent J. Schaeffer, director of the Atmospheric Sciences Research Center at the State University of New York, believes the same process has modified the character of rain and snow over the Northeastern U.S. during the past five years. "Instead of the downpours we used to receive, we get fine, misty rains and snows in which the drops are so small they tend to drift down rather than fall," he says. "We had more than 20 of these this year. We used to see only two or three a year." Rains and snows of this type can drift great distances, changing a region's precipitation pattern, Mr. Schaeffer says.

Air pollution can produce dense fogs, too. Penn State's Dean Hosler has studied and photographed extensively a massive fog bank 1,000 feet high that forms regularly near a paper mill in Lock Haven, Pa., and spreads 23 miles down the Bald Eagle Valley. "The fog appears about a third of the time, especially in fall and winter," he says. "Normally there wouldn't be any there at all. It appears on days when little or no fog is observed elsewhere in the state. This type of thing is repeated all over the country hundreds of times in different locations."

Scientists believe violent weather occurs more often with polluted air than with clean air. Downtown St. Louis during one eight-year period averaged five more days of thunderstorms a year than a rural area 13 miles upwind with less pollution, an 11% difference. Chicago's Midway airport had 5% more thunderstorms than O'Hare Field, 16 miles northwest in an area of presumably cleaner air. And LaPorte in 14 years has had 130 days of hail, four times as many as surrounding weather stations. "We really don't know how or why pollution causes these changes," says Mr. Changnon.

KEEPS CITIES WARMER

Dirty air is responsible for more subtle weather changes as well. Acting as a blanket, it is one factor—along with the massive amounts of heat-absorbing concrete—that keeps cities warmer than suburbs by retaining the heat from industry, autos, furnaces and other sources. Average annual minimum temperatures in the center of Washington, D.C., for instance, run around 49 degrees, five degrees higher than outlying areas. Temperature differences are greatest on weekdays, when pollution—mainly from autos—is greatest. In New Haven, Conn., the minimum temperature on Sunday differs from the countryside by only 1.2 degrees. During weekdays the difference is twice that.

Variations of that magnitude have a great impact on the frost-free season. Downtown Chicago has a frost-free period of 197 days; in surrounding counties it's about 160 days. To find open countryside with a frost-free time as long as downtown Chicago's, you would have to go 400 miles south. Meteorologists say almost none of the temperature difference between Chicago and surrounding areas is attributable to the heat-retaining effects of Lake Michigan. The lake, they say, warms the entire region—city and rural areas alike.

A blanket of pollution also means less sunlight—a year-round average of 15% to 20% less than surrounding countryside in many cities, it's estimated. During the four months of winter, the center of London gets only about 96 hours of sunshine, compared with as much as 268 hours in the open countryside. Even at that, London gets about 50% more sunshine than it did prior to the enactment in 1956 of smoke control laws that curtailed the use of soft coal for heating, researchers say.

CIRRUS CLOUDS OVERHEAD

Not all weather-changing pollution originates with autos or factories. Scientists say jet airplane emissions high in the atmosphere are affecting the weather in many parts of the world. In some areas, for instance, pollution from heavy jet aircraft traffic has noticeably increased the cloudiness, they say. "In the alley between New York and Chicago, below which I happen to live in Pennsylvania, we get cirrus clouds 90% of the time now," says Dean Hosler. "Most of them wouldn't have been there naturally before. They are formed strictly by the thousands of jet aircraft flying overhead."

Reid A. Bryson, University of Wisconsin meteorology professor, says the same phenomenon is occurring in the air lanes between New York and London. Cloud cover in this region has increased by 10%, he estimates, and he adds that cirrus clouds could well attain 100% coverage with the advent of the supersonic jet transports.

"For every pound of fuel a jet burns it releases a pound and a quarter of water. At those heights—20,000 to 40,000 feet—that will saturate a very large volume of air because it's so cold," Prof. Bryson explains. "It's like exhaling on a cold morning. The jets also put out dust particles, so they're providing a couple of things needed for cloud formation. And there's one jet approximately every six minutes across the North Atlantic. That makes for a lot of clouds."

A COOLER WORLD

Along with the greater dustiness of the atmosphere, the clouds are contributing to another phenomenon—the world-wide cooling trend, Prof. Bryson and others say. There's little argument that since 1940 the average annual temperature of the world as a whole has dropped by one-third to one-half a degree—which doesn't seem like much until you consider that the latest ice age was brought about by a temperature drop of only four or five degrees. The weather scientists argue that the dirt and clouds have increased to a point where they are reflecting away enough sunlight to override other factors that would tend to raise the temperature of the earth. One such factor is the growing amount of carbon dioxide in the atmosphere, resulting from increased combustion of fossil fuels. Carbon dioxide acts as a one-way filter, permitting the sun's rays to pass through but deflecting the heat given off by the earth.

Prof. Bryson concedes that meteorologists don't yet have enough information to predict what will happen to the climate in the future, but he adds: "The only basis we do have is to look at the past to see what did happen. Looking at the climate of the past, it is clear that small changes in the past 10,000 years had very large ecological effects and they can happen bloody fast. The end of the ice age took less than a century—kapow! It's fast, and that worries me because we don't know but what in a few years we could have a significant change that would disrupt our entire climate. And that includes where we grow corn and wheat."

WELL-OILED NATIONAL SECURITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. ROSENTHAL. Mr. Speaker, in testimony this week before the Senate Banking and Currency Committee, I discussed the recent report of the oil import task force, the President's actions based on that report, and the possibility that a peculiar injustice was done to both consumers and to the cause of international stability by the failure to end the oil quota system.

XUM

I include my comments below:

Mr. Chairman, I am grateful for this opportunity to express my concern for, and hopefully, some prescription to change, the system of oil import quotas which has once again abused our sense of justice, as consumers, and our confidence, as citizens, in the orderly procedures of government.

The Committee's laudable desire in these hearings is to review and, perhaps, correct the mistreatment of the Northeast region under the oil import program. But we will deceive ourselves, and our constituents, if we think that our efforts or similar efforts can importantly affect our system of representing these grievances.

The distressing and deeply pessimistic conclusion I make—after five years as chairman of the House subcommittee on consumer representation—is that until government itself changes its methods of representation, nothing close to consumer justice can result from our efforts.

A look at the Task Force Report on Oil Imports will tell why. Fifty-eight American oil producers and refiners submitted statements to the Task Force. Dozens of other spokesmen from oil-related industries testified on the importance of the oil import program. More important, the composition of the Task Force itself testified to the economic strength of the producer segment, while ignoring the consumer.

Who spoke for the consumer on this Task Force? If Mrs. Virginia Knauer ever represented consumers' views before that Task Force, the record on such representation is silent. The Federal Trade Commission did submit, on request, a factual statement on the impact of the present import quotas on competition, concentration of economic forces and on consumers.

But no representative of the consumer's interest—no matter how strained an interpretation one gives that admittedly vague interest—served on the Task Force.

The Secretary of State was a member to represent relations within the international community; the Secretary of Defense spoke for the needs of national security; the Secretaries of Commerce and Interior represented the true heart of economic power in this case: that particular combination of geography and industry which has made the oil industry such a dominant feature of American life; the Secretary of the Treasury spoke also for the producer's economic interest, particularly as that interest affects the revenues of the federal government; finally, and appropriately, the Secretary of Labor, the Task Force chairman, spoke for the thousands of oil industry workers whose livelihood, the Task Force was so often told, depends on keeping cheaper foreign oil out of America.

The economic importance of oil in America is only suggested, however, by the membership of the Task Force. A more trenchant indicator of the strength of the oil industry is the fact that five of the top ten American corporations and 14 of the top fifty corporations in net profits in 1968 were oil companies. These 14 companies earned over five and one-quarter billion dollars in 1968, a sum greater than the gross national products of all but a few countries in the entire world.

What was ignored was the savings to all of us who use petroleum products. Those savings are well-known and will undoubtedly be cited by those more expert than I am in economics. Briefly, abolishing the quota system would save about 5c a gallon on gasoline and 3c a gallon on fuel oil. Every penny reduced from gasoline prices saves the American consumer about one billion dollars annually. Adding also the significant savings for fuel oil, the present oil import system costs consumers between $6–7 billion each year. New York State would save $120 million annually from reduced fuel oil costs alone. Yet, the cynical comment of the Secretaries of Commerce and Interior—in their separate views opposing any true liberalization of the quotas—was that this $6–7 billion was not really wasted. Rather, they said, it went into the pockets of other Americans, a fact which they thought justified the violence to good sense and marketplace justice.

The effect of this economic strength is further seen by the fact that import quotas based on national security have never been applied on behalf of any other industry except oil.

Seen against these imposing evidences of economic stakes, it is no matter for surprise that consumers did not get proper consideration from any source, including the President who modified the modest liberalization proposed by the Task Force.

It is especially important that Members of Congress represent that consumer's interest lest it be ignored by the weight of domestic geo-economics which has so far prevailed with the oil import system.

After reading the Task Force report, and following its deliberations and the Presidential action it precipitated, I come to the following conclusions:

First, the only spokesmen before the Task Force who truly represented the consumers' interests were individual Members of Congress and individual governors. Most of the individual pleas came from the Northeast since our area pays most dearly for petroleum products which are now artificially restricted in source to the southern and southwestern states, far from our constituents.

Second, that modest representation was powerless to impress vividly either the Task Force, or ultimately, the President, with the extent of the consumer interest in lower-priced oil.

Third, unless we reorganize the representation of the consumer within the federal government, we will never have a chance for justice in the nation's marketplace for only within the federal government can we ever hope to maintain that vital balance between the public interest and private economic advantage.

Fourth, and most important, we have lost, at least temporarily, a superb opportunity for better international stability by failing to end the oil import quota system. On this point, I would like to dwell for a moment.

Our international goals, during the dreary quarter century since World War II, have been largely negative in nature. We have sought, under a variety of rhetoric, to contain, stifle, encircle or otherwise nullify a strong competing world force stemming first from the Soviet Union and its satellites, and more recently from Red China also. It is fashionable now to demean that policy but it is perhaps more appropriate to say that it is outmoded today. We are, as the 1970s begin, slowly groping for modifications of the Cold War theories.

We should recall that the oil import controls are based on national security only. There is no presidential or congressional mandate to protect the oil industry from competition abroad and there should be none. We should, therefore, in the context of the Cold War thaw, consider whether the national security mandate given to oil import quotas still stands scrutiny.

This is obviously a complex and extremely serious undertaking, deserving the most careful consideration of both the Congress and the President. As a member of the Foreign Affairs Committee, I would propose only that a quite different interpretation might be given today to the routes which lead to national, and international, security and that these routes might not take us through the familiar territory charted under a fortress mentality.

For example, might not "mutual dependence" instead of mutual antagonism be an equal, or even, superior method of deterring war and those other disruptions in the international community to which the oil industry and its spokesmen so often refer? Might it not be better if the United States and Soviet Union (and even Red China) were bound together by such a network of trade agreements and import requirements that military threats became unthinkable.

These are considerations beyond our immediate concerns in this hearing. But the interests of the northeast consumer and the interests of all citizens who want peace and who know it might be better approached by some different efforts in world trade, may possibly coincide on this question of oil import quotas.

And out of this exercise, which we in Congress are obliged to pursue, may come a more explicit challenge to the broader, and more vital question: how well and by what means does our federal government represent its citizens' views?

Today's answer is: not very well. Neither economic justice nor international amity was served by the President's decisions on oil import quotas. But the last word has not yet been heard, as these hearings, Mr. Chairman, so clearly and effectively indicate.

GILBERT BILL TO PROVIDE SERVICES OF HOME MAINTENANCE WORKERS UNDER MEDICARE PROGRAM

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. GILBERT. Mr. Speaker, I want to once again call to the attention of my colleagues in the House my bill, H.R. 13139, which will amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a home maintenance worker—in such individual's home—as part of a home health services plan.

Medicare has provided some needed medical services to most of our senior citizens. In addition to hospitalization and outpatient care, it also provides for some services in the patient's own home. There is one aspect of this service, however, which I feel must be strengthened. Home health services provided under title XVIII of the Social Security Act—medicare—do not include home maintenance service. Home maintenance service includes help with shopping, cooking, laundry, and housecleaning. This is the simplest and least expensive form of help which could prevent or postpone placement of an aging person in a hospital, nursing home or other institution. Frequently, such services on a part-time basis will not only make it possible for the elderly person to remain in familiar surroundings within his own home and in his own community but, in addition, it can save the community the cost of more expensive forms of care.

At the present time, the medicare legislation provides home maintenance care to an older person only when it supplements personal care such as feeding, bathing, transfer in and out of a wheelchair, and so forth. However, a person with a serious heart condition or disabling arthritis might be able to take care of his own personal needs but not be able to shop, cook, or do housecleaning and laundry.

Today's aging were yesterday's labor force. Today's senior citizens are the men and women who throughout their working years have supported themselves, educated their children, and have been productive members of society. Today there are over 19 million persons, aged 65 and over in the United States, most of whom have been forced to retire from their jobs. In my own city, New York, there are over 1 million senior citizens. Many older persons live in isolation, their children have moved away, and their friends have died. Most live on extremely limited incomes. The approaching disappearance of the three-generation household and the extension of the retirement years have created an urgent need for creative planning to keep the aging in their own homes. This is desired by most of our senior citizens.

In contrast with Scandinavia and Great Britain, home help services designed to permit the aged to remain in their own homes have not been given sufficient opportunity to develop in this country. Patients in many kinds of institutional settings could be cared for in their own homes provided services are available. One recent study in Syracuse, N.Y., financed by the U.S. Public Health Service, showed that "21 out of every 100 patients in nursing homes could have been appropriately cared for at a less intensive level of care, such as home care"; and "23 out of every 100 persons in domiciliary homes could have been living in semi-independent living units, had such facilities been available in the community."

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Mr. Speaker, I repeat that our senior citizens deserve a realistic choice between remaining in familiar surroundings with the help needed, or institutionalization. To give the senior citizen the most appropriate care, as part of a medical plan, will often be more economical and permit the scarce hospital and nursing home beds to be used for those who must have that kind of intensive care. Let us be realistic, and give the senior citizens the care they need and spend the taxpayers money only for essential services.

I am pleased that to date 22 Members of Congress have cosponsored this bill which is pending before my Ways and Means Committee. I take this opportunity to invite other Members of the House to be cosponsors. H.R. 13139 has been discussed in my committee, and I am pleased that representatives of the Citizens' Committee on Aging, Community Council of Greater New York, and other officials and organizations have presented testimony in behalf of this proposal.

Mr. Speaker, my bill, H.R. 13139, can provide an inexpensive, appropriate form of service without lowering standards of health care. And to provide this service, we need only to make a minor change in medicare—title XVIII of the Social Security Act. I believe this could save millions in the cost of medical care, while at the same time alleviating the critical shortage of institutional beds by adding home maintenance service to the spectrum of home health services for aging patients in their own homes.

ANTICRIME PROPOSALS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1970

Mr. LOWENSTEIN. Mr. Speaker, a menacing cloud is darkening the Nation, a cloud we think of as "crime." This cloud takes many shapes, has many causes, and will require many solutions. It will not be blown away by hot air from politicians.

High-level, syndicated crime has grown strong enough to control everything from corner grocers to local governments. Political dissent, frustrated by continuing death and destruction in an undeclared war, boils over into disorders and even into sporadic acts of terrorism. Crimes of social discontent and disorder, bred in the pathology of the ghetto that the Kerner Commission and other commissions have warned us about for years, continue to increase, becoming a kind of inchoate revolution. Meanwhile, a climate of fear and tension produced by muggings, housebreakings, rapes, and other acts of violence spreads across the land, closing down cities at nightfall and provoking the more subtle violence of stepped-up repression.

The sense of individual security is being undermined, and with it the stability—even the self-confidence—of the Nation. Acts of lawlessness are polluting relationships between groups, damaging neighborhood morale, and encouraging a national mood that at times borders on panic and evokes an uncoordinated flailing about that is likely to hit everything but the problem. We have had enough experience with national obsessions about security and the strange reactions they can call forth—reactions that can ultimately undermine both national and personal security.

In this kind of situation, we should be especially wary of politicians who press nostrums on us that would do nothing to curb crime, but could succeed instead in dismantling the constitutional guarantees that safeguard individual liberties. This approach seems to be based on the theory that somehow the average citizen will be safer if violations of his person by criminals are balanced by invasions of his privacy by officials. Such proposals, as I suggested during the discussion of the so-called District of Columbia crime bill are far better designed to curb civil liberties than to curb crime. The two are not identical, and we confuse them at our peril.

Genuine progress in curbing crime will not be made unless we are willing to engage in broad and expensive programs of social reform, judicial reform, and prison reform. We will have to break the connection, where it exists, between the maharajahs of crime and law-enforcement and government officials. We will have to put up the money necessary to recruit, train, and keep more first-rate law-enforcement officers. In short, we must face up to the reality of crime and violence and not be distracted by demogogic attempts to convince us that there are cheap solutions that can be had by a simple sacrifice of civil liberties. The cost of such solutions is further erosion of personal freedom wrapped in illusory gains in personal security.

There are no cheap solutions, and there are no easy solutions. Real solutions cost money, thought, and effort; and they can be effected while preserving and strengthening the time-tested values of our legal system. Indeed, they will not come about in any other way.

The legislation I am proposing is designed, among other things, to harness the resources of the Federal Government to help with one critical aspect of the problem—an aspect that has evoked a good deal of hysterical rhetoric. This, of course, is the matter of crimes committed by people on bail who are awaiting trial for other criminal charges. Some of the proposals that seek to deal with this problem invoke the use of what has come to be called preventive detention. But such an approach would subvert some of the principles most basic to a healthy legal system, including the presumption of innocence, the eighth amendment's guarantee against excessive bail, and the traditional guarantee of due process of law through protection against imprisonment without indictment and jury trial.

My proposals seek to deal with the problem—a very real problem—without eroding traditional safeguards for individual liberties and without adopting the dangerous principle of "guilty until proven innocent." They would do so by fulfilling the guarantee of the sixth amendment to a speedly trial for persons charged with crime. They are based on the realization that the problem is one of oiling the wheels of justice rather than derailing them.

Available statistics show that on the average 3 to 24 months elapse between the time a person is indicted or formally charged with a crime and the time he is brought to trial. These statistics provide a glaring contrast with those of Great Britain, where the average time lapse between arrest and final appeal is 4 months.

Crime committed by people while in this state of legal limbo is not the only negative effect of this increasingly serious situation. It is not difficult to imagine the mental anguish and material loss suffered by an innocent individual who has been mistakenly charged with a crime as he awaits trial in a society where, legal principles notwithstanding, he is presumed guilty until proven innocent.

Public confidence in the system's capacity to mete out quick justice is undermined by such delay, and the failure of the courts to act quickly is bound to diminish whatever deterrent effect the law has on potential lawbreakers. Delay creates a huge backlog of cases awaiting trial, thus altering the mission of the courts from one of providing individualized justice to one of simply trying to cope with congestion. Prosecutors are tempted to dismiss cases out of a desire to keep their caseloads manageable, while defendants manipulate the system to obtain sentencing concessions in return for guilty pleas.

The primary reason for this delay is the inability of the judicial system to process the glut of cases currently clogging it. The caseload in the Federal court system, for example, has reached an all-time high. In fiscal 1969 the Federal courts of appeals and the district courts saw their judicial business increase by roughly 10 percent.

Of the 17,770 criminal cases pending in Federal courts at the end of the fiscal year, 3,521 had been pending between a year and 2 years. The total number of cases pending more than 6 months had increased 30 percent in a single year. The strain on State and local courts, which handle the great majority of the crimes whose increase has caused the public outcry—murders, rapes, robberies, assaults—is equally great.

This mushrooming number of cases is being fed into a judicial system that has too few judges and supportive personnel, outmoded physical facilities, poor managerial and administrative techniques, and insufficient technical and financial resources to correct these flaws.

At the Federal level, it seems to me that the first step in meeting this problem is to focus national attention on it, to alert the public and the Congress to the inefficient state of justice in our overburdened Federal district and appeals courts. A logical and simple way to accomplish this would be for the chief officer of the judicial branch of Government to deliver an annual "State of the Judiciary" message to Congress, pinpointing current and long-range problems, suggesting solutions and, above all, motivating Congress to take action.

I am, therefore, introducing a concurrent resolution respectfully requesting the Chief Justice of the United States to appear annually before a joint session of Congress to report on the state of the Federal judiciary. The present mode of bringing problems of the judiciary to the attention of Congress—through the Judicial Conference of the United States—is simply not equal to the task of rousing the public and Congress to the urgency and magnitude of the problem.

In the words of lawyer and writer, E. Barrett Prettyman, Jr., writing in the January 4 issue of the Washington Post:

> An address by the Chief Justice to the Congress each year . . . would be a dignified approach from the head of one coordinate branch of government to the branch responsible for both legislation and appropriations. It would inform the public of problems in an area now largely hidden from public view and thereupon furnish impetus for appropriate remedies. It would force the judges to face the failings of their system and to evolve new ideas for dealing with them, and then provide them with an appropriate forum for the expression of those ideas.

The role of the Federal Government in assisting State and local courts, which bear the brunt of the problem and which find themselves in the same beleaguered condition as their Federal counterparts, should be one of providing financial and technical assistance to State and local courts.

To facilitate the performance of this role, I am introducing a bill that would create a State Criminal Justice Assistance Center within the Law Enforcement Assistance Administration of the Department of Justice. The center would have the authority to make grants to State and local governments or public and private nonprofit agencies for the purpose of improving the organization, procedure, and administration of State and local criminal courts. Specifically, it would be authorized to sponsor research aimed at devising solutions to the administrative and managerial snarls in State and local courts and to disseminate the findings of this research; to institute educational programs for judges and court-related personnel; to provide technical assistance—ranging from computers to management analysts—to State and local courts for streamlining administrative procedures; and to increase the manpower of State and local courts through grants establishing new positions for judges, prosecutors, public defenders, bailiffs, marshals, and court administrative personnel. There would, of course, be safeguards against unwarranted Federal incursions into the domain of State and local governments. Grants would be passed upon by the chief judge of the court affected, and the staffing of positions provided by Federal grants would follow customary State procedures. The center would also sponsor studies and establish programs aimed at expediting the criminal process through developing procedures for the special handling or medical treatment of persons accused of certain kinds of criminal or criminally related activity, including traffic offenders, alcoholics, prostitutes, and drug addicts.

The bill addresses itself directly to the problem of implementing the "speedy trial" guarantee by providing incentives to State courts to adhere to a timetable for expediting trials. The bill would authorize the Attorney General, in consultation with appropriate Federal, State, and local authorities, to set minimum standards by issuing guidelines for State and local courts. These guidelines would include a model timetable for trials, and State and local courts would be encouraged to adhere to this timetable through financial incentives from the center.

The bill, which would be an amendment to title I of the Omnibus Crime Control and Safe Streets Act of 1968, would also broaden the definition of "law enforcement" to include the courts and rehabilitation agencies, as well as police departments. The administration of criminal law encompasses more than the apprehension of criminals. It includes the courts, which punish the guilty and protect the innocent, and the corrections systems, whose operations determine whether we rehabilitate or harden convicted criminals. I hope that by placing emphasis on these vital aspects of the criminal-justice system, State and local governments will show increased interest in the judicial aspect of law enforcement. The bill attempts to realize this hope by providing that at least 25 percent of the funds appropriated under title I be spent to improve judicial machinery.

Furthermore, because title I of the Omnibus Act does not guarantee that an appropriate percentage of Federal funds will be spent in areas with the highest crime rates, my amendment would channel funds directly to local governments and public and private agencies, as well as to State governments

Grants would continue to be made to State planning agencies, but other alternatives would be available to insure that the money was spent in areas of greatest need. In any event, State planning agencies would be consulted in the grant-making process to facilitate coordination and maintain State prerogatives. Other Federal funds available under the Juvenile Delinquency and Prevention Act, the Community Mental Health Services Act, and the Public Health Services Act for purposes relating to the improvement of the criminal-justice system would be coordinated with the center in order to provide an effective, integrated Federal program.

Another bill I am introducing attempts to implement the right to speedy trial on the Federal level by providing that Congress set time limits for criminal trials in Federal courts. Under this bill, crimes of violence would have to be tried within 60 days. The bill would also establish pretrial service agencies to assist judges in recommending and enforcing the conditions for pretrial release. These agencies would provide medical treatment for drug addicts and alcoholics, residential halfway houses, job counseling, and other social services.

The last of these bills seeks to improve correctional facilities by broadening the power of the Attorney General to enter into contract with the States to set minimum standards for correctional institutions and services, and to make grants to achieve and help maintain these standards.

The setting of standards and grant-making authority is now limited to local prisons and jails. This bill would expand the Attorney General's authority to cover correctional services as well as correctional facilities, laying new emphasis on the positive features of probation, parole, counseling, vocational rehabilitation, and psychiatric and medical care. The bill would also provide State and local correctional authorities with expertise through a Federal Corrections Academy, which would be a center for the development and application of correctional techniques.

In conclusion, Mr. Speaker, these proposals go to the heart of the matter without indiscriminately severing important legal arteries in the body politic. For the heart of the matter is how to give effect to the constitutional guarantee of a speedy trial by expediting our lumbering legal machinery, not how to imprison people before they have been convicted of anything.

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SENATE—*Thursday, April 9, 1970*

The Senate met at 9:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God be in my head
  And in my understanding;
God be in my eyes
  And in my looking;
God be in my mouth
  And in my speaking;
God be in my heart
  And in my thinking;
God be at my end
  And at my departing. Amen.

—From the Sarum Primer (1538).

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to dispense with the reading of the Journal of the proceedings of Wednesday, April 8, 1970.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until 9 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the prayer, the Senator from Utah (Mr. MOSS) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS AND SENATOR McGOVERN TOMORROW

Mr. MANSFIELD. I ask unanimous consent that following the Senator from Utah (Mr. MOSS), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following those Senators the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Idaho (Mr. CHURCH), there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the consent of the distinguished Senator from Wyoming (Mr. HANSEN), who is to be recognized now, and without taking any of his time, I would like to proceed for about 5 minutes.

Mr. HANSEN. Mr. President, I am very happy to yield to my distinguished colleague.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEMOCRATIC POLICY COMMITTEE CONSIDERATION OF SALT NEGOTIATIONS AND POSTAL RATES

Mr. MANSFIELD. Mr. President, on Tuesday the Senate Democratic policy committee met on two matters that I consider of the utmost importance. The first dealt with the pending SALT negotiations and Senate Resolution 211 seeking to propose a freeze mutually, and I stress the word "mutually"—entered into between the Soviet Union and the United States on the deployment and testing of new strategic nuclear weapons systems. The policy committee adopted a resolution informing the President of its backing on Senate Resolution 211. Included as well was the policy committee's full support and the full support of the Democratic leadership of an initiative along these lines taken by the President as the SALT negotiations get underway again next week in Vienna.

Mr. President, may I say that the resolution now before the Senate is a Republican-sponsored resolution and is the handiwork of the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Massachusetts (Mr. BROOKE). Such wide bipartisan support on this matter, I feel, is most significant.

I ask unanimous consent that the resolution on this matter adopted by the Senate Democratic policy committee on Tuesday be printed at this point in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the Strategic Arms Limitation Talks are scheduled to reopen in Vienna later this month after successful preliminary discussions in Helsinki, and

Whereas, both the United States and the Soviet Union presently possess sufficiency in strategic nuclear weaponry according to the evaluation of each of themselves and of each other, and

Whereas, deployment by either country of new weapons systems could upset the present strategic equilibrium and intensify a commitment of resources by both countries to achieve the rough balance or parity that presently exists, and

Whereas, any deployment of new nuclear strategic weapons systems would complicate the SALT negotiations and might affect adversely their productivity;

Be it resolved that, the Senate Democratic Policy Committee urges the adoption of S. Res. 211, proposing a mutual freeze with proper verification on the deployment of new offensive or defensive strategic nuclear weapons systems, and

Be it further resolved, that the Senate Democratic Policy Committee will support the President of the United States in an initiative by the Government proposing such a mutual freeze at Vienna later this month.

Mr. MANSFIELD. On another matter, the policy committee considered the administration's recommended increase in postal rates including the suggestion that first-class mail charges be raised from 6 to 10 cents.

On that score, I would say it is doubtful that even a 1-cent increase of the cost of mailing a first-class letter is justified. Certainly, a proposal for a 4-cent boost is by every criteria unjustified.

To advocate that first-class mail rates be jumped by 67 percent is out of this world. To advocate that the third-class rates for bulk mail go up only 5 percent is unrealistic. The figures should be reversed and the burden placed on the junk mailers and not on the first-class mail users.

So for these and other reasons, the President's proposal has been unanimously opposed by the Senate Democratic policy committee, and it would be my personal anticipation that it would be unanimously opposed by the full Senate Democratic membership until there has been an equitable adjustment of postal rates; until businesses that use

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the mail for profit at privileged and unnecessarily favored rates are made to pay a more realistic share of the burden.

I ask unanimous consent that the resolution on postal rate increases adopted unanimously on Tuesday by the Democratic policy committee be printed at this point in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

> Whereas, the Majority Policy Committee having met and considered the matter of proposed postal increases, and
>
> Whereas, considering that First Class mailers presently pay a disproportionate share of postal costs, it is hereby
>
> Resolved, that there should be no increase in First Class postal rates until such time as mailers using other than First Class privileges pay their fair share of postal costs.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Wyoming for yielding to me.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senator from Wyoming (Mr. HANSEN) is recognized for not to exceed 45 minutes.

Mr. GRIFFIN. Mr. President, will the Senator from Wyoming yield to me, without losing any of his time?

Mr. HANSEN. Mr. President, I am happy to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I cannot allow the remarks of the distinguished majority leader to stand in the RECORD without some comment, particularly as they refer to the President's proposal to provide adequate revenues to finance the pay increase of postal workers.

In the political season, it is quite common to hear a charge, directed toward the party represented on the other side of the aisle, that they are quick to vote for spending but are not there when it is time to raise the money for the financing.

Nobody likes a 10-cent stamp. The junior Senator from Michigan does not like a 10-cent stamp. I wish we did not have to vote for an increase in the postal rate. On the other hand, if we are going to put pay increases into effect for postal workers and other Government workers—pay increases which are justified, which are needed and which are related to comparability and the cost of living—then we have got to find the money to pay for the pay increases.

Now, I do not know how many first-class letters the average person would write and mail in a year, but assuming that he might write 100 letters a year, we would be talking about an increased cost to him of $4 a year. Those who really will be hit by this proposal will be those who use the mails the most—the businessmen—not the average wage earner. Businesses are the big users of first-class mail. They are the volume mailers. There should be no implication left that big business would be let off easy by the President's proposal—or that the small wage earners would be better off if we were to raise income taxes to pay the cost.

I would not foreclose the possibility that some adjustments could be made so far as the other classes of mail are concerned. Perhaps the first-class rate should be 9 cents and there should be some compensating additional increases in second, third, and other classes of mail. But I am disappointed that the Democratic policy committee, just after the Senate has voted a 6-percent pay increase by almost a unanimous vote, would then flatly oppose the President's proposal to provide the wherewithal to pay for it—and suggest no alternative or counterproposal that would raise an equivalent amount of money.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the distinguished majority leader.

Mr. MANSFIELD. First may I say I am distressed that the acting minority leader has seemed to imply that what the Senator from Montana has just said had political connotations. I wish to assure him and the Senate that nothing was further from my thoughts.

Mr. GRIFFIN. Well, of course, it came from the Democratic policy committee.

Mr. MANSFIELD. Oh, yes.

Mr. GRIFFIN. And I would think I would be justified, perhaps, in assuming that there might be some political connotations. But perhaps not.

Mr. MANSFIELD. No, there were not, I assure the Senator. The policy committee has taken stands on a number of matters without regard to the politics involved, and I would hope that the Senator would take my word on that.

But we were concerned that the only aspect of the postal system operating on a sustained profitmaking basis—first-class mail service—should again be called upon, as it has been in the past, to bear at this time a 67-percent increase. It was our feeling that second-, third-, and fourth-class service, especially that used by junk mailers, should bear a more realistic share than is proposed by the administration. As the Senator has indicated, much originates out of various business concerns, and most of that mail, as far as I am concerned, usually finds its way quickly into the wastebasket. I, for one, have no interest in such mail and I do not like to be deluged with mail in which I do not have an interest or which is not of interest to my State.

The Senator may recall that yesterday the Senator from Montana did vote alternatively for selective pay increases, because he was aware of the cost of the bill presented by the Post Office and Civil Service Committee to the American people.

The Senator from Michigan has raised the question of alternatives. We do have alternatives in mind. For example, I would remind the Senator that Congress as an alternative last year reduced the President's budget requests by more than $6 billion. It even cut the budget for the next fiscal year by another $1.3 billion.

Along this line, I would point out that the President himself was responsible for about a $3 billion cut in expenditures, for which I commend him.

This indicates that we can work together; the President can cut expenditures further, we can continue to cut appropriations—at least as much this year as last. I think there is fat to be found in various agencies, in the Defense Department for instance and in NASA; their budget can be trimmed, and bloated budgets will be found elsewhere.

Then there is the matter of farm subsidies. I think on this question that something ought to be done about placing a limitation on them, and in that way find some of the funds necessary to make up the costs of the pay increases which the Senate agreed to on yesterday.

So we hope we are being constructive. I know the Senator himself is certainly not in favor of a 67-percent increase in the first-class postage rate—a jump from 6 to 10 cents. I do not know of any Senator who would be in favor of such a proposal. But there are other instruments, other means and manners. The burden can be placed on the junk mail users. Congress and the President working together can affect cuts in expenditures and appropriations in the areas I have mentioned, and in other areas as well.

This problem, I think, is not a Democratic nor a Republican problem, but a problem for all of us to face up to. We must devote our efforts to finding ways and means to cope with the problem and to compensate for such matters as the pay increases which were granted yesterday. In its wisdom the Senate decided to agree to the pay proposal and regardless of how we personally feel on the specifics of a given issue such as this, we must approach it realistically.

Mr. GRIFFIN. I thank the distinguished majority leader for his comment. I know he realizes that my remarks are not directed at him personally.

However, I feel that I should make it clear in the RECORD, as it has been made clear in the RECORD many times before, that as far as the argument about the so-called cuts of this Congress below the budget figures in the last fiscal year is concerned, that argument has been made over and over again and has been answered over and over again. I believe it is pretty well established that this Government faces a serious fiscal problem.

Mr. MANSFIELD. Will the Senator yield at that point?

Mr. GRIFFIN. Every indication is that with respect to the appropriation and authorization bills coming along now, the Congress is adding more and more millions on top of the budget requests of the President. Any expectation that the pay raise will be financed by reductions in appropriations is, I think, wishful thinking. That is the opinion of the junior Senator from Michigan.

The President has proposed, and I believe the Nation desperately wants, postal reform—establishment of a separate corporation to run the Post Office Department. I hope that such legislation will pass; and I believe it is very important that such a new postal corporation, when it does come into existence, be able to have not only the wherewithal to pay adequate salaries, but also that it be able to acquire the kind of modern equipment needed to bring the Post Office Department up to date.

The 6-cent postage rate that we now enjoy in this country is very low in terms of the postal rates in effect in most other

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nations of the world. An increase in our postal rate is justified even if it is unpopular and a bit painful. I have said before, it may be that some further adjustment in the second- and third-class mail and junk mail, so-called, would be in order. But it would be a mistake to assume or contend that the necessary financing can be raised that way. The money in the postal business is in the first-class mail.

Mr. MANSFIELD. Will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Of course, you know, there is such a thing as milking the cow too dry; and there is also such a thing as bemoaning the fact that the figures furnished by the distinguished Senator from Louisiana (Mr. ELLENDER), in whom I have the greatest confidence, which were published in the RECORD, showed without fear of contradiction that this Congress—we ourselves—were responsible for a reduction in appropriations in excess of $6 billion. Instead of bemoaning that fact, I think we ought to be proud of it. After all, as the Congress, we did face up to our responsibilities. I hope we do the same this year.

There are areas in the Government in which expenditures can be cut. There are areas in which the administration and Congress, working in tandem, can bring about reductions. The means, in my opinion, can be found; and one of the best ways to start would be to bring this war in Vietnam to a close. The war in Vietnam, which now encompasses Laos, which may spill over into Cambodia, which costs this Government a tremendous amount of money—is another area in which sharp reductions can be made.

But I would hope that the Senator from Michigan would not be one of those who believes in eating his own air, and would seek to discredit the fact that, as the RECORD will indicate, reductions by Congress last year amounted to $6,370,935,390. We ought to get up on our hind feet, Democrats and Republicans, and brag about it, because we did do it. The figures speak for themselves.

As far as the postal reform bill is concerned, we have had nothing, really, before the Senate. I do not think it has even been considered by the Senate Post Office and Civil Service Committee. I believe it has in the House of Representatives.

Anything the President requests, of course, will be given the most serious and immediate consideration. But we cannot cross that bridge until we approach the water, and we will just have to wait and see. Any Presidential request, I assure the acting minority leader, will be given the most serious and immediate consideration. But we ought not to bemoan the fact of what we did, and I for one am never going to demean the Senate by saying that we did less than we actually did, as the records will prove. And if there is one man in this body who, more than any other, deserves credit for that accomplishment, it is the present Acting President pro tempore, the Sentaor from Alabama (Mr. ALLEN), who probably worked harder last year than anyone else to bring about that result.

Mr. GRIFFIN. Mr. President, the majority leader says the figures will speak for themselves. Will he furnish them for the RECORD?

Mr. MANSFIELD. Yes. I ask unanimous consent to have printed in the RECORD the chart to which I have referred, so that what I have been saying will be made clear.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 91ST CONG., 1ST SESS. AND 91ST CONG., 2D SESS., AS TO LABOR-HEW APPROPRIATION BILL, H.R. 15931, AND FOREIGN AID APPROPRIATION BILL, H.R. 15149 AS OF MAR. 5, 1970

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent law,[1] without further or annual action by the Congress.]

Bill and fiscal year (1)	Budget requests considered by House (2)	Approved by House (3)	Budget requests considered by Senate (4)	Approved by Senate (5)	Public Law (6)	(+) or (−), Public Law amounts compared with budget requests to Senate (7)
Bills for fiscal 1970:						
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,272,332,000	$2,314,714,000	$2,280,195,000	$2,276,232,000	−$38,482,000
Memorandums: Total, including authorizations out of postal funds	(8,821,727,000)	(8,779,345,000)	(8,821,727,000)	(8,787,208,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	6,967,562,050	6,806,655,000	7,237,562,050	7,642,797,650	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,380,413,600	14,909,089,000	15,512,969,600	[2] 14,985,449,000	15,111,870,500	−401,099,100
Fiscal year 1970 amounts only	(15,205,413,600)	(14,734,089,000)	(15,337,969,600)	[2] (14,985,449,000)	(15,111,870,500)	(−226,099,100)
4. Interior (H.R. 12781)	1,390,096,500	1,374,286,700	1,390,856,500	1,382,766,900	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,335,634,200	2,475,704,600	2,382,354,700	2,354,432,700	−121,271,900
6. Labor-HEW (H.R. 13111 vetoed by the President, Jan. 26, 1970)	(16,495,237,700)	(17,573,602,700)	(19,834,125,700)	(21,363,391,700)	(19,747,153,200)	[3](−86,972,500)
Fiscal year 1970 amounts only	(16,495,237,700)	(17,573,602,700)	(18,608,125,700)	(20,245,811,700)	(19,747,153,200)	[3](+1,139,027,500)
7. Labor-HEW (H.R. 15931 signed by President March 5, 1970)	18,608,125,700	19,181,920,200	19,834,125,700	19,381,920,200	19,381,920,200	[4]−452,205,500
Senator Cotton amendment Sec. 410; 2 percent reduction				−346,776,624	−346,776,624	−346,776,624
Fiscal year 1970 amounts only	(18,608,125,700)	(19,381,920,200)	(18,608,125,700)	(19,381,920,200	(19,381,920,200)	(+773,794,500)
8. Legislative (H.R. 13763)	311,374,273	284,524,057	372,152,949	342,310,817	344,326,817	−27,826,132
9. Public works (and AEC) (H.R. 14159)	4,203,978,000	4,505,446,500	4,203,978,000	4,993,428,500	4,756,007,500	+552,029,500
10. Military construction (H.R. 14751)	1,917,300.000	1,450,559.000	1,917,300,000	1,603,446,000	1,560,456,000	−356,844,000
11. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,095,019,630	2,090,473,630	2,147,152,630	2,143,738,630	+53,265,000
Fiscal year 1970 amounts only	(1,840,473,630)	(1,875,019,630)	(1,840,473,630)	(1,947,153,630)	(1,929,738,630)	(+89,265,000)
12. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	188,691,000	228,842,000	173,547,000	168,510,000	−60,332,000
District of Columbia funds	(751,575,300)	(683,106,300)	(752,944,300)	(657,064,600)	(650,249,600)	(−102,694,700)
13. Defense (H.R. 15090)	75,278,200,000	69,960,048,000	75,278,200,000	69,322,656,000	69,640,568,000	−5,637,632,000
14. Foreign assistance (H.R. 15149)	3,679,564,000	2,608,020,000	3,679,564,000	2,718,785,000	2,504,260,000	−1,175,304,000
15. Supplemental (H.R. 15209)	298,547,261	244,225,933	314,597,852	296,877,318	278,281,318	−36,316,534
Total, these bills—						
As to fiscal 1970	134,719,895,614	128,021,451,220	135,200,040,881	[5] 129,106,910,091	[5] 128,829,105,491	[5] −6,370,935,390
As to fiscal 1971	425,000,000	395,000,000	1,651,000,000	200,200,000	214,000,000	−1,437,000,000
Total, 1970 bills including 1971 amounts	135,144,895,614	128,416,451,220	136,851,040,881	[5] 129,306,910,091	[5] 129,043,105,491	[5]−7,807,935,390
Bills for fiscal 1969:						
1. Unemployment compensation (H.J. Res. 414)	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,364,006,956	3,783,212,766	4,814,305,334	4,459,669,644	4,352,357,644	−461,947,690
Release of reserves (under Public Law 90-364)	(82,463,000)	(82,766,000)	(79,999,000)	(80,230,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,400,006,956	4,819,212,766	5,850,305,334	5,495,669,644	5,388,357,644	−461,947,690
Cumulative totals	140,544,902,570	133,235,663,986	142,701,346,215	[5] 134,802,579,735	[5] 134,431,463,135	[5] −8,269,883,080

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[1] In round amounts, the revised (April) budget for fiscal 1970 tentatively estimated total new budget (obligational) authority for 1970 at $219,600,000,000 gross ($205,900,000,000 net of certain offsets made for budget summary purposes only), of which about $80,700,000,000 would become available, through so-called permanent authorizations, without further action by Congress, and about $138,900,000,000 would require "current" action by Congress (mostly in the appropriation bills). Also, the April Review of the budget contemplates budget requests for advance fiscal 1971 funding in 4 items totaling $1,661,000,000.

[2] Reflects reduction of $175,000,000 for Appalachian highway program for 1970 and $175,000,000 for advance funding for 1971. Authorization Act provided for contract authority in lieu of new obligational authority, with payments for liquidation to be appropriated later.

[3] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000, from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

[4] The budget estimate column to the Senate includes $1,226,000,000 advance funding for fiscal year 1971 for ESEA denied by the Congress.

[5] Includes reduction of $346,776,624 in the Cotton amendment, sec. 410 of Labor-HEW appropriation bill, H.R. 15931.

[6] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

Mr. GRIFFIN. Obviously, the administration can spend no more money than Congress appropriates, and, indeed, if anything, it is spending less.

Mr. MANSFIELD. That is true. And I am happy that the Congress appropriated so much less than the administration requested.

Mr. GRIFFIN. The Congress is doing such a good job that the Federal Government is going more and more into debt every day. As the distinguished Senator from Delaware (Mr. Williams) continues to point out, we are doing so well that very soon it will be necessary again to increase the ceiling on the national debt. Obviously, we are not doing a good enough job.

Mr. MANSFIELD. I would agree with the Senator. He has stated a fact. We have to live with it and try to do something about it. I hope that together we will at least be able to alleviate the situation which confronts us, as the Senator has so cogently pointed out. I am confident—as I have said—that the Congress can again effectively reduce the appropriations requested by the administration and again do its utmost in the battle to stabilize this economy.

Mr. HANSEN. I should like to add one word to the colloquy that has just taken place.

Let me say that I joined with the distinguished majority leader yesterday in voting for several amendments that were proposed before a motion on final action came up before this body. I did that not because it was my conviction that those other civil service and Government employees were not eminently entitled to a pay raise, but, rather, it came about because of my strong conviction that we do face a financial crisis in this country. I believe that on March 23 we were within $396 million of having approached the legal limit of $377 billion that this country can go into debt. How anomalous it is that we have had balanced budgets, and we keep having to increase the national debt and we keep having to borrow money to finance a balanced budget.

It is a bunch of hokum, and it came about because of the unified budget that was put into effect in 1968. It is a farce. It is a travesty. There is nothing accurate about it. It simply tries to juggle figures to make things appear better than they really are. That problem must be met head on, even though the raises in salaries of many of our public servants are justified. Even so, the wage increases of these other employees ought not be encased in the postal reform situation which is now before us.

I joined with the distinguished majority leader yesterday several times in voting for amendments which would have lessened the burden we were putting on the Treasury by the action we finally took.

The trouble with the 10-cent stamp proposal and the trouble with the other rather hastily put together proposals that were made in order to finance this added drain on our national budget is that those proposals do not reflect the considered judgment they deserve. I say that because I firmly believe that postal reform is long overdue.

I introduced the bill that was recommended by the Kappel commission in 1968. No Democrat wanted to introduce the President's proposal. I introduced it because I thought it made sense, and I still think it makes sense.

I think it is too bad that too many people in Congress would rather keep in their grasp the influence—the inordinate influence—they presently exercise over civil service and postal employees; and, as a consequence, they do not want to take the step that most people agree should be taken and must indeed be taken if we are going to make order out of the chaos which presently reflects the situation in our Post Office Department.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. MANSFIELD. I think I should state for the Record that, while serving in the House and the Senate, on at least five different occasions I introduced proposals which would take away from Congress the right of appointment of postmasters, because I felt that a more meritorious system of promotions based truly on merit should be put into effect. We never got anywhere with them.

Mr. HANSEN. We probably will not this time. But I do think it ought not to go unstated that the need still exists.

It is too bad that some 84 percent of the postal employees retire after a long period of Government service in the same grade they began. What incentives does that sort of system offer any public servant? I think it is terrible. I think it is time it was done away with. I hope Congress will face up to the responsibility that is now before it and see that we change the system so as to give the inducement and the encouragement that is necessary in order to command top performance.

I yield to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

SPEAKING FRANKLY AND WISELY

Mr. CHURCH. Mr. President, occasionally, in the endless world of words, there occurs a speech that makes us marvel at the skill of a gifted individual in shaping the English language to convey meaning with all its desired shadings, with grace and sensitivity. I listened to just such an eloquent address by Canadian Senator M. Grattan O'Leary when he spoke during the 13th meeting of the Canada-United States Interparliamentary Group that met in mid-March in this country.

In a spirit of concerned, but candid comradeship, Senator O'Leary conveyed some truths about Canada and the United States and their friendship with each other. Quite properly, he insisted that his Canada had a right to her separate identity because, although our "neighbor to the North," Canada is not a mutant of the United States, Canada is determined to fashion her own future, and to solve her own problems, as Senator O'Leary phrased it, "in the indispensable way of a sovereign society. A bit of this continent, from earth to sky, we want to call it our very own."

Senator O'Leary made his remarks in Houston, which is supported economically by the sinews of our space technology and the petroleum industry. But he reminded us that it is not our space effort or our industrial prowess that will make for us our mark in history. Rather it will be the status and priority we assign to the "quality of human life. This," he said, "is the example we must show to Afica, to Asia, to all the emerging nations."

Finally, and appropriately, Senator O'Leary noted that the United States, at a pinnacle of power, has "an awesome accountability to history." And in meeting this accountability, the United States, he insisted, must find a moral equivalent for war and must not mistake peace as a "pause to identify the next enemy."

I ask unanimous consent that the full text of Senator O'Leary's impressive remarks, delivered extemporaneously in Houston, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Partial Text of an Address by Senator M. Grattan O'Leary

Friendships must be kept in repair. This is the true, compelling reason for the meetings of this group.

We can't take each other for granted. Before leaving Canada I read the message which your President sent to the Congress on the state of the nation and your relations with the rest of the world. It was an eloquent, moving statement, but, for us in Canada it had one disturbing omission. President Nixon dealt with Europe, with Africa, with Asia, with the Near East and Far East, and with the member nations of this Hemisphere, with what he called "the republics of this Hemisphere", but there was no mention of Canada. Our trade with you is greater than your trade with all the republics of this hemisphere put together, but Canada was forgotten. I am not suggesting that President Nixon meant to slight us. I suspect it was just your good, kind way of taking us for granted. And that, fellow North Americans, is a mistake.

I shall return to this later, but first may I say a word about what I saw here today.

Many years ago, Matthew Arnold wrote some memorable lines about—"Standing between two worlds, one dead, the other struggling to be born".

And what we saw here today were you, the American people, standing at the cradle of that new world struggling to be born—turning a new leaf of history. Yours is the energy, the courage, the enterprise, to launch the world on a new voyage through history. Where that voyage will end, we cannot know. Only can we know that your sending men to the moon, this is an age when old moorings are drifting, will have its impact on the world's thought, on its philosophies, on its old fighting faiths and beliefs, that more than ever, in the hard and stony places of the human spirit, men will be challenged to maintain the old truths that have been our stay in the past. I was struck today, as Mr. David Lewis was struck, by the wonderful Astrodome you have built here. But my friends, my good American friends, this is not the highest achievement of a nation. All your technical progress, all the grandeur of your material gain, cannot be despised, but material triumph is not enough. There remains the quality of human life—the truth that the greatness of a nation must be weighed in scales more delicate than the balance of trade. The truth that the know-why is a greater thing than the know-how—the understanding that there is no sense in pasting wings on man unless you can give him a winged nature.

We may send men to the moon, we may do other things of high achievement, but nothing can take the place of the quality of human life. This is the example we must show to Africa, to Asia, to all the emerging nations.

And now I want to say something about Canada, about our relations with your own great land. The people of Canada, like the people of the United States, are basically North Americans, inheritors of the thought and traditions of Europe, but also the children of geography, products of the environments, the emotions, the driving forces, the faith, the dreams and the forms of expression of the North American continent. Yet there is a difference—a difference I plead with you to not forget. For while Canada and the United States may have the same basic cultures, they each at the same time have domestic and other tasks and problems—political, social and economic—which differ widely. Canada's particular responsibilities, her government, her constitutional structure, her ideals and aspirations, her memories and milestones, even her discords, are facts in her existence which cannot be approached understandingly or usefully by another country, even though that country be as friendly as yours. Only Canadians can know and resolve such things, and we are determined to resolve them in our own way, in the indispensable way of a sovereign society. A bit of this continent, from earth to sky, we want to call our very own.

Wanting that, resolved to have it, we need not be enemies, but will pray always that as God has made us neighbors, justice must make us friends.

Measured by human history, yours is a young country. Yet standing at the cockcrow and the morning star, you are at a pinnacle of power, with an awesome accountability to history. If in discharge of that responsibility you seek peace, then we as an ally and friend will walk with you always. For if peace be but a pause to identify the next enemy, if our world be unable to find a moral equivalent for the hydrogen bomb, then despair will have the last word, death's pale flag be again advanced, and this planet will cease to be the abode of men. I end, then with the innovocation Vive Canada, and God bless and save America.

RECOGNITION WELL DESERVED

Mr. CHURCH. Mr. President, on April 2, columnist Jack Anderson noted that traditionally we have reserved the national honors for those who engage in war, while ignoring those who render their service at home to make our country a better place in which to live, or who serve abroad in the cause of peace.

One of the young men singled out by Mr. Anderson for special attention is a 23-year-old Idaho youth who now spends his days in North Carolina organizing poor black farmworkers into self-help groups.

Steve Brown is a former employee in my Washington office, and, from first-hand experience with this remarkable young man, I can think of no one more deserving of recognition.

As Mr. Anderson stated in his column:

> Perhaps our national scale of values needs readjusting. We should declare to our questioning youth, to their troubled parents and to a skeptical world that social service is as worthy as military service. We should show that Americans believe it is just as glorious to sustain life as it is to destroy life.

Mr. President, I commend Mr. Anderson's column to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY ALSO SERVE

(By Jack Anderson)

As a nation, we reserve our medals for those who face enemy fire without flinchings. Not all our heroes, however, are made in Vietnam.

Like Steve Brown, a 23-year-old Idaho youth, who now lives near Warsaw, N.C., in the heart of tobacco country. His days are spent organizing destitute black farm laborers into self-help groups. His nights occasionally are interrupted by men in white hoods who call him ugly names and burn crosses.

Or like Tim Lyons, a 25-year-old native of Davis, Calif., who lives in the treacherous slums of Bogotá, Colombia. He is helping to rehabilitate abandoned street urchins, known locally as "gamines."

But neither, apparently, is much appreciated by his country. Steve Brown, Tim Lyons and thousands of volunteers like them work among the impoverished peoples of the world.

They teach children, build homes, plant crops, fight disease. They kill no Vietcong. They swab no decks, pump no bilges, pull no latrine duty. Their service, therefore, is considered inferior.

Perhaps our national scale of values needs readjusting. We should declare to our questing youth, to their troubled parents and to a skeptical world that social service is as worthy as military service. We should show that Americans believe it is just as glorious to sustain life as it is to destroy life.

To dramatize this, some senators have suggested that we should offer our highly motivated young people alternative ways to fulfill their obligations to their country. As long as the draft continues, we should give those who are drafted, at least, more choice of how they want to serve.

Under such a system, a young man would choose between military duty and welfare work. He could serve in the Peace Corps overseas or work in the ghettos at home. He would be entitled to the same honor whether he signed up with the Army or Vista, the Marine Corps or Neighborhood Youth Corps.

BETTER FOOD FOR THE ELDERLY

Mr. CHURCH. Mr. President, as chairman of the Senate Special Committee on Aging Subcommittee on Consumer Interests of the Elderly, I have become increasingly aware of a question that must be answered every day by millions of elderly consumers.

During a time of rapidly spiraling inflation, how does an older person with a limited income plan for an adequate diet? Rising food costs have begun to affect the large middle class in this country—to an older couple who must make do on less than $3,000 a year—the answer is simply to eat one meal a day—and for too many, that meal consists of tea and toast.

The problem is compounded for the elderly who live alone in urban communities and rural areas.

Due to the congested and often violent nature of life in most large cities, the older individuals who reside there may be afraid to leave their homes. Many become increasingly isolated until they do not go out at all.

Since I am from a predominantly rural State, perhaps the saddest picture to me is of the elderly person who lives alone on his small farm or home: his spouse gone, his children moved away to the city. In such areas, the closest market is often miles away; and indeed, the closest neighbor may be as much as 5 to 10 miles away.

For these people, the problem is not only financial, but social as well—and it is an absolutely critical problem.

Loneliness is a poor dinner companion, and rather than eat alone, many of these older individuals skip meals or "nibble an occassional snack."

The Administration on Aging has been experimenting with a concept which could prove to be a workable solution to this multifaceted problem. A number of research projects have been funded by the administration which combine a daily hot meal with social activity. The 24 projects are located in urban, suburban, and rural communities across the country and many provide additional services, such as transportation, "take-home" meal packages, and nutrition education.

Theodor Schucat, in an article entitled "Better Food for the Elderly," published in the Washington Star on February 3, describes some of the projects.

Nutrition is a serious and growing problem that concerns all of us, and constructive research such as this deserves careful attention. Therefore, I ask unanimous consent that Mr. Schucat's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BETTER FOOD FOR THE ELDERLY

(By Theodor Schucat)

"Millions of our older people are victims of inadequate nutrition in varying degrees," U.S. Commissioner of Aging John B. Martin admitted to a Senate committee.

"For these millions of older citizens," he continued, "a choice between rent and food often results in the rent being paid and another meal missed."

The White House Conference on Food, Nutrition and Health recommended recently that Uncle Sam provide that missing meal for millions of older people who need it.

Higher Social Security benefits and welfare payments were proposed by the conference as the first line of defense against a hungry old age. With enough money, older people will fare well—provided they know how to eat healthfully and arrange to take many meals with others.

Companionship at mealtime is good nutrition, experts tell us. Pilot programs of the U.S. Administration of Aging, headed by Martin, operate on this principle. In Detroit, for example, potluck dinners and weekend dining clubs for seniors are being tried out.

To tempt more lonely people out of their rooms, where they tend to snack or nibble instead of eating regular meals, the White House Conference recommended more experiments in getting good food into older people.

Special credit cards should be provided with which retirees could buy restaurant and other meals, the conference urged.

Just selecting the right food is a problem for many older people who were young in the days before vitamins and calories were part of growing up. Moreover, many have health problems that restrict their food choices. Taste buds definitely change with age, too.

Such problems are solved on a large scale by Mrs. Jeanette M. Martin, the nutritionist who plans the meals for some 1,500 Chicagoans who eat regularly at 29 senior centers throughout the city.

Like any housewife, Mrs. Martin must prepare meals that meet the needs as well as the individual tastes of each member of her large family. All the meals she plans must be well-balanced and provide a third of the individuals' daily food requirement.

They must be varied, too, because each of the centers offers luncheons from two to five times a week, and most folks attend regularly. Also, the meals must be budgeted carefully and, of course, they must be tempting and satisfying.

"We look for foods that appeal to most people because only one menu is offered every day, but at the same time try to avoid being dull," Mrs. Martin explains. "I try to plan dishes that many of our diners don't prepare at home, either because they can't be cooked in small portions or because preparation is quite involved."

"Response to the food and to the social opportunities offered by the program is very positive," comments Mrs. Martin. "We listen to pros and cons from diners and try to incorporate changes that appeal to a great many people."

OAS CHARTER REVISION

Mr. CHURCH. Mr. President, in one of the most important moments in the history of the inter-American system, the Permanent Council of the Organization of American States—OAS—agreed on March 18, 1970, to call the First General Assembly under the amended charter of the OAS. It will take place in the Dominican Republic on June 20.

The charter of the OAS, adapting the loose structure which existed for the last 20 years to the current demands for effective international action for development, was revised in a special conference in Buenos Aires in 1967.

After 3 years, a sufficient number of governments of the American countries have now ratified the revised charter. This will give the Organization an opportunity to demonstrate anew whether it can live up to the expectations that have been placed in it by millions of people in this hemisphere.

The Secretary General of the OAS, Galo Plaza, has expressed his intention to exert effort to revitalize the Secretariat. In a speech to the Council of the Organization, he set forth some of the measures he is proposing to bring new and more effective systems and management to the Secretariat.

Because I believe his recommendations are important, I take this opportunity to share them with the Senate. I ask unanimous consent that Galo Plaza's remarks of December 15, 1969, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Organization of American States: Instrument for Hemispheric Development, December 15, 1969

Eighteen months ago, when I assumed the office of Secretary General of the Organization of American States, I stated before this Council that I believed a sharp turn of the helm was essential for the General Secretariat. Program and procedure had to be reoriented to assure maximum responsiveness to the specific desires of the governments, to apply the most modern and effective systems of operations management, and to redirect activities to provide greater direct services to the Member States, close to the point of action and need . . .

Today I am pleased to present the results of the comprehensive review of all Secretariat programs and activities which I promised. I submit to you not only a view of new directions for the General Secretariat, but a view of new opportunities for the hemisphere; a program not only for introducing new vitality in the world's oldest effort in international cooperation, but for a beginning in converting that institution into one of our hemisphere's more responsive and finely tuned instruments for development.

The OAS has grown rapidly over the last decade. While its traditional role as a vehicle for peace and security has been and is of outstanding importance, the OAS is today also a vital development agency, with increasing responsibilities in the efforts of our hemisphere to achieve economic and social growth.

The annual review of each country's economic and social progress by the Organization's committee, CIAP, plays a central role in defining resource and external assistance needs. Its Regional Programs in Science, Technology and Education are now assuming a major role in spurring the utilization of technology among our nations. It is, today, a major supplier of technical advisory services among regional agencies; it furnishes over one third of all fellowships and scholarships that are provided to Latin America from public and private international sources. It is apparent, in short, that it has a vital role and that its machinery must be a decisive and effective instrument responsive to the needs and will of the Member States.

However, while its responsibilities for development increased, its systems and management remained set in old patterns. I was well aware of the task which confronted me when I assumed this office. I knew the unique opportunity which I had to change those patterns, and the rareness of the moment. I knew that this time we dared not fail.

The task was delicate, and, above all, had to be truly sensitive to the desires of the Member States. For this reason, I began by going to each of the countries of Latin America to meet and talk with the heads of state and other high officials. I learned about their universal desire for the development services to be made more relevant to the needs of our people; for the governments themselves to play a more direct and active role in program implementation; for a stop to the growing financial burden of international efforts without apparent commensurate benefit.

To this end, every mandate and every program has been reviewed; every system and every procedure has been re-examined. The most effective management systems in existence today have been analyzed to determine how their best elements could be applied to our needs. Throughout the entire process, we have constantly been guided by one of the fundamental precepts of effective and efficient service:—avoid dispersal of resources and concentrate effort for meaningful impact. While the needs of our hemisphere are many, the greatest need of all is for quality effort. Proliferation and dispersion of activities must be avoided.

The Program and Budget now being submitted to the Council is the first one developed in its entirety by this administration. It is a unique document of its kind in the management of international organizations. In order to provide the governments with the means to exercise better control of the programs based on full knowledge of intended impact and potential implications, it contains six year projections, set forth in biennia. So that the governments may know precisely what the Secretariat is doing and how it is interpreting their mandates, we have incorporated into the operating system a process of continuing evaluation of performance and results. And for them to have a greater voice in methods used by the Secretariat, we have grouped all expenditures related to specific program goals, regardless of fund source, and we have provided analysis of all expenditures by purpose as well as type of expenditure. The basic principle governing the preparation of this new Program and Budget is full disclosure of all aspects of operations and expenditures.

In sum, the Program and Budget 1970/72 will:

Narrow down the number of programs to be undertaken by the Secretariat to sixteen basic areas, from a previous total of thirty-one. These new programs will be the Secretariat's areas of concentration. This should provide more meaningful qualitative service to the Member States;

Orient each program predominantly to direct services to the governments, with principal emphasis on technical advisory services and training instead of publications and meetings as in former years;

Revamp and reorient the entire system of technical cooperation to place primary responsibility for decisions on implementation in the hands of the governments;

Initiate an internal management system combining long, medium and short term planning so that the governments will know exactly how their money is being used, will see the future implications of today's decisions, and will have the tools to evaluate the results of our performance.

Provide clear criteria for the use of regular quotas and voluntary funds.

Restructure each department to give maximum prominence and flexibility to the programs selected as areas of concentration.

I stated the reasoning behind this approach in my first budget message to this Council last year when I said that "The business of this Organization is service to the Member States. That service is defined, almost universally and on every level, by the type of program and program impact. . . . Our concern is with program; our working tools should drive toward program clarification. Our thinking and our critical inquiry should challenge program assumptions. . . . If we are to speak of effective allocation of resources, this must mean effective allocation to meaningful program ends. The reason is clear; it does us little credit, in service of the people of this hemisphere, to save pennies while we disregard the loss of dollars." . . .

Foremost in my mind was the need to seek unifying purpose among the diffused and varied programs that had evolved as a result of the growth of the OAS in the last decade. This purpose had to be sensitive and responsive to the specific needs and judgments of our Member States. Our specific task, as a development agency, is to help the Member States strengthen local capabilities to reach the point, in any particular field, where sufficient local talent is available to solve local problems without the need of outside assistance. Our function is to supplement local efforts where needed by mobilizing a broad range of international resources—human, technical and financial—to assist in the solution of problems of particular concern.

For this purpose, the OAS has a capability which is unique and still largely underutilized. The potential and scope of the resources which can be mobilized by the newly designed programs are from a wide variety of sources, from the United States, from Europe, from Japan, but most important, from carefully planned exchanges among the countries of Latin America themselves. It is essential for us to appreciate that, view-

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ing our hemisphere as a whole, we have the skills and the trained people for development among us. Our task is to disseminate, make more widely available and multiply that knowledge. In that sense, our own technicians, familiar with our customs, understanding our capabilities, aware of our problems, have a much greater ratio of communicability and applicability than do foreign technicians who may know more about their subject but often have difficulty making it relevant and immediately applicable. This kind of intra-hemispheric assistance fostered by the OAS opens many opportunities, especially as we seek new ways to counter the brain drain which affects Latin America. . . .

The decisions we have made to formulate the Program and Budget proposal which we present today to the Council follow several specific criteria.

First, proliferation must end so that professionalization can begin.

Second, the necessary restructuring must take place, according to the repeated instructions of this Council, within existing resource limits.

The third criteria, and one which the governments will wish to consider carefully over the next few months, is that duplication among international agencies—whether they be world, regional or sub-regional—must end. Duplication of programs means duplication of administrative costs. It means duplication of precious talent drawn away from the countries. It means duplication in time demanded of government officials who must meet, confer, and review the work of the agencies. It is not the direct costs of duplicate coverage but the hidden, intangible costs that greatly burden our development efforts.

Because there are priorities for world development does not mean that each agency should attend the same priorities. There is room for rationalization. There is need for rationalization. I have begun by attempting to reduce Secretariat activities in areas which are well covered by other agencies. I will seek over the coming biennium, to further the process as we reach agreement with other organizations. In this way we can assure that the member governments will receive the full complement of services they desire.

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Another critical area which required refashioning to make the OAS more responsive to the governments was the entire technical cooperation program. As one of the most important activities of the Secretariat, the first step was to centralize the administration of technical cooperation and place it in position to apply uniform management controls to all technical advisory services and training, regardless of fund source. It was apparent that the major problem impeding progress in this activity was the method of decisionmaking regarding the specific assistance to be sent to the countries. While the General Secretariat has always tried to respond to the requests of the member governments, it always did so by accepting ad hoc, uncoordinated requests from different government agencies, without uniform or clear orientation from the receiving government. In the field of international technical assistance there was little inter-relation and no effort toward systematic programming which would drive toward definition of the full range of technical advisory services and training needs to be satisfied by the total system of international agencies. Understandably, the countries were generally dissatisfied with the results. Most important, because of the dispersed, uncoordinated nature of the programs they hardly understood what benefits they were receiving.

It is time to change this too. In 1970 all technical assistance requests will be coordinated in the countries by a specic agency selected by the government; primary selection of fellowship students and trainees will be done within each country. The intimate knowledge and understanding of the countries themselves of their own needs will be the primary moving force in OAS managed technical assistance, and the assistance will be carefully coordinated with national development efforts and effectively used by the countries. The first national programs have been prepared by the Member States and have already been approved.

The new system has multiple benefits in the managerial sense as we seek to make economies in Secretariat operations. It will not only attune the Secretariat more finely to the needs of the Member States, but it will reduce the size of the staff needed for evaluation of projects and selection of candidates. Substantially increased volume will be handled with only limited changes in personnel. Greater proportional economies will permit releasing of personnel for direct field management and improved systems of technical assistance follow-up and quality control. In addition, a not insignificant benefit will be to open the opportunity for all international agencies to take advantage of the national programs being presented to the OAS. Our intention is to help the countries find any needed assistance through the informal inter-agency meetings that take place at each CIAP country review.

In charting new directions for the Secretariat, it became apparent that the old structures and internal systems would no longer be adequate. Emphasis on direct service and flexibility in execution required complete review of organization. Consequently, we have restructed every department, eliminated a multiplicity of non-operational divisions, and rationalized their management so as to define responsibility and accountability. We have centralized key services to place the full range of Secretariat facilities at the disposition of each major program. We have established stronger field management posts. With these controls, we can move to a greater degree of decentralized operating responsibility allowing each program to develop the most effective strategy to attain its objectives, including the placing of more activities directly in the field.

The above is a summary account of what I have attempted to accomplish to fulfill the pledge I made to you 18 months ago. To carry it out, I am presenting a total program budget of $94,000,000 for the biennium of 1970–72. It represents an average annual increase of 4.2% over the budgetary authorization for last year. * * *

The allocation of resources among different sectors are as follows: 29% are applied to economic and social matters, 35% to education, science and culture, 2% to political-legal matters, 6% to technical cooperation administration and unprogrammed assistance, 11% to management and 17% to common costs, publications, and contributions to other organs.

The budget projections to 1976, arranged in biennia, are a vital element in our effort to economize by conserving manpower, so much of which goes into budget preparations. The figures you have before you are firm for the programs we will undertake during the budget period 1970–72, and indicative for the projections 1973–76.

I cannot close without reviewing briefly the new administrative mechanism of the General Secretariat which I have used to make it possible for me to inform you as I have today on the structural and functional changes made in the institution. The advanced management and planning systems which have been employed put it in the forefront of international organizations and on a par with some of the most forward looking national institutions.

There has been a complete reorganization of every unit in the administrative area, new chiefs man the major services, new systems of finance control have been instituted with computerized financial and accounting programming devised by outside experts. Selection boards have been instituted for personnel appointments. A new Planning and Evaluation Staff directly responsible to me is monitoring the needs of the countries and the performance of our programs. Field mechanisms have been reinforced with a series of five regional offices, which will enable the Secretariat to locate more substantive activities in the Member States while, at the same time, maintaining better control of operations.

In sum, my announced goal of creating a comprehensive system of advance controls is now basically designed. It will enable me to move the Secretariat more rapidly to a modern system of greater decentralized operational responsibility, encouraging creativity and innovation in all program areas.

With this presentation, our task only begins. Our selection of areas of concentration this year, subject to the review and revision by you, has been based on our past experience. I have set forth for you, in each program description, the criteria determining our recommendations. But I have taken care to build into the system the tools to carefully monitor and check these preliminary decisions. Two instruments will be of prime importance. The specific country requests received as part of the national programs in technical cooperation will be our major testing device to determine whether the countries really desire the services we are offering. Second, the system of performance evaluation will examine results in relation to preset criteria. As we move forward over the next biennium we will maintain each program under constant review to prevent solidification of rigid bureaucratic formulas from frustrating the desires and needs of our member governments.

In the last analysis, however, it is the governments who must tell us whether these efforts really meet their needs. For our part, we shall be responsive and, I am sure, held accountable. Unless we learn to build into all our systems capacity for objective review and organized change, our best intentions will be stifled by the inertia of the institutions we establish to implement them.

I am pleased to place this proposal in your hands for decision by the governments. I hope and I trust that you will find, in the systems we are proposing, the mechanism and the instrumentalities by which you can mould this Secretariat into the kind of institution we all need to achieve the promise of the Americas . . . an instrument to help unite our people, pool our talent, resolve our differences, and to forge the tools to bring progress and prosperity to the peoples of our hemisphere.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Wyoming (Mr. HANSEN), for not to exceed 45 minutes.

PROBLEMS IN THE BEEF-PRODUCING INDUSTRY

Mr. HANSEN. Mr. President, on April 3, 1970, the Associated Press published an article, written by Don Kendall, which referred to a so-called secret report issued by the subcommittee on Special Studies of the House Government Operations Committee. The report purportedly calls for Federal regulation of the cattle-producing industry in order to determine the price to be paid by the consumer, the price to be received by the producer, and the price to be received by the middlemen, including the packer.

This article has caused quite a stir in areas where the livestock industry has an impact on the local economy, and much concern has been generated with respect to the "secret" activities of this House subcommittee.

A copy of this report cannot be obtained from the subcommittee. My office was told by subcommittee staff members that the report could not be distributed to anyone because it has not yet been approved by the full House Government Operations Committee. I do not know why the subcommittee members are being so protective of this document. But since it apparently is of such a highly sensitive and confidential nature that only the press has been allowed access to it, I can only speculate on what it must mean to the future of mankind.

It is my understanding that the "secret" report which the Government Operations Committee will consider either today or tomorrow makes two basic recommendations:

First. The Meat Import Quota Act of 1964 should be changed so that foreign countries would be allowed to increase imports by an amount equal to the estimated gap between domestic production and consumer demand, with the estimated gap to be determined by a special commission which does not now exist.

Second. The Congress should establish a commission whose function would be to ascertain the adequacy of the meat supply for the American consumer at "reasonable" prices during the next 10 years, giving consideration to costs and profits of different segments of the industry at the producing, slaughtering, processing, and distributing levels.

Generally, the Subcommittee on Special Studies seeks to convey the impression that American consumers are paying excessive prices for their beef, and that the reason for this cost is that there is a "critical shortage" in the availability of beef. The report concludes that the way to reduce the cost to the consumer is to increase the supply by junking the import quota system and allowing greatly increased foreign imports, and to appoint a commission to investigate the supply of beef.

Mr. President, I disagree with the conclusions expressed in this report, and I reject the recommendations as hatched-up remedies to a hatched-up problem. I believe the subcommittee has made an inaccurate assessment of the real life beef industry in the United States, and I would like to point out a few of the facts which were overlooked in the subcommittee's report.

To suggest, as the subcommittee report does, that the consumer is paying an unreasonably high price for food, and in particular for beef, in the context of today's economic situation, today's income situation, and today's agricultural industry, is to display an ignorance of the facts.

Today's housewife spends an average of 16.5 percent of the family's income after taxes on food. This is the lowest percentage in history. Of this 16.5 percent, an average of 15 percent goes for meat products. When one takes a look at the overall situation and considers inflationary trends, the level of income, and the costs of other goods, it becomes obvious that food in America is more of a bargain than ever before in our history.

The subcommittee report attempts to prove that the upswing in beef prices in recent years exceeds the corresponding increase in the Consumer Price Index for the same period. If the writers of this report had been more interested in painting an accurate picture of the beef price situation, they would have pointed out in their report that the increase in beef price since 1958 has been below the amount of the increase in the Consumer Price Index for the comparable period.

In the past 12 years, the retail price of beef has gone up 30.6 percent, while the total of all consumer costs for the same period increased 31.3 percent. Average prices to producers of livestock did not make the journey from the supermarket to the producer, and did not reach the 1959 price level paid by the consumer, until 1968.

It is true tha' beef prices during the last year and a half have increased. I can not think of a single item, including income for most people, that has not increased dramatically in recent years. There are some reasons for these increases.

The surge in beef prices of a year ago directly reflected a bad winter, which caused increased death losses among herds and slowed down the rate of weight gain.

The major reason, however, for the recent increase in beef prices is that inflation is finally catching up with the cattle industry.

Total farm debt is the highest it has ever been. During the past several years, when producers were not receiving good prices for their product, they found it necessary time after time to borrow each year, using the value of their land as security, in order to stay in business. Skyrocketing interests rates have cut deeply into producer income, compounding problems which can only be met in ensuing years by adequate prices for the products which producers market. An industry cannot live forever on borrowed money.

Inflation, which affects each and every one of us, has meant that the cattle producer has to pay twice as much as he did 20 years ago for most kinds of machinery necessary to his operation. The cost of land, labor, and other products necessary to the operation of a cattle-producing unit, including the cost of transportation from farm to market, have accounted for the increase in beef prices at the ranch or stockyard.

But the major increases in prices have not originated at the ranch or feedlot level. The higher costs reflected at supermarket counters cannot be fully traced back to the man who raises the cow.

Three-fifths of all retail food prices is paid for labor. During the past 10 years, the labor cost per unit of food rose 58 percent. When we look at the total food bill of Americans each year, statistics show that the difference between what consumer pays for retail food and what the farmer receives is $160.6 billion. Labor costs accounted for one-half of this difference.

The report concludes that restrictions on foreign beef imports are not needed to protect the domestic industry because the forecast is that a shortage of beef will develop which will reach "some magnitude" between now and the end of 1975.

In testimony before the subcommittee, Dr. Herrell De Graff of the American Meat Institute testified that population expansion and demand for beef would require a herd of 114 million head in this country in 1975. This compared with 110 million in 1968. This would be an additional 4 million head of cattle.

In 1969, cattlemen added 2.5 million cattle and calves to their herds. As 1970 began, the total inventory stood at 112.3 million. It is estimated that in one State alone—the State of Iowa—cattle production could be doubled, should increases in consumer demand dictate the need for increased numbers. I think the writers of the subcommittee report are misinformed if they do not believe Americans can increase cattle numbers by an amount sufficient to meet demand in 1975.

The Secretary of Agriculture recently issued a statement which indicates that U.S. producers are turning out a sharply increasing volume of beef, at lower cost in relation to consumer hourly earnings, thus fulfilling consumer demand for quality beef. There is nothing to indicate that the industry will not continue to meet demands in the foreseeable future.

If Congress were to adopt the subcommittee's report and carry out its recommendations, all restrictions on foreign beef imports would be lifted. Our cattle industry would be competing directly with countries like New Zealand, Australia, and Ireland. We would be putting our ranchers in the position of competing with countries which pay their farmworkers an average of $20 to $23.50 a week, including room and board. The average farmworker in the United States receives $11.40 per day. If he puts in 5 days of work each week, that means he is earning a minimum of $57 each week. The Australian worker who produces the beef sent to this country does not pay one red cent in taxes to support the Government of the United States. The American producer helps support government at the Federal, State, and local levels, and in States like Wyoming accounts for the lion's share of the revenue in many counties. The Australian worker does not spend his income in the American market on tires, oil, and gas, feed for his cattle, products for his home, and machinery for his operation. The money he makes from the American consumer purchasing Australian beef goes back into the economy of Australia—not America. When we talk about reducing prices to the American consumer by inviting increased imports, we are talking about boosting the economies of foreign nations, while hurting our own economy by depressing our own industries.

Australia shipped 543 million pounds of beef to the United States in 1969. In

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order to force exporters to seek markets other than in the United States, the Australian Meat Board instituted a regulation requiring exporters to ship 1 pound of beef to other nations for every pound of beef exported to the United States, even though they could receive far higher prices on the U.S. market.

This means that, instead of the 150 million pounds which the subcommittee would have us believe would be the maximum shipped into the United States with no quota system in effect, the fact is that 500 million pounds would be available from Australia alone, and there would be no reason to continue the requirement of shipments to other nations when Australians could have free access to the higher priced American market.

It is not exaggerating to suggest that an influx of cheaply produced foreign products which would compete on our markets with domestically produced products, would eventually put domestic industries out of business.

When certain members of Congress proposed policies which threaten domestic industries, they had better take a look at exactly what will be wrought.

In 1969, there were 10 million farm employees in America. One can only speculate as to how many additional thousands of jobs depend on the production of crop and beef products. Are the proponents of this report prepared to find jobs for the large number of unemployed who would find themselves without jobs as a result of the hold on our market by foreign nations?

Cattle consume large amounts of corn and other feed grains. As a matter of fact, the domestic beef cattle industry consumes the greatest proportion of all feed grains produced in the United States. Is the subcommittee prepared to pay out additional billions of dollars in farm program payments to control surpluses which would result from decreased consumption by the livestock industry, as a result of increased foreign imports?

Our trade balance—or rather our trade imbalance—must also be considered. The U.S. balance-of-trade deficit created a monetary crisis in 1968, and an increased flow of American dollars to Australia, New Zealand, and other beef-producing countries would certainly aggravate this problem.

The subcommittee members who endorsed the report professed throughout the document a deep concern for the consumer, whom they feel is troubled by excessive costs.

I suggest, Mr. President, that those who endorse the conclusions of the report apparently do not realize that when they make the domestic cattle industry the fall-guy for reducing prices to the housewife, it is not only the producer they are hurting. They are also hurting the housewife and all consumers, because they are depressing a vital force in the national economy, and particularly in the State and local economies of many areas.

Let me cite as an example what would happen to a particular community in my State of Wyoming, where agriculture is second only to natural resources development in the maintenance of the State's economy. The town of Torrington, Wyo., derives 83 percent of its revenues from agriculture. If American housewives start buying Australian beef because it is cheaper, the cowmen in Wyoming will suffer. The wheat and feed grains growers in Wyoming will suffer, because the cowmen will no longer be buying as much feed. The taxpayers will see more Federal dollars spent to handle wheat and feed grains surpluses. The small businesses in Torrington which depend for their existence on sales to agricultural producers of such items as tires, gasoline, oil, farm implements, seed, fertilizer, lumber, automobiles, insurance, and all other items, will suffer from the loss of business. The schools of Goshen County, in which Torrington is located, would suffer from the loss of revenues provided by taxes producers pay on vast land areas. The nonagricultural workers of Torrington would suffer because the businesses which employ them would suffer a loss of revenue and would no longer be in a position to pay labor costs.

Mr. President, I could go on and on citing examples of what would happen if the barriers were removed on foreign imports. It does not take a genius to figure out that the Australians can sell their beef in this country at a cheaper rate than the domestic industry, because they do not pay the costs to produce their product that the domestic producer pays. It stands to reason that the housewife is going to buy the cheaper product if she can, and it also stands to reason that the Australians would orient their entire industry toward producing for the American market if they thought they could ship unlimited quantities of beef across our borders. They practically are producing solely for the United States as it is.

The livestock industry makes a tremendous contribution to the economic and social well-being of this Nation, and the industry is not making an exhorbitant profit on its products. The originators of this report would do well to consider how the United States would replace the losses that would result from the policies they advocate in terms of taxes paid to the Government for all the various Federal programs, in terms of support to State and local economies, and in terms of meeting the very selective demands of the consumers of this country for a price that simply must be viewed as a bargain when all the facts are taken into consideration.

We have observed, in recent months, as campaign time nears, an emerging philosophy that the best way to reduce the cost of goods to the consumer is to force American prices down by inviting an influx of cheaper foreign products. We see this approach in the subcommittee's proposals and we have seen it expressed in connection with the oil import situation. In its face, this philosophy may sound good to the consumer, who is finding the cost of everything to be much higher than it was a few years ago.

Proponents of this approach, playing to the voter, are quick to make a popular demand for cheap imports without explaining the ramifications or the impact on the domestic economy, and without accepting the responsibility for the long-term consequences of such actions.

The cattle industry has managed to remain relatively stable throughout the years because it has remained free of Federal controls and regulations. I cannot think of a quicker way to throw the industry into chaos than to invite the Government to decide what the supply should be and how much the producer should be paid. We have only to look at the present situation with respect to Federal programs for wheat, feed grains, and cotton to know that the Government is the most inefficient farm manager there is.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HANSEN. Mr. President, I am very happy to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the thrust of the subcommittee's report is certainly from the area of those who find themselves constrained to speak up on behalf of the consumers. We are all consumers, Mr. President, and I do not think there is anyone who is more concerned about consumers than the Senator from Wyoming or the Senator from Nebraska. But when we get into a matter such as the subject that was covered by the committee report in the other body, there are few principles that we just must recognize.

We must recognize the factor of inflation which has entered the picture. We must recognize that there is a difference between meat prices and cattle prices. The farmers and the ranchers do not sell meat. The farmers and the ranchers sell cattle on the hoof. Those are the first sales and the first purchases by those who process the meat.

Mr. President, I have a chart that I should like to introduce into the RECORD in due time which indicates that last year for the first time since 1952 the price of choice cattle exceeded $30 a hundredweight.

Here are the average prices for cattle, choice steers, in 20 markets during 1950, 1951, and 1952.

In 1950 it was $29.02.

In 1951 it was $35.24.

In 1952 it was $32.44.

Mr. President, from that year until 1969, there was never a year when cattle prices went over $30. Most of the prices were in the middle and low $20 price range.

The Senator has commented on inflation. I give these figures and ask the Senator if he has not come across them in his reading and study of the problem.

The farmer must live and support his family on what he is paid for crops and livestock. During the last 20 years, wages have more than doubled.

In 1950 the average wage rate in manufacturing, according to the Department of Labor, was $1.44 an hour. Today wages are $3.24. Yet, the price of cattle today is lower than it was during the years 1950, 1951, and 1952.

Is that the result of the Senator's study on this subject?

Mr. HANSEN. Mr. President, the Senator from Nebraska is entirely correct. There is no student of the cattle in-

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dustry who is more astute or more knowledgeable, in my opinion, than is the Senator from Nebraska. He has often been recognized as the spokesman for the livestock industry. And the facts he is calling to the attention of the Senate are most relevant in the results of the charts, that there is nothing inflationary about the price of cattle.

Mr. HRUSKA. It certainly does not seem to be in the figures. It is distressing because we get letters all the time from consumers and restaurant associations saying that the prices of meat and cattle are at an alltime high. That just is not true. It is not true that cattle are at an alltime high. As a matter of fact, the table to which I refer has material in it to indicate not only the average price of steers in the first purchase, but the wholesale value of carcasses per hundred pounds, the retail value, and it shows there is no parallel between the retail value of that merchandise as compared with the first purchase of cattle for processing because whether it goes up or down in the value of choice steer, that up or down does not coincide with the up or down in the retail meat market.

To give an idea on the subject, in 1950 when cattle were selling for $29, their retail value was $60.28. In 1968, cattle were selling for $26.75, and the retail price was $64.56. There was no correlation between them.

I do not know where the causes are. That is something for the economists to figure out. But the figures in the cattle market necessary for the farmer and the rancher to meet those prices are easy to understand. I am informed that the purchasing power of the 1950 dollar in 1969, was 62 cents. If we consider that cattle are selling in the $30 range, up or down from that, and that is where they were 20 years ago, it means we would have to deduct 38 cents from the dollar he used to get in 1950, and that is what he is getting today because his labor costs more, his gasoline costs more, his tractor costs more, everything he uses costs more, and especially in the area of labor.

Mr. HANSEN. As I understand it, the Senator is saying the cattle rancher today is not nearly as well off, with the decreased value of the dollar today, as he was 20 years ago.

Mr. HRUSKA. That is right. Roughly he takes 40 percent off of every dollar to compare with the same $30 price he got in 1950 because the buying power of the dollar has decreased so much.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, I was interested in the remarks made by the distinguished Senator from Nebraska. The Senator will recall that about 6 years ago he and I were responsible for the passage of an import quota for the first time based on beef and lamb frozen products from outside the United States.

What he has said about the decrease in the value of the dollar and the increase in the cost to the cattleman is true. We could spread it far beyond the cattle industry and take in a good deal of the rest of the agriculture economy—feed prices, for example—and find that prices have gone up as far as the consumer is concerned, but as far as the original producer is concerned—and this applies to both the wheat rancher and the cattleman—costs have gone up while prices have remained stable. Only in the last year and a half have cattle prices gone up to a reasonable level. Before that it was touch and go for a good many small producers. Too many people want to make the producers in the cattle industry the villains, just as they want to make the wheat farmers the villains in connection with, for example, the price of bread.

I congratulate the Senator from Nebraska and the Senator from Wyoming for setting the record straight and putting the facts down as they are and telling the story as it is. It is about time we began to do our thing and put in the RECORD the situation which confronts the American cattleman; and get away from the proposals, which I understand are originating in the House and which would make the situation of the cattleman that much more insecure and bring about a migration from the farm economy into our already overly congested areas.

These people have been getting by pretty much on what they have done themselves. They deserve a great deal of credit. The facts brought out by the Senator from Wyoming and the Senator from Nebraska should set the record straight.

The dollar, in the last year or so, has declined again because of inflation. However, costs have not decreased; as a matter of fact, they have increased. I do not know the figures but I imagine punchers today are paid $325 a month in addition to room and board. The same figures would apply to herders in the sheep industry, and herders are hard to come by.

These are added costs and they are an added burden on the sheep and cattle rancher and the wheat rancher. This is a situation which the urban east and the urban west does not fully understand. I think the two Senators have done a real service in laying the facts on the line today.

Mr. HRUSKA. Mr. President, I recall with pleasure the cooperation of the majority leader and other Members of the Senate during 1964 when we passed the import quota bill to which the Senator has referred.

We are importing about 1 billion pounds of beef today.

Mr. MANSFIELD. Over. It is a little over that.

Mr. HRUSKA. It is a little over 1 billion pounds, more or less, but it is not quite at the trigger point in that import quota law.

Demands are being made that that quota be relinquished because the price of meat is so high. When letters are received from the restaurant people, I recall the fact, which is a simple one, that if we consider in 1958 the price of a meal was $1, the price of a meal in December 1969 was $1.50. By that standard, if we had a $30 price on cattle back in 1950—not on meat, but on cattle, which is what the farmer and the rancher sell—we should be getting $45 a hundred for those cattle. We do not have it.

We have the wage earner who in 1950 was getting $1.44 an hour. He does not get $1.44 anymore. The national average is $3.28, more than double. If our beef prices were doubled we should be getting $60 for a hundred pounds of cattle on the hoof.

It does not make any sense to speak in terms of taking an industry like that and say, "Let us take into this country larger amounts of imports so that consumers will have cheaper meat prices." Why can that not be said of textiles, shoes, electronic parts, and a host of other things?

The Representative from Connecticut, I think it was, who headed the hearings on the other side, indicated that he had some concern about these imports because they are imports of industrial goods that come into America that hurt the industry in his State; so he had some sympathy with the idea that we should be a little careful about letting down the bars of other imports into this country.

Mr. COTTON. Mr. President, will the Senator yield to me on that point?

Mr. HRUSKA. I yield.

Mr. COTTON. Mr. President, I agree thoroughly with what the distinguished Senator from Nebraska has said. It does not make a bit of difference whether it is beef, shoes, or textiles, the same principle is involved.

The reason I asked the Senator to yield is that I wish to call attention to the fact, and I am sure the Senator will agree with me, that we have many very sincere and dedicated Members of Congress who are always talking about the consumer. They want to let down the bars and let in all of these products, whether it is manufactured goods, beef, or something else, in the interest of low prices to the consumers.

Although I live in the East, I am not one who represents a highly urbanized constituency. There is one thing that those who do forget: History has shown that as soon as foreign competitors, whether it is in manufactured articles or agricultural products or anything else, have run out of competitors and destroyed to a great extent their American competition, then prices go up. To a large extent those businesses have given up their investments, and there is less capability of production. Every time that happens, history shows that prices have gone up.

So some of our friends who, in complete sincerity, are saying, "I do not want quotas. I do not want any restrictions on imports because I am for the consumer" really, in the long run, are not for the consumer at all, because as soon as we impair our own productiveness for the consumer and have to rely upon imports of any kind, then the prices on those imports go back up and the consumer is in trouble.

Is that not true?

Mr. HRUSKA. That is true. The Senator from New Hampshire speaks well.

I would say this lest there be some misunderstanding or miscalculation

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about it. It has not been the position of the beef industry or the cattle industry that imports should be shut off. We have said we will accept a reasonable quantity of imports. I believe it started, in 1964, somewhere in the neighborhood of 700 million pounds. The imports were geared to an increase which had to do with the consumption of beef in this country, so that as the market increased, there would be an increase in imports. Imports are now in excess of 1 billion pounds, not including canned beef and other prepared beef and veal.

The same thing is true in the thinking of the Senator from New Hampshire. If I misspeak him, he will correct me. It is not the position here at all—certainly it is not in the cattle industry—that we should bar all imports. We have to buy if we want to sell, but we should not buy in such quantities that we will destroy an industry in this country. When overalls or shoes or automobiles are involved, the manufacture of those products can be curtailed or stopped for a while. We cannot do that in the cattle industry. By the laws of nature, it takes so many months and years to develop a critter before he is ready for slaughter or the packer.

Mr. President, I ask unanimous consent to insert in the RECORD at this time a table which appears on page 34 of the hearings held by a subcommittee of the Committee on Government Operations of the other body. It is a table prepared by the Department of Agriculture and is self-explanatory. As to the years covered, the table runs from 1949 to 1969, and it has various statistics with reference to the average market price of a Choice steer, the wholesale value of carcass and byproducts, wholesale carcass value, retail value for 100-pound carcass, wholesale to retail spread, and farmer to retail spread.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Year	Choice steer, average price, 20 markets [1]	Wholesale value, carcass and byproducts [2]	Wholesale carcass value, 100 lbs [3]	Retail value meat in 100# carcass [4]	Wholesale to retail spread [5]	Farmer to retail spread 100# [6]
1949	25.56	27.65	42.81	54.75	11.94	29.19
1950	29.02	30.68	47.46	60.28	12.82	31.26
1951	35.24	37.02	56.88	70.55	13.67	35.31
1952	32.44	34.52	54.68	68.67	13.99	36.23
1953	23.50	26.19	41.03	54.35	13.32	30.85
1954	23.70	26.18	41.03	53.44	12.41	29.74
1955	22.84	25.36	39.91	52.17	12.26	29.33
1956	21.55	24.46	37.99	50.62	12.63	29.07
1957	23.06	25.90	40.12	53.65	13.53	30.59
1958	27.19	26.76	46.04	60.98	14.94	33.79
1959	27.62	30.48	46.69	61.85	15.25	34.23
1960	25.92	28.94	44.50	59.90	15.40	33.98
1961	24.55	27.51	41.92	58.57	16.65	34.02
1962	26.80	29.85	45.30	61.42	16.12	34.62
1963	23.75	27.28	41.56	59.93	18.37	36.18
1964	22.48	26.44	39.82	57.48	17.66	35.00
1965	24.93	28.30	42.70	60.20	17.50	35.27
1966	25.74	29.26	43.61	62.36	18.75	36.62
1967	25.35	29.20	44.24	62.24	18.00	36.89
1968	26.75	30.66	46.67	64.56	17.89	37.81
July 7, 1969	32.75	37.38	57.13	75.26	18.07	42.51

[1] Average of price quotation for choice grade steers at 20 leading public stockyards.

[2] Wholesale value of carcass and byproducts per 100 pounds live weight.

[3] Average of price quotations for choice grade carcasses in New York, Chicago, Los Angeles, San Francisco, and Seattle.

[4] Calculated from average retail prices of major retail cuts of meat in urban areas, published by the Bureau of Labor Statistics. The retail value per 100 pounds carcass weight is 74 percent of the average retail cost of 100 pounds of retail cuts for beef.

[5] The difference between wholesale price and retail value.

[6] The difference between price of steers(1) and retail value in 100# carcass(4).

Mr. HRUSKA. Mr. President, last week the Associated Press carried a wire story about a most extraordinary House subcommittee proposed report dealing with the Nation's beef supply. This proposed report contains such alarming and almost unbelievable implications that it seems necessary to hold it up to the light, examine it, and make clear to the public just what some of those implications are, and where they might lead us.

The report referred to came from a curious source to be advising us where and how to get our meat supply. It did not come from a subcommittee of the House Committee on Agriculture, which knows all about the cattle industry, which produces our beef supply. It did not come from the House Ways and Means Committee which has jurisdiction and knowledge on our system of meat import controls. It did not even come from the House Committee on Interstate and Foreign Commerce which traditionally has handled legislation aimed at protecting the consumer.

It did not come from any of these groups which traditionally have expertise and jurisdiction over such a matter. Instead, it came from what is called the Special Studies Subcommittee of the House Committee on Government Operations, which subcommittee is headed by Congressman MONAGAN, of Connecticut. It is difficult to understand what possible claim such a subcommittee could have to jurisdiction over measures relating to our beef supply, or to special knowledge on such a subject.

Perhaps that fact explains the extraordinary and ill-advised suggestions contained in the subcommittee's draft report.

The central concept in the subcommittee's recommendations is that the Government should take the beef industry in hand, pass judgment on its manner of operating, decide on the prices and incomes that ought to be received by each segment of the industry—from the ranch and the feedlot through the packinghouse and wholesaler to the retailer—and then take steps to make sure that consumers are supplied with the meat they require, and "to assure a stable market at reasonable prices."

What a breathtaking concept it is. It is almost as if beef were to be treated as the model for a fully planned and controlled economy. It is true the report does not suggest that the Government should take physical control over the meat as it moves through the channels of trade. However, it does propose governmental intervention into the pricing at every level.

Some of my friends in the livestock industry have spoken of this report as a proposal to treat the beef industry like a public utility. But it goes further than that. Ordinarily in the case of a public utility only the price of the end product is regulated. All else is left to management to determine.

In this proposed Monagan report it is recommended that a Government commission should pass judgment on "the share of the retail price going to each major subdivision of the above three segments of the industry, the costs incurred and the profits realized by each." Then, Government policies, particularly over imports, are to be manipulated to achieve the effects on prices and profits that are desired by the planners.

Mr. President, it is well to face the full implications of such a line of thought before we take the first step along the path that leads to that result. In a moment I shall discuss the beef industry in this country briefly in terms of its record of accomplishments, its own problems and needs, and the present situation.

Before I do, however, let me remind the Senate that if top-to-bottom price manipulation—from the producer to the consumer—can be imposed on the beef industry, it can also be imposed on any other food industry, on the textile and garment industries, on the construction industry and the chemical industry and the fishing industry and every other industry in this country. It is no use taking the first step unless we are willing to follow the path to the very end.

I do not believe the Congress or the country is willing to join the Monagan subcommittee in such a massive assault on the private enterprise system. I sincerely hope that the House Government Operations Committee will take second thoughts before it puts its stamp of approval on such a strange, ill-considered proposal.

Let me now discuss briefly the beef situation and some of the points about the future of our beef supply which seem to trouble the House subcommittee.

I recognize that many consumers have been upset by increases in the price of meat. Parenthetically, let me remind the Senate that the cattleman does not sell meat, he sells cattle. Changes in the retail price of meat are not always necessarily reflected in the price received by the producer or feeder when selling his cattle.

The Monagan subcommittee, having noted recent fluctuations in beef prices, unfortunately leaps to the conclusion that there is some kind of danger of a future shortage of beef in this country. In fact, the wording of its conclusions implies that the Department of Agriculture and the American Meat Institute forecast a shortage to occur about 1975.

Now the fact is that the Department of Agriculture has made no such forecast, and neither has the American Meat Institute. An official of the Department of Agriculture stated that he was confident that beef production would be expanded adequately over the next few years, if beef producers received favorable prices. Dr. Herrell DeGraff, president of the American Meat Institute, pointed out that beef production probably would not be increased unless cattle prices were permitted to rise somewhat from the depressed levels of cattle prices experienced during the last few years up until the past year. Mr. DeGraff stated it quite bluntly in saying:

> I have to say to consumers that, on a continuing basis, they cannot have both the beef supply they seem to want and the lower level of beef prices they also seem to want.

Mr. DeGraff expressed no doubt, however, about the possibility of securing an expansion of the domestic beef industry at a properly remunerative level of prices, consistent with the increased level of costs of the cattleman.

Statistically, the expansion to be accomplished is not so gigantic as to be frightening. Our population is increasing at the rate of about 1 percent per year. The public appetite for beef is also increasing on a per capita basis, and experience indicates that this increase may be at the rate of not over 2 percent per year. Thus, it is necessary to think in terms of an increase in production on the order of 3 percent per year, or perhaps a trifle less.

Dr. Upchurch, Administrator of the Economic Research Service in the Department of Agriculture, presented the subcommittee with a tabulation showing that a steady increase in the inventory of cattle and calves on farms between 1970 and 1975 from 110 to 118 million head was entirely possible provided beef prices continue to be remunerative, and that this could be accomplished without unduly shortening current supplies. By this tabulation the civilian supply would rise from 110.7 pounds per capita to 117.6 pounds per capita.

Mr. DeGraff presented a tabulation on a slightly different basis which calculated that our cattle inventory could be increased to 114 million head by 1975 and from this inventory, together with imported live animals from Canada and Mexico and beef imports at the same level as at present, there could be provided a beef supply of 120 pounds per capita in 1975.

Both Dr. Upchurch and Mr. DeGraff pointed out that cattle prices would have to be adequately remunerative to producers in order to permit this expansion to be accomplished.

In fact, the domestic industry has accomplished much greater prodigies of expansion than this in the past. By Mr. DeGraff's calculation, for example, beef and veal production would be increased from 21.1 billion pounds in 1970 to 24.8 billion pounds in 1975.

By comparison, during the 10-year period between 1959 and 1969 beef production was increased from 13.5 billion pounds to over 21 billion pounds, a gain of over 50 percent in 10 years or about 5 percent per year. It was a rate of gain far greater than that which must be accomplished to give us the beef we need during the coming 5 years.

In all candor the worst possible prescription for action is that proposed by the Monagan subcommittee that the floodgates of our quota system be opened and prices in our cattle markets be pushed down by a mounting tide of imports. Such a course of action would destroy any hope that the domestic industry will gear itself for expansion.

I am grateful to the Senator from Wyoming for having brought this subject up, because it is about time that the literature started building up to produce the true facts, not the facts that are selectively depended upon for such documentation as the alleged report of the other body, but the true facts and the overall picture.

When the Senator from Wyoming indicates that the cattle industry accounts for the consumption of most of the feed grains in this country, and the raising of feed grains and the raising of cattle are representative of a vast industry which would be seriously impaired and would affect all of the economy, he has done a great service and I am grateful to him for having done so.

Mr. HANSEN. I appreciate the kind words of my distinguished colleague.

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield to the distinguished majority leader.

Mr. MANSFIELD. I want to join in the remarks of the distinguished Senator from Wyoming relative to the purported report of the House committee, which I read with distress. If anybody wants to investigate prices, then they ought to investigate at the consumer level, not at the production level, because there it is a matter of public record. The questions ought to be asked about what happens when the product reaches from the rancher to the packinghouse to the middleman and eventually to the consumer. That is where the questions ought to be asked, not at the point of origin, where it is already a matter of public knowledge.

Mr. DOLE. Mr. President, I want to join with my colleagues who are concerned with the livestock industry and point out the producer who may be the culprit. The livestock producer receives less for his product now than he did in 1951.

Mr. President, I ask unanimous consent to have printed in the Record a letter written to the President on March 10, 1970, signed by 17 Senators, suggesting that meat come into this country only through bills of lading, because, as I understand, the quota system is being circumvented by shipment through third countries, primarily Canada.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 10, 1970.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: As you are aware, the evasion of our meat import quota system through the shipment of meat through third countries has become an increasingly serious problem last year and thus far this year.

Under our present regulatory system each of the principal supplying countries has agreed to a quota (under sec. 204 of the Agricultural Adjustment Act of 1956) on the quantity of meat which may be shipped to the United States. However, last year a practice grew up within the trade of shipping meat from Australia and New Zealand to Canada, and then transshipping it across the border into this country. We understand that approximately 18 million pounds of meat entered in that manner. The purpose of this practice, of course, was to gain the profit from selling quantities of meat in this market over and above the established quotas.

It is our further understanding that the practice is still continuing and that about one million pounds of meat has been coming across our borders in this manner per week since the first of the year, over and above the legitimate quotas agreed to by the foreign governments That is a substantial quantity of meat. The effect of these excess shipments is to disrupt our markets and break down the stability of the import quota system.

You have under consideration an executive order which would prohibit the entry of meat except on through bills-of-lading. This proposal would put a stop to an unsavory trade practice whose sole purpose is to evade our quota system; it would do no harm to any legitimate business interest. It has been concurred in by the governments of the foreign countries concerned, under the terms of their sec. 204 agreements with the United States.

We endorse this proposal, and we strongly urge your prompt action in issuing such an executive order.

Yours sincerely,

Ted Stevens, Roman Hruska, Clifford P. Hansen, Paul Fannin, Peter H. Dominick, Henry Bellmon, James B. Pearson, Jack Miller, Gordon Allott, Milton R. Young, George L. Murphy, Bob Dole, Wallace F. Bennett, Carl T. Curtis, Marlow W. Cook, Norris Cotton, John Tower.

Mr. DOLE. Also, Mr. President, I ask unanimous consent to have printed in the Record at this point an article from the April 1970 Reader's Digest which explains very clearly that if beef prices are high, it is not the fault of the livestock producer.

There being no objection the article was ordered to be printed in the Record, as follows:

Are Beef Prices Out of Line?

(By O. K. and Marjorie Armstrong)

Last summer a group of women in Levittown, N.Y., launched a movement to boycott the buying of meat. "Meat—especially beef—is too high!" they declared. "Some middleman is making too much profit. Bring down the prices!"

The ladies had a point. Meat prices in the preceding year had gone up an average of 13 percent across the nation, and beef prices 16 percent, while consumer prices in general had risen only 5.8 percent. Although retail beef prices have dropped about four percent since last August's peak, they still remain well above 1965–68 levels.

Why is this? Is someone making an unconscionable profit? Can consumers do something about it?

To find the answers—vital because beef makes up 15 percent of the entire food bill of the average American family—we have just followed the complex course of a piece of beef from farm to housewife. We started out with Bill House in Cedar Vale, Kan. A tall, bronzed man, ranch-born, House is a graduate of the University of Kansas and past president of the American National Cattlemen's Association. He has a herd of Hereford brood cows and bulls and raises some 1200 calves a year on 10,000 acres in southern Kansas and northern Oklahoma.

"Remember, this business of raising beef is absolutely free enterprise," House told us as we bounced from one pasture to another in his pickup truck, unloading great sacks of pelleted feed. "We get not one penny of subsidy from the government, as cotton and wheat and many other farm products do."

There is $2.4 million invested in land, buildings and stock, and House has another $90,000 in ten trucks, seven tractors and many other items of mechanical equipment. Gas, oil and repairs run him $10,000 a year. He spent $30,000 on commercial feed last year, in addition to the costs of raising 29,000 bales of hay and 160 acres of wheat for supplemental feeding. County and school taxes cost him $8000, and the labor of his ranch hands about $18,000 more. All told, it cost House $169 to produce a 650-pound yearling last year. "If the price holds steady until spring of 1970," he said, "I should make an average of $9.50 per head. Considering that about 92 percent of my yearlings live to marketable age, that's about $9000 for the year's work."

The economics of cattle raising is such that when the animals are about two years old, and weigh some 650 pounds, most of the larger ranchers send them to commercial feedlots, to be grown and fattened on grain and feed-concentrates for five or six months until they weigh 1100 pounds and are ready for the packer. So we followed the trail from Bill House's ranch to a feedlot near Arkansas City, Kan., where some 12,000 cattle munched contentedly at a gigantic series of feed pens.

"We spend about $103 per animal to put on about 450 pounds and to get him from the ranch to here and from here to the packer," William Baucus, the feedlot manager, told us. "We are paid about $319 for an 1100-pound animal on the hoof, in which we have about $296 invested. We're lucky to make a profit of five percent on our investment. The public may find it hard to believe, but ranchers and feeders are actually getting less for their cattle today than they did in 1951." (U.S. Department of Agriculture figures confirm this: in 1951, the average paid for the live animal was just over $35 per hundred pounds. Last December it was below $30.)

If not the rancher or feeder, who *is* the culprit?

We followed the beef animals from feedlots to packing plants. They rode in big double-decker trucks, and in the slaughter rooms were floored without pain. They swung along conveyor belts, losing hide, hoofs, entrails, and much of the bone, and soon they were "dressed carcasses" in the cooling room, ready for cutting into pieces for shipment. The 1100-pound animal was now down to 660 pounds, which the packer will wholesale to the retailer for a current price of about 58 cents a pound.

An unconscionable price hike? Not at all. The packer paid about $319 for an 1100-pound animal. At 49 cents a pound, he gets $323.40 for his 660-pound dressed carcass. In addition, he can sell the hide and byproducts for about $25 an animal, which brings him a total of $348.40 per animal. Out of the $29.40 difference he pays for plant investment, maintenance, labor, machinery, etc., which average between $10 and $12. And he must pay for transportation of the carcass to the retailer, which runs about $10. So the packer is lucky to be left with a profit margin of two percent. Here again, USDA figures are instructive: in 1951 the wholesale value of choice dressed beef averaged $57.22 per hundredweight; last December it was $46.

We now followed the beef to the retail store. There the meat handlers cut the meat and trim out fat and bone—a process which takes off about 30 percent of the 660-pound carcass weight. Then they wrap the pieces in plastic packages for the fastidious customers and slap on the price tag.

How are the retail prices determined?

The head of a chain of supermarkets in Florida told us: "Our price on beef is approximately 18 percent above what the carcass cost us. Labor expenses in cutting and preparing the meat take care of about eight of this 18 percent markup, and our other costs of doing business run another eight, which leaves us—we hope—a two-percent net profit before taxes."

So nobody is making an unreasonable profit, yet beef prices continue to rise. Why?

On our travels we learned that the big surge in beef prices of a year ago directly reflected a bad winter which increased death, losses among cattle and slowed down the surviving animals' rate of weight gain in the feedlots. But the long uptrend reflects two quite different conditions.

The most obvious is inflation, which has been just as active in the beef industry as it has elsewhere. Based on the consumer-price index of 1957–1958, inflation in a 12-year period has pushed prices of all consumer items up 31.3 percent: dairy products have gone up 27.6 percent, fruits and vegetables 32.1, restaurant meals 50.2, housing 30.5, wearing apparel 30.8, medical care 58.1; beef and veal have gone up 30.6 percent.

As in many other areas of the economy, the most significant factor in the inflation of beef prices has probably been the increased costs of labor all along the line—from ranch to feedlot to packing house to retail store. The experience of Kenneth T. Broughton, acting director of the Kansas State Board of Agriculture, is typical: "In 1953 I worked in a meat-packing plant where the labor scale was about $1.50 per hour. Now it is more than double that figure, and the more skilled jobs pay up to $5.50 an hour. In 1960 I switched over to work in a retail meat market. A good meat cutter made from $100 to $125 a week. Today he is paid from $150 to $200 a week."

In addition to simple inflation, the rising costs of beef can be attributed to the customer's ever-growing insistence on only the best cuts. This high demand, combined with the relative scarcity of such cuts (sirloin steaks, for example, make up only seven percent of the dressed carcass), drives their prices up. A meat-department manager in an eastern city told us: "Women complain about the high price of the best cuts, so I suggest, 'Ma'am, have you tried some of our good liver, or heart, or brains, recently? They're much cheaper.' They usually say 'Oh, my family won't eat anything but steaks and the best rump roast.' "

The livestock industry *is* making earnest efforts to reduce costs. A company in Wichita turns rough alfalfa hay into compact pellets, thus eliminating the costly transportation of bulky hay crops. Numerous commercial feedlots are locating in the heart of the cattle country, to cut the costs of transporting the animals for fattening. Packers and processors are replacing outdated facilities with new, efficient meat-handling operations. And instead of paying the freight to ship entire carcasses of beef into the retail outlets, packers are breaking the carcass down into small cuts ready to be placed on the saw at the retail store without further work.

But none of these efforts will offset the present rate of price rises. Only curbing inflation will do that.

Mr. DOLE. Mr. President, in reference to the Associated Press article by Don Kendall, let me say that Don Kendall is an outstanding writer from Kansas, and has performed a service by alerting the livestock producers in rural areas of this secret report.

I would like to correct some misinformation that has been reported to my constituency in the State of Kansas. I have received a good number of telephone calls and letters the past few days concerning a report that a House committee is to recommend a Federal commission to "Ride Herd on Cattlemen"—quote from Don Kendall's Associated Press wire story—according to this news story a commission should be established to determine the adequacy of the meat supply for American consumers at reasonable prices with reasonable return to the producers, packers, and distributors.

The report, according to my letters, indicates a critical shortage of beef by 1975.

Let us look at some figures. According to the livestock and meat situation, published by the U.S. Department of Agriculture, cattlemen added 2½ million cattle and calves to their herds last year. The American Meat Institute indicates we will need 4 million more cattle and calves in the Nation by 1975 compared with 1968. The 1969 increase alone is already over half of the needed increase for the next 6 years.

Over the past years, cow herds have increased in numbers and the calf population has steadily increased. I would suggest that the cattle population of the United States will far exceed the reported need of 114 million by 1975. I base this statement on what is happening in my State of Kansas. The expansion of the cattle feeding business is one of the biggest growth factors in the State. According to statistics from the Kansas State Board of Agriculture, in January of this year, Kansas had an all-time-high number of cattle on grain feed for slaughter markets with over 800,000 in the feedlots. Compare this with just over 200,000 in 1959. Kansas will not stop there. If you drive West this year on vacation when you pass through Kansas you will see new sights: cattle feeding operations are located all over the State.

Some feedlots are large—10,000 head and up—but many are smaller, handling from 1,000 to 2,500 cattle. Kansas farmers are marketing considerable grain production in the form of beef. There is no way the State can report the feedlots that are planned, but indications are that the increase will continue at the same rate for many years. And Kansas is not the only State providing more beef. These beef factories in the form of feedlots are springing up throughout the Nation. Accompanying these feedlots are small efficient packing plants that provide economic stimulus to the smaller cities of the Nation. The beef industry has prospects of becoming healthy and showing more growth at this time than in its history. If this complaint, discussion or report is based on high meat prices, I say that it is ridiculous. The full range of beef cattle prices has fluctuated only 12 cents from a disastrous 22 cents to 34 cents per pound during the past 10 years. This range in prices has not been a constant trend upward; the prices have fluctuated erratically. Feedlot expansion has brought more stability to the beef market and we now see a steadier healthy growth that is providing a firm foundation for the beef industry.

Higher prices have resulted from other inflationary factors such as the increase of butcher and meat cutters' wages from $75 per week a few years back to $150 to $200 in most areas today. General inflation is the culprit in higher beef prices, not the cattlemen.

Mr. HANSEN. I thank the distinguished Senator from Kansas.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HANSEN. I yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I commend the distinguished Senator for bringing up this matter, and I also commend all those who have participated in the colloquy. I particularly enjoyed the remarks of the distinguished Senator from Nebraska (Mr. HRUSKA).

I think this is a very vital matter. My State is not the big producer of cattle that some of the other States are, yet the cattle business is a very important segment of its economy. We are in the beef producing field. I know something about it. I have been in it myself on a very small scale.

There are so many misunderstandings, generally, regarding beef prices, an adequate supply of beef, and those things, that I think a very fine thing has happened, through this discussion this morning, in spreading the facts on the RECORD, in order that some of the facts may be thus made known and the true story may be told.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Alabama. He certainly is one of the most knowledgeable Members of this body insofar as the operations of our agricultural economy are concerned. I know that he understands better than most exactly how our economy works, the interrelationships between supply and demand, and the important role that labor plays, among other things, in increasing costs to the consumer.

When we look at the prices of food, as I pointed out in my statement, there has never been a time in the history of America, or any other country, when food has been the bargain it is today. It takes only 16.5 percent of the take-home pay, after taxes, of the average American to buy all of the food that he consumes here in this great country of ours today. We have the highest standard of living of any nation in the world. Yet there are those who look at the little trickle of money that gets back to the producer, the man who tills the soil and tends the herds and flocks, and say he is getting too much.

Of course, I raised the question, and it was responded to by the Senator from Nebraska, What are we going to do if we put these people out of business? Who will take up the slack in providing the jobs that will be lost, if we put this great agricultural economy of ours more nearly on the rocks than it is today? I know the Senator from Alabama has raised this point many times, and I am particularly appreciative of his presence here this morning, and of his kind remarks.

Mr. THURMOND. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

Mr. HANSEN. I ask unanimous consent to proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HANSEN. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished Senator from Wyoming for a fine presentation here today on a topic which should be of great importance not only to his State but to people all over the Nation.

I might say that the same point that he is raising here with regard to beef applies also to textiles and many other things.

I think America's first obligation is to the people of America. It seems to me we are very unwise to allow imports of beef, imports of shoes, imports of textiles and many other goods, supplies, or merchandise, where such imports put American people out of jobs.

Many thousands of people are being put out of jobs by textile imports. In my State, several thousand people have been put out of their jobs in the last 2 weeks because of excessive imports from Japan and some other countries.

Why cannot America give its first obligation and responsibility to its own citizens? I do not mean by that that we should not trade with the world. I think we should trade in every way possible with all the countries of the world. I think it is good for the economies of the various countries to do that. But I say when it comes to the point that Americans are being deprived of their own livelihood, so that unemployment results, and the situation becomes chaotic, when it destroys the economy of any section of the Nation or of any particular class of people, then I think it is time for our Government to step in and protect American citizens.

Again I commend the distinguished Senator from Wyoming for what he has said here today, and I hope our colleagues and the people of this country generally will read his speech and will give it consideration, because this principle applies not only to beef, but, I repeat, it is a principle that will apply to many other things.

Mr. President, I grew up on a farm. I worked with livestock. I worked with cotton and other farm crops. I know how hard it is to make a living farming. Of all people who deserve special consideration, if any special consideration is to be given, it is our farmers. They receive less for their hard work and labor than any other segment of the American people, in my judgment.

What the farmers buy has gone up. The gap is widening more and more. They have to pay more and more for machinery, more and more for clothes, and more and more for everything they purchase, while they have not been getting more for their farm products in proportion.

Again I commend the Senator.

Mr. HANSEN. I thank my distinguished colleague.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 25 minutes.

Mr. DOLE. Mr. President, will the Senator from South Carolina yield me 1 minute?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Kansas.

CARSWELL CONCEDES

Mr. DOLE. Mr. President, I believe the measure of a man is sometimes how he accepts defeat. Therefore, I ask unanimous consent to have printed in the RECORD at this point a statement by Judge Carswell, made following the vote yesterday in the Senate rejecting his nomination by a vote of 45 to 51.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CARSWELL STATEMENT

First of all, let me say this to you: It's a relief.

It is, of course, always disappointing to not win especially when you know you have so many fine friends and supporters who express confidence in you. I'll always be deeply appreciative of the confidence of the President of the United States in making the nomination and the many fine Senators who fought so hard in support of this particular nomination.

Not the least in this group, however, are those of my profession—the legal profession—my fellow judges who have expressed great confidence in me and in my ability to have taken this assignment. This has been an agonizing experience for me, my family and my friends, but to have taken up the gauntlet and joined the debate would have been unbecoming of a nominee to the Supreme Court of the United States.

There are many personal compensations, however, about today's action. On a purely personal basis, we have no intention of becoming bitter or remorseful, for there is no basis for it. The President has urged me to stay, at my present assignment, and I intend to do so. After a little rest, we'll be back on the job.

I thank you very much.

Mr. DOLE. His statement, of course, indicates disappointment. It also indicates relief.

It must, indeed, have been a grueling experience for Judge Carswell, with his family and his friends, to sit by, day after day, while baseless charges were made on the Senate floor, and not be in a position to defend himself. I say again perhaps the measure of a man is how he accepts defeat. Judge Carswell has indicated again to many of us that he is a

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man of stature, a man of dignity, and a great American.

Mr. President, I renew the suggestion made yesterday that perhaps, in view of the great difficulty the President is having in filling the vacancy on the Court, it would be very appropriate to take his case to the people this November.

INHUMANE TREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

Mr. THURMOND. Mr. President, I rise to speak on a subject that is close to the heart of every American. The entire Nation must share a part of the grief and anxiety that it has caused. I am speaking of the plight of our courageous men who are prisoners of war of North Vietnam and the contempt our country has for Hanoi's inhumane treatment of our men.

It is time for our Nation to mobilize the condemnation of the world against Hanoi for its barbarous treatment of our brave men held captive. More than 1,450 soldiers, sailors, marines, and airmen are either prisoners of Hanoi or are missing in action. At least 430 are known to be prisoners. More than 2,600 next of kin in all 50 States are enduring a tragic state of anxiety for their loved ones.

Our Nation must find a way to convince Hanoi that America and the world will no longer tolerate the inhumane treatment of our men. The incredible torture being perpetrated on American servicemen is enough to bring the wrath of the civilized world down on Hanoi. Surely, our friends and allies could help mobilize a stronger force of world opinion to bring Hanoi to its senses.

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We all know that there are 123 nations, including North Vietnam, bound by the Geneva Convention to guarantee humane treatment of prisoners of war. It is time for the United States to use its power and influence to pressure these countries to do something for America in behalf of human decency.

Mr. President, it is encouraging that actions toward this humanitarian goal have been started in the United States and other nations during the past year. The momentum must be maintained. Hanoi and the Vietcong must be held accountable to the world for their uncivilized actions. The world must demand that North Vietnam comply with the Convention which requires Hanoi to:

Identify the prisoners;

Exercise humanitarian treatment;

Release the sick and wounded;

Protect U.S. prisoners from public abuse;

Allow inspection by a neutral party;

Allow the flow of letters and packages; and

Negotiate exchange of prisoners.

These are the Geneva Convention provisions which must be pursued relentlessly by all nations and international organizations to secure Hanoi's compliance. Each of these simple international standards of conduct are being violated by North Vietnam.

Hanoi signed the Geneva Convention relative to the treatment of prisoners of war on June 28, 1957, which provides for the humanitarian objectives sought by 122 nations. However, North Vietnam blatantly refuses to abide by this pledge.

Mr. President, Hanoi is defying the other 122 signatory nations. These nations should join with the United States in every possible political, diplomatic, economic, and psychological action to force Hanoi to abide by the convention.

Hanoi makes the false claim that the convention is not binding because the participants in the Vietnam war have not declared war. This is simply not true. Contrary to Hanoi's view, the convention applies to "any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

Prisoners taken by the United States and her allies in Vietnam are given humane treatment. Specially constructed prisoner-of-war camps have been established for their welfare. They are provided with adequate shelter, clothing, food, medical care, and opportunities for exercise.

Representatives of the International Committee of the Red Cross inspect these camps. Representatives of the world press can, and have, seen for themselves that the United States and South Vietnam treat their prisoners with the common standards of decency. The United States is complying with the Geneva Convention while Hanoi flaunts it in the face of the world.

Mr. President, the International Conference of the Red Cross adopted a resolution without dissent which obtained the support of 114 nations, calling upon the parties of the conflict to abide by the Geneva Convention in the humane treatment of prisoners of war. In addition, this resolution states:

> That, even apart from the Convention, the international community has consistently demanded humane treatement for prisoners of war, including identification and accounting for all prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisal.

This resolution reflects the humanitarian feelings expressed by the civilized world through the International Red Cross, the Geneva Convention, and more than 100 members of the United Nations.

It reflects the conscience of America.

It reflects the sense of justice of the United Nations.

In this regard the Secretary General of the United Nations stated North Vietnam "ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

Mr. President, this administration, as everyone knows, has adopted a new policy of public condemnation of the North Vietnamese, the Vietcong, and the Pathet Lao for their barbaric treatment of our men. These courageous Americans who are prisoners have given their consent to this policy to tell it like it is to the world in spite of possible reprisals. I believe this new policy may bring results if we continue. There have been some encouraging actions already, but we must consider the likelihood that any relenting by Hanoi so far could have been for the purpose of propaganda exploitation.

That this Congress is united in achieving humane treatment for our men is a matter of record. The Senate and the House of Representatives unanimously passed a concurrent resolution calling for compliance with the rules of the convention. This is commendable, but it has not brought relief to our men in the prison camps.

Mr. President, we all heard the story of torture related by some prisoners who have been released.

There is irrefutable evidence of inhumane treatment.

This uncivilized treatment of our men by Hanoi is well known to all of us and to most of the world. The brutality has been described in detail by some of our men who have been released. Lt. Robert Frishman and other former POW's have related the brutal facts. The world now knows the truth. We are witnessing the plight of disappointed wives of the prisoners in their plea to us for help. They have appealed to Hanoi and the press, and they have banded together in a common cause for human dignity. Our hearts go out to the relatives, but they need more concrete support.

Even those nations sympathetic to the North Vietnamese Government have shown impatience with the enemy's cruel treatment of our men and their families. Even our own critics of the war here at home are disillusioned on this issue.

Some American publications are doing a magnificent job of telling the world the truth about the plight of prisoners in North Vietnam. I especially commend the Reader's Digest for its excellent coverage.

Further, I urge the world press, my colleagues here in the Senate, and public-spirited citizens everywhere to keep reminding the world that Hanoi refuses to abide by the Geneva Convention. Hanoi must stand judgment in the court of world opinion for the following acts:

The North Vietnamese have tortured our men.

They refuse to provide a list of Americans held captive.

They will not permit inspection by a neutral party.

They refuse to release the sick and the injured.

They deny the prisoners the right to correspond with their families, with few exceptions.

Mr. President, we must not let these brave Americans and their families be forgotten. Our perseverance in this crusade must be maintained.

Recently, I urged the Honorable Philip C. Habib, Ambassador of the U.S. mission to the Vietnam talks in Paris, to demand that Hanoi demonstrate an understanding of human decency. Ambassador Habib assured me that "the U.S. delegation at the Paris meetings on Vietnam will continue to give the highest priority to the question of our missing and captured men." He said that in his recent discussions with the President, the Secretary of State, and the Secretary of Defense there was complete agreement "to keep this issue at the forefront in talks."

The Honorable Ellsworth Bunker, our Ambassador in Saigon, has made continuous efforts in behalf of our men. Last week, Mr. Bunker again expressed America's concern to the world when he spoke with H. Ross Perot, a dedicated American, and the members of the world press in Saigon. Mr. Bunker reaffirmed the demand of 122 countries when he called upon Hanoi for humane treatment of our men.

Ambassador Bunker said:

> Our government and the South Vietnamese government are adhering to the Geneva Convention while North Vietnam has shown flagrant disregard for all basic humanitarian considerations, even to the point of refusing to provide a list of Americans held as prisoners of war.

He told Mr. Perot and members of the press:

> North Vietnam made a mistake when they assumed that world opinion would not judge them harshly.

The free world is reaching an end of its patience on the impervious attitude of Hanoi.

Mr. President, I would like to commend Mr. H. Ross Perot. Although his effort to take an American Christmas to our men held captive was denied by Hanoi, he recently took members of the U.S. and foreign press to prison camps in South Vietnam to show the world that America and her allies are complying with the Geneva Convention.

Mr. Perot reported last week when he visited South Vietnam's POW camps near Danang with the press that he "was very impressed." He said:

> These camps exceed what is required by the Geneva Convention by teaching the prisoners a trade.

Hanoi should take note of this humanitarian treatment of their men. Mr. Perot deserves the admiration of the world for his crusade in behalf of human decency.

President Nixon, the State Department, and the Department of Defense have been and must keep on doing everything possible to bring relief to Americans held captive and comfort to their families.

President Nixon has stated that the—

> United States government will do everything it possibly can to separate out the prisoner issue and have it handled as it should be as a separate issue on a humanitarian basis.

I commend the President for this, and urge that he continue relentlessly, and take every possible action to arrange, if possible, a prompt exchange of prisoners of war.

Mr. President, meanwhile many of my distinguished colleagues have spoken eloquently in this Chamber in behalf of our men. I urge them to continue to speak out here and in their public addresses, and I assure my distinguished colleagues that I will do the same. The American press and the world media also must help. If we are united in this effort, we can keep the issue continuously in public view until it is resolved.

Not only will this offer some hope and encouragement to the thousands of wives, parents, and children, most of whom do not even know whether their loved ones are dead or alive, but also it might hasten an early solution to this important problem.

Mr. President, it is especially appropriate to address my distinguished colleagues today on this vital issue. I would like to direct their attention to the fact there are present in the Capitol today Mrs. Jane Denton and Mrs. Katherine Plowman. Mrs. Denton's husband, Capt. J. A. Denton of the U.S. Navy, has been a prisoner of war since July 18, 1965, almost 5 years. At that time, Captain Denton was a navy commander. Mrs. Plowman's husband, Lt. James Plowman, U.S. Navy, has been missing in action since March 24, 1967, more than 3 years. Both of these heroes are Navy pilots.

Mrs. Denton and Mrs. Plowman represent the courage and hope of more than 2,600 next of kin of over 430 of our men who are held prisoners. These Americans represent the real spirit and determination of our country. My heart goes out to Mrs. Denton and Mrs. Plowman and to all of the families who are enduring such hardship and anxiety.

Mr. President, the world is impatiently waiting for Hanoi to abide by the terms of the Convention and to negotiate for the exchange of prisoners.

Mr. President, I should like to announce that a meeting is to be held in Constitution Hall on May 1, 1970, at 8 o'clock p.m., in order to honor these prisoners of war and to let the people of this Nation, in this manner, tell their families that they have not been forgotten.

A press release was published on this subject by the distinguished Senator from Kansas, BOB DOLE, who is spearheading this particular meeting, and I commend him for his efforts.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. I am glad that the Senator from South Carolina has taken up this matter. Of course, we are all in agreement with what he has said. I think that we must mobilize not only the thinking and the action of our own people but also the thinking of those people throughout the world who believe in fair and decent treatment and consideration for those who are, unfortunately, prisoners of war.

I have had some correspondence with many of the wives of prisoners of war. Just yesterday, two young ladies came by my office. One of them is from my State and the other from another State. One of them has a husband who is listed as missing in action. She has not been able even to find out whether he is a prisoner of war. The other wife has received some correspondence, the limited amount that is allowed, from her husband. He has been a prisoner for 5 years.

In the meantime, she is left with seven young children to take care of and, of course, she endures the gnawing fear as to what may be the ultimate outcome.

I would believe that our Government must do everything it can, through all the channels it can possibly find in which to operate, in order to get word regarding these prisoners. Not only that, to make an arrangement whereby prisoners can be released on some kind of workable agreement.

It does not make any sense among the fair-thinking peoples of the world for a prisoner to be held for 5 long years.

Certainly, some decent arrangement can be provided to exchange prisoners of war, with some kind of method by which they can be released.

I commend the distinguished Senator from South Carolina for his treatment of this matter. I certainly join him wholeheartedly in the hope that we will continue to exert every effort possible, to the end that something can be achieved.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Alabama for his splendid remarks and the contribution he has made to this important topic which is of such great urgency today in this country and in the world.

Mr. DOLE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, first, I wish to emphasize the long and continuing interest of the Senator from South Carolina in this matter. I believe it exceeds the efforts of anyone I know of in either the House or Senate.

The wives and the men themselves, if they could express their appreciation, would do so.

I have visited with many of the wives in the past several months. They feel a speech on the Senate floor, a statement by a Member of this body or the other body offers hope and, many times, results in better treatment of their husbands and sons because the enemy knows we are alert. The enemy knows that we are watching.

With reference to the meeting scheduled for May 1, occurs on Law Day. One of the themes of Law Day is international justice. The theme of the tribute to American prisoners of war and Americans missing in action on that day, May 1, will be international justice.

About 2 months ago, I participated in a program at Constitution Hall designated as a freedom rally, a nonpartisan, nonideological rally, to pay tribute to American prisoners of war and Americans missing in action.

Mr. President, Constitution Hall seats about 3,811 people. There were about 250 at the meeting. As I saw the disappointment written on the faces of the wives present, I was convinced more could and should be done. We should not lose interest because so few are involved.

On the evening of May 1, we intend to fill Constitution Hall to demonstrate to the American people and, above all, to the wives of prisoners of war and those missing in action that Americans do care.

This is a committee, a nonpartisan committee composed of six Democrats and six Republicans, House and Senate Members. We have differing views on the war in Vietnam, but that is not the point. The point is that we will pay tribute to Americans. And that is all the meeting will be. It will be a tribute. It is expected some 500 or 600 wives from all across the country will be there—wives and mothers and fathers of those who have been prisoners of war or missing in action.

I trust every Senator will be present that evening. We want to demonstrate, as Americans can demonstrate, in a very proper way our concern, our nonpartisan or bipartisan or nonideological concern for the very things the Senator from South Carolina has emphasized this morning.

All we ask for American prisoners of war is that they be identified, that the enemy provide humanitarian treatment, that they release the sick and wounded, that they protect our prisoners of war from public abuse, that they allow them to communicate with their families, and that negotiations for the exchange of prisoners may be had.

I believe everyone knows that the American prisoners have been mistreated.

The honorable chairman of this event on May 1 is the man the Senator from South Carolina paid tribute to this morning, H. Ross Perot. He will be there because of his concern for American prisoners of war and those missing in action.

I again thank my distinguished friend, the Senator from South Carolina, for his remarks today which will be most helpful on May 1.

We plan to fill Constitution Hall with Americans from all walks of life—rich or poor, white or black—Americans concerned about other Americans who have made a greater sacrifice than any of us can imagine.

Reference has been made to Lt. Robert Frishman. We could also make reference to Maj. Nicholas Rowe, a prisoner of war for 5 years before his escape.

They will be present along with many other Americans to pay tribute to these great Americans. Again, I thank the Senator from South Carolina for his remarks.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Kansas for his splendid remarks.

I commend him for the outstanding leadership he has shown in the matter of prisoners of war for everything he has done to help on this particular question. No one in the country has done more than the distinguished Senator from Kansas.

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THE 6TH FLEET IN THE MEDITERRANEAN

Mr. THURMOND. Mr. President, recently, several of my colleagues and I were privileged to attend the Inter-Parliamentary Union in Monte Carlo. While we were there, we had the opportunity to go a bit farther south to Cannes and visit the Navy's attack carrier, U.S.S. *Forrestal*. It was a great experience to participate in Easter services aboard this mighty ship, and to visit with the crew. We were given a complete tour of the *Forrestal*, and we were able to see an excellent example of the fine job our Navy is doing under difficult circumstances.

This experience gave me a first-hand insight to some of the problems of this sector of the world, and caused me to reflect on how they have changed in recent years. It was brought home to me that despite the fact so much of our time and so many of our thoughts are preempted by the affairs of Southeast Asia, it is imperative that at the same time we address ourselves to this area of the world, the European and South European complex, and specifically to what is going on in the Mediterranean. As we all know, for centuries this body of water has been the world's most sensitive strategic lake. Perhaps never more so than it is today.

Because of the will to use its newfound competence at sea the Soviet Union has created a Mediterranean climate that is vastly different from what we have known heretofore. The U.S. 6th Fleet now finds itself operating alongside its own mirror image in numbers of Soviet warships; NATO finds a menace on its southern flank; the Middle East is now open to new pressure and influences from the Red camp; Western Europe's oil system is accessible for tampering; and in the long view, Egypt could well become a Russian gateway to the rest of Africa.

It is clear, Mr. President, that the largest and most effective single restraint to more overt Soviet action and maneuvering in the Mediterranean is our American 6th Fleet. It is effective because it is visible, and it is visible because it provides a recognized presence—a flexible presence without large naval bases. An indirect proof of the worth and value of the 6th Fleet to us has been the Soviet complaint about its presence during the past 20 years. Further, when words failed to make the 6th Fleet go away, the Soviets began the more substantial strategy of fashioning their own seapower to the point where a year ago, a Soviet admiral could remind us: "We now have a 6th Fleet too, you know."

And so they do. The arguments of numbers of ships in the two fleets, or the mix of naval weaponry, or the great numbers of submarines the Soviets possess, or our superiority and their deficiency in attack aircraft carriers are well known. There is no need to rehearse them here. But there is a need to look carefully into our own 6th Fleet and to become aware of what is transpiring in the material sense. I saw it and it is my obligation to report to my colleagues and to the American people.

The key to what is transpiring is time, time that has already passed. The warships of the U.S.S.R. are young and vigorous; too many of our own are old and tired. In a large measure, our Navy still operates from platforms built for World War II. Yet, it is in direct confrontation on the center saltwater stage in the world with a Soviet Navy that has been built since the 1958 Lebanon crisis and the 1962 Cuban missile crisis.

You have heard often that about 50 percent of our Navy's ships are 20 years old or older and that less than 1 percent of the Soviet Navy's is that old. While this is true, our Navy is giving us an incomparable total performance in every way, even when too many of its ships are simply wearing out.

The fact that the ships of the Soviet Union are new reflects many things. First of all, they show acute observation of American use of Naval representation in the cold war years of the 1950's. Their ships are the floating proof of understanding that Soviet interests far from their Eurasian landmass cannot be fully supported without the effective global options afforded by a first-rate and modern sea power.

It goes even further than that. The Soviets are showing a modern grasp of what Western nations have known since before the days of Nelson—that no nation can be a world leader without outstanding strength at sea. The fact that the U.S.S.R. has chosen to exhibit their seagoing wares first and foremost in the hot political waters of the Mediterranean also has its meaning. It is perfectly clear that here is no reckless gambit sailing for nuisance value, but that it is the permanent stationing of a fleet to negate our own and the Soviets are doing this in a full confidence in the excellence of their ships.

The Soviet presence in the Mediterranean has imposed upon our own Sixth Fleet the requirement of constant surveillance. Our Navy has to know at every minute what the Soviet ships are doing and where they are doing it, whether they are making port calls at Latakia, transiting the Bosporus or convoying arms shipments to Egypt.

Inevitably, the close proximity of two navies could lead to incidents. Sometimes the Soviet ships intrude physically into U.S. formations, at times penetrating the destroyer screen around our carriers. Soviet-built planes from Egyptian fields have disrupted our carrier takeoff and landing patterns. Much of the navigational disturbances they have caused has the earmark of deliberate harassment and a kind of seagoing gamesmanship.

It has been said that the U.S. naval presence in the Mediterranean today shows a qualitative superiority in naval weaponry, but if this can be said, it can be said for only one reason: our attack aircraft carriers. It is in these great ships that we find the substance of our favorable balance of naval representation.

Soviet sea-power planning has not included a counterpart to the U.S. sea-based naval air arm. They rely upon land-based aircraft for their aviation work at sea. Yet they have built at least two helicopter carriers of more than respectable size, *Moskva* and *Leningrad*, both of which are in the Mediterranean. Regardless of their tactical worth, *Moskva* and *Leningrad* still make their points in Mediterranean ports as examples, not only of new Soviet naval presence, but of technological excellence.

Mr. President, there can be little doubt that what the Soviets respect most in the Mediterranean are our two carriers with their two mobile-based air wings. And since there can be little hope that either country or either navy can withdraw its forces from that area, the prospect is for a long and continual presence of both. This again brings about the problem of what is going to represent us on the sea. Since this representation must include aircraft carriers, let us look at the need in terms of modern ships and see if enough of them will be nuclear-powered. Also, let us look to the rest of the Fleet.

We cannot expect to maintain a fleet in the Mediterranean indefinitely when supplied by a bridge of ships from Norfolk—especially when both the support ships and the warships are even now wearing out.

In my judgment, the United States has not been too logical in ship construction. We have the technology to build the best in the world, and we do just that in individual warship types; but we have taken a piecemeal approach.

The U.S.S. *Enterprise* is a good example of excellence in ship construction. It is the world's largest and best aircraft carrier and it is propelled with nuclear energy. But the *Enterprise* was commissioned in 1961, and now, almost 10 years later, she is still the only one of her type in commission. Also, we know how to build 20-knot amphibious warfare ships, but far less than half of amphibious force ships are of that performance.

Mr. President, what is happening in the Mediterranean perhaps is a kind of message to the American people. In the eyes of the world, our country is shown to be confronted with a formidable new power on the sea, and in that confrontation our country is in danger because of the obsolescence of many of our ships. Because of the condition of our fleet, and the delay in replacing older ships, the purpose of the United States in terms of promoting peace and stability in the whole Mediterranean area is likely to suffer.

The United States is accustomed to handing difficult jobs to our great Navy. To date, the performance of our naval force has been all that could be asked. But the time is coming, if indeed it is not already upon us, when we have to ask ourselves whether the Navy has the ships, and the modern weapons to do today's jobs. The Navy tells us they need new ships, desperately, including a new carrier this coming year to replace one of the older carriers. There is no doubt in my mind that we have given the Navy the toughest of assignments without the tools needed. Unless we correct this situation in the weeks ahead, our military posture in the Mediterranean, as well as in other remote strategic areas of the world, will suffer.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, I ask unanimous consent that the previous order be amended to allow me to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I make the same request. I ask unanimous consent that, upon the conclusion of the remarks of the Senator from Virginia, I be permitted to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia may proceed for 5 minutes, to be followed by the Senator from Rhode Island for 5 minutes.

OBSERVATIONS IN THE AFTERMATH OF THE SECOND CONSECUTIVE REJECTION OF A SUPREME COURT NOMINEE

Mr. SPONG. Mr. President, in the aftermath of the Senate's second consecutive rejection of a Supreme Court nominee and its third in the last four nominations, I would like to make a few brief observations.

First, the record shows that on a crucial vote in three cases—the cloture vote on Justice Fortas and the final votes on Judge Haynsworth and Judge Carswell—nine of the 17 members of the Senate Judiciary Committee, a majority, voted in opposition to the nominee. I do not mean to be critical of the committee, for I understand that on a matter as important as nominations to the Supreme Court, any committee member is justified in wanting the entire Senate to express its judgment. Nevertheless, the facts are that many of those who had the benefit of actual, oral testimony by the witnesses saw reason after subsequent events to oppose the nomination.

My second observation concerns the American Bar Association's procedures for recommending Supreme Court nominees. A selection committee of 12 members is hard pressed to speak for a total American Bar Association membership of more than 140,000 lawyers, let alone for the 54 percent of the practicing attorneys in this country who are not members of the American Bar Association.

But, that aside, there is considerable question over the selection committee's recommendations. It now appears to mean different things to different members. Perhaps this situation has been confused by the committee's revision of its rating designations following the rejection of Judge Haynsworth. Inasmuch as circumstances have seemed each time to dictate the recall of the committee after the hearings, perhaps the American Bar Association might further consider how its procedures might be improved.

Finally, I want to say a word about the active participation of Federal judges on both sides of the Carswell controversy. I believe the Federal judiciary should be above politics and that it damages public confidence for judges to inject themselves into this kind of national debate. This can only heighten the atmosphere of a convention which, unfortunately, has surrounded these debates. In a matter of this gravity, the American people have a right to expect more from their appointed and elected officials than a public wrangle with the news media acting as scorekeeper.

I make these observations without further comment for I believe the facts speak for themselves.

EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

Mr. PASTORE. Mr. President, in reporting S. 3637 the Commerce Committee unanimously agreed that its provisions were the minimum steps necessary if the electorate were to receive the full benefit of the electronic media. The spiraling costs of campaigning via this media make it imperative that something be done. S. 3637 is a step in the right direction.

In all candor, however, Mr. President, S. 3637 is only a beginning. Campaign costs have gotten completely out of hand, and the cost of broadcasting, especially television, has climbed steadily.

Human nature being what it is, each candidate feels compelled to match or outdo his opponent in the use of radio and television. And the wealthy candidate is able to inundate his poorer opponent.

Now we are all keenly aware of the great potential this media has for reaching the electorate and informing them, and the contribution it has made to political campaigning. But somewhere a saturation point is reached, and further use of the media simply escalates the cost of campaigning. The electorate begins to wonder why a candidate is willing to spend hundreds of thousands of dollars, and in some cases millions, for a job that pays $42,500 a year.

I could cite all kinds of statistics which dramatically illustrate the seriousness of the situation, but I would only be belaboring a point which my colleagues in this Chamber know all too well.

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

The PRESIDING OFFICER. Two hours having elapsed, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, notwithstanding the fact that the morning hour is concluded, I ask unanimous consent that special orders be continued until conclusion.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE

AMENDMENT NO. 580

Mr. PASTORE. Mr. President, solutions, however, do not come easily, and no one is more aware of the difficulties involved than I. Through the years I have listened to the arguments of all the experts—the political scientists, the broadcasters, the FCC, and the most expert of all—the candidates themselves.

While all agree that something should be done, no one has come forth with a solution that is acceptable to all. And this is understandable because the subject is so complex, and the solution, to be effective, must be very simple and clean-cut.

As the report accompanying S. 3637 states, the committee decided to withhold any further recommendations in this area so that the entire Senate might have the benefit of considering various proposals on the subject when S. 3637 was before it.

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The amendment I intend to offer to S. 3637 is designed to afford further relief to candidates for Federal elective office.

This amendment provides that the total of first, the amounts expended on the electronic media—that means radio and television—by any legally qualified candidate for Federal elective office in an election other than a primary election, and second, the amounts expended by others on behalf of such a candidate on the electronic media shall not exceed an amount equal to 5 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding election, or $20,000, whichever is greater. In the event there has been no election for the office of U.S. Senator in the immediate preceding 2 years, the limitation on the amount expended shall be 5 cents multiplied by the total highest popular vote cast for any statewide office in the preceding 2 years, or $20,000, whichever is greater.

The Federal Communications Commission, by regulation, would require broadcast licensees to ascertain from an authorized spokesman of the candidate that the money expended for the time he wished to purchase would not exceed the ceiling which the bill sets out.

The program logs which the stations are now required to keep would further aid the implementation of this provision.

This amendment deliberately refrains from imposing a ceiling on State offices in recognition of the prerogative of the States to determine their own policies with respect to those offices. I would hope, however, that if this amendment is enacted each State would take whatever action it deems necessary to deescalate the spiraling costs of campaigns.

I am aware that there are other approaches to this problem, and many of them have commendable features. As many know, I have long been concerned with the problem, and I might say in all modesty and deference to my esteemed colleagues, no one has studied it more thoroughly and listened to more of the experts. I believe the amendment to S. 3637 which I am now offering is the simplest and most effective way of meeting this situation which we will agree must be corrected.

Simply stated, it goes to the heart of the problem. It puts a ceiling on the amount of money a candidate or anyone on his behalf may spend on the electronic media.

The provisions of the amendment have, I believe, two features which are essential to any requirements in this area.

First, they are crystal clear and clean cut. There are no formulas in the amendment susceptible of ambiguity or uncertainty by anyone. It is vital that licensees know their obligations, candidates their rights, and the FCC be able to administer both expeditiously.

Second, the amendment leaves discretion with the candidate as to time periods and formats. After all, who is a better judge than the candidate himself of what he wants to say, how he wants to say it, and when.

I ask that the amendment be ordered to lie on the table and to be printed. I intend to propose it as an amendment to S. 3637 when that bill is being considered by the Senate.

Mr. President, also, at this time, for the convenience of Members of the Senate, so they may know the bill and may know my proposed amendment, I ask unanimous consent that the text of the bill, which is Calendar No. 747, S. 3637, be printed in its entirety at this point and that my proposed amendment be printed in its entirety following it.

The **PRESIDING OFFICER**. The amendment will be received and printed, and will lie at the table; and, without objection, the bill and the amendment will be printed in the Record, as requested.

The text of the bill (S. 3637) is as follows:

S. 3637

A bill to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 315(a) of the Communications Act of 1934, as amended (47 U.S.C. 315(a)), is amended by striking out the colon and inserting in lieu thereof a comma and the following: "except that the foregoing requirement shall not apply to the use of a broadcasting station by legally qualified candidates for the office of President and Vice President of the United States:".

(b) Section 315(b) of that Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for any time period."

The amendment submitted by Mr. Pastore is as follows:

Amendment No. 580

At the end of the bill insert a new section as follows:

"Sec. 2. (a) Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (d) and by inserting before such subsection the following new subsection:

"'(c) The total of (1) the amounts expended on the electronic media by any legally qualified candidate for the office of President or Vice President of the United States, United States Senator or United States Representative for such office in an election other than a primary election, and (2) the amounts expended by other persons, associations, groups, or committees on behalf of such candidate on the electronic media, shall not exceed an amount equal to five cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding such election, or $20,000, whichever is the greater: *Provided,* That where there has been no election for the office of United States Senator in the immediate preceding two years, the limitation on the amount expended shall be five cents multiplied by the total popular vote cast for any statewide office in the preceding two years, or $20,000, whichever is greater.'

"(b) The amendment made by this section shall be effective after thirty days following the date of enactment of this Act."

ORDER OF BUSINESS

The **PRESIDING OFFICER**. What is the pleasure of the Senate?

Mr. **GRIFFIN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **McINTYRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **McINTYRE**. Mr. President, I ask unanimous consent that I may make a speech at this time and that the time allotted to the Senator from Maryland (Mr. Tydings) be postponed for the interval that I take for my short statement.

The **PRESIDING OFFICER**. Is there objection?

Mr. **GRIFFIN**. Mr. President, what was the request?

The **PRESIDING OFFICER**. The request was that the allotted time of the Senator from Maryland (Mr. Tydings) be postponed until the conclusion of the speech of the Senator from New Hampshire.

Mr. **GRIFFIN**. How much time is allotted to the Senator from New Hampshire?

Mr. **McINTYRE**. It will take me about 5 minutes.

The **PRESIDING OFFICER**. Is there objection to the request? Without objection, it is so ordered.

S. 3699—INTRODUCTION OF THE SMALL BUSINESS AMENDMENTS OF 1970

Mr. **McINTYRE**. Mr. President, I am introducing for myself, the Senator from Illinois (Mr. Percy), the Senator from Texas (Mr. Tower), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), the Senator from Nevada (Mr. Bible), and the Senator from Wisconsin (Mr. Proxmire) a bill entitled "The Small Business Amendments of 1970."

This is the administration's bill sent to Congress by the Administrator of the Small Business Administration, Hilary Sandoval, Jr. pursuant to the President's message on small business dated March 20, 1970. It is the outgrowth of a report by the President's Task Force on Improving the Prospects of Small Business. The task force was made up largely of distinguished businessmen and was headed by Mr. J. Wilson Newman, chairman, finance committee, Dun & Bradstreet.

The bill amends the Small Business Act and the Small Business Investment Act of 1958. According to Administrator Sandoval's letter of transmittal the bill:

First. Augments the authority of the Small Business Administration in connection with the financial assistance programs established by the Small Business Act, the Small Business Investment Act of 1958 and the Economic Opportunity Act of 1964.

Second. Makes certain additions and amendments to the Small Business Investment Company—SBIC—program.

Third. Further amends the Small Business Investment Act of 1958 to authorize

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a surety bond guarantee program under title IV of that act.

This part of the bill is very similar in many respects to S. 2609, introduced by the distinguished Senator from Indiana (Mr. Bayh), on July 14, 1969.

I want to commend the President for taking the initiative in seeking solutions to some of the myriad problems facing the small business community today. It is my opinion that this important sector of our economy is vital to the well being of our Nation. Much needs to be done to assure its strength.

I have not had an opportunity to study the provisions of this legislation and the task force report in depth. Therefore, I do not feel that I am in a position to pass judgment on each of the specific proposals at this time.

There are several provisions which will require extensive hearings and discussions before the bill can be reported to the Senate. There may be other areas in which the proposed legislation does not go far enough in seeking to solve the problems of small business. In such event, it may be necessary to make additions to the bill.

In any event, I can assure the Senate that the Small Business Subcommittee, of which I am chairman, will hold hearings on this bill as soon as possible. I look forward to working very closely with the ranking minority member of the subcommittee (Mr. Percy), who has a deep interest in the problems confronting small business and is cosponsoring this legislation.

Mr. President, I ask unanimous consent that a copy of the letter of transmittal, the bill, and a section-by-section analysis be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Hughes). The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal, and section-by-section analysis will be printed in the Record.

The bill (S. 3699) to clarify and extend the authority of the Small Business Administration, and for other purposes, introduced by Mr. McIntyre, for himself and other Senators, was received, read twice by its title, referred to the Committee on Banking and Currency and ordered to be printed in the Record, as follows:

S. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Amendments of 1970".

TITLE I

Sec. 101. In connection with the financial assistance programs established by the Small Business Act, the Small Business Investment Act of 1958, and by title IV of the Economic Opportunity Act of 1964, the Small Business Administration is authorized—

(1) to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks or other lending institutions, and to enter into agreements with respect to the servicing of these loans;

(2) when authorized in appropriation acts, to extend guarantees to banks or other lending institutions, or to persons or organizations not normally engaged in lending activity, without requiring that advance approval be obtained from the Administration for each of the related loans. Where a guarantee is extended without such a requirement, loan approval decisions shall be made by the recipient of the guarantee, in conformity with criteria to be specified in regulations prescribed by the Administration. The Administration may adopt measures necessary to ensure compliance with the criteria, including periodic reviews of the books and records of such recipient. A guarantee issued under this subsection shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement; and

(3) to make interest subsidy grants to small business concerns which receive financial assistance from the Administration, through the cooperation of banks or other lending institutions or through the cooperation of persons or organizations not normally engaged in lending activity. In no case, however, shall the annual amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 percent; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and five and one-half percent. No grant shall be made under this subsection relating to interest due on a loan later than three years from the time the loan was disbursed, and each grant under this title shall be charged, in the amounts thereof relating to each of said years, to the respective appropriations current at the time the grant agreement is entered into and to the appropriations current on the respective anniversaries thereof.

Sec. 102. (a) The Small Business Administration is authorized to extend grants to public or private organizations to pay all or part of the costs of providing business management assistance and related technical aid to socially or economically disadvantaged persons.

(b) The purposes of the grants made under this section may include the following:

(1) planning and research, including feasibility studies and market research;

(2) the identification and development of new business opportunities;

(3) the furnishing of centralized services with regard to public services and government programs;

(4) the establishment and strengthening of business service agencies, including trade associations and cooperatives;

(5) the encouragement of the placement of subcontracts by major businesses with small business concerns owned by socially or economically disadvantaged persons, including the provision of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns;

(6) the furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneutral and managerial self-sufficiency on the part of the individual served;

(7) payment of all or part of the costs, including tuition, of the participation of socially or economically disadvantaged persons in courses and training programs for the development of skills relating to any aspect of business management; and

(8) provision of guidance or advice to socially or economically disadvantaged persons seeking government assistance relating to the establishment or continuance of small businesses.

(c) To the extent feasible, services under this section shall be provided in a location which is easily accessible to the individuals and small business concerns served.

(d) Section 406 of the Economic Opportunity Act of 1964 is hereby repealed.

Sec. 103. The Small Business Administration may conduct research and studies with a view to identifying categories of small business which lack growth possibilities, as distinguished from small business built around innovations promising rapid growth, and with a view to identifying the nature and causes of small business failures. Where necessary for the successful conduct of such research or study, or of any other research or study which it is authorized to undertake, the Administration shall employ the services of experts and consultants.

Sec. 104. Appropriations are authorized in such amounts as may be necessary for the purposes of the programs under sections 101, 102, and 103.

TITLE II

Sec. 201. Section 103 of the Small Business Investment Act of 1958 is amended—

(1) by striking "and" from paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof"; and"; and

(3) by adding the following new paragraph:

"(8) The term minority enterprise small business investment company, hereinafter called MESBIC, means a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

Sec. 202. Section 301 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision in this section, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act.

Sec. 203. Section 302 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law, shares of stock, other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 percent limitation of subsection (b)(1) of this section. MESBICs shall not be deemed ineligible for any assistance under this Act because of such purchases."

Sec. 204. Subsection 303(b) of the Small Business Investment Act of 1958 is amended:

(1) by inserting the following in lieu of the first sentence thereof: "To encourage the formation and growth of small business investment companies the Administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriation acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection.";

(2) by inserting "or guaranteed" following "purchased" each time it appears in paragraphs (1) and (2) thereof and in the second sentence thereof;

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(3) by inserting "or guarantees" following "purchases" in the last sentence of paragraph (2). thereof; and

(4) by inserting "or guarantee" following "purchase" in paragraph (3) thereof.

Sec. 205. Subsection 304(a) of the Small Business Investment Act of 1958 is amended by adding the words "and unincorporated" after the word "incorporated" in said subsection.

Sec. 206. Subsection 305(b) of the Small Business Investment Act of 1958 is amended by deleting the second sentence thereof.

Sec. 207. This title may be cited as the "Small Business Investment Act Amendments of 1970".

TITLE III—SURETY BOND GUARANTEES

Sec. 301. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"Part A—Lease Guarantees";

(2) by striking out "this title," wherever it appears in sections 401 and 402, and inserting in lieu thereof "this part";

(3) by amending section 403 thereof to read as follows:

"Sec. 403. There is hereby established a revolving fund for use by the Administration in carrying out the provisions of parts A and B of this title. Initial capital for such fund shall consist of not to exceed $10,000,000 transferred from the fund established under section 4(c) of the Small Business Act: *Provided,* That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee programs authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as initial capital for such fund shall not be so invested but shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the programs under this title. The Administration shall pay into miscellaneous receipts of the Treasury, as of the close of each fiscal year, interest on the net outstanding disbursements of the initial capital from the fund, at rates determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding long-term interest-bearing marketable public debt obligations of the United States as of the month of June preceding such fiscal year."; and

(4) by adding at the end thereof the following:

"Part B—Surety Bond Guarantees

"DEFINITIONS

"Sec. 410. As used in this part—

"(1) The term 'bid bond' means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bonds and performance bond.

"(2) The term 'payment bond' means a bond conditioned upon the payment by the principal of money to persons under contract with him.

"(3) The term 'performance bond' means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

"(4) The term 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (c) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment.

"(5) The term 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

"(6) The term 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

"(7) The term 'prime contractor' means the person with whom the obligee has contracted to perform the contract.

"(8) The term 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"AUTHORITY OF THE ADMINISTRATION

"Sec. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount, subject to the following conditions:

"(1) The person who would be the principal of the bond is a small business concern.

"(2) The bond is required in order for such person to bid on a contract, or to serve as a prime contractor or subcontractor thereon.

"(3) Such person is not able to obtain such bond on reasonable terms and conditions without a guarantee under this section.

"(4) The Administration determines that there is a reasonable expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

"(5) The contract meets requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

"(6) The terms and conditions of any bond guaranteed under the authority of this part are reasonable in light of the risks involved and the extent of the surety's participation.

"(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the loss incurred by the surety in fulfilling the terms of his contract as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

"(c) The Administration shall fix a uniform annual fee which it deems reasonable and necessary for any guarantee issued under this section, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith. Any contract of guarantee under this section shall obligate the surety to pay the Administration such portions of the bond fee as the Administration determines to be reasonable in the light of the relative risks and costs involved.

"(d) The provisions of section 402 shall apply in the administration of this section."

Sec. 302. This title may be cited as the "Surety Bond Assistance Act of 1970".

The material presented by Mr. McIntyre is as follows:

Small Business Administration,
Washington, D.C., March 23, 1970.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for appropriate reference are copies of a draft bill in three titles which (1) augments the authority of the Small Business Administration in connection with the financial assistance programs established by the Small Business Act, the Small Business Investment Act of 1958, and the Economic Opportunity Act of 1964; (2) makes certain additions and amendments to the small business investment company (SBIC) program established by the Small Business Investment Act of 1958; and (3) further amends the Small Business Investment Act of 1958 to authorize a surety bond guarantee program under title IV of that Act.

As explained in the accompanying analysis, copies of which are also enclosed, this legislation will broaden the authority of the Small Business Administration to extend assistance of various kinds to small business concerns, including especially those small concerns owned and operated by socially or economically disadvantaged persons.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

I am hopeful that the bill will be promptly enacted by the Congress.

Sincerely,

Hilary Sandoval, Jr.,
Administrator.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101

Section 101 of the bill authorizes SBA, in connection with the financial assistance programs established by the Small Business Act, by the Small Business Investment Act of 1958, and by Title IV of the Economic Opportunity Act of 1964, to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks and other lending institutions, and to service these loans; to extend guarantees to banks or other lending institutions, or to persons or organizations not normally engaged in lending activity, without requiring that advance approval be obtained from SBA for each of the related loans; and to make interest subsidy grants to persons who borrow from SBA, through the cooperation of banks or other lending institutions or through the cooperation of persons or organizations not normally engaged in lending activity. In no case, however, shall the amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 percent; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and five and one-half percent. No grant shall be made under this section relating to interest due on a loan later than three years from the time the loan was disbursed.

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Section 102

Section 102 of the bill authorizes SBA to extend grants to public or private organizations to pay all or part of the costs of providing business management assistance and related technical aid to socially or economically disadvantaged persons. Included among the purposes of these grants is the payment of the costs, including tuition, of the participation of such persons in courses and training programs for the development of skills relating to any aspect of business management. Repealed by section 102 is section 406 of the Economic Opportunity Act of 1964.

Section 103

Section 103 of the bill authorizes SBA to conduct research and studies with a view to identifying categories of small business which lack growth possibilities, as distinguished from small business built around innovations promising rapid growth, and with a view to identifying the nature and causes of small business failures. This section makes it clear that where necessary for the successful conduct of such research or study, or of any other research or study which it is authorized to undertake, SBA is to employ the services of experts and consultants.

Section 104

Section 104 of the bill provides that appropriations are authorized for the purposes of the programs under sections 101, 102, and 103 in such amounts as may be necessary.

TITLE II

Section 201

Section 201 amends section 103 of the Small Business Investment Act of 1958 (SBI Act of 1958) by adding a new paragraph (8), which defines a minority enterprise small business investment company (MESBIC) as a small business investment company (SBIC) whose investment policy states that its investments will be designed to contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons who, because of social or economic disadvantages, have been hampered in their participation in the free enterprise system.

Section 202

Section 202 adds a new subsection (d) to section 301 of the SBI Act of 1958, providing that a MESBIC may be organized and chartered under the nonprofit corporation laws of any State, and providing as well that a MESBIC so chartered may be licensed by SBA to operate under the provisions of the SBI Act of 1958.

Section 203

Section 203 adds a new subsection (d) to section 302 of the SBI Act of 1958, providing that, notwithstanding the 50% limitation of subsection (b)(2) of this section or any other provision of law, shares of stock, other equity and debt securities issued by a MESBIC may be purchased by banks and other financial institutions, subject to the present limitation which prohibits bank ownership of the shares of SBICs in an aggregate amount exceeding 5 percent of a bank's capital and surplus. This allows whole or partial ownership of MESBICs by such banks and other financial institutions.

Section 204

Section 204 authorizes SBA, to the extent that the necessary funds are not available to the companies involved from private sources on reasonable terms, to purchase or to guarantee the payment of principal and interest on debentures issued by SBICs on such terms and conditions as SBA deems appropriate, and pledges the full faith and credit of the United States to the payment of all amounts required to be paid under any guarantees so issued. This strengthens SBA's authority to guarantee loans to SBICs, including the power to guarantee an SBIC debenture for the original amortization terms.

Section 205

Section 205 amends subsection 304(a) of the SBI Act of 1958 to authorize SBICs to invest in unincorporated as well as incorporated business concerns.

Section 206

Section 206 deletes from subsection 305(b) of the SBI Act of 1958 the present 90 percent limitation on SBIC deferred participation in loans to small business concerns. This amendment authorizes 100 percent SBIC guarantees on loans made to small concerns by other lenders.

Section 207

Section 207 provides that Title II of the bill may be referred to as the "Small Business Investment Act Amendments of 1970."

TITLE III

Section 301

Section 301 establishes a program of surety bond guarantees by authorizing SBA, upon such terms and conditions as it may prescribe, to guarantee and enter into commitments to guarantee any surety against loss as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount. Authority for the program is incorporated into title IV of the Small Business Investment Act of 1958, which title presently specifies SBA's lease guarantee authority; and funding for the program is provided by the revolving fund already established by that title. A guarantee or commitment to guarantee under this program is only to be available (1) where the principal is a small business concern; (2) where such bond is required in order for the small concern to bid on a contract, or to serve as a prime contractor or subcontractor thereon; (3) where such concern is not able to obtain the required bond on reasonable terms and conditions without such a guarantee as this section provides; (4) where SBA determines that such concern will be able to perform the contract with respect to which the bond is required; (5) where the contract meets requirements established by SBA for feasibility of successful completion and reasonableness of cost; and (6) where the terms and conditions of any bond guaranteed are found to be reasonable. A contract of guarantee under this section obligates SBA to pay to the surety 90 percent of the loss which he incurs in fulfilling the terms of his contract because of the principal's breach of a bid bond, payment bond, or performance bond. The section also provides that SBA shall fix such uniform annual fees as it deems reasonable and necessary for guarantees issued under this section, and shall also fix uniform fees for the processing of applications for guarantees.

Section 302

Section 302 provides that title III of the bill may be referred to as the "Surety Bond Assistance Act of 1970".

Mr. PERCY. Mr. President, it is a source of real satisfaction to me to be able to join the distinguished chairman of the Small Business Subcommittee of the Committee on Banking and Currency (Mr. MCINTYRE) in cosponsoring this package of bills directed toward the problems of minority enterprise. The satisfaction stems both from the association and the legislation. I know through my work on this subcommittee that the chairman has a deep understanding of small business problems and a strong commitment to legislate in light of this understanding. The legislation itself is the first major input from the administration directed toward minority entrepreneurs, and it has been eagerly awaited and already enthusiastically received.

Mr. President, last December we conducted extensive hearings to examine the status of Federal Government programs in the area of minority enterprise. We heard from Government officials, administrators, university professors, community leaders—black and white, participants in various Government programs who have had the assistance—financial and consultative—in setting up their businesses, and private businessmen who are expanding both their operation and social perspectives by involving their time and money and expertise in working out solutions to these problems. Throughout the course of these hearings each witness affirmed the theory that the real needs and best interests of all minorities will be met only when there exists a full integration of minority entrepreneurs into the marketplace.

The hearings also confirmed the urgent need for a national commitment to the interests of minority enterprise. Thus I am particularly gratified by the vigorous fresh leadership the President is assuming in this area. For millions of America's minority citizens, the President's commitment marks the beginning of their full assimilation in the marketplace, a goal which will bring with it a new economic stability and independence, a new manpower market, a new source of technical and managerial expertise, and a new and broadened political base interested in and concerned about the workings and improvement of our society as a whole. These are not only the potential results of economic power; they are also the results of a new sense of human dignity.

The bills which I am cosponsoring today, through a series of changes in the law, promise greater successes by minority entrepreneurs because they provide for greater involvement of the private sector, because they extend and simplify Government programs and because they liberalize the conditions under which applicants can secure much-needed capital. These are, as President Nixon has said, "specific practical things that can be done now to get private enterprise into the ghetto, and the people of the ghetto into private enterprise."

Mr. President, the problems of minority enterprise have occupied much of my thinking and certainly much of my senatorial time over the last few years. I have studied, discussed, dreamed, grappled, and watched. While I would be the first to confess that I am just now beginning to develop what I would consider a working perspective in this area, I have been able to reach a preliminary understanding of what is needed if we are to succeed in offering full access to the marketplace to America's minority citizens.

First, we need a national commitment to this goal; I have discussed this already at some length, and would like to reiterate my special pride in the Presi-

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dent's dedication and leadership in developing this commitment.

But in addition we need a sense of perspective. We must be realistic, we must know the legitimate needs of the business community, we must thoroughly and fairly evaluate the gifts of men who wish to participate in the economy but who for one of several reasons lack specific skills needed to succeed.

Finally, as a nation and as a government we desperately need a spirit of boldness and creativity. The problems we encounter in this area and the ones for which we must devise solutions will never be tackled if we rely on a few selected Government leaders to do the job. As we have seen time and time again, the real impetus and ingenuity come so often from the private sector. But in this area of minority enterprise we need the best of both worlds. I am convinced that anything short of this will leave us critically wanting.

I am therefore pleased to have the opportunity to cosponsor legislation which will advance the cause of minority enterprise. The goal and the legislation are in our own national self-interest and promise a new morality in dealing with the real needs of individual citizens.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland (Mr. Tydings) was supposed to be recognized at this time. Does the Senator ask unanimous consent to proceed notwithstanding that order?

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 7, 1970, the President had approved and signed the act (S. 2593) to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Hughes) laid before the Senate a message from the President of the United States submitting the nomination of Robert McClintock, of California, a Foreign Service Officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary to Venezuela, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia:

Stephen S. Davis, for reappointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PACKWOOD:

S. 3698. A bill to authorize the Secretary of the Interior to hear, determine, and pay certain claims arising out of an interruption in the water supply to a grazing area operated by the Bureau of Land Management; to the Committee on the Judiciary.

(The remarks of Mr. Packwood when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McINTYRE (for himself, Mr. Percy, Mr. Tower, Mr. Javits, and Mr. Packwood):

S. 3699. A bill to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. McIntyre when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. KENNEDY:

S. 3700. A bill to authorize appropriations for activities of the National Science Foundation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 3701. A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes; to the Committe on Interior and Insular Affairs.

(The remarks of Mr. Hatfield when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HOLLAND:

S. 3702. A bill for the relief of Dr. Nahid Mansoori Diaz; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 3703. A bill for the relief of Joan M. Brush; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 3704. A bill to authorize the Secretary of Health, Education, and Welfare to enter into an agreement with the Roosevelt Campobello International Park Commission extending, to employees of such Commission who reside in the United States but work in Canada, coverage under the insurance system established by title II of the Social Security Act; to the Committee on Finance.

S. 3705. A bill to amend the act of August 3, 1956, relating to the payment of annuities to widows of judges; to the Committee on the Judiciary.

By Mr. MANSFIELD (for Mr. Hartke) (for himself, Mr. Magnuson, Mr. Cannon, Mr. Hart, Mr. Moss, Mr. Tydings, and Mr. Hollings):

S. 3706. A bill to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes; to the Committee on Commerce.

(Subsequently, the bill was reported, without amendment. The remarks of Mr. Mansfield, when he reported the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS:

S. 3707. A bill to amend title V of the Higher Education Act of 1965 (relating to education professions development) to authorize training programs for teachers in order that they may teach other grades or subjects in which there is a teacher shortage; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BURDICK (for himself and Mr. McGovern (by request)):

S. 3708. A bill to provide for the distribution of the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Burdick when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3698—INTRODUCTION OF A BILL RELATING TO CERTAIN CLAIMS ARISING OUT OF AN INTERRUPTION IN THE WATER SUPPLY TO A GRAZING AREA

Mr. PACKWOOD. Mr. President, today I am introducing legislation directing the Secretary of the Interior to hear, determine, and pay the claims of certain cattlemen in Oregon, arising from a tragedy at Owyhee Butte Seeding in Malheur County, when the water system maintained by the Bureau of Land Management failed to function properly.

To my mind there is no doubt but that financial retribution should be made to these ranchers whose cattle died last August as the result of a serious water shortage on this BLM operated grazing area. Hundreds of head of cattle were lost through no fault of these ranchers. To the contrary, as a result of negligence and great apathy on the part of Bureau of Land Management personnel, a pump failed, tanks were not filled, and troughs emptied. Hundreds of cattle died.

The deaths of the cattle could have been avoided if the BLM had given proper attention to this management area and had corrected the water system deficiencies.

Every rancher in the countryside came forth to hand-feed dying cattle and to bring equipment to obtain water. But confusion was obvious as carcasses of cattle dotted the range. Cows even jumped over the Owyhee Rim on the west in an effort to obtain water from the Owyhee River a few hundred feet away.

The cattle could see and hear the water running below, but could not reach it. So they jumped off cliffs several hundred feet high. Dead cattle also were found with their heads thrust through fences or caught in cattle guards.

As I flew over the site following the disaster, everyone was doing everything possible to save the cattle. Even the children of the ranchers assisted, but in spite of all efforts, the cattle died, and graves had to be dug to bury the bloated animals.

The death of these cattle, however, was not the only loss to the ranchers. The after effects were alarming—cows continued to abort and give birth to dead calves; many died after being moved to home ranches, and others lost weight.

How such a tragedy could occur soon became the subject of much investigation. The FBI became involved, but as far as I know, there was no negligence on the part of ranchers. But there was great

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apathy and gross negligence on the part of BLM personnel.

Mr. President, I ask that the full text of the bill I am introducing be printed in the Record at this point.

The ACTING PRESIDENT pro tempore (Mr. Allen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3698) to authorize the Secretary of the Interior to hear, determine, and pay certain claims arising out of an interruption in the water supply to a grazing area operated by the Bureau of Land Management, introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to hear, determine, and pay the claims of Fred Eiguren, Glen Caywood, Domingo Urquiaga, and Robert Dowell, residents of Oregon, arising out of the failure in August 1969, of the Bureau of Land Management, Department of the Interior, properly to maintain and repair equipment supplying water to the Owyhee Butte Seeding, a grazing area for cattle, located in Malheur County, Oregon, such failure having caused an interruption in the water supply to such area which resulted in the death and injury of cattle owned by the aforenamed persons.

S. 3700—INTRODUCTION OF A BILL AUTHORIZING APPROPRIATIONS OF THE NATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, as chairman of the Special Subcommittee on the National Science Foundation. I am today introducing an authorization bill for the Foundation. The crucial feature of my bill is that it calls for a $50 million increase over the authorization provided by the administration.

The administration requested $500 million for the NSF in fiscal year 1971. From the standpoint of the NSF this represented a small increase over fiscal year 1970. But from the standpoint of scientific research generally the administration request marked the continuation of a disastrous decline. This is because the mission-oriented agencies of the Federal Government—Department of Defense, NASA, AEC, and HEW—have been cutting back sharply on their support for research. Overall, the percentage of the Federal budget going to scientific research and development has dropped from 13 percent in 1965 to under 9 percent in 1970.

The primary reason for the most recent cutbacks in research by the mission-oriented agencies is budgetary belt tightening. I recognize the need for such belt tightening in a period of inflation. But even in a period of inflation, a responsible government must choose its priorities wisely; it cannot blindly slash every Federal program. And it is my belief that no government with a proper set of priorities can, at this moment in history, seriously consider reducing its commitment to scientific research.

The necessity for scientific research is greater today than ever before. We need science's help to devise a more balanced transportation system, to overcome our housing shortage, to develop a more comprehensive health delivery system, to design more effective teaching methods, to fight crime and to protect our environment from the ravages of pollution. It is true that science and technology have themselves contributed to many of our problems, in particular the environmental crisis, but it is also true that only with the assistance of science and technology can we resolve these problems. For over a generation, the scientific community has been substantially hindered in dealing with our civilian needs by our Nation's emphasis on military and space affairs. But now, finally, this country is beginning to reorder its priorities. We are just on the verge of freeing many of our scientists to work on domestic problems. Can this, then, be the time to cut back on scientific research?

I do not think so. Nor, I am happy to say, does the House Committee on Science and Astronautics. That committee just recently added $27.6 million to the President's authorization.

The House committee's increases focussed on five specific areas: graduate traineeships, support for academic projects dropped by other agencies, the college science improvement program, environmental research in Federal laboratories, and State and local intergovernmental science policy planning programs. I agree that all of these areas deserve increased appropriations. I am not sure, however, that the increases proposed by the House committee are sufficient.

For example, the House committee increased the authorization for the State and local science policy planning program from $370,000 to $500,000. I believe one of the most crucial needs in this country is to enable State and local governments to utilize science and technology to resolve their own communities' problems. Unfortunately, few programs are designed to meet this need. In fact, just this year, the Office of State Technical Services in the Commerce Department was abandoned. I think, therefore, that NSF needs more funds so that it can develop a format by which mission-oriented agencies at every level of government can best make use of advances in science and technology.

Another area where it appears that the House committee did not authorize a sufficient increase is support of academic science projects which are being dropped by DOD, NASA, and other Federal agencies. The committee itself estimated the total of such dropped projects at about $60 million and this is probably a conservative estimate. Furthermore, the committee conceded that the projects were of high quality. Yet, it authorized only $20 million to compensate for the dropouts, $10 million more than did the administration. This means that the NSF will be forced to choose between funding the high-level projects dropped by other agencies—some of which are led by Nobel Prize winners—or funding other worthy projects, many of which are led by young scientists at our smaller universities. I think that we should relieve the NSF of at least part of this dilemma by authorizing $30 million more than the President did for support of academic science projects.

There are other items which may require additional support. First, it may well be that the unmet capital needs in the science field are mounting at an alarming rate. Capital expenditure for research facilities and equipment was $41.2 million in 1967 and only $8.2 million in 1971. This reduction deserves examination at our hearings.

At our hearings I also hope to explore whether the NSF's present commitment to the social sciences is adequate. It is true that the Foundation has been increasing its expenditures for the social sciences at a more rapid rate than that of the other sciences. However, it is also true that out of a total of $190 million requested by NSF for science research project support in fiscal year 1971, only $17.3 million, or 9 percent is requested for all of the social sciences. Is this enough to strengthen the social sciences and learn to apply them successfully to society problems?

Mr. President, I have been emphasizing the role which science and the National Science Foundation must play in solving pressing social problems. But I wish to make clear that scientific research cannot just focus on problems which are currently in the public eye. It must prepare to solve problems which most of us have not even begun to foresee. Therefore, we must train experts and gather knowledge in every area of science. Only then can we have any hope of meeting the dangers which the future holds in store.

There is one last point I should like to make. In his authorization bill, Senator Prouty, my distinguished colleague on the National Science Foundation Subcommittee, proposed a 2-year authorization and requested "such sums as may be necessary" for fiscal year 1972. I agree wholeheartedly that a 2-year authorization is desirable, and I have incorporated Senator Prouty's provisions in my bill. But I cannot agree with Senator Prouty's statement on the floor that the 1972 authorization should not remain open ended and that an exact dollar figure should be proposed at the end of our hearings this year. The amount of support that scientific research will receive from the other agencies of the Federal Government in 1971 is still unclear. There may be substantial cutbacks of extremely worthwhile projects. In such a fluid situation, I do not believe that we would serve the cause of scientific research and education by proposing a specific NSF authorization for 1972 at this time. Let us wait and see what the scientific community and the Nation truly require.

Mr. President, I request that my bill be printed in the Record immediately following these remarks.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3700) to authorize appropriations for activities of the National

Science Foundation, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the National Science Foundation $548,000,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the succeeding fiscal year, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500 in any fiscal year, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $2,000,000 is authorized to be appropriated for each of the fiscal years ending June 30, 1971, and June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. This Act may be cited as the "National Science Foundation Authorization Act of 1971".

S. 3701—INTRODUCTION OF A BILL TO ESTABLISH THE OREGON DUNES NATIONAL RECREATION AREA

Mr. HATFIELD. Mr. President, as our country's population continues to expand at an alarming rate, as our cities become increasingly crowded and living conditions for the vast majority of Americans suffer because there are just too many people, automobiles, and ribbons of concrete and steel around us, the need for an occasional escape becomes critical.

From time to time, the Congress of the United States has recognized this need, and established national parks and wilderness and recreation areas for present and future generations to enjoy. Man must be able to breathe clean air, swim in unpolluted water, picnic and camp in our magnificent forests, or enjoy the solitude of a desolate beach.

The typical American citizen is becoming even more conscious of his environment and of the need to set aside certain areas throughout the country for the purposes just described. State and local governments have responded to this awakening and have taken the initiative by establishing parks, campgrounds, and manmade lakes. In Oregon, the State parks are recognized as among the finest in the country. Concerned citizens throughout the land have realized that government at all levels must act soon, if we are to preserve enough areas to meet the recreation and other needs of future generations.

Today, my colleague from the State of Oregon, Senator ROBERT PACKWOOD, and I are introducing a bill which is designed to help meet the recreation needs of not only the citizens in our State, but of citizens in every State in the Union. This bill, which would establish the Oregon Dunes National Recreation Area, is a product of over 10 years of struggle to provide for the general public outdoor recreation use and enjoyment of a section of Oregon's shoreline and magnificent dunes, forested areas, fresh water lakes, and recreational facilities.

During these past 10 years there were various proposals as how best to establish an Oregon Dunes national seashore or park or recreation area. At one point the other body passed a measure which would have established a national seashore. However, the Senate did not act on the measure, largely because of the conflict over condemnation. There are volumes of hearing records and page after page of floor statements made in both bodies concerning the fate of Oregon's dunes. However, no bill was ever passed into law.

If no action is taken soon, what will happen to this magnificent area? I believe that if the 91st Congress does not move quickly and pass into law this bill which is introduced today, this country will not find itself in the position of being able to enjoy all that the dunes area has to offer.

Let me assure my colleagues in this great body that I am not crying wolf. Commercial interests in and out of the State of Oregon have been eyeing the dunes area and have even formulated plans calling for major commercial development. Surely this kind of development would prove incompatible with the recreation area concept. Land developers have watched this area for 10 years and could move in if we do not take action.

Congressman JOHN DELLENBACK, representing Oregon's Fourth Congressional District, has come up with what I consider an excellent plan, and it is a duplicate of his bill which Senator PACKWOOD and I are introducing today. I am pleased to join Congressman DELLENBACK now in his efforts to fulfill the pledge of providing protection for this valuable area.

Congressman DELLENBACK during the 90th Congress introduced H.R. 17904 calling for the establishment of the Oregon Dunes National Recreation Area. The 90th Congress failed to act on this measure. However, during the duration of the 90th Congress, Congressman DELLENBACK welcomed and considered comments and suggestions from all interested parties. The comments were primarily favorable, but when he reintroduced the bill last January 3—when the 91st Congress convened—he had incorporated certain suggestions as improvements to his original bill. His new bill, H.R. 778, is now in the House Interior and Insular Affairs Committee and hopefully will receive action during this session of the 91st Congress.

As I stated previously, the bill which Senator PACKWOOD and I have introduced today embodies Mr. DELLENBACK's plan and is a companion bill to H.R. 778. Briefly, it calls for administration of the area by the U.S. Forest Service in cooperation with State and local governments. The Forest Service has given its assurance that it stands ready to assume the responsibility of administering the Oregon Dunes National Recreation Area in accordance with the provisions of the bill and with the national recreation area concept. The Forest Service presently holds title to 18,290 acres of this 31,910-acre plan. It has had considerable experience in the administration of recreation areas and will move to accommodate the potential of the dunes area through the development of needed roads, recreation trails, parking facilities, beach developments, camp and picnic grounds, interpretive services, and sanitary facilities. The bill is strongly and widely supported in Oregon.

As a member of the Senate Interior and Insular Affairs Committee during the past 3 years, I have become evermore aware of the recreation requirements of this country. I am also keenly aware of the potential of the Oregon Dunes National Recreation Area and take great pride in introducing this bill today with Senator PACKWOOD.

As I said, this proposal has wide support in Oregon. At this point in the RECORD, I ask unanimous consent that several editorials appear in support of the Oregon Dunes Recreation Area: Medford, Oreg., Mail Tribune, December 29, 1969; Portland, Oreg., Oregon Journal, December 20, 1969; Portland, Oreg., the Oregonian, June 27, 1968; Eugene, Oreg., Register Guard, February 18, 1967; Eugene, Oreg., Register Guard, February 23, 1967.

Mr. President, I also ask unanimous consent that a letter of support from John Parker, chairman of the Western Lane Taxpayers Association, appear in the RECORD, along with a letter to the Eugene Register Guard from Mr. Parker.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the editorials and letters will be printed in the RECORD.

The bill (S. 3701) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, introduced by Mr. HATFIELD (for himself and Mr. PACKWOOD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The editorials and letters, presented by Mr. HATFIELD, are as follows:

[From the Medford, Oreg., Mail Tribune, Dec. 29, 1969]

DUNES RECREATION AREA: A NEW CHANCE

Probably never before have chances been better for some sort of national recognition for the Oregon Dunes—that area of beaches, fresh-water lakes, trees, streams and dunes that has been described thus:

"The area is adjudged to be of national importance, not only for the manifold opportunities for seashore recreation but also for the inspirational worth of the resources to the American citizen. The many superlative values found here are of such high importance as to warrant permanent preservation for the nation as a whole."

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That quotation was contained in a report compiled in 1958—nearly 12 years ago—for the Department of the Interior.

If anything, the deterioration of the quality of the unprotected environment in Oregon has lifted the Dunes into an even loftier spot in the regard of sensitive people than ever before.

The proposal for the creation of an Oregon Dunes National Seashore—first made by the late Sen. Richard L. Neuberger—stalled along for years, held back by a variety of circumstances too complex to be described briefly here, but chiefly by the unexplained opposition of then-Sen. Wayne L. Morse.

The more recent proposal, by Congressman John R. Dellenback, is for an Oregon Dunes Recreational Area (not a National Seashore), and it is less ambitious than the earlier plan. It also embodies some proposals and concepts that are pretty much untried.

But the situation now appears to be more favorable than before for its enactment. Both Oregon Senators, Mark O. Hatfield and Bob Packwood, and particularly the latter, are showing a heightened sensitivity to the Oregon landscape and its protection, and the enhancement of esthetic, environmental and recreational matters. Wayne Morse's effective obstructionism in the Senate is now absent. And the tide is running high for preserving America's beauties.

Not that the Dunes area is seriously threatened in its core—and most important—area. This is now under the protective administration of the Forest Service.

Congressman Dellenback's bill for a Recreation Area would leave the principal administration with the Forest Service, but it would also encompass some areas of state and county ownership, as well as some privately-owned land, and would depend in large part upon the zoning authority of the counties involved, as well as the cooperative attitude of all the participating entities, to save the fringe areas from becoming honky-tonk slums.

Its chief value, it seems to us, is that it would give national recognition to a nationally-important area, would provide controls and directions for development and protection now absent in the Forest Service's multiple-use plans, and would provide a test to see if local governments can really measure up to the task of protecting the environment—a test that most of them have failed dismally in the past.

It is no secret that we would prefer National Seashore designation with the National Park Service in charge. But lacking that (and no one on the political scene seems anxious to resurrect that plan), we'd like to see the Recreation Area plan given a try.

We hope that our cautious optimism, and our reading of the sentiment of members of Oregon's Congressional delegation, are not in error.

[From the Portland (Oreg.) Journal, Dec. 20, 1969]

DUNES PARK IDEA REBORN

Perhaps the time has come for a serious, second-round attempt to establish a national recreation area in the Oregon dunes south of Florence.

About 18 months ago, Rep. John Dellenback, R-Ore., introduced a bill which would create such an area, covering about 32,000 acres, to be administered by the U.S. Forest Service. He reintroduced it in January of this year.

Dellenback's proposal was a substitute for the National Park Service seashore concept conceived by the late Sen. Richard Neuberger during the Eisenhower administration and fought for through nearly a decade.

The battle was carried on by former Sen. Maurine Neuberger. One version of it was approved by the House of Representatives through the efforts of former Rep. Robert Duncan. While that plan was strongly opposed by a group in the Florence area, it had wide support elsewhere on the Oregon Coast, in the state generally and in the Congress. There is little doubt that it would have passed the Senate and that a seashore park would now be in existence except for the adamant opposition of former Sen. Wayne Morse.

Now the circumstances and the actors are all changed. There is no push from any government quarter for the National Park Service seashore idea. The Dellenback plan is approved by people in the Florence area. It appears to have little real opposition anywhere.

But impetus for it has been lacking in the closing months of the Johnson administration and the first year of the Nixon administration. More important issues have commanded the attention of Congress.

Now Sens. Mark Hatfield and Bob Packwood have agreed jointly to introduce in the Senate a measure identical to the Dellenback bill.

Congress in 1970 will still be confronted by many issues more vital to the nation than the dunes legislation. But there should be time to give this one the attention it deserves. The proposal is in line with a growing national interest in conservation.

Most of the land involved is already administered by the U.S. Forest Service. But giving it seashore status will pave the way for greater protection of its values and development for public use. Under this plan it would serve many of the same purposes embodied in the original National Park Service concept.

The Journal consistently supported the earlier plan. That is no longer politically possible. We believe that the legislation proposed by Dellenback and embraced by Sens. Hatfield and Packwood will be in the public interest.

[From the Portland Oregonian, June 27, 1968]

SOUND DUNES PLAN

It has been our view that the Oregon Dunes on the coast between Florence and Reedsport could be preserved and developed for recreational uses without establishing a national seashore under rather rigid National Park Service administration. Most of the dunes area is publicly owned, and cooperation between federal, state and county agencies would do the job, we believe.

Congressman John Dellenback has introduced a bill in the House which follows the same line of thinking. It would establish an Oregon Dunes National Seashore Recreation Area under the Forest Service within whose Siuslaw National Forest a greater part of the area already lies.

Sustained yield management of private timberlands on the eastern edge of the area would be permitted, so long as access to lakes and streams was granted and the natural beauty of lake and stream banks and of roadsides was protected.

Condemnation of private homes and other property, on which the national seashore proposals of the Senators Neuberger and Congressman Robert Duncan ran hard aground, is ruled out in Mr. Dellenback's bill. Property needed for the area would be subject to purchase by negotiation "only with the consent of the owners." Owners of homes acquired by the government could choose to retain lifetime occupancy. Commercial property in use before Dec. 31, 1965, in the "inland sector," also would be subject to purchase by negotiation.

State and county lands could be acquired only by the consent of the state or county. Hunting, fishing and trapping would be permitted in accordance with federal and state laws, with due regard for public safety, administration, public use or enjoyment. Withdrawal of ground water from the dunes under state laws and permits would continue, as would existing piping rights across the area for disposal of domestic and industrial wastes in the ocean.

The Dellenback bill forms a basis for solution of a problem which has had heated attention for a decade. All sides will have an opportunity to be heard on it before Congress takes action. It appears to us a reasonable compromise which will preserve and develop the dunes and at the same time protect the interest of property owners who have objected so strenuously to condemnation and some other facets of national seashore management.

[From the Eugene (Oreg.) Register Guard, Feb. 18, 1967]

HOPE FOR THE DUNES

Representative Ed Elder has introduced a legislative memorial asking that the Oregon dunes be declared a national recreation area, under the U.S. Forest Service. In Washington, Representative John Dellenback is working toward the same end.

And that's probably the best we can do. Any idea of getting National Park Service protection for this unique area is preposterous now. The National Seashore idea, under the Park Service, does not have friends in the right places. It came close last time. The House agreed to National Seashore status. But the Senate did not pass it because of the objections of Senator Wayne Morse. Its best friends were Senator Maurine Neuberger and Representative Robert Duncan, both of whom were often at odds with the senior Senator.

Senator Morse blustered about a condemnation feature he objected to. When friends of the National Seashore concept gave in to the Senator, the Senator promptly demonstrated that he didn't have enough muscle to get his own bill through. The bill, with the condemnation feature, would have passed easily, save for the opposition of the Senator.

Representative Duncan and Senator Neuberger have been replaced by Mr. Dellenback and Senator Mark Hatfield, neither of whom is friendly to the Seashore concept. Neither opposes it with the vehemence of Senator Morse, but neither will do anything to advance it.

So it looks as if the Forest Service is the best bet. For reasons unknown, the Forest Service doesn't stir up the local animosities the Park Service arouses. The important consideration is to get something going down there. It is a unique area. It deserves protection from logging and commercial encroachment, also sound planning and a place on the maps. A well-managed area, properly publicized, could prove to the people of the Florence, Reedsport, and Coos Bay areas that a bumper tourist crop is worth three sawmills and half a dozen real estate developments.

[From the Eugene, (Oreg.), Register Guard, Feb. 23, 1967]

ZONING NEEDED, TOO

Bandwagon sentiment seems to be growing for creation of a national recreation area in the Oregon dunes region. And earlier ideas for a national seashore preserve encompassing the uniquely intermingled ecological features of this region seem to be dead.

So be it. As was said on this page several days ago, the important consideration is to get something going to insure protection of the dunes country for the enjoyment of future generations. The national seashore plan was designed to keep more of the dunes region in its natural state. The recreation area plan, which would be administered by the U.S. Forest Service, includes less land and will permit more alterations of the natural characteristics of the dunes country.

But, again, so be it. There are many thousands of acres of shifting sand mountains which would be included in the proposed

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national recreation area, dozens of unusual little lakes in valleys between the sand mountains, large forests that are gradually being buried by the sands and sizable areas where wild rhododendrons, wax myrtles and other botanically invaluable species thrive and provide cover for equally invaluable biological species.

If the national seashore plan is dead, it now becomes most important that the recreation area be established as soon as possible—and that the Forest Service be charged with safeguarding its priceless assets.

It also becomes imperative that Lane, Douglas and Coos counties carry out plans to provide protective zoning along coastline areas that will not be under Forest Service jurisdiction—or that of the Oregon State Parks Department. Several years ago, it was generally agreed by representatives of these three counties that fringes of the dunes should be zoned—not to outlaw all commercial development, but to contain it in rational fashion and prevent irrational despoliations. To date, only Douglas County has done anything to carry out such aims, and even that county has not done all it should.

WESTERN LANE
TAXPAYERS ASSOCIATION,
Florence, Oreg.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: As you know, our Congressman from the Fourth District, John Dellenback, has a bill to create an Oregon Dunes National Recreation Area under the administrtaion of the U.S. Forest Service.

We know, of course, that you are very familiar with the dunes controversy of some ten years' standing. There appears to be almost unanimous support for Congressman Dellenback's proposal. The Oregon State Assembly passed a memorial last session with the House voting unanimously and the Senate 26 to 4.

Among groups favoring the project are the Pomona Grange, Oregon Coast Association, State Association of Soil Conservation Districts, Farm Bureau Federation, port districts in Coos Bay, Reedsport and Florence, the Siuslaw School District, Lane County Chamber of Commerce, chambers in Florence, Reedsport and Coos Bay, the North Bend Coos Bay Water Board and so forth. Even *The Register Guard* which, as you remember, was for the Interior Department's dunes park, feels now that the Dellenback proposal should receive support. The Lane County Board of Commissioners last week voted in favor.

We hope that a companion bill will be sponsored in the U.S. Senate and that this long controversy can, at last, be resolved. We would appreciate hearing from you.

Respectfully yours,
JOHN S. PARKER, *Chairman.*

[From the Eugene (Oreg.) Register-Guard, Oct. 3, 1969]

DUNES PLAN FAVORED

Answers to the question in Senator Robert Packwood's poll, "In your opinion what should be done with the Oregon dunes along the coast?" clearly indicated that Oregonians felt it should remain under the administration of the U.S. Forest Service. Results showed that 33.1 per cent wanted it made into a national recreation area and 31.8 per cent wanted it to remain as it is. In either case the dunes would be under the Forest Service according to the wishes of 64.9 per cent of citizens who expressed opinions. Only 23.3 per cent wanted a national park; 11.8 per cent voiced no preferences.

Most of the dunes are within the boundaries of the Siuslaw National Forest, which has established excellent recreation areas with some 300 campsites, access roads, launching ramps and other public facilities. Most citizens are well satisfied with the present setup. However, there are some (33.1 per cent) who think that not only should the Forest Service continue to administer the dunes but the area should be definitely established as an Oregon Dunes National Recreation Area, under the Forest Service, by an act of Congress. This, they maintain, would be helpful in several ways: it would end the long 10-year controversy over who should administer the dunes, permit the Forest Service to go ahead with its plan of more recreation facilities, including visitors' centers, make federal funds more available, and give publicity and nationwide recognition to this coast area. There are, at present, only four such recreation areas in the United States.

A bill sponsored by Congressman John Dellenback (HR 778), now in the House Interior Committee, would accomplish this. His proposal has almost unanimous support along the coast where people are familiar with the situation. A memorial favoring such a recreation area was passed by the Oregon State Legislature by a unanimous vote in the House and by a 26 to 4 vote in the Senate.

Governor Tom McCall, in a recent letter to the Western Lane Taxpayers' Association, expressed his support, declaring, "It is my hope that Congress will act favorably upon it." Senator Hatfield is prepared to introduce a companion bill and Senator Packwood, himself, in writing to the tax group during the campaign last fall said if he were elected he "would go to Washington, D.C. to work with members of both houses of Congress to implement the Dellenback bill."

JOHN S. PARKER.

Mr. PACKWOOD. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) has today introduced a bill to establish the Oregon Dunes National Recreation Area in the State of Oregon. I am glad to join my colleague in cosponsoring this legislation, which is a companion measure to one introduced on the House side by Congressman JOHN DELLENBACK.

Senator HATFIELD has already discussed the details of this legislation in his knowledgeable capacity as a member of the Senate Interior and Insular Affairs Committee.

S. 3707—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN TRAINING PROGRAMS FOR TEACHERS

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend the Education Professions Development Act to permit States to use grant program funds for retraining experienced educational personnel to meet critical shortages.

This legislation was suggested to me by the New York State Department of Education and follows the suggestion contained in the report submitted by the U.S. Office of Education last month entitled "Attracting and Qualifying Teachers to Meet Critical Teacher Shortages." That report states:

> The States are currently prevented from using State Grants Program funds for retraining experienced educational personnel to meet critical shortages. This restriction should be lifted. If a State has a surplus of secondary school social studies teachers, for example, and desires to retrain them to meet an immediate critical need in junior high school science and mathematics, it should have the freedom to do so. Such a change would be entirely in keeping with the intent of part B–2 of EPDA, to meet critical shortages as determined by the States.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 3707) to amend title V of the Higher Education Act of 1965 (relating to education professions development) to authorize training programs for teachers in order that they may teach other grades or subjects in which there is a teacher shortage, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3708—INTRODUCTION OF THE SISSETON AND WAHPETON JUDGMENT FUNDS BILL

Mr. BURDICK. Mr. President, on behalf of myself and my colleague from South Dakota (Mr. MCGOVERN), I am introducing, by request, a bill to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indians Claims Commission dockets numbered 142 and 359.

This bill is the outgrowth of a hearing held January 29, 1970, by the Subcommittee on Indian Affairs upon S. 3174, a bill authorizing the distribution of all the Mississippi Sioux judgment funds. Testimony at the hearing showed that the Sisseton and Wahpeton Sioux Tribes, on the one hand, and the Medawakanton and Wahpakoota Sioux Tribes, on the other hand, were taking a different approach toward disposition of their separate judgment funds, and that their interests, therefore, would be better and more expeditiously treated in separate legislation.

The provisions of the bill have been endorsed by the tribal councils of the only two organized tribes which have a right to the funds, the Devils Lake Sioux Tribe of North Dakota and the Sisseton and Wahpeton Sioux Tribe of South Dakota, respectively, and the legislation is being introduced at their request.

The funds which are the subject of this bill were appropriated by the act of June 19, 1968 (82 Stat. 239), to pay compromise judgments in favor of the Sisseton and Wahpeton Tribes of Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359. The major features of the proposed law are as follows:

Under section 2(a) the Secretary of the Interior is directed to assist the Devils Lake Sioux Tribe and the Sisseton and Wahpeton Sioux Tribe in preparing complete, current rolls of their members. In order to identify all persons who should share in the judgment funds, the Secretary also is directed under section 2(b) to prepare within 2 years a separate roll of persons of one-quarter degree or more Sisseton and Wahpeton Indian blood who are not eligible for membership in either of the two organized tribes.

All three rolls are subject to final approval by the Secretary. No person shall be eligible for enrollment who is not a citizen of the United States. In order to prevent an individual from sharing in two or more awards to different Indian groups, section 2(c) further specifies that no person shall be eligible for inclusion on the Sisseton and Wahpeton rolls who also "is enrolled as a member of any other recognized tribe, band or group of American Indians for purposes of distribution of an Indian Claims Commission judgment."

Section 3(a) provides that, after deduction of certain expenses, the Sisseton and Wahpeton judgment funds shall be apportioned on the basis of the number of persons on the three rolls prepared pursuant to section 2. In the case of funds allocated to the members of the Devils Lake Sioux Tribe of North Dakota and the Sisseton and Wahpeton Sioux Tribe of South Dakota, 70 percent is to be distributed per capita and 30 percent reserved for tribal programs. Funds attributed to Sisseton and Wahpeton Sioux Indians who are not members of the organized tribes shall be distributed in a 100-percent per capita payment.

Section 4 provides the usual protection for persons under the age of 21—18 if married—or under a legal disability. Section 5 contains the language, standard for legislation of this character, that the funds distributed shall not be subject to Federal or State income taxes.

The PRESIDING OFFICER (Mr. HART). The bill will be received and appropriately referred.

The bill (S. 3708) to provide for the distribution of the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and for other purposes, introduced by Mr. BURDICK, for himself and Mr. MCGOVERN, by request, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 3410

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of S. 3410, to create a National Environmental Laboratory.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 3545

Mr. MUSKIE. I ask unanimous consent that, at the next printing, the name of the junior Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of S. 3545, an amendment to the Immigration and Naturalization Act.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 3557

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from California (Mr. CRANSTON) be added as a cosponsor of my bill, S. 3557, requiring the GSA and the Post Office Department to purchase vehicles using lead-free fuels.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

S. 3592

Mr. CURTIS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. MCGEE) be added as a cosponsor of S. 3592, to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom-slaughtering operations.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3595

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Nevada (Mr. BIBLE) I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Kansas (Mr. DOLE), the Senator from Alaska (Mr. STEVENS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Colorado (Mr. DOMINICK), and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3595, to establish a Commission on Security and Safety of Cargo.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3608

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of my bill, S. 3608, to increase the allowable loan levels under the Consolidated Farmers Home Administration Act.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

SENATE RESOLUTION 385—RESOLUTION SUBMITTED TO URGE THE CALLING OF AN INTERNATIONAL CONFERENCE ON NORTH PACIFIC MARINE OIL POLLUTION

Mr. STEVENS. Mr. President, it is becoming increasingly clear that the United States must depend for its power and fuel needs on oil that is transported from remote places. Whether these locations be Alaska, Venezuela, or the Middle East, a major part of the transporting will be done by oceangoing tankers.

The *Torrey Canyon* incident has shown us what can be done to the ocean and beaches of the world by a leaking oil tanker. A recent incident off the coast of Kodiak Island in my State of Alaska is another warning that the indiscriminate or accidental spilling of oil into our oceans must be stopped.

This is an international problem. We must take steps to resolve it at the international level. As a first step, I am submitting a resolution requesting an international conference on marine oil pollution in the North Pacific and the establishment of a joint United States-Canadian task force to provide leadership and coordination in all aspects of oil pollution prevention and abatement in this region.

The Alaska State Legislature has considered this problem and has already issued a call for the conference I am proposing.

The State of Alaska has enacted and enforces the strictest rules against oil pollution anywhere in the world. The recent incident off Kodiak Island, which destroyed many miles of beach and killed an estimated several thousand sea birds, was reportedly the result of the discharge of an oily ballast by a ship at sea, an act over which the State has no jurisdiction. The United States presently requires that ballast not be discharged within 50 miles of our coast. This is clearly not an adequate safeguard.

However, it is not enough simply to require our ships to stop this practice, although such a step is naturally desirable. We must seek an international agreement to assure that no ships continue this practice. In light of the anticipated shipping large quantities of oil from Alaska through the North Pacific, it would seem natural to begin this process with discussions concerning this region. This is what my resolution seeks and I ask unanimous consent that it be printed in full in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 385), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 385

Whereas it is becoming increasingly evident that man, if he continues his present course of action, will not only pollute the air, streams and lakes but also the oceans of the world; and

Whereas the tragic episodes resulting recently from oil spills in the waters of this and other nations make it painfully clear that if man and his environment are to survive the utmost care must be employed when exploring for, extracting and transporting oil; and

Whereas Kodiak, Alaska has just suffered a major disaster because an oil slick caused by the pumping of oily ballast at sea has reportedly covered an estimated 1,000 miles of beach and killed a minimum of 10,000 sea birds; and

Whereas the tragic situation which now exists is a mere preview of what may happen in the future if proper safeguards are not established and followed in the transporting of oil; and

Whereas the present federal regulation allowing the pumping of ballast by oil tankers 50 miles from shore is totally inadequate to protect the shores and wildlife of the nation; and

Whereas, because Alaska's waterlanes will be utilized to a great extent in future years to transport oil to west coast ports, strong precautions against oil spilling must be initiated now; and

Whereas the United States should be a world leader in establishing and enforcing proper safeguards to prevent future oil pollution of the world's seas;

Now, therefore, be it resolved, that the United States Senate urges the convening of an international conference on North Pacific marine oil pollution, and the consideration of the establishment of a permanent United States-Canadian joint task force to provide leadership and coordination in all aspects of oil pollution prevention and abatement in this region.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 211

Mr. BROOKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Washington (Mr. MAGNUSON), be added as cosponsors of Senate Resolution 211, seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 91-765)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), from the Committee on Commerce, I report, without amendment, the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, and I submit a report thereon.

Mr. President, I ask unanimous consent that the report be printed, together with the minority views of Senators COTTON, GRIFFIN, and BAKER, and the individual views of Senators BAKER and PROUTY.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Montana.

AMENDMENT OF COMMUNICATIONS ACT OF 1934 RELATING TO EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE—AMENDMENT

AMENDMENT NO. 580

Mr. PASTORE submitted an amendment, intended to be proposed by him, to the bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PASTORE when he submitted the amendment, which appear earlier in the RECORD under the appropriate heading.)

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENT

AMENDMENT NO. 851

Mr. MUSKIE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation, which was referred to the Committee on Banking and Currency and ordered to be printed.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 9, 1970, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

ADDITIONAL STATEMENTS OF SENATORS

MONTANA'S PRIDE

Mr. MANSFIELD. Mr. President, the 91-piece Columbia Falls High School Band with 25 chaperons will leave Montana for Calgary, Alberta, on April 26, to proceed from there for Europe for a 3-week tour.

When the drive began last fall to send the Columbia Falls High School Band to Europe, very few people thought it would succeed. Thanks to the tremendous drive and organizational ability of such citizens as Basil Everin and Cecil Hudson, the sum of $13,000 was achieved, and as a result will take care of the band members' food, lodging, and bus fare in Europe. The chaperons who will be going along with the students are paying their own expenses, and the students themselves have bought their plane tickets and passports.

The idea of such a trip originated with Mrs. Richard Edsall, who thought it would be a good idea for her native Germany to see the very best of American youth. Montana interest in the Columbia Falls High School Band has been tremendous. The Whitefish Rotary gave $100, the Kalispell Rotary over $300, the Kalispell Elks $400, the Whitefish Junior High School $25, the seventh and eighth graders at Fortine $5, the Browning Soroptimists $10, McCone County 4-H Circle at Vida $5, Ron Sherman—Reno taxi driver and park summer horse packer—$10, the Cherry Hills 4-H at Big Fork $5, the Columbia Falls Chamber of Commerce $300, the Bank of Columbia Falls and the Anaconda Aluminum Co. $1,000 each, the First National Bank of Kalispell $100, the Equity Supply Co. of Kalispell $150, and many others did likewise.

My congratulations to this outstanding band, which I know will represent the Flathead, the State of Montana, and the Nation with distinction and dignity. I wish them the best of everything in their trip abroad, and I stand ready to help them in any way I possibly can to make sure this trip is successful. It is a feather in the cap of Columbia Falls. It is a fine undertaking by an outstanding group of youngsters, and it is a credit to the United States of America that such an aggregation with such talent is representing us in Europe.

Mr. President, I ask unanimous consent that a number of articles published in the Hungry Horse News be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the Record, as follows:

GOAL NEAR FOR BAND

(By Mel Ruder)

Fantastic drive in small town Montana to send a high school band on European tour is within $2,000 of its goal.

The 91 member Columbia Falls High School Band will fly from Calgary to Amsterdam April 26, and return May 17 after touring and presenting concerts in the Netherlands, Germany, Switzerland and Austria.

Idea started with Mrs. Richard Edsall, Hungry Horse, who was back in her native land last year, and unhappy at impression Germans had of young America. She felt the cure was to send the Columbia Falls High School Band to Europe, and started the drive.

Target is $15,000 to cover transportation, lodging and meals for band in Europe.

In addition the students have paid $223 round-trip airfare plus $12 passport charge. There are also 25 chaperons who have paid $250 airfare and will take care of their own transportation, lodging and meal costs in Europe. Total cost of the expedition exceeds $40,000.

Basil Everin is president of the Band to Europe committee with Cecil Hudson, treasurer.

Donations continue to arrive at P.O. Box X, Columbia Falls.

Everin and Hudson noted largest check—$1,000—was voted by Bank of Columbia Falls directors, Tuesday.

They expressed appreciation for all sums including the number of $1 bills, the residents at Montana Veterans' Home who bought $1 buttons, and the many checks that keep arriving.

Whitefish Junior High sent $25, Grandview Supreme 4-H $5, Kalispell Rotary, $149; Whitefish Rotary, $100; Columbia Falls Chamber of Commerce, $300 in two checks; Kalispell Elks, $300; Whitefish Soroptimists, $100.

Plum Creek Lumber Co. gave $400; Stoltze Land and Lumber, $250; Rocky Mountain and Superior Buildings, $100 each; Equity Supply, $150.

The Columbians, dance orchestra of the band, has played at different functions, with proceeds to Band to Europe. This included about $400 from the Big Mountain Medical Association conference.

Leading gifts from Columbia Falls business district, in addition to the Bank of Columbia Falls, is Melby's Flathead Furniture, $200, and Krueger Drug, $100. There have been several $75 gifts, and a number of $50 and $25 checks. Likewise appreciated are the many $5 and $10 checks. A full list is being prepared.

Everin commented that checks have come from coast to coast.

ANNOUNCE STOPS, HOTELS AND MILEAGES IN EUROPE

Updated itinerary for Columbia Falls High School's Band to Europe expedition was announced by Basil Everin, president of the parents' committee.

The 91 bandsmen and 25 chaperons will depart by Pacific Western Airlines Boeing 707 jet at 3 p.m. April 26 from Calgary to Amsterdam. There may be refueling in Greenland or Iceland.

Everin also provided shortest distances in kilometers (.62 of a mile equals a kilometer), and noted that stays in most cases were for two days. Most hotels are youth hostels.

Here's the schedule:

Arrive in Amsterdam, 8:45 a.m., April 27; 117 kilometers by bus to Nijmegen, The Netherlands, Hotel Esplanade; 242 Km, Koblenz, Germany, Hotel Reinhard, April 28-29; 219 Km, Pforzheim, Germany, April 30-

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May 1; 55 Km. Esslingen, Germany, Hotel Rosenau, May 2–3.

275 Km to Lucerne, Switzerland, Hotel Kolping, May 4–5; 307 Km, Innsbruck, Austria, Hotel Kreide, May 6; 171 Km, Salzburg, Austria, Hotel Hofwirt, May 7–8; 294 Km, Nuremburg, Germany, Hotel Berg, May 9–10; 264 Km, Mainz, Germany, Hotel Stiftswingert, May 11–12; 234 Km, Aachen, Germany, May 13–14; 239 Km, Amsterdam, Netherlands, May 15–16 with departure 10 a.m., May 17 for Calgary and home.

ADD HOLLAND CONCERT FOR FALLS BAND TO EUROPE

An additional concert has been scheduled by the Columbia Falls High School Band on their April 26-May 17 European tour.

Basil Everin, president of Band to Europe, said the 91 musicians have been invited to play at William Eggert School in Purmerent just north of Amsterdam.

There are seven cities in The Netherlands, Germany and Austria where the band will perform as well as a two-day stay in Switzerland.

Everin noted that contributions to Band to Europe continue to arrive daily and total now exceeds the $13,000 goal which will take care of chartered buses in Europe, meals and lodging for band members. Students are taking care of their own $223 charter round trip flight tickets and $12 passports. Chaperons are paying $250 for airfare plus their expenses in Europe.

Everin expressed appreciation in behalf of the Band to Europe committee for the fine support. Money being received over the $13,000 goal is being used to help purchase new uniforms and pay for liability insurance.

For three-fourths of the students, the 8 hour 40 minute flight from Calgary to Amsterdam will be their first plane trip. They will fly in a chartered Western Pacific Airlines Boeing 707.

CHAPERONS MEETING

All chaperons are to meet Monday, 7:30 p.m., in the bank meeting room. Chaperon committee, Mrs. Everin, chairman, has assigned five students to chaperons. General meeting for all parents, band members and chaperons takes place April 14. Howard Whitney of the Border Patrol will attend.

TASK FORCE ON ENVIRONMENTAL EDUCATION AND YOUTH ACTIVITIES

Mr. SCOTT. Mr. President. In his State of the Union Address, President Nixon emphasized:

> The moment has arrived to harness the vast energies and abundance of this land for the creation of a new American experience, richer and deeper and more truly a reflection of the goodness and grace of the human spirit.

The 1970's will be a time of new beginnings and it is essential that our purpose in this period should not be simply better management of the programs in the past but a quest for a new quality of life in America. The enhancement of our natural environment is a major task now before us and the future of this environment has been taken up by our young people with great commitment and enthusiasm.

They are concerned not with rhetoric, but with deeds, not with study, but with action, and it is now essential that the Federal Government open its doors and prove that it can respond.

Last Monday, Secretary of the Interior Walter J. Hickel, at the Alf Landon lecture series at Kansas State University, in Manhattan, Kans., announced the formation of a task force on environmental education and youth activities to coordinate education and action programs involving youth and the environment.

The task force's immediate projects include being the liaison group for the student councils on pollution and the environment—SCOPE—and the making of recommendations for the creation of a National Environmental Control Organization—ECO).

Through SCOPE, the Federal Government is showing that it pays to listen as well as talk and possibilities are being explored for expanding SCOPE into an interdepartmental organization so it can have an impact on all Federal agencies working on land, air and water pollution problems.

ECO has been proposed by the Secretary as an organization similar to the Peace Corps with the idea of placing our young talent in areas of the Nation needing study and help the most.

Mr. President, I believe that the Secretary of the Interior should be congratulated for his leadership in moving to mobilize the energies of our youth in this great environmental crusade.

Mr. President, I also ask unanimous consent that a news release and the Secretary's remarks in Kansas be printed in the RECORD.

There being no objection, the news release and remarks were ordered to be printed in the RECORD, as follows:

[Department of the Interior News Release, Apr. 6, 1970]

TASK FORCE ON ENVIRONMENTAL EDUCATION AND YOUTH ACTIVITIES

Secretary of the Interior Walter J. Hickel today announced the formation of a "Task Force on Environmental Education and Youth Activities" to coordinate educational and action programs involving youth and the environment.

"The condition and the future of our environment have been taken up by American youth with great commitment and enthusiasm," Secretary Hickel said. "They have risen to the moment. It is now essential that the Federal Government open its doors to the resources of the nation's young people who are concerned. Government must prove that it can respond."

Chairman of the new group will be Michael A. Levett, 26, of Los Angeles, Assistant to the Secretary and White House Fellow.

The Task Force's immediate projects include being the liaison group for the Student Councils on Pollution and the Environment (SCOPE) and to make recommendations for the creation of a National Environmental Control Organization (ECO).

The Task Force also is programmed to provide a focal point within the Interior Department for its participation in future national student "teach-ins." Upon request, the group will provide assistance, information and speakers to colleges, high schools and private organizations.

SCOPE, the outgrowth of seminars held last December in nine U.S. regions by Interior's Federal Water Pollution Control Administration, is a student-managed organization established on college and university campuses throughout the country.

Regional headquarters for SCOPE are in Boston, Charlottesville, Cincinnati, Chicago, Kansas City, Atlanta, Dallas, San Francisco and Portland.

"It has been organized to establish a means of direct access by students to Federal officials and government departments concerned with the environment, so we can put their ideas into the decision-making process," the Secretary said.

"Through SCOPE we are showing government that it pays to listen—as well as talk.

"At the same time, we can provide them with our informational research, and technical facilities for their use in developing new programs.

"We are exploring the possibilities of expanding SCOPE into a inter-departmental organization, so that it can have impact on all Federal agencies working on water, air and land pollution problems."

"This organization already is assisting us greatly as an 'early warning system.' When major pollution is spotted or when major projects are launched without regard to the environment, SCOPE is notifying the proper authorities."

ECO has been proposed by the Secretary as an organization similar to the Peace Corps.

"We have many young people who want to take a full time role in the environmental battle," the Secretary said. "I have received hundreds of letters from high school students, college undergraduates and young professional people eager to participate.

"The idea is to place young talent in areas of the nation needing study and help the most. ECO could provide leadership for individuals and groups who want to improve their environment but need direction. At the secondary education level, ECO could help fill the gap in schools which need ecological courses."

The address of the Task Force is: Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343–7432.

REMARKS OF SECRETARY OF THE INTERIOR WALTER J. HICKEL AT ALF LANDON LECTURE SERIES, KANSAS STATE UNIVERSITY, MANHATTAN, KANSAS, APRIL 6, 1970

I never would have dreamed, as the son of a western Kansas tenant farmer, that the clear skies and sparkling streams of Kansas would be in danger in my lifetime.

Even on the hottest summer day you could look up at those skies, breathe deeply and be refreshed.

Or scoop up a drink of safe, sweet water with your hand.

But in a few years Kansans may not be able to enjoy these same carefree pleasures.

Talk of permanent destruction of the environment is not the idle threat of an alarmist.

It is fact. And it is frightening.

Smog is no longer a phenomenon peculiar to California.

Polluted water is no longer just a hazard on the Hudson or the Chesapeake.

All of mankind is plunging headlong into an environmental emergency.

And yet many people still refuse to face it.

It is not always easy to recognize the warning signals.

They are as subtle in some places as cancer symptoms—but they are no less deadly.

It's a terrible paradox—air and water and land—the very elements which attracted our ancestors from the east—are being threatened by our efforts to build a vigorous society.

We are beginning to realize that the best things in life are not free. If we don't pay the cost to protect them, we shall lose them.

A spreading blanket of toxic air—the most dangerous elements of which are invisible—is encircling the globe. And scientists have found both smog and DDT in the snow layers of Antarctica.

Our rivers, the life system of the land, are becoming a death system for the oceans.

Millions of tons of pollutants and pesticides are being poured into the sea, threatening to destroy man's greatest source for future food and oxygen.

Manhattan, Kansas, is a long way from the ocean.

. . . But even here, we must become far

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more concerned about the quality of this essential element of the life system.

They say Kansans are realists, like our "show me" neighbors in Missouri.

I hope that if you remember nothing else from my remarks today, you will remember my warning that pollution is not just something politically popular to talk about.

It is a worldwide threat of the highest magnitude.

The question before us is this: "Can we remold our mental attitudes and retool our industry fast enough to do something about it?"

I believe we can.

My belief—and it is mainly a statement of faith, not of fact—is based on faith in the heart of the future—the university campus.

The young people of this country have risen to the moment.

They have challenged the very foundations of our value system.

They ask, "Can we afford to consume everything we can afford to buy?"

I have met with hundreds of students in recent months, and these young people want to know:

"What right have we—in the time-span of a few generations—to use up a majority of the irreplaceable natural resources which it took millions of years to produce?"

They ask, "What will be left for our children? And for their children in turn?"

They talk about the "environmental ethic"—the right of plants and animals to continue to exist in ecological balance.

These are serious questions. And I am seriout about trying to answer them.

What concerns me as an official responsible to you and all Americans, is how the input from the concerned young people can have a meaningful impact on the centers of government activity.

Life is changing so fast in the seventies that we can no longer tolerate the old pace of a good idea fighting its way through established channels.

A good idea today can be out of date in a year, or even a few months.

To fight this "bureaucratic breakdown" in the Department of the Interior, we have taken several steps.

Last month I set up in my office a "Task Force on Environmental Education and Youth Activities." This coordinating body will serve as a clearinghouse and creative center for a number of functions.

It will give us immediate access to a new program called "SCOPE"—Student Councils on Pollution and Environment:

SCOPE is a unique experiment in government-student relations.

Students are being invited to participate directly with the government on an emerging national issue of immense proportions.

The Federal Water Pollution Control Administration in the Interior Department has established SCOPE committees in each of its nine regions across the nation.

These committees will serve as a channel through which students can contact federal officials, and secure technical information developed by federal agencies.

Through SCOPE we are showing government that it pays to listen—as well as talk!

We are developing methods to insure that student suggestions, and their views on environmental problems—and program priorities—can reach us directly.

Since meeting with representatives from each of the nine regions, I have decided to expand this program from FWPCA, into a wider framework.

We are exploring the possibilities of expanding it to an interdepartmental organization. In this way it could have an impact on all the federal agencies working on pollution problems.

Already the SCOPE representatives are serving as part of a highly motivated, public "early warning system."

When pollution is spotted—or major projects are launched without regard for the environment, SCOPE is notifying the authorities.

And now, as I travel around the country, I am meeting with the regional SCOPE groups to discuss regional concerns.

Today will see the first of those meetings, with the SCOPE group here at Kansas State.

Pollution will only be eradicated when the government and the public work together on it as a team.

I am encouraged that the student community is responding.

We look forward to combining the enthusiasm and fresh ideas of youth with the technical competence, and enforcement capacity of the federal government.

We also have many young people who want to take a *full time* role in the environment battle.

Because the crisis we face is much deeper than just pollution. It has to do with the entire way men live.

For this reason, I have called for creation of a National Environmental Service Force, patterned roughly after the Peace Corps.

In fact, a few editors have already called this proposed organization the "Environmental Peace Corps."

I have received hundreds of letters from young doctors, undergraduates, engineers, high school students, biologists and architects.

These are eager young people who want to *participate.*

We are suggesting that this group take the formal name of *E*nvironmental *C*ontrol *O*rganization, or "ECO" (E-CO).

The idea is to place young talent in those areas of the nation needing study and help the most.

Spontaneous groups on the grass roots level have already sprung up across the country.

And I believe ECO members can provide leadership for those willing efforts which often need direction.

At the secondary education level, ECO could fill the gap in schools which do not have the trained personnel to meet the mushrooming demands of environmental education.

The scientists, lawyers and social scientists who participate could lend their skills to the community leaders in a given region to evaluate, plan and execute new approaches to ecological problems.

Educated, and educating others in environmental problems, these Americans are determined to find solutions—with or without governmental involvement.

This makes this situation both an opportunity—and an obligation—for the Administration.

The opportunity:

At a time when we are beginning to realize the deteriorating condition of our environment, the Administration can acquire invaluable aid—in terms of commitment, knowledge, and sheer manpower—to bring about a reversal in ecological trends.

Some are highly skilled and others are only beginning.

But the task at hand has a broad range of needs.

The obligation:

Most of these individuals are "apolitical," or even "antipolitical."

The environmental crisis may well present our last chance to bring significant numbers of potential future leaders *back* into the political process.

Government *can* and *must prove* that it can respond, and encourage youth involvement.

We are finding that a highly developed society such as ours demands a whole new breed of professional—a person who can study *both* ecology and economics—and biology and philosophy.

We need people who are broad enough in their exposure to have balanced judgment.

These must be people who are ready to do exhaustive research and wide field work—and who are fascinated by nature and the needs of man.

There is a lot of talk heard today about students and the environmental movement.

. . . In fact, you can even get an argument from some that the "Environment Bag"—as some of my *younger* staff people refer to it!—is a "sellout."

. . . A sellout of the issues of the day.

For example, you may have heard that a group of students demonstrated against me, when I spoke a few weeks ago at Princeton. Although more than a thousand Princeton students later signed a petition of apology.

During my speech, I was interrupted with shouts like,

"What about racism and black liberation?"

My attitude about these protests, and others, is this:

As Secretary of the Interior, a clean environment for all Americans is *my responsibility—and my commitment.*

For example, I want to make sure that as we get our black Americans *out* of the ghettos. . . .

That they have somewhere worth getting *in to.*

By no measure does the environmental crusade conflict with man's struggle for equal treatment and justice.

It is *complimentary* to any attempt to improve the quality of an individual's life. It is forcing us to realize that there is really only one race—the human race.

America is a crusading nation.

Recently I addressed the American Petroleum Institute and I told them:

"The oil industry—like much of today's industry—stands in danger of becoming the monster of American society.

"This is a crusading nation . . . and the crusaders are up in arms."

The enemy is becoming clearer to the people . . . it is those who foul the nation's air and water . . . and those who stand in a position of authority to do something about the destruction of our resources—but who do nothing.

I am challenging you—as *you are challenging government*—to respond to national and world needs.

Industry does not produce just for its own good.

They don't make cars just because they enjoy making cars . . . nor does any manufacturer produce a product without knowing he has a market for it.

They produce because you want—and often need—what they produce.

You are challenging government to regulate broadly and prosecute those who pollute—and I am moving to meet that challenge, as you can see in our recent request for a Grand Jury investigation into oil pollution in the Gulf of Mexico.

My challenge to *you,* is to crusade not only against the sins of the past, which you can blame on the older generation, but to also crusade to safeguard the *future* by changing our priorities and even our life-styles.

Do not fall for the temptation to write-off government and business. There are elements in both groups who are determined to find new ways of doing things.

Many of us are searching for how to streamline clumsy bureaucracy. We are fighting daily to create a country in which man's surroundings are not sacrificed for his technological advance.

At state are the most precious ingredients for sustaining life.

—*Air* you can not only breathe without choking but which refreshes and invigorates.

—*Clean water* to drink and swim in, and *natural water,* the womb of the delicate balance of nature.

—*Land* that is not only the producer of our food and energy, but which restores the soul

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of man through its beauty and intricate marvels.

But make no mistake—if the people leave the job to government—and if they do nothing *but* protest—it will not be done.

It will take positive achievement and a *commitment* on the part of every American.

My deepest wish is that my native State of Kansas lead the way in producing a new generation with a new set of values.—

A generation dedicated to caring for the Earth and all the people in it. I am confident you will respond to this great challenge of the hour.

RED CROSS ACTIVITIES ON PRISONERS OF WAR

Mr. KENNEDY. Mr. President, a short time ago Congress adopted a resolution on the situation of American prisoners of war being held in North Vietnam.

On the same day the resolution was agreed to by the Senate, the American National Red Cross board of governors was meeting in Washington and adopted a similar resolution.

In carrying out this board of governors' resolution, the national chairman of the Red Cross, E. Roland Harriman, has written letters to Red Cross societies in 112 countries, urging them to communicate at once with the Government of North Vietnam on its adherence to the Geneva Conventions in the treatment of prisoners of war.

His reasonable concerns are shared, I am sure, by all Americans.

They are:

First, the identity of the prisoners;

Second, a regularized system for the free flow of mail between the prisoners and their families;

Third, the inspection of the prisoners and their quarters by a neutral international observer team associated with the Red Cross or any other appropriate organization; and

Fourth, the repatriation of severely ill and wounded prisoners.

Chairman Harriman's sending of the letters was an unusual step to be taken by a national Red Cross society, Mr. President. But it was also a very welcome effort to remove political pressures from the prisoner issue, and to internationalize what is essentially a humanitarian question which should generate the very active concern of people throughout the world regardless of their views on the war in Southeast Asia.

Red Cross officials inform me that the initial response to the letters has been good. A number of national societies, as well as the International Committee of the Red Cross in Geneva, have responded to Chairman Harriman's appeal, and additional societies are expected to do so within the coming weeks.

To those of us in the Senate and elsewhere who have been actively concerned with a list and the condition of the prisoners—and frustrated in our efforts, both public and private, to gain information—this response is welcome news.

So too is the apparent flexibility in Hanoi's attitude which has been expressed in recent months.

In my last letter on prisoners of war to the late President of North Vietnam, Ho Chi Minh, I said:

> I am sure you fully recognize that the vast majority of Americans, especially the families of those presumably held captive in your country, are very troubled by the lack of information concerning the identity and condition of these young men. And I am sure you appreciate as well that the availability of such information would greatly ease the anguish felt in the hearts of many.
>
> Consequently, as one who has long advocated the lessening of violence on the battlefields of Vietnam, and the very active pursuit of a negotiated political settlement by all parties concerned in the conflict, I appeal to you and your government to provide information on the identity and condition of American prisoners and to make arrangements for the free flow of mail between the prisoners and their families in the United States. . . . Such modest steps would be gratefully welcomed by all Americans and people throughout the world, as a measure of respect for the dignity of man and a meaningful contribtuion toward peace.

Hopefully, the current efforts of the American National Red Cross to generate an international humanitarian concern for these young men, and the new flexibility on the part of the government of North Vietnam, will achieve this objective within the very near future.

Mr. President, I ask unanimous consent that a recent press release of the American National Red Cross, the text of its resolution on prisoners of war, the text of Chairman Harriman's letter, and a related statement recently issued by the AFL–CIO Executive Council, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN RED CROSS BOARD URGES WORLD RED CROSS UNITE ON POW ISSUE

WASHINTON, D.C., February 27.—In an unusual action, the American Red Cross has called on the world's Red Cross societies to form a solid front in demanding that the North Vietnamese meet humanitarian standards in the treatment of Americans they hold as prisoners of war.

"The continued confidence of the world in the integrity and solidarity of the Red Cross as an instrument committed to the cause of humanity requires that the Red Cross speak as a single voice on this subject," the American society's Board of Governors declared in a resolution which has been sent to all Red Cross, Red Crescent and Red Lion and Sun societies throughout the world, as well as to the International Committee of the Red Cross and the League of Red Cross Societies in Geneva, Switzerland.

The action was taken by the American Red Cross governing body at its regular quarterly meeting on February 16, but the announcement was delayed until today to make sure that Red Cross leaders in other nations had received mail copies of the resolution, which calls on other Red Cross societies to report on their efforts to help U.S. military men held captive in North Vietnam.

The resolution also pledged that the American Red Cross would "pursue without interruption or abatement every effort to bring about humane treatment of prisoners of war to which they are entitled under the statutes of international law and the dictates of moral decency."

The Red Cross Board noted that five months had passed since the International Conference of the Red Cross met in Istanbul and five years had elapsed since the capture of the first American in the Vietnam conflict and yet North Vietnam continues its refusal to adhere to the Geneva Conventions to which it is a signatory.

The Istanbul conference adopted without dissent a resolution that called upon all nations to adhere to the Geneva Prisoner of War Convention. The action was considered particularly significant since the conference was attended by delegations representing nearly all nations, including the Soviet Union and other communist countries.

Following this meeting, the American Red Cross contacted some 25 national Red Cross societies asking that they and their respective governments intercede with Hanoi in behalf of the American prisoners.

Earlier, the U.S. society also launched a "Write Hanoi" campaign that has resulted in thousands of Americans writing letters direct to the president of North Vietnam, demanding that his government stand by its Geneva Convention pledge.

Also in line with this action, the U.S. Senate last week adopted a resolution protesting the treatment of U.S. prisoners of war and calling on the North Vietnamese to comply with the Geneva Conventions on the treatment of prisoners. The U.S. House of Representatives already had passed the resolution which endorses the action of the International Conference of the Red Cross in Istanbul "to obtain humane treatment and release of American prisoners of war."

The new American Red Cross resolution underlined that all Red Cross societies "are committed to ensure, by all means in their power, adherence to and scrupulous respect for the Prisoner of War Convention" and "that such commitment is applicable without regard to political considerations involved in armed conflicts giving rise to the capture and detention of prisoners of war."

It asked that American Red Cross Chairman E. Roland Harriman "communicate the text of this resolution to each member of the International Red Cross, to seek from each member advice as to the efforts made on behalf of the prisoners of war held by the Government of North Vietnam, and to report the substance of each reply to the next meeting of the Board of Governors," which will be in May.

The Red Cross Board of Governors is made up of 50 outstanding Americans who serve as volunteers.

AMERICAN NATIONAL RED CROSS RESOLUTION ON PRISONERS OF WAR

The Board of Governors of the American National Red Cross hereby Notes and recalls:

That the XXIst International Conference of the Red Cross at Istanbul in September, 1969, after noting the historic role of the Red Cross as a protector of victims of war, adopted, without dissent, a resolution calling upon all countries involved in armed conflict to ensure that all prisoners of war be afforded the treatment and full measure of protection prescribed by the Geneva Convention Relative to the Treatment of Prisoners of War;

That the Geneva Convention governing the treatment of Prisoners of War had its origin in the International Red Cross Conference;

That all members of the International Red Cross—each National Red Cross, Red Crescent and Red Lion and Sun society, the League of Red Cross Societies, and the International Committee of the Red Cross—are committed to ensure, by all means in their power, adherence to and scrupulous respect for the Prisoner of War Convention,

That such commitment is applicable without regard to political considerations involved in armed conflicts giving rise to the capture and detention of prisoners of war;

That five months after the adoption of the Istanbul resolution and more than five years after its first capture and detention of American military personnel, the Government of the Democratic Republic of Vietnam has refused to respect and has repeatedly announced its refusal to adhere to the obligations it assumed as a party to the Geneva Convention Relative to the Treatment of Prisoners of War;

Observes:

That the continued confidence of the world in the integrity and solidarity of the Red Cross as an instrument committed to the cause of humanity requires that the Red Cross speak as a single voice on this subject;

That although many members of the International Red Cross have sought earnestly to persuade the North Vietnam authorities to respect their obligations to prisoners of war in the hands of such authorities, many other members have remained silent;

Requests:

That the Chairman of the American National Red Cross communicate the text of this resolution to each member of the International Red Cross, to seek from each member advice as to the efforts made on behalf of prisoners of war held by the Government of North Vietnam, and to report the substance of each reply to the next meeting of the Board of Governors;

That the substance of this resolution be brought to the attention of all participants in future meetings of representatives of Red Cross organizations;

Reaffirms:

The resolve of the American National Red Cross to pursue without interruption or abatement every effort to bring about the humane treatment of prisoners of war to which they are entitled under the statutes of international law and the dictates of moral decency.

LETTER TO RED CROSS SOCIETIES THROUGHOUT THE WORLD

DEAR ———: I have the honor of enclosing a copy of the full text of a resolution unanimously adopted by the Board of Governors of The American National Red Cross at a regular meeting of the Board held on February 16, 1970.

We believe that the text of the resolution will be self-explanatory and that you will find that it is in all respects consistent with and responsive to the resolution concerning prisoners of war adopted, without dissent, at the XXIst International Conference of the Red Cross in Istanbul in September 1969.

The number of American military personnel being held by the Democratic Republic of Vietnam as a result of the Vietnamese conflict is not known since the Detaining Power has failed and refused to identify them. The refusal by the Detaining Power to honor its obligation to afford these prisoners the treatment to which they are expressly entitled under the Geneva Convention of 1949 Relative to the Treatment of Prisoners of War will neither influence nor affect the outcome of the Vietnamese conflict. But the failure or inability of all of us in the International Red Cross to bring about observance of the Convention can have the most serious implications for the future of the Red Cross. The confidence of the world that the Red Cross will come to the aid of all prisoners of war cannot be maintained if it proves impotent to obtain respect for the rights of the relatively small number of prisoners here involved. Respect for those rights can place no substantial burden on the Detaining Power, and the latter could doubtless be assured of such assistance as it requires for that purpose from the Red Cross family.

Members of the International Red Cross have no means of insuring respect for the humanitarian treaties that trace their origin to International Conferences of the Red Cross except by appeal to the honor and conscience of parties to armed conflicts and to the compassionate concern of the world community. To merit continuing reliance of the world in the integrity of the Red Cross as the guardian of those protected by the Geneva Conventions, we suggest that it is the duty of each member of the International Red Cross to do everything within its power to inform the world of the Red Cross' concern for the plight of these prisoners; to urge that, alive or dead, they be identified and accounted for to the International Committee of the Red Cross, permitted to communicate regularly with their families, allowed to receive mail and relief shipments, that delegates of the International Committee of the Red Cross be allowed freely to visit them and their places of detention, and that seriously sick and wounded prisoners be repatriated.

We do not suggest the methods that should be used by our fellow members of the Red Cross to obtain the Detaining Power's compliance with its obligations and to enlist the weight of world opinion on behalf of the prisoners. But you will note that the text of the enclosed resolution calls upon me not only to inform you of its contents but to report to the Board of Governors the replies received from the Red Cross organizations to which the resolution has been dispatched. The next meeting of our Board of Governors will be held on May 17, 1970, and I am hopeful that I can then faithfully report that each member of the Red Cross has done its utmost to marshal worldwide support for the rights of these prisoners and renewed respect for the International Red Cross. Hence I shall eagerly await your reply.

We are grateful for the support you have already given our request, and will appreciate anything further you may be able to do to assist in our efforts in behalf of prisoners of war.

Sincerely yours,
E. ROLAND HARRIMAN.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON TREATMENT OF PRISONERS OF WAR IN NORTH VIETNAM

The American Red Cross is engaged in an important and vital campaign to gain humane treatment for U.S. prisoners of war in North Vietnam.

The North Vietnamese have refused to abide by the 1949 Geneva Convention on the treatment of prisoners of war, despite the fact that Hanoi signed that convention. They will not provide the names of American prisoners of war, guarantee them adequate diet and medical care, permit mail between prisoners and their families or allow neutral Red Cross teams to visit prison camps.

This inhumane treatment by the North Vietnamese has shocked the entire free world. The International Red Cross has unanimously called upon Hanoi to end these deplorable practices.

We support the efforts of the American Red Cross and will do all we can to help American prisoners of war and their families, who have our deepest sympathies.

This resolution was passed by the A.F.L.-C.I.O. on February 20, 1970.

CRIME TODAY

Mr. SYMINGTON. Mr. President, on April 2 the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), one of the Nation's outstanding authorities on the growing problem of crime, honored the people of Missouri with an interesting and thought-provoking address. This was done when, at the request of Gov. Warren Hearnes, of Missouri, he delivered a talk at the Governors' Conference in our Capitol in Jefferson City.

I am sure that Senators would be interested in these remarks; therefore, I ask unanimous consent that his address, entitled "Crime Today," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CRIME TODAY

(Remarks of Senator JOHN L. MCCLELLAN)

Mr. Chairman, more than three thousand years ago, an Egyptian king surveyed his kingdom and recorded with great satisfaction the improvements and progress achieved under his regime. One passage in his survey disclosed the basic fundamentals—a yardstick—by which the probity and soundness of any social order and legal system might be tested. It said:

"I made the land safe so that even a lone woman could go on her way freely and none would molest her.

"I rescued the humble from their oppressors.

"I made every man safe in his home.

"I preserved the lives of those who sought my court of justice.

"The people were well content under my rule."

If the social order and legal system of this great land of ours should today be judged by those criteria, I submit that we would "flunk" the test in ignominy and shame. For, the extent and intensity of lawlessness and moral decay that pervade America today present a most unsavory and forbidding record—a record that is a reproach to our nation and to our civilization.

We have not made safe the streets of our Nation's Capital or the streets of any other metropolitan area so that a lone woman can walk them freely and without danger of molestation.

We have not made every man safe in his home. In fact, no home today is safe from the lethal violence of the killer and the ravages of the robber and the rapist. Daily, the news media headline stories of brutal, senseless murders and other crimes of violence and degradation.

We have not rescued the drug addict or the loan shark and numbers racket victims from the oppression and exploitation of the organized crime mobster and racketeer. The Mafia's operations increasingly expand and prosper while its victims continue to multiply and suffer.

Certainly, the great majority of the American people are not content nor do they feel secure in their person or property under the feeble and ineffective law enforcement that prevails in our country today.

The decade of the sixties was torn by strife, scarred by terror, and marred by unprecedented lawlessness. It ended with crimes of violence up an alarming 131 percent over 1960. This epidemic of crime that engulfed our nation has moved us to the brink of chaos and anarchy. For crimes today are committed everywhere with virtual impunity—in the streets and alleys, in our schools and churches, in our homes, and in the market places.

Never since the Civil War has America experienced such dissension, turmoil, and violence. These agitations have reached proportions that portend open rebellion against our free society and the rule of law.

Massive trespasses, civil disobedience, and turbulent demonstrations are daringly advocated and used to support and to enforce the imposition of inordinate and unlawful demands. Threats, intimidation, and blackmail are now instruments of common use to compel government, public officials, and our free institutions to be subservient to the will and demands of the revolutionist and the mob.

The drawing of the decade of the seventies has been ushered in and shattered by a rash of bomb threats and bombings. More than 20 bombs have exploded in more than a dozen of our major cities killing six persons and injuring 15 and causing millions of dollars in property damage. These savage assaults have the earmarks of a national conspiracy of destruction—of a phase of the guerrilla warfare—which some militant leaders have promised and for which they and their followers have been in training.

The modern crime rate, the range of violence and the rising frequency of terror bombings have reached unprecedented dimensions. The momentum and gains being achieved by the forces of crime and subversion are rapidly escalating into revolt and insurrection. Our law enforcement agencies and system of justice, as administered, simply have not been able to cope with the mounting criminal, terrorist assaults that are being made against our society.

And, just as street crime is a threat to the security of our person and property, equally dangerous is the threat of organized crime to the integrity of our economic system and to the legitimate power of government.

Indeed, so entrenched, so insulated, so cold-blooded, and so powerful are the forces of organized crime that they have created a veritable parasitic shadow government that feeds like a leech on all segments of our economy and society.

It has been said that the success story of organized crime has caused all too many Americans to feel—and it is becoming harder and harder to refute—that "the government is for sale, lawlessness is the road to wealth, honesty is a pitfall and morality a trap for suckers."

Certainly, government teaches by example. Its failures do not go unnoticed. Its unwillingness or inability to enforce the law and punish the guilty encourages crime and emboldens the criminal and thus further imperils the safety of life and the preservation of a peaceful society.

Today, the lawbreaker in all categories—including the habitual criminal—enjoys greater immunities and protections than ever before. Only about one out of every 20 who commit a major crime is ultimately convicted and punished. And, seldom is the punishment—the penalty imposed—commensurate with the crime committed.

A study by our Senate Subcommittee on Criminal Laws and Procedures revealed that since 1960 the Justice Department has convicted 129 members of the Cosa Nostra under statutes giving the trial judge discretion in sentencing. Notwithstanding their long records as professional criminals and members of the syndicate, most of these offenders were given only about half of the maximum sentence provided by law. Fifteen received no jail terms—only fines and probation. Such lenient sentencing has so crippled the war on crime that the National Crime Commission concluded:

"There must be some kind of supervision over those trial judges who, because of corruption, political considerations or lack of knowledge, tend to mete out light sentences in cases involving organized-crime management personnel."

Rising recidivist figures tell us that rehabilitation is seldom achieved. Seventy-five percent of those arrested today are repeaters, and 70 percent of the repeaters were under 25 years of age when first arrested.

Further evidence of the breakdown in law enforcement can be found, I think, in an examination of prison population as compared to crime increases during the past few years. In 1961, there were 196,453 prisoners in our state penal institutions. By 1967, that number had dropped to 175,317—a decrease of 11 percent. During that same period of time, the number of prisoners in our federal institutions dropped from 23,696 to 19,579—or nearly 18 percent. This is the lowest prison population since 1956. While the prison population was thus declining, major crimes increased by nearly 1,000,000 annually or about 44 percent. This comparison is a striking illustration of the ever-widening gap between effective law enforcement and the mounting incidences of crime—crime without punishment. It is further indicative of the rapid deterioration now taking place in our system and in our standards of criminal justice. Federal statistics have shown some improvements in the last two years, but still they are not back to the 1961 levels.

Another convincing example of the widening gap between lawlessness and law and order is illustrated by the growing inability of the police to solve so many of the major crimes that are being committed. While the crime rate in this country has increased by 122 percent from 1960 through 1968, the rate of crime clearances—that is, crimes solved by the police—declined 32 percent.

Another factor that has contributed mightily to the deterioration of law enforcement has been judicial changes made in the law of the land. It is quite unfortunate that a majority of the Supreme Court chose this last decade of turmoil and unrest in which to weaken rather than to strengthen the agencies of social control and the forces of law and order.

Instead of helping to stem the tide of civil disobedience and lawlessness by adhering to and honoring long-established precedents and traditional interpretations of the Constitution, the Court has abandoned and repudiated many of those sound and historic legal landmarks. Some of its members seem to be addicted to strained and illogical constructions and to the invoking of specious technicalities in criminal cases. This disposition has produced a rash of decisions which have diminished and disparaged the valid rights of society while inflating and exalting exaggerated rights of the criminal.

Statistics dramatically portray the picture. Of 123 federal criminal cases reviewed by the Supreme Court since 1960, 68—or more than 55 percent—were reversed, and out of 146 state convictions, it reversed 114—or more than 78 percent.

I do not believe that our Circuit and District Federal Court Judges or our State Supreme Court Justices are so unqualified or incompetent as to warrant such wholesale reversals of their decisions.

I think it is also significant to note that in making this incredible record of reversals the Court had to specifically overrule its previous decisions or reject the reasoning of 28 of its own precedents—often by 5–4 margins. Twenty of these reversal decisions involved a change in Constitutional doctrine.

Confusion, disarray, and frustration were thrust into law enforcement procedures by such precedent-shattering and revolutionary decisions as *Mallory, Killough, Ecobeda, Miranda,* and others that could be cited. Law enforcement agencies are still laboring under and society is still suffering from the adverse impact of those and other innovative Court edicts that changed the law of the land. As an illustration, in the *Miranda* case, five members of the Court overruled and repudiated interpretations of the Constitution and judicial precedents that had been the law of the land since the founding of the Republic. On the specific issue involved, 28 Justices of the Supreme Court had previously affirmatively held that the now so-called *Miranda* warnings are not required by the Constitution.

(Included among those Justices are such able jurists as Associate Justice Oliver Wendell Holmes; the first Associate Justice, John Marshall Harlan; and Chief Justice Charles Evans Hughes.

In another area, the Supreme Court, in a series of decisions handed down within the past three years, has virtually nullified and rendered unenforceable all state laws on obscenity. In this brief time, it has reversed 40 out of 48 state and federal obsencity cases. In cavalier fashion, the Court, in effect, has overruled and destroyed in state after state community standards of morality and decency and legalized vulgarity and obscenity. These decisions have opened the floodgates to the dissemination of hard-core pornography. They serve only the interest of the smut manufacturers, the filth mongers, and the commercializers of revolting indecency and immorality.

Since 1960, the United States Supreme Court has virtually revolutionized the way in which justice must, in its view, be administered on both state and federal levels. I know there are still those who contend that these reversal decisions are having no adverse impact on law enforcement and on the rising incidence of crime. But the hard facts and cold statistics completely refute that contention.

I believe that the tone of law enforcement is set at the top. The repudiation of traditional interpretations and the rejection and overruling by the Supreme Court of sound, long-established precedents and the invoking of newly-contrived technicalities to effectuate an acquittal or the reversal and dismissal of convictions of the proven guilty definitely have an adverse impact on effective law enforcement. Psychologically it encourages crime and emboldens the criminal. It greatly enhances his chances of escaping punishment—while frustrating, hampering, and weakening the morale of law enforcement officials in the performance of their duty.

The truth is we have permitted our system of criminal justice to seriously deteriorate. It no longer affords the protection of person and property that it was designed to provide. Almost every link in the chain of justice has been weakened. This condition must be remedied.

As I have stated, some court decisions that changed the law of the land have frustrated and weakened law enforcement; however, these decisions are not the basic cause of criminal behavior.

Many socio-economic factors can be identified as causes of crime; such as, poverty, overcrowded living conditions, unemployment, lack of education, broken homes, exposure to violence in movies and on television, drug addiction, and many others that could be cited. These causes exist in varying degrees. They should receive the attention of both government and society and should be removed or amerliorated as much as possible. And, the government is giving these causes attention. In fact, the government is now spending some $40 to $50 billion annually on programs that come within those categories.

But, some of these factors that I have mentioned are too often magnified and overemphasized as major causes of crime. For, we have greater affluence and less poverty in America today than ever before. We have better housing, more equipment, and greater educational opportunities than ever before. We had much less crime half a century ago when poverty was far more prevalent than it is now. And, certainly, we cannot blame poverty, overcrowded conditions, unemployment, and other such factors for the lawless behavior and rioting of college students or for the revolutionary activities of such organizations as the SDS and its bomb-throwing off-spring—the Weathermen. Nor can we ascribe to those factors the senseless, brutal assassinations, and mass murders such a those committed in the Sharon Tate and Yablonski cases or such contemptuous performances as were given by the "Chicago 7," and other similar groups, in the court room.

I believe the major cause of crime and lawlessness with which we are afflicted today goes deeper and is more basic. It stems primarily from the failure of the homes, the schools, and the churches to instill into our youth higher ideals and standards of morality and decency and a stronger sense of citizenship obligation. These institutions are where

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discipline, respect for authority, concepts of individual responsibility, and a sense of duty to God, to country, and to our fellowman are first instilled into the hearts and minds of our children. The void created by these failures is seemingly filled today with an attitude of disrespect, irresponsibility, permissiveness, cynicism, and a callousness that borders on nihilism. Unfortunately, however, those would-be nihilists of this generation offer no alternative. They offer nothing constructive—only disruption, chaos, anarchy, and destruction.

The Congress is not only authorizing and funding many programs to remove or ameliorate those conditions that are generally cited as causes of crime, but it is also enacting new laws and making appropriations to strengthen our law enforcement machinery and to deal more effectively with the crime menace which endangers our internal security.

In 1968, we enacted the Omnibus Safe Streets and Crime Control Act. Title I of it provides for federal assistances to states and local law enforcement agencies on whom rests the primary responsibility for the maintaining of law and order. Annual appropriations to implement and carry out the provisions of this Title are expected to reach $1 billion within the next three or four years. And, it will take that long at least for the beneficial effects of Title I to come into full fruition. In my opinion, this vital legislation will in due time greatly improve the caliber of law enforcement personnel and the quality of law enforcement in our states and local communities.

Title II of that Act modified the Supreme Court's famous 5–4 *Miranda* decision and restored in some measure the validity of the time-tested, fair, and adequate rule of voluntariness with respect to confessions and self-incriminating statements. It also modified the *Mallory* rule which outlawed voluntary confessions where the suspect was being questioned while being detained for investigation.

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Title III, the wiretap and electronic surveillance provision of the Act, was urgently needed and is now being used most constructively and effectively. In many, if not most, of the narcotic arrests and organized crime cases being made by the Federal Government today, wiretapping has proven to be a major factor in detecting the crime and identifying the guilty.

This year, on January 23rd, the Senate passed by a record vote of 73–1, S. 30, the "Organized Crime Control Act of 1969." This bill is now awaiting House action. It deals primarily with the evidence-gathering and trial processes in organized crime cases. Among other things, it revamps the grand jury system, permits the securing of testimony in certain cases over the objections of self-incrimination, and the taking of depositions of witnesses in danger of reprisal. It also provides new legal tools to deal with the increased punishment—up to 30 years—for "habitual," "professional," and "organized crime" offenders.

Attorney General Mitchell has termed this bill:

"one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress."

This measure should be considered promptly by the House of Representatives and enacted into law without further delay.

The crime menace that pervades our land today constitutes the greatest threat to our internal security and well-being. If the present rate continues unchecked throughout this decade, by 1980 the number of major crimes in this country will have reached the astronomical figure of 18 million annually. I do not believe that our society can withstand such a soaring scourge of lawlessness—such a vicious assault upon its structure—nor will our nation be able to survive such a devastating blow to its sovereignty.

Thus, time is running out. We must wage a vigorous and relentless war against the forces of disorder, disruption, and destruction. We must defend our basic freedoms, perpetuate our free institutions, and preserve our free society. We must restore law and order and insure the safety of our people on the streets and in their places of business. We must maintain and enforce the fundamental rights to life, liberty, and the pursuit of happiness.

To do this, we must use all the Constitutional power and all the legal weapons that can be fashioned and made available to our law enforcement agencies. We must stop pampering agitators of violence, stop coddling criminals, and stop condoning crime. I believe the right of the citizen to be safe transcends the right of the criminal to be free. We will never have safe streets and safe homes until we get the self-confessed criminals and other felons off the streets and into jails where they belong.

ANADROMOUS FISH CONSERVATION ACT

Mr. HATFIELD. Mr. President, the Commerce Committee recently concluded hearings on S. 2396, which would extend the Anadromous Fish Conservation Act.

This bill would continue a very worthwhile program that is laid out in Public Law 89–304. It represents the best in Federal-State cooperation.

As a cosponsor of the bill, I naturally am a strong supporter of S. 2396. Past experience in my State has demonstrated that the program works and benefits both the State and Federal governments. As evidence, I ask unanimous consent that a letter from the Oregon State fisheries director, Robert W. Schoning, be printed in the RECORD at the end of my remarks. His letter gives concrete evidence of the basic success of a worthy Federal program. I urge Senators to look at their States, where I think they will find similar evidence of success. I hope that the Committee on Commerce and the Senate will act favorably on S. 2396.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FISH COMMISSION,
OFFICE OF THE DIRECTOR,
Portland, Oreg., April 3, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Wasington, D.C.

DEAR SENATOR HATFIELD: The Anadromous Fish Conservation Act (Public Law 89–304) will expire on June 30, 1970. Public Law 89–304 has been a highly successful cooperative state-federal program in Oregon and has contributed significantly to the management and production of salmon and steelhead on Oregon's coast.

During the past four years, the Fish Commission has utilized 89–304 funds for research and management on wild and hatchery fish in Oregon's coastal rivers, for research and management of the ocean troll fishery off Oregon, for hatchery propagation of salmon and steelhead, for improving hatchery techniques and operations, and for other productive purposes.

As a result of participating in this cooperative program, the commission was able to construct the Elk River hatchery and add six concrete rearing ponds to the North Nehalem River hatchery. We will also expand the capacity of the Trask River hatchery by constructing a ⅓-acre rearing lake and are planning to expand the rearing capacity of the Elk River hatchery by 70 percent, with the help of 89–304 funds.

By the end of this fiscal year, approximately 60,000 pounds of salmon and steelhead will have been reared and released into Oregon rivers through expenditure of 89–304 funds alone for hatchery operations. By June 30 the Fish Commission will have utilized about $1.3 million of anadromous fish funds in Oregon.

Failure of Congress to extend this act would have an immediate and adverse effect on the Oregon Fish Commission's fish cultural operations on the coast, on important research in connection with improved management of the salmon troll fishery, and would reduce research on control of fish diseases at a critical point in time. The present level of state funding is inadequate to finance these programs at the present level without 89–304 support.

We urge you to support passage of either S. 2396 or H.R. 1049, as amended. The latter bill has overwhelmingly passed the House. Early action on either bill would be a great help to the states participating in this program by allowing sufficient time prior to June 30, 1970 for program planning and budget preparation.

Thank you for your consideration of this important matter.

Sincerely,
ROBERT W. SCHONING,
State Fisheries Director.

"WHO NEEDS THE SST? NOT THE AIRLINES OR PUBLIC"—JAMES L. KILPATRICK QUESTIONS THE MULTIMILLION-DOLLAR SUPERSONIC BOONDOGGLE

Mr. PROXMIRE. Mr. President, the President has asked Congress for another $290 million for the SST. Secretary Volpe asserts that the SST will help our balance of payments, lift America's prestige, and provide a needed assist for our beleaguered airlines.

Mr. President, we have seen all these arguments before. They were thoroughly considered and dismissed last year by the President's Ad Hoc Committee on the SST. There is no getting away from it. The SST is a multimillion-dollar supersonic boondoggle. It will be of value only to the international jet setters. It will do nothing for the vast majority of the American people, who will never fly on the plane, but who will still pay for it through their tax dollars. And there are suggestions that the SST will not be much of a boon to the airlines, either.

If the money is appropriated by Congress, we will be spending millions of dollars that are desperately needed in our cities and schools on a needless and wasteful project.

Mr. President, James L. Kilpatrick, a highly respected commentator with a conservative viewpoint, has pointed out the enormous problems involved in this project in an excellent column entitled "Who Needs the SST? Not the Airlines or Public." Mr. Kilpatrick's column, published in the Washington Evening Star of April 7, illustrates the utter folly of the SST. He concludes that appropriating the $290 million for the coming year would be "a throwing of good money after a bad boondoggle." I wholeheartedly agree.

Mr. President, I ask unanimous consent that James Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 7, 1970]

WHO NEEDS THE SST? NOT THE AIRLINES OR PUBLIC

Secretary of Transportation John A. Volpe, speaking for the President, last week renewed the administration's appeal for funds to continue work on the supersonic transport plane.

The appeal contained at least a demi-semi-quaver of desperation. "The aviation industry is essential to our nation," Volpe said. If the SST should be dropped, "then in six or seven years you would have tens of thousands of employes laid off and an aviation industry that would go to pot."

Volpe also renewed a number of other arguments in support of the SST: Its sale would help our balance of payments. A successful SST would boost American prestige. And as for the problem of the plane's sonic boom, there would be no problem: The plane would never be permitted to fly at supersonic speeds over land. He concluded by contending that if the United States fails in the supersonic field, France, England and Russia will pick up the marbles.

A more specious line of reasoning seldom has been assembled. For the taxpayers to invest another $290 million in this venture—and that is the sum to be asked this week—would be a throwing of good money after bad boondoggles. Do we learn nothing from such wretched experiences as the military F111? Do we ever examine all the implications of "progress"?

The SST does not represent a change in kind, in the fashion of jet planes replacing prop jobs. It is only a change in degree: It will fly faster than one of the new 747s. That is the sole advantage claimed for it.

Except for speed, the SST offers not a single advantage in range, comfort, passenger volume, profits, safety, ease of handling—none of these. And unlike the 747, which the industry developed at its own expense, the SST would cost the taxpayers a fortune in subsidies unlikely ever to be recouped.

Who needs the SST? Well, the Boeing Company, out in Seattle, needs the SST. But surely, with deference to the great State of Washington, something more than this is required. Who else needs the SST?

Not the traveling public. Relatively speaking, only a handful of passengers could be expected to pay the supercharges that would be required to make the SST a profitable operation. In theory, an SST flying flawlessly on schedule could carry 100,000 passengers a year; allowing for realistic factors of downtime and normal loads, the number is probably half that.

Not the people down below. Let us take with great grains of salt the promise that the SST would "never" be permitted to fly over the U.S. mainland. At less than supersonic speeds, the SST is a dead loss; it offers no advantages whatever.

But when it flies beyond the speed of sound the plane leaves a destructive path of sonic booms behind. Before a House Appropriations subcommittee grants the requested sum, it should study recent reports, notably from France, on the damage this phenomenon causes.

It becomes increasingly doubtful that even the airline industry needs the SST. The latest cost projection puts the cost of each supersonic transport at $60 million. How do you recoup that capital investment? Pan American, our largest airline, is beginning to wonder.

In February, Aviation Daily and Business Week reported some highly pessimistic observations by Pan Am's president Najeeb Halaby. The British-French Concorde, he remarked, may wind up with only 112 comfortable seats.

Its tube-like cabin will seem cramped and narrow to passengers grown accustomed to the airborne living rooms of the 747. High costs per seat-mile indicate poor profits; and if there is one thing Pan Am does not need, it is a new plane with a poor profitability picture.

Let us pause. The overriding question, here and in many other areas of our civilized society, is the extent to which man will let himself be victimized by his own machines. A needless surrender of values to speed and noise isn't progress. It's a needless surrender.

PREPAID GROUP PRACTICE IN COLUMBIA, MD.

Mr. KENNEDY. Mr. President, one of the most promising developments in recent years for the delivery of high quality medical care for our people is the prepaid group practice of medicine. Although the principles of group practice have been well evolved and tested in many parts of the country during the past three decades, it is only recently that nationwide interest has been generated in the idea.

The primary reason for this new interest is the realization that our current health crisis is growing more serious, and that we simply must develop better methods for the organization and delivery of health care if we are to solve our problems.

The principal advantages of the group practice of medicine are that it offers substantial economies in the provision of health care to our population, and helps us to move away from our excessive orientation toward acute hospital care, and toward the implementation of urgently needed concepts of preventive medicine.

Yesterday the New York Times published a perceptive article written by Richard Lyons, describing a prepaid group practice experiment now under way in Columbia, Md., whose goal is to provide comprehensive health care to all the citizens of the community enrolled in the plan. In his article, Mr. Lyons described a number of the preliminary successes of the program, especially in the area of preventive medicine. I believe that this article will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 8, 1970]

NEW TOWN HAILS PREPAID GROUP PRACTICE AS PRESCRIPTION FOR HEALTH

(By Richard D. Lyons)

COLUMBIA, MD. April 5—A woman in her thirties who has lived in this once-rural area for almost a decade walked into a modern clinic here six months ago to receive her first physical examination in many years.

She had enrolled a week earlier in the newly opened Columbia Medical Plan, which entitles its subscribers to virtually total medical care on a fixed monthly premium. There would have been only a slight difference in her bill whether she had chosen to have the physical exam or had declined it.

She decided to have one at a cost of $2. The cost of not having the examination would probably have been her life.

The woman was found to have breast cancer. She was operated on almost immediately at the Johns Hopkins Hospital in nearby Baltimore. The Johns Hopkins University's School of Medicine sponsors the Columbia Medical Plan, supplying it with medical personnel and direction.

AN EXPANDING PROGRAM

The woman is one of five million Americans enrolled in a relatively new and expanding methods of providing health care through a prepaid group-practice medical program.

Prepaid group practice, which has been widely used with great success under governmental sponsorship in Europe, is believed by many public experts here to be the American medical care of the future.

The Nixon Administration announced last month that it would seek enabling legislation to permit the Department of Health, Education and Welfare to foster the creation of prepaid group practice plans for which the 30 million Americans who are enrolled in Medicare and Medicaid would be eligible.

"The incentive is there" to expand the prepaid group concept from Medicare and Medicaid to private consumers, remarked John J. Veneman, Under Secretary of Health, Education and Welfare and author of the proposal.

PREVENTIVE MEDICINE

The prepaid group practice is designed to treat a person while he is healthy, as well as when he is ill. The key is preventive medicine, the core of which is the periodic physical examination such as the Maryland woman had. Stopping a disease before it gets out of control may either save or prolong lives, as well as reduce the emotional and financial strain on the subscriber.

In addition, the Nixon Administration said the total cost of preventive and "crisis" medicine would be no more than the latter "treat-only-when-ill idea," perhaps less.

"The program has gone extremely well in the first six months," said Dr. Malcolm Peterson of Johns Hopkins, who oversees the Columbia Medical Plan's activities. "One of the things we have learned is that the staff works harder taking care of wellness, as well as illness."

With suitable financial incentives and reimbursement guarantees, the Federal Government hopes to interest private industry in underwriting the capital costs of prepaid programs, as the Connecticut General Life Insurance Company of Hartford is doing here.

Connecticut General invested $3.75-million in the clinic and a 60-bed hospital that is expected to open here next year. The company will also underwrite indebtedness of $500,000 on the program's operations.

More than 3,000 persons have enrolled in the plan, which costs $14.50 a month for individuals and $43.50 a month for families of four or more persons. William Towle, administrator of the clinic, which is the principal medical building, said that about the only health care not provided under the plan was dental service, cosmetic surgery and such devices as hearing aids and glasses.

The plan's professional staff includes five full-time doctors and seven part-time specialists. The doctors receive salaries, rather than fees. Although officials decline to disclose the doctors' exact salaries, they are about $5,000 to $10,000 less than those paid to salaried doctors on a fee-for-service basis.

Dr. B. Harvey Minchew, an internist of the medical plan's staff and a former acting director of the Food and Drug Administration's Bureau of Medicine, said that the case of the woman who had breast cancer was not an isolated one. Routine physical examinations had picked up many other cases of incipient disease, unnoticed vision and hearing prob-

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lems and untreated mental illness during the program's first six months, Dr. Minchew said.

His colleague, Dr. Harvey P. Katz, a pediatrician and an assistant professor at the Johns Hopkins School of Medicine, was equally enthusiastic about the program. He said children were given speech, hearing, vision and psychological tests at the age of 4.

This is several years earlier than the age when children normally receive such tests. The aim, again, is preventive medicine: diagnosing troubles early and attempting either to correct them or prevent them from becoming worse.

The tests here are administered by Mrs. Ruth Toth, a registered nurse who has taken extensive postgraduate courses to enable her to relieve doctors of many routine but necessary chores.

"GRANDMOTHER ELEMENTS"

"Pediatrics really has a lot of grandmother elements to it," she said. "Young mothers need to be told how to treat diaper rash and prepare a formula. That's what I'm doing, as well as giving tests and answering the phone."

Besides Mrs. Toth, there are two other registered nurses on the staff, as well as two medical assistants, a full-time pharmacist and a part-time pharmacist.

Although the salaries of the staff members are probably lower than those in most private hospitals, the staff will be offered bonuses at the end of the year, based on savings they achieve by preventive medicine. In addition, the doctors here are rewarded for not performing unnecessary surgery.

The incentive program increases a "more judicious use of our medical facilities," Dr. Katz said. He noted that the plan's subscribers had far less surgery for the removal of tonsils, appendixes and adenoids than persons in the general population. Medical experts contend that these three operations are often performed needlessly.

"We hope that our biggest reduction in costs will be in hospital use, but we don't really expect to save money over-all," Dr. Katz said. His point was that the costs of providing preventive medicine were expected to offset the expected savings on traditional services. But it is too early to determine whether the Columbia Medical Plan is saving money, compared with more traditional medical services.

Subscribers pay $2 for each prescription, visit to a psychiatrist, physical examination or treatment. A doctor's house calls cost $5 each. Maternity care is a flat $100 for each pregnancy.

The total medical cost for the woman who had breast cancer was $20, in addition to her monthly premiums.

Most of the subscribers live in Columbia, a new town of private dwellings and apartment houses between Washington and Baltimore. The privately financed project, which was started two and a half years ago, now houses 6,500 people; 100,000 are expected to live here in the next decade.

SUBSCRIBERS HAPPY

A sampling of subscribers indicates that they are pleased with the quality of medical care they have been receiving.

"I'm so glad we joined," said Mrs. Russell E. White, whose 8-year-old daughter, Teresa, was being given a battery of tests by Mrs. Toth at the clinic recently. "My family and I have been very satisfied with the services we have received."

Edward E. Alexander, a Baltimore school teacher, said: "I think this is far superior to any other type of health program because of the availability of services, the low cost of prescriptions and the lack of verbal hassle with the staff. The preventive aspects certainly are a benefit."

Harold R. Thalheimer, head of Connecticut General's Medical Programs Department, said his company supported the Columbia program "to demonstrate that a prepaid group practice plan was financially sound, and to find out what an insurance comany's role could be in this type of medical program."

OUR YOUNG PEOPLE CAN HELP

Mr. McINTYRE. Mr. President, during recent months we have seen an unprecedented outpouring of public sentiment and concern about this Nation's environmental crisis. Here in Washington, this concern has been reciprocated by intensive study and legislative activity.

Envimonmental problems, until recently the domain of dedicated conservationists and certain scientists, has become an issue of truly national dimensions. No where can this be better demonstrated than during this month when students, housewives, teachers, and citizens from all walks of life join together in environmental teach-ins.

Rarely in the history of this Nation has an issue involved so many citizens. At a time when our national problems, both foreign and domestic, stagger the imagination, the people are becoming involved. This I see as a truly momentous happening.

I wish to focus my remarks at this time on the activities of a group of citizens in the city of Lebanon, N.H. Like many others in my State, this town has chosen to become involved. At first, a small group of people, their activities have expanded to include a large segment of their community. On April 15, an entire day will be devoted to environmental concerns.

In preparation for this day, students and tutors from nearby Dartmouth College have devoted their time to learning about problems in their own community. The result of their first investigation was published in the local newspaper, the article written by Miss Deborah Hall, a senior at Lebanon High School. It is a thoughtful and thought-provoking analysis of local problems shared by towns and cities throughout the country.

I wish to present this article to my colleagues because I consider it both significant and wonderful. Young people like Miss Hall have written to me from communities throughout the State. Their shared concern and resulting commitment has given me hope and stimulation.

It is my own feeling that environmental issues extend far beyond pollution control or conservation; they extend to the way that we Americans live. For this reason, I have been particularly heartened by the involvement of our young people. It is they, ultimately, that can develop living habits that best exemplify our new recognition that the ultimate issue of environmental quality is the quality of life itself.

I congratulate Miss Hall and those many young people who share her commitment. They have recognized the challenge and have made the commitment to join in leading the way.

I ask unanimous consent that the article written by Miss Hall and published in the April 4 edition of the Lebanon, N.H., Valley News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEBANON STUDENTS FIND EVIDENCE OF POLLUTION

(By Debbie Hall)

LEBANON—"Ugh, this river really stinks." The comment might have been that of a person standing on the banks of the Mississippi, a bridge over the Charles, or a boat sailing down the Hudson. Would you believe . . . from someone overlooking our own Mascoma?

One afternoon last week, three students from Lebanon High School and two Dartmouth tutors went looking for pollution. "We didn't have to look very hard—it kind of jumps right out at you. At least the smell of it does."

"Too bad we couldn't record the smell on film," onserved Scott Mitchell, one of the tutors.

And that might have gotten our points across better than the pictures we took. But all you have to do is drive along the river for a way, and you can't miss what we're talking about.

CERTAIN DEATH

As we walked along the river across from one of the local industries, Leo Blackburn, a senior at Lebanon High School noted, half jokingly, "If one of us fell in, it would be certain death. If not from drowning, then from choking on all that junk in the water."

Not so funny, after all. How about the animals that used to drink from the river? All the chemicals and visible waste flowing with the current not to mention the stuff that you can't see, "are disgracing the community and harming it."

David Krakoff, another tutor, went down closer to the water, only to find himself standing directly over a pipe which dumped what was seemingly sewage into the river. Not a very pleasant sight.

GOOD OLD DAYS

"Rivers used to be places to swim, fish in, and get your water from. Now it looks like all they're good for is to dump in things we don't want anymore."

. . . only to be found by our friend downstream.

We drove on in our exploration to the dump in West Lebanon where the smoke just happened to be blackening the sky. We started to get out and look around for the rats that are reputedly running the place. After a few seconds of inhaling the air, another Lebanon senior said, "It's a nice place to visit, but I wouldn't want to breathe there!"

It may be true that we don't have the ecological problems of larger cities like Boston, and New York. But we don't have much to gloat about.

EVERYBODY'S PROBLEMS

Our problems are real, and they're here to stay and grow worse unless everyone is willing to work together to find solutions before it's too late. And a lot of solutions boil down to what individuals can do.

Housewives are you aware that if you use a detergent which contains a high phosphate content you are promoting the growth of algae and vegetation, making the green scum that borders our lakes and streams? So choose a non-polluting laundry product, soap, instead.

Find out what is being done in your neighborhood about pollution. See if you can be of assistance, or get something started yourself. It's everybody's world that's waiting to be saved.

PUBLIC INVITED

We want to invite everyone to come to the high school Earth Day, April 15. There will be speakers all day expounding on the sub-

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ject of population and pollution, and telling a few things that we can all do about them.

And there will be action on the part of the students (and anyone else willing to work!). We're planning roadside cleanups and auto junk removals.

We don't want to just sit by and criticize, we want to help to clean up the mess man has made. After all, it's our world, and our lives, along with yours, that are hanging in the balance!

VIRGINIA CUTLER—CONSUMER OMBUDSMAN

Mr. MOSS. Mr. President, I was delighted with the appointment of Dr. Virginia Cutler, a leading consumer advocate from Utah, as the head of an eight-member panel established by the Association of Home Appliance Manufacturers to act as consumer ombudsman. The AHAM could not have made a better choice.

Dr. Cutler, who is chairman of the Family Economics and Home Management Department of the Brigham Young University at Provo, Utah, has long been in the forefront of the consumer movement. Earlier this year, her department sponsored an Ad Hoc Consumer Advisory Committee Workshop at Brigham Young University for the heads of all consumer organizations in Utah. I was the keynote speaker. It was an absorbing day, and I believe everyone who attended felt that they had profited immensely, including myself.

Dr. Cutler and her major appliances consumer action panel members were introduced to the press and the report of the event was carried in the Washington Post of April 8. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW EAR FOR BUYER GRIPES

(By Elizabeth Shelton)

Major home appliance manufacturers and dealers have set up a consumer action panel to act as an "ombudsman" within industry to settle unredressed grievances of buyers.

The eight-member panel, headed by Dr. Virginia Cutler, chairman of the family economics and home management department of Brigham Young University in Provo, Utah, was introduced yesterday at a press luncheon in the Statler Hilton.

Dr. Cutler was immediately asked how she and other panelists, all professionals employed in other jobs and moonlighting as ombudsmen, could handle any substantial volume of complaints.

Observing that the panel would deal only with the limited number of complaints that dealers and individual manufacturers cannot resolve, she said the panelists will work by telephone and plan to make public a report in six months on how successful they are.

Major makers and retailers of gas and electric appliances have agreed to support the Major Appliance Consumer Action Panel (MACAP), as the new consumer ombudsman is to be called.

MACAP was formed by the Association of Home Appliance Manufacturers (AHAM), Gas Appliance Manufacturers Association and American Retail Federation. The electronics industry, however, is not represented by the panel.

The panel's telephone number is 312—236-3165 and the address for written complaints is the AHAM office at 2 N. Riverside Plaza, Room 1904, Chicago, Ill. 60606.

These are the steps consumers are urged to take before contacting MACAP:

Check fuses, plugs, safety-start switches and ordinary care, cleaning and operating instructions.

Contact the dealer or the repair service facility he recommends.

Contact the warrantor of the brand involved—either the manufacturer or seller.

Present the problem to the MACAP consumer panel.

"Problems progressing to step four will be the unusual ones," said Harold Campbell of Frigidaire, chairman of the Consumer Affairs Board of the Association of Home Appliance Manufacturers.

Campbell said the industry settled between 900 and 1,000 complaints that reached AHAM over the year but that 19, in which customers took the first three prescribed steps, remain unresolved.

Asked whether the customer may sometimes be found wrong by the adjudicating panel, he replied that any of the parties—customer, manufacturer or dealer might be found remiss.

Members of the panel include Dianne McKaig, former HEW expert on consumer affairs, who is now executive director of the Michigan Consumers Council, Lansing.

Others are: Dr. Elsie Fetterman, family economics specialist at the University of Connecticut; Virginia Habeeb, former editor of American Home magazine; Frederick E. Waddell, director of a family financial counseling service in Southfield, Mich.; Dr. Beatrice Paolucci, home economics professor at Michigan State University; Dr. Aurelia Toyer, national board member of the YWCA, New York City; and Dr. Mary Purchase, associate professor, New York State College of Human Ecology, Cornell University.

CAN CONGRESS ACTUALLY BE MADE TO WORK?

Mr. HATFIELD. Mr. President, I commend to the attention of the Senate an excellent editorial on congressional reform, written by Eric W. Allen, editor of the Medford Mail Tribune, in Oregon. We have experienced no other time in the history of this Nation in which so many of our long hallowed traditions have been subjected to such searching and well-founded questioning. In many cases this questioning has been too long in the coming. A case in point is congressional reform. The Nation is moving quickly—the times are moving quickly. In order to cope with, progress with, and keep a perspective on this Nation and world relations and problems, it is imminently necessary that Congress adjust to the needs of the times. In all too many instances this adjustment will require that we disinherit ourselves from many of the inefficient, undemocratic, and largely unfunctioning machinery of congressional structure. Mr. Allen's comments to this end are well stated. I recommend them to all Senators.

I ask unanimous consent that Mr. Allen's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Medford Mail Tribune, Mar. 30, 1970]

CAN CONGRESS ACTUALLY BE MADE TO WORK?

How widespread is dissatisfaction about they way the United States Congress performs?

We'd say considerably more widespread than many Congressmen realize, although quite a few—usually younger ones who have not yet built up the seniority that makes for power—have expressed strong feelings about what amounts to a breakdown in Congressonal effectiveness.

The Portland Oregonian, which usually is fairly restrained in the language it uses in its editorials, recently had this (in part) to say:

"Here is a Congress governed by old men, some of them nearing senility, which has not even adopted all the budget appropriations for a fiscal year which expires in three months. Here is a Congress of highly-paid, professional politicians, operating under archaic rules and restrictive practices, which will not either govern the City of Washington properly nor free it to govern itself, and which has made a bureaucratic morass of the federal government nationwide.

". . . It is long past the time when the American people should rise up in wrath and demand that their elected officials quit preening, posturing, politicking and procrastinating at the expense of all of us. If they continue to refuse to reform the American government, we must elect officials who will."

That's strong language for the Oregonian, but it is not alone. There is a new magazine (only about a year old) called The Washington Monthly, which carries on its title page, as part of its reason for being, this flat statement:

"The American system is in trouble. It's not responding well enough or fast enough to our critical national problems."

Both the Drummonds, father and son, and James Reston, in their columns in the Mail Tribune Sunday, pointed to the lack of responsiveness by American institutions as being in large part to blame for the breakdowns that seem to be coming ever more frequent—including the Postal workers' strike and the air controllers' "sick-out," to name only two current examples.

Mr. Reston carries the argument one point further in his column on this page today, and Herblock adds to the chorus with today's acid but pointed cartoon.

Other examples could be cited at length, including the universities (which, once their baptism of fire erupted, have changed more rapidly than any others, and which indeed show signs of adapting to new needs); American elementary and secondary schools, which are in trouble for a variety of reasons; and city, county, and state governments, some of which are doing better than others in facing new problems and new demands.

But Congress itself remains the most flagrant example of blind, ingrained, hidebound inability—or unwillingness—to govern.

The Oregonian's prescription—"If they refuse to reform the American government, we must elect officials who will"—is, of course, largely correct, but of itself it offers Oregonians no way to help solve the problem, for the fact is that the Oregon delegation in Congress—four Republicans and two Democrats—is among the ablest representing any state. They are individuals who themselves feel utter frustration at the roadblocks to action imposed by "the system."

By themselves—six members from a small state—the Oregon delegation can't do a great deal. But if they knew that they had the solid backing of their constituents, they could do more than they are now doing.

We are speaking of such prosaic things as ending or sharply modifying the seniority system; getting younger and abler men into office (e.g., Speaker of the House); making the machinery of Congress (particularly the committee system) more responsive to the wishes of the majority by cutting down the authority of the chairmen to stall or kill legislation because of personal whim or

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worse; demanding that ethical standards of members be no less than those demanded of the judiciary and executive.

These things don't sound very glamorous—hardly the stuff of which a "great crusade" is composed. But it is just such bread-and-butter matters of organization and attitude that makes it impossible for Congress to function as we have every right to demand that it should.

There are members of Congress—and we think that the six Oregonians are among them—who are fully aware of the needs. But they do not yet have either the votes or the mandate from home to work the changes.

A stiffening of spines throughout Congress would help. And nothing would stiffen them more effectively than word from home that the voters of America are fed up with Congressional fiddling while Rome burns.

This is not a partisan thing. There are good people and otherwise in both parties. And certainly the effective government of the United States should have a high priority on the list of both parties.

We remain sufficiently idealistic to believe that our form of government can be made to work—so long as every citizen is willing to devote a bit of effort—not necessarily a lot, even—to doing his share.

If Congressional reform were to become popular among the voters as a prelude to reforming the whole huge federal establishment—and if the voters were to so inform their elected representatives—amazing things could be done.

It might even become possible for Congress to pass appropriation bills for a fiscal year before that fiscal year began, instead of waiting until it was nearly over.

As it is, it's a heck of a way to run a government.—E. A.

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PROJECT CONCERN'S "WALK FOR MANKIND"

Mr. KENNEDY. Mr. President, one of the distinguished marks of our country's history and tradition is the extraordinary private efforts put forth to assist humanity in need throughout the world.

A relative newcomer to the groups of citizens and organizations currently involved in these efforts is Project Concern, Inc., of San Diego, Calif., founded in 1961 by Dr. James Turpin.

Self-sufficiency is the objective of Project Concern's help to the less fortunate in Vietnam, Hong Kong, Mexico, and among our own citizens in Tennessee and New Mexico.

For a number of years, I have followed the work of Project Concern and want to note especially its important contribution toward alleviating human suffering in Vietnam through its medical facilities and services in the Central Highlands of Tuyen-Duc Province. Recently, a new Project Concern hospital, to serve some 5,000 Montagnard tribespeople at Lien Hiep, was dedicated by four Gold Star Mothers from Worcester County, Mass.

These mothers were representing the people of Worcester who had given the hospital to the tribespeople as a memorial to the young men of Worcester, and all Americans, who have fallen in the Vietnam war.

It is appropriately called the Living Memorial Hospital. By salvaging priceless human life now, by teaching the Montagnards disease prevention and by training their young people in basic medicine, Project Concern and the people of Worcester, are building for a brighter future in Vietnam.

To involve a growing number of Americans, especially young people, in the support of such worthwhile projects as the hospital in Vietnam and health facilities among the Navajos in the area of Bisti, N. Mex., Project Concern has organized a national "Walk for Mankind," which, over the next couple of months, will hopefully enlist the involvement of more than a million young people in 300 communities to raise funds and support for the work of Project Concern staff and volunteers in this country and overseas.

The initial citizen support for the "Walk for Mankind" has been very good, and I am hopeful that it will continue to grow as the effort continues. Dr. Turpin and his associates, and our citizens who support or participate in the walk, deserve high tribute and the good will of all Americans.

Mr. President, because of the broad public and congressional interest in the work of Project Concern, I ask unanimous consent to have printed in the Record an article on the Living Memorial Hospital, published in a recent issue of Project Concern News; a related article from the Worcester Sunday Telegram of February 8, 1970; and a brochure outlining the objectives of the "Walk for Mankind."

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Project Concern News, January 1970]

Lien Hiep: Living Memorial Hospital

Wars produce refugees. And in Vietnam, there are too many even to count accurately. Medical aid is a high priority need for these homeless, displaced humans.

Soon the door of Project Concern's new "Living Memorial" hospital will swing open for the 8,000 refugees encamped at the central highland village of Tung Nghia.

This six-building, 50-bed hospital, 20 miles from Dalat, is in a beautiful location at Lien Hiep, overlooking a river with rippling falls. It's just off a main highway, so delivery of supplies and drugs will be facilitated. The nearness to a sub-sector military post affords protection.

As in all rural areas of Vietnam, basic services such as water, electricity, telephone and sewage disposal are absent at Lien Hiep. Project Concern has had to build its own electric plant, waste disposal system, wells, pumps and water delivery system.

It all began back in April of 1968 when Worcester, Mass., became the first community in the United States to pay formal personal recognition to 150 young men of their county who died in the Vietnam war. Rather than a memorial statue, the people of Worcester decided to build a hospital in Vietnam for refugees.

Gold Star mothers, women's organizations, and others had many separate fund raising activities after joining together to raise necessary money to begin construction. Worcester contributions to date have totalled $66,000 and haven't stopped yet.

Hospital construction got underway in 1969. It is being completed on an act of faith that the remaining $184,000 for the hospital and its first months of operation, will be raised. Other communities may decide to Veterans groups, organized labor, students, join Worcester in this "Living Memorial" as a tribute to their Vietnam war dead.

The new hospital will supplement the first Project Concern hospital established at DaMpao, South Vietnam on June 15, 1964. The original 18-bed hospital was established in what had been a Vietnamese Security Forces camp.

There were 35 patients waiting for Dr. Turpin that first day when the hospital opened. He had to work by candlelight at night and his first two meals consisted of only bananas! Today, there is a generator for electricity but after 10:00 p.m. when the generator is turned off, candles reappear. Although the food situation has improved immensely, jeeping to Dalat to pick up rice and other staples is often hazardous.

Many times during the monsoon season the staff has had to abandon a vehicle temporarily because of an impassable stream or getting stuck in the mud. The ebb and flow of war in the area complicates the problem of living. During certain periods, war conditions make road travel impossible and supplies of foods and drugs are in very short supply. At such times wehn an army helicopter can be spared, Project Concern personnel are airlifted to Dalat for the necessities.

In 1966 a second wing was added to the DaMpao hospital bringing the capacity up to 42-beds and providing a maternity ward and laboratory. An X-Ray building was constructed in 1967. Project Concern began a village health program in 1968. A nurse lectured on sanitation and personal health to the villagers. Wells were tested; new ones blown. Insect spray was demonstrated and hygiene kits and soap provided. The classes for training local villagers as Hospital and Village Medical Assistants and Midwives begun in 1964, continue to be one of the most important accomplishments of the DaMpao staff. Conditions permitting, Project Concern doctors and nureses make the rounds of some 25 neighboring villages on a regular rotating basis.

By salvaging priceless human life now, by teaching the villagers disease prevention, and by training their young people in basic medicine, Project Concern is building for a brighter future for Vietnam.

[From the Worcester Sunday Telegram, Feb. 8, 1970]

Vietnam Hospital Protest Against Sorrows of War

(By Peggy Steinle)

Saigon.—"We bled for them. You've heard of baptism by fire. This is a baptism by blood. Because we lost our son here, I consider him part of this country."

With these words, Mrs. Elaine Huntoon, 43, of Leicester, Mass., explained why she and three other Worcester County mothers who lost their sons in Vietnam had traveled to dedicate a hospital in the land where their sons died. They were representing the people of Worcester, who had given the hospital buildings to the mountain tribesmen of Vietnam. Their gift is intended as a memorial to the Americans who have fallen in the Vietnam war.

The sight of the six slim yellow buildings which will house the hospital in April filled the mothers with pride and nostalgia.

"I think the most beautiful part of it all is the humanitarian cause for which it was built," said Mrs. Priscilla Gariepy, 45, of Fitchburg. "Its beauty shines from within."

Mrs. Gariepy lost her son Robert in 1968. She said although the hospital can not ease her sorrow, its cause gives her inspiration. A surgical nurse, she commented that the hospital's facilities were better than she had expected.

The 50-bed hospital will serve the 5,000 Montagnard tribesmen of Lien Hiep (Paradise) in Vietnam's Central Highlands. The nearest hospital to these villagers was 17 miles away over rocky, mountainous terrain. Often, by the time they reached the doctor, it was too late. The new hospital, built with the labor of the Montagnards, will offer emergency medical care and health instruction.

The trip to Vietnam awakened long-dormant memories for the women. Mrs. Gladys Berg, 54, of Paxton recalled what her son had said about joining the Marines.

"He felt that way he could do the most. He wanted to help, he really did. That was his way of doing it.

"Now I know this hospital is the something my son died for."

Mrs. Berg remembered how her son had spoken of death. And she talked of the anguish the death of her only child had meant to her.

HIS HOPE

"Going out to kill someone, that bothered him. Before he left he came to me and he said, '"Mom, I don't know that I actually have to go out and kill somebody. I only hope that I come back in my right senses! As far a being hurt himself, I don't think that bothered him.

"As far as I know, he landed on Jan. 7th and he was killed on March 7th, just exactly two months later. He was leading a patrol and they were ambushed. That was it.

". . . I couldn't believe it. When the Major came to the house, I just couldn't believe it. And I wouldn't believe it, until I saw him . . . then, I knew.

"You hear rarely of incidents where they do make a mistake. The wrong people are notified and it's not their son. You cling to that hope. But when you see him, you know."

ADDED GRIEF

It had been at least two years since any of the mothers had seen her son alive. Yet the grief of one of them was fresh. Air Force Capt. Charles Tofferi had been shot down while on a mission over Laos nearly three and a half years ago. Just last month, an American patrol discovered his body.

It was as if an old wound had opened. The Tofferi family held a funeral, just as Charles' mother, Mrs. Bertha Tofferi, 65, of Fitchburg, was packing the suitcase. Shortly after he was buried in the family cemetery, Mrs. Tofferi left for Vietnam.

"I can still hear him talking to me," said Mrs. Tofferi, her voice shaking. "If he knew what we were doing here, he would say he was glad we were doing something to help.

"It's been hard for me, being here," she continued, "because I've just been through something. I can't be as energetic as the others. But I think the people of Vietnam are warm and nice people and they received us with open arms."

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Mrs. Tofferi related the story of their visit to Vietnam, beginning with the young women who gave the mothers huge bouquets of slim red flowers as they stepped off their airplane. She spoke of tours in orphanages and relief centers, a glimpse of a Vietnamese fighting unit, a dinner at Saigon's exclusive Riding Club. She described their excitement at being presented to generals, ministers, ambassadors. And she spoke of the most meaningful part of their trip, the two days they spent at the hospital.

Mrs. Tofferi, a nurse, described the Lien Hiep hospital as "terrific," adding that she was very happy to have been a part of the ceremonies.

The hospital's administration will be the responsibility of a medical relief group called Project Concern. It is the first gift presented directly by an American community to the Vietnamese people.

Why was Worcester special? What singled out the people of one New England community and made them the first to contribute this way?

"I have yet to see another city where they do this. The people there, they're all beautiful people." That was what Lance Cpl. Richard J. Dube of Worcester had to say about his home town.

Dube and some 30 other GIs from the Worcester area were on hand to greet the mothers' plane when they arrived in Vietnam. Francis R. Carroll of Worcester, the originator of the hospital project, had arranged for them to have three days' leave for the festivities.

Several of the mothers said they felt the hospital was their form of protest against the sorrows of war. Rather than demonstrating against the war, they said their gesture expressed their hope for peace.

"In '65 or '66," explained Mrs. Huntoon, "I attended an antiwar program, and the only thing that ran through my mind was that these people were killing my son. Soon after, he died. I think the protesters do give aid and comfort to the enemy. That's the rough spot. Whether or not we should be here is something that could very well be considered, but I'm not wise enough to make that judgment."

"TERRIBLE"

Mrs. Tofferi, who described antiwar protests as "terribly sad," mentioned several aspects of Moratorium Day that had offended her.

"I thought it was terrible, on Moratorium Day, that they would have all those caskets and read the boys' names. I hope they didn't read my boy's name."

Mrs. Berg said she also resented the idea of the Moratorium in the light of the hospital project:

"I think the protesters honestly want war stopped," she explained. "We all do, I consider it an insult to my intelligence if someone asks me if I want peace.

"For instance, on Moratorium Day, one gal came up and asked me if I wanted to sign for peace, I said of course I wanted peace, but as far as signing anything, I just wouldn't do it, I said. 'This isn't necessary.' "

Mrs. Berg's eyes flashed and her tone grew more insistent.

STRESSES THE POSITIVE

"If they would only take the time and money and energy they spent in a protest or a march and put it into working for Project Concern or going down to the ghetto or going into the hospitals! Why don't they put their efforts in this direction, rather than in these protests, which accomplish nothing, as far as I can see.

"They've got a right to protest," she continued. "This I won't argue with. But let them put their energies in the right direction.

"I hope that when 1980 comes, we can look back and call this the Sensible Seventies, when everybody came to their senses to stop all wars."

PROJECT CONCERN'S WALK FOR MANKIND

WHAT IS IT?

Walk for Mankind is Project Concern's newest national plan for involving schools, organizations and communities in a rewarding fund-raising effort to help the helpless—the sick of all ages who desperately need medical aid, food and basic sanitation. Operating without government subsidy and entirely dependent on public contributions, Dr. Jim Turpin has taken his organization, Project Concern, into neglected areas to help where the need is greatest. Funds to operate are needed. *Walk for Mankind* is an easy fund-raising project designed for Project Concern Committees, Jaycees, Women's Clubs, churches, schools and other organizations. Essentially, the project is a fun hike through the most interesting sections of your hometown!

CHALLENGE TO YOUTH

Walk for Mankind offers an exciting challenging activity for the young people of your community. The Walk is primarily for them. It gives high school and college students a chance to become concerned about the less fortunate—a chance to protest against misery and sickness. There will be some hardy adults too, but most of the Walkers will be teenage students. Bands and banners, "way-out" costumes, free food and drink—all these make the Walk a great outing and colorful affair.

Here's the simple procedure. Each Walker is preregistered (usually at his school, given a Project Concern brochure or a locally developed flyer with information about Project Concern's international medical relief work as well as instructions for the Walk, and Sponsor sheets. He then rounds up as many Sponsors as possible—family, friends, businesses, and others. He negotiates with each Sponsor for a certain sum per each mile walked. Naturally the higher the amount the better! Perhaps the Sponsor agrees to pay 10 cents—or maybe $10.00—for every mile completed of the established Route and verified by Walk Marshals at each checkpoint. After the Walk, each Walker is responsible for returning to all of his Sponsors, collecting the amount due, and depositing the total at a specific Bank or local *Walk for Mankind* office. Tax deductible receipts are given Sponsors upon request.

WHY WALK?

More than 200,000 ill—and often starving—children and adults will be helped through Project Concern this year in its six clinics and two rural hospitals in Hong Kong, South Vietnam, Mexico, and Appalachia, U.S.A. Dr. Turpin and 147 volunteer doctors, nurses, technicans and other staff work in physically depressed areas where the need is acute. Along with medical and dental aid, feeding programs provide children with soup or milk and vitamin-packed wafers ward off malnutrition.

A village self-help program in Tuyen Duc Province of South Vietnam trains local young men and women to give basic medical aid in their own villages.

Dr. Turpin's organization is made possible by the interest and goodwill of private citizens who care enough to send contributions personally or to help stage a fund-raising event. *Walk for Mankind* is an opportunity for those concerned about humanity.

HEADQUARTERS' ASSISTANCE

Walk for Mankind materials will be sent without cost to organizations planning a Walk. A *Walk for Mankind* manual with instructions, information kits for workers, publicity kits, Project Concern brochures and "Walk for Mankind" buttons will be provided by Project Concern. Other promotional materials such as posters and a local flyer with Walk route, Sponsor sheet, et cetera, may be developed by the sponsoring group.

Responsible officers of interested organizations may write for free materials to the nearest office:

Project Concern International Headquarters, P.O. Box 2468, San Diego, Calif. 92112.

Project Concern Development Office, Stone-Brandel Center, 1439 So. Michigan Avenue, Chicago, Ill. 60605.

Project Concern Regional Office, 44 Linwood Ave., Ardmore, Pa. 19003.

Walk for Mankind. Santa Rosa, California, was the first American city to hold a Project Concern "Walk." Saturday, September 6, about 500 Santa Rosans led by Dr. Jim Turpin, public officials, and inspired by Sparky Schulz's "Peanuts" character, hiked over a 21 mile route in the picturesque Valley of the Moon area and earned $12,000.

SIHANOUK—NO FRIEND OF THIS COUNTRY

Mr. SYMINGTON. Mr. President, upon return from a trip to the Far East in late 1965 and early 1966, I released a report of my findings, along with a cover-

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ing letter which included the following statement:

> There should be programs to reduce, if not eliminate, the sanctuary aspects of Laos and Cambodia. Both countries are being utilized by the Viet Cong and North Vietnamese to transport men and equipment to South Vietnam; and also as sanctuaries. In both countries there are Communist headquarters.

For more than 4 years the use of Cambodia as a sanctuary has been well known, despite the professed neutrality of Sihanouk; and as pointed out in a recent editorial in the St. Louis Globe-Democrat, this fact has been even more clearly revealed since the overthrow of Prince Sihanouk.

The editorial notes:

> It has become evident Sihanouk virtually turned over the eastern border areas of Cambodia to the North Vietnamese and Viet Cong troops, allowing them to build permanent installations and operate as a nation within a nation.

It is impossible to estimate the number of American casualties in Vietnam which could be attributed to Sihanouk's permitting the enemy to use his country as a sanctuary. The enemy's practice of attacking United States and South Vietnamese forces and then retreating across the border, thus denying our forces the ability to counterattack, has been a major concern of the U.S. military in Vietnam for some time.

In this connection, I ask unanimous consent that the editorial, entitled "Sihanouk Unmasked as a Traitor," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Globe-Democrat, Mar. 31, 1970]

Sihanouk Unmasked as a Traitor

Events since the overthrow of Prince Norodom Sihanouk as chief of state of Cambodia have clearly revealed that Sihanouk was working closely with the Communists during all the years he claimed to be a "neutralist."

It has become evident Sihanouk virtually turned over the eastern border areas of Cambodia to the North Vietnamese and Viet Cong troops, allowing them to build permanent installations and operate as a nation within a nation.

It turns out now that Cambodia has become an occupied country, as more than 60,000 Communist troops defy the order of the new government to leave Cambodia. Viet Cong units are reported to have begun attacking government troops and it may be that large-scale fighting between the Cambodian regular army and the Communists is not too far off.

Sihanouk, who betrayed his country by failing to move a finger to prevent its occupation by the Reds, now proclaims he is joining the Pathet Lao in Laos and the Viet Cong in Vietnam to "engage in guerrilla warfare in the jungle against our enemies."

In some respects Sihanouk reminds us of the deposed Sukarno of Indonesia who also played footsie with the Communists and wound up being driven out of power by an anti-Communist counter-drive against a Red takeover attempt.

Sihanouk, like Sukarno, lived the life of a high-spending playboy while his people were living in poverty and hunger.

Cambodia is well rid of this traitor who sold his country down the river while he was singing a phony neutralist tune.

A TRIBUTE TO AARON E. HENRY

Mr. KENNEDY. Mr. President, on Sunday, April 12, 1970, the citizens of Mississippi will acclaim Aaron E. Henry Day, to honor one of that State's most outstanding citizens. I wish to take a few minutes of the Senate's time to pay tribute to him.

I have admired Aaron Henry for many years. He has worked for more than 20 years in the continuous struggle to end bigotry and violence. His personal life is devoted to answering the distressing cry of the poor and oppressed. He has worked tirelessly for peace and social justice. He lives and works with poor Americans who still suffer from hunger and still go ragged because they have no clothes. He works to help those whose homes are destroyed by the awesome power of nature and those whose homes have been obliterated by the searing flames from the torch of racial bigotry.

He is humbled by the little children who seek help; who are still denied adequate schooling because their neighbors holler and threaten defiance to pleas for equality in education.

Aaron Henry lives as a plain and ordinary citizen. He has no pretentions. He makes no distinctions of class or rank for any man. He spends his life showing us the power of wisdom and the beauty of his love for mankind.

Designating one day to acclaim the many deeds of Aaron Henry is a fitting tribute to his works and his ordeals. He is just another of the many black people who are convinced that because America is home, America must yield up her bounty to every citizen. And Aaron Henry intends to continue the struggle to make the American dream of equality a reality for all.

I am honored to know Aaron Henry for I know that he will continue working until the last remnant of poverty, the last barrier to prosperity, the last obstacle to equal opportunity are gone from American life.

THE POPULATION CRISIS—IV

Mr. TYDINGS. Mr. President, the April issue of the Progressive magazine is entirely devoted to a series of provocative articles dealing with the threats to human survival posed by the deterioration of our environment and the population explosion. Two of the articles dealing with the issue of world overpopulation are particularly interesting.

The first, entitled "A Better World for Fewer Children," written by Nobel laureate George Wald, makes the important distinction between possible definitions of "survival." As Professor Wald points out, demographers have estimated that as many as 40 billion people might be kept alive on this earth with "proper management."

But what would life be like in such a "standing room only" planet? The answer is obvious: It would be oppressive with little opportunity for creativity and experiencing the sheer joy of living. Our desire to preserve and improve the quality of life in this country and around the globe is the most pressing reason why the population bomb on which we sit must be defused.

As Professor Wald put it:

> None of the things that now most need to be done for our country and for the world have much chance of working unless coupled with the control of population.

The second article, entitled "Looking Backward From 2000 A.D.," written by biologist and population expert Paul Erlich, is a futuristic piece describing the human gains that could be realized by cutting back the population size of the United States dramatically. This imaginative look into the possibility of a better tomorrow ought to be read by all who share the belief that something must be done immediately to curb our excessive birth rates.

Mr. President, these are important contributions to the debate over the need for a national population policy. I ask unanimous consent that these excellent articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Better World for Fewer Children

(By George Wald)

None of the things that now most need to be done for our country and for the world have much chance of working unless coupled with the control of population. By present indications our present population of 3.5 billions will have doubled by the end of this century. Long before that, we can expect famine on an unprecedented scale in many parts of the world.

Yet this in itself is not the heart of the problem. If it were, one would have some small reason for optimism; for in the last decade the world's food supplies have increased more rapidly than its population.

The concept that food is the primary problem is a prevalent and dangerous misunderstanding. It implies that the main point of the human enterprise from now on will be to see how many persons can be kept alive on the surface of the earth. A distinguished demographer recently estimated that with what he calls "proper management" we could support a world population of forty billions.

Of course, under those conditions people would not eat meat; there would be no place for cows, sheep, or pigs in such a world. This would be an altogether bankrupt view of the human enterprise. Humanity still has a chance at creating an ever wider, richer, and more meaningful culture. This would degrade it to simple production—a meaningless venture in simple multiplication. Even that, however well managed, must come to an end, as the potential resources of the planet become insufficient to feed further numbers of people.

The point then is not how many people one can feed on this planet, but what population can best fulfill human potentialities. One is interested not in the quantity but in the quality of human life. From that point of view the world is probably already overpopulated. China and India were once great cultures, enormously creative in the sciences, the visual arts, and literature; but those aspects of Indian and Chinese culture declined centuries ago for reasons associated, I think, with overpopulation.

The Western World also is becoming crowded; I do not think it irrelevant that the quality of our production in the arts has declined greatly in the last century or two. Western science is flourishing, but the productivity of the individual scientist is nothing like what it was up to a century ago. It would take four to six top scientists of the present generation to approach in produc-

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tivity, scope, and quality the contributions of Charles Darwin, Hermann von Helmholtz, or James Clerk Maxwell. Those men had no labor-saving devices, so far as I know not even secretaries—no dictaphones, microfilm, computerized information, retrieval services, and the like. They did, however, have peace and quiet, the chance to walk through green fields, along quiet rivers, and to find relief from all the crowding, noise, filth, and endless distractions of modern urban life.

A second profound misunderstanding has plagued many earlier discussions of the population problem. This is the widely prevalent view that the poor are over-reproducing, the well-to-do are under-reproducing, and the quality of the human race is hence going downhill. Quite apart from the naive assumption that the economically poor are necessarily also genetically inferior, there are other, almost as serious troubles with this view of the problem.

We are beginning to realize now that it is precisely the well-to-do and their children who make the most trouble—who are at once the biggest consumers and the biggest polluters. That is true individually, and has its national aspects. It is claimed by reliable sources that an American child uses fifty times as much of the world's resources as an Indian child. Our country, which contains only about six per cent of the world's population, uses about forty per cent of the world's resources, and accounts for about fifty per cent of the world's industrial pollution.

So it is essential that we bring world population under control, not only to keep it from increasing further, but if possible cut it down from its present level. That won't be easy or altogether pleasant. Indeed, it will be so difficult that we would be well advised to choose any viable alternative. But there is none. It is that or disaster. We are not being *asked,* but *told* to control world population. That is now our only chance of a meaningful survival. And whatever is done now must be done quickly, not only because the population is increasing so explosively, but because as one consequence the quality of human life has already been eroded. We must be aware of the danger that persons of future generations, even more out of contact than we with the potentialities of a less crowded world, will have lost a wider human view, and will have become unable to help themselves. In that sense we may be the last generation that can save humanity.

So what to do? First, as rapidly as possible make convenient, safe, and cheap—I would rather say free—means of birth control universally available. That, however, will certainly not be enough. I think we must as rapidly as possible make convenient, safe, altogether legal, and cheap—again I would rather say free—means of abortion universally available.

I hope for the early advent of a safe and efficient abortion pill. There are recent reports of encouraging work in this direction, from England and Sweden, with one of the prostaglandins. I think the condition we must try to achieve everywhere and as rapidly as possible is to see to it that nowhere in the world need a woman have an unwanted child. Having got there, we can take stock and see whether that is yet enough. Very likely not; and then we shall have to go on with a variety of other reasonable procedures. We might begin some of those procedures much sooner: for example, legislate tax discouragements rather than incentives for bearing children, particularly beyond the first two.

Many people still have trouble with the thought of legalized abortion. Of course the Roman Catholic Church is deeply opposed to it. Lately it has at least considered accepting contraception, before officially deciding against it. It seems to me likely that having once opened the question of contraception, it will now prove very difficult to close.

Abortion, however, is not only rejected by the Catholic hierarchy, but apparently also by large numbers of Catholic laymen. They regard abortion as highly immoral, indeed a form of murder.

It is difficult for me to appreciate the morality of that position in view of the present condition of the world's children. If we were in fact taking proper care of children all over the world, raising them with enough food and shelter and clothing so that they had the chance to fulfill their genetic potentialities, then we might have the privilege of feeling that every embryo should be born. As it is, however, the world's population is now mainly held down through infant mortality. What is killing those children is war, famine, disease, and poverty. That is our present condition, one in which we turn the Four Horsemen of the Apocalypse loose upon the children on the earth. Surely we can and must do better than that.

It is not as though we were asked to introduce abortion into a world that is not already practicing it. It is in fact practiced very widely, not only in those few nations where it is legal, but in others where it is illegal, and frowned upon by tradition and religion. Indeed, some recent statistics seem to show that it is particularly prevalent in a number of Roman Catholic countries, in which other means of birth control are not available.

Data on the extent of illegal abortion are difficult to obtain and not altogether reliable. However, a recent study estimates that in France there is one abortion for each live birth; that in Latin America as a whole there is one abortion for every two live births; and that in Uruguay, there are three abortions to each live birth. (Alice S. Rossi, U.S. Public Health Service, writing in *Dissent,* July-August, 1969).

In numbers of underdeveloped countries, through ignorance, poverty, and the low state of technology, abortion is the principal method of birth control. A lot of this happens under brutal circumstances. The women do it to themselves, or to one another, or at best with the help of some self-taught midwife. All of them suffer, and many of them die. It is one of the penalties of poverty. What goes as morality, in this as in so many other things, sits more lightly on the well-to-do. The poor must bear it in suffering and terror, and at times must pay for it with their lives.

It is precisely a high concern for human life, and most of all for children and what becomes of them, that makes me believe that we must achieve as rapidly as possible universally available, and preferably free, birth control and abortion. Being born unwanted is no favor to any child. Being born to hunger, want, disease, and the ravages of total war is no favor to any child. We need to make a world in which fewer children are born, and in which we take better care of all of them.

So that is my program: *a better world for fewer children.*

LOOKING BACKWARD FROM 2000 A.D.

(By Paul R. Ehrlich)

SUMMARY

1. Population: Size

The 1999 midyear population of the United States of North America was estimated to be 22.6 million, with a standard error of 3.2 million. The policy of special reproducer rations appears to have made significant inroads into the frequency of stillbirth, and child-health squads seem to be effectively reducing post-weaning child mortality. With the crude birth rate now standing at 30.7 and the death rate at 31.6, we are now clearly within striking distance of stabilizing our population. If present trends continue, the population will cease to decline early in 2001, and a slow rise in population size may be expected to commence thereafter. Approximately thirty-four per cent of the population now resides in SRU (Standard Reorganized Urban) Areas, and the redistribution program has returned to the inactive mode. The Division of Optimum Population is expected to recommend next year a program target of a stable population of thirty-two million by 2075.

2. Population: Quality

The consequences of the release of radioactivity in the 1981 reactor disaster at the Seaborg plant, combined with the overall increase in environmental radioactivity permitted before the Gofman-Tamplin Act of 1976 restricted emissions, are still causing serious repercussions in our population. The leukemia rate is still 740 per cent higher than the 1960 base rate, and that of chondrodystrophic dwarfism is now 890 per cent of base. Estimates of the degree to which radiation is responsible for the present levels of embryonic, neonatal, infant, and childhood deaths are difficult to obtain because of confounding with nutritional effects and the disorganization of our medical apparatus. Similarly, it is still impossible to sort out the causative factors for the present level of carcinomas of all types in all age groups, but a substantial portion is thought to result from radiation damage.

It is encouraging that surviving molecular biologists and human geneticists are now relocated, and that research and training are proceeding as well as can be expected. Efforts are, of course, being heavily concentrated on the problem of repair of radiation damage in DNA (the genetic material).

The genetic variability inventory is nearing completion. Preliminary results indicate that the reduction of population size has not resulted in serious loss. The heterogeneity of the American population is considered by many specialists to have been responsible for its high survival rate relative to that of many other overdeveloped countries. It is suggested that in your State of the System address you emphasize, in layman's terms, the critical role played by "minorities" in our survival. The level of racial tension is now lower than at any previous date in our history, and positive efforts should be made to eliminate such tension entirely,

3. Population: Health

It is clear that lowered population density is a primary factor in preventing a resurgence of Marburgvirus B. Another factor is the recovery of the average diet to 2400 calories per day, and the increase of the high quality protein ration to almost forty grams daily. Famine has been estimated to have been directly or indirectly responsible for sixty-five million American deaths in the decade 1980–1989; the chances of a substantial hunger component in the next decade is now judged to be very small, unless another dramatic change in the climate occurs.

In addition, of course, the continual improvement of the quality of the atmosphere since the Great Die-Off has resulted in a population much less weakened by circulatory and respiratory diseases, and will thus lessen mortality due to interactions between malnutrician and cardiovascular and respiratory disorders. In the past eighteen years the turbidity of the atmosphere at all reporting points has shown almost continual decline except in areas affected locally by uncontrolled forest fires and dust from unattended farm land. (Even such local effects have been almost non-existent since 1992.) Finally, the restoration of relatively pure water supplies in many areas has further improved the epidemiological situation, although nitrate levels remain unacceptable in some areas where ground water was badly polluted.

Radiation still seems to be a factor in the

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continued susceptibility of some of the population to Marburgvirus B and in continued low resistance to some other diseases. However, the level of chlorinated hydrocarbons stored in human body tissues has dropped until this factor is now thought to be negligible in lowering resistance. Remember that although about 125 million American deaths were attributed to Marburgvirus B during the Great Die-Off, it is clear that as many as sixty million of these would not have occurred if the population had not been weakened by environmental deterioration. Therefore the estimate of ten million deaths due to environmental problems other than famine and disease is undoubtedly too low.

Rumors that Marburgvirus A (the strain which first infected 30 laboratory workers in 1967, killing seven, and which was only prevented from becoming epidemic by a stroke of luck) has been causing deaths in Central African populations are unconfirmed, but the Immigration and Carrier Act of 1996 will probably provide protection for the population of the United States, if the presence of that strain in the human population is confirmed.

4. Resources: Food

For the first time since these reports were initiated the Department can report progress on a broad front at restoring the productivity of American farms. The soil restoration program of the Department of Agriculture is now well out of the development stage, and trained extension workers are expected to be in contact with approximately twenty-five per cent of farmers working five acres or more during the next growing season. Acceptance of both humus building and integrated pest control techniques is extremely high in farmers who survived the disaster years of the mid-'80's and, of course, it will be even higher among the graduates of the new Federal Agricultural University. Monitoring of all agricultural inputs by the Department of Population and Environment has completely eliminated the abuses of the agri-business swindles of the 1970s. With care it should be possible to return the American diet to the 1960 nutritional base level by 2010, as programs developing satisfactory substitutes for dairy products and sea foods are showing remarkable progress.

Food distribution is now considerably more equitable than in the base year 1960, and considering the broad support of the population redistribution program and the rapid recovery of the national railways it is confidently predicted that serious dietary inequities will not occur in the foreseeable future.

5. Resource: Energy

The Energy-Demand Control Act of 1998 has established the basis for rational utilization of the energy resources of the United States. In view of the great reduction in population size, fossil fuel supplies will be more than adequate (in combination with hydroelectric power) to sustain our economy over the next century. It is now estimated Deuterium-He fusion will be operational, that producing pollution-free power by 2050, which will allow about fifty years to complete the transition to all-electric power.

6. Resources: Mineral

Small population size, and continued availability of salvageable materials in Los Angeles and other cities which have not been reoccupied, have greatly eased the pressure on our reserves of non-renewable resources. The projected non-renewable resource crisis is now about 100 years into the future, although, if international trade is not firmly reestablished in the next decade, shortages of certain materials such as industrial diamonds may be serious. We must emphasize that national and international planning for resource husbandry and substitution must be organized as soon as possible. We must not let the lessons of the '70s and '80s go unheeded. Needless to say, the planning of the Stable Economy Commission must go ahead with all deliberate speed.

7. Environment

As indicated above, air and water quality have now both exceeded the 1960 base level by a considerable amount. Movement of chlorinated hydrocarbon residues into oceanic sinks is now estimated to have reached eighty-three per cent of completion. The Department concurs, however, with estimates of Eastbloc monitoring stations that the restoration of oceanic productivity is problematical. Fears of oxygen depletion are still present in certain segments of the population, and it is essential that they be reassured. Large terrestrial areas have reverted to green plants since the Die-Off, and even if oceanic ecosystems cannot be reestablished for several centuries no significant oxygen shortage is anticipated.

Whether or not weather patterns will eventually return to those of the early part of the Twentieth Century cannot be determined at this time. Those few atmospheric physicists who survived the Die-Off have not reached a consensus on the exact cause of the jet stream shifts of 1978–84. Much more basic research on turbulent flow will be necessary before any attempt to reestablish previous patterns by artificial means can be made, and any such program is clearly beyond our current capability. While a rapid spontaneous return is conceivable, it would clearly be foolish to plan on that basis. It is important to remember also that a *rapid* return now would cause serious disruption in the new agricultural programs which have been established, and might result in a return of famine.

MAJOR RECOMMENDATIONS

1. The continuation of present pronatalist policies will be necessary for the foreseeable future. It is important, however, that the public be continually reminded that the fundamental role of this Department is not to encourage population growth, but to *regulate* the size of the population for the benefit of all our citizens. The public should be prepared for the institution of anti-natalist policies whenever conditions require them.

2. The Congress should immediately ratify the population convention of the United Nations World System Treaty.

3. Increased support of research in molecular biology, even in the face of extreme fiscal difficulties, is necessary in view of the severe genetic and metabolic difficulties faced by our population. The need to rebuild this area of science is made doubly urgent by the possible presence in the human population of Marburgvirus A and by the persistence of foci of Marburgvirus B in spite of the universal distribution of the Hsui vaccine. The reasons for the partial failure of the vaccine are as yet undetermined, but a large cadre of trained scientists is clearly needed to help with this and related problems. Some slowdown in training programs of the National Ecology Institute could be accepted and the funds shifted to molecular biology. Ecology is now recruiting more talented students than can be usefully employed.

4. Appeals for loosening of restrictions under the Immigration and Carrier Act should be ignored for at least one more year.

5. No changes in the activities of the Department of Agriculture are recommended except in the Wheatlands Holding Unit. In view of the small probability of weather changes permitting the Wheatlands Reserve to be cultivated in the near future, the funds expended on this unit would better be reallocated to the South Coastal Unit.

6. The remaining restrictions on the use of internal combustion engines in agriculture may now be safely lifted, with of course the provision that pre-disaster leaded fuel stocks remain under bond.

7. As the climatic changes of the last quarter century appear to be more or less permanent, is is recommended that a new climatic base be established as of this date.

8. The Department recommends that the President's Human Survival Medal be awarded posthumously to Dr. John W. Gofman and Dr. Arthur R. Tamplin. These scientists, while employed by the Lawrence Radiation Laboratory, which was supported by Atomic Energy Commission (AEC) funds, challenged the AEC guidelines for permissible levels of radiation exposure. Their courage and determination in the face of ill-founded bureaucratic opposition from the AEC eventually led to the landmark Federal Radiation Emissions Act of 1956, popularly known as the Gofman-Tamplin Act. As you know, untold human suffering has been avoided because of the enforcement of the act. The Department feels that further recognition of Gofman and Tamplin at this time will drive home to our new government agencies the need both for extreme care in dealing with environmental problems, and your direct concern for the rights of individuals within those agencies to be heard.

CONCLUSIONS

This is the first report of the Department in which the prognosis for the United States is midly positive. In spite of this, a cautionary note must be added. In the national press there has been some comment to the effect that the environmental and public health disasters of the 1970s and 1980s were the result of "bad luck" or "Acts of God." As you know, Mr. President, if we had any luck it was good—for with bad luck the famines, disease, and competition for resources could have precipitated a thermonuclear war. It is only because most of the physical apparatus and records of our culture survived intact that recovery to the present point has been possible. We now can say with certainty that a major thermonuclear war in the 1970s or 1980s would have ended civilization permanently.

The Department urges you to remind our citizens that all of the trends leading to disaster were clear twenty years before the end came, and that we and the rest of mankind did nothing substantive to avert it. As a single example, the vulnerability of the world population to epidemic disease, due to large population size (overcrowding), hunger, and environmental deterioration was repeatedly pointed out by scientists. No substantial action was taken to correct the situation by a nation addicted to economic growth and ignorant of the limits of technology.

The cost of inaction, apathy, and unwarranted optimism has been the payment of nearly four billion human lives over a fifteen year period—and we are still paying. We cannot permit a repetition of such a disaster. Mr. President, it is imperative that this generation and those to follow be kept mindful of mankind's recent history.

Respectfully submitted,

L. PAGE KENNEDY,
Secretary.

SENATOR MARK HATFIELD ON HIGHER EDUCATION

Mr. PERCY. Mr. President, on March 3, the distinguished senior Senator from Oregon (Mr. HATFIELD) addressed the National Conference on Higher Education in Chicago. His remarks constituted a careful analysis of the causes and implications of student unrest and other problems confronting our colleges and universities. I was pleased that he chose this distinguished platform for such a

significant and important message. I ask unanimous consent that Senator HATFIELD'S comments be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR MARK O. HATFIELD, NATIONAL CONFERENCE ON HIGHER EDUCATION, CHICAGO, ILL., MARCH 3, 1970

The "silent majority" and most of those who represent them in Congress have just about as little faith today in our educational system as the defendants in the Chicago conspiracy trial have in our nation's judicial system.

There can be little doubt that the public image of higher education is in great transition. For many years there has been a most favorable impression among the public at large and in the bodies of their elected representatives toward the support and perpetuation of our institutions of higher learning. This warm feeling toward our higher educational system was reflected in generous congressional appropriations and new programs to revitalize college and university curriculums.

Today, of course, this feeling of comfort and trust toward our institutions of higher learning has changed, and with it our nation has experienced a very rapid decline in our attitude toward higher education. With the advent of student unrest—of "student power"—there has been a great erosion of the image of higher education in the public mind. The result is that many colleges and universities find themselves not only confronting turmoil from within but also vicious attack from without. In many ways we are seeing a confrontation and reaction which both work against each other and move further away from the shared goals of finding solutions to today's problems on the campus. Even alumni are withdrawing support from their old alma maters. They cared enough to assist when there were no real problems; but somehow this benevolency is not apparent when the real troubles arise.

The general ploy of the public and political leadership has been to condemn the colleges and universities. The situation has become such that there is political advantage—shall we say political capital—in attacking and exploiting the conditions of turbulence on the campuses of our nation.

The polls demonstrate the political advantages of this approach. Two years ago, in the State of California, there was a poll that indicated that 53% of the population felt that the state's campuses should be independent from political control. Last year, that had dropped to 39%. There are the voters of California and their attitudes will be reflected by their politicans. Ironically, political conservatives—the champions of individual freedoms, the ones who are most frequently talking about individual rights and individualism—suddenly are the advocates of the strongest measures of government intervention in education, some of which have by mere definition totalitarian implications.

The student disruptions at Santa Barbara this last weekend have elicted many comments and observations. Although it may be too early to try to assess the basic reactions to this incident, it is not too much to say that they were predominantly negative. The *New York Times* this last Sunday carried a very thought-provoking article on the Santa Barbara turmoil in which it quoted a student at Santa Barbara, Harry Levin. I would like to share Mr. Levin's remarks with you today: "It might make people feel good in their guts to go out and riot, but they should realize the cost. Ronald Reagan was elected on a platform of stopping students, and it will be a major issue in the campaign this year. . . . I don't want the people to vote against bond issues and for any candidate who says that he will step on the students. I hear a lot of talk about power to the people, but I have a feeling that if the people really do get power, all of us will be out on Anacapa Island in the middle of the ocean." In Mr. Levin's comments I found summed up the basis of today's reactionary clash on the campus and I do not feel that his fears are extreme. Whenever the basis of a campaign becomes the suppression or control of a segment of the population, whenever we vote as a reaction against and not as a solution for, then there is something seriously disturbed within the political level. Mr. Levin's remarks were directed to the student element warning them to heed the consequences of their actions. But I think all of us can find a well-placed warning in these words. Students are reacting to students, faculty, curriculum, administration, minority rights, our nation's inequities. The public is reacting negatively to this reaction. And the politicians are reacting to the public's reaction. No one gains in this vicious circle and everybody is hurt.

I do not wish to have the attitudes I have delineated thus far to be taken as the majority opinion within Congress in reacting to campus unrest. There are a variety of opinions held by today's legislators and many of them are truly concerned and seeking rational and responsible approaches to these problems within their states and the nation as a whole. But I can say that I believe the trend toward assessing the situation in our colleges and universities is toward this reactionary vein.

Politicians with whom I have had the opportunity to discuss the problem of campus unrest generally believe that it is partly due to a lack of authority on campus. They think that the Federal Government perhaps should assist in filling what they view as a vacuum of authority.—In essence, it is a type of parental authority that they would like to see exercised in a majority of instances. Many politicians are under the illusion that student unrest can be quelled by the act of power and force, and that it should be done on the basis as a parent might defy a naughty child for having acted irreverently by taking away their monthly allowance. And, interestingly, my mail would indicate that this attitude is broadly supported by parents who are trying to compensate in too many cases for what they failed to do at home. They first expect the universities to play their role for them and if the universities fail to do so, then they call upon the Federal Government to assume this role.

To illustrate this point one needs to only look at some of the legislation pending or some that has been recently passed in the area of campus unrest.

In 1968 the Higher Education Amendment, Section 504, stated that institutions shall deny funds for two years for students engaged in various unlawful forms of disruptions and the seizure of property and gave the prerogative to the institutions to make the judgments on funding and take appropriate action. Funds denied under Section 504 are study grants, loans, or fellowships sponsored by the government.

In 1969 the Health, Education and Welfare Appropriation Act, Section 411, denied federal loans or grants to any student convicted by a court of a crime involving use of force, trespass, and/or seizure of property, at an institution of higher education. This is, of course, more severe than Section 504 of the Higher Education Act of 1968.

More stringent measures were proposed last year by various House members, but were not successful. I think it is interesting that most of the really strong and rather vindictive measures were primarily found in the House rather than the Senate. This more than likely reflects the fact that the House considers itself closer to general public sentiment than they think the Senate has the capacity to analyze.

During this second session of the 91st Congress, we saw legislation passed last Saturday in the Senate which would in effect require HEW to suspend the funds of students who engage in force, seizure of property, etc. The catch in this amendment is that it gives the Department of Health, Education and Welfare the right to suspend funds rather than requiring a court conviction as was the case in the 1969 HEW Appropriation Act.

Now HEW opposed this. Commissioner Allen, of Education, testified against it. Under existing legislation requiring the suspension of funds after a court conviction, the funds of 350 students were suspended last year.

There is also legislation pending in the House which would require colleges and universities to certify to the U.S. Commissioner on Education that they have drafted definite plans for dealing with campus disruptions. Last year a similar measure lost in the full vote of the House Education committee by a vote of only 19 to 17. What the House will do this year remains to be seen.

Not all of us in Congress have been supporting such measures. In fact for two very basic reasons I have voted in direct opposition to all such legislation which attempts to deal in this punitive way with student disciplinary problems. First of all, my colleagues of like opinion and I feel that this approach is really a challenge to the preservation of academic freedom and the autonomy of the university. We feel that techniques and procedures must be devised involving all elements—students, faculty, administration and trustees—in upholding campus justice. In other words, our view is not in condoning unrest and violence, but rather ours is the view that it is the university that must assume this responsibility. In the case of public institutions, my sincere conviction is that if the present administrators cannot do it, they should be replaced with those who can rather than using the instrumentality of government to move in and assume that responsibility.

Of course, if administrative officials want supplemental assistance from outside, it should be their decision and prerogative to call upon such sources. At the University of Oregon recently we had a very good example of this call for assistance, only this time within the university itself. President Robert Clark was faced with a situation at the University of Oregon in which students disrupted and occupied a building on the campus in which the Weyerhaeuser Timber Company was interviewing students for potential jobs. Seventeen students were arrested as a result. Now these students were not protesting Dow Chemical or military recruitment on campus, but in this case were directing hostilities toward the Weyerhaeuser Company for what they viewed as its responsibility for pollution. President Clark's reaction was to turn the responsibility for dealing with the disrupters over to the student judicial council making it clear that he would abide by the results of their decisions. By this method, by indicating that students must assume the responsibility for the actions of their peers, President Clark turned a potentially polarizing situation into a test of student government and the procedures that had been arranged by students. In this role, received the basic support of the public press. There was one editorial which especially caught the mood of public support when it said: "As for us, we commend President Clark's wisdom and logic. His course of action shows he can neither be provoked into injustice nor coerced into neglecting his responsibilities. This is the measure of a strong man."

I think that when university administrators articulate clearly their position both so

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that the students and the public can understand that they are in command and that they are not going to permit their campuses to be turned into battle fields or turned over to governmental direction, they will then receive the kind of support that the public has illustrated in the State of Oregon.

The second reason that some of us in Congress oppose repressive federal action on the campus is that the Federal provisions thus far have been very discriminatory. They threaten to withhold Federal funds, and they do, from those who violently demonstrate, take over buildings, and so forth. But it is only applied to those needy students who are the recipients of such funds. There are no provisions that can be applied to those students involved in campus disruptions that are not recipients of federal funds or loans—and this in itself is discrimination, rank discrimination. This was recently attested to in a report released by the American Bar Association on campus government and student dissent. I commend this report to any of you with particular concern over this problem. The report was issued by some outstanding people including Morris Abram, Ramsey Clark, Father Hesburgh and Whitney Young.

The great danger today in the realm of campus unrest is over-reaction on the part of state, local and federal governments. Not all of this repressive reaction has emanated from the Federal government and Congress. I have here this morning a copy of a bulletin released by the National Governor's Conference, Office of Federal-State Relations—an information letter—in which it reviews the state legislation dealing with campus disorders. It says that 49 state legislatures met in 1969 with at least 36 considering legislation designed to curb campus disruptions. Measures were enacted in 20 states and defeated, vetoed, or ruled unconstitutional in ten. This legislation included everything from comprehensive anti-riot legislation and some specific references to college campuses, to anti-trespass bills and additional authority or discretion to university officials. Eighty bills were introduced in the California state legislature alone and 20 bills were put into the hopper in Illinois in the field of student unrest. Such actions give added force and truth to statements such as that by Mr. Levin at Santa Barbara.

My comments thus far have not meant to ignore the very real realities of campus unrest. I recognize, as do we all, that there is a hard-core involved in campus violence whose sole end is violence for violence sake rather than for progress or change. These students, however, are in the small minority and I firmly believe that it is unwise and potentially dangerous for the Federal government to play into the hands of those who are attempting to really tear apart the campus or polarize public opinion. The vast majority of students today are responsibly working toward meaningful reform within and without the campus, but the intervention of the Federal Government or the state and local governments on the campus work as a counter-productive force to this student action and tend to create further division between society at large and the campus. In short, repressive governmental action is forcing the responsible majority and the violent minority of students into the same camps by confusing the distinctions between them and without considering the problems which have given rise to student unrest.

I think that there is a deeper and more speculative perspective that might be considered today. We are faced with our greatest danger in trying to simply perfect our techniques in dealing with campus violence without actually understanding why it comes and what are the true passions and forces that motivate it. This after all is the basic mistake we have made in Vietnam and the basic mistake we have made in our great campaigns for law and order here at home: we have ignored the causes of the disorder—we have treated the symptoms without understanding the disease. Student unrest today is in my opinion not primarily a politically motivated attack on governmental programs and actions (although these are necessarily incorporated into the framework of the unrest). Rather, student unrest today is, in many ways, a part of a quest for self-discovery, a "transcendental curiosity" which is finding outlet in such popular fads as yoga, astrology, gurus, the whole drug experience or culture, the trends in popular music and the interest in mysticism and eastern religions. Everyone of these fads, in many respects expresses to some degree that the external society—particularly our commercialized materialism—is all superficial, phony and fraudulent. Beneath it all there is a search in many, many instances for a deeper reality—the quest for some other realm of experience that can give fulfillment and true meaning to life.

There is obviously a quest today among our young people for a "person-changing experience." They are seeking new forms of human relationships and communication. The sensitivity training programs, group therapy, the "T" groups, the encounter groups, the psycho-drama, even the nude body painting sessions are all an attempt to achieve to a great degree authentic relationships, to change individual values and attitudes and to experience new levels of human understanding and community. The life styles of today's youth in many cases represent a constant quest for truth, honesty and authentic living, having been repulsed by what they see as the hypocrisy and fraud of our institutions. Youth today are hard in their value judgments. There is little respect or understanding for those who compromise conviction for expediency or security, those whose ambition and pride exceed their curiosity or their courage and integrity. The morality of youth is in many respects much more rigorous than that of Puritan America—theirs is a search for words and lives that can be believed. How interesting that their graffitti often communicates truth more honestly than our safe manufactured, eloquent bureaucratic and academic discourse. They are yearning for a life style that can bear witness to the truth and withstand all of the consequences.

In essence what I am saying this morning is that our youth today are gripped with humanistic sensitivities which confront them with the ultimate questions of life, the search for moral values and the striving for real forms of human community. The embodiment of this in campus unrest comes as a rebuke to higher education for it discloses what has not been provided in our colleges and universities and what has had to ultimately express itself in discord and disruption. In this light campus unrest poses some very basic questions to our institutions of higher learning: Has the growth of the modern university—its bigness, its computerization, its structured impersonality—eroded the sense of community and impeded self expression and fulfillment within the university structure? Can higher education provide the means that enable self-discovery? And if it should and can, then how will our structures and methods really be modified?

I am convinced in many instances that modern universities are not certain of their tasks. In 1958 federal funds for higher education totaled $750 million a year, two-thirds of which went for research. By 1968, one decade later, this amount had increased by four times to $4.7 billion which was going to 2100 institutions through forty federal agencies. The intense concentration of federal funds and research programs has given a high priority and influence to the training of "technicians" and implementation of knowledge that can serve the government and society generally. But in this entire process, where do the priorities fall? Upon obtaining research grants, serving the federal government, and contributing to the corporate economy? Or upon really enriching the human lives of the students at the university? The answer is not necessarily either/or. It is a matter of balance.

An interesting article in the annals of the American Political Science Academy a few years ago carried an analogy which might be of interest at this point. The article stated that small religious sects often had the vision and the commitment to make their religion and their faith relevant to their constituency far more than did many of the larger denominations who had the resources, but not the commitment. In a similar way perhaps our large universities have lost touch with their constituency.

There are many questions which I believe all of us are going to have to answer about ourselves and our institutions of higher learning. Have public relations outside the university become more important than human relations within the university? Have the structures of education become more important than the substance? Are we only reacting to the pressures and current crisis of the moment without any firm sense of ultimate direction, or clear concept of purpose? Is our mistake that we have abdicated responsibility for all but the academic and have not realized that the questions of values, the personal dimension of the student's life, and his search for identity and self-expression will inevitably be affected by the environment of his college and university?

I think the current tragedy is really that students, perhaps still just a few, are pushed into negation for its own sake. Out of their alienation and discontent, they rush into action with almost mindless passion. And oftentimes the Administration replies with a frantic search for schemes of "repressive tolerance," means of defusing the confrontations. There is only frenzied action and counter-action. And motion without mind and memory, after all, is close to what the clinical definition of insanity covers. The need is for some roots, some depth of perspective, some clear sense of purpose and commitment, credibility that comes essentially from self-understanding. We must know who we are—as individuals and as institutions.

Therefore, I would end this morning by making this positive comment and what I hope is called a suggestion or recommendation. I believe that self-regeneration is the first step to renewal of both individual and institutional life. Colleges and universities have become enormously concerned with trying to renew society. There is a quest for relevance, for social participation and meaningful involvement and confrontation of contemporary problems. But if these institutions are concerned about renewal, they should begin with renewing themselves. I recall at Stanford during a summer lecture series when a certain very distinguished gentleman got up before our class and said that in essence the format of higher education had not changed since the medieval ages and that higher education that was seeking to find the answers for all of society's ills had done so little introspective thinking. His name was Grayson Kirk.

Our institutions of higher learning will be more credible in reforming society if they have first reformed themselves. The very thing that students are rejecting today as standards of values and moral concepts is what they see as a materialistic America. What have we in education done to try to

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provide an alternative in providing these students with a consciousness of direction and also an opportunity to make selections and choices for alternate moral values? I am not just talking necessarily about religion. I am talking about a broader subject of ethics, values, faith. Student after student has said to me that they cannot even find the professor in the classroom that can define his professional ethic, let alone a personal ethic. They cannot find an institution which they are attending which can define its institutional ethic, let alone relate to them in understanding of a personal ethic. Religion can be a very great instrumentality. I often think that some of our small private religious institutions in Oregon might serve as an example of the value of ethical relevancy in education. In these institutions people are free to make relevant in their classrooms and elsewhere the relationship of their faith, of their spiritual convictions to truth and to the learning process. In these classes and institutions mention can be made of Jesus Christ, Mohammed, or Abraham or other such great leaders of religion without embarrassment and often times with great meaning. Perhaps there is a lesson to be learned from these institutions.

I say to you today that when the home has failed, as it has—and now the great silent majority wants us in the Congress to pass an amendment to the Constitution so that the schools can teach their own children how to pray because they have not taught them in the home—when the home has failed in this situation and the student is looking to the institution and his learning experience to develop the total man which involves the spiritual side of man as well as intellectual and physical, and when that institution then abdicates or creates a void or by failure, then where can these students turn?

I think it is contrary to good academics to try to say that we are teaching students or students are here to learn, to become educated people, if we neglect the very area which is so obviously lacking in the rest of society. If an educational institution cannot elevate and focus upon other than the material values then I say that institution itself is failing just as much as the Government and society in general. This is not *loco parentis*, this is not substituting for the church or other institutions; this is part of the learning process, part of the educational experience. I think frankly that where there is a rejection, as there is today, of such moral and transcendent values, then these same attitudes of materialism are translated into the educational institutions and they then suffer the same plight and are no better off than our governmental institutions.

So I say we begin with self-regeneration, self-renewal, as the greatest counteraction to student unrest, in my opinion. Rather than repressive action which is only counter force reacting to force without really addressing the essential problem.

It was Franz Kafka who wrote a letter to a friend on the eve of World War I. He told him that the fathers of the church were never afraid to go out into the desert because they had a richness in their hearts. But now, he wrote, with all the beauty of his home town in Prague, "There is richness all about us, but we are afraid because the desert is within our hearts."

A PLAN FOR RURAL GROWTH

Mr. SYMINGTON. Mr. President, recently the distinguished senior Senator from Arkansas (Mr. McClellan) made an address, the basic thrust of which is summarized in the title of a recent interesting and constructive editorial entitled "A Plan for Rural Growth," published in the St. Louis Post Dispatch.

The editorial refers to the work being done by a Commission on Population Growth and the American Future; and also to the efforts of a Commission on Government Procurement; and emphasizes the possible great value of the work of both of these Commissions, from the standpoint of pointing out the best road incident to the future security and prosperity of the United States.

I was especially impressed with the last sentence of the editorial:

> As Mr. McClellan suggests, it would only make matters worse to repeat in the countryside the mistakes whch have already produced so much poverty and degradation of the environment in the cities.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Mar. 21, 1970]

A Plan for Rural Growth

Senator McClellan of Arkansas suggests some approaches to redistributing population growth between urban and rural areas which deserve much further consideration and discussion in Congress. He would use a combination of tax incentives, grants-in-aid, public lands and federal procurement practices to promote decentralization of industry into rural areas, including small towns, so that their people will have opportunities for employment there rather than being compelled to migrate to the cities in search of jobs.

His ideas are especially timely, not only because of the urban and rural problems they seek to alleviate, but also because of organizational changes which are at work in the Federal Government. A Commission on Population Growth and the American Future, to the final enactment of which his remarks were addressed, will be making a study and recommendations toward improving the balance of urban and rural population. The first comprehensive study of Federal procurement policies since the first Hoover commission's report 21 years ago is to be undertaken by a Commission on Government Procurement established by Congress last year. Both these studies will provide opportunities for development of new ideas on the decline of rural areas and the swamping of the cities.

Whether industrialization is, at least beyond a certain point, the answer to lack of economic opportunities in rural America, we have some doubts. But there is no question in our mind that some amount and some types of industry are needed to bring the countryside into the general growth.

Senator McClellan recognizes reservations of this sort when he says he is speaking of "clean" industries, not those which pollute the environment. To this we would add the further reservations that industry should be limited in kind and extent so as to preserve the special values of small-town and rural life, and to contribute enhancements beyond those of wages and salaries.

To those ends we should like to hear Mr. McClellan speak out for co-operative industries processing farm, dairy and livestock products, thus enabling local people to improve their incomes by selling finished products rather than raw materials for them. Industrial enhancement of values which was totally siphoned off to distant financial centers could easily deprive the people in rural regions of more economic opportunity than it offered them.

As Mr. McClellan suggests, it would only make matters worse to repeat in the countryside the mistakes which have already produced so much poverty and degradation of the environment in the cities.

BOX CAR SHORTAGE

Mr. TOWER. Mr. President, I asked the distinguished Senator from Washington (Mr. Magnuson) to add my name as a cosponsor to his bill, S. 3223, and he courteously complied several weeks ago. I wish now to express my reasons for support of the bill.

In recent years, railroads, particularly in the West, have been faced with serious freight car shortages, especially during periods when there are heavy grain and lumber movements. Contrary to what might be imagined, this is not due to a reduction of freight car investment and ownership by western railroads. Quite the opposite. Western railroads have increased their fleets. However, carriers in the East have reduced their investment in freight cars. Rather than return the cars, eastern lines have found it financially advantageous to keep the cars, paying a set daily rate, and use them rather than invest in cars of their own.

I quote now from a letter which I received from a law firm in my own State. The member of the firm writing was acquainted with the situation and was writing as an expert on the matter:

> Our experience has been that Railroads in the Northeast hold certain cars rather than return such cars to the owners, and this practice, along with the reduction in their ownership (by Eastern railroads) are some of the reasons for the shortages which exist.

The problem of boxcar shortages has been chronic. I know that I receive mail on the problem every year. The situation developed under jurisdiction of the Interstate Commerce Commission which decreed that nonowners using freight cars belonging to other railroads would be obliged to pay a prescribed daily charge for the use. Neither the line owning the freight car nor the nonowner using the car were allowed to contract on the matter. In regulatory situations, market factors apparently are about the last indicators to be consulted. The result has already been noted: Because of the rates which the ICC set for freight car use, lines in the East have found it more profitable to cut their ownership of cars and to hold cars belonging to lines from other sections of the country rather than to return them and invest in new cars.

Mr. President, I do not bring up this situation to play one section of the country against the other. That is not my purpose at all. I suggest that this is simply another example of the unequal conditions which develop when political regulation is substituted for the impersonal workings of the market.

Rather than correct the conditions which have led to the present imbalance, the ICC has now ruled that the rate of return on freight car use will be changed from a daily basis to a dual daily and mileage basis. It is my fear and the fear of others that this will lead to further complications and market imbalance. I quote again from the letter I quoted earlier:

> Railroads in the Northeast who move cars for relatively short distances would have a

> great advantage over those in the West who must move commodities over greater distances. . . . and as a result, even more severe car shortages can be visualized.

The Association of American Railroads appointed a task force some time ago to study the problem of car ownership and compensation. The task force submitted a report and recommended substantial increases in the daily per diem rate with no mileage payments involved. The recommendations were accepted by a substantial majority of the carriers, but a minority group was able to exercise veto powers over the majority.

I have purposefully avoided commenting on the precise dollar figures involved. I recognize that I have not the staff facilities, pertinent information, experience in railroad economics or other training to decide such matters for the railroads. Neither do I possess clairvoyance or omniscience to ascertain if the particular rates set today will be applicable tomorrow.

Judge Henry Friendly once said that the regulatory agencies have not developed the combined "celerity of Mercury, the wisdom of Minerva and the purity of Diana to the extent we have been taught to expect." I have my doubts, therefore, that the persistent problem of freight car shortages will permanently be solved by passage of this legislation. This and other problems in the transportation industry are more fundamental. They involve the question of the efficacy of political-regulatory control versus reliance on competition. We have a great many modes of transportation and potentially healthy competition between them. We also have a variety of corporate carriers within each industry. Surely the time has come to place more reliance on direct contract negotiation, for problems such as reimbursement for freight car use, and greater competition.

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I support S. 3223 as a temporary correction. It would direct the ICC to continue to allow car changes on a daily basis. But I have no illusions that we have seen the last of the problem. Only when we recognize the strength of competition and put our reliance on it will a permanent solution be found.

Hearings have been held on the bill by the Special Freight Car Shortage Subcommittee of the Committee on Commerce. I am hopeful of early action on the legislation.

"SPANISH SPOKEN HERE"—AND ALL GAIN FROM IT

Mr. MONTOYA. Mr. President, Washington, D.C., is suddenly discovering what we of the Southwest have known for some time: A pluralistic society adds cultural dimensions which enrich and strengthen our entire community. In New Mexico our Spanish and Indian heritage has created an irreplaceable tradition unique in the world. Now our Nation's Capital, to its great surprise, has an opportunity to draw on the vitality of its growing Latin community in reaffirmation of America's receptiveness to different life styles.

We must remember that as yet this is only a promise; not a reality. In the past, the District has turned in a poor performance in meeting special problems called for in serving our Spanish community, if indeed, it even recognized its existence. I have criticized its record on this score, and intend to keep close watch on future developments. Happily I can report that the District is belatedly making an effort now to come to grips with its responsibilities in this area. The city government is at least aware of the situation. The District of Columbia City Council has held hearings on needs of Washington's Spanish. The Metropolitan Police Department is engaged in a crash program to teach some patrolmen Spanish.

Mr. President, on Saturday evening, March 21, WMAL–TV, channel 7, in Washington, D.C., presented an excellent documentary on the District of Columbia Spanish community entitled "Spanish Spoken Here." To many Washingtonians it brought home for the first time a whole new facet of life in their city they never realized existed. I ask unanimous consent that the transcript of this program be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Spanish Spoken Here

Dan Hackel. The capital of the United States is becoming a bilingual community. Spanish is beginning to flourish as a second language and culture in Washington. More so than any other foreign influence in this international capital, Washington's second language is not diplomatic French nor Cold War Russian, but Spanish. It is strongest here, in the heart of the Latin American community, where stores and services attest to the concentration of Spanish-speaking residents. (Filmed street scene.)

But their influence extends far beyond this neighborhood. The District of Columbia has suddenly recognized what is by far its largest minority group. Suburban communities are adapting to a new Good Neighbor Policy. The federal government has a new concern. More and more and more, there is . . . Spanish spoken here. (Music.)

No one knows precisely how many Spanish-speaking people there are in the nation's capital. That in itself is an indication of their problem. It reveals that authorities have been caught by surprise by the burgeoning Spanish community. Belated efforts to deal with problems of Latin Americans are hampered by inability to answer the most basic questions: How many are there? Where do they come from? How many speak English? How well?

Until the Census finishes its work, there are only estimates of how many persons consider Spanish their first language. Those estimates vary, often inflated by the interests of the speaker. A common figure is 100,000, broken down into more than 50,000 within the District of Columbia, perhaps that number in the Maryland and Virginia suburbs. Other estimates range from 20,000 to 150,000.

One measure of Spanish influence in population growth is in the flourishing Hispanic culture and business center that stretches along Columbia Road in the Mt. Pleasant area. (Music.)

Hackel. The sounds and signs of Latin American shops reach out to the visitor along this street, bringing familiar labels from home and a concentration of stores. The terms Latin, Spanish American, Hispanic community, used here interchangably, cover a multitude of nationalities, Mexican-American, Puerto Ricans, Cubans, those from the nations of Central America, Brazilians, those from Spanish-speaking South America, and from Spain.

They came, for the most part, building on the base established by countrymen and women who worked for the diplomatic corps. The greatest influx came during the last ten years, spurred by the Castro regime in Cuba. The arrival during the decade of the Sixties was gradual in terms of slowly building numbers, but sudden in terms of Washington history.

Now there are restaurants that do a thriving business, such as the pioneer Omega. Its letters OEA stand for the Spanish initials of the Organization of American States; El Toledo, which features flamenco entertainment; El Caribe, an American success story, which opened as a small carry-out and has grown into a handsome interior. The restaurants are popular with Latins and non-Latins alike.

Grocery stores, called bodegas, carry food imported from the Caribbean and Spain, to enable housewives to find such familiar items as saffron, the spice used in yellow rice, and American products labeled in Spanish. Some products are labeled on one side in English, on the other side in Spanish.

Fruits and vegetables of the islands are sold as well to the Jamaica or Trinidad natives, who live nearby. An FM radio station in Spanish full time is the only broadcasting station in Washington devoted exclusively to a language other than English. Magazine stands and book stores do a brisk business in such periodicals as *El Diario de Nueva York, El Tiempo,* and *Selecciones del Readers Digest*.

Institutions in the area, such as this church, have adopted to the newcomers, or closed, since business will not sustain an all English speaking clientele. There are few of the traditional signs that say *aquí se habla español* because this is a Spanish community; most stores are devoted to Latin trade.

A case in point is the Ontoria theatre. First run films like Funny Girl premiered here. Now if offers the Mexican comedian, Cantinflas. As a downtown movie palace, it declined as business in the inner city fell off. After noting the success of a theatre offering Spanish language films one day a week, the Ontario expanded its program to seven days a week of Spanish language double features. The management says it's doing good business with a wholesome family trade. This theatre will not become a parking lot.

On Saturdays, when the weather is nice, the streets are filled with women shopping, men passing the time of day. Each store that caters to Spanish speaking csutomers serves as a bulletin board with notices of Latin American dances, social events and community happenings. This is a thriving and viable community.

But the success of the commercial world in catering to Latins with places to spend money has outstripped the opportunities for earning money. The private sector has recognized an important subculture and a good market, but Latin Americans feel they have been overlooked as a needy minority by government. Since the majority of residents in the District of Columbia are black, of those remaining, the largest minority is Spanish-speaking.

Rapidly emerging as urban Spanish-speaking Americans here as he has in his own state is New Mexico Senator Joseph Montoya, a Democrat who is the only member of the Senate of Spanish ancestry.

Senator Joseph Montoya. I think these people have been discriminated against here in Washington. I don't say that this discrimination has been willful. I think the people here in Washington are very kind to these people, but the discrimination has been taking place because of neglect or apathy about their problems, or unawareness, and only lately have these people started to organize, and if you noticed, there's been no militancy. It's purely suffocation. They've gone to the different agencies of government and exercised their right of petition in a peaceful way, bringing forth an accounting of their problems so that the governmental agencies can do something about them. And this is the way it should be done. This is the American way, and Washington, D.C., could and should capitalize on this great asset. It's a treasure to have a dual culture here in this city.

Hackel. Partially at the insistence of Montoya, a member of the D.C. Appropriations Subcommittee, the D.C. Council recently held hearings on the problems of the Hispanic community. The hearings revealed that there is no one spokesman, group or nationality who can claim to represent the entire community. Many voices were heard. (Film clip of hearing.)

Witness. The new restlessness is a condition that the people—they watch television, they see progress, they see struggle; they see turbulence. The restlessness is the restlessness of what because of a need. It is imperative that responsible authorities at all levels of government in the District of Columbia now focus on the problems of these Americans if the pledge of real opportunity is to be fully realized in the Spanish-speaking communities in our nation's capital. *Ya es tiempo,* now is the time. (Applause.)

Witness. We are not asking for handouts. We are not asking for charity. We are asking for cooperation so that we can pick ourselves up by our own bootstraps. We are asking to become a vital part of our government.

Witness. Suppose tomorrow you could not read the paper; suppose tomorrow you could not understand the radio. Suppose tomorrow you could not understand the programs on television. Suppose tomorrow you could not communicate with the people you work with. Well, that is the case for over 50 per cent of our adult Spanish-speaking population in Washington, D.C.

I present for your consideration the following requests: First, to alleviate the problem of information and public services, one, that all pamphlets of information published by the public service agencies in this city be published both in English and Spanish and be distributed accordingly.

Second, that enough interpreters or bilingual personnel be hired by the above-mentioned agencies, to be able to attend the Spanish-speaking people, even when they don't speak any English.

B, to alleviate the problem of learning the English Language and culture barriers put us at a comparative disadvantage, and we believe there is talent and potential in our community, our Spanish community, that could contribute to improving living conditions in our area if we can get the necessary help in starting out.

We have a problem of discrimination. Many landlords still believe in the myth that people from Latin America do not know how to use modern plumbing and do not care about keeping their homes up. Our first concern and request is, can the city help us as it has helped our black neighbors to apply the law that already exists against ethnic discrimination in housing.

Second, hiring of housing inspectors and housing aides from the Spanish community, combined with more active prosecution of housing code violators, not only on our behalf, but for the sake of all population who lives in Washington.

Third, financial and technical assistance to help us take advantage of existing programs for housing development and improvement. The young kids—we have been—me and Jose have talking to the kids, and they advise—one of the things that they advise is that in public schools, they should include—there should be available—

Council Chairman. Say it in Spanish and it will be translated.

Interpreter. The kids, the young people from the Spanish community believe that it would be a good idea if in the public schools of the District of Columbia, English be taught as a second language. The young people have decided from my group that a orientation program lasting one to two weeks would be helpful in teaching the young kids what the educational system is that they will be facing once they go into school, and there's another problem that we also face, which is a problem that we have with the police.

Witness. It appears that within the general Mt. Pleasant area, though quite a few retail establishments exist there, operated by people of Spanish tongue, there are no lawyers of the Spanish language practicing there.

Witness. There are members of the Spanish-speaking persons in Washington who are educated, qualified and capable but are barred from the best opportunities because of inadequacy or nonfluency in English.

Instruction in the English language might be considered the only long term solution for this problem, but I do not think that in the meantime, those who cannot understand or speak or read English should be condemned to a life of isolation and poverty.

Witness. Frustration and stresses of ghetto life and unemployment, poor housing and poor physical health increase the percentage among all the poor. When you add the further serious problem of the language barrier, the incidence of mental and emotional disturbance will be greater for the Spanish community. Thank you for the opportunity to be here.

Chairman. Thank you for your very good testimony. (Applause.)

(Scene of classroom with teaching calling the roll.)

Hackel. The only immediate result of Hispanic community complaints has been a crash program to teach some Spanish language and Latin American customs to D.C. policemen. While the federal funding under the pilot program for model police community relations allowed for only 23 students, more than four times that number volunteered. They are paid to go to class eight hours a day instead of walking a beat. They receive intensve instruction for six weeks, during which English is not allowed in the classroom. The goal is to have at least one Spanish speaking patrolman on duty 24 hours a day. Teachers say the policemen are good students; the students find it beneficial.

Student. De qué color es su caro?

Student. Mi caro es de color azul.

Student. Azul? (Laughter.)

Hackel. Officer, what made you decide to learn Spanish?

Police Officer. Well, there's a couple of reasons. The Department offered the course, and I'll go for almost anything that the Department offers in the way of education, and another reason, more important reason, is that I'm up in the old 10th Precinct, and we have quite a few Spanish-speaking people in the precinct in the Mt. Pleasant area, and many times we've had contact with the Spanish people and have had difficulty in communicating with them.

Hackel. Can you give any examples of this?

Officer. Oh, yes, sir. Several times I've had women who have had their purses snatched or what have you, people who were just in need of assistance from the police, that couldn't explain their problems to the police because they couldn't speak any English and very few officers spoke any Spanish.

Hackel. A leading authority on Spanish-speaking Americans in the District of Columbia is Philip Chandler of the *Evening Star*, which pioneered with an Action Line column in Spanish. Chandler, who owns a home in the Mt. Pleasant neighborhood, began writing about Latin Americans' problems here years before they came to public prominence.

Philip Chandler. The biggest problem has been that we've been absorbed with the problems of the black man, and rightly so, but any time you get absorbed with a particular aspect of the community, you lose sight, sometimes, of some other phases. Don't forget, too, that the Latins have had a problem in articulating their needs, not only because they don't speak English, but because they have had the problem of some factionalism, some differences among themselves, but I think that nationally there's growing concern for the other minorities. We have an inclination, I think, perhaps too much, to say, why don't you people get yourselves together? And I think we have to acknowledge the fact that there may never be a unanimous voice for a particular community because of the diversity within the community. That makes the work of government a lot harder, but I think we're coming to recognize that the melting pot concept, that is, that we can treat everybody as a monolithic group, that that concept of the melting pot is a myth.

Latin Americans are following, in their mobility, the same pattern that many of our citizens have followed as they have moved upward financially, socially. They have moved in some numbers from the inner city to Arlington, Takoma Park, Silver Spring. Some of the Latins are moving out for the very same reasons that other whites are. They don't like the crime of the inner city. The involvement of the Latin Americans in Washington has both enriched and stabilized that community.

Hackel. Because language is the key that unlocks the problems of this minority, it would be unrepresentative to speak with a typical Latin family fluent in English. To uncover their problems more realistically, we interviewed this family in Spanish so they could express themselves freely. The interview highlights will be translated by Sheila Thomas, hostess of TV 7's Magic Door program, a former teacher of Spanish in the D.C. public schools.

Abdulio Montelongo is Cuban. His wife is from Ecuador. They live with their one-year-old son and seven members of her family, including her parents, in an apartment in the Mt. Pleasant area. He is a waiter by night, attending the federally funded pilot program Adelante in the daytime, to learn accounting and English.

Question. Why did you come to the United States from Ecuador?

Mrs. Montelongo. Because here we have a chance to pull ourselves up in this country. There are many opportunities.

Question. Does your lack of English make it necessary for you to work as a waiter or bus boy?

Mr. Montelongo. To be a waiter, your language doesn't matter so much. But to become more than a waiter, a boss, manager as you say, for example, it is necessary to know the language.

Question. What is an ordinary day like?

Mrs. Montelongo. In the morning I go to classes and learn basic English. The afternoon, I take accounting. At five o'clock I go home and my husband goes off to work. I take care of the baby, look at the things to be done, prepare the meal, look after the baby, and later I study.

Question. What do you and your family do for recreation?

Mrs. Montelongo. In summer, we go to the beach, we go for walks and for picnics, and in winter we spend a lot of time at home. We get together with all of our family. My older brother comes to play the guitar and we listen to music; friends visit and we fix a special meal.

Question. What kinds of meals do you prepare for your husband?

Mrs. Montelongo. What my husband prefers is roast pork, white rice, black beans, a very typical Cuban meal. Sometimes I fix Ecuadorean dishes.

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Question. What are the problems of the Spanish-speaking youth?

GIRL. Well, we young people need a larger place in order to get together and share all kinds of ideas, and for this we must have the help of the government to get a bigger place, because the only place in which we have to meet is the Spanish Center, which is very small.

Question. Do you think you would like to return to your country some time?

Mrs. MONTELONGO. I did go to visit my son, but we are established here, and I don't really consider going back.

Question. Do you prefer life in the United States?

Mrs. MONTELONGO. I am very happy; we are quite settled and happy. Here I can see that my children learn this language, and they are now bilingual here, see? Precisely, I have not learned English, so that they will not forget their Spanish.

HACKEL. As Resident Commissioner of Puerto Rico in the U.S. Congress, George Cordova is in theory responsible only as representative for the voters of his Caribbean island. In fact, he finds himself the unofficial congressman for one and one half million Puerto Ricans around the nation, and for Latins of all types in Washington. He finds the problems are similar in big cities everywhere.

Commissioner CORDOVA. They live crowded together in the so-called ghettos. The housing is nothing like it was up in the mountains in Puerto Rico, for example, the people from Eduardo, who come up to Hartford, Connecticut, they may have flimsy shacks in Eduardo, they may live in flimsy shacks, but they've got fresh air, and they've got all sorts of room around their shacks—acres, and at Hartford, there, they've got perhaps less flimsy shacks, but still shacks, and they live crowded together . . . and mostly, the difficulty of language. The nation is beginning to recognize that there are other languages than English, and that perhaps it's a good thing for people to speak more than one language, and that's one thing that's being recognized now more fully than ever before, the fact that these Spanish-speaking minorities should be encouraged to keep their Spanish . . . Learn English but keep their Spanish.

HACKEL. The federal government has only recently acted to coordinate efforts nationally. Under Congressional mandate, President Nixon upgraded an interagency committee on Mexican-American affairs to the Cabinet Committee on Opportunities for the Spanish-Speaking. Although the new agency is just being organized, Chairman Martin Castillo is hopeful.

MARTIN CASTILLO. There certainly is a priority for minorities, and I think that we could do a job here, right here at this committee, if we could only see that whatever section of that priority level we're at, that the Spanish-speaking American actually received his share.

HACKEL. The influence in numbers of Spanish-speaking Americans are growing throughout the nation. Some conclusions on what it means for Washington in a moment.

* * * * *

HACKEL. Washington, advanced in recognizing black needs, is 20 years behind in aiding its Spanish-speaking residents. Cities like New York and Miami have adjusted to their Latin populations with bilingual government services. In the District of Columbia, despite the impassioned hearings, the new municipal budget provides only a token amount for Spanish-speaking services. Beyond the minimum of a bilingual aide for the Mayor, what are needed, we believe, are combination English language vocational training centers. If any government should be sensitive to the needs of a minority, it should be the D.C. government. Ironically, Washington is ideally suited to lead the nation in Spanish-speaking services. The city has an international culture; its Spanish-speaking population is cosmopolitan, not just one nationality, and Washington is the home of the federal government, with a wealth of bilingual knowhow. The District of Columbia should become the laboratory for the federal government to develop pilot programs for bilingual communities around the nation. If Washington leads the way, the entire nation can say "Spanish spoken here." (Music.)

AT LEAST BURLESQUE WAS HONESTLY LABELED

Mr. HATFIELD. Mr. President, for the Saturday Review of April 11, 1970, Norman Cousins has written a most interesting editorial entitled "The Uses of Boredom." The editorial reveals some thoughtful perspectives and provocative comment on the current rage of so-called sexual freedom presently consuming many forms of artistic media. Mr. Cousins' conclusions regarding the onslaught of "extreme new candor" cast an interesting light on the subject. I recommend the article to the attention of the Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE USES OF BOREDOM

Two years ago, when the Swedish motion picture *I Am Curious (Yellow)* opened in New York, word quickly got out that the film showed a totally unclothed couple making love. The result was that long lines of moviegoers waited—sometimes for hours in punishing weather—to see one or two brief erotic scenes dropped into a murky, muddled, morose, meandering story about a slow-thinking young woman who was engaged as a public opinion poll-taker. No matter that the advertised action was incidental to the general theme; people seemed willing to endure any amount of the extraneous and the incomprehensible in order to gaze, however fleetingly, at anatomical structures possessed by at least three billion human beings on this planet.

The response to the film has to be considered in context. *Curious* was only one of a fast-growing number of efforts—in movies, plays, books, magazines, and art—to meet what was thought to be an insatiable public craving for vicarious sexual adventure. Attempts were made to intellectualize and upgrade the exercise by terming it a manifestation of new freedom in human affairs, and a refreshing antidote to hypocrisy and prudery. It was obvious that hypocritical attitudes about sex abounded in our society. But some advocates of the new approaches were not without their own hypocrisies and deceits.

Many of the same motion-picture producers who inveighed against taboos and restrictions on candidates sex films competed with one another to have their pictures branded "X," so that they could exploit the fact that their films were so daring that not everyone would be permitted to see them. (The rating system itself is full of astounding irony and warped values. No attempt is made to rate films according to their violence. It is apparently considered far less harmful to a child to see human bodies lacerated, tortured, dismembered, or shot than to see them unclad.)

The real issue emerging from the extreme new candor is not whether society has been too rigid—it probably has—but whether many specimens of the new candor are anything more than a colossal invasion of privacy. As such, they are not a manifestation of freedom but an assault on it. For nothing is more essential to freedom than privacy.

It is inevitable that the tide should now be turning—less as a reassertion of an old "morality" than as a reflection of man's basic need for dignity and privacy. Human dignity is not solely a political concept. It has as much to do with personal privacy as with codified rights. People are not fit subjects for exploitation—whether in terms of their labor, their minds, or their bodies. They are not anomalies of medicine or scaffoldings for the display of private parts. The fact that people will rise to defend their personal integrity is a basic element in the present situation.

Neither should we underestimate the corrective power of boredom. One of the non-hits of the new Broadway season was *Grin and Bare It*, which closed after a short run. In terms of skin display, it made *Hair* or *Oh! Calcutta!* look like *Rebecca of Sunnybrook Farm*. The entire cast performed in the nude. What was most interesting and significant about the play, however, was not what happened on stage, but what happened in the audience. The house kept getting emptier night after night. The play was a thorough bore.

There is nothing like a slow box office to start a new trend. And the producers are getting the message. The message is not that sex has ceased to be interesting, but that there are dimensions to it far more meaningful and appealing than the producers have so far displayed. The ultimate problem in their approach to sex is not that the films and plays are too mature, but that they aren't mature enough. Adolescent exhibitionism and voyeurism must not be confused with mature entertainment. At least burlesque was honestly labelled; there was no pretense at opening up new frontiers of freedom.

Far worse than any invasion of privacy by producers would be an attempt by government to decree moral norms. The state should not attempt to arrogate to itself a role that depends on far wiser definitions than it is equipped to make. The cash register is a powerful checkpoint, and nothing registers more powerfully than when the public is bored stiff. In the end, this is the only workable alternative to censorship.

None of the foregoing is intended to suggest that a *massive* counter-reaction to extremes of so-called candor is in full force. What is happening, if we read the signs correctly, is that considerations of privacy and good taste are proving to be not as trivial as the exploiters tend to think.

SECRETARY RESOR AND A FINE WATER DEVELOPMENT REPORT BY THE ARMY CORPS OF ENGINEERS

Mr. SYMINGTON. Mr. President, Secretary of the Army Stanley R. Resor has signed a special report prepared by the Army Corps of Engineers on the "Development of Water Resources in Appalachia" which makes several unique proposals including the designation of regional economic growth as a principal objective in water resource development and recommending a more detailed assessment of project effects on the environment prior to considering project authorization.

This landmark report represents a breakthrough in the traditional method of evaluating water resource investment which often promotes projects with the least real benefits at the expense of those

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which contribute most to the national goals of the country.

In the Flood Control Act of 1936, acting on the misconception that public works projects are "pork barrel" rather than important investments in the Nation's future, Congress declared that the benefits of Federal projects must exceed costs. Thus, a benefit-cost formula was established, whereby the Government must be guaranteed a return in benefits of more than a dollar for every dollar it invests if a project is to be justified. But, as Dr. Arthur Maas of Harvard University has rightly pointed out:

> Programs and projects for water and related land resources have been alone among all Government programs in having to justify themselves in terms of a national income objective.

Surely I agree that the Government should guard against misallocation of its resources; however, it has always been my thinking that it should sponsor water projects which do not meet national income objectives if it can be demonstrated that the project will yield other important benefits, not all of which can be quantified in dollars and cents, such as regional development and rural progress.

Today projects are largely assessed in terms of their "primary benefits," or those benefits that result directly from a project. Secondary benefits, the "human benefits" such as raising the standard of living, improving the quality of life, creating new jobs, and the increase in the value of goods and services that result from water projects, are given little consideration as project objectives or in justifying a project.

In contrast to this, the "Appalachia Report" clearly demonstrates that water projects can play an inestimable role in promoting jobs and development in depressed rural areas. However, many projects which contribute most toward these goals often produce the fewest direct benefits, and would not be justified under our present evaluation formula which places emphasis on national income goals. This was illustrated in the report in an economic performance chart which measured project benefits against two separate standards: "national income gains" and "regional expansion."

One project, Yellow Creek Port, which returned only 80 cents in direct benefits for every dollar invested when measured by a national income gains standard, produced secondary benefits—wages and salaries—of $10.20 for every dollar invested when measured in terms of regional expansion. The report did not even try to measure other regional expansion index measures such as returns on investments, rents, taxes, enhanced property values, and other standard-of-living improvements.

This was also illustrated in southwest Missouri at Table Rock Reservoir where many of the far-reaching benefits of the project were not reflected in the benefit-cost ratio. Table Rock has brought prosperity to a five-county area of Missouri and Arkansas; and in the words of one resident, "has been a Godsend."

Thus, by recommending the authorization of water projects which fulfill regional expansion objectives instead of national income objectives, the Secretary has opened the door to a new era of rural development throughout the United States.

It is my firm belief that water, as an instrument of change, can be used to break the stranglehold of poverty, hunger, and despair on our rural citizens. Therefore, I propose that we use the "Appalachia Report" as a guideline for surveys of other depressed rural regions in formulating a comprehensive package of developments necessary to bring about a favorable economic environment in each area.

ESTUARINE RESEARCH CENTER AT DOUGLAS, ALASKA

Mr. STEVENS. Mr. President, a resolution requesting the establishment of an estuarine research center at Douglas, Alaska, was recently adopted by the Assembly of the Greater Juneau Borough.

The proposal is sound, and a report accompanying the proposal prepared by outstanding scientists supports the resolution.

I ask unanimous consent that the resolution and the report on the establishment by the University of Alaska of the new facility for research and education in Marine Sciences be printed in the RECORD.

There being no objecton, the resolution and report were ordered to be printed in the RECORD, as follows:

GREATER JUNEAU BOROUGH RESOLUTION—SERIAL NO. 167

A RESOLUTION REQUESTING ESTABLISHMENT OF AN ESTAURINE RESEARCH CENTER AT DOUGLAS

Whereas, The combination of existing fisheries with suitable study areas make southeastern Alaska an ideal location for a major subarctic estuarine research center.

The myriad of islands, inlets, fjords and small and large rivers of the region constitute one enormous subarctic estuarine environment. Yet, the depth of many of the fjords provide a direct and nearby connection with oceanic waters. As a result, many large protected areas have a combination of an estuarine habitat with a nearby deep marine environment comparable with that over the continental shelf.

The region is one of great diversity in marine species. Many species which are fished, or mature offshore, utilize these estuaries for spawning as well as nursery areas. As a result, the region sustains a multimillion dollar fishing industry including salmon, halibut, herring, shrimp, crab and other shellfish.

The wide variety of environments and marine species available to a southeastern Alaska estuarine laboratory would lend themselves to several possible research programs, both basic and applied. Some of these are:

I. Marine ecology

The nearly closed systems available within some of the many fjords would make suitable sites for studies of productivity and the relation between primary productivity and harvestable protein production. Estimates of productivity of the oceans vary by an order of magnitude. Refinement of these estimates is possible by utilizing the laboratory-like combination of partly enclosed, protected waters with deep, direct access to the sea.

II. Role of estuaries in oceanic productivity

Are the biological processes in estuaries essential to biological production at sea? If the answer is a definitive yes, and if food from the sea is required in increasing quantities, then we must be prepared to give further protection to estuaries and learn to understand their dynamics much more completely than we do now. A clear understanding of their role in the productivity of the continental shelf is required for rational management of estuaries.

III. Aquaculture

Large areas of tide flats at the heads of several fjords are within easy access (less than 5 miles) of nutrient-rich bottom water. This water, when diverted into a controlled environment could furnish the nutrients necessary for productivity experiments near the intertidal zone. Such projects could include experimental as well as pilot programs in:

1. Salmon run enhancement.
2. Shrimp culture.
3. Oyster propagation.
4. Artificial production and nurture of crab or other shellfish larvae.

All of the above-named species suffer tremendous early-life mortality which may be reduced by manipulation of environmental conditions.

IV. Experimental ecosystems

All of the foregoing involve or imply enhancement and utilization of existing resources. It is possible under controlled conditions which may require addition of heat, to operate an estuary-like system which utilizes a combination of manmade waste and the nutrients in seawater to produce protein for food, and

Whereas, A laboratory for estuarine studies in southeastern Alaska would have application to a wide variety of projects of direct national interest. Indirect benefits would accrue to existing fisheries in the area. Most importantly, management of the estuaries themselves requires data which would come from such a laboratory in southeastern Alaska, and

Whereas, The most reasonable location for such a center would be at Douglas, Alaska since the Douglas Marine Station, which is currently in operation, could be expanded into such a research center with the additional advantage of close proximity to the Auke Bay Biological Laboratory of the Bureau of Commercial Fisheries, the State of Alaska, Department of Fish and Game and the Institute of Northern Forestry which all engage in allied fields of research providing cross-disciplinary exchanges and a congenial environment for the scientific and technical personnel of the proposed center.

Now, therefore, Be it resolved by the Assembly of the Greater Juneau Borough:

1. The Assembly of the Greater Juneau Borough strongly supports establishment of such a estuarine research center at Douglas, Alaska.

2. The Borough Oceanographic Commission is hereby directed to work closely with the United States Department of Interior and the University of Alaska in all matters necessary to establish such a center.

3. The United States Department of Interior and the University of Alaska are requested to take all steps necessary to establish such a vitally needed research center.

4. Copies of this resolution shall be sent to the Secretary of Interior, the Regents of the University of Alaska, the Director of the Bureau of Commercial Fisheries, the Governor of the State of Alaska and the Alaska Congressional delegation.

Adopted February 24, 1970.

REPORT ON THE ESTABLISHMENT BY THE UNIVERSITY OF ALASKA OF A NEW FACILITY FOR RESEARCH AND EDUCATION IN MARINE SCIENCES

1. BACKGROUND

There is intense interest in Alaska in the establishment of a new center for education and research in the State to provide addi-

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tional trained personnel for dealing with the problems of development, management, and conservation of the fishery resources. At the same time, there are opportunities for the application of science to other aspects of the marine environment which are of importance not only to Alaska, but to the entire nation. The group of consultants has, therefore, considered the matter of establishment of a "school of fisheries" in this broader context, both because such broader consideration is believed to be more likely to be of advantage to the industrial development of Alaska, and because the development of a program which takes into account the general national interest may be expected to attract substantial financial support from sources outside the State.

2. ADVANTAGES OF A FACILITY IN ALASKA

One obvious advantage of a research facility on the coast of Alaska is opportunity and need for the further development of the exploitation of the fisheries resources of the adjacent seas. In addition to the substantial fisheries for salmon, halibut and herring, there are newly developed fisheries for king crab and shrimp, which are certainly yet under-utilized, and there are large stocks of pollack, hake, cod, and other fish which are essentially un-used by U.S. fishermen, although fisheries by nationals of other countries have recently been started in the Bering Sea. There are also, of course, the continuing problems of conservation and management of the resources, such as halibut and salmon, which are now being essentially fully utilized.

A research facility on the Alaskan coast, however, can also be of value for other branches of marine science. Such a facility, for example, would be advantageously located for studies of the physical, chemical, and biological processes in estuaries and semi-enclosed coastal waters. It would offer a good location for research in basic productivity and on the ecology of marine organisms, both of the sea bottom and of the overlying water, at high latitudes throughout the year. Such phenomena as the effects of islands on mixing processes in the sea, the nature of oceanic "fronts" at the boundaries between water masses, and the relation of this distribution of pelagic organisms to the physical micro-structure of the water, can be studied particularly well in the semi-enclosed waters of Southeastern Alaska. These topics are some that are of broad interest in our general understanding of the oceans, not only in Alaska but elsewhere, and have, in some instances, also practical applications in solving problems of pollution and waste disposal and in understanding the ecology of the fish resources. For one example, knowledge of the circulation and mixing processes in estuaries and other enclosed waters will have important bearing on the designs of facilities for the disposal of pulp-mill wastes; for another, the circulation and the biological productivity of these waters are important to the survival of young pink salmon.

There are also important problems in military oceanography, such as those connected with anti-submarine warfare, that could be advantageously studied from a facility in Alaska. Some of these problems relate only to operations in Alaskan waters, while others, such as the factors affecting sound transmission in the sea, are of more widespread application.

It is, therefore, concluded that a facility for marine science in Alaska would be valuable not only to the State but to the nation generally.

Because of the need for education of additional personnel in the marine sciences, and the special need for additional people with education for fisheries research and management, the new institution should be devoted not only to research but also to education, to provide sound college-level training at the Bachelor's and Master's level of (1) fisheries researchers, (2) fisheries management men, and (3) men who may wish to go into other branches of marine research in subsequent graduate study at other institutions.

Persons being educated in such a facility in Alaska will probably find summer employment in the State and after graduation will tend to remain in Alaska.

3. ADVANTAGES OF AN INSTITUTE OF MARINE SCIENCES RATHER THAN A "FISHERIES SCHOOL"

There are a variety of reasons for having the program at the Institute include work in physical, chemical, and biological oceanography on a fairly broad base rather than restricting it to a fisheries program, although fisheries research and education should be an important element. For the following reasons the new facility should be an *Institute of Marine Sciences:*

(a) The research needed to solve many fisheries problems requires broad studies of marine ecology involving studies of the chemistry, physics, and general biology of the fishes' environment. Indeed, the most "practical" approach to fisheries development and management is a thorough understanding of the ecology and dynamics of the fish populations.

(b) A broad knowledge of the sea and its contents will, in the long run, provide a firmer base for Alaska's industries—both the fishing industry and other industries based on the resources of the sea.

(c) A fisheries program would probably have to be financed, completely by the State, whereas it is to be expected that a broader program will attract financing from various national agencies (NSF, ONR, AEC, F&WS, NIH) and private foundations.

(d) Well-rounded education in fisheries science requires the inclusion in the faculty of specialists in related subjects (chemical, physical, and biologic oceanography).

(e) If the Institute is operated as a national facility, it will attract visiting scientists who can contribute greatly both to the research accomplishments and to the educational program.

(f) It will be much easier to attract and hold highly competent faculty members if the program has a broad scientific base.

4. RELATION OF THE INSTITUTE TO THE UNIVERSITY OF ALASKA

The Institute should be an integral part of the University of Alaska (rather than attached to some other agency of the State), because:

(a) The University of Alaska is a nationally accredited and inter-nationally recognized university.

(b) Since the University already has the faculty for the basic education in sciences and humanities prerequisite to specialized education in marine sciences, only the additional specialists would need to be added.

(c) Grants-in-aid for both research and educational facilities are available to the University that are not available to other agencies.

(d) The University has efficiently operated other institutes of this general type, such as the Arctic Research Stations and the Geophysics Institute.

(e) Both faculty and students at the Institute will profit by association and collaboration with other branches of the University engaged in descriptive sciences (such as the Geophysics Institute). Such collaboration might be particularly valuable in the development of petroleum and other mineral resources of the Continental Shelf.

5. EDUCATION PROGRAM

As noted above, the University of Alaska has already at Fairbanks faculty and facilities for teaching of the sciences and humanities prerequisite to specialization in marine science. It is, therefore, suggested that the first three years of undergraduate study be given at the home campus, with the fourth year at the Institute located on the coast. A suggested curriculum is appended.

It will be noted that the curriculum during the first three years is the same for all students, with the exception of calculus, which would be required only for those who would plan to take the "Research" option in the fourth year. During the fourth year some courses would be taken by all students, but these courses would vary according to whether the student chose the "Research" or the "Management" option.

This four year course allows practically no electives, which is undesirable for students who can devote a greater period to their education. It is, therefore, suggested, that students who are able to spread the requirements over five years, with additional electives and work on individual problems, be encouraged to do this, with the award of the Master's Degree.

Allowance will have to be made for some variations in requirements in individual cases, such as transfer students from other universities.

Much of the instruction in fishery technology and fishing gear and methods can be given by staff members of nearby organizations. Similarly, some of the instruction in methods of fisheries research, seminars, and other courses can be given advantageously by the staff members of other organizations and by visiting investigators.

Vocational training in fishing techniques, navigation, marine engine maintenance, etc., should be continued under the auspices of other parts of the State educational system. However, the cooperation of the Institute of Marine Sciences might in some instances be useful.

6. STAFFING REQUIREMENTS

In order to teach effectively the courses during the fourth year, and in order to carry forward a broad program of research, there will be a minimum requirement for a Director and three senior faculty members representing the subjects of physical oceanography, oceanographic chemistry, marine biology (ecology), and fisheries science, together with necessary laboratory helpers and graduate assistants.

7. FACILITIES REQUIREMENTS

There will be required suitable well-equipped office and laboratory space, including facilities for salt-water experimental aquaria, for the faculty and students, and adequate space for classrooms, library, and collections. In addition, office and laboratory space for visiting investigators will be needed. This will require about 10,000 square feet of floor space.

A research vessel capable of working in the estuaries and coastal waters throughout the year, and of carrying out limited work on the high seas, will be needed. This will require a seaworthy vessel of 85–100 foot length, with adequate laboratory space and seagoing oceanographic equipment.

8. LOCATION OF THE INSTITUTE

A central location for the Institute, meeting certain requirements listed below, is required because a great deal of the research work consists of processing and analysis of data collected in the field—indeed, it requires about three to four man-months in the laboratory for each month in the field. For the educational function, a suitable central location is an obvious necessity.

Requirements for the location of the Institute include:

(a) Location at or near a main population center for ease in procurement of supplies, vessel repair and maintenance, communications and transportation of people and things.

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(b) Location where the staff and their families can have a reasonable opportunity for social contacts with other people of similar interests, good housing, and educational facilities.

(c) Nearness to other organizations concerned with the investigation and development of the natural resources of the State, both for the mutual benefit of the research of the various organizations and for the advantages of interchange of ideas among the scientists. In addition, the Institute would provide much needed educational opportunities for the staff members of other agencies.

(d) Location adjacent to the sea for—

1. Ease in transfer of equipment and materials between the vessel and the shore establishment.

2. A supply of seawater to the laboratory for experimental biological studies. (The supply should be of nearly oceanic salinity and unpolluted.)

(e) As low an initial capital outlay as practicable—by conversion of an existing structure if possible.

Temporary field facilities should be established for particular investigations as required, and the vessel will, of course, operate in various waters of the State and adjacent high seas.

On the basis of the above criteria, we are inclined to advise that the Juneau area is the logical choice. We have inspected a possible location at Douglas, consisting of the Mayflower School building and the dock and cannery building of the Douglas Canning Company, both of which appear probably to be available without cost. The structures would provide adequate and suitable space for the Institute at a minimum cost. The quality of the seawater in the channel off Douglas should, however, be verified before the site is deemed fully acceptable.

The Douglas site has an advantage in the availability of additional adjacent land for future expansion of the Institute and other activities of the University of Alaska in this area.

A site near Auke Bay, near to the new Fish & Wildlife Service laboratory, was also inspected. While this site is in a good location, the development costs would be high because of the need to construct completely new buildings.

9. COSTS

Precise cost estimates cannot be made without planning in considerable detail. However, a rough idea can be given, as follows:

Capital outlay

(1) Offices, laboratories, classrooms and experimental aquarium facilities (modification of existing structures obtained without cost) and purchase of equipment, $200,000.

(2) Procurement and equipment of research vessel, $200,000 to $500,000 ($200,000 for a conversion, up to $500,000 for a new vessel).

Annual operating costs

(1) Salaries of faculty and assistants, travel, supplies, upkeep of laboratory and equipment, $150,000.

(2) Vessel operations, $120,000.

Based on the experiences of similar institutions in other parts of the United States, it may be expected that if the State of Alaska would provide the funds for the capital outlay for the offices and laboratories ($200,000) and the annual costs for the faculty and laboratory operating expenses ($150,000) per year, the funds for the procurement and operation of the vessel can be obtained by grants and contracts from national agencies and private foundations. It may also be anticipated that a strong faculty at the Institute will be able to obtain substantial grants in support of research and education which will permit the expansion of the research and educational programs beyond the minimum magnitude envisioned above.

SUGGESTED CURRICULUM IN MARINE SCIENCES—UNIVERSITY OF ALASKA

FALL SEMESTER

First Year—18 or 18½:	
Biol. 111 Gen. Biol	5.
Engl. 101	3.
Math. 101	5.
Chem. 101	4.
PE or Mil	1 or 1½.
Second Year—16 or 16½:	
Physics 111	4.
Chem. Quant. Analysis	4.
Biol. 205 Vert. Anatomy	3.
Biol. 313 Anim. Physiol	4.
PE or Mil	1 or 1½.
Third Year—18:	
Foreign Language	5.
Invertebrate Zoology	4.
Elective (Calculus [1])	3.
Econ. 121	3.
Pol. Sci. 101	3.
Fourth Year—at Juneau:	
Hydrobiology	3.
Engl. 303 Adv. Comp	3.
General Ecology	3.
Methods of Fisheries Research	5.
For Researchers: Physical oceanography	4.
For Managers: Fishing Gear & Methods	4.

SPRING SEMESTER

First Year—18 or 18½:	
Biol. 112 Gen. Zool	4.
Engl. 102	3.
Math. 102	5.
Chem. 102	5.
PE or Mil	1 or 1½.
Second Year—17 or 17½:	
Physics 112	4.
Biol. 132 Botany	3.
Biol. 208 Evolution	2.
Biol. 316 Embryology	4.
PE or Mil	1 or 1½.
Math. 204 Statistics	3.
Third Year—17:	
Foreign Language	5.
Ichthyology	3.
Biol. 334 Plant Physiology	3.
Elective (Calculus [1])	3.
Genetics	3.
Fourth Year:	
English Tech. writing	3.
Marine Ecology	4.
Seminar	2.
Oceanographic chemistry	4.
Population dynamics	3.
Fishery technology	4.
Population dynamics for wildlife managers	3.

[1] Prerequisite for physical oceanography and population dynamics.

WHY CAN'T PEOPLE GET HOMES?

Mr. CRANSTON. Mr. President, last Tuesday, March 31, I introduced S. 3656, the proposed Veterans' Housing Loan Amendments Act of 1970, which proposed six basic modifications in the VA guaranteed and direct loan program in order to try to promote homebuilding, buying, and borrowing for the benefit of our veterans. That bill would extend for an unlimited period the eligibility for those World War II, Korean conflict, and post-Korean veterans with entitlements remaining, as well as restore and extend for an unlimited period the home loan entitlements of World War II and Korean conflict veterans whose eligibility periods had elapsed; include mobile home purchase under the VA loan program; entitle veterans eligible for GI loans to VA payment of closing costs up to an amount equaling 1 percent of the total loan amount as well as VA payment of the first point of interest owed by the veteran for the first 5 years of the loan; and eliminate the fee, presently one-half of 1 percent of the total loan amount, Vietnam veterans are required to pay at closing to protect against defaults.

Last fall, I also was privileged to cosponsor S. 3008, a bill to permit the Administrator of Veterans' Affairs to invest up to $1,000,000,000 annually from the national service life insurance fund to buy up VA direct and guaranteed home loans. This bill, introduced by Senator YARBOROUGH, already has been the subject of Finance Committee hearings.

Mr. President, I look forward to prompt consideration of S. 3008, by the Committee on Finance, and I plan prompt hearings on S. 3656, which will, when reported, be rereferred to the Committee on Banking and Currency, which has jurisdiction over the VA direct-loan program.

The extent of the need for innovative and substantial new Federal initiatives in the home financing field is excellently presented in an article by L. A. Knight, Jr., entitled "Why Can't People Get Homes?" published in the April 1970 American Legion magazine. I commend the article to the attention of all concerned about the national housing squeeze and the plight of the veteran, especially the returning Vietnam veteran, caught in that wholly unfortunate and inequitable situation. I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY CAN'T PEOPLE GET HOMES?

(By L. A. Knight, Jr.)

The United States is in the grip of the worst housing shortage since WW2, a shortage that hits young couples, and especially young veterans, hardest.

The door is now all but closed to the young veteran and his wife trying to buy a decent home under the VA's veterans housing loan program. Young non-veteran couples who could once find houses under FHA mortgages are only slightly better off, thanks to their somewhat better foothold in the economy by virtue of their not having been away on Uncle Sam's affairs.

Veterans of recent military service are writing letters about their plight to the White House, Congressional offices, the Veterans Administration (VA), the Department of Housing and Urban Development (HUD) or wherever else they might hope for a sympathetic ear.

Says a Burlington, Iowa, veteran, "After saving for years to accumulate the down payment for a home of our own we now find the G.I. loan, that we have been counting on for so long, is in truth not really available." He mirrors a larger army of ex-servicemen, their G.I entitlement in hand, who are being turned away by banks, savings and loan institutions and mortgage companies; or, who can only find housing and loan terms that are far beyond their means—and beyond any previous price scale and mortgage terms in our history.

"No real estate company or bank will even discuss a G.I. loan with me," a Pontiac, Mich., veteran wrote to George Romney, former governor of Michigan and now head of HUD.

A Lynchburg, Va., school teacher asked

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the White House: "What good is my G.I. loan if I can't use it? What am I and other veterans who can't afford a civilian mortgage going to do?"

A young Southington, Conn., housewife, whose husband had just been separated from service, told her Congressman: "Every bank we go to we are turned down. What is the government coming to?"

A former Army sergeant now living in Buffalo, N.Y., wrote: "I have gone to five banks and one mortgage company and only one of the banks says it will make a G.I. loan. But this particular bank has set its standards so high my loan application never reached the VA for approval."

An Edison, N.J., veteran was about to close a purchase arrangement for a new home when the Veterans Administration raised the permissible interest on a G.I. loan from 7½ to 8½% on Jan. 25. Since this would add another $20 a month to his mortgage note he found he could not go through with the purchase. He wrote the President:

"I guess the only way to get ahead in this present condition is to go on welfare. I know of a few people on welfare now who live a lot better than we do. Why is this?"

A California veteran directed this appeal to the White House:

"I have spent my time in Vietnam fighting Communism. Now I'll have to fight inflation on the home front. I happen to be one of those people that has suddenly found out that the house that I was about to buy is now out of my price range."

In large numbers, Vietnam vets and other young people are living in too-small apartments, in single rooms or doubling up with friends or relatives. Some find an occasional rare buy in old housing—perhaps miles from where they work—often because there's something the matter with it. Many are moving into mobile homes, and we'll say more about that later.

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To get decent housing it helps if you have well-to-do or influential parents, or if you inherit a house or a wad of money, or start adult life with large earnings.

We've been hearing about bad housing for the poor all along. Today, those with good earnings who are willing to pay more than is reasonable, and to pledge a disproportionate part of their future earnings, find it ever harder to buy or rent decent shelter.

Because most older people with reasonably good income already have homes, the housing crisis falls most heavily on the young. And not just the very young. A 32-year-old Chicago executive who thinks he's off to a good start in earnings for his age says he can't buy a suburban Chicago home. Average price is $32,000. "I could pay that off, all right," he says, "but the down payment is $10,000 and I haven't $10,000 lying around loose." In many areas, new rentals are almost impossible, too. The bidding for the little that's available runs it out of reach of any but those who already have it made in life.

The three main causes of the housing mess are: (1) inflation with its high prices, (2) "tight money"—which is not the same thing as inflation and (3) a serious shortage of conventional housing.

They are all related, and each rests on layers of other causes and effects that chase each others' tails around a series of circles.

(1) *Inflation* simply puts the asking price on living space—for sale or rent—beyond what many can afford to pay. It wouldn't do that if income and housing were inflated equally. But housing is inflated way beyond income. Thirty-five years ago, good, new suburban housing cost about 2½ to 3 times the annual take-home of a couple starting out in life with normally good prospects. Today, good, new suburban housing doesn't exist in any meaningful amount. Good, *old* suburban housing often runs from 4 to 7 times the annual take-home of a similar couple.

(2) *"Tight money"* is a shift of available lending money away from mortgages to other things. It is not a shortage of money, but a diversion of it, as far as housing is concerned.

Tight money makes mortgages unavailable to many people who are willing to pay the inflated home prices. The lender refuses to lend. For others, it loads a mortgage with skyrocketing interest rates and "extra" charges as the price of getting one at all. This happens twice on new housing. The builders are socked with high interest and "extras" for the money they borrow to build with, which they then add to the price of the home. Then the customer pays high rates when he finances his purchase.

To spread the scant amount of mortgage money that lenders have, or are willing to put into mortgages, bigger down payments (smaller mortgages) are required, and quicker pay-back is demanded (meaning larger monthly payments). The total finance costs, over the years, on some houses now being mortgaged come to far more than the cost of the houses.

(3) *The shortage of homes* flows from all of the above, and from more. Builders who are dying to build are not building middle class houses. Their potential customers are priced out of the market, simply can't get mortgages or can't meet the larger down payments now demanded.

The shortage of new housing and its great cost where available have set frantic home seekers outbidding one another for existing older homes. Again, the more affluent win out. Some houses in desirable areas that sold new in the 1920's for $3,000 are going for $20,000 and more today—in antiquated, run-down condition. Houses that were thought to be inflated in 1946 at $13,000 sell for as much as $25,000 and $30,000 after 24 years of occupancy.

HUD Secretary George Romney has been issuing forthright warnings about the explosiveness of the situation for some time. He sits at the top of a heap of authority that doesn't seem to be able to cope with the mess. Small wonder. The interlocking causes of the mess go far beyond the scope of any housing authority. For instance, the Federal Reserve first cut the strings that let interest rates soar, and neither Mr. Romney nor the President can tell the Federal Reserve what to do. It is an independent agency subject only to acts of Congress.

Romney seems to be saying that grass-roots heat is all that can budge the housing monster. He has said quite frankly that those who holler loudest and longest get the most attention. In fact, he seems to have been asking frustrated home seekers to start a wave of reasoned protest now, before their pent-up frustration simply explodes.

He has to be right, if this is what he's getting at. You can't raise new generations of working people in a free country and give them explanations instead of shelter they're willing to pay for. They do this in Russia. Here, the whole situation is going to:

(1) Be remedied along some traditional lines soon, or;

(2) Blow sky-high in some sort of unmanageable "confrontation," or;

(3) Swiftly popularize housing concepts that do an end run around traditional building and/or lending—to leave them back with the horse as intolerable obstacles to the realization of basic human needs, or;

(4) Respond to some combination of these possibilities.

The housing mess is embittering many people who till now have had little patience with attacks on "The Establishment" over phony, misstated or contrived issues. The housing mess is not phony. It is understated. If it continues until we have 3 million or so more Vietnam veterans back homeless, maybe more people will see it for what it is.

Far from being a contrived issue for protest, its victims have suffered in relative silence. But that can't continue. Thousands of servicemen are returning to civilian life every month. Americans who are steadily improving their incomes are eyeing new homes. Negroes given better employment opportunities, are breaking out of inner-city ghettos and looking toward suburban living. The number of young Americans getting married has almost doubled in the past ten years and the population continues to grow by leaps and bounds. But the number of new houses for which ground is broken is running about 1.3 million, far below the estimated needs for the 1970's projected by the Johnson Administration in 1968.

This number is misleading in two opposite ways. First, mobile homes, which are booming, aren't counted in the government figures as new units started. Second, a higher-than-normal percentage of the new houses that *are* started are either public projects for the poor or tailored for those to whom cost is secondary. Builders, many of whom are counted among the embittered, are either closing shop or only building for those who can pay well. In Houston, for instance, most new homes are selling for between $35,000 and $40,000, while in New York's metropolitan area it's almost a joke to expect to have a respectable new home built for as little as $40,000. And the way to get a substantial mortgage on such property is to sign up for lending terms that raise the total to $70,000, $80,000 or $90,000 before it's all paid off.

Why is mortgage money scarce and costly? Many reasons have been published, but there are far more. One traditional source of mortgage money has always been savings and loan institutions, which may *only* invest in real estate. But the amounts deposited with them by savers have fallen far below the needs of home-buying borrowers.

Here are three things that have steered deposits away from savings banks:

(1) Ever growing *taxes,* state, federal and local—income, sales, gasoline, etc. Whatever is paid out in taxes by a householder is money he might have saved, but can't. Governments, which claim ever higher taxes, do many things with the money. Lending it to home-buyers is an unnoticeably small fraction of the take.

(2) *Speculation* in the stock market, and in other sorts of investments, using the sort of funds that people used to save.

(3) So-called *affluent living*. It is a fact that people who used to save are more interested in buying to the hilt. The enormous rise of credit buying reflects how much people are going into hock for purchases, instead of saving.

Then we have the commercial banks, those that you usually call "banks" instead of "savings banks." They are in the savings business, too, but also in checking accounts, etc. They move in and out of mortgages, since they are also active in personal loans, auto loans, loans to industry and business, etc. Mortgages are only attractive to them when they can't farm out enough loans at higher interest rates and shorter terms elsewhere.

During the whole decade of the 1960's, industry and business were expanding at a rate faster than they could manage on pay-as-you-grow. Profits and expectations were so high they were willing to borrow huge sums and pay fancier interest rates to banks than home buyers could pay, or than was legally allowed for mortgage loans in most states.

A couple of years ago the Federal Reserve felt that all this commercial activity on borrowed money was forcing inflation upward too fast. The Federal Reserve suddenly raised the rate of interest it charges member banks when it pumps money into them. The Fed's act not only forced the banks to raise rates to their customers, but gave higher interest rates the moral sanction of an officially sponsored inflation brake. The Fed thought that higher interest would check borrowing, thus check too-rapid business expansion, thus cool off inflation.

That isn't what happened. Business borrowers willingly paid the higher rates. Their loan demands did not slacken. Interest went up again, and still the commercial borrowers paid it and cried for more. Seeing this, the leading banks raised the rates more, without any goosing from the Fed, and the rest followed. The customers only cried for more. The inflation wasn't stopped. It was just made more expensive for everybody but lenders.

But the banks were only temporarily enriched by the higher rates they were charging. When prices go up, they go up all over—and that's true for the price of money, too. In nothing flat, banks had to increase the interest that they pay out to depositors. We've all seen the savings banks competing with one another to the legal limit, each trying to offer *you* more interest if you'll place your savings with them; sweetening the terms so that they are compounding your interest every quarter, every month, every week, every day—promising interest from "day of deposit," then "from the first of the month"; giving kitchen blenders, cups, silverware to those opening new accounts, and so on.

The commercial banks are doing the same kind of thing. They aren't making any more on the higher rates they are charging than they used to, because their own money costs more.

The whole situation adds up to everybody chasing his tail around a circle. The cost of money becomes astronomical, while in the end nobody gets any richer except those who make the first move. In this silly rat race (a banker who read this said that's just the phrase for it) ever more money that could be buying goods or services is siphoned off to pay for absolutely nothing but the feel of money passing through one's hands.

Previously, goods and labor had been seriously inflated, but not the cost of money. When the interest lid went off it stepped up the inflation of goods and labor and moved rapid inflation into the cost of money, too. The same step sent taxes up for a long time to come, as well. Suddenly governments, from national down to city, found the interest rates they have to pay on bond issues zooming skyward. Now cities, states and Uncle Sam are borrowing at ever higher finance charges—and of course they are going to pay off these higher charges with higher future taxes.

What happened to the home buyer in all this? Most states had a legal limit on mortgages of about 6% interest three years ago. By the time the banks were charging General Motors 8% and paying almost 6% to depositors. They weren't about to tie up money for ten, 20 or 30 years in 6% mortgages.

Mortgage money all but disappeared. Many of the states rushed in to raise the legal limit on mortgage interest—not to soak home buyers, but to let them pay enough to be able to borrow at all.

The FHA and the VA did the same thing, raising the permissible interest rate on the mortgages they guarantee before there just wouldn't be any more FHA or VA mortgages. But, by the time they acted, the "prime rate" was about as high as the new legal mortgage rates. The "prime rate" is the rock bottom interest rate that commercial banks will give to Grade A big business borrowers. There's nothing lower, and everything else is higher, in the field of private lending. So the new, higher legal rate on mortgage money is still so low—compared to what the money can earn elsewhere—that you can hardly find it.

Yet there is always pressure on banks to underwrite mortgages out of a social duty, because the nation's shelter depends on them. In the situation, lenders took three steps to live up to their duty without losing their shirts.

(1) They rationed the money, granting smaller mortgages and thus requiring larger down payments.

(2) They shortened the time limit for paying back a mortgage, thus raising the monthly payments.

(3) They began asking for "points."

"Points" are a one-shot payment, rather than annual interest. "Points" began modestly at about a 1% charge of the face value of the mortgage. That's "one point." Quickly, wherever the law didn't prohibit it, points went up—to 2, then 3, then 4, and kept going up. Recently as much as 10 points have been paid, or 1/10th of the size of the loan sought for the privilege of getting it. Builders began paying "points," so that the first year's charges on a building loan might come to 15% or even more on a 7½% loan. This drove marginal builders right out of business and marginal home buyers into shacks. It made many other builders close shop at least temporarily, or go to rich men's home building or start doing more repair work instead of building.

As another protective device, several years ago some banks began writing small type into mortgages providing for their recall at the bank's pleasure after three years. One of our readers wrote to tell us that his bank had just given him the option of paying up in full or accepting a 1% increase in interest.

There is still a third reason for the shortage of mortgage money. Elsewhere in this magazine is a story on crime which notes that organized racketeering, gambling, loansharking, etc., are now holding $60 billion out of legitimate channels. That's more than the gross annual take of our six leading corporations—a figure in the same order as the federal budget that's held out of the legitimate national flow of money.

Today, there are all sorts of schemes afoot for stopgap measures to put money into mortgages. Unions and others with big pension funds are being urged to invest such funds heavily in mortgages. There's a bill in the hopper to authorize the Veterans Administration to invest what it holds in its veterans life insurance funds in mortgages. The National Association of Home Builders is promoting these suggestions in the hope that, if we can get some increase in building going, the competition for homes won't be so great. Then prices and interest rates might fall off and loosen everything up. They hope.

This is the "shot-in-the-arm" approach. In view of the millions who cannot now get shelter of the quality that their incomes ought to entitle them to, a 1970 shot-in-the-arm seems to be an absolute necessity. A compulsory rolling back of interest rates, or a Big Brother setting aside of billions reserved for no purpose but building loans at reasonable interest, or both, seems to be called for. It's hard to see how we can expect those presently in need of homes to wait out a more fundamental solution.

But the Big Brother approach is basically a bad one for a permanent solution. Our experience with welfare ought to make that clear. Its second, third and fourth level effects are mischievous. It creates dependency where we need initiative. It is inflationary where we need deflation.

However, Big Brother is presently doing worse than nothing. For instance, Uncle is paying part of the rent for people who are too poor to pay all of their own rent. The money is totally wasted. It doesn't create new housing, it supports higher charges for existing housing and it draws off the money of wage earners in the form of taxes to pay other people's landlords. As some builders point out, if only this same money were put into reasonable loans to builders, it would create new housing at lower cost and be returned to Big Brother for more of the same instead of going down the drain to the tune of more taxes and still higher shelter costs.

Consider that if a builder could borrow at 6% and no points, instead of at 8% and 10 points for one year, he could knock off $1,200 for every $10,000 charged for a house and make the same profit. A $20,000 home could go for $17,600. His customers' down payments, their monthly payments on principal and their total interest payments could all be reduced. Any step in this direction would open up new housing for more people. That would add to the total housing supply and tend to take the fat out of high rents and out of prices for old houses, both of which are inflated way beyond their value simply because it's a sellers' market.

But an emergency financial patch-up is no cure. Housing itself costs three or more time what it should. It is still in the Dark Ages. Most Americans could easily afford a good home under the present ridiculous mortgage arrangements if we'd only move home construction out of the 17th century.

Today, a mobile home is made in a factory—complete. The average price of a mobile home, that is the equivalent of a house built on the site for $20,000 or more, is only $6,300. And that is *completely furnished*, delivered to the site, with utilities attached. The mobile home business is booming today while all other housing is stagnant. Young and old are going for mobiles in ever greater number.

Why not? Mortgages became generally acceptable for mobile homes last year. A $4,000 mortgage and a $6,300 furnished dwelling cost is the answer to the dreams of homeseekers and "tight money" bankers alike. A standard mobile unit is 12 feet wide (that's narrow) and about 60 feet long (that's long.) Thanks to eased highway rules, 14-foot width is coming in. Good factory-built homes are surprisingly excellent dwelling inside. Do you want more house than that? You can go up to three stories of "modular home," with units stacked vertically, or make a truly big "ranchtype" home by adding "sectional units" on the ground level. If $6,300 will house a young couple well, for $25,000 you can have a furnished, carpeted whopper that's the equivalent of what $50,000 and more can buy with a bare interior in many metropolitan suburbs. And because the total finance charges fall off in proportion, the saving is far more than a mere comparison of prices suggests.

These savings are astronomical even after the need to buy or rent the land is taken into account. Today, many more corporations are making mobile homes, and many others are entering the picture purely to develop land sites, with streets, lawns, underground utilities, foundation slabs, swimming pools and golf courses. Whole towns and developments are springing up in favored areas, given over to pleasant mobile home settlements that belie the old image of the "trailer camp."

Perhaps the very pressure of today's housing emergency will yet break the back of the old idea of the house build on the spot, mainly with terribly expensive hand labor and materials loaded with needless hauling, handling and trimming charges that factory-manufacture overcomes.

It almost seems silly to explain that mass production to standard specifications in a factory is the key to producing *any* goods—including houses—at prices far below what hand labor at the customers' site can meet. Housing is about the only common product that has escaped the industrial revolution and still hews to basic procedures that are 400 years old.

Houses made of sections that are manufactured entirely at the factory and which

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would bring good housing inexpensively to the millions have failed to make the big breakthrough in America. They have always fallen over the stumbling block of local ordinances. These arbitrarily set different standards, sometimes down to the last detail of materials and of construction, from town to town. They also hitch zoning laws to tight and different specifications.

It is not that there *are local* standards, but that they are entirely capricious from town to town. The basic building code in the Chicago area is quite enlightened as modern codes go. Yet in that area there are 58 different variations on it from community to community. If these communities had 58 different requirements for automobile mufflers, carburetors, etc., few Chicago area residents could afford a car today. Detroit would be making special auto models for Chicago proper, Chicago Heights, East Chicago, Evanston, Oak Park, Auoro, Joliet, etc., and the cost of revising production lines at GM, Ford, Chrysler for each town line would send auto prices through the roof. And that's what keeps millions of Americans from having good homes dirt cheap by today's standards.

Ideally, the United States could have nationwide specifications for homes. Towns could still zone, still have high and low specifications for various types of homes in various neighborhoods. There could be Class A, Class B and right on down through Class P specifications, all of them meeting sane standards. A town could elect to be all Class A, or zone for five classes or 20. If each class were standard everywhere, even if there were 15 classes, factory production could begin with an assured mass market for each of them, just as cars are offered in numerous models for different tastes. Apartment houses, stores and office buildings, no less than homes, could be made of sectional units finished at the factory on the same basis, at the same astronomical savings, and with enough variety in specifications to meet any reasonable local tastes. Maybe 20 or so basic units would turn the tide, instead of the thousands now required by the caprice of trivial differences from town to town.

The American people would do themselves a favor worth untold millions of dollars to them if they'd start bringing the heat to bear locally to clean up the jungle of man-made rules that keep us from getting good housing at low cost. Maybe one of these days some guy will go to the Supreme Court to have his local housing ordinances ruled unconstitutional on the grounds that they infringe on his right to purchase available and suitable housing that he can afford. *That* could really take us out of the dumps. There is no such constitutional right but the Court has created less important ones for fewer people out of thin air.

Nobody, not even those in the business, can dream today of what factory-made sectional housing could do if the market were opened up by removing the local legalistic obstructions. The notion that mobile homes make "ugly trailer camps" is the doing of local ordinances. The rules are all against them in the New York metropolitan area, so you see them in such places as industrial areas and swamp edges, and almost nowhere else in that area. Of course they are unsightly. California is the national leader in tailoring local rules to permit factory-made homes, while requiring them to put on a respectable front. Some of the California mobile home developments are superior to conventional developments in more restrictive Eastern towns.

The example now being set in California and other places, coupled with the pressure of the present housing and mortgage mess, just might make the 1970's the decade of breakthrough of American housing into the 20th century—before the 21st is here. But it can hardly come soon enough for all of today's young marrieds and Vietnam vets. This year, thousands of John Does will come home from Vietnam to find that they can't have decent homes because not enough money is deposited in savings banks, because the Federal Reserve doesn't want Universal Conglomerate to grow too fast on borrowed money, because organized crime is holding $60 billion out of legitimate channels. Those don't seem like good reasons. Somebody had better do something about John Doe.

GASOLINE OCTANE

Mr. BOGGS. Mr. President, a controversy has arisen in recent weeks over the use of lead to increase gasoline octane. Some experts argue that the use of lead must be ended because lead in the atmosphere is a threat to humans. Others argue that no evidence of this danger exists.

Some automobile executives say the lead must come out of gasoline to enable the catalytic reactors proposed for use to reduce pollutants to operate properly. On the other hand, some experts say that the removal of lead would prove costly to the consumer, and that thermal reactors can effectively reduce pollutant levels emitted by vehicles powered by leaded gasoline.

This is a complex question, one which is now under study by a joint committee established by three executive departments.

The Wall Street Journal this week published a most interesting and valuable article on this subject. To assure that it comes to the attention of Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GETTING THE LEAD OUT: CAMPAIGN TO CLEAN UP GASOLINE MAY CAUSE MULTIBILLION-DOLLAR HEADACHE OVER A DECADE

(By Roger W. Benedict)

Auto makers and pollution controllers are well on their way toward winning their campaign to "get the lead out" of gasoline. Even oil executives generally agree the industry is moving toward a gradual transition to lead-free fuel for cars.

Now come the problems. "Taking the lead out of gasoline isn't like taking cyclamates out of soft drinks," cautions the vice president of one major oil company. Even stretching the elimination of lead over as much as a decade probably means a multi-billion-dollar headache for those who make and sell gasoline.

The economic side-effects will stretch far beyond the makers of antiknock compounds. Mining companies face the loss of the second largest market for lead. The petrochemical industry will find some of its "feedstocks" diverted to octane-boosting substitutes for lead in gasoline, and feedstock prices may rise. Consumers will have to bear added car-operating costs, which could prove substantial.

Ironically, even the antilead campaigners will have to contend with new pollution worries resulting from the content of the new fuels.

Lead accounts for only about one-fourth of 1% of the about 90 million tons of pollutants motor vehicles spew into the nation's atmosphere each year. But auto makers want lead removed from gasoline, because, they say, it harms all of the devices they're developing to meet a Federal deadline of controlling over 90% of the pollution from new cars by 1975. Their 1971 models will be a little over halfway to that goal.

CROSSING THE BRIDGE

Louis M. Ream Jr., executive vice president of Atlantic Richfield Co., asserts, "Detroit believes that politically lead is dead, and we believe the lead-free bridge has been crossed." His company will begin selling a new grade of lead-free fuel nationally this fall "in a significant number of stations."

Shell Oil Co. has announced similar plans, and most other major oil companies have said they'll make and sell a lead-free gasoline "when it's needed."

But leaving lead out of gasoline is complicated, because most of the 105 million U.S. vehicles on the road won't run on fuels that would remain after the abrupt removal of all lead and because the oil industry hasn't nearly enough of the special capacity needed to make gasoline of present quality in present volumes without lead.

Lead is simply the cheapest method refiners have found to produce fuels, that will burn in today's high-compression engines without destructive "knocking." By adding about 0.6 cent worth of lead to each gallon, they gain the final eight "octane" points in the rating used to measure the smooth-burning characteristics of gasoline. To get those same octane points without lead requires further processing to make and to add a lot more high octane components, at a cost most refiners estimate at two cents to four cents a gallon.

To the chagrin of pollution control experts, the high octane fractions to be added are chiefly volatile "aromatics," which are indicted as a major villain in smog and eye irritation, and which are suspected of harboring cancer-causing agents. The U.S. Bureau of Mines says its tests show uncontrolled cars burning lead-free fuels with higher aromatics contents produce about 25% more pollution than when they're run on leaded gasoline.

Such cost and pollution problems indicate the transition to lead-free gasoline is likely to be extended over 10 years, the life of the average car. But moves by auto makers, the time lag in adding new facilities and competition are forcing oil companies to make decisions within the next few months. Mr. Ream, for example, concedes Atlantic Richfield's decision to move so quickly is largely "gamesmanship."

How much the cost is likely to be is a matter of great dispute. Most oil executives foresee a minimum investment of $5 billion in new refining, distribution and marketing facilities over the next five to 10 years, with some estimates putting the eventual total over $10 billion, or 40% of the present investment in place. But others in and out of the industry are proposing a number of plans they say could reduce sharply the size of such outlays.

Manufacturing costs, for instance, already are being tempered by such factors as auto makers' plans to reduce compression ratios to about 1953 levels on more than 90% of next fall's 1971 models permitting the use of lower octane fuels; possible temporary acceptance by Detroit and control agencies of a small amount of lead in the new fuels; the probability that full pollution-control systems won't go on new cars until mid-1974, and the deferral of a "horsepower race" back to high-compression engines.

M. R. J. Wylie, president of Gulf Research & Development Co., Gulf Oil Corp.'s research arm, says "a 91 octane gasoline (for Detroit's 1971 model engines) containing about one-fifth as much lead as the current average (one-half gram in each gallon, down from 2.5 grams) could be made without new refining facilities." That first one-half gram of lead adds three octane points, he says, while increasing amounts have less and less effect. Before adding lead, he explains, U.S. refineries have a lead-free "pool" of widely varying components averaging about 88 octane.

LOWERING LEAD CONTENTS

To supply present cars with leaded higher octane fuels, Gulf could simply add a bit more lead to make its 100 octane premium, then blend some of that with the new low-lead fuel to get a third grade of a 95 octane regular, he says. Gulf already sells three grades of gasoline, including a 91 octane it estimates can be used by 23% of the cars on the road.

But Gulf and Humble Oil & Refining Co., the domestic operating subsidiary of Standard Oil Co. (New Jersey), are unusual in being equipped for marketing three grades of gasoline, less than a third of the nation's 225,000 service stations have such facilities. Robert C. Gunness, president of Standard Oil Co. (Indiana), estimates the industry would have to add one million new gasoline pumps and 300,000 new storage tanks and spend $2 billion to $3 billion to switch to three-grade marketing. His company's American Oil Co. division is the only present marketer of lead-free gasoline, but it's a premium grade sold only in the East and South.

An indication of the combined cost to motorists of marketing and manufacturing expenses connected with a 91 octane, lead-free gasoline came last week, when Texaco Inc. introduced on the market in Los Angeles the first such fuel. It set a wholesale price on the new gasoline that is about two cents a gallon more at retail than the company's 100 octane leaded premium and about six cents a gallon more at retail than the company's 94 octane leaded regular.

Fred L. Hartley, president of Union Oil Co. of California, however, says introduction of new lead-free gasolines could be handled without adding either new marketing or new refining facilities, with cooperation of the nation's motorists. He proposes deliberate lowering of compression ratio on present cars by changes to such things as engine head gaskets and spark plug timing.

Such adjustments, he says, would permit the sale of a 91 octane lead-free regular and a leaded 97 octane premium that would satisfy needs of old as well as new cars. General Motors Corp.'s president, Edward N. Cole, generally credited with launching the lead-free drive, endorses this approach. And so does Lee DuBridge, President Nixon's science adviser, who even suggests that oil companies perform the "derating" service as the new gasolines are introduced at their service stations. But some oil marketers note there's a nationwide shortage of auto mechanics, and they estimate it might take years to derate all present cars.

UNLEADED FUEL AN EVENTUALITY

General Motors' Mr. Cole also told the California Air-Resources Board earlier this month that a low-lead content gasoline might be initially acceptable, and promised GM wouldn't resume the race back to high compression engines before 1980.

Use of a 91 octane fuel also could lessen concern over stirring new pollution control problems. W. J. Coppoc, vice president of Texaco's research and technical department, says tests by his company and auto makers indicate that better combustion of such lead-free fuels in the engine more than offsets the moderate rise in aromatics content over leaded regular, so cars emit fewer unburned hydrocarbons.

Most oil executives, however, anticipate they'll eventually have to make completely lead-free gasolines of close to present quality. "We're convinced that by 1978 or 1980, we'll have to raise pool octanes completely without lead," says Gulf's Mr. Wyllie.

That could run into a lot of money. A study by Bonner & Moore Associates Inc. for the American Petroleum Institute estimated the cost of new facilities to make lead-free gasoline of equal quality was $4.25 billion in 1965, which would have added 2.2 cents a gallon to the cost of making gasoline. Atlantic Richfield estimates inflation has boosted this to $7.5 billion, while others put the figure at about $6 billion.

Not everyone agrees. John O. Logan, president of Universal Oil Products Co., which builds refineries and makes catalysts, asserts that modification of present facilities to use more efficient new catalysts could hold down the cost of duplicating present octanes to $2 billion to $2.5 billion, adding only about one cent a gallon to manufacturing costs. He notes, however, that doesn't include costs of distributing and marketing the new fuels.

Even a program to build $4 billion of new refining facilities in five years would be a crash program, straining available technical and construction manpower and supplies, says J. Robert Fluor, chairman and chief executive officer of Fluor Corp., a major builder of refineries. And a vice president of another large construction concern says labor shortages in the Gulf Coast refining area might become a "disaster."

Small refineries, some with lead-free pools as low as 81 octane, face even greater difficulty. James H. DeMaras Jr., vice president of the Independent Refiners Association of California, says his state's 20 small refineries would face the "insurmountable" problem of doubling their present $500 million investment, adding about seven cents a gallon to the cost of making gasoline.

W. H. Burnap, executive vice president of Continental Oil Co., says removing lead from gasoline could close down a number of smaller refineries, severely cutting the nation's sources of asphalt, the most widely used road-building material.

Putting a 91 octane lead-free gasoline on the market next fall in limited quantities, however, presents minimal refining problems for most companies. "We'll simply take enough components out of the lead-free pool for the 91 octane fuel and then put in more lead to raise the remaining pool to our 94 octane regular and 100 octane premium," explains one refining executive. "We're permitted to use up to 4.3 grams per gallon by Federal rule, but it's unlikely more than three grams will be used, because you get very little octane for additional amounts," he adds.

But adding new pumps and storage tanks to sell that gasoline could be another story. The nation's six pump makers currently turn out only 120,000 pumps a year, and Glenn Bailey, chairman and president of Keene Corp., estimates they'd be hard pressed to double that.

"We're already seeking new suppliers and manpower sources in case we have to add a second and third shift to meet demand for gasoline pumps," says Joseph J. Guidrey, vice president and treasurer of Tokheim Corp.

IMPACT ON CHEMICAL FIRMS

The limiting factor on how rapidly new pumps can be added, however, is more likely to be the local contractors who install them than the manufacturers who make them, says Lawrence Marchese, vice president, marketing of Gilbarco, Inc., Jersey Standard's pump-making subsidiary. "They're mostly small 'Mom and Pop' operations that may be be unable to expand quickly," he says.

A slow transition to lead-free gasoline would ease the impact on chemical and mining companies, but effects still could be serious.

The chemical industry will be hit from two sides. It stands to lose the $250 million-a-year market for lead antiknock compounds and could face a sharp price boost on the "building block" chemicals from which it makes many of its products.

Makers of the lead compounds say they can adjust to gradual loss of the market. Ethyl Corp. hardest hit of four makers, notes it has boosted its sales of other products to 60% of total volume from just 30% eight years ago, and it believes it will have time for further diversification.

"Even if the worst happens, we'd likely lose an average of 10% of antiknock sales a year over the next 10 years, and initially sales might not drop at all," say officials of the petroleum chemicals division of DuPont Co., the second largest maker. Lawrence L. Bott, President of Nalco Chemical Co., which gets an estimated 19% of its sales from the compounds, says, "We could offset with gains in other products slow loss of the market." And John M. Robinson, vice president, sales, of the Houston Chemical division of PPG Industries Inc., says even total loss of the market "wouldn't have any significant effort on PPG, for which it's less than 1% of total sales."

Not so lucky would be suppliers of such ingredients as bromine and sodium, who will be hard pressed to find new markets. Ethylene and chlorine used in the compounds likely would be diverted into making plastics, posing possible surplus problems.

JOLT TO LEAD COMPANIES

"Any large increase by oil companies in the amount of aromatics they put in gasoline could seriously affect availability of benzene, toluene and xylene, all basic feedstocks for petrochemicals," says PPG's Mr. Robinson. The Bonner & Moore study estimated the value of these "BTX" chemicals might rise nine cents to 15 cents a gallon with a switch to lead-free gasoline. Last year, oil refineries sold 2.3 billion gallons of such feedstocks.

For lead companies, too, the jolt could be severe. U.S. gasoline presently takes 275,000 tons of lead a year, or 20% of U.S. sales, and world-wide it accounts for 10% of all lead output. That's second only to use of lead in batteries. The threatened loss of this huge market already has halted the dizzying succession of seven rises in the U.S. price of lead last year. And it's certain to defer development of new lead ore prospects for some time to come.

But mining companies generally believe the loss can be absorbed. "We're certainly not despondent about the long-term outlook for the lead industry," says Simon D. Strauss, vice president of American Smelting & Refining Co., a major lead supplier. "A 10% a-year average loss of the gasoline market would cost the industry 27,500 tons annually, but the anticipated growth of lead sales in other areas is 28,000 to 42,000 tons a year."

Herbert Lewis, director of sales for Cominco Ltd., the world's largest producer of refined lead and zinc says, "Lead has taken its lumps before and has adjusted. Plastics took away the U.S. cable sheathing market in just two years, and many years ago lead was abruptly removed from interior paints. Loss of the gasoline market would be much slower and could be offset." But, he adds, "We may get some initial emotional impact on prices."

Some even see mitigating longer-term effects resulting from the same drive to improve the environment that threatens lead antiknock compounds. John Engelhorn vice president, sales and development, of St. Joseph Lead Co., for example, sees potential benefits for lead from increased use "in batteries for electric vehicles, for soundproofing and for undergrounding of utility lines."

ACTION BY LAWMAKERS

Timing of the adverse effects, of course, could be greatly accelerated by state and Federal regulators. Bills have been introduced in the California and New York legislatures to simply ban lead in gasoline by 1974. The California Air Resources Board has recommended banning it by the end of 1976. Health, Education and Welfare Secretary

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Finch, already seeking authority from Congress to control content of fuels, has asked over 100 oil companies for comments this month on a proposal to phase lead out of all regular grade gasoline by July 1, 1974. This drew the angry comment from one lead executive that Mr. Finch is trying to "upstage" a thorough economic study of the question by the Commerce Department, which is to be completed by July 1.

That it may take legislation to eliminate all lead from gasoline was indicated by Union Oil's Mr. Hartley, when he told the recent annual meeting of the National Petroleum Refiners Association, "We have no intention to take all the lead out until we're told we have to by law." He urged refiners to introduce new low-lead fuels, but said they also should continue making high lead fuels for present cars until more research is done on pollution.

Some oil and chemical researchers believe too little consideration is being given to the possibility of controlling auto pollution without sacrificing leaded gasoline and high-compression engines.

"Ed Cole of General Motors says his company can't meet the 1975 Federal air pollution standards with leaded gasoline, but Du Pont says 'oh yes you can.' " Donald R. Diggs, technical director of Du Pont's petroleum chemicals division, says Du Pont has put into the public domain a thermal reactor it says will burn up emissions from autos using leaded gasoline. Mr. Diggs says a West German car builder and a Japanese auto maker will each use the device on models being imported into the U.S. this year.

Auto makers dislike high-temperature devices like Du Pont's reactor, favoring instead low-temperature catalytic devices, which are poisoned by lead. But Mobil Oil Corp., as its assignment for the ten-company Inter-Industry Emission Control research program established with Ford Motor Co., says it has developed catalysts that work well up to 12,000 miles with leaded gasoline. "We expect they'll last a lot longer in our coming experiments with low-lead content fuel," adds Dayton H. Clewell president of Mobil Research & Development Corp., Mobil's research arm.

And some believe the final decision on what's to become of leaded gasoline will be made by the public. "If the public decides not to buy Detroit's new low-powered cars or the oil companies' higher-priced, lower quality gasolines, those companies could pretty rapidly reverse course" asserts Nalco Chemical's Mr. Bott.

THE PRESIDENT'S SMALL BUSINESS LEGISLATIVE PACKAGE

Mr. JAVITS. Mr. President, I wish to advise the Senate of my high opinion of President Nixon's proposals to strengthen Government support for small business.

As the ranking Republican on the Senate Select Committee on Small Business, no one wants more than I to improve our assistance for all small businessmen who need a helping hand. It is especially important that we help those who have not in the past had an equal opportunity to share in our economic structure—this is why I am especially pleased to see that the President included in his request legislation on behalf of minority businessmen.

I view as one of the most important of his proposals the assistance provided for training for disadvantaged entrepreneurs, such as legislation that would help underwrite extension courses, night school, and other management training courses. This is an important first step and a most constructive proposal. Many minority members are vigorous competitors and are highly qualified to become owners of their own businesses; however, we cannot achieve full economic parity unless we first utilize the educational opportunities I expect this legislation to provide.

I am most hopeful that the President's proposal will go a long way toward meeting the need of small business and small business generally. I hope, and believe, that the Senate will give these proposals every support, and I hope to join in sponsoring the implementing legislation.

A WORD TO THE WISE

Mr. MONTOYA. Mr. President, today the air is filled with threats, counterthreats and an aura of fear. One of the violent horrors which affects more and more of our people has to do with the menace of drugs. Everyone is worried about drugs, but no one really knows quite what to do. Everyone ponders, while the evil grows. But every once in a while, something clear and practical emerges, to be offered to the young people of this country. One such piece of advice seems to be increasingly popular, and I believe will have more than a passing effect in weaning America's young people away from the desire to take a crack at drugs.

Young people in our smaller towns and cities pay close attention to their local publications. These local publications can perform great service by offering some very practical and meaningful advice to them. One newspaper in my State has done this in the area of drugs and the young. The March 9, 1970, issue of the Deming Graphic contains an "Open Letter to Kids," which I find pertinent, practical, effective, and worth more than much of the high-sounding theory that is being heaved around these days. I offer it for the enlightenment of other Members of this body, and commend the publisher, Wendell Faught, and his news editor, Harold R. Cousland, for their presentation. I am certain that more than one youngster who reads this will think at least twice before plunging into the grotesque evil that is drug experimentation.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Open Letter to Kids

"The Municipal Reporters," the publication of the New Mexico Municipal League, contains a letter that should be read carefully by all Deming parents and students.

Titled an "Open Letter to Kids," the advice was prepared by The Newburgh (N.Y.) Evening News.

The following letter answers the question: "What kind of a future is there for a young person who is convicted on a drug charge?":

This is an open letter to kids, but anyone may read it. It's addressed to all kids: smart kids, stupid kids, militant kids, have-everything kids, the have-nots, weak kids, strong kids . . . and kids who hope some day to be something.

I'm talking particularly to you kids who may some day be swept up in a drug raid, and come out of it with a conviction on your record.

This can dog you the rest of your life! Whether you hate The Establishment or not, there it is. Even a relatively minor conviction, say for disorderly conduct, will ride your back; Forever.

Suppose you're picked up and police find one . . . ONE marijuana cigarette on you. You're convicted and maybe put on probation, since it's your first rap . . . no fine, no jail term.

You think, "Boy, I got off easy?" But did you . . . sucker? The picture of you and your name in the newspapers may fade, but the record never does.

You're not alone in your notoriety, your Mom and Pop are right there with you, whether they want to be or not, sharing your spotlight. But for now, let's just talk about how your escapade affects you.

Do you realize that you've cut yourself off forever from all governmental jobs? They don't want you.

Do you realize that one cigarette will keep you from getting any type of professional job where a license is required? Had you thought about becoming a beautician? A practical nurse? A registered nurse?

Forget it!

You'd thought about becoming a doctor: Studying law:

Forget it!

Ya' say you'd like to become a pharmacist? A chiropractor? A private investigator? An insurance claims adjuster? A teacher?

Forget it.

Ya' say you'd like to become a—ah, what's the use. You're not going to make it, baby, because in order to obtain a license for any of these and dozens of other professions you have to show "good moral character."

Attorney Andy Mauriello points out, "A conviction on a drug rap or anything else does not carry the connotation of good moral character, no matter how you look at it." Mr. Mauriello, assistant district attorney of Orange County, says penalties for a conviction—either misdemeanor or a felony—are endless and lifelong.

Under the banking law you can never become an officer of a banking institution.

And, if you wanted to become a specialist in securities with a seat on the stock exchange you couldn't. Why? The Conviction. You can't obtain a bond. You're not considered a good risk to handle other people's money.

You can never be able to act as a trustee, guardian or administrator in any kind of fiduciary matter . . . position of trust, that is.

Your driver's license is subject to suspension or revocation by the Motor Vehicle Bureau in drug matters.

Oh, you can probably get a job, even with a conviction. But when it comes time for a promotion, and the company has a choice between you and someone else with a clean record, whom do you think the boss will choose?

Ironically, you may hold a public office, even with a blot on your name. If you can get elected that is, after your opponent tells the voters you were on LSD or smoked grass.

There's a lot more to this business than I've room for in this space. A long list was made available by Mrs. Mauriello.

Do you know you can't even obtain a permit to raise cattle, under the Agriculture and Markets Law, if you've been convicted of a felony? They don't think too much of you, do they?

Before you get involved, you smart kids, stop to think what effect your police record will someday have on your children.

It's like you throw a pebble in a pond. The ripples you make are ever widening and eventually, they touch all shores.

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A NORTHERN SAFARI

Mr. STEVENS. Mr. President, Helen L. Atkinson is a talented freelance writer who resides in Fairbanks, Alaska. She has written two excellent articles concerning Alaska and its emerging petroleum industry. The first of these is entitled "Transport Difficulties Beset Alaska," and was published in Oilweek for March 16, 1970.

The second article, entitled "South Brooks Range Safari," is a reminder that in Alaska, man's unique relationship to nature is not taken for granted.

I ask unanimous consent that both of these excellent articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Oilweek, Mar. 16, 1970]

TRANSPORT DIFFICULTIES BESET ALASKA

(By Helen L. Atkinson)

"Alaska is faced with a tremendous amount of transportation competition," said H. D. Scougal, Deputy Commissioner of Highways, to Alaskan legislators in Juneau. He was trying to jar loose $250,000 in maintenance funds for 1970 operation of the Hickel Highway. Alaska has no road systems between the Yukon River and the Arctic coast, except the Hickel Highway—a highly controversial road originated in '68–'69.

Focus of attention is on Alaska's North Slope with its 10–20 billion barrel Prudhoe Bay field.

To get oil from the North Slope to oil-hungry markets in the United States a consortium of companies formed the Trans-Alaska Pipeline System (TAPS). They plan to build an 800-mile 48-inch pipeline from Prudhoe Bay to Valdez, bisecting Alaska from north to south. If obstacles can be overcome the line should go "on stream" by 1973 with an initial throughput of 500,000 b/d. Oil will move from Valdez to west coast refineries by tanker.

To produce 500,000 b/d will require a minimum of 50 wells each producing 10,000 barrels a day. To drill 50 wells will take men, machines, and supplies. To move the oil out of the Arctic will take a pipeline. To build the pipeline will take a road. To build a road, construction camps, pumping stations, auxiliary oilfields, and hundreds of miles of pipetrench will take thousands of tons of supplies.

Meantime, back at Prudhoe Bay, more thousands of tons will be needed to support operating oil fields, production facilities, flow stations, camps, and people living there.

Interior and northern Alaska have no year-around waterways, are sadly lacking in road networks, and of necessity transportation has been mainly by air. A pipeline through the center of the state, and refineries in Fairbanks, geographical heart of the state, should cut both fuel and transportation costs to the Interior.

Transportation costs are high because construction costs of transportation systems are high. Lack of roads, railroads, and adequate airfields have prevented Alaska from developing its own resources. Alaskans have had to import almost everything.

From Prudhoe Bay the closest city is Fairbanks, second laregst city in the state, and only major city not on the coast. Fairbanks is connected by paved highway and a railroad to Anchorage and Seward. It is connected by two different gravel roads to the Yukon River. The Alaska Highway connecting to Canada and Seattle ends in Fairbanks.

Fairbanks is 380 air miles and 600 (winter) road miles south of Prudhoe. By road, Fairbanks is 340 miles north of Valdez, 440 miles north of Anchorage, 565 miles from Seward, 600 miles from Kenai, and 660 miles northwest of Haines—all coastal port towns.

The distance from Kenai to Fairbanks by paved highway is the same as the distance from Prudhoe to Fairbanks by winter road. It costs an average of $40 a ton to haul oilfield cargo by truck to Kenai to Fairbanks. With a permanent road to the North Slope, truck haul rates could be comparable, at least competitive, with other methods of transportation.

This year the State of Alaska opened a 175-mile section of winter road between Livengood and Bettles on Jan. 15. Private contractors opened the 350-mile stretch from Bettles to Prudhoe. The Legislature last spring appropriated $433,000 to open the road in 1970 but no maintenance funds to keep it open.

Due to politics, a late start, and an unusually severe winter in '68–'69 the Hickel Highway cost $476,568.52 to build. It extended from Livengood to Sagwon, a distance of 538 miles. Maintenance cost $289,723.23, approximately $500 a mile. Construction costs averaged less than $1,000 a mile.

Burgess-Houston is completing a 53-mile segment of gravel road between Livengood and the Yukon River as a pipeline-access road. This road meets the Yukon 20 miles west of Steven's Village, the Hickel Highway crossing. (Beyond Bettles the Hickel Highway follows the John River north through Anaktuvuk Pass before turning east along the northern foothills of the Boorks Range to Sagwon). TAPS pipeline-access road bends east from Bettles and follows the Jim River to Wiseman, then through Dietrich Pass to the headwaters of the Sagavanirktok (Sag) River. Pipeline grades can exceed eight percent, the maximum desirable road grade.

The Hickel Highway and TAPS' road do not parallel each other beyond Bettles. TAPS agreed to "give" its access road to the state when the pipeline is completed. TAPS needs the use of the road to haul hundreds of miles of pipe, trenching, blasting, and construction materials, plus supplies for men based at "spreads" through 426 miles of Brooks Range country north of the Yukon.

Letters of intent, rather than contracts, have been issued to five contractors for construction of the TAPS road. Permission was secured by TAPS from the Department of Interior to "mobilize" camps and equipment, pending a final okay for the road and pipeline right-of-way. Special land use permits (SLUPS) were granted by the Bureau of Land Management for camp stockpile areas.

More than 14 million gallons of fuel, 800,000 pounds of explosives, hundreds of pieces of heavy equipment, and a dozen camp-compounds, have arrived in, or passed through Fairbanks in the last two months. One contractor has made more than 300 trips over the winter road to Bettles already. Last year the Yukon River ice-bridge was unusable after April 19.

Bettles is on the south side of the Brooks Range, a formidable barrier more than 100 miles wide, with peaks towering to 8,000 feet in the Dietrich Pass area. Galbraith Lake is on the north side of the mountains near the headwaters of the Sag River. Prudhoe Bay is more than 100 miles from Galbraith Lake. TAPS' pipeline-access road through the Brooks Range may take more than one year to build.

Pipe for 150 miles of pipeline will be barged to Prudhoe Bay this summer. An oil company spokesman estimated that some 257,000 tons would be barged to Prudhoe in 1970 and about 55,000 tons airlifted.

At Prudhoe Atlantic-Richfield is completing a $10 million complex. It will contain living quarters for more than 400 men, with expansion plans for that many more. ARCO's complex is essentially a private city with its own sewer system, gas generator plant, warehouses, garages, offices, laboratories, communications centre, library, theater, laundry, medical facilities, dining and sleeping accommodations.

A new hangar and control tower at the Prudhoe airport are nearly completed. ARCO has completed a diesel topping plant, a gas dehydration plant and is starting construction of a gas refrigeration plant. ARCO let a contract to Delta Engineering for a $20-million flow system. BP Alaska Inc. let a contract to Brown and Root for a separation and flow system estimated at $100 million. Again—materials, men, and supplies must be transported to Prudhoe to accomplish this.

To drill exploratory wells in 1969 oil companies had to build their own airfields, roads, and docks on the Slope. Construction costs, according to an oil company engineer, ranged from $1.70 a square foot and up, for five feet of compacted gravel fill over tundra. Gravel is plentiful in river beds and was purchased from the state.

More than 50 miles of permanent gravel roads connecting drill and camp sites have been built by ARCO and BP in the Arctic since 1968. Road beds are ordinarily built up a minimum of five feet, to keep an insulation blanket between vehicle heat and permafrost, and to elevate the roads to help keep them blown free of snow.

Twelve private airfields were constructed on the North Slope by oil companies in 1969, according to the Federal Aviation Administration (FAA). Seven strips could handle F–27 or larger aircraft. At the peak of the season 47 ice strips were in use. They were made by "dozing" snow off a frozen lake and installing runway lights along both edges. Cost of one ice stripe was $125,000. Cost of one 150 by 5,000-foot gravelled runway was $1,250,000.

During the summer, movement on the Slope was confined to helicopter lifts or light planes using short strips, where no roads existed. Hovercraft tried to move small loads on an experimental basis but proved unsatisfactory. Drill rigs were moved by Sky-cranes for $3,000 an hour. Maximum lift was 10 tons, it took an average of 20 lifts to move a drill rig.

Year-around roads built to secondary standards, such as the 53-mile TAPS section from Livengood to the Yukon, have been costing the state Department of Highways from $85,000 to $460,000 a mile to build in interior Alaska. In southeastern Alaska roads can cast as much as a million dollars a mile.

"Secondary standards" means a good gravelled road at least 22 feet wide. Cost of construction depend on variable factors like whether borrow pits are close or far away, length of haul, if weather is wet or dry, moderate or freezing, and the terrain to be crossed—tundra, swamp, permafrost, forest, bare ridges, pure rock, wide braided rivers, deep swift water, or flat open country.

Primary roads are paved roads. They are built to federal specifications. By the mile paving costs less than basic construction. In interior Alaska road paving has cost from $50,000 to $140,000 a mile.

"Asphalt topping should be available for $40 a ton rather than $100 a ton when we complete our Fairbanks Refinery," said Dan Krausse, president of Energy Company of Alaska. "Crude oil from the Prudhoe-Valdez pipeline will be used to make jet fuel, diesel and heating oils, gasoline, asphalt, and numerous byproducts. This should lower fuel costs in the Fairbanks area by about 20 percent."

Petroleum products cost approximately six cents a gallon to haul by train from Anchorage to bulk plants in Fairbanks. To rehandle the fuel—from the bulk plant eight miles away to the airport—costs another three cents a gallon. Over the highway from Valdez to Fairbanks it costs about eight cents a gallon to haul fuel; by truck from Anchorage slightly more.

Fairbanks business and civic leaders are trying to convince federal and state officials

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of the need for a railroad spur to the airport to cut fuel handling time and costs. In January of 1969 there were as many jet landings in one month as there had been for all of 1968; traffic increased 406% in '69.

More than 100,000 tons of air cargo funneled through Fairbanks enroute to Prudhoe on scheduled and non-scheduled carriers last year. Some freight originated in Calgary and Edmonton, some in Anchorage and Kenai, but most came from Seattle, or through Seattle from other parts of the United States.

Seattle barge companies towed 100,000 tons of dry cargo and petroleum products into the Beaufort Sea for oilfield use in 1969; another 26,000 tons arrived on Canadian barges via the Mackenzie River. Less than 8,000 tons were delivered over land to the Slope due to lack of an all-weather road system. Total tonnage moved to Alaska's Arctic by all methods in 1969 was in excess of 300,000 tons according to an FAA report.

Canadian barge rates by Northern Transportation Company were $88 a ton in 1969 and remain the same for 1970. This includes loading at Hay River but no off-loading in Alaska. Bering Sea barge rates averaged $125 a ton in 1969 are reported higher for 1970; they include beach delivery.

Revised estimates by other than barge companies placed actual sea lift cost at closer to $160 a ton when insurance demurrage, inventory charges, and long shorting was added in.

From Texas through Seattle by truck to Fairbanks drill bits and oilfield equipment runs around $300 a ton; from Calgary and Edmonton to Fairbanks by truck from $130–$140 a ton. Discovery of a major new Canadian oilfield less than 400 miles east of Prudhoe, and drilling at the mouth of the Mackenzie, 250 miles east of Prudhoe, bring the Alaskan and Canadian Arctic closer together. Cheap transportation to the North Slope via Canada is very real competition.

Seattle, economically depressed because Boeing Aircraft Co. laid off 13,000 employees in 1969 and is scheduling an 18,000 lay-off in 1970, is plugging for direct Boeing 747 cargo flights from Seattle to Prudhoe Bay.

The State of Alaska and a private company each plan to lengthen, improve, and pave airstrips on the North Slope. If this happens—Deadhorse and Service City runways could handle 747s.

Last year air freight rates were quoted at $140 to $175 a ton. Except for one drilling company that "wet-leased" a Herc with three crews on tap to fly as many as six round trips a day, costs were closer to $175 a ton. Rates actually varied from $2,000 to $4,000 a trip depending on type of cargo, loading and unloading time, backhaul charges, crews available and other factors.

This year one airline quoted a tariff of $150 a ton; another line flies mud and cement for $190–$260 a ton; dairy products and perishables for $10 a hundredweight. A different airline charges $4.50 a mile in each direction whether empty or full; still another charges from 50–85 cents a gallon to deliver fuel, depending on the type of plane used and volume delivered. Airline operators said that fuel, explosives, and equipment for the TAPS' road construction would have to be flown in to the Brooks Range because there are no roads.

"For each ton of petroleum products required it takes four tons of general cargo—food, mobile equipment, and trailers," an airline president said. Alaska Airlines and Interior Airways won contracts in February for hauling some of the 14.5 million gallons of fuel to TAPS camps. PEDCO was awarded the fuel distribution contract; it is primarily diesel fuel, which will be supplied from Tesoro's Kenai refinery.

Fourteen million gallons of fuel weighs approximately 50,000 tons. Another 200,000 tons of general supplies will also be needed to build the TAPS' road. Part of this tonnage is now moving north over the Hickel Highway to Bettles and on to the SLUP areas. Contractors hope to move more than 1,000 truck loads over the winter road before the Yukon River ice-bridge melts out in mid-April.

Last year 7,464 tons were hauled over the 538-mile winter (tote) road from Livengood to Sagwon in 482 trips by 20 different carriers. Most truckers operated under the Alaska Carriers Assn. tariff charging a set sum for a 125-hour trip, plus $16 an hour straight time for all 24-hour days beyond the 125 hour maximum. It took an average of two weeks to make the trip; road speed was about five miles an hour; each truck burned an average of 1,000 gallons of fuel a trip.

On a good gravelled road, well maintained and with some service facilities along the way, some truckers felt they might be able to reduce rates to as low as $60 a ton.

One oil company executive said freighting by highway and air to the North Slope looked better all the time. He refuted the claim that water transportation is cheaper than any other method when he remarked, "I don't really like to write one check for a whole year's amount of freight. It really ties your money up. You write one check for the tugs and barges; you write one for preparing the staging area on the beach—then you've got a warehousing problem! The weather is terrible in the Arctic. You have got to get supplies out of snowdrifts in the dark and cold if you don't have warehousing, then you've got to load them on trucks to haul them where you want them. It's no saving."

Although barging to the Arctic is risky, it has been accomplished successfully for many years. Only once did the polar ice pack prevent cargo delivery. Sea lifts do have to be planned months ahead and delivery is made annually during a six weeks' period. Last August a barge flotilla was held south of Icy Cape for more than a month awaiting favorable weather.

South of Icy Cape and north of Nome is Kotzebue, sheltered by Kotzebue Sound. It is in the Sealwik sedimentary basin and on the Chukchi Sea, exploration hot spot. Three airlines have reportedly purchased land at Kotzebue in anticipation of the need for a reliable competitive method of delivering supplies—to the northwestern Arctic, or from Kotezbue to the North Slope. Another barge company recently leased surplus military land and buildings at Icy Cape for a tanker base.

Development of a country depends on logistics—transporting crews, camps, fuel, vehicles, machinery, supplies, equipment to where it is needed when it is needed. The most economical method of transportation, whether it is by pipeline, rail, road, air, barge, or a combination of them, is the key that will unlock the door to the Arctic's treasure house.

South Brooks Range Safari

(By Helen L. Atkinson)

Fairbanks, Alaska.—Convoy ho! We were off to Koyukuk country, north over the much-demeaned "winter road" from Fairbanks to the North Slope oilfields. The 4:30 a.m. sky was black. Green-Associated was moving out with its seventh convoy of heavy equipment destined for campsites at Prospect Creek, Coldfoot, and Snowden.

At 3:00 a.m. we had met in the only restaurant open downtown, ate breakfast, then stopped by Sally's Catering to pick up box lunches, and by 4:00 a.m. had gathered at Green's staging area near the Fairbanks International Airport.

It took awhile to round up all the horses under the hoods of powerful Caterpillar scrapers, graders, and trucks to get the "wagon train" ready to roll.

"You will be the first woman to ever go over the road up the Jim River to the headwaters of the Dietrich River," said Jack Jiles, superintendent for Green, who was doubling as wagon master and fearless leader of the convoy.

We led off in a four-wheel drive Ford pickup, one of 120 new pickups ordered for use on the 133-mile section of pipeline access road Green was to build for Trans Alaska Pipeline System (TAPS) south of the Brooks Range. Our truck carried a rotating flashing beacon on top of the cab and a sign "Wide Load" wired across its front. Following were 14-foot wide scrapers, huge twin-engined 657s, and several graders, the "lube" truck and mechanic's truck.

Making up the convoy were "old hands" at pioneering, men who had been over rough terrain before. Car radios were turned on to check assembly progress. Finally every piece of equipment that was going fell into line. The mechanic brought up the rear. While most of Fairbanks still slept the convoy wound its way slowly down Airport Road to University Avenue, then to Farmers' Loop, off on the McGrath Road to the Steese Highway, on to Fox and the Hickel Highway turn-off.

Here Jiles stopped at the Alaska Transportation Commission's checking station to leave the equipment list. Ahead, at the fresh water spring, our first casualty occurred. A fuel line broke on one of the big scrapers. Another 657, piloted by an operator unused to synchronizing twin engines, was blatting its warning horn persistently. Our wagon master explained to him how to "rev" the engines to synchronize them. The horn stopped blowing, but was to plague us, and the driver, intermittently during the whole trip.

We had to abandon the sick scraper; the mechanic went back to Fairbanks to get parts, and to accompany a scraper which had been delayed in the yard with hydraulic problems. Before he departed the mechanic brought five extra lunches to the lead car; they were freezing in the back of the scraper. Every scraper was loaded to the brim with extra tires, chains, blocking, and spare parts. These monsters were all new 1970 models. Their ten-foot diameter wheels dwarfed a man; their carrying capacity varied from 32 to 44 cubic yards. The 657s had 500 HP motors in front and 400 HP motors in the rear—a lot of machine—burning a lot of fuel.

About 1:00 p.m. the contingent refuelled just past Livengood on a straight stretch near an old mining dam. Our lube truck carried 800 gallons of diesel for the big machines, and gasoline for the pickups and trucks. A spare tanker of fuel was parked at Livengood. When convoy tanks were full, the lube truck returned to Livengood to meet the balance of the convoy, and to refill his supply tanks.

Somehow this all seemed like a page out of a 20th century "covered wagon" story.

We headed up Hess Creek. Traffic bound north along with us were trucks belonging to Weaver Brothers carrying house trailers; Consolidated Freightways hauling explosives; Usibelli Coal Co. carrying tractors and dozers; N.C. Co. hauling caterpillar parts; Sourdough Express, Bayless & Roberts, and Pioneer Alaska Express hauling miscellaneous construction supplies for Rivers, Wagley, and Mullen construction companies.

Drums of fuel were "cached" along the road. Stranded semi-trailers loaded with cargo were pulled off the road along the way. It reminded me of the Fairbanks-Valdez trail in the early 1940s. Before it became the paved Richardson Highway it used to be a single-lane dirt road with grass growing in the middle, drums of fuel cached alongside, and traveled by truckers who helped each other out of tight spots.

On the other side of Hess Hill the 50 miles between Livengood and the Yukon River is flat and full of scraggly spruce trees. Hess is

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steep, but was not the challenge I'd expected. It was a challenge for Sourdough Express though. A few days before Gene Rogge's new quarter million dollar 150-ton Kenworth couldn't pull its heavily loaded rear trailer up Hess. The trailer was disconnected. Gene was winching it up the hill when the winch cogs gave way, caroming the trailer back down the hill with a brand new 988 loader on it. No one was hurt, but the injured trailer and loader with its smashed cab remain off the road for all to ponder.

Truck after truck passed south as we moved north. Each carried another truck "piggy back". This saved fuel, tires, and wear and tear on one truck. The extra weight gave a better ride and an extra driver is always of help.

Weaver Bros. trucks, and carriers labeled "Leased to Weaver Bros." were most numerous on the road. Weaver has ferried more than 500 loads north for Green-Associated, a combine of Green Construction Company and Associated Pipeline Contractors Inc. With more than 1,000 loads to deliver at the three Green camps, Weaver started hauling January 15, the minute the state declared the Yukon River ice-bridge safe and the Hickel Highway open.

We reached the Yukon about 4:00 p.m. A barrel holding a wooden sign "Ice may be unsafe cross at your own risk" did not identify the crossing. While waiting for the rest of the convoy to catch up, I tried to letter "Yukon River" on the board with my eyebrow pencil. It was too faint. A little axle grease mixed in helped some. The ice-bridge itself was covered with snow and looked much like any other frozen river. Vertical willow sticks marked its line, just in case the wind decided to blow and obliterate the trial.

We saw no wild game, but the vast openness of the Yukon Valley brought to memory early days in Fairbanks. Until so many people came to shoot them, caribou roamed on Cleary Summit and near Harding Lake. The Fairbanks Exploration Company's noisy gold dredges, five-foot diameter siphons, big hydraulic pipeline and 70-mile long Davidson ditch were no deterrent. Caribou and moose traveled in the valley jumping pipelines and ditches with the greatest of ease. The five-foot fence at Alaskaland could not contain the caribous on exhibit there in 1967.

Downriver from the Hickel Highway ice-bridge is Stevens Village. No trail or road connects the five mile distance so it was not possible to visit the village. John Greenway, famous dog musher from Tanana, who was piloting one of the big pieces of machinery, said he thought about 15 or 20 people lived there now. John used to trap along the Yukon, but said he had been living and working in Fairbanks for some time and hadn't been to Stevens Village for several years.

Our drivers checked fuel supplies, compared notes, and munched on turkey, beef, and ham sandwiches until the convoy was ready to roll again. We had too many lunches and we knew somebody didn't have any. But who? There are no restaurants, or service stations, of any kind in the whole 250 miles between Fairbanks and Bettles.

Somewhere along the line we lost the lube truck, that was probably lagging along with the last two scrapers. Our wagon master tried in vain to make radio contact with the lube truck and the mechanic's truck. Communications were a real problem most of the way.

At the risk of running short of fuel before we reached our first destination, Jim River, we once doubled back for miles to look for the lube truck. He had stopped to repair a broken hose; then we lost radio contact. We feared he might have slipped over the edge, but found no tire marks. After 15 miles we assumed he was okay and would be picked up by the mechanic's truck, so turned north again.

Until we started up Dall Summit the terrain remained flat and full of black spruce. We clipped along in the lead at 40 miles an hour, with one of the big scrapers crowding us behind. Top speed of the No. 14 and No. 16 motor graders was 25 miles an hour. The 16-blade usually went ahead after each rest stop. Mixed frozen dirt and snow made a fine smooth-as-pavement surface across the Yukon Valley.

The only really bad hill we approached was Glacier Hill. It had curves leaning in the wrong direction, many gIaciered sections and no "hot pots". It was narrow and winding and steep. Our big grader stopped to widen and smooth several hundred feet or so near the bottom of the hill so trucks having trouble would be able to make it up the incline with their heavy loads.

Hot pots are unique Alaskan devices dreamed up by the State Department of Highways—to keep glaciers melted in front of culverts. This keeps the water running through the culverts instead of over the top of the road and freezing into bumps. The hot pots consist of two fuel drums—one full and one cut and partly full. Fuel is piped from one to the other to keep a slow steady flame burning. The heat maintains a melt condition. State personnel check the drums daily to keep the eternal flame going and the water running.

Last year the state had no permanent camps along the "winter road" so could not maintain hot pots. It was truly an "Ice-Hickel" Highway. This year the state has base camps at Dall Summit and Fish Creek. There is a good airstrip at Dall Summit. Maintenance on the road is better this year, but the truckers emphatically say "I wish Governor Miller would hurry up and sign the maintenance bill before it is too late" and "I sure hope the Legislature will appropriate money for next year's road NOW and not wait until next spring to do it!"

The shadows were falling as we passed Dall Summit. Somewhere between Dall and Glacier Hill we stopped at a low spot where clouds of steam were frothing over a timber-bridged stream. I scooped up an empty fruit-juice can of the sulfide-smelling stuff to see how hot it was. It was only lukewarm. Someday an enterprising soul might decide this is a great place for a bath house for truckers.

The wind kicked up in Kanuti Flats, scudding snow down the road in North Slope style. Attesting to its sometimes-strength was an overturned 38-foot camp trailer laying on its side. This one had blown off a semi-trailer on another trip. It had been destined for one of Green's base camps. On the edge of Kanuti Flats was a tiny tent and row upon row of stakes in a test plot. The fellows said "the conservationists have planted a garden here," but the stakes really marked thermocouples—wires and instruments set to measure ground temperatures at different depths.

Between Fish Creek and Dall Summit was Glacier Hill. Our big grader's heater went out earlier in the day and the driver's lunch was fresh frozen, but a fuse blew on the light system just as we topped the hill and darkness surround us at 7:00 p.m. The wagon train halted until repairs were made. We tried repeatedly to contact the rest of our convoy by radio, no luck. Only five mobile units waited together on top of Glacier Hill. The rest of our convoy was strung out we knew not where. "We don't even have enough to form a circle," our leader quipped, referring to possible native uprisings over land claims. On a trip like this we had time to deliberate these questions.

Natives from Stevens Village, Bettles, Allakaket, Rampart, and Minto gave permission for the pipeline and road right-of-ways to cross their lands. They later revoked permission, claiming TAPS had not given them promised jobs. Nativie groups, through the Alaska Legal Services, stated that they did not wish to prevent construction of the 48-inch pipeline from Prudhoe to Valdez, but they do wish to delay it until they have assurance that the ecology won't change and they can still "live off the land."

Oddly enough, a strip of land 100 feet wide and 800 miles long occupies only 15 square miles of space. Figure it out. TAPS has asked for a 100 foot right-of-way for the pipeline and another 100 foot right-of-way for an access road. That amounts to a total of 30 square miles out of Alaska's 586,400 square miles of land, or less than a quarter of one percent. Alaska has another 550,000 square miles of continental shelf. Primary roads lacing the "lower-48" states require a 200 foot right-of-way.

Numerous delays have prevented full assurance that the pipeline access road can be built this summer. If it isn't, many trucks and drivers, pilots and planes, service and supply people in Alaska, including natives, will be unemployed. Individuals and companies who have invested in equipment will still have to pay for the equipment, even though it is marooned north of the Yukon.

As a 40-year resident of Alaska, with an engineering education and background, and as an outdoor person who used to like to hunt and fish but now prefers to photograph wild game—I feel very protective toward Alaska's natural resources, but do realize that none of us can survive here without jobs.

This is the crux of the matter. I have talked recently to native friends about native land claims. One old Eskimo said, "All we want is a chance to work and earn money like everybody else." He did say he thought some of the younger natives were asking too much, but felt they were influenced by white lawyers.

I continued to ponder all of these problems as we traveled past Fish Creek to the turn-off on Jim River, about 20 miles south of Bettles. This was the beginning of the Brooks Range, the unknown and most beautiful part of the land. It was too dark to see it. We were to stay at Green's temporary camp near the Four Corners. One road leads to the Jim River camp, another branches to Prospect Creek, the third to Snowden, and the fourth goes to Bettles.

Green-Associated has three segments of road to build as soon as the final okay on right-of-ways is obtained. Letters of intent, rather than contracts, were issued to five contractors for construction of 426 miles of road from Prudhoe Bay to the Yukon River. Green will build the 133-mile mid-section. The Department of Interior gave TAPS permission to authorize "mobilization" of camps and equipment for the road job. The Bureau of Land Management issued special land use permits to allow camp staging areas to be set up. Prospect Creek will be Green's first permanent camp.

Prospect Creek is several miles from the Jim River camp-on-wheels, which is 101 miles north of the Yukon and inside the Arctic Circle. It will contain facilities for 300 men, and include a camp for TAPS personnel. Coldfoot, 51 miles beyond Prospect, will house 100 men; the last camp at Snowden, 36 miles past Coldfoot, will be home for 200 men, including TAPS people. Snowden Creek flows into the Dietrich River and is in the very heart of the Brooks Range.

It takes a lot of people and a lot of equipment to establish and maintain a camp. It takes a lot of equipment to build a road through the Brooks Range.

"Without a road or trail of some kind there would be no way to get equipment here," Jiles remarked, "The scrapers are 14 feet wide and wouldn't fit inside a nine foot wide Hercules airplane."

For Green-Associated more than 200 personnel housing trailers, 50 dozers, 30 big scrapers, dozens of compressors, generators, air drills, blades, rippers, and rollers; and

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hundreds of truckloads of food, parts, and supplies have already crossed the Yukon. Green moved more than 1,000 loads across the U.S. and Canada by rail to ports at Seattle and Prince Rupert, and then by rail car ferry through Alaska to Anchorage for rail shipment to Fairbanks. From Fairbanks cargo moved north over the Hickel Highway to the Jim River, then up the Jim River on the old Wiseman trail toward Dietrich Pass.

The Alaska Transportation Commission reported that 976 loads, approximately 19,500 tons, passed over the Hickel Highway between February 17 and March 14. No record was kept of traffic using the road between January 15 and February 17. Cut-off date for freighting over the "winter road" is March 31.

Improvements to the state's Hickel Highway would extend the driving season. The state collects from two to eight cents a gallon for every gallon of diesel and gasoline consumed. A lot of fuel was consumed to haul an estimated 1,800 loads. Next year the pipe has to be hauled.

The TAPS pipeline access road was to be completed by December 1, 1970. It will be 28-feet wide, with a screened gravel surface, and built to state secondary standard specifications. After the pipeline has been laid, the road will revert to the state for public use.

Unfortunately, new conservationists, people unfamiliar with Alaska, and those concerned about disrupting the ecology are unaware of the fact that it is better to haul gravel in the winter time when the ground is frozen, and that now is the time to begin road construction.

Not only is it more difficult to cross wild terrain in the summertime, but it costs more to build roads in new country then. In the winter time the rivers are frozen, no birds are nesting, no fish are spawning, bears and squirrels are hibernating. Working conditions aren't comfortable, but man can adapt to them.

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At this point I wasn't too sure I could adapt. Just 18 hours after leaving the Airport in Fairbanks we pulled in to the Jim River camp. We "ran the gauntlet" through hundreds of parked trucks, scrapers, dozer, trailers, and vans. It was overwhelming.

"If you'll lend me one of your pickups I'll just run over to Bettles and stay at the Lodge," I offered.

The wagon master assured me that although the camp had no plumbing, there were plenty of vacant trailer bunks, the men had been warned that I was arriving, Jim River camp had the best cook in the country, and if I went to Bettles I would have to share a room with at least three men. I stayed at Jim River. Everyone was friendly and courteous and seemed glad to see a woman. The bull-cook apologized because the clean sheets hadn't come back from the laundry.

After coffee and conversation I turned in and slept like a log. I awakened at 4:30 a.m. and peeked out the window to check on camp activity. (I couldn't see sharing an outhouse with 76 men). The coast was clear so I dressed and made a quick trip to the woods, washed in snow, and waited for the breakfast call.

The last man to the breakfast table was our mechanic; he'd rolled in about 4:00 a.m.; breakfast was at 6:00 a.m. He was the one who missed lunch all the day before.

"I was too busy to eat anyway."

He made up for it when the fried potatoes, bacon, eggs, sausages, rolls, and stacks of hotcakes were served.

Elmo Braggs, the cook and baker, looked very tired. He said he was set up to cook for 20–25 men but had been serving 60–80. I asked him how he could plan and cook for so many unexpected guests.

"I can't, I just cook all I can."

While we talked a plane landed on the airstrip-road and five of our drivers hurried out to pile in and fly back to Fairbanks.

Men and machines were moving in all directions. Another plane took off for Fairbanks. A helicopter landed to pick up some Michael Baker surveyors. Trucks were coming in, pulling out, fuelling up, piggy-backing; equipment was being parked, trailers placed, and questions asked about where to put this and that.

Bill Powell, assistant supervisor for Green-Associated, was trying to answer everybody before he caught a plane to Fairbanks. Also at Jim River were Verl Norris, who will be in charge of the Prospect camp; Wayne Hunt, who will be in charge of Snowden camp; and Jack Jiles, our wagon master, who will be in charge of Coldfoot camp. I was taking pictures of the activity and enjoying the beautiful blue-sky morning, 30-degree temperature, and magnificent view of the mountains.

Soon our graders and mechanic's truck were ready to roll. We headed for Coldfoot and Snowden down the old Wiseman trail, again driving through miles of parked equipment. We passed an icy-blue lake, spied two timber wolves and some wolf hunters, and had to stop when a helicopter landed in the road. A man with a transit jumped out and started to shoot the center line for the TAPS road, which closely paralleled the Wiseman trail at that point.

Every mile brought views that begged to be photographed, but we had to hurry our equipment to Snowden because a plane was to pick us up there at noon to return us to Fairbanks. Coldfoot was 51 miles from Prospect; Wiseman 24 miles from Coldfoot; and Snowden 12 miles past Wiseman.

We drove by tailing piles, good gravel, and an airstrip at Goldmine, near Coldfoot. The second Green camp bears the name of an old mining town across the Koyukuk River and several miles away from it. We unloaded the big tank we were carrying in the pickup at Coldfoot and hurried on.

At Wiseman we stopped to speak to Harry Leonard, an old sourdough who was out in his shirt sleeves brushing snow off his river boat. He told us a story about an old cemetery, that the mail plane comes in twice a month, that the total population of Wiseman is six, and that he had been in the country "too long."

The mountains were getting taller and marked the land with beauty. Separating the middle fork of the Koyukuk River from the Dietrich River is Mt. Sukakpak. It appears to be of pure rock, is sharp and craggy, and veers skyward 4,000 feet. Up the Dietrich near Snowden Creek, and backdropping Green's third camp, making Mt. Sukakpak look small, is another massive rock intrusion—Mt. Snowden. It looks so mysterious and inviting that one of the men remarked wistfully "I wish I had all of the minerals that are in that mountain melted down. I bet I'd have so much money I couldn't spend it, or even give it away, fast enough to use it all up."

We reached our final destintaion, Snowden. We gathered up our belongings, the "Wide Load" sign, flashing beacon, mechanic's tool box, and were waiting for the plane to pick us up, right on time. But the plane didn't come at noon. We wandered around and drank endless cups of coffee until 5:00 p.m. Without communications it was difficult to tell what had happened.

Some teamsters drove in ferrying five pickups. They said a plane was waiting for us on the Wiseman airstrip, because the Snowden strip was too short. We jumped into a crew-cab and barreled down the canyon to reach the little Cessna 206 as the sun was sinking.

Once in the air and looking down at all those towering peaks, they seemed bigger and sharper than when we viewed them from the ground. Since it was getting dark we decided to land at Bettles and try for a multi-engined plane for the trip into Fairbanks.

Bettles was a madhouse. It consists of an airstrip, an F.A.A. station, a two-story log roadhouse, a new "bar" building, and clusters of S.S. Mullen trailers. Somewhere out of sight is the small native village of Bettles—population guesstimated at less than 100. The only telephone (microwave) in the Yukon Valley is in Bettles Lodge. Entry into the lodge is directly into the dining room-lobby, which seats about two dozen. It was jam-packed with people—standing in corners, on the stairs, and everywhere there was an inch to spare.

Harley McGibbons, who leased the lodge last year, built the bar, and has the franchise for fuel sales in the area, said "Do you want to eat dinner?" He has a staff of six to take care of all operations and had served 97 for dinner already. The posted menu prices looked reasonable, only $7 for steak.

The bar closes early so men can spread sleeping bags on the floor, every chair and sofa is filled, and a shed out back has been converted into a bedroom. Ten Bureau of Land Management men had just arrived, 27 TAPS people were guests, and Rivers and Wagley construction men, a few Air Force men, and miscellaneous people taxed facilities. The fellows in the convoy weren't kidding when they said I'd have to share a room if I stayed at Bettles. There are as many as 10 to a room.

"I can't leave them outside to sleep in the cold," McGibbons apologized.

Since it was SRO at the Lodge, I meandered over to the bar. It was almost as crowded, but I ran across several friends and caught up on the news. South of Bettles the road was in great shape, but north of Bettles was a different story. Toward Anaktuvuk Pass, in a canyon 20 miles south, winds whipped up a storm that trapped a convoy of some 100 trucks for three days. Rivers, Mullen, and Wagley all sent convoys from Bettles on March 5. They were destined for Galbraith Lake, 350 miles distant, but got delayed by snowdrifts piled 20 feet high.

John Clark, veteran of the Arctic, opened the road for Mullen and part of the convoy got through Anaktuvuk Pass. The following day the wind tempo increased from 100 miles an hour to 150 miles an hour and the drifts got deeper. Bill Wright went out with a "cat" train to plow the road for Wagley Construction.

"We burned 134 gallons of fuel and never made five miles the drifts were so bad," Wright explained.

Fearful of running out of fuel, two cats were shut down, and all three drivers huddled inside the cab of one machine trying to keep warm while they waited 24-hours for the wind to die down. They ate Spam and crackers. Eleven of Pioneer Alaska's big Kenworths got stuck only two miles from River's construction camp and never knew they were so close. Visibility was zero zero. It was March 9 before the road was clear and traffic flowing again.

Green's camps are all south of the Brooks Range. Convoys to the Jim River camp averaged 16–20 hours running time. The three contractors (Rivers, Wagley, and Mullen) who have to haul to sites north of the Brooks Range feel lucky if they make Bettles in 20 hours.

The fifth contractor, Burgess-Houston, got one segment of road beginning at Prudhoe Bay where he already has a camp and equipment, and the other segment on the Yukon River end, where he also has a camp and equipment.

"Plane is here," announced our fearless leaders, so we had to leave the exciting wild-west atmosphere of Bettles.

We departed for Fairbanks about 9:00 p.m. and flew back over the Hickel Highway in our single-engine plane. Down below us truck lights were bright and shining in strung-out convoys. It was hard to imagine that just last night we were down there feeling kind of lost in the wilderness when there was so much traffic.

I would like to make another trip—only this time fly to Bettles first and then ride north through Anaktuvuk Pass to Sagwon.

VETERANS' ADMINISTRATION HOSPITALS

Mr. CRANSTON. Mr. President, the New York Times of April 3, 1970, contains a well-written, generally accurate picture of medical care for our disabled Vietnam veterans. The article is largely based on excerpts from testimony received over the 6 days of oversight hearings by the Veterans Affairs Subcommittee, of which I am privileged to be the chairman, on "Medical Care for Veterans Wounded in Vietnam" conducted in November, December, and January.

I ask unanimous consent that the full text of the article "Crippled Veterans Find Hospitals Crowded and Attitudes at Home Ambiguous," written by Sandra Blakeslee, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 3, 1970]

Crippled Veterans Find Hospitals Crowded and Attitudes at Home Ambiguous

(By Sandra Blakeslee)

"The only time the American people ever see a Vietnam casualty is when he's got blood running out of him on the Cronkite program. After that he's forgotten."

The man who said that speaks from personal experience. His name is Max Cleland and he had both his legs and his right arm blown off near the Sanh, South Vietnam, 23 months ago.

At that time, a long and arduous journey began for Captain Cleland. From a field emergency station in Vietnam he was taken to a hospital in Japan, then to a military hospital in the United States, where he received formal discharge from the Army, then on to a Veterans Administration hospital and, finally, home.

More than 13,000 other Vietnam veterans, whose wounds have been severe enough to merit a military discharge, have made that same journey—some disabled for life, many in pain and perhaps most in varying stages of depression and confusion.

Not all of their troubles stem from their wounds, however. There are some things about the war in Vietnam, many experts on veterans' affairs say, that make these wounded men different from American soldiers smashed up in previous wars, that make readjustment to civilian life more difficult.

They show up on three fronts—on the battlefield, during the wounded man's stay in a military and veterans' hospital, and back home as he strives to live with his disability.

Going home often means encountering ambiguous or hostile attitudes toward the war in parlor discussions about its "worth" or "morality" attitudes to which the injured veteran is acutely sensitive.

In a veterans' hospital, according to most experts, the young men will still get good clinical care but will find facilities seriously understaffed, underfunded and overcrowded—conditions that President Nixon moved to alleviate yesterday by approving a $6.5-million increase in the V.A.'s budget.

On the battlefield, the chances are good that the young man will have been one of the increasing number of soldiers who are experiencing and surviving more severe, permanently disabling wounds than ever before. In Vietnam, 81 per cent of those hit are surviving their wounds compared to 74 per cent in Korea and 71 per cent in World War II.

THE 12.4 PERCENT FULLY DISABLED

The Veterans Administration classifies disabilities on a percentage scale. Only 4.4 per cent of World War II wounded were 100 per cent disabled (for conditions such as multiple amputation, paraplegia or blindness.) In Korea the figure was 6.7 per cent. In Vietnam 12.4 per cent of the wounded thus far have received 100 per cent disability ratings.

The wounds suffered in this war are more devastating for two reasons. Combat is close up, guerrilla-fashion. Also, the enemy weapons are more prone to maim a man than not, weapons such as the high-powered AK–47 rifle, rockets, mortars, claymore mines, booby traps and punji stakes.

At the same time, more lives are being saved because of greatly improved medical evacuation techniques, starring the helicopter. During World War II it took an average of 10.5 hours for a man to reach medical attention. In vietnam it takes an average of 2.8 hours and can take as little time as 20 minutes. All of this means that the wounded entering American military and V.A. hospitals are more battered than in previous wars.

"Some patients who in earlier conflicts would have died on the battlefield and been counted among 'killed in action' are now reaching hospitals alive," says Lieut. Gen. Hal B. Jennings, Jr., Surgeon General of the Army.

The V.A. and military hospital systems are having a tough time coping with the crush. Frequently military hospitals are forced to shuttle men in or out quickly because of the demand for bed space. The V.A. hospitals, by their own admission, have deteriorated in the last five years.

Dr. Beverley Oliphant, an intern with the Veterans Administration Hospital in Washington, speaking for the House staff, said recently: "Our facility has acres of beautifully kept lawns watered by a newly installed sprinkling system; there are newly paved parking lots and a new 9-foot chainlink fence, and its facade smiles on the rest of the city while inside its harbors a festering sore."

The Veterans Administration, with 7,000 fewer beds available this year than last because of short funds, has fallen back on nursing homes to pick up the caseload spillover. In 1965, 168 nursing homes were so used; in 1970, nearly 7,500 are.

Because of budget restrictions in the last three years, the V.A.'s 166 hospitals remain staffed at 1966 levels, or at least 10,000 people short. As a result, $20-million worth of facilities are not in use because there is no one to staff them. Staff ratios at V.A. hospitals are 1.5 per patient, compared to 2.6 per patient at most voluntary hospitals. Sometimes only one registered nurse cares for 80 patients at night.

PAY FOR VA PHYSICIANS

In addition, tight budgets have left pay for V.A. physicians at an average of 20 to 25 per cent below that of physicians in university hospitals. No funds are available to provide air-conditioning in 66 older V.A. hospitals. And the number of beds in spinal cord injury units has been reduced at a time when the ratio of paraplegics and quadriplegics is eight times that of World War II.

But beyond any shortcomings of the hospitals, the war seems to continue exacting a psychological price after the wounded veterans go home. Captain Cleland, who today drives his own car and plans to enter state politics from his home town, Lithonia, Ga., described his return from the war in an interview.

"You have to defend what you did, explain it," he said. "But the veteran can't communicate the actual feeling of being there, the trauma, the draining that goes on personally. You come back 13,000 miles to a country that can't understand anything that you've done. There's no aura in your being in the military. There's an onus around your uniform."

At recent hearings held by Senator Alan Cranston, Democratic of California, who heads a subcommittee on veterans' affairs, Captain Cleland elaborated:

"To the devastating psychological effect of getting maimed paralyzed or in some way unable to re-enter American life as you left it, is the added psychological weight that it may not have been worth it, that the war may have been a cruel hoax, an American tragedy that left a small minority of American males holding the bag."

"SOMEONE HAS GOT TO EXPLAIN"

The fighting man in past wars came home to brass bands filled with the sense that his sacrifice and that of his buddies were worthwhile, according to Dr. Robert Jay Lifton, a psychiatrist at Yale's School of Medicine who has studied the psychological impact of the war.

But Vietnam is different, he and many other experts agree. The stresses of guerrilla warfare bring on an unusually strong state of psychic numbing, they say, and hostility toward the war at home often leads to a deep sense of betrayal, of having been manipulated. "The Vietnam veteran serves as a psychological crucible of the entire country's doubts and misgivings about the war," Dr. Lifton said.

One 19-year-old marine said not long ago: "I think any other war would have been worth my foot. But not this one. One day, someone has got to explain to me why I was there."

Not all of the hospital experiences of wounded veterans are depressing or discouraging. There are 180 military hospitals around the country. The wounded servicemen is sent, on his first stop home, to the one nearest his family or to the one where the best care is given for his particular injury or condition.

Many veterans say that the time spent in the military hospital can be helpful to a wounded man, surrounded as he is by friends in similar straits.

A few weeks ago Jack Farley, a 27-year-old Army captain from Massapequa, N.Y., who lost his right leg from above the knee, told a visitor to the officers' amputee ward—affectionately called "The Pit"—at Walter Reed Army Medical Center in Washington how this group support works.

"Every now and then you find a guy who's really sorry for himself," he said, "a guy laying up sorry." He turned to a friend in the room. "Remember Carpenter? Lost a foot. He would cry a lot, even after weeks here. He always wanted to stay in bed. One day some other amputees got together and threw him out of his wheelchair and watched him crawl back. Did it three times in an hour and a half. It's kind of cruel, but it straightened him out."

AVERAGE STAY 6 MONTHS

The average stay in a military hospital for a seriously wounded man is six months. During that time, the serviceman is "processed for disability," that is, a medical board decides if he should stay for treatment for ultimate return to active duty or if he should be discharged to his home or to a V.A. hospital for further care.

If he is to go on to a V.A. hospital, the wounded man is treated until he reaches "optimum hospital improvement," or until he is sufficiently stable to be moved on. He is discharged or retired from service at this juncture.

Between 1966 and 1969 admissions in military hospitals rose by 134,000, reflecting the buildup in Vietnam, while the number of military medical personnel rose by 10,000. The Army today has 7,100 full-time physicians serving 1.5 million men. The Veterans Administration by comparison, has 5,186 full-time physicians serving 27 million veterans.

Once the military hospital has served its function to "heal you up" one veteran said, "you become pretty much a case of paperwork." Hospital care, in the words of another, becomes "sheer boredom interspersed with periods of stark terror."

The Vietnam veteran who goes to a V.A. hospital for further treatment of his wounds, such as for fitting of artificial limbs, is placed in with all other patients and suddenly loses the sense that he is special, said Dr. Philip Rowens, previously with a large V.A. hospital in New England.

"He feels neglected, unloved and indeed even insulted that he is no longer singled out for his heroic acts, for his supreme sacrifice," Dr. Rowens said.

It is at this point that the V.A. pulls out all stops to try to help the wounded servicemen through its vocational-rehabilitation branch. This office, operating on an ample budget with headquarters in Washington and 57 regional offices, had 19,000 veterans under some form of training in fiscal 1969.

The wounded servicemen begin to receive visits from V.A. educational and vocational counselors while they are in the hospital if not before. It is the counselors' duty, an administrator said, to tell patients what benefits are available to them and to let them know that they are not alone.

Some of the young men in V.A. wards face extremely difficult decisions. "Let's face it," one V.A. psychologist said, "many of these kids were never God's gift to the academic world. They joined the Army to delay making a decision on what to do with their lives. And now they are in a real fix."

The V.A. offers training in some 30,000 occupations. It pays the disabled veteran full tuition and book fees plus a living allowance if he wants to go to college. Such benefits are available for nine years from the time of his military discharge.

"The Congress has never stinted funds in this respect," said Dr. Joseph Samler, head of the V.A.'s rehabilitation-vocational counseling services.

Once back in society, the wounded veteran must sometimes also contend with simple physical barriers to his mobility. One paraplegic veteran who went to Madison Square Garden recently found seven steps blocking his entry and had to wait, his pride hurt, for policemen to lift him up the steps.

THE RESIGNATION OF CHARLES ROGOVIN

Mr. BROOKE. Mr. President, I was deeply disturbed to read in the Washington Post this morning of the resignation of Charles H. Rogovin as Administrator of the Law Enforcement Assistance Administration.

This agency was created by the Omnibus Crime Control and Safe Streets Act of 1968. Its purpose was to encourage, and to lend Federal assistance to, efforts aimed at improving law enforcement procedures and providing needed modern equipment for State and local governments.

The agency has a yearly budget of $480 million—hardly enough to even begin to achieve the objectives of the agency itself or of the Congress which created it. But the efforts of this potentially creative agency have apparently been even more seriously hampered by the "troika" administration imposed upon it by the Congress. Three men cannot share coequal authority and responsibility for the administration of a Federal agency. It was frustration over this arrangement which seems to have led to the resignation of its able and effective Chief Administrator.

Charles Rogovin is from Massachusetts. He has a long history of experience with the problems of crime in this country. My first contact with him came during his last year of service as Assistant Director, in 1966 and 1967, of the President's Crime Commission. When that Commission completed its work, Charles Rogovin returned to Massachusetts where my able colleague and successor as attorney general, Elliot Richardson, appointed him assistant attorney general in charge of the criminal division. In May 1967 the decision was made to create a special organized crime section within the criminal division, and Charles Rogovin was appointed to head this section as well. Those who worked with him and those who followed his efforts from the vantage point of their involvement in law enforcement activities around the country are virtually unanimous in their praise of his expertise and administrative qualifications.

The loss of Charles Rogovin will be deeply felt. At a time when crime is on the increase throughout the Nation and new, innovative methods are desperately needed to cope with the growing threat, we can ill afford to lose the services of one of our most qualified and experienced citizens.

I ask unanimous consent that the article published in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROGOVIN IS QUITTING AS ANTICRIME CHIEF

(By Ronald J. Ostrow)

The head of the Nixon administration's chief anticrime effort is resigning because of what he regards as a snarled bureaucracy and policy differences that have seriously undermined the program.

Charles H. Rogovin's letter of resignation as administrator of the Law Enforcement Assistance Administrator already has been sent to the President, the Los Angeles Times learned yesterday.

In the letter, he said he was stepping down because the troika directorship of the agency has hampered the multi-million dollar program badly. The agency is headed by three men—the administrator and two associate administrators—and Rogovin interprets the law to mean they must all agree on major decisions. This has made it impossible for Rogovin to resolve important policy differences with his two colleagues.

Rogovin's departure, set for June, is likely to trigger other resignations at the infant agency, whose $480 million budget for the coming year is larger than that of any other Justice Department entity, including the FBI.

Rogovin, whom President Nixon appointed in February 1969, declined to comment. But an administration source confirmed that the resignation letter arrived at the White House on Tuesday.

The agency was created by the Omnibus Crime Control and Safe Streets Act of 1968 to channel hundreds of millions of dollars to upgrade state and local police, courts and prisons. Attorney General John N. Mitchell is known to regard the agency as the government's most effective tool for curbing street crime.

Word of Rogovin's impending departure spread rapidly through LEAA yesterday, and it was learned that Henry S. Ruth Jr., director of the National Institute of Law Enforcement and Criminal Justice, an arm of the Rogovin agency, also plans to resign soon.

Sources said conflicts between Rogovin and the two associate administrators, Richard W. Velde and Clarence M. Coster, delayed hiring key personnel for the agency.

The differences between the men also resulted in disagreements—and thus often no decision—over what kind of law enforcement programs should be funded.

As first proposed by the Johnson administration, the agency was to be headed by a single director.

But a coalition of Southern Democrats and Republicans in the Senate amended the bill to provide for the troika setup, stipulating that only two of the three administrators could come from the same political party.

Rogovin, 39, is a Democrat. He was a Massachusetts assistant attorney general who helped create an effective organized crime investigative unit there. He also served as an assistant director of the President's crime commission.

Velde, 38, the son of former Rep. Harold Velde (R-Ill.), was legislative aide to Sen. Roman Hruska (R-Neb.) when President Nixon named him an associate administrator. He is a Republican.

Coster, 41, also a Republican, was police chief of Bloomington, Minn., when he was picked.

LOWER AUTO REPAIR COSTS

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has been deeply involved in trying to come up with the suggestions that would result in lower repair costs for the Nation's auto owners.

I have proposed a five-point plan which over the next 5 to 10 years could, I think, do much to alleviate the problem.

The plan was based on information witnesses gave the committee during extensive hearings.

A recent issue of Parade magazine added more testimony—this time directly from a former mechanic—on the need for at least two of the things I had suggested.

These are a nationwide system of auto diagnostic centers and licensing and/or certification of mechanics as to their skill quality.

The Parade article, entitled "Confessions of an Automobile Mechanic," written by Charles Bresnihan, builds a good case for these steps and offers an insight into the problems now facing consumers.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFESSIONS OF AN AUTOMOBILE MECHANIC

(By Charles Bresnihan)

I'm writing this because it's high time that you, the automobile owner, got an even break. Chances are you're not getting it from your friendly neighborhood mechanic.

The fun really starts when it comes to maintenance and repairs, items that currently cost you and other car owners upward of $30 billion a year.

I was an automobile mechanic for 15 years, both as the owner of my own service station

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and as an employee. I can tell you straight out that most car owners are babes in the wood asking to be taken.

In a field where anybody can pass himself off as a mechanic without bothering to learn his trade, it stands to reason many will be inexperienced car butchers, petty con artists and outright thieves. And they are. Take my words for it. I've done it myself when the boss demanded it, and I've seen enough of others "practicing" their trade to turn my stomach.

TAKING CANDY FROM A BABY

With today's sophisticated cars it's a simple matter to cheat the customer. Forget about a mechanic switching your auto part for a beat-up one he has around the garage to prove you need a major repair. And forget about him purposely fouling up your engine to hike the bill. The desperate ones might try it, but it's not necessary. There are too many easier, more foolproof ways.

For example, wouldn't you be concerned if you asked your man to check your wheel alignment and he showed you that one or both of your front wheels was so loose either might fly off at high speeds? You bet you would. And you would go for up to $65 for new ball joints.

The cost to the shop would be around $10, *if* they replaced the ball joints. They could just clean up your old ones at no cost because there wouldn't be anything wrong with them.

Bring me a new car and I'll show you a loose wheel. How? By jacking up the car in such a way that pressure is taken off the front spring. With the spring pressure gone, any wheel will wobble badly. And when the sucker returns (That's you Mr. Car Owner), I jack up the car properly and the wheel is solid.

TRANSMISSION TRICK

Or, let's say, you're losing transmission fluid. In most cases it's the cooling lines or a pressure fitting. But what do you know about your transmission? A thief will convince you it's a resealing job. Cost: $55. And what you get is a pressure fitting or a patched cooling line. Cost: $1.

How about a haywire carburetor? Flooding all over the place. Looks bad. The fast-buck boys will shake their heads and start a conversation about the cost of a new carburetor, then tell you they can save you money with a rebuilt one at about $35. You're grateful. What you don't know is that in nine out of ten cases all that is needed is a needle valve and seat, which runs about $6 or $7. Then they steam-clean your old carburetor and you've been had.

And did you know they make rebuilt spark plugs? They do. Only you are charged for new ones?

Then there is the "Flat Rate Manual," which is issued annually and lists all standard repairs with the length of time they take to complete. Since a mechanic's labor can be the most expensive part of your bill, this is a very important book. You will see it any time you question the charge for labor. There it is in black and white.

BEATING THE BOOK

What they don't tell you is that any mechanic worth having around can always beat the book, that is do the job in much less time than allotted in the manual. Any decent mechanic can usually cut the time in half. I know I can. At $9 or $10 an hour for labor, you are paying through the nose for something you don't get.

Let it be said that most mechanics must do this to make a decent living. Not many are on salary. They usually get paid by the job. The faster they work, the more money they make for themselves and for the shop owner who gets half the action.

Speaking for myself, I can beat the book on almost any job, and beat it good on most. But I won't be responsible for little mistakes made while I'm rushing through, little mistakes that might necessitate further repairs and, more important, make your car something less than safe to drive.

Another easy area for the sharpy mechanic is the road call. This is money in the bank, especially if the driver is not a regular customer. I worked for one station owner who had a standing rule that we were not to start the car under any circumstances on road calls. Always tow it back to the shop.

Once there, if the customer got out with a tuneup, he was lucky. The bill was usually what the traffic would bear. We never found one thing wrong when we could find three or four. And I used to marvel at the drivers who would buy this. Why? Because with almost no exceptions, when a car stalls out or won't start there is a *single* cause. Any mechanic who tells you three or more parts went at once should be avoided.

I never ceased to be amazed at how much the average car owner didn't know about his car. Considering the investment and the necessity of the transportation, it doesn't make sense. Still, a little knowledge can be more dangerous than complete ignorance.

Let me explain. Let's say you know something about how your car works, the basic stuff. You hear a noise or the car isn't performing right. You diagnose the trouble yourself. Not being an expert you might figure it's the generator when it isn't. But the minute you tell the mechanic you think it's the generator, you leave yourself wide open.

If the mechanic is a thief, he'll agree with you even if he knows it's nothing more than a faulty connection. He might even feed your ego, telling you how smart you are, as he builds up the bill to $30 or more for work he'll never do. And you don't question the charge because you're too busy being smart.

KEEP IT SECRET

If you think you know what's wrong with your car, keep it to yourself. It might only be a minor, inexpensive adjustment. That makes you a winner. But if the mechanic says it's a motor job when your unspoken theory holds that it's the water pump, try another mechanic. You can't lose anything.

And don't be sucked in by offers of "free" inspection service or diagnosis. If any mechanic is going to spend time on your car, he's got to be paid. And who pays him? You, that's who.

I've heard it many times, and I've read about it in various consumer publications, that anybody can check out a mechanic by having him look into something you know is working perfectly. Don't you believe it. I can spot this gambit from across the garage. So can most other mechanics.

We didn't come down with yesterday's rain. We can tell if something has been worked on recently and we can tell if somebody has fiddled with a wire or a plug.

In such cases, the mechanic becomes Mr. Nice Guy. Nothing wrong, he tells you. But I steamed your engine clean. No charge. Drop in again. Then he sits back and waits for you to return now that you trust him. This misplaced faith could cost you plenty.

There is another fable I'd like to put the lie to. That's the itemized bill. I know mechanics who love customers who demand itemized bills. A flat price for a job always sounds high. But when you break it down, a couple of dollars for this, a few more for that, you can make it palatable, while overcharging like mad.

However, despite all this outright dishonesty, it's still the butchers or inexperienced mechanics, however honest, who jack up your repair and maintenance costs more than anybody else in the business. Since they have little or no training, they get their education on the job. They use the trial and error system. And you, the car owner, pay for every trial and every error.

Suppose you have car trouble and you have the misfortune to consult a butcher. He decides it's your distributor. He doesn't know if it is, but it's a nice place to start.

FIDDLE AND FOUL UP

So he fiddles around with your distributor and probably botches it up in the process. When the trouble persists, he tries the carburetor or the fuel pump or the voltage regulator or something, all of which are functioning properly until he gets his hands on them.

If the butcher ultimately finds the cause of the trouble after several entirely unnecessary bills, chances are he'll foul that up too. Now you have a lot of bills, your original trouble and some new ones. What you have paid for is a slice of the butcher's terribly expensive education.

Fortunately, most car owners get the message after a while and move on to another mechanic. If they are lucky, their engine and supporting systems won't need a complete overhaul.

Still, the butcher isn't the real heavy. The crime is that he is allowed to operate at all. It seems incredible, but there isn't a state or municipality in this country that regulates auto mechanics.

I don't know how many petitions I've signed in an attempt to get some kind of licensing for auto mechanics. It's the necessary first step if car owners are ever to get an even break on repairs and maintenance. It will at least assure them of a certain level of competence when anyone works on their cars.

License auto mechanics and you get rid of the butchers and the petty con artists. A few thieves will remain, but if they have to worry about their licenses being revoked, they won't want too many complaints filed against them.

And licensing will raise the level of the whole industry, giving it stature that might attract new men into the field, men who are sorely needed. There are about 800,000 auto mechanics now working in the approximately 114,000 shops around the country. *Automotive News* says at least another 150,000 are needed to handle the growing number of cars on the road.

I believe licensing is not far off. Several cities, New York and Philadelphia among them, have been pushing for such legislation, and Congress now has before it a bill that would empower states to issue such licenses. Some states, New York, for example, are proceeding with hearings into the matter.

DIAGNOSTIC CENTERS

But that is only the first step. Equally vital is a second step—the establishment of independent automotive diagnostic centers throughout the country. These "car clinics" would allow motorists to get their cars completely checked out periodically, much as they now visit their doctors for physical checkups. For a set fee of $15 or $20, these clinics would tell an owner exactly what repairs or maintenance his car needs. They would also be able to tell him how well prior repairs had been handled.

At present there are from 250 to 300 clinics of this type scattered around the country. Unfortunately, all but a handful are connected with repair shops or related automotive sales, which makes them suspect. Once the clinics themselves deal in repairs, the repairs become more important than the diagnoses and we are right back where we started.

If these diagnostic centers are to function for the benefit of you and other car owners, they must be entirely independent and deal only in diagnosing trouble and checking the quality of repair work of outside mechanics.

THREE MODELS

One of the few that has no connection with repair work is run by the Automobile Club of Missouri in St. Louis. Another American Automobile Association clinic recently opened

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in San Francisco. And I know of another in Denver that is privately owned and operated. If these three can show a profit without branching out into repairs and sales, others will follow.

These are the long-range solutions. But what do car owners do in the meantime to keep from getting sub-standard, shoddy work or having their pockets picked, or both?

First, I'd shop around. For some mysterious reason, car owners don't do this. They usually stick with a mechanic, good or bad. I've known many who use a particular mechanic simply because that's the station where they buy gas.

If you don't want to shop around, check with your friends and neighbors. Out of this consensus you can usually get a line on a good mechanic. He might cost a few dollars more, but it's money well spent.

FAVORITE GAS

On the matter of your favorite gas, it might not have occurred to you that you can buy it at one station and have your car serviced at another.

But the mechanic will get angry if you call on him for road calls and small repairs and then take your car elsewhere when you need major repairs. You might save a few dollars, but I can tell you that the mechanics won't like you. And if you cut corners with him, he'll cut corners with you.

There are thousands of good, honest auto mechanics at work today. Take the time and energy to find one. And when you've found one, give him all the business you can. The mechanic deserves it. So do you.

A FEW DON'TS

Don't get repair work done in transient areas where the mechanic knows he'll never see you again. If you can, have your car towed home. You'll save money in the long run.

Don't leave your car at a station where a lot of kids congregate. They may get to practice on your car.

Don't pick a man because he can always give you immediate service. It might mean he doesn't have many other customers. This is doubly bad. The lack of customers usually means he's a butcher. And if he doesn't have many customers, he's got to make his money where he can. That means you.

Don't go for personality. Go for workmanship. If he also happens to be a nice guy, fine. But too many butchers are all personality and no talent.

And, last, don't ask the two questions everybody asks: "How much will it cost?" and "When can I get my car back?" Just say: "Call me with an estimate before you start the job." It will keep the mechanic loose. The other questions have hidden traps. The estimate is almost always lower than the bill. And if the mechanic sees you're pressed for time he can work you by getting the job fast "as a favor," which makes you so happy you don't mind the extra $10 or $20 tacked to the bill.

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THE PRESIDENT'S COMMISSION ON HUMAN RIGHTS: THEIR 1968 RESOLUTION FOR U.S. ACTION ON HUMAN RIGHTS IS EQUALLY APPROPRIATE AT THIS TIME

Mr. PROXMIRE. Mr. President, the United Nations General Assembly designated 1968 as an "International Year for Human Rights," during which efforts to secure international protection of human rights were to be redoubled by the member states. Special emphasis was to be placed on ratification of certain United Nations human rights conventions.

In January of 1968, President Johnson established the President's Commission for the Observance of Human Rights Year 1968, to further U.S. participation in this vital work. In his proclamation of Human Rights Year 1968, Mr. Johnson stated that:

> American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

The Commission on Human Rights resolved in August of 1968 to "give the strongest support to the President in his call for the ratification of human rights conventions by the U.S. Senate." These words are as appropriate today as they were in 1968, and the arguments for ratification are just as compelling.

Mr. President, I ask unanimous consent that the resolution of the President's Commission for the Observance of Human Rights Year 1968 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

At the third meeting of the President's Commission for the Observance of Human Rights Year 1968 it was decided that the Commission should give the strongest support to the President in his call for the ratification of human rights conventions by the United States Senate.

The year 1968 was designated International Year for Human Rights by the United Nations General Assembly. The General Assembly in connection therewith requested Member States to ratify certain of the human rights conventions before 1968. In his Proclamation of Human Rights Year, the President also called for the ratification of human rights conventions. He stated:

"American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

"It is my continuing hope that the United States Senate will ratify these conventions . . ."

This call to the Senate to ratify human rights conventions was repeated by the President on January 30, 1968, when he signed the Executive Order establishing the President's Commission for the Observance of Human Rights Year 1968.

The United States played a leading role in the drafting of the Charter of the United Nations and of the Universal Declaration of Human Rights. In the United Nations Charter we as a nation undertook to take joint and separate action with other members to promote "universal respect for, and observance of, human rights and fundamental freedoms for all. . . ." The United States also played an active part in the drafting of international conventions that would give legal force to some of the standards in the Universal Declaration. Thus far, however, the United States has ratified only one human rights convention—the Supplementary Convention on Slavery, in 1967.

It is generally recognized that peace is related to progress and ultimately depends on the quality of life of the people governed. The quality of that life depends on the interest and willingness and capacity of each country to assure and to respect human rights. In a world in which enlightened and effective government is such an important and such an elusive goal, cooperative efforts to help countries promote internal tranquility and progress are proper activities for our Government.

These human rights conventions are an expression of principles that have guided our own citizens in the development of a progressive and enlightened government. The fact that United States law is in accord with the provisions of these conventions does not mean that there is no necessity for this country to participate in them. It is the nature of international obligations, designed to promote a common objective, that they be cooperative in purpose and reciprocal in effect. Therefore, in the pursuit of world order and the welfare of all countries the United States must not deny to others its participation. By this participation the United States would not impose, or seek to impose, its laws or traditions upon any country; nor would any country impose its laws or traditions upon the United States.

The United States Senate should move forward on international human rights conventions, just as the Congress has moved forward on human rights legislation at home. Ratification of these conventions would help to set and uphold international standards. Ratification of these conventions would demonstrate once again our national commitment to a stable and democratic world order.

Therefore, the President's Commission for the Observance of Human Rights Year 1968 endorses the President's "earnest hope that the Senate will complete the tasks before it by ratifying the remaining Human Rights Conventions" and expresses its strong hope that the Senate Foreign Relations Committee will act favorably at its earliest opportunity on the six* conventions that are pending before it.

The Convention on Freedom of Association and Protection of the Right to organize;

The Convention on the Prevention and Punishment of the Crime of Genocide;

The Inter-American Convention on the Granting of Political Rights to Women;

The Convention on the Abolition of Forced Labor;

The Convention on the Political Rights of Women;

The Convention Concerning Employment Policy.

AFTERMATH OF MARIETTA, OHIO, NURSING HOME FIRE

Mr. MOSS. Mr. President, last February 9 and 10, my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging considered significant questions relating to the nursing home fire that occurred in Marietta, Ohio, last January 9 and which has to date taken 32 lives.

The events of that most tragic day in the history of Ohio's oldest city have caused us to look with renewed dedication at the fire protections that we provide our citizens, who are both ill and old.

Our investigations revealed that while almost one-fifth of our nursing homes were participating in the medicare nursing home program and have received almost $500 million annually from the Federal Government, regrettably, there were no fire standards under medicare.

The appropriate section of the medicare regulations—The Conditions of Participation in an Extended Care of Facility—is 405:1134 which provides mere "guidelines" to the States. Significantly, by the terms of this same section these guidelines can be waived by the States as they "are to be applied to existing construction with discretion in the light of community need for services."

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*The Protocol relating to the Status of Refugees was sent to the Senate on August 1, 1968.

The response from the Social Security Administration to our hearings was Bureau of Health Insurance intermediary letter No. 137, which applies specifically to carpeting. The impact of the new regulation is to make the medicare program congruent with the Hill-Burton program which applies to construction of hospitals and nursing homes. In 1966 the Public Health Service imposed a flame-spread rating limit of 75 for floor coverings to be used in exitways and patient occupied areas in hospitals under the Hill-Burton Act.

The first question seems to be, Why was carpet singled out? The answer, of course, is that testimony at our hearings revealed that the carpeting on the floor of the Marietta nursing home burned quickly and the foam rubber backing produced excessive amounts of thick black smoke that was the premier cause of death.

The next question is, Why did the Bureau of Health Insurance adopt the Hill-Burton standard which is based upon flame spread values determined from use of the American Society of Testing and Materials—ASTM-E84—tunnel test? The answer here seems to be the indictment at our hearings of the "pill test" which was offered by the Secretary of Commerce as the proposed test for the flammability of carpets and rugs.

After some reflection there are a few things that should be said. While our hearings focused on the events of one very tragic fire in which carpet played an important role it is to be hoped that the Bureau of Health Insurance will broaden their medicare fire regulations beyond carpets. Before our hearings there were no medicare fire requirements. Today the only medicare fire requirement seems to be that no carpeting be installed that has a flame spread rating higher than 75. Certainly, the medicare regulations should speak in definitive terms about the use of sprinklers for patient occupied areas, of the need for fire doors, automatic closing doors, the need for fire resistant decorating materials and waste paper baskets.

Second, it should be pointed out that there are a great many unanswered questions growing out of the Marietta Nursing Home fire. The ultimate cause of the fire is unknown although evidence supports the theory that it was started by a lit cigarette that was deposited in a plastic wastepaper basket. As Mr. James Regan, fire consultant of the American Nursing Home Association, said at our hearing, we know very little about what role burning gases played in the fire. We know little about the toxicity of burning gases. We are at a loss to explain why the Marietta carpet which burned so quickly and produced so much smoke stopped burning abruptly three-quarters of the way down the long corridor of the nursing home.

Third, there is presently hopeless confusion among the ranks of both the public and the industry as to what is acceptable standard for flammability of carpets. The structure of this disagreement has already been implied. The Public Health Service in 1966 adopted the tunnel test and the maximum flame spread value of 75 under this test as the upper limit of carpet to be installed in patient-occupied areas. In the same year the General Services Administration adopted the so-called pill test. Both have been in use since that time. Both have proponents and opponents.

In what was a most significant development last December, the Secretary of Commerce recommended the adoption of the pill test as the proposed standard for flammability of carpets and rugs under the Flammable Fabrics Act of 1967, which was passed to protect the public from the threat of unnecessary injury from fire.

There is some question at this time whether the Secretary intended this test to be the test for public protection or merely an interim test designed to eliminate from the market items which are extremely inflammable, subject to easy ignition as perhaps from a falling cigarette or match.

At our hearing almost all independent experts were in agreement that the pill test was inadequate and could not properly serve as the test for flammability under the Flammable Fabrics Act. This was my conclusion and I expressed it in my letter to Secretary Stans. The pill test cannot and should not be allowed to stand alone. It is essentially a test for ignition and in this capacity it can serve in conjunction with an agreed upon test for flammability.

There was little criticism of the tunnel test at our hearing with most of the experts pointing out its superiority over the pill test. Notably, this test does at least measure smoke emission. Consequently, the Federal Trade Commission has recommended to the Secretary of Commerce that the tunnel test be adopted as the test for flammability under the Flammable Fabrics Act.

What has followed has been sharp criticism for the tunnel test from the Carpet and Rug Industry and from some independent sources. Mr. Calvin H. Yuill, manager of the fire research section, Southwest Research Institute writing in the Fire Journal of January 1967 was early to state his doubts about the tunnel test:

> There is no acceptable test method for flame spread of flooring materials . . . Until such time as a test method more suitable to floor coverings has been developed, the use of the tunnel test is justified as a stopgap measure.

Mr. Yuill concluded that every effort should be made to define the need for a new fire test designed specifically for floor coverings.

What needs to be said at this point is that the National Bureau of Standards and the Department of Commerce have been working on just such a test in part fulfillment of their responsibility under the 1967 Flammable Fabrics Act. The announcement of this test would do much to dissolve the criticism and confusion that presently exists. It is regrettable that the development process has taken so long.

In fact, the Department of Commerce has been slothful in their implementation of the entire Flammable Fabrics Act. The pertinent question is, Why? Why has there not been some effort made to announce regulations with the effect of protecting consumers from the dangers of flammable fabrics? Why has the Department taken so long to develop an acceptable test to measure flammability and smoke emission of carpets and rugs?

I plan to seek answers to these and other questions in oversite hearings under the Flammable Fabrics Act in the near future before my Subcommittee on Consumer Affairs. I will be conducting these hearings at the request of committee chairman WARREN G. MAGNUSON who was the sponsor of the Flammable Fabrics Act.

I will also seek funds for the Fire Research and Safety Act of 1968—Public Law 90–259—with the intent of providing answers to the many questions raised at our Marietta fire hearings about the propensities of burning materials and the possible toxicity of burning gases.

I look forward to the day when Americans both young and old will have the protection they deserve from death or injury caused by flammable fabrics.

I ask unanimous consent to have printed in the RECORD an article written by Mal Schechter, published in the Delphos, Ohio Herald, which gives an excellent account of our February hearings.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE HEARINGS MOVE TO IMPROVE NURSING HOME CARE FOR AGED

(By Mal Schechter)

WASHINGTON—What's the federal government going to do now?

That's the question two days of U.S. Senate hearings backgrounded here this week in developing the history of the Marietta, Ohio, nursing home fire that took 32 lives recently.

A U.S. Senate Aging Committee panel on long-term care, under Sen. Frank Moss (D-Utah), brought out weaknesses in Medicare and Ohio regulations governing fire safety in nursing homes. The point that even the meager Medicare requirements on fire-evacuation procedures were not followed was underscored in testimony by Marietta's mayor and fire chief.

The core issue appeared in testimony by the American Patients Association. APA President Theodore O. Cron, who was right hand man to former Food and Drug Commissioner James Goddard, declared:

"It is the duty of the national government to provide a national base of protection for the lives of every citizen, especially for those who are aged and feeble, and, to our shame, trusting as well."

Sen. Moss said he expected to hear about steps to improve Medicare regulations from the U.S. Public Health Service and the Bureau of Health Insurance, Social Security Administration. ASA is Medicare's executive arm, and PHS advises on health standards.

The senator also put pressure on the U.S. Commerce Department to move quickly to establish a tough standard on flammability of carpets sold to the public. Sen. Moss said a proposed standard was inadequate. During the first day's hearing. Mayor John Burnsworth ignited a piece of carpet taken from the nursing home. Sen. Moss and Sen. Harrison Williams Jr. (D-N.J.) held it. As it began to smoke, Mayor Burnsworth dropped it into a galvanized trash can and put a lid on it. "Smells like a burning tire," he said

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as the acrid fumes made spectators screw up their faces.

The carpeting, produced by Dan River Mills in 1965 under the name "Marathon" but no longer made, passed the proposed Commerce Department test. Mayor Burnsworth said that if his demonstration didn't convince people that the proposed test is worthless, "then they're blind."

The senator said he was considering introducing a bill that would ban smoking in hospitals and nursing homes, except in designated areas away from feeble or immobilized patients. Mayor Burnsworth had urged that something be done to forbid smoking in health facilities.

Marietta Fire Chief Beman Biehl said the probable cause of fire at the Harmar House Convalescent Home in Marietta on Jan. 9 was a lit cigarette thrown by a patient, or an ash tray dumped by an employe, into a plastic wastebasket, which caught fire, the fire spread to some furniture and the carpet. The room's heat sensor set for 136 degrees Fahrenheit triggered an alarm at the nurses' station up the long corridor. Chief Biehl said the carpet burned with dense smoke that turned away one employe, but a diminutive nurses' aide, Doris Watts, got the patient out of the door. She did not close the door, however, and the fire spread down the hall. Because an exit door at the other end was left open during the evacuation, a draft fanned the blaze.

There was a delay of five minutes or more in telephoning the fire department. Engines arrived in less than five minutes, but by then many patients exposed in their beds to the dense smoke had died of asphyxiation, the chief explained.

He and the mayor emphasized that the building met all requirements of the Ohio building code but that the code was not very good. "One responsibility the federal government has is to do things for us who can't do for ourselves. Otherwise, you get 50 pressure groups in 50 state capitals against fire safety improvements. I'm not against federal intervention for the benefit of patients," he said.

Sen. Stephen Young (D–Ohio) asked Chief Biehl when the last fire drill was conducted at the home. That was in April 1969, to the best of his knowledge, the chief said. This was about the time, the Delphos Herald learned, that the Social Security Administration was informed that deficiencies in the home's fire disaster plan had been corrected. The deficiencies included frequency of fire drills. Medicare requires three a year. The Ohio Nursing Home Association recommends monthly drills. Harmar House, a Medicare-participating facility, was not a member of the ONHA, a representative of the association said.

A Senate staff member said the committee had information that a group of Cincinnati nursing homes were contesting improvements in the Ohio building code. W. H. Veigel of the state health department told the Herald that the improvements were in effect but the court case probably raised doubt in some minds as to whether they would stick. The hearing did not develop any points on whether the contested improvements would have made a difference in the construction or operation of Harmar House.

Sen. Young, noting that doors had been left open during the fire, asked if there was negligence on the part of employes. Chief Biehl said he didn't know what to call it, negligence or human error. He said the aide knew she didn't shut the door and that this was wrong. "Whether it was negligence or human error, it was poor judgment, wasn't it?" Sen. Young pressed on. "Yes." the chief said.

"Has the county prosecutor made an inquiry?" Sen. Young asked. "Not to my knowledge," the chief said. Mayor Burnworth said he thought the responsibility for inquiry lay with the state fire marshal and state attorney general. Sen. Young replied "as an Ohio lawyer" that the county prosecuting attorney has authority to call a grand jury. Mayor Burnworth said the attorney has found no reason for one.

Marietta officials, Ohio State Fire Marshal Samuel T. Sides, and national experts on fire safety concurred in saying that if someone had closed the door to the Harmar House patient's door the fire would have been confined to one room. Besides making this point, a fire-safety consultant for the American Nursing Home Association listed other factors contributing to the deaths: (1) inability of the heat detection system to sound an automatic alarm at the fire department and the delayed alarm to the department; (2) presence of combustible carpeting throughout the building as well as the extensive use of synthetic materials which burned and may have added to the toxicity of the fumes; and (3) the design of the building, which allowed for undivided corridors and lofts with no barriers to smoke and fire.

The fact that Harmar House was approved by the state and Medicare was emphasized by Sen. Moss. But he focused his attention on the Medicare regulations, pointing out that they included a network of fire-safety loopholes. He concluded that there really are no requirements.

"I am asking here today that the Public Health Service tell me why there are no fire safety requirements under Medicare. If PHS or the Social Security Administration needs more legislative authority, I will introduce legislation forthwith," he declared.

The Medicare regulations on fire-safety begin with a statement that the standards to be listed are to be taken as "guidelines" for the use of Health department personnel working as surveyors for Medicare. "As if this were not enough," Sen. Moss said, "this same paragraph contains a further disclaimer that those guidelines are to be applied to existing construction in light of community need for services."

The senator pointed out that because the Medicare guidelines refer to state codes, "the result is a different fire standard for participation in the Medicare nursing home program for every state of the Union."

"Ohio has had more than its share of nursing home fires," Sen. Moss continued. "Most of us will recall the nursing home fire near Sandusky in 1963, when 63 persons perished. This committee investigated that fire and I received promises that the Ohio Code would be revised so that it would be the model fire safety code for the entire country.

"It isn't. Far from it. On the contrary there continue to exist serious deficiencies. Not the least of these deficiencies is its failure to provide any semblance of a standard for the acceptability of carpets and curtains," he said.

He noted that the Ohio building code, Section HE-17-47, has a vague reference covering interior finishing (including carpeting) and trim. It calls for a Class D flamespread rating. By comparison, the federal Hill-Burton hospital and nursing-home construction act requires Class B materials in patients' rooms and Class A in corridors.

Here is what these terms mean:

Class A has a flamespread rating of 0 to 25, Class B 25 to 75, Class C 75-200, Class D 200 to 500. Red oak has a 100 rating. Thus, the Ohio standard allows carpeting that will burn 2½ to 6½ times faster than the maximum Hill-Burton allowance.

The Life Safety Code of the National Fire Protection Association recommends nothing more than a 75 flamespread in patients' rooms, the same as Hill-Burton. However, this code—which applies to Medicaid nursing homes in Ohio and other states—has a waiver provision. A local authority may waive the recommendations as to carpeting if, in his opinion, there would be no hazard to patients. However, Medicaid would require him to state the reasons why he believes there would be no hazard in a waiver.

Sen. Moss led the fight in 1967 to make the Life Safety Code part of the Medicaid law. This provision became effective Jan. 1, 1970, and the state health department says it is enforcing it. No federal requirements apply to homes that do not participate in such programs as Medicare and Medicaid. These are governed by state regulations only, including those of the State Board of Building Standards. This board has no fire safety expert on it.

It is not clear whether the Life Safety Code would have applied to Harmar House, which had no Medicaid patients at the time of the fire but had a Medicaid vendor number making it eligible to participate in the program.

Sen. Moss indicated he would work to assure that the Life Safety Code would apply to homes that served Medicare patients but had no Medicaid patients.

Declared Mr. Cron of the patients association: "The truth of the matter is that such tragedy (at Harmar House) may occur at any time anywhere in the United States where nursing homes are allowed to operate under present permissive laws and regulations." He said the federal and Ohio regulations "are shoddy and grossly inferior" and, despite the loss of life on Jan. 9, "they have yet to be strengthened."

"We strongly protest this official indifference to the needs of nursing-home patients who cannot protect themselves. This indifference lies within the administration of the Medicare program," he declared.

The Moss committee called no Medicare or Public Health Service officials to testify. They are expected to be called at a later time, committee staff members said.

Turning to the Commerce Department, Sen. Moss urged them to work faster in getting better carpet-safety standards for the public. A Commerce representative said the program was slow in starting because of funding problems and difficulty in getting personnel. In addition, he said the setting of scientifically valid standards on carpeting took time and the law required Commerce to proceed in consultation with all parties affected, such as industry.

Dan River Mills Inc., which made the Harmar House carpet, told the committee that "Marathon" was manufactured under commonly accepted standards of quality and was not hazardous in any respect from the standpoint of any known standards of flammability in 1965. The company noted that "Marathon" passed the proposed Commerce test. This style of carpeting, consisting of 100% nylon face pile with a high density foam rubber backing, was discontinued in 1968 "in response to changing fashion, consumer and marketing demands," the company said.

The statement noted that in 1968 the industry produced 71 million square yards of carpeting that was backed by foam rubber. This was 12% of all carpet production. The 1969 estimate is that production rose 10%. The company said the Commerce test, the so-called "pill test," simulates the most realistic flammability hazard to floor covering products, like the dropping of a match.

The so-called "tunnel test," regarded as far more severe, examines the response of carpet to many ignitions or the conditions of a raging fire. Fire-testing experts have termed the "pill test" to be very mild, not discriminating enough as to ease of ignition, and a poor basis for claims as to safety as the consumer would understand it. However, the Carpet and Rug Institute, the industry trade association, believes the "pill test" is workable and meets obligations to the consumer.

Nonetheless, files at the Commerce Department containing comments to the proposed test for flammability, show that at least one manufacturer, Cone Mills, is unhappy with the test.

John E. Field of Cone, New York City, wrote on Jan. 16, 1970, that he didn't think a need for the proposed test had been established. He noted the proposed test and standard would seriously affect, among other products, the manufacture of scatter and bath rugs as well as area rugs. About 55 million scatter rugs, having area less than 4 feet by 6 feet, were made in 1968 at a cost of $224 million. "The proposed standard," Mr. Field said, "Will eliminate 80-90%. "To use fibers that will pass the test will increase cost 30%, or $55 million a year.

"To the best of my knowledge, until the Marietta, Ohio, tragedy, there have been very few injury cases reported from this type of accident," he wrote. He noted that the Marietta carpet had passed the Commerce test and suggested that this "highlights a principal point upon which, I suggest, a successful attack on the (proposed) standard and test method might be maintained."

"As tragic as the Marietta fire has been," he said, "It is to be hoped that some sound lessons may be drawn from it. The first that occurs to me is that the government must determine, first, a need and, inseparably related to the need, what type of need. The remedy you are proposing in the new standard and test method would not address itself to the need in the Marietta fire case. Flame and char spread was not the problem, but rather emission of smoke."

A Public Health Service fire expert says the tunnel test provides a reasonable measure of smoke production.

These comments and the Moss hearings suggest that the field of flammability testing is in its infancy, but, nonetheless, there are concepts that can be used, with research and development to upgrade them later on, observers point out.

The Dan River Mills people told Sen. Moss that the furniture, vinyl plastic upholstered chair, and wooden nightstand in the room where fire began at Harmar House "generated total heat far exceeding any conditions that carpet or any floor covering must reasonably be expected to withstand." However, they said that only carpets that pass the tunnel test as required by Hill-Burton "are advertised by Dan River for hospitals and convalescent and nursing homes."

Marietta Mayor Burnworth and Chief Biehl told the hearing that "Marathon" had been installed at Marietta Memorial Hospital and Selby General Hospital, and at schools and dormitories. Fire Marshal Sides said he had that type of carpet in his office at Columbus, he discovered.

Sen. Moss reported that Chief Biehl had found similar carpet in an anteroom in the New Senate Office Building. "Senate carpet burns, too. Very readily," he said.

He promised to release reports from Commerce, PHS, and SSA as he receives them. The Herald was told that the Medicare regulations are being rewritten, but how tough they will be remains to be seen.

THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION ANSWERS LEAGUE OF CITIES

Mr. HRUSKA. Mr. President, the Federal crime control program is currently undergoing some scrutiny. Many of us have watched this program closely to make sure that, legislatively, it is able to do the job as well as possible of helping local and State governments improve their law enforcement programs. On behalf of the administration, I have introduced amendments that would make some changes in the program; these aim for excellence and great efficiency and leadership in this important effort. Twenty-eight Senators are cosponsoring this bill with me.

During the past 12 months, the National League of Cities has issued two statements criticizing the crime control program—specifically the block grant provisions of the Omnibus Crime Control and Safe Streets Act. The league issued the first of these statements in April 1969, when the program was barely underway. In mid-February of this year, the league came out with another statement, again critical of the program and its authorizing legislation.

However, the LEAA takes a very healthy approach to this criticism and I am pleased to see that the LEAA's associate administrator, Richard W. Velde, addressed the League of Cities on March 10 giving a frank discussion of their position and charges.

I believe Mr. Velde summed up very well the points on which the LEAA and the league can agree wholeheartedly:

> 1. Crime has doubled and must be brought under control;
> 2. Crime control is the primary responsibility of the State and local governments;
> 3. Our criminal justice system is in disarray and must be repaired and modernized;
> 4. There must be national financial and technical aid, but we want no Federal police state or domination and control.

Mr. Velde noted the real issue when he said it is simply this:

> How best can we get on with the job to be done, which is to improve and make more effective our police, courts and correctional systems.

And, as he pointed out, there is no "instant solution button to be pressed to effect a miraculous transformation. The job will take lots of hard work and dedication by competent, informed professionals and adequate resources and massive public support."

Mr. President, I ask unanimous consent that Mr. Velde's address on March 10 to the Congressional City Conference of the National League of Cities be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, BEFORE THE CONGRESSIONAL CITY CONFERENCE, NATIONAL LEAGUE OF CITIES, WASHINGTON, D.C., MARCH 10, 1970

THE CRIME PROBLEM

I appreciate the opportunity to make like Daniel and enter into the "Lion's Den." I will utilize the chance for a frank discussion on how best to improve the nation's criminal justice system and reduce crime—and I am sure that is why you are here, also.

Stated simply, crime has doubled in the last decade. There is crime on the streets, in the suburbs, in rural areas. There is white collar crime in offices; crimes of passion in the homes. There is vicious organized, professional crime. There is drug abuse and addiction. All of this is unprecedented numbers and in staggering ratios of increase. And something must be done about it.

Why has all this occurred? This is a very complex question with no simplistic answer, but one of the principal reasons is that our criminal justice systems are in a desperate state of affairs. Our peace forces are undermanned, underpaid, and undertrained. Our criminal courts are congested and bogged down, many of them to the point of total chaos trying to apply 18th and 19th century methods to 20th century caseloads. Our corrections systems don't correct. With very few exceptions, they are cruel, inhuman graduate schools in criminality. Our prosecutors are swamped. Probation and parole are largely paper shams. From just about every objective standard and measurement applied so far, the criminal systems are dreadfully inadequate. I speak with some authority because my agency has received and reviewed the comprehensive plans of the states submitted to it, and we have travelled the width and breadth of the land seeing at first-hand that this is so. In sum, our criminal justice system has very little to be proud of. We have a very long way to go to achieve effective and efficient law enforcement—at all levels of government, city, county and state.

Why is our criminal justice system in such a deplorable state? You know the answers as well as I. For centuries our police, courts and corrections have suffered from lack of manpower and money. There is little professionalism. Their needs have most often been met with public and official indifference, apathy and neglect—sometimes even hostility, particularly in the case of corrections. You know that just about every other public cause, whether it be schools, roads, hospitals, parks, transit, even zoos and garbage collection, has come above law enforcement. We are now reaping the bitter harvest of these decades of deficiencies.

Until the past year, all participants in the criminal justice system were largely preoccupied with their own operational problems and routines. There was very little planning, very little cooperation. Most often there was jurisdictional jealousy or a great indifference to the problems, needs and objectives of other participants in the process. Chiefs didn't talk to sheriffs; judges didn't talk to jailers, and so on, all up and down and across the system. The President's Crime Commission observed quite accurately: "—that the officials of the criminal justice system . . . must stop operating, as all too many do, by tradition and rote." This is another way of saying that just one year ago we were essentially starting from scratch. There was some studying of the problems and some progress in a few of the large jurisdictions. But, on the whole, no meaningful attention was being given to planning or research. Key officials were usually defensive, suspicious, overworked and lagging in resources and managerial skills. I am convinced that we are beginning to see a change for the better.

I believe we agree also that no one Federal program has or can solve all the Nation's ills and shortcomings—not even the Law Enforcement Assistance Administration. LEAA's mission has been defined by Congress to assist in making improvements in the institutions of and participants in the Nation's criminal justice system. We cannot solve the ills of society and eliminate the causes of crime. The role is a task far beyond the competence and resources of the 230-man agency which I represent. We agree though, that Federal financial and technical assistance in large amounts is needed. And I hope you agree with the Congress when it enacted the Omnibus Crime Control and Safe Streets Act of 1968, and with the Nixon Administration, that there is no interest in establishing a Federal police state nor that Federal aid should bring with it Federal domination and control of state and local law enforcement. The preamble to the LEAA enabling legislation put the matter very well:

"Congress finds—that crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."

To what, then, can we agree? I have suggested the following:

1. Crime has doubled and must be brought under control;

2. Crime control is the responsibility of the state and local governments;

3. Our criminal justice system is in disarray and must be repaired and modernized;

4. There must be national financial and technical aid, but we want no Federal police state or domination and control.

Having said all of the above, let me state the issue before us: How best can we get on with the job to be done, which is to improve and make more effective our police, courts and correctional systems? May I state for the record, right off the bat, that there is no instant solution button to be pressed to effect a miraculous transformation. The job will take lots of hard work and dedication by competent, informed professionals and adequate resources and massive public support.

THE LEAA PROGRAM

To assist in this Herculean task, the Congress established a program of Federal financial and technical assistance. And as you know, by floor amendments in both the House and Senate, a concept of block grants was incorporated, whereby the principal amounts of Federal aid are allocated to the states on a population basis. The states then make sub-grants to local governments. It must be added that we also administer direct grants to cities and others, make grants to colleges for student loans and grants, engage in research and statistical activities all outside the block grant formula.

Congress appropriated $63 million for the first year of our existence including only $25 million in block action grants. For our second year, which ends next June 30, we received last December some $268 million, including over $180 million in block action grants. While the issue is very much in doubt for the coming fiscal year, the President has asked Congress to nearly double our funding level and many Members of Congress apparently would add significantly to that increase. Some even would double again the President's request.

Pursuant to the Congressional mandate, all 50 states had established state level plannnig agencies. By last June they had submitted to us their first attempt at comprehensive planning. These plans were approved even though some were quite sketchy (the only alternative at the time was if they were rejected, the money would revert to the U.S. Treasury). For this first effort, with impossibly short deadlines and with difficult staffing problems (after all a new profession—criminal justice planner—had to be created), the states, by and large, did well. The most striking feature was the candor with which existing programs were assessed. With such small amounts of action funds to be disbursed, just $25 million for the entire country, the list of priorities and improvements to be made was quite modest.

On balance, a good start was made, and substantially more is being accomplished now that funding levels are beginning to rise.

Yet, the ink was hardly dry on the implementing legislation when the critics of block grants, who had lost a political fight in Congress, were beginning to examine the effort in detail.

THE LEAGUE OF CITIES REPORTS

The states received the first planning grants to establish and staff their planning agencies in December 1968 and January 1969 after a five-month delay at the Federal level in appointing the first Administrators and issuing implementing guidelines. One month later, survey teams from the League of Cities were in the field to assess the progress made. By April 1969, the League had published its first of what will apparently be annual report on our program. The report focused principally on the composition of the supervisory bodies of the state planning agencies and found that not enough local elected officials were tapped by Governors to serve on them. Although the statutory requirement was that the agencies "shall be representative of law enforcement agencies of the state and of the units of general local government", the League report apparently wanted more mayors to serve; local police chiefs and assistants to mayors didn't count. In some cases, however, the point was well taken and efforts have been made to make the boards more representative, not just of mayors, but minority and other as well.

It is important to note that Title I of the Omnibus Crime Control and Safe Streets Act makes no provision of minority or community representation on state boards. LEAA felt that such representation not only was important but represented the intent of Congress. Therefore, LEAA has repeatedly told the states adequate minority and community representation is essential. There may indeed have been instances where representation of diverse interests on state boards was not adequate. But critics may have overlooked the facts. Let me cite a few: New York State has 23 board members—including six community representatives, four local elected officials, three representatives from courts and prosecution, and two from corrections. In many instances, the figures for local elected officials do not fully show the amount of city and county representation, for those from other categories—police chiefs and judges, for example—represent urban interests as well. Let me cite a few more states at random. In Utah, four of eight board members are local elected officials. In Ohio, it is five of twenty-two, plus nine police, courts, and prosecution officials. In North Carolina, it is four of twenty-six, plus 13 police, courts, and prosecutions. In Oregon, six of the twenty-two, seven of the twenty-two board members are local elected officials.

In many cases, requests to serve were turned down. Mayors, after all, are very busy people. Their meeting and committee schedules would make veteran clubwomen blanch.

In mid-February, the League issued its second annual report after additional field surveys and calling in to Washington 23 representatives of some of the larger cities.

Please let me state that LEAA welcomes constructive criticism from all responsible groups and civic organizations. Since local government obviously plays a major role in the new crime control program, we are especially anxious to hear the considered views of local elected officials—mayors, councilmen, heads of county governments. In that spirit, we were happy to read the recent second annual report of the League of Cities on the LEAA program. That study has undergone—and is undergoing—careful, point-by-point study. Time obviously precludes a point-by-point discussion of it on my part. But let me say, first of all, that we are delighted at the interest shown by local elected officials in the crime control program. We want your views—not only on the latest report, but in the future as well.

However, I would be less than candid if I did not say I was seriously disappointed by some things in the report.

The report of the League of Cities cited no broad national statistics to support its basic contention that the Nation's large cities are not receiving enough funds. If memory serves me correctly, it did not even cite any of the large 15 cities which have the most pressing crime problems. The League report cited an example here, an example there—but failed to offer statistical evidence of alleged shortcomings on aid to the major cities. Let me disclose to you one statistic developed by an LEAA survey. As of December 31, the states had subgranted to local governments about ¾ of the 75 percent share of the $25 million in block action grants they received last June. Of that 75 percent, slightly in excess of 45 percent had gone to the Nation's 411 cities of more than 50,000 persons. The figure represents only money for direct use in the cities themselves. It does not show the appreciable amounts of money that have gone to the heavily populated suburban areas surrounding the cities. The remaining 25 percent of the local share of funds are now being distributed. We do not yet know if the $18.7 million distributed followed exactly the formula that states must give at least 75 percent to local governments and keep up to 25 percent for statewide law enforcement projects. But if we assume that such a distribution pattern did occur, then cities of 50,000 persons and over had received at least 60 percent of all funds given to local governments as of that date.

The League of Cities report cites perhaps 30 to 40 instances of alleged shortcomings in grants. Again, let me stress that none of the Nation's 15 major cities was cited. But the states in fiscal '69 gave funds for some 2,500 projects. To evaluate the entire program, as the League attempted to do, on the basis of 30 or 40 projects, is clearly an inadequate sampling.

The League report cited Denver as an example of the argument that large cities were not receiving enough funds. Denver, by the way, was about the only city over 500,000 cited.

Our figures show that Denver, with 24 percent of the state's population, received 32 percent of all funds available to local government in Colorado in fiscal 1969. Denver made one request for funds which was granted, but the state planning agency awarded funds to the city for three other projects. Colorado already has received its fiscal 1970 action grant—and 13 separate grants for Denver have been approved by the state. Three fiscal 1970 applications were turned down—one for an $1,800 library for police, which has been referred to another, and more appropriate, Federal agency, and one for construction of a police substation, turned down because construction funds were too limited. One salary support grant was rejected because it violated statutory requirements. For fiscal 1970, Denver is receiving 28 percent of the local share of Colorado funds, and the Denver metropolitan area is receiving another 29 percent—meaning that Denver and its suburbs are receiving 57 percent of the total funds distributed by the state.

Birmingham, Alabama also has been cited as an example of a state which received scant funds. At the time the report was written, the point was well taken. Alabama was one of the slower states. But as of March 4, Birmingham had received all of the funds for which it applied from the state's fiscal 1969 block grant of 8 percent.

LEAA is deeply concerned that adequate crime-fighting funds flow to cities with major crime problems, and we have said so again and again—and backed up our contention with numerous meetings with state officials and by guideline requirements. In addition, LEAA has given direct discretionary action funds to a number of cities, and plans major direct aid this fiscal year, when $32 million in discretionary action funds are available. In fiscal 1969, a total of $1.1 million was given directly to the Nation's 11 large cities in grants of about $100,000 each. Three of the projects have not yet been launched by the cities, according to the latest information we have. This was money given directly to the cities. Eight months later, important projects have yet to get underway and in all only about ⅓ of the $1 million has been spent by the cities. I suggest it may show that certain cities themselves—which are so quick to criticize LEAA and the states—shall take a hard look at themselves.

THE HARTKE AMENDMENT

Last fall, Senator Vance Hartke, supported by the League of Cities, introduced a Bill to amend and recast the LEAA authorizing legislation. The bill has three sections: the first would add a new program category for street lighting and building security. The second section would limit block grant allocations to states to 50 percent of the total funding down from the present 85 percent share. The LEAA would have discretion to allocate the remaining 50 percent as it saw fit. The second section also contains two provisos with regard to the discretionary funds—a state's allocation may be increased by 20 percent if LEAA determines the state's plan adequately deals with the problems and needs of the major urban areas, and may be further increased by another 20 percent if the state contributes at least 50 percent of the matching funds of local programs. Also, section two exempts discretionary funds from matching requirements and salary increase limitation of the Act. Finally, the bill provides appropriations authorizations for the three coming years at levels of $800 million, $1 billion and $1.2 billion, respectively.

The bill does not amend the existing provisions requiring an automatic pass-through on 75 percent of the block grant funds to units of local government.

Although the Senator's interest in improving the Act is appreciated, there are some problems with his approach. Let me identify a few for you. First, there would be great potential for a major erosion of the block grant concept before enough time has elapsed or substantial funds have been committed to give it a fair test. LEAA is just beginning its second year of full operation and the state planning agencies are not far behind. Ask yourselves how the activity so far in this program compares with the start-up time of other Federal programs you have experienced—say, Model Cities, for example. I submit that our record compares favorably. And it must be agreed that $25 million in action funds for the entire Nation is not going to go very far meeting the multitude of law enforcement needs and priorities—at any level when the national criminal justice budget is about $6 billion a year.

Another problem with the Senator's approach is that there would be little incentive, if any, for the states to pick up the options offered to increase the block grant share. First, the matching requirements would be totally lifted for discretionary grants, but not block grants. Second, with no change in the automatic pass-through requirements for block grants, it would actually cost the states more for the privilege of giving 75 percent of the increased block grants to the local governments than under the existing formulas. In all probability, the states would join in and vigorously compete with local governments for the increased discretionary funds. And with their professional staff support and political influence, they would be fierce competitors.

So far, I can report that there has been negligible political influence in the Federal decision-making process on LEAA grant awards, especially under the block grant formulas based on population. But I don't need to tell you that this condition is not necessarily representative of other Federal aid programs, as those of you who applied for and were not designated "model cities." Giving Washington bureaucrats—even Republicans—wide latitude in distributing funds is an open invitation for political skullduggery.

The League of Cities has complained about the layers of bureaucracy needed to administer block grants. The Hartke Amendment would not alter this condition at all, since there would still be substantial block grant funds to dispense through the existing administrative machinery. But another layer, principally at the Federal level, would be needed to process the greatly increased volume of applications that the expanded discretionary grant funds would generate. LEAA now has about 100 employees servicing the block and discretionary grant programs. We will be severely pressed, at present manning levels, to process the expected 1,500 discretionary applications in Fiscal '70 to make the expected 500 grant awards. Multiply that workload by a factor of ten—assuming $300 million in discretionary funds would be available for the coming fiscal year if the Hartke Amendment were passed and funds appropriated—and there would have to be a mushrooming of Federal bureaucrats to handle the workload. That is, unless you would prefer that LEAA go the way of another aid program I heard about recently. In the early days of that program, which was funded very substantially at the beginning, so many applications flooded the agency that they were arbitrarily stacked in piles from floor to ceiling. Every 25th application was reviewed. If it was acceptable, then the 24 above it would be automatically approved! That's a helluva irresponsible way to run a railroad and can get the program into serious trouble with Congress and the taxpayers—let alone the auditors.

In short, the Hartke Amendment is premature and it probably wouldn't achieve its intended results any better than the block grant formula. Now let me briefly discuss the Administration's proposed amendments to the LEAA legislation. Incidentally, I will comment on the funding level proposed by the Senator shortly.

THE ADMINISTRATION'S AMENDMENTS

Believe it or not, the Administration has proposed several amendments to LEAA legislation, though the press statements from the League of Cities and Senator Hartke focus on only one provision which they attacked quite vigorously. There are other proposals, which I submit are meritorious and should meet your approval. When Senator Hruska introduced the bill in the Senate last week, he did so for himself and 24 other Senators including Democratic Senators Pell of Rhode Island, Yarborough of Texas, Eastland of Mississippi, Ervin of North Carolina, and Republican Senators Scott of Pennsylvania, Dole of Kansas, Griffin of Michigan, and Goldwater of Arizona. With that kind of support there must be something worthwhile in the Bill.

Consider the other amendments first, then we will take up the controversial "small state" waiver provision. First, the Administration has proposed that special emphasis be placed on the critical needs of our Nation's correctional programs and facilities. States would be required to develop comprehensive plans for corrections and the Federal share of the costs would be up to 75 percent, rather than the 50–50 or 60–40 formulas which now exist.

Second, we are proposing that the Law Enforcement Education Program be broadened to include costs of books and supplies; to add those desiring to teach in the field to be eligible for assistance; and to expand the LEAA role in support of law enforcement training. I hope you would agree that these are worthy purposes.

Third, modification in the salary support limitations is offered so as to construe the limitation narrowly to uniformed police only. This would provide some relief while gaining time to amass more experience as to the effect of the present one-third limitation.

Fourth, there is offered an easing of the matching requirements in 20 percent of the discretionary funds, as opposed to the total lifting proposed by Senator Hartke.

The so-called small state amendment we propose would give the LEAA Administrators discretion to waive the pass-through requirements that 40 percent of planning funds and 75 percent of action funds must automatically go to units of local government, no matter what their relative expenditures for law enforcement purposes. There must be a finding by LEAA that adherence to the original formula would not result in an "appropriately balanced allocation of funds between the state and units of local government."

The purpose of this amendment is to allow flexibility in the small number of states—not more than 12 at the present—where the relative share of state-level expenditures for law enforcement is substantially more than 25 percent. Let me give you two examples of the problem. Alaska has only five local police departments. All other police, court, and correctional activities are the responsibility of the state. The state's share of total expenditures is 70 percent. Other small states with similar problems: Delaware—60%; Vermont 72%; Maine—55%; North Carolina—50%. The District of Columbia is defined as a "state" in the LEAA legislation. How can it technically comply with the requirement of sub-granting 75 percent of its action funds to "local government" when it is the only government in that "state?" Yet, this is the inflexible requirement of the Act.

We seek only the authority—which incidentally we may already have—to waive the pass-through in extreme instances as cited above. We seek to get specific Congressional approval to apply the standard of section 303(3) to the requirement of section 303(2) for the pass-through. Rather than take administrative action, we are seeking to place the matter squarely before Congress for a fair determination.

In seeking this flexibility, we are asking much less than the Johnson Administration asked in its original "Safe Streets" bill, a proposal which the League of Cities strongly backed. And in its impact, the amendment would be much less authority than Senator Hartke would give LEAA. This amendment should be read in concert with Section 510 of the existing law which gives dissatisfied potential grantees comprehensive appeal rights including an administrative hearing and a trial de novo in Federal court if needed. The legislative record to be made in the pending hearings in the House Committee and elsewhere in Congress will amply demonstrate that this is our purpose.

The legislative history of the original pass-through requirements for action grants, though very sketchy, was based on the relative expenditures of the states and local government expenditures for law enforcement—on a *national average*. For planning grants, the 60–40 provision was totally arbitrary because there was no prior history of expenditures at any level of government. This is the essence of why the flexibility is needed.

At the beginning of my remarks I somewhat flippantly alluded that Daniel was entering the "lion's den." Of course, this is not the case. You have been courteous, attentive, and patient. I genuinely appreciate the opportunity for this candid exchange of views with you. In closing, I call your attention to a letter circulated among the League's membership last December. That letter said in part:

"The point at issue is whether the National League of Cities will assume primarily a role of incessant criticism of all other levels and forms of government in America or whether we will evolve a constructive and more harmonious relationship with the national administration of President Nixon, the United States Congress, State Governors and Legislatures, and County Officials."

It must have been persuasive, because the author was Mayor Lugar of Indianapolis, your new First Vice President, and was written when he was campaigning for the job. His counsel will stand you in good stead. We all face a vital and staggering task to make meaningful and lasting reform in our justice systems and curb crime. We don't really have the luxury of quibbling over delivery methods of funds. In short order, there will be enough for real progress. Let's get to work.

LEAA will do its damnedest to see that you are treated fairly!

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BICYCLES—A SOLUTION TO THE COMMUTER CRISIS

Mr. TYDINGS. Mr. President, most Americans regard bicycles as toys; people of other countries regard them as viable, nonpolluting, and inexpensive means of transportation. Although the bicycle makes a direct assault on four problems that plague modern cities—traffic, noise, parking space, and air pollution—planners have overlooked it in their search for solutions to the urban transportation crisis.

In a most unusual article entitled "Easy Rider: A Solution to the Commuter Crisis," published in the November 1969 issue of the Washington Monthly, Thomas R. Reid III argues well the case for a national plan for commuter bike routes. It is indeed time for commuters and communities to give bikes a chance. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Monthly, November 1969]

EASY RIDER: A SOLUTION TO THE COMMUTER CRISIS

(By Thomas R. Reid III)

I can get to work in the morning faster than you can. I can get to work cheaper than you can. I can park much closer to my office than you can. And I have more fun commuting than you do.

The secret to my success is a two-wheeled, three-geared vehicle that I bought last year—complete with a galaxy of optional extras—for $35. I go to work on a bicycle. On it, I am able to travel the four miles from home to my job downtown in the quickest, cheapest, easiest, and healthiest possible way.

Not only do I get to work faster, easier, and happier than you do, I'm a better citizen about it, too. My bike never blocks traffic, and I don't need vast acreages of space to park it. Instead of a honk, roar, and crash, the only sound I make is the gentle swish of pedals. Most important, my bike does not pollute the air. While the automobile industry works to eliminate defects in the internal combustion engine, I've gone one step further. I eliminated the engine.

I didn't always have it so good. For years I used to go out every morning, charge up my 350-horsepower, four-on-the-floor Detroit dynamo, and crawl through trafffic to my office at 15 miles per hour. I found that pace exasperating. But by present automotive standards I was making good time. In a recent study of central Manhattan, rush-hour traffic was clocked at an average speed of three miles per hour.

It wasn't just the exasperation, though, that led me to stop driving. When my parking lot man told me one morning that he was raising his rate to $3.00 per day, I decided that there must be a better way.

So I started taking a bus to work. But it didn't take me long to realize that public transit was not much better than fighting through the streets in my car. I was still paying too much for a ride that took too long, even on those red-letter days when the bus ran on schedule. Standing on the bus each morning, looking out at the chaos on the streets, I concluded that none of the conventional forms of transportation could cope with the traffic problem. Then, one day about a year ago, I stopped thinking conventionally. I started commuting by bicycle.

Commuting by bicycle? Is this some kind of put-on? It may sound like a joke to motor-minded America, but in the rest of the world nobody is laughing. In countries that are willing to take it seriously, the bicycle is making a significant contribution to transportation. Switzerland, for example, which traditionally places a high value on peace of mind and purity of air, has more bicycles than automobiles. In Amsterdam—a national capital with roughly the same population and climatic conditions as Washington, D.C.—150,000 people ride bikes to work every day. Hundreds of thousands more commute by bicycle in other European cities. The same is true in much of Africa and Asia.

Probably the most dramatic example of the importance of bicycle transport can be seen in Vietnam. Harrison Salisbury reported in *The New York Times* that the North Vietnamese are using bicycle battalions to carry tons of supplies over routes that have become impassable for trucks. The French historian Jules Roy argues in *The Battle of Dienbienphu* that the bicycle was instrumental in the outcome of that battle.

Nonetheless, the United States has displayed a curious isolationism toward the bicycle; we have refused to learn from the example of other countries. Americans still see the bicycle as a toy, the notion that someone would seriously rely on a bike for transportation is considered rather silly. It doesn't bother me, though. Maybe some drivers and bus riders think it funny when they see me pedal to work, but when I consider the advantages my vehicle has over theirs, there isn't much question about who is really laughing at whom. Besides, I have an assured seat.

Consider the time it takes to get to work. From a residence within five miles of the city center, bicycling is the fastest way to get downtown in rush hour. That may seem incredible, but I have proved it. This summer I entered a commuter race in Washington, D.C. I raced against one commuter who drove his car, and another who rode the bus. The "track" ran from a residential neighborhood in Northwest Washington to the Mayor's office in the heart of the central business district.

It wasn't even close. At the moment I arrived to win the race, the car was barely visible behind a long line of stop-and-go traffic; the third man was waiting at a bus stop some three miles away.

It may be some solace for automotive buffs to know that the driver did finish first in one aspect of the race: he managed to spend more money than anybody else. By the time he had parked his car for the day, his total expenses were over $3.00 for the trip to work. The bus rider spent $.30 each way for his trip. My expenses on the bike are harder to determine, but a reasonable estimate would place my total cost for the three-and-a-half mile race somewhere between one and two cents.

The economic advantage of commuting by bike can be seen even more clearly when calculated on an annual basis. Internal Revenue Service formulas for depreciation and operating expenses—assuming a fee for hard-to-find parking of only $1.00 per day—suggest that a commuter who drives five miles to work and back each day spends over $500 in a year of commuting.

Compare that to my annual commuting budget. By extrapolation from the same Internal Revenue Service figures, the depreciation rate for a bicycle comes to $.0016 per mile. Adding depreciation to annual operating expenses (one broken spoke, one flat tire, two headlight batteries, and one can of oil), the total cost for a commuter who bicycles 10 miles a day all year is around $5.50—about 1/100 of the cost of driving.

Bicycling is as good for the psyche as it is for the pocketbook. The bike commuter may have to stay cooped up in his office all day just like everyone else, but he knows that morning and evening he can be outside for a while in the bright of spring or the crisp of autumn. The bike rider participates in the sights and sounds of the street in a way that no other commuter can. The bike rider also enjoys the particular satisfaction of being self-propelled, a rarity in this age of powerlessness. It is a good feeling to know that you can get somewhere under your own steam.

Doctors agree that commuting by bicycle is good for the body as well as the soul. Dr. Paul Dudley White, advisor to Presidents and a leading heart specialist, says that "bicycles are the answer for both brain and body. If more of us rode them, we would have a sharp reduction in the use of tranquilizers and sleeping pills."

Dr. White cites the following specific benefits of bicycling: "In the first place, it is an aid to good muscle tone, much needed by the American people today. It aids the circulation and thereby the heart . . . it aids the lungs . . . it aids our digestion and it may even protect against peptic ulcers . . . it aids our weight control . . . it probably aids our longevity . . . it aids the nerves by improving sleep and maintaining equanimity and sanity."

A word on weight control: even a leisurely bike rider burns up 100 to 120 calories per mile. This means that a commuter who has an easy half-hour ride to the office and back will use 1200 calories per day just getting to and from work. Thus, even without its time, money, and health benefits, bicycle commuting could still be the best thing that ever happened to the Metrecal-for-lunch bunch.

Of course, bicycle commuting has its disadvantages, too. One disadvantage is winter, which keeps coming back every year. Although year-round riding is feasible in the deep South, it is just too cold for at least one or two months in most American cities. The only real problem, of course, is that the commuter has to arrange an alternate way to get to work during the winter months. But as soon as spring appears, he can get out his bike and start arriving at work on time again.

The most serious problem facing the bicycle commuter is the hazard of venturing into traffic on a bike. The bicycle rider in American cities today has an identity crisis—nobody knows he's there. Consequently, motorists will pull out of a driveway, switch lanes, swing U-turns, and back up without even noticing that a bicycle is in the way. This problem is being alleviated in some large cities through large-scale publicity campaigns designed to sensitize drivers to the fact that there are bikes on the streets. This is a public problem, and it will be up to governments to solve it. As cities take steps to improve the lot of the bicyclist, experience indicates that the number of bicyclists will increase.

It is clearly in the cities' best interests to encourage bicycling; bicycle commuting, after all, holds just as many advantages for the community as a whole as it does for the individual commuter. There are indirect benefits for the city in the decreased economic burden and improved health that result from commuting by bicycle. In addition, the bike makes a direct assault on four problems that plague modern cities: 1) traffic, 2) noise, 3) parking space, and 4) air pollution. (The automobile companies have been somewhat successful in their own attempts to control pollution. Depending on whose estimate is used, harmful emissions have been reduced 50 to 80 per cent in the past few years. Nonetheless, cars and busses are the major cause of air pollution in urban areas. The cities will not solve this problem until they reduce the number of cars coming downtown every day.)

Politicians, mindful of the social advantages of bicycle communting (and sensing that there must be a few voters among the

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country's 57 million bicyclists and tricyclists) have been enthusiastic backers of the bike. John Lindsay remains a strong advocate of bike routes in New York City. In fact, bicycles have traditionally been one of the few points of agreement among New York mayoral candidates. Following the 1965 municipal elections, the New York Post commented that Bill Buckley's proposal for an elevated bikeway along Third Avenue may have been the most reasonable suggestion advanced in the entire campaign. While this may be more of a reflection on New York City than it is on the bicycle, it is indicative of the fawning attention that candidates tend to pay to bicyclists.

On the national level, Stewart Udall has been a strong supporter of bicycling as the only way to offset "the tyranny of the automobile." Lyndon Johnson waxed almost poetic in a message to Congress: "I see an America where our air is sweet to breathe and our rivers are clean to swim in. I see an America where [there are] bicycle paths running through the hearts of our great cities. . . . The forgotten Americans of today are those who like to walk, hike, or ride bicycles. For them we must have trails as well as highways."

With bicycles, as with everything else, talk has been more plentiful than action. There is still nothing like a national plan for commuter bike routes. On the local level, however, much has been done, and there are in fact "bikeways"—especially designated, clearly marked routes—running through the hearts of many of "our great cities."

One of the most ambitious and most successful bikeways runs through downtown Chicago. An extensive system of bike routes leads through several city parks and along the lake shore. As is the case in most other cities, Chicago started its bikeway project strictly for recreation purposes, and then expanded it as shoppers and commuters began to use the routes, too. The city now has 36 regularly traveled bike routes.

And Chicago isn't all. You can commute from Cambridge to downtown Boston on a bicycle path that runs along the Charles. Milwaukee has 64 miles of marked bikeways. Cities all over Florida have responded to the possibilities of bike commuting. Miami is the hub of an extensive system of bicycle routes connecting the central city with outlying suburbs. Bicycles are so common in Florida that the Coconut Grove National Bank has set up pedal-in teller windows at its branches.

The most carefully planned and most instructive program for bicycle commuter routes is a proposal prepared earlier this year by three young staff members in the Division of American Studies of the Smithsonian Institution. The Smithsonian Plan was designed specifically for Washington, D.C., but its approach and general strategy make it a good model for cities everywhere.

The Smithsonian Plan calls for a radial system of routes bringing commuters from various sections and suburbs to a common axis—in this case, the Mall—running through the central business district of the city. It is designed to serve shoppers, tourists, and schoolchildren, as well as thousands of commuters.

The Smithsonian Plan is modular. It can be started on a relatively modest scale and augmented in phases. The initial "pilot" phase of the project, which is under consideration among city officials now, would provide routes from three residential areas—Capitol Hill, Georgetown, and Arlington, Virginia— to the Mall. These first routes can be expanded logically in definite steps into an extensive system serving all major residential areas. The expanded system also includes bike routes leading downtown from pocket areas in the inner city, where few residents own cars and where bus and taxi service is practically nonexistent.

The Smithsonian Plan combines three different types of bicycle paths into one integrated system. Where traffic is heavy and sidewalks are wide enough, bicyclists will travel on the side walk. In other places, the bicycle will share the street with automobile traffic. Along particularly busy roadways, the proposal suggests that special bike paths—paved areas, about six feet wide, running parallel to the road—be constructed.

The Smithsonian Plan takes extensive precautions for the bicyclists' safety. Wherever possible, the proposed routes run along side streets rather than major trunk lines. Where bikes must share the road with heavy automobile traffic, the streets will be clearly identified and motorists will be reminded to watch out for cyclists. The plan emphasizes marking and identification of routes in order to bridge the visibility gap between bicycles and motorists.

Washington is a city on a river; the river means bridges; and bridges mean special hazards for bicycle commuters. The Smithsonian planners have side-stepped this problem in a delightful way. They propose that a special ferry service be established to bring bicyclists across the Potomac to and from the Virginia suburbs. They have even found a ferry boat—the *S.S. Old Duck*—which was recently taken out of service and docked at a backwater in the Washington Navy Yard. The authors of the Smithsonian Plan have recommended that the District of Columbia put the *Old Duck* back in service as a bicycle ferry.

To date, nobody has taken the suggestion seriously. Everybody knows that ferry boats were pronounced dead by the city planners eons ago. Ferries were a victim of progress; in this era of convenience the river ferry is an obsolete as—well, as the bicycle.

The irony here, of course, is that the onward thrust of "progress" has brought us to the point where the *Old Duck* is a quicker and more convenient form of transport than any of its vaunted successors. No doubt the planners can prove conclusively on paper that the idea would never work. But ask a commuter—the *Old Duck* would make sense to somebody who actually makes the trip twice a day.

And what a wonderful trip it could be. To ride a bike to the river bank, chug across the river on the faithful old ferry, pedal down the gangplank and on to the office—it's the kind of thing you'd pay $2.50 to do at Disneyland, and you could do it every day, twice a day, in the heart of the city. With a little imagination, the city could make some money in the process. It would be easy to serve a continental breakfast on the trip across the river, and in the afternoon the ferry could become the club car of the cycling set.

In short, the *Old Duck* would be an opportunity to put some fun into the workaday grind. The possibilities—for the city and commuter—are endless. They deserve to be explored not only in Washington but in every city that still puts a premium on such an outmoded commodity as pure pleasure.

This ferry proposal represents all the best features of bicycle commuting in general—it is simple, inexpensive, and rather quaint, perhaps, but at the same time obviously feasible and emminently reasonable. City planners who are racking their brains to find simple, feasible, and reasonable solutions to their traffic problems might do well to study the Smithsonian Plan and to consider the bicycle.

In the light of our collective motormania, the idea of giving the bicycle serious thought may be hard to accept. But as space to move and to park the automobile in downtown areas runs out, as clean air begins to have a price tag, with no readily available alternative in sight, the demands for recognition of "Pedal Power" become less and less funny. Bicycles are not a panacea for the traffic problems, but, given the chance, they can help. It is time for commuters and communities to give bikes a chance.

THE SEA, THE SKY, AND THE MOUNTAINS

Mr. FONG. Mr. President, the national campaign to preserve and improve our environment has inspired a leading Hawaiian composer, R. Alexander Anderson, to write a song entitled "The Sea, the Sky, and the Mountains." Its theme is that these great natural blessings may be ours for as long as man has the will to preserve and protect them.

"Alex" Anderson's song is his latest in a long list of successful compositions. Among his most popular hits are "Lovely Hula Hands," "Cockeyed Mayor of Kaunakakai," and "Mele Kalikimaka," each of which has sold more than a million records.

I congratulate him on composing a new song with an important, timely message. It is a song which the composer says "will best suit those singers with robust voice who can stand up and really deliver a message."

I ask unanimous consent that the words of "The Sea, the Sky, and the Mountains" be printed in the Record.

There being no objection, the words were ordered to be printed in the Record, as follows:

THE SEA, THE SKY AND THE MOUNTAINS

(By R. Alexander Anderson)

The sea, the sky and the mountains
Must never change, will never change
If man has the will to preserve them,
To keep them always the same.

Golden sunshine, welcome rainfall,
Cooling sea breeze sweeping the land,
Lakes and rivers ever flowing
From the monutains to the shore
Keep them unpolluted, unsullied, undefiled.
Protect all God's creatures,
Birds up in the sky, fishes and wild things
Do not let them die.
And the sea, the sky and the mountains high,
Let man preserve them,
Learn to conserve them
To have to hold them forevermore.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

WAIVER OF THE GERMANENESS RULE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule on germaneness, which I understand began operating some minutes ago without our being aware of it, not be considered to have begun operating until now.

The PRESIDING OFFICER. Without objection, it is so ordered.

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MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, and it was signed by the Acting President pro tempore (Mr. ALLEN).

SUSPENSION OF FURTHER DEPLOYMENT OF OFFENSIVE AND DEFENSIVE NUCLEAR STRATEGIC WEAPONS SYSTEMS

The Senate resumed the consideration of the resolution (S. Res. 211) seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending business occur not later than 4 o'clock p.m. today. This, I understand, has been cleared on all sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALT AND THE FUTURE FOR STRATEGIC ARMAMENTS

Mr. MUSKIE. Mr. President, it is now almost 25 years since the first atomic bomb was dropped on Hiroshima. In that quarter-century we have added enormously to our arsenal of nuclear weapons; we have increased the number and types of delivery systems. The Soviets have entered into nuclear competition until now both the United States and Russia have the capacity to destroy each other and much of the rest of the world.

Because we have lived so long with the threat of nuclear war, and because we have become accustomed to the ingenious and terrible weapons which made such a war possible, we sometimes act as if the threat did not exist, and we behave as if the expansion of our nuclear capacity were essential to our security and national welfare.

The fact is, Mr. President, that more nuclear weapons do not buy more security. The only value in having nuclear weapons is to discourage and deter others from attacking us. We and the Soviets have ample numbers of deliverable weapons to serve that purpose today. Adding a new generation of nuclear weapons adds to the danger of global disaster without increasing national security, and it decreases our capacity to deal with those social and economic problems which plague our country and many others.

But we and the Soviets are in real danger of launching our countries into a new round of futile, dangerous, and potentially disastrous competition in nuclear weapons. At the same time, we have an almost unique opportunity to reach an agreement with the Soviets on arms control which can reduce the danger of nuclear destruction, without lessening our national security and without diverting $20 billion a year from the needs of people.

In the years since 1945, our sizable lead in nuclear armaments has meant that proposals to control the strategic arms race had little chance of succeeding. Now, in 1970, there is the first clear opening. There is both a situation of mutual deterrence and an acceptable parity of nuclear strength between the United States and the Soviet Union. This unique and fleeting opportunity must not be allowed to slip away through design or delay. We can act promptly and decisively without committing ourselves hastily to any final solutions.

The choice that presents itself is not that of simply talking to the Russians at length while the arms race continues, or seeking desperately to reach what might be an inadequately thought-out agreement. There is a third choice—taking steps now to preserve the opportunity for effective agreement without locking ourselves into a final position.

Reasonable equality is the all-important new element in 1970. Today the United States and the Soviet Union are roughly equal in technology and in the destructive power of deliverable nuclear warheads. A condition of mutual deterrence has prevailed for many years, because deterrence does not depend on even rough equality. The likelihood of any appreciable nuclear devastation by retaliatory attack is a powerful deterrent to the first use of nuclear weapons. But although relatively little opposing nuclear strength is enough to deter, substantial equality must be reached before both parties will be willing to negotiate. With the balance as it now exists, neither side need fear that an immediate halt to the arms race will mean permanent inferiority.

The present situation of nuclear balance is adequate for our own security needs. We can never hope to do much better and we can do a lot worse. Both sides have learned the costs and the dangers of attempting to win the nuclear race. It is a race with no finish line and the runner in second place always has time to close the gap.

It is therefore in our interest to end the arms race and we should do it now. If it continues, we both at best will continue to squander our resources in a fruitless drive for meaningless superiority. At worst, time will run out for us both—and for mankind.

There have been indications that the Soviets recognize that security is not synonymous with nuclear superiority. A recent Pravda article on the SALT talks dated March 7, 1970 was notable for the absence of the traditional propaganda theme of "general and complete disarmament." Instead the article extolled the virtues of restraint and limitation, and talked sensibly about parity. It noted that "a new spiral in the arms race could not change the essence of this balance" and that "none of the weapons systems now seemingly within the reach of this or that side can change this fact."

I do not know President Nixon's personal views on the question of seeking nuclear superiority. But to the extent that he recognizes the search for such superiority to be futile and self-defeating, his actions are either inconsistent or incomprehensible.

His vague demands for linking SALT to the settlement of other political issues complicate the negotiability of SALT without making the other issues more negotiable.

His criteria for what he calls nuclear "sufficiency" insofar as they are understandable can undermine stability and create a climate of unfounded fear about mutual deterrence.

His negotiating tactics and tentative approach are allowing the essential condition of mutual security to slip away.

While the actions of the Soviet Union have been equally ambiguous, it is not clear whether this is a cause or a consequence of the Nixon administration's policies. The continuing Soviet missile buildup and most especially their recent SS–9 deployments do not square with their hints of stabilizing the strategic balance as expressed in the Pravda article.

I am not prepared to disregard their missile buildup or the possibilities for mischief in their position. But neither am I willing to dismiss the possibilities for serious negotiations. My point is that we do not have to argue about interpretations of Soviet motives. SALT provides an opportunity to assess their real position and see if we can do business together.

I do not want to assign blame for the past 25 years of the arms race. It is unknowable and unnecessary. I do not want to have to engage in guessing games about President Nixon's goals and strategy. I want to do something about them here and now.

The way to start ending the strategic arms race is to seek agreement with the Soviet Union to an immediate and mutual interim strategic standstill. This would mean freezing the present strategic nuclear balance in all of its dimensions. It would mean time to make sound and lasting decisions later. It would preserve negotiating opportunities.

This standstill would encompass all further deployments of offensive and defensive strategic weapons system and all testing of MRV's and MIRV's. Because of the totality of its scope, because of the necessity of its taking effect immediately, and because of the complexity of the issues involved, I believe that the mutual freeze should first be introduced for a 6-month period. Starting with a 6-month period would not by any stretch of the imagination impair the security of either the United States or the Soviet Union. It would also enable both sides to determine whether a continuing strategic standstill is both workable and verifiable. It is my understanding that this is consistent with the intent of Senate Resolution 211 as amended. I shall vote for the resolution.

I. A MUTUAL INTERIM STRATEGIC STANDSTILL

Let me describe more precisely why I support Senate Resolution 211, how it would work, what its advantages are, and why I believe it should begin as a temporary arrangement. I visualize five elements in the MISS:

First. The United States should take the initiative in making the proposal. It should be the first order of business at Vienna. If the Soviet Union is not interested, we can move on to other negotiating possibilities. If the Soviets are interested, the entire initial Vienna session can be well devoted to ironing out the details.

Second. The substantive effect of the proposal would be a mutual halt to first, MRV and MIRV flight testing, and, second, further deployments of all other strategic offensive and defensive systems. Only by prohibiting Soviet missile testing that could lead to the development independently targetable warheads could we have the confidence that Soviet MIRV's would not be deployed. Because of our open society, the Soviets need not have a similar concern about U.S. circumvention. MRV and MIRV testing and deployments would be halted, thus giving neither side an opportunity to gain advantage. Research and development, an area which is inherently unverifiable and hence uncontrollable, would continue. The ban on further deployments would encompass land and sea based ballistic missiles, strategic bombers, and ABM radar construction and upgrading along with associated missiles. The halt would apply only to strategic offensive and defensive nuclear systems. It would not in any way affect the current deployment of ground forces, air and sea units, or of tactical nuclear weapons. We would be as prepared to deal with any contingency—strategic, tactical, nuclear, and conventional—as we are today.

Third. The halt would be for a 6-month period with an automatic lapse unless renewed in the same or in modified form by both sides. Initially, this would be long enough to provide negotiating room and short enough to forestall either sides' having the jitters. Of course, if we detect Soviet cheating, we would have the option to call off the whole arrangement. If all works satisfactorily, both sides could extend the temporary halt.

Fourth. Both sides would agree to rely on national means of vertification to detect violations. For the United States this means utilization of our ample technological capabilities. For the Soviet Union, it means also the ample supplement obtainable by reading American newspapers. Given the all-encompassing nature of the temporary agreement, both sides would have high confidence of being able to detect cheating. Any new deployment would be a violation, and would bring an end to reciprocal restraint.

Problems associated with detection and verification need to be looked at closer when it comes to making a final agreement. These problems are not an excuse for rejecting the interim arrangement I propose.

Fifth. As a measure of precaution, we should maintain a high state of readiness to resume testing and deployment programs.

The limited duration of the initial suspension makes possible the breadth of its coverage. As I see it, this approach has the advantages of more limited proposals to ban MIRV testing or ABM deployment and the like, without involving their disadvantages. More limited proposals which focus on banning one or more weapons systems are open to the charge that compensatory actions in other weapons systems could upset the balance. For example, simply prohibiting MIRV testing and deployment would do nothing about ABM systems, and simply banning ABMs would leave the MIRV threat intact. Pressures to resume deployments and make new deployments are bound to arise in such situations.

A mutual interim strategic standstill takes no chances with our security. No one in the Nixon administration has argued, and I believe no one can argue, that no matter what happens, our security could be impaired over such a short period of time. The President and the Secretary of Defense have said that we are in good shape now and in the short term, and that our only cause for concern might be the possible situation in the mid-1970's. For example, even the very first stage of the supposedly "vital" Safeguard ABM system is not due to become operational until 1973 at the earliest.

The immediate benefit to the United States of a MTSS is that it would halt Soviet ABM and SS-9 buildups and multiple warhead tests. The Nixon administration points to these ongoing Soviet programs as the cardinal reasons for U.S. ABM's and MIRV's. To be specific, Secretary Laird has said that 420 SS-9's with three warheads per missile could destroy almost all of our Minuteman missile force. But if we do not act now to hold off this MIRV'ing potential, the situation could only become worse. The Soviets eventually could develop a five or a 10 headed MIRV'ed missile, and with a force of only 300 SS-9's do more damage that at present. Can this kind of development be checked by anything other than an arms control agreement? Would a 6-months freeze, which I have proposed, make the threat of the SS-9 greater?

Of course, U.S. ABM and MIRV programs would be suspended as well. But this should be no cause for concern. Those who still take great comfort in U.S. "superiority" in numbers of nuclear warheads and technology ought not to be disturbed by the mutual freeze. To the extent that this superiority is translatable into diplomatic and strategic currency, the mutual freeze leaves the United States with those advantages as well.

Another benefit from a mutual interim strategic standstill is that it keeps the door open for permanent agreement either there along the same over-all freeze lines or along more limited lines. So in a sense, Mr. President (Mr. HOLLINGS), it would be a negotiator's pause.

Without this pause, all chances of banning MIRV's and ABM's are lost. Once both sides go beyond present testing of MIRV's and deployment of ABM's, banning becomes impractical. In the case of the MIRV's, we would not be able to detect with confidence whether or not they are being deployed. The Soviet Union is not nearly far enough along—if they have started at all—on a MIRV testing program. If an agreement is not made which prevents their testing and they do develop MIRV's, they could deploy this weapons system by the simple process of putting new upper stages on their present missiles and by changing internal guidance systems. These operations present some difficulty for detection. As is now well known, our own country is well down the road with MIRV testing. MIRV deployments are readied for next January. Once these take place, the door is completely shut on the possibility of banning MIRV's. For once MIRV's are placed on missiles, the only means of verification is onsite inspection and a canopener. Neither the Russians nor ourselves are prepared for this degree of intrusive inspection.

So far as ABM's are concerned, deployment would create problems of political inertia as well as problems of verification. Once present ABM deployment schedules are met, political pressures would make it difficult, if not impossible, to tear it down. The technical verification problem concerns the potential for upgrading present radars which are associated with air defense. Some try to argue that the radar support for an ABM system cannot be banned effectively because of this. Given all the difficulties with sophisticated radars in general, this argument seems to me overdrawn. It is no easy task to make existing radars much better, and my proposal would ban the construction of new radars.

If, at the end of the freeze period, we decide that MIRV's and ABM's serve some useful purpose vis-a-vis other nuclear powers, we can make other kinds of agreements which do not ban these systems.

Finally, if the talks make unsatisfactory progress, or if we become dissatisfied with the freeze, both sides can go forward on their own.

The point is that only a mutual temporary freeze preserves all three of these options.

SALT is a very complicated and sensitive matter. The technical aspects, the intricacies of strategic thinking, the potentialities of different weapon systems, are not easy to comprehend—especially when all the pieces must be fitted together in an agreement. No one can be confident today as to what a good agreement should look like at this time, and we should not commit ourselves to any long-term arrangement without careful negotiations.

At the same time, Mr. President, it would be an enormous tragedy to see reasonable options destroyed because those in positions of responsibility do not have the will to preserve them. We do not need to know all the answers in order

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to institute a temporary freeze. All we need to know is that our national safety will not be impaired by the freeze, and this we do know.

The best way to decide about the complexities of an agreement and what is necessary to maintain confident mutual deterrence is to talk to the Soviets as we are doing, but also to give the negotiators the chance to talk meaningfully by freezing the strategic situation.

The only risk in this proposal, as I see it, is the possibility that the Soviets might reject the proposal. Such rejection could lead to a chorus of "I told you so's." But those making up this chorus would be the same people who oppose a freeze. I believe the proposal is worth this risk.

II. THE PRESIDENT'S POLICY: THREE ROADBLOCKS TO SUCCESSFUL SALT

President Nixon has repeatedly said that we are leaving the era of confrontation and entering "an era of negotiation." With respect to SALT, his mixture of negotiation and confrontation can best be described as "massive ambiguity."

This "massive ambiguity" appears on three fronts: his linking SALT with other political issues, his strategic criteria, and his negotiating tactics.

Let me deal with each of these three points briefly.

First, shortly after President Nixon assumed office, we began to learn that he thought of strategic arms talks with the Soviets as a part of our over-all relationship with the Soviet Union. This was a sensible and admirable thought—except that it was carried to an extreme. Well, before Helsinki, he stressed that SALT depended on progress toward settlements in Vietnam, the Middle East, and Europe. In other words, unless the Soviet Union made concessions in those other areas, no real movement could be expected on SALT.

While the President was deciding whether such talks could even begin without progress on these other fronts, precious time was lost. Now that the talks are underway, it is not clear whether the President is prepared to reach any kind of agreement with the Soviets in the absence of these side concessions. To the extent that this approach remains an implicit or explicit part of the President's attitude, it can forestall substantive progress for Vienna and beyond.

By lumping negotiations on the strategic nuclear balance with tenuously related issues, the President makes SALT agreement much less likely. There are real differences of interests and different issues involved in these separate areas. Should we deny or reject the common interest we have with the Soviets in curtailing the costs and risks of the strategic arms race because our interests conflict in Vietnam or elsewhere? Does the President's phrase an "era of negotiation" mean a complete across-the-board agreement with the Soviets or no agreement at all?

If the "era of negotiations" is ever to arrive in fact, we must try to negotiate what is negotiable.

Second, the President seems to be basing his SALT policies on strategic criteria which, if I guess at them rightly, are incompatible with the goal of negotiating and stabilizing the balance. I stress the guesswork because the President said in his recent state of the world message, "We reached general agreement within the government on four specific criteria for sufficiency." His statement, however, did not explicitly identify those criteria.

Withholding of this information, I might add, is a serious departure from the view of the Kennedy and Johnson administrations that the objective of deterrence and the U.S. interest are best served if the Soviets know where we stand and why.

Until the President tells us what he has in mind, however, we can piece parts of the picture together from his own words. He says:

> The strategic doctrine that had gained the greatest acceptance by the time my Administration took office was this: According to the theory of "assured destruction," deterrence was guaranteed if we were sure we could destroy a significant percentage of Soviet population and industry after the worst conceivable Soviet attack on our strategic forces.

Then President Nixon went on to say that—

> The growing strategic forces on both sides pose new and disturbing problems. Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?

I submit that this statement abounds with errors of fact and logic. As a matter of fact, both Secretary McNamara and Secretary Clifford defined assured destruction "as the ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or a combination of aggressors—even after absorbing a surprise attack." This was considered the basis of deterrence. As such, it seemed and still seems a valid and sensible criterion—especially since the basis for calculating assured destruction was a very conservative one. Without even counting the lives lost due to radioactive fallout and the catastrophic disruptions on society and services, it was estimated that after absorbing a full blow on ourselves we still could kill at least 25 percent of the Soviet population and destroy upwards of 50 percent of its industrial capacity. These estimates were made in terms of the highest expected Soviet threat and a greater than expected Soviet threat—that is, under the worst possible circumstances to us.

If we already have this kind of capability, surely we have the capability both to respond to lesser attacks and to give the President more than "the single option" of holocaust. Former Defense Secretary Clifford stated that U.S. policy for years has been to "try" to provide "our forces with characterisics that will permit them to be used effectively in a limited and controlled retaliation as well as for assured destruction, thereby being prepared for any type of Soviet attack."

What kinds of capabilities and what kinds of options is the President really talking about? When the President talks about "the variety of threats we may face" does he mean the Chinese? Both the President and the Secretary of Defense talk about the Chinese threat as if it were something our present and future capabilities cannot fully manage. Again, Secretaries McNamara and Clifford made abundantly clear that our forces are designed to maintain assured destruction against both the Soviet Union and China at the same time. This judgment still seems eminently sensible in view of Secretary Laird's Posture Statement prediction that "If flight testing began in the near future, the Chinese might have as many as 10 to 25 ICBM's in 1975." How does this stack up against our present capability of about 3,000 deliverable nuclear warheads? In calling his area ABM "essential", the President seems to be saying that we need more than 100 to one superiority to deter and cope with the Chinese. If this is not enough, then nothing can suffice—since only the sane can be deterred.

While we can assume that assured destruction is one of the President's four criteria, we must also assume that his other three criteria go well beyond this. Presumably they deal with issues of defense and the fighting and winning of nuclear wars. What else could they be, until he tells us differently?

To the extent that the President would go beyond deterrence and assured destruction, we are brought again into pursuit of the will-of-the-wisp of superiority—whether it is called "relative advantage" or the new phrase "sufficiency."

These latter goals are illusions. They are based on the twin pillars of nuclear absurdity: that a nuclear war can somehow be fought in a controlled way, and that one side can emerge the victor.

Think about it, Mr. President. The one reality in the nightmare world of nuclear arms is mutual deterrence. To the extent either side tries to turn this situation to its advantage, it can lead only to the continuation of an arms race that neither side can win.

Third, the President's actions and his negotiating tactics do not seem consistent with his rhetoric about SALT. He calls MIRV and ABM deployments "essential." Even as the negotiators will meet in Vienna, deployment activities will be going forward. MIRV's will be in some missiles by June and ABM site construction is taking form.

I find it difficult to accept the administration's description of these actions as "restraint."

To justify "negotiating from strength" as a good negotiating tactic shows a lack of understanding of the negotiating process.

In the first place, it misjudges the Soviets. For years they have resisted negotiations from a position of inferiority. Would they negotiate from such a position now or would they attempt to get parity? In the second place, it overlooks the obvious fact that agreements are based on mutuality of interests, not advantage. Both the Soviet Union and the United States are strong enough not to have to make agreements that are not in their interests.

Another point of concern is the President's leisurely pace, despite his stated interest in SALT. The Soviets cannot be execused on this point either. Time is running out for agreements on MIRV and ABM. From what we here in the Senate hear about the President's "building block" approach, he intends to take matters slowly and one at a time. With such a view and at such a pace, what will be left to negotiate if deployments and testing continue?

Again, I want to underline my main point about negotiations. Mutually perceived parity is the best and perhaps the only basis for agreement. Agreement at this time may be our last hope against increased dangers of nuclear holocaust and a terrible drain on our resources and our people. Unless we act now to preserve parity and the possibilities it offers, it will vanish through Soviet and U.S. actions and responses.

III. CONCLUSION: ACTING NOW AND ACTING FOR THE FUTURE

President Nixon called this resolution "irrelevant." This choice of word invites two questions. Is it "irrelevant" because it is not feasible and desirable? If so, he should explain. Is it "irrelevant" because it is what he himself really wants? If so, why does he not propose it?

With only slight differences, a mutual interim strategic standstill has been proposed by a group of experts in the American Assembly and by the President's own Arms Control General Advisory Committee. Many men in both of these groups have had and still have access to all the relevant classified information on strategic nuclear forces. They know what they are talking about and they have the facts. Now, I hope that U.S. Senate will add its voice and act favorably on Senate Resolution 211, the resolution before us.

Acting now means making the temporary freeze relevant.

Acting for the future requires that the freeze be temporary. We need the time to negotiate and the time to decide. Five issues need to be thoroughly discussed with the Soviet Union and within our own Nation:

First. What to do about land-based ICBM's which are becoming vulnerable as missile accuracy on both sides improves and which invite attack on our own territory.

Second. Whether MIRV's are necessary to maintain mutual deterrence, giving us enough deliverable nuclear warheads to hedge against unexpected threats or whether a ban is feasible.

Third. Whether ABM's work, and even if they do work, do we want them, given the costs and the strategic dangers.

Fourth. What over-all political and strategic directions should we set in order to guide U.S. choices on these weapon options and on our foreign policy.

Fifth. What are our overall national priorities?

It is only by answering these and other questions that we can be ready for a final agreement. But we must act now with a temporary freeze to insure that these questions are not answered by default. This is why I propose my 6 month interim freeze.

Thoughtful Americans will recognize that this approach, if accepted by both sides, would greatly increase our national security. In no respect would it diminish our ability to protect American interests. The interim standstill would involve no element of unilateral disarmament. Instead, it would involve reciprocal restraint. Although the suspension would apply to all types of strategic weapons systems, it would not affect conventional forces and related capabilities. The breadth of the ban, and the consequent questions about compliance and verification, would be fully offset by the relatively short duration of its initial period.

In making his decision on these matters, the President would do well to remember the war in Heaven which Milton imagined in his Paradise Lost. After the first day of fighting in which the rebel angels suffered the worse, Satan sought to redress the balance of forces. He said:

> Weapons more violent, perhaps more valid Armes, when next we meet, May serve to better us, and worse our foes, Or equal what between us made the odds, in Nature none:

To the amazement of his followers, Satan then produced a field gun. And in the next day's fighting, these guns wreaked havoc among the loyal angels. Losing and in their fury, the good angels grasped the absolute weapon. They tore up the hills of heaven and hurled them at the rebels. Not to be outdone, the rebels did the same. Heaven threatened with imminent ruin, God intervened and cast the rebels into darkness.

Angels, unlike men, cannot die. Men, unlike angels, cannot chance and should not want absolute weapons. Without direct divine intervention, men have to fall back on their own good sense.

Mr. HARRIS. Mr. President, the Dutch humanist Erasmus once asked:

> What is more foolish than to enter upon a conflict . . . wherein each side reaps more of loss than of gain?

Today, we live in an era in which a nuclear war would incontestably bring more of loss than of gain to each combatant. Even preparations designed to protect ourselves and to deter the conflagration we devoutly hope never comes are made at great cost. We are becoming acutely aware that there is no absolute security as long as we remain the hostages of the escalating technology of the arms race.

If we are to fulfill Faulkner's optimistic belief that "man will not merely endure: he will prevail," then we must break the cycle of weapons system after leapfrogging weapons system, carrying us ever closer to the point of no return.

We now have an opportunity, its promise still untested, to begin to bring a halt to this melancholy pattern. Next week in Vienna, the strategic arms limitation talks with the Soviet Union will begin. It would be tragic if, at the moment when constructive talks seem possible at last, we allow the chance to slip away.

There is real danger that this will happen. Scientific experts have made it quite clear that once MIRV's are deployed, verification of weapons levels will be much more difficult, and will require on-site inspection. As long as the MIRV's are not deployed, so-called national verification procedures such as satellite photography can provide an accurate assessment of weapons levels. Given the climate of mutual fear, it will be difficult if not impossible to gain agreement for on-site inspection. Without verification, agreement on arms limitations will be correspondingly more difficult.

Time is very short. Air Force Secretary Seamans announced last month that the United States first multiple warheads would be operative on Minuteman missiles in June. While the administration later said that the announcement should not have been made, they did not deny its truth. The U.S.S.R. apparently will not be ready to deploy MIRV's until sometime after that date, but as things now stand the time is not far away when both great powers will have reached a new and more dangerous plateau.

One way to avoid losing this opportunity would be to adopt the policy urged by the distinguished junior Senator from Massachusetts (Mr. BROOKE) as modified by the suggestion of the distinguished senior Senator from Kentucky (Mr. COOPER). This proposal, now before the Senate in Senate Resolution 211 of which I am one of 51 cosponsors, calls upon the President to propose immediate suspension of strategic offensive and defensive weapons to the Soviet Union. This would apply, if accepted by the Soviets, to ABM systems, and to land and sea based offensive weapons, including MRV and MIRV warheads. Its intent is to provide time for permanent agreements to be worked out at the SALT talks, and to give impetus to the Vienna meeting.

The large number of Senate cosponsors for Senate Resolution 211 is only one indication of the wide support such an initiative would have in this country. Recently, a similar suggestion for an "interim halt" in strategic weapons deployment was made by a panel of arms-control specialists called together by the American Assembly of Columbia University. Perhaps even more important, the prestigious General Advisory Committee of the Arms Control and Disarmament Agency chaired by the Honorable John J. McCloy recently argued that such an immediate mutual halt of deployment of strategic weapons should be proposed to the Russians, and that such a halt should also apply to the testing of multiple warheads for offensive missiles. This committee, composed of, in addition to Mr. McCloy, Dean Rusk, William Scranton, Cyrus Vance, William C. Foster, and James R. Killian, represents much of our accumulated experience in arms control, gained in the service of several administrations.

Support is clearly bipartisan for this proposal. Its prime movers in the Senate have been two distinguished Republicans, while the Senate Democratic Policy Committee on Tuesday announced its agreement and informed the President that strong Democratic support would be forthcoming if he chose to make such an initiative to the Soviet Union.

Unfortunately, the administration has chosen to label Senate Resolution 211 as "irrelevant," and has given indications that it intends to pursue a flexible, noncommittal approach in the forthcoming

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SALT talks. I agree that flexibility is a necessity in such complicated and technical discussions, but cannot agree that the initiative suggested by Senate Resolution 211 is irrelevant. Such an interim halt accepted by both sides would provide time for the Vienna talks to bear fruit by removing the threat that deployment of MIRV's would make a permanent agreement difficult if not impossible to achieve. It would be an indication of our sincere intent, thus providing a favorable atmosphere for the talks themselves. Finally, it would delay the need to deploy expensive ABM systems until we know whether they will be needed, at no cost to our security.

In spite of these advantages to ourselves, the administration seems to persist in a more timid exploratory approach to the SALT talks. Yesterday's National Security Council meeting to consider the U.S. position in the talks apparently reached no final decision, ignoring the opportunity to make this important initiative. The New York Times this morning cites "informed officials" for the report that the administration is not prepared to make a proposal for a freeze on strategic weapons deployment, and, apparently, is unwilling to consider the thoughtful and useful recommendation of McGeorge Bundy for an American initiative for deferring its planned deployment.

In the course of Senate debate on this resolution several points have been made which I believe should receive additional emphasis.

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First, it is generally agreed that we are now in a situation of "rough parity" with the Russians with respect to deliverable nuclear capability. Sentiment has been expressed in some quarters that we should only negotiate from a position of strength. If this means that we ought to be strong enough to avoid any possibility of nuclear blackmail, I am in agreement. Some have argued that we should only negotiate when we are considerably stronger than the other side, and, therefore, that agreement should not be actively pursued until we reestablish a superiority by deploying MIRV's on Minuteman and Poseidon. But, Mr. President, if we would not be willing to negotiate from a position of nuclear inferiority, why should the Soviet Union be willing to do so? We must realize that the nuclear arms race is both a cause and a result of cold war tensions and fears, that misunderstanding exists on both sides, and that our good intentions are not always as clear to others as they seem to ourselves. For these reasons, the present time is particularly auspicious for reaching agreement on arms limitations, since currently each side is clearly able to deter the other. Further, each side has a clear interest in diverting the vast funds presently earmarked for strategic weapons to other purposes. Because of the existing weapons parity, I submit that a meaningful and effective agreement will be easier to achieve now than it might be at some time in the future when one side might have made technological advances to which the other would feel compelled to reply. As Washington said:

> There can be no greater error than to expect or calculate upon real favors from nation to nation.

Only when there is a mutual advantage in a proposal can we expect agreement. Such mutual advantages exist at the present, and we should not be timid in our efforts to convert the situation into a completed agreement.

A second point can be considered more briefly. Contrary to the fears of some, there is no way in which the policy suggested in this resolution could be converted to one of unilateral disarmament. The halt in deployment of both offensive and defensive strategic weapons would take place only if both sides agreed. If such agreement could not be obtained, then each would be free to do what it thought necessary for its own protection.

Finally, there has been considerable discussion of how such a halt in deployment, whether the interim one proposed in Senate Resolution 211 or a permanent one which might result from the Vienna talks, would be verified to insure that neither party was violating it. This is a complex technical problem, but our scientists are confident that at the present level of weapons sophistication, national verification techniques can insure that each side will know what the other is doing. As I have said earlier, the verification problem once MIRV's or MRV's are deployed would be much more difficult, since not only missiles would have to be counted, but the number of warheads on each missile would have to be verified; that could at present only be done by on-site inspection. Since both sides still need tests to make their multiple warhead weapons operational, national verification could keep each informed if additional tests in violation of any agreement were being conducted. The fact that verification is possible with present working arrangements, but would not be possible after multiple warhead weapons are deployed is to me the most compelling reason for both an interim halt in deployment now along the lines suggested in Senate Resolution 211 and for a permanent and comprehensive agreement for suspension of testing and deployment to be sought at Vienna.

The folly of the nuclear arms race has continued long enough. We must now truly implement the "era of negotiation" the President has promised both in this field and in others, such as Indochina as I suggested last week. In each instance we should read the phrase to mean an "era of significant negotiations," in which we do all we can to insure that negotiation leads to agreement. The diplomatic initiative proposed in Senate Resolution 211 in my opinion would be an important way to begin to convert the President's February statement from hope to reality.

Mr. McGOVERN. Mr. President, first of all, I commend the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maine (Mr. MUSKIE) for the excellent, timely, and thoughtful statements they have made this morning on the subject to which I shall address myself briefly at this time.

NO NEW MIRV OR MINUTEMAN MONEY

Mr. President, the measure presently before the Senate, Senate Resolution 211, sponsored chiefly by the Senator from Massachusetts (Mr. BROOKE), deserves the speedy approval of the Senate in the same overwhelming fashion that it was approved by the Committee on Foreign Relations.

The original version of this proposal, along with the more far reaching resolution offered by Senator CASE, Senate Resolution 210, have been before the President since last June as the considered advice of more than 40 Senators on dealing with multiple independently targetable reentry vehicles, or so-called MIRV's, in the context of the strategic arms limitation talks. The Foreign Relations Committee report on this version reaffirms specifically that further development of MIRV's "could most effectively be suspended by stopping further flight tests which are subject to national verification or other measures of observation and inspection."

The President for some reason has not accepted the advice of the 40 Senators speaking out on the issue. MIRV testing has continued, and we offered no mutual moratorium during last year's first round of SALT discussions. Instead the "scope" of the talks was outlined.

The approach was described as a "compromise" between military and disarmament factions. I think that term is inaccurate. The practical effect of continuing the tests may well be to force acceptance of the proposition that any agreement must assume some MIRV's on both sides. Especially in the case of this new technology, it is clear that we cannot pursue serious efforts to limit arms while we are simultaneously feeding military ambitions to build them.

In any case, the pending resolution is another plea that the President comprehend the gravity of his course.

At the same time, we should recognize that this is a cautious and limited step. It has, of course, no binding effect upon the President. It is advice and no more. In light of our technological lead, the Soviet Union might well reject the overtures it asks.

There is another route which, I believe, we should examine, primarily because it is consistent with prudent management of our strategic forces regardless of SALT, but also because it can help to retain MIRV among the weapons which can be avoided through the negotiations that will soon begin in Vienna. It seems appropriate to discuss it briefly today in connection with the pending resolution because of its direct relationship to several of the most important issues facing our negotiators.

Particularly in light of the administration's refusal thus far to propose a mutual moratorium on MIRV tests—which, if accepted, would have halted the Soviet program as well as our own and would have thus avoided the threat to Minuteman—I think we are forced to consider this year whether it would not be wise to allow the phasing out of the entire concept of fixed-site ICBM's.

At the very least we should forgo expenditures on futile improvements in the

Minuteman force pending an investigation of whether land-based missiles can be a viable component of our retaliatory forces in the future. The $686 million which has been requested in the budget for the Minuteman procurement program in fiscal 1971 should, in my judgment, be deleted from the military procurement authorization bill, and we should also prohibit expenditure of any funds previously appropriated for that purpose. At an appropriate time, Mr. President, I intend to move to delete these funds for expansion of the Minuteman system.

The first and most compelling reason for taking this step is the growing vulnerability of fixed-site missiles. There is certainly no need for me to make this case, which has already been made so forcefully by Secretary Laird and his colleagues throughout the past year. It is their assessment that the Soviet SS-9 missile will be able to destroy most or all of our Minuteman force in the mid-1970's.

For a time that vulnerability was heralded as evidence of the need for the "hard-point" defense to be provided by phase I of the Safeguard antiballistic missile system. But the situation has now changed. In his defense program and budget report of February 20, Secretary Laird made the startling admission that if the Russians deploy MIRV warheads on the SS-9, improve its accuracy, and continue deploying at the present rate—precisely the steps he said last year showed the need for Safeguard—then the threat in the mid-1970s, in the Secretary's words, "will be much too large to be handled by the level of defense envisioned in the Safeguard system."

Most of us would certainly agree that its degree of security against enemy attack must be a primary measurement of the worth of a strategic weapons system. There is very little point in deploying a strategic system if, in the words of the Secretary of Defense, we have no reliable way to defend that system. It is also clear that we cannot significantly increase the reliability of a questionable Minuteman force by protecting it with an even more questionable ABM. We should instead concentrate our resources upon those which can perform the mission more effectively.

A second strong reason for phasing out Minuteman is the fact that the Safeguard ABM is among the direct consequences of keeping it. In other words, under the new rationalization for building the ABM, it is designed to protect the land-based Minuteman system. Any honest evaluation of the costs of Minuteman must now include not only its own costs of acquisition, operation and maintenance, but also the enormous expense of trying to protect it with the ABM. Retention of the fixed-site concept will involve a continuing drain of resources, further increasing the disparity which I believe already exists between the prices of land-based missiles and those stationed aboard submarines.

Third, the MIRV test program is rapidly approaching the point where Minuteman III with multiple warheads will be ready for deployment, probably within the next several months. If we do not prevent deployment we will have a weapons system with the worst immaginable characteristics.

Minuteman III's stationed in fixed sites will be no less vulnerable to attack on the ground than Minuteman I's and II's. So, to whatever extent Secretary Laird's fears about the capacity of Safeguard to defend our existing Minuteman system is true, the same doubts and fears would extend to the Minuteman III after it has been armed with the MIRV system.

There has been an attempt to make the case that adding multiple warheads will improve the deterrence potential of Minuteman by increasing the amount of damage that can be done by those surviving a Soviet first strike. This is not a valid argument, however, since there is a loss in megatonnage per missile involved in MIRV'ing. Against cities, and within the assured destruction levels we have considered necessary for deterrence, a single 1-megaton Minuteman warhead is probably just as potent as three 150 to 200 kiloton independently targetable warheads. This rationale for MIRV is reminiscent of the curious search for missions we have seen in the case of the Safeguard ABM system—its advocates have been forced to find a new reason for MIRV because they can hardly argue, as they did last year, that it is needed to penetrate a virtually nonexistent Russian ABM.

So we can conclude that MIRV'ing will not make Minuteman more valuable as a deterrent force. It is axiomatic that a Soviet weapon that can destroy a single-warhead missile in silo can as easily destroy one with several warheads.

If this is our realistic understanding of MIRV, however, it may very well conflict with the view taken by the Soviet Union. They must assume the maximum accuracy for our MIRV's, and there is little reason for them not to conclude that we are adding this system in the hopes of achieving a first strike potential against them. The multiplication of 500 warheads to 1,500 will very likely unsettle the current relative balance of forces, and it will severely complicate the problems of inspection and verification upon which previous arms control efforts have floundered.

The pending resolution—unless its advice is accepted by the administration and unless the Soviets then agree to an immediate freeze notwithstanding our lead in both MIRV and ABM technology—will not avoid these damaging consequences. We can at least put them off, however, by freezing our land-based missiles in their current status, and by prohibiting any deployment of Minuteman III.

A fourth and final reason for refusing to spend more money on Minuteman relates to future force planning in the event that the SALT talks do not produce early agreement. In addition to the fact that Minuteman will then probably become vulnerable regardless of what we do, it seems to me that there is a positive benefit to be gained from pursuing nuclear weapons systems which do not require basing on U.S. territory.

The Nixon administration's fears about Soviet intentions to achieve a first strike capability still seem incredible to me. No one is even willing to assert that they are likely to degrade our Polaris force, and no one can argue that they can perform the physically impossible task of attacking bombers and missiles at the same time.

If such a Soviet strike is part of the administration's vision of the future, however, we should recognize that we can no longer take any comfort from the fact that our land-based missiles are located away from population centers. An SS-9 attack from the Soviet Union large enough to eliminate our Minuteman force, which Secretary Laird says is a possibility, would involve a minimum of 5,000 megatons detonating over the Continental United States. That is the equivalent of 5,000 million, or 5 trillion, tons of TNT. The total energy released would be 250,000 times as great as the blasts which leveled Hiroshima and Nagasaki. The cumulative effects of blast, shock wave, radiation, and fallout would bring death and destruction throughout the country, no matter where those enormous explosions took place.

We cannot even imagine the full consequences of this enormous series of explosions. But does anyone believe that it would make any significant difference that the detonations were scattered across the continent instead of concentrated in major cities?

The concept that we gain some safety for our population by basing our nuclear forces in rural areas is, in truth, becoming obsolete at the same rate as is the fixed-site missile. Both are losing their vitality through the steady growth in the size of warheads which can be delivered against them. The safety of our population can be best served by diverting whatever threat exists away from U.S. soil.

In sum, the deployment of Minuteman III can serve only those who see more virtue in arms competition than in arms limitation.

If the aims of the pending resolution are realized or if the SALT sessions succeed by another route in the near term, then there will be no compulsion to make any improvements at all in Minuteman.

If the talks fail, then in the long term there is probably little we can do, regardless of how much we spend, to retain the fixed-site missile as a viable force. The Safeguard ABM will accomplish no more than a chastity belt for a fallen woman, in those situations.

It has been asserted, Mr. President, that actions we might take to freeze our forces while the talks are underway might give the Soviet Union the impression that we are somehow too anxious for an agreement.

Let us reject this preposterous notion. We are anxious for an agreement. Can we not realize that all people represented at SALT, all Americans and all Russians, will be best served by an end to the dangerous and futile arms competition which has devoured our resources and imperiled our survival for the past 25 years.

The pending resolution should be approved. Going beyond it, I hope Congress will assert its aspirations for arms control through actions as well as advice, by refusing authority for weapons which can undermine the talks as effectively as if

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our negotiators turned their backs on the table.

Mr. President, I yield the floor.

Mr. YOUNG of Ohio. Mr. President, the adoption of this resolution today will be an important step in the long journey toward peace. I am very proud to be a cosponsor of this resolution. This places the U.S. Senate squarely on record for the suspension of the testing of MIRV warheads and for reversing the mad momentum of the arms race. Both the United States and the Soviet Union now have more than enough nuclear firepower, enough overkill, to utterly destroy each other—all the people of the Soviet Union and all the people of the United States—many times over.

The continuing stockpiling of super weapons by both nations must be stopped. If it is not, all mankind could be on the brink of a nuclear doomsday.

More important, Mr. President (Mr. BURDICK), the continued testing of nuclear weapons by the United States has imperiled the hope for success of the Strategic Arms Limitation Talks—the SALT talks. We cannot tolerate even the thought on the part of anyone that we would be doing that. This insane nuclear arms and missile race between the United States and the Soviet Union has brought all mankind nearer to the possibility of total destruction. Our hope lies in the SALT talks now proceeding. Our hope is based on the fact that we in the Senate today will do our part, by passing this resolution.

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Many armament systems are obsolete before they even reach completion. The emphasis may change from bombs to missiles, or from missiles to antimissile missiles, but the armament race continues. Hundreds of billions of dollars and hundreds of billions of rubles are being wasted on the seemingly insatiable demands of the militarists of both nations for more and more weapons.

After years of this dangerous rivalry, neither our Nation nor the Soviet union is any more secure than it was at the beginning of this decade.

Every effort to develop a stockpile of new super weapons only results in similar action by the other side. After each nation has developed new weapons, the race begins all over again to produce new, and more expensive, and more sophisticated weapons.

Continuing development by the Soviet Union and by the United States, of course, in testing the deployment of MIRV systems, and further deployment of ABM systems, must be halted.

The way to halt it is by mutual agreement.

We must proceed with the SALT talks. We must give impetus to this development, to this movement toward permanent peace, by passing this resolution today.

It is just a small step, but here is an opportunity to show the will and the mood of the Senate.

MIRV is the major factor that could cause a tragic spiraling of the arms race and preclude for many years the opportunity for meaningful arms limitation negotiations.

In our MIRV flight testing, we may reach the point of no return toward being able to halt this mad momentum of the arms race between this country and the Soviet Union.

The negotiations now proceeding first began in Helsinki on November 17, 1969, which was the day set for the preliminary discussions. The SALT talks have been proceeding since that time and are now proceeding in Vienna.

These negotiations are man's best hope for future permanent peace; indeed, for his survival.

Mr. President, President Nixon has rendered a great service to humanity in promoting and encouraging the SALT talks, to limit altogether this horrible race between our two countries.

Our Navy at the present time has nearly 700 missiles with nuclear warheads on Polaris submarines, and with our Poseidon submarines and MIRV warheads, that is more than 4,000. The more mobile of the bases between our two countries are beneath the seas, close to Red China, or close to various areas of the Soviet Union. At the present time, these missiles with new warheads and Polaris submarines can hit on targets at a distance of 2,875 miles. In fact, they can hit with such accuracy that one of our most distinguished and knowledgeable Senators, the Senator from Arizona (Mr. GOLDWATER), said that if the men's room in the Kremlin were the target—whoosh—and there would be no more men's room.

Perhaps that is somewhat of an exaggeration but it manifests recognition by the Senator from Arizona of the tremendous accuracy of these missiles.

Now, with the Poseidon submarines and the MIRV warheads, the mileage capability has far extended the offensive power of the United States, which is our best defense. It is so tremendous and so accurate that we can, at this time, and certainly within the very near future, eliminate or annihilate the Armed Forces of the Soviet Union and millions of Russian citizens.

How much overkill do we need? Do we want to kill every Russian 10 times over?

President Nixon did a great service for the American people in promoting the SALT talks. It is one of the notable achievements of his administration that he has encouraged the SALT talks, which we all hope will proceed to a successful conclusion.

In supporting the SALT talks, and in supporting this motion in the Senate, we are evidencing the fact that we are marking a turning point in history. Since the first atomic bomb was exploded in August of 1945, mankind has lived precariously under what the late great President John F. Kennedy described as a "nuclear sword of Damocles."

In urging Senate ratification of the Limited Nuclear Test Ban Treaty, President Kennedy quoted an ancient Chinese proverb, "A journey of a thousand miles must begin with a single step."

Mr. President, we are taking a very short step today in showing the sense and the views and the deep feelings of the Senate, that we must strive with all our might to have the SALT talks in Vienna succeed, in order to bring an end to the strategic arms race between this country and the Soviet Union.

In that connection, following the failure of three Presidents to achieve it, President Kennedy, through the great work of that master diplomat and statesman and truly great American, Ambassador Averell Harriman, achieved a Limited Nuclear Test Ban Treaty that was a great step toward permanent peace.

Neither the Soviet Union nor the United States has in any way, at any time, violated any part of that treaty.

Mr. President, I am hopeful that the Senate this afternoon will unanimously agree to Senate Resolution 211 which is now pending before the Senate. This would be a vital contribution to our children and to our grandchildren and to all generations that we hope will inhabit this planet in peace. We must succeed in ending the menace of MIRV.

Let us all do everything within our power to bring about a firm agreement at Vienna. Let us hope that by the action of our delegates there, as well as those of the Soviet Union, we will take this tremendous step to avoid mutual annihilation.

If we are faced with either mutual annihilation or with permanent peace, let us be recorded today as being in favor of permanent peace.

Mr. BROOKE. Mr. President, I thank the very able and very distinguished senior Senator from Ohio for his support, of Senate Resolution 211.

The distinguished Senator from Ohio (Mr. YOUNG) has always been in the forefront of the struggle for peace. I think that his statement is certainly a most worthy contribution in support of this resolution which is, as he has pointed out, a very simple resolution. It merely calls upon the President of the United States to propose to the Soviet Union a joint freeze on offensive and defensive nuclear weapons.

The Senator very well knows that we are engaged in a very costly and devastating nuclear arms race with the Soviets.

The Senator also well knows that we are probably as close to parity as we have have ever been or may ever be and that if either the Soviet Union or the United States of America were to continue its operational flight testing of these devastating technologies known to them at the present time or, even worse, go forward to the deployment of this technology, it would only mean that the other side would follow up with further testing and further deployment and that each of our nations would spend perhaps additional billions of dollars which could be better used for other purposes not only by the United States of America but also by the Soviet Union.

I have never believed that the Soviet Union has inexhaustive funds. I have never been in the Soviet Union. I believe that my distinguished colleague, the senior Senator from Ohio, has. But I believe that the Soviet people certainly cannot want to continue the spending of billions of dollars on nuclear weapons when they could best put that money to better use, as we in the United States also could.

We have come to a point in history when it is no longer true that superior strength means superior security. It used to be true that the stronger one was, the more secure he was. But that is not true any longer.

If we had more nuclear weapons, it would, in fact, mean that we would be less secure because the Soviet Union might be tempted either to catch up or to fire some of their nuclear missiles in a preempted first strike pattern.

What we have always wanted was mutual deterrents which would bring about mutual security in the world.

I think that by this resolution we are by no means taking away any of the prerogatives of the President, but that we are sharing with the President this political burden and are simply saying to the President, "It is the sense of the Senate that you make this proposal to the Soviet Union."

Some have asked the question, "Suppose the Soviet Union does not accept." If they do not accept, what will we have lost?

No one is suggesting that we unilaterally call a freeze on our flight testing or deployment. We are saying that if the Soviet Union were to accept such an agreement and if they were to stop their flight testing and stop their deployment, the United States would do the same.

I think it is most significant that such a proposal be made by the President of the United States of America. I think it would certainly be reassuring to the world that our Nation wants peace and that we have made this proposal in an effort to obtain that peace.

I want to again say to the very distinguished Senator from Ohio that he has talked eloquently for so many years on the subject of peace on the floor of the U.S. Senate. Unfortunately, at least for this Senator and I think for all of his colleagues, he has announced that he will not be a candidate for reelection.

I am pleased that in the last years of his very able and distinguished service to his Nation and to the Senate, he still raises his voice in behalf of peace. I hope that his voice will be heard by the President and by both the U.S. delegates and the Soviet delegates to the SALT talks and that this agreement might be entered into and that hopefully the SALT talks will be successful in reaching an agreement on nuclear arms control.

Mr. YOUNG of Ohio. Mr. President, I express my gratitude to the distinguished Senator from Massachusetts (Mr. BROOKE) for the very flattering statement he has made about me today.

I feel very unworthy and very undeserving of the magnificent statements made by my fine friend, the Senator from Massachusetts. I hope that just a small fraction of the fine things that the Senator from Massachusetts has said about me is true.

I am very grateful and touched, indeed.

Mr. BROOKE. Mr. President, in the Senator's customary modesty he has made that statement, but I want to assure him that I believe 98 other Senators would have made the same statement I made and I again say how proud I am to have him support Senate Resolution 211. I thank the Senator.

Mr. PERCY. Mr. President, I, too, should like to add my comments to those of the distinguished junior Senator from Massachusetts and pay tribute to the distinguished Senator from Ohio for his contribution in this field.

I would be very remiss, indeed, if I did not express on behalf of many of us our indebtedness to the distinguished Senator from Massachusetts for his initiative and leadership in seeking a mutual suspension of testing of MIRV's by both the Soviet Union and the United States. By the introduction of Senate Resolution 211 he gave focus to the concern of many of us in both parties who hope to reduce the arms race.

Just 1 year ago this week, on April 17, 1969, I gave a speech at Shippensburg State College in Shippensburg, Pa., in which I said that the future peace of the world requires a mutual freeze on the further development of strategic missiles both offensive and defensive. I called for a moratorium on the arms race to be the first topic for discussion at the forthcoming talks with the Soviet Union on nuclear weapons.

That was a year ago, before the narrowly won congressional decision to deploy antiballistic missiles—the ABM—and before the recent announcement that deployment of multiple independently targetable reentry vehicles—MIRV—would begin in June.

The U.S. readiness to deploy MIRV and ABM, and the administration estimates of accelerated Soviet ICBM construction, make it even more imperative now that the arms race be stopped and be stopped immediately.

The modification of Senate Resolution 211 by the Committee on Foreign Relations has strengthened and broadened the resolution. The measure now calls on the President to propose to the Soviet Union an immediate and mutual suspension of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to appropriate verification.

I believe deeply that this is the right course, and I hope that the Senate will adopt the resolution.

I have just returned from the spring session of the Interparliamentary Union held in Monaco. During the course of that conference I had occasion to speak to the chairman of the Soviet delegation and other members of the Soviet delegation. We discussed the SALT talks. I told them I felt confident we were going to be exceedingly realistic and also reasonable in trying to find a basis whereby we could come to an agreement that would be verifiable and an agreement, the integrity of which would be maintained, but to try to find a way to halt the nuclear arms race.

I asked them whether with all the armaments they have built, all at the expense of mankind, they feel any safer for having all those weapons stored and for all the weapons they still have in production. The chairman of the Soviet delegation and other members of that delegation made perfectly clear that so long as one country continued to arm, the other would be required to do so.

He said the hawks in the Kremlin can point to the defense we are building. He pointed to the number of weapons we possess, the number of missiles we possess, and the number of submarines we have, and how the pressure is on the Kremlin to take money and funds from the consumer goods area and to press forward in the area of armament production.

Mr. President, in effect we have an escalation. We build because they build, and they build because we build. Do any of us feel any safer than we did 10 years ago or 15 years ago? The level of terror has simply increased.

We have developed the capacity of some 20,000 tons of TNT for practically every human being on earth, the capacity to exterminate ourselves, not one or two times, but three or four times. What do we have to do? Will we feel safer when we have the capacity to exterminate each other six, seven, eight, or ten times?

It is admitted we cannot unilaterally disarm. No one proposes that. What is proposed here is that we mutually move ahead; that it is sensible that we have to reach agreements in the deployment of new systems, both offensive and defensive, the existence of which can be verified by technology and reconnaissance. They cannot build defensive or offensive systems without our detection, nor can we build defensive or offensive missile systems without their detection. Therefore, if we can agree at a leveling off point, that would seem to be the sensible thing to do. Our defense is adequate.

Mr. BROOKE. Mr. President, would the Senator yield at that point?

Mr. PERCY. I yield.

Mr. BROOKE. Mr. President, the Senator has raised a very important point, and I just want to point out that if we do not stop now and if we go forward with the deployment of MIRV, the multiple independently targetable reentry vehicles, then, of course, the Senator's point, although accurate at the present time, that we have adequate verification means and they have adequate verification means, may not be valid then primarily because once MIRV is out of the bottle, or when the genie is out of the bottle, it may require and, in fact, would require, in my opinion, and I think in the opinion of most of the respected weight of authority in the scientific community, that we have on-site inspection and actually dismantle the missile and look into it to make a determination if there are actual MIRV's in that missile.

The Senator's point is so important because if we do not stop now even the verification means may be lost to us, which is so essential in any arms limitation agreement.

Mr. PERCY. Mr. President, the Senator is absolutely right. We will be over the point of no return very soon. Already we have had an announcement that we will be deploying MIRV very soon. The Senator is absolutely right that we can verify the number of missile sites we have, but there could be no verification except on-site inspection, which has not been acceptable to the Soviet Union, if we reach that point. There is no way to verify how many heads are on each missile. If we reach that point, we will have crossed the point at which we could come to a satisfactory agreement, because we should not accept an agreement that cannot be verified.

We must be tough, hardheaded, and realistic—but a part of realism is the recognition that many of the national goals we established for ourselves, such as cleaning up our environment and cleaning up our cities, and other necessary areas of defense, will be impossible to achieve if we continue the arms race and deploy new nuclear weapons systems.

We are at a crucial point. This is why the resolution of the Senator is so urgent and important, and it is why an overwhelmingly favorable reaction from the Senate now is important.

I am very pleased, indeed, with the progress I have learned of in the Helsinki phase of the SALT talks. From everything I have learned the administration went into these talks with a brilliant team, and they went into the talks adequately and fully prepared and realistic about finding a basis for negotiation, compromise, and understanding. We cannot have it all our way if we expect those talks to be successful; but also there seems to be a basis for realism on the other side. It is a crucial time for us to move forward and the progress we make will be important to the future of mankind if we can find a rational and sensible basis to limit the arms race. Hopefully both sides want to find that basis.

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I am quite realistic—we must all be—about the fact that if we do not have a common objective, it will be difficult to find a basis for understanding and agreement.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield. In fact, I am glad to yield the floor.

Mr. BROOKE. Before the Senator yields the floor, I just want to say, first, that I am most pleased and proud that the distinguished senior Senator from Illinois has supported this resolution. He is one of the early cosponsors of the resolution. He has certainly been in the forefront in this whole area. He is very knowledgeable in the area. He is very knowledgeable about the arms limitation talks, the SALT talks. But I think what he has said this afternoon in support of the resolution has been most worthy and most helpful.

The Senator has made another very valid point, and that is the chances that we have that the Soviet Union might accept such a proposal. Many persons have asked the question, What evidence do we have that the Soviet Union will accept such a proposal? Of course, we do not know whether the Soviet Union will accept this proposal. I do not think anyone really knows. I am not sure the Soviet Union knows at this time whether it would accept the proposal. But we do know, as the Senator has very ably pointed out, that there perhaps is no better time than now, when the Soviet Union recognizes the problems, as does the United States, of the tremendous cost of the arms race in which we are presently engaged; recognizes, as do we, that this arms race is really availing us little or nothing at all.

I want to point out to the Senator that there have been very encouraging statements, though, of course, we will not depend upon those statements solely, to come out of the Soviet Union by rather high-ranking Soviet officials that they very well might be receptive to such a proposal at this time.

During this debate one of the very able Senators raised the question as to whether we can trust the Soviet Union; that they have not always lived up to their agreements. Of course, we entered into an agreement on a partial nuclear test-ban treaty, as the Senator from Illinois well knows. Most recently we entered into a treaty with the Soviet Union and other nations on the nonproliferation treaty, which, so far as we know to date, has been honored by all sides.

The point is, if we do not try, how will we ever know? And what are the options? The only option would be to say, "Well, we distrust the Soviets." The Soviets will say, "We distrust the United States, so we are going to build more nuclear weapons." Then we will say, "Well, the Soviets have constructed more nuclear weapons, so we had better construct new nuclear weapons for our defense."

It will spiral ever upward, and who knows what will come out of the great minds of our scientists and the great minds of the Soviet scientists as well. Then when we add to that the fact that the Chinese Communist nation is a nuclear nation and that there are nations, it is rumored, who are very much concerned with developing a nuclear capability, who knows that we will not get into a situation where there will be multiple nuclear nations in the world with devastating capabilities, and who knows whether, not only through design but through inadvertency, somebody might push the button and send some nuclear weapons over some country? Then we will have such devastation that I, for one, would not want to be living in such a world. I know the Senator from Illinois would not want to be living in such a world.

So we have a very great responsibility to those who are living today and to those who are unborn to do all that we can to prevent a nuclear holocaust.

I do not know how many of the American people or how many people of the world are really aware of the nuclear capability of the United States or of the Soviet Union, but we are not talking here of the capability of killing thousands of people. We are talking about the capability of an immediate kill of millions of people, to say nothing about contamination and the fallout and the disease and all of the problems that could result from a nuclear explosion.

We know something about what happened in World War II, when literally thousands of people were killed from a bomb which has nowhere near the capability of the bomb that we know of today.

So it would seem to me that this is a resolution which could be very helpful to our President and to our delegation as it goes to Vienna. I agree with the able Senator from Illinois that there was some reason for optimism out of the Helsinki talks. There is some reason for optimism as we enter the Vienna talks. Those talks are to begin on April 16, next week, and certainly time is of the essence. We want our President and our delegation to go to that conference knowing where the Senate of the United States stands, how it feels, how it thinks.

We have a responsibility to, and we have respect for, the President of the United States, but as well as respect him, we have the responsibility to give him our counsel, and our best counsel.

So I hope that by passage of this very simple resolution we will indicate both our respect and our advice, consent, and counsel to the President and to the delegation that goes to Vienna. Not perhaps, but without question, the fate of the world rests on their decisions and on their important deliberations.

So once again I thank the distinguished Senator from Illinois.

Mr. PERCY. The Senator from Massachusetts has raised some very important points. One of the important points is that of timing. It is crucial to any bilateral negotiations. You must have the proper climate. The time is right sometimes, and it is not right some other times. Sometimes a period of years goes by before it returns again.

The distinguished Senator has pointed out the importance of timing now because we are on the threshold of a vast movement, the development of MIRV's and the deployment of a whole new series of weapons which cannot be certified or inspected or assured.

There is another question involved here. We have at this stage a balance, a sufficiency on both sides. No one in the military in this country would presume to say that the Soviet Union does not have a sufficiency of powers of destruction to rain devastation upon this country. No one in the Soviet Union or in Red China itself would presume that we do not have a sufficiency of power to strike them if we should ever be struck. In fact, I would want to reiterate again what I have said on the floor several times: Our defense depends upon an adequacy of retaliatory weapons if ever struck, and the will to use them if we are ever struck, or if any of our vital allies are ever struck.

I for one have seen no sense of inadequacy of capability, and never for a moment a lack of will to use those weapons if we are ever struck by an opposing force.

But now the question is, When we both have an adequacy in balance, is not that, then, a good time? Because when one gets too far ahead, is not the other less likely to negotiate?

I say there is a real self-interest, also, both for our side and for their side, at this particular stage. We are both on the threshold of major deployments of ABM systems. I wonder whether they have learned, in the deployment of their system around Moscow, that their costs have escalated considerably. And as they build that system, are they not worried that they are constructing a system that is already obsolete? I have seen no hesitation on the part of our attack forces to say, "We can penetrate it, simply by exhausting it, and it presents no real problem to us."

We see our costs escalating for these systems, estimated to be about $5 or $6 billion originally, to a figure now estimated to be at least $12 billion, and many of us think it could be $50 or $75 billion, since the Deputy Secretary of Defense, the distinguished David Packard—with his candor and knowledge of costs on these two systems—has now implied that the $12 billion figure may not be a figure we can really hold to.

So we have more than doubled our cost estimates in just a year. And we see what has happened to costs on the C-5A, we see what has happened to costs on the F-111, and we see what has happened to costs on so many other sophisticated weapons systems. In undertaking these whole new systems, research on which has not even been finished, the software for which has not been made, and the system never tested or evaluated, I do not know whether the end of cost escalation would ever be in sight.

There are other needs in this country. We have to look realistically at the health of our people, for example. If we had $12 billion, we could build 100 medical schools. We could run them and operate them, at $25 million apiece, with a $20 million initial investment, for 20 years with that $12 billion. A real human need exists here. The Soviet Union has the same need.

And what will we have when we finish the ABM system? We are protecting other missiles, maybe; but they can penetrate our system just as we can penetrate theirs. Neither of us is any better off.

This is the crucial time. This is the time when we must move ahead. If we could take this next step, to at least freeze the present systems, we might find we had other areas of mutual interests as well.

I do not imagine they like to see 310,000 American soldiers stationed in Europe today, 25 years after the end of the war. And we do not like to see it cost $15 billion a year to American taxpayers each and every year to maintain those forces, the NATO forces and our contribution to them.

The Chancellor of the Federal Republic of Germany has recently made a proposal that possibly there ought to be a mutual deescalation of forces in both Western and Eastern Europe. We should seize that opportunity as a possibility for reducing the mutual level of terror and the mutual level of costs.

There are possibilities of space exploration together, if we can take these other steps. It is senseless for one country, in behalf of mankind, to spend billions of dollars to send a rocket to Venus and billions of dollars to send a rocket to Mars, and have another country send one to Venus and one to Mars. I do not see any particular military advantage, and I really doubt that competition now between the two countries for the conquest of space, is going to be advantageous in any way for either country. We are at the point of diminishing returns now in the race for space. Would it not be much better for us now to work out a practical means, as we did in the International Geophysical Year, to have each country take a separate part in some of these programs, and share the knowledge gained with the rest of mankind?

These are the kinds of sensible programs that will give us the kind of country we need and want for future generations. We must be strong, and we must be secure, but we should be realistic about the way we look ahead. We can go the route of hope and promise, or we can go the other route that we have been going—a route of terror, mutual distress, and certainly anguish on both sides, and without a sufficient degree of security on either side to give us any comfort or protection.

I thank the Senator for the opportunity he has provided for all of us in the Senate to deal specifically with one more step we can take as a step of progress for our Nation and for all mankind.

Mr. BROOKE. Mr. President, everything that the distinguished Senator from Illinois has said makes much sense. I think that he has spoken with his customary eloquence, but, even more than eloquence, he has spoken with profound and deep feeling, and with sure knowledge of the facts. He has pointed out the urgency of such a move on the part of the United States and the Soviet Union.

Our Nation has just recently announced through the Defense Department, as the Senator very well knows, that we will be ready to deploy MIRV in June of 1970. That is just 2 months away. If we deploy MIRV, we will then be deploying a technology which will enable us to field a missile with multiple warheads that will not fall in one cluster around a target, but that will go toward many targets at different ranges.

It would be very difficult, if not impossible, for the Soviet Union, with its present defenses, to intercept such warheads by using its existing arsenal.

What does that mean? It means that the Soviet Union, in order to be secure, will have to improve its technology, and probably move toward MIRV'ing its SS-9's, which have superior megatonnage to our Minuteman III and our land-based missiles, our ICBM's.

We would then be called upon, in turn, to improve our MIRV system, probably putting more warheads in the missile, and probably increasing our payload and our megatonnage. As the Senator has so well pointed out, the cost of any of these moves is in the billions of dollars—money, as he has so well pointed out, that is so desperately needed for the hospitals of our cities and urban centers, for education, and as the Senator stated in his very simple but most illustrative example, for building and supporting medical schools around the country, to say nothing of the hospitals, which are crying out for salvation—and literally for salvation—today; for rapid transit systems that will free us from these clogged cities in which we live; for clean air and clean water; and for attacks upon cancer and other diseases.

Just think of what we could do, both in the United States and in the Soviet Union, if we could use just a fraction of the money that would be spent for the deployment of these sophisticated weapons systems for such purposes.

Time is of the essence. I fear that, once we deploy MIRV, the Soviets probably will have no recourse other than to move ahead as rapidly as possible in order to MIRV their SS-9's.

As the Senator has pointed out, we are as near parity, perhaps, as we can be. It is no secret that we have more ICBM's in our arsenal than does the Soviet Union. The Soviet Union is building more ICBM's. They are building more SS-9's, and more SS-11's. We know that. And it does not come as any shock or surprise to me. They know how many ICBM's we have. They are trying to catch up. Perhaps they are trying to pass us. If I knew and if the Senator knew that the Soviet Union had more ICBM's than we, we would perhaps be arguing on this floor right now that we should catch up to them so that we could have parity.

It is no secret that we have a superior submarine force, our Polaris force, which we are in the process of converting into a Poseidon force. We also know that the Soviets are beginning to move in this direction, and they are trying to catch up with us and, again, perhaps pass us. It comes as no shock to me that they are doing this. If the situation were reversed, I am sure we would do it.

We also know that the United States is ahead in the B-52 bomber force and the Soviets are doing something in this direction. Perhaps they are trying to catch up with us again, and perhaps trying to pass us. We also know that we have nuclear weapons in Europe at the present time. They do not have long ranges, to be sure, but they certainly can be used if there should be an exchange between the Soviet Union and the United States—and God forbid that there is ever any nuclear exchange.

So we cannot continue this insanity. That is all it is—it is insanity.

Before the very able Senator from Illinois entered the Chamber, I said that we have been criticized for perhaps giving too much credence to the Soviet Union; that the Soviet Union is just trying to buy time. The Senator has heard that argument, I am sure—that the Soviet Union is trying to buy time; that if we did bring about a freeze on our offensive and defensive weapons, that would give the Soviet Union time, and they would use that time to step up their efforts in this general direction.

Let us examine that in the light of this resolution. We are not suggesting that we give them any more time than we have. We are suggesting, as the Senator has very well pointed out, that this is a mutual freeze; that nothing will happen unless the Soviets join with us in this freeze; that we do not want in any way to diminish our national security. We want always to have national security. But all we are saying is that if the Soviets can in very sane moments and we

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can in very sane moments realize that nothing really is being gained by the nuclear arms race in which we find ourselves, we just stop, that is all, and do no more—just stop.

Let me just point out to the Senator that he knows as well as I that these agreements generally take time. Men cannot sit down and come to an agreement on an important issue overnight, and certainly nations cannot be expected to do so. They have their delegations. I think the Senator pointed out that they have their hawks, so to speak, and they have their doves; and we have our hawks, and we have our doves. They have their interests at heart, and we have our interests at heart, which is acceptable and understandable.

So it is conceivable that these talks could go on for months and years. There is nothing unusual about it. I do not know how long the partial test ban treaty took, but it took a long time to come to an agreement. The same is true with respect to the nonproliferation treaty and other treaties.

If this negotiation between the Soviet Union and the United States should go on for, say, a year or 2 years, or perhaps even more what we are really talking about now as being the most devastating technology known to man conceivably could be obsolete, conceivably could be of very little importance, compared to what the technology may be in 1971 or 1972. If this is true, then we are in a worse position, far worse position, to try to negotiate than we are now, in June of 1970.

So if we could have this freeze during the time that the negotiations are going on, if both parties just stop and stand still and there is no further testing and no further deployment during this time, both will have performed a great service; and they will be more apt, in that climate, to be able to enter into a mutual arms limitation agreement than if they sat down in June and began to talk—but at the same time both parties were increasing their arsenal, both parties were continuing to test, and both parties were moving ahead with far more devastating technology.

Mr. PERCY. The points raised by the distinguished Senator are valid. He has mentioned particularly the timing and the length of these negotiations.

I think we should point out very realistically that there is a great sense of impatience in the country with negotiations of the type that are being carried on in Paris—literally no progress, no realism on the part of the opposition. Talks must be fruitful if they are to have any credibility with the American public.

The encouraging thing about Helsinki and the planning for Vienna is that neither side is using it for propaganda purposes. Neither side is trying to use that forum as just a means to spew forth venom and hatred and accusations and charges. They are businesslike; they are straightforward. In the sense of realism in which we are dealing between the two great powers, it is essential that we make continued and steady progress as we go along day by day in these negotiations.

I think we should take this further point into account: If we continue to move forward, making progress, then we can realistically say that what production of existing weapons is being carried on now should take into account the sufficiency on both sides. However, I, who have never been called a hawk, would look with deep suspicion if the talks were prolonged and if during the course of those talks the level of production of weapons continues to escalate on the Soviet side, as is now the case. I, for one—not known as a hawk—would favor keeping the balance; and it might mean that we would have to go back into production of ICBM's and more Polaris submarines. We might have to move forward.

So there is a sense of balance and a sense of timing here which are exceedingly important. They should never underestimate us nor feel that they can prolong the negotiations and have us stand still while they move ahead in construction of their offensive and defensive weapons systems.

It is for this reason that the proposition is important that we have a mutual freeze at this stage, so that in good faith we can realistically have balance. I can well understand that anyone could feel, in a situation of nuclear monopoly, that it was in their self-interest to move ahead and develop nuclear capability. As a major power, they had to do that. We did not look on that as warlike when they were trying to match the technology and capabilities we had achieved. It is a different picture than if they continue to move massively ahead, giving evidence and credence to the fact that they may be building a first-strike capability.

Should that be the case, I, for one, would be among the first to say that we must move ahead with our own production of both offensive and defensive weapons. I would say that if they want an arms race, our Government would receive the approval of the Senate to move ahead with all the productive power it required to keep a sufficiency of defensive and offensive weapons.

Mr. President, let no one underestimate the productive capacity and the economic ability of the American system to move ahead, if that is what they want, to a level of sufficiency on both sides. There must be assured negotiation. Talks should not be prolonged past the point when we can realistically negotiate the cessation of the arms race.

Mr. BROOKE. I am sure that the Senator from Illinois knows that the original purpose of MIRV was the penetration of an expected and sophisticated Soviet ABM system.

I am sure the Senator also knows that a sophisticated ABM system has not yet materialized.

Now the purpose of MIRV originally has been thwarted, so to speak; we now have a different purpose for MIRV.

My point is, simply, is it not likely to be the same case on our side, and the Soviet side, in each instance, that, if we wish to deploy a new technology, we can find a justification for it—maybe sometimes based upon fact but also possibly sometimes just based upon suspicion?

If that is true, then we are dangerously flirting with a nuclear holocaust on earth and, therefore, it is most important that we do everything we can to avoid such an eventuality.

Again I want to thank the very able Senator from Illinois. He has made a rich contribution to this debate. I am very much pleased that he has entered into a colloquy which I think has highlighted some of the most important elements of Resolution 211.

He has pinpointed some of the most important issues concerning the resolution. I am very much pleased and proud that he saw fit in the early stages to lend his valuable support as a cosponsor of the measure which I hope the Senate, in its wisdom, will adopt today and that the President and the American delegation and the Soviet Government and its delegation will accede to, when they meet in Vienna.

Mr. President, I thank my distinguished colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I yield the floor to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair would inquire from the Senator from Massachusetts, did he not yield to the Senator from Alaska, or the Senator from California? I recognized the Senator from Alaska.

Mr. GRAVEL. Mr. President, I am happy to yield to the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I want to pay tribute to the great leadership that the Senator from Massachusetts (Mr. BROOKE) has provided for so many months in pushing this vitally important resolution that can have such tremendous impact on the cause of peace.

Both in his leadership in the Senate and in the country, he has been joined by another great leader on that side of the aisle, the distinguished Senator from Kentucky (Mr. COOPER), in broadening the impact of the resolution. I am delighted that I have been able to work with both Senators on this very important issue over a period of many months.

Mr. President, I want to express my total support for the resolution in its new form. This is, indeed, a vital and necessary measure which I was pleased to cosponsor. Seven days before the United States and the Soviet Union begin their discussions in Vienna on strategic arms limitations, it is vital for the Senate to speak clearly on this issue.

I was pleased to learn on April 5 of a report issued by a distinguished panel of experts from the American Assembly

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in connection with Columbia University. After a series of meetings, these men urged that President Nixon propose to the Soviet Union a 2-year interim halt in deployment of strategic weapons while an agreement is negotiated to stop the nuclear arms race. The panel was composed of such men as Herbert Scoville, Jr., a former Assistant Director of the Arms Control Agency, John G. Palfrey, a former member of the AEC and many academic specialists who have been intimately involved with national security matters.

Upon entering office, the Nixon administration was pledged to the doctrine of "nuclear sufficiency" instead of superiority.

The testing and deployment of MIRV vitiates the sufficiency doctrine and only prepares the ground for a response from the Soviet Union and a spiraling arms race.

Any MIRV deployment on Minuteman III missiles creates a situation which needlessly complicates arms limitations negotiations. A central issue in Vienna will be the verification and inspection procedures to be utilized once some form of agreement might be reached. Both the United States and the Soviet Union now possess sophisticated satellite surveillance systems which can detect missiles in underground sites. However, no system can detect an ICBM that has been MIRV'ed in its underground silo. MIRVing of American missiles and of Soviet missiles creates an uncontrollable and unverifiable escalation in the strategic arms race once they are deployed.

The only way to prevent this intolerable situation is for both the Soviet Union and the United States to agree not to deploy these weapons in the first place, and to back up that agreement with reliable inspection and verification procedures.

This resolution does just that in its language:

> *Resolved further,* That the President of the United States of America should propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate.

On the eve of the Vienna talks, it is incumbent upon the Senate to clarify its position on MIRV. We must do all we can to insure the success of these negotiations. For success would mean a significant step has been taken away from the abyss of mutual annihilation.

The passage of Senate Resolution 211 would go far toward preparing an effective climate for the arms limitations talks. It is in our interest as well as the Soviet Union's interest to suspend the testing of this destructive, costly, and unnecessary weapon.

President Nixon made comments in a press conference recently to the effect that our Nation is already trying to do what Senate Resolution 211 calls for, and then he called the resolution "irrelevant."

Those of us sponsoring and supporting the resolution should be very pleased that the President thus, in effect, supports the policy objectives set forth in the resolution.

I do not quite see how the President can consider the resolution "irrelevant."

Richard Nixon has often made evident his great admiration for one of his predecessors in the White House—Woodrow Wilson.

It so happens that in 1945 I wrote a book about the struggle between Woodrow Wilson and the Senate over the League of Nations. We all know what happened. The League of Nations was rejected. Woodrow Wilson was broken. The League of Nation was broken. And that led to the killing of the peace.

I am sure that Woodrow Wilson would not have considered Senate support of the League of Nations "irrelevant."

Had the Senate supported the President's efforts toward peace, I believe it is quite possible that World War II would have been avoided and that we would not now find ourselves in the desperate arms race which this resolution seeks to end.

It seems to me that our hopes for an end to the arms race now and our opportunities for peace would be greatly enhanced by Senate agreement to this resolution embodying a policy that our President has said, in effect, is his policy.

Certainly it would strengthen our President in his negotiations with the Soviet Union if the Soviet Union were to know that our Senate, responsible for ratifying treaties, had indicated in advance its support for these negotiations and for the American position in those negotiations along the lines of this resolution and the President's statement that it embodies the policies we are presently pursuing.

Uncertainty exists concerning the Senate's responsibility for treaties negotiated by the President, by the State Department, and by our negotiators, and it often leads to weakness and uncertainty in those negotiations—a weakness and uncertainty that we do not face when dealing with the Soviet Union.

We know that if the representatives of the Soviet Union approve in these negotiations a resolution, it will not be rejected by any parliament within that land.

It seems to me this is a compelling reason for total support of the resolution and that in pushing for the adoption of this resolution we are supporting and strengthening the hands of the President of the United States.

Mr. BROOKE. Mr. President, I especially thank the distinguished junior Senator from California for all that he has done—and it has been much. In the very early stages of this resolution, the distinguished and able Senator from California discussed this resolution with most of his colleagues on the Democratic side of the aisle. And he was very helpful in getting a great number of his Democratic colleagues to join as cosponsors of the resolution. Those efforts have now culminated in the unanimous endorsement by the Democratic policy committee of this resolution.

I thank the Senator for making that contribution and more especially for the substantive contribution he has made both in the drafting of the resolution and also for what he has said on the floor this afternoon.

The Senator raised a question about a statement that was made by our President in respect of this resolution. As a result of that statement, I wrote a letter to the President. I think it is important that I read that letter at this time so that the Senator and all our colleagues may know of the exchange.

The letter reads:

> DEAR MR. PRESIDENT: I am prompted to write by your press conference remarks concerning the Foreign Relations Committee's report of S. Res. 211, an amended version of the proposal I made last summer. The Resolution expresses the sense of the Senate that the President should propose to the Soviet Union a mutual suspension of further deployments of strategic weapons both offensive and defensive.
>
> Our purpose in urging adoption of this Resolution is to facilitate progress in the vital SALT negotiations which you are about to undertake. The Resolution is in the tradition of past Senate actions, including most notably the resolutions which anticipated the partial nuclear test ban treaty and the non-proliferation treaty. It is a device for sharing the political burdens between the Executive and Legislative branches by making clear that the Senate, which will ultimately, be called on to endorse any SALT treaty, will support you in presenting a far-reaching arms control proposal. I hope that, on further reflection, you will agree that the Resolution is quite relevant and that affirmative action by the Senate would assist your efforts to obtain mutual arms limitations. Since you indicated last Saturday that your goal in SALT is the same as that endorsed by the Resolution, I presume that the Resolution will have your support.
>
> Of greater importance to those of us working for the Resolution is the apparent implication of your remarks that the United States is willing to consider either a comprehensive or a system-by-system limitation when we and the Soviets meet in Vienna. It would be immensely reassuring to the Resolution's supporters to know that the United States will actually propose "an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate."
>
> If the Soviets refused to accept such a proposal, the opportunity for more limited agreements would still remain. However, if they accepted this more general freeze, the problems of verification would be greatly simplified, since there would be many different means by which to confirm Soviet compliance.
>
> A freeze on Soviet weapons would relieve us from immediate pressure to expand our own arsenals. Credible deterrence could be maintained at the present force levels. Under such a general freeze, a suspension of MIRV tests would be a principal means of verifying that such potentially destabilizing technology was not entering the inventory of either side. Since we do not now require MIRV to guarantee effective retaliation, a halt to the Soviet ABM effort would permit us to maintain a confident deterrent with existing systems And surely the best safeguard of our land-based missile force would be for the Soviets to stop additional SS–9 deployments and to cease work on multiple-warhead technology for that booster.
>
> A freeze of this type might well be proposed for an interim period, perhaps two years, during which details of verification

arrangements could be negotiated. If arrangements satisfactory to both parties could not be devised, one or another element of the freeze might be altered later. However, if the freeze is not proposed quickly, it will be exceedingly difficult to reverse certain immiment deployments, especially MIRV. As I have said before, the *prospect* of MIRV deployment may well encourage diplomacy. The *fact* of MIRV deployment might well defeat it.

In conclusion, Mr. President, I trust that you will welcome Senate approval of S. Res. 211 as a constructive affirmation of the goal you have set forth for the SALT negotiations. Your explicit support will certainly speed final action on this important attempt to bolster your diplomatic initiatives by providing an advance indication of the Senate's sympathies. Furthermore, as an assurance to the Senate and as a clear signal to the Soviet Union, I hope that you will confirm that the United States will propose a comprehensive, mutual freeze on strategic weapons. No initiative would be so promising in your historic effort to assure the national security through strategic arms controls.

With warm personal regards, I am,

Sincerely yours,

EDWARD W. BROOKE.

Mr. President, the letter is dated March 23, 1970. I will say to the Senator I have received an acknowledgment of the receipt of this letter to the President. The Senator knows, as do our colleagues, that in the interim period the President's Advisory Council made a recommendation which certainly is in keeping with the intent of this resolution; and I am very hopeful that the President will accept the sense of the Senate and that he will go with this successfully to the SALT talks in Vienna on April 16.

I thank the distinguished Senator from California.

Mr. CRANSTON. I thank the Senator very much for his generous comments about my efforts on behalf of the resolution. I commend the Senator for his brilliance in preparing the letter which summarizes so succinctly what we are seeking to do through the resolution. I am glad we concur across the aisle that we are seeking to strengthen the hand of the President in his pursuit of peace through the resolution.

I thank the Senator for the opportunity he has given me to work in connection with a cause that is so important. I believe there is nothing I have been able to do in the time I have been in the Senate which is more important than what I have attempted to do on behalf of the resolution.

(At this point, Mr. CRANSTON assumed the chair.)

Mr. GRAVEL. Mr. President, I want to associate myself with the remarks of praise of the Senator from Massachusetts. They are entirely warranted. I also express my strong personal support for Senate Resolution 211 proposed by my friend and respected colleague from my native State of Massachusetts, in which I have the honor to join as a cosponsor.

Scarcely more than a week from today, our U.S. negotiators will sit down in Vienna with their Soviet counterparts to open talks on the limitation of strategic weapons. We all hope and pray that these negotiations will mark the end of the senseless and dangerous arms race in which we have been trapped for over two decades.

I feel that now is the time for the Senate to speak. Now is the time for the elected representatives of the people to make crystal clear to the President and his advisers what we want. Now is the time to tell the world that we believe we can—indeed, in the name of humanity, we must—firmly say "Stop."

Our debates on nuclear policy and strategic weapons systems too often founder on the rocks and shoals of technology. The problems are intensely complex, and the jargon has been refined by the strategic experts until the layman can only shake his head in bewilderment.

But we cannot—we must not—abandon this field to the technocrats and the military analysts.

You do not have to be a doctor of physics, or an Air Force general, or a Defense Department bureaucrat, to understand the essential political and human problems involved. You do not have to be totally conversant with the flight characteristics of the Poseidon missile, or to be able to talk glibly of the footprint of the Soviet SS-9 rocket, or to argue knowledgeably about throw-weight or early acquisition radar, to know that we are spending ourselves into an economic crisis on stockpiles of ever more sophisticated weapons that are ever less subject to rational political control. And the Soviets are doing the same.

Some may even find the language of Senate Resolution 211 rather imposing, although we all have been forced in recent years to learn to roll out phrases like multiple independently targeted reentry vehicle trippingly on the tongue.

I for one find it useful to put the meaning of the resolution in the simplest possible terms. As I mentioned in my speech of January 20 on the Senate floor regarding the forthcoming strategic arms talks, what I feel the Senate should tell the President is that we want our men in Vienna to propose an as is, where is, in-place halt in the arms race.

What would an as is, where is, inplace halt be like? As I put it in my earlier speech, it would simply prevent any change in the numbers and kinds, and modes of deployment, of land-launched missiles, sub-launched missiles, intercontinental bombers, and antimissile missiles. In particular, steps would be taken to ban further flight tests of MIRV's and their deployment on existing missiles.

I personally regret very much that President Nixon chose to characterize the Brooke resolution at a recent press conference as "irrelevant." At this time and place, what in the name of human sense could be more relevant than for the elected representatives of the people in this Chamber to stand up and tell the administration precisely what we want, what we expect—indeed, what we demand—of our negotiators in Vienna?

Surely, in any question that inevitably involves the expenditure of billions upon billions of our tax dollars, the sense of the Senate is relevant. Surely, any proposal that offers some hope—even a very slim hope—of reducing the danger of a nuclear holocaust with which we are condemned to live is deeply relevant. Has not the Senate the right and the duty to speak out on an issue that ultimately affects the lives of every citizen of our Nation?

By what curious measure, therefore, can Senate Resolution 211 be "irrelevant" in the President's eyes? I find that description not only somewhat frightening, but unworthy of the relationship of mutual respect that I have always presumed to exist between our branches of Government.

Besides, even by the President's own definition, the resolution under consideration is deeply germane. In the same press conference, the President remarked that there were only two basic possibilities for agreement between the United States and the Soviet Union in our talks in Vienna. He explained these as, first, a "comprehensive agreement," and, second, a "system by system agreement."

If the language of Senate Resolution 211 means anything at all, it means that the Senate is saying, loud and clear:

> Mr. President, what we want is a comprehensive agreement.
>
> And we want it sooner rather than later, because the hour is late and this may be our only chance.
>
> And we want our U.S. negotiating team to take the initiative in proposing this course to the Russians, rather than merely sitting back and waiting to hear what the other side has to say.

The President went on to comment that we will be prepared to discuss either basic alternative in Vienna. But that passive approach suggests to me a possible scene at the negotiating table in Vienna that would be ludicrous if it were not so tragic. After all the vast expenditure of time and diplomatic skill required to bring the representatives of the two greatest sovereign powers of the nuclear era together—and all the efforts to prepare positions for what promises to be the most momentous negotiation since the end of the Second World War—is it possible that the American team will merely sit down and say "if you've got anything of interest to say, we're prepared to consider it?"

According to the newspapers, the National Security Council will establish the U.S. negotiating position for SALT with the President during this week. I might add that these meetings are coming none too soon. I find it difficult to understand how we can have meaningful consultations with our NATO allies prior to the opening of SALT—as the President has promised—if the administration has not yet established our own position just 1 week before the April 16 opening in Vienna. Faulty communications with our allies have gotten us into deep trouble before, and could well do so again.

I sincerely hope that in its deliberations the National Security Council will not be overwhelmed by charts and graphs and complex technical briefings by the missile experts. These are all vitally important, and of course they should be heard to provide a foundation for informed discussion. But what I pray the members of the National Security Council, and the President, will keep in mind, is this:

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We are now almost 25 years into a galloping arms race with the Soviet Union. Our resources are not unlimited, and neither are those of the Soviets. We have an abundance of problems within our own society that might be solved or at least alleviated by investment of some of the money and expertise that we now devote to weapons of war. I am sure the leaders in the Kremlin could say the same thing. Both sides have acknowledged that we have reached a critical plateau in nuclear weapons and missile developement at which there is rough strategic parity between us. After 25 years of pouring out our national treasure on arms and more arms, the question is now whether we have the guts to say simply "We'll stop, if you'll stop."

I do not expect miracles on the first day in Vienna, and I do not anticipate that the arms race will come to a screeching halt at our first proposal to the Soviets. But the time is ripe for the kind of "risk for peace" that President Nixon has promised the Nation he is ready to take.

We must make this effort. We owe it not only to ourselves but to our children to make this the time when the United States clearly and unequivocally called for an as is, where is, in-place halt in the absurd multiplication of weapons of mass destruction.

I am not proposing that we dismantle our defenses or lay down our arms. Nor do I expect that the Russians would accept any agreement that would endanger their national security. But a temporary freeze—an in-place halt—in the arms race give both the American and Soviet negotiators in Vienna the breathing space they so vitally need to work out a more durable agreement, that hopefully would include permanent measures to stabilize and reduce numbers of strategic weapons.

If the Soviets do not want an as is, where is, in-place halt, or if they fail to live up to its conditions, I would be deeply discouraged. But there would be no permanent harm done to our national security posture.

It is no secret that we have tested MIRV warheads extensively. Indeed, an administration spokesman has informed the world—in an announcement I consider very damaging to prospects for success in SALT—that we are prepared to deploy MIRV warheads on operational missiles by June 1. If we have reached that stage of advanced readiness, there would be no significant delay in proceeding with deployment, should an interim in-place halt of 6 months or more fail to improve the climate for agreement with the Soviets, or be broken by either side.

At times, I think the Pentagon is on the wrong side of this issue. Secretary Laird and his subordinates have waged a persistent public campaign raising the specter of possible Soviet aspirations for a strategic first-strike capability. The Pentagon has published reports indicating that the Russians have been proceeding with accelerated testing of multiple warheads even since the preliminary SALT meeting in Helsinki, and are rapidly deploying more and more of their powerful SS–9 rockets. If someone can devise a plan that would stop the Russians from deploying more SS–9's and from further MIRV testing for 6 months to a year, why should not the generals in the Pentagon leap at the idea?

If we already have a sufficiency of nuclear-armed ballistic missiles today to insure our national security, why should not the Defense Department support any proposal that would maintain that uneasy equilibrium even temporarily?

But I confess that I am not sanguine about the prospects of Secretary Laird's endorsement of Senate Resolution 211, although I would welcome it.

I feel that each Senator, in reaching a judgment on this resolution, also should consider some recent direct signs that the Soviets might be prepared to talk in Vienna about something very like an as is, where is, in-place halt. In this regard, it is well worth a few moments to look carefully at an article that appeared in the March 7 edition of the authoritative Communist party newspaper Pravda.

This was a long and detailed discussion of prospects for SALT, signed "observer," a nom de plume often attached to the most significant of statements in the opaque world of Soviet affairs. The article deserves far more expert analysis than I, as a non-Kremlinologist, can give it. But several aspects clearly are of great importance.

The "observer" statement made clear that the Soviets, rather than insisting on "general and complete disarmament," are prepared to accept more limited agreements if they are in the mutual national interests of the contracting parties. The article stated that the Soviet Union is by no means—and I quote—"guided by the principle of all or nothing" in its approach to SALT. And the Pravda piece is replete with evidence of Soviet apprehension that this is a critical opportunity in the history of the arms race that, if lost, may never be regained.

Pravda of March 7 also left no doubt that Soviet military planners agree that our two nations are locked in a position of rough strategic parity at present. The article acknowledged that the Soviet Union now possesses the modern armaments necessary to guarantee the security of the U.S.S.R. and its allies "to the necessary degree." Let me underline that phrase: "To the necessary degree." If that is not a capsule definition of what we have termed "sufficiency," I do not know what is.

In addition, the Pravda article emphasized the fact that the Soviets are keenly aware that a new escalation of the arms race would make difficult if not impossible the attainment of the domestic goals the Politburo has set for the Soviet Union. The article stated:

> The solution of the disarmament problem would help to release from the sphere of military production colossal means which are expended on armaments throughout the world, and whose utilization on economic development needs could assist the scientific, technical, and economic progress of all mankind . . .

I want to underline that that quotation is from Pravda, and not from the New York Times.

Finally, the anonymous "observer" extended an unmistakable warning that neither side can be permitted to use the strategic arms talks as a cover or screen behind which to seek military advantage. I think that our military experts in the Pentagon would be quick to endorse that statement. What better way to insure that there is no improper use of SALT by either side than through an interim agreement on an as is, where is, in-place halt? At least this would give the negotiators in SALT time to test each other's sincerity and willingness to reach a more permanent accord.

Mr. President, I am convinced that we must seize the opportunity presented by the opening of the strategic arms talks in Vienna to take the arms control initiative in our own national interest. I believe that there is at least a reasonable expectation that the Soviet response will be positive.

I feel that a U.S. proposal for a temporary freeze on MIRV testing and the further deployment of both offensive and defensive nuclear strategic weapons will not adversely affect our national security. I submit that we already have the technical capacity to monitor such a temporary agreement or in-place halt—a capacity that we will lose, probably irrevocably, once each side begins large-scale deployment of MIRV warheads.

I, therefore, intend to vote in favor of Senate Resolution 211, and I urge each of my colleagues to lend his support to this deeply significant—and relevant—proposal.

Mr. BROOKE. Mr. President, I thank the very able and distinguished Senator from Alaska for his contribution, and especially for his tone of optimism with regard to the possibility that the Soviet Union may accept this agreement.

I assure the distinguished Senator that I have put into the RECORD the Pravda statement—which, incidentally, is the Central Committee statement of the Soviet Union. I also wish to say to the Senator that when we had hearings before the Committee on Foreign Relations, we had before us Prof. Marshall Shulman of Columbia University, who is an authority on the Soviet Union and the Soviet people, and he pointed out to the committee that there were many statements which could give us some cause for hope and optimism, though, of course, no one really knows whether the Soviet Union will or will not accept the proposal if made by our President and by our delegation at Vienna.

But at any rate, I am very grateful that the Senator has so directed his remarks as to give us all a hope and some optimism as to the chances of the Soviet Union accepting the proposal that the Senator is suggesting to our President.

I thank the distinguished Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Who has the floor at this moment?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

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Mr. BAKER. Will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. BAKER. First, of all, I commend the distinguished Senator from Massachusetts for his contribution in this field and in this respect. I have a longtime, high admiration, not only for his parliamentary skill and ability, but for the astuteness of his judgment on matters of peace and security for this Republic.

I think he has great potential for an additional contribution in that respect in the resolution before the Senate at this time. But to make sure that there is no misunderstanding—and we must face the fact that this forum, more often than not, records colloquy that is at least as significant as the wording of a resolution itself—I think it is important to clarify one or two points before I make up my mind on how to vote on the resolution.

First, I agree that the resolution, if adopted by a significant part of this body, would in effect be a signal not only to our own negotiators at SALT, but to the Soviet Union as well, that we want this particular item negotiated successfully.

But may I ask my colleague, is it a signal that we want it so badly that we single it out, to suggest that we will retreat or give in on almost any other item in order to accomplish it? Is that a fair statement of the intent?

Mr. BROOKE. My answer to the very able and distinguished Senator from Tennessee is that it is not the intent of the resolution.

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This resolution carries with it no instructions to our delegation that will go to Vienna. It obviously carries with it no instructions to the President at all. It is only a sense-of-the-Senate resolution, and what it purports to say to the President is that it is the sense of the Senate that he make this proposal to the Soviet Union, and nothing more. If the President sees fit not to make the proposal to the Soviet Union, then we have, certainly, no recourse in that regard at all, and the same thing applies to the delegation, which is not an arm of the U.S. Senate.

I assure the distinguished Senator from Tennessee that we certainly are not suggesting in any fashion that we propose to give away anything at all. I further assure him that all we are suggesting in this very simple resolution is that the proposal be made. If the Soviet Union does not accept the proposal, or if the Soviet Union does not stop operational testing and does not stop deployment, then, of course, the United States would not stop operational testing and would not stop deployment of its weapons systems.

In that event, I think that nothing would happen at all. They would probably go on with their testing and their deployment, and the United States would continue with its testing and deployment.

I certainly want to reassure the Senator that we are giving up nothing in the resolution, and that it is not the intent that the United States give up anything, or that it weaken its position at the bargaining table.

Mr. BAKER. I am pleased to know that, and I thank my colleague. I would have assumed as much.

I think it is important that we make it abundantly clear that we are not saying to the world and to the Soviet Union that we want this single item so badly that we will relinquish our claim to other controls in other categories in order to obtain it?

I cite this as an example: I hope that, even without a resolution such as the Brooke resolution, the President would instruct and our negotiators would attempt to obtain an agreement with the Soviet Union to attempt to prevent further deployment of any antiballistic missile system anywhere, but I would hope that the resolution does not diminish our fervor for an effort to stabilize our ABM deployment with that of Russia. By the same token, I would hope there might be some sort of mutuality of limitation on naval vessels, especially deep-running nuclear submarines. I would hope that the adoption of the Brooke resolution, without reference to that item, would not seem to diminish the intensity of our desire for that item as well.

Would the Senator from Massachusetts agree with me that it would be appropriate, through our colloquy, to signal specifically that that is not our intent?

Mr. BROOKE. I most certainly would, and I give the Senator from Tennessee every assurance that that is the fact, and that what we are doing here is merely sharing the political burden with the President of the United States. This is our responsibility. We did it in connection with the partial Nuclear Test Ban Treaty by a Senate resolution; we also did it in connection with the Nonproliferation Treaty into which we entered with the Soviet Union; and we are merely giving this advice to the President in similar fashion here.

As I said earlier in the debate, we respect the President, but in addition to our respect, we owe him our counsel, and we are merely here giving him our counsel. He may or may not take it, though I am very pleased that his Advisory Council has practically made the identical recommendations that this resolution makes, and that the Senate would be making by its adoption, and I am very hopeful that the President is going to accept it.

I know that the distinguished Senator from Tennessee was somewhat concerned about a statement which was made, I think, by the distinguished Senator from Alaska and the distinguished Senator from California, when they referred to words that the President had used as "superfluous" or "irrelevant." If I may correct the RECORD, the President did not use the word "superfluous" at any time. The President did use the word "irrelevant," but I think he meant that only in the sense that, as the distinguished Senator from Tennessee has said, that he hoped to do this anyway at Vienna.

Mr. BAKER. And may I say that I cannot, for my part, even visualize a situation where the President of the United States would not ask that our negotiators attempt to accomplish the objectives of this resolution.

So I think, if I may be facetious for a moment, the irrelevancy is in the irrelevance, because it is clear that the position of the United States is to try to stabilize the arms situation between the superpowers of the world.

Mr. BROOKE. And it is equally clear that the Senate of the United States has not only the authority but the responsibility to give to the President of the United States its counsel in matters which would affect a treaty which we ultimately would be called upon to ratify. And I might also add, for the satisfaction of the distinguished Senator from Tennessee, that the President, at a press conference when this resolution was originally introduced, said that he thought this resolution was most constructive, and I think I quote him correctly at that time. That resolution has been broadened. It was broadened by an amendment offered by the distinguished senior Senator from Kentucky (Mr. COOPER), and the Committee on Foreign Relations, under its distinguished chairman, the Senator from Arkansas (Mr. FULBRIGHT), held hearings on this matter. I think the resolution has been strengthened as well as broadened, and certainly it carries with it more than we had asked in the first instance, though it was implicit in that resolution. Nevertheless, it is spelled out, and I think it is of more value to the President in its form now than it was in its original form at the time he referred to it and characterized it as constructive.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts for yielding for this purpose, so that there might be, in my view, a significant clarification of the intendment and the import of this resolution.

I had not yet made up my mind as to how I will vote on this resolution. With this clarification, I intend to support it.

Mr. BROOKE. I thank the distinguished Senator from Tennessee and say to him that I am very grateful for the question, and even more grateful for his support of this resolution.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. DOLE. Let me commend the Senator from Massachusetts. As a cosponsor of the amended resolution, it is my understanding that President Nixon has indicated this would be a constructive step.

I also understand that it is the intention and purpose of the Senator from Massachusetts to strengthen the hand of the President and strengthen the hand of the negotiators. This is the primary purpose, as I read the resolution and the report and as I listen to the debate on the resolution. I believe it will strengthen their hand. There is no effort, as I read the resolution—and I will ask the Senator from Massachusetts to comment—to take away any power or right the President has or might have or a negotiator might have. Do I interpret that correctly?

Mr. BROOKE. The distinguished Senator from Kansas is absolutely correct. He is a very able and skillful lawyer, as I certainly well know, and I think he has read the resolution correctly.

Mr. DOLE. With reference to the amended version, which refers to an immediate proposal by the President that the Russians suspend deployment, does that have any effect, or what effect does it have, on testing now underway by Russia and by our country—if any?

Mr. BROOKE. If the Russians do not cease their testing and their deployment, the United States does not cease its testing and its deployment. Until such agreement is entered into by the Soviet Union and the United States, I presume it would be full steam ahead for both nations.

Mr. DOLE. I share the view expressed by the Senator from Tennessee that the President and the negotiators are pursuing this effort now. But in the interim period, as I understand, there will be no effort to reduce testing on our part. In other words, we are not going to relax and wait for Russia to respond. I understand we will continue to test, hoping every day and every hour that there will be some agreement. Is that correct?

Mr. BROOKE. That is correct. A resolution was proposed to the Senate which called for unilateral cessation, which meant that we would cease our testing and our deployment, and make the proposal, and then wait for the Soviet Union to accept or reject that proposal. But this resolution is not a unilateral proposal. It is a mutual proposal. It is a bilateral proposal. By this resolution, we are saying that nothing will be done in the interim period, as the Senator has pointed out, until such time as the Soviets accept the proposal.

Mr. DOLE. Again let me commend the Senator from Massachusetts. I certainly share his aspirations and hopes, and the hopes of the cosponsors, this will have some impact. It will be a signal. It will offer some hope not only for our country and Russia but also for all people of the world, and I support the resolution on that basis.

Mr. BROOKE. I am pleased to have the Senator as a cosponsor, and I thank him for his very important and pertinent questions.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. FULBRIGHT. Mr. President, I want to make a few observations about the resolution.

With regard to the recent exchange, it is my understanding that the proposal of the Senator from Massachusetts is that the President following the advice of the Senate, should propose to the Government of the Soviet Union an immediate suspension of the further deployment of strategic nuclear weapons. This is not proposed as the necessary ultimate goal. The point is to suspend all deployment now in order to enhance the probability of getting some agreement, some permanent agreement, at the talks in Vienna. This is not proposed as the ultimate goal of the talks at Vienna, but as a first measure that would insure, insofar as we can, the success of those talks. That is the way I interpret the resolution, and I believe the Senator from Massachusetts interprets it that way.

We have had great difficulty in making progress in negotiations, whether in Paris with regard to Southeast Asia, or with regard to the Middle East, or with the Russians. The preliminary talks at Helsinki were reasonably satisfactory. Everybody seemed to be pleased with their seriousness and with the way they were conducted. Both sides seemed to be pleased.

If I understand correctly, we are not saying that the ultimate goal of the talks at Vienna is necessarily to achieve a freeze. We are saying that now, at the beginning of the talks, the President should take the initiative by proposing that we freeze everything so that we will not have a destabilized situation or a shifting base on which to try to negotiate a final agreement.

I believe this is the meaning the Senator from Kentucky intended when he offered his amendment; and I thought the Senator from Massachusetts, if I understood the situation correctly, agreed with this interpretation of the objective of the resolution.

In a sense, the purpose of the resolution is to try to break the stalemate. We will not break it if we negotiate one little point and then another. In the meantime some other circumstances will have changed, and that would mean that you would have to renegotiate everything. I believe that is the purpose of the resolution, and I think it would be a useful purpose.

Action on the resolution was precipitated by the announcement by the Secretary of the Air Force—it was not the only reason, but it was one development that I think was important to the sponsors—that we are going to deploy MIRV warheads in June. It was believed—and I think correctly—that if MIRV deployment takes place in the midst of talks, everything else might be affected. At least, MIRV deployment gives some reason for doubt as to the sincerity of the negotiators. There is plenty of that already.

I quote from page 5 of the committee report on the resolutions:

> It would seem, therefore, both feasible and desirable to provide the strategic arms limitation talks with an opportunity to reach agreements without the additional problem of having to take into account a constantly shifting and asymmetrical situation with respect to strategic weapons. The committee believes that an immediate mutual suspension of further deployment of all strategic weapons systems would provide such an opportunity.

We stress that the suspension is "mutual." We are not expected to do anything they do not do, other than to take the initiative of making the proposal. We believe that the justification for our taking the initiative in making the proposal is that we have more weapons. We are the more powerful, in a general way, although there is rough parity between us in strategic nuclear weapons. We have a greater diversity of weapons and a greater number of the such secure weapons as the Polaris missiles which are launched from submarines. We get bogged down in all kinds of classifications in the numbers game. At any rate, we certainly are not inferior. I would say that we each have a sufficiency. The weight of the testimony, I think, would suggest that because of the larger number of Polaris-type submarines we have—and they are considered, generally speaking, to be the most secure of all weapons, the least subject to being destroyed—we have some responsibility, perhaps a little greater than their responsibility, to take the initiative in making the proposal. That is all that is contemplated that is not completely mutual.

Mr. STENNIS. Mr. President, is this a convenient place for the Senator to yield?

Mr. FULBRIGHT. I am always delighted to yield to the Senator from Mississippi, and honored that he would see fit to ask me a question.

Mr. STENNIS. The Senator will yield to me?

Mr. FULBRIGHT. Certainly.

Mr. STENNIS. Here is the proposition. Basically, I believe it is the prerogative and the responsibility of the President to conduct these talks as he sees fit and and in the best way he can, without any interference—I am sure that this resolution is not designed to interfere—without any distracting entanglements that might come from some other branch of the Government.

I know the high purpose here and the desire, as it has been said, to help the President, even though, I say, I think we could help him more by giving him counsel.

But I want to know this: The Senator has already said, as I understand it, that he proposes in the resolution only a mutual undertaking——

Mr. FULBRIGHT. Correct.

Mr. STENNIS. And nothing unilateral——

Mr. FULBRIGHT. Correct.

Mr. STENNIS. Nothing unilateral that we should do. We are not saying we will do anything on a unilateral basis.

Mr. FULBRIGHT. An immediate suspension by the United States and by the Soviet Union. That is mutuality, it seems to me.

Mr. STENNIS. It seems to me it is clear there.

Mr. FULBRIGHT. Very clear.

Mr. STENNIS. Here is my question further: I personally think that the negotiations will have to go on a long time, that the basic, fundamental, major point to be decided is the matter of inspections, or some kind of surveillance satisfactory to both sides. In the meantime, we will have appropriation bills coming up here on the military program. Suppose the Senate passes this resolution as the sense of the Senate, which it is, and they are not able to work out any mutuality on the points within the next several months that we will be passing on these appropriation bills. I am sure that the Senator does not mean for the Senate to be precluded, by passage of this resolution, from supporting—each Senator being free to support——

Mr. FULBRIGHT. The Senator is quite right.

Mr. STENNIS. Appropriations for the necessary carrying out of military programs, does he?

Mr. FULBRIGHT. The Senator is absolutely correct. This resolution does not

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have any direct relation to those appropriations. Each proposal must stand on its own merits——

Mr. STENNIS. Correct.

Mr. FULBRIGHT. Regardless of this resolution. If we bring forward a weapons system that would do violence to a mutual moratorium, but if the moratorium has not been approved, the weapons system stands on its own. But if a mutual moratorium is approved and accepted by the Russian Government, and our own, of course the appropriations would not do violence to the ban on deployment. We could still appropriate the money.

Mr. STENNIS. I am sure the Senator understands what I am getting at, that is, if there is a lack of mutuality in the SALT talks on deployment, a Senator or the Senate would not be precluded from passing on appropriation bills on the merits. I think that would be a grave situation we could get into.

Mr. FULBRIGHT. I think that it would be, but I do not believe the Senator should be worried that anyone who votes for this resolution would feel morally or legally bound not to support an ABM, for example. The ABM will have to stand on its own feet. We will have to defend it on its own merits without prejudice to the vote. I would not feel bound at all.

Mr. STENNIS. I was thinking of MIRV.

Mr. FULBRIGHT. I do not think this resolution—unless the mutual suspension has been agreed to. If that happens, then I would assume that deployment would be suspended; but again, as far as appropriations are concerned, if for any reason we want to hold the money there and consider changing the system. But hard up as we are, I do not think we would want to do that.

Mr. STENNIS. If there has been an actual finality on a mutual agreement, I think it would be held as a suspension and we should not proceed in a positive way.

Mr. FULBRIGHT. The Senator from Mississippi made one remark earlier in his statement that, to me, was not clear. There was a slight intimation that he thought the resolution might be presumptuous on the part of the Senate, that it was not called for, and we were seeking to interfere with the President's legitimate constitutional authority. I do not accept that at all. I think the Senate clearly has a constitutional responsibility, whenever it sees fit to give its advice on matters of this consequence, because we are faced with a continuation of the arms race which threatens to break the country. It is a very important matter. So, in this resolution we are doing it, we are giving our advice. The Constitution does not say the President will be left alone without any advice. It says the opposite.

I am a strict constructionist, if I may use that word to the Senator from Mississippi. I believe in following the Constitution. This resolution follows the Constitution. It is in performance of the responsibility of the Senate to give advice to the President on matters of the greatest importance. I do not know of anything much more important than the arms race which is what is involved in this resolution. It is costing the country enormous sums of money, and is diverting money from the development of the country and the solution of so many of our domestic problems.

Thus, I do not think anyone should be deterred from voting for this resolution on the ground that it is presumptuous to offer advice to the President. The President is getting advice almost every day, and he should get it.

I hope he has an open mind, not only as to our resolution, but as to what other people think.

Mr. STENNIS. I just have one sentence on that subject I should like to state, if the Senator will yield.

Mr. FULBRIGHT. Yes, I yield.

Mr. STENNIS. Then I will be through. I was not meaning to be critical of the committee for having the resolution, or critical of anyone for introducing it. But I do think that, right here, on the very eve of the opening of these talks, when it is an Executive responsibility to plan and carry out the best he can the most difficult task, perhaps, that a President has, I think that, right on the eve of those settings, we should defer to the President. That is my idea of the constitutional prerogatives and the responsibility that he has. But, of course, that is a matter of interpretation and an idea that I have.

Mr. FULBRIGHT. Do I understand the question clearly, then, that the Senator thinks we should refrain from giving advice such as this?

Mr. STENNIS. Well, not under all circumstances.

Mr. FULBRIGHT. Under present circumstances?

Mr. STENNIS. Yes. Yes, I really do.

Mr. FULBRIGHT. Mr. President (Mr. SAXBE), under present circumstances, we should refrain? That is what I was not clear about. I regret that. I very much disagree with the Senator from Mississippi.

As a matter of fact, on yesterday—and I say this without respect to the merits of the question—I thought in acting as we did in rejecting the idea that this body, the Senate, does not have a constitutional responsibility to give advice, whether it be regarding foreign relations as in this matter, or on nominations to the Supreme Court of the United States, I think that what the Senate did yesterday made the Senate a significant body again.

I am bound to say that in the last administration, because of very unusual circumstances, I think the Senate was largely subverted, that we became subservient to the Executive to a degree far beyond what I think the Constitution contemplated. Yesterday was a very fine demonstration, I think, of senatorial independence of mind, regardless of the rightness of the decision. At least, the Senate exercised the power given to it by the Constitution, the power which had almost been subverted; at least we had not exercised it at all. I complained myself, in the previous administration, on the way Members of this body and the other body were taken to the White House, briefed on a subject of the highest importance, and then polled as to whether we agreed or did not agree, before we had any hearings. We were more or less made to commit ourselves on the spot. I call that a serious blow to the senatorial process. I think it was a bad thing for the country. I think that was one of the reason, we fell on hard times. The Senate, in passing the commitments resolution, in attempting to reassert its part in making commitments that involved commitments of manpower and great amounts of money, is now asserting its right to pass upon the fitness of nominees, and is again a respectable body. Every Member of the Senate should be proud to be a Senator. I was very proud to be a Member of this body, much more than before because I now think that the Senate is in a position to assert its rightful constitutional position in our Government.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I do not accept the idea that we have no business giving advice. If the President comes back from Vienna with an agreement, we will have to approve it. I think we have a right to do this.

Mr. STENNIS. Mr. President, if the Senator will yield at that point, the illustration he stated, with all due deference, is on such a different subject matter and with such a different purpose in mind that it does not seem to be analogous.

Mr. President, I think that if negotiators go over there now, the President would be bound by this resolution. They would have in their minds the fact that the Senate passed this resolution and it is the only thing available or that we have more interest in this than in anything else.

I think we ought to stay out of it, particularly at this time.

Mr. FULBRIGHT. Mr. President, the Senator thinks it is a wise thing to promote these talks, does he not?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Mr. President, I may say that the administration has not asked us to refrain from acting on this resolution at this time. The administration considers that this is a matter for the Senate itself to decide. It neither undertakes to raise objections or to promote it.

There may be individuals who feel that we should not act upon it at this time. But it is simply an expression of the sense of the Senate, as I understand it, and an offer to support the administration on these proposals.

Mr. FULBRIGHT. The Senator is correct.

Mr. AIKEN. And I am sure that the administration does not object to our acting upon it.

Mr. FULBRIGHT. Mr. President, I think the Senator is quite right. Of course, the Senator told me that before, and that is the reason I believe it.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BROOKE. Mr. President, I certainly would have liked to see the distinguished chairman of the Armed Services Committee support the resolution. I think it is a resolution that he mght very well be able to support.

I jotted down three points which I think might be helpful to the distinguished chairman of the Armed Services Committee in addition to the point so very clearly made by the very distinguished chairman of the Foreign Relations Committee.

Point No. 1 is that MRV is defined in the legislative history as including any system able to strike more than one target. The SS–9 technology is specifically covered by the resolution.

Second, the President does have clear authority to define the duration of any such mutual suspension and to determine verification requirements for maintaining it.

Third, the resolution does not require reliance only on national intelligence for verification since it makes clear that the President can specify "such other measures of observation and inspection as may be appropriate."

I further point out that the President has referred to the resolution in its original form as a very constructive resolution.

I should hope that the distinguished Senator from Mississippi might find it possible to support the resolution.

Mr. FULBRIGHT. Mr. President, I join in saying that I regret that the Senator from Mississippi does not support the resolution.

The report of the committee states:

> The committee recognizes that Senate Resolution 211 is in the nature of advice to the President which he is free to accept or reject. The committee believes, however, that the resolution expresses a growing recognition by the American people that no effort must be spared to bring to an end the escalating cycle of the deployment of nuclear weapons systems.

That is all it is. I think that is a lot. And I think that the President would be very ill-advised, assuming the resolution is agreed to by the Senate, not to follow it. Of course, he would be within his rights if he were not to follow it. But it would be very unwise because, if passed, the resolution would express the collective judgment of the Senate which is entitled to respect when one views the events of the last several years.

I would hope the Senator from Mississippi would reconsider.

I realize that there are perfectly honest and honorable men who do not believe that any kind of agreement with the Russians or with any Communist is worthwhile. Such people make speeches. And there are quite a number of them. They have concluded that as a result of disappointments in the past, the Russians are unreliable and that we should not make any agreement with them.

There are people who express this view.

This resolution is a means for the Senate, in which there are representatives of all 50 States, to express its views—and on this not unimportant matter—in a way that reflects the views of a great majority of the people of the country who are paying the bill for the arms race.

The cost is so enormous that it is hard to calculate not only the immediate cost, but also the costs resulting from escalation of the arms race.

In connection with our consideration of Senate Resolution 211, I would like to call attention to a pamphlet published earlier this year. The pamphlet will not be mentioned in book reviews, sold on newsstands, handed out in supermarkets, or mailed to lists of subscribers. In fact, it will probably not be read by more than a few thousand people at most. That is a pity, for it deals with a subject of the utmost importance, and its message is grave and alarming. The pamphlet is entitled "World Military Expenditures 1969." It is published by the U.S. Arms Control and Disarmament Agency.

In his introduction to the pamphlet, the Director of the Agency states that the rise in military spending is continuing, although it is less sharp. He then comments: "The world remains the poorer for it."

The world is indeed the poorer because of the continued rise in military spending. The pamphlet tells us that in 1969 world military spending reached a record $200 billion, an increase of 34 percent since 1964, and that in the last 6 years more than $1 trillion has been spent for arms and armed forces. This sum exceeds the value of all the goods and services produced in the United States in the past year. It represents more than 2 years' income for the world's 93 developing countries in which over 2½ billion people live. The world's military budget for the past 6 years has taken as much public money as was spent by all governments on all forms of public education and health care. And more of this money for military purposes was spent by the United States than by any other country. Specifically, of the $200 billion estimated to have been spent for arms and armed forces in 1969, expenditures by the United States were estimated at $82 billion, and expenditures by the Soviet Union, with the second largest military budget, at $56 billion.

These are the figures of our own Arms Control and Disarmament Agency.

The enormous amounts of money which the United States and the Soviet Union have spent reflect the high cost of defense in an age of nuclear weapons. The Poseidon missile, for example, will cost a total of $5.5 billion according to the Department of Defense, but Senator Proxmire believes that the eventual cost may be double that estimate. Minuteman II will cost about $4.25 billion and Minuteman III another $4.25 billion. The Advanced Manned Strategic Aircraft will cost $8.8 billion according to the Defense Department, but other estimates have ranged from $11 to $23 billion. Estimates of the cost of the Safeguard system go as high as $50 billion.

While on the subject of costs, may I point out that in fiscal year 1971, the total Federal budget will be $154.9 billion. Of this amount, 47.5 percent, or an estimated $73.6 billion, will go for national defense. And of that $73.6 billion, an estimated $7.9 billion will go for strategic forces.

Mr. President, we are dealing here with an area of the greatest importance. Yesterday we heard an extremely important statement by McGeorge Bundy, who formerly was Assistant to the President for National Security Affairs, the predecessor of Dr. Kissinger in the White House. I ask unanimous consent to have his statement printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF McGEORGE BUNDY

Mr. Chairman and Members of the Subcommittee, I am happy to accept your invitation to testify on the arms race, and I am particularly happy to appear in company with Dr. York. I would like to associate myself strongly with his basic argument.

My broad view of the arms race was stated last October in an article in Foreign Affairs. and to save the time of the Committee I would like, with your permission, to offer that article for the record instead of repeating it. Its principal conclusion was simply that the strategic arms race between the United States and the Soviet Union has gone too far, threatens to go further, and should be stopped by an early agreement between these two great powers. Since then SALT has begun in a businesslike way, and our Government is now considering what its position will be as the talks resume in Vienna next week.

My own strong belief is that the best next step for the United States in this field is to follow the course proposed in Senate Resolution 211. That Resolution first states the sense of the Senate that prompt negotiations be urgently pursued between the two great powers, and on this point I think there is little or no disagreement among Americans. The second part of the Resolution expresses the sense of the Senate that we should now propose an immediate suspension by both sides "of further deployment of all offensive and defensive nuclear strategic weapons systems." An excellent basic argument in favor of this Resolution is developed in the report submitted by Senator Fulbright, and I will not waste your time by repeating it. Let me rather offer ten brief comments on the significance of your Committee's position.

1. I assume that in passing Senate Resolution 211, the Senate will be urging the President to propose to the Soviet Union the mutual suspension of these deployments for some reasonable term during which further progress could be made toward a definite agreement. There are some who suppose that the word "moratorium" implies a form of permanent self-entanglement, but as I understand it no such self-entanglement is either necessary or intended.

2. I strongly support the statement in the Committee Report that an agreed suspension of deployment of strategic systems will necessarily imply a suspension also of tests—as well as deployment—of such emerging systems as MIRV. The Committee Report makes the correct connection between the Soviet SS–9 and the American MIRV. This connection goes both ways. Just as the Soviets must limit SS–9 if they wish to stop MIRV, so I believe that if we are to get any early limit on SS–9 deployment, we ourselves must place MIRV on the bargaining table.

3. I believe that there will not be much progress in SALT until the United States Government is prepared to make a specific proposal. I think the odds are heavy that it will prove wise and right for us to move first. The Committee has heard the sensitive and perceptive testimony of Professor Marshall Shulman on Soviet attitudes towards arms negotiation. I share his view that Soviet wariness is at least equal to our own. Our experience, understanding and present strength make it right for us to take the initiative.

4. Specifically, I believe that as a part of any proposal for an agreed moratorium the United States should take a first step by announcing a suspension of its own deployment of ABM and MIRV for a limited time. Such

a time could and should be relatively brief, and its extension could and should depend upon the promptness and seriousness of Soviet response. There might be some marginal inconvenience for our defense organization in such a suspension, and our already overwhelming strategic war plans might need marginal revision if specific planned deployments are delayed—but there is no real or present danger in such a limited suspension, and if we want results in SALT, we should try it. How long such a trial should be, and precisely what it should include, are matters I do not attempt to cover, since it would be unwise for a private citizen to try to define the exact length and direction of any first step. My point is simply that we should begin by an action as well as a proposal.

5. This belief rests not on any sentimental notion that we must be more virtuous than the Russians, but rather upon the deep conviction that effective limitation and reduction of the strategic arms race is an objective deeply in our own national interest as well as the interest of all mankind. It is wholly false to suppose that the national security is always served by adding strategic weapons and never by their limitation. In the world of the 1970s the truth is more nearly the opposite. We have more than enough strategic weapons today. The addition of new systems which will inevitably produce further Soviet systems is not the road to safety for anyone in any country.

6. In particular we should be on guard against the notion that it is useful to press the development or deployment of any given weapons system because of its value as a bargaining-counter for SALT. It is quite true that if we get nowhere in SALT and if Soviet strategic expansion continues, we shall have to take careful stock of our own needs. But there is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT. There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon-lovers by pressing our own deployments relentlessly throughout the talks.

7. In moving toward effective limitation of the arms race, we shall need to be alert and skeptical against distractions and diversions from those whose special interests may be threatened. The history of arms negotiation includes many examples of efforts by the partisans of particular weapons systems to prevent any agreement at all. During the negotiations before the Limited Test Ban Treaty, for example, it was suggested that the Soviets might obtain some decisive advantage by secret nuclear tests conducted behind the sun or by the construction of underground holes so big that the very existence of a test could not be detected. These arguments now rest properly in the dustbin of dead fantasy. But now new dangers are depicted in the effort to justify a refusal to limit or delay our own new weapons systems. Such arguments should be subjected to most meticulous and skeptical analysis, and in such study the role of the Congress is of high importance.

8. There is a particular danger in the uncritical acceptance of doctrines of strategic superiority—or even sufficiency—which may be used by zealous men in support of their own preferred weapons. This is as true of the Eisenhower Administration's belief in "prevailing" in a general war as it is of later doctrines of "assured destruction" and "damage limitation." All of these forms of words can be used to justify excessive expenditure on unnecessary strategic systems. At present there are four new criteria of strategic sufficiency, but the Administration has not told us what they are. According to press reports, these criteria include "assured destruction," "hostage equality," "crisis stability" and "third country protection." If the Administration and the Congress are not alert and watchful, criteria like these can be protective umbrellas for unchecked strategic expansionism. They can also be roadblocks in the way of arms limitation. They deserve public discussion. My own conviction is that the realities of strategic nuclear weapons are not subject to control by such verbal formulae. In the language of Justice Holmes, I believe that criteria like these tend to be spiders' webs inadequate to control the dominant facts.

9. The main proposition which we need to understand in order to limit the dangers of the nuclear age is that enough is enough. The Soviet Union and the United States have long since reached and passed that point. Each is now able to do totally unacceptable damage to the other, no matter how a nuclear catastrophe begins. Sane political leaders on both sides know this reality for what it is. It is of course possible that some still unknown technological development might genuinely disrupt this fundamental parity, but there is no evidence whatever that any such development is likely in the present decade. So we have enough, and more than enough, and we are on the edge of a most unstabilizing and dangerous escalation. Now is the time to stop.

10. The Committee Report recognizes what I would like to emphasize in closing: that while citizens can comment and the Senate can advise, only the President can decide. It will take negotiation to reach agreement, and the official position of the Government of the United States can be stated to the Soviet Union only by our President and his authorized agents. The President must choose the timing and the shape of any initiative he takes; in the end his leadership is what will decide. As he considers the possible choices and deliberates on decisions which have not yet been made, the President is entitled to the thoughtful advice of the Senate, and in this field, where the weight of bueaucratic influence has historically been heavily on the side of *arms* as against arms *control*, such advice can be of particular value to him. The easy course is always to avoid decisions; politically the argument of weapons is easy, and the argument for acts of restraint is hard. A President who wants to take the lead needs all the help he can get. The Senate can give such help, and in this situation it is obviously the duty of citizens to respond to the Senate's request for their honest views. I have stated mine, and I will be glad to try to answer your questions.

Mr. FULBRIGHT. Mr. President, I wish to read a sentence which appears on the first page of the statement by Mr. Bundy:

> My strong belief is that the best next step for the United States in this field is to follow the course proposed in Senate resolution 211.

On page 2 of the statement, he states:

> There are some who suppose that the word "moratorium" implies a form of permanent self-entanglement, but as I understand it no such self-entanglement is either necessary or intended. . . .
>
> Just as the Soviets must limit SS–9 if they wish to stop MIRV, so I believe that if we are to get any early limit on SS–9 deployment, we ourselves must place MIRV on the bargaining table.
>
> 3. I believe that there will not be much progress in SALT until the United States Government is prepared to make a specific proposal. I think the odds are heavy that it will prove wise and right for us to move first. The Committee has heard the sensitive and perceptive testimony of Professor Marshall Shulman on Soviet attitudes towards arms negotiation. I share his view that Soviet wariness is at least equal to our own. Our experience, understanding and present strength make it right for us to take the initiative.

I wish to stress that last sentence. I think that is the heart of the justification for this resolution. It is our responsibility to take this initiative. The statement continues:

> Effective limitation and reduction of the strategic arms race is an objective deeply in our own national interest as well as the interest of all mankind. It is wholly false to suppose that the national security is always served by adding strategic weapons and never by their limitation. In the world of the 1970s the truth is more nearly the opposite. We have more than enough strategic weapons today. The addition of new systems which will inevitably produce further Soviet systems is not the road to safety for anyone in any country.
>
> 6. In particular we should be on guard against the notion that it is useful to press the development or deployment of any given weapons system because of its value as a bargaining-counter for SALT. It is quite true that if we went nowhere in SALT and if Soviet strategic expansion continues, we shall have to take careful stock of our own needs. But there is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT. There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon-lovers by pressing our own deployments relentlessly throughout the talks.
>
> 7. In moving toward effective limitation of the arms race, we shall need to be alert and skeptical against distractions and diversions from those whose special interests may be threatened.

I submit that is a very perceptive statement.

Mr. President, I ask unanimous consent that a statement by Marshall D. Shulman, director, Russian Institute, Columbia University, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MARSHALL D. SHULMAN

The Soviet Union and the United States have a common enemy—the strategic arms race. Can anyone doubt the proposition that both countries would be better off, and more secure, if the strategic balance could be maintained at lower levels? And yet, the upward spiral continues, independent of will or reason. The problem is: where and how to initiate the process of checking and then reversing this upward spiral?

The answer is full of technical complexities, but it is fundamentally a political problem. If the will exists to reverse the present senseless trend, ways can be found to solve the technical obstacles. If the will does not exist, or is not strong enough, any technical rationalization will suffice as an epitaph.

It is not a question of trust: the level of mistrust is too high in both directions for that. The real question is whether enough reasonable men on each side can be brought to recognize and act upon their own rational self-interest.

The present moment offers a singular opportunity. Usually in the past, when one country has been ready to be serious about arms limitations, the other has been building up its arsenal; the moment passes, and the roles are reversed. Now, however, there is an unusual combination of circumstances: previous disparities have been greatly reduced; each side has more than enough weapons to deter the other; each side is under pressure to use its resources in more constructive ways; and we stand poised fleetingly before the entranceway to a new era in military technology—an era whose costs, tensions and instabilities would reduce the security of both sides. In the course of the next thirty days, decisions will be made in Washington and Moscow that will determine whether the present opportunity will be explored to its utmost by men of common sense.

It is necessary to bring as much insight as we can into the circumstances in which these issues are being decided in the Soviet Union. Although there is much that we do not know about the process of decision-making in the Soviet system, we have been learning to appreciate the complex interplay of interests and pressures at work in the Soviet Union today. Like many industrialized countries, including our own, the Soviet Union is experiencing an increase in social tension resulting from the paradoxical rise in pressures for change and, at the same time, in strong conservative resistance to change.

As a result, there are contradictory tendencies to be observed in Soviet political life today. There are those who are concerned about the declining growth rate and the lag in advanced industrial technology, who are seeking to clear away archaic and cumbersome impedances to progress and to adapt the system to modern requirements. Among these men are to be found those who most keenly appreciate the incubus of the arms race upon Soviet economic progress. But there is also to be observed a backlash tendency of ultraconservatism, from those who fear that reform and adaptation will threaten the role of the Communist Party bureaucracy. They are responsible for an upsurge of dogmatic ideology reminiscent of the past; they are engaged in a campaign for orthodox conformity, for an extirpation of alien influence. Their answer to economic and social problems is the old tried and true method of exhortation and coercion, and this leads them to form political alliances with the military and with the police.

The top political leadership seeks to preserve its collegial unity at all costs, and to conciliate the contradictory pressures that bear upon it. The cost of this effort to maintain a consensus government has been an incapacity to act decisively to resolve major problems. Decisions are waiting to be made for the XXIV Congress of the Communist Party of the Soviet Union and the new five-year plan for the economy, both involving fundamental economic and political issues. Serious concern about turbulence in Eastern Europe and even more so about relations with Communist China are major complications intertwined with the domestic problems facing Soviet leadership.

It would be vain to try to prophesy the outcome of these decisions, or to guess whether the system will find the vitality and the flexibility necessary to cope with its complex problems. But it is important to appreciate how deeply this interplay of conflicting forces and pressures affects Soviet-American relations, and also how much it is affected by what we do and say. Clearly the conflicting pressures of modernization and regression toward dogmatic orthodoxy create uncertainties and set limits on what the leadership can do. It is also evident that many of our old stereotypes about "*the* Russians" have little applicability, whether the wishful stereotype of Western-style liberalization or the simple stereotype of Stalinist total control.

Obviously, the complex currents of Soviet politics affect decisions about SALT above all, since these concern vital questions of security, relations with the Soviet Union's foremost adversary, and the allocation of resources as between military and industrial interests. The decision to enter into SALT was hard-fought over a long period of time, and those who argue for entering into talks with the United States have always at their backs powerful ideologies who voice their suspicious of American intentions, and who fear the operational problems of preserving the muscularity of the Communist movement during periods of reduced tension with the United States. With the Chinese charging "collusion with the imperialists," the military reacting neuralgicly to every word and act of *our* military, and the Party dogmatists hammering away at the inequities of "American imperialism," it would be surprising if the Soviet leadership did not show reserve and hesitation in their negotiations with the United States.

There are in addition a number of other circumstances which also peculiarly affect Soviet decision-making in regard to SALT. Unlike the United States, the Soviet Union does not have people circulating in and out of government who can serve, while they are out of government, as an independent and knowledgeable lobby on arms control questions, nor does it have scientists who circulate in and out of defense responsibilities who can contribute critical technical experience to the public discussion of these issues. Unlike the United States, the Soviet Union has not had a great contribution to strategic military theory in the nuclear age from civilians; its discussions of these matters are conducted in professional military journals, many of which have limited circulation?

In the compartmentalization of Soviet life, there is not much lateral transfer of information about military technology, particularly because of the extreme secrecy in which all military affairs are held. The consequence is that there has not been in the Soviet Union the kind of broad educational experience, involving the interplay of scientific, military and political factors involved in arms control questions, which this country has had, for example as the result of the ABM debates.

If we consider how long it takes for the ramifications of new weapons systems to sink into our consciousness, we must also allow for the learning time required for these ramifications to be absorbed by the Soviet political leadership and its staff. This process has something to do with the lags in reaction time which have characterized action-reaction cycle between the two governments.

It takes time for such concepts as the stability and instability of various new weapons systems to be diffused back and forth across the ocean, and to enter into personal and bureaucratic habits of thinking. We therefore have to allow for the incubation period of new ideas, if the negotiations are to have some chance of success.

One other factor affecting Soviet attitudes toward SALT and which sometimes gives rise to misinterpretation is the distinctive Soviet approach to negotiations and bargaining. It has often been the case that the Soviet Union will take elaborate pains to conceal its anxieties, for fear that it may confer a bargaining advantage upon its adversary. When, after a long delay, the Soviet Union reached a decision to enter into the SALT negotiations, its representatives pressed the United States on every occasion for an immediate response. This led to an interpretation abroad that the Soviet Union needed an easement of the burden of armaments more than the United States did, and that the United States could exact a political price for entering into the negotiations. The Soviet representatives thereupon received instructions to "play it cool," which they did with such elaborate casualness that many observers concluded the Soviet Union had lost all interest in the negotiations.

It will be recalled that when Stalin was first publicly informed by President Truman of the successful atomic explosion at Alamagordo, he reacted with such elaborate indifference as to lead many Western observers to conclude that he failed to appreciate the significance of the event.

In retrospect, it became clear that he was anxious not to give an impression of Soviet concern lest the United States be encouraged to take diplomatic advantage of its lead. Many years later, it appeared to many observers that the Soviet Union had become reconciled to its status of strategic inferiority, because so little value was given to it in public. But it is now clear that the Soviet leaders felt a deep concern, and particularly after the rapid American build-up of the 1961–65 period, did everything possible to overcome the American lead, with consequences that we are now witnessing. Because of the time lag, however, the Soviet build-up was not seen as part of a process of interaction.

These general principles can be illustrated specifically in considering some prevailing assumptions about Soviet attitudes toward the MIRV issue. It has been widely argued here that the Soviet Union is indifferent to MIRV because its representatives did not show concern when the matter was raised at Helsinki. But there has been no indication that the question was clearly put by the United States, and it should not be surprising that the Soviet Union was not prepared to raise the issue, perhaps out of fear that its show of concern would confer a bargaining advantage upon the United States.

In unofficial discussions in the Soviet Union last October with Soviet defense scientists and officials, it was clear to the American participants that the complex ramifications of MIRV were beginning to be studied with lively interest in the Soviet Union, and that a learning process was at work. It may be that the incubation period has now passed, for there have been many indications that at least some in the Soviet Union fully appreciate what the consequences of MIRV deployments will be for both sides, and are as concerned about MIRV as they are about the deployment of anti-ballistic missiles. It would be a mistake for us to conclude that a proposal for a ban on the testing and deploy of MIRV would be automatically rejected by the Soviet Union. It might be, if those in the Soviet Union who want to push ahead until they have reached our level of experience with MIRV testing prevail. But if the learning process has reached the point at which the Soviet leadership recognizes how costly this delay would be for them as well as for us, it is possible that the mutual advantages of heading off MIRV deployments will be seriously considered.

One conclusion affecting our own policy which follows from these observations of the Soviet situation is that a clear signal of United States' intentions regarding SALT is needed. A question often asked of Americans in Moscow is whether the U.S. Administration is serious about the negotiations. There have been a number of articles in the Soviet press in recent days—in *Pravda* on March 7th, *Izvestia* on the 13th and *Red Star* on the 14th—which are at least in part intended to influence the American discussion of these matters, but which also reflect the extent to which the uncertainty regarding American intentions toward SALT are involved in the intramural debates in Moscow. More specifically, the articles pose two questions: Whether the U.S. is now prepared to accept as a basis for negotiations a condition of approximate parity in strategic capabilities? Or whether those spokesmen who urge an intensified effort to gain a relative strategic

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advantage over the Soviet Union before and during the talks represent the Administration position?

Meanwhile, of course, the Soviet Union has continued to enlarge its strategic arsenal at an impressive pace. Perhaps it should not be surprising that as the two nations approach negotiations, they should each try to improve their bargaining position by improving their strategic capabilities. But wise men should recognize that unless this is stopped, there will be nothing significant left to negotiate.

This brings us directly to Senate Resolution 211. The essential question we must ask ourselves is this: Would our security be better served if both countries had MIRV capabilities, or if neither country did? It is not likely that we could preserve a unilateral advantage with this weapon for very long. The answer seems clear that if we both move into the MIRV era, we shall both be obliged, certainly by the time the second generation of MIRVs makes its appearance, to enter upon a huge restructuring of our strategic forces to protect ourselves from the vulnerabilities to which MIRV will subject us. In time, several years and many billions of dollars later, we would doubtless reach a new equilibrium, but neither country will be more secure than it is now, and the costs, tensions and instability may be very great.

It would therefore seem urgently desirable, in our own security interests, to try as strongly and as sincerely as we can to stop the present movement toward MIRV deployments. This points toward the wisdom of a proposal from the President of the United States to the Soviet Union at the earliest possible moment for a 24-month agreed moratorium including the following elements:

1. a ban on flight testing and deployment of MIRV's;

2. a hold at presently projected levels of ABM deployments, including and most importantly supporting radar installations;

3. a hold at present levels of land-based fixed-site ICBMs—which includes no new digging of silo emplacements for SS–9s;

4. an agreed limitation on flight tests of all delivery vehicles to some moderate number, with the understanding that all tests would be conducted only in preannounced areas where they can be observed by national means of monitoring.

If this proposal were to have any chance of acceptance, it would be essential that the United States exercise restraint in the immediate future in regard to the early deployment of Minuteman 3 or a MIRV Poseidon. The recently announced plan to deploy the first Minuteman 3 by June, with a rather slow rate of deployment for the balance of the year, would not improve our capabilities significantly, and would only serve to forestall any possible negotiations about MIRV. The plan also suffers from the logical defect that if we fail to hold the line on MIRV, Minuteman seems destined for obsolescence in the foreseeable future.

A number of objections have been raised to a moratorium proposal along these lines: It is too late to stop MIRV. It is too difficult to agree what should be included in the prohibition. We need MIRV capabilities for our strategic arsenal. We would be losing a bargaining advantage if we did not proceed with MIRV and Safeguard Phase II. It would be difficult to resume our programs at the end of the moratorium period even if the conditions were not fulfilled. These are serious objections, and they deserve to be examined carefully.

Perhaps the most difficult objection is the feeling that it is too late. It is more difficult to reverse our course of thinking than it is to give in to the inertial force of ongoing events. But unless it is more important to fulfill our presently programmed weapons plans than it is to get an agreement to forestall MIRV deployments, this fatalistic argument is no more persuasive now than it was when it was first advanced in Washington a year and a half ago.

The difficulty of defining what is to be included and excluded in the agreement is a real one; should the prohibition include MIRV components tested singly, and if so would we be able to verify compliance with the prohibition? Should the prohibition extend to MRVs as well as MIRVs? The best judgments seem to be that these are real but disproportionment objections. Whichever way these problems of definition are worked out in the negotiations, it is not reasonable to fear that our security would be seriously compromised within the 24-month period of the moratorium, even under the worst assumptions that can be made.

The argument that we need MIRV has at various times rested upon three rationales. The first is that we need more warheads to cover our present target obligations. This would be a persuasive argument only if we decided to depart from a deterrent posture; it is clear that retaliatory damage to the adversary does not greatly increase if numbers of delivered warheads are increased much beyond 1,000—or, indeed, above 500. There is no limit to what we could include in our target requirements if this is allowed to run free. A second rationale is that we need MIRV as a penetration aid, particularly if Soviet ABMs should be increased, and if the Soviet Union should upgrade its present surface-to-air missile air defense to ABM-level capabilities. This argument neglects the disparity in time required between ABMs and MIRVs. We know from our own Safeguard plans that at least seven to eight years are required to install an ABM system, whereas a MIRV capability can be created in three or four years. The critical point about the upgrading of SAMs would be the supporting radars rather than the interceptors, which might indeed be done under concealment. But if phased-array radars made their appearance, these could not be as easily concealed, and the disparity in lead times would still leave us a reasonable margin of safety. The third rationale has been the need for MIRVs as hard target killers, and here it is most evident that the development of MIRVs capable of destroying adversary missiles would be destabilizing and therefore undesirable, since it would create understandable apprehensions on the Soviet side about our intentions, particularly if it were accompanied by an expansion of our ABM capabilities.

The argument that we should proceed with MIRV, and also with Safeguard Phase II, in order to have a bargaining counter in our hand is short-sighted. To enter upon these programs in order to have something to bargain with, or in order to apply pressure upon the Russians, is likely to have an effect opposite to what is intended. The logical Soviet reaction to such actions would be to question our real intentions, and to redouble their own military efforts. If SALT proceeds over a long period, as it may do, and if both sides argue the need for continuing their build-up to improve their bargaining advantage, the effect of the SALT negotiations will be to leave us both worse off than if they had never been begun. Negotiating about strategic weapons is not entirely like a poker game—both sides can lose.

Finally, it is true that it may be politically difficult to resume our strategic programs at the end of a 24-month moratorium period, even if we have not been able to negotiate in the meantime a larger and more lasting arms control agreement, but the risk is by no means equal to the risk we run in letting present events take their course, and it must be left to our best judgment at the end of the moratorium period whether our security interests do or do not require a resumption of efforts to build MIRV and additional ABM systems under the conditions that then prevail.

Hopefully, it might be possible during the 24-months to work out the complex requirements for a freeze on strategic capabilities, and perhaps even to move toward some reductions. Without the moratorium, however, time would work against the possibility of any such agreements.

The moratorium proposal, and the SALT neogtiations generally, have an important place in the framework of a larger conception of our long-term relations with the Soviet Union. Given the present internal political conditions in the Soviet Union described earlier, it does not seem likely that an easement of political rivalry between the two countries can be expected in the near future. But progress in SALT, or toward a moratorium on MIRV testing does not require a detente, since the mutual interest in damping down the strategic arms race exists whether tensions in other fields are high or low. There is a tendency current now in the Soviet Union to link progress in SALT with our policy toward China; and a tendency in this country to tie SALT to Soviet restraint in the Middle East or some other problem.

This would represent a serious error of judgment in either direction, for our security interest in the success of SALT is not and should not be made dependent upon other problems, and this is equally true for the Soviet Union. However, if the SALT negotiations prove to be successful over a period of time, it is possible that the level of tension may be reduced sufficiently to open the way to an improvement in our relations with the Soviet Union. This is best viewed as a series of stages over a fairly long timespan. SALT is the major business of the present stage. If it is successful, it may open the way to an intermediate stage whose main business would be to introduce some restraints into our deepseated political rivalry. This would in turn open up possibilities for more substantial cooperation, involving trade and technology, and hopefully common action through the United Nations in peace-keeping arrangements, economic development, and environmental problems.

This longer-term perspective would, however, be extremely remote if we have not succeeded in the months immediately before us in leveling off the strategic arms race, beginning with MIRV. And this will not be possible without vigorous action on the part of those who perceive that at this moment and on this subject the rational self-interest of the United States and the Soviet Union meet.

Mr. FULBRIGHT. Mr. President, last I want to comment on the apparent diversity about the treatment of a subject in an article in the New York Times yesterday. The article was about the report of the General Advisory Committee on Disarmament appointed by the President. In the first paragraph, the article states:

> A prestigious administration advisory committee has recommended that the United States propose to the Soviet Union an immediate moratorium on further development of strategic weapons when the talks on control of arms resume in Vienna next week.

That, I think, is an overstatement—at least according to Mr. Chalmers Roberts who writes in today's Washington Post that an immediate moratorium was not recommended. But I think even under the interpretation by Mr. Chalmers Roberts, the idea of a moratorium is implicit in the report of the committee which has not yet been made available, at least to me or to my committee. The idea is to have an ultimate agreement of this kind, rather than putting it into effect now as a condition for fruitful talks. This is the significance of the report, and I think the Senator from Massachusetts and the Senator from Kentucky were conscious of it. I only call it to the attention of the Senator.

I do not think the report of the General Advisory Committee is inconsistent, as it is described in the Washington Post. It simply does not go the same route of proposing a moratorium as a preliminary agreement, at the commencement of the talks or the initiation of the talks, to be in effect during the talks.

That is the significant difference. The proposal that the Senator from Kentucky and the Senator from Massachusetts have made is extremely innovative and very important. If the Senate adopts it, as I hope it will, I think it will be a great incentive to the President and others who are involved in the negotiations to move in this direction and thereby make it possible to reach an agreement. If something like this is not done, I think the chances of reaching a really important agreement are much less propitious. We are much less likely to get an agreement if, continuously throughout the negotiations, changes are made, such as the deployment of MIRV's or increasing the number of ABM's.

So I could not let this occasion pass without pointing out the significance of agreeing to the resolution.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I am confident that all Senators share a deep concern that the SALT talks come to a successful conclusion and want to encourage a promising environment in which to negotiate an arms control agreement. As I understand it, Senate Resolution 211 is intended to express that sentiment.

While we can hope that the effect of the resolution will be to impress upon the Soviets our sincere desire to facilitate agreement, we should be aware that its generality is reminiscent of earlier rhetoric on arms control and could strike them as disingenuous.

I share with my colleagues the hope that we and the Soviets might find the basis for an agreement that will stabilize the strategic balance.

I believe I am expressing the view of an overwhelming number of Senators in identifying the maintenance of an invulnerable retaliatory capability as the principal instrument of such stability.

It is my understanding that the sentiment expressed in the resolution is intended by its sponsors as a declaration of serious purpose—a declaration to support the President in his search for an agreement. No one has argued that the resolution should be seen as an instruction to the U.S. delegation to the talks. This is right and proper. The resolution is generalized; instructions are specific. The resolution is painted with a broad brush while negotiations themselves and the instructions on which they are based are, like an Indian miniature or a Flemish painting, painstakingly crafted line by line with a single-bristle brush.

Mr. President, the general language in which the resolution is phrased admits of widely varying interpretations, and the extraordinarily thin record of testimony on the resolution as presently before us does little to clarify some important considerations.

As I understand the intent of the resolution, particularly as it emerged in discussion on the floor last Friday—April 3, 1970—it is unequivocal on a central point: the proposal for an interim freeze is mutual; it will be proposed by the United States if, and only if, the Soviet Union will agree; and if, and only if, appropriate verification is available to assure compliance.

Moreover, the sponsors, by respecting the principle of stable deterrence and by failing to specify details, have properly left to the President the determination of a detailed negotiating position consistent with the strategic posture of mutual deterrence.

For example, I understand that the sponsors of the resolution do not mean to imply an open ended suspension—that, on the contrary, it is their intent to facilitate an arms control agreement and that the nature of an interim proposal and its duration should be considered instruments toward this end. This suggests that any resulting mutual suspension would be directly related to the nature, pace, and extent of progress toward the conclusion of a negotiated agreement.

I believe that support for the sentiment expressed in the resolution can be made without prejudice to the difficult task of negotiating with the Soviets the shape and content of a formal arms control agreement. We must be careful to distinguish here between an instrument that some hope will facilitate an agreement and the formal, safeguarded agreement itself.

Mr. President, I would point out that among the many problems—deriving from the generality of the resolution—is the failure to distinguish between stabilizing and destabilizing strategic deployments. A resolution such as this, had it been brought to the floor after careful and deliberate hearings reflecting testimony from divergent points of view, would certainly have included consideration of this fundamental issue.

It is because the only construction that I am able to put on the resolution is the expression of support for the policy of the United States to negotiate with the Soviets on all offensive and defensive strategic weapons systems, that I am able to add my vote for affirmation.

Mr. STENNIS. Mr. President, will the Senator yield to me for one brief question?

Mr. JACKSON. I yield.

Mr. STENNIS. I have listened carefully to the Senator's speech. I think it is clear, but on the question of funds that we may have in an authorization bill to develop MIRV further, for instance, leading to its deployment, the Senator would not think, would he, that in adopting this resolution the Senate would in any way go on record as opposing or being committed against the authorization of such funds?

Mr. JACKSON. No. We are not passing on any strategic items, as I interpret the resolution.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, earlier in the debate the distinguished Senator from Washington (Mr. JACKSON) presented us with some very cogent remarks with regard to the nature and scope of the pending resolution. He highlighted the fact that the intent of Senate Resolution 211 is absoluely unequivocal on one central point. As Senator JACKSON observed:

> The proposal for an interim freeze is mutual; it will be proposed by the United States if and only if the Soviet Union will agree; and if and only if appropriate verification is available to assure compliance.

I want to associate myself with this observation and to make it very clear that it is only upon this basis that I intend to vote for Senate Resolution 211.

Mr. President, I recognize the fact that the legislative situation has been rather disruptive during the last few weeks because of other important matters before the Senate which have been the subject of unanimous consent agreements. But I am compelled to observe that the substance of this resolution, in my judgment, is more in the area of the national defense of this country that it is in the area of foreign relations. I am sorry that the resolution was not considered by the Armed Services Committee for their considered judgment on the merits and scope of the language contained in the operative features of the resolution itself. I must observe that some of the statements that I have heard here on the floor during the debate are in my opinion and to my best knowledge of the situation not in accordance with the facts as they relate to the relative defense posture of the United States and the Soviet Union.

Once again, I must indicate my full accord with Senator JACKSON's earlier statement that "the general language in which the resolution is phrased admits of widely varying interpretations, and the extraordinarily thin record of testimony on the resolution as presently before us does little to clarify some important considerations." I am certain that if the Armed Services Committee had the opportunity to conduct hearings on Senate Resolution 211 that the record on which Senators might have based their judgment with regard to the wisdom of the resolution might indeed have been more complete and more satisfactory.

Because of the fact that the resolution only pertains to mutual action between the United States and the U.S.S.R. with regard to offensive and defensive strategic weapon system deployment, I do not believe that it will jeopardize the position of American negotiators at the SALT talks. Each of us here recognizes the incredible responsibility these people bear in these negotiations, and the fact that the very future of mankind may rest with them in achieving meaningful success in the SALT negotiations with the Soviet. Likewise, none of us would do

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anything to make their task more difficult. I believe that favorable action on the pending resolution may provide a clear indication that a mutual, rather than unilateral, freeze of offensive and defensive strategic weapon system deployment is the path leading all of us to a more stable and a more hopeful future.

Mr. COTTON. Mr. President, the Senate Resolution No. 211 is, of course, offered with the best of motives and for an objective in which we all concur and the attainment of which we ardently hope and pray for. However it seems to me to be rather innocuous.

But I believe the Senate should have in mind certain questions about this procedure and what a precedent of this kind could cause or help to cause in the future conduct of our foreign relations.

Because of an episode that occurred on the floor of the Senate back in 1925, when I was sitting on one of those divans as an aide to a Senator, and because of speeches that lingered long in my memory by Senator William E. Borah, the chairman of the Committee on Foreign Relations, and Senator James A. Reed of Missouri, one of the great legal minds and one of the great parliamentarians of our time in service in this body, this resolution gave me some concern.

In order to verify my own recollection, I spent some time consulting the second volume of Haynes on "The Senate of the United States" with respect to the situation of the Senate advising the President in advance on treaties or the negotiating of treaties. There are two or three precedents I would like to mention at this time.

In the first place, of course, Haynes states flatly in interpreting article II of the Constitution, section 2, paragraph 2, as follows:

> There is no question that the Senate has a right so far to initiate a treaty or propose one for consideration of the President.

But he goes on to say:

> It is within the President's discretion to determine how much consideration they shall receive. On rare cases the Senate has offered to advise (1) that the negotiation be entered upon, or (2) that they not be undertaken.

Then, there are a couple of incidents I think should go into the RECORD at this time. On March 3, 1888, the Senate passed a resolution that the President "be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States."

This was a more urgent and specific request than the one which had been addressed to President Jackson. Five days later, President Cleveland replied that—

> The importance of the subject referred to in this resolution by no means has been overlooked by the executive branch of the Government, charged under the Constitution with the formulation of treaties with foreign countries.

He added that—

> Negotiation with the Emperor of China for a treaty such as is mentioned in said resolution was commenced many months ago, and has been since continued.

He intimated that information as to the progress of such negotiations would have been available to any Senator who sought it, and expressed the hope that such a treaty would soon be concluded as would "meet the wants of our people and the approbation of the body to which it will be submitted for confirmation." While neither Jackson nor Cleveland questioned that the Senate's action was within its rights, the tone of the latter's message seems to indicate that he considered the Senate's resolution an impertinence.

More important than this, in 1816, the question was again thrust upon the Senate's attention by the action of Rufus King who had himself been an influential member of the Federal Convention and who later served in various diplomatic capacities.

Dissatisfied with the treaty of commerce and navigation, to which the Senate had just given its consent, he introduced a resolution that the Senate "recommend to and advise the President of the United States to pursue further and friendly negotiations with His Britannic Majesty" for six purposes which he enumerated. This resolution was referred to the Committee on Foreign Relations, from which a significant report was made, February 15, 1816, by its chairman, Senator Bibb, to the effect that the proposed advice was uncalled for, since in the opinion of the committee the Executive had already made every effort to accomplish the objects mentioned in the resolution. It continued:

> The President is the constitutional representative of the United States with regard to foreign nations. He manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiations may be urged with greatest prospect of success. For his conduct he is responsible to the Constitution. The committee consider this responsibility the surest pledge for the faithful discharge of his duty. They think the interference of the Senate in the direction of foreign negotiations calculated to diminish that responsibility and thereby to impair the best security for the national safety. The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch. A division of opinion between the members of the Senate in debate on propositions to advise the Executive, or between the Senate and Executive, could not fail to give the nation with whom we might be disposed to treat the most decided advantages. . . . The committee are therefore of the opinion that the resolution ought not to be adopted.

This report seems to have made a strong impression on the Senate. Action upon King's resolution was postponed once and again, and finally, on his own motion, was put over to a date sure to fall after Congress had adjourned.

Thirty years later, in 1846, when the Oregon controversy was at its height, President Polk headed off a project for the Senate's intervention. When Calhoun and another Senator laid before him a proposal to bring forward a resolution in executive session of the Senate, advising the President to reopen negotiations on the Oregon question and settle it by compromise, he told them that he thought it inadvisable. He asked them if they were sure such a resolution could command a two-thirds majority, and pointed out the fatal consequences if it should receive a smaller vote, since the result would be known in the streets and to the British Minister in 24 hours. He also warned them that some Senators might vote against the resolution on the ground that it was inexpedient, since the negotiation was in the hands of the Executive.

Mr. President, I am sorry to tax the patience of the Senate but those precedents indicate that while the Senate has every right under the Constitution to advise the President regarding treaties and negotiations leading to treaties, there is an element of danger in exercising that right publicly and with open debate on the floor of the Senate.

The incident I refer to that lingered in my memory for so many years and came to my mind so quickly when my attention was first directed to this pending resolution, was at the time Calvin Coolidge was President and negotiations were underway for the Kellogg pact, on arms limitation. A resolution was offered in the Senate advising the President as to certain aspects of negotiations on this disarmament agreement, and in a sense warning against certain dangers to the national defense and national security of this country.

Immediately, Senator Borah of Idaho, chairman of the Foreign Relations Committee, took the floor. He was followed by Senator Reed. They did not question the right of such a resolution to be introduced, but they insisted that if it were to be considered, it must be considered behind closed doors, in executive session of the Senate, with no one allowed in the galleries and no one allowed on the floor of the Senate other than Senators and officers of the Senate. Their suggestion or position prevailed. I did not hear the rest, because I was one of the attachés who left the floor. But the consideration was behind closed doors in executive session, and was never given to the newspapers.

It was more possible in those days to have an executive session without it being leaked to the press.

Mind you, Mr. President, I am not saying that there is anything inherently dangerous in the present resolution as revised by the committee, but I do want to call attention to the general statements assuming that it is fine, any time, to exercise this right and do it in open session. To start advising the President of the United States, whoever he may be, about what the Senate's idea is on what he should seek in negotiating with a foreign power is an approach that should be used most sparingly.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. FULBRIGHT. Since I made such a statement, which I think was proper, perhaps I should say first that I would have had no objection to an executive session of the Senate. I would have welcomed it, because there is always better attention and more attendance when we have an executive session than when we have an open session. I did not think of that. Second, I think there is much

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difference between the circumstances in 1926, under Mr. Coolidge, and those at present.

One reason the Senate and the Foreign Relations Committtee feel it is their duty to make suggestions is the deplorable condition in which the country finds itself. We have been at war or in a crisis situation for 25 years. We have spent so much money that we are almost bankrupt. Yesterday afternoon we debated a bill, as a result of inflation taking its toll, which we had to pass under very stringent conditions and with very little consideration. I refer to the pay bill.

I think under the conditions in which the country is now operating many Senators feel that they owe a duty to give their advice, because, goodness knows, during the last few years, under Executive leadership, particularly since 1965, we have been in a very difficult situation.

I must say I do not think the Senate is impertinent in offering it. If there were no problems in the country, and we were just out making trouble, I think the Senator would have a good point. I have a good deal of respect for the good sense of the Senate.

I agree that an executive session is advisable. I would have welcomed it on this on any other resolution of this character, because I think we get more attention and because the Senate will act more sensibly in an executive session than in an open session. In nearly every executive session I have attended, there has been much more attention paid and the attendance has been much better than any open session. So I agree with that statement of the Senator.

Mr. COTTON. Mr. President, may I say to the distinguished chairman of the Foreign Relations Committee, first, that I was not referring to any particular statement by him. I would not presume to try to admonish the chairman of the Foreign Relations Committee, and my senior in the Senate, for whom I have the greatest respect. That is not my purpose. I clearly and distinctly stated that in the case of this particular resolution in its present form it is innocuous enough so I would not suggest that it was necessary to debate it in great secrecy. In fact, if we had done so, some damage could have occurred because it might have been thought that since we went into executive session there must have been something grave and sinister involved in the resolution.

Mr. COOPER. Mr. President, will the Senator yield on that point?

Mr. COTTON. Please, let me finish this thought. The Senator from New Hampshire did not refer to this or any other resolution as being impertinent. That was Haynes quoting President Cleveland and President Jackson, who were known to be men of rather blunt methods in stating their views. That was their suggestion, and certainly not the suggestion of the Senator from New Hampshire.

So I can assure the distinguished chairman that, as far as the resolution in its present form, I was not concerned; but there were several statements—not just from the Senator from Arkansas—that just seemed to assume that, at will, we could advise the President on these matters in public session.

As for the collective wisdom of the Senate, I entirely concur with the distinguished Senator from Arkansas. I, too, have great confidence in the collective wisdom of the Senate. I have great confidence in the wisdom of my wife, but from time to time we have had some little conversations or discussions that might be called disagreements that I would not care to have the neighbors hear.

When the Senate is arriving at its collective wisdom, I am not sure that the things we say, as they are reflected in the foreign press, behind the Iron Curtain and in the other powers of the world, although they demonstrate our democracy, are always helpful in accomplishing the purpose that we all desire.

Mr. FULBRIGHT. Why did not the Senator suggest an executive session, then? I would have been pleased to have it.

Mr. COTTON. I have said that on this occasion there was no reason for it. What I am trying to do is to get into the RECORD that I hope this action will not be taken as a precedent, so that any Senator who feels we ought to advise the President about the conduct of some negotiations or some treaty will not feel that it is all right to plunge in and introduce a resolution, proceeding to debate it in public.

That is all I am seeking.

Mr. FULBRIGHT. I do not think the Senator from Kentucky, who, of course, was one of the fathers of this resolution, did an innocuous thing. To say it is innocuous and irrelevant, I think, is quite inappropriate. This resolution is neither irrelevant nor innocuous.

Mr. COTTON. The Senator knows very well I have not said it was irrelevant.

Mr. FULBRIGHT. The Senator said it was innocuous, I think.

Mr. COTTON. What I have said was not intended and could not possibly have constituted any reflection on the great Committee on Foreign Relations, and certainly not on my friend from Kentucky, to whom I now gladly yield.

Mr. COOPER. The Senator from New Hampshire has made a very interesting and, I might say, scholarly discussion of this problem.

I can see that there are certain resolutions which could be adopted by the Senate, which could be very objectionable to an Executive, and could cause difficulties in his negotiations with other countries. But, on the other hand, if there is some course of action which the Senate believes in very seriously, and with concern, which leads them to pass such a resolution, I would think that concern of the Senate would overweigh the problem about which the Senator from New Hampshire has spoken.

I do object, with all deference, to my friend's designation of the resolution as being "innocuous." I may say we intended it to be very broad and very strong—so strong that it would cover and, if agreed to by the Soviet Union, result in suspending the deployment of, all offensive and defensive nuclear systems.

I do not think that would be very innocuous. I think if agreed to, it would be a very far reaching, forward step, one that would help the security of our country and perhaps limit the danger of a nuclear war. So I think it is a very important resolution.

Mr. COTTON. I apologize to my friend from Kentucky. I withdraw the word "innocuous." In fact, if I understand correctly, he greatly improved this resolution. I could not possibly have voted for it in its original form, but I am certainly willing to vote for it in its present form.

When I used the word "innocuous," let us say I meant that under no circumstances could it be harmful, rather than to say that it was unimportant. I shall come to that in a moment, after discussing very briefly the resolution itself.

Mr. COOPER. To be very fair about it, I think it is broader in its coverage, and stronger, and better for the security of our country, because it covers the Soviet systems as well as the systems of the United States, if agreement can be reached.

Mr. COTTON. Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, it had been my intention to suggest—and I hope the President will regard this as support for his undertaking the first step needed to stop the arms race—or to point out, that it would cost nothing for us to find out if the Soviet Union would respond affirmatively to our suggestion that we would stop if the other fellows would stop; and that if, on the other hand, we go ahead with deployments on both sides, the dollar cost is frightening and the hazards to survival even more frightening.

Then I was going to suggest that if, notwithstanding what I expect will be the overwhelming vote of the Senate recommending this course, the President nonetheless concluded he was not going to follow it, I thought we could respectfully suggest that an explanation would be in order.

I make this explanation to the Senator from New Hampshire thinking that it bears, in part at least, on the troubled area to which he had addressed himself, and he might want to find, either in Haynes or in his own memory, some reasons that might indicate that it would be inappropriate to suggest that the President might explain to us why, if he thinks the overwhelming number of us supporting this resolution are wrong, why we are wrong.

Does this give the Senator any hangup, in the light of the sensitivity that he is reminding us attachés, always, when the Senate seeks to participate, in executive session or open session, in the formulation of treaties?

Mr. COTTON. What does the Senator mean by "hangup"?

Mr. HART. Is the Senator bothered? Is he nervous? Does he need his tensions eased? Does it cause him to feel upset?

Mr. COTTON. I am calm and placid as a millpond. Mr. President, let me explain to my friend from Michigan that when I used the word "innocuous" which was somewhat offensive to my friend from

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Kentucky, I meant that to me, this resolution was only asking the President to do exactly what he is intending to do, and is devoted to. That is my understanding.

The reason I began to give the subject some attention was this: I started to receive letters from constituents who were exceedingly alarmed and disturbed—as we all are about the arms race—asking me to add my name as a sponsor to various resolutions.

I read the Brooke-Cooper resolution as it came from committee, and the title still seemed to indicate—the title has now been corrected by amendment—that it might be a resolution in favor of unilateral cessation as far as MIRV and various other weapons are concerned.

The resolution itself, as drafted in the committee—I understand at the suggestion of the Senator from Kentucky—said no such thing. It simply asked the President to seek immediately an agreement with the Soviet Union that there be a mutual cessation of the testing and the deployment of these weapons.

I do not object to that. I am sure it is the hope and prayer of every one of us, and it is my information that this is exactly what the President wants to accomplish. Those close to him have indicated that it is his ardent hope and he welcomes this resolution.

However, I did decline the suggestion that I become a sponsor. I said in my reply that I would undoubtedly vote for this resolution but that I did not care to be a sponsor because the resolution in its present form seemed to me—while I do not say this is the purpose of it—to enable every Senator who sponsored it and every Senator who voted for it to assure his constituents that he struck a great blow for peace and has done something to promote disarmament; and that it actually is nothing but a pious wish expressed to the President that he succeed in doing something which he is very anxious to do. To me, that is the situation.

I simply intended to vote for the resolution and say nothing. But whatever happens here today with this resolution, I want the RECORD to show that it is the hope of this Senator that it will not be taken as an established precedent for resolutions advising the President in advance on negotiations and treaties and foreign affairs in the open Senate.

Mr. HART. As I understand the Senator from New Hampshire, he senses, he believes, that the two points made in the resolution represent the President's intention—or "desire" perhaps is the better word.

Let us assume, however, that we go to Vienna and we do not make the first offer; we do not say, in effect, "Look, let's stop now. What do you fellows say?" Let us assume this does not occur. If that does not occur, then, as I interpret it, the President does not agree with this resolution.

Under those circumstances, does the Senator think it disrespectful or out of order or damaging to the interests of this country for the Senate as we approve the resolution to suggest that an explanation would be in order?

Mr. COTTON. After the negotiations?

Mr. HART. Yes. If the majority of us are wrong, let us be told by the President why we are wrong.

Mr. COTTON. There has been no suggestion on the part of the Senator from New Hampshire that anybody is wrong in supporting this resolution. There has been a suggestion that the resolution is asking the President to do what he is most anxious to do, anyway.

The President of the United States in his obvious anxiety—and I underline "obvious"—to have the negotiations in Vienna be successful, and to stop the arms race between the Soviet Union and the United States, has been willing to go a long way to achieve a limitation of nuclear arms.

With respect to the ABM, I stood by the President; I voted for the initial ABM's last year. We were told that it was necessary to assemble a couple of them and this was the only way to test their effectiveness. I supported them. But the President very plainly stated last year that one reason why he was pushing the ABM's was that he wanted to put the emphasis on purely defensive weapons. He did not want to antagonize or alarm the Soviets by speeding up offensive systems.

This Senator happens to think that we should not allow the Soviets to go ahead of us in nuclear submarines. This Senator does not happen to agree with the rosy picture presented by the distinguished Senator from Massachusetts—I am sorry he is not in the Chamber at this moment—about how we are ahead of the Soviets in all these fields and that we might be wise to let them catch up so that there would be an even balance and then there would be a better chance at arriving at an agreement—a properly policed agreement, I think he said—in the matter of limitation of nuclear weapons.

This Senator does not serve on the Committee on Armed Services; he is not on the subcommittee that deals initially with our national defense on the appropriations. He does serve on the Joint Committee on Atomic Energy. He has heard classified information from the CIA and from others as to the situation in comparing the Soviet power and our own, and this Senator does not agree that we are in a position of complete safety at this moment.

But the fact that the President is so anxious that he is willing to postpone, for example, adding more submarines to our fleet, that he is shying away from offensive weapons and again trying to place most of his reliance on one more ABM, indicates to this Senator that he is so anxious that he leans over backward in the matter of placing his eggs in the basket of the conference at Vienna. This Senator respects his intentions, although he does not go all the way with him.

I do not see how any Senator could say that this resolution is really necessary to spur the President on when the President is, in the opinion of some of us—neglecting national defense while seeking an arms agreement.

Mr. HART. Mr. President (Mr. SPONG), I would hope the President would recognize that the Senate's voting and supporting this resolution is a first step towards stopping the arms race.

We do not know if Moscow will respond to that first step, but it will cost nothing to find out. If Moscow says "Yes," it could bring benefits beyond dollar computation.

On the other hand, the costs of going ahead with deployment of MIRV's and ABM's on a stepped-up arms race, diminished chances for successful disarmament talks, and billions of dollars wasted on weapons which, if they happen to work, will soon be outdated and ineffective.

Neither our Nation nor the world can afford that cost—nor the frightful hazard to the survival of life that such a race represents.

We do not know if Moscow will respond to that first step, but it will cost nothing to find out. If Moscow says, "Yes," it could bring benefits beyond dollar computation.

On the other hand, the costs of going ahead with deployment of MIRV's and ABM's are a stepped-up arms race, diminished chances for successful disarmament talks, and billions of dollars wasted on weapons which, if they happen to work, will soon be outdated and ineffective.

Now I come to the point that I indicated to the Senator from New Hampshire I had contemplated reaching. If, nonetheless, the President concludes that he shall not follow the course, I believe, the Senate is about to recommend, I would hope that an explanation would be made, not that I am suggesting our judgment today necessarily would stand the test of the President's informed explanation of why our position is wrong, but I think that all the people of this country, certainly those of us in the Senate, should have the benefit of an explanation, if, in fact, the President concludes that this initiative should not be taken in Vienna.

Mr. COTTON. Mr. President, I agree with the Senator from Michigan. I am sure that the President does. I am not quite sure in my mind whether it strengthens or weakens the President's position, when the Senate says to him, "Please, Mr. President, please, please, beg the Soviet Union to join us in an immediate limitation of armaments."

I do not think he needs that. However, that is a matter of opinion.

Mr. COOPER obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to suggest to the Senate that the Brooke resolution should be adopted, and adopted by an overwhelming vote of the Senate. In my judgment, it will elevate the sights of the whole world, including the SALT negotiators who might not now think so. It goes to the real issue which is before us, which is to stop before we are over the edge of the abyss. That is the whole purpose of the resolution as drafted by the Senator from Massachusetts (Mr. BROOKE) originally, with the most gifted addition made to it

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by the Senator from Kentucky (Mr. COOPER), which represents his thinking and, in my judgment, the thinking of the whole committee.

I do not know of any single thing that has more potential to bring about a success in the SALT talks than the adoption by the Senate of the resolution by a resounding vote.

Mr. COOPER. Mr. President, on next Thursday, April 16, the SALT talks will begin at Vienna. The preparations made by the U.S. Government for these negotiations have been long and extensive. They have been underway for well over 3 years. Events such as the transfer of office from one administration to another in our country, the tensions that arose from the invasion of Czechoslovakia, and other issues of disagreement, have held back the opening of these negotiations. But for the first time in the 25 years of the nuclear age, the United States and the U.S.S.R. have agreed to meet and consider ways of halting the costly and dangerous mad momentum of the nuclear arms race.

The confidence both the United States and the U.S.S.R. have in their respective strategic nuclear strength must be reflected in the willingness of both nations to consider seriously a halt to the arms race. The national confidence and strength of both leaderships is bound up in these talks. The way we approach these negotiations will tell a great deal about the possibilities of their successful outcome.

The military strength of both the Soviet Union and the United States to destroy each other and civilization as we now know it is undoubted. Both the United States and the Soviet Union have the certain means of destroying each other many times over.

There are those who claim we have fallen behind the Soviet Union in nuclear destructive ability. It is true that in some categories the Soviets are ahead in numbers. But in no category do we have less than the assured ability to destroy the Soviet Union many times over and kill hundreds of millions of their people.

The United States possesses 1,054 ICBM's, many of which are armed with MIRV warheads. It has about 550 long-range bombers which can reach any part of the Soviet Union. We have 41 nuclear submarines armed with 656 Polaris launchers, many of which are armed with MIRV nuclear warheads. We have thousands of tactical nuclear weapons in Europe and elsewhere that can be delivered upon the enemy by a variety of means and kill scores of millions of the Russian people.

The Soviet Union possesses a nuclear arsenal of greater total megatonnage but less overall delivery capability. But the delivery capability they possess is enough—more than enough to kill scores of millions of people in the United States many times over. They have about 1,200 ICBM's, 150 long-range bombers, and about 10 nuclear missile submarines. They have IRBM's and MRBM's and many tactical nuclear weapons that can be used upon the countries that border the Soviet Union.

Our Government's ability to verify with reasonable certainty what the Soviet nuclear system can do to destroy the United States is of a nature and quality we can have confidence in. The Secretary of Defense regularly reports on those capabilities of the Soviet Union. The destructive arsenal of the United States is known to the world.

While our ability to destroy is assured, our ability to prevent catastrophic war is in grave doubt. This is the great weakness in the security of both nations. For as our development and deployment of strategic weapons increases our security diminishes. This is what the talks at Vienna ought to achieve—a lessening of that danger. Both the United States and the Soviet Union can race one another, matching technological advance with technological advance. Science has given us the ability to kill more people with greater reliability, accuracy and ingenuity than ever before. The prospects for continuing this grim ingenuity for overkill are contained in the next round of the arms race—a round which will begin unless SALT succeeds. Unless we agree at SALT, ABM, MIRV's, FOB's, ULM's will be deployed in the sea, on land and in the air with increased lethal capability.

If we are confident of our ability to destroy, we should be firm in our determination to achieve, if at all possible, success at the talks. The United States should at the outset of talks at Vienna next week propose a mutual halt to the further deployment of strategic nuclear weapons so that a comprehensive arms limitation agreement can be worked out in certainty and with care. The United States should not with fearful caution enmesh itself in complexities and doubts by being tentative in its proposals. The issue is clear; our strength is certain; the action called for, is, I believe, apparent to all.

I urge the President to examine with grave weight the sense of the Senate contained in Senate Resolution 211, and propose the mutual suspension of all further deployment of nuclear weapons. To make such a proposal at the outset of talks will test Soviet intentions and, just as important, make clear to the Soviet Union our own purposes. It is the course of reason, it is the course of security.

I wish to address two or three points, particularly in view of the questions asked by the Senator from Mississippi. I would like to make it clear, as has been made clear by all the speakers, that the resolution calls for mutual action by the United States and the Soviet Union. It is not a resolution which provides for unilateral action by the United States.

We who support this resolution have felt that this is the best time to make such a proposal, of mutual action by the United States and the Soviet Union. We urge this mutual pact for the same reasons that the SALT talks are possible. At the present time, the Soviet Union and the United States have confidence in their strength and have the knowledge that further development of nuclear systems make it only more difficult for agreement. So they have decided to talk.

The President of the United States, in commenting in a press conference on this resolution, termed it "irrelevant," but I would like to say that I have talked with the President of the United States. He does not consider that it is irrelevant. He said the purpose of the United States at the SALT talks was the same purpose contained in the resolution. There is an important distinction to be made, however, between making the proposal at the beginning of the negotiations, and going through a difficult process of verification over a long period of time in which many changes in the situation are possible.

We feel that this is a time when our present means of verification can be most confidently relied upon. This is a time when the United States and the Soviet Union both have reliable means of verification, but if the deployment of strategic nuclear systems continues while the talks are going on, we may reach a point where reliable verification will not be possible and, therefore, agreement will be difficult if not impossible.

Mr. President, I simply stress the fact—and the true fact—which has been developed so many times in this Chamber, that both the United States and the Soviet Union have the power to destroy each other, even if one is the subject of a first strike. We have certain knowledge of our ability to kill, to destroy each other, and to destroy civilization as we know it. But our ability to prevent a catastrophic nuclear war is in grave doubt. Unless agreement can be reached in these talks we will continue on, with all our grim ingenuity for overkill, to the next round of the arms race, a round which will begin unless the SALT talks succeed.

Unless we agree at SALT to halt the arms race, ABM, MIRV, FOB's, and others will be deployed on sea, on land, and in the air, with increasing lethal capability.

Mr. President, I have urged, as all of us who favor the passage of this resolution have urged, that the President take note of and heed the sense of the Senate, and propose the mutual suspension of all further deployment of offensive and defensive nuclear strategic weapons.

To make such a proposal at the outset of the talks will test Soviet intentions and, what is just as important, make clear to the Soviet Union our own purposes. I think it is the course of reason and the course of security for this Nation. I hope that the reasons I have stated may have some bearing upon the judgment of the distinguished Senator from Mississippi and others, and that they will support the resolution, because it is one which imposes action mutually upon both countries, and which, if successful, would provide security for our country and, I believe, hope for the world.

Mr. HART. Mr. President, after these hours of debate, virtually all has been said that need be said. I hope that this body, very soon, will agree to the Brooke-Cooper resolution, and that it will serve as a guide for all Americans, and most particularly for the President, who occupies the most troubled post of all in attempting to evaluate what prudence and history will expect of us at Vienna.

Senate Resolution 211 expresses the

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sense of the Senate that prompt negotiations be urgently pursued between the United States and the Soviet Union to seek agreed, negotiated limitations on strategic offensive and defensive arms. The President has stated frequently that he has no quarrel with that portion of the resolution. But he has been silent on the second resolving paragraph, which makes all the difference. It calls on the President to propose to the Soviet Government an immediate suspension by both parties of the further deployment of all offensive and defensive weapons systems, not as the result of long and deliberate negotiations, but as an interim measure, in order to insure that an atmosphere conducive to successful negotiations be created.

If such a freeze is not put into effect immediately, it is hard to see how the talks can get anywhere. In the absence of a suspension of further weapons deployment on both sides, neither will have much interest in negotiating itself into a position where it might find itself disadvantaged by some new development on the other side.

Mr. President, this is the phenomenon that Dr. Herbert York last year graphically described as "the fallacy of the last move." Absent a moratorium, such as we call for in this resolution, each side will continually feel compelled to take "one last step" to place itself in a "superior" position by some new weapon deployment. It is, therefore, imperative that we now take the initiative and say, "Let us stop now. What do you say?" Until that step is taken there appears to be no way of blocking the continued arms spiral. Today, both sides view themselves in a position of general parity, and for that reason, an immediate freeze is possible as are later negotiations.

We hear reports that the Soviet Union might respond in kind to any constructive U.S. initiative at SALT. Yet, the administration declares itself unwilling to go to Vienna with a constructive proposal, preferring instead to sit back and await a Soviet offer. Thus, both sides are apparently caught in an Alphonse-Gaston act. That act was amusing when I was a kid reading the funnies. But it can incinerate mankind, if in fact it is played at Vienna.

The two new weapons developments proposed by this Government are not needed now. That they are being pressed on the eve of the resumption of SALT is very disturbing.

Mr. President, we think we are confronted with urgent issues every week in the Senate. Yesterday we dealt with what is thought to have been an urgent issue. I believe it was. I think it had a significant bearing on the future of life here at home. I think the Senate acted responsibly. What confronts us today is an opportunity to give guidance to the President with respect to something that will affect us, as did the nomination of yesterday, intimately here at home, but which likewise involves intimately the lives of men and women who do not even know of the existence of the Senate of the United States; and there are plenty of them, whether we are conscious of it or not. There are men and women who will never know this resolution was debated here today, but their lives and the future of their children may hinge very importantly on the wisdom with which we approach this vote.

As far as the plan to deploy Minuteman III with its MIRV's is concerned, it makes no sense at all: If SALT succeeds, the Soviet Union will not deploy ABM's, and we will not need MIRV's to penetrate them; if SALT fails, the U.S.S.R. will soon attain the capability to destroy our Minuteman; they will be vulnerable and obsolete, and the money will have been wasted.

The same holds true for the Safeguard ABM. I need not recount the many arguments we made against it a year ago. I will only say that the case the administration is now making for continuing phase I—the defense of Minuteman sites in Montana and North Dakota—is weaker than ever. Equally important, the case has certainly not been made for the requested expansion to begin to provide protection against a future Chinese threat. Against either a Chinese or Soviet threat, the proposed system will be effective only if the threat is tailored to the capabilities of the defense, surely an absurd justification for any weapons system.

And, again, if SALT should succeed, we would not need the ABM; and if it should fail, the Safeguard ABM will not do the job.

So I, therefore, am forced to conclude that the continued pressure for these weapons programs on the eve of SALT is both unwise and counterproductive. As Mr. McGeorge Bundy stated yesterday in testifying before the Senate Disarmament Subcommittee:

> There is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT . . . many of those who urge this tactic are men who *do not want SALT to succeed.*

Mr. President, I want SALT to succeed. The Brooke-Cooper resolution points the way.

Mr. President, I congratulate the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I ask unanimous consent that the names of the Senator from North Dakota (Mr. Burdick) and the Senator from Washington (Mr. Magnuson) be added as cosponsors of Senate Resolution 211.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have conferred with the Senator from Massachusetts, and I want to make clear to him and to others that I have no complaint at all about the committee jurisdiction on this resolution. Unquestionably, I think, the primary jurisdiction is with the Committee on Foreign Relations. I think the Committee on Armed Services also, on this question of deployment, has a jurisdiction. Frankly, if I had known earlier about what the contents of the resolution were, and when it would come before the Senate, I would have made a motion to transfer it, for a few days' consideration at least, to the Committee on Armed Services.

At any rate, I have this to say about it now, Mr. President: A very laudable thought is behind it, as I have said heretofore. I feel, however, that right at the very edge of these negotiations, the responsibility for which the President has to carry, we ought not to be passing any resolution except to say, "Mr. President, we are behind you. We are behind your motives, and we are behind you."

I shall not stop to argue that further. The language of the resolution is very broad, from my viewpoint, and I regret that I cannot support the resolution under present conditions.

One thing I have in mind is that we are going to have before us within a few weeks bills providing money, or authorizations, at least, for deployment of various kinds of missiles. I think the facts will demonstrate how important they are for our own defense, and I do not want to have any personal entanglements on me in connection with sponsoring the measures that the resolution suggests.

I do not want other Senators to feel, those who see fit to vote for this resolution, that they are in any way committing themselves to be opposed to authorization of funds that may be contained in bills which are considered necessary for our own defense. There are several of them, of the most far-reaching consequences.

So, under those conditions, I shall oppose the resolution. I thank the Senator for yielding me time.

Mr. FULBRIGHT. Mr. President, I do not wish to take further time, if other Senators have further comments. I would only reiterate further what has already been stated. If anyone else wishes to speak on the resolution, I do not wish to take up the time.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Alabama.

Mr. SPARKMAN. I want to understand one thing. As I understand this resolution, we are not proposing to do any of this on a unilateral basis.

Mr. FULBRIGHT. Absolutely. The language is very explicit that this is mutual. It might be said that it is unilateral in the sense that we take the initiative. The report states that. It is because we are presumed to be more powerful, richer, and so forth. We spend more money. Somebody has to take the initiative. We make the proposal, but nothing will be done under it unless there is reciprocity.

Nobody is proposing unilateral disarmament, a unilateral freeze, or anything of the sort.

Mr. SPARKMAN. I am glad to hear the Senator say that. From my reading of it—and I was in the committee when the discussions were held—I wanted to be sure that was absolutely clear. I have a great deal of sympathy with what the Senator from Mississippi has just said. I would dislike very much if something is not done over there before these other matters come up, to have this brought up as being a declaration that we were opposed to those things.

I am in favor of our continuing our strength until there is a willingness on the part of both sides to let down on it. But I think we have to guard ourselves very carefully in that regard.

Mr. FULBRIGHT. I say to the Senator that nobody is suggesting that we disarm. But there is a feeling in many circles, on the part of many people, that you just cannot make any kind of agreement with Communists. There is a feeling of defeatism in other circles, among people who want to make an agreement, that because of the overwhelming power of those who are oriented toward the Military Establishment, you cannot get it. For example on our delegation to the Vienna talks there is Mr. Nitze, who was Deputy Secretary of Defense for a long time, and for a number of years in the recent past his orientation has been primarily in this area. There is Mr. Harold Brown, who was Secretary of the Air Force, I believe. He was also a very important official in the Defense Department. There is General Allison.

So I regret that people who are interested in defense seem to give the impression that they do not want to make any agreement whatever, under any circumstances, with Communists. If this is true, if this is the way it is going to be, it is an utterly hopeless thing to curtail the arms race.

I put in the Record a moment ago the figures of the extraordinary expenditures all over the world—over $1,000 billion since 1964. These figures are from our own Arms Control and Disarmament Agency.

If we are going down this road, and the people who are in control of the major part of our Government are unwilling to make an agreement, and if we mouth a few pious hopes now and then but are unwilling to take an initiative, I do not see any hope for an eventual solution of our problems.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I think the Senator from Arkansas has emphasized this already, but it is my understanding that whatever agreement is reached is not predicated upon good faith.

Mr. FULBRIGHT. No.

Mr. PASTORE. It has to be by proper verification.

Mr. FULBRIGHT. By the words of the resolution.

Mr. PASTORE. In order to make sure that there will be no cheating.

Mr. FULBRIGHT. That is correct.

I say again to the Senator that the only reason it is so timely, and the talks are timely, is the development of MIRV. It makes that very point extremely difficult.

As a matter of fact, the original resolution of the Senator from Massachusetts was directed solely at MIRV, and I think one of the principal considerations was the difficulty of verification of MIRV deployment. Until they are at the point of being deployed, I believe they can be verified, due to our highly complex methods of verification.

This question is dealt with quite explicitly in the report. Just to tie that point down, I read from page 5:

> But it is also clear, and must be emphasized in this report, that a suspension of testing and deployment of multiple independently targetable reentry vehicles could not be sustained for long in the face of the deployment by the Soviet Union of large numbers of missiles, such as the SS–9, or the development and deployment of new strategic defensive systems by the United States or the Soviet Union.

That is why it is so important to make this proposal in the beginning. If the deployment of MIRV's is begun, then the question of verification becomes infinitely more difficult. That was the testimony of some of the best witnesses we had in the scientific field. I think that this is one of the most important considerations.

I yield the floor.

Mr. SCOTT. Mr. President, the Senate is once again reasserting its prerogatives with respect to U.S. foreign policy. Last summer we adopted the so-called National Commitments resolution, declaring that U.S. military or financial response to events in other nations shall be subject to action by both the executive and legislative branches of government. I supported that resolution because I felt strongly that the Congress took a back seat to the President for 8 years. Considering the dilemmas in which we soon found ourselves, that was too long a period of acquiescence.

Today we are considering another resolution, this one regarding the suspension of further deployment of offensive and defensive nuclear strategic weapons systems. Mr. President, I regard this problem as one of paramount importance to world survival. Nations have come much too close to the perilous point of self-extermination.

Senate Resolution 211 urges prompt negotiations between the United States and the Soviet Union in order to limit strategic weapons systems. President Nixon is already one step ahead in this regard. Constructive preliminary talks have been held in Helsinski and further talks are scheduled for Vienna. The President regards these negotiations as the most crucial ever undertaken by any nation. I remain cautiously optimistic that the United States and the Soviet Union can reach a mutually agreeable settlement if these negotiations continue to be held in the serious vein for which they were intended.

Senate Resolution 211 also urges the President to propose to the Soviet Union an immediate suspension, by both nations, of the further deployment of all offensive and defensive nuclear strategic weapons systems. All this, of course, will be subject to national verification or some other method of observation and inspection. I regard this particular directive as one which seems to be the key to the strategic arms limitations talks—SALT.

President Nixon, during his news conference of June 19, 1969, said:

> We are considering the possibility of a moratorium on tests as part of any arms control agreement. However, as for any unilateral stopping of tests on our part, I do not think that would be in our interest.

I am in full agreement with the President on this point. I believe that the United States can propose to the Soviet Union a bilateral cessation of the further deployment of strategic weapons systems. This proposal might be made at the next round of SALT meetings as part of an entire package of suggestions to halt the arms race. I believe that remains one of the major goals of the Nixon administration.

My earlier concern with respect to the original wording of Senate Resolution 211 has been alleviated. I do not want to tie the President's hands in his search for peace. I want to provide him with every tool he needs to assure the world's future generations of a peaceful coexistence among all nations. The resolution as presently drafted gives the President the flexibility he needs.

Mr. President, I have read the pending resolution very carefully. I note that with each redrafting, it has attracted additional support, now comprising about one-half of the Senate. I believe that its adoption by the Senate will serve as a useful and unrestrictive guideline for the President in his efforts to halt the spread of nuclear weapons. I have already notified the distinguished author of this resolution, Senator Edward Brooke, of my desire to be added as a cosponsor. I urge the Senate, for the sake of generations yet unborn, to adopt this resolution by an overwhelming margin. Let us all continue to take the offensive in the search for peace.

A NEW ERA OF NATIONAL SECURITY: THE SENATE AND A MUTUAL STRATEGIC FREEZE

Mr. BROOKE. Mr. President, the discussion of Senate Resolution 211 has already developed the essential issues which the proposal raises. Last Friday's important debate covered a broad range of considerations. It made clear the reasons why this resolution has been reported without a dissenting vote in the Foreign Relations Committee.

Senate Resolution 211 is an historic successor to past Senate actions on arms control. During the 1960's the Senate twice passed similar resolutions which paved the way to ultimate adoption of the limited Nuclear Test Ban Treaty and the Nonproliferation Treaty. Such expressions serve the interests of American diplomacy in several ways, but most especially by providing an indication that the Senate will support the efforts of the Executive to reach agreement with the Soviet Union on limiting the arms race that threatens both countries. Thus, this resolution can bolster the President's diplomatic posture in the vital strategic arms limitation talks which begin in Vienna on April 16.

Senate Resolution 211 is a simple statement. It recognizes that the United States and the Soviet Union both possess powerful nuclear deterrents today. It recognizes that this rough strategic balance in fact improves the prospect for mutual agreement to avoid further costly and wasteful spirals of weapons expenditures. It recognizes that the pace of technology is such that this diplomatic opportunity must be seized before new technologies and new deployments alter the strategic balance and undermine the prospects for joint limitation of nuclear forces.

This resolution is a sensible reinforcement of what President Nixon has al-

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ready declared is the administration's purpose in the SALT negotiations. On March 21, the President stated that the United States is prepared for either a comprehensive or a system by system agreement in SALT. As the President put it so succinctly:

> Our goal certainly is to limit both offensive and defensive missiles, and if the Soviet Union has the same goal, we will make a bargain.

The resolution now before the Senate would lend the weight of opinion in this body, which must ultimately ratify any agreement reached in SALT, to this essential goal. It would advance this Nation's commitment, accepted in the Nonproliferation Treaty, to pursue with the Soviet Union mutual efforts to curb the nuclear arms race. It would add a sense of urgency by stressing that the negotiations should seek agreement on a mutual suspension of further deployment of all offensive and defensive nuclear strategic weapons systems. Such a general freeze would be subject to national verification or other measures of observation and inspection as may be appropriate.

In the opinion of informed officials and experts, such a freeze proposal could be verified by so-called national means, which is a term of art referring to both sides' existing intelligence capabilities. However, the negotiators are left ample latitude to define additional means of verifying compliance and for reducing the uncertainties which might arise in this connection. For example, I have long argued that a suspension of further tests of multiple independently targetable reentry vehicles is a critical requirement for impeding deployment of these potentially destabilizing systems. Informed technical testimony favors the conclusion that a MIRV test moratorium could be verified by each side's present intelligence networks.

Dr. Jack Ruina, former director of the Advanced Research Projects Agency and now a ranking consultant to the administration, has made this point emphatically in testimony before the Foreign Relations Committee. He has been supported in this view by such distinguished authorities as Dr. Gordon MacDonald, now a member of the Council on Environmental Quality, Dr. Herbert York, former Director of Defense Research under President Eisenhower, and Dr. Freeman Dyson, the noted scientist of Princeton University. All are agreed that a ban on MIRV testing and deployment is feasible, verifiable, and important to the national security of both ourselves and the Soviets.

The SALT discussions could usefully explore a variety of means for increasing confidence in the verification system. I have proposed, for instance, that the two sides agree to announce all missile tests, to test over agreed ranges where each could monitor the other's tests in detail, to consider exchanging observers or installing suitable instruments at the major test facilities in both countries. These and other ideas for improving verification of a MIRV test ban deserve thorough study in SALT, as do all aspects of verifying a general freeze arrangement. No one can deny that the issues involved in the SALT negotiations require solutions in which both parties have high confidence.

Let me underscore several points which are at the heart of Senate Resolution 211. The eloquent chairman of the Foreign Relations Committee stated its purpose well when he said that it seeks "to provide the negotiators in Vienna—both American and Soviet—with a chance to negotiate on firm ground instead of on shifting sand." The impending deployments of MIRV and ABM systems threaten to complicate the SALT negotiations immeasurably. In the face of this prospect, it would be prudent and safe for both sides to halt further deployments for at least an interim period while the diplomats seek to devise durable barriers against future expansions of the strategic forces. If such a freeze is not agreed to, and it is a truism that it can scarcely be agreed to if it is never proposed, the problem of stabilizing the arms balance will grow more intricate and the probability of eventual agreement will be reduced.

The logic of a mutual freeze as a means of buying time for diplomacy to seek lasting arms controls can be stated in many ways. Perhaps the simplest formulation is the best. As President Nixon indicated last March, both the United States and the Soviet Union now possess credible deterrence. That is, both countries have sufficient nuclear weapons to guarantee that, if attacked, they can deliver devastating retaliation against any adversary. Both countries will do whatever is necessary to see that they retain such an assured capability to retaliate.

Yet both countries now acknowledge that there is no profit in endless increases in their force levels. Former Secretary McNamara's description of the "mad momentum" of the arms race has been echoed by Foreign Minister Gromyko's statement that the arms race has long since become "lunacy". This same conclusion has been voiced by the authoritative comment in Pravda of March 7, 1970, which stressed that the present strategic balance makes quite unrealistic any calculations about "the possibility of victory in a thermonuclear war. Judging by everything, a new spiral in the arms race would not change the essence of this correlation."

This, then, is the context in which the SALT effort begins. That it is beginning at all is, in my judgment, a direct reflection of a common recognition that the arms race is futile and wasteful, that it adds nothing to the security of either side, and that a mutual limitation of strategic weaponry would be advantageous to both countries.

But this unprecedented political consensus between the Soviet and American leadership may be overwhelmed by the pressures of a technology which has brought us to the verge of a new era in military systems. If a general freeze is not established, the United States will continue with plans to deploy its MIRV systems. In response the Soviet Union will no doubt insist on perfecting and deploying its own MIRV weapons. With Soviet MIRV weapons entering the force, the U.S. land-based missile force will become increasingly vulnerable and we shall have to take countermeasures, either by changing the mix of our offensive forces, by expanding ABM defense of the Minuteman, or by other means. These actions in turn are likely to engender Soviet force changes, probably increasing the total number of delivery vehicles as a hedge against the new uncertainties connected with MIRV, ABM, and other systems. In short the chances for a general arms limitation will be in danger of coming unstuck.

To forestall this risky cycle, a mutual freeze proposal is timely and needed. Senate Resolution 211 is a vehicle by which the Senate can share with the President the burdens of advancing this urgent proposal.

If the Soviet Union accepts the proposal, as I believe its own national interests dictate, the security of both our countries will be enhanced. The Soviets would suspend deployment of the SS–9 system which, if deployed in numbers and equipped with accurate MIRV's is considered the prime threat to the U.S. Minuteman force. It would also stop adding to its nuclear submarine fleet, which is viewed as a growing threat to the U.S. strategic bomber bases and command and control facilities. Furthermore, its ABM system would be limited to the insignificant number of weapons which we are now confident we can penetrate with existing U.S. forces. In return the United States would have only to cease plans to deploy MIRV and ABM, which are in fact intended primarily as responses to the prospective Soviet ABM and MIRV systems. If the latter are forestalled by a mutual freeze, it is self-evident that the United States can safely and wisely refrain from deploying weapons which it will not need.

There is, of course, a legitimate question as to the effect of this proposal on the U.S. negotiating position in Vienna. After deliberate study over many months, the Committee on Foreign Relations concluded, as I have, that the suggestion made by the resolution would be highly constructive. It would convey the Senate's appreciation that the impending deployments of MIRV and ABM may well energize diplomacy at this decisive juncture of history, while actual deployment of such systems could frustrate SALT. We have arrived at a fragile moment which we must either grasp by a bold initiative or see it fall victim to our own hesitation.

Of special significance in tendering the Senate's advice to the President on this matter is the fact that a general freeze on offensive and defensive weapons deployments is actually more easily verified than a plan to limit only one aspect of such weapons. Under a mutual suspension of this kind, there are many indicators to tell whether the parties are complying with the agreement. Thus, we would be able to monitor not only the nature of Soviet missile tests, but whether they are attempting to increase clandestinely the total number of ABM radars or missiles, or the number of land-based offensive missiles, or the number of missile-launching submarines.

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Evidence of violation on any one of these aspects of a freeze would be a signal alerting the other party. If there is strong mutual interest in maintaining the freeze, each side would find it in its interest to reassure the other about any questionable activities that might tempt a party to withdraw from the agreement. Thus there could well emerge powerful incentives for building mutual confidence in the agreement, rather than bearing the hazards of seeing the understanding collapse amid charges of attempted evasion. I would consider this a major advantage to the proposal.

Another way of examining the recommended mutual suspension of strategic deployments is to ask what the situation will be in the absence of such an arrangement. If one is prone to be apprehensive about relying on national means to verify Soviet force levels under an agreed freeze, one should be doubly apprehensive about having to do so in the absence of such an agreement. Yet that is precisely the situation today, and it will prevail indefinitely unless SALT is successful. Our own force planning is based heavily on such intelligence estimates, with all the attendant doubts and anxieties about whether we are doing too much or too little.

As I have said, Senate Resolution 211 leaves the President wide authority to seek the verification arrangements he considers necessary, but it is fair to point out that a great deal can be done on the basis of national means of intelligence and that those means can be vastly strengthened by a prudent limitation of the type suggested. For example, today's surveillance systems can provide reliable estimates of the total number of offensive missiles in the Soviet inventory. Yet the capability to provide an accurate count of such weapons will decline in the future if mobile land-based ICBM's or deceptive basing techniques are introduced. It is precisely those kinds of concepts which a freeze could help head off. The mutual suspension of further strategic deployments could do a great deal to reinforce the advantage both sides now possess in being able to determine independently the relative balance of forces. To the extent that uncertainty about the balance develops, the likelihood of destabilizing changes in the forces grows.

In addition to the extraordinary cosponsorship which Senate Resolution 211 has attracted, its wide support in the Senate is reflected in that fact that the Foreign Relations Committee reported the measure without a dissenting vote. Similarly, it is most significant that the Democratic Policy Committee has made clear by its unanimous endorsement the bipartisan backing Senate Resolution 211 enjoys.

The President now knows that he can seek a mutual suspension of deployments of strategic weapons with the overwhelming support of both Republicans and Democrats. That is a welcome reinforcement of the vital tradition of bipartisan foreign policy which has contributed so much to American security over the years.

I might add my own satisfaction, as a member of the Armed Services Committee, that my colleagues on that body have shown increasing support for this resolution. In addition to a number of members who have indicated their intention to vote for the resolution, several of those who serve on the Armed Services Committee—Senator SYMINGTON, Senator YOUNG of Ohio, Senator INOUYE, Senator McINTYRE, and Senator SCHWEIKER—have joined as cosponsors. It is clear that many of the most informed and concerned Senate authorities on national security issues recognize the desirability and urgency of seeking the kind of stable strategic arrangements proposed in Senate Resolution 211.

I would like to inject one further thought concerning the kind of proposal suggested by the resolution. It is reported that some members of the administration feel the United State should wait and see what proposals the Soviet Union advances at Vienna. Apart from the possibility that the Soviets may adopt a parallel reticence and that the SALT talks may then be paralyzed by a useless and tiresome waiting game, there is an obvious absurdity to this suggestion. It is best revealed by the recent acknowledgment by a high administration official that, if the Soviet Union made the proposal outlined in Senate Resolution 211, the United States would certainly be responsive.

Thus, there is precious little logic to risking a complete failure of the effort in SALT by a kind of diplomatic brinksmanship in which each side hesitates even to make a firm proposal, preferring to let the other country bear the imaginary onus of making the first proposal. This is outrageous, especially when one realizes that both nations have a paramount and mutual interest in such a joint arrangement. In adopting this resolution, the Senate will be assisting the President in perceiving the fundamental interests which should govern the United States in making such a proposal.

Let me address explicitly a few concerns which have been raised about the duration of the recommended strategic deployment standstill. Some have been apprehensive that the United States would somehow get locked into an open-ended halt, with public opinion making it difficult for the United States to disengage even if the Soviets were engaging in certain ambiguous or threatening activities. Nothing of this sort need occur.

First of all, the President has ample authority to define the duration of the mutual suspension at the outset by specifying that it should last, for example, for 18 or 24 months, with an extension dependent on further progress in the SALT negotiations.

Second, even if the proposal is not tied to a specific time period, the resolution in no way limits the President's capacity to determine the exact verification requirements which would permit mutual restraint to continue. As many of us have made clear, we believe much can be done by means of national intelligence systems, but it may well be that, as SALT proceeds, more detailed arrangements for mutual verification will prove possible. Both countries could surely exercise mutual restraint for a limited time while detailed arrangements are perfected in the SALT talks.

Third, should the President at some point judge that the mutual suspension could not be continued without undue dangers to our national security, he would undoubtedly make the necessary decision to resume U.S. deployments. It is reasonable to hope that if confronted with such an immediate prospect of a resumed arms race, the Soviet Union would recognize its larger interest in ceasing any suspicious activities or in so clarifying them as to make it possible for the United States to continue abiding by the mutual restraints. But if the Soviets failed to do so, no one would expect the President to accept unwise risks to our security. If in his judgment, whether or not supported by public opinion, the risks of delaying additional deployments outweighed the risks of a resumed arms competition, every Member of the Senate knows that the President would take appropriate action.

Thus, the supposed hazard of an unreasonable, open-ended freeze being imposed on the President by an unknowing public opinion is nothing more than a bogey-man. The alleged risks of such a development are trivial when compared to the predictable risks of carrying the present strategic competition into the dangerous, shifting terrains populated by MIRV and ABM.

These then, are some of the considerations which have led so many Senators to support Senate Resolution 211. In no sense can it be considered a step toward unilateral disarmament. Indeed the only unilateral proposal being made is by those who urge unilateral changes in the present strategic balance before the SALT negotiations even have a chance to address the issues. Prime examples of this tendency are the plans for the premature and unwise deployment of the U.S. MIRV and the continued, counter-productive increases in the Soviet SS–9 force.

Senate Resolution 211 is a well-founded and reasoned exercise of the Senate's historic responsibilities in the field of foreign policy. The choice of the risks which the United States will bear in international affairs is a task which this body, as well as the President, must share. This resolution advances a modest proposal and indicates that the Senate will support the President in seeking a mutual freeze on further deployments of strategic weapons, including particularly MIRV and ABM. As one means of verifying compliance with an agreement not to deploy MIRV, the legislative history of Senate Resolution 211 makes clear that a MIRV test limitation should have high priority in the SALT negotiations. The vital objective is to stabilize matters where they stand so that the SALT negotiators will have a chance to shore up the present strategic balance by erecting durable means of verifying a freeze for the long haul.

Will the Soviets accept such a mutual freeze? No one knows for certain, but I am convinced that they may very well respond affirmatively. I have reviewed the exchanges at Helsinki with some care. I am satisfied that there is no sufficient evidence to conclude that the Soviets would not be interested in such a proposal. Within this larger framework, I think it especially important to note that there is no sound reason to conclude that the Soviets are indifferent to MIRV or ABM, as some commentators once suggested. Indeed, high officials of the administration have privately indicated that the Soviets now appear interested specifically in a possible MIRV limitation, which would be accomplished by the general freeze proposal set forth in this resolution. Since the Soviets fully understand that U.S. restraint on MIRV will require Soviet restraint on ABM, they have no doubt that both offensive and defensive systems must be limited, if there is to be agreement.

The only way to determine whether the Soviet Union is interested in a mutual strategic freeze is to make the proposal. If Moscow rejects the plan, there will still be an opportunity to explore more limited undertakings on a system-by-system basis.

More than most Americans realize, the future security and well-being of our country hinge on the outcome of the Strategic Arms Limitation Talks. The Senate has the power and the privilege to serve those great interests by lending its advice to the President on the profound issues of strategic arms control. Senate Resolution 211 is a prudent instrument for that purpose, and I commend it to the Senate.

Mr. KENNEDY. Mr. President, I rise to support Senate Resolution 211 and to urge the President to offer the Soviet Union a prompt interim halt to offensive and defensive weapons deployment. I think it would be a grave error if we undermined the upcoming SALT talks—perhaps our last best hope of ending the arms race—by an unnecessary deployment of MIRV and Safeguard.

The administration apparently takes the position that we should go ahead with MIRV and Safeguard until the Russians propose a comprehensive arms control agreement. But this position makes no sense at all. Why should we wait until the Russians make an arms control proposal? Are not we the leaders in mankind's struggle for peace? Surely this is not the time for the administration to participate in an Alphonse-Gaston routine.

Furthermore, the Russians have given some indication that they are interested in a comprehensive freeze on weapons systems. An obviously high-level article in the March 7 edition of Pravda acknowledged the danger of a new spiral in the arms race and the need for arms control. It suggested that "honest talks" would lead to "agreed solutions."

Now, of course, the Pravda article may be completely insincere. The Russians may have no intention of entering into a serious arms control agreement. But why not put the Russians to the test? Why not offer an interim halt in the deployment of offensive and defense weapons systems and take the initiative for peace? If the Russians reject our initiative, they will stand condemned in the eyes of the world. But let us make sure that the United States cannot be condemned for inaction in the quest for peace. Let us call for an end to arms race, and let us call for it today.

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The administration has never explained why it is necessary to deploy MIRV's as early as this June. Indeed, the administration has never satisfactorily explained why we need to deploy MIRV's at all. The original purpose of MIRV was to counter a massive Soviet ABM system. But this system was never built. We are, therefore, overreacting to a threat which never materialized, just as we did in the 1950's and 1960's. Instead of acting with a new realism, we are simply repeating old mistakes.

There is no danger that our security will be jeopardized if we fail to deploy MIRV now. As Rathjens and Kistiakowsky have pointed out:

> There is little doubt that currently designed U.S. MIRV's could be deployed on a time scale [which is] short compared with that required for deployment of any significant Russian ABM defenses. Accordingly, there is no need for any MIRV deployment pending firm evidence that the USSR is beginning the construction of such defenses.

We will always be able to deploy MIRV if that should prove necessary.

The risks we take if we insist on premature, unnecessary deployment of MIRV and Safeguard, and if we undermine the SALT talks, are staggering. First, there is the risk of spirally arms costs which will make it impossible for us to meet our pressing domestic needs. At the present time, the strategic forces budget of the United States amounts to about $9 billion per year, excluding some rather large items for warheads, research and development, and communications and intelligence activities; $9 billion is more than twice what the Nixon administration accepted to spend this year on education. It is over seven times more than the Nixon administration intends to spend next year on crime reduction. But, if we do not limit arms control expenditures in the near future, it is estimated that outlays for strategic systems could double by the mid-1970's. Eighteen billion dollars a year in Federal tax revenues would become unavailable to meet domestic needs.

The second risk we take by unnecessary deployment of MIRV is even more ominous. The new buildup in the arms race would increase tensions between the United States and the Soviet Union. It would reduce even further the possibility of Soviet-American cooperation in the Middle East, Europe, and Southeast Asia.

Furthermore, if both super powers continue to develop new and more sophisticated nuclear weapons systems, there is a danger that the present nuclear balance will be upset, or will appear to be upset, and that one of the powers will embark on a reckless military adventure. Harold Brown, former Secretary of the Air Force, has made an important observation in this regard. It is true that if we have an arms control agreement, the Russians might make clandestine improvements in their weapons systems, although the advent of satellite surveillance reduces this possibility. Dr. Brown points out:

> But, it seems at least as likely that, in the absence of an agreement, they might make a sudden massive effort to tilt the balance in their favor.

Mr. President, the Nixon administration must do everything in its power to make the SALT talks a success for peace. The proposed deployment of MIRV and Safeguard is a step toward disaster. It substantially increases the risk that the dreaded arms race, with all its costs and all its dangers, will continue to plague mankind for generations.

Mr. HOLLINGS. Mr. President, the resolution presently pending is certainly laudable in its purpose to limit the escalation of the arms race. I noted with interest that recently the President's Policy Advisory Committee to the Arms Control and Disarmament Agency has similarly recommended that the United States propose to the Soviet Union an immediate and mutual halt to missile deployment. I am sure that no one in this body would take issue with the objective sought by these recommendations.

However, I have grave reservations as to whether or not the approach will be successful in view of the historical precedents set by the Soviets in this regard. In 1958 when President Eisenhower announced that the United States would discontinue further testing of nuclear weapons in the atmosphere for so long as the Soviets did likewise, the moratorium was unilaterally broken by the Soviets in less than 3 years. Consistently for the past two decades the Soviets have rejected any suggestions regarding surveillance and onsite inspection.

On the other hand, every time efforts are initiated concerning arms talk, we hear that the United States should immediately suspend all technological development of its weaponry or the Soviets will not meet us at the negotiation table. This assumption has always proved in error. The pending resolution was introduced on June 17, 1969, with the urgency stated that unless it was adopted the pending Strategic Arms Limitation Talks would be in jeopardy. The talks went ahead on schedule and the second round is to convene on April 16 without the benefit of this resolution being passed. During the ABM debates we also heard that unless the requested authorization were defeated we would deter negotiations.

In short, I do not believe that history favors these arguments or encourages optimism as to a meaningful agreement with the Soviets.

Recognizing these points, however, I still share the hope of my colleagues that meaningful progress can be made in the arms talks. The thrust of Senate Resolution 211 contains, in my judgment, sufficient caveats to insure protection of our national interests. Obviously, the concept of simultaneous cessations of the operational testing of MIRV is meaningless without realistic protection. National verification or other methods of observation and inspection as may be appropriate called for in the resolution offers a vehicle to explore the true intention of the Soviets and their willingness to achieve the goals sought. With this point fully in mind I offer my support to the resolution and sincerely hope that my pessimism will be proved unfounded.

Mr. MANSFIELD. Mr. President, I understand that there will be no more speakers, so when I get through I will put in a quorum call, to start voting at 4 p.m.

I want to emphasize that the one thing unilateral about this resolution is that the Senate of the United States, and hopefully the U.S. delegation to the Vienna conference, will be taking the initiative to propose a mutual freeze. Every action contemplated will be taken by both countries—no country will take a risk the other country refuses to take.

We are not advocating disarming unilaterally. Nobody in this body would stand for that. What we are trying to do is to break the deadlock which exists, to try to give encouragement to the President and his delegates at Vienna, and to try to do something constructive in helping to bring about an end to the mad momentum which seems to have gripped the two major powers in the world—the Soviet Union and ourselves—to the end that perhaps there will be salvation at the end of the road, rather than destruction.

We have now begun to walk the correct pathway to that end. The adoption of this resolution will represent a major step along that road.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that, with no further speakers, the vote begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The first question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to, as follows:

Resolved, That it is the sense of the Senate that prompt negotiations between the Governments of the United States of America and of the Union of Soviet Socialist Republics to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued; and

Resolved further, That the President should propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate.

The PRESIDING OFFICER. The question now is on agreeing to the resolution, as amended.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. (after having voted in the negative). On this vote I have voted "nay." I understand that the Senator from Connecticut (Mr. RIBICOFF), if present, would vote "yea." I have given him a live pair, he being absent. I, therefore, withdraw my vote.

Mr. ERVIN (after having voted in the negative). I voted "nay." I voted "nay" because I think this is a matter for the executive branch rather than for the legislative branch. The distinguished Senator from Washington (Mr. MAGNUSON) is necessarily absent. I am advised that if he were present he would vote "yea." I have agreed to give him a live pair and, therefore, withdraw my negative vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Nevada (Mr. CANNON), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business as observer at the meeting of the Asian Development Bank in Korea.

The Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas Mr. TOWER) would each vote "yea."

The result was announced—yeas 72, nays 6, as follows:

[No. 128 Leg.]

YEAS—72

Aiken
Allott
Baker
Bayh
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—6

Allen
Bellmon
Fannin
Goldwater
Long
Thurmond

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Ervin, against.
Stennis, against.

NOT VOTING—20

Anderson
Bennett
Bible
Cannon
Cook
Dodd
Dominick
Eagleton
Eastland
Hansen
Hartke
Inouye
Magnuson
Mundt
Murphy
Pell
Ribicoff
Russell
Tower
Yarborough

So the resolution (S.J. Res. 211), as amended, was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BROOKE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the preamble was agreed to.

The preamble, as amended, was agreed to as follows:

Whereas the competition to develop and deploy strategic weapons has reached a new and dangerous phase, which threatens to frustrate attempts at negotiating significant arms limitations and to weaken the stability of nuclear deterrence as a barrier to war;

Whereas development of multiple independently targetable reentry vehicles by both the United States and the Soviet Union represents a fundamental and radical challenge to such stability;

Whereas the possibility of agreed controls over strategic forces appears likely to diminish greatly if testing and deployment of multiple independently targetable reentry vehicles proceed;

Whereas a suspension of flight tests of multiple independently targetable reentry vehicles promises to forestall deployment of such provocative weapons; and

Whereas a suspension of such tests could contribute substantially to the success of the strategic arms limitation talks between the United States and the Soviet Union: Now, therefore, be it

The PRESIDING OFFICER. The title as proposed to be amended will be stated.

The bill clerk read as follows:

Resolution expressing the sense of the Senate on suspension of further deployment of offensive and defensive nuclear strategic weapons systems.

Mr. MILLER. Mr. President, I call up my amendment to the amendment to the title.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment on page 4, to strike the last two lines and insert in lieu thereof the following:

The sense of the Senate on mutual suspension of further deployment of offensive and defensive nuclear weapons systems by the Union of Soviet Socialist Republic and by the United States.

Mr. MILLER. Mr. President, this is a perfecting amendment to accord with the other provisions of the resolution and also with the colloquies conducted on the floor of the Senate.

I have discussed the amendment with

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the distinguished prime sponsor of the resolution and with others. I understand that it is acceptable to them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment to the title.

The amendment was agreed to.

The title, as amended, was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I should like to address a question to the distinguished majority leader.

Would the distinguished majority leader be good enough to advise us of the further program for today and thereafter?

Mr. MANSFIELD. Mr. President, in reply, for the information of the Senate, in addition to the Peace Corps Act, as amended, Calendar No. 768, H.R. 15349, the Railroad Adjustment Board, will be taken up tomorrow.

On Monday it is anticipated that we will take up Calendar No. 760 (S. 2846), the mental retardation bill; Calendar No. 747 (S. 3637), the equal-time bill.

On Tuesday we will take up Calendar No. 763 (S. 1814), the public ownership of the D.C. Transit System, and will finish the equal-time bill if it is not completed on Monday.

Following that, on Wednesday, we will consider Calendar No. 773 (S. 721), the credit card bill.

On Thursday, we will consider Calendar No. 764 (S. 3685), the mortgage credit bill; Calendar No. 712 (S. 1148), the Virgin Islands Act.

On Friday we will consider Calendar No. 564, H.R. 9477, the Umatilla Indian Reservation bill.

This is the best I can do in a definitive way as to stating what the schedule will be.

Mr. SCOTT. Mr. President, I say to the distinguished majority leader that I am glad I asked the question.

I thank the Senator from New Hampshire.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3690) to increase the pay of Federal employees, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the amendments of the House to the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMillan, Mr. Abernethy, Mr. Dowdy, Mr. Cabell, Mr. Nelsen, Mr. Harsha, Mr. Broyhill of Virginia, and Mr. Hogan were appointed managers on the part of the House at the conference.

FEDERAL EMPLOYEES SALARY ACT OF 1970

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3690.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3690) to increase the pay of Federal employees which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Employees Salary Act of 1970".

Sec. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in section 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

Sec. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

(2) the Comptroller of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

Sec. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

Sec. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

Sec. 6. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$36,500" and "$36,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500", and inserting in lieu thereof "$34,500" and "$34,000", respectively.

(c) The first sentence of the second paragraph section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$34,000".

Sec. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "$80,000" and inserting in lieu thereof "$96,000."

Sec. 8. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position,".

Sec. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

Mr. McGEE. Mr. President, I move that the Senate concur in the amendment of the House to the bill (S. 3690) to increase the pay of Federal employees, with the following amendments:

On page 2, line 21, strike out "(1) in" and insert in lieu thereof "in (1)".

On page 3, line 10, strike out "this section" and insert in lieu thereof "section 2 of this Act".

On page 3, line 16, strike out the word "Comptroller" and insert in lieu thereof the words "President pro tempore".

On page 5, line 19, strike out "other provision" and insert in lieu thereof "provisions other than section 6".

Mr. FONG. Mr. President, I join in the motion for concurrence with the amendments.

Mr. COOPER. Mr. President, what do the amendments do?

Mr. McGEE. They relate to language. The House took the Senate bill, in essence, and made language corrections to make it consistent in the use of the words. There were three changes involved in the House amendments, such as on page 2, line 21, to strike out the word "in" and insert in lieu thereof "in.".

Mr. COOPER. In other words, no substantive changes?

Mr. McGEE. No. There were some people in one area who were considered premium—the border guards—and that was raised to 25 percent with the approval of downtown.

The PRESIDING OFFICER (Mr. Spong). The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

PRESIDENT NIXON'S ANNOUNCEMENT ON FUTURE SUPREME COURT NOMINATIONS

Mr. BAKER. Mr. President, what I have to say I am sure will be of great interest to most Senators.

The wire service ticker in the cloakroom carries a dispatch quoting President Nixon as indicating he has instructed the Attorney General of the United States to try to find a nominee for the Supreme Court from outside the South. The President observed that he finds it difficult, if not impossible, to have a conservative southern nominee appointed to the Supreme Court.

Mr. President (Mr. Byrd of West Virginia), I rise now to say that I reluctantly agree with the President in that judgment. I think it is extraordinarily unfortunate that he has reached that conclusion, but I believe it is the correct conclusion under the circumstances.

While we might wage these fights all over again, it seems to me that the country deserves a ninth Justice of the Supreme Court and that it may, indeed, be much easier to find one acceptable from outside the South.

I come from Tennessee. As I observed yesterday, I hope that we do not have an anti-Southern bias in the Senate. I think that we do not. But we should be avoiding the appearance of bias as well.

Thus, as a Tennesseean, whether Tennessee is classified as a Southern State or a border State, I pledge now that a nominee from outside the South sent to the Senate for consideration and, hopefully, for confirmation, will be examined by the Senate on the basis of no regionalism at all and without reference to his antecedents.

Mr. President, I hope that my colleagues will do the same in this case and in the case of some future southerner who may be nominated and then confirmed to serve on the Supreme Court.

Mr. SPONG. Mr. President, I want to follow up what has just been said by the distinguished Senator from Tennessee.

I regret that the President has reached that decision. I have no wish to reopen a debate that has already occupied far too much of our time. But I would observe that had the President's third nominee possessed the competence of his second—Judge Clement Haynsworth—I believe he would have been confirmed with a minimum of difficulty.

I would not want to believe that there is any prejudice in this Chamber against the South. Certainly that has not been the case in the past. Of the total of 43 Supreme Court Justices appointed in this century, 11 have been from the South, including Justice Hugo Black, of Alabama, Fred Vinson, former Chief Justice, James Brynes, of South Carolina, and Stanley Reed, of Kentucky.

For myself, along with the distinguished Senator from Tennessee, I intend to continue judging nominees for the Supreme Court not on a regional basis but on a national basis. What is important is to have an able man who can restore balance and public confidence in the Court.

Mr. DOLE. Mr. President, I would comment briefly as I have read President Nixon's statement.

I believe it is a recognition by the President that the Senate should no longer frustrate the Supreme Court or the American people.

It may also be recognition by the President that he intends to send another nominee to the Senate as soon as possible. Though I made a different suggestion yesterday, apparently the President feels we should get on with the business and fill the vacancy. He recognizes, very clearly and correctly, that there is the appearance of bias in this Chamber with reference to the South, and potential Justices from the South.

The appearance is obvious. It is recognized by the President and he is moving ahead to nominate a nonsoutherner, but a strict constructionist. The President stated the Senate, as presently constituted, will not take a southerner. This is something which can be changed at a later time—say in November.

Mr. TYDINGS subsequently said: Mr. President, with respect to the remarks of the distinguished Senator from Tennessee (Mr. Baker), I think it was a most unfortunate situation and it was most unwarranted that the statement was made that a conservative from the South could not be confirmed by the Senate.

In my judgment, and I think in the judgment of a great majority of my colleagues, a competent, qualified southerner who is a strict constructionist of conservative philosophy with a proper record could and would be confirmed by the Senate.

From time to time I have taken occasion in the Judiciary Committee and before the Senate to enumerate a number of great southern lawyers and jurists.

The problem is not with the section of the country. The problem is with the nominee whom the President just forwarded to the Senate—Judge Carswell.

Had the Department of Justice done a thorough screening, I am sure the President would not have nominated Mr. Carswell. Mediocrity, wherever it comes from, is not a quality which the people of America or the Senate of the United States is willing to accept for the Supreme Court.

TAX TREATMENT OF INDIVIDUALS SERVING ON U.S.S. "PUEBLO"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 765.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8654) to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MILLER. Mr. President, this bill (H.R. 8654) extends to the crew of the U.S.S. *Pueblo* the same tax treatment and tax benefits that are provided persons serving in a Presidentially designated combat zone.

There are four tax benefits provided under present law for members of the Armed Forces who are in active service in a Presidentially designated combat zone. First, there is an income tax exclusion for pay received by a member of the Armed Forces for service in a combat zone or while he is a prisoner of war as a result of combat zone service. In the case of commissioned officers, the exclusion is limited to $500 per month. Second, a member of the Armed Forces who dies as a result of combat zone service has his income tax for the year of death, as well as any unpaid income taxes for other years, waived. Third, there is an exception from the Federal estate tax—except that part against which credit for State death taxes may be taken—for any member of the Armed Forces who dies as a result of combat zone service. Fourth, an extension of time is granted for performing various actions, such as filing tax returns and paying taxes, to members of the Armed Forces serving in a combat zone and to other persons serving in support of the Armed Forces in a combat zone.

As I have indicated, however, these four provisions only apply where the person is in service in a Presidentially designated combat zone. At present, Vietnam and adjacent waters is the only area designated by the President as a combat zone.

Accordingly, under present law the *Pueblo* crew is not entitled to the benefits of these four provisions, although the purpose of those provisions is to extend tax relief to military personnel subjected to the hazards and hardships of combat. The hardships and maltreatment suffered by the *Pueblo* crew during their detention by North Korea are well known, and of comparable magnitude to those suffered by military personnel serving in a combat zone. Therefore, it is appropriate to extend to the *Pueblo* crew the same tax treatment and tax benefits which are available with respect to service in a combat zone.

The bill, in effect, provides, for purposes of the provisions of the tax law I have mentioned, that individuals serving on the U.S.S. *Pueblo* are to be considered as having served in a Presidentially designated combat zone during the period of their detention by North Korea. Thus, the *Pueblo* crew, including the one member who was killed during the capture of the ship by North Korea, will be accorded the tax benefits to which I have referred for the period of their imprisonment.

Mr. President, the enactment of this bill is favored by the administration. I urge its adoption.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 8654) was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF SECTION 613 OF THE MERCHANT MARINE ACT OF 1936

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 766, H.R. 12605.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That Section 613 of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1183) is amended by—

(a) Striking the letter "(d)" in subsection (b) after the words "under subsection" and inserting in lieu thereof the letter "(e)".

(b) Striking subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) The Secretary of Commerce may authorize passenger vessels under operating-differential subsidy contracts to provide domestic service between specified ports while the vessels are on voyages in an essential service in the foreign commerce of the United States without reduction of operating differential subsidy for operating in the domestic trades, if it finds that such domestic service will not result in a substantial deviation from the service, route, or line for which operating-differential subsidy is paid and will not adversely affect service on such service, route, or line."

(c) Redesignating subsection (d) as subsection (e) and inserting a new subsection (d) to read as follows:

"(d) When a vessel is being operated on cruises or has been authorized under this section to provide domestic passenger services while on voyages in an essential service in foreign commerce of the United States—

"(1) it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

"(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

"(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic offshore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however,* That nothing herein shall be construed to repeal or modify section 805(a) of this Act.

Section 605(c) of this Act shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of Section 605(a) and Section 506 of this Act requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under Section 605(a) and 506, respectively, shall not apply to cruises or domestic services authorized under this section."

(d) Striking subsection (e).

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 12605) was read the third time and passed.

THE PEACE CORPS ACT AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 762, S. 3430. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3430) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment,

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to strike out all after the enacting clause and insert:

That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended—

(1) by striking out "1970" and "$98,450,000" and inserting in lieu thereof "1971" and "$90,000,000", respectively; and

(2) by striking out the last sentence thereof.

Sec. 2. (a) Section 5(c) of such Act (22 U.S.C. 2504(c)), which relates to a readjustment allowance for volunteers, is amended—

(1) by inserting immediately before the period at the end of the first sentence thereof the following: "; except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President; and

(2) by striking out "the Act of August 3, 1950, chapter 518, section 1 (U.S.C. 61f)" and inserting in lieu thereof "section 5582(b) of title 5, United States Code".

(b) Section 5 of such Act (5 U.S.C. 2504), which relates to Peace Corps volunteers, is amended by adding at the end therof the following new subsections:

"(m) The minor children of a volunteer living with the volunteer may receive—

"(1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;

"(2) such health care, including health care following the volunteer's service for illness or injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

"(3) such orientation, language, and other training necessary to accomplish the purpose of this Act as the President may determine; and

"(4) the benefits of subsection (1) of this section on the same basis as volunteers.

"(n) The costs of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service."

Sec. 3. Clause (3) of section 6 of such Act (22 U.S.C. 2505), which relates to Peace Corps volunteer leaders, is amended by striking out ", and a married volunteer's child if born during the volunteer's service,".

Sec. 4. Paragraph (3) of section 7(a) of such Act (22 U.S.C. 2506(a)), which relates to Peace Corps employees, is amended to read as follows:

"(3) The President may specify what additional allowance authorized by section 5941 of title 5, United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5, may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5, United States Code, referred to in this paragraph."

Sec. 5. (a) Subsection (a) of section 13 of such Act (22 U.S.C. 2512), which relates to experts and consultants, is amended—

(1) by striking out "section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a)" and inserting in lieu thereof "section 3109 of title 5, United States Code"; and

(2) by striking out "$75 per diem" and inserting in lieu thereof "the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code".

(b) Subsection (b) of such section 13 is amended by striking out "section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263)" and "section 201 of the Dual Compensation Act'" and inserting in lieu thereof "sections 3323(b) and 8344 of title 5, United States Code" and "section 5532 of title 5, United States Code", respectively.

Sec. 6. Subsection (b) of section 14 of such Act (22 U.S.C. 2513), which relates to detailing personnel to foreign governments and international organizations, is amended by striking out "section 1765 of the Revised Statutes (5 U.S.C. 70)" and inserting in lieu thereof "section 5536 of title 5, United States Code".

Sec. 7. (a) Clause (3) of subsection (a) of section 301 of such Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out all that follows "and participation in," and inserting in lieu thereof "international voluntary service programs and activities."

(b) Paragraph (2) of subsection (b) of such section 301 is amended to read as follows:

"(2) Not more than $300,000 may be used in fiscal year 1971 to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities."

TRIBUTE TO THE PRESIDENT

Mr. TYDINGS. Mr. President, in Life magazine, there recently appeared an editorial by Hugh Sidey entitled, "The Presidency: Making Points With Civility."

Mr. Sidey points out some of the very fine and warm characteristics of the President with reference to courtesy and good manners extended to persons in the government service who normally might not expect such kind of treatment from a President of the United States.

Years ago my grandfather told me that the true definition of a gentleman was a person who treats the most humble person, from whom he had no hope of reward, with the same courtesy and with the same kindness with which he might treat a very powerful individual from whom he expected to curry favor.

I think that under my grandfather's definition, the present occupant of the White House, as presented in this editorial by Mr. Sidey, represents the true picture of a gentleman and he deserves the commendation of all Americans.

I ask unanimous consent that the full text of the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Presidency: Making Points With Civility

(By Hugh Sidey)

At about this stage in a modern Presidency, thanks to the relentless TV eye and the inexhaustible supply of newsprint, the American people begin to get a real sense of the man in the White House.

It is a kind of subliminal appraisal, depending only in part on the big, visible moments of presidential crisis and ceremony. It is also the sum of all the unconnected, gossipy backstairs whispers and rumors about the man that always find their way into public knowledge.

How this affects a President's ability to lead is debatable, but since electronics have introduced him into most living rooms from breakfast to bed, the little things now count more than they used to in earlier Presidencies. A body of opinion holds that long before Lyndon Johnson lost the American people over the Vietnam war, he had made himself a thoroughly unlikable person to a vast number of citizens, and it then became very easy for them to turn against him on questions of policy. L.B.J.'s legendary meanness, crudeness and autocracy were so open and so utterly compelling in the White House setting that his moments of kindness, decency and even bursts of humility either went unnoticed or were dismissed as theatrics.

Richard Nixon has taken this unfortunate page from the old manual and rewritten it. He has rewritten it so thoroughly, indeed, that some people wish there were a faint whiff of roguishness somewhere, a juicy story of vented outrage that would give the President a more human dimension. The fact is that the atmosphere around the Oval Office is one of unrelieved thoughtfulness and gentility. Calculated or not, the effect of the new style in the vast temperate zones of American opinion has been immense. Critics who thrive on personality fissures are utterly frustrated.

When he went to Florida for Easter, Nixon took his barber, Steve Martini, along on Air Force One so that Martini could visit his sick mother. As he walked out the White House door, Nixon called to his aide John Ehrlichman, who has been under intense pressure, "Use my place at Camp David."

There is not a single provable story (or even an unprovable one) about Nixon blowing up at a Cabinet officer, staff member, guest or reporter. Once he was heard to say about the draft, "My God, why don't we do something about it?" But that is the strongest outburst on record.

When irritated, Nixon tends to become excessively polite, a tactic the obtuse often misread. One agency head who had been overselling his programs suddenly heard the President saying, "I understand completely. . . . I'm glad you brought that up. . . . Won't you have a cup of coffee?" The man thought he had won the day, but those closer to Nixon knew that he had lost it.

The President swept up Frankie Blair, a White House kitchen helper, and took him bowling. He has stopped off in the lower reaches to commend Chef Henry Haller and Maitre d' John Ficklin for an unusually fine dinner. Before Christmas he went around the White House personally delivering boxes of candy to the telephone operators and mail handlers, some of whom had never had personal contact with a President in all their years of service there.

Ceremonial flubs especially annoy Nixon yet the most he will say to aides after a gaffe is, "Let's do it differently next time." He believes that the men around him are all of the highest quality, that they do not make mistakes deliberately, and that when they do they recognize them and feel worse than he does. To dismember them is unnecessary.

As he flew to the Vatican last year, he rounded up all the Catholics on board and took them with him to meet the Pope. The other day he walked down the hall, passed an office door by a few steps, whirled and came back to shake the hand of Warrant Officer Elmer Juanich, who was about to be sent overseas.

When Nixon summons a Cabinet officer, he often asks if it is convenient for the man to

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see him just then. An astounding number of times the fellow says it isn't, and the President sets a new hour. More than one visitor in the offices of the big three—Kissinger, Ehrlichman and Haldeman—has been startled to hear one of them pick up the phone and say, "I'm in a meeting right now, Mr. President. I'll be down just as soon as I finish." The total response Lyndon Johnson demanded is hard for this city to forget. Thus, a mini-legend was started when Ehrlichman, on his way to see the President, stopped the White House elevator for a messenger and his cart of documents, allowed the courier to go to his floor and disembark, then strode off to answer the presidential summons.

When he learned that it was the birthday of one of Henry Kissinger's daughters and that the aide was flying to Boston to see her, Nixon called Kissinger in, presented him with a presidential seal made into a pin encrusted with pearls, and had it gift wrapped. It was Nixon who decided to forgo TV athletics one Saturday and run up to Philadelphia to honor Conductor Eugene Ormandy on his 70th birthday. On another Saturday, he insisted on taking Senator William Fulbright, not exactly a philosophical bedfellow, when he attended the Texas-Arkansas football game last fall.

If his appointments run longer than expected and someone is waiting, Nixon will interrupt his first engagement so that he can greet his next visitor, and then come back to number one. He makes certain that the Vice President is never left outside his door for more than a few minutes.

Nixon had surprise ceremonies for two aides who became generals, personally pinning on the stars. When a White House secretary married a man from communications, he called them in for a picture with the President.

When Nixon delivers a speech on which Bill Safire has worked and the talk goes well, Safire expects and receives two calls—the first from the President, the second from Safire's mother. A few weeks ago when Nixon had to draft a letter to the ruffled French president, Georges Pompidou, a short notice went through the interoffice system to one Arthur Downey, until then an anonymous body assigned to the National Security Council staff. It said, "The President was particularly pleased with your expert drafting of the letter to President Pompidou. . . . He asked me to convey his thanks and personal compliments."

All these instances are simply small examples of courtesy and good manners. None of them is specifically intimate in character and they could as easily have been lifted from a textbook on executive thoughtfulness. But together they surely mean that Nixon's personal shortcomings will probably never make corrosive chatter at dinner tables and cocktail parties around the country. L.B.J. may have helped to destroy himself with petty maliciousness, but if backstairs talk means anything at all, Nixon will not.

IMPLEMENTING THE GUAM DOCTRINE: THE CASE FOR WITHDRAWING U.S. TROOPS FROM KOREA

Mr. TYDINGS. Mr. President, in his inaugural address 14 months ago, President Nixon announced his determination to lead this Nation out of a period of confrontation in international affairs and into an "era of negotiation."

Six months later in Guam, the President offered a more concise explanation of how this new doctrine would be implemented in Asia. Henceforth, he decleared, the United States would expect its allies in Asia to accept the primary responsibility of providing the manpower for their own defense. The United States would confine its rolé in the Pacific to the provision of a nuclear shield, and the furnishing of military and economic assistance to Asian nations threatened with external aggression.

To the extent that such policy statements serve as the basis for future U.S. actions, they are certainly welcome. Had we pursued the course they prescribe 6 years ago, we could have avoided our entrapment in Vietnam and the terrible price in blood and treasure that tragic war has exacted.

FAILURE TO APPLY THE GUAM DOCTRINE

However, this Nixon Doctrine has failed so far to address the problem of the consequences of our past military involvements and interventions in the Pacific: The more than two-thirds of a million American troops that remain deployed today on the Asian mainland and in the surrounding areas. In focusing on the need to move from a period of confrontation to an era of negotiation, this new doctrine has failed to grapple with our ultimate objective in Asia: U.S. military extrication.

Vietnamization, the label our present Vietnam policy bears, is a program for deescalating U.S. participation in that Southeast Asian conflict. The President has indicated he hopes to withdraw all U.S. ground forces from Vietnam by the end of this year; a hope that sadly grows more remote with each request for delay from the Pentagon.

But, whatever the schedule, Vietnamization is not a policy for total U.S. military extrication from Vietnam. Secretary of Defense Laird has made it clear in testimony before the Congress that the administration contemplates keeping 100,000 to 200,000 American military personnel in Vietnam indefinitely in advisory and support capacities, at a cost not only of continuing American casualties, but also of billions of dollars each year.

At no point does this policy of Vietnamization, as annunciated to date, describe the conditions that would permit the complete withdrawal of U.S. Armed Forces and indicate what we intend to do to secure those conditions.

In short, Vietnamization lacks a plan and a timetable for ending the U.S. military presence in South Vietnam. For all we know, 1980 will find 200,000 U.S. troops at a cost of $10 billion a year still stationed in and around Saigon.

In addition to the 450,000 U.S. troops currently stationed in Vietnam, there are approximately 55,000 U.S. troops in Korea, 50,000 U.S. troops in Thailand, 100,000 U.S. troops in Japan, Okinawa, Guam, and the Trust Territories, 30,000 U.S. troops in the Philippines, and as we recently discovered, a number of U.S. military personnel in Laos. This comes to a total of more than 685,000 U.S. troops and military personnel stationed in Asia today.

Many of these troops appear to be permanently stationed in the Pacific. To the best of my knowledge, no plans with timetables currently exist for withdrawing these troops and bringing them home.

This is particularly disturbing in view of the persuasive evidence which suggests that a large number of them could be brought home this year with no significant effect on our security or that of our Asian allies.

KOREA: A CASE IN POINT

South Korea provides an excellent example of an Asian nation in which we could begin immediately implementing the Guam doctrine.

At present, there are 55,000 U.S. troops in Korea organized principally into two divisions. As I shall seek to demonstrate in the remainder of my remarks, at least one of those U.S. divisions could be withdrawn this year at a saving of $250 million and numerous American lives without significantly weakening either the defenses of South Korea or our ability to deter a possible attack on the south from North Korea or China.

Let us review the relevant arguments.

U.S. TROOPS NOT NEEDED FOR ROK DEFENSE

First, South Korea today, without the assistance of any U.S. ground forces, possesses the military manpower and resources to handle any invasion threat North Korea could pose in the foreseeable future, providing U.S. air support is continued.

The south contains a population of 31 million compared to a population in the north of only 13 million. In 1968, the most recent year for which data is available, South Korea recorded a gross national product of $5.2 billion; the North Korean GNP was only $2.8 billion. And based on a projection of current growth rates, this disparity in the economic capacity of the two Koreas will increase in the decade ahead.

Last year, the South Korean economy grew an incredible 13 percent, a rate more than three times the growth rate of the U.S. economy. At the same time, available evidence suggests that the North Korean economy is stagnating. When Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, was asked by a House Appropriations Subcommittee last June to compare the two Korean economies, he replied:

> As you know, the South Korean economy has burgeoned over the past several years. On the contrary, the North Korean economy is practically dead.

This economic superiority of the South is increasingly being reflected in the military balance sheet for the two Koreas. South Korea now boasts a total armed force of 620,000 men—the third largest army in the free world. North Korea, on the other hand, has a force level of only 384,000 men.

Of greater long-term military significance is the fact that the south supports this larger force with a defense budget that consumes only 6 percent of its GNP. By contrast, the North Koreans are being forced to devote 25 percent of their smaller GNP to field a force which is only 60 percent as large as that of the south. In other words, the south is in a position to expand its own forces considerably without assuming the relative economic burden the north already has incurred.

Therefore, given the greater size,

growth rate and industrial capacity of the South Korean economy, and the current advantage the South holds over the North with respect to military manpower, there is every reason to believe the government in Seoul currently can defend its borders against a North Korean attack without the assistance of U.S. ground forces.

Certainly, the south possesses the military personnel to fill any gaps the removal of one U.S. division might create out of existing ROK forces. And given the excellent training and fighting ability of the ROK troops, the Americans could be replaced without any significant sacrifice in combat effectiveness—particularly if the departing U.S. troops left their weapons and equipment behind.

If Seoul is reluctant to draw on ROK forces currently deployed in Korea to replace departing American troops, it has several other options. There are currently 2⅓ South Korean divisions—50,000 men—stationed in Vietnam. Just as Vietnamization is expected to permit the total withdrawal of U.S. ground forces from Vietnam in the coming year, this policy should permit the withdrawal of South Korean troops. One of these 2⅓ crack ROK divisions could be used to assume the positions of a departing American division in Korea.

And, if Seoul is opposed to bringing back these troops from Vietnam or simply replacing departing U.S. troops with existing ROK forces, South Korea has the economic resources and manpower pool to create and equip one new division. Of the 305,373 men eligible for the South Korean draft last year, only 180,000 or 58 percent were inducted. Surely, another 25,000 to 35,000 can be inducted if the South Koreans believe their national security is at stake.

North Korea has been able to meet its armed forces needs with a much smaller manpower potential than the South and without recourse to Chinese or Soviet troops. There is no reason why South Korea should not be able to meet its own needs without relying on U.S. ground troops.

It should be noted here that North Korea does enjoy marked air superiority over the South. Therefore, any American troop withdrawals from Korea at this time could not include a reduction in U.S. tactical air power in the Pacific.

So far, we have been defining Seoul's defense needs in terms of a possible North Korean attack. Could the South stave off a combined North Korean-Chinese attack unaided?

The answer is clearly no. But, at the same time, the presence of one or two U.S. divisions on Korean soil equipped for conventional warfare hardly would alter the outcome.

An effective defense against a massive Chinese invasion—a highly unlikely event given the risks Peking would run of nuclear war with the United States—would require a larger U.S. force than that now deployed in Vietnam and probably the resort to nuclear weapons.

In summary, maintaining two U.S. divisions in Korea instead of one cannot be justified in terms of defense requirements. A second U.S. division is not needed to defend against a North Korean attack; and it is not helpful against a Red Chinese attack.

U.S. DETERRENT: ONE DIVISION AS GOOD AS TWO

Second, the withdrawal of one U.S. division from Korea would not noticeably diminish the deterrent to a North Korean or Chinese attack provided by America's commitment to defend South Korea from external aggression.

As I just attempted to explain, U.S. ground troops in South Korea are not essential to the actual defense of that nation; they could be replaced by ROK forces with no significant degradation of South Korea's defense capability. If there is any case to be made for the continued deployment of U.S. troops in Korea, it is in terms of their role as a deterrent.

There is no question that the stationing of U.S. ground forces in South Korea is a very direct way of warning Pyongyang and Peking that an attack on South Korea necessarily means war with the United States. However, I would challenge those who contend that our deterrent would not be credible without the presence of U.S. troops in Korea to explain why one U.S. division cannot convey our commitment as effectively as two. Why would a North Korean attack on 30,000 U.S. soldiers be any less likely to insure American entry into the conflict than an attack on 55,000 U.S. soldiers?

I think the answer is that both would be equally effective.

Furthermore, the presence of U.S. troops in Korea is not the only basis of our deterrent. We are party to the United States-Republic of Korea Mutual Defense Treaty of 1953. Article III of that treaty commits the United States to take appropriate action if South Korea is the object of an "armed attack." In addition, we have a commitment under the United Nations to defend South Korea from an attack by North Korea or China. In August of 1953, after the armistice concluding the Korean war was signed, the 16 nations that had furnished military forces to the U.N. command during the war issued a statement pledging themselves to renew the war if Communist aggression recurred.

Another factor serving to reinforce the credibility of the U.S. commitment as a deterrent to an attack on South Korea—the ability of our tactical air force in the Pacific to strike North Korea—would in no way be diminished by the withdrawal of one ground division.

Also, there is America's demonstrated ability to transport large numbers of U.S. troops into Korea on short notice. Last year the United States airlifted a sizable force of combat-ready troops from North Carolina to South Korea in 31 hours.

Our Polaris submarines with their nuclear missiles that are scheduled to be deployed shortly in the western Pacific provide a potent deterrent against intervention by Peking in any future Korean conflict.

Finally, our surveillance and intelligence systems in Korea constitute an effective deterrent. For the Chinese and North Koreans know we can detect troop movements and troop concentrations of the magnitude required for a major invasion of the south, and realize that this will give us the leadtime to fly in necessary U.S. troops and weapons should the President and Congress consider it advisable.

A surprise attack like that launched by the Chinese in 1950 in the mountainous terrain of North Korea would not be possible today. For the demilitarized zone dividing the Koreas does not afford adequate cover. Any large concentration of Chinese troops would be spotted well in advance of an invasion of the south.

In short, the facts strongly suggest that the continued presence of both our ground divisions on Korean soil is not a prerequisite to the preservation of a credible U.S. deterrent to a major enemy attack on South Korea.

COSTS AND RISKS

Third, the present deployment of one American division on the front line in South Korea entails dangerous and unnecessary risks and costs to the United States.

No one can question our current commitment to come to South Korea's aid in the event of a major enemy attack. Our treaty obligations are explicit and incontestable.

But, of all of our bilateral and multilateral security pacts wisely stipulate, the manner in which we fulfill our commitment in each instance must be determined "in accordance with U.S. constitutional processes." In other words, the President and the Congress retain the power to determine the form of U.S. action in response to a threat to the security of South Korea or any other nation with which we have a reciprocal defense agreement.

Such is not the case with respect to South Korea today. By stationing an American division on the front line in Korea, the power to decide how the United States will fulfill its treaty obligations has been effectively removed from Washington and shifted to Seoul and Pyongyang. The one U.S. division now positioned along the DMZ—the other is held back in reserve—serves as a "trip-wire;" that is, it operates as a deterrent by insuring that any North Korean invasion of the South will necessarily involve U.S. troops.

To begin with, it is U.S. presence in Korea, not the undue exposure of U.S. forces, that is essential for purposes of deterrence.

Furthermore, employing this division as a "trip-wire" vitiates the critical "constitutional processes" clause in our mutual defense treaty with Seoul. For should the North Koreans invade across the DMZ, our front line division would automatically trigger U.S. participation in a ground war in Korea.

Even more unacceptable is the situation in which the aggression is initiated by the South Koreans. The United States-Republic of Korea Mutual Defense Treaty of 1953 contains an understanding insisted upon by the U.S. Senate that releases the United States from any obligation to aid the South Koreans should they attempt to go north.

But the presence of that one U.S. division on the DMZ renders that understanding meaningless. For the North

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Korean reaction to an attack from the south would necessarily subject those U.S. troops to enemy fire; fire they would be forced to return to survive. The President and the Congress would then have no alternative but to send additional troops and materials to help defend that U.S. division.

In addition, the maintenance of U.S. troops along what is generally considered the most vulnerable and dangerous 18-mile stretch of the DMZ is being paid for at the cost of American blood as well as dollars. These troops, along with those in Vietnam and Laos, are the only American military personnel in the world today judged in sufficient danger to warrant combat pay. During the last 2 years for which figures are available—1967-68—31 American soldiers have been killed and 118 wounded by enemy fire in Korea.

Seventeen years have elapsed since the Korean armistice was signed. The United States has invested $8 billion in South Korea over that period to build a vigorous economy and an effective armed force in that nation. And based on the evidence, we have succeeded.

There is absolutely no sound reason why American boys should still be laying down their lives on the front line when Korean troops are perfectly capable of patrolling that line.

SAVING TAX DOLLARS

Fourth, replacing one U.S. division in Korea with a ROK division would result in a substantial budgetary savings for the United States if the withdrawn American division was disbanded.

Conservative estimates of the annual pricetag for American military presence in Korea put the amount at somewhat in excess of $1.1 billion. Of this sum, roughly half—or about $500 million—is directly related to the maintenance of our two Army divisions.

It has been calculated that it costs only about one-tenth as much to keep a ROK division in the field in Korea as it costs to put one U.S. division in Korea. This differential is the product of higher U.S. salaries, a higher U.S. standard of living and the transportation costs of shipping U.S. forces across the Pacific and back. Therefore, replacing one of our divisions in Korea with a ROK division—even if we financed the latter—promises savings in the range of $200 to $300 million a year; resources desperately needed to meet pressing problems here at home.

Replacing a U.S. division with a ROK division would also ease the grave balance-of-payments problem the United States has been experiencing. According to the Department of Defense, we incurred a balance-of-payments deficit of $269 million last year as the result of our military presence in Korea.

By way of contrast, Seoul has been running surpluses in its foreign exchange account in recent years. Representative OTTO E. PASSMAN, chairman of the House Appropriation Subcommittee on Foreign Operations, reported during hearings last year that—

> The Koreans actually have an excess in their foreign exchange account and they are now buying good solid U.S. bonds and getting a little higher rate of interest than we are paying Americans . . . So we are putting money in the front door and borrowing back some of it through the back door.

I might add that we are giving them money in the front door and paying them higher interest when we borrow back our own money through the back door.

There is no reason why we should continue to bear this costly burden when neither security considerations nor the state of the Korean economy warrants it.

ROK: READY TO STAND ALONE

Fifth, and most important, the Republic of Korea has come of age as a nation.

Its government is stable and appears to have the support of the South Korean people. There is no question of their will to defend themselves against an attack from North Korea or from anywhere else.

As a result of $8 billion in U.S. aid and its own resourcefulness, South Korea today boasts one of the most vigorous economies in the world with a rapidly expanding industrial base.

The ROK Army is large and well trained. It certainly appears capable of dealing with any invasion threat Pyongyang can pose.

It is safe to say that, if a comparable stage of political and economic development had been achieved in South Vietnam, we would have declared a "total victory" in that beleagured nation long ago.

In 1953, we set out to provide the security shield, resources and know-how to enable South Korea to become an economically and militarily self-sufficient nation. This was the goal of all our economic and military assistance over the past 17 years.

Well, we have succeeded. It is time we recognized that South Korea is ready to stand on its own.

When a nation has reached that stage, it is hardly in our interests to serve as an obstacle to the expression of its full self-reliance. A lingering U.S. presence in South Korea can only be viewed, ultimately, as paternalistic by the Korean people.

ARGUMENTS AGAINST WITHDRAWAL

These are the five principal reasons which in my opinion constitute a compelling case for the withdrawal of one U.S. division from Korea this year.

However, before deciding on a proper course of action, it is necessary to carefully consider several arguments that are frequently offered in opposition to even a partial withdrawal of U.S. forces from Korea.

The first and most publicized objection to the removal of any U.S. troops from Korea at this time revolves around the question of nuclear weapons. The United States reportedly keeps nuclear weapons in South Korea to deter against a combined Chinese-North Korean attack and possibly to defend against such an attack should deterrence fail.

Opponents of a troop withdrawal in Korea have argued that U.S. troops in adequate strength are needed to guard these nuclear weapons. Even the removal of one of the two U.S. divisions stationed there, it is contended, would leave these weapons vulnerable to North Korean seizure.

If the nuclear weapons in question are strategic, they can certainly be withdrawn from Korean with no diminution in our strategic capabilities of any consequence. There appears to be no compelling military reason for strategic weapons to be stored forward in Asia. Indeed, I would challenge the Defense Department to document any significant degradation in our ability to destroy China or the Soviet Union resulting from the withdrawal of strategic nuclear weapons from Korea.

Tactical nuclear weapons present an entirely different set of variables.

Putting aside for the purposes of argument the question of whether it is really possible to fight a limited nuclear war, the proponents of a U.S. tactical nuclear force readily concede that it only makes sense to use this force in certain situations.

If ROK forces were either driving back an invading army or holding their own, the introduction of tactical nuclear weapons would clearly involve unjustifiable risks of widening the conflict and possibly triggering World War III. Presumably, the only situation in which the use of these weapons would be considered is one in which enemy troops were threatening to quickly overrun all of South Korea.

But as I pointed out earlier, a force of sufficient size and concentration to overrun Korea, given the present strength of ROK ground forces, would certainly be detected by U.S. surveillance systems well in advance of the actual invasion. If such an invasion threat were developing, I would estimate that we could transport tactical nuclear weapons from the United States to South Korea in no more than 24 hours plus flying time.

Would this be fast enough? In June of 1950, it took North Korean forces with a troop superiority of roughly 2 to 1, 3 full days to reach Seoul, which is only 60 miles south of the DMZ—and a long way from taking all of South Korea. And today, the manpower advantage belongs to the ROK Army.

In short, Peking and Pyongyang are aware that we can introduce tactical nuclear weapons into Korea very quickly. Prepositioning these weapons is neither necessary for deterrence nor for their use in the defense of South Korea.

The other argument frequently offered in opposition to the withdrawal of U.S. troops rests on the contention that the United States pledged to maintain present troop levels in Korea as long as ROK forces remained in Vietnam. However, according to Secretary of Defense Laird, no such agreement between Seoul and Washington was every concluded.

Questioned specifically on this matter before a House subcommittee last year, Secretary Laird replied:

> There is no bargain, there is no understanding along that line. I want the record to show that there is no commitment as far as the United States is concerned along that line, and we shouldn't let anyone think that there is any kind of commitment like that because, as far as I am concerned, I would not go along with any commitment like that.

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Thus, in my considered judgment, neither of the major arguments offered in opposition to even a partial withdrawal of U.S. ground forces from South Korea is very convincing.

MATCHING WORDS WITH ACTION

It is for this reason that I believe the President should undertake the following:

First, the President should order the withdrawal of the one U.S. division currently stationed along the DMZ in Korea. Withdrawing this front-line division and dismantling it would reduce the risk of the United States being involved in another ground war in Asia, stop the killing and wounding of U.S. soldiers in Korea, produce a budgetary savings of roughly a quarter of a billion dollars a year, and recognize that South Korea finally has come of age as a nation without jeopardizing the security of either the United States or South Korea. It should be emphasized that the American boys in the remaining U.S. division would be no less secure than they are now owing to the presence of ROK troops and U.S. airpower.

Second, the President should indicate to the Congress and to the American people how this administration intends to implement the Guam Doctrine.

What conditions will permit the complete withdrawal of U.S. ground forces from Japan, Thailand, Okinawa, Guam, the Philippines, and Laos? When will these nations no longer have to rely on U.S. tactical air support for their security?

What are the President's plans beyond Vietnamization for fully liquidating the American military presence in Vietnam?

When will the United States be able to withdraw the other U.S. division now stationed in Korea, and what are we doing to hasten that day?

A survey of U.S. military personnel stationed around the world reveals that their positioning and numbers too often are the product of historical accident rather than a careful calculation of present U.S. security requirements. Too often the best explanation available for the presence of American troops in a particular country is that we have had troops there for 10, 20, or 30 years.

I offered the case of Korea simply as one example of a nation in which more U.S. troops are deployed than are needed. For what other nations can the same be said?

For too long we have ignored or avoided seeking the answers to such questions. As a result, the Guam Doctrine remains largely rhetoric today.

It is time for Congress to actively promote the implementation of this doctrine. Comprehensive Senate hearings should be scheduled this year on the subject of U.S. general force levels deployed in Asia and Europe.

The President has declared the onset of an "era of negotiation" in U.S. relations with the rest of the world. In the name of economy and U.S. security, it is our responsibility to insure that this period of reduced tension and détente culminates in an "era of military extrication."

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a copy of the Mutual Defense Treaty between the United States and the Republic of Korea and a copy of the report to Congress by Richard Nixon, President of the United States, on February 18, 1970, entitled "U.S. Foreign Policy for the 1970's—A New Strategy for Peace."

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The Parties to this Treaty,

Reaffirming their desire to live in peace with all people and all governments, and desiring to strengthen the fabric of peace in the Pacific area,

Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area,

Desiring further to strengthen their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive and effective system of regional security in the Pacific area,

Have agreed as follows:

ARTICLE I

The Parties undertake to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the Purposes of the United Nations, or obligations assumed by any Party toward the United Nations.

ARTICLE II

The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separately and jointly, by self help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

ARTICLE III

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

ARTICLE IV

The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.

ARTICLE V

This Treaty shall be ratified by the United States of America and the Republic of Korea in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

ARTICLE VI

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done in duplicate at Washington, in the English and Korean languages, this first day of October 1953.

For the United States of America:

JOHN FOSTER DULLES.

For the Republic of Korea:

Y. T. PYUN.

UNITED STATES TREATIES AND OTHER INTERNATIONAL AGREEMENTS

WHEREAS the Senate of the United States of America by their resolution of January 26, 1954, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Treaty with the following understanding:

"It is the understanding of the United States that neither party is obligated, under Article III of the above Treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

WHEREAS the text of the aforesaid understanding was communicated by the Government of the United States of America to the Government of the Republic of Korea by a note dated January 28, 1954, and was acknowledged by the Government of the Republic of Korea by a note dated February 1, 1954;

WHEREAS the said Treaty was duly ratified by the President of the United States of America on February 5, 1954, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid understanding, and was duly ratified also on the part of the Republic of Korea on January 29, 1954;

WHEREAS the respective instruments of ratification of the said Treaty were exchanged at Washington on November 17, 1954, and a protocol of exchange, in the English and Korean languages, was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and the Republic of Korea, the said protocol of exchange recording the aforesaid understanding;

AND WHEREAS it is provided in Article V of the said Treaty that the Treaty will come into force when instruments of ratification thereof have been exchanged at Washington;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said Mutual Defense Treaty between the United States of America and the Republic of Korea to the end that the same and every article and clause thereof, subject to the understanding hereinbefore recited, shall be observed and fulfilled with good faith, on and after November 17, 1954, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of December in the year of our Lord
one thousand nine hundred and
[SEAL] fifty-four and of the Independence
of the United States of America the
one hundred and seventy-ninth.

DWIGHT D. EISENHOWER.

By the President:

JOHN FOSTER DULLES,
Secretary of State.

U.S. FOREIGN POLICY FOR THE 1970'S: A NEW STRATEGY FOR PEACE

(A Report to the Congress by Richard Nixon, President of the United States, February 18, 1970)

DEFENSE

Our important interests and those of our friends are still threatened by those nations which would exploit change and which proclaim hostility to the United States as one of the fundamental tenets of their policies. We do not assume that these nations will always remain hostile, and will work toward improved relationships wherever possible. But we will not underestimate any threat to us or our allies, nor lightly base our present policies on untested assumptions about the future.

At the beginning of my trip last summer through Asia, I described at Guam the principles that underlie our cooperative approach to the defense of our common interests. In my speech on November 3, I summarized key elements of this approach:

The United States will keep all its treaty commitments.

We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.

In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

In providing for a more responsible role for Asian nations in their own defense, the Nixon Doctrine means not only a more effective use of common resources, but also an American policy which can best be sustained over the long run.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. HART). The pending business is S. 3430, a bill to amend the Peace Corps Act, as amended.

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators I wish to state the following on behalf of the majority leader.

The Senate will shortly adjourn until 9 o'clock tomorrow morning. Following disposition of the reading of the Journal tomorrow morning, the Senator from Utah (Mr. MOSS) will be recognized for not to exceed 30 minutes. Following the speech by the Senator from Utah the Senator from South Carolina (Mr. HOLLINGS) will be recognized for not to exceed 30 minutes, during which he will participate in a colloquy with the Senator from South Dakota (Mr. MCGOVERN), following which the Senator from Idaho (Mr. CHURCH) will be recognized for not to exceed 1 hour.

Following the speech by the Senator from Idaho there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes. Following the routine morning business, the Chair will lay before the Senate the unfinished business.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 10, 1970, at 9 a.m.

NOMINATION

Executive nomination received by the Senate April 9, 1970:

AMBASSADOR

Robert McClintock, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela.

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HOUSE OF REPRESENTATIVES—*Thursday, April 9, 1970*

The House met at 12 o'clock noon.

Rev. William J. Peckham, First United Methodist Church, Green Valley, Ill., offered the following prayer:

We bow our heads today, our Father, acknowledging our dependence on You and our need for Your help and guidance. We confess the ease with which we tend to believe in ourselves and our wisdom, and the difficulty we often face in genuinely seeking to know Your will for us.

For these men and women who must make decisions today affecting the lives and destinies of many of our people, we ask for special help. Guard us all from confusing necessity with ultimate good. Save us from the pride of person, party, or position which might prevent us from being sensitive to the needs of all people.

We ask for Your particular blessing to be on all of our citizens—civilian and military—who are serving this Nation in positions of service and sacrifice throughout the world. May they, and may we, be responsible stewards of the duties and opportunities which are ours.

We pray for peace. We ask that You will enable us all to be peacemakers to bring reconciliation to an often divided and broken family of man. Finally, may Your will be done and Your kingdom come in us, and on earth, as it is in Heaven.

We ask this in the strong name of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3690. An act to increase the pay of Federal employees.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file privileged reports on the following appropriation bills for the fiscal year ending June 30, 1971: the Office of Education appropriation bill; the legislative branch appropriation bill; and the Treasury, Post Office, and Executive Office appropriation bill.

Mr. BOW reserved all points of order on the bills.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LET THE KNIFE CUT BOTH WAYS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the Carswell case is ended. A tragic story has been acted out and the book is closed. It is a straight case of discrimination as ugly as any that has been witnessed in our times. The vote was not really based on qualification or fitness; the outcome was determined on the fact that Judge Carswell is a southern conservative. Some of the liberal and minority groups have the knife out for anyone who does not conform to their standards of judicial fitness; that is, anyone who does not subscribe to the sociological patterns established by the Earl Warren court. There are some who are still seeking revenge for the defeat of liberal Justice Fortas. The question now is: Who can be persuaded to accept the nomination and run the gauntlet of hatred and persecution which obviously awaits anyone other than a liberal?

It is to be anticipated that considerable time may elapse before there is another nomination. During the interim, it would be well to look into the fitness of those already on the Court. It has long been evident there is at least one prime candidate for impeachment. He is Justice Douglas. By his activities in and out of the Court he has cast reflection upon it. Rather than tolerate this unbecoming conduct, the Congress has a responsibility to seek corrective action. It has long been discussed, and it should now be undertaken. Let the knife cut both ways.

FRIENDSHIP, BALTIMORE, NONSTOP TO HAWAII

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRIEDEL. Mr. Speaker, I have today been advised that a longstanding project of mine has at last been resolved. My great city of Baltimore and its fine international airport will at last be connected nonstop with our newest State and tropical Pacific paradise, the great State of Hawaii.

This major improvement in air service for Baltimore, and the entire metropolitan area will occur June 1, 1970, when United Air Lines inaugurates the first nonstop flights between Friendship International Airport and Honolulu.

This airline, which carries a third of the daily passenger traffic at Baltimore, received authority for this nonstop route in the recent important transpacific route investigation conducted by the Civil Aeronautics Board.

The flight to the 50th State will require 10 hours, 5 minutes westbound, or 2 hours, 15 minutes less than present service which is now routed from Baltimore via Chicago to Hawaii.

While we all love the great and vital Windy City in the Midwest—when you are on your way to Hawaii and the vast beautiful blue Pacific—who really wants to stop over in Chicago?

Seriously, we who have worked so hard over the years to develop Friendship into a first-class international air terminal that is second to none in the world were particularly pleased that the CAB recognized Baltimore's stature and specified that United's nonstop service must be offered through Friendship.

The nonstop Baltimore-Honolulu run of 4,851 miles will be the second longest flight segment on the carrier's system.

For the passenger, this nonstop flight offers new convenience in traveling to the famed Hawaiian resort areas, as well as premium inflight service, including gourmet meals and a feature movie. For the shipper, the McDonnell Douglas DC–8 jet, specially designed for overwater service with a range of 6,000 miles, provides cargo space for almost 7 tons.

When the first nonstop flight lifts off the Friendship runway on June 1 another Baltimore "first" will become a reality. I am pleased that this major trunk carrier will be able to offer this new nonstop service from my city to the entire Baltimore-Washington community.

COMPULSORY ARBITRATION

(Mr. PETTIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETTIS. Mr. Speaker, in view of the fact that this body yesterday approved House Joint Resolution 1124 by voice vote, I wish to state for the record that I was opposed to the legislation. It was an action which I believe Congress will live to regret.

My concern arises primarily from the fact that we are establishing a pattern which will force both labor and management in this country to the conclusion that the only way in which future disputes can be resolved is to bring them to Capitol Hill. What is to happen to meaningful labor-management negotiations if, at the sign of the first serious difficulty in the bargaining, Congress enters the picture and determines the settlement?

It is my strong feeling that we have not really settled anything by our action yesterday, but rather postponed an issue and worsened the normal labor-management relationships which have contributed so much to the success of what we often refer to as the American way of life. It saddens me to reflect on our past record in this particular arena; where we have "settled" disputes, each "settlement" has used different formulas and none with any lasting success.

As an advocate of collective bargaining, who in private life has successfully participated on both sides of the table in this more satisfactory process of resolving differences, I cannot believe that we are now giving up and substituting in its place compulsory arbitration—which should be anathema to both labor and management.

NATIONAL VOLUNTEER FIREMEN'S WEEK

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, I am honored to join with my distinguished colleague Mr. SAYLOR in cosponsoring his resolution to create a National Volunteer Firemen's Week, September 19 to 26, 1970.

Volunteer firemen, who protect the homes and businesses of millions of Americans, labor long and tiring hours in one of the most difficult of all professions. I feel it is both necessary and proper during 1 week in the year to pause and honor the thousands upon thousands of men all over this country who face danger and death without pay or reward, simply to help their neighbors. If they can dedicate their lives 52 weeks a year, surely it is not asking too much to honor them during National Volunteer Firemen's Week.

The risks and dangers which face every firemen were most tragically pointed out on March 29 in Corry, Pa., a community of 8,000 in Erie County in my congressional district.

While Christians around the world were commemorating the resurrection of our Lord on Easter morning, five young men, all volunteer firemen, lost their lives in a tragic fire in Corry.

These firemen—David Apps, Richard Bringham, Jon Miller, Dennis Rockafellow, and Lauren Shreve—were all members of Corry's Sanford Hose Company which was first to respond to the alarm. Arriving at the scene of the fire, the members of the hose company encountered what seemed like a routine blaze in a paint store. However, as the men were laying their hoses and advancing toward the burning structure, a gigantic explosion blasted out an entire wall of the building, killing the five men instantly. Twenty-three other firemen were injured.

There is no adequate way to express our mournful feelings on this occasion. Corry Mayor Edward Zarger best summed it up when he said, "Our town is crying."

How can we pay tribute to this supreme heroism? We cannot, in reality, repay our debt to these men. Suffice it to say that their dedication to the public safety is an irreplaceable and priceless gift of love for one's fellow man.

I know that my colleagues join with me in extending our sympathy to the families of these five members of the Sanford Hose Company. They comprise a tiny cross section of America. They bespeak of all that is great in this Nation.

Weeks, years, resolutions, and memorial funds cannot make up what we lost on Eastern Sunday in Corry, Pa.; but, I do hope that my colleagues will join with the gentleman from Pennsylvania (Mr. SAYLOR) and me in cosponsoring this fitting resolution to memoralize the five volunteer firemen from Corry, and all volunteer firemen across the country.

PETITION ON BEHALF OF PRISONERS IN NORTH VIETNAM

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, we all deplore the deaths, the wounds, the injuries, and the diseases suffered by our armed forces in Vietnam. This is a toll from which all of us hope and pray our Nation can be spared.

The deaths are final. The wounds, the injuries, the diseases are known conditions. They can be overcome.

But there is a much more serious aspect to this conflict, one much more heartrending, and that is the almost complete lack of information about those servicemen missing in action.

Their people know not whether they are alive, in good health, getting enough to eat.

Think of the wives, the families of these men, living with this terrible uncertainty.

Never before, in my memory, has one nation been so callous of the responsibilities and obligations to humanity as the regime of North Vietnam.

Recently, while I was in our Sixth Congressional District, I was given a petition signed by over 90 percent of the people of Cold Spring, one of our more progressive communities, praying that the President and Congress of the United States do all in their power to exert pressure on the leaders of North Vietnam and the Vietcong to extend humane treatment to all of the men they hold prisoner, and further asking that the

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United States seek the support of other nations in this effort.

Mr. Speaker, I join the good people of Cold Spring, Minn., in their effort in this instance.

I am today presenting this petition for reference to the proper committee.

CONGRESSMAN FREY EXPLAINS VOTE ON CONFERENCE REPORT

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FREY. Mr. Speaker, as an individual who believes strongly in the right of equal justice and who has been strongly involved with our young people and their educational process, it was with a deep feeling of frustration that I cast my vote against the conference report on H.R. 514, the Elementary and Secondary Education Act amendments. I want to make it perfectly clear that my action was not in protest against the bill itself, but against one section which I feel is legally and morally wrong and will have divisive effects upon the people of our great Nation.

The section of the bill I refer to is section 2, or the so-called Stennis amendment. The language in the original amendment is very clear cut, and shows that the desire of Congress is to end all forms of segregation on a nationwide basis. But the conference committee, in my opinion, reversed the intent of this amendment. It now says in essence that segregation is allowable in the North, East, and West, but not in the South. I do not see how the conferees, in clear conscience, again made the South a whipping boy by passing a law which outlaws de jure segregation and yet allows de facto segregation.

In 1954 the U.S. Supreme Court ruled that discrimination could no longer be tolerated and that separate schools could no longer be maintained for whites and blacks. This principle should apply everywhere in the country and not just in one section. All parts of this Nation, as well as all Americans, should be treated equally. The U.S. Congress should want to end all segregation, not just segregation in the South.

There can be no halfway segregation, and yet this conference report seems to condone it. Are we to conclude that freedom of choice and the neighborhood school concept should be the law of the land everywhere but in the South? And that forced busing is all right in the South but not acceptable in the rest of the country? According to a recent Gallup poll, the Nation is 8 to 1 against the busing policy.

Have any of you attempted to explain to a child the difference between de facto and de jure segregation? The answer is to have a single national policy on education. This is not a southern question; this is an American question.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Alexander
Ashley
Blackburn
Blatnik
Brown, Calif.
Brown, Mich.
Cabell
Clark
Clay
Coughlin
Daddario
Dawson
Dent
Diggs
Dowdy
Flynt
Foreman
Fulton, Pa.
Gallagher
Gilbert
Gray
Green, Oreg.
Hagan
Hall
Halpern
Hanna
Hansen, Idaho
Hawkins
Hébert
Hosmer
Johnson, Pa.
Jones, Tenn.
Kirwan
Kleppe
Landrum
Leggett
Lujan
Miller, Calif.
Mollohan
Moorhead
Ottinger
Patman
Patten
Philbin
Pollock
Powell
Reid, N.Y.
Rivers
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Sandman
Saylor
Scheuer
Stokes
Taft
Teague, Calif.
Teague, Tex.
White
Whitten
Wiggins
Wright

The **SPEAKER.** On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL EMPLOYEES SALARY INCREASES

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 905, Rept. No. 91–993), which was referred to the House Calendar and ordered to be printed:

H. Res. 905

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Post Office and Civil Service. Amendments offered by direction of the Committee on Post Office and Civil Service may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16844, it shall be in order in the House to take from the Speaker's table the bill S. 3690 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16844 as passed by the House.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 905 and ask for its immediate consideration.

The **SPEAKER.** The Clerk will report the resolution.

The Clerk read the resolution.

The **SPEAKER.** The question is, Will the House now consider House Resolution 905?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 905.

The **SPEAKER.** The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, I believe all the Members of the House understand what this is all about. The easiest way to describe this situtaion is that we are about to consider a preliminary battle. This makes in order a bill that will provide for a straight across-the-board 6-percent increase in salaries for the postal workers and for other Federal employees and in effect the military services and the legislative employees.

It also has in it provisions increasing the pay of certain judges—a few of them, I do not know the exact number—who were left out in the pay increase that took place last year. They were forgotten. It happens. There is some controversy about this, but their pay increase is not in controversy. They were covered in the bill that is now in conference, a bill that passed the House and the Senate that deals with crime in the District of Columbia. In other words, we are picking up in this bill some judges that are taken care of in another bill.

The Committee on Post Office and Civil Service came before the Committee on Rules and requested an open rule with 1 hour of general debate. After some inquiry of the members of the committee and the chairman of the full committee and the chairman of the subcommittee who is actually handling this bill, it became clear that the Committee on Post Office and Civil Service would be satisfied and, as a matter of fact, pleased with a closed rule. In the light of this situation we felt in the Rules Committee by a very substantial majority that the manner in which we should handle, what I have described as a preliminary bout making way for the main event, would be in a closed rule providing some time for debate.

That is exactly what we have before us.

The rule, aside from it being closed, does allow for some committee amendments. It does also provide that at the conclusion of consideration of the bill, when, as I assume, it will pass, we will then send it to conference for all practical purposes by getting the Senate number on it. That is exactly what is in the resolution. I urge its passage and I yield now to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Missouri on the explicit and extremely able manner in which he explained precisely what took place today. I agree with what the gentleman said. I concur in his statements.

The only thing I would add would be my own opinion on stressing the impor-

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tance of a closed rule on this first part of the so-called package. In my opinion, if we do not have a closed rule, there will be some amendments offered which many of us favor. I think almost everybody on the floor favors the compression amendment, which would cut from 21 to 8 years the time during which the postal employees have to work before they can get to their top salary, but that will be in the second chapter, as I understand it, and if we mess it up today with any amendments in this bill, in my opinion the postal employees may not get any raise for a very long time, and they are entitled to it.

Mr. Speaker, I strongly support the rule, a closed rule, and I urge adoption of the resolution, House Resolution 905.

I will say to the gentleman from Missouri, I do have a request for time. I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, as I understand the parliamentary situation, we are now considering a resolution making a bill in order. It is a resolution which none of us have seen. We have heard it read. I have only now obtained a copy.

We must adopt the resolution in order to make the bill in order, is that correct, Mr. Speaker, and to provide for general debate?

The SPEAKER. The answer to the gentleman's inquiry is that the gentleman is correct.

Mr. GROSS. And the rule is for 1 hour of general debate?

The SPEAKER. In connection with the rule it would be up to 1 hour. The Chair understands the resolution provides for 2 hours of general debate.

Mr. GROSS. I thank the Speaker.

Mr. Speaker, I regret very much that this bill is to come to the House floor under a closed rule, which will prohibit any Member of the House from offering an amendment to the bill.

I have been prepared to offer an amendment to the bill to provide that the 6-percent pay increase be limited to those workers employed by the Federal Government who are paid under the four statutory pay acts; in other words, the classified workers, the postal field service, the Veterans' Administration, and the Foreign Service.

It seems to me this is where the bill should have been stopped in view of the financial crisis which exists today.

Every Member should understand that this bill calls for an expenditure of $2.6 billion and was considered in the Committee on Post Office and Civil Service for the first time this morning in a period of 35 minutes. Not even the members of the committee, except one or two who sponsored this deal, had ever seen the bill before it appeared on our desks in the committee at 10 o'clock this morning.

Thus we are being asked here today to rush through—to ram through the House a bill without the opportunity to offer a single amendment.

This rule ought to be defeated and the Members given the opportunity to work their will.

This bill should not contain pay increases for the Judiciary in the District of Columbia, because they are now being considered for a pay increase in the District of Columbia crime bill, presently in conference between the House and the Senate. If this bill goes to conference, as I am certain it will if it is passed in the form in which it is presented, we will have in conference in two places the pay increases for the District of Columbia judges.

There are other provisions in this bill which ought not be there. I happen to believe that the legislative employees are presently well paid. If they are entitled to a further increase it can come in legislation to be considered subsequently, along with the proposed 8-percent pay increase for postal workers. We had no hearings whatever on the necessity for another pay increase for legislative employees.

There are other fringe benefits in this bill that ought not to be there.

I hope the rule will be defeated so that I can offer my amendment to confine this pay increase to at least the four categories of employees of which I have already spoken.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the chairman of the Committee on Rules, the gentleman from Mississippi (Mr. Colmer).

Mr. COLMER. Mr. Speaker, I shall not consume the 5 minutes, I hope. I am prompted to take the floor in view of the statement of the gentleman from Iowa, for whom I have the highest regard. I would just like to reiterate that I am traditionally opposed to closed rules generally, but I would like to make the observation here that the Committee on Rules saw fit in its wisdom to grant a closed rule in this case.

I would like to add further, Mr. Speaker, that if there was ever a time when a bill should be considered under a closed rule, it seems to me that that time is on this particular bill. I say this because of the agreement worked out between the parties.

Now, I do not like rushing through legislation as we have done in the past 2 days, but the Congress and the administration, I might add, have permitted a situation to drag along whereby we are in another crisis, as it were. Yesterday we passed the railway strike bill in an emergency atmosphere.

I would also like to add, Mr. Speaker, that this pay increase does concern me as much as some previous pay increases because of its contribution to inflation. Yet I would have to admit, Mr. Speaker, that inflation has continued and these people, particularly the postal employees, find themselves the victims of inflation. Unless we stop enacting—and I say this for the hundredth time on this floor—unless we cease and desist from starting these new expensive programs such as the one now under consideration in the Committee on Rules—the welfare bill—we will continue to legislate in an area of crisis. Unless we do so, we are going to have to continue salary increases for the foreseeable future. I have sympathy with these employees who are caught in this trap and therefore have cause for some relief.

So, Mr. Speaker, I propose, in spite of my position on the question of closed rules, to support my committee on this resolution.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Speaker, may I state I join the gentleman from Iowa and a few other Members here this afternoon who oppose the closed rule. Before I specifically state the reason why I do so, I wish to clarify the legislative situation this afternoon.

First of all I trust that no one is under the illusion that this bill constitutes a step which is part of postal reform. This bill is completely aside from any concept of postal reform. All we will be voting for this afternoon is an across-the-board 6-percent pay increase. Any thought that this is a part of postal reform is really not accurate.

Mr. Speaker, the other point I wish to emphasize—and the gentleman from Iowa touched on it—is that bill passed through our committee in 35 minutes this morning, which is hardly normal procedure and, as much as I, personally, am in favor of and will continue to support postal reform, as much as I wish to see that the administration gets its basic plan to renovate the Post Office Department, I do not believe this is the proper way to handle a rule.

There is one specific defect in the bill which I hoped to cure with an amendment but, obviously since we do not have an open rule, I will not have the opportunity to offer that amendment. That would be an amendment to the automatic salary increase that this bill contains for House of Representatives or Members' employees. It would read as follows:

AMENDMENT PROPOSED BY MR. DERWINSKI

Section 3 is amended by adding at the end thereof a new subsection as follows:

"( ) The basic compensation of each employee on the rolls on the date of enactment of this Act whose compensation is paid from the clerk hire of a Member of the House of Representatives or the Resident Commissioner from Puerto Rico is hereby adjusted, effective on the first day of the first month following the date of enactment of this Act, to the lowest multiple of $5 which will provide a gross rate of compensation not less than the gross rate such employee was receiving immediately prior to such first day, except that the foregoing provision of this sentence shall not apply with respect to an employee if, on or before the tenth day following the date of enactment of this Act, the Member or Resident Commissioner by whom such employee is employed transmits to the Clerk of the House of Representatives written notice to the effect that he does not wish such provision to apply to such employee. No employee whose basic compensation is adjusted under this subsection shall receive any additional compensation under subsection (a) for any period prior to the effective date of such adjustment during which such employee was employed in the office of the Member or Resident Commissioner by whom he is employed on the first day of the month following the enactment of this Act. No additional compensation shall be paid to any person under subsection (a) for any period prior to the first day of the month following the date of enactment of this Act during which such person was employed in the office of a Member or Resident Commissioner (other than a Member or Resident Commissioner by whom he is employed on such day) unless

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on or before the tenth day following the date of enactment of this Act such Member or Resident Commissioner notifies the disbursing office of the Clerk of the House of Representatives in writing that he wishes such employee to receive such additional compensation for such period. If, before the expiration of the period within which such notice may be given, such Member or Resident Commissioner dies without having transmitted such notice, such notice shall be considered to have been transmitted."

Let me take a moment to explain one interesting fact. Whenever a pay raise is granted across the board, employees in the House automatically receive it. In the Senate they merely receive the authorization to increase the salary of their employees and every Member of the Senate has the option to grant the degree of increase that he feels is warranted.

However, under our procedure in the House every employee in your office or every member of a committee's staff receives a automatic 6-percent increase under this bill. If you have just given your employee a pay raise or for some reason you think their pay scale is in order, then you have to be a Simon Legree and by your negative action take away the pay increase that this bill grants.

If we had an open rule, I would offer an amendment that would put the House employees and the committee employees under the same procedure under which the Senate operates which means that you would have the authority to grant the pay increases, but it would be by a positive action on the part of the Member and not a negative action to take away an automatic pay increase.

I should also suggest to the Members that there is much more that could be discussed. There are other Members who have perfecting and helpful amendments. I really do not believe there is any real opposition to this bill, but this bill is not sacred and is not perfect. It could use some adjustment and improvement.

It is my understanding that the argument for the closed rule is to the effect that the Senate will turn around and accept our bill and that it will be on the President's desk this evening. This is not so at all. It is my understanding that the Senate will insist on a conference, because there have been amendments placed in the House bill in the committee that are unacceptable to the Senate. I do not believe there is any need for a closed rule and I would strongly recommend Members join us in seeking an open rule.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I share the concern that has been expressed by my colleagues on the Post Office and Civil Service Committee.

We did not have sufficient time during the meeting of the committee this morning to properly consider this bill. I had an amendment that would have been offered had time permitted. At the beginning of the session the committee adopted a motion that I opposed which provided that we would vote at 10:45 on reporting out the entire bill. While the committee meeting was scheduled for 10 a.m., we were late in getting started and spent very little time on the legislation. This, in my opinion, is not the correct way to legislate. Nevertheless the major part of this bill which provides a 6-percent across-the-board increase in pay to all Government employees, both civilian and military, is desirable. Had time permitted, Mr. Speaker, I believe our committee should have considered the proposal advocated by the American Federation of Government Employees that the raise for classified employees be at the flat rate of $615. The president of the federation in testimony before a Senate committee pointed out that more than 600,000 classified workers receive $7,500 or less in annual salary and in this legislation they will receive as low as a $200 raise while those in the highest grades will receive more than a $2,000 increase. If we actually face an emergency situation it does not seem we are facing it in a responsible manner. I also have objection to the lack of proper consideration for the other portions of the bill.

However, Mr. Chairman, it seems to me that we do have a reason to have a closed rule today, notwithstanding the objection that has been made by the gentleman from Iowa, the gentleman from Illinois, and myself to the procedure that we had in the committee. And that is that we have had a conference within the executive branch of the Government, between labor representatives and Government officials. There have been some tentative agreements made, and if we have an open rule today I believe there will be some amendments offered which will prove embarrassing to the administration. And I would hope that we will adopt the version of the Committee on Rules and have a closed rule today, even though our Committee on Post Office and Civil Service only spent a few minutes in considering this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of California. Mr. Speaker, I have two more requests for time.

First, Mr. Speaker, I will yield 5 minutes to the gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Speaker, it is with a great deal of reluctance that I rise in opposition to the action that has been taken by the Committee on Rules in this instance. I am very much aware of some of the considerations which are behind the action by which the Committee on Rules decided to bring in a closed rule only.

I believe the Members of the House have to understand that the action taken within the committee this morning was taken in limiting debate on this matter with the understanding I believe by all the Members that there would be an opportunity to offer amendments on the floor that we did not have time to offer in the committee. It is for that reason, and that reason alone, that I rise in opposition to the adoption of this resolution on the rule.

I believe it needs to be pointed out also that sections 8, 9, and 10 of the bill have been passed by this House before, and the Senate saw fit to delete them when they returned that measure to this body. There is no assurance at all that the Members of the Senate will accept it when we put it in this second time, and send it to them again.

I am aware also of the jurisdictional conflict with respect to section 6 dealing with the pay of the District of Columbia judges. I believe the summary manner in which we handled that in committee is subject to a great deal of question.

Section 7, which calls for a 20-percent increase in certain expense allowances to former Presidents, has never been the subject of any discussion or any hearings before our committee. It is contained within the Senate bill, but our committee has never had the opportunity to even determine whether or not there is any justification for this 20-percent increase.

For these reasons, Mr. Speaker, I very reluctantly rise in opposition to the closed rule, and I hope the House will defeat the closed rule and give us the opportunity to propose some amendments to this legislation.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I favor a closed rule. I am sorry that the majority of our committee does not agree with my colleague in the well, but we have to move this thing along, and we would continue for quite a few days on this bill if we did not have a closed rule, so I support the closed rule.

Mr. McCLURE. Mr. Speaker, in spite of what the gentleman from Nebraska says, I believe this is an extremely important piece of legislation, and I do not believe that we have to carry on in this precipitous manner. Whether everyone has plans for the weekend, I believe those plans can be changed for the purpose of considering this legislation so that it is not necessary that we continue with what I consider to be unseemingly precipitous action.

Mr. Speaker, I want to make it very plain that I support the general concept of a pay increase for the workers of the Federal Government as embraced in the 6-percent provision which is the major portion of this legislation. I want that to be understood, that my opposition to the closed rule is not on the basis of being opposed to granting Federal employees a raise, because I believe they are entitled to it, and I think our hearings have indicated that.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. McDADE. Mr. Speaker, I rise in support of the action of the Post Office and Civil Service Committee, which has reported this bill to the floor today.

There is no doubt that we shall pass this bill this afternoon, and in so doing we will be voting deserving raises in pay to our postal employees, to our other civil servants, and to members of the military. This raise in pay has been long overdue.

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I wish to note that the press of most important business will make it impossible for me to be present and to cast my vote for this bill. In the normal course of events, I would pair my affirmative vote with the vote of someone opposed to the bill. In this case, however, the committee has done such an efficient job that it has been impossible to find a vote opposed to the bill with which I might pair. I commend the committee for its fine work, and I wanted the Members of the House to know that my own vote, were I present to cast it, would be in the affirmative.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Charles H. Wilson).

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON. I yield to the gentleman.

Mr. MONAGAN. Mr. Speaker, I want to express my support of this bill. I think it is badly needed.

As the gentleman stated, it has been needed for a long period of time. I support this increase and I hope that the House will vote for the rule and will promptly vote on the legislation itself.

Mr. CHARLES H. WILSON. I thank the distinguished gentleman from Connecticut.

Mr. Speaker, I must join those who are criticizing the type of rule that we will be operating under here today. I think it is extremely unfortunate that we are unable to have an open rule. As a member of the committee, I am sure as the gentleman from Idaho (Mr. McClure) just said—all members of the committee were under the impression that we would be having an open rule and that we would have an opportunity to present very important amendments to this bill.

I do not know of anyone who will be voting against the bill. I suppose we could probably have a voice vote when the debate is finished and dispose of this bill very promptly because everyone is for the bill.

Mr. Speaker, there are parts of it, however, that should not be in the bill and the point raised by the gentleman from Iowa (Mr. Gross) is an extremely important question.

Mr. Speaker, I think one of the very important things the postal employees have found objection to is the way we treat our own employees and ourselves so far as salary increases are concerned, which far overshadows what we are able to do for them when these pay raises come up.

Here we are talking of a 6-percent pay raise that will go to all Government employees plus a special raise for District judges here in the District of Columbia. This means that many of our staff people, who are up in the highest brackets, will be getting from $1,000 to $1,500 a year wage raise when the very people that we are trying to help, the low-paid postal employees and Government employees will be getting probably $300 to $450 a year increase, which just is not right.

I think that the compression problem that the gentleman from California (Mr. Smith) made reference to when speaking on the rule is extremely important.

This is the amendment I had hoped I would have an opportunity to introduce during the course of debate on the bill. I think we all have become aware of the fact, and those of you who did not know it before, that it takes 21 years for postal employees to achieve the top salary that they are entitled to receive. The amendment would have reduced this to 8 years.

This is one of the items that had been agreed to, I believe, in the negotiations going on, and there is no reason in the world why we could not have had this included in the bill today.

Mr. Speaker, I feel we have to do something more than just provide a 6-percent pay raise to the postal employees at this time. We have to sweeten this thing in some manner for them in order to assure them we are serious about wanting to do something to rectify the inequities that they have been living under for the past several years.

I would hope that we could defeat the previous question. I do not know—I have to be realistic about this thing—there are not enough Members on the floor, if we were to try to make an effort to defeat the previous question, who would understand what the issue was when they come in to cast their votes. So it probably would be a pursuit of futility if the effort is made. Yet, I am giving consideration at this time to asking for the defeat of the previous question when it comes up in order that we can give serious consideration to several important amendments which should be adopted in order to make this a better bill than it is.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. Charles H. Wilson), there were—ayes 43, noes 22.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16844) with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. Dulski) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. Corbett) will be recognized for 1 hour.

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate very much the coordination and cooperation extended by the leadership, on both sides of the aisle, in dealing with the pending bill, H.R. 16844 on an expedited basis.

As you know, the House approved last October a postal pay bill, H.R. 13000, and the Senate approved a much different version in December. The bill has since been in conference.

As I reported to the House at the time, we finally were able to arrange to sit down with the Senate conferees in three sessions, just before the Easter recess. But the Senate panel voted to defer further consideration pending negotiations downtown between the administration and the postal unions.

The first stage of the agreement between the parties called for an across-the-board 6-percent retroactive pay increase for Federal employees who are customarily covered by general salary bills reported by our committee. The retroactive feature would be to the first pay period beginning on or after December 27, 1969.

The increases will apply to employees who are paid under the four statutory salary systems—the general schedule, the postal field service schedule, the schedule of the Department of Medicine and Surgery in the Veterans' Administration, and the Foreign Service schedules.

The increases also will apply to other groups of employees who have been included in previous salary bills. On the other hand, certain officers of the House are excluded.

The figure of 6 percent across the board is beyond the scope of conference on H.R. 13000. Thus it becomes necessary to handle this matter by separate legislation. This is what is involved in the bill before you today, which is very similar to S. 3690, approved yesterday by the Senate.

The bill before you was acted upon this morning by our Subcommittee on Compensation and then was approved by our full committee in executive session. The vote on reporting the bill was 24 to 1.

Mr. Chairman, just so that there will be no misunderstanding as to the relationship of the pending bill to the overall package which is being worked out between the administration and the postal unions, let me explain:

The pending bill is the first stage of the so-called package.

In testimony last Monday before the Senate Committee on Post Office and Civil Service, Postmaster General Blount was asked in considerable detail whether we needed to wait for the balance of the package before acting upon the 6-percent raise across the board.

The Postmaster General said that he would prefer that all actions be consolidated, but if it meant a delay in action on the pending bill then he preferred that we proceed separately with the 6-percent pay raise.

In testifying before the Senate Committee, General Blount was asked:

> Are there conditions attached to the Congress following through on enactment (of

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other features) before a 6 percent pay increase retroactively would be in order?

In reply, Postmaster General Blount told the committee:

> Mr. Chairman, we have no provisions or no conditions on the 6-percent retroactive pay increase. We looked at this matter in these negotiations and tried to arrive at what we felt was an equitable situation for everybody involved. This proposal was made to the unions in good faith without any conditions involved.

The foregoing statement by the Postmaster General seems to me to make it abundantly clear that the administration attaches no conditions whatsoever to the 6-percent raise we are considering here today.

In other words, only the 6-percent across-the-board retroactive pay raise is involved at this point and that is what is involved in the pending bill.

There is obvious need for prompt action on the pending bill. I support it fully. I hope that the bill will be approved by the House.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Massachusetts.

Mr. CONTE. I wish to compliment the gentleman for his fine statement and on the work he has done during this period of crisis. I am concerned as one who has sponsored and appeared before the gentleman's committee for the corporation bill which the administration has sent up here. Can we expect that to be forthcoming in the near future?

Mr. DULSKI. As I stated before the Rules Committee, we filed a report on this bill yesterday, and as soon as possible, I will ask for a rule for the Postal Reform Act as reported out by our committee.

Mr. CONTE. I wonder if the gentleman agrees with me—I have not been able to discuss the point with him—that one of the great inequities I have observed, sitting on the Appropriations Committee and handling the Post Office budget for 12 years, is that when we authorize pay raises, such as the proposed pay raise of 6 percent, which is certainly needed, some person in Oshkosh, Wyo., or Montana, turns out to be the highest-paid person in town, and another person doing the same work in a high cost-of-living area such as New York City, Boston, Cleveland, or Buffalo, turns out to be the lowest paid guy in town.

This is certainly inequitable. I hope the corporation will be one of those things that will straighten out this inequity.

The third question I have is: Will this pay raise apply to our own employees?

Mr. DULSKI. Yes; it will.

Mr. CONTE. There is no way under the closed rule that we can ferret this out?

Mr. DULSKI. No; not under the closed rule.

Mr. CONTE. I talked with the gentleman from Arizona last night on this. I hope this committee will look some day in the future, rather than to giving an across-the-board increase, the discretion should be left with the Congressman to determine what raise he wants to give his employees. As it stands at present, if the Congressman does not want to give the raise he must lower the employees' basic salary.

Mr. DULSKI. Mr. Chairman, I thank the gentleman from Massachusetts.

I yield 5 minutes now to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, we meet today in the aftermath of a postal crisis, the first postal work stoppage in the history of this country. We meet today to begin to correct some basic inequities and deficiencies in the postal system, and in the system by which we have undertaken to adjust the pay from time to time.

This is a crisis which, in my judgment, should not have happened. There has been a great deal of oratory, much of it partisan, on both sides in an attempt to fix the blame for the situation that caused this work stoppage, but I believe the job of all of us now is not to try to fix the blame—there is probably enough to go around—but the job of all of us is to get on with this situation and to find the answers.

This is the first installment in the search for answers as in this legislation which we take up today. This will not answer all the questions. It sets aside for later consideration many of the problems that bother Members of the House. We have heard of some of them already, and we will hear about others later today.

We hear that following the work stoppage the administration went into negotiations with the seven main postal employee organizations. In the beginning of the negotiations there was very strong feeling on the part of the employee groups that they simply were not going to have a pay increase tied to reform. This was a matter of fundamental doctrine on their part, and so the first agreement that came out of those negotiations was that without conditions, without strings, without being tied to reform, because of the delay and the lag in comparability for postal employees, there would be an agreement to a 6-percent across-the-board retroactive pay increase.

So it is this first agreement we are here today to carry out and to enact into law before this week is gone.

The other questions—and there are several questions and they are thorny and difficult questions such as postal reform and the additional 8-percent increase for postal employees, and the problem of whether the classified employees are to get an additional raise beyond the 6 percent that is included here—all these things we set aside today, and we do not seek to deal with them or to solve them in this legislation.

I do not particularly like closed rules. I wish we had the time to consider all these matters under an open rule today, but the fact is that we are not yet out of the woods in this serious situation that affects the country. Postal organization employee groups around the country are still meeting, and there are some votes in meetings scheduled for today and tomorrow. One thing we can do is to show everyone in the country that there is movement toward resolving the situation, that we are going to begin to act, and if we carry out our responsibilities, the responsibilities which we in the Congress should have discharged months ago, we can, I believe, show the country that solutions are in sight and that progress is being made.

Mr. Chairman, this is the reason why I strongly support this bill and feel it is in the interest of the country and all concerned that we pass it today.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Chairman, in the last bill we had a commission for the purpose of considering employee salaries. There is nothing in this bill to provide for a commission of that kind?

Mr. UDALL. Nothing of that kind. It is my hope we will find a permanent way to fix salaries, but this is a stopgap raise for the Federal employees which we are considering today.

Mr. ABERNETHY. Mr. Chairman, if the gentleman will yield further, can the gentleman tell me why the committee included the District of Columbia judges' salaries in this bill?

Mr. UDALL. Yes; I will be happy to respond to that question. The gentleman will recall that in 1969 Members of Congress and Federal judges and Cabinet and Federal executives of all levels received substantial pay increases as a result of the work of the Quadrennial Commission on those salaries.

The only Presidential appointees, the only judicial officers of the United States, who were omitted from that machinery—by oversight—were the court of general sessions in the District and the District of Columbia Court of Appeals. So here are some 33 judges who have been totally overlooked when all the other top Federal appointees have had substantial pay raises.

Mr. ABERNETHY. The gentleman is aware of the fact that pay raises were included for these judges in the District of Columbia crime bill.

Mr. UDALL. Yes.

Mr. ABERNETHY. Will the gentleman yield for one other question?

Mr. UDALL. I yield.

Mr. ABERNETHY. Is the level of salaries in this bill in keeping with the level which was included in the District of Columbia crime bill?

Mr. UDALL. The gentleman is a distinguished member of the District of Columbia Committee and has an interest in this legislation. Let me say to him that these are the precise salaries which his committee approved and which the House approved. These salaries are the House versions.

Mr. ABERNETHY. I assume that the gentleman was merely trying to expedite the effectiveness of the salaries?

Mr. UDALL. That is right. I do this as an interim settlement of this problem. I take the view that the final result on the salaries will come out, on a permanent basis, from the conference on the District of Columbia crime bill.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

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Mr. UDALL. I yield to the gentleman from Illinois.

Mr. COLLIER. So long as the judges are included in this—and I believe it is proper that they be included—is there anything in this bill having anything to do with their clerks?

Mr. UDALL. Well, all salaries for the legislative, judicial, and executive branches are to be a 6-percent increase across the board.

Mr. COLLIER. Six percent in the case of some of the clerks might get them above the poverty level.

Mr. UDALL. I would hope so, if they are in poverty.

Mr. COLLIER. I mention this perhaps lightly, but in a serious vein. I have a son who was a clerk. He no longer is. I, therefore, have no conflict of interest.

At some time someone ought to do a review of this. It is a fact that most of the clerks are outstanding law students who have completed law school. For them to be obliged to work for the salaries they are is nothing short of a shame.

Beyond that, it goes one step further. This means that unless a young man comes from a home from which he can get financial assistance most of the time he is deprived, from the standpoint of economics, from being privileged to serve in this kind of a position.

I would hope that at some time someone would take a good, hard look at the totally inadequate salaries paid to these law clerks, and do something about it, as something is being done in other areas, and perhaps in some areas not as well deserving.

Mr. UDALL. The gentleman is a vigorous advocate of salary adjustments for these people. I join him in his efforts and in his remarks.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Maryland.

Mr. HOGAN. I should like to associate myself with the remarks of the distinguished chairman of the subcommittee, now in the well.

I should like to say further, in relation to the remarks about the local judges who were overlooked at the time of the previous pay raises, the District of Columbia crime bill recently passed by the House provides an effective date 6 months after the enactment of the bill. This would further prolong the inequity, which the bill before us would correct.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to take this opportunity to commend the gentleman from Arizona not only for this presentation but also for the many presentations he has made on the floor of the House down through the years on this matter. He has certainly been a forthright legislator and a leader in this field. He is very knowledgeable, and has done his homework.

As the gentleman knows, I am quite disturbed about some of the features of this bill. I feel the postal workers certainly need it. I am disturbed that the pay raise goes across the board and no consideration is being given at this time to allowing a higher pay raise to the postal workers in the high-cost-of-living zones as opposed to those in the low-cost-of-living zones, such as in some small town or in some small State.

Mr. UDALL. Let me say to the gentleman on that point, I believe the real answer to all of our postal problems is the kind of basic postal reform which both the gentleman and I support.

One of the things being negotiated and talked about in the major postal reform proposals is giving to the postal unions the right to negotiate an average wage, so that the union of the man in New York can negotiate a higher wage for him, as compared to that negotiated by the union for the man who works in one of my small towns in Arizona, who does not need the same amount.

Mr. CONTE. That is encouraging.

The other thing that bothers me—and maybe we can make some legislative history here and get this thing off the ground—is the question of our own employees. We should have the right to determine whether they are deserving of this 6-percent pay increase or whether it should be 3 percent or maybe 10 percent. Therefore, I would rather see the fund itself increased and give the discretion to the Congressmen rather than having a 6-percent straight-across-the-board increase.

Mr. UDALL. Let me say to the gentleman and to other Members who have raised this point that I believe there will probably be another major Federal salary bill dealing with the classified and other Federal employees later this year, after postal reform. It is my hope and intention that we can resolve some of the basic things that are wrong with the pay system as it affects the House employees. I fully agree with the gentleman, and I wish I could vote for the amendment that will be offered by the gentleman from Illinois (Mr. DERWINSKI) because I believe something is long overdue in this field. I would personally junk the whole hypocritical system of basic pay, but maybe if we can work later this year on legislation in this field, we can get rid of this unfair system for our employees.

Mr. CONTE. Is it not true, if the gentleman will yield further, that under this system we are voting for today we have no alternative and, in fact, some of the Senate pages will get more starting salary than a postal worker who is married and has a family?

Mr. UDALL. I have not seen the figures, but it is entirely possible.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman for yielding to me.

As I understand the bill today, it is sort of a result of negotiations and bargaining as a result of an illegal strike. Is that a fair assessment?

Mr. UDALL. The events have been variously categorized, and some have said it is an illegal strike. Certainly it is against the law for Federal employees to withhold their services, so I guess one could call it that.

Mr. EDWARDS of Alabama. What we are being asked to do, then, is vote up or down on a negotiation that is at best perhaps not in accordance with the law. The thing that bothers me about it is we will take one issue here, and I ask the gentleman here whether he has any commitments or knows of any commitments on the part of any of the unions, for example, to support postal reform and, if so, has it has been agreed on as to what that reform will be? How in the world can any such agreement, if in fact there is one, bind the Members of this House?

Mr. UDALL. It cannot. No agreement of the unions and the administration can bind the House. We have our legislative responsibilities. They can recommend to us, and we can either accept or reject or modify these recommendations. That is the spirit in which I intend to receive anything that comes out of these negotiations.

Mr. EDWARDS of Alabama. I understand the gentleman is correct and he states my understanding of the situation, but I find that we are being handed here a piece of legislation as a result of a strike that I believe to be illegal no matter what different name others might put on it. There is no commitment tied to it. That is one of the main issues involved in this question of postal reform. We have H.R. 4, as I recall it, about ready to come to the floor. As I understand from what I read in the papers and from what the gentleman says, there is no assurance that is what the so-called negotiators are going to agree on. So at this point we do not really know what we will have up for consideration.

Mr. UDALL. The gentleman is right. We will have to wait and see. Negotiations are due to end tomorrow, and hopefully they will have some kind of a package to present to us. We will compare it with H.R. 4 and get the ideas of all of the Members of the House, and someday soon let us have a rousing good debate and settle the whole question of postal reform.

Mr. EDWARDS of Alabama. If I may impose on the gentleman's time for one more point, the sooner we have a responsible postal reform bill that gets the Congress out of all of this day-to-day activity the better off this country will be.

Mr. UDALL. I agree with the gentleman.

I yield to my good friend from Montana.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. OLSEN. I thank the gentleman for yielding.

Mr. Chairman, I think it should be said in response to the inquiries made by the gentleman from Massachusetts (Mr. CONTE) that there is a mechanism today under the Pay Act of 1967 whereby the President can delegate the authority for making a differential in pay for New York City, for instance, as compared with another city. Such a survey was made.

The President, pursuant to that law of 1967, delegated the authority to make a differential pay scale to the Civil Service Commission. The Post Office Department did make such a request and the request

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was made specifically concerning the city of Los Angeles. However, when they found out it would cost $7 million a year in that city alone, that was the end of it.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. OLSEN. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. I yield further to the gentleman.

Mr. OLSEN. When they found out it was going to cost $7 million additionally at just the one location in Los Angeles that was the end of the request of the Post Office Department. It never did get to the Civil Service Commission for a decision. But right now for all those who have questions about wage and pay differentials, the authority is in the President to delegate it even to the Postmaster General to make differentials in pay. So, do not worry that we have to do anything about it in any bill that comes up here. The authority has already been delegated.

Mr. UDALL. I thank the gentleman for his contribution.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. BENNETT. Does the $36,000 limitation contained in section 4(c) of the bill apply only to the basic pay of military personnel?

Mr. UDALL. I am happy to help the gentleman make some legislative history on this question because this question has been raised by some members of the Committee on Armed Services. My understanding is that a question has been raised in applying the $36,000 limitation contained in section 4(c), the words "pay, compensation, or salary" include for military personnel quarters and subsistence allowances and the income tax advantage thereon, or whether those words, as applied to military personnel, include only basic pay. It generally was understood that it applied only to basic pay, but some doubt was raised informally by the Comptroller General's Office. Whatever doubt may exist could be resolved and I hope can be cured by this legislative history.

Mr. BENNETT. I thank the gentleman.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Relative to the President's power of delegation to the Civil Service Commission—I believe it was in 1967—the then President, of course, did not exercise that authority. However, I would want to say that following up the view of the gentleman from Massachusetts (Mr. CONTE), where there is a higher cost of living in the larger cities as compared to the smaller cities I think the gentleman in the well was here several years ago, and at least I was, when the greatest champion of that procedure was our former colleague Katherine St. George. She tried to get legislation out of the committee to provide higher salaries for those postal workers in the larger cities as compared to postal workers in the smaller communities, but it never got anywhere. Also, the unions were opposed to that very much——

Mr. UDALL. Yes; the employee organizations.

Mr. CUNNINGHAM. And, there was a good reason for it, because the man in New York does the same type of heavy work as a man in Waterloo, Iowa. Their duties are the same and they should be paid on an equal basis.

Mr. UDALL. This is a serious problem and there are strong views on it. It is my hope that we can solve it. I hope we will decide it and resolve it and find a better way to solve it as we go down the road.

Mr. HOGAN. Mr. Chairman, as a cosponsor and one who voted for this legislation in the Subcommittee on Compensation and the full Committee on Post Office and Civil Service, I wish to express to the Members of the House my strong support for H.R. 16844.

While a stanch supporter of H.R. 13000 which the House passed last October, authorizing a pay raise for postal employees and creating a Federal pay comparability system, at that time I expressed my disappointment that the classified employees were not included in the provisions of that pay raise and said I hoped that Congress would soon act to rectify this omission.

Therefore, I am very pleased that this richly deserved pay increase for Government employees is before us today. Under H.R. 16844, 5.6 million civilian and military employees will receive a 6-percent pay increase, retroactive to December 27, 1969. I would like to point out that this bill includes the 6-percent pay raise for postal employees, as negotiated recently by Postmaster General Blount and the postal employee union leaders.

Despite my vehement disapproval of the recent wildcat postal strike, I do favor speedy passage of the postal pay raise which has been pending since last July. In my position as a Member of the Post Office and Civil Service Committee, I have been made fully aware of the needed improvements in working and wage conditions for postal workers.

It has pleased me greatly that the postal employees of my district remained available and on duty throughout the recent strike, although given the same provocation, being subjected to the same working and wage conditions.

There are several reasons why I feel it is incumbent upon Congress to authorize this pay raise at this time. Foremost among them is the Government's commitment under law to a policy of pay comparability, providing Government employees salaries which correspond with those in business and industry. Because of the timelag in ascertaining comparability figures and obtaining congressional approval of pay legislation to close the gap, even now the bill before us will only bring the salaries of Government workers comparable to those of private industry as of last July 1.

I have heard the argument that this will fan inflation. Well, I, too, am concerned over inflation. I agree that Government spending is one of the chief causes of inflation and believe that it should be reduced. At the same time, I consider the Government's obligations to its employees of prime importance and among those that must be met.

The last year's 10-percent increase in the cost of living has had its effect on the family budgets of Government employees the same as those of everyone else. Government employees shop in the same grocery stores as their neighbors who work in private industry, pay the same rental and taxes as their neighbors. In fact, I am very much aware that the families of over 200,000 Government workers residing in my district have felt deeply the sharp rises in the costs of shelter, food, clothing, and taxes in the Washington metropolitan area, which are among the highest in the country. In view of this rise in the cost of living, Government employees will not realize a gain from this pay raise, but merely recoup their losses of the past several months and be able to better cope with present price levels.

I think you believe, as President Nixon does and as I do, that the Federal Government has an obligation to insure each of its employees fair treatment in return for his or her dedication. It would seem to me to be grossly unfair to again call upon Federal employees to bear the brunt of inflation without relief while no one else does.

On behalf of 5.6 million Federal workers, I urge your support and vote for this legislation.

Mr. CORBETT. Mr. Chairman, I cannot sincerely say that this is a good bill. I believe it more resembles a spare tire that we badly need to put on, and, therefore, I am supporting the bill.

However, there is a strong necessity that we strike sections 8, 9, and 10 from this bill, because, as I am informed by the ranking minority member of the Senate committee that he, in conference with the chairman of the Senate committee, have made it abundantly clear that they will not accept these three sections which are not related directly to title of the bill.

These three sections happen to be good legislation, which have passed the House in the past, and I believe they will again in the future. However, for the very reasons which the gentleman from Arizona mentioned we are going to have to clean up that particular part of the bill if we are going to avoid going into conference, which conference, I understand, could not happen prior to next week.

So, Mr. Chairman, at the proper time I will make a motion to recommit, and strike these three sections if—and I so address my remarks to our distinguished chairman—he finds that this amendment is acceptable.

Mr. DULSKI. Mr. Chairman, would the gentleman repeat his statement?

Mr. CORBETT. Mr. Chairman, I want to make a motion to recommit and instruct the committee to strike out sections 8, 9, and 10 of the bill, which I understand the Senate committee is not agreeable to. And so my question was, Would the chairman of the committee agree with me on this matter?

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Mr. DULSKI. I do not believe that I am in a position right at the present time. I said I would support H.R. 16844 as reported by the committee. I would not commit myself at the present time to support a motion to recommit.

Mr. CORBETT. I would appreciate it if the gentleman will check with the Members over there if he can readily, and let me know, because I am in the position that if the amendment is not agreed to then I am going to have to vote against the bill to keep my record clear on being opposed to the bill. I am opposed to this bill at it stands because of those three sections which will delay final action on the bill indefinitely.

Mr. DULSKI. The gentleman may be correct, but I suggest to the distinguished ranking minority member of the committee that at the present time we are trying to make arrangements to have the bill accepted as it is. As as result, my position must depend on the outcome of these arrangements.

Mr. CORBETT. I wish I could know pretty quickly, because I understand from the ranking minority member of the Senate committee, in conference with his chairman, that they have decided that they would not accept these sections of the bill, and I talked with the gentleman within the hour.

Mr. DULSKI. Mr. Chairman, would the gentleman yield?

Mr. CORBETT. I am happy to yield to the gentleman.

Mr. DULSKI. As the gentleman knows, I have always supported legislation giving equitable pay to all Federal employees. Nevertheless, if these three sections of the bill will delay any further action, so far as pay increases for postal and Federal employees are concerned, I would support his motion.

Mr. CORBETT. I know the gentleman is very concerned about this matter, but I can assure the gentleman that delay is the answer.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I hope the gentleman will not offer his motion to recommit, because in my general frame of mind I am inclined to oppose it. I resent being pushed around by the other body. They have added a couple of things here, including $16,000 additional money for the staffs of ex-Presidents; they have added some things for the District judges, which I support, which we have gone along with.

Now here are three little fringe benefits that the bill affects—the border patrol and the customs people. It affects them. A number of Federal employees who work 60 or 80 or 100 miles out in the boondocks.

Mr. CORBETT. Will the gentleman address himself to the bill?

Mr. UDALL. It affects the dredge operators of the Corps of Engineers. The Nixon administration approved and the Johnson administration approved of the provisions and they have been drawn carefully to meet the objections of the administration.

Two of them passed the House in the last Congress and passed the House in this Congress. I cannot see some Federal employees being left out of this thing and being treated in this high-handed fashion by some Members of the other body who probably do not even know what is involved in this section.

The total cost of these three items is $100,000.

If that is the way they want to play, I say let us call their bluff, but I am not going to put up with them for myself.

Mr. CORBETT. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL. The gentleman has the time, but of course I would be glad to yield to him.

Mr. CORBETT. I was just trying to get a word in edgeways.

I would like to ask the gentleman further if it is not true that these three sections are unrelated and that we will not have any difficulty getting them through the House.

The Senator informed me they never had a hearing and never had the bills in their committee and that they were not necessarily opposed to them. They were uninformed about them.

I would like to ask the gentleman another question. If we just move to knock out two of these sections and let in one so that we could tell the other body—well, you cannot push us around but rather it is your turn to get together—would that satisfy the gentleman?

Mr. UDALL. I would rather not negotiate with the gentleman publicly.

My position is: the three ought to have been in there and, as I said, they were approved by the administration and do not cost anything. But we do have a little time before the motion to recommit is being offered and maybe we can discuss it.

Mr. CORBETT. I do not mind discussing things in public. I am sorry the gentleman does.

However, Mr. Chairman, as I said at the outset this is not necessarily a good bill. It could be amended—and tax cut, and so on. But for the time being, it is the only spare tire that we have available so I am going to urge the Committee to adopt the bill and I could announce to the Chair that we have no further requests for time except I want to yield to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 16844 and wish to commend the Committee on Post Office and Civil Service for their promptness in reporting this measure to the floor for consideration.

Mr. Chairman, on every previous occasion when the Congress considered the subject of a pay increase for postal and Federal employees the question of the inflationary effects and the cost to the Government was always raised. These of course, are proper questions, but I submit, Mr. Chairman, their pay raise as well as all previous pay increases are necessary as a result of inflation rather than a cause of inflation. Insofar as the cost is concerned, I say that we cannot afford not to meet this responsibility of paying our own employees a salary comparable to what their counterparts are paid in private industry. If we are going to continue to attract the most capable people into Federal service and encourage them to remain in Federal service after they are better trained, then we must be competitive in pay and working conditions with other employers. In other words we are going to get exactly what we pay for. In the long run, therefore, this pay raise will not result in greater expense in the operation of our Government.

Mr. Chairman, one of the very attractive features of this bill is the retroactive feature which makes the 6-percent pay raise effective December 27, 1969. One of the problems of trying to obtain comparability in the past is the timelag between a pay raise in private industry and the time that it takes to obtain congressional approval of a simlar increase. This timelag in the past has amounted to excess of 1 year. This bill will close this gap to approximately 6 months.

This bill does not go as far as some of us would desire but it is a good compromise and I hope that my colleagues will approve it overwhelmingly.

Mr. CORBETT. Mr. Chairman, I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I take this time to ask a few questions of those who are sponsoring this legislation because I am greatly concerned about the way we are being asked to legislate here today.

First, I would like to ask the gentleman from Arizona if he knows how much this bill will cost?

Mr. UDALL. It will cost in this fiscal year, between January 1 and July 1 of this year, $1,300,000,000.

Mr. EDWARDS of Alabama. That is $1,300,000,000?

Mr. UDALL. That includes the military which will automatically get a 6-percent raise—the men in uniform also. The first full year's cost—the first full fiscal year cost will be $2,600,000,000.

Mr. EDWARDS of Alabama. That is $2,600,000,000?

Mr. UDALL. Yes; $2,600,000,000.

Mr. EDWARDS of Alabama. How is it going to be paid for?

Mr. UDALL. In dollars, I would think.

Mr. EDWARDS of Alabama. The President has suggested that there be an increase in first-class postage to 10 cents and it has been suggested that there be an increase in second- and third-class postage, in order to cover the cost, and pay as you go, as has been said—is that the gentleman's understanding of the way this increase will be paid for?

Mr. UDALL. Let us get very clear on that point. Of that $1 billion increase, only about $400 million—$380 million, roughly, is due to increased postal salaries. We cannot saddle a lady who buys a stamp with the cost of a pay increase for a Congressman's aide, an employee of the Department of Agriculture, or someone at the Defense Department or a member of the armed services. I am willing to be responsible for and to vote an increase in postage on all classes of mail sufficient to pay for any raises provided for the postal people that I support. I am not willing to saddle the Postal Establishment for the cost of running the Department of the Interior.

Mr. EDWARDS of Alabama. Did any commitment come out of the negotiations that were referred to earlier concerning

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support from the unions or any other interested parties in favor of increasing postage to pay for the cost of this raise?

Mr. UDALL. I am not a party to these negotiations. They have not been concluded. I do not know whether the unions will come out in favor of postal rate increases. Traditionally they have not. Traditionally they have taken the view that these are separate matters. They want their pay, and they expect the Congress to say what is right and fair.

Mr. EDWARDS of Alabama. The thing that bothers me is that we are being separated to death, it looks like, in our approach to this whole problem. The cart has been placed before the horse, if you will. After an illegal strike we have brought before us a bill which contains no commitment as to where the money is coming from, no commitment as to postal reform, or no solution of any of the other related problems. It disturbs me that we are put in this position in this way.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Certainly, I yield to the chairman.

Mr. DULSKI. The gentleman in the well has asked why we are not asking for an increase in rates or postal reform. As the gentleman knows, we have a subcommittee that deals with compensation and another dealing with rates. Postal pay matters are separate and apart from ratemaking. I might add that in the matter of rates, the administration has proposed an increase of about 70 percent in postage for first-class mail and a very minor increase in second- and third-class mail. It would seem that the administration intends to charge the complete cost of this bill to postal patrons, even though the largest cost involved is the increase in wages to other than postal employees. Such a course is unacceptable to me and I assure you that we will deal with their proposed injustice when it comes before my committee.

Mr. EDWARDS of Alabama. All I am saying is that we are being badgered into something here today that is tied into too many other things, just to have this one issue before this body. This is what disturbs me.

As far as second- and third-class rates are concerned, or as far as what the President has proposed for first-class rates, surely I am concerned about this. The question is, What is the committee going to come out with in the final analysis? Is the committee going to come out with second- and third-class rates that in fact will pay their share? All of this shows why we need to go on with this business of postal reform, to consider the Post Office employees, the sad state they are in today, because this body and the other body have not done a proper job.

We are not equipped to do a job of this type. The rates are in the situation they are in today because this body is unable in an election year to face up to the problem and make changes in them. The sooner we can get the Post Office on a proper basis, with proper postal reform, the sooner the Post Office will be run better, and the people of this country will get their mail better, and the employees of the Post Office will feel a lot better about their job in serving the public.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. Surely, I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I am also on the Rate Subcommittee. I think we ought to talk about that a little bit. About 80 percent of surface mail, letter mail, is sent by business houses and is charged off as business expenses on income tax, and so forth. There is the elderly man or the elderly woman who does write a letter and we do not want to penalize him or her. But I want to remind the chairman of this committee that in 1967 when we had our rate hearings, the one category of mail which is second class, newspapers and magazines, only paid approximately 25 percent to 26 percent of its way. I had a motion adopted in the subcommittee to increase those rates and also to charge a 25-percent surcharge for the priority handling that they receive.

That passed the subcommittee. When it got to the full committee, the newspapers and the magazines and their lobbyists got busy, and the full committee knocked it out. That is where a good share of where the revenue should come from, the second-class rates for the newspapers and magazines.

Administration after administration in the past since I have been here, for 14 years, has always held those rates down. In 1967, there was an agreement between the newspaper and the magazine publishers with the Postmaster General and the administration that they would support the postal rate increase bill if they had their rates left at a very low level. But by raising those rates we can pick up a great deal of money by making them pay their way.

As far as the third-class mail is concerned, it pays approximately 100 percent of its way when we consider the fact that they have been continually increased and also that under the previous administration they have been forced to ZIP code all their mail and after sacking and tagging they have to deliver their own mail to their post office. When we take that into consideration, along with the increase in rates which they have had saddled upon them in the last several years, they are paying approximately 100 percent of their way.

So if we want to talk about rates, we can talk about the newspapers and the magazines. It was stated in 1967, when we had our postal rate bill up, that the Wall Street Journal alone is subsidized by the Federal Government to the tune of $10 million a year. That is something which should be dealt with and dealt with promptly.

Mr. EDWARDS of Alabama. Of course, the gentleman is helping to make my point, which very simply is this. This whole operation is so tied up with political considerations, that the sooner we get it out of that area and get it into a proper postal authority or corporation, the better off this country will be.

Mr. CUNNINGHAM. The gentleman well knows I am very much in favor of postal reform.

Mr. EDWARDS of Alabama. The gentleman has been one of the leaders in this movement, and I commend him.

Mr. CUNNINGHAM. I have been very much in favor of reform of the Post Office Department, which our committee finally did pass, a few days before the strike came along. As a matter of fact, we knew about this strike or the rumblings of it a year ago, and if we had acted promptly on a true reform and pay bill a year ago, we would not have had this strike and the work stoppages all over the country. But we did not, and there were reasons why that was not done, but I will not dwell on that now.

But I say there is a great deal of money which can be picked up in the second-class newspaper and magazine rates. The time is long past due when this should have been taken up.

I want to say another thing, too, while I am on my feet, if the gentleman will yield further.

Mr. EDWARDS of Alabama. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, some consideration ought to be given to this idea. If the gentleman posts a letter in New York and it travels to California, that is at the rate of 7 cents paid today. If we post a letter in the District of Columbia to Maryland, we pay the same rate of 7 cents. The gentleman knows and I know and this House knows it takes a great deal more expense out of the Post Office Department's budget to send a letter from New York to California than it does to send one from the District of Columbia to Maryland. That is something that ought to be looked into.

Mr. EDWARDS of Alabama. The gentleman is correct and, of course, it points up again the inflexibility of the Congress to act on a situation like this. Perhaps a postal rate commission can resolve those problems. I hope so. But certainly this Congress is not flexible enough to resolve those types of situations, considering the political arena in which we operate.

Mr. CUNNINGHAM. If we can get this postal reform established and get rid of all these pressure groups and these lobby groups who keep pestering those of us on the committee, we will get this type of thing the gentleman talks about and bring in the money to help pay for these salary increases.

I thank the gentleman.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the very able gentleman from Tennessee.

Mr. BROCK. I want to take a moment to congratulate the gentleman from Alabama for his contribution. I believe he has performed a great service to his constituency and the constituency of every Member of this body. This whole problem is illustrative of the need for postal reform. It is a desperate situation.

The gentleman from Nebraska mentioned that it costs far more to send a

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letter from here to California than from here to Maryland, but that the price is the same. I would add, the way the postal service operates today, it takes just as long to get a letter from here to Maryland as it does to get a letter from here to California, because of the inefficiencies and inequities built into this archaic system run by the Congress of the United States. The Congress is not completent to run the Post Office.

It is well past time we put it on an efficient basis, so that it can serve the people of this Nation at a reasonable cost.

I appreciate the gentleman's raising the point of the need for reform. I support him in his statement. I, for one, do not believe I can support raising postal rates until I see a real prospect for better service through postal reform.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments.

Mr. Chairman, in closing, I should like to say, to their everlasting credit, the good postal workers in my district saw fit to stay on the job. They were not involved in any illegal strike against their country and I commend them for the restraint.

Mr. DULSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise to support this bill and I will vote for its passage. As a member of the Committee on Post Office and Civil Service, I believe I am as familiar as most Members—but apparently not as familiar as all Members in this Chamber—with what has been going on.

There is a difference, it seems, as to who is given information about what has been happening and what will happen.

A conference committee has been bogged down since last fall with pay legislation passed by the House in October, which would have increased pay for postal workers beginning last October 1. Our conferees tell me this delay is due to the unwillingness of the Members of the other body to proceed to conference so that we can send the bill to the President of the United States.

I am told by conferees on both the Democratic and Republican sides of the aisle on my committee that when they finally went to conference, there was no conference at all, because the Members of the other body are privy to negotiations which are taking place behind closed doors.

I submit that it is not very pratcical to try to reach agreement by having a public meeting where everybody is making speeches. Negotiations should be held in an atmosphere where they are likely to produce results.

As a member of the committee, I do feel some resentment, for myself and also the other members of the committee, on learning from newspaper and other sources that Members of the other body, serving on our counterpart committee, have apparently been privy to information coming from the administration, from the unions, and from others, while we have been kept almost entirely in the dark.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman is stating a fact. I believe what the gentleman is saying, in other words, is that if there is going to be communication on the situation at this time let the communication extend to the conferees on the part of the House as well as of the other body. We have been locked out.

Mr. WILLIAM D. FORD. Thank you. I am really trying to say that I am serving notice now to all of my friends who have an interest in the matters concerning the Post Office Department that I am perfectly willing to listen to any recommendation reached independently or in concert by representatives of labor or the administration or anyone else who has an interest in it. I want to make it clear, however, that this is the last time I will accept—lock, stock, and barrel—what somebody else has written in the form of legislation, no matter how badly we may need it. I agree that we need the postal pay increase very badly. We should have proceeded with the pay legislation that we passed last fall. What we are doing today should have been done months ago. There is no way to solve that problem now, but we should not overlook the fact that we are walking into a little bit of a trap. I took a look at the President's message, and I suggest that every Member read it very carefully, because he has given us a script as to how we, as the legislative branch, will be expected to act so that we accomplish what he sets forth in his message as his understanding with the several forces with whom he has been negotiating. Particularly, you should note that in his message, the President makes it very clear that he is talking about a pay-as-you-go postal pay increase. This is very unusual, because when you examine the message you discover that the President is not asking us to pay as you go with respect only to the postal employees. A quick calculation by a member of our staff indicates that we would not have to raise first-class mail by more than 1 cent if we raised other classes proportionately. In order to pay for the 6 percent in this bill and the additional 8 percent that the President indicates will be given to the employees during the first session of collective bargaining after the adoption of his postal reform plan or postal corporation.

If we look at the message, we see he states very distinctly that the postal salary increase contributes about $600 million to the current deficit. Yet the rate increases proposed by him would raise $2.3 billion, which means he is asking us to increase first-class rates under the guise of meeting the demands of postal workers, but which actually would finance a raise for all military and civilian employees of the Federal Government. This is a sham and a fraud. We should certainly have our eyes open here. We would be placed in a position, after we pass this legislation, of having an 8-percent increase sent to us in a fancy package tied up with postal reform and a lot of other things. Postal reform means whatever you want it to mean, because nobody is against it but we all have our own ideas as to what it means. You will be placed in a position of either voting for or against an 8-percent increase for the postal workers. This is the first step, if you will read the script, in a series of steps apparently planned by the President and the administration to not only write legislation but to orchestrate the entire performance and tell us exactly when and how we will adopt it and in what order. You should recognize that the President's proposed rate increase would raise 19 times as much money from first-class postage users as from both second- and third-class users—the two principal business users of mail. I do not think the American public is ready for another rate jump after the one we gave them in 1967.

Mr. Chairman, I voted against the previous question on the rule, because I think the unprecedented situation of bringing this or any other bill from our committee to this floor under a closed rule is a dangerous one. I would have offered an amendment here, but I cannot, under the closed rule.

I had hoped to once again submit the amendment which I offered to the 1967 Federal Salary Act to deal more realistically with postal employees in areas of relatively high wages and exceptionally high living costs.

During the floor debate on the Postal Revenue and Federal Salary Act of 1967, an amendment was offered by the gentleman from Arizona (Mr. UDALL) in the form of a substitute to my own amendment on the same subject and was adopted. My amendment, at that time, would have made it mandatory that area wage rates be adopted. The Udall amendment to the 1967 bill said that the Postmaster General "may" adjust these rates. The Udall substitute amendment to the 1967 bill was adopted by the House, but was dropped in conference at the insistence of the other body.

My amendment said:

(c) Section 5303(a) of title 5, United States Code, is amended by inserting immediately before the semicolon at the end of subparagraph (2) there ", except positions in the postal field service which are unique to the service."

(d) That part of the text of chapter 45 of title 39, United States Code, under the heading "SALARY STEPS AND PROMOTIONS" is amended by adding at the end thereof the following new section:

"Sec. 3561. Higher Minimum rates; Presidential authority

"(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the rates of basic compensation of those positions of the postal field service which are unique to that service as to handicap significantly the Government's recruitment or retention of well-qualified employees for such positions, he shall establish for such positions in the areas or locations higher minimum rates of basic compensation for one or more levels and shall make corresponding increases in other step rates of the pay range for each such level.

"(b) Within the limitations of subsection (a) of this section, rates of basic compensation established under that subsection may be revised from time to time by the President.

"(c) An increase in rate of basic compensation established under that subsection is not an equivalent increase in compensation

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within the meaning of section 3552 of this title.

"(d) The rate of basic compensation established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the compensation of employees in the postal field service, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President.

"(e) All actions, revisions and adjustments under this section have the force and effect of statute.

"(f) The President may authorize the Postmaster General to exercise the authority conferred on the President by this section.".

(e) The table of contents of chapter 45 of title 39, United States Code, is amended by inserting—

"3561. Higher minimum rates; Presidential authority."

immediately below—

"3560. Salary Protection.".

This amendment would have placed upon the Postmaster General, through the President, the requirement to set higher minimum rates of pay for postal employees in those areas where private industry wages exceed postal wages so as to significantly handicap the Post Office Department in recruiting and retaining qualified personnel.

Since I cannot offer my amendment under a closed rule, I plan to introduce a bill Monday to achieve the same result.

Under current law, title 5, section 5303, United States Code, the President has the general authority to establish higher minimum rates of pay for Federal employees in the four statutory pay systems. These systems include the general schedule, the postal field service, Foreign Service, and the Veterans' Administration. The authority to so establish these special rates is delegated by the President to the Civil Service Commission.

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Each agency under these pay systems may petition the Civil Service Commission to authorize special minimum rates. However, it has become obvious that the Postmaster General is reluctant to make such a request, and as a result this statute has not been applied to postal employees.

The purpose of the bill, which I am going to introduce, will be to relieve the Postmaster General of the burden of petitioning the Civil Service Commission and to place with him the responsibility to establish special rates of pay in those areas where they are justified.

Recent events tell us that a measure of this nature is necessary to solve at least one of the major problems that confront the operation of our postal system.

This problem is our failure to recognize the fact that the labor market is different in our big industrial States and big cities than in other parts of the country. Thus, the ability of the Post Office Department, from a management point of view, to compete with industry for qualified labor is hampered by its inability to make differentials in pay.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from New York.

Mr. HANLEY. I thank the gentleman for yielding.

Mr. Chairman, I rise in favor of H.R. 16844 which was approved by the Post Office and Civil Service Committee this morning.

Basically, this bill provides a 6-percent pay raise for all Federal employees retroactive to December 27.

This pay raise is most certainly justified. The recent postal strike emphatically demonstrated to us the inadequate wages which many postal employees are forced to accept. We must also realize, however, that a substantial majority of all Federal employees are working at salaries below those enjoyed by their counterparts in private industry.

In 1962, Congress enacted the principle that all Federal salaries should be comparable to those paid in private industry. The general feeling was—and still is—that we cannot expect to have efficient, effective Government without paying fair salaries to attract competent employees. It is false economy to keep Federal salaries artificially low in order to save money. We lose far more in efficiency than we gain.

We have made great strides toward this goal of comparability, but unfortunately Federal salaries in most areas still lag far behind private industry rates.

Postal employees—particularly letter carriers and clerks—have been hard hit by this lag in comparability. And therein lies the fundamental cause of the postal strike.

This 6-percent raise is part of a package negotiated between the Post Office Department and major postal unions. It must be emphasized, however, that this raise will bring Federal salaries only to July 1969 private industry levels. Further action in the near future may be necessary to fulfill our oft-stated commitment to all Federal employees.

Mr. Chairman, we will be called upon soon to take action on the other segments of the negotiated agreement. This agreement includes an additional 8-percent increase for postal employees upon the enactment of a postal reform bill. It also calls for a reduction in the time it takes to reach the top step of a postal field service level. The present period is 21 years; this would be reduced to 8. I was particularly hopeful that this latter provision could be incorporated in the bill pending before us today. I supported such an amendment in committee this morning. Unfortunately, the amendment was defeated, not because the committee opposed the provision, but because of the fear that its inclusion at this point might have upset the negotiations now being held between the Department and the unions.

I am confident that when the second phase of this package is presented in the next few days it will include both the additional 8-percent raise and the compression features of the agreement, and I strongly urge my colleagues to accept these proposals also.

The measure pending today is a vital first step toward solving the problems raised by the postal strike, and I am confident that it will be overwhelmingly endorsed.

Mr. CORBETT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I have supported pay increase legislation, I believe, at all times since becoming a Member of this body. I have recognized the principle of comparability in pay between the private and governmental sections of the economy. I voted in favor of the pay legislation which passed the House on October 14, 1969.

But I shall vote against the bill now before the Committee. It is the fruit of an illegal strike against the Government. It is the result of negotiations between the executive branch and the postal employee organizations, in which, so far as I know, neither this House nor the other body had any voice.

This legislation is here as the result of an illegal strike and under the threat of another. In 1966 Congress made participation in a strike against the Government a felony. It declared that an individual who participates in such a strike shall be ineligible to hold Federal employment. Passage of the present bill under the circumstances in which it is presented makes the antistrike law a nullity. Employee groups now know that they can strike and get away with it. The antistrike law might as well be repealed.

The end result of all this is tc transfer the labor cost of Government into the so-called uncontrollable part of the Federal budget. Congress has lost another round in the struggle to maintain itself as a coequal branch of Government. In the future, the labor cost of Government will be decided by negotiation between the executive and employee organizations. The congressional role is being reduced to that of pro forma ratification.

I have no quarrel with the need for a genuine reform in the pay schedules of the Postal Department. But this action of the House here today is not legislating.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Chairman, I rise in support of this bill and very strongly recommend that we pass this 6-percent across-the-board increase for the benefit of all our Federal employees as well as our postal employees.

Mr. Chairman, it is my feeling that we must recognize that this is purely a cost-of-living increase on which we are voting. Of course, there are other problems that beset the Post Office Department that we will take up in other legislation and, perhaps, it will be separated. One cannot predict how anything will come out of the committee. But I should like to see us vote on postal rates separate from postal reform. However, we do not have any idea, of course, as to how it will come out of the committee.

I think everyone should know that if as a result of this increase we have to raise postal rates, we are going to have to pay for the increase in this bill that goes to postal workers. The increase for other employees will have to be paid out of other tax revenues. That is my opinion. Then, I think postal reform should be a separate matter. As a matter of fact, I very strongly oppose some of the postal reforms that have been talked about. However, I think our committee will work the will of the committee and bring it to the floor for the working of the will of the House of Representatives on all the other issues. In my opinion it would be wrong to delay this 6-percent cost-of-living increase awaiting postal reform.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Did I understand the gentleman to say that later on we will be called upon to raise postal rates in order to pay for the increases contained in this bill insofar as the postal employees are concerned?

Mr. OLSEN. I think you can expect a postal rate bill to come out of the committee to pay for the cost of the postal workers' increase.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, what the gentleman is saying is that those of us who support this bill now are obligating ourselves to vote for postal rate increases in the future?

Mr. OLSEN. No; I am not saying that. I am not saying that you are obligated to do so. You will have to speak for yourself. I am not going to obligate you as to whether you should support the Post Office Department's reforms. Undoubtedly some Members will want to continue to support the Post Office Department out of general taxation and not vote for a postal increase. However, that will be the subject of a later discussion.

Mr. KAZEN. What I want to get clear from the gentleman is whether we are bound now if we support this bill to vote for increased postal rates to pay for the increases provided for under this bill?

Mr. OLSEN. I do not think anyone is bound to vote for postal rate increases in order to pay for the cost of this bill. We can finance the Post Office Department out of many kinds of revenue.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I thank the distinguished chairman of the committee, and I rise in support of the legislation before this body.

Like other speakers before me, I am not sure that this is a model piece of legislation, but I am sure of one thing—that the money in it is needed by the postal employees.

During the course of this debate I heard a number of Members take the well and talk about the illegal strike. I do not condone the action that was taken, but being a Member from New York, and obviously that strike emanated from New York, I would like to take a moment of your time to talk about the human element involved in that action.

You know, both administrations, during the time that I have served in this Congress, have indicated to me that they have been insensitive to the needs of the Post Office Department and its employees. As a result of that, while many of us advance the slogan "I fight poverty—I work," we have in New York more than 4,000 postal employees who have full-time jobs and who are receiving supplemental welfare assistance. We have literally got the postal employees in economic chains, so let us take a look at what happened here before we talk about the strike and who called it.

In October of last year this body passed legislation that would give the postal employee a fair and adequate raise. With threats of veto from this administration, and over the fact that the Senate refused to act, we waited from October until now. The only way this legislation was brought to the floor of the House was because of that illegal strike. This is unfortunate, but did we really give the employees any choice?

I do not believe that this body or the administration has a right under those circumstances to point an accusing finger at people who have no food on their table.

You know, New York has a particular kind of a problem, because in that town, with $10,000 a year, you are broke. So when you take men with families and start them at $6,000 a year, and then after they have been there 21 years you give them $8,000, no one in good conscience can come into the well of the House and accuse them of illegal actions. In doing so, that proves an additional insensitivity on the part of the Congress.

Something that is very, very classic of what has been going on is the statement made by my good friend, the gentleman from Pennsylvania (Mr. CORBETT), about the fact that he had received a call from the Senate saying "take out of the bill sections 8, 9 and 10," which costs $100,000 a year, and for people who need that increase, "otherwise come Hell or high water we will not go to conference on this bill, and the people who need the money can just continue not to have it." That is the kind of game that they have been playing on the other side. Like my good friend, the gentleman from Arizona (Mr. UDALL), I am tired of being pushed around. It reflects no credit on this body to engage in childish games to get this legislation passed. I am going to go along with the chairman of the subcommittee on pay and the gentleman from Arizona (Mr. UDALL).

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, let me say in conclusion before we accuse those people who initiated the strike—and again I say I do not condone the illegal strike—let us look at the human element and stop singing that song: "Your Lips Tell Me No, No, But There's Yes, Yes in Your Eyes," in reverse to those people. Let us call it square for once and give them what they deserve, because they are entitled to it.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Chairman, I simply wanted to correct an impression in the statement the gentleman made. The call I referred to did not say that they would not go to conference; the call said that they would have to go to conference if we included these things which they did not like. I want to get that definitely clear. I went on to say that the conference could not happen until next week.

Mr. BRASCO. Mr. Chairman, I apologize if I was mistaken, but I would appreciate it if, the next time that the other body calls you can get the number for me so I can call them and tell them about some of my gripes.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman.

Mr. DULSKI. I for one can readily appreciate the statement of the gentleman from New York. Not to be asked to participate in the recent conferences on postal pay and reform is an affront to me, as chairman of the Post Office and Civil Service Committee. So I can understand the gentleman's frustration.

Mr. BRASCO. Mr. Chairman, I thank the gentleman.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, the residents of my district were outraged recently when the subway fare was raised by 50 percent. The average citizen, already strapped by inflation's burdens, was asked to pay for the mismanagement of governmental leaders, most of whom rarely see the inside of a subway station.

Now John Doe is being asked to bail out the politicians again—the Nixon administration to be precise.

The President proposes that the cost of first-class mail—mainly utilized by individual citizens—be raised by 66 percent to cover a deserved 6-percent increase in salary for all Federal employees and an extra 8 per percent for postal workers.

Raising the price of first-class mail, which already more than pays its way, is tantamount to imposing a sales tax on the general public. This is all the more onerous when business enterprises and mail order houses, under the Nixon proposal, would receive preferential treatment. Second-class mail costs would rise by only 16 percent and junk mail—third class—by only 5 percent, even though they are currently operating at a deficit and are subsidized by the taxpayer.

The President originally sought to delay Federal employees pay raises on the grounds of inflationary pressures, although he refused to issue wage and price guidelines for private industry. Now that the postal strike has backed the President into a corner, his administration has evidently decided the public interest once again must be sacrificed.

Unfair pay scales would not be redressed from the General Treasury as they should be. Instead of diverting some of the appropriations pouring endlessly

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into Vietnam, the President is further taxing the public so his administration can boast of a budget surplus and strong anti-inflationary policies at the end of the coming fiscal year.

Another element of the Nixon administration's proposal reflects its callousness. One of the inequities leading to the postal strike was the political extortion employed by the administration, which tied pay raises to postal reform. An examination of the White House's new proposal shows the same technique has been retained, since the 8-percent increase planned solely for postal workers is still linked to postal reform.

Congress must assert its leadership in the wake of the administration's failure to recognize national priorities and spread the burdens of our burgeoning economy equitably.

I will support the general pay raise for all Federal workers, for they deserve this increase.

I will support the extra pay increase for all postal employees, for they have been promised more and given less than any other group of Federal workers.

But I will oppose any attempt to finance these increases with a regressive postal rate increase.

And I shall continue to oppose this administration's basic error of tying a legitimate need of postal workers for more pay to Post Office reform. Whatever the merits of that plan—and I shall consider them carefully—they must be judged separately and on their own merits.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I would simply like to announce a correction in an earlier statement that I made, namely, that I would move to recommit and strike sections 8, 9, and 10.

Now then my motion to recommit will be restricted to cutting out section 9 and section 10.

As to section 8, the chairman of the Civil Service Commission is very much for that and I hope the other body might accept that without the cumbersome business of going to conference.

Also, I would like to emphasize that I favor these sections, but they should be separate and handled separately. I hope the committee will soon do so.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. Springer).

Mr. SPRINGER. Mr. Chairman, this legislation today will provide a 6-percent across-the-board increase in the salaries of postal and other Federal employees. The 6 percent will also apply to military personnel under the provision of section 6A of the act of December 16, 1967.

The Federal pay increase legislation is long overdue. In a public statement of October 19, 1969, I pointed out that postal employees were lagging behind comparable positions in the private enterprise fields at the same levels. I trust that my colleagues on the Post Office and Civil Service Committee will forgive me for the way in which I have pursued them, both Democrats and Republicans, to get this legislation to the floor. It was my belief that this was one of the most necessary things to help in keeping morale alive for the postal and other Federal employees. I had very strong feelings about it, and I know that my friends on the committee understood this.

Postal and other Federal employees are denied the right to strike. The only protection they have in securing salary raises to keep them level with employees in the private field is their recourse to the Congress of the United States. In spite of the fact that we only got to the legislation today, I do want to commend the postal and other Federal employees for the patience they have shown in staying on the job and delivering the mail under discouraging circumstances which seemed to ignore their vital interests.

In my own district, I do not have a record of notice of a single employee who did stay away from his job or had a "sick-out." The employees in my district were loyal in every respect. They are to be commended for their actions under these difficult circumstances.

Fortunately, the 6-percent pay increase is made retroactive to the first day of the first pay period which began on December 27, 1969. This was done in order to reduce the timelag between the ascertainment of the Bureau of Labor Statistics survey of actual wages being paid in the private sector of the economy and the effective date of Federal salary adjustments. The President of the United States, the Postmaster General, and the Bureau of the Budget all spoke directly in favor of enactment of this legislation. I know that there are many others of my colleagues who felt that enactment of this legislation should have taken place months ago, and with them I have joined. They are to be commended for the diligence with which they acted in using their influence to get this bill to the floor.

Mr. Chairman, even though this legislation is long overdue, I am glad at least that it is here today on the floor for action, and that these employees who so badly need this raise will be able to get it along with some back pay which will at least alleviate some of the injustices to which postal and Federal employees have been subject to in the last few months.

Mr. DULSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the courtesy of the distinguished gentleman from New York.

Mr. Chairman, I thank the distinguished chairman for yielding me time. I simply want to add to what we have been told so effectively by my friend, the able gentleman from Michigan (Mr. William D. Ford). This bill does nothing in fact to correct the basic injustices of the wage scale that the postal employees live with. It at best a cost of living adjustment, already long overdue.

Is it not high time that we faced the necessity of paying postal employees a decent living wage? I will vote for this bill, but it is hardly the kind of legislation that entitles us to congratulate ourselves for having dealt fairly with the grievances of the postal employees. It may provide a respite so we have time to deal fairly with those grievances. I hope it does. But I hope we then use it to deal with those grievances at least. Let me emphasize that we will not have solved the postal crisis, even the short-range one, when we pass this bill.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to make this point in commenting on the statement of the gentleman from Michigan (Mr. William D. Ford), a member of the committee. I was on the committee when the amendment was offered by the gentleman, and I opposed it. I hope if it ever comes before this body it will be rejected for the simple reason that I am sick and tired of having northern Congressmen suggesting that postal workers in the South, in Atlanta, Ga., or Willacoochee, Ga., for example, receive less than what is paid to postal workers in New York City or in Detroit.

Postal workers in the South do deserve this raise. They are entitled to it and I intend to vote for it.

Mr. Chairman, I will not support any wage differential that is going to treat people in the South differently than people in the North. We are getting a little bit tired of being kicked around by northerners who think that they should be paid more than southerners. It costs just as much, and in fact more, to buy an automobile in Atlanta, Ga., than it would in New York City or Detroit, Mich. Postal workers in the South are doing the same work and they are entitled to the same pay.

A television set costs the same amount of money in the South as the North and I say our postal workers in the South are entitled to everything the postal workers in the North are entitled to. I for one am going to see that they are not denied it by any amendment designed to raise only the wages in the North.

Mr. LOWENSTEIN. I certainly am opposed to discriminating against anyone anywhere in the country on grounds of race, sex, region, or anything else that is not connected to individual worth.

The problem is that it costs a great deal more to live in the metropolitan areas of the country, whether in the North or in the South, than it costs to live in rural areas or in small towns. So it is not a question of the region of the country, but rather a question of differences in the cost of living.

I would also like to say something about all these denunciations of the postal employees for resorting to what some people have called "blackmail." What is it if it is not "blackmail" when the Administration refuses to approve salary adjustments whose merit they do not even try to dispute, unless it gets its way on other legislative matters? Who has been holding who hostage for what and for how long? It seems to me it would be accurate to say that it is the postal employees who have been held hostage—the faithful men and women whose legitimate requests have been treated with something between disre-

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gard and contempt for as long as most of us here can remember. In short, should people's wages be kept below what everyone acknowledges to be fair as a lever to pry loose other legislation?

Let me stress that I want to be just as fair to postal employees in Atlanta, or anywhere else, as to postal employees in New York, but I wish my friends from Georgia and other States would be concerned also about fair wages for all workingmen in their States. If they are, perhaps they will even support legislation that would help textile workers and workers in other industries to be paid adequately.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I should like to explain the way my amendment would work. It would provide comparability in the very important sense of being comparable to what is the labor market in the area where one is hiring employees. I suggest that the way to be sure that the Atlanta postal worker is paid as much as in Detroit is to join me in other legislation which would eliminate some of the repressive labor legislation that you have in your State and to bring the wages of your textile workers and a few automobile workers that you have up to the level of the Detroit automobile workers. Then the postal workers would automatically have their wages brought into line with what the Detroit worker would get. It is not a system that would be used against the people in the South. It is not me who wants to hold back the wages in the South. I hope that you are not suggesting that rather than see progress for anyone, we should retain the status quo of repressed wages for everybody.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I will yield in a minute. I want to try again to make something explicitly clear. No one I know of is proposing discriminatory pay scales based on region. My friend from Georgia keeps implying that we are trying to discriminate against the South. That is simply not so. All we are saying is that salaries for Government employees must be comparable to wages paid to other kinds of employees all over the United States. That is the principle that governs the pay of wage board employees. After all, the cost of living has something to do with how much people must earn to live decently, and it has something to do as well with how management must go about hiring people.

I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. The gentleman from Michigan said that apparently I did not understand his amendment. I understood full well. I understood that what he was proposing was a method of paying more money for doing the same job to an employee in New York City than to an employee in Macon, Georgia. I say that the employee in Macon, Georgia, is entitled to the same amount of money for doing the same job. You talk about comparability. I will talk about comparability of the work that people perform.

I do not intend to support any measure which will create any regional wage differential in this House for postal workers. If I do not understand the amendment as the gentleman from Michigan says, then the postal worker who would get less money for the same kind of labor in the South under his amendment certainly would understand it.

Mr. LOWENSTEIN. If my hearing is not failing me, my friend from Georgia has abandoned Atlanta, which he represents, and adopted Macon, which he does not. I wonder if that could be because it has occurred to him that under a fair formula, postal employees in Atlanta would be paid pretty much the same on the same scale as postal employees in other metropolitan areas around the country. That fact, of course, would dispel any theory that anti-Southern bias is involved in the proposal of the gentleman from Michigan.

Mr. THOMPSON of Georgia. Macon, Savannah, Columbus, Augusta, Atlanta—any of them.

Mr. LOWENSTEIN. I seem not to have converted the distinguished gentleman from Georgia, though I seem to keep expanding his constituency.

We have strayed from the main point I was trying to make: that a cost-of-living adjustment such as is included in this bill—whether done across the Nation or by area—does not meet the issue we should be facing. We are tinkering with an unfair wage scale. We should instead adopt a fair wage scale. If we want to tinker, we could then tinker with that. It would be much fairer and wiser to find a way to give Government employees fair pay without requiring congressional decisions every time adjustments are necessary. A procedure like that would be better for the employees, it would be better for the Congress, and heaven knows it would be better for the country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DULSKI. Mr. Chairman, I reserve the balance of my time.

Mr. CORBETT. Mr. Chairman, I yield back the balance of our time.

Mr. DULSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, this debate here today takes me back some 15 years to the 84th Congress and the first major floor fight in which I found myself. On that occasion the postal pay bill came to the floor by the discharge petition route. I believe it went through two vetoes, and finally on the third time around it was adopted. We needed postal reform then, and we need it now, but we need to reform the method whereby we deal with the employees of the Federal Government, be they in the Post Office or in the classified service of our Government. We have one of the most cumbersome and outmoded systems of salary-setting that exists anywhere on earth today.

We will continue for the next 15 years unless some of the suggestions discussed here today by gentlemen such as Mr. UDALL of Arizona and Mr. WILLIAM D. FORD of Michigan are given careful and serious consideration.

In my State, I believe we have a model system of setting salaries. It takes into consideration the differing levels of income in different parts of the State. It also arranges for annual adjustment of salaries so that there is not the long lag time. If we were to pass a bill today that brought to Federal employees complete comparability with their counterparts in private industry, they would still be out of pocket because of the long lag time which they inevitably encounter between pay raises.

Mr. Chairman, I urge the distinguished gentlemen of the Post Office and Civil Service Committee to concentrate their energies upon seeking this kind of solution so that we may fashion the kind of machinery which deals fairly with our employees.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, we had that machinery in the bill H.R. 13000, but we never got it out of conference.

Mr. MOSS. Mr. Chairman, I recognize that the other body can dig in with its heels and be extremely difficult to deal with, but sometimes we are going to have to dig in with ours and be just as difficult to deal with, because the objective here is in every sense a legitimate one.

There is a public need and a crying need. This Nation should be a model employer. It should have the finest methods of dealing with its employees. It is a disgrace to find we are not in any sense a model employer, that we abuse and exact far more from our employees than they can tolerate. That is illustrated in the act of defiance, if we want to call it that, of the postal workers actually going on strike. It is illustrated today by the intolerable conditions under which the air controllers are required to work. We ought to be better housekeepers of our own establishment and deal more fairly with the people who work for the American public.

I urge the adoption of this bill as an interim measure and suggest we move on rapidly to give true equality in pay to Federal workers.

Mr. WRIGHT. Mr. Chairman, I support the pay raise for postal and civil service employees. It is clearly overdue. The cost of living has made the present pay structure obsolete, and it never has been truly comparable to that for similar work in private industry.

Emphatically, however, I want it clearly understood that my support for this measure is based solely upon equity and merit and that it should not under any circumstances be misconstrued by any person as a bribe or reward to postal workers because of the recent illegal strike conducted by a relatively small irresponsible fringe group from among their numbers.

It should be emphasized that both the House and the Senate have supported similar pay increase legislation which passed both bodies last year. Obviously, we were aware of the need for a more realistic pay scale. The present proposal is considerably short of the amounts re-

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quested by the fringe group in the demands which accompanied its arrogant action last month.

It should be made clear at every opportunity that the great overwhelming majority of American postal and civil service employees are sensible and patriotic Americans, dedicated to the high calling they serve, and that the preponderant majority of them declined to participate in this irresponsible effort to blackmail the Government and the public for whom they work.

Beyond this, I think it is imperative that those who instigated and willfully participated in this illegal strike against the Government must be punished in some measure for their malfeasance. The law clearly defines this as an illegal action. It was clearly contrary to their sworn oaths. It bespoke a brazen, arrogant, and selfish disregard for their word of honor, for their country, and for the people of the country.

If this act is allowed to go wholly unpunished by the administrative branch of Government charged with carrying out the laws which already exist, then an extremely dangerous precedent will have been established. It will have been established that one may strike illegally against his own Government and avoid paying the penalty prescribed by law. Such a precedent, to me, would be unthinkable.

There can be absolutely no excuse whatever for any public employee to strike against the Government and the people he is sworn to serve.

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During my 15 years in Congress, I have worked closely with the postal workers of my area in numerous efforts to improve their wages and working conditions. We have fought many battles together, and I count among the postal employees many very good personal friends. They are intelligent, levelheaded, dedicated people who feel, as I do, that Government service is not just a job but a public trust.

Every American depends upon the postal service, and every American is entitled to feel that his confidence is not misplaced.

In the wake of the shameful, lawless, and irresponsible strike by postal carriers in New York and several other places, I can only say that, while I am utterly appalled at the reckless acts of those few, my trust in the postal employees generally has not been misplaced.

Therefore, I gladly support this bill. In doing so, however, I call upon the administrative branch of Government to uphold and carry out the law which makes that strike punishable. Punishments listed in the existing law include fine, imprisonment, and dismissal from the service.

Obviously, it would be impractical to invoke jail sentences against all the postal workers who so cravenly betrayed their trust. But there is nothing whatever to prohibit a fine or a reduction in grade, or in the case of the leaders who fomented this act of anarchy, dismissal from the service.

Mr. ESCH. Mr. Chairman, as a former postal worker and one who has long championed the cause of comparability I am delighted that the Congress is at long last beginning to recognize its responsibilities to the thousands of postal workers who serve the Nation. We have long used great amounts of rhetoric about comparability and pay increases. But rhetoric will not pay bills and rhetoric will not encourage trained personnel to stay in postal services at low wages.

It is high time that we approve postal pay raises, and I am therefore glad to indicate my strong support for the bill which is before us today. It is another major step down the road to a more effective postal system.

However, we simply must not stop here. We must examine the very nature of the postal system and the reasons that it has been allowed to deteriorate into present disgraceful conditions. Among the most serious problems in the postal system has been the lack of proper personnel management. It is incredible that within the system there is no means of recognizing those employees who are particularly talented and dedicated. Promotions are difficult to achieve and frequently take place only at a financial sacrifice to the postal worker involved. It takes an incredible 21 years for a postal worker to achieve top pay scale. There is little or no opportunity for a postal worker to bargain for improved working conditions and regulations.

I firmly believe that the proposed postal reform legislation which would create a postal corporation, run on a businesslike basis—including businesslike negotiations between management and labor—would go a long way toward correcting this situation. Because of the provisions in the proposed bill which would allow for raising outside capital for improvement in equipment, buildings, and systems, this legislation would provide better working surroundings for our postal workers and would make their job easier. In order to deal with the increasing burden of mail, our postal workers need the assistance of modern, up-to-date methods and machines.

I therefore urge this House to take prompt action on the second phase of the postal negotiations—the postal reform legislation including an additional pay raise for workers to bring them closer to true comparability.

There is one major disappointment in this bill today. I believe that it is very important that this House gave the bill a closed rule and did not give a chance for free and open debate to separate all matters from the pay increase. In doing so they failed to allow this House to work its will in separating out the postal pay increase and in examining that issue separately from the general Federal employees' pay increase.

Mr. TAFT. Mr. Chairman, I am happy to express my support of the Federal Employees Salary Act of 1970. I am especially glad to see the postal employees get a well-merited increase.

Hopefully, we will soon act on postal reform, which I believe is essential to the future well-being of the postal service and of its employees.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in full support of this long overdue bill to raise the pay of postal and Government workers. This House passed back in October 1969, a postal pay bill which would have granted a substantial and equitable increase to all Federal employees as well as removing many of the inequities now plaguing these workers.

In the meantime, in the face of a threat of a Presidential veto, a threat reinforced by the extraordinary veto of the HEW-Labor Department appropriation bill, the salary bill was held up in the other body pending hearings and consideration of total postal reform. The administration's position was that unless postal reform embodied the administration's postal corporation concept, the President would refuse to sign into law a raise for postal and other classified workers.

In short, a raise for postal and classified workers was held hostage in return for which the Congress must pay ransom in the form of a postal corporation.

This is not the way to legislate. The result was a postal strike unprecedented in the American history; 160,000 postal workers, disgusted by political blackmail, lost faith in the ability of their Government to respond to reason and justice and, in words from another era in our labor history, "hit the bricks."

I have stated before that, as a legislator who took an oath to support the Constitution and laws of the United States, I could not support the strike regardless of my sympathy to the plight of these workers. But neither can I support this type of political blackmail by which the only losers are postal and government workers. It is not the way gentlemen make laws.

There is no question of the justice of the demands of these workers. All the parties have admitted that fact.

Postal workers in large cities often must work two jobs while their wives work another in order to make ends meet. I was told of one family, which I am advised is representative of thousands more, whose salary is only $10 more than the minimum required to qualify for welfare. In this case, if this postal worker could have qualified for welfare, his family would have been entitled to hundreds of dollars more in health and food benefits. In the New York-New Jersey area, the Federal Government has stated that a family of four living in moderate circumstances needs $11,700 per year. The top salary a postal clerk or carrier can earn after 12 steps and 21 years of service, however, is $8,442.

Moreover, all the parties admit that the 6-percent raise upon which we are voting today is not adequate. The administration has promised to support another 8-percent increase for postal workers later in the year providing Congress votes for postal reform. Regrettably, however, I have heard it said that the reform must be a postal corporation. This form of pressure, which accrues only to the detriment of the innocent workers would be reprehensible and likely to result in another stalemate and possible strike. I strongly urge the administration not to take us down the same road and give us two postal strikes in the same year.

The Congress is invested with the authority and responsibility to reform the postal system consistent with the President's approval. If the Congress and the Chief Executive are to be at loggerheads, however, let the loser be limited to one or the other, and not the postal and Government workers who deserve far better treatment than they have had until today.

I do not believe that a Government pay raise ought to be tied in any way to acceptance of postal reform. If Government employees deserve a raise, that raise should come about as a result of economic and not political justification.

Mr. FULTON of Pennsylvania. Mr. Chairman, while because of illness I am not on the floor, I want my views and my strong support of this legislation to be clearly known.

We are lucky to have such fine postal workers and Federal employees with their good approach toward government and their loyal service through the years to the American people. Too often their willingness and outstanding work has reacted to the detriment of the very employees who are giving such good service.

I want to make my position crystal clear and my strong support af this legislation plain. I firmly believe in complete comparability with private industry and that our Government should be the employer that everybody looks to for leadership and should not always be lagging. I look ahead to the procedures being developed by adequate negotiations with employee representatives and the Government, so that the negotiations are a high level of collective bargaining.

The recent negotiated package also includes a subsequent 8-percent raise for postal workers only, linked with postal reform, going part way toward the postal corporation plan proposed by President Nixon. I have long favored the reform of the Post Office Department for better efficiency, so there could be better pay, better fringe benefits, and better retirement, as well as good service for the American public. I have said many times a good day's work is worth a good day's pay.

I hope we are overcoming the feeling that any group of Government employees should bear the full brunt of the fight against inflation, and that they should be the ones who are always held behind under all administrations because of so-called budgetary limitations. I am glad that we are moving forward to obtain justice for our fine Government employees and postal workers. This should be the start of the development of basic procedures for negotiation between Government officials and employee representatives.

The postal unions and Government employee unions have shown responsibility. They have responded to the needs of the people when it was shown that the mail had to be delivered. They are to be complimented.

On any reform in the Post Office we must see that it is not used in order to have subsidies for various kinds of mail because of political pressures, but there must be just rates for everybody. I think there should be a thorough checking by the congressional committees of the justice of the current rate structure now being charged. There are some portions of this legislation that I personally do not favor, but overall I feel that it is the best interest of the American people, the postal employees, and the Federal Government employees, as well as their unions.

I recall that we in the House of Representatives did our duty when on last October 18 we passed pay raise legislation retroactive to October 1, 1969. The bill then was sent to the Senate where it was not acted upon until later in December when the first session of the 91st Congress was almost over. At that time the Senate passed a much weaker bill. An extended period then occurred when there was no meeting of the conference committee on the disagreeing vote between the two Houses. This period extended so long that, naturally, the Government employees and the postal workers were upset and felt that they were being ignored. We in Congress have the duty to represent these people and represent them well.

As a World War II Navy veteran myself, it is especially gratifying to see, that included in this legislation is, a pay raise for our fine 3½ million service men and women. These dedicated men and women are defending our country, maintaining the security of the American people, safeguarding the freedom of the sea and airways, and protecting the free world.

The U.S. serviceman is called on for day and night duty. He not only bravely accepts peril to himself, but separation from his family, friends and loved ones for extended periods of time.

I favor working toward a volunteer U.S. military service, highly paid and technically trained. I also favor maintaining the fine reserve units which add so much to our protection and give such loyal service right at home. We must not allow these units to be overlooked in these unsettled times.

We must all work for an early peace with honor. This must be our American goal. Tragically, we have not had the support of our friends and allies in the free world in Vietnam as we had hoped but every man that has served in Vietnam and his family are to be congratulated on their high patriotism, devotion to duty and dedication.

Count on my strong support of this legislation to provide just pay for our postal workers, Government employees, and good U.S. service men and women.

Mr. DONOHUE. Mr. Chairman, whatever may be said about the dramatic atmosphere in which this legislation developed, there can be no doubt that the salary adjustments contained in H.R. 16844 amount to no more than simple justice. Consumer prices rose more than 6 percent during the past year, and Government employees, no less than workers in the private sector, need a 6-percent pay raise merely to recapture the ground lost on the treadmill of inflation.

We cannot condone the very questionable tactics used by some to dramatize their economic hardships, but we can move to correct the deplorable conditions that precipitated them. The starting salary of postal employees, a group long noted for loyalty and dedication to service, is $6,176, with a top limit of $8,442—a range of less than $2,300—after 21 years of service. Little wonder that the postal service has such alarmingly high rates of personnel turnover, approaching 50 percent in recent years. Such a turnover rate is completely inconsistent with the building of a dedicated corps of career employees.

The administration has displayed initiative in meeting with employee representatives and agreeing on a proposal to be submitted to Congress. In my opinion, Mr. Chairman, H.R. 16844 represents a responsible beginning toward remedying the deficiencies in the postal and federal employee pay schedules.

Since 1962, the Congress has been rightfully committed to the principle that pay rates in governmental service should be comparable to pay in the private sector for work of similar skill. As I pointed out just last October during discussions of the proposed Federal Comparability Pay Act of 1969, Congress, the executive branch, and the country at large have a vital interest in seeing that Government employees "achieve their objectives of obtaining fair pay and fair treatment in accord with comparable standards of our American free enterprise system."

It is in this spirit that I urge speedy approval, without crippling amendments, of H.R. 16844.

Mr. CONYERS. Mr. Chairman, the plight of postal workers and their families can be overlooked no longer. Their grievances are real and legitimate. In many areas of the country the economic standing of postal employees qualifies them for public assistance payments. The great cost of living increases of the last few years have compounded the already grievous situation. I support full comparability now. For years these men and women have been promised wage comparability relative to similar work in private enterprise and have never received it. The bill now under consideration fails once again to meet that commitment. When voting today on H.R. 16844, Congress should recognize that a retroactive 6-percent wage increase is a step in the right direction but will not by any stretch of the imagination relieve the conditions under which postal employees have worked for so long.

Mrs. GREEN of Oregon. Mr. Chairman, I would like to add my voice in support of postal pay increases. It is truly shocking to have to face up to how badly paid our postal employees have remained throughout this period of rampant inflation.

If I have any regret, it is simply that action was not completed earlier to grant these much-needed pay raises for Post Office employees, and at the same time thereby have spared ourselves a lot of the turmoil and upheaval of these last few weeks. We all recall very vividly that this body authorized a pay increase of 5.4 percent in October 1969. It is most

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unfortunate that we were not able to meet in conference with the other body so that we might have finished action months ago to meet the justifiable plea of our Post Office employees for more equitable compensation.

So by all means, let us take swift action and make the 6 percent increase the law—the better to get on with consideration of a further 8 percent increase and meaningful postal reform.

Mr. RARICK. Mr. Chairman, little more than a year has gone by since this House, by its inaction, fleeced the American taxpayers to put money into the pockets of Federal employees—including Congressmen—who are supposed to be the servants and not the masters of the American people.

At that time there was an agreement between the leadership of both parties to allow the salary increase which had been recommended by a shadow group under the Federal Salary Act take effect by the simple expedient of taking a recess. Then no Member could be able to prevent the pay raise—and better still, no Member would need explain to his constituents why he had commenced his term of office by increasing his salary.

The position which I took at that time was not exactly popular. I tried to prevent the pay raise. I introduced a measure, House Resolution 208, to stop this business. Nothing was done. I include that measure in my remarks at this point:

H. RES. 208

Resolved, That the House of Representatives hereby disapprove all of the recommendations of the President of the United States, with respect to the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90–206), transmitted by the President to the Congress in the budget for the fiscal year ending June 30, 1970.

It was apparent to me then, and it is apparent to me now, that the cost of salary increases will come out of the pockets of the hard-working American taxpayer. He can expect the surtax to be continued, other taxes to be increased or imposed, and the postage to go up—possibly to 10 cents. What he does not pay directly, he will pay indirectly, either in the cost of doing business passed on to him in the products he buys, or in the cruel tax of inflation on consumers if we go to further deficit financing.

As I said last February, I hold the stewardship of the one vote of the people who sent me here to represent them in this body. I intend to vote today as we did not have the opportunity to vote last February—against the salary increase which will come out of their pockets and speed up the spiral of inflation.

American taxpayers, paying the highest taxes in the history of the Republic, are entitled to representation in their Congress. I will represent my people and vote against this irresponsible measure.

Mr. DULSKI. Mr. Chairman, I yield back the balance of our time.

The **CHAIRMAN.** There being no further requests for time, pursuant to House Resolution 905, the bill shall be considered as having been read for amendment, and no amendments to the bill are in order except by direction of the Committee on Post Office and Civil Service, and such amendments are not subject to amendment.

The bill is as follows:

H.R. 16844

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

"SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

"(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

"(2) the Comptroller of the Senate, with respect to the United States Senate;

"(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

"(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Minority Clerk, Sergeant at Arms, Minority Sergeant at Arms, Doorkeeper, Minority Doorkeeper, Postmaster, Minority Postmaster.

"(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

"(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

"(d) Notwithstanding section 665 of title 31, the rates of pay of employees of an executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the

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date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

SEC. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$36,500" and "$36,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500", and inserting in lieu thereof "$34,500" and "$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "$27,500" and inserting in lieu thereof "$34,000".

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "$80,000" and inserting in lieu thereof "$96,000".

SEC. 8. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 9. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates supply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section (as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of content of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance base on duty at remote worksite.".

SEC. 10. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest in connection with such operations.

(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel which it is undergoing repairs.

"(c) The quarters of subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations."

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 11. (a) Sections 1 through 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 to 10, inclusive, of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 24, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, lines 7 and 8, strike out "the date on which adjustments become effective under this section," and insert in lieu thereof "December 27, 1969,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 13, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 16, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows

Committee amendment: On page 3, line 18, strike out the quotation marks.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman may rise in opposition to a committee amendment, but the other request is not in order.

Mr. GROSS. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from Iowa is recognized in opposition to the amendment.

Mr. GROSS. Mr. Chairman, I hope we are not to be treated again soon to this kind of operation. Let me repeat that we got this bill for the first time before the House Post Office and Civil Service Committee at 10 o'clock this morning. We started our discussions at 10:05—what discussions there were. A motion was promptly adopted to cut off all debate, discussion, amendment, or anything else, at 10:40. So we actually spent 35 minutes on a bill which entails the spending of $2.6 billion a year.

It is true that there were hearings on pay bills last year, but let me tell the House what you are asked to do here today, for better or for worse.

A little group of administration officials and union leaders fashioned a hoop down at the other end of Pennsylvania Avenue one week ago today, and you are now asked to jump through that hoop. You are answering the beck and call of the so-called negotiators at the other end of Pennsylvania Avenue, and you should know that not all the postal employees were permitted to enter into those negotiations. Not all of them were permitted to be represented in those so-called negotiations—negotiations which saw Members of the House, the chairman and other Members of the House Committee on Post Office and Civil Service, especially those who represented the House at the conference on H.R. 13000, completely ignored.

So today you will be voting—perhaps I will vote with you—to jump through the hoop that was fashioned by a few people at the other end of the avenue.

I repeat that I hope to God I do not and you do not have to go through this kind of performance again, because it is repulsive to knuckle down spinelessly to an ultimation that is served upon Congress by the executive branch of Government and a few union leaders.

I tried in the committee this morning to limit the bill, to cut out the extraneous provisions; to limit the bill to a 6-percent pay increase for those workers in the four statutory categories, and I was defeated. There are millions of dollars in pay increases and fringe benefits in this bill we ought not to have come before us.

I was interested this afternoon to hear the gentleman from Pennsylvania (Mr. CORBETT) say that he is going to offer a motion to recommit the bill to strike out two or three sections of the bill. The gentleman voted for the bill including these provisions in committee this morning and he calls upon the Members of the House to support the bill. He says he himself supports it. But he is going to offer the motion to recommit.

I never cease to marvel at what goes on in this wonderland here in Washington, both in and out of Congress.

The gentleman from Arizona says he will not go along with the gentleman from Pennsylvania on his motion to recommit. The motion to recommit is being offered because Members of the Senate have served notice they will not accept the two or three provisions. They are again dictating to the House just as they were adamant in refusing to do anything with H.R. 13000, the salary increase bill which the House approved last October. The gentleman from Arizona well knows it, because he was a member of the conference. He was one of those who voted, as did I, for a motion on the part of the House conferees demanding that the Senate get down to business 2 weeks ago and bring out H.R. 13000.

The other body was adamant and refused to make any pretense of marking up that bill which might well have saved us from the sordid situation with which we are confronted.

That is why I cannot quite wade through the morass I am being confronted with by way of the verbal gymnastics here this afternoon.

At any rate, the gentleman from Arizona says he is going to be adamant in his position that the Senate cannot tell the House what to do this afternoon and I join him. Yes, when we get the motion to recommit it will be interesting to see just what transpires; whether the House will again bend the knee to the Senate.

Mr. Chairman, I had hoped to be able to support a bill increasing the pay of postal workers for they are at the bottom of the pay ladder, but this bill, applying to legislative employees and others who never should have been included, is much too costly. It provides for pay increases totaling more than $2.6 billion a year and to this must be added an actuarial deficit in the retirement fund of some $3.2 billion in the next 30 years. This is unacceptable. This will again fuel the flames of inflation.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, very briefly.

Mr. CUNNINGHAM. I was just wondering which committee amendment the gentleman was speaking in opposition to.

Mr. GROSS. Which committee amendment?

Mr. CUNNINGHAM. Yes.

Mr. GROSS. Would the gentleman like now to ask for the regular order?

Mr. CUNNINGHAM. For the regular order?

Mr. GROSS. Why does the gentleman not do it?

Mr. CUNNINGHAM. I would make a parliamentary inquiry.

Mr. GROSS. I am all through. Why does the gentleman not do it?

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 21, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 25, strike out "Parliamen-" and all that follows down through the period in line 3 on page 4 and insert in lieu thereof the following: "Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 4, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 19, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 1, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 2, strike out "an executive agency" and insert in lieu thereof "the Federal Government".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 12, line 2, strike out "Decembr" and insert in lieu thereof "December".

The committee amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16844) to increase the pay of Federal employees, and for other purposes, pursuant to House Resolution 905, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CORBETT

Mr. CORBETT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CORBETT. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CORBETT moves to recommit the bill, H.R. 16844, to increase the pay of Federal employees, and for other purposes, to the Committee on Post Office and Civil Service, with instructions to report it back forthwith with the following amendment: Strike out sections 9 and 10, and renumber section 11 as section 9, and on line 3, on page 12, strike out "sections 7 to 10, inclusive," and insert in lieu thereof "sections 7 and 8".

Mr. UDALL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

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The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 124, not voting 45, as follows:

[Roll No. 70]

YEAS—261

Abbitt
Abernethy
Adair
Adams
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Biaggi
Biester
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Byrnes, Wis.
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Donohue
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Fascell
Feighan
Fish
Fisher
Ford, Gerald R.
Frelinghuysen
Frey
Friedel
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Ichord
Jacobs
Jarman
Jonas
Jones, Ala.
Kazen
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Mailliard
Mann
Marsh
Martin
Mathias
May
Michel
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Monagan
Morton
Mosher
Myers
Nelsen
O'Konski
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Pickle
Pike
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalley
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Young
Zion

NAYS—124

Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Aspinall
Baring
Barrett
Bennett
Bevill
Bingham
Blanton
Bolling
Brasco
Broomfield
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Chappell
Colmer
Culver
Cunningham
Derwinski
Dingell
Dorn
Dwyer
Edwards, Ala.
Eilberg
Evins, Tenn.
Farbstein
Findley
Flood
Flowers
Ford, William D.
Foreman
Fountain
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Gray
Green, Pa.
Griffin
Griffiths
Gross
Hathaway
Hébert
Henderson
Hicks
Howard
Hungate
Hutchinson
Johnson, Calif.
Jones, N.C.
Karth
Kastenmeier
Kee
Keith
Koch
Lennon
Lowenstein
McFall
McMillan
Madden
Mahon
Matsunaga
Mayne
Meeds
Melcher
Meskill
Mikva
Mink
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Pelly
Perkins
Pettis
Poage
Podell
Powell
Randall
Rarick
Reuss
Roberts
Rogers, Colo.
Rosenthal
Roybal
Ryan
Shipley
Sisk
Slack
Snyder
Staggers
Stuckey
Symington
Thompson, Ga.
Udall
Van Deerlin
Watson
Whalen
Whitehurst
Wilson, Charles H.
Wright
Yates
Yatron
Zablocki
Zwach

NOT VOTING—45

Alexander
Ashley
Blackburn
Brown, Calif.
Brown, Mich.
Cabell
Clay
Daddario
Dawson
Dent
Diggs
Edwards, La.
Flynt
Foley
Fulton, Pa.
Gilbert
Green, Oreg.
Hagan
Hall
Halpern
Hanna
Hansen, Idaho
Hawkins
Johnson, Pa.
Jones, Tenn.
Kirwan
Kleppe
Landrum
Lujan
McDade
Miller, Calif.
Mollohan
Patman
Philbin
Pollock
Purcell
Rivers
Rostenkowski
Roudebush
Stephens
Stokes
Taft
Teague, Calif.
White
Wiggins

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Gilbert with Mr. Halpern.

Mr. Patman with Mr. Johnson of Pennsylvania.

Mr. White with Mr. Hansen of Idaho.

Mr. Philbin with Mr. Hall.

Mr. Jones of Tennessee with Mr. Taft.

Mr. Ashley with Mr. Brown of Michigan.

Mr. Daddario with Mr. Wiggins.

Mr. Dent with Mr. Fulton of Pennsylvania.

Mr. Edwards of Louisiana with Mr. Lujan.

Mr. Foley with Mr. Diggs.

Mr. Flynt with Mr. Blackburn.

Mrs. Green of Oregon with Mr. Hawkins.

Mr. Rivers with Mr. Teague of California.

Mr. Purcell with Mr. Kleppe.

Mr. Rostenkowski with Mr. Pollock.

Mr. Stephens with Mr. Roudebush.

Mr. Stokes with Mr. Kirwan.

Mr. Miller of California with Mr. Landrum.

Mr. Hogan with Mr. Hanna.

Mr. Brown of California with Mr. Clay.

Mr. Alexander with Mr. Cabell.

Mr. Mollohan with Mr. McDade.

Messrs. NIX, ANDERSON of Tennessee, TIERNAN, FULTON of Tennessee, McMILLAN, FLOOD, MADDEN, FUQUA, YATES, HUNGATE, FLOWERS, POWELL, KOCH, NICHOLS, FARBSTEIN, PELLY, MIKVA, FINDLEY, NATCHER, PERKINS, SNYDER, and Mrs. GRIFFITHS changed their votes from "yea" to "nay."

Messrs. HAMILTON, ANNUNZIO, DONOHUE, and TIERNAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, and on behalf of the Committee on Post Office and Civil Service, I report back the bill H.R. 16844 with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment: Strike out sections 9 and 10 and renumber section 11 as section 9; and in line 3 on page 12, strike out "sections 7 to 10, inclusive", and insert in lieu thereof "sections 7 and 8".

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 372, nays 7, not voting 51, as follows:

[Roll No. 71]

YEAS—372

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell

Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—7

Burleson, Tex.
Gross
Hutchinson
Landgrebe
Poage
Price, Tex.
Rarick

NOT VOTING—51

Alexander
Ashley
Blackburn
Brown, Calif.
Brown, Mich.
Cabell
Clay
Daddario
Dawson
Dent
Diggs
Edwards, La.
Feighan
Flynt
Fulton, Pa.
Gilbert
Gray
Green, Oreg.
Hagan
Hall
Halpern
Hanna
Hansen, Idaho
Hawkins
Johnson, Pa.
Jones, Tenn.
Kirwan
Kleppe
Landrum
Long, Md.
Lujan
McCulloch
McDade
Miller, Calif.
Mollohan
Patman
Philbin
Pollock
Pucinski
Purcell
Rivers
Rostenkowski
Roudebush
Staggers
Stephens
Stokes
Taft
Teague, Calif.
White
Wiggins
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Gilbert with Mr. Hawkins.
Mr. Patman with Mr. Johnson of Pennsylvania.
Mr. Feighan with Mr. McCulloch.
Mr. Dent with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Taft.
Mr. Miller of California with Mr. Teague of California.
Mr. White with Mr. Hagan.
Mr. Philbin with Mr. Hall.
Mr. Rivers with Mr. Pollock.
Mr. Rostenkowski with Mr. McDade.
Mrs. Green of Oregon with Mr. Wiggins.
Mr. Purcell with Mr. Blackburn.
Mr. Young with Mr. Kleppe.
Mr. Ashley with Mr. Dawson.
Mr. Alexander with Mr. Lujan.
Mr. Cabell with Mr. Roudebush.
Mr. Edwards of Louisiana with Mr. Mollohan.
Mr. Brown of California with Mr. Clay.
Mr. Landrum with Mr. Long of Maryland.
Mr. Pucinski with Mr. Brown of Michigan.
Mr. Flynt with Mr. Staggers.
Mr. Kirwan with Mr. Diggs.
Mr. Hanna with Mr. Stokes.
Mr. Stephens with Mr. Halpern.

Mr. LANDGREBE changed his vote "yea" to "nay."

The result of the vote was announced as above recorded.

Mr. UDALL. Mr. Speaker, pursuant to the provisions of the House Resolution 905, I call up for immediate consideration the similar Senate bill (S. 3690) to increase the pay of Federal employees.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3690

An act to increase the pay of Federal employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Salary Act of 1970".

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332 (a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed in (1) the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

(d) (1) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of pay of officers and employees of the United States Government and of the municipal government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased by this section are hereby authorized to be increased by the agencies employing such officers and employees by amounts not to exceed the increases provided by this section for corresponding rates of pay in the appropriate schedule or scale of pay.

(2) Nothing contained in this section shall be held or considered to authorize any increase in the rates of pay of officers and employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

SEC. 3. The rates of pay of personnel in effect on the date of enactment of this Act, which rates of pay were adjusted under the third sentence of section 212 of the Federal Salary Act of 1967, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be increased by amounts which are equal, insofar as practicable and under such rules as may be necessary to provide for the payment of retroactive pay and with such exceptions and modifications as may be necessary to provide for appropriate relationships between positions, to 6 percent by the following authorities:

(1) the President pro tempore of the Senate, with respect to the Senate;

(2) the Speaker of the House of Representatives, with respect to the House of Representatives;

(3) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol;

(4) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

(5) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

Such increases shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of law.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2(a) of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this

Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

Sec. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased office or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

Sec. 6. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$38,500" and "$38,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500" and inserting in lieu thereof "$37,500" and $37,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$37,000".

Sec. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "$80,000" and inserting in lieu thereof "$96,000".

Sec. 8. (a) The provisions of this Act (other than section 7) shall be effective as of December 27, 1969. The rate of pay, compensation, or salary of an officer or employee which is increased under this Act (other than under such section) shall be increased as of the first day of the first pay period for that officer or employee which commences on or after December 27, 1969.

(b) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(c) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Udall moves to strike out all after the enacting clause of S. 3690 and insert in lieu thereof the provisions of H.R. 16844, as passed, as follows:

That this Act may be cited as the "Federal Employees Salary Act of 1970".

Sec. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332(a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542 (a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

Sec. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under this section for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16;

(2) the Comptroller of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government, an executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

Sec. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any other provision of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

Sec. 5 (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on

the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

SEC. 6. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$36,500" and "$36,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500", and inserting in lieu thereof "$34,500" and "$34,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$34,000".

SEC. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "$80,000" and inserting in lieu thereof "$96,000".

SEC. 8. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16844) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed by the House, H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. McCULLOCH. Mr. Speaker, I was unavoidably absent on the last rollcall vote, No. 71. Had I been present I would have voted "yea."

I ask unanimous consent that my statement appear immediately following the vote on H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. PUCINSKI. Mr. Speaker, I was unavoidably detained in my office on rollcall No. 71. Had I been present I would have voted "yea."

I ask unanimous consent that my statement appear immediately following the vote on H.R. 16844.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. GRAY. Mr. Speaker, I was unavoidably detained in my office on official business at the time of rollcall No. 71. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was unavoidably absent on rollcall No. 70. Had I been present, I would have voted "nay."

A TRIBUTE TO FATHER BARBATO

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, this past Sunday evening, some 1,000 parishoners of St. Anthony's Roman Catholic Church in Easton joined in paying tribute to their pastor, the Reverend Francis J. Barbato, on the occasion of his 40th anniversary of ordination as a priest and his simultaneous retirement as parish administrator.

I was pleased and privileged to join with local and State government officials in the tribute to Father Barbato.

Although a clergyman's decision to retire may be generally considered a decision to put aside his career and to turn to a life of leisure, this is not Father Barbato's view of retirement. True, he plans to give up the duties of parish administrator but only to give him more time to devote to the priestly duties of work among his people.

Father Barbato assured the gathering:

> My work among you will begin this week. I will have more time to spend with you. I intend to spend the rest of my life being a priest among my people.

The Reverend John V. Bartos, a former curate at St. Anthony's who is now an assistant principal at Cardinal Dougherty High School, Philadelphia, very accurately described Father Barbato when he referred to him simply as a "gentleman."

Father Bartos explained:

> I could pay no higher tribute to any man. A gentleman is one who never hurts—a gentle man.

The Sunday evening tribute to Father Barbato climaxed Rev. Francis J. Barbato Day, in Easton, by proclamation of Easton's Mayor Fred L. Ashton.

Among those attending the testimonial dinner were three of the young men he helped develop into outstanding public officials, Judge Richard D. Grifo, Judge Michael V. Franciosa, and District Attorney Charles H. Spaziani.

Mr. Speaker, I am honored to make note of this good man's service to his church for 40 years, and his plans to utilize his retirement for further service to his fellow man.

I would like to share with my colleagues an account of the tribute to Father Barbato as reported in the Easton, Pa., Express newspaper. The tribute follows:

[From the Easton (Pa.) Express, Apr. 6, 1970]

BARBATO KEEPS DUTIES AS PRIEST, GIVES UP ADMINISTRATIVE WORK

(By Robert W. Jodon)

The Rev. Francis J. Barbato, pastor-administrator of St. Anthony's parish, Easton, took the occasion of a celebration in honor of the 40th anniversary of his ordination, to announce that his resignation as parish administrator has been accepted.

Father Barbato said he sent a letter to the Most Rev. Joseph McShea, bishop of Allentown, three weeks ago asking to be relieved of administrative duties. He will remain as spiritual leader of the parish.

Father Barbato said the bishop telephoned his congratulations yesterday and informed him that as of midnight yesterday he was relieved of his duties as administrator.

Father Barbato was honored last night by more than 1,000 parishioners and friends at a testimonial dinner at the George Washington Motor Lodge, Allentown.

Father Barbato said, "My work among you will begin this week. I will have more time to spend with you.

"I intend to spend the rest of my life being a priest among my people. Until now, 95 per cent of my time has been devoted to administration.

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KEEP TOGETHER

"I can't stay idle. I have something in mind to keep us all together."

He said that beginning today he will be acting administrator of the parish until a successor is named. After that, he said he will be in the area to offer his assistance to his people.

In announcing his resignation, Father Barbato read the letter sent to the Bishop.

When he stated that his resignation was due to "advancing age" and "declining health," his parishioners laughed.

Father Barbato has been at St. Anthony's since 1934. He was ordained April 5, 1930.

GUEST SPEAKER

Guest speaker was the Rev. John V. Bartos, a former curate at St. Anthony's who is now an assistant principal at Cardinal Dougherty High School, Philadelphia.

Father Bartos described "his former boss" as a "gentleman."

He said, "I could pay no higher tribute to any man. A gentleman is one who never hurts—a gentle man."

He also said, "Service has been the hallmark of his (Father Barbato's) life."

Easton Mayor Fred L. Ashton Jr. read a proclamation declaring yesterday, "Rev. Francis J. Barbato Day" in the city. He also gave the priest a key to the city.

SENATE RESOLUTION

State Sen. Jeanette F. Reibman of Easton read a resolution passed unanimously by the State Senate in honor of Father Barbato's anniversary.

U.S. Rep. Fred B. Rooney of Bethlehem lauded the priest for his service and presented a crystal ashtray bearing the seal of the House of Representatives.

Other tributes were paid by Northampton County Judges Richard D. Grifo and Michael V. Franciosa; the Rev. John J. Busco, pastor of St. Donato's Church, Philadelphia, the first member of the church to join the priesthood, and the Rev. Amedo Morello, pastor of St. Aloysius Church, Jackson, N.J., who read his address in Italian.

THE $5,000 CHECK

Gifts from the parish were presented by Anthony F. Noto, general chairman of the event. They included a portrait and a check for $5,000.

The present curates at St. Anthony's, the Revs. James J. Agosta and Paul Della Picca, read a blessing from Pope Paul VI.

Among the honored guests were the Rev. and Mrs. John F. Steinbruck, former pastor of St. John's Lutheran Church, Easton, now a pastor in Washington, D.C., and Mr. and Mrs. Herbert A. Snyder, representing Bnai Abraham Synagogue, Easton.

Toastmaster was Northampton County Dist. Atty. Charles H. Spaziani.

WHERE ARE THOSE "LAW AND ORDER" ADVOCATES NOW?

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, as we read that a Federal district court in Florida has enjoined the Governor of that State from interfering with constitutionally required school desegregation in Manatee County, Fla., and the Governor notwithstanding has defied the court and its orders, perhaps we may be forgiven some sense of irony in asking: "Where are those 'law and order' advocates now?"

Often during the 1968 presidential campaign we heard impassioned speeches about how the new administration would guarantee vigorous law enforcement. Where is the President now when a Governor of his own political party openly and shamelessly flouts the orders of a Federal court interpreting the Constitution of the United States. I assume, like most public officials in this Nation, the Governor of Florida takes an oath to "preserve, protect, and defend the Constitution of the United States." Some protection; some defense.

In the case of the President of the United States, there is no question of what oath he takes or what his clear responsibilities are. It is the President's clear responsibility to "faithfully execute" his office, which by the lights of even the strictest constructionist must include carrying out the mandate of the Constitution for equal protection of the laws. The President's oath includes that same pledge to "preserve, protect, and defend the Constitution." Where is the President now when a Governor of his own political party attempts to interfere with and hinder the execution of the laws? The President is hiding behind his press secretary who yesterday told the press that he was "not in a position to express to you" President Nixon's position on the controversy.

And where, we might ask, was that flinty-eyed prosecutor, that hard-line Attorney General who sees his departments as "a law enforcement organization, not an agency for social improvement"? He was not in Florida enforcing equal protection of the laws. He was lecturing municipal officials on how to adjust their local parade ordinances to meet the threat of "large demonstrations," and praising the District of Columbia omnibus crime bill—one provision of which was declared unconstitutional before the bill could even be signed into law.

Even on the floor of this House, there have been many who have spoken long and loudly about the need for vigorous law enforcement. Some have deplored actions of civil disobedience even to laws which were ultimately declared unconstitutional—such as Dr. Martin Luther King, Jr.'s march in Birmingham. And, indeed, the Supreme Court held in *Walker* v. *City of Birmingham*, 388 U.S. 307 (1967), that such disobedience, even to an unconstitutional law, must be punished. But here there is no doubt. Here the Supreme Court has spoken. Here the mandate of the Constitution is clear. The schools of Manatee County, Fla., must be desegregated in order to satisfy the Constitution's equal protection guarantee.

With this clear constitutional mandate before us, after the Highest Court in the land has spoken, where are those "law and order" advocates to urge compliance with the law's requirement. Where is the President? Where is the Attorney General? Where are the Members of this House who have spoken out so often in the name of law and order?

THE NEED FOR CHANGE IN ECONOMIC POLICY

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the present state of the Nation's economy creates a great many problems which are troubling the American people. Problems which are troubling the people of the First Congressional District of Pennsylvania, which I have the honor to represent. Problems which cry out in need for immediate action.

In the best interests of the people I represent—in the best interests of all the people of this great Nation—there is a most urgent need to establish a list of national priorities.

While I do not believe that they can or should be listed in a particular order of importance—certain specific problems stand out calling for immediate, concerted action.

These problems are readily identified. They are, in my considered opinion: decent housing, particularly for families of low and moderate income; training and job opportunities; quality education for our youth; transportation for our hardworking people to get to their jobs; the safety of our people on the streets and in their homes; and pollution of our national resources and environment.

Mr. Speaker, the Congress is and has been aware of these problem areas. In the majority of these areas we have already acted, providing specific legislation for the executive branch of our Government to deal with the problems. In the others, the legislative process is moving forward to give the administration the necessary tools to act.

Unfortunately, however, the tight money and high interest rate policies of the present administration are the major obstacles to solving these problems. These policies must be changed and they can only be changed by this administration.

It is these policies which have given us runaway inflation for the past 15 months, and present the growing threat of an economic recession.

The cost of living, reflecting the cost of food and services to the average household, saw the greatest rate of increase in 1969 in over a decade. The 1969 Consumer Price Index reflected the biggest 12-month rise in 15 years. Eggs, fruits, and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans, averaged a 4.8-percent increase in 1969, and rose even faster in the first 2 months of 1970. Medical care was 7 percent higher and insurance and financial—credit—costs rose 11.5 percent reflecting the huge increase in profits for money lenders at the expense of the family who has to buy homes, cars, and other needs on credit. This all means that the wage earner, the retired person, the widow, the housewife, the millions who spend the bulk of their income on life's necessities, bear the higher costs. These facts bear witness to the tragic results of the economic policies being pursued by the present administration.

The present administration must change its economic policies. We must see to the proper distribution of funds to meet our national priorities. There is an urgent need to solve the problems facing the people of my district and our Nation.

SUPPORTING LEGISLATION TO ESTABLISH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, Mr. POFF and I have today introduced a bill to fill a great and growing need of the Federal Government. Our bill H.R. 16885 would establish a Federal Administrative Justice Center with responsibility for encouraging and supporting the continuing legal education of lawyers in the service of the Federal Government.

There are about 10,000 lawyers in the Federal service. This includes some 600 hearing examiners appointed under the Administrative Act. They play a vital role in the administration and enforcement of the law. The Government has shown a keen interest in attracting capable young attorneys, and in making their posts attractive. But more attention should be given to measures which will induce the ablest to remain with the Government and enable all lawyers in Federal service to perform their duties more capably.

The measure we have introduced is also being introduced in the other body by the distinguished senior Senator from Massachusetts, Mr. KENNEDY. It is designed to fill a part of this gap by encouraging Government lawyers to develop their skills and to keep abreast of developments in Congress, the courts, the agencies, and in society, to the end that they may be prepared to perform their duties more competently and also to undertake effectively future challenges.

The bar has long recognized the desirability of continuing legal education. The First National Conference on the Continuing Education of the Bar which met at Arden House in 1958 emphasized this, saying:

> American lawyers today are confronted with problems of vast and increasing complexity. No law school education can be expected to deal with all of these problems. A practicing lawyer has an obligation to continue his education throughout his professional life. This education not only must increase his professional competence but also better qualify him to meet his professional responsibilities to his clients and to the public.

What was there said of the lawyer in general applies with special force to the lawyer in Government service.

Some Government lawyers and hearing examiners now have access to continuing legal education courses provided by the agencies which employ them. Others have access to courses sponsored by the Civil Service Commission, the bar associations, and the law schools. However, what is available falls short of the need and remedial legislation seems indicated.

In 1962 the personnel committee of the Administrative Conference of the United States noted the lack of well-rounded career development and training programs specially designed for lawyers in Federal service. In 1966 the Chairman of the Civil Service Commission and in 1967 the Presidential Task Force on Career Advancement observed that this deficiency still existed. In 1969, the American Bar Association and the Administrative Conference of the United States, adopted resolutions again pointing to the need for improved continuing legal education in the Government, and recommended as a remedy the founding by the Government of a Center in Washington which would be responsible for this activity.

The proposed Center would be organized as a new agency. It does not appear feasible to assign the function to any existing Government organization. Policy will be determined by a Board of Visitors, with the Attorney General as Chairman. A majority of the Board would consist of persons in Government employ; an outside viewpoint would be provided by members chosen from the private bar and law schools.

The activities of the Center would be supervised by a staff of lawyers similar to the administration of a law school. The staff would be small. The Center's proposed budget of $400,000 is a modest one. Students would be designated by the agencies of the Government employing them as lawyers. Fees covering the cost of a course would be paid out of funds available for training purposes by the agencies sending their lawyers to the courses organized by the Center.

The Center would work closely with the departments, agencies, and hearing examiners to identify education needs and to develop effective legal education programs, recruiting the expert faculty for each particular course as the need arises. This should avoid any necessity for the Center to employ a large permanent staff.

The Center is not intended to overlap the existing powers and responsibilities of any agency of the Government. Where training of lawyers is now done well within the Government, it would continue unimpaired. The Center would be expected to effect its role where a need for further education of lawyers is not adequately provided.

Continuing legal education could encourage more capable young lawyers to join the Government and help retain experienced attorneys of undoubted ability.

The Federal Administrative Justice Center is designed to fulfill a need for continuing legal education which will endure as long as there is an insistence that Government be administered with competence and justice. Continuing education is particularly essential to lawyers employed by the Federal Government during this time of rapid changes in our economy and society.

THE COMMUNICABLE DISEASE ACT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, for the past decade, the United States has devoted much of its energies and much of its resources to reaching the moon. And we have twice accomplished that goal. Four Americans have walked on the surface of the moon and the United States has reaped the glories of superior technological prowess.

Now, at Cape Kennedy, in Florida, the Apollo 13 rocket is pointed toward the heavens, ready to again carry Americans into another chapter in history. And to use a popular phrase, "The whole world is watching."

But now we find that all our technology, all our resources, and all planning have become frozen. Gravity has not locked the Apollo 13 spacecraft to its launching pad.

Our multibillion space program now sits questionably in waiting because of German measles—a common malady which, like gravity, man has the technology to overcome.

Yet, unlike our program to reach the stars and overcome gravity, our Nation has not yet set a sufficient priority of overcoming such common, simple, and yet dangerous items such as communicable diseases, such as German measles, common measles, mumps, smallpox, and tuberculosis.

A multi-billion-dollar project representing the world's greatest technology halted by German measles. If, indeed, the moon shot is postponed until May, the estimated cost of the delay will run more than $800,000.

This is another, and possibly the most extreme example, of how this Nation has its head in the clouds while problems faced by millions of Americans are unattended.

NASA is now figuring out how much it will cost additionally if the Apollo 14 program is pushed back by the possible cancellation of Apollo 13. This, depending on how long it would delay Apollo 14, could run into the millions.

Yet the budget request for immunization from the Communicable Disease Center was for only $528,00 for fiscal 1970 and the same is projected for fiscal 1971.

Because our efforts have become splintered because of inadequate funding, the Community Health Services has asked for $16 million to attack the problem of German measles, or rubella, as it is sometimes called. But even this funding is inadequate and in fact, the Community Health Service is projecting appropriations of $16 million for fiscal 1971.

Last year only 12 million children were immunized. In 1971, including all-out Federal programs and all the non-Federal programs, only 25 million will be protected against a killer disease.

But the need is twice that. Between 45 and 50 million children should receive immunization.

And what is disheartening is that when the HEW appropriations were passed for 1970, an additional $10 million was voted to add to the $16 million to fight rubella and that addition, the $16 million, is now being held in reserve by the administration as part of the 2-percent discretionary authority which the administration has to cut back funding.

If Astronaut Thomas K. Mattingly had been in another vocation, he would have

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German measles and probably no one except his family and neighbors would have known it nor cared.

And Mattingly would have been one among thousands of Americans who would be suffering for a disease that is preventable.

The point that I am making here today, Mr. Speaker, is that we can stop, we can prevent or detect many communicable diseases which annually plague thousands of Americans. We know how but we are not. Many of those who contact German measles, especially expectant mothers, suffer more than discomfort. Children die, many suffer mental retardation.

This not need be. The Apollo 13 mission is only a dramatic example of what is happening in the area of communicable diseases.

The moon shoot may cost this Nation millions if it is delayed by German measles.

But every year, in cities and towns across the Nation our people are forced to pay millions of dollars in hospital bills and many lose members of their families and because we are not using the scientific knowledge which we have to prevent these diseases.

The irony of the moon shot is indeed dramatic. But it is time that the Congress realize that we are not paying the attention to preventing such health hazards as German measles, common measles, mumps, small pox, and TB.

I hope that the exposure given the German measles through the moon shot will linger when we take up the Communicable Disease Act which we today passed out of subcommittee.

ANCHER NELSEN INTRODUCES BILL TO HELP END BOXCAR SHORTAGE

(Mr. NELSEN asked and was given permission to address the House for 1 minute.)

Mr. NELSEN. Mr. Speaker, at this time a boxcar shortage which has become chronic in the Midwest and Far West threatens to cause great hardships to users of rail transportation.

One railroad company which serves Minnesota recently had orders for 1,422 cars to load grain, but had only 168 available. Another had orders for 5,035 boxcars and 2,943 covered hopper-cars, but none were available.

The grain elevators in the Midwest are blocked with grain that must be moved soon. There are millions of bushels of wet corn that must be moved before warm weather, and at this time rail transportation just does not meet the need. I have received word that 31 elevators in the upper Midwest have been blocked with grain.

It has been estimated that it costs approximately 2 cents per bushel per month to hold grain. The Minnesota Public Service Commission reports that there are 50 million bushels of grain "on the ground" in Nebraska alone. This amount results in costs of a million dollars a month to these farmers, cooperatives, elevators, and processors. This situation is repeated in many of our States, and thousands of individuals in agriculture must bear this great, and primarily needless expense.

The major reason behind the shortage of boxcars is that cars are being kept by other railroads. At one point the Chicago & Northwestern Railroad reported having only 50 percent of its stock of boxcars on its lines. The Burlington Northern reported that only 63 percent of its grain and lumber cars were on its system.

The reason behind this situation is that eastern lines find it cheaper to use boxcars owned by others and incur minimal charges, than it is to build their own cars.

One Minnesota State Public Service Commissioner, Mr. P. K. Peterson, has been working on this problem for some time. He has appealed, as have hundreds of concerned businessmen, and government officials, to the Interstate Commerce Commission. Mostly to no avail. "You need an act of Congress," Commissioner Peterson announced recently, and I agree with him.

Today, I am joining the sponsorship of a bill which would amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate the freight car shortages. Under the bill's provisions, the ICC could remove the incentives for keeping cars, and restore incentives to return the cars to their owners. This proposal is a companion bill to S. 3223 which has been the subject of hearings in the Senate Commerce Committee.

Hopefully, the Senate will act speedily so that we can take up the issue and pass a bill which will restore this vital balance in our railroad system.

CURE AND CONTROL OF CANCER

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise to introduce a resolution calling for a national commitment to cure and control cancer within this decade. I am delighted to report that over 40 distinguished colleagues of this House have joined with me as cosponsors of the legislation.

These cosponsors represent broad, bipartisan sentiment in this body that the time has now come to conquer mankind's deadliest enemy. It represents an acknowledgement that we can no longer sit by and allow a disease to continue which will take 30 American lives each hour in 1970.

Mr. Speaker, my resolution calls for annual appropriations of no less than $650,000,000 until a cure and control for cancer are achieved. This is a small price to pay. Indeed, it is impossible to speak in terms of dollars and cents in the same breath as human existence.

But it would be useful to note that, if economic considerations are relevant, the price tag on my program is far less than the $5 billion per year required to place a man on the moon. Moreover, the purpose of this program seems far more worth the funding than does the more than $1 billion project to construct a supersonic transport.

Even more, if we consider the number of people who would be working and paying income taxes instead of wasting away from cancer, then we find that the program could pay for itself in just a few short years.

Mr. Speaker, to help us fulfill the commitment proposed today, my resolution would require that no less than $250 million be spent within the first 2 years of appropriation to construct five new cancer research institutes in the United States.

These are necessary in order to provide adequate facilities which would facilitate research into the many forms of cancer.

Those colleagues who have joined me today as well as this Representative, himself, are greatly encouraged by the great support my bill has received from eminent cancer specialists such as Dr. Solomon Garb, scientific director of the American Medical Center at Denver. We are also encouraged by expressions of support from officials of the American Cancer Society and the National Candlelighters organization which makes its home in California.

It is our belief that with this support, and with the support of people throughout the United States, we can accomplish our goal.

The many cancer specialists with whom I have been in contact are convinced with me, that if the recommended funds are made available, we can cure cancer.

So my call goes to this Congress—it is a call for support. But even more, our call today goes beyond this Chamber and out to the people of the United States.

I urge our fellow citizens to communicate their support for this program to the administration and to their elected officials. As you know, Mr. Speaker, I dispatched a message to the President in February discussing my intentions to propose a national cancer cure commitment.

With your permission I would insert a copy of this message, as well as the names of the distinguished cosponsors of the resolution, and the text of the resolution itself at this point in the RECORD:

LIST OF COSPONSORS

Mr. Addabbo, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Baring, Mr. Barrett, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Burton of California, Mr. Byrne, Mr. Chappell, Mr. Clausen, Mr. Clay, Mr. Daddario, Mr. Daniels, Mr. Dingell, Mr. Farbstein, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Gettys, Mr. Giaimo, Mr. Gray, Mr. Halpern, Mr. Harvey, Mr. Hathaway, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, Mr. Lowenstein, Mr. Lukens, Mr. McCloskey, Mr. McKneally, Mr. Mikva, Mr. Minish, Mr. Murphy of New York, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Preyer, Mr. Rees, Mr. Roe, Mr. Ryan, Mr. Sandman, and Mr. Stokes.

H. RES. 907

Whereas cancer takes the lives of more than 300,000 Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

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Whereas more than 1,000,000 Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: It is hereby

Resolved, That it is the sense of the House of Representatives that no less than $650,000,000 be appropriated annually over the next 10 fiscal years for the National Cancer Research Program; and, be it further

Resolved, That no less than $250,000,000 of this appropriation be utilized to construct 5 new cancer research institutes in the United States during the first two years of the new appropriations.

TEXT OF GALLAGHER LETTER TO NIXON

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I write on a matter of pressing concern to all Americans and, indeed, to all peoples of the world.

The ghost of cancer hangs like a grisly spectre over mankind. It is estimated that 33 million Americans alone are afflicted with this dread disease; cancer has tragically touched the lives of countless others, including those who are as yet not diagnosed.

However, medical science has clearly indicated that it can cure cancer with the proper financial support. Researchers and physicians alike believe that we now stand on the brink of discovery. It is no longer a question of "can we do it;" it is only a question of "will we do it" and "when." The answers should be obvious.

Therefore, Mr. President, I write to urge that this nation undertake a firm financial and moral commitment to curing cancer within this decade.

I further urge that you authorize our representatives at the United Nations to work towards a binding international agreement for pooling financial and medical resources in a grand global effort against this common enemy of mankind.

Mr. President, if this country could successfully organize a manned landing on the moon, and return to earth, within a short span of 10 years, then we could surely conquer cancer in at least a similar period of time. In fact, we are today closer to a cure for cancer than we were to a moon landing when the national commitment was first ordered. Surely, a mission against this great scourge is at least as integral to our survival as a mission to the moon; it demands no less dedication.

The voices of the American people have been lifted in unison on this issue. No one is immune to cancer; this disease knows no racial, national, religious, or class boundaries. Thus, I am certain that you will have the full support of our people and the Congress if you embark upon the course proposed here.

Questions of cost are important; but they should not at all be determinative here. We pay greater costs in terms of lives and human suffering by permitting cancer to continue its killing pace than we could ever pay in terms of dollars. Indeed, the equities do not even approach a balance.

Nobody will ever forget the day upon which a preventive vaccine for polio was announced to the world. Similarly, who would ever cease to remember the day upon which we can state that the ghost of cancer has at last been exorcised from the earth.

Mr. President, you have dedicated your administration to the cause of human decency, and human survival. You have called for the preservation of our environment. Now, let us call for the preservation of our most precious resources: human lives.

I respectfully submit this proposal for your consideration. The American people are ready to stand with you, and work with you to make a cancer cure commitment work.

Thank you for your consideration.

With warmest regards.

Sincerely,
CORNELIUS E. GALLAGHER,
Member of Congress.

TAX FREE ARISTOCRACY FINANCING REVOLUTIONARIES

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. RARICK. Mr. Speaker, today's business has to do with pay increases for Federal employees. It is apparent that at some future date the Congress, which did not negotiate the pay increases, will be called upon to provide the funds from which to pay them. I again renew a suggestion which I have previously made, that we reexamine carefully the highly privileged situation into which we have seen our tax-free aristocracy maneuver itself while financing the destruction of the very system which provided their wealth.

I include in my remarks the text of H.R. 9460 which will provide a partial solution to this problem, together with a letter written last week by the national director of a citizens' group, the Families Opposing Revolutionary Donations—F.O.R.D.—in which a citizens' solution is proposed.

The material referred to follows:

H.R. 9460

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited acts, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a)(1)(A) of section 503 of the Internal Revenue Code of 1954 (relating to loss of exemption from taxation) is amended by adding at the end thereof the following: "or if it has engaged in barratry, maintenance, or champerty, voluntarily provided legal assistance to, or participated or sought to participate by intervention, as amicus curiae, or otherwise, for the benefit of any person or class other than itself, in any judicial proceeding after the date of enactment of this Act."

FAMILIES OPPOSING REVOLUTIONARY DONATIONS,
Hollywood, Calif., April 3, 1970.

Mr. HENRY FORD II,
Ford Motor Co.,
Dearborn, Mich.

DEAR MR. FORD: I would like to bring to your attention the accompanying article by Robert C. Maynard wherein Mr. McGeorge Bundy pledged to maintain the same Ford Foundation policies in the 1970's that were followed in the '60's.

If this is the case I would like to humbly submit that if the foundation continues funding the radical, anti-American, social-action, revolutionary groups, your troubles and Mr. Bundy's troubles will have only begun. The chaos and turmoil that your foundation has dealt this nation during the 1960's (and 1950's) will most certainly result in the most severe public reaction including the strong possibility of a Congressional investigation of the foundation's nefarious activities and of every person who was responsible for them—including the Trustees.

In the article Mr. Bundy said the foundation's officials would not "align themselves with those who believe there is no crisis in our society."

This infers that the starry-eyed, impractical, liberals, the embittered social action do-gooders and the militant revolutionaries are in the sole position of solving the problems of a society that many of them do not like and would like to change!

For example, many of the prominent liberals that Mr. Bundy has worked with through the years are admitted Socialists. Arthur Schlesinger, Jr., Kenneth Galbraith and many top men in the Kennedy administration advocated and taught various forms of Socialism for years. Arthur Goldberg, who was given $70,000 of Ford money to see if our police and government were persecuting the Black Panthers, did not join and associate himself with a number of Communist fronts because he championed the free enterprise system.

Mr. Ford, have you ever worked with professional *social workers?* I have, and I have found that most of those I've met are deeply embittered against our system and our society. Many of them lean heavy toward alien concepts and they often find that their social work provides a fertile field for them to organize the disenchanted and create unrest and turmoil.

The militants that Mr. Bundy insists on helping are often advocates of revolution, and funds from your Ford Foundation provides them the resources to spread their violence in many areas and directions.

These are the types that your foundation's Presidents and administrators have given hundreds of millions of dollars to for twenty-five years.

If you had a financial crisis in the Ford Motor Company would you hire men who did not have business experience? Would you hire people whose integrity was questionable, who might deceive you? Would you hire men to design an engine who hated mechanics and engineering?

When Mr. Bundy says he will not align himself (or the Foundation) "with those who believe there is no crisis," he is probably referring to Conservative, pro-Americans, for it is their groups and their noble projects that Mr. Bundy and all of his liberal predecessors (going clear back to Robert Hutchins) have studiously and consistently shunned since your grandfather, Henry Ford, Sr., passed away.

As a Conservative who is devoting his life to the problems that face this nation, I can confidently say that millions of concerned, conservative Americans are fully aware that this nation is consumed with many grave crises. We know that there are crises that involve violent turmoil, destructive anti-American demonstrations, bombings, murder and threats of revolution; and we know that Ford Foundation money, much of which was derived from the sale of Ford products, filtered down to many of these various "crises" that have torn and divided this great nation.

And we Conservatives also know there are other problems. Problems in housing, education, unemployment, etc., etc. But it is inconceivable that we would work with militants and social activists who profess alien philosophies, who would not use our aid to *solve* but to *destroy*. It is the conservative, pro-American, spiritually oriented people (like your grandfather) that understood and appreciated our unique and revered American concepts and worked to solve the millions of economic, political and *social* prob-

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lems that have contributed to this nation's success.

Who could train or help the hard core unemployed best: a Marxist or militant who does not understand our system and would like to see the problems mount until a revolution emerges to destroy this system? Or, could the problem best be solved by a Conservative businessman who knows the technical fundamentals that must be taught? A man who knows that understanding, motivation, inspiration and ambition are all a part of the necessary ingredients to make a man succeed?

The Ford-type liberal-left, $500,000,000 solutions that started pouring into our educational institutions 25 years ago are now reaping their harvests. Socialist-oriented teachers and professors are now openly indoctrinating the students against their country, and the cries of revolution are echoing loudly through the campuses and the streets.

Ford-type, liberal-left, Bundy-conceived, social solutions turned the New York schools into chaos and did more to embitter and polarize the races than any one thing.

Ford-Bundy-type social solutions poured $120,000,000 into a Socialistic type Public Broadcasting System which is leftist oriented, directed by a very extreme leftwinger and is in direct competition with the very free enterprise system which provides funds to the Ford Foundation and the Ford Motor Company and the Ford dealers!

Bundy-type *social*, *poverty* and *political* problems have been financed with hundreds of millions of Ford dollars. This means that well heeled militant minorities are able to agitate among their Negro, Mexican and Indian brothers with the results that many many good, loyal Americans are turned against their country. Once they become embittered they join forces with those who are dedicated to destruction and revolution. Not to the *solving* of their social problems.

Yes, Mr. Ford, there are many of us who are well aware that this nation has problems, but we seriously doubt that you, Mr. Bundy and your Trustees understand where the real problems are located.

It was typical that the Ford-Bundy type solution favored a $75,000 grant to CASE (Community for Awareness and Social Action) and its sister offspring, HENAC (see enclosed material). This Marxist Center is decorated with the photographs of Eldridge Cleaver and glorifies such revolutionaries as Che Guevero and Molvan Djilas. HENAC shares its office with the Black Panther Information Service and it was a strong supporter of the Chicago 7 conspiracy.

The Ford-Bundy-type $1,930,000 solution to La Raza has helped foster a stormy hate "gringo" (white American) revolution across three states!

Mr. Ford, our Free Enterprise System is under severe attack by the liberal educators, students, ministers, unions, minority groups, radicals, and revolutionaries. Patriotism and loyalty have become dirty words. Immorality, crime and the weakening of our spiritual values become increasingly apparent, and there is less and less understanding and appreciation of our cherished heritage and concepts.

Many Conservative leaders recognize this dangerous erosion that is often encouraged by liberal-leftist concepts that are opposed to our system. It presents a very grave crisis that will require all of the ingenuity, skill, talent, dedication and organizational ability that we can muster. The challenge is so great, and the time may be so late, that we may not succeed. To fail could mean the downfall of this free nation.

But there is one distinguishing factor. You, Mr. Ford, Mr. Bundy and your Trustees "do not believe that this nation faces a grave crisis from which it might never recover." All of you stand high in the public knowledge that a vast portion of your millions and billions have gone to the very elements who would destroy our system, and little or none of it has gone to strengthen our free enterprise, or our moral, spiritual and economic concepts.

In behalf of millions of concerned Americans, I would like to ask you, Mr. Ford, "What do you have against America? What do you have against the traditional principles and concepts that provided the foundation for your own Ford Motor Company and for America's fabulous achievements?"

Mr. Ford, why do you permit the Foundation's tax-exempt funds, which were derived (in part) from the sale of Ford, Mercury and Lincoln cars, to go to aid the Black Panthers, the militant ("hate gringo"), Brown Berets, the revolutionary student groups, the Socialist-oriented social action groups, the immoral, racist and anti-American films and plays, the leftwing educational and religious institutions, the pro-Communist radio stations, the leftleaning television systems, the most extreme and despicable sex education programs and countless other Bundy-type "Social" problems, too numerous to mention.

The ominous pattern is so staggeringly clear it can no longer be refuted by evasions and excuses that have been skillfully spoonfed to the public for 25 years.

As violence and revolution threatens our cherished freedoms an enraged "silenced majority" will do what is necessary to stop it. Thousands of your own fine dealers deplore what you and the Ford Foundation are doing to this nation. Your calloused indifference is jeopardizing their very security and the country they love.

We have asked you to meet with us. You have refused. We have asked you to listen to our proposals that would help you, your foundation, your Ford Motor Company, your dealers and your country. You have refused. Let me repeat: "What do you have against America?"

Mr. Bundy has been negotiating so that the Soviet Union and the Ford Foundation can work on projects together. This means that America's tax-exempt funds, derived from the sale of Ford products, are now working directly with the Communist leaders of Russia!

And you are going to meet with the Communist leaders to discuss the building of an automobile assembly plant in the Soviet Union! As if your dealers didn't have enough foreign competition as it is!

Mr. Ford, I, many of your own dealers, and many concerned citizens really want to know: "What do you have against America?"

As we observe you and Mr. Bundy and study the Foundation's record since 1945 we sincerely ask: "Which side are you on, gentlemen?"

Our invitation for you to meet with us is still open.

Faithfully,

HURST B. AMYX,
National Director.

CBS DOCUMENTARY ON VETERANS' ADMINISTRATION HOSPITALS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, on March 2, 1970, Columbia Broadcasting System—CBS—presented a documentary on the subject of medical care in veterans' hospitals.

The program portrayed only a miniscule segment of the hospital care afforded by our Veterans' Administration hospitals. The network program was apparently carefully preplanned to dramatically promote a point of view rather than to convey facts or to portray an accurate or full picture of the quantity or quality of medical care for veterans by our Veterans' Administration hospitals.

The patients, the hospital wards, and the incidents were carefully selected and staged by CBS to present a derogatory picture of the best, most effective, and most highly funded hospital, outpatient, research, and nursing home program ever provided by any nation at any time in history for veterans or nonveterans.

Because several of my constituents wrote to me expressing shock about the CBS presentation and concern for the wounded and ill veterans, I asked Mr. Donald E. Johnson, Administrator of the Veterans' Administration, for an explanation and for his comments concerning the CBS documentary.

Mr. Speaker, I would like to include in the RECORD the reply to me from Mr. Johnson.

We want to provide the best possible care for our veterans. The national networks should have the responsibility to be fair, objective, and accurate in their presentations.

The letter follows:

VETERANS' ADMINISTRATION, OFFICE
OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington, D.C., April 8, 1970.

Hon. BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. TALCOTT: In response to your request at the Veterans Administration supplemental appropriation hearings the morning of April 7, I am glad to provide the following comment on the CBS–TV news presentation of March 2, 1970.

It is most unfortunate that the telecast left an impression in millions of American homes that Veterans Administration hospitals are giving totally inadequate care, and that the chief victims of this alleged inadequacy are our younger veterans returning from Vietnam.

Aside from a fairly lengthy taped interview with me, which in the process of editing by CBS–TV was reduced to a fleeting 30 seconds actual exposure on the screen, just one sentence in the entire program is given to the overall VA position and the positive side of VA medicine.

I do want to emphasize the verity of that one sentence when the announcer said, "The head of the VA, Donald Johnson, says there is no danger that any war wounded veteran will receive slow or second-rate care."

We could take issue with a number of specifics in the newscast such as the statement, "One budget cut forced the removal of orange juice from the daily menu. Now, it's given only with doctor's prescription." Or the claim that, "A few weeks ago, this hospital dropped 65 employees. It didn't have the money to pay them." Or, "Now there is only one therapist in this hospital for 25 patients." There is not an iota of truth in any of these statements.

What concerns me most, however, is what was *not* reported on the program. The network apparently chose not to clutter the minds of viewers with such facts as these—which were provided to CBS nearly two weeks in advance of the actual broadcast:

The VA appropriation for medical care for the current fiscal year, approved by the President on November 26, 1969, is the highest in history. This sum of $1,541,701,000 is the full amount recommended by the prior President and by Congress, and is available in full to the VA.

Then, on February 2, 1970, the President submitted to Congress for Fiscal Year 1971 a budget that included $1,702,200,000 for VA medical care. This is $160,499,000 in excess of the previous record budget request, and is $281,936,000 over the request for Fiscal Year 1969.

VA's 166 hospitals do have the capacity to care for Vietnam era veterans requiring hospitalization. During the past fiscal year, only some 44,000—or slightly over five-per cent—of the total VA patients treated were Vietnam era veterans. That number is expected to reach about 60,000 this fiscal year. The numbers will increase, but so has VA's ability to treat more and more veterans.

VA is treating more sick and disabled veterans than ever before in history. This fiscal year VA will treat in its hospitals more than 780,000 veteran-patients, and this figure will be exceeded next year. The 780,000 figure is 172,000 above VA's patient capacity as recently as 1958.

VA hospital staffs have been augmented. Six months ago, at a time when he was reducing employment elsewhere in the government by about 50,000 jobs, the President authorized an increase of 1,500 employees for VA with the vast majority earmarked for the medical program. The new budget for the next fiscal year calls for another increase of 2,123 VA medical employees.

The ratio of VA hospital staffs to patients has increased steadily. The ratio in VA general hospitals was 146.2 employees per 100 patients last year; is 150.2 this year, and will go up to 156.8 in the new budget.

Contrary to charges that young Vietnam veterans are doomed to a life-long stay in VA mental hospitals for lack of proper treatment is the fact that VA has pioneered in cooperative research that has scientifically established the value of psychotropic drugs, and helped to nearly double the patient turnover in mental hospitals throughout the nation. The hospital discharge rate each month for VA mental patients has grown from only 5.3-per cent in 1950 to 10.6-per cent by F. Y. 1966; to 12.7-per cent in F. Y. 1967; to 15.4-per cent in F. Y. 1968, and to 18.4-per cent last year.

Helping VA to maintain the quality of medical care are 79 of America's leading medical schools—which are closely affiliated with 93 VA hospitals—as well as leaders in American medicine who serve as program advisors and as consultants at VA hospitals.

As a member of the appropriations subcommittee concerned with VA funding, you are, of course, fully aware that since the mentioned appropriation information was given to CBS last February, the President has asked Congress for even more medical care money for the VA . . . an extra $15,000,000 for the last three months of this fiscal year, and an additional $50,000,000 for Fiscal Year 1971.

What concerns me most about the CBS presentation is that the public and our veterans might reasonably conclude that VA is giving inferior care, and that the Vietnam veteran, in particular, will suffer for lack of proper VA medical attention.

Such a conclusion would be erroneous, and would reflect unfairly on the many thousands of dedicated physicians, nurses and other employees who are working hard to serve our hospitalized veterans.

Considering the constant shortage of personnel in the health fields, and the continual climb in the cost of delivering health services, it is probably true that there is no hospital in the United States, including those in the VA system, that could not effectively use more funds or more staff.

Like other medical programs, the VA program is always subject to improvement. It always has been, and always will be.

I assure you that VA will strive constantly for improvement, because the best possible medical care for the nation's war veterans has been the continuing and common desire of the American people as well as each President and each Congress.

As we all work together to achieve these improvements, I do feel it is very important for our veterans, and especially the young men disabled in Vietnam, to know that their medical needs will be met.

Sincerely,

DONALD E. JOHNSON,
Administrator.

"JUNC": THE JUNK UNWANTED NUISANCE-MAIL CRUSADE

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have received many letters urging the formation in Washington of an organization to campaign against junk mail. Perhaps for want of a better term, this organization could be named something like JUNC and could be called the "Junk Unwanted Nuisance-mail Crusade".

Of course, this organization has been inspired by the President's outrageous proposal to raise first-class postage rates to 10 cents while raising third-class bulk mail rates from 4 cents to only 4.2 cents. Actually, President Nixon hopes to realize $53 million from raising bulk third-class mail rates which is one-fortieth the amount—$2.3 billion to be realized from a whopping first-class mail rate increase.

Also I am strongly in favor of raising second-class rates. I sponsored an amendment which passed the House on October 11, 1967, to place a three-tenths of 1 cent surcharge on every piece of second-class mail mailed by any newspaper or magazine publishing over 500,000 copies.

So I think that second- and third-class rates both should be raised before we even talk about raising first-class rates.

I also am very grateful for the column by Mr. Art Buchwald in the Washington Post this morning on the subject, which follows my remarks.

I hope the wave of outrageous protests will cause this Congress to raise third-class mail rates before it proceeds to raise first-class rates.

The American people are fed up with having their mail boxes crammed full of junk every day. They pay through the nose in higher first-class rates in order to carry this junk, which gums up the postal service. Millions of trees are cut down to produce this junk, and millions of dollars are spent trying to clean it up and cart it away.

"JUNC" is a spontaneous, grassroots campaign to tell the President and the Congress that the people are sick and tired of the waste and nuisance caused by junk mail. It is bad enough to have to wade through all this junk every day, but it adds insult to injury to pay higher taxes to subsidize the low rates which junk mail pays.

"JUNC" will work not only for higher rates on junk mail, but will also campaign for an actual reduction of the flow of junk mail. It is an invasion of privacy to be forced to receive all this unwanted junk. "JUNC" will foster new ideas for private citizens to use in warring on junk mail, such as the following:

First. Marking all occupant mail as follows: "Nobody named O. C. Cupant lives here."

Second. Bundle up all junk mail and send it back without postage, to force the sender to pay through the nose for invading privacy.

Third. Pass legislation allowing any mailbox holder to have a star placed on his box announcing he does not want to receive any third-class mail, with the exception of license plates or other essential items sent by State agencies.

I include a newspaper article at this point:

JUNK MAIL SAVED IN POSTAGE RISE

In order to pay for wage increases for postal employees, President Nixon has asked that the cost of a first class letter be increased 66⅔ per cent, a second class piece of mail 12 per cent, parcel post 15 per cent and bulk or junk mail only *five* per cent.

This was a big victory for the "Citizens to Protect Junk Mail," a nonprofit organization set up to see that everybody in this country got his fair share of junk mail. The President of the CPJM was elated when he read President Nixon's message.

"This is a triumph for the little fellow," he said.

"How's that?" I asked.

"The American citizen will now be assured that no matter what happens to the rest of his correspondence, his junk mail will get through."

"Then you're not disturbed by junk mail going up five per cent?"

"We're not happy with it, of course, but we can live with it. We may have to adjust our prices accordingly, but the President has shown great courage in keeping junk mail within range of *all* the people."

"Why do you think he gave you the break?"

"Because he knows that the cornerstone of the free enterprise system is junk mail. When a mother writes to her son, or a girl writes to her boy friend, it produces no commerce for the country.

"First class letters are luxuries and if people want to keep writing to each other for pleasure, they should pay for it."

"But," I said, "some people in this country would prefer to get a letter from somebody they knew, before they got one which was addressed 'Resident.'"

"That's ridiculous. Everyone knows the joy that junk mail brings to the American home. Show me a man who would rather receive a letter from his mother than a catalogue from a gift company, and I'll show you a very unhealthy mother-son relationship."

"Would you advocate doing away with all first class mail as a method of lightening the burden of the post office?"

"Not at this moment. There are times when someone must communicate with another person by first class mail, and there probably are certain people in the country who enjoy hearing from their friends and loved ones. So we're not arbitrary about it. All we say is that as long as first class mail doesn't interfere with the delivery of junk mail, then it should be kept as an added postal service."

"But," I said, "if the time comes when the government must choose, then first class mail has to go?"

"Correct. You see, at one time this nation could afford the luxury of having every kind of mail. But as the public has demanded more junk mail, the Post Office has been forced to slow down on other classes of mail.

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Ten years ago, the American citizen was content to receive three pounds of junk mail a year. But today he is demanding 10 pounds per year, and he gets very upset if he doesn't get his quota."

"Would you say your citizens group was instrumental in defending the sanctity of junk mail?" I asked him.

"I wouldn't say that," he said modestly. "President Nixon knew what he was doing when he put most of the financial burden on first class mail. Had he raised the rates more than 5 per cent on junk mail, you would have had citizens all over the country storming the post offices. You don't mess around with peoples junk mail during an election year."

APPOINTMENT OF CONFEREES ON S. 2601, TO REORGANIZE THE COURTS OF THE DISTRICT OF COLUMBIA AND FOR OTHER PURPOSES

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, with the Senate amendment to the House amendments thereto, disagree with the amendment of the Senate, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, ABERNETHY, DOWDY, CABELL, NELSEN, HARSHA, BROYHILL of Virginia, and HOGAN.

ESTABLISHMENT OF A MICRONESIAN CLAIMS COMMISSION

(Mr. GALLAGHER asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. GALLAGHER. Mr. Speaker, I am today introducing, by request, a joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission.

The Subcommittee on International Organizations and Movements which I have the honor to chair, plans to hold hearings in the very near future on this legislation.

The text of the joint resolution and of a letter from the Secretary of the Interior, together with other memoranda in support of this legislation, follows:

H.J. RES. 1161

A joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas, the United States, while not liable for wartime suffering of the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

Whereas, the Governments of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex gratia the equivalent of $10,000,000 to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas, payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people: Therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) the United States should make an ex gratia contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the High Commissioner of the Trust Territory of the Pacific Islands, hereinafter referred to as the High Commissioner, or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof.

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who:

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir or assign of a person eligible under subsections (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

SEC. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The High Commissioner is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5 million appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to Article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds together with the sum authorized to be appropriated by subsection (a) of this section shall constitute the whole of the Micronesian Claims Fund.

SEC. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* That the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business; *Provided, however,* That an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

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(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than two years after the expiration of the time for filing claims under this Act.

SEC. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands for the compensation of those Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces. When all claims have been adjudicated, the Commission shall certify them to the High Commissioner for payment from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication.

(b) Not later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that allowable and adjudicated claims exceed a total of $10 million, the High Commissioner shall make prorata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act and of the Commission in order to carry out the purposes of this Act.

SEC. 6. The Agreement for the payment of the Micronesian claims having been reached by negotiators of the Governments of the United States and Japan, and personnel to be appointed by the High Commissioner or the Commission being available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing claims, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims shall exceed, in total, one per centum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C. March 26, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed herewith is a proposed joint resolution "To authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission."

We recommend that this joint resolution be referred to the appropriate committee for its consideration and strongly urge its prompt enactment.

Enactment of this joint resolution is necessary to implement an Executive Agreement of April 18, 1969, between the Governments of Japan and the United States entered into pursuant to the Treaty of Peace with Japan, which provides for the compensation of inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the second World War. A copy of the Agreement is enclosed. The Agreement essentially provides that the two Governments will make equal, *ex gratia* contributions for the welfare of the inhabitants of Micronesia, such contributions to have a total value equivalent to $10 million.

The contribution by Japan will take the form of products and services having a value of 1.8 billion yen which, at present conversion rates, is computed at $5 million. The contribution of the United States, subject to the appropriation of funds by the Congress, is to take the form of $5 million in cash.

The Agreement between the Governments of Japan and the United States is responsive to the fact that, after 25 years, an innocent people whose islands were fought over by two Great Powers remain uncompensated for wartime suffering, while they have seen their kin in Guam and their neighbors in Asia benefit from grants of the United States and reparations of Japan. The Treaty of Peace with Japan provides that claims of the inhabitants of Micronesia against Japan, and claims of Japan and its nationals against the Administering Authority of Micronesia, shall be the subject of special arrangements. In negotiating those arrangements, the United States has pressed the claims of the Micronesians, while Japan has pressed the claims of its nationals—some 100,000 Japanese—for property left by them when they were evacuated to Japan after the War. The Agreement treats all Japanese claims against the Administering Authority as fully and finally settled, and makes no payment on them. It commits both Governments, subject to the appropriation of funds, to a joint, *ex gratia* grant to the Micronesians which, without any suggestion of liability on the part of either Government, should meet a Micronesian grievance which has gone unmet too long. Thus, when implemented, the Agreement will dispose of a long-standing irritant in relations between Japan and the United States, and do justice to the Micronesians.

That Agreement represents the successful conclusion of protracted and difficult negotiations pursuant to Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and of its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of the property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals.

This joint resolution, if enacted, will establish a five-member Micronesian Claims Commission which shall receive, examine, adjudicate, and render final decisions with respect to claims of Micronesian inhabitants of the Trust Territory resulting from the hostilities of the Governments of the United States and Japan during World War II. It will establish also a Micronesian Claims Fund, the whole of which Fund will be $10 million, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund.

More specifically, Section 1 of the joint resolution, following the introductory paragraphs summarizing the foregoing, expresses agreement that the United States shall make an *ex gratia* conribution of $5 million, matching the equivalent contribution of Japan, and that the High Commissioner of the Trust Territory shall pay such meritorious claims as are adjudicated by the Micronesian Claims Commission. Section 1 also defines the term "Micronesian inhabitant of the Trust Territory of the Pacific Islands" as a person who:

(1) became a citizen of the Trust Territory on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under (1) or (2) above, and who is a citizen of the Trust Territory as of the date of filing a claim.

This definition, while requiring citizenship, does not require residency in the Trust Territory as a prerequisite to filing a claim.

Section 2 authorizes the appropriation to the Trust Territory of $5 million to be paid into a "Micronesian Claims Fund." That sum is to be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, for the civil administration of the Trust Territory and, as such, shall not be included in the computation of funds appropriated and subject to the limitation on appropriations contained in section 2 of the Act of June 30, 1954, as amended. The High Commissioner of the Trust Territory of the Pacific Islands is authorized to create and manage the Micronesian Claims Fund.

Section 2 provides further that as the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the Government of the Trust Territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred by the High Commissioner from the funds regularly appropriated to the Trust Territory for supplies or capital improvements to the Micronesian Claims Fund. These funds so transferred, together with the funds authorized to be appropriated, shall constitute the whole of the Micronesian Claims Fund.

Section 3 establishes a Micronesian Claims Commission to be composed of five members such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. The other three members will be selected from the staff of the Foreign Claims Settlement Commission.

Subsections (b) and (c) of section 3 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning. We visualize the pay of the Com-

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missioners as not exceeding the equivalent of a G.S. 15 in the General Salary Schedule.

Subsection (d) of section 3 authorizes the promulgation by the Commission with the approval of the Chairman of the Foreign Claims Settlement Commission, of necessary rules and regulations and provide that the final date of filing claims shall not be more than one year after the appointment of the Commission.

Subsection (e) requires that the Commission shall proceed as expeditiously as possible and shall wind up its affairs no later than two years after the expiration of the time for filing claims.

Section 4 provides that the Commission shall have authority to receive and adjudicate, in accordance with the laws of the Trust Territory and international law, claims of the Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States.

Subsection (b) of Section 4 requires that six months after its organization, and annually thereafter, the Commission shall report through the Chairman of the Foreign Claims Settlement Commission to the Congress concerning its operations, and that upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

Subsection (c) of Section 4 provides that in the event funds remain in the claim fund after all adjudicated claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory. In the event that amounts payable on adjudicated claims exceed the total of $10 million, the High Commissioner shall determine the necessary proration and make payments in accordance therewith.

Subsection (d) of Section 4 requires that a full release to the United States and Japan in respect to the liability of either or both shall be a prerequisite to the making of a payment to a claimant.

Section 5 authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

Section 6 provides free assistance in the filing of claims authorized by this resolution and imposes a limitation upon attorney's fees in connection with payments made under the terms of the resolution.

As we have indicated, the enactment of this joint resolution, the subsequent appropriation of the funds authorized thereby, and the performance by the Micronesian Claims Commission of the functions vested in its by this resolution, will result in the final resolution of a difficult matter which has been of substantial concern to the people of Micronesia, the United States, Japan, and the United Nations for almost 25 years. We believe that this joint resolution provides a fair and wholly justified settlement. The sum of $10 million to be provided as an *ex gratia* contribution in compensation for the losses experienced by the Micronesians is, in our view, sufficient to satisfy the claims which we anticipate will be considered by the Commission. It is likely that the settlement in connection with the death claims will draw most heavily upon the Fund. Since, even though it represents a most difficult task, the claims will need to be adjudicated in terms of the values of the early 1940's, we have noted the record of claim settlements made in Guam for occurrences paralleling those which give rise to the claims to be adjudicated in the Trust Territory. While such earlier settlements are not seen as binding precedents, the record indicates that the amount typically claimed for a death was $5,000, or less, with the amounts awarded ranging between $1,000 and $4,000, the former being the most frequent award and the latter being untypically high. Based upon our consideration of this matter and having regard to the lapse of time and the effects of inflation, we do not foresee individual death claim settlements in connection with the Trust Territory claims as exceeding $5,000. It is expected that approximatly 1,500 claims arising out of the death of individuals will be the subject of claims presented to the Commission.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed joint resolution and its enactment would be consistent with the Administration's objectives.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The United States of America and Japan,

Desirous of expressing their common sympathies for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan and now administered by the United States of America under the United Nations Trusteeship System, as the Trust Territory of the Pacific Islands,

Desirous of making an ex gratia contribution to the welfare of the inhabitants of the Trust Territory,

Desirous of concluding a special arrangement, as envisaged in Article 4(a) of the Treaty of Peace with Japan, concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals,

Have agreed as follows:

"ARTICLE I

"1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (¥1,800,000,000), currently computed at five million United States dollars ($5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanese people, to be used for the welfare of the inhabitants of the Trust Territory.

"2. The provision of these products and services shall, unless otherwise agreed upon by the Government of the United States of America and the Government of Japan, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the appropriation of funds by the Congress of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made in a reasonably even manner during the period.

"3. The Government of the United States of America, as Administering Authority, and the Government of Japan shall conclude detailed arrangements for the implementation of this Article.

"ARTICLE II

'The Government of the United States of America shall, subject to the appropriation of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars ($5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

"ARTICLE III

"The United States of America, as Administering Authority, and Japan agree that all questions encompassed by Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of property of the Administering Authority and the residents of the Trust Territory, and their clams, including debts, against Japan and its nationals, are fully and finally settled.

"ARTICLE IV

'This Agreement shall enter into force on the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

"In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

"Done at Tokyo, this eighteenth day of April, 1969, in duplicate in the English and Japanese languages, both being equally authentic.

"For the United States of America:
"______ ______.

"For Japan:
"______ ______."

U.S. PARTICIPATION IN THE SOUTH PACIFIC COMMISSION

(Mr. GALLAGHER asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. GALLAGHER. Mr. Speaker, I am today introducing, by request, a joint resolution proposing an amendment to Public Law 403 of the 80th Congress, which provides for membership and participation by the United States in the South Pacific Commission.

This subject matter comes under the jurisdiction of the Subcommittee on International Organizations and Movements which will hold early hearings on this legislation.

The executive communication and supporting memoranda are submitted herewith, together with the text of the Joint resolution:

DEPARTMENT OF STATE,
Washington, D.C., April 6, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I submit herewith a proposed draft of an amendment to Public Law 403, Eightieth Congress, which provides for membership and participation by the United States in the South Pacific Commission.

This amendment would replace the present authorization for appropriations in amounts not exceeding $200,000 per fiscal year by authorization for appropriations in amounts not exceeding $325,000 per fiscal year. It would, thereby, permit the United States to continue to play its international role more effectively in this strategic area of the world.

A detailed description of the Commission's work program and our reasons for proposing this amendment are contained in the enclosed memorandum. The Department of the Interior, which administers the United States territories within the area of the Commission's operations, concurs in this request.

I hope that the Congress can give favorable consideration to the amendment at its earliest convenience.

A similar communication is being sent to the President of the Senate.

The Department of State has been advised by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

DRAFT OF PROPOSED JOINT RESOLUTION ON SOUTH PACIFIC COMMISSION

Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948 providing for membership and participation by the United States in the South Pacific Commission

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 3(a) of Public Law 403, 80th Congress, entitled "Joint Resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor" as amended (22 U.S.C. 280b) is hereby amended to read as follows:

(a) such sums as may be required annually not to exceed $325,000 per fiscal year for the payment by the United States of its proportionate share of the expenses of the Commission and it auxiliary and subsidiary bodies, in accordance with Article XIV of the Agreement establishing the South Pacific Commission, as amended.

MEMORANDUM

(Justification of Proposed Amendment to Raise Statutory Ceiling on United States Contributions to the South Pacific Commission.)

The proposed draft of an amendment to Public Law 403, Eightieth Congress, would replace current legislation by an authorization for appropriations in an amount not to exceed $325,000 per fiscal year. Present legislation restricts authority to make appropriations to the South Pacific Commission to $200,000 annually.

The South Pacific Commission is composed of the Governments of Australia, France, Nauru, New Zealand, the United Kingdom, the United States and Western Samoa. These Governments (excluding Nauru and Western Samoa) administer some 15 non-self-governing and trust territories scattered over an ocean area which encompasses about one-fifth of the earth's surface. The United States-administered territories which benefit from the Commission's activities are American Samoa, Guam, and the Trust Territory of the Pacific Islands (Micronesia).

The Commission's role is consultative and advisory; it has no political authority and no responsibility for administration of any territory. The Commission specializes in the broad fields of economic, social, and health development and each territory coming within the scope of the Commission has programs in these fields. The work of the Commission is to supplement and assist the territories in defining problems, particularly those common to the Pacific, mobilizing resources from within and from outside the area where it is not otherwise available. The Commission carries out its work largely through a program of research, technical advice, demonstration, training, and by the collection, publication and distribution of scientific and technical information.

The major part of the funds available annually to the Commission is contributed by the seven participating Governments in the following proportions agreed to in accordance with Article XIV of the Agreement Establishing the South Pacific Commission, as amended: Australia—31%; United States—20%; United Kingdom—17%; Nauru—1%; New Zealand—16%; France—14%, and Western Samoa—1%. The total amount required for the Commission's calendar year 1970 program amounts to $996,800 of which the United States share will be $199,360. This amount is to be funded from U.S. fiscal year 1971 appropriation and is under the statutory limitation of $200,000. To develop fully the important projects listed below, it is estimated that by fiscal year 1972 the U.S. share of the organization's budget will rise above the $200,000 ceiling. The Department of State anticipates that the new ceiling will permit the United States to continue to play a meaningful role over the next five years.

ECONOMIC DEVELOPMENT

The limited natural resources and the rapid increase of population in these islands make such economic development as is possible imperative. The Commission's activities in 1970 are concentrated on animal and plant production and protection, and on demonstration, training and research. Projects planned include research and experimentation on reef and lagoon fisheries to determine the reasons for the decrease in useful reef and lagoon fish and plant resources, the methods of increasing such resources, and methods of propagating species which do not become toxic; the continued research into methods of controlling the most serious pest of the area—the rhinoceros beetle which destroys the coconut tree; a demonstration and training program on rat control; the training of Pacific Islands people in economics and business methods; and the introduction of useful commercial crops including tropical pasture and fodder crops.

SOCIAL DEVELOPMENT

Current emphasis of the Commission's program in the social development fields is on community education, youth work and language training. Projects for the next few years include: (1) expansion of the program in teaching of English as an introduced language. Specialists on the Commission's staff would continue to provide practical assistance and technical advice to English-language teachers and to prepare reading material for students and instruction material for students and instruction material for teachers; and (2) establishment of youth organizations in urban centers to help the territories in combating juvenile delinquency.

HEALTH

The aims of the Commission's health program are to provide medical advice and information, including family planning, to assist in the training of health workers and to conduct research into regional health problems. Projects which the Commission is undertaking in 1970 include special training courses and seminars on dental health, fish poisoning and Hansen's disease.

All of these projects have been formulated in consultation with the territorial governments. They were formally recommended to the Commission by the delegates to the South Pacific Conference held in October 1969 under the auspices of the Commission. They have been carefully developed by the Commission to make the best use of its own funds and, wherever possible, to cooperate with other international organizations in joint programs to avoid duplication of funds and efforts. The Department of State believes that they are practical in nature and will bring direct benefit to the poeples of the area, including those in U.S. administered terrritories.

The Department of State does not believe that the increase in the ceiling will result in sudden or sharp increases in the Commission's budget since unanimous consent of the participating governments is required on decisions involving the financial assessment of each for the annual budget. The total budget is carefully determined by the member governments in an annual budget session. Individual projects are developed with the advice of territorial delegates and a budgetary figure worked out for each project. These six governments have over the years demonstrated their responsible concern for the work program and for the economical operation of the Commission. Further, the regular annual review by the Committee on Appropriations of the House and Senate offers the Congress opportunities to review the work of the Commission and the manner of its expenditure of funds.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for the balance of this week, if any, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the business for the week and I shall ask unanimous consent to go over until Monday next upon the announcement of the program for next week.

The program for next week is as follows:

Monday is District Day but there are no District bills for consideration.

However, on Monday two appropriation bills will be called up as follows:

Treasury, Post Office, and Executive Office appropriation bill, fiscal year 1971.

Legislative branch appropriation bill for fiscal year 1971.

Tuesday is Pan American Day and remarks appropriate for the occasion will be in order.

Also on Tuesday there will be for the consideration of the House the Office of Education appropriation bill for fiscal year 1971.

For Wednesday and the balance of the week the program is as follows:

H.R. 16311, the Family Assistance Act of 1970, subject to a rule being granted.

H.R. 16516, the National Aeronautics and Space Administration Authorization Act, 1971, under an open rule with 2 hours of general debate.

And, if we reach it, H.R. 14385, to provide authority for subsidized trans-

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portation for Public Health Service employees to Rockville, Md., under an open rule with 1 hour of general debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Of course, I am sure that the Members are aware of the fact that H.R. 4249, the Voting Rights Act Amendments of 1970 might be brought up next week for the purpose of agreeing to the Senate amendments. This is, as all Members know, a very important bill, and we will advise Members further concerning the scheduling of this matter as soon as it is possible to do so.

ADJOURNMENT TO MONDAY, APRIL 13, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE LATE HONORABLE LEONARD GEORGE WOLF

The **SPEAKER** pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 60 minutes.

Mr. CULVER. Mr. Speaker, it is my sad duty to inform the House of the passing last week of my personal friend and our former colleague, Leonard Wolf.

Born in Mazomanie, Wis., and educated at the University of Wisconsin, he served in this body from 1959–61, representing the Second District of Iowa. While here he showed himself to be a humane and devoted man, and championed in particular a cause to which he was to dedicate the rest of his life, that of alleviating the hunger which afflicts such a large portion of the world's population. He also showed himself to be a far-sighted legislator in championing draft reform a full decade before congressional action was finally begun to correct the inequities of our Selective Service System.

Following his service in this body he was appointed director of the "food for peace" program in Brazil, and subsequently coordinated famine relief in India, and headed the Agency for International Development's war on hunger in Latin America.

In June of 1968, he became director of the American Freedom From Hunger Foundation, a post which he ably filled until his death. Throughout his career he exhibited the greatest concern for the plight of the hungry and the starving, and worked to enlist the support of the American people in solving the international food problem.

In recent years he had been instrumental in establishing a program of Walks for Development across the Nation, a project which actively involves the young people of America in contributing to the welfare of the poor people both in this country and abroad. These walks, which are the product of local student initiative, give the young people an opportunity to publicly demonstrate their concern and to translate it into positive action. The students enlist the support and interest of all groups in the community behind their efforts, and contribute the money they earn to projects chosen by themselves after careful research.

Due largely to "Len's" tireless enthusiasm and energy, the first 15 months of the program witnessed over 129,000 walkers raise more than a million dollars. In this short time, his idea had captured the imagination of the entire Nation, and had grown so rapidly that at the time of his death, over 150 separate walks had been scheduled for the coming spring. I know he must have felt a great deal of personal satisfaction in seeing the youth join in this great humane cause.

It is a great loss to the Nation that this dedicated, imaginative, and productive life was ended at the most untimely age of 44.

My wife, Ann, joins me in extending our deepest sympathy to his lovely and courageous wife, Marilyn, and their fine children, Ann Marilyn, Jennifer Elizabeth, and Steven Michael.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, I came to the Congress in the same year as Leonard Wolf. We were elected to the Congress in the same election from Iowa and we came here in 1959.

As the gentleman now in the well has said, from the very beginning he was very much interested in food and in helping to alleviate hunger for people not only of the United States but also of the world. His accomplishments in this field were many and proved him to be a friend of millions of people.

He spent the balance of his life on these kinds of projects and demonstrated great compassion for his fellow man.

Then, he was taken as a young man by that dreaded disease that respects no age.

So, Mr. Speaker, I will not repeat all the things that the gentleman in the well has said, but my wife and I join in expressing our sincere condolences to his family in their grave hour of adjustment and sorrow.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I want to commend the gentleman from Iowa for having taken this time in paying tribute to our late colleague, Leonard Wolf.

Having come to Congress at the same time as Leonard Wolf, I came to know him not only as a fellow legislator but as a good friend.

Mr. Speaker, Len Wolf's qualities were many, but I particularly recall his great sense of humor and his real sense of compassion for those in great need. He expressed this sense of compassion in his life by dedicating his energies and talent to encouraging efforts to cope with the problems of hunger both in our country and in less developed parts of the world.

Mr. Speaker, I was proud to have been a friend and colleague of Len Wolf and I, too, would like to join in expressing my tribute to his memory and my profound sympathy to his wife and to their children.

Mr. CULVER. I thank the gentleman.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I join in commending the gentleman in the well for taking this time today to pay tribute to our former colleague, Leonard Wolf.

It was my privilege to come to Congress in the 86th Congress together with several of the other Members who have spoken here today. Surely we can all agree that Len Wolf had great qualities of leadership and dedication. He gave living meaning to the spirit of democracy. He believed in the nobility of man. He believed in the nobility of our system of government.

In the 2 brief years he was here, I remember the projects that he started and the ideas that he introduced. He was a prophet before his time. A decade ago he realized that the whole world would have to become committed to eradicating hunger and the resulting suffering of millions of our fellow men.

Surely today as we look around the world and the greater awareness of this problem, we will recall the many speeches, efforts and programs that he introduced in this Congress because of his deep compassion for humanity.

It was a privilege to serve in the Congress even for 2 fleeting years with a man like Len Wolf, simply because, in

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every experience with him, you could see the great humility that he had, and yet feel his confidence in the future. He inspired men. He gave all of us a large measure of confidence because of his enthusiasm.

The gentleman who spoke before me spoke of his good humor. He knew how to ease tensions when people got uptight with their problems. It seems to me we were all very fortunate to have been able to serve with him.

Mrs. Pucinski joins me in extending to the family of our departed colleague our most deep and sincere condolences. I can only say that surely, when we look at the great record that he wrote here, his epithet may well be "Len Wolf dared to be different." He was not one to sit around and bemoan circumstances. He was a young fellow who created, dared to suggest new ideas at a time when they were perhaps not appreciated immediately, as deserved to be. But they challenged the imagination, they all came to fruition.

I congratulate my colleague for taking this time so we can pay tribute to him today.

Mr. CULVER. I thank the gentleman.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Speaker, in 1958 a great many new Members were elected to the Congress of the United States. I don't think such a large number of a new breed had ever before been elected to Congress. This new group was intelligent, articulate, idealistic, tough, and dedicated to the proposition of improving the lot of all of the people of the United States.

Of these Members, none was more intelligent, none was more articulate, none was more idealistic, none tougher, and certainly none more dedicated than my very great and good friend, Len Wolf.

If I remember correctly, the Members of the 86th Congress Club elected him one of our officers. In the 1960 election the Congress and the Nation suffered a great loss in the defeat of Leonard Wolf. This year we all suffered a greater loss because the United States of America needs leaders like Leonard Wolf.

The Congress and the Nation shares the loss of the Wolf family, and we extend to them our deepest and our great sympathy. I thank the gentleman for yielding.

Mr. CULVER. I thank the gentleman.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I, too, wish to commend my colleague from Iowa for caring enough to take this time to express his admiration for and sorrow over the untimely death of Leonard Wolf. I was not privileged to know Leonard Wolf quite so long as some of our colleagues, including the gentleman in the well. About 1 year ago, by chance I participated in one of the walks that have been described by my colleague in the well.

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I can see Len Wolf now, standing there, speaking to the huge throng—mostly of young people, although not exclusively—and from the very edge of the crowd one could detect unmistakably the dedication and deeply felt belief in the project that he was giving his life to. Then I spoke to Len Wolf on several occasions after that and never once did I fail to sense that inner glow of dedication that has been described here.

So I express my sorrow to his family. I recall the cartoon that appeared in the Pogo strip after the death of President Kennedy. It showed two little characters in a rowboat which said "JFK." It was Christmastime. One said to the other, "It just does not seem like Christmas." The other said, "Yes, it has been a year when we have lost so much."

The other one said, "No, we did not lose it. We just gave it back after using it a while." So our sorrow is because the gift to mankind that was Len Wolf was with us for so brief a time.

My sorrow goes to his family, and my gratitude goes to them for sharing him with the country and with all those who share in his ideals.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my colleagues. It was also my privilege to come to Washington, D.C., in 1959 as one of the freshman Congressmen, and to serve with Leonard Wolf. He immediately made a great impression upon all of us because of his dedication and devotion to public service.

I watched Leonard Wolf throughout the years. It seems only a few weeks ago that we had a special order commemorating the work of Leonard Wolf who inspired so many people to do something about hunger in the world.

I spoke to Leonard Wolf in the House lobby a little while later, and he seemed to be in such good health that it was a shock to me to hear of his passing.

Leonard Wolf was an inspiring young man and he was an idealist, but he was also realistic. The youngsters had their hunger march in my district, and they numbered in the thousands. That was as a result of the work that a young man like Leonard Wolf was doing.

We all go through life and, as someone once said, in everyone's life a little rain must fall, but with—the sadness of the passing of Leonard Wolf we also have the consolation that here was a man who came amongst us and did, as so well expressed in the immortal words of Daniel Webster.

> Let us see also whether we in our day and generation may not perform something worthy to be remembered.

Leonard Wolf did just that.

Mrs. Burke joins me in expressing our deepest sympathy to his beloved wife and family.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased to join in this tribute to a great man, to the late Congressman Leonard Wolf. Having come in the 86th Congress at the same time as Leonard did, I got to know him very intimately. He served on the House Committee on Science and Astronautics, where he performed very constructive service. He participated actively and vigorously in all committee sessions and deliberations.

Several months after Leonard arrived here in 1959, during the spring recess, a distinguished reporter from the New York Times, Cabell Phillips, accompanied Leonard on a tour of his district in Iowa and wrote a very interesting article about the observations that Congressman Wolf made, and in addition to that the reaction of his constituents. I would like to quote a few sentences from this article, which indicates that on the night before the tour started, over coffee late on the night of their arrival in Dubuque, Congressman Wolf told the New York Times reporter the following:

> My outlook is frankly internationalist. I stressed it in my campaign and I've taken as active a part as I could in foreign policy matters in the three months I've been in Congress.
>
> My feeling is that there's nothing more important for humanity today than seeing to it we don't destroy ourselves and everything else in another war. This country has got to lead the way in that—nobody else can do it.

That epitomized what Leonard Wolf tried to do both in the House of Representatives and in his subsequent work which he carried on so effectively during his lifetime.

Mr. Speaker, I ask unanimous consent that this entire article by Cabell Phillips, which was printed in the New York Times Magazine about 10 years ago today, on April 12, 1959, be printed as a part of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The article is as follows:

A CONGRESSMAN AT HOME

(By Cabell Phillips)

Congressmen are back in their offices in Washington this week after the ten-day Eastern recess, which provided many of them with the first opportunity for serious fence-mending and pulse-taking among their constituents since the session began last January. One such is Representative Leonard G. Wolf of the Second Iowa Congressional District.

An exuberant 32-year-old, Len Wolf is the first Democrat to serve his staunchly Republican district in more than twenty years, and a devout internationalist who paid his own way on a fact-finding tour of Europe and Russia last year. I went along on his visit home to see the fence-mending process and—particularly—to learn what the people in a presumably typical slice of the Middle West feel about the current state of our foreign affairs.

"You'll find that I'm a pretty controversial fellow out here," he told me over coffee late on the night of our arrival in Dubuque, where his tour was to start. "Years ago this used to be isolationist country. That label doesn't mean much any more. But my predecessor, who represented this district for five straight terms, generally took a pretty dim view of such things as foreign aid and cooperation with other nations through the U. N.

"My outlook is frankly internationalist. I stressed it in my campaign and I've taken as active a part as I could in foreign policy matters in the three months I've been in Congress.

"My feeling is," he went on earnestly, "that there's nothing more important for humanity today than seeing to it we don't destroy ourselves and everything else in another war. This country has got to lead the way in that—nobody else can do it. And that means that we have got to do a hell of a lot more than we have done in resisting Communist expansion and in helping the emerging new nations of Asia and Africa to stand on their own feet.

"I can't say I got any clear 'mandate' on that in the election. My margin of victory was just barely over 1 per cent, and I'm still breathing hard. I think most of my people are with me, but I can't be sure. Anyway, that's what I'm here to find out."

Congressman Wolf's district, with a population of 414,000, comprises twelve counties in the northeast corner of the state, stretching about 150 miles southward from the Minnesota border and, at its widest, some 100 miles westward from the Mississippi River. Its only cities are Dubuque, Cedar Rapids and Clinton, but industrially it is the most important district in the state, with manufactures valued at $303,000,000 annually.

Beyond the cities the landscape stretches in limitless vistas of rolling prairie dotted here and there by villages and small towns, with occasional clumps of trees on the high land and with rivers and streams snaking through the valleys. This is corn-hog country, among the best anywhere in the world. These incredibly fertile stretches of black glacial loam yield annual harvests of up to 100 bushels of corn per acre. Town and country, the impression you get is of substantial middle-class well being.

To keep in touch with his constituents, Congressman Wolf has converted a house trailer into a mobile Congressional office, with a private conference room in one end, a waiting room in the other. At regular intervals his resident administrative assistant, Al Link, a former Dubuque newspaper man, hauls the trailer around the district, setting up shop in one small town after another.

The trailer was our portable headquarters for the pulse-taking tour. After a 6:30 factory gate appearance at the John Deere works on the morning after our arrival in Dubuque, we set off westward for Manchester, a county seat of about 5,000 population. Our itinerary had been announced in the weekly paper a few days earlier and when we pulled up to the parking space reserved for us before the courthouse a little after 9 o'clock a score of men and women, most of them farmers, to judge by their mud-stained galoshes and striped overalls, were waiting for us.

The Congressman greeted them generally, shaking hands all around, calling most of them by name, asking about their crops, their infirmities, their families. His natty attire and brisk youthfulness were in sharp contrast to the stolid, weatherbeaten appearance of his visitors, but they seemed to respond warmly to his presence.

"Come on in out of the cold, folks," he said, leading the way to the trailer, "and let's get this show on the road. Al, you be sure to get everybody to sign the guest book so we can make certain they are on our mailing list . . . Now, who's first?"

For the next three hours Len Wolf took the political pulse of some forty of his constituents. Singly and in groups, often a husband and wife with their brood of children, they filed through the doors and sat for a few minutes or as much as half an hour.

Some just wanted to say a friendly "hello" and to assure their young Congressman that he was "doing fine." Some came by for no better reason than to salve their self importance. Some came to complain and to criticize. But mostly they came with problems, real or imagined, that involved them in some way with the great, distant bureaucracy in Washington.

"Congressman, there's four of us families on his mail route that have to go as much as half a mile to our boxes. We've talked to the postmaster about it, but he says . . ."

"I'm a Purple Heart veteran from the First World War, Congressman. Now, I just got this letter from the Veterans Administration * * *"

"My boy, here, Mr. Wolf, wants to go to the Naval Academy next year * * *"

"I hope you'll vote against that bill to make us pay a dollar and a quarter an hour for farm labor * * *"

"I had a heart attack last winter, Congressman, and if my boy has to go up for the draft I just don't know how we are going to make out * * *"

From early morning to late at night, in one small town after another, the routine often interspersed with a Lions Club luncheon or an impromptu stop at a farm home, we heard hundreds of such observations and petitions as these during the week we were on the road. Rarely did a visitor broach a subject touching on foreign policy, but frequently the Congressman would bring the matter up himself, and we were often surprised by the intensity of the response.

"A summit conference? Sure, why the hell not? What have we got to lose? The cold war don't get any colder as long as we and the Russians sit and glare at each other there in Berlin and sort of dare each other to make the first move."

This was from a small town auto dealer, who added that his information was "pretty skimpy, because there's not much to read about these things in our papers, you know."

Often, discussion of the Berlin crisis elicited a note of skepticism: "I just wonder if it's worth going to war over," a gray-haired farmer with two draft-age sons observed. But most frequently we were told such things as: "We can't afford to back up one inch there, that's for certain"; or, "If we let the Russians push us around in Berlin they'll wind up pushing us out of Germany and everywhere else"; or, "I'm glad to see Eisenhower has got his mad up enough to stand his ground at last. I thought he'd never get around to it."

Strangely, to me at least, there seemed very little apprehension about the prospect of another war. In the district there are many German, Czech and Scandinavian families with strong roots in Europe and each has had at least one close kinsman soldiering somewhere in the world during the last ten or fifteen years. Yet, while their political esteem for President Eisenhower runs the gamut from active dislike to high praise, they all seem to have faith in his ability to keep us out of war.

"I think those Russians are just pulling a bluff in all this war talk," said Joe Holthaus, who raises hogs and beef cattle on 220 acres just outside of Oelwein, and with whom we had an impromptu 7 o'clock breakfast one morning.

"Look what the paper says this morning." He held up a copy of The Oelwein Daily Register with an eight-column banner proclaiming: "McElroy says U.S. is invincible."

"Well, I figure that's just about right, and that the Russians know it. We've got bases all around them—eighty-seven I think I read somewhere. If they send up a plane or a rocket against us we can loose planes or rockets against them from all those bases.

"They won't want a war as long as we keep strong ourselves. I think Ike is handling it just about right."

The topic on which they were most articulate was foreign aid, for this is something they can translate into terms of their own experience. In general, they are opposed to the idea of the Government handing out large sums in grants to foreign powers—"You give a man something, he doesn't appreciate it; but if you sell it to him, or make him a loan, he respects you. We gave Nehru $100,000,000 around Christmas time, and I can't see that we have made any better friends of the Indians."

On the other hand, they seemed generally to accept the obligation of the United States, or even of the United Nations, to help the underdeveloped nations of the world to get on their feet; this country, they said, was once a struggling colonial nation itself.

But why, many of them asked, could not our vast and so-far useless food surplus be used instead of dollars to further our mutual aid program?

"Why can't we send them corn and wheat and dried milk and even processed meat instead of money?" one asked. "Most of those people over there can't do a decent day's work because they are hungry all the time. And here we sit with more than we know what to do with. If they had enough food in their bellies they could build the roads and the dams and the things they need instead of our building them for them."

They were keenly interested in the Congressman's plan to introduce legislation to expand the operations of Public Law 480, which provides for a limited use of agricultural surpluses in the foreign aid program. Many, it turned out, had written to him in Washington about this. For this is a subject that has been much discussed in farm organization bulletins.

More often than not, the Congressman's visitors protested embarrassedly that they just didn't keep up very much with what went on in the world beyond their own farm gates. But occasionally his probing would strike an unexpectedly sensitive nerve, as it did one night in the little city of Vinton. His visitor at the moment was a stolid, leather-complexioned farmer he called Emil. When the business at hand was concluded the Congressman tilted his chair back and asked speculatively:

"How do you think we are doing in the field of foreign affairs, Emil? Do you have any special thoughts or worries about that?"

The older man's forehead was furrowed momentarily in thought, then he said:

"You want to know what I'm worried about, Len? It's that we ain't getting anywhere with the Russians on this atom bomb testing. I'm as sure as we are setting right here that if we keep it up—and they keep it up—all that fall-out is going to affect our land. It's going to get into the crops we grow and it's going to get into our hogs and cattle, and God knows what it will do."

The Congressman's chair came down with a bang.

"Say, that's an interesting viewpoint, Emil. How much are other people around here worried about this? . . . Let's call in some of these other folks waiting in the other room there and let's kick it around some."

He opened the door to the waiting room of his trailer, where a dozen men and women were awaiting their turn to see him.

"Some of you folks crowd in here," he called. "Emil was just telling me that one of the things he's most concerned about is what the fall-out from atomic explosions

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might do to a farmer's crops and his cattle. Any of the rest of you been thinking about that?"

"You danged right we have over in my neighborhood," an overalled farmer said belligerently. "We were talking about it at the Farmers Union meeting just the other night. 'Course, you can't see where its done any harm now. But the thing about this stuff, as I read it, is it creeps up on you, and once you've got it, or once it gets into your soil, its there for good."

"I read in the paper the other day," a woman broke in, "that Iowa and Minnesota get more of this strontium 90 than any other states in the union. It gets into the milk . . ."

"Looks to me," said another, "that the Russians are willing to call a halt but that our people ain't. Why should that be?"

"You know you can't trust the Russians. Look what they are trying to do in Berlin right now * * *"

"All right; but if they sign an agreement not to fire off any more bombs, and then they do fire one, we've got ways of finding out about it * * *"

"One thing for sure, the United States ought not to be the one to back away from trying to get an agreement on this thing."

After about ten minutes of this lively colloquy the Congressman held up his hands for quiet.

"Okay, okay," he said. "This is real news to me, to find out how you feel about this. I agree with you that it's a terribly important problem. Now what can I, as a freshman Congressman, do about it? What do you think I ought to try to do about it? * * * Emil?"

"Well, I don't hardly know, Len. If we could just get to some sort of understanding with the Russians . . ."

In a week of such give and take as this, repeated many times a day in communities all over his district, Congressman Wolf did not pick up many usable ideas on what to do about the nation's ills, but he got a vivid picture of which of those ills are closest to the hearts and minds of his constituents. Price supports, mounting surpluses of corn and wheat, the price of hogs and milk, unemployment and inflation, how to get a job as a mail carrier—these are universal concerns.

But a great many of those who came to see him—one in four or five, perhaps—voiced more cosmic worries. Volubly sometimes, haltingly at others, rarely with sharp insight and definition, they talked feelingly of things beyond the limits of their own creek bottoms and townships.

"What they want," Representative Wolf said at the end of his visit, "is more information about these things than they are getting from their local newspapers and radio and television stations. They have begun to see that the problems of Berlin, of the underdeveloped nations, of international control of atomic energy all have meaning for them as farmers and businessmen.

"I'm going to give very serious thought in the next few weeks to trying to set up a series of foreign affairs forums for them, bring out some experts from Washington. I believe it would go over big."

These people's range of interests has expanded substantially in the past ten years—since, say, an oldest boy came home from Korea or since they have become aware of the brutal paradox of their bulging grain bins and the starving masses of Asia.

They may not be attuned to the subtler nuances of the international power struggle, but they firmly believe that American abundance is a good currency with which to buy world peace. Food, they have been told, is our greatest natural resource, and the only one that is replenishable year after year. Some way, somehow, they believe, the answer to the cold war lies in their hands.

Mr. HECHLER of West Virginia. Mr. Speaker, I should like to join my other colleagues in paying tribute to a very dedicated man we shall sorely miss and the Nation will miss.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. CULVER. I am pleased to yield to the gentleman from Wisconsin.

(Mr. KASTENMEIER asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, after consultation early last week with the gentleman from Iowa (Mr. CULVER), I, on his behalf, announced for the first time the passing of our friend and former colleague Leonard Wolf.

He was a very close friend of mine, and there is little I can add, I fear, to the eloquence and the warm and thoughtful comments of my colleagues on his life, times, and the meaning and the dedication of his service to human kind.

I was glad that my colleague who just preceded me suggested, in addition to his deep and lasting concern for the poor and hungry, that he had a very deep and lasting concern also for the cause of world peace.

When he left the Congress, many of us did not see him very often, because for years he was in the remote areas of Brazil attending to one of the most needful areas of the world in terms of food and hunger. He was the one who, more than anyone else was responsible for a program called "Ninos," a program serving the needs of children so that they might live rather than die from malnutrition and hunger.

His work at home in this country, in Brazil, and in India—all these things—I believe are already in the public record and are well known. Less well known, perhaps, is that he loved the Congress so well. He spearheaded, with one or two others, the very recent formation of the Association of Former Congressmen. I hope that, along with organizations like the Freedom from Hunger Foundation, this association will live and prosper, for it, in a very real sense, will be a monument and a testimonial to Leonard Wolf.

Leonard meant a great deal to me. He was from the very area of the country I am from. He was born in my district, and on last Wednesday he was returned, and his remains were laid to rest there for the last time, at the age of 44.

I believe that all who knew him and were aware of what he did for this country and for the causes in which he believed, know that his spirit will live very much longer.

My wife, Dorothy, and I would like to extend our sympathy to his wife, Lyn, to his beautiful children, to his brothers, and sisters, and a really great group of people, his relatives, his friends, and close working associates, all of whom mourn his passing and miss the inspiration of his living.

At this point, I would ask permission to have inserted in the RECORD two items that have been sent to me, which speak of the kind of man Len was and the kind of work he did. The first—a more personal statement—was sent to me by Mr. Frank Wallick, editor of the UAW Washington Report. Mr. Wallick worked with Len on Young World Development activities, and, upon learning of Len's death, wrote the following letter to the editor of the Madison, Wis., Capital Times. The second is an editorial which appeared, also in the Capital Times, commenting on Len.

WASHINGTON, D.C.,
March 31, 1970.

EDITOR,
The Capital Times,
Madison, Wis.

DEAR SIR: The death of Leonard Wolf was a tragic loss for the nation for many reasons, but there is one aspect to his death which I hope many of the people in the Madison area will recall. Len Wolf, as the prime organizer of the hunger marches, did much to galvanize the energy and enthusiasm of young people in this country. He reached into the political boondocks with an idea which gave young people something to do. He had boundless energy and zest for life himself and much of this he managed to transfer to others.

I sat in many meetings with Len as a representative for the UAW on the Freedom from Hunger Foundation, which Len brought back to life. There are meetings that drone on for hours and rarely accomplish anything worthwhile, but there was never a dull moment when Len was present. He was beside himself with joy and excitement as he saw the youth marches grow and catch on. And there were something. Such a simple idea, but what a marvelous way to use and build on the idealism of young people. My own 15 year old daughter marched in Washington and collected over $100 and it was for her the high point of an otherwise dreary year for a bewildered adolescent. I am sure that thousands upon thousands of other American young people must have had the same experience.

If there is any one monument we can raise for Len Wolf, it is to continue the youth marches as a practical way to give outlets to young people who yearn to do something.

Sincerely,

FRANK WALLICK,
Editor, UAW Washington Report.

[From the Madison (Wis.) Capital Times, Mar. 30, 1970]

LEN WOLF: A GOOD MAN DIES

Mazomanie-born Leonard Wolf died Saturday in a Washington hospital after a lengthy battle with cancer. Death at 44 is untimely for any man, but in the case of Mr. Wolf it cut short a unique career of service to this his fellow men.

Len Wolf was one of the several thousand young World War II GIs who flooded the University of Wisconsin campus after the war and gave Wisconsin an elan and a yeasty air of intellectual challenge. He served as a representative of Iowa's Second Congressional District in 1959–61. President Kennedy appointed him to head the Food For Peace Program in Brazil and served from 1961–65.

At the time of his death he was the executive director of the American Freedom from Hunger Foundation, and supervised the "Hunger Walk" here and elsewhere in 1968 and 1969.

He came to Madison to personally take part the first 31-mile hike and walked more than one-third of the route, in a driving rain.

The world is poorer because of the death of Len Wolf.

Mr. CULVER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Speaker, Mr. Wolf visited our office on several occasions and I remember him as a pleasant and good man. He brightened our office considerably with his thoughtfulness and was held in high respect by all of us and in particular by my caseworker, Mrs. Ruth Witte, who was a former and devoted staff member of his.

We are all saddened over his untimely loss and extend to his family our sincere sympathy.

Mr. ALBERT. Mr. Speaker, I learned with shock and sorrow of the passing of our former colleague, the Honorable Leonard Wolf, who represented the Second District of Iowa during the 86th Congress. At the age of 44, he was at the height of his powers. His death is a great and genuine loss to the people and causes he served.

Leonard represented a great agricultural district. He was born on a farm and graduated from the University of Wisconsin with a degree in agricultural economics. Leonard and I shared an interest and concern with rural problems. He was acutely aware of the unmet basic needs of much of the world's population and determined to do what he could to help alleviate such deprivation.

Although his service was brief, Leonard loved this House. His dedication was expressed in his zealous efforts and his spirit of cooperativeness which won him the respect and affection of his colleagues.

Subsequent to his service in the House, Leonard was appointed special assistant to the International Cooperation Administration Mission in Brazil. He devoted 9 years to helping alleviate hunger and starvation in remote areas of Brazil in the food-for-peace program. He also worked in the food program for India and in our own country for the Freedom from Hunger Foundation.

Leonard Wolf's death was untimely but the brief years of his life were spent fruitfully. His work stands as a monument not only to himself but to the cause of mankind. May this knowledge comfort his widow and their three children, to whom I extend my deepest sympathy.

Mr. BOGGS. Mr. Speaker, it was with a great deal of sadness that I learned of the tragic and untimely passing of my good friend and former colleague, Congressman Len Wolf of Iowa.

The State of Iowa—and indeed this country and the world—lost an able and devoted leader with the passing of Len Wolf.

A native of Wisconsin, a graduate of agricultural economics of the University of Wisconsin, Len Wolf spent most of his adult life in the great farm belt of the United States.

It was his background and his training and most importantly, his compassion, which led him to devote most of his life in the effort to eradicate world hunger. As a Congressman and, later as Director of the American Freedom From Hunger Foundation, the elimination of world hunger was the single most important goal of Len Wolf's life.

I think it appropriate that we remember Len Wolf for what he was: a gifted and compassionate human being who devoted his life to the service of his fellow man to alleviating that most ancient of human miseries—hunger.

Mrs. Boggs joins me in mourning the loss of a good friend and a remarkable man.

Mr. GRAY. Mr. Speaker, I rise today with great sadness in learning of the passing of my dear friend and former colleague Len Wolf. It was a real priviledge to know and to serve in this great body with Len. He was a fine ana gentle person. He had a great compassion for his fellow man. His work in the food-for-peace program was a great testimony to his personal desire to help people, poor people. He was an important Member of Congress in many other ways. He contributed much to the space program. He was an outstanding spokesman for our needed domestic programs. He was a wonderful father and husband. I hope his family will take great comfort in the fact that Len was loved and respected by all who knew him. I want to thank my friend Mr. CULVER for taking this time to pay tribute to the life and memory of Len Wolf and to extend deepest sympathy to all the members of his family.

GENERAL LEAVE TO EXTEND

Mr. CULVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the passing of the late Leonard Wolf.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EDUCATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, earlier today our Appropriation Committee voted out the education portion of the regular HEW bill approximating $4 billion. This funds all the activities directly connected with and administered by the U.S. Office of Education.

This is by no means the extent to which the Federal Government is funding activities in the field of education. There is a good deal more.

Earlier this year I read into the record a compilation of all Federal expenditures for research and on another occasion all those Federal expenditures for health.

Now today, Mr. Speaker, I would like to do the same for education. The Federal budget for fiscal year 1971 provides for a total expenditure of $7,343,487,000 broken down as follows:

THE JUDICIARY

[In thousands]

	Fiscal 1969 actual	Fiscal 1970 estimated	Fiscal 1971 estimated
Federal Judicial Center, salaries and expenses: Education and training	$36	$120	$165

The Center is charged with the responsibility for furthering the development and adoption of improved judicial administration in the courts of the United States.

FUNDS APPROPRIATED TO THE PRESIDENT

	1969 actual	1970 estimated	1971 estimated
Appalachian regional development programs: Vocational education facilities	$13,990	$25,138	$25,000

Grants are made to States and local districts within the Appalachian region for the construction and equipment of vocational education facilities in Appalachia. Vocational education facilities are key elements for the training and upgrading of potential and existing labor force entrants in skills required in commercial and other vocations. Grants are administered through the Office of Education.

OFFICE OF ECONOMIC OPPORTUNITY

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Economic Opportunity Program: Child development programs (delegated to Department of Health, Education, and Welfare):			
Headstart	$338,200	$328,200	$332,400
Follow Through	14,300	32,200	38,600
Total	352,500	360,400	371,000

Headstart. Operated under delegation agreement by the Office of Child Development in the Department of Health, Education, and Welfare, this program is a major element of the administration's emphasis on child development during the first 5 years of life. Funding for experimental programs will permit expansion of testing and evaluation of different program models and some locally developed experimentation.

Follow Through. This program is designed to develop more effective educational techniques for poor children in the early elementary years. Follow Through is delegated to the Office of Education of the Department of Health, Education, and Welfare.

Under an amendment to the Philippine war damage legislation of 1963, a special fund for education derived from the Philippine war damage claims fund has been established to be used as jointly determined by the two Presidents for the purpose of furthering educational pro-

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grams to the mutual advantage of both countries.

PEACE CORPS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Gifts and donations, school partnership program	$342	$375	$400
Philippine education program:			
Assistance to secondary education project	6,154		
Science high school project		951	
Projects being negotiated			1,886
Total obligations	6,154	951	1,886

DEPARTMENT OF AGRICULTURE—EXTENSION SERVICE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Cooperative extension work, payments and expenses: Payments to States and Puerto Rico:			
Payments for cooperative agricultural extension work under Smith-Lever Act	$79,212	$111,269	$147,141
Payments and contracts under the Agricultural Marketing Act	1,501	1,462	1,451
Payments for cooperative extension work under the District of Columbia Public Education Act	72	360	672
Retirement and employees' compensation costs for extension agents	9,478	10,240	13,515
Penalty mail	3,299	3,400	3,617
Federal Extension Service	3,483	4,923	5,252
Total program costs, funded	97,045	131,654	171,648
Change in selected resources	40	80	3
Total obligations	97,085	131,734	171,651

The primary function of the nationwide system of cooperative extension work is out-of-school applied education in agriculture, home economics, and related subjects. This educational work takes research results, technological advancements, and situation and program facts of the Department, the State agricultural colleges and experiment stations, and incorporates them into a national educational program for action. In its educational role, the Service interprets, disseminates, and encourages practical use of knowledge. It transmits information from researchers to the people.

Payments to States and Puerto Rico. Funds appropriated under the Smith-Lever Act for payments to States and Puerto Rico are distributed primarily on the basis of farm and rural population and to a limited degree on the basis of special problems and needs. Funds appropriated under the Agricultural Marketing Act for educational work in marketing are distributed to the States and Puerto Rico on a matching basis under approved projects and on the basis of contracts. Funds are used primarily for the employment of State and county extension workers who work with rural families, marketing concerns, and others by providing advice and assistance in the application of improved methods involved in production, marketing, and family living. They assist local leadership to determine extension programs of work. Work with youth is accomplished largely through 4-H clubs. Funds also provide for Federal program support. Extension agents are paid from Federal, State, and county sources. The increase in this item will be used: to expand the nutrition education program for the poor, to expand extension services for State and multicounty rural development activities, to strengthen extension services in the District of Columbia for nutrition education and family living, and to provide for increased costs of program operations.

Federal Extension Service. The Service provides leadership, counsel, and assistance to the States and Puerto Rico in developing extension programs, improved teaching methods, efficient use of available resources, evaluation of programs, inservice training for extension personnel, and administrative services. The Service also coordinates the educational activities of other agenices of the Department. The increase provides for evaluation and pilot studies related to the nutrition and rural development programs and support of a cooperative agreement needed in carrying out the extension program in the District of Columbia.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Cooperation with Bureau of Indian Affairs on extension program with Indians	$32	$36	$36
Cooperation with Department of Defense on extension program work in rural defense information and education program	268	298	266
Teaching materials developed and Provided State extension services under cooperative agreement on a cost-sharing basis	21	78	78

DEPARTMENT OF COMMERCE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Ocean Shipping, Maritime Administration—maritime training:			
Merchant marine cadet training	$5,583	$6,415	$6,800
Property transferred in without charge	−39		
Total program costs, funded	5,544	6,415	6,800
Change in selected resources	−204	−46	
Total obligations	5,339	6,369	6,000

The U.S. Merchant Marine Academy at Kings Point, N.Y., trains cadets for service as officers in the U.S. merchant marine. A 4-year course is provided, including 1 year of sea duty, designed to qualify graduates for licenses as deck or engine officers.

The Academy provides subsistence, quarters, tuition, uniform, and textbook allowances, and medical and dental care for the cadets in attendance at the Academy. A small cadet training liaison group in Washington, D.C., provides staff assistance to the Maritime Administrator on training matters and assists in the selection and appointment of cadets.

STATE MARINE SCHOOLS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants to State marine schools	$375	$375	$375
Uniforms, textbooks, and subsistence of cadets	924	1,021	1,058
Maintenance and repair of vessels	821	625	977
Total operating costs	2,120	2,021	2,410
Property transferred in without charge	−160		
Total program costs, funded	1,959	2,021	2,410
Change in slected resources	29	−66	
Total obligations	1,989	1,955	2,410

The States of California, Maine, Massachusetts, New York, and Texas maintain schools for the training of merchant marine officers with Federal assistance given in the form of: direct grants of $75,000, if matched by State appropriations and if out-of-State students are enrolled; allowance to cadets for uniforms, textbooks, and subsistence; and repairs to Federal training vessels on loan to the schools.

The Maritime Academy Act of 1958 provides contract authority for the Secretary of Commerce to enter into agreements with States to provide the grants and allowances over a 4-year period. This act provides contract authority without limit as to the amount or fiscal year. The new budget authority includes the estimated obligations to be incurred under this authority. Maintenance and repair of training vessels are accomplished through annual appropriations.

STATE MARINE SCHOOLS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Maintenance and repair of vessels		$145	

A supplemental appropriation will be required for unanticipated repairs of damage to a training vessel for use in connection with the State marine school program.

DEPARTMENT OF DEFENSE—CIVIL

[In thousands]

	1969 actual	1970 estimated	1971 estimated
The Panama Canal, Canal Zone Government operating expenses, education	$13,005	$13,805	$14,956

This provides for the operation of schools, kindergarten through college, for the dependents of Canal Zone residents, the dependents of U.S.-citizen Government employees residing in the Republic of Panama, and on a space available basis, certain other residents of the Republic of Panama. There are two school systems, one for U.S. citizens,

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the other, which is conducted in the Spanish language, for Panamanians and other non-U.S. citizens. There also are specialized facilities for the handicapped.

CAPITAL OUTLAY—CIVIL FUNCTIONS—EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Improvements and replacements to educational facilities	$450	$606	$242

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[In thousands]

	1969 actual	1970 estimate	1971 estimate
Health Services and Mental Health Administration: St. Elizabeths Hospital: Training and education	$1,179		

During 1969, a portion of the financial support for the National Center's Division of Intramural Training was derived from this activity, with the remainder of the program funded under the manpower development activity of the mental health appropriation. The function of the division is to provide multidisciplinary clinical training for professional and ancillary personnel engaged in or interested in mental health activities. Effective in 1970, all of the funding for the Division of Intramural Training is being derived from the mental health appropriation.

NATIONAL INSTITUTES OF HEALTH

[In thousands]

	1969 actual	1970 estimate	1971 estimate
National Cancer Institute—Grants:			
Fellowships	$4,366	$3,610	$3,348
Training	11,636	10,774	10,747

Postdoctoral and special fellowships and career award and career development fellowships will be supported.

Grants are awarded to accredited schools for the improvement of instruction in the curriculum; clinical training grants are awarded for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships.

NATIONAL HEART AND LUNG INSTITUTE—GRANTS

[In thousands]

	1969 actual	1970 estimate	1971 estimate
Fellowships	$6,933	$6,563	$6,195
Training	18,800	16,943	17,643

Note: Fellowship awards will be supported.

For undergraduate training, funds will provide assistance to schools of medicine, osteopathy, and public health. Funds will also provide for grants for graduate research and clinical training.

NATIONAL INSTITUTE OF DENTAL RESEARCH—GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships	$1,765	$1,529	$1,367
Training	5,492	5,206	5,206

Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, predoctoral and postdoctoral fellowships, and career development and career awards.

Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences and to conduct research.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES—GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships	$6,737	$5,482	$5,094
Training	16,109	15,072	15,072

Fellowships will be supported and grants will be awarded to accredited schools for the improvement of instruction.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE—GRANTS

[In thousands

	1969 actual	1970 estimated	1971 estimated
Fellowships	$3,630	$2,657	$2,595
Training	19,502	14,300	14,300

Fellowships and graduate training grants will be supported. The latter are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology, ophthalmology, and otology. Traineeships will be awarded to individuals for specialized postgraduate training.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES—GRANTS

In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships	$4,035	$3,581	$3,504
Training	9,463	8,972	8,972

Fellowship awards will be made and funds will be provided for grants to train individuals in allergy and immunology, tropical medicine, infectious diseases, parasitology, mycology, and rickettsiology.

Postdoctoral and special fellowships, career awards and career development fellowships, and training grants will be supported.

Fellowships and graduate training grants will be supported. The latter are made to training institutions to establish and improve programs to prepare clinical investigators and laboratory scientists for research and academic careers in disorders of the eye and visual system.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES—GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships	$21,373	$17,626	$17,142
Training	46,901	44,477	43,746

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT—GRANTS

Fellowships	$4,192	$3,616	$3,653
Training	10,012	9,392	10,142

NATIONAL EYE INSTITUTE—GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships		$876	$876
Training		2,998	2,998

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES—GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Fellowships	$194	$164	$264
Training	3,650	3,617	3,117

Under the fellowship program, predoctoral, postdoctoral, special, and research career development awards are made to graduate students and scientists for training in the field of environmental health sciences.

The graduate research training program supports the availability of high quality training opportunities in environmental health. It has a threefold goal: to increase the number of highly qualified scientists primarily concerned with environmental health, to enable training institutions to strengthen and to enrich the research training capabilities, and to expand opportunities for environmental health research training in a greater number of graduate institutions throughout the United States.

Institutional support. The principal agents of this activity are grant programs directed toward enhancing the educational experience of students entering the health and allied health professions resulting ultimately in better health service to the Nation. Schools use these funds to support and enlarge faculty staffs, expand library holdings, modify existing and add new curricula, modernize teaching laboratories, and purchase educational aids and equipment. A substantial increase is requested in 1971 for these activities, of which $5 million is for the physician augmentation program initiated in 1970.

Improving the utilization of limited resources of health professionals requires appraisal of the various types of personnel needed and the identification of new categories of allied health professionals and technicians for more effective team

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practice. In 1971, allied health new methods grants will support projects to develop curricula to produce personnel requiring newly identified skills.

Student assistance is of two kinds: graduate and specialized, comprising traineeships and research fellowships; and undergraduate, comprising scholarships and student loans. Research fellowships support candidates at the predoctoral and postdoctoral levels for research training in special fields related to studies for improving nursing care. Traineeships support the graduate and specialized preparation of teachers needed to expand and improve curriculum offerings, and the advanced training needed by supervisors, administrators, and other specialists in nursing, public health, and the allied health professions. Allied health short-term training will be provided for the first time in 1971.

HEALTH MANPOWER

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Institutional support:			
Medical, dental, and related	$56,288	$101,400	$113,650
Nursing	5,657	7,000	11,000
Public health	8,429	9,471	9,071
Allied health professions	8,598	10,988	14,245
Student assistance:			
Traineeships	19,381	30,027	23,220
Scholarships and opportunity grants	20,071	34,857	37,000
Loans	30,602	22,473	21,610
Manpower requirements and utilizations:			
Grants	3,895	4,082	4,082
Direct operations	9,046	11,003	12,508
Program direction and management services	1,297	1,668	1,798
Total program costs, funded	163,263	232,969	248,184
Change in selected resources	23,420		
Total obligations	186,683	232,969	248,184

Nursing and health professions scholarships enable deserving students from low-income families to pursue their education. Students of veterinary medicine became eligible for scholarships for the first time in 1970. Schools make scholarship awards to students who, in the judgment of the school, have an exceptional financial need. The student loan programs for the health professions, including nurses, are also designed to help provide an adequate supply of health manpower and to assure that the needed supply of health professions and nursing manpower is drawn from the most capable individuals, but particularly to assure that students from low-income families can enroll for health professions training. The 1971 program, as did the program in 1970, concentrates on making these loans to students from lower income families. Loans from the revolving funds are not planned for 1971.

Pursuant to authority contained in the appropriation language, under certain conditions sums may be obligated for student assistance programs in advance of their being appropriated in order to facilitate the enrollment of students in health profession and related schools. The timing of these obligations, which is reflected in the schedules, does not affect the actual training of the students which is by academic year. Increases in appropriations for allied health traineeships and for nurse scholarships are requested.

Manpower requirements and utilization. Grants. Research grants support studies in the areas of physician methods and techniques, continuing physician education, effective use of health manpower, nursing care, and methods to deliver nursing care to patients. Research training grants enable institutions to establish training programs in fields where there is unusual demand for researchers having skills in nursing specialties and in the field of educational research.

Direct operations. Funds are provided for programs to assess requirements, availability, and quality of health discipline education; provide professional guidance and leadership to meet the goals of nursing care by means of research, consultation, application of research findings, and administration of grants; develop, administer, and support grant and operational programs to increase the supply and improve the education, utilization, and effectiveness of manpower in the health occupations; for servicing training and construction grants, student loans, scholarships, and operational programs for training of personnel. The budget for 1971 includes increases for services and technical assistance related to expanded grant programs; continuing education and other physician manpower programs; nurse recruitment and refresher training contracts; and initiation of a program to encourage returning veterans to enter the health field.

Program direction and management services. The Bureau of Health Professions Education and Manpower Training provides a national focus for health manpower activities. The Bureau guides and supports health manpower programs, designs proposals to meet needs for new or revised health manpower programs, coordinates research and program reporting activities, and provides technical guidance and coordination to Bureau activities.

DENTAL HEALTH—GRANTS

	1969 actual	1970 estimated	1971 estimated
Fellowships	$63	$150	$150
Training	1	4,301	4,301

Research fellowships support candidates for advanced degrees to prepare them to conduct research to help improve dental health in the area of dental education, preventive dentistry, organization and delivery of dental services, and dental diseases.

Funds are provided to dental schools to support programs to train students to use dental auxiliaries. Research training grants support programs for training researchers in the applied dental sciences to produce high-quality investigators. Projects to provide continuing education for dental practitioners will be supported.

Teaching facilities. Federal grants are provided on an individual project basis to assist in the construction of medical, dental, pharmacy, optometry, podiatry, veterinary, osteopathy, and public health teaching facilities, schools of nursing, and for training centers for allied health personnel.

Allied health professions personnel. Matching grants are made to public and other nonprofit schools for construction, expansion, and rehabilitation of teaching facilities as training centers for technical and other allied health personnel.

CONSTRUCTION OF HEALTH EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants for construction of teaching facilities:			
Medical, dental, and other health personnel	$130,073	$141,122	$118,100
Nurses	18,644	8,137	8,000
Allied health professions personnel	3,008		

HEALTH EDUCATION LOANS—HEALTH PROFESSIONS EDUCATION FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Loans to health professions schools	$12,197	$6,088	
Interest	1,567	2,365	$3,595
Total obligations	$13,764	$8,453	3,595

The Allied Health Professions Personnel Training Act of 1966 amended title VII, part C, of the Public Health Service Act to establish a revolving fund from which schools may obtain loans to provide loans to health professions students.

In 1971 no new loans will be made as the fund will be depleted.

NURSE TRAINING FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Loans to schools of nursing	$5,113	$4,040	
Interest	449	1,188	$2,116
Total obligations	5,562	5,228	2,116

The Allied Health Professions Personnel Training Act of 1966 amended section 827 of the Public Health Service Act to establish a revolving fund to provide loans to nursing students.

In 1971 no new loans will be made as the fund will be depleted.

Aid to school districts. Educationally deprived children. Grants are made to schools to expand services for children from low-income families; for handicapped children, dependent and neglected children, and orphans and juvenile delinquents in State institutions; and for children of migratory workers.

Supplementary services. The administration has submitted legislation to consolidate the separate authorities for all supplementary services grants under titles II and III of the Elementary and Secondary Education Act and titles III-A and V-A of the National Defense Edu-

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cation Act. Under this consolidated authority grants will be made to States for: development of programs which serve as models for improving and supplementing the regular school curriculum; school library resources; guidance, counseling, and testing; and equipment and minor remodeling. In 1971, States will be encouraged to use these grants to fund "start-up" costs associated with new education models, especially in connection with the "right to read" program.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Health manpower	$1,747	$2,129	$2,175
Office of Education:			
Elementary and Secondary Education:			
Aid to school districts:			
Educationally deprived children	1,122,843	1,226,000	1,300,000
Supplementary services	309,629	116,393	116,393
Federally affected areas:			
Maintenance and operation	505,899	187,000	
Construction	52,753	14,416	21,049
Dropout prevention	4,997	15,000	15,000
Bilingual education	7,500	10,000	10,000
Strengthening State departments of education	29,691	29,750	29,750
Planning and evaluation	199	8,825	9,250
Early childhood programs	1,000		
Total obligations	2,034,511	1,607,384	1,501,442

Federally affected areas. Maintenance and operations. Payments are made to assist schools in areas where enrollments are affected by Federal activities. The eligible districts are located in all States, Puerto Rico, various outlying areas, and the District of Columbia. Under certain circumstances, payments are made to other Federal agencies to make arrangements for education of children where local school districts do not assume the responsibility. The 1970 estimate is based on the amount necessary to make payments to districts on behalf of students whose parents both live and work on Federal property and therefore do not contribute to the financial support of local schools. For 1971, legislation will be proposed to revise the authorizations for support of schools in areas where Federal installations affect school attendance. A study has been undertaken to examine the inequities of the present provisions and to suggest some alternative courses of action which would authorize Federal grants consistent with the fiscal problems of school districts involved. On the basis of this study and other relevant concerns, the proposed legislation will concentrate payments for those districts where Federal impact is greatest, allowing for local tax effort and fiscal capacity.

Construction. Payments are made to assist in construction of schools in areas where enrollments are affected by Federal activities.

Dropout prevention. Grants are made to local school districts for innovative projects in poverty area schools leading to new methods and techniques for reducing the incidence of dropouts. Dropout prevention through "performance contracting," special methods of diagnosing individual needs, and a variety of means for increasing the relevance of education to potential dropouts are being tested during 1970.

Bilingual education. Grants are made to local educational agencies to develop, establish, and operate programs for bilingual education of children from homes where English is not the native language. Federal funds also support preservice and inservice training for professional personnel participating in such programs.

Strengthening State departments of education. The leadership ability of State educational agencies is improved by grants to assist them in developing systematic and technically proficient planning and evaluation activities, and in stimulating and supporting research and statistical and technical assistance for local school systems.

Planning and evaluation. Funds are made available for planning succeeding year programs or projects and evaluation of such programs and projects. Funds may also be made available to the State and local educational agencies so that they may systematically plan for the effective use of Federal support.

EDUCATION FOR THE HANDICAPPED

[In thousands]

	1969 actual	1970 estimated	1971 estimated
State grant programs	$29,237	$29,250	$31,900
Early childhood projects		2,850	4,000
Teacher education and recruitment	30,149	30,475	32,100
Research and innovation	19,328	21,530	26,500
Planning and evaluation			500
Total obligations	78,714	84,105	95,000

State grant programs. Grants are made to States to assist in the initiation, expansion, and improvement of programs and projects for education of handicapped children at the preschool, elementary, and secondary school levels.

Early childhood projects. Grants are made for planning and for operational support for centers to provide educational, diagnostic, and consultative services for preschool handicapped children and their parents.

Teacher education and recruitment. Grants are awarded to support training of teachers, supervisors, speech correctionists, researchers, and other professional and subprofessional personnel in fields related to the education of the handicapped.

Research and innovation. Grants and contracts are awarded for the development of new curricular materials, teaching techniques, research and development centers, and other research and demonstration projects. In 1971 large programmatic efforts will replace many of the small awards of previous years. More awards will be continued, providing intensive research in critical areas. As a result, fewer new awards will be made.

Grants and contracts are awarded for the establishment and operation of regional resource centers to develop and apply the methods of appraising the special educational needs of handicapped children. Grants are also made for model centers to provide diagnostic, educational, and related services to deaf-blind children and for research in the field of physical education and recreation for handicapped children. Contracts are made for the acquisition, captioning, production, and distribution of films and other educational media, for conducting research in the use of educational media, and the training of persons in the use of the materials for the handicapped.

Planning and evaluation. Funds are made available for grants, contacts, or other payments for planning succeeding year activities or projects and for conducting evaluation studies.

VOCATIONAL AND ADULT EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Basic vocational education grants:			
Annual	$248,102	$249,216	$247,346
Permanent	7,161	7,161	7,161
Cooperative work education		14,000	24,000
Vocational research and innovation		14,150	25,650
Adult basic education			55,000
Planning and evaluation		900	1,000
Insured loans	3,765		
Total obligations	259,028	285,427	360,157

Basic vocational education grants. Matching grants are made to the States for vocational education programs, including the construction and remodeling of facilities. The Vocational Education Amendments of 1968 require that at least two-fifths of these grants be used for programs for children from low-income families, the physically and mentally handicapped, and postsecondary courses. In 1971, the States will be encouraged to use more than the required minimum of 15 percent of basic grants for disadvantaged students. Funds are also used to support the National Advisory Council on Vocational Education and the State advisory councils. Matching grants to States for consumer and homemaking education are also included in this program activity; at least one-third of these funds are to be used in economically depressed areas.

Cooperative work education. Grants are made to States for support of cooperative work education programs which combine work experience with formal education. Funds are used for supervisory and other costs of instruction. Local school districts arrange with private industry or public agencies for employment related to student vocational objectives; employers pay wages equal to the value of work produced. In 1971 a proposal will be made to combine the separate authorities for work-study and cooperative education programs.

Vocational research and innovation. Grants are made to States, colleges, universities, and other institutions to develop new models for upgrading vocational education programs and for stimulating new ways to create a bridge between school and earning a living for school dropouts and youth who graduate from

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high school lacking employable skills. Grants are also made for the development of curriculums for new and changing occupations. In 1971, a proposal will be made to expand the authority for exemplary projects to incorporate complementary provisions now contained in separate authorities for curriculum development and research activities.

Adult basic education. Grants are made to the States for support of basic educational programs attended by adult 16 years and older who wish to overcome English language limitations, prepare for occupational training and more profitable employment, and participate more effectively in our modern society. This program, previously carried under community education, has been transferred to this account for 1971.

Planning and evaluation. Funds are made available for grants, contracts, or other payments for planning succeeding year activities or projects and for conducting evaluation studies in vocational and adult education.

HIGHER EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Student assistance:			
Educational opportunity grants	$145,929	$176,033	$185,600
Work-study grants	143,434	156,611	160,000
Direct loans	185,878	161,900	141,900
Insured loans	60,133	113,952	149,841
Special programs for disadvantaged students	3,998	44,601	50,000
Institutional assistance:			
Aid to land-grant colleges	14,550	21,961	2,600
Strengthening developing institutions	30,000	30,000	33,850
Language training and area studies	15,696	18,000	6,000
Construction:			
Grants	247,811	45,244	
Subsidized loans		11,750	24,920
State administration and planning	6,965	6,000	6,000
Federal administration	3,607	5,439	5,100
Undergraduate instructional equipment	14,478		
College personnel development		66,163	57,350
Planning and evaluation		900	1,000
Total obligations	872,479	858,554	824,161

Student assistance. Funds are allotted to colleges and universities to provide: educational opportunity grants for financially needy undergraduate students, work-study grants for part-time jobs during the school year and full-time summer jobs for students in need of financial assistance to continue their education, and capital contributions to National Defense Education Act student loan funds. Advances are made on a matching basis to State and nonprofit private loan insurance funds to guarantee loans to college and vocational students, and payments are made to reduce interest costs for students in college whose adjusted family incomes fall below $15,000. A special allowance is provided to lenders when money market conditions make payments essential to the purposes of the program. For disadvantaged students, grants and contracts are supported for the upward bound program to motivate high school students to attend college and improve their academic preparation, the talent search program to identify youths with exceptional potential for a college education and publicize available sources of financial aid, and special remedial and other services for enrolled college students to encourage and assist them in continuing their higher education.

Institutional assistance. Grants are made to raise the academic quality of developing colleges, to aid land-grant colleges, to encourage language and area studies, and to facilitate construction of academic facilities. Those predominantly negro colleges which previously received funds under the discontinued annual land-grant college program will now receive equivalent support from the developing colleges program. The permanent appropriation colleges for agriculture and the mechanic arts is consolidated with the higher education appropriation in this budget. The 1970 level includes a one-time endowment for Federal City College of the District of Columbia. The appropriation Education in foreign languages and world affairs is consolidated with higher education in this budget. The funds support establishment and development of institutional programs of research and study in modern languages, area studies and world affairs, and the training of individuals in those fields.

Annual interest grants, which reduce the costs of loans from non-Federal sources for the construction of academic facilities, are awarded to colleges, universities, junior colleges, and tehnical institutes. These grants have replaced direct Federal loans and grants for construction. Grants are made to assist State commissions in administering undergraduate construction grants and in comprehensive planning of future higher education construction. Technical engineering and other review services are provided for construction projects.

College personnel development. Grants are made to universities for fellowships leading to a doctorate for prospective college teachers. Grants and contracts provide full costs of institutes and other training programs to train college teachers, administrators, and educational specialists, especially at 2- and 4-year colleges.

Planning and evaluation. Funds provide for long-range planning of higher education programs and for program evaluation, particularly in the areas of student aid, graduate education, and developing colleges.

EDUCATION PROFESSIONS DEVELOPMENT

[In thousands]

	1969 actual	1970 estimated	1971 estimated
State grants	$14,960	$15,000	$15,000
Personnel development programs	77,919	80,000	89,000
Teacher Corps	20,814	24,737	30,800
College personnel development	76,900		
Planning and evaluation			1,300
Total obligations	190,593	119,737	136,100

State grants. Grants are made to States to recruit and train persons for careers as elementary and secondary teachers and teacher aides.

Personnel development programs. Grants are made to higher education institutions, to educational agencies in every State, and to local school systems to help meet critical shortages of educational personnel, to improve the quality of teaching at the preschool through postsecondary vocational levels, for developing and strengthening teacher education programs, for disseminating new educational techniques, and for improving teacher utilization.

Under the Career opportunities program, grants are made to local school districts to help attract persons from low-income backgrounds, veterans, and college graduates into education careers in schools serving low-income populations. Grants to institutions of higher education are made to retrain experienced teachers in desegregating schools and to support graduate level training programs in critical manpower shortage areas.

Teacher Corps. Teams of experienced teachers and teaching interns are made available to serve, upon request, in schools located in neighborhoods with concentrations of low-income families. Federal grants in 1971 will be made to institutions of higher education for training of interns which will lead to an advanced degree, and to local school districts for payment of a portion of the salaries of both interns and experienced teachers during their periods of service.

College personnel development. This program is transferred to higher education in 1970 and 1971.

Planning and evaluation. Funds are available for grants, contracts, or other payments for planning succeeding year activities or projects and for conducting evaluation in education professions development.

COMMUNITY EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Public libraries:			
Services	$40,288	$23,209	$22,949
Construction	22,257	1,726	
College library resources	24,998	12,500	9,900
Librarian training	8,162	4,000	3,900
Cataloging by the Library of Congress	5,500	4,800	4,803
Educational broadcasting facilities		1,774	6,226
University community service programs	9,474	9,500	
Adult basic education	44,993	50,000	
Planning and evaluation			460
Total obligations	155,672	107,509	48,238

Public libraries. Services. Grants are made to the States on a matching basis for the promotion, development, and extension of public library services; interlibrary cooperation; State hospital, prison, and other institutional library services; and services for the physically handicapped.

Construction. Grants were made to the States on a matching basis for construction of library buildings. No new funds are requested in 1970 and 1971.

College library resources. Grants are made to institutions of higher education for acquisition of library books and materials. In 1971, grants will be made only to institutions with special needs because of outdated collections, growing student enrollments, or financial need.

Librarian training. Grants are made to higher education institutions for training and upgrading libraries to staff school, public, and academic libraries. In 1971, fellowships will be awarded only at the doctoral level and institute training will be increased with priorities for training librarians and paraprofessionals working in school and public libraries in poverty areas.

Cataloging by the Library of Congress. Funds are transferred to the Librarian of Congress for comprehensive cataloging of scholarly materials, providing an aid to the efficient management of college and university libraries.

Educational broadcasting facilities. Grants are provided under the Public Broadcasting Act for the establishment and expansion of educational television and radio facilities covering all phases of education from preschool through adult.

University community service programs. In 1971, this program will be terminated in its present form.

Adult basic education. This program is transferred to vocational and adult education in 1971.

Planning and evaluation. Funds are available for grants, contracts, or other payments for planning succeeding year activities or projects and for conducting evaluation studies in community education.

RESEARCH AND TRAINING

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Research and development	$77,572	$65,135	$71,339
Major demonstrations	1,000	4,725	5,000
Experimental schools		12,500	25,000
Dissemination	3,966	6,740	6,740
Training	6,709	6,350	6,250
Statistics		1,900	4,000
Construction	18,874	....	11,291
Total obligations	108,121	97,350	129,620

Research and development. These funds support a variety of research and development activities. In 1971, priority will be placed on reading, early childhood development, and evaluation of educational programs. A total of $4,500,000 is included for continuation of a national study of the educational attainment of the population under the administration of the Education Commission of the States. An amount of $5 million is provided for program evaluation studies. Research and development centers and educational laboratories will study specific problem areas and develop instructional programs for use in the Nation's schools.

Major demonstrations. Support will be provided for the demonstration of two model approaches to urban education—one, stressing community participation in school program planning and execution, in the Anacostia section of Washington, D.C., and the other in 1971 in the "new town" setting of Fort Lincoln community, also in the District of Columbia.

Experimental schools. Support will be provided to test, develop, and demonstrate comprehensive new approaches to increasing the achievement of students in actual school situations. The most promising research results already available—including, for example, curricular materials, different types of school organization and scheduling and new patterns of staffing—will be integrated and used in one school setting. A variety of educational approaches are under consideration, such as the community school, compensatory education, preschool programs, school and work programs, teacher "career ladders," and youth-tutoring-youth.

Dissemination. A network of clearinghouses is supported to transfer information from research and experimental projects in education to teachers, administrators, scholars, and research personnel. These clearinghouses select, evaluate, index, abstract, and disseminate information in important areas of education. In 1971, support will be provided for traveling expositions and seminars to acquaint educators with new developments in educational practices.

Training. Grants are awarded for the training of manpower to carry out educational research, development, evaluation, and related activities. Awards are also made to develop materials for use in such training programs. During 1970, the research training program will be reviewed to determine which efforts are producing the best results. New projects awarded in 1971 will be based on the outcome of the current review.

Statistics. Contracted studies and related services support the responsibilities of the National Center for Educational Statistics. These responsibilities involve the measurement of progress and of the status of education in the Nation. The work includes: the collection, compilation, analysis, and dissemination of statistics; work on standard educational terminology; and continued research in statistical survey methods and in the development of more efficient sampling techniques.

Construction. In 1971 grants will be made to procure program equipment items and to support facility needs for educational research and development laboratories and centers.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants to American institutions—obligations	$1,058	$1,029	$3,000

Foreign currencies which are in excess of the normal requirements of the United States are used to support projects which will add to educational and scientific knowledge in the United States. The funds support overseas research, training, and study activities of American institutions of education. These activities help improve the knowledge and abilities of U.S. educators and provide information on foreign educational developments that will be of value to American educational system.

SALARIES AND EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
School systems	$11,093	$12,678	$13,168
Higher education	8,238	7,915	8,312
Instructional resources	4,776	5,064	5,284
Planning, research, and evaluation	7,691	7,644	8,498
Executive direction and administration	10,659	11,376	11,471
Total obligations	42,457	44,677	46,733

The Office of Education administers grants-in-aid and provides technical assistance and statistical services to State education agencies, institutions of higher education, and libraries. It also supports training and recruitment of educational personnel, experimentation and development to improve education, and planning and evaluation of educational programs. This appropriation provides for management, staff services, and related expenses required in accomplishing the mission of the Office.

CIVIL RIGHTS EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training and advisory services	$9,239	$12,000	$18,300
Technical assistance and administration	1,440	2,000	5,700
Total obligations	10,679	14,000	24,000

Training and advisory services. Support is provided through university centers, State education agencies, and grants to local school boards for dealing with the problems arising from the desegregation of schools. Contracts and grants are made on the basis of relative need and the feasibility of proposals submitted to the Office of Education.

Technical assistance and administration. Federal staff provides technical assistance and consultative services to local school boards in the development and implementation of desegregation plans and administers grants and contracts described above.

CIVIL RIGHTS EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training and advisory services		$8,657	....
Technical assistance and administration		1,343	....
Total obligations		10,000	....

A supplementary request is anticipated to provide additional support for activities carried out under title IV of the Civil Rights Act of 1964. Under recent court orders, and as a result of the Supreme Court ruling of October 30, 1969, there is a sharp increase in requests for technical assistance from the Office of Education staff. In addition, requests are increasing for contracts to universities for advisory services to local schools and training of school staff, and for grants directly to local schools for training to facilitate desegregation.

EXPIRED ACCOUNTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Educational broadcasting:			
Facilities grants	$3,211	$1,082	
Administration	338		
Total obligations	3,549	1,082	

Grants and loans for educational broadcasting facilities, defense educational activities, and arts and humanities educational activities have been transferred to other Office of Education appropriations.

STUDENT LOAN INSURANCE FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operating costs, funded:			
Loss on insured loans	$109	$5,496	$6,177
Capital outlay, funded:			
Student loans purchased upon default by student borrowers	86	9,071	12,269
Total program costs, funded	195	14,567	18,446
Change in selected resources	243	1,821	−264
Total obligations	438	16,388	18,182

Under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965, the Office of Education received authority to insure loans to students in eligible institutions who do not have reasonable access to State or private nonprofit programs of student loan insurance.

The Higher Education Amendments of 1968 merged the National Vocational Student Loan Insurance Act into the Higher Education Act insured loan program, and, in addition to extending the Federal insurance program to June 30, 1971, authorizes the Office of Education to reinsure loans guaranteed by State and nonprofit private agencies at 80 percent of default by student borrowers.

Upon default by the student borrowers, the Office of Education will pay to the beneficiary the amount of the loss sustained by the insured upon federally insured loans and 80 percent of the loss sustained on reinsured loans guaranteed by State and nonprofit private agencies.

The fund takes over loans on which it pays insurance claims and seeks to collect on them. Loans which are deemed uncollectable are written off as "loss on insured loans."

The Higher Education Facilities Act authorizes loans for construction of academic facilities in higher education institutions.

The Participation Sales Act of 1966 established a revolving fund for these loans and authorizes the sales of such loans to the private credit market, the proceeds of which are deposited into the fund to be used for new loans to colleges and universities. The Government National Mortgage Association is authorized to serve as trustee for these sales.

In 1970, loans under this program have been replaced by the interest subsidy grant program under the higher education appropriation.

HIGHER EDUCATION FACILITIES LOAN FUND

[In thousands]

	1969 actual	1979 estimated	1971 estimated
Commission on sales of participation certificates	$42		
Interest expenses	11,323	$31,648	$25,290
Administrative expenses	3	5	5
Total operating costs, funded	11,368	31,653	25,295
Change in selected resources	−2	−2	−2
Total operating costs	11,366	31,651	25,293
Higher education construction:			
Loans to higher education institutions	80,046	77,158	100,000
Change in selected resources	−76,809	−77,158	−100,000
Adjustments in selected resources (loan obligations)	4,562	15,000	10,000
Total capital outlays	7,779	15,000	10,000
Total obligations	19,165	46,651	35,293

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
School systems	$2,264	$2,328	$2,328
Higher education	2,550	4,032	4,069
Planning, research, and evaluation	422	160	160
Executive direction and administration	79	113	113
Total obligations	5,315	6,633	6,670

SOCIAL AND REHABILITATION SERVICE—WORK INCENTIVES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training and incentives:			
On-the-job training	$791	$900	$1,800
Institutional training	21,740	66,400	99,400
Work experience and orientation	5,037	9,150	12,960

Each activity below includes costs of training, incentives, and related program services.

On-the-job training. This activity provides costs of on-the-job training both regular and full cost. Included in this activity are supervision, counseling, vocational training, and all other manpower services required to rehabilitate welfare clients through on-the-job training.

Institutional training. This activity provides for classroom training, vocational education, and workshop training in clerical, service, and semiskilled to skilled occupations, vestibule training, and employment preparation. In addition, remedial education is provided to many participants.

Work experience and orientation. This activity includes work sampling and internship, paraprofessional training, and orientation. The emphasis of work experience programs is on the development of basic work habits, exploration of various occupational fields, and gaining knowledge of the world of work. Orientation provides training in basic employment skills along with vocational counseling and testing. During the orientation period, an employability plan is developed for each person which is designed to lead that individual to permanent employment. Upon completion of the orientation period, some persons will go directly into employment and others will go into some phase of institutional or on-the-job training.

JUVENILE DELINQUENCY PREVENTION AND CONTROL

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training	$1,730	$2,600	$2,600

Funds are for the purpose of training personnel employed in or preparing for employment in fields related to the diagnosis, treatment, or rehabilitation of youths who are delinquent or in danger of becoming delinquent. This training will be accomplished through curriculum development, short-term institutes, and traineeship grants and projects.

RESEARCH AND TRAINING

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training	$31,683	$27,700	$27,700

Grants and contracts support the training of personnel in professional and technical fields relating to vocational rehabilitation, including teaching grants and traineeship grants to educational institutions, and research fellowships to individuals.

ASSISTANCE TO REFUGEES IN THE UNITED STATES

[In thousands]

	1996 actual	1970 estimated	1971 estimated
Education	$18,780	$20,261	$27,126

Selected training is provided to equip the refugees for employment and resettlement. Also, provision is made for Federal payments to help meet part of the added cost related to refugee children in certain public school systems where the number of such children represents a sizable portion of total enrollments. Loans are also made to needy college students.

SOCIAL SECURITY ADMINISTRATION—CONSUMER CREDIT TRAINING

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Training in credit management—obligations		$300	$500

The Federal Credit Union Act Amendments of 1968 gives the Bureau of Federal Credit Union's authority to use Federal funds in 1971 to further consumer education. This appropriation will provide funds for conducting training sessions in 1971 on consumer education in credit management by the Bureau of Federal Credit Unions and will also provide funds for awarding grants in this area.

OPERATING FUND, BUREAU OF FEDERAL CREDIT UNIONS[1]

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Consumer credit training	$112	$274	$310
Special institutions:			
American Printing House for the Blind educational material	$1,265	$1,329	$1,401

[1] The Bureau finances its activities out of fees for services performed.

Grants are made to this nonprofit institution to, among other things, support the manufacture of special books and teaching materials which are distributed to all public educational institutions for the blind, as well as to regular public schools in which blind children are enrolled.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operations:			
Academic program	$822	$1,978	$2,407
Administration and support services	1,083	1,196	1,260
Construction:			
Planning and site development	392	1,295	549
Buildings			15,900
Total obligations	2,297	4,433	20,116

As authorized by Public Law 89–36, the Secretary of Health, Education, and Welfare entered into an agreement with the Rochester Institute of Technology for the establishment, construction, and operation of a National Technical Institute for the Deaf. Its purpose is to provide a residential facility for postsecondary technical training and education for persons who are deaf in order to prepare them for successful employment.

MODEL SECONDARY SCHOOL FOR THE DEAF

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operations			
Academic program	$439	$324	$1,384
Administration and support services	72	173	798
Construction			
Planning and site development		821	350
Total obligations	511	1,318	2,532

As provided under Public Law 89–694, an agreement between the Department of Health, Education, and Welfare and Gallaudet College was signed on May 16, 1969, authorizing the establishment, construction, equipping, and operation of a model secondary school for the deaf located on the campus of Gallaudet College and serving the National Capital region—including the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania, and Delaware.

Operations. In 1971, the first full year of operation, administrative procedures will be refined, and the instructional program will be further developed with the introduction of new curricular materials and methods. Further, the research, development, and evaluation programs, and the role of supporting services will be expanded in proportion to the increased student enrollment, and funds will be provided for the lease of temporary facilities which will house the instruction program.

Construction. The 1971 appropriation will provide funds for the completion of planning.

GALLAUDET COLLEGE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operations:			
Academic program	$2,916	$3,481	$4,093
Administration and support services	2,494	2,845	3,291
Construction:			
Planning and site development	81	457	730
Buildings	1,605	535	707
Total obligations	7,096	7,318	8,821

Operations. Gallaudet College is a private, nonprofit institution providing an undergraduate higher education for the deaf, a graduate school providing advance studies for students in the field of deafness, and a research program to provide information about the deaf. It operates the Kendall School for the deaf children—primarily from the District of Columbia—and a preschool for very young deaf children which serves as the laboratory facilities for the college graduate program. Federal funds provide approximately three-fourths of the operating cost.

Construction. The construction program is designed to replace aging buildings and provide modern facilities to accommodate increased enrollments. Full financial support for the erection of a number of new buildings and alterations and repairs to the existing physical plant has been provided by the Federal Government. The estimates for 1971 provide for the continuation of this support primarily for dormitories and utilities.

HOWARD UNIVERSITY

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operations:			
Academic program	$22,463	$25,775	$28,425
Freedmen's Hospital	13,443	14,425	15,735
Administration and support services	9,814	11,232	11,473
Subtotal	45,720	51,432	55,633
Construction:			
Planning and site development	173	939	611
Buildings	3,837	27,952	7,743
Total obligations	49,730	80,323	63,987

The university is a private nonprofit institution consisting of an undergraduate college, a graduate school offering the master's degree and the degree of doctor of philosophy—in English, history, chemistry, physics, zoology, government, pharmacology, physiology, and African studies—and nine professional schools. Federal funds provide 60.2 percent of the total operating costs.

The dormitories, food service, bookstores, and intramural athletic programs are intended to be self-supporting and render service at the lowest possible cost.

Freedmen's Hospital furnishes inpatient and outpatient care and a facility for training of physcians and nurses and other professional and technical health personnel. Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services from patients other than medicare, medicare patients, the District of Columbia, and other jurisdictions. Federal funds provide 71 percent of the total operating costs.

The Federal Government has undertaken to finance a major construction program at Howard University, including the erection of a number of new buildings and alterations and repairs to the existing physical plant.

HOWARD UNIVERSITY

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Hospital construction—obligations		$7,700	

The 1970 budget request for construction of the Howard University teaching hospital is based on 1967 cost levels. Since the original estimate was made, construction costs have been rising in the Washington, D.C., area. The proposed supplemental appropriation would compensate for the higher costs and permit the General Services Administration to advertise for bids on the hospital facility.

OFFICE OF EDUCATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Elementary and secondary education: aid to school districts in federally affected areas			$425,000

Legislation will be proposed to revise the authorizations for payments to school districts in federally affected areas. These revisions will be based on a study of the present provisions made over the past several months and other relevant concerns, and will make Federal grants for this program more consistent with the fiscal problems of the school districts involved. The proposed legislation will concentrate payments for those districts where Federal impact is greatest, allowing for local tax effort and fiscal capacity.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—RENEWAL AND HOUSING ASSISTANCE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
College housing—college housing fund:			
College housing loans, college service facility loans, and loans for housing of student nurses and interns	$191,935	$210,000	$120,000
Changes in selected resources	15,810	−110,000	−20,000
Total capital outlay obligations	207,745	100,000	100,000
Debt service grants		2,500	2,500
Interest on borrowings	24,170	28,100	32,700
Interest accrued on participation certificates	125,816	125,868	123,339
Commissions on sales of participation certificates	1,669	300	1,310
Administrative expenses	1,218	1,179	1,000
Inspection expense	331	300	200
Other expenses	305	303	295
Total operating costs, funded	153,509	158,550	161,344
Total obligations	361,254	258,550	261,344

Title IV of the Housing Act of 1950, as amended, authorizes financial assistance to colleges and eligible hospitals for the construction or acquisition of housing and essential housing-related facilities such as student centers, dining facilities, and infirmaries. This assistance may take one of two forms—debt service grants to reduce the cost of borrowing on the private market, or direct Federal loans. The debt service grant program was authorized by the Housing and Urban Development Act of 1968. Since 1969, emphasis has been placed on this type of assistance with direct Federal lending used as an adjunct.

LIMITATION ON ADMINISTRATIVE EXPENSES, COLLEGE HOUSING LOANS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Payment to Administrative operations fund	$1,218	$1,179	$1,000

DEPARTMENT OF THE INTERIOR—PUBLIC LAND MANAGEMENT

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Bureau of Indian Affairs—Education and Welfare Services: Educational assistance, facilities, and services	$99,523	$119,759	$137,122

The Bureau operates Federal school facilities where public schools are not available or cannot meet the special needs of Indian children. Financial assistance is extended to public schools enrolling Indian children where tax-free Indian lands result in financial problems for the local districts and where other special problems exist that are not covered by Federal impact legislation, administered by the Department of Health, Education, and Welfare. The level of this assistance will be increased to meet the needs of the public schools for increased costs and increased enrollments. Grants are made to Indian students attending college. These grants will be increased to meet the needs of additional students. Federal school plans include increased enrollment in boarding schools and dormitories housing public school students, additional kindergartens, adequate base funding of the Bureau school program, junior college accreditation of Haskell Institute, and expansion of Indian school board and research and evaluation activities.

Funds for the adult education program provide educational opportunities and services across the total range of human educational needs in order to help the adult Indian become a more effective and efficient functioning human resource in the modern society and help him realize his potential as an individual.

Funds for the community development thrust provide programs and services in the development of social skills necessary for a community's assumption of initiative and responsibility in the setting of community goals and the solving of community problems.

ADVANCES AND REIMBURSEMENTS

In thousands]

	1969 actual	1970 estimate	1971 estimate
Manpower development and training activities (Department of Labor)	$500	$825	$825
Indian education for the disadvantaged	8,977	8,100	
Indian education, library service	72		
Indian education, supplementary centers	161		
Indian education, Teacher Corps	139		
National Defense Education Act	69		

FISH AND WILDLIFE, PARKS, AND MARINE RESOURCES

National Park Service—Miscellaneous Permanent Appropriations: Educational expenses, children of employees, Yellowstone National Park	$92	$114	$114

Revenues received from the collection of short-term recreation fees to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the administration, operation, and maintenance of Yellowstone National Park.

DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Federal Prison Industries Fund (Inc.): Vocational training expenses	$2,378	$2,850	$4,350

The vocational training expense limitation finances the vocational training program within the prison system. Advances in vocational education that have proved successful outside the prison system have been installed within prison institutions. They include the use of an integrated curriculum, fusing academic and vocational education, and skill cluster training, with special emphasis on fields of emerging job opportunities. Shifts are continually being made in industrial and vocational training programs to reflect changing demands in the labor market, thus providing inmates with the best chance to secure post-release employment. Employment placement service is also an active part of the vocational training activity.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Salaries and expenses: Student loans and tuition aid	$3,202	$18,279	$24,000

Under the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration is charged with responsibility for assisting State and local governments in controlling crime, violence, riots and other serious disorders, and improving the quality of criminal justice. The program includes, among other things, funds for institutions of higher education for grants and loans to law enforcement officers and other students enrolled on a full- or part-time basis in an approved program leading to a degree.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Salaries and expenses:			
Drug abuse prevention—Public education	$177	$579	$813

This activity includes the Bureau's responsibility to communicate factual information to the public. This objective is accomplished by developing and disseminating facts on drug abuse to State and local agencies, the regulated drug industry, educational institutions, and private groups and organizations. In addition, in conjunction with the Departments of Defense and Health, Education, and Welfare, the Bureau is supporting a 3-year program, coordinated by the National Advertising Council, to utilize mass media facilities to reach private individuals. Both electronic and printed media will be employed.

Training and allowance payments. Direct program costs for occupational and basic education training programs are provided to equip the Nation's unemployed and underemployed workers with skills that will enable them to participate in productive employment. Institutional training projects are conducted by State and local vocational education agencies and on-the-job training projects are conducted by employers and other organizations. This activity provides for the costs of conducting the training and for the payment of trainee allowances to those trainees who are entitled to them under provisions of the Manpower Development and Training Act of 1962, as amended. The concentrated employment program concentrates manpower resources in selected urban and rural target areas and is designed to insure that disadvantaged individuals receive training and manpower supportive services, enabling them to obtain permanent employment. Job opportunities in the business sector is operated in conjunction with the National Alliance of Businessmen and is a cooperative business-Government venture to hire and train disadvantaged individuals for private sector jobs. The public service careers program is designed to secure within merit principles permanent employment for disadvantaged persons in public service agencies.

DEPARTMENT OF LABOR—MANPOWER ADMINISTRATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Manpower development and training activities:			
Training and allowance payments:			
Job opportunities in the business sector/on-the-job training	$75,791	$94,000	$222,900
Concentrated employment program	34,565	39,100	70,000
Public service careers			4,000
Institutional training	194,084	200,010	205,000
Part-time and other training	3,267	5,000	7,000
Disadvantaged youth program	12,985	10,000	23,900
Program services:			
State institutional training services	6,810	8,000	8,000
On-the-job training services	2,741	1,000	800
Federal institutional training service		145	

MANPOWER ADMINISTRATION, SALARIES AND EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Federal institutional training service	$2,549	$2,430	$2,573

This activity provides for the program development and administration of institutional training programs by the Department of Health, Education, and Welfare.

BUREAU OF EMPLOYMENT SECURITY, SALARIES AND EXPENSES (GENERAL FUND APPROPRIATION)

	1969 actual	1970 estimated	1971 estimated
Manpower development and training activities	$2,418		

DEPARTMENT OF STATE—EDUCATIONAL EXCHANGE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Mutual educational and cultural exchange activities:			
Aid to American-sponsored schools abroad	$1,484	$1,500	$1,850
English language teaching program in Poland (special foreign currency program):			
English language teaching program			800

This appropriation will finance a U.S. Government program to develop English teaching with U.S.-owned currencies in excess of the normal requirements of the United States. The program would involve teacher retraining, creation of centers, and adaptation of materials. The requested amount will finance the first year of the program.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operating expenses	$1,941	$1,941	$2,155
Scholarships and grants	3,319	3,319	3,319
Total obligations	5,260	5,260	5,474

The operation of a Center for Cultural and Technical Interchange Between East and West to promote better relations and understanding between the United States and the nations of Asia and the Pacific is being carried out through a grant to the University of Hawaii. The university operates the center which provides grants, fellowships, and scholarships to qualified persons to engage in study or training at the center.

EDUCATIONAL EXCHANGE PERMANENT APPROPRIATIONS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Educational exchange fund, payments by Finland, World War I debt—obligations	$374	$377	$377

Any sums paid by the Republic of Finland to the United States as interest on, or principal of, the debt incurred under the act of February 25, 1919, are credited to this fund to finance programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 in relation to Finland and the people of Finland.

DEPARTMENT OF THE TREASURY—BUREAU OF ACCOUNTS—EISENHOWER COLLEGE GRANTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants to Eisenhower College, obligations	$1,001	$3,999	

Public Law 90–563 authorized an appropriation for grants to Eisenhower College to match gifts and other voluntary donations made to the college. These grants shall be used for the construction of education facilities at Eisenhower College.

Education and training. Post-Korean war veterans whose education plans were interrupted or impeded by active service in the Armed Forces since February 1, 1955, are provided an educational assistance allowance under the provisions of the Veterans Readjustment Benefit Act of 1966, as amended.

Prior to the enactment of Public Law 90–631, only the sons and daughters of veterans were eligible for educational assistance. Wives and widows who are eligible are now entitled to educational assistance.

Special assistance to disabled veterans. Disabled veterans requiring vocational rehabilitation receive assistance to cover costs of tuition, books, supplies, and equipment.

VETERANS' ADMINISTRATION—READJUSTMENT BENEFITS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Education and training:			
Post-Korean War veterans	$622,352	$695,665	$990,415
Sons and daughters	39,682	41,545	42,065
Wives and widows	1,123	11,600	21,000
Korean War veterans	83		
World War II education	1		
Total education and training	663,241	748,810	1,053,480
Special assistance to disabled veterans:			
Vocational rehabilitation	9,923	13,175	14,240

READJUSTMENT BENEFITS—EDUCATION AND TRAINING

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Post-Korean war veterans		$196,000	

This provides for the increase due to post-Korean war veterans entering training in greater numbers than originally estimated.

READJUSTMENT BENEFITS—EDUCATION AND TRAINING

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Post-Korean War veterans		$22,100	$80,000
Sons and daughters		1,500	6,000
Wives and widows		400	2,000
Total obligations		24,000	88,000

Legislation proposed to increase educational assistance allowance rates will result in an increase in budget authority.

DISTRICT OF COLUMBIA—LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

[In thousands]

	1969 actual	1970 estimated	1971 estimated
General fund loans:			
Higher education facilities	$5,000	$8,900	$3,000

Appropriations for 30-year interest-bearing loans from the U.S. Treasury are made available for financing construction of the general public works program of the District of Columbia, including school construction, and, among other things, for education facilities for the Federal City College and the Washington Technical Institute.

NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Science education support	$115,297	$121,700	$96,900

The budget provides for a wide variety of programs to support the training and development of scientific manpower including the following programs:

Traineeships and fellowships to graduate students in the various fields of science, mathematics, and engineering; and fellowships to college and university faculty and foreign senior specialists.

Institutes for the training of secondary school and college teachers of science and mathematics. Emphasis will be placed on short-term and summer institutes.

Projects directed toward the improvement of secondary school and undergraduate science and mathematics curriculums; and supplementary programs to stimulate interest in and secure improvement of teaching and training in the sciences at secondary school and undergraduate levels.

Initiation of education programs designed to train science and engineering technologists.

Advances and Reimbursements

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Science education program	$850	$350	----------

SMITHSONIAN INSTITUTION—SALARIES AND EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Education of the public	$4, 528	$5, 192	$5, 257

DISTRICT OF COLUMBIA—FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Assistance for financing capital outlay program			
Capital grants for higher education facilities			$20, 000

Legislation will be proposed to provide financial assistance to the District government by authorizing, among other things, capital grants for higher education facilities. The Federal Government would make direct grants for construction of the physical facilities for the Federal City College and the Washington Technical Institute and the District government would continue to pay for operating expenses out of the general revenues of the District of Columbia.

TOTAL

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grand total	$6, 587, 090	$6, 551, 669	$7, 343, 487

THE AMERICAN HOUSING CRISIS TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to discuss some aspects of the Nation's current housing crisis.

I do not foresee a speedy improvement in the current housing situation. I feel that if we think the housing crisis is bad now, it is likely to get worse before it gets better. We seem to know more about how to get men on the moon than how to provide housing here on earth. We have beaten the Russians to the moon twice, but in terms of number of housing starts the Russians are doing considerably better than we are. Russian apartments may be spartan by our standards, but they are certainly an improvement over the slum conditions in many of our decaying center cities. Even if we discount the housing effort of the Soviet Union, we still should recognize that almost every country in Western Europe now outproduces us, in terms of number of housing units per thousand population.

Housing is by no means a crisis confined to the cities. Half the standard housing in this country is located in rural areas. Housing is an extremely important factor affecting most of us. It accounts for the largest single amount of the average family's living costs in this country, about 25 percent after taxes. Poor and lower middle income families sometimes spend almost all their cash income just for shelter. What makes this even worse is that housing costs have been rising twice as fast as other costs of living. Probably one-half, and some estimates indicate even more, American families cannot now afford the price of the average new home that is built.

Our national housing goals, enunciated in the Housing and Urban Development Act of 1968, call for the construction of 26 million dwelling units by 1978. This means we need to produce more than 2,600,000 units of housing per year for the next 10 years. In 1969 housing starts fell to about 1,300,000—less than one-half of the required number of units to meet this goal. It has been estimated that over the next 30 years we will need to build almost as many new housing units as now exist in the entire country. Why are we failing so badly in meeting our own housing goals? What is the nature of the crisis that has beset the housing industry? Let me discuss some of the factors that I believe are most important and try to point out some of the factual errors that have become all too prevalent in recent years.

Labor contract settlements this year have set records across the country. Construction unions have received raises amounting up to 15 percent per year for 2- and 3-year periods in some cases. Although less than half of our construction laborers are union members, union contracts generally set the scale for the rest of the industry. Many Americans find it difficult to sympathize with union rules restricting the width of a paint brush a painter may use, or the number of bricks a bricklayer may lay in a working day. Negroes have developed a justifiable anger at lily white apprenticeship policies. There are no good statistics on the number of blacks in the building trades union. However, it is pretty generally recognized that the percentage of Negroes in the higher paying construction union categories is very, very small. Unions have maintained that there are a few qualified Negroes who can apply. The rub here of course is what it takes, and who decides who will qualify. Labor union statements not to the contrary, we can train a man to be a soldier in a mechanized army in a matter of weeks. It therefore seems reasonable to suppose that we can teach a man to be a carpenter, a plumber, or other skilled craftsman in less time than is currently the rule.

In spite of all these negative factors, we cannot put all of the blame for the high cost of housing on labor unions. Despite rising union wages and restrictive union practices, onsite labor as a percentage of the cost of housing has been steadily decreasing in recent years. According to the National Association of Homebuilders onsite labor accounted for about 30 percent of the sales price of housing in 1944, but something less than 20 percent in 1964. This relative decline may be attributed partly to improved labor productivity, and partly to increasing prefabrication, but mainly because other costs have risen even faster than the cost of labor.

Construction materials are among those cost items whose price has risen more rapidly than labor. In addition, building materials account for a larger proportion of housing costs than does onsite labor. Building material prices have been rising extremely rapidly, partly because increasingly sophisticated and prefinished materials are being increasingly used, and partly because one of the main components—lumber—is in relatively inelastic supply. Plywood, for example, costs almost twice as much today as it did a year ago. Here again, however, to place the entire blame for the high and rising cost of housing on construction materials is a distortion of reality. Even though materials prices have been rising very rapidly, construction materials and labor together represent only about half the cost of an average new home. Thus, while rising materials costs have helped push up the price of housing construction, they can account for only a relatively small part of the total increase that has been recorded in recent years.

Land prices have by far outpaced increasing labor and materials costs. Average land costs has increased perhaps 300 percent since 1950. Land costs in some metropolitan areas jumped 10 to 25 percent last year alone.

The cost of land not only raises the price of housing in itself, but in addition builders almost invariably put more expensive houses on higher priced land. Thus, as land costs rise, the cost of the structure placed on the land tends to rise also, as builders try and keep some reasonable balance between the cost of land and the cost of the structure. Thus, rising land costs have had a double-barreled effect in raising the cost of the average new home today. Perhaps the one great myth that surrounds rising land costs is that the government, Federal, State, or local, is about to do anything drastic about it.

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The cost of money, too, enters into the cost of shelter. Money may not be the root of all housing evils, but in terms of monthly shelter expense, the cost of money is the single largest factor. With FHA mortgages now carrying a staggering 9-percent interest, including the FHA guarantee fee, homeowners are in many instances paying the equivalent of 10-percent interest or more after discounts and other charges are added in. In addition to rising interest rates, mortgage amortization periods are also being shortened in many markets. Downpayments are being increased, and loan qualification criteria are being tightened up in many parts of the country.

In spite of record mortgage interest rates, there is still a shortage of mortgage funds. It appears to me that as long as business expectations continue to look good, businessmen will continue to borrow heavily in the capital markets for new plant and equipment expenditure. This, coupled with heavy needs from State, Federal, and local governments for various capital improvement projects, means that in the foreseeable future the supply of loanable funds will be insufficient to meet all demands for them. Short of direct credit control I do not know how the home mortgage market can be insulated from this basic situation. As long as lenders can make higher returns than are available on home mortgages by lending for other purposes, it seems unlikely that the amount of mortgage money will become available to finance the volume of housing that is generally recognized will be needed to meet our national housing goals.

This, then, is briefly the present situation as I see it in the areas of labor problems, materials, costs, land prices, and the financing of new residential construction. What about some of the proposals that have been made to improve the situation? I would like to start by discussing one of the most popular remedies for housing problems being suggested at the present time. This is the proposition that mass housing production, or industrialized housing technology as it is sometimes called, is one of the answers to the problem of cutting construction costs.

There appears no particular reason why the most industrialized nation on earth cannot produce houses the way it does automobiles. There is no doubt that increasingly complex factory-built components can speed construction, and reduce some onsite labor costs.

The Department of Housing and Urban Development is sponsoring the development of new housing technology through its new program, Operation Breakthrough. This program, authorized by Congress in the Housing and Urban Development Act of 1968, is designed to test the applicability of new housing technology in U.S. markets.

Another currently fashionable solution for solving today's housing problems is that of new towns.

New city building has proved to be considerably more expensive than most private developers have been able to afford. New towns require enormous initial investment before any cash return is forthcoming. The most shining example of new town construction is James Rouse's Columbia, located in my home State of Maryland here between Washington and Baltimore. Columbia is often described as the forerunner of successful new communities in other parts of the country.

Many big city mayors, for example, have objected to Federal new town programs on the basis that they are likely to divert national resources from the crucial job of rebuilding center cities. New towns, it is argued, will simply provide social and economic amenities for the middle class who could afford to purchase them on their own.

It is estimated that there will be approximately 100 million additional Americans by the end of the century. That a sufficient number of new towns can be constructed to accommodate this number of additional persons does not appear likely. Even in England, where the new town movement is generally considered to be the most successful, new towns are expected to be able to account for not more than about 20 percent of the total population increase.

At the Federal level what is needed before any sizable corporation will be willing seriously to invest money in housing production is a public policy with a semblance of continuity. We must discover a way to remove the bulk of the constraints on mass housing production, and we must create large well organized markets for the end product of the mass-produced houses. It is the aim of Operation Breakthrough to work toward the achievement of these objectives. To the extent that Breakthrough proves successful, it will provide a useful stimulus to increased housing production in the long run.

I am convinced that we cannot permit the present deteriorating housing situation to continue. The combination of escalating costs, flagging commitment, and lack of long range planning is no longer tolerable. It is going to require a bold attack on many fronts, public and private. As Members of the Congress, we have an important responsibility, but for us to be really effective, we are also going to need broad public support. We must recognize that housing is, in fact, a national responsibility of the highest priority.

THE LATE HONORABLE RUTH THOMPSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 10 minutes.

Mr. VANDER JAGT. Mr. Speaker, it is my sad duty to announce to the House the death on April 5 of a former colleague of many of you, former Representative from the Ninth District of Michigan, the Honorable Ruth Thompson.

Miss Thompson, a Whitehall, Mich., native, served three terms in the Congress. An attorney, she was Michigan's first woman in Congress, and spent most of her working life in public service.

Miss Thompson attended Whitehall schools, Muskegon Business College, and studied law in the office of Robert E. Bunker, a professor of law at the University of Michigan. She was admitted to the practice of law in 1926 and was the first woman member of the Muskegon County Bar Association.

Her early public service included work as a court reporter, clerk, and probate register of probate court. She was elected probate judge of Muskegon County in 1924, and served three terms, until 1936.

Two years later, Miss Thompson won election to the Michigan House of Representatives, serving one term.

Her congressional career began in 1951, and she had the singular honor of being the only woman ever appointed to the House Judiciary Committee.

RAILROAD RETIREMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, the need for an increase in railroad retirement benefits has always been apparent to anyone who has any contact at all with retired persons. The greedy tentacles of inflation have lashed out with more force against our citizens living on fixed incomes than against any other group of our population.

Far from slowing down, the cost of living has accelerated. The latest figures, as reported by the Bureau of Labor Statistics, indicate an increase in the cost of living of five-tenths of 1 percent during the month of February. Add to this the record rise of the past year and you will see that living costs have gone up at the rate of 6.3 percent over the past 12 months; 6.6 percent over the past 6 months; and 7.2 percent over the past 3 months.

Rates of increase that are still climbing are food, nondurables, rent, and household services. There has been an astonishing increase of 23.8 percent in transportation costs in the past 3 months, which vitally affect the retiree, who is now more dependent on transportation than the younger, more vigorous worker.

The 1960 dollar is today worth only 78 cents.

With this ever-present threat of inflation, it was only appropriate that Congress should take action to protect the railroad retirement recipient the same as it did the social security recipient last year.

H.R. 15733, which was reported out unanimously by the House Interstate and Foreign Commerce Committee, provides a temporary increase of 15 percent in monthly benefits for railroad retirees and prescribes a change in the method of investment of the funds of the railroad retirement account. Because of the unusual nature of the system, the committee, in its wisdom, also included a provision calling for a study of the entire concept of this program to be made available before July 1, 1972, when the Congress must again deal with this problem of the expiring benefit increases provided in H.R. 15733.

Mr. Speaker, the concern of the Congress over any actuarial deficit, which admittedly could be lower than current

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estimates indicate, should not preclude the right of railroad employees, who have contributed generously to retirement plans in their productive years, to the measure of security and integrity that the Congress has properly granted to social security retirees.

Inflation has not discriminated in its ravages against our Nation's retirees; the Members of this body have accepted their responsibility to do no less for this group of senior citizens than it did for social security beneficiaries, and I want to congratulate my colleagues on their wisdom and unanimity in passing this legislation by the vote of 379 to 0. I am proud to cast my vote in favor of the enactment of this long overdue legislation—which was not only fair and equitable but truly deserving as well.

POSTAL REFORM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Bush) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, the American people want to see progress and improvement in the Post Office. They are tired of the status quo. They support the President's proposal to reform the Post Office Department by making it a quasi-corporation. They recognize the potential this suggestion has for improving the benefits and working conditions of the postal employees.

They also recognize, Mr. Speaker, the delay tactics being used by some "status quo" politicians who have a vested interest in keeping the Department and its employees subservient for exactly what it is.

Today, due to the constructive attitude of the postal employees, their leadership and the Department in the face of a serious postal crisis, the idea is close to reality. Postal reform is clearly the best deal for the postal worker. The President of their own union recognizes this. Yet, those responsible for the stalling—the delays—are attacking the negotiated agreement before they have even read it.

This is not good legislating. It is not representative of the views of the people of this country. And it is not fair to the postal employees who need their raise and deserve better working conditions.

PRAYER FOR LITHUANIANS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I wish to submit for the Record the following letter.

St. Ann's Monastery,
Passionist Fathers,
Scranton, Pa., April 6, 1970.

Dear Congressman Flood: Recently, I sent a "Prayer for Lithuanians" to Mr. Joseph Kajeckas, Charge d'Affaires, Lithuanian Legation, Washington, D.C., and he suggested that I try to have this prayer published in the Congressional Record. This prayer has already been circulated among Americans of Lithuanian descent. Possibly it will be used officially by His Excellency, Bishop Vincent Brizgys (Chicago, Ill.) at the dedication (July, 1970) by the Pope, Paul VI, of the Lithuanian Martyrs' Chapel in Rome.

Would it be possible for you to arrange to have this prayer published in the Congressional Record? (The 30th anniversary of the Russian occupation of Lithuania falls in June).

When and if I receive a complimentary copy of the Congressional Record featuring this prayer, I will be in a position to have this information released to several Lithuanian (American) newspapers and magazines.

With kindest regards, I am

Sincerely,
Rev. Clement Kasinskas, C. P.

Prayer for Lithuanians

(By Rev. Clement Kasinskas, C.P.)

Almighty God, benign Father of all peoples of diverse nationalities, may the tricolored Lithuanian flag, yellow, green and red, once again freely wave over Lithuania, the land consecrated to the immaculate heart of the Holy Virgin. Yellow stands for the sun shining over Lithuania. Green represents Lithuania's fields, farms and forests. Red symbolizes the blood of Lithuania's heroes and martyrs: blood, shed in the struggle for Lithuanian self-identity; blood, shed in the struggle for freedom to speak the ancient Lithuanian language, You, O God, gave this people; blood, shed in the struggle for the freedom to worship You.

May Your sun, O Lord, represented by the color, yellow, on our Lithuanian flag, once again dawn brightly over the green fields, farms and forests of Lithuania, casting out every shadow of oppression from this country, so tiny, yet so very precious to us, because Lithuania, so far away on the shores of the Baltic Sea, is the place of our origin. Lithuania soil is precious to us, Lord, because it is a soil seeped with the blood of Lithuanian martyrs and drenched with the continuous tears of its present living "martyrs" whose spirits are shackled by the heavy chains of foreign occupation at the present time.

O Holy Spirit, we pray You to strengthen our Lithuanian countrymen with renewed courage, perseverance, and nobleness of purpose as symbolized by our Lithuanian national emblem, the vytis, the knight in armor astride his white steed. May the Lithuanian wayside cross again appear throughout the land. May the churchbells once again ring out resoundingly in villages, towns, and cities, giving joyous notice to the Lithuanian people that they are free once again, free from hostile aggression, free to live and to work in peace, free to worship You, their God. Amen.

TO REQUIRE THE OPEN DATING OF PACKAGED FOODS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on Wednesday, I released a report on food coding practices in District of Columbia supermarkets.

The report contains the results of two recently conducted surveys, one by my staff and one by the Democratic Consumer Action Committee of the District of Columbia Central Committee.

The results of the two surveys demonstrate that many of the current food codes are subjectively determined and provide the consumer with little if any guarantee as to food freshness. This conclusion, unfortunately, is not unique to the practices in the District of Columbia, but applies to almost every city in the country. Similiar surveys are planned for other cities.

Every item sold in a supermarket, except perhaps the produce, carries a coded date for the benefit of the store employee. This coded date may be a short series of numbers, or letters or both stamped somewhere on the package, either by the manufacturer, wholesaler, or chain store. Some dates represent the last day of shelf life, called the "pull" date, and other dates represent the packaging date.

Thus, for example, "0404" stamped on a package of cheese may mean the fourth month, April, and the fourth day. The code "1192" on meat may represent March—you add together the first and last digits to get the month, 3 for March; the 11 for the 4th. "BKA" on a can may stand for February 1—B for February and A for the 1st.

Most consumers know of the existence of these codes, but they are not supposed to know what they mean. Any identical coding between chains is purely coincidental and codes change as frequently as once a month—and probably sooner, if publicized.

The surveys found large quantities of out-of-date foods. They found stores which repackaged items with new labels and code dates. They found store managers who completely ignored coded dates on meat and poultry, substituting their own subjection judgment as to when these items should be pulled. One store manager, for example, who ignored code dates said he would remove poultry from the shelves when it began to smell, turn reddish or yellowish, or when little growths began to appear.

This means that the consumer is getting food that is unfit for human consumption—food that has lost its nutritional value, smells or tastes bad, or is unhealthy; food that cannot perform the functions that food is expected to perform.

To correct this situation, last fall I introduced H.R. 14816, legislation to require the open dating of packaged foods. My bill would not only require every food item subject to deterioration to be openly dated, it would require the dating to be the day after which the food was unsafe to eat. This would give the consumer an objective guide on which to judge a product's freshness.

The bill would apply to foods canned or packaged by the producer, wholesaler, or retail store. The Secretary of Health, Education, and Welfare would be authorized to determine how long a food could safely be kept on the shelf before it begins to deteriorate.

The consumer should know the last usable date of a food. The store manager should not be the only one able to recognize fresh food. To achieve this, the package should contain a comprehensible date.

A few municipalities now require the dating of certain kinds of foods. New

York City, for example, required the dating of milk. In addition Federal law and regulations require the dating of certain drugs and of durable products like film.

If the store manager regularly rotates his food stock, this requirement would in no way affect him. It would simply permit the consumer to confirm for himself that the food he is buying is fresh. If the manager is selling stale food, this legislation would hurt him by denying him the profits he now makes from such food.

The food industry appears to hold the belief that ignorance is bliss. The results of these surveys suggest that it may be bliss for the food industry, but it certainly is not for the consumer.

The report, the text of H.R. 14816, and a list of food shelf lives follow:

To Require the Open Dating of Packaged Foods

(A report done in connection with H.R. 14816, legislation to require the open dating of packaged foods)

Congressman Leonard Farbstein submitted the following report to the Congress and the American public. It is based upon surveys of food code dating practices of District of Columbia supermarket chains conducted by the Democratic Central Committee of the District of Columbia in cooperation with Congressman Farbstein. The staff of Congressman Farbstein also conducted both independent and related surveys in the District of Columbia.

Almost every item sold in a supermarket, except perhaps produce, carries a coded date for the benefit of the store employee. This coded date may be a short series of numbers or letters, or both, stamped somewhere on the package, either by the manufacturer, wholesaler, or chain store. Some dates represent the last day of shelf life, called the "pull" date, and other dates represent the packaging date. While most consumers know of the existence of these codes, they are meant to be intelligible only to store personnel. With the exception of some local requirements, such as the dating of milk in the City of New York, the label of a food item contains no information whatsoever with respect to a product's freshness. It is thus left up to the manufacturer, wholesaler or chain store operator employing coded dates to ensure that non-fresh food is not being sold to the public.

The surveys sought to examine the effectiveness with which this system is putting fresh food on the tables of the American people, and conversely, keeping non-fresh food off the public's table.

The results of these surveys demonstrate that many of the current food codes are subjectively based and provide the consumer with little if any guarantee as to food freshness. Following are the findings of the surveys conducted by

(1) the Democratic Central Committee, and

(2) the staff of Congressman Farbstein.

Also included is a summary of conclusions based on the surveys.

1. STATEMENT OF DEMOCRATIC CONSUMER ACTION COMMITTEE OF THE DISTRICT DEMOCRATIC CENTRAL COMMITTEE, APRIL 8, 1970

The Democratic Consumer Action Committee of the District of Columbia Democratic Central Committee was established in response to the widespread recognition that consumers are often victimized and even defrauded. The Committee will investigate and expose consumer abuses and propose specific programs whereby the federal the District governments can remedy these serious problems. Today, the Committee announces the results of its first investigation—the deliberate effort of supermarkets to conceal from housewives the date when their perishable products should be taken off the supermarket shelves.

The Committee received numerous complaints that supermarkets in the District of Columbia often sell "out of date" foods at regular retail prices. Preliminary investigation showed that each perishable packaged food is stamped with a code, signifying either the date the item was packaged or the date after which the item should not be sold. If a manufacturer uses a "packing" date code, the store manager is also advised of the "shelf life" of the product. In either event, these codes advise the store personnel of the date after which those items should be removed from the shelf.

The Committee conducted a limited survey on Tuesday, March 31, Thursday, April 2, and Monday, April 6, to determine whether the supermarkets comply with their own codes. A representative number of each of the three largest food chains serving the District of Columbia was surveyed—Safeway (12), Giant (3), A & P (3). The individual stores selected were located in various parts of the city, from predominantly white Northwest to all black Anacostia. The survey was conducted by 12 two-person teams, most of whom were housewives. Each team was provided with a survey sheet describing the several items to be examined, the probable types of codes, and a code sheet on which to record their findings. Ten product lines were surveyed, and except for one national brand of sausage, each product line was the store's own brand. These included milk, eggs, cottage cheese, ground beef, pork chops, chicken, bologna, hot dogs, and bread. When the survey was completed, each team was instructed to identify itself to the store manager (or other appropriate personnel) and ask him for an explanation of the codes.

The codes

An inspection of almost any of the subject items reveals several combinations of digits and/or letters, sometimes reflecting not only the "pull" date or the "packing" date, but also the identity of the employee who packed the item. Thus, it was important first to distinguish the "code" from all other symbols on the item and then to ascertain exactly what was meant. This was done by interviews with store personnel which produced the following results:

SAFEWAY

Item	Examples of codes found	Interpretation
Milk	406	4th month 6th day; April 6 pull date.
Eggs	Exp. 43	Expires Apr. 3—pull date.
Cottage cheese.	406	Apr. 6—pull date.
Ground beef.	0044	Add 1st and last number to get month, middle number is day Apr. 4—pull date.
Pork chops	25	2 equals date packed, equals Apr. 2; 5 equals scale number.
	021	02 equals pull date—Apr. 2; 1 equal packer's number.
	041	1 equals good until 1st of month; 4 equals packed at 4 p.m.
Chicken	See pork	
Bologna	3121	Apr. 21—pull date (see ground beef).
Hotdogs	2172	Apr. 17—pull date (see ground beef).
National brand sausages.	1242	Mar. 24 equals packing date; 12-day shelf life.
Bread	1	Date stamped on end of loaf.[1]

GIANT

Item	Examples of codes found	Interpretation
Milk	402	Apr. 2 equals pull date.
Eggs	Mar. 30	Packing date—7-day shelf life.
Cottage cheese.	406	Apr. 6 equals pull date.
Ground beef	31	Mar. 31—date packed.
Pork	31	Do.
Chicken	31	Do.
Bologna	3181	Apr. 18—pull date.
Hotdogs	2202	Apr. 20—pull date.
National brand sausage.	1312	Mar. 31—date packaged.
Bread	Color ties	Red—Monday, Thursday;[1] White—Tuesday, Friday; Blue—Wednesday, Saturday.

A & P

Milk	0402	Apr. 2 equals pull date.
Eggs	Exp. Apr. 1	Apr. 1 equals pull date.
Cottage cheese.	0405	Apr. 5 equals pull date.
Ground beef	2X	1 equals Monday, 2 equals Tuesday, X equals packer's number. Tuesday equals date packed.
Pork chops	2X	Do.
Chicken	2X	Do.
Bologna	4029	9 equals packer's number, 402 equals Apr. 2 equals pull date.
Hotdogs	0331	Mar. 31 equals pull date.
National brand sausage.	Not in stock	
Bread	Tuesday, or date stamped on cardboard close.	Day it goes on shelf.

[1] Contrary to consumers' popular belief that bread is delivered fresh in morning and sold by evening, it was learned that bread is considered a 2-day item, and that bread delivered any morning is considered fresh until close of business the following day.

The codes are extremely complex. They are clearly designed to prevent the ordinary housewife from ascertaining when products should have been removed from the shelf. For the same information could be conveyed to store employees more easily by simply providing the date after which the item should not be sold.

Findings

Of the 18 stores surveyed, only 3 had no "out of date" items. Seven stores had one product line with one or more "out of date" items, and eight stores had from 2 to 5 product lines with one or more "out of date" items. In 15 out of 18 stores, therefore, from 1 to 5 of the 10 basic product lines surveyed had one or more out of date items. More specifically, the chart below shows the percentages of the stores within each of the three chains in which the survey found product lines with one or more "out of date" items.

	Percent Safeway	Percent Giant	Percent A. & P.
Milk	8⅓	0	0
Eggs	50	33⅓	0⅓
Cottage cheese	8⅓	33⅓	
Ground beef	33⅓	0	33⅓
Pork chops	8⅓	0	33⅓
Chicken		0	0
Bologna	0	33⅓	66⅔
Hot dogs	0	33⅓	66⅔
National brand sausage[1]	33⅓	0	0
Bread	0	0	0

[1] It is supposedly the responsibility of the brand salesman, on his regular rounds of the individual stores, to pull "out of date" items from stock.

In other words, 20% of the product lines in A & P stores, 113% of the product lines

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in Giant stores, and 16% of the product lines in the Safeway stores had one or more items which should have been removed from the shelf.

Meat and poultry

The above analysis understates the supermarkets' failure to follow their own codes. For, in the case of meat and poultry, their "shelf life" is generally determined subjectively by the individual meat managers.

Safeway. All chickens are received from the packing plant with a coded date on the label. (These "fresh" chickens can be identified by a red USDA seal on the label). At the store the chickens are re-weighed for water loss, re-packed, re-priced to reflect new weight, and often re-coded. After this point in time there is little unanimity among meat personnel as to their proper shelf life. Most personnel interviewed stated that they assessed the chicken's freshness therafter by observation.

When survey teams inquired as to the shelf life of pork, they were told: a) pork could not be coded because it was difficult to determine how long the meat was in the store before it was cut; therefore, the manager inspected it daily to determine if it was still fresh; or b) pork was good for 2 days after it was packaged; or c) pork was good for 3 days after it was packaged; or d) pork was good up to 4 days after it was packaged.

The survey teams received similar responses when they inquired into ground meat. Most were told that ground meat (not the prepackaged variety) is good for one day only. One survey team, however, was told that it is good for 3 days; when the color turns the manager knows it is bad—then it goes on sale.

A & P. All meat and poultry codes reflect the day the item was packed (or re-packed) and put on the shelf.

One manager, referring to all types of meat, stated that he daily looks at the meat and pulls whatever does not look good. When his attention was called to some greenish tinted meat, he admitted to not having inspected the meat that day. This same manager stated that he did not reduce the price of ground beef—if he thinks it is bad he pulls it out of the case, re-works it, and re-packages it. "If it's too bad" he throws it away.

Giant. All meat and poultry codes reflect the day the item was packed (or re-packed) and put on the shelf.

One surveyor was told that poultry is removed from the shelf when it begins to smell, or when it turns yellow or reddish, or when little growths appear.

General remarks

A survey team was told by a Safeway store manager that a local poverty organization had taken a code survey within the last two months. The manager also stated that the survey was discussed at a managers' meeting, and all managers were cautioned to keep their stock up to date. Thus, there is reason to believe that the Committee's survey was conducted under artificial conditions favorable to the supermarkets.

The personnel in all the stores, with one exception, were polite, courteous and cooperative. That one exception occurred in a Giant, where the surveyor was stopped by the manager and informed that he would need permission before he could continue his survey.

At least with respect to Safeway, the salaries both of the store managers and of the department heads are predicated upon their achieving a certain quota of sales. If they exceed that quota, they received a bonus. According to Safeway personnel, department heads can not return items to the warehouse for credit. Perishable items not sold are discarded at a loss to the particular department manager. It is therefore to the manager's advantage to sell at items in his inventory, regardless of expiration date.

One store in each chain was located in an upper middle class, predominantly white neighborhood. Out of these three stores, one had no "out of date" items, one had 1 product line with one or more "out of date" items, and one had two "out of date" items. The remainder of the stores (15) were in either integrated or all black neighborhoods.

There was no clear pattern to the abuses found. There were abuses in the stores in white upper-middle class as well as poor black neighborhoods. There were abuses in the older, smaller, less well-maintained stores as well as in the larger, more modern ones. Two of the stores, located in a predominantly black area, had no "out of date' items.[1] However, the three stores with the worst abuses were in Anacostia and Cardoza.

CONCLUSIONS

This survey was not meant to be an exhaustive study of coding practices. It did demonstrate, however, that supermarkets deliberately attempt to conceal information from the housewife which she needs in order to make intelligent decisions concerning the products she buys. The survey further found that the chain supermarkets in the District of Columbia frequently fail to remove items from the shelves according to their own estimate when these items should be removed. The staleness of perishable foods—particularly meats and dairy products—concerns not just the quality and taste of these products but the health of adults and children. The abuses uncovered in this survey therefore endanger the health of District residents throughout the city.

The Committee strongly recommends that the practice of coding be abolished. In its place, we recommend that the store place on each perishable item either (1) a clearly stamped expiration date after which the item should not be sold or (2) a clearly marked packing date and the shelf life of the product starting from this packing date.

If our recommendations are adopted, housewives will have the information they need to make intelligent decisions. Furthermore, housewives themselves could police the dates set by the supermarkets when products should be removed from the shelf by simply refusing to buy products after that date. This would ensure that store managers would stop either deliberately or negligently trying to sell products when they should no longer be sold.

It is sometimes said that, if housewives are given this information, prices will rise because they will only buy the most recent items and leave the others to spoil. However, stores can overcome this possibility by better inventory practices which result in goods being sold more quickly after they are put on the shelf and by not mixing goods of significantly different ages on the same shelf. When some goods are not sold promptly, they can and should be reduced in price to allow housewives to decide whether they are willing to purchase slightly older but still fresh goods at lower cost.

In any event, the housewife is entitled to all the information to make her own decision. It is time to end the paternalism by which businessmen decide that the American consumer, for his supposed own benefit, should be denied information to make an intelligent decision. Just as we have had Truth-in-Lending and Truth-in-Packaging, it is time for Truth-in-Dating.

We therefore urge the supermarkets to replace their codes immediately with clear, readable dates. But it is also essential that the government act to ensure that all supermarket comply. We urge that the Federal Trade Commission prohibit, under its present powers, coding as a deceptive and unfair trade practice (we intend to present a petition to the Commission in the near future seeking a regulation to this effect); that Congress pass a statute for the entire country requiring that the date for removing perishable goods from the shelf be clearly marked on the package; and that the City Council ascertain whether it has the power to adopt such a regulation for the District of Columbia.

2. SURVEY CONDUCTED BY THE STAFF OF CONGRESSMAN FARBSTEIN

The survey conducted by the staff of Congressman Leonard Farbstein concentrated on a five week study of food-coding practices in a single Safeway store operated in a middle-income area of Washington. A store of the same chain, operated in a low-income area was also surveyed on one of the same dates as the middle-income store. In addition, a more comprehensive follow-up survey of an A & P store, located in a low-income area, previously found by the D.C. Central Committee to be particularly bad was also conducted.

The surveys of the middle-income area store were conducted every Saturday during the period from February 28 to April 4. The items surveyed included bread, eggs, milk, cheese, yogurt, ground beef, pork, pork sausage, sea food, cold cuts, chicken, and potato and corn chips. Items in these twelve categories were examined every week by the same person. To ensure that the code or the meaning of the code had not changed during the period of the survey, all samples of a product on the shelves were examined for their code dates.

Middle-income area Safeway

The survey turned up food being sold beyond the "pull date" on each visit, although the number varied significantly. On one date, only out-dated yogurt was found. But on March 28 over $40 (retail price) in outdated food was found; and on April 4, the figure rose to over $60.

The bakery goods, all of which were dated, were generally found to be fresh. However, on one occasion rolls were found to be outdated and on another samples of bread were found which carried one of three separate dates, the current date, two days previous and two days in advance. The most significant finding, however, was that during the course of the survey, the store appeared to change its bread-coding policy and began to date bread two days in advance. The consumer could thus not tell if he were purchasing fresh or day old bread, and the consumer purchasing "day-old-bread" was actually getting two day old bread.

Dairy products were also generally fresh. The milk was dated 6 days ahead and generally the milk found on the shelves of this store was 5 or 6 days ahead. Similarly cheese and yogurt were generally fresh, with cheese being dated a month or two ahead. On the shelf at any one time, one could find American cheese samples with as much as two months difference in freshness. Examples of outdated yogurt and cheese were found.

The greatest abuses were found in the meat, fish and cold-cuts. This chain store dates most of its meat and fish two days ahead. At any one time, one could find labels with that day's date on them, and the dates for the two days following. The survey found out-dated lobster, perch, veal, veal patties and meat loaf, as well as consistently old examples of pork and/or pork sausage, and chicken. Many of the older items were observed to have been placed on top of the

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[1] At the time of the survey, one store was sold out of 2 items (sausage & bread).

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fresher ones. This chain store also dated ground beef 6 days ahead. Half the one pound ground beef for April 4 was found to be 7 days beyond the expiration date. When the surveyor required the meat attendant to remove the out-of-date ground beef, she refused, indicating that that was the responsibility of the store manager. A second attendant did remove the out-dated meat.

Date and item	Examples of codes found	Code meaning	Investigator's remarks
Mar. 28, 1970:			
Lobster	250	25—pull date Mar. 25; 0—Packer's number.	
Perch	260	26—pull date Mar. 26	
	302 [1]	30—pull date Mar. 30	
Veal sweetbreads	245	24—pull date Mar. 24	
Pork sausage:			
1 lb	1252	Mar. 25 pull date	Brown color.
1 lb	1262	Mar. 26 pull date	Do.
2 lb	1083 [1]	Apr. 3 pull date	Red color.
National brand pork sausage.	1132	Mar. 13 package date	12-day shelf life, old Mar. 25.
	1202 [1]	Mar. 20 package date	
Pork rib chops	275	27—pull date Mar. 27	
Apr. 4, 1970:			
Eggs	Exp. 4 3	Expires Apr. 3, pull date	
	Exp. 4 4 [1]	Expires Apr. 4, pull date	
	Exp. 4 7 [1]	Expires Apr. 7, pull date	
	Exp. 4 10 [1]	Expires Apr. 10, pull date	
Corn chips	03 31 MD	Mar. 31 pull date	
	04 92 MD [1]	Apr. 29 pull date	
	05 05 MD [1]	May 5 pull date	
Cooked scallops	285	28—pull date Mar. 28	
	305	30—pull date Mar. 30	
Other sea foods	105 [1]	10—pull date Apr 10	
	115 [1]	11—pull date Apr 11	
National brand "Smokies" sausage	1262	Mar. 26 pull date	On top.
	2092 [1]	Apr. 9 pull date	On bottom.
Kosher sliced bologna	2032	Apr. 3 pull date	
	2152 [1]	Apr. 15 pull date	
Ground beef:			
1 lb	0283	Mar. 28 pull date	Purchased.
	0444 [1]	Apr. 4 pull date	
	0084 [1]	Apr. 8 pull date	
2 lb	0104 [1]	Apr. 10 pull date	

[1] Food not out-of-date on date of survey.

While this store is located in a middle-income area, and includes among its customers many Members of Congress, it also serves a significant number of low-income persons. Many of the types of out-dated meats and cold cuts observed were those generally purchased by low-income persons. A good illustration of this was found one week when red meat was being sold at half price because it was old. Examination of the code revealed it to be one day past due. Located in the next bin were several kinds of pork as much as 4 or 5 days old and being sold at full price!

Low-income area Safeway

The survey of the low-income Safeway store conducted on the same date as one of the Saturday surveys of the middle-income store uncovered a large number of out-dated food. It also uncovered some differences in coding practices.

Included in the out-dated foods were milk, pickle and pimento loaf, onion loaf, ham, chicken breast rolls, pork steak, fudge and milk. In many of the cases, the older out-dated samples were found on top or in front of the fresher samples. The store was unswept and dirty and much of the food smelled and looked terrible.

The most flagrant abuse was found in connection with the milk. A number of cartons were found to have pull dates that had expired one or two days earlier. One had a pull date that was eight days old.

Even more interesting than the presence of the out-dated milk, was the shelving policy. All of the half-gallon vitamin D milk, except for that which was out-of-date had a zero shelf life. The shelf life expired with that date. The freshly crated milk delivery, sitting in the store aisles in violation of District of Columbia food regulations against keeping food unrefrigerated, also had the same date. The rest of the milk, the chocolate, and full gallon cartons had later dates.

This contrasts with the practice found in the middle-income store, where milk was generally sold which was dated six days ahead. Thus, milk that was six days older than what was being sold in the middle-income store was being sold in this low-income store.

Bakery goods were generally fresh although bread was dated with the next day's date (rather than the current date) which was the practice at the other store at that time. Meat was also dated one day farther ahead—up to four days ahead—although no meat with that day's date or the following day's date appeared on the shelves. The surveyor found this most curious; for in the middle-income stores, meat with all three possible dates was generally observable.

Low-income A. & P.

A visit to the low-income A & P reported by the D.C. Central Committee to be among the worst in the city, turned up what was probably more than $100 worth of out-of-date cold cuts and milk alone, and possibly as much as $200 worth of out-dated meat and poultry.

In contrast with the low-income Safeway, almost all the slower moving milk (chocolate, full gallons, et al) was out of date, while the half gallon vitamin D milk was dated 6 or 7 days ahead. This was true not only for the chain brand milk, but for the national brand as well.

A similar pattern emerged with the meats. Assuming the practices followed in the middle-income Safeway for length of time meat should be left on the shelves, the large 20 pound turkeys and 7 pound capons were all out-of-date, while the red meat was fresh. As in the middle-income Safeway, much of the pork was out-of-date: slab bacon, pigs feet, hot sausage, polish sausage, smoke pork hocks, national brand sausage and national brand hot sausage. Among the cold cuts, the store stocked over 216 individual chain brand sliced bologna packages. A large number in the front and on top of the display were up to an entire month beyond the pull date, as was the chain brand meat pickle loaf, which sported one example of a package *two months* beyond the pull date. The chain brand peppered loaf was a lot fresher, although some was a week beyond the pull date.

All of the bakery products appeared fresh, stamped with the next day's date. In contrast to the low-income Safeway, this store was well kept and looked modern from the outside.

3. SUMMARY OF CONCLUSIONS

1. A large number of food items being sold in supermarkets in the District of Columbia were found to be out-dated

The D.C. Central Committee (DCC) survey found only 3 of 18 stores surveyed selling no "out-of-date" food. Seven stores had 1 out-of-date item and 8 had from 2 to 5 items. In an additional store the manager refused to permit the survey. The Farbstein survey found out-of-date food every one of the five times it visited the middle-income store it was surveying, and found significant amounts of out-of-date food in the other stores it surveyed.

2. Significant food code abuses were found in middle-and upper-income stores as well as those located in lower-income neighborhoods—store appearance was also found to bear no correlation with food freshness

The DCC survey found one "white" store with no out-of-date food, one with one out-of-date item, and one with two out-of-date items. It also found two "ghetto" stores with no out-of-date items. The Farbstein staff survey found out-of-date food on each occasion it visited the middle-income store. The last two visited uncovered $40 and $60 respectively of such food.

3. Non-uniform criteria were found to be employed in determining how long a particular food item was permitted to remain on the shelf

Stores were found to employ different lengths of time in determining "pull dates" for meat and poultry. Some stores were found to date three-day-old food for removal, others four and five day old food for removal, and one Safeway manager said he dated his meat and poultry 12 days ahead.

Stores which employed the date of packaging rather than the "pull date" were also found to employ rather different lengths of time in determining when to remove an item from the shelf. DCC surveyors were told in one store that pork had a shelf life of two days, in another of three days, and in a third, four days; similarly, they were told ground beef has to be fresh each day, and that it was good for three days.

4. Some stores were found to repackage items with new labels and codes

The DCC survey found some Giant stores repackaged all their meat and poultry every day with a new coded date. No indication as to the age of the meat appeared on the label. Determination of when an item was to be removed from the shelf was subjectively made. The Farbstein survey found examples of individual items in A & P stores being relabeled with new dates. The surveyors also were told that Safeway chicken was frequently repackaged upon the expiration date, after having been reweighed and smelled.

5. Some store managers were found to completely ignore coded dates on meat and poultry, substituting their own subjective judgments as to when these items should be pulled

One manager, who did not bother with the code dates, told a surveyor he observed the meats and pulled whatever did not look good. He admitted that the green meat on the shelves of his store was there because he had not yet done his daily inspection. A packer said she sometimes did not bother to change the date on the code of her stamping machine since coding was not the basis for pulling food from the shelves. A Giant store manager said he removed poultry from the shelves when it began to smell, turned "reddish or yellowish," or when "little growth" began to appear. When the latter occurred, he threw the chicken out.

6. At least one store did not code its meat or poultry at all

The surveys found that the coding of meat and poultry, unlike most other items in the stores, was completely left up to the store manager. Thus meat and poultry codes varied from store to store within the same chain, and at least one Safeway did not code its meat and poultry at all!

H.R. 14816

A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) paragraph (1) of subsection (a) of section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by inserting "(A)" immediately after "label" and by inserting before the semicolon the following: ", and (B) if the commodity is a perishable food, stating that it is not to be sold for consumption after a specified date".

(b) Section 5 of such Act (15 U.S.C. 1454) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of section 4 (a) (1) (B) of this Act, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall by regulation prescribe the manner in which the last day for the sale of a perishable food shall be determined."

(c) Section 10 of such Act (15 U.S.C. 1459) is amended—

(1) by striking out "meat or meat product, poultry or poultry product, or" in subparagraph (1) of paragraph (a);

(2) by adding after subparagraph (5) of paragraph (a) the following new sentence: "Such term includes meat or meat products or poultry or poultry products only to the extent necessary to implement the requirements of section 4 (a) (1) (B)."; and

(3) by adding at the end the following new paragraph:

"(g) The term 'perishable food' means meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, coffee, and any other food that the Secretary of Health, Education, and Welfare designates as perishable."

SEC. 2. The amendments made by the first section of this Act shall take effect on the ninetieth day following the date of its enactment.

STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS

Commodity	Storage temperature, fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, fahrenheit	Specific heat above freezing [1] B.t.u./lb./F.	Specific heat below freezing [1] B.t.u./lb./F.	Latent heat (calculated) [2] B.t.u./lb
Apples (ch. 29)	30-32	90	See ch. 29	84.1	29.3	0.87	0.45	121
Apricots	31-32	90	1-2 weeks	85.4	30.1	.88	.46	122
Artichokes (Globe)	31-32	90-95	do	83.7	29.9	.87	.45	120
Jerusalem	31-32	90-95	2-5 months	79.5	[3] 27.5	.83	.44	114
Asparagus	32	90-95	2-3 weeks	93.0	30.9	.94	.48	134
Avocados	45-55	85-90	4 weeks	65.4	31.5	.72	.40	94
Bananas (ch. 29)		85-95		74.8	30.6	.80	.42	108
Beans (green or snap)	45-50	90-95	8-10 days	88.9	30.7	.91	.47	128
Lima	32-40	90	10-15 days	66.5	31.0	.73	.40	94
Beer, barreled [4]	35-40		3-10 weeks	90.2	[3] 28.0	.92		129
Beets:								
Bunch	32	90-95	10-14 days		31.3			
Topped	32	95	3-5 months	87.6	30.1	.90	.46	125
Blackberries	31-32	90-95	3 days	84.8	30.5	.88	.46	122
Blueberries	31-32	90-95	3-6 weeks	82.3	29.7	.86	.45	118
Bread (ch. 32)	0		Several weeks	32-37		.70	.34	46-53
Broccoli, sprouting	32	90-95	7-10 days	89.9	30.9	.92	.47	130
Brussels sprouts	32	90-95	3-4 weeks	84.9	30.5	.88	.46	122
Cabbage, late	32	90-95	3-4 months	94.4	30.4	.94	.47	132
Candy (ch. 33)	0-34	40-65						
Carrots:								
Prepackaged	32	80-90	3-4 weeks	88.2	29.5	.90	.46	126
Topped	32	90-95	4-5 months	88.2	29.5	.90	.46	126
Cauliflower	32	90-95	2-4 weeks	91.7	30.6	.93	.47	132
Celeriac	32	90-95	3-4 months	88.3	30.3	.91	.46	126
Celery	32	90-95	2-4 months	93.7	31.1	.95	.48	135
Cherries	31-32	90	10-14 days	83.0	28.8	.87	.45	120
Coconuts	32-25	80-85	1-2 months	46.9	30.4	.58	34	67
Coffee (green)	35-37	80-85	2-4 months	10-15		.30	.24	14-21
Corn, sweet	32	90-95	4-8 days	73.9	30.9	.79	.42	106
Cranberries [4]	36-40	90-95	1-4 months	87.4	30.4	.90	.46	124
Cucumbers [4]	45-50	90-95	10-14 days	96.1	31.2	.97	.49	137
Currants	31-32	90-95	do	84.7	30.2	.88	.45	120
Dairy products:								
Cheese (ch. 28)	30-45	65-70	(4)	37-38		.50	.31	54
Butter (ch. 28)	32-40	80-85	2 months	15.5-16.5		.33		23
Butter	0 to −10	80-85	1 year	15.5-16.5			.25	23
Cream (sweetened)	−15		Several months	72.5		.78	.42	104
Ice cream (ch. 28)	−15		do	62.0		.70	.39	89
Milk, fluid whole:								
Pasteurized grade A	33		7 days	87.0	[1] 31.0	.90	.46	125
Condensed, sweetened	40		Several months	28.0		.42		40
Evaporated	Room temperature		1 year, plus	74.0		.72		106
Milk, dried:								
Whole milk	45-55	Low	Few months	2-3		.22		4
Nonfat	45-55	do	Several months	2-3		.22		4
Dates (ch. 83)	(4)	(4)	(4)	20.0	3.7	.36	.26	29
Dewberries	31-32	90-95	3 days		29.7			
Dried fruits (ch. 33)	32	50-60	9-12 months	14-26		.31-.41	.26	20-32
Eggplant	45-50	90	7 days	92.7	30.6	.94	.48	137
Eggs (ch. 35):								
Shell	29-31 [5]	80-85	6-9 months	66.0	[3] 28.0	.73	.40	96
Shell, farm cooler	50-55	70-75		66.0	[3] 28.0	.73	.40	96
Frozen, whole	0 or below		1 year, plus	74.0			.42	106
Frozen, yolk	do		do	55.0			.36	79
Frozen, white	do		do	88.0			.46	126
Whole egg solids	35-40	Low	6-12 months	2-4		.22	.21	4
Yolk solids	35-40	do	do	3-5		.23	.21	6
Flake albumen solids	Room temperature	do	1 year plus	12-16		.31	.24	20
Dried spray albumen solids	do	do	do	5.8		.26	.22	11
Endive (escarole)	32	90-95	2-3 weeks	93.3	31.9	.94	.48	132
Figs (ch. 33):								
Dried	32-40	50-60	9-12 months	24.0		.39	.27	34
Fresh	31-32	85-90	7-10 days	78.0	27.6	.82	.43	112

See footnotes at end of table.

STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS—Continued

Commodity	Storage temperature, fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, fahrenheit	Specific heat above freezing [1] B.t.u./lb./F.	Specific heat below freezing [1] B.t.u./lb./F.	Latent heat (calculated) [2] B.t.u./lb
Fish (ch. 27):								
Fresh	33-35	90-95	5-15 days	62-85	[3]28.0	0.70-.86		89-122
Frozen	−10-0	90-95	8-10 months	62-85			0.38-.45	89-122
Smoked	40-50	50-60	6-8 months			.70	.39	92
Brine salted	40-50	90-95	10-12 months			.76	.41	100
Mild cured	28-35	75-90	4-8 months			.76	.41	100
Shellfish:								
Fresh	33	90-95	3-7 days	80-87	28.0	.83-.90		113-125
Frozen	0 to −20	90-95	3-8 months				.44-.46	113-125
Frozen-pack fruits (ch. 29)	−10-0		6-12 months					
Frozen-pack vegetables (ch. 29)	−10-0		6-12 months					
Furs and fabrics[4]	34-40	45-55	Several years					
Garlic, dry	32	65-70	6-8 months	74.2	30.5	.79	.42	106
Gooseberries	31-32	90-95	3-4 weeks	88.9	30.0	.90	.46	126
Grapefruit (ch. 29)	50	85-90	4-8 weeks	88.8	30.0	.91	.46	126
Grapes (ch. 29):								
American type	31-32	85-90	3-8 weeks	81.9	29.7	.86	.44	116
European type	30-31	90-95	3-6 months	81.6	28.1	.86	.44	116
Honey	(4)	(4)	1 year, plus	18.0		.35	.26	26
Hops (ch. 34)	29-32	50-60	Several months					
Horseradish	32	90-95	10-12 months	73.4	28.7	.78	.42	104
Kale	32	90-95	1-2 weeks	86.6	31.1	.89	.46	124
Kohlrabi	32	90-95	2-4 weeks	90.1	30.2	.92	.47	128
Lard (without antioxidant)	45	90-95	4-8 months	0				
Lard (without antioxidant)	0	90-95	12-14 months	0				
Leeks green	32	90-95	1-3 months	88.2	30.7	.90	.46	126
Lemons (ch. 29)	32 or 50-58[4]	85-90	1-4 months	89.3	29.4	.92	.46	127
Lettuce	32	95	2-3 weeks	94.8	31.7	.96	.48	136
Limes	48-50	85-90	6-8 weeks	86.0	29.1	.89	.46	122
Logan blackberries	31-32	85-90	5-7 days	82.9	29.7	.86	.45	118
Maple sirup	(4)	(4)	(4)	35.5		.48	.31	51
Meat (ch. 25):								
Bacon:								
Frozen	−10-0	90-95	4-6 months					
Cured (farm style)	−60-65	85	4-6 months	13-29		.30-.43	.24-.29	18.41
Cured (packer style)	34-40	85	2-6 weeks					
Beef:								
Fresh	32-34	88-92	1-6 weeks	62-77	[3]28-29	.70-.84	.38-.43	89-110
Frozen	−10-0	90-95	9-12 months					
Fatbacks	34-36	85-90	0-3 months	6-12		.25-.30	.22-.24	9-17
Hams and shoulders:								
Fresh	32-34	85-90	7-12 days	47-54	[3]28-29	.58-.63	.34-.36	67-77
Frozen	−10-0	90-95	6-8 months					
Cured	60-65	50-60	0-3 years	40-45		.52-.56	.32-.33	57-64
Lamb:								
Fresh	32-34	85-90	5-12 days	60-70	[3]28-29	.68-.76	.38-.51	86-10
Frozen	−10-0	90-95	8-10 months					
Livers: Frozen	−10-0	90-95	3-4 months	70.0			.41	100
Pork:								
Fresh	32-34	85-90	3-7 days	32-44	[3]28-29	0.46-0.55		46-63
Frozen	−10-0	90-95	4-6 months				0.30-0.33	
Smoked sausage	40-45	85-90	6 months	60.0		.68	.38	86
Sausage casings	40-45	85-90						
Veal	32-34	90-95	5-10 days	64-70	28-29	.71-.76	.39-.41	92-100
Mangoes	55	85-90	2-3 weeks	81.4	30.3	.85	.44	711
Melons, cantaloupe	32-40	85-90	5-15 days	92.0	29.9	.93	.48	132
Persian	45-50	85-90	2 weeks	92.7	30.5	.94	.48	132
Honeydew and honey ball	45-50	85-90	3-4 weeks	92.6	30.3	.94	.48	132
Casaba	45-50	85-90	4-6 weeks	92.7	30.1	.94	.48	132
Watermelons	40-50	80-85	2-3 weeks	29.1	31.3	.97	.48	132
Mushrooms[4]	32	90	3-5 days	91.1	30.4	.93	.47	130
Mushroom spawn:								
Manure spawn	34	75-80	8 months					
Grain spawn	32-40	75-80	2 weeks					
Nursery stock (table 4)	32-35	85-90	3-6 months					
Nuts (ch 33)	32-50[4]	65-75	8-12 months	3-6	(4)	.21-.22	.21-.22	4-8
Oil (vegetable salad)	35		1 year	0				
Okra	45-50	90-95	7-10 days	89.8	28.7	.92	.46	128
Oleomargarine	35	60-70	1 year	15.5		.32	.25	22
Olives, fresh	45-50	85-90	4-6 weeks	75.2	29.4	.80	.42	108
Onions and onion sets	32	65-70	6-8 months	87.5	30.6	.90	.46	124
Oranges (ch. 29)	32-34	85-90	8-12 weeks	87.2	30.6	.90	.46	124
Orange juice, chilled	30-35		3-6 weeks	89.0		.91	.47	128
Papayas	45	85-90	2-3 weeks	90.8	30.4	.82	.47	130
Parsley	32	90-95	1-2 months	85.1	30.0	.88	.45	122
Parsnips	32	90-95	2-6 months	78.6	30.4	.84	.44	112
Peaches and nectarines	31-32	90	2-4 weeks	86.9	30.3	.90	.46	124
Pears (ch. 29)	29-31	90-95	(4)	82.7	29.2	.86	.45	118
Pears, green	32	90-95	-12 weeks	74.3	30.9	.79	.42	106
Peppers, sweet[4]	45-50	90-95	2-3 weeks	92.4	30.7	.94	.47	132
Peppers, chili (dry)[4]	32-40	65-75	6-9 months	12.0		.30	.24	17
Persimmons	30	90	3-4 months	78.2	28.1	.84	.43	112
Pineapples:								
Mature green	50-55	85-90	3-4 weeks		30.2			
Ripe	45	85-90	2-4 weeks	85.3	30.0	.88	.45	122
Plums, including fresh prunes	31-32	91-95	3-4 weeks[4]	85.7	30.5	.88	.45	123
Pomegranates	34-35	90	2-4 months		26.6			
Popcorn, unpopped	32-40	85	(4)	13.5		.31	.24	19
Potatoes:								
Early crop	50-55	90	(4)	81.2	30.9	.85	.44	116
Late crop	38-50[4]	90	(4)	77.8	30.9	.82	.43	111
Poultry (ch. 26):								
Fresh	32	85-90	1 week	74.0	[3]27.0	.79		106
Frozen, eviscerated	−20-0	90-95	9-10 months				.42	
Pumpkins[4]	50-55	70-75	2-6 months	90.5	30.5	.92	.47	130
Quinces	31-32	90	2-3 months	85.3	28.4	.88	.45	122
Radishes:								
Spring, prepackaged	32	90-95	3-4 weeks	93.6	30.7	.95	.48	134
Winter	32	90-95	2-4 months	93.6		.95	.48	134

See footnotes at end of table.

STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS—Continued

Commodity	Storage temperature, fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, fahrenheit	Specific heat above freezing[1] B.t.u./lb./F.	Specific heat below freezing[1] B.t.u./lb./F.	Latent heat (calculated)[2] B.t.u./lb.
Rabbits:								
Fresh	32-34	90-95	1-5 days	68.0		0.74	0.40	98
Frozen	−10.0	90-95	0-6 months					
Raspberries:								
Black	31-32	90-95	2-3 days	80.6	30.0	.84	.44	122
Red	31-32	90-95	2-3 days	84.1	30.9	.87	.45	121
Frozen (red or black)	−10-0		1 year					
Rhubarb	32	90-95	2-3 weeks	94.9	30.3	.96	.48	134
Rutabagas	32	90-95	2-4 months	89.1	30.1	.91	.47	127
Salsify	32	90-95	2-4 months	79.1	30.0	.83	.44	113
Spinach	32	90-95	10-14 days	92.7	31.5	.94	.48	132
Squash:[4]								
Acorn	45-50	70-75	5-8 weeks		30.5			
Summer	32-40	85-95	4-5 days	95.0	31.1	.96		135
Winter	50-55	70-75	4-6 months	88.6	30.3	.91		127
Strawberries:								
Fresh	31-32	90-95	5-7 days	89.9	30.6	.92		129
Frozen (ch. 29)	−10-0		1 year	72.0			.42	103
Sweet potatoes	55-60	85-90	4-6 months	68.5	29.7	.75	.40	97
Tangerines	31-38	90-95	3-4 weeks	87.3	30.1	.90	.46	125
Tomatoes:								
Mature green	57-60[4]	85-90[4]	2-3 weeks[4]	94.7	31.0	.95	.48	134
Firm ripe	45-50[4]	85-90[4]	2-7 days[4]	94.7	31.1	.95	.48	134
Turnips roots	32	90-95	4-5 months	90.9	30.1	.93	.47	130
Vegetable seed	32-50	50-65	([4])	7.0-15.0		.29	.23	16
Yeast compressed baker's	31-32			70.9		.77	.41	102

[1] Calculated by Siebel's formula. For values above freezing point $S=0.008a+0.20$. For values below freezing point $S=0.003a+0.20$. Recent work by H. E. Staph, B. E. Short and others at the University of Texas has shown that Siebel's formula is not particularly accurate in the frozen region, because foods are not simple mixtures of solids and liquids and are not completely frozen even at −20 F.

[2] Values for latent heat (latent heat of fusion) in B.t.u. per pound, calculated by multiplying the percentage of water content by the latent heat of fusion of water, 143.4 B.t.u.

[3] Average freezing point.

See text in this chapter or under appropriate commodity chapter.

[5] Eggs with weak albumen freeze just below 30 F.

[6] Lemons stored in production areas for conditioning are held at 55 to 58 F.; in terminal markets they are customarily stored at 50 to 55 F. but sometimes 32 F. is used.

Note: Acknowledgment is due the following men for assistance with certain commodities: R. L. Hiner, L. Feinstein, and A. Kotula, meat and poultry; J. W. White and C. O. Willits, honey and maple sirup; E. B. Lambert, mushrooms; H. Landani, furs and fabrics; M. K. Veldhuis, orange juice; A. L. Ryall, plums and prunes; L. P. McColloch, tomatoes (all the former are U.S. Department of Agriculture staff members); and J. W. Slavin, fish, U.S. Department of Interior.

Source: (From Ashrae Guide and Data Book Applications for 1968, published by the American Society of Heating Refrigerating and Air Conditioning Engineers, Inc.)

HEARINGS ANNOUNCED ON INTERNATIONAL DEVELOPMENT AND MONETARY FUND LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the Banking and Currency Committee will hold hearings on legislation to authorize the appropriation of additional funds for the Asian Development Bank, the International Monetary Fund, and the International Bank for Resconstruction and Development—World Bank—on April 16, 17, and if need be, April 20.

The witnesses before the committee as of this time will be the Secretary of the Treasury, the Honorable David M. Kennedy, and the Under Secretary of the Treasury for Monetary Affairs, the Honorable Paul A. Volcker.

Others requesting to testify will be announced at a later date. At this point in the RECORD I would like to summarize the bill I am introducing today along with 10 other members of the Banking and Currency Committee.

Chapter 1 authorizes the United States to pledge a contribution to the Asian Development Bank of $100 million to the Bank's special funds over a 3-year period. It would authorize the appropriation of $25 million in the present fiscal year and $35 million and $40 million, respectively, in the next 2 fiscal years.

It should be noted that section 1(c)(1) provides for an untied procurement from the United States if approved by the U.S. Governor to the Bank, in consultation with the National Advisory Council.

The language contained in chapter 1 of the draft bill concerning the Asian Development Bank is the language as submitted to the Congress by the administration. This is also true of chapter 2.

Chapter 2 of the draft bill authorizes the U.S. Governor of the International Monetary Fund to consent to an increase of $1,540 million in the quota of the United States in the Fund. Of this amount, 25 percent is equivalent to a general increase and 4.8 percent is equivalent to a selected increase for the United States, taking account of our economic growth during the last 5 years relative to that of other countries.

In addition, the U.S. Governor to the IMF would be authorized by this legislation to vote for allocations of special drawing rights to the United States in any future basic period in an amount equal to the proposed new U.S. quota of $6.7 billion. This proposal follows the precedent of existing legislation which bases the limit on U.S. authority to vote for SDR allocations to the United States upon the size of the U.S. quota in the Fund.

The proposed IMF legislation authorizing the appropriation of $1,540 million would be payable 25 percent in gold and the remainder in the form of a dollar letter of credit.

Chapter 2 also provides authority for the U.S. Governor to the International Bank for Reconstruction and Development. If enacted, under section 3 of the proposed bill, the U.S. Governor of the Bank would be authorized to vote for an increase of $3 billion in the authorized capital of the Bank and a U.S. contribution thereto of $246,100,000. Of this amount, 10 percent of the subscription must be paid in, with the remaining 90 percent callable to meet obligations of the Bank.

Chapter 3 of the draft legislation, if enacted, would provide for an audit of the exchange stabilization fund. This fund, amounting to more than $2 billion, was created as a result of the Gold Reserve Act of 1934 and has, since that time, been exempt from audit by the General Accounting Office. Expenditures like the purchase of a $150,000 home in Tokyo, and $5.6 million in "administrative expenses" in fiscal year 1969, are not audited by the Comptroller General.

Chapter 3 provides for an annual report of the operations of the fund to the President and the Congress and directs the General Accounting Office to annually audit the funds.

Chapter 4 prohibits the Secretary of the Treasury from purchasing gold from any country which has violated, is violating, or appears to him to be about to violate the March 1968 IMF two-tier gold agreement, as amended in 1969, unless he determines that it is in the national interest. Violators should not benefit from U.S. gold price support. This chapter also directs the Secretary, when he has the option in the settlement of any debt due the United States, to elect to receive special drawing rights in balancing our international credits and debits.

Chapter 5 of the proposed bill sets forth a policy directive to the U.S. Governor of all international financial institutions in which the United States participates to follow a policy that will maximize assistance to the people of the less developed countries. This chapter also requires an annual report of each loan application submitted for a vote in which the U.S. representative participates, indicating in such report the position taken by the representative, and a discussion of how each such loan application conforms with the above policy.

The text of the bill follows:

H.R. —

A bill to authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chapter 1—Amendment of Asian Development Bank Act

Sec.
1. Amendment of Asian Development Bank Act

Section 1. Amendment of Asian Development Bank Act

The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"Sec. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'U.S. Special Resources'.

"(b) The U.S. Special Resources shall be made available to the Bank pursuant to the provisions of this Act and Article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"Sec. 13. (a) The U.S. Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The U.S. Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The U.S. Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the U.S. Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its Special Funds resources and would be compatible with the international financial position of the United States.

"(2) The U.S. Special Resources may be used to pay for administrative expenses arising from the use of the U.S. Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of U.S. Special Resources.

"(d) All financing of programs and projects by the Bank from the U.S. Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"Sec. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the U.S. Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The U.S. Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which U.S. Special Resources are provided.

"Sec. 15. The U.S. Special Resources shall be provided to the Bank in the form of a nonnegotiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"Sec. 16. The United States shall have the right to withdraw all or part of the U.S. Special Resources and any accrued resources derived thereform under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"Sec. 17. For the purpose of providing U.S. Special Resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

Chapter 2—International Monetary Fund

Sec.
21. Amendment of Bretton Woods Agreements Act.
22. Amendment of Special Drawing Rights Act.

Sec. 21. Amendment of Bretton Woods Agreements Act

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"Sec. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

"Sec. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increases become effective, to subscribe on behalf of the United States to 2,461 additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

Sec. 22. Amendment of Special Drawing Rights Act

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"Sec. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under Article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act."

Chapter 3—Audit of Exchange Stabilization Fund

Sec.
31. Annual report
32. Audit by General Accounting Office

Sec. 31. Annual report

The last sentence of section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read: "The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress."

Sec. 32. Audit by General Accounting Office

Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking "not be subject to review by any other officer of the United States." and inserting in lieu thereof the following: "conclusive upon all officers of the Government; except that the fund shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. There shall be furnished to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of the Exchange Stabilization Fund as he may from time to time require; and the Comptroller General or any of his representatives shall, for the purpose of securing this information, have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the United States Government that pertain to the operations and financial transactions of the fund and are necessary to facilitate the audit."

Chapter 4—Gold Purchases

Sec. 41. Gold purchases

Section 3700 of the Revised Statutes (31 U.S.C. 734) is amended (1) by changing "Sec. 3700. With the approval of the President, the Secretary of the Treasury" to read "Sec. 3700. (a) Except as otherwise provided in this section, the Secretary of the Treasury with the approval of the President", and (2) by adding at the end thereof the following new subsection:

"(b) The Secretary of the Treasury may not purchase gold from any country which has violated, is violating, or appears to him to be about to violate the March 17, 1968, two-tier gold agreement, as amended by the December 30, 1969, South African gold agreement, unless he determines that it is in the national interest of the United States to do so, and communicates that determination to the Congress no later than the date on which the purchase is to take place.

"(c) Whenever the Secretary of the Treasury has an option, in the settlement of any debt due the United States, of receiving gold or Special Drawing Rights, he shall elect to receive Special Drawing Rights."

Chapter 5—Economic and Social Policy of International Financial Institutions

Sec.
51. Declaration of policy
52. Action of United States representatives
53. Annual report

Sec. 51. Declaration of policy

It is hereby declared to be the policy of the United States, through participation in the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank.

To assist the people of the less developed countries in their efforts to develop their resources, and to increase their opportunity to participate in sharing in the benefits of economic development.

Sec. 52. Action of United States representatives

In the consideration of any project or program loan application presented for approval to the governing board of any such international financial institution, the United States representative shall exercise his voting rights in such a way as to maximize the achievement of the above policy.

Sec. 53. Annual report

The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress a statement with respect to each such loan application, setting forth a description of the application, the position taken by the United States representative, and a discussion of how each said loan application conforms with the above policy.

THE LATE HONORABLE STEPHEN PACE, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 60 minutes.

Mr. BRINKLEY. Mr. Speaker, on March 25, I stood before this body and eulogized the late E. L. "Tic" Forrester, who had served as a Member of the U.S. House of Representatives from the Third District of Georgia. Today, only 2 weeks later, I again address this body because of the passing of another distinguished Georgian who so ably represented the Third District immediately prior to the late Congressman Forrester. My wife, Lois, and I express our deepest sympathy to Mrs. Pace and to the other members of this fine family.

Stephen Pace, Sr., a Democrat, was born in Terrell County, Ga., near Dawson, on March 9, 1891. He graduated from high school in Terrell County, and then attended the Institute of Georgia Technology—Georgia Tech—in 1908–09. After a year at Georgia Tech, Steve borrowed funds to enter the University of Georgia in order to obtain his legal education. He received his law degree in 1914 and began the practice of law in Americus, Ga., that same year. While at the university, he was most active and served as president of his junior law class, and president of the Pan-Hellenic Council. He was also a member of Sigma Nu Fraternity and the Gridiron Society.

Steve was married in 1916 to Grace Ragan, daughter of the late Mr. and Mrs. Thomas B. Ragan of Hawkinsville.

From 1917 until 1920, Steve served in the Georgia General Assembly and in 1923 was elected to the State senate where he served, with distinction, for 2 years.

Steve was elected to serve in the House of Representatives from the Third District of Georgia in 1937 and served until his retirement in 1950. While in Congress, he was a nationally known figure in the field of farm legislation. He fostered the REA legislation which established the broad coverage by that agency to insure that electricity would be available to any farmhouse, no matter how remote, by providing 2-percent loans to the local cooperative for that purpose. He also fostered the act which made the REA a permanent agency of the Federal Government, thereby insuring that farmers would always have the blessings that came with electrical service at a price they could afford.

He was an early proponent of Federal aid to education and specifically demanded that control of the funds be given to the States, and not Washington. A dream that Steve saw fulfilled was the farm mortgage plan which enabled tenants, sharecroppers, and other farmworkers to buy farms for themselves. He believed that people produced better, took better care of the land and natural resources when they owned land themselves, and this is the reason he sponsored and was instrumental in passing the farm security homeownership legislation, which is now known as Farmers Home Administration.

The seniority system prevented Congressman Pace from ever obtaining chairmanship of the Agriculture Committee on which he served, but time and time again he was called upon to chair special subcommittees to solve most pressing farm problems of the day.

An early opponent of President Truman's civil rights measure, he said:

> President Truman speaks only of rights and freedom, but not a single word about duties, obligations, and responsibilities of citizenship. There was not one word of what a man should do to earn these rights and to preserve his freedom.

In 1945 Steve was appointed as a Special Representative of Secretary of Agriculture Anderson at the International Food Conference in London. It was recognized by many that no man in Congress had a broader conception of America's problems. He carried on a constant battle to protect the interest of Georgia and the South, but did not seek to achieve these gains at the expense of other sections of the country. He fought fairly and by so doing gained the respect and confidence of his colleagues and the agricultural leaders of the Nation.

In 1946 efforts were made to draft Steve to seek the governorship of Georgia, but after much deliberation and appeals by farm leaders and farmers, he decided he could be of greater benefit to his area as a Member of the U.S. House of Representatives.

Not only was Steve an outstanding and respected public servant, he was also an outstanding and respected citizen. He was a charter member of the Americus Kiwanis Club, and was an active participant by deed and word in many religious, civic, and cultural affairs. He was greatly interested in young people and was cited many times for his work in the betterment of various groups such as the Boy Scouts. He was also a former president of the Americus and Sumter County Chamber of Commerce.

From a humble beginning as a poor farmboy in Terrell County, Stephen Pace, Sr., rose to be respected as an outstanding agricultural authority and leader in Georgia and the Nation.

He will be greatly missed by all who knew him.

In conclusion may I read an article written about Congressman Pace by the Progressive Farmer on the occasion of his selection in 1948 by this magazine as "Man of the year in agriculture" from Georgia.

This article is applicable today in the sense of a sequel. It would be appropriate in featuring Steve Pace of Georgia as man of the century in American agriculture.

The article follows:

FOR GEORGIA: STEVE PACE

When history comes to write the story of American agricultural statesmen of the present day, few are likely to stand higher in the list than Stephen Pace, of Georgia's Third Congressional District. The son of a farmer and a boy who grew up reading by oil lamps and pineknots, Congressman Steve Pace has made it his business to support, sponsor, and fight for legislation that would aid all farm families.

Mr. Pace was author of legislation to make peanuts a basic crop, to set up support prices and to establish marketing quotas when needed.

In 1944 as chairman of a special postwar subcommittee on agriculture, he gave first attention to cotton and its problems. The hearings of December 1944 and the reports that followed are recognized as the most valuable study ever made of cotton and the problems of the Cotton Belt. They are used for constant reference by groups everywhere and as textbooks in some schools.

Believing that fertile fields are the foundation of all farm prosperity, Mr. Pace has been active in support and aggressive in expanding programs to save and build the soil. Having studied the fate and the condition of other nations which were unmindful of the loss of their soil, he is alarmed at the rapid rate of loss in this country.

It was to save soil and people and to further promote the family-type farm that Mr. Pace started 7 years ago his efforts to set up an insured farm-mortgage plan, similar to the FHA insured mortgage plan for city homes, to enable tenants, sharecroppers, and other farm workers to buy farms for themselves. He knew that a good percentage of soil destruction comes because a tenant has neither the incentive nor the opportunity to preserve and build up the rich topsoil. He knew that a home is the foundation of democracy and prosperity and a safeguard against the spread of foreign "isms." He had also seen what a fine start had been made through the Farm Security home-ownership program and wanted to see its opportunities expanded.

This legislation is now in effect. A number of these loans have been made in Georgia, Alabama, and Florida since the first one was closed in Mr. Pace's home county of Sumter last October 3.

Mr. Pace has been one of the most active champions of REA. He has often said that he could not rest until there is a power line to every farmhouse in the Nation. He is seeking funds adequate to complete this job by January 1, 1950.

These are but a few of the things Steve Pace has supported for the good of southern farm families. He will always be found in the forefront in securing a square national deal for those who produce the food and fiber to feed and clothe the Nation.

Mr. ALBERT. Mr. Speaker, I share the sadness of my colleagues from Georgia over the news of the death of our late friend and colleague, the Honorable Stephen Pace, Sr. Steve Pace and I served on the Committee on Agriculture together. I believe I worked with him as closely as any other Member. We worked together on major farm bills and we shared common interests in agricultural commodities, particularly cotton and peanuts. I was on his subcommittee when we wrote a modification of the farm bill which had been recommended by former Secretary of Agriculture Charles Brannon. I have worked with him in his office until late at night. I believe that he was the hardest working person that I have ever known in all my life. He had a capacity for continuous labor that was almost phenomenal. He has a keen, penetrating, and analytical mind. He had a a broad view of life. He had an amazing understanding not only of agricultural but of all problems that beset our Nation and the human race in his time. He made one of the most eloquent speeches I have ever heard in support of the Marshall plan. He was indeed an extraordinary man.

I shall be eternally grateful to Steve Pace for the manner in which he took me by the hand when I was a very junior Member of this House. He was a great teacher as well as a wonderful friend. One of the highlights of my service during all my years in the House of Representatives has been the close association and friendship that I enjoyed with the late Honorable Stephen Pace.

Here was a man who served his constituents with extraordinary ability and who served his day and generation with rare distinction. May his soul rest in the peace which he has earned and may the comforting hand of the Almighty protect Mrs. Pace and all his loved ones in their bereavement.

Mr. JONES of Alabama. Mr. Speaker, I join in paying respect to our late beloved colleague, Stephen Pace of Georgia.

Stephen Pace was a distinguished Member of the House who ably and effectively represented the people of his district nearly a decade and a half. He was a dedicated public servant.

Those of us who served with Representative Pace recall with appreciation and admiration his valuable service to the Nation through his work on the Committee on Agriculture. He was a great agriculture leader who had intimate and personal knowledge of the requirements and aspirations of those in rural areas.

He knew of the vital relationship of the agricultural economy to the entire country. He used his legal and legislative skills, acquired in his home State and in this Chamber, to contribute to the advancement of agriculture and, consequently, the entire Nation.

He is to be particularly remembered and honored for his part in shaping the legislation to bring American agriculture to a maximum productive effort for the large requirements during World War II and the days which followed.

To his wife and family I extend my sympathy for their great loss in his passing.

Mr. EVINS of Tennessee. Mr. Speaker, I was saddened to learn of the passing of our former colleague and friend, Stephen Pace, Sr., of Georgia, and I want to take this means of joining with members of the Georgia delegation and others in paying a brief but sincere tribute to his memory.

Stephen Pace served with distinction, as a Member of Congress from the Third Congressional District of Georgia until his retiremnet in 1950.

He was an able, vital, and important member of the Committee on Agriculture and rendered an outstanding service to his district, State, and Nation.

I want to extend to Mrs. Pace and other members of the family an expression of my deepest sympathy in their loss and bereavement.

Mr. SIKES. Mr. Speaker, I am honored to join my colleagues in paying special tribute to our esteemed friend and distinguished former colleague, the late Honorable Stephen Pace, Sr., who passed away on April 5. He was a warm and genuine human being who spent much of his life in the service of his fellow man and his country. It was my privilege to serve with Steve. He was already recognized as a leader in the important field of agriculture when he came to Congress as a freshman. As the years went by, his influence grew in that often controversial field and it was my belief that he, more than anyone else, united and strengthened the efforts of the great House Committee on Agriculture in its deliberations and in its legislative programs.

As we pause to honor the memory of the gentleman who so ably represented the Third Congressional District of Georgia for 14 years, from 1937 to 1951, it is pleasant to recall the many outstanding accomplishments of this very able legislator.

Representative Pace was admitted to the bar in 1914 and commenced practice in Americus, Ga., the same year. He served in the State house of representatives from 1917 to 1920 and was a member of the State senate in 1923 and 1924. He was elected to the 75th and to each succeeding Congress until his retirement in 1950. Steve Pace's record in Congress earned for him the genuine admiration of his colleagues. He was a loyal and generous friend, a helpful coworker, a tireless and deeply knowledgeable student of our Nation's most difficult and complex problems.

I join my colleagues in extending deepest sympathy to the family of our beloved departed friend Steve Pace, and I assure them he will long remain in our thoughts and prayers. The Congress and the Nation benefited from his diligent and capable service.

Mr. ANDREWS of Alabama. Mr. Speaker, it is with profound sadness that I join my colleagues today in paying tribute to the late Honorable Stephen Pace, Sr., who passed away on April 5. Steve represented the Third District of Georgia in the U.S. House of Representatives from the 75th Congress until his retirement in 1950. After his retirement he returned to his beloved Americus and the practice of law.

Before coming to Washington Steve served in the Georgia State House of Representatives and State Senate with distinction.

He was a treasured personal friend. Not only was he known for his ability and dedication, but for humility and humor. I know of no person with whom I have served who was more anxious to cooperate and who was more kindly in his association with all his colleagues. He worked toward the ideals he expressed with all his might.

Steve Pace became a member of the House Agriculture Committee in the 76th Congress. With the 81st Congress he became vice chairman of the Agriculture Committee and also served as chairman of the Cotton Subcommittee and Farm Labor Subcommittee. In previous years he had served on the Food Shortage Subcommittee and Crop Insurance Subcommittee. Much important legislation was written into law during his work with the Agriculture Committee. He was indeed a friend to the farmer.

The burden of sadness borne by the surviving members of his family is one shared by those of us in this body who had the privilege of knowing and working with Steve Pace.

GENERAL LEAVE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the life and service of Stephen Pace.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

FEDERAL ASSISTANCE TO STATE AND LOCAL ENFORCEMENT OFFICERS AND THE COURTS

(Mr. McCORMACK (at the request of Mr. ALBERT) was given permission to extend his remarks at this point in the RECORD.)

Mr. McCORMACK. Mr. Speaker, one of the most critical problems of today is crime in the streets. Recognizing this, in 1968 Congress passed the Safe Streets Act, establishing the Law Enforcement Assistance Agency to provide Federal assistance to State and local enforcement and courts.

This agency has been termed by the Attorney General as the best means of providing needed Federal assistance in the fight against crime, which is principally a local responsibility. The Nixon administration continues to talk a great crusade against crime, but when it comes to positive action, it opts for halfway measures, as indicated by its lack of support of adequate funds for LEAA.

The Attorney General, as spokesman for the administration, testified that LEAA needed only $480 million. Yet, the cities and States are all asking for additional help. Therefore, the House Judiciary Committee chairman, who has taken the initiative in many other anticrime measures, has said he plans to request $750 million for the Agency. This contrasts to the $480 million request of the administration.

The Judiciary Committee is currently marking up the Omnibus Crime Control and Safe Streets Act, and Chairman Celler has assured me that it will be reported out with the $750 million funding request. Some believe that an even greater amount should be funded for the agency, and that the $750 million is the minimum assistance figure.

The Judiciary Committee has taken the initiative in many other areas after patiently waiting for administration proposals and positions. The Voting Rights Act is a good example. The administration sought to weaken the provisions of this most significant civil rights legislation to guarantee every citizen the right to vote. Also, there is now some question about exactly where the administration stands on the 18-year-old vote; the provision, added by the Senate, has received on-again, off-again support of the administration.

Despite the vascillation and ambiguity of the administration, Congress has moved ahead to meet its responsibilities. Some of the activity and statements by administration spokesmen raise questions about the sincerity of positions—do they really desire legislative action, or do they seek political gain?

Again, I ask the administration to join with a concerned Congress in meeting the pressing needs of the Nation, and to assist in moving necessary legislation.

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TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1966 the United States produced 1,296,000 metric tons of copper. This represented almost one-fourth of the world total. The Soviet Union was second producing 750,000 metric tons.

INCREASE IN POSTAL RATES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. MONAGAN. Mr. Speaker, the administration has added insult to injury with its proposal to increase first-class mailing rates by almost 67 percent in order to finance the bulk of the proposed postal pay raises.

The administration laid the groundwork and fostered a climate that allowed the threat of the Nation's first national postal strike to become a grim reality. By adamantly refusing to consider postal pay raises unless accompanied by a postal reform package to turn the Post Office into a private postal corporation, the administration effectively kept the postal pay legislation bottled up in conference after it had passed both Houses. Despite the fact that the climate for effective postal reform had become favorable, and in spite of the valid demands of postal employees for pay increases necessary to keep pace with the rising cost of living, the administration refused to remove this obstacle and the Nation was the loser.

In place of the traditional use of the legislative process, the administration has embarked upon a course whereby normal governmental processes and the patience of our citizens are pushed to the limit, and in this instance, almost broken.

I support reasonable and necessary postal pay increases, and I support measures to increase the efficiency of the postal operations, but I am opposed to the administration's heavyhanded method of achieving these goals, and to its proposal to put almost the entire burden for these necessary adjustments upon the average citizen in the form of a disrupted mail service and unreasonable increases in first-class mailing rates.

While the President recommends increasing first-class mailing rates from 6 cents to 10 cents, almost a 67-percent increase, to produce $2.3 billion in added revenues, he proposes to increase second- and third-class mail rates by a mere 5 percent to produce an extra $125 million in added revenues. First-class mail is utilized predominantly by individual citizens, while business concerns comprise the bulk of second- and third-class mailers. Although first-class mailers already pay more than their own way, second-class mail pays approximately one-quarter of its costs, and third-class mail pays about 82 percent of its costs. Certainly some reasonable adjustments can be made to bring second- and third-class mail revenues more in line with their costs to the Government. Even under the present system with the first-class mailers, that is average citizen mailers, subsidizing second- and third-class mail, the Post Office has a deficit of $1.3 billion. Second- and third-class mailers must be made to share more equitably in the burdens as well as the benefits of our postal operations.

Average citizens are fed up with having to subsidize the delivery costs for the publishing industry, and I for one am going to oppose the administration's proposal to have first-class mailers almost exclusively bear the burden for these postal increases.

As a first step toward bringing postal wages up to realistic levels, I support H.R. 16844, a bill providing for a 6-percent across-the-board pay increase for Federal employees, and I intend to support the proposed additional 8-percent increase for postal employees when it comes up for consideration.

NATIONAL VOLUNTEER FIREMEN'S WEEK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am very pleased to announce that 44 of our colleagues are cosponsoring legislation today which would authorize the President to proclaim "National Volunteer Firemen's Week" from September 19, 1970, to September 26, 1970.

The two bills introduced today are companion bills to House Joint Resolution 1154 which I introduced on April 6.

Those joining in honoring the Nation's volunteer firemen include Congressmen William R. Anderson of Tennessee, Edward G. Biester, Jr., James A. Byrne, and R. Lawrence Coughlin, of Pennsylvania, Joel T. Broyhill of Virginia, Robert V. Denney, of Nebraska, Thomas N. Downing, of Virginia, Joshua Eilberg and Edwin D. Eshleman, of Pennsylvania, Hamilton Fish, Jr., of New York, and Daniel J. Flood and James G. Fulton, of Pennsylvania.

Other cosponsors are: Congressmen Edward A. Garmatz, of Maryland; Joseph M. Gaydos, of Pennsylvania; James F. Hastings, of New York; Mrs. Heckler, of Massachusetts; Frank Horton, of New York; William L. Hungate, of Missouri; Andrew Jacobs, Jr., of Indiana; Joseph M. McDade, of Pennsylvania; John O. Marsh, Jr., of Virginia; John Melcher, of Montana; G. V. Montgomery, of Mississippi; William S. Moorhead and Thomas E. Morgan, of Pennsylvania; Bill Nichols, of Alabama; J. J. (Jake) Pickle, of Texas; Alexander Pirnie, of New York; and Howard W. Robison, of New York.

Also joining the list of sponsors are Congressmen Fred B. Rooney and Herman T. Schneebeli, of Pennsylvania; William L. Scott, of Virginia; Burt L. Talcott, of California; Fletcher Thompson, of Georgia; Joseph P. Vigorito, of Pennsylvania; William C. Wampler, of Virginia; G. Robert Watkins, of Pennsylvania; Lowell P. Weicker, Jr., of Connecticut; J. Irving Whalley, of Pennsylvania; Lawrence G. Williams, of Pennsylvania; Larry Winn, Jr., of Kansas; Lester L. Wolff and John W. Wydler, of New York, and Gus Yatron, of Pennsylvania.

I will be introducing another companion bill to those introduced today and invite other of our colleagues to join in support of this long overdue tribute to the Nation's volunteer firemen.

NARCOTICS EDUCATION ACT OF 1970

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, on March 31, I introduced H.R. 16730, the Narcotics Education Act of 1970. The thrust of this bill is to authorize $10 million in fiscal 1971 to establish pilot projects employing former narcotic addicts to educate young people about the dangers of drug abuse.

A frightening epidemic of drug addiction is threatening our young people.

There are over 25,000 teenage addicts in New York City alone, and the rate is increasing at 7 to 10 percent a month. Giving drugs to a child is the same thing as killing him. Yet we are doing almost nothing to stop our young people from getting hooked.

Prevention is the most vital task before us. Education is the best means of prevention. But a recent study of 133 teenage addicts showed that only 17 percent had received any education at all on the dangers of heroin. Indeed, the New York City Board of Education does not allocate a single cent of its $1.2 billion budget for drug education.

My bill to establish an addict prevention corps is an effort to fill that education gap. I propose that the Federal Government appropriate $10 million this year to send ex-addicts and other young people into the Nation's schools to lead the fight against teenage drug abuse.

Our young people no longer listen to their parents or teachers on the drug problem. There is a communication barrier between generations. As a parent of three boys approaching adolescence, I am deeply concerned about this communication failure. I do not want them "cured" after they have become addicted—I want them prevented from experimenting with dangerous drugs altogether. I think most parents feel the same.

To prevent teenage addiction, we have to reach teenagers on their own level. Ex-addicts can communicate with teenagers because they have been the addiction route. They can tell them from firsthand experience the horrors of addiction and the terrible difficulty of becoming unhooked. Their own lives give them the credibility which will make other young people listen.

In addition to teaching in the schools, APC members would be available for counseling youngsters with drug problems and sponsoring teenage clubs to combat drug addiction.

In too many places, popping pills or shooting heroin is the thing to do. What we have to do is to provide an impetus for teenagers to organize their own fight against addiction.

I recently spent a morning touring Horizon House, a city rehabilitation facility housing ex-addicts at 300 East 4th Street in New York City. It is a moving experience to see these young people trying to build new lives. They are struggling for survival, and they are winning. There are 87 ex-addicts there and over 1,300 in other similar facilities in the city. They represent our hope for turning back the blight of addiction.

As a part of their program, the Horizon House ex-addicts have been counseling students against drugs in the New York City schools. Their pilot APC project has been very successful and highly praised by participating school officials.

At present, the Nixon administration is holding up action on the city's application for refunding the existing narcotics program. Further delay could seriously jeopardize the prevention, education, and rehabilitation programs pioneered by the city's addiction services agency. It would be a travesty if the administration should now cut off these programs just where they are beginning to make an impact. The lives of these young people are at stake, and they deserve better than procrastination.

What I am proposing is an effort to stop the infection of addiction before it starts. The young people in Horizon House know the horror of being hooked. They have already started going out to schools to tell others about their experience. They are the best apostles of drug prevention that we have. And the time has come to use their talents so that others can be prevented from making the same tragic mistake.

The authorization in H.R. 16730 is for $10 million to demonstrate the effectiveness of employing ex-addicts and other young people trained in narcotics prevention to teach in schools in the Nation's cities, suburbs, and rural areas. Part of the money would be used for special audiovisual materials such as films which can be used in conjunction with lectures. As many as 4,000 to 5,000 ex-addicts and addiction specialists could be employed at an annual per capita expense of $20,000.

Mr. Speaker, the Addiction Prevention Corps concept has already been endorsed by Commissioner Larry Bear, Addiction Services Agency, New York City; Project HELP, a private addiction services agency; and Mr. John Niemayer, president, Bank Street College. I hope that my colleagues will join me as cosponsors of this important legislation to combat the growing menace of drug abuse among young people. The full text of H.R. 16730 follows:

H.R. 16730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Narcotics Education Act of 1970."

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse has reached epidemic proportions in the United States and constitutes a direct threat to the strength and vitality of our Nation; that such abuse is increasing rapidly among schoolchildren in urban and suburban areas; that there is a lack of creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to establish study programs on the problems of drug abuse and educational programs in the public schools of the Nation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 4. From the sums appropriated pursuant to section 3, the Commissioner of Education shall assist projects designed to educate students in public schools on the problems of drug abuse by making grants to or entering into contracts with public educational and social service agencies for pilot projects designed to demonstrate the effectiveness of employing addiction specialists, including, but not limited to, ex-addicts, in classroom education and other rehabilitation programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purpose set forth in section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this Act; and

(4) provides for making reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from public educational and social service agencies for financial assistance under this Act may be approved by the Commissioner only if the Governor has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

CONSULTATIONS WITH OTHER FEDERAL AGENCIES

SEC. 6. (a) The Commissioner may not approve an application for assistance under this Act unless he has given the Director of the National Institute of Mental Health and the head of the Bureau of Narcotics and Dangerous Drugs in the Department of Justice an opportunity to review the application and make recommendations thereon within a period of not to exceed sixty days.

(b) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other Federal agencies (including the consultation required by subsection (a)) and with other appropriate public and private agencies.

PAYMENTS

SEC. 7. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 8. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 9. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

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(b) The term "public educational or social service agency" means a public board of education or a social service agency legally constituted within a State for either administrative control or direction of, or to perform a service function for, public schools and social service agencies in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public education or social services.

(c) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hall for 1 day, April 9, on account of business in district.

Mr. Patman (at the request of Mr. Albert), for today, on account of official business.

Mr. Flynt (at the request of Mr. Albert), for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. Albert), for today, on account of official business.

Mrs. Heckler of Massachusetts (at the request of Mr. Gerald R. Ford), for April 13 through April 23, on account of official business as a member of and at the request of the chairman of the House Committee on Veterans' Affairs to inspect hospital facilities in Vietnam and to review other related veterans matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, today, for 60 minutes, to revise and extend his remarks and to include extraneous material.

(The following Members (at the request of Mr. Brinkley) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 10 minutes, today.
Mr. Farbstein, for 20 minutes, today.
Mr. Reuss, for 10 minutes, today.
Mr. Brinkley, for 60 minutes, today.
Mr. Gonzalez, for 10 minutes, today.

(The following Members (at the request of Mr. Burke of Florida) to revise and extend their remarks and include extraneous material:)

Mr. Hogan, for 30 minutes, today.
Mr. Vander Jagt, for 10 minutes, today.
Mr. Burke of Florida, for 5 minutes, today.
Mr. Findley, for 30 minutes, Monday, April 13.
Mr. Bush, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins and to include extraneous matter.

Mr. Hogan to follow the remarks of the gentleman from Arizona (Mr. Udall).

(The following Members (at the request of Mr. Burke of Florida) and to include extraneous material:)

Mr. Crane.
Mr. Snyder in three instances.
Mr. Pettis.
Mr. Button in two instances.
Mr. Brown of Ohio in two instances.
Mr. Nelsen in two instances.
Mrs. May.
Mr. Wyman in two instances.
Mr. Frelinghuysen.
Mr. O'Konski.
Mr. Zwach.
Mr. Hunt.
Mr. Harsha.
Mr. Scherle in two instances.
Mr. Bob Wilson.
Mr. Conte in two instances.
Mr. Bush.
Mr. Ashbrook.
Mr. MacGregor.

(The following Members (at the request of Mr. Brinkley) and to include extraneous material:)

Mr. Minish in three instances.
Mr. Fisher in three instances.
Mr. Fraser.
Mr. Andrews of Alabama.
Mr. McCarthy in three instances.
Mr. Moorhead.
Mr. Dorn in four instances.
Mr. Annunzio in eight instances.
Mr. Baring in two instances.
Mr. Karth.
Mr. Charles H. Wilson.
Mr. Rarick in three instances.
Mr. Monagan.
Mr. Culver in two instances.
Mr. Ottinger in two instances.
Mr. Gonzalez in two instances.
Mr. Boggs.
Mr. Vanik in two instances.
Mr. Scheuer in two instances.
Mr. Dowdy in two instances.
Mr. Kyros in two instances.
Mr. Burke of Massachusetts in two instances.
Mr. Dingell in two instances.
Mr. Koch in two instances.
Mr. William D. Ford in two instances.
Mr. Wolff.
Mr. Bingham in two instances.
Mr. Casey in two instances.
Mr. Tiernan.
Mr. Yates.
Mr. Helstoski in two instances.
Mr. Zablocki in three instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 190. Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, April 13, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1905. A letter from the Deputy Secretary of Defense, transmitting the eighth annual report of the Office of Civil Defense for the year 1969, pursuant to section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

1906. A letter from the Acting Administrator, General Services Administration, transmitting prospectuses proposing construction or alteration of certain public buildings for use by the Post Office Department, pursuant to section 7(a) of the Public Buildings Act of 1959 (73 Stat. 480), as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DADDARIO: Committee on Science and Astronautics. H.R. 16595. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 91–991). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Post Office and Civil Service. H.R. 16844. A bill to increase the pay of Federal employees, and for other purposes, with amendments (Rept. No. 91–992). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 905. Resolution for administration of H.R. 16844, a bill to increase the pay of Federal employees, and for other purposes (Rept. No. 91–993). Referred to the House Calendar.

Mr. STEED: Committee on Appropriations. H.R. 16900. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–994). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: Committee on Appropriations. H.R. 16915. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–995). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 16916. A bill making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–996). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 16861, A bill to preserve and stabilize the domestic gold mining industry on public, Indian, and other lands within the United States and to increase the domestic production of gold to meet the needs of industry

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and national defense; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL (by request):

H.R. 16862. A bill to amend the act of September 19, 1964 (78 Stat. 986), as amended (43 U.S.C. 1411–18) and the act of September 19, 1964 (78 Stat. 988), as amended (43 U.S.C. 1421–27); to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 16863. A bill to extend the National Wool Act of 1954, as amended, for 3 years; to the Committee on Agriculture.

By Mr. CLANCY:

H.R. 16864. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16865. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16866. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16867. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16868. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16869. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16870. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 16871. A bill to transfer to the Secretary of Health, Education, and Welfare the functions of the Secretary of Agriculture relating to insecticides, fungicides, and rodenticides, and for other purposes; to the Committee on Agriculture.

H.R. 16872. A bill to amend title 39, United States Code, to provide for increases by the Postmaster General in postage rates applicable to third-class bulk mailings when the revenue from such rates is insufficient to cover the cost of third-class bulk mail service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 16873. A bill to improve public nutrition through the expanded use of dairy products and to increase the income of dairy farmers, and for other purposes; to the Committee on Agriculture.

H.R. 16874. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 16875. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 16876. A bill to amend section 152(a)(7) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 16877. A bill to extend the District of Columbia Compulsory Immunization Statute; to the Committee on the District of Columbia.

H.R. 16878. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 16879. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of mail rates by the filing of tariffs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 16880. A bill to amend title XVIII of the Social Security Act to authorize payment under the program of health insurance for the aged for services furnished an individual by a home maintenance worker (in such individual's home) as part of a home health services plan; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Anderson of California, Mr. Farbstein, Mr. Fulton of Pennsylvania, Mr. Matsunaga, Mr. Pepper, Mr. Pryor of Arkansas, and Mr. Ryan):

H.R. 16881. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 16882. A bill to protect the public health and safety to provide new means for the control of the depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 16883. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a National Lake Areas System and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Public Works.

By Mr. JARMAN (for himself and Mr. Rogers of Florida):

H.R. 16884. A bill to amend the Federal Food, Drug, and Cosmetic Act and other laws to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER (for himself and Mr. Poff):

H.R. 16885. A bill to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 16886. A bill to recognize direct benefits to the United States from the construction of the Toledo Bend Dam and Reservoir project and exempt Sabine River Authority, State of Louisiana, and Sabine River Authority of Texas, from further charges for the use, occupancy and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Agriculture.

H.R. 16887. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. McKNEALLY:

H.R. 16888. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 16889. A bill to create a select committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

By Mr. NELSEN:

H.R. 16890. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. Hanna, Mr. Annunzio, Mr. Rees, and Mr. Halpern):

H.R. 16891. A bill to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes; to the Committee on Banking and Currency.

By Mr. PELLY:

H.R. 16892. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 16893. A bill to amend the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture.

H.R. 16894. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

By Mr. SCOTT of Virginia:

H.R. 16895. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

By Mr. ST GERMAIN:

H.R. 16896. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 16897. A bill to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; to the Committee on Veterans' Affairs.

By Mr. VANIK (for himself, Mrs. Chisholm, and Mr. Obey):

H.R. 16898. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to person who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 16899. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 16900. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BIAGGI:

H.R. 16901. A bill to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 16902. A bill to amend title 28, United States Code, to transfer Charlotte and Lee Counties from the middle to the southern district of Florida and Highlands County from the southern to the middle district

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of Florida; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 16903. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; to the Committee on Interior and Insular Affairs.

H.R. 16904. A bill to authorize the payment of interest on certain claims against the United States by small contractors and the payment of interest and attorneys' fees on judgments obtained against the United States by such contractors; to the Committee on the Judiciary.

By Mr. COLLIER (for himself, Mr. Burke of Massachusetts, Mr. Bennett, Mr. St Germain, Mr. Tiernan, Mr. St. Onge, Mr. O'Neill of Massachusetts, Mr. Boland, Mr. Rogers of Colorado, Mr. Mikva, Mr. Vanik, Mr. Meskill, Mr. Weicker, Mr. Edwards of California, Mr. Hawkins, Mr. Hathaway, Mr. Clay, Mr. Anderson of California, Mr. Fascell, Mr. Fuqua, Mr. Symington, Mr. Kyros, Mr. Brown of California, and Mr. Waldie):

H.R. 16905. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 16906. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 16907. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to donable surplus property, and for other purposes; to the Committee on Government Operations.

By Mr. QUIE:

H.R. 16908. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 16909. A bill to amend title 39, United States Code, to provide compensation for substitute employees in the postal field service for holidays and extra compensation for such employees for time worked on holidays, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMSON of Wisconsin:

H.R. 16910. A bill to provide that the interest on certain insured loans sold out of the agriculture credit insurance fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. VANDER JAGT (for himself, Mr. Carter, Mr. Cleveland, Mr. Cunningham, Mr. Dingell, Mr. Fraser, Mr. Friedel, Mr. Hansen of Idaho, Mr. Lloyd, Mr. Mikva, Mr. Rees, Mr. Sandman, Mr. Saylor, Mr. Whitehurst, and Mr. McKneally):

H.R. 16911. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 16912. A bill to authorize the Secretary of Housing and Urban Development to establish a Federal insurance guarantee program under the Federal Insurance Administrator to protect the American public against losses resulting from the insolvency of insurers, and for other purposes; to the Committee on Banking and Currency.

By Mr. YATES (for himself, Mr. Hungate, Mr. McKneally, and Mr. Pollock):

H.R. 16913. A bill to amend section 208 of the National Emissions Standards Act to permit States to adopt motor vehicle emission standards more stringent than the Federal standards; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of Alabama:

H.R. 16915. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. FLOOD:

H.R. 16916. A bill making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. FLOOD:

H.J. Res. 1160. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.J. Res. 1161. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H.J. Res. 1163. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Commission on the Judiciary.

By Mr. PICKLE:

H.J. Res. 1164. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 1165. Joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "National PBX Operators Week"; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Anderson of Tennessee, Mr. Biester, Mr. Broyhill of Virginia, Mr. Byrne of Pennsylvania, Mr. Coughlin, Mr. Denney, Mr. Downing, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Flood, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Gaydos, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Hungate, Mr. Jacobs, Mr. McDade, Mr. Marsh, Mr. Melcher, Mr. Montgomery, and Mr. Moorhead):

H.J. Res. 1166. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Morgan, Mr. Nichols, Mr. Pickle, Mr. Pirnie, Mr. Robison, Mr. Rooney of Pennsylvania, Mr. Schneebeli, Mr. Scott, Mr. Talcott, Mr. Thompson of Georgia, Mr. Vigorito, Mr. Wampler, Mr. Watkins, Mr. Weicker, Mr. Whalley, Mr. Williams, Mr. Winn, Mr. Wolff, Mr. Wydler, and Mr. Yatron):

H.J. Res. 1167. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H. Con. Res. 566. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. LONG of Louisiana:

H. Con. Res. 567. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. MOORHEAD (for himself, Mr. Daddario, Mr. Annunzio, Mr. Vigorito, Mr. Delaney, Mr. Jones of North Carolina, Mr. Brasco, Mr. Price of Illinois, Mr. Yates, Mr. Preyer of North Carolina, Mr. Minish, Mr. Rodino, Mr. St. Onge, Mr. Kyros, Mr. O'Hara, Mr. McKneally, Mr. Roberts, and Mr. Gettys):

H. Con. Res. 568. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. GALLAGHER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Baring, Mr. Barrett, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Burton of California, Mr. Byrne of Pennsylvania, Mr. Chappell, Mr. Don H. Clausen, Mr. Clay, Mr. Daddario, Mr. Daniels of New Jersey, Mr. Dingell, Mr. Farbstein, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Gettys, Mr. Giaimo, and Mr. Gray):

H. Res. 906. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Halpern, Mr. Harvey, Mr. Hathaway, Mr. Helstoski, Mr. Hicks, Mr. Howard, Mr. Jacobs, Mr. Lowenstein, Mr. Lukens, Mr. McCloskey, Mr. McKneally, Mr. Mikva, Mr. Minish, Mr. Murphy of New York, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Preyer of North Carolina, Mr. Rees, Mr. Roe, Mr. Ryan, Mr. Sandman, and Mr. Stokes):

H. Res. 907. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MINISH introduced a bill (H.R. 16914) for the relief of Joseph F. Sullivan, which was referred to the Commitee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

350. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to increasing the Farmers Home Administration loan ceiling, which was referred to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

437. By the SPEAKER: Petition of the Oneida Indian Nation of New York, Nedrow, N.Y., relative to treaty obligations; to the Committee on Interior and Insular Affairs.

438. By Mr. LONG of Louisiana: Governor John J. McKeithen, et al. on freedom of choice in public schools; to the Committee on Education and Labor.

439. By Mr. ZWACH: Petition of the citizens of Cold Spring, Minn., asking the President and Congress to do all in their power for humane treatment and release of the men held prisoners of North Vietnam; to the Committee on Foreign Affairs.

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EXTENSIONS OF REMARKS

ILLINOIS PUTS BITE IN POLLUTION FIGHT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PUCINSKI. Mr. Speaker, later this month communities, colleges, high schools, and various organizations and institutions will be commemorating "Earth Day," a day set aside for reevaluating our goals and renewing our determination to preserve the vital ecological processes that support all life on this tiny planet of ours.

We have heard a good deal in recent months about the need to combat pollution in our country. I am proud indeed to represent the State in the Union that has surged to the forefront in enacting strong, enforcible legislátion that protects its citizens.

The attorney general of Illinois now can bring suit against polluters or potential polluters without waiting for a State pollution board to request action. He can also impose heavy fines and prison terms if polluters—either individuals or corporations represented by their presidents—fail to take corrective measures within certain prescribed timetables.

Under this new legislation, Illinois has yet to lose a pollution case. The attorney general's office is determined to prosecute those who exhibit little or no regard for the rights of others.

I am proud to represent Illinois in this Congress. In order that my colleagues might learn a little more of our landmark legislation in my State, I am inserting an article on this subject which appeared in the Christian Science Monitor.

Mr. Speaker, this timely article follows:

[From the Christian Science Monitor, Apr. 3, 1970]

ILLINOIS PUTS BITE IN POLLUTION FIGHT—STATE GETS MUSCLE FROM AROUSED PUBLIC AND TOUGH NEW LAWS

(By Merelice Kundratis)

CHICAGO.—Pollution is against the law. But that doesn't mean much unless someone prosecutes.

The prosecutor? In Illinois it is William J. Scott, Attorney General. In all probability, Illinois has given its Attorney General the strongest legislation in the nation for his legal battle against the people who pollute.

Attorney General Scott took office in January, 1969, when the state had no department and no money to fight pollution—and no great push and cry from an outraged public.

Two significant changes took place in the following months as bipartisan support pushed through legislation with just a nine-vote margin.

The Attorney General now can bring suit against polluters or potential polluters in Illinois without waiting for a state pollution board to request action.

Penalties were stiffened not only in the area of fines but more effectively in the area of prison terms. If a polluter (an individual or a corporation as represented by its president) fails to correct illegal pollution within a certain time schedule, he can be imprisoned for six months.

AGENCIES VULNERABLE

"The Attorney General's philosophy," explains Allen A. Freeman, deputy attorney general, "is that his office serves not only as a lawyer for agencies of government but as the attorney of the people." What that means in practice is that even government agencies can feel the pinch of a crackdown on polluters.

"The State of Illinois itself is a polluter," concedes Mr. Freeman. Federal installations like some military bases he dubs as "horrendous polluters."

At the local level, cities like Democratic Chicago and Republican Lake Forest have had suits brought against them.

"There can't be any exceptions," stresses Mr. Freeman, pacing rapidly his office floor. "Once we show partiality, we lose the respect of the people and we're no longer the citizens' lawyer."

PUBLIC CREDITED

Mr. Freeman credits public indignation for the Attorney General's office being able to bring suits against major industries and still remain unhampered by queasy politicians.

"Public wrath and demands are so great that any political interference would result in the politician's defeat and eliminate him from politics," contends Mr. Freeman. "But we must always be alert," he warns.

Hundreds of public complaints, some spurred by NBC–TV programs and editorials here, are being investigated.

Mr. Freeman's optimism is not shared by all antipollution workers here. Many specialists still feel that certain public officials protect industries which, in turn, make political contributions. But the fact remains that Attorney General Scott's office is going after some big ones.

SUITS FILED

This action would not have occurred before the new legislation, maintains Mr. Freeman, since the commissions and boards formerly responsible for policing polluters often included representatives of the industrial polluters themselves. Such board members would protect industry rather than deal with pollution, he says.

But with clear-cut, overriding jurisdiction in court action, the Attorney General has been able to file suits against such companies as United States Steel, Republic Steel, Wisconsin Steel, Interlake Steel, North Shore Sanitary District, Commonwealth Edison Company, Monsanto, American Zinc, Socony-Mobil, Witco Chemical, Chicago Copper & Fuel, some 23 airlines, and the four major auto manufacturers.

"We haven't lost a pollution case," notes Mr. Freeman. "We've won nine straight, and we expect to win every one we try."

But the "box score" is not their main concern, says Mr. Freeman. "We're concerned with results and with changing industry's thinking on the matter. We hope for the day when it will not be necessary to file suits."

MORE EFFORT URGED

One attorney general's office alone cannot turn the tide, stresses Mr. Freeman as he urges efforts at all levels from village attorneys to the federal government.

The Illinois Attorney General is not opposed to negotiating with administrative bodies, notes Mr. Freeman. But so far the record shows that negotiations result in endless conferences and delays since it always costs money to install antipollution devices and abolish existing pollution.

"The swiftest, surest way to show that we mean business is to:

"File a law suit;

"Present evidence;

"Win the case;

"Secure an order on the defendant to install antipollution devices;

"Set a time schedule under court supervision to see that the schedule is carried out."

Mr. Freeman contends: "Elimination of pollution must be as fast as humanly possible under present-day technology."

HOW MUCH, HOW FAST?

Here, too, Illinois could be the most advanced in its crackdown on polluters. Technical experts and university advisers double-check agreements made between polluters and the state to confirm how much can be done how fast.

Attorney General Scott also tries to use the law in new ways. In a case still pending before the Illinois Commerce Commission, his office argued that good and efficient management in the public interest must include provisions for eliminating pollution. Commonwealth Edison Company, a polluter, was requesting a rate increase.

The public protest against the company and its request was one of the most organized and broad-based that the city has recently seen. Since the public hearing, the utility company has announced impressive steps toward reducing pollution. And Mr. Freeman now compliments the firm for its "open, frank, honorable change of policy."

EFFORT NATIONWIDE

Attorney General Scott's efforts are also becoming nationwide now that he is chairman of the newly formed Environmental Control Committee of the National Association of Attorneys General. Through this committee, the attorneys general expect to:

Develop a clearinghouse of legal and environmental experts.

Distribute to state legislatures antipollution legislation empowering other state attorneys general to take prompt legal action.

Distribute environmental information about legislation and litigation to all attorneys general.

Join in litigation against polluters when appropriate.

JULIAN STEELE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. KEITH. Mr. Speaker, for the many who knew him, or even knew of him, the recent death of Julian Steele was a truly tragic event.

If any man in Massachusetts personified the word "activist," it was Julian. At the time of his death he was commissioner of the State department of community affairs, but this was only one of the many interests he pursued so competently and vigorously in his rich and fulfilling lifetime.

I counted myself as privileged to be among those who called Julian a friend. Whenever we worked together on projects to improve Massachusetts, I was

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continually impressed by his talent and skill. Even more, however, I was impressed by Julian Steele the man—by his outlook on life, and by his infectious spirit of drive and accomplishment.

It is with sorrow at his passing, and with pride at having known him, that I am today including in the RECORD an editorial from the Commerce Digest, which conveys, to a small extent, some of the feeling that those of us who knew Julian had for him:

JULIAN D. STEELE

Some who analyze these deeply troubled times, in which many of the young are preoccupied with drugs and rebellion, say that youth is alienated because of a lack of respect for elders.

One adult who did not fit this category was Julian D. Steele of West Newbury, the first Negro to head a Massachusetts department.

At the time of his recent death, he was Commissioner of the Department of Community Affairs, having previously served as head of the Urban Renewal Division of the Massachusetts Department of Commerce and Development.

Julian Steele was a man who became involved. For 19 years, he had served as Town Moderator of West Newbury. He had also been Executive Director of the Robert Gould Shaw Settlement House in Boston's South End; and he had served as Assistant Administrator for the regional office of the United States Housing and Home Finance Agency. He was a past president of the Boston Branch of the National Association for the Advancement of Colored People and a Vice Moderator of the Massachusetts Congregational Christian Conference.

Julian Steele was an educated man. He was proud of the fact that he graduated from Boston Public Latin School and was cum laude from Harvard in 1929. Building upon his education, his energetic interest in public affairs, and his sense of humanity, he acquired a large circle of good friends in very high places.

Governors, Congressmen, Legislators, mayors, councilors, selectmen, educators, and low and high ranking clergymen of several faiths worked with him, respected him, and knew him affectionately as "Julian".

If his education stands as an inspiration to fellow blacks, certainly, too, the way he handled his "blackness" should attract widespread attention. Those who knew him or worked with him never looked upon him as "black". This was to the great credit of the man and could well have been the result of his outlook on the matter, which he once expressed this way: "Human progress can be measured largely in terms of acceptance of difference as interesting and our common humanity as profoundly important.

Julian Steele was an exceptionally busy man with much to do. He was a hard-driving, demanding executive—a perfectionist and a loather of red tape.

His mind was on many projects: the welfare of his home town, housing for the poor and the elderly, the improvement of blighted areas. One program, project, or seminar overlapped another and there were always people to call, people to see, things to do, papers to sign.

Julian Steele always seemed to feel that his life would never be long enough for him to complete the many things he wanted to accomplish.

Perhaps this is why one of his favorite poems was Robert Frost's "Stopping By Woods On A Snowy Evening." Frost, who had stopped to watch the woods fill up with snow on " . . . The darkest evening of the year . . ." concluded:

". . . The woods are lovely dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep."

Now he sleeps. Well done, Julian!

FEDERAL CRIME FUNDS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the Omnibus Crime Control and Safe Streets Act was widely welcomed as a great advance in our efforts to lessen mounting crime rates. Yet experience with this act shows that its block grant provisions have created serious problems. The Detroit News carried an article on March 5, 1970, which details problems created when one sets up, through block grants, a new layer of administration where none existed before.

I insert this article in the RECORD and commend it to the attention of my colleagues who are working for effective law enforcement and crime control:

DETROIT, WITH 40 PERCENT OF STATE'S CRIME, GETS ONLY 18 PERCENT OF FEDERAL FUNDS TO FIGHT IT

(By Hugh McDonald)

WASHINGTON.—More than 40 percent of the crime in Michigan occurs in Detroit yet Detroit got only 18 percent of the $1.05 million in federal anti-crime funds given Michigan last year.

Grand Rapids, population 205,000, and one of the cities where rioting helped prompt passing of the safe streets act in 1968, got only $188 in federal funds.

That paid for two-thirds of the cost of two Polaroid cameras and one fingerprinting set.

Yet Ludington, a resort community of 9,500 on the shores of Lake Michigan, received a grant of $17,000 to establish a regional police "investigators' school."

Largely rural Isabella County in mid-Michigan got $18,000 for its sheriff's department to buy new radio equipment.

When Congress passed the crime control and safe streets act on June 6, 1968—two months after the rioting that followed Dr. Martin Luther King's assassination—and 20 hours after Senator Robert F. Kennedy was shot—backers hailed it as the "most important legislation ever passed" in the nation's efforts to halt crime.

It was designed primarily to help cities fight organized crime and prevent and control riots.

Under the act, block grants would be given each year to the states, which would distribute the funds to the communities as it saw fit.

Some congressmen expressed fears that the cities would be shortchanged, because states have traditionally been rurally oriented and are not equipped to parcel out money for cities' street crime problems.

House Minority Leader Gerald R. Ford disagreed, however. He successfully led the battle to let states allocate the funds, rather than having the federal government provide direct grants to cities.

Ford's hometown is Grand Rapids. It applied for $279,834 to establish a crime control lab and for riot control funds.

But it got only the $188.

Lansing got only $600. Ann Arbor got nothing.

"Some of the smaller communities had better projects planned," said Louis A. Rome, executive director of the Michigan Commission on Law Enforcement and Criminal Justice, which operates the state program.

"We have a heavy responsibility to dispense funds which will do some good, according to the intent of the law."

Delta County in the Upper Peninsula, with a population of nearly 100,000 less than Lansing's, got $15,000 to train volunteer probation aides for work with misdemeanor offenders.

Largely rural Ogemaw, Gratiot, Sanilac and Osceola counties, which presumably have not been overrun with street rioting, received a total of $10,028 for police radio equipment.

Fraser, a community of 13,000 in Macomb County, received three separate grants totaling $5,325 to "fight organized crime." Livonia, on the other hand, with a population of 102,000 got nothing.

"The commission is as concerned about the situation as the communities that didn't get much," said Rome. "They know that crime exists mainly in the cities, but there's only so much to spread around.'"

For the $1.05 million available to Michigan in fiscal 1968–69, there were more than 200 applications with requests totaling about $6 million, Rome said.

All 28 members of the commission are appointed by Gov. William G. Milliken, who serves as chairman. Detroit has five members on the commission. Flint has one member, and Lansing and Saginaw have no local representation.

The rural counties, however, are disproportionately represented, the larger cities argue, and they ask why counties in the first place should get funds to fight street rioting and organized crime.

Detroit Mayor Gibbs, on the other hand, argues that the funds should not even be distributed on a population basis, but rather on rates of crime incidence.

Testifying at a congressional hearing on the safe streets act on Monday, Gibbs declared:

"I'm not saying that some sheriff in a village in northern Michigan shouldn't get a little something, but Detroit needs a larger share. The money should go where the crime is."

He said Detroit received $247,000 last year, about 18 percent of the total allocated to Michigan. But although Detroit has only 19 percent of the state's population, he added, 40 percent of the crime in Michigan occurs in Detroit.

Gibbs proposed that the act be amended so that cities get at least half of the funds in direct grants.

Drug addiction is Detroit's most serious problem in fighting crime, Gibbs asserted. He said that about 6,000 drug addicts now walk the streets of Detroit, and each needs "about $200 a day of other people's property" to support his drug habit.

"This is where the bulk of the crime stems from. We simply haven't the funds in Detroit for enough drug rehabilitation clinics," Gibbs said.

Of the list of 20 priorities the Michigan Crime Commission established for funds, control of drug abuse is not even mentioned.

"That largely involves personnel, and we haven't the money for that," said Rome.

Gibbs also recommended to the House Judiciary Subcommittee that Congress reduce the local cost share from the present 40 percent to not more than 10 percent.

"This year alone Detroit is faced with more than a $60 million deficit in our budget just to maintain our level of spending," he said.

The Nixon administration has proposed in next year's budget that federal anti-crime funds be increased from $278 million to $480 million, but has yet to introduce a bill to support it.

House Judiciary Committee Chairman Emanuel Celler, New York Democrat, who co-sponsored the original legislation, has introduced a bill calling for $750 million in federal anti-crime funds.

The Michigan crime commission, meanwhile, recently received notice from the Justice Department that Michigan will get $7.8 million this year to distribute, and the first applications are now coming in.

"We may not try to spread the funds all over the map this time," Rome said.

ECOLOGY AND RESPECT FOR OTHERS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. NELSEN. Mr. Speaker, Winfield Forsberg of New Ulm, Minn., has very kindly brought to my attention a most perceptive editorial on the subject of ecology. It was written by Harold Hamil, editor of Farmland, a twice a month publication of Farmland Industries, Kansas City, Mo., and it appeared in the March 16 issue. I commend this thoughtful commentary to my colleagues and include it in the RECORD.

ECOLOGY: IT BEGINS WITH RESPECT FOR OTHERS—AND NATURE

Ecology is the thing these days.

In a matter of months, millions have learned to say the word, and in saying it, they identify with a nation hell-bent on saving itself from what it wastes and discards.

President Nixon has swung into the head of the parade, and come April the marching feet of kids on campuses will cinch up, once and for all, the fact that here is an idea whose time really has come.

It seems very simple in these early days of the crusade. This is the period of rhetoric, as the political commentators say. We're in the talk stage, and the talk may get a little shrill as the weeks pass along, because more and more we are beginning to realize that the job ahead is monumental. The planners of the college teach-in are already at odds with the President for the timidity of his approach, as they see it.

We are in the midst of a great national turn-around. Industrial leaders who would have scoffed at the suggestion a few years ago are devotedly attentive to the importance of cleaning up the wastes of their factories before turning them into rivers and lakes and the atmosphere.

Farm audiences react favorably and sympathetically to suggestions that farmers must be more careful in their uses of pesticides and herbicides and in the drainage of feedlots.

There seems to be little question about our national attitude so far as it involves those acts and practices that are a part of everyday business and everyday living. We are ready for new rules, new laws, new restrictions. Business and industry are committed—and farmers had better be—to add the price of all these things to the cost of doing business.

But are we really ready to restore and protect the kind of national environment in which 300 million persons can be healthy and content?

Industry and agriculture may be ready, but what about the little people?

We say "little" people because we think the adjective quite adequate and appropriate to those who toss paper cups and plates and whole sacks of garbage out the windows of moving automobiles;

those who throw beer bottles into fishing streams;

those who write on the walls of scenic canyons;

those who pelt roadside signs with rifle bullets;

those who cut farmers' fences so their dogs can move more freely in hunting season;

those who start fires with wood from the walls of shelter houses in our parks;

those who destroy property of any kind, public or private, just for the fun of it;

those who tear down things under cover of darkness or anonymity and then retreat to their careless personal worlds to mull over whatever their satisfactions are.

Such people are persistent and pernicious destroyers of environment.

Most of what they do is in violation of state or local laws in most places where they do it. If we cannot cope with this irresponsible minority now, just how far can we proceed in our ecological crusade if all we accomplish is the writing of a lot of new statutes at the national, state and local levels?

These people break present laws because the average American, in the main, doesn't care enough to insist that the laws we already have are enforced.

A few weeks ago, our suburban neighborhood was the scene of considerable depredation on the part of a motorist who seemed intent on destruction of mail boxes. He knocked down more than a dozen, shattering the posts and snapping off a few young trees, including one in my front yard. Total damage would add up to several hundred dollars perhaps.

Police made a routine investigation, but there was never the suggestion that anyone might be caught and prosecuted. Nobody checked car tracks; nobody made a door-to-door inquiry; nobody offered a reward. Some of us resolved to plant some heavy iron bars to catch the next car that might take a swipe at our trees or mailboxes, and the incident was forgotten.

This was an old crime, committed by someone on a spree, and it was covered by old laws. But it would have been hard to find the culprit, so nobody tried.

But when one of our neighbors violated a new law last fall by burning some leaves in his yard, the crime was obvious, the perpetrator was at hand, and the enforcement was prompt and unremitting. This was air pollution, and it's prohibited in our city—even in so gentle a form as the burning of leaves.

The contrasts may or may not be significant. They do help underline the fact that laws are meaningless without enforcement. Enforcement, unfortunately, is a hit-or-miss thing in many areas. The general public doesn't insist on it and doesn't cooperate in situations where peace officers would benefit from the help of informers or be spurred on by citizen insistence on enforcement.

We lived once in a St. Louis neighborhood of houses and flats that were crowded together on 30-foot lots. But never have we been in a neighborhood where there was greater respect for the other fellow's property and privacy.

This respect seems to increase in civilized people as they find themselves in close quarters. Our cities would not have survived without it, and they are threatened today because in some neighborhoods there is a lack of conditioning for crowded living.

This lack of conditioning extends far beyond the cities, though. It shows up in those who vandalize public buildings, playgrounds and parks. It stands out in those well-dressed and seemingly well-educated men and women who throw paper cups out windows of automobiles.

The headlines and the political speakers tell us that the nation is aroused and ready to heed the warnings against further despoliation of our environment.

But we would do well to start at the bottom and work up. A people that can't control its litterbugs and vandals stands little chance of policing vast river systems, thousands of miles of seashore and the air that blankets a continent.

SUCCESS OF THE OPPORTUNITIES INDUSTRIALIZATION CENTERS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. BROWN of Ohio. Mr. Speaker, it was my privilege to submit a statement before the Senate Labor Committee's Subcommittee on Employment, Manpower, and Poverty recently endorsing the excellent program being conducted by the many opportunities industrialization centers throughout the country. With the thought that this may be of interest to my colleagues in the House of Representatives, I want to repeat that statement here.

In just 6 years, the community-based, self-help opportunities industrialization centers program has grown from its initial center in Philadelphia to a total of 80 centers located throughout the country. It is interesting to note why this particular program has succeeded where other programs have not.

The center is operated on a local basis, with the administrators and directors of the center residents of the area in which the center is located. They have a vested interest in seeing the center succeed because this success is reflected in their own communities.

The center depends upon cooperation between itself and the community. The center is initially organized without Federal funds and financial support from the community is essential. Donations of machinery and supplies are no less important, and these, of course, must come from the business and industrial leaders of the community.

The spirit which prevails throughout the staff of an OIC is an asset which cannot be overlooked. There is a very real sense of striving to accomplish what could be thought of as an impossible task—that of providing the kind of training which will ultimately pay off in jobs for those persons who were previously thought of as unemployables. And from this achievement then can begin to come those intrinsic values so necessary for self-betterment.

I can speak with some knowledge on the opportunities industrialization centers program because I am privileged to have such a center in my own congressional district in the city of Xenia, Ohio—the Greene County Opportunities Industrialization Center.

The Greene County OIC was founded in April 1967, and since that time has succeeded in training hundreds of persons for responsible positions within the Greene County area.

The members of the OIC staff who reside in the Xenia area have worked long hours to insure the success of the OIC. This success can be measured by the fact that the Greene County OIC enjoys the support of the entire area. Speaking for the community, the mayor of Xenia, the

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Honorable James T. Henry, has called the OIC "a positive program of training of the less fortunate people of Greene County on a philosophy of self-help and full employment, as a cure for the ills of unemployment."

Persons from all stations are actively taking part in the operation of the Greene County OIC. From the chief of police to a clerk-typist, and from a leading banker to a housewife, the OIC board of directors brings all parts of the community's economic and social structure together to discuss the problems of employment facing this rapidly urbanizing area. Area businessmen and industrial leaders have responded to the call for help, both financially and morally, by donating funds and equipment to the center and by hiring trainees upon completion of their courses of study.

However, I would be greatly remiss if I did not focus attention upon the person who, more than any other, made the Greene County OIC a reality. Her goal of providing a place where any person who truly wanted to better himself or herself might come to gain necessary training for finding a job has become a reality. I am speaking of Mrs. Raymond McKnight. In his book "Build Brother Build," Dr. Leon Sullivan, founder of the OIC program, calls Maggie McKnight "Miss National OIC—who almost single-handedly pulled the black and white communities of Xenia together to create the OIC program."

Maggie McKnight died unexpectedly earlier this year, but the work that she did will stand as a lasting memorial to her. She thoroughly believed in and lived the motto of the OIC: "Help persons help themselves." To make the Greene County OIC serves its purpose, she would literally "go to jail" and urge the inmates, upon their release, to come to the center for help and job training.

Maggie, a Negro, knew no color line, but rather felt that "people needed someone to love them, listen to them, understand their problems, and then help them to find a place in society."

And this is the remarkable quality about the OIC—that an organization with relatively little governmental help has been able to provide the kind of training, both physically and spiritually, to truly aid anyone who is trying to help himself.

JUDGE MICHAEL PETITO

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. WOLFF. Mr. Speaker, a devoted public servant and a dear friend of mine, Nassau County, N.Y., Family Court Judge Michael Petito, was the victim in a senseless murder prompted by a robbery while vacationing in Puerto Rico.

A sensitive and very talented man, his death is mourned by the vast number of people who were fortunate enough to come in contact with him.

Although he had only served as a judge on the family court in Nassau for a few months, he left a decided mark on the lives of so many residents of the Third Congressional District which I represent. Since 1962 he had served as town supervisor in Oyster Bay, a job which entailed running an area equivalent to a large city. He did his job in the same manner in which he lived his life—with enthusiasm, with creativity, and with the consistent concern for the area's citizens.

He was a man of good faith, believing in the power of our laws.

He was a man of incredible energy, rising to a judgeship at the age of 43.

He was a man who made limitless contributions to the betterment of others' lives.

He was a good husband to his wife, Adelaide, and his four charming children.

His fight against narcotics, his battle against the proposed Oyster Bay-Rye Bridge, and his continual compassion on the bench, are but a few reasons why he will be remembered as a man among men.

Charles Dickens once wrote:

> When death strikes down the innocent and young, for every fragile form from which he lets the panting spirit free, a hundred virtues rise, in shapes of mercy, charity and love, to walk the world and bless it.

Michael Petito will be sorely missed by those fortunate enough to have known him. To his devoted wife, Adelaide, and his family we extend our deepest sympathy, and hope that in their grief they may find some comfort in knowing that those who are left behind will not forget how dedicated he was in the pursuit of virtue.

PRESIDENT NIXON'S RESPONSIBLE POSITION ON SCHOOL DESEGREGATION

HON. CLARK MacGREGOR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. MacGREGOR. Mr. Speaker, the single word which best describes President Nixon's recent statement on school desegregation is "responsible." No one who reads this statement can miss the central point: the President will not stoop to formulas or oversimplification in dealing with this highly complex problem.

A wise man once said that "the essense of intelligence is the ability to make distinctions." By this test, President Nixon's statement displays high intelligence, indeed, for it draws critical distinctions which too many have missed.

Most importantly, it distinguishes between officially imposed, de jure segregation, and de facto segregation resulting from patterns of housing. It draws further distinctions between various Supreme Court decisions on both these topics and between the decisions of various other Federal courts. The statement also distinguishes between what is clear in the law at this time and what requires further clarification. All of these distinctions constitute significant contributions to public understanding of a most difficult issue.

The highly responsible nature of the President's approach is also evident in his determination to go beyond mere rhetoric. He stated:

> Words often ring empty without deeds. In Government, words can ring even emptier without dollars.

But one can detect the ringing of no empty words in this message. For the deeds are present and so are the dollars—some $1.5 billion of them over the next 2 years to ease the transition to desegregated and high-quality education.

When the President calls for "compassionate balance" in approaching this problem, his call is highly credible. For "compassionate balance" is precisely what characterizes the President's statement. Because it is a responsible analysis and a constructive blueprint it will produce a responsible reaction—and that is precisely what America needs most to deal effectively with this explosive problem.

QUESTIONNAIRE

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. SNYDER. Mr. Speaker, for the benefit of other Members and readers of the CONGRESSIONAL RECORD, I include the response of my constituents to a recent questionnaire:

[In percent]

	Yes	No	No opinion
1. In order to combat inflation and achieve a balanced budget, would you be willing to see cuts in your favorite Government program?	91.0	7.0	2.0
2. Would you vote to have the Federal Government guarantee every American family a minimum income?	15.0	82.7	2.3
3. Would you favor studies for the creation of an all-volunteer military with an adequate ready reserve?	77.3	20.7	2.0
4. Would you vote for additional legislation to control pornography?	79.4	16.3	4.3
5. Would you favor the proposal to convert the Post Office Department into a Government-owned corporation to operate on a self-supporting basis, provided the rights of postal employees under Civil Service are protected?	79.2	14.5	6.3
6. Do you believe that the Federal antipoverty program has been worth the cost in your area?	10.5	80.0	9.5
7. Would you favor sharing Federal tax revenues with State and local units of governmenton a no-strings-attached basis?	60.8	32.0	7.2
8. Is crime in America a serious enough threat that you would vote for increased spending in a "war against crime"?	80.3	5.2	14.5
9. Would you vote for increased Government spending for fighting pollution and for improving environmental quality?	88.8	7.2	4.0
10. Generally, would you approve of President Nixon's performance during the 1st year of his administration?	80.5	12.8	6.7

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WHY ISRAEL NEEDS HELP

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. PUCINSKI. Mr. Speaker, the Christian Science Monitor in its April 3 edition carried an excellent study of the ominous network of Soviet arms deals with the Arab States.

This study, prepared by Joy Gerville-Reache, staff writer of the Christian Science Monitor, and Priscilla A. Clapp, research associate with the International Studies Division of Bolt Beranek and Newman, Inc., of Cambridge, Mass., points out that:

> By far the biggest supplier of arms to the Arab countries today is the Soviet Union, which barely had a toehold in the area 15 years ago. The growing Russian influence has been mainly at the expense of the United States and Britain.
>
> Soviet equipment appears in Arab arsenals from Morocco in the west to the two Yemeni Republics at the southern tip of the Arabian peninsula.
>
> Five of the radical Arab states are almost entirely equipped with Soviet weapons. They are the United Arab Republic, Syria, Iraq, Algeria and (North) Yemen.
>
> Communist China comes into the Middle East picture as a supplier of light weapons to the Palestine Guerrillas under a 1965 agreement.

Mr. Speaker, this excellent table should have the widest possible circulation. Therefore, I am calling it to the attention of my colleagues with the hope that they will study its obvious portents for the future.

Mr. Speaker, the article and tables follow:

NETWORK OF SOVIET ARMS DEALS

(By Joy Gerville-Réache)

By far the biggest supplier of arms to the Arab countries today is the Soviet Union, which barely had a toehold in the area 15 year ago. The growing Russian influence has been mainly at the expense of the United States and Britain.

Soviet equipment appears in Arab arsenals from Morocco in the west to the two Yemeni Republics at the southern tip of the Arabian peninsula.

Five of the "radical" Arab states are almost entirely equipped with Soviet weapons. They are the United Arab Republic, Syria, Iraq, Algeria, and (North) Yemen.

But Algeria is showing signs of wanting to move away from sole dependence on the Russians and recently has put in several orders for French weapons. And Iraq is reportedly considering buying French Mirage V ground attack planes.

Two other Arab "radicals"—Sudan and the South Yemen People's Republic—are becoming increasingly dependent on the Russians, although they still retain a number of British weapons.

But Libya, the newest of the "radicals," where a group of young officers overthrew the monarchy last Sept. 1, has so far made no move toward buying Soviet military hardware.

Instead it has concluded a deal for the purchase of 110 Mirage jet planes from France. The contract is for Mirage III interceptors, Mirage V's, and for trainer/reconnaissance aircraft. Deliveries will start in 1971 and will be spread over four years.

Israel has strongly protested the French-Libyan deal on the grounds that Libya does not need the Mirages and that they will probably find their way to the United Arab Republic.

But the French argument is that it is better for a Western power to supply Libya than for the Soviet Union to gain yet another foothold in North Africa.

Three "conservative" Arab monarchies—Jordan, Saudi Arabia, and Kuwait—still depend on the United States, Britain, and France for their military equipment, although Jordan's King Hussein has found it hard to resist Soviet offers. Another monarchy, Morocco, has bought a number of Soviet tanks and aircraft. But few of them are operational owing to shortage of spare parts and lack of trained personnel to handle them.

Tunisia and Lebanon, the Arab moderates, rely mainly on French arms.

Communist China comes into the Middle East arms picture as a supplier of light weapons to the Palestine guerrillas under a 1965 agreement. The Soviet Union has so far refrained from sending weapons to the guerrillas directly. But some Soviet arms reach the Palestinians from Egypt and other sources.

WEAPONS IN ARAB ARSENALS

Morocco

Armed forces: 54,000.

Aircraft: 14 MIG–17 jet fighters (Soviet—not believed to be operational), 12–15 F–5 supersonic fighters (U.S.), 2 11–28 light bombers (Soviet), 24 Fouga Magister armed jet trainers (French), 12 T–6 trainers (ex-French), 6 MS. 733 light transports (French), 1 Heron transport (British), 4 C–47 transports (U.S.), 2 C–119G transports (U.S.), 2 Bonanza transports (U.S.), 6 Broussard transports (French), MS 500 aircraft (French), 4 Bell 47 helicopters (U.S.), 8 Alouette II helicopters (French), a few UH–12E helicopters and HH–43B helicopters (U.S.), 24 Agusta-Bell 204B helicopters (made in Italy under U.S. license).

Armor: 30–40 AMX–13 light tanks (French), 70 T–34 and T–54 medium tanks (Soviet and Czech. Probably few are operational for lack of spare parts), EBR–75 and Panhard armored cars (French).

Artillery: 40 90–mm. Scorpion self-propelled antiaircraft guns (U.S.), mortars and antitank weapons, recoilless guns (Soviet), 75–mm. and 105–mm. howitzers (probably French), SU–100 self-propelled guns (Soviet).

Small arms: NATO-type 7.62–mm. rifles and machine guns produced in Morocco.

Navy: 1 frigate (ex-British), 1 corvette (ex-French), 1 seaward patrol craft (ex-French), 1 patrol vessel (built in France with another on order), 1 utility landing craft (built in France).

Algeria

Armed forces: 57,000 with current draft calling for 20,000 more personnel.

Aircraft: 130 MIG fighters (Soviet)—30 MIG–15's, 50 MIG–17's, and 50 MIG–21's (These figures are low estimates based in part on the poor maintenance record of the Algerian Air Force.)

28-30 Il–28 light bombers (Soviet), 28 Fouga Magister armed jet trainers (on order from France), 30-40 Yak–11 trainers (Soviet), 10 An–12 and 10 Il–14 transports (Soviet), 30-40 Mi–4 helicopters (Soviet), 5 SA–330 Puma helicopters (French).

Missiles: 50 SA–2 Guideline surface-to-air missiles (some believed to have been bought in from the U.A.R.)

Armor: 300–350 T–34 and T–54/55 medium tanks (Soviet), 150 BTR–152 armored personnel carriers (Soviet), AML armored cars (probably in service with French-supplied gendarmerie).

Artillery: all Soviet—82-mm. mortars, and possibly heavy mortars, small rocket launchers, 30–50 107-mm. recoilless rifles, 57-mm. and 35-mm. antitank guns, 57-mm. to 100-mm, antiaircraft guns with radar, 76-mm. field guns, 122-mm. corps guns, 122-mm. and 152-mm. howitzers, SU–100 self-propelled guns, 5–10 SU–152 self-propelled guns, 140-mm. and 240-mm. multiple rocket launchers for four artillery groups.

Small arms: all Soviet.

Navy: all Soviet—6 submarine chasers, 2 coastal minesweepsr, 8-10 P–6 motor torpedo boats, 6 Komar missile patrol boats, 4 Osa missile patrol boats.

Tunisia

Armed forces: 17,000.

Aircraft: 15 Saab 91D Safir trainers (Swedish), 12 T–6 trainers (ex-French), 8 MB 326 jet trainers (Italian), 2 Alouette II helicopters (French), 3 Flamant transports (French).

Armor: 15–20 M–41 Bulldog tanks (U.S.), 15–20 AMX–13 light tanks (French), Panhard armored cars (French).

Artillery and small arms: U.S. and British.

Navy: 1 corvette and 1 patrol craft (both ex-French).

Libya

Armed forces: 8,000.

Aircraft: 10 F–5 supersonic fighters (U.S. another 8 on order), 2–5 T–33A armed jet trainers (U.S.), 5 C–47 transports and 1 C–140 Jet Star transport (U.S.), 2 helicopters (U.S.), 6 C–130 Hercules transports on order (U.S.), 110 Mirage jets on order from France.

Armor: 8 or possibly a few more Centurion tanks (British), Saracen, Saladin, and Ferret armored cars for one armored regiment (all British). An order for 188 British Chieftain tanks is awaiting confirmation. If it is withdrawn French AMX–30 tanks will probably be bought.

Artillery: Some French guns, Bazookas, 60-mm. and 81-mm. mortars (U.S.), 105-mm. howitzers.

Small arms: British and U.S.

Navy: 3 fast missile patrol boats on order from Britain, at least one delivered, 1 corvette (built in Britain), 2 inshore minesweepers (ex-British), 2 customs patrol vessels (built in Britain), 3 fast patrol launches on customs duty.

Sudan

Armed forces: 18,000.

Aircraft: 10–20 MIG–21 interceptors delivered or on order (Soviet), 4 BAC Jet Provost T.51 trainers (British), 6–8 BAC 145 Jet Provost T.52 trainers (British), 7 Hunting Provost T.52 trainers (British), 2 Gomhouria trainers (U.A.R.), 3 Pembroke transports (British), 2 C–47 transports (U.S.), L–29 Delfin jet trainers (Czech), Sudan is believed to have sent two of its Jet Provosts to Nigeria. The air force has been trained by Britain, Ethiopia, Yugoslavia, and the Soviet Union. Armor: 20 T–34 medium tanks (Soviet), 10 or more T–54 medium tanks (Soviet), 30 Sherman tanks (U.S.), 14 Saladin armored cars (British).

Artillery and small arms: British, Soviet and German.

Navy: 4 patrol boats (built in Yugoslavia).

Jordan

Armed forces: 55,444. Iraq has 12,000 troops in Jordan, Syria about 5,000, and Saudi Arabia 1,500 communications troops. There also is a contingent of about 300 Pakistani troops.

Aircraft: 17 Hunter jet fighters (from Britain and Pakistan. It is hoped to get another squadron.)

18 F–104A supersonic fighters (U.S., Another squadron of 18 is on order.), 5–10 F–86F Sabrejets (from Pakistan). A few Vampire jet fighters in reserve (British, may not be operational), 5 Hunter and F–104B jet trainers, 4 C–47 transports (U.S.), 2 Heron and 2 Dove transports (British), 4 Alouette III helicopters (French), 4 Westland Whirlwind helicopters (British).

Missiles: Hawk surface-to-air missiles (U.S.) Tigercat surface-to-air missiles, part

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of a British air defense system, apparently installed although it is nct known if it is operational.

Armor: 250 M-47/48 Patton tanks (U.S.), 100 Centurion tanks, marks 9 and 10 (British), Some older Centurions (marks 3 to 7) have been sent by Egypt and Iraq. With old Jordanian Centurions, there may be about 50–75 altogether. 200 M–113 and Saracen armored personnel carriers (U.S. and British) M–114 armored reconnaissance vehicles (U.S.), 150 Saladin and Ferret armored cars (British).

Artillery: Antitank and antiaircraft weapons (U.S.), 106-mm. jeep-mounted recoilless rifles (U.S.), 50 105-mm. and 155-mm. howitzers (U.S.), 155–mm. Long Tom guns (US.) several batteries of 25-pounder artillery (British), rocket launchers (U.S.), self-propelled antitank guns, Centurion 20-pounders mounted on Cromwell hulls (self-propelled guns).

Small arms: British and U.S.

Navy: A few patrol craft.

Lebanon

Armed forces: 15,000.

Aircraft: 12 Mirage III with Matra missiles (French), 12 Hunter jet fighters (British), 4 Super Magister armed trainers (French), 10 Chipmunk trainers (British), 3-7 Alouette II/III helicopters (French), and a few Vampires (British).

Missiles: Crotale (French surface-to-air missile) believed to be on order with deliveries to begin in 1971.

Armor: 18 M–41 light tanks (U.S.), 42 AMX–13 light tanks (French), 40 Centurions (British), and a number of old Charioteer tanks (from Jordan).

Artillery: Probably mostly French.

Small arms: French or U.S.

Navy: 1 coastal escort (French), 3 coastal patrol launches (U.S.), and 1 landing craft (U.S.).

Syria

Armed forces: 70,500. Some 6,000 Iraqi troops are stationed in Syria. All weapons are Soviet unless otherwise marked.

Aircraft: 20 Su–7 fighter bombers, 70 MIG–15, MIG–17, and MIG–19 fighters, 55-60 MIG–21 interceptors, 5-10 MIG–15 UTI trainers, Yak-11 and Yak-18 trainers, Chipmunk trainers (British), 6-8 Il–14 transports, 6 C–47 transports and a few Beech–185 transports (U.S.), 15 Mi–1 and Mi–4 helicopters, and a few Mi–8 helicopters.

Missiles: 8-10 batteries of SA–2 Guideline surface-to-air missiles (about 100 launchers).

Armor: 150 T–34 medium tanks, 300 T–54/55 medium tanks, and 500 BTR–152 armored personnel carriers.

Artillery: 37-mm., 57-mm., 85-mm., and 100-mm. antiaircraft guns with radar, 57-mm. and 85-mm. antitank guns, 152-mm. towed artillery, 40 SU–100 self-propelled guns, 20 SU–152 self-propelled guns, 82-mm., 120-mm., and 160-mm. mortars, multiple rocket launchers, and antitank guided missiles.

Small arms: all Soviet.

Navy: 2 T43 minesweepers (ex-Soviet), 3 coastal patrol vessels (ex-French submarine chasers), 6-10 Komar missile patrol boats (ex-Soviet), 15-21 motor torpedo boats (ex-Soviet), several small craft (built in France), 1 destroyer and 2 M-class submarines reportedly on order from the Soviet Union.

Iraq

Armed forces: 78,000. All weapons Soviet unless otherwise marked.

Aircraft: 20 SU–7 fighter bombers, 50 MIG–21 interceptors, 45 MIG–17 and MIG–19 fighters, 8 TU–16 medium bombers, 10 Il–28 light bombers, 54 Hunter jet fighters (British), 20 Jet Provost trainers (British), 8–10 An–12 transports, about 10 Il–14 transports, 4 Dover and Heron transports (British), Yak, MIG–15 UTI and Il–28U trainers, 11 Wessex helicopters (British), 9 Mi–4 helicopters.

Armor: 300 T–54/55 medium tanks, 180 T–34 medium tanks, 55 Centurion medium tanks (British), 40 M–24 light tanks (U.S.), 75 AML–60 and AML–90 armored cars (French). (The option for another 75 may have been taken), Armored half-tracks (French), Ferret armored cars (British).

Artillery: 20-mm. cannon (French), Recoilless rifles (French), 57-mm, and 85-mm. antitank guns, 37–mm., 57–mm. 85–mm., and 100–mm. antiaircraft guns, some with radar.

Field guns: 122–mm. and 152–mm. howitzers, 155–mm. medium-range guns (French), 82–mm., 120–mm., and 160–mm. mortars, SU–100 and SU–152 self-propelled artillery, multiple rocket launchers, antitank guided missiles.

Small arms: Mainly Soviets, although Britain has supplied the Vickers heavy machinegun; France has shipped ammunition for certain infantry weapons.

Navy: 3 SOI–type patrol boats, 12 P–6 motor torpedo boats, not all operational, 6 small patrol boats, 4 old patrol boats (built in Britain in 1937), Soviet missile patrol boats are expected.

Saudi Arabia

Armed forces: 34,000.

Aircraft: 40 Lightning fighters (British, not all currently operational), 6 Hunter F.6 fighters (British), 11 F–86F fighters (U.S.), 25 Jet Provost armed trainers (British), 6 T–33A jet trainers (U.S.), A few few T–41A and T–6 trainers (U.S.), 10–12 Chipmunk trainers (British), 9 C–130E, 2 C–118, 10 C–47 and a few C–123B transports (U.S.), 25 AB 205/206 helicopters (Italian) 6 Alouette III helicopters (French), 2 C–140 Jet Star transports on order (U.S.), Saudi Arabia employs some mercenary pilots.

Missiles: 6 batteries of Hawk surface-to-air missiles (U.S.). At least 37 Thunderbird surface-to-air missiles (British).

Armor: AMX–13 light tanks (French), M–24 and M–41 light tanks (U.S.), M–47 medium tanks (U.S.), 100 Chieftain tanks on order from Britain, AML–90 Pannard armored cars (French. Estimates vary. Some say only 60. Others 200–220).

Artillery: light mortars, 25-pounder artillery (British), Vigilant antitank missiles (British), antiaircraft artillery.

Small arms: Probably U.S. and/or British.

Navy: one coastal escort vessel (ex-U.S. Coast Guard), 15 fast naval patrol boats on order from Britain.

Yeman (North)

Armed forces: 10,000–12,000. All weapons Soviet.

Aircraft: 20–25 MIG–17 fighters, 16 MIG–21 interceptors (with Soviet pilots), 8–12 Il–28 light bombers (with Soviet pilots), a few Il-10 piston aircraft, Il-14 transports, 20–30 Yak–11 trainers, Mi-1 and Mi-4 helicopters.

Armor: 30 T-34 medium tanks possibly T–54 medium tanks and PT–76 light tanks, 50 BTR armored personnel carriers.

Artillery: 57-mm. and 85-mm. antitank guns, 82-mm. and 107-mm. recoilless rifles, 82-mm. and 120-mm. mortars, 85-mm. field guns, 122-mm. howitzers, 130-mm. long-range cannon, multiple rocket launchers, many of these weapons may not be operational now.

Small arms: All Soviet. Many of them may have reached Yemen by way of the U.A.R.

Southern Yemen

Armed forces: 12,000.

Aircraft: 12 MIG-17 fighters (flown by Soviet pilots), 4 BAC 167 Strikemaster jet trainers (British, manned by Italian pilots under contract), 4 Jet Provost T.52 jet trainers (British), 10 MIG-21 interceptors (flown and maintained by Russians)), 4 C-47 transports (ex-British), 6 DHC Beaver transport (ex-British), 6 Westland Sioux helicopter (British).

Armor: 40 T-34 or T-54 medium tanks (Soviet), 25 BTR armored personnel carriers (Soviet), Ferret armored cars (British).

Artillery: 57-mm. or 100-mm. antiaircraft guns with radar (Soviet), antitank guns, small caliber (Soviet), antiaircraft guns, probably 37-mm. (Soviet), portable mortars and rocket launchers (Soviet), heavy field artillery (Soviet).

Small arms: Soviet and British.

Navy: 3 inshore minesweepers (ex-British).

Kuwait

Armed forces: 5,000, some stationed in Egypt.

Aircraft: 4 Hunter FGA .57 (British), 12 Lightning F53 interceptor ground attack planes, not all operational (British), 6 Jet Provost armed jet trainers (British), 6 BAC 167 Strikemaster armed jet trainers (British), 2 DHC-4 Caribou transports (British), 2 Westland Whirlwind helicopters (British), 6 Agusta-Bell helicopters (Italian, more may be on order), 2 Hunter T.67 trainers (British), 2 Lightning T.55 trainers (British), 2 HS Devon light transports (British), 1 Argosy freighter (British), the Kuwaiti Air Force is trained by the Royal Air Force. RAF personnel may fly some of the newer Kuwaiti aircraft.

Missiles: Crotale surface-to-air missiles believed to be on order (French).

Armor: 12 Centurion medium tanks (British), 70 Vickers MBT tanks on order, due for delivery in 1971 (British), 25–50 Ferret armored cars (British), Saracen armored cars (British), Panhard AML armored cars (French).

Artillery: Light and heavy mortars, Several batteries of 25 pounder artillery (British), 350 Vigilant antitank missiles ordered from Britain, some delivered.

Small arms: all British.

Navy: 4 patrol boats ordered from Britain, two delivered.

Palestine Guerrillas

7.62-mm. AK-47 assault rifle, 12.7 mm. Goryunov SPG heavy machine gun and 7.62 mm. RPK machine gun (Soviet, received from Egypt), Chinese Communist copies of the Soviet 7.62 mm. AK-47 rifle and of the German Schmeisser automatic rifle Mortars (origin not certain), 130-mm, rocket launchers (Soviet origin), 240-mm. rocket launchers (Soviet design, supplied by Czechoslovakian). This is a representative list of Palestinian weapons. It should not be considered as complete.

CLERGYMAN OF THE YEAR

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I am pleased to bring to the attention of the Members of the U.S. Congress the honor to be presented to Archbishop Iakovos—Demetrios A. Coucouzis—Greek Orthodox Primate of North and South America. The spiritual leader of over 2 million Greek Orthodox has been named "Clergyman of the Year" by the Religious Heritage of America and will be honored at the organization's 20th annual awards banquet on June 18, for this leadership in community and ecumenical activities at home and abroad and for his contributions to American religious life.

Archbishop Iakovos, a former president of the World Council of Churches and currently chairman of the Standing Con-

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ference of Orthodox Bishops in the Americas, was recently named by President Nixon to the National Center for Voluntary Action Committee, whose purpose is to foster educational and environmental projects among the underprivileged.

Mr. Speaker, I am very well acquainted with the work Archbishop Iakovos has done over his lifetime and how he has succeeded in bringing people together to enjoy better understanding. The results of the archbishop's ecumenical work have been very fruitful—we see it all around us.

In the Commonwealth of Massachusetts Archbishop Iakovos is highly respected and beloved by everyone. He is the spiritual leader for hundreds of residents of my 11th Congressional District.

The following news article from the New York Times, which I submit for the RECORD without objection, highlights the ecumenical endeavors and personality of this well known theologian:

THEOLOGIAN FOR CHANGE: IAKOVOS

Few people are happier at the thought that the Boston Red Sox may end up in the World Series this year than Archbishop Iakovos, the tall, gray-bearded Greek Orthodox Primate of North and South America.

His loyalty to the men of Fenway Park began when he was dean of the Cathedral of the Annunciation in Boston from 1942 to 1954, and it is the only passion that rivals his commitment to ecumenism and the cause of world Orthodoxy. Archbishop Iakovos' recent assertion that Greek theological ideas may eventually have to be superseded by a "now Christianity" is typical of how far-ranging and detached his mind can be.

His staff has orders to have reports on his desk every morning at 9 o'clock sharp on subjects ranging from archdiocesan personnel problems to the latest developments in Greek politics.

"He feels he has to start every day with up-to-date knowledge of everything that affects his responsibilities," an aide said yesterday.

His primary responsibility is the spiritual welfare of the 1.7 million members of his own archdiocese, and his goal is to make Greek Orthodoxy a vital force in their lives and in the life of the nation. Last August he led members of his Archdiocesan Council to Athens to make them more aware of their Greek cultural heritage.

VISITED POPE JOHN

He is a loyal supporter of the Ecumenical Patriarch in Istanbul, Athenagoras I, who is his ecclesiastical superior and who once occupied Archbishop Iakovos' present post. While in Greece he took time out to lead 20 of his flock on a dusty and bumpy trip to the Patriarch's birthplace, the village of Vassilikon, high in the hills of northern Greece.

As a president of the World Council of Churches, he is at the forefront of developing relations between Protestants and Orthodox, and in 1959 he became the first Greek Bishop to visit a Roman Catholic Pope (John XXIII) in 350 years.

Archbishop Iakovos was born Demetrios A. Coucouzis on July 29, 1911, on the Turkish island of Imbros. As a boy he worked in his father's general store, selling everything from sugar to icons.

He was graduated with high honors in 1934 from the Halki Theological School of the Istanbul Patriarchate and, after completing his required Turkish military service, came to the United States to study. He was ordained a priest in Boston in 1940 and is probably the only Orthodox Archbishop with a master's degree from Harvard.

RISES AT 6 A.M.

He served in Hartford, New York, St. Louis and Boston, and in December, 1954, he was consecrated a Bishop in the Archdiocese of Central and Western Europe. He got his first taste of ecumenical affairs as representative of the Patriarchate to the World Council in Geneva, and in 1959 he took on his present post.

The Archbishop, who is now an American citizen, rises for prayers at 6 A.M. and is at his desk at 7:30. He has a small, tidy apartment in the Archdiocesan headquarters at 10 East 79th Street, but he is now trying to spend at least several nights a week in the home purchased by the archdiocese last spring on the grounds of the Westchester Country Club in Rye.

He is a gracious host who likes to ply quests with large quantities of the rich Greek foods that he himself cannot eat because of stomach problems. His sense of humor is described as "cutting" and includes a love of puns.

Archbishop Iakovos is a good swimmer and will lead visitors on hour-long hikes around the golf course to discuss church business "out where God can join us." His staff says that once a year he overdoes it playing softball at a picnic at St. Basil's Academy in Garrison, N.Y., and "is stiff for a week."

He likes poetry, growing roses and comic strips. And, of course, the Red Sox.

"If we win the pennant, I'm going to the World Series," he told an aide last week. "If anyone asks why I'm gone, just say I've waited too long for this to happen not to."

A BILL TO PROVIDE COMPENSATION FOR SUBSTITUTE EMPLOYEES IN THE POSTAL FIELD SERVICE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. TIERNAN. Mr. Speaker, I am introducing legislation today designed to put an end to an unfair situation that has arisen over the years in the treatment of career substitute personnel in the employ of the postal service. At present, the law does not provide compensation for career substitutes when the President orders a special annual holiday. In most instances, career postal workers are paid for these special holidays if they choose not to work. If they choose to work, they are then paid double for special presidential holidays.

This is not the case with those employees who are under the career substitute program. Career substitute employees are allotted a certain number of annual holidays and not only do not benefit from the creation of special annual holidays but suffer as a result of the loss of potential working hours.

I believe that career substitute employees deserve compensation for annual holidays established by Presidential directive. This bill will give the Post Office Department authority to so compensate them. I trust and hope that our colleagues will see the worth and merit of this legislation and lend support to it.

Mr. Speaker, without objection I include this legislation in the RECORD as part of my remarks:

A bill to amend title 39, United States Code, to provide compensation for substitute employees in the postal field service for holidays and extra compensation for such employees for time worked on holidays, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3573 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) With respect to each day referred to as a holiday in section 6103(a) of title 5, and each day designated by Executive order as a holiday for Federal employees, each substitute employee shall receive compensation, under regulations prescribed by the Postmaster General, as follows:

"(1) for each such day on which no officially ordered or approved work is performed, each substitute employee shall be paid compensation in an amount equal to the hourly rate of basic compensation for his level and step, multiplied by eight;

"(2) for officially ordered or approved work on each such day (other than Christmas Day), each substitute employee shall be paid extra compensation at the rate of 100 per centum of the hourly rate of basic compensation for his level and step; and

"(3) for officially ordered or approved work on Christmas Day, each substitute employee shall be paid extra compensation at the rate of 150 per centum of the hourly rate of basic compensation for his level and step.".

SEC. 2. Section 3573(c) of title 39, United States Code, is amended—

(1) by striking out "the Act of December 26, 1941 (55 Stat. 862; 5 U.S.C. 87b)" and inserting in lieu thereof "section 6103(a) of title 5";

(2) by striking out "(A)" in subparagraph (3) thereof; and

(3) by striking out in subparagraph (3) thereof ", and (B) each substitute employee shall be paid extra compensation at the rate of 50 per centum of the hourly rate of basic compensation for his level and step".

NO KNOCK PROVISION TO DISTRICT OF COLUMBIA CRIME BILL

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. YATES. Mr. Speaker, the controversial no-knock provision contained in the recently passed District of Columbia crime bill also appears in Senate approved drug abuse control bill which will be considered by the House shortly. My able colleague from Illinois (Mr. MIKVA) has strongly opposed the provision before the Committee on the Judiciary of which he is a member. His efforts received editorial approval in the current issue of Ebony magazine, which I believe deserves the consideration of Members of Congress, and I include it as part of my remarks:

OF PLUMBING AND PRIVACY

The U.S. Department of Justice has just cited modern plumbing as an accessory to federal lawbreakers. Federal agents, especially those involved in ferreting our narcotics peddlers, claim they are handicapped in their work because they must knock and sound off with something the equivalent of "Open up in the name of the law!" before bursting in on suspects. They claim that this gives enough warning for culprits to rush to the bathroom and flush all evidence, sometimes heroin valued at hundreds of thousands of dollars, down the drain. The Justice Department believes that federal agents should be given permission to enter without knocking and the Senate of the United States seems to agree with the Justice Department. The Senate has approved a provision in the omnibus Drug Abuse Control Bill which will give agents this right once they have obtained a proper warrant from a magistrate or judge. At this writing, the bill is under consideration in the House of Representatives which may put its stamp of approval on the Senate's "no-knock" provision or come up with one which is equally bad.

INVASION OF PRIVACY

The writers of the U.S. Constitution and the amendments comprising the Bill of Rights wanted to grant each individual in these United States as much freedom as possible within the framework of a responsible government. The framers of the Constitution wanted to guarantee citizens the right of privacy within their own homes and protection against unlawful search and seizure. Opponents to the "no-knock" proposal within both the House and Senate voiced grave doubts about the constitutionality of the proposal and argued that its acceptance was a move closer to a police state. Sen. Sam Ervin Jr. (D., N.C.), an outstanding authority on constitutional law, warned that the enactment of the no-knock provision into law would be "a giant step in the conversion of our free society into a police state." Rep. Abner J. Mikva (D., Ill.) believes that not only will such a law take away a large chunk of a citizen's right of privacy but that it is an unnecessary law which not only would not improve law enforcement but might even lead to the commission of more serious crimes.

MORE "SHOOT-OUTS" WITH POLICE?

We must agree with Rep. Mikva who told a House subcommittee: "The reaction of the average citizen to an unexpected attempt to break into his home is to fight like hell. There are now some 90 million firearms in 60 million households throughout this country. In this situation, a no-knock provision is an invitation to a shootout with police. It will result in more dead police, more dead citizens and more firearms violence in America."

If Rep. Mikva's "average citizen" would respond in this way to a no-knock raid, just imagine the reaction of the ghetto slum dweller who ofttimes lives in fear of lawbreakers who work almost unrestrained by police within some ghetto neighborhoods. A man's home, regardless of how humble, is still his castle, his "turf" which he must defend against all odds if he is to maintain any semblance of manhood.

STRONGER DOORS, MORE TIME

The higher up you go among the dope-pushing hierarchy, the whiter becomes its complexion and more fancy become the addresses. This means that the no-knock law will not be used with any semblance of equality. Before an agent can enter the home of a suspected dope trafficker, the proposed law says that he must obtain a special warrant from a judge. All blacks know and most whites should know that the agent would have little trouble getting such a warrant for a raid in New York's Harlem, Chicago's West Side or Cleveland's Hough area. But a judge will make the agent check and triple check before granting a warrant for a raid on Chicago's North Shore, New York's Central Park East or Cleveland's Shaker Heights. Both the agent and the judge would fear the consequences of a fruitless raid in a socially prominent, white area but would feel no remorse if a raid in a black slum failed to result in arrests.

The very nature of a no-knock raid also would discriminate against the poor. White dope king pins live behind doormen, private elevators, steel doors and perhaps armed guards. The raiders pictured on the opposite page will penetrate this Philadelphia dwelling in a matter of minutes but it could take ten times that time to penetrate the high-rise luxury apartment of an important dope trade boss.

IT TAKES ONLY 30 SECONDS

Since it takes only about 30 seconds to flush a packet of heroin down the drain, it is difficult to figure how no-knock raiders can expect to break their way into a house or apartment before any guilty person would have a chance to flush away evidence. The first blow on the door would send the dope peddler to the bathroom and the innocent man for his gun to defend his home. No raider can ever know for certain that the place he is raiding contains incriminating evidence. And even the police are prone to err—they sometimes raid the wrong address. In addition to allowing narcotics agents to break into a home without warning, the no-knock proposal would make it legal for the agent to enter by stealth or deception. Sen Ervin warned that no-knock permission would "make it possible for law enforcement officers to break into a home like burglars." Since the agents can enter without warning, they might often be searching a house or apartment when the occupant returned. Should the occupant mistake the agents for sneak thieves and attack them, he could easily be killed by agents. The courts would likely rule it justifiable homicide.

DOES NOT WORK ELSEWHERE

Another excellent argument against the legalizing of no-knock drug raids is the fact that in the 28 states which now permit them, the traffic in dope is no different than in states which do not allow such raids. In fact, New York does permit no-knock raids and the state's dope problem is the biggest in this country. Children as young as nine years have become addicted to heroin in New York and children as young as 12 have died from addiction. New York's biggest drug problem today is among the youth of the metropolis and it will only be solved when the supply has been cut off at the top. A no-knock federal law will do little if anything toward solving New York's drug problems.

TO SUM IT UP

To sum it up, no-knock drug raids are unnecessary, dangerous to both raiders and those being raided, ineffective and discriminatory. There is little doubt that once taken to the Supreme Court, they will be found unconstitutional. There is little likelihood that no-knock raids will be of any use in capturing drug king-pins and there is a great likelihood that they will be used to harass poor whites and blacks who will have little redress even when raided falsely. No-knock drug raids should not be permitted. If by any chance they should be passed into law by Congress, an immediate effort should be made to see that their constitutionality is tested.

MEADOWBROOK BLUEBIRDS GIVE US ALL A LESSON IN GOOD CITIZENSHIP

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. CASEY. Mr. Speaker, not long ago, I received an invitation from my district in Houston, Tex., to attend a "Flag Ceremony" given by the Meadowbrook Bluebirds at the Meadowbrook Civic Building.

While I was unable to attend the ceremony, I was impressed by an accompanying note from Mrs. Jackie Eades, 8061 Juliabora.

The Bluebirds—24 girls age 8 to 9—is the youngest of the Camp Fire Girls. On their own, they decided since the Civic Auditorium where they meet did not have a flag, they would find a way to get one. They decorated baby food jars with red, white, and blue paper. Then they began to fill them with money by cleaning yards of the neighborhood. The results were spectacular. They earned enough not for just one flag—but for three—A Texas and American flag for indoors, and an American flag for outdoors. They succeeded in getting a flagpole from the City Parks and Recreation Department—and with fitting ceremony—Old Glory was hoisted over the Civic Building.

As Mrs. Eades stated:

> At a time when we read so much about disrespect of our flag and country by some young people, I felt you would like to know about the little Bluebirds in Texas who took the time to show the world how very much their flag and country mean to them.

I am proud of the achievements of these young ladies, Mr. Speaker, for here, indeed, are the leaders of tomorrow for our Nation. The achievement of the Bluebirds so impressed me that I asked Mrs. Eades for additional information and background. She advised me:

> This group of girls, ages 8 and 9, was organized in April 1968 with 24 girls and has maintained an active membership of 17 for the past 2 years. Bluebirds are the youngest of the Camp Fire Girls and their program is based on a Bluebird wish—
>
> To have fun.
> To learn to make beautiful things.
> To remember to finish what I begin.
> To want to keep my temper most of the time.
> To go to interesting places.
> To know about trees, and flowers and birds.
> To make friends.
>
> We try to plan all of the meetings and events around this theme.
>
> They participate in the National Candy Drive and this is the only activity in which they may earn an award. I was very proud of this group this year as they won first place over all the Bluebird groups in the city of Houston in selling the most candy. This is quite an accomplishment in a city of this size. Another National event is the annual Daddy-Daughter Box supper. The girls make the invitations, name tags, place mats, table decorations and prepare some sort of act to perform for the program. This is strictly girl and father, or a substitute father. No leader or mother is allowed. As we say it is their special date with daddy. They also prepare the box supper. Some Dads find very interesting meals for this event as imaginations often get carried away.
>
> This group made valentines for service men in Vietnam this past year. I know that this provided some fellows with lots of laughs and certainly helped to let them know how much they were appreciated.
>
> We have had other interesting activities, such as beauty courses, hikes, nature studies and camp outs.
>
> The overall program of Camp Fire is one I would highly recommend for any girl. One of the points that I feel has not only helped my girls but all girls is learning to love one another, helping others and most of all being "girls".

> I did want you to know that the purchase of the flags was all the girls' idea. During the time we were discussing the flag and our country I was very impressed with the thoughts and feelings of these young girls. It is hard sometimes to realize that children this age have so very much to say and most of it very mature. As I told them, I hope they will always have this pride in their country and always be willing to stand up and be counted for America. One little girl at this point expressed the feeling that it didn't really matter how she felt as she was just a little girl and I assured her that even little girls were important. This was brought back to me when the girls began to make up their list of guests for the Flag Ceremony when they decided to invite everyone from the President on down, and they did.

Mr. Speaker, to these young ladies, I extend my sincere congratulations and best wishes for the wonderful work they have done in behalf of their community. They are learning well the lessons of good citizenship and, in fact, are setting an example which all of us could well follow.

TALK AS A REPLACEMENT FOR ACTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. WOLFF. Mr. Speaker, on October 6, 1969, in Hamilton, Bermuda, the Attorney General, Mr. Mitchell, delivered a speech in which he said:

> Effective anti-crime programs are a moral, legal and economic necessity. This Administration wants it and our citizens want it. But Congress is stalling the Administration's efforts to implement a national crime program campaign by its failure to act.

I believe these words and the general policy of the administration belie the truth. We in Congress have been attempting to fight the alarming increase in crime. And at the same time, we have found ourselves having to combat an administration which believes rhetoric, not action is the way to handle the situation.

Recently, I became involved in the situation which is a vivid example of the administration's double talk.

During the last session of this Congress I filed a bill, which had more than 100 sponsors, to strengthen and clarify the law controlling the proliferation of switchblade knives and dangerous weapons.

This legislation was prompted by the obvious weakness in State and local laws with regard to access to such dangerous weapons. It is a weakness moreover which has placed these knives among the most frequently used criminal weapons.

Our Attorney General has also been quoted as saying "we think on the crime area, really the problem is Congress. The Congress has not given us the tools, but we are going to keep their feet to the fire until we get them."

It would, therefore, seem to follow that when legislation, such as my bill, presents an opportunity to constructively fight crime, with no expense involved, that the administration would readily accept it.

However, this has not been the result, in this particular instance.

In my particular case, Deputy Attorney General Richard Kleindienst commenting on my switchblade bill, on behalf of the Justice Department gave the matter short shrift. Moreover, his reply offered, in my estimation, inadequate reasons for opposing such legislation.

The reply, in brief, stated that existing legislation in this field offers sufficient latitude to control interstate trafficking in switchblades. And if there is an existing problem, then stricter local and State laws and enforcement could handle the matter.

But, Mr. Speaker, I have firsthand evidence that our State and local agencies cannot cope with the situation. On several trips to the Times Square area, I was able to purchase switchblade and gravity knives that were being sold in violation of New York State law. After inquiries at the local police precincts to determine why such knives were available and the laws were not being enforced, I was informed that determination had to be made by higher authority as to whether or not the weapons in question fit the strict legal definition of prohibited knives.

Yet, the Justice Department was able to reply in such a manner as to contradict my findings.

Moreover, Attorney General Mitchell in an interview with U.S. News & World Report in August 1969, said:

> Crime is the area of greatest concern to the American public. And what we can do in the Federal government we're going to do.

In this most vivid instance, our Justice Department did have the opportunity to do something about the crime problem. Instead, they chose to take the line of least resistance—pushing off the issue onto State and local enforcement, which already are confused and weakened by the lack of national guidance in fighting crime.

I would, therefore, urge the administration and Mr. Mitchell to take stock of where they really stand on fighting crime. Congress and our citizens will not put up with talk as a replacement for action.

TIGHTEN YOUR BELTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ZWACH. Mr. Speaker, I have said before, and I will repeat, Mrs. Margery Burns, a farm housewife who contributes a weekly column to many of our Sixth Congressional District rural newspapers, is one of my favorite columnists.

Mrs. Burns writes of the things close to the heart of countryside America. She writes words that all of us can profit by reading.

With your permission, I would like to insert into the CONGRESSIONAL RECORD Margery Burns' column which appeared in our newspapers of March 19.

Because farm legislation will soon be before us, I recommend that all of my colleagues read this item:

> TIGHTEN YOUR BELTS
>
> Have you been kicking about your food budget lately? Did you see the TV program the other day which showed the farmers getting 3¢ a pound for potatoes and you paying 15¢ a pound at the store? Then you read about Vietnam, India and some South American countries trying to break up the huge land holdings owned by absentee landlords because agriculture is a losing proposition with that system. Yet, in our country, we're being forced in the opposite direction . . . fewer farmers, bigger land holdings and absentee landlords.
>
> Do you know exactly why you'll be paying more for food if this trend keeps going on the way it is? Today there are less than half as many farmers as 20 years ago, but farm real estate debt and liabilities have doubled in only 8 years. Farmers simply can't come out with the prices they are receiving.
>
> Congressman John Zwach sent out some figures the other day which will give you an idea of the farmers' problems. In 1949, factory wages averaged $49 per week while in 1969 they jumped to $120. If farm prices had gone up at the same rate, the average price on hogs would be $46 per hundred weight instead of $27; beef would be $56 instead of $26; soybeans $6.00 per bushel instead of $2.36; wheat $4.00 instead of $1.29; corn $3.00 instead of $1.12 and fluid milk would be $8.00 instead of $3.81 today. Think hard about those prices and what they're doing to agriculture today.
>
> Another bitter pill for farmers today is the fact that all of their expenses have gone up at the same rate as wages while their prices are the same as 20 years ago. The only thing that has kept most farmers on their land is the increase in valuation of their land. But the catch there is the increase in taxes as the valuation goes up.
>
> If your income today was the same as it was 20 years ago and your expenses as high as they are today, how would you come out financially at the end of the year?
>
> According to The Farmer, a $13,000 to $15,000 income on the farm requires a gross income of $56,000 at 25¢ per $1 return. If a farmer makes only 10¢ out of a $1, he needs a gross income of $140,000 to make $13,000. And operating expenses today take from 75 to 90¢ of each dollar. A typical beef feeding and crop operation will need a capital investment of $397,000 to get a return to the operator's labor and management of $14,370 with an average of 480 acres and 2 men operating the farm.
>
> Since most farmers can't come up with the huge amounts of money necessary to run the farms today, it is logical that more corporations will be coming in to handle the bigger farms.
>
> The angle to all of this sad farming situation which really concerns most people is the definite increase coming in the price of food. Can you imagine a big company being satisfied with a return on its investment of 2.96% which is the return farmers get today if they are lucky? Is General Motors still asking 20 year old prices on its 1970 cars? You can just bet that when there are 500,000 farmer operators and managers in the country, the price of farm products will include all operating expenses besides a good profit.
>
> And you think your food budget is high now?

PLANS FOR PRIVATE SCHOOL UNDERWAY

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, for years I have predicted that Federal bureaucrats and courts would destroy the public school system in many areas of our country.

This Nation was founded on the principle of free enterprise, which is another way of saying "freedom of choice." More schools have been integrated in Alabama than I ever thought I would live to see. Integration has been accepted by the people of Alabama under a law known as "freedom of choice." This law simply permits schoolchildren and their parents to choose the school which the children would attend.

Under this law, many Negro pupils chose to attend former all white schools. Their attendance was accepted. Few, if any, white students chose to attend former all Negro schools. However, under the law, they had such a choice. The thing that the bureaucrats in Washington cannot understand, Mr. Speaker, is that a vast majority of the Negro students do not and, I repeat, do not, want to attend former white schools. They exercised their choice and remained in their own schools. I deny that any intimidation, coercion, or force kept any Negro students from attending white schools, and challenge any person to prove otherwise.

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As I stated, Mr. Speaker, this country was founded on the principle of free enterprise, which is another way of saying "freedom of choice." Each of us is permitted to choose whatever religion we care to embrace. Each of us is permitted the freedom of choice to pursue any profession or business that we desire. When you are sick, you have the freedom of choosing the physician to treat you. When you are in trouble, you have the freedom to choose the lawyer to represent you. You have the freedom to choose your place to live. As a matter of fact, you have a freedom to choose anything you desire—except schoolchildren and their parents are denied freedom to choose the schools that they attend.

If this trend is followed; namely, denying freedom of choice of schools, it could well be the beginning of the end of all free enterprise in America. To corroborate the prediction I have made about the future of our public education system in America, I am inserting an editorial written by Mr. Hubert Garner, editor of the Union Springs Herald. I am thoroughly convinced that the HEW bureaucrats and many members of the Federal judiciary are far more interested, Mr. Speaker, in integration than they are education. This is indeed a sad day in America.

The editorial follows:

THE END OF AN ERA IN BULLOCK?

Soon school will be out, and this may very well be the last year of a unitary integrated public school system as we have known it in Bullock County.

After this year, we will have a Public School system and a Private School system in Bullock County. In fact, there might be a Private School at Midway and one at Union Springs.

This change will have been brought about, not by the choice or inclination of the parents of Bullock County, but by court order. The white parents of Bullock County held no demonstrations when their schools were integrated several years ago. Black children were taken into the public schools and many of these children were given special help by their white teachers. They were accepted by their classmates, and those who so desired were taken into the Bullock County High School Band and this past year four blacks went out for football, but only one remained to play on the Tiger team. This was an honest acceptance of integration.

But the NAACP and HEW did not feel that Bullock County had done enough. Freedom of choice, they contended, was too slow. As a result, the federal court last year ordered the Bullock County Board of Education to completely integrate its faculties immediately.

This brought about a breakdown in quality education because of the incompetency of some of these black teachers who were hired quickly. In fairness, some of these teachers might have been teaching outside of their special fields. Nevertheless, it was the straw that broke the camel's back.

Judge Johnson has not yet ruled on the latest suit brought from these same sources. But it is self-evident that there is now little hope that his next ruling will bring about so much crowding and forced mixing for sociological reasons that quality education will be almost impossible.

What most Bullock County parents want, both black and white, is not segregated schools, but quality education in an atmosphere free of tension. If they cannot obtain this in the public school system, then they will try to obtain it in shcools of their own, supported by their individual efforts.

So as we approach the summer and go into the next school term, we should keep in mind that the school situation which faces both races was not brought about by the desires of either race. It was brought about by politicians and their hypocrisy. So, if we are looking for someone on whom to place the blame, let us place this blame where it rightfully belongs, and let us still continue to live together in harmony and respect for the individual dignity of both races.

A CRITICAL JUNCTURE IN OUR HISTORY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. SCHEUER. Mr. Speaker, on March 18 the House approved a bill to create 57 new Federal judgeships by a vote of 366 to 18. I was among the 18 Members who voted against it, and the only Member of the so-called liberal bloc to do so.

I voted against that bill for the simple reason that to date the President has shown a depressing instinct for mediocrity in his judicial appointments. I was concerned about his apparent use of judicial appointments as rewards for political associates and groups.

That was why, Mr. Speaker, I was loathe to give the President 57 new appointments to use in an exercise in political gamesmanship.

Today has seen the U.S. Senate's second disapproval of the President's Supreme Court nominees. This should not and must not be taken as an occasion for huzzahs and hurrahs by any group in our society. As Americans, we can never applaud any situation which demeans or embarrasses the President. For what happened today diminishes, not simply one man, but rather the office and the institution of the Presidency. None of us wished to see that. Surely, we fear further repetitions.

As Democrats and Republicans, liberals and conservatives, we all love our country and cherish its institutions, especially the office of the Presidency and the Supreme Court. I feel profound satisfaction that the Senate has risen above party loyalties today in their commitment to the excellence, the character, the integrity of the Supreme Court as an institution.

I fervently hope that the President's sensitive political antennae have finally received the message from the national press, civic and community leaders, and now the U.S. Senate. Every American recognizes and accepts the President's constitutional right to appoint anyone to the Supreme Court whose special regional, economic, or legal views the President feels should be represented on the Nation's highest court.

There are such men who represent the full spectrum of constitutional philosophy from ultraliberal to strict constructionist, who would be eminently qualified for a seat on the Supreme Court. These men would be confirmed by the Senate in a matter of hours, as was the President's first nominee Chief Justice Warren Burger, a nominee who possessed impeccable credentials.

What happened today in the U.S. Senate was not just a partisan exercise in denying a President his man, but rather the courageous action of 51 Senators—Democrats and Republicans—who, in refusing to confirm Judge Carswell, have in effect said to the President: "Give us a man of your choosing, but let him be a man of talent, character, and moral excellence."

All of us deeply hope, as Americans, not as partisan political creatures, that the President will heed the obvious call of America for a man of exceptional ability to sit on the Court. Let us hope that the President will rise to this challenge and fortify our confidence in the credibility of two of our most hallowed and revered institutions—the office of the Presidency and the Supreme Court.

The President can do no more, and must do no less, for our Nation at this critical juncture in our history.

NEW DIRECTORS TAKE HOLD IN PEACE CORPS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, the March 23 issue of the Chemical &

Engineering News contained a timely and most interesting article concerning the Peace Corps and the new approach being brought to it.

I would like to commend this article to the attention of my colleagues. The article follows:

New Directions Take Hold in Peace Corps

(Host countries seek trained, experienced chemists and engineers to ease manpower shortage.)

Last week an unlikely combination of men and women landed in Ahmadabad, Gujarat, India, where, if all goes well, they will live and work for the next 27 months. Ranging in age from 24 to 57, the 11 men and two women hail from all parts of the U.S.—from Maine to Missouri, California to New York. They have degrees and work experience in chemical engineering, electrical engineering, political science, economics, mechanical engineering—to name just a few of the diverse interests they represent. They all have at least a bachelor's degree, but several have master's dgrees, and one is a Ph. D. chemcal engineer. Their assignment: to assist the Productivity Council of Ahmadabad in its small industries development program as Peace Corps volunteers.

This baker's dozen represents more than just a continuing trend in Peace Corps programs—a trend toward more highly skilled technical and professional manpower that Peace Corps has been touting since shortly after its 1961 inception (C&EN, Feb. 18, 1963, page 92). They do represent a new commitment on the part of PC to actively recruit the kinds of people requested by host countries. And host countries aren't just requesting batches of science B.A.'s and B.S.'s, who have little or no teaching experience, for teaching in secondary and elementary schools as they have done over the years. They want professionals with experience for consulting positions, inservice teaching on university levels, and curriculum designing.

PEACE CORPS WANTS CHEMISTS AND ENGINEERS

Category	Number needed (July-December)		Brief job description	Countries
	Minimum	Maximum		
Chemical engineers	7	10	Consultants with private industry; Government programs.	India, Iran, Turkey, Chile.
Chemists (B.A. and B.S.)	130	260	Teaching at secondary school level; in-service training; science workshops.	India, Malaysia, Philippines, Eastern Caribbean, Sierra Leone.
Graduate chemists (M.S. and Ph. D.).	20	40	Teaching at university level; in-service teacher training; consultant work; curriculum development; science research methods.	Ceylon, Malaysia, Philippines, Colombia.

Good intentions.—"In the past host countries have requested Ph.D.'s and M.S.'s with professional experience and we've simply told them that we can't get those kinds of people," explains Wally Tyner, 25-year-old head of the newly formed Math/Science/Education skill desk of PC's Office of Volunteer Placement. "Well, we never really tried. We told them 'Here's our supply, can you lower your standards?' "

All too often, that supply was woefully inadequate in terms of achieving results. The Peace Corps has traditionally comprised liberal arts graduates who are full of good intentions, but often short on specific skills and experience.

Wally Tyner's PC experience serves to illustrate typical problems facing PC in the past. A 1966 chemistry graduate from Texas Christian University, Ft. Worth, he received his PC training along with a large number of Peace Corps Volunteers (PCV's), liberal arts graduates who were being trained to be poultry farmers on a farm in Mysore, Kerala, India. Mr. Tyner, the only chemist, was put in charge of feed nutrition for the farm. He trained for a month in Ft. Worth in a quality control lab, for a month in India in feed research, and was then shown to his laboratory—an empty room. "You can arrange it anyway you want," he was told.

Correcting this situation became a part of his PC job, but it took him eight months to get the laboratory in working condition—a full one third of his PC stint. Although most host countries are now ready for Peace Corps Volunteers they request, they want skilled people who need little prior training.

New directions.—Last year 96% of PCV's were liberal arts graduates—what PC calls generalists, Mr. Tyner explains. "This year our goal is to have 25% skilled and professional PCV's, a big jump from our present 4% level." Reaching that goal, he acknowledges, will depend on the success of new programs, which are part of PC's "new directions" policies. Outlined by Peace Corps director Joseph Blatchford almost a year ago, the new directions programs have had a slow start: The Gujarat project is one of these programs.

New directions programs of concern to chemists and chemical engineers have several unusual features, says Mr. Tyner.

Emphasis on short-term volunteers. PCV's have usually served for two years, not including training periods which can range from six weeks to four months. Under new policies, PCV's may serve for as little as a year, thus enabling a chemistry professor or chemical engineer at a university to take a leave of absence or sabbatical without jeopardizing his long-term job.

Active recruitment of M.S.'s and Ph.D.'s. Recruitment has been under fire from some people within PC, who argue that active recruitment destroys the volunteer spirit and image of the corps. But PC should be responsive to the needs of the countries, Mr. Tyner maintains, and if this is the only way to fill their needs, then so be it.

A shift from the young single college graduate image. "Age counts," states one PC poster and in this spirit, there's no upper age limit for PCV's. Married couples in which one member isn't a volunteer and married couples with dependent children under 18 are also eligible.

Special placements of volunteers. PC normally trains volunteers in the U.S. in blocks of several hundred. Now host countries may request from one to four individuals (five constitutes a "program" by PC definition) with specific training and background and special placements will try to meet this request. For example, Iran is requesting a chemical engineer who has been developing laboratory facilities at Arya Mehr University, Tehran. Special placements volunteers are usually trained in that country at its government's expense.

Utilization of PCV's in jobs other than teaching in elementary and high schools.

Nationalism.—This last point is important in terms of the overall philosophy of PC. "Countries aren't too keen anymore about having large numbers of nonnationals teaching in their school systems," asserts Jerry Brady, youthful assistant to the director of policy for PC. "This is understandable in view of nationalistic feelings of the countries." Many countries in earlier years regarded PC as predominately a cultural exchange program and didn't mind large numbers of PC generalists in the school system. Now they have filled these positions with their own nationals, but they still lack sophisticated manpower to help with urgent problems relating to their economy.

The Gujarat program typifies new directions in many ways. The Indian government asked PC to provide volunteers to assist the Productivity Council of Ahmadabad in its small industries program. The Ahmadabad Productivity Council, one of the most active in India, comprises 150 industrialists, 50 labor leaders, 100 professional people, and 50 private individuals. Its chief function has been to provide training courses for labor and management. About a year ago, the council added technical and business consulting to its list of services to small industries. This service has been only moderately successful because of insufficient manpower.

Consultants.—PCV's in this project are assigned directly to the council. Although the volunteer's primary job is to act as consultant to small industries, he is expected to visit area industrialists on his own and offer them assistance. Small industries with which the volunteer will work are within a 10-mile radius of the center of Ahmadabad and include about 800 engineering, 100 chemical, 100 plastic, 50 print processing, 10 rubber, and six electrical firms.

In addition to primary consulting jobs, volunteers will participate in seminars, training classes, and lectures periodically.

The Gujarat program—by PC's own admission—is still quite unique for PC: The assignments are more challenging and unusual than the vast number of PC programs. But there are other programs that will enable PCV's to spend a year or two using their professional training. One such program is being offered by Ceylon, whose ministry of education has requested 21 volunteers for jobs ranging from curriculum design in science education to film librarianship.

The Ceylonese openings, to begin this summer, are for six weeks of U.S. training. For one-year slots Ceylon needs two people each with M.S. or Ph.D. chemistry, physics, and biology degrees—all with some teaching experience—to conduct in-service training classes, train local staff, and develop science curriculums. For two-year slots Ceylon is seeking, for example, a person having an M.S. degree in library science with a minimum of two years professional experience to teach courses in library science at one of the junior university colleges, the U.S. equivalent of junior colleges.

Ceylon's requests for PCV's are quite ambitious and a reversal of attitude because during PC's nine-year history, Ceylon was one of 10 countries that asked the Peace Corps to leave. That Ceylon has since invited it to return may indeed be indicative of a new attitude toward PC now developing.

Ambitious.—Other countries have also set ambitious requirements. Chile is requesting a chemical engineer with experience in fisheries development. Malaysia wants M.S. or Ph.D. chemists to teach curriculum development on the sixth form level (junior college). India wants four chemical engineers with work experience to assist the small industries officer in industrial towns of Maharastra.

Professionally a PC experience like teaching or consulting can be a definite plus in terms of a person's own professional development, Mr. Tyner points out. A chemistry professor without tenure may be a bit re-

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luctant to leave the U.S., Mr. Tyner admits, especially in view of the tight job market. On the other hand, one or two years out of the states could prove to be an advantage if the job market should improve. "Highly trained PCV's, like those in the Gujarat project, aren't going to save the world," Mr. Tyner adds, "They're going to work in chemistry."

While it's undoubtedly true that working in chemistry in Third World countries isn't the same as in the U.S., PC officials like Wally Tyner are hopeful that many chemists and chemical engineers will respond to the challenge of new directions.

THE IMPORTANCE OF THE NATIONAL COOPERATIVE SOIL SURVEY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. KYROS. Mr. Speaker, the environment of this Nation is much in the minds of our people today. Both young and old are deeply concerned about the many ways this Nation and its people are downgrading our natural environment.

There are indeed several general answers to these environmental problems. Some of them are to stop air pollution, surface and ground water pollution, and noise pollution. More parks, more open space in our cities and urban districts, and more wilderness areas are being proposed by various groups of people.

The people in general have finally awakened to the fact that we should not continue to build our cities and homes on the flood plains of our rivers and streams. Not only is the flood control cost extremely high but the loss of life and human suffering by those who live on flood plains is also high. From the cities and towns on flood plains, great amounts of pollutants enter the Nation's waterways.

Flood plains make up a very minor percentage of this Nation's total land area. It is relatively easy to delineate the flood plain areas and to keep improper developments from being placed on them. This is certainly a major step toward environmental improvement.

My concern is on the point of what are we doing about proper land use of the major part of our land resources in this country. As the new cities and towns and rural homes will not be built on the flood plains, they will have to be built on the higher land back away from the major rivers. Much of the higher land has severe soil limitations and is therefore poorly suited to this kind of use.

For the past 30 years or more the Soil Conservation Service has been charged by Congress with making an inventory of the Nation's soil resources. This inventory is known as the National Cooperative Soil Survey. The SCS cooperates with the land grant universities and the agricultural experiment stations of those universities in this effort. Most of the funds for this inventory are appropriated by Congress. In recent years some of the State governments have also appropriated money to speed up this inventory. In most of the States only about half of the land area has been soil surveyed to date. In Maine about half of the State has been soil surveyed.

Many groups and State and Federal agencies are making an effort toward land use planning. Much and probably most of this planning effort is being done without the benefit of the inventory of the very resource that is being planned upon, namely the land.

It is an accepted scientific fact that land composed of some soil types is suitable for some kinds of use and is poorly suited or unsuitable for other kinds of uses. Yet every day major land use planning and development decisions are being made without much if any consideration of the basic resource on which the planning and development is taking place.

It is now recognized that when land is put to a use to which it is poorly suited, the costs of development are higher, ground or surface water pollution will likely result, and a definite downgrading of the environment is practically inevitable. The root of much of our environmental problems of today is a direct result of haphazard unplanned development on areas of soils that are not suited to the kind of development placed thereon.

There is a very serious need for speeding up the National Cooperative Soil Survey to the extent that it can be completed in the next few years. Our population is growing rapidly. With the development this population growth will require in the form of new cities, factories, homes, and schools, this country can ill afford to permit the environmental downgrading that will take place through the continued development on unsuitable soils.

Areas of soils that are unsuited for homes, buildings, and schools, are usually much better suited to wetland wildlife areas and park and similar recreation areas. This proper land use approach then will help provide the much needed open space within the new cities and urban areas, as well as helping to maintain and improve the environment for people. Our total Federal-State-local planning efforts require that this land inventory be completed soon, for the vital protection it can provide to both our environment and the sound economic development of this Nation.

SUPPORT FOR AMERICA'S FIGHTING MEN IN VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. CRANE. Mr. Speaker, a young man from my district, Michael R. Davis, is at present a Sp4c. with the 5th Transportation Command, U.S. Army, in Vietnam. Last fall he wrote to his father, Richard K. Davis of Rolling Meadows, Ill., a moving and in my opinion cogent commentary on America's support for her fighting men in Vietnam.

One may not agree with Specialist Davis' comments on the Vietnamization program; the situation there today is somewhat different from last fall. But what this fine young American has to say about his own country and the vocal protesters of his own generation is, I believe, worthy of the attention of every American who loves his country. I have received permission from Specialist Davis to insert his letter in the CONGRESSIONAL RECORD, where I hope many of my colleagues will find his remarks as worthwhile as did I.

The letter follows:

SEPTEMBER 26, 1969.

DEAR DAD: Well some funny and interesting changes of events in the last 24 hrs.

First of all our patrol platoon was cut off of all long range convoys and we are now working exclusively with the Korean contractor (Hon Jm Transportation Inc.) as guards for their convoys. That cuts us down to places within a 100 mile radius of Qui Nhon.

Secondly, I'm taking Tykwando lessons—a mixture of Judo, Karate, and Gung Fu. It's considered one of the best hand to hand defenses.

The way I look at it, as long as I'm here I'm going to do the very best job I can, and get as much out of it as I can. I mean I'm going to have to do something with my free time so why not Tykwando rather than sitting around. And if I have any time left over I can always go over and lay bricks at the school the GI's are building for the Vietnamese kids on the far end of Qui Nhon.

Which brings me to another related subject, the Viet Nam pullout. As far as 75% of the GI's are concerned it's a big mistake. We all agree that peace would be great and that it would be nice to have all of us going home—I mean the part about going home is great and sounds great to all of us. However, I believe the general feeling is that to pull out is inconceivable at this time for the following reasons:

(1) Militarily speaking, the South Vietnamese cannot handle this war alone—regardless of what the politicians may be trying to tell the American citizens and people of the world.

(2) Militarily speaking, the Army of South Vietnam could not recover from the major assults which would inevitably come if we pull out.

(3) Culturally speaking, all the work and money spent in helping the people of South Vietnam help themselves would be thrown away by the regression that would follow.

(4) Speaking as an American, I'm ashamed of my own people. I'm ashamed of those soft-headed fools that scream, and yell and fight against everything that has been American for two-hundred years. I'm ashamed of those bigots that say that they are being taxed to death while these people are being starved to death. I'm ashamed of those people that call themselves Americans yet won't stand up to the screaming minority of protesters and be real Americans again. I'm ashamed of those people who say it's none of our business when it's not only the business but also the responsibility of all free men to protect the rights and freedom of all men regardless of where they happen to live. For once I'd like to see America as a land of Americans again; a land where being American means more than putting out the flag on the 4th of July and going to church once a week; a land of proud people; proud of their land; proud of their past, present, and future.

I just wish that the people of America

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could see for themselves what actually goes on over here. I wish they could see the broken bodies left behind by the VC terrorists in those nameless little villages. I wish they could meet the people of this land who have spent over twenty years at war and who are still willing to give what little they have left to continue. I wish they could see a poor peasant woman who cries every day—she lost three sons who were in the Army. I wish they could see the grateful look in a five-year-old's eyes when you share a can of C rations with him. I wish they could see these brave and wonderful people—proud of what they are and who they are; too beaten and poor to win this war alone, yet too proud to quit even if the Americans do pull out.

Yet try to explain that to the people of America.

Well, I've got to be going—I promised to give a half-dozen real Americans a ride over to that school so we can spend some time laying bricks; most of us are tired and would like to spend some time over a cold beer relaxing, but we're going to do what we believe in rather than what's easiest. I'm proud of them and myself—I believe I know where you can find the real Americans.

Thanks for listening while I got it out of my system.

The kid in green.

MIKE.

P.S.—If you run into any real Americans over there Stateside let me know—it would be nice to know we're not of a dying breed over here.

S/4 M. R. Davis, 338–42–8402; H. J. Convoy Patrol, H. H. C. 5th Trans. Comd., APO San Francisco, Calif. 96238.

DR. JOSEPH CHANDLER MORRIS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BOGGS. Mr. Speaker, it is with a profound sense of loss and deep personal grief that I learned through the newspapers of several days ago of the death of one of Louisiana's most respected scientists, educators, and citizens, Dr. Joseph Chandler Morris.

Mrs. Boggs and I have known Dr. Morris for a great many years. He was a devoted friend. We shall miss him. He was a man aware of the problems of our times and devoted his life to seeking commonsense solutions to these problems.

A distinguished physicist who long served his alma mater, Tulane University, as a member of the teaching faculty and the administration, Dr. Morris suffered a massive coronary on Saturday last while attending a meeting of the council on library resources in New York City.

Of Dr. Morris' many and significant contributions, we of Louisiana are very proud that he served as a member of the national science board longer than any other person. Appointed as a charter member for a 4-year term by President Truman in 1950, Dr. Morris was reappointed for a 6-year term by President Eisenhower in 1954, and again in 1960—an unprecedented third term.

Throughout his 16 years of service on the national science board, Dr. Morris played a unique and invaluable role in guiding the National Science Foundation through its most critical years of substantive development. His successive reappointments stand in tribute to the the recognition and respect held for him by the academic and scientific communities and the leaders of the Federal Government.

A former member of the physics department at Princeton University, where he received his doctor of philosophy degree in 1928, Dr. Morris returned to Tulane, his alma mater, and his native New Orleans in 1940 as professor of physics. He was later named chairman of the department of physics and in 1947 was designated vice president of the university. From 1952 until his retirement in 1968, he served as vice president and secretary of the Tulane board of visitors, and at the time of his death was secretary-treasurer of the Gulf Central Steamship Co.

During World War II, Dr. Morris held positions as director of the Office of Scientific Personnel of the National Research Council and as associate director of training of the San Diego antisubmarine laboratory of the Office of Scientific Research and Development.

In this brief restatement of Dr. Morris' professional career, it is impossible to accurately reflect the degree to which he will be missed by all who had the privilege of associating with him. Dr. Morris was a truly remarkable man who generously and graciously served his State and Nation with distinction.

I join with his friends, admirers, and former colleagues in expressing my sympathy to his wife, the former Grace Elwood Oldfather, and his children, Mrs. Grace Morris Williamson and Joseph C. Morris, Jr.

COMMUNITY DEVELOPMENT FOUNDATION: A DECADE OF GROWTH

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. PERKINS. Mr. Speaker, I am pleased to share with my colleagues in the Congress a report on the activities of the Community Development Foundation of Berea, Ky., prepared by a member of its staff:

Community Development Foundation: A Decade of Growth in Self-Help Services

The state motto for Kentucky is a well-known aphorism: "United we stand, divided we fall." This true saying with its historic and patriotic associations is finding timely new applications in the hill and plateau regions of Kentucky and in thousands of other developing areas in our nation and abroad.

For the past ten years, the Community Development Foundation (CDF) a non-profit, voluntary agency working worldwide to help people improve their social and economic conditions, has been helping communities in Kentucky so they can stand up, each one united in the fight against poverty.

Today the work of the Community Development Foundation achieves a dynamic new momentum, and I believe its most significant aspect is taking place in Appalachia in cooperation with the Office of Economic Opportunity. Last year the Foundation introduced a training program for 57 Community Action Agency workers in five regions of Kentucky preparing them to involve the poor in programs to benefit the poor. Now there are CDF training programs in 13 areas of the Bluegrass State and additional programs with OEO for community agencies in Tennessee and in Pennsylvania as well.

Charles M. Wesley of Berea, Kentucky, director of CDF activities in Appalachia for the past ten years, is the coordinator for the Training Program. "The keys to community action," says Mr. Wesley, "are effective local leadership and full democratic participation. Our program helps community action agencies to use these keys as we equip local leaders with new and better skills and encourage them to draw into the community circle those who have sat alone and apart unsure of their right to belong."

A number of years ago Charles Wesley came to the "community" of Quicksand Creek in a remote mountain area of eastern Kentucky. Fifty families lived in dilapidated houses perched along a dry creek bed that served as a road. The squalid poverty of their lives was indeed a quicksand. What hope and opportunities could there be for these gaunt shy people cut off from the economic and social mainstream of our society?

Working with a teacher from the nearby Hindman Settlement School and a little money from CDF, Wesley encouraged the mountaineers to fix up an old building for a community center where they could begin to make saleable mountain craft products. With another grant they bought six looms, and the women and girls began to wind warps and make table mats. Machinery was installed for the men who wanted to manufacture hickory chairs.

The Craft Center helped these people to develop a new outlook and to function as a community. Improvements in health and education soon followed—a nurse held a clinic for 40 people, the dogs got rabies shots, and nine children finished eighth grade and enrolled in high school.

Today through the CDF programs in Kentucky, Tennessee, and Pennsylvania, Wesley and his associates are training 1,000 members of Community Action Agencies and the poor themselves to become involved in a sustained program of community self-help that will help to meet and satisfy the actual needs of the community by using the full quotient of community talent and manpower.

Last year was the tenth anniversary year of the Community Development Foundation. Established in 1959 with a grant of $35,688 from Save the Children Federation, CDF was incorporated under the laws of Connecticut and embarked on a pioneer program of demonstration projects, research and development. Last year's budget was more than a million dollars, and half of that amount was supplied by governments and agencies contracting for the technical services of the Foundation.

In its first program, CDF counselors worked in Greece, France, Korea and Lebanon, as well as in the mountains of Appalachia and on American Indian reservations. They came to the little villages, talked with the inhabitants, learned of their aspirations and offered the people incentives to accomplish some project of their own choice.

Early projects in Appalachia included painting and repairing of school buildings, clearing school property to make playgrounds, installing toilets and running water, and adding school kitchens so that undernourished youngsters could share in the surplus commodity school lunch programs.

A recent project is helping the people of Decoy, Kentucky, a small town in the poorest county of the country. This isolated community numbers 27 families descended from

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Scotch-Irish settlers drawn to the foothills seven generations ago by the good hunting. CDF brought support for the project from Save the Children Federation and the Minnesota Teen Corps. Led by Lionel Duff, village teacher, and the enthusiasm of the teen corps members, the young people of Decoy dug a foundation in the hard red clay and constructed a two level community center. As they prepare for the dedication in May, the young folk of this once forgotten town are filled with new hope for a better way of life.

One of the Foundation's earliest statistical studies concerned 240 of these projects, showing that they had brought benefits to 12,228 people. CDF costs amounted to $13,735, but the self-help contribution of our mountain people came to $160,980—more than seven times larger than what had been given.

As a result of this study and others regarding projects on Indian reservations and overseas, CDF realized that what could be accomplished by a small staff of counselors in a few towns could be multiplied if a large staff of community workers could work with the people. Therefore, instead of concentrating intensively on projects for two or three towns, CDF counselors learned to extend their principles and methods to many towns by encouraging local leaders to adopt and follow the self-help way.

In 1963, the Foundation was invited to help the government of Mexico take the first steps in launching a massive national program of community development. A pilot project began in five zones, soon extended to sixteen and then twenty-one zones. CDF also introduced and distributed some of our U.S. surplus-food supplies as incentives to the campesinos working voluntarily on community projects. The Mexican government was soon able to supply its own surplus foods as incentives. Working with CDF counselors, Mexican employees of the national program applied the principles and techniques of self-help.

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Today the government of Mexico and the *promotores* operate on their own a program that covers 30 of its 31 zones. Nearly 10,000 villages participate in the program. In four years the Mexican people have initiated 15,305 projects and completed 8,573, half of them related to improvements in schools and education, a third to better agricultural production and marketing opportunities, and most of the remaining projects for higher standards of health and sanitation.

CDF training programs have had a special impact in Latin America. The Foundation services including lesson units and manuals in the Spanish language have been used in Colombia, the Dominican Republic, Guyana, Honduras as well as in Mexico.

CDF's largest training program overseas today is in Vietnam with the cooperation of the Agency for International Development. This program, which began in 1967, is training South Vietnamese personnel in the Ministry of Social Welfare to work as mobile teams in refugee areas. Nearly 500 nationals have graduated prepared to meet the critical needs of the refugees for community services to combat apathy and to encourage greater self-reliance.

Within the United States, CDF training programs are springing up outside of the Appalachian area to combat poverty in our decaying urban centers as well as in the rural areas. Over the past few months residents of ghetto communities have sought out the services of the Foundation. CDF courses in the techniques of community self-help are now being offered in Washington, D.C. and in the Connecticut-New York area for members of minority groups and inner city agency personnel.

The dynamic growth of the training program is but one aspect of the vitality of the Community Development Foundation's work for the cause of self-help. Another major difference between the early CDF program and Foundation services today is in the growth of its reporting system.

To handle the increasing volume of data created through the spreading national programs for community development and to assure full administrative support for the efforts of the people, CDF found it essential to employ modern techniques in data processing. As pioneers in the application of computer technology to community action reporting, CDF first compiled a standard classification of community development projects which serves as a framework for international comparison of national sta-statistics.

The next step was to produce a standard source document to provide the input data for the computer. The result was a single form which serves both to register project and report on its progress from start to finish. Known familiarly as the "PRPR Form", it serves to take care of all routine reporting with a minimum of red tape and allows more time to devote to community organization.

An IBM 1401 card-operated computer installed in 1966, has now been replaced by a 360 tape installation with added capacity and flexibility required by the increasing demand for information.

At the present time the Foundation's International Data Processing Center in Norwalk, Connecticut, provides reporting services for national programs in the Dominican Republic and Honduras; for CDF's village programs in Korea, France, Greece, Lebanon, Tanzania, Vietnam and the Appalachian region and American Indian reservations in the United States; and for the OEO Community Action Agency programs in Kentucky, Tennessee and Pennsylvania.

This reporting system has been most extensively employed in the Dominican Republic where CDF also studies and interprets the information to evaluate the results and the future prospects of the community development efforts. This service is proving of unprecedented value in setting realistic guidelines for effective administration of national programs.

As CDF completes its first decade of progress in the cause of self-help, it is taking another bold new step. Foundation plans have just been completed for the establishment of an International Training Institute with headquarters in Norwalk, Connecticut, where specialized training in CDF techniques for social and economic progress through self-help will be available to agency personnel and community volunteers from any city or state in this country or from developing nations abroad. The institute will serve as an international center where all training materials and techniques, including the use of video tapes and computers, can be coordinated into one comprehensive program of preparation for field work assignments and for follow-up evaluation.

I believe the war on poverty cannot be won in Washington unless it is won in the communities of America. Our national program must coordinate its effort with the needs and the pace of the people and with what each community is willing to do in its own backyard.

Reports from the East Lake Cumberland region of Kentucky show that 250 self-help projects have already been initiated in four counties, and the people of the communities have contributed 70 percent of the investment for these projects. For more than half of the projects, not one cent was advanced as a grant or loan, as the full investment of materials and manpower was recruited and donated by the people themselves.

Through their own self-help efforts, the people of East Lake Cumberland are raising livestock for profit, installing water systems, repairing their homes, growing vegetable gardens, and establishing handicraft centers.

A reporting system helps them to allocate resources and makes it possible to evaluate their own contribution in planning and participation.

The CAP workers of Big Sandy have enrolled in training courses introduced by the Community Development Foundation in August, 1968. The professional workers of the community program have already completed 1,015 hours of classroom study and the nonprofessionals have credit for 3,567 hours in class. Most of them seek help with the problems of leadership and communications, and recently they have asked to study reporting procedures so they may become better aware of community achievement in their areas.

Through community self-help programs, people are discovering and drawing upon resources in themselves which they knew little of before. And it is the resources of people—more than the power of our funds—which must be mobilized if we are ever to conquer the scourge of poverty.

The OEO experience in Appalachia shows that the technical services of the Community Development Foundation are effective allies in our national war on poverty. I believe that they can be used advantageously to meet the problems in our cities as well as in our rural area. May I suggest that you can learn more about these services and the Foundation's remarkable decade of progress in the cause of self-help by writing to the Community Development Foundation, Boston Post Road, Norwalk, Conn. 06852.

NATIONAL FARM COALITION

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. O'KONSKI. Mr. Speaker, recently, representatives of the National Farm Coalition, composed of 32 general farm, commodity, and cooperative groups, met in St. Louis to urge Congress to take prompt and favorable action on the coalition farm bill, H.R. 14014 and S. 3068.

As one of the sponsors of the House farm coalition bill, I am most interested in seeing the measure adopted in the near future. Farming is a complicated business which should be run according to efficient standards and businesslike procedures. Farmers deserve to know in plenty of time under what type of legislation they will be operating so they may plan their work accordingly.

I am in full accord with the views as set forth in the resolution adopted at the recent meeting of the farm leaders. At this time, I am calling this fine statement on the goals in American agriculture to the attention of my colleagues. The resolution follows:

RESOLUTION OF NATIONAL FARM COALITION

We, representatives of 32 general farm, commodity, and cooperative groups in the Coalition of Farm Organizations, meeting in St. Louis on April 6, 1970, ask the help of Congress, the Administration, and the American people to make a renewed commitment to the preservation of family agriculture, the attainment of parity prices for agricultural products, and the restoration of rural America.

The industry of agriculture is the greatest creator of wealth in the nation. Farmers do not receive a fair share of the value of this production. Net agricultural income is about the same as it was over 20 years ago. The economic imbalance thus created is resulting in the depletion of rural communities, and urban areas swollen with people and problems.

The Coalition of Farm Organizations seeks economic equity for agriculture. We seek a system under which farmers can produce to fit the needs of the market. We seek price protection that will prevent hardship. We reaffirm our support of the Coalition Farm Bill (HR 14014 and S. 3068).

The Coalition of Farm Organizations opposes schemes that would weaken production management. Agriculture is not a single entity, but many different crops and commodities, each with its own growing cycle and its own market system. Any proposal that does not recognize this risks chaos in the market place.

We oppose the so-called massive land retirement proposals—whether on a whole farm basis, or farm-by-farm as suggested in the "set aside" plan—because they weaken the production management system. The result of such experimentation could be serious over-production that could bring disastrously low prices, or shortages that could create hardships for consumers.

Price protection must be related to the concept of fairness. Fairness is not possible unless costs of production are considered. This is the central idea of the concept of parity.

The nation must be truly committed to family agriculture, fairness for farmers, and the restoration of rural America. Its commitment must include not only a declaration of purposes and enactment of a sound legal framework, but it must also include allocation of adequate public funds if a viable farm structure is to be preserved and farmers are to share in the nation's economic growth.

Appropriations to meet the needs of agriculture are justified by the fact that consumers now spend less than 17% of their disposable income for food. Of this expenditure, farmers receive only about one-third of the total, or about 5 to 6 percent. No other major world country has ever had such a bargain and at no time have U.S. citizens received these basic essentials of life for so small a percent of their after-tax income. This has occurred because farm net income has failed to increase along with that of the rest of the economy for the past 20 years.

The Coalition is committed to workable production management on a commodity-by-commodity basis. We seek a permanent law that will include those portions of the 1965 Food and Agriculture Act that have proven to be necessary and effective. We seek to strengthen its weaknesses.

Production planning should not be carried out under the threat of unforeseen events that could create consumer shortages. Reserves of wheat, feed grains, soybeans and cotton—insulated from the market but available for use when needed—would remove such a threat.

The federal marketing order system for milk has worked well. It permits producers to participate in market decisions. It has resulted in a more stable dairy economy and has protected consumers. This system should be extended to other commodities, when and if a majority of producers vote for it in referendums.

The nation's commitment to fair prices to agricultural producers must remain firm. Fair prices to producers can only be achieved when price protection is related to the concept of parity.

The Coalition of Farm Organizations is committed to the conservation of America's basic resources of soil, water, and air. The Agricultural Conservation Program has developed the partnership of farmers and the government to achieve this end, and this partnership must be continued.

The Coalition is committed to the service of mankind through agriculture. Hunger must be ended. Food stamps must be available to all who need them in order to work toward the goal of a balanced diet for every American. Such programs as the Special Milk Program for school children must be continued.

The problems of agriculture cannot be dealt with in general terms alone. The Coalition farm bill improves upon existing law in specific terms. Examples of how the legislation would serve the interests of agriculture are demonstrated by these summary provisions of the bill as follows:

1. The Class I Base Plan for milk should be extended, improved, and made permanent.
2. The present wool program should be extended, including incentive payments to increase domestic wool production.
3. Price protection for corn should be at not less than 90% of parity ($1.58 per bu., February, 1970), with oats, rye, barley and grain sorghum at comparable levels. The loan levels should be $1.15 per bushel for corn, and the payment should be 43¢ per bu., with comparable levels for other feed grains.
4. Advance payments for wheat and feed grains payments should be mandatory for up to 50% of payments.
5. The domestic certificate for wheat plus the national average loan rate should provide 100% of parity, or the domestic share of the market.
6. A mandatory wheat export certificate of 65 cents per bu. should be issued to cooperators on not less than 40% of the farm allotment.
7. The cotton program should continue to retain marketing quotas and producer referendums, 65% of parity (Ellender Amendment), and provide for transfer by sale or lease within counties and states where approved in referendums, with a 100-acre limit.
8. Marketing order authority should be extended to any commodity on approval of a majority of the affected producers.
9. The acreage diversion program should be authorized for rice if the national rice allotment in any year is less than that in 1965 with a recommend price floor of 75% of parity.
10. An acreage diversion program for soybeans should be authorized for use when needed.
11. Consumer protection reserves of wheat, feed grains, soybeans and cotton should be established.

MEMBERS OF THE FARM COALITION

The National Grange, 1616 H Street, N.W., Washington, D.C. 20006.

National Farmers Union, P. O. Box 2251, Denver, Colorado 80201.

National Assn. of Wheat Growers, 1030—15th Street, N.W., Washington, D.C. 20005.

National Farmers Organization, Corning, Iowa 50841.

Midcontinent Farmers Association, 201 South 7th Street, Columbia, Missouri 65201.

United Grain Farmers of America, Oakland, Illinois 61943.

National Milk Producers Federation, 30 F Street, N.W., Washington, D.C. 20001.

Pure Milk Products Cooperative, Box 350, Fon du Lac, Wisconsin 54935.

North Carolina Peanut Growers Assn., P.O. Box 409, Rocky Mount, North Carolina 27801.

National Rice Growers Assn., P.O. Box 683, Jennings, Louisiana 70546.

National Potato Council, 1 Jefferson Plaza—Suite 812 Arlington, Virginia 22202.

Virginia Council of Farmer Co-ops, P.O. Box 1034, Richmond, Virginia 23208.

Grain Sorghum Producers Assn., 1212—14th Lubbock, Texas 79401.

National Corn Growers Assn., P.O Box 358, Boone, Iowa 50036.

Western Cotton Growers Assn., P.O. Box 512, Fresno, California 93709.

National Wool Growers Assn., 600 Crandall Building, Salt Lake City, Utah 84101.

Soybean Growers of America, Rt. #2, La Fontaine, Indiana 46940.

Virginia Peanut Growers Assn., Capron, Virginia 23829.

Peanut Growers Cooperative Marketing Assn., Franklin, Virginia 23851.

American Rice Growers Co-op Assn., Lake Charles, Louisiana 70601.

Webster County Farmers Organization, Guide Rock, Nebraska 68942.

Vegetable Growers Association, 226 Transportation Building, 17 & H Street, N.W., Washington, D.C. 20006.

North Dakota Feeder Livestock Producers Assn., Ambrose, North Dakota 58833.

Farmers Cooperative Council of No. Carolina, P.O. Box H-1, Greensboro, North Carolina 27402.

National Association of Farmer-Elected Committeemen, Pine Lawn Farms, Newman, Illinois 61942.

Trans-Pecos Cotton Association, 122 Meadowbrook, Pecos, Texas 79772.

Rolling Plains Cotton Growers, Inc., P.O. Box 1108, Stamford, Texas 79553.

Farmers Union Grain Terminal Assoc., St. Paul, Minnesota 55101.

Farmers Union Central Exchange, St. Paul, Minnesota 55101.

Southwestern Peanut Growers Assn., Gorman, Texas.

Farmers Union Marketing and Processing Assn., Redwood Falls, Minn.

SPECIAL REPORT/QUESTIONNAIRE ON 1970 ISSUES

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mrs. MAY. Mr. Speaker, in each succeeding Congress it has been my practice to poll the people of the Fourth Congressional District of the State of Washington on major issues in the Congress. I have done this as a means of indication as to the views of my constituency, and I have reported the results of the questionnaire, in each case, to my colleagues in the Congress and to the President of the United States.

I intend to again poll my constituency on some of the major questions that are facing us, and my new questionnaire will be sent out within the next week. This year I have adopted what I feel is an improved questionnaire form in that I am utilizing a special report format which allows me to provide more detailed information on each issue so as to assist the recipient in identifying the problems and programs, and to therefore render a more informed opinion.

As soon as the returns are in and tabulated, Mr. Speaker, I plan to again inform my colleagues and the President of the results. The special report/questionnaire being sent to my constituency is as follows:

A SPECIAL REPORT FROM CATHERINE MAY, U.S. REPRESENTATIVE, FOURTH DISTRICT

WANTED: YOUR OPINION

APRIL 1970.

DEAR FRIEND: We are at the crossroads of decision. We have the choice of realigning our priorities and attacking problems in new ways; or, we can continue as we have in the past. As your Representative in Congress, I would greatly appreciate it if you could take a moment to read this Special Report and check (√) the blanks which correspond most closely to your own opinion. In case a

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husband and wife wish to provide separate views, there is a place for "his" and "her" answers. There is also space for your comment if you care to use it. Your prompt response will be most helpful and I thank you for your time and thought.

WELFARE

One of the most controversial proposals before Congress is the "Family Assistance Plan" which would guarantee a minimum income to every family. The new plan would replace the present welfare program which has often been criticized for encouraging idleness, breaking up families, and robbing people of their dignity and hope for the future. Startup costs of the "Family Assistance Plan" would be higher than the present program, but long-range costs should be less because adult family members would be encouraged to seek jobs and to train for better jobs. Question: Should we scrap the present welfare system and begin the "Family Assistance Plan"?

His: Yes— No—
Her: Yes— No—
Comment: ____________________________

VOLUNTEER ARMED FORCE

A Presidential Commission has strongly recommended that we permit selective service to expire and return next year to the kind of all-volunteer Army, Navy and Air Force that we have had in our country through most of our history. As incentives for voluntary service, the Commission recommends better military pay and fringe benefits. A man would have to agree to serve only as long as required to justify the cost of initial training or any advanced training received. Question: Should we follow the Commission's advice and move to an all-volunteer Armed Force?

His: Yes— No—
Her: Yes— No—
Comment: ____________________________

FOREIGN AID

A new approach to foreign assistance, based on the proposals of a Presidential task force, will be recommended as one of our major foreign policy initiatives in the coming years. The new program would place much more emphasis on international cooperation, with the United States acting in partnership with others, rather than going it alone. The primary aim of such new policy would be the forging of a new structure of world stability in which the burden as well as the benefits would be fairly shared. Question: Should we initiate this new approach to foreign assistance?

His: Yes— No—
Her: Yes— No—
Comment: ____________________________

VOTING AGE

At the present time, voting regulations are set by the individual states and, therefore, each state has it within its power to consider the question of whether the voting age should be lowered. In the State of Washington, the Legislature has decided to submit the question of lowering the voting age to 19 to the voters on the November ballot. More recently, the United States Senate passed a bill to reduce the voting age to 18 nationwide, by direct statute. If approved by the House and signed into law, the change would become effective next January 1. Because the method utilized would bypass the state ratification process of a constitutional amendment, a court test of the constitutional validity of such a direct statute action would be a certainty. Question: Should the U.S. Senate action to lower the voting age to 18 be supported by the House?

His: Yes__ No__
Her: Yes__ No__
Comment: ____________________________

Question: Should the Congress instead submit to the States for ratification a constitutional amendment to lower the voting age?

His: Yes__ No__
Her: Yes__ No__
Comment: ____________________________

Question: Do you favor lowering the voting age in the State of Washington to 19, as submitted to the voters in next November's ballot?

His: Yes__ No__
Her: Yes__ No__
Comment: ____________________________

DRUG CONTROL

In January the U.S. Senate passed the "Drug Control Act" to revise the federal narcotics and dangerous drug laws. Subcommittee hearings were held in the House in February, but no further action has yet been taken. Most of the debate has centered around a controversial "no knock" provision to allow law enforcement officers to enter places without notice in order to seize drugs which would be destroyed if the officer knocked before entering. Opponents argue that the provision authorizes unreasonable search and seizure expressly forbidden by the Constitution. As the bill passed the Senate, the officer would have to obtain a search warrant and the magistrate issuing the warrant would have to be satisfied that evidence will be destroyed or life endangered if advance notice of entry is given. Question: Should the "no knock" provision be included in the final version of the "Drug Control Act"?

His: Yes__ No__
Her: Yes__ No__
Comment: ____________________________

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Special fund raising efforts by Women's Republican Clubs and other public spirited groups throughout our District have enabled me to prepare for distribution to our high schools an informative booklet, "Drug Abuse: A Lonely Way to Nowhere." If you would like a copy of this booklet, please check here ☐ and be sure to fill in your name, address, and zip code below.

(Please Print)
Name: ____________________________
Address: ____________________________
____
Zip: ____________

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Mail to: "Opinion":
Representative Catherine May,
2332 House Office Building,
Washington, D.C. 20515

BIG THICKET NATIONAL MONUMENT

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. DOWDY. Mr. Speaker, in 1967, the National Park Service recommended the creation of the Big Thicket National Monument in east Texas.

The 35,500 acres included in the proposal are all privately owned, 55 percent of it being owned by major timberland owners who were commended by former Secretary of the Interior Stewart Udall for their voluntary timber cutting moratorium to preserve the area.

A rare combination of 430 national, regional, and local organizations, including the Texas Forestry Association, have adopted resolutions supporting this Big Thicket National Monument. These organizations include conservation groups, civic clubs, garden clubs, chambers of commerce, labor unions, Commissioners Courts, womens clubs, and others. The list includes resolutions from more than 70 Texas counties and 15 States. The following list of the first 394 such organizations adopting these resolutions, which includes those adopted as of February 13, 1970, is appended as a part of my remarks, as the latest compilation I have:

ORGANIZATIONS SUPPORTING A BIG THICKET NATIONAL MONUMENT—AS OF FEBRUARY 13, 1970

FORESTRY AND ALLIED GROUPS

1. Texas Forestry Association, Lufkin.
2. Texas Forest Products Manufacturers Assn., Lufkin.
3. Forest Farmers Association, Atlanta, Ga.
4. Texas Wood Preservers Advisory Council, Houston.
5. Southern Pine Association, New Orleans, La.
6. Texas Chapter, Society of American Foresters.
7. New York Forest Owners Association, Syracuse, New York.
8. Lumbermen's Association of Texas, Austin.
9. American Wood Preservers Institute, Washington, D.C.
10. American Plywood Association, Tacoma, Wash.
11. National Council of Forestry Assn. Executives, Sewanee, Tenn.
12. Gulf States Section, SAF, Baton Rouge, La.
13. Mississippi Forestry Assn., Jackson, Miss.
14. Alabama Forest Products Assn., Montgomery, Ala.
15. American Forestry Association, Washington, D.C.
16. Alaska Logger's Association, Ketchikan, Alaska.
17. Arkansas Wood Products Assn., Little Rock, Ark.

WILDLIFE CONSERVATION ORGANIZATION

18. Sportsmen's Clubs of Texas, Austin.
19. East Texas Wildlife Conservation Assn., Silsbee.
20. Hardin County Wildlife Assn., Silsbee.
21. Hardin County Game Preservation Assn., Kountze.
22. Liberty County Dog & Forest Wildlife Protective Assn., Hull
23. Angelina Rifle & Pistol Club, Lufkin.
24. National Wildlife Federation, Washington, D.C.
25. Hopkins County Rod and Gun Club, Sulphur Spring.
26. Central Texas Sportsman's Club, Temple.
27. Recreation Council, Port Arthur.
28. Sabine and Neches Archers of Port Arthur.
29. Montana Wildlife Federation, Sanders, Mont.
30. Tennessee Conservation League, Knoxville, Tenn.
31. West Virginia Wildlife Federation, Paden City, W. Va.
32. Georgia Sportsmen's Federation, Thomaston, Ga.
33. Indiana Conservation Council, Thorntown, Ind.
34. Maryland Wildlife Federation, Hagerstown, Md.
35. Arkansas Wildlife Federation, Stuttgart, Ark.
36. Hawaii Wildlife Federation, Honolulu, Hawaii.

SOIL AND WATER CONSERVATION GROUPS

37. Southeast Texas Resource Conservation and Development Project, Liberty.

38. Jasper-Newton Soil & Water Conservation District, Jasper.
39. Trinity Bay Soil & Water Conservation District, Anahuac.
40. Lower Sabine-Neches Soil Conservation District, Orange.
41. Long Leaf Soil & Water Conservation District, Woodville.
42. Sulphur-Cypress Soil & Water Conservation District, Mt. Pleasant.
43.Upper-Neches Soil & Water Conservation District, Huntington.
44. Piney-Woods Soil Conservation District, Pineland.
45. Coastal Soil & Water Conservation District, Beaumont.
46. Neches-Sabine Soil & Water Conservation District, Tyler.
47. Harrison County Soil & Water Conservation District, Marshall.
48. Polk-Jacinto Soil & Water Conservation District, Livingston.
49. Davy Crockett-Trinity Soil & Water Conservation District, Crockett.
50. Shelby Soil Conservation District, Center.
51. Nacogdoches Soil Conservation District, Nacogdoches.
52. Lower Trinity Soil & Water Conservation District, Liberty.
53. Deep East Texas Association of District Supervisors, Timpson.
54. Cherokee County Soil & Water Conservation District, Jacksonville.
55. Lower Neches Soil & Water Conservation, Silsbee.

GARDEN CLUBS

56. Lufkin Garden Club.
57. Lufkin Sprig & Twig Garden Club.
58. Dogwood Garden Club, Lufkin.
59. Flower Garden Club, Lufkin.
60. Arrangers Study Club, Tyler.
61. West University Place Garden Club, Houston.
62. Evening Garden Club, Bryan.
63. Year Round Garden Club, Beckville.
64. Bunker Hill Garden Club, Houston.
65. Columbus Garden Club, Columbus.
66. Dogwood Garden Club, Tyler.
67. Briarmeadow Garden Club, Houston.
68. Kilgore Council of Garden Clubs.
69. Green Thumb Garden Club, Pittsburg.
70. Huntington Garden Club of Huntington.
71. Daisy Garden Club, Texarkana.
72. Texarkana, Texas Council of Garden Clubs, Inc.
73. Azalea Garden Club, Tyler.
74. Azalea Garden Club, Trinity.
75. Azalea Garden Club, Conroe.
76. Marshall Garden Club, Marshall.
77. Flora Garden Club, Nacogdoches.
78. Center Garden Club, Center.
79. Camelia Garden Club, Texarkana.
80. Tyler Junior Garden Club, Tyler.
81. Prospectors Garden Club, Tatum.
82. Tyler Garden Club, Tyler.
83. Flower Growers Horticulture of Women's Forum, Wichita Falls.
84. Lake Worth Garden Club, Fort Worth.
85. The Joshua Garden Club, Joshua.
86. Wichita Falls Florarama Council of Garden Clubs, Wichita Falls.
87. Liberty Garden Club, Liberty.
88. Shasta Garden Club, San Antonio.
89. Green Thumb Garden Club, Liberty.
90. Blue Bell Garden Club, Montgomery.
91. Fannie Marchman Garden Club, Mineola.
92. Blue Bonnet Garden Club, Jasper.
93. Magnolia Garden Club, Conroe.
94. Jessie Allen Wise Garden Club, Jefferson.
95. Rusk Garden Club, Rusk.
96. Business Women's Garden Club, New Boston.
97. Ever Green Garden Club, Irving.
98. Mt. Pleasant Garden Club, Mount Pleasant.
99. Hibiscus Garden Club, Corpus Christi.
100. Mimosa Garden Club, Atlanta.
101. Lorenzo Garden Club, Lorenzo.
102. Garden Club Council, Graham.
103. Swan Garden Club, Tyler.
104. Dumas Garden Club, Dumas.
105. Alford Smith Garden Club, Houston.
106. Weed and Wish Garden Club, Houston.
107. Mexia Garden Club, Mexia.
108. Hillsboro Garden Club, Hillsboro.
109. A & M Garden Club, College Station.
110. Westbury Garden Club, Houston.
111. Frostwood Garden Club, Houston.
112. Palm Terrace Petal Pushers Garden Club, Houston.
113. Braesmont Garden Club, Houston.
114. Kilgore Garden Club, Kilgore.
115. McGregor Garden Club, Waco.
116. Briarbrook Garden Club, Houston.
117. Better Garden Club of Corsicana.
118. Ada Burton Garden Club, Dallas.
119. Bluebonnet Garden Club, Brenham.
120. Gay Gardeners Garden Club, Tyler.
121. Azalea Garden Club, Omaha.
122. Pearland Garden Club, Pearland.
123. Business & Professional Women's Garden Club, Texarkana.
124. Graham Garden Study Club.
125. Tomball Garden Club.
126. Teague Garden Club.
127. Green Acres Garden Club, Tyler.
128. Homesteaders Garden Club, Houston.
129. Marion Wilcox Junior Garden Club, Tyler.
130. Linden Garden Club.
131. Lazy Daisy Garden Club, Houston.
132. Southside Place Garden Club, Houston.
133. Mason Hill Garden Club, Houston.
134. Les Belles Fleures Garden Club, Houston.
135. Lynn Park Garden Club, Houston.
136. Fonde Park Garden Club, Houston.
137. Vassar Place Garden Club, Houston.
138. Green Briar Garden Club, Houston.
139. Chevy Chase Garden Club of Houston.
140. Towering Pines Garden Club, Houston.
141. Westbury Methodist Garden Club, Houston.
142. Montclair Garden Club, Houston.
143. Indian Shores Garden Club, Crosby.
144. Junior Group of the Marianne Scruggs Garden Club, Dallas.
145. Texana Garden Club, Dallas.
146. Kickapoo Garden Club, Dallas.
147. Sunnyvale Garden Club, Sunnyvale.
148. Santa Rosa-Gulfgate Garden Club, Houston.
149. Crestview Garden Club, Dallas.
150. Good Earth Garden Club, Lancaster.
151. Acorns to Oaks Garden Club, Dallas.
152. Hypericum Study Club, Dallas.
153. Dirt Gardeners Horticulture Club, Baytown.
154. Bingle Bonnet Garden Club, Houston.
155. Loveland Garden Club, Dallas.
156. Fleures des Jeunes Garden Club, Dallas.
157. Green Thumb Garden Club, Dallas.
158. Sims Bayou Garden Club, Houston.
159. Bee & Thistle Garden Club, Dallas.
160. Twentieth Century Garden Club, Dallas.
161. Elysian Garden Club, Dallas.
162. Ladies of the Leaf, Midlothian.
163. Garden Club of Spring Valley, Houston.
164. Lakeview Garden Club of Mesquite.
165. Calacium Garden Club, Dallas.
166. Estates North Garden Club, Richardson.
167. C.P.A. Wives Garden Club, Dallas.
168. Terrell Garden Club, Terrell.
169. Civic Garden Club of Cameron.
170. Crestwood Garden Club, Houston.
171. Oak Cliff Society of Fine Arts Garden Club, Dallas.
172. Highland Oaks Gardeners, Dallas.
173. Champions Garden Club, Houston.
174. Lake Park Garden Club, Dallas.
175. Garden Arts Garden Club, Lancaster.
176. Hampshire Oaks Garden Club, Houston.
177. Lake Highlands Garden Club, Dallas.
178. Forest Cove Garden Club, Humble.
179. Kermit Garden Club, Kermit.
180. Rosemay Garden Club, Dallas.
181, Cliff Gardeners, Dallas.
182. Garden Group of the College Women's Club, Houston.
183. Garden Study Club, Dallas.
184. Garden Study Club, Groves.
185. Dallas College Club Gardeners of A.A.U.W.
186. Bending Oaks Garden Club, Houston.
187. Rose Garden Club of Texarkana
188. Benbrook Garden Club, Ft. Worth.
189. Junior Perennial Garden Club, Dallas.
190. Garden Club of Flower Lovers, Dallas.
191. Cinderella Garden Club of Westbury, Houston.
192. Blue Bonnet Club of Houston.
193. Southern Garden Club, Dallas.
194. Dirt Dobbers Garden Club of Oak Cliff, Dallas.
195. Willa Largent Garden Club, McKinney.
196. Sugarland Garden Club, Sugarland.
197. Gaston Park Garden Club, Dallas.
198. Cedar Hill Seeders Garden Club, Cedar Hill.
199. Lake Terrace Garden Club, Dallas.
200. St. Bernard Garden Club, Dallas.
201. Gardeners Garden Club, Dallas.
202. Friendswood Garden Study Club, Friendswood.
203. Purple Sage Garden Club, Bellaire.
204. Periwinkle Garden Club of Garland.
205. Cedar Haven Garden Club, Dallas.
206. Arts & Flowers Garden Club, Dallas.
207. Maple Leaf Garden Club, Houston.
208. Bud and Blossom Garden Club, Garland.
209. Meadow Gate Garden Club, Dallas.
210. Amigas de las Flores Garden Club, Dallas.
211. Arts and Garden Department of the Dallas Woman's Forum.
212. Westwood Garden Club, Cedar Hill.
213. Sunbonnet Lou Garden Club of Dallas.
214. Straw Hat Garden Club, Garland.
215. Progressive Garden Club, Dallas.
216. Rainbow Garden Club of Jacinto City, Houston.
217. White Rock Garden Club, Dallas.
218. Blue Bonnet Garden Club of Garland.
219. Work and Hope Garden Club, Rockwall.
220. Advanced Garden Study Club, Dallas.
221. Grand Prairie Garden Club, Grand Prairie.
222. Oakland Plaza Garden Club, Houston.
223. Denver Garden Club, Houston.
224. Hallettsville Garden Club, Hallettsville.
225. Merriman Park Garden Club, Dallas.
226. Brookhaven Garden Club, Dallas.
227. Windsor Village Garden Club, Houston.
228. Caruth-University Terrace Garden Club, Dallas.
229. Larchwood Landscapers Garden Club, Dallas.
230. May Dale Garden Club, Texarkana.
231. The Groves Garden Club, Groves.
232. Driftwood Garden Club, Houston.

CHAMBERS OF COMMERCE

233. Angelia County Chamber of Commerce, Lufkin.
234. Montgomery County Chamber of Commerce, Conroe.
235. Texarkana Chamber of Commerce.
236. Cleveland Chamber of Commerce.
237. Nacogdoches Chamber of Commerce.
238. Huntsville-Walker County Chamber of Commerce, Huntsville.
239. Trinity Chamber of Commerce, Trinity.
240. Polk County Chamber of Commerce, Livingston.
241. Tyler County Chamber of Commerce, Woodville.
242. Jasper Chamber of Commerce.

243. East Texas Chamber of Commerce, Longview.
244. San Augustine Chamber of Commerce.
245. Marion County Chamber of Commerce.
246. Silsbee Chamber of Commerce.
247. Atlanta Chamber of Commerce.
248. Tyler Chamber of Commerce.
249. Greater Bellaire Chamber of Commerce, Bellaire.
250. Trinidad Chamber of Commerce.
251. Palestine Chamber of Commerce.
252. Chamber of Commerce of Kirbyville.
253. Commerce Chamber of Commerce.
254. Groves Chamber of Commerce.
255. Center Chamber of Commerce.
256. Liberty Chamber of Commerce.
257. Caldwell Chamber of Commerce.
258. Kilgore Chamber of Commerce.
259. Mexia Chamber of Commerce.
260. Temple Chamber of Commerce.
261. San Antonio Chamber of Commerce.
262. Gladewater Chamber of Commerce.
263. Fairfield Chamber of Commerce.
264. Mineola Chamber of Commerce.
265. Linden Chamber of Commerce.
266. Daingerfield Chamber of Commerce.
267. Longview Chamber of Commerce.
268. Greater Dallas Women's Chamber of Commerce.
269. Greater Port Arthur Chamber of Commerce.
270. Oak Cliff Chamber of Commerce.
271. Women's Chamber of Commerce, Dallas.

FARM BUREAU GROUPS

272. Polk County Farm Bureau, Goodrich.
273. Angelina County Farm Bureau, Lufkin.
274. Shelby County Farm Bureau, Center.
275. Liberty County Farm Bureau, Liberty.
276. Nacogdoches County Farm Bureau, Nacogdoches.
277. Trinity County Farm Bureau, Trinity.
278. Harris County Farm Bureau, Hockley.

PILOT CLUBS

279. Pilot Club of Diboll.
280. Pilot Club of Conroe.
281. Pilot Club of Beaumont.
282. Pilot Club of Brenham.

OTHER WOMEN'S CLUBS

283. San Augustine Heritage Women's Club.
284. Historical & Literary Society of Lufkin.
285. Angelina County Home Demonstration Council, Lufkin.
286. Home Demonstration Club Members of Shelby County, Center.
287. Smith County Women's Home Demonstration Council, Tyler.
288. Kirbyville Chapter of Young Homemakers, Kirbyville.
289. San Augustine Chapter—Young Homemakers of Texas.
290. Zavalla Chapter, Young Homemakers of Texas.
291. Tejas Chapter, Daughters of the Republic, Beaumont.
292. Robert Henry Chapter, Daughters of the Republic of Texas, Bryan.
293. William Scott Chapter, DAR, Bryan.
294. Libertad Chapter—Daughters of American Revolution, Liberty.
295. Alexander Love Chapter DAR, Houston.
296. Altrusa Club of Texarkana.
297. Altrusa Club of Dallas.
298. Altrusa Club of Bryan—College Station.
299. Beaumont Federated Women's Club.
300. 1933 Study Club of Jefferson, Texas.
301. American Business Women's Association, Woodville.
302. Texana Chapter, American Business Women's Assn., Fort Worth.
303. Pine Burr Chapter of American Business Women's Assn., Silsbee.
304. Four Leaf Chapter of American Business Women, Texarkana.
305. Dal-Ten Chapter of American Business Women's Assn., Dallas.
306. Aurora Chapter, American Business Women's Assn., Port Arthur.
307. Huntsville Business Women's Service Club, Huntsville.
308. Junior Women's Club of Cleveland.
309. Village Chapter, Order of the Eastern Star, Texarkana.
310. Business and Professional Women's Club, Marshall.
311. Livingston Business and Professional Women's Club, Livingston.
312. Longview Business and Professional Women's Club, Longview.
313. Sulphur Springs Business and Professional Women's Club.
314. Texarkana Business and Professional Women's Club.
315. Tyler Business and Professional Women's Club.
316. Mt. Pleasant Business and Professional Women's Club, Mt. Pleasant.
317. South Fort Worth Business and Professional Women's Club, Ft. Worth.
318. Palestine Business and Professional Women's Club.
319. Greater Dallas Business and Professional Women's Club.
320. Wynnewood Business and Professional Women's Club, Dallas.
321. Upper Gulf Coast District of the Texas Press Women.
322. Houston Branch, American Association of University Women.

CIVIC CLUBS

323. Diboll Jaycees.
324. Texarkana Jaycees.
325. Cleveland Jaycees.
326. Huntsville Jaycees.
327. LaMarque Jaycees.
328. Kilgore Jaycees.
329. Port Arthur Jaycees.
330. Forest Hills Jaycees, Fort Worth.
331. Gainsville Jaycees.
332. Palestine Jaycees.
333. Nederland Jaycees.
334. Jacksonville Jaycees.
335. Sulphur Spring Jaycees.
336. Jefferson, Texas Lions Club.
337. Trinity Lions Club.
338. Longview Evening Lions Club.
339. Tyler Lions Club.
340. Tatum Lions Club.
341. Jasper Lions Club.
342. Silsbee Lions Club.
343. Beaumont Lions Club.
344. Livingston Lions Club.
345. Gilmer Lions Club.
346. Linden Lions Club.
347. Magnolia Lions Club.
348. Huntsville Lions Club.
349. Southwest Lions Club, Fort Worth.
350. Nacogdoches Evening Lions Club.
351. Texarkana Lions Club.
352. Texarkana Evening Lions Club.
353. Northeast Richland Area Lions Club, Fort Worth.
354. Columbus Evening Lions Club.
355. Grapevine Lions Club.
356. West Side Lions Club, Fort Worth.
357. Kiwanis Club of Cleveland.
358. Kiwanis Club of Lufkin.
359. Kiwanis Club of Huntsville.
360. Kiwanis Club of Longview.
361. Downtown Kiwanis Club of Fort Worth.
362. Kiwanis Club of Palestine.
363. Kiwanis Club of Silsbee.
364. Greater Fort Worth Kiwanis Club.
365. Kiwanis Club of Nacogdoches.
366. Kiwanis Club of Texarkana.
367. Lufkin Civitan Club.
368. Texarkana Civitan Club.
369. Cowtown Civitan Club, Fort Worth.
370. Oak Cliff Civitan.
371. Cleveland Optimist Club.
372. Mid-Cities Optimist Club, Hurst.
373. Breakfast Optimist Club, Fort Worth.
374. Orange Noon Optimist Club.
375. Oak Cliff Breakfast Optimist Club.
376. Optimist Club of Great Southwest Industrial District, Arlington.
377. Northeast Optimist Club, Fort Worth.
378. Jasper Rotary Club.

MISCELLANEOUS GROUPS

379. Southern States Industrial Council, Nashville, Tenn.
380. Beaumont Unit of National Association of Parliamentarians.
381. Deep East Texas Development Association, San Augustine.
382. Aztlan Development Association, Trinity.
383. Trinity Development Cooperation, Trinity.
384 American Legion Post #304, Jefferson.
385. Earl Graham Post 159 American Legion, College Station.
386. Oil, Chemical & Atomic Workers Int. Union CIO, Local No. 4–592, Silsbee.
387. Central East Texas Chapter #8, Texas Surveyor's Association, Livingston.
388. East Texas Surveyors, Chapter 4, Athens.
389. Deep East Texas Chapter of the Texas Surveyor's Assn., Woodville.
390. Commissioners Court of Tyler County, Woodville.
391. Bellaire 4–H Club, Bellaire.
392. Tyler Board of Realtors, Tyler.
393. Builders Association of Forth Worth & Tarrant County.
394. East Texas Association of Petroleum Landmen, Tyler.

OIL AND THE ENVIRONMENT

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. McCARTHY. Mr. Speaker, the water pollution control legislation recently passed by the Congress imposes penalties on the refiner, driller, or shipper who spills oil along our coastline. It requires for the first time that the responsible party pay the costs of cleaning up the damage caused by oil to beaches, wildlife and other commercial property. There are limitations in the law passed by Congress. The law does not cover those areas regulated by the Federal Government falling outside of the territorial limit. These areas are subject to control by the existing regulations of the Department of the Interior and depend on the effectiveness of the Department to see that oil drilling and shipment is controlled.

There are greater limitations in the approach to the oil spill problem taken in the law just passed. Ecologists and biologists tell us that it may be impossible to correct the damage done by oil spills to sections of our coastline. A report from Norway indicates that the effects of oil spilled from a refinery in a fjord were still evident 10 years after the accident. Other reports tell us that as must as 2 million tons of oil each year may be discharged into the oceans from the washing of the tanks aboard ships. An oil spill of this magnitude makes an individual ship accident seem small by comparison.

What is needed now are not so much remedies for cleaning up after oil spilled as means of preventing the oil spill in the first place. It was only after many

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years that we developed the regulations requiring the oil driller to dispose of the salt water often found when drilling for oil in a manner that preserves the environment. We no longer allow the driller to let this salt water to run into local streams or to pollute the surrounding area. Now that we have developed the technology that permits us to drill for oil on the ocean bottom, we must also insist that this technology include means that insure that oil will not be spilled in the ocean. We also can insist that the tankers that carry oil and the refineries that change the crude oil into the many refined products do not pollute their environment. The solutions to these problems will not be easy, and they will not be solved with advertising in magazines. They will probably cost money to solve. But this is money that we must spend if we are to prevent the destruction of our environment.

I am including the following article by J. Russell Wiggins that appeared in the Boston Sunday Globe on April 5, 1970, on the oil spill problem for the information of my colleagues:

SINCE "TORREY CANYON" SPLIT, OIL SPILLS ARE WORLD CONCERN

(By J. Russell Wiggins)

WASHINGTON.—Public awareness of oil as a major pollutant of the seas probably began on Mar. 18, 1967, when the 120,000-ton Torrey Canyon went aground on Pollard's Rock off the coast of Cornwall. It has been sharpened by the sinking of the Marpessa, the Santa Barbara drill break and the collisions of tankers from Jacksonville to Nova Scotia.

It has been increased by debates over siting of oil terminals and refineries such as that which Steuart Petroleum Co. proposed at Piney Point, Md.; which King Resources is building on Long Island in Casco Bay and which three oil companies have projected at Machiasport, Maine.

It took these controversies to awaken the world to the fact that seaborne oil commerce in 30 years has increased from 84 million tons to 893 million tons, until it represents more than 60 percent of all the ocean commerce of the world. As it has increased in volume, it has increased as a pollution menace because the percentage of petroleum shipped as crude oil (the most toxic form) has increased from 26 percent to 77.8 percent.

The Torrey Canyon provided a dramatic and even spectacular demonstration of the risks. But, as J. H. Kirby, managing director of Shell International Marine Ltd., of London, has pointed out, the total annual potential pollution arising from the washing out of cargo tanks is as much as 6,000 tons a day, or more than two million tons per year, dwarfing such isolated calamities as the wreck of the Torry Canyon in terms of environmental consequences.

As to pollution by accidental spills, a revealing statement was made by G. Mack, of the Norwegian Water Conservation and Water Hygiene Assn. He reported an accidental spill in Oslo fjord in 1958 and said:

"The effects on the parts of the shore, which were affected are still felt, ten years afterwards. We tried to clean this oil off with the means available at the time; detergents, mechanical action, all kinds of methods. We found that the cost might exceed $4.80 per shore meter or as much as $12 per meter.

"In these waters (and I believe that this is the case in some other areas that could be compared to this fjord) the approach is not very easy, fog and currents make the approach at times rather difficult. It is not only the trouble of the navigation of the tankers itself but also of other vessels in the same approach. In the Oslo fjord, as we now have a refinery that receives ships of more than 100,000 tons, we could write off the Oslo fjord for five or ten years. There is no means to control this amount of oil quickly enough to avoid it hitting the shore all around the fjord, and I think such conditions also prevail around other oil refineries. In such cases, when big tankers approach these ports, they should be treated as if they were carrying about the same amount of dynamite; and the measures adopted should be in accordance with this."

HOW MUCH?

How much damage has been done by the enormous quantities of oil put into the sea by normal operations and by accidents?

Science is not prepared to give a definitive answer to this. Some biologists minimize the damage and point to the fact that oil is subject to bacterial deterioration and disperses when spilled in the open sea. Some minimize the lasting effects of occasional oil pollution and argue that oil, after all, occurs in nature. Others are appalled by the results of spills.

An accurate measurement of the effect of oil spills on ocean life probably is beyond existing knowledge. A cubic foot of sea water may contain 20,000 plants and 120 animals or eggs, and plankton of the sea. Many of these organisms are extremely sensitive to pollution and even to changes in temperature and salinity. They are the foundation of life in the seas. What happens when oil penetrates all horizons of the sea is beyond measure.

BIRD AND FISH

More is known about the effect of oil on bird life than is known about its effect on life beneath the surface. Here the testimony, while fragmentary, is appalling.

Prof. R. B. Clark, department of zoology, University of Newcastle-Upon-Tyne, summarized the effects on birds this way:

"The immediate effect of oil is upon the plumage. The feathers become matted together, destroying the water-repellent property of the plumage and allowing water to replace the air normally trapped in it. When the plumage becomes waterlogged in this way a number of complications follow. The birds lose their buoyancy and an unknown but probably large number of them sink low in the water and drown. A more important consequence of wetting the plumage is that it loses its thermal insulating properties; the birds become chilled and in order to maintain their body temperature, rapidly use up their food reserves which are chiefly in the form of sub-cutaneous fat, reducing still more the insulating layer. They are unable to catch food and so become emaciated. In an effort to clean themselves, they preen and in doing so swallow quantities of oil. There is some dispute about the toxicity of oil but they certainly contract acute enteritis."

According to Clark, bird losses as the result of oil have been observed for years in the Baltic where oil dumping was finally prohibited in 1967. Mortality of ducks amounted to 35,000 in 1952, 10,000 in 1954, 40,000 in 1957.

THE GRAND BANKS

The Grand Banks and Newfoundland suffer from heavy pollution, as many as 460 birds a mile have been found killed on the shores, mostly Brunnich's guillemot. A tanker in San Francisco Bay contaminated 55 miles of shoreline in 1937 and killed 10,000 birds. Two tankers wrecked off the Massachusetts coast in February, 1952, cut the wintering population of elder ducks from 500,000 to 150,000. The wreck of the freighter Seagate killed thousands of guillemots in 1956 and oiled birds were found ashore at 132 to the mile. The German tanker Seestern pumped out 1700 tons of crude oil on a rising tide in 1966 and 5000 birds were killed.

When the Torrey Canyon went aground some 8000 oiled seabirds were treated in England, 2000 in France and the mortality probably was many times greater. Of 7849 birds treated by the Royal Society for the Prevention of Cruelty to Animals in England, only 450 were alive two months after the grounding according to environment.

In addition to killing birds, of course, oil adversely affects nesting and reproduction, imposing further inroads on bird population.

Dr. Max Blumer, senior scientist of the Woods Hole Oceanographic Institution, recently was quoted in the New Yorker as saying that the residue of oil spill on the surface of the sea already equals the amount of its surface plant life. Dr. Richard Backus is quoted in the same publication as saying that "there is a lump as big as a pencil eraser on every square yard of sea surface." Dr. Howard Sanders of Woods Hole, in the same account, discussed the effects of a spill of 75,000 gallons of no. 2 fuel oil near Woods Hole last September. He said:

"There are windrows of dead and dying animals on the beach for days . . . dozens of species of fish washed up dead, plus shellfish, marsh grasses and bottom living eels and worms . . . since September, every time we have a storm, enough oil appears to get stirred back into the water to produce a new kill of fish. The river, the beaches, the bottom out to a depth of about forty feet are completely dead.

None of the animals that lived there remain, and the area is only now beginning to be repopulated, by one species—A worm that thrives only in polluted waters and has never been found here before."

There is no practical way of dealing with large spills. Detergents and emulsifiers only worsen the effect and disperse the pollution to every horizon. Spreading straw on shores and gathering it up when it has absorbed oil seems to be the present most effective way of dealing with spills. Spills at sea dissipate and disperse and are subject to bacterial deterioration, but slicks can be carried great distances.

The world-wide menace of the petroleum trade has already caused damage beyond estimate to the life of the seas in general.

The public, with a new awareness of oil's potential as a pollutant is justly apprehensive of its effects both on world-wide ecology and on local natural resources, wherever oil is transported or handled.

NEED TO PROTECT THE U.S. WATERS

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BARING. Mr. Speaker, I have joined with numerous colleagues in the sponsorship of legislation which I will term to be "landmark" in nature for the 1970's. My support is fully behind H.R. 16427, a bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein.

This bill would help return our marine life to an invigorating biological environment and it is a bill which would put some teeth into the administration of the law, when enacted.

Mr. Speaker, H.R. 16427 would authorize the Secretary of the Interior, through the Fish and Wildlife Service, to establish marine sanctuaries to preserve and protect a balanced marine ecology whether it is off the coast of Florida, at Lake Mead in southern Nevada, at Lake Tahoe in Nevada and California, the Colorado River in the great West and Southwest, or at Malibu Beach.

The bill incorporates the fact that it would be prohibitive to anyone to deposit any harmful materials into navigable waters, including rivers, harbors, lakes, or coastal waters, where the Secretary of the Interior has designated those certain waters as marine sanctuaries. Most notably, this concerns waters where the mating and spawning of fish and the growth of other marine life takes place.

And, of particular importance, the legislation would help supply the needed teeth in the law to insure the perpetuation of the species of our fish life.

The Secretary of the Interior, through the U.S. Coast Guard, would be backed up in this legislation by a $10,000 civil penalty against anyone who would be found, but not limited to discharging, spilling, leaking, pumping, pouring, emitting, emptying, or dumping any sewage, sludge, spoil, or other waste into or onto any of the coastal waters or submerged land waters the Secretary of the Interior would designate as a marine sanctuary.

PAY RAISE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ANDERSON of California. Mr. Chairman, I am going to vote for H.R. 16844, to increase the pay of Federal employees by 6 percent, with specific emphasis on the plight of the postal worker, but I do so with misgivings.

The administration's pay increase package comes just 2 months after the President requested a postal pay raise delay until January 1, 1971. Now, we are witnessing an administration about-face in which the administration approves a 6 percent raise for all Federal employees, retroactive to December 27, 1969. Back in February of this year, we were informed that by postponing the pay raise until January 1971, the administration could have a budget surplus and thus, fight inflation.

I, too, seek a balanced budget. I, too, support fiscal responsibility. How does the administration propose to pay for this $2½ billion package? The answer is simple, but inequitable; the administration is proposing to pay for the salary increase for all Federal employees by raising the rate of first-class mail to 10 cents—a 67-percent increase.

Mr. Chairman, the housewife who pays her bills by mail does not want to pay for a 6 percent pay increase for a Federal employee making $25,000 to $30,000, nor does the mother who writes her son in the Army or in college.

There is little doubt that most of our Government employees need a raise in pay simply to exist at a decent standard of living. There is little doubt that the postal clerks and letter carriers are grossly underpaid. As a matter of fact, a letter carrier or distribution clerk, after 21 years service, earns $1,864 less than the amount needed to sustain a moderate standard of living. As postal employee at mid range—a PFS 5, step 4—receives only $111 above the Bureau of Labor Statistics standard for a low standard of living.

Thus, I have no reservation in granting a pay raise for those Federal employees in the lower brackets. In addition, I have no reservation in granting the military in the lower ranks a 6 percent pay raise. But, this bill does more than that. It grants raises for all Federal employees. It also grants raises for congressional staff assistants and other individuals, some of whom may be making as high as $25,000 to $30,000 a year.

So, in order to cure the problem of wages in the lower levels, we grant raises to everybody. I can understand granting a raise to an individual, such as the letter carrier, who currently has a starting salary of $6,176. This bill raises his starting salary to $6,548. But I cannot understand, nor can I justify in my own mind a 6 percent raise for Federal employees currently making $30,000 or more. Under this bill, they will receive a raise of $1,800. This will further compound present inequities.

This bill grants the beginning postal employee a $375 increase and, in the same bill, it grants a $394.20 increase to congressional pages. Mr. Speaker, granting an across-the-board percentage to all federal employees is not my idea of equity in achieving "comparability."

I realize that the members of the Post Office and Civil Service Committee had an extremely difficult task. After the administration labeled the pay increases in H.R. 13000, the Federal Pay Comparability Act, as "inflationary" and as granting "disproportionate benefits to postal employee," the committee had to adjust its thinking to avoid a possible veto. Now, in accordance with the administration's request, we grant a 6-percent increase to all Federal employees.

Mr. Chairman, I feel we should achieve comparability for our Federal employees with private industry. I feel that the Federal Government should not allow its employees to hover near poverty. But, I do not believe this shotgun approach is justified.

For this reason, I voted against the rule which does not allow for amendments. I feel this bill should be amended in order to provide pay raises for those who have earned it and those who need it in order to feed, clothe, and educate their children.

I strongly support the portions of this bill which grant raises to the lower levels of Government employees. I strongly support the pay raise for the military. But I feel that any additional raises for those in the upper pay brackets are not necessary at this time, especially in this unprecedented era of inflation where the Government must examine the impact of each dollar it spends on its overall effect on our overheated economy.

DEATH OF PENROSE B. METCALFE, A MAN OF NATIONAL PROMINENCE, MOURNED

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FISHER. Mr. Speaker, on March 6, Penrose B. Metcalfe of San Angelo, Tex., expired at his home there. He gained national prominence because of having served two terms as president of the National Wool Growers Association. And he achieved a very distinguished record in Texas in many fields of endeavor. Under leave to extend my remarks, I include a news article under a San Angelo, Tex., dateline, concerning Mr. Metcalfe. The article follows:

PENROSE B. METCALFE

SAN ANGELO, TEX., March 25.—Penrose B. Metcalfe, honorary president of the National Wool Growers Association, died at his home in San Angelo, Texas, March 6. Funeral services were held in San Angelo, March 9.

He had been in ill health suffering a stroke November 11, 1967. A cousin, Mrs. Margie Ferry, had resided at the Metcalfe home and supervised his care. There are several cousins surviving him. He never married.

Mr. Metcalfe was president of the National Wool Growers Association in 1961–62 after serving as a vice president of the Association from 1954 to 1961.

In addition, he was a charter member of the Texas Sheep and Goat Raisers Association, and served as its president in 1953 and for many years was a director.

While president of the National Wool Growers Association, Mr. Metcalfe promoted a lamb judging conference at Texas A & M, aimed at formulating judging standards which more nearly fit the type of carcass demanded by the modern consumer.

Born, November 24, 1893, at the XQZ Ranch, operated by his father the late C. B. Metcalfe, Penrose Metcalfe graduated with honors from San Angelo schools and entered Texas A & M college the same year, 1912. He majored in animal husbandry, graduating in 1916, with a B.S. degree in agriculture. He was a top livestock judge.

Mr. Metcalfe saw service in World War I, enlisting in the Signal Corps in the aviation section in 1917. He was commissioned a first lieutenant the same year and became a pilot in the fall of 1918. He was discharged from the service as a captain in the Air Corps.

Civic minded, Mr. Metcalfe, served five years as a member of the Tom Green County School Board; eight years as a member of the Texas House of Representatives; eight years as a member of the Texas Senate; two years as a member of the Upper Colorado River Authority, being chairman of that body; and member of the State Board of Education from 1950 until 1967 when physical disability precluded his service. As a legislator he was active in livestock matters, finance and education. He served as chairman of the numerous committees in the Texas House and Senate. He was listed in Who's Who in America.

An astute politician, Mr. Metcalfe back in 1965 said that agriculture needs to embark on an immediate education program to inform the American public of its problems and how these problems affect consumers. At that time he said, "Farmers and ranchmen are the American public's best friends."

Mr. Metcalfe operated a ranch near Tankersley. Three loyal Latin Americans who had served his father had been helpers on the ranch for many years. His father died in 1941, his mother in 1967.

A very special interest of Penrose Metcalfe's was the future of America and the agricultural industry as exemplified by its youth. He was an extremely generous benefactor of many of the leading young people in his home state and in recognition of his service to the schools was named a lifetime member of the Parent-Teacher Association. He also became an honorary Lone Star Farmer, a designation of the Future Farmers of America. He spoke frequently before youth farm organizations.

Mr. Metcalfe was honored by many groups but one of the most cherished honors came to him in October, 1965 when he was presented the Distinguished Service Award at the National Convention of the Future Farmers of America in Kansas City.

"The FFA and 4-H Club groups are undoubtedly two of the finest youth programs in our country," he said at that time. "Those young men and women should be commended for their wonderful work. I don't worry so much about our nation's future welfare when I see and associate with them. They will continue to uphold this nation's greatness," he predicted.

THE ROLE OF EASTERN EUROPE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. MINISH. Mr. Speaker, the January 1970 issue of European Bulletin and Press carried an article by our distinguished colleague, Representative HENRY HELSTOSKI of New Jersey. In his article, entitled "The Role of Eastern Europe," Congressman HELSTOSKI deals cogently with the various issues and conflicts that have led to the current political situation in Eastern Europe.

Mr. HELSTOSKI's article follows:

THE ROLE OF EASTERN EUROPE

The recent visit of President Nixon to East Europe has focused renewed attention on an area of great importance to the United States. The exceptionally friendly reception of an American president by First Secretary Ceauscescu of Rumania suggests new opportunities for expanding East-West dialogue. The current debate over our policy toward the neighbors of Soviet Russia comes at a time of great changes in Eastern Europe. It has become trite to speak of polycentrism in Communism today. But this development and the dramatic repercussions of the Sino-Soviet split have had a great impact on members of the Soviet camp. The decentralization of Communism has given the governments of East Europe leverage in Moscow and choices and options which they were denied under Stalin. Since the death of Stalin in 1953, Communism in Europe has mellowed to the point where certain countries are approaching a European type of Socialism. The Communist Party establishment has become more responsive to the demands of interest groups for reform and an improved living standard. East-West trade, diplomatic dialogue, travel, and cultural and scientific exchange have lifted the iron curtain.

In spite of these positive developments in East Europe, there are obstacles to a reunion of East and West. The ruling elites of some countries such as Yugoslavia, Hungary, Rumania and until last year, Czechoslovakia, have accepted domestic reform and followed a rather independent course in foreign policy. But the political elites of Poland, East Germany and Bulgaria have consistently echoed Soviet foreign policy objectives and obstructed domestic changes. Some members of the Warsaw Pact intervened in Czechoslovakia in August 1968 to halt liberalization in Prague.

The action has affected all aspects of domestic and foreign affairs in East Europe and in US-Soviet relations. The invasion upset the military balance in Europe. The Soviet Union has reasserted its intention to protect Soviet interests in East Europe. The split between Party moderates and dogmatists has been widened. Both positive and negative aspects of current trends in East Europe are important to US policy-makers.

Just as vital to the issue of East-West relations is the source and nature of Party rule. Legitimacy of government is a vital and embarrassing subject to Communist elites. Their desire to misrepresent historical reality and popular spontaneity to legitimize their rule is reflected in the efforts to Communist governments to rewrite history. While interpretations may vary of how Communist Parties rose to power in East Europe, the circumstances of this process are less disputable. Due to the support of Soviet armies which occupied the area, it was relatively easy for the pro-Soviet faction of coalition governments of the postwar period to take power. For this reason, most Communist governments in East Europe owe their existence to Soviet Russia. This relationship is a highly sensitive issue for the ruling elites of these very nationalistic and even anti-Soviet countries. According to the Party's account, the Red Army "liberated" their countries in spite of Western opposition in collusion with emigre groups eager to seize power. In order to support the myth of popular mandate for the rule of the Communist Party, elections were held in the late forties as agreed at the Allied conference at Yalta in February 1945. Once the Communist Party had become the controlling faction in the coalition, governments, elections were held as stipulated at Yalta, and Communist-sponsored candidates won majority support. It is unlikely that the elections were free or fair under the conditions of occupation. In this manner, the intentions of the Western powers were corrupted when carried out by Communists.

Another factor which obstructs East-West detente is the presence of Soviet troops in East Europe. Originally stationed as armies of occupation, Russian soldiers have remained in the number of 260,000 excluding those now stationed in Czechoslovakia.[1] Within the past several years, Warsaw Pact members have proposed a mutual US-Soviet troop withdrawal from Europe. This scheme would "neutralize" Europe, with the members of the United States and Soviet camp protected by the nuclear umbrella of the superpowers. The proposal suggests, in effect, the end of the military Cold War.

While this aim may be theoretically desirable, its motives and practical implications are not so clear. According to the proposal, US troops would withdraw across the Atlantic, while Soviet armies would merely retreat behind Russian borders. Some members of NATO have rejected the plan. Wary of a "sell-out", West Germany consistently reminded the United States of its commitments to its West European allies, for West Germany would bear the brunt of an armed attack by forces of the Soviet camp. Soviet objectives in supporting the plan remain ambiguous. The current discussion of mutual withdrawal is accompanied in the Soviet press by a propaganda barrage against West German "revanchism". After all, the intervention in Czechoslovakia was undertaken in the name of defense of a Socialist state against subversion by West German militarists. Such factors prohibit a true military neutralization of Europe.

Meanwhile, the Cold War continues not without Soviet participation. For example, the Brezhnev doctrine has contributed to East-West tensions. The theory of limited sovereignty of Socialist states was an ex post facto justification of the invasion, which in fact was an act of Soviet imperialism. This theory is a contemporary ideological version of the doctrine of intervention, a tactic used by the Tsars to defend imperial Russian interests in East Europe. Just as Tsarist Russia suppressed the Hungarian revolution of 1848. Socialist Russia stifled the Czechoslovak reform movement of 1968. A rapprochement with the Soviet Union would include East Europe as a traditional area of primary interest to Russia, Tsarist or Communist.

In spite of these obstacles to detente, the conditions of modern nuclear warfare demand mutual control of nuclear weapons. Nuclear defense arrangements by either superpower have built a spiral of escalation of the arms race, Efforts to promote arms control are in the interest of all men. The Soviets have recognized the wisdom of progress toward nuclear disarmament and have offered several plans for arms control. For example, they have recently submitted a draft treaty banning military uses of the seabed. Premier Kosygin himself has blessed the idea: "It would be highly important to bring about agreement to the effect that the seabed and the ocean floor are not to be used for military purposes, but remain a sphere of man's peaceful activities."[2] Addressing the Supreme Soviet July 10, 1969, Foreign Minister Gromyko suggested that a nuclear-free zone be created in the Mediterranean "for the security of Europe and also for the African continent and the Near and Middle East. In the same speech Gromyko committed the USSR against the arms race which "long ago became a folly." The United States is discussing proposals for the nuclear-free seabed at the Eighteen Nation Disarmament Conference in Geneva and has designated a delegation to the SALT disarmament talks. Arms control is one of the many areas where US-Soviet dialogue can be expanded despite many conflicting interests of which Europe is a major one. If both superpowers are ready to explore nuclear arms control, they may have to persuade East and West Europe to accept a US-Soviet accommodation on that issue on behalf of a general global interest.[3]

Footnotes at end of speech.

FOOTNOTES

[1] Institute of Strategic Studies, Military Balance, 1969. London, 1969, p. 43.

[2] New York Times, March 19, 1969.

[3] The New Leader, December 16, 1969.

PRESENT AGRICULTURE POLICY, WHICH PERMITS BEEF AFFLICTED WITH CANCER TO REACH CONSUMERS, TO GET NEW LOOK

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. MONAGAN. Mr. Speaker, as chairman of the Special Studies Subcommittee of the Committee on Government Operations, I held hearings in the beginning of October 1969, to ascertain the Federal responsibility for retail price increases for beef in the spring of 1969. During those hearings reference was made, with respect to meat imports, to a difference between foreign and American meat inspection. It was stated that

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under American meat inspection, if an animal is found to have tuberculosis-infected glands, "the carcass goes to the tank for destruction and the whole section of the plant is sterilized so as to be certain no infection is passed along."

Like many others, I was especially concerned, therefore, when the press stated that an advisory committee of the Department of Agriculture had recommended that the Department abandon its policy requiring condemnation of a chicken found to contain a single visible lesion or lymphoid tumor showing the presence of a disease of the lucosis complex, including Marek's disease. In view of the testimony at the October hearings as to the practice with respect to tuberculosis found in animals, I had the subcommittee staff check out the matter with the Slaughter Inspection Division of the Consumer and Marketing Service of the Department of Agriculture. "The Federal Meat and Poultry Inspection Statistical Summary for 1969" revealed that, as to certain diseases, carcasses are passed for food after removal of affected parts. I refer to table 4 and table 5 of the cited statistical summary. Some of these diseases are the same as those for which complete condemnation occurs. See tables 2 and 3 of the cited statistical summary. The headings are, for example, "Tuberculosis Reactor Showing Lesions," "Carcinoma," and "Epithelioma." The four tables of the statistical summary are appended at the end of my remarks.

It would thus appear that the testimony at the hearings was not in accord with current practice. Accordingly, after the Department of Agriculture had announced at the beginning of February that no changes would be made in the longstanding Federal inspection policy under which poultry affected with diseases of the leukosis complex are condemned, I wrote the Secretary of Agriculture, calling his attention to the fact that the same policy was not being followed with respect to inspection of meat animals.

I requested the Secretary of Agriculture to advise me whether he believed it desirable to reexamine the inspection policy of his Department so that inspection of animals and poultry would proceed with the same caution in determining fitness for human consumption.

I am pleased to say that I have since received a reply from the Department of Agriculture advising that it is undertaking discussions with the Surgeon General's Office to arrange to study specific items such as those referred to by me to determine if current scientific information indicates a need for change. While the Department of Agriculture, together with the Surgeon General, are beginning arrangements to undertake such reviews, they have not as yet begun. As the results of these reviews are made available to me, I shall see to it that they are made public.

TABLE 2. NUMBER OF ANIMALS CONDEMNED FOR VARIOUS DISEASES AND CONDITIONS ON ANTEMORTEM INSPECTION, FISCAL YEAR 1969

Cause of condemnation	Cattle	Calves	Sheep and lambs	Goats	Swine	Horses
Degenerative and dropsical conditions:						
Anasarca	18		1			
Emaciation	120	7	50		43	
Miscellaneous	22		2		75	
Infectious diseases:						
Actinomycosis	5					
Anaplasmosis	2	2				
Hog cholera					22	
Leptospirosis	1					
Listerellosis	14		1			
Mucosal diseases	2					
Necrobacillosis and necrosis					5	
Swine erysipelas					14	
Miscellaneous	6	1	1		1	
Inflammatory diseases:						
Enteritis, gastritis, and peritonitis	14	102	11		55	
Mastitis	67					
Metritis	46		1		20	
Nephritis	10	2	1		23	
Pericarditis	59					
Pleurisy and pneumonia	134	81	15	2	58	42
Miscellaneous	30	12	2		25	
Neoplasms:						
Carcinoma	9				3	
Epithelioma	1,145	1				
Malignant lymphoma	9				1	
Sarcoma	2	1				
Miscellaneous	4				2	
Parasitic conditions: Miscellaneous	1	2				
Pigmentary conditions: Miscellaneous					1	
Septic conditions:						
Residue, drugs					5	
Residue, pesticide	3					
Residue, miscellaneous	2				12	
Abscess or pyemia	38	11	2		596	
Septicemia	59	20	29		74	1
Toxemia	81	17	13		25	
Miscellaneous	9		6		10	
Other:						
Arthritis	65	55	13		507	
Asphyxia	6	13				
Dead in Pens	5,216	11,929	10,815	776	52,909	154
Icterus	7	3			95	
Immaturity		120	4		10	
Injuries	36	61	16		16	
Moribund	2,319	2,388	898	3	1,511	15
Pyrexia	207	30	69		319	3
Suspect died in pen	822	1,145	310	38	2,100	4
Tetanus	37	13	5		24	2
Uremia	40	12	27		2	
Miscellaneous general	55	5	1		44	
Total	10,722	16,033	12,293	819	58,607	221

TABLE 3.—NUMBER OF CARCASSES CONDEMNED FOR VARIOUS DISEASES AND CONDITIONS ON POST-MORTEM INSPECTION, FISCAL YEAR 1969

Cause of condemnation	Number of carcasses of—					
	Cattle	Calves	Sheep and lambs	Goats	Swine	Horses
Degenerative and dropsical conditions:						
Anasarca	1,092	26	93	6	49	2
Emaciation	5,332	2,401	11,508	367	551	119
Miscellaneous	1,047	20	382		266	8
Infectious diseases:						
Actinomycosis	806	5				
Anaplasmosis	387	6				
Caseous lymphadenitis			11,656	495		
Hog cholera					149	
Johnes disease		11				
Leptospirosis	15				11	
Listerellosis	7		20			
Mucosal diseases	5					
Necrobacillosis and necrosis	108	1			18	
Swine erysipelas					2,350	
Tuberculosis nonreactor	72	3			4,251	
Tuberculosis reactor showing lesions	103					
Miscellaneous	13	4	4		88	
Inflammatory diseases:						
Enteritis, castritis, peritonitis	3,988	2,560	391		7,287	18
Eosinophilic myositis	4,430	11	111		10	
Mastitis	1,096		10	2	51	1
Metritis	1,830	3	270	14	906	3
Nephritis	3,366	579	554	6	2,473	8
Pericarditis	4,435	105	182	2	1,076	18
Pleurisy and pneumonia	11,424	5,172	7,592	107	15,753	86
Miscellaneous	430	322	555	5	459	5
Neoplasms:						
Carcinoma	2,561	13	27		189	12
Epithelioma	6,103	2				
Malignant lymphoma	4,831	95	69	2	1,561	10
Sarcoma	225	1	8	2	133	74
Miscellaneous	760	18	69	7	541	36
Parasitic conditions:						
Cysticercosis	103		306			
Stephanuriasis					1,876	
Miscellaneous	278	15	5,147		114	1
Pigmentary conditions:						
Melanosis, Nonmalignant	79	38	21		260	20
Miscellaneous	93	5	3	1	69	2
Septic conditions:						
Residue, drug	148	29	16		91	
Residue, pesticide	11	4	19		4	
Residue, miscellaneous	29	2	5		7	
Abscess or pyemia	8,590	852	2,518	314	24,950	24
Septicemia	5,286	2,598	664	30	8,046	13
Toxemia	2,251	835	137	7	1,668	
Miscellaneous	151	39	954		2,115	
Other:						
Arthritis	1,233	2,094	1,723	29	15,422	2
Asphyxia	46	122	70	3	2,645	1
Bone conditions	40	12	9		84	1
Contamination	241	60	323	16	5,135	2
Icterus	434	2,075	1,584	8	11,563	
Immaturity		1,248	9		75	
Injuries	3,601	2,434	1,779	77	4,208	70
Normal			1,050			
Sexual odor					615	
Skin conditions					183	
Uremia	1,407	75	1,701	1	1,121	1
Miscellaneous general	138	75	39		577	2
Total	78,598	23,966	51,578	1,501	119,000	539

TABLE 4.—NUMBER OF CARCASSES RETAINED FOR VARIOUS DISEASES AND CONDITIONS BUT PASSED FOR FOOD AFTER REMOVAL OF AFFECTED PARTS—FISCAL YEAR 1969[1]

Cause of retention	Number of carcasses of— Cattle	Calves	Sheep and lambs	Goats	Swine	Horses
Degenerative and dropsical conditions:						
Anasarca	107	2	1		37	
Miscellaneous	566	12	25		402	
Infectious diseases:						
Actinomycosis	251,700	2,186				
Anaplasmosis	111	3				
Caseous lymphadenitis			86,412	13,191		
Coccidioidal granuloma	5,734	89				
Johnes disease	55					
Leptospirosis	8				40	
Listerellosis	15		17			
Mucosal diseases	129					
Necrobacillosis and necrosis	147	3			10	
Tuberculosis nonreactor	564	88			865,770	
Tuberculosis reactor showing lesions	322	3				
Tuberculosis reactor showing no lesions	1,276	73				
Miscellaneous	94	4	1		9	
Inflammatory diseases:						
Adhesions	575,054	18,030	104,196	6,095	668,214	743
Enteritis, gastritis, peritonitis	1,638	886	103		830	1
Eosinophilic myositis	1,411	1	5	1	180	
Mastitis	4,971		7		59	2
Metritis	1,584	39	34		347	
Nephritis	9,159	3,114	598		4,018	4
Pericarditis	3,267	341	813		1,917	5
Pleurisy and pneumonia	109,532	53,152	51,729	3,051	110,588	3,240
Miscellaneous	27,919	2,266	2,067	51	16,111	19
Neoplasms:						
Carcinoma	168	4	53		152	1
Epithelioma	102,669	104				
Miscellaneous	899	23	92		547	3
Parasitic conditions:						
Cysticercosis	6,608	42	15,275			
Cysticercosis (refrigeration)	4,345	15				
Stephanuriasis					185,813	
Miscellaneous	47,244	2,525	15,098	1	105	
Pigmentary conditions:						
Melanosis, nonmalignant	463	130	132		1,209	474
Miscellaneous	880	10	82		1,744	
Septic conditions:						
Residue, drug	147	9	5		63	
Residue, pesticide	82	25	184		213	
Residue, miscellaneous	16				38	
Abscess or pyemia	509,175	17,529	41,633	539	3,057,502	5,258
Miscellaneous	283	20	4		877	
Other:						
Arthritis	120,730	16,587	41,748	1,698	685,928	733
Bone conditions	1,058	275	322	5	1,116	5
Contamination	653,428	89,052	287,935	1,672	1,492,817	560
Icterus	14	7	10		146	
Injuries	826,037	68,750	84,406	3,198	547,516	4,048
Normal	6,916	903	667	2	9,031	28
Sexual odor					301	
Skin conditions	55,409	26,077	14,145	44	149,850	2
Miscellaneous general	2,528	860	502		2,979	
Total	3,334,462	303,239	748,301	29,548	7,806,483	15,126

[1] Does not include those reported in table 3.

TABLE 5.—NUMBER OF PARTS OF CARCASSES[1] CONDEMNED FOR VARIOUS DISEASES AND CONDITIONS ON POST-MORTEM INSPECTION, FISCAL YEAR 1969

Cause of condemnation	Parts of carcasses of— Cattle	Calves	Sheep and lambs	Goats	Swine	Horses
Degenerative and dropsical conditions:						
Anasarca	45	1			138	
Miscellaneous	144	3	1		19	
Infectious diseases:						
Actinomycosis	205,916	2,156				
Caseous lymphadenitis			208			
Coccidioidal granuloma	22	1				
Listerellosis	2					
Mucosal diseases	86					
Necrobacillosis and necrosis	110	1			176	
Tuberculosis nonreactor	644	69			662,142	
Miscellaneous	129	1	1		5	
Inflammatory diseases:						
Eosinophilic myositis	1,057	1	2			
Miscellaneous	2,397	164	72		95	2
Neoplasms:						
Carcinoma	238		22		206	1
Epithelioma	101,741	102				
Miscellaneous	98	8			1	
Parasitic conditions:						
Cysticercosis	548		22			
Stephanuriasis					2,599	
Miscellaneous	119		48	1	1	
Pigmentary conditions:						
Melanosis, Nonmalignant	136	18	2		352	139
Miscellaneous	750	6			1,401	7
Septic conditions:						
Residue, drug	38					
Residue, miscellaneous	15				38	
Abscess or pyemia	106,729	5,207	768	59	2,078,080	4,701
Miscellaneous	162	9			213	
Other:						
Arthritis	7,616	1,329	7,232	3	37,711	31
Bone conditions	253	49	198		683	
Contamination	367,662	54,993	203,986	742	1,296,862	182
Injuries	20,982	5,498	4,293	230	86,032	344
Miscellaneous general	691	7	3		134	
Total	818,330	69,623	216,858	1,035	4,166,888	5,407

[1] A part of a carcass refers to a separate portion, such as a head, a ham, or a shoulder.

MR. FREDERICK SWEET NO MEMBER OF "SILENT" MAJORITY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. KARTH. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

AS UNION EDITOR: MR. FREDERICK SWEET NO MEMBER OF "SILENT" MAJORITY

Whether the problem at hand involves the internal union struggles for leadership or the busing of students to obtain racial equality in our schools, a distinct and independent voice rings out weekly in The Union Advocate, the voice of organized labor in the greater St. Paul area. Mr. Frederick Sweet, editor of The Union Advocate since January of 1968, has worked untiringly to bring about social progress. Mr. Sweet is not a member of the "silent" majority.

"I suppose some people look upon me as a maverick because I sometimes hold unorthodox views in the labor movement," stated Mr. Sweet, "but I always demand an independent mind."

Mr. Sweet's views on "busing"—unpopular with a major segment of the population—are a good example. In a portion of an editorial dated February 19, 1970, Mr. Sweet stated:

"The same people who flatly oppose school busing also vote down open housing and the steps needed to find good jobs for all at steady wages, the kind of jobs people must have to be good neighbors.

"This whole nation is becoming alarmed about the pollution of air and water and soil . . . Isn't it time to add white racism to the list of pollutants threatening our children's future?

"How much difference is there between U.S. Steel's stiff-necked refusal to end the menace of its stacks to the city of Duluth, and the stiff-necked refusal of the white majority to pull down the walls of segregation?"

When I went to interview Mr. Sweet at his office at 440 Minnehaha Avenue, he didn't invite me to sit down. It wasn't necessary; the subtle smile beneath his keen eyes made me know I was welcome.

He is a busy man. He sat hunched behind piles of correspondence and galley proofs spread upon his desk. A candy jar of red-stripped mints jutted bravely out among the waves of paper like a small lighthouse. Mr. Sweet paused in his work, offered a mint, and then helped himself.

"My philosophy as a union editor is quite simple," stated Mr. Sweet, munching deliberately on his mint. "Working people, given the facts, will come to sensible conclusions. The purpose of a union paper is to make those facts available . . . you have to treat the reader as a grown-up!" he added emphatically.

This faith in the working man is also extended to the youth of this country. The angry frustrated youth who burns an American flag or a draft card every time he can locate a tv camera—the "Media Kid" as the press calls him—doesn't alter Mr. Sweet's opinion of the younger generation.

"Youth of today have a great capacity for whittling away the hypocrisy and propaganda in our society. They are looking with honest eyes, listening with honest ears, and making the most of information available. I've witnessed this in my own children. I have no fear of the future."

Throughout the interview, a keen eyed owl, made from driftwood, stared down from his perch on a cluttered file cabinet, as if watching for my reaction to Mr. Sweet's words. I finally stared back and smiled.

AN AMERICAN CREDO

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ZABLOCKI. Mr. Speaker, a fact of human nature sometimes overlooked is that it is often easier to be against something than for something. This lack of positive concern and support for important values is certainly not limited to any age group. Rather, all of us, young and old, sometimes succumb to this attitude.

With the hope of raising the current level of debate concerning national priorities, the war in Vietnam, and a host of other vital issues, I would like to insert in the RECORD a statement simply but appropriately titled "American Credo."

Profound in its expression of basic truth, the "Credo" speaks for itself. I recommend it to the attention of my colleagues with the hope that they will find it equally inspiring and thought-provoking.

The statement follows:

> *"Let us raise a standard to which the wise and honest can repair; the rest is in the hands of God."*
>
> GEORGE WASHINGTON,
> *Constitutional Convention, 1787.*

AMERICAN CREDO

(Written Into Their History by the American People)

We believe:

That, as God is the common Father, all men are brothers, branches of the same Vine. In God we trust.

That individuals are created equally important, but with differing qualities, capacities, and talents; and that good relations among individuals rest necessarily upon a recognition of, and respect for, these differences;

That progress of any community depends upon the individual growth and development, and the mutual co-operation of its members;

That every individual should be both permitted and encouraged to assert his qualities, develop his capacities, and exercise his talents, and that a share of community resources should be available to him in his immature years for his education to this end;

That every individual should have equal opportunity to find his natural rank or position in his community, appropriate to his inborn and developed characteristics—no less, no more;

That every individual's obligations and responsibilities to his community are commensurate with the rank or position he attains;

That a nation is a community of individuals;

That an individual is superior to his creations, and that a community of individuals are superior to any abstract state or governmental institution they may create;

That the government of a national community should be by consent of the individuals who compose the community, and that they should be free to choose and change the government, either as to form or as to its officials, according to their opinion of its suitability;

That the majority will should prevail in national decisions, but that the members of the minority should have the same rights and obligations as members of the majority, and that there should be equal justice for all citizens under law;

That application of these principles will always yield common respect for the dignity of the individual, and will yield freedom of worship, freedom of speech, freedom of assembly, and the other "unalienable rights" of individuals;

That in a nation so conceived, freedom from want will be more fully achieved than through any other organization of the same community, and that the sacrifice of these essential principles in the hope of securing greater wealth or economic security is a vain and foolish concession which is not only wrong in itself, but also will yield the contrary result;

That any political creed which ridicules the concept of God and denies the worth of religion cannot possibly rest upon an understanding of the eternal verities that give substance to the faith of the American people in their way of life; and, finally,

That peace, good will, and mutual understanding will prevail among nations that give uninterrupted expression to these principles, for they will recognize their common interests as parts of the Whole.

ANCHER NELSEN PROPOSES AN AMENDMENT TO WHOLESOME MEAT ACT OF 1967

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. NELSEN. Mr. Speaker, the Wholesome Meat Act, passed in 1967, was a great step in the direction of assuring the American consumer clean, inspected meat. Within that act, however, is a provision, which, under Department of Agriculture interpretation, would result in great hardships to hundreds of small, locker-slaughter plants throughout our Nation.

The act, as it now stands, does not allow the sale of meat slaughtered in federally inspected plants if the seller engages in custom slaughtering operations. Many small operators must offer both services to stay in business, and unless we change the law this year, the Department of Agriculture will have to enforce these harsh regulations.

The proposal I have cosponsored, H.R. 16485, is a result of long deliberations with the Department of Agriculture, concerned Members of Congress, and the National Institute of Locker and Freezer Provisioners, the trade association for locker plant owners,

Specifically, our bill woud amend the Wholesome Meat Act of 1967 to permit such local locker plants which market retail meat to also continue custom slaughter and packaging work on the same premises. Provisions are included to assure that all meat processed will be prepared under satisfactory sanitary conditions. Another safeguard requires that all custom meat be labeled "not for sale" immediately after packaging.

I have been in close contact with the Minnesota Commissioner of Agriculture, Mr. Robert Carlson. He stated recently in summing up the problem:

> We in Minnesota will never compromise the quality and wholesomeness of the public meat supply. But a judicious compromise on facilities standards is needed to allow this small but vital service industry represented by our small packers and custom slaughterers to survive.

This situation exists throughout our Nation, and I hope my colleagues will join in support of this important amendment.

MICHIGAN AUDUBON SOCIETY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. DINGELL. Mr. Speaker, the Michigan Audubon Society at its recent annual meeting adopted several resolutions "on preserving and restoring the quality of our environment and providing education to achieve that end."

So that my colleagues may have an opportunity to be aware of these expressions of concern over the quality and state of our environment, I include the text of the resolutions at this point in the RECORD:

RESOLUTIONS ON PRESERVING AND RESTORING THE QUALITY OF OUR ENVIRONMENT AND PROVIDING EDUCATION TO ACHIEVE THAT END

The members of the Michigan Audubon Society, in annual meeting assembled this 31st day of January 1970, in the city of Grand Rapids, Michigan, hereby adopt the following resolutions as setting forth this Society's concerns and desires for the environment:

Whereas, the quality of the environment and the quality of life in Michigan, in our United States, and around the world have progressively deteriorated in recent years and will unalterably become worse if the present course of events is not checked; and

Whereas, the basic cause of this deterioration lies in the ever-increasing numbers of human beings, the urbanization of society, and the failure of modern technology to dispel or recycle the wastes of humanity and industry; and

Whereas, most inhabitants of this state, nation, and world lack an understanding of the complexity of the environment, and most present educational systems and institutions fail to provide an adequate knowledge of the basic social, physical, and ecological interactions of the environment;

Therefore, be it resolved, that the Michigan Audubon Society recommend to appropriate officials of appropriate government agencies and educational institutions, named hereinafter, and to our fellow citizens of the State of Michigan, of these United States, and this spaceship Earth, the immediate implementation of certain actions, namely:

ENVIRONMENTAL QUALITY

1. That present state and federal concern over environmental quality and pollution be

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translated from talk into action, by dynamic programs, perceptive legislation, generous appropriations, and vigorous enforcement of existing laws;

2. Specifically, that the Michigan Legislature permit citizen action through the courts to protect the quality of environment more effectively, by passage of such legislation as the Natural Resource and Environmental Protection Act (Michigan Legislature House Bill 3055), and that this Act be called to the attention of the other 49 states;

3. That current state and federal actions and intent, to restrict or prohibit the use of DDT and other biocides, not be permitted to lose momentum, and that the goals of the Secretary's Committee on the Relationship of Pesticides to Environmental Health of the Department of Health, Education, and Welfare be implemented and carried to completion without delay, and that these be expanded to prohibit export of such biocides from this nation;

4. Specifically, that the Michigan Legislature, protect the surface of our beautiful state (1) by requiring restoration to reasonable use standards of lands exploited and laid bare by strip mining, quarrying, and removal of sand and gravel, (2) by setting aside for posterity key sections of relatively unspoiled streams of this state as Scenic, Recreation, or Wild Rivers, and (3) by zoning future development of the shoreline of the Great Lakes under sound ecological, recreational, and engineering principles; and

5. Specifically, that the Michigan Legislature protect the quality of recreation on state and federal public lands and prevent damage to those resources (1) by limiting operation of snowmobiles to established trails on these lands and by reducing the noise pollution they produce, and (2) by prohibiting recreational use of the all-terrain vehicle (ATV); and

POPULATION

6. That current *educational* efforts now being made by state, federal, and private agencies to publicize the critical nature of the population threat and the necessity for its abatement be pressed; and

7. That State Legislatures and the Congress enact without delay legislation *leading to and encouraging reasonable, effective, and prompt means of achieving a stabilization of our population*, and that similar goals be sought worldwide;

EDUCATION

8. That concepts of environmental awareness and natural resource ecology be incorporated into the required curriculum of public and private schools everywhere;

9. That each school system or educational institution, at all levels, singly or jointly with others, acquire by purchase, gift, or grant a sizable tract of land, to serve as an environmental teaching center;

10. That all school teachers be urged to take a college-level, ecologically-oriented course in environmental problems including human population; that colleges and universities offer increased opportunities for such a course for all students and for teachers, and that appropriations be made available to enable colleges and universities to enlarge their teaching staff to provide such instruction; and

11. That the students, faculty, and administration of colleges and universities, and the citizens of the communities where they reside be encouraged to utilize to the fullest the impending Teach-in on the Environment scheduled for the nation's campuses on April 22, 1970, and thereby demonstrate to the nation and the world the willingness of the total community to share in the concern and determination of today's youth to achieve a cleaner environment and a better world for tomorrow.

APPRECIATION

Be it further resolved, that the Michigan Audubon Society extends its sincere thanks to the Grand Rapids Audubon Club for hosting the Sixty-sixth Annual Meeting of the Society; that it commend all members of the committees and the general chairman, Norma Raby, for the excellence of the arrangements; and the program chairman, Mary Jane Dockeray, for the excellence and the pertinence of the program; and

IMPLEMENTATION

Be it further resolved, that copies of these resolutions be sent to Richard M. Nixon, President of the United States; William G. Milliken, Governor of Michigan; the Governor of the other forty-nine states; the clerks of both houses of the Michigan Legislature and of the U.S. Congress; the chairmen of the appropriate committees of the Michigan Legislature and the U.S. Congress related to natural resources, education, agriculture, and pollution control; all members of the Michigan Legislature and the Michigan delegation to the U.S. Congress; the Secretaries of the U.S. Departments of Interior, Agriculture, and Health, Education and Welfare; the Directors of the Michigan Departments of Natural Resources, Agriculture and Public Health, and the State Superintendent of the Department of Education; the chairmen of the Michigan Commissions of Natural Resources, Water Resources, Air Pollution, and Agriculture, and of the State Board of Education; the chairman of the Michigan Advisory Council for Environmental Quality; the superintendents of all school districts in Michigan; the chief administrative officers of private schools, junior and community colleges, colleges, and universities; the presidents of the Michigan Natural Resources Council, Federated Garden Clubs of Michigan, Michigan Association of Conservation Ecologists, Michigan Parks Association, Michigan United Conservation Clubs, Michigan League of Women Voters, Michigan Pesticide Council, Sierra Club, National Audubon Society, National Wildlife Federation, and other organizations concerned with environmental education and conservation, which may wish to sponsor and send out similar resolutions; and to the Associated Press, United Press International, the Michigan Outdoor Writers, Walter Cronkite, the Huntley-Brinkley team, and other appropriate news media.

Respectfully submitted,
RESOLUTIONS COMMITTEE,
ROLLIN BAKER,
JOAN BRIGHAM,
KENNETH HORTON,
WILLIAM THOMPSON,
Ex officio.
CHARLES "TED" BLACK,
Chairman.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

SELECTIONS FROM "THE ENVIRONMENTAL HANDBOOK": III

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 8, 1970

Mr. BROWN of California. Mr. Speaker, here are three more of the valuable articles which comprise "The Environmental Handbook," edited by Garrett De Bell and published by Bantam Books. These selections are from that part of the "Handbook" called "The Meaning of Ecology."

THE ECONOMICS OF THE COMING SPACESHIP EARTH

(By Kenneth E. Boulding)

The closed earth of the future requires economic principles which are somewhat different from those of the open earth of the past. For the sake of picturesqueness, I am tempted to call the open economy the "cowboy economy," the cowboy being symbolic of the illimitable plains and also associated with reckless, exploitative, romantic, and violent behavior, which is characteristic of open societies. The closed economy of the future might similarly be called the "spaceman" economy, in which the earth has become a single spaceship, without unlimited reservoirs of anything, either for extraction or for pollution, and in which, therefore, man must find his place in a cyclical ecological system which is capable of continuous reproduction of material form even though it cannot escape having inputs of energy. The difference between the two types of economy becomes most apparent in the attitude towards consumption. In the cowboy economy, consumption is regarded as a good thing and production likewise; and the success of the economy is measured by the amount of the throughput from the "factors of production," a part of which, at any rate, is extracted from the reservoirs of raw materials and noneconomic objects, and another part of which is output into the reservoirs of pollution. If there are infinite reservoirs from which material can be obtained and into which effluvia can be deposited, then the throughput is at least a plausible measure of the success of the economy. The gross national product is a rough measure of this total throughput. It should be possible, however, to distinguish that part of the GNP which is derived from exhaustible and that which is derived from reproducible resources, as well as that part of consumption which represents effluvia and that which represents input into the productive system again. Nobody, as far as I know, has ever attempted to break down the GNP in this way, although it would be an interesting and extremely important exercise, which is unfortunately beyond the scope of this paper.

By contrast, in the spaceman economy, throughput is by no means a desideratum, and is indeed to be regarded as something to be minimized rather than maximized. The essential measure of the success of the economy is not production and consumption at all, but the nature, extent, quality, and complexity of the total capital stock, including in this the state of the human bodies and minds included in the system. In the spaceman economy, what we are primarily concerned with is stock maintenance, and any technological change which results in the maintenance of a given total stock with a lessened throughput (that is, less production and consumption) is clearly a gain. This idea that both production and consumption are

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bad things rather than good things is very strange to economists, who have been obsessed with the income-flow concepts to the exclusion, almost, of capital-stock concepts.

There are actually some very tricky and unsolved problems involved in the questions as to whether human welfare or well-being is to be regarded as a stock or a flow. Something of both these elements seems actually to be involved in it, and as far as I know there have been practically no studies directed towards identifying these two dimensions of human satisfaction. Is it, for instance, eating that is a good thing, or is it being well fed? Does economic welfare involve having nice clothes, fine houses, good equipment, and so on, or is it to be measured by the depreciation and the wearing out of these things? I am inclined myself to regard the stock concept as most fundamental, that is, to think of being well fed as more important than eating, and to think even of so-called services as essentially involving the restoration of a depleting psychic capital. Thus I have argued that we go to a concert in order to restore a psychic condition which might be called "just having gone to a concert," which, once established, tends to depreciate. When it depreciates beyond a certain point, we go to another concert in order to restore it. If it depreciates rapidly, we go to a lot of concerts; if it depreciates slowly, we go to few. On this view, similarly, we eat primarily to restore bodily homeostasis, that is, to maintain a condition of being well fed, and so on. On this view, there is nothing desirable in consumption at all. The less consumption we can maintain a given state with, the better off we are. If we had clothes that did not wear out, houses that did not depreciate, and even if we could maintain our bodily condition without eating we would clearly be much better off.

It is this last consideration, perhaps, which makes one pause. Would we, for instance, really want an operation that would enable us to restore all our bodily tissues by intravenous feeding while we slept? Is there not, that is to say, a certain virtue in throughput itself, in activity itself, in production and consumption itself, in raising food and in eating it? It would certainly be rash to exclude this possibility. Further interesting problems are raised by the demand for variety. We certainly do not want a constant state to be maintained; we want fluctuations in the state. Otherwise there would be no demand for variety in food, for variety in scene, as in travel, for variety in social contact, and so on. The demand for variety can, of course, be costly, and sometimes it seems to be too costly to be tolerated or at least legitimated, as in the case of marital partners, where the maintenance of a homeostatic state in the family is usually regarded as much more desirable than the variety and excessive throughput of the libertine. There are problems here which the economics profession has neglected with astonishing singlemindedness. My own attempts to call attention to some of them, for instance, in two articles,[1] as far as I can judge, produced no response whatever; and economists continue to think and act as if production, consumption, throughput, and the GNP were the sufficient and adequate measure of economic success.

It may be said, of course, why worry about all this when the spaceman economy is still a good way off (at least beyond the lifetimes of any now living), so let us eat, drink, spend, extract and pollute, and be as merry as we can, and let posterity worry about the spaceship earth. It is always a little hard to find a convincing answer to the man who says, "What has posterity ever done for me?" and the conservationist has always had to fall back on rather vague ethical principles postulating identity of the individual with some human community or society which extends not only back into the past but forward into the future. Unless the individual identifies with some community of this kind, conservation is obviously "irrational." Why should we not maximize the welfare of this generation at the cost of posterity? *Après nous, le déluge* has been the motto of not insignificant numbers of human societies. The only answer to this, as far as I can see, is to point out that the welfare of the individual depends on the extent to which he can identify himself with others, and that the most satisfactory individual identity is that which identifies not only with a community in space but also with a community extending over time from the past into the future. If this kind of identity is recognized as desirable, then posterity has a voice, even if it does not have a vote; and in a sense, if its voice can influence votes, it has votes too. This whole problem is linked up with the much larger one of the determinants of the morale, legitimacy, and "nerve" of a society, and there is a great deal of historical evidence to suggest that a society which loses its identity with posterity and which loses its positive image of the future loses also its capacity to deal with present problems, and soon falls apart.[2]

Even if we concede that posterity is relevant to our present problems, we still face the question of time-discounting and the closely related question of uncertainty-discounting. It is a well-known phenomenon that individuals discount the future, even in their own lives. The very existence of a positive rate of interest may be taken as at least strong supporting evidence of this hypothesis. If we discount our own future, it is certainly not unreasonable to discount posterity's future even more, even if we do give posterity a vote. If we discount this at 5 percent per annum, posterity's vote or dollar halves every fourteen years as we look into the future, and after even a mere hundred years it is pretty small—only about 1½ cents on the dollar. If we add another 5 percent for uncertainty, even the vote of our grandchildren reduces almost to insignificance. We can argue, of course, that the ethical thing to do is not to discount the future at all, that time-discounting is mainly the result of myopia and perspective, and hence is an illusion which the moral man should not tolerate. It is a very popular illusion, however, and one that must certainly be taken into consideration in the formulation of policies. It explains, perhaps, why conservationist policies almost have to be sold under some other excuse which seems more urgent, and why, indeed, necessities which are visualized as urgent, such as defense, always seem to hold priority over those which involve the future.

All these considerations add some credence to the point of view which says that we should not worry about the spaceman economy at all, and that we should just go on increasing the GNP and indeed the gross world product, or GWP, in the expectation that the problems of the future can be left to the future, that when scarcities arise, whether this is of raw materials of or pollutable reservoirs, the needs of the then present will determine the solutions of the then present, and there is no use giving ourselves ulcers by worrying about problems that we really do not have to solve. There is even high ethical authority for this point of view in the New Testament, which advocates that we should take no thought for tomorrow and let the dead bury their dead. There has always been something rather refreshing in the view that we should live like the birds, and perhaps posterity is for the birds in more senses than one; so perhaps we should all call it a day and go out and pollute something cheerfully. As an old taker of thought for the morrow, however, I cannot quite accept this solution; and I would argue, furthermore, that tomorrow is not only very close, but in many respects it is already here. The shadow of the future spaceship, indeed, is already falling over our spendthrift merriment. Oddly enough, it seems to be in pollution rather than in exhaustion that the problem is first becoming salient. Los Angeles has run out of air, Lake Erie has become a cesspool, the oceans are filling up with lead and DDT, and the atmosphere may become man's major problem in another generation, at the rate at which we are filling it up with gunk. It is, of course, true that at least on a microscale, things have been worse at times in the past. The cities of today, with all their foul air and polluted waterways, are probably not as bad as the filthy cities of the pretechnical age. Nevertheless, that fouling of the nest which has been typical of man's activity in the past on a local scale now seems to be extending to the whole world society; and one certainly cannot view with equanimity the present rate of pollution of any of the natural reservoirs, whether the atmosphere, the lakes, or even the oceans.

NOTES

1. K. E. Boulding, "The Consumption Concept in Economic Theory," *American Economic Review*, 35 (May 1945): 1–14; and "Income or Welfare?," *Review of Economic Studies*, 17 (1949–50): 77–86.

2. Fred L. Polak, *The Image of the Future*, Vols. I and II, translated by Elise Boulding, New York: Sythoff, Leyden and Oceana, 1961.

ECO-CATASTROPHE!

(By Paul R. Ehrlich)

(NOTE.—In the following scenario, Dr. Paul Ehrlich predicts what our world will be like in ten years if the present course of environmental destruction is allowed to continue. Dr. Ehrlich is a prominent ecologist, a professor of biology at Stanford University, and author of The Population Bomb (Ballantine).)

The end of the ocean came late in the summer of 1979, and it came even more rapidly than the biologists had expected. There had been signs for more than a decade, commencing with the discovery in 1968 that DDT slows down photosynthesis in marine plant life. It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

But that was only the first of many signs. There had been the final gasp of the whaling industry in 1973, and the end of the Peruvian anchovy fishery in 1975. Indeed, a score of other fisheries had disappeared quietly from overexploitation and various eco-catastrophes by 1977. The term "eco-catastrophe" was coined by a California ecologist in 1969 to describe the most spectacular of man's attacks on the systems which sustain his life. He drew his inspiration from the Santa Barbara offshore oil disaster of that year, and from the news which spread among naturalists that virtually all of the Golden State's seashore bird life was doomed because of chlorinated hydrocarbon interference with its reproduction. Eco-catastrophies in the sea became increasingly common in the early 1970's. Mysterious "blooms" of previously rare microorganisms began to appear in offshore waters. Red tides—killer outbreaks of a minute single-celled plant—returned to the Florida Gulf coast and were sometimes accompanied by tides of other exotic hues.

It was clear by 1975 that the entire ecology of the ocean was changing. A few types of phytoplankton were becoming resistant to chlorinated hydrocarbons and were gaining

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the upper hand. Changes in the phytoplankton community led inevitably to changes in the community of zooplankton, the tiny animals which eat the phytoplankton. These changes were passed on up the chains of life in the ocean to the herring, plaice, cod and tuna. As the diversity of life in the ocean diminished, its stability also decreased.

Other changes had taken place by 1975. Most ocean fishes that returned to freshwater to breed, like the salmon, had become extinct, their breeding streams so damned up and polluted that their powerful homing instinct only resulted in suicide. Many fishes and shellfishes that bred in restricted areas along the coasts followed them as onshore pollution escalated.

By 1977 the annual yield of fish from the sea was down to 30 million metric tons, less than one-half the per capita catch of a decade earlier. This helped malnutrition to escalate sharply in a world where an estimated 50 million people per year were already dying of starvation. The United Nations attempted to get all chlorinated hydrocarbon insecticides banned on a worldwide basis, but the move was defeated by the United States. This opposition was generated primarily by the American petrochemical industry, operating hand in glove with its subsidiary, the United States Department of Agriculture. Together they persuaded the government to oppose the U.N. move—which was not difficult since most Americans believed that Russia and China were more in need of fish products than was the United States. The United Nations also attempted to get fishing nations to adopt strict and enforced catch limits to preserve dwindling stocks. This move was blocked by Russia, who, with the most modern electronic equipment, was in the best position to glean what was left in the sea. It was, curiously, on the very day in 1977 when the Soviet Union announced its refusal that another ominous article appeared in *Science*. It announced that incident solar radiation had been so reduced by worldwide air pollution that serious effects on the world's vegetation could be expected.

Apparently it was a combination of ecosystem destabilization, sunlight reduction, and a rapid escalation in chlorinated hydrocarbon pollution from massive Thanodrin applications which triggered the ultimate catastrophe. Seventeen huge Soviet-financed Thanodrin plants were operating in underdeveloped countries by 1978. They had been part of a massive Russian "aid offensive" designed to fill the gap caused by the collapse of America's ballyhooed "Green Revolution."

It became apparent in the early '70s that the "Green Revolution" was more talk than substance. Distribution of high yield "miracle" grain seeds had caused temporary local spurts in agricultural production. Simultaneously, excellent weather had produced record harvests. The combination permitted bureaucrats, especially in the United States Department of Agriculture and the Agency for International Development (AID), to reverse their previous pessimism and indulge in an outburst of optimistic propaganda about staving off famine. They raved about the approaching transformation of agriculture in the underdeveloped countries (UDCs). The reason for the propaganda reversal was never made clear. Most historians agree that a combination of utter ignorance of ecology, a desire to justify past errors, and pressure from agro-industry (which was eager to sell pesticides, fertilizers, and farm machinery to the UDCs and agencies helping the UDCs) was behind the campaign. Whatever the motivation, the results were clear. Many concerned people, lacking the expertise to see through the Green Revolution drivel, relaxed. The population-food crisis was "solved."

But reality was not long in showing itself. Local famine persisted in northern India even after good weather brought an end to the ghastly Bihar famine of the mid-'60s. East Pakistan was next, followed by a resurgence of general famine in northern India. Other foci of famine rapidly developed in Indonesia, the Philippines, Malawi, the Congo, Egypt, Colombia, Ecuador, Honduras, the Dominican Republic, and Mexico.

Everywhere hard realities destroyed the illusion of the Green Revolution. Yields dropped as the progressive farmers who had first accepted the new seeds found that their higher yields brought lower prices—effective demand (hunger plus cash) was not sufficient in poor countries to keep prices up. Less progressive farmers, observing this, refused to make the extra effort required to cultivate the "miracle" grains. Transport systems proved inadequate to bring the necessary fertilizer to the fields where the new and extremely fertilizer-sensitive grains were being grown. The same systems were also inadequate to move produce to markets. Fertilizer plants were not built fast enough, and most of the underdeveloped countries could not scrape together funds to purchase supplies, even on concessional terms. Finally, the inevitable happened, and pests began to reduce yields in even the most carefully cultivated fields. Among the first were the famous "miracle rats" which invaded Philippine "miracle rice" fields early in 1969. They were quickly followed by many insects and viruses, thriving on the relatively pest-susceptible new grains, encouraged by the vast and dense plantings, and rapidly acquiring resistance to the chemicals used against them. As chaos spread until even the most obtuse agriculturists and economists realized that the Green Revolution had turned brown, the Russians stepped in.

In retrospect it seems incredible that the Russians, with the American mistakes known to them, could launch an even more incompetent program of aid to the underdeveloped world. Indeed, in the early 1970's there were cynics in the United States who claimed that outdoing the stupidity of American foreign aid would be physically impossible. Those critics were, however, obviously unaware that the Russians had been busily destroying their own environment for many years. The virtual disappearance of sturgeon from Russian rivers caused a great shortage of caviar by 1970. A standard joke among Russian scientists at that time was that they had created an artificial caviar which was indistinguishable from the real thing—except by taste. At any rate the Soviet Union, observing with interest the progressive deterioration of relations between the UDCs and the United States, came up with a solution. It had recently developed what it claimed was the ideal insecticide, a highly lethal chlorinated hydrocarbon complexed with a special agent for penetrating the external skeletal armor of insects. Announcing that the new pesticides, called Thanodrin, would truly produce a Green Revolution, the Soviets entered into negotiations with various UDCs for the construction of massive Thanodrin factories. The USSR would bear all the costs; all it wanted in return were certain trade and military concessions.

It is interesting now, with the prespective of years, to examine in some detail the reasons why the UDCs welcomed the Thanodrin plan with such open arms. Government officials in these countries ignored the protests of their own scientists that Thanodrin would not solve the problems which plagued them. The governments now knew that the basic cause of their problems was overpopulation, and that these problems had been exacerbated by the dullness, daydreaming, and cupidity endemic to all governments. They knew that only population control and limited development aimed primarily at agriculture could have spared them the horrors they now faced. They knew it, but they were not about to admit it. How much easier it was simply to accuse the Americans of failing to give them proper aid; how much simpler to accept the Russian panacea.

And then there was the general worsening of relations between the United States and the UDCs. Many things had contributed to this. The situation in America in the first half of the 1970's deserves our close scrutiny. Being more dependent on imports for raw materials than the Soviet Union, the United States had, in the early 1970's, adopted more and more heavy-handed policies in order to insure continuing supplies. Military adventures in Asia and Latin America had further lessened the international credibility of the United States as a great defender of freedom—an image which had begun to deteriorate rapidly during the pointless and fruitless Viet Nam conflict. At home, acceptance of the carefully manufactured image lessened dramatically, as even the more romantic and chauvinistic citizens began to understand the role of the military and the industrial system in what John Kenneth Galbraith had aptly named "The New Industrial State."

At home in the USA the early '70s were traumatic times. Racial violence grew and the habitability of the cities diminished. as nothing substantial was done to ameliorate either racial inequities or urban blight. Welfare rolls grew as automation and general technological progress forced more and more people into the category of "unemployable." Simultaneously a taxpayers' revolt occurred. Although there was not enough money to build the schools, roads, water systems, sewage systems, jails, hospitals. urban transit lines, and all the other amenities needed to support a burgeoning population, Americans refused to tax themselves more heavily. Starting in Youngstown, Ohio, in 1969 and followed closely by Richmond, California, community after community was forced to close its schools or curtail educational operations for lack of funds. Water supplies, already marginal in quality and quantity in many places by 1970, deteriorated quickly. Water rationing occurred in 1,723 municipalities in the summer of 1974, and hepatitis and epidemic dysentery rates climbed about 500 percent between 1970 and 1974.

Air pollution continued to be the most obvious manifestation of environmental deterioration. It was, by 1972, quite literally in the eyes of all Americans. The year 1973 saw not only the New York and Los Angeles smog disasters, but also the publication of the surgeon general's massive report on air pollution and health. The public had been partially prepared for the worst by the publicity given to the U.N. pollution conference held in 1972. Deaths in the late '60s caused by smog were well known to scientists, but the public had ignored them because they mostly involved the early demise of the old and sick rather than people dropping dead on the freeways. But suddenly our citizens were faced with nearly 200,000 corpses and massive documentation that they could be the next to die from respiratory disease. They were not ready for that scale of disaster. After all, the U.N. conference had not predicted that accumulated air pollution would make the planet uninhabitable until almost 1990. The population was terrorized as TV screens became filled with scenes of horror from the disaster areas. Especially vivid was NBC's coverage of hundreds of unattended people choking out their lives outside of New York's hospitals. Terms like nitrogen oxide, acute bronchitis and cardiac arrest began to have real meaning for most Americans.

The ultimate horror was the announcement that chlorinated hydrocarbons were now a major constituent of air pollution in all American cities. Autopsies of smog disaster victims revealed an average chlorinated hydrocarbon load in fatty tissue equivalent to 26 parts per million of DDT. In October,

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1973, the Department of Health, Education and Welfare announced studies which showed unequivocally that increasing death rates from hypertension, cirrhosis of the liver, liver cancer and a series of other diseases had resulted from the chlorinated hydrocarbon load. They estimated that Americans born since 1946 (when DDT usage began) now had a life expectancy of only 49 years, and predicted that if current patterns continued, this expectancy would reach 42 years by 1980, when it might level out. Plunging insurance stocks triggered a stock market panic. The president of Velsicol, Inc., a major pesticide producer, went on television to "publicly eat a teaspoonsful of DDT" (it was really powdered milk) and announce that HEW had been infiltrated by Communists. Other giants of the petro-chemical industry, attempting to dispute the indisputable evidence, launched a massive pressure campaign on Congress to force HEW to "get out of agriculture's business." They were aided by the agro-chemical journals, which had decades of experience in misleading the public about the benefits and dangers of pesticides. But by now the public realized that it had been duped The Nobel Prize for medicine and physiology was given to Drs. J. L. Radomski and W. B. Deichmann, who in the late 1960's had pioneered in the documentation of the long-term lethal effects of chlorinated hydrocarbons. A presidential commission with unimpeachable credentials directly accused the agro-chemical complex of "condemning many millions of Americans to an early death." The year 1973 was the year in which Americans finally came to understand the direct threat to their existence posed by environmental deterioration.

And 1973 was also the year in which most people finally comprehended the indirect threat. Even the president of Union Oil Company and several other industrialists publicly stated their concern over the reduction of bird populations which had resulted from pollution by DDT and other chlorinated hydrocarbons. Insect populations boomed because they were resistant to most pesticides and had been freed, by the incompetent use of those pesticides, from most of their natural enemies. Rodents swarmed over crops, multiplying rapidly in the absence of predatory birds. The effect of pests on the wheat crop was especially disastrous in the summer of 1973, since that was also the year of the great drought. Most of us can remember the shock which greeted the announcement by atmospheric physicists that the shift of the jet stream which had caused the drought was probably permanent. It signalled the birth of the Midwestern desert. Man's air-polluting activities had by then caused gross changes in climatic patterns. The news, of course, played hell with commodity and stock markets. Food prices skyrocketed, as savings were poured into hoarded canned goods. Official assurances that food supplies would remain ample fell on deaf ears, and even the government showed signs of nervousness when California migrant field workers went out on strike again in protest against the continued use of pesticides by growers. The strike burgeoned into farm burning and riots. The workers, calling themselves "The Walking Dead," demanded immediate compensation for their shortened lives, and crash research programs to attempt to lengthen them.

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It was in the same speech in which President Edward Kennedy, after much delay, finally declared a national emergency and called out the National Guard to harvest California's crops, that the first mention of population control was made. Kennedy pointed out that the United States would no longer be able to offer any food aid to other nations and was likely to suffer food shortages herself. He suggested that, in view of the manifest failure of the Green Revolution, the only hope of the UDCs lay in population control. His statement, you will recall, created an uproar in the underdeveloped countries. Newspaper editorials accused the United States of wishing to prevent small countries from becoming large nations and thus threatening American hegemony. Politicians asserted that President Kennedy was a "creature of the giant drug combine" that wished to shove its pills down every woman's throat.

Among Americans, religious opposition to population control was very slight. Industry in general also backed the idea. Increasing poverty in the UDCs was both destroying markets and threatening supplies of raw materials. The seriousness of the raw material situation had been brought home during the congressional hard resources hearings in 1971. The exposure of the ignorance of the cornucopian economists had been quite a spectacle—a spectacle brought into virtually every American's home in living color. Few would forget the distinguished geologist from the University of California who suggested that economists be legally required to learn at least the most elementary facts of geology. Fewer still would forget that an equally distinguished Harvard economist added that they might be required to learn some economics, too. The overall message was clear: America's resource situation was bad and bound to get worse. The hearings had led to a bill requiring the Departments of State, Interior, and Commerce to set up a joint resource procurement council with the express purpose of "insuring that proper consideration of American resource needs be an integral part of American foreign policy."

Suddenly the United States discovered that it had a national consensus: population control was the only possible salvation of the underdeveloped world. But that same consensus led to heated debate. How could the UDCs be persuaded to limit their populations, and should not the United States lead the way by limiting its own? Members of the intellectual community wanted America to set an example. They pointed out that the United States was in the midst of a new baby boom: her birth rate, well over 20 per thousand per year, and her growth rate of over one percent per annum were among the very highest of the developed countries. They detailed the deterioration of the American physical and psychic environments, the growing health threats, the impending food shortages, and the insufficiency of funds for desperately needed public works. They contended that the nation was clearly unable or unwilling to properly care for the people it already had. What possible reason could there be, they queried, for adding any more? Besides, who would listen to requests by the United States for population control when that nation did not control her own profligate reproduction?

Those who opposed population controls for the U.S. were equally vociferous. The military-industrial complex, with its all-too-human mixture of ignorance and avarice, also saw strength and prosperity in numbers. Baby food magnates, already worried by the growing nitrate pollution of their products, saw their market disappearing. Steel manufacturers saw a decrease in aggregate demand and slippage for that holy of holies, the Gross National Product. And military men saw, in the growing population-food-environment crisis, a serious threat to their carefully nurtured Cold War. In the end, of course, economic arguments held sway, and the "inalienable right of every American couple to determine the size of its family," a freedom invented for the occasion in the early '70s, was not compromised.

The population control bill, which was passed by Congress early in 1974, was quite a document, nevertheless. On the domestic front, it authorized an increase from 100 to 150 million dollars in funds for "family planning" activities. This was made possible by a general feeling in the country that the growing army on welfare needed family planning. But the gist of the bill was a series of measures designed to impress the need for population control on the UDCs. All American aid to countries with overpopulation problems was required by law to consist in part of population control assistance. In order to receive any assistance each nation was required not only to accept the population control aid, but also to match it according to a complex formula. "Overpopulation" itself was defined by a formula based on U.N. statistics, and the UDCs were required not only to accept aid, but also to show progress in reducing birth rates. Every five years the status of the aid program for each nation was to be re-evaluated.

The reaction to the announcement of this program dwarfed the response to President Kennedy's speech. A coalition of UDCs attempted to get the U.N. General Assembly to condemn the United States as a "genetic aggressor." Most damaging of all to the American cause was the famous "25 Indians and a dog" speech by Mr. Shankarnarayan, Indian Ambassador to the U.N. Shankarnarayan pointed out that for several decades the United States, with less than six percent of the people of the world, had consumed roughly 50 percent of the raw materials used every year. He described vividly America's contribution to worldwide environmental deterioration, and he scathingly denounced the miserly record of United States foreign aid as "unworthy of a fourth-rate power, let alone the most powerful nation on earth."

It was the climax of his speech, however, which most historians claim once and for all destroyed the image of the United States. Shankarnarayan informed the assembly that the average American family dog was fed more animal protein per week than the average Indian got in a month. "How do you justify taking fish from protein-starved Peruvians and feeding them to your animals?" he asked. "I contend," he concluded, "that the birth of an American baby is a greater disaster for the world than that of 25 Indian babies." When the applause had died away, Mr. Sorensen, the American representative, made a speech which said essentially that "other countries look after their own self-interest, too." When the vote came, the United States was condemned.

This condemnation set the tone of U.S.-UDC relations at the time the Russian Thanodrin proposal was made. The proposal seemed to offer the masses in the UDCs an opportunity to save themselves and humiliate the United States at the same time; and in human affairs, as we all know, biological realities could never interfere with such an opportunity. The scientists were silenced, the politicians said yes, the Thanodrin plants were built, and the results were what any beginning ecology student could have predicted. At first Thanodrin seemed to offer excellent control of many pests. True, there was a rash of human fatalities from improper use of the lethal chemical, but, as Russian technical advisors were prone to note, these were more than compensated for by increased yields. Thanodrin use skyrocketed throughout the underdeveloped world. The Mikoyan design group developed a dependable, cheap agricultural aircraft which the Soviets donated to the effort in large numbers. MIG sprayers became even more common in UDCs than MIG interceptors.

Then the troubles began. Insect strains with cuticles resistant to Thanodrin penetration began to appear. And as streams, rivers, fish culture ponds and onshore waters became rich in Thanodrin, more fisheries began to disappear. Bird populations were decimated. The sequence of events was standard for broadcast use of a synthetic pesticide: great success at first, followed by removal of natural enemies and development of resistance by the pest. Populations of crop-eating insects in areas treated with Thanodrin made steady comebacks and soon became more abundant than ever. Yields plunged, while farmers in their desperation increased the Thanodrin dose and shortened the time between treatments. Death from Thanodrin poisoning became common. The first violent incident occurred in the Canete Valley of Peru, where farmers had suffered a similar chlorinated hydrocarbon disaster in the mid-50's. A Russian advisor serving as an agricultural pilot was assaulted and killed by a mob of enraged farmers in January, 1978. Trouble spread rapidly during 1978, especially after the word got out that two years earlier Russia herself had banned the use of Thanodrin at home because of its serious effects on ecological systems. Suddenly Russia, and not the United States was the *bête noir* in the UDCs. "Thanodrin parties" became epidemic, with farmers, in their ignorance, dumping carloads of Thanodrin concentrate into the sea. Russian advisors fled, and four of the Thanodrin plants were leveled to the ground. Destruction of the plants in Rio and Calcutta led to hundreds of thousands of gallons of Thanodrin concentrate being dumped directly into the sea.

Mr. Shankarnarayan again rose to address the U.N., but this time it was Mr. Potemkin, representative of the Soviet Union, who was on the hot seat. Mr. Potemkin heard his nation described as the greatest mass killer of all time as Shankarnarayan predicted at least 30 million deaths from crop failures due to overdependence on Thanodrin. Russia was accused of "chemical aggression," and the General Assembly, after a weak reply by Potemkin, passed a vote of censure.

It was in January, 1979, that huge blooms of a previously unknown variety of diatom were reported off the coast of Peru. The blooms were accompanied by a massive die-off of sea life and of the pathetic remainder of the birds which had once feasted on the anchovies of the area. Almost immediately another huge bloom was reported in the Indian Ocean, centering around the Seychelles, and then a third in the South Atlantic off the African coast. Both of these were accompanied by spectacular die-offs of marine animals. Even more ominous were growing reports of fish and bird kills at oceanic points where there were no spectacular blooms. Biologists were soon able to explain the phenomenon: the diatom had evolved an enzyme which broke down. Thanodrin; that enzyme also produced a breakdown product which interfered with the transmission of nerve impulses, and was therefore lethal to animals. Unfortunately, the biologists could suggest no way of repressing the poisonous diatom bloom in time. By September, 1979, all important animal life in the sea was extinct. Large areas of coastline had to be evacuated, as windrows of dead fish created a monumental stench.

But stench was the least of man's problems. Japan and China were faced with almost instant starvation from a total loss of the seafood on which they were so dependent. Both blamed Russia for their situation and demanded immediate mass shipments of food. Russia had none to send. On October 13 Chinese armies attacked Russia on a broad front . . .

A pretty grim scenario. Unfortunately, we're a long way into it already. Everything mentioned as happening before 1970 has actually occurred; much of the rest is based on projections of trends already appearing. Evidence that pesticides have long-term lethal effects on human beings has started to accumulate, and recently Robert Finch, Secretary of the Department of Health, Education and Welfare, expressed his extreme apprehension about the pesticide situation. Simultaneously the petrochemical industry continues its unconscionable poison-peddling. For instance, Shell Chemical has been carrying on a high-pressure campaign to sell the insecticide Azodrin to farmers as a killer of cotton pests. They continue their program even though they know that Azodrin is not only ineffective, but often *increases* the pest density. They've covered themselves nicely in an advertisement which states, "Even if an overpowering migration [*sic*] develops, the flexibility of Azodrin lets you regain control fast. Just increase the dosage according to label recommendations." It's a great game—get people to apply the poison and kill the natural enemies of the pests. Then blame the increased pests on "migration" and sell even more pesticide!

Right now fisheries are being wiped out by overexploitation, made easy by modern electronic equipment. The companies producing the equipment know this. They even boast in advertising that only their equipment will keep fishermen in business until the final kill. Profits must obviously be maximized in the short run. Indeed, Western society is in the process of completing the rape and murder of the planet for economic gain. And, sadly, most of the rest of the world is eager for the opportunity to emulate our behavior. But the underdeveloped peoples will be denied that opportunity—the days of plunder are drawing inexorably to a close.

Most of the people who are going to die in the greatest cataclysm in the history of man have already been born. More than three and a half billion people already populate our moribund globe, and about half of them are hungry. Some 10 to 20 million will starve to death *this year*. In spite of this, the population of the earth will have increased by 70 million in 1969. For mankind has artificially lowered the death rate of the human population, while in general, birth rates have remained high. With the input side of the population system in high gear and the output side slowed down, our fragile planet has filled with people at an incredible rate. It took several million years for the population to reach a total of two billion people in 1930, while *a second two billion will have been added by 1975!* By that time some experts feel that food shortages will have escalated the present level of world hunger and starvation into famines of unbelievable proportions. Other experts, more optimistic, think the ultimate food-population collision will not occur until the decade of the 1980's. Of course more massive famine may be avoided if other events cause a prior rise in the human death rate.

Both worldwide plague and thermonuclear war are made more probable as population growth continues. These, along with famine, make up the trio of potential "death rate solutions" to the population problem—solutions in which the birth rate-death rate imbalance is redressed by a rise in the death rate rather than by a lowering of the birth rate. Make no mistake about it, *the imbalance will be redressed*. The shape of the population-growth curve is one familiar to the biologist. It is the outbreak part of an outbreak-crash sequence. A population grows rapidly in the presence of abundant resources, finally runs out of food or some other necessity, and crashes to a low level or extinction. Man is not only running out of food, he is also destroying the life support systems of the Spaceship Earth. The situation was recently summarized very succinctly: "It is the top of the ninth inning. Man, always a threat at the plate, has been hitting nature hard. It is important to remember, however, that nature bats last."

Recycling

(By Garrett De Bell)

America has been described as a nation knee-deep in garbage, firing rockets to the moon. This phrase aptly points out the misguided priorities of the American government as well as the magnitude of the solid-waste crisis. Many solutions to the solid-waste, or trash, problem have been proposed—sanitary land fill, dumping waste into old mines, compressing it into building blocks, incineration, and dumping at sea. Even the best of these methods waste materials. The principle of recycling is to regard wastes as raw materials to be utilized; this is the only ecologically sensible long term solution to the solid-waste problem.

Recycling is a major part of the solution of many environmental problems. It is important to air and water pollution and to wilderness preservation. The environmental crisis has come into the public consciousness so recently that the word "recycle" doesn't even appear in most dictionaries. The core of its meaning is that resources be used over and over again and cycled through human economic-production systems in a way that is analagous to the cycles of elements (carbon, nitrogen, phosphorus, etc.) in natural eco-systems. This is directly contrary to the present produce and discard production system with its one-way flow of materials from the mine or farm through the household and into the garbage dumps, air, and water.

The benefits of reuse of materials (recycling) in our overcrowded world are obvious. Each ton of paper, aluminum, or iron reclaimed from waste is a ton less needed from our forests and mines, and a ton less solid waste in our environment. Recycling of many important materials is now technically feasible and major corporations are devoting some attention to it.

Aluminum is very easy to recycle because it needs only be melted down for reuse. Because of aluminum's very high value, large-scale recycling operations are now feasible. Currently, scarp aluminum brings $200 per ton where scrap newspaper brings only $5 per ton. Reynolds Aluminum has been running ads stressing its interest in recycling aluminum cans; plants to accept used cans for recycling are now being built.

Paper and cardboard can also be recycled. Remember the paper drives of past years? The price is now so low that scrap paper is not economical to reuse unless it is delivered to the mill in large quantities by very cheap labor. But demands on our forests have become so great that there is now pressure for more intense management of timber to increase annual production. Those of us who prefer wilderness and maximum areas of unmanaged forests would prefer that the demand for timber be reduced by increasing the percentage that is recycled. Current research on improving the techniques is being done by U.S. Forest Products Laboratories. More recycling of paper means less pressure for increased cutting in the forests.

At present, however, the reuse or recycling of solid wastes is not economically feasible for most materials. Since it is ecologically necessary to start recycling our solid wastes, our approach is to find ways to make recycling economical.

Suitable legislation can go a long way toward doing this. At the state or federal level, legislation should incorporate the cost of disposal of each product in its price in the form of a tax. By giving a competitive advantage to products with a lower tax, this tax would encourage the use of simple biodegradable or easily recycled containers, such as those made out of paper, cardboard, and aluminum, and also reusable bottles and containers. It would discourage the use of plastic containers of types that cannot be recycled and of containers made of a mix of materials that are very difficult or impossible to recycle, such as paper and plastic laminated together or foil-covered cardboard.

The tax can be collected either at the factory or at time of purchase depending on the circumstances. The revenues gained from this tax would go into a fund to subsidize recycling of products. The amount of tax would be determined by the subsidy needed to make recycling economically feasible. For example, aluminum, being economically re-

XUM

XUM

cyclable, would require no subsidy. Paper, if its recycling required a two-cent-per-pound subsidy, would carry a two-cent tax. Products that could not be recycled at all would carry a tax equal to the full direct and social costs of ultimate disposal after use.

To properly recycle our wastes will require an industry perhaps as large as the present automobile industry. Recycling-plants can provide people with socially useful jobs, increase the resource base, and improve the quality of life for everyone.

There are two major barriers to recycling wastes. The first is the problem of transporting the wastes to the site of the recycling. This is an economic problem which the subsidy will solve. The second is getting wastes sorted. The subsidy can be high enough to pay for this, or each city might establish a dual set of garbage rates, which people could choose between freely. One rate would be for unsorted garbage. The other rate would be for garbage separated into organic wastes, glass, and metal, and into plastic, paper, and cardboard. The difference in the two rates would simply be the cost to the municipality of sorting the garbage. There may be objection to having to sort or pay, but it is time to realize that this is one of the costs we have to pay for a decent environment.

This legislation represents a specific application of the economic theory of externalities. Instead of the usual practice of including only the cost of production in the price of a product, we also include any additional social cost—such as the cost in environmental deterioration—in the price of the product. This removes the incentive to industries to follow practices which save them money in the short run but produce environmental destruction in the long run.

WHAT INDIVIDUALS CAN DO TO PROMOTE RECYCLING

Supermarkets should be made to minimize packaging and or use returnable, reusable containers. You can bring pressure on your supermarket. On the day of the Environmental Teach-In get everyone in your neighborhood to return packaging and containers accumulated from purchases over the preceding week to the supermarket and make it *their* problem to dispose of them. To make this demonstration even more effective, make arrangements with scrap dealers handling paper, aluminum, glass, ferrous metals, and other materials to pick up the accumulated trash and recycle it. This would demonstrate both the magnitude of the solid waste crisis and the possibility of recycling wastes.

Don't accept hangers from laundries. Take your clothes off the hanger and leave them. If you accumulate hangers at home, take them back to the cleaners. Boycott laundries that won't reuse hangers. Follow the same practice with other products that are generally used once and thrown away, but could be reused many times. Don't buy products that come in unreusable containers.

COMPOSTING

Recycle your own vegetable wastes by starting a compost pile. All kinds of vegetable matter—everything from coffee grounds and banana peels to dead leaves, straw and sawdust—can be mixed together, piled up, and left for a couple of months to decompose to make a fine soil conditioner and fertilizer for your garden. Any vegetable wastes from your kitchen are good for composting, but don't use bones or other animal wastes, as they may attract rodents. Eggshells, seaweed, and ashes are good, but not in large quantities, as they may add too much salt or alkalinity. Don't use eucalyptus leaves. Sheep, horse, or cow manure, or small amounts of chicken manure, make an excellent addition.

"Turn" or move your pile every couple of weeks, or when it is getting too hot in the center. Take the top part of the pile and put it on the bottom, then put the bottom part on top. This prevents spontaneous combustion from starting as the result of the accumulated heat of decomposition in the center of the pile, and also helps the compost to decompose evenly. Keep the pile covered with dirt to prevent any odor. Some dirt mixed into the organic material helps it to decompose, since it contains decomposing bacteria. The compost will "work" faster if it is kept damp.

When your pile is big enough—maybe three to six feet high—stop adding to it (start a second pile), continue turning it when necessary, and wait until it is well decomposed and is no longer noticeably warm in the center. Then it is ready to use as a soil conditioner, fertilizer, or mulch in your garden.

BEYOND THE RECYCLE PRINCIPLE

Normally the recycling concept means reuse of materials. Additional steps outside this concept can be taken to reduce the rates of solid-waste production and resource depletion. In general, both legislation and citizens in their private lives can stress maintenance and repair of existing products rather than planned obsolescence. This will create less jobs on the assembly line, but more jobs for repairmen and renovators.

PFC. MICHAEL J. RANDOLPH, 20, KILLED IN VIETNAM ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. Michael J. Randolph, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

PFC. MICHAEL J. RANDOLPH, 20, KILLED IN VIETNAM ACTION

"I know I'm killing, and I know I've been taught it's the wrong thing to do, but if I want to come home, I've got to kill them before they kill me."

So wrote Pfc. Michael J. Randolph, 20, from Vietnam in a recent letter to his parents, Mr. and Mrs. Herbert J. Randolph of Cumberland. The Defense Department announced yesterday that Private Randolph was killed in action March 29 during an encounter with enemy forces along the Ho Chi Minh trail.

DIDN'T WANT TO GO

"He didn't want to go, but he went because he knew it was his duty," Mrs. Randolph said of her son yesterday. "He knew the way a lot of kids are doing it today wasn't the way to get out of it."

Private Randolph was drafted into the Army last August, only two months after he graduated from Alleghany High School in Cumberland, where he had lived all his life.

LIKED MANUAL LABOR

Private Randolph worked at Sears Roebuck as a maintenance man during the brief period after his graduation until he was drafted. "He loved to work with his hands," Mrs. Randolph recalled.

In addition to his parents, Private Randolph is survived by a brother, William M. Randolph; a sister, Cherie Lee Randolph, both of Cumberland; and two step-sisters, Mrs. George Sullivan and Mrs. Robbie Carr, both of Memphis.

NO TRIAL TOO MUCH FOR REPORTER WHO CARES

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. HELSTOSKI. Mr. Speaker, throughout our careers in public service some of us met people who deeply impress us because of their intelligence, knowledge, integrity, ability, and friendliness.

However, it is seldom that we can give to them the public recognition that they so richly deserve. Thus, it is with great feeling and pride that I today place in the CONGRESSIONAL RECORD a feature story from the Record of Hackensack, N.J., on the retirement of Mr. William McHenry after more than four decades of service as a newspaperman.

Mr. McHenry is one of those rare people who possess all of the attributes that I have set forth and his departure from his newspaper beat will leave a large void in the hearts and minds of those who were fortunate enough to know him and work with him.

The widespread sharing of my views and sentiments is well explained in the Record article, which follows, written by Mr. Edward J. Flynn, who served part of his newspaper apprenticeship under the guidance of Bill McHenry:

NO TRIAL TOO MUCH FOR REPORTER WHO CARES

(By Edward J. Flynn)

After more than four decades as a journalist, William McHenry is saying goodbye to the Bergen County Courthouse where he covered every major trial during the past 16 years.

Bill McHenry, who is affectionately called The Judge by younger colleagues, is writing "30" (the newsman's symbol to the end of a story) to a distinguished career at four newspapers, including 21 years at The Record.

He retires tomorrow, and takes with him memories of having covered some of the Garden State's biggest stories.

Yet, it was his coverage of the daily—often routine—courthouse news that earned him the respect and admiration of the legal profession, lawmakers, court personnel and fellow reporters.

Says Superior Court Assignment Judge Morris Pashman:

"Bill McHenry has labored long and honorably . . . he has a solid sense of ethics and integrity.

"He was always a great listener and a sharp distiller of the facts. He deserves a well-earned retirement. I am proud to have known him as a newspaperman."

HAD LAW DEGREE

McHenry brought to the courthouse more than a newsman's simple knowledge of the law. After attending New York University and Antioch College in Ohio, he earned a law degree from John Marshall College of Law in Jersey City.

His legal background enabled him to ask penetrating questions and cut through legal proceedings to get to the crux of the issues.

His hallmark was his respect for the law and the confidences he merited from lawyers and judges.

"I always found him a gentleman and persistent in his quest for news," comments J. Wallace Leyden, former Superior Court assignment court judge. "He always kept his word with me and wrote accurately."

John J. Breslin Jr., civil attorney and a former county prosecutor adds:

"He is a truly representative newspaperman. Bill had a great ability to ferret out facts most reporters didn't.

"Many times he received secrets and promised not to print them until the time came. You could tell Bill anything, and rest assured it would not be used until the proper time."

Comments County Court Judge Arthur J. O'Dea, who presided over many of the county's most publicized trials which McHenry covered:

"Bill McHenry blazed a trail in courthouse reporting that set a standard in reliability and integrity that earned for him the respect and confidence of the courts.

". . . Bill had as much concern for those he was exposing through the press as he had for the story he was assigned to cover. In a word, Bill McHenry was a reporter and a gentleman—all wrapped in one."

McHenry was noted for his boundless energy which belied his average height and stocky frame. Young reporters assigned as his assistant could barely keep up with McHenry on his courthouse rounds.

As a teen-ager, McHenry was captain of the Union Hill tennis team and a member of the Hoboken Tennis Club, and later played for the Antioch College team.

Through the years, he retained his agility and energy. In past years, in addition to covering the courthouse, he reported on county government, politics, and often worked all night following detectives from the Prosecutor's Office on major investigations.

FIRST AT SANDPIT

McHenry was the first reporter for example, to arrive at the Mahwah sandpit on March 5, 1957 where Victoria Zielinski lay bludgeoned to death.

He pursued the story writing in-depth accounts of the murder investigation and subsequent arrest of Edgar H. Smith. McHenry wrote in detail on the 12-day trial and the first-degree murder conviction which the jury returned in less than two hours.

When the verdict came in McHenry actually scooped himself. With few phones available in the old courthouse and a battery of reporters covering the trial, McHenry was unable to get an open line to his office.

Somehow the Associated Press managed to get a call into the courthouse and McHenry dutifully gave the AP the account of Smith's conviction.

When he finally got his call through to The Record cityroom, McHenry's own story was coming over the AP teletype.

Commenting on McHenry's tenure as a courthouse reporter, John E. Selser, who was Smith's trial attorney, says unequivocally of McHenry:

"There is none better. I have the highest regard and respect for Bill. He is a tremendously good newsman."

Selser recalls that McHenry helped him before the trial by pointing out the exact spot where the girl's body was found, and that he later called McHenry as a defense witness to describe the scene.

McHenry has covered many of the appeal hearings on behalf of Smith, who has now spent more time on Death Row than any other convicted murderer.

Even while the Smith trial was in progress, McHenry helped cover another murder of a Bergen County high school girl. For his weekend coverage of the rape-slaying of Ruth Starr Zeitler of Fair Lawn, The Record received a citation from The Associated Press.

Another AP citation won by The Record came from McHenry's coverage of a 1955 plot to kill Paul Hall, a union official from Montvale.

Another trial which drew state and national attention and which McHenry covered was the 1960 acquittal of Harold John Adonis, a former state house clerk who had been charged with conspiracy concerning acceptance of payoffs during the gambling scandals which rocked the county in the late 1940s and early 1950s.

Today, McHenry is just about as familiar around the courthouse as is the building's dome. Exiting from a courtroom, he might be found taking a moment on a corridor bench to go over notes in the familiar spiral-bound notebook which he stuffs in a coat pocket.

GROSS PRAISES HIM

While jotting down a courtroom observation or a point which might need clarification, McHenry could be interrupted by a person seeking directions to a county office or a courtroom or by a friendly attorney with a question or possible news tip.

No matter how pressed, McHenry agreeably finds time for them.

Courtroom lawyers, particularly the younger ones, often would seek him out for advice or legal suggestion.

Predicts Nelson G. Gross, 38-year-old Republican state chairman and a practicing attorney:

"Bill McHenry's retirement will create a tremendous void for courthouse lawyers. The era of good, free advice is at an end. Bill will certainly be missed."

Says noted criminal attorney Benedict E. Lucchi:

"He's a reporter of his word, and he has the admiration of all lawyers."

Adds Joseph Guez, "When I first started out until this day, Bill has been very good to me."

The average residents of Bergen County who has business at the county seat will miss McHenry. Often people would walk into the pressroom and would confront him with problems that brought them to Hackensack. Not infrequently, McHenry would make a phone call, attempting to cut through red tape to help a worried visitor.

Recalls former Bergen Freeholder Mrs. Bernice W. Alexander:

"I always found him to be interested not only in the news, but in other people. He had a feeling for people and took an interest in their problems."

A few years ago, Bill McHenry was a worried father. He received word that his eldest son, William D., a Marine corporal, had been wounded in action in Vietnam. Young McHenry returned home and underwent a series of operations on a shattered arm.

It was not until the announcement came from Washington that young McHenry was to receive the Navy Cross that McHenry learned of his son's bravery on the battlefield. The citation recounted how the youngster took command of an ambushed patrol, directed fire, and assisted in evacuating the wounded.

Later, young McHenry was wounded, but continued to fire a weapon with one arm, while ordering his men to evacuate and leave him behind. They finally had to drag him from the field.

The elder McHenry has four other children (two are married), and lives with his wife, the former Margaret R. Hession and three children at 127 DeBaun Ave., Ramsey.

As a youth, McHenry traveled extensively. He received his elementary education in Toronto, and the U.S. Canal Zone in Panama where his father was employed as a civilian engineer with the Army's Panama Canal construction.

McHenry's first newspaper job was with The Springfield News in Springfield, Ohio, while a student at Antioch College. He covered city hall and was a police reporter. Between 1927 and '28, he was assistant sports editor of the Springfield Sun.

He joined The Jersey Journal in 1929, where he was a rewriteman and special assignment and legislative reporter. From 1939 until 1947, he was assistant city editor.

McHenry joined The Record in 1948 as assistant to the city editor and feature editor. He left briefly in 1952 to take a post as an account executive for a New York public relations company.

He returned to The Record the following year and in 1954 became the courthouse reporter.

McHenry has had numerous part-time positions, including one as public relations director and hearing spokesman for the Ramapo-Pompton River Protection Association, which appeared before the N.J. State Water Policy Commission in opposition to a river dam.

Summing up the sentiment at the courthouse, Douglas B. Allison, chief clerk of the general county courts, observed:

". . . In all the years I have known him, he has never to my knowledge lost his calm, and has been patient with the clerks and court personnel in getting to the meat of his stories.

"He has always been highly regarded and must always be thought of first when we think of members of the press. We will all miss Bill McHenry around the courts and corridors, but we all hope that his retirement will be healthy, happy, and long."

GLOBE TOOL NOMINATED FOR OUTSTANDING FIRM AWARD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I am pleased to advise the Members of this body that the Globe Tool & Gage Works, Inc., located in the Avon Industrial Park, Avon, Mass., which I have the great pleasure to represent, has been nominated as an area candidate for "National Subcontractor of the Year." This is an honor that recognizes outstanding contribution and service to the Nation's civilian and defense needs.

I insert in the RECORD at this time a press clipping from the April 1 edition of the Brockton Enterprise:

GLOBE TOOL NOMINATED FOR OUTSTANDING FIRM AWARD

AVON.—Globe Tool and Gage Works, Inc., located in the Avon Industrial Park, has been notified by the United States Small Business Administration that Globe Tool has been nominated as an area candidate for "National Subcontractor of the Year." A certificate has been presented which states that it is in recognition of outstanding contribution and service to the nation's civilian and defense needs.

Thomas J. Noonan area administrator of the Northeastern Area, has written Anton Effgen, Sr., president, that the firm was selected as one of the outstanding small business manufacturers in the area. "Your superior performance as a subcontractor has been recognized by a major government prime contractor who recommended that your firm be considered as the "Small Business Subcontractor of the Year."

The final selection will be made by a panel of judges composed of industry and government procurement officials in Washington during Small Business Week. A public announcement will be made at that time.

XUM

THE SUPERSONIC "BOONDOGGLE"

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. REUSS. Mr. Speaker, the respected conservative columnist James J. Kilpatrick turned his attention to the supersonic transport—SST—this week. His conclusion? For the taxpayers to invest another $290 million in this venture—the amount asked this year—"would be throwing good money after bad boondoggles." Mr. Kilpatrick's anallysis is an excellent one and I commend it to my colleagues. The column appeared on April 7 in the Baltimore Sun:

THE SUPERSONIC "BOONDOGGLE"

(By James J. Kilpatrick)

WASHINGTON.—John A. Volpe, Secretary of Transportation, speaking for the President last week, renewed the administration's appeal for funds to continue work on the supersonic transport plane.

The appeal contained at least a demi-semiquaver of desperation. "The aviation industry is essential to our nation," Mr. Volpe said. If the SST should be dropped, "then in six or seven years you would have tens of thousands of employees laid off and an aviation industry that would go to pot."

Mr. Volpe also renewed a number of other arguments in support of the SST: Its sale would help our balance of payments. A successful SST would boost American prestige. And as for the problem of the plane's sonic boom, there would be no problem: The plane would never be permitted to fly at supersonic speeds over land. He concluded by contending that if the U.S. fails in the supersonic field, France, England and Russia will pick up the marbles.

A more specious line of reasoning seldom has been assembled. For the taxpayers to invest another $290 million in this venture—and that is the sum to be asked this week—would be a throwing of good money after bad boondoggles. Do we learn nothing from such wretched experiences as the military F-111? Do we ever examine all the implications of "progress"?

The SST does not represent a change in kind, in the fashion of jet planes replacing prop jobs. It is only a change in degree: It will fly faster than one of the new 747's. That is the sole advantage claimed for it. Except for speed, the SST offers not a single advantage in range, comfort, passenger volume, profits, safety, ease of handling—none of these. And unlike the 747, which the industry developed at its own expense, the SST would cost the taxpayers a fortune in subsidies unlikely ever to be recouped.

Who needs the SST? Well, the Boeing Company, out in Seattle, needs the SST. But surely, with deference to the great State of Washington, something more than this is required. Who else needs the SST?

Not the traveling public. Relatively speaking, only a handful of passenger could be expected to pay the super charges that would be required to make the SST a profitable operation. In theory, an SST flying flawlessly on schedule could carry 100,000 passengers a year; allowing for realistic factors of down time and normal loads, the number is probably half that.

Not the people down below. Let us take with great grains of salt the promise that the SST would "never" be permitted to fly over the U.S. mainland. At less than supersonic speeds, the SST is a dead loss; it offers no advantages whatever. But when it flies beyond the speed of sound, the plane leaves a destructive path of sonic booms behind. Before a House Appropriations subcommittee grants the requested sum, it should study recent reports, notably from France, on the damage this phenomenon causes.

It becomes increasingly doubtful that even the airline industry needs the SST. The latest cost projection put the cost of each supersonic transport at $60 million. How do you recoup that capital investment? Pan American, our largest airline, is beginning to wonder.

In February, *Aviation Daily* and *Business Week* reported some highly pessimistic observations by Pan Am's president, Najeeb Halaby. The British-French Concorde, he remarked, may wind up with only 112 comfortable seats. Its tube-like cabin will seem cramped and narrow to passengers grown accustomed to the airborne living rooms of the 747. High costs per seat mile indicate poor profits; and if there is one thing Pan Am does not need, it is a new plane with a poor profitablity picture.

Let us pause. The overriding question, here in many other areas of our civilized society, is the extent to which man will let himself be victimized by his own machines. A needless surrender of values to speed and noise is not progress. It is a needless surrender.

CONGRATULATIONS TO WCBS-TV

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. KOCH. Mr. Speaker, the television media have performed outstanding services to the country by bringing into the living rooms of the Nation, through their news and documentary shows, events which, while described in the press, are really only brought home dramatically through that television tube. In the State of New York, one of the outstanding television stations is WCBS-TV. Recently, the news division of WCBS, headed by Lee Hanna, did a documentary called "Guess Who's Coming to Great Neck." It was an extraordinary film and had great impact on those of us who watched it.

One of the most important journalistic awards, namely the George Polk Memorial Award granted for outstanding achievement in journalism in 1969, was awarded to Lee Hanna in recognition of his role in making WCBS-TV news policy and for his encouragement which was essential to producing this particular documentary. Comparable commendations were given both to Robert Markowitz, the producer, and Steven Seligman, film editor, who were directly responsible for executing the documentary.

The documentary was broadcast in prime time on February 11, 1969. It examined in detail what happened in one of our affluent suburbs which has always had an outstanding liberal tradition when the people living there came face to face with a civil rights controversy not in the abstract but in their own midst. The issue they faced was a proposal to bus some 45 to 60 black children from Queens to Great Neck schools.

The people of that community, in my judgment, failed that test. However, irrespective of how one might feel on the merits of the issue, all of us, I am sure, who saw the program would agree that WCBS treated it sensitively and factually. There are undoubtedly still "vast wastelands" in the television media but WCBS has established time and time again its courage and ability by bringing to the attention of the public matters of substance and importance in such a way as to attract the interest of a too often apathetic public.

I congratulate the station and the members of its staff.

MARCH FOR VICTORY—THE SILENT MAJORITY SPEAKS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. RARICK. Mr. Speaker, last Saturday I had the privilege of participating in the March for Victory here in Washington. This is a movement which has the broadest possible base—the American people—and which can go nowhere but forward, as it is a positive program, not a negative one. It is purely American in all respects.

Due to pressing business many of our colleagues were not able to attend or participate in this event, and I include in my remarks for their benefit the remarks which I made on that occasion, as well as the statement of Rev. Dr. Carl McIntire, and resolutions adopted on the occasion.

REMARKS OF HON. JOHN R. RARICK

My fellow Americans: We are assembled in our Nation's capitol today to see that something is done about Viet Nam.

Although we are certain to be called "hawks" and even "warmongers"—the standard Communist jargon for anyone actively opposing Red demands—we are here to take the first steps toward peace in Viet Nam. We seek peace the American way—Peace through Victory.

We Americans have been told that we have only two alternatives in Viet Nam—either a panic defeat called "unilateral withdrawal" or a programmed defeat called "Vietnamization."

When the House of Representatives recently voted on a resolution support the Administration's "Vietnamization" of the war, we were told that these were the only choices—either support the President, or cut and run. Since I strongly believe in a third alternative—Victory—I could support neither of the plans for defeat proposed. I abstained. I voted "Present." That was all.

I believe in Peace through Victory—and that is why I am standing with you here today.

We Americans have been told time and time again that it is impossible to win the war in Viet Nam. We have been told this by the Chinese Communists, who call the United States a "paper tiger." We have been told this by Hanoi in its propaganda broadcasts—and more importantly, in its psychological warfare tracts and broadcasts aimed at American fighting men in combat in Viet Nam. We have been told by the home grown variety of radicals, subversives, and limousine liberals that military victory is impossible—"a myth, an intellectual superstition"—that the United States cannot win this war.

And now we have been told by the Nixon Administration, elected largely on a promise to end the war in Viet Nam, that we do not intend to win—that we do not seek military victory. There can be no greater repression of a loyal, obedient people.

Let's understand one thing about war plainly. There is no prize for the runner-up. There is no second place. Nations at war either win or they lose—and if they do not win, they lose. General MacArthur correctly warned us that when a great nation goes to war and stops short of complete victory—it ceases to be a great nation. We made this mistake in Korea—and our "no-win" war in Korea led us directly into another "no-win" war in Viet Nam.

Let's tell the American people the truth about the military situation in Viet Nam. More than forty senior, respected military leaders—admirals and generals from all of the services—have publicly declared that the war in Viet Nam would be won in only six to eight weeks—with conventional weapons—and far less loss of life—if only the hands of our fighting men were untied. Baby doctors are trained on infant problems; university professors to teach; ministers are ordained to preach; our military men are trained to solve wars by ending them as soon as possible.

Why do we not listen to the professionals whose business is to get us out of wars, rather than to the blunderers who got us into this one in the first place?

Before his election, President Nixon was an advocate of this position. He wrote and signed a widely published article in which he not only called for military victory in Viet Nam, but for the conquest and occupation of North Viet Nam. But then something apparently happened to him on his way to the White House.

Winning is an American characteristic, whether in baseball, football, basketball, space exploration—or in meeting and overcoming any challenges to free men. It is not surprising that we Americans, accustomed to victory, have won every one of America's wars—that is, every one which we intended to win.

The Korean War—which we did not even dare to call a war—was a United Nations project. It was a war which we did not win—not because we could not win, but because American fighting men were not permitted to defeat the enemy.

The Viet Nam War is but another United Nations project—a war which we are not permitted to win by defeating the enemy and bringing peace to that unhappy land. We are not even permitted to isolate the battlefield. We are only expected to continue pouring men and money endlessly into Southeast Asia, bleeding our people endlessly for the benefit of the real enemy—the Soviet.

Until the great American majority makes its voice heard—and today is the first step in doing just that—Americans will continue to die in Viet Nam. While the diplomats and the pseudo-intellectuals chatter, Americans die. This is not right.

Positive thinking produces positive results—especially in an election year. When the American people let it be known that they have had enough of this exploitation—when the American people demand military victory over the enemy—when the American people insist on a pro-American foreign policy—then we will see an American victory, in the tradition of our fathers.

The American people are known throughout the world as winners. When the United States undertakes a task, it sees it through. A people with the intelligence, the skills, the financial resources and the organizational ability to place astronauts on the moon—not once, but repeatedly—is surely capable of achieving military victory over a minor, backward, disorganized, fourth-rate Oriental dictatorship. When the United States fails to win such a war, it is because—and only because—someone has decided not to win it. Someone has decided to lose.

This March for Victory is being held in the proper place. The War in Viet Nam is being fought, and will be won or lost, right here in Washington, D.C. The enemy has known this from the very first day, and he has conducted himself accordingly. Ho Chi Minh did not win his revolution in Dienbienphu—he won it in Paris, the capital of France. He won it by securing enough support from French leftists, French Communists, and—yes—French Traitors, to make it good politics for the French politicians to adopt a "no-win" policy—and sell out the French fighting men at the front.

When you have a winning system, you do not change it. Ho and his military strategist, General Giap, have effectively used the same tactics in an open and obvious effort to win the Viet Nam War right here in Washington. We have seen the disgraceful spectacles as the "Dear American Friends" of the Communist enemy partied, and potted, and paraded, and rioted—right here in Washington, D.C. We have observed the shameless way in which the cowards, the draft dodgers, and the other assorted hypocrites marched right here in our nation's capital, desecrating the memory of brave Americans who made the supreme sacrifice in Viet Nam—by using the names of those heroes to give aid and comfort to the very enemy they died fighting. We have seen the Star and Stripes pulled down—replaced by Red and Viet Cong banners right here in Washington. And so, today, we have come to the proper place to bring about the change which Americans by the millions demand.

Who are we—and why are we here?

We are Americans—and we demand an American Peace through Victory—rather than the Communist peace, which is slavery.

Those of us who love our flag, and are proud to be called Americans and known as patriots—we demand Victory in Viet Nam.

Those of us who neither fled nor flinched when our country called us in time of distress—we demand Victory in Viet Nam.

Those of us who have served honorably in the uniform of our nation—we demand Victory in Viet Nam.

Those of us who have borne the burden in other wars, who are the combat veterans of Africa, and Europe, and Asia, and the Atlantic, and the Pacific—we demand Victory in Viet Nam.

Those of us who wear the Purple Heart, who have shed our blood for our homeland—we demand Victory in Viet Nam.

Those of us who have ourselves been prisoners of war, who have known the moral strength which comes from faith that our countrymen would never abandon us to the enemy—we demand Victory in Viet Nam.

Those of us who are disabled veterans of America's other wars—we demand Victory in Viet Nam.

Loyal Americans—here by the thousands—demand only Victory in Viet Nam. Other Americans by the hundreds of thousands, indeed by the millions, can no longer be deceived. They are with us in spirit today—and they will be with us throughout the land in the days to come.

Let our leaders hear our voice—let the world know our resolution. We demand Peace in Vietnam—Peace through Victory—and with God's help we shall have it.

THE BIBLICAL BASIS FOR VICTORY

(Statement by Dr. Carl McIntire, chairman, March for Victory, Washington, D.C., Apr. 4, 1970)

The March for Victory with its primary appeal to God is based upon the clear teachings of Scripture. The Bible presents to Christians their duty on just and necessary occasions to engage in war.

In Matthew 26:52 Jesus Christ stated, "All they that take the sword shall perish with the sword." The two swords represent first, an evil sword and second, a righteous sword. The evil sword is in the hand of the murderer, the revolutionary, the aggressor and the provoker of war. This sword has to be stopped.

The sword that is used to stop the war, the murderer, the aggressor, the revolutionary is in the hands of those who desire liberty, order, peace.

It was this sword that the Apostle Paul in Romans 13:1–4 describes as "The minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the minister of God, a revenger to execute wrath upon him that doeth evil." There is biblical justification for a holy crusade to stop warring Communism. Wrath against murderous Communism is in the divine order. It is time to call for a holy war in defense of freedom from Communist aggression.

In Mark 3:27, again the Saviour taught, "No man can enter into a strong man's house, and spoil his goods except he will first bind the strong man; and then he will spoil his house." Recognizing the realities of this present evil age, Jesus Christ made it plain that a man would have to maintain the strength of his house for its security againts the evil forces which would take possession. Thus, protection from within and strength to meet all the forces from without are essential to preserve independence, liberty, peace. This is the basis of police power for order and it is the foundation of all military power as represented today in the military industrial complex.

In Luke 11:17, the Saviour again recognized the reality which every nation must face when he said: "Every kingdom divided against itself is brought to desolation; and a house divided against a house falleth. If Satan also be divided against himself, how shall his kingdom stand?" It is therefore essential in war that a nation maintain its unity and that it seek to disrupt and divide its enemy. This is exactly what the Communist world, inspired by Satan, is presently doing to the USA. Satan in his darkness is wise enough to know the strategy of divide and conquer. But a free America, in its sin, is so confused that it will not provide a leadership which will expose the forces of division and and lead the nation to unity by victory.

The USA needs unity to meet the Communist onslaught, and it is essential that it have a leadership that will unite the country, not in surrender or retreat which will more deeply divide, but in victory as the nation has been united before in World War I and II. God can give the strength for victory, and those who fear Him must act upon their faith.

TELL IT TO HANOI

(The following resolution was unanimously passed by the March For Victory Committee assembled in Washington, D.C. April 4, 1970:)

This assembly of patriots hereby informs Hanoi and the Communist world that God-fearing Americans are finished with temporizing appeasement and retreat. The lying propaganda and the deceitful activities of the Communist world can no longer be effective to neutralize or provoke. The godless, Communist slave machine which makes men its property, and instruments of revolution and hate, must receive the strongest of opposition.

We call upon all those throughout the world who believe in Communism and desire world revolution to take notice that there shall be no compromise, no surrender, and that in the Name of the living God the conflict shall be joined and the victory won.

XUM

AN APPEAL TO THE PARTICIPANTS IN THE MARCH AGAINST DEATH, NOVEMBER 15, 1969

(The following resolution was unanimously passed by the March For Victory Committee assembled in Washington, D.C., April 4, 1970:)

We Marchers for victory who walk the same route and gather about the same Monument in our nation's capital, address this open appeal to all of the new MOBE and hippies who call for U.S. withdrawal from Vietnam now and surrender to the Communist demands.

First, we are all citizens of this free land. The concepts of freedom which have made possible our assembly in Washington are alien to everything Communism has represented in Moscow, Peking and Hanoi. We call for a careful reappraisal of the concept of freedom which places life above liberty, comfort above truth, and the power of government above God.

Second, all freedom is related to God who is the author of it, the protector of it, and the one who in judgment deprives men of it. We ask that there be a complete rejection of all forms of violence, civil disobedience and intolerance toward opponents.

Third, the place of war in preserving liberty, justice and peace should be studied and supported. The use of peace for the purpose of giving the enemies of freedom victory constitutes what God has condemned in substituting light for darkness, truth for error, and freedom for slavery.

We call upon all to join with us in open, wholesome, respectful debate and confrontation to the end that this nation may be united and that the current divisions may not be exploited by those who seek the downfall of this country.

DESERTERS

(The following was unanimously adopted by the March For Victory Committee assembled in Washington, D.C., April 4, 1970:)

This assembly of the March For Victory addresses itself to the young Americans who have fled to Canada, found refuge in Sweden and other lands and who are deserters from the armed forces. We call upon those who have been born in freedom to recognize its priceless value before God. When the Communist world denies freedom to millions and uses its power over men to wage war, all that is dear in any man's life to his soul, his body, his family and loved ones requires that he dedicate himself to the preservation of that liberty. May there indeed be on the part of each young man a reappraisal of liberty and his own relationship to His creator. To flee from America when its priceless heritage is under assault throughout the world constitutes a grave repudiation of God's blessings to our nation.

We therefore appeal to these young men to return and join in unifying the youth of the nation in behalf of life, liberty and the pursuit of happiness. "A man's life consisteth not in the abundance of the things which he possesseth." Luke 12:15.

THE POLICE AND THE MILITARY INDUSTRIAL COMPLEX

(The following was unanimously adopted by the March For Victory Committee assembled in Washington, D.C., April 4, 1970:)

This assembly of the March For Victory declares its support and confidence in the police and the military of this nation and thanks God for their faithfulness, courage and diligence. This assembly repudiates the current effort to demean and destroy our police and to restrict and to intimidate them in the exercise of their responsibility for good order. The current efforts to discredit the military and place all of our soldiers in a position of uncertainty in relation to their conduct constitutes an affront to every American.

We call for an exposure of the leftist forces which have currently infiltrated the law enforcement agencies to the end that our security is now in jeopardy. The military industrial complex and the place of the Pentagon in our national life we honor and recognize as absolutely essential to secure and maintain world peace.

TELEGRAM TO OUR BOYS IN VIETNAM

We salute you as soldiers, patriots, Americans. We assure you of our prayers to Almighty God for your strength, protection and victory in the Vietnam battle. We have called upon the President as Commander-in-Chief to win this war and bring all of our prisoners and you home with honor. We are rallying support of the nation in behalf of your valiant endeavors for the security of our country and for the winning of the blessings of liberty. We deeply resent the military. We are being made to discredit the military. We are determined that the Communist aggression and world-wide conspiracy shall be defeated.

(Adopted at the April 4th March For Victory in Vietnam, Washington Monument, Washington, D.C.)

THE CITY OF TOMORROW

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BUTTON. Mr. Speaker, a town in my district whose early history goes back to 1661 when Arent Van Curler and 14 of his friends settled there from Nykerk, Holland, is celebrating its sesquicentennial anniversary the week of July 13. Originally rolling verdant rich farmland, it developed into one of the major rail centers in the United States, a bustling business community with lovely suburban areas. I describe the town of Rotterdam located in the 29th District in Schenectady County referred to by its proud citizenry as "The City of Tomorrow."

With the decline of the railroad industry, progressive citizens of Rotterdam have encouraged other businesses to settle in their community. It is the home of a large portion of the General Electric Co. new commercial enterprises occupying the former site of the U.S. Army Depot, and a market depot serving as a distribution center for 23 Central Food Markets in that area.

I speak with pride about this vibrant town in my district and invite my colleagues to share in the festivities of its anniversary celebration under the chairmanship of Armand Westerlund by visiting this gateway to the West, resting by the Mohawk River and the Erie Canal.

At this point, with pride I insert in the RECORD the town's history as concisely but colorfully recounted by its historian, Robert Barr:

THE CITY OF TOMORROW

(By R. J. BARR)

The history of Rotterdam goes back three hundred years to 1661 when Arent Van Curler, from Nykerk, Holland and fourteen other Dutch settlers, settled the area which was later to become the city of Schenectady. In 1661 the present town of Rotterdam served as outlying farm lands for the settlers. With few exceptions, these settlers made their homes in the Stockade (Schnectady) and took to their farm lands only during the daytime. A few of the more daring folk, the Van Antwerps, Bradts, Mabies, and the Van Guyslings, built their homes in Rotterdam as early as 1670 and 1700, or shortly thereafter.

After the French and Indian threats had diminished, others left the safety of the Stockade and built permanent homes on the rich Mohawk River flat in Rotterdam. Most of this land is still used as farm land. These same lands were used by the Mohawk Indians as early as 1300 for raising corn and beans, and the early Dutch well knew the farm value of this land. An early historical account mentions that it was these rich river flats that first prompted Van Curler to attract the first settlers. This same land, later in 1860, was responsible for the fact that the Broom Corn Industry had its center here.

In 1821, however, the town of Rotterdam was incorporated. Gradually the woodlands gave way to efforts of the stout-hearted folks, the pioneer farmers who staked their claims on land that was to become Schenectady County's leading township.

Eventually, a hamlet now known at Pattersonville, came into being and its stores, taverns, and nearby churches also served the area to the east, which was to blossom forth miraculously as one of the best known villages in New York State.

At the present time we still have descendants of the first Dutch to settle this area. Such names as Vrooman, Bradt, and Schermerhorn and others are numerous and some of these still own the land originally purchased by their ancestors from the Indians.

The industrial size of a community is always influenced and sometimes determined by the physical characteristics of the region or country surrounding it. Some particular features of geologic structure or physical geography has often determined the site of a town and controlled its economic development. Therefore . . .

It is difficult to separate the Town of Rotterdam from Schenectady since they are both geographically and historically so closely connected.

In the case of Schenectady, when Van Curler first visited the area in 1640, it is understood that he considered the flat lands that bordered the river west of Schenectady in the Town of Rotterdam as the primary consideration for the subsequent settlement of Schenectady.

The history of the Town of Rotterdam which calls itself "The Town of Tomorrow" has followed a picturesque pattern since the pioneer days before it became a part of the City of Schenectady and the more civilized era 140 years ago when the township was incorporated as an entity.

Formerly a frontier land where existed only the lairs of wild beasts with not even an Indian wigwam to add a mortal touch, the Town of Rotterdam became the third ward of Schenectady when the city was incorporated in 1798. It retained that status when the County of Schenectady was chartered in 1809.

Rotterdam Junction, today a quiet suburban community, might well have been called "Boomtown" in the days of its infancy, about 1883. Reminiscent of western towns that mushroomed almost overnight during the days of the gold rush. Rotterdam was transformed from a placid farmland area into a flourishing, hustling village when singled out as the ideal location for a railroad shipping center.

Later, a one million dollar expansion program marked the junction as one of the most important railroad yards in the east—then about three decades ago, came changes which stripped it of its own glory.

The remarkable chain of events began in 1883 when the old Fitchburgh Railroad purchased the vast farmlands of the Mabie and Bradt families as the perfect location for railroad yards to serve as a junction point for shipping freight.

About the same year, after much study, the West Shore Railroad began construction of a line from Mechanicville to Rotterdam Junction extending from the Vermont-Massachusetts state lines to Mechanicville that had been opened in 1879. Plans originally had been made by former owners of the West Shore Railroad to utilize Schenectady as a connecting point for the line east to west, but with installation of the rails to Rotterdam Junction, the idea of entering the City of Schenectady was given up.

Rotterdam Junction was said to have become virtually the Gateway to the West when the West Shore lines were officially opened January 1, 1884, and the powerful tentacles of steel in the village connected New England with points west of here. Proximity of the Mohawk River and Erie Canal magnified the possibilities of the Junction's importance from the very first and multipled its importance and usefulness later as a river to rail junction. In a remarkably short time the countryside was transformed phenomenally by construction of homes, stores and hotels.

Shortly after installation of the railroad yards, the Junction also began service as a river to rail juncture, utilizing the threefold facilities provided by the Mohawk River, Erie Canal and railroads.

In the boomtime rush men came from every section of the state for jobs in the new yard. Some were drifters who worked for a while then wandered away; others stayed, built homes, and raised their families in the thriving village which by then dwarfed its sister community Pattersonville.

In November 1931, the blow fell that sounded death for one of New York's oldest rail centers. At that time railroad employees were notified that railroad officials had decided to shift all classification work to Mechanicville.

Rotterdam Junction, which was once on the map in capital letters, has not become a ghost town, but has accepted well its role of a suburban community because of the nearness of Schenectady and Amsterdam.

Lurking in the minds of its progressive citizenry, however, are the ambitions to promote it once more to the front in industry or commerce and establishment of several enterprises has been discussed at intervals.

Meanwhile it is fast becoming known in the winter-sports world, for Rotterdam Junction nestles at the foothills of the well-known Rotterdam ski-trails.

Residents predict it is no idle conjecture that the Junction again may make a name for itself. Possibly not to be outstanding in industry—but perhaps a favorite winter-sport recreation center.

The entire Town of Rotterdam has progressed steadily through the years since the first settlers came to this region nearly three centuries ago. Today's properous residential and business districts in all parts of the township are a far cry from the primitive forest of the day when Daniel Van Antwerp in 1670 decided to hew out the residence now known historically the Mabie House in the Junction.

This house still stands and is occupied by George Clark, who was employed as a fireman on the railroad, and is now retired from the Rotterdam Police department with 22 years service.

As a request of the Mabie heirs, this house will never be sold. When it is no longer possible to rent the house, it will be deeded to the state as a museum.

The modern equipment in the house can be easily removed, returning it to its original finishing.

The Town of Rotterdam, formerly the third ward of Schenectady County, covered a large territory. It now extends to within seven miles of Amsterdam and to within 10 miles of the Albany City line, encompassing approximately 36.3 square miles.

The police department, ordinally a one man force which up to 1942 was a constabulary, is now under civil service jurisdiction and headed by Chief Joseph Dominelli, and now has a force of 23 men. The department is as modern as the time, with radio equipped patrol cars, and modern headquarters built in 1957 located alongside the new Town Hall which was opened for occupancy Jan. 1, 1940.

At the turn of the century, this area was the site of a fertilizer plant operated by Stanton and Ouderkirk, who currently operate a wholesale paper business in Schenectady.

The Town has its own water supply system worth over $5,000,000 and a sewage treatment plant on Campbell road. With its ivy covered building and landscaped terraces, it has been classified by authorities and Albany Medical students as "cleaner than a milk plant." This was a WPA project, built in 1939 at a cost of $870,000.

Rotterdam has well over 90 miles of town-owned roads, in addition to its highways and thoroughfares, that are under county and state jurisdiction. The township is the largest in the county's population, with two entrances of the New York State Thruway within its boundary.

Classified as a first-class town since 1942, because of its population, the township has its own Town Hall on Vinewood Avenue in the heart of the town. It is governed by its own judicial body, the Town Board consists of a Supervisor and four Councilmen.

The first school district in the township includes kindergarten through high school. Most of these are as modern as the day, with the new Mohonasen and Schalmont High Schools showpieces for the town.

The township's churches embrace all creeds, the latest, St. Gabriels. Its businessmen's Association, Masonic Club, Kiwanis, Lions, Rotary and Elks Clubs are vital factors in the progress of the town. Veteran organizations and their auxiliaries are also active in the town.

The township has been noted for many years throughout the county and state for the serious degree in which it takes its politics. The two major parties both own property in the town. The Rotterdam Republican Club has its park and pavilion on Thompson St. The Rotterdam Democratic Club has its clubhouse on Duanesburg road. The women of both parties are also organized actively as clubs.

There are seven fire districts in the town, some of which own and maintain their own ambulance. The photo is typical of the volunteer fire departments in Rotterdam.

A number of small business enterprises and a large portion of General Electric Company and the United States Army Depot, as well as the Schenectady Varnish works, are within the town's boundaries, lifting it from the category of purely residential or agricultural.

In February, 1962, the latest industrial plant was started in Rotterdam—the modern Central Market Warehouse was dedicated and started operations as a distribution center for their 23 stores.

No doubt selected because of the rail and Thruway transportation facilities, the Golub Corporation proudly can boast of the most modern facilities for the comfort and convenience of employees in expediting their duties. The building is entirely air-conditioned with a P–A system piped to every section of the plant. It has its own enclosed railroad siding and truck loading dock which is large enough to accommodate 10 railroad cars.

Its payroll, inventory and all accounting work is done on the latest electronic data processing computers.

A cafeteria which will seat 100 is maintained for the convenience of the 125 employees.

A truck repair shop and sign shop are also provided, along with large areas for meats and produce refrigeration.

Although a great deal of the town is rural, we have today, many concentrations of so-called building development areas which consist of one family homes.

We have several residents who remember these areas as farmlands. Charles Winters, a merchant here, has had various enterprises in Carman. He lived on the Cooper farm as a boy. This is far from farmland now, with a residential area, a large public park with tennis and basketball courts, three baseball diamonds, and the new Carman fire department.

The residential area known as Coldbrook is located on the old James Estate. The first house in this development was constructed in 1946. There are over 600 homes there now.

Stoodley Gardens is a development on the old Stoodley farm. It also encompasses Highbridge Manor and Riggi's Estate.

Merely the hinterland of a struggling city of 150 years ago, today the Town of Rotterdam proudly cites its own achievements.

As an indication of how we feel about Rotterdam, Holland, from where many of our early settlers came we have adopted the official seal of that city, with their blessings. That seal is now used in the Town Hall where all official business is conducted. The seal is also used on all the town stationery along with the slogan which typifies our outlook—"The City of Tomorrow."

RUSSELL TRAIN APPEARS BEFORE TASK FORCE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BUSH. Mr. Speaker, having taken a short break for the Easter recess, the Republican task force on earth resources and population, of which I am chairman, has resumed its weekly hearings. Yesterday, we were most privileged to have the Honorable Russell B. Train, the newly appointed chairman of the President's Environmental Quality Council appear before the task force.

Due to the burgeoning concern over environmental matters, our task force has been eagerly studying the effects of the population explosion and environmental degradation. Last year, we dedicated the majority of our time to researching the ramifications of a rapid population growth; this eventually led to the publication of our family planning report—Federal Government Family Planning Programs—Domestic and International. This year, we have concentrated our efforts on the examination of environmental problems.

The task force, being cognizant of the work and publicity regarding environmental matters, has searched for ways to be more than a voice in the crowd. The environmental issue has rapidly become one of the Nation's leading political topics, and there appears to be an abundance of invectives, and a deficiency of creativity. For this reason, our task force has been attempting to gain a working knowledge of the situation in order to make productive contributions, and not merely be the creators of insidious rhetoric.

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Tuesday's meeting with Mr. Train proved to be most helpful in this respect. The President's Environmental Quality Council, which Mr. Train chairs, functions to advise and assist the President on environmental matters. With President Nixon's avowed concern over this issue, as was evidenced in his state of the Union message, and his environmental message, this Council may prove to be one of the most significant and beneficial organizations dedicated to the amelioration of our present difficulties. Mr. Train pointed out that the President has outlined a comprehensive, 37-point program, embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive order in five major categories. These categories include: Water pollution control, air pollution control, solid waste management, parklands and public recreation, and organizing for action. The Environmental Quality Council will be deeply involved in many of them.

Mr. Train explained that the Council is only in its incipient stages. However, he mentioned various research projects that the Council has already begun to undertake such as those regarding oil spills, recycling, phosphate substitutes, and so forth. Mr. Train was particularly helpful to many members of the task force regarding questions they had concerning environmental problems in their own districts

We were most grateful to have Mr. Train appear before our task force, and we benefited greatly from his helpful comments. Next week, we will continue our examination of the mineral shortage problem and we will have Mr. David S. Freeman, Director of the Energy Policy Staff of the Office of Science and Technology appear before the task force. Mr. Freeman will discuss the projected energy requirement as it relates to an increasing population.

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NATIONAL LIBRARY WEEK

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. SNYDER. Mr. Speaker, it would be unusual indeed were a Member of Congress not to recognize the importance of libraries in America. Here in Washington we have the Library of Congress, probably the best in the world. But throughout our great Nation there are other libraries—perhaps smaller—but no less important for the welfare of our country than are the bigger ones.

In these libraries are stored the collected wisdom of the ages, readily accessible to all Americans. And for this reason, the Nation's libraries represent the hope of the future also. For our libraries provide, in addition to countless hours of reading pleasure and relaxation, the information and ideas which will enable the citizens of our free society to function most intelligently in this complex world.

That is why I rise here today—in recognition of our libraries during National Library Week, April 12 to 18. I know for certain people of the Fourth Congressional District of Kentucky, the citizens of America, and all of my colleagues here in Congress share the appreciation for our libraries which I express here in the House today.

U.S. PHARMACOPOEIAL CONVENTION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. GIAIMO. Mr. Speaker, the U.S. Pharmacopoeial Convention is currently holding its 150th anniversary meeting in Washington, D.C. Organizations old enough to celebrate their sesquicentennial are rare in America, and rarer still are those that can truthfully lay claim to as illustrious a record of service to the science and art of medicine and pharmacy as the U.S. Pharmacopoeial Convention.

On January 1, 1820, in the U.S. Senate Chamber, 11 physicians—three of whom were Congressmen—met to form the first pharmacopeial convention. Twelve months later the first U.S. Pharmacopoeia was published. Since that time, the pharmacopeia has undergone a continuous process of growth and development. Originally edited by physicians alone, it has become a joint enterprise of the medical and pharmaceutical professions with collaboration from other specialists in related sciences.

The first pharmacopeia was born in an era of confusion in the medical community. Without standards for drugs, there was no assurance that any two patients would be given the same medications, nor could a physician be assured that the same medication would be dispensed to a patient by two different apothecaries. The pharmacopeia has evolved into a therapeutic guide to the medical profession. Its critical and unbiased evaluation of drugs and the development of standards that all producers must meet enable physicians and pharmacists to place even greater reliance upon the quality of the medication they prescribe and dispense.

The pharmacopeia has become an important aid to teachers in schools of pharmacy and medicine. It is the primary source for authors of textbooks on therapeutics and pharmacy, as well as the basis for drug selection in hospitals, the armed services, and health departments.

The U.S. Pharmacopoeial Convention, publisher of the U.S. Pharmacopoeia, is a relatively quiet organization but its outstanding record speaks for itself. Its ability to mobilize voluntary expertise from academia, industry, government, and private practice is a significant landmark in citizen-government cooperation.

Today the U.S. Pharmacopoeial Convention is our only national organization representing both the professions of pharmacy and medicine. It is an independent, nonprofit, scientific organization incorporated under Federal statute, primarily dedicated to selecting the best established medicinal agents and providing standards of pharmaceutical quality for them.

Since enactment of the first food and drug law in 1906, U.S. Pharmacopoeial standards have been enforced by the Federal Food and Drug Administration, thereby making this an outstanding, unique, and highly successful model of cooperation between the Government, the professions, and industry. The Department of Health, Education, and Welfare task force on prescription drugs stated in its background paper, "The Drug Prescribers," that—

> Most private and government officials are quite prepared to argue that the compendia have more than adequately fulfilled the role assigned to them in the original Food and Drug Act and in all of its revision.

The U.S. Pharmacopoeia is the world's oldest continuously revised pharmacopeia and its standards are utilized the world over.

The letters "U.S.P.," whether on common household products, such as aspirin tablets, calamine lotion, milk of magnesia, or iodine tincture, or on prescription drugs, such as phenobarbital, give confidence and assurance to the buying public, to the pharmacist, and to the physician of a reliable and uniform product.

Ultimate authority for the U.S. Pharmacopoeia rests in its convention, which meets every 10 years in Washington, D.C. This week the convention is meeting to provide guidance and discuss new areas in which the U.S. Pharmacopoeial Convention can act to improve drug therapy for the millions of people in this country. I would like to extend to the convention and to the delegates my best wishes for a successful meeting and my heartiest congratulations on their 150th anniversary.

CONGRATULATIONS TO THE CITY NEWS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. KOCH. Mr. Speaker, City News, an independent weekly newspaper serving Co-op City, one of the largest housing developments in the city of New York, located in Bronx County, has received the first-place award for general excellence in news reporting. The award is the highest made by the New York Press Association which is composed of 450 weeklies in the State of New York.

What is particularly significant is that this newspaper is only 1 year old and it is exceptional that a new newspaper would so quickly reach this height and success.

The award presented was for "outstanding achievement in the field of journalism." In addition to that award, it also received a third place award for its excellence in photography. The publisher, Charles Hagedorn, who also is publisher and editor of Town and Village, must be commended for this outstanding success.

It is unfortunate that in the city of New York we now have only four daily newspapers. However, this void is made up in great part by the fact that in the city of New York, there are a number of first rate weeklies among which are City News and Town and Village.

IOWA HONORS EUGENE T. BURKE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. CULVER. Mr. Speaker, last week I was privileged to attend a dinner honoring one of Iowa's most active and effective citizens, Eugene T. Burke. Gene has had an outstanding career in politics, having been associated with the Democratic Party for half a century and having become recognized as a leader with a vast wealth of information on the problems facing his hometown of Clinton, Iowa, his State, his country, and the world at large. I have found his counsel and judgment invaluable and am proud to call him a personal friend.

The spirit of this memorable occasion was aptly captured in an article which appeared the next day in the Clinton Herald. I insert this article in the RECORD at this time:

[From the Clinton (Iowa) Herald, Apr. 3, 1970]

NO PARTY LINES AT BIG PARTY—CITY JOINS IN TRIBUTE TO "MR. DEMOCRAT"

(By Lee White)

Democrats and Republicans joined Thursday night in honoring Eugene T. Burke who is known as Clinton's "Mr. Democrat."

More than 250 persons attended a dinner and program in the Moose club to give recognition to the more than half a century of Burke's devotion to the Democratic party and the Clinton community.

The affair was saddened by the unexpected death Thursday morning of John W. Carlsen, a long-time friend of Burke, who was to have been master of ceremonies. At the close of the program, benediction was given by the Rev. E. W. G. Worrall, St. John's Episcopal church pastor, who asked the group for a moment of silent prayer in honor of Carlsen.

S. J. McDonald and Mayor Edward Obermiller substituted for Carlsen as masters of ceremonies, and read some of the scores of letters and telegrams addressed to Mr. Burke.

First speaker was Rep. John C. Culver of the 2d Iowa district who said he felt it was a high personal privilege to be with Burke personally and his many friends on such an occasion.

Culver told of his first visit to Clinton in 1963 when he was a candidate for Congress after having been told to visit Burke who had been described as "the one man alone to see about the Clinton County political situation."

"I well remember that visit," said Culver. "I was struck then and still am by his dedication to our system of government and his participation in public life."

"Gene Burke is not only Mr. Democrat in Clinton but he also is Mr. Democrat in the 2nd district, in Iowa and the nation as is testified by the messages and letters which have poured in from all over the country."

"Gene Burke has become recognized as an unmatched source of information because of his wealth of knowledge concerning politics," said Culver. "He is a most highly respected member of the bar and is known for his dedicated role as a director of the Clinton public library. It is a testament to his belief in the American system to know of his many friends in the Republican party."

"Our system of government could not survive without the Gene Burkes and the George Pillers who devote their talents and energies in its behalf," Culver concluded.

Pillers, who is chairman of the Clinton County Republican central committee, was one of many Republicans who turned out to honor Burke.

Stephen M. Delaney, a member of the Great River Road commission, told of the Delaney-Burke family friendship which dates back to the early days of Clinton. After Rev. Worrall read a congratulatory message to Burke from Bishop Gordon V. Smith, Episcopal bishop of Iowa, letters and messages were read from Gov. Robert D. Ray, Sen. Harold Hughes, Chief Justice Edwin Moore of the Iowa Supreme Court, Justice Clay Le Grand, William Di, president of the American Library Assn., Mrs. Ethel L. Bealer, president of the Iowa Library Assn., and Mrs. John W. Craft, president of the Iowa Traveling Library Assn.

Charles E. Smith, representing the Clinton Labor Congress, read congratulatory messages from President Robert Napolitano and Secretary A. E. Hubbard of the Clinton congress; Hugh D. Clark, president of the Iowa Federation of Labor, and national officers of the International Ladies Garment Workers Union of over 500,000 members.

Offering congratulations as local friends were B. M. Jacobsen, District Judge M. L. Sutton, Fred Hinrichs and Lee F. White.

John Hansen, of Winterset, former 7th district congressman and member of the Iowa Highway Commission, commented that "if John Culver continues to take the advice of Gene Burke he will continue to serve the 2nd district well." Hansen said Clinton is exceptionally fortunate to have Gene Burke in its midst as also is the State of Iowa."

Acknowledgment then was made of receipt of letters and telegrams from E. C. Halbach, Clinton attorney; Everett A. Streit, Clinton Herald editor and assistant to the publisher; Edward A. McDermott, formerly of Dubuque and now practicing law in Washington, D.C. after serving in the Kennedy and Johnson administrations; Lawrence F. O'Brien, chairman of the National Democratic committee, Sen. Edward Kennedy and former Vice-President Hubert Humphrey.

Ray C. Walton, First Iowa district Democratic committeeman and candidate for Iowa attorney general, said he hoped he would be could measure up to the contribution to he Democratic party made by Burke.

Before Burke spoke briefly he was presented with gifts from the sponsoring committee by Mrs. Nell Kuizenga.

In opening Burke paid tribute to the memory of Leonard Wolfe, former 2nd Iowa district congressman who died last week in Madison, Wis., at the age of 44.

Burke expressed his appreciation for the recognition given him and Mrs. Burke and gave some amusing political reminiscenses after which Mayor Obermiller presented him with the original copy of a "Eugene T. Burke Recognition Day" proclamation which he had issued.

Saying that "it is only fitting that you should be honored by this community," Mayor Obermiller presented Burke with a certificate of appreciation. Citing Burke as a friend of many years, Obermiller said that he, with countless others had profited by the advice given him in the political field.

Arrangements for the dinner were made by Mrs. Kuizenga, Mrs. C. J. Claseman, Mrs. S. J. McDonald, Mrs. Alice Oltmans and Mrs. Edward Obermiller.

A GARDEN FOR THE BLIND

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. DORN. Mr. Speaker, as the Representative of South Carolina's Third Congressional District, I am most happy to report to you on two recent events held here in Washington, which involved the South Carolina delegation, Clemson University officials and their friends.

On Wednesday evening, March 18, a reception was held by the delegation for Dr. and Mrs. T. L. Senn. Dr. Senn is head of the Clemson horticulture department. Accompanying Dr. Senn was Dr. Robert C. Edwards, president of Clemson University.

Representative JOHN MCMILLAN, as dean of our delegation and vice chairman of the House Committee on Agriculture, in his remarks during the reception, lauded Clemson's fine agriculture college and Dr. William Wiley, dean of the agricultural school at Clemson.

Dr. Edwards praised the dedication of Dr. Senn, as well as his associate professors and instructors at Clemson. Said Dr. Edwards:

> It is our dedicated department heads and the administrative staff who, since 1893 when Clemson first opened its doors to 446 students, have brought our University into national and international recognition.

At this reception and on behalf of the delegation, Dr. and Mrs. Senn were presented a beautiful watercolor portrait of Dr. Senn. Mr. Speaker, you will recall that Dr. Senn was U.S. Horticulturist of the Year in 1968.

On the afternoon of March 19, Secretary of Agriculture and Mrs. Hardin, officially opened the National Lawn and Garden Week display of lovely flowers, shrubs and garden vegetables in the patio of the administration building of the Department of Agriculture. Clemson University was one of the six land-grant universities invited to participate in this remarkable undertaking. The Clemson display planned by Dr. Senn and his staff was "A Garden for the Blind."

After learning that Clemson was planning this particular garden as their entry in the display, the USDA decided to make the entire exhibition available for blind groups to visit. The Clemson Horticulture Department in association with the South Carolina State School for the Blind worked up a trail-type program for all the blind who wished to visit their display. Braille tapes and cards were printed with the help of the South Carolina School for the Blind. Dr. Edwards had as his personal guests, 12-year-old Rickey Godfrey, sightless since birth, and

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one of his devoted teachers, Mrs. Virginia Robinette, who flew to Washington for the opening ceremonies. The Columbia Lighthouse for the Blind here in Washington, at the request of the USDA, assisted in printing braille cards for all the garden displays, so that the blind who could read braille could fully understand and enjoy the species as well as the characteristics of plant life through read and touch methods.

Mr. Speaker, I have always been an advocate of gardening and I feel that the Clemson Horticulture Department's idea of a garden for the blind could well work with people who are physically handicapped. A garden is great therapy and we should be forever grateful to Clemson for its initiative in this area of horticulture for the handicapped. The cooperation given by Secretary Hardin and his staff at USDA really excelled in this memorable undertaking.

Let us all plant a garden this year and show Dr. Senn, Dr. Edwards, and Secretary Hardin that we get the message. Make 1970 the greatest year ever for the National Lawn and Garden Week.

"JUSTICE" IN ATHENS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FRASER. Mr. Speaker, the situation in Greece is getting worse—far from evolving into democracy, totalitarian principles in Greece are becoming stronger and more evident each day. The myth of press freedom was exploded permanently with the arrest and conviction of five newspapermen and a former minister and the subsequent closing of the Athens newspaper Ethnos. The Stalinist show trial of 34 prominent citizens is another indication of the barbaric measures the junta is taking to maintain their power. I introduce at this point an editorial from the Washington Post of Wednesday, April 8, 1970, which concisely delineates the Greek situation and the American role; and an editorial from the Christian Science Monitor of Thursday, April 9, 1970, which comments on the recent actions of the junta:

[From the Washington Post, Wed. Apr. 8, 1970]

"JUSTICE" IN ATHENS

"Severity," said the Greek deputy premier, introducing the new press-control law, "is the mother of justice and freedom." He meant it. A court in Athens has just sentenced five newspapermen and a former government minister to prison terms up to 4½ years, plus fines. Their offense: publishing in Ethnos an interview in which an appeal was made for restoration of democracy. The interview was intended to "cause anxiety to citizens," the junta averred.

In another ongoing trial in Athens, 34 alleged members of a resistance group called Democratic Defense are accused of acts ranging from bombing to seditious progaganda. Many of the defendants used the forum to claim that, as prisoners, they had been tortured. One case was particularly bizarre: the wife of professor George Maghakis had alleged last year that her husband was being tortured. He was then produced from his cell and he denied the allegation. His wife was given a four-year sentence for making false charges. At the current trial, however, Maghakis declared he had made his early denial only to spare his wife harm.

The regime's epidemic use of violence against its political opponents has been documented meanwhile in a new book, "Barbarism in Greece," by James Becket. An American lawyer who devoted several years to his inquiry, he lists by name 426 Greeks who survived their ordeals, 12 who did not. The practices of the junta turn your stomach.

The grimmest part of the Greeks' tragedy, for Americans, is their own government's support of the junta through common membership in NATO. By intermittent word, gesture and deed Washington has indicated some disapproval but it has felt compelled by strategic considerations, such as the deterioration in the Mideast situation over the three-year span of the junta, to keep up its alliance commitments. If there is no realistic basis for expecting the administration to diminish its presence in Greece, then there is no conceivable justification to increase its presence, say, by resuming military assistance at the old pre-coup level. In addition, Mr. Nixon ought to let the Greek people know he supports their right of self-determination, too.

[From the Christian Science Monitor, Apr. 9, 1970]

THE WRONG KIND OF LESSON

"Violence breeds violence. The military leaders ought to have asked themselves whether their violence might not very well teach people a lesson. That's why responsibility for the explosions doesn't lie with the accused." These words were spoken at the Athens trial of the 34 Greek intellectuals in the dock for alleged seditious acts—including setting off bombs and distributing anti-government propaganda. But they came neither from a defense lawyer nor from any leftist defense witness. They were in fact pronounced by Greece's last civilian prime minister, Panayotis Cancellopoulos, politically right-of-center, who bravely chose to testify in behalf of the accused.

The trial, together with that last week of editors and publishers of the Athens daily, Ethnos, seems to have been decided upon by the junta to teach Greeks a lesson. With all that is coming out at the hearings, the colonels apparently have decided that it is more important to try to intimidate their countrymen than to reassure outside opinion about the nature of their rule. But embarrassingly, the majority of the accused who have so far given evidence have repudiated "confessions" signed while in jail, alleging that they were given under the pressure of torture.

Initially the regime allowed full reporting of the trial in the press. Presumably it was thought that the accused would discredit themselves. But now the presiding judge has banned any further description of torture in court. Could it be that the colonels discovered that the Greek public was believing the prisoners and not the prosecution? Eight foreign lawyers from Western Europe and Canada who arrived in Athens to attend the trial as observers were barred from the court on the grounds that their presence would be "an insult to Greek justice." Might they have come to believe the torture stories, too?

As a result of the trial of the men from Ethnos, that newspaper—founded back in 1913—has had to close down for the second time in its history. The first time was under the Nazi occupation of Athens. The paper's "crime"—under the colonels, not under the Nazis, of course—was that it published an interview with a former civilian cabinet minister in which the latter called for a government of national unity to deal with the crisis involving Greek interests in Cyprus. The sentences handed down included five years' imprisonment for the editor and 13 months' for the octogenarian managing editor, Constantine Oikonomidis.

The colonels may believe they are teaching the Greeks resect for law, order and civic responsibility. The danger, of course, is that the lesson being learned is quite a different one—as Mr. Canellopoulos so rightly pointed out.

TIME TO TAKE ANOTHER LOOK

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BOB WILSON. Mr. Speaker, one of the more legitimate complaints about the news media is that they concentrate on bad news to the exclusion of the good. Their excuse is that when good things happen, it is not news. Of course this is nonsense.

The validity of the complaint is brought out by a story that appeared in the San Diego Union on March 13 by Ray McHugh, the Copley News Service Washington Bureau Chief. That day, here in Washington, the good news as usual was ignored while the unsavory aspects of our society were pointed up. Perhaps, as Mr. McHugh notes, it is time that the press did take another look at "what is news."

The story referred to follows:

PROUD BOYS AND GIRLS CONGRATULATED BY THEIR PRESIDENT: THAT'S NEWS!

(By Ray McHugh)

Why don't you report the good things?

Why don't you write about all the fine young people in America who are trying to do something for their country?

These questions have been fired with increasing regularity at newsmen across the United States, not only by Vice President Spiro Agnew, but by churchmen, civic leaders, just plain parents and by some of our colleagues.

The other night in Washington, 55 of those fine young people met the President of the United States and the leaders of Congress. They were the state finalists in the Veterans of Foreign Wars "Voice of Democracy" contest and guests of honor at the annual VFW congressional dinner that saw President Nixon present the veterans' 1970 award to Sen. Henry Jackson, Democrat of Washington. More than 400,000 students had entered the competition.

As the President arrived in the huge banquet room the U.S. Marine Corps Band struck up "Hail to the Chief" and some 2,000 veterans and congressmen from every corner of the country stood and cheered. The high school students, boys and girls, stood in awe, almost disbelief.

Abruptly, the President interrupted the program schedule. He walked to the long table where the winners were arranged and, one by one, he shook their hands and offered his personal congratulations.

The boys shifted self-consciously from one foot to another and stammered their thanks. The girls wept with emotion and one little high school junior from Nebraska threw her arms around Mr. Nixon's neck and kissed him on the cheek.

The President loved it. The veterans loved it.

But the next day, as the departing VFW commanders scanned the three Washington daily newspapers for an account of their evening, they were disappointed and angry.

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Two had ignored it. The third accorded it two grudging inches in the third section.

But there was a picture of three hippie students being arrested at San Francisco State. There was a picture of another group of young radicals giving the "Black Power" salute outside the Bel Air, Md., trial of H. Rap Brown. There was a picture of girls involved in the "Women's Liberation Movement."

But there was no picture of a 15-year-old girl kissing her president, no picture of three boys and two girls who shared $13,500 in VFW college scholarships for their scripts on "Freedom's Challenge." There wasn't even a story.

The veterans were angry at the newspapers in Washington. Perhaps it's time that all of us in the press took another look at "what's news."

STATEMENT OF McGEORGE BUNDY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BINGHAM. Mr. Speaker, the SALT talks will be resumed in Vienna next week. The United States must adopt a position of flexibility and compromise if these important talks are to succeed.

The distinguished president of the Ford Foundation, McGeorge Bundy, testified yesterday before the Subcommittee on Arms Control, International Law and Organization of the Senate Committee of Foreign Relations. I believe his remarks are of great significance and I include them at this point:

STATEMENT OF McGEORGE BUNDY

Mr. Chairman and Members of the Sub-Committee: I am happy to accept your invitation to testify on the arms race, and I am particularly happy to appear in company with Dr. York. I would like to associate myself strongly with his basic argument.

My broad view of the arms race was stated last October in an article in Foreign Affairs, and to save the time of the Committee I would like, with your permission, to offer that article for the record instead of repeating it. Its principal conclusion was simply that the strategic arms race between the United States and the Soviet Union has gone too far, threatens to go further, and should be stopped by an early agreement between these two great powers. Since then SALT has begun in a businesslike way, and our Government is now considering what its position will be as the talks resume in Vienna next week.

My own strong belief is that the best next step for the United States in this field is to follow the course proposed in Senate Resolution 211. That Resolution first states the sense of the Senate that prompt negotiations be urgently pursued between the two great powers, and on this point I think there is little or no disagreement among Americans. The second part of the Resolution expresses the sense of the Senate that we should now propose an immediate suspension by both sides "of further deployment of all offensive and defensive nuclear strategic weapons systems. An excellent basic argument in favor of this Resolution is developed in the report submitted by Senator Fulbright, and I will not waste your time by repeating it. Let me rather offer ten brief comments on the significance of your Committee's position.

1. I assume that in passing Senate Resolution 211, the Senate will be uging the President to propose to the Soviet Union the mutual suspension of these deployments for some reasonable term during which further progress could be made toward a definite agreement. There are some who suppose that the word "moratorium" implies a form of permanent self-entanglement, but as I understand it no such self-entanglement is either necessary or intended.

2. I strongly support the statement in the Committee Report that an agreed suspension of deployment of strategic systems will necessarily imply a suspension also of tests—as well as deployment—of such emerging systems as MIRV. The Committee Report makes the correct connection between the Soviet SS–9 and the American MIRV. This connection goes both ways. Just as the Soviets must limit SS–9 if they wish to stop MIRV, so I believe that if we are to get any early limit on SS–9 deployment, we ourselves must place MIRV on the bargaining table.

3. I believe that there will not be much progress in SALT until the United States Government is prepared to make a specific proposal. I think the odds are heavy that it will prove wise and right for us to move first. The Committee has heard the sensitive and perceptive testimony of Professor Marshall Shulman on Soviet attitudes towards arms negotiation. I share his view that Soviet wariness is at least equal to our own. Our experience, understanding and present strength make it right for us to take the initiative.

4. Specifically, I believe that as a part of any proposal for an agreed moratorium the United States should take a first step by announcing a suspension of its own deployment of ABM and MIRV for a limited time. Such a time could and should be relatively brief, and its extension could and should depend upon the promptness and seriousness of Soviet response. There might be some marginal inconvenience for our defense organization in such a suspension, and our already overwhelming strategic war plans might need marginal revision if specific planned deployments are delayed—but there is no real and present danger in such a limited suspension, and if we want results in SALT, we should try it. How long such a trial should be, and precisely what it should include, are matters I do not attempt to cover, since it would be unwise for a private citizen to try to define the exact length and direction of any first step. My point is simply that we should begin by an action as well as a proposal.

5. This belief rests not on any sentimental notion that we must be more virtuous than the Russians, but rather upon the deep conviction that effective limitation and reduction of the strategic arms race is an objective deeply in our own national interest as well as the interest of all mankind. It is wholly false to suppose that the national security is always served by adding strategic weapons and never by their limitation. In the world of the 1970s the truth is more nearly the opposite. We have more than enough strategic weapons today. The addition of new systems which will inevitably produce further Soviet systems is not the road to safety for anyone in any country.

6. In particular we should be on guard against the notion that it is useful to press the development or deployment of any given weapons system because of its value as a bargaining-counter for SALT. It is quite true that if we get nowhere in SALT and if Soviet strategic expansion continues, we shall have to take careful stock of our own needs. But there is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT. There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon-lovers by pressing our own deployments relentlessly throughout the talks.

7. In moving toward effective limitation of the arms race, we shall need to be alert and skeptical against distractions and diversions from those whose special interests may be threatened. The history of arms negotiation includes many examples of efforts by the partisans of particular weapons systems to prevent any agreement at all. During the negotiations before the Limited Test Ban Treaty, for example, it was suggested that the Soviets might obtain some decisive advantage by secret nuclear tests conducted behind the sun or by the construction of underground holes so big that the very existence of a test could not be detected. These arguments now rest properly in the dustbin of dead fantasy. But now new dangers are depicted in the effort to justify a refusal to limit or delay our own new weapons systems. Such arguments should be subjected to most meticulous and skeptical analysis, and in such study the role of the Congress is of high importance.

8. There is a particular danger in the uncritical acceptance of doctrines of strategic superiority—or even sufficiency—which may be used by zealous men in support of their own preferred weapons. This is as true of the Eisenhower Administration's belief in "prevailing" in a general war as it is of later doctrines of "assured destruction" and "damage limitation." All of these forms of words can be used to justify excessive expenditure on unnecessary strategic systems. At present there are four new criteria of strategic sufficiency, but the Administration has not told us what they are. According to press reports, these criteria include "assured destruction," "hostage equality," "crisis stability" and "third country protection." If the Administration and the Congress are not alert and watchful, criteria like these can be protective umbrellas for unchecked strategic expansionism. They can also be roadblocks in the way of arms limitation. They deserve public discussion. My own conviction is that the realities of strategic nuclear weapons are not subject to control by such verbal formulae. In the language of Justice Holmes, I believe that criteria like these tend to be spiders' webs inadequate to control the dominant facts.

9. The main proposition which we need to understand in order to limit the dangers of the nuclear age is that enough is enough. The Soviet Union and the United States have long since reached and passed that point. Each is now able to do totally unacceptable damage to the other, no matter how a nuclear catastrophe begins. Sane political leaders on both sides know this reality for what it is. It is of course possible that some still unknown technological development might genuinely disrupt this fundamental parity, but there is no evidence whatever that any such development is likely in the present decade. So we have enough, and more than enough, and we are on the edge of a most unstabilizing and dangerous escalation Now is the time to stop.

10. The Committee Report recognizes what I would like to emphasize in closing: that while citizens can comment and the Senate can advise, only the President can decide. It will take negotiation to reach agreement, and the official position of the Government of the United States can be stated to the Soviet Union only by our President and his authorized agents. The President must choose the timing and the shape of any initiative he takes; in the end his leadership is what will decide. As he considers the possible choices and deliberates on decisions which have not yet been made, the President is entitled to the thoughtful advice of the Senate, and in this field, where the

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weight of bureaucratic influence has historically been heavily on the side of *arms* as against arms *control,* such advice can be of particular value to him. The easy course is always to avoid decisions; politically the argument for weapons is easy, and the argument for acts of restraint is hard. A President who wants to take the lead needs all the help he can get. The Senate can give such help, and in this situation it is obviously the duty of citizens to respond to the Senate's request for their honest views. I have stated mine, and I will be glad to try to answer your questions.

HELLS CANYON NATIONAL RECREATION AREA

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ULLMAN. Mr. Speaker, in a recent article in the Oregonian's Northwest magazine, Willis Hobart describes the unique beauty of the Hells Canyon portion of the Snake River, which separates Oregon and Idaho. However, as Mr. Hobart explains:

> Today only about 120 of the entire 1000 miles, lying in the Middle Snake and Hells Canyon area still characterize the churning, ruggedly beautiful river that Captain William Clark first named the Lewis, for his explorer partner Mariwether.

I fully understand Mr. Hobart's sense of urgency about designating and preserving this natural treasure. For this reason, I have introduced a bill, H.R. 16437, to designate the "Hells Canyon National Recreation Area."

My bill differs from other measures that have been introduced to deal with the future of the Middle Snake region. It provides for intensive recreational development of part of the area while setting aside a large area in its present roadless state. The recreational development will in no way detract from the natural beauty of the canyon. It will extend the enjoyment of the area to those people who would otherwise be prevented from viewing this spectacular creation of nature.

I would like to reprint excerpts from Mr. Hobart's article at this point of the RECORD so that my colleagues will have a better understanding of the country we are trying to protect and designate for future generations.

The excerpts follow:

HELLS CANYON OF THE SNAKE

Hells Canyon of the Snake—merely its name signifies the treachery encountered by the earliest explorers. Most saw it not merely as a wasteland but truly Hells Canyon, a natural barrier of magnificent proportions, challenging safe passage to the Willamette prairies or local gold fields. But the Indians saw it as the "Holy Mother Snake", a bountiful provider of game, salmon, steelhead, sturgeon and more—a twisting, roaring, turbulent oasis in an arid land that normally averages only around 12 inches of rainfall annually.

It is a stream replete with historical events ranging from the encampments of the Lewis and Clark Expedition at the mouth of the Clearwater River to the U.S. Army's tragic persecution of the Nez Perce Indians. Tiring of the white man's maltreatment, Chief Joseph led his men, women and children in 1877 across the swollen waters of the Snake near Dug Bar without loss of tribesman or horse on their historic 1000 mile "strategic retreat" for freedom, a feat that has been likened to the ancient Greek's Retreat of the Ten Thousand. Later the proud Nez Perce (a name derived from the misnomer "Pierced Noses") were finally forced to surrender only a few miles from the Canadian border's safety.

Petroglyphs, early Indian drawings painstakingly etched on scattered rocks, hint of the area's rich archeological history dating back several thousand years to the continent's earliest inhabitants. Of an estimated 200 archeological sites, the number systematically excavated and studied can almost be counted on the fingers of one hand. Hopefully, future investigations in the area will provide greater insight into man's earliest life and movements in North America.

Other early explorers of the river included Wilson Price Hunt, Robert Stuart and Captain B.L.E. Bonneville who wrote in 1833 that "Nothing we had ever gazed upon in any other region could for a moment compare in wild majesty and impressive sternness with the series of scenes which here at every turn astonished our senses and filled us with awe and delight."

Much of the Snake River today would be virtually unrecognizable to pioneers who first fought that pristine stream. While two-thirds of the entire Snake Basin is range and forest, one-fourth is now dominated by agriculture, principally irrigated crops, livestock and dry-farmed grain.

The river has been dammed, polluted, diverted for irrigation, municipal uses, to cool a nuclear plant, paper and pulp production and other industrial purposes. Thus by the time its waters merge with the Columbia, they've seen a lot of use. Yet the remaining wild water, characterized by Hells Canyon's churning rapids, polished boulders, and white sand beaches, are surprisingly clean, attesting to the river's natural ability to cleanse itself, given the chance.

In size, the entire Snake River Basin rivals New England and New York State combined. Among Northwest rivers, the Snake is second only to the Columbia and provides fully one-fifth the Columbia's total flow. Springing from the Yellowstone-Teton area of Northwest Wyoming, the Snake swings to the southwest through Idaho's Burley-Twin Falls regions, circles to our border, heading north to pick up this state's Owyhee, Malheur and Powder rivers and Idaho's Bruneau, Weiser and Payette rivers, tripling in size in the last fifth of its course. And it also is here along this last one-fifth of its journey that the Snake enters Hells Canyon, the deepest verdant gorge on this continent, at 6550 feet, more than twice as deep as our average coastal mountains are tall. Mary's Peak, tallest of the Coast Range at slightly over 4,000 feet elevation, would be completely engulfed in Hell's Canyon, it's top only a tiny plateau nearly 2,500 feet below the Canyon's rim.

Too many view Hells Canyon in only one of its many facets, either its spectacular depth, its fish or its wildlife or recreational resource, the wild Snake River itself or its power potential. But it is as a whole that its uniqueness genuinely stands out. Compressed within its scope from river to rim, the canyon progresses through all six North American "life zones" and their characteristic fauna and flora, ranging from the desert-like Sonoran zones at or near the river's edge to the Alpine tundra atop the Seven Devils Mountains.

Many of its slopes below 4,000 feet are carpeted with grass and have been grazed by livestock since the mid-1800's. Timber adds flavor to the scenery over 4,000 feet, unlike the more barren appearing Grand Canyon of the Colorado or the Black canyon of the Gunnison. Climate too may seem a paradox having snow on the rim at times yet sweltering under 100 degrees F. temperatures at river's edge in mid-summer.

Today only about 120 of its entire 1000 miles, lying in the Middle Snake and Hells Canyon area still characterize the churning, ruggedly beautiful river that Captain William Clark first named the Lewis, for his explorer-partner Meriwether. That this restricted area remains much the same today as before may only be due to its remoteness and comparative inaccessibility—characteristics which still provide much of the Middle Snake's charm.

Native wildlife includes the black bear, mule deer, elk, mink, river otter, racoon, cougar, bobcat, coyote and farther downstream, the rarer Northwest or Idaho whitetail deer. Eagles, ospreys and peregrine falcons, among our rarer birds, share the winds with vultures, cliff swallows and many more. Here too, the chukar partridge, a bird introduced about 15 years ago, has found a good toehold and prospers. Quail, grouse and many others call the area home. Altogether, more than 150 different species of birds have been counted in the area.

Common to all wildlife and birds however, is the need for living space—nesting areas for birds in summer and wintering range for wildlife. Conservationists estimate that nearly 12,000 acres of irreplaceable wildlife habitat would be lost if the area were to be flooded, an especially severe blow to big game annually crowded down from summer pasture by snow.

Native salmon and steelhead have received their share of concern since plans began for construction of Bonneville Dam in the 1930's. But with only a 60-foot head, that dam was to confuse its critics, little impeding the upstream passage of migratory game fish through its new ladder facilities. On the other hand, the second major Columbia dam, Washington's 316 foot Grand Coulee, did indeed halt upstream passage, effectively blocking 1,140 miles of spawning streams. And at any rate, the general trend for the salmon and steelhead of the Columbia system has been downhill.

Today the Snake (primarily its lower segment) remains the best producer of salmon and steelhead in the entire Columbia River system. Of this, Idaho's Salmon River, immortalized as the "River of No Return," is by far the Snake's most important fish-producing tributary which would be blocked by the proposed China Gardens re-regulating dam, planned in conjunction with the High Mountain Sheep Dam.

Water temperatures can be very critical for salmon and steelhead, since they require relatively cool water for successful migration and spawning. Underscoring this problem was the month-long delay in Chinook salmon migration in 1967. That run remained in the Columbia's cooler waters until the Snake's temperature dropped to an acceptable level. Cause of the abnormally high "thermal pollution" is irrigation and impounding of the stream by such upstream reservoirs as Brownlee and Oxbow.

But for the white sturgeon of the Snake, this wild stretch of river is about the only thing between it and extinction. They too have been in a general decline and this year both Oregon and Idaho moved to give them full protection there by banning their removal from the stream. As early as 1933, Herbert Sheldon Lampman, reporter for The Oregonian and wild life authority, observed that the sturgeon fisheries of the Columbia system were virtually extinct and that ". . . few of these fish of any great size remain." Truly they are a fish of another age and their physical characteristics have changed little in many thousands of years. Though unrelated to sharks, they possess such general similarities as a cartilaginous skeleton (rather than bone), a sickle-shaped tail, and

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bony, plate-like scales. The sturgeon's tube-like mouth is placed low for sweeping aquatic organisms from the river's bed. Thus, free-flowing water such as the Snake are required both for spawning and feeding.

The article continues:

> As yet, salmon and steelhead fishing is still fairly good in the Middle Snake area. Wild, it remains the most productive of the Columbia's tributaries. Recreational pastimes such as camping, sightseeing, rockhounding, hiking and related pursuits are growing rapidly in this, the last truly wild section of the Snake River. Last year's (1969) data showed a minimum of 50,100 recreational man-days enjoyed in the wild Hells Canyon area.
>
> Collectively, the Middle Snake, with its tributaries the Salmon, Imnaha, and Grande Ronde Rivers and others embodies perhaps the finest and most varied attributes of any wild rivers system in the country. As such it will become increasingly valuable in the years to come.
>
> TRANSPORTATION
>
> With 90 miles of the Snake River navigable from Lewiston upstream to Johnson Bar, access to this rugged gorge is easiest by water. Transportation choices are between the 48-foot mail-and-passenger craft "Idaho Queen" and a number of smaller but faster jet boats.
>
> The only real streamside and road runs from Lewiston to the mouth of the Grande Ronde River. Two other roads lead to the Middle Snake, one connecting White Bird, Idaho, with Pittsburgh Landing; and the other Imnaha, Ore., with Dug Bar. Both roads will be improved under the National Rivers Program for the Snake.
>
> Farther upstream another road used in building the Low Hells Canyon Dam leads downstream past Brownlee and Oxbow dams and is reached from either Baker, Ore., or Cambridge, Idaho.
>
> Hiking trails traverse nearly 50 miles of the Middle Snake, with numerous spurs branching off into side canyons and often switchbacking upward to the canyon rim. Other trails lead from the heights of Idaho's Seven Devils Mountains to the riverside and may be hiked one way in a day.
>
> Additional trails, campsites, boat ramps and recreational areas will be built under the National Rivers Program which will eventually make the area more accessible.

TAKE THE BLINDERS OFF THE CONSUMER

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, whenever an average housewife enters the local supermarket she is virtually blindfolded in terms of her being able to accurately determine the newness or freshness of the foods available for her selection. This situation is due to the fact that the important information regarding "shelf life" or freshness of a product is contained in a secret code known only to the store managers and frequently changed to prevent deciphering by concerned consumers.

I cannot imagine any logical reason why food store chains should be determined to hide the freshness of foods unless it is to facilitate the practice of marketing old food which should have been pulled from the shelves. According to my colleague from New York (Mr. Farbstein), this practice is apparently very widespread. In a survey which was recently conducted in various food stores, Congressman Farbstein and others discovered widespread availability of unfit, outdated food on many shelves. Although this situation is believed to be more prevalent among ghetto area stores, it can be found in other areas as well.

Bearing these facts in mind, I am sponsoring the bill to require the final date that food can be kept on a grocer's shelves to appear on the labels of all perishable and semi-perishable foods, as originally introduced by Congressman Farbstein. I believe this legislation is necessary and desirable, particularly in areas where disadvantaged citizens seem to face an endless array of practices designed to give the least while demanding the most. That this situation played a role in the urban riots of recent years is now obvious to all who have studied the subject.

In a society as affluent as ours, where we pay huge sums of money to persuade farmers to grow less, it seems to me that there can be little reason to market anything but foods clearly certified as being fresh and safe. We need no codes or secrets which can be used to bilk or dupe the unknowing consumer; instead, we need more protection for the consumer to assure that when he or she pays today's high prices for food, the purchases will be worth these prices. And if there is to be an outlet for food which is old but still safe, let it be not at an equal or inflated price, as has been discovered more than once in ghetto neighborhoods, but at special, reduced rates.

JUSTICE FOR THE MAN IN UNIFORM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BIAGGI. Mr. Speaker, I would like to take this opportunity to commend my colleagues who joined with me to introduce the Military Justice Commission bill, H.R. 16816, which I introduced earlier to provide an effective and impartial mechanism for grievance appeal in the military.

Mr. Bingham, Mr. Daddario, Mr. Fraser, Mr. Gilbert, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Leggett, Mr. Lowenstein, Mr. Meeds, Mr. Moorehead, Mr. Moss, Mr. Ottinger, Mr. Podell, Mr. Vanik, and Mr. Vigorito have made a significant contribution to the cause of justice for the man in uniform.

In 1950, the Congress of the United States established the Uniform Code of Military Justice to insure the protection of individual rights and the administration of justice for the American serviceman and to prevent the possible abuse of punitive power assigned to the military forces.

Under the Uniform Code of Military Justice, a complete judicial system for U.S. servicemen is established. Within its provisions, military courts are required to function under the same basic concept underlying our Federal and State courts—to protect a person from possible infringements of constitutional rights.

This concept clearly assigns to the Armed Forces a primary responsibility; to safeguard its members from certain abuses which are expressly prohibited by the Constitution including the right to present grievances and to be protected against discriminatory treatment because of race, color, or religion.

Yet, although these safeguards and rights are seemingly guaranteed our men in uniform, the lack of an effective and fair system of grievance appeal in the Uniform Code of Military Justice makes the daily violation of these constitutional safeguards a travesty on justice.[1]

THE PRESENT GRIEVANCE SYSTEM

The inadequacy of the sole existing grievance appeal provision of the code becomes blatantly apparent upon first reading:

> Any member of the Armed Forces who believes himself wronged by his commanding officer, and who upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-marshal jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon. (Sec. 938, Title 10, U.S.C.)

While such procedure may suffice in routine cases of personnel assignments, leaves or other administrative matters, in regard to matters involving brutality, maltreatment and serious abridgment of human and constitutional rights, the section leaves much to be desired and may even present a serious roadblock to the redress of such grievances. Obviously, directing a grievance of this type, which may realistically involve a whole chain of command, to one's commanding officer smacks of one-sidedness and is somewhat devoid of the all-important element of impartiality. Such a system of appeal through the military chain of command is an affront to the due process concept extended to the American people by the Constitution. As such, experience has shown that it has failed as a legitimate and impartial avenue of complaints of wrongs for the man in uniform.

Through a series of personal investigations of military stockade conditions, tours of inspections at several bases and direct interviews with aggrieved servicemen, I have been able to verify that the abridgment of fundamental human rights for our servicemen at the hands

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[1] A civilian, upon entering the Military Service, gives up the right to a trial upon presentment and indictment of a grand jury under the Fifth Amendment; the right to bail under the Eighth Amendment; and is granted only limited free speech under the First Amendment. However, the Congress, the Military and the Court of Appeals have traditionally held that most all of the protections of the Constitution granted to civilians by the Bill of Rights should be extended to servicemen.

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of their superiors has been a serious problem in our armed services for many years.

Evidence I have been able to gather concerning cases of racial disorders, brutality, inhumane treatment and living conditions and even the loss of life occurring across our Nation, has cogently emphasized the need for an effective and impartial mechanism for the redress of serious grievances presented by our servicemen.

RACIAL DISORDER

Specifically, an outbreak of racial disorder at Camp Lejeune on July 20, 1969, an event I personally investigated, resulted in the death of a 20-year-old marine hero from Mississippi who had returned from Vietnam only to die in a racial brawl from injuries suffered after he was clubbed into unconsciousness. The fact that this young marine had been awarded three purple hearts for combat wounds inflicted by the enemy in Vietnam, highlights the irony of this unfortunate occurrence.

My inquiries revealed that between January 1 and the first week of August of that year, the camp provost marshal had received reports of 190 assaults on Camp Lejeune marines in nearby town of Jacksonville.

These complaints made by servicemen prior to the incident were virtually disregarded because both officers and enlisted men were reluctant to admit that racial problems existed at their base. Other complaints made by servicemen regarding racial friction and discrimination were found to rarely progress beyond the company level with little corrective action taken.

Had a legitimate and effective avenue of grievance appeal existed, a proper and impartial investigation of the complaints could have been made and the racial disorders at Camp Lejeune could have been avoided.

INHUMANE STOCKADE CONDITIONS

Another area in which rights of servicemen have been often abridged concerns the brutal and inhumane treatment of prisoners and servicemen. Amendment VIII of the Constitution specifically prohibits cruel and inhuman punishment of prisoners, and section 893 of the Uniform Code of Military Justice also prohibits oppression and maltreatment of military personnel by their superiors. Nevertheless, my personal investigation of stockade and living conditions, as well as training techniques in the military revealed case after case of abuse, brutality, inhumanity and racial and ethnic maltreatment of enlisted men.

Official reports from Camp Pendleton, Calif., indicate that the commanding general publicly admitted that brig guards were brutally maltreating stockade prisoners and that prisoners were living in what he termed "primitive" conditions.

My personal visits and inspections at Camp Dix revealed much the same situation in that stockade system. The unsanitary living conditions and the treatment accorded their prisoners were shocking and outright shameful.

One aspect of that investigation clearly reveals how implementation of policy can border on outright sadism. This involves the use of a prescribed disciplinary measure in which a reduction in daily food intake is instituted for days at a time as a means of punishment.

Although military regulations expressly forbid the maintenance of such "disciplinary diets" for periods longer than 2 weeks, the depositions I have on file taken directly from stockade prisoners indicate that starvation diets for prisoners in military stockades for unbelievably long periods of time are a common practice.

Consequently, these practices can only be considered clear cases of unwarranted implementation of prescribed policies in direct violation not only of military regulations but of article VIII of the Constitution.

ETHNIC MALTREATMENT

In another disturbing case medical testimony and physical evidence showed that severe ethnic maltreatment by drill instructors in the Marine Corps led to the psychological breakdown of a recruit at Parris Island. On my recommendation, charges against a drill instructor involved in this instance have been made by the Marine Corps—and it now appears that a number of similar charges had been filed against this same drill instructor in other unrelated cases.

SUSPICIOUS DEATHS

Not all of my investigations involved direct interviews and statements from victims of abuse. In one instance, my efforts to determine the actual cause of death of a young marine private, found dead under highly suspicious circumstances after he had repeatedly written home that he was being beaten and abused by his training sergeant, led me to the courts for an order to exhume his body for examination and autopsy.

Only because of the advanced state of deterioration due to poor embalming procedures, was I unable to prove conclusively that he had been the victim of physical violence. In this case as in the others, no means to confidently voice his fears to a relevant body was available to the victim.

One can readily understand that, in view of the narrowly defined provisions of the code for the presentation of grievances now available to our servicemen, instances of such serious proportions as the ones I described leave little desire to file appeals to a commanding officer under the "complaints of wrongs" section. Therefore, in my judgment, not only does the temper of our times dictate a change in military grievance procedure, but the very salvation of our military system demands the establishment of an impartial system of appeal in the military.

Armed with this mass of disturbing evidence, I introduced the Military Justice Commission bill in order to provide our servicemen with the judicial machinery for a realistic, workable, and impartial system of grievance appeal in certain specified areas.

WHAT THE MILITARY JUSTICE COMMISSION BILL DOES

Specifically, this bill would prohibit unsafe and unfit penal facilities in the military. The brutal treatment of military personnel in stockades, or any brutal treatment or mistreatment of one military member to another would be prohibited, and enforced by the Commission. Section 893 of Title 10 of the United States Code prohibiting oppression of or maltreatment to military subordinates has been largely ineffective and ineffectual in practice.

The Military Justice Commission would also determine any case which might be deemed to be a denial of the constitutional rights of American servicemen.

In effect, this bill would provide a broad, multilevel grievance system in the military for serious grievances, assuring our military personnel fair and equitable consideration of their complaints. Two pronged in its approach, the Commission would have the authority to periodically investigate military bases in order to insure compliance with the provisions of the act. This provision would protect those who, out of fear or intimidation might fail to file reports of grievances with the Commission.

THE MILITARY JUSTICE COMMISSION

The bill establishes a Military Justice Commission composed of 11 members appointed by the President, five of whom would represent each branch of the military forces, five would be appointed from the civilian judiciary, and an 11th would in turn be recommended by the Commission members for approval by the President to serve as the Commission Chairman.

The Commission would also have an investigative division under the direction of a general counsel appointed by the President. Together with a staff of experts, the general counsel would be responsible for the receipt, investigation, and preparation of all complaints and to make appropriate recommendations to the Commission for trial.

Authorized to issue cease and desist orders, the Commission would also be assigned certain defined punitive powers in those cases heard before it and determined to be inviolation of the provisions of the act.

THE U.S. COURT OF MILITARY APPEALS

The bill also calls for the creation of a U.S. Court of Military Grievance as an appellate court for the cases decided by the Commission. Comprised of three civilian judges appointed by the President, this court would hear cases automatically referred to it by the Military Justice Commission or which it would agree to review upon petition from either party to the action.

While the jurisdiction of the Commission would be carefully defined, any violations coming to its attention, found to be outside of its jurisdiction, would be referred to the appropriate judicial tribunal or agency for adjudication.

JUSTICE FOR THE MAN IN UNIFORM

Complete justice for the man in uniform is long overdue. His human and constitutional rights have too long been trampled on for want of a fair and impartial system of grievance appeal. It is strikingly obvious that while tactics and technology are constantly under revision in the military, personnel, and judicial policies have not kept pace with the de-

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velopment of human concepts. As a result, morale, pride and honor in our armed services has steadily declined.

Mr. Speaker, the military justice system I propose could help restore military service to the proud and honorable status it so rightfully deserves. However, basic to this task is the recognition of the fundamental truth that—"When we assumed the soldier we did not lay aside the citizen."

VIETNAM WAR

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FARBSTEIN. Mr. Speaker, American young men have been fighting and dying in Vietnam for over 6 years. The only tangible result of our involvement has been to prop up an unpopular military regime, which supresses the opposition press and jails democratic political opponents.

I see no purpose for our continuing to remain in Vietnam. All American troops should be removed by the end of the year. Nor should we permit ourselves to get involved in any wider conflict embarrassing Laos or Cambodia. To permit such a development, I have introduced House Joint Resolution 1103, which repeals the Gulf of Tonkin resolution, so widely interpreted as a blank check to the executive to pursue military adventure.

In this context, the board of the Emanu-El, a member agency of the Associated Young Men-Women Hebrew Association of Greater New York recently adopted a resolution calling for prompt curtailment of U.S. military involvement in South Vietnam and for a rapid acceleration of the withdrawal of all American troops from South Vietnam.

The text of the letter and resolution follows:

EMANU-EL MIDTOWN,
New York, N.Y., March 25, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I would like to draw your attention to a Resolution adopted at a recent Board meeting by the Board of Directors of the Emanu-El Midtown YM-YWHA—

Whereas, the prolonged military involvement of the United States in the war in South Viet Nam has resulted in the death of and injury to numerous Americans and in the disruption of countless American lives, and has diverted needed funds and leadership from pressing domestic needs; and

Whereas, the continuation of United States military involvement in South Viet Nam is a matter of unique and historic significance to the nation, requiring that responsible community leaders make their view on continued United States involvement known to persons in a position to effect the future course of United States action;

Now, therefore, be it resolved, that the Board of Directors of Emanu-El Midtown YM-YWHA, acting by a majority vote thereof, does hereby express its urgent desire for a prompt curtailment of the United States military involvement in South Viet Nam and for a rapid acceleration of the withdrawal of all American troops from South Viet Nam and be it

Resolved, that the President of Emanu-El Midtown YM-YWHA be, and he hereby is, authorized and directed to forward a copy of these preambles and resolutions to the President of the United States, Senators Jacob K. Javits and Charles E. Goodell, Congressmen Leonard Farbstein and Edward I. Koch, and to such other public officials as he may deem appropriate.

Sincerely yours,
ALFRED L. PLANT,
President.

DR. GEORGE A. GULLETTE

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. LOWENSTEIN. Mr. Speaker, I want to take a moment of the House's time today to mourn the death of Dr. George A. Gullette, founder and head of the department of social studies at North Carolina State University. Few men so embodied what is best of America; accordingly, few men are so deeply missed by those who knew them and are so deserving of the salute of this House. I was lucky enough to be among those who worked for and with him, and now I find myself thinking how much better this land would be if this gentle, wise and good man could have touched everyone in it.

George Gullette was the ecumenical American, diverse and compassionate, at home in the libraries, the living rooms, and the out of doors of New England, the Middle West, and the South. He was a dedicated man, but free of the little meannesses that mar so many dedicated men, and, perhaps even more remarkable, a complex and profoundly literate man incapable of guile. He bridged generations as he bridged races and regions. He pioneered in education and stood for high principle in trying circumstances, and he managed to live serene through the storms that pioneers and men of principle must weather. He loved his fellow men, his country, his profession, and his university; and he did more for each than most of us could have done for any.

Above all, he was a family man in times when families are fading, and our hearts and prayers are with his marvelous wife and their children and grandchildren during these difficult months. We can have only an inkling of the dimensions of their loss, but knowing how great ours is, we wonder at their strength in bearing theirs.

I include at this point in the RECORD the eulogy given by North Carolina State Chancellor John T. Caldwell at the memorial service for Dr. Gullette.

I am also including in the RECORD a lecture given by Dr. Gullette on January 13, 1969. It was the introductory lecture to a course in contemporary issues and a fine illustration of the wisdom, commitment, and good humor with which he sought to guide his students through these troubled times.

The material follows:

DR. GEORGE A. GULLETTE

We are here to honor George Gullette. For 60 years he trod this planet and for the last 22 years was a vital intellectual force in this university.

Present today are Mrs. Gullette and their daughter, Sarah and son, David and other members of George's family. Present are friends from the community, but the largest number are the colleagues and friends who are members of the university. Altogether the assembled company knew one facet or another of his rich personality. Husband, father, brother, son, son-in-law, teacher, scholar, thinker, friend, administrator, consultant, adviser, leader—to all these roles he brought affection, integrity, wit, humor, and faithfulness. George Gullette was not a man to come up short.

I would not presume to speak of George Gullette as a husband beyond stating the obvious, that he was devoted. But I have been given some insights into his role as a father. He was a close friend to his children, not an authority image. There was no generation gap between him and his children. He was a companion to their growth and development, and the differences were only those of greater maturity, larger perspective, and more experience. But these were not obtrusive. They were merely present to enrich the friendship.

Material things were never an end in themselves for George. Beauty and art, yes, but nothing for show. The first car in the family, a 1947 DeSoto, made more than one family trip a glorious experience. The car was only what it is supposed to be, a vehicle.

George Gullette was brought to North Carolina State University in 1947 to inaugurate and develop a program of education for engineers in the humanities. He saw that engineers and scientists were extraordinarily important people in the society and being important people would be more valuable for having been in contact with humanistic learning and experience. With Matthew Arnold, George Gullette believed that as far as possible human beings of each generation should experience intellectually "the best that has been thought and said." His own home and formal education had done this for him in abundant measure. A scholar in English, devoted to Milton, he had studied at Harvard, at Vanderbilt, and at the University of Michigan. The insights and joys, the ideals and the values he had found in the thoughts of great men he treasured for every student.

He was an old-fashioned humanist. He believed in the relevancy of tradition, of beauty, and of order. He believed in the relevancy of past struggles by mankind. But in no sense did he desire or seek to avoid the immediate problems of human life. The Contemporary Issues course was one evidence of his lively concern for the improvement of human life here and now. He was no dogmatist at all. The kind of people he brought into his program with differing ideas, varying backgrounds, different personalities all spoke to his own breadth of thinking. He pursued the notion of the unity of knowledge.

Friends and family knew him as an incorrigible punster. Joking and wit were a part of this lively man. This occasion today is not a happy one, friends, by any stretch of the imagination, but it need not be solemn. His son David relates that when his father came to visit him in Italy, the punster came forth with this choice one: "Be it ever so rubble, there's no place like Rome." His friends tolerated such creations, some better, some worse, for indeed there was no choice!

David tells me that the City of Florence had a special hold on his father. He relates that he drove his father to Florence by a sort of back road on a cloudy, gray day, but that upon reaching the Piazzala Michelangelo, the clouds broke to reveal a blue sky and that the sun came down through the rain-clean air to bathe this magnificent and elegant square in an incomparable light. His father was overcome with the magnificence and broke into tears. Here was the humanist, a student of Milton, the lover of learning and beauty, experiencing almost too much of a dream.

Well, he was a filleter of fish; he was a pro-football fan. But first a teacher, with everything else fitting into that role in his life.

Prospects for the Future—The Next 25 Years

(Lecture by Dr. George A. Gullette)

The subject I am asked to address myself to today is "Prospects for the Future—the Next Twenty-five Years." In a very real sense you who are members of this class are the ones who should be making this talk since what happens to the country and to the world in the next twenty-five years depends much more upon what you do than upon what I say. Twenty-five years from now it will be 1994 and, if the actuaries are right, I will be pushing up daisies somewhere. You, on the other hand, will be forty-six years old, at the height of your career and earning power—and a mighty good thing that will be since you will have two children in college and, unless you have been able to do something about the rising costs of education, you will need all the earning power you can get.

But while the future does indeed depend more upon you than upon me, there is something to be said for drawing on the experience of my generation when trying to discern the shape of things to come. Irvin S. Cobb, a now forgotten American writer, once said, "The trouble with the younger generation is that it hasn't read the minutes of the last meeting." Conversely, of course, you may argue that the trouble with my generation is that it gets so bogged down in the minutes of the last meeting that it neglects the business of the present one. I claim, however, a special right to speak on this subject that is not available to all members of the older generation. We in my profession have an advantage that you who briefly pass through the University must only dimly visualize. It is this: while we as individuals do indeed age according to the inexorable laws of nature, we still remain, throughout our lives, in daily contact with students of exactly the same age. I for one have been dealing with the 18-22 age group since long before you were born. I am not in the same position as your fathers who were once 21 but who can now only dimly remember what it was like. Whatever my age, I am daily reminded of what it means to be 21—and I have the additional dividend of knowing (at least from the outside) what it meant to be 21 during the Great Depression, during World War II, during the Korean War, and during Vietnam. At any rate, let us not quarrel about who should speak. I have the floor, and I hope you will let me try to put into words my sense of what is going on now, especially in your generation, and what that means for the future.

You have just lived through a momentous year, one that I predict you will look back on in 1994 as a major turning point in the affairs of this country and of the world. It was a year that saw the shocking assassinations of two of our ablest public figures, Martin Luther King, Jr. and Senator Robert F. Kennedy. It was a year that saw the President of the United States in effect step down from office, largely, I think, because we made him a scapegoat for one of the unhappiest wars in our history. It was a year in which we were treated to the unedifying spectacle of Mayor Daley's police beating up young people who had gathered to protest what they regarded as a rigged political convention. But it was also a year that saw Vietnam peace talks get under way, however slowly; it was a year of American triumphs in the Olympic Games, and it was a year that ended with three Americans calmly orbiting the moon, a feat that would have been unthinkable a generation ago.

But I predict that from your vantage point twenty-five years hence, you will look back on 1968 for a reason much less spectacular but much more profound than any of these. Put briefly, I think you will look back upon it as the year in which Americans, and notably your generation of Americans, began to reassert control over their own destinies. Let me be specific: In this course we have for years had to combat a general student apathy based upon the usually unspoken conviction that our institutions, both public and private, have grown so large and so remote that no individual citizen can have any influence upon them. Sure we got problems, the attitude has been, but what can I do about them? And if I can't do anything about them, it doesn't make sense for me to study them or worry my head about them.

Before indicating what I think has happened to change this attitude, let me make clear that the attitude was not confined to the young but was shared by most of the rest of us. You will have learned from your reading in this course that one of the toughest obstacles to progress in the ghetto is the sense of alienation in its dwellers, the sense that they are outside looking in, and that there isn't much they can do about it. The result has traditionally been a kind of apathy, a kind of fatalistic acceptance of their condition in life as inevitable. And if you were not only poor, but black to boot, things were pretty hopeless. Your destiny was in someone else's hands, and you were powerless to control it.

Incidentally, this sense of hopelessness was what led in the old South to the "Yassah, Massah!" kind of Negro, now called an Uncle Tom, and to a style of life so relaxed and devil-may-care that it lent encouragement to the white stereotype of the Negro—and by extension all of the poor—as lazy and irresponsible. If they were underprivileged, as they undoubtedly were, it was obviously their own fault. If they became the serfs of the South, as of course they did, it was because they deserved no better. To entertain any other notion—to suggest that perhaps the cards were stacked against them—was not merely to violate our comforting belief that they really were inferior but to challenge the even more precious conviction that we ourselves were what we were because we are basically superior. If the cards were stacked against them, it follows that they were stacked in favor of us, and this hypothesis few WASPS could tolerate.

But I have still another example to add to that of the young and the blacks, of groups who have been bullied into a disillusioning acceptance of the drab inevitability of their role in society: the predominantly white, well-to-do, middle-class suburbanites. Since the end of World War II, they had fled the terror and the taxes of the central city and sought the good life for themselves and their children in the split-level mediocrity of mass-produced Levittowns. Unlike their black brethren who swarmed to fill the vacuum in the city that their departure had created, they were not overtly oppressed, but they soon found a servitude almost as bad—they were bored to death! And so were their children and their wives. Juvenile delinquency rates shot up not only in the crowded ghettos but in the supposedly secure and well-heeled suburbs. And like the young and the black, the suburbanite felt that forces over which he had no control were closing in on him. Inadequate rapid transit and crowded freeways impeded his movement to and from his office in the smog-filled city. I visit occasionally a former colleague who taught in this department for some ten years before being wooed away to the bright lights of New York. He commutes daily from his beautiful but overpriced home in Westport, Connecticut, to his office on Fifth Avenue. He leaves his house at 7:45 in the morning and does not return until about a quarter of seven in the evening. He spends a minimum of three hours each day just getting to and from work. And he too feels that the conditions of his life are in someone else's control. He has no options: he either takes the dirty, noisy, crowded New Haven and Hartford commuter train every day or he is out of work. He makes more money than he did when he taught here with us in Raleigh; but he needs it. He spends as much each year on transportation alone as it used to cost him for State of North Carolina income taxes.

Well, I have cited three groups in our society—the young, the black, and the suburbanites—who have not only found that the good life in our affluent society has somehow eluded them but share a sense of helplessness, who feel that vague impersonal forces beyond their control shape their destinies and determine their circumstances.

But I have said that in 1968 I saw signs of change, signs that all of these groups were beginning to assert their rights to human dignity and self-determination. I think you will agree that credit must go to the Negro—and long before 1968—for starting it. First in the courts, then on the streets, mostly peacefully but sometimes violently, he has been declaring that he too is an American citizen entitled to all the rights and privileges thereunto appertaining. Some day, in your slippered old age, you will be able to tell your grandchildren what it was like to live through one of the greatest social revolutions in the history of man.

The suburbanite, too, is showing signs of rebellion. In times of trouble, everyone wants a change. In the last election, most Americans voted for Nixon, not, I think, because they believed he was another Jefferson or Lincoln, but because they wanted a change, and he represented the best practical chance they could see to get one. Many others, especially in this part of the country, voted for George Wallace, who represented a change toward the past rather than the future. But the most surprising development of the year, for my money, was the support given to Eugene McCarthy by the suburbs. They represented the backbone of his voter strength.

An this brings me to you and to this generation of college students. It was you and young people like you throughout the country who dramatized for us the fact that seemingly distant and impersonal forces are indeed human and subject to human pressures. A year ago this time Johnson and the military-industrial complex seemed firmly in the saddle, yet by March 31st he was announcing that he would not seek renomination. What happened? I can tell you one of the things that happened. A former member of this department, Allard K. Lowenstein, persuaded Senator Eugene McCarthy to run for the Democratic nomination for the Presidency. The first big test came in the New Hampshire primary. Mr. Lowenstein and the other youthful amateurs who staffed the McCarthy drive appealed to college students to come to New Hampshire to help. They not only came but they came in such numbers that at the height of the campaign state highway patrolmen were turning back busload after busload of them at the state border because the McCarthy organization was unable to accommodate any more of them. So successful were these young college students that McCarthy won the primary handily and upset virtually all the political forecasters in the country. Since one of McCarthy's chief appeals lay in his direct challenge to the Administration's Vietnam policies, most ob-

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servers agree that the New Hampshire victory was instrumental in persuading Johnson not to seek renomination himself but instead to devote his full energies to the task of finding an honorable, peaceful settlement.

Several things about this display of youthful energy and enthusiasm should be noted. First of all, the action was taken within the established political framework. This was not a third-party protest movement, but an attempt to seize, through the ballot box, control of the party then in power. These were not the Yippies or the extremist demonstrators but middle-class students from the best and most expensive Eastern colleges. Those of them who had grown beards made, in New Hampshire, the ultimate sacrifice: they shaved them off, in order to compromise their appeal to an essentially conservative electorate. Greater love hath no man . . .

Many of you here undoubtedly disagree with the stand on Vietnam taken by McCarthy and these students, and many people, on second thought, have begun to wonder out loud whether McCarthy would not have been a disaster as President. But this is beside the point, at least for our purpose here today. The point is that these college students of your generation demonstrated, not only in New Hampshire but later in Wisconsin, Indiana, Oregon, and California that the political institutions of this country are not so distant and impersonal as to be impregnable. Sure, the students lost in the end, with a powerful assist from the Daley machine in Chicago; but they learned that young people can organize and exert tremendous pressures upon the centers of power in this country. This is a lesson they will not forget, and I predict that you will hear from them again.

Do you realize that at this very moment over half the population of this country is under 25? Whatever else may be said of the generation gap, you of the younger generation have the rest of us outnumbered, and in a democracy that in the long run will be decisive.

But what I have said so far about young people beginning to reassert control over their own destinies is but a prologue to the major matters I want to discuss with you today, and that is the student unrest in our colleges and universities. No one on this campus has as yet seized Holladay Hall or smashed the IBM machine that provides you with those lovely schedules. To tell you the truth, I don't even know where the thing is—and if I did, I wouldn't tell you! But regardless of what has or has not happened here, your generation of college students has made itself heard on campuses from Columbia to Berkeley, from Wisconsin to San Francisco State. Let me remind you, as we begin to ask what is behind it all, what it is that students are demanding, that strangely similar riots and demonstrations have occurred at the University of Paris, the University of Rome, the University of Warsaw, and believe it or not, the University of Moscow. The unrest, then, appears to be world-wide, and this should make you pause before asserting that it is the draft, or the Pentagon, or Dow Chemical, or Vietnam in general that is at the root of it all.

Well, what is it all about then? There are countless local and surface issues, of course. Howard University in Washington is predominantly black, and when I visited there last year I was told that the president and the dean had been hanged in effigy at least once a week since the beginning of school in the Fall. Both the president and the dean were black, so obviously there were more local and personal matters involved than race. Later, buildings were seized and there was some rough stuff, ostensibly about ROTC requirements, but I gathered while I was there that the real gripe was about the draft, which, like the rest of Whitey's institutions, they felt discriminated against them. It was not only at Howard, however, that there appeared to be racial overtones to the rioting. Race was involved in most of the riots at predominately white institutions, notably Columbia, Berkeley, and San Francisco State. But this was clearly not an issue at Paris or Rome or Warsaw; so I have concluded that while racial tension has indeed been a major element in American demonstrations, it is not the fundamental matter.

There have been many other surface issues, more or less important depending on local circumstances. These have ranged from curfew hours for coeds to cafeterias and curricula. In our own university I suppose the speaker-ban law came as close as anything to causing serious confrontation, and I expect that it was only the fact that the university administration was on the same side as the students that prevented campus rioting.

As I try to sift out for myself the gut issues, they seem to me more and more to center around student demands for more control over their own lives, their own education, their own destinies. Whether it is a demand for a greater part in curriculum planning, selection of faculty, or admissions policy, the note they sound in common seems to me the same: We don't want to be pushed around! We want to have a hand in determining our own futures.

If I am right about this, it involves something deeper and more fundamental than the traditional struggle of youth for independent manhood. The slogan "Trust no one over 30" strikes deeper than the usual youth-versus-age debate. It represents, I think, a repudiation of the whole value system associated (rightly or wrongly) with the older generation. And this means the antihumane, buck-loving, materialistic world we have given you.

Your generation, if I dig you right, seems to be saying to mine that you take seriously our pious protestations of idealism—our belief in human dignity, our belief in humane values such as compassion and understanding, our longing for peace and an end of fear in the world. But, you say, it's all talk. We talk human dignity, but give you racism. We talk compassion and understanding, but won't even feed the children in our own country in the midst of prosperity. We talk peace and give you war. And so you conclude that we are hypocrites and that it is time for you to start forcing us to put our money where our mouths are. This is the message I get from the student revolts, and if this is indeed what you are trying to say I can only tell you that I am mighty proud of you and I wish you well.

Let me tell you though that if you are indeed seeking goals something like those I have outlined, you have your work cut out for you. Men of good will have been seeking peace for thousands of years, but have found it only fleetingly. Moreover, in seeking peace you must grapple with problems man has never before faced. You must find peace in a time when science and technology have provided us with weapons of total destruction. You must seek understanding in a world where modern medicine has so lowered the death rate that the population is growing by a million and a half human beings every week. You must find common cause with members of your generation in Paris and Rome and Moscow and Peking and Mexico City and Havana at a time when jealous nationalism is stronger than it has ever been. You must face the brute fact that the gap between the rich nations and the poor nations is not narrowing but widening at a frightening rate. It is science and technology that are responsible for this growing chasm between the haves and the have nots, both in the world at large and here at home. Can you devise ways to insure that science and technology are used to reverse the process, that they are used to narrow the gap, not widen it?

I hope so. You are beginning to learn that giant institutions like government and business and education can indeed be forced to change direction. They are not monsters with lives of their own; they are man-made institutions run by fallible men no better and no worse than yourselves. But if the experience of your generation is like the experience of mine you will find that changing giant institutions, however formidable the task may seem at first, is child's play compared to the task of changing men's minds. You have seen in your brief lifetimes that we can change the laws regarding race and change the patterns of education; but to change the inbred racism that is in men's minds is another matter. That will take time, and the facts of life will compel your generation, as they compelled mine, to temper your idealism and your enthusiasm with patience. At least a part of the glaring discrepancy between the talk and the accomplishment of my generation is accounted for by the slowness with which men, even men of good will, alter their most deeply held beliefs.

Let me conclude by making my safest prediction of the day about the future: Within the next ten years most of you in this room will be over thirty, and the younger generation will not trust you either. So if you have anything important to say or do, take it from one of the older generation: you'd better get at it in a hurry. You will be reading your own minutes of the last meeting before you know it.

RAILROAD UNION UNANIMITY?

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. PETTIS. Mr. Speaker, since I have stated elsewhere in the RECORD my opposition to House Joint Resolution 1124, which was passed here yesterday on a voice vote, the purpose of these remarks is to express my puzzlement and wonder over some elements of the discussion that preceded the action. I am referring particularly to the statements I heard about the alleged general unanimity of the involved labor unions in the memorandum of understanding promulgated last December between those unions and railroad management.

The point was made that the machinists, electricians, and boilermakers supported the agreement, with only the sheet metal workers dissenting. The inference, of course, was that the latter group was the dog in the manger, standing alone against the other three union organizations and resisting an orderly settlement of their mutual problem.

The reason this insinuation provokes me is that while I listened to such statements uttered here, I held in my pocket a joint resolution from the members of all four unions in Barstow, Calif., expressing their united stand against the proposed compulsory arbitration making the terms of the December agreement final. The representatives of these same four unions in other areas of my 33d Congressional District stated their concurrence with the language of the resolution, the text of which follows the conclusion of my remarks for the review of our colleagues.

It is neither my desire nor intention to stand between the membership of these labor unions and their leadership here, but I do detect an apparent lack of

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communications which we also saw evidence of recently in another labor dispute with national ramifications. I am, therefore, forced to wonder who we should listen to when matters of this nature come before us.

The text of the resolution follows:

RESOLUTION

Subject: Railroad Shop Crafts wage and rules dispute 1969–1970

Whereas; The shop crafts representing National organizations have been engaged in 16 months of fruitless negotiations, and

Whereas; Congress intervened in the dispute freezing shopmen to their jobs for another 37 days,

Whereas; the Nations Railroads are demanding that Congress pass a Compulsory Arbitration law to make the terms of the December 4, 1969 tentative agreement final,

Whereas; the Incidental work rule as stated in this agreement is but an underhanded attempt by the Railroads to make composite mechanics of its shop craft employees,

Whereas; the application of this Incidental work rule will in time cause the eventual elimination of many of our craftsmen,

Whereas; there are presently some 90 individual Railroads with an Incidental work rule clause in their respective agreements allowing incidental work at intermediate points, but not at running maintainance shops where each craft is represented,

Therefore be it resolved that the undersigned Local Labor organizations wish to settle their own dispute without Government intervention, Grant us the right of free Americans, to strike the Railroads as now exercised by other workers in the transportation industry in the United States. The right to strike will settle the dispute in very short order.

Verbatim of existing Incidental work rule agreement between the Atchison, Topeka & Santa Fe Railway Company and System Federation No. 97.

WORK INCIDENTAL TO RUNNING REPAIRS—RULE 49

(a) On running repairs, Mechanics or Apprentices of any craft, may, in emergency, perform such operations as disconnecting or connecting wiring, coupling or pipe connections when done in connection with the performance of their own work.

(b) Nothing in this agreement shall be construed to prevent stationary engineers and firemen or engineers, firemen and operators of roadway equipment and machines, pumpers or coal chute employees from making minor repairs to equipment they operate incidental to the continuous operation of stationary powerplants, roadway equipment, pumping equipment or coal chute machinery.

Memo No. 1: The word "emergency" as used in this rule is not to be construed to cover such work as is performed in shops or enginehouse or on repair tracks, but refers to "emergencies" that exist at wrecks or intermediate points where engines or cars are passing through, or on outgoing tracks or at terminals to avoid delay.

ACTION ON THE DRUG CRISIS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. McCARTHY. Mr. Speaker, recently I have commented on the grave drug crisis which is affecting New York City, New York State, and a number of the other communities throughout our Nation. I pointed out that the deaths and the illnesses connected with the use of drugs often is as great as that of a national calamity, such as a hurricane or flood. I have urged both President Nixon and Governor Rockefeller to declare New York City a disaster area under the provisions of the Federal Disaster Act. If this action is taken, additional Federal funds would be available on an immediate basis for use in detecting, apprehending, and treating drug addicts. Only the Federal Government has the financial resources that can be made immediately available for this purpose. It is now up to Governor Rockefeller to take the necessary steps to request this aid.

I also suggested a number of other steps that the Federal Government could take to stop the flow of dangerous hard drugs into our country. One of these measures concerns the Department of State and the actions it can take to insure that the sources of hard drugs in other countries are shut down.

I was pleased to see in a speech by Under Secretary Elliot Richardson on April 2 that the Department of State is launching a special effort along those lines. Secretary Richardson has indicated that it will increase the number of officers working on narcotics problems in other countries in the very near future. Thirty-six new officers will be permanently assigned abroad to join those already there. These officers will work in a liaison capacity to stimulate activity at all levels in the country to which they are assigned. They will not just be inspectors. This is a good step. I hope that the Department of State will follow up this move with the strongest diplomatic representations in countries such as Turkey, Switzerland, France, and Mexico, to insure that illegal drugs do not move from these countries to the United States. I am including the text of Secretary Richardson's remarks in the RECORD for the information of my colleagues.

As I have pointed out before there is a dearth of information about the nature of drugs. The statistics that are used are not reliable. Therefore, any good surveys are particularly useful. A recent article in the New York Times commented on the extent of the drug problem in Great Britain. The article also pointed up the dangers connected with the use of barbiturates as a depressant or stimulant. I am including this article for the RECORD as well as an article on British attitudes toward the use of marihuana and hashish that appeared in the Boston Globe. I believe they will throw additional light on the complex and threatening drug crisis that we face.

The material referred to, follows:

ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, TO THE PHILADELPHIA BAR ASSOCIATION, APRIL 2, 1970

It is an honor to appear before this venerable association of lawyers. The subject I want to discuss today is legal, but also medical, diplomatic, sociological and a lot of other things as well—the campaign that has been launched by the United States Government to reverse mounting drug abuse.

This high priority campaign has three major aspects—those focusing on treatment, education and rehabilitation, those centering on law enforcement, and those having to do with interdiction of the illicit supply.

My previous experience as U.S. Attorney and Attorney General of Massachusetts bore largely on the first two aspects. My current responsibilities fall in the third area. Since the most potent and worrisome drugs originate beyond our borders, our intensified efforts to halt the illicit supply depend heavily on international cooperation and diplomacy. The Department of State is playing a crucial if little known part in this side of the overall effort. I hope to illuminate today what we have done and what we hope to do.

The mushrooming illicit use of drugs is not difficult to document. In the last decade the abuse of drugs has, in President Nixon's words, "grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans."

New York City alone is thought to have over 100,000 heroin addicts. Between 1965 and 1968 world-wide heroin seizures increased by over 300 percent, with North America leading.[1]

Two other factors help to explain our current intense concern about drugs. One is that the use of drugs is now less localized. Mainlining heroin, to use a grim pun appropriate to this city, has come to the Main Line. In many respects we are now paying the price for our earlier neglect of the problem. One of the most alarming aspects of the spread of hard drugs among the young is the high rate of contagion. Since young people have little money and usually lead a superficially "straight" life, their easiest means of paying for drugs is by selling some to their friends.

The second reason for our present concern is the interconnection between drug use and the rise in crime. The closeness of the relationship is starkly illustrated by the fact that in 1968, according to estimates made by the Bureau of Narcotics and Dangerous Drugs, addicts[2] stole or criminally acquired $1.5 billion in money and goods to feed their habit.

As I have already suggested, a successful campaign against drugs must couple treatment with law enforcement. It must cope with the drug user as well as the drug itself. As John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, puts it, "To talk only in terms of eliminating the illicit drug supply is . . . a shortsighted approach. What we need is a concomitant long-range program that will eliminate the demand."

This is something we realized during the time I was Attorney General of Massachusetts. In order to cope with both sides of the problem we developed one of the first programs in the nation which supplemented tough enforcement with measures emphasizing prevention, treatment and rehabilitation.

Because the nature and causes of addiction, methods of treatment, and so on, while vitally important, are somewhat apart from my central theme today, I shall not now address myself to them in detail. Before passing over them entirely, however, let me just make some very brief comments.

In his *The Doors of Perception* Aldous Huxley, perhaps this era's most eminent user of drugs, wrote "That humanity at large will ever be able to dispense with Artificial Paradises seems very unlikely." While this proposition may be arguable philosophy, the temptation to retreat from reality will doubtless always be great for those whose lives are dreary, or painful, or squalid, or who cannot cope. There will always be those who, disliking the way society is organized, seek a simple exit. In times of frenetic change,

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Footnotes at end of speech.

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turmoil and social strain such as this country is passing through, the number of people who seek any means to escape from stress will, of course, be that much larger.

But I cannot be sure that we ourselves have not compounded the problem. In many respects we have failed to communicate with our sons and daughters, and in others we have communicated perhaps too well. For example, by age ten the average child has already watched countless hours of television and has been told innumerable times that he need not suffer the effects of headaches, tension, colds, be overweight or underweight, or fall asleep or stay awake when he does not want to—he has only to "take a pill."

Not only are potentially dangerous drugs of all kinds taken too casually, far too much is spoken far too glibly and unknowingly about them. There is talk, for example, about the "harmlessness" of marijuana, even though relatively little is actually known about its properties.[3] Such research as has been done presents contradictory conclusions, but most recent evidence points to serious permanent effects from prolonged use—disruptions of memory, disturbances of speech patterns and acute toxic reactions. Although the debate about whether marijuana users are or are not inclined to move on to more dangerous drugs is still inconclusive, I have a hard time accepting any proposition which concludes that we should condone the spread of a drug about which we know so little.

At the same time, this Administration fully realizes that present marijuana laws are too harsh and therefore counterproductive. We have moved to make them a more realistic deterrent by reducing the penalty for a first offense from a felony to a misdeameanor.

While we are deeply concerned with all drugs, we are particularly troubled by the spread of the killer drug, heroin. There is really no such thing as an ex-heroin addict. Hardly anyone ever successfully gets "off" heroin, at least not unless he is kept in a highly controlled environment.

Two controversial treatments, the so-called "British system", which involves maintenance doses of the drug, and methadone, which is being experimentally used as a heroin substitute (and which is in itself addicting), are both subject to misuse, and are at best only stop-gap measures, hardly cures. The "British system" has been abused by unscrupulous doctors who sell excessive heroin prescriptions to addicts who then resell them. With rates of addiction rising sharply, the British government just last month asked Parliament for broad new powers to control narcotics. Methadone at least allows the persons in question to lead useful lives. But it is sobering to recall that heroin itself was first developed as a means of getting people off morphine. There have already been some deaths from an overdose of methadone.

In order to better coordinate and push forward the various elements of our fight on narcotics[4] having foreign relations implications, Secretary Rogers last year appointed a senior Foreign Service Officer as his Special Assistant for Narcotic Matters. In addition to overseeing the Department's own narcotics efforts, the Special Assistant acts as chairman of an interdepartmental group which helps to formulate government-wide policies and plans in this field.

This Administration has strengthened and intensified programs of cooperation on narcotics with foreign governments and international organizations in three separate areas. One of these is the common effort to control trafficking and smuggling. It is an effort made more difficult by the fact that sizable quantities of opium and cocaine are grown for medicinal and other legitimate purposes, and thus can find their way into illegal channels at many points.[5]

In a day when millions of persons cross our borders annually and in which cargo traffic is gargantuan, attempts to prevent smuggling face fantastic problems. I am told, for instance, that there are about 30,000 places on a cargo ship where a package of heroin could be hidden. The relative handful of customs and narcotics agents available for the task (the Bureau of Narcotics and Dangerous Drugs has 850 agents) can obviously not hope to do more than make random checks, and so must rely on tips and undercover work. This, in turn, requires agents who are willing to go underground, sometimes for years at a time, and such men are hard to recruit.

The interdiction of heroin presents a different kind of problem from the interdiction of marijuana. Because marijuana has far more numerous sources of supply and because values and profits are much smaller, smuggling is largely in the hands of amateurs and small time operators. Organized crime does not thrive in a competitive climate. Its operations require a closed, monopolistic situation in which the toughest elements force out competitors by intimidation, or, if necessary, by murder.

Heroin affords exactly the right circumstances. It is almost entirely controlled by highly organized syndicates linked to others in Europe, principally in the south of France. Profits all down the line are astronomical. One kilogram (2.2 lbs.) of morphine base[6] is worth about $350 in Turkey. After conversion into heroin in France it is worth ten times that much. By the time it reaches New York it is worth $25,000, and by the time it is diluted and reaches the pusher in the street it retails for a quarter of a million dollars.

I am pleased to announce today that the U.S. narcotics enforcement staff in overseas assignments is being more than doubled. Thirty-six new officers of the Bureau of Narcotics and Dangerous Drugs will be permanently assigned abroad to join thirty-four already there. The new officers will be assigned to twenty missions in 17 countries. This deployment represents a major addition to the international effort to control the illegal traffic in narcotics. This is the only substantive increase in U.S. personnel overseas that has been announced since this Administration took office. It comes at a time when personnel in almost all other activities are being cut back by at least ten percent, and thus doubly underlines the extreme importance we attach to the narcotics enforcement program.

These new men, like all other officers of the Bureau of Narcotics and Dangerous Drugs, stationed overseas will work very closely in all matters of surveillance, interception, and arrest in narcotics smuggling cases with the International Criminal Police Organization (Interpol) which provides a world-wide communications network centered in Paris. Narcotics officers stationed overseas also, of course, maintain very close relations with the police organizations of the host country.

Increased trafficking in drugs has heightened—and made more difficult—another part of our international responsibility—our obligation to help American citizens who get into difficulties abroad. Many young Americans especially are under the grave misapprehension that they can leave what they consider to be this "restrictive" society and go to more "permissive" ones where they can use drugs to their hearts' content. Actually, most foreign countries have extremely harsh drug laws. Mere possession of drugs, including marijuana, is often punishable by long prison sentences. In recent months, many countries, afraid that their own youth are being contaminated by outsiders, have been cracking down especially hard on foreigners caught with drugs. And, again contrary to the belief of many American young people travelling abroad, there is very little the United States can do to help them if they are so caught.

Significant new initiatives have also been taken in the second broad area of cooperation—the effort to eliminate illegal processing facilities. The difficulties that confront the prevention of smuggling make this activity all the more important.

Most opium grows in the Middle East, is converted to heroin in small, mobile laboratories in Southern France. All that is required is water, electricity, some standard chemical substances and paraphernalia, and a bit of know-how. Laboratories are usually temporarily located in empty buildings or warehouses, often near wine bottling facilities so that the characteristic odor is masked. From there the heroin is shipped to the United States.

As heroin addiction has spread in France itself, the French government has become more aggressive in its efforts to eliminate clandestine laboratories. Under our urging and with our cooperation it has recently increased the size of its specialized national police narcotic units and intensified other police crackdowns. The United States appreciates these efforts, and we hope that with the continued determination of its government France will in the foreseeable future be virtually eliminated as a nexus for heroin refining and shipping activities.

The third area of intensified diplomatic activity is perhaps the most significant—and the most promising—of all. This is our greatly stepped up drive, using both bilateral and multilateral channels, to encourage producer nations to eliminate or more closely control cultivation.

International restraints on the cultivation and export of narcotic substances are governed by the "Single Convention on Narcotic Drugs, 1961" which pulled together a variety of previous treaties dating back to 1912. Two independent international organizations affiliated with the United Nations, the Commission on Narcotic Drugs and the International Narcotics Control Board, both located in Geneva, oversee its provisions.

Even with the international system of controls, overproduction is estimated to provide at least 1,200 tons of raw opium a year for illicit use. The magnitude of this volume becomes apparent when it is compared to the 800 tons which it is estimated is all that is required for the world's total legal requirements.

Some opium producing nations, notably India—which is by far the largest grower of all—and the Soviet Union, have extremely stringent controls, so that almost no excess filters into illegal channels and what does is used up domestically. Others are a good deal less effective in their controls. Iran tried to set an example in 1955 when, at the cost of losses in its foreign exchange, it unilaterally stopped all opium production. Last year, despite the urging of other nations, it resumed because it was unable to stop illicit traffic from neighboring states, a traffic which continues even though Iran has put not a few smugglers before firing squads. Iran states that it will again terminate all production if its neighbors do likewise.

Perhaps our greatest success so far in our bilateral efforts has been with Mexico, which has significantly increased the intensity of its eradication program. Despite tremendous problems of terrain, the Mexican army and Mexican law enforcement agencies destroyed large quantities of marijuana and opium poppies in their most recent campaign. Since last fall U.S. authorities, working closely with their Mexican counterparts in a program called "Operation Cooperation", have also been conducting intensive surveillance at the border. As a result of these combined activities, the flow of illicit opium and marijuana has been markedly reduced.

Footnotes at end of speech.

An additional step forward in this combined effort came last month when the Attorneys General of our two countries agreed on further means of cooperation between enforcement officials. To aid in this concentrated program of eradication the United States will provide Mexico with approximately $1 million for the procurement of additional helicopters, light "spotting" planes, remote sensing equipment, and chemicals for use in the destruction of poppy and marijuana fields.

Mexico accounts for only about 15 percent of the roughly three tons of heroin entering the U.S. annually. The Bureau of Narcotics and Dangerous Drugs estimates that 80 percent originates in Turkey.[7] That is why Turkey has figured so prominently in our diplomatic activities on narcotics. We have been very actively working with Turkey in its efforts to crack down on the illicit diversion of poppy production.

The elimination of opium production is more of a political than an economic problem for the Turkish government. Legal exports of opium earned it only $1.7 million in foreign exchange in 1967, or only one-third of one percent of all its export earnings. The total income to the Turkish economy, including exports, international distribution, and poppy seeds, is believed not to exceed $5 million.

Its marginal economic importance notwithstanding, halting illicit traffic presents the Turkish government with major practical problems, for growing and selling opium is individually important to many small farmers. The latter, who also use poppy seeds for flavoring, animal feed and to produce cooking oil, get $17 for a ton sold legally and $40 when sold illegally. They have been growing it for centuries, are only dimly aware of its harmfulness, and see no particular reason to stop growing it now. The governing Justice Party, moreover, has often been accused by opposition elements of being pro-American. Since Turkey has no addiction problem of its own to speak of, any crackdown wins the government little domestic support, makes it vulnerable to the heckling of the opposition, and alienates the peasants who form the backbone of its own constituency.

Despite these serious domestic problems, the Turkish government has resolutely moved ahead to reduce the provinces in which cultivation is allowed. Three years ago the United States provided the Turkish government with a $3 million loan through the Agency for International Development to encourage Turkish farmers to switch to other crops and to equip and reorganize its narcotic control forces. Production has since been reduced from 18 provinces to 9. Although pleased with this progress, we are continuing to explore with the Turks means by which all remaining illicit production can be quickly eliminated.

All three areas of cooperation I have described are now beginning to show results. We have made processing and producing nations aware of the terror drugs have brought to our society. We have stressed that what has happened here can happen to them.

Diplomacy is, of course, more than a means of maintaining cordial relations. It is a means of achieving national objectives. In the case of narcotics I believe we have successfully employed it to transmit our sense of urgency to these nations so that, even though their own immediate interest in tighter measures of control is a good deal less acute than our own, they are moving ahead with encouraging speed.

Additional measures may be required to complement these diplomatic initiatives. We are discussing, for example, means by which pharmaceutical firms can contribute to international control measures. Even if Mexico and Turkey become totally successful in their opium control activities, illicit growth in other countries, we are aware, may be stepped up. The lure of profits is so great and the ingenuity of the underworld so large that every available means to develop new sources would undoubtedly be taken. Such sources, particularly those in the Far East, might be even more difficult to control.

While this threat cannot be overlooked in our long range planning, the elimination of current sources would place extreme strain on illegal suppliers. Enforcement officials believe that even a relatively short hiatus in the availability of heroin would drastically increase prices. More important, it would force criminal traffickers to take greater risks and thus facilitate enforcement efforts.

No program to control drugs can hope to be ultimately successful unless it can also cope with the demand. The difficulties inherent in controlling for very long the worldwide supply of a product wanted so desperately by some people that they are willing to do anything to get it makes this sad fact very evident. The unavailability of one drug, furthermore, will drive users to others, especially as synthetics become more available. That is why, as I stressed earlier, this Administration is coupling its efforts to eliminate the illegal supply with renewed efforts to promote education, rehabilitation, and research.

"Oh, just, subtle, and mighty opium," wrote Thomas De Quincey in his famed *Confessions of an English Opium-Eater,* "thou hast the keys of Paradise."

But they are most imperfect keys, to a bogus and fleeting paradise, purchased at a terrible cost. They must be taken away, with great compassion for the sick and wretched victim, but with no compassion at all for those who cynically profiteer by exploiting him.

FOOTNOTES

[1] A caveat: Because they deal with clandestine activities, all statistics in this field must be used with a good deal of caution. Estimates from even the most knowledgeable sources vary widely.

[2] Correctly used, the word "addict" applies only to someone addicted to a drug which causes physical dependency, i.e., the opium derivatives, barbiturates, and certain synthetics. Cocaine, marijuana, the amphetamines, and LSD do not fall in this category.

[3] An impediment to study on the subject is that the strength of marijuana varies hugely, so that the differences in the intensity of an equivalent amount can vary far more than the intake of a glass of 3.2 beer and a glass of straight 100 proof bourbon. The active ingredient in U.S. grown marijuana varies from about .05% to 1.5%; Mexican marijuana ranges from 2% to 4%.

[4] The term narcotic is subject to some confusion since its legal and medical meanings are different. Medically, narcotic refers to opium derivatives such as heroin, morphine, paregoric and codeine, as well as certain synthetics such as demerol. Cocaine and marijuana are legally but not chemically classified as narcotics. In deference to this audience, I use the word today in its broader legal sense.

[5] Although heroin, the most concentrated form of opium, is not legally available in this country, or in most other countries, morphine, codeine, paregoric and other opium derivatives have wide medical application. Marijuana and hashish have no legitimate uses, medicinal or otherwise, and are illegal virtually everywhere. Cocaine, which is derived from the South American *coco* bush, not from the cocao plant as is sometimes thought, and which was once widely used as a local anesthetic, is being increasingly replaced by newer, less toxic drugs. An estimated 13,000 tons of coca leaves are produced annually, despite the fact that less than 2% of that amount is required for medical purposes or flavoring extract.

[6] This intermediate product, which is 1/15 the original weight and volume of raw opium, is produced by simple portable "stills," usually close to the growing area.

[7] The balance comes from the Far East.

[From the New York Times, Mar. 30, 1970]

BRITAIN CURBING LEGAL-HEROIN SYSTEM

(By Richard Severo)

LONDON.—The long-standing British practice of giving free and legal heroin to addicts, which has been suggested in New York recently as a solution to that city's massive narcotics problem, is being sharply reduced and may be abandoned in its present form as unworkable.

No formal announcement of policy change has been made by the Home Office, but the last year or so, it is estimated that half the number of physicians licensed to prescribe heroin in Government clinics have either cut back sharply on doses or have stopped such prescribing entirely. Of the 3,000 known drug addicts in England, perhaps 2,500 take heroin. Three-quarters of the addicts live in the London area.

The British system has been closely watched since it began in the nineteen-twenties. Observers in Europe and America for years have felt that the British were able by simply being sensible and humane, to control a problem in a way that law enforcement was never able to.

Drug abuse is increasing in many countries, so The New York Times studied the British system for more than a month to see if it was, in fact, living up to its image. The evidence strongly suggests that it is not.

Although the problem in Britain is tiny compared to that in New York City, which has 100,000 addicts, the inability of British experts to solve the drug problem here has serious implications on both sides of the Atlantic.

The disturbing truth, according to the Home Office, is that only 94 heroin addicts were known to the Government 10 years ago. But between 1960 and 1967, the number of recorded new addicts doubled every 16 months. The addicts came from the poor, the middle-class and the rich; from the working class and the leisure class; from the unschooled and the well educated; from London and Manchester and Edinburgh and Dublin and even the so-called new towns that were supposed to have abolished big-city ills.

MORE TEEN-AGERS INVOLVED

As in America, more and more recruits to the drug subculture have been teen-agers. The proportion of addicts known to the Home Office under the age of 20 went up from less than 1 per cent in 1960 to 38 per cent in 1966, the last year for which figures are available.

In short, the British system—which was never really a system at all, but a series of social and medical responses to increasing drug abuse—is now groping and confused.

The morphine users, that the British treated so successfully in the nineteen-thirties have given way to the heroin addicts of the nineteen-sixties, younger people who abused the system that tried to treat them with a maximum of medical expertise and a minimum of moralizing about self-indulgence.

Dr. Peter Chapple, an authority on addiction who operates a private clinic for addicts in London, said, "The British system is now in total disarray. We must qualify our treatment not in terms of the gratification of the addict."

Dr. I. Pierce James, medical officer of Brixton Prison and a researcher into the past and present of the drug phenomenon here and abroad, contended that "the British sys-

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tem . . . which for decades had worked so well as to become the envy of other countries, became responsible for the heroin epidemic of the early nineteen-sixties."

NEW YORK PROPOSALS

In New York, there have been several proposals in recent months to institute the legal dispensing of heroin as a way to cope with the crime and violence associated with drug addiction. Among the proponents are Paul O'Dwyer, a candidate for the Democratic nomination for the United States Senate; Howard J. Samuels, a candidate for the Democratic nomination for Governor; Representative Bertram L. Podell, Democrat of Brooklyn, and Assemblyman Franz S. Leichter, a Manhattan Democrat, who has introduced a bill that would make legal heroin available to addicts in state clinics.

Such proposals would reverse the direction of United States policy, which has made the addiction problem the province of police and the courts since World War I. Physicians were all but ignored in framing that policy.

In 1967, New York State established a Narcotic Addiction Control Commission, but many professional employes as well as outside experts have charged that it merely warehouses sick people and does little to probe their problems or the basic causes of addiction. New York City now has a plethora of programs aimed at helping addicts, but they are uncoordinated and apparently inadequate to the task.

PUBLIC BECOMES IMPATIENT

Meanwhile the victimized public has become impatient toward drug addiction, which has caused social upheaval, decimated families and entire neighborhoods, diverted thousands of law-enforcement officials and cost hundreds of millions of dollars.

As a result, residents in some New York City neighborhoods have resorted to vigilante violence aimed at pushers and addicts in the belief that nothing else will work.

One program that has produced some favorable, although controversial, results in New York is methadone, a synthetic narcotic that is also addictive. But if given in sufficient dosage, it blocks the hunger for heroin in some addicts.

Some physicians in London are trying methadone, too, Dr. Chapple among them. But the British are having serious problems with the drug, some of which they believe have been caused by the legal prescribing of heroin.

Some doctors find their patients simply will not take methadone orally. The reason apparently lies in a peculiar syndrome that develops with heroin addiction—the enjoyment of sticking a needle into the body. So strong is the urge that Dr. Chapple lets his new patients inject methadone for a week or so before trying to wean them to straight oral doses.

EUPHORIA PRODUCED

But many addicts insist on taking methadone with needles. Taken this way, methadone offers a high and subsequent euphoria that, according to the junkies, is almost as effective as that offered by heroin.

Since 1968, private practitioners have not been able to prescribe heroin here. It is available only in government clinics, partly because a few doctors—for money or out of a desire to be humane—lavished more heroin on the junkies than they could possibly have used themselves. As a result, many junkies had ample reserves to "turn on" others attracted to their way of life.

But methadone can still be prescribed by a doctor in his private practice and sources in the Home Office say that a black market in methadone has begun and some people buying it were never addicted to heroin in the first place.

Thus, Britain has begun to see the development of a new kind of addict: the methadone junky. Home Office figures indicate the presence of 182 new methadone junkies in 1968, bringing the total up to 486. Some medical authorities believe there may be as many as 600 individuals in Britain now mainlining methadone.

Because the supply of legal heroin has been reduced, addicts are looking to other drugs that are even more deadly in some respects because they are so completely unsuitable for injection, even by a trained physician. The current fad among junkies who gather in Piccadilly Circus is to crush a barbiturate sleeping pill, preferably Nembutal, into a vial with water and then mainline the mixture into a vein just as they would do with heroin.

HUGE SORES DEVELOP

But oral Nembutal was never intended for injection and anyone who tries it will develop huge sores the size of golf balls. A reporter who recently spent a dozen nights with the Piccadilly junkies found them huddled in doorways, their festering needle sores wrapped in dirty bandages, talking with morbid fascination about their afflictions and about their friends who had tried mainlining "sleepers" (barbiturates) and died.

Barbiturates, a physician explained, are heavily alkaline. If a junky misses his vein and makes only a subcutaneous injection, the barbiturates will immediately begin to cause an abscess under the skin. And because the sores produced are not caused by bacteria, attempts to treat them with antibiotics are useless.

But an addict who is "lucky" enough to hit the vein cleanly is not so lucky after all. Barbiturates frequently cannot be carried away by the blood fast enough and, even after a single injection, a vein will collapse, impairing circulation.

But in their uncontrollable urge to continue mainlining, junkies seek new veins. As soon as they find one, the vein collapses. And so the junkies pursue even the tiniest veins—ones most people don't even know they have—veins between the fingers, veins between the toes, veins in the genitalia. In one instance a boy tried to give himself a needle in the white of his eye. And in Piccadilly, the junkies talked about him. Nobody knew where he was.

SOME GET GANGRENE

The junkies knew, though, that they were fortunate if all they had was an ugly wound. Because all around Piccadilly—in the tunnels leading to the Underground, in the coffee bars, in the back alleys of Soho—there were junkies with something worse: gangrene.

Doctors cannot agree whether the gangrene is caused by a characteristic of the barbiturates or by the open sores not being kept clean. But all around the West End one sees junkies with missing toes or missing fingers or with the graying flesh that signifies an amputation is imminent.

Tommy, who was 30 years old but looked 40, had already lost one leg in an auto accident. A couple of months ago, he was told that his remaining leg would have to come off. He had tried to mainline Nembutal between his toes and now his foot was turning black.

But he kept putting off the operation. And with each day, the gangrene spread a little bit farther. "It won't be too bad, you know," he said to a visitor in a gentle voice, as he carefully drew pictures of horses on a napkin. "The doc says they won't have to take too much off."

Tommy's companion was Penny, who was 24 and the mother of two children. She had just been told that three of her toes might have to come off. Penny explained that she had started on heroin when she was 18 and at one point was taking 180 milligrams a day, or more than twice the average dose for a New York addict. But her clinic had stopped giving her heroin, so she was mainlining methadone and about 700 milligrams of barbiturates a day, if she could get the pills.

"THAT ISN'T VERY GOOD"

"Yes, love, my toes," she said. "I'll admit it, I'm hung up on the old needle. But you see, love, all the veins have thrombosed on me and I can't really get a vein any more and that isn't very good, is it?"

There was blood on her blouse and on her hands from her last fix. Although she was going to lose three toes, she was mainlining between the toes that had not yet become infected.

"And him," she said, pointing to Tommy, "he's super. He's looking after me till my hubby gets out of jail." She explained that her husband had been jailed for illegal possession of pethidine, a synthetic narcotic.

"What a day it will be when he gets out,' she said. "He's got 450 ampules of methedrine hid away someplace but he won't even tell *me* where it is." Methedrine is a stimulant in the amphetamine group for which there was a big fad two years ago. The British all but removed it from the country's pharmacopoeia and the junkies then moved to barbiturates.

A constable came by and struck up a conversation that seemed to typify the relationship between the police and the addicts in England.

"Ha you doing, Tommy?" the constable asked.

"I'm doin' fine," Tommy said.

"How's the leg?"

"I dunno. The doc's supposed to tell me."

"What are you going to do when you get out?"

"I dunno."

SPEECH IS BLURRED

Penny then tried to touch the constable's helmet strap. He backed away. "Here, now," he said.

"You look so uncomfortable with that strap under your chin," Penny said in the blurred speech reminiscent of alcoholic intoxication, common to all barbiturate users.

"Watch yourself," said the constable sternly, moving away.

"You see that fellow," Tommy said. "'E gave Penny all the silver in his pockets two Christmases ago. 'E's a good chap'."

When the constable was asked about it, he snapped: "I don't talk to press. Push off."

Every few minutes someone would come up and offer to buy or sell "sleepers." Several drug seekers were "skin heads" from East London—working-class young men who shave their heads to show their contempt for hippies but who share the hippy longing for drugs.

Penny had not eaten all day. She stumbled across Piccadilly Circus, Tommy helping her as he balanced himself on his crutches, and they ate pasties in Pronto, a coffee bar on Piccadilly that sells steak sandwiches for 28 cents.

Penny was too intoxicated to notice, but Tommy bought her a hamburger and slipped it into her coat pocket so she'd have something to eat the next morning, when she woke up in the hotel where she was staying in Lambeth.

Then Tommy put her on a train for home. Penny kissed everybody goodnight and said, "It's good to have a friend."

"Take care," Tommy said. Then someone else said, "Don't Penny have a nice accent?"

"Oh, yes," said another, "Penny's from Eastbourne. Middle class."

THE MAJOR PROBLEM

Penny typifies some of the problems the British have encountered in their legal heroin program. Based on interviews with physicians, addicts and many of the nation's most knowledgeable workers in the drug field, the major problems include the following:

In the last 10 years, a new kind of addict—

young, alienated from society and seeking the company of other addicts—has appeared on the London scene, just as he has in New York. Unlike his counterpart of more than a decade ago, most of whom were women over 50 who were hooked on morphine in the hospital, the new addict has invariably tried to get more drugs than he can possibly use. If a doctor accedes to his requests he sells drugs to other junkies or "turns on" nonaddicts attracted to his style of living. Dr. Thomas Bewley of Tooting Bec Hospital says the addict does this not out of malice but out of the desire to share what he regards as a good thing.

Physicians have been unable to determine how much an addict really needs. A reporter found one addict for example who had a Government prescription for 1,600 milligrams a day of heroin and cocaine, at least 16 times the average dose in Britain and enough to kill an entire ward of American addicts. The addict, Bill Arnold, 45, contended that he was not getting enough and complained: "They're trying to kill me. I get drunk every goddam day. I got to have my medicine." Dr. Bewley refers to the prescription process as "judicious guesswork and bizarre haggling." If too much is given, death from overdose results and Dr. Bewley estimated recently that British addicts had a death rate of twice that of American addicts. If too little is given, the legal program becomes a shambles as addicts seek black-market heroin and other drugs.

PSYCHOTHERAPY URGED

Many British physicians have come to believe that dispensing heroin is incompatible with trying to offer addicts psychotherapy. The basis of a psychiatric approach, they say, should be to help the addict come to grips with reality, something he can never do if he is in a perpetual state of euphoria.

The active addict, no matter where or how he gets his drugs, tends to attract young people who believe that the life style of a drug addict is a dashing and attractive form of antiauthoritarian expression. Some doctors contend that if an addict is incurable and must be given drugs, he must also be removed from nonaddicted society "It is a disease," said Prof. Francis E. Camps of London Hospital's School of Forensic Medicine, "transmitted psychologically. They must be isolated if we are to survive this."

More doctors are raising questions about the ethics of supplying addicts with drugs. "Our aim must be to get them off all injections," said Dr. Chapple, who tries to cut back on the methadone he gives his patients after six months. Dr. James likens heroin maintenance to "giving an alcoholic two bottles of whiskey a day—with vitamin B-12 added, of course."

The British drug problem has a dramatic and not fully explained difference, compared to its American counterpart. The "coloreds" in Britain, many of whom are heavy users of hashish, are simply not taking drugs intravenously in significant numbers.

MOST ADDICTS ARE WHITE

Brixton Prison's Dr. James concludes from his research that the coloreds in Britain—this includes Indians, Pakistanis, black Africans and West Indians—account for less than 3 per cent of the total number of addicts and that four-fifths of the addicts are whites who were born here.

However, the Irish and the Scots—two groups that previously limited their drug use to alcohol—are showing signs of moving to heroin and other drugs administered by hypodermic needle.

In a recent study of 200 addicts remanded to Brixton Prison, Dr. James found only a single Jamaican and a single Indian, but 31 Irish and 21 Scots. All the Irish and all but four of the Scots had become addicted after moving to London.

As the amount of Government heroin has dwindled, black-market heroin, originating in China and smuggled through Hong Kong, is appearing in London's West End. It is called red chicken and the price has risen in the last eight months from $2.40 for 60 milligrams to as much as $14.40 (60 milligrams in New York would cost about $20).

Although Scotland Yard is worried that the price is now profitable enough to encourage organized large-scale smuggling, officials say they have not seen evidence of it as yet. "I guess there's still more money to be made in New York," one official said.

Despite the growth of drug abuse in Britain, many in both government and medicine believe that Britain will never see the advent of an American-style crisis.

They tend to view British drug addicts as "lacking character" and reason that if they were members of proper British families, they would not be in trouble.

One high source in the Home Office expressed the belief that American addicts were similarly defective. He explained that he had never seen clinical proof that young people within the parameters of "normal" were experimenting with drugs.

SEVERAL PHYSICIANS DISAGREE

But Dr. Chapple and several other physicians disagreed with this view. He believes that as addiction spreads, more and more people tend to get drawn into it.

"I think it is perfectly self-deceptive to say otherwise," Dr. Chapple said. "I've seen them here and I tell you, they are the same people."

One addict who could have come from Westchester and qualified as "normal" was Cathy.

Green-eyed and 20 years old, she had a soft, disarming Scottish burr from her native Edinburgh. Her mother was dead and her father had moved to Dublin. Mary said she had fled to London in December after walking into her Edinburgh flat one evening and discovering the boy she was going to marry was having a homosexual relationship. "I could have competed with another woman, I think," she said. "But not a man."

By mid-February she was still jobless and drifting, and she had been on heroin for five weeks. She had injected 10 milligrams of heroin into her left arm 30 minutes before she walked into Piccadilly Circus, seemingly uninterupted by the cold wind that cut through her light jacket.

"Do you think I'm mad?" she asked a stranger. "Sometimes I think I am quite mad. This is all terribly destructive, you know."

ADDICTIVE PERSONALITY

"You see," she went on, "I'm not addicted but I have an addictive personality." She rubbed her face and her arms. "Heroin," she said. "Such a marvelous itch. Better than sex, you know. Are you one of us?"

She didn't seem to mind when the stranger said he was not.

Cathy was not hungry but said she would like an orange soda. She was escorted to a delicatessen on Great Windmill Street, two blocks from Piccadilly, but before she could order anything, she rushed out into the street and began to vomit.

"Don't be concerned," said a young man who knew Cathy. "You see, she's still on the virgin high. It might be hard for you to understand, but vomiting at this stage of the game is nice.

"Why is that?"

"Because it means for one thing that she really isn't addicted. Her body is still reacting. It is a wonderful thing to have your body remind you that you aren't hooked. But there's another thing, too; it is a cerebral vomiting. It's hard to explain to you, but it is an effortless thing that comes from the brain and it . . . well, it feels good. I don't know how else to explain it."

Cathy's friend thought for a moment, then added: 'She's been on the stuff for five weeks, of course, and I'm rather surprised that she's still vomiting. That'll stop soon."

"Then what happens?"

"Then she's hooked."

"You see?" Cathy said as she walked into the delicatessen. "I have an addictive personality but I'm not addicted."

Cathy was asked what it would take to get her to stop taking heroin. She laughed the question off. "Why should you care about me?" she replied. "I don't care about myself."

GETTING PRETTY TOUGH

Cathy was asked if she planned to become a registered addict. She was not sure that she could. "They're getting pretty tough," she said, in reference to what the junkies regard as a growing reluctance on the part of clinics to accept new addicts for heroin maintenance.

What would she do when the shot wore off? "I'll get another one," she said. She was asked how.

'Well, I've thought about it. I've thought about it a great deal," she said. "I suppose I'll start sleeping around for money. I'd rather not do it, but I don't have much choice, do I?"

"Heroin is that important to you?"

"Right now, it's all my answers."

Cathy walked back toward Piccadilly. "I love London," she said. "Simply smashing. Have you been to the Tate? Lots of good things there. Do you like the ballet? We have splendid ballet. And the music; so much music. A lovely city, really. But you should have come in the summer. Everything is so open then and the people are so lovely and friendly. Everything's all gray and shut in now. But the summers are smashing."

A friend of Cathy's named Steve was busy selling blackmarket methadone and barbiturates in Piccadilly so he could get the money to buy black market heroin to supplement what the Government was giving him. Cathy said she planned to spend the night in Steve's apartment but quickly added: "He won't be trying anything. You know. He's a junky."

FINDINGS IN DRUG DEATHS

As the nature of drug use unfolds in London's morgues, the results of autopsies are dispelling some popular myths held about addicts.

Among other things, it is clear that methadone is being abused. It is equally clear that heroin users can be heavy drinkers and vice versa. And it shows that drug abusers are injecting into their bodies almost anything they can get their hands on, as fast as they can.

Here are results of autopsies conducted on six representative addicts at London Hospital, as reported by Dr. Ann Robinson and Dr. Faith M. Williams:

Age	Cause of death	Drugs found in body
18	Acute methadone poisoning.	Methadone, alcohol, amphetamine.
20	Methadone overdose	Methadone, methylamphetamine.
28	Barbiturate and morphine poisoning.	Morphine, alcohol, cocaine, and various barbiturates.
24	Barbiturate and alcohol poisoning.	Barbiturates and alcohol.
28	Inhalation of vomit after injection of heroin and cocaine.	Methadone, methylamphetamine (cocaine and heroin in blood in syringe).
22	Acute narcotic poisoning.	Methadone, amphetamine, morphine, barbiturate.

RISE IN ADDICTION, 1960–68

This table, based on data supplied by the Home Office, shows how Britain's drug problem grew during the nineteen-sixties. It does not include addicts who were taking illicit heroin and thus were not on any pharmacist's prescription list. Nor does it include data on those who may be using barbiturates or amphetamines:

Year	Total addicts known	Drugs used				Methadone	Doctor and nurse addicts	Male	Female
		Morphine	Heroin	Cocaine	Pethidine				
1960	437	177	94	52	98	68	63	195	242
1961	470	168	132	84	105	59	61	223	247
1962	532	157	175	112	112	54	57	262	270
1963	635	172	237	171	123	59	56	339	296
1964	753	171	342	211	128	62	58	409	344
1965	927	160	521	311	102	72	45	558	369
1966	1,349	157	899	441	123	156	54	886	463
1967	1,729	158	1,299	462	112	243	56	1,262	467
1968	2,782	198	2,240	564	120	486	43	2,161	621

[From the Boston Sunday Globe, Apr. 5, 1970]

British Struggle To Define the Difference Between Hashish and Heroin

(By Alfred Friendly, the Washington Post)

London.—Obliquely and gingerly, Britain is moving toward a distinction in law between marijuana and hard drugs. The government has proposed legislation to parliament for action this Summer that acknowledges a difference between hashish and heroin.

The new bill, introduced by Home Secretary James Callaghan, makes no pretention that it will solve the British narcotics problem (minuscule by American standards, but worrisome enough to the British). It is intended, rather, as another perfecting step in a succession of laws based on the concept that narcotics addiction is a medical rather than criminal problem.

On the face of it, Callaghan's bill merely declares that while possession of heroin can be punished with a prison sentence of seven years, the maximum for cannabis is five. There is more to this than the trifling difference in maximum sentencing suggests.

It is meant to be taken as an official indication to judges trying drug offenses that the philosophy of the controversial Wootton report is to be a guide. The report, emerging in 1968 from a committee under the chairmanship of Baroness Wootton and commissioned by the Home Office to study the problem of cannabis, could not bring itself to recommend the legalization of pot smoking. But it suggested that society recognize that "taking the drug in moderation is a relatively minor offense."

The report continued: "Thus, we would hope that juvenile experiments in taking cannabis would be recognized for what they are, and not treated as antisocial acts or evidence or unsatisfactory moral character."

With a national election almost certain this year, and one in which the Tories are due to inveigh against the evils of the permissive society and to exploit the law-and-order issue, Callaghan could not afford to get into a position where his opponents could dub him "Jim the Pot." Suitably cloaking the matter out of political necessity, he nevertheless has taken the critical step of telling the courts to look on hard drug violations differently from soft ones.

In proposing that possession of marijuana remain a criminal offense, Callaghan was merely following the best judgment of the Wootton Committee and, for that matter, the most thoughtful and best qualified specialist judgment here. The Wootton report declared:

"The subjectivity of the mental effects of cannabis makes it particularly difficult to measure the total effect of cannabis experience on any individual, or to assess what changes even a moderate and seemingly responsible habit might bring in the smoker's relationships with family and friends, study or work. We think too little is known about the patterns of use to predict that in western society it will produce social influences similar to those of alcohol. It was significant that even those of our witnesses who saw least danger in the drug were concerned to discourage juveniles from using it."

One of Britain's foremost narcotics research authorities, who must remain unidentified for professional reasons, points out that when used in large amounts, hashish can produce a "large scale psychotic effect." If it does not have heroin's physically addictive effect, it nevertheless poses a danger of psychic dependency.

"In countries where the drug is freely available," this authority noted in a recent interview, "there's a cannabis skid row; a larger or small community of users to whom pot has become not just an occasional social diversion but something close to a way of life, an end in itself, a focus of activity, a consuming objective.

"For all its apparent—and, probably in most of its usage, real—innocence, marijuana is nevertheless a 'psychoactive' or 'psychotropic' drug and we better know a good deal more about it before we lift all controls from its traffic and use," the authority said.

In the words of the Wootton committee: "In the interests of public health it is necessary to maintain restrictions on the availability and use of this drug."

Compared to the United States, Britain's exposure to the pleasures and perils of pot is at the kindergarten stage—there is not much the United States has to learn from Britain's experience.

So also, Britain's problem, and therefore its experience, with the new subculture of hard drugs is trifling compared with America's: there are believed to be a maximum of 3000 addicts in the United Kingdom. Nevertheless, perhaps precisely because of its relatively small dimensions, it can be examined more completely and the results of the "British approach" to it can be measured more readily. The question is whether that approach, originally designed to deal with a quite different kind of drug problem, is valid for today's version of the infection.

Until about 10 years ago there was no such thing as a young drug victim in Britain. Addicts were entirely older people, "medically infected," i.e. patients emerging from long hospital treatment, or doctors themselves, their wives, family or friends. They were "hooked," no doubt, but also "stabilized": They could go about their daily lives, more or less normally, on a steady maintenance dosage. They seduced no one else into addiction. A daily dose, legally prescribed, was the humane thing for them and without risk to the society.

No one is quite sure how a change came about, beginning in the 1960s, or why. All that is certain is that, for the first time, young addicts began to appear, without the remarkable personal and social responsibility of the addicts of the earlier generation. Their physicians prescribed daily doses for them, as they had done for their predecessors. Better that, it was thought, than refusing them and thus inviting the creation of a black market, with the criminal accretions that such a market was accumulating in America. And better to hope that physicians could produce more cures than prison wardens.

But the new breed soon began to infect others with their habit, sometimes for psychological reasons and sometimes simply to get money, by peddling part of their prescriptions, to meet other needs.

The old system had depended on the integrity of the prescribing physicians, in granting only what they deemed were their patient's individual requirements. It was bound to collapse once unprincipled doctors got into the business. A typical example is the infamous Dr. Petro, who over-prescribed—for a fee. His clients, getting more drugs than they needed, sold off the surplus. New addicts were thus created, hand over fist.

The government's response to the new problem was a law, passed in 1967, to limit the prescribing of heroin drugs to specially licensed doctors in national drug addiction clinics. The junkie is now obliged to go to them, and no one else, for legal—and under the national health system, free—prescriptions, to be sent to a druggist for dispensing in daily doses, and non-transferable.

For a moment, it looked as if the new arrangement was on its way to solving the problem. The rate of new addiction dropped dramatically.

It is running now at about 150 a month, against which must be set the numbers going off the lists—mostly, and tragically, by death from overdosage, sepsis, jaundice, suicide or drug-induced systemic vulnerability to other ailments. Morality of addicts runs at 28 times the normal rate.

Soon, a new, ominous and still unsolved phenomenon appeared: The heroin addict in Britain today is becoming a poly-addict. He is supplementing his prescribed daily supply of heroin by different drugs—amphetamines and barbiturates mostly—which when injected into the veins are vastly more dangerous than heroin.

The amphetamines and barbiturates are, of course, also prescription drugs, but because of their wider legitimate use their prescription is not confined to the 100 or so physicians specially licensed to dispense heroin. Accordingly, the junkie out to supplement his legal narcotic supply finds it easy to pick up what he wants from friends, petty black marketers or—as Callaghan strongly hinted in parliament—from 10–12 doctors who are now engaged in today's version of the narcotic racket that Dr. Petro used to operate.

There have been some horrible consequences. Barbiturates usually contain some chalk in solution. When injected, the chalk stays in the veins, causing dreadful abscesses. Since the drug itself is basically a sedative, a sleeping potion usually, the user spends a good part of his life in a semicomatose condition.

Amphetamines, on the other hand, are stimulants, like "Pep Pills." When they are ground up, dissolved and injected, they tend to make the user wildly and indiscriminately violent—a new phenomenon in the landscape of addiction, when the usual heroin junkie was placed, almost timid and certainly non-aggressive while under the influence of the drug.

Another drug that appeared on the London scene for the first time last year is methadone. Used in the United States as a heroin substitute—it is taken orally and at least gets the addict off the needle—it has resulted in 337 new cases of addiction here. The British experience indicates it is every bit as addictive as heroin.

The national addiction clinics and their physicians are caught between the devil and the deep blue sea. The results of minimum prescription are now evident, but it was the consequences of over-prescription by the junkie doctors that caused the trouble in the first place. If the clinics now prescribe not only the doses the addicts require for medical stability but also the additional supply they crave, the junkies will invariably sell off a bit of the surplus, and the cycle of new recruits joining the addict army will start all over again.

In what often seems a hopeless game of trying to plug each loophole, only to find another opening up, Callaghan proposes in his new bill to penalize much more severely the trafficking in the additional drugs, principally amphetamines and LSD. So far, he has not proposed tighter controls on barbiturates, perhaps because the task seems impossible. Some 18 million barbiturate prescriptions, each with an average of 80 doses, are written in Britain every year.

The new legislation is aimed at frightening off unscrupulous doctors who are prescribing the substitute drugs. Perhaps Callaghan will have to limit their prescription as well, like that of heroin, to specially licensed clinics.

Everyone agrees that a much more radical attack on the problem is necessary than this sensible but limited legislation provides. The trouble is, no one knows just what that radical attack should consist of.

Meantime, if the proposed legislation, added to that now on the British books, holds down addiction to its present levels or moderate rate growth, Britain can count itself lucky—far luckier than the United States.

Perhaps the best result—so far—of the British approach is that no major criminal superstructure has arisen like those nourished by the drug scene in other countries.

Since most of the junkies' heroin needs are legal and free, there simply is not a big enough black market demand to invite the big-time operators. The Mafia is not interested.

To this, of course, the skeptic can emphasize the "so far."

The fact remains that if the British drug scene is not good, it is not rapidly worsening. It may even be getting a little better.

MANKATO STATE PUBLICATION APPEALS TO CONGRESS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. NELSEN. Mr. Speaker, Plaintiff, the award-winning student literary magazine of Mankato State College, Mankato, Minn., carries in its winter edition a strong editorial opposing the Blue Earth River Dam that has been proposed by the U.S. Army Corps of Engineers. The editorial was written by Edward K. Sorensen, prose editor of the publication, who as a geographer has done extensive field research along the Blue Earth River system. His thoughtful commentary has the unanimous support of the Plaintiff editorial staff, and I have been asked to bring this eloquent plea to the attention of the entire Congress.

I am most pleased, therefore, to include the editorial in the RECORD at this point in my remarks, along with its explanatory introduction:

DAMN DAM

(EDITOR'S NOTE.—The editorial position taken here has the unanimous support of the editorial staff. The editors believe that there is already too little beauty left to posterity. We feel that America has been ravaged for long enough, and that such projects undertaken in the name of progress are eroding the last remnants of a once lovely continent. We further believe that with our resources dwindling, alternative solutions are less expensive in real cost even when the initial costs are higher.

(The unequivocal position of the editors is taken in appeal to Congress and to the people to spare the charming and unique Blue Earth River Valley from Federal destruction. The editors suggest Congress find an alternative solution to the problem of flood control below our valley.

(Prose Editor-Geographer Sorensen was elected to state our case because of the extensive field research he conducted in the area during recent months.)

As a geographer, this editor has described the Blue Earth River system as, "a typically dendritic basin that drains large areas of Waseca, Faribault, Martin and Watonwan Counties where topography is relatively flat. Along the stream courses, the surface is deeply channeled from 40 to 75 feet at the headwaters to 150 to 200 feet near the Minnesota Valley.

"The Le Sueur and Watonwan Rivers are the largest tributaries of the Blue Earth River. The Maple and Cobb Rivers feed the Le Sueur River and Perch Creek empties into the Watonwan.

"In the lower courses the streams have eroded their steep sided valleys through unconsolidated glacial drift and into the underlying rock formation exposing Onita dolonite and Jordan sandstone."

While the descriptive professional jargon adequately serves the purpose of informing the scholar, it fails to reveal inherent beauty, solitude and source of joy and quiet pleasure that is the Blue Earth River Basin. More tragically, it fails to tell of the God-awful eyesore the Corps of Engineers proposes to create in its transformation of our valley into another of its monstrous projects.

Since childhood I have walked throughout the valleys, sometimes with rod or gun, through woodlands, fields and pastures. I have taken small mouth bass, walleye and channel cat from clear pools of cool waters and picked up agates and fossils from many clean gravel bars. I have tasted sweet and cold spring water flowing from the rock as I drank in the beauty of the wooded slopes and sheer clay banks rising from the water's edge, and here I have found peace.

The Corps proposes to transform these many hundreds of acres of habitat for deer, beaver, fox, mink, muskrat, hare and human into a widely fluctuating pool bounded by ugly drowned timber, mud flats, mud slides, and drowned ski slopes devoid of life.

The clay cliffs will slump and drowned grassland will slide down lubricated clay slopes into a turbid lake out of the ecological balance needed to support game fish in what was and could again be one of the best small mouth bass streams in America, and posterity will never know the joyous awe of standing on a precipice towering one hundred feet above the emerald ribbon that is the Little Cobb as it meanders toward the Blue Earth.

It is for them and us we ask, Please don't do it.

In addition, I also wish to insert two articles concerning the Plaintiff which appeared in the February 21 issue of the Mankato Free Press, Mankato, Minn. These articles attest to the excellence of this college publication:

"PLAINTIFF" WINS ALL AMERICAN MAGAZINE HONORS

"Plaintiff," Mankato State College's student edited literary magazine, has been awarded All American honors by the Associated College Press rating service for the fall 1969 issue.

The high rating is the sixth national honor the magazine has received since being established in 1964.

The 52-page magazine, which contained poetry, fiction, essays, woodcuts and photography, was edited by David Hunter, a senior from Mankato.

Other staff members included associate editor—Ted Anderson, a senior from Mankato; art editor—Mike Griffin, a senior from Minnetonka; poetry editor—Loren Burkel, a senior from Mankato; and prose editor—Ed Sorensen, a graduate student from St. Peter.

Advisers for the current year are Lawrence Holmes, associate professor of English, and Dr. Heino Ambros, associate professor of political science.

MSC PLAINTIFF EDITORIAL STAND AGAINST DAM

The winter editon of the Plaintiff, Mankato State College literary magazine, will carry an editorial opposing the Blue Earth River dam proposed by the U.S. Army Corps of Engineers.

Prose editor Ed Sorensen, a geographer who has done extensive field research in the valley, predicts the corps' proposal will transform many hundreds of acres of habitat for wildlife and humans into "a widely fluctuating pool bounded by ugly drowned timber, mud flats, mud slides, and drowned ski slopes devoid of life."

"We feel that America has been ravaged for long enough and that projects undertaken in the name of progress are eroding the last remnants of a once lovely continent," says the editorial.

"We further believe that with our resources dwindling, alternative solutions are less expensive in real cost even when the initial cost is higher."

EAST ORANGE COUNCIL SUPPORTS REGISTERING VOTERS IN POST OFFICES

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. MINISH. Mr. Speaker, I should like to bring to the attention of my colleagues the resolution adopted by the council of the city of East Orange, N.J., and its mayor, William S. Hart, Sr., on March 10, 1970.

This resolution supports the principle of providing the facilities of the U.S. Post Office for voter registration, thereby making registration as effortless and easily available as possible.

Legislation to provide for this system is pending before the House Elections Subcommittee, which, I hope, will give it swift and favorable attention. The resolution of the East Orange council follows:

RESOLUTION I–116, CITY COUNCIL OF EAST ORANGE

Whereas, all citizens should exercise their right to vote; and

Whereas, many such persons have not taken advantage of their right to vote by reason of their failure to register; and

Whereas, the Congress of the United States of America has before it proposals that legislation be enacted to provide for the registration of voters at the various U.S. Post Offices during regular business hours; and

Whereas, many of our citizens frequent premises of said U.S. Post Offices; and

Whereas, the use of such U.S. Post Office facilities would aid in the registration of voters and provide better representation upon elections of persons to office and the resolution of public questions,

Now, therefore, be it resolved, That the Congress of the United States be and it is hereby urged to pass legislation providing for the use of U.S. Post Office facilities for the registration of voters; and

Be it further resolved, That copies of this resolution be forwarded to the President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives, Senators Williams and Case of New Jersey, and Congressmen Minish and Rodino of New Jersey.

I hereby certify that the above is a true copy of Resolution I-166 adopted by the City Council of East Orange, March 9, 1970, and approved by the Mayor, March 10, 1970.

In testimony whereof, I have hereto set my hand, and affixed the corporate seal of said City, this 11th day of March A.D. 1970.

———, ———,
City Clerk.

LITHUANIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. DINGELL. Mr. Speaker, February 16, 1970, marked the 52d anniversary of Lithuania's declaration of independence. In commemoration of Lithuania's Independence Day, Mayor Roman S. Gribbs of Detroit, Mich., issued a proclamation saluting Detroit residents of Lithuanian extraction. Similarly, the Detroit Lithuanian Organizations Center adopted a commemorative resolution.

So that my colleagues may have an opportunity to be familiar with these two documents, I insert their texts at this point in the CONGRESSIONAL RECORD:

PROCLAMATION—CITY OF DETROIT, EXECUTIVE OFFICE

LITHUANIAN INDEPENDENCE DAY, FEBRUARY 16, 1970

Whereas, the hearts of all loyal Lithuanians are especially stirred each year at this time because February 16 marks the date 52 years ago, when Lithuania declared its independence from Czarist Russia, and

Whereas, despite three totalitarian regimes, including the present yoke of Communist control, this gallant people's fervent cry for liberty has not been silenced, and

Whereas, the United States government supports the belief of Lithuanians everywhere in the eventual re-establishment of Lithuania as a free and sovereign state by refusing to recognize its incorporation into the Soviet Union, and

Whereas, this year, Lithuanians of the Detroit metropolitan area will commemorate the anniversary of their declaration of independence on Sunday, February 15 at the McAuley Auditorium at Mercy College

Now, therefore, I, Roman S. Gribbs, Mayor of the City of Detroit, do hereby proclaim February 16, 1970 as Lithuanian Independence Day in Detroit and salute all Detroit Lithuanians on this very special day for their shining example of patriotism for their beloved homeland.

Given under my hand and seal this 29th day of January, 1970.

ROMAN S. GRIBBS, *Mayor.*

LITHUANIAN INDEPENDENCE DAY RESOLUTION—FEBRUARY 16, 1970

Unanimously adopted at a mass meeting of Americans of Lithuanian descent and their friends, living in the Detroit Metropolitan area, sponsored by the Detroit Lithuanians Organizations Center, held on Sunday, February 15, 1970, at 3:00 P.M. at Mercy College of Detroit, McAuley Auditorium, Detroit Michigan, in commemorating the 52nd anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas, the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas, the Soviet Union took over Lithuania by force of arms in June 1940; and

Whereas, the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas, the Government of the United States maintains diplomatic relations with the government of the free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of this freedom-loving country into the Soviet Union; and

Whereas, the House of Representatives and the United States Senate unanimously passed a resolution urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these to the Baltic peoples; now, therefore be it

Resolved, that we, Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, that President Nixon continue to carry out the expression of the United States Congress contained in H. Con. Res. 416 by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia and be it finally

Resolved, that this resolution be submitted into the Congressional Record, and forwarded to the President, United States Senators from Michigan, Members of the U.S. Congress from Michigan and the press.

R. S. SAKIS, *Chairman.*

REPORT OF THE AMERICAN ASSEMBLY ON ARMS LIMITATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. ZABLOCKI. Mr. Speaker, earlier this week the American Assembly on Arms Limitation issued a report on the outlook for arms limitation with reference to the strategic arms limitation talks—SALT—scheduled to resume April 16 in Vienna.

The report represents the view of a group of highly qualified and knowledgeable private citizens who met earlier this month under the auspices of the American Assembly of Columbia University. Their deliberations, which were chaired by the Honorable Adrian S. Fisher, dean of the Georgetown University Law School and former Deputy Director of the Arms Control and Disarmament Agency, resulted in several recommendations.

The most important of these was a call to the President to propose to the Soviet Union, on a reciprocal basis, an immediate interim halt in the deployment of strategic offensive and defensive weapons and of tests of multiple warheads. The group further recommended that, to give the proposal a chance of success, that the impending deployment of U.S. MIRV's—multiple independently targeted reentry vehicles—be postponed for 6 months.

I believe it would be wise for the President to heed this proposal as he determines the final decision on what the U.S. negotiating position will be at the SALT talks in Vienna.

Last year the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments held extensive hearings on the diplomatic and strategic impact of MIRV's. After hearing testimony from a number of eminent witnesses, both in and outside the Government, the subcommittee unanimously reached the following conclusions:

(1) By its nature, MIRV may increase the temptation for a preemptive first strike; therefore, MIRVing of existing missile forces will pose a substantial threat to the present nuclear balance.

(2) The deployment of MIRV systems by either the Soviet Union or the United States would increase the difficulties for achieving meaningful arms control and could well touch off a costly escalation of the nuclear arms race.

(3) As both sides continue to test multiple-warhead systems, the opportunity to halt this development is fast slipping away. It may not yet be too late to reach a workable agreement with the Soviet Union on a mutual testing and deployment moratorium.

(4) In order to obtain an adequate, enforceable moratorium, it is essential that certain collateral agreements also be reached by both sides.

(5) Because of the evident complexities involved in achieving a safe, effective, and meaningful agreement halting the testing of MIRV's, that objective can best be accomplished within the framework of the strategic arms limitation talks (SALT) between the Soviet Union and the United States.

Basing its judgment on those conclusions, the subcommittee further recommended that the executive branch give a high priority to proposing a MIRV freeze at the initial session of SALT. Although this position was acknowledged as a prudent one by some administration officials, including, reportedly, the Secretary of State, the United States did not ultimately make an arms freeze proposal at Helsinki.

Mr. Speaker, time is fast running out on any opportunity to obtain a MIRV freeze and a meaningful halt in the arms race. I am hopeful that the President will demonstrate a sincere dedication to the cause of arms control and long-range national safety, and seek a reciprocal freeze on strategic weapons systems, as recommended by the American assembly group.

At this point, I am pleased to include the report of the American Assembly on Arms Limitation, together with an introduction by Mr. Clifford C. Nelson, president of the American Assembly:

THE AMERICAN ASSEMBLY ON ARMS LIMITATION

(By Clifford C. Nelson)

These pages contain the views of a group of Americans who met March 31–April 2, 1970, at Arden House, Harriman, New York, to con-

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sider the outlook for arms limitation. The meeting was held with immediate and timely reference to the Strategic Arms Limitation Talks, scheduled to resume in Vienna, April 16. Reference was also made to the broader problem of slowing down the arms race and to the effect of military expenditures on national resources.

The meeting was held under the auspices of The American Assembly of Columbia University, which regularly convenes for the purpose of focusing attention on issues of public importance. The recommendations of this Assembly were adopted in the plenary session of April 2, after two previous days of discussions as a committee of the whole. (Because of the urgency of the topic, standard American Assembly procedures were modified somewhat for the occasion, and the number of participants was reduced accordingly. Many had taken part in earlier American Assembly programs on arms: Arms Control, 1960, and Nuclear Weapons, 1966.)

Adrian S. Fisher, dean of the Georgetown Law School and former deputy director of the U.S. Arms Control and Disarmament Agency, prepared a background paper as the basis of discussion.

As a non-partisan educational institution The American Assembly takes no official stand on the opinions herein, which belong to the participants in their private capacities. They represented themselves and not necessarily the institutions or persons with whom they are associated.

FINAL REPORT OF THE AMERICAN ASSEMBLY ON ARMS LIMITATION—1970

At the close of their discussions the participants in The American Assembly on Arms Limitation—1970 reviewed as a group the following statement. Although it represents general agreement, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

We call upon the President of the United States to propose to the Soviet Union, on a reciprocal basis, an immediate interim halt in the deployment of strategic offensive and defensive weapons and of tests of multiple warheads. To give this proposal a chance of success, we ask the President to defer for six months the impending deployment of Multiple Independently Targetable Re-Entry Vehicles (MIRVs).

The Strategic Arms Limitation Talks are resuming in Vienna at a time when mankind has a unique opportunity to end the nuclear arms race. At present there exists a roughly equal and relatively stable nuclear balance between the U.S. and U.S.S.R. A rare coincidence of favorable political and strategic conditions provides a real but fleeting opportunity for agreement between the U.S. and the U.S.S.R. to halt the arms race in both quantity and quality of weapons, and then to diminish the threat to mankind posed by existing weapons. Whether agreement can be reached we do not know, but wisdom and common sense require every plausible effort to exploit the present promise.

This opportunity will be put in jeopardy if the U.S. soon deploys Multiple Independently Targetable Re-Entry Vehicles (MIRVs), or proceeds with plans for a modified Phase II Safeguard Anti-Ballistic Missile System (ABM), or if the Soviet Union extensively tests large ICBMs (SS–9) with multiple warheads (which may not themselves be independently targetable but may well be steps in the development of a Soviet multiple independently targetable delivery system).

The introduction of MIRVs into the present nuclear relationship would have the initial effect of substantially increasing the number of deliverable nuclear warheads available to each side. MIRV program will take on new dimensions as missile accuracy increases. When this occurs, it becomes possible for one side *if it strikes first* with missiles armed with MIRVs to take out more than one missile site with a single attacking missile. The obverse of this frightening coin is that each side may fear that, *unless it strikes first,* the MIRVed missiles of the other side may be able substantially to eliminate its own land-based ICBM force, with the other side still having substantial ICBM force left in reserve.

New and worrisome uncertainties would enter into the strategic calculations. For example, Secretary Laird has testified that 420 Soviet SS–9s with three warheads of five megatons each and an accuracy of one quarter of a mile could eliminate all but 50 of our Minutemen. Similar calculations by the Soviet Union would show that if the U.S. were to MIRV its Minutemen with three warheads, with yields approximating a quarter of a megaton each and having an accuracy of one-tenth of a mile, it could by using 580 Minutemen, eliminate all but 70 or so of the Soviet missile force.

Whatever their validity such calculations make it clear that both sides would feel more secure if neither one had a MIRV. The U.S. plan to *deploy* MIRVed Minuteman III in June of this year, within two months after the beginning of the talks, may well close the door on this possibility. Although the generation of MIRVs which would be deployed would not be capable of a first strike, this step would cast serious doubts on our seriousness in pursuing SALT. This would present the U.S.S.R. with a *fait accompli.* One of the most important things that the SALT talks could accomplish is to prevent the deployment of MIRVs. This opportunity should not be lost.

We in the American Assembly therefore call on the President to postpone this deployment for six months. Such deployment at this time would not contribute to our security. Far from improving our bargaining strength at SALT proceeding with that deployment would make negotiations more difficult, and would invite the Soviet Union in turn to present us with *faits accomplis.* No harm can result to our strategic posture by such delay, which will involve only a handful of land-based missiles in a MIRV program that is already being widely questioned as unnecessary, wasteful, and certainly premature, since the large Soviet ABM program it was designed to penetrate does not exist.

We also suggest that current U.S. and Soviet testing of multiple warheads complicates the political and strategic climate on which these negotiations depend. We urge mutual restraint in this regard.

We also urge postponement in implementing the proposed modified Phase II of the Safeguard System. The argument that going ahead with this program would strengthen our bargaining position at Vienna is not persuasive; authorizing armaments so that they can be included in a disarmament program soon reaches the point of diminishing returns. If both sides play this game, SALT will result in an increase in the arms race. Going ahead with modified Phase II Safeguards so soon after Phase I had been made a separate program would belie the promise of deliberate consideration upon which that separation was in part based. It would more likely give the Soviets the impression that the U.S. was determined to push the complete Safeguards program to a finish, come what may. This would make success in SALT less rather than more likely.

These measures of restraint will give our negotiators a chance. But the negotiation of a treaty at the SALT talks will be difficult and complex and may take years. To keep the present opportunity from eroding during this period, an interim halt is necessary to prevent any substantial changes in the rough strategic balance which now makes such an agreement possible.

We therefore urge the President of the United States to propose to the Soviet Union *on a reciprocal basis,* an immediate two-year suspension of the deployment of strategic offensive and defensive weapons and of the tests of multiple warheads. Specifically we propose that during this two-year period interim halt there would be:

1. No testing of any multiple warheads, whether MRV or MIRV;
2. No deployment of multiple warheads;
3. No new deployment of land-based intercontinental ballistic missiles;
4. No construction of Anti-Ballistic Missile radars or deployment of anti-ballistic missile interceptors;
5. No new "starts" on constructing submarines for launching ballistic missiles.

In such an interim agreement we see no necessity for limits on air defenses or on new bomber construction because developments in these areas do not carry an immediate potential for upsetting the present strategic balance.

The short term of the agreement and its comprehensive quality would simplify the requirement for inspection. From the standpoint of the U.S. security, compliance with these provisions can be adequately determined by national means of verification. In particular, the halt in Soviet buildup of ICBMs and SLBMs, including the SS–9, could be verified. With regard to the restrictions on multiple warhead testing, however, to enhance confidence during the interim halt, an understanding that missile tests will be preannounced and restricted to designated areas may be desirable.

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The restraints that we propose and an agreed interim halt would create an environment of stability and mutual confidence. In such an improved climate more lasting agreements, taking account of new technological and political developments, could be achieved.

We have not attempted to blueprint the details of a more permanent agreement; planning for it should take account of what is learned during the interim halt. Some of the major issues which would need to be taken into account during the negotiations of a treaty are:

1. *ABM levels.* A key question appears to be whether some level of ABMs is necessary for the U.S. in light of the developing Chinese nuclear capability. We believe that an area ABM is not vital to protecting U.S. interests in Asia and that we should be prepared to accept a mutually agreed zero ABM level if it improves the prospects for obtaining an effective agreement with the Soviet Union. Without an ABM, deterrence is as effective against China as against others; and a Safeguard system designed for area defense aginst the Chinese may, in the eyes of Soviet planners, pose a threat to their deterrent.

2. *Control on Missile Testing.* A ban on MIRVs would require a prohibition on all multiple warhead tests and limits on a number and location of all missile tests. We believe that such controls would be feasible and desirable.

3. *Reduction.* We believe that the U.S. should seek agreement on reduction in numbers of strategic systems. In particular the U.S. should consider proposing the phasing out of fixed land-based missiles which will become increasingly vulnerable even if MIRVs are banned.

Depending on how these and related issues are resolved, a whole range of agreements is possible. One type of agreement which most of us would favor would seek to freeze the existing situation by banning MIRVs and ABMs. A second type would concentrate on banning ABMs and phasing out fixed land-based missiles if it does not prove possible to ban MIRVs. A third type would focus on

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freezing numbers of offensive missiles and limiting ABMs if it is not possible to ban MIRVs and if the judgment is reached that an area ABM against China is needed. On our current understanding of the issues most of us favored the first type of agreement.

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We believe that the initiatives and agreements we propose will enhance U.S. security by improving the prospects for peace. These efforts can also lead to the wise and prudent use of our national resources. The expenditures thus avoided would amount to at least several billion dollars a year in the short run and much more in the long run if the U.S. and the U.S.S.R. enter into a new and costlier phase of the arms race. The SALT talks, and the clearer assessment of our real security requirements which may result from those talks, may prevent these expenditures. More of our resources can then be devoted to human needs, both at home and abroad. This is an important aspect of our national security. Unless urgent social needs are met, our national security may be progressively undermined, not by external threats but by failure to meet internal and justifiable social needs.

The negotiation of a treaty to end the arms race will involve many complex technical details. But the overriding considerations are not technical; they are deeply political. They require a fresh and clear reassessment of the fundamentals of U.S. security.

We must recognize that it is at least as dangerous to focus on "worse cases" as it is to overlook significant threats to our deterrent. If one proceeds from the most pessimistic view of U.S. capabilities, and the most generous view of the Soviet capabilities, one arrives at a U.S. second-strike posture that may look to the Soviets so much like a first-strike posture that they will be inclined to increase their own forces, thereby continuing the arms race and increasing the danger of nuclear war. In fact, the proper test for the adequacy of U.S. nuclear retaliatory power is not the U.S. worst estimate of its effectiveness, but the Soviet estimate of the damage it would suffer in a nuclear exchange. That estimate will not be based on assumptions that take the Soviet performance at its best possible level and the U.S. performance at its worst. If we arm against a "parade of imaginary horribles" on the part of an adversary, the adversary will do the same, and we will have devised a sure prescription for a dangerous and wasteful arms race.

We have made this mistake in the past, from a misdirected sense of caution. In the interests of our own security we must not make this mistake again. We must end the nuclear arms race.

PARTICIPANTS IN THE AMERICAN ASSEMBLY ON ARMS LIMITATION—1970

Adrian S. Fisher, Dean, Georgetown University Law School (Discussion Leader and Director of Drafting).

Alexander, Archibald S., Bernardsville, New Jersey.

Bader, William B., New York.

Broomfield, Lincoln P., Center for International Studies, Massachusetts Institute of Technology.

Brown, Courtney C., Editor, Columbia Journal of World Business.

Daniloff, Nicholas, United Press International, Washington, D.C.

Dudman, Richard, St. Louis *Post Dispatch*, Washington, D.C.

Finkelstein, Lawrence S., Center for International Affairs, Harvard University.

Fischer, Benjamin B., Harriman Scholar, Columbia University.

Fitzgerald, Ernest, Businessmen's Educational Fund, Washington, D.C.

Gulick, Lewis, the Associated Press, Washington, D.C.

Halperin, Morton H., The Brookings Institution, Washington, D.C.

Henkin, Louis, Hamilton Fish Professor of International Law & Diplomacy, Columbia University.

Herzfeld, Charles M., Technical Director, Defense-Space Group, ITT, Nutley, New Jersey.

Knorr, Klaus, Center for International Studies, Princeton University.

Manton, Thomas B., United Church of Christ, New York.

McDermott, Rev. Patrick P., S.J., Assistant Director, Division of World Justice & Peace, United States Catholic Conference, Washington, D.C.

Paffrath, Leslie, President, The Johnson Foundation, Racine.

Palfrey, John G., Professor of Law, Columbia University.

Parrent, Rev. Allan, Department of International Affairs, National Council of Churches, Washington, D.C.

Persinger, Mrs. Richard, Chairman, Committee on Public Affairs, National Board of the Y.W.C.A., New York.

Posvar, Wesley W., Chancellor, University of Pittsburgh.

Rathjens, George W., Professor of Political Science, Massachusetts Institute of Technology.

Scoville, Herbert, Jr., Carnegie Endowment for International Peace, Washington, D.C.

Shulman, Marshall D., Director, The Russian Institute, Columbia University.

Stone, Jeremy J., International Affairs Fellow, Council on Foreign Relations, New York.

Stuhler, Barbara, Associate Director, Minnesota World Affairs Council, Minneapolis.

Yarmolinsky, Adam, Professor of Law, Harvard University.

SENATE—*Friday, April 10, 1970*

The Senate met at 9 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our Heavenly Father, almighty and everlasting God, who hast safely brought us to the beginning of this day; defend us in the same with Thy mighty power and grant that this day we fall into no sin, neither run into any kind of danger; but that all our doings, being ordered by Thy governance, may be righteous in Thy sight; through Jesus Christ our Lord, Amen.

—The Book of Common Worship.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Utah (Mr. MOSS) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Utah yield to me for some unanimous-consent requests?

Mr. MOSS. I am happy to yield to the Senator from Montana for that purpose.

ORDER FOR ADJOURNMENT TO MONDAY, APRIL 13, AND RECOGNITION OF SENATOR FANNIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And, that at the conclusion of the approval of the Journal, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The nomination on the executive calendar will be stated.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The assistant legislative clerk read the nomination of Stephen S. Davis, to be a member of the Board of Directors of the District of Columbia Redevelopment Land Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the appropriate authorities be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NURSING HOMES 1969: PROGRESS, CRISIS, AND CHANGE

Mr. MOSS. Mr. President (Mr. GRAVEL), in 1965 the Congress took notice of the fact that there is no more declassed or underrepresented minority group in our society than those who suffer the compound burdens of illness and advance age. It was acknowledged at that time that the elderly are ill three times as often and disabled three times as long as their younger counterparts. Further, the elderly have less than half of the income than those under 65. In passing the medicare law the policy of Congress was clear: reduced ability to pay for services due to age should not result in inferior or a reduced level of medical care.

Last month the Finance Committee of the Senate released a lengthy report which points out that medicare is in financial difficulty. The committee performed a valuable public service by disclosing examples of inefficiency and abuse in the program. The Social Security Administration was well served by the committee's recommendations for eliminating problems in the system.

Certainly I share the hope of the Finance Committee that fiscal responsibility can be restored to the medicare program. There is a definite need for greater efficiency and for eliminating the abuses and fraud that feed on the Federal dollar. In citing my essential agreement with the work of the Finance Committee, let me be quick to point out that I have a wider perspective.

As chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, I have been conducting a series of hearings in various parts of the country and here in Washington, and I receive in the mail a great many newspaper articles and letters, some of which I am today including in the RECORD for the reading of my colleagues.

The jurisdiction of the Finance Committee and its concerns are clearly spelled out by its name. Monetary matters receive priority. In the Senate Special Committee on Aging, the concern is with the human and personal problems of our senior citizens. From this perspective I very much regret the way the medicare nursing home program has been dismantled on a step-by-step basis with the reported goal of saving a few dollars.

Of course, it is true that extended care facilities—medicare nursing homes—received some $500 million from the Government in 1969, and that there has been a rapid growth of chains of nursing homes. In the first place this $500 million that medicare pays to nursing homes represents 5 percent of total medicare outlays, according to Commissioner Robert Ball's testimony before the Finance Committee. Second, the question should be asked, why have nursing facilities expanded at such a rapid rate. The simple answer might be that the Federal Government has been making funds available, but another suggested answer might be that there are a great many senior citizens in need of nursing care who have had no access to it in the past for the sole reason that they were poor.

I take the floor today, Mr. President, to trace the step-by-step erosion of the medicare nursing home program. I speak of the national trend of nursing homes to drop out of the medicare program because of the arbitrary changes instituted by the Government in 1969. I speak of the subsequent unhappy results for patients in need of care, for families without funds to pay for the care of a loved one, and for the nursing home operator called into partnership with the Federal Government by the command of Congress. We can do better than this.

NURSING HOMES IN PROFILE 1969

Nursing homes continued to be a controversial entity in 1969, being described variously as "human warehouses where people wait for death" and as "a model health care facility with the unique capability of providing restorative services in a homelike environment."

A few things are certain. Nursing homes represent a new idea with primary growth since 1950, the number of nursing homes continues to grow at a rapid rate, nursing homes are showing great improvement in providing services for the elderly, and the Government continues to be the greatest sole supporter of the nursing home industry.

Nursing home statistics, Mr. President, reflect the controversy inherent in the industry and the ones I set out below are as close to consensus as possible. They do underline the importance of these questions. Nursing homes go by several names including restoriums, homes for the aging, sanitoriums, convalescent centers, convalescent hospitals, hotels, and manors.

Each citizen is likely to come in contact with a nursing home either as a patient or as a friend or relative of a patient.

In 1900 there were about 3 million people over 65. In 1969 the elderly numbered over 20 million, a 667-percent increase in 69 years. Six percent or 1.2 million of our 20 million elderly today are over 85.

There are about 1 million Americans in nursing homes and related facilities. One senior citizen out of 20 is in a nursing home.

Some 88 percent of nursing home residents are over 65. One out of three is over 85. Women outnumber men by two to one.

The average age of nursing home residents is 80 or 82. The average stay in a nursing home is more than a year. Only one-half of nursing homes residents can walk even with the aid of a cane or crutches.

Eighty percent of nursing home residents according to one study could be cared for in their own homes by their relatives. But three-fourths of the over-65 population have some chronic physical ailment or impediment.

Citizens over 65 are three times as likely to fall ill and are disabled three times as long as those under 65.

Twenty-five percent of nursing home patients die within 6 months after admission.

According to the American Nursing Home Association there are 23,013 licensed nursing homes and related facilities in the United States. Health, Education, and Welfare indicates that there is no accurate estimate of the number of places that care for the elderly because there are thousands that operate without licenses.

According to ANHA there are now more than 1 million licensed nursing home beds as of January 1, 1969. The exact total 1,024,510 represents a 12-percent increase over January 1, 1968. The net increase is 110,011 beds or 300 beds a day net growth.

The average size of a nursing home or related facility is 42 beds and assuming a growth rate of 300 beds a day, 7 nursing homes were built every day last year.

ANHA projects that nursing homes will pass the 2 million beds mark by 1975—almost double current totals within 6 years if building continues at the 1969 rate.

According to one source there was a shortage of 130,000 nursing home beds as of February 1969.

Since 1950 nursing homes have increased their earnings from 1.2 percent to 4 percent of the U.S. health dollar. Nursing home revenues for 1969 amounted to more than 2.5 billion dollars. Expenditures for nursing home care in 1969 ran 400 percent of the 1960 total.

Two out of every three dollars going to nursing homes are from the public coffer. Another study indicates that 75 percent of nursing home payments come from public funds.

Ninety percent of nursing homes are run for profit.

Approximately one-fifth of all nursing homes or 4,800 nursing homes were certified for reimbursement under medicare at the end of 1968. Reportedly only one in four or a little over 1,219 fully met medicare standards as of May 1968. The most glaring deficiencies were in the physical environment, social, and nursing services.

There were close to half a million medicare admissions in 1969 and medicare's contribution to nursing homes in 1968 of $500 million was duplicated in 1969. The $500 million paid to nursing homes represents 5 percent of total medicare outlays.

The Federal medicaid programs total for 1968 was 1.1 billion dollars, making a total 1968 Federal outlay to nursing homes of $1.6 billion. Because medicaid outlays in 1969 increased to $1.3 billion, Government payments to nursing homes increased to a total of $1.8 billion.

Since the creation of medicaid, federally assisted welfare expenditures have doubled.

Monthly nursing home charges range from $245 to $1,000 a month. The president of Four Seasons, a well known nursing home chain, in 1969 estimated a pretax profit of $1,000 a bed according to one source.

The amount of money paid to a nursing home alone is not an accurate indicator of the quality of care rendered to the patient.

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Dr. Alvin Golfarb of the American Psychological Association's Committee on Aging indicates that 86 percent of patients in a nursing home are suffering from some sort of mental disorder that ranges from senility to insanity. The estimate of the Public Health Service is more conservative indicating that 55 percent of people in nursing homes are mentally impaired. It is suggested that any apparent differences above are probably definitional.

On a related point, 26 percent of the people in our mental institutions are confined for the singular reason that they are poor. In St. Elizabeths Mental Hospital in Washington, D.C. there are at least 462 people over 70 who could be released if they had some place to go. Further, the New York Times reports that half of the 6,300 patients in New York's Creedmoor Mental Hospital are elderly and that a great many could be released with very simple treatment but they have no place to go.

According to the U.S. Department of Labor there were 325,000 employees in nursing homes in 1968.

In March 1968 there were some 25,000 vacancies in the industry and it was common for these vacancies to exist for as long as a month. The greatest shortage was for LPN's which registered a 14 percent vacancy rate.

Average wage rates through 1968 varied from a high of $5.02 an hour for dieticians down to $1.53 an hour paid nurses aides and orderlies.

The overall national ratio of staff to patients is .6 to 1; hospitals have a 2.6 to 1 ratio of staff to patients.

According to the Department of Labor the turnover rate for all nursing home personnel is 60 percent. For aides and orderlies the turnover is 75 percent; it is 71 percent for RN's; 35 percent for LPN's and 21 percent for administrative and supervisory personnel.

Beginning February 1, 1967, nursing home employees came under the Fair Labor Standards Act and accordingly the minimum wage in these institutions will go up to $1.60 an hour by February 1, 1971.

Proprietary nursing homes with more than $100,000 of income are now subject to the provisions of the National Labor Relations Act by virtue of the Board's recent decision. The facilities of the National Labor Relations Board will be available to supervise consent elections and sanction official recognition of large numbers of nursing home staffs.

PRESIDENT NIXON'S LOW PRIORITY TO HEALTH AND THE ARBITRARY DISMANTLING OF THE MEDICARE NURSING HOME PROGRAM

Throughout 1967 and 1968 during the Johnson administration, there was in force a liberal admissions policy with regard to the elderly who could quickly be transferred out of the hospital to an extended care nursing facility and receive the same services at one-third the cost to the Government. From this point of view, nursing homes were a good investment because they cut down on the necessary stay in the expensive acute care hospital.

In 1969 things began to change, largely the result of imposition by the new administration of a different set of national priorities. The recent battle over the Health, Education, and Welfare appropriations bill, the new budget's unhappy cut in allocations to the National Institutes of Health, the Consumer Protection and Environment Health Service, and the Mental Health Administration, and the fact that health was given only two oblique references in the last state of the Union message speaks volumes about where health falls in terms of national priorities.

If health is low on the list, as we must assume, then how much lower are the programs for the elderly, and how much lower still are the programs for the elderly who have the misfortune to fall ill during the current administration. Logic suggests, Mr. President, that programs for the ill and elderly rank in Mr. Nixon's priorities just above raising funds for the Democratic National Committee.

I have alluded to the step-by-step dismantling of the medicare nursing home program and I want to document that at this point in my speech. My point is that even if the dismantling was well intentioned with the ascribed purpose of saving Federal dollars that were finding their way into opportunistic pockets, the tearing down of what could be an effective, viable and beneficial program was done in the most arbitrary fashion available. Let me make clear my belief that most of the physicians in the medicare program are honest and have endeavored to assist our senior citizens to the best of their abilities. Those who have taken advantage of the system, be they physicians, or providers or druggists are in the narrow minority. I regard it as unfortunate to penalize the majority for the actions of the few.

One of the first and most major changes instituted in the medicare nursing home program was that medicare would not pay for patients who were merely custodial. Even if they needed the extension of the kind of care that they were receiving in the hospital, they would not be paid for by medicare unless they were deemed to have rehabilitative potential. By this edict all terminal patients were excluded at once with great savings to the Government.

Another major step was intermediary letter No. 371 which decreed that beyond the requirement of having rehabilitative potential, a patient to be compensable must fall within the narrow category of "skilled nursing care" and covered care as defined within that letter. From a medical and clinical point of view the definition of skilled nursing care is artificial, if not nonsensical, comments Dr. Michael B. Miller, medical director of the White Plains Center for Nursing Care:

> The implementation of the present distorted definitions of skilled nursing care propounded by the Social Security Administration can only result in the strangulation in midstream of a good socio-medico program, in complete defiance of the intent of Congress, and the will of the People. Synthetic definitions related to skilled versus custodial care can only be fictitious and misleading. The concept that the more disabled, the more ill a chronic patient becomes, the less need for skilled care, is erroneous and cannot be supported by medical and nursing principles. Indeed, the more handicapped and disabled, the more skilled services are needed, not the contrary attitude which currently prevails.

Dr. Miller cited a few examples of what he means as follows:

First. Feeding a patient is an unskilled service under current regulations and is not compensable and yet a common problem among nursing home residents is loss of weight. Many patients lose up to 50 percent of their body weight during their stay in a home. "We don't know how to feed patients today because nobody has ever studied it. I have noticed that some nurses can feed certain patients but not others. I'd like to know why."

Second. Giving drugs currently is a skilled service unless given by mouth. According to Dr. Miller this is nonsensical because there are a great many patients who are emotionally sick or with organic brain damage who should not be entrusted to take the medication themselves which is what happens today. Further, science has been working these many years for an alternative to the needle and when we finally succeed, it suddenly becomes an unskilled service. "It is just as easy to give an overdose of insulin by mouth as it is by injection."

Third. The insertion of catheters is a covered so-called skilled service, but the care and treatment of the patient from then on is currently classified as an unskilled service. He said:

> The use of catheters is frought with dangers because there is no way that it can be accomplished without putting infection in the body. Just raise the receptacle of the in-catheter up to bed level and I will guarantee you the patient will have fever and chills within 36 hours. Mishandling in the slightest degree can lead to death and yet this is not classified as a skilled service.

With these new directives the function of the intermediary insurance carrier in the system changed from its passive administrative role to a new aggressive function of determining what is covered care and the amount of compensation, measuring eligibility requirement and judging compliance with social security directives. Naturally administrative costs of the system increased in 1969 in view of the intermediary's new function. According to the Finance Committee the 1968 administrative costs for medicare was $104 million in 1968. The total cost of administration in the first 9 months of 1969 was $102 million or only $2 million less than the entire administrative costs the year before.

Mention should be made of intermediary letter No. 168 which was issued October 28, 1969. The first paragraph of the regulation is self-explanatory. It reads:

> While there is no explicit authority which would require a provider of services to open its records to examination by an Intermediary, implicit throughout the Title XVIII legislation and regulations by the assumption that such examination will occur and that while a provider is not legally compelled to permit inspection, its failure to do so would subject it to certain significant legal consequences, including termination of its agreement with the Secretary.

By administrative fiat, without legislative authority, failure to allow an inspection of the nursing home books by the intermediary is made a conclusive presumption of guilt. I make it clear, I do not quarrel with the efficacy of having inspections of the books but I do object to the methods employed by the Social Security Administration.

Then there was intermediary letter No. 173 issued on January 9, 1970, which has the unhappy effect of relegating almost full responsibility for physical therapy to the already overworked nursing staff. This was done by a more than generous definition of "restorative nursing care" giving to nurses duties that were formerly acknowledged physical therapy functions. This action was based on allegations of overutilization and excessive costs in physical therapy programs in the Nation's medicare nursing homes. Little matter whether the allegations are true, for purposes of the patient in need of services, this directive flies in the face of the policy of rehabilitation to the effect that patients should be encouraged to function to the best of their abilities and where possible be discharged to their own homes.

But there is more to the story. On February 2 of this year HEW and Social Security announced new accounting rules designed to restrict payments to profit-making nursing homes and hospitals under both medicare and medicaid. The new rules tighten up procedures for the calculation of depreciation, a significant reimbursable cost. Nursing homes will now have a depreciation base of the lowest of three figures—actual cost, fair market value or replacement cost less depreciation. A second change would prohibit the use of accelerated depreciation by operators of new facilities or facilities expanded to include medicare. In this context I recall the statement of Merlin A. Reeder, president of the Utah Nursing Home Association, who complained of the difficulty in receiving payment from medicare and the attendant delay:

> We can't go on living on our depreciation, we have to have a few dollars to be able to render the same service to patients again today and tomorrow.

It looks as if Mr. Reeder and others like him will not even be able to count on the guarantee of that minimal amount representing depreciation of their facilities.

It will also be recalled that on July 1, 1969, the third anniversary of medicare, the decision was handed down to eliminate the 2-percent "bonus" above actual cost. The deletion was announced in customary fashion—abruptly and by administrative fiat. Little matter that Commissioner Ball had indicated that the 2 percent—1½ percent in the case of proprietary institutions—allowance was not a bonus but it represented a finding that some costs were present that were not otherwise expected to be specifically provided for in the costs accounted for and apportioned to medicare. Commissioner Ball told the Finance Committee:

> I would not agree that the 2 percent was over and beyond cost. It was over and beyond defined and accounted-for-cost.

Reportedly the change will save the Treasury some $100 million in fiscal year 1970. The chilling effect on those operators who might wish to stay in the medicare nursing home program is obvious.

In addition to all these changes medicare nursing home providers are soon to face the same probing General Accounting Office which brought out sensational revelations with regard to the C-51 and F-111.

One last directive formulated in late 1969 announced just a few days ago deserves mention. This directive from SSA commands the intermediary to review salaries of all nursing home personnel with particular emphasis on the salaries paid to administrators. The basis for this was a reference in the Finance Committee hearings indicating that some administrators had paid themselves $75,000 a year.

The changes instituted by the administration which directly affects the pocketbook of the elderly are as follows:

First. In September 1969 the President submitted to Congress a proposal calling for an additional $136 million in medicare payroll taxes in addition to tax increases already scheduled under the Social Security Act.

Second. By January 1, 1969, the deductible, the initial amount payable by the patient, was raised from $40 to $44. Effective January 1, 1970, the deductible has been raised to $52 with the promise that it would go up to $84 by 1974.

Third. The part B portion of medicare that the patient pays to get coverage for physicians' charges was raised 32 percent, to $5.30 a month. This measure will raise some $600 million annually.

The record then is clear: in the short space of 1 year the elderly faced three substantial increases: taxes, fees, and premiums in support of the medicare program. All these increases were imposed notwithstanding the fact that the elderly received reduced services at least within the narrow context of the availability of the medicare nursing home.

That the directives issued since January 1969 have had a restrictive effect on the use of the nursing home cannot be questioned. Neither physicians nor nursing home operators could predict or guarantee payment by medicare. For this reason, and because all the directives were imposed retroactively with the obligation to pay back payments received from medicare, more than 500 nursing homes have dropped out of the medicare nursing home program. According to Gaylord Shaw who wrote the story for the Associated Press, this is but a prelude to things to come.

What should be made clear at this point is that all of these directives issued in 1969 and earlier this year by the Social Security Administration to the intermediaries have been given retroactive effect. Claims which matured for expenses occurred in 1967 and 1968 have been denied on the basis of a list of criteria announced in 1969. Even worse, a nursing home operator may have received final payment for a patient who received services in 1967, and now in 1970, 3 years later, there are issued new directives which when given retroactive effect require the administrator to "pay back" the money he has received. Small wonder that nursing home administrators complain to me that accepting a medicare patient is about as unpredictable as putting a quarter in a slot machine.

One operator told me in confidence that the way the system is currently being operated with the constant changes in "the rules of the game," it leaves no room for the honest, good-faith operator of a nursing home. "You've got to be dishonest or cut services," he said.

The long-range effects are even more devastating. Since nursing home operators have been given little choice but to drop out of the program and refuse to accept nursing home patients, physicians have had little choice but to retain the patient in the hospital. Paradoxically, at least up to now, the medicare machinery seems quite willing to pay for hospital prices for a patient who could be housed and given adequate care in a good nursing home for one-third the price.

That we are seeing a rise in the average stay in the hospital has been documented by sources as diverse as the Finance Committee and Theodore Schuchat, who writes a column entitled "Retirement and You," which appears in the Bergen, N.J., Record Call, the Washington Star, and other newspapers.

In a recent column which I include with my remarks, Mr. Schuchat documents the following statistics:

> The average length of a hospital stay went from 24.2 days in 1968 to more than 27 days in 1969. At the same time, nursing home days for these patients under Medicare declined on the average from 43.7 in 1968 to 35.8 in 1969.

Mr. Schuchat further comments:

> If these trends are national in scope, they deserve congressional attention. Shaving 1 day from Medicare's national average would save $400 million.

I restate at this point that the entire cost of the medicare nursing home program for 1968 was $500 million, which was equaled in 1969. If it is our intent to save money, we should utilize the medicare nursing home program and minimize the use of the hospital.

IN SUMMATION

We have very effectively dismantled the medicare nursing home program for reasons best known to others. If it is our intent to save on costs, efforts have been counterproductive. If our intent was to eliminate corruption and abuse, we are wide of the mark. We must do better.

In the final analysis, it is the patient that suffers. To the elderly, medicare is beginning to take on the color of another broken promise. The administration has not gotten around to telling our senior citizens that their red, white, and blue medicare handbook does not tell it like it is. I can sympathize with the nursing home patient who has it on the authority of this handbook that he is entitled to 100 days in a nursing home. I can sympathize with the nursing home administrator who must break these bubbles of misconception and often suffer financial loss as well.

For the nursing home administrator who is participating in the medicare program in good faith, the new directives are the gravest kind of injustice. In effect there is no predictability as to whether medicare will pay for a particular patient. There is no way to antici-

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pate. Additionally, there is no finality with regard to claims. Payment once secured for services rendered to Mrs. X may be reviewed and, with the retroactive effect given the reach of social security pronouncements, the operator can be required to pay back money received in earlier years.

But I have saved the gravest injustice for last. The latest pronouncements by the Social Security Administration ask the intermediaries to review salaries for nursing home personnel with particular reference to the salaries paid nursing home administrators retroactive to January 1, 1967, the date that the medicare nursing home program became effective.

To nursing home administrators this means that they are now faced with the prospect of having their wages reviewed over the last 3 years with the possibility, under a decision rendered today on the basis of present day promulgated standards, of being required to pay back such sums as are now decided to have been improvidently paid.

Small wonder that nursing home people like Lee Dalebout, the executive director of the Utah Nursing Home Association have commented that they are both glad and sorry for their experience with medicare. Mr. Dalebout said:

> We are glad that we have survived it (medicare) thus far and sorry that we ever heard of it.

I am including for the reading of the Members of the Congress some of the correspondence that I have received and part of the testimony of Mr. Francis P. Dellafera, president of the Connecticut Association of Extended Care facilities who appeared as a witness before my Subcommittee on Long-Term Care at our hearing in Hartford, Conn., on January 15 of this year.

I ask unanimous consent that part of the testimony of Mr. Dellafera referred to above and several letters on this subject which I have received along with various news articles, editorials, and columns be printed at this point in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

STATEMENT IN PART BY FRANCIS P. DELLAFERA

Mr. Chairman, it has come to my attention just last week that SSA will impose a wage control directive through fiscal intermediaries on a regional basis retroactively to January 1, 1967. These directives will require intermediaries to review by survey and other means that salary scales paid to all employees of ECFs with particular emphasis on the salary allowance for administrators. The wage and salary allowances which were scheduled by the Travelers Insurance Company auditors were considered by them to be extremely conservative; however, it appears the proposed allowances will be a mockery of the professional posture that is demanded by the conditions of participation for Medicare (Title XVII) and more recently the licensing of nursing home administrators law. Salary ranges for administrators as proposed will be below those paid to truck drivers, electricians, plumbers, carpenters and probably equal to that of a laborer.

If it is the intention of SSA and HEW to eliminate the ECF as an integral part of the medical and nursing care delivery system, the imposition of these limitations of wages will most certainly be a crushing enough blow to effect the withdrawal of many providers of services from the program. Currently, because of the additional burdens placed on nursing homes because of the reduction in admissions of patients to Connecticut ECFs from general hospitals, some 40 ECFs have either voluntarily decertified or have started proceedings to withdraw from the program with others indicating a consideration to withdraw.

I can predict with a reasonable amount of certainty that many more ECFs will withdraw from the program if SSA and HEW continue to apply these pressures making it financially impossible to continue. It would be most difficult for administrators to reconcile the increasing wage scales for employees with these new policies now being implemented. We are very much concerned with this latest development which will have a very severe effect on our ability to provide adequate nursing services on behalf of the patient, and we ask that you use your good office to investigate and consider these latest developments.

Thank you, Senator. That ends the formal part of this testimony. I will be glad to answer any questions you may have.

Senator MOSS. Thank you very much, Mr. Dellafera. Just this last part of your testimony is enough to shock us into insisting that we go ahead out of this survey of the trends to get some reversal of policy. To be told that some 40 extended care facilities have either decertified or started proceedings to withdraw from the program is startling and of course most depressing. Your prediction that there will be others would indicate that we have started to unravel the very fine system that you have here in Connecticut.

HAGERSTOWN, IND.,
January 8, 1970.

Senator FRANK E. MOSS,
Washington, D.C.

DEAR SENATOR MOSS: I see in the paper where you are scheduling hearings on nursing home care for the elderly. I wish to report that the Chain of National *Nursing Homes* in Indiana are not participating in the Medicare and Medicaid programs. We only have one nursing home in Wayne County that is participating. I feel it is wrong for elderly people to have this taken out of their Social Security checks and not be able to use it in any nursing homes. Hospitals keep the elderly for such a short time because of their crowded conditions so the elderly are moved into nursing homes whether they want to go or not. Our mother was taken out of a State Mental Hospital and placed into a National Nursing Home without our consent. We now have full responsibility of her care in a nursing home. Nursing homes say they have to wait so long for their money if they participate in the Medicare program and that the forms they must fill out takes too long. I think the Medicare and Medicaid program as it stands now is a great mistake for the elderly. They think they have something and they have nothing. I hope you can straighten out some of this mess through your hearings.

Sincerely yours,
MRS. AUDREY HARDWICK.

COMMUNITY SERVICES COUNCIL,
SALT LAKE AREA,
December 29, 1969.

Hon. FRANK E. MOSS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: The intent of this letter is to inform you of problems brought to our attention concerning misunderstanding and confusion on the part of beneficiaries of the Medicare program, Title XVIII of P.L. 89–87.

We repeatedly receive inquiries from Medicare beneficiaries and their families regarding benefits and procedures in the delivery of services and processing of claims. Occasionally a case history is called to our attention where payments for services rendered in good faith by hospital or nursing home have been denied by the intermediary, leaving the burden upon the serving agency or the patient or his family.

In order to develop a better understanding we have made inquiries of personnel in the District Office of Social Security, State Division of Health, Blue Cross and others involved in the program. We have also reviewed literature available to beneficiaries under the program and have come to the conclusion that information available on the program is confusing and easily misleading.

In our opinion, benefits under the Medicare program have been grossly oversold by said literature and the press in general, which emphasizes the package of benefits available. There is little reference to medical necessity or the powers of utilization review board and intermediary review board to deny claims. Beneficiaries calling this office are unable to understand why claims are denied and why Medicare will not pay for all hospital, extended care facilities or home health agency services. They do not understand that Medicare pays for "skilled care" only. Their feeling is, "I'm entitled to 100 days, why won't they pay for it?"

It has taken considerable effort on our part to find out that a Utilization Review Committee can rule that a patient is not entitled to benefits. We now understand this committee can over-rule the attending physician. We agree this may be a needed part of the program but it provokes misunderstanding and occasional resentment.

We have also determined that the fiscal intermediary, in Utah it's Blue Cross, can deny payment of a claim even where the Utilization Review Committee feels the service is justified. It has been called to our attention that a large number of claims are being denied in hospitals, extended care facilities and home health agencies.

The District Office, Social Security Administration, tells us that new literature is being developed to describe Medicare benefits.

It is our recommendation that programs to disseminate Medicare information be of such a nature that physicians and beneficiaries know that there are defined limitations; that Utilization Review Committees and a Fiscal Intermediary have the responsibility to determine what is meant by "covered care".

It is our hope that you will exert your influence to see that these *limiting factors* to the Medicare program are *well defined* in any new literature describing Medicare benefits. We feel helpless in effecting change at the local level.

Sincerely yours,
MARY HANSON,
Chairman, Committee on Aging.
ROGER H. FREUND,
Cordinator, Programs on Aging.

MAYTIME MANOR NURSING HOME,
Salt Lake City, Utah, December 12, 1969.
Senator FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: I am writing to you regarding a very urgent subject.

I was stricken with the most painful bone ailment, osteoporosis, 9/19/69 and was rushed to LDS Hospital. On 10/5/69 I was removed to Maytime Manor Nursing Home expecting to be under Medicare coverage as I had been at LDS Hosp. Two weeks later I was notified that Medicare would not take care of the Nursing Home expenses. I felt badly as I have little income, a small social security check and my deceased husband's railroad compensation. I have explained this in the letter (copy enclosed) which I sent to Medicare and from whom I have received no reply.

There are many patients in this Nursing Home better able than myself to care for themselves who are under Medicare. It seems unfair that they have apparently discriminated against me.

I am still at Maytime Manor Nursing Home as I cannot care for myself. I still have this painful ailment and am worried about the mounting expenses as they charge $14.00 per day. This is a great hardship on me, being a widow with such little income (about $119/monthly).

It is my contention that the government should be able to pay to elderly deserving citizens for all their medical expenses. We have worked all our lives, paid taxes, and contributed so much to the upbuilding of the country. We deserve recognition in medical care which we so desperately need.

There are billions spent by the government on useless projects and wasted: a little more for the aged would be so worthwhile. I do hope you can help me and also further legislation for more medical care for elderly citizens.

I feel as though I know you Brother Moss as your Father James E. Moss was my teacher and principal at Granite High, a man beloved by all the students and all people.

Thanking you most kindly, I hope you will run for re-election next year.

Mrs. Flora E. Thorson.

P.S.—Please make it possible that Maytime Manor will be reimbursed as per the Medicare provisions.

Allen Memorial Hospital,
Moab, Utah, January 17, 1970.

Mr. Robert H. Finch,
Secretary, Health, Education, and Welfare,
Washington, D.C.

Dear Secretary Finch: This is a follow up to my letter of December 23, 1969.

We would like to thank the Utah Medicare intermediary for their time and effort in sitting down with us, January 2, 1970, and trying to explain why some of our inpatient billings are being rejected as "noncovered care". However, we are rejecting their interpretation and consider it erroneous, or if not erroneous, then the Medicare program is a farce to the elderly, the doctors, the hospitals, and the American public. The following is why I make this statement.

Dr. Garner Meads, Medical director for the Utah intermediary, met with me and the hospital medical staff to explain under what conditions the elderly do not qualify for hospital benefits, even though the patient's doctor and the utilization staff says he should be in the hospital. His explanation to us was that chronic ills of the elderly are not covered unless they become acute, even though the combined chronic ills may be serious enough to cause death they still may, or may not qualify for hospital benefits under the Medicare law.

We were also told that the intermediary, and not the patient's doctor, or the utilization review committee, was charged by law to determine if the Medicare patient is acute enough to receive hospital benefits.

Specific case discussed was an eighty six (86) year old male who was admitted with cerebral and generalized arteriosclerosis, mold diabetes, urinary incontinence and malnutrition, and thought to be a terminal patient by his doctor, and by the utilization review committee. While there was very little the doctor could do medically, he and the utilization review committee felt that skilled and continuous close observation by trained personnel was essential for the well being of this patient.

Here was a man who was near death for 112 days, but according to Medicare his ills were "chronic ills of the aged" and, even though sick enough to die (in fact the doctor fully expected him to) his case was classified by the Medicare intermediary as custodial and as such not qualifying for hospitalization benefits.

This particular case was rejected by the intermediary for hospital benefits in spite of what the doctor and utilization committee determined. If Medicare is not going to respect the doctors judgment or that of the utilization committee, then there is no need for the utilization committee. If you want us to send progress notes, etc., to the intermediary for review every twelve days, and let them review our patients, this is fine, as long as the patient is covered until receipt of any rejection. If Medicare makes the decisions let Medicare have the paper work and the responsibility. As it now stands they are degrading the Medical profession, as explained in the case above. In this particular case the doctor had told the patient's family it was very unlikely he would live and in fact he died shortly after being transferred to a nursing home. Then Medicare comes back to the family and tells them "your father was not sick enough to qualify for hospital benefits under the Medicare program." This is about the best way I know of to destroy the Medicare program and medical profession.

I feel this family, or any other family in this situation, and the American public should be told the truth, and that is, that Medicare in their ivory tower will decide if a person needs hospital care, and not their doctor.

All we hear from Medicare anymore is how they had to add some new restrictions and how expensive it is. I would like to know how much of the Social Security money deducted from the pay checks for the Medicare program is spent on actual medical care for the patients i.e., hospitals, doctors, nursing homes, drugs, etc., and how much for administration and overhead (in percentages).

Sincerely,

J. Kay Hawks,
Administrator.

Clearwater, Fla.,
January 14, 1970.

Dear Senator: For years I have been paying for Social Security and Medicare, now I need help from medicare, but they refuse me. My wife was in the hospital here in Clearwater. Medicare paid for most of that but refuse to pay for the nursing home. Why? They give you a lot of poor excuses, I am entitled to this care, but just try to get it. Seems to me that the U.S. Government is in on a crooked insurance deal to fleece the old people. Here is a letter from our Doctor that will show that we should get medicare, it is proof. I am asking for your aid, can we have it?

My wife is 82 years old, she has been a wonderful wife, mother and grandmother, she will soon be going to a much better world where there is no sickness, no sorrow, no more pain, no unfriendly people (as Aetna's Mrs. Jessop here in the medicare office at Clearwater) why does the Government ask us to pay for medicare and then when we need it they won't give it to us old people. Senator, we spend billions on moon trips and wars, why not put that money to work for more hospitals—nursing homes, more schools, why not do as the Russians, take care of its people from birth until death. There are also too many people like Mrs. Jessop who don't produce a thing, fire them and let the Doctors treat the old people free—Have this Government build hospitals for the old people, all over this U.S.A. and have it free for all over 75 and a small fee for those 65 to 75. Stop Foreign Aid and give that to aid the old people in the good old U.S.A.

May I hear from you. Thanks.

God bless you. We need more like you in Washington.

C. A. Thompson.

EXTENDED CARE UNDER MEDICARE

Whereas, It has come to our attention that the Department of Health, Education, and Welfare, through Intermediary Letter #371, has placed severe restrictions on extended care for Medicare Patients, and

Whereas, These instructions have caused much concern and grief and possibly in some cases, the death of unsuspecting patients, who though ordered to nursing homes, were in no financial position to pay the unexpected costs when intermediaries rejected their claims, and

Whereas, Because of these situations many doctors are somewhat reluctant to refer needy patients to nursing homes for extended care and nursing homes are becoming reluctant to accept Medicare patients thereby adding to the confusion, and

Whereas, We understand that similar restrictions are being instituted in hospitals, and

Whereas, We do not believe this was the intent of the Congress when they adopted the Medicare Program, therefore be it

Resolved, That the Winter Park Chapter No. 386 of NARCE go on record as objecting to and protesting these restrictions and appealing to Congress to investigate this matter with a view towards liberalizing these restrictions.

Adopted December 3, 1969.

Carl Setje,
President.
Frank G. Lucey,
Secretary.

Guilford Convalesarium,
Fayetteville, Pa., January 27, 1970.

Senator Frank Moss,
U.S. Senate,
Washington D.C.

Dear Senator Moss: Several days ago a news release by an Associated Press writer, Gaylord Shaw, appeared in many newspapers throughout the Nation regarding "the National trend of nursing homes dropping out of Medicare's Extended Program", which was cited by you and also appeared in our local paper.

The context of the article revealing the experiences, discriminations and injustices inflicted upon ECF facilities throughout our country are shared by our facility as well.

Upon learning of your interest and the launching of Congressional hearings in respect to our problems, I laud your ambition, aggressiveness and offer my support in any way you feel we can serve; financially, organizational or otherwise.

You might wish to consider as follows, several injustices which we are experiencing as part of your fact finding media:

A. Our facility was in operation before the Medicare Program became effective. We were among the first to enroll in their program in our State. Our facility has already established prior to their existence, a depreciation schedule on a 25 year basis which was neither objectionable or questioned at the time we enrolled in the Program.

B. My salary, based upon active participation in the facility as Owner, who establishes and implements policies, procedures, purchasing, coordinator etc., established a salary of $20,000.00 per year for a 102 bed unit which was never objectionable or questioned at the time we enrolled in the Medicare Program.

Upon filing our first Cost Report it was established by Mr. Frank Ruth, a C.P.A. representing our Firm since its existence, that we operated at a loss of which according to their RCC method of reimbursement caused our Firm to be entitled to approximately $4,400.00 additional compensation for the period filed.

They dispatched an independent accounting firm to visit our facility to audit all accounts. They could only find three items to contest which was done in an attempt to

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cancel out their obligation on the above additional compensation due us. They are as follows:

1. Disallowed advertising expense of approximately $800.00.

2. Requested that we change our depreciation schedule from 25 years to 40 years.

3. Requested that my salary be reduced from $20,000.00 to $15,000.00 annually and that I only be entitled to 75% of the latter amount since I have other interests elsewhere.

They attempted on several occasions to have me accept their terms, adjust our statement to their way of thinking; which I have refused to do—with one exception—I will concede the advertising expense.

I enclose a letter which I received several days ago which speaks for itself—in effect, if I don't agree to change the polices of my privately owned enterprise to conform to our government's desires, they will put me out of business.

We are licensed in our State as a profit making Class III Skilled Nursing Facility. According to the RCC Method of accounting, we are only entitled to 1½% profit above actual cost to say the least. Now it is their desire to remove all profit.

I know of no business man who would want to invest in any enterprise with such a meager potential of profit. I also know that other unrelated firms on government contracts are allowed to earn astounding profits.

In behalf of many other ECF's as well as myself, our desire is to give skilled nursing care and to provide a pleasant environment for our guests at a sensible profit. It is my belief that the program should offer any qualified ECF a flat daily interim rate of $20–$22 per day (with cost of living escalator clause), and require the licensed officer of HEW of each State to supervise the program.

Please do not adjudge me a radical. I justly feel the program in its present form is unfair and that some *immediate* remedial action must be taken before the government is faced with the gruesome facts that we private nursing home operators are not going to accept the financial obligations of our government, which they promise to the public under the Medicare program.

The trend of ECF dropouts will cause our government to spend needless billions of dollars to build and staff new facilities all over our Nation to care for qualified participants. Surely, you would think they would want to avoid this, knowing what problems they have with the present national budget.

Please do not hesitate to advise me of any way that I can be of assistance.

Thanking you for your interest, I am

Very truly yours,

Richard L. Michael,
President.

Extended Care Center,
Evansville, Ind., January 30, 1970.

Hon. Frank Moss,
Senate Building,
Washington, D.C.

Dear Senator Moss: You were quoted in a recent AP syndicated column as having made certain remarks in reference to the Medicare Program as it applies to nursing homes. I thought you might be interested in the details of this specific case taken from our recent files.

The patient, an 82 year old lady, was transferred to Dellaren Extended Care Center from a medically approved hospitalization at a local general hospital. She was admitted on January 22. Application for Advice of Medical Status was filed on January 23. Rejection of claim was received on January 28 marked "stay for non-covered level of care". This patient has hypertension, has had a stroke, has Parkinson's Disease and chronic glaucoma. She is unable to walk alone, requires assistance in feeding and bathing and is incontinent of urine and bowel. She is confused periodically.

Her physician, our Director of Nursing Service, and myself felt that this patient needed skilled nursing care. A nurse at a desk one-hundred fifty miles away felt that she did not; so the claim was rejected retroactive to the date of admission.

I contacted the nurse by telephone and was told that there were two choices in the matter:

1. I could appeal directly to Social Security Administration.

2. I could appeal to a Board of seven physicians.

I was told categorically that the Social Security Administration would reject the appeal and the physicians probably would also.

This case represents a so-called "ambulance cure" and is one of the reasons why nursing home operators are disillusioned with the Medicare program. The results of this type of rejection will be prolonged hospital stay because physicians generally prefer not to get involved in government bureaucracy. It would seem to me that, even if this case does not qualify under the strict application of the Social Security Administration guide lines, the best interest of the patient and the government could be served by approval of payment of this claim when consideration is given to the relative cost of hospital and nursing home care. It further seems unfair that the rejection should be retroactive.

It is not difficult to understand why private enterprise is unhappy with the program when the following facts are considered:

1. The government agencies make the rules and change them unilaterally in the middle of the game.

2. The government buys the majority of the product.

3. No consideration is given the private operator for the financial risk involved.

4. Appeals are costly and time consuming and generally impractical for a private operator.

Frankly, I believe that many nursing home proprietors have been trapped in a financial "box" and would immediately abandon participation under Medicare if bankruptcy were not the only obvious alternative.

Sincerely yours,

Robert E. Arendell, *M.D.,*
Medical Director.

Haven House,
Kearney, Nebr., January 16, 1970.

Hon. Frank E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: I recently read a very short article in one of our local newspapers relative to the subcommittee on long-term care which will be chaired by yourself which will study among other things the national trend of nursing homes dropping out of Medicare's Extended Care Program.

We are right now contemplating exactly this same move, for two basic reasons:

1. The complete emasculation by the regulations of our physician Utilization Review Committee.

2. The necessity of private patients subsidizing the care given Medicare patients.

In our area, as everywhere, there is a great demand for the expensive acute general hospital bed, therefore, as soon as medically feasible the doctors in the area certify their Medicare Patients into our facility for continued skilled nursing care. Later the Utilization Review Committee of five volunteer physicians review all admissions and all patients who have been in the facility 45 days. This committee meets monthly and is trying to do a professional job with this review. In spite of this, we have just recently been informed that five cases which have been further reviewed by the intermediary in Omaha, Blue Cross Blue Shield, have just been completely denied benefits retroactive to somewhere between June and October. We have a pending Medicare claim file of 20 individual claim forms, 17 of which we have just been notified we must send in all records, nurses notes, etc. for further review by the intermediary; and we have received less than $50 for our intermediary on Medicare Claims in the last two months. I think you can understand the position we feel we have put our Utilization Review Committee in, not to mention the attending doctor who knows the individual case best in the first place, and I think you can also understand we are beginning to wonder how we can continue meeting our payroll with this kind of harassment.

Regarding the matter of subsidy of Medicare patients. It is true and we all knew when the program began that it was a reimbursement of cost only, with an additional per cent which was to cover costs not spelled out plus return of investment. The problem arises from the fact that Medicare is not paying its costs and therefore we are either going slowly broke or the patient is picking up the excess we need to prevent this. As an example, I cite the cost of $750 to prepare the interim cost study required by Medicare. This is a lot of money of course, however, our accountant treated us as well as he possibly could in view of the large amount of minutia which was requested and necessary to be justified. Medicare pays only the portion of that total which our annual Medicare occupancy will bear to the total amount which will be roughly 30%. I think it is a fair statement to say that the other 70% is unnecessarily borne by patients who have no reason whatsoever to be concerned with a Medicare per diem report. You are no doubt aware of that fact that the 1½% and 2% additional allowances were cut back at mid year. In spite of many people attempting to explain this to the officials in Washington and the reasons therefore, of course, we got nowhere. This amount was required for a balanced operating budget and we all are aware of where that amount must come from.

I hope you get many letters from the nursing home operators around the country. The concept of using a $5,000 bed with no obstetrical or other low paying departments to support, makes a great deal of sense as compared to using the $30,000 general hospital bed which has all of these facilities to offer the community. The result of all of these things starting with the negating of all Utilization decisions by the attending physician and the Utilization committee is a definite step towards the entire health industry being controlled by non-medical interests.

I am sending a copy of this letter to our good Representatives from Nebraska, and I would be interested in your views on the subject after you have had a chance to hear testimony and weigh the various factors involved.

Respectfully,

Harold E. Freese.

The Hermitage
Nursing Home, Inc.,
Worcester, Mass.
The Royal Megansett
Nursing Home, Inc.,
North Falmouth, Mass., January 16, 1970.

Senator Frank Moss,
Senate Building,
Washington, D.C.

Dear Senator: As most nursing homes in our country struggle through crisis after crisis in their dealings with the Federal and State governments, it came as a pleasant surprise this morning to learn that you were shocked by some of the things that are occurring within our segment of the health profession.

We believe that the two nursing homes listed above enjoy having the finest reputations in Massachusetts, and yet in our efforts

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to serve the country under the increased costs of Medicare, the Hermitage has dropped from caring for an average of between 40–45 patients in 1969, down to 10–15 at (Medicare) the present time. The Royal Megansett has one patient receiving Medicare benefits at the present time. Now this would not seem to warrant paying the Doctors on the Utilization Review Committee $50.00 a meeting, or a dietitian $200.00 a month for 20 hours of work. Yet, either the government or we have to foot the bill for these exorbitant costs. Also, as our costs have increased, our intermediary has arbitrarily dropped our per diem rate to the point where we are losing large sums of money, if we do take care of patients under Medicare or Medicaid.

In an increasingly turbulent world, in which no segment of the population is happy with encroaching government, the most maddening thing is for us to sit by not able to do anything because no one in authority will listen to us in our efforts to tell you how easy it is for the government to save money while at the same time giving better care. Even sadder, is the realization that the government will not pay its way in expecting us to care for patients at a loss, while expecting the private patients to subsidize the services the government demands under Medicare. Government can be made to work if men of decision are willing to take positive action. *Do something.*

Sincerely,

Chester S. Warner.

Colonial Terrace Nursing Home,
Blue Hill, Nebr., January 16, 1970.

Senator **Frank** E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: We are vitally interested in the Senate hearings on nursing homes and of the trend of ECF homes to withdraw from the Medicare program.

We are in accord with the intent of the Medicare Program, and feel that it was meant to be a great assistance; however, the implementation of the program is such, that if continued on the current basis will make it impractical for any home to participate.

The purpose of this letter is to advise you of our concern and to offer any assistance that we can in the way of submitting information, cases, or documentations.

Sincerely,

P. C. Jones,
Administrator.

Kearney Clinic,
Kearney, Nebr., January 17, 1970.

Hon. **Frank** E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: Congratulations on your interest in the problems that are confronting the nursing home industry. As part owner of a small nursing home who has tried to give service under Medicare, I heartily sympathize with the many homes who are withdrawing from the program.

Much publicity has been given to the problem of the avaricious nursing home operation, but I think attention should now be focused on the irresponsibility of the fiscal agents and their impact in undermining the Medicare Program. In our experience, we are dealing with a headless body that will not define any clear-cut criteria for a participant's eligibility under Medicare, then will make a unilateral decision that a participant is not eligible after he has been approved by his own doctor and an impartial utilization committee. Further, they then withhold payment to the home for the care furnished from the date that they decide that the eligibility was ended. Since they are no more prompt than other government agencies in making the decision and forwarding it to the home, the home is often stuck with a considerable period of non-reimbursable care, as many of the patients thus cut off by Medicare do not have private funds to pay for the interval after the Medicare decides that they are through and the home receives the verdict. If we were dealing with a private party who would not make clear-cut commitments as to his responsibility, would withdraw from a contract whenever he felt like it, and refuse to accept responsibility for the capriciousness of his judgment, we would have recourse. But a little man facing the Government feels helpless.

Yours truly,

L. D. Lans, M.D.

Brunswick, Ga.,
January 22, 1970.

Senator **Frank** Moss:
Washington, D.C.

Dear Senator Moss: I have read with great interest an article in my local paper concerning nursing homes and medicare. I am very happy to learn that the problem is being investigated.

I am president of Brunswick Nursing and Convalescent Center. We entered into an agreement with medicare several months ago. Since that time we have had nothing but red tape, aggravation and losses on these patients. We now have no medicare patients and do not plan to admit any.

It seems rather strange that Medicare will pay $50 to $60 a day for a patient in a publicly owned hospital (which pays no property taxes and has no mortgage payments to meet) but refuses to pay more than $12 a day in a privately owned facility—and will only pay this after we've spent more than any profit realized, verifying costs and meeting other absurd requirements.

There are many medicare patients in hospitals paying huge sums who could be as well or better cared for at ⅓ the cost in private nursing homes, thereby saving taxpayers' money.

Again, I am very pleased that you are carrying out hearings on this matter, and hope that some good will come from your findings.

Sincerely yours,

Carl M. Rooks.

January 5, 1970.

Hon. **Frank** E. Moss,
Senate Office Building,
Washington, D.C.

Dear Senator Moss: You are coming to St. Petersburg Jan. 9th, to conduct a Hearing with a Senatorial Committee, relative to the deplorable conditions existing in the Nursing Homes.

We appreciate your right desires, and sincere efforts, and expect the right results.

The feeble, unfortunate elderly in Nursing Homes have no Lobby in Wash. D.C. All the heads of so-called Retirement groups are mere window dressing. The Federal Government should enforce strict laws, to curb the possible diverting of funds under "Medicare" and "Medicaid"; the present Administrators responsible for this negligence (revealed in a series of articles by two columnists in St. Petersburg, Times) should be immediately replaced by responsible humanitarians; no law is a law unless it is enforced.

Unless your Committee urges the proper Departments to take immediate action to help our elderly, as soon as your findings are reported, a group of humane citizens like myself will feel that your Committee investigation, would be a travesty on justice and mercy. States' Rights must be scuttled, regarding the worthy needy elderly; we are the wealthiest Country in the World, and have the largest Gross National Product. Therefore, we respectfully request that your Committee be apprised of this fact.

Sincerely,

——— ———,
A Humane Citizen in St. Petersburg.

P.S.—It is highly immoral and inexcusable that our elderly in the Nursing Homes should be at the mercy of ruthless, callous Administrators in St. Petersburg, or any other City in this Nation.

[From the St. Petersburg Times, Jan. 4, 1970]

The Senate and Nursing Homes

A subcommittee of the Florida Senate opened an investigation of nursing homes two months ago in St. Petersburg.

A subcommittee of the United States Senate will open a hearing on nursing home care Jan. 9—also in St. Petersburg.

Florida Health officials have threatened to close 40 nursing homes for failing to meet decent standards.

Florida fire officials have announced a state-wide crackdown on nursing home fire hazards.

Medicaid will put more money into patient care. So will increased old age assistance under President Nixon's welfare program.

What recently was described as "shame" in this column might well become a source of pride before all is done. The old, the infirm and the helpless no longer are forgotten in depressing cells of sick despair. The state has been stirred and the nation is stirring.

That's good . . . but not enough.

Not a single one of the 40 substandard homes has been identified by the state. Patients still endure within them. Increased federal and state aid are mere pittances compared to what is needed. Apathy threatens to set in.

The state can prevent that by continuing its probe of nursing home treatment and by repealing laws that prevent the public from hearing all the grisly results.

The Federal government, in hearings such as that planned for Jan. 9, should let no cow be sacred in questioning those who own, manage, staff or occupy nursing homes.

You also have a moral obligation. If you know anything about nursing home deficiencies or how they may be corrected, now is your chance to tell it to a panel of United States senators.

Plan to attend the hearings at 9 a.m. Friday. The location will be announced.

January 2, 1970.

Dear Senator Moss: The enclosed is a supplement to my recent letter regarding the investigation by your Committee of the Nursing Homes, and we await your visit eagerly Jan. 9th.

How much longer will our Federal Govt. continue pouring huge funds into the State of Florida, while our feeble elderly are at the mercy of irresponsible Administrators, crying "we don't have enough money to update standards of Nursing Homes." If it had not been for the series of articles in our fine newspaper, the deplorable conditions would continue; and now, Mr. James Bax appears scared, realizing the pending investigation is upsetting him. He and his cohorts are being scared into having fire inspections made—we trust your investigating Committee will weed out any unscrupulous antics on the part of irresponsible Administration here in Florida. Good Luck!

——— ———,
A Sincere Dedicated Citizen in St. Petersburg, Fla.

P.S.—You will agree that Federal laws must be enforced, before funds are used by States that enjoy States' Rights, and permit skullduggery. Somebody is responsible, if articles have to appear in a Newspaper to expose maltreatment of our elderly. It is a sheer National disgrace.

Children's Medical Center,
Martinsville, Va., January 23, 1970.

Senator **Frank** Moss,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Moss: I am President of the Martinsville Convalescent Home, a modern,

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50 bed unit, which has been in operation for three years. We began accepting Medicare patients on July 1, 1969. Our private patient rate is $13.50 a day. We accepted Medicare patients because we were the only nursing home in the city and county. This was an attempt to relieve our overcrowded conditions in the acute bed hospital. At that time, we were filled with private patients.

The Social Security Administration, after examining financial statements, began paying $12.00 per patient per room as cost. After six months in the program, I received the first check for allowable profit. This was $368.00 which represented 441 Medicare patient days. The Nursing Home has to supply the medicines that are required for Medicare patients with no reimbursement. After looking into cost on these patients, it appears that we have lost over $100.00 on medicine bills alone. In addition to this, the accountant charged $375.00 for the time necessary to meet with the intermediary representatives to determine daily cost and fair profit. We have also had a great deal of difficulty in determining which patient will qualify because they are transferred directly from the hospital and sometimes it is two weeks before we are notified by an intermediary if the patient should receive Medicare or not.

The increased cost of caring for Medicare patients has to be shared on a per day basis by the entire Nursing Home. This makes private patients subsidizing Medicare patients. At the present interest rate of 8% for the financing on the nursing home, it is unbelievable that $368.00 would represent any return for an investment of $450,000.00. According to my accountant, we would go bankrupt if thirty Medicare patients occupied the Nursing Home.

I thought maybe an actual incident of this type might explain to you why most honest nursing homes cannot afford to take Medicare patients.

Sincerely yours,
MARION D. RICHMOND, M.D.

PLAINVILLE, CONN.,
January 12, 1970.

Senator FRANK E. MOSS,
Chairman, Subcommittee on Long-Term Care, State Capitol Building, Hartford, Conn.

DEAR SENATOR MOSS: The article of January 8 in the Hartford Courant regarding your hearing on Medicare coverage in nursing homes on January 15, 1970 has prompted me to write you.

My Mother, a widow, suffered a stroke in September and was sent by ambulance to St. Francis Hospital in Hartford where she remained for about 3 weeks. While in the hospital she received therapy and made satisfactory progress to a point where she could walk by using a walker or with assistance. Her speech was still impaired and, of course, she was still very weak.

I made arrangements for her to be taken to the Farmington Convalescent Hospital at her doctor's direction on October 1 where she continued to receive physio-therapy as well as speech and occupational therapy. On or about the 15th of November 1969 she suffered another stroke and her condition deteriorated considerably at this time. She improved again to a point where she could sit up a few hours a day but by this time her walking was curtailed and she needed assistance in every movement and still does at present.

Naturally, I expected Medicare, which my Mother subscribes to, to take care of her hospital charges and to continue when she was transferred to the convalescent hospital. The administrator at the convalescent hospital notified me that her Medicare had been terminated as of November 12 but due to the change in her condition upon suffering another stroke, it had been resumed.

I have again been notified that her Medicare has terminated as of December 10, 1969 since it is the opinion of the Medicare Claim Office that she requires custodial care only. In other words, according to my calculations, she has received 71 days of her allowable 100 days coverage in an extended care facility.

I am appealing this decision as I feel my Mother should receive the full 100 days coverage in view of her present condition. The doctor has diagnosed her condition as "Progressive Cerebral Vascular Disease with Auricular Fibrillation." You know as well as I do that she is helpless, sick and needs constant attention and my idea of custodial care is far different than the type of care she actually needs. These are the patients who need Medicare coverage and more.

In view of the hearing that is being held on January 15, I wanted to acquaint you with the facts concerning this actual case and I understand this is the way several of these cases such as my Mother's are being handled. Our ill, aged citizens are the most deserving group and in view of the indiscriminate spending of our Government on so many programs that leave one with serious doubts as to their advantages, it is time to take a look at the way these huge sums are being spent. We, as the common ordinary taxpayers are urged to be sensible and practical but apparently our tax money is spent without regard to these rules.

My Mother has experienced a serious number of setbacks in her life but raised a large family, weathered the great depression, sent 3 boys through World War II and always had in mind that one should save for the proverbial rainly day. Her meager savings at today's costs in hospitals will be quickly depleted and then there will be no alternative but to apply for some sort of assistance. For one who has always prided herself on her independence and has always paid her own way, I think it shameful that she will not receive what is justly due her in the way of the full 100 days extended coverage.

Please don't forget these elderly citizens in your deliberations and your considerations of the Medicare program.

Very truly yours,
MRS. MARY G. ELLIS.

BLUE HILL, NEBR.,
January 21, 1970.

Senator CARL CURTIS,
Senate Office Building,
Washington, D.C.

DEAR SIR: First of all, I want to thank you for the time you took to call the SSA's attention to the situation with Mr. Bartels of Campbell, Nebraska.

The reason I am bothering you again now is because of more difficulty with the Medicare Program that I feel you should be aware of. I am sure that you are partially aware of the situation now, and the difficulty that Extended Care Facilities in particular, are having with the program.

Three years ago, in what seemed to be an ideal situation, a new Nursing Home was opened in Blue Hill and arrangements made to use it as an Extended Care Facility. Because we have no hospital in town, this seemed to be an advantageous situation in that much of the skilled nursing personnel needed was not working because it was too far for them to drive. Therefore, they could work here, and we could provide some of the skilled care needed for the patients that no longer needed the hospital care, and therefore relieve some of the nursing shortage, at the same time, in other communities.

In the three years since, I have spent literally *hours* with the intermediary (Blue Cross in this instance) discussing the qualifications for the patients of an ECF as well as the other requirements for an ECF. As time has gone by, and especially during the last year, it has become more impossible instead of better, both for the administration and for the Medical Personnel involved. I do not mean to be too critical of the intermediary, and I would like to say that they have tried to cooperate in every way they know how, but that apparently there are so many unanswerable questions for them that rather than take any chances, the simplest thing to do is to deny the patients the benefits and then they are "safe." The medical personnel spends *hours* keeping forms filled out, holding meetings in filling out forms, and reviewing the patients condition in the ECF, then the intermediary writes back, wants a photostatic copy of the patient's record completely, more facts and summaries of the patients condition, and then 4–6 months after they were admitted to the ECF they come back and either deny any extended care benefits or arbitrarily cut it off wherever they see fit. This, then, leaves it up to the patients to pay for care that was made more expensive by regulations and requirements of the Medicare Program, and even puts them in a worse position than they might have been if they had never had such benefits. These same people then continue their care in a skilled care home because their doctor and relatives feel this is the care they need. I submit to you that no private insurance company could be licensed to sell insurance in any State and renege on their promises!!

Again, I do not wish to find complete fault with the concept of the extended care program, but, as you well know, many extended care facilities have dropped out of the program. In essence, then, this tells the people that they have benefits but there is no way in the world they can take advantage of these benefits when needed because there will be no extended care facility to provide them.

I would also like to say that I feel a real source of difficulty is that there has not been a full understanding by the Medical Profession and the public on the concept of the ECF. I think many of the problems would be resolved if the utilization of the hospitals was policed to where the public understood that the ECF would not give them second rate care when their need is only for skilled nursing care. This would encourage the public and the doctors to transfer patients to ECF's when they were eligible to be transferred for short periods of time. At the present time, they feel it is only for prolonged care that they need to go to the ECF, and therefore remain in the hospital a week or two when they could be transferred.

At the present time it appears to me that the SSA tells the intermediary to cut a certain number of days, and they begin to cut arbitrarily to fall within the prescribed number.

Sincerely yours,
FRANK KAMM, M.D.

NEW FAIRFIELD, CONN.

Senator FRANK MOSS,
Washington, D.C.

DEAR SENATOR MOSS: Listening to radio news this morning I was very much heartened to learn you are sending someone to Connecticut this coming week to look into medicare affairs. This comes at a very good time for me because I have just gone through a very upsetting experience which involves my eighty year old mother. Three weeks ago I fell and broke my left wrist which means I am handicapped to a degree plus I have a badly calicified hip and calcium in other joints. The doctor decided I couldn't care for my mother for the time being so he ordered her to the Danbury Hospital until such time as I could care for her again. She has very very little use of her legs. My father was a Spanish-American War veteran and a retired policeman of forty five years. He came from Poland as a boy of nine and he loved

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this country. He was a true patriot and as his cronies began to die off he gave of his own free time filling out forms so that widows might get their pensions and yet his own widow, who also has Blue Cross, was practically evicted from the hospital yesterday January 8th.

Medicare refused further help so therefore her Blue Cross is also stopped. I can get affidavits from our family doctor plus my orthosurgeon who will verify the fact that caring for her has been hard but with a broken wrist there was no alternative but the hospital. Her pensions would never even be a drop in the bucket toward a home for the aged because their prices are fantastic.

I ask nothing for her now because I have her home and I shall do my best. She is a good patient, alert and bright and she is my mother.

All I ask is that you thoroughly investigate this for the sake of the aged who have no one to turn to or whose families can't afford the care.

I worked for the hospital as an aide for eleven years up until 1965 when my father became ill and I had to bring my mother to my home. My doctor, the head of medical aid all went to bat for me but medicare was adamant.

Please see this through for the sake of others. If your agent wishes to talk to me he can call me collect at New Fairfield, Conn. 746-2348.

Sincerely,

Mrs. Frances Schullery.

Stockton, Calif.,
January 8, 1970.

Senator Frank E. Moss,
White House, Washington, D.C.

All of our hospitals and nursing homes which we own and operate will stop participating in the medicare program unless a reasonable provision for profit is made a part of the reimbursement formula and unless the formula is changed to allow a realistic profit and also to eliminate the very costly and time consuming audits.

Kavanaugh K. Koch.

Colonial Manor of Tyler,
December 24, 1969.

Mr. John M. Mullane,
Regional Representative, Department of Health, Education, and Welfare, Regional Office, Dallas, Tex.

Dear Sir: In accordance with Provider Agreement and its terms, we hereby make written notice to you of our voluntary withdrawal as an Extended Care Facility from the Medicare program. Our intention has been previously voiced via telephone and letter on December 17, 1969, to Mr. John Kistler, Zone Supervisor, Certification and Consultation Division, Medicare Administration, Dallas, Texas.

Our decision was reached after months of deliberate thought and consideration. We were hopeful at one time that the many pitfalls and problems of this program could be alleviated. But now we believe that without a major overhaul the program is hopeless, and the congressional purpose for this phase of the program is forever doomed.

We feel that it is our responsibility to outline to you the gross inequities of the program that we have experienced.

As we have already stated, we were aware of the many problems in the program such as we have outlined above and the lack of profit incentive for the provider, but we entered hopefully that since the program was new, proper adjustments and changes would be made. But none of any consequence has been forthcoming. Rather, the bad has turned to worse, and, as we stated before, the ridiculous to the absurd. I honestly am afraid the atrocities of the Program can never be corrected.

Please be advised that our withdrawal is effective January 1, 1970.

Very truly yours,

David A. Lake,
Owner.

The Connecticut Chronic and Convalescent Hospital Association, Inc.,
Manchester, Conn., March 7, 1970.

Senator Frank E. Moss,
U.S. Senate,
Special Committee on Aging,
Washington, D.C.

Dear Senator Moss: Your attention is invited to the enclosed letter I sent to The Travelers Insurance Company in Hartford, Connecticut.

You may recall that in my testimony at your January 15th hearing I stated that SSA plans to further limit salary allowances. This action serves to compound the problems and will result in continued voluntary withdrawal of ECF's from the program.

I would appreciate any efforts you can make to rectify this present condition.

Sincerely,

Francis P. Dellafera,
President.

March 7, 1970.

Mr. John J. Budds,
Coordinator,
Medicare Administration,
The Travelers Insurance Co.,
Hartford, Conn.

Dear John: Apparently the new owner/administrative guide lines with allowable limitations has finally been published by SSA in directives to its fiscal intermediaries. I have attempted to get the publication, however I have been informed that SSA has further directed that this is classified information and cannot be released to providors of service.

It is most certainly a curious paradox that SSA will claim that it can purchase services from providors and not inform them of the price it will pay. Since the national security is not at stake in this case, and since there is no invasion of privacy, it would seem that SSA has no alternative but to publish these allowances without delay. Further, since these allowances will become known at future audit time they should be released in order that providors of service can make a predetermination regarding their desire to remain in the program.

Will you please use your good office to impress SSA with the Connecticut Association of Extended Care Facilities' posture on this matter.

With best personal regards.

Sincerely,

Francis P. Dellafera,
President.

[From the Bristol (Conn.) Press, Jan. 20, 1970]

Medicare Woes

All is not well with Medicare.

The new Social Security Administration regulations appear to be making it harder for elderly persons to receive Medicare in nursing and convalescent homes.

Senator Frank Moss (D.-Utah) was in the state last week holding hearings on behalf of a subcommittee which he heads. The senator told newsmen that he was "shocked" at some of the information which emerged from the testimony he took.

As a result of his testimony, Senator Moss says that he believes more federal governmental supervision is essential to straighten out some of the problems which seem to have occurred because of the vast differences between the way Medicare is administered in the 50 states. He says that national guidelines should be established so that regulations would not vary state by state.

Connecticut Department of Health officials told Senator Moss that if ever there is a time for review and reassessment of the entire Medicare program it is now. Moss said that the problems encountered by elderly citizens seeking Medicare assistance are serious enough to warrant remedial action by the present session of Congress.

Arthur Jarvis of the State Department of Health was sharply critical of the procedure of having Medicare evaluated by a committee of physicians.

"We audit banks, corporations and other businesses. Then, why can't we, in the name of all that's holy, as a society develop an objective audit mechanism to insure we are receiving the best possible health care by those who promise to deliver it when our very lives are at stake?", he asked.

Testimony before Senator Moss brought out the fact that the new regulations promulgated by the Social Security Administration have resulted in the rejection of Medicare assistance for 51 per cent of the patients transferred from hospitals to convalescent homes in Connecticut.

It was also revealed that some doctors, fearful that their patients will not qualify for Medicare assistance in convalescent homes, are keeping them in hospitals where the government picks up a much higher tab than the convalescent homes charge.

With the increasing costs of hospital and convalescent home care, it is quite obvious that the vast majority of elderly persons cannot afford the expense. The necessity for Medicare assistance for millions of our old people is a matter of grave consequence.

Senator Moss will be doing these elderly people a real service if he brings up this situation for the attention of Congress and gets the necessary remedial action which is so urgently required.

[From the Patriot Ledger, Jan. 21, 1970]

Five Hundred Nursing Homes Have Quit Medicare

(By Gaylord Shaw)

Washington.—Hundreds of the nation's nursing homes have quit the Medicare program. Many others still in the program refuse to accept new Medicare patients.

EXTENDED CARE

A nationwide Associated Press survey disclosed that more than 500 nursing homes have withdrawn since extended care provisions of the federal health care program began three years ago. In the last six months alone, Social Security Administration figures show, 295 extended care facilities have dropped Medicare voluntarily.

"The national trend of nursing homes to drop out of Medicare's extended care program" was cited this month by Sen. Frank Moss, D-Utah, when he launched congressional hearings on nursing home problems.

But a Social Security Administration spokesman said, "there's no trend. The number of homes in the program goes up and down."

Although 295 homes quit the program in six months, this official said, others signed up so the net loss was only 50—from 4,900 certified extended care facilities July 1, to 4,850 Jan. 1.

There are about 25,000 nursing homes in the nation, but not all can qualify for Medicare's extended care program because of such requirements as around-the-clock licensed nursing care.

Medicare does not pay for custodial nursing home care. Rather, it was designed to pay for short-term stays in nursing homes for patients recuperating after discharge from a hospital.

To qualify, a patient must require skilled nursing care on a continuing basis. He also must enter an extended care facility (ECF) within two weeks after leaving a hospital where he had remained at least three consecutive days.

On a typical day, 80,000 elderly nursing home patients across the country are having their bills paid by Medicare. The average stay in a nursing home under Medicare is 50 days. The average monthly claim is $365.

Medicare pours about $450 million a year into nursing homes, but this is less than half of the more than $1 billion paid nursing homes annually by Medicaid, the state administered, largely federal financed program of medical care for low income people of all ages.

LONG-TERM CARE

Medicaid, in general, pays the bills of elderly patients who need less intensive, but longer-term, nursing home care.

In a few states, Medicaid is more controversial than Medicare. In Ohio, the number of nursing homes participating in Medicare increased 16 during 1969 and now total 213. But nursing home operators in parts of the state are talking of boycotting Medicaid in a dispute over benefit levels.

"Medicaid isn't worth a hoot," said Rowland Lutz, administrator of a large Columbus home.

"We do not take Medicaid patients." In contrast, Lutz said, "Medicare is not a problem with us."

But hundreds of other nursing homes view Medicare—not Medicaid—as causing bigger headaches.

In Georgia, for example, a poll conducted by one nursing home administrator showed 21 homes had to quit Medicare, 18 planned to quit unless there were changes and 27 said they planned to withdraw, changes or not.

In Louisiana, 130 signed up when the program began but only 73 are still in the program. In Texas, 260 homes handled Medicare patients last May but only 220 do now. In Oklahoma, 20 of 47 homes originally certified have withdrawn—"just kind of dwindling away, one or two at a time," one official said. In Kansas, 76 homes were certified at first, but 20 have dropped out.

Yet the program has its defenders. "I think Montana has benefitted tremendously by the existence of Medicare from the word go," said M. E. Lindburg, state medical facilities coordinator. "The facilities have the ability to render higher quality care today than they ever had in the history of the state."

Administrators cite instances where they have admitted patients, thinking their care would be paid from Medicare, only to have the government or its fiscal intermediary—in most cases insurance companies—later rule that the patients aren't eligible for Medicare benefits.

One Missouri nursing home operator said 25 persons entered her facility in November and December as Medicare patients, but only two were certified for benefits. The others were ruled ineligible. "A year ago," she said, "out of the 25 we might have had two or three rejections."

"We never seem to know if patients can qualify," added a Wyoming administrator.

"Reimbursing methods are changed during the ball game, some retroactively, and a lot of people got hurt badly," said Hillel Yampol, director of the Metropolitan Chicago Nursing Home Association. He said nursing homes were stuck for the bills of retroactively disqualified patients if the patient or his family could not pay.

Betty A. Maloney, administrator of two New Orleans nursing homes, listed for a congressional committee in October the cases of 10 patients—half of whom were deemed to be covered by Medicare and half who were ruled ineligible.

One patient who was transferred from a hospital after a 10-day stay for removal of a cataract from one eye qualified for Medicare benefits, she said, while another patient who was in the hospital for 16 days to have cataracts removed from both eyes was ruled ineligible.

"When the government comes in to audit you, what they allow for one home, they won't allow for another," said D. L. Hyche, administrator of a Birmingham, Ala., home.

"The home operators get so they just throw up their hands" and get out of the program, added Eugene Thompson, director of the state nursing home association in Nebraska, where eight homes have quit Medicare.

One nursing home spokesman in Connecticut, where 40 homes have either already quit or plan to, said "the program is three years old and we are yet to receive instructions on how to interpret parts of the law."

Asked about these charges, a Social Security Administration spokesman conceded there has been confusion among nursing homes and the fiscal intermediaries over what Medicare pays for.

"In an effort to clear up this misunderstanding, the Social Security Administration issued a succession of clarifications. This meant the intermediaries had to go back over a lot of cases they had incorrectly paid. This has been interpreted by nursing homes as retroactive denials. We interpret it as denials which should have been made in the first place."

And under a new procedure, the spokesman said, a nursing home can obtain within 48 hours a ruling on whether any patient is eligible for benefits.

Label Mell, president of a Decatur, Ga., nursing home, said many homes "will stay in the program but will discourage the hell out of admitting patients under Medicare."

[From the Hartford (Conn.), Times, Nov. 30, 1969]

40 Nursing Homes Refuse Medicare

(By Marjorie Harthan)

Expressing a growing resentment of interpretation of Medicare provisions for "skilled nursing care" about 40 Connecticut nursing homes have withdrawn from the federal program to care for the elderly in extended care facilities.

According to Francis P. Dellafera of Manchester, president of the Connecticut Association of Extended Health Care Facilities, the nursing home operators of these 40 homes no longer will accept Medicare patients because of tightened interpretations of what constitutes the need for care.

When Medicare was first established, it was generally assumed that once a physician certified that a patient needed care in a convalescent home, the certification was good for 100 days.

Not true.

There's the Utilization Review Committee which looks over each case every 10 days to determine if the patient still requires professional care.

"We think some of the rules are arbitrary if not downright silly," Dellafera says. "It works to keep patients in a general hospital longer where they are still certified. Instead of placing them in nursing homes where the daily cost is around $16 to $18 a day, they're staying in the more expensive hospitals where costs are as high as $100 a day," he observes.

About six months ago, the third party payers—the insurance companies who serve as paymasters for Medicare—were called on the carpet for paying for unnecessary services.

Across the country, abuses were uncovered where insurance companies were paying for services not rendered. In some instances, there were no reviews until 100 days had elapsed.

The word went out and each patient's record was subjected to intense scrutiny.

The regulations spell out that the patient must require skilled service for the condition that required admission to a general hospital.

In some cases, the Utilization Review Committees set up interpretations of their own. Dellaferra cites the example that a patient with a broken hip should be "stabilized and able to bear weight after four weeks."

In Dellaferra's experience, this is nonsense since in some cases it might require 124 days for a patient to be stabilized.

Nursing home proprietors complain privately that "the government is trying to put us out of business."

In order to qualify as a certified Extended Care Facility, the nursing homes had to add such additional personnel as occupational and physical therapists and recreation workers.

If the number of Medicare patients drops considerably, or if stays are limited to 10 days, then it is no longer economical to pay salaries for these professionals.

One South Windsor man placed his mother in a nursing home after she had undergone surgery. At the end of a month he discovered that her Medicare coverage didn't pay for nursing care, even though her physician had certified her for care. He is appealing the Utilization Review Committee decision, but in the meantime is liable for the bill.

Albert F. Ragozzini, Social Security District Manager, explains there is nothing automatic about coverage for 100 days care in a nursing home.

Medicare coverage of a stay in a nursing home is determined by the patient's need for continuing skilled nursing care. The service is not considered skilled merely because it is performed by a trained medical person. If the service can be safely performed by a non-medical person, it would be considered nonskilled and would not be covered by Medicare.

Other requirements under Medicare are that a patient must have been in a hospital for at least three consecutive days; have been transferred to a nursing home within 14 days after discharge from a hospital and be admitted to the nursing home for a condition for which the person was originally treated in a general hospital.

[From the Bridgeport (Conn.) Post, Jan. 16, 1970]

Senator Says He's Shocked on Medicare

(By Don Meilde)

Hartford, Conn.—Sen. Frank Moss, D-Utah, said Thursday he was "shocked" to learn of new regulations set by the Social Security Administration that made it harder for elderly persons to receive Medicare aid in nursing homes.

The information from a hearing held here by Moss's subcommittee would come as a "very startling revelation" to the Senate, Moss told newsmen.

He said he agreed with testimony at the hearing that Medicare had been a "disappointment" and that it needed more supervision by government agencies.

There are vast differences between the way Medicare is administered in the 50 states, and national guidelines may be needed, Moss said.

Medical care has become a right of all citizens, he said, and its cost "ought to be accepted with greater equanimity."

Moss said the problems encountered by elderly citizens seeking Medicare assistance are serious enough to warrant remedial action by Congress this year.

Moss was told by Art Jarvis of the Connecticut Department of Health that "if there was ever a time for review and reassessment . . . it is now."

PROCEDURE BLASTED

Jarvis blasted the procedure by committees of physicians.

"We audit banks, corporations and other businesses," he said. "Then why in the name of all that's holy can't we, as a society, develop an objective audit mechanism to insure that we are receiving the best possible health care by those who promise to deliver it when our very lives are at stake?"

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Jarvis said Congress has listened to every component of the "health delivery system" except the state agencies which are supposed to oversee Medicare.

Francis P. Dellafera, president of the Connecticut Association of Extended Health Care Facilities Inc., said the new regulations promulgated by the Social Security Administration have resulted in rejection of Medicare assistance for 51 per cent of the patients transferred to Connecticut convalescent hospitals from general hospitals.

There were actually fewer patients admitted to Connecticut convalescent hospitals last fall than during the fall of 1968, Dellafera said.

Faced with the prospect of sending elderly patients to nursing homes where they will not be covered by Medicare, said Dellafera, some doctors are keeping them in the general hospitals, where the government will pick up the tab—a much tighter tab than the convalescent hospitals charge.

Doctors "have become most reluctant to transfer patients care hanging over the patient from the general hospital to the ECF (extended care facility) with the threat of 'no covered care' hanging over the patient" he said.

[From the Omaha World-Herald, Jan. 15, 1970]

REDTAPE PUTS PATIENT HOMES OFF MEDICARE

A fourth of the nursing homes licensed to care for Medicare patients in Nebraska have pulled out of the program, a nursing home spokesman said Wednesday.

Seven homes have withdrawn, an eighth is "in the process" and a ninth home is "strongly considering" such a move, said Eugene Thompson, executive director of the Nebraska Nursing Home Association.

Volumes of red tape, extra administrative costs and "highly technical regulations that even many doctors don't understand" were given as reasons for the pull-outs.

"These are all first-class facilities," he said. "But they're all greatly disillusioned with the Medicare program."

"There's so much red tape, it just isn't worth it," said Rex Earl, Omaha, who has partial ownership in half a dozen nursing homes in Nebraska.

RELUCTANT

Thompson said the homes that have dropped the program are: Fullerton Nursing Home, Fullerton; Redman Nursing Home, Omaha; Oxford Senior Citizens Home, Oxford; Pierce Manor Nursing Home, Pierce; Plainview Manors, Plainview; Plattsmouth Senior Citizen Home, Plattsmouth; and West Point Nursing Home, West Point.

In the process of getting out of Medicare, he said, is the Arbor Manor of Fremont. He said the Colonial Terrace Nursing Home of Blue Hill is "strongly considering" getting out.

What effect does all this have on nursing home patients?

"The homes are very reluctant to move patients out," said Thompson. "The nursing homes will keep the Medicare patients they have, but new ones won't be admitted."

Medicare patients are limited to 100 days of care, he said, and the average stay of Medicare patients in nursing homes is "about 35 days."

IS NOT FAIR

Earl said: "On the average, only five per cent of the patients at any given time are under Medicare, but the requirements of Medicare cause the rates to rise by about two dollars a day for all patients."

He said this "isn't fair to the other 95 per cent of the patients. It also prices the home out of competition."

As examples of requirements that boost costs, Earl cited additional personnel required "to process the volumes of paperwork" and the employment of registered nurses 24 hours a day, seven days a week.

Another gripe was discussed by Thompson, who said that the government pays the homes a percentage of actual costs of operation and "audit procedures are so complicated and involve so much red tape that as many as 50 per cent (of nursing homes) haven't completed their audits for 1967."

ESTIMATES

Because of this, Thompson said, the rates nursing homes have been charging since 1966 are based on estimates.

"If it turns out that the rates were too high," he said, the homes will have to pay back a good deal of money to the government."

Thompson concluded: "The homes come to the point where they just throw up their hands."

[From the Omaha World-Herald Jan. 15, 1970]

NURSING HOME CARE HEARINGS SOUGHT

WASHINGTON.—Senate hearings on nursing home care for the elderly are scheduled in St. Petersburg, Fla., Friday and in Hartford, Conn., Jan. 15.

Sen. Frank E. Moss, D-Utah, chairman of the subcommittee on long-term care, said testimony will be sought on a number of aspects including "the national trend of nursing homes to drop out of Medicare's extended care program."

[From the Quincy (Mass.) Patriot Ledger, Dec. 16, 1969]

NURSING HOMES DROP MEDICARE BECAUSE OF U.S. PAYMENT DELAYS

(By Judith P. Enright)

Nursing home owners involved in the Extended Care Facility aspect of Medicare, are dropping the program in increasing numbers because they claim they are having trouble getting paid by the federal government.

CALLED IMPRACTICAL

They describe the federally-funded health insurance for the elderly as impractical and unprofitable for them and they say that the accompanying paperwork is unreasonably time consuming.

But probably more than anything else, it is the element of uncertainty pervading the Medicare program and costing the nursing homes money that has convinced the administrators to drop out.

Uncertainty for nursing home owners has meant unpaid bills and patients who are denied Medicare benefits retroactively after they have received as much as a month's rehabilitative care in an Extended Care Facility.

Treatment for Medicare patients in an ECF is expensive. When the patient is termed ineligible, the cost of his treatment must be absorbed by the nursing home because the federal government will not recognize bad debts.

There is also the uncertainty of the Medicare reimbursement formula. The way Medicare works, a patient is treated in an ECF and then the nursing home bills the federal government. The bills are audited and then the nursing home is reimbursed for the patient's care.

However, nursing home owners and administrators say that the payments are not in proper proportion to the actual costs and that audits of their accounts are running as much as two years behind.

So with the retroactive denial of benefits and the undue delay in reimbursements, nursing home owners aren't willing to take the chance anymore.

When Medicare certifications first went into effect three years ago, about 100 nursing homes in Massachusetts sought and received the ECF certification. Since then, 17 homes have dropped their certifications and more are rumored or planned.

As one owner said "It just isn't a good business deal. We're not getting any return on our investment. Not that money is our primary interest, you understand, but when we have to pay for Medicare patients, charges for other patients just must be adjusted."

Medicare is so expensive because of additional services the nursing home must provide for the patient.

MANY SERVICES

For instance, to be certified as an ECF nursing homes must have physical therapy rooms, be fireproofed (with sprinkler systems which administrators say are not even required of hospitals), have doctor treatment rooms, a podiatrist, a dental facility, occupational and recreational therapy.

The homes are required to structure themselves with five degrees of professional help such as social services, occupational therapists, registered physical therapists and certified dieticians.

There must also be a Utilization Review Committee, composed of physicians and other professionals, to constantly check the Medicare patients' progress and eligibility for the benefits.

Basically, the concept of Medicare in rehabilitation, or, in other words, restorative rehabilitative services. And, rehabilitation requires a lot of money that would not ordinarily be spent in equipping a nursing home.

Nursing requirements are also cited as being above average for Medicare, presenting not only monetary problems but also a problem in obtaining enough nurses with the current and severe shortage. There must be a registered nurse or a school-trained Licensed Practical Nurse (LPN) on each station for each of the three shifts. Orderlies and nurse's aides are also required.

The nursing home is also required to give continuous inservice training to all personnel and show evidence of the same.

SERIOUS PROBLEM

The nursing shortage was termed by one administrator as "the most serious problem and the most difficult ECF status to maintain."

To alleviate the shortage, some administrators have tried innovations such as creating new positions for all non-nursing functions. Thus, the nurse is freed for strictly nursing duties.

A nursing home without an ECF rating is not required to have any professional personnel except one nurse, who can be a LPN licensed by waiver who may not have had any professional training, according to nursing home spokesmen.

Another in the list of complaints about Medicare comes from the administrator of a Braintree nursing home, Mrs. Florence E. Logan who, with her husband, runs Elihu White Nursing Home. She said that Medicare extras, such as physical therapy, are available to all patients but that Medicare (Department of Health, Education, and Welfare which pays for Medicare) will pay only in proportion to use of that service by the Medicare patients. "Thus, they are actually only paying 30 per cent of the cost of all services directly attributable to Medicare patients."

She added that the fiscal intermediaries, who determine what payments should be made and who qualifies for the benefits, determine reimbursement on a Medicare patient's ratio to the total patient cost.

MANY COMPLAINTS

Sidney Ostroff, of Braintree, a certified public accountant with a Boston firm that audits the books at Elihu White Nursing Home, presented still another complaint from nursing homes about the Medicare program. "Where nursing homes formerly had one person doing their bookkeeping, they must now hire three to do a proper job with Medicare's extra paperwork."

Mrs. Virginia McGrath, director of nursing at the home, cited the problems her profession has had with the federal program. "A doctor certifies that a patient is qualified for Medicare and I am supposed to determine the minute he comes to the nursing home whether or not he qualifies for benefits."

[From the Bergen, N.J., Record Call]

Nursing Homes Defended

(By Theodor Schuchat)

One nursing-home owner has written to defend his industry after reading a recent article recounting charges made by a witness before the House Ways and Means Committee, which is writing Medicare changes.

"There have been questionable practices used by nursing homes, hospitals, physicians, pharmacists, physical therapists, and laboratories," admits Ellis Duke, past president of the Maryland Nursing Home Association.

"Also, automobile dealers, lawyers, and accountants have used bad judgment. In most instances these are isolated cases, and we cannot say everyone is a bad apple.

"The Social Security Administration by now knows who the abusers are," Duke continues. "These are the people they should go after. Cancel contracts and recoup payments, but don't penalize the patient."

He is especially critical of Medicare rules that require him and other nursing-home managers to tell sick patients they cannot get the days of care they thought they had coming to them under Medicare.

After a Medicare patient has been admitted to a hospital, his case is reviewed by a group of physicians, as required by law. This utilization review committee can deny or reduce Medicare benefits, overruling the patient's own physician.

The red, white, and blue Medicare Handbook sent to everyone eligible for Medicare by the Social Security Administration does not disclose the existence of the utilization review committees.

In all too many cases, after the patient has been transferred from the hospital to the nursing home, the committee decides his doctor has made a mistake. The committee notifies the insurance carrier that pays Medicare claims.

The insurance organization then tells the nursing home the patient's stay will not be partially paid by Medicare, as the patient and his family confidently expected. At this point, it's the nursing home management which must break the bad news to the patient and often suffer financial loss as well.

This quirk in the Medicare machinery has Ellis Duke hopping mad. "I assure you that if any of us owned or operated an insurance company that sold this type of cancellable insurance, our state insurance commissioner would want to talk to us," he contends.

"This is a fraud and, unfortunately, the Justice Department cannot indict the Social Security Administration."

He points out also that Medicare rules apparently act to increase hospital stays and reduce days of nursing home care, which are much less costly. The Social Security Administration has recommended that physicians see nursing home patients only once a week.

"If the patient is seen more frequently than this," Duke notes, "another form must be filled out for the physician to receive payment. By the same token, the patient can be seen every day if they are in the hospital."

"The sensible and practical thing for the physician to do is keep his patient in the hospital as long as he can," he charges. As proof that these rules are inflating Medicare costs, he cites some specific statistics.

Records of four Maryland nursing homes were analyzed for a 5-month period in 1968, before physician visits to nursing homes were limited, and afterward in the same 5 months of 1969.

Average length of hospital stay went from 24.2 days in 1968 to more than 27 days in 1969. At the same time, nursing home days for these Medicare patients declined on the average from 43.7 in 1968 to 35.8 in 1969.

If the trends are national in scope, they deserve Congressional attention. Shaving one hospital day from Medicare's national average would save $400 million. Duke also wants Congress to consider whether high overhead charges are wasting Medicare dollars. "What is the total administrative cost per patient-day in the Medicare program?" he asks. "The Social Security Administration admits that administrative cost is 20 per cent of the total program."

[From the St. Louis. (Mo.) Post-Dispatch]

Nursing Homes Quit Medicare Over Cutbacks—I

(By Eric Zoeckler)

An ambulance eased to a stop outside one of St. Louis' well-established professional nursing homes. The attendants carefully moved an elderly woman into a semiprivate room.

She had just spent two weeks in a hospital for treatment of an acute bladder infection and bleeding stomach ulcer. She was so weak, she could not feed herself. Nurses and the consulting physician gave her constant attention.

In the first few days of her stay, the elderly patient would need the catheter draining her bladder to be irrigated twice daily and injections of Compazine, a muscle-relaxer, before each meal. To pay for these services, the otherwise penniless woman was depending on medicare, which covered her while in the hospital.

But to the surprise of the nursing home's administrators, the patient's application for medicare payments was rejected by the insurance company administering medicare in St. Louis. It was returned four days after the patient was admitted. It was appealed and rejected again more than a month later. The woman remained at the home while accumulating an unpaid bill of more than $700.

Across the nation, professional nursing home administrators are reporting an increasing rate of rejections of medicare applications. Because of this, more professional nursing homes either are ending medicare participation or cutting back on the number of medicare patients they will accept.

In Missouri, 10 of the 59 professional nursing homes classified as extended care facilities for medicare purposes have resigned from the program since July 1. The Missouri Nursing Homes Association reports 12 others have "sharply cut back" the number of medicare patients they are accepting.

The trend, the Post-Dispatch has learned, is not restricted to Missouri. In Georgia, 80 professional homes have resigned from medicare at the suggestion of their state association. Nursing home associations in Iowa and Washington are reported to be considering giving their members the same advice.

Jack Pickens, general counsel of the American Nursing Home Association, estimates that 50 per cent of the nation's 5,000 accredited professional nursing homes "are sharply phasing down" participation in the program.

Medicare payments to professional nursing home patients last year totaled more than $500,000,000.

As a result, medical social workers in St. Louis report increasing frustration in their efforts to place elderly medicare patients in area professional nursing homes where they could receive skilled nursing care. Some hospital administrators told the Post-Dispatch of several cases when eldery patients remained in the hospital or were placed in rest homes without good medical facilities because they could not be placed in professional nursing homes. Families counting on medicare to pay claims ultimately rejected have had to get loans to finance unpaid bills.

Concern over the development already has reached Washington. The House Ways and Means Committee recently held hearings on the subject. And the Senate subcommittee on aging is scheduled in January to investigate the problem as part of an over-all look into nursing home operations.

Nursing home officers generally cite two reasons for the cutback from medicare. As of July 1, the Social Security Administration ceased paying the homes a 1½ to 2 per cent margin over cost allowance. An official of the Administration's Bureau of Health Insurance regional office in Kansas City said the allowance was paid to homes for the first two years of the program "in lieu of unrecognizable costs."

"After two years, they (home administrators) should have had a pretty good idea of what their costs were to be," he said.

Sister Michael, the outspoken president of the Missouri Nursing Home Association, replied: "Nobody was getting rich on it. But taking it away means I must ask who is going to pay for a broken wheelchair or a bed that needs repairing in the medicare section of the home? Are we to charge a privately-paying patient costs that the Federal Government should be paying?" she asked.

Sister Michael said, "The tremendous number of retroactive rejections the homes have been experiencing lately had much to do with the cutback. The Federal Government has tightened up so much on the cases it will accept that everybody is being very cautious now about submitting applications."

Retroactive rejection means that a nursing home might accept a patient on good faith that medicare funds will be forthcoming, only to find that a negative judgment has been made on admissibility of the patient.

The increased number of rejections apparently has resulted from further definition of the distinction between custodial care and skilled nursing care. Under a recent federal regulation, the frequency of skilled nursing services, rather than their regularity, is the controlling factor.

If a patient should need an injection every other day, this would not require the continuous presence of nurses. This "continuous presence" clause is upsetting the nursing home administrators, and is causing nonprofit homes to reconsider their taking part in medicare.

Mother Constance, administrator of Our Lady of Perpetual Help nursing home which resigned from medicare effective Dec. 1, said a principal reason was that the home's rejection rate had increased to about 30 per cent, compared with 5 per cent last year.

Mother Constance, as administrator of the nonprofit home, said she could no longer afford to pay the three employes who worked nearly full-time on the large amount of paper work needed to support medicare applications.

Kenneth Haas, owner of the Gravois and Cedarcroft nursing homes, which dropped medicare participation this fall, called medicare "a miserable flop." He said that many homes had invested considerably to raise standards that would meet medicare requirements, "but they are not giving us any help in financing these improvements."

While acknowledging the sharp rise in the number of professional nursing homes rejecting medicare, Howard Einspahr, an official of the Bureau of Health Insurance in Kansas City, which monitors the program's operations in a seven-state area, including Missouri, said that claims of increasing retroactive rejections were exaggerated.

"I think it is only natural they remember the ones that were denied rather than approved," he said. He furnished figures showing that in a seven-month period from March 1969, that rejection of medicare applications from professional nursing homes had remained generally steady at 8 per cent. In August and September of this year, however, rejection rates did climb 2 to 3 per cent in Missouri.

Einspahr said that that the Social Security Administration had not sharply curtailed the number of nursing home patient applications accepted. He acknowledged that it had tightened its interpretation to "pay only those situations that are covered under the law."

Professional nursing homes were granted a role in medicare, federal officials explain, to help prevent overcrowding of hospitals with medicare patients. It was designed to pay medicare patients for extended skilled nursing care that that could be performed in a nursing home after a hospital stay. Nursing homes certified for medicare received the designation of extended care facilities.

With the apparent increase in rejections, "there have been some pretty sad scenes in the offices of many administrators," reports Sister Michael. "Young and middle-aged families are shocked to learn that grandmother or grandfather had been rejected for medicare.

"Their first reaction is anger—that you don't know the law. They have this little medicare booklet that says after three days in the hospital and with a doctor's certification the patient is entitled to medicare payments in an extended care nursing home. Their frustration and shock is hard to describe when they learn they have lost out and that little book has lied."

The medicare cutback is affecting both proprietary and nonprofit homes. E. Willis Piehl, administrator of Lutheran Altenheim, said his home was still participating in medicare but "we are weighing very carefully a decision to just drop it entirely."

Piehl, who is president of the Missouri Association of Homes for the Aged, a small group of nonprofit homes, said he thought MAHA members who were participating in medicare were carefully considering their future in the program.

The effects of the cutback so far have just begun to be felt in area hospitals and by medical social workers.

The Cardinal Ritter Institute, which has a program of home health care, has just begun to have problems placing elderly medicare patients in nursing homes, Jack Lally, associate director, said. "Most of them have had to struggle with less than adequate care at home and I guess that's what they'll do again if this thing continues," he said.

Dr. C. O. Vermillion, associate director of Barnes Hospital, said that the extended care provisions of the Medicare act had provided hospitals with a good outlet for freeing hospital beds. He says that the reluctance of nursing homes to accept medicare patients has already been felt. "If one outlet gets plugged, it backs up all along the pipeline," he said.

Mrs. Ruth Bowle, supervisor of medical social workers for the Visiting Nurses Association of Greater St. Louis, reports fewer than "50 per cent of the cases deemed appropriate by us for medicare placement in nursing homes had been placed in homes" in recent months.

"It has got so bad lately," said Robert M. Gaines, director of social services at Deaconess Hospital, "that you almost have a terminal case to get a medicare patient into a profesisonal nursing home."

He said the restrictions placed on nursing homes by the Social Security Administration "are so strict that many hospitals couldn't meet all of them." "Gaines, who is chairman of the Hospital Social Services Directors of St. Louis, said that the continuation of the trend "can only mean that the entire medicare program will go down into oblivion."

Einspahr said he did not think the cutback "has reached the alarm stage as yet. However, if it continues," he said, "it could be viewed with alarm. We must be sure that the entire program doesn't collapse because of it."

He said that the Social Security Administration had not seen any trend toward longer hospital stays among medicare patients resulting "as a backlash from this restriction on nursing home beds. But we are watching it closely."

[From the St. Louis Post Dispatch]

MEDICARE INSURERS CRITICIZED—II

(By Eric Zoeckler)

Within a period of weeks last summer, a New Orleans nursing home admitted two elderly women both of whom had been in a hospital to have their gall bladders removed.

Because of their age and the continuing trauma of surgery, their physicians had ordered skilled nursing care to be performed at the home to hasten their safe recovery. The home drew up medicare applications and submitted them to the insurance company administering the program in New Orleans.

The application for the 71-year-old woman who had spent 18 days in the hospital was approved. The case of the other woman, 72 years old, who was in the hospital 13 days, was denied.

The New Orleans nursing homes operator who testified concerning this and several similar cases recently before the House Ways and Means Committee said the clerks who "practice medicine" might destroy the medicare program with their judgments on eligibility.

Professional nursing home operators in the St. Louis area report that an increasing number of medicare rejections is a prime reason why many homes either are resigning or cutting back on medicare participation.

Recently enacted Social Security Administration regulations filed in the Federal Register, they say, give clerks working for fiscal intermediaries administering medicare the right to overrule doctors' judgments by ruling that a professional nursing home patient is receiving custodial rather than skilled nursing care.

James E. Baker, vice president of Blue Cross of St. Louis, a fiscal intermediary for medicare, denied in an interview that the regulations allowed the Government to "practice medicine."

"The Government does not say a person should be discharged or sent home if they don't qualify for medicare payments," Baker explained. "There is no question of the Government practicing medicine. The decisions as to whether a patient stays or doesn't stay in a nursing home is up to the doctor."

"The point is," replied Sister Michael, president of the Missouri Nursing Home Association and a St. Louis nursing home administrator, that the elderly have come to depend financially on medicine. If they are rejected and can't pay the bill, many of them or their families feel morally obligated to move out."

She said that her nursing home, St. Ann's, 5351 Page Boulevard, and others she knew of had retained patients rejected for medicare and often were forced to absorb the loss.

"We take them in on good faith," she explained, "not only with the doctor's recommendation that the patient needs skilled nursing care. In many cases," Sister Michael continued, "we personally visit the patient in the hospital, check the medical chart and interview the doctor to make doubly sure the patient qualifies."

An aid to Senator Frank E. Moss (Dem.), Utah, said the question of "whether the patient, the administrator or even the doctor has little control over a patient's case once the paperwork leaves the nursing home" would be carefully considered at next month's hearings on nursing homes before the Senate subcommittee on aging.

William A. Billings, director of claims for Blue Cross of St. Louis, agreed that there might be cases that appeared similar on the surface, one of which might be approved and the other rejected.

"Individual doctors treat each patient in a different way," he continued. "One way might be accepted for payment and the other rejected."

Billings said that Blue Cross of St. Louis used only registered nurses to make judgments on medicare applications. He did not know whether Medicare intermediaries elsewhere followed the same policy, "but I doubt that you'll find that there isn't a professional somewhere along the line of decision-making."

The claims director emphasized that the Social Security Administration had periodically issued guidelines in an attempt to better define "custodial care" and "skilled nursing care." "It is our job," he said, "to implement those guidelines as objectively as possible."

To qualify for medicare payment when in a nursing home, a patient must require skilled nursing care on a continuing basis, according to the new regulations filed in the Federal Register on Oct. 27.

"The frequency of skilled nursing services required, rather than their regularity is the controlling factor in determining whether skilled nursing personnel is warranted," the regulation states.

If a patient needs only an intravenous injection on a regular basis every second day, the rule states as an example, it would not necessitate the continuous presence of skilled nurses.

It is the "continuous presence" clause that is upsetting the professional nursing home administrators, said the Rev. William T. Eggers, president of the American Association of Homes for the Aging. "It's a term we never had heard before in dealings on medicare. It's causing many nonprofit homes to reconsider whether they are going to continue on medicare," he said.

Another association officer commented: "If a patient needs 'around-the-clock' skilled nursing care, he ought to be in a hospital."

Another change in the regulation provides that the need for one "paramedical service" such as physical therapy, occupational therapy and speech therapy does not by itself indicate "a need for skilled nursing care."

Jack Pickens, general counsel for the American Nursing Home Association, emphasized in congressional testimony that to meet medicare standards, professional nursing homes were required to have a physician and registered nurses on their staffs and professional dietitians, speech therapists, occupational therapists and other professionals on a contract basis.

If Social Security regulations restricted their use in medicare, he wondered how many nursing homes could continue to keep them on contract to meet medicare standards.

Pickens told the Post-Dispatch that he believed the nursing home industry had been singled out by the Social Security Administration for cutback "because they feel ECF nursing homes are weak link and the one health group in the country that won't complain as loudly about it." (ECF means extended care facility.)

With professional nursing home costs averaging between $15 to $25 a day, opposed to hospital costs of $50 to $60 a day, Pickens continued, "they are only saving pennies but wasting millions of dollars."

There are indications, however, that the Social Security Administration has instructed fiscal intermediaries to check more closely some claims coming in from hospitals, a Post-Dispatch survey indicated.

Billings said that Blue Cross had been "asked where we reject a case from time of entry in an ECF to look closely at the end of hospital care to see if payment was justified. It is not as general or as encompassing a review as we have done with ECFs but in some cases we've been able to chop off a few days of payments."

He denied that there is any general tendency among hospitals to keep patients longer than required, especially in the St. Louis area.

However, a recent decision by the Missouri Supreme Court which declared nonprofit hospitals could be liable for damage suits, plus the shortage of ECF nursing home beds for medicare patients "make the job of hospital

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utilization committees increasingly difficult in exercising their discharge prerogatives," said one hospital administrator.

Billings said the medicare program had been under review since it began in 1968 and that policies being implemented now were resulting from a refinement of practices in the past.

Doctors Rebel on Medicare

(By Eric Zoeckler)

The era of relative peace betwen the Federal Government and the medical profession that began after the bitter debate on medicare appears to be over.

There have been indications that some physicians and hospitals might begin cutting back their participation in medicare if government review of claims and cases becomes more stringent than it is now.

This was made clear by some St. Louis area hospital officers who attended two luncheon meetings at the Chase Park Plaza Hotel recently. They were asked by Blue Cross of St. Louis, one of the government's administrators of medicare for their opinions on how the program was being administered.

Most who spoke questioned recently implemented federal guidelines designed primarily to restrict some medicare applications of patients in extended care facilities, most of which are nursing homes. The doctors were told that the same guidelines, temporarily applied to hospitals.

The effect of these guidelines has been to increase greatly the rejections of medicare applications from patients in nursing homes. Many of these homes are resigning from or cutting back on medicare participation, as reported last week in the Post-Dispatch.

Some physicians and hospital administrators expressed concern this week that similar restrictive guidelines for hospitals, being formulated now in Washington, might have the same effect on them.

"What these guidelines mean," said one hospital administrator, "is that even though a committee of qualified doctors rules that as elderly patient qualifies for a medicare payment, there is an increasing possibility that part of that payment still will be denied by the Government."

James Baker, vice president of Blue Cross of St. Louis, said that although a large majority of the claims were being held, there had been cases recently when hospitals had been denied some payments because the patient was receiving "custodial care" rather than "skilled medical care."

Baker spent much of his time denying that the intent of the regulations was to give Government the chance to practice medicine, an implication that frequently was made by doctors.

One of the big problems, it was explained, centers on the independent review committees of physicians established at each hospital to monitor the progress of medicare cases. The committees' purpose was to recommend when medicare benefits should be cut off.

Dr. Thomas Ferguson, a previous chairman of the medicare committee at Barnes Hospital, said that the physicians on the committees "passed judgment on cases in good faith and by spending a lot of time and effort in the process."

Physicians at the meeting reported that the Blue Cross clerks took the word of the committees for about the first two years of medicare, which began in July 1966. But now, they report, there is increasing difficulty in getting applications fully approved.

"I think it is the way a doctor presents his case that determines whether all of it is paid or not," said Russell Leonard, a staff assistant of the Bureau of Health Insurance, Social Security Administration, in Kansas City.

He said that if there was a question of whether a patient received constant skilled medical care in the last days of his hospital stay, the Blue Cross would ask the physician for detailed documenting evidence.

Dr. C. O. Vermillion, an associate director of Barnes Hospital, pointed out that many physicians rebeled at this because they were reluctant to forward the charts, notes and other associated paperwork without receiving "their usual fee."

One such physician who spoke at the meeting was Dr. M. A. Diehr, who said he practiced at several St. Louis hospitals. "I have two secretaries now who do just about nothing else except prepare paperwork for medicare." He said that he could not afford to hire another if the paperwork requests increased.

Baker said that Blue Cross sought only the amount of paperwork needed to support a decision on what level of care a patient was receiving when at the hospital. He stressed that physician's written orders and notes were not being reviewed to question the doctors' medical judgments.

But Dr. A. J. Signorelli, administrator and medical director at Faith Hospitals, said that interpretations of the medicare law discriminated against the patient who needed only observation for a time.

"Sometimes watching a patient, just observing his progress or waiting to begin certain tests can be more important than actively treating him," Dr. Signorelli said.

Despite the differences, one important point driven home consistently at the meetings was that medicare would not necessarily pay hospital expenses for those 65 years old or over in a hospital just because the attending physician felt the patient should be covered.

"Just as in the nursing homes," Baker told the Post-Dispatch, "it boils down to a question of whether the patient is receiving continuous skilled medical care and whether the primary purpose he is in the hospital is to receive such care."

He said that an elderly patient could be in a hospital to have cosmetic surgery or to have his fallen arches repaired and not be covered by medicare. "Medicare does not cover everything," Baker said.

Yet some hospital officers complained that a patient could be "too sick" to be covered by medicare. Charles Alexander, administrator of the Sullivan, Mo., Community Hospital, said that his hospital had experienced three cases of patients "who were so sick that they died in the hospital." Yet, he said, two months later the hospital was informed part of the claim was being denied.

Baker said that in some cases when a patient was "beyond rehabilitation" and when the care he received was designed to keep him alive, judgments had been made that the patient had not received skilled care and thus, was not eligible to receive medicare payments.

Why is the medicare program being so carefully reviewed? Dr. John A. Virant, chief of staff, De Paul Hospital said, "I think they (the government) are finding out that whole medicare program is costing a lot more than expected.

"If they do to hospitals what they apparently have done to nursing homes," Dr. Virant continued, "some hospitals, I'm afraid, will also start considering whether to stop participation."

Russell said that the "great demands placed on the medicare program together with the highly inflationary costs of medical care" were behind the increasing review of cases.

The feeling after the meetings was that although early days of smooth cooperation between Government and the medical profession were over, there still was hope for a successful continuation of the partnership.

"It's going to have to take a lot of understanding to keep medicare operating smoothly," commented Dr. Vermillion, "but I think it can."

SENATE RESOLUTION 386—SUBMISSION OF A RESOLUTION EXPESSING THE SENSE OF THE SENATE CONCERNING A STATEMENT OF THE PRESIDENT

Mr. GORE. Mr. President, I wish to read and then submit a resolution for appropriate reference.

Whereas on April 8, 1970, the Senate, in the exercise of its constitutional responsibility and duty, completed consideration of a Presidential nomination for an appointment as Associate Justice of the Supreme Court of the United States, and

Whereas a majority of the membership of the Senate disapproved the nomination, and

Whereas the President, on April 9, 1970, stated that the Senate of the 91st Congress is unwilling to discharge its constitutional responsibility in a manner free of geographic discrimination, and

Whereas the President, on April 9, 1970, characterized the opposition to the nomination as being "vicious" and "malicious": Now, therefore, be it

Resolved, That it is the sense of the Senate that the statement of the President on April 9, 1970, constitutes an assault on the integrity of the Senate, and

Resolved further, That the characterization of the Senate as contained in said statement is hereby rejected.

I submit the resolution and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. GRAVEL). The resolution will be received and appropriately referred.

The resolution (S. Res. 386) to express the sense of the Senate concerning a statement of the President, submitted by Mr. GORE, was referred to the Committee on the Judiciary.

Mr. GORE. Mr. President, I ask unanimous consent that there be printed in the RECORD a list of 61 Members of the Senate who, in the exercise of their constitutional duty and responsibility, voted "no" on the question of confirmation of either Judge Haynsworth or Judge Carswell.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Anderson, Bayh, Bible, Brooke, Burdick, Cannon, Case, Church, Cook, Cooper, Cranston, Dodd, Eagleton, Fong, Fulbright, Goodell, Gore, Gravel, Griffin, Harris, Hart, Hartke, Hatfield, Hughes, Inouye, Jackson, Javits, Jordan of Idaho, Kennedy, Magnuson, Mansfield, Mathias, McCarthy, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Montoya, Moss, Muskie, Nelson, Packwood, Pastore, Pell, Percy, Prouty, Proxmire, Ribicoff, Saxbe, Schweiker, Scott, Smith of Maine, Spong, Symington, Tydings, Williams of New Jersey, Williams of Delaware, Yarborough, Young of Ohio.

HUNGER AND MALNUTRITION IN THE UNITED STATES—SIMPLIFIED FOOD STAMP DISTRIBUTION SYSTEM

AMENDMENT NO. 582

Mr. McGOVERN. Mr. President, it has been 6 months since the Senate decided to eliminate hunger and malnutrition in the United States through an expanded, improved food stamp program. When that historic decision was taken, President Nixon's family assistance plan was an infant proposal facing an uncertain future. As a result, the Senate made no attempt to coordinate its new food stamp

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program with the President's cash assistance proposals.

Today the President's plan has been cleared for action in the House and seems likely to be enacted into law this year. I believe that if the Senate's pledge to end hunger is to be fulfilled, we must take action to insure the most effective possible administrative coordination between the food stamp program and the President's plan for cash assistance. I am, therefore, submitting an amendment to provide simplified food stamp distribution for recipients of family assistance or aid to the aged, blind, and disabled.

My amendment is intended to give effect to the administration's express desire to streamline our delivery systems for food and cash assistance. It is fully compatible with President Nixon's family assistance plan. It is my belief that it is deserving of, and will receive, the same sort of bipartisan support which has been so important to our past victories in the battle against hunger in America.

I am pleased that 40 Senators have joined me in cosponsoring this amendment.

I express special appreciation to the Senator from South Carolina (Mr. HOLLINGS), who is present in the Chamber, and who has been working with me closely in the drafting of this proposal, and whose courageous investigation, some time ago, of hunger in his own State was a crucial factor in bringing this problem to the attention of the Nation. I think his efforts will continue to be absolutely invaluable in the fight to eradicate hunger in his own State and in all parts of the Nation.

I am also pleased, once again, to have the cosponsorship and support of the Senator from New York (Mr. JAVITS) who, as the ranking minority member of the Senate Select Committee on Nutrition and Human Needs, has insured that our efforts to fight hunger have been and continue to be completely bipartisan. In fact, even before I became involved in this fight, Senator JAVITS was playing a key role in the crusade against hunger.

The need for this amendment is painfully clear. Despite our efforts of the past year, the food stamp program continues to reach less than one-seventh of our poorest families.

Under the present administrative apparatus and legal constraints less than half of those who will receive family assistance will ever receive food stamps to which they are entitled. Less than one-third will actually receive stamps during the next 2 to 3 years. This is unacceptable.

Until we are able to provide every American with the opportunity to receive an income which will lift him out of poverty, we must provide all of those who lack this opportunity with food stamps.

To cut back food aid while we fight the larger battle against low income would be to consign another generation of Americans to the ravages of hunger and disease. To those children who are permanently damaged today, tomorrow's guaranteed income, no matter how generous, will be too late.

We should make no mistake about what $1,600 per year, unsupplemented by food stamps, will do to meet the hunger problem.

The Bureau of Labor Statistics estimates the cost of housing and clothing and personal care alone at slightly more than $1,600. USDA now estimates that it costs $1,592 to purchase a low-cost diet.

This leaves the $1,600 a year family with the drastic choice of providing a roof over its head and clothes on its back and going hungry, or not going hungry and having $8 remaining for all other needs.

It is hardly surprising that Dr. Arnold Schaefer's ongoing nutrition survey has found, and will shortly report to the Select Committee on Nutrition, that malnutrition in families having total incomes of about $1,600 is far worse than he had predicted in last year's preliminary report.

The fact which we must recognize is that 1,600 dollars for a family of four, without food stamps, means hunger.

The administration, to its credit, has recognized this fact. Having decided that he cannot now ask for a Federal family assistance benefit of more than $1,600, the President has wisely concluded that recipients of family assistance must also be eligible to receive some food stamps. My amendment would guarantee the right to receive adequate food stamps.

In addition to guaranteeing a food stamp supplement to every needy recipient of cash assistance, my amendment is designed to integrate the distribution of food stamps into the carefully constructed administrative apparatus which the President has proposed for the distribution of cash assistance. It would, very simply, provide for the simultaneous delivery of cash assistance and food stamps by one agency in one envelope.

The President said in his welfare reform message:

> Since taking office one of my first priorities has been to repair the machinery of government and put it in shape for the 70's.

He continued:

> The purpose of these (welfare) reforms is to make government more effective . . . and to bring an end to its chronic failure to deliver the service its promises.

The Food Stamp Program is a classic example of chronic failure to deliver as promised. Six years after it was enacted, the stamp program is still bogged down in the very same morass of conflicting local regulations, degrading administrative procedures, and wildly varying eligibility requirements which have destroyed our welfare system.

The predictable result of this mess is that six out of every seven potentially eligible families receive absolutely nothing from the program.

To streamline welfare, while leaving the stamp mess unchanged, would be folly. It could result in a nightmare situation wherein a poor family would actually be required to submit to three entirely separate certification procedures and then go to three separate offices every month just to receive the cash and stamps to which it is entitled.

Recognizing this problem, Secretary Finch told the Nutrition Committee last fall:

> The agency which is charged with certifying eligibility for family assistance and for distributing payments should, it seems to me, be able to distribute food stamps to family assistance recipients more effectively than any other agency.

The effect of my amendment would be to do precisely what Secretary Finch has recommended, put the distribution of food stamps to family assistance recipients in the hands of the agency which distributes family assistance.

The administration has also proposed that sometime in the future we may want to transfer the entire food-stamp program to HEW. That idea has merit and should be looked at very carefully. But, for the moment, I believe that my amendment will successfully integrate the family assistance and stamp programs without necessitating the dislocation of a departmental transfer.

In addition to integrating stamps and welfare, my amendment would provide an added incentive to the States to opt for efficient Federal distribution of all cash and food assistance. It would do this by picking up the entire administrative cost of the stamp program in those States electing Federal distribution.

This is in line with the amendments made by the House Ways and Means Committee and would provide substantial fiscal relief to the States.

Mr. President, if antihunger rhetoric were food, our poor would grow fat. As Robert Kennedy said 3 years ago, as Martin Luther King said 2 years ago, and as I said last year, the time for rhetoric has passed. We must feed our hungry now. The amendment which I offer today is a carefully drawn, administratively sound proposal. If enacted it will make President Nixon's family assistance plan the vehicle for the elimination of hunger from the homes of 22 million Americans. I urge its quick, favorable consideration by the Senate.

As I say, my amendment has the cosponsorship of some 40 other Senators. I ask unanimous consent that the list of cosponsors and a copy and brief analysis of my amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF THE SIMPLIFIED FOOD STAMP DISTRIBUTION SYSTEM

Bayh, Brooke, Burdick, Case, Church, Cranston, Dodd, Eagleton, Goodell, Gravel, Harris, Hart, Hartke, Hollings, Hughes, Inouye, Jackson, Javits, Kennedy, Magnuson, Mansfield, McCarthy, McGee, McIntyre, Metcalf, Mondale, Montoya, Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Ribicoff, Schweiker, Tydings, Williams of New Jersey, Yarborough, and Young of Ohio.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received, and printed and appropriately referred; and, without objection the amendment and analysis will be printed in the RECORD.

The amendment (No. 582) was referred to the Committee on Finance, as follows:

At the end of the bill add a new title as follows:

"TITLE V—SIMPLIFIED FOOD STAMP DISTRIBUTION FOR RECIPIENTS OF FAMILY ASSISTANCE BENEFITS OR AID TO THE AGED, BLIND, AND DISABLED

"SEC. 501. The Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new title:

" 'TITLE XX—SIMPLIFIED FOOD STAMP DISTRIBUTION FOR RECIPIENTS OF FAMILY ASSISTANCE BENEFITS OR AID TO THE AGED, BLIND, AND DISABLED

" 'APPROPRIATIONS

" 'SEC. 2001. For the purpose of safeguarding the health and well being of the Nation's population through the utilization of our agricultural abundances, to insure adequate levels of food consumption and nutrition among low-income families and individuals through the distribution of food stamps, to coordinate the distribution of food stamps and cash assistance, and to insure that all eligible persons receive food stamps, there is authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

" 'ELIGIBILITY FOR AND AMOUNT OF BENEFITS

" 'SEC. 2002. (a) (1) Any individual or family eligible to receive family assistance benefits under part D of title IV or aid to the aged, blind, and disabled under a State plan approved under title XVI shall also be eligible to receive food stamp coupons in the manner and amounts specified under the provisions of this title.

" '(2) No individual or family receiving food stamp coupons under the provisions of this title shall be eligible to receive food stamp coupons under the provisions of the Food Stamp Act of 1964, as amended, or to receive, under any other law, food commodities authorized for distribution to needy households, except during emergency situations caused by a national or other disaster as determined by the Secretary of Agriculture. Any individual or family eligible to receive a coupon allotment under this title may elect not to receive such allotment, and such election shall not adversely affect the eligibility of such individual or family to participate in any food stamp program carried out under any other Act or to participate in any direct food distribution program carried out under any Federal law.

" '(b) (1) The face value of the coupon allotment issued to an individual or family eligible for food stamps under this title shall be equal to the amount which the Agricultural Research Service of the Department of Agriculture determines to be necessary to permit an individual or family of comparable size to purchase the kinds and amounts of food contained in the low-cost food plan established by such Agricultural Research Service and published in the publication entitled "Family Economics Review," less an amount equal to 25 per centum of the income of such family or individual or to such lesser amount as may be prescribed by the Secretary.

" '(2) For the purposes of this title, the income of any individual or family receiving family assistance benefits under part D of title IV or aid to the aged, blind, and disabled under a State plan approved under title XVI shall include only such items of income as are taken into account in determining, with respect to such individual or family, eligibility for, and amount of, such benefits or aid, as the case may be, plus the amount which is excluded from the income of such individual or family under the provisions of sections 443(b) (4), 1603(a) (3), 1603(a) (4), or 1603(a) (5), as the case may be, plus the amount of such benefits or aid payable to such individual or family.

" '(c) Notwithstanding any other provision of law, any individual or family eligible to receive a coupon allotment under the provisions of this title shall be permitted to receive such allotment without regard to the operation of any food distribution or other program in the political subdivision in which such individual or family may reside.

" 'ADMINISTRATION

" 'SEC. 2003. (a) (1) The Secretary shall establish such regulations as may be necessary to insure that the Federal or State department or agency which pays, to families or individuals, the family assistance benefits provided for under part D of title IV or the aid to the aged, blind, and disabled provided for under a State plan approved under title XVI, as the case may be, shall also issue to each individual and family entitled to such benefit the coupon allotment to which such individual or family is entitled under the provision of this title. Coupons shall be issued with the same frequency and shall be delivered in the same manner as are payments of such benefits or aid.

" '(2) The Secretary shall not enter into any agreement with any State or approve any State plan under any provision of this Act, if such agreement or plan does not provide for the issuance of food stamp coupons as required under the provisions of this title. If the Secretary determines that food stamp coupons are not being distributed in accordance with the provisions of this title he shall utilize such authority and invoke such penalties as may be available to him under this Act or any other provision of law to insure that the provisions of this title are carried out.

" '(b) The food stamp coupons to be distributed under the provisions of this title shall be purchased by the Secretary from the Secretary of Agriculture and shall be made available without charge to any Federal or State department or agency authorized to issue such coupons under the provisions of this section. An amount equal to the face value of the coupons purchased by the Secretary shall be deposited by the Secretary of Agriculture in the account created under section 7(d) of the Food Stamp Act of 1964, as amended.

" '(c) The Secretary of Agriculture shall take such actions as may be necessary to insure that the recipients of food stamp coupons under the provisions of this title are able to use such coupons in the same manner and to the same extent as if they had received such coupons under the provisions of the Food Stamp Act of 1964, as amended. Such actions shall include, but shall not be limited to, the approval of retail food stores and wholesale food concerns to accept and redeem coupons, the issuance of regulations providing for the redemption of coupons accepted by such retail food stores and wholesale food concerns, and the determination and disposition of any claim by a retail food store, wholesale food concern, or bank arising in connection with coupons issued under this title. The provisions of sections 13 and 14 of the Food Stamp Act of 1964, as amended, shall be applicable to the food stamp program provided for under this title in the same manner and to the same extent as such provisions are applicable to the food stamp program provided for under that Act.

" '(d) The terms "coupon", "coupon allotment", "retail food store", "wholesale food concern", and "bank" shall have the same meanings, respectively, for purposes of this title as they have for purposes of the Food Stamp Act of 1964, as amended.

" '(e) The Secretary shall reimburse the Secretary of Agriculture, out of funds appropriated to the Department of Health, Education and Welfare for the administration of this title, for expenses incurred by the Secretary of Agriculture in carrying out the provisions of this title which are in addition to any expenses incurred by him in carrying out the Food Stamp Act of 1964, as amended.

" '(f) The provisions of section 208, other than paragraph (a), shall apply with respect to benefits under this title, to the same extent as they apply to payments until title II.' "

The analysis presented by Mr. McGOVERN is as follows:

ANALYSIS OF AMENDMENT NO. 582 TO PROVIDE SIMPLIFIED FOOD STAMP DISTRIBUTION FOR RECIPIENTS OF FAMILY ASSISTANCE BENEFITS FOR AID TO THE AGED, BLIND, AND DISABLED

Section 2001: Authorizes an open ended appropriation.

Section 2002: (a) Establishes automatic food stamp eligibility for recipients of family assistance or aid to the aged, blind, and disabled;

Prohibits recipients of commodities from receiving stamps and prohibits receipt of stamps from two sources simultaneously;

Permits a family eligible for commodities to choose whether it prefers to receive stamps or commodities.

(b) Establishes food stamp bonus schedule identical to that contained in S. 2547 (Senate passed Food Stamp Act of 1969). Does not contain provision for free stamps because no recipient of cash assistance would qualify for free stamps, but would not deny free stamps to those who qualify for them under the Senate passed Food Stamp Act.

(c) Permits families living in counties having commodity distribution program to receive stamps, but not to receive commodities and stamps simultaneously. This is required since many recipients of cash assistance live in commodity or no stamp program counties.

Section 2003: (a) Provides for distribution of stamps by the agency which distributes family assistance benefits or aid to the aged, blind, and disabled. Provides for distribution of cash and stamps in identical manner and with identical frequency.

(b) Provides for the Secretary of HEW to purchase needed stamps from Secretary of Agriculture and to deposit money in food stamp redemption account provided for by Food Stamp Act of 1964.

(c) (d) Provides for the Secretary of Agriculture to take certain administrative actions in connection with certification of food stores, redemption of food stamps, etc., required to insure that stamps issued under this act may be used in the same way as stamps distributed to non-cash assistance recipients by USDA.

Section 2003: (e) Provides for Secretary of HEW to reimburse Secretary of Agriculture for administrative actions taken pursuant to this amendment.

(f) Provides for adjustment of overpayments or underpayments, and for dealing with fraud.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. McGOVERN. I am happy to yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I wish to commend the Senator from South Dakota on his continued leadership in the elimination of hunger in America.

I have joined in this particular amendment because it promotes efficiency and effectiveness toward the elimination of hunger and the distribution of food stamps. It is certainly a must, if we are going to have a family assistance program. But in the drafting and the cosponsoring of this amendment, I expressed some misgiving to the distinguished leader of our Nutrition and Human Needs Committee, in that we somewhat perpetuate one of the greatest blocks to the solution of hunger by a family assistant program income level yardstick.

Unfortunately, Mr. President, we have never had a complete medical survey of who is hungry in America; and immedi-

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ately, whether a social welfare worker or a public officer in trying to describe the extent of hunger, everybody believes there is some. But the general rejoinder is that we have had them in the days of Jesus and we are going to have them a hundred years from now. They believe, of course, that while there is some hunger, it is not extensive at all; certainly hunger is not of such an extensive nature to constitute a public problem. How do you make the public aware that it does constitute a public problem?

When we try to measure hunger, we immediately fall back on the income level yardstick. We start with the Federal Government, which says everybody with an income under $3,553 is poor. We go to the food committee. They say everybody with an income under $4,500 a year is poor. We come to the President's Conference on Hunger, and it said anybody earning less than $5,500 a year is poor.

So the average taxpayer sits out there and hears the programs coming from Washington. He is a child of the depression. He hears that you are measuring hunger by $300 a month, or the $3,553 level. He thinks back to the days of the depression, when $300 was a gracious plenty, and he says, "I worked my way out of it. Why can't they?" Then he finds that they are going to $4,500 and $5,500, and he completely puts up a rebuff to joining in and doing anything about this program, because he thinks hunger is politically found and not medically determined. In other words, he is unconvinced.

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When you start with this basic family allowance of $1,600, what you once again are saying is, "Well, everybody needs at least that." And the average taxpayer resists, because he says this is only a foot in the door, and we get into the mechanics of welfare and welfare payments; and hunger and the hungry are still lost in America.

Fortunately, the Senator from South Dakota has perceived this. He has realized this, and we realize it through the experience last year; because when the family assistance program, the basic family allowance, was submitted, the President said food stamps would be phased out. Within a few days, the Senator from South Dakota brought in the Secretary of Health, Education, and Welfare and the Secretary of Agriculture. They hurried up to the Hill and said, "Oh, no; that was a mistake. The President never intended to eliminate the food stamp program." Now we do have the administration, as an afterthought and under pressure, supporting it, but not very enthusiastically.

So I want to join with the Senator from South Dakota—not necessarily adopting the approach of family assistance. If I played President on this, I long since would have pointed up the hunger that really exists in America.

Only the other night, at a dinner for the distinguished senior Senator from Georgia, we saw in a film clip the statement by Herbert Hoover in 1929 that hunger would be eliminated from America in 10 years. Then we heard our own President Nixon, last year, saying that hunger was going to be eliminated. But now he is down into the primrose path of the accountant's mechanics of basic family allowance; and once again people believe that hunger is just a political thing that really does not threaten America's security or safety whatsoever. They turn their heads. The Black Panthers in California are feeding many people in the State of California. The Black Panthers in Chicago are feeding more than 1,000 breakfasts to hungry children every day. While we got the free food stamp program in Beaufort and Jasper Counties in South Carolina, with the help of the Senator from South Dakota, over a year ago, and with the cooperation and leadership of the Republican Secretary of Agriculture, Mr. Hardin, they have yet to extend that program. I think this is extremely unfortunate.

I join with the Senator from South Dakota in recognizing these facets of the problem. If we are going now to the basic family allowance, let us not take our eye off the primary target, and that is an attainable target—namely, the elimination of hunger in America in the next 3 to 5 years.

Mr. McGOVERN. Mr. President, I thank the Senator from South Carolina for what I believe to be very thoughtful and wise observations about the practical problems we face in bringing an end to hunger in the United States.

Without either passing on the merits or the demerits of the President's proposal—and I think there is a great deal of merit in what the President has suggested in the family assistance field—one of the anxieties I have had about the timing of that proposal is that it might very well divert our attention and the sense of urgency that was building up in the country to deal with the problems of hunger.

I think we desperately need a victory in this country in the field of social justice and social welfare. We have a soluble problem on the hunger front. We can win that. We can put an end to hunger and malnutrition in the United States. We can do it in a very short time, through the leadership of men like the Senator from New York (Mr. JAVITS), who is in the Chamber, and to whom I referred earlier, the Senator from South Carolina (Mr. HOLLINGS), and others. We have built in this country a strong bipartisan base to put an end, once and for all, to hunger in America. I believe the President wants to accomplish that goal. Secretary Hardin, Secretary Finch, and others are devoted to that end.

I do have some real anxiety that we may become so enmeshed in discussions about income maintenance, and so forth, that, as the Senator from South Carolina has said, we will lose sight of this opportunity to really close ranks and put an end, once and for all, to hunger in America.

So the amendment we are offering today is designed to see that if we move on the family assistance front, we do not do it without preserving the gains in the Senate bill that was passed last September by an overwhelming margin, which gives us the tools to put an end to most of the hunger and malnutrition in our country.

Mr. HOLLINGS. Mr. President, two points in the Senator's remarks should be emphasized.

One factor he pointed out is that 6 years after the food stamp program was enacted, six out of seven who are eligible for it have yet to receive benefits under this program.

Second, under our food stamp program, as we had it innovated in the Beaufort-Jasper County area—the first free food stamps in America—we took cognizance of local participation, local administration, and local leadership. The basic family allowance disregards this entirely, and I do not see how we are ever going to solve the hunger problem unless we do have local support and local participation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. JAVITS. Mr. President, I am pleased to join with Senator McGOVERN in this amendment, thus continuing what he has called the bipartisan cooperation on the Committee on Nutrition and Human Needs.

When the President sent his historic message to the Congress last August presenting his proposals for a reform of the welfare system, I expressed concern that the administration's adoption of an "income strategy" alone in the war against poverty might act to undermine the commitment, made the previous May, to an expanded food stamp program as a part of a number of actions announced by the President to effect "an end to hunger in America for all time." On August 12, 1969, I stated:

> It would be hard indeed on our Nation's poor first to give them admittedly inadequate financial assistance—assistance that in most cases would not even cover a family's food budget—and then to take away their opportunity, through the food-stamp program, to purchase food at reduced prices. An income-maintenance program at an adequate level may yet replace the food-stamp program, but it would be folly to even consider initiating the transition before that level is established. Under the present circumstances, our Nation's poor require an "expansion"—not a phaseout—of food stamp and related programs. . . .

The administration subsequently made it quite clear that it would continue to support an expanded food stamp program until cash payments reach an adequate level. And, in testimony before the Select Committee on Nutrition and Human Needs, Secretary Finch and Secretary Hardin pledged that in the interim their two Departments would work toward a coordinated administration of the two programs. A few weeks later, the Senate indicated its full commitment to an expanded food stamp program by passing the Food Stamp Act of 1969, proposed by Senator McGOVERN and myself.

The amendment proposed by Senator McGOVERN would insure that these commitments of the administration and of the Senate to a continuation of an expanded food stamp program would become an integral part of the new income maintenance system proposed by the administration. Most importantly, the amendment would guarantee that recipients of cash assistance under the administration's bill will also receive the food stamps to which they are entitled. Moreover, in providing for a single federal system of distribution for these two programs, the amendment should lower total administrative costs, permitting more of the money allotted to the program to actually reaching the poor and others receiving benefits under the administration's plan.

While I share the belief held by the administration and by the poor themselves that we must move toward a cash system of income maintenance, the fact is clear that the cash level provided under the Family Assistance Act—however realistic as a legislative goal at the present time—is unrealistic standing alone to those who daily face the problem of keeping life together.

In addition to supporting this amendment, I shall propose, in the coming weeks, a series of amendments to the Family Assistance Act designed to insure that those unable to support themselves will receive a level of assistance on terms reflecting an awareness of the great dignity of the poor and of their actual needs.

I feel—and the Senator has been very gracious in that—that I have complete freedom of action if I can come up with any different idea, a better means of accomplishing the intent of this amendment, to submit that to Senator McGOVERN and to all my colleagues.

Mr. McGOVERN. The Senator made that clear to me yesterday.

Mr. JAVITS. The Senator is very kind. The important thing is that food is the element which can bring the President's family assistance package to a level sufficient to sustain life rather than just a beginning of a good program. It seems to me logical to interrelate the two. They have a complete interfacing, and together they can represent sufficiency. Separately they do not.

With the President's splendid initiative, it seems to me inconceivable that we cannot work out an interlacing between the two which will really accomplish what the President wants, which we all want, that is, a solid national base under welfare.

That is why I joined the Senator and I hope that, with the help of the Senator from South Carolina (Mr. HOLLINGS), we can implement this program. I think it is very significant to have this assistance from the South, which is supposed to be antiwelfare. That is not true, of course. He is a living symbol of the fact that it is not true.

Mr. McGOVERN. The Senator does not think that this is the North against the South?

Mr. JAVITS. I am going to say that later in words or syllables which I hope will be of historic significance. But the important thing is to develop with the best brains and ingenuity we can find ways of interrelating the two programs in order to get a better approach to a level of sufficiency. I compliment the Senator from South Dakota (Mr. McGOVERN) on his distinguished leadership. After all, it is he who brought this committee about.

I invoke also in this matter, and I think it is only fair, the name of Robert Kennedy who, with former Senator Clark of Pennsylvania, the Senator from California (Mr. MURPHY) and myself, formed the first subcommittee that scratched the surface of this terrible problem. Wherever Robert Kennedy is, he is looking out with a dear and beneficent expression on everything we do today. Thus, I take great honor and pleasure in joining the Senators in expressing the expectation that we will make a creative contribution to the total effort of the President. The President has enlisted himself in the war on hunger. It is one of his finest initiatives. We should buttress the proposal for an increased welfare base with what has seemed so logical an element of it—food—to give it a closer approach to sufficiency.

Mr. McGOVERN. I thank the Senator for his contribution.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR JAVITS AT THE CONCLUSION OF THE REMARKS OF SENATOR CHURCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes at the conclusion of the remarks of the distinguished Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE RAILWAY LABOR ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the Pastore germaneness rule—this is not to be considered in connection with this—that the Senate proceed to the consideration of Calendar No. 768, H.R. 15349, which I understand has been cleared all the way around and has the approval of the leadership on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. H.R. 15349, to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–901), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PRINCIPAL PURPOSE OF THE BILL

The bill provides for revisions in the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union.

No substantive change is made in the law by these amendments, and no costs to the United States are involved. The bill is agreed to by the affected unions, and by all affected railroads, and is endorsed by the executive branch.

BACKGROUND

The Railway Labor Act, which governs all labor relations in the railroad industry, provides for a Board, known as the National Railroad Adjustment Board, which handles individual grievances arising out of work rules or the interpretation or application of collective-bargaining agreements. The Board consists of four divisions, consisting of 36 members: 18 representing carriers, and 18 representing labor organizations. The first division contains 10 members; five representing carriers, and five representing unions. Section 3. First. (c) of the act provides that no labor organization shall have more than one representative on any division of the Board. Until last year, this provision created no problems for the first division, since there were only five unions with jurisdiction over matters before that division. With the merger of four unions into the UTU, the law requires amendment, since subsection (c) prohibits UTU from having more than one representative, who, together with the representative of the Brotherhood of Locomotive Engineers would make only two labor representatives qualified to serve on this division, whereas another provision (section 3. First (h)) states that the division shall include five labor representatives.

The bill, which has been agreed upon by all the parties, would revise the law to provide that the Brotherhood of Locomotive Engineers may have two representatives on the first division, of whom only one may vote in any proceeding before the division, and the UTU may have two representatives on the division, of whom only one may vote in any proceeding. Similarly, the carriers are to be permitted four representatives on this division, of whom only two may vote in any proceeding before the division.

Hearings were held on this legislation before the Subcommittee on Transportation and Aeronautics on January 26, 1970, and all witnesses testified in support of the bill. The bill was ordered reported unanimously.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS) there be a period for the transaction of routine morning business, with a time limitation of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, again I suggest the absence of a quorum.

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The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **CHURCH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered. Under the previous order, the Senator from Idaho is recognized for 60 minutes.

TOWARD A NEW POLICY FOR LATIN AMERICA

Mr. **CHURCH**. Mr. President, hope, Francis Bacon once commented, makes a good breakfast, but it is a lean supper. As Latin America enters the 1970's, her governments tremble beneath the bruising tensions that separate hope from fulfillment.

Historian Arthur Schlesinger, Jr., observes:

> Here is a subcontinent where one-eighth more people than the population of the United States subsist on less than one-eighth of our gross national product, where 5 percent of the people receive a third of the income and 70 percent live in abject poverty, and where in country after country the political and social structures are organized to keep things that way . . .

As German Arciniegas of Colombia pointed out in a famous observation, there are two Latin Americas: The visible and the invisible:

> Visible Latin America is the Latin America of Presidents, generals, embassies, newspapers, business houses, universities, cathedrals, *estancias* and *haciendas*. But in the shadows lies "mute, repressed" Latin America, a "vast reservoir of revolution. . . . Nobody knows what these . . . silent men and women think, feel, dream, or await in the depths of their being." In recent years, invisible Latin America has begun to stir. Workers and *campesinos* want three meals a day and a modicum of human recognition and dignity. Indians want to enter the national life of their countries. Intellectuals and students want social justice. Engineers and soldiers want modernization. Whatever the particular goal, the inherited condition of life is becoming every day more insupportable for more people.

Much of Latin America entered the 20th century with a way of life inherited from 16th century Spain and Portugal. This is a way of life which in many respects is incompatible with a modern, industrialized society. Latin countries are plunging headlong into the 21st century with precious little time to make a transition that took generations in the United States and centuries in Western Europe.

Yet the imperative is clear. In countries whose per capita income presently ranges from $80 to $800 a year, only the fastest economic growth conceivable can possibly produce enough food, shelter, clothing and employment to match the spiraling requirements of the swelling population. This multitude, which now numbers 276 million souls, is growing at the rate of 3 percent a year, faster than any other population in the world; yet production, on a net per capita basis, is increasing at only half that rate. Inflation is endemic; foreign exchange is in short supply; export trade opportunities are restricted by barriers interposed by the already rich, developed nations; and overall economic growth is falling chronically short of satisfactory levels. The 1960's did not bring the much heralded "Decade of Development" to Latin America. The euphoric expectation of bountiful blessings generated by the Alliance for Progress has receded, and widespread disillusionment has set in.

Still, economists know what is required within Latin America to move it into an era of adequate, self-sustaining economic growth. There is general consensus on the necessity for far-reaching agrarian and fiscal reform, for increasing internal savings and enlarging internal markets, for regional economic integration, and for more favorable trading arrangements with the developed countries. Most of all, there is the need to bring into the national economic life the large numbers of Latin Americans, amounting in some countries to the greater part of the whole population, who are now, for all practical purposes, subsisting outside a money economy.

Obviously, if such profound internal changes can be accomplished at all, they can be brought about only by the Latin Americans themselves. The impetus must come from within. Success or failure may be marginally influenced, but it cannot be bestowed from without—neither by the United States nor any other foreign power.

It is also evident that the means adopted, the economic systems devised, the political forms chosen, will likewise have to be homegrown. Neither the leisurely evolution of modern capitalism, as it matured in northern Europe and the United States, nor the differing brands of marxism, as practiced in Russia or China, offer models for Latin America that are really relevant to its cultural inheritance or its pressing needs. Even Cuban-style communism has found a meager market in other Latin lands. Che Guevara's romantic excursion to spread Castroism to the mountains of Bolivia ended in fiasco and death. For Latin America, steeped in the Christian tradition and prizing the individual highly, communism has little appeal. Indeed, those in the forefront of the struggle for radical, even revolutionary reform in Latin America today are more likely to be found wearing Roman collars than carrying red banners.

So, as we peer into the 1970's, we must anticipate turmoil and upheaval throughout Latin America, a decade of instability, insurrection and irreversible change. Each country will stake out and cultivate its own political and economic terrain. The spirit of nationalism will grow more fervent, and movement along the political spectrum will be generally toward the left. Inflammable sensitivities will run high.

As for the United States, we would be well advised to practice an unaccustomed deference. The more gently we press our hemispheric neighbors, the greater our influence is likely to be. This will not be easy, for self-restraint is the hardest of all lessons for a great power to learn. Too tempting and seductive is the illusion of omnipotence. Every great power would prefer to believe—and ascribe to itself—the verity of the tribute once paid by Prince Metternich to imperial France: "When Paris sneezes, Europe catches cold."

In casting our own weight about the Western Hemisphere, the United States has shown typically little self-restraint. Between 1898 and 1924, we directly intervened no less than 31 times in the internal affairs of our smaller neighbors. And we have yet to kick the habit, as our abortive Bay-of-Pigs invasion bears witness, not to speak of our military occupation of the Dominican Republic, as recently as 1965.

In addition to its direct interventions, the United States has deeply penetrated the economy of Latin America with an immense outlay of private investment. By the end of 1968, American business interests had nearly $13 billion invested in Latin countries and the Caribbean, nearly three-fourths of which was concentrated in minerals, petroleum, and manufacturing industries. The extent and growth of these holdings have inevitably—and not surprisingly—given rise to cries of "Yankee imperialism."

A recent study by the Council for Latin America, a U.S. business group, reports that in 1966, the total sales by all U.S. affiliates in Latin America amounted to 13.7 percent of the aggregate gross domestic product of all the countries of the region. If foreign-owned companies played the same proportionate role in the United States, their annual sales would exceed $130 billion.

Latin Americans have also begun to deny what was long taken as an article of faith; namely, that foreign investment promotes economic development. Hear Foreign Minister Gabriel Valdes of Chile:

> We can assert that Latin America is contributing to finance the development of the United States and other affluent nations. Private investments have meant, and mean today for Latin America, that the amounts that leave our continent are many times higher than those that are invested in it. Our potential capital is diminishing while the profits of invested capital grow and multiply at an enormous rate, not in our countries but abroad.

Minister Valdes is supported by the U.N. Economic Commission for Latin America which estimates the flow of private investment to Latin America in the period 1960–66 at $2.8 billion while the repatriation of profits and income amounted to $8.3 billion. This means that over this period foreign investment caused a net loss of $785 million a year in Latin America's balance of payments.

Working with later data on a somewhat different basis, the Council for Latin America makes the very opposite claim, putting the net positive contribution of U.S. investment to Latin America's balance of payments, during the 1965–68 period, at $8.5 billion a year.

Wherever the truth may lie, it is clear that the influence of U.S. business in Latin America is enormous, and that its impact produces political as well as economic repercussions. Whether or not the Latin Americans are right in their analysis of the adverse effect of private foreign investment on their balance of payments, the important political point is that they think they are right about it.

The U.S. presence in Latin America is pervasive, culturally as well as economically. Latins listen to American music, go to see American movies, read American books and magazines, drive American cars, drink Coca-Cola, and shop at Sears. The ubiquitous American tourist is to be seen on every hand, worrying aloud about the water and food and complaining about the difficulty of making himself understood in English.

The Latin reaction to all of this is somewhat ambivalent. Latins like the products of U.S. culture and U.S. business, but at the same time they feel a bit overwhelmed and fearful that Yankees may indeed be taking over their countries. One of the causes of internal resistance to proposals for a Latin American Common Market is the fear that U.S. companies would be able, through their sheer size, to benefit from it to the disadvantage of local entrepreneurs.

Given this situation, it has to be expected that regardless of the policies we adopt, however enlightened and beneficial they may be, the United States will long remain a national target in Latin America for criticism, misgiving, suspicion, and distrust.

The picture is not all that bleak, however. Millions of people in Latin America think well of the people of the United States. Certain of our leaders have been greatly admired—Franklin Roosevelt for his "good neighbor" policy, and John F. Kennedy for the way he bespoke the heartfelt aspirations of the dispossessed. No one can fault the sincerity of President Kennedy when he launched the Alliance for Progress in March of 1961, inviting the American Republics to join in a "vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the people for homes, work and land, health and schools." Since then, the United States has funneled in more than $10 billion in various forms of aid.

Given the magnitude of our effort during the 1960's, we are left to wonder why it produced such disappointing results. We thought we were seeding the resurgence of democratic governments; instead, we have seen a relentless slide toward militarism. We thought we could remodel Latin societies, but the reforms we prescribed have largely eluded us. We thought our generosity would meet with gratitude; but we have seen antagonism toward us grow as our involvement in their problems has deepened. We pledged ourselves to goals which lay beyond our capacity to confer, objectives that could never be the gift of any program of external aid; by promising more than we could deliver, we have made ourselves a plausible scapegoat for pent-up furies and frustrations for which we bear little or no responsibility.

Worse still, the kind of aid we have extended, has tended to aggravate, rather than mitigate, these difficulties. Bilateral in character, administered on a government-to-government basis, our foreign aid program is embroiled in the internal politics of both the donor and recipient countries. The program's very nature makes this unavoidable, but the consequences are contributing to a steady deterioration in relations.

First, let us consider what has happened to the foreign aid program, due to the pressure of domestic politics within the United States. What commenced—back in the days of the Marshall plan for Western Europe—as principally a grant-in-aid undertaking, has been transformed by the outcry against "foreign giveaways" into what is now primarily a loan program. Furthermore, in terms of accomplishing our foreign policy objectives, hindsight indicates we have gone about foreign aid backward. The Marshall plan should have been administered mainly on a loan instead of a grant basis, and the ready return of our investment would have done much to solve our balance-of-payments problems in the 1960's. In Latin America, the formula should have been reversed, with the emphasis on grants instead of loans.

Now the accumulation of these loans, and others as well, by Latin American governments, is creating serious debt problems. The Rockefeller report notes:

> Heavy borrowings by some Western Hemisphere countries to support development have reached the point where annual repayments of interest and amortization absorb a large share of foreign exchange earnings. Within five years, a number of other nations in the Western Hemisphere could face the same situation. Many of the countries are, in effect, having to make new loans to get the foreign exchange to pay interest and amortization on old loans, and at higher interest rates.
>
> This debt service problem is a major concern. If countries get into a position where interest and amortization payments on foreign loans require a disproportionately large share of available foreign exchange, then the general pace of development will be slowed by the inability to maintain imports of the capital equipment needed to support economic growth.

Of course, in fairness it should be pointed out that our foreign aid program is not the sole contributor, by any means, to this mounting debt service problem. From 1962 through 1969, the Export-Import Bank lent $1.7 billion to Latin America at commercial interest rates and generally shorter maturities than AID loans. Various European governments and banks—as well as U.S. banks—have made substantial loans, frequently at rates of 6 to 8 percent and for maturities of no more than 3 to 5 years. It is clear that both we and the Europeans are going to have to review our lending policies and explore ways for stretching out repayment schedules. Joint action between the leading nations, the international lending institutions, and debtor nations is necessary. I agree with the Peterson task force suggestions to put this strategy into effect now to prevent an emergency—not to deal with one after it has arisen.

Not only did the pressures of domestic politics change our aid to loans, but concern over our chronically adverse balance of payments led the Congress to insist upon tying these loans to the purchase of goods and services in the United States. Thus our aid—so-called—became an ill-disguised subsidy for American exports. While it undeniably constitutes an addition to Latin American economic resources, it can only be used for purchases in the United States or, under the new Presidential directive, within the hemisphere, where prices are often above European or Japanese levels. Moreover, still another politically motivated restriction requires that half of the goods financed by the United States must be transported in American bottoms. It has been estimated that this provision alone reduces the effectiveness of each $100 of U.S. loan assistance by as much as $20—furnishing another irritant to developing countries.

But the worst political consequence of all has been the inability on Congress to resist temptation to use the aid program as both carrot and stick to reward or punish recipient governments, depending on how we may regard their behavior. Since 1961, the punitive sections of the Foreign Assistance Act have increased from four to 21.

Most notorious of these punitive provisions is the Hickenlooper amendment. Although it has proved useless as a deterrent to the confiscation of American-owned businesses abroad, this amendment will remain on the books. Few Congressmen would relish explaining to their constituents why they voted to repeal a provision which prohibits giving further aid to a foreign government which has expropriated an American-owned business and failed to pay adequate compensation.

Yet, the Hickenlooper amendment is only the most prominent of a whole series of penalties written into our Foreign Assistance Act. There are, for instance, the amendments designed to enforce the American view of fishing rights. On occasion, U.S. fishing boats have been seized by Ecuador or Peru for fishing in what we regard as the high seas, but what they regard as territorial waters. If a fine is imposed, our law provides that military sales and assistance must be suspended; it also provides that the amount of the fine must be subtracted from the economic aid we are furnishing the guilty government.

This provision, I must confess, was solemnly adopted as an appropriate punishment to put an end to any further meddling with American boats. But, alas, it has not worked that way. We "tie" so many strings to our "aid" that some governments have preferred to take their money in fines.

The trouble with attaching such penalties to the aid program is that, although they might give us some emotional satisfaction, they do not stop the behavior against which they are aimed. What is worse, they provide a series of diplomatic showdowns that corrode, weaken, and eventually destroy good relations.

Peru is a textbook case. The deterioration of our relations with Peru began in 1964, when the State Department, on its own initiative, started to drag its heels on extending aid to Peru as a tactic to force the government to settle the International Petroleum Co.—IPC—case. The tactic was not successful and resulted in some bitterness on the part of the Peruvian Government, then headed by Fernando Belaunde Terry, a man who otherwise qualified as a true Alliance for Progress president.

This bitterness was increased when we refused to sell the Peruvians F-5 aircraft. But then, when they decided to

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buy Mirage aircraft from France, the State Department reversed itself and offered F–5's. At this point, Congress decreed that foreign aid should be withheld from countries buying sophisticated weapons abroad. The net result is that Peru now has Mirages, a plane aptly named for the contribution it makes to Peruvian security.

Finally, a military government more radical than the reformist Belaunde came to power and promptly expropriated IPC. The new Peruvian Government has not only failed to pay compensation, but has actually presented IPC with a bill of $694 million for its alleged past transgressions. And through all of this, there has been the continuing wrangle over fishing boats.

This sketchy review is necessarily oversimplified. The story of United States-Peruvian relations in the last 5 years contains ample mistakes on both sides. The point is that each successive stage in the deterioration has been provoked, in one way or another, by some aspect of the U.S. aid program. Indeed, more than one U.S. Ambassador to Latin America has said privately that his difficulties stemmed directly from our aid program. One can scarcely imagine a more damning indictment.

Let us now consider the political impact of a bilateral, government-to-government aid program upon the recipient countries. They are naturally interested in putting the money into places of immediate advantage, where the political payoff is greatest. Heavy emphasis falls on program, rather than project, loans, whereby lump sum transfers of dollar credits augment a given government's foreign exchange reserves. This is an indirect method of lending budgetary support. The reserves, of course, are available to be purchased with local currency by importers who desire to buy, let us say, machine tools in Cincinnati or perfume in Paris. Since it was never a part of the rationale of a program loan that its proceeds should be used to finance the purchase of French perfume, AID early limited the purposes for which program loans could be used. But money is fungible, and restrictions applied solely to the loan do not insure that the borrowing government will not use its other resources for the purchase of frivolous luxury items, while relying on the United States to finance necessities. Little if any net economic gain would be made in these circumstances.

It became necessary, therefore, to make program loans contingent on agreement by the borrowing government to regulate its imports generally in such a way as to insure that its total foreign exchange reserves were used with optimum efficiency from our point of view.

Further, the question arose as to what to do with the local currency generated by the program loan. In the absence of agreements to the contrary, this currency can be used in ways that would undermine, neutralize, or offset the intended purpose of the loan. So, to insure that these local currency proceeds are used in ways that meet with our approval, AID made agreement on this point a condition of program lending. As in the case of foreign exchange reserves, it followed, of course, that this agreement had to encompass the Government's fiscal and monetary policies across the board.

All of this inevitably involves the United States in the most intimate areas of another country's sovereignty, its tax policies, and its monetary system. Program loans are disbursed in installments, usually quarterly and each disbursement is preceded by the most detailed review of our AID mission of the recipient country's economic performance for the prior quarter. Why has the Government's tax program not been enacted? The central bank is letting the local money supply increase too fast. Recent wage settlements have been inflationary. The currency is overvalued. A program review typically raises these and a hundred other similar questions and complaints. This is done with the best of motives, but at an exorbitant political price.

Our aid technicians must sit as advisers and overseers at the highest levels in the finance ministries of various Latin American governments. Inescapably, this places us in a patronizing position which is demeaning to our hosts. The large colony of our AID administrators, meanwhile, living in conspicuous luxury in every Latin capital, cannot help but feed popular resentment against the United States. If a militant nationalism directed against the gringos is now on the rise, it is quite possible that our own policies, largely connected with AID, have given it the spur.

One is left to wonder how so cumbersome and self-defeating an AID program has lasted so long. Again, I suggest, the answer can be found by examining the politics involved on Capitol Hill. The analysis, I assure you, is a fascinating one.

Year after year, in order to get the needed votes in Congress, a package of contradictory arguments is assembled. The package contains something for everyone, with the result that the life of the AID program has been prolonged by a hybrid coalition of both liberal and conservative Members. Let us explore how this artful strategy has worked with respect to the two main categories of AID, military and economic assistance.

MILITARY ASSISTANCE

Conservative Members of Congress have been wooed to support this kind of aid on the ground that bolstering indigenous armies and police forces furnishes us with a shield against the spread of communism in the hemisphere. Furthermore, it is argued, strengthened military power within Latin America is to be welcomed as a force for internal stability favorably disposed toward local American interests. For the most part, these arguments are accepted as articles of faith, even though events discredit them. In Cuba, it was demonstrated that once a regime has lost minimum essential support, no army will save it. Castro did not walk over Batista's army; he walked through it. In Peru and Bolivia, on the other hand, where the Government's army seized the Governments, the new military regimes galvanized public support behind them not by favoring, but by grabbing, local American interests. Each confiscated a major American-owned business, the Gulf Oil Corp. in Bolivia, the IPC in Peru.

Liberals in Congress have been lured to support military assistance by quite different, though equally flimsy, arguments. They have been told that our subsidy brings us into close association with the military hierarchy, thus enabling us to exert a tempering influence on the politically ambitious generals, while assuring ourselves of their friendship in case they do take over. Again, argument and fact are mismated. The 1960's were marked by an unprecedented shift toward military dictatorship in Latin America. Hardly more than half a dozen popularly chosen democratic governments remain alive south of our borders. Tempering influence indeed!

Furthermore, once a military junta has installed itself behind its American-furnished tanks, guns and planes, there is no assurance that the United States will be benignly regarded. In fact, the new "Nasserist" regimes of Peru and Bolivia, among all governments of South America, are the most aggressively hostile toward us.

Meanwhile, the military missions we have installed in no less than 17 Latin capitals, add to the debilitating image of the United States as a militaristic nation. Even the Rockefeller report, which gave its blessings to military assistance, looks with disfavor upon "our permanent military missions in residence," since they "too often have constituted too large and too visible a U.S. presence."

That puts it mildly. Listen to the testimony of Ralph Dungan, our former Ambassador to Chile, given before the Senate Foreign Relations Subcommittee on Western Hemisphere Affairs:

> I believe there is no shaking the prevailing Latin conception of the United States as a society dominated to a very large measure by "the Pentagon." This perception is widely shared across the political spectrum.

Mr. Dungan went on to say that "perhaps no single action which the United States has taken in recent years including the Bay-of-Pigs fiasco was so significant in confirming the view of Latin America of the United States as a nation willing and ready to use its vast military power unilaterally—as the unfortunate invasion of the Dominican Republic." Other friendly hemisphere observers have noted we will never know whether the Alliance was a success or failure because the program stopped the minute U.S. Marines landed in Santo Domingo in the spring of 1965.

So much, then, for our misguided military policies in Latin America, and the contrived and contradictory arguments with which they are perpetuated. Let us now turn to the other side of the American AID program, economic assistance.

ECONOMIC ASSISTANCE

Here again, congressional support has been secured on the basis of false and conflicting doctrines. Conservative votes have been solicited upon the theory that economic assistance is good for business, that it can shore up the status quo in Latin America and thus prove an effective

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deterrent to revolution. It is argued that our input of dollars will promote stability and thwart the anticapitalists. Oddly enough, this proposition is widely believed, even though Cuba, the only country in the hemisphere which has gone Communist, enjoyed a relatively high per capita income along with a highly concentrated investment of American capital.

Liberals in Congress, on the other hand, have accepted the need for economic assistance on the weakness of the opposite argument; namely, that far from preserving the status quo, our financial aid is meant to promote necessary economic and social change. But as our experience with the Alliance for Progress bears out, external aid does not produce internal change. Because the money has been channeled through existing governments, it has mainly been spent for the benefit of the governing elites. It has perhaps helped, in some instances, to modernize Latin economies, but not to restructure them. In short, the liberals have also been taken in.

The conclusion I must reach is that our AID program, as administered in Latin America, has proved to be—on balance—a net loss. As our meddling has increased, resentment has grown. It lies at the root of an alarming deterioration in inter-American relations—a deterioration which has led to the assassination of one of our Ambassadors, the kidnaping of another plus a labor attaché; the riotous receptions given Governor Rockefeller as President Nixon's personal emissary, indeed, the refusal of some countries even to receive him; and most recently, the unruly student demonstrations following the arrival of our Assistant Secretary of State for Latin American Affairs on an orientation visit to Bolivia.

This does not mean that we should throw up our hands in despair, or turn our backs on the hemisphere. What is necessary is that we first get off the backs of our neighbors. We must learn to hold ourselves at arms length; we must come to terms with the inevitable, letting changes take place without insisting upon managing or manipulating them. We must begin to show some self-restraint.

Here, then, are some guidelines I would favor for a new United States policy toward Latin America in the 1970's:

First. First of all, we should begin to adopt trade regulations that give the developing countries in Latin America a better break. We should listen closely to the growing, unified Latin complaint on this score, and give the most serious consideration to their urgent appeals for preferential treatment. The political hurdles to such a course are high; the strongest Presidential leadership will be necessary; but for too long we have avoided biting this particular bullet with the palliative of the AID program.

The great independence hero of Cuba, Jose Marti, once warned his countrymen that "a people economically enslaved but politically free will end by losing all freedom, but a people economically free can go on to win its political freedom." To achieve the latter, which Latin Americans believe they are now fighting for, Latin products must not be squeezed from the world's markets.

Second. Next, we must start to observe, as well as praise, the principle of nonintervention. It was San Martín, one of Latin America's legendary figures, who said that we are as we act. If we are to act in accordance with the principle of nonintervention, we must not only accept Latin governments as they come, but we must also refrain from the unilateral use of our military power in any situation short of one involving a direct threat to the security of the United States. Such was the case in our showdown with the Soviet Union when the Russians tried, in the fall of 1962, to obtain a nuclear foothold in Cuba. But let there be no more military interventions, 1965 style, in the Dominican Republic or elsewhere.

Third. We should bring home our military missions, end our grant-in-aid and training programs, and sever the intimate connections we have sought to form with the Latin military establishments. After all, the recent war between El Salvador and Honduras we made possible, in large part, by our gift of arms and training eagerly extended to both sides. This is a shabby business for us to mix in.

Fourth. We should commence the liquidation of our bilateral govenment-to-government economic AID program, as the recent Peterson task force report recommends, effecting at the same time a corresponding shift of economic assistance to the World Bank, the Inter-American Development Bank, and other multilateral institutions. Such a transfer could be cushioned by phasing out our bilateral program in the following manner:

The United States naturally should fulfill those loan commitments already in the pipeline, but the money should be "untied" so that the recipients may put it to the most efficient use. This can be done by Presidential action, which has thus far been limited to the freeing of only those markets within the hemisphere.

The State Department should open negotiations for the reservicing of debt repayment in those instances where the burden unduly restricts necessary economic growth. This, too, lies within the authority of the President, and accords with the recommendations of both the Rockefeller report and the Peterson report. We should seek, also, to involve European creditors in this process. I would oppose stretching out debts to the United States so that debts to other creditors can be paid on time.

Financial assistance from the United States for public housing projects, schools, hospitals, family planning programs, and other social work should, in the future, be funneled through the newly established Inter-American Social Development Institute. If this institute is administered properly, it will emphasize the use of matching grants instead of loans, and it will deal not directly with Latin governments but with private groups, trade unions, rural cooperatives, and charitable foundations.

The Social Development Institute should be staffed with personnel ready to try a wide variety of new experiments, willing to refrain from sending another horde of North American directors into Latin countries, and who will share with Latin Americans the real experience of innovating and initiating new programs. In short, if the Social Development Institute is to succeed, it must be divorced entirely from the old ways of AID.

As for technical assistance, the remaining part of AID, it somehow remains as much overrated in the United States as it stands discredited in Latin America. The program's present weakness was perhaps best summed up in an excellent study by a Senate Government Operations Subcommittee on the American AID program in Chile. Speaking for the subcommittee, former Senator Gruening concluded that our technicians were "too far advanced technically—for what is required in underdeveloped countries. They are also too ignorant of local conditions and customs and serve periods too short to make a significant impact." This criticism is endemic to our technical assistance program throughout Latin America.

The limiting factor on the amount of technical assistance we have extended has never been money; it has always been people. The technician not only has to be professionally qualified; he should also know the language and the culture. He should be accomplished at human relations as well as in his technical specialty. There just are not many people like this to export abroad, and it is better not to send technicians at all than to send the wrong kind.

Yet there remains a need to transfer technology as well as capital to Latin America. This can best be done through expanding the exchange-of-persons program to enable more Latin Americans to study in the United States, and through selective grants to a few outstanding Latin American universities. The role of shirt-sleeve diplomat, the concept which underlay the original Point 4 program, can best be played by Peace Corps volunteers.

First. Another promising agency has been created by last year's Foreign Assistance Act, the Overseas Private Investment Corporation, more commonly known as OPIC. Its purpose is to encourage, through a liberalized program of investment guarantees, a larger flow of American private capital into developing countries. In Latin America, OPIC could play a useful role, if it encourages the right kind of investment, directing it away from the sensitive resource areas, and pointing it toward joint ventures in which Latin Americans will share largely in both ownership and management. Here, again, everything depends on the way OPIC is administered.

The use of joint ventures deserves emphasis. I am well aware that joint ventures are distasteful to many—not all—American companies. But, in the long run, this may be the only way United States business interests can survive in Latin America.

Before concluding, let me just add one warning here. Private foreign investment is not economic cooperation and assistance; it is business, and most Latin

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leaders are willing to treat it in a business-like manner. What Latin Americans are telling us is, "if the United States wants its investors to prosper in the region, then it is incumbent on the United States to make sure that investors are 'development-oriented.' "

Whether the public or private sectors are involved, it is essential for the United States to lower its profile in Latin America. Our national interests can best be served, not by helping Latin America less, but by loosening our embrace. We should keep a decent distance away from their internal affairs, from their military apparatus and their revolving-door governments. This would be best for us and best for them.

It would also disengage the United States from its unseemly courtship of governments which are living contradictions to our traditional values as a nation. When we pour our money into budgetary support for a notoriously authoritarian government, when we supply it with riot guns, tear gas, and mace, intelligent young Americans who still want to believe in our professed ideals, begin to ask elemental questions.

"If we are not *against* such dictatorships, then what is it we are *for* that really matters?

In the final analysis, each country must live by the ideals it prizes most highly. That is the basis upon which governments turn to their people for loyalty and support. A crisis of spirit arises when our foreign policy comes unhinged from the historic values we hold dear as a people, and when the role of the United States in the world becomes inexplicable to its own young citizens. This is happening to us. Its ocurrence is of more fundamental importance than any question of economic theory, investment policy or diplomatic tactics.

Devising the right role for the United States in its own hemisphere and the world at large, a role consistent with the admirable ideals of its origins, would go far toward restoring our country to the unique position it once held in the community of man.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Oklahoma.

Mr. HARRIS. Mr. President, I certainly am very much impressed by this timely statement by the distinguished Senator from Idaho, who has been a thoughtful student and observer of Latin American and Western Hemispheric affairs in the Senate. From time to time, he has helped us all gain a better perspective in regard to this area of the world and our common problems here. This latest statement by the Senator from Idaho is, again, a very refreshing and worthwhile one.

As the Senator knows, columnist Stewart Alsop wrote in his book, "The Center," that there are fashions in column writing in Washington, and he used as an example that it has never become fashionable to write about Latin America. I wonder why that is so. What can be done or is being done or should be done to build greater interest by the people of the United States in Latin America, which is obviously so very important to us because we are such close neighbors? I wonder if the Senator might comment on that?

Mr. CHURCH. I must say I have often pondered that question, and I am as perplexed about it as is the Senator from Oklahoma. Undoubtedly, the nations in this hemisphere have a greater importance to us, in the long run, than nearly any other region in the world. This is our neighborhood.

Why we continue to focus almost hypnotically on distant parts of the world, as we have in Southeast Asia out on the opposite side of the globe, while continuing to treat our own neighbors with such indifference, is very puzzling.

I know the people of Latin America are aware of this; political leaders in Latin America are extremely sensitive about it. Our inattention and indifference creates problems for us every day.

I hope, somehow, we can locate the switch in this country that will suddenly turn us on, where our own Western Hemisphere neighbors are concerned. Then, we will begin, perhaps, to get our priorities in the right order in the conduct of foreign policy.

Mr. HARRIS. I share that hope. It is a shame that in foreign affairs we seem to be mostly involved in crisis management. We wait until something gets to the crisis stage and then focus all of our attention on it.

I think the problems we have in this hemisphere are so immense that we would all spend a great deal more time, with profit for ourselves and the peace and stability of the world, it seems to me, in attention to our common needs, and problems, and aspirations in this hemisphere.

I think the Senator, by his activities in the past and by this very important statement today, perhaps can help call greater attention to the needs of this hemisphere than has been true in the past.

I also want to compliment the Senator for his remarks in regard to U.S. investment in the countries of Latin America, the need for it, the very serious problems it raises for us, and for the country in which such investment is made. I agree with the Senator that our policy in that regard has been misguided and has, I think, with some reason, caused countries where U.S. investment has been heavy, to feel that our foreign policy is too much dictated by the narrow economic interests of certain corporations. I was very pleased to hear what the Senator had to say in regard to the Overseas Private Investment Corp. and the contribution it might make if it is directed properly.

I wonder, if we have the right kind of operation under OPIC, whether or not we might now repeal the Hickenlooper amendment, or give greater discretion in the application of it, since, as the Senator has said and knows so well, it has caused us such great embarrassment in Latin America?

Mr. CHURCH. I share the opinion of the Hickenlooper amendment just expressed by the Senator from Oklahoma.

I have tried to get this administration to take a position on the Hickenlooper amendment. I have repeatedly urged the State Department to indicate whether the administration advocates the repeal of the amendment, or whether it opposes such a move. Finally, after many weeks of silence, in response to insistent proddings the Secretary of State sent up a letter which is really quite remarkable, because in it he takes three pages to say he has no position on the repeal of the Hickenlooper amendment. At least, one cannot determine what that position might be by reading the letter.

Now, if the administration is unwilling to make a case for the repeal of these punitive, ineffectual, and troublesome provisions in the Foreign Aid Act, they are not going to be repealed. There is no motivation in Congress to repeal the Hickenlooper amendment. As the Senator knows, he would have some difficulty explaining in Oklahoma why he voted in favor of repealing a provision in the Foreign Aid Act which undertakes to cut off our foreign aid to a government which has expropriated a U.S. owned company and failed to pay just compensation.

It would be extremely difficult to explain that position back in the Senator's own home State. Still, the truth is that I have not yet had a major American company actually involved in Latin America, a company with large investments there which could be seized by expropriation, make a case for the Hickenlooper amendment. But I have had many spokesmen from such companies come to me and say they oppose the amendment; that it is not a deterrent to expropriation, and that it frequently contributes to an exacerbation in relations between the United States and Latin governments.

So I think the answer to the Senator's question is: Without strong Presidential backing, which this administration is evidently unwilling to give, such aggravations as the Hickenlooper amendment are simply not going to be stricken from the foreign aid program.

Therefore, I have concluded that the best way we can eliminate this problem, which has done so much to bruise our relations with our Latin neighbors, is simply to put an end to this form of bilateral aid.

As long as we conduct an aid program on a government to government basis, it will inevitably become infected with the politics of both the donor country and the recipient country. I think the political cost of this program has simply become too great. As these punitive sections have been added, as we have intervened more and more, trying to direct and instruct our Latin neighbors as to what action they should take in given cases, difficulties have been compounded, and indignation toward the United States has grown.

Mr. HARRIS. I certainly oppose the Hickenlooper amendment and wish that it could be repealed, and I join the distinguished Senator from Idaho in the hope that the administration might also come to that strong position and so recommend to the Congress.

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I recall particularly the International Petroleum Corp. case—the IPC case. That case—and the Hickenlooper amendment and our own lack of flexibility generally—has caused us enormous problems, and it still does.

I was once in the Andes section of Peru near Cusco, talking to young people in the Peace Corps who had worked very diligently with local farmers in starting irrigation projects or irrigation districts, which gave great promise of being highly useful to the people, and in which they took pride especially because they had been developed by the people themselves. Then, at the last minute, because of the dispute between the International Petroleum Corp. and the Peruvian Government, because of the policy of our own Government, this very small amount of help that had been promised by AID to the small Peruvian farmers was then withheld and there was no real way to explain such U.S. action to these farmers.

Mr. CHURCH. The Senator has given us an excellent illustration of the problem that stems from these punitive sections of the Foreign Aid Act. He also points up the unfortunate tendency of our Government to equate our national interest in any given foreign country with the narrow interest of some particular group of U.S. investors.

I want to say to the Senator that he is one of the few Members of Congress who have personally taken a great interest in Latin America. He has traveled extensively in Latin America. He has a genuine concern with its problems.

I hope that the example he has set will grow, and that more and more Members of Congress will begin to take an interest in the affairs of this hemisphere, our own front yard. That would be very helpful indeed.

Mr. HARRIS. Mr. President, if the Senator will yield very briefly—and I do not want to take too much additional time, because other Senators desire the floor—I say again the Senator from Idaho has made a great contribution in his suggestions with regard to the military assistance program and military missions in Latin America, which have caused us a great deal more trouble than they have benefited us or the countries involved.

I think the Senator has made a great contribution in his recommendations with regard to better trade relations with the nations of Latin America and with regard to economic assistance generally. It has been a very sad thing to watch men I have known personally, such as President Arturo Illía, of Argentina, and President Fernando Belaúnde Terry, of Peru, replaced by men who took office by force, but that has been the sad progression of events we have seen during these last few years.

That alone, as the Senator has made clear, raises questions as to whether or not we have been on the right course in our dealings with the nations of this hemisphere.

I believe all of us in the Senate and in the Government itself should take heed now of the excellent recommendations which the distinguished Senator from Idaho has made.

Mr. CHURCH. I thank the Senator very much for his remarks.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly? I will not take half a minute.

Mr. CHURCH. I yield.

Mr. MANSFIELD. All I want to do is commend the Senator for a frank, candid, hard-hitting speech. I heard most of it. I think he is on the right track. As chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, he has shown great leadership and farsightedness in this subject.

Mr. CHURCH. Mr. President, I thank the Senator for his generous remarks.

I yield now to the Senator from Arkansas (Mr. MCCLELLAN).

Mr. McCLELLAN. Mr. President, I commend the senior Senator from Idaho for his forthright appraisal of our foreign aid program. The Senator's candid observations and suggestions are all the more significant in view of his vantage point as chairman of the Subcommittee on Western Hemisphere Affairs, and as a member who has strongly supported foreign aid.

I supported the foreign aid program at its inception, during the Marshall Plan era, because I felt that we had an opportunity—and something of an obligation—to make a contribution to rehabilitating those nations that had suffered severe devastation during World War II. That program, however, had definite aims, goals, and objectives. It was clearly good for the recipient countries and for our own interests.

My support for that early phase of foreign aid continued until 1954, when it became apparent to me that the program was slowly evolving into an ill-defined policy that placed benign benevolence above America's self-interest. It was as if the disciples of foreign aid looked about and decided that the United States—a "have country"—had a moral obligation to share its treasure with the multitude of "have-not countries" of the world. Members know the painful story of disappointing results. Less developed countries, developed countries, emerging countries, friendly countries, wavering countries, and sometimes even unfriendly countries—all became the object of charity for the zealous missionaries for sharing our abundance under the guise of foreign aid.

I am sure that few, if any, of the 136 independent countries of the world today have missed having American dollars showered on them. Currently, 68 countries are now receiving economic aid and most of these are also receiving military aid.

Those of us who have been critical of foreign aid have frequently called for an end to this costly, wasteful, and unproductive program.

When we last considered legislation in this field, December 12, 1969, I urged that the program be stopped. At that time there was still around $5 billion in the pipeline. We should have stopped then and reviewed and reevaluated this program and decided whether its continuation is warranted—whether such heavy expenditures can be justified.

Unfortunately, this program drags along as monumental proof of the adage that Federal programs—once initiated—die slowly, if at all, while the already overtaxed American citizen remains saddled with this futile venture.

According to figures furnished my office, a total of $135.5 billion has been spent on foreign aid since 1946. Of that amount, $116.8 billion has not and will not ever be recovered. That money is gone and where are the benefits?

We have had our people kidnaped—our embassies burned and bombed—American businesses expropriated—and a Presidential emissary barred from even visiting several Latin American countries.

I was heartened by the Foreign Relations Committee report on last year's legislation which gave only reluctant approval of the program and stated:

> The initial focus this year in the committee discussion of foreign aid was not on the size or makeup of an aid bill, but on whether there should be an aid bill at all.

And again that in recommending the bill to the Senate:

> The committee, in no way, was giving its stamp of approval to the existing foreign aid program. Indeed, there was significant sentiment among members of the committee for phasing out the present programs pending the enactment of a new, more workable foreign aid program next year. . . . This is a stopgap bill and nothing more.

The President's task force to conduct a comprehensive review of the aid programs and to make recommendations for future actions has now submitted its report to the President and I am anxious to see the nature of the promised "new U.S. approach" that is supposed to emanate from that study. I understand that the President hailed the report's proposed "sweeping changes in foreign assistance programs" as "fresh and exciting." I have not had an opportunity to review the Peterson report as yet, but I understand that it proposes a reorganization of our assistance programs, a separation of military and economic aid, greater contributions to international lending institutions, and a multiyear funding basis for aid. It is hoped that any proposed changes will deal more with substance than mere form. And I would also hope that any new proposals will be premised on America's self-interest, and not on the misguided compulsion to share our wealth. We have learned from painful experience that democracy does not follow dollars. We can no more expect to transform countries into instant democracies by giving them money than we can expect to make instant successes of the less affluent groups in this country by simply giving them money.

Mr. President, as I have previously said, if this Nation has something to contribute to mankind—and I am convinced that it does—then it must surely be something a bit grander than mere benevolence. The greatest gift that this country can ever hope to offer other nations of the world is the simple motion of self-government—the simple notion of individual freedom—and the simple principles of the free enterprise system. These are precious commodities that gold cannot buy. Nor are they exportable in instant form. For these simple notions to take root and flourish, they must fall on receptive soils and souls. Therein, I

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think, lies the fault with much of our precious efforts with foreign aid. We have sought to sow before the soil was prepared—and in many instances before the fields were even cleared.

I trust that this administration will take note of the increasing number of Members of Congress who have expressed dissatisfaction with the foreign aid program and take this opportunity to do some long hard thinking in this area before making further commitments. And I would strongly suggest that any reappraisal and recommendations be based on the simple formula of self-interest, self-help, and self-reliance.

Again, I commend the senior Senator from Idaho for his refreshing, thought-provoking speech.

Mr. CHURCH. I thank the Senator. I agree wholeheartedly with the fact that the beginnings of foreign aid, back in the Marshall plan days, were altogether wholesome. We had, as the Senator has pointed out, a definite program in mind, with objectives that were attainable, and we were dealing in an area where the vital interests of the United States were involved.

Mr. McCLELLAN. Where the vital interests of the world were involved. It was necessary to rehabilitate those countries and give them an opportunity to become self-sustaining.

Mr. CHURCH. Following the Marshall plan, one of the weaknesses of foreign aid was that it became proliferated to the point where it was spread so thin that much of the effort became practically meaningless. I think the Senator is quite right in saying that the aid program was transformed into something quite different from its origins, and I have tried to stress that point in my own remarks today.

Mr. McCLELLAN. I thank the Senator for yielding to me.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter I sent to other Senators in connection with the address I made today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 6, 1970.

DEAR COLLEAGUE: In the past I have generally supported Foreign Aid, directing my criticism to particular parts of the program which I believed to be either wasteful or counter-productive.

However, the skepticism I have felt toward the program has continued to grow. When the Foreign Assistance Act was finally passed by the Senate last year, on December 12, 1969, I felt the debate had departed almost entirely from reality. In rote fashion, the supposed benefits of the program were once again recited—and greatly overdrawn—while the appalling political costs were simply ignored.

For a dozen years, as a member of the Foreign Relations Committee, I have witnessed the degeneration of the AID program. Reluctantly, I have concluded that, as presently constituted and administered, it no longer serves the best interests of the United States.

Enclosed is a copy of a speech I plan to give in the Senate on Friday, April 10th. In it, I undertake to present the case against our present bilateral, government-to-government AID program, as it applies to the Western Hemisphere, and to recommend some new approaches in our relationship to Latin America which I believe are practical for the United States to pursue in the 1970's.

With warmest regards,

Sincerely,

FRANK CHURCH,
Chairman, Subcommittee on Western Hemisphere Affairs, Committee on Foreign Relations.

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THE SUPREME COURT AND THE SOUTH

Mr. ALLEN. Mr. President, on last Wednesday, the U.S. Senate, in the exercise of its constitutional prerogative, advised with the President of the United States with respect to his appointment of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court, and the Senate declined to give its consent to that nomination. The Senate acted clearly within its constitutional rights in taking this action. However, I regret and am deeply distressed by this action of the Senate in rejecting the nomination.

Reports I have received from the State of Alabama and elsewhere in the South indicate that the feeling is strong in our section of the country that Judge Carswell was denied confirmation by the Senate because he is a southerner. I hope that is not correct. I hope that Judge Carswell was not denied confirmation by the Senate for that reason.

I was distressed, too, at the statement of the President of the United States that it is his opinion that the U.S. Senate at this time will not confirm the nomination of a nominee to the U.S. Supreme Court who is a strict constructionist and who is a southerner.

Mr. President, for possibly as long as a century there has been an axiom that no person in the South can aspire to the Presidency of the United States because he has no chance of being elected to that position. I hope that we are not now to add to that axiom that no person in the South can aspire to serving his country as a member of the Supreme Court. To my mind, it was and is a part of the American dream that every boy and girl and every man and woman in this country can go just as far in life as their abilities, ambition, and efforts will take them. I hope we are not to add to that feeling, to that portion of the American dream, the proviso that they must not be from the South in order to entertain any such ambitions.

May the day never come when a line will be drawn across a map of the United States and the statement made that no person south of that line can aspire to serve on the Supreme Court. It is my hope that this is not the attitude of the U.S. Senate, and for that reason I deplore the statement of the President that for his next appointment to the Supreme Court he intends to look to sections other than the South for his nominee.

There are many qualified judges in the South who are strict constructionists, who serve on State and Federal courts; and I would urge the President to consider the possibility of naming to the Supreme Court a justice of a State court. This would help to give the Court the balance the President seeks, a balance which is greatly needed on that Court.

The President said nothing in his statement about requiring that the next Justice he nominates shall be a Republican, and I am glad that that is the case. Many good, conservative, southern Democrats serve on State and Federal courts in the South, and I would hope that the President would try once again to send to the Senate the nomination of a person from the South. It would be my hope that the Senate, in the exercise of its constitutional prerogative of advising and consenting, or not consenting, will see fit to confirm the nomination of the next nominee, even if he should come from the South.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Alabama (Mr. ALLEN) has just said. I would agree with his remarks. I do not think that the South should be excluded from further consideration because of what has happened in the Senate on the past two occasions.

Of course, the President—any President—has the right to select a nominee from any part of the country which he chooses. It is my hope that the President will give this nomination his most immediate and most serious consideration. I am sure that he will, because the Court does find it difficult, in some instances, to operate on an eight-man basis. There should be a clear-cut majority one way or the other.

Thus, I think we have to take some of these statements in stride. I would hope that a strict constructionist, a man of high quality and capability, would be chosen; that his nomination would be sent to the Senate; that the Judiciary Committee would hold hearings expeditiously; and that his name would be presented to the Senate for consideration.

Mr. President, I had not intended to say anything. I hope the Senator will excuse me, but in view of the statement he made I felt it incumbent upon me to offer these remarks.

Mr. ALLEN. Let me say to the Senator from Montana that I appreciate them very much. I also appreciate the remarks of the Senator from Idaho very much.

Mr. CHURCH. Mr. President, I should like to comment on the statement the Senator from Alabama has just made.

I strongly disagree with the interpretation that the President has laid upon the action of the Senate in rejecting Judge Carswell. It simply does not conform with the facts.

The Senator well knows—it was repeatedly stated by Senators who voted against Judge Carswell—that their reasons had nothing whatever to do with his being a southerner.

I concur wholeheartedly in the statement of the Senator from Alabama that we must never exclude any part of the country when it comes to filling the highest offices in the land. Indeed, we have just had a southerner as President of the United States. Certainly we can look forward with confidence to having distinguished jurists from the South serving on the Supreme Court of the United States in the future.

It would be unfortunate if the impression were to be fostered that the action taken by the Senate had any antisouthern overtones. It did not.

I am perfectly sure that if, tomorrow, the President were to send a distinguished, fully qualified nominee from the South to the Senate for confirmation to the Supreme Court, there would be no difficulty whatsoever. In fact, I can think of constitutional lawyers who sit right here in this Chamber, elected representatives of the people of the South, who would be confirmed by acclamation.

Mr. ALLEN. If the Senator from Idaho will yield once more to allow me to ask him a question, since, on yesterday, we passed a sense of the Senate resolution, how would the Senator from Idaho feel if a sense of the Senate resolution should be introduced calling upon the President, not necessarily to choose a Justice from the South, but not to exclude the South in his consideration of possible nominees to that post?

Mr. CHURCH. I would look with favor upon such a resolution, because I think it would accurately reflect the sense of the Senate.

Mr. ALLEN. I appreciate the Senator's remarks. I rather believe that a resolution of that sort will be introduced.

I thank the distinguished Senator from Idaho for yielding to me.

Mr. DOLE. Mr. President, let me state, in response to the Senator from Montana, that the President made it clear in the statement released from the White House yesterday that there would be a nomination made in the near future, so we have some assurance it will be done quickly.

Let me say, in response to my good friend from Alabama, the President has gone to the well twice. In each case the man nominated was qualified, in each case he was a strict constructionist, and in each case he was a southerner.

The argument of "appearance of impropriety" was used successfully against Judge Haynsworth. Maybe there is no bias in this body against a nominee from the South, but there is the appearance of bias. There is the appearance of bias. There is the appearance of prejudice, just as there was "the appearance of impropriety" alleged by some who opposed the nomination of Judge Haynsworth.

The President has apparently concluded, in order to fill the vacancy on the Supreme Court, that he must temporarily—and I use the word "temporarily" move to some other area of the country.

As the President pointed out in his statement, we have four members of the Court from the East, two members of the Court from the West, one member of the Court from the Middle West, and one member of the Court from the South. And there is one vacancy.

The President has not abandoned the South. He has made an effort to bring it back into the Union. But he stated that the Senate as presently constituted would not, in his opinion, approve a nominee from the South.

He is right and his statement was followed by a confession this morning, in the resolution of the senior Senator from Tennessee, indicating the statement of the President should be rejected.

The facts are on record and they speak for themselves. The Senate has acted twice on a southern nominee and in each case the nominee received only 45 votes. Judge Haynsworth received 45 votes and Judge Carswell received 45 votes. That is not a majority.

I have been in Congress long enough not to judge anyone's vote nor comment on it afterward; but I say there is the appearance of bias in this body. One cannot put his finger on it. But it is present with reference to nominees to the Supreme Court, and other actions which involve the South.

Thus, I believe that the President, having in mind the best interests of the U.S. Supreme Court and the best interests of the people of America, has determined temporarily to move to another area of the country, but to find a strict constructionist who has not been involved in the civil rights thicket and to send a nomination to the Senate for confirmation as soon as possible.

Mr. CHURCH. The facts are, indeed, on the record. The debate is on the record. Anyone who will review that debate will find there is no basis for the charge that the decision of the Senate was based upon any anti-Southern bias.

Mr. MANSFIELD. Mr. President, no one denies the President the right to nominate a person to sit on the Supreme Court of the United States, nor would anyone deny him the right to select the individual so chosen from any part of the country. I am fearful that what has developed lately may, as has been indicated by the distinguished Senator from Tennessee (Mr. BAKER) a few days ago, result in a polarization which I think would ill benefit the future of the Senate and the Republic.

After all, we do have a responsibility here. The Constitution is quite clear that the President proposes and the Senate disposes and, to put it briefly, the Senate discharges its responsibility by either rejecting or confirming the nomination of the President. That is understood on both sides. There is a clear division of authority and responsibility and by providing that the Senate must advise and consent, the Constitution so indicates.

Reference has been made to the fact that a resolution has been introduced by the distinguished Senator from Tennessee (Mr. GORE).

That, in itself, I believe, was referred to as a confession of "failure" if I recall the Senator from Kansas' words correctly? But, I do not think so.

Any Senator has the right to submit a resolution. The Gore resolution has now been referred to the Committee on the Judiciary, where it will be considered by that committee. What action will be taken remains to be seen. Whatever happens to it will not foreclose the fact that the Senate does have a responsibility, along with the President, in matters of this kind. It has such a responsibility as well in the consideration of treaties and the nominations of Ambassadors and others. The line of demarcation is quite clear. The area of responsibility and authority is clearly defined in the Constitution. I am quite certain that the President, who served as a Senator from the State of California and as the Presiding Officer of this body, is aware of that fact and will conduct himself accordingly.

I would express the hope that a polarization between the rest of the country and the South will not develop, because, as I have indicated, that would not benefit the welfare of the Republic. I would hope that in some way the words of the President in his inaugural address could be put into more effective and affirmative action, so that we could be brought together rather than divided.

There have been disappointments on all sides in this matter. Frankly, I am not happy or unhappy about what has happened to the last two nominations. The President has exercised his responsibility to the best of his ability, and we in the Senate have exercised ours to the best of our ability. That is the way it should be, that is the way it will have to be, if the Constitution is to be observed.

Again, so far as the Senator from Montana is concerned, he would not be at all averse to a strict constructionist nominee from the South; he would only ask that such nominee have the capability and qualifications to sit on the highest Court of the land. Once he has been appointed to that Court, he is impregnable; he is in office for life; he is in office even after retirement; and only for a few very extraordinary reasons could he be dislodged from that position. So far as we as Senators are concerned, we have to go home and answer to the electorate every 6 years. For good or ill, we have to take the consequences, the responsibility for the choices we make. That is as it should be. But when it comes to the highest court in the land, I think we ought to keep in mind these differences.

In closing, may I ask my colleagues to do what they can, not to divide us, but to bring us together and to carry out the President's exhortation as expressed in his inaugural address.

SENATE RESOLUTION 387—SUBMISSION OF SENSE OF SENATE RESOLUTION ON FUTURE SUPREME COURT NOMINATIONS

Mr. CRANSTON. Mr. President, I have just submitted a sense of the Senate resolution responding to President Nixon's statement yesterday that his next nominee to the Supreme Court will be a strict constructionist from outside the South, "because this Senate, as it is presently constituted, will not approve a man from the South who shares my views of strict construction of the Constitution."

Cosponsoring my resolution are the two bipartisan leaders of the fight against confirmation of Judge Carswell. They are the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. BROOKE); and in addition, I feel that I should seek as original cosponsors the other 42 Democratic and Republican Senators who voted against both the nomination of Judge G. Harrold Carswell and the nomination of Judge Clement F. Haynsworth.

The text of the resolution is as follows:

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Whereas it is the constitutional duty of the President of the United States to submit nominations for the Supreme Court to the Senate for its advice and consent when vacancies exist on the Supreme Court; and

Whereas it is the prerogative of the President to propose nominations from whatever section of the country he chooses and of whatever judicial philosophy he desires; and

Whereas the Senate is prepared to consent to the appointment of nominees from the North, South, East, or West of our Nation; and

Whereas the Senate is prepared to consent to the appointment of nominees who are conservatives, or strict constructionists, if that is the President's desire, or who represent any other appropriate judicial philosophy provided that they are also nominees with the qualifications, stature, talent and temperament necessary in those who serve on our Nation's highest tribunal of justice; Now, therefore, be it

Resolved, That it is the sense of the Senate that it is prepared to advise and consent to nominees for the Supreme Court from any section of the United States.

Mr. CHURCH. Mr. President, I stated earlier, in reaction to the remarks of the distinguished Senator from Alabama, that I would support wholeheartedly a sense-of-the-Senate resolution of the type that has now been submitted by the Senator from California. In accordance with my earlier expression, I ask unanimous consent that my name be joined with that of the Senator from California as a cosponsor of the resolution.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. The resolution will be received and appropriately referred.

The resolution (S. Res. 387) was referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, as I worked with the Senator from Massachusetts (Mr. BROOKE) on this side of the Senate on the President's Carswell nomination, I should also like to be joined as a cosponsor of the resolution introduced by the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I thank the Senator.

Mr. DOLE. Mr. President, the resolution just submitted by the Senator from California might be characterized by some as a confession of bias and prejudice on the part of some Senators. When we recall that only one northern Democrat voted for Haynsworth, and none for Carswell, at least the conclusion might be drawn that there is an appearance of bias.

It is commendable to let the President know in advance that we might support a nominee if he meets all the standards set forth in the resolution. But I happen to believe that the two nominees rejected by the Senate, one last November and one this Wednesday, were qualified by integrity, honesty, and experience, and also believe the President has chosen the only course available.

The Senate now is divided almost right down the middle. The Senate would be divided again, very probably, if the next nominee were a strict constructionist from the South. The President understands this, so he has chosen a wise course. He says:

> **Temporarily, we will move away from the South. We will find a strict constructionist and send the nomination to the Senate.**

I commend the President for recognizing the difficulty in the Senate. I do not know whether or not the resolution will be seriously considered by the Senate, but would suggest that perhaps we should first seriously consider the next nominee.

I do not know for certain if there is any basis or prejudice in this body, but one of the greatest arguments, or one of the most frequent arguments used, when the nomination of Clement Haynsworth was before this body, was this so-called appearance of impropriety. You could not put your finger on it, but you knew it was there. Much the same can be said about the appearance of bias with reference to all southern nominees for the Supreme Court. You cannot see it; you cannot feel it; you cannot put your finger on it, but somehow it is there.

Time after time, when the opponents of Carswell would take to the floor, they would preface their remarks by saying, "I am not against a southerner, and I am not against a strict constructionist. but—"and then they would reel off, one after another, objections.

If the President moves out of the South, it does not become a civil rights issue. If he remains in the South, it continues a civil rights issue, and as the President has said, the Senate as presently constituted would probably reject the next nominee.

So if there is any hope for filling the vacancy on the Court with the present makeup of the Senate, I agree with the President, that the greatest hope for doing so would be by moving from the South at this time.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, this is the subject to which I intended to address myself when I obtained the floor.

Mr. CRANSTON. I shall respond to the remarks of the Senator from Kansas only by saying that our purpose in submitting this resolution is solely to seek to bring about unity to the Senate, to bring about unity among the branches of Government of the United States, to the greatest degree possible, and to do all that we can to create unity in our country.

Mr. JAVITS. Mr. President, we cannot create unity unless people want to be unified, and from what we have just heard, and from the President's statement, there seems to be some difference of opinion on that score.

THE PRESIDENT'S STATEMENT ON THE SENATE'S ACTION ON THE CARSWELL NOMINATION

Mr. JAVITS. Mr. President, I was very dismayed by the President's statement, and I was very dismayed by the statement of one of our respected Members, the Senator from Tennessee (Mr. BAKER), that what we had done in the Carswell case would result in some feeling of grievance by people in the South. He gave an estimate of 70 million people. I do not know what States he included. But even if it is 30 million, which I think is roughly the population of the 11 States of the old Confederacy, that is enough.

We certainly have labored day and night to do something about 22 million Americans who are black, and I have always been a leader in that. Certainly, I have the utmost regard—at least they are entitled to equal time—for 30 million Americans or so who may be from States which have had social orders and political systems which I have disagreed with.

So I am very dismayed by what has happened. The President of the United States, naturally, is the figure who commands the press and has a great voice in the country. He is much listened to. When he makes a statement, it counts for a great deal in the hearts and minds of our people.

I do not think you can achieve unity by asking for it, unless people are willing to be unified. I think that is all the more reason why each of us should declare his own position and his own feeling in a matter as serious as this. We will then rely upon the fact that decent men and women will appraise what each of us says in terms of sincerity, will watch our actions to see if they match what we say, and will have better second thoughts tomorrow than those based upon the quick reaction of the moment.

First, I think it must be made clear that those of us from the North, West, and East were not the only ones who voted against the Carswell nomination. Senators FULBRIGHT, GORE, SPONG, and YARBOROUGH—all distinguished Members of our body from Southern States—voted the same way.

Second, an enormous number of deans and faculties of southern law schools felt exactly the same way about the Carswell nomination.

So I do not feel that we are alone in the votes we cast.

Then, a number of Members, including the minority leader, gave a list of many judges in the South who they thought, though they had voted—except the minority leader—against Carswell, would be very eligible as Justices of the U.S. Supreme Court. Indeed, one of those named was a Senator, the Senator from North Carolina (Mr. ERVIN), who has very strong views on busing and segregation of school, and so forth. I think Senator ERVIN is a very important legal figure in our country and has every qualification to be a Justice of the U.S. Supreme Court.

Mr. President, I associate myself with the South of Martin Luther King, of Dr. Michael DeBakey, of Ralph McGill, of Terry Sanford, of Ellis Arnall, and—to go outside the active political field—of Dean Rusk, of Cordell Hull, and a host of other distinguished Americans from the South. In addition, the Senators from the South in this Chamber are splendid men of sincerity and fight their cause with great skill and with great conviction, and I respect their views as much as I hope they respect mine.

I cannot accept the President's statement ruling the South out as the source of a judge distinguished enough to be appointed to the U.S. Supreme Court; nor can I demean the Senate by accepting sectionalism as the reason for the Senate's rejection of Judge Carswell. I deeply and sincerely believe it was not. Nor am I prepared to demean the South by the supposition that sectional feeling will embitter the South because two judges from the South have been turned down. Many men from that section of the country have received the highest distinction of which this country is capable, including the immediate past President of the United States, Lyndon B. Johnson.

So, I am confident that whoever the President nominates to fill the Fortas vacancy will be judged on his merits, regardless of what section of the country he or she may come from.

I hope very much—and I express this to the President with humility, with respect, and with great sincerity—that the President will reconsider the statement he has made and the strongly sectional feeling it reflects. I do not care whether he nominates another nominee from the South or not. That is his promise. But I do care about barring a nominee on the ground that he feels that the Senate, "as presently constituted," to repeat the words he used, will turn down any southern judge. I distinctly and emphatically do not agree that is the case.

We have enough trouble enforcing the law now in our country to encourage any such idea of bias on the part of the Senate of the United States. There is no dearth of problems. An immediate problem we face now, which seemingly has gone unnoticed in the struggle we have had, is the activity of Governor Kirk of Florida in defying the Federal courts. I do not want to feed that psychology with some sense of chagrin or sectional grievance which comes from the highest source in the United States.

I am not angry about it. I am just dismayed. Our President has on occasion said other things that he reconsidered later, like any other man who is human and decent. Again, I speak with respect and humility, when I say I hope he feels that way about this. I do not think it is worthy of him—and I have known him a very long time—either as a President or as a man. He has had a reverse; he has had two reverses. It is very hard to take. However, I hope this will result in making him a more effective President, as it should result in making the Senate a better instrument to enable the President of the United States to be a more successful President. That is the way of American politics. When we have a man in the White House, we try to pull with him and for him whenever possible. The best reflection of that is the leadership on the Democratic side, which is the majority.

So I hope very much that when we all get up tomorrow morning, including the President, we will look at it very differently. Whatever he may do on sending us a nomination, that is his privilege. He should not feel inhibited. Perhaps at this time he has barred the possibility that he will send us the name of anyone from the South. But he will be President for another 3 years and hopefully—I say as a Republican—for 4 more after that.

Therefore, I am hopeful that the President will get over the feeling that there is any such sectional bias, which I do not sense or detect in the Senate and which I certainly repudiate for myself. I believe that every other Senator who voted the way I did feels the same way.

Mr. PEARSON. Mr. President, I read President Nixon's statement on the rejection of his Supreme Court nominees in the morning papers with keen disappointment.

The President's conclusion that the Senate rejected Judge Haynsworth and Judge Carswell because they were from the South and because they were "strict constructionists" of the Constitution—and only for these reasons—is a misjudgment.

Mr. President, during the long months that these two nominations were being considered by the Senate, I do not recall a single discussion or comment, either public or private, by a single Senator which would warrant the President's conclusion.

To be sure, Mr. President, in the mix of motivations which resulted in the Senate vote, politics undoubtedly played a part. Many probably did not want a so-called conservative. Others were probably resistant to a new philosophical balance. But, to repeat, I do not believe a single vote was cast against these nominees because they were citizens of the South.

Mr. President, Judges Haynsworth and Carswell did endure severe attacks, and they did so, as the President noted, with admirable dignity and in good taste. Thus, they served to heal the wounds their own rejection inflicted. They have, it seems to me, by their words and deeds, closed, in part, the divisions made.

Perhaps all of us in places of responsibility could learn by their example.

Mr. President, I voted for both Judge Haynsworth and Judge Carswell. In each case, I did so with considerable concern. In each case, I concede, the deciding factor may well have been my own desire to support my President. It is for this reason that I particularly regret President Nixon's view of the advice and consent action by the Senate.

Mr. DOLE. Mr. President, on Wednesday the majority of this body hung a shingle out over the entrance to the U.S. Supreme Court; that shingle reads: "No southerner need apply." What is the message we have sent to the 50 million Americans who live between the Potomac River and the Mexican border, between the Oklahoma oil fields and the Florida Keys. It is loud and clear and it is this:

Men who agree with your personal beliefs, men who share your judicial and legal philosophies are fine for the appellate bench—but they have no place on the Supreme Court of the United States. You are a second-class section of the country when it comes to the highest court in the land—and don't forget it.

That is what the Senate—with its cavalier treatment of two distinguished jurists, whose nominations have been rejected and whose reputations have been dismally sullied in the process—told the South and the remainder of the country.

That is the message that came off the Senate floor Wednesday. It is a message I am proud not to have had a part in transmitting.

Mr. President, in his victory statement in November more than a year ago—18 months—President Nixon said that it would be his hope to bring America together again.

No President in my lifetime has done more to bring the South back into full partnership and participation with the rest of the Union.

In his second choice for the U.S. Supreme Court, he named one of the most distinguished jurists in the entire South—a man whose family boasted brilliant men of law back through generations. That choice was rejected—on ethical grounds.

There followed the choice of one of the most experienced and outstanding Federal judges on the fifth Circuit—G. Harrold Carswell. That, too, the Senate has rejected—this time on the grounds of mediocrity.

Strange that the Senate should consider mediocre a man who had more judicial experience than any other nominee to the Supreme Court in a decade.

With his record behind us, I would not think it hard for a southerner to believe that the Senate believes that the "South needs more time" until it can be brought back into the Union; that its judges are good enough for secondary courts but not good enough for the Supreme Court.

We have imposed tests and more tests upon these two judges that we would not and did not impose upon the nominees of the last four Presidents, Why? We ask ourselves. It is because the President told the country he would change the direction of the Court; and the gentlemen leading the anti-Haynsworth fight and the anti-Carswell fight do not want to see that direction changed in a single degree. That is at the heart of the matter. My regrets are that the reputations of two fine justices have been damaged in the process. The benefit is that today the South at least knows where it stands with the U.S. Senate—in the back of the bus.

PEACE CORPS ACT AMENDMENTS OF 1970

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3430) to amend further the Peace Corps Act, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside until all the special orders of the Senate have been concluded.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. In accordance with the previous order, the Senate will proceed to the consideration of routine morning business.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his

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secretaries, and he announced that on April 9, 1970, the President had approved and signed the joint resolution (S.J. Res. 190) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. YOUNG of Ohio) laid before the Senate a message from the President of the United States submitting the nomination of Edward F. Zigler, of Connecticut, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare, which was referred to the Committee on Finance.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE OFFICE OF CIVIL DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the Office of Civil Defense, for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED INTERNATIONAL VOYAGE LOAD LINE ACT OF 1969

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT OF STATE DEPARTMENT ACTIVITIES UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Secretary of State, transmitting, pursuant to law, a report on its activities under the Federal Property and Administrative Services Act of 1949, for calendar year 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

S. CON. RES. 16

Concurrent resolution requesting the Secretary of the U.S. Department of Agriculture to increase the farmers home administration loan ceiling

Whereas, the State Legislature in their wisdom and knowledge, amended the Hawaii State Farm Loan Program; and

Whereas, such action resulted in the increase of the ceiling on farm ownership loans from $60,000 to $100,000 and on farm operating loans from $35,000 to $50,000; and

Whereas, the Farmers Home Administration loan ceiling on "Class A" loans remains at $60,000 and on "Class B" loans at $35,000; and

Whereas, both the State Farm Loan Program and the Farmers Home Administration were established to meet the credit needs of Hawaii's farmers; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, United States Senator Hiram L. Fong, United States Senator Daniel K. Inouye, United States Representative Spark M. Matsunaga, United States Representative Patsy T. Mink, and the Honorable Clifford M. Hardin, Secretary of the Department of Agriculture, be, and hereby are requested to increase the loan ceiling of the farm ownership loan program from $60,000 to $100,000 and the operating loan program from $35,000 to $50,000 under the Hawaii Farmers Home Administration for Hawaii farmers; and

Be it further resolved that certified copies of this Concurrent Resolution be transmitted to Richard M. Nixon, President of the United States; to Spiro T. Agnew, Vice-President of the United States; to John W. McCormack, Speaker of the United States House of Representatives; to the Honorable Clifford M. Hardin, Secretary of the United States Department of Agriculture; to each member of the Hawaii's delegation to the United States Congress; and to Arlen M. Scott, State Supervisor fo Hawaii's Farmers Home Administration.

THE SENATE OF THE STATE OF HAWAII

HONOLULU, HAWAII, *April 4, 1970.*

We hereby certify that the foregoing Concurrent Resolution was Finally adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 3, 1970.

DAVID MICLUNG,
President of the Senate.
SUIHI HIRAI,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

HONOLULU, HAWAII, *April 4, 1970.*

We hereby certify that the foregoing Concurrent Resolution was adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 2, 1970.

SPEAKER,
House of Representatives.
CLERK,
House of Representatives.

A resolution adopted by the executive committee of the Florida State Chamber of Commerce, relating to the manned space shuttle program; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the City Council of the City of Titusville, Fla., praying for the enactment of legislation to designate Cape Kennedy as the operational base for the space shuttle system; to the Committee on Aeronautical and Space Sciences.

ADDITIONAL COSPONSORS OF A BILL

S. 3607

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senators from Colorado (Mr. ALLOTT), Nevada (Mr. CANNON), Nebraska (Mr. CURTIS), Kansas (Mr. DOLE), Oklahoma (Mr. HARRIS), Indiana (Mr. HARTKE), Oregon (Mr. HATFIELD), Nebraska (Mr. HRUSKA), Montana (Mr. MANSFIELD), Minnesota (Mr. MONDALE), Wisconsin (Mr. NELSON), Oregon (Mr. PACKWOOD), Illinois (Mr. PERCY), Pennsylvania (Mr. SCOTT), and Alaska (Mr. STEVENS) be added as cosponsors to S. 3607, to create a Rural Community Development Bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services and for other purposes.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

SENATE RESOLUTION 386—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE CONCERNING A STATEMENT OF THE PRESIDENT

Mr. GORE submitted a resolution (S. Res. 386) to express the sense of the Senate concerning a statement of the President which was referred to the Committee on the Judiciary.

(The remarks of Mr. GORE when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 387—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE RELATIVE TO NOMINATIONS TO THE SUPREME COURT OF THE UNITED STATES

Mr. CRANSTON (for himself, Mr. BAYH, Mr. BROOKE, Mr. CHURCH, Mr. JAVITS, and Mr. HUGHES) submitted a resolution (S. Res. 387) to express the sense of the Senate relative to nominations to the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

(The remarks of Mr. CRANSTON when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

AUTHORIZATION OF FAMILY ASSISTANCE PLAN—AMENDMENT

AMENDMENT NO. 582

Mr. McGOVERN (for himself, Mr. BAYH, Mr. BROOKE, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. McCARTHY, Mr. McGEE, Mr. McGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. McGOVERN when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

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THE COST OF ALCOHOLISM

Mr. HUGHES. Mr. President, on numerous occasions I have called to the attention of the Senate the high cost of the misuse of alcohol to the taxpayers of our country. We are all aware that the cost of alcoholism is astronomic to our society, but unfortunately, authoritative research in the field has been limited, largely by lack of funds.

In this reference, I believe the Members of the Senate would be interested in a recent report prepared by the Commission on Alcoholism of the County of Los Angeles, Calif., to the county board of supervisors on the "Estimated Cost to County Taxpayers due to the Misuse of Alcohol 1968–69."

I ask unanimous consent that this report, plus two letters of transmittal dated March 13, 1970, and March 11, 1970, be printed in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

Commission on Alcoholism,
County of Los Angeles,
March 13, 1970.

Subject: Estimated cost to county taxpayer due to the misuse of alcohol 1968–69.

Recommendation: That your honorable board request all county departments to assist in the development of a comprehensive plan which will reduce the enormous cost of the misuse of alcohol to the taxpayers of the County of Los Angeles.

Hon. Board of Supervisors,
County of Los Angeles,
Hall of Administration.

Gentlemen: Attached are copies of the cost study which your Board ordered on September 30, 1969 on the motion of Supervisor Warren M. Dorn. This report indicates that the total cost of misuse of alcohol is in excess of $73,219,560.

The report was discussed in detail with concerned department heads at the March 11, 1970 meeting of the County of Los Angeles Commission on Alcoholism. At this meeting a motion was passed to transmit this document to your Board.

A motion was also passed that a subcommittee of the Commission review the programs of the various County departments with the department heads to study ways in which the problem of alcoholism can be ameliorated.

Therefore, the Commission on Alcoholism recommends, that your Honorable Board request all County departments to assist in the development of a comprehensive plan which will reduce the enormous cost of misuse of alcohol to the taxpayers of the County of Los Angeles.

Respectfully submitted,
John Anderson,
Chairman.

Commission on Alcoholism,
County of Los Angeles,
Los Angeles, Calif., March 11, 1970.

Mr. John Anderson,
Chairman, Los Angeles County Commission on Alcoholism, Los Angeles, Calif.

Dear Mr. Anderson: The Committee on Information and Research of the Los Angeles County Commission on Alcoholism presents herewith a report prepared in cooperation with the Chief Administrative Office concerning the estimated dollar costs of the misuse of alcohol to Los Angeles County taxpayers in fiscal year 1968–69.

The total tax dollar costs add up to $73,219,560, approaching three times as great as the costs estimated in our previous study for the fiscal year 1964–65, and approximately four times as great as the pioneer study for fiscal 1961–62.

This huge increase is due only partly to an *actual* increase in costs through growing population, currency inflation, and the like. Rather, most of it is accounted for by improved sophistication in determining costs, largely a consequence of experience gained by the Chief Administrative Office and County departments through the previous studies. Special commendation should be given to Mr. Jon Stanley of the Chief Administrative Office and to Mr. Paul Hinshelwood, Alcohol Program Coordinator, for their outstanding work in developing the report. Much useful information has also come from the exhaustive study produced by the Task Force on Alcoholism of the California Council on Criminal Justice under Chairmanship of Judge Philip Saeta. We believe, therefore, that the present figures are the most nearly accurate (but nevertheless still conservative) ever developed on this subject in Los Angeles County.

Shocking as these figures are in terms of sheer money drained from County taxpayers' pockets, the toll they stand for in human suffering and wasted human resources is far more shocking.

Most of the costs cited fall into two broad categories: Law Enforcement, and Welfare and Medical, with Law Enforcement accounting for $35,589,218 and Welfare and Medical accounting for $34,752,882.

Expressed in terms of drunk drivers alone, the hazard to every sober citizen represented by the figures is extreme. Other figures in this broad category of Law Enforcement point to serious public danger and private damage, and thousands of ruined lives—those of children as well as adults.

The Welfare and Medical costs stand for an appalling amount of pain, loss of ability to function, and death. They stand for the squandering of the skills and energies of highly trained professionals who otherwise could give more attention to patients whose illnesses have other causes. They stand for costs in family, child and individual misery and impoverishment that are simply incalculable.

But these grim, depressing figures also carry some hope. A primary prerequisite for dealing intelligently with any major social problem is an assessment of its dimensions. We believe this report provides us with the most realistic assessment that has been achieved up to now, at least in dollar terms.

It is not the purpose of this letter to propose solutions. But it is obvious that any even fairly effective solution must involve a comprehensive plan for treatment, prevention and education which provides for coordination of both the public and private sectors and is envisioned on a much larger scale than anything seen so far. The cost report here presented may contribute to the materialization of such a plan.

Meanwhile, it is well for the citizens of Los Angeles County to know that the "happy hours", the neon signs and advertisements which promise relaxation, conviviality and social lubrication deliver more than the pleasant amenities they promise. They also deliver a tax bill for injury, disability and suffering which in the fiscal year 1968–69 amounted to at least $73,219,560.

Respectfully submitted,
Courtney Anderson,
Chairman, Committee on Information and Research.
Bruce M. Gleason,
Committee Member.
Councilman David Hayward,
Committee Member.
Nicholas Khoury, M.D.,
Committee Member.
Allen McGinnis,
Committee Member.

INTRODUCTION

The Los Angeles County Commission on Alcoholism, established in 1963 by the Board of Supervisors, is responsible for assisting and coordinating the work of community agencies engaged in activities to prevent, lessen, or alleviate alcoholism. County government is concerned about the problem of alcoholism from a social, humanitarian, and financial standpoint. The Board of Supervisors has expressed this concern often, and has established alcoholism treatment and rehabilitation programs in major County departments as funds have become available.

This cost study is the third report prepared by the Chief Administrative Office since 1961. It was prepared with the cooperation of the Commission on Alcoholism and concerned County departments. This report estimates that the cost of misuse of alcohol to County taxpayers exceeded $73 million in 1968–69. To a limited degree, this staggering cost is offset by State and Federal revenues. This revenue, however, falls far short of offsetting the enormous cost of alcoholism to County government.

The Commission on Alcoholism recently requested all County departments to submit an evaluation of the problem of alcoholism and its impact on their department. These evaluations indicate the serious concern of County departments with this problem. A summary of pertinent departmental comments is as follows:

The Sheriff believes that the misuse of alcohol is one of the major public health problems of our society. Although the Sheriff points out that his department will continue to arrest persons for common drunkenness as required by State law, he welcomes the current trend toward recognition of alcoholism as a medical problem. In this connection, the Sheriff believes that the County will eventually be required to establish detoxification centers which will be closely coordinated with health care services in County departments and in the community. In addition, the Sheriff sees the possibility of soliciting voluntary contributions to offset the cost of establishing detoxification centers. A second method mentioned by the Sheriff would involve additional taxes on the sale of alcoholic beverage within the County.

The Director of the Department of Hospitals perceives alcoholism in Los Angeles County as part of a world-wide public health problem which should be attacked by both governmental and community agencies. He further indicates that the Department of Hospitals' role in the next decade should be to strengthen and improve its existing treatment and rehabilitation services for chronic alcoholics. This will be partly accomplished by the Board's recent approval of additional alcoholism rehabilitation beds at Long Beach General Hospital.

The County Health Officer indicates that his department's intent is to create coordinated comprehensive in-patient/outpatient treatment and rehabilitation programs to meet the needs of individual alcoholic patients. This system will entail a close working relationship with other County departments and community agencies.

The Director of Public Social Services expresses concern with the problem of alcoholism and points out that numerous studies have demonstrated the seriousness of this problem in department caseloads. The department is working closely with other County departments and community agencies to provide financial assistance to eligible alcoholic patients being treated in County facilities. In addition, the department is conducting training programs for its staff to help them identify and work with alcoholics and to become better acquainted with available resources in the community.

The Probation Officer points out that a substantial number of court referrals to his department involve intoxication cases where family problems and children are involved. Therefore, the Probation Department becomes involved with the alcoholic problem at an early stage which enhances the possibility of identifying necessary steps for rehabilitation.

The Executive Officer of the Superior Court

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indicates that the misuse of alcohol exhibits a significant impact on the Conciliation Court where excessive use of alcohol is often cited as a complaint. In addition, alcoholism is a contributing factor in the area of domestic relations and criminal court activities.

The Director of Mental Health promotes alcoholism programs within his general responsibility for mental health services, treatment of mentally ill alcoholics, and support of Health Department and Department of Hospitals rehabilitation services.

Estimated costs to Los Angeles County government attributable to the misuse of alcohol for fiscal year July 1, 1968, to June 30, 1969

By department:

County clerk	$832,887
District attorney	6,720,071
Forester and fire warden	2,650,004
Health	812,211
Hospitals	7,815,274
Marshal	2,130,797
Medical examiner-coroner	212,633
Mental health	586,415
Municipal courts	3,879,051
Personnel	2,863
Probation	4,442,744
Public defender	3,105,780
Public social services	25,538,982
Road	11,960
Sheriff	12,930,415
Superior court	1,547,473
Total	73,219,560

By function:

Law enforcement	35,589,218
Welfare and medical	34,752,882
Miscellaneous	2,877,460
Total	73,219,560

Los Angeles County Estimated Cost to County Taxpayer Due to the Misuse of Alcohol—1968–69

COUNTY CLERK, $832,887

Personal injury, $231,524

An estimated 20.6% of 1968–69 County Clerk expenditures involved personal injury cases. Each case was weighted at 125 per case to reflect the time required to process personal injury cases. Applied against this amount was an estimate of 13.9% which is the percentage of personal injury cases involving the misuse of alcohol.

Criminal, $314,289

It is estimated that 23.0% of County Clerk expenditures involve criminal cases. An estimated 16.9% of this amount is due to the misuse of alcohol. This yields $314,289.

Psychiatric, $5,660

An estimate of 0.7% was applied to 1968–69 County Clerk expenditures to reflect the weighted impact of psychiatric workload. Applied against this amount was an estimate of 10% which is the percentage of psychiatric cases involving alcohol misuse.

Juvenile, $47,738

It is estimated that 7.2% of County Clerk expenditures occur in this area. A weighted factor of 50 per case was used to reflect the time required to process these cases. An estimated 8.2% of the cost is attributable to the misuse of alcohol.

Domestic relations, $151,202

In 1968–69, it is estimated that 6.8% of County Clerk expenditures involved domestic relations workload. An estimate of 27.5% for alcohol misuse was applied to derive the total expenditure of $151,202.

Conciliation, $82,474

Of the 4,200 petitions for conciliation received by the court each year, it is estimated that 15% represented excessive use of alcohol as a complaint. This yields a total cost of $82,474.

DISTRICT ATTORNEY, $6,720,071

The estimate is based on data developed by the County Task Force on Alcoholism which indicates that the misuse of alcohol was involved in 52.5% of misdemeanor and felony crimes. This percentage was applied to 1968–69 District Attorney expenditures. This results in an estimated cost of $6,720,071.

FORESTER AND FIRE WARDEN, $2,650,004

To derive the extent to which the use of alcohol contributed to the cost of fire protection, Fire Battalion Chiefs of the Department were polled. It was their estimate that 7.3% of all responses involved alcohol as a contributing factor to the response. During 1968–69 a total of 36,527 responses were made by the Department. The net cost of the Department for 1968–69 including workmen's compensation, retirement, general County overhead, fire protection districts' equipment, etc., was $36,320,971. The cost per individual response was $994. This average multiplied by the estimated number of alcohol influenced responses (2,666) amounts to total cost of $2,650,004.

HEALTH DEPARTMENT, $812,211

This analysis is based on the extent to which the misuse of alcohol effects the operation of Health Department alcohol, tuberculosis and venereal disease programs.

Alcohol program, $589,590

The entire cost of operating the department's Alcohol Clinic Program is attributed to the misuse of alcoholic beverages.

Federal/State revenue	$505,318
County cost	84,272
Total cost of program 1968–69	589,590

Tuberculosis control, $39,518

It is estimated that 2% of the patients treated through the Health Department TB Control Program have an alcohol problem. This percentage was applied against the estimated $1,975,888 cost of the program.

Venereal disease control, $183,103

This is based on an estimate that 10% of venereal disease results from exposure during acute intoxication and 1% from chronic intoxication. These percentages were applied against the estimated $1,664,574 costs of the program.

HOSPITALS, $7,815,274

It is estimated that approximately $8,000,000 was expended during 1968–69 as a result of the excessive use of alcohol. An estimated 50% of this cost is General Fund County expenditures. Federal and State subventions from the Medicare, Medi-Cal, and Short-Doyle programs offset the remaining cost to County government.

Medical institutions

A. Medical Center, $1,389,344

It is estimated that during 1968–69, there were 4,061 acute or chronic alcoholism patients at an average rate of $84.22 per day. The average patient stay was 3 days. There were an estimated 388 psychiatric admissions due to alcoholism at a daily rate of $100.68 with an average of 9.3 days per patient.

B. Harbor General, $1,125,665

It is estimated that during 1968–69, there were 2,137 acute or chronic alcoholism patients at an average stay of 7 days. The average rate was $75.25 per day.

C. Olive View Hospital, $3,037,213

It is estimated that 50% of adult TB patients are alcoholics. Based upon this assumption, during 1968–69 there were 337 alcoholic patients at Olive View. The average patient stay was 175 days at a rate of $51.50 per day.

D. Antelope Valley Rehabilitation, $2,062,680

It is estimated that 90% of all patients at the Rehabilitation Centers are chronic alcoholics. During 1968–69, there were 2,542 such patients with an average length of stay of 103.5 days. The average cost of care was $7.84 per day.

E. Mira Loma Hospital, $200,372

It is estimated that during 1968–69, 50% of adult TB patients or 52 patients at Mira Loma Hospital were alcoholics. The average patient stay was 113 days at a rate of $34.10 per day.

MARSHAL, $2,130,797

The Marshal assigns approximately 40% of his uniformed personnel to Municipal Court functions. It is estimated that 71% of their time is occupied with the custody and control of defendants whose court appearances involve the use of alcohol. This is based on the County Task Force on Alcoholism finding that 71% of all misdemeanor crimes involve the misuse of alcohol. This results in a 1968–69 cost of $2,000,797.

In serving of civil process, approximately 1% of delinquent indebtedness involves the misuse of alcohol. This estimate is based on an analysis of the weighted case load of all the Municipal Courts, and conferences with Marshals' personnel. This yields a cost of $130,000. It should be noted, however, that $18,000 of this cost is reimbursed through civil process fees.

MEDICAL EXAMINER-CORONER, $212,633

The estimate is based on an analysis of laboratory tests for the period of January 1, 1968—June 30, 1968. This analysis indicates that at least 12.4% of Coroners' cases involve the misuse of alcohol. This estimate was applied against the Coroner's 1968–69 expenditures.

MENTAL HEALTH, $586,415

It is estimated that 3,040 patients with a diagnosis of alcoholism were treated in facilities supported and supervised by the Mental Health Department in 1968–69. The total cost for Mental Health alcoholism programs is $1,375,415. The revenue including Medi-Cal and Short-Doyle programs is $1,068,420 leaving a net County cost of $306,995. Approximately $798,000 of the total cost is identified above under the Hospitals Department section, leaving the total Mental Health cost at $586,415.

MUNICIPAL COURT, $3,879,051

This analysis is based on a weighted workload of all Municipal Courts obtained from the Judicial Council of California. Cost due to alcohol was estimated in Moving Traffic, Intoxication, Misdemeanor, and Felony sections of the Courts' work.

Moving traffic, $1,938,393

An estimated 11.7% of Municipal Court expenditures involved major traffic violations. An estimated 90% of this expenditure due to drunk driving and other alcohol related offenses yields a cost of $1,938,393.

Intoxication, $430,754

Approximately 2.6% of 1968–69 expenditures involved intoxication cases. Each case was weighted at 2 per case to reflect processing time. Applied against the 1968–69 cost was an estimate of 90% which is the percentage of cases involving alcohol misuse.

Misdemeanor, $623,268

It is estimated that approximately 17.1% of 1968–69 expenditures involved misdemeanor filings. An estimate of 19.8% was applied against this amount to reflect the misuse of alcohol.

Felony, $886,636

Approximately 28.5% of total expenditures involve felony cases. A weighted factor of 50 was applied to each case to account for processing time. An estimated 16.9% of the cost is attributable to the misuse of alcohol.

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PERSONNEL DEPARTMENT, $2,863

This estimate is based on the part-year funding in 1968–69 of an alcoholism counseling program for County employees in the Department of Personnel. This program is expected to effect reductions of employee turnover and inefficiency related to the misuse of alcohol.

PROBATION, $4,442,744

Adult, $1,773,792

It is estimated that 6,843 adults were under supervision and 4,172 adults investigated in cases where alcohol misuse was a direct or indirect factor leading to arrest. Based upon supervision costs of $208 per year and investigation costs of $84 per case, total cost of all adult caseloads amounted to $1,773,792.

Juvenile, $2,668,952

It is estimated that 2,126 juveniles were under supervision and 2,774 juveniles investigated in cases where alcohol was a direct cause for arrest. Based upon supervision cost of $285 per year and investigation costs of $84 per case, total juvenile caseload costs amounted to $838,926.

Estimated facility costs incurred by juvenile cases involving alcohol misuse totaled $1,830,026. This cost included camps, juvenile halls, Las Palmas and foster homes and institutions.

Total cost of juvenile cases involving misuse of alcohol totals $2,668,952.

PUBLIC DEFENDER, $3,105,780

The estimate is based on data developed by the County Task Force on Alcoholism which indicates that misuse of alcohol was involved in 52.5% of misdemeanor and felony crimes. This percentage was applied against 1968–69 Public Defender expenditures yielding a total cost of $3,105,780.

PUBLIC SOCIAL SERVICES, $25,538,982

It is estimated that $25,538,982 was expended during 1968–69 due to the misuse of alcohol. This enormous cost is only 1.5 million under the entire 1965 cost study total of $27,000,000 and is $22 million over the welfare cost developed in 1964–65. The major portion of this huge increase is attributable to inclusion of welfare costs before deduction of Federal and State revenue (which was not included in 1964–65). This revenue amounted to approximately 19.5 million of the total cost in 1968–69.

A. *General Relief, $2,065,740*

Department surveys indicate that approximately 25% of the single males on General Relief have an alcohol problem. Aid payment costs are estimated as follows: 8,503 Intake cases at $60 per case, and 14,935 Approved case months at $67.20 per month. Overhead and administrative costs are estimated at $551,928 based primarily on assigned manpower.

B. Aid to Families with Dependent Children, $19,854,344

Department surveys indicate that approximately 10% of the AFDC–FG approved caseload or 96,256 case months were the result of involvement with alcohol. The aid payment costs for these cases are estimated at $17,888,215 (96,256 x $185.84). Overhead and administrative costs are estimated at $1,966,129 based primarily on assigned manpower.

C. Aid to Disabled, $3,618,898

A recent department survey indicated that 4.71% of the ATD approved caseload or 27,346 case months were the result of involvement with alcohol. Aid payment costs for these cases are estimated at $3,400,475 (27,346 x $124.35). Overhead and administrative costs are estimated at $218,423 based primarily on assigned manpower.

ROAD DEPARTMENT, $11,960

The 1968–69 cost of trash pickup along County roads is approximately $80,000. It is estimated that beer cans and liquor bottles make up about 10 per cent of total trash and that, consequently, the Road Department expended $8,000 in 1968–69 due to alcohol misuse.

In addition, the Road Department billed $75,000 in 1968–69 for costs of replacing traffic signals and street lights knocked down in accidents. The Road Department Traffic Accident Recording system, which uses data provided by California Highway Patrol and the Sheriff's Department, indicates that 18 per cent of all accidents involve alcohol misuse. It is therefore estimated that 18 per cent of the unrecovered $22,000 or $3,960 was expended on this aspect of alcohol misuse in 1968–69.

SHERIFF, $12,930,415

This analysis is based on data developed by the County Task Force on Alcoholism and Sheriff's Department personnel.

Custody, $9,060,760

It is estimated that an average daily population of 1,947 sentenced male prisoners were involved in the misuse of alcohol. This is based on data developed by the Task Force on Alcoholism for percentage of alcohol involvement by specific penal code violation. The daily custodial rate of $7.50 for male prisoners was applied, resulting in a cost estimate of $5,329,730.

It is further estimated that an average daily population of 1,363 pre-sentenced male prisoners were involved with the misuse of alcohol. The daily custodial rate of $7.50 for male prisoners was applied, resulting in a cost estimate of $3,731,030.

Patrol, $3,869,655

During 1968–69, it is estimated that the Sheriff made 22,895 misdemeanor and 9,405 felony arrests. In addition, the Los Angeles Police Department made a total of 70,567 misdemeanor and felony arrests. Other jurisdictions made a total of 47,049 total arrests for common drunkenness and drunk driving.

The following analysis estimates costs of $22.35 for common drunkenness arrests, $38.35 for drunk driving arrests and $34.35 for other arrests based on the hourly rate of a law enforcement field unit as charged by the County to contract cities plus the estimated cost of one day's booking and detention.

Of the 149,916 total arrests, it is estimated that 131,217 arrests or 87.5% involved the misuse of alcohol. Arrests for most crimes amount to 11,061 at a cost of $34.35=$379,945. Arrests for common drunkenness amounted to 69,892 at a cost of $22.35=$1,562,086. Arrests for drunken driving amounted to 50,264 at a cost of $38.35=$1,927,624. Total cost=$3,869,655.

SUPERIOR COURT, $1,547,473

The cost to the Superior Court was derived by applying Judicial Council of California weighted caseload statistics for court filings of total 1968–69 Superior Court expenditures to derive costs for personal injury, criminal, psychiatric, juvenile, domestic relations and conciliation cases. Percentage estimates of the misuse of alcohol were then applied to these cost estimates. These percentages are the same as used for the County Clerk. The sections and their estimated cost due to alcohol are as follows:

Personal injury, $366,230

It is estimated that 20.6% of the 1968–69 Superior Court expenditures involve personal injury cases. These cases were weighted at 125 per case to reflect time standards established by the Judicial Council. An estimate of 13.9% for alcohol misuse was applied, resulting in a cost of $366,230.

Criminal, $597,586

An estimated 23.0% of expenditures involved criminal cases. These cases with an alcohol involvement of 16.9% yield a total cost of $597,586.

Psychiatric, $10,762

In 1968–69, 0.7% of Superior Court expenditures occurred in connection with psychiatric cases. Of this amount, 10% involved alcohol which results in a total cost of $10,762.

Juvenile, $128,588

An estimated 7.2% of expenditures involved juvenile filings. Applying a percentage of 8.2% for alcohol misuse yields a cost of $128,588.

Domestic relations, $287,493

Applying a percentage of 27.5% for alcohol misuse to Superior Court expenditures involving domestic relations results in a total cost of $287,493.

Conciliation, $156,814

It is estimated that 15% of the 4,290 cases involved alcohol misuse. This results in a total cost of $156,814.

THE PRICE OF "PROGRESS" IN BRAZIL

Mr. HUGHES. Mr. President, at a time when humane people throughout the world are concerned about the brutal treatment of political prisoners in various countries, I should like to share with my colleagues an article in the March 16, 1970, issue of the periodical Christianity and Crisis. It is entitled "The Price of 'Progress' in Brazil." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE PRICE OF "PROGRESS" IN BRAZIL

(By William L. Wipfler)

(EDITOR'S NOTE.—William L. Wipfler, who became acquainted at first hand with the problems of torture while serving as an Episcopal missionary in the Dominican Republic during the Trujillo era, is Assistant Director of the Latin America Department of the National Council of Churches. To the best of our knowledge, this is the first full-length article documenting torture in Brazil to appear in this country.)

"Terror and Torture in Brazil" is the brief and dramatic title of a dossier that has been submitted to the Vatican by a group of 61 Belgians, Frenchmen and Italians. In sharp, brutal detail it sketches the portrait of a military dictatorship that has initiated a systematic and inhumane process of repression in the name of progress. The dossier contains 11 statements that testify to the torture and murder of so-called "political" prisoners, but these represent only a small percentage of the documentation that is now available from Brazil, smuggled out with great danger to those involved in its preparation.

The present tragedy is the latest stage in a gradual shift toward fascism that was initiated by a military coup in March, 1964. For four-and-a-half years the generals and colonels manipulated the political scene. In 1966 three different elections were arranged so that the Government could increase its power through a pseudo-democratic process. Opposition was driven out of the political arena, and only "candidates" approved by the Government could be assured of election. Congress became a virtual rubber stamp with only a few courageous voices of opposition raised in its sessions. Finally in December, 1968, the last facade of democracy was removed with the closing of Congress and the granting of total power to the President-General.

What has been accomplished by the military during its six years in power? An article in the *Wall Street Journal* entitled "Military

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'Hard-Liners' Are Expected To Block Revival of Democracy," (Dec. 31, 1969) offered a succinct evaluation.

"Brazil, a nation that has prided itself on personal freedom and libertarian traditions, is living under a dictatorship. The military's "revolution" didn't begin that way, however. . . . Their takeover, it is implied, was a necessary and temporary intervention for the good of the nation. But after five-and-a-half years of military government, the pledges to step aside look increasingly hollow to analysts here. . . . The military government . . . has done much to curb inflation (1964 rate: 85 percent; expected 1969 figure: 23 percent), stimulate economic growth and lure foreign investment, but despite such progress there remains abundant misery among Brazil's 90 million citizens.

"Brazil has enormous natural resources, but the per capita income hovers around $350, and many millions live outside the money economy altogether. Real income has been falling. Less than half the population is literate. Health, education, sanitation and other vital services are sadly inadequate in most parts of the country. The government could not be called popular."

In short, the price for "stability" and "progress" is becoming exceedingly high for most Brazilians.

The rights and liberties of Brazilian citizens have been radically curtailed during the past 14 months by a series of National Security Laws promulgated by decree. One of these, Institutional Act Five, suspended habeas corpus, ended civilian participation in government, severely limited freedom of the press, and effectively muzzled dissent.

In order to control opposition, hundreds of prominent citizens, including a past-President, 94 congressmen, several state governors, dozens of minor officials and journalists were deprived of their political rights for ten years. Seventy professors were dismissed from the Universities of Sao Paulo and Rio de Janeiro without explanation. Hundreds of students were expelled from the universities for three to five years, and others were sent to prison by military tribunals. (*Ed. Note:* Readers may recall an earlier discussion of such acts by Richard Shaull in "Repression, Brazilian Style" in our July 21, 1969 issue.)

FACTS FOR ALL BUT THE UNITED STATES

Repression and terror have increased substantially. Untold numbers of persons have fallen victim to the arbitrary violence exercised by the police and military. Stories of mass arrests and the inhumane treatment of the opponents of the Government have filtered out of Brazil for about a year. And then, through one of those strange inconsistencies that appear even under the most efficient of repressive mechanisms, the facts came into the open. During the first ten days of December, 1969, the Brazilian press bombarded the public with reports of the torture and abuse of political prisoners. Many of these same prisoners gained new courage and signed detailed affidavits revealing the indignities and suffering they had undergone.

Brazil was shocked. Prominent citizens called for a serious investigation. The President-General vowed to look into the matter personally. And then suddenly there was a new silence. Reports and commentary on arrests and the treatment of political prisoners were prohibited unless provided by the Government. These were considered "national security" matters; laws covering them included:

"*Article 16.* It is a crime to publish by any means of social communication news that is false, tendentious or that contains distortions which turn the people against the constituted authorities. Punishment shall be detention of from six months to two years.

"When such publication would provoke public disturbances or would endanger the image, authority, trust or prestige of Brazil, the punishment shall be detention of from two to five years.

"*Article 34.* Slander, because of political bias or nonconformism, of the character of someone who exercises a position of authority shall result in a punishment of solitary confinement of from two to four years.

"If this crime is committed through the press, radio, or television the punishment shall be increased by half."

The threat was too grave. The media capitulated.

Since December the documentation of specific cases of torture has been finding its way out of Brazil in increasing quantity. Included in this are a number of the declarations signed by victims during the brief period of hope. In Europe, especially in France, Germany and England, the situation has been widely publicized and commented upon in both the religious and secular media.

A lengthy article in *Der Spiegel* (December 15) caused widespread dismay in West Germany because of the echoes of its own Gestapo nightmare. The full text of the dossier sent to the Vatican was published in the January issue of the French magazine *Croissance.* Numerous articles and editorials have appeared condemning the Government of Brazil and calling on responsible leaders to take action against it similar to that taken by the European community against Greece.

With few exceptions, however, this has not been the case of the media in the United States. When the subject has not been ignored altogether, articles in most of the major newspapers and periodicals here leave the impression that the use of torture has been limited to application against "terrorists" and "Communists," or has been only a sporadic occurrence in a particular area.

Increasing evidence shows, nevertheless, that torture is widely and indiscriminately used against those who are apprehended in alleged anti-Government activities, against members of their families who are tortured in order to weaken the prisoner, against persons who may have associated with the suspected individuals, or against those who are themselves only suspected of being critical of the Government. Furthermore, the reports now available show that many of the methods of torture are identical throughout the entire country and must be attributed to official activity rather than the whim of an over-zealous interrogator.

THE 16 AT ILHA DAS FLORES

Many tortures will never be reported. Some of the victims are dead or insane, large numbers are still imprisoned, and many who are out of jail fear the repetition of their experience and will not testify. Others, however, are ready to take the risk of denouncing the atrocities committed against them or that they have witnessed in the hope that public and international pressure will bring these inhumane acts to an end. The concluding paragraph of a statement signed by 16 women at Ilha das Flores, a prison in the Rio de Janeiro harbor, is typical of this courageous stance:

"We know that our present attitude denouncing tortures, can spark reprisals against us. We fear, for it would not be the first case of the simulation of an escape or a suicide to try to hide the truth we are now stating. We call the attention of all those interested in finding out the truth and in punishing the guilty to the fact that we are at the mercy of all types of violence, and need now, more than ever, the decisive help of all."

They had prepared their declaration, they said, "at a moment when the Brazilian public begins to be informed about the atrocities committed against political prisoners in our country and still may doubt that these crimes are really happening." Each of the 16 had been tortured. The following details are taken from their report:

"Zilea Resnik, 22, arrested on June 5, 1969, accused of belonging to the MR8, a revolutionary organization. She was kept incommunicado for 45 days during which time she was frequently beaten.

"Resane Resnik, 20, Zilea's sister, arrested on the same charges on July 27, 1969. Stripped naked by her torturers, she was beaten and suffered electric shocks on various parts of the body, including the nipples of her breasts.

"Ina de Souza Medeiros, 20, arrested on the same charges in Curitiba, Parana, on July 6, 1969. In Curitiba she was forced to witness the tortures inflicted upon one of her friends, Milton Gaia Leite, who was hung naked from a pole while a radio transmitted, at its loudest, a mass, in order to cover up his cries. At the jail of the Department of Political and Social Order (DOPS, the political police) she was informed that her husband, Marco Antonio Faria Medeiros, arrested two months before, had died. She panicked, but this information was later proven false. Brought to Ilha das Flores prison, she was beaten, received electric shocks and threatened with sexual assault.

"Marijane Vieira Lisboa, 22, arrested in Rio de Janeiro on Sept. 2, 1969, accused of being a member of the Açaõ Popular movement. She was made to strip, was beaten and given electric shocks that ended only when she lost consciousness due to heart failure.

"Marcia Savaget Fiani, 24, arrested in Rio on the same day on the same charges as the preceding woman. She was made to strip and was beaten. The electric shocks administered to her were made more intense by water previously thrown on her body. The shocks caused a partial paralysis of her right hand. She was kept incommunicado for 14 days.

"Maria Elodia Alencar, 38, arrested in Rio on Oct. 30, 1969, was beaten and suffered electric shocks. She was tortured by strangling and was forced to sign her will under torture. Her torturers persistently threatened to arrest and torture her 15-year-old son.

"Dorma Tereza de Oliveira, 25, arrested in Rio, Oct. 30, 1969, suffered the customary beatings and electric shocks, as well as strangling, drowning and wounds on her breasts produced by pincers. Needles were thrust under her finger nails."

No further information is available regarding the treatment of the 16 since the time their declaration was made public.

Victims of these atrocities come from every strata of society and from all walks of life. In a single letter written by a lawyer who had suffered 15 days of solitary confinement for defending a political prisoner, the following cases were cited:

"Mrs. Ana Vilma, wife of another prisoner named Pena Piel, was subjected to severe torture that affected her uterus in particular; she needed medical attention. Her husband was also tortured.

"All priests arrested in this prison were hung by their feet, completely naked, beaten and given electric shocks. Father Augustine challenged the tortures during the punishment, invoking Christ's example.

"In cell number one, next door to mine, a young lady was ill. Her name was Vera, and she was bruised from head to foot. I was told that her husband was in worse condition. Their crime was that they knew a person wanted by the political police. They were set free on a Monday but until Tuesday of the following week they required medical attention in order to recover sufficiently to travel. One of the torturers said that 'beating is all right, but one must know how to do it.'

"A young student also arrived at the place where I was. He was a physics student who had been expelled by his university on the charge of subversion. I saw him after his first

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interrogation, and he had been beaten so badly that his feet were so swollen that he could not walk. He was sent to the Clinical Hospital where he declared that his wounds were caused by torture. The torturers had broken bones in his hands and feet.

"The prisoner in cell number four, named Sebastiana, suffered a mental disturbance because of the tortures, and no medical treatment was given to her."

In another letter written by a 56-year-old taxi driver, Severino B. Silva, there is a description of the treatment he received in the military village of Rio. He was tortured by starvation. His toenails were pulled out and razor blades were forced under his fingernails. After being beaten, he went through a simulated hanging. He still awaits trial after 11 months of imprisonment on a charge of suspicion.

THE FORMS OF TORTURE

The declarations and reports are from all parts of Brazil. Almost every document verifies that commissioned officers of the police or military are in charge of interrogations. The torture is generally carried out at the DOPS headquarters or of one of the intelligence services (Army, Navy or Air Force), or in prison. The methods of torture follow a pattern.

Beatings: Usually inflicted at the beginning and during interrogation. Blows are given with clubs, metal bars, fists and feet. The face, ears, stomach, breasts and genitals are the most frequent targets of the beatings.

"Pau-de-Arara" (Arara Pole): Hands and feet are tied together and a pole inserted between them. The ends of the pole are then supported on a table with the victim hung face down. He is often left in this position for several hours while submitted to other tortures. In some documents it is reported that alcohol fires are lighted on the floor below the victims face. Some individuals have been incapacitated for long periods after this torture because of the traumas to their legs, arms and backs.

Electric shocks: Current is generated by a field telephone or taken directly from wall sockets. Shocks are delivered to the hands, feet, tongue, ears, breasts and genitals. The victim is often soaked with water in order to increase the effect of the shock. The current is frequently increased so as to cause the entire body to become rigid or be contorted by muscular spasms.

The Telephone: Sharp blows with the flat hand are delivered simultaneously to both ears. This causes a loss of balance, impairment of hearing, as well as severe pain.

Sexual abuse: In most cases the documents declare that the prisoners are stripped of their clothes at the initiation of the interrogation. Humiliation is an obvious element in the psychological aspect of the torture. The genitals of both men and women receive considerable attention in beatings and the administration of electric shocks. Women prisoners are often violated by torturers or are turned over to police or soldiers of lower rank for their amusement. Male prisoners are sometimes forced to witness the sexual abuse of their wives, children or fiancées.

Simulated execution: Prisoners have been taken from sessions of torture or awakened during a brief respite and brought before a firing squad armed with blanks or empty rifles. Others have been drowned in buckets of water and then revived. And still others have been hung and then cut down after losing consciousness.

This list is not a complete catalog of all of the tortures described in the available documentation. It is, however, a compilation of those mentioned most frequently by the victims.

As might be expected under such circumstances, increasing numbers of Brazilians are leaving their homeland to seek refuge in other countries. Many of them are faced with almost insurmountable difficulties: improper or incomplete travel documents, insufficient financial resources, hostile military regimes in several of the nearest countries. (The best estimates available at this time are about 500 in Chile, 1300-1500 in Uruguay and approximately 2,000 in Paris, many of whom are students uncertain that they can safely return to Brazil. Large numbers are in other countries, including the U.S., but the figures are unavailable since many of them fear to declare themselves refugees.) Although the exodus grows each day and the potential for future refugees is tremendous, international refugee organizations have done little to respond to the needs of the victims of this new situation.

Massive efforts, not unlike those made on behalf of the Jews and others from Europe and Cubans in the early 1960's may now have to be made on behalf of Brazilians. The first steps of such a response is now being organized by a group of individuals from the religious, academic, professional and artistic fields in New York City. (For information, write: The Editor, Christianity and Crisis.)

HOW THE U.S. FITS IN

All of this information and documentation of torture and repression becomes even more disturbing when the extent of continuing U.S. Government and business involvement in Brazil is recognized. Very little open criticism has been forthcoming from these two institutions regarding the course of events of the past six years and particularly of recent months.

When the coup occurred in 1964 Ambassador Lincoln Gordon received it with open satisfaction. He said it was "perhaps as significant to the defense of the Free World as the Sino-Soviet split and the success of the Marshall Plan." Through his influence Washington recognized the military regime within 24 hours.

Significantly, the Agency for International Development increased its expenditures in Brazil from $15.1 million in 1964 to $122.1 million in 1965. It has proposed a $187 million program for 1970. In addition, the US military has maintained the largest of its Latin American missions in Brazil, with over 100 advisers on the staff. The Military Assistance Program provided $24.9 million in 1967 and $19.4 million in 1968. Between 1964 and 1968, 2,255 military men passed through its training program.

The one brief (four-month) interruption in US support occurred after the closing the Congress in 1968. Some observers believe that aid and assistance were restored quickly because of the inconvenience caused to US business and banks by the suspension. US investment there accounts for $1,326 million of the $7,314 million invested in all of South America.

This article is not intended to be sensational. Its purpose is, rather, to awaken American Christians and public opinion to this horrendous terror and inhumanity. The authorities of Brazil are concerned about their image abroad, and especially in the United States, from which they receive massive foreign aid and investment capital. International outcries may not bring democracy back to Brazil, but it may force the Government to restrict its present policies in the treatment of political prisoners.

Regardless of what its impact in Brazil may be, we must not—cannot—any longer allow our Government and business to quietly support a type of government that we—and prior to certain recent erosions of our own civilization in the past at least—have regarded as contrary to our way of life. What Brazil does is ultimately her own problem; what we do to support, and thereby encourage, her dehumanizing policy of repression is our problem. Brazil—a nation that has made significant contributions to international culture—may be losing the respect of the nations of the world, but we can only wonder how much greater is her loss than ours.

THE PRESIDENT'S STATEMENT ON THE SENATE'S ACTION ON THE CARSWELL NOMINATION

Mr. CURTIS. Mr. President, I do not think that President Nixon needs any defense. The facts speak for themselves. It is well, however, that a few matters be called to the attention of the Senate.

As pointed out by the distinguished Senator from Kansas (Mr. DOLE), in the vote on Judge Haynsworth, there was one northern Democrat who voted for confirmation. On the Carswell vote, not a single one.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Nebraska yield there for a question?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. As to the two West Virginia Senators who voted for Mr. Haynsworth and for Mr. Carswell, are they considered northern Democrats, southern Democrats, or what kind of Democrats?

Mr. CURTIS. I do not know. I thought they represented border States.

Mr. BYRD of West Virginia. I thank the able Senator.

Mr. CURTIS. I thank the distinguished Senator for setting the record straight.

Mr. President, the rejection of these two men, in my opinion, does reflect upon the Senate.

The Nation has a very high regard for the late President Dwight D. Eisenhower. He picked out Judge G. Harrold Carswell for U.S. attorney. This gave Mr. Carswell 5 or 6 years of courtroom experience. President Eisenhower then appointed him a U.S. district judge, and he served for more than a decade, trying cases all the time.

The late President Eisenhower would not have appointed a bigot, a racist, or an incompetent. He certainly would not do it twice.

Later on, it was logical that President Nixon should elevate Judge Carswell to the circuit court.

Judge Carswell was confirmed three times by the Senate.

Then he entered the big league and it became a political issue. That is what it was all the way through. That is what it is today. He was faced with political opposition.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Nebraska yield for a further question?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. In the Senator's opinion, would the Senate three times unanimously confirm an individual who was considered a racist and a bigot, and honest but dumb?

Mr. CURTIS. I think not. I am satisfied that President Eisenhower would not have done that. I do not think that the Senate would. But there are great forces in this country that do not want a change in the Supreme Court.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask

unanimous consent to proceed for 5 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **CURTIS.** Mr. President, those forces do not become so active when individuals are selected for the district court or the court of appeals.

There is one thing that has shown up in the past 24 hours and that is, it was not Judge Carswell's qualifications that caused the Senate to fail to confirm him. It is evident by the sense of the Senate resolutions introduced, and the remarks made, that this has been a political fight all the way through. There are quite a number of top union bosses who do not want any change in the Supreme Court.

Mr. **GOLDWATER.** Mr. President, will the Senator from Nebraska yield at that point?

Mr. **CURTIS.** In just a moment.

It does not make any difference where the candidate comes from, those union bosses will apply all the pressure on every Member of the Senate that they can touch, in order to try to prevent his confirmation.

Now I am happy to yield to the Senator from Arizona.

Mr. **GOLDWATER.** I thank the Senator from Nebraska for yielding to me.

The Senator has just touched on a point I wished to ask him about but I want to, sort of, nail it down, if that is the proper expression to use.

Does not the Senator feel that, regardless of any name that the President sends down here, there will be opposition from those people who do not want to see a constitutionally inclined Court?

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Mr. **CURTIS.** That is correct.

Mr. **GOLDWATER.** I have sensed, by reading the eastern press, by listening to commentators, and listening to debate in this Chamber, that regardless of whether the President sends down the name of a southerner, a northerner, an easterner, or a westerner, regardless of how good he may be, there will be opposition to him because those in opposition do not want to see the concept of the Warren court changed?

Mr. **CURTIS.** That is correct.

Mr. **GOLDWATER.** This applies not only to labor leaders but also across the board, and to every group in this country that has benefited from the unconstitutional approach to decisions which have been rendered by the Warren court?

Mr. **CURTIS.** That is correct.

There are a great many law professors who do not want a change on the Court. They will be vocal from now on. I do not know whether I would want them to represent me in court, but nevertheless, they will be vocal on this issue.

Mr. **GOLDWATER.** Mr. President, will the Senator from Nebraska yield for one more moment?

Mr. **CURTIS.** I am happy to yield.

Mr. **GOLDWATER.** The Senator from Nebraska is a lawyer. I am not. Why is it that law professors who have never practiced law seem to have so much influence in this country in the legal profession?

Mr. **CURTIS.** I am unable to answer that. I doubt that they do.

Mr. **GOLDWATER.** They seem to.

Mr. **CURTIS.** They seem to, yes. They seem very anxious to make statements which will be quoted on the Senate floor.

Mr. **GOLDWATER.** This seems to apply even to law students.

Mr. **CURTIS.** That is correct.

Mr. **GOLDWATER.** If I have to go to court, I would not want a law student or a law professor to represent me. I would get a lawyer.

Mr. **CURTIS.** One more thing, Mr. President, I think it is folly to deny that there is no antisouthern feeling in the Senate. We sense it all the time: One rule of conduct for one part of the country and another rule of conduct for another part of the country. And, that is not all. Let someone from this side of the aisle propose a certain legislative action, and one of the commonly used weapons is to say, "That is part of a southern strategy." This is done in a derogatory manner.

I think that the President of the United States was justified in what he said. The record stands. Two eminent judges were nominated by the President, and the Senate has spoken.

I am not impressed by any pious resolution now, "Oh, yes, next time, that will not happen"——

Mr. **BYRD** of West Virginia. If the Senator will permit me to interject there, they said that the first time.

Mr. **CURTIS.** Who did?

Mr. **BYRD** of West Virginia. After Judge Haynsworth was defeated, they said, "Send us another one from the South."

Mr. **CURTIS.** Oh, yes. As a matter of fact, a great many people, these professors and others, who helped defeat Haynsworth now seem to be champions of Haynsworth. They change very easily. Facts may bother them, I do not know. But one would think that they had had a real change of heart and that they are now very much for Haynsworth after having spent their all trying to defeat him.

PRESIDENT'S REACTION TO CARSWELL REJECTION

Mr. **ALLOTT.** Mr. President, yesterday afternoon President Nixon made an important policy statement concerning his approach to selecting Supreme Court nominees in the immediate future.

The President's statement included this important passage:

> As long as the Senate is constituted the way it is today, I will not nominate another Southerner and let him be subjected to the kind of malicious character assassination accorded both Judges Haynsworth and Carswell—

I interrupt the quotation to point out that this is exactly what it was, organized on a national scale, utilizing anything in any way possible. It was a smear and a character assassination of a type that has not been utilized since the days when President Hoover's character was assassinated in the same way.

The President's statement continues:

> However, my next nomination will be made in the very near future; a President should not leave that vacancy on the Court when it can be filled. My next nominee will be from outside the South and he will fulfill the criteria of a strict constructionist with judicial experience either from a Federal bench or on a state appeals court.

Mr. President, the policy outlined in President Nixon's announcement is sound and statesmanlike. It faces facts; it recognizes duty; and it makes a worthy promise.

First, it recognizes the deplorable facts about the temper of the Senate these days. There is a well-known truism to the effect that politics is the art of the possible. President Nixon has squarely faced the fact that it is not possible to get the Senate to consent to the nomination to the Supreme Court of a strict constructionist from the South. I think he is eminently correct.

The President has done what I thought he would do, announce that he would come up with another nominee, realizing that the Court should not be asked to act upon important matters while still one man short. He has emphasized that the man will be a strict constructionist. And in this I hope he continues his resolve, even if he has to send up 100 names to the Senate of the United States.

We want no more decisions from the Supreme Court based upon the sociological views of the writers rather than upon their knowledge of the law.

The President has faced the fact that, behind all the arguments trumped up in opposition to Judges Haynsworth and Carswell there lurked a smoldering prejudice against a region in which reside more than a quarter of the American people.

As I said in this Chamber when speaking in support of Judge Carswell, the opposition to him was, from the beginning, an opposition in search of an argument.

The opposition never found a substantial argument against him. The opposition prevailed by mixing passion and innuendo into a nasty brew which, given time, created an atmosphere of uneasiness and distrust with no basis in fact.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **ALLOTT.** Mr. President, I ask unanimous consent that I be permitted to continue for an additional 10 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **ALLOTT.** Mr. President, the President has faced the fact that this pattern of opposition can be counted on to appear again if there are southern strict constructionists nominated in the immediate future.

The President has faced the fact that such opposition is a matter of passion and prejudice, rather than reason and fact, and thus it can only be avoided by denying consideration to southerners.

The President has faced the fact that bigotry knows no region. He has faced the fact that it would be unfair to ask any southern strict constructionist to allow his name to be submitted to this Senate.

The President has faced the fact that if he nominated a southern strict constructionist he would subject that man to a prolonged inquisition of the most brutal sort.

The President has faced the fact that the nominee and his family would stand to suffer a kind of trial by innuendo, a trial conducted to satisfy the political needs, to satisfy the ultraliberal forces in this country, the leaders of the labor movement, and the leaders of other powerful pressure groups.

The President has not only faced these facts; he has also faced his duty.

It is clear that the work of the Supreme Court is being hindered by the Senate's refusal to confirm either of the highly eligible nominations recently submitted to it. Chief Justice Burger has indicated his reluctance to move ahead into some particularly important cases without a full bench.

The President knows that the duties of his office demand that he press ahead with the task of filling the Court. He knows his constitutional duty will not allow him to be as determined in support of regional fair play as the Senate is determined in opposition to it.

Thus the President's statement of yesterday faces up to the constitutional duty to allow the Court to function.

Finally, having faced the sad facts about political realities, and having faced the duties of his office, the President has made a worthy promise.

The President's promise is contained in the final paragraph of his statement:

> I understand the bitter feelings of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday. They have my assurance that that day will come when men like Judges Carswell and Haynsworth will sit on the high court.

Mr. President, it is fitting and proper that President Nixon should make this promise.

The President is President of all Americans. His is a national office, not a regional office.

The President recognizes that discrimination against a region is no more rational and no less deplorable than discrimination against a race or a religion.

The President recognizes that the problem of irrational discrimination plagues Americans in public and private life, and he opposes it in the strongest terms.

I join him in that opposition. I understand the necessity for his announced policy of looking beyond the South for Court nominations in the immediate future. And I look forward to the day when there will be no need for such a policy.

I look forward to the day when the reactionary and implacable discrimination against the South will be put aside. I look forward to the day also when the self-classified liberals in the Senate and others can look upon a man from the South with the same respect that they look upon people from other regions.

Mr. President, there have been people on the floor of the U.S. Senate who have passed upon the qualification of Judge Carswell with the same technique they used to impugn the integrity and honesty of Judge Haynsworth.

I have been a lawyer for longer than anyone on the floor at the present moment, I think, with the possible exception of the Senator from Nebraska (Mr. HRUSKA). I want to say today that if I had a civil rights case, I would not hesitate to go before either of these judges. If I had a case of any kind, I would not hesitate to go before either one of these judges.

But when I hear people in the U.S. Senate who have never opened the flyleaf of a lawbook tell me about the legal qualifications of a judge like Judge Carswell, a man who has been confirmed three times in the Senate of the United States without a dissenting vote, then I think there is something wrong with the rational thinking of the Senate.

There is another matter that I would like to refer to. In 1961 there was a man confirmed—now deceased—for the office of Attorney General. Many of the same people who have been leaders in the fight against Judge Carswell voted for that nomination.

If we want to talk about qualifications of office, that nominee—and it is unfortunate that he is deceased—had never spent an hour in a courtroom in his life.

I think the Senator from Colorado was the only Senator to cast a vote in opposition to that nominee. I did not do it for political reasons, but solely on the basis of his lack of qualifications.

I have never voted against any other nominee of any other President, whether it was President Eisenhower, President Kennedy, President Johnson, or President Nixon.

I would not do it under any circumstances unless I could see an overwhelming disparity in the character or ability of the man.

As a part of this debate, Mr. President, I think an article which appeared in the Evening Star last night should appear in the RECORD. I ask unanimous consent that there be printed an article entitled "Time Was Main Ally of Carswell Foes."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Time Was Main Ally of Carswell Foes

(By Lyle Denniston)

Small courthouses in the South, political arenas stretching to Los Angeles and the corridors of official Washington were the scattered locales where President Nixon lost his second fight over the Supreme Court.

He lost it in those places by degrees. The defeat, completed only when the Senate voted down nominee G. Harrold Carswell yesterday, was fashioned little by little with never an assurance it was actually to be a defeat.

It had been put together by men of widely varying status and commitment: perhaps most importantly Ed Roeder of Jacksonville, Richard T. Seymour of Washington, Don Pride of Palm Beach—and Birch Bayh and Edward W. Brooke of the U.S. Senate.

TIME MAIN ALLY

Looking back, those centrally involved now see how they think the result was shaped. Time was the main ally. Civil rights was the underlying, real issue. Judicial stature and learning was the surface, or "cover" issue.

A principal strategist summed it up after the vote:

"It is unkind, maybe even unfair to say it, but civil rights can win a lot of senators nowadays—if you also give them something they can cover it with. It is because of the backlash."

Carswell on civil rights thus became the core of the opponents' plea. But it was overlaid with material about legal mediocrity, judicial intemperance, lack of candor or credibility and disdain by colleagues.

MOST CRUCIAL ITEM

It was in three courthouses in the South that the civil rights data was gathered.

Ed Roeder, a broadcast reporter from Jacksonville station WJXT, found the most crucial item in filed newspapers in the Wilkinson County courthouse, Irwinton, Ga., on Jan. 20—the day after Carswell was nominated.

This item was the published text of Carswell's speech in August, 1948, in which he said he would "always be governed" by the "principles of white supremacy."

Even before that revelation, civil rights groups were wary of his appointment. But the speech disclosure made their hard opposition a certainty.

Soon afterward, a group of liberal senators and staff men met on Capitol Hill with Clarence Mitchell, legislative chief of the Leadership Conference on Civil Rights. One remembers Mitchell, usually not a profane man, saying emotionally:

"Once a SOB, always a SOB."

The 1948 speech gave the opposition its basic argument: Carswell would have to prove that, after 1948, he had given up his racial supremacy attitude.

At about the time that Roeder had been locating the speech text in Georgia, Richard T. Seymour, 27, of Washington was going through Leon County, Fla., records in Tallahassee. He was to find the most important piece of evidence, as opponents saw it, to indicate that Carswell carried his 1948 views into later life.

Seymour, a staff lawyer for a civil rights lobbying group here, the Washington Research Project Council, had found official transfers in 1956 of a city-owned golf course to private club ownership, presumably to keep it racially segregated.

With the deeds, Seymour went to the Florida secretary of state's office and discovered a telling document: a list of directors, including Carswell, for the segregated private country club.

That document, and Carswell's comments about it, were to supply the opposition with their argument that he had not been candid or truthful with the Senate.

Another document the opposition found helpful turned up in the Wakulla County, Fla., courthouse in Crawfordsville, when newspaper reporter Don Pride of the Palm Beach Post checked realty records. They showed Carswell as a signer of a deed selling a private lot with a restriction on its use to whites only.

Its date—July 12, 1966—was perhaps the most valued entry for the opposition. His racial attitude, the opponents concluded, had continued even after he had become a U.S. district court judge.

By the time Pride's discovery had been made, Feb. 11, Senate hearings had been over for more than a week, and the full range of opposition issues—including alleged abuse of civil rights lawyers in court—had been developed.

But the revelation of Pride's article had an impact on strategy, beyond its impact on the rights argument. If more time could be gained, Senate staff assistants suggested, more revelations like Pride's might come out.

USED AS HOSTAGE

That reinforced the feeling of opposing senators—then numbering only four—to use time to make their case to the Senate. Then, they were thinking only of making a "respectable showing" of "no" votes—30 or more.

Coupled with the advantages of time, due to long-standing Senate scheduled commitments, was a developing advantage of the opposition: using the Carswell nomination as a hostage for gains on unrelated liberal causes.

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A vote in the Judiciary Committee, for example, came only when Southern senators yielded in a refusal to schedule an Electoral College reform plan for a committee vote.

The pattern was imitated after the nomination had reached the Senate floor. A prior arrangement had put a voting rights bill ahead of the nomination, so another two-week delay on Carswell made the nominee a "hostage" to control a Southern filibuster against voting rights.

During the making of these time "breaks," much of the strategy still was being fashioned by the initial four opponents: Sens. Bayh, D-Ind.; Philip A. Hart, D-Mich; Edward M. Kennedy, D-Mass., and Joseph D. Tydings, D-Md.

BROOKE JOINS FOES

In the opening weeks, Tydings had seemed to emerge as the leader. He began suggesting openly that there was a "chance" to beat the nomination outright. The idea gained strength late in February, when the opposition began drawing GOP support—help that would be essential if the challenge was to have any chance.

The most significant GOP recruit joined on Feb. 25: the Senate's only Negro member, Massachusetts Republican Edward Brooke. That day, he made a lengthy, emotional speech against Carswell—oratory that was later to help influence Bayh to take the Democratic leadership in opposition.

Not long after Brooke spoke out, Bayh and an aide, Robert Keefe, went on a political speechmaking swing to the West and back through the Midwest. Everywhere, Bayh felt he detected strong public opposition to Carswell.

Between Los Angeles and Kansas City, with appearances between, Bayh's answers to questions about Carswell grew harder and more critical. By the time he had met his schedule in a series of political arenas, he was ready to return to Washington for a fight on Carswell.

His conversion became complete on March 9. He and Tydings spoke at an anti-Carswell rally here staged by civil rights leaders. The common reaction to Tydings, who spoke first, was that he had seemed to lose some of his ardor for a fight. But Bayh came out strongly, and the eager conferees cheered him on. From then on, he was the chief strategist in opposition.

Brooke moved quickly into leadership of the GOP foes after the first volunteer for the role, Jacob Javits of New York, got tied up with other chores.

OPPOSITION GROWS

With the Senate's Easter recess approaching, the opposition ranks had significant momentum, and were conceded to have at least 40 votes.

Senate Majority Leader Mike Mansfield, D-Mont., who had by then become a confirmed Carswell opponent, wanted to arrange for an end to the fight. He began taking a secret "leadership count"—a majority leader's nose-count, this time on a possible return of the nomination to the Judiciary Committee, where it might be buried.

He told the Bayh-Brooke team that the Democrats could produce perhaps 39 votes to recommit the nomination. It was either assumed or indicated directly that Brooke would produce at least 12 GOP votes for the move.

So, on March 25. the Senate agreed to an April 6 vote on the recommittal motion, with a final vote on the nominee yesterday if recommittal failed.

On that day, for the first time, the nomination was in trouble. One more delay—the Easter recess—seemed likely to help only the opponents.

LOBBYING INTENSIVE

The challengers had gained, not only from the time-using tactics out in the open, but also from intensive lobbying in private corridors.

Clarence Mitchell and Joseph L. Rauh, for the Leadership Conference, had made wide contacts that got results. The Urban Coalition Action Council, and coalition leader John W. Gardner, were telephoning and making personal calls. Labor figures lobbied hard on Western Democrats.

Added to those elements, accustomed to Capitol Hill manuevering, was a new faction of lobbyists: deans and law school and, most conspicuously, Dean Louis Pollak of Yale and Dean Derek Bok of Harvard. Making many contacts with their alumni, they were producing quiet pressure to go with the rising public clamor by law teachers.

The Nixon administration, believing firmly at least to that time that it had enough votes to win, had not matched the other side's lobbying. Officials had seen no reason, until then, to use more than gentle persuasion.

But the obvious momentum of the opponents in the pre-Easter days changed the administration's mind, and its approach.

NIXON PRESSES CASE

President Nixon himself—for the first time—took a noticeable part. He brought up his argument that his constitutional power of appointment was in jeopardy—a point his agents made even more vigorously in private.

Another part of the strategy was to get a majority of the Judiciary Committee to say that return of the nomination to it would not end the matter. And still another move was to get some highly respected GOP senators to join the pro-Carswell forces openly.

All of this worked—for the vote Monday on recommittal. By the time the Senate assembled that morning, the opponents knew they were beaten on that issue. But they also sensed an important gain; the administration had escalated the importance it had placed on the Monday vote, and the opposition thus advised GOP loyalists to answer the call if they wished.

The aim is clear: let the administration spend its loyalty on Monday. Then, the final vote on Wednesday could be an open one, on Carswell, it was suggested.

OTHERS COME AROUND

Monday afternoon, the opponents found more reason for confidence. Sen. Quentin Burdick, D-N.D., who had wanted to vote the administration way once, had been talked into doing so on recommittal. He was then available for a "no" vote yesterday. Firm opposition by Sens. Albert Gore, D-Tenn., and William B. Spong, Jr., D-Va., made it even more clear that Democratic opposition ranks would hold.

But most significantly, Republicans were coming around, too. Brooke got assurances from Sen. Marlow Cook of Kentucky, and Brooke considered them all-but-binding. Brooke then turned to Sen. Margaret Chase Smith of Maine. He saw her Monday, made his case, and found her interested enough to ask for a written "brief" on Carswell. That was prepared for her.

But she could not be counted on, even then. Later, although she did not disclose her reasons, a source close to her said one of the factors for her vote against Carswell was last-minute word from Brooke that a White House lobbyist was telling other GOP senators she would vote with the administration.

Before the vote, the opposition also couldn't count on another New England Republican, Winston Prouty. Yesterday morning Prouty's staff hoped the senator would tell his wife how he would vote, and the staff might then get her to tell.

The administration was also apparently making fresh attempts to win back Cook. The opponents did not think he was wavering, but they were not sure. So, as the final vote approached, Cook, Prouty and Mrs. Smith were the keys.

As the call started, there was total agreement between the two sides: that is, that the vote would either go 48 to 48, or 51 to 45; Cook, Prouty and Smith would go together, both sides felt.

By the accident of the alphabet, Cook's name was called early in the count. He voted no and, both sides said later, they then knew the fight was over.

Mr. ALLOTT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ALLOTT. Mr. President, there has been much strong feeling involved in the recent debate concerning the nomination of Judge Carswell.

That debate has ended, but the noise lingers on. Happily, the noise yesterday was in the New York Times. This is a happy thing because the Times is actually funny.

The Times has cranked up its resident nonsense machine—the one charged with making the sonorous noises that pass for editorial judgment at the Times—and produced a funny editorial page.

This is unconscious humor—what else from the Times—but humor nonetheless. It results from the placement of the first and second editorials in today's edition.

The first editorial is headlined "The Carswell Decision." The second editorial, placed right below, is headlined "McCarthyism from the left."

The second editorial on leftwing McCarthyism concerns some campus leftism that has gone beyond the very broad limits of Times tolerance for leftist causes. But the humor is in the juxtaposition of the headlines. Here in editorial No. 2 the Times is deploring McCarthyism of the left while applauding the Carswell defeat, which is the most recent result of successful McCarthyism from the left.

Beyond the unconscious humor of the headlines, the Times' editorial offers nothing but its normal daily dose of cant. Still, when the Times' editorial page rises from banality to unconscious humor, it restores our hope for progress. If the Carswell defeat enabled the Times to produce an editorial page that was funny—rather than merely laughable—then every cloud truly does have a silver lining.

Mr. President, I ask unanimous consent to have printed in the Record the editorials to which I have referred which were printed in the New York Times.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

The Carswell Decision

The Senate's rejection, by the astonishing vote of 51 to 45, of the nomination of Judge G. Harrold Carswell to the Supreme Court is a triumph of constitutional responsibility over political partisanship.

The Senate has now discharged its clear-cut if painful duty to protect the stature and authority of one of the most vital of American institutions of government. It has reminded the President of the wisdom of a Constitution designed to reduce the risk of unwise or arbitrary use of executive power. At the same time, it has answered those who decry the American political system as one that is unresponsive to the need—and the demand—for integrity and justice.

The rebuke to the Administration, especially difficult for those Republican and

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Southern Senators whose conscience forced them to their credit to vote against Judge Carswell, will surely alert the President and his advisers to the savage toll extracted by the insensitivity of their political strategies as illustrated in the Carswell case.

The telephone campaign, mounted by a member of Judge Carswell's court and condoned by a high official of the Justice Department, to persuade Federal District judges to endorse the nomination of their superior on the Circuit Court was symbolic of such insensitivity. It represented an extraordinary debasement of the Federal judiciary through an unwonted and unwarranted incursion into politics on the bench.

The dismal experience of the past weeks must emphasize to the President the urgency of turning quickly to the nomination of a first-rate jurist. The suggestion by a White House spokesman that Mr. Nixon might not act until after the November elections gratuitously introduced a new element of politics and also ignores the severe pressure of the mounting workload on each of the eight sitting justices.

Mr. Nixon should not find it difficult to name a candidate whose record inspires confidence across party lines. The President is entitled to select a Southerner and a conservative whose philosophies of the law are compatible with his own. The one irrevocable requirement is that the candidate's qualifications, ability and character are such that he will add to rather than diminish the quality of the nation's highest tribunal.

McCarthyism From the Left

McCarthyism—this time emanating from elements of the New Left instead of the Old Right—is beginning to reappear on some college campuses.

A particularly dismaying case in point is the current offensive against the distinguished medical scientist, Dr. Ivan L. Bennett Jr., who is New York University's vice president for health affairs and dean of its medical school. Charging that Dr. Bennett once did research on diseases that are included in the spectrum of biological warfare weapons, a group of N.Y.U. faculty members and students is now demanding his ouster.

The charge in Dr. Bennett's case is ludicrous in light of his major contribution behind the scenes toward persuading the Nixon Administration to abandon biological warfare techniques and to destroy existing stocks of disease organisms. Opponents of bacteriological warfare should be honoring Dr. Bennett for his effectiveness in pressing their cause, instead of attacking him.

But a more general principle is involved, one that would apply even if the facts in this case were quite different. Thousands of scientists now teaching in American universities have worked on nuclear and other weapons research going back to the days of the Manhattan project in World War II. Are they now to be purged from the academy for having contributed to the defense of this country? If so, many of the nation's most eminent scientists, including Nobel Prize winners, will have their careers destroyed.

This nation, still remembering the damage done by McCarthyism in the early 1950's, is not going to embark upon any such massive irrationality and injustice in the early 1970's.

Mr. ALLOTT. Mr. President, I am about to conclude my remarks. I feel the President acted courageously in this matter. I feel it would be impossible under the present temper of the Senate to get a strict constructionist. I feel we will provide this Government with the best kind of government if we have strict constructionists on the Court, who do not see their duty to legislate the laws, who do not see their duty to reform the laws, or to write things into the laws which Congress never intended, but rather to interpret the laws as we pass them in light of the Constitution. Then, if it becomes apparent that Congress made mistakes, they can be corrected. But we can never correct them as long as we are trying to outguess the Supreme Court, because it cannot be done.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I share the views expressed by the senior Senator from Colorado. In effect, what the Senate has done has been to display a shingle over the entrance to the Supreme Court which says, "No southerner need apply." That is clearly and simply what the action on Wednesday and last November means to everyone in the South.

I do not come from the South nor does the Senator from Colorado. We recognize the Court should not be comprised on a regional basis. The Senator indicated the question is not geographical, but a question of geography and philosophy.

We are now seeing resolutions introduced to prove there is no bias. The best way to indicate that would have been an affirmation vote for Judge Haynsworth or Judge Carswell. But, as one looks over those who voted against the confirmation of Judge Haynsworth and those who voted against the confirmation of Judge Carswell, reasonable men can conclude that there is an appearance of bias against a southerner.

In the case of Judge Haynsworth and in the case of Judge Carswell, they were both distinguished jurists. It has been said many times on this floor that Judge Carswell had more Federal experience, than any judge now sitting on the Court, other than Chief Justice Burger.

If the President, as he has wisely chosen to do, looks outside the South he can find judges who have not been embroiled in civil rights cases. That was the issue on this floor in the defeat of Judge Carswell, as in the case of Judge Haynsworth. I have read the hearings, have heard the testimony, listened to the debate but, frankly, find very little to disqualify Judge Carswell. He is a man of honor and integrity. One way to measure a man is the manner in which he accepts defeat. After the vicious attacks on him, and after his confirmation was rejected by a vote of 51 to 45, Judge Carswell said he was disappointed, he was not bitter, he was relieved but appreciated the confidence the President had expressed and the efforts of Senators who expressed confidence in him. He will remain a member of the circuit court of appeals.

I agree with the distinguished Senator from Colorado that in the Senate as now constituted the odds are against a southern jurist. Why take the risk and continue to divide the Senate and the country?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the President has chosen a course to unite the Senate and the country by moving from the South temporarily to find a strict constructionist whose nomination may be sent to the floor of the Senate quickly. I believe the President made the right choice.

I thank the Senator for yielding.

Mr. ALLOTT. I thank the Senator very much for his contribution.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ALLOTT. I have a little time remaining but I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the time of the Senator from Colorado be extended by 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I fully agree with the President that in view of the current makeup of the Senate it would be very difficult, if not impossible, to confirm any conservative Supreme Court nominee from the South. In that connection I want to subscribe fully with the views of the Senator from Colorado expressed in the past few minutes.

Both Judge Carswell and Judge Haynsworth were sound choices, men of character and excellent judicial records. The false, misleading, and groundless attacks to which they were subjected were merely a means of blocking the President from appointing a strict constructionist from the South. I deplore the personal attacks to which Judge Carswell and Judge Haynsworth were subjected, and and I commend both of them for the gentlemanly demeanor they displayed throughout their ordeals.

While I agree with the President that the South is underrepresented on the Supreme Court, I believe the important objective at this time is to restore as expeditiously as possible the philosophic balance to that body.

In view of the critical workload which faces the Court, I welcome the President's intention to appoint a new nominee in the near future. Now that we are assured that the geographical factor will no longer be a matter of pertinence in the selection of a new Justice, I urge expeditious hearings by the Judiciary Committee and subsequent prompt submission to the full Senate for its decision.

Mr. President, the President made it clear that he knows the real reasons Judge Carswell and Judge Haynsworth were rejected. He said:

> But when all the hypocrisy is stripped away, the real issue was their philosophy of strict construction of the Constitution . . . and the fact that they had the misfortune of being born in the South.

Then he added that, with its action of Wednesday, the Senate, as presently constituted, had let it be known that "no southern Federal appellate judge who believes in a strict interpretation of the Constitution can be elevated to the Supreme Court."

Mr. President, in all honesty, there is no question at all about that statement.

This Senate, as now constituted, is not about to name that kind of man to the Supreme Court.

The President, therefore, has temporarily turned to other areas of the country to find a Justice.

Mr. President, the people of the South may not like the truth, but they know the truth when they hear it and they will endure the truth, because the President has said "They have my assurance that the day will come when men like Judges Carswell and Haynsworth can and will sit on the High Court."

Mr. President, I should like to ask this question of the Senator from Colorado who has given this subject a great deal of thought. There has been some protest among Members of this body at the decision to forgo further consideration of conservative judicial nominees from the South. There have been protests because it has been said the candidates can be considered on their merits, and this body will seriously consider and favor the right kind of candidate from the South if there is nothing in his record that would militate against him.

The decision was not made solely by Members of this body. Powerful influences in this country have brought pressures to bear on individual Members of this body.

My question is this: Does the Senator from Colorado believe that these outside organizations, representing peculiar philosophies, and capable of great pressure, would submit to the naming of another judicial conservative coming from the southern part of this country? Does he believe they would not proceed against that nominee in the same manner as they did in the nomination of Judge Haynsworth and Judge Carswell?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I ask unanimous consent to have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I thank the Senator very much for his contribution.

In answer to his question, I do not think the activities of these people will subside. I think that they are vicious. I think that they are slandering. And when you talk about true liberalism and you consider the minuscule cases made against both Judge Haynsworth and Judge Carswell, I think you have to think about what real liberalism is, and that is the protection of the individual. What these people have put these two fine gentlemen through is inexcusable, in my opinion, in the relationship of any one human being to another.

A filibuster was extended in the Senate over weeks just in order that the forces which were going to oppose him could get their organization going in the various States and whip up a froth and build up antagonism first against Judge Haynsworth and then Judge Carswell.

Mr. HRUSKA. What would the Senator from Colorado think of the statements and thoughts which have occurred to others, that in many instances those who so ferociously pursued the irresponsible attack on the two nominations I have just mentioned are largely captives of their own organizations and their own following; that if they do not continue this pressure against additional southern nominees, there will be others in their ranks who will supplant them, rising to add their own vituperation and excoriation, and directing their own efforts to destroy nominees from that section of the country; and that we can therefore look for no favorable action upon nominees from the South who are conservatives?

Mr. ALLOTT. I think there is a great deal of truth in what the Senator has said. I think the real thing comes down as much to the words "strict constructionist" as anything else. They do not want a man who is a strict constructionist; and more than that, particularly they do not want a man from the South; but particularly they do not want a man who sits on the Supreme Court in the full concept of what a man is supposed to sit on that Bench for, which is the construction of the Constitution and legislative interpretation of cases that come before them, in accordance with the Constitution and the precedents which have been laid down.

Mr. HRUSKA. It has been suggested to the Senator from Nebraska that the President's decision to go beyond the South now is not a reflection against the South—and to that I heartily subscribe. Another idea has been advanced to the Senator from Nebraska, that if the President's decision reflects against anyone, it might be against this body. This certainly is a thought worthy of some introspection and I suggest that all of the Members of the Senate might do well to consider it.

Mr. ALLOTT. I thank the Senator very much for his comments.

The PRESIDING OFFICER. The time of the Senator has expired.

ORDER OF BUSINESS

Mr. MILLER. Mr. President, I ask unanimous consent that I may proceed for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR CONTINUATION OF THE SURTAX

Mr. MILLER. Mr. President, last December, those in control of the Congress made a decision on priorities—and the No. 1 priority was excessive tax relief. This decision was made, notwithstanding the urging of the President to preserve a substantial amount of the additional revenue picked up from extensive tax reform. It was made notwithstanding the unanimous recommendation of the Fiscal Policy Subcommittee of the Joint Economic Committee that a surplus of upward of $8 billion a year for both fiscal 1970 and 1971 be achieved as a means to slowing down inflation and easing the supply of money and interest rates. Indeed, the Fiscal Policy Subcommittee recommended that revenue-losing provisions in the tax reform bill, which was then under consideration, either be removed or reduced. I, myself, publicly advocated a modest amount of tax relief, with sufficient revenue left over from tax reform to provide a substantial surplus.

Because of the decision made by those in control of the Congress, the President was forced to present a very tight budget, keeping expenditures closely within the revenue which those in control of the Congress had provided. In my judgment, the slim budget surplus of $1.3 billion was not only too little, but it was very fragile. Perhaps this was the best the President could have done, under the circumstances of insufficient revenue, without causing severe hardship to the expenditure side of the budget. Indeed, the surpluses envisioned by the Fiscal Policy Subcommittee were premised on at least reducing the revenue-losing, tax-relief provisions contained in the tax reform bill. Moreover, when it is considered that the proposed spending budget for fiscal 1971 of $200.8 billion is only $2.9 billion more than that for fiscal 1970, the inflation factor alone makes it clear that real dollar spending will be considerably less than that for the fiscal year 1970.

I have said that the $1.3 billion surplus was "fragile." For example, it is dependent on congressional action increasing revenues by $1.6 billion through an increase in the social security wage base from $7,800 to $9,000 and extension of the excise tax on automobiles and telephones, among others. It is dependent on congressional action increasing postal revenues by $1.1 billion. It is premised on revenues resulting from a gross national product of $985 billion, although some forecasters estimate at least $15 billion less. And, of course, it is based on adherence by the Congress to the expenditure levels for various appropriations contained in the President's budget. One of these was the postponement of a Federal employees pay increase to next January, which has now been rejected by the Congress because it would have violated the comparability principle established several years ago by law. In the aftermath of the postal strike, pay increases retroactive to last January 1 have been enacted—1 year prior to the date proposed in the budget. This action, alone, has eliminated the $1.3 billion surplus. It is not difficult to find other items headed for an increase—education, funding increased benefits under the GI bill of rights, release of federally financed construction money, increased interest on the national debt. All of these total some $2.6 billion.

The administration has recommended that the pay increase be covered by increased postal rates and accelerated collection of estate and gift taxes. Even if these are enacted, and it is doubtful, it is likely that a budget deficit will show up.

Meanwhile, there is an increasing need for Federal revenue sharing with the States. Under the administration's proposal, some $275 million would be available for the last half of 1971, and this would rise to $4 billion by 1975. It is terribly important that this proposal be

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put on the books, and I appeal to my Democratic colleagues, who control the committees, to take action without delay. Not only in my State, but all over the country there is growing unrest over ever-mounting property taxes. The key to meaningful and sustained property tax relief lies in Federal tax sharing. Indeed, revenue sharing should begin this year—not in the last half of 1971.

For these reasons, Mr. President, I propose that the fairest approach to the revenue needs would be to continue the 5-percent surcharge instead of allowing it to expire this coming June 30. This would provide some $4 billion more in revenue—sufficient to not only cover the slippage in the budget to which I have referred but to enable tax sharing to begin promptly. The 10-percent surcharge was reduced to 5 percent, effective January 1 of this year, and this action alone will provide considerable tax relief for 1971. Moreover, as a result of tax reform, we now have the fairest tax base in the history of the income tax; application of a 5-percent surcharge will be far more equitable than was the 10-percent surcharge of previous years.

SHOCKING RISE IN UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, the 4.4-percent unemployment level for March is shocking. The country is faced with the unique economic situation of both high and rising prices and excessive unemployment. One condition is bad enough. To have both at the same time is intolerable.

Even more serious is the fact that while the administration projected unemployment at an average of only 4.3 percent for the entire year, the March figure has already exceeded that average. This means that unemployment will probably get much worse during the year.

Meanwhile, the administration's housing policies are so feeble that even if they are put into full effect, the administration predicts housing starts will be even less this year than last year's depression level.

What makes the present situation more dismal is the absence of any effective standby program to ease the burden of unemployment. I stress once more the unanimous recommendation of Republican and Democratic members of the Joint Economic Committee on the President's Economic Report:

> The administration should develop contingency programs to be implemented if anti-inflationary economic policies induce continuing unemployment or recession.

The administration has not done this. It should do it, and do it at once.

It should also be noted that March unemployment, seasonally adjusted, brings the total number out of work to 3.6 million, involving an increase of roughly 800,000 unemployed persons in 3 short months since the start of the year. Is this the way to solve inflation? Is the loss of production of goods and services by nearly a million Americans the way to bring prices down?

I do not think so.

SHOULD THE UNITED STATES END RESTRICTIONS ON LOW-COST FOREIGN OIL?

Mr. PROXMIRE. Mr. President, "The Advocates," one of the most exciting and interesting shows on television today, took up the question "Should the United States end restrictions on low-cost foreign oil?" in a two-part program, March 29 and April 5. This is a national educational television network presentation, and a great one.

The show presents a forum in which the pros and cons of important public issues can be argued and exposed to cross examination. Because of the skill with which the oil import program question was argued and the obvious importance of the issue, I ask unanimous consent that the transcript of the two programs be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. I think all the participants did very well, particularly my good friend Senator HANSEN who did his usual top flight job of defending the oil import quota program and Senator MATHIAS whose questions as decision-maker exhibited his keen mind and Martin Lobel, my legislative assistant, who was brilliant.

Nevertheless, I would like to make a few points that may have not come through as clearly as they should.

First. The present oil import quota program is costing the American consumers about $5 billion a year now and the cost will increase to about $8.4 billion a year by 1980.

Second. The only legal basis for the program is national security.

Third. President Nixon's own Cabinet task force on oil imports control after 11 months of exhaustive study concluded:

> The present import control program is not adequately responsive to present and future security considerations.

Fourth. Barry Shillito, Assistant Secretary of Defense in charge of making sure that our Armed Forces have all the oil they need, confirmed that the present program is not necessary for our national security in a statement to the House Interior Committee.

Fifth. President Nixon's task force concluded that, if we removed all import controls, letting the price of domestic oil fall to the price of world oil, we could meet 104 percent of our needs in 1980 without any rationing even if the Middle East cut off all their oil for 1 whole year. This is a very extreme assumption because many Middle Eastern countries are dependent upon their oil revenues for about half their GNP.

Sixth. We have discovered oil reserves in Alaska which are estimated to contain about 100 billion barrels of oil and new oil fields are being discovered all around the world, outside of the Middle East. Thus, there is even less likelihood of our being too dependent on one source of oil.

Seventh. If our domestic oil producers need an incentive to explore for new sources of oil, there are far more efficient means of giving them the needed incentives. The preferable method is by appropriation so that we have some idea of the cost-benefit ratio and we can be sure that those who are doing the actual exploring get the benefits, rather than as under the present system.

Eighth. If we need to maintain reserves of oil, there are far more efficient means of achieving this than the present program. The 2 trillion barrels of oil in our oil shale lands could provide a cheap source of needed oil with the investment of a little money for the required technology.

Ninth. If we decide to retain import restrictions on world oil, there are far more efficient methods of achieving our national security goals than the present program. President Nixon's task force suggested a tariff system rather than quotas. It has several immediate advantages for the Nation: it can be geared to be more responsive to our national security needs by favoring secure sources of oil, it would stop the handout of over $½ billion a year of import tickets to the major oil companies, it would increase Federal revenues by about $½ billion a year, and it would place a ceiling over oil prices rather than a floor under them like the present program, thereby helping to combat inflation.

The conclusion one must reach after considering all these facts is that there is no justification for continuing an obsolete, unnecessary, expensive program which only serves to insulate the oil industry from competition and to provide a gigantic subsidy to the major oil companies whose pocketbooks are already bulging.

The argument is made that the oil import quota program is like an insurance policy, but if that is true it is the only insurance policy that I know of in which the purchasers did not know what the cost of the policy would be or how much protection they were buying. Truly, that is an absurd argument.

The only justification for retaining the oil import quota program is political. President Nixon is going to have to make a decision—whether the health of the Nation's economy is more important than the chance of alienating some of his big oil supporters.

EXHIBIT 1

[Mar. 29, 1970]

THE ADVOCATES

Topic: "Should the U.S. end restrictions on low-cost foreign oil?" Part I.

Guest: Sen. Charles Mathias (R-Md).

Participants: Advocate Roger Fisher (con).

John Swearingen, chairman of the board and chief executive officer of Standard Oil of Indiana; Sen. Clifford Hansen (R-Wyo), member of the Senate Commerce Committee; Robert Burch, Denver, Colo., president Rocky Mountain Oil and Gas Association.

Advocate Joseph Oteri (pro).

Sen. Edward M. Kennedy (D-Mass) on film.

Walter J. Mead, ecologist and professor of economics University of California at Santa Barbara; Alfred Kahn, dean of arts and sciences at Cornell University; Martin Lobel, special assistant, U.S. Sen. William Proxmire (D-Wisc.)

Filmed Statement of March 8 Guest: Rep. Edward Koch (D-NY) announcing his decision on making contraceptive devices available to all.

Moderator: Victor Palmieri.

Origination: WGBH, Boston.

"The Advocates" is a public television network presentation of WGBH, Boston and KCET, Los Angeles made possible by grants from the Corporation for Public Broadcasting and the Ford Foundation.

Announcer. Tonight from Boston, coast-to-coast and in color, "The Advocates"—Roger Fisher; Joseph Oteri; the moderator, Victor Palmieri. And the man faced with a choice, Senator Charles Mathias of Maryland.

Victor Palmieri. Good evening. Every Sunday at this time "The Advocates" looks at an important public problem in terms of a practical choice. And tonight and next Sunday night the problem is oil. The practical choice is this: "Should we continue to restrict imports of lower-cost foreign oil? Now oil plays a crucial role in our lives from day-to-day—in our industry, our transportation, our homes and in our politics. And precisely because oil is so vital to our way of life and because the question of continuing restrictions on oil imports is so controversial, "The Advocates" is departing from its usual format. We're devoting two broadcasts to this one issue.

Advocate Roger Fisher says, yes, continue to restrict foreign oil, and he's going to be presenting his arguments tonight.

Roger Fisher. Senator Mathias, we should keep restrictions on the imports of foreign oil. These restrictions keep this cheap foreign oil from coming in. They assure us that we will have an oil supply when foreign sources are cut off.

With me tonight to present this case is the chairman of the board of Standard Oil of Indiana, John Swearingen; the Senator from Wyoming, Clifford Hansen, and a producer of oil from Colorado, the president of the Rocky Mountain Oil and Gas Association, Mr. Bob Burch.

Palmieri. All right. Advocate Oteri says no, abolish the restrictions and you're going to be hearing his case in rebuttal next week.

Joseph Oteri. Senator Mathias, there is absolutely no economic justification for these quotas. There are no national security justifications for the quotas. The whole quota system is designed to inflate the profits of the oil industry at the expense of the consumer. This system endures because of the stranglehold the oil industry has on the government of this country. We will present our case in full next week. Our witnesses at that time will be Senator Ted Kennedy on film; and with us then, as now, will be Dr. Walter Mead from California; Dr. Alfred Kahn from New York and Mr. Martin Lobel from Washington.

Palmieri. Well, thank you, gentlemen. You've heard the issues. Join us now for a quick guided tour of oil country.

Film—Up here in Machiasport on the Maine coast, no matter how deep you'll dig you'll never find oil. Clams, maybe, but no oil. Yet oil is needed here badly—to warm houses, run cars and power the fishing boats. Most of the oil we use here in the Northeast comes up from Texas and Louisiana and it costs a lot of money to get it here.

But finding oil in the first place, that's really expensive. This is the North Slope in Alaska. They think they found a lot of oil here. The cost so far, well over a billion dollars, and it will cost billions more to get this oil to market. You see, it's nearly three thousand miles to the nearest state-side refinery.

It also costs a lot of money to produce oil. Forget all those old movies you've seen where the wildcatters strike oil and it gushes up covering Rock Hudson with riches. It just doesn't happen like that anymore. Over the years they've punched enough holes in the prairie to lose the natural pressure. Now it has to be pumped out. Half the wells in Texas average less than ten barrels of oil a day. Inefficient perhaps; costly, sure.

Now here in Wyoming they've got a different source of oil. There's a lot of it. But it's going to be difficult to get it out. Because instead of it being in huge underground pools, it's trapped in rock. The idea is to squeeze the oil out of the rock deposits. They know how to do it. But it costs plenty.

Here's still another way of getting at oil. This rig off the Louisiana coast was floated 36 miles out into the Gulf in pieces. And then assembled here. The hole goes down 14,000 feet into the Continental Shelf. The risk of something going wrong on one of these rigs is high. Something did go wrong last year. In the Santa Barbara Channel. And the oil companies are still trying to clean up the mess.

By the time the oil has been found and pumped up and then carried by tanker into New York, the oil men have to get over three dollars a barrel for it. Now that ship over there isn't carrying oil found in this country. It's full of foreign crude from the Middle East. Those people have got oil.

Plenty of oil here and it's easily available. The average well produces five-to-ten thousand barrels a day. Two hundred times that of the average Texas well. These fellows in the Middle East can produce and ship a barrel of oil to New York for $2.00. But even at that price we don't buy very much of it. That's because President Nasser of Egypt shut down the Suez Canal once during the late fifties and eleven years ago when Dwight Eisenhower was President, people became worried about where our oil was coming from and just how reliable foreign sources might be in times of crisis like Suez.

So the Congress authorized the President to limit the amount of foreign oil that could reach our shores. Quotas were established. And we've still got them. Let me see if I can explain this to you. By limiting the amount of cheap foreign oil entering the country the government guarantees to the oil man in Texas, and in the other oil producing states as well, a ready market for their more expensive product. The folks in Maine and Vermont along with oil consumers all across the country end up paying more for gasoline, more for their heating oil, perhaps five billion dollars more every year. Some have argued that's a small price to pay for national security. All this makes Maine a particularly good place to talk about the import quota system. Because every citizen of Maine pays $41 a year to support the inflated cost of oil. And out there in Machiasport harbor, the Occidental Oil Company wants to build a refinery to process its cheaper foreign oil. It'll never be built unless the quota system is lifted.

Palmieri. Well, sitting next to me is Charles Mathias, Republican junior Senator from the State of Maryland. Senator Mathias has not yet made a decision on the question of continuing restrictions on oil imports. But his vote on this issue in the Congress, where most senators have already committed themselves, is going to be critically important to the outcome of the controversy.

Senator, are you concerned about the influence of oil on our lives and on our government?

Senator Charles Mathias. Well, Vic, you'll remember that Napoleon said that the French armies traveled on their stomachs. In our case, the Army, the Navy, and the Air Force all travel on oil. On top of this military aspect, the petroleum industry is probably the biggest single industry in the United States and so I think all of us have to be concerned with the larger issues of oil and the petroleum economy.

Palmieri. Senator, this question of restricting foreign oil imports puts an issue before our national audience tonight, the economics of the oil industry and to a large extent, the politics of the oil industry.

Well, ladies and gentlemen, we ask each advocate to present not his personal opinions but, as you know, what he considers important responsible arguments. So let's go to tonight's argument.

Mr. Fisher, is it worth five billion dollars a year to protect domestic oil production?

Roger Fisher. Yes, because the conflict is between our national security and spending a few pennies more—perhaps as much as 2 cents a gallon more for our fuel. That issue has been recently studied, I should say, before we get into it by the Presidential task force to which we'll be referring tonight. They have just produced their report, the oil import question, 360 pages of study after a year's work. The task force, the Cabinet, recommended for the first time a slight reduction in the controls, some easing of the controls. Rather than debate the particular proposal they came up with, I'm putting the case for keeping the present restrictions about as they are. No relaxation of the restrictions. Mr. Oteri's putting the case for working toward free trade in oil, phasing out all restrictions in a couple of years.

Now, there's no dispute about one part of this question. That is the importance of oil. The petroleum industry provides 75 per cent of the energy, of the power, electric power, transportation power in this country all the power we use—water power, hydroelectric, is very small. It's gone up almost not at all, very gradually to 65–70 in the fifteen years we're talking about—from now until 1985—we're worried about, water will not increase. Coal has decreased. Coal during World War II you can see, it was high. Now coal is down, projected increase slightly by 1985. Petroleum—oil and gas—oil and natural gas about equally divided—has shot up and is expected to continue to increase—nuclear energy will take more if it comes in as predicted. But there is no question that oil is just the big source of power, not merely for the Army, the Navy and the Air Force, but for the entire country as well. It is . . . can properly be called the life blood of our society. Could we have a film on that? I think I have a film showing the role the oil plays in the American society.

Film.—Oil, fuel, 65 per cent of all American industry. Electricity is also important but oil and gas generate one-third of the nation's electric power. Transportation: 99 per cent of the nation's transportation, almost everything but walking and riding a bicycle, depends on petroleum and even when you ride a bicycle, 90 per cent of the roads are paved with petroleum. One jet airplane eats up 1800 gallons of fuel an hour. Without oil, our entire Strategic Air Command, the entire Air Force would be grounded. But oil is not only crucial for national security, it let's us enjoy life. Petroleum is transformed into 3,000 products like clothing and fertilizers for everything we grow. By doing most of the work done in this country, it gives us freedom to enjoy leisure time. Of course, we could always risk losing our petroleum supply. We don't have to live this way. We could give it all up. Our industry, transportation, national defense, leisure time and all the consumer goods that petroleum provides. But is that the sort of life we want? (End of Film)

Fisher.—Senator Mathias, we can't give it up. We've depended on it too deeply. Transportation as you've seen, all our power, every way we live, everything we do. And it's irreplaceable. There's no way in which you can fly those airplanes with coal or water power. Even the battery powered car, most of the electricity for the generators will be using petroleum to generate. It's our lifeblood; it's irreplaceable and it takes a great deal of effort to produce it. Here to discuss with us and explain what is involved in getting that oil from the ground to the refinery is one of America's leading oil men, the chief executive for the past ten years of Standard Oil of Indiana, John Swearingen, chairman of its board.

Palmieri. Mr. Swearingen, welcome to "The Advocates."

Fisher. How much of a job is to get oil?

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Swearingen. It's a very difficult, costly, and complex and I might say exciting job, too. We have another little film here I think that might be helpful as an introduction to show you something about how we go about finding oil.

Fisher. Very good. Could we . . .

Film.—Prospecting for oil. A pick will take you only so far. Today's equipment is big. Planes with magnatometers to measure differences in rock formation. Earthquake machines to send shock waves to the depths of the earth. Seismographs to record echoes from underground hills and valleys. Computers to analyze and refine the data. Our maps peel back the earth's surface. But all they show us is where the oil might be. You're never certain until you drill. Miles of pipe, tons of cement casing, hundreds of thousands of barrels of diesel oil to run the rig, dozens of drill bite, and when one wears out, every foot of pipe has to be lifted out, and there may be miles of it. It can take six months or a year, the same laborious task 24 hours a day until you hit the place where the maps, the magnatometer, the rocks, the seismograph, all say the oil lies, and then—nothing.

In a new field, eight out of nine wells are dry. Only one in fifty makes a profit. When a well does produce, it means more pipes and pumps to keep the oil flowing. Often hundreds of miles across a continent to the refineries. As technology increases, we turn more and more to the ocean. And this means more big risk, big equipment, big investment. Monsters of steel towering derricks at sea. Massive pipe forms that are towed from ocean to ocean. Ten million dollars before they ever get to the sea. Usually the big problem is finding oil. In Alaska, the problem is to get the oil out. Humble spent 40 million dollars to outfit a huge tanker as an ice-breaker and last year the S.S. Manhattan battered its way through the Northwest Passage. To date, the oil industry has invested more than one billion dollars in Alaska and not sold one gallon of oil.

Fisher. Mr. Swearingen, now much of our domestic oil consumption is now dependent on domestic oil and how much do we import foreign oil?

Swearingen. Well, at the present and for some time past our country has been supplying from domestic sources about 80 percent of what we require. About 20 per cent from abroad.

Fisher. I have prepared on the chart the estimates of the task force as to what would happen to our oil dependence if the import restrictions were abolished. Now, let's just see if we can explain that chart and you can tell me where you agree with it and where you disagree with it.

Swearingen. All right.

Fisher. At the present, from 1960–1970, the ten years of import controls, our domestic U.S. oil—this whole bottom clock supplied about 80 per cent, slightly going down from more than 80 to about 80 per cent of total U.S. consumption. Total U.S. consumption line is going here and is expected to go on up. The task force said that if restrictions were continued, this would all be domestic and the top would be foreign. If restrictions were removed, domestic consumption would go down and foreign oil would take up about half of our domestic requirements. Is that a radical guess or what?

Swearingen. Well, this was a guess. It was made and I will have to say, literally, it was a guess made largely by academic people. There was some information furnished by the industry, but it shows even on this basis that about half of our requirements in 1980—ten years hence—would come from foreign sources.

Our own projection of this indicate that a somewhat larger portion would come from abroad and there's some considerable controversy as to how much of this will come from the Middle East, how much from Latin America and how much from Canada. You've shown a chart here up through 1980 but I'd call you attention to the last few years of this chart and say to you that a projection out through 1985 in my opinion would show us dependent upon foreign sources for oil of something like 75 per cent if the proposition were adopted that foreign oil could flow into the United States . . .

Voice. Is there a reason why the other third of the audience can't see this chart you're showing here?

Fisher. Sir, I'm sorry, if you look at the monitor it may be on the monitor.

Voice. It's not on the monitor.

Fisher. I'm sorry for you but we have a million audience watching it, we'll try and let them have a chance . . .

Palmieri. We're going to take special pains to take some time with you . . .

Fisher. It's on the monitor now. You can see it.

Palmieri. Thanks for letting us know.

Fisher. All right, you say it will continue to come down further.

Swearingen. Yes, I do.

Fisher. If we have it. Now what would happen to the industry if we removed the restrictions on foreign oil?

Swearingen. Well, the first thing would happen is that there would be a very decided and immediate reduction in the amount of money that's spent for exploring for new sources of oil in this country. After all, there's nothing that requires any company or any individual to spend his money looking for oil in the United States. The only reason he spends his money looking for oil is because he thinks it's going to be an attractive investment and more so than if he put it into IBM stock or any other electronics company or even fishing for lobsters in Maine. So, if in 1970 here the oil import restrictions were completely removed, I can assure you that my own company's attitude would be to see-saw—to severely limit our exploration activities and I'm sure this would be followed by many other people who are active in the industry.

We would end up laying down our drilling rigs and incidentally they are now at their lowest level of activity than they have been in 25 years. We'd lay down our seismograph equipment which you saw in the film. We would end up severely curtailing our organization of geologists, geo-physicists and other technicians that we have trained over a long period of time and management's attention would turn elsewhere.

Fisher. Now if that happened, import controls removed, in 1980 or 1985 that's the state of your industry and then some of our foreign oil sources are prejudiced. How quickly could you turn on the faucet for us? How quickly could you pick up the oil? Return it?

Swearingen. Well, you could turn on the faucet but you wouldn't get much more than a trickle out of it. By 1980 here we estimate that the reserve producing capacity, that is what the wells can produce in addition to what they would then be producing would be no more than about a million barrels a day in terms of say a 20 million barrel or nearly a 20 million barrel a day requirement. Now, for a short period of time and about this I mean something about 6 months perhaps we could gut the wells that we have. And produce a somewhat larger quantity. And perhaps we could use inventories for a period of time. We generally carry something like 40 to 50 days inventory of supply in the country but you'd quickly run out of these sources. And then the only way you can beat your way back to a position of supplying our requirements in this country is going to be to start out again, build up this organization, acquire equipment which has long since fallen into disrepair and been junked and you may be ten or twenty years in trying to close the gap between what we would produce ourselves and what we would be dependent on—primarily, now, the Arab world.

Palmieri. Mr. Fisher, I think we'll go now to Mr. Oteri for cross-examination.

Oteri. Mr. Swearingen, you tell us that by 1985, we would be 75 per cent dependent on foreign oil. Is that correct?

Swearingen. Yes, I think there's a very good likelihood of that.

Oteri. Does your calculation include the reserves in Alaska?

Swearingen. I don't know how much reserves are in Alaska, nor do I know how much is in Maine.

Oteri. Okay, so that you do know that in Alaska there is a field that has been discovered and people have just paid a billion odd dollars of their own money for the right to drill and that the task force says that there is a conservative estimate of 50 to 100 billion gallons of oil in that particular field?

Swearingen. 150 billion gallons? I think you're right, Mr. Oteri.

Oteri. No . . . 150 . . . barrels, sir. I'm sorry.

Swearingen. Well, I think your statement is absolutely correct.

Oteri. Okay. You disagree with the task force on that particular projection.

Swearingen. No, I disagree with the task force opinion on this. There is no way in the world that anyone can say how much oil is in Alaska today and that calculations as to how much is there are absolutely way out in left field.

Oteri. Despite the fact that the oil industry pumped a billion dollars in for the right? Your film here that they just showed us of your tanker going up and breaking the ice to get to Alaska, that's a forty million dollar tanker.

Swearingen. Mr. Oteri, have you ever been hunting or fishing? Have you ever gone out and bought a license to go hunting or fishing? They don't guarantee that you are going to find anything, or shoot or kill anything . . .

Oteri. No, but, sir . . .

Swearingen. . . . and this is the same principle under which these leases were bought in Alaska . . . the industry bought hunting licenses with the expectation, incidentally that the oil import control program in this country would remain essentially as it is today.

Oteri. And the industry bought these hunting licenses based on the scientific kind of test that they do. You showed us your seismograph machines and your tornado makers checking for oil, didn't you?

Swearingen. We certainly did.

Oteri. Now I'm sure the industry didn't throw a billion dollars . . .

Swearingen. Mr. Oteri, would you like to buy an interest in our leases up there? We'd be happy to sell you some of our leases.

Oteri. Sir, I wouldn't put ten cents into oil.

Swearingen. Well, I'm just trying to explain to you the only reason that this money was spent was because people expected to make a profit by developing oil up in that remote, difficult country.

Oteri. Let me ask you this, sir. The oil industry is the largest industry in the United States according to the fact sheet.

Swearingen. No, it is not.

Oteri. Then the fact statement is wrong when it says that?

Swearingen. Well, who said it was a fact? I say the construction industry is the largest.

Oteri. All right. It's one of the big industries, is it not?

Swearingen. It's one of the biggest . . .

Oteri. And it's run by highly competent professional men like yourself who have stockholders they have to report to and who have interests in the corporation in the form of options and all the rest of it, and you don't throw a billion dollars of your stock-

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holders' money down a rat hole unless you've got a pretty good expectation that you're going to get a return.

Swearingen. Mr. Oteri, I appreciate your compliments, that's very kind of you . . .

Oteri. If I buy oil stock, I'll buy yours.

Swearingen. Well, thank you very much. I appreciate your confidence in me. We did not spend it ourselves a hundred, a billion dollars in Alaska. We . . .

Oteri. I'm sure of it . . .

Swearingen. . . . spent our own company, approximately a hundred million dollars.

Oteri. A hundred million dollars!

Swearingen. One hundred million dollars . . .

Oteri. That's ten per cent of the billion . . .

Swearingen. . . . for our company alone. We did so in the hope and the expectation that we can find sufficient quantities of oil to justify that expenditure and if we don't it's going to be my responsibility to go before the shareholders and tell them why we did it.

Oteri. I'm betting you do. By the way, sir, let me ask you this, too. You made a statement that the reduction in exploration would follow and the business, the industry, would no longer be as attractive to investment capital. Isn't that correct?

Swearingen. Yes, sir, I did.

Oteri. Is it fair to say, sir, that the industry at the present time with the quotas is attractive to investment capital?

Swearingen. Yes, it is but at the same time it is not as attractive as it has been and this is reflected in the steady decline in the exploration activities that's gone on in this country in the last ten years.

Oteri. In other words, right now, the industry is back down to around 12.9 per cent return on its capital investment which is about par with all the other industries.

Swearingen. It's a little bit lower than all the manufacturing industries . . .

Oteri. . . . and it's lost its attractiveness . . .

Swearingen. . . . and it's just about the same as a regulated public utility, Mr. Oteri.

Oteri. Now do you want to get it back up . . .

Swearingen. . . . a monopoly industry, incidentally.

Oteri. You now want to get it back up so it will attract more capital, right?

Swearingen. Well, I say to you that isn't your question. Your question to me was what would happen and what I'm saying to you is that if the attractiveness, the economic attractiveness of the oil business is diminished, the capital that is now flowing into it will flow into other directions. And it will start immediately.

Palmieri. One more question, Mr. Oteri.

Oteri. All right. May I ask you, by the way, this chart over here is a chart that was prepared by the oil industry and presented to the Senate at the Hart Committee by Mike Wright, the chairman or the president of Humble Oil in 1969 and it did not when it was presented then and when the facts were later put in the task force report include the Alaska reserves in this kind of a figure, did it?

Swearingen. I'm not familiar with that. My understanding about this chart—I correct you in this, sir, in that this was based on the figures in the task force report which are—you had there in your hand.

Oteri. May I show you a copy of The Lamp, which is the ESSO Standard Oil Standard of New Jersey magazine and 1969. Is that the chart we have on the board, sir?

Swearingen. No, it's not.

Oteri. That is not the chart?

Swearingen. If you will take a look at this chart you will see that here you have two bands, three bands, down on the bottom and you have only two bands up here, one band up here at the top . . .

Oteri. . . . but, sir, it's . . .

Swearingen. It's obviously a completely different chart.

Oteri. No, sir. No, sir. Look it's all oil . . .

Swearingen. . . . well, it is, Mr. Oteri . . .

Oteri. . . . it's all oil . . .

Swearingen. . . . it's a completely different chart than the one we had on the board . . .

Oteri. . . . it never happened, it never happened, it's all oil with the . . .

Swearingen. . . . it's a completely different chart . . .

Palmieri. How about letting our national audience and Senator Mathias and me in on your secret there, gentlemen?

Oreri. I'm sorry . . .

Palmieri. Are you . . .

Oteri. I'm finished if you say I don't have any more time.

Palmieri. Well, I don't know. If you have something real interesting I think we might examine it . . .

Oteri. This is the chart where we maintain . . . although the figure . . . the statements are different, it's all oil and oil products below. Here's where the 51 per cent comes from, up on this end. And I was just curious as to whether or not that chart, when it was presented by Humble Oil in '69 included the Alaska oil reserves.

Palmieri. All right, fine. Mr. Swearingen, thank you very much for being here tonight.

Mathias. Mr. Fisher, at this point I just want to keep the record straight. Your argument and that of your witness up to this point has dealt with the production of oil and I want to be sure whether or not you're making a distinction between oil producers and oil refiners.

Fisher. Yes. The only issue we're discussing is the importing of crude oil from abroad. No one contemplates putting this country at the mercy of foreign refiners. Mr. Oteri himself suggests, would suggest that the refining capacity stay in this country and that we import foreign crude oil at cheaper prices. So the whole cost, the whole problem we're facing is should the United States keep the price a little higher in order to have its own safe sources of crude oil in this country—the oil that comes out of a well and rather than getting that oil from abroad, we would continue to refine here. Now that chart is the chart based on the figures the task force produced in February 1970 after Alaska was known. Those figures reflect their estimates on it. Now to consider what it would mean to this country to have more than half its oil coming from foreign countries is a man who must face security problems, a senator from Wyoming, Clifford Hansen.

Palmieri. Welcome, Senator.

Fisher. Now, Senator, you're from Wyoming and that's an oil state, is that right?

Senator **Clifford Hensen.** Well, that's one of its attributes; it has many.

Fisher. You have special interests in protecting those interests of your state?

Hansen. Oil is very important to Wyoming. We also have some great agricultural productions out there and we're becoming a very important tourist state. We hope you'll come and see us.

Fisher. And you're concerned with protecting that industry, naturally, as every senator is concerned.

Hansen. I'm sure every senator is concerned. I've joined with Senator Kennedy, Senator Edward Kennedy and his late brother Robert Kennedy and going on a bill that would restrict the imports of textiles into this country, because of the loss of jobs that it brings about, because of the threat that it would pose to the economy of New England. I joined with Senator Proxmire in trying to limit dairy imports. Despite the fact that they're only one and a half per cent of the amount that we consume in this country, he is worried just as I worry about oil.

Fisher. But tonight I want to talk to you about the national security interest. And not the protectionist aspect primarily. We're concerned, as the statute now authorizes, the President to act to protect the national security and we're hoping that Congress, if need be, will keep that protection. Now, what would the effect be on the day-to-day feeling of senators if more than half our oil were coming from foreign countries? What effect would that have on our foreign policy?

Hansen. I'm sure it would have a very dramatic effect. In the first place we couldn't be oblivious to the political problems that may arise in various countries throughout the world—all of the intrigue all of the terroristic activity which today seems to characterize more and more countries would be of immediate concern to the United States. I should think that we would find ourselves embroiled in every little problem that came along if we had to depend upon foreign countries for a major share of a resource as important to us as is oil and natural gas.

Fisher. If we were having oil from a small Arabian state, one of the sheikdoms on the Persian Gulf, and they wanted to be admitted to the UN, do you suppose our vote would be unaffected by our oil?

Hansen. Well, I would certainly say that we would not be unconcerned with their interest in getting into the UN. I think it would be obvious that we would be.

Fisher. If we had been getting oil last year from Nigeria—as we would be in the future presumably—could we have stayed out as easily of the Nigerian problem or would we have. . . .

Hansen. Well, the answer, of course, is an emphatic no. We couldn't afford not to consider first of all our dependence upon a source of supply that was in the hands of a foreign country and whether it was Nigeria or whatever country it might be we'd have to be interested just as I know England today and France today is interested.

Fisher. Do you suppose the French sale of Mirage fighters to Libya was independent to the fact that France gets 20 per cent of its oil from Libya?

Hansen. Well, I am sure the French government was not unaware of that fact.

Fisher. We've already been accused sometimes of being pro-Arab in the Middle East because we now get three per cent of our oil from the Middle East. What would it be like if we got thirty per cent of our imports?

Hansen. Well, I think that probably everyone can answer that question to his own satisfaction . . . I have my idea.

Fisher. We have the Seventh Fleet now in the Mediterranean.

Hansen. We spent a lot of money keeping that fleet there and obviously if we were to have to depend upon those Middle East Arab nationals I suspect that we might have an entirely different ball game going there than the one which presently characterizes our foreign policy.

Fisher. Now before we look to possible crises of future, I'd like to refresh in your mind and in the mind of Senator Mathias some of the incidents that we've had. Let's look to the risks, the problems of our recent past.

Film.—In World War II we had to supply oil not only for our own war effort but also for our allies. The Atlantic became a graveyard for oil tankers. Rationing was serious but think how much worse it would have been if we had depended on oil from abroad. And even if we are not at war we can be affected by events with an exporting country. It's happened before.

Iran in 1951 nationalized the Anglo-Iranian Oil Company. The result: the British left. And Iran exported no oil for three years.

In 1956 Nasser seized and blocked the Suez Canal forcing tankers to detour around Africa to Europe. U.S. oil averted a serious shortage in Europe. In 1963 civil war seriously interrupted Indonesia's exports.

In the third Arab-Israeli War of 1967, the Arab nations for a while cut off all oil to the

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United States, England and Germany. And Nigeria's recent civil war with Biafra reduced its oil exports by 70 per cent.

Fisher.—Should we become dependent upon foreign oil, Senator Hansen? On Venezuelan oil. Should we count on the Venezuelans always being friendly?

Senator Hansen, I'm going to let Mr. Oteri get his questions to you now on cross, but this map shows where the task force estimates our oil will be coming from in 1980—37 per cent of the imports from the Arab states and the others, as you can see, from Iran and Nigeria, some from Indonesia, 36 per cent from Latin America. Mr. Oteri?

Palmieri. All right, Mr. Oteri.

Oteri. Senator, you seem to be somewhat afraid that the Arab nations would have us by the throat were we to purchase 37 per cent or 50 per cent or actually 18, 18½ percent of our domestic oil, or the oil we use in this country, from the Arab nations. Is that right? This bothers you, worries you?

Hansen. I don't think we have to be concerned about all the Arabs having us by the neck. What I say is that just one Arab terrorist could have us by the throat. It just takes one man to blow up a pipeline, to destroy a refinery. It wouldn't take very many. It could just take one. But if we ever become dependent upon the Arab nations or Indonesia, or any other foreign country, I think we automatically lay ourselves liable to all of the political problems, the intrigue, that may come about so that anyone, just one person, could shut off that oil supply.

Oteri. Now, you feel this is a definite threat to the national security of this nation.

Hansen. I feel that it is because I am aware of what the Department of Defense, I'm aware of what former President Kennedy said, former President Eisenhower said, former President Johnson said. Everybody . . . every study that has been made in this country reconfirms the premise that oil is of vital importance to this nation—99 per cent of our transportation depends upon it. Our economy depends upon it. We just cannot take that chance.

Oteri. We certainly will concede that oil is important but you—I'm sure you knew a fellow named Sherman Adams who was the right hand man of President Eisenhower. Do you agree with his quote from his recent book, Sherman Adams Memoirs, that the imposing of import quotas on oil was primarily an economic decision?

Hansen. I think that the . . . I have not read Sherman Adams' book but I would say this, primarily the ability of the oil industry to deliver its product to this country in terms that will satisfy our growing demands, is an economic decision there's no question about the availability of oil. The USGS says we have within the continental United States and out to the two hundred meter isobath, 2 trillion barrels of oil in this country. The problem is not whether we're going to use up the resources we have. The problem is will we give sufficient economic incentive to an industry to supply the technique, the technology . . .

Palmieri. Will the Senator from Wyoming yield to the Senator from Maryland?

Hansen. I'd be happy to yield.

Mathias. Right on that point, Senator Hansen, in other words you feel that there is no need to hold back on the consumption of our own domestic resources. We will have plenty in the event of a national emergency in the future. That we won't draw down and . . .

Hansen. I think that statement is borne out by the USGA by the Department of Interior. They say we have two trillion barrels of oil within those limits that I described and we have one thousand, two hundred forty seven trillion feet of natural gas. Our job is to go out and find it.

Mathias. And so you don't think it's necessary to use other people's oil until we really need our own.

Hansen. Well, the trouble with doing that is that when we need our oil—when the crunch comes on, if a six day war comes along, you can't keep all of those professional people in mothballs or in cold storage to have them available. We've got to have an industry that knows how to operate, that is operating so that we will never become dependent upon the snap of some dictator's finger which will make it impossible for us to get the continuing supply that we may have built up as a dependency for in another country.

Oteri. Senator, you don't really believe that the American oil industry would go just completely out of existence and even if you did the simple fact of the matter is you tell us that the economic subsidies, the support for this tremendous industry that's so important to us are the key to your consideration. Are you familiar with section 332 of the Trade Expansion Act which says that the only legal justification for any kind of quota is national security?

Hansen. And that's justification enough as far as I'm concerned. I want to keep this country so that no one can question so that no one can raise the point are we going to be dependent on somebody else? I think that's adequate.

Oteri. Well, don't you think then we ought to support beef and shoes and dairy products and everything else and just shut off the whole world—close out the market and be a self-contained little island where we can starve to death slowly?

Palmieri. Senator, I'm going to save you from having to answer that question and thank you for being on "The Advocates" tonight.

Mr. Fisher, before you call your next witness, I want to remind our audience, and particularly those who tuned in late, that you'll be presenting your entire case tonight. This is a different way of doing it than we usually have. Mr. Oteri will be responding on next Sunday's program with his arguments and his witnesses against these restrictions. That's a week from tonight on April 5th. Now will you proceed with your case.

Fisher. Senator Mathias, that's our discussion of the risks of national security. We would become dependent on foreign oil; we could not replace it quickly with our domestic industry and there would be great risks, political risks of terrorist pipeline interruptions, all kinds of embargoes and so forth. That's the risk the quota protects us against.

With my final witness, I want to look at the cost of that insurance policy. What is the cost of our national security insurance policy? What are we paying an oil producer? For twenty years, president of the Rocky Mountain Oil and Gas Association, Bob Burch.

Palmieri. Glad to have you with us.

Fisher. Mr. Burch, can we get this insurance for free?

Robert Burch. No, sir.

Fisher. What is the cost to the consumer of the national security insurance that we're talking about? What does the consumer pay?

Burch. The estimates of the task force, which I don't necessarily agree with, have been that it has a possible cost of five billion dollars.

Fisher. Five billion dollars a year is the cost of the premium which the consumers and taxpayers—that's the gross premium. Now do you accept that cost?

Burch. No, I do not.

Fisher. Could I look at your . . .

Burch. There are many offsets to that, as I'm sure you can see here. In other words, if we start with their assumed costs of five billion dollars . . .

Palmieri. Mr. Burch, let me find out . . . can the audience see that chart? You can't?

Fisher. The chart is a little arithmetic which says the national security insurance—the gross cost to the consumer—is at five billion and then it has three subtractions. Let's look at those. Natural gas saving: one billion dollars. What's that?

Burch. Well, that's the difference in cost. You see natural gas is produced in association with oil. We sell just as much natural gas to the American consumer as we do oil. They're roughly equal on a BTU basis. When you look at the increase that it would take to bring forth the supply in the future—that is the cost that we're talking about—they use the figure of a billion dollars; we use a figure much higher than that but just for the sake of comparison why . . .

Fisher. This is the task force—says the figure could be as high as a billion dollars for increased cost in natural gas consumers by saving the cost, reducing the cost, of oil. Now, what are these payments to the federal government?

Burch. They're income taxes, lease payments, royalties going directly to the federal government out of the oil industry.

Fisher. If the consumer did not pay those, he would have to pay some other taxes to the federal government. How about taxes to state and local?

Burch. Those are production taxes—to state and local governments.

Fisher. You get a figure that could not exceed three billion dollars per year. If you divide that among the total oil we use—gas, and heating oil—what's that come out on a rough average per gallon cost?

Burch. We estimate about 1.9 cents per gallon.

Fisher. 1.9 cents per gallon. If you burn 700 gallons in your car it's less than 14 or 15 dollars for that automobile over a year.

Burch. That's right per capita.

Fisher. Now, if we drop that insurance, we lose our national security. What else do we lose?

Burch. You lose a great many jobs, benefits to the economy. You lose roughly 70,000 direct jobs. You lose 210,000 indirect jobs. You lose royalties to the land owners which as I recall is around 700 million dollars a year. You lose to the three million stockholders that—in fact there's in excess of 3 million stockholders—one out of seven stockholders that own any stock at all, own an interest in the oil industry—and you lose from the economy the amount of balance of payments over two billion dollars.

Fisher. Now if we come out with an average cost of 1.9 cents or even the five billion dollars which would be four cents of 3½ cents, is that cost imposed absolutely equally across the country?

Burch. Pretty much. There is some variation as far as product prices are concerned that's due largely to competition across the country but it's roughly equal.

Palmieri. One more question.

Fisher. Natural gas is a little unequal.

Palmieri. One more question.

Burch. Oh, yes, there's no question about that. They leave out in their arguments, of course, they ignore the natural gas industry almost completely.

Fisher. There's the retail price per gallon as of December '69 showing that the Boston retail price is only three-tenths of a cent above the U.S. median. This is heating oil price, retail price per gallon. It varies—Seattle, 20 cents; New York, 17.9; Chicago and so forth, but its distributed across the country somewhat unequally, but not too far out of line.

Palmieri. Let's see your final chart, Mr. Fisher, and then we'll go to cross-examination.

Fisher. The final chart shows—meets Mr. Oteri's point that the oil company is making a killing. Is the oil company getting paid a lot more than other companies on their investments?

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Burch. Obviously not. No. We have a very median type return. I think John Swearingen has already covered that. Our return is good enough. It has been at least at the time to attract the capital. It is declining and it is below the all manufacturers . . .

Fisher. During the ten years of restrictions—this is drugs and medicines way up at the 20 per cent return on investment; electrical, autos, and trucks—the whole auto industry is here—and down below the average, is the oil industry in terms of percentage return on investment—the critical figure in getting new investment into the business. Mr. Oteri?

Palmieri. All right, Mr. Oteri, for cross-examination.

Oteri. Mr. Burch, may I ask—we've had the quota system for approximately ten years, have we not?

Burch. Eleven, I believe.

Oteri. Eleven. And in the past ten years your industry has had a decline, has it not in its attractiveness for capital on its return on investment, is that correct?

Burch. The amount of capital going into—the industry borrowed has been steadily increasing, yes.

Oteri. So that when you had free trade in oil, you were getting more money than when you had this quota system?

Burch. We were faced with entirely increasing costs. They're not comparable at all.

Oteri. They're not comparable . . .

Burch. The amount of money going into the industry is going up every year.

Oteri. Right. Now may I point your attention to this chart. You tell us that the cost of oil is roughly the same all across the United States, is that correct?

Burch. That is the price of heating oil. . .

Oteri. That's heating oil, correct? And gasoline oil doesn't vary too much either does it?

Burch. Not too much, no.

Oteri. But yet, sir, based on the table A–2 from the task force report, the estimates of the total per capita consumer costs in 1969 of the important program—let's just look. Chicago is in Illinois. The cost is 22 dollars per person per year. A total cost in Illinois the consumers pay of 245 million dollars a year to the oil industry.

Burch. How very conveniently of course you leave out any offsets and benefits to the economy as far as this was concerned which makes it kind of a ridiculous conception.

Oteri. Absolutely, sir, like dividends to the three million stockholders at the expense of the consumers. In Massachusetts, sir, here in Boston, we pay 35 dollars per person more each year than we would have to pay for our oil for a total of a hundred and 90 million dollars going out to the oil industry. And the other figures are all the same. I'm sure you know them better than I do.

Burch. I don't know about that, but the thing is aren't you giving us credit for having anything to do with the American economy as far as benefits . . .

Oteri. Yes, I certainly am.

Burch. Well, you're really not. The thing is that you're using a kind of ridiculous argument. It's just the same as if you compared the cost of American labor with the Chinese coolies. The thing is that if you really want to follow that line of economic reasoning you would actually eliminate the immigration quotas into this country and . . .

Oteri. Then we can make coolies of the people here.

Burch. Yes, and pursued along that economic line of reasoning . . .

Oteri. Sir, if I may . . .

Burch. . . . pursued . . . just a minute . . . pursued along that line of reasoning, if we worked hard at it we could probably end up with an economy quite similar to India.

Oteri. Right. And the oil industry would still be getting the profit. Now, sir, right here on this chart of yours, you tell us that we're going to lose 70,000 direct jobs. Now is that 70,000 in a year or is the 70,000 over the space of ten years?

Burch. That's 70,000 over the . . . whatever period you phase in the program.

Oteri. Which is the space of ten years.

Burch. They have recommended that it be phased in over a three year period, so . . .

Oteri. That chart is your chart, is it not, sir? Isn't that the oil company's chart?

Burch. Right.

Oteri. And that chart says 70,000 direct jobs lost. You tell me, is that in one year or is that in ten years?

Burch. You tell me how fast you're going to phase the program in.

Oteri. I can't tell you. It's your chart.

Fisher. Would you cut the quota immediately overnight with disruption?

Oteri. I'd love to. The fact of the matter is you know we can't but we'll cut them as quickly as we can.

Palmieri. Well, I think he's answered the question. He says in whatever . . . the witness says in whatever period the program is phased in. Let's settle for that.

Oteri. Sir, 70,000 direct jobs lost, let's say in one year. I'm very bad at mathematics, but if you divide 70,000 into the five billion that the President's task force says the oil quota system costs the consumer, you get a cost per job of approximately what? 70,000 or 700,000 dollars per job to keep those jobs available. Correct?

Burch. We're talking about some roughly seven thousand dollars per job. The other thing that you get, of course . . .

Oteri. Excuse me, just so we get that straight . . .

Burch. . . . is when you have one basic job, when you have one basic job, that actually creates a multiple of roughly four jobs to go along with it.

Oteri. Roughly multiples, but the fact . . .

Palmieri. One more question, Mr. Oteri . . .

Oteri. You want the consumer of this country to not only pay quotas and all else but if we drop quotas you say we're going to have to spend that quota money to keep the quota system going because we don't want to lose those jobs. In effect, the consumer has to pay the oil worker.

Burch. Well, there's a great deal more we just gave you about 5 billion dollars of offsets.

Mathias. Mr. Burch, I'd like to ask you about one factor that doesn't appear on that chart and that's the environmental factor. Is one of the costs that we may have to pay the risk of environmental problems such as the Santa Barbara Channel episode, of oil spill?

Burch. Yes, I would say it this way that there's been roughly ten thousand wells drilled in the outer continental shelf. Out of the 10,000 wells that have been drilled, there have been ten accidents. Out of ten thousand. A relatively low rate, but in comparison, as far as using foreign oil in domestic oil, you're going to bring it in by tankers, the odds seem to me pretty much the same to me of accidents in that regard no matter where it is.

Oteri. Can I point out one thing, Senator, that the gulf oil coming from Texas and Louisiana comes here by tankers?

Palmiera. Well, Mr. Burch, thanks for being on "The Advocates."

Burch. Thank you.

Palmiera. Mr. Fisher, you have about 30 seconds to give us a wrap-up.

Fisher. Senator Mathias, the facts are complicated but the issue is fairly clear. There's an unknown risk to national security, a risk of having half or more of our oil come from abroad and face all the uncertainties. There's a cost to the American consumer of avoiding that risk. We spent 80 billion for defense budget which will be worthless if we had no oil at home. I submit we should keep the restriction, keep the insurance policy, do not let it lapse.

Palmieri. Thank you very much, Mr. Fisher. Now, ladies and gentlemen, if I can find my place we're going to proceed. I just did it.

Next week Advocate Oteri is going to challenge Advocate Fisher's very strong contentions that our national security requires that we pay a higher price for oil. Now we'll get a sample of that. Mr. Oteri, give us a brief response to Mr. Fisher's case and tell us what witness you'll be calling on next week's program.

Oteri. I'd just like to say that . . . in response to Mr. Fisher's case, this is another example, Senator, of a protected industry that's always had it made wanting to keep it made. They don't want to take and share with the consumer. This is the only incident I can find where people have to pay their money to an industry to guarantee profits for artificially set-up prices that are maintained by the Texas Railroad Commission to take money out of the poor people of this country's pockets so 3 million stockholders can be worried about. I say worry about the American people never mind the stockholders.

Now, let me just say, let me just say this, that next week we intend to show you that the thought that there's going to be any kind of a danger to our national defense is absurd. The fact of the matter is Canada, which although President Nixon cut their quota and he seems to think is our enemy, I don't think is ever going to attack us and they have tremendous reserves. Alaska has tremendous reserves. I don't think Venezuela, which on one of their charts was going to provide 36 per cent of our imported oil, is ever going to come up and invade us. We have plenty of oil locally available to us outside the United States at two dollars a barrel which saves all that money for the American consumers. We also are going to show you that the political stranglehold maintained by the oil lobbies in Washington, are one of the real reasons why the people in this country—the consumers—don't get a fair break. We have with us Senator Kennedy on film. We have with us the three witnesses whom I introduced earlier this evening—Mr. Lobel, Dr. Kahn and Dr. Mead. And we at that time will convince you that you must eliminate the oil quotas.

Palmieri: Thank you, Mr. Oteri.

Three weeks ago "The Advocates" debated the question: "Should the U.S. government make contraceptives available to every American including teenagers and conduct an educational campaign to limit population?" You may recall as we said last week that over 5,000 people have written into us. They all—not all, but overwhelmingly—have been in favor of that proposal. Our guest for that program was New York Congressman Edward Koch and after hearing the arguments and seeing the mail, Congressman Koch is ready to give his statement on the birth control issue.

Film.—Edward Koch. Good evening. I listened very attentively to the testimony of the witnesses presented on both sides of the question. Those who opposed the government's role in these matters did not address themselves to the questions presented. Instead, their opposition was premised on the fear that the government would ultimately limit the size of families in the United States by law.

As a Congressman I fully recognize the great power of our federal government and the need always to resist infringements upon the private rights of each individual. However, a fear of a repressive government should never bar the enactment of nonrepressive legislation.

In an area, particularly, where the government does have a legitimate role, I believe that the federal government should make available contraceptives to all Americans who want them and to conduct an educational campaign pointing out the dangers of the population explosion now taking place in the United States as well as throughout the world.

In our history the government has encouraged large families when we were underpopulated. Similarly again it can encourage without mandating the voluntary limitation on the size of families.

The availability of contraceptives and the knowledge concerning their use and the need for limiting family size should not belong only to the wealthy and those who receive a higher education. Limiting ones freedom of choice because of lack of funds and education is a form of discrimination in reverse and ought not to be practiced by the government. And I have therefore decided in favor of the proposition. (End of Film)

PALMIERI. Thank you, Representative Koch. Well, ladies and gentlemen, we're not going to ask you to send in your opinion on this program tonight. We want to give you a chance to tune in next week to hear Mr. Oteri present the other side of this important question.

If you do have any comments about this departure from our usual format, where we're using two shows to present the case, we would like to hear from you. Send your comments to the same address that you always have: "The Advocates," Box 1970, Boston, 02134. And on our next week's program Senator Mathias will again be our guest, we're happy to say. In addition, we'll have statements from Sen. Ted Kennedy and our witnesses, Doctors Mean and Kahn, and Mr. Lobel, and we'll show the results of a national poll that "The Advocates" conducted on tonight's question.

We'll be asking this same audience of 200 people who are here in our studio to vote after they've heard both sides of the arguments. Please make a special note to join us next Sunday, April 5th.

Meanwhile, thank you very much, Senator Mathias. Thanks to each of our witnesses and especially to our senior editor, Mr. Roger Fisher, who is taking an advocate's position tonight. Mr. Oteri, we'll be back to you next week. I'm Victor Palmieri, until next Sunday. Thank you and good night.

ANNOUNCER. "The Advocates" as a program takes no position on the question debated tonight. Our role is to help you understand both sides more clearly.

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[Apr. 5, 1970]

THE ADVOCATES

Topic: "Should the U.S. end restrictions on low-cost foreign oil?"

Guest: Sen. Charles Mathias (R–Md).

Participants: *Advocate Roger Fisher* (*con*). John Swearingen, chairman of the board and chief executive officer of Standard Oil of Indiana; Sen. Clifford P. Hansen (R–Wyo), member of the Senate Commerce Committee; Robert Burch, Denver, Colo., president Rocky Mountain Oil and Gas Association.

Advocate Joseph Oteri (*pro*).

Sen. Edward M. Kennedy (D–Mass) on film; Walter J. Mead, ecologist and professor of economics University of California at Santa Barbara; Alfred Kahn, dean of arts and sciences at Cornell University; Martin Lobel, special assistant, U.S. Senator William Proxmire (D–Wisc).

Moderator: Victor Palmieri.

Origination: WGBH, Boston.

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ANNOUNCER. Tonight from Boston, coast-to-coast and in color, "The Advocates"—Roger Fisher; Joseph Oteri; the moderator, Victor Palmieri, and the man faced with a choice, Senator Charles Mathias of Maryland.

VICTOR PLAMIERI. Good evening. Every Sunday at this time, "The Advocates" looks at an important public problem in terms of a practical choice. The problem tonight—as it was last week—is oil. And the choice is this: Should we continue to restrict imports of lower foreign oil?"

The largest power sources in the United States are oil and natural gas. And the oil industry is one of the largest industries in the world. Most of the oil these companies sell and refine comes out of wells in the United States. Now because American wells are slow producers—ten-to-fifteen barrels a day for the average Texas well—American oil costs over three dollars a barrel to produce. By Contrast, oil in the Middle East is so plentiful that it literally gushes out of the ground several hundred times faster than the average American well. This enables the Middle East to ship their oil to New York for a dollar a barrel less than it costs to produce American oil.

Why don't we use this lower cost foreign oil? Well, the reason is quota restrictions—quota restrictions that keep foreign oil imports to less than 20 per cent of the oil we consume. President Eisenhower imposed these restrictions in the late fifties because he was concerned that if we bought lots of foreign oil, incidents like the Suez Canal crisis might cut it off just when we became dependent on it. President Nixon ordered a reconsideration of the problem. And his task force has come out for eliminating oil import quotas in favor of tariffs. But that raises a question. Do we now need import restrictions at all?

On last week's program, Advocate Roger Fisher presented arguments and witnesses in favor of restricing imports. Mr. Fisher, will you summarize those arguments for us now?

ROGER FISHER. Yes. Senator Mathias, let's look briefly at the highlights of last week's case. Oil is vital to transportation and to national defense. Free trade would mean that by 1980 we would depend on foreign countries for more than half our oil. Senator Clifford Hansen of Wyoming testified to the dangers involved.

Senator CLIFFORD HANSEN. All of the intrigue, all of the terroristic activity which today seems to characterize more and more countries would be of immediate concern to the United States. I should think that we would find ourselves embroiled in every little problem that came along if we had to depend upon foreign countries for a major share of a resource as important to us as is oil and natural gas.

FISHER. Now before we look to possible crises of future, I'd like to refresh in your mind and in the mind of Senator Mathias some of the incidents that we've had. Let's look to the risks, the problems of our recent past.

Film.—In World War II we had to supply oil not only for our own war effort but also for our allies. The Atlantic became a graveyard for oil tankers. Rationing was serious but think how much worse it would have been if we had depended on oil from abroad. And even if we are not at war we can be affected by events with an exporting country. It's happened before.

Iran in 1951 nationalized the Anglo-Iranian Oil Company. The result: the British left. And Iran exported no oil for three years.

In 1956 Nasser seized and blocked the Suez Canal forcing tankers to detour around Africa to Europe. U.S. oil averted a serious shortage in Europe. In 1963 civil war seriously interrupted Indonesia's exports.

In the third Arab-Israeli War of 1967, Arab nations for a while cut off all oil to the United States, England and Germany. And Nigeria's recent civil war with Biafra reduced its oil exports by 70 per cent. (End of Film)

FISHER. Should we become dependent upon foreign oil, Senator Hansen? On Venezuelan oil? Should we count on the Venezuelans always being friendly?

One of the country's leading oil men is John Swearingen, board chairman of Standard Oil of Indiana. Swearingen made clear that in case of a crisis which cut off our foreign supply, our own industry could not be turned on again like a faucet.

JOHN SWEARINGEN. The only way you can beat your way back to a position of supplying our requirements in this country is going to be to start out again, build up this organization, acquire equipment which has long since fallen into disrepair and been junked and you may be ten or twenty years in trying to close the gap between what we would produce ourselves and what we would be dependent on—primarily, now, the Arab world.

PALMIERI. Thank you, Mr. Fisher. Well, tonight, Advocate Oteri will present his case against continuing restrictions on imports of lower cost foreign oil. Mr. Oteri?

JOSEPH OTERI. Senator, tonight we'll prove to you that oil import quotas drive prices up to artificially high levels which result in consumers having to pay large sums of money to the oil industry and deriving no benefit from those payments; that the oil import quota does not contribute to the national security and that it hurts our political system by providing a large group of people with their own interest at heart with the money to do the things they want to do to protect themselves.

Now, with me tonight will be Senator Edward Kennedy of Massachusetts who will be on film, and seated here is Dr. Walter Mead, an economist from the University of California; next to him is Doctor Alfred Kahn, who is the dean of arts and sciences, and an economist from Cornell University, and Martin Lobel who is the administrative aide to Senator Proxmire in Washington and in back is Jim Burrows who wrote the Charles River Associates' report on this oil program and who's acted as a consultant to us.

PALMIERI. Thank you, Mr. Oteri. Sitting next to me once again is Senator Charles Mathias, Republican from Maryland. Last week, Mr. Fisher argues that the national security required that we pay a higher price for domestic oil rather than admit lower cost foreign oil. Well, what point in Mr. Fisher's case impressed you most? How did you react, Senator?

Senator CHARLES MATHIAS. I think there are two points, Vic, that come across very, very forcefully. The first is, of course, the principle contention that national security demands that an essential industry—such as the petroleum industry—should be kept vital and alive, and we have to measure the influences which might visciate the vigor of the oil industry. I was a little concerned, though, in the argument that Mr. Fisher and his witnesses put forth that their assumption that we can go on pumping American oil forever, without any end to it and that we don't have to hold back because of the possibility that we may some day run out of domestic sources and that therefore there's no need to lean on foreign sources at this time.

PALMIERI. So you're suggesting there may be national security argument the other way against the import quota.

MATHIAS. I think that you at least have to consider this possibility.

PALMIERI. Well, ladies and gentlemen, let me remind you that we ask each advocate to present, not his personal opinion, rather what he considers important and responsible arguments. And now to tonight's case.

Mr. Oteri, why should the federal government eliminate the restrictions on imports of cheaper foreign oil?

OTERI. Well, first the reason is that the oil industry makes large amounts of money and they take this money right out of the consumer's pocket. Just to show you what levels they'll stoop to get some of this gold, we'd like you to see a film. Will you roll the film, please?

Film.—It's a perfectly routine sight, a ship from Mexico loaded with oil glides up the ship canal here at Brownsville, Texas bound for a dock where the oil can be unloaded. Nothing remarkable in that. The oil is pumped into big tanks on shore—another routine operation—from there it's pumped into tank trucks. The trucks are filled and their cargo sealed by U.S. Customs. Entirely routine. The trucks move out onto the highway and now you must watch closely because what follows is not routine at all.

The oil trucks roll through the city of Brownsville and then they reach this place, the Mexican border, and here begins the sweetest little operation you ever saw. On the average one truck every three minutes. Here comes one now. The license number—J29045. The trucks stop for an instant here at the border and then they roll on across the bridge into Mexico. And what do the trucks do once in Mexico? They turn around and come back. There's a nice little traffic circle down there and every working day, all day long, the traffic circle is circled by oil trucks—off the bridge, around the block, back onto the bridge, back into the United States.

As you may have figured out by now there is a reason for this and as you may also have figured out, the reason has something to do with money. It seems oil companies have a quota on how much oil they're permitted to import into the United States but there's a loop hole in the law. If you bring the oil in over land, the quota doesn't apply. So a group of oil operators had a bright idea. Bring the oil in by ship to Brownsville, but drive it into Mexico. Then back into the United States and voila! It's coming in by land. The United States government permits this operation to the tune of about 30,000 barrels a day. Some people figure the profit on foreign oil over American oil at about a dollar a barrel. There. You figure it out.

The trucks are pretty heavily loaded, and it takes them on an average of about two-and-a-half minutes to get around the block in Mexico and get back across the bridge. There's old J29045 now right on time. As anybody can see this is oil. It's being imported into the United States and it's coming over land. The trucks go right back where they started from on the other side of town where the oil is pumped into other tanks ready for sale in the United States. Do you follow all that? Well, some independent oil men from Texas who happen to sell their product in competition with this foreign oil follow it very well, and they don't like it a bit.

VOICE. I think it's one of the worst subterfuges that's ever taken place in Texas. It's best described by Major Barton who at one time was a consultant to the Interior Department as a "rinkey-dink."

ANNOUNCER. A rinkey-dink?

VOICE. Yes. A go around rinkey-dink. He said they'd just go around and round and everybody gets rinkey-dinked. (End of film.)

FISHER. Senator Mathias, I just want to say that that crazy rinkey-dink operation shows the limits to which those who try to import foreign oil will go to evade the regulations now in existence. Those of us opposed to foreign imports object to that operation and tried to get it stopped. The President's task force is appointed with that kind of consideration in mind. Those of us who want to keep out foreign oil are not asking that one per cent of the foreign oil now coming in, come in this crazy way. That is the importers—Mr. Oteri's side—runs that thing to get foreign oil in here undercutting the purpose which Congress has supported—the President has adopted, to protect the national security.

PALMIERI. Mr. Oteri, that film got more reaction than "Easy Rider."

OTERI. I might point out that that speech comes out of his time, and we'll now go on. And we'll tell you something else. That film doesn't represent the people I represent. I represent the consumer who gets hosed by people who take advantage of a law that way.

This also represents the people's he's representing—the oil barons who worry about their three million stockholders and to hell with the American people. Well, we won't let them get away with it.

Now, let me just say one other thing. That in your opening, Mr. Palmieri, you pointed out that some—or at least you left the impression that—I'm sure it wasn't intentional—that all this imported oil was going to come from the Middle East. I think we ought to clear up with the viewing audience immediately that according to this President's task force commission which the other side refers to, 36 per cent of the imported oil in 1980—which is the time we were talking about—will come from Venezuela and 15 per cent—if my memory serves me correct from one of Mr. Fisher's charts will come from Canada. I don't really think even Senator Hansen won't worry about them attacking us. So that's pretty safe oil.

Now what I'd like to point out further, is that people don't seem to realize that 12.2 per cent of the amount of oil consumed east of the Rockies is allowed to be brought in from foreign sources. This oil comes in on import quota tickets. The Department of Interior gives these tickets to the oil industry according to some formula they have. And the oil industry then brings in foreign oil from Venezuela, from Nigeria, from the Mid-East, wherever it comes from. And they then get that oil at $2.25—I believe the figure is—delivered in New York on the east coast, wherever it's delivered. They then sell that oil at $3.90 a barrel delivered price in New York, and that money comes from the consumer and it goes to the oil industry. And we maintain that that is not right and that is exactly what we are fighting at this time.

Now, I would like at this time to call Dr. Walter J. Mead, a professor of economics, University of California at Santa Barbara. Dr. Mead is an expert on the economics of the oil industry and he'll talk about interference with the free-price system.

PALMIERI. Welcome, Dr. Mead.

OTERI. By the way, before proceeding I'd like to give credit to CBS and Charles Kuralt for that film that represents my people. And at this point we would like to introduce to you a statement made by Senator Edward Kennedy of Massachusetts as it concerns this problem. Will you roll the film, please?

Film.—VOICE. What is the cost of the oil import program to consumers throughout the country?

Senator EDWARD KENNEDY. The best estimate is approximately five billion dollars a year. That figure was derived from the task force report, the Cabinet task force report. It was estimated that the consumers were expending about 3 billion dollars a year when the oil import program was initially established and that it would rise to about 8 billion dollars by 1975. These figures which are in the Cabinet task force report have been substantially supported by the anti-trust sub-committee of which I am a member. That is, conducted extensive studies viewed by some of the leading economists, oil experts, representatives of the oil companies. And I think these figures are fairly indisputable.

What they amount to, for example, in the state of Massachusetts is about $140 a year additional that a family of four has to pay in terms of their heating cost. I think, perhaps, the clearest example of what it costs is that the oil that has no oil importation program, is about 4¢ cheaper in Montreal than it is in Boston and so, in effect, the consumer in Massachusetts—New England—is paying this 4¢ a gallon more than he should. And in effect we're subsidizing an industry that is already receiving more than its fair share of special considerations.

OTERI. Dr. Mead, Senator Kennedy has said the American consumer is paying 5 billion dollars more per year for oil than is necessary. Can you explain to us how this happens?

Dr. WALTER MEAD. Yes, I'd be glad to. It will involve a certain amount of economic analysis, and I'll explain what I have on the board here. These are supply and demand curves, and, Senator Mathias, we have here a demand curve; here a supply similar to the demand curve for oil. Now what these things mean are the following: if the price of oil is here, the quantity demanded by the public would be down here. This is a quantity scale. Now a demand curve sloped down that way. It says that if you lower the price, people will demand a larger quantity. If you lower the price further, they will demand a larger quantity. This applies to oil, T-bone steaks, movie theatre tickets, whatever.

Here is a supply curve and it says similar things. If the price is here, the quantity which producers will supply will be out here. The quantity supplied. They react to the price. At a lower price they will supply less. At a very low price, less yet. Now according to the task force report, given free trade, the quantity demanded and supplied would intersect at this point such that at $2.25 per barrel delivered on the east coast—foreign oil delivered there—the quantity demanded would equal the quantity supplied. This is what we call the point of equilibrium. This price would be the free trade price. Now, if you happen to own a string of oil wells, you might think along this line. It would be nice to get a higher price for my oil. All right, how do you do it?

Well, the standard way is to restrict competition. In this case, we will restrict foreign competition and keep imports out. So what we might do is to say, let's restrict the foreign supply and we will label this now, "supply: domestic only," whereas this supply curve was "domestic plus foreign." Now, limiting supply to domestic, you see the demand intersection is here. And you get a very high price. We don't know how much—maybe four or five dollars. But the oil industry knows that it can't go that far. You can't completely eliminate foreign imports and get away with it. So they're willing to accept something less. Specifically east of the Rockies, the import quotas permit 12.2 per cent of domestic production. All right let's show those imports. In addition to domestic then, we will have domestic supply, domestic plus—I'll use an "I" there to represent imports. Now this is east of the Rockies, the 12.2 per cent there.

PALMIERI. Doctor, in just a few minutes, I'm going to ask Mr. Fisher to join your class for some cross-examination. So perhaps you could bring the lesson to a close.

MEAD. All right, very quickly. Now the supply and the demand intersect here producing a price of $3.90 per barrel. Now what I am contending is that from an economic point of view the issue here is money—price of oil. National security is a smoke-screen. Nobody ever goes to Congress, to the President and says, "I want a higher price. Restrict imports." No. They go and say, "national security is impaired. Restrict imports." The issue here is the difference here. A dollar and sixty-five cents per barrel.

PALMIERI. Doctor, if you'll take a seat right there, there's a man who wants to talk to you.

FISHER. Mr. Mead, you say national security is irrelevant. What would be the foreign imports if under free trade conditions, approximately within say, ten years time?

Mead. In ten years time, foreign oil imports would amount—and given free trade now—would amount to 51 per cent of total U.S. consumption. Now that foreign import . . .

Fisher. We'll take the task force figure of more than half coming in abroad.

Mead. Yes, that's correct. They're the same figures you used.

Fisher. Now the—no, we're not quarreling about that. You say there is no national security interest in being dependent for more than half of our petroleum supply on foreign oil. Are you an expert on national security?

Mead. What I said was the issue here is the price of oil. I'm an expert in economics.

Fisher. It's quite frequent that somebody looks at the issue from his side of the table. The blind man and elephant—say, "This is what it looks like." Your own figures show that within ten years the U.S. petroleum industry would be cut down; more than half our oil will be coming from foreign countries. Now, from what countries does an economist—you say that would come to under free trade conditions?

Mead. Under free trade most of it would come from a combination of Canada and South America.

Fisher. Most of the oil would come from a combination of Canada and South America. Could I read you from some testimony before the hearings of the Senate Committee just a year ago? "Where would this additional oil come from? What proportion would come from the Arab nations?" We're talking about the increased imports. Dr. Mead testifying says, "I should think that most of it would come from the Arab nations." What caused you to change your mind?

Mead. I read the task force report.

Fisher. And what caused you—we'll go right on—what caused you besides their recommendation of restrictions of different tariffs—they recommend a plan to keep too much oil from being from the Middle East—that's the recommendation of the task force. Now under free trade conditions, how . . . what does the typical oil well produce in the Middle East?

Mead. Well, the figures that were given to us are 1,000 barrels a day . . . 10,000 barrels a day . . .

Fisher. Say 5,000 barrels a day?

Mead. They're very prolific . . .

Fisher. 5,000 barrels a day.

Mead. What's produced in Alaska, by the way?

Fisher. Not one well has hit—been tested for an hour. Not one well has been run in operation in Alaska yet.

Mead. 10,000 barrels a day was one . . .

Fisher. For two hours, and it stopped.

Mead. That's the test run.

Fisher. That's right. No one knows how long he could run it at that figure. No one knows any other wells like that. The average well in the United States today produces how much?

Mead. I refuse to give the figures that were given on your side . . .

Fisher. Your Alaska well's not going to count because that's not one of your imported wells. Where would the imports come from if you accept half the figure?

Mead. No, but the figures you quoted . . .

Fisher. Now the Middle Eastern well . . .

Oteri. Mr. Fisher, let him answer a question.

Fisher. Well, why talk about—we're talking about imports, which he says are irrelevent.

Oteri. Make a speech and he'll answer.

Mead. My statement was the issue here is the price of oil. That is why people go to Washington. Sir, there probably is not a case on record where anybody went to Washington to ask for a hand-out and said, "I want my income to go up. Give me a hand."

Fisher. There are those who think that the military pay should be increased for national security reasons, and some soldiers want more pay. The fact that the oil companies may have a higher price does not indicate that there is not also national security involved. We've had four task forces since '55—two Cabinet committees, four Presidents and all have said national security is involved.

Mead. Um hm.

Fisher. The Cabinet voted just last month—five out of the seven on the committee—to say that national security required controls.

Mead. Yes.

Fisher. And you said they're all being sold out?

Mead. The oil industry, the oil industry has, the oil industry has been extremely successful in pushing this national security argument but it's a smoke screen. Let's get down to the issue. It's the price of oil.

Palmieri. Dr. Mead. Dr. Mead, I think right now we're going to have to terminate cross-examination. You'll have plenty of opportunity, Mr. Fisher. Thank you very much for being with us tonight, Dr. Mead. I grade the class very good and very interesting.

Oteri. Thank you, Doctor. You were great. I'd like at this time to call Dean Alfred Kahn, dean of the College of Arts and Sciences at Cornell and professor of economics. Dean Kahn is an expert on the organization and government regulation of the oil industry.

Palmieri. Welcome, Dean Kahn.

Dean Alfred Kahn. Thank you, Vic.

Oteri. Dear Kahn, if you're going to make any speeches now, make them before Mr. Fisher starts questioning you. Can the oil import program be considered a national security program, sir?

Kahn. It certainly would not be a correct statement in the historical record to say that that is how the program came into effect. If I were to devise a program for the protection of national security by protecting the oil industry one way or another, what I obviously would want to do would be to decide what kinds of emergencies are possible; what kinds of protections might be required for those various emergencies; how much oil would we want to keep shut in the ground; how much pipeline capacity would we need; how much additional tanker capacity would we need; how much would this one cost; how much would that one cost; that's what the Army does when it plans for national security. And then I would devise the scheme that was best adapted at minimum cost to provide the national security. Now it's obvious that this scheme was not set up in that fashion. Its a matter of historical fact.

Take that simple case of Canada again. We treat . . . we say that we can stand to have only 12.2 per cent of our crude oil in districts one to four coming from abroad. And it doesn't make any difference according to this program whether it comes from Canada, or from the moon, or from the Middle East. Now that just does not make sense from the point of view of national security. This oil from Canada is surely very close—as the Cabinet committee says—as secure as the oil from the United States. Moreover, the oil from Canada comes overland. The oil from the Gulf Coast produced in the United States comes up by tankers. And the oil from Alaska, well some of it may come from pipelines, some of it may come from tanker. It seems perfectly clear that from this point of view, the oil from Canada is more secure in case of emergency than the oil from the United States. So if we were really interested in national security we would not have devised this kind of a plan.

Oteri. Thank you. Now, Doctor, will you explain to us what, in fact, this oil import quota is and why it came into being.

Kahn. The only way you can understand how it happened—how mandatory oil controls were put on in 1959—is to recognize that the United States oil industry had been subject to a system of controls of exactly this kind—quota controls—for the preceding 25 years—largely imposed by the states—the producing states, mainly Texas and Louisiana. Except for wells that are producing say, less than ten barrels a day—it's more complicated than that, but roughly that—every well in the United States has a quota and the owner of that well is told from one month to the next, from one well to the next, how much he may produce. Now that system which was instituted in the early 30s serves a lot of purposes. It has a complicated historical explanation, but there is one thing it consists of—it is a gigantic state-administered system for fixing oil prices, non-competitively. That's what it is, economically.

Now, how does it do that? It does it by controlling the amount of oil that the wells are permitted to produce. For example, between 1948 and 1962—which is a period of particular interest—the price of oil actually rose—roughly from $2.60 to something like $3.05 a barrel. At this same time capacity was growing very rapidly much more rapidly than demand. How come the price then was maintained when at this very same time the price of foreign oil was declining? It was done in this way: In 1948 one of these controlled wells in Texas was permitted to produce 366 days in the year. It was leap year. Then as capacity outran demand the state of Texas cut back the allowables. By 1962 one of these controlled wells in Texas was permitted to produce only 97 days in the whole year. That means on the average, eight days a month. So, by steadily cutting back the production, they were able not only to protect the price, but actually to increase the price. Now that's not the way a competitive market works when you have excess capacity. It's not the way the world market-price operated. I'm almost through. Now in these circumstances, what would you do . . .

Oteri. Don't hurry, you're doing beautifully.

Kahn. What would you do if you were a producer of oil in Texas and you found that when you put a hundred thousand dollars into a well or a million dollars, your production was cut back so you could operate only eight days a month—much higher cost, much longer period of getting your money back. What would you do if you were an American refiner and you found you were paying this artificiallly sustained price? You'd go abroad. That's just what the American companies did. Result: because we had this artificially sustained price the oil imports begin to increase. Last sentence on this:

How do you stop that? The only way you can continue to protect the American market is to bring the foreign oil under the quota system just the way the domestic oil. That's how the import quota came in.

Palmieri. One more question of your witness.

Oteri. Doctor, if you have this effective price fixing scheme both at home and abroad, why is it that the industry says its return on invested capital is only average?

Kahn. What the industry says there is roughly correct. I don't see any reason to question those figures. But it misses the point. The point is not that the industry is making above-average rates of profit on its invested capital. The point is that this system of domestic production control and import controls is fastening a grievously expanded, inflated cost on the American economy. We are being forced to buy our oil where it costs a lot to produce rather than buy it where it costs a little bit to produce. So it's not that they make big fat profits, it is that the costs are enormously increased. And it seems to me particularly at a time when our expenditures for national defense are limited in a time of inflation because we're worried about costs and we are straining the utmost to make use of our resources to redeem our environment, to fix our cities, at this time to fasten on the American economy a high cost industry which will be progressively more and more high cost with or without—even if you keep the quotas relative to the rest of the world—it seems to me to make no economic sense at all.

Oteri. As a matter of fact, didn't one of the oil companies go up a penny on the cost of gasoline today?

Kahn. That may well be.

Palmieri. Dean Kahn, let's see what Mr. Fisher has to ask on cross-examination.

Fisher. Dean Kahn, is it unusual for an industry to restrict its output to meet demands? The auto industry does, doesn't it?

Kahn. Yes.

Fisher. To cut back?

Kahn. It does it privately. It doesn't do it nearly as effectively as this . . .

Fisher. Now how much today, how much today additional oil could be produced in the United States if all pro-rationed, all limitations were removed? Do you have an estimate of that figure?

Kahn. The figure that I have an estimate for is that if you were permitting wells to produce at their maximum efficient rate, you could produce about 127 million barrels a day in addition.

Fisher. Industry tells me less than a million and it's going down.

Kahn. The task force figure is 1.7, that's where I got it.

Fisher. Now, you said the Canadian—there's no problem of security with Canada. Does Canada import more than half their oil now?

Kahn. Not to my knowledge.

Fisher. They do. Does Canada . . .

Kahn. What—are you saying unbalanced net or gross?

Fisher. No, Canada imports more than half the oil they consume.

Oteri. Are you going to answer his question?

Kahn. Are you asking, are you giving me a gross figure or a net figure?

Fisher. No, they export more than half they produce.

Kahn. All right. Then you're saying that it is not net.

Palmieri. Dean, it might be helpful if you explained what you meant by net and gross.

Kahn. The east coast of Canada imports oil because . . . and the center part of Canada exports oil. So you've got to take it net and net, I doubt they import more than they—half of what they produce.

Fisher. The east coast does import more than half the total consumption of Canadian oil the west coast exports—the west side of Canada—exports more than half the oil they drill.

Kahn. Okay.

Fisher. Now you were assuming that there was no national security risk if the eastern oil could be shut off. Suppose eastern Canada lost its Middle Eastern oil. Half their needs were lost. Let's say an Arab revolt, whatever it may be. Do you assume that Canada would continue to supply the oil to the west without asking us to share our oil in the east coast?

Kahn. Well, if I were worried about national security I would make some sort of agreement with Canada.

Fisher. Right.

Kahn. About continuing . . .

Fisher. But there is a security problem . . .

Kahn. We don't do that now . . .

Fisher. The security problem is that we cannot count on that Canadian oil to come so long as Canada continues to import half their oil and have us over a barrel by requiring us to ration it if they do not.

Oteri. Dr. Kahn, make your own speech now.

Kahn. The security problem may be even greater for that enormous amount of oil that we get from the United States producers in the Gulf Coast area who sent it up by tanker . . .

Fisher. Incidentally. . .

Kahn. Which is subject to . . . excuse me. . .

Fisher. All right. . .

Kahn. Which is subject to submarine attack and so if you're going to decide about security, let's talk about security. Let's not drag it in by afterthought as an indirect possible partial expensive consequence of a protective tariff system.

Palmieri. We have a question from Senator Mathias.

Mathias. Mr. Fisher, I'd like to ask the witness two very brief questions. One, what will be the effect on the consumers of natural gas for home heating on the scrapping of the quotas?

Kahn. Well, that's a complicated question, Senator. First of all, the industry itself has testified at great length that it is able to separate the search for gas from the search for oil—preponderantly, that is they call it directionality. They now know when they're looking, and they don't know what's there; they know what's not there. They can look for gas or they can look for oil. In addition. . .

Mathias. So you're saying it'll be minimal?

Kahn. It'll be very slight.

Mathias. All right, let me ask you one other question very quickly. From the point of view of the government in Washington, you have to consider the whole ball of wax—what the total impact of this problem is going to be on national interests. Won't the purchase of additional oil from the Mid East—and we can argue about the exact amount—the purchase of more than we are now buying from the Mid East, increase the dollar capacity of the Arab nations to enter the armaments markets of the world and our own armaments markets and won't that increase the pressures on Israel and therefore the tensions in the Mid East?

Kahn. Well, Senator, I don't mean to be disrespectful, but it seems to me that when we're worried about the problem of foreign policy of this kind, it seems terribly indirect to try to somehow control the flow of dollars to the Arab countries. They already get over 50 per cent of their revenues—aggregate revenues from the sale of oil—already. They are already making hundreds of millions of dollars a year from their oil and the only limitation on their ability to get armaments is not the availability of the dollars right now, but it's the extent to which we can get together with the Russians and agree to stop sending arms into that area. So excuse me. . . your question . . . the answer to your question is, yes. If they get more dollars they will be able to buy somewhat more arms but that's not the limitation. It seems . . .

Fisher. You accept the fact as Dr. Mead does that probably more than half our imports would be . . . more than half our domestic consumption would be imported oil within ten years?

Kahn. Yes. I have no reason to question it.

Fisher. No reason to doubt that. Now, do you regard those sources as secure? Do you regard the Arab countries which will be providing—well, the eastern hemisphere together, 4.8 million barrels a day—that's a quarter of our total consumption for the eastern hemisphere—do you regard that might be disrupted by an Arab terrorist?

Kahn. Well, I want you to notice that it will be decreasingly liable to that disruption because every year that passes oil is coming from more and more countries. And for you just to say an Arab terrorist is going to cut off Kuwait, Iran, Iraq, Libya, Algeria, Nigeria—you've got to imagine a cataclysm of the kind that is simply . . . in other words you can't speak of "the Arab country" as one terrorist with one bomb cutting off, blowing half of the world up . . .

Palmieri. I had the distinct impression that he had in mind the possibility of more than one.

Kahn. Okay.

Palmieri. But, Dean Kahn, thank you very much for your appearance here tonight.

Oteri. You're beautiful. You're beautiful.

Palmieri. Mr. Oteri, before you call your next witness . . . before you call your next witness, I'd like to point out to our viewers who might have tuned in late, that Mr. Fisher gave his side of the case last week. Tonight you're presenting your entire case. Now will you proceed?

Oteri. Thank you and next we'd like to call Martin Lobel, an attorney and the legislative assistant to Senator Proxmire of Wisconsin. Senator Proxmire is a leading consumer advocate in the Senate. Mr. Lobel will tell you about the political realities behind the quota system.

Palmieri. Mr. Lobel, we're glad to have you with us.

Oteri. Mr. Lobel, we've seen that there is no economic rationale for the quota system, no national security justification. Why then do we have this program?

Martin Lobel. We've been skirting the issue all evening. It's pure political power. Campaign financing. The oil industry has been the recipient of enormous subsidies from the federal government for many, many years. It pays to invest in Congress. They maintain over sixty offices just to watch what's going on in Washington. They give enormous amounts in campaign contributions. They have the most sophisticated, most articulate, best organized lobby in Washington. I even had an oil lobbyist who had a few drinks in him tell me he didn't care who Proxmire's opponent was. He'd guarantee he was the best financed candidate Wisconsin had ever seen. That's why oil is so powerful. As a matter of fact, in many parts of the country, particularly in the South and Southwest, you can't get elected without oil money.

Oteri. Tell me, sir. Men like Johnson, Rayburn and Kerr—all strongly identified with oil—are gone from Congress. Is there any evidence that oil still has such strong influence in this administration?

Lobel. I think it's quite clear that the oil industry still maintains an inordinate amount of power bought by it. For example, Senator Long who is a decent, honorable man, is chairman of the finance committee through which all oil subsidies pass. He earned over a million—almost 1,300,000 dollars from his oil interest. Harold McClure, who is an independent oil producer, former president of the Independent Petroleum Association of America, admitted giving 95,000 dollars in campaign contributions this last election. And remember there's a federal election law requiring no person to give more than 5,000 dollars to a political candidate.

Finally, Mike Haider, who is chairman of the board of Standard Oil of New Jersey managed to arrange a private meeting with President Nixon and emerge from it quite confident that Nixon understood the problems of the oil industry. Apparently, he did because he rejected his own task force report to bury it into another study. He, in effect, has said to the fat cats in the oil industry—the big oil barons—"Look fill'er up. Fill up the Republican coffers or we may take away some of your subsidies." It's the most blatant thing I've ever seen.

Palmieri. One more question, Mr. Oteri.

Oteri. Does the most recent decision restricting Canadian oil have any political components?

Lobel. Yes, it in effect handed the oil barons 85 million dollars in import tickets that they would not have gotten because of the importation of Canadian oil which is not—had been non-quota oil.

Oteri. And do you think that there's been any political danger that Canada might attack us?

Lobel. Well, Senator Long mentioned the War of 1812 but I don't think that very realistic.

Oteri. Did he really?

Lobel. Yes.

Oteri. Did he really?

Lobel. Yes.

Oteri. I have no further questions.

Palmieri. Well, Mr. Fisher, your chance for cross-examination.

Fisher. Mr. Lobel, you've indicated that you think the quotas are solely a result of political machiavellianism or corruption.

Lobel. Yes, that is quite correct.

Fisher. You're charging . . .

Lobel. Sherman Adams admitted it . . .

Fisher. President Eisenhower, President Kennedy, President Johnson, Secretary Udall, President Nixon and two Cabinet committees of all having sold their principles out for cash. And that's an assumption based on experience.

Lobel. No, you're putting words in my mouth. What I said is the oil industry is extremely powerful—political power takes many forms. You can buy a politician without venally buying him. You can present him with facts and figures—it wasn't until Senator Hart presented some of the facts, some of the disastrous areas in which the oil industry has mulcted the American public for years. People aren't aware of it. The oil industry is much too sophisticated to do something openly. They do it by the back door. Oil import subsidies was done by the back door.

Fisher. By the back door?

Lobel. By the back door. Congress didn't have a thing to do with it.

Fisher. They can change it any day they want to. Austin, will you give me that price index to show the public getting mulcted by the price of oil? Are you worried about the balance of payments?

Lobel. Yes.

Fisher. The oil . . . the effect on the oil balance of payments would be what? Several billion dollars.

Lobel. The task force indicated it would be no adverse impact on the balance of payments over a long period of time.

Fisher. And you're satisfied with that?

Lobel. They're the experts. They're President Nixon's own experts.

Fisher. Did you write Senator Proxmire's speech complaining about the adverse effects of the balance of payments of 2 per cent imports on dairy products?

Lobel. No, I haven't read the speech.

Fisher. 73 million dollars. Is that your work?

Lobel. Yes, but wait a minute . . . you're talking about milk and then you talk about oil. We are willing to go to the floor of Congress and argue our case. The oil industry isn't. They did it through the back door under the guise . . . they wrapped themselves in the flag and said, "national security demands oil profits."

Palmieri. Mr. Lobel, we have a question from Senator Mathias.

Mathias. Let me just ask you if there aren't some other political factors that weigh the other way. For instance, Congress is very much interested in environmental problems at the present time and there are few more devastating disasters that can happen than to have a Torrey Canyon, a jumbosized tanker, break up in the Cheapeake Bay, for example. Now this is a very real and physical problem and it's a political problem which Congress weighs in this whole balance.

Lobel. Surely. This is, of course, an important factor and Congress has been very aware of it. Unfortunately, the oil industry operates behind closed doors and Congress really never understood. . .

Mathias. Oh, Mr. Lobel. . .

Lobel. The oil import program until Senator Hart and Senator Proxmire exposed this vast worm hole.

Fisher. Are you an expert on national security?

Lobel. As expert as you are, I would imagine.

Fisher. I've consulted for several years on that subject with the government on the defense part of it. But let's look at the effect on gasoline and oil prices. Here is the consumer price index for from '60 to '69—ten years. That's the average consumer price index.

Lobel. Um hm.

Fisher. During the period of controls—which you say the public is being raped—regular retail gasoline price tax has gone down and it's still below the average—the heating retail oil price is below the average. Now does that look as though controls have raped the public very seriously?

Lobel. Yes, because you have to take a look. . .you know we're not operating in a little island all by ourselves, we operate in a world. You're well aware of that I'm sure. The fact is that the world oil price has declined while U.S. prices have increased. What we are doing in effect is saying to the American taxpayer, "Look, you've got to subsidize our exploration for oil in the Middle East but yet you can't get the benefit of that cheap oil we're supplying." In fact we're saying to the American businessman, "You have to use the expensive American oil while your foreign competitors can use the cheap foreign oil which your taxpayers have paid for."

Fisher. The whole purpose of the program as we've discussed it, is to have the Americans pay a little more to guarantee them a supply.

Lobel. Five billion dollars more?

Fisher. Less of an increase than the price index.

Lobel. In Senator Hansen's own state. . .

Fisher. Less than an increase in the consumer price index. . .

Lobel. The average family of four is paying more than $228. . .

Fisher. Now that price depends. . .can only be justified. . .

Lobel. All right. . .

Fisher. In my terms, unlike butter which I found, or dairy products, which your Senator supports quotas of . . . two per cent of this precious fluid threatens national security but oil is quite different. We justify it in the risk that significant amounts could be lost by activity.

Lobel. All right, but what . . .

Oteri. Let him finish his speech, will you?

Lobel. Oh, I'm sorry. I didn't mean to interrupt.

Palmieri. First of all, Mr. Oteri, I have yet to see one of your witnesses who couldn't protect himself here tonight. I want to disabuse you of your worry.

Lobel. My point, my point . . .

Palmieri. Just a moment, Mr. Lobel, we have a question from the Senator on my left.

Lobel. May I just make one . . .

Palmieri. Let's hear from the Senator. Will you wait just a second? Go right ahead, Senator.

Mathias. I'd like to just know how you rationalize this five billion dollar difference here with the load that the taxpayers of America bear—$4½ billion for agricultural subsidies which—Dr. Mead not to the contrary—is asked for and received simply on the basis that the farmers want to get more money?

Lobel. Let me point out to you, two statistics. First of all, let me compare the oil industry with agricultural industry. The oil industry according to the First National City Bank of New York—of the largest 2,250 companies in the United States, the 99 oil companies on that list had 25 per cent of the total profit—of the 2,250 largest American companies! Compare that with the small dairy farmer in Wisconsin. And talk about subsidies, do you realize the Treasury Department indicated that it cost the American taxpayer over 10 dollars in lost tax revenue because of the depletion allowance for every one dollar of oil that was discovered at the inflated American price?

Palmieri. Do you have a final question?

Fisher. Yes, I'd like to ask Mr. Lobel if he can believe the price differential between $3.50 and $1.90 can be justified sometimes by very natural trade consequences?

Lobel. My point would be this. There are much more efficient cheaper ways of protecting our national security, if indeed it needs to be protected, in terms of oil. For example, Senator Proxmire proposed the drilling incentive program that the major oil companies didn't like because they wouldn't get the benefit of it. The independent producer is getting raped by the major oil companies just as much as the public is.

Fisher. The task force went through those proposals and rejected them. But just so you won't forget that there is sometimes a product that costs $3.50 a pound on the west coast where Dr. Mead is and only $1.90 a pound in . . .

Lobel. Lobsters?

Fisher. Boston, I want him to remember and have a good lobster. Give that to Dr. Mead so he can . . . there's a price differential just in excess of that for oil.

Palmieri. Mr. Lobel, let me thank you and ask you . . .

Oteri. Take it, Marty, he wants to give it to you . . .

Palmieri. And ask you to be very careful . . .

Oteri. Take it with you . . .

Palmieri. Mr. Oteri, you have two minutes to summarize.

Oteri. I must confess I don't quite see the import quota applying to lobsters but . . .

Palmieri. Well, anything in a pinch.

Oteri. Anything in a pinch is right. Actually, at this point, I think that we've really, you know, we've been laughing a bit at the end of this show and I don't think it's quite proper, but let me just point this out. This is a very, very serious thing. The American public is being asked to give up five billion dollars. The oil industry told you last week it was only three billion. I say hokum, but three billion or five billion that's a lot of money to a person making 70–80–90–100 dollars a week or more. It's a lot of money. And it comes down to amounts like Massachusetts residents paying 35 dollars more per capita—every person in Massachusetts. In Senator Hansen's own state has the highest per capita cost for this oil subsidy of any state in the union; if my memory serves me correct, it was 57 dollars a person in Wyoming that they have to pay so the oil industry gets a little bit of a push.

I just say to you, we have reached a point in this country where it's about time the consumer stood up and was counted and you can stand up and you can be counted. Write to this show now, telling your senator, your congressman, that you don't want to be raped any longer, that you want a voice, that you don't want special interest taking the dough you work for away from you and giving you nothing in return.

Palmieri. Mr. Oteri, thank you. Mr. Fisher, you have two minutes to react to Mr. Oteri's arguments.

Mr. Fisher. I'll try and do better than that. Senator Mathias, those of you at home. The issue here is to weigh uncertainties regarding national security and uncertainties as to cost with some closer precision as to cost. The undisputable evidence you've had in these two weeks' programs has been without question that if the quotas are removed the United States will rely for its petroleum products—on more than half its petroleum products—from foreign oil of which half of that would be in the eastern hemisphere and more than a quarter—some 30 per cent—would be Arabian oil.

You've heard Senator Hansen say that that would affect our day-to-day politics, that we would have to defer to those countries whose oil we got. It would tend to affect what we did, what we do, and in the time of crisis, we would have serious rationing if there were a serious interruption.

No one's suggesting that oil would be cut off simultaneously—that 50 per cent in ten years will probably go—you've heard—to 65–70 percent; 75 in fifteen years. So any one, one country—if a crazy Arab will blow up a Swiss airplane, several will blow up refineries and pipelines and wells. That is a risk because this country cannot do without oil. The cost of protecting ourselves, reducing that risk—we can't solve it wholly—of reducing that risk, comes out to something like we're debating—2¢, 1.9¢, 3¢ a gallon for your gas and heating oil. Three to five billion dollars a year is a lot of money. Our national defense budget is 80 billion dollars, and I'll tell you that you could have your whole Army, your whole Navy, and if you didn't have oil, you'd have lost. You'd have to . . . the umbilical cord would be cut off. This country, two cabinets and four Presidents have considered and resolved this national security would be seriously endangered if we relied to that degree on foreign oil. Thank you.

Palmieri. Thank you very much, Mr. Fisher. Well recently "The Advocates" asked over 1,000 people across the country a question similar to the one we've been debating for the past two weeks. We're going to show you the results of that poll in just a moment. First we'd like to ask our studio audience here to vote on tonight's question. Well, ladies and gentlemen, you've heard the question. You've been with us now for two weeks on this important national issue. If you believe we should continue to restrict imports of foreign oil, vote yes. If you want to eliminate these restrictions, vote no. Are you ready? Please vote now. Five, four, three, two, one. Thank you. OK, that vote's in our computer. We'll be looking at it in just a minute.

Now, let's look at "The Advocates" national poll first of all. As you can see when we took a scientific sample of national public opinion, we came back with 51 per cent nationally in favor of continuing the restrictions; 29 per cent were opposed; and 20 per cent had no opinion. I said that was a scientific sample of public opinion. Now on the other hand our studio audience here made up of 200 people invited at random from those in the Boston area who have written "The Advocates" or who have otherwise expressed an interest in this program.

Now last week, before the studio audience heard either argument we took a vote to find out how they felt about continuing restrictions on foreign oil. Now, can we see a comparison of that first vote and "The Advocates" national poll? We're going to look at that in just a minute, just as soon as the computer is ready to come up with it. We're attempting with our studio audience, as you can see, to compare people from the community in the studio who have been selected at random with this national poll and there you see it. 30 per cent saying, yes, here in the studio, against 51 per cent nationally; 41 per cent in the studio saying no, against 29 per cent saying no, nationally; and on not voting, 29 per cent here in the studio on this first vtoe, against 20 per cent nationally.

All right now we've heard the arguments and let's see the vote we just took. By the way, this same audience here in our studio heard both last week's and tonight's program. May we see that second vote, please? There's the first one that we took showing 60 yes; 58 not voting on the first go around. Now let's compare it with the second vote. Of the 60 people who originally favored the proposal let's see what happened. Now how many left that position, and where did they go?

Well, 24 left. 13 went to no and 11 to the undecided column. Now the 82 people here in the studio who opposed the proposal, how many changed their minds? 15. 11 went to not voting; 4 went to yes. And finally, of those 58 who were originally undecided, who went which way? 13 left. 11 went to no; 2 to yes. Here's the final tally. In our studio 94 saying no; 49 yes, and 50 still not voting.

Ladies and gentlemen, now's the time for you at home to act. Wherever you stand on the question of continuing to restrict imports of foreign oil, you can make your position felt by writing your opinion to us, "The Advocates," Box 1970, Boston 02134. Don't be just a spectator, be a participant, write us tonight.

Now let's look ahead to next week.

I want to take a moment to let the audience know that this is Joseph Oteri's last "Advocates" program. The press of other commitments is forcing him to leave. Now having Joe Oteri on this show has been a great experience for all of us here on the staff, for the audience. He's a great advocate; great lawyer. Joe, you've been wonderful to have. Thank you very much for all you've done for the program. Thanks to our witnesses, to all of you for your distinguished performances, our Advocate Roger Fisher, Joe, good night, and Senator Mathias, thank you once again. I'm Vic Palmieri, until next Sunday, good night.

Announcer. "The Advocates" as a program takes no position on the question debated tonight. Our role is to help you understand both sides more clearly.

The preceding program was pre-recorded. This program was made possible by grants from the Ford Foundation and the Corporation for Public Broadcasting.

JUDGE CARSWELL

Mr. BYRD of Virginia. Mr. President, I regret that President Nixon has found it impossible to win approval by the Senate for the nomination of a southerner to the U.S. Supreme Court.

Frankly, I feel that the South has been treated badly.

I do not believe that there was adequate reason to reject either Judge Haynsworth or Judge Carswell. It is apparent to me that a large number of Senators are determined to block approval of a southern conservative. Forty-five Members of the Senate voted against both of Mr. Nixon's southern nominees.

Thirty years ago, the Court was too far to the right, and it was in need of balance. But for many years now, the Court has been too far to the left. Once again, it needs to be brought back to center. I dislike extremism on the Court.

Under the existing circumstances, one cannot really blame President Nixon for his decision to look outside the South for the next nominee. One can understand his discouragement over the rejection of Judge Haynsworth and Judge Carswell.

For my own part, while I wish that a southerner could be approved, I shall support a qualified strict constructionist whether he comes from the North, the South, the East or the West.

The really important things are that the man who is nominated have the qualifications to serve on the Court, and that he take a responsible view of the judicial function.

What is needed is a man who is determined to interpret the law and not attempt to make the law. If such a man is nominated, he will have my support.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am happy to yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, with pride I join my distinguished colleague from Virginia, who has a record of upholding the provisions of our Constitution. He is known for his straightforward support of righteousness and fairness, and I commend him for his statement this morning.

I also join other Senators on both sides of the aisle who have this morning expressed their support of the President and Judge Carswell.

I know that it was after great thought, and with great reluctance, that President Nixon decided that he could not successfully nominate a judge from the South who shared his strict constructionist views. The President wanted—as I want—to see a strict constructionist on the Supreme Court.

I supported Judge Carswell with sincere conviction of his qualifications, and, integrity. He is a fine American, respected and admired for his accomplishments on the bench and in his private life.

Mr. President, some Members of this body appear to have forgotten that in November of 1968 there was a great national election, and the people indicated by an overwhelming margin in that election that they wanted a change. Part of that change, I submit, was in the attitude of the Supreme Court on questions which affect the daily lives of millions of Americans. The President, in the exercise of his constitutional powers, has attempted to provide that change, to provide a philosophical balance on the Supreme Court, to introduce new thinking representative of a large segment of the American public.

Twice the Senate has thwarted the President in this effort. Purportedly the Senate's action was based on questions of ethics and excellence, but one cannot fail to suspect that more—much more—was involved. Some Members of this body refuse to recognize the election returns. They refuse to admit that the President has the right—yes, the constitutional right—to nominate men for the Supreme Court who share his judicial philosophy.

Mr. President, it has been said several times, and I agree, that it would be easier to change the Senate than to change the Supreme Court. But courts do change, just as Senates change. And I am willing to predict that within the year, we shall see both come to pass. The people of this Nation have the right and I firmly believe they will make their convictions known at the poll that counts—the votes that will be cast in November.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I think, in view of the colloquy that has just taken

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place, it would be appropriate to ask unanimous consent that the formal statement issued by the President, as well as the transcript of his remarks yesterday on this subject, be printed in the RECORD at this point.

There being no objection the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

I have reluctantly concluded—with the Senate presently constituted—I cannot successfully nominate to the Supreme Court any Federal Appellate Judge from the South who believes as I do in the strict construction of the Constitution. Judges Carswell and Haynsworth have endured with admirable dignity vicious assaults on their intelligence, their honesty and their character. They have been falsely charged with being racist. But when all the hypocrisy is stripped away, the real issue was their philosophy of strict construction of the Constitution—a philosophy that I share and the fact that they had the misfortune of being born in the South. After the rejection of Judge Carswell and Judge Haynsworth, this conclusion is inescapable.

Both are distinguished jurists; both are among the finest judges in the Fourth and Fifth Circuits; both had previously been approved by the Senate for the second highest Federal court; yet, both were rejected. In my opinion, neither would have been rejected had he not been born in a Southern State.

In selecting both men, I had several criteria in mind. First and foremost, they had to be men who shared my legal philosophy of strict construction of the Constitution—men who would help to restore to the United States Supreme Court the balance that it genuinely needs—that balance I pledged to the American people that I would help to restore.

Secondly, I set the criteria that both have experience on the highest Federal appeals court—next to the United States Supreme Court itself.

Third, I chose them because they were both men of the South.

I do not believe that any segment of our people or any section of the country can lay claim to one or more seats on the High Courts as its own preserve. But controversial and far-reaching decisions of past and coming years are far better received—when each section of the country and every major segment of our people can look to the Court and see there its legal philosophy articulately represented.

Four of the present members of the Court are from the East, one from the Midwest, two from the West and one from the South. More than one-fourth of the people of this nation live in the South—they deserve representation on the Court.

But more important than geographical balance is philosophical balance—the need to have represented on the Court those who believe in strict construction of the Constitution as well as others who believe in the liberal construction which has constituted the majority on the Court for the past fifteen years.

With yesterday's action, the Senate has said—that no Southern Federal Appellate Judge who believes in a strict interpretation of the Constitution can be elevated to the Supreme Court.

As long as the Senate is constituted the way it is today, I will not nominate another Southerner and let him be subjected to the kind of malicious character assassination accorded both Judges Haynsworth and Carswell. However, my next nomination will be made in the very near future; a President should not leave that vacancy on the Court when it can be filled. My next nominee will be from outside the South and he will fulfill the criteria of a strict constructionist with judicial experience either from a Federal bench or on a State Appeals Court.

I understand the bitter feeling of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday. They have my assurance that the day will come when men like Judges Carswell and Haynsworth can and will sit on the High Court.

STATEMENT BY THE PRESIDENT REGARDING THE SUPREME COURT NOMINATION

Ladies and Gentlemen: As you know, I have just met with the Attorney General today and also last evening with regard to the appointment to the Supreme Court.

After the Senate's action yesterday in rejecting Judge Carswell, I have reluctantly concluded that it is not possible to get confirmation for a Judge on the Supreme Court of any man who believes in the strict construction of the Constitution, as I do, if he happens to come from the South.

Judge Carswell, and before him Judge Haynsworth, have been submitted to vicious assaults on their intelligence, on their honesty and on their character. They have been falsely charged with being racists. But when you strip away all the hypocrisy, the real reason for their rejection was their legal philosophy, a philosophy that I share, of strict construction of the Constitution, and also the accident of their birth, the fact that they were born in the South.

Four of the present Judges of the Supreme Court are from the East. One is from the Midwest and two are from the West. One is from the South. Over 25 percent of the people live in the South. The South is entitled to proper representation on the Court.

But as I have often said to members of this White House Press Corps, more important than geographical or other kinds of balance in the Court is philosophical balance.

I have concluded, therefore, that the next nominee must come from outside the South, since this Senate, as it is presently constituted, will not approve a man from the South who shares my views of strict construction of the Constitution.

I, therefore, asked the Attorney General to submit names to me from outside the South of Judges from the State Courts, Appeals Court as well as the Federal Courts, who are qualified to be on the Supreme Court and who do share my view, and the views of Judge Haynsworth and Judge Carswell, with regard to strict construction of the Constitution.

I believe that a Judge from the North, who has such views, will be confirmed by the Senate.

Thank you.

WAIVER OF THE GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the germaneness rule, paragraph 3 of rule VIII of the Standing Rules of the Senate, not start running until the conclusion of the special orders that have been granted for today.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, are we still in the morning hour?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. I wish to be recognized.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE SUPREME COURT OF THE SOUTH

Mr. JAVITS. Mr. President, I have heard with the greatest of interest the arguments of my colleagues of various ideological persuasions about the much-debated statement of the President respecting a southern judge.

I wish to supplement my own remarks by saying the following things:

First, I am not going to be intimidated by any such accusations to vote for a judge who I think is not worthy of the honor, no matter how many nominees it takes. So I hope they will not get any such ideas. If this is that kind of tactic, I do not think it is going to succeed, and I do not think it is wise.

Second, all that I said, and that I think has been raised by others, is that whom the President sends us is his business. He can send us somebody from the South or he can send us somebody from some other part of the country. The thing about his statement that I do not think was quite accurate or fair was the fact that the Senate, as now constituted, was biased—in other words, the majority who voted against Judges Carswell and Haynsworth.

Mr. President, I think it is the duty of every one of us in that majority to search his own conscience and speak for himself, and that is all I was doing. I hope other Members will do the same. Let the country know, from the lips of each of us, how we receive this statement.

Finally, as I campaigned for President Nixon—and would again, notwithstanding the statement—I rose to say that I hope, as on other occasions, that this statement, quickly delivered after what was obviously a great disappointment would not be his lasting feeling; because I did not think that was best for him or for the country.

One other point: I do not think—and again I speak for myself—that there was any condemnation of Judge Carswell as a man. There were no questions of ethics here. A man is the best he has got, and I am sure that Judge Carswell is giving the best he has and would have given the best he had if put on the U.S. Supreme Court. I am very glad to see that he will continue to serve on the circuit court of appeals.

I hope very much, again, that no impression will obtain in any quarter that this had anything to do with his standing or his dimensions as a man or that it was sectional. As I have said, I hope that every one of the 51 Senators concerned will express himself personally on this score.

UNFORTUNATELY PRESIDENT NIXON "LOST HIS COOL"

Mr. YOUNG of Ohio. Mr. President, in our deliberation over the nominations of Judges Haynsworth and Carswell to the Supreme Court, no Member of the Senate either stated or implied that he would not vote to confirm a highly qualified southern lawyer or jurist who is regarded as a conservative in his political views and a strict constructionist on constitutional questions. President Nixon knows that. He should know that his last two nominees were not rejected on sectional grounds.

Mr. President, I have been a lawyer in the State of Ohio for more than 50 years. I have been president of two bar associations in my home city of Cleveland. May I say, also, that as a Member of the Senate I voted to confirm the nomination of G. Harrold Carswell to be a Federal judge. Also, I voted to confirm his nomination on the U.S. Circuit Court of Appeals.

The PRESIDING OFFICER (Mr. DOLE). The time of the Senator has expired.

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. I shall not assail the motives of any Senator who voted either for or against confirmation. In all my lifetime I have never believed in assailing the motives of others. Speaking for myself, I do know that sectional grounds cut no figure whatsoever with my vote, and I do not believe that any sectional bias against the South cut a figure with respect to other votes.

Mr. President, I report that I voted against confirmation of Judge Haynsworth for a number of reasons which appeared valid to me. One being that his personal stock dealings were very questionable. They resulted in huge financial gains for him and it appeared to me a matter of personal ethics was involved in some of his transactions. I felt he would make an excellent executive of a Wall Street investment house, but I gravely questioned his sensitivity and failure to adhere to proper ethical standards.

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Mr. President, very definitely the reasons for my vote against confirmation of Judge G. Harrold Carswell were clearly stated. I asserted that the fact these two gentlemen nominated by President Nixon to be Associate Justices of our Supreme Court were conservatives from the southern area of our country and regarded as strict constructionists and that they came from the South never occurred to me as a valid reason against confirmation. I am not prejudiced against anyone from the South. My wife was born in a little town in North Carolina.

Very definitely, I feel it is important to fill this vacancy in our Supreme Court and I am and have been ready and willing to vote to confirm a State or Federal judge or an eminent lawyer from the South provided he is competent. There are eminent State judges and superior lawyers in every Southern State and in fact in almost every Southern county who have far higher qualifications than either of these two nominees who were rejected and who are known conservatives and strict constructionists on constitutional questions.

Simply stated, President Nixon has lost his cool. He is the victim of bad advice from his Attorney General. It is time the President put his own house in order. A little Presidential leadership and responsibility would be most welcome.

From outside the South, I could name at least 10 highly qualified, conservative Republican judges in my State of Ohio. At the top I would place C. William O'Neill, a very conservative Republican, who is chief justice of the Ohio Supreme Court and who has served as Governor of Ohio. I hold him in high respect as a lawyer and as a judge, and would be glad to vote in favor of his confirmation if nominated.

The President deserves criticism for nominating men who are not qualified to sit on the world's most powerful judicial body. His response, as indicated by his statement to the press yesterday, is that of a juvenile who has spilled his milk and cries out that he will never drink milk again. Rather than throw a tantrum at Senators for voting in accord with their consciences, President Nixon would do well to disregard altogether the advice of Attorney General Mitchell. During such time that John Mitchell remains as Attorney General—I do not know how long a time that may be, I doubt if it will be as long as the time that I shall be here in the Senate—but during such time, I think that the President should simply go ahead on his own and from 440 Federal judges, many of whom are Republicans and many of whom are from the South, select for this vacancy an outstanding student of the law or an eminent jurist who is not a bigot but is respected for his fairness and integrity as a citizen and as a judge.

I was one of the majority who could not conscientiously consent to the appointment of Judge Carswell to the Supreme Court. I voted in accordance with my judgment and my conscience.

Mr. President, I have already said that I cannot assail, and will not appraise, the motives of Senators. I am sure that we should not do that. I assert that there was no vicious action whatever taken by any Senator in the course of the vote Wednesday, or the preceding vote. I assert that, despite the statements made here. I further assert, without fear of successful contradiction, that every Senator who voted for or against confirmation of Judge Carswell voted in accordance with his judgment and his conscience. He was performing the duty that the Constitution of the United States places upon every Senator.

Mr. President, I yield the floor.

UNEMPLOYMENT AND RISING INFLATION

Mr. JAVITS. Mr. President, I shall detain the Senate just a moment. I wish to report to the Senate that the rise in the unemployment rate in March was to 4.4 percent.

The rise in the unemployment rate of 1 percent over the past 3 months is small but coming when the economy is under test on the downside is ominous and places the burden on the administration and the Congress to seek relief from some of the severe and dangerous side effects of the anti-inflationary effort. As I believe that the administration may be prolonging the agony of cooling off inflation, and thus courting the risk of serious recession, through its refusal to exercise leadership with regard to wages and prices, I recommend: The unanimous recommendations of Republicans in the Joint Economic Committee annual report be implemented promptly—that the Council of Economic Advisers publish the implications of major wage and price decisions.

I believe that the administration should do more to develop contingency plans which can be "taken off the shelf" during times of rising unemployment.

Congress can do much to alleviate the current economic hardship by moving swiftly to pass welfare and manpower legislation along the general lines of the administration proposals. The need for a mechanism to trigger increased manpower funds at times of rising unemployment has now clearly shown, and this is what the administration manpower bill which I sponsored would do. Of equal importance at this time is the development of a Federal income maintenance plan, which is the subject of the welfare bill and the adoption of a public service employment program, as recommended by myself and other Republican members of the Joint Economic Committee, as part of the manpower training bill.

The need for prompt action is urgent not only because unemployment is steadily rising but also because this rise hurts most those groups which can least afford to be hurt: blue collar workers, minority groups, the young seeking their first job, and those who have been most recently hired; the rate of unemployment for these rises two to four times the national average because of their higher incidence of unemployment generally. Rising unemployment makes the situation in our cities increasingly explosive.

It is for these reason that I call this matter to the Senate and hope very much that prompt action along these lines may ensue.

STRONG SUPPORT FOR S. 3068, THE COALITION FARM BILL

Mr. HARRIS. Mr. President, on April 6, 1970, representatives of 32 farm organizations met in St. Louis, Mo., and adopted a resolution reaffirming their strong support for the enactment of S. 3068, the so-called coalition farm bill. The resolution states:

> The Coalition of Farm Organizations seeks economic equity for agriculture. We seek a system under which farmers can produce to fit the needs of the market. We seek price protection that will prevent hardship. We reaffirm our support of the "Coalition Farm Bill" (H.R. 14014 and S. 3068).

The representatives of the 32 farm organizations went on to say:

> The Coalition of Farm Organizations opposes schemes which would weaken production management . . . We oppose the so-called massive land retirement proposals—whether o: a whole farm basis, or farm-by-farm as suggested in the "set aside" plan—because they weaken the production management system.

Mr. President, I have heard responsible people say over and over again that if the farmers could get together on an agriculture program it would be adopted by the Congress and approved by the administration almost unanimously. This year for the first time in my memory practically every major farm organization has joined together in support of the coalition farm bill. Unfortunately, the administration has chosen not to favor the plan the farmers themselves have brought forward. I think this is a mistake, and I think that not only will the farmers suffer if this plan is not adopted but I think that ultimately the American consumer will suffer as well. I am proud to be a cosponsor of the coalition farm bill and I actively support its enactment and hope that the Senate will adopt this legislation in the near future and that the administration will reconsider its position and support this legislation as well.

Mr. President, I ask unanimous consent that the resolution adopted in support of the coalition farm bill by the 32 farm organizations at the meeting in St. Louis on April 6 be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF NATIONAL FARM COALITION

We, representatives of 32 general farm, commodity, and cooperative groups in the Coalition of Farm Organizations, meeting in St. Louis on April 6, 1970, ask the help of Congress, the Administration, and the American people to make a renewed commitment to the preservation of family agriculture, the attainment of parity prices for agricultural products, and the restoration of rural America.

The industry of agriculture is the greatest creator of wealth in the nation. Farmers do not receive a fair share of the value of this production. Net agricultural income is about the same as it was over 20 years ago. The economic imbalance thus created is resulting in the depletion of rural communities, and urban areas swollen with people and problems.

The Coalition of Farm Organizations seeks economic equity for agriculture. We seek a system under which farmers can produce to fit the needs of the market. We seek price protection that will prevent hardship. We re-affirm our support of the Coalition Farm Bill (HR 14014 and S. 3068).

The Coalition of Farm Organizations opposes schemes that would weaken production management. Agriculture is not a single entity, but many different crops and commodities, each with its own growing cycle and its own market system. Any proposal that does not recognize this risks chaos in the market place.

We oppose the so-called massive land retirement proposals—whether on a whole farm basis, or farm-by-farm as suggested in the "set aside" plan—because they weaken the production management system. The result of such experimentation could be serious overproduction that could bring disastrously low prices, or shortages that could create hardships for consumers.

Price protection must be related to the concept of fairness. Fairness is not possible unless costs of production are considered. This is the central idea of the concept of parity.

The nation must be truly committed to family agriculture, fairness for farmers, and the restoration of rural America. Its commitment must include not only a declaration of purposes and enactment of a sound legal framework, but it must also include allocation of adequate public funds if a viable farm structure is to be preserved and farmers are to share in the nation's economic growth.

Appropriations to meet the needs of agriculture are justified by the fact that consumers now spend less than 17% of their disposal income for food. Of this expenditure, farmers receive only about one-third of the total, or about 5 to 6 percent. No other major world country has ever had such a bargain and at no time have U.S. citizens received these basic essentials of life for so small a percent of their after-tax income. This has occurred because farm net income has failed to increase along with that of the rest of the economy for the past 20 years.

The Coalition is committed to workable production management on a commodity-by-commodity basis. We seek a permanent law that will include those portions of the 1965 Food and Agriculture Act that have proven to be necessary and effective. We seek to strengthen its weaknesses.

Production planning should not be carried out under the threat of unforeseen events that could create consumer shortages. Reserves of wheat, feed grains, soybeans and cotton—insulated from the market but available for use when needed—would remove such a threat.

The federal marketing order system for milk has worked well. It permits producers to participate in market decisions. It has resulted in a more stable dairy economy and has protected consumers. This system should be extended to other commodities, when and if a majority of producers vote for it in referendums.

The nation's commitment to fair prices to agricultural producers must remain firm. Fair prices to producers can only be achieved when price protection is related to the concept of parity.

The Coalition of Farm Organizations is committed to the conservation of America's basic resources of soil, water, and air. The Agricultural Conservation Program has developed the partnership of farmers and the government to achieve this end, and this partnership must be continued.

The Coalition is committed to the services of mankind through agriculture. Hunger must be ended. Food stamps must be available to all who need them in order to work toward the goal of a balanced diet for every American. Such programs as the Special Milk Program for school children must be continued.

The problems of agriculture cannot be dealt with in general terms alone. The Coalition farm bill improves upon existing law in specific terms. Examples of how the legislation would serve the interests of agriculture are demonstrated by these summary provisions of the bill as follows:

1. The Class I Base Plan for milk should be extended, improved, and made permanent.

2. The present wool program should be extended, including incentive payments to increase domestic wool production.

3. Price protection for corn should be at not less than 90% of parity ($1.58 per bu., February, 1970), with oats, rye, barley and grain sorghum at comparable levels. The loan levels should be $1.15 per bushel for corn, and the payment should be 43¢ per bu., with comparable levels for other feed grains.

4. Advance payments for wheat and feed grains payments should be mandatory for up to 50% of payments.

5. The domestic certificate for wheat plus the national average loan rate should provide 100% of parity, or the domestic share of the market.

6. A mandatory wheat export certificate of 65 cents per bu. should be issued to cooperators on not less than 40% of the farm allotment.

7. The cotton program should continue to retain marketing quotas and producer referendums, 65% of parity (Ellender Amendment), and provide for transfer by sale or lease within counties and states where approved in referendum, with a 100-acre limit.

8. Marketing order authority should be extended to any commodity on approval of a majority of the affected producers.

9. The acreage diversion program should be authorized for rice if the national rice allotment in any year is less than that in 1965 with a recommended price floor of 75% of parity.

10. An acreage diversion program for soybeans should be authorized for use when needed.

11. Consumer protection reserves of wheat, feed grains, soybeans and cotton should be established.

MEMBERS OF THE FARM COALITION

The National Grange, Washington, D.C.

National Farmers Union, Denver, Colorado.

National Assn. of Wheat Growers, Washington, D.C.

National Farmers Organization, Corning, Iowa.

Midcontinent Farmers Association, Columbia, Missouri.

United Grain Farmers of America, Oakland, Illinois.

National Milk Producers Federation, Washington, D.C.

Pure Milk Products Cooperative, Fon du Lac, Wisconsin.

North Carolina Peanut Growers Assn., Rocky Mount, North Carolina.

National Rice Growers Assn., Jennings, Louisiana.

National Potato Council, Arlington, Virginia.

Virginia Council of Farmer Co-ops, Richmond, Virginia.

Grain Sorghum Producers Assn., Lubbock, Texas.

National Corn Growers Assn., Boone, Iowa.

Western Cotton Growers Assn., Fresno, California.

National Wool Growers Assn., Salt Lake City, Utah.

Soybean Growers of America, La Fontaine, Indiana.

Virginia Peanut Growers Assn., Capron, Virginia.

Peanut Growers Cooperative Marketing Assn., Franklin, Virginia.

American Rice Growers Co-op Assn., Lake Charles, Louisiana.

Webster County Farmers Organization, Guide Rock, Nebraska.

Vegetable Growers Association, Washington, D.C.

North Dakota Feeder Livestock Producers Assn., Ambrose, North Dakota.

Farmers Cooperative Council of North Carolina, Greensboro, North Carolina.

National Association of Farmer-Elected Committeemen, Newman, Illinois.

Trans-Pecos Cotton Association, Pecos, Texas.

Rolling Plains Cotton Growers, Inc., Stamford, Texas.

Farmers Union Grain Terminal Assoc., St. Paul, Minnesota.

Farmers Union Central Exchange, St. Paul, Minnesota.

Southwestern Peanut Growers Assn., Gorman, Texas.

Farmers Union Marketing and Processing Assn., Redwood Falls, Minnesota.

ADDITIONAL STATEMENTS OF SENATORS

THE AIR TRAFFIC MESS

Mr. MOSS. Mr. President, the mess in our Nation's airports and airways cries for immediate investigation by Congress. For more than 2 weeks now, commercial airline service has been cut in half. The loss to the Nation's economy can be counted in many millions of dollars. Americans everywhere have been inconvenienced and, in some cases, air traffic safety has been endangered.

In light of this major disruption, I was amazed to read in the New York Times that no one in the Federal Government

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has taken any steps to either avert this controversy or to attempt to settle it after it began more than 2 weeks ago. Neither Transportation Secretary John Volpe nor FAA Administrator John H. Shaffer have made one single attempt to bring this serious disruption to a satisfactory conclusion. Mr. Shaffer's public view, to quote Columnist Clayton Fritchey, "is that the sick-out is illegal and there is nothing to negotiate."

While I do not condone the action of the air traffic controllers in staying away from their jobs, I nevertheless feel that an individual examination of the facts in the case indicates a remarkable neglect on the part of the Federal Aviation Administration toward both its employees and the flying public.

I was particularly struck by the statement accompanying the civil contempt decision against the Professional Air Traffic Controllers Organization issued "with reluctance" by Federal Judge George L. Hart, Jr., here in the District of Columbia. Judge Hart, a most distinguished jurist appointed by President Eisenhower, declared that the controllers had begun the "sick-out" against the FAA only after "extreme provocation from the agency's top officials."

Mr. President, what kind of Government agency is it whose leaders indulge in "extreme provocation" toward a group of valued, hard-working employees whose arduous job it is to protect the safety of people who fly in airplanes? I am appalled that a Federal judge would find Mr. Shaffer and the other officials of the FAA in such a peculiar stance.

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Is it true, as many controllers claim, that the officials of the FAA have engaged in a personality struggle against the controllers organization's leadership in an attempt to "break" them? If so, I think it is a shocking maneuver that trifles with the safety of the flying public and endangers the economic well-being of the airlines.

Mr. Shaffer is quoted by the New York Times as saying as much. He told reporters:

> I intend, through my demonstrated leadership to bring them (controllers) around to my view or bring them back to the FAA, I should say.

If what we have witnessed and experienced in the last 2 weeks is any indication of Mr. Shaffer's demonstrated leadership, then I find it very curious indeed. When he talks like this, at a time when reason and responsibility are needed, Mr. Shaffer reminds me of a misguided missile.

Now let me ask the question: Did the controllers have a valid reason for reporting "sick" across the country over the last 2 weeks?

A Federal judge in Cleveland, Thomas J. Lambos, decided to find out. He appointed a panel of physicians to examine the "sick" controllers. The results of these tests were chilling. Seven of the men examined were found to be permanently unfit for work at radar control. Ten were judged temporarily unfit and 23 were found well enough to work. In other words, over 40 percent of the men examined actually were sick. And, perhaps, most shocking of all, seven controllers had been working who should have been permanently retired from radar control, in the opinion of the team of examining physicians.

As a person who flies a good deal, as do most Members of Congress, I am terribly concerned by these figures. If the medical examination of the Cleveland controllers is any indication of what the situation is nationally, then there are many controllers who have been working who should not have been. I, of course, do not know what similar examinations of their 8,500 journeymen controllers in the FAA system would reveal. But from my conversations with controllers at Salt Lake City about their jobs and medical problems, I would suspect that the Cleveland case may not be unique.

Mr. President, the apparent disregard that the FAA has shown for the health and well-being of its controllers—the symptoms of which are revealed in the Cleveland examinations—is symptomatic of the state of employee-management relations within this agency.

Last August, Secretary Volpe, to his considerable credit, appointed a blue-ribbon committee headed by Dr. John J. Corson, of Princeton University, to study the problems of the FAA's air traffic controllers.

The Corson committee did a painstaking job. Its 108-page report, released in January, constitutes a shocking indictment of FAA management methods. Let me quote briefly from that report:

> FAA cannot now command the full support of many members of the work force in its terminals and centers. Indeed, members of this Committee have never previously observed a situation in which there is as much mutual resentment and antagonism between management and its employees.

I could go on and on quoting from the Corson committee report, but that brief statement is enough to give you an idea of what Secretary Volpe's committee found. Mr. President, it has been proven time and time again in previous studies that date back to 1961 that the air traffic controllers do, indeed, have a legitimate case. They are dreadfully overworked; some controllers in the high-density centers, such as New York and Chicago, work as many as 60 hours per week. Large numbers of these controllers do suffer from a variety of physical and psychiatric ailments that are a result of the strain under which they must work. A distinguished psychiatrist, Dr. W. Wayne Sands, of Des Moines, Iowa, has conducted extensive studies of many controllers, and his findings would be enough to curl the hair of anyone who flies regularly.

We pride ourselves on the greatest system of commercial aviation in the world. Well trained stewardesses, in-flight movies, splendid food, comfortable riding conditions, convenient schedules, able pilots, and expert engineers and maintenance men are as good as can be found anywhere in the world.

But what sometimes is failed to be realized is that, regardless of the efficiency of the airline, the safety of every passenger ultimately passes into the hands of the controllers who direct the planes onto the runways. They are the responsibility of the FAA, and from all the facts available it is apparent that the FAA is not fully meeting that responsibility.

Congress already has done much of its part in providing the FAA with the necessary tools. After the controllers dramatically brought to public attention how inadequate the Nation's air traffic system was, through a slowdown in the summer of 1968, Congress acted promptly. Authorization and funds for almost 4,000 new controllers were approved. Controllers' salaries were increased. Funding was voted for better radar equipment and the airport-airways development legislation, which hopefully will pass the Congress within a matter of weeks, was speeded on its way.

In the light of what has now happened, I believe it is fair for Congress to ask: Has the FAA done its job? Why has this unfortunate controversy—stemming from issues that should and could have been settled within a matter of hours—been allowed to happen?

More important, what of the future? When this "sick-out" ends, how will the FAA treat the controllers when they return to their jobs? Will Mr. Shaffer carry out his announced intention of taking punitive action against the leaders and active participants in the "sick-out"? Will a spirit of recrimination and revenge exist throughout the agency? If it does, Mr. President, I fear for the American air traffic safety system. Angry, embittered controllers will not return in the frame of mind to give their best efforts. At best their job is ulcer-prone and neurotic. Punitive conditions could create a calamitous situation.

For these reasons, I believe that we have before us a dispute of the utmost importance to the safety of the innocent bystanders, the people who fly. As a member of the Aviation Subcommittee of the Committee on Commerce, I would propose that hearings be commenced in the near future to determine how this controversy can be resolved to the view of all concerned and to further insure that similar situations will not reoccur in the future. The safety of American aviation demands that we act soon.

VIETNAM NEGOTIATIONS

Mr. **MANSFIELD**. Mr. President, by necessity the distinguished Senator from Maine (Mr. MUSKIE) is absent from the Senate at the moment. He has prepared a statement, however, on the Paris peace negotiations—a subject of continuing interest to him, to the Senate, and to the entire Nation. I ask unanimous consent that Senator MUSKIE's thoughtful statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ERA OF NEGOTIATIONS?—PART III

Mr. MUSKIE. Mr. President, I was distressed to learn, yesterday, that American casualties in Vietnam reached the highest level in seven months this past week. South Vietnamese casualties were the highest in two years. Total American battle deaths are now 41,274. One-fourth of these deaths have occurred since President Nixon took office.

We are not going to end the fighting and killing in Vietnam by Vietnamization. We can end it only through a negotiated settlement. We can negotiate a settlement only by committing our best efforts to the Paris talks. Such efforts require a top level negotiator with the prestige and authority to take the initiative in Paris.

There have now been 62 meetings of the Vietnam negotiators since Ambassador Lodge left Paris. The longer the talks drag without a replacement, the more futile they become.

When President Nixon speaks to the nation, next Thursday, I hope he will address himself to the questions I have raised in this series of questions I have raised in the Senate. The American people have a right to know when he intends to take meaningful steps toward the "era of negotiations" he promised over a year ago.

OCEANOGRAPHY: THE WET FRONTIER

Mr. HATFIELD. Mr. President, I have spoken before on the "Wet Frontier of Inner Space"—that is, oceanography. I recently returned from my State, where I had several discussions with Oregonians on the many facets of oceanography. All spoke of the need for more Federal action, to stimulate private industry and university research.

Our country must not fall farther behind in this area—and we are behind. We must move in a positive fashion to solve the problems of food, of mineral resources, and the other segments of the oceans. Must we wait for a deep-sea "Sputnik" to awaken the public to the fact that the Russians are moving ahead in this area at a faster pace than is the United States?

Mr. President, this is not a completely bleak picture. I call attention to evidence of progress in the area. Two recent articles point out that work is beginning in new and exciting areas of undersea research and development.

Mr. President, I ask unanimous consent that articles on oceanography, published in the Sunday, April 5, 1970, New York Times and the U.S. News & World Report of March 30, 1970, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 1970]

FIRST AQUANAUT TEAM ENTERS UNDERSEA LABORATORY AS 7-MONTH TEST BEGINS

(By John Noble Wilford)

CHARLOTTE AMALIE, V.I., April 4.—Four scientists and an engineer, the first aquanaut team of Tektite 2, swam down today to occupy an underwater laboratory here and begin an ambitious seven-month study of marine life.

After a three-day delay caused by the late arrival of equipment, the five men donned their rubber jackets, oxygen tanks, face masks and flippers and then slipped off a barge into the clear blue waters at 12:39 p.m., Eastern standard time.

In six minutes they were 50 feet below the surface and safely inside the steel cylinders that are to be their home and laboratory for the next 11 days.

"Hello, topside. Hello, topside," William L. High, the senior aquanaut, telephoned to the command post on the cliff overlooking Beehive Cove. "Hey, we're here." "We're home."

Mr. High is a scientist with the Bureau of Commercial Fisheries in Seattle. The other four crew members are Alan J. Beardsley, also of the Bureau of Commercial Fisheries; Richard W. Curry and Roger J. Dexter, graduate students at the University of Miami's Institute of Marine and Atmospheric Sciences, and Edward F. Batutis, an engineer with the General Electric Company.

SIXTY-TWO SCIENTISTS TO PARTICIPATE

For the next seven months, one team after another—62 scientists, engineers and doctors—will occupy the sea floor laboratory, using it as a base for a series of studies of marine animal behaviour, sea water chemistry, reef ecology and human behaviour under such confinement.

Tektite 2 is the only major man-in-the-sea research program that is now being conducted by the United States. The Navy, because of a shortage of funds and technical troubles, has no immediate plans of sending its Sealab 3 to the ocean floor.

A larger purpose of Tektite, which is coordinated by the Department of the Interior, is to demonstrate the advantages of sea floor habitation in oceanographic studies, especially those in the upper 300 feet of water.

Last year four aquanauts lived in the underwater complex at the same site for 60 days to demonstrate the safety of long-duration sea floor habitation.

The underwater base, which was built by General Electric, consists of two 18-foot-high steel cylinders, each 12½ feet wide, connected by a tunnel 4½ feet in diameter. It is linked to topside by cables and tubes for communications, electricity and the nitrogen-oxygen breathing gasses.

A University of Texas team of researchers, under contract to the National Aeronautics and Space Administration, will monitor by closed circuit television the aquanauts' activities throughout the project. They want to determine how well men get along under such circumstances and what they do with their spare time. The quarters are equipped with television tapes, music, games and books.

"To tell you the truth," Mr. Dexter said, "we're going to be so busy I don't think there'll be a problem getting along with each other."

As the Tektite aquanauts settled down to the routine of sea floor living, the project's chief scientist, John G. Van Derwalker, predicted in an interview that at the end of seven months Lamashur Bay "will be better understood than any other part of the marine environment."

The research projects, Mr. Van Derwalker said, range from "very basic research to about as applied as you can get."

FISH BEHAVIOR STUDY SET

On the first mission, for example, Mr. Dexter and Mr. Curry plan three three-hour excursions a day to collect water samples for chemical analysis. They are particularly interested in seeing how the chemistry varies over a 24-hour period and how such variations affect marine activity.

The other two scientists, Mr. High and Mrs. Beardsley, will observe the behavior of fish around three different types of fish traps. The object is to determine the most effective trap design.

A study of the effects of pollution on the growth and mortality of coral will be conducted later this summer. The scientists will apply sub-lethal doses of a common pesticide on coral near the habitat to see if it makes the coral more susceptible to predators.

The relationships of one species to another, especially predator to prey, will be the subject of several studies. A group of woman aquanauts, scheduled to go down in July, plan an experiment in which they will pass silhouettes of predator fish in the vicinity of certain schools of fish to test their response.

It is suspected that fish have an instinctive ability to sense their predators by shape, but they may also sense danger by sounds and odors.

THE OCEANS: COMING INDUSTRIAL FRONTIER

(Aboard the *Search Tide* in the Pacific)

A race is underway among U.S. firms to tap ocean resources on a massive scale. The lure: potential earnings of billions of dollars.

Steam along the California coast in this trim research ship, and you can see a mass of evidence of American industry's rapid expansion into business in the oceans.

Oil righ, sand and gravel dredges, fishing boats and experimental underseas operations are scattered near the shoreline by the dozens. They are part of the U.S. "oceanographic market" that has grown to a record-breaking 8 billion dollars a year in volume.

Even faster development is foreseen in the next few years as the U.S. Government becomes more and more involved in the cleanup and exploitation of the oceans. At least 2.5 billions in federal funds is programed to be spent on oceanographic work over the next five years, part of it in the fight against water pollution recently announced by President Nixon.

THE SEARCH FOR FOOD

Hundreds of American firms are plunging into the business of extracting food, minerals, and energy sources from and under the water. Some companies have decades of experience, and others are new to the field.

The annual volume of American business in the oceans is expected by Hayden, Stone, a brokerage firm which keeps close tabs on oceanography, to triple to 24 billion dollars by 1980. That amount excludes surface-shipping and military expenditures.

By far the biggest user of ocean resources is the U.S. petroleum industry. It has made exploring for and extracting undersea oil and gas a 5-billion-dollar-a-year business. Offshore discoveries in many areas, including Alaska, are likely to increase the pace of the work at about 14 per cent a year over the next decade.

Other big sectors of the oceanographic field include the fishing industry, which is earning 1.5 billion dollars a year, and underwater mining for minerals, which is expected to expand five times within a decade to 750 million a year.

Research and development, largely financed by the U.S. Government, is a 500-million-dollar-a-year business. Other enterprises—including salvage, dredging and construction—are valued at 1 billion a year.

Work in all those fields, except fishing, scarcely existed or was a fraction of its present size in the U.S. 25 years ago.

EXPLORING THE SEA

Typical of new activities is the work under way by the Westinghouse Electric Corporation, which uses the 194-ton *Search Tide* for testing devices and operations. The vessel is crowded with rubber-suited divers, engineers and technicians. They work with such equipment as the *Deepstar 2000* submersible—a small submarine—and underwater sound-detecting devices.

Operations aboard the ship include studies of the behavior of sea life—which may help to improve harvests of food from the oceans—and measurements of waves from distant storms.

Dr. Roy Gaul, manager of the Westinghouse Ocean Research Laboratory near San Diego, says the work has contributed to many commercial products and operations, and promises to uncover still more.

Westinghouse scientists, for example, are studying an area of the Atlantic near Key West, Fla., where a water-desalting plant discharges hot brine into the ocean. Several varieties of sea life, the scientists found, congregate near the discharge, apparently craving the warmth—especially in winter.

This discovery, Dr. Gaul says, could lead

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to at least two commercial applications: "farming" such sea creatures as lobster in these areas, and developing winter resorts around such artificially created warm water.

Many scientists believe much more cultivation of sea animals and plants in limited areas—such as the Chesapeake Bay oyster beds—will be necessary to feed the world's expanding population by the end of this century. They also predict that "aquaculture" will be a multibillion-dollar business by then.

SUDDENLY, A SHARK

Scientists working in this field learn to expect the unusual. On a recent voyage of the *Search Tide* in the Gulf of Mexico, for example, a group of engineers were in the water preparing for an experiment when a 40-foot whale shark appeared in their midst.

One of the engineers, Robert Bradley, impulsively grabbed the shark's dorsal fin and was pulled aboard the animal's back by the momentum. Clad only in orange swimming trunks, the engineer rode the gyrating shark for several minutes until the fish, its curiosity about the operation satisfied, dived and fled. Mr. Bradley and the others, unhurt by the incident, continued the experiment.

Great emphasis is placed on experimental and development work in the oceans because, as one engineer explains, "We have about reached the end of our rope in existing technology" in many fields.

Oil companies, engineers say, can use methods essentially land-based for removing petroleum on the ocean bottoms at depths of about 400 feet or less. But many potentially rich oil fields lie at depths of 600 feet and more, and so new means of tapping the deeper sources are being developed.

One big aerospace firm that has evolved such a system is the Lockheed Missiles & Space Company. Its proposed operation consists of a series of unmanned steel "cellars" over wellheads, connected to a central control station, also unmanned, on the sea floor. Oil would be pumped from there to a surface or shore pickup point.

Plans call for repair work to be done by technicians in a small diving capsule, which would be clamped to the top of the "cellar" during the work. Four oil companies are participating in the development, and the system is expected to be pumping oil by autumn.

UNDERWATER DIAMOND MINES

Other firms at work on oil-producing equipment include another big aerospace company, North American Rockwell, and Ocean Science & Engineering, Inc. The latter, a Washington, D.C., firm, is one of many small businesses in oceanographic work. It has expanded since its founding in 1962 into such activities as underwater mining for diamonds off Africa and a shipyard in California.

The search for better oil-retrieving devices is considered all the more urgent because of the outcry over recent incidents involving oil pollution along the U.S. coastline.

Many oceanographic firms have felt the pinch of cuts in the U.S. Government budget, and dozens of companies have posted losses. At least one big firm, which entered the field about five years ago, lost about 5 million dollars.

But the risks have been well worth it for many companies. Lockheed, for example, pumped more than 10 million dollars into oceanographic work. Recently, it won a U.S. Navy contract for a deep-diving vehicle to rescue crews from submarines. The program may eventually be worth about 200 million.

The company believes that work on the vessel could lead to a civilian submersible capable of operating at 20,000 feet, placing 90 per cent of the ocean bottom within reach.

Elmer P. Wheaton, Lockheed's vice president in charge of the program, says it was natural for the aerospace firm to enter the oceanographic field because the company's technological resources were adaptable.

A NEW AGENCY?

The field is opening up so fast, Mr. Wheaton believes, "it is within the realm of possibility that Lockheed will some day work as much in oceanography as in aerospace."

As the pace of underwater work quickens, many scientists have become advocates of a bigger U.S. Government hand in encouraging business and protecting the public's interests. A White House-appointed commission on marine science recommended in 1969 that a National Oceanic Atmospheric Agency be set up. No action has yet been taken.

U.S. businesses, meanwhile, are exploring the oceans as fast as their resources will allow. Even companies that have not yet turned a profit on their investment in such work are hopeful about the future. Says one manufacturing executive:

"We haven't made any money in this yet—but we will. There are billions to be made in this market, and at least we've got our feet in the door."

RADIOACTIVE DISCHARGE

Mr. MONDALE. Mr. President, many citizens are justifiably skeptical of the present Atomic Energy Commission standards regulating radioactive discharge.

In my home State, the Minnesota Pollution Control Agency is involved in a controversy because it is seeking to tighten the AEC standards governing discharges into the Mississippi River from a proposed nuclear powerplant.

The AEC, in defending its standards, discounts the criticism as irresponsible or uninformed.

However, two of the leading critics of the current radiation standards—Dr. John Gofman and Dr. Arthur Tamplin—are neither irresponsible nor uninformed. These eminent scientists have been members of the professional staff at the Lawrence Radiation Laboratory in Livermore, Calif., an installation which is under contract to the AEC.

As critics from within, these two men have argued that the present AEC standards are so dangerous that they could lead to thousands of additional cases of cancer each year.

In an editorial page column in the April 2 edition of the Washington Evening Star, Judith Randal discusses the case incisively.

She concludes that the Nation needs to examine the situation more closely.

I also believe that we should examine these AEC standards. As I have announced previously, I support the State of Minnesota in its fight to strengthen the radiation regulations.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Apr. 2, 1970]

NUCLEAR PLANTS AND YOUR HEALTH

(By Judith Randal)

Until about a year ago, Drs. John Gofman and Arthur Tamplin, the former a physician with an advanced degree in medical physics and the latter a biophysicist were content to stick to their Geiger counters and microscopes at the Lawrence Radiation Laboratory in Livermore, Calif.—one of several scientific installations under contract to the Atomic Energy Commission.

Then a call came from Washington drawing their attention to an article in "The Bulletin of the Atomic Scientists," written at the height of the anti-ballistic missile debate by Dr. Ernest Sternglass, a University of Pittsburgh health physicist.

I charged that nuclear tests already had increased the incidence of cancer. And it predicted that generations of children yet unborn would be affected by atomic weapons experiments, past and future.

The AEC wanted Gofman and Tamplin to rebut Sternglass' conclusions. This was easy to do, because Sternglass had proceeded from incorrect assumptions.

But, as the California scientists dug deeper, they indeed found cause for alarm. They became particularly concerned about unrestrained growth of the nuclear electric power industry.

Says Gofman, "They wanted a whitewash and asked us to produce one by submitting a critique of Sternglass to a prominent scientific journal, and our own analysis of the dangers to an obscure one. We told them they could go to hell."

The Californians' quarrel with the AEC stems from two sources: First, they object to safety standards set by the Federal Radiation Council, a government regulatory body; and, second, they point to recent findings by many scientists that exposure to apparently innocuous levels of several environmental factors can present a new, combined danger that is many times greater than the sum of its parts.

Scientists call this "synergism" and point out that unless the result is dramatic, as with thalidomide, it may go unnoticed until it is too late.

Returning for a moment to the Federal Radiation Council, Gofman and Tamplin argue that its standards are set for the convenience of the AEC. There is some justification for this claim.

The setting of dangerously high levels for occupational exposure in uranium mines is an example. The Federal Radiation Council set a supposedly safe level for this industry, but the council's standard was disputed by individual scientists in this country as well as by the highly respected International Council on Radiological Protection. Two years alter, there was a fourfold increase of lung cancer among men working in these mines.

Now the demand for electricity is growing three or four times faster than the United States population, and in the next 30 years an increasing share of this demand will have to be met by atomic energy.

The Federal Radiation Council has set permissible levels for exposure of the general population to radioactivity at 1.7 rads a year—a small amount, says the AEC. In fact, a scientist at a cancer meeting last week termed it "ridiculously low."

Gofman and Tamplin counter that it is too high by a factor of at least 10. They cite many studies—such as that of the uranium miners—as evidence.

"They can discredit us 100 percent, say we're agents of the Martians or anything," says Gofman, "but they can't argue with the published literature."

Gofman and Tamplin concede that danger to the general public today from exposure to radiation from atomic reactors is not great, because there are so few reactors around and because even .17 rad (the Gofman-Tamplin proposal) is not reached anywhere.

But as atomic power plants grow in number and size, exposure levels will creep up unnoticed and, the California scientists insist, eventually the Radiation Council's 1.7 rad limit will be approached.

At that time, they fear, pressure to raise the permissible limit may be just as great

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as the periodic pressure on Congress to raise the ceiling on the national debt.

Even if existing standards remain in effect, they say, what the law now allows could lead to 15,000 to 32,000 more people each year developing cancer than at present, to say nothing of the genetic damage which may accrue to future generations.

Yet citizens who object to the construction of a nuclear reactor find themselves up against the AEC a tax-supported agency which is both regulator and promoter of atomic energy for civilian use.

In short, it would appear that this nation needs to examine how much added electrical power it really requires.

PSYCHOLOGICAL TESTING OF SMALL CHILDREN

Mr. ALLOTT. Mr. President, quickly, before the unexpected situation passes, never to return, I want to voice my approval of an editorial published in the Washington Post.

The editorial voices strong opposition to a scheme for massive psychological testing of children between ages 6 and 8 years old. The purpose of the tests would be to detect criminal potentialities in these children.

It is said that this proposal elicited some passing interest from someone in the administration. Perhaps. But now that the weather is warm, the baseball season has started, and the surf is up, there are ample distractions for men and women who might otherwise be distracted by the sheer novelty of the proposal to make the world safe from 8-year-olds.

I trust that the proposal will not survive the witty dissection administered by the Post today. I hope the Post can make a habit of what it has until today avoided like the plague—being good-humored and correct. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 10, 1970]

Dr. Hutschnecker's Modest Proposal

Unlike Jonathan Swift, who formulated "A Modest Proposal for preventing the Children of Poor People in Ireland from being a Burden to their Parents or Country," Dr. Arnold Hutschnecker does not suggest that the rich should devour the children of the poor by way of solving the nation's social problems. Rather, he merely suggests that the state begin a massive psychological testing program on all 6- to 8-year-olds (to unearth "delinquent character structure") and provide a series of correctional measures for those who flunk, including ultimately "camps" for such young people as resist the state's benevolent ministrations and turn out to be—despite them—"hard-core." That and the fact that, unlike Dean Swift, Dr. Hutschnecker does not seem to be kidding, are the principal differences between these two works of art, one of which is to be found between the covers of any reputable collection of British satire and the other of which turned up in this newspaper last Sunday in an article by Robert Maynard.

Since a covering note to Secretary Finch makes plain that both Mr. Nixon and his assistant John Ehrlichman take the proposal seriously ("The President asks your opinion as to the advisability of setting up pilot projects embodying some of these approaches"), we will refresh your memory as to what it's all about. Dr. Hutschnecker picks up where the Eisenhower Commission on Violence left off—prematurely and incompletely, in his opinion, since the commission observed that, "only progress toward urban reconstruction can reduce the strength of the crime-causing forces in the inner city and thus reverse the direction of present crime trends." Dr. Hutschnecker disagrees:

"I would like to suggest another, direct, immediate and . . . effective way of attacking the problem at its very origin, by focusing on this criminal mind of the child."

He thereupon cites some projective psychological tests which are the subject of considerable controversy and reservation among psychologists so far as both their potential use and abuse are concerned, and from this scanty material fashions his modest proposal.

Because "delinquent tendencies" can be predicted from tests "even at the age of six," Dr. Hutschnecker contends that what is wanted is a comprehensive testing program. Those children in whom government detected "violent and homicidal tendencies" would get treatment and guidance and finally, if they failed to respond, a place in Camp Hutschnecker-by-the-Sea. There they would be supervised in "group activities" by psychologists, psychiatrists, and "psychomedics" who had been trained with the help of government loans. Dr. Hutschnecker, ever looking on the bright side of things, maintains that in or out of camps even the most intractable adolescents can be redeemed. "There are Pavlovian methods which I have seen used effectively in the Soviet Union."

It should be stated at about this point that Dr. Hutschnecker himself is a physician and that his credentials as a diagnostician of the nation's psychic ills are rather slim. He has not let this fact get in the way of his publicly administered group therapy, however: only last summer Dr. Hutschnecker was promoting in Look magazine his universal pass-fail system for grading the mental health of prospective public servants and issuing them a kind of sanity card as proof against—well—who knows what? At that time he also came up with some highly imaginative, if politically suspect, psychologicalesque descriptions of public figures (not Mr. Nixon) whom he of course has never treated.

So Dr. Hutschnecker lacks the two credentials that might have justified in some degree the interest the White House has shown in this document: he is not a satirist and he is not a specialist in the subject on which he made his sweeping recommendations.

Among his other shortcomings we would include what Arthur Godfrey once perceived in Julius La Rosa as a certain want of humility, and we would also cite his gross indifference to the delicate relationship that exists and must be preserved in these matters between the government and the citizen, and between "predictive" concepts of crime of any kind and the actual committing of crime, which is what we punish people for or treat them separately and specially for. Finally, in a somewhat less-thunderous vein, we would commend to Dr. Hutschnecker's attention the inferences of Drs. Gesell and Ilg in the section called "Six Years Old" of the classic work, "The Child From Five to Ten." Some of our best friends are 6-year-olds, and we have no intention of *smearing* them as a group. But the implication is strong that what with one thing and another, generally speaking, and in terms of decorum, *all* 6-year-olds are criminals. We don't want to be too flibberty-gibbet: the few truly sick and hurt can be helped by special care, and for those who are trapped in the horror of our urban slums, we think the Eisenhower Commission was doing just fine in its diagnosis without Dr. Hutschnecker's addendum. For the rest of the world's wanton 6-year-olds there is nature's special cure: turning 7.

U.S. ACTION ON HUMAN RIGHTS: THE SAME IN 1963 AS IN 1970

Mr. PROXMIRE. Mr. President, the international protection of human rights has been a matter of grave import for many years. Six million Jews were murdered by Nazi Germany. World reaction to this monstrous crime against humanity resulted in the United Nations Convention on Genocide. The concern over genocide spread into other areas of human rights, resulting in the United Nations conventions or protocols on forced labor, slavery, the political rights for women, and the protection of refugees.

A letter to the editor of the New York Times in December, 1963, expressed grave concern that—

> Fifteen years since the adoption of the Declaration of Human Rights little has been done (by the United States) to act upon its terms.

The letter, written by Phil Baum, director of the Commission on International Affairs of the American Jewish Congress, was printed in the Anti-Slavery Reporter and Aborigines Friend in January of 1966. The text of the letter was followed by the succinct comment:

> Up to the time of going to press, this situation has remained, unaltered.

It is now April 1970, almost 7 years after Mr. Baum's excellent letter, and more than 4 years after it appeared in the Anti-Slavery Reporter. And still, "this situation remains unaltered." There has been virtually no action by the United States in the field of international protection of human rights. The situation must change—humanity demands that it do so immediately.

Mr. President, I ask unanimous consent that Mr. Baum's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The United States and U.N. Human Rights Conventions

Members will recall the statement by the late President Kennedy, published in the Society's Annual Report for 1963–64, calling on the U.S. Senate to ratify three international conventions on human rights. The conventions were on slavery, forced labour and the political rights of women.

In December 1963 the following letter appeared in the *New York Times:*

Status of Human Rights—Benefits Seen if United States Ratifies U.N. Conventions

To the Editor of the New York Times:

On 10th December, at the invitation of the U.N. Economic and Social Council the United States is to join with other countries in the world in inaugurating Human Rights Week and in celebrating the fifteenth anniversary of the adoption of the U.N. Declaration on Human Rights.

In the past these events typically have been restricted to innocuous ceremonial displays. Rarely have they been of genuine significance either to the communities in which they have been held or to the issues to which they have been directed. This year it is imperative to use this occasion for a precise appraisal of the status of international human rights and of the opportunities that have been taken—more often missed—by our own country to contribute toward their enhancement and improvement.

The fact is that the United States has not

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yet ratified a single United Nations treaty in the field of human rights. For the past ten years we have followed a policy of abstinence, first inaugurated by Secretary of State Dulles in April 1953, in an effort to stave off the attempt by Senator John Bricker to impose limitations upon the Executive treaty-making power. To appease the Bricker forces, Secretary Dulles assured the Senate that the United States would not offer for ratification any U.N. treaties touching upon human rights in any form.

And this guarantee has been rigidly carried out. It has immobilized American participation in the international protection of human rights. It has had a disabling effect internally within the United Nations upon numerous treaties that are long pending and awaiting discussion. Our publicly proclaimed abdication not only of leadership but of support has helped to generate an attitude of universal indifference.

But it is heartening that in one of his last Presidential messages President Kennedy took firm steps to change these restrictive policies. In July our late President sent to the Senate for ratification three separate U.N. conventions in the field of human rights dealing with the abolition of slavery, the abolition of forced labor, and the protection of the political rights of women. In his accompanying message he repudiated the concept of isolationism in human rights that has guided our national practice for the past ten years; that, for example, has caused such measures as the Genocide Convention to remain locked in the Senate Foreign Relations Committee without action since 1951, despite extensive public hearings and its own subcommittee's favorable report.

Our ratification of the conventions will yield at least three practical benefits to the United States:

It will attract wide attention abroad among nations whose support we solicit and will encourage similar commitments by other states, especially some of the newly independent countries who look toward the U.N. conventions as a model for their own domestic practices.

It will empower us as a contracting party to call attention to those countries that may have ratified the conventions but have failed to implement them in practice.

It will restore to us the necessary credentials to influence in the future the drafting of other international legal norms.

During the fifteen years since the adoption of the Declaration of Human Rights little has been done to act upon its terms. This way at least we can begin.

Phil Baum,
Director, Commission on International Affairs, American Jewish Congress, New York, December 6, 1963.

Up to the time of going to press this situation has remained unaltered.

GOOD ADVICE TO OUR PRESIDENT

Mr. YOUNG of Ohio. Mr. President, President Nixon should take immediate action to stop our airline flights from being hijacked to Havana. It would help if our President would issue a proclamation that all men and women, including Cuban nationals, now in the United States, unhappy and yearning to go to Cuba, should forthwith notify State Department officials of their wish to make that one-way trip. Then we should negotiate through the Mexican Government for a one-way trip to Mexico City and from there to Havana courtesy of U.S. Government. Such persons to be barred forever from entering the United States. We Americans gain. Castro might be the loser in the end.

SMALL BUSINESS INVESTMENT COMPANIES

Mr. PERCY. Mr. President, against the backdrop of the President's recent statement on minority enterprise, which he made to accompany the legislative package we introduced today, to deal with the special problems in this area, invite the attention of the Senate to an article on SBIC's, published in the Chicago Sun Times.

As the article indicates, SBIC's—small business investment companies—are in large part unknown among the general public. But to many people in the business world and particularly among those who have had the occasion to avail themselves of the SBIC "product"—credit—these companies are well understood and appreciated and their unique potential is highly respected.

The newspaper feature will introduce to the reader, if need be, or extend his knowledge, if that be the need, the goals, procedures, and impact of these investment companies. It is significant to note that Secretary of Commerce Stans has recognized the special merit of the SBIC concept in adapting the SBIC structure to form MESBIC's, one of this administration's major programs to deal with the especially difficult problems of minority enterprise. Already these MESBIC's are making impressive advances in the struggle to give equal stature to America's minorities who desire to enter the marketplace as entrepreneurs.

It is my deep hope, Mr. President, that the increased publicity, the intensified interest, the broadened understanding, and the increased activity surrounding the problems of small businesses will work to strengthen this sector of our economy and make it a live vocational option for all persons whose talents and interests direct them along that route.

I ask unanimous consent that the Sun Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

SBIC's: Enterprise Plus Government Add Up to Profits

(By Carole A. Foryst)

Ask the ordinary, run-of-the-mill millionaire or investor what an SBIC is, and you are liable to get a shake of the head, a blank stare, a hesitant start, or frank admission that he doesn't know.

It's no wonder. "The SBIC (Small Business Investment Corp.) is somewhat difficult to analyze," says Stanley M. Rubel, a leading spokesman in the SBIC-Venture capital field.

In simple terms, an SBIC is a specialized company established to lend money to small companies which show promise but whose operations are a bit too risky for banks.

But an SBIC is far from being a philanthropic organization. It expects to make a profit from stock options, warrants to purchase stock, or direct investment in stock. And while the major portion of profit is derived from capital gains, it also makes something from interest payments and dividends.

The whole idea was created in 1958 by Congress. It set up the program under the Small Business Administration, thereby creating a new financial industry—small business investment companies.

From then on, companies which previously had to scrape around to find capital to survive could turn to the SBIC which held the door open for financing and professional management services.

PIPELINE ROLE

The system works like a pipeline. An SBIC can borrow at interest ranging from 5 to 7½ per cent (currently the latter) from the SBA, getting $2 for every $1 in private capital it has. When private capital exceeds $1,000,000, an extra $1 of leverage can be provided for every private dollar, to a maximum of $10,000,000 from SBA.

According to Rubel, in spite of the high risks of the business, SBICs only absorbed a loss ratio of 10 per cent on outstanding loans, made to 15,000 small businesses over a 10-year period.

Profits in the SBIC industry have climbed at the rate of 24.4 per cent a year. The small businesses which borrowed money from them have averaged a 21.3 per cent growth in sales, their assets have risen 21.6 per cent annually, and their employment increases 24.1 per cent a year.

Performance in the last five years has been exceeding good, with SBICs outperforming mutual funds and the fastest growing businesses, Rubel says. And while the Dow Jones industrials declined 18 per cent in 1969, SBICs were down only 3 or 4 per cent by average, Rubel says.

Some of the best performing of the publicly-held SBICs (most of which are listed over the counter) were La Salle St. Capital (Chicago); Narraganset (Providence, R.I.), the largest of those publicly-held; Midland (New York and Los Angeles); Citizens and Southern (Atlanta); Continental Capital (San Francisco); First Midwest Capital (Minneapolis); and Business Capital (Chicago) which is listed on the Midwest Stock Exchange.

But the industry from the beginning hasn't been enjoying a smooth upward climb. "When the program first got started, people didn't know enough about it . . . they weren't successful, and the attrition rate was high," Rubel admits.

"The people who were really well organized survived, and now the industry consists of reasonably strong people who have done quite well," he maintains. And they had to be strong.

They have had to work around problems caused by the turnover of SBA administrators and federal budget restrictions which have caused no small number of headaches.

BARS DOMINATION

While SBICs have borrowing power and receive tax benefits, government regulations require them to avoid dominating any company they finance (an SBIC can own only up to 50 per cent of a company's stock), they must charge reasonable interest (now averaging between 8 and 12 per cent with 15 per cent the maximum, and follow other rules.

A recent two-year headache which was industry-wide was brought on by a sudden cut-off of loans from the SBA, caused by a Revenues Control Act in 1968 which aimed to curb expenditures and inflation.

And now it's time for industry smiles. At the end of December, President Nixon signed an amendment marking $70,000,000 for release to SBA for SBICs. According to one SBA official about 25 per cent of that total already has been released by the Bureau of the Budget. So loan applications are again being approved and the money pipeline is working again.

GOVERNMENT FACTOR

Rubel hastens to point out that government loans to SBICs are income-producing for the government. In 1967 the industry paid $13,000,000 in taxes and in 1968 the amount zoomed to $20,000,000.

During the same years the program cost $7,000,000 a year to run, Rubel claims. (The SBA doesn't disagree with his calculations, it just reserves judgment saying it doesn't have Rubel's figures).

But there is one thing both agree on. Outlook.

It is good, according to Rubel, in spite of the decline in the new issue market in recent weeks. The new issue market remained reasonably strong in 1969, an important factor in SBIC profits. Total underwritings last year went to $1.369 billion from $754,300,000 in 1968.

"The new issue phenomenon has meant venture capital companies have been able to see their interests to go public much earlier with bigger issues" maintains Rubel.

And the SBA is right behind him. One program director said "The interest in venture capital (SBICs are often referred to in that way) is tremendous and is growing rapidly." He added that young people are moving into it, new groups are forming, and nationwide seminars on the subject are stirring up interest.

F. D. R.'S DREAM

Mr. YOUNG of Ohio. Mr. President, during World War II, President Franklin D. Roosevelt foresaw and hoped for independence for Vietnam, Cambodia, and Laos, then called Indochina. At that time, this was a brutally oppressed French colony occupied by the Japanese. In his memoirs Secretary of State Hull wrote:

> The President . . . himself entertained strong views on independence for French Indo-China.

In 1943 F. D. R. said:

> The native Indo-Chinese have been so flagrantly downtrodden . . . Anything must be better than to live under French colonial rule.

How ironic it is that in the minds of most Vietnamese and heads of state of Asiatic nations the United States has now replaced France as the imperial aggressor in their land. If F. D. R. had lived to implement his proposal and hope, 500,000 young Americans would not now be fighting, dying, and destroying land and villages with napalm bombs and chemicals in Vietnam, a small faraway country of no strategic or economic importance to the defense of the United States.

FREIGHT CAR SHORTAGE PROBLEM CRUCIAL IN IDAHO

Mr. JORDAN of Idaho. Mr. President, because of the deep concern which has been expressed by both Idaho shippers and railroad carriers for the need to alleviate the crucial railroad freight car shortage problem, I ask unanimous consent that the statement which I submitted on March 26, 1970, to the Special Subcommittee on Freight Car Shortages of the Committee on Commerce be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Len B. Jordan of Idaho Before the Special Subcommittee on Freight Car Shortages of the Senate Commerce Committee

Mr. Chairman and Members of the Special Subcommittee on Freight Car Shortages, I am glad to be a co-sponsor of S. 3223 and am pleased to have had the opportunity to work with Senator Magnuson in preparing what we believe to be an effective legislative measure which should go a long way toward alleviating the railroad freight car shortage problem.

The problem, as you have no doubt already concluded from the testimony so far adduced in this hearing, has seasonally plagued the shippers of the West and Mid-west for at least the past 50 years. Some writers say it goes back for more than 80 years and actually was the source of the first complaint filed with the ICC. My personal experience with it has been extensive and frustrating, first as a cattle and grain shipper in private business, then as Governor of the State of Idaho and now as a United States Senator.

Few subjects, as reflected by the correspondence files in my office, have caused more concern to my constituents. The necessity is paramount to have railroad freight cars available when needed to ship the products of the farms, forests and mines which provide the basic economic foundation of my State.

One transportation officer of a large forest products firm has expressed his frustration in a recent letter this way:

"I am at a complete loss to explain to our management why we cannot have an adequate supply of box cars when the lines that serve our mills have spent millions of dollars on equipment and have an ample supply of equipment in their ownership to serve their customers but cannot get this equipment to their customers because other railroads do not follow the service rules established by the A.A.R."

The Administrator of the Idaho Wheat Commission on January 5, 1970, made the following report:

"We have been doing some checking with country elevator operators and wheat growers in northern Idaho during this Holiday Season and find that there is still an extreme boxcar shortage in the northern Idaho area. We have been informed that areas around Worley, Moscow, Genesee, Lewiston and Camas Prairie are as much as 30 to 45 days behind on car orders. A great deal of wheat has been sold to meet certain time limitations for delivery at Portland with prospects of not being able to meet the deadlines due to boxcar shortages."

The Secretary of the Wallace, Idaho, Chamber of Commerce which is located in one of the largest lead, silver and zinc producing areas of the United States, wrote to me on February 13, 1970, as follows:

"The Wallace Chamber of Commerce has been informed that Senate Bill 3223 was introduced on December 9, for the purpose of amending the Interstate Commerce Act to (1) establish car hire and car rental charges at a level necessary to maintain an adequate national car fleet and meet emergency car supply problems, and (2) to prescribe such changes solely upon the time the car is held or used. After a thorough discussion of this matter our Chamber is convinced that Senate Bill 3223 is a very desirable piece of legislation from the standpoint of equity to western shippers and carriers. We therefore commend you for your support of Senate Bill 3223."

Additional examples of such correspondence would be only accumulative but the foregoing are typical of the expressions of urgency and need for passage of S. 3223. I have not received a single letter from anyone expressing the view that S. 3223 is not needed or would not be in the public interest. Neither have I seen any communication or evidence from my part of the country that the proposed time-mileage formula would be better for the national transportation system than the per diem only proposal contained in this bill.

It is understandable that the eastern railroads, having much shorter distances to haul than western railroads, would oppose any legislation which would deprive them of the economic advantages of being able to use freight cars of the western railroads for storage and for hauls between eastern shipping points at rental rates far less expensive than the cost of providing their own rolling stock. This situation is intolerable. It is apparent that Congress must move to correct the serious inequities to the western railroads.

In 1966 the Congress amended Section 1(14)(a) of the Interstate Commerce Act with the hope that the crippling car shortages which were plaguing the nation would be alleviated through action of the Interstate Commerce Commission. This amendment provided for *interim* incentive rates and exemptions.

Following burdensome studies imposed upon the railroad industry and extensive hearings, the Commission in the incentive per diem case found that *interim* incentive rates would neither induce the purchase of freight care nor improve operating practices. When the Commission heard argument in this case, Commissioner Bush observed that the law might have to be amended or repealed.

In the basic per diem case, the Commission presumed to abandon a system of car-hire rates based only upon the time freight cars are used or held, which system has been in use throughout the industry since 1902. Prior to that time experiments with rates based upon time and mileage or mileage alone proved these systems to be impractical. Nevertheless, the Commission prescribed a system of car-hire charges for freight cars in free interchange which can only aggravate the problem. Under this time-mileage system it would be cheaper to let a freight car sit idle and a railroad would be penalized for moving the car where it might be needed. Accounting and auditing for these rates would require railroads to deal with 80 brackets of mileage charges and 560 brackets of time charges in order to embrace cars of all values which are in the national fleet. This would entail very considerable accounting burdens and problems.

Twenty-one states joined railroads owning a large majority of cars in the national per diem car fleet in opposing the Commission's action in court without success. The public interest has thus been ignored and it is only fitting that the practical aspects of railroad operation be revised by the Congress so that it may declare the basic car-hire policies to be followed by the Commission.

I leave the technical explanation of the intricacies and background of the bill to other witnesses. But, basically S. 3223 simply directs the ICC to prescribe a system of compensation to freight car owners predicated solely upon the time a car is held or used. It amends the first section of the Interstate Commerce Act to require the Commission, in fixing compensation, to determine the value base of freight cars and shop facilities, the depreciation thereon and a rate of return on investment, and to convert these costs to daily car-hire rates which shall be recomputed annually.

A key provision authorizes the ICC to impose such charges on carriers, when a shortage or threatened shortage of freight cars exists, in addition to the daily car-hire rates, as in the opinion of the Commission are reasonably calculated to relieve such shortage or threatened shortage during the emergency or threatened emergency. The bill also contains much needed enforcement teeth by doubling the penalties to not less than $200 nor more than $1000 for each offense and $100 per day for each day of continuing violation of ICC orders or directives.

I am persuaded that passage of this bill will provide the Commission with the legislative authority necessary to bring about a very substantial alleviation of the railroad freight car shortage problem.

In my view, S. 3223 is necessary, reasonable and equitable. I consider its passage

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important to the public interest and I, therefore, urge your favorable consideration.

DISSATISFACTION WITH BUREAU OF INDIAN AFFAIRS

Mr. MONDALE. Mr. President, within the last 2 weeks there have been a number of demonstrations by Indians throughout the country in local offices of the Bureau of Indian Affairs. The specific grievances have varied from city to city, but they all echo a similar refrain: dissatisfaction with the Bureau of Indian Affairs, particularly in regard to its paucity of services for urban Indians.

In this age of demonstrations and counter-demonstrations it is easy to brush aside the protests of a small group. But I think it is important we pay special attention to the Indians' complaints because they are primarily asking for nothing more than the fulfillment of promises previously made by our Government.

Mrs. O. J. Janski, president of the League of Women Voters of Minnesota, looked at the demands made by a group of Minneapolis Indians and then wrote a letter to the Minneapolis Tribune, explaining why the demands deserve support. The League of Women Voters of Minnesota has been an advocate of the Indian's cause for a number of years, and I believe their interpretation of this situation is worthy of widespread attention.

In a March 29, 1970, editorial the Minneapolis Tribune addressed itself to these same protests. The Tribune's analysis of the dilemma of the urban Indian is also deserving of our attention. I ask unanimous consent that these two items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INDIAN DEMANDS SUPPORTED

To the EDITOR:

The League of Women Voters of Minnesota supports the demands made on the Bureau of Indian Affairs by a group of Indians in Minneapolis last week.

It seems to us the Indian demands fall into four categories: equal treatment, self-determination, reparations for past claims, and the right to appeal. We believe the public is not sufficiently aware of the basis of these demands.

Indian citizens comprise the most deprived segment of society. They also have more difficulty than any other group in securing public services which, presumably, all citizens deserve. Agencies serving Indians, principally the Bureau of Indian Affairs, are traditionally land-based and services are offered only to Indians on or near reservations, "when services are not available from other sources." Originally, help was to be offered by the federal government only when states and localities abdicated this responsibility.

The League of Women Voters believes that land requirements for services are unrealistic and should be abandoned. We are in favor of a new criterion. Under such a plan, needful Indians on reservations and off would be served equally.

Another league position is that Indians must be permitted to determine their own affairs. The demand that Indian-serving agencies be staffed by Indians is reasonable.

Another category of requests relating to hunting, fishing and water rights, settlement of claims and payment of taxes makes sense when one understands that Indians have paid the invaders of their country with their land itself and their way of life. They are asking for historic rights or payment of debts.

Finally, it seems to us understandable that under the frustrations they experience in dealing with government agencies, they would wish to seek redress from the United Nations as a higher court to which they could appeal.

Our Indian citizens have made their statement eloquently. It is the hope of the league that they will be heard by the city of Minneapolis, the state of Minnesota and the U.S. government.—Mrs. O. J. Janski, president League of Women Voters of Minnesota, St. Paul.

[From the Minneapolis Tribune, Mar. 29, 1970]

THE BIA AND AID TO URBAN INDIANS

Indian protests against the Bureau of Indian Affairs last week are not new and not without merit. Indians picketed BIA offices in Minneapolis five years ago seeking BIA aid for Indian people in the cities as well as those on the reservations.

Nothing much happened as a result of that earlier protest. The BIA did provide funds briefly for an Indian employment center in Minneapolis. But the aid was terminated and the BIA now refers Indian job applicants to the state employment service.

So now the Indians are protesting again, in Minneapolis and in other cities with large Indian populations. And their continued demand that the BIA "serve equally both reservation and urban Indians" is even more pertinent today.

The reason it is more pertinent is that the migration of Indians to the urban centers in search of jobs, housing and a better life leads to estimates that up to 65 percent of the American Indians now reside in the cities. The migration has been dramatic in Minneapolis. One study, projecting school enrollment figures, concludes that the Indian population in this city has grown from 2,000 to nearly 10,000 in the past 10 years.

BIA money, however, has not followed the Indian. The $500 million in federal appropriations, including some funds in non-BIA programs, goes primarily to the reservations. The BIA does assist those Indians who come to the cities under a BIA employment-assistance program, but many Indians come to the cities on their own and are not eligible for direct services.

BIA officials say that agency and congressional policy restricts their spending to the reservations. This may be true—although the funding of the employment center indicates the policy is not ironclad. Further, there has been no demand on the part of the BIA that Congress change this policy. Owen D. Morken, regional BIA director here, says that he will take the Indian demands to BIA headquarters in Washington. The Indians have made a good case, in our opinion, that the BIA should seek a change in policy, and the necessary funds, to finance programs by and for urban Indians. The federal government is largely responsible for the plight of the American Indian today, and should not duck that responsibility merely because of migration trends.

OCEANIC AND ATMOSPHERIC PROGRAMS

Mr. HOLLINGS. Mr. President, in his environmental message last February the President stated that he had requested his Advisory Council on Executive Organization to make its report on Federal organization for environment, natural resources, and oceanography by April 15. For the reasons I stated in my speech on the floor of the Senate in March, I feel that the decision to be made by the President regarding our Nation's oceanic and atmospheric programs is of the utmost importance.

I have introduced a bill, S. 2841, to create a National Oceanic and Atmospheric Agency, and the Committee on Commerce has nearly completed its hearings and action on that bill. I cannot claim authorship of the idea for NOAA. In one way it has evolved from over 10 years of leadership by Congress, particularly by the distinguished chairman, the Senator from Washington (Mr. MAGNUSON). The idea is directly attributable to the Commission on Marine Science, Engineering and Resources, which arrived at that organizational recommendation after 2 full years of intensive study.

Since the publication of the Marine Science Commission's report entitled, "Our Nation and the Sea" last year, support for an independent oceanic and atmospheric agency has grown, coming from widespread interest groups such as the National Oceanography Association, the National Security Industrial Association's Ocean Science and Technology Advisory Committee, the American Oceanic Organization, as well as from conservation groups. I am pleased to announce that at its February 26 meeting of the board of directors of the Chamber of Commerce of the United States adopted a policy position urging the creation of a National Oceanic and Atmospheric Agency as proposed by S. 2841. I welcome the support of the chamber of commerce, and ask unanimous consent that letters sent to me and to Mr. Roy L. Ash, chairman of the President's Advisory Council on Executive Organization, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., April 10, 1970.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Oceanography, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLINGS: I am pleased to tell you that the National Chamber supports the establishment of a National Ocean and Atmospheric Agency, as is proposed by your bill, S. 2841.

We support the establishment of a strong, independent NOAA and a National Advisory Committee on the Oceans, such as proposed by the Commission on Marine Sciences, Engineering and Resources, as being a necessary first step toward improving our national marine capability.

We recognize—and your bill contemplates—that the specific functions and responsibilities of the agency, or any additional allocations of federal funds beyond what is presently budgeted for its components, should be the subject of further study.

I would appreciate your including this letter in the record of your Subcommittee's hearings.

Cordially,

HILTON DAVIS,
General Manager, Legislative Action.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., April 8, 1970.

Mr. ROY L. ASH,
Chairman, President's Advisory Council on Executive Organization, Executive Office Building, Washington, D.C.

DEAR MR. ASH: At its February 26 meeting, the Board of Directors of the National Chamber adopted a policy position urging the implementation of a major recommendation made by the President's Commission on Marine Science, Engineering and Resources.

The National Chamber urges creation of a new civilian agency (National Oceanic and Atmospheric Agency—NOAA) to administer the nation's civil marine and atmospheric programs. To complement this agency, the National Chamber recommends the creation of a National Advisory Committee for the Oceans (NACO) to advise the head of NOAA concerning his functions and coordinating responsibilities, and to report to the President and the Congress on the progress of government and private industry in achieving the objectives of a national ocean program.

Within the next few days the National Chamber will advise Senator Hollings of the Subcommittee on Oceanography of the Senate Commerce Committee that we support S. 2841 to create the National Oceanic and Atmospheric Agency. The creation of this agency is a necessary first step toward improving our national marine capability.

Sincerely,

JOHN J. COFFEY, Jr.,
Senior Associate for Natural Resources and Environmental Quality.

THE HILL-BURTON ACT

Mr. PERCY. Mr. President, I am most pleased that the Senate this week passed H.R. 11102, to revise and extend the Hill-Burton Act.

The members and staff of the Health Subcommittee and the full Committee on Labor and Public Welfare are to be commended for the great effort that obviously went into the preparation of this bill. I was particularly pleased with the provisions that permitted the use of Hill-Burton money for the construction and modernization of freestanding outpatient facilities. I have long felt that the neighborhood health centers that can be built with these funds will be fundamental in insuring the delivery of adequate health services to all our citizens.

I wish to thank the Senator from Ohio (Mr. SAXBE) for offering two amendments for me in my absence and the Senator from Texas (Mr. YARBOROUGH) and the Senator from Colorado (Mr. DOMINICK) for graciously accepting them on behalf of the committee.

THE ATTACK CARRIER FORCE LEVEL

Mr. MONDALE. Mr. President, the Joint Subcommittee of House and Senate Committees on Armed Services is now holding hearings on the study of the attack carrier force level. This study, which was required under the 1970 military procurement authorization legislation, is focusing on the need for a fourth nuclear carrier, the CVAN–70.

On April 8, 1970, Congressman WILLIAM S. MOORHEAD of Pennsylvania and I testified before this joint subcommittee. Congressman MOORHEAD, one of the outstanding leaders of the congressional effort to reduce unnecessary military spending and to eliminate Pentagon waste, questioned the Navy's carrier policy during last year's debate on the military authorization bill.

In his testimony of April 8, Congressman MOORHEAD pointed out that—

> Since none of the Communist nations have any attack carriers, nor apparently have any intention of building any attack carriers, the question is whether our present superiority of 15 to 0 in aircraft carriers should be maintained or increased, or whether that absolute superiority of 15 to 0 might be reduced to say 12 to 0.

He then argued, as I had done in my testimony, that if only 12 attack carriers are sufficient for defense between now and 1980, then the Congress can afford to postpone any decision to build the CVAN–70—the third of three planned nuclear carriers—until fiscal year 1975.

Congressman MOORHEAD's statement also summarized the results of a most significant paper comparing land and sea-based air power prepared by Herbert Rosensweig—formerly of the Defense Department's Office of Systems Analysis. The Rosensweig study concludes that the optimum number of attack carriers for a balanced force should be 12 or less—a conclusion with which both Congressman MOORHEAD and myself agree.

I hope that every Member of Congress will find time to read this excellent statement. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CONGRESSMAN WILLIAM S. MOORHEAD

Mr. Chairman, as a former officer in an attack carrier task force in the Pacific during World War II, I appreciate this opportunity to appear before this Special Joint Committee to raise some questions about the future role of attack carriers.

The issue to be determined by this Committee, it would seem to me, is *not* whether we need any carriers now for I know of few people who would challenge that need for *some* carriers. Instead, it would appear that what needs to be brought out, discussed and, hopefully, answered is:

1. How many attack carriers do we need *now*, in *five* years or in *ten* years to supply the defensive needs of the country?

2. Can part of the tactical air support mission of the attack carriers be provided more economically by land based aircraft?

3. And finally, is the mission of the carrier in the long term being eroded by increasing technology causing increased vulnerability to the point where the Navy ought to give serious consideration to placing its primary emphasis on up-grading its capability in areas other than attack carriers?

As you are aware, an answer to the first question is imperative if we in Congress are to fulfill our constitutional role of providing for the common defense. Since none of the Communist nations have any attack aircraft carriers, nor apparently have any intention of building any attack carriers the question is whether the present superiority of 15 to 0 in aircraft carriers should be maintained or increased, or whether that absolute superiority of 15 to 0 might be reduced to say 12 to 0.

Although we should not necessarily size our carrier forces to correspond to Soviet forces, it may be useful to look at what the Soviet Union is doing—especially since so many of our military plans in other categories of defense are based on parity with the Russians. The Soviets are building missile cruisers, missile destroyers, high-speed missile boats, nuclear subs and attack subs—but no attack carrier. However, the Navy has estimated that 40 per cent of its budget goes to maintaining the carrier fleet. In terms of national priorities it is instructive to point out that we spend more than twice as much (over $400 million) on operating costs of the 15th carrier task force for one year than we spent for water pollution control programs last year.

THE STATE OF OUR PRESENT CARRIER FORCE

The answer to the question of whether we should build additional aircraft carriers at this time depends on:

1. The number of CVAs we want to operate in the late 1970's; and

2. The number of CVAs we currently have which will be both seaworthy and capable of operating the modern tactical aircraft in the late 1970's.

At present we have nine modern aircraft carriers; eight *Forrestal* class ships which have been commissioned since 1955 and the nuclear-powered *Enterprise* which was commissioned in 1961. In addition, two new nuclear-powered carriers have been funded by the Congress. The *Nimitz*, which was funded in FY 67, will enter the fleet in 1972 and the *Eisenhower*, which was funded in FY 68–70, will enter the fleet in 1974.

In addition to these 11 ships, there are 3 *Midway* class carriers. These ships, which were commissioned in 1945–1947, have received extensive modernization since that time. The *Midway*, which is currently undergoing a $200 million modernization program, will be recommissioned this year. After modernization it will be able to operate all of the modern aircraft envisioned for the Navy for at least the next decade. Thus it should be serviceable for at least 10 more year. The *Coral Sea* received an extensive modernization from 1956–1960 and the *Roosevelt* was modernized from 1953–1956. These ships can operate all of the current aircraft except the RA–5C. They will be able to operate all of the Navy aircraft currently under development; including the F–14 fighter.

Finally, there are 5 modified *Essex* class carriers. These are smaller ships which, with the exception of the *Oriskany*, were commissioned during World War II. They cannot operate the modern F–4 fighters or the RA–5 reconnaissance aircraft.

It is difficult to determine the age at which we should replace CVAs. The answer depends on the cost to keep the ships seaworthy and the extent to which they can operate the modern aircraft. While the Navy has indicated that the carriers have a nominal life of 30 years, there are many ships now in service which are substantially older than this. Without going into this issue any further, however, we can draw the following conclusions regarding the need for additional CVA construction:

1. There are 11 ships that will be serviceable well into the 1980's and at least one other (the *Midway*) that will be satisfactory until at least 1980. Since it takes about 5 years to build a CVA, we do not have to fund additional carriers until at least 1975 unless we want to operate more than 12 CVAs in the late 1970's.

2. If we want to operate more than 12 CVAs in the late 1970's, we must decide now on a replacement schedule for the *Midway* and *Essex* class carriers.

Carriers take five years to construct. Hence, we must know how many total attack carriers will be required in five years if we are to take proper action now. I have repeatedly questioned the Navy with regard to the total number of carriers they plan at any given time. Their answers have not been entirely

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satisfactory in shedding a proper insight on the matter. For example, in response to questions I put to Rear Admiral Sonenshein after Joint Economic Committee hearings in December, Rear Admiral Johnston on March 9th indicated that only three *Nimitz* class nuclear attack carriers are currently planned within the approved Five Year Defense Plan. These would be the CVAN's 68 and 69 and the proposed CVAN 70. Since the Five Year Defense Plan extends for approximately the same lead time as carrier construction and since this appears to be the only officially sanctioned planning document, we in Congress have no way of determining what the Navy's plans are without knowing the overall size of the attack carrier fleet they plan to maintain.

For example, if the Navy in the years between 1975 and 1980 plans to maintain a fleet of 18 carriers and, further, adheres to the 30 year life guideline, then between now and 1975 we must approve the construction of six additional carriers. If the fleet force should be 15 as is widely mentioned, then we will have to approve the construction of three additional carriers. If, however, only twelve attack carriers are sufficient for defense between now and 1980, then the Congress can afford to postpone any decision to build additional carriers until 1975.

With this basic equation involving total size of the fleet and age as background, I would like to explore certain factors which ought to be considered in determining the size of the carrier fleet.

The role of attack carriers

The role of the carrier can be roughly separated into three parts which I present in order of ease of justification: 1) providing "presence" in time of crisis but when no overt hostile action has occurred; 2) providing tactical air supportin major but limited engagements such as Vietnam and Korea; and 3) some potential role in the event of an all-out conflict with the Soviet Union. Additionally, the Navy has indicated that attack carriers are necessary to ensure continuing freedom of the seas in the face of a growing Soviet naval threat. Each of these roles or missions is somewhat different and ought to be explored separately.

To provide a presence

The first mission, that is, providing presence in time of crisis but when no hostile action takes place, is perhaps the most difficult to assess. In this situation the carrier is presumed to act as a deterrent. Yet as in any case where hostile action is prevented by presence, no one—probably even the potential enemy—can say what factor tips the balance in favor of deterring aggression. Carriers undoubtedly assist. But so do our strategic bombers and our potential for rapidly deploying land forces and land based aircraft. Last year during the Congressional debate it was cited that since 1945 our carrier forces had been engaged in more than 50 of these incidents throughout the world. Assuming an average level of 15 carrier task forces during this period, this averages out to a cost of about $2 billion per incident. I think that even the Navy woud agree that $2 billion per incident is a pretty steep price tag. The fact of the matter is that "providing presence" is an imponderable. It is doubtful if so many of our carriers could be justified if all they did was to provide presence. Furthermore, "presence" could have been provided with a reduced total carrier force.

COST OF LAND BASED VERSUS SEA BASED TACTICAL AIR

The main mission of the carrier fleet in the past 25 years has been to provide tactical air support first during the Korean conflict and of late in the Southeast Asian war. The carrier has augmented our land-based aircraft. The questions raised in this regard deal with the relative cost of land based tactical air support vis-a-vis carrier based tactical air support.

Much of what follows is gleaned from a well documented paper entitled "Aircraft Carriers—Should We Build More?" prepared by Mr. Herbert Rosenzweig formerly of the OSD office of Systems Analysis and from notes taken in a seminar conducted by Mr. Rosenzweig at the Brookings Institution and attended by a member of my staff.

From these and other sources I would conclude:

1. A land based air wing costs $165 million less per year to operate than a carrier based wing provided no air-lift support is required. In such a case the land based wings can be deployed almost as quickly as carrier based wings.

2. If airlift is provided to support the land based wing and bare base kits are pre-positioned in Europe, Southeast Asia and Korea, the land based wing is still $120 million per year less than the carrier equivalent. In such a case the land based wing could be deployed as fast as the fastest possible carrier deployment.

3. In short term conflicts, carrier based and land based aircraft experience approximately equal sortie rates. As the term of the operation lengthens, the overall sortie rate and hence the effectiveness of land based aircraft is from 30% to 100% greater than carrier based aircraft.

4. Carrier based aircraft would be more vulnerable to enemy action in a Central European war than land based aircraft. In Southeast Asia, Korea and other areas of the world, the vulnerability is significantly lower than in the Mediterranean and North Sea and, therefore, in these areas vulnerability should not be as serious a factor in the choice between land based and sea based aircraft.

5. There are more than enough land bases in Europe to meet our needs. In the North Asian theater, we can operate 1,200 fighter/attack aircraft from bases in Korea, Japan and Okinawa. Differing assessments of the needs of another Korean-type conflict range from 500–1200 aircraft for tactical support. In southeast Asia, we have more than enough land bases to meet all of our tactical air needs. In other areas of the world such as Africa or South America our needs are likely to be quite small—probably no more than a few wings of tactical aircraft. The Middle East and the southern flank of Europe presents a difficult problem. In an Arab-Israeli involvement, while land bases are not prevalent, the use of large numbers of carriers in the Mediterranean would be quite risky—especially if the situation were such that the Soviet Union might become involved.

6. In the past, General Purpose Forces were planned to support $2\frac{1}{2}$ wars. The present Administration appears to be heading towards a $1\frac{1}{2}$ war policy. It was difficult to justify 15 CVA's under the previous policy. Under the present policy it seems clear that there ought to be a reduction.

Mr. Chairman, the results of the Rosenzweig study conclude that the optimum number of CVA's for a balanced force should be twelve or less. The report further recommends that the Congress reconsider the action taken last year approving the construction of CVAN 69.

The need for analysis

As a complete layman in the field of Systems Analysis, I found the arguments presented in Mr. Rosenzweig's paper very persuasive. In all of the debates over this issue, I have never seen any real analysis of the issues involved. This paper is the rare exception and I highly recommend that the Committee obtain a copy for study in order to get a balanced view of the issue that will mean billions of dollars in expenditures over the next few years.

I understand that the Committee has requested the paper from the Brookings Institution and has been turned down because Brookings hopes to publish the paper shortly.

However, the Pentagon has a copy of both Mr. Rosenzweig's Brookings paper as well as the classified OSD Systems Analysis version of the paper. The Committee should demand that the paper be made available on both a classified and non-classified basis. The issue of the relative cost-effectiveness of land based versus sea based tactical air is skillfully analyzed and is crucial to any determination of the future role of attack carriers.

Questions on the joint study

On this same subject I have the following questions about this Joint Committee study:

Has the Committee been provided access to last year's highly touted study by the National Security Council on the future role of attack carriers? Has the Committee been briefed on this study and will it be made available to Congress?

Due to the enormous sums involved in the decision of whether to buy any more attack carriers—has the Committee commissioned any studies on the issues in the seven months it has been in existence?

Who is studying the foreign policy implications of the carrier issues?—Is there any liaison with the Foreign Affairs and Foreign Relations Committees?

What is the impact of the President's Guam statement and the new Nixon low profile in foreign policy on the future of attack carriers?

Have any of the analytical people who are carrier critics been invited to testify before the Committee, such as Herbert Rosenzweig, formerly of OSD Systems Analysis; William Kaufman of Brookings, M.I.T., and former Special Assistant to Secretary McNamara; Alain Enthoven, former Assistant Secretary of Defense; Arthur Herrington, currently in the Office of the Secretary of Defense; Arnold Kuzmack, formerly of Systems Analysis; and Ivan Selin, former Assistant Secretary of Defense for Systems Analysis. And I am sure there are other qualified people outside of the Pentagon who could address these issues and substantially increase the level of debate.

Now I would like to make some observations on what I view as a critical issue—the vulnerability of the attack carriers.

CARRIER VULNERABILITY

The question of carrier vulnerability has been debated for some time. There are a number of scenarios that must be considered—some of them reasonable and some that are really far less than reasonable. The first is an all-out war with the Soviet Union. In such a situation, the war would most likely be fought with both tactical and strategic nuclear weapons. In this case, I am quite sure that even the Navy would admit that carriers would be extremely vulnerable. Only through a quirk of fate would any survive.

The remaining potential enemies do not constitute a significant threat to our carriers. The Chinese do have about 30 conventional submarines of medium endurance. However, their tactical missilery could not be considered a major threat, although in any engagement we probably would not get off scott free. The North Vietnamese present no real threat to the carriers. The Egyptians do present a modicum of trouble for carriers in a first strike since they do possess the Soviet-built Styx missiles. However, it is unlikely that any sustained attack could be mounted since the Egyptian patrol boats would be quickly destroyed. The remainder of the nations of the world present no significant threat to our carriers.

Conventional war at sea with the Soviets?

These then are the reasonable scenarios. Let us consider an unreasonable one, but one which many people continue to dwell upon with analytical fascination: a conven-

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tional war with the Soviet Union. Carriers do not fare too well when considering their vulnerability in this situation.

The vulnerability of aircraft carriers in a conventional United States/Soviet War is an issue that has not been sufficienty studied; or if it has, the results have not been made available to the Congressional membership. The Navy has not stated in a clear-cut manner what the survivability of aircraft carriers would be against a potent enemy such as the Soviet Union under conventional war time conditions. Rear Admiral Johnston has stated that carriers are not completely vulnerable and they are not completely invulnerable. This is less than marginal help. Last year during Congressional debate, Admiral Moorer made the statement, purporting to demonstrate the invulnerability of carriers, that during World War II not a single carrier had been sunk by Kamikaze attack. This statement is technically correct. However, it is misleading for two reasons. First, the comparison is not good because the Kamikaze is a vintage 1945 weapon. The weaponry of this country cannot be predicated upon defending against an enemy armed with obsolete weapons. For example, if the Army were to propose an anti-aircraft weapon capable of destroying Sopwith Camels, I hardly think the Congress would swallow such a rationale. Modern defenses must be capable of countering an enemy equipped with equally modern weapons. Another reason the Kamikaze statement is misleading is that while no carriers were sunk by these human guided missiles, a number were seriously damaged and put out of action for extended periods or permanently. I have been informed that 13 carriers were seriously damaged by Kamikaze attacks, but the following list is the most comprehensive we could put together on short notice:

CARRIERS BADLY DAMAGED BY KAMIKAZE ATTACKS

Ship [1]	Date	Number of hits	Notes
Saratoga (CW-3)	Feb. 21, 1945	4	Serious damage, went out of commission.
Ticonderoga (CV-14) [2]	Jan. 21, 1945	2	Returned to base.
Bunker Hill (CV-17) [2]	May 11, 1945	2	Returned to base, went out of commission.
Intrepid (CV-11) [2]	Nov. 25, 1944	2	Returned to base.
Enterprise (CV-6)	May 13, 1945	+1	Returned to base, went out of commission.
Others listed as badly damaged by Morison [3]:			
Franklin (CV-13) [2]	Mar. 18, 1945		
Wasp (CV-18) [2]	Mar. 19, 1945		
Hancock (CV-19) [2]	Apr. 7, 1945		
Intrepid (CV-11) [2]	Apr. 16, 1945		

I. M. Korotkin, "Battle Damage to Surface Ships During World War II." Translation 310, David Taylor Model Basin, Feb. 1964.

[2] Essex Class or later.

[3] Vol. 14, pp. 389-392.

So instead of dwelling on an enemy armed with historical relics, let up dwell for a moment on modern weapons that carriers might face if we were at war with the Soviets.

Soviet attacks on our carriers might be expected from one or a combination of three sources: manned aircraft armed with air to surface missiles or bombs; surface-to-surface missiles launched by surface ships; and submarines launching either torpedoes or underwater launched guided missiles.

Aircraft and ASM threat

Considering the first source, that is, armed manned aircraft, we know that the Soviet Union has a considerable force of Badger, Blinder, and Bear aircraft. These are capable of carrying up to 10 missiles per plane. From 6 to 10 of these aircraft can be launched simultaneously which means that they can direct bursts of from 10 to 20 missiles at the carrier. Since we cannot expect over 90% reliability of our defense systems, the carrier probably would not survive. Admittedly the utility of these plans is limited by their range. However, areas of vulnerability include the Mediterranean, the North Sea and the area around Japan, Korea, and off the East Coast of the Soviet Union.

Missile and torpedo threat

The other sources of potential threat to our carriers stem from missiles and torpedoes fired from submarines or surface ships. Surface-to-surface missiles launched either from surface ships or submarines present a real threat to our carriers. The enemy objective is to try to hit aviation fuel supplies causing extensive damage. Experts estimate that two to four missile hits are sufficient to knock out a carrier for an extended period of time. This particular threat may be increasing considerably. According to an article in the Chicago Daily News on April 2, the Soviet Union is developing a new missile that has a range far in excess of the Styx. It can be fired from a submerged submarine and speeds to its target in the air just above the waves. The potential danger of such a missile is increased not just by its extended range or the fact that it can be stealthily fired, but also because of its altitude. A low altitude missile is quite difficult to defend against with our own surface to air missiles.

Torpedoes also constitute a threat to carriers. There are two types of torpedoes: straight running and homing. The damage potential of straight running torpedoes is low. A carrier could probably sustain 20 hits with low effect. However, according to experts the damage potential of homing torpedoes is relatively high despite the fact that counter-measures exist. Homing torpedoes are generally designed to home on the ship's screws. A carrier most frequently has 4 screws. If two are hit and rendered inoperable the carrier would most likely be incapable of fulfilling its mission of launching aircraft. While the carrier might not be sunk it would have to withdraw for some period of time.

The torpedoes mentioned thus far are conventional in their mission. Experts now believe that there is a possibility that the Soviets could develop a new type of torpedo capable of actually sinking a carrier. Such a torpedo would be designed to explode under the hull, in effect breaking the back of the carrier.

These conventional weapons exist and they can incapacitate or destroy carriers. This country does possess carrier defenses in the form of missiles and aircraft. However, no one, not even the most optimistic, could expect these defensive systems to operate in excess of 90% reliability. Therefore, we must assume that even under conventional wartime conditions with the Soviet Union, in the face of determined opposition attack carriers are quite vulnerable.

CONCLUSION

Mr. Chairman, there are any number of questions that this committee should answer. Detailed analyses exist that show that carriers are *not* cost-effective when compared to land based aircraft. The committee should study this report. It should request the Navy to provide similar studies justifying its position. Unless the Navy can provide additional insight and information, additional carriers seem not to be warranted at this time. Beyond the question of cost-effectiveness there are very real indications that carriers are becoming increasingly vulnerable to sophisticated weaponry such that in the event of a major conflict with the Soviets, they would not survive.

For these reasons I believe that a balanced force should not exceed 12 carriers and that under these circumstances the Congress need not make a decision on the procurement of additional attack carriers until 1975.

ATTACK AIRCRAFT CARRIERS

Number	Class	Name	Date commissioned
CVA-14	Essex	Ticonderoga [1]	1944
CVA-19	do	Hancock	1944
CVA-31	do	Bon Homme Richard	1944
CVA-34	do	Oriskany	1950
CVA-41	Midway	Midway [2]	[3] 1945
CVA-42	do	Roosevelt	[4] 1945
CVA-43	do	Coral Sea	[5] 1947
CVA-59	Forrestal	Forrestal	1955
CVA-60	do	Saratoga	1956
CVA-61	do	Ranger	1957
CVA-62	do	Independence	1959
CVA-63	do	Kitty Hawk	1961
CVA-64	do	Constellation	1961
CVAN-65	Enterprise	Enterprise	1961
CVA-66	Forrestal	America	1965
CVA-67	do	Kennedy	1968
CVAN-68	Nimitz	Nimitz	(6)
CVAN-69	do	Eisenhower	(6)

[1] To become a CVN (ASW carrier) when Midway rejoins the fleet in 1970.

[2] To rejoin the fleet in 1970.

[3] Undergoing modernization.

[4] Modernized 1953-56.

[5] Modernized 1956-60.

[6] Under construction.

Note: Total, 18. In addition, there are presently 8 ASW carriers.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Is there further morning business? If not, morning business is concluded.

PEACE CORPS ACT AMENDMENTS OF 1970

The Senate resumed the consideration of the bill (S. 3430) to amend further the Peace Corps Act (75 Stat. 612), as amended.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, it was my intention earlier to offer an amendment to the pending bill, S. 3430, which would restore $4 million of the 10 percent cut made by the committee. The committee cut the amount from $98 million to $90 million. However, in thinking it over, I have come to the conclusion that we could probably do better by waiting for the conference, because the House figure, although they have not acted as yet, is still at 98 plus million dollars.

I think the House would prevail. Also, I do not think it would be fair to act on an amendment today because so many

Senators are absent that I question whether we could even get enough Senators here to secure the yeas and nays.

Mr. President, I have talked to the chairman of the committee and to members of the committee, and they concur with my decision.

It may seem strange, Mr. President, for a conservative Republican to be asking for the restoration of funds, because I usually support cuts. However, I have been an avid backer of the Peace Corps. I do not say that it is in good shape across the board, but in the critical area involving South America there is much good being done. And under the leadership of Mr. Joe Blatchford, I am certain that the deficiencies of the Peace Corps will be corrected.

Mr. President, I am sorry that the committee saw fit to make the cut that it did, but I am glad that they did not take the 20-percent cut that was suggested in committee by the distinguished Senator from Delaware (Mr. Williams).

To me the Peace Corps is the best thing we have going in the field of foreign relations. It is the type thing that I think we must do more of—the person-to-person approach in foreign countries where the young people and the older people are able to show the people of other lands how we accomplish things with our hands.

I do not know whether we realize it or not, but this is the faculty we have that has made America so unique and so different. I think it stems from the fact that all of us come from so many different countries and different origins. The ability to get along by ourselves, the ability to accomplish things with our hands and with tools, has created the greatest industrial complex in the history of the world. It has made prosperity come to more people than has been possible in any other country in the history of the world.

If we can accomplish the passing on of this know-how to other people, it will do far more good than the passing out of money.

I have never voted for a foreign aid bill in my life, and I do not intend to. I am convinced that we cannot buy the friendship of people. I think it is very evident after 25 or more years of passing out money that we have not bought friendship. What we have done is to buy a lot of high-priced automobiles, planes, and other things for a handful of rulers around the world.

The Peace Corps approach to me is the way to get the word of America across.

I would like to see the time come when there is a great deal more interest in the corps by young people and even by retired people who still have the ability to teach and get along with other people.

Mr. President, with those few words, I hope that we can have speedy passage of the pending bill. I will not offer my amendment. I will rely on the House being able to provide it in conference.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Peace Corps Act to authorize additional appropriations, and for other purposes."

Mr. MANSFIELD. Mr. President, the swift and efficient disposition of this measure is an outstanding tribute to the distinguished Senator from Arkansas (Mr. Fulbright). As the chairman of the Committee on Foreign Relations he has demonstrated again his excellent legislative skill and ability. So to him, to Senator Aiken the ranking minority member of the committee, to Senator Goldwater, and others who joined in support I offer the gratitude of the entire Senate.

Mr. President, the Senior Senator from Texas (Mr. Yarborough) is necessarily absent today. However, he has a longstanding interest in the Peace Corps and has a statement on the pending bill. I ask unanimous consent that Senator Yarborough's statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Continuation of the Peace Corps—America's Ambassadors of Good Will to the World

Mr. Yarborough. Mr. President, I support the pending bill S. 3430 authorizing funds for the Peace Corps for fiscal year 1971. I have strongly and enthusiastically supported this program from its beginning. I feel that dedicated young men and women who endure physical hardships and deprivation to help people in less developed nations of the world are our best ambassadors of good will. They are an embodiment of the spirit of dedication and freedom for which this nation stands.

The Peace Corps was first conceived and brought into operation under President Kennedy, and it has continued to operate under two Administrations. By passing this bill, we are enabling the Peace Corps to continue its good work for still another year.

Mr. President, I take great personal pride in my record of support for this program. I feel that it is one of the great legislative monuments of the 1960s. I urge adoption of this bill.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 760, S. 2846. I make this request in order that this measure may be the pending business, with the understanding that no action will be taken on the measure today.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Assistant Legislative Clerk. A bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, reported from the Committee on Labor and Public Welfare with amendments.

PROGRAM FOR MONDAY

Mr. BYRD of West Virginia. Mr. President, as I understand the orders previously entered into at the request of the able majority leader, the Senate will shortly adjourn until 12 o'clock noon on Monday next.

Immediately after the disposition of the reading of the Journal on Monday, the able Senator from Arizona (Mr. Fannin) will be recognized for not to exceed 30 minutes.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the statement by the able Senator from Arizona on Monday, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I ask unanimous consent that I may be recognized for 3 minutes on a matter not related to the pending business.

Mr. BYRD of West Virginia. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNEMPLOYMENT RATE FOR MARCH

Mr. HARRIS. Mr. President, I was very sick at heart to learn today that the unemployment rate announced for March of this year has now gone up from 4.2 percent to 4.4 percent—a rise of 1.1 percent since President Nixon took office. At the same time this announcement was made by the Department of Labor, it was also announced that the real wages of workers are below what they were at this time last year. So, once again, we see statistics which show that we are in an inflationary recession.

I think it is a most unfortunate and misguided policy which purposely increases the number of those who are jobless in our country in order, as it is said, "to get control of the economy." By disdaining what has been termed "jawboning" and "fine tuning," this administration has left the adjustment of the economy to what might be called "gross manipulation," and by gross manipulation this administration has gotten things out of kilter to such a degree we are in a very anomalous situation where prices have continued to rise at the same time unemployment has continued to rise.

I am one of those who feels very strongly that the high interest rate, tight money policy, which has been followed during this past year and in re-

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cent months has also been highly mistaken. It has enriched a few, with big bank profits having reached their highest level in history, and greatly distorted the economy, all to the great detriment of the many.

I believe that these policies, that is, the failure to at least express an opinion concerning wage and price decisions, even in the basic industries, a policy which was announced immediiately upon the advent of this administration, and the mistaken reliance upon high interest rates have been the wrong medicine; that has now been proved, it seems to me, by this month's statistics.

I think it is imperative that the administration change its fiscal and monetary policies. I think it is imperative that we recognize people in this country have a right to a job.

I believe legislation which is presently before Congress expanding private and public employment—particularly the O'Hara bill pending in the House and other legislation being considered or pending in the Senate—must be passed.

I believe we need an income maintenance system in this country which is realistic; and I believe we need a manpower program which guarantees every person in America a job and sufficient training to do that job. I believe these and other measures now are more urgently needed than ever before. I hope the administration, will at long last, look with favor upon them.

ORDER OF BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of routine morning business, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next the time limitation under the Pastore germaneness rule not begin to run until the expiration of the orders entered into heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 2846.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

THE NIXON ADMINISTRATION IS NOT RESPONSIBLE FOR CONDITION OF THE ECONOMY

Mr. GOLDWATER. Mr. President, I am no happier than anyone else in this body about unemployment, but I think we should recognize the facts of the case. The Nixon administration is not responsible for the condition of the economy. This economic condition was inherited from the Johnson administration and inflation under the Johnson administration was instituted by and fired by uncalled for high expenditures by the Federal Government; and it is going to continue to be fired by unearned wage increases.

This was my concern the other day when this body passed what I consider to be unearned wage increases to members of civil service working on the Hill. Certainly, postal workers were entitled to the raise.

I think we will see a continuation of inflation, and I think we will see a continuation of jobs going down until we in Congress start acting with a little more intelligence on the bills that call for money, and in the attitude of this Congress toward the call for higher wage rates that have not been earned.

Mr. President, I think we are in very serious trouble, and I am as concerned about it as any other Member. But we have to be realistic about it. Many Members of this body attack the military-industrial complex, as they call it. In the aircraft industry, for example, tens of thousands of people have been laid off precisely due to cuts that have been made by this administration and by this body, cuts which I think have been uncalled for and cuts which are going to decrease the strength of our military. So I think we in Congress have to take some blame for inflation in this country and increasing the jobless rate.

The President has already acted to cut the high interest rates. These high interest rates were reached under the Johnson administration and not under the Nixon administration.

I am happy to say that building is now beginning to turn up. I think there are indications that inflation has been hit a little bit, but I am afraid if we continue to approve wage increases across the country when they have not been earned, we are going to get in serious trouble.

I could not allow to pass remarks made this morning indicating the Nixon administration is responsible for the economic situation of the country and the unfortunate situation involving unemployment.

ADJOURNMENT TO MONDAY, APRIL 13, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian Monday next.

The motion was agreed to; and (at 1 o'clock and 30 minutes p.m.) the Senate adjourned until Monday, April 13, 1970, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate April 10, 1970:

CHILDREN'S BUREAU

Edward F. Zigler, of Connecticut, to be chief of the Children's Bureau, Department of Health, Education, and Welfare, vice Pardo Frederick DelliQuadri, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1970:

Nomination from the Commissioner of the District of Columbia confirmed by the Senate April 10, 1970:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Stephen S. Davis for reappointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1970, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

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EXTENSIONS OF REMARKS

COURAGE AND JUDGE CARSWELL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FLOWERS. Mr. Speaker, various accounts by the news media of the Carswell vote in the Senate are truly amazing. Senators who joined in this second anti-southern spectacle have been called "heroic" and men of "conscience" and "courage" without parallel or political motivation. Is it more than a coincidence that such high-sounding phrases are reserved for those in basic agreement with the liberal media? If not, Mr. Speaker, where were such compliments for those who opposed the confirmation of Judge Fortas as Chief Justice a short while past? Surely they were just as heroic but they happened to be on the wrong side for the eastern press.

Is it not possible that some men of "conscience" supported the Carswell nomination? After all, this same Senate had confirmed him for the high judicial post that he now holds just last year—another Senate had confirmed him for U.S. district court judge previously—and yet another had confirmed him for U.S. district attorney—all unanimously as well.

In the vast space assigned to this subject in the national news media in recent days, one would expect to find some commendation at least for the integrity of a President trying to fulfill a campaign pledge to restore balance to the Supreme Court. My judgment is that the people of our great Nation demand and deserve no less—some members of the press and the U.S. Senate notwithstanding.

As for "courage," taking issue with the liberal eastern press is the stuff that courage is made of. "Courage," "conscience," "heroic"—the left has no corner on these qualities, and I commend those Senators who voted to confirm Judge Carswell.

WILL NADER AND COMPANY LOOK AT NLRB AS WELL AS THE INTERSTATE COMMERCE COMMISSION?

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, April 10, 1970

Mr. GOLDWATER. Mr. President, lately, Mr. Ralph Nader and his organization have been taking after some of the bureaus in our Government, suggesting the abolition of the Interstate Commerce Commission because, as they put it, it is controlled by management.

This has interested and rather intrigued me. I have written an article for the Los Angeles Times syndicate, asking Mr. Nader to look at the National Labor Relations Board because that is completely dominated by labor.

If it is wrong, as Nader says, for management to have a hand in the Interstate Commerce Commission, then I believe it is just as deeply wrong for organized labor to completely control the National Labor Relations Board, which is supposed to be nonpartisan, if we want to put it that way. and completely fair and unbiased, which it certainly has not been.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the article I have referred to, entitled "Will Nader & Co. Look at NLRB?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELPING THE "LITTLE FELLOW": WILL NADER AND COMPANY LOOK AT NLRB?

(By Senator BARRY GOLDWATER)

Such liberals as Ralph Nader who are anxious to abolish the Interstate Commerce Commission because of its alleged control by management would do well to turn their attention to the National Labor Relations Board.

If Nader and Co. are seriously interested in the little fellow, their attitude toward the NLRB could help to prove that point.

A Senate investigating committee found that in recent years the NLRB has thrown its weight repeatedly on the side of labor unions in cases which infringed on the rights of the individual rank-and-file union member.

But Nader's Raiders haven't shown any interest in this area of federal regulations.

It must be remembered, however, that Nader made his reputation by criticizing big business, the automotive industry to be precise. He has also maintained his command of the headlines in the nation's press through the same medium.

The question now arises as to whether Nader's concern for the little man is more powerful than his dislike for large corporations. If so, there is no sound reason why the measurements which Nader's group applied to the ICC should not be applied to the NLRB.

Both are regulatory agencies of the federal government. Both have important power and authority over large elements of the nation's economy. Neither should be exempt from the closest kind of examination for philosophical or ideological reasons.

Reporting on its investigation of the ICC Nader's team of youngsters charged that the nation's oldest regulator agency has become a "captive" of the transportation industry it is responsible for supervising.

This is pretty much the same charge that the Senate Judiciary Subcommittee on Congressional Oversight brought against the NLRB.

The committee report, which did not seem to be given the same prominence that Nader's report received in the public print, charged the NLRB with using a double standard for labor and management and with showing a definite bias toward the maintenance of strong unions.

As the Senate panel put it:

"The threshold question is whether the board ought to be retained in its present form. That has no obvious answer, for the board itself is hardly an ideal vehicle for the carrying out of congressional purpose. Where the board has discretion, it tends to exercise it without a fair weighing of competing factors. Where its direction is limited, it goes way out of its way to find any means to work its own will. . . .

"On the basis of this study, the subcommittee had found that in choosing between conflicting values . . . the NLRB has of late unreasonably emphasized the establishment and maintenance of collective bargaining and strong unions to the exclusion of other important statutory purposes which often involve the rights of individual employes.

"Unions unable to persuade a majority of employes to opt for collective bargaining have been able to get the board to impose it for them. And the board has been able to do this by a freewheeling interpretation of the statute's more general provisions, by applying double standards and by ignoring plain legislative mandates."

The subcommittee further charged that the NLRB clearly believes that it knows what is best for the workers and all too frequently "subordinates individual rights to the interests of organized labor."

ALASKA NATIVE LAND CLAIMS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. POLLOCK. Mr. Speaker, I am today inserting in the CONGRESSIONAL RECORD a comprehensive treatise which I have written on the Alaska native land claims question. As many of you know, the Eskimos, Indians, and Aleuts of Alaska have laid claim to large areas of the State. These native claims are derived from "Indian title"—the right to lands continuously used and occupied over many generations.

In order to understand the various arguments which have been adduced to justify or deny settlement of the land claims, one must be acquainted with the evolution of the concept of Indian title and with the historical and legal background of the Alaska native claims. Therefore, my treatise begins with a relatively brief chronology of the relevant constitutional, treaty, statutory, and judicial aspects of the land claims question. In subsequent sections, I have presented the arguments for and against a liberal land claims settlement and have analyzed the measures presently pending before the House and Senate to extinguish forever the aboriginal land claims of Alaska's native people. Finally, I have made some suggestions and counterproposals of my own for the consideration of the Congress and the citizens of Alaska. My suggestions deal with such facets of the land claims as land allocation, monetary compensation, revenue sharing, participation by the State of Alaska, administration of the settlement moneys, and other matters which must be considered in connection with any land claims settlement. I am hopeful that my conclusions and recommendations will be of assistance to the House and Senate Interior Committees in bringing the Alaska claims question to a prompt and satisfactory conclusion.

Mr. Speaker, not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska. Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the native one-fifth of the Alaskan population remains without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of landownership and the monetary security that it often brings, many are poor and in need. Moreover, the current land claims situation also has profound implications for the State of Alaska. Because of the imposition of a "super land freeze," the State is halted in the land selection program which was authorized in the Alaska Statehood Act. A third regrettable result of the current situation is that for the first time in the history of my State, the people of Alaska have divided along racial lines. As time passes, the opposing positions of native and non-native have tended to polarize further, thus making resolution of the land claims question even more complex. So that the people of Alaska can put this divisive issue behind them, I respectfully request you, my distinguished colleagues, to give your careful consideration to the treatise that I have prepared, for it will hopefully provide you with a comprehensive understanding of the various facets of the land claims question:

ALASKA NATIVE LAND CLAIMS

I. INTRODUCTION

At this juncture in history, Alaskans have come face to face with a most difficult matter of substantial importance, which demands the immediate attention of the United States Congress and the earliest possible resolution—settlement of the Alaska aboriginal Native land claims. After more than a hundred years of relative inaction, the United States Congress is at least seriously considering this long-standing and complex question. Not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska.

Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the Native one-fifth of the Alaskan population remain without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of land ownership and the

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monetary security that it often brings, many are poor and in need.

The current land claims situation also has profound implications for the State of Alaska. Because of the "super land freeze" imposed by the previous Secretary of the Interior Stewart Udall, and retained by the present Secretary Walter J. Hickel, the State of Alaska is halted in its land selection program authorized in the statehood enabling legislation.

Because of the deep misunderstandings which have arisen in connection with the land claims, no issue in the history of the State has ever so divided the people of Alaska. Regrettably, with the passage of time, the opposing positions of Native and non-Native have tended to polarize, thus making resolution of the land claims question even more complex. The purpose of this Special Report on the Alaska Native Land Claims is to present some of the historical, treaty, constitutional, statutory, moral, and economic reasons for a land claims settlement, and to propose a solution which hopefully will be of some assistance in bringing the claims issue to a satisfactory conclusion.

II. THE HISTORICAL AND LEGAL BACKGROUND OF THE NATIVE LAND CLAIMS

In order to understand the various arguments adduced to justify or deny settlement of the land claims, one must be acquainted with the historical and legal background of the claims. A relatively brief chronology follows of the relevant constitutional, treaty, statutory, and judicial facets which deal with the concept of "Indian title"—the right to lands continuously used and occupied.

1. The "Treaty of Cession" (1867)—The United States purchased all of the right, title, and interest of Imperial Russia in Alaska. The terms of the treaty drew a distinction between the white inhabitants and "civilized tribes" (those aboriginal inhabitants who traded with the Russians and adopted the Russian Orthodox religion) on the one hand, and the "uncivilized tribes" on the other. Only the former were granted "all the rights, advantages, and immunities of citizens of the United States."

2. The Act of May 17, 1884—This legislation was the first explicit Congressional policy pronouncement with respect to Alaska's Native people. Section 8 of the Act stipulates that Alaska's Natives should "not be disturbed in the possession of lands actually in their use or occupancy or now claimed by them." However, the precise terms under which actual title could be acquired were reserved for future legislation.

3. The homestead laws of the United States were made applicable to Alaska under the Homestead Act of May 13, 1898. However, because Alaska's Natives were not granted citizenship until the Citizenship Act of 1924, they were excluded from the benefits to be derived from the Homestead Act and other legislation relating to the acquisition of title to land. While the Act preserved suitable tracts of land along navigable waterways for the landiing of Native canoes and other craft, this legislation did not otherwise protect the land holdings or water rights of Alaska's Native people. Section 7 of the Act specifically excluded Indian reservations from the homestead laws.

The legal position of Alaska's Natives prior to 1924 is summarized on page 434 of the Federal Field Committee report, *Alaska Natives and the Land:*

> "Physically they comprised the major part of Alaska's population. Officially, they were invisible."

4. Notwithstanding the provisions of Paragraph 3 above, the Congressional Appropriation Act for Fiscal Year 1900 explicitly protected the Native possession of lands in Alaska:

> "The Indians . . . shall not be disturbed in the possession of any lands now actually in their use or occupation . . ."

5. *U.S. vs. Berrigan* 2 Alaska 442 (1905): This case held that the vacant, unoccupied, and unappropriated lands in Alaska at the date of cession became a part of the public domain of the United States. The importance of this case is the determination of the Court that the U.S. Congress alone has the power to dispose of lands reserved by it for the use and occupancy of Alaska's Native people.

6. *U.S. vs. Alcea Band of Tillamooks* 329 US 40 (1946): Although it did not deal with the land claims of the Natives of Alaska, this United States Supreme Court case is very helpful in understanding the concept of "Indian title." In defining this concept, the Court said that the title to lands occupied by Indians vested in the federal government by virtue of discovery. However, the Indians obtained the right of occupancy because of their original possession. The Court recognized the right of the sovereign to extinguish Indian occupancy, but held also that taking away original "Indian title" without compensation does not satisfy the "high standards of fair dealing" required of the United States. The right to fair compensation arises from the fact that the Indians have more than a "merely moral claim." Elaborating on the concept of "Indian title," the Court said that the constitutional power of Congress over Indian affairs (Article 1, Section 8 of the United States Constitution) does not enable the federal government to give tribal lands to others or to appropriate them for its own purposes without assuming an obligation to render just compensation. However, once the right of occupancy is extinguished, the land becomes "free and clear."

In another portion of the decision, the Court recognized that the determination of "Indian title" is usually a political question, presenting non-justiciable issues. But, if Congress chooses to do so, it can through legislation confer jurisdiction on the Courts to adjudicate specific cases involving claims arising out of "Indian title."

7. In both the Alaska State Constitution (Section XII) and the Alaska Statehood Act (Section IV), Alaska disclaimed "all right and title to any lands or other property not granted or confirmed to the State . . . and to any lands or other property (including fishing rights), the right or title to which may be held by any . . . Natives, or held by the U.S. in trust for said Natives."

8. *Tee-Hit-Ton vs. U.S.* 348 U.S. 272 (1955)—In this celebrated case, the U.S. Supreme Court further elaborated on the concept of "Indian title." The Court said that "Indian title" is not a property right, but amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties. Reversing a trend which was discernible in many earlier cases and which reappeared in subsequent decisions, the Court concluded that the "right of occupancy may be terminated and such land fully disposed by the sovereign itself without any legally enforceable obligation to compensate the Indians." The Court's decision was based in large measure on the finding that the tribe had not perfected a proprietary interest in the lands under adjudication before Imperial Russia conveyed the lands to the United States.

9. In the case of *Kake Village vs. Egan* 369 U.S. 60 (1961), the U.S. Supreme Court said that by means of the disclaimer by the State and its people of any right or title to any property held by or for the Natives, which is contained in Section 4 of the Statehood Act, the Congress sought to preserve the status quo with respect to aboriginal and possessory Indian claims, so that statehood would neither extinguish the claims nor recognize them as compensable. The Court observed that the Congressional architects of the statehood legislation intended that the State be left free to choose Indian "property," but that such a taking would leave unimpaired the right of the Natives to sue the United States (not the State) for compensation at a later date.

10. Notwithstanding the Tee-Hit-Ton case, the Court of Claims held in *Tlingit and Haida Indians vs. U.S.* 177 F. Supp. 452 (1959) that the Tlingit and Haida Indians had established use and occupancy, i.e., "Indian title" to certain lands and waters in Southeastern Alaska. The Court said that "the use and occupancy title . . . was not extinguished by the Treaty of 1867 between the U.S. and Russia, nor were any rights held by the Indians arising out of their occupancy and use extinguished by the Treaty." The Court stated that the Treaty "was not intended to have any effect on the rights of the Indians of Alaska, and it was left to the U.S. to decide how it was going to deal with the Native Indian population of the newly acquired territory."

11. The Alaska "Land Freeze"—In December of 1966, then Secretary of the Interior Stewart Udall imposed an informal "land freeze" on all federal land transactions in Alaska including State selection of 103 million acres of land granted by the federal government in the Statehood Act. Under the terms of the land freeze, the Interior Department was ordered not to transfer any additional lands to the State or to any private entryman until the U.S. Congress resolved the Native land claims issue. Following announcement of the freeze, a number of bills were introduced in Congress to settle the Native land claims. None of these bills was reported out of Committee during the 90th Congress. Consequently, on January 17, 1969, Secretary Udall converted the informal land freeze into Public Land Order No. 4582. As a result of this administrative decision, all vacant, unappropriated, and unreserved public lands in Alaska were withdrawn from appropriation and disposition under any Public Land Law.

At his confirmation hearings, Secretary-designate Walter J. Hickel agreed not to modify PLO No. 4582 without first obtaining approval from both the U.S. House and Senate Committees on Interior and Insular Affairs. By the terms of PLO 4582, the land freeze will expire on December 31, 1970.

12. *The State of Alaska vs. Hickel* Ninth Circuit (December 19, 1969).

In this case, the Court of Appeals for the Ninth Circuit reversed the summary judgment of the Federal District Court of the District of Alaska. The State had argued successfully in the lower court that aboriginal title derived from Native use and occupancy could not affect the status of lands in Alaska as "vacant, unappropriated, and unreserved." In remanding to the lower court for further hearing of the case on its merits, the Circuit Court added:

> "In view of the pendency in Congress of proposed legislation which, if enacted, would probably resolve all or most of the issues . . . the district court may, in the exercise of its discretion, hold the trial in abeyance for a reasonable period of time."

III. THE ARGUMENTS PRO AND CON

Using some of the same statutes, treaty provisions and judicial decisions, advocates and adversaries have come to diametrically opposite conclusions on the land claims issue. Accordingly, it would perhaps be useful to a fuller understanding of the entire issue to here briefly summarize some of the more important arguments adduced by proponents and opponents of a meaningful claims settlement.

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A. Arguments in support of the Native claims

Those who support the Native claims contend that Imperial Russia did not own Alaska, that its traders and agents only barely touched and briefly occupied peripheral and isolated coastal areas of the great land, had never seen or subjugated most of the aboriginal inhabitants, and were in fact, as the Russian America Company, directed by the Russian government not to spread their rule from the coast where trapping and hunting were taking place, nor, to make any effort to conquer the tribes inhabiting the coasts. It is further advocated that the historical international law of right to possession, title, and sovereignty by conquest did not pertain so far as Alaska and its people were concerned, that the simple planting of a national flag on the soil by a foreign intruder and exploiter would not secure the land of Alaska for that nation or any nation at no cost to it, and, accordingly, that the United States really bought stolen property from Russia.

The spokesmen for the Natives assert that since the land of Alaska has never been wrested from the Indians, Eskimos, and Aleuts by any act of hostility or conquest by either Imperial Russia or the United States, nor taken by a legislative act or judicial determination of abandonment on the part of the Natives, the land continues to belong to them by reason of aboriginal and historic use and occupancy. Further, it is pointed out that Alaska was sold to the United States by the Russian government without consultation with the Indian, Eskimo or Aleut inhabitants, and at no time since then has there even been any agreement by aboriginal Natives to extinguish their ownership in the lands of Alaska.

The Native leadership and their counsel point out that in treaties, legislation and numerous judicial decisions, there is explicit and implicit government recognition of an existing and continuing right in the lands the Natives have historically used and occupied, known as "Indian Title," and that it has legal basis sufficient to cast cloud on any and all land conveyances regardless of who the parties are, and whether or not the federal government imposes a land freeze.

The Native further asserts that resolution of the land claims issue should not be based in sympathy nor in recognition of the massive needs for bettering his way of life. He wants the matter resolved upon the dignified basis of extinguishment of a governmentally-recognized legal and moral right to use, occupancy, and ownership of lands of Alaska derived by aboriginal claim. The emerging educated and capable young Native leadership contends that the Alaskan Native does not wish to continue in the role where he is considered an incompetent government ward or second class citizen whose affairs must be forever subjected to the scrutiny and approval of a benevolent and paternal governmental trustee, nor does he wish to exist in ignominious indignity as a perpetual recipient of a degrading welfare system. He is acutely aware that only a tiny fraction of the privately held land in Alaska is owned by the first inhabitants and that, with the historic inability of the Native to acquire and hold title to land, relatively little benefit has accrued to him of the economic development and enormous potential of Alaska. The Native feels there must be a significant change in the law to firmly recognize and clarify his status as to land ownership.

With reference to the preference right on land selections, the Native feels that the aboriginal right substantially predates the right of the State of Alaska to select 103 million acres of land under the statehood enabling legislation.

B. Arguments against a liberal land claims settlement

Many who oppose the Native view contend that the Native is entitled to no more nor less than any other Alaskan. It is contended that the Native today enjoys the dual benefits of being an Alaskan and American citizen on the one hand, and, on the other hand, of being at the same time in a privileged and select special status group who are beneficiaries of a governmental trustee relationship.

It is the feeling of many that a substantial number of non-Natives have been in Alaska for generations, and, therefore, have as much right to the use, occupancy, and ownership of the land as the Natives have. Some opponents further argue that since the Natives have received untold millions in special benefits over the years for education, health, housing and welfare, they do not deserve any further compensation at this time, that any compensable claims that they might once have had have been satisfied through past largess. Others assert that if any settlement be made, whether based on political expediency or on sound legal or moral principles, the compensation be offset by an amount equal to all the many millions of dollars previously appropriated by the federal and state governments since 1867.

Other non-Natives postulate that if the Natives are successful in claiming millions of acres of land, their ownership will interfere with the efforts of the State to accelerate its economic development for the benefit of all Alaskans. A corollary of this argument is that by providing additional special benefits to the Natives, the Congress and perhaps the State would further segregate Natives from non-Natives, a conception which is abhorent to all Alaskans at a time when emphasis should be on desegregation and acculturation into a single Alaskan society.

A number of non-Natives maintain with substantial vehemence that if the Natives lay claim to millions of acres of land and demand millions of dollars of compensation for lands which they now use and occupy as they always have, it is totally unwarranted, and their efforts at obstructing progress in a fully integrated society should not be honored or dignified by recognition or compensation in any manner.

The most aggressive and dogmatic opponents castigate the attorneys for the Natives charging them with chicanery, overreaching opportunism and greed, and lay blame for the whole bothersome issue at their feet.

To the contention of the Natives that they enjoy a preference right over the State of Alaska on land selections since their aboriginal right or "Indian title" substantially predates statehood, the more-informed opponents respond and counter with the assertion that since Congress in the Act of May 17, 1884 reserved for itself future legislative prerogatives as to the terms under which Natives of Alaska might acquire title to lands, Congress was aware of its power of determination at the time the Statehood Act was enacted, and nevertheless, with intent to create a preference, gave to the State a subsequent but preferable and preemptive right of selection paramount to all other claims or entries. This position, they contend is buttressed by the legislative history of the Alaska statehood enabling legislation, and they point to the refusal of the Interior and Insular Affairs Committee of the U.S. House of Representatives to exclude or exempt Native property from State selection in the legislation on the ground that this would virtually destroy Alaska's right to select lands (the U.S. Supreme Court took cognizance of this legislative history and intent in *Kake Village vs. Egan,* 369 US 60 (1961)).

These advocates of the non-Native position point to the Supreme Court decision which holds that "Indian title" can be extinguished by the federal government without legal obligation to provide any compensation (*Tee-Hit-Ton vs. U.S.,* 348 U.S. 272 (1955)). To the argument that the State of Alaska and its people had a compact with the federal government in the Statehood Act and ratified the new state constitution, both of which had provisions that they forever disclaim all right or title to any property held by or for the Natives, the opposing spokesmen declare (a) that, short of a few reservations authorized by special legislation, Alaska is not held by nor for the Natives; (b) that the Supreme Court has already recognized that, notwithstanding the disclaimers by the State and its people in the Statehood Act and state constitution, it was the understanding and intention of Congress that the state be free to select any otherwise vacant, unreserved, and unappropriated public lands in Alaska, regardless of claims of "Indian title"; and further (c) that if any compensation were later due the Natives as a result of any judgment arising out of such State selection, it would be an obligation of the federal government and not the State of Alaska (*Kake Village vs. Egan,* 369 US 60 (1961)).

IV. LAND CLAIMS LEGISLATION CURRENTLY PENDING BEFORE THE UNITED STATES CONGRESS

Notwithstanding the great diversity of opinion as to how the Native land claims issue should be resolved, it is clear (a) that most Alaskans feel that the land claims issue must be resolved as soon as possible, (b) that the Alaska Native is entitled to something, if for no other reason than simply to extinguish the cloud of "Indian title" and to have relief from the land freeze, and (c) that the difficult burden of decision devolves upon the Congress if this divisive issue and its concomitant dislocations are to be put behind us this year or any time in the immediate future. The matter of Native interests in land in Alaska has gone unresolved for more than a century, and it is no wonder that prior Congresses have seen fit to defer coming to grips with this complicated matter that defies easy resolutions.

Several bills have been introduced during this Ninety-First Congress to settle the Native land claims, and all are still pending, of course. In addition to these legislative proposals, other interested parties such as the State of Alaska and the Alaska State Chamber of Commerce have made their positions known to the Congress and to the people of Alaska. At the top of page 4 is a brief summary of the pertinent provisions or positions of each. There are fundamental differences in land allocation, monetary compensation, revenue sharing, and subsistence rights.

The elements of most of the proposals are readily understandable, although there is a wide divergence of opinions to the desirability of inclusion of each. However, because of its complexity and significance, the 2% overriding royalty feature of H.R. 14212 (and its counterpart in the Senate, S. 3041) deserves special consideration.

Originally, the Federal Field Committee for Development Planning in Alaska proposed a 10% royalty on revenues derived from federal and state lands in Alaska for a ten-year period. The AFN bill would convert the 10% royalty into a perpetual 2% royalty, not on revenues derived from the lands, but rather on the gross value of all leaseable minerals taken from all lands which were in federal ownership at the time of Statehood. This includes all State selections, of course.

It is important to understand that 2% of the gross value derived from leaseable minerals really means 2% of the total 100% value of the minerals, not 2% of the 12½% or ⅛ royalty interest retained, from which the federal and State governments normally derive their revenues. The 2% of the gross value is actually equivalent to 16% of the federal and State share. Since, pursuant to Section 28(a) of the Statehood Act, Alaska receives 90% of the revenues from the federal lands in Alaska, and the federal government government retains 10% of such revenues for deposit into the general treasury, the 2% overriding royalty provision of the AFN proposal would have an especially detrimental impact on State revenues. The net effect would be that of the 16% of the royalty interest going to the Natives, the State would have to contribute 14.4% and the federal government would contribute only 1.6%.

SUMMARY OF PERTINENT PROVISIONS OF SEVERAL LEGISLATIVE PROPOSALS TO RESOLVE THE NATIVE LAND CLAIMS

	Land	Money	Revenue sharing	Subsistence land	Other significant features
1. Federal Field Committee: H.R. 10193 (House). S. 1830 (Senate).	5,000,000 acres (1 townsite per village).	$100,000,000	10 percent of revenues derived from public lands in Alaska for 10 years, plus 10 percent of revenues from disposition of minerals taken from the Continental Shelf (for 10 years).	No grants of subsistence land. Reliance for protection is placed in State management.	A. Land grants to individuals for remote homesites presently occupied, plus areas for reindeer husbandry. B. Only competitive bidding on mineral leases, with part of proceeds to Natives.
2. Department of the Interior: Amendments to S. 1830.	10,000,000 acres (2 townsites per village).	$500,000,000 over a 20-year period.	No revenue sharing or overriding royalty.	No provision for subsistence protection beyond the 2-townsite allocation.	A. Monetary settlement to be administered by a statewide Alaska Native Development Corp. B. With a few notable exceptions, this bill follows H.R. 10193.
3. Alaska Federation of Natives. H.R. 14212. S. 3041.	40,000,000 acres (including surface and mineral rights).	$500,000,000 over a 9-year period	A perpetual 2 percent of the gross value of leaseable minerals held in Federal ownership at time of Statehood.	Subsistence is protected by 100-year right to go upon the public lands.	A. Establishes village, regional, and statewide corps to manage funds. B. All mineral rights are to be conveyed to regional corps. C. Homesites, campsites, and reindeer tracts are conveyed to individuals.
4. Position of State of Alaska.	Approximately 10,000,000 acres of land, which would provide for present village needs plus anticipated expansion over next century (maximum of 2 townsites, but only 1 townsite in S.E.).	$500,000,000 paid by Federal Government over a 20-year period.	No overriding royalty or other revenue sharing.	No special hunting, fishing, rights. Protection should emanate from State laws and regulations.	A. No special tax privileges on either the income from $500,000,000 or the land settlement. B. Land settlement should not include State selected, tentatively selected, or patented lands. C. Settlement may include lands in Federal reserves (subject to Federal approval).
5. Position of Alaska State Chamber of Commerce.	Title to lands presently in use and occupancy, plus sufficient land for expansion.	"Equitable and just" monetary settlement, paid entirely by the Federal Government.	No overriding royalty or sharing of State revenues.	No lands to be set aside or special privileges granted for hunting, fishing, etc. cetera.	No special tax privileges on income from money or lands included in the settlement.
6. Stevens-Gravel tentative Senate compromise.	Grant of village sites and land around them for reasonable expansion.	$500,000,000 by Federal Government in 10 annual installments of $50,000,000.	For 10 years or until $500,000,000 is realized: A. 2 percent of the revenue from State selected land for 10 years. B. 2 percent of Federal revenue from Federal land for 20 years. C. 2 percent of Federal revenue from Continental Shelf off Alaska for 30 years.	Up to 40,000,000 acres; Use by "higher and better use" permit. Subject to "higher and better use" doctrine.	A. Phasing out of the BIA within 5 years. B. Some Native contribution to support of State educational system. C. Alaska Native Development Corporation administers the $500,000,000.

Thus, instead of receiving 90% of the revenues from federal lands as it now does, the State would receive 75.6%, the federal government would receive 8.4% and the Natives would receive 16%.

At the present time, the various land claims measures are pending before the House and Senate Committees on Interior and Insular Affairs. Both of these Committees are diligently searching for a satisfactory solution to the complex problems posed by the land claims. Although the proposals made by the State of Alaska, the Chamber of Commerce, and Senators Stevens and Gravel, have not been incorporated into new or existing legislation, these recommendations are also being carefully considered, and a modified compromise version will surely emerge.

V. SUGGESTIONS AND COUNTERPROPOSALS FOR CONSIDERATION

A. Frame of reference

Some of the factors, guiding principles, and considerations which lend to a sensible compromise solution for this complex controversy are summarized below.

1. As previously stated, it seems clear that the burden of ultimate resolution should rest with the U.S. Congress if we are to put this divisive issue behind us in the near future. A judicial resolution would be costly, time-consuming and otherwise extremely unsatisfactory. Because judicial determinations would most likely take place on a tract by tract basis, the State land selection process would be seriously impeded. As a result Alaska's economic development likely would be retarded for many years, and it is possible that the State and its people would incur large litigation costs by being compelled to participate in multitudinous individual suits. Also, it is unlikely that a judicial resolution would fully and finally extinguish "Indian title", so the resolution might well not be final.

Moreover, the Natives would also suffer from a judicial solution. There would be difficulty proving an actual taking of lands presently used and occupied by the Natives. Historically, court judgments have resulted in inadequate money judgments, with no provisions being made for conveyance or issuance of title. Almost always, many aspects of the total problem are left unresolved.

2. In my view, the creation of Native reservations in Alaska where they do not now exist would be extremely undesirable. This is paternalistic segregation, certainly at a wrong time in history. Whatever may be the historic validity of the reservation concept in the "Lower 48" or continental United States, reservations in Alaska can only serve to withdraw the Natives from the mainstream of our society. The initial purpose of the few reservations which still exist in Alaska was not to confine the Natives, as was done elsewhere in the United States, but to protect them from exploitation (See *Metlakatla Indian Community, Annette Islands Reserve vs. Egan* US 45 (1961)), or to preserve hunting and fishing areas for those who only knew how to subsist and survive off the land. The legislation under consideration can meet these diminishing needs by other means. However, the creation of any new reservations would indeed be unfortunate and should be avoided.

3. The land claims solution which is ultimately adopted should protect the rich cultural heritage of Alaska's Indians, Eskimos, and Aleuts. Yet, the claims settlement must be designed to afford the Natives the opportunity to become assimilated into the general society of Alaskans. Certainly, assimilation can take place without destroying the cultural heritage of our Native people, and the cultures and traditions of both our Native and non-Native citizens will be greatly enriched.

4. The land claims settlement should not create a massive Native superstructure which would exist within but in potential conflict with the general government of the State of Alaska; therefore, the creation of a separate and segregated, powerful Native "government" within a government is not necessary, and would be harmful. For this reason, I advocate the establishment of perhaps twelve regional corporations, each of which would have a single delegate or representative on a statewide coordinating assembly or board, with the settlement monies and land going to the regional corporations, and without the legislation sanctioning creation of a statewide corporation. To insure that benefits sift down to the "grass roots" or local level, it would seem desirable to insure that each Native community has a director on the board of the regional corporation in the area where the community is located. With local representation at the regional level, and regional representation at the state level, the views and desires of the individual Native would be best reflected.

5. One of the primary objectives of any solution must be the economic enhancement of the Native community, not because of sympathy or because of need, but for sound and logical geopolitical and geoeconomic reasons. From the legal point of view, any settlement would be in consideration of the extinguishment of "Indian title" in all of Alaska's land and adjacent waters for now and forever more.

6. All of us must recognize that the $900 million in North Slope oil lease bonus payments which the State of Alaska received last September will have a substantial impact on the final resolution of the land claims question. Congress no longer conceives of Alaska as a "poor stepchild." Of course, Alaska still has massive unemployment, a pitifully inadequate "pioneer" highway system, a tragically inept communications network, a crying need for airports and airport and port facilities, et cetera, et cetera, and yet to be perfectly candid, this "new wealth" has immeasurably complicated an already complex situation. Paradoxically, the $900 million, which is so essential to the social and economic development of Alaska, may have a detrimental impact on certain aspects of the final claims settlement.

7. One of the most baffling and complex questions concerning the land claims settlement is whether the State or the Natives should have preference with respect to the selection of land. The legal aspects of this matter have been discussed earlier; however, there are other considerations. Alaska is an immense land mass. Roughly one-fifth the size of the rest of the United States, the State contains approximately 375 million acres of land (586,400 square miles). Nevertheless, the amount of usable land is severely limited. Only one-third or approximately 125 million acres of the total land mass of Alaska can be used for extended human habitation. This includes all of the land located below the one-thousand-foot elevation, the point customarily used in Alaska to delineate areas hospitable to the establishment of city and village life, farming, and other normal human habitation. Viewed from another perspective, Alaska's land mass includes about 10 million acres of inland waters, 85 million acres of federal withdrawals for wildlife refuges, forest areas, parks and monuments, defense establishments, et cetera, 32.6 million acres of glaciers and icefields, and half a million acres within the periphery of or under the jurisdiction of incorporated communities. Of the usable land in Alaska, the State has already patented 5.8 million acres, obtained tentative approval on an additional 7.9 million acres, and has been granted selection rights on another 26 million acres. Thus, in propounding a satisfactory solution to the land claims issue, one must deal with an amount of land significantly less than the total area comprising the land mass of the State or even the total amount of usable land in Alaska.

Recognizing this situation, the Native community has challenged the selection rights which the State has already acquired. The State itself is caught between the Native challenge and the fact that much of the prime land in Alaska already belongs to the federal government. A solution is later proposed which, hopefully, will contribute to the resolution of the selection issue.

8. In recent weeks, the Secretary of the Interior has requested broad authority to modify the "super land freeze" instituted by former Secretary Udall. Although the present freeze has created serious difficulties for many Alaskans, it has generated continuing great pressure, militating toward an early resolution of the land claims issue. This pressure will likely dissipate if broad modification authority is granted by the Congress, thus returning this frustrating issue to the benign, unpressured and unresolved status which was extant before imposition of the freeze. Aside from the need for early resolution of the land claims issue, unquestionably everyone would be delighted with the earliest possible lifting of the land freeze. It is distasteful, uncomfortable and a governmental harassment which we have endured for some time; yet, the objective for which it was levied has not been accomplished. Passage of a meaningful bill at the earliest possible date will bring about an immediate and full lifting of the land freeze.

B. The Pollock proposal

1. The Allocation of Land

a. Every person on the Native roll living at the date of enactment of the land claims legislation would be entitled to the personal, individual, private ownership of a small piece of land, perhaps one acre. This land would be held in fee simple absolute title by the Native, not by the village or regional corporation or other entity.

In villages where the houses are built close together, a homeowner should be allowed to select a new site within or outside the village boundaries. In this way, every Native would be assured of his full individual land allotment. However, individual selections should not be allowed to conflict with community needs. To make certain that conflicts do not occur, each village should be permitted to reserve enough vacant land to satisfy both village needs and individual land requirements. Perhaps a five-year time limit should be set on the selection of individual lots. During this period, any alienation of individually owned Native land would be subject to the approval of a Statewide Native Commission. Natives living beyond the boundaries of Native community should likewise be entitled to select comparable acreage on vacant, unreserved, and unappropriated federal land.

b. Each Native village and community should be entitled to select lands within the boundaries of the community to provide central sewer and water facilities, power generation facilities, community hall and multipurpose area, cemetery space, waterfront and airport facilities, access roads, and churches. Additional lands should be allocated to each village for reasonable expansion. Perhaps the total allotment to each village under this subsection should not exceed three times the present village area, without regard to acreage. This community allotment would not include land needed for wood gathering, fishing, berry picking, or for investment purposes, but would be limited to lands needed for general community requirements. As in the case of acreage allotted to individual Natives, land allotments for community purposes would be held in absolute fee title, both as to the surface and mineral estates. However, the title should contain a reverter clause or condition subsequent in the event the area is ever abandoned by reason of the village, settlement or community moving elsewhere.

Native villages located within national forests, game reserves or other federal reserves, or in state land selections should nevertheless be permitted to obtain sufficient lands for community needs and reasonable expansion. However, except as may be specifically authorized in the legislation, neither villages nor individual Natives should be allowed to select lands within national forests, military reservations, national monuments, nor should individual Natives be allowed to select lands within reserves, national parks, or encompassing historical sites.

c. Land areas should also be made available within reasonable proximity to the Native communities for subsistence hunting and fishing, food gathering, berry picking, the grazing of reindeer, and other surface uses. The ownership of this land would remain in the United States government, but the subsistence needs of Natives and non-Natives alike would be protected as long as subsistence hunting and fishing continue to be important to the livelihood of the people involved. Accordingly, subsistence areas should be established and be given a preferential status over sport fishing and hunting, homesteading, timber harvesting, and similar uses. These areas would be in lieu of reservations. To insure their adequate protection and preservation, the legislation should stipulate that subsistence lands could not be converted to any "higher and better use" without a public hearing held after reasonable notice. In such a hearing, the burden of proof would rest with the individual, corporation, or governmental entity seeking a "higher and better use."

d. A reasonable amount of land should also be allocated to the regional corporations purely for investment purposes, including both the surface and mineral estates in fee. While individual land selections, community selections and subsistence area selections should be given precedence over State land selections, it appears equitable and just that the State should have a preference in selection over a significant portion of the land to be selected by the regional corporation for purely investment purposes. However, if the State were to be permitted to select all its authorized 103 million acres of federal lands before any Native selections were accomplished, it is obvious that virtually all of the valuable land would be chosen by the State. Therefore, a selection preference system must be devised, perhaps as follows:

1. Recognizing that the revenues derived from State-owned lands will be used for the benefit of all Alaskans, it would seem the State should be permitted to select up to 68.7 million acres or two-thirds of the 103 million acres allocated to it under the Statehood Act before any Native investment selection is made by the regional corporations. The time for the initial State selections should be limited to perhaps eighteen months from the date of enactment of the land claims legislation so that the Natives can commence their land investment program as soon as possible. Since the State has already patented or selected 39.7 million acres to the present time, only 29 million of the initial acreage allotment remains to be selected before the Native regional corporations commence selections.

2. Once the State has completed its initial selection rights of up to 68.7 million acres, each of the twelve Native regional corporations shoud be permitted within two years to select 300,000 acres within its boundaries for its own corporate purposes. This will involve a total additional selection of 3.6 million acres.

3. Next, the statewide board of advisors or delegates from the regional corporations should then be allowed within an additional two years to select a further 300,000 acres of available remaining vacant, unreserved and unappropriated public land from anywhere in the state for each regional corporation. This would likewise involve a total additional selection of 3.6 million acres.

4. Thereafter, following the initial Native selections, the State would then again exercise its selection rights within eighteen months on up to 34.3 million acres, the remaining one-third of the acreage to which it is entitled under the Statehood Act.

5. Next, again each regional corporation would be permitted within two years to select an additional 300,000 acres within its boundaries for its own corporate purposes. This would again involve an additional total selection of 3.6 million acres.

6. Finally, the statewide board of advisors or delegates would be permitted to select another 300,000 acres of available land for each of the regional corporations from anywhere in the state, thus utilizing another total additional selection of 3.6 million acres.

The selection process which I have just described would permit Alaska's Natives to claim 14,400,000 acres of land for investment purposes. This amount would be in addition to the individual allotments, the community allotments, and the substantial subsistence acreage previously discussed.

By permitting the statewide board composed of delegates from each of the twelve regional corporations to select one-half of the total 14,400,000 acres of investment land for the regional corporations, the Natives would be able to acquire ownership of large blocks of land in those areas of the State where the investment potential is greatest, or where large amounts of land are necessary to make certain uses feasible, i.e., reindeer herding. Also, the selection method outlined above would help to facilitate a relatively equal distribution of wealth between the richer and poorer regional areas.

2. The Taxation of Lands Privately Owned by Natives

Ultimately, lands privately owned by Natives should be subject to the same laws regarding taxation and alienation as are now applicable to lands owned by non-Native Alaskans. However, before equal treatment can become practicable, individual Natives must acquire more knowledge and sophistication about property laws and taxation. Therefore, indoctrination can be accomplished through a program of gradual increased tax liability on personally owned real property. As an example, an individual Native could be required to pay only 10% of any property tax assessed during the first year following his acquisition of property pursuant to the land claims legislation. In other words, there would be a 90% moratorium on real property taxes in the first year. During the second year, the moratorium would be applicable to 80% of the assessed property taxes, thus, requiring a 20% payment. The third year, the moratorium would be reduced to 60%, then to 40% in the fourth year, and 20% in the fifth year. Thereafter, Natives would be required to pay the same property taxes as non-Natives. If an individual Native conveyed his land any time during the five-year moratorium period, the moratorium would automatically terminate and the land would be subject to full taxation by the successor in interest, whether he or she is a Native or not.

3. Money Grant as Part of Consideration To Extinguish Claim

The Department of the Interior and the Bureau of the Budget have previously approved a grant of $500 million for the Alaska Natives as part of the settlement, as consideration for the full, permanent extinguishment of all past, present, and future aboriginal claims, i.e., for the abolishment of all claims of whatever nature based upon "Indian title." The $500 million should be authorized and the money appropriated by the Congress according to the following formula: $11.5 million for the first year for each of the twelve regional corporations (a total of $138 million), and thereafter, $5 million per year for each of the twelve regional corporations (an additional total of $60 million annually) for six additional years (or a total of $360 million for the additional six years.) This will utilize $498 million of the $500 million appropriation. The remaining $2 million could be placed at the disposal of the state-wide board of regional delegates.

Anyone who understands the federal budget, fiscal and expenditure process knows that the Congress customarily authorizes funds in one piece of legislation and appropriates in another. Therefore, there is a danger that this Congress might well authorize the full amount according to the legislative formula, but that future Congresses may be reluctant to appropriate the authorized annual allocations. This hazard can be alleviated by a full understanding by the Congress of the good faith commitment and implied contract by the United States in exchange for the extinguishment of a previously recognized and honored "Indian title" held by the Alaska Natives. Of course, this presupposes that the Administration will likewise continue to honor the commitment by annually including the authorized dollars in the budget.

4. Revenue-Sharing

Unquestionably, the most controversial aspect of the entire Native land claims issue is the provision in the AFN proposal calling for 2% of the gross value of all leaseable minerals produced from any lands in federal ownership from the time of statehood as additional consideration for the extinguishment of all aboriginal land claims. This was the proverbial "straw that broke the camel's back", as far as the non-Native community was concerned. Until this revenue-sharing provision was introduced, there was much general support and only passive resistance to the enactment of the land claims legislation. Its introduction began the polarization of advocates and adversaries.

Yet, there is perhaps a middle ground that both sides can tolerate so that the revenue-sharing concept need not be fully accepted nor fully rejected. Later in this treatise, the possibility of State participation is discussed more fully with reference to monetary contributions derived from oil revenues to finance State public works projects in remote areas, such as water and sewer systems, power generation facilities, access roads, schools, refrigeration and storage facilities, and the like. This would be in lieu of a further state contribution of any percentage of the value of leaseable minerals. However, legislation could provide that the federal government contribute 20% of its share of revenues derived from federally owned lands in Alaska, plus 2% of all revenues derived from the continental shelf off Alaska for a period of twenty years or until the amount of $500 million of such revenues is sooner contributed.

5. Administration of the Land and Moneys

To the extent possible, each of the twelve regional corporations would be approximately equal in size and population and would encompass a recognizable geographical area. As indicated above, the investment land and the money would be channeled into the regional corporations. Such an allocation of grant funds would result in each of the twelve corporations receiving approximately $41.5 million. Not less than approximately half of this amount, or $21,000,000, should be placed in the regional investment fund. The welfare fund would be used for scholarship funding, perhaps community utilities, housing, and for similar endeavors which are not generally recognized economic responsibilities of the state, and possibly even a limited per capita distribution of cash from the investment fund could be used to finance business and other economic ventures for the region.

Each regional corporation would be authorized to issue shares of stock to the Natives enrolled in that region. Each share would represent an individual Native's participation in the financial aspect of the land claims settlement. When it would be financially sound to do so, distributions to the shareholders could be made out of earned surplus. However, it may be desirable that the stock in the regional corporations be inalienable for a period of five or ten years. By that time, the welfare fund would likely be exhausted, and the regional corporation could then assume the status of any other investment venture. At that point in time, the corporation shares could be made public and be traded on the open market to anyone who wished to purchase them because of their sound investment potential.

6. Functions of the Statewide Board of Regional Delegates

The statewide board of regional delegates, alluded to earlier, would have a dual coordinating function. First, it would administer the statewide selection of the second category of acreage for each regional corporation, as previously indicated, and would distribute miscellaneous surplus income to the twelve regional corporations. Second, the statewide board might provide such administrative services, legal counseling, and financial and other technical services as may be requested by the regional corporations. The statewide board should be authorized to assess a reasonable service fee to cover costs incurred in connection with these functions, with requirement for annual audit, the results of which should be made available to the regional corporations.

7. State Participation in the Land Claims Settlement

If the resolution of the land claims is to be accomplished by legislation, Congress must determine, among myriad things, whether it will attempt to compel the State of Alaska to participate in the final settlement. Many Alaskans argue with considerable conviction that there is no valid Native land claim against the State, but only against the federal government. These people point out that no state has ever been compelled to participate financially with the federal government in the settlement of an aboriginal land claim. From this, they conclude that Alaska cannot be forced to share in the federal obligation involved in the land claims unless every other state is also required to participate. Adherents to the non-participation view further contend that the State cannot constitutionally appropriate funds on a racially oriented basis for only one segment of the population.

From a judicial point of view, it would appear that the State could not be forced to participate in the land claims settlement. Nevertheless, the Governor and the Legislature must still make a considered collective determination whether there are moral, economic, or political reasons which would justify a meaningful state contribution. Certainly State participation in the land claims settlement is not a new idea. The Alaska Legislature enacted Chapter 177 in the 1968 session, providing $50 million out of revenues derived from lands in Alaska, but conditioned upon passage of federal land claims legislation in the Congress of that year, which did not occur.

Some members of the House and Senate Interior and Insular Affairs Committees feel strongly that the State should participate in some manner. If, in fact, the members of these Committees do have such an opinion, there can be little doubt that State participation would help substantially to insure the enactment of relevant legislation during the present session of Congress.

Should the State determine to participate, its monetary contribution could be derived from oil revenues without otherwise utilizing available state funds. Such a contribution might also be allocated equally to each of the twelve regional corporations, or the state could decide instead to appropriate funds to finance State projects in remote areas. Such funds might be used in areas heavily populated by Natives to construct water and sewer systems, power generation facilities, access roads, community building, schools, and refrigeration storage facilities, as an example. In the wisdom of the Legislature, the contribution of the State could be made contingent upon Congressional action to resolve the land claims situation.

8. Native Enrollment

Historically, one-fourth blood has been used to determine whether or not a particular individual qualifies as a Native for the purpose of receiving benefits under federal land claims legislation. In Alaska, such a criterion would impose a considerable hardship on hundreds of our citizens, for many Natives in Alaska, such as the Aleuts, have been closely associated with non-Natives for over two hundred years. It would seem that the one-fourth blood criterion should be expanded to include any person of lesser Native blood who is actually living as a Native and is considered to be such by the community or regional corporation. Because the qualification decision will often be a difficult one, and because an adverse determination would create severe hardship, an ag-

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grieved applicant should have the right of appeal and ultimate judicial review.

9. Administrative and Judicial Review

In order to resolve disputes concerning blood quantum, to compile a list of Natives who qualify for land claims participation, to settle disputes arising out of land selections, and to process the appeal of any other matter relating to land claims legislation, a five-member Alaska Native Claims Commission should be established for limited duration. This Committee would be appointed by the President of the United States and would have initial administrative jurisdiction over all disputes arising out of the claims settlement. Three members of the Commission should be Alaskan Natives, the fourth would be recommended by the Governor of Alaska and approved by the State Legislature in joint session assembled, and the fifth would be a member-at-large chosen by the President. No more than two of the Native members nor more than three members of the total Commission should be from the same political party. Recognizing that many public entities created for a temporary purpose often manage to achieve a permanent status in contravention to original legislative intent, the life of the Commission should be limited to perhaps five years. The Commission members would be federal employees in an annual salary range approximating $25,000, perhaps with an additional $2,500 for the Commission chairman. The Commission should be authorized necessary staff and allowances. If a further extension of time for the life of the Commission proves necessary and is authorized by the Congress, the compensation of Commission members could then be placed on a per diem basis instead of continuing on an annual salary.

10. Competitive Versus Noncompetitive Mineral Leasing

The legislative proposals which represent the positions of the Federal Field Committee, the Department of the Interior, and the Alaska Federation of Natives all contain provisions that would prohibit the future granting of non-competitive leases on certain minerals, including oil, located in public lands in Alaska. This prohibition should be eliminated from the bills under consideration for two reasons. First, the subject of competitive leasing is not germane to a land claims settlement, and thus, it is inappropriate in the legislation. Second, there should be a provision in the law for some balance between the awarding of competitive and non-competitive leases. Otherwise, the small mineral developer with little capital will be prohibited from competing in the exploration and development. This opportunity should not be a privilege reserved to large and wealthy petroleum and mining concerns. Alaska has many small and struggling mining firms which rely on non-competitive leases, because they cannot afford to compete on the open market with the very large companies. Also, many individual Alaskans invest in non-competitive oil leases on the geographical fringes of discovery areas and in regions of exploration and often financially assist small concerns in their exploratory ventures. This is healthy involvement of the interested citizen. The continuation of the present system of laws and regulations regarding mineral leasing would insure the prosperity of both the large and small producers.

11. Homesteading and Other Entries versus Native Land Claims

Any homestead or other legal entry made on public lands prior to December of 1966 (when the informal land freeze was inaugurated), should be honored pursuant to existing law, without regard to the Native land claims. Any entry on public lands after that time should be presumed to be with knowledge of the land freeze and the claims of Alaska's Natives.

12. The Bureau of Indian Affairs and the Public Health Service

The benevolent and protective Bureau of Indian Affairs could be phased out of Alaska within a reasonable period of time. Most of the functions now performed by the BIA could be assumed by the State, including the administration of federal educational funds for the Natives of Alaska under the applicable federally administered programs.

In addition, Public Health Service hospitals in remote areas of Alaska, now available only to Natives, should also be made available to non-Native patients when other medical facilities are not readily available. Those Natives and non-Natives who can afford to pay for medical care should do so, but the indigent of all races should be treated on a cost-free basis. Both the BIA and PHS services and facilities in Alaska and elsewhere in the nation are government bureaucracies which foster segregation needlessly at the taxpayer's expense.

VI. CONCLUSION

It must be abundantly clear that we are dealing with an exceedingly complex problem, and a solution totally acceptable to all will not be possible. Thus, it is of utmost importance that every Alaskan citizen, Native and non-Native alike, provide the Alaskan Congressional delegation with trust, understanding, and confidence that the best possible end result will emerge for all. Every possible alternative will be explored and maximum effort will continue to be exerted to achieve a satisfactory balance between the opposing extremes. Hopefully, this treatise will contribute to a satisfactory resolution by bringing about a more comprehensive understanding of the Native land claims issue.

I am convinced that a "political" solution is preferable to a piecemeal or any other judicial determination. Yet, if a legislative solution is not achieved during the present session of Congress, the federal legislature will likely enact enabing legislation to permit the Native community to seek judicial redress from the United States government. Because of the profoundly deleterious impact which the time-consuming judicial alternative would have on the Natives and on the entire State, everything possible must be done to bring about a satisfactory legislative solution.

Recognizing the present wide divergence of opinion as to a proper solution, and the polarization of opposing views, perhaps the ultimate criterion of whether the Congress has handled the matter wisely will be the extent to which all interested parties are equally unhappy. Hopefully, in the near future the matter will be put to rest, and this explosive issue which has divided Alaskans will be but a cloudy moment in the otherwise radiant history of a determined and happy people who are privileged to live in a dynamic, emerging young state.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

REVOLUTIONARY PLAN WILL NOT END WELFARE MESS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. FISHER. Mr. Speaker, probably the most misunderstood measure of importance which has faced the Congress in recent years is the pending welfare reform bill. It is being sold to the country as a "workfare" approach, designed to take people off of welfare rolls and get them into productive labor. But this conclusion is not a valid one. It is a fantastic proposal which would immediately add some 15 million to the relief rolls, with little reason to expect any reduction in the welfare load during the foreseeable future.

Under leave to extend my remarks, I include a statement by Mr. Arch N. Booth, executive vice president, U.S. Chamber of Commerce, and also an interview with Congressman PHIL M. LANDRUM, a member of the Ways and Means Committee. The two items referred to follow:

REVOLUTIONARY PLAN WON'T END WELFARE MESS

(By Arch N. Booth)

Reforms in our welfare system are badly needed. The National Chamber encourages and supports valid reform.

There is much in the Nixon Administration's proposal that is commendable and should be supported.

The bill before Congress should be amended to eliminate the provisions for a guaranteed family income plan.

What few people realize is that, rather than reform the welfare mess, this part of the proposal would make it worse. It would, in fact, expand the program and double welfare costs.

It would do this by providing guaranteed incomes and adding three million families to the welfare rolls. That's 15 million more people—about three times as many as are now getting welfare.

These 15 million people are in families headed by fathers who are working full time. Some have incomes as high as $7,000 or $8,000 or more.

We fully agree that we must clear up our welfare mess. We should do a better job of taking care of those persons unable to support themselves—the aged, blind and disabled.

And we should do more to help all able-bodied persons train for jobs that will make them self-supporting and will restore their human dignity.

The present welfare system is indeed a colossal failure, as many will agree. But let's correct the existing problems instead of making them at least 300% worse by introducing a revolutionary guaranteed family income plan.

EXCLUSIVE INTERVIEW WITH REP. LANDRUM: "IF THE PUBLIC UNDERSTOOD THIS BILL THEY WOULD OPPOSE IT"

If the Nixon Administration's welfare program is enacted in its present form "the surtax will go back to at least 10%, and you and I will never live to see the day when it comes off," Rep. Phil M. Landrum (D-Ga.,) a member of the Ways and Means Committee, warned last week in an exclusive interview with Washington Report.

If the Rules Committe permits the bill to be amended on the House floor, a majority probably will vote to take out provisions

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which open the door to a guaranteed annual income, he said.

Bills like this from the Ways and Means Committee usually are closed to amendments. The National Chamber is urging that this one be given an "open" rule.

Rep. Landrum is convinced that if the people could be made to understand what is in the bill, and what the implications are, they would be putting pressure on their congressman to amend it.

The bill, he said, is not really a reform measure; it is, rather, a "revolutionary step" which runs contrary to the American tradition of providing people with incentives to work.

His main objection is to a provision which would add 3,000,000 families—a total of 15,000,000 persons—to the welfare rolls, almost tripling the number on welfare now. All these additional families are headed by fathers who work full time but earn less than the Administration thinks they should have.

Because more than half of the father's earnings would be disregarded, he might, if he had a large family, be earning more than $8,000 and still get some federal aid.

"Anyone earning that much," the congressman said, "is likely to be a man with some skill, some incentive. Yet we would be saying to him, 'You're in poverty. We've got to help you.'

"It would be saying to him, in front of his family: 'You're not able to support your children'."

The effects on family pride, and discipline, and on the children's future motivations, are some of the things that trouble Rep. Landrum about the bill.

The Administration calls this section of the bill aid to the "working poor."

"Well, I know a whole lot of people who would designate themselves as working poor," he said.

To pay for these benefits, either the surtax would have to be reimposed or some other special tax enacted, he asserted, adding that the surtax rate might have to be higher than the 10% in effect last year.

The Georgian believes that an income guaranteed, once established, would tend to keep growing.

"Once people got a taste of something-for-nothing, they don't want to give it up."

Even if it became apparent that the program was a mistake, that it didn't really solve people's problems, that it was to costly, the odds would be all against repeal, he said.

"What we would see is candidates running for Congress, saying: 'Your allotment is too small. Send me up there and I'll increase it.' "

The bill would provide a basic guarantee to all families with children. For a family of four, the guarantee would be $1,600 a year. Those who earn money for themselves would still get aid, up to certain limits.

Rep. Landrum believes there would be continued pressure to raise the guarantee, and every time it rose $100 a year the tax burden would jump more than $500 million.

The bill would require the heads of "working poor" families to register with the public employment service and accept better-paying jobs if any could be found. The result of this, he believes, would be to swamp the employment services with a job placement task they couldn't handle.

He does not believe that the job training and work requirements which the bill would impose on some of the mothers who head welfare families are realistic, either—not when you consider that "bleeding-heart social workers" would be the enforcers.

The congressman feels that it is far different for an employer to guarantee pay to employees than it is for government to guarantee payments out of public funds.

"The whole idea of government helping full-time workers just doesn't make sense. . . . We want to help the less fortunate, and this bill tries to do something of that nature. But we can't do all the things that are necessary to run the country properly and still guarantee incomes to everybody."

Commenting on the fact that public opinion polls show that most persons oppose the idea of a guaranteed income—yet favor the Administration's bill—Rep. Landrum said:

"Very few persons really understand what a guaranteed income is or what it involves. Neither do they know what is in this bill. It's just too complex for the ordinary person.

"They do realize that what we have now is not satisfactory and they are anxious to try something new. . . . But if they understood this bill, they would oppose it."

He said the average person could help if he would "let his Member of Congress know that he'd like reform, but not based on a guaranteed income."

The present bill, stripped of the provision for aiding the "working poor," could serve as a "vehicle upon which we could improve our present structure," he said.

In summary, he concluded, "the present bill, despite the so-called incentives offered by the Administration, will make people more dependent."

"The priorities in this bill are: Cash, first; food, second; and work, third.

"I would like to see a reversal in priorities: Work, first; food, second; and cash, last."

SELECTIONS FROM THE ENVIRONMENTAL HANDBOOK: IV

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BROWN of California. Mr. Speaker, the following two articles are part of the valuable introduction to ecological issues contained in "The Environmental Handbook," edited by Garrett De Bell and published by Bantam Books:

THE SST

(Brenn Stilley)

The supersonic transport (SST) summarizes, in one project, our society's demented priorities. It is a virtual catalog of the reasons why the United States is ailing in the midst of its affluence—nationalistic vanity, pandering to corporate profit, the worship of technology, and the deteriorating human environment.

It is scarcely possible to make out a case for building the SST on the grounds that it will make life better. At best, it will result in a meager saving of time for an infinistesimal percentage of the world's population at a huge financial, physiological, and psychological cost to the rest.

Flying at 1800 m.p.h. instead of the 600 m.p.h. of present jetliners, the SST should, in theory, be able to transport its passengers between a traffic jam in New York and a traffic jam in London in one-third of the time now required. Taking into account delays on highways en route to and from airports, waiting at the airport, and the plane's wait to take off and land, the actual saving in time will be considerably less. It is estimated that the total door-to-door travel time on a transatlantic flight would be about 8 hours as opposed to 11 hours by conventional jet, a mere 27 percent reduction. Who needs it? Why this insane passion for speed at any cost? Is life *that* short? Not so long ago, transatlantic travelers spent 5 days making the voyage by ship; strangely enough, many enjoyed it.

Other arguments for the SST are all economic or political. It is claimed that sales of the SSTs to foreign airlines would improve the country's balance of payments. But if the passengers are mostly American businessmen and tourists, the fares paid to the foreign airlines and the money they spend overseas might well equal or exceed the cost of the plane. Another argument claims that the manufacturer of 500 to 1200 American SSTs—and there is no assurance that anything remotely approaching that number would ever be ordered—would create 50,000 jobs. Many, however, would simply be transfers from jobs on other types of airplanes. Moreover, the great need is for jobs for less skilled workers, not the highly skilled groups who would build SSTs.

Other countries are building SSTs: The French and British Concorde, the Russia Tu-144. Our "prestige" supposedly will suffer if we don't build an SST as well. But what pride can we take in the degradation of our own environment? What if the United States is *not* first among nations producing SSTs? Italians, Norwegians, New Zealanders, and many others manage to live out their lives knowing that their countries are not always going to be first in everything. Why can't we?

In a sense, it is pointless to try to refute the official case for the SST. Aside from nationalism, the real reason that the SST is being built is the reason that most things are done in America—profit. Boeing (to whom the government awarded the SST development contract) and its subcontractor stand to make a mint. It is difficult to say how much will eventually be spent on the SST, since initial cost estimates for such projects are notoriously prone to be revised upwards. It will certainly be at least $1 billion; the Federal Aviation Agency itself, sponsor of the project, estimates about $2.5 billion; other estimates range as high as $3.5 billion. The taxpayers will foot most of the bill, as they have so far. In October, 1969, President Nixon requested from Congress $662 million to support the program in the next five year period. Donald F. Anthrop, writing in the *Bulletin of Atomic Scientists*, May, 1969, put the issue bluntly: "The whole SST program is an economic boondoggle, the prime beneficiary of which is the aircraft manufacturing industry."

Ironically, the SST may well turn out to be a financial failure. At least 300 Boeing SSTs must be sold (at $40 million each) if the undertaking is to be an economic success. So far, airlines have placed tentative orders for 122, with no additions in the last two years. The Institute for Defense Analysis, in a painstaking two-volume study, concluded that if supersonic travel is to be restricted to overwater flight, only 120 to 200 planes would be sold.

The amount that the government is asked to spend on the SST is, of course, insignificant compared with the billions which the people's representatives dole out each year to the "defense" industries. But it seems inconceivable that, at a time when many are calling for vast increases in spending for environmental improvement, we should with the other hand subsidize a project which will cause further damage to the environment.

Supersonic transport flights will produce shock waves, called sonic booms, in a roughly 50-mile-wide area below the plane's flight path during the entire time it is flying above the speed of sound. During a 2500-mile trip, of which about 2000 miles would be supersonic, the area struck by the sonic boom would be 50 miles times 2000 miles, or 100,000 square miles, equal to about 10 times the area of Massachusetts.

There is extensive evidence of the damage which sonic booms can cause. The U.S. government has conducted several series of tests of the effects of sonic booms over cities.

In St. Louis, in 1961 and 1962, 150 supersonic flights resulted in 5000 complaints, 1,624 damage claims, and $58,648 in damage payments. A more extensive test series over Oklahoma City in 1964, involving 1,254 flights, caused 15,000 complaints, 4,901 damage claims, and over $100,000 in damages awarded so far—many claims are still pending. This, despite a massive pro-SST publicity campaign and the fact that Oklahoma City's economy is largely dependent on aviation. Only 49 flights over Chicago in 1965 produced 6,116 complaints, 2,964 damage claims, and $114,763 paid for damages.

SST booms were found to crack and shatter glass windows, to crack plaster, masonry, tiles, building foundations, and fragile antiques and art objects. They shook shelves, causing dishes and other objects to fall and break. They have also triggered rock slides. In 1966 a boom from an Air Force plane caused 80,000 tons of rock to fall on ancient cliff-dwellings in the Canyon de Chelly National Monument in Arizona, causing irreparable damage. A similar incident occurred in 1968 when a sonic boom loosened 66,000 tons of rock in Mesa Verde National Park.

Psychological and physiological damage is harder to estimate. At best, sonic booms are annoying; 27 percent of the people polled in Oklahoma City said that they could "never learn to live with the boom." Sonic booms are loud, sounding like an explosion or a titanic door slamming, and they occur without warning. They excite in human beings the typical "startle reaction," and prolonged exposure to them can result in harmful cardiovascular, glandular, and respiratory effects. Light sleepers would be continually awakened by them. A woman in England has been awarded damages for permanent loss of hearing from sonic booms. The high noise level of modern life, often called "sound pollution," is now recognized as a major environmental problem. The SST would make it infinitely worse.

The adverse effects of the booms are so clear that it would seem inconceivable that SSTs could be flown over cities. But there are no guarantees that they would not be flown over land, and economic considerations make it likely that the pressure to allow SST routes over sparsely populated land areas will be tremendous. What this means is that all those who have escaped to the country to find peace will have their tranquility shattered by teeth-rattling sonic booms, and there will be hardly a place left on earth free from the less desirable aspects of modern civilization. Even in the unlikely event that SSTs are restricted to overwater flights, people on boats would be affected. Are fishermen and mariners second-class citizens? Should they have to endure what city dwellers can't tolerate?

The SST will pour out vast amounts of carbon dioxide and water vapor into the atmosphere above the level of effective wind circulation. As with many environmental questions, the possible effects of this are not yet certain, but they may include a blanketing effect which will alter the climate.

There is no *need* for the SST. The new "jumbo" jets such as the Boeing 747, can carry more passengers (more than 400 *vs.* 280) over a longer range (6300 miles *vs.* 4000 miles) at fares lower than those at present (while SST fares are expected to be 15 to 20 percent higher). At subsonic speeds, they will produce no sonic booms. The problems of air travel today include overcrowded air lanes, overburdened air traffic control systems, delays in passenger processing, and excessive noise around airports. The SST would solve none of these, and make most of them worse.

By renouncing the intention of building an SST, the United States could make it clear to the world that we value the wishes of a few jet-setters and our corporations less than the need of everyone for a quiet and peaceful environment. Will we do it?

The Highway and the City

(By Lewis Mumford)

FROM THE HIGHWAY AND THE CITY

When the American people, through their Congress, voted a little while ago (1957) for a twenty-six-billion-dollar highway program, the most charitable thing to assume about this action is that they hadn't the faintest notion of what they were doing. Within the next fifteen years they will doubtless find out; but by that time it will be too late to correct all the damage to our cities and our countryside, not least to the efficient organization of industry and transportation, that this ill-conceived and preposterously unbalanced program will have wrought.

Yet if someone had foretold these consequences before this vast sum of money was pushed through Congress, under the specious, indeed flagrantly dishonest, guise of a national defense measure, it is doubtful whether our countrymen would have listened long enough to understand; or would even have been able to change their minds if they did understand. For the current American way of life is founded not just on motor transportation but on the religion of the motorcar, and the sacrifices that people are prepared to make for this religion stand outside the realm of rational criticism. Perhaps the only thing that could bring Americans to their senses would be a clear demonstration of the fact that their highway program will, eventually, wipe out the very area of freedom that the private motorcar promised to retain for them.

As long as motorcars were few in number, he who had one was a king: he could go where he pleased and halt where he pleased; and this machine itself appeared as a compensatory device for enlarging an ego which had been shrunken by our very success in mechanization. That sense of freedom and power remains a fact today only in low-density areas, in the open country; the popularity of this method of escape has ruined the promise it once held forth. In using the car to flee from the metropolis the motorist finds that he has merely transferred congestion to the highway and thereby doubled it. When he reaches his destination, in a distant suburb, he finds that the country side he sought has disappeared: beyond him, thanks to the motorway, lies only another suburb, just as dull as his own. To have a minimum amount of communication and sociability in this spread-out life, his wife becomes a taxi driver by daily occupation, and the sum of money it costs to keep this whole system running leaves him with shamefully overtaxed schools, inadequate police, poorly staffed hospitals, overcrowded recreation areas, ill-supported libraries.

In short, the American has sacrificed his life as a whole to the motorcar, like someone who, demented with passion, wrecks his home in order to lavish his income on a capricious mistress who promises delights he can only occasionally enjoy.

For most Americans, progress means accepting what is new because it is new, and discarding what is old because it is old. This may be good for a rapid turnover in business, but it is bad for continuity and stability in life. Progress, in an organic sense, should be cumulative, and though a certain amount of rubbish-clearing is always necessary, we lose part of the gain offered by a new invention if we automatically discard all the still valuable inventions that preceded it.

In transportation, unfortunately, the old-fashioned linear notion of progress prevails. Now that motorcars are becoming universal, many people take for granted that pedestrian movement will disappear and that the railroad system will in time be abandoned; in fact, many of the proponents of highway building talk as if that day were already here, or if not, they have every intention of making it dawn quickly. The result is that we have actually crippled the motorcar, by placing on this single means of transportation the burden for every kind of travel. Neither our cars nor our highways can take such a load. This overconcentration, moreover, is rapidly destroying our cities, without leaving anything half as good in their place.

What's transportation for? This is a question that highway engineers apparently never ask themselves: probably because they take for granted the belief that transportation exists for the purpose of providing suitable outlets for the motorcar industry. To increase the number of cars, to enable motorists to go longer distances, to more places, at higher speeds, has become an end in itself. Does this overemployment of the motorcar not consume ever larger quantities of gas, oil, concrete, rubber, and steel, and so provide the very groundwork for an expanding economy? Certainly, but none of these make up the essential purpose of transportation. The purpose of transportation is to bring people or goods to places where they are needed, and to concentrate the greatest variety of goods and people within a limited area, in order to widen the possibility of choice without making it necessary to travel. A good transportation system minimizes unnecessary transportation; and in any event, it offers a change of speed and mode to fit a diversity of human purposes.

Diffusion and concentration are the two poles of transportation: the first demands a closely articulated network of roads—ranging from a footpath to a six-lane expressway and a transcontinental railroad system. The second demands a city. Our major highway systems are conceived, in the interests of speed, as linear organizations, that is to say as arteries. That conception would be a sound one, provided the major arteries were not overdeveloped to the exclusion of all the minor elements of transportation. Highway planners have yet to realize that these arteries must not be thrust into the delicate tissue of our cities; the blood they circulate must rather enter through an elaborate network of minor blood vessels and capillaries. As early as 1929 Benton MacKaye worked out the rationale of sound highway development, in his conception of the Townless Highway; and this had as its corollary the Highwayless Town. In the quarter century since, all the elements of MacKaye's conception have been carried out, except the last—certainly not the least.

In many ways, our highways are not merely masterpieces of engineering, but consummate works of art: a few of them, like the Taconic State Parkway in New York, stand on a par with our highest creations in other fields. Not every highway, it is true, runs through country that offer such superb opportunities to an imaginative highway builder as this does; but then not every engineer rises to his opportunities as the planners of this highway did, routing the well-separated roads along the ridgeways, following the contours, and thus, by this single stratagem, both avoiding towns and villages and opening up great views across country, enhanced by a lavish planting of flowering bushes along the borders. If this standard of comeliness and beauty were kept generally in view, highway engineers would not so often lapse into the brutal assaults against the landscape and against urban order that they actually give way to when they aim solely at speed and volume of traffic, and bulldoze and blast their way across country to shorten their route by a few miles without making the total journey any less depressing.

Perhaps our age will be known to the future historian as the age of the bulldozer

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and the exterminator; and in many parts of the country the building of a highway has about the same result upon vegetation and human structure as the passage of a tornado or the blast of an atom bomb. Nowhere is this bulldozing habit of mind so disastrous as in the approach to the city. Since the engineer regards his own work as more important than the other human functions it serves, he does not hesitate to lay waste to woods, streams, parks, and human neighborhoods in order to carry his roads straight to their supposed destination.

The fatal mistake we have been making is to sacrifice every other form of transportation to the private motorcar—and to offer, as the only long-distance alternative, the airplane. But the fact is that each type of transportation has its special use; and a good transportation policy must seek to improve each type and make the most of it. This cannot be achieved by aiming at high speed or continuous flow alone. If you wish casual opportunities for meeting your neighbors, and for profiting by chance contacts with acquaintances and colleagues, a stroll at two miles an hour in a concentrated area, free from needless vehicles, will alone meet your need. But if you wish to rush a surgeon to a patient a thousand miles away, the fastest motorway is too slow. And again, if you wish to be sure to keep a lecture engagement in winter, railroad transportation offers surer speed and better insurance against being held up than the airplane. There is no one ideal mode of speed: human purpose should govern the choice of the means of transportation. That is why we need a better transportation *system*, not just more highways. The projectors of our national highway program plainly had little interest in transportation. In their fanatical zeal to expand our highways, the very allocation of funds indicates that they are ready to liquidate all other forms of land and water transportation. The result is a crudely over-simplified and inefficient method of mono-transportation: a regression from the complex many-sided transportation system we once boasted.

In order to overcome the fatal stagnation of traffic in and around our cities, our highway engineers have come up with a remedy that actually expands the evil it is meant to overcome. They create new expressways to serve cities that are already overcrowded within, thus tempting people who had been using public transportation to reach the urban centers to use these new private facilities. Almost before the first day's tolls on these expressways have been counted, the new roads themselves are overcrowded. So a clamor arises to create other similar arteries and to provide more parking garages in the center of our metropolises; and the generous provision of these facilities expands the cycle of congestion, without any promise of relief until that terminal point when all the business and industry that originally gave rise to the congestion move out of the city, to escape strangulation, leaving a waste of expressways and garages behind them. This is pyramid building with a vengeance: a tomb of concrete roads and ramps covering the dead corpse of a city.

But before our cities reach this terminal point, they will suffer, as they do now, from a continued erosion of their social facilities: an erosion that might have been avoided if engineers had understood MacKaye's point that a motorway, properly planned, is another form of railroad for private use. Unfortunately, highway engineers, if one is to judge by their usual performance, lack both historic insight and social memory: accordingly, they have been repeating, with the audacity of confident ignorance, all the mistakes in urban planning committed by their predecessors who designed our railroads. The wide swaths of land devoted to cloverleaves, and even more complicated multi-level interchanges, to expressways, parking lots, and parking garages, in the very heart of the city, butcher up precious urban space in exactly the same way that freight yards and marshalling yards did when the railroads dumped their passengers and freight inside the city. These new arteries choke off the natural routes of circulation and limit the use of abutting properties, while at the points where they disgorge their traffic they create inevitable clots of congestion, which effectively cancel out such speed as they achieve in approaching these bottlenecks.

Today the highway engineers have no excuse for invading the city with their regional and transcontinental trunk systems: the change from the major artery to the local artery can now be achieved without breaking the bulk of goods or replacing the vehicle: that is precisely the advantage of the motorcar. Arterial roads, ideally speaking, should engirdle the metropolitan area and define where its greenbelt begins; and since American cities are still too impoverished and too improvident to acquire greenbelts, they should be planned to go through the zone where relatively high-density building gives way to low-density building. On this perimeter, through traffic will bypass the city, while cars that are headed for the center will drop off at the point closest to their destination.

Since I don't know a city whose highways have been planned on this basis, let me give as an exact parallel the new semicircular railroad line, with its suburban stations, that bypasses Amsterdam. That is good railroad planning, and it would be good highway planning, too, as the Dutch architect H. Th. Wijdeveld long ago pointed out. It is on relatively cheap land, on the edge of the city, that we should be building parking areas and garages; with free parking privileges to tempt the commuter to leave his car and finish his daily journey on the public transportation system. The public officials who have been planning our highway system on just the opposite principle are likewise planning to make the central areas of our cities unworkable and uninhabitable. Route 128 in Boston might seem a belated effort to provide such a circular feeder highway; but actually it is a classic example of how the specialized highway engineer, with his own concerns solely in mind, can defeat sound urban design.

Now it happens that the theory of the insulated, high-speed motorway, detached from local street and road systems, immune to the clutter of roadside "developments," was first worked out, not by highway engineers, but by Benton MacKaye, the regional planner who conceived the Appalachian Trail. He not merely put together its essential features, but identified its principal characteristics: the fact that to achieve speed it must bypass towns. He called it in fact the Townless Highway. (See *The New Republic*, March 30, 1930.) Long before the highway engineers came through with Route 128, MacKaye pointed out the necessity for a motor bypass around the ring of suburbs that encircle Boston, in order to make every part of the metropolitan area accessible, and yet to provide a swift bypass route for through traffic.

MacKaye, not being a one-eyed specialist, visualized this circuit in all its potential dimensions and developments: he conceived accordingly a metropolitan recreation belt with a northbound motor road forming an arc on the inner flank and a southbound road on the outer flank—the two roads separated by a wide band of usable parkland, with footpaths and bicycle paths for recreation. In reducing MacKaye's conception to Route 128, without the greenbelt and without public control of the areas adjacent to the highway, the "experts" reduced the multipurpose Bay Circuit to the typical "successful" expressway: so successful in attracting industry and business from the center of the city that it already ceases to perform even its own limited functions of fast transportation, except during hours of the day when ordinary highways would serve almost as well. This, in contrast to MacKaye's scheme, is a classic example of how not to do it.

Just as highway engineers know too little about city planning to correct the mistakes made in introducing the early railroad systems into our cities, so, too, they have curiously forgotten our experience with the elevated railroad—and unfortunately most municipal authorities have been equally forgetful. In the middle of the nineteenth century the elevated seemed the most facile and up-to-date method of introducing a new kind of rapid transportation system into the city; and in America, New York led the way in creating four such lines on Manhattan Island alone. The noise of the trains and the overshadowing of the structure lowered the value of the abutting properties even for commercial purposes; and the supporting columns constituted a dangerous obstacle to surface transportation. So unsatisfactory was elevated transportation even in cities like Berlin, where the structures were, in contrast to New York, Philadelphia, and Chicago, rather handsome works of engineering, that by popular consent subway building replaced elevated railroad building in all big cities, even though no one could pretend that riding in a tunnel was nearly as pleasant to the rider as was travel in the open air. The destruction of the old elevated railroads in New York was, ironically, hailed as a triumph of progress precisely at the moment that a new series of elevated highways was being built, to repeat on a more colossal scale the same errors.

Like the railroad, again, the motorway has repeatedly taken possession of the most valuable recreation space the city possesses, not merely by thieving land once dedicated to park uses, but by cutting off easy access to the waterfront parks, and lowering their value for refreshment and repose by introducing the roar of traffic and the bad odor of exhausts, though both noise and carbon monoxide are inimical to health. Witness the shocking spoilage of the Charles River basin parks in Boston, the arterial blocking off of the Lake Front in Chicago (after the removal of the original usurpers, the railroads), the barbarous sacrifice of large areas of Fairmount Park in Philadelphia, the partial defacement of the San Francisco waterfront, even in Paris the ruin of the Left Bank of the Seine.

One may match all these social crimes with a hundred other examples of barefaced highway robbery in every other metropolitan area. Even when the people who submit to the annexations and spoilations are dimly aware of what they are losing, they submit without more than a murmur of protest. What they do not understand is that they are trading a permanent good for a very temporary advantage, since until we subordinate highway expansion to the more permanent requirements of regional planning, the flood of motor traffic will clog new channels. What they further fail to realize is that the vast sums of money that go into such enterprises drain necessary public monies from other functions of the city, and make it socially if not financially bankrupt.

Neither the highway engineer nor the urban planner can, beyond a certain point, plan his facilities to accommodate an expanding population. On the over-all problem of population pressure, regional and national policies must be developed for throwing open, within our country, new regions of settlement, if this pressure, which appeared so suddenly, does not in fact abate just as unexpectedly and just as suddenly. But

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there can be no sound planning anywhere until we understand the necessity for erecting norms, or ideal limits, for density of population. Most of our congested metropolises need a lower density of population, with more parks and open spaces, if they are to be attractive enough physically to retain even a portion of their population for day-and-night living; but most of our suburban and exurban communities must replan large areas at perhaps double their present densities in order to have the social, educational, recreational, and industrial facilities they need closer at hand. Both suburb and metropolis need a regional form of government, working in private organizations as well as public forms, to reapportion their resources and facilities, so as to benefit the whole area.

To say this is to say that both metropolitan congestion and suburban scattering are obsolete. This means that good planning must work to produce a radically new pattern for urban growth. On this matter, public policy in the United States is both contradictory and self-defeating. Instead of lowering central area densities, most urban renewal schemes, not least those aimed at housing the groups that must be subsidized, either maintain old levels of congestion or create higher levels than existed in the slums they replaced. But the Home Loan agencies, federal and private, on the other hand, have been subsidizing the wasteful, ill-planned, single-family house, on cheap land, ever remoter from the center of our cities; a policy that has done as much to promote the suburban drift as the ubiquitous motorcar.

In order to cement these errors in the most solid way possible, our highway policy maximizes congestion at the center and expands the area of suburban dispersion—what one might call the metropolitan "fallout." The three public agencies concerned have no official connections with each other: but the total result of their efforts proves, once again, that chaos does not have to be planned.

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Motorcar manufacturers look forward confidently to the time when every family will have two, if not three, cars. I would not deny them that hope, though I remember that it was first voiced in 1929, just before the fatal crash of our economic system, too enamored of high profits even to save itself by temporarily lowering prices. But if they don't want the motorcar to paralyze urban life, they must abandon their fantastic commitment to the indecently tumescent organs they have been putting on the market. For long-distance travel, a roomy car, if not artfully elongated, of course has many advantages; but for town use, let us insist upon a car that fits the city's needs; it is absurd to make over the city to fit the swollen imaginations of Detroit. The Isetta and the Goggomobil have already pointed the way; but what we need is an even smaller vehicle, powered by electricity, delivered by a powerful storage cell, yet to be invented; the exact opposite of our insolent chariots.

Maneuverability and parkability are the prime urban virtues in cars; and the simplest way to achieve this is by designing smaller cars. These virtues are lacking in all but one of our current American models. But why should our cities be destroyed just so that Detroit's infantile fantasies should remain unchallenged and unchanged?

If we want to make the most of our New Highway program, we must keep most of the proposed expressways in abeyance until we have done two other things. We must replan the inner city for pedestrian circulation, and we must rebuild and extend our public forms of mass transportation. In our entrancement with the motorcar, we have forgotten how much more efficient and how much more flexible the footwalker is. Before there was any public transportation in London, something like fifty thousand people an hour used to pass over London Bridge on their way to work: a single artery. Railroad transportation can bring from forty to sixty thousand people per hour, along a single route, whereas our best expressways, using far more space, cannot move more than four to six thousand cars; even if the average occupancy were more than one and a half passengers, as at present, this is obviously the most costly and inefficient means of handling the peak hours of traffic. As for the pedestrian, one could move a hundred thousand people, by the existing streets, from, say downtown Boston to the Common, in something like half an hour, and find plenty of room for them to stand. But how many weary hours would it take to move them in cars over these same streets? And what would one do with the cars after they had reached the Common? Or where, for that matter, could one assemble these cars in the first place? For open spaces, long distances, and low population densities, the car is now essential; for urban space, short distances, and high densities, the pedestrian.

Every urban transportation plan should, accordingly, put the pedestrian at the center of all its proposals, if only to facilitate wheeled traffic. But to bring the pedestrian back into the picture, one must treat him with the respect and honor we now accord only to the automobile: we should provide him with pleasant walks, insulated from traffic, to take him to his destination, once he enters a business precinct or residential quarter. Every city should heed the example of Rotterdam in creating the Lijnbaan, or of Coventry in creating its new shopping area. It is nonsense to say that this cannot be done in America, because no one wants to walk.

Where walking is exciting and visually stimulating, whether it is in a Detroit shopping center or along Fifth Avenue, Americans are perfectly ready to walk. The legs will come into their own again, as the ideal means of neighborhood transportation, once some provision is made for their exercise, as Philadelphia is now doing, both in its Independence Hall area, and in Penn Center. But if we are to make walking attractive, we must not only provide trees and wide pavements and benches, beds of flowers and outdoor cafes, as they do in Rotterdam: we must also scrap the monotonous uniformities of American zoning practice, which turns vast areas, too spread out for pedestrian movement, into single-district zones, for commerce, industry, or residential purposes. (And as a result, only the mixed zones are architecturally interesting today despite their disorder.)

Why should anyone have to take a car and drive a couple of miles to get a package of cigarettes or a loaf of bread, as one must often do in a suburb? Why, on the other hand, should a growing minority of people not be able again to walk to work, by living in the interior of the city, or, for that matter, be able to walk home from the theatre or the concert hall? Where urban facilities are compact, walking still delights the American: does he not travel many thousands of miles just to enjoy this privilege in the historic urban cores of Europe? And do not people now travel for miles, of an evening, from the outskirts of Pittsburgh, just for the pleasure of a stroll in Mellon Square? Nothing would do more to give life back to our blighted urban cores than to reinstate the pedestrian, in malls and pleasances designed to make circulation a delight. And what an opportunity for architecture!

While federal funds and subsidies pour without stint into highway improvements, the two most important modes of transportation for cities—the railroad for long distances and mass transportation, and the subway for shorter journeys—are permitted to languish and even to disappear. This is very much like what has happened to our postal system. While the time needed to deliver a letter across the continent has been reduced, the time needed for local delivery has been multiplied. What used to take two hours now sometimes takes two days. As a whole our postal system has been degraded to a level that would have been regarded as intolerable even thirty years ago. In both cases, an efficient system has been sacrificed to an overfavored new industry, motorcars, telephones, airplanes; whereas, if the integrity of the system itself had been respected, each of these new inventions could have added enormously to the efficiency of the existing network.

If we could overcome the irrational drives that are now at work, promoting shortsighted decisions, the rational case for rebuilding the mass transportation system in our cities would be overwhelming. The current objection to mass transportation comes chiefly from the fact that it has been allowed to decay: this lapse itself reflects the general blight of the central areas. In order to maintain profits, or in many cases to reduce deficits, rates have been raised, services have decreased, and equipment has become obsolete, without being replaced and improved. Yet mass transportation, with far less acreage in roadbeds and rights of way, can deliver at least ten times more people per hour than the private motorcar. This means that if such means were allowed to lapse in our metropolitan centers—as the inter-urban electric trolley system, that complete and efficient network, was allowed to disappear in the nineteen-twenties—we should require probably five to ten times the existing number of arterial highways to bring the present number of commuters into the city, and at least ten times the existing parking space to accommodate them. In that tangled mass of highways, interchanges, and parking lots, the city would be nowhere: a mechanized nonentity ground under an endless procession of wheels.

That plain fact reduces a one-dimensional transportation system, by motorcar alone, to a calamitous absurdity, as far as urban development goes, even if the number of vehicles and the population count were not increasing year by year. Now it happens that the population of the core of our big cities has remained stable in recent years: in many cases the decline which set in as early as 1910 in New York seems to have ceased. This means that it is now possible to set an upper limit for the daily inflow of workers, and to work out a permanent mass transportation system that will get them in and out again as pleasantly and efficiently as possible.

In time, if urban renewal projects become sufficient in number to permit the design of a system of minor urban throughways, at ground level, that will bypass the neighborhood, even circulation by motorcar may play a valuable part in the total scheme—provided, of course, that minuscule-sized town cars take the place of the long-tailed dinosaurs that now lumber about our metropolitan swamps. But the notion that the private motorcar can be substituted for mass transportation should be put forward only by those who desire to see the city itself disappear, and with it the complex, many-sided civilization that the city makes possible.

There is no purely local engineering solution to the problems of transportation in our age: nothing like a stable solution is possible without giving due weight to all the necessary elements in transportation—private motorcars, railroads, airplanes, and helicopters, mass transportation services by trolley and bus, even ferryboats, and finally, not least, the pedestrian. To achieve the necessary over-all pattern, not merely must there be effective city and regional planning, before new routes or services are planned; we also need eventually—and the sooner the better—an adequate system of federated urban government on a regional scale.

Until these necessary tools of control have been created, most of our planning will be empirical and blundering; and the more we do, on our present premises, the more disastrous will be the results. In short we cannot have an efficient form for our transportation system until we can envisage a better permanent structure for our cities. And the first lesson we have to learn is that a city exists, not for the constant passage of motorcars, but for the care and culture of men.

MANY UTAHANS ACHIEVE HIGH EDUCATIONAL STANDING

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1970

Mr. BURTON of Utah. Mr. Speaker, recently one of my constituents mailed to me a copy of a letter he wrote to the mangaging editor of the Salt Lake Tribune, in Salt Lake City, Utah, elaborating on the high educational accomplishments of the alumni of Utah educational institutions. Dr. Gibbs commented on the "unique cultural background" which contributes to this tendency, and offered a most interesting evaluation of this noteworthy accomplishment.

Particularly because his examination of the statistics presents a view of the incentive of a segment of the American student population which is quite different from the unflattering impression of present-day students which we so frequently see in the news media, I present it for your examination:

THE UNIVERSITY OF UTAH,
Salt Lake City, Utah, January 20, 1970.

Mr. ARTHUR C. DECK,
Managing Editor,
Salt Lake Tribune,
Salt Lake City, Utah

TO THE EDITOR, SALT LAKE TRIBUNE: You carried an AP release on 20 January 1970 in which Dr. D. Wayne Thorne of USU discussed the remarkable tendency for alumni of Utah colleges to be cited by "American Men of Science." In the 1961 edition of that work, the University of Utah was the 42nd ranking contributor of alumni, Utah State University 56th, BYU 67th, and so forth. Professor Thorne went on to discuss the unique cultural background which he felt was predisposing toward interest and success in science. We wholly agree with his analysis of motivations, and we also feel that it is important for the people to appreciate what they have been able to achieve. The evidence for excellence and scholarship covers a broader field than science, though the intensity is greater there. In this spirit, we offer some more recent statistics, gathered in our own planning in which we take some pride.

The achievement levels in science of Utah public schools have beeen noteworthy. According to the State Department of Public Instruction, the percentage of 12th grade children achieving the 90th percentile in science scores in 1965–6 was more than double the national average, and slightly less than that above the 75th percentile.

The National Academy of Sciences (Doctorate Recipients from United States Universities 1958–66) surveyed the geographical origin of the 48,491 doctorates awarded in the United States during fiscal years 1964–66. The high schools in Utah produced more of these doctorates than 27 other states: more than any other state in the Rocky Mountains—more than Arizona, New Mexico, and Wyoming combined—and more than either Oregon or Maryland. The probability of a Utah high school graduate going on to the doctorate was the highest in the nation and 2.5 times the national average. The "relative doctorate productivity" of Utah high schools (measured as a fraction of the 1965 Utah census) was 0.516. Nebraska ranked second at 0.360, while the national average was 0.203. Florida and Alaska were lowest with 0.085 and 0.040, respectively.

The situation is even more pronounced at the baccalaureate level, where Utah colleges and universities were the baccalaureate source of more doctorates than 33 other states. The "relative doctorate productivity" rises to 0.703 for Utah baccalaureates while the national figure is 0.213. Thus, a Utah baccalaureate is 3.3 times as likely to get a doctorate as the national average, and this is a factor 2.2 times better than Nebraska, the second state above.

The Academy report tabulated the 100 leading baccalaureate-source institutions of doctorate recipients during fiscal years 1958–66. The rank order of those in the mountain states, or ranking near to Utah, are as follows:

University of Washington	20
Stanford University	21
Michigan State University	22
Iowa State University	23
?	24
University of Utah	25
Rutgers University	26
Northwestern University	27
University of Missouri	28
University of Pennsylvania	29
Wayne State University	30
Brigham Young University	35
University of Colorado	38
Utah State University	53
Colorado State University	79
University of Arizona	88
University of Denver	94

If the baccalaureate origin of Ph.D.'s is taken as a measure, then the state of Utah has need of more highly developed graduate facilities than 33 other states, including Connecticut, Nebraska, Maryland, Colorado, Washington, Oregon, or the group Arizona, New Mexico, Wyoming, and Nevada combined.

The University of Utah ranked 50th in the nation in total doctorates granting during 1958–66, according to the National Academy, and 47th in the science doctorates 1962–3 (according to Science Degrees OEMS, NSF). According to the Utah Coordinating Council of Higher Education, there were 2,124 Ph.D.'s awarded by Utah institutions during fiscal years 1958–67 as follows: University of Utah 1,763 or 83%, Utah State University 224 or 10.5%, Brigham Young University 137 or 6.5%.

The so-called "decline of the Physics major" has not been reflected at the University of Utah. Rather, the opposite has occurred: the number of entering Physics major has essentially doubled each year during the past two years of the writer's acquaintance, though one must be careful with numbers, when it is quality that is of significance. However, according to the Educational Testing Service of Princeton, we rank 11th in the nation in absolute numbers of successful high school Advanced Placement Physics students this fall. According to this source, the colleges receiving the largest numbers of successful A. P. Physics candidates in 1969 are as follows:

MIT	1
Cornell	1
Harvard	3
Michigan	4
Yale	5
Rensselaer	6
Princeton	7
Illinois	8
Stanford	9
Brown	10
University of Utah	11
Pennsylvania	12
Carnegie-Mellon	13
Columbia	14
Northwestern	15

The University of California at Berkeley ranks 21, Michigan State 23, New York (SUNY) at Stonybrook, 24, and Colorado 31. Moreover, according to interests expressed to the High School Services division, there may be a dozen national merit finalists, semifinalists, or commended students in this one department next year.

It is encouraging for us to contemplate that we are building an undergraduate student body which is within the dozen strongest in the nation when measured in these terms.

Respectfully yours,
PETER GIBBS,
Professor and Chairman,
Department of Physics.